

**Town of Boone
Public Hearing
6:00 PM, May. 20, 2019
Council Chambers, 1500 Blowing Rock Road**

The appearance times contained within this agenda are approximate and are subject to change at any time. No agenda item will be started after 10:30 p.m. Remaining items will be addressed at a continuation meeting or will be tabled until the next available meeting.

I. Call to Order - Town Council

II. Call to Order - Planning Commission

III. Case PL02397-032719 James Bates - Conditional District Zoning Map Amendment Modification

Case PL02397-032719 Application Information (packet page 3)

Case PL02397-032719 Staff Report (packet page 17)

Case PL02397-032719 Staff Report Exhibit 1 (packet page 27)

Case PL02397-032719 Staff Report Exhibit 2 (packet page 29)

Case PL02397-032719 Staff Report Exhibit 3 (packet page 31)

Case PL02397-032719 Staff Report Exhibit 4 (packet page 32)

IV. Case PL02351-031319 Templeton/Glen Wilde - General Use Zoning Map Amendment

Case PL02351-0313 Application Information (packet page 35)

Case PL02351-031319 Staff Report (packet page 41)

V. Cases PL02452-041619 & PL02453-041619 Glen Wilde - General Use Zoning Map Amendment

Cases PL02452-041619 & PL02453-041619 Application Information (packet page 58)

Cases PL02452-041619 & PL02453-041619 Staff Report (packet page 62)

VI. Case PL02455-041619 Article 9 Public Hearing Process - UDO Text Amendment

Case PL02455-041619 Application Information (packet page 80)

Case PL02455-041619 Staff Report (packet page 81)

VII. Other Matters

VIII. Adjournment of Town Council

IX. Consideration of Cases Heard at the Public Hearing

X. Other Matters

XI. Adjournment of Planning Commission

Zoning/Planning Permit Application

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

PERMIT IS FOR (CHOOSE ONE):

- ☒ Single Family or Duplex (Residential)
☐ Commercial
☐ Board of Adjustment Hearing (other than Appeals)
☐ Planning/Other

A. CONTACT INFORMATION

Applicant: JAMES & JANET BATES Company: _____
Address: 298 Ridgewood Dr Boone NC 28607
Phone Number: 828 264-5429 Email Address: jnbates@gmail.com
Property Owner: same Company: _____
Address: _____
Phone Number: _____ Email Address: _____

B. PROPERTY INFORMATION

Watauga County Parcel Identification Number(s): 2910 6878 33000
Address/Location: 225 Delmar St
Project Name: _____

C. PERMIT SUBCATEGORIES

Additional Forms Needed

Zoning Permits

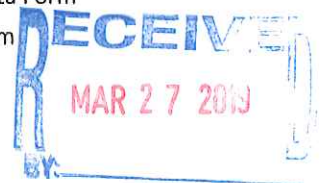
- | | |
|---|---|
| ☐ Accessory Building | *Zoning Project Data Form (Residential or Commercial) |
| ☐ Addition/Expansion including decks and patios | *Zoning Project Data Form (Residential or Commercial) |
| ☐ Change of Use | *Commercial Project Data Form |
| ☐ Land Disturbance (not associated with the construction of a bldg.) | *Zoning Project Data Form (Residential or Commercial) |
| ☐ Manufactured Home Set-up in Park | *Manufactured Home in Park Form |
| ☐ New Building Construction | *Zoning Project Data Form (Residential or Commercial) |
| ☐ Renovation/Remodel | *Zoning Project Data Form (Residential or Commercial) |
| ☐ Accessory Use (as listed in UDO Subsection 15.07.01) | *Zoning Project Data Form (Residential or Commercial) |
| ☐ Temporary Use (as listed in UDO Subsection 15.07.02) | *Zoning Project Data Form (Residential or Commercial) |
| ☐ Sign | *Sign Project Data Form (Zoning) |
| ☐ Pavement Sealant | *Pavement Sealant Project Data Form |
| ☐ Major Subdivision Zoning Permit | *Commercial Project Data Form |

Board of Adjustment Hearings

- | | |
|--|---|
| ☐ Special Use Permit/Modification | *Special Use Permit Form |
| ☐ Variance | *Variance Form |
| ☐ Major Subdivision Preliminary Plat Approval | *Major Subdivision Preliminary Plat Approval Form |

Planning/Other

- | | |
|---|--|
| ☐ Exempt Division of Land | *Subdivision Exemption Project Data Form |
| ☐ Minor Subdivision (Preliminary and Final Plat) | *Minor Subdivision Project Data Form |
| ☐ Major Subdivision (Final Plat) | *Major Subdivision Final Plat Project Data Form |
| ☐ UDO Text Amendment | *Text Amendment Project Data Form |
| ☐ General Use Zoning Map Amendment | *General Use Map Zoning Map Amendment Project Data Form |
| ☒ Conditional District Zoning Map Amendment | *Conditional District Zoning Map Amendment Project Data Form |
| ☐ Voluntary Annexation | *Annexation Petition (Satellite or Contiguous) |
| ☐ UDO Text Interpretation | *UDO Interpretation Data Form |



D. DETAILED DESCRIPTION OF PROJECT

Request to remove owner occupancy clause from previous zoning order. Case 20110547

E. PROJECT MANAGER DESIGNATION

A project manager is responsible for the activities listed in UDO Section 4.19. Single-family and two-family projects involving less than ½ acre of land disturbing activity or commercial site improvements that involve no more than 2,500 square feet of land disturbing activity are exempt from this requirement.

Name: _____ Company: _____
 Address: _____ License #: _____
 Phone Number: _____ Email Address: _____

F. DESIGN PROFESSIONAL INFORMATION**Engineer:**

Name: _____ Company: _____
 Address: _____ License #: _____
 Phone Number: _____ Email Address: _____

Architect:

Name: _____ Company: _____
 Address: _____ License #: _____
 Phone Number: _____ Email Address: _____

G. BROWNFIELDS AGREEMENT NOTIFICATION

- Does the applicant have or is the applicant planning to enter into a Brownfields Agreement with the NC Brownfields Program? ☐ Yes ☒ No (If yes, please answer question #2 below.)
- Anticipated date for the first year of partial exclusion of property taxes: _____

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

James D. Bates James D. Bates 3-25-19
 Applicant¹ (Print) Applicant Signature Date
James Bates James D. Bates 3-25-19
 Property Owner (Print) Property Owner Signature Date

Official Use Only

Project File Name: Bates, James - Cond. District Map Amend. Mod.
 Permit Number: PL02397-032719

Date: <u>3-27-19</u>	Fee: <u>\$500.00</u>	Receipt Number: <u>993437</u>	Method of Payment: <u>ck # 1063</u>	Paid By: <u>James Bates</u>
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S:\FORMS\Current Forms\Zoning\ZoningPlanningPermitApplication_07062018.doc

¹ Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person must be submitted along with this application. Execution by property owner of this application signifies that the applicant is authorized to proceed.

**Conditional District Map Amendment
Project Data Form**

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

Official Use Only

Project Name/Number:

Permit Name/Number:

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

A. ADDITIONAL APPLICATION INFORMATION

Application is For: ☐ Conditional District Map Amendment ☒ Conditional District Map Amendment Modification

Hearing Date Requested¹:

B. DEVELOPMENT INFORMATION

Project Name: 225 Delmar St Conditional Zoning Modification

Project Description: Remove owner occupying clause from previous zoning order

Existing Zoning District(s): R-2 Proposed Zoning District(s): R-2

Existing Land Use(s): Residential Proposed Land Use(s)²:

Adjacent Land Use(s): N: B-3 Plumbing Supply E: R-1 vacant lot

W: R-2 houses S: B-3 Auto Shop

Are there are any existing variances granted to the property? ☐ Yes ☒ No ☐ Unknown

If yes, describe: _____

Are any variances being requested with this project?³ ☐ Yes ☒ No

If yes, describe: _____

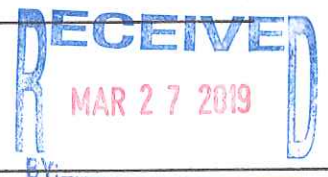
Total Land Area: _____ Total Disturbed Area: _____

Number of Proposed Phases: _____

Describe Phasing (if proposed): _____

If requesting vesting greater than 2 years (per UDO Section 4.14), list amount requested (up to 3 additional years). _____

For modifications, list original case # and date granted: _____



¹ Each applicant must provide the meeting date for which they wish their request to appear. Each completed application must have met published meeting deadlines.

² Please see UDO Article 15 for specific details on permissible uses

³ Each request for a Variance must be submitted on a separate Zoning Permit Application along with the appropriate fee

C. DOCUMENTS REQUIRED FOR SUBMITTAL

- ☐ Completed Application (see UDO Article 4 & Appendix A)
- ☐ Application Fee
- ☐ 7 complete sets of development site plans
- ☐ One (1) reduced copy of development site plans (11X17)
- ☐ Two (2) sets of copies of building elevations
- ☐ Digital copy of plans (if available)
- ☐ Deed(s) of all property included in the request
- ☐ A written metes & bounds legal description with accompanying survey map is required for a request that would rezone only a portion of a tax parcel or requests for multiple zoning districts

D. PROPERTY OWNER SIGNATURE:

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

James Bates

Property Owner (Print)

[Signature]

Property Owner Signature

3-25-19

Date

Official Use Only

Public Hearing Meeting Date: _____

PC Meeting Date: _____

TC Meeting Date: _____

Date of APO Mailed Notification: _____

Date of Posted Notification: _____

Project Approved: ☐ Yes ☐ No

Date Order Recorded: _____

Order Recordation Information: Book: _____ Page: _____

S:\FORMS\Forms_2015\ConditionalDistrictZoningMapAmendmentProjectDataForm_062015.doc

Communication: Case PL02397-032719 Application Information (packet page 3) (Case PL02397-032719 James Bates - Conditional District

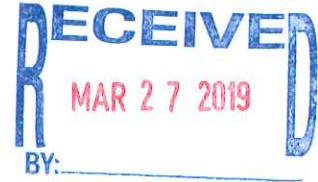
James and Janet Bates

298 Ridgewood Drive
Boone, NC 28607
(828) 264-5429

Planning Department
Town of Boone
567 West King Street
Boone, NC 28607

March 25, 2019

Re: Rezoning Request for 225 Delmar Street



Dear Sirs:

We would like the town to amend the conditional zoning of our property at 225 Delmar Street. We would like the owner occupancy clause removed.

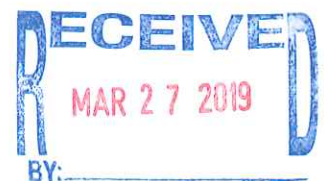
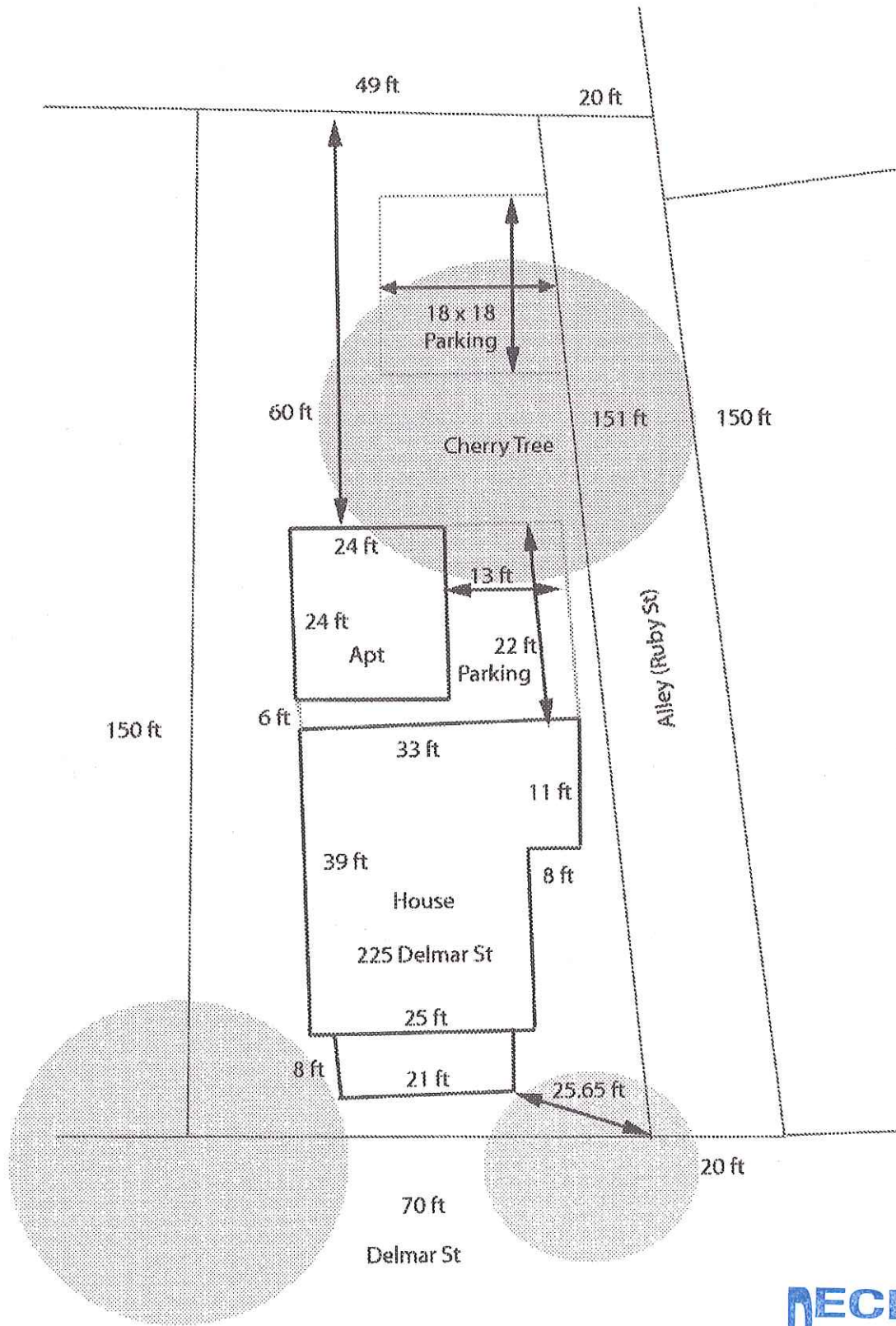
This change would bring this property in line with the neighboring properties. It would allow us to use both the house (built about 1929) and the apartment (built in 1950) as they were originally built and used.

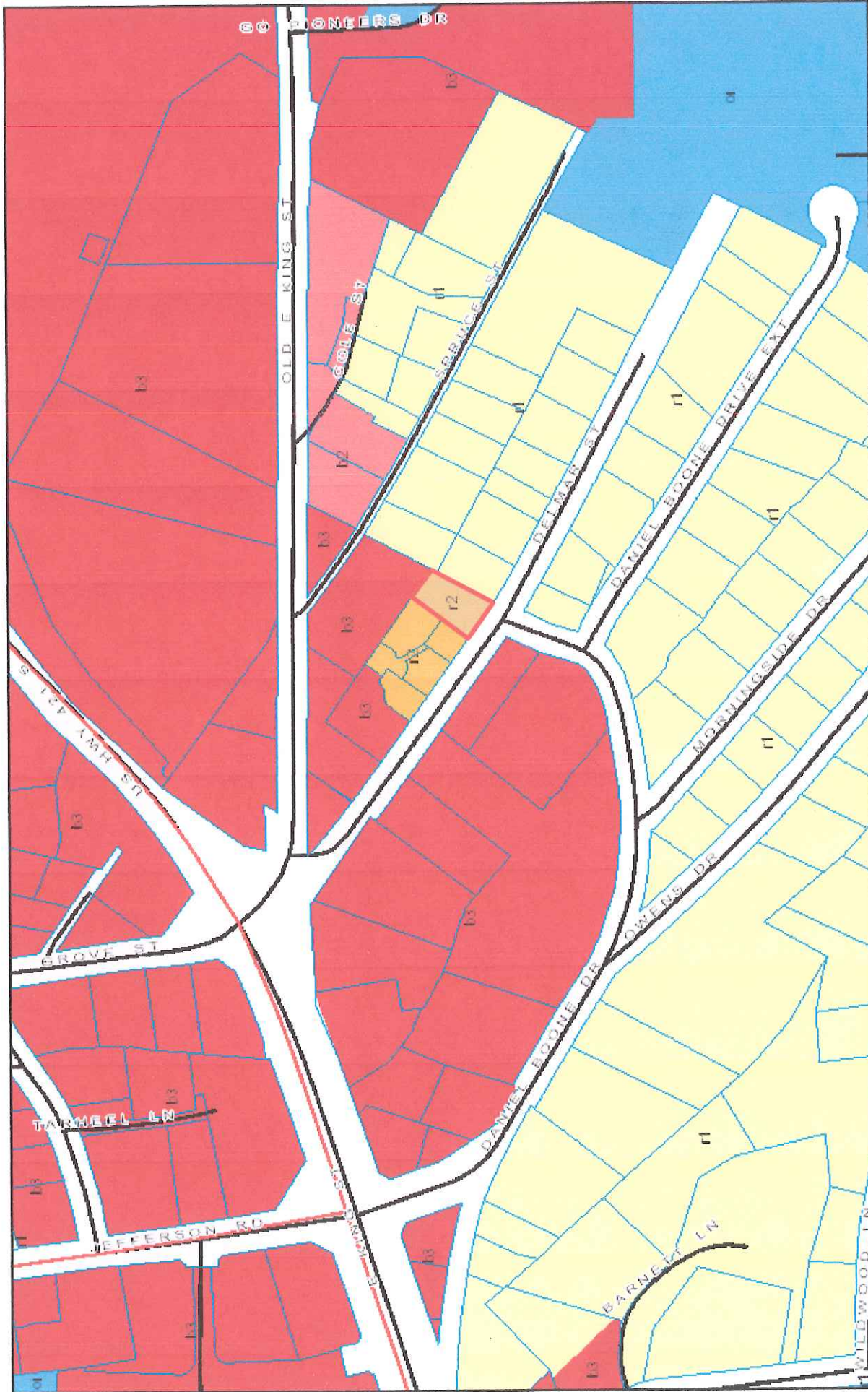
We would also ask that you consider the surrounding properties and the uniqueness of this particular property. The use of both buildings as residences would allow for affordable housing in town close to bus lines, schools, and shopping, which is difficult to find here in Boone. Also, should we sell in the future, the rental income from the apartment would offset some of the mortgage for a homeowner who might not otherwise be able to afford a house. Without a rental history for both properties, the income potential would not be available to be counted for a future owner in qualifying for a loan. In the short and medium term, it will allow us to spend considerably more on maintenance to preserve these old houses.

