

**Town of Boone
Town Council/Planning Commission Public Hearing
6:00 PM, April 27, 2026
Town Council Chambers
1500 Blowing Rock Rd.**

I. Call to Order of Town Council and Planning Commission

II. Moment of Silence

III. Approval of Meeting Minutes

1. March 16, 2026, Special Public Hearing/Planning Commission Meeting Minutes
2. March 23, 2026, Public Hearing/Planning Commission Meeting Minutes
3. April 8, 2026, Continued Public Hearing/Planning Commission Meeting Minutes

IV. PUBLIC HEARING

1. Case A26-0127 Public Art (Murals) in the Local Historic District - UDO Text Amendment
2. Case A26-0125 Legislative Updates - UDO Text Amendment
3. Case A24-0077 Traffic Impact Analysis - UDO Text Amendment (For Discussion)

V. Other Matters

1. Reschedule May 25, 2026, Public Hearing/Planning Commission Meeting

VI. Adjournment of Town Council

PLANNING COMMISSION MEETING

VII. Discussion and Recommendation of Case(s) Presented at the Public Hearing

VIII. Other Matters

1. Application for Vice-Chair of Planning Commission

IX. Adjournment

**TOWN COUNCIL AND PLANNING COMMISSION
SPECIAL PUBLIC HEARING AND PLANNING COMMISSION MEETING MINUTES
MONDAY, MARCH 16, 2026, 6:00 PM
1500 BLOWING ROCK ROAD AND WEBEX**

COUNCIL MEMBERS PRESENT: Mayor Dalton George, Mayor Pro Tem Todd Carter (via WebEx), Eric Plaag, Virginia Roseman, and Adrian Tait

COUNCIL MEMBERS ABSENT: Anne Pruitt

PLANNING COMMISSION MEMBERS PRESENT: Chair Frank Veno, Garrett Kight, Declan King, and Frida Paz-Miranda

PLANNING COMMISSION MEMBERS ABSENT: Michael Mileski

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

OTHER TOWN STAFF OR REPRESENTATIVES PRESENT: Todd Moody-Public Works Director (via WebEx), Justin Stines-Public Works Deputy Director, and Allison Meade-Town Attorney (via WebEx)

Call to Order

Mayor George called the Town Council to order at 6:03 p.m. Chair Veno called the Planning Commission to order at the same time. The meeting was held at the Town Council Chambers, located at 1500 Blowing Rock Road, Boone, and via WebEx.

Moment of Silence

A moment of silence was observed.

Approval of Meeting Minutes

Council Member Tait moved to approve the January 5, 2026, Special Public Hearing minutes and the January 26, 2026, Public Hearing/Planning Commission meeting minutes as written. Council Member Plaag seconded the motion.

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

The motion passed.

Chair Veno asked for the name Marilyn Hall to be changed to Candace Hall on page 5, paragraph 3 of the January 5, 2026, meeting minutes. Commission Member King moved to approve the January 5, 2026, Special Public Hearing minutes as amended, and the January 26, 2026, Public Hearing and Planning Commission meeting minutes as written. Commission Member Kight seconded the motion.

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

The motion passed.

PUBLIC HEARING

Case A25-0892/A25-0893 Greer Watauga, LLC – Joint Annexation & Conditional District Zoning Map Amendment

In conjunction with a voluntary annexation request, the Church of Jesus Christ of Latter-day Saints has submitted a Conditional District Zoning Map Amendment application to zone property located between US Hwy 421 S and Old 421 S (Watauga County PIN: 2921-30-9963-000) to Conditional District B3 General Business with a site-specific development plan for Use 8.03 Religious Assembly, Category 3 with a Corridor District overlay.

Amy Snider, Commercial Zoning Administrator, introduced the case

Tyler Moffatt, attorney representing the Church of Jesus Christ of Latter-day Saints, introduced Michael McLeod, project architect, Jason Gaston, civil engineer with Valor Engineering, Dylan Coley, traffic engineer with Davenport, James Milner, real estate broker, and Chelsea Garrett, attorney representing the property owner, Watauga Greer, LLC.

Mr. Moffatt stated that the applicant did not yet own the property, noting that they wanted to obtain approval of the project before purchasing.

Michael McLeod stated that he was a member of the Church of Jesus Christ of Latter-day Saints. He explained that the building had been designed for up to four different congregations. The chapel would seat approximately 250 people. Mr. McLeod stated that the building would be used on a rotating basis from 9 a.m. until 4-5 p.m. for Sunday services. The building's design was one of the church's newer designs, and it was being built across the country. Mr. McLeod stated that the building would be brick, with some feature elements and two primary entrances on the side. The parking lot was designed to hold two overlapping congregations. Mr. McLeod noted that by opening some partitions, larger gatherings of 500-600 people could be held. Larger meetings would primarily be held on Saturday or Sunday. Smaller gatherings such as scripture studies, group meetings, and youth activities would take place during the week. Mr. McLeod stated that there would be no daycare or school at the church.

Council Member Plaag noted that the steeple height did not conform to UDO requirements. He asked whether any hardship from the site's conditions required the steeple to be that height at the front of the building. Mr. McLeod replied that the height of the steeple had nothing to do with the site. He added that the building's design was a standard plan produced by the church, so it was identified with the church, and they did not wish to change it. Mr. McLeod stated that one of the requirements of the UDO was to set the steeple back from the face of the building, but they instead set the whole building back so that it was 655 feet from Old 421, 295 feet from new 421, and 230 feet from the Elevation Chevrolet property line. The steeple contained a framed box approximately 42 feet high, and then the spire sat atop that. The spire would be the only portion of the steeple to exceed the 45-foot height limit. Mr. McLeod stated that most jurisdictions allowed the steeple to exceed building height limitations, and asked that this design be approved. He indicated that he would have to go back to the church to see if they would allow any modifications, but felt that the building had been set back sufficiently so that there should be no problems with what the code envisioned.

Council Member Plaag questioned the land-use intensity calculations, noting that the proposed impervious area was listed at 4,000 square feet, which seemed extremely low. Jason Gaston explained that the figure was with LSR broken out, not the total impervious area for the site. Council Member Plaag asked how runoff from the new pervious surface would be captured. Mr. Gaston replied that the stormwater would flow away from the building into a series of inlets around the parking lot, which would carry it to an above-ground pond.

Council Member Plaag noted there were three different renderings of a church building. He asked which one was actually being proposed. Mr. McLeod stated that the two photos were examples of similar designs, but the proposed design was depicted in the elevation plans. He added that the building would be brick with areas of EIFS, have precast lintels over the windows and doors, have gutters and downspouts, and have nice landscaping.

Council Member Roseman referred to the steeple box and asked if the windows allowed any light into the rooms below. Mr. McLeod replied that they were for looks and did not let light in.

Council Member Tait asked whether the applicant preferred the building to be oriented toward Old or New 421. Mr. McLeod stated that the proposed orientation toward New 421 was the preference of the church project manager and the real estate team because it provided a nice view. He added that with the buffering and tree planting, the building would not be as visible from Old 421.

Council Member Plaag asked about the ownership of the Vannoy Cemetery and if that property would be annexed. Mr. McLeod replied that the church had spoken to a surveyor about separating the cemetery property so that it would not be conveyed with the purchase of the rest of the property. Chelsea Garrett added that her clients had reached out to people with family members buried in the cemetery to negotiate for them to assume ownership. She stated that an easement would be retained in the deed, and that access to the Brown property would remain the cemetery's entrance. Mr. Moffatt added that the metes and bounds surveyed out the cemetery.

Council Member Tait asked about the driveway's location. Mr. Gaston replied that the driveway location was not ideal for the site, but it accommodated the property across the street to diminish the headlights shining into houses. He stated that they worked with DOT to make sure the site distance was appropriate.

Mr. McLeod explained that the seller had required a 50-foot-wide buffer from the cemetery to the proposed driveway, which had to remain.

James Milner stated that there was a 60-foot right-of-way on the south side of the cemetery, but using it as a driveway to the church would require substantial changes that the property owner, Kent Brown, did not want to make. Mr. Milner added that the 50-foot buffer in the contractual agreement was quite large compared to other developments. Council Member Plaag asked if the driveway Mr. Milner was speaking about, which contained the right-of-way, was the driveway to New 421 from the Chevrolet dealership. Mr. Milner replied that the conversation he had with Mr. Brown was about the driveway on Old 421. He referred to Mr. Gaston for information on the driveway to New 421.

Mr. Gaston noted that New 421 was a corridor district overlay. He stated that he had provided a driveway design, but the road grade could not meet town standards because of the 70-foot elevation difference between the church's finished floor and New 421. The driveway would provide private access to a road with a higher speed limit, and DOT opposed the plan.

Council Member Plaag referred to the transportation impact analysis, noting that on peak Sundays, approximately 103 vehicles per hour would be heading north on Old 421, 104 would be heading south on New 421, and 76 vehicles would be trying to turn left out of the church. That would work out to roughly two vehicles per minute traveling in each direction, and those cars would have to figure out, over the span of that hour, how to get out onto Old 421 while those vehicles were traveling by. Council Member Plaag predicted that this scenario could require a police officer to direct traffic after Sunday services. He asked how the people would get turned out of the church safely.

Dylan Coley explained the process of compiling a transportation impact analysis, including studying intersections, traffic counts, projected trip numbers, and surrounding land uses. The level of service

allowed by DOT during peak hours was Level D. It was determined that the level of service for the Old 421/New 421 intersection would be Level B or C.

Council Member Plaag stated that people typically speed on these roads. He felt that if people had to wait too long to get onto the road, they would make bad decisions. Mr. Coley noted that the DOT reviewed sight distances and that adding a turn lane at the site would allow for some stacking.

Council Member Plaag asked if DOT would consider lowering the speed limit on Old 421. Mr. McLeod replied that they had not asked DOT about the speed limit. He added that the church would like assurance that they could proceed with their project before purchasing the property. Mayor George asked Mr. McLeod whether the applicant would be willing to accept a condition that the applicant requests from DOT: that the speed limit on Old 421 be reduced. Mr. McLeod replied that he would have to ask the church to be sure, but he felt they would likely agree to that condition. Mr. Milner clarified that the condition could only be that the applicant make the request to DOT, with the understanding that the applicant had no control over DOT's response.

Council Member Tait referenced the standard growth rate of 1.5%, which he felt was unrealistic, given that the area would grow rapidly over the next 10 years.

Council Member Roseman stated that several properties had recently been annexed along the 421 corridor, which could potentially add more traffic in that area. Mr. McLeod replied that the design team was not made aware of any additional developments planned for the near future. Jane Shook explained that the recently annexed properties included a single-family home, an existing business, and vacant land for future development. Council Member Plaag asked if surrounding properties located in the county were considered in the TIA. Ms. Shook stated that the applicant had contacted Watauga County, so that data was considered in the TIA.

Mayor Pro Tem Carter agreed with Council Member Tait that a 1.5% growth rate was inaccurate. He also asked the applicant whether they would be willing to turn the project 180 degrees so that the parking lot would face New 421 and the building entrance would face Old 421. Mr. Moffatt replied that he had posed that question to the decision-makers and his client this afternoon, and they responded that they were not open to changing the building's orientation to face Old 421.

Mayor George invited public comment.

Robert Gross stated he moved to Boone in 2014 and was a member of the Church of Jesus Christ of Latter-day Saints, where he had served as bishop for three years. He said they had outgrown their current location on Poplar Grove Road and noted that the current building could not be expanded. Mr. Gross stated that the church drew members from about five counties, whose purpose was to minister, worship, support one another, and give back to communities.

Pam Williamson spoke on behalf of herself and her husband, Jerry Williamson. Ms. Williamson provided members with a copy of her comments (**on file**). She stated that they had lived at 3705 Old 421 South, directly across from the proposed development, for over 40 years. Ms. Williamson noted that they did not oppose any of the church's proposed uses. However, there were several issues they felt should be addressed. Ms. Williamson asked for additional tree canopy along both New and Old 421, and a staggered line of evergreen trees behind the existing mature trees being saved along Old 421, to soften the visual impact of the historic homes across the road. She stated that the steeple should be required to meet the ordinance standards. Ms. Williamson noted that the building was oriented toward the New 421. She asked that the building be turned to face Old 421 to help create the corridor character envisioned in Boone Next.

Ms. Williamson stated that Old 421 was a two-lane, state-maintained road with a 45-mph speed limit and no pedestrian infrastructure. She added that DOT had no major improvements scheduled for this road until at least 2035. Ms. Williamson noted that the traffic analysis only evaluated conditions through 2027, although the area was envisioned as a major growth area. She stated that the TIA focused on peak-hour traffic on Sundays, without considering all weekday trips to and from the church. Ms. Williamson said that the driveway would be located approximately 300 feet from the signalized intersection of Old and New 421. She expressed safety concerns with drivers turning left from the church toward the intersection and asked that the existing driveway from the Chevrolet dealership be fully explored as a possible shared access point. Ms. Williamson asked that a conversation be held with DOT about lowering the speed limit on Old 421 from 45 to 35 mph.

Chance Powell, with the Church of Jesus Christ of Latter-day Saints, stated that he had lived in Boone for seven years and that the church had been seeking property for a long time to build to accommodate future growth.

Ms. Garrett spoke on behalf of the property owner, Watauga Greer, LLC, noting that they also own the house next door to the Williamsons. She stated that annexing the subject property provided the town with an opportunity to regulate development and help shape the corridor. Ms. Garrett added that the proposed use created lower impacts than a multi-family development. She noted that the 60-foot easement stated that Brown would pay all expenses to build and pave the road on the easement, and that Brown may park vehicles for sale on the paved portion of the easement, which was outside the travel lane. The travel lanes must remain open and be at least 15 feet wide in each direction. Ms. Garrett stated that the proposed driveway on Old 421 was located as far north past the Williamsons' property as possible in an effort to decrease headlight glare to the residential properties across the road.

Mr. McLeod stated that the idea of a shared driveway was problematic because the Chevrolet dealership's driveway was located on the Brown property. The church would have to build a driveway right beside the existing Brown driveway, and DOT would not allow the two driveways to be that close.

Council Member Roseman felt that shared driveways, where a single driveway could serve multiple properties, were the best possible scenario and urged negotiation among property owners. She asked how many congregation members the church had. Mr. Gross estimated an average attendance per service of 130 to 200. Mr. McLeod added that 250 people would fit in the chapel. Mr. Gross stated that they were building the church to accommodate growth. Council Member Roseman asked how many people could be accommodated in the church's current location. Mr. McLeod replied that their current capacity was approximately 130.

Council Member Carter felt that the church was a good use for the property. However, based on Boone Next and the future land use map, he would want to see the project flipped on the property so it faces Old 421.

Council Member Plaag stated that, despite his concerns about traffic safety along Old 421, he was unsure that using the existing shared easement would improve anything. He pointed out that the building was proposed to be oriented toward a road that would not access the property, and he felt that was strange.

Council Member Roseman stated that the steeple did not seem to serve a function and felt it could be moved or altered.

Commission Member King stated that he did not understand how the church fit within the walkable mixed-use identified for this area. He added that the UDO and Boone Next encouraged compact human-scale development that integrated a vertical mix of uses and connected to other uses. Commission

Member King stated that this development seemed the opposite of human-scale development, unless it were flipped 180 degrees.

Commission Member Paz-Miranda stated that the site plan was insufficient, noting that more tree canopy and sidewalks were needed. She expressed concern about possible flooding from a nearby creek.

Commission Member King added that having services and a congregation here could help connect the community, but the design would need to be revised to orient the development to face Old 421 so it is inclusive of the neighborhood.

Chair Veno expressed concerns about the steeple's height, the building's orientation, and the speed limit on Old 421.

Mayor George noted there was a 25-foot and a 30-foot stream buffer mentioned in the meeting packet. Mr. Gaston stated that the stream buffer would be 30 feet, and the mention of a 25-foot stream buffer was an error.