Sincerely,

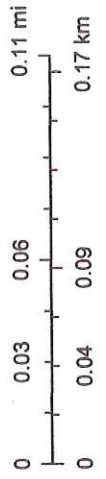

James Bates

Attachment





1:3,276



RECEIVED
MAR 27 2019

March 24, 2019

Packet Pg. 9



RECEIVED
MAR 27 2019
BY: _____

FILED JoAnn Townsend
Register of Deeds, Watauga Co., NC
Fee Amt: \$26.00

Bk 1613 Pg 870 (3)
Recorded: 01/26/2012 at 04:24:20 PM
Doc No: 600729 Kind: ORDER



✓ Please return to:
Town of Boone
Planning and Inspections
1510 Blowing Rock Road
Boone, NC 28607



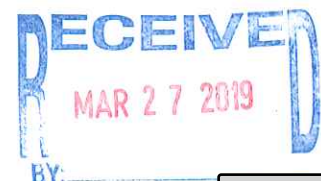
**TOWN OF BOONE
CONDITIONAL DISTRICT ZONING ORDER**

Case Number: 20110547
Applicant(s): James and Janet Bates
Property Owners(s): James and Janet Bates
Property Location: 225 Delmar Street
Watauga County PIN(s): 2910-68-7833-00
Vesting: Two Years from December 13, 2011

Request: James and Janet Bates have requested to rezone the property from R-1 Single Family Residential to Conditional District R-2 Two Family Residential for a site specific development plan for Use 1.210 Single Family with Accessory Apartment

Approval: On December 13, 2011 the Town Council of the Town of Boone approved the request with the following conditions:

1. The occupancy of the accessory apartment is to be limited to no more than two unrelated or a three person family.
2. Approval is subject to the letter dated October 3, 2011 (bearing a received date of October 5, 2011) submitted by James Bates in which Mr. Bates offered the following restrictions:
 - a. Footprints of both buildings remain the same with parking as indicated on the attached diagram (site plan bearing a received date of October 5, 2011).
 - b. That both buildings remain single unit dwellings.
 - c. That leases and/or rental agreements contain clauses that have penalty and termination clauses for noise at night between 9 p.m. and 7 a.m.
 - d. That if the alley is permanently closed, that a fence, shrubs or plants, or both line the property line of the south-east side (right side, if facing the property from Delmar Street) of the property, preserving the existing pear trees that would likely be on or very close to that line.



Bk 1613

Pg 871

Doc No: 600729 Kind: ORDER

3. Approval is subject to the site plan submitted by the applicant bearing a received date of October 5, 2011. Insignificant deviations may be permitted to comply with the requirements of the UDO or State Building Code.
4. Any commitments and representations concerning the proposed project made by the applicant or his representatives at the public hearing shall also become a condition of approval.
5. Applications and final plans shall be submitted that are in compliance with the provisions of the UDO and State Building Code.
6. If both units are occupied, then one unit must be owner-occupied.

Consent to:

James Bates
James Bates

NORTH CAROLINA

WATAUGA COUNTY

I, Vickie Cook, a Notary Public of Watauga County, North Carolina, certify that James Bates personally appeared before me and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 20 day of Jan 2012.



Vickie Cook
NOTARY PUBLIC

My commission expires: 8-9-14

Consent to:

Janet Bates
Janet Bates

NORTH CAROLINA

WATAUGA COUNTY

I, Vickie Cook, a Notary Public of Watauga County, North Carolina, certify that Janet Bates personally appeared before me and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 20 day of Jan 2012.



Vickie Cook
NOTARY PUBLIC

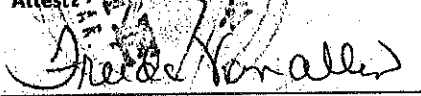
My commission expires:

8-9-14

Bk 1613 Pg 872

Doc No: 600729 Kind: ORDER

Ordered the 13th day of December 2011.


 Mayor Loretta Clawson
 Attest

 Freida Van Allen, Town Clerk

NORTH CAROLINA
 WATAUGA COUNTY

I, Linda C. Council, a Notary Public of Watauga County, North Carolina, certify that Freida Van Allen, Town Clerk for the Town of Boone, personally appeared before me and acknowledged, the due execution of the foregoing instrument.

Witness my hand and official seal, this the 25th day of January, 2012.




 NOTARY PUBLIC

My commission expires: 6-16-2015



FILED JoAnn Townsend
Register of Deeds WATAUGA COUNTY, NC
BY: *Phyllis S. Critcher*
Deputy

Watauga County NC 04/07/2006
State of North Carolina
Real Estate Excise Tax
Excise Tax: \$250.00

Excise Tax: \$ 250.00

Recording Time, Book and Page

Tax Lot No. _____ Parcel Identifier No. _____

Verified By _____ Watauga County on the _____ day of _____, 20____.

by _____

✓ Mail after recording to: Paul F. Huffman, Attorney At Law

This instrument was prepared by: Paul F. Huffman, Attorney At Law

Brief description for the Index:

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 7th day of April, 2006, by and between

GRANTOR	GRANTEE
Judy Greene, widow	James D. Bates and wife, Janet M. Bates 298 Ridgewood Drive Boone, NC 28607

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the Township of New River, Watauga County, North Carolina and more particularly described as follows:

SEE EXHIBIT A ATTACHED WHICH IS HEREBY INCORPORATED BY REFERENCE.



The property herein above described was acquired by Grantor by instrument recorded in **Book 103, Page 031**.

A map showing the above described property is recorded in **Plat Book** , **Page** .

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

1. Ad Valorem property taxes for the current year.
2. Road rights-of-way and utility easements of record.
3. Any conditions, restrictions, easements, rights-of-way or other matters stated in on shown on the description of the property herein.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

(Corporate Name) Judy Greene (SEAL)
By _____ (SEAL)

President
Attest: _____ (SEAL)

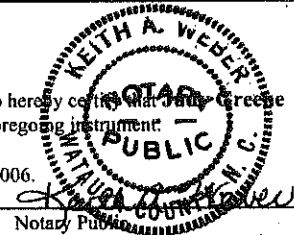
Secretary (Corporate Seal)

State of NORTH CAROLINA County of WATAUGA

I, Keith A. Weber, a Notary Public for said County and State, do hereby certify that Judy Greene personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal this 1st day of April, 2006.

My commission expires: 08-27-08



State of _____, County of _____

I, _____, a Notary Public for said County and State, do hereby certify that _____ personally appeared before me this day and acknowledged that he is _____ of _____, and acknowledged, on behalf of _____, the due execution of the foregoing instrument.

Witness my hand and official stamp or seal this _____ day of _____, _____.

Notary Public

My commission expires: _____

The foregoing Certificate(s) of _____

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

By _____ Register of Deeds for _____ County
Deputy/Assistant - Register of Deeds

EXHIBIT A

Lying and being in New River Township, Watauga County, North Carolina, and being more particularly described as follows:

TRACT ONE

The Grantor herein conveys to the Grantee that twenty (20) foot alley between the property of Mary McCormack and the Grantee herein, said property to be twenty (20) feet wide and being more particularly described as follows:

BEGINNING at the Southeast corner of Gray Greene Lot (Lot #37 Perkins Addition) on Delmar Street; thence running with the North margin of the twenty (20) foot alleyway and the Greene line, North 28 degrees 16 minutes East 151.64 feet to the Northeast corner of Lot #37; thence running from the Northeast corner of Lot #37 to the Northwest corner of the Mary McCormack property described in Deed Book 125 at Page 454; thence running with the Northern margin of the McCormack property 150 feet to Delmar Street; thence running with Delmar Street twenty (20) feet to the BEGINNING.

TRACT TWO

BEGINNING on an iron stake set at the southeast corner of Lot No. 37 of the Perkins Addition to Boone, said iron being in the East margin of Delmar Street and in the North margin of a 20 foot alley, said beginning corner being located South 10-53 East 25.65 feet from the southeast corner of a brick porch column of the Ruby Michael dwelling; thence with the margin of Delmar Street North 53-40 West 70.00 feet to an iron, the corner to Lots No. 37 and 36; thence with the line of Lots No. 37 and 36 North 36-15 East 150.00 feet to an iron, the corner to Lots No. 36, 37, 1, and 2; thence with the line of Lots No. 37 and 1 South 53-45 East 48.90 feet to an iron, the corner of Lots No. 37 and No. 1, said iron being in the North margin of the forementioned 20 foot alley; thence with the margin of said alley South 28-16 West 151.64 feet to the BEGINNING, containing 0.205 acre, as surveyed February 6, 1968, by Walter H. Burkett, RLS.



STAFF REPORT
MAY PUBLIC HEARING
MAY 20, 2019
CASE PL02397-032719 JAMES BATES CONDITIONAL DISTRICT ZONING MAP AMENDMENT MODIFICATION



Request

James Bates has filed a Planning Permit Application to modify an existing Conditional District Zoning Map Amendment approval granted for property located at 225 Delmar Street in 2011. The original approval allowed the rezoning from R1 Single-family residential to Conditional District R2 Two-family residential for a site-specific development plan for a single-family dwelling with accessory apartment (Use 1.01 Single-family dwelling and Use A3 Accessory Dwelling Unit). At this time, James Bates is requesting to modify the original approval to remove a condition regarding owner occupancy.

History

5-3-2010	Public hearing held for Bates Conditional District rezoning (2010146). <i>[See exhibit 1]</i>
5-18-2010	Town Council denied Bates Conditional District rezoning (2010146). <i>[See exhibit 2]</i>
11-7-2011	Public hearing held for Bates Conditional District rezoning (20110547). <i>[See exhibit 3]</i>
12-13-2011	Town Council approved the request (20110547) to rezone the property from R1 Single-family residential to Conditional District R2 Two-family residential for a site-specific development plan

for a single-family dwelling with accessory apartment (Use 1.01 Single-family dwelling and Use A3 Accessory Dwelling Unit) with the following conditions:

1. The occupancy of the accessory apartment is to be limited to no more than two unrelated or a three-person family.
2. Approval is subject to the letter dated October 3, 2011 (bearing a received date of October 5, 2011) submitted by James Bates in which Mr. Bates offered the following restrictions:
 - a. Footprints for both buildings remain the same with parking as indicated on the attached diagram (site plan bearing a received date of October 5, 2011).
 - b. That both buildings remain single-family dwellings.
 - c. That leases and/or rental agreements contain clauses that have penalty and termination clauses for noise at night between 9 p.m. and 7 a.m.
 - d. That if the alley is permanently closed, that a fence, shrubs or plants, or both line the property line of the south-east side (right side, if facing the property from Delmar Street) of the property, preserving the existing pear trees that would likely be on or very close to that line.
3. Approval is subject to the site plan submitted by the applicant bearing a received date of October 5, 2011. Insignificant deviations may be permitted to comply with the requirements of the UDO or State Building Code.
4. Any commitments and representations concerning the proposed project made by the applicant or his representatives at the public hearing shall also become a condition of approval.
5. Applications and final plans shall be submitted that are in compliance with the provisions of the UDO and State Building Code.
6. If both units are occupied, then one unit must be owner-occupied. *[See exhibit 4]*

Analysis

The applicant is seeking a modification to the current R2 Conditional District zoning in order to remove Condition #6 from the CD Order, which states “If both units are occupied then one unit must be owner-occupied”. The Town of Boone Unified Development Ordinance (UDO) Article 9 Amendments Subsection 9.09.04 requires that changes to an approved petition or to conditions attached to the approved petition shall be treated the same as [zoning map] amendments.

The only permissible uses authorized by this conditional district zoning are the uses single-family dwelling (1.01) and accessory dwelling unit (A3).

Occupancy in the R2 Two-family residential zoning district is limited to no more than two unrelated persons per dwelling.

Property Information	
Address:	225 Delmar Street, 225-A Delmar Street
Watauga County PIN:	2910687833000
Lot size:	11,761 square feet

Jurisdiction:	Town of Boone
Access:	Delmar Street
SFHA:	No
Watershed District:	No
Corridor District:	No
NCD:	No
Viewshed:	No
Existing Zoning:	Conditional District R2 Two-family residential
Current Uses:	Single-family dwelling (1.01), Accessory dwelling unit (A3)
Proposed Uses:	Single-family dwelling (1.01), Accessory dwelling unit (A3)

Zoning & Use of Adjacent Properties		
	Adjacent Zoning	Adjacent Land Use
North	B3 General Business	Retail, Equipment sales and service
East	R1 Single-family residential	Vacant
South	B3 General Business, R1 Single-family residential	Vehicle sales and service; single-family dwelling
West	Conditional District R2 Two-family residential	Single-family dwellings (Delmar Bungalows Architecturally Integrated Subdivision)

Zoning District Descriptions:

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

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

- R2:** The R2 Two-Family Residential District is established to provide a medium density living area consisting of single-family and two-family dwellings, and other related uses necessary for a sound neighborhood. The regulations for this district are designed and intended to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.

Other Review Comments

Not applicable.

Conformity to Adopted Plans

COMPREHENSIVE PLAN UPDATE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

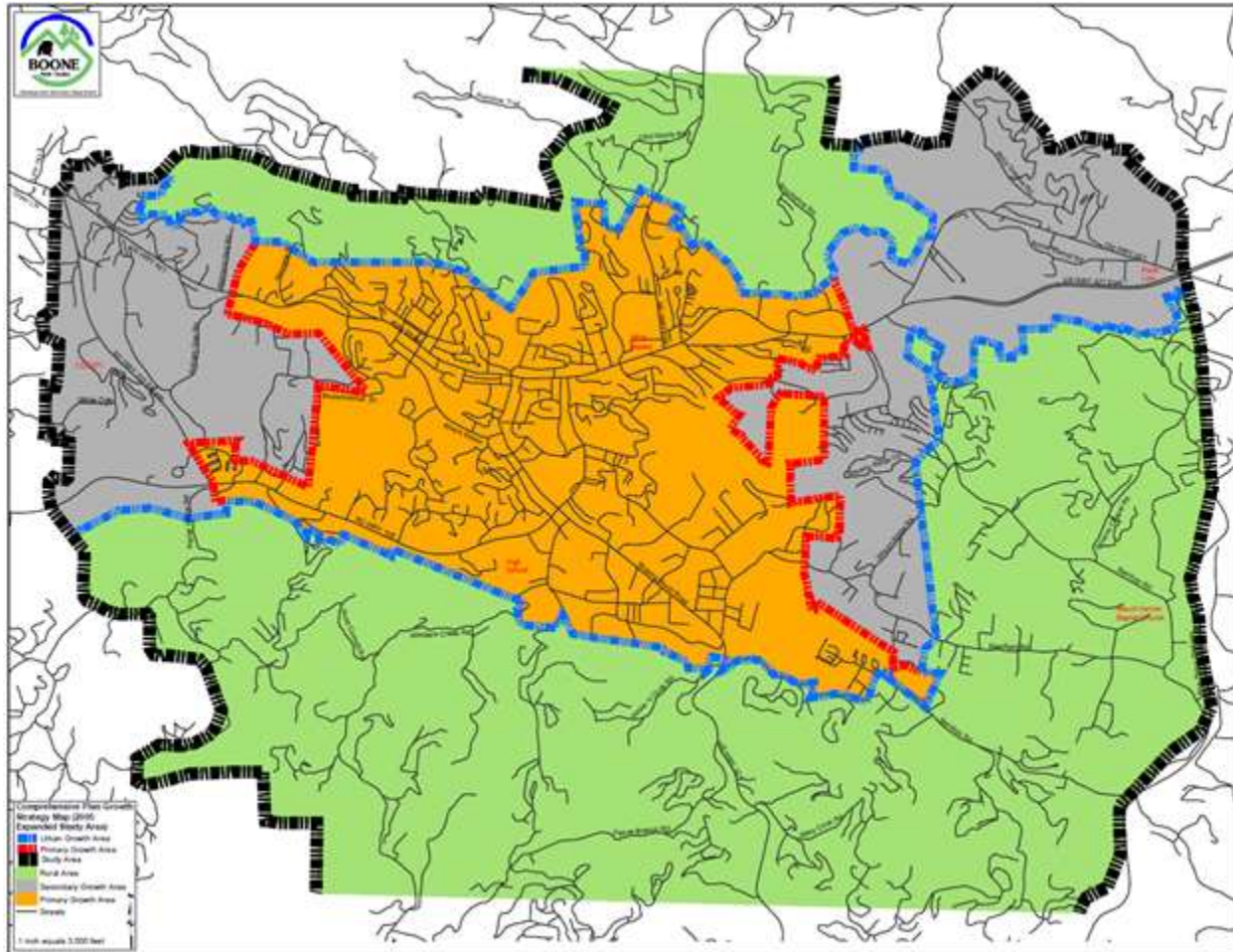
Recreation: Strive for additional public recreation facilities, especially sports fields, greenways and indoor recreation centers.

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

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

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

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



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

2.1 The Economy

2.1.1 Economic Development

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

- B. New and expanding industries and businesses shall be encouraged which: 1) diversify the local economy, 2) train and use a skilled labor force and 3) increase area residents' incomes.
- C. The Town shall encourage the development of a well-balanced tourism trade as a primary element of the area's economic future. Investments in services, facilities, and proper growth management shall be employed in furtherance of this objective.
- D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.
- E. The Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area's physical and human resources.
- F. New firms and expanding businesses that complement the natural resources and beauty of the region shall be especially recruited and encouraged.
- G. The Town shall support the development of new business parks.
- H. The Town shall promote coordination of economic development resources with the appropriate institutions and agencies. Regional coordination and interaction among areas with a shared economic interest shall be encouraged.
- I. Small business start-ups, expansions and spin-offs shall be encouraged. The presence of ASU and Caldwell Community College and Technical Institute shall be recognized as a necessary and important resource for area businesses.
- J. Appropriate educational and training programs shall be encouraged to help local residents, especially those unemployed and underemployed, take advantage of business expansion and to develop new skills.
- K. Boone shall identify and provide services consistent with the needs of the area's growing retiree population.

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2.3 The Community

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

2.3.1 Community Appearance

- A. Measures to improve the effectiveness of grading, landscaping and buffering standards for new and existing developments shall be encouraged.
- B. The significance of street trees in providing visual relief, summer cooling, improved air quality and livability shall be recognized through public policies and actions to encourage their planting and maintenance.
- C. The significance of major roadway entrances into Boone as measures of community image and quality shall be recognized through building placement, landscape, signage and other visual improvements. The Town, along with private property owners and developers, shall work to jointly improve the appearance and design of major street corridors.
- D. Sign policies and standards shall be periodically updated to enhance community identity and create a high

quality business image.

- E. The Town shall encourage public, private, and utility company efforts to place utility wires underground whenever feasible.

2.3.2 Community Character

- A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area.
- B. Multiple and appropriate adaptive reuse of historic resources shall be encouraged.
- C. Wise development of the tourism potential of the area's architectural, historic, scenic and natural resources shall be encouraged.
- D. The destruction of significant architectural, historic, scenic, natural and archaeological resources in the planning area shall be discouraged.
- E. New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town.

2.3.3 Housing & Neighborhoods

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

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Conclusion

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

1. Where there is a conflict between the application information and the plans (dated received March 27, 2019), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations concerning the proposed project made by the applicant or his/her representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.

Certificate of Mailing

I, Brenda Henson, certify that individual notices meeting the requirements of Article 9 of the Town of Boone UDO were placed in the mail (first class) on May 2, 2019.

/s/Brenda Henson

Brenda Henson, Administrative Support Specialist

Certification of Posting

I, KC Banner, certify that the subject property was posted as required in Article 9, Subsection 9.03.03(B)(2) of the Town of Boone UDO on May 3, 2019.

/S/KC Banner

KC Banner, Building Inspector

Planning Board Report

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council

First motion and vote: The proposed amendment to the Town's zoning map ☐is OR ☐is not consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because *[describe elements of controlling land use plans and how the amendment is or is not consistent]*:

Second Motion and Vote: The Planning Commission recommends ☐approval OR ☐denial of the proposed amendment to the Town's Zoning map and believes ☐approval OR ☐denial is reasonable and in the public interest because *[Briefly explain why. Factors may include public health and safety, character of the area, relationship of uses, applicable plans, or balancing benefits and detriments]* :

Third Motion and Vote – Required only if the Commission recommends approval despite inconsistency with the comprehensive plan and/or any other applicable plan: The Planning Commission recommends approval of the amendment despite inconsistency with the comprehensive plan and/or other applicable adopted plans because *[provide explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment]*:

Town Council Action

Per NCGS 160A-383, zoning regulations shall be made in accordance with a comprehensive plan. Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest.

First motion and vote: The proposed amendment to the Town's zoning map ☐is OR ☐is not consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that is applicable because *[describe elements of controlling land use plan(s) and how the amendment is or is not consistent]*:

Second Motion and Vote: The Town Council ☐approves OR ☐denies the proposed amendment to the Town's Zoning map and believes ☐approval OR ☐denial is reasonable and the public interest because *[Briefly explain why. Factors may include public health and safety, character of the area, relationship of uses, applicable plans, or balancing benefits and detriments]* :

Third Motion and Vote – Required only if the proposed amendment is approved despite inconsistency with the comprehensive plan and/or any other applicable adopted plan(s): The Town Council approves the amendment and declares that this approval also amends the Comprehensive Plan (and/or other approved and applicable plan) because *[provide explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment]*:

Excerpt from
Spring Quarterly Public Hearing
Meeting Minutes
Monday, May 3, 2010
7:00 P.M.

Boone Town Council: Mayor Loretta Clawson, Lynne Mason-Mayor Pro-Tem, Stephen Phillips, Jamie Leigh, Andy Ball and Rennie Brantz

Boone Area Planning Commission: Chairperson Bunk Spann, Vice-Chairperson Mary Ruth McRae, Terence Milstead, Eric Woolridge, Shawna Rhyne, Donald Dotson, Sarah Huffstetler, Greg Simmons, Robert Cherry, Brett Scantlin, Tom Purpur and Jay Vincent

Planning Staff: Bill Bailey-Director of Development Services, Jane Shook-Planner, Brian Johnson-Urban Design Specialist and Marlene Crosby-Board Secretary

Others: Greg Young-Town Manager and Sam Furguele-Town Attorney

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CASE 2010146 BATES CONDITIONAL DISTRICT – REZONING

James and Janet Bates have filed a Conditional District Map Amendment request for property located at 225 Delmar Street (Watauga County PIN: 2910-68-7833). The request is to rezone the property from R-1 Single Family Residential to Conditional District R-2 Two Family Residential for a site-specific development plan for Use 1.210 Single Family with Accessory Apartment.

Ms. Jane Shook, Planner presented this case as outlined in the meeting packet. Mr. and Mrs. Jim Bates came to the podium to present their information. Commissioner Simmons asked why the R- 1A did not meet the requirements for this case. Mayor Pro-Tem Mason asked if the main dwelling was owner occupied and that the request must meet one of the two requirements. Ms. Shook confirmed that they have to meet one of two conditions. Otherwise with a conditional use permit, they have to meet all of the underlying conditions. Commissioner Simmons asked if the writer of the site plan was present at this meeting.

The first speakers were Mr. and Mrs. Jim Bates. They came to the podium to answer the questions of the board members. Commissioner Simmons asked about the two unrelated living in each structure and the parking requirements and the narrow driveway to this structure. Mr. Bates explained from the information from a past hearing regarding the alley. Mrs. Bates said the alley is only there for the property owners and it is not a through street. Mr. Bates said the apartment was built in 1950 and the apartment was used for additional income to support the healthcare for Mrs. Bates parents. Mr. Bates said that this apartment should have been grandfathered in. Mayor Pro- Tem Mason asked if the house is currently occupied. Mr. Bates said it is currently being rented out. Commissioner Milstead asked if the property is conditionally re-zoned does it change with new owners. Ms. Shook said that it stays with the land. Mrs. Bates said the apartment is too small for two people and they want one person in the apartment and one

EXHIBIT 1

person in the house. Mrs. Bates found out through the tax records that it was not grandfathered. They want to sell this property to the appropriate buyer. They have an interested buyer for the home, if they can rent the apartment to generate income.

The second speaker was Mr. Andrew Heckert. He lives at 242 Owens Drive. He teaches at Appalachian State University. He is concerned with various future renters and when the property changes hands. He wants to see the neighborhood kept intact and be able to contact the owner when needed.

The third speaker was Mr. Bryan Pheasants. He lives at 255 Delmar Street and he moved to this address four years ago. Mr. Pheasants wants the same re-zoning made available to him, if needed in the future.

The fourth speaker was Mr. Jeremiah Kitunda. He lives at 284 Delmar Street and he moved to this address four years ago. He is originally from Kenya and teaches at the university. They are concerned with future renters because they are raising their children there. He has experienced noise problems from parties and loitering with university students living there.

The fifth speaker was Mr. Joseph Cazler. He lives at 144 Daniel Boone Drive Extension and he has lived there for 38 years. He said that if you let one do it, then everyone else will want to do it too. He said there are around 60 people living in this area and more will move there when the new Watauga High School opens.

With no further questions, Mayor Clawson closed the public hearing for this case.

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Excerpt from
Minutes – Regular Meeting
Boone Town Council
May 18, 2010

Boone Town Council: Mayor Loretta Clawson, Lynne Mason-Mayor Pro-Tem, Andy Ball, Jamie Leigh, and Stephen Phillips.

Staff: Town Manager Greg Young, Deputy Town Clerk Kimberly Brown, Assistant to the Town Manager Jim Byrne, Police Chief Dana Crawford, Interim Fire Chief Jimmy Isaacs, Public Works Director Blake Brown, Public Utilities Director Rick Miller, Finance Director Amy Davis, Human Resources Director Peri Moretz, Development Services Director Bill Bailey, and Planner Jane Shook

Others Present: Town Attorney Sam Furguele

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CONSIDERATION OF ZONING AMENDMENTS - MAY 3RD QUARTERLY PUBLIC HEARING

Case 20100046 - Bates Conditional District Rezoning - James and Janet Bates have filed a Conditional District Map Amendment request for property located at 225 Delmar Street (Watauga County PIN 2910-68-7833-000). The request is to rezone the property from R-1 Single Family Residential to Conditional District R-2 Two Family Residential for a site-specific development plan for Use 1.210 Single Family with Accessory Apartment. Development Services Planner Jane Shook presented the following information regarding the Planning Commission action on this request:

First Motion and Vote:

Commission Member Woolridge made a motion, seconded by Commission Member Scantlin, that the proposed amendment to the Town's zoning ordinance is consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to this application because the accessory use along with the principal single-family use being adjacent to other more intense land uses serves as a buffer to the R-1 uses.

VOTE: Aye - 9 (Cherry, Huffstetler, McRae, Milstead, Rhyne, Scantlin, Spann, Woolridge, Vincent)

Nay - 2 (Dotson, Simmons)

Second Motion and Vote:

Commission Member Woolridge made a motion, seconded by Commission Member Scantlin, to recommend that the Planning Commission recommend approval because the amendment is reasonable and in the public interest because of the grandfathering issue and because of the adjacent land uses subject to the conditions listed in the Staff Report:

EXHIBIT 2

- 1. Approval is subject to the site plan submitted by the applicant bearing a received date of February 1, 2010. Insignificant deviations may be permitted to comply with the requirements of the UDO or State Building Code.*
- 2. Any commitments and representations concerning the proposed project made by the applicant or his representatives at the public hearing shall also become a condition of approval.*
- 3. Applications and final building plans shall be submitted that are in compliance iwth the provisions of the UDO and State Building Code.*

Commission Member Simmons suggested a friendly amendment making Council aware that the adjacent property owner is in possession of a sealed survey that is in variance with the site plan and Council should consider clarifying the discrepancies between the survey and the site plan in relationship to the Town's right-of-way on Ruby Street before proceeding. This was accepted by Commission Member Woolridge and Scantlin.

VOTE: Aye - 9 (Cherry, Huffstetler, McRae, Milstead, Rhyne, Scantlin, Spann, Woolridge, Vincent)

Nay - 2 (Dotson, Simmons)

Council Member Mason voiced concern that the one of the units will not be owner-occupied therefore possibly allowing two unrelated persons to occupy units on one small property. She also stated a concern about the preservation of single-family neighborhoods. Council Member Leigh stated that a main concern regarding the preservation of single-family neighborhoods involves renters and college students. She pointed out that renters and college students can live in R-1 neighborhoods; however, she stated that she supports the preservation of existing single- family neighborhoods. Council Members Ball and Phillips agreed. Upon a motion by Council Member Mason, seconded by Council Member Ball, Council moved that the proposed amendment to the Town's zoning ordinance is not consistent with the Town's Comprehensive plan and other applicable adopted plans of the Town which relate to this application because it does not maintain the character of the surrounding neighborhood.

VOTE: Aye - All

Nay - Nay

Absent-1 (Brantz)

Upon a motion by Council Member Mason, seconded by Council Member Ball, Council moved to deny the proposed amendment to the Town's zoning ordinance and believe denial is reasonable and in the public interest because one unit will not be owner-occupied and because of concern about the adequacy of parking and setting a precedent in single-family neighborhoods.

VOTE: Aye - All

Nay - None

Absent-1 (Brantz)

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Excerpt from
Town of Boone
Quarterly Public Hearing
November 7, 2011

Boone Town Council: Mayor Loretta Clawson, Mayor Pro Tem Lynne Mason, Andrew Ball, Stephen Phillips, Jamie Leigh and Rennie Brantz

Planning Commission: Chairperson Milton “Bunk” Spann, Brett Scantlin, Robert Cherry, Jay Vincent, Tom Purpur, Donald Dotson, John “J.T.” Barnes, Cameron Lippard, Greg Simmons

Planning and Inspections Staff: Bill Bailey – Director of Planning and Inspections, Jane Shook – Planner and Marlene Crosby – Board Secretary

Others Present: Greg Young – Town Manager and Sam Furguele – Town Attorney

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CASE 20110547 James and Janet Bates have filed a Conditional District Map Amendment request for property located at 225 Delmar Street (Watauga County PIN: 2910-68-7833). The request is to rezone the property from R-1 Single Family Residential to Conditional District R-2 Two Family Residential for a site-specific development plan for Use 1.210 Single Family with Accessory Apartment.

Ms. Jane Shook, Planner presented this case as outlined in the meeting packet. Mayor Clawson noted that there was one speaker signed up to speak on this case.

Mayor Clawson opened the floor for questions of the Town Council or Planning Commission members. Planning Commission Chairperson Bunk Spann asked Mr. James Bates if he planned to occupy either residence. Mr. Bates said no.

Mr. James Bates was the one speaker for this case. Mr. Bates came to the podium and stated his name and his current address of 298 Ridgewood Drive. Mr. Bates said with the current proposal, that the parking had been tightened up, potential noise problems had been and would be addressed, the buildings will remain the same, the alley is shown to be open with no parking in it but if closed trees and other landscape material would be added for a landscape buffer between the neighbor’s property.

Mayor Clawson closed this public hearing for this case.

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Excerpt from
Minutes – Regular Meeting
Boone Town Council
December 13, 2011

Boone Town Council: Mayor Loretta Clawson, Mayor Pro-Tem Jamie Leigh, Lynne Mason, Andy Ball, Rennie Brantz, and Allan Scherlen.

Staff: Town Manager Greg Young, Town Clerk Freida Van Allen, Deputy Town Clerk Kimberly Brown, Assistant to the Town Manager Jim Byrne, Police Chief Dana Crawford, Fire Chief Jimmy Isaacs, Public Works Director Blake Brown, Public Utilities Director Rick Miller, Finance Director Amy Davis, Human Resources Director Peri Moretz, Planning Director Bill Bailey, Planner Jane Shook, and Development Coordinator Pilar Fotta.

Others Present: Town Attorney Sam Furguele.

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Case 20110547 James and Janet Bates have filed a Conditional District Map Amendment request for property located at 225 Delmar Street and further identified as Watauga County PIN 2910-68-7833-000. The request is to rezone the property from R-1 Single Family Residential to Conditional District R-2 Two Family Residential for a site-specific development plan for Use 1.210 Single Family with Accessory Apartment. Upon a motion by Council member Ball, seconded by Council member Brantz, Council moved to reopen the public hearing on this case at 6:55 p.m.

VOTE: Aye - All

Nay - None

James Bates confirmed that he will accept the conditions offered by the Council for this case, including the condition for owner-occupancy of one of the units. He also stated that the Town's parking requirements for the project will be met with three spaces, not including one space inside each garage. With no other testimony, the public hearing was closed at 7:05 p.m.

Vote #1

Upon a motion by Council member Ball, seconded by Council member Brantz, Council moved that the proposed amendment to the Town's zoning map is consistent with the Town's Comprehensive Plan and other applicable adopted plans of the Town which relate to this application because it is an appropriate transitional use subject to the following conditions:

1. The occupancy of the accessory apartment is to be limited to no more than two unrelated or a three-person family.
2. Approval is subject to the letter dated October 3, 2011 (bearing a received date of October 5, 2011) submitted by James Bates in which Mr. Bates offered the following conditions:

EXHIBIT 4

a. Footprints of both buildings remain the same with parking as indicated on the attached diagram (site plan bearing a received date of October 5, 2011.)

b. That both buildings remain single unit dwellings.

c. That leases and/or rental agreements contain clauses that have penalty and termination clauses for noise at night between 9 p.m. and 7 a.m.

d. That if the alley is permanently closed, that a fence, shrubs, or plans, or both line the property line of the south-east side (right-side, if facing the property from Delmar Street) of the property, preserving the existing pear trees that would likely be on or very close to that line.

3. Approval is subject to the site plan submitted by the applicant bearing an a received date of October 5, 2011. Insignificant deviations may be permitted to comply with the requirements of the UDO or State Building Code.

4. Any commitments and representations concerning the proposed project made by the applicant or his representative at the public hearing shall also become a condition of approval.

5. Applications and final plans shall be submitted that are in compliance with the provisions of the UDO and State Building Code.

6. If both units are occupied, one unit must be owner-occupied.

VOTE: Aye - 4 (Scherlen, Mason, Ball, Brantz)

Nay - 1 (Leigh)

Vote #2

Upon a motion by Council member Ball, seconded by Council member Brantz, Council moved to approve the proposed amendment to the Town's zoning map and believe approval is reasonable and in the public interest because it is an appropriate transitional use and with the following conditions:

1. The occupancy of the accessory apartment is to be limited to no more than two unrelated or a three-person family.

2. Approval is subject to the letter dated October 3, 2011 (bearing a received date of October 5, 2011) submitted by James Bates in which Mr. Bates offered the following conditions:

a. Footprints of both buildings remain the same with parking as indicated on the attached diagram (site plan bearing a received date of October 5, 2011.)

b. That both buildings remain single unit dwellings.

c. That leases and/or rental agreements contain clauses that have penalty and termination clauses for noise at night between 9 p.m. and 7 a.m.

d. That if the alley is permanently closed, that a fence, shrubs, or plans, or both line the property line of the south-east side (right-side, if facing the property from Delmar Street) of the property, preserving the existing pear trees that would likely be on or very close to that line.

EXHIBIT 4

3. Approval is subject to the site plan submitted by the applicant bearing an a received date of October 5, 2011. Insignificant deviations may be permitted to comply with the requirements of the UDO or State Building Code.

4. Any commitments and representations concerning the proposed project made by the applicant or his representative at the public hearing shall also become a condition of approval.

5. Applications and final plans shall be submitted that are in compliance with the provisions of the UDO and State Building Code.