Allison Meade stated that the applicant would need to agree to any conditions and, if approved, would have to sign an affidavit outlining those conditions. She asked for confirmation that the applicant had agreed to install the NCDOT's requested travel lane with 75 feet of storage. Ms. Meade stated that, per the UDO, the steeple was required to be set back one foot for every foot in height. This would, in essence, force every church to place its steeple in the middle of the church. She was unsure whether that was the intent of the ordinance and was supportive of the requested deviation.

Mayor Pro Tem Carter stated that he had no issue with the steeple's setback. His issue was with the building's orientation and design, which did not conform to the comprehensive plan. Ms. Meade noted that a reorientation of the building and parking would be a deviation from the literal standard in the UDO.

Council Member Plaag asked whether there was a public or fire safety risk posed by having the steeple at the end of the building. Ms. Meade did not think so, but said it would be a question for the fire department.

Ms. Shook asked if the applicant would need to redesign the plan for reorientation to bring it back to a public hearing. She stated that the Planning Commission needed direction on a possible redesign and on any conditions that might be placed on the approval. Council Member Plaag suggested that one condition would be the reorientation of the building, and parking had to be flipped. Another condition would be that the applicant ask DOT about lowering the speed limit on Old 421 and provide the town with evidence of that conversation. Council Member Plaag stated that it did not appear that anyone present at the hearing could agree to the conditions for the church, which would require the applicant to return to the Town Council at another time. Ms. Meade stated that the applicant could proceed with a vote on their proposal as is, or could make modifications as requested by the Town Council and Planning Commission and bring them to the Town Council for a final vote.

Mr. Moffatt stated that he had previously asked the individuals that would have the authority to say yes or no and they were unwilling to reorient the building to face Old 421. He noted that the applicant would be willing to ask DOT to reduce the speed limit on Old 421. Mr. Moffatt stated that this case was scheduled to be considered by the Town Council at its meeting next Wednesday, and he would receive an answer from the applicant regarding their willingness to accept a condition requiring reorientation of the building and parking.

Ms. Meade asked Ms. Shook why the public hearing might need to be continued. Ms. Shook replied that a continuation of the public hearing might be necessary if the applicant had to provide a redesigned plan.

Ms. Meade stated that there had been significant discussion about the reorientation and that she felt the applicant could present the revised plan to the Town Council for a vote.

Council Member Tait mentioned a possible condition that a 75-foot right-turn lane be installed. Mr. Moffatt replied that DOT would require a turn lane to obtain a driveway permit, so the applicant would have to install it whether or not the town made it a condition.

Council Member Plaag asked if there would be a sidewalk along Old 421. Ms. Snider stated that the applicant had agreed to install the sidewalk.

Adjournment of Town Council

Council Member Plaag made a motion, seconded by Council Member Roseman, to adjourn the Town Council at 8:23 pm.

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

The motion passed.

Dalton George, Mayor

Brenda Henson, Board Clerk

Frank Venio, Planning Commission Chair

PLANNING COMMISSION MEETING

Chair Venio called a break in the meeting from 8:23 pm until 8:32 pm.

Discussion and Recommendation on Case(s) Heard at the Public Hearing

Case A25-0892/A25-0893 Greer Watauga, LLC – Joint Annexation & Conditional District Zoning Map Amendment

In conjunction with a voluntary annexation request, the Church of Jesus Christ of Latter-day Saints has submitted a Conditional District Zoning Map Amendment application to zone property located between US Hwy 421 S and Old 421 S (Watauga County PIN: 2921-30-9963-000) to Conditional District B3 General Business with a site-specific development plan for Use 8.03 Religious Assembly, Category 3 with a Corridor District overlay.

Discussion ensued regarding possible conditions to be placed on the project. Commission Member King stated that there was mention of additional tree plantings to enhance the tree canopy. Mr. Wise noted that the staff would request additional plantings, but could not require them unless a condition was imposed.

Commission Member King stated that he had no issue with the steeple's height or location. Mr. Wise added that the fire marshal had reviewed the plans and had no comments regarding safety concerns with the steeple.

Chair Veno noted that it was difficult not to have the applicant present to communicate with and discuss possible conditions.

Commission Member Kight asked if the sidewalk on Old 421 would connect to the building. Ms. Snider replied that it would, although that was not shown on the site plan.

Chair Veno suggested a condition that the applicant contact DOT to request a reduction in the speed limit on Old 421 and provide the town with proof of DOT's response.

Commission Member King stated that the proposed driveway location was likely the most viable option for the neighbors.

Commission Member Paz-Miranda mentioned a condition that the building and parking be reversed on the site. Commission Member King stated that he agreed with the Council members that the proposed building orientation was not aligned with Boone Next. Chair Veno asked what would be involved in flipping the orientation. Mr. Wise replied that the grading and stormwater plans would have to change.

Chair Veno felt that the church was a good use for the area.

Commission Member Paz-Miranda asked if the retention pond could instead be a bioswale. Ms. Wise replied that a bioswale would not handle the proposed stormwater from the site.

Mr. Moffatt addressed the Commission, stating, on behalf of the applicant, that they would agree to a condition requiring the installation of additional plantings as directed by staff.

Mr. Gaston explained that there were two landscaping issues: one involving the addition of plantings to the tree canopy, and one providing additional plantings in the 50-foot buffer. The installation of a turn lane and sidewalk would reduce the 50-foot buffer to approximately 38 feet, and the buyer and seller would need to agree on how to replace the buffer.

Commission members discussed conditions for additional landscaping, requiring the applicant to request a reduction of the speed limit on Old 421, and reorienting the architectural design so the building and parking would face Old 421.

Mr. Wise clarified that the proposed building orientation met UDO requirements because it faced the primary public way, New 421. However, because this was a Conditional District Map Amendment request, the Commission could recommend, and Council could approve that the orientation be flipped.

Vote 1

Commission Member King made a motion that the proposed amendment to the Town's zoning map is consistent with the Town's current comprehensive plan and any other adopted plan(s) of the Town that are applicable because of the following from Boone Next:

Goals & Policies

Policy 1.1.1: Use the Future Land Use Map: Use the Future Land Use Map to guide development, growth, and conservation decisions. Additionally, use the Focus Area Plans for more detailed policy direction within each of those areas.

Policy 4.4.2: Proactively Manage Growth and Development: Anticipate and guide future growth and development using the planning principles, frameworks, and maps in this Comprehensive Plan to ensure that new development can be supported by town infrastructure and services while protecting open space.

Policy 4.4.3: Promote Smart Growth: Ensure new growth and development is fiscally balanced in the long run while directing more growth to areas with existing services and infrastructure. Some types of developments and land uses are necessary to the social needs of the town and do not necessarily directly improve the town's fiscal balance, such as recreation and cultural facilities or affordable housing. Encourage compact development that can be more efficiently served, especially as indicated on the Future Land Use Map.

Policy 5.2.2: Manage Growth on Boone's Edges: Intentionally manage outward growth to balance protecting community character and natural areas while directing desired growth to identified centers. Use the Utility Service and Annexation Criteria and the Growth Management Tiers Map to manage growth.

The recommendation is subject to the following conditions

1. The applicant shall contact NCDOT and provide evidence of the exchange to Town staff of a request to lower the speed limit on Old 421.
2. The applicant shall adhere to the staff recommendations for additional landscape plantings.
3. The building and parking lot shall be reoriented to Old 421 by being mirrored across the north south access.

The motion was seconded by Commission Member Paz-Miranda.

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

The motion passed.

Vote 2

Commission Member Paz-Miranda made a motion, seconded by Commission Member Kight, that the Planning Commission recommends approval of Ordinance #A25-0892 within Exhibit A and approval is reasonable and in the public interest because this development upholds community values, provides community gatherings, utilizes underutilized corridor/acreage in east Boone, and benefits future development of Old US 421 for mixed use.

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

The motion passed.

Other Matters

There were no other matters discussed.

Adjournment of Planning Commission

Commission Member King made a motion to adjourn the meeting at 9:13 p.m. Commission Member Paz-Miranda seconded the motion.

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

The motion passed.

Frank Veno, Planning Commission Chair

Brenda Henson, Board Clerk

DRAFT

**TOWN COUNCIL AND PLANNING COMMISSION
PUBLIC HEARING AND PLANNING COMMISSION MEETING MINUTES
MONDAY, MARCH 23, 2026, 6:00 PM
1500 BLOWING ROCK ROAD AND WEBEX**

COUNCIL MEMBERS PRESENT: Mayor Dalton George, Mayor Pro Tem Todd Carter, Eric Plaag, Anne Pruitt, Virginia Roseman, and Adrian Tait

PLANNING COMMISSION MEMBERS PRESENT: Chair Frank Venio, Garrett Kight, Declan King, Michael Mileski, and Frida Paz-Miranda

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

OTHER TOWN STAFF OR REPRESENTATIVES PRESENT: Todd Moody-Public Works Director, and Allison Meade-Town Attorney

Call to Order

Mayor George called the Town Council to order at 6:04 p.m. Chair Venio called the Planning Commission to order at the same time. The meeting was held at the Town Council Chambers, located at 1500 Blowing Rock Road, Boone, as well as via WebEx.

Moment of Silence

A moment of silence was observed.

PUBLIC HEARING

Case A26-0066 Wynnefield Forward, LLC – Conditional District Zoning Map Amendment

Wynnefield Forward, LLC has submitted a Conditional District Zoning Map Amendment application for property located on Chestnut Drive and New Market Boulevard (Watauga County PINs: 2910-39-9335-000, 2910-39-9610-000, and 2910-49-2369-000) to rezone the property from Conditional District R5 55+ Housing to Conditional District R5 55+ with a site-specific development plan for Use 1.17 Adult Living Community.

Brandon Wise, Deputy Director of Planning & Inspections, introduced the case as The Villas at South Fork, noting that the project was previously approved for a Conditional District R5 55+ with a site-specific development plan for senior housing. He explained that the plan before the Council and Planning Commission tonight was different than the previously approved site-specific plan, which created the need for another CD approval. Mr. Wise noted that no deviations from the UDO were requested with this Conditional District. A minor lighting issue was found on the site plan, which would require the applicant to reduce the Kelvin rating from 4,000 to 3,000, and this had been relayed to the applicant.

Craig Stone with Wynnefield Forward addressed the Council and Planning Commission. He explained that their original approval was for 60 units, which had been reduced to 48 to improve the building's site stability. The building would be raised from three to four stories and moved down the hill on the site to be directly adjacent to the storage units. Mr. Stone stated that the building's footprint would be reduced by approximately 12%. The retaining walls at the top of the site would also be reduced in height. The entrance would now be off New Market Boulevard, which was better suited to the topography. Mr. Stone stated that they had worked closely with staff to follow all the guidelines.

Council Member Plaag asked for the elevation from grade on the south-facing side of the building to the roof peak. Mr. Stone replied that he was unsure, but estimated it would be 38-45 feet. Council Member Plaag asked how a four-story building could have a 38-foot elevation. Mr. Stone stated that there would be nine-foot ceilings. Commission Member Plaag felt that the elevation would exceed 38 feet. Commission Member Mileski noted that plan sheet 3.1 in the meeting packet indicated an elevation of 53 feet from grade to the top of the roof.

Council Member Pruitt asked whether consideration had been given to the area and its surroundings when developing the building's design. Mr. Stone replied that they planned to use brick and Hardi-plank and had adapted the façade to suit the area.

Council Member Plaag noted that the Boone Next plan had been adopted since the project's original approval. Boone Next identified this area as a walkable mixed-use area, with buildings oriented toward the street and parking to the side or rear. Sidewalks should be wider, and there should be street trees. He asked Mr. Stone whether they had considered building 4-6 smaller buildings to better take advantage of the topography. Mr. Stone replied that they did consider smaller buildings. However, the ADA required a slope of less than 2% throughout the site, leaving few options for locating multiple buildings.

Council Member Plaag referenced the serpentine path from the site to New Market Boulevard. He felt that older people would not use that path. He suggested a standalone elevator building to take people down to the New Market grade. Mr. Stone stated that they had spent a lot of time getting the site accessible for residents and meeting ADA guidelines. He added that moving the building down the hill allowed them to reduce the number of retaining walls on the top of the site.

Council Member Plaag noted that a number of neighbors expressed concern at the original public hearing that the building was out of scale for the area. He stated that the proposed building would be 53 feet above the roof of the Pinnacle Storage building and would block the view of Howard's Knob. Council Member Plaag added that this might not be the right location for a 55+ independent living facility.

Mayor Pro Tem Carter stated that he had the opposite reaction. He noted that securing LIHTC funding was difficult because very few properties qualified. He added that he appreciated the driveway entrance being on New Market Boulevard.

Council Member Pruitt noted that trees were removed along Chestnut Drive and that a bulldozer was brought to the site. Mr. Stone replied that they were performing geotechnical testing and mistakenly removed trees. He added that the driveway had been moved off Chestnut Drive and that access would be from New Market Boulevard. Council Member Pruitt asked how the residents would be shielded from the proposed parking lot. Mr. Stone stated that landscape buffering was included in the plan, and ordinance requirements would be met. He noted that he would be amenable to installing additional buffering along Chestnut Drive. Mr. Stone stated that the driveway access was moved off Chestnut Drive at great expense. However, emergency fire truck access would be on Chestnut Drive.

Mr. Wise explained that the property would require a neighborhood protection buffer. He stated that the emergency services entry would be closed off with knock-down bollards with geogrid. Mr. Wise noted that a 25-foot type C buffer with plantings on both sides of a fence would be installed. Existing landscaping would remain, and additional evergreens would have to be planted to create the buffer. Council Member Pruitt asked what type of fence would be required. Mr. Wise replied that the fence was required to be 6 feet high and opaque, with landscaping on both sides.

Council Member Pruitt asked if there would be a sidewalk on Chestnut Drive. Mr. Wise stated that a 5-foot-wide sidewalk would be installed on Chestnut Drive. He noted that the parking lot and the finished floor of the building would be within two or three feet from the top of the Pinnacle Storage building.

Council Member Tait stated that the previously approved building was three stories and 47 feet in height. The proposed building would be four stories and 11 feet taller than the three-story building. He asked if the plan revisions were driven by cost. Mr. Stone replied that they were trying to reduce the retaining walls on the top side of the site. Council Member Tait noted the request for reduced parking and asked if the requested reduction was reflected on the site plan. Mr. Wise responded that the reduced parking was shown on the site plan.

Council Member Plaag stated that there had been a long-time dream of putting in a trail from the New Market area up to Howard's Knob to connect to the Greenway system. He added that there were some other projects already in the works along Hwy 421 that could help make that happen. He asked the applicant whether they would be open to widening the New Market sidewalk from 5 to 10 feet so it could be used effectively to connect Howard's Knob to the Greenway. Mr. Stone stated that he did not see a problem with doing that. He also offered to pay a fee in lieu. Ms. Meade reminded everyone that payment in lieu of sidewalk installation was not currently allowed under the ordinance.

Council Member Pruitt asked whether installing a sidewalk along Chestnut Drive would require cutting down more trees and wondered whether it was more important to have a sidewalk or an additional five-foot landscape buffer for the neighbors.

Allison Meade, Town Attorney, wished to address Boone Next and policy concerns versus the UDO. She stated that this was a Conditional District that allowed some movement from the applicant and the Town. Ms. Meade explained that the UDO had not been brought into consistency with the standards in the Boone Next plan, and applicants were coming forward with projects that met current UDO standards. Ms. Meade asked the Council to be aware that applicants were generally meeting current UDO standards, so deviations might be necessary to address policies in Boone Next. She added that some items in Boone Next that encouraged walkability were not in the UDO, and the UDO was very firm about requiring sidewalks with new development. Ms. Meade reminded everyone that the payment-in-lieu-of-sidewalk-installation option was removed from the UDO 3-4 years ago. Mr. Wise added that payment in lieu of sidewalks would only be allowed in extreme circumstances.

Council Member Plaag noted that part of the vote that the Planning Commission and Town Council took was to consider the standards and policies in the comprehensive plan. He stated that it would seem contradictory to approve a project that did not comply with the comprehensive plan, even if the UDO had not been revised to reflect the comp plan's policies. Council Member Plaag stated that he understood there was a requirement to comply with the UDO, but the CD process allowed deviations. Ms. Meade replied that the CD process did allow deviations. However, under state law, zoning amendments that were contrary or inconsistent with the comprehensive plan could be accepted with the understanding that those inconsistencies would be noted upon approval. Ms. Meade stated that if an applicant presented a project that met the requirements of the ordinance, and the Council does not approve the project because it was not quite what they had in mind, based on Boone Next, it seemed unfair to the applicant.

Council Member Roseman asked if the building's façade facing New Market Boulevard could be made to look more like the front of a building. Mr. Stone replied that they could add architectural windows that would not be operable to any unit. Council Member Roseman noted that she voted against the project when it was first approved. She stated that she liked that the building had been moved away from the neighborhood, that there was less parking along Chestnut Drive, and that the trash and recycling had been moved. However, her vote was not going to change.

Council Member Plaag asked the applicant whether they had explored the possibility of orienting the building parallel to New Market Boulevard, with the driveway entering from New Market, parking behind

the building, and having an access on the rear of the building at the third or fourth floor. This could allow seniors to walk out the door onto a grade-level sidewalk at New Market Boulevard and create a park-like setting in the space closer to the neighborhood. Mr. Stone replied that there was no adaptable way to make that work. Orienting the building to face New Market Boulevard would create a sightline down Chestnut Drive, allowing more of the building to be seen. Mr. Stone noted that the building would have to be cut into the grade, necessitating retaining walls around it. He felt this option would create safety issues. He stated that they did explore the option, but felt it was not feasible.

Mr. Wise clarified that the ordinance currently allowed modifications that allowed buildings to be oriented away from the primary public way, as long as there was safe and convenient access for pedestrians. The side of the building facing the public way would have to meet the 10% ground-floor window requirement.

Council Member Tait noted there were 48 proposed units. He asked what the expected occupancy would be for the project. Mr. Stone replied that they would receive approximately 500 residency applications because there was a waiting list. He expected to be 100% occupied. Council Member Tait clarified that he wanted to know how many people would be living in the building. Mr. Stone anticipated an occupancy of 48-50.

Council Member Pruitt noted that the development would be for adults aged 55 and over. She asked the applicant how they would handle the age requirement if someone was 54 or had a grandchild who wanted to live there. Mr. Stone explained that strict federal guidelines could allow someone under 55 to qualify. Otherwise, there would be deed restrictions, a tenant selection plan, and other items that they would submit to the state. Mr. Stone stated that there were extensive requirements regarding how they chose tenants. Council Member Pruitt asked whether this project would be independent living or include any assisted living. Mr. Stone replied that there would be no assisted living at this facility. He noted that they planned to work with the university and local resources to help with credit empowerment. They also plan to offer health checks.

Commission Member Paz-Miranda asked whether there would be a priority for housing Boone residents. Mr. Stone replied that federal fair housing guidelines would not allow that. The housing would be on a first-come, first-served basis. Commission Member Paz-Miranda stated that she was sympathetic to the need for housing for older community members. However, the sheer scale of this building was hard for her to accept. The height of the building would ruin the viewshed of Howard's Knob, one of our biggest and most iconic mountains, and Hwy 421 was a gateway to the community. Commission Member Paz-Miranda recognized that senior housing was needed, but felt that this was not the right site.

Chair Veno asked if there would be stairs from the property to New Market Boulevard. Mr. Stone replied that there would be a sidewalk with an extensive switchback to meet ADA requirements.

Council Member Roseman stated that she bought her house knowing that it butted up against a business district. However, the people in this neighborhood bought their homes knowing that the subject property was zoned R1. She felt that the proposed development was too large for this area. Council Member Roseman again noted that she voted against the original rezoning request and would do so again.

Mayor George invited public comment.

Carolyn Ward of 253 Chestnut Drive provided Council and Commission members with a copy of her comments (**on file**). She stated that she and many of her neighbors were strongly opposed to Wynnefield Properties' conditional district zoning requests to develop the property on Chestnut Drive into a four-story apartment building. Ms. Ward felt that their neighborhood had been under attack from encroaching development for the last seven or eight years. Pinnacle Storage, a four-story building, sat up against multiple one-level single-family homes. Sheetz was built to face the neighborhood, so it has been

subjected to noise, loitering, traffic, and light impacts. Ms. Ward stated that instead of the Town fighting for and protecting them, they were fighting the Town to keep their R1 neighborhood from development that was not in harmony with the surrounding structures. The scale of the proposed 53-foot-tall building would dwarf the surrounding homes. Ms. Ward noted that the objectives in Boone Next were to protect existing housing stock from incompatible redevelopment. This property was labeled as walkable mixed-use, but she felt that this development did not meet that definition. Ms. Ward asked if their neighborhood was not worth protecting. She stated that the neighborhood had been left out of any discussions or planning throughout this process. At the neighborhood meeting, when pressed about landscaping and buffers, the Wynnefield representative stated that they would do what the Town forced them to do, that they would do what is required. Ms. Ward stated that the applicant had proven to the neighborhood that they would do no more than necessary to comply with the Town's requirements. She noted that her home sat directly across from the area where the trees were improperly removed. Ms. Ward stated that she was not opposed to increasing the affordable housing stock. However, that could be attained by constructing small cottages or duplexes, but a project of this size was not right for this location. She added that she supported the affordable housing project off Hwy 421 because it was a suitable site, away from single-family homes, near businesses, and other apartment buildings.

Crystal Cheek stated she had lived at 211 Chestnut Drive for over 20 years. She noted that she had submitted a letter and pictures to the Planning and Inspections Department and requested that copies be shared with each member of the Town Council **(on file)**. The images included views from her driveway, areas near Sheetz and Pinnacle Storage, and homes located above and across from her property, as well as close-up pictures of the buffer required to help protect their neighborhood from the impacts of the adjacent commercial development. Ms. Cheek stated that the neighborhood has experienced increased noise from vehicles and revving engines 24 hours a day, light spilling directly into homes, and visual impacts from commercial activity. She added that the required neighborhood protections were not sufficient. The angled emergency exit on Chestnut Drive would not provide any meaningful protection for the residents. Ms. Cheek stated that there was no realistic way to buffer the height, lighting, and visual impacts of a four-story structure towering above a single-family neighborhood. The size and presence of a building of this scale would fundamentally alter the character of their neighborhood. Ms. Cheek recognized the challenges related to growth and housing. However, she felt that solutions should not come at the expense of a long-standing neighborhood. Ms. Cheek stated that Boone needed more workforce housing and asked what steps the Town Council had taken to create workforce housing in neighborhoods that would balance growth while still protecting existing residential communities. She asked that the Council carefully consider the impacts of its decision on the neighborhood's residents.

Lynne Mason provided the Commission and Council members with a handout of her comments **(on file)**. She stated that she spent 18 years as a Council member fighting for neighborhoods. The proposed project met a housing need, but was in the wrong location. Ms. Mason stated that there were not enough neighborhoods in Boone for our workforce. She said that existing neighborhoods were slowly eroding away and expressed concern that this pattern would continue. Ms. Mason stated that the four-story building would not be in harmony with the neighborhood and that the parking lot lighting would shine into the neighborhood all night. Boone Next planning principles supported established neighborhoods, and this neighborhood did not feel supported or protected. Ms. Mason stated that none of the recent commercial developments near this neighborhood was mixed-use. She noted that there had been prior interest in developing this parcel into workforce housing, which was needed. Ms. Mason concluded by saying that approval of this conditional district zoning map amendment would set a precedent for future encroachments into single-family residential neighborhoods, which were repeatedly under attack.

Andy Mason stated that more workforce and elderly housing were needed, but he felt this was the wrong location for that. He did not think any amount of buffering could hide or reduce the impact on this neighborhood. Mr. Mason stated that Chestnut Drive was not a great walkable area because it was steep. He suggested that if a walkway to New Market were installed, there needed to be a better way for people to cross that street. Mr. Mason asked that this project not be approved.

Virginia Williams stated that she lived on Chestnut Drive directly across from the proposed four-story building, and when she and her husband bought their home, they verified that the surrounding property was zoned R1. She asked Commission and Council members if they had four-story apartment buildings across the street from their homes. Ms. Williams asked if enforceable deed restrictions were only for those who could afford to live in gated communities. She stated that the developer had already proven what kind of neighbor they would like to be by doing work on the site without a permit. There is a pile of debris on the site, and the buffer consists of a few dead rhododendrons and four-foot-tall evergreens. Ms. Williams noted that at neighborhood meetings, the current residents had never been asked about their concerns. Because Boone residents would not be guaranteed a place in the building, this project would encourage low-income seniors to move here, even though Boone was already bursting at the seams. Ms. Williams stated that there needed to be a balance between providing affordable housing and protecting existing neighborhoods.

Joanne Puliatti of 275 Chestnut Drive stated that she was wholeheartedly opposed to this development. She said the neighborhood was filled with working-class or retired people, and that they deserved the neighborhood they had bought into. Ms. Puliatti stated that, if this project were approved, she would request opaque barriers.

Mark Neussmeier of 169 Hidden Valley Circle stated that he often walked down Chestnut Drive, which he considered an inappropriate place to walk. He added that he wanted to preserve the view of Howard's Knob. Mr. Neussmeier felt that more planning was needed so that this type of issue would not be addressed at gunpoint. He noted that the designers had packed a ton of stuff on the site, but it was just not the right location for this development.

Jasmine Shoshana stated that there was an enrollment crisis instead of a housing crisis. She said that ASU was constantly being forced to increase its numbers. Ms. Shoshana noted that we were supposed to be a government for the people and by the people, and it was very obvious that the people were not in favor of this development. She stated that the Town was not here to represent developers, but to represent the people. Ms. Shoshana concluded by saying that if ASU were at a suitable number, there would be plenty of housing.

James Milner stated that the last time this project came up, he made it clear that it was the right project in the wrong location. R1 neighborhoods should be protected. Mr. Milner stated that, if the project was approved, he asked that the building be oriented to the primary way, which meant rotating the building 90 degrees to New Market Boulevard.

Mayor George closed the public comment portion of this hearing.

Council Member Plaag stated that there was an opportunity to have this building on this site, but it would need to orient to New Market Boulevard, tuck it into the hillside, leave the back half of the lot wooded, create a very clear buffer from the neighborhood, still have senior housing with LIHTC financing, and protect an R1 neighborhood at the same time. However, the developer said that they did not want to do that. Council Member Plaag stated that this was a lovely project, but it was not the right place. He added that the applicant's complete disregard for the development requirements in Boone made him question whether the applicant was an honest player. Council Member Plaag stated that he would not vote on this

request because it was his last week on the Town Council, but he did not support the project as currently proposed.

Council Member Tait stated that the project brought up the question of what should buffer R1 neighborhoods from our other developments. Arguably, what was appropriate was some form of housing, such as an eight-unit townhome complex or a duplex. He felt that the proposed development was too much in this spot, citing issues with the topography and retaining walls. Council Member Tait stated he was struggling because he really wanted to support housing for senior adults.

Commission Member Paz-Miranda again stated that this was the right project, but not the right site. For her, the building had to be adjacent to New Market Boulevard on grade, or there should be no project at all. She added that the grade was steep up to the crosswalk on New Market Boulevard, making it difficult and dangerous for senior citizens.

With nothing further, Mayor George closed the public hearing for this case at 7:31 p.m.

Case A26-0067 Taft-Mills Group, LLC – Conditional District Zoning Map Amendment

Taft-Mills Group, LLC has submitted a Conditional District Zoning Map Amendment application to rezone property located on the corner of US Hwy 421 S and Yosef Drive (Watauga County PINs: 2911-70-9321-000, 2911-80-0228-000, and 2911-80-2433-000) from B3 General Business to Conditional District R3 Multiple-Family Residential with a site-specific development plan for Use 1.13 Multi-Family Dwelling (>100 bedrooms).

Amy Snider, Commercial Zoning Administrator, introduced the case. She stated that the project consisted of a 93-unit, 188-bedroom, multi-family affordable housing community. Ms. Snider noted that the applicant's requested deviations were listed on pages 82 and 83 of the meeting packet. She stated that elevations were not submitted, but it appeared the building's orientation would be more inward, which may require a deviation.

Council Member Plaag asked why the project was before them without renderings or elevations, as that was normally part of a site-specific development plan. Ms. Snider replied that the staff had received the site plan, but no elevations had been submitted. She added that comments were submitted, noting that ordinance requirements would be met. Mr. Wise clarified that if the applicant's intent was to meet ordinance requirements, they were not required to submit elevations at this point. However, the Council or Commission could request those renderings. Ms. Meade added that Planning staff could not require the applicant to submit renderings, but it was within the Council's prerogative to request them. She stated that she did not see the requested number for the livability ratio or the retaining wall height deviations in the narrative. It was noted that these items were contained on the site plans.

Council Member Plaag stated he was excited about the prospect of this project, noting that it was in the right place and would help address an acute housing need, but he wanted to know what they would be getting. He explained that the CD process was intended to provide a clear understanding between the Town and a developer of what the development would look like. Council Member Plaag stated that if this were a by-right development, the applicant could build whatever they wanted within the ordinance's regulations without input from the Council. However, this was a conditional district request that afforded the Council the opportunity to seek items outside the strict regulations.

Council Member Pruitt agreed with Council Member Plaag. She stated that this development would be one of the first things people saw upon entering Boone on Hwy 421. While they were meeting the requirements, she still wanted to see what the project would look like.

Chelsea Garrett, attorney representing the Taft-Mills Group, introduced Nate Broman-Fulks from the Taft-Mills Group, Tristan Williams from the Taft-Mills Group, Brian Cook from McMillon, Pazdan, Smith Architecture, and Toby Harris from Three Notch Group. Ms. Garrett stated that they had quite a few examples of what the Taft-Mills Group had done with other projects. She asked Mr. Broman-Fulks to speak.

Mr. Broman-Fulks stated he was the Vice President of development for the Taft-Mills Group, a real estate development company specializing in building multi-family affordable housing using Low Income Housing Tax Credits. He noted that the company, based in Greenville, North Carolina, had developed over 100 of these communities, was active in North Carolina, South Carolina, Virginia, and Maryland, was ranked among the top 50 affordable housing developers in the country, and had received the state's highest honor in affordable Housing from the North Carolina Housing Finance Agency. Mr. Broman-Fulks presented a slide showing examples of completed or currently under-construction developments so that Commission and Council members could see what their developments typically looked like. He noted that the architecture could be tailored to the site and what the Town wanted, as much as possible. Mr. Broman-Fulks stated that they had not been asked to provide an elevation and were therefore unprepared for the Council's request. He added that they were working with their architects to create a site-specific plan for Boone and were happy to discuss what that would look like. Mr. Broman-Fulks noted that the site met the high threshold required by the North Carolina Housing Finance Agency to be considered a competitive site, including having access to a grocery store, pharmacy, parks, doctors, schools, etc., within 2 miles of the site. The project would be affordable for households at 60% of the county's area median income, meaning about \$40,000 for a one-person household, or \$65,000 for a four-person household. They proposed three residential buildings with a mix of one, two, and three-bedroom units to serve a variety of housing sizes. Mr. Broman-Fulks stated that this was not student housing, explaining that through the tax credit program, there could not be a household of all students. However, there were a few exceptions, such as if one of the residents had grown up in foster care or was a married couple. He stated that it would be difficult for a student to qualify because applicants could not earn too much or too little. Mr. Broman-Fulks noted that the clubhouse would include a community room, an indoor exercise facility, a business center, an outdoor recreation area, an on-site property manager, and maintenance staff.

Brian Cook stated that there was extensive topography and that they looked at how best to cite the buildings on the site. He noted that the buildings were parallel to Hwy 421 but set back up the hill, and that spaces would be created between them to allow residents to walk and interact. Mr. Cook stated that there would be a playground, picnic shelter areas, and pathways between the buildings. Parking would be in the rear. He noted that the property stepped up quite a bit, but they were trying to terrace the buildings up the hillside. Mr. Cook added that they planned to leave some of the buffer on the back side of the property. The buildings would be three stories with a basement, clad in brick and fiber-cement siding to give a more mountainous look.

Toby Harris stated that the biggest challenge they faced was the topography, which required retaining walls throughout the site to accommodate the buildings and the required parking.