6. If both units are occupied, one unit must be owner-occupied.

VOTE: Aye - 4 (Scherlen, Mason, Ball, Brantz)

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Zoning/Planning Permit Application

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

PERMIT IS FOR (CHOOSE ONE):

- ☐ Single Family or Duplex (Residential)
- ☐ Commercial
- ☐ Board of Adjustment Hearing (other than Appeals)
- ☐ Planning/Other

A. CONTACT INFORMATION

Applicant: Jeff Templeton Company: Jeff Templeton Rentals LLC
Address: PO Box 3601 170 Meadowview Dr Ste A Boone, NC 28607
Phone Number: 828-265-7101 Email Address: jeff@templetontours.com
Property Owner: Jeff Templeton Company: Jeff Templeton Rentals LLC
Address: PO Box 3601 170 Meadowview Dr Ste A Boone, NC 28607
Phone Number: 828 265-7101 Email Address: jeff@templetontours.com

B. PROPERTY INFORMATION

Watauga County Parcel Identification Number(s): 2910-44-8269-000
Address/Location: 584 State Farm Rd Boone, NC
Project Name: Glen Wilde Office Bldg

C. PERMIT SUBCATEGORIES

Additional Forms Needed

Zoning Permits

- | | |
|---|---|
| ☐ Accessory Building | *Zoning Project Data Form (Residential or Commercial) |
| ☐ Addition/Expansion including decks and patios | *Zoning Project Data Form (Residential or Commercial) |
| ☐ Change of Use | *Commercial Project Data Form |
| ☐ Land Disturbance (not associated with the construction of a bldg.) | *Zoning Project Data Form (Residential or Commercial) |
| ☐ Manufactured Home Set-up in Park | *Manufactured Home in Park Form |
| ☐ New Building Construction | *Zoning Project Data Form (Residential or Commercial) |
| ☐ Renovation/Remodel | *Zoning Project Data Form (Residential or Commercial) |
| ☐ Accessory Use (as listed in UDO Subsection 15.07.01) | *Zoning Project Data Form (Residential or Commercial) |
| ☐ Temporary Use (as listed in UDO Subsection 15.07.02) | *Zoning Project Data Form (Residential or Commercial) |
| ☐ Sign | *Sign Project Data Form (Zoning) |
| ☐ Pavement Sealant | *Pavement Sealant Project Data Form |
| ☐ Major Subdivision Zoning Permit | *Commercial Project Data Form |

Board of Adjustment Hearings

- | | |
|--|---|
| ☐ Special Use Permit/Modification | *Special Use Permit Form |
| ☐ Variance | *Variance Form |
| ☐ Major Subdivision Preliminary Plat Approval | *Major Subdivision Preliminary Plat Approval Form |

Planning/Other

- | | |
|---|--|
| ☐ Exempt Division of Land | *Subdivision Exemption Project Data Form |
| ☐ Minor Subdivision (Preliminary and Final Plat) | *Minor Subdivision Project Data Form |
| ☐ Major Subdivision (Final Plat) | *Major Subdivision Final Plat Project Data Form |
| ☐ UDO Text Amendment | *Text Amendment Project Data Form |
| ☒ General Use Zoning Map Amendment | *General Use Map Zoning Map Amendment Project Data Form |
| ☐ Conditional District Zoning Map Amendment | *Conditional District Zoning Map Amendment Project Data Form |
| ☐ Voluntary Annexation | *Annexation Petition (Satellite or Contiguous) |
| ☐ UDO Text Interpretation | *UDO Interpretation Data Form |

D. DETAILED DESCRIPTION OF PROJECT

Request to rezone property to O/I Office Institutional

E. PROJECT MANAGER DESIGNATION

A project manager is responsible for the activities listed in UDO Section 4.19. Single-family and two-family projects involving less than ½ acre of land disturbing activity or commercial site improvements that involve no more than 2,500 square feet of land disturbing activity are exempt from this requirement.

Name: _____ Company: _____
 Address: _____ License #: _____
 Email _____
 Phone Number: _____ Address: _____

F. DESIGN PROFESSIONAL INFORMATION**Engineer:**

Name: _____ Company: _____
 Address: _____ License #: _____
 Email _____
 Phone Number: _____ Address: _____

Architect:

Name: _____ Company: _____
 Address: _____ License #: _____
 Email _____
 Phone Number: _____ Address: _____

G. BROWNFIELDS AGREEMENT NOTIFICATION

- Does the applicant have or is the applicant planning to enter into a Brownfields Agreement with the NC Brownfields Program? ☒ Yes ☐ No (If yes, please answer question #2 below.)
- Anticipated date for the first year of partial exclusion of property taxes: _____ Exclusion of property taxes has been completed, property pay full tax amount at this time.

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

Applicant¹ (Print)

Jeff Templeton

Property Owner (Print)

Applicant Signature



Property Owner Signature

Date

 3/13/19
 Date
Official Use Only

Project File Name and Number:

PL02351-031319

Date: 03-13-19	Fee: \$300.00	Receipt Number: 993406	Method of Payment: Check # 2156	Paid By: Jeff Templeton Rentals LLC
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S:\FORMS\Current Forms\Zoning\ZoningPlanningPermitApplication_07062018.doc

¹ Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person must be submitted along with this application. Execution by property owner of this application signifies that the applicant is authorized to proceed.

**General Use Zoning Map Amendment
Project Data Form**

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

Official Use Only

Project Name/Number:

Permit Name/Number:

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

A. ADDITIONAL APPLICATION INFORMATION

Hearing Date Requested¹:

B. DEVELOPMENT INFORMATION

Existing Zoning District(s): R3 Proposed Zoning District(s): O/I

Existing Land Use(s): Unfinished Building Shell

Adjacent Land Use(s): N: Apartments E: Residential

W: Undeveloped Land S: Medical Office

Are there any existing variances granted to the property? ☐ Yes ☐ No ☐ Unknown

If yes, describe: _____

Total Land Area:

C. DOCUMENTS REQUIRED FOR SUBMITTAL

- ☐ Application Fee
- ☐ Deed(s) of all property included in the request
- ☐ A written metes & bounds legal description with accompanying survey map is required for a request that would rezone only a portion of a tax parcel or requests for multiple zoning districts

D. PROPERTY OWNER SIGNATURE:

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

Jeff Templeton

Property Owner (Print)

[Signature]

Property Owner Signature

3/13/19

Date

¹ Each applicant must provide the meeting date for which they wish their request to appear. Each completed application must have met published meeting deadlines.

Official Use Only

Public Hearing Meeting Date: _____

PC Meeting Date: _____

TC Meeting Date: _____

Date of APO Mailed Notification: _____

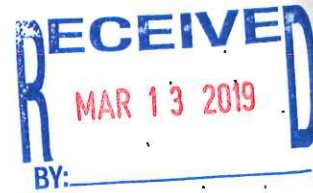
Date of Posted Notification: _____

Project Approved: ☐ Yes ☐ No

Date Order Recorded: _____

Order Recordation Information: Book: _____ Page: _____
S:\FORMS\Forms_2015\GeneralUseZoningMapAmendmentProjectDataForm_062015.doc

Exhibit A



THE PROPERTY ("Property") is Unit Parcel A-R-2, containing 9,200 square feet of the Glen Wilde Office Park located in Boone, Watauga County, North Carolina. The Property is described on a survey which is entitled "Boundary Survey of Glen Wilde showing Phase I and Phase II". This survey was prepared by Frank L. Hayes, Appalachian Land Surveyors, P.L.S. #L-1488, on May 8, 2008 (Last Revision), is surveyor's map #08135, and is of record in the Watauga County Register of Deeds in Book 21 of Maps, at Page 53. The description from the survey is included in and made a part of this document as if full set out in this document.

Being all the real property described as Parcel I in that Amendment and Modification of Deed of Trust and Security Agreement executed by Downtown Development Company of Banner Elk, Inc. as Borrower, BB&T Collateral Service Corporation, Trustee and Branch Banking and Trust Company as Beneficiary dated August 1, 2008 recorded in the Office of the Register of Deeds for Watauga County, North Carolina in Book 1391 at Page 789, reference to which is hereby made for purposes of further description:

Jerry & Laura Brown
BOR 383 page 777

Existing
Railroad Spike

Existing
Steel Rod

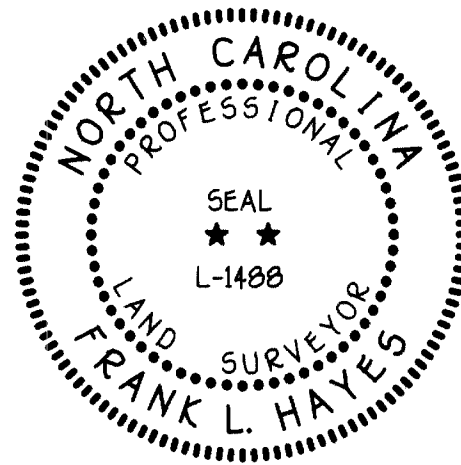
R=1,232.00'
A=280.17'
CB=550°24'40"E
CD=279.57'

Robert Gene Howell
Deed Book 102 at page 428

Town of Boone
Planning & Inspections

Date Received

03-13-2019



SURVEYOR'S CERTIFICATE

I, Frank L. Hayes, certify that this map was drawn under my supervision from an actual survey made under my supervision, that the error of closure as calculated by latitude and departure is not more than 1:10,000, that the boundaries not surveyed are clearly indicated with their source, and that this map was prepared in accordance with G.S. 47-30 as amended and that this survey is of an existing parcel of land and does not create a new street or change an existing street and has been deemed by the staff of the Town of Boone Planning and Inspection Department as NOT being a subdivision. Witness my original signature, registration number and seal this 13th day of March, A.D. 2019.

P.L.S., L-1488

State of North Carolina
County of Watauga

Review Officer of Watauga County,
certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

6-5-08
Date Review Officer

Certificate of Exemption

This plat represents a resurvey of property as shown on plat recorded in Plat Book 20, at page 378, and/or does not require the approval of the Town Council of the Town of Boone for the following reasons: the combination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the minimum standards set forth in the Town of Boone Unified Development Ordinance.

6/5/08
Date Planning Director

FILED JoAnn Townsend
Register of Deeds, Watauga Co., NC
Recording Fee: \$21.00
NC Real Estate TX: \$0.00

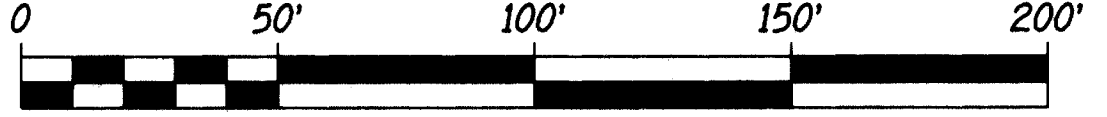
20080605000064260 PLAT
BK: P21 Pg: 53
06/05/2008 03:24:13 PM 1/1



Boundary Survey
of
Glen Wilde
Showing
Phase I and Phase II

Town of Boone - New River Township
Watauga County - North Carolina
April 30, 2002; Revised April 06, 2007 & May 08, 2008
This Plat Supersedes Plat Recorded in P.B. 020 pg. 378

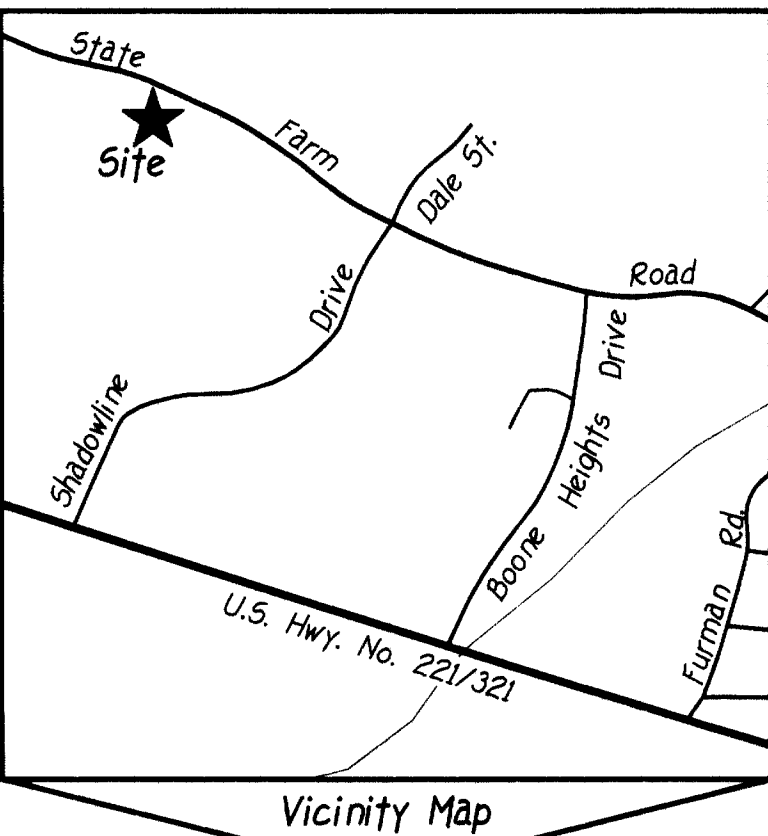
Scale is 1"=50' (1:600)



Job No. 08135

Appalachian Professional Land Surveyors & Consultants, PA
1480 US Highway 421 South / Boone, North Carolina 28607 / (828) 264-0290

Ivy Terrace Limited Partnership
Plat Book 13 page 85



Notes:

1. This is a boundary survey of the property recorded in Plat Book 16 page 43 and Book of Records 629 page 589.
2. Bearings are relative to the North Carolina Geodetic Survey (NAD 83) and are rounded to the nearest five seconds.
3. All distances have a combined grid factor of 0.999890 applied and the area was calculated by the coordinate geometry method.
4. This parcel is located in a Zone X (area determined to be outside the 500 yr. flood plain) as per the Federal Emergency Management Agency Flood Insurance Rate Maps for the Town of Boone.
5. Revised April 06, 2007 to reflect changes in Parcel A and the new designation of Parcel A-R.
6. Revised May 08, 2008 to reflect changes in Parcel A-R and the new designation of Parcel A-R-2.

BEGINNING

Existing 1 1/2" Pipe
N=904,019.859 E=1,214,915.539
Located N68°15'50"W 2,290.95'
from NCGS Mon. "FIRE"
N=903,097.711 E=1,217,012.703

These Retention Ponds
shall be the responsibility
of all ownership in Glen Wilde

Shadowline, Inc.
Deed Book 088 at page 180, Tract Four
Deed Book 088 at page 432
Deed Book 089 at page 416

Total Area
5.172 Acres

J. Marc Kadyk
Deed Book 173 at page 624

Phase II
2.692 Acres

Phase I
2.480 Acres

STAFF REPORT
PUBLIC HEARING
MAY 20, 2019
CASE PL02351-031319 JEFF TEMPLETON RENTALS, LLC/GLEN WILDE
GENERAL USE ZONING MAP AMENDMENT



Request

Jeff Templeton Rentals, LLC has filed an application for a General Use Zoning Map Amendment to rezone property owned by Jeff Templeton Rentals, LLC and located at 584 State Farm Road (Watauga County PIN: 2910-44-8269-000) from R3 Multiple-Family to O/I Office/Institutional.

Parcel Information

Address:	584 State Farm Road
Watauga County PINs:	2910-02-7414-000
Property Owner:	Jeff Templeton Rentals, LLC
Total Lot size:	.22 acres
Jurisdiction:	Town of Boone
Access:	State Farm Road
SFHA:	No

Watershed District: No
Corridor District: No
NCD: No
Viewshed: Yes; Portions of the lot contain viewshed protection (higher elevation portion along State Farm).
Utilities: Town water and sewer available
Current Zoning: R3 Multiple-Family
Proposed Zoning: O/I Office Institutional
Current Uses: Vacant – Office

Zoning District Descriptions (excerpts from UDO Article 14 Zoning Districts):

14.01 Residential Districts Established

14.01.01 Each of these districts is designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.

...

14.01.06 The R3 Multiple-Family Residential District is established to provide a high density area consisting of three or more dwelling units per lot plus limited service use. The regulations for this district are designed and intended to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment in which to live and provide for compatible and disruptive activities that properly belong in nonresidential districts.

...

14.02 Commercial Districts Established

...

14.02.01 The following commercial districts are hereby established: B1, B2, B3, and OI. These districts are created to accomplish the purposes and serve the objectives set forth in the remainder of this Section.

...

14.02.05 The OI Office/Institutional District is established to provide a zoning district which promotes the development of moderately intensive office and institutional uses which are oriented toward the provision of services versus the sale of products. Appropriate small scale residential uses are allowed in this district to the point they support allowable office and institutional uses. The regulations for this district are designed and intended to create a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses.

Zoning & Use of Adjacent Properties (Outside of the office development portion of the Glen Wilde Development)		
	Zoning	Land Use (according to tax records)
North	R1 Single-Family	Single-Family
East	R3 Multiple Family	Multi-Family
South	R3 Multiple Family	Multi-Family
West	R3 Multiple Family	Multi-Family

Permissible Uses

UDO Article 15, Section 15.07 contains the Table of Principal Uses which should be read in conjunction with the definition of terms set forth in UDO Article 34.

15.07 Table of Principal Uses

Use #	Specific Use	R3	OI	Reference
1.0 Household Living				
1.01	Single-Family Dwelling			
1.02	Manufactured Home "Class A"			15.08
1.03	Manufactured Home "Class B"			15.08
1.04	Manufactured Home "Class C"			
1.05	Manufactured Home Park			15.09
1.06	Duplex (one duplex building per lot)	P		
1.07	Duplex (more than one duplex building per lot)	L		15.10
1.08	Townhouse (up to 30 bedrooms)	L ^{T50}		15.10
1.09	Townhouse (31-100 bedrooms)	L ^{T75}		15.10
1.10	Townhouse (> 100 bedrooms)	L ¹²⁵		15.10
1.11	Multi-Family Dwelling (up to 30 bedrooms)	L ^{T125}		15.10
1.12	Multi-Family Dwelling (31-100 bedrooms)	L ^{T200}		15.10
1.13	Multi-Family Dwelling (> 100 bedrooms)	L ^{T300}		15.10
1.14	Multi-Family Dwelling in Mixed Use (up to 30 bedrooms)			15.11
1.15	Multi-Family Dwelling in Mixed Use (31-100 bedrooms)			15.11
1.16	Multi-Family Dwelling in Mixed Use (> 100 bedrooms)			15.11
2.0 Group Living				
2.01	Family Care Home	L		15.13
2.02	Family Care Institutions		L ^{T125}	15.14
2.03	Halfway House, Category 1		L	15.14
2.04	Halfway House, Category 2		L ^{T125}	15.14
2.05	Nursing Care Home	L	L	15.14
2.06	Nursing Care Institution		L ^{T125}	15.14
2.07	Skilled Nursing Facility		L ^{T300}	15.14
2.08	Retirement Community, Category 1	L	L	15.15
2.09	Retirement Community, Category 2	L ^{T200}	L ^{T125}	15.15
2.13	Fraternity or Sorority Dwelling	S ^{T300}		15.16
2.14	Boarding House	L		15.17
3.0 Transient Living				

Use #	Specific Use	R3	OI	Reference
3.01	Home for Survivors of Domestic Violence		L	15.18
3.02	Shelter for Homeless, Category 1	L ^{T50}	L ^{T50}	15.19
3.03	Shelter for Homeless, Category 2	L ^{T300}	L ^{T300}	15.19
3.04	Bed and Breakfast, Category 1			15.20
3.05	Bed and Breakfast, Category 2			15.20
3.06	Vacation Rental	L ^{T75}		15.21
3.07	Motel			
3.08	Hotel			
4.0 Institutional				
4.01	Airport/Landing Strip			15.22
4.02	Heliport			15.22
4.03	Funeral Home Establishment		P	
4.04	Cemetery	P	P	
4.05	Post Office		P	
4.06	Post Office, Distribution			
4.07	Animal Sanctuary			
5.0 Government Uses				
5.01	Government Cultural Facility		P	
5.02	Government Neighborhood Cultural Facility, Indoor Activity Only	P	P	
5.03	Government Neighborhood Cultural Facility, Includes Outdoor Activity		P	
5.04	Recreation Facility, Category 1	P	P	
5.05	Recreation Facility, Category 2	P	P	
5.06	Recreation Facility, Category 3	S	P ^{T50}	
5.07	Event Venue, Category 1		P	
5.08	Event Venue, Category 2		P	
5.09	Event Venue, Category 3		P ^{T50}	
5.10	Landfill			
5.11	Solid Waste Processing			
5.12	Police Substation	P	P	
5.13	Utility Facility, Town	L	L	15.23
5.14	Utility Facility, Government, Neighborhood	L	L	15.23
5.15	Utility Facility, Government, Regional		L ^{T300}	15.23
5.16	Government Facility	P	P	
6.0 Non-Government Utility Facility				
6.01	Utility Facility, Neighborhood	L	L	15.23
6.02	Utility Facility, Regional		L ^{T300}	15.23
7.0 Telecommunications				
7.01	Antenna Collocation on Existing Wireless Support Structure not requiring additional accessory equipment	P	P	
7.02	Antenna Collocation on Existing Wireless Support Structure requiring additional accessory equipment	L	L	15.24
7.03	Building Mounted Antenna not requiring additional accessory equipment	L	L	15.24

Use #	Specific Use	R3	OI	Reference
7.04	Building Mounted Antenna requiring additional accessory equipment		L	15.24
7.05	Antenna Collocation on Electrical Transmission Towers	L		15.24
7.06	Other Antenna		L	15.24
7.07	Wireless Support Structure which meets district height requirements	L	L	15.24
7.08	Stealth Wireless Facility which exceeds district height requirements	S	L	15.24
7.09	Wireless Support Structure which does not meet district height requirements up to and including 120'		S	15.24
7.10	Other Tower that exceeds 120' in height			15.24
7.11	Emergency Response Communication Antenna	P	P	
8.0 Assembly				
8.01	Religious Assembly, Category 1	P	P	
8.02	Religious Assembly, Category 2	pT125	pT75	
8.03	Religious Assembly, Category 3			
8.04	Club/Lodge, Category 1			
8.05	Club/Lodge Which Does Not Serve Alcohol			
9.0 Education				
9.01	Public colleges and universities			
9.02	Private colleges and universities			
9.03	Trade school			
9.04	High school			
9.05	Elementary school			
9.06	Boarding school			
9.07	College- or university-operated community enterprise			15.70
10.0 Daycare				
10.01	Child Daycare, Large	L		15.25
10.02	Child Daycare Center		L	15.25
10.03	Adult Daycare, Large	L		15.25
10.04	Adult Daycare Center		L	15.25
10.05	All Other Daycare		CD	
11.0 General Sales and Service				
11.01	Kennel			15.26
11.02	Veterinary Office/Hospital with Outdoor Kennels		L ^{T125}	15.26
11.03	Veterinary Office/Hospital without Outdoor Kennels		P	
11.04	Financial Institution ≤ 5,000 ft ²		P	
11.05	Financial Institution > 5,000 ft ²		P	
11.06	Restaurant ≤ 2,500 ft ² open to the public during 10 pm – 6 am		p ^{T75}	
11.07	Other Restaurants ≤ 2,500 ft ²		P	
11.08	Restaurant > 2,500 ft ² open to the public during 10 pm – 6 am		p ^{T200}	
11.09	Other Restaurants > 2,500 ft ²		p ^{T125}	
11.10	Restaurant ≤ 3,500 ft ² open to the public during 10 pm-6 am			
11.11	Other Restaurants ≤ 3,500 ft ²			
11.12	Bar			

Use #	Specific Use	R3	OI	Reference
11.13	ABC Store			
11.14	Personal Service Establishment open to the public during 10 pm – 6 am		pT75	
11.15	Other Personal Service Establishments		P	
11.16	Retail Store up to 5,000 ft ²		P	
11.17	Retail Store more than 5,000 but less than 25,000 ft ²			
11.18	Retail Store 25,000 ft ² and greater			15.27
11.19	Reserved			
11.20	Business or Professional Office open to the public during 10 pm–6 am		pT75	
11.21	Other Business or Professional Office		P	
11.22	Medical Office, Category 1		pT300	
11.23	Medical Office, Category 2		pT125	
11.24	Medical Office, Category 3		pT125	
11.25	Medical Office, Category 4		P	
11.26	Hospital		pT300	
11.27	Medical Emergency Response		pT300	
11.28	Open Air Market, Recurring		L ^{T50}	15.29
11.29	Vehicle Sales and Service			15.30
11.30	Equipment Sales and Service			15.31
11.31	Moped Sales and Service			
11.32	Boat or Marine Craft Sales and Service			15.32
11.33	Impound Lot/Towing Service			15.33
11.34	Gas Station			
11.35	Car Wash			
11.36	Seasonal Retail Activities and Amusements		P	
12.0 Recreation and Entertainment Uses				
12.01	Indoor Shooting Range			15.34
12.02	Outdoor Shooting Range			
12.03	Indoor Theater			
12.04	Outdoor Theater			
12.05	Event Venue, Category 1			
12.06	Event Venue, Category 2			
12.07	Event Venue, Category 3			
12.08	Campground and Recreational Vehicle Park			15.35
12.09	Coliseum			
12.10	Recreation Facility, Category 1		P	
12.11	Recreation Facility, Category 2		p ^{T50}	
12.12	Recreation Facility, Category 3			
12.13	Racetrack			
13.0 Agriculture				
13.01	Garden, Community	L	L	15.36
13.02	Garden, Residential	L	L	15.37

Use #	Specific Use	R3	OI	Reference
13.03	Agricultural Operation Excluding Livestock			
13.04	Agricultural Operation Including Livestock			
13.05	Swine Farm			
13.06	Confined Animal Feeding Operation (CAFO)			
13.07	Custom Slaughterhouse			
13.08	Other Slaughterhouse			
13.09	Forestry	L	L	15.38
14.0 Manufacturing				
14.01	Microbrewery			15.39
14.02	Brewpub			15.39
14.03	Brewery/Distillery			15.40
14.04	Brewery/Distillery, Other			15.41
14.05	Winery Associated with a Vineyard			15.42
14.06	Winery			15.42
14.07	Winery, Other			
14.08	Extraction of Earth Materials			
14.09	Machine/Welding Shop			15.44
14.10	Manufacturing, Other			15.45
15.0 Parking				
15.01	Parking Lot		L	15.46
15.02	Parking Structure	L ^{T125}	L	15.47
15.03	Park and Ride Lots		L	15.46
16.0 Storage				
16.01	Self-Storage Facilities			15.48
16.02	Outdoor Storage			15.49
16.03	Warehouse			
16.04	Fuel Storage Facility			
16.05	Chemical Storage Facility			
17.0 Transportation				
17.01	Passenger Terminals			
17.02	Trucking or freight terminal ≤ 10,000 ft ²			
17.03	Trucking or freight terminal > 10,000 ft ²			
18.0 Waste Related Uses				
18.01	Recycling Drop-off Station			15.49
18.02	Recycling and Salvage			15.49
18.03	Junkyard			
18.04	Private Landfill			
19.0 Particular Activities Which Pose Particular Concerns About Public Health				
19.01	Electronic and Internet Gaming			15.50
19.02	Adult Establishments			15.51

15.07.01 Table of Accessory Uses

Use #	Accessory Use	R3	OI	Reference
A-1	Secondary suite	L	L	15.52
A-2	Home occupation	L	L	15.53
A-3	Accessory dwelling unit	L	L	15.54
A-4	Drive-through		L	15.55
A-5	Outdoor display		L	15.56
A-6	Outdoor storage			15.57
A-7	Outdoor dining		L	15.58
A-8	Automated teller machine (ATM)		P	
A-9	Automated teller machine (ATM), freestanding	L	L	15.59
A-10	Produce stand			15.60
A-11	Poultry	L	L	15.61
A-12	Livestock, small	L	L	15.62
A-13	Livestock, large			15.63
A-14	Bees	L	L	15.64
A-15	Garden, residential	L	L	15.65
A-16	Satellite receiving antennas less than 1 meter in diameter	P	P	
A-17	Satellite receiving antennas less than 2 meters in diameter		P	
A-18	Satellite receiving antennas 2 meters and greater in diameter		S	
A-19	Helistop		S ^{T300}	
A-20	Swimming pools, spas, and hot tubs	L	L	15.66
A-21	Caretaker's residence		L	15.67
A-22	Vehicular gate	L	L	15.68
A-23	Vehicle washing station	P	P	
A-24	Chemical storage facility			
A-25	Open air market, accessory	L	L	15.29
A-26	Daycare, small	P	P	

15.07.02 Table of Temporary Uses

Use #	Temporary Use	R3	OI	Reference
T-1	Temporary care provider dwelling	L	L	15.69
T-2	Temporary construction or repair dwelling	L	L	15.69
T-3	Temporary construction trailer	L	L	15.69
T-4	Temporary mobile medical unit			15.69
T-5	Temporary classroom		L	15.69
T-6	Temporary portable storage containers	L	L	15.69
T-7	Temporary staging		L	15.69
T-8	Temporary non-fixed site event venue		L	15.69
T-9	Carrier on wheels (cow)	L	L	15.69
T-10	Yard sales	L	L	15.69
T-11	Itinerant merchant/peddler	L	L	15.69
T-12	Open air market, temporary		L	15.69
T-13	Temporary Use 9.01 Public Colleges and Universities		L	15.69

Intensity/Density Regulations:

Excerpt from UDO Article 16, Subsection 16.01.02 Intensity Table.

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Minimum Livability Space Ratio* (LSR)	Minimum Setbacks	
					Street	Interior
R3	5,000 sq. ft.	80 ft.	64 ft.	.40	20 ft.	13 ft.
OI	10,000 sq. ft.	100 ft.	80 ft.	.27	20 ft.	17 ft.

Building Height

Excerpt from UDO Article 16, Subsection 16.08.02

Zone	Height Limitation (Feet)
R3	3 stories/50'
OI	4 stories/67'

History

06-07-2001 The Board of Adjustment issued a Special Use Permit to construct a building for office uses at State Farm Road (Glen Wilde Development).

Staff Note: Office uses were permissible in the R3 zoning district subject to a Special Use Permit at the time of approval. Effective January 1, 2014, the UDO was modified to eliminate business or professional office uses from the R3 zoning district.

12-05-2002 Board of Adjustment approved a Special Use Permit modification to reduce the number of parking spaces required.

Staff Note: At the time of the modification was approved, the UDO required minimum parking standards for commercial development and any modification was required to be approved by the permit issuing authority which in this case was the Board of Adjustment.

07-07-2005 The Board of Adjustment approved a Special Use Permit modification to allow the construction of a second building for office uses within the Glen Wilde development.

General Use Zoning Map Amendment Guidance

Pursuant to UDO Subsection 9.07.01, in deciding whether to adopt a proposed amendment to the UDO, the central issue before the Council is whether the proposed amendment advances the public health, safety, or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the Mayor and be excluded. In particular, when considering proposed general use map amendments, the Council shall not consider any representations made by the petitioner that if the change is granted the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Council shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification. The Council shall only consider the impact of the proposed change on the public at large.

CONFORMITY TO ADOPTED PLANS

COMPREHENSIVE PLAN UPDATE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

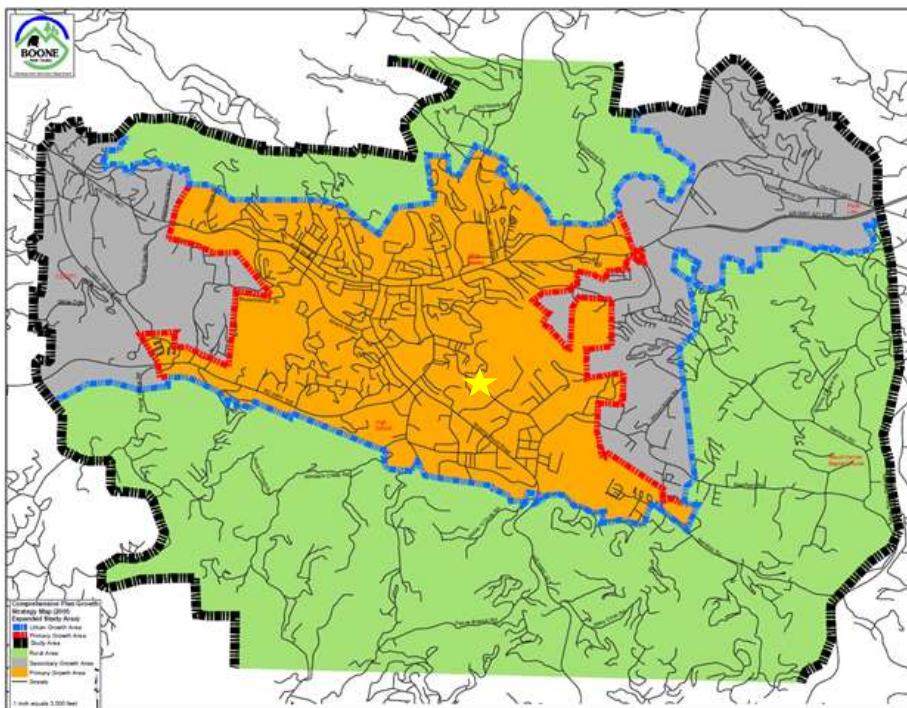
Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

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

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

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

1.2 Growth Strategy Map (p. 17): The property is located within Primary Growth Area. The Primary Growth Area is that portion of the urban growth area where urban level of facilities are already in place or can be provided most cost effectively. This is the area where near term growth and development is to be especially encouraged. See Growth Strategy Map below (approximate property location marked with yellow star):



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

2.1 Economy

2.1.1 Economic Development

- A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy.
 - A.1 Continue to evaluate and amend development regulations to help insure aesthetic quality in the area and preserve the natural beauty of the area.
 - A.2 Adopt analytically sound, technically based hillside development regulations to preserve natural beauty.
 - A.3 Support the Arts Council, Jones House, ASU and others in attracting quality cultural events to Boone.
 - A.4 Balance the benefits of economic development projects with special concern for environmental quality issues.
- B. New and expanding industries and businesses shall be encouraged which: 1) diversify the local economy, 2) train and use a skilled labor force and 3) increase area residents' incomes.
- C. The Town shall encourage the development of a well-balanced tourism trade as a primary element of the area's economic future. Investments in services, facilities, and proper growth management shall be employed in furtherance of this objective.
- D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.
- E. The Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area's physical and human resources.
- F. New firms and expanding businesses that complement the natural resources and beauty of the region shall be especially recruited and encouraged.
- G. The Town shall support the development of new business parks.
- H. The Town shall promote coordination of economic development resources with the appropriate institutions and agencies. Regional coordination and interaction among areas with a shared economic interest shall be encouraged.
- I. Small business start-ups, expansions and spin-offs shall be encouraged. The presence of ASU and Caldwell Community College and Technical Institute shall be recognized as a necessary and important resource for area businesses.
- J. Appropriate educational and training programs shall be encouraged to help local residents, especially those unemployed and underemployed, take advantage of business expansion and to develop new skills.
- K. Boone shall identify and provide services consistent with the needs of the area's growing retiree population.

..

2.1.2 Commercial Development

- A. Uncontrolled strip development along the area's through streets shall be prohibited. The undesirable effects of existing strip development shall be reduced and/or reconfigured when redevelopment opportunities permit. New strip development on isolated single lots along through streets shall be discouraged. *****
- B. Commercial and Office Development shall be encouraged to locate in planned shopping centers, office parks and mixed use developments to stop the proliferation of strip development.
- C. Community/Commercial Centers shall be located adjacent to a major street and contain or be adjacent to other appropriate community facilities.
- D. Automobile Orientated Neighborhood and Convenience Commercial Centers shall be encouraged to locate on a collector street or secondary street at its intersection with a major street.
- E. Residentially scaled and designed neighborhood businesses may be a planned element of newly developed or redeveloped neighborhoods. They should be near other compatible facilities such as elementary schools and neighborhood parks.
- F. Commercial uses may be encouraged to develop by consolidation and expansion of existing commercially zoned property, only when such consolidation and expansion does not encroach upon a viable residential area.
- G. Effective buffering and/or landscaping shall be provided where a large scale or automobile-orientated commercial or office use adjoins an existing or planned residential use.
- H. Encroachment of incompatibly scaled and designed commercial or office uses into viable existing or planned residential areas shall be prohibited.
- I. Office and institutional development may be encouraged as a transitional land use between residential areas and higher intensity commercial activities.
- J. Highway Oriented Commercial uses shall be clustered along segments of major streets and contain land uses which are mutually compatible and reinforcing in use and design. Businesses shall be encouraged to coordinate their site designs with other nearby businesses. Design factors shall include, at a minimum, shared parking and street access, convenient pedestrian and vehicular movement, and consistent sign standards.