Ms. Garrett asked about the deviation regarding landscaping between the retaining walls. Mr. Harris replied that he would not know the exact extent of the retaining walls until a full grading plan was completed, but there would be several walls. The ordinance required that the walls be terraced, which would push into the parking lot and cause them to lose required parking. Ms. Garrett noted that a deviation was requested for the retaining wall height. Mr. Wise explained that the UDO required no single wall to exceed eight feet. Additionally, if retaining walls exceeded 16 feet in height, buffers were required between the walls. The applicant requested deviations to allow a retaining wall with varying heights up

to 26 feet. Mr. Cook stated that the step-back requirements for each retaining wall would push the buildings farther back into the site and up the hill, thereby eliminating parking spaces.

Ms. Garrett asked about the deviation from the requirement that 25% of the units have a garage or carport. Mr. Cook explained that, under LIHTC guidelines, they were required to provide 1.75 parking spaces per unit. Incorporating garages or carports would take up space that was needed to meet the North Carolina Housing Finance Authority's requirement for parking. For clarification, Ms. Garrett asked whether the 1.75 parking spaces were a requirement of the NCHFA rather than the Town. Mr. Cook replied that this was correct.

Ms. Garrett questioned the deviation from livability space requirements. Ms. Snider stated that there would be a 10% increase from 40% to 50%.

Ms. Garrett asked the applicant whether they would agree to install landscaping, to the extent possible, between the retaining wall tiers. Mr. Broman-Fulks agreed to install as much landscaping as possible.

Ms. Garrett asked about the existing AppalCART stop. Mr. Broman-Fulks replied that they proposed to cover the existing stop.

Mr. Broman-Fulks stated that the requested deviations were necessary to support this development and further align the project with Boone Next.

Council Member Roseman mentioned the tall retaining wall at King Street Flats, which seemed to blend into the surroundings, and the retaining wall on Hwy 421 across from New Market Center, which was so visible.

Council Member Plaag stated that he would normally ask for the building to be broken up; however, he felt that doing so would not work because of the topography. He suggested a single building facing Hwy 421, with parking lot access at the back and a deck with green space at the top. This would allow the tenants to have the whole back of the lot and the top level of the deck to recreate. Council Member Plaag felt that this would get them closer to the livability ratio and solve the problem of retaining walls. Mr. Cook replied that they started with a larger building, but because of the topography and the need to avoid steps within the building, it was better to have multiple buildings. This configuration also allowed more light into the units and more air movement between the buildings.

Council Member Roseman stated that she wanted the buildings to look like they were part of the community. Ms. Garrett stated that the façade facing Hwy 421 would be architecturally pleasing and not resemble the back of a building.

Ms. Garrett asked how long it would take to complete the renderings. Mr. Cook replied that it would take about a week.

Council Member Tait asked whether the applicant had ideas during the design process that they could not construct due to UDO restrictions. Mr. Cook stated that the location of mature trees was challenging. Mr. Broman-Fulks added that they considered a parking deck but found it not financially feasible at this location.

Council Member Pruitt asked whether any remediation would be required as a result of the oil-change business. Mr. Broman-Fulks stated that they would be required to perform a Phase I environmental analysis and would follow any cleanup requirements.

Mayor Pro Tem Carter asked the applicant if they had met with AppalCART to discuss increased ridership from their development. Mr. Broman-Fulks replied that they had met with Craig Hughes from AppalCART, who informed them that the project would be incorporated into AppalCART's planning process and that

he did not anticipate any issues. He noted that if the rezoning was approved and they were awarded the tax credits, it would be approximately three years before the project was completed.

Ms. Garrett asked the applicant how they arrived at the number of units for this development. Mr. Broman-Fulks explained that they evaluated how many units could be accommodated on the site, taking into account site constraints, including parking, topography, height, density, and financing.

Council Member Plaag asked whether the applicant could turn the higher building so that it was oriented south to north along the west line, and step the building up the terrain to create enough parking in the center area to allow them to decrease the retaining wall height on the east side of the site. Mr. Cook replied that they looked at an iteration similar to that, but the grade jumped up about 30 feet or more in that direction. He added that this configuration would create more steps throughout the site.

Council Member Tait asked if there was a right-of-way or an easement to access the property from Yosef Drive. Mr. Broman-Fulks replied that the survey showed a 60-foot right-of-way to their property line, and they were currently in the process of performing title work to confirm whether that right-of-way would align with their proposed access location. If not, they would work with neighboring property owners to obtain an easement.

Mayor George asked whether green space could be installed on both sides of the sidewalk to bring it more in line with the Grove Street connector plans. Todd Moody, Public Works Director, replied that a five-foot buffer between the roadway and the pathway along Hwy 421 would be required, and this would be in line with the Grove Street connector plan.

Council Member Plaag asked whether a translucent perimeter fence could be installed as a safety measure for children playing so close to Hwy 421. Mr. Cook stated that landscaping or walls between Hwy 421 and the buildings could help create a barrier.

Commission Member King stated that he lived on Yosef Drive and had a good knowledge of the area. He noted that he would not compare the retaining walls across from New Market Center to the proposed retaining walls at this development. Commission Member King supported the idea that the development would bring a sidewalk or multi-use path to the area.

Commission Member Kight asked whether the parking deck that was considered would have been a standalone deck or integrated into a building. Mr. Cook replied that they viewed it as a podium, with the building on top and coming down around the parking deck, so that it was almost enclosed. This configuration would have worked with the topography, but they could not justify the cost.

Commission Member Mileski asked whether there were plans to add windows to the back side of the building at the basement level to provide some daylight to that level. Mr. Cook stated that there would be no windows there because the area would be underground.

Commission Member Paz-Miranda asked what would happen to the current occupants of the house that was on the site. Mr. Broman-Fulks replied that the occupants of the house would relocate.

Chair Veno asked how many people would occupy the 93 units. Mr. Broman-Fulks stated that there would be a mix of one-, two-, and three-bedroom units, with a total of 188 beds, so he estimated an occupancy of approximately 188. Chair Veno asked if the development triggered a transportation impact analysis. Mr. Broman-Fulks replied that the staff determined that a TIA was not required because none of the thresholds were triggered.

Mayor George invited public comment.

Kellie Reed-Ashcraft, Executive Director of the Watauga Housing Council, provided the Commission and Council with a handout (**on file**). She stated that the mission of the Watauga Housing Council was to increase the supply of housing for Watauga County's cost-burdened residents through partnerships and systemic change. Ms. Reed-Ashcraft noted that the WHO supported both of the restricted-income resident rental housing initiatives presented this evening. This project would provide non-student, multi-family housing for community residents earning 60% of the area median income, while the other project would increase housing for our senior community residents.

Casey Maslow, Housing Program Manager at Oasis, stated that her clients faced affordable housing issues every day because of limited incomes, or they were faced with homelessness due to fleeing a situation they could no longer deal with. Ms. Maslow asked the Commission and Council to remember that it was not about how this building would look, but about providing a place where people could continue their lives in the high country.

James Milner noted an earlier statement that Watauga County had an enrollment problem rather than a housing crisis, and he felt that could not be further from the truth. He stated that the only way to fix the housing crisis was with different types of housing stock. However, he encouraged the Council and the Planning Commission to remember that a site's topography did not necessarily create a hardship. Mr. Milner added that a developer could find another site that might not have as many topographical challenges. In the spirit of consistency, Mr. Milner asked that the Planning Commission place a condition on the approval of this development to require the rotation of all three buildings 90 degrees to face the primary way, which was Yosef Drive.

Mayor George closed the public comment portion of this hearing. He suggested moving the final case on the agenda to be the next item heard.

Council Member Plaag made a motion to amend the agenda to have Case A26-0123 be the next case heard. The motion was seconded by Council Member Roseman.

VOTE: Aye – 5
Nay – 0

The motion passed.

Mayor George called a break in the hearing from 8:38 p.m. until 8:45 p.m.

Council Member Plaag stated he was a big believer, particularly with the CD process, in knowing what they would be getting. He added that he was supportive of and appreciative of the applicant's pursuit of a project to help address a critical housing need. However, the presentation lacked some of the necessary information. Council Member Plaag supported continuing the public hearing to allow the applicant time to explore other solutions to the retaining wall issue and to come back with elevation drawings showing what the project would look like, including access to the Greenway or the Grove Street connector.

Council Member Roseman asked whether there would be an opportunity to include some small storage units in the design. Mr. Cook stated that the housing finance requirements include 17 square feet of storage per unit, so they have planned interior closets in the hallways of the buildings and/or cages or individual storage in common rooms to meet that requirement.

Mayor Pro Tem Carter stated he had extensive experience with Housing Finance Agency buildings and that the agency's requirements to keep the property in pristine condition were intense and lasted for 30 years. He supported the project and was amenable to continuing the public hearing.

Ms. Garrett stated that the applicant had a tax deadline that could put them off a year if zoning was not in place by May 15, 2026. Mr. Wise noted that the next regular public hearing would be on April 27 and

the following Town Council meeting would be on May 13, 2026. Ms. Meade suggested continuing the public hearing at the regular Town Council meeting on April 8, 2026. Mr. Wise stated that the applicant would need to have everything sent to Planning and Inspections by next Thursday to accommodate an April 8 hearing. Council Member Plaag suggested scheduling a special hearing for this case only. Ms. Garrett suggested that the Planning Commission proceed with a recommendation, subject to the condition that the applicant present the requested information at the Town Council meeting for a final vote.

Council Member Tait felt it was important to recognize and discuss the requested deviations. He noted the request to deviate from the units' makeup to allow two-bedroom units, which seemed appropriate for families. Council Member Tait noted the deviation for the retaining walls and suggested that they might be able to move some of the buildings around to reduce the retaining wall heights. He stated he had no objection to the requested tree removal. Eliminating the carports made sense for this development. Council Member Tait noted that he also supported the requested vesting period.

Mayor Pro Tem Carter stated that he was not a fan of the carports and supported the requested deviations.

Chair Veno stated that his understanding was that a Conditional District Zoning Map Amendment request must be accompanied by a site-specific plan and asked whether it was correct that this was not included with the request. Ms. Meade replied that a site-specific plan could mean different things. A site-specific plan was submitted with this request, but it was not as specific as the Council generally required.

With the majority of the Council and Planning Commission members in favor of continuing the public hearing, Council Member Plaag made a motion to continue the public hearing for Case A26-0067 until April 8, 2026, at 9:00 a.m. in Town Council Chambers. The applicant must submit elevations and any revisions to Planning and Inspections by April 2, 2026. The motion was seconded by Council Member Roseman.

VOTE: Aye – 5
Nay – 0

The motion passed.

Case A26-0123 Signs, Phasing & Nonconformities – UDO Text Amendment

Modification of UDO Articles 4, 7, and 26 to adopt standards for the phasing of development construction, create a single-family nonconformity exemption, and remove master sign plan regulations.

Mr. Wise stated that this amendment was not a general setback change. He explained that a nonconformity was accidentally omitted from the ordinance at some point, and staff realized the omission when an application was submitted for a new single-family home affected by the nonconformity. Mr. Wise stated that the omitted language allowed a demolished single-family home that did not meet setback requirements to be rebuilt under the preexisting nonconformity. The current UDO language would require a new single-family home to meet current setbacks, and any nonconformity would have to seek a variance from the Board of Adjustment. Mr. Wise noted that this text amendment would be universal throughout town and not specific to any one neighborhood. Ms. Meade added that the language was inadvertently deleted during another UDO amendment, so this would restore it to the ordinance. She stated that the language reestablished the administrator's flexibility regarding setbacks for nonconforming residential lots. She reiterated that this applied to all neighborhoods, but was especially important in neighborhoods with smaller, more irregular lots.

Mr. Wise stated that this request would also restore the phasing language that had inadvertently been deleted. This amendment also addressed the requirement for a master sign plan for multi-tenant developments. Mr. Wise stated that the requirement was added 3-4 years ago, but had become more of a hurdle than a tool for compliance, so they requested that the language be removed.

Council Member Plaag felt that all three of the requested revisions were appropriate.

Commission Member Paz-Miranda asked whether this amendment would affect commercial signs. Mr. Wise replied that commercial sign requirements would otherwise remain the same.

Mayor George invited public comment.

Traci Royster stated that she attended the Boone Mennonite Church 30 years ago when the African American Junaluska community was thriving. However, that changed a few years ago when someone from outside of their community built a house there. Ms. Royster stated that someone originally from the community now wanted to build a house there but could not meet the requirements of the current ordinance because of the removal of the nonconforming language. She asked that the amendment be approved so this family could build their home.

Fred Hay agreed with Ms. Royster's comments. He added that the ancestors of the current residents of the Junaluska community did not buy the land; they were assigned it. The land was considered undesirable at the time, on the side of the mountain, rather than the bottom lands, which were much more useful for gardens. Mr. Hay stated that this community had stayed intact because of its limited footprint. With many of the lots being small, they would not comply with the current code. Mr. Hay felt that the community deserved the Council's support because it wanted to remain viable.

Anitra Ball stated that she was the one trying to place a modular home on her land at 132 Tremont Drive. She said that she and her dad were currently living in the mobile home park behind Walmart, and were fortunate to still have a standing structure after Hurricane Helene. However, the moisture and mold were creating issues for her dad because he had COPD. Ms. Ball stated that she wanted to get her dad into a healthy living environment. She added that she wanted to go back to the neighborhood where they grew up.

Mayor George closed the public comment portion of this hearing.

Mayor Pro Tem Carter stated that the language was inadvertently removed and was never intended to harm this historic community. He added that he would love to see every single block in Junaluska reborn to the vision that the residents wanted in that community.

Mayor George stated that the Planning Commission would make a recommendation this evening, and the Council would make its final vote at the second Council meeting in April. An audience member asked if they could vote on this amendment at the April 8 meeting. Ms. Meade explained that the previous case would have a continued public hearing on April 8, but the actual vote on all of tonight's cases would be on April 22.

Council Member Roseman asked Ms. Ball if she had a deadline to move. Ms. Ball replied that they were ready to move but were at the mercy of the text amendment approval. Mr. Wise clarified that a zoning permit application for the new single-family home had been submitted, but without this text in the UDO, the zoning permit would require a variance for staff to approve. He added that minor modifications to the site plan were needed to meet the UDO requirements under the amended language. Ms. Meade offered that the Council could direct staff to approve the zoning permit based on this evening's conversation and the Council's commitment to approve the amendment. Council members agreed with this suggestion and directed Planning staff to expedite the zoning permit process.

Case A26-0073/A26-0074 Town of Boone – Annexation & Conditional District Zoning Map Amendment

In conjunction with a voluntary satellite annexation request, the Town of Boone has submitted a Conditional District Zoning Map Amendment application for property located on US Hwy 421 S (Watauga County PIN: 2921-90-1402-000) to zone the property Conditional District B3 General Business with a site-specific development plan for Use 5.16 Government Facility and Use 5.13 Town Utility Facility for a new Town of Boone Public Works facility.

Mr. Wise introduced the request. He outlined the requested deviations, including delaying or potentially forgoing the installation of sidewalks, depending on NCDOT approval, having the primary facade and main building entry not face the primary public way, not installing a sidewalk from the primary public way to the main building entrance, not having 10% of ground floor windows, and having the roof pitch be 2:12 rather than 4:12.

Council Member Plaag asked if there were any existing nonconformities on the site. Mr. Wise replied that this was an undeveloped site with no nonconformities.

Bill Dixon, with Appalachian Architecture, introduced Michael Trew with Municipal Engineering. Mr. Dixon stated that the Town desperately needed a new Public Works facility. This property was a 15 1/2-acre tract of land on Hwy 421 across from Food Lion. Mr. Dixon noted that they would be disturbing approximately 10 1/2 acres. The site contained some wetlands, steep banks, and a small partial view shed, none of which would be touched.

Mr. Dixon stated that DOT had not yet made a determination on whether sidewalks could be installed in that area along Hwy 421, so they had requested a delay or deferral of the installation until DOT made that determination. He noted that the property contained three plateau areas and the building would be about the size of a football field. Because of the site's topography and access, it would be nearly impossible to have the building face Hwy 421; it would face the roadway leading up to the building and present a public face to people coming and going. Mr. Dixon stated that the building would be approximately 150 feet away from the highway and about 35 feet above the road.

Mr. Dixon noted that, due to the nature of the use, there would be snowplows, dump trucks, and other heavy equipment, making a 10% glass façade unreasonable. He noted that this would be a metal building and that the required 4:12 roof pitch would add unnecessary height and increase heating and cooling costs.

Council Member Plaag asked if the driveway up to the building would eventually become a Town street. Mr. Moody replied that he did not anticipate it being a Town street. Council Member Plaag felt it was unreasonable to install a sidewalk along Hwy 421 or down to 421 when there was no plan for a sidewalk along the highway. He stated he would be willing to grant both deviations with the understanding that if, at some point in the future, DOT provided pedestrian access along Hwy 421, the Town would commit to installing a sidewalk from the building down to that DOT sidewalk.

Commission Member Paz-Miranda stated that the current Public Works building was not aesthetically pleasing.

Mayor George invited public comment, but there was none.

Council Member Roseman agreed with Council Member Plaag's comments regarding the sidewalks.

Michael Trew stated that the proposed access was the only possible location due to the cut slope along Hwy 421, unless they got an easement from the housing complex property to the east. Access to the property dictated how the building would be oriented. Mr. Trew noted that orienting the building to the access met the intent of the ordinance.

Council Member Plaag asked whether the applicant would agree to a condition requiring the installation of a sidewalk from the building to Hwy 421 if a sidewalk were ever installed along 421. Mr. Moody deferred to Dale Presnell, Interim Town Manager. Mr. Presnell agreed to the condition.

Adjournment of Town Council

Council Member Plaag made a motion to adjourn the Town Council at 9:42 p.m. The motion was seconded by Council Member Roseman.

VOTE: Aye – 5
Nay – 0

The motion passed.

Dalton George, Mayor

Brenda Henson, Board Clerk

Frank Venio, Planning Commission Chair

PLANNING COMMISSION MEETING

Chair Venio called a break in the meeting from 9:42 pm until 9:53 pm.

Discussion and Recommendation on Case(s) Heard at the Public Hearing

Case A26-0066 Wynnefield Forward, LLC – Conditional District Zoning Map Amendment

Wynnefield Forward, LLC has submitted a Conditional District Zoning Map Amendment application for property located on Chestnut Drive and New Market Boulevard (Watauga County PINs: 2910-39-9335-000, 2910-39-9610-000, and 2910-49-2369-000) to rezone the property from Conditional District R5 55+ Housing to Conditional District R5 55+ with a site-specific development plan for Use 1.17 Adult Living Community.

Mr. Wise explained that the previously approved site-specific plan had been altered by the applicant, requiring a new application and approval of the revised plan.

Commission Member Mileski stated that the building was not oriented correctly and the R5 zoning was not fitting for this area. Mr. Wise explained that the original Conditional District approval on May 8, 2024, rezoned the property from R1 and B3 to Conditional District R5, and that zoning designation would not change under the current request. He added that the original approval would expire two years from the date of issuance.

Chair Venio mentioned the tree removal that was done without a permit. Mr. Wise clarified that geotechnical analysis of the ground was allowed without permits. However, that typically did not involve a bulldozer plowing into a site, as happened in this case. Mr. Wise stated that a stop-work order was issued for the site, and the applicant was advised to replant the vegetation they had removed.

Chair Veno asked what would happen to the site if this Conditional District Map Amendment were denied. Mr. Wise replied that the property would remain zoned Conditional District R5, and the applicant would have until May 8, 2026, to get their permits to construct what was approved under the original CD approval in 2024. If The Villas at South Fork were not constructed, any other proposed development would have to seek a Conditional District Map Amendment.

Commission Member Paz-Miranda stated that she did not like the proposed development.

Commission Member Mileski felt that the proposed project was overdeveloped for the area. He stated that reducing the building height to one or two stories would be a better scale.

Commission Member King stated that he did not have a strong stance against the proposal. He noted that conditioning the buffering could provide a middle ground between what the neighborhood wanted and what was expressed in the comp plan and the UDO. Commission Member King acknowledged the strong public opposition to the project, while also noting the need for 55+ housing. He stated he would be in favor of approving this request with conditions.

Commission Member Kight stated he stood with the neighborhood. He noted that this project was not a walkable mixed-use, human-scale development that Boone Next called for. He added that the renderings did a good job of not highlighting those issues.

Commission Member Paz-Miranda felt that placing a senior community in an area with steep slopes was not reasonable. She stated that the building would be an eyesore that would damage the viewshed, adding that the Pinnacle Storage building was a monolith in the middle of the neighborhood.

Commission Member King felt it was important to note that by denying this request, they would delay development the community needed.

Chair Veno stated that he voted in favor of the original CD request. After tonight's public comment and thoughtful consideration of neighborhood concerns, he was on the fence. Chair Veno noted the surrounding developments, Pinnacle Storage, Sheetz, and Woods Masonry, and felt that the proposed senior housing would be the least obtrusive of these.

Commission Member Kight asked if New Market Boulevard was considered the primary public way for this project. Mr. Wise replied that it was. Chair Veno stated that he often traveled on New Market Boulevard and that there was heavy traffic there. He did not believe it would be safe for seniors to walk across New Market Boulevard to reach the shopping center and movie theater.

Vote 1

Commission Member Mileski made a motion that the proposed amendment to the Town's zoning map is not consistent with the Town's current comprehensive plan and any other adopted plan(s) of the Town that are applicable because of the following from Boone Next:

Planning Principle 7: Support the town's established neighborhoods and new residential developments through neighborhood-level engagement and planning.

Goals & Policies

Policy 1.2.1: Support Income-Restricted Housing: Support permanently affordable housing for low- and middle-income residents geographically located throughout the town. Prioritize permanent affordability, particularly for those at or below 60 percent of the area median income, through community land trusts, nonprofit ownership and management, the Housing Authority, town ownership, and restricted deeds and covenants. Consider programs that fund home improvements for low income homeowners in exchange for right of first refusal to purchase homes for affordable housing partners.

Policy 1.2.5: Use Appropriate Transitions Between Different Scales and Intensities: Use appropriate transitions between different building uses and intensities by stepping down building heights and scale from areas allowing taller buildings to primarily residential neighborhoods.

Commission Member Kight wished to amend the motion to add:

Planning Principle 7: Support the town's established neighborhoods and new residential developments through neighborhood-level engagement and planning.

Commission Member Mileski accepted the amendment. The motion was seconded by Commission Member Paz-Miranda.

Vote: Aye – 3
Nay – 1 (King)
Abstention – 1 (Veno)

The motion passed.

Vote 2

Commission Member Kight made a motion, seconded by Commission Member Paz-Miranda, that the Planning Commission recommends denial of Ordinance #A26-0066 within Exhibit A and denial is reasonable and in the public interest because the proposed development is not consistent with the Boone Next plan and is not cohesive with the neighboring R1 zoning.

Vote: Aye – 3
Nay – 1 (King)
Abstention – 1 (Veno)

The motion passed.

Case A26-0067 Taft-Mills Group, LLC – Conditional District Zoning Map Amendment

Taft-Mills Group, LLC has submitted a Conditional District Zoning Map Amendment application to rezone property located on the corner of US Hwy 421 S and Yosef Drive (Watauga County PINs: 2911-70-9321-000, 2911-80-0228-000, and 2911-80-2433-000) from B3 General Business to Conditional District R3 Multiple-Family Residential with a site-specific development plan for Use 1.13 Multi-Family Dwelling (>100 bedrooms).

The public hearing for this case was continued until Wednesday, April 8, 2026, at 9:00 a.m. in Town Council Chambers.

Case A26-0123 Signs, Phasing & Nonconformities – UDO Text Amendment

Modification of UDO Articles 4, 7, and 26 to adopt standards for the phasing of development construction, create a single-family nonconformity exemption, and remove master sign plan regulations.

Vote 1

Commission Member King made a motion that the proposed amendment to the Town's Unified Development Ordinance is consistent with the Town's current comprehensive plan and any other adopted plan(s) of the Town that are applicable because of the following from Boone Next:

Planning Principle 7: Support the town's established neighborhoods and new residential developments through neighborhood-level engagement and planning.

Planning Principle 10: Encourage appropriate development to meet the town's urgent need for housing or other specific community needs by means of density bonuses or other mechanisms.

Goals & Policies

Goal 1.2: Development True To Boone's Vision: Boone's development and redevelopment will enhance the best of the town's existing built environment and reinforce the vision set forth in this plan.

Policy 1.2.2: Infill Development Enhances the Town: Infill development is important because it directs growth away from natural areas, but it must be done well. Infill development shall enhance and not detract from the building character of the town by replicating key elements of Boone's cherished historic design features (like building scale, proportion, setbacks, character) with high quality, pedestrian-oriented design and providing public goods like plazas, wide sidewalks, public art, and affordable spaces for living, artists, and small businesses. Rules for new development should avoid financially incentivizing displacement of vulnerable populations.

The motion was seconded by Commission Member Kight.

Vote: Aye – 5
Nay – 0

The motion passed.

Vote 2

Commission Member King made a motion, seconded by Commission Member Kight, that the Planning Commission recommends approval of Ordinance #A26-0123 within Exhibit A and approval is reasonable and in the public interest because this amendment corrects the UDO to have its intended language and benefit neighborhood communities that may have a unique land use case or unique property case.

Vote: Aye – 5
Nay – 0

The motion passed.

Case A26-0073/A26-0074 Town of Boone – Annexation & Conditional District Zoning Map Amendment

In conjunction with a voluntary satellite annexation request, the Town of Boone has submitted a Conditional District Zoning Map Amendment application for property located on US Hwy 421 S (Watauga County PIN: 2921-90-1402-000) to zone the property Conditional District B3 General Business with a site-specific development plan for Use 5.16 Government Facility and Use 5.13 Town Utility Facility for a new Town of Boone Public Works facility.

Vote 1

Commission Member Mileski made a motion that the proposed amendment to the Town's zoning map is consistent with the Town's current comprehensive plan and any other adopted plan(s) of the Town that are applicable because of the following from Boone Next:

Goals & Policies

Policy 1.1.1: Use the Future Land Use Map: Use the Future Land Use Map to guide development, growth, and conservation decisions. Additionally, use the Focus Area Plans for more detailed policy direction within each of those areas.

Policy 1.5.1: Manage Growth to Balance Protection of Community Character and Natural Areas While Directing Desired Growth to Identified Centers: The town will manage growth in a manner that balances the protection of community character and natural lands while accommodating future population. Change in the community will be carefully managed to protect critical natural lands, provide a variety of housing options for a diversity of households, support economic development, support fiscal balance,

ensure adequate public safety services, and utilize growth patterns that support regional and local transit services. Lands within the town's current corporate limits are priorities for infill and redevelopment. New development areas contiguous with the town and in identified activity centers should be secondary priorities for development and ahead of areas outside centers.

Policy 1.5.2: Guide Utility Service Extensions and Annexations Using the Utility Service and Annexation Criteria: Use the Utility Service and Annexation Criteria of this chapter to evaluate applications for annexation of lands into the town and extension of public utilities to new areas. These criteria serve as the primary guide for making annexation and utility extension decisions. The criteria provide a framework for ensuring decisions are made consistently and in accordance with the Comprehensive Plan. They are complemented by the Growth Management Tiers Map.

Goal 4.2: High Quality Public Services and Facilities: Boone will provide high quality public services and facilities that meet the needs of all Boone residents.

Policy 4.2.1: Maintain and Improve Levels of Service: As the population grows, ensure high quality services and infrastructure are maintained or improved. Support improvements especially within areas of need through strategic planning, community benefits agreements, bonds, and the capital improvements program.

Chair Veno wished to amend the motion to include:

Planning Principle 1: Prioritize thoughtfully designed development of underutilized land within the town's existing built-upon areas over development of undeveloped land on the town's outer limits.

Planning Principle 2: Emphasize quality design to create an attractive, inspiring public and private realm-architecture, streetscape, corridors, gateways, and edges-that is uniquely Boone.

Planning Principle 3: Encourage compact, human-scale development that integrates a vertical mix of uses (residential, commercial, office, institutional, civic, etc.) and connects with existing developed areas.

Chair Veno stated that this request also aligned with the Growth Management Tiers Map.

Commission Member Mileski accepted the amendment.

The motion was seconded by Chair Veno.

Chair Veno offered another amendment to the motion to add the following condition:

1. The Town shall install a sidewalk from the building to Hwy 421 when pedestrian infrastructure along 421 exists.

Commission Member Mileski accepted the amendment.

Vote: Aye – 5
Nay – 0

The motion passed.

Vote 2

Chair Veno made a motion, seconded by Commission Member Kight, that the Planning Commission recommends approval of Ordinance #A26-0074 within Staff Report Exhibit C and approval is reasonable and in the public interest because this project is sorely needed and overdue as the current facility has outlived its usefulness and practicality and is an aesthetically unpleasing edifice on King Street. The recommendation is subject to the following conditions agreed upon by the applicant:

1. The Town shall install a sidewalk from the building to Hwy 421 when pedestrian infrastructure along 421 exists.

Vote: Aye – 5
Nay – 0

The motion passed.

Other Matters

There were no other matters discussed.

Adjournment of Planning Commission

Commission Member Kight made a motion to adjourn the meeting at 10:28 pm. Commission Member Paz-Miranda seconded the motion.

Vote: Aye – 5
Nay – 0

The motion passed.

Frank Veno, Planning Commission Chair

Brenda Henson, Board Clerk

**TOWN COUNCIL AND PLANNING COMMISSION
CONTINUED PUBLIC HEARING AND PLANNING COMMISSION MEETING MINUTES
WEDNESDAY, APRIL 8, 2026, 9:00 AM
1500 BLOWING ROCK ROAD**

COUNCIL MEMBERS PRESENT: Mayor Dalton George, Mayor Pro Tem Todd Carter, Anne Pruitt, Virginia Roseman, and Adrian Tait

PLANNING COMMISSION MEMBERS PRESENT: Chair Frank Venio, Garrett Kight, Declan King, Michael Mileski, and Frida Paz-Miranda

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

OTHER TOWN STAFF OR REPRESENTATIVES PRESENT: Todd Moody-Public Works Director, Shane Robbins-Police Major, Lane Moody-Downtown Development Director, George Santucci-Sustainability and Special Projects Manager, Guy Miller-Finance Director, Dale Presnell-Interim Town Manager, and Allison Meade-Town Attorney

Call to Order

Mayor George called the Town Council to order at 9:01 a.m. and announced the continuation of the March 23, 2026, Public Hearing/Planning Commission meeting. The meeting was held in the Town Council Chambers at 1500 Blowing Rock Road, Boone.

Moment of Silence

A moment of silence was observed.

PUBLIC HEARING

Case A26-0067 Taft-Mills Group, LLC (Hemlock Ridge Trace Apartments) – Conditional District Zoning Map Amendment

Taft-Mills Group, LLC has submitted a Conditional District Zoning Map Amendment application to rezone property located on the corner of US Hwy 421 S and Yosef Drive (Watauga County PINs: 2911-70-9321-000, 2911-80-0228-000, and 2911-80-2433-000) from B3 General Business to Conditional District R3 Multiple-Family Residential with a site-specific development plan for Use 1.13 Multi-Family Dwelling (>100 bedrooms).

Amy Snider, Commercial Zoning Administrator, introduced the case. She stated that the applicant submitted elevations last week, which were included in the meeting packet as Applicant Exhibit 8. Ms. Snider noted that the applicant was requesting an extension of the two-year vesting period to four years.