2.2 Infrastructure

2.2.2 Utilities

- A. Extensions of water and/or sewer services that could result in scattered, non-directed development and costly provision of other urban services shall be prohibited. *****
- B. Water and sewer services shall be concentrated within the limits of a geographically defined Urban Growth Area. The Primary Growth Area shall receive first priority for the provision or enhancement of water and sewer services.

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

...

2.3 Community

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

2.3.2 Community Character

- A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area.
- B. Multiple and appropriate adaptive reuse of historic resources shall be encouraged.
- C. Wise development of the tourism potential of the area's architectural, historic, scenic and natural resources shall be encouraged.
- D. The destruction of significant architectural, historic, scenic, natural and archaeological resources in the planning area shall be discouraged.
- E. New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town.

2.3.3 Housing & Neighborhoods

- A. The protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community.

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

2.3.4 Public Involvement

- A. Public involvement shall be encouraged in decisions concerning land use and development by making the public aware of proposed developments at the earliest opportunity, as well as fostering communication among developers, the Town, the County, the University, and the general public.
- B. Neighborhood and special area planning shall be encouraged to foster public involvement in the production of closely tailored, action oriented special area plans and programs.
- C. Specific functional plans and implementation tools shall be supported as part of the comprehensive planning program for the Town and County.
- D. Special committees, advisory panels, educational forums, public workshops, leadership seminars, town meetings and media contacts shall be encouraged and fostered to enhance the effectiveness of citizen involvement in community planning and action.

Certificate of Mailing

I, Brenda Henson, certify that individual notices meeting the requirements of Article 9 of the Town of Boone UDO were placed in the mail (first class) on May 2, 2019.

/s/ Brenda Henson

Brenda Henson, Administrative Support Specialist

Certification of Posting

I, KC Banner, certify that the subject property was posted as required in Article 9, Subsection 9.03.03(B)(2) of the Town of Boone UDO on May 3, 2019.

/s/ KC Banner

KC Banner, Building Inspector

PLANNING BOARD REPORT

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council

First motion and vote: The proposed amendment to the Town's zoning map ☐is OR ☐is not consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because *[describe elements of controlling land use plans and how the amendment is or is not consistent]*:

Second Motion and Vote: The Planning Commission recommends ☐approval OR ☐denial of the proposed amendment to the Town's Zoning map and believes ☐approval OR ☐denial is reasonable and in the public interest because *[Briefly explain why. Factors may include public health and safety, character of the area, relationship of uses, applicable plans, or balancing benefits and detriments]* :

Third Motion and Vote – Required only if the Commission recommends approval despite inconsistency with the comprehensive plan and/or any other applicable plan: The Planning Commission recommends approval of the amendment despite inconsistency with the comprehensive plan and/or other applicable adopted plans because *[provide explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment]*:

TOWN COUNCIL ACTION

Per NCGS 160A-383, zoning regulations shall be made in accordance with a comprehensive plan. Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest.

First motion and vote: The proposed amendment to the Town's zoning map ☐is OR ☐is not consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that is applicable because *[describe elements of controlling land use plan(s) and how the amendment is or is not consistent]*:

Second Motion and Vote: The Town Council ☐approves OR ☐denies the proposed amendment to the Town's Zoning map and believes ☐approval OR ☐denial is reasonable and the public interest because *[Briefly explain why. Factors may include public health and safety, character of the area, relationship of uses, applicable plans, or balancing benefits and detriments]* :

Third Motion and Vote – Required only if the proposed amendment is approved despite inconsistency with the comprehensive plan and/or any other applicable adopted plan(s): The Town Council approves the amendment and declares that this approval also amends the Comprehensive Plan (and/or other approved and applicable plan) because *[provide explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment]*:

Zoning/Planning Permit Application

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

PERMIT IS FOR (CHOOSE ONE):

- ☐ Single Family or Duplex (Residential)
- ☐ Commercial
- ☐ Board of Adjustment Hearing (other than Appeals)
- ☐ Planning/Other

A. CONTACT INFORMATION

Applicant: Town of Boone Company: _____
Address: 567 West King Street
Phone Number: 828-268-6200 Email Address: planning@townofboone.net
Glen Wilde, LLC; Zimmerman
Investments LLC, LT Creations LLC,
Property Owner: Colette Pement Krantz Company: _____
Address: _____
Phone Number: _____ Email Address: _____

B. PROPERTY INFORMATION

Watauga County Parcel Identification Number(s): 2910-44-9160-00 & 2910-44-8250-000
Address/Location: 610 State Farm Road
Project Name: Glen Wilde (Office Development) – General Use Zoning Map Amendment

C. PERMIT SUBCATEGORIES

Additional Forms Needed

Zoning Permits

- ☐ Accessory Building *Zoning Project Data Form (Residential or Commercial)
- ☐ Addition/Expansion including decks and patios *Zoning Project Data Form (Residential or Commercial)
- ☐ Change of Use *Commercial Project Data Form
- ☐ Land Disturbance (not associated with the construction of a bldg.) *Zoning Project Data Form (Residential or Commercial)
- ☐ Manufactured Home Set-up in Park *Manufactured Home in Park Form
- ☐ New Building Construction *Zoning Project Data Form (Residential or Commercial)
- ☐ Renovation/Remodel *Zoning Project Data Form (Residential or Commercial)
- ☐ Accessory Use (as listed in UDO Subsection 15.07.01) *Zoning Project Data Form (Residential or Commercial)
- ☐ Temporary Use (as listed in UDO Subsection 15.07.02) *Zoning Project Data Form (Residential or Commercial)
- ☐ Sign *Sign Project Data Form (Zoning)
- ☐ Pavement Sealant *Pavement Sealant Project Data Form
- ☐ Major Subdivision Zoning Permit *Commercial Project Data Form

Board of Adjustment Hearings

- ☐ Special Use Permit/Modification *Special Use Permit Form
- ☐ Variance *Variance Form
- ☐ Major Subdivision Preliminary Plat Approval *Major Subdivision Preliminary Plat Approval Form

Planning/Other

- ☐ Exempt Division of Land *Subdivision Exemption Project Data Form
- ☐ Minor Subdivision (Preliminary and Final Plat) *Minor Subdivision Project Data Form
- ☐ Major Subdivision (Final Plat) *Major Subdivision Final Plat Project Data Form
- ☐ UDO Text Amendment *Text Amendment Project Data Form
- ☒ General Use Zoning Map Amendment *General Use Map Zoning Map Amendment Project Data Form
- ☐ Conditional District Zoning Map Amendment *Conditional District Zoning Map Amendment Project Data Form
- ☐ Voluntary Annexation *Annexation Petition (Satellite or Contiguous)

D. DETAILED DESCRIPTION OF PROJECT

Request is to rezone the R3 Multiple-Family to O/I Office Institutional.

E. PROJECT MANAGER DESIGNATION

A project manager is responsible for the activities listed in UDO Section 4.19. Single-family and two-family projects involving less than ½ acre of land disturbing activity or commercial site improvements that involve no more than 2,500 square feet of land disturbing activity are exempt from this requirement.

Name: Not applicable Company: _____
 Address: _____ License #: _____
 Phone Number: _____ Email Address: _____

F. DESIGN PROFESSIONAL INFORMATION

Engineer:

Name: Not applicable Company: _____
 Address: _____ License #: _____
 Phone Number: _____ Email Address: _____

Architect:

Name: Not applicable Company: _____
 Address: _____ License #: _____
 Phone Number: _____ Email Address: _____

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

<u>Jane Shook</u> Applicant¹ (Print)	<u>/s/ Jane Shook</u> Applicant Signature	<u>04/16/2019</u> Date
Property Owner (Print)	Property Owner Signature	Date

Official Use Only

Project File Name:

Glen Wilde (Office Development) – General Use Zoning Map Amendment

Permit Number:

PL02452-041619 and PL02453-041619

Date: April 16, 2019	Fee: NA	Receipt Number: NA	Method of Payment: NA	Paid By: NA
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S:\FORMS\Forms_2015\Zoning\ZoningPlanningPermitApplication_052016.doc

¹ Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person must be submitted along with this application. Execution by property owner of this application signifies that the applicant is authorized to proceed.

General Use Zoning Map Amendment Project Data Form

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

Official Use Only

Project Name: Glen Wilde – Office Development – General Use
Zoning Map Amendment

Permit Name/Number: PL02452-041619 & PL02453-041619

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

A. ADDITIONAL APPLICATION INFORMATION

Hearing Date Requested¹: May 20, 2019

B. DEVELOPMENT INFORMATION

Existing Zoning District(s): R3 Proposed Zoning District(s): OI

Existing Land Use(s): Office Buildings

Adjacent Land Use(s): N: Single-Family E: Multi-Family

W: Multi-Family S: Multi-Family

Are there are any existing variances granted to the property? ☐ Yes ☒ No ☐ Unknown

If yes, describe: _____

Total Land Area: . acre

C. DOCUMENTS REQUIRED FOR SUBMITTAL

- ☐ Application Fee
- ☐ Deed(s) of all property included in the request
- ☐ A written metes & bounds legal description with accompanying survey map is required for a request that would rezone only a portion of a tax parcel or requests for multiple zoning districts

D. PROPERTY OWNER SIGNATURE:

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

NA
Property Owner (Print)

NA
Property Owner Signature

April 16, 2019
Date

¹ Each applicant must provide the meeting date for which they wish their request to appear. Each completed application must have met published meeting deadlines.

Official Use Only

Public Hearing Meeting Date: May 20, 2019

PC Meeting Date: _____

TC Meeting Date: _____

Date of APO Mailed Notification: _____

Date of Posted Notification: _____

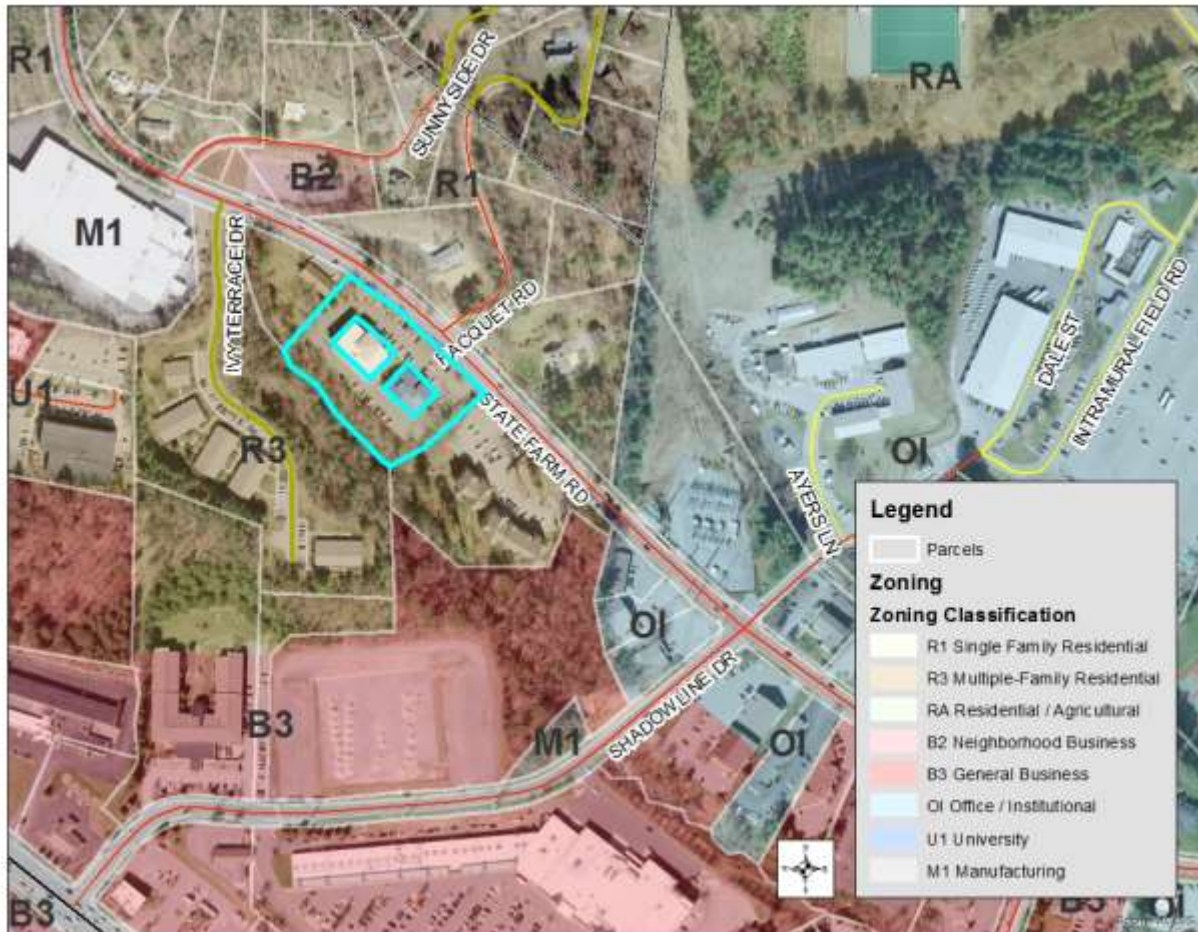
Project Approved: ☐ Yes ☐ No

Date Order Recorded: _____

Order Recordation Information: Book: _____ Page: _____
S:\FORMS\Forms_2015\GeneralUseZoningMapAmendmentProjectDataForm_062015.doc

Communication: Cases PL02452-041619 & PL02453-041619 Application Information (packet page 58) (Cases PL02452-041619 & PL02453-

**STAFF REPORT
PUBLIC HEARING
MAY 20, 2019
CASES PL002452-041619 & PL002453-041619 GLEN WILDE
GENERAL USE ZONING MAP AMENDMENT**



Request

Boone Town Council is currently in the process of reviewing the zoning of all properties within the Town of Boone that are zoned R3 Multiple-Family which are vacant or development for uses other than multi-family.

In March 2019, an application to rezone 584 State Farm Road (Watauga County PIN 2910-44-8269-000) from R3 Multiple-Family to O/I Office Institutional was submitted by Jeff Templeton Rentals LLC (Case PL002351-031319). On April 10, 2019, upon becoming aware of the request to rezone this property, the Boone Town Council also reviewed the remaining portion of the Glen Wilde development (office portion) including the common area of the development (Watauga County PIN 2910-44-8250-000) and 610 State Farm Road. Based upon its initial review, the Boone Town Council initiated the rezoning of those properties from R3 Multiple-Family to O/I Office Institutional.

Parcel Information

Address:	610 State Farm Road
Watauga County PINs:	2910-44-9160-00 & 2910-44-8250-000
Property Owner:	Glen Wilde, LLC; Zimmerman Investments LLC, LT Creations LLC, Colette Pement Krontz
Total Lot size:	2.26 acres
Jurisdiction:	Town of Boone
Access:	State Farm Road
SFHA:	No
Watershed District:	No
Corridor District:	No
NCD:	No
Viewshed:	Yes; Portions of the lot contain viewshed protection (higher elevation portion along State Farm).
Utilities:	Town water and sewer available
Current Zoning:	R3 Multiple-Family
Proposed Zoning:	O/I Office Institutional
Current Uses:	Business or Professional Office

Zoning District Descriptions (excerpts from UDO Article 14 Zoning Districts):**14.01 Residential Districts Established**

14.01.01 Each of these districts is designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.

...

14.01.06 The R3 Multiple-Family Residential District is established to provide a high density area consisting of three or more dwelling units per lot plus limited service use. The regulations for this district are designed and intended to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment in which to live and provide for compatible and disruptive activities that properly belong in nonresidential districts.

...

14.02 Commercial Districts Established

...

14.02.01 The following commercial districts are hereby established: B1, B2, B3, and OI. These districts are created to accomplish the purposes and serve the objectives set forth in the remainder of this Section.

...

14.02.05 The OI Office/Institutional District is established to provide a zoning district which promotes the development of moderately intensive office and institutional uses which are oriented toward the provision of services versus the sale of products. Appropriate small scale residential uses are allowed in this district to the point they support allowable office and institutional uses. The regulations for this district are designed and intended to create a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses.

Zoning & Use of Adjacent Properties (Outside of the office development portion of the Glen Wilde Development)		
	Zoning	Land Use (according to tax records)
North	R1 Single-Family	Single-Family
East	R3 Multiple Family	Multi-Family
South	R3 Multiple Family	Multi-Family
West	R3 Multiple Family	Multi-Family

Permissible Uses

UDO Article 15, Section 15.07 contains the Table of Principal Uses which should be read in conjunction with the definition of terms set forth in UDO Article 34.