Ms. Snider introduced Nate Broman-Fulks from the Taft-Mills Group. Mr. Broman-Fulks thanked the Council and Commission for taking their tight tax credit timeline and deadlines into consideration by fitting them on this agenda. He stated that since the March meeting, his team had worked to create and finalize the renderings and elevations to present to the Council and Planning Commission so they could get a good sense of the development's look and feel. Mr. Broman-Fulks noted that the property was at the entrance to Boone, along a gateway corridor, so they wanted a product everyone could be proud of. He stated that McMillan Pazdan Architects were hired to tailor the design to Boone by using different building materials throughout the buildings. He noted that the buildings would be brick and fiber cement, Hardi-Plank, with multiple colors to break up the buildings. The different articulations would provide depth and help the

development fit in with the surrounding area and Boone's culture and style. Mr. Broman-Fulks noted the site's walkability, with the path in front. A safety concern for children playing was expressed at the previous meeting, and they had addressed that by incorporating vegetation and landscaping and two knee walls, one closer to the building, and one closer to Hwy 421, providing multiple layers of safety measures for families. Another area of concern at the public hearing was the retaining wall. Mr. Broman-Fulks stated that there would be multi-layered textured walls with landscaping around them to help them blend in.

Mr. Broman-Fulks noted that the playground and covered picnic areas were located in the development's interior courtyard. Also located internally was the retaining wall for which they were seeking a deviation to allow a height of 10 feet instead of 8 feet. He stated that they were planning to terrace the wall in multiple layers and provide landscaping around it. He added that they were also considering mechanically stabilized earth walls that could help minimize the height and the need for concrete or pavers. Mr. Broman-Fulks explained that they might be able to keep the wall within the required eight-foot height, but requested the deviation to allow a ten-foot height in case they were not. He added that he did not believe this wall would be visible from Hwy 421.

Mr. Broman-Fulks stated that this was an incredible and rare opportunity to provide a very high-quality, long-term, affordable housing development in an area that called for growth. He felt that this was exactly the kind of development that Boone Next called for, in the exact location that it wanted.

Mayor Pro Tem Carter stated that there were several larger retaining walls already in this area. He felt that the renderings were fantastic and depicted a development that would fit in with its surroundings. He added that affordable housing was desperately needed. Mayor Pro Tem Carter stated that it was hard to build in Boone without retaining walls.

Council Member Pruitt appreciated the graphics because they provided the visual that they did not get to see at the last hearing. She stated that she liked the outdoor spaces and the balconies.

Council Member Roseman asked how many one-bedroom, two-bedroom, and three-bedroom units were proposed. Mr. Broman-Fulks replied that there would be 15 one-bedroom units, 65 two-bedroom units, and 15 three-bedroom units. Council Member Roseman noted that information in the meeting packet stated the buildings would be three stories; however, the renderings depicted them as four-story buildings. Mr. Broman-Fulks explained that the buildings would be three stories from the interior grade and four stories from the Hwy 421 side, meaning the buildings would be three stories with a basement. Council Member Roseman asked if the basement level of each building would contain living units. Mr. Broman-Fulks replied that each basement level would contain living units.

Council Member Tait felt that the proposed development met a lot of the town's needs. He appreciated the inclusion of public spaces for kids to play and residents to gather.

Commission Member King felt that the proposed development was a home run, not just a base hit.

Council Member Roseman stated that the Town Council and Planning Commission received a letter from a community member noting that the buildings were not facing the main road. She noted that, looking at the plans, the front and back of the buildings look almost identical. Council Member Roseman felt that the applicant had met the spirit of the ordinance by designing the buildings so that the view from Hwy 421 did not appear to be the backs of buildings.

Mayor Pro Tem Carter added that he never wanted the development's entrance to be on Hwy 421. He felt that having the entrance on Yosef Drive and orienting the buildings that way looked appealing.

Council Member Roseman asked whether a stoplight would be installed at this intersection, given the increased population. Mayor George replied that it was noted at the first hearing that the proposed development did not require a transportation impact analysis. Brandon Wise, Deputy Director of Planning & Inspections, added that he believed that discussion from a previous development had led to the conclusion that a light at this intersection would create overlap with the light at the Industrial Park intersection.

There were no public comments.

With nothing further, Mayor George recessed the Town Council at 9:20 a.m. to allow the Planning Commission to make recommendations on the case.

Dalton George, Mayor

Brenda Henson, Board Clerk

Frank Veno, Planning Commission Chair

PLANNING COMMISSION MEETING

Discussion and Recommendation on Case(s) Heard at the Public Hearing

Case A26-0067 Taft-Mills Group, LLC – Conditional District Zoning Map Amendment

Taft-Mills Group, LLC has submitted a Conditional District Zoning Map Amendment application to rezone property located on the corner of US Hwy 421 S and Yosef Drive (Watauga County PINs: 2911-70-9321-000, 2911-80-0228-000, and 2911-80-2433-000) from B3 General Business to Conditional District R3 Multiple-Family Residential with a site-specific development plan for Use 1.13 Multi-Family Dwelling (>100 bedrooms).

Commission Member Mileski stated that the development did a good job of blending in with the existing site and the surrounding building context, especially the strip mall adjacent to the property.

Commission Member King stated that he lived in this area and would be thrilled to have this project as a neighbor.

Chair Veno felt that the orientation of the buildings was appropriate in this case. He was appreciative of the development providing affordable housing.

Mr. Wise reminded Commission members of the extended vesting requested, which would allow the applicant to receive their tax incentives. He noted that the four-year vesting would need to be part of the Planning Commission's recommendation to the Town Council.

Vote 1

Commission Member King made a motion that the proposed amendment to the Town's zoning map is consistent with the Town's current comprehensive plan and any other adopted plan(s) of the Town that are applicable, with the allowance of a four-year vesting period, because of the following from Boone Next:

Goals & Policies

Policy 1.6.1: Support permanently affordable housing for low- and middle-income residents geographically located throughout the town. Prioritize permanent affordability, particularly for those at or below 60 percent of the area median income, through community land trusts, nonprofit ownership and management, the Housing Authority, town ownership, and restricted deeds and covenants. Consider programs that fund home improvements for low income homeowners in exchange for right of first refusal to purchase homes for affordable housing partners.

Policy 1.6.3: Diversity Boone's Housing Options: Promote a variety of housing types as well as housing tenure options around Boone. While the town should continue to build single-family, townhome, and multifamily buildings, explore other types of well-designed and contextually compatible housing, such as quadplexes and small-scale multiplexes. The town can use creative tools, like zoning "opt-in" districts, to ensure additional densities come with public benefits like income-restricted units. Also, support alternative housing tenure options like the community land trust model and cooperative housing. Unless Boone's rugged terrain precludes it, consider the use of pre-approved blueprints to reduce construction costs while ensuring high quality building designs and materials.

Policy 4.4.3: Promote Smart Growth: Ensure new growth and development is fiscally balanced in the long run while directing more growth to areas with existing services and infrastructure. Some types of developments and land uses are necessary to the social needs of the town and do not necessarily directly improve the town's fiscal balance, such as recreation and cultural facilities or affordable housing. Encourage compact development that can be more efficiently served, especially as indicated on the Future Land Use Map.

The motion was seconded by Commission Member Paz-Miranda.

Vote: Aye – 5
Nay – 0

The motion passed.

Vote 2

Commission Member King made a motion, seconded by Commission Member Mileski, that the Planning Commission recommends approval of Ordinance #A26-0067 within Staff Report Exhibit B, and approval is reasonable and in the public interest because this development offers a unique opportunity to provide affordable housing in a growth area. The recommendation is subject to the following conditions:

1. Where there is a conflict between the original application information and the plans (received on February 10, 2026), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO. For application elements not depicted on the plans but included in the written materials provided by the applicant and considered at the public hearings held on March 23 and April 8, 2026, those details shall be considered part of the approved plan except as may be specifically provided otherwise in these conditions or was represented otherwise by the applicant at the public hearings.
2. Any commitments and representations concerning the proposed development made by the applicant at the public hearing shall also become a condition of the permit and a basis for a stop work order and/or permit revocation if violated.
3. The applicant shall submit the necessary applications, plans, details, and specifications meeting the requirements of the Town Code, UDO, Building Code, and any other applicable codes for review and approval necessary to issue Zoning and Building Permits.

Vote: Aye – 5

Nay – 0

The motion passed.

Adjournment of Planning Commission

Commission Member Kight made a motion to adjourn the meeting at 9:28 a.m. Commission Member Mileski seconded the motion.

Vote: Aye – 5

Nay – 0

The motion passed.

Frank Veno, Planning Commission Chair

Brenda Henson, Board Clerk

**Staff Report
Public Hearing
April 27, 2026**

Case A26-0127 – Public Art (Murals) in the Historic District - UDO Text Amendment



Request.....	1
Conformity to Adopted Plans	1
Boone Next: Our Town, Our Future.....	1
Planning Board Report/Recommendations.....	4
Town Council Action Required – April 27, 2026	5
Ordinance #A26-0127	5
Exhibit A – Modified UDO Language.....	6

Request

Staff requests that Town Council review and consider adoption of a text amendment to UDO Articles 26, 34, and Appendix D (“Downtown Boone Local Historic District Design Guidelines and Handbook”) to modify and clarify the standards for public art, including murals, in the Downtown Boone local historic district.

Based on prior Certificate of Appropriateness cases heard by the Historic Preservation Commission (HPC) and prior discussion with Town Council concerning murals, Staff propose these amendments for two main purposes:

1. To provide more detailed guidance to applicants and the HPC when considering public art installation, including murals, in the downtown historic district; and
2. To allow the HPC to consider and approve mural installation in more circumstances in the downtown historic district, including on properties that are not “architecturally contributing” properties.

Conformity to Adopted Plans

Boone Next: Our Town, Our Future

Community Vision	Land Use and Development Vision
We will be a prosperous, livable, people-oriented mountain community modeling resilient growth that promotes and protects our natural resources with diverse housing options and dynamic economic opportunities. We will celebrate and build upon our community’s historic foundation to leave a sustainable and equitable town for future generations.	Grounded in its historic character, Boone will be a distinct pedestrian-oriented town that is affordable, livable, human-scale, and connected through a network of walkable, mixed-use corridors and activity centers.

Planning Principles: The Boone Next Planning Principles are intended, as a collective, to provide a core vision to guide planning, zoning, and development decisions. These principles should be carefully considered with respect to all zoning map amendments, ordinance text amendments, and other development decisions as well as other town planning and policy initiatives.

Planning Principle 2

Emphasize quality design to create an attractive, inspiring public and private realm— architecture, streetscape, corridors, gateways, and edges—that is uniquely Boone.

Public areas (streetscapes, sidewalks, parks, plazas, etc.) and private areas (building facades, landscaping, parking facilities, etc.) will be planned, arranged, and designed with quality materials to celebrate a sense of place and character by balancing function, appearance, and affordability, while fostering creativity, innovation, and human-scale design that is true to Boone.

Planning Principle 6

Continue supporting Downtown Boone’s vibrant mix of businesses, residences, retail, restaurant, entertainment, and civic uses, while preserving its cherished distinctive human-scale character.

As the historic and civic heart of Boone, Downtown will be a focus and model for thoughtful design efforts aimed at strengthening community and placemaking.

- New development in Downtown Edge areas will be compatible with downtown’s historic human-scale feel and help strengthen the town’s gateways into downtown.
- New buildings should frame streets with well-designed permeable edges, develop new civic spaces, and create “outdoor rooms” where possible – places that are comfortable, interesting, and inviting to people for leisure and gathering.
- New outdoor parks and plazas can contribute to placemaking and economic development.

Planning Principle 11

Continue to preserve and enhance Boone’s historic buildings and places.

Historic preservation is fundamental to maintaining our cherished small town character, contributing to residents’ quality of life, and remembering our history. Build upon downtown’s status as Boone’s social and civic center and create additional compelling public spaces to foster interaction among residents.

Preserve and encourage stewardship of historic buildings. Encourage development of vacant spaces to meet the needs and desires of a diverse community.

Goals & Policies

Chapter 1 Land Use and Development

Goal 1.3 A PRESERVED HERITAGE

Boone’s unique architectural and cultural history is celebrated. The town preserves historic buildings and encourages the design of new buildings and places that complement its architectural heritage.

Policy 1.3.1: Support Preservation of Historic Properties and Districts

Support identification, stewardship, and preservation of historic and culturally valuable properties and Boone’s historic districts, including features of both the private and the public realm.

Policy 1.3.2: Minimize Impacts on Existing Historic Resources

Historic and cultural resources should be considered when planning for capital projects. Adverse impacts from capital projects on historic resources should be avoided, or minimized and mitigated.

Policy 1.3.3: Reference Historic Patterns in New Development

Design of new development should reference existing historic context and patterns while recognizing the importance of neighborhoods that feature a variety of building types.

Goal 1.7 A CREATIVE AND ARTISTIC TOWN

Boone leverages the arts and supports creative public places and spaces within its physical built environment.

Policy 1.7.1: Incorporate Art into New Construction

Incorporate art into new public and private development, civic spaces, gateways, and infrastructure projects. Ideally art should be interactive, educational, and allow the community to engage with it.

Policy 1.7.2: Use Art in Demonstration Projects

Support and carry out demonstration projects, especially using art, to test and display building and transportation retrofit opportunities. This could include “pop- up urbanism” that temporarily tests new types of infrastructure changes, like neighborhood bulb-outs and bicycle lanes, using art, such as colorful paint on pavement, creative physical barriers, and other ideas.

Policy 1.7.3: Use Artistic Gateways and District Indicators

Enhance gateways between different parts of town with art and incorporate art into infrastructure like sidewalks, street grates, utility boxes and poles, and private buildings and spaces. Support art corridors that use a combination of artist studios and artistic infrastructure to create inspiring placemaking.

Goal 3.4 INNOVATION THROUGH ARTS, CULTURE, AND CREATIVITY

Boone is a place where art, culture, and creativity nourishes the mind and body as well as supports livelihoods.

Policy 3.4.1: Support Growth with the Existing Arts Community

Capitalize on Boone’s existing arts infrastructure to strengthen the town as a center for art and culture. Support arts districts and corridors.

Policy 3.4.2: Arts Incubation

Consider an incubator space for local entrepreneurs, artists, and musicians.

Policy 3.4.3: Incorporate Art into Public and Private Projects

Support public art in public infrastructure projects. Incorporate public art into new development projects of a certain size. Promote hiring of local artists for public art in public and private projects.

Goal 4.1 LOCAL GOVERNANCE THAT IMPLEMENTS THE COMMUNITY’S VISION

Local government is easy to understand, navigate, and engage with. Local policies and actions advance the long-term best interests of the community.

Policy 4.1.2: Proactive Community-Driven Planning

Promote ongoing, community-driven neighborhood and small area planning that delivers area-specific targeted zoning, capital investment, and programmatic solutions throughout Boone.

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 Unified Development Ordinance ☐is OR ☐is not consistent with the Town's current comprehensive plan and any other adopted plan(s) of the Town that are applicable because:

Note 1

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

Vote 2: The Planning Commission recommends ☐approval OR ☐denial of Ordinance #A26-0127 within Exhibit A and ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

Note 2: briefly explain why, factors may include the benefits and detriments to the landowners, the neighbors, and the surrounding community; why the action taken is in the public interest; and any changed conditions warranting the amendment.

Town Council Action Required – April 27, 2026

No Council action is anticipated at this meeting. Final consideration would occur at a future Town Council meeting (anticipated to be May 27, 2026) upon receipt of the Planning Commission’s recommendations.

Ordinance #A26-0127

ORDINANCE # A26-0127

AN ORDINANCE TO REVISE THE UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the Boone Town Council desires to modify standards for murals in the UDO and for public art installations in the Downtown Boone local historic district, and

WHEREAS, the Boone Town Council held a duly-noticed public hearing on April 27, 2026 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 Town Council finds that adoption of this ordinance is in the best interest of the Town and its citizens, protecting and encouraging historic preservation while also providing flexibility for installation of valuable public art where appropriate; 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. 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 _____, 2026.

The Honorable Dalton George, Mayor

Attest:

Nicole Harmon-Church, Town Clerk

Exhibit A – Modified UDO Language**Article 26 Signs**

...

26.06.05 Temporary or other signs requiring neither a permit nor registration

...

X. Murals

1. Murals shall be treated as wall signs and subject to the same regulations in Section 26.08, except as set forth in this section.
2. A mural shall not be treated as a sign, shall not require permitting, and shall be allowed without restriction as to size, if it meets the following criteria:
 - a. ~~3.~~ Murals shall be limited to the rear and secondary facades and shall not be allowed on any primary façade.
 - b. ~~4.~~ Murals are allowed to be applied only to wall surfaces. No mural or part of a mural is allowed on any part of any roof, fence, window, door, window trim, door trim, or other architectural feature.
 - c. ~~5.~~ Murals proposed for structures located in a historic district or landmark may require approval per historic district/landmark standards. This section is not intended to in any way modify the applicable requirements of the historic district/landmark.
3. Murals that include any brand name, product name, letters of the alphabet spelling or abbreviating the name of any product, company, profession, or business, or any logo, trademark, trade name, or other commercial message are considered advertising signs provided, a mural may have up to 5% of its total space dedicated to a logo, trademark, or tradename (but no other copy) and will not be considered an advertising sign.
4. A mural that is sponsored by the Town of Boone shall not be considered an advertising sign, but rather government speech, and is subject only to such conditions as the Town Council shall impose; provided, that the foregoing provision shall not be construed as exempting a Town-sponsored mural to be located in a historic district from any applicable requirements of the historic district standards.

...

Article 34 Definitions

...

Mural

Any mosaic, painting, or graphic art or combination thereof which is applied to a building wall (either directly or ~~by means of~~ one or more panels mounted to a building wall) and not interpreted to be advertising by the Administrator. ~~Murals that include any brand name, product name, letters of the alphabet spelling or abbreviating the name of any product, company, profession, or business, or any logo, trademark, trade name, or other commercial message are considered advertising signs provided, a mural may have up to 5% of its total space dedicated to a logo, trademark, or tradename (but no other copy) and will not be considered an advertising sign. A mural that is sponsored by the Town of Boone shall not be considered an advertising sign, but rather government speech, and is subject only to such conditions as the Town Council shall impose; provided, that the foregoing provision shall not be construed as exempting a Town-sponsored mural to be located in a historic district from any applicable requirements of the historic district standards.~~

...

Staff Note: Staff moved mural regulatory guidance from definition of signs to UDO Subsection 26.06.05(X) Murals to simplify mural related guidance.

...

Appendix D Downtown Boone Local Historic District Design Guidelines and Handbook

...

Commission Procedures

Elevation Definitions

Primary Elevation: The elevation generally ~~considered~~ ~~thought of~~ as the main facade ~~of a building~~ that faces the public street and that contains the building's primary pedestrian entrance; sometimes referenced as the "front elevation."

Secondary Elevation: ~~An~~The elevation that faces a public street or is plainly visible from a public street adjacent buildings and that may contain one or more additional pedestrian entrances other than the primary pedestrian entrance; sometimes referenced as the "side elevation."

Tertiary Elevation: ~~An~~The elevation(s) that does not face a public street and is generally not visible from public streets. This elevation typically includes posterior, exterior elevations, features, and land area; otherwise references as the "rear elevation."

...

Inventory Classifications

Properties in the historic district are classified as follows per the District Designation Report:

- CA: Contributes to the character of the district based on architectural significance of one or more structures on the property.
- CH: Contributes to the character of the district based on historical significance related to events or individuals associated with the property.
- NC: Non-contributing property, constructed outside of the district's period of significance from 1918 to 1964.
- VL: Vacant lot.

Staff Note: The District Designation Report includes classifications of the properties within the historic district, however, Appendix D does not include these same classifications. These classifications are to support the changes for murals.

...

Table of Minor Work and Major Work in the Historic District

Staff Note: The term “architectural features” is used though out Appendix D but was not consistent in description. A comprehensive definition has been created to correct this issue, thus lists after the term throughout the document are no longer needed.

Description of Work	Routine Maintenance	Minor Work (SOC)	Major Work (COA)
Architectural Features (not to include items specifically addressed in other categories) (may include but are not limited to cornices, friezes, medallions, sunbursts, brackets, bays, turrets, fascias, decorative moldings, quoins, columns, brickwork, string courses)			
In-kind repair/replacement of any existing architectural feature	X		
Addition, removal, or alteration of an architectural feature on tertiary elevation not visible from a public street		X	
All other alterations			X

...

Public Art			
In-kind repair/maintenance of previously-approved and installed public art	X		
Replacement of previously-approved and installed public art with artwork of essentially identical mass, proportions, and general features (e.g., a statue replacing a statue, or one mural design replacing another)		X	
New installation or substantial modification of public art in the local historic district			X

...

Residential Properties Within the District

1. Architectural Components and Details

- 1.1 It is important to preserve historical architectural features of exterior walls, ~~such as cornices, friezes, medallions, sunbursts, brackets, bays, turrets, fascias, and decorative moldings.~~ Original architectural details should always be retained if structurally feasible, even if portions of the original material are damaged or deteriorated to a point requiring replacement.

...

3. Masonry

- 3.9 All historic masonry architectural features ~~, including cornices, moldings, chimneys, and other decorative flourishes,~~ should be retained as they are integral to the architectural character and integrity of the building.

...

Commercial Properties Within the District

2. Architectural Components and Details

- 2.1 It is important to preserve character-defining, historical, architectural features of exterior walls ~~, such as cornices, friezes, medallions, sunbursts, brackets, bays, turrets, fascias, quoins, columns, brickwork, string courses, and decorative moldings.~~ Original architectural details should always be retained if structurally feasible, even if portions of the original material are damaged or deteriorated to a point requiring replacement. If original details are missing, design replacement features based on historic photos and other documentation.

...

4. Masonry

- 4.8 All historic masonry architectural features ~~, including cornices, moldings, chimneys, and other decorative flourishes,~~ should be retained as they are essential to the architectural character and integrity of the building.

...

Appendices

Glossary of Architectural Terms

...

Architectural Features – Architectural features mean the character-defining exterior components, finishes, and details of a building including, by way of example and without limitation: doors and windows (including casings, lintels, and sills), decorative trim, pilasters, cornices, storefront configurations, roof configurations, cast iron ornamentation, stone relief, porch railings, soffits, friezes, medallions, sunbursts, brackets, bays, turrets, fascias, quoins, columns, brickwork, string courses, decorative moldings, and chimneys.

...

Design Standards for Historic Streetscapes, Landscapes, Monuments, and Other Resources in the District

...

8. Signage

- 8.01 Sandwich boards, other temporary street signage, seating, and/or merchandise shall not be placed upon the public ways of the District or otherwise impede the pedestrian or traffic flow on those public ways.
- 8.02 Permanent signs in the historic district are to be historically appropriate for either a contributing or non-contributing building:

- A. Permanent signs of a non-contributing building 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.
- B. Permanent signs of a contributing building 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. In the case there is not photographic evidence of materials appropriate to the historic building, then the materials shall be appropriate to the materials in the historic district.

8.03 All signs are subject to the general sign regulations contained in the Town of Boone UDO.

8.04 Ghost Signs: Historic signs, such as ghost signs or those painted on side walls, should be preserved and/or restored whenever reasonably possible in the historic district. It is not appropriate to alter, obscure, or remove an existing ghost sign.

- A. If a ghost sign is discovered on a building's exterior, the ghost sign should be restored by repainting and reapplying, using materials and exterior applications (paints) that are appropriate to historic building materials, as referenced in Subsection 11.03 herein. The ghost sign should be researched and evidence submitted to support the scope of the ghost sign restoration. Any application to restore a ghost sign must follow the guidelines for murals in Subsection 11.03 herein.
- B. Generally, restoring a ghost sign extensively with touchups or overpainting where the ghost sign looks new is not appropriate as it create a false sense of history.

...

~~11. Public Art Standards in the Downtown Boone Local Historic District~~

~~In the historic district, public art refers to works of art that are placed or created outside and intended for public appreciation. Such artworks include, but are not limited to, sculptures, monuments, murals, and mosaics. Functional aspects of streetscapes and landscapes, such as bridges, benches, and fencing may provide opportunities for artistic expressions and in certain situations will be evaluated as public art.~~

~~11.1 — Public art installed in the Downtown Boone Local Historic District is to be reviewed by the Historic Preservation Commission for a Certificate of Appropriateness (COA). The HPC does not consider the content, subject matter, or style of any public art. The COA review is concerned with the mass, height, scale, durability, materials, method of installation, and placement of artwork. Artwork is reviewed with respect to these factors to determine if the artwork is congruous with the character of the historic district and the values of historic preservation served by the historic district.~~

~~11.2 — The HPC will be focused on the following factors:~~

- ~~The proposed artwork's relationship to character-defining façades or features (such as doors and windows) of a historic building or other structure.~~

- ~~The proposed artwork's placement within a historic streetscape or landscape~~
- ~~The proposed artwork's physical impact on historic materials~~
- ~~The proposed artwork's height, scale, and massing as it relates to the historic setting.~~

11.3 ~~The following standards shall generally apply to proposed public artwork:~~

- ~~Artwork should be placed only in locations that do not compromise or detract from the architectural integrity or historic character, design, or materials of the building, site, or district.~~
- ~~Artwork should be placed only in locations that do not materially obstruct or otherwise interfere with the view of historic structures or vistas.~~
- ~~Artwork should not permanently or irreversibly alter the historic character of nearby historically significant buildings or landscapes.~~
- ~~Wall-mounted artwork, including murals, mosaics, or metal installations, should be placed only in locations that do not compromise or diminish the overall design, architectural features, or pattern of the building, site, or district. Wall-mounted artwork may be placed on previously unpainted surfaces by methods of attaching the art to the surface without causing harm to the structure.~~
 - ~~Murals may not be placed around or on windows, doors, pilasters, cornices, building trim, roof lines, and other recessed or projecting features. Murals are appropriate for expanses of wall surfaces otherwise without significant architectural detail. The top of the mural shall not be higher than the roofline of any building.~~
 - ~~Murals are permitted only on flat walls where a reasonable amount of open space is available to accommodate an appropriately-sized mural.~~
 - ~~Previously unpainted surfaces should not be painted. Murals may be painted directly onto a wall surface only if the surface was previously painted. Consideration of the type of paint material that may be required will be location- and district-specific and considered on a case-by-case basis.~~
 - ~~It is preferred that wall-mounted artwork be installed on non-historically significant structures. Non-historically significant structures are those that were constructed after the local historic district period of significance from 1918 to 1964.~~
- ~~Artwork should be installed so that it does not conceal, result in damage to, or remove historical details or features.~~
- ~~Artwork should have an appropriate massing in relation to the building, site, or district, and be scaled appropriately for the intended space.~~
- ~~The colors and color palette of artwork is not regulated, except that neon colors are not allowed.~~
- ~~Artwork should consist of traditional materials including wood, stone, masonry, or metal that are durable for exterior installation and compatible with the character of the building, site, or district. It is not appropriate to introduce artwork in contemporary materials including plastic or resin.~~

- ~~Installation of artwork should include methods of stabilization or attachment that are fully reversible and do not cause damage to historic buildings, sites, or materials.~~
- ~~Installation of artwork that includes additional features such as signage, mounting hardware, or lighting should be of compatible materials and should, as appropriate, be installed to be unobtrusive and screened from view as much as possible.~~
- ~~Historic signs, such as ghost ads or those painted on side walls, should be preserved in the historic district.~~
- ~~Artwork should be maintained and repaired as required by the nature of the materials to preserve the appropriate appearance and safety of the artwork. Artwork should be regularly inspected for signs of vandalism and deterioration. When repairs are necessary, use industry best practices and the gentlest available treatments.~~
 - ~~Previously approved and installed artwork may be replaced with another piece of similar artwork (e.g., a statue replacing a statue, or one mural design replacing another) without need for further approval, so long as general features including mass, scale, durability, method of installation, and placement of the art are not significantly altered and the replacement artwork does not include any new feature that is inconsistent with the standards set forth in this section.~~
 - ~~Any removal of artwork will be evaluated to determine if such removal will damage any historic features artwork is directly placed on, or historic features in close proximity.~~

~~11.4 Historical markers, interpretive signage, and public art that is either (i) located on property owned, controlled or maintained for public use by the Town within a historic district or within the boundaries of a publicly owned landmark or (ii) funded in whole or in part by the Town must be approved by Town Council and shall be exempt from the COA process.~~

- ~~However, at least 30 days prior to consideration for approval by the Town Council, the proposed historical marker, interpretive signage, and/or public art shall have been considered by the HPC in its advisory capacity with respect to (i) applicable district or landmark standards regarding size, form, massing, materials, and placement, (ii) historical accuracy and appropriateness of the content, and (iii) any other factors, including but not limited to aesthetic considerations, that the HPC deems relevant. The HPC shall forward the results of its review to Town Council. Town Council may consider approval of such historical marker, interpretive signage, or public art within 45 days of consideration by the HPC, regardless of whether or not HPC has submitted the results of its review by that date.~~
- ~~By way of clarification, public art on public property owned or controlled by public authorities other than the Town is not intended to come within the exemption of this subsection 11.4.~~

~~11.5 In order to protect, preserve, and maintain existing monuments located on both public and private property, both the Town of Boone and private property owners should:~~

- ~~Preserve, protect, and maintain the existing historic landforms, topography, and landscape features—including fences, walkways, gates, trees and other plantings, memorials, monuments, and markers—associated with these resources.~~
- ~~Avoid the use of chemical treatments, landscape equipment, fertilizers, and earth-moving devices that are known or likely to result in damage to the historic fabric of these monuments.~~
- ~~Stabilize leaning or loose monuments and prioritize the appropriate restoration of damaged or missing elements of these resources using standards developed by the Secretary of the Interior for the preservation of such resources.~~
- ~~Before treating any type of masonry, correctly identify the materials and document their condition. During treatment, avoid the use of hard mortars on weathered masonry, and treat corroding metal anchors and fences to avoid further damage to masonry elements.~~
- ~~When vandalism occurs, store broken or damaged elements on site or in a secure location nearby until restoration can occur. Take care to label the broken or damaged elements (without further damaging them) to ensure that they are not misplaced or forgotten.~~
- ~~If cleaning of monuments is pursued, use the gentlest procedures available and consult a masonry conservator before using any chemical cleaners. Household products, including bleach, lye, ammonia, and similar items, should never be used.~~

11. Public Art Standards

11.01 Overview: Public art refers to works of art that are installed or created outdoors and intended for public appreciation, including those visible from alleys, sidewalks, and streets, or other public rights-of way. Public art may include, but is not limited to sculptures, monuments, mosaics, murals, and other artistic expressions. Functional elements of a streetscape or landscape, such as bridges, benches, railings, retaining walls, fencing, or other site features may also serve as opportunities for artistic expression, and when designed with artistic intent, may be evaluated as public art.

11.02 Review Procedures: Public art requires review to ensure compatibility with the historic character of the district or landmark.

A. HPC Review (COA Required): Unless exempt as provided below, public art installation in the downtown historic district or on a landmark property must be reviewed by the HPC for a COA. The HPC does not evaluate the content, subject matter, or artistic style of the proposed work. In conducting its review, the HPC shall consider the following factors:

- 1. Relationship to Character Defining Features:** The HPC shall evaluate how the artwork affects or interacts with character-defining facades or features, including doors, windows, and decorative features.
- 2. Streetscape/Landscape Placement:** The HPC shall assess the visual and spatial impact of the artwork on the surrounding historic streetscape, landscape, and public views.

3. **Physical Impact on Historic Materials:** The HPC shall determine whether installation or attachment methods may damage or alter historic building materials or site features.

4. **Congruity with District Character:** The HPC shall consider whether the mass, height, scale, and installation method of the artwork are congruous with the overall character of the district or landmark.

B. Town Council Review (COA Exempt):

1. **Exemption from the COA Review:** Public art located on Town property or funded by the Town requires review and approval by Town Council and is exempt from the COA review.

2. **HPC Advisory Review:** Prior to final Town Council consideration of a COA-exempt public art proposal, the HPC shall review the proposal in an advisory capacity and provide comments to Town Council as to size, form, massing, scale, materials, placement, historical accuracy, and any factors deemed relevant, which may include artistic expression.