15.07 Table of Principal Uses

Use #	Specific Use	R3	OI	Reference
1.0 Household Living				
1.01	Single-Family Dwelling			
1.02	Manufactured Home "Class A"			15.08
1.03	Manufactured Home "Class B"			15.08
1.04	Manufactured Home "Class C"			
1.05	Manufactured Home Park			15.09
1.06	Duplex (one duplex building per lot)	P		
1.07	Duplex (more than one duplex building per lot)	L		15.10
1.08	Townhouse (up to 30 bedrooms)	L ^{T50}		15.10
1.09	Townhouse (31-100 bedrooms)	L ^{T75}		15.10
1.10	Townhouse (> 100 bedrooms)	L ¹²⁵		15.10
1.11	Multi-Family Dwelling (up to 30 bedrooms)	L ^{T125}		15.10
1.12	Multi-Family Dwelling (31-100 bedrooms)	L ^{T200}		15.10
1.13	Multi-Family Dwelling (> 100 bedrooms)	L ^{T300}		15.10
1.14	Multi-Family Dwelling in Mixed Use (up to 30 bedrooms)			15.11
1.15	Multi-Family Dwelling in Mixed Use (31-100 bedrooms)			15.11
1.16	Multi-Family Dwelling in Mixed Use (> 100 bedrooms)			15.11

Use #	Specific Use	R3	OI	Reference
2.0 Group Living				
2.01	Family Care Home	L		15.13
2.02	Family Care Institutions		L ^{T125}	15.14
2.03	Halfway House, Category 1		L	15.14
2.04	Halfway House, Category 2		L ^{T125}	15.14
2.05	Nursing Care Home	L	L	15.14
2.06	Nursing Care Institution		L ^{T125}	15.14
2.07	Skilled Nursing Facility		L ^{T300}	15.14
2.08	Retirement Community, Category 1	L	L	15.15
2.09	Retirement Community, Category 2	L ^{T200}	L ^{T125}	15.15
2.13	Fraternity or Sorority Dwelling	S ^{T300}		15.16
2.14	Boarding House	L		15.17
3.0 Transient Living				
3.01	Home for Survivors of Domestic Violence		L	15.18
3.02	Shelter for Homeless, Category 1	L ^{T50}	L ^{T50}	15.19
3.03	Shelter for Homeless, Category 2	L ^{T300}	L ^{T300}	15.19
3.04	Bed and Breakfast, Category 1			15.20
3.05	Bed and Breakfast, Category 2			15.20
3.06	Vacation Rental	L ^{T75}		15.21
3.07	Motel			
3.08	Hotel			
4.0 Institutional				
4.01	Airport/Landing Strip			15.22
4.02	Heliport			15.22
4.03	Funeral Home Establishment		P	
4.04	Cemetery	P	P	
4.05	Post Office		P	
4.06	Post Office, Distribution			
4.07	Animal Sanctuary			
5.0 Government Uses				
5.01	Government Cultural Facility		P	
5.02	Government Neighborhood Cultural Facility, Indoor Activity Only	P	P	
5.03	Government Neighborhood Cultural Facility, Includes Outdoor Activity		P	
5.04	Recreation Facility, Category 1	P	P	
5.05	Recreation Facility, Category 2	P	P	
5.06	Recreation Facility, Category 3	S	P ^{T50}	
5.07	Event Venue, Category 1		P	
5.08	Event Venue, Category 2		P	
5.09	Event Venue, Category 3		P ^{T50}	
5.10	Landfill			
5.11	Solid Waste Processing			

Use #	Specific Use	R3	OI	Reference
5.12	Police Substation	P	P	
5.13	Utility Facility, Town	L	L	15.23
5.14	Utility Facility, Government, Neighborhood	L	L	15.23
5.15	Utility Facility, Government, Regional		L ^{T300}	15.23
5.16	Government Facility	P	P	
6.0 Non-Government Utility Facility				
6.01	Utility Facility, Neighborhood	L	L	15.23
6.02	Utility Facility, Regional		L ^{T300}	15.23
7.0 Telecommunications				
7.01	Antenna Collocation on Existing Wireless Support Structure not requiring additional accessory equipment	P	P	
7.02	Antenna Collocation on Existing Wireless Support Structure requiring additional accessory equipment	L	L	15.24
7.03	Building Mounted Antenna not requiring additional accessory equipment	L	L	15.24
7.04	Building Mounted Antenna requiring additional accessory equipment		L	15.24
7.05	Antenna Collocation on Electrical Transmission Towers	L		15.24
7.06	Other Antenna		L	15.24
7.07	Wireless Support Structure which meets district height requirements	L	L	15.24
7.08	Stealth Wireless Facility which exceeds district height requirements	S	L	15.24
7.09	Wireless Support Structure which does not meet district height requirements up to and including 120'		S	15.24
7.10	Other Tower that exceeds 120' in height			15.24
7.11	Emergency Response Communication Antenna	P	P	
8.0 Assembly				
8.01	Religious Assembly, Category 1	P	P	
8.02	Religious Assembly, Category 2	p ^{T125}	p ^{T75}	
8.03	Religious Assembly, Category 3			
8.04	Club/Lodge, Category 1			
8.05	Club/Lodge Which Does Not Serve Alcohol			
9.0 Education				
9.01	Public colleges and universities			
9.02	Private colleges and universities			
9.03	Trade school			
9.04	High school			
9.05	Elementary school			
9.06	Boarding school			
9.07	College- or university-operated community enterprise			15.70
10.0 Daycare				
10.01	Child Daycare, Large	L		15.25
10.02	Child Daycare Center		L	15.25
10.03	Adult Daycare, Large	L		15.25
10.04	Adult Daycare Center		L	15.25
10.05	All Other Daycare		CD	

Use #	Specific Use	R3	OI	Reference
11.0 General Sales and Service				
11.01	Kennel			15.26
11.02	Veterinary Office/Hospital with Outdoor Kennels		L ^{T125}	15.26
11.03	Veterinary Office/Hospital without Outdoor Kennels		P	
11.04	Financial Institution ≤ 5,000 ft ²		P	
11.05	Financial Institution > 5,000 ft ²		P	
11.06	Restaurant ≤ 2,500 ft ² open to the public during 10 pm – 6 am		p ^{T75}	
11.07	Other Restaurants ≤ 2,500 ft ²		P	
11.08	Restaurant > 2,500 ft ² open to the public during 10 pm – 6 am		p ^{T200}	
11.09	Other Restaurants > 2,500 ft ²		p ^{T125}	
11.10	Restaurant ≤ 3,500 ft ² open to the public during 10 pm-6 am			
11.11	Other Restaurants ≤ 3,500 ft ²			
11.12	Bar			
11.13	ABC Store			
11.14	Personal Service Establishment open to the public during 10 pm – 6 am		p ^{T75}	
11.15	Other Personal Service Establishments		P	
11.16	Retail Store up to 5,000 ft ²		P	
11.17	Retail Store more than 5,000 but less than 25,000 ft ²			
11.18	Retail Store 25,000 ft ² and greater			15.27
11.19	Reserved			
11.20	Business or Professional Office open to the public during 10 pm–6 am		p ^{T75}	
11.21	Other Business or Professional Office		P	
11.22	Medical Office, Category 1		p ^{T300}	
11.23	Medical Office, Category 2		p ^{T125}	
11.24	Medical Office, Category 3		p ^{T125}	
11.25	Medical Office, Category 4		P	
11.26	Hospital		p ^{T300}	
11.27	Medical Emergency Response		p ^{T300}	
11.28	Open Air Market, Recurring		L ^{T50}	15.29
11.29	Vehicle Sales and Service			15.30
11.30	Equipment Sales and Service			15.31
11.31	Moped Sales and Service			
11.32	Boat or Marine Craft Sales and Service			15.32
11.33	Impound Lot/Towing Service			15.33
11.34	Gas Station			
11.35	Car Wash			
11.36	Seasonal Retail Activities and Amusements		P	
12.0 Recreation and Entertainment Uses				
12.01	Indoor Shooting Range			15.34
12.02	Outdoor Shooting Range			
12.03	Indoor Theater			

Use #	Specific Use	R3	OI	Reference
12.04	Outdoor Theater			
12.05	Event Venue, Category 1			
12.06	Event Venue, Category 2			
12.07	Event Venue, Category 3			
12.08	Campground and Recreational Vehicle Park			15.35
12.09	Coliseum			
12.10	Recreation Facility, Category 1		P	
12.11	Recreation Facility, Category 2		P ^{T50}	
12.12	Recreation Facility, Category 3			
12.13	Racetrack			
13.0 Agriculture				
13.01	Garden, Community	L	L	15.36
13.02	Garden, Residential	L	L	15.37
13.03	Agricultural Operation Excluding Livestock			
13.04	Agricultural Operation Including Livestock			
13.05	Swine Farm			
13.06	Confined Animal Feeding Operation (CAFO)			
13.07	Custom Slaughterhouse			
13.08	Other Slaughterhouse			
13.09	Forestry	L	L	15.38
14.0 Manufacturing				
14.01	Microbrewery			15.39
14.02	Brewpub			15.39
14.03	Brewery/Distillery			15.40
14.04	Brewery/Distillery, Other			15.41
14.05	Winery Associated with a Vineyard			15.42
14.06	Winery			15.42
14.07	Winery, Other			
14.08	Extraction of Earth Materials			
14.09	Machine/Welding Shop			15.44
14.10	Manufacturing, Other			15.45
15.0 Parking				
15.01	Parking Lot		L	15.46
15.02	Parking Structure	L ^{T125}	L	15.47
15.03	Park and Ride Lots		L	15.46
16.0 Storage				
16.01	Self-Storage Facilities			15.48
16.02	Outdoor Storage			15.49
16.03	Warehouse			
16.04	Fuel Storage Facility			
16.05	Chemical Storage Facility			
17.0 Transportation				

Use #	Specific Use	R3	OI	Reference
17.01	Passenger Terminals			
17.02	Trucking or freight terminal ≤ 10,000 ft ²			
17.03	Trucking or freight terminal > 10,000 ft ²			
18.0 Waste Related Uses				
18.01	Recycling Drop-off Station			15.49
18.02	Recycling and Salvage			15.49
18.03	Junkyard			
18.04	Private Landfill			
19.0 Particular Activities Which Pose Particular Concerns About Public Health				
19.01	Electronic and Internet Gaming			15.50
19.02	Adult Establishments			15.51

15.07.01 Table of Accessory Uses

Use #	Accessory Use	R3	OI	Reference
A-1	Secondary suite	L	L	15.52
A-2	Home occupation	L	L	15.53
A-3	Accessory dwelling unit	L	L	15.54
A-4	Drive-through		L	15.55
A-5	Outdoor display		L	15.56
A-6	Outdoor storage			15.57
A-7	Outdoor dining		L	15.58
A-8	Automated teller machine (ATM)		P	
A-9	Automated teller machine (ATM), freestanding	L	L	15.59
A-10	Produce stand			15.60
A-11	Poultry	L	L	15.61
A-12	Livestock, small	L	L	15.62
A-13	Livestock, large			15.63
A-14	Bees	L	L	15.64
A-15	Garden, residential	L	L	15.65
A-16	Satellite receiving antennas less than 1 meter in diameter	P	P	
A-17	Satellite receiving antennas less than 2 meters in diameter		P	
A-18	Satellite receiving antennas 2 meters and greater in diameter		S	
A-19	Helistop		S ^{T300}	
A-20	Swimming pools, spas, and hot tubs	L	L	15.66
A-21	Caretaker's residence		L	15.67
A-22	Vehicular gate	L	L	15.68
A-23	Vehicle washing station	P	P	
A-24	Chemical storage facility			
A-25	Open air market, accessory	L	L	15.29
A-26	Daycare, small	P	P	

15.07.02 Table of Temporary Uses

Use #	Temporary Use	R3	OI	Reference
T-1	Temporary care provider dwelling	L	L	15.69
T-2	Temporary construction or repair dwelling	L	L	15.69
T-3	Temporary construction trailer	L	L	15.69
T-4	Temporary mobile medical unit			15.69
T-5	Temporary classroom		L	15.69
T-6	Temporary portable storage containers	L	L	15.69
T-7	Temporary staging		L	15.69
T-8	Temporary non-fixed site event venue		L	15.69
T-9	Carrier on wheels (cow)	L	L	15.69
T-10	Yard sales	L	L	15.69
T-11	Itinerant merchant/peddler	L	L	15.69
T-12	Open air market, temporary		L	15.69
T-13	Temporary Use 9.01 Public Colleges and Universities		L	15.69

Intensity/Density Regulations:

Excerpt from UDO Article 16, Subsection 16.01.02 Intensity Table.

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Minimum Livability Space Ratio* (LSR)	Minimum Setbacks	
					Street	Interior
R3	5,000 sq. ft.	80 ft.	64 ft.	.40	20 ft.	13 ft.
OI	10,000 sq. ft.	100 ft.	80 ft.	.27	20 ft.	17 ft.

Building Height

Excerpt from UDO Article 16, Subsection 16.08.02

Zone	Height Limitation (Feet)
R3	3 stories/50'
OI	4 stories/67'

History

06-07-2001 The Board of Adjustment issued a Special Use Permit to construct a building for office uses at State Farm Road (Glen Wilde Development).

Staff Note: Office uses were permissible in the R3 zoning district subject to a Special Use Permit at the time of approval. Effective January 1, 2014, the UDO was modified to eliminate business or professional office uses from the R3 zoning district.

12-05-2002 Board of Adjustment approved a Special Use Permit modification to reduce the number of parking spaces required.

Staff Note: At the time of the modification was approved, the UDO required minimum parking standards for commercial development and any modification was required to be approved by the permit issuing authority which in this case was the Board of Adjustment.

07-07-2005 The Board of Adjustment approved a Special Use Permit modification to allow the construction of a second building for office uses within the Glen Wilde development.

General Use Zoning Map Amendment Guidance

Pursuant to UDO Subsection 9.07.01, in deciding whether to adopt a proposed amendment to the UDO, the central issue before the Council is whether the proposed amendment advances the public health, safety, or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the Mayor and be excluded. In particular, when considering proposed general use map amendments, the Council shall not consider any representations made by the petitioner that if the change is granted the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Council shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification. The Council shall only consider the impact of the proposed change on the public at large.

CONFORMITY TO ADOPTED PLANS

COMPREHENSIVE PLAN UPDATE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

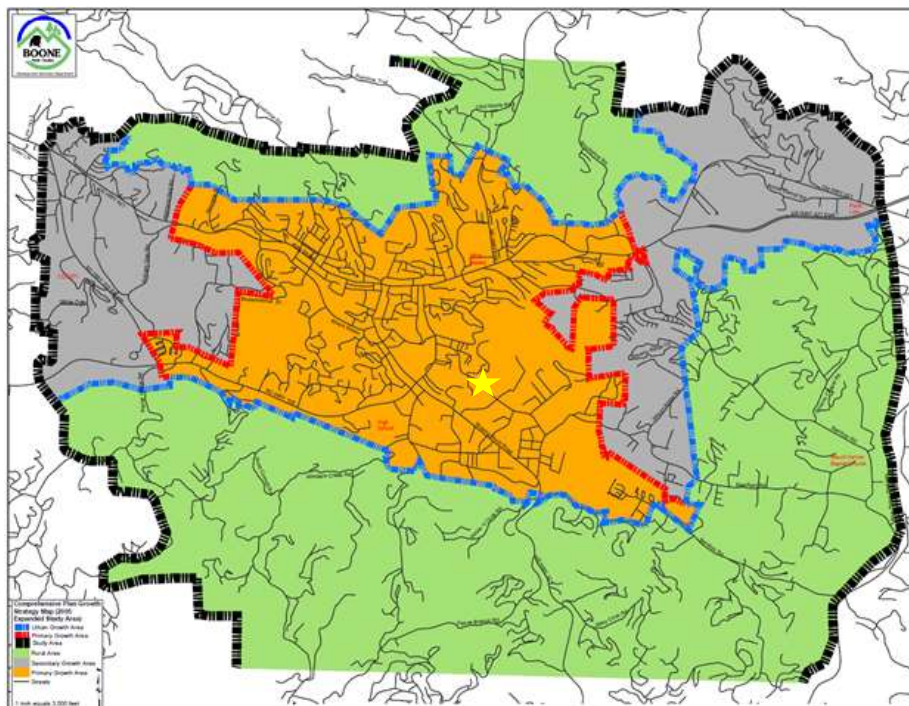
Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

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

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

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

1.2 Growth Strategy Map (p. 17): The property is located within Primary Growth Area. The Primary Growth Area is that portion of the urban growth area where urban level of facilities are already in place or can be provided most cost effectively. This is the area where near term growth and development is to be especially encouraged. See Growth Strategy Map below (approximate property location marked with yellow star):



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

2.1 Economy

2.1.1 Economic Development

- A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy.
 - A.1 Continue to evaluate and amend development regulations to help insure aesthetic quality in the area and preserve the natural beauty of the area.
 - A.2 Adopt analytically sound, technically based hillside development regulations to preserve natural beauty.
 - A.3 Support the Arts Council, Jones House, ASU and others in attracting quality cultural events to Boone.
 - A.4 Balance the benefits of economic development projects with special concern for environmental quality issues.
- B. New and expanding industries and businesses shall be encouraged which: 1) diversify the local economy, 2) train and use a skilled labor force and 3) increase area residents' incomes.
- C. The Town shall encourage the development of a well-balanced tourism trade as a primary element of the area's economic future. Investments in services, facilities, and proper growth management shall be employed in furtherance of this objective.
- D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.
- E. The Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area's physical and human resources.
- F. New firms and expanding businesses that complement the natural resources and beauty of the region shall be especially recruited and encouraged.
- G. The Town shall support the development of new business parks.
- H. The Town shall promote coordination of economic development resources with the appropriate institutions and agencies. Regional coordination and interaction among areas with a shared economic interest shall be encouraged.
- I. Small business start-ups, expansions and spin-offs shall be encouraged. The presence of ASU and Caldwell Community College and Technical Institute shall be recognized as a necessary and important resource for area businesses.
- J. Appropriate educational and training programs shall be encouraged to help local residents, especially those unemployed and underemployed, take advantage of business expansion and to develop new skills.
- K. Boone shall identify and provide services consistent with the needs of the area's growing retiree population.

..