11.03 General Standards

A. Public art shall be placed in locations that complement and enhance the qualities of the landmark property or district (as applicable). Installation and placement should preserve, protect, and maintain existing historic landforms, topography, and landscape features including fences, walkways, gates, trees and other plantings, memorials, monuments, and markers associated with these resources.

B. Public art placement should take into account the visibility of the artwork from adjacent locations.

C. Artwork shall not damage, remove, cover, or obscure from view historic features or materials of the building or adjacent properties, including the ability to visually interpret the building's history (i.e., the ability to identify the additions or other changes to the building).

D. Artwork shall not damage, remove, cover, or obscure building material features, such as brick or stone masonry, concrete masonry materials, or other siding facade materials.

E. Artwork must be appropriately scaled and proportioned in relation to the building and adjacent properties.

F. Artwork shall not extend above the roofline of the building or adjacent buildings.

G. The color palette of artwork is not regulated, but neon, fluorescent or reflective colors are prohibited.

11.03.01 Installation

A. Artwork must be installed and attached in a manner that is fully reversible.

- B. Artwork, including murals painted on panels mounted rather than painted directly on a building façade, must be attached through mortar joints where mortar joints are present. On surfaces without mortar joints, attachment methods must avoid damaging historic materials. In all cases, an air gap must be maintained between the artwork and the facade to prevent moisture retention and allow water to drain.
- C. Artwork materials must be durable for exterior use, high-quality, and compatible with the district or landmarks character including wood, stone, masonry, or metal. Contemporary materials such as plastic and artificial stone are not appropriate.
- D. Accessories such as mounting hardware or lighting must consist of compatible materials (if visible) and screened from public view where possible.
- E. When artwork locations or surfaces need to be prepared prior to installation, power washing, water blasting, or any abrasive cleaning techniques are not appropriate.
- F. Mural installation and other wall applications such as waterproof coatings or similar applications on masonry buildings must be vapor permeable and must follow the standards in Appendix D Subsection Masonry 4.4 for Commercial Properties.

11.03.02 Replacement of Previously Approved Artwork: With the exception of murals, previously approved and installed artwork may be replaced with a similar piece (such as a statute replaced with another statute), upon application for and approval of a Statement of Conformity, provided that the mass, scale, durability, installation method, and placement are not significantly altered and no new features conflict with the standards in this section.

11.03.03 Maintenance:

A. General Maintenance Standards

- 1. Public art must be maintained and repaired as needed to preserve its appearance and safety, based on the durability and composition of selected materials.
- 2. Regular inspections for vandalism and deterioration are encouraged.
- 3. Repairs should follow industry best practices and the gentlest effective treatments, consistent with Secretary of the Interior’s Standards for Rehabilitation.
- 4. Removal of artwork must return the building or site to condition prior to installation.

B. Monument Maintenance: In addition to the standards in subsection A above, the following apply specifically to monuments:

- 1. Avoid chemical treatments, landscape equipment, fertilizers, and earth-moving devices that may damage the monument.
- 2. Stabilize leaning or loose monuments and prioritize appropriate restoration of damaged or missing features using the Secretary of the Interior’s Standards for Rehabilitation.

3. Before treating masonry, correctly identify the materials and document their condition. Avoid hard mortars on weathered masonry and treat corroding metal anchors and fences to prevent further damage.
4. When vandalism occurs, store broken or damaged features on site or in a secure location nearby until restoration can occur and label the components carefully to prevent loss or misplacement.
5. When cleaning is necessary, use the gentlest procedures available and consult a masonry conservator before applying any chemical cleaners. Household products, including bleach, lye, ammonia, and similar items, should never be used.

11.03.04 Murals:

A. The Historic Preservation Commission (HPC) shall consider applications for mural installation based upon the general guidance provided in subsections above, and based upon the guidance set forth in the following table. The following table is intended to provide additional guidance specifically for murals; but it is not intended as a checklist compelling approval of a proposed mural installation where guidance is met. The HPC must consider the broader principals set forth above and the overall effects of a proposed mural on the property, adjacent resources, and the overall district.

B. Table of Guidelines for the Historic Preservation Commission's Consideration of Murals:

Property types are as follows:

NC: Non-contributing or previously vacant land (VL) properties*

CH: Historically contributing properties*

CA: Architecturally contributing properties*

LM: Locally designated landmark properties within Town limits

* Property classifications as defined in UDO Appendix D Inventory Classifications

<u>Property Designation:</u>	<u>NC</u>	<u>CH</u>	<u>CA</u>	<u>LM</u>
<u>Mural Locations: Buildings</u>				
<u>Murals may not extend beyond the roofline; paint may not cover roof features.</u>	●	●	●	●
<u>Murals may only be installed on previously painted secondary (side) and tertiary (rear) elevations.</u>		●	●	●
<u>Murals may be installed on secondary (side) and tertiary (rear) elevations (painted or unpainted).</u>	●			
<u>In unusual and carefully considered circumstances, a mural may be appropriate on the primary elevation.</u>	●	●		
<u>Murals may be installed only on smooth surfaces, and not on walls with siding features such as lap, bevel, or board and batten detailing or split-faced stone.</u>	●	●	●	●
<u>Mural Locations: Retaining Walls and Other Structures</u>				

<u>Property Designation:</u>	<u>NC</u>	<u>CH</u>	<u>CA</u>	<u>LM</u>
<u>In appropriate cases, murals may be installed on retaining walls on primary, secondary, or tertiary elevations. In some circumstances, depending on the materials of which the wall is constructed or other factors, murals may be appropriate on previously unpainted retaining walls.</u>	●	●	●	●
<u>Murals may be installed on other structures, including but not limited to mechanical screening or dumpster enclosures, when such features are on the secondary (side) and tertiary (rear) elevations.</u>	●	●	●	●
<u>Preserving Architectural Features</u>				
<u>Architectural features may not be painted. Generally, this means that murals may be located only on uninterrupted and smooth wall surfaces.</u>	●	●	●	●
<u>Murals may not engulf (surround) any architectural feature, partially or fully.</u>			●	●
<u>Concealed historic features (such as bricked-up or otherwise covered window and door openings) may be covered with a mural.</u>	●	●	●	●
<u>Mural Paints and Other Applied Coatings</u>				
<u>Murals must be painted using vapor-permeable paints that allow the underlying material to breathe and do not trap moisture. Paints that are appropriate include but are not necessarily limited to lime-wash paints, mineral-based paints, and acrylic latex paints. Any preparation for a mural installation should use these types of masonry appropriate primers.</u>	●	●	●	●



**Downtown Boone Local Historic District:
Property Classifications**

	Architecturally Contributing Properties in the Historic District
	Historically Contributing Properties in the Historic District
	Non-Contributing Properties in the Historic District
	Vacant Lots in the Historic District
	Buildings
	Parcels
	Historic District
	Local Historic Landmark Properties
	Pending Local Historic Landmark Properties

Staff Report
Public Hearing
April 27, 2026
Case A26-0125 – Legislative Update – UDO Text Amendment



Request.....	1
Conformity to Adopted Plans	1
Boone Next: Our Town, Our Future	1
Planning Board Report/Recommendations	2
Town Council Action Required – April 27, 2026	2
Ordinance #A26-0125	3
Exhibit A – Modified UDO Language.....	4

Request

Staff requests that Town Council review and consider adoption of a text amendment to UDO Articles 1, 4, 7, 9, and 34 to reflect legislative changes from the 2025 North Carolina General Assembly session.

Conformity to Adopted Plans

Boone Next: Our Town, Our Future

Community Vision	Land Use and Development Vision
We will be a prosperous, livable, people-oriented mountain community modeling resilient growth that promotes and protects our natural resources with diverse housing options and dynamic economic opportunities. We will celebrate and build upon our community’s historic foundation to leave a sustainable and equitable town for future generations.	Grounded in its historic character, Boone will be a distinct pedestrian-oriented town that is affordable, livable, human-scale, and connected through a network of walkable, mixed-use corridors and activity centers.

Policies of Goal 4.1 Local Governance That Implements the Community’s Vision

Policy 4.1.1: Continued Excellence in Transparency

Continue to make governance and government decision-making accessible and transparent to all residents.

Policy 4.1.4: Accessible and Understandable Documentation

Seek to make key Town documents, such as the annual budget and the capital improvements program, user-friendly and accessible to the general public.

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 current comprehensive plan and any other adopted plan(s) of the Town that are applicable because:

Note 1

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

Vote 2: The Planning Commission recommends ☐approval OR ☐denial of Ordinance #A26-0125 within Exhibit A and ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

Note 2: briefly explain why, factors may include the benefits and detriments to the landowners, the neighbors, and the surrounding community; why the action taken is in the public interest; and any changed conditions warranting the amendment.

Town Council Action Required – April 27, 2026

No Council action is anticipated at this meeting. Final consideration would occur at a future Town Council meeting (anticipated to be May 27, 2026) upon receipt of the Planning Commission's recommendations.

Ordinance #A26-0125**ORDINANCE # A26-0125****AN ORDINANCE TO REVISE THE UNIFIED DEVELOPMENT ORDINANCE**

WHEREAS, the Boone Town Council desires to modify UDO standards to reflect recent legislative changes, and

WHEREAS, the Boone Town Council held a duly-noticed public hearing on April 27, 2026 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. 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 _____, 2026.

The Honorable Dalton George, Mayor

Attest:

Nicole Harmon-Church, Town Clerk

Exhibit A – Modified UDO Language

Staff Note: Section 11 of the Regulatory Reform Act (Session Law 2025-94, House Bill 926) modifies NC General Statute §160D-601 to eliminate the waiting period for resubmitting a zoning map amendment, text amendment, development application, or request for development approval after an application has been withdrawn or denied.

Article 9 Amendments

9.09 Conditional Districts (CD)

...

9.09.02 Procedural Requirements

...

D. Decision:

1. If a petition for a CD zoning amendment is approved, a copy of the approval and all conditions relative to the approval, including site-specific development plan(s), shall be kept on file in the Planning and Inspections Department office. A copy of the approval will also be recorded with the Watauga County Register of Deeds.
- a. Should the vesting period for a CD approval terminate and expire as provided at section 4.13.05 herein, no subsequent use of the property shall be permitted until a new zoning map amendment is submitted and approved.

~~2. Should a petition for a CD be denied, then no new petition shall be considered within six (6) months of the date of the original denial.~~

Staff Note: Section 29 of the Regulatory Reform Act (Session Law 2025-94, House Bill 926) modifies the language regarding properties within split jurisdictions. The revision clarifies that regulations apply to multi-parcel development as a whole property rather than to individual parcels. Additionally, if no agreement exists between local governments, the property owner may choose to follow the regulations applicable to the majority of the total project property acreage. The language in UDO Subsection 1.05.03 and the definition in Article 34 (Landowner or owner) match NC General Statute 160D-203. The suggested change is to align the latest NC G.S. 160D amendment text with the referenced UDO sections.

Article 1 General Provisions

1.05 Jurisdiction

...

1.05.03 Split Jurisdiction. If a parcel of land lies within the planning and development regulation jurisdiction of the Town of Boone and Watauga County, the local governments may, by mutual agreement pursuant to Article 20 of Chapter 160A of the General Statutes and with the written consent of the landowner, assign exclusive planning and development regulation jurisdiction under this Ordinance for the land, including all development phases on the land, ~~entire parcel~~ to any one of those local governments.

A. In the event no mutual agreement or written consent under Subsection 1.05.03 exists, the landowner that is within the planning and development regulation jurisdiction of

more than one local government may elect the planning and development regulations of the local government where the majority of the total acreage of the parcel of land is situated.

A.B. Subsection 1.05.03 ~~Such a mutual agreement~~ shall only be applicable to planning and development regulations and shall not affect taxation or other non-regulatory matters. The mutual agreement ~~under Subsection 1.05.03~~ shall be evidenced by a resolution formally adopted by each governing board and recorded with the Watauga County Register of Deeds, ~~or in every county where the land is located,~~ within 14 days of the adoption of the last required resolution.

...

Staff Note: Section 29 of the Regulatory Reform Act (Session Law 2025-94, House Bill 926) revised language concerning vested rights and clarified the definition of “landowner or owner.”

Article 34 Definitions

...

Landowner or owner

All holders of record ~~The holder~~ of the title in fee simple. Absent evidence to the contrary, a local government may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as their agent or representative for the purpose of making applications for development approvals.

Staff Note: Several pieces of legislation regarded recovery efforts following Helene. Of those, Section 5.7 of the 2025 Recovery Act Part I (Session Law 2025-2, House Bill 47) creates a provision in effect until June 30, 2030 that allows for repairs and reconstruction of nonconformity residential structures. The suggested change is adding language as clarification since this provision is in effect for the next four (4) years.

Article 7 Nonconformities

...

7.07 Reconstruction of Nonconforming Residential Structures Post-Helene:

A. Until June 30, 2030, nonconforming residential structures may be reconstructed or repaired considering when all of the following criteria are met:

1. The structure shall not be enlarged beyond its original footprint.
2. The structure shall serve the same or similar residential use.
3. There are no alternatives for replacing the structure to provide the same or similar benefits to the structure owner in compliance with current law.
4. The structure will be reconstructed so as to comply with the Town’s current development regulations to the maximum extent possible.
 - a. By way of clarification, if a reconstruction or repair meets the foregoing criteria, the property owner is entitled to make the repair or reconstruction even if such repair or reconstruction would otherwise be prohibited by the Town’s unified

development ordinance, including zoning regulations, subdivision regulations, historic preservation or landmark regulations, or any other regulation adopted pursuant to Chapter 160D of the General Statutes or a local act or charter that regulates land use or development. However, any such repair or reconstruction must still comply with the following: any floodplain or flood damage prevention regulation, local regulation adopted pursuant to G.S. 143-138(e) (i.e., fire prevention code and floodplain management regulations) or adopted pursuant to the North Carolina State Building Code, erosion and sedimentation or stormwater control regulation adopted to comply with requirements of federal law, or, any other regulation adopted to comply with requirements of federal law.

5. If located in an area regulated by the Town pursuant to a floodplain or flood damage prevention regulation, the structure will be compliant with the regulation.
6. Reconstruction shall comply with any federal law requiring the Town's implementation and enforcement.

Planning Commission Chair/Vice-Chair Application

Town of Boone Planning & Inspections Department

680 W. King Street, Suite C ♦ Boone, North Carolina 28607

Phone (828) 268-6960 ♦ Email: planning@boonenc.gov ♦ www.townofboone.net



Board Member Information (Please see Board Secretary if needed for term information)

Name (Print):

Date Appointed:

Date Term Expires:

Number of Terms Served:

Position

Sought: ☐ Chair ☐ Vice-Chair

Questions

1. Orientation & Training

A. Have you completed the Planning Commission orientation?

☐ Yes ☐ NO

B. If no, are you willing to attend orientation (2-3 hour commitment) prior to participating as Chair or Vice-Chair?

☐ Yes ☐ NO

2. Comprehensive Plan & Other Adopted Plans

A. Are you familiar with the Town's current Comprehensive Plan and other adopted Plans as listed on the Planning and Inspections website under the "[Ordinances, Plans & Studies](#)" heading?

☐ Yes ☐ NO

B. If no, are you willing to take the time to review these documents in order to familiarize yourself with the intent and content of these plans prior to participating as Chair or Vice-Chair?

☐ Yes ☐ NO

3. Unified Development Ordinance

A. Are you familiar with the Town of Boone's [Unified Development Ordinance](#), specifically Articles 1 General Provisions, Article 2 Administrative Mechanisms, Article 4 Permits, and Article 9 Amendments?

☐ Yes ☐ NO

B. If no, are you willing to take the time to review these Articles in order to familiarize yourself with the intent and content of these Articles prior to participating as Chair or Vice-Chair?

☐ Yes ☐ NO

4. Robert's Rules of Order

A. Are you familiar with Robert's Rules of Order?

☐ Yes ☐ NO

B. If no, are you willing to take the time to review this Guide in order to familiarize yourself with the intent and content prior to participating as Chair or Vice-Chair?

☐ Yes ☐ NO

5. Please explain why you wish to obtain this appointment:

S:\Boards\PC\Chair & Vice-Chair Application\PC_Chair&Vice-Chair_Application_04132026.docx