2.1.2 Commercial Development

- A. Uncontrolled strip development along the area's through streets shall be prohibited. The undesirable effects of existing strip development shall be reduced and/or reconfigured when redevelopment opportunities permit. New strip development on isolated single lots along through streets shall be discouraged. *****
- B. Commercial and Office Development shall be encouraged to locate in planned shopping centers, office parks and mixed use developments to stop the proliferation of strip development.
- C. Community/Commercial Centers shall be located adjacent to a major street and contain or be adjacent to other appropriate community facilities.
- D. Automobile Orientated Neighborhood and Convenience Commercial Centers shall be encouraged to locate on a collector street or secondary street at its intersection with a major street.
- E. Residentially scaled and designed neighborhood businesses may be a planned element of newly developed or redeveloped neighborhoods. They should be near other compatible facilities such as elementary schools and neighborhood parks.
- F. Commercial uses may be encouraged to develop by consolidation and expansion of existing commercially zoned property, only when such consolidation and expansion does not encroach upon a viable residential area.
- G. Effective buffering and/or landscaping shall be provided where a large scale or automobile-orientated commercial or office use adjoins an existing or planned residential use.
- H. Encroachment of incompatibly scaled and designed commercial or office uses into viable existing or planned residential areas shall be prohibited.
- I. Office and institutional development may be encouraged as a transitional land use between residential areas and higher intensity commercial activities.
- J. Highway Oriented Commercial uses shall be clustered along segments of major streets and contain land uses which are mutually compatible and reinforcing in use and design. Businesses shall be encouraged to coordinate their site designs with other nearby businesses. Design factors shall include, at a minimum, shared parking and street access, convenient pedestrian and vehicular movement, and consistent sign standards.

2.2 Infrastructure

2.2.2 Utilities

- A. Extensions of water and/or sewer services that could result in scattered, non-directed development and costly provision of other urban services shall be prohibited. *****
- B. Water and sewer services shall be concentrated within the limits of a geographically defined Urban Growth Area. The Primary Growth Area shall receive first priority for the provision or enhancement of water and sewer services.

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

...

2.3 Community

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

2.3.2 Community Character

- A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area.
- B. Multiple and appropriate adaptive reuse of historic resources shall be encouraged.
- C. Wise development of the tourism potential of the area's architectural, historic, scenic and natural resources shall be encouraged.
- D. The destruction of significant architectural, historic, scenic, natural and archaeological resources in the planning area shall be discouraged.
- E. New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town.

2.3.3 Housing & Neighborhoods

- A. The protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community.

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

2.3.4 Public Involvement

- A. Public involvement shall be encouraged in decisions concerning land use and development by making the public aware of proposed developments at the earliest opportunity, as well as fostering communication among developers, the Town, the County, the University, and the general public.
- B. Neighborhood and special area planning shall be encouraged to foster public involvement in the production of closely tailored, action oriented special area plans and programs.
- C. Specific functional plans and implementation tools shall be supported as part of the comprehensive planning program for the Town and County.
- D. Special committees, advisory panels, educational forums, public workshops, leadership seminars, town meetings and media contacts shall be encouraged and fostered to enhance the effectiveness of citizen involvement in community planning and action.

Certificate of Mailing

I, Brenda Henson, certify that individual notices meeting the requirements of Article 9 of the Town of Boone UDO were placed in the mail (first class) on May 2, 2019.

/s/ Brenda Henson

Brenda Henson, Administrative Support Specialist

Certification of Posting

I, KC Banner, certify that the subject property was posted as required in Article 9, Subsection 9.03.03(B)(2) of the Town of Boone UDO on May 3, 2019.

/s/ KC Banner

KC Banner, Building Inspector

PLANNING BOARD REPORT

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council

First motion and vote: The proposed amendment to the Town's zoning map ☐is OR ☐is not consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because *[describe elements of controlling land use plans and how the amendment is or is not consistent]*:

Second Motion and Vote: The Planning Commission recommends ☐approval OR ☐denial of the proposed amendment to the Town's Zoning map and believes ☐approval OR ☐denial is reasonable and in the public interest because *[Briefly explain why. Factors may include public health and safety, character of the area, relationship of uses, applicable plans, or balancing benefits and detriments]* :

Third Motion and Vote – Required only if the Commission recommends approval despite inconsistency with the comprehensive plan and/or any other applicable plan: The Planning Commission recommends approval of the amendment despite inconsistency with the comprehensive plan and/or other applicable adopted plans because *[provide explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment]*:

TOWN COUNCIL ACTION

Per NCGS 160A-383, zoning regulations shall be made in accordance with a comprehensive plan. Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest.

First motion and vote: The proposed amendment to the Town's zoning map ☐is OR ☐is not consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that is applicable because *[describe elements of controlling land use plan(s) and how the amendment is or is not consistent]*:

Second Motion and Vote: The Town Council ☐approves OR ☐denies the proposed amendment to the Town's Zoning map and believes ☐approval OR ☐denial is reasonable and the public interest because *[Briefly explain why. Factors may include public health and safety, character of the area, relationship of uses, applicable plans, or balancing benefits and detriments]* :

Third Motion and Vote – Required only if the proposed amendment is approved despite inconsistency with the comprehensive plan and/or any other applicable adopted plan(s): The Town Council approves the amendment and declares that this approval also amends the Comprehensive Plan (and/or other approved and applicable plan) because *[provide explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment]*:

Planning Application - UDO Text Amendment

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

Official Use Only

Case Number:
PL02455-041619
Case Name:
Public Hearing Modification

A. CONTACT INFORMATION

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

B. TEXT INFORMATION

Amendment is to:

Article(s): 9 Amendments

Section(s): 9.03, 9.05, 9.06

Brief Description of Amendment (Attach Proposed Text):

The Town of Boone has initiated a UDO Text Amendment to Article 9 to clarify and modify the public hearing process for consideration of UDO map and text amendments.

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

Jane Shook
Applicant (Print)

/s/ Jane Shook
Applicant Signature

April 16, 2019
Date

Official Use Only

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

Hearing/Decision Information

Public Hearing Meeting
Date: May 20, 2019
PC Meeting
Date: _____
TC Meeting
Date: _____
Text Approved: ☐ Yes ☐ No
Notes:

S:\FORMS\Current Forms\Planning\UDOTextAmendment_PlanningApplication_09252017.doc

Communication: Case PL02455-041619 Application Information (packet page 80) (Case PL02455-041619 Article 9 Public Hearing Process - UDO



**STAFF REPORT
PUBLIC HEARING
MAY 20, 2019**

CASE PL02455-041619 PUBLIC HEARING MODIFICATION - UDO TEXT AMENDMENT

Request

The Town of Boone has initiated a UDO Text Amendment to Article 9 to clarify and modify the public hearing process for consideration of UDO map and text amendments.

Proposed Ordinance Amendment

ORDINANCE # _____

**AN ORDINANCE TO REVISE ARTICLE 9 OF THE TOWN OF BOONE
UNIFIED DEVELOPMENT ORDINANCE RELATING TO PUBLIC HEARINGS
AND JOINT MEETINGS HELD BY THE TOWN COUNCIL AND PLANNING COMMISSION**

WHEREAS, as required by state law and good public policy, a public hearing is required to be held on any proposed amendment to the Town of Boone Uniform Development Ordinance ("UDO"), including both text amendments and map amendments (e.g., rezonings);

WHEREAS, as required by state law, the Town's Planning Commission is afforded an opportunity to review and comment upon any proposed amendment to the UDO before the Boone Town Council makes a decision on the proposed amendment;

WHEREAS, the Town Council recognizes and finds that there is significant public interest and benefit in encouraging full, frank and open communication between and among the Planning Commission, the Town Council, Town staff, the applicant, affected residents, and other interested parties with respect to proposed UDO amendments;

WHEREAS, the Boone Town Council is authorized to enact this Ordinance pursuant to its zoning authority under G.S. Chapter 160A, Article 19;

WHEREAS, this proposed UDO text amendment was duly noticed for public hearing; a public hearing was held with respect to the proposed amendment on March 25, 2019; and the Boone Planning Commission has had an opportunity to submit a written report to the Boone Town Council with respect to the proposed amendment;

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

SECTION 1. The following subsections of Article 9 of the Boone UDO are hereby repealed, and in their place are enacted the following new subsections, with deletions and additions shown in red and blue respectively:

9.03 Hearing Required: Conduct of Hearing; Notice of Hearing

9.03.01 Hearing Required

- A.** Text, General, and Conditional District Map Amendments are a legislative processes subject to judicial review.
- B.** No action that amends or repeals any of the provisions of this Ordinance may be adopted until a public hearing has been held on such.

9.03.02 Conduct of Hearing

- A. The Council and Planning Commission shall meet in joint session to hold the public hearing, and a quorum of each body must be present.
- B. Public hearings on proposed amendments shall be conducted in accordance with the meeting schedule adopted by Council, so long as there are items for consideration.
- C. A record of the public hearing will be prepared by Staff and minutes of the hearing submitted to the Planning Commission and Council as soon as practical following the public hearing.
- D. Public hearings shall be conducted in accordance with rules for the hearing adopted by the Council.
- E. The Mayor or other presiding officer may, at a minimum:
 - 1. Limit the length of time for each speaker, and
 - 2. Require the designation of a spokesperson for groups of persons supporting or opposing the proposed amendment for the same reasons, and
 - 3. Provide for the maintenance of order and order the removal from the hearing room of any person attempting to disrupt the hearing or to intimidate or belittle other speakers, and
 - 4. Limit the number of persons in the hearing room at any one time, insofar as the number of persons wishing to attend the hearing exceeds the safe capacity of the hearing room.
- F. Public hearings shall be conducted as follows except as otherwise directed by Town Council:
 - 1. The applicant or other proponent of the proposed amendment shall present the requested amendment and answer questions posed by Planning Commission and Town Council members.
 - 2. Town staff (if not the proponent of the amendment) shall comment upon the proposed amendment and answer questions posed by Planning Commission and Town Council members.
 - 3. Any other persons wishing to speak on the proposed amendment shall be given an opportunity to do so and to answer questions posed by Planning Commission and Town Council members.
 - 4. The meeting shall then be opened to comment and discussion by and among Planning Commission and Town Council members, who also may in their discretion seek further information from or otherwise involve Town staff, the applicant, and any other interested persons in the discussion.

G. Town Council and Planning Commission member shall endeavor to use the public hearing as a forum to voice and address concerns about the proposed amendment, so that each body can have the benefit of understanding the views and concerns of members of the other body.

~~F.~~H. In the case of Conditional District zoning applications, Town Council and Planning Commission members shall endeavor to use the public hearing as a forum to explore possible conditions that could be placed on the proposed development with the agreement of the applicant.

Citizen Comment

9.04.01 If any resident or property owner in the Town submits a written statement regarding a proposed amendment, modification, or repeal to a zoning ordinance to the clerk to the board at least two (2) business days prior to the proposed vote on such change, the clerk to the board shall deliver such written statement to Council.

9.05 Planning Commission Consideration of Proposed Amendments

9.05.01 A proposed amendment shall be deemed submitted to the Planning Commission for review and comment upon the holding of the public hearing on the proposed amendment as provided at subsection 9.03. Following the public hearing, the Planning Commission, may proceed to consider the proposed amendment:

- A.** In that same meeting,
- B.** At its next regularly-scheduled meeting and/or
- C.** At a subsequent special meeting, so long as proper notice is given thereof.

9.05.02 The Planning Commission may not reopen a public hearing or hold a second public hearing accept as approved by Town Council.

9.05.03 The Planning Commission may at any time in connection with its review and recommendation duties seek additional information from Town Staff, and such shall not be deemed the reopening or holding of a public hearing.

9.05.04² The Commission shall endeavor to provide a written report and written recommendation to the Council within 30 days of the public hearing. However, the Commission may apply to Council for an extension of time to submit its recommendations.

- A.** The Commission shall specifically advise and comment on whether the proposed amendment is consistent with the Comprehensive Plan and other officially adopted plans that are applicable and whether the Commission recommends adoption of the proposed amendment.

~~B.~~ In its report to the Council, the Commission may comment, as it deems appropriate, on any ~~other~~ matter related to the proposed amendment. By way of example and without limiting the foregoing, in the case of a proposed text amendment, the Commission may propose changes to the proposed text; and in the case of a Conditional District rezoning application, the Commission may propose that one or more conditions be requested by Council.

9.05.053 Rather than or in addition to making its written report, the Commission may recommend to Council that a second public hearing be held on the amendment in order to gather additional public comment or other information. Such a request shall not, however, preclude the Council from acting on the amendment once 30 days have elapsed from the initial public hearing. ~~Additional testimony not presented at the public hearing may be considered by the Commission upon favorable vote of the majority of its members present.~~ If Town Council approves a second public hearing, the Planning Commission shall have 30 days from the date of that second public hearing to make a written report to Town Council, and the Town Council shall not act on the application until that 30 days has elapsed.

9.05.064 No member of the Commission shall participate in the discussion or vote on any recommendations regarding any amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

Council Action on Amendments

9.06.01 Council Action After Referral to the Commission:

- A.** At any meeting following the receipt of a written report and recommendation from the Commission or after thirty (30) days following ~~referral~~ the public hearing of-on a proposed amendment ~~to the Commission~~ if the Commission fails to submit a written ~~recommendation~~ report, the Council may proceed with its consideration of the proposed amendment. ~~—Council may:~~
1. Adopt the proposed amendment; or
 2. Adopt the proposed amendment with modifications; or
 3. Reject the proposed amendment; or
 4. Continue its consideration of the amendment to a later meeting date; or
 5. Refer the proposed amendment back to Staff and/or the Planning Commission for such further consideration as Council may direct, including but not limited to a second public hearing.
- B.** The Council should endeavor to take action no later than sixty (60) days after the Commission submits its written report.

- C. A comment by the Commission that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Council.
- D. The Council is not bound by any recommendation of the Planning Commission, including a recommendation that the proposed amendment be rejected.
- E. In the event Council fails to act on a proposed amendment within ninety (90) days of submission of the Commission's report, such action shall be deemed a denial of the proposed amendment.

~~9.06.02 Additional testimony not presented at the public hearing may be considered by the Council upon favorable vote of the majority of its members present.~~

9.06.03 When adopting or rejecting any UDO text or map amendment, the Council shall adopt a statement describing whether its action is consistent with the Comprehensive Plan and other officially adopted plan that is applicable and explaining why the Council considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.

9.06.04 A proposed amendment submitted by an applicant may be withdrawn by the applicant at any time prior to final Town Council action on the application.

- A. If an applicant fails to pursue the application for a period of six (6) months thereafter, the application shall be deemed to have expired.

Conditional Districts (CD)

9.09.01 The authorization of a Conditional District ("CD") for any use which is permitted only as a special use in the zoning district which corresponds to the conditional district shall preclude any requirement for obtaining a special use permit for any such use from the Board of Adjustment.

9.09.02 All variances proposed by the petitioner must be obtained from the Board prior to the scheduling of the public hearing for the CD.

9.09.03 Specific conditions applicable to a CD may be proposed by the ~~petitioner~~ applicant or the Town or its agencies, but only those conditions mutually agreed upon by the Town and the ~~petitioner~~ applicant may be incorporated into the permit requirements.

- A. Conditions and site-specific standards imposed in a CD shall be limited to those that address the conformance of the development and use of the site to Town Ordinances and the comprehensive plan or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site.

- B. Town Council members and the applicant shall endeavor to discuss and agree to conditions as part of the public hearing process provided at section 9.03; notwithstanding the foregoing, proposed conditions may be discussed or negotiated at any time that Town Council is considering the proposed application.
- C. The applicant shall forthrightly answer any request by a Town Council member to agree to a proposed condition. Before doing so, however, the applicant may request continuance of the meeting or postponement of the applicant's response until a subsequent meeting so that the applicant may further consider the requested condition before making a response. Such request for delay in responding may be granted by a consensus of the Town Council or, there being none, majority vote. Town Council shall continue or postpone the meeting to the next available public hearing or such earlier meeting as it shall deem appropriate.
- D. An applicant's refusal to answer a request to agree to a proposed condition shall be deemed a withdrawal of the application per section 9.06.03.
- ~~B.~~E. After the Town has published the notice of public hearing for the application, the applicant shall make no changes to the conditions or site-specific standards that are less restrictive than those stated in the application, including but not limited to smaller setbacks, more dwelling units; greater height; more access ways; new uses; and fewer improvements. More restrictive conditions or additional conditions may be added to the application if such conditions are received by the Planning Department in writing and signed by all owners of the property at least ten (10) business days before the date scheduled for final Town Council action on the application.

SECTION 2: This Ordinance shall be effective upon the date it is adopted by Town Council.

Adopted this ____th day of _____, _____.

Rennie Brantz, Mayor

ATTEST: _____
Town Clerk

CONFORMITY TO ADOPTED PLANS

COMPREHENSIVE PLAN UPDATE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMPREHENSIVE PLAN POLICIES

2.1 THE ECONOMY

2.1.1 Economic Development

...

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

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

PLANNING BOARD REPORT/RECOMMENDATIONS

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

First motion and vote: The proposed amendment to the Town’s zoning ordinance ☐is OR ☐is not consistent with the Town’s comprehensive plan and any other adopted plan(s) of the Town that are applicable because *[describe elements of controlling land use plans and how the amendment is or is not consistent]*:

Second Motion and Vote: The Planning Commission recommends ☐approval OR ☐denial of the proposed amendment to the Town’s Zoning ordinance and believes ☐approval OR ☐denial is reasonable and in the public interest because *[Briefly explain why. Factors may include public health and safety, character of the area, relationship of uses, applicable plans, or balancing benefits and detriments]* :

Third Motion and Vote – Required only if the Commission recommends approval despite inconsistency with the comprehensive plan and/or any other applicable plan: The Planning Commission recommends approval of the amendment despite inconsistency with the comprehensive plan and/or other applicable adopted plans because *[provide explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment]*:

TOWN COUNCIL ACTION

Per NCGS 160A-383, zoning regulations shall be made in accordance with a comprehensive plan. Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest.

First motion and vote: The proposed amendment to the Town’s zoning ordinance ☐is OR ☐is not consistent with the Town’s comprehensive plan and any other adopted plan(s) of the Town that is applicable because *[describe elements of controlling land use plan(s) and how the amendment is or is not consistent]*:

Second Motion and Vote: The Town Council ☐approves OR ☐denies the proposed amendment to the Town’s zoning ordinance and believes ☐approval OR ☐denial is reasonable and the public interest because *[Briefly explain why. Factors may include public health and safety, character of the area, relationship of uses, applicable plans, or balancing benefits and detriments]* :

Third Motion and Vote – Required only if the proposed amendment is approved despite inconsistency with the comprehensive plan and/or any other applicable adopted plan(s): The Town Council approves the amendment and declares that this approval also amends the Unified Development Ordinance (and/or other approved and applicable plan) because *[provide explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment]*:
