

**Town of Boone
Public Hearing
6:00 PM, May. 22, 2023
Town Council Chambers, 1500 Blowing Rock Road Or WebEx**

Please note that the Public Hearing is a joint meeting before the Town Council and the Planning Commission. Participants can participate either in person at Town Council Chambers at 1500 Blowing Rock Road or remotely using WebEx, a video conferencing system. Individuals who wish to watch the meeting or speak during public comment can do so through WebEx either online or by phone. To do so, please email Jane Shook, Director of Planning & Inspections at jane.shook@townofboone.net or call 828-268-6960, and you will be provided with an email invitation to the meeting. All requests for participation must be completed by 5:00 p.m. on the day of the meeting.

- I. Call to Order of Town Council**
- II. Call to Order of Planning Commission**
- III. Moment of Silence**
- IV. Approval of Public Hearing Minutes by Town Council and Planning Commission**
 - March 20, 2023 Special Public Hearing Minutes
 - March 27, 2023 Public Hearing Minutes
- V. PUBLIC HEARING**
 - A. *General Guidelines for Each Case Presented at Public Hearing***
 - i. Presentation of Case**
 - ii. Questions by Town Council and Planning Commission**
 - iii. Public Comment**
 - iv. Discussion/Questions by Town Council and Planning Commission**
 - v. Public Hearing for Case is Closed**
- VI. Case PL06583-040523 Yates Family Properties - General Use Zoning Map Amendment**
 - Case PL06583-040523 Application Information
 - Case PL06583-040523 Staff Report

VII. Cases PL06596-041223, PL06597-041223, and PL06598-041223 ASU - General Use Zoning Map Amendment

Cases PL06596-, PL06597-, and PL06598-041223 Application Information

Cases PL06596-, PL06597-, and PL06598-041223 Staff Report

VIII. Case PL05640-040822 Lighting Design Standards - UDO Text Amendment

Case PL05640-040822 Application Information

Case PL05640-040822 Staff Report

Case PL05640-040822 Presentation

IX. Adjournment of Town Council

X. PLANNING COMMISSION MEETING

XI. Public Comment

XII. Approval of Planning Commission Meeting Minutes

March 27, 2023 Planning Commission Meeting Minutes

April 17, 2023 Special Planning Commission Meeting Minutes

XIII. Planning Commission Consideration of Cases Heard at Public Hearing

XIV. Other Matters

XV. Adjournment of Planning Commission

**TOWN COUNCIL AND PLANNING COMMISSION
PUBLIC HEARING MINUTES
MONDAY, MARCH 20, 2023, 6:00 PM
VIA WEBEX SOFTWARE**

COUNCIL MEMBERS: Mayor Pro Tem Edie Tugman, Todd Carter, and Virginia Roseman

PLANNING COMMISSION MEMBERS: Elizabeth Shay-Chair, Eric Plaag-Vice-Chair, Chris Behrend (joined at 6:03 p.m.), Scott Boyd, John Tippet, Frank Veno, and Smith Warren

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Stacey Miller-Deputy Director of Planning & Inspections & Chief Building Inspector, and Brenda Henson-Board Secretary

OTHER TOWN STAFF AND REPRESENTATIVES PRESENT: Allison Meade-Town Attorney

Call to Order

Mayor Pro Tem Tugman called the Town Council to order at 6:01 p.m. Chair Shay called the Planning Commission to order at 6:02 p.m.

Moment of Silence

A moment of silence was observed.

Commission Member Behrend joined the meeting at 6:03 p.m.

PUBLIC HEARING

Ms. Jane Shook, Director of Planning & Inspections, explained the guidelines for each case presented at the public hearing.

Case PL05781-061322 Signs – UDO Text Amendment

The Town of Boone has proposed amendments to UDO Article 26 Signs and Article 34 Definitions to revise and modernize sign regulations. Numerous changes have been made to the regulations in order to be compliant with statutory requirements, case law, and the need to modernize the language.

Ms. Shook noted that the staff report had been revised to reflect changes discussed at the January 23, 2023, public hearing. She stated that the text revisions were shown in yellow highlight and indicated that she would cover all the changes made since the last hearing.

Ms. Shook referred to section 26.04.04 which had been renamed from “Abandoned Signs” to “Removal of signs not in use or discontinued”. She stated the section had been revised to distinguish between signage that had been abandoned and signage that was not in use. She noted that based upon the previous hearing, that the text had been revised to allow ninety days the removal of sign copy from a sign where the business had permanently and indefinitely ceased and 12 months for the removal of an abandoned sign structure that had been abandoned. No further changes were suggested.

Ms. Shook then referred to section 26.05.01 Prohibited. She reviewed the following changes:

- 26.05.01(C) revised to include signs with animation, streaming video, flashing, scrolling, fading, and other illusions of motion.
- 26.05.01(H) added to included feather banners. Additional discussion is warranted based upon the last public hearing. Also added were feather banners under 26.05.01(H).

- Inflatable signs were moved from the proposed “prohibited” section to the “temporary or other exempt sign” section.
- 26.05.01(R) added to address lighting that drew attention to a business rather than providing light for its functional purpose.

Upon conclusion of the presentation of changes in 26.05.01, Mayor Pro Tem Tugman asked if the change in 26.05.01(C) would address issues like the lighting at the new carwash. Ms. Meade replied that the regulations in 26.05.01(S) would address that kind of situation.

Brief discussion ensued on changeable copy. Ms. Shook stated that the staff had made a list of every changeable copy sign in town. Mr. Stacey Miller, Deputy Director of Planning & Inspections & Chief Building Inspector, added that there were 20-some electronic changeable copy signs. Council Member Roseman stated that she had only seen a couple of changeable copy signs that really bothered her. She added that she did not want to overregulate this type of sign. Mayor Pro Tem Tugman expressed concern that in 5-7 years, there would be too many changeable copy signs, and Boone would begin to look like the Vegas strip as it did in 1972.

Discussion continued on prohibited signs. Ms. Allison Meade, Town Attorney, suggested adding inflatable signs back into the prohibited sign section with language that would indicated that inflatable signs except those allowed per Section 26.06 would be prohibited. She also suggested changing 26.05.01(S) to read “any other sign(s) not expressly authorized by another section of this Ordinance.

Discussion ensued on feather banners. Ms. Meade suggested one option would be to allow feather banners the same as inflatable signs. Council Member Roseman indicated she would agree to allow feather banners because they were cheap. However, she felt there should be a height limit of six feet and a time limit on how long they could be displayed. Vice-Chair Plaag suggested limiting the number of feather banners that could be displayed within a particular linear foot. Staff agreed to review the feather banner issue when the portion on temporary signs came under review under the next section on “temporary or other exempt signs”

Ms. Shook referred to section 26.06.01 Temporary or other exempt signs. She noted that entire section had been reworked to address the comments at the last public hearing. She briefly reviewed the new subsection headings and began to review the changes made outside of the reformatting. She noted 26.06.01(G) had been added to recognize the corner of Blowing Rock Road and Hwy 105 as an area for a limited public forum where community event signs could be placed without a permit as discussed at the last public hearing. Discussion ensued. Ms. Shook indicated and there appeared to be agreement with Council and the Planning Commission that if allowed that the size of the area where signs would be allowed would need to be defined. Vice-Chair Plaag expressed concern about having a public forum on private property. After some discussion, Ms. Meade indicate that she thought the location was appropriate for a limited public forum and noted that as written the Town would retain the right to close the forum at any time.

Continuing on with the review of changes, Ms. Shook referred to section 26.06.02(A)(2) and reminded Council and the Planning Commission that last time Staff had presented the change to the display time of temporary signs from ten days to 14 days to make it an easier two weeks for tracking for enforcement.

There was a discussion of allowing feather banners under Section 26.06.02(A) on-premises advertising temporary signs. Council Member Roseman and Commission Member Warren indicated they were in favor of allowing feather banners. Ms. Meade noted that the average height of a feather banner was eight feet tall. Mayor Pro Tem Tugman expressed concern that there could be too many banners along

the roadways. Ms. Shook noted that only one feather banner would be allowed per parcel. She also felt feather banners should not be allowed in the B1DC or the B1DI.

After a brief review of how Subsection 26.06.04 Temporary signs advertising temporary events was laid out, Vice-Chair Plaag suggested moving 26.06.04(C), which was the definition of a temporary event, to 26.06.04(A) so it would be at the top of the Temporary signs advertising temporary events section.

Ms. Shook reviewed 26.06.04 to section 26.06.04(B)(2) Off-premises temporary signs advertising temporary events. Discussion ensued on the concern of the limitation of what events qualified as a temporary event under the proposed language and the proposed limitations of the length of time the temporary event off-premise signs were allowed to be up. It was suggested that written consent, either by letter, signature page, or email, be obtained from each off-premises property owner allowing a sign to be placed on their property. Council Member Carter stated that it was not tenable to obtain signed approvals from each property owner, nor was the suggested time for the signs to be up reasonable. As an event organizer, he stated that he would rather the signs not be allowed at all instead of allowing them under those guidelines. Mayor Pro Tem Tugman suggested allowing signs to be displayed no more than 72 hours prior to an event. Ms. Meade suggested the addition of language that no compensation could be requested or given to off-premises property owners displaying signs. Ms. Shook noted that the proposed language did not limit the number of off-premises signs that could be displayed. She stated that current regulations allowed 12 small off-premises signs, one off-premises banner, and one on-premises banner. Ms. Meade felt it might be a good idea to keep the limit of 12 off-premises signs.

Mayor Pro Tem Tugman called a break in the meeting from 8:07 p.m. until 8:17 p.m.

Ms. Shook referred to section 26.06.05(P) Real estate signs. She stated that the allowed height in the B1DC had been changed to five feet.

Ms. Shook referred to section 26.07.07(H) Changeable/digital copy. She noted that current regulations allowed sign copy to change every hour. The proposed language would allow the sign copy to change every five minutes. Council Member Roseman felt that five minutes was too long. She suggested allowing the copy to change every 2.5 minutes, if not sooner. Mayor Pro Tem Tugman stated she would be happy to keep the requirement that copy could only change once an hour. Council Member Carter said he would be okay with five minutes but felt one hour was too long. Ms. Shook noted that Mr. Miller verified the number of changeable copy signs in town was 26.

Ms. Shook referred to section 26.08.05(E) Monument signs. She noted that since the last meeting she had included 26.08.05(E)(2) that the base of the sign was proposed to be two feet in height. After some additional thought and review of the sign photos included in the packet, Ms. Shook felt the two-foot height requirement could be removed, which would allow for more sign copy area. She indicated the same for new Section 26.08.05(E)(3), that indicated that signs must have a decorative border or topper. Ms. Shook did not feel that was necessary. She noted that monument signs in the B1 districts would be required to have a pedestrian-oriented courtyard, landscaped greenspace, or landscaped buffer that contained four times the size in area of the proposed sign, and the sign had to be set back at least six feet from the edge of the right-of-way or the back of the public sidewalk, whichever was more restrictive.

Ms. Shook reviewed the photos in the meeting packet that depicted numerous signs around town, and their measurements.

Ms. Meade suggested that the maximum height of a monument sign in the B1DC be changed from five feet to six feet because the setback requirement was six feet.

There was a discussion about no longer allowing pole/pylon signs. Mayor Pro Tem Tugman and Council Members Roseman and Carter agreed they would like to eliminate pole/pylon signs. Ms. Meade

suggested bringing that forward as a separate text amendment in order to allow public input, consideration, and education.

Chair Shay expressed concern that eliminating pole signs might net cheaper designs of monument signs.

Ms. Meade suggested allowing larger monument signs if a parcel had a larger setback.

Ms. Shook referred to section 26.08.06(F) Window signs. She noted that many small businesses displayed window signs in the staff's observations, not just larger or chain businesses. She pointed the Staff Report included questions and concerns Staff had about the regulation of window signs. She asked the Planning Commission if they would identify what was their most concern regarding window signs- was it the amount of signage or was it the lighting?

Vice-Chair Plaag stated he was most concerned with neon lighting and the amount of window area taken up by interior signs.

Commission Member Veno felt the most significant issue was lighted signs in windows. He expressed concern for the historic district.

Council Member Roseman asked if light pollution coming from inside a business was regulated. Ms. Shook replied that current regulations measured light pollution from exterior site lighting. She felt it would be challenging to regulate pollution from interior lighting.

There was some discussion regarding item two under Window signs as it related to a 25% limitation of window surface that could display signage. At this time, it was felt that lighting was the main concern and enforcement of window signs would be difficult. It was suggested that item two be excluded from the proposed text.

There was a general consensus to continue with items one and three, with the inclusion in item three of lights outlining windows.

Ms. Shook read section 26.08.08 Murals, then referred to the definition of Murals in the definition section.

Ms. Meade stated that murals were currently allowed as long as they were not signs. She suggested allowing the addition of 5% of the total mural space to be dedicated to a logo, trademark, or tradename. Ms. Meade also suggested including the proposed Possible Addition listed in the definition that stated A mural that is sponsored by the Town of Boone shall not be considered an advertising sign, but rather government speech, and is subject only to such conditions as the Town Council shall impose; provided that the foregoing provision shall not be construed as exempting a Town-sponsored mural to be located in a historic district from any applicable requirement of the historic district standards.

Vice-Chair Plaag asked why the Town would prohibit billboards but allow advertising on a mural. Ms. Meade replied that the allowance of 5% advertising on a mural would not be equal to the advertising provided by a billboard. She added that murals were considered art.

Commission Member Behrend asked what would happen if a mural was considered offensive. Ms. Meade felt that most murals would be tastefully done but thought it was a risk worth taking.

Vice-Chair Plaag stated that murals sometimes had a positive short-term benefit but might not have a favorable long-term outcome.

Due to the time, it was determined that another date would need to be set for the Planning Commission to make recommendations on the proposed sign text amendment. There was a consensus of Commission members that consideration of this text amendment would be placed on Planning Commission's agenda for March 27, 2023, following the regularly scheduled Public Hearing at 6:00 p.m. to be held via WebEx.

Mayor Pro Tem Tugman and Council Member Carter stated they would not be able to attend the March 27, 2023, Public Hearing. Council Member Roseman indicated she would be able to attend.

Adjournment of Town Council

Council Member Carter made a motion to adjourn the Town Council at 10:10 p.m. The motion was seconded by Council Member Roseman.

Vote: Aye – All
Nay – None

The motion passed.

Edie Tugman, Mayor Pro Tem

Brenda Henson, Board Secretary

Elizabeth Shay, Planning Commission Chair

Continuation of Planning Commission Meeting

Adjournment of Planning Commission

Vice-Chair Plagg made a motion to adjourn the meeting at 10:11 p.m. Commission Member Tippet seconded the motion.

Vote: Aye – All
Nay – None

The motion passed.

Elizabeth Shay, Planning Commission Chair

Brenda Henson, Board Secretary

**TOWN COUNCIL AND PLANNING COMMISSION
PUBLIC HEARING MINUTES
MONDAY, MARCH 27, 2023, 6:00 PM
VIA WEBEX SOFTWARE**

COUNCIL MEMBERS PRESENT: Mayor Tim Futrelle, Dalton George, Becca Nenow, and Virginia Roseman

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

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Stacey Miller-Deputy Director of Planning & Inspections & Chief Building Inspector, Christy Turner-Senior Planner, Mike James-Senior Planner, and Brenda Henson-Board Secretary

OTHER TOWN STAFF AND REPRESENTATIVES PRESENT: Allison Meade-Town Attorney, Rick Miller-Public Works Director, Justin Stines-Facilities Maintenance Superintendent

Call to Order

Mayor Futrelle called the Town Council to order at 6:04 p.m. Chair Shay called the Planning Commission to order at 6:05 p.m.

Moment of Silence

A moment of silence was observed.

Approval of Meeting Minutes

Council Member George made a motion to approve the January 23, 2023, Public Hearing minutes as written. The motion was seconded by Council Member Nenow.

Vote: Aye – 3
Nay – None
Absent – 2 (Tugman, Carter)

The motion passed.

Vice-Chair Plaag made a motion to approve the January 23, 2023, Public Hearing minutes as written. The motion was seconded by Commission Member Behrend.

Vote: Aye-7
Nay – None

The motion passed.

Public Hearing Guidelines

Ms. Jane Shook, the Director of Planning & Inspections, explained the guidelines for each case presented at the public hearing.

PUBLIC HEARING

Case PL06365-122822 Cole, Robert – General Use Zoning Map Amendment

Robert Cole has submitted a General Use Zoning Map Amendment application to request that 190 Chestnut Drive (Watauga County PIN: 2910-39-8092-000) be rezoned from R1 Single Family Residential to R3 Multiple-Family Residential.

Ms. Christy Turner, Senior Planner with the Town of Boone Planning & Inspections Department, presented the request as it was outlined in the meeting packet.

Ms. Allison Meade, Town Attorney, noted that his request was for a general rezoning of the property, not a conditional rezoning for a specific use. When considering this request, she reminded everyone that they would need to look at all of the possible uses allowed in an R3 zoning district. Ms. Meade cautioned against placing any consideration on any representations of use presented by the applicant because this was not a site-specific request.

Mr. Rob Cole, the applicant and property owner, stated that he would like to have 3-4 unrelated people in the house at 190 Chestnut Drive. He noted that Town staff advised him to apply for an R3 zoning to get the occupancy he sought. Mr. Cole stated that the house had two driveways and a garage. He added that the house should have a maximum of four cars and that parking on the site was sufficient.

Mr. Cole stated that the house was located next to the new storage facility, the new access road, and near the new Sheetz. He said Chestnut Drive would provide a natural barrier between his property and the neighboring R1 properties.

Mr. Cole referenced two letters of opposition submitted by Virginia Williams and Bob and Linda Carlough. He stated they were concerned with increased traffic and noted that he thought their concerns were most likely about the increased traffic from the new commercial development adjacent to his property. Mr. Cole contended that allowing one or two more occupants in his house would not significantly increase traffic in the neighborhood.

Mr. Cole noted that a 2021 housing needs assessment found 100% occupancy of rental units in the area. He stated that the study recommended increased housing density. Mr. Cole added that the Town considered that the benefits of the storage facility and Sheetz outweighed any negative impacts, and he asked for the same consideration.

Ms. Meade asked if the property was 7,400 square feet. Ms. Turner replied that was correct. Ms. Meade asked what the required minimum lot size was for properties zoned R3. Ms. Turner stated they were required to be 20,000 square feet. Ms. Meade asked if there were any other requirements of R3 zoning that the subject property did not meet, such as street frontage or lot width. Ms. Shook felt that might be difficult to know without a survey of the property. Ms. Turner noted that a quick measurement on GIS indicated those requirements were met.

Vice-Chair Plaag asked Mr. Cole if it was correct that he purchased the subject property after the storage facility had been approved. Mr. Cole stated that was correct. Vice-Chair Plaag asked Mr. Cole if he was aware that the storage facility would be constructed on the neighboring property when he purchased 190 Chestnut Drive. Mr. Cole replied that he was aware of the construction of the storage facility.

Council Member George felt it was unfortunate that a storage facility would be next to the house. He asked Mr. Cole if he was aware of cottage zoning or conditional district zoning that might have worked for this property. Ms. Turner stated that she discussed conditional district zoning with Mr. Cole, but he did not want to go that route. Mr. Cole added that he was not building anything, so he thought he did not need a conditional district with a site-specific development plan. Ms. Turner explained that the use of the property would be the same, there would just be an increase in occupancy. She stated that if Mr. Cole had requested a conditional district zoning, he would still have to get a variance to allow the increased occupancy. Ms. Shook wished to clarify that zoning the property to R3 as a general use rezoning would allow the occupancy Mr. Cole was seeking, and no variances would be required.

Ms. Meade noted that a conditional district would be more limited because it would be for a specific use. She added that the property did not meet UDO requirements for lot size in an R3. Ms. Shook stated that other rezoning requests had been approved without meeting all of the requirements of the zoning district.

At 6:36 p.m. Mayor Futrelle asked for public comment.

Ms. Carolyn Ward of 253 Chestnut Drive spoke against the rezoning request. She stated she had lived in the neighborhood since 2010. Ms. Ward said that most of the homes in the neighborhood were owner-occupied, and it was hard for working-class families to afford homes in town. She noted that Mr. Cole's house was currently occupied by two girls. Ms. Ward expressed concern about increased traffic and noise. She stated it was okay for the house at 190 Chestnut Drive to be a rental house but felt it should be a rental house for families and remain zoned R1. Ms. Ward thought the rezoning of this property could set a precedent, and other property owners would want to rezone their property. She was upset that she did not get invited to the neighborhood meeting held by Sheetz. Ms. Ward noted that her property was approximately 400 feet from the Sheetz property.

Ms. Linda Carlough of 111 Maple Drive spoke against the rezoning request. She stated she lived across the street from 190 Chestnut Drive and agreed with Ms. Ward's comments. Ms. Carlough said she was also concerned with increased traffic and felt they were losing the neighborhood feel. She was unhappy with the new storage facility and Sheetz. Ms. Carlough also worried about setting a precedent.

Council Member Roseman noted that the house had three bedrooms, and it seemed like Mr. Cole wanted a third person for the third bedroom.

Vice-Chair Plaag stated he was concerned about the repeated threats to R1 neighborhoods. He said he knew people who worked in Boone but could not afford to live in Boone. Vice-Chair Plaag felt that rezoning an R1 property to R3 would be an invitation to convert a single-family residence to student housing. He noted that the property did not meet R3 standards, and he was adamantly opposed to this rezoning.

Council Member George stated that the Town needed neighborhood preservation. He felt that Town Council needed to discuss ways to better inform people who would potentially be impacted by development.

Commission Member Veno stated he was confused by the fact that the applicant was applying for an R3 zoning but did not meet the minimum lot size required for R3 zoning. Ms. Shook noted that not all projects meet all requirements of the zoning district. She added that there could be no new development on this property if it was zoned R3.

Commission Member Tippet asked if rezoning this property would be considered spot zoning due to the fact that there were no other R3-zoned properties in the area. Ms. Meade replied that it could be an issue; however, it was not necessarily illegal. She stated that if there were good reasons and justification for why this property should be zoned R3, it could be lawful. Ms. Meade added that the rezoning could be challenged by the neighbors.

Vice-Chair Plaag asked if the property could be sold to the storage facility so they could increase their footprint. Ms. Shook replied that the storage facility could only use the property for the uses allowed in that property's zoning district.

Mayor Futrelle believed that neighborhoods in Town were in bad shape, and they needed to ensure that they were maintained and safe. He stated that he did not begrudge anyone for using their property adequately. Mayor Futrelle expressed concern that allowing one R1 property to rezone as R3 could cause other R1 properties to want to do the same.

Council Member Roseman stated she lived close enough to King Street that she could see the businesses and traffic, but it did not bother her. She noted that she chose to live where she did, and she loved her house.

With nothing further, Mayor Futrelle closed the public hearing for this case at 7:04 p.m.

Case PL06330-120922 Spring Hill Suites – Conditional District Zoning Map Amendment

Mansa Hospitality Boone, LLC has submitted a Conditional District Zoning Map Amendment application to rezone four parcels of property located at and near the intersection of US 421 South and Bub Teems Road (Watauga County PINs: 2920-09-6331-000, 2920-09-7251-000, 2920-09-6177-000 and 2920-09-7187-000) from B3 General Business and RA Residential/Agricultural to B3 General Business with a site-specific plan to develop a 104-room hotel (Use 3.10 – Hotel Large).

Mr. Mike James, Senior Planner with the Town of Boone Planning & Inspections Department, presented the request as it was outlined in the meeting packet. He noted that there were four parcels, one of which was split-zoned as R3 and RA. This request, if approved, would rezone the split-zoned property to B3 and allow for the development of a 104-room hotel.

Mr. Jay Shah with Mansa Hospitality Boone, LLC stated there would be no conference center or business center in the hotel. He noted that the development would have been allowed by right if the middle parcel had been zoned B3. Mr. Shah stated that the development would be at a higher elevation than Hwy 421 and Bub Teems Road. He felt that the hotel would create a positive economic impact and increase employment in Town.

Mr. James stated that the property was located in the Corridor District, but the applicant had requested an entrance onto Hwy 421 instead of Bub Teems Road. He noted that this information was contained in the traffic impact analysis located in the meeting packet.

Council Member George asked about impacts on any streams or the river. Mr. Brandon Wise, Environmental Planner with the Town of Boone Planning & Inspections Department, replied that there was a stream on the property that was piped though there was a portion of the stream was daylighted. Council Member George stated that East Boone was the only area for the Town to grow. He asked Council members to make sure this type of development was what they wanted to see along this major corridor.

Vice-Chair Plaag noted that about 1/3 of the site was located in the 500-year floodplain and a smaller portion was located in the 100-year floodplain. He asked how flooding would be mitigated. Mr. Wise replied that the building would be located outside of the 100-year floodplain. He noted that the plans indicated there would be an underground storage system that would contain any new runoff. Vice-Chair Plaag asked if the building would be elevated. Mr. Kory Hedrick with K2 Engineering replied that the building would be elevated.

Vice-Chair Plaag stated that there seemed to be a discrepancy in the data points in the parking and traffic analysis. He noted that the parking study was done in late January, on a day when the high temperature was 50 degrees. Chair Plaag did not feel that this was a true reflection of a peak demand period. Additionally, the study showed that between eight o'clock and 10 o'clock in the morning, there was an increase of 28 vehicles entering the parking lot on Saturday, yet the traffic study suggested that during the am peak, there would be an average of 25 vehicles entering. Vice-Chair Plaag stated that these types of issues caused him to worry about the validity of traffic and parking analyses. Mr. Shah replied that the study was done in January because of the timing of their application submission and the hearing. He added that there was no foul play or ill intention with the timing of the study or the temperature of the day.

Chair Shay noted that a level of service for pedestrians was not included in the traffic study. Ms. Shook replied that the UDO did not require a pedestrian survey. Chair Shay felt a pedestrian survey was important in this area. Mr. James added that sidewalks were proposed on King Street and Bub Teems Road along the applicant's property lines. Ms. Shook asked if the sidewalk on King Street would connect with the sidewalk at the new apartment complex currently under construction. Mr. James stated that there was a parcel in between the two properties so the sidewalk would not connect.

Council Member Roseman asked why there was a sliver of R3-zoned property in between the B3-zoned properties. Ms. Shook explained that a portion of the property was rezoned when it belonged to Hampton Estates.

Vice-Chair Plaag referenced a letter that was submitted by Ms. Fulk and Ms. Kindley that indicated they were neighboring property owners. He stated that their letter indicated their property was split-zoned as B3 and RA. Mr. James replied that he had found no record of their parcel being zoned anything other than B3.

Vice-Chair Plaag stated that the applicant proposed a left and right turn out of their parking lot onto Hwy 421. He asked if there were any other recently rezoned parcels located on a 45-mile-per-hour road in Town that was allowed, as part of a conditional district zoning approval, a left turn across what amounted to five lanes of traffic from that new development. Mr. James replied that he would have to research that because he did not know the answer. Vice-Chair Plaag asked if there was a right turn only, what sort of downstream consequences would there be for traffic flow and traffic patterns. Ms. Shook stated that The Collection Apartments, which was near the subject property, through a special use permit, had a full access driveway.

Ms. Shook asked Mr. James if DOT had reviewed the scope for the TIA. Mr. James replied that DOT had reviewed the TIA. He noted that he had spoken with and emailed Carson with DOT. Mr. James stated that DOT was fine with the left and right turn out of the parking lot onto Hwy 421.

Vice-Chair Plaag asked if there were any recommendations from DOT regarding access. Mr. James replied that DOT recommended a right-turn deceleration lane, which was included in the applicant's site plans.

Ms. Shook stated that the Town currently had no standards that would limit a parcel to only having a right-in and right-out. She added that DOT controlled access onto Hwy 421. Ms. Shook expressed concern about where traffic would turn around if there was a right-out only.

Council Member Roseman questioned the property lines that were shown. Ms. Meade felt there could be some difference in the survey that what was represented on GIS. Mr. James added that the four parcels would be combined into one parcel and that parcel would reflect what was presented in the survey shown in the meeting packet.

Vice-Chair Plaag asked if the subject property was in the primary growth area. Ms. Shook replied that it was.

At 7:46 p.m. Mayor Futrelle invited public comment.

Mr. Jeff Patton stated if traffic had to turn right out of the hotel, they would likely try to turn around in his driveway. He felt the plan that was presented was good. Mr. Patton expressed concern about the sidewalk on Bub Teems Road going to nowhere. He noted the 20-foot elevation difference from the hotel to Bub Teems Road and the proposed retaining wall. Mr. Patton asked how that would look from Bub Teems Road. Mr. Hedrick replied that there would be a slope to the first retaining wall, there would be a landscaped area, then another retaining wall. Mr. Patton noted the proposed detention pond for storm drainage and asked if any upgrades would be done to ensure the water got to the New River. Mr. Hedrick

replied that the proposed stormwater management system should limit the amount of water leaving the site to a pre-development rate so there would be no increased flow during specified rain events. He stated there were no anticipated downstream improvements.

Council Member Roseman asked if the proposed sidewalk along Bub Teems Road could be removed and instead placed down Hwy 421 toward the bridge. Ms. Shook replied that the UDO required that new developments install sidewalks along roads bordering their property. She stated that the Town could not require a property owner to install a sidewalk along property that they did not own. Ms. Shook noted that a multi-modal path was planned for the opposite side of the highway she noted that there had been conversations with NCDOT about including the side of the proposed development as well. She asked Mr. Miller, Director of Public Works if he could provide any clarification.

Mr. Rick Miller, Director of Public Works, stated that the multi-modal path planned for the opposite side of the highway was approved but the Town and NCDOT had only preliminary conversations about another multi-modal path on this side of the highway.

Council Member Roseman felt it would be more beneficial to have a sidewalk along Hwy 421 to safely get pedestrians to the Greenway and Brookshire Park. Vice-Chair Plaag noted that there were almost 25 homes in that area that had the potential to use the sidewalk along Bub Teems Road.

Mr. Miller stated that extending the sidewalk along Hwy 421 within the state right-of-way would have to be done through encroachment agreements with DOT. He noted that this would not involve a property owner so the Town would have to fill out paperwork. Mr. Miller stated it would take time but it could be done.

Ms. Meade asked the applicant if there were any franchise agreements that would prohibit the installation of the sidewalk farther on Hwy 421 in lieu of installing the sidewalk along Bub Teems Road. Mr. Paul Gage replied that he was not aware of any requirements through Marriott regarding sidewalk installation. He added that they had followed the ordinance requirements. Mr. Shah added that the municipality had the requirements for the sidewalks, not the franchise.

Vice-Chair Plaag stated it was approximately 190' from Bub Teems Road to New River Hills. The proposed sidewalk along Bub Teems Road was approximately 380'. Vice-Chair Plaag suggested installing a small section of sidewalk up Bub Teems Road, then installing the remaining footage of sidewalk along Hwy 421 to New River Hills.

Ms. Meade asked what would be between the sidewalk and the retaining wall along Bub Teems Road. Mr. Hedrick replied that most of this area was in the DOT right-of-way and would be grass.

With nothing further, Mayor Futrelle closed the public hearing for this case at 8:08 p.m.

Ms. Shook noted that though she and Ms. Meade had worked on the revisions to the sign text but they were not ready for Planning Commission to discuss the revisions at tonight's meeting and noted that the Planning Commission would make a decision at their meeting on when to continue discussion.

Adjournment of Town Council

Council Member Roseman made a motion to adjourn the Town Council at 8:09 p.m. The motion was seconded by Council Member George.

Vote: Aye – All
Nay – None

The motion passed.

Tim Futrelle, Mayor

Brenda Henson, Board Secretary

Elizabeth Shay, Planning Commission Chair

Continuation of Planning Commission Meeting

Chair Shay called a break in the meeting from 8:10 p.m. until 8:17 p.m.

Public Comment

There was no additional public comment made.

Approval of Planning Commission Meeting Minutes

Vice-Chair Plaag made a motion to approve the January 23, 2023, Planning Commission meeting minutes as written. Commission Member Behrend seconded the motion.

Vote: Aye – All
Nay – None

The motion passed.

Case PL06365-122822 Cole, Robert – General Use Zoning Map Amendment

Robert Cole has submitted a General Use Zoning Map Amendment application to request that 190 Chestnut Drive (Watauga County PIN: 2910-39-8092-000) be rezoned from R1 Single Family Residential to R3 Multiple-Family Residential.

Ms. Turner reminded Commission members that they would need to consider all possible uses allowed in an R3 zoning district when considering this request.

Commission Member Tippet noted that while adding one more car on the property would not have a big impact on traffic he noted he had concerns that the property did not meet the minimum lot size required in an R3 zoning district and was concern about spot zoning. He said he was opposed to this request, and noted that the owner could still rent the house under the R1 guidelines.

Chair Shay stated the rules about unrelated people living together seemed to work at cross purposes with the desire to have more housing. She noted that unrelated people could be perfectly lovely neighbors and related people were not always the best neighbors. Chair Shay added that this application seemed to be the wrong tool for the problem. She stated that the parcel being 7,000 square feet instead of the minimum lot size of 20,000 square feet was a problem. Chair Shay noted that general rezoning requests could not be considered as the specific uses described by the property owner.

Commission Member Veno stated he was opposed to this request because it could set a precedent.

Vice-Chair Plaag felt he had made his position on this particular case clear during the public hearing. He stated that Mr. Cole purchased this property after the approval of the proposed storage facility that would be right next to this house. He also knew that there were discussions about what would happen on the

parcel opposite the new cut-through road and that there would be a new cut-through road. Vice-Chair Plaag stated that both the Planning Commission and the Town Council needed to make R1 neighborhoods their top priority.

Commission Member Warren agreed with all of the concerns that had been raised.

Ms. Shook wished to provide some clarification regarding the notification to the neighbors during the Sheetz project. She explained that the ordinance required a 150-foot notification to adjacent property owners when a special use permit was requested. Ms. Shook stated that the Sheetz project did not require a neighborhood meeting but the applicant decided to hold one as a courtesy. She noted that the applicant notified property owners within 150 feet of their property, just as the Town did. Ms. Shook added that state law only required adjoining property owner notification, so the Town went above and beyond with a minimum 150-foot notification. Ms. Shook stated she would have a discussion with Town Council regarding the Town's process for property owner notification.

Chair Shay asked why Mr. Cole was guided toward a General Use Zoning Map Amendment. Ms. Turner replied that she had provided Mr. Cole with his options and explained the Conditional District Zoning Map Amendment process, but he chose to seek a general rezoning.

First Motion and Vote: Vice-Chair Plaag made a motion that the proposed amendment to the Town's zoning map is not consistent with the Town's comprehensive plan and any other adopted plans of the Town that are applicable because approval would violate the following portions of the Comprehensive Plan:

Comprehensive Plan Policy 2.1.1 Economic Development

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

Comprehensive Plan Policy 2.3 The Community

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

Comprehensive Plan Policy 2.3.3 Housing & Neighborhoods

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.

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.

The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed.

Second Motion and Vote: Vice-Chair Plaag made a motion that the Planning Commission recommends denial of the proposed ordinance and believes denial is reasonable and in the public interest because the proposed zoning change would result in a zoning classification on a lot that does not meet the requirements of that zoning classification. The proposed zoning reclassification would endanger the stability and viability of the existing R1 neighborhood surrounding the subject parcel. The motion was seconded by Commission Member Behrend.

Vote: Aye – All

Nay – None

The motion passed.

Case PL06330-120922 Spring Hill Suites – Conditional District Zoning Map Amendment

Mansa Hospitality Boone, LLC has submitted a Conditional District Zoning Map Amendment application to rezone four parcels of property located at and near the intersection of US 421 South and Bub Teems Road (Watauga County PINs: 2920-09-6331-000, 2920-09-7251-000, 2920-09-6177-000 and 2920-09-7187-000) from B3 General Business and RA Residential/Agricultural to B3 General Business with a site-specific plan to develop a 104-room hotel (Use 3.10 – Hotel Large).

Vie-Chair Plaag noted that two motorcycle parking spaces were required but the current site plan did not show those spaces. He stated that the staff report said compliance would be finalized during the zoning permit process, and asked what that comment meant. Mr. James explained that the required motorcycle parking spaces would have to be added to the plan during the zoning permit process. Vice-Chair Plaag asked if they would need to make that a condition of approval. Mr. James replied that it would not need to be a condition of approval because all applicable UDO requirements would have to be met to issue a zoning permit.

Commission Member Behrend thought the project looked good and felt it made sense to change the zoning from R3 and RA to B3.

Commission Member Veno agreed that it was a good project. He noted that a lot of time, effort, and money had gone into planning this project. Commission Member Veno asked why the applicant had not taken care of the rezoning issue before all of the project preparation was done. Ms. Shook replied that requesting a site-specific development plan provided more assurances than a general rezoning. Additionally, the current property owner did not own all four parcels previously.

Commission Member Tippettt asked if there was a fund that the Town budgeted for sidewalk installation or if there were matching fund requirements with DOT. Mr. Miller replied that Public Works was usually allocated between \$15,000 and \$25,000 for sidewalk construction throughout the year. He stated that DOT only participated if the project was approved through the STIP (State Transportation Improvement Program) plan process. Mr. Miller noted that the multi-modal path planned for the north side of Hwy 421 was one of those projects. He stated that the Town had set aside money for the last five years totaling \$100,000 to go toward this project. The proposed path would extend from Grove Street to the Brookshire property. Mr. Miller noted that the Town's portion of the construction cost was 20%, or \$500,000. He stated that if they were to build a sidewalk on the opposite side of the highway, they would have to use the funds that were allocated to them or request money from the general fund through a budget amendment.

Commission Member Tippettt stated he was reluctant to do any trade-offs. He said he supported the project with the conditions but was reluctant to shorten the sidewalk on Bub Teems Road. Commission Member Tippettt also recognized the benefit of a sidewalk along Hwy 421 that would offer safer access to the Greenway.

Vice-Chair Plaag stated he would like to see a condition, if the arrangements could be made with DOT to secure permission through the right-of-way on Highway 421 between Bub Teems Road and New River Hills Road, that a sidewalk be installed that would create a direct path over to the Greenway access on New River Hills Road. This would allow hotel guests to walk down to New River Hills Road, go onto the underpass, and go over to Brookshire Park or the brewery. Vice-Chair Plaag felt that a portion of the sidewalk could also be installed on Bub Teems Road.

Vice-Chair Plaag expressed concern that allowing left-hand turns onto Hwy 421 would be hazardous. He noted that the speed limit was 45 miles per hour and the traffic lights were not close enough to the property to slow cars down. Vice-Chair Plaag asked if the cycling of the traffic lights could be changed so that they turn red more often. Mr. Miller replied that the Town could approach DOT about that possibility, but noted that DOT's main concern was keeping the traffic moving, not pedestrian safety. He stated that the traffic impact analysis did not have anything derogatory in it. Mr. Miller noted that the TIA was completed by an engineer and in order to question that engineer, the Town would have to hire an engineer to verify all the information in the TIA was correct. He added that an engineer would usually agree with another engineer. Vice-Chair Plaag stated it was really a matter of traffic safety because turning left on a busy highway would create a lot of near misses or accidents.

Vice-Chair Plaag stated that generally speaking, he was satisfied with the answers the applicant gave to his questions and he was supportive of the project with the condition of the possible sidewalk installation change.

Commission Member Veno asked if the speed limit in that area could be reduced from 45 miles per hour to 35 miles per hour. Mr. Miller replied that the ordinance required this type of request to come from Town Council in the form of a resolution. He stated that if the procedural steps were followed, that request could be submitted to DOT for their consideration. Mr. Miller noted that they could only request a change inside Town limits.

Commission Member Behrend stated there was a middle lane at the proposed driveway. She noted that some people were very good at using the lane and some were not.

Ms. Shook reminded Commission members that any conditions would need to be accepted by the applicant.

Vice-Chair Plaag asked if there would be a consensus of Commission members to ask the Town Council to do a resolution to DOT requesting the speed limit be reduced to 35 miles per hour from the Toyota dealership to the Nissan dealership if the project was approved. There was a consensus of Commission members.

Ms. Shook asked Mr. Shah if he would accept a condition, if it could be worked out, to split the distance of the sidewalk between a portion of Bub Teems Road and Hwy 421 to New River Hills Road. Mr. Shah replied that he thought he could get his group to agree to a linear foot to linear foot swap as long as it was okay with the Town and DOT.

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

Comprehensive Plan Policy 2.1.1 Economic Development

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.

Comprehensive Plan Policy 2.2.5 Environmental Health

C. Development activities in the 100-year floodplain or near lakes or streams shall be carefully controlled. If development must occur, low intensity uses such as open space, recreation and adequately buffered agricultural or forestry activities shall be preferred.

D. Runoff and drainage from development activities shall be of a quality and quantity as near to natural conditions as possible, with special emphasis given to critical watershed areas.

Comprehensive Plan Policy 2.3 The Community

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

The motion was seconded by Commission Member Tippet.

Vote: Aye – All
Nay – None

The motion passed.

Second Motion and Vote: Commission Member Veno made a motion that the Planning Commission recommends approval of Ordinance PL06330-120922 and believes approval is reasonable and in the public interest because the company has presented a well-thought-out plan and well-engineered plan that is consistent with the Town's standards. Vice-Chair Plaag wished to amend the motion to add the condition that if NCDOT approval can be secured that the statutorily required sidewalk installment along Bub Teems Road will be instead split in a linear foot for linear foot swap to include a portion of Bub Teems Road and the portion of UD 421 between Bub Teems Road and New River Hills Road.

Mr. James asked if a time limit could be placed on DOT's approval so that this condition could be enforced. Ms. Shook noted that encroachment agreements had to be applied for with their driveway permit, so she suggested that this might be an appropriate time to request approval from DOT for the sidewalk. Vice-Chair Plaag suggested a suitable time limit that would allow for appropriate back and forth with DOT without delaying the construction's progress. He added that if the change to the sidewalk placement was not allowed or easements could not be secured, the applicant would be required to install sidewalks as originally required by the UDO.

Vice-Chair Plaag asked that the staff conditions also be applied to the approval. Commission Member Veno accepted the suggested amendments to his motion. The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed.

Motion and Vote: Vice-Chair Plaag made a motion that if the Town Council chooses to approve this project, they simultaneously to their approval also prepare a resolution to request of DOT that the speed limit from the Toyota dealership on US 421 to the Nissan dealership on US 421 be reduced from 45 miles per hour to 35 miles per hour in both directions. The motion was seconded by Commission Member Veno.

Vote: Aye – All
Nay – None

The motion passed.

Other Matters

Ms. Shook noted that she and Ms. Meade were still working on the text revisions for temporary signs. She asked that a special meeting be scheduled for Planning Commission to discuss and make

recommendations on the revised sign text. Ms. Shook stated that this meeting would be in lieu of the regular Planning Commission meeting scheduled for April 24. After some discussion, a special Planning Commission meeting was scheduled for Monday, April 17, 2023, at 6:00 p.m. via WebEx.

Chair Shay stated that her term on the Planning Commission would end on June 30, 2023, and she would not be seeking reappointment.

Ms. Shook noted that the terms for Commission Members Tippet and Boyd would also expire on June 30, 2023.

Commission Member Behrend asked how long Planning Commission would be having virtual meetings. Discussion ensued and it was concluded that the majority of Commission members preferred virtual meetings.

Adjournment of Planning Commission

Commission Member Behrend made a motion to adjourn the meeting at 9:28 p.m. Vice-Chair Plaag seconded the motion.

Vote: Aye – All
Nay – None

The motion passed.

Elizabeth Shay, Planning Commission Chair

Brenda Henson, Board Secretary

General Use Zoning Map Amendment Application

Town of Boone Planning & Inspections Department

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

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



A. Required to be Submitted at Time of Application

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

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

- ☐ Property Owner Authorization for all property included in the request. See Section D.
- ☒ Deed(s) of all property to be included in the request,
- ☐ Both a digital and a hard copy of a written metes and bound legal description with accompanying survey map for a request that would rezone only a portion of a tax parcel or requests for multiple zoning districts.
- ☒ Permit Fee (See Planning & Inspections Fee Schedule)

Each application is allowed two (2) reviews. The 1st review of the submitted information and a 2nd review if revisions or supplemental information is required based upon the 1st review. Each subsequent review after the 2nd review will be charged at 50% of the original fees charged for the application. These fees shall be paid at the time of resubmittal.

B. Property Information

Street Address:
TBD Chase Hill Drive, Boone, NC. 28607

Watauga County Parcel Identification Number:
2920-00-9240-000

Existing Zoning District(s): R-3

Proposed Zoning District(s): R-1

Adjacent Land Uses: N: Airstrip E: Town Homes and Residential

S: Residential W: Golf Course

Are there any existing variances or special use permits granted to the property? ☐ Yes ☒ No ☐ Unknown

If yes, describe: _____

Total Land Area: 7.58 Acres of undeveloped land

C. Property Owner Information

Name:
Yates Family Properties LLC.

Complete Mailing Address (Street, City, Zip):
643-J Suite 5 Greenway Road, Boone, NC 28607

Phone Number:
828-964-0089

Email Address:
Allen@allen-yates-realty.com

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

D. Applicant Signature and Property Owner Authorization

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

Allen Lee Yates

Property Owner (Print)

Allen Yates

Property Owner (Signature)

3-22-2023

Date

Official Use Only				
Permit Name: Yates Family Properties - Gen. Use Zoning Map Amendment				
Permit Number: PL06583-040523				
Date: 04-05-23	Fee: \$374.00	Receipt Number: 615774	Method of Payment: ☐ Cash ☒ Check Number: 1465	Paid By: Yates Family Properties, LLC

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: 05-22-2023

PC Meeting Date: 06-26-2023

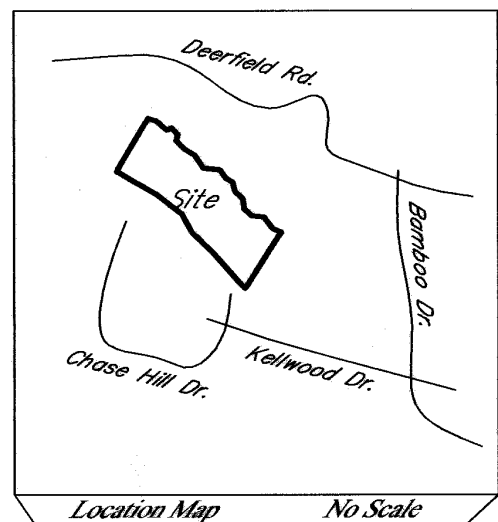
TC Meeting Date: 06/14/2023 OR 06/28/2023

Date of APO Mailed Notification: _____

Date of Posted Notification: _____

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

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



LINE	BEARING	DISTANCE
L1	S 72°05'43" E	47.86'
L2	S 47°08'20" E	80.85'
L3	N 60°36'09" E	32.21'
L4	S 45°15'59" E	51.73'
L5	S 17°18'52" W	38.90'
L6	S 45°47'17" E	67.46'
L7	S 58°30'01" E	64.36'
L8	S 35°21'19" E	88.56'
L9	S 83°01'07" E	95.19'
L10	S 36°18'05" E	55.35'
L11	S 58°43'58" E	45.23'
L12	S 13°38'37" E	57.04'
L13	S 46°25'41" E	59.04'
L14	S 07°48'24" E	54.55'
L15	S 47°34'30" E	59.47'
L16	S 83°34'00" E	71.40'
L17	S 37°09'14" E	82.95'
L18	S 67°19'20" E	53.36'
L19	S 33°04'40" W	23.83'
L20	S 33°04'40" W	5.35'
L21	S 33°04'40" W	351.96'
L22	N 41°58'20" W	50.85'
L23	N 41°58'20" W	110.23'
L24	N 41°58'20" W	119.82'
L25	N 45°52'41" W	160.78'
L26	N 28°26'48" W	115.95'
L27	N 52°40'21" W	152.03'
L28	N 52°40'21" W	34.53'
L29	N 59°58'24" W	79.48'
L30	N 59°58'24" W	25.26'
L31	N 59°58'24" W	45.00'
L32	N 59°58'24" W	95.90'
L33	N 59°58'24" W	10.23'
L34	N 30°56'56" E	297.33'
L35	N 30°56'56" E	53.00'
L36	N 42°20'03" W	33.41'

- Notes
1. North is relative to NC Grid per NCGS Monuments.
 2. The deed reference is Deed Book 189, Page 501.
 3. The area was computed by coordinate geometry. All distances are horizontal.
 4. Stream centerline and Flood Hazard lines per NC Flood Risk Information System.

NORTH CAROLINA, WATAUGA COUNTY
I, _____, review officer of Watauga County, North Carolina,
certify that this map or plat to which this certification is affixed meets all
statutory requirements for recording.

Review Officer _____

Date _____

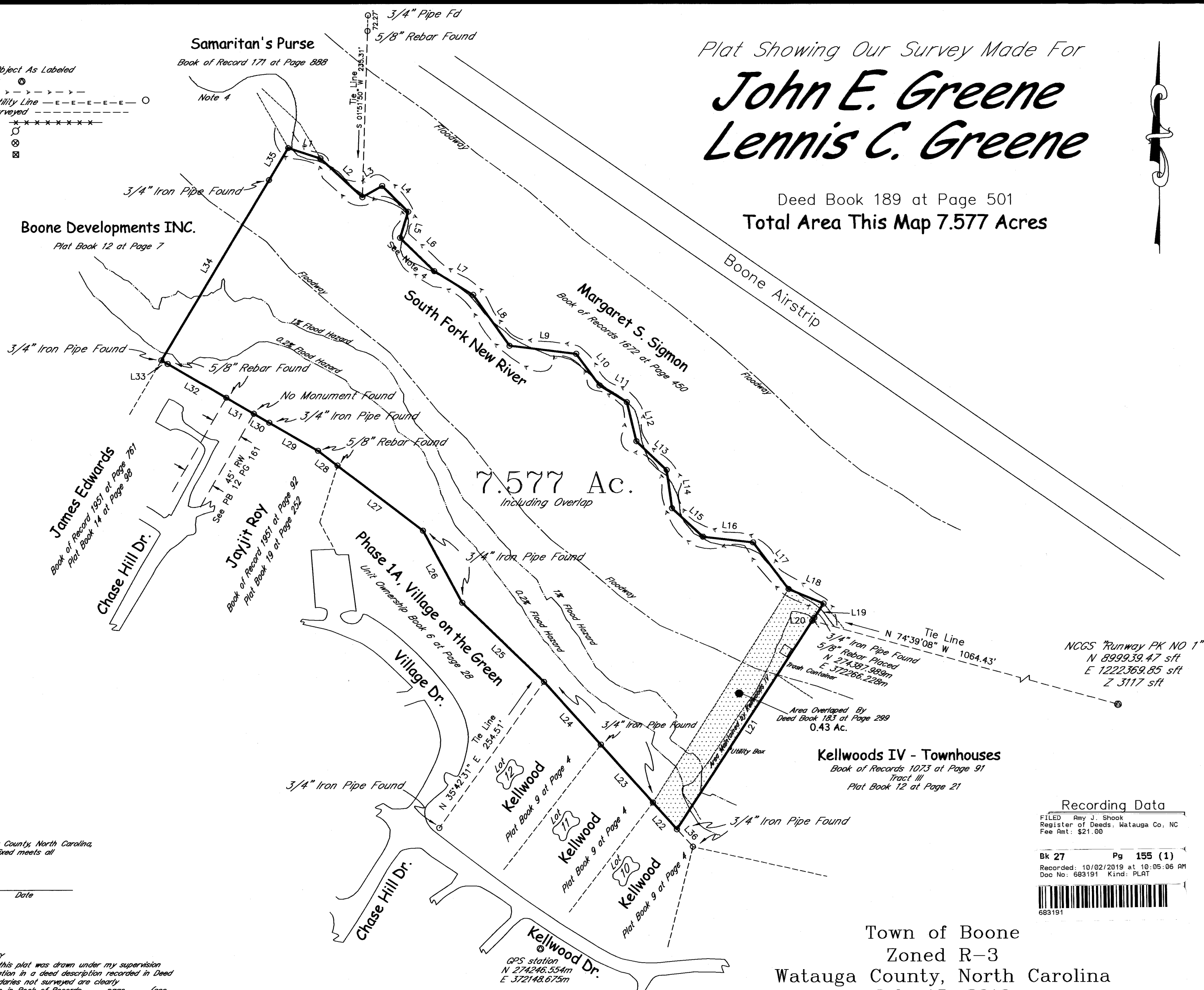


NORTH CAROLINA, WATAUGA COUNTY
I, Hencle J. Matheson, certify that this plat was drawn under my supervision
from an actual survey from information in a deed description recorded in Deed
Book 189, page 501; that the boundaries not surveyed are clearly
indicated as drawn from information in Book of Records _____ (see
adjudicators) that the ratio of precision as calculated is at least 1:7500; that this
plat was prepared in accordance with G.S. 47-30 as amended; and this plat is
an existing parcel(s) and does not create a new street or change an existing
street. Witness my original signature, registration number, and seal this
day of July 15, 2019.
Hencle J. Matheson, PLS L-2561
Professional Land Surveyor

HENCLE J. MATHESON, PLS L-2561 NC, L-1397 TN, 7883 ROMINGER ROAD, SUGAR GROVE, NORTH CAROLINA, 28679, PH 828-297-5186

Legend
Landmark Object As Labeled
GPS Station
Stream
Overhead Utility Line
Line Not Surveyed
Wire Fence
Utility Pole
Well
Utility Box

Samaritan's Purse
Book of Record 171 at Page 888
Note 4
Boone Developments INC.
Plat Book 12 at Page 7



Plat Showing Our Survey Made For
John E. Greene
Lennis C. Greene

Deed Book 189 at Page 501
Total Area This Map 7.577 Acres

7.577 Ac.
Including Overlap

Kellwoods IV - Townhouses
Book of Records 1073 at Page 91
Tract III
Plat Book 12 at Page 21

Recording Data

FILED Amy J. Shook
Register of Deeds, Watauga Co, NC
Fee Amt: \$21.00

Bk 27 Pg 155 (1)

Recorded: 10/02/2019 at 10:05:06 AM
Doc No: 683191 Kind: PLAT



Town of Boone
Zoned R-3
Watauga County, North Carolina
July 15, 2019

Scale 1" = 100'



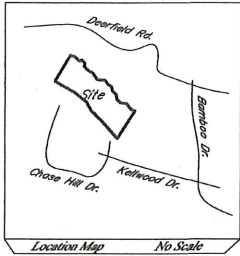
GPS Station

The State Plane Coordinates were produced with
Static GPS Observations and processed with OPUS.
The accuracy of the OPUS information is 0.012m.
Horizontal Datum: NAD 83 (2011) Epoch: 2010.0000
The combined factor is 0.99999202
Published/Fixed control not used.
CORS Used
NCSR, NCHI, NCNG, KYTL, DOBS
NCST, MARI, NCNO, NCNC

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Coordinate File No. 19023
Drawing File No. 19023-1





Legend

- Landmark Object As Labeled
- GPS Station
- Stream
- Overlaid Utility Line
- Line Not Surveyed
- Wire Fence
- Utility Pole
- Well
- Utility Bar

LINE	BEARING	DISTANCE
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L14	S 07°48'24" E	54.55'
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L16	S 83°34'00" E	71.40'
L17	S 37°09'14" E	82.95'
L18	S 67°19'20" E	53.38'
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 3. The area was computed by coordinate geometry.
 4. All distances are horizontal.
 5. Stream centerline and Flood Hazard lines per NC Flood Risk Information System.

NORTH CAROLINA, WATAUGA COUNTY
I, _____, review officer of Watauga County, North Carolina, certify that this map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer

Date



NORTH CAROLINA, WATAUGA COUNTY
I, Hencle J. Matheson, certify that this plat was drawn under my supervision from an actual survey from information in a deed description recorded in Deed Book 189 page 501; that the boundaries not surveyed are clearly indicated as drawn from information in Book of Records _____ page _____ (see addendum) that the ratio of precision as calculated is at least 1:7500; that this plat was prepared in accordance with G.S. 42-10 as amended and this plat is an existing parcel(s) and does not create a new street or change an existing street. Witness my original signature, registration number, and seal this day of July, 2019.
Hencle J. Matheson, PLS
Professional Land Surveyor
PLS L-2561

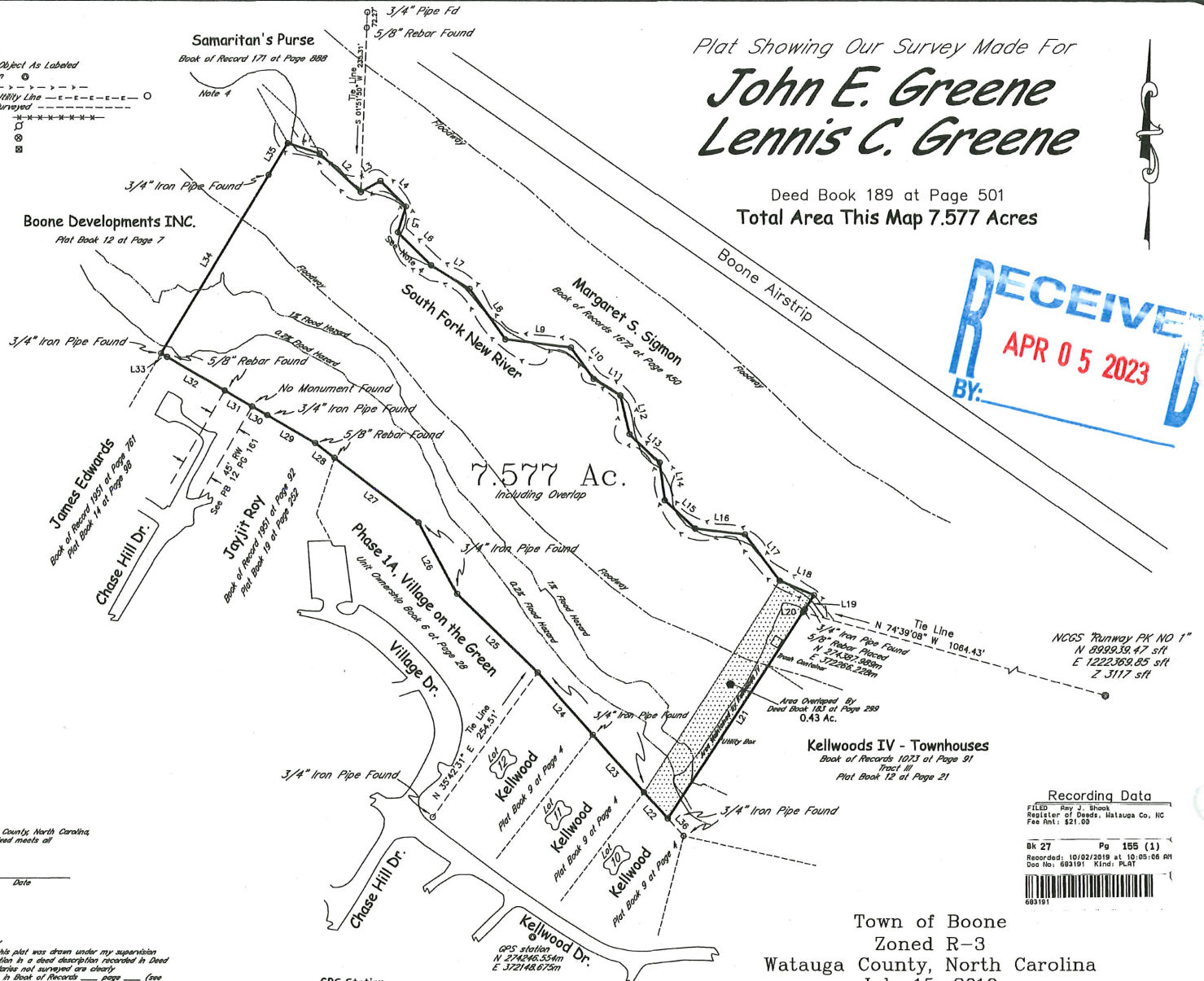
GPS Station

The State Plane Coordinates were produced with Static GPS Observations and processed with OPUS. The accuracy of the OPUS information is 0.012m. Horizontal Datum: NAD 83 (2011) Epoch: 2010.0000. The combined factor is 0.999999202. Published/Tied control not used. CORS Used: NCSP, NCAL, NCMS, KYTL, DGPS. NCST, MARR, NCMA, NCWC.

HENCLE J. MATHESON, PLS L-2561 NC, L-1397 TN, 7883 ROMINGER ROAD, SUGAR GROVE, NORTH CAROLINA, 28679, PH 828-297-5186

Plat Showing Our Survey Made For
John E. Greene
Lennis C. Greene

Deed Book 189 at Page 501
Total Area This Map 7.577 Acres



Recording Data

FILED: Ray J. Shook
Register of Deeds, Watauga Co., NC
Fee Ref: \$21.00

Bk 27 Pg 155 (1)

Recorded: 10/02/2019 at 10:05:06 AM

Doc No: 683191 Kind: PLAT



683191

Town of Boone
Zoned R-3
Watauga County, North Carolina
July 15, 2019

Scale 1" = 100'



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Coordinate File No. 19023
Drawing File No. 19023-1

FILED Amy J. Shook
Register of Deeds, Watauga Co., NC
Fee Amt \$26.00
NC Excise Tax \$270.00

Bk 2051 Pg 685 (3)
Recorded 10/02/2019 at 10:05:07 AM
Doc No 683192 Kind DEED



Excise Tax: ~~\$260.00~~ 270.00

Recording Time, Book and Page

Mail after recording to Grantee:

This instrument was prepared by: Dustin N. Stacy, PLLC, P.O. Box 569, Boone, NC 28607

Warranty Deed

NORTH CAROLINA
WATAUGA COUNTY

THIS DEED made this 2 day of October, 2019, by and between

JOHN E. GREENE and wife, LENNIS C. GREENE
476 Circle Drive E.
Boone, NC 28607

hereinafter called **GRANTORS** (whether one or more person, firm or corporation); and

YATES FAMILY PROPERTIES, LLC
A North Carolina Limited Liability Company
✓ 643-J Suite 5 Greenway Road
Boone, NC 28607

hereinafter called **GRANTEES** (whether one or more person, firm or corporation);

WITNESSETH:

That the said Grantors, for valuable consideration to them paid by Grantees, the receipt of all of which is hereby acknowledged, have subject to any exceptions, conditions, provisions, restrictions or reservations herein contained, bargained and sold, and by these presents do grant, bargain, sell and convey unto the said Grantees, their heirs, successors and assigns, all of that certain lot or parcel of land situated in Watauga County, North Carolina and more particularly described as follows:

BEING all of that 7.577 acres, as described in Exhibit A attached hereto and incorporated herein by reference.

The title to the said lands is derived by the Grantors as follows: Book 251, Page 271 Watauga County.

TO HAVE AND TO HOLD the said premises above described, with every privilege and appurtenance thereto belonging to the said Grantees, their heirs, successors and assigns, to their only use and behoof forever, subject always to any exceptions, conditions, provisions, restrictions or reservations herein contained.

The Grantors covenant with the Grantees, their heirs, successors and assigns, that they are the owners of and are seized of the premises in fee simple; that they have a good right to convey the same in fee simple; that title is

Doc No 683192 Kind DEED

marketable and free and clear of all liens and encumbrances, except as herein set forth; and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever, subject to the following exceptions:

1. Any easements, restrictions and rights of way of record.
2. Any exceptions as set forth in the legal description contained herein.

Pursuant to N.C.G.S. 105-317.2, Grantors represent that the property conveyed herein (please check one of the following):

_____ is x is not
their primary residence.

IN TESTIMONY WHEREOF, the Grantors have hereunto set their hands and seals.

John E. Greene (SEAL)
John E. Greene

Lennis C. Greene (SEAL)
Lennis C. Greene

STATE OF North Carolina
COUNTY OF Watauga

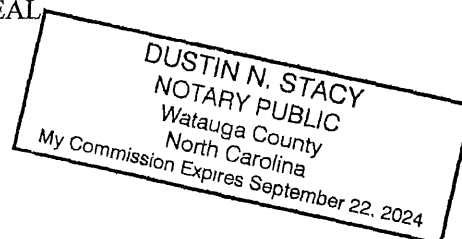
I, a Notary Public of the County and State aforesaid, certify that John E. Greene and wife, Lennis C. Greene, personally appeared before me this day and acknowledged the execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and official stamp or seal, this 2 day of October, 2019.

[Signature]
Notary Public

My commission expires: _____

STAMP-SEAL



Bk 2051 Pg 687

Doc No 683192 Kind DEED

EXHIBIT A

**Watauga County
North Carolina**

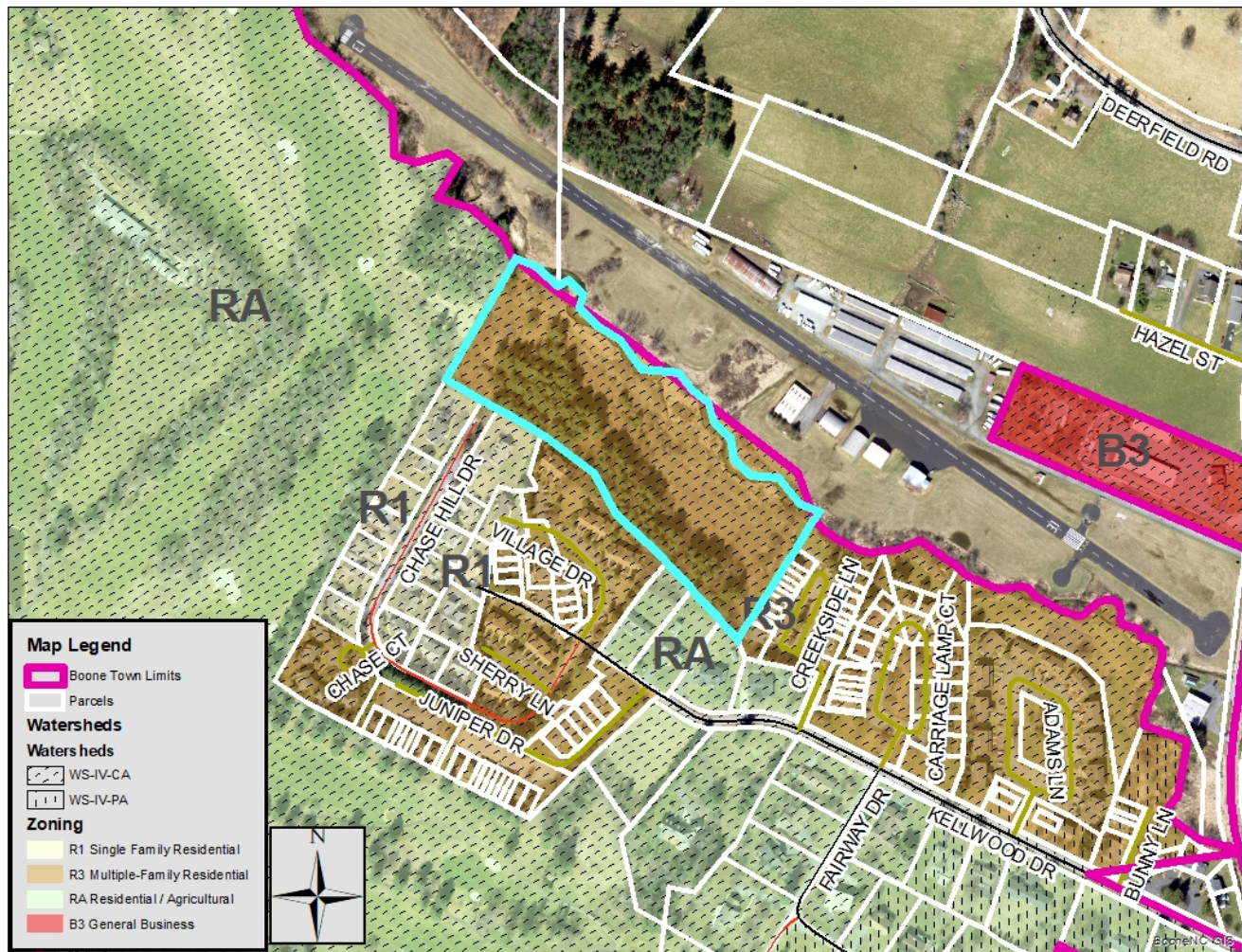
BEING all of that 7.577 acres, as shown on that plat by Hencle J. Matheson, PLS, dated July 15, 2019, and recorded in Plat Book 27, Page 155, Watauga County Registry, to which plat reference is hereby made for a more complete description of said tract.

Also conveyed herewith, and this conveyance is made subject to the rights of others to, that forty-five foot (45') right of way described in that Agreement recorded in Book 424, Page 771, Watauga County Registry, and further shown on that plat recorded in Plat Book 12, Page 161, Watauga County Registry.

This conveyance is further made subject to that restrictive covenant set forth in that deed recorded in Book 251, Page 271, Watauga County Registry.

*L. H.
J. E. G.*

Staff Report
Public Hearing
May 22, 2023
Case PL06583-040523 Yates Family Properties General Use Zoning Map Amendment



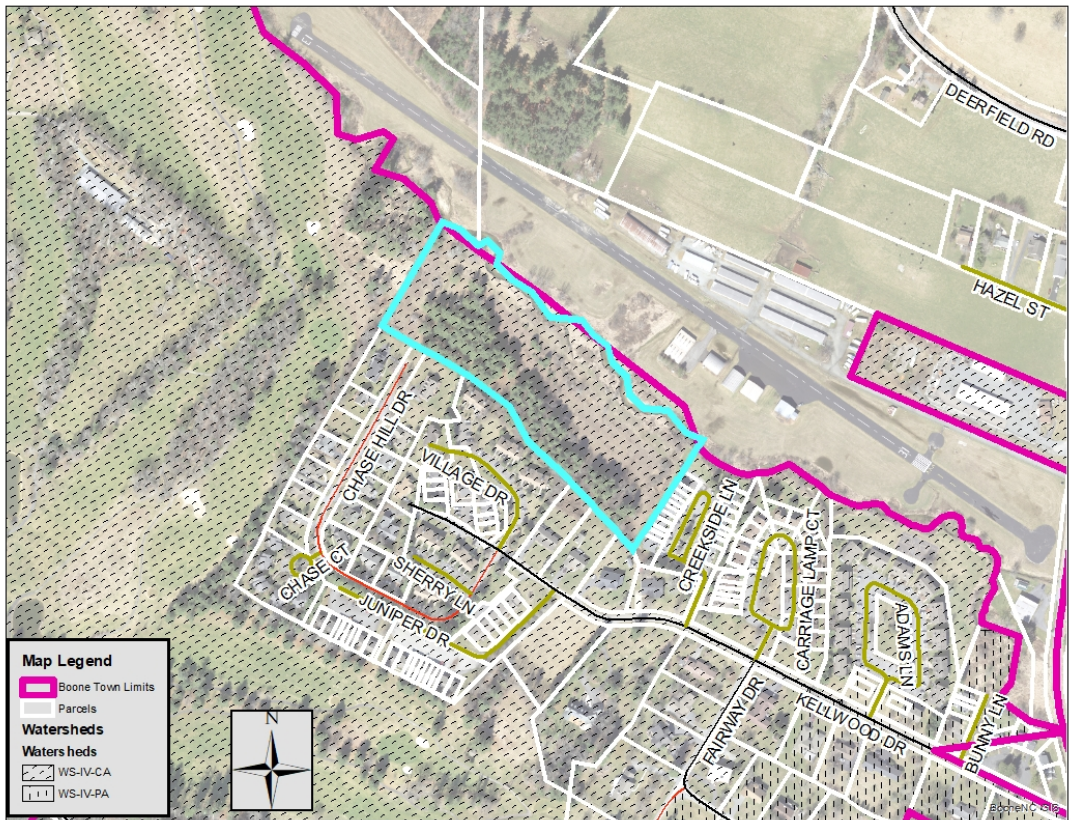
Request

Yates Family Properties LLC has submitted a General Use Zoning Map Amendment to rezone property located at the end of Chase Hill Drive (Watauga County PIN: 2920-00-9240-000) from R3 Multi-Family Residential to R1 Single Family Residential. The subject property is outlined in blue on the map above.

General Use Zoning Map Amendment Guidance

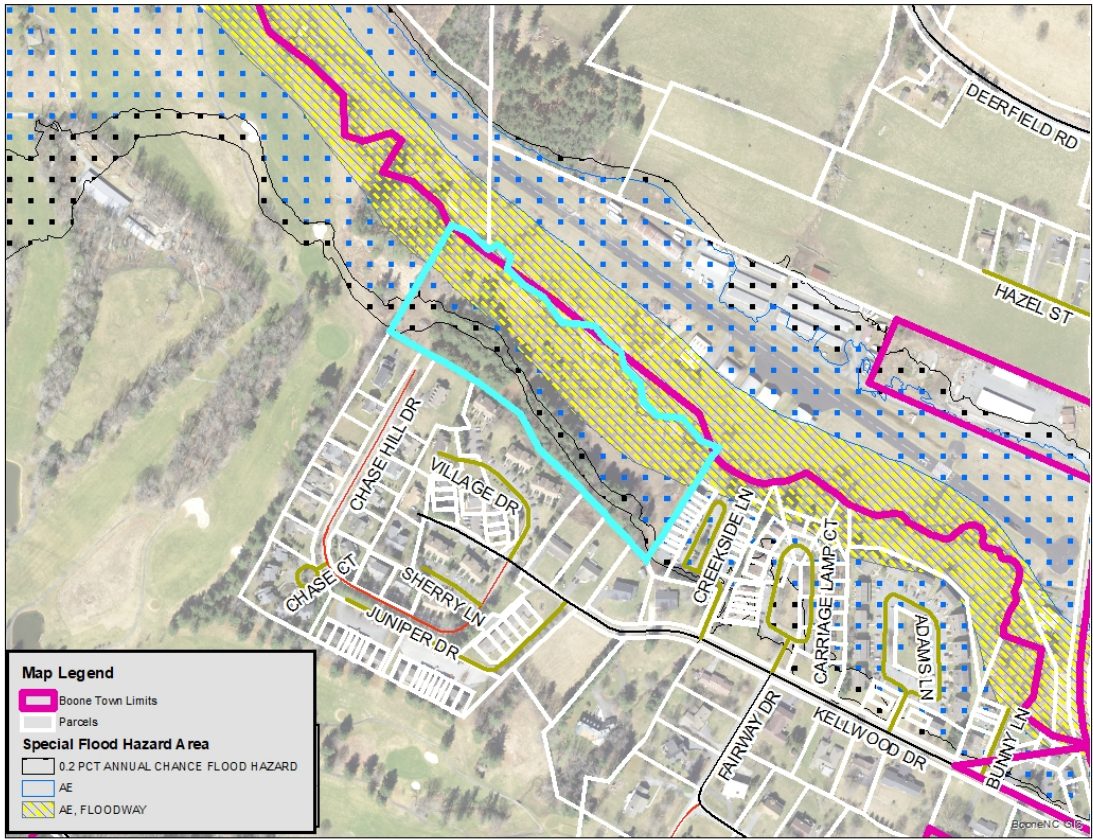
Pursuant to UDO Subsection 9.07.01, in deciding whether to adopt a proposed amendment to the UDO, the central issue before the Council is whether the proposed amendment advances the public health, safety, or welfare. All other issues are irrelevant, and all information related to other issues at the 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.

Zoning Analysis Information



Watershed Map

Special Flood Hazard Area Map



Property Owners Information:	Yates Family Properties LLC
Address:	TBD Chase Hill Drive
Watauga County PIN:	2920-00-9240-000
Use:	Vacant
Size:	7.577 acres
Jurisdiction:	Town of Boone
Access:	Chase Hill Drive (Town maintained). The fully developed portion of Chase Hill Drive currently ends approximately 50 feet from the subject parcel with the Town's Right of Way extending to the parcel.
Corridor District:	No
Viewshed:	No
Watershed:	Yes (WS-IV-CA) (See separate Watershed Map previous page)
Special Flood Hazard:	Yes. Approximately half of the parcel is within the AE Floodway. Other portions are within the SFHA Zone AE. (See separate SFHA map previous page)
Steep Slope:	Yes (a very small portion in the Southeast corner of the property)
Phasing:	N/A
Vesting:	N/A
Current Zoning:	R3 Multi-Family Residential
	The R3 Multiple-Family Residential District is established to provide a high-density area consisting of three or more dwelling units per lot plus limited-service use. The regulations for this district are intended to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.
Requested Zoning:	R1 Single-Family Residential
	The R1 Single Family Residential District is established to provide a low-density living area consisting only of single-family dwelling units and other related uses necessary for a sound neighborhood. The regulations for this district are designed to stabilize and encourage a comfortable, healthy, safe, aesthetically pleasing and pleasant living environment for family life that promotes peaceful quiet enjoyment sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.

	Adjacent Zoning	Adjacent Land Use
North	Unzoned – Outside Corporate Limits	Airport
West	RA Residential/Agriculture	Golf Course
South	R1 Single-Family Residential RA Residential/Agriculture R3 Multi-Family Residential	Single-Family Residential Condos
East	R3 Multi-Family Residential	Condos/Townhomes

Excerpts from UDO Appendix B

Below are excerpts from the UDO regarding the district, use, intensity and height for the current and requested zoning district.

Excerpt of B1.01 Complete Table of Principal Uses

Use #	Specific Use	R1	R3	Reference
1.0 Household Living				
1.01	Single-Family Dwelling	P		
1.02	Manufactured Home "Class A"			15.01
1.03	Manufactured Home "Class B"			15.01
1.04	Manufactured Home "Class C"			
1.05	Manufactured Home Park			15.02
1.06	Duplex (one duplex building per lot)		P	
1.07	Duplex (more than one duplex building per lot)		L	15.03
1.08	Townhouse (up to 30 bedrooms)		L ^{T50}	15.03
1.09	Townhouse (31-100 bedrooms)		L ^{T75}	15.03
1.10	Townhouse (> 100 bedrooms)		L ¹²⁵	15.03
1.11	Multi-Family Dwelling (up to 30 bedrooms)		L ^{T125}	15.03
1.12	Multi-Family Dwelling (31-100 bedrooms)		L ^{T200}	15.03
1.13	Multi-Family Dwelling (> 100 bedrooms)		L ^{T300}	15.03
1.14	Multi-Family Dwelling in Mixed Use (up to 30 bedrooms)			15.04
1.15	Multi-Family Dwelling in Mixed Use (31-100 bedrooms)			15.04
1.16	Multi-Family Dwelling in Mixed Use (> 100 bedrooms)			15.04
1.17	Adult Living Community		p ^{T300}	
2.0 Group Living				
2.01	Family Care Home	L	L	15.06
2.02	Family Care Institutions			15.07
2.03	Halfway House, Category 1			15.07
2.04	Halfway House, Category 2			15.07
2.05	Residential Care Facility			
2.06	Fraternity or Sorority Dwelling		S ^{T300}	15.09
2.07	Boarding House		L	15.10
3.0 Transient Living				
3.01	Home for Survivors of Domestic Violence	L		15.11
3.02	Shelter for Homeless, Category 1		L ^{T50}	15.12
3.03	Shelter for Homeless, Category 2		L ^{T300}	15.12
3.04	Bed and Breakfast, Category 1	S ^{T50}		15.13
3.05	Bed and Breakfast, Category 2			15.13
3.06	Vacation Rental		L ^{T75}	15.14
3.07	Homestay Rental	L	L	15.05
3.08	Motel			
3.09	Hotel, Small			
3.10	Hotel, Large			
3.11	Hotel, extended stay			
4.0 Institutional				

Use #	Specific Use	R1	R3	Reference
4.01	Airport/Landing Strip			15.15
4.02	Heliport			
4.03	Funeral Home Establishment			
4.04	Cemetery	P	P	
4.05	Post Office			
4.06	Post Office, Distribution			
4.07	Animal Sanctuary			
5.0 Government Uses				
5.01	Government Cultural Facility			
5.02	Government Neighborhood Cultural Facility, Indoor Activity Only	S		
5.03	Government Neighborhood Cultural Facility, Includes Outdoor Activity			
5.04	Recreation Facility, Category 1		P	
5.05	Recreation Facility, Category 2	P		
5.06	Recreation Facility, Category 3	S	P	
5.07	Event Venue, Category 1		P	
5.08	Event Venue, Category 2		S	
5.09	Event Venue, Category 3			
5.10	Landfill			
5.11	Solid Waste Processing			
5.12	Police Substation	P		
5.13	Utility Facility, Town	L		15.16
5.14	Utility Facility, Government, Neighborhood	L	P	15.16
5.15	Utility Facility, Government, Regional		L	15.16
5.16	Government Facility		L	
6.0 Non-Government Utility Facility				
6.01	Utility Facility, Neighborhood	L	L	15.16
6.02	Utility Facility, Regional			15.16
7.0 Wireless Communication				
7.01	Small Wireless Collocation	L	L	15.18
7.02	Wireless Facility Collocation on Existing Wireless Support Structure or Utility Pole	L	L	15.17
7.03	Stealth Wireless Facility Attached to Existing Building or Structure	L	L	15.17
7.04	Non-stealth Wireless Facility Attached to Existing Building or Structure			15.17
7.05	Non-stealth Wireless Facility Collocation on Electrical Transmission Towers	L	L	15.17
7.06	Stealth Wireless Support Structure	S/L	L	15.17
7.07	Non-stealth Wireless Support Structure		L	15.17
7.08	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 ^{T125}	
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			

Use #	Specific Use	R1	R3	Reference
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			15.63
9.08	College- or university-operated child daycare center			15.19
10.0 Daycare				
10.01	Child Daycare, Large		L	15.19
10.02	Child Daycare Center			15.19
10.03	Adult Daycare, Large		L	15.19
10.04	Adult Daycare Center			15.19
10.05	All Other Daycare			
11.0 General Sales and Service				
11.01	Kennel			15.20
11.02	Veterinary Office/Hospital with Outdoor Kennels			15.20
11.03	Veterinary Office/Hospital without Outdoor Kennels			
11.04	Financial Institution ≤ 5,000 ft ²			
11.05	Financial Institution > 5,000 ft ²			
11.06	Restaurant ≤ 2,500 ft ² open to the public during 10 pm – 6 am			
11.07	Other Restaurants ≤ 2,500 ft ²			
11.08	Restaurant > 2,500 ft ² open to the public during 10 pm – 6 am			
11.09	Other Restaurants > 2,500 ft ²			
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			
11.15	Other Personal Service Establishments			
11.16	Retail Store up to 5,000 ft ²			
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			15.21
11.19	Reserved			
11.20	Business or Professional Office open to the public during 10 pm - am			
11.21	Other Business or Professional Office			
11.22	Medical Office, Category 1			
11.23	Medical Office, Category 2			
11.24	Medical Office, Category 3			
11.25	Medical Office, Category 4			
11.26	Hospital			
11.27	Medical Emergency Response			
11.28	Open Air Market, Recurring			15.22
11.29	Vehicle Sales and Service			15.23
11.30	Equipment Sales and Service			15.24
11.31	Moped Sales and Service			

Use #	Specific Use	R1	R3	Reference
11.32	Boat or Marine Craft Sales and Service			15.25
11.33	Impound Lot/Towing Service			15.26
11.34	Gas Station			
11.35	Car Wash			
11.36	Seasonal Retail Activities and Amusements			
11.37	Electric-Vehicle Charging Station			15.65
12.0 Recreation & Entertainment Uses				
12.01	Indoor Shooting Range			15.27
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			15.28
12.09	Coliseum			
12.10	Recreation Facility, Category 1			
12.11	Recreation Facility, Category 2			
12.12	Recreation Facility, Category 3			
12.13	Racetrack			
13.0 Agriculture				
13.01	Garden, Community	L		15.29
13.02	Garden, Residential	L		15.30
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	15.31
14.0 Manufacturing				
14.01	Microbrewery			15.32
14.02	Brewpub			15.32
14.03	Brewery/Distillery			15.33
14.04	Brewery/Distillery, Other			15.34
14.05	Winery Associated with a Vineyard			15.35
14.06	Winery			15.35
14.07	Winery, Other			
14.08	Extraction of Earth Materials			
14.09	Machine/Welding Shop			15.37
14.10	Manufacturing, Other			15.38
15.0 Parking				
15.01	Parking Lot			15.39
15.02	Parking Structure		L ^{T125}	15.40
15.03	Park and Ride Lots			15.39

Use #	Specific Use	R1	R3	Reference
16.0 Storage				
16.01	Self-Storage Facilities			15.41
16.02	Outdoor Storage			15.42
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			15.42
18.02	Recycling and Salvage			15.42
18.03	Junkyard			
18.04	Private Landfill			
19.0 Particular Activities Which Pose Particular Concern About Public Health				
19.01	Electronic and Internet Gaming			15.43
19.02	Adult Establishments			15.44

Excerpt of B1.02 Complete Table of Accessory Uses

Use #	Accessory Use	R1	R3	Reference
A-1	Secondary suite	L	L	15.45
A-2	Home occupation	L	L	15.46
A-3	Accessory dwelling unit		L	15.47
A-4	Drive-through			15.48
A-5	Outdoor display			15.49
A-6	Outdoor storage			15.50
A-7	Outdoor dining			15.51
A-8	Automated teller machine (ATM)			
A-9	Automated teller machine (ATM), freestanding		L	15.52
A-10	Produce stand			15.53
A-11	Poultry	L	L	15.54
A-12	Livestock, small	L	L	15.55
A-13	Livestock, large			15.56
A-14	Bees	L	L	15.57
A-15	Garden, residential	L	L	15.58
A-16	Satellite receiving antennas less than 1 meter in diameter	P	P	
A-17	Satellite receiving antennas less than 2 meters in diameter			
A-18	Satellite receiving antennas 2 meters and greater in diameter			
A-19	Helistop			
A-20	Swimming pools, spas, and hot tubs	L	L	15.59
A-21	Caretaker's residence			15.60
A-22	Vehicular gate	L	L	15.61
A-23	Vehicle washing station		P	

Use #	Accessory Use	R1	R3	Reference
A-24	Chemical storage facility			
A-25	Open air market, accessory	L	L	15.22
A-26	Daycare, small	P	P	
A-27	Limited structure to enable recreational use of open rooftops		L ^{T300}	14.03.07(G) 14.19.06(H)(8)(d)
A-28	Solar Energy System	L	L	15.64
A-29	Electric-Vehicle Charging Station	L	L	15.65

Excerpt of B1.03 Complete Table of Temporary Uses

Use #	Temporary Use	R1	R3	Reference
T-1	Temporary family care structure	L	L	15.62
T-2	Temporary construction or repair dwelling	L	L	15.62
T-3	Temporary construction trailer	L	L	15.62
T-4	Temporary mobile medical unit			15.62
T-5	Temporary classroom			15.62
T-6	Temporary portable storage containers	L	L	15.62
T-7	Temporary staging			15.62
T-8	Temporary non-fixed site event venue			15.62
T-9	Carrier on wheels (cow)	L	L	15.62
T-10	Yard sales	L	L	15.62
T-11	Itinerant merchant/peddler	L	L	15.62
T-12	Open air market, temporary			15.62
T-13	Temporary Use 9.01 Public Colleges and Universities			15.62

Excerpt of B1.04 Complete Intensity Table

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Minimum Livability Space Ratio* (LSR)	Minimum Setbacks	
					Street	Interior
Residential Zoning Districts						
R1	8,000 sq. ft.	70 ft.	56 ft.	.53	20 ft.	14 ft.
R3	20,000 sq. ft.	80 ft.	64 ft.	.40	20 ft.	13 ft.

Excerpt of B1.05 Complete Building Height Table

Zone	Height Limitation
R1, R1A, RR, R2, R4, RA	3 stories
R3	3 stories

Excerpt of B1.06 Complete Occupancy Table

Occupancy Regulation	Zoning District
One family or up to 2 unrelated	R1 Single-Family Residential R1S Small Home Residential R1A Single-Family Residential with Accessory Dwelling

Occupancy Regulation	Zoning District
Note: a dwelling occupied by a family (but not unrelated persons) may also have one (1) roomer.	RR Residential Rehabilitation R2 Two-Family Residential R4 Two-Family Residential/Manufactured Housing R5 55+ Housing Residential RA Residential Agriculture MH Manufactured Housing B1 Downtown Interface B1 Downtown Core B2 Neighborhood Business O/I Office Institutional E2 Educational
One family or up to 4 unrelated Note: a dwelling occupied by a family (but not unrelated persons) may also have one (1) roomer.	R3 Multiple-Family B3 General Business M1 Manufacturing

CONFORMITY TO ADOPTED PLANS

COMPREHENSIVE PLAN UPDATE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

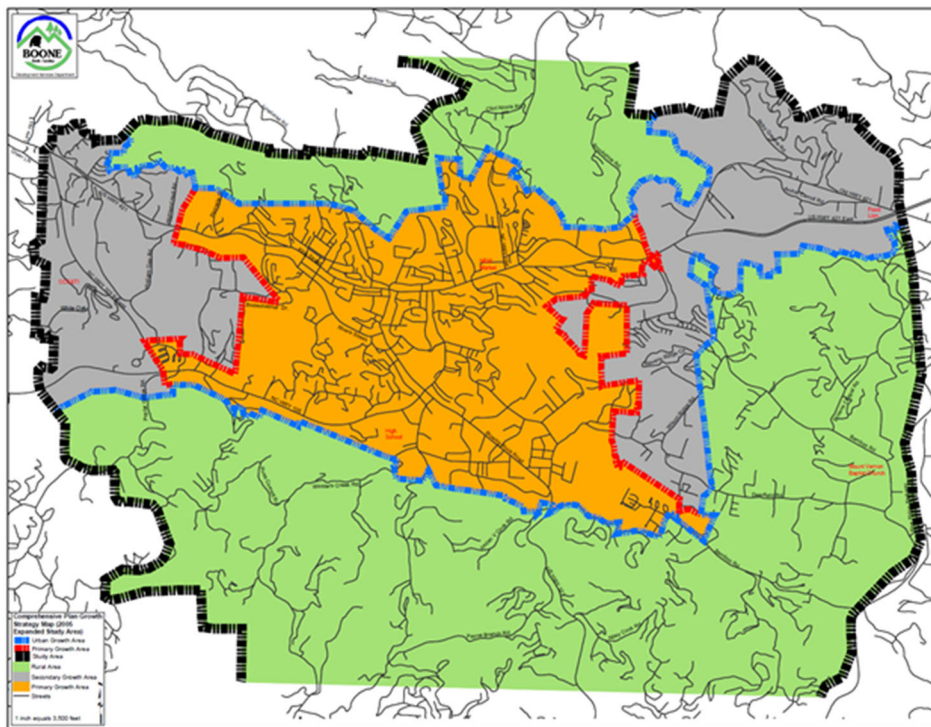
Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

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

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

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

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



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

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

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

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

2.1 Economy

...

2.1.1 Economic Development

- A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy.
- 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.
- K. Boone shall identify and provide services consistent with the needs of the area's growing retiree population.

...

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 employ incentives to encourage a concentration of intense urban type development within the Urban Growth Area.

...

2.2.5 Environmental Health

- C. Development activities in the 100-year floodplain or near lakes or streams shall be carefully controlled. If development must occur, low intensity uses such as open space, recreation and adequately buffered agricultural or forestry activities shall be preferred.
- D. Runoff and drainage from development activities shall be of a quality and quantity as near to natural conditions as possible, with special emphasis given to critical watershed areas.
- E. Development which preserves the natural features of the site, including existing topography, streams and significant trees and vegetation, shall be reflected in the Town's Development Standards.
 - E.1 Consider the use of innovative zoning techniques such as density bonuses and transfer of development rights in exchange for preservation of significant environmental features.
- F. Recognizing the economic and environmental costs of commercial and residential stormwater runoff, innovative stormwater management techniques such as permeable sidewalks,, driveways, and parking areas shall be encouraged.

2.3 THE COMMUNITY

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

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.

2.3.2 Community Character

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

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.

...

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 September 8, 2022.

/s/ Brenda Henson

Brenda Henson, Administrative Support Specialist

Certification of Posting

I, Brandon Wise, 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 September 7, 2022.

/s/ Brandon Wise

Brandon Wise, Environmental Planner

PLANNING BOARD REPORT/RECOMMENDATIONS

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

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

Note 1

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

Vote 2: The Planning Commission recommends ☐approval OR ☐denial of Ordinance PL05764-060822 and believes ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

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

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 1, 2023.

/s/ Brenda Henson

Brenda Henson, Administrative Support Specialist

Certification of Posting

I, Darrell Pulliam, certify that the subject property was posted as required in Article 9, Subsection 9.03.03(B)(2) of the Town of Boone UDO on May 1, 2023.

/s/ Darrell Pulliam

Darrell Pulliam, Building Inspector

PLANNING COMMISSION REPORT

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

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:

Note 1

The Planning Commission recommends ☐approval OR ☐denial of the proposed amendment to the Town's Zoning map and believes ☐approval OR ☐denial of Ordinance PL06596-041223 is reasonable and in the public interest because:

Note 2

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

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

TOWN COUNCIL ACTION – Adoption of Ordinance

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

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:

Note 1

The Town Council ☐approves OR ☐denies the proposed amendment to the Town’s Zoning map and believes ☐approval OR ☐denial of Ordinance PL06583-040523 is reasonable and in the public interest because:

Note 2

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

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

Ordinance PL06583-040523

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

WHEREAS, the Planning Commission has received the request to amend the Official Zoning Map of the Town of Boone, North Carolina to zone the parcel below as follows:

Case	PL06596-041223
Property Owner:	Yates Family Properties LLC
Watauga Co. PIN:	2920-00-9240-000
Current Zoning:	R3 Multiple Family
Requested Zoning:	R1 Single-Family

WHEREAS, in accordance with the procedures set forth in the Town of Boone Unified Development Ordinance, the Commission and Council met to consider the proposed amendment on May 22, 2023; and

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

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

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

- SECTION 1.** The Boone Town Council hereby approves and adopts the modifications to the Town Zoning Map as set forth herein.
- SECTION 2.** All provisions of any Town ordinance in conflict with this ordinance are hereby repealed to the extent of such conflict.
- SECTION 3.** This Ordinance shall be effective immediately upon its adoption by Town Council.

Adopted this the 14th day of June, 2023.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon, Town Clerk

General Use Zoning Map Amendment Application

Town of Boone Planning & Inspections Department

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

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



A. Required to be Submitted at Time of Application

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

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

- ☐ Property Owner Authorization for all property included in the request. See Section D.
- ☐ Deed(s) of all property to be included in the request,
- ☐ Both a digital and a hard copy of a written metes and bound legal description with accompanying survey map for a request that would rezone only a portion of a tax parcel or requests for multiple zoning districts.
- ☐ Permit Fee (See Planning & Inspections Fee Schedule)

Each application is allowed two (2) reviews. The 1st review of the submitted information and a 2nd review if revisions or supplemental information is required based upon the 1st review. Each subsequent review after the 2nd review will be charged at 50% of the original fees charged for the application. These fees shall be paid at the time of resubmittal.

B. Property Information

Street Address:

Holmes Drive

Watauga County Parcel Identification Number:

2910-05-2962-000

Existing Zoning District(s): R3 & U1

Proposed Zoning District(s): U1

Adjacent Land Uses: N: U1

E: U1/R3

S: U1/R3

W: U1/R3

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

☐ Yes ☐ No ☒ Unknown

If yes, describe: _____

Total Land Area: _____

C. Property Owner Information

Name:

Appalachian State University

Complete Mailing Address (Street, City, Zip):

438 Academy Street, Boone, NC 28608

Phone Number:

828.262.2030

Email Address:

novacekm@appstate.edu

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

D. Applicant Signature and Property Owner Authorization

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

Appalachian State University

Property Owner (Print)

Daniel Layzell
Property Owner (Signature)

4/12/23
Date

By: Daniel T. Layzell, Vice Chancellor of Finance & Operations

Official Use Only				
Permit Name: <u>ASU Holmes Dr. - General Use Zoning Map Amendment</u>				
Permit Number: <u>PL06596-041223</u>				
Date:	Fee:	Receipt Number:	Method of Payment: ☐ Cash ☐ Check Number: _____	Paid By:

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: _____

PC Meeting Date: _____

TC Meeting Date: _____

Date of APO Mailed Notification: _____

Date of Posted Notification: _____

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

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DEEDS—BOOK No. 54

NORTH CAROLINA—WATAUGA COUNTY

This Deed, Made this twenty-sixth day of May, 1938,
by J. D. Rankin and wife, Tula Rankin,
of Watauga County and State of North Carolina, of the first part, to Appalachian State
Teachers College,
of Watauga County and State of North Carolina, of the second part:
WITNESSETH, That said J. D. Rankin and wife, Tula Rankin,
in consideration of FOUR HUNDRED TWENTY DOLLARS DOLLARS,
to them paid by Appalachian State Teachers College, the receipt of which is hereby ac-
knowledge, ha ve bargained and sold, and by these presents do grant, bargain, sell and convey to said Appalachian State Teachers
College, successors here and assigns, a certain tract or
parcel of land in Watauga County, State of North Carolina adjoining the lands of
and others and bounded as follows, viz:

Being lots numbers Three, Four, Five, Six, Seven and Eight in Block B. of
the J. S. Stanbury Addition to the town of Boone as shown on a map made by
H. K. Setzer, of Hickory, North Carolina, June 7, 1926. Reference is hereby
made to a plat thereof for a more complete description, which plat is
of record in the office of the Register of Deeds for Watauga County, Book 1.,
Page 6.

~~30¢~~ Documentary Stamps- ~~required~~

TO HAVE AND TO HOLD the aforesaid tract or parcel of land, and all privileges and appurtenances thereto belonging, to the said Appalachian State
Teachers College their heirs and assigns, to their only use and behoof forever.
And the said J. D. Rankin and wife, Tula Rankin,
for them sel ves and their heirs, executors, and administrators, covenant with said Appalachian State Teachers College
their heirs and assigns, that they are seized of said premises in fee
and ha ve a right to convey in fee simple; that the same are free and clear from all encumbrances, and that they do hereby forever warrant and will
forever defend the said title to the same against the claims of all persons whomsoever.

IN TESTIMONY WHEREOF, the said J. D. Rankin and wife, Tula Rankin,
ha ve hereunto set their hand s and seal s, the day and year first above written.

J. D. Rankin (SEAL)

Tula Rankin (SEAL)

ATTEST:

STATE OF NORTH CAROLINA—WATAUGA COUNTY.

I, _____, Clerk of the Superior Court, hereby certify that
and _____
his wife, personally appeared before me this day and acknowledged the due execution of the annexed Deed of Conveyance; and the said _____
being by me privately examined, separate and apart from her said husband, touching her
voluntary execution of the same, doth state that she signed the same freely and voluntarily, without fear or compulsion of her said husband or any other person, and that
she doth still voluntarily assent thereto. Let the instrument, with this certificate, be registered.

Witness my hand and official seal, this _____ day of _____, A.D. 194 _____.

_____, Clerk Superior Court.

STATE OF NORTH CAROLINA, Watauga County.

I, Russell D. Hodges, Notary Public, do hereby certify that
J. D. Rankin and Tula Rankin
his wife, personally appeared before me this day and acknowledged the due execution of the annexed Deed of Conveyance; and the said Tula Rankin
being by me privately examined, separate and apart from her said husband, touching her
voluntary execution of the same, doth state that she signed the same freely and voluntarily, without fear or compulsion of her said husband or any other person, and that
she doth still voluntarily assent thereto.

WITNESS my hand and notarial seal, this 27 day of June, A.D. 1938.

My Commission expires 11-25-39 (NOTARIAL SEAL) Russell D. Hodges, N. P. (SEAL)

STATE OF NORTH CAROLINA—WATAUGA COUNTY.

The foregoing certificate of Russell D. Hodges, a Notary Public of Watauga County,
State of North Carolina, is adjudged to be correct. Let the instrument, with the certificates, be registered.

Witness my hand and official seal, this 29 day of Oct, A.D. 1941.

A. E. South, Clerk Superior Court.

Filed for registration on the 29 day of October, 194 1, at 3:00 o'clock P.M., and registered in the
office of the Register of Deeds for Watauga County, N. C., this 30th day of October, 194 1,
at 2:45 o'clock P.M., in Book 54 of Deeds, on page 376, and verified.

Helen Underdown,
Register of Deeds, Watauga County.

RECEIVED
APR 12 2023

General Use Zoning Map Amendment Application

Town of Boone Planning & Inspections Department

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

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



A. Required to be Submitted at Time of Application

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

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

- ☐ Property Owner Authorization for all property included in the request. See Section D.
- ☐ Deed(s) of all property to be included in the request,
- ☐ Both a digital and a hard copy of a written metes and bound legal description with accompanying survey map for a request that would rezone only a portion of a tax parcel or requests for multiple zoning districts.
- ☐ Permit Fee (See Planning & Inspections Fee Schedule)

Each application is allowed two (2) reviews. The 1st review of the submitted information and a 2nd review if revisions or supplemental information is required based upon the 1st review. Each subsequent review after the 2nd review will be charged at 50% of the original fees charged for the application. These fees shall be paid at the time of resubmittal.

B. Property Information

Street Address:

Holmes Drive

Watauga County Parcel Identification Number:

2910-05-5885-000

Existing Zoning District(s): R3

Proposed Zoning District(s): U1

Adjacent Land Uses: N: U1/R3

E: U1

S: R3

W: U1/R3

Are there any existing variances or special use permits granted to the property? ☐ Yes ☐ No ☒ Unknown

If yes, describe: _____

Total Land Area: _____

C. Property Owner Information

Name:

Board of Trustees of the Endowment Fund of Appalachian State University

Complete Mailing Address (Street, City, Zip):

438 Academy Street, Boone, NC 28608

Phone Number:

828.262.2030

Email Address:

novacekm@appstate.edu

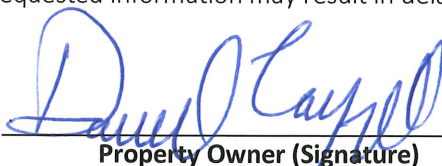
Preferred Method of Contact for Written/Response Documents (select one): ☐ Mail or ☒ Email

D. Applicant Signature and Property Owner Authorization

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

Board of Trustees of the Endowment
Fund of Appalachian State University

Property Owner (Print)


Property Owner (Signature)

4-12-23
Date

By: Daniel T. Layzell, Vice Chancellor of Finance & Operations

Official Use Only				
Permit Name: <u>ASU Holmes Dr. - General Use Zoning Map Amendment</u>				
Permit Number: <u>PL06597-041223</u>				
Date:	Fee:	Receipt Number:	Method of Payment: ☐ Cash ☐ Check Number: _____	Paid By:

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: _____

PC Meeting Date: _____

TC Meeting Date: _____

Date of APO Mailed Notification: _____

Date of Posted Notification: _____

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

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

FILED
WANDA C. SCOTT

REGISTER OF DEEDS

97 SEP 12 PM 4:55

BY: *Kathy Burt*
DEPUTY
WATAUGA COUNTY, NC

WATAUGA COUNTY NC 09/12/97

\$270.00



Real Estate
Excise Tax

Excise Tax: \$270.00

Recording Date, Time & Book and Page

[CAWP60AUG97ASU:September 8, 1997]

GENERAL WARRANTY DEED

THIS DEED made this September 8, 1997, by and between

DAVID D. DOUGHERTY AND DALE M. DOUGHERTY, HUSBAND AND WIFE
JANE D. WILSON AND LEWIS G. WILSON, HUSBAND AND WIFE
BARTLETT B. DOUGHERTY AND DIANNE T. DOUGHERTY, HUSBAND AND WIFE
GRACE S. DOUGHERTY, SINGLE
Being the Heirs of Barnard (D.B.) Dougherty

(hereinafter known as "Grantor")

AND

BOARD OF TRUSTEES OF THE ENDOWMENT FUND OF APPALACHIAN STATE UNIVERSITY
APPALACHIAN STATE UNIVERSITY
BOONE, NORTH CAROLINA 28608

(hereinafter known as "Grantee")

As referred to herein, the terms "Grantor" and "Grantee" shall be masculine singular, but shall include the above parties, their heirs, personal representatives, successors and assigns, and each term shall include the singular, plural, masculine, feminine or neuter, and any combination thereof, as required by the context.

WITNESSETH:

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

BEING all of Lots Numbers 16, 17 and 18, Block A of the J. S. Stanbury Subdivision and being the same as shown on a plat of J. S. Stanbury in Plat Book 1 at Page 6, Watauga County Public Registry. Said lots are also shown on a plat of the J. S. Stanbury Subdivision as shown in Book 4, Page 10, Watauga County Public Registry.

This conveyance is subject to that Right of Way recorded in Deed Book 168, Page 914, Watauga County Registry.

The property hereinabove described was acquired by Grantor by instrument recorded in Book of Deeds 72, Page 209, Watauga County Public Registry.

A plat showing the above-described property is recorded in Plat Book 1, Page 6 and Book 4, Page 10, Watauga County Registry.

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

And Grantor covenants with Grantee, that Grantor is seized of the premises in fee simple and 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.

TAX INFORMATION
RECORDED
9-12-97 *CCN*
Tax Supervisor

This Document Prepared by and Should Be Returned to:

RICHARD E. MATTAR
ATTORNEY AT LAW
POST OFFICE BOX 447
BLOWING ROCK NORTH CAROLINA 28605

RECEIVED
APR 12 2023
BY: _____

Communication: Cases PL06596-, PL06597-, and PL06598-041223 Application Information (Cases PL06596-041223, PL06597-041223, and

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 or shown on the description of the property herein.

IN WITNESS WHEREOF Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name and attested 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.

David D. Dougherty (SEAL)
DAVID D. DOUGHERTY

Dale M. Dougherty (SEAL)
DALE M. DOUGHERTY

Jane D. Wilson (SEAL)
JANE D. WILSON

Lewis G. Wilson (SEAL)
LEWIS G. WILSON

Bartlett B. Dougherty (SEAL)
BARTLETT B. DOUGHERTY

Dianne T. Dougherty (SEAL)
DIANNE T. DOUGHERTY

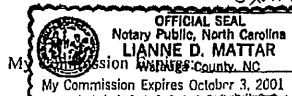
Grace S. Dougherty (SEAL)
GRACE S. DOUGHERTY

STATE OF North Carolina
COUNTY OF Watauga

I, a Notary Public of the County and State aforesaid, certify that DAVID D. DOUGHERTY AND DALE M. DOUGHERTY, HUSBAND AND WIFE, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the 23rd day of August, 19 97

Lianne D. Mattar



Notary Public

STATE OF SC
COUNTY OF SC

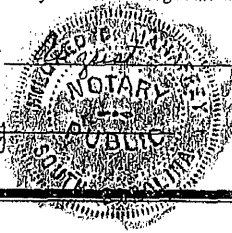
I, a Notary Public of the County and State aforesaid, certify that JANE D. WILSON AND LEWIS G. WILSON, HUSBAND AND WIFE Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the 25 day of August, 19 97

Mildred B. Mahaffey

Notary Public

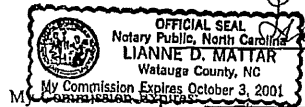
My Commission Expires: 4-12-06



STATE OF North Carolina
COUNTY OF Watauga

I, a Notary Public of the County and State aforesaid, certify that **BARTLETT B. DOUGHERTY AND DIANNE T. DOUGHERTY, HUSBAND AND WIFE**, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the 22nd day of August, 1997

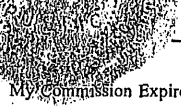


Lianne D. Mattar
Notary Public

STATE OF North Carolina
COUNTY OF Watauga

I, a Notary Public of the County and State aforesaid, certify that **GRACE S. DOUGHERTY, SINGLE**, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the 22 day of August, 1997



Pat Taylor
Notary Public

My Commission Expires: 11-11-97

STATE OF NORTH CAROLINA	COUNTY OF WATAUGA
The foregoing certificate(s) of <u>Mildred D. McHaffey, Notary Public, State of South Carolina, Lianne D. Mattar, Notary Public, Watauga County, NC and Pat Taylor, Notary Public, Watauga County, NC</u>	
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.	
WANDA C. SCOTT Register of Deeds for WATAUGA County	
by: <u>Kathy S. Burkett</u> Deputy/Assistant Register of Deeds	

This Document Prepared by and Should Be Returned to:
RICHARD E. MATTAR
ATTORNEY AT LAW
POST OFFICE BOX 447
BLOWING ROCK NORTH CAROLINA 28605

General Use Zoning Map Amendment Application

Town of Boone Planning & Inspections Department

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

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



A. Required to be Submitted at Time of Application

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

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

- ☐ Property Owner Authorization for all property included in the request. See Section D.
- ☐ Deed(s) of all property to be included in the request,
- ☐ Both a digital and a hard copy of a written metes and bound legal description with accompanying survey map for a request that would rezone only a portion of a tax parcel or requests for multiple zoning districts.
- ☐ Permit Fee (See Planning & Inspections Fee Schedule)

Each application is allowed two (2) reviews. The 1st review of the submitted information and a 2nd review if revisions or supplemental information is required based upon the 1st review. Each subsequent review after the 2nd review will be charged at 50% of the original fees charged for the application. These fees shall be paid at the time of resubmittal.

B. Property Information

Street Address:

Holmes Drive

Watauga County Parcel Identification Number:

2910-05-6841-000

Existing Zoning District(s): R3

Proposed Zoning District(s): U1

Adjacent Land Uses: N: R3

E: U1

S: R3

W: U1/R3

Are there any existing variances or special use permits granted to the property? ☐ Yes ☐ No ☒ Unknown

If yes, describe: _____

Total Land Area: _____

C. Property Owner Information

Name:

Appalachian State University for State of North Carolina

Complete Mailing Address (Street, City, Zip):

438 Academy Street, Boone, NC 28608

Phone Number:

828.262.2030

Email Address:

novacekm@appstate.edu

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

D. Applicant Signature and Property Owner Authorization

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

Appalachian State University

Property Owner (Print)

Daniel Layzell
Property Owner (Signature)

4-12-23
Date

By: Daniel T. Layzell, Vice Chancellor of Finance & Operations

Official Use Only				
Permit Name: <i>ASU Holmes Dr. - General Use Zoning Map Amendment</i>				
Permit Number: <i>PL06598-041223</i>				
Date:	Fee:	Receipt Number:	Method of Payment: ☐ Cash ☐ Check Number: _____	Paid By:

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: _____

PC Meeting Date: _____

TC Meeting Date: _____

Date of APO Mailed Notification: _____

Date of Posted Notification: _____

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

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stamps \$220.00

BK 0377PG 028

WATAUGA COUNTY NC

07/30/96

\$220.00



Real Estate
Excise Tax

Return to: Charles E. Clement

DEED PREPARED BY: D. Davis Steinbock
Assistant Attorney General
P.O. Box 629
Raleigh, N. C. 27602-0629

FILED
WANDA C. SCOTT
REGISTER OF DEEDS

26 JUL 30 AM 10:27

BY: *[Signature]*
DEPUTY
WATAUGA COUNTY, NC

STATE OF NORTH CAROLINA

DEED

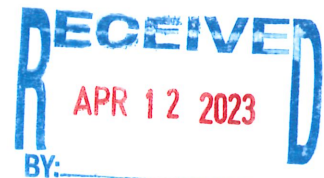
COUNTY OF WATAUGA

THIS DEED, made and entered into this the 30th day of
July, 1996, by and between RALPH D. BUFF and wife RUBY
M. BUFF, Grantors, and the STATE OF NORTH CAROLINA, C/O State
Property Office, 116 W. Jones Street, Raleigh, North Carolina
27603, Grantee;

W I T N E S S E T H :

THAT the said Grantors, in consideration of the sum of ONE
HUNDRED TEN THOUSAND AND NO/100 (\$110,000.00) DOLLARS to them
paid by the Grantee, receipt of which is hereby acknowledged,
have bargained and sold and by these presents do bargain, sell
and convey, unto the said Grantee, its successors and assigns,
all of that certain tract or parcel of land situate, lying and
being in Boone Township, Watauga County, North Carolina, and
being more particularly described as follows:

LYING and being in the Town of Boone and
BEGINNING on on a stake in the southwest
margin of Faculty Street, the southeast
corner of the Edna Hodges' property (now
Dougherty) and runs with the southwest margin
of Faculty Street, South 36 East 45 feet to a
stake, corner to Barnard Dougherty lot;
thence South 52 West 162 feet to a stake at
Stansbury Street; thence with the margin of
Stansbury Street, North 33 West 45 feet to a
stake; thence North 52 East 163 feet to the
BEGINNING. Containing 7090 square feet, more
or less, and being the property conveyed by
Barnard Dougherty to Edwin S. Dougherty by



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deed dated September 11, 1941 and recorded in
the Office of the Register of Deeds for
Watauga County in Book 54 at Page 279.

TO HAVE AND TO HOLD the aforesaid tract or parcel of land
and all privileges and appurtenances thereunto belonging to the
State of North Carolina, its successors and assigns, forever.

AND the said Grantors do covenant that they are seized of
the said premises in fee simple and have the right to convey the
same in fee simple; that the same are free from any encumbrances;
and that they will warrant and defend the said title to the same
against the claims of all persons whomsoever.

IN TESTIMONY WHEREOF, the said Grantors have hereunto set
their hands and seals, all on the day and year first above
written.

Ralph D. Buff (SEAL)
RALPH D. BUFF

Ruby M. Buff (SEAL)
RUBY M. BUFF

BK 0377 PG 030

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STATE OF NORTH CAROLINA

COUNTY OF = WATAUGA

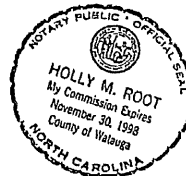
I, Holly M. Root, a Notary Public in and for the aforesaid County and State do hereby certify that RALPH D. BUFF and wife, RUBY M. BUFF, personally appeared before me this date and acknowledged the due execution of the foregoing instrument for the purpose therein expressed.

WITNESS my hand and Notarial Seal, this the 30th day of July, 1996.

Holly M. Root
Notary Public

My Commission Expires:

11-30-98



NORTH CAROLINA - WATAUGA COUNTY

The foregoing certificate of Holly M. Root, Notary Public, Watauga County, NC is certified to be correct. This the 30th day of July, 1996.

Wanda C. Scott-Register of Deeds

by:

Jan Votaw

Deputy

STAFF REPORT
PUBLIC HEARING
MAY 22, 2023

CASES PL06596-041223; PL06597-041223; AND PL06598-041223

ASU HOLMES DRIVE PROPERTIES GENERAL USE ZONING MAP AMENDMENTS



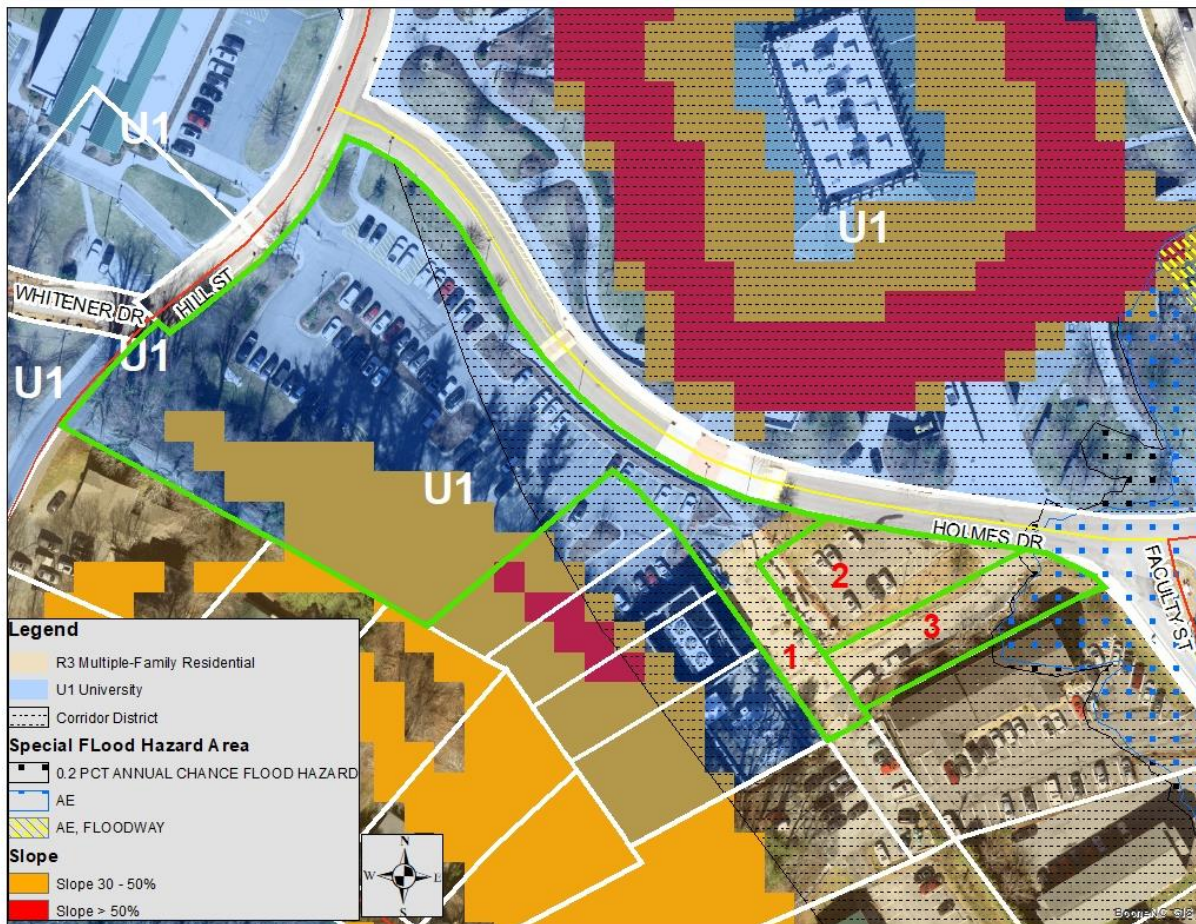
Request

Appalachian State University (ASU) has submitted a General Use Zoning Map Amendment to rezone all or portions of three properties located along Holmes Drive (Watauga County PINs: 2910-05-2962-000, 2910-05-5885-000, and 2910-05-6841-000) from R3 Multiple-Family to U1 University. The subject properties are outlined in green on the map above.

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.

Zoning Analysis



Case	PL06596-041223	PL06597-041223	PL06598-041223
Location on Map Above:	1	2	3
Applicant/Property Owner:	ASU	ASU/Board of Trustees of the Endowment Fund of Appalachian State University	ASU/State of North Carolina
Address:	-	-	-
Watauga Co. PIN:	2910-05-2962-000	2910-05-5885-000	2910-05-6841-000
Use:	Parking Lot	Parking Lot	Drive Aisle
Size:	±1.6 acres	±8,036 sq. ft.	±7,537 sq. ft.
Jurisdiction:	Town of Boone	Town of Boone	Town of Boone
Access:	Hill Street (Town)	Holmes Drive (Private)	Homes Drive (Private)
Corridor District:	Yes	Yes	Yes
Viewshed:	No	No	No
Watershed:	No	No	No
Special Flood Hazard:	No	No	Yes
Steep Slope:	Yes	No	No
Current Zoning:	U1/R3	R3	R3
Phasing:	N/A	N/A	N/A
Vesting:	N/A	N/A	N/A
Current Zoning:	R3 Multiple Family Residential		
	The R3 Multiple-Family Residential District is established to provide a high-density area consisting of three or more dwelling units per lot plus limited-service use. The regulations for this district are intended to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.		
Requested Zoning:	U1	U1	U1
	The U1 University District is established for the main campus of Appalachian State University (ASU). This district is intended to provide for the planning and expansion of ASU's main campus that is consistent with the Town's overall planning objectives. In the event that a property or portion of property zoned U-1 is sold to a non-university third party, the property must be rezoned. The third-party landowner shall submit a petition to rezone the property within 6 months of closing on its purchase of the property.		
Vesting:	None	None	None

	Adjacent Zoning (of area to be rezoned)	Adjacent Land Use (Watauga Co. Tax Data)
North	U1 University	University
East	B3 General Business	Restaurant
South	R3 Multiple Family Residential	Multi-Family
West	U1 University	University

Excerpts from UDO Appendix B

Below are excerpts from the UDO regarding the district, use, intensity and height for the current and requested zoning district.

Excerpt from B1.01 Complete Table of Principal Uses

Use #	Specific Use	R3	U1	Reference
1.0 Household Living				
1.01	Single-Family Dwelling			
1.02	Manufactured Home "Class A"			15.01
1.03	Manufactured Home "Class B"			15.01
1.04	Manufactured Home "Class C"			
1.05	Manufactured Home Park			15.02
1.06	Duplex (one duplex building per lot)	P		
1.07	Duplex (more than one duplex building per lot)	L		15.03
1.08	Townhouse (up to 30 bedrooms)	L ^{T50}		15.03
1.09	Townhouse (31-100 bedrooms)	L ^{T75}		15.03
1.10	Townhouse (> 100 bedrooms)	L ¹²⁵		15.03
1.11	Multi-Family Dwelling (up to 30 bedrooms)	L ^{T125}		15.03
1.12	Multi-Family Dwelling (31-100 bedrooms)	L ^{T200}		15.03
1.13	Multi-Family Dwelling (> 100 bedrooms)	L ^{T300}		15.03
1.14	Multi-Family Dwelling in Mixed Use (up to 30 bedrooms)			15.04
1.15	Multi-Family Dwelling in Mixed Use (31-100 bedrooms)			15.04
1.16	Multi-Family Dwelling in Mixed Use (> 100 bedrooms)			15.04
1.17	Adult Living Community	P ^{T300}		
2.0 Group Living				
2.01	Family Care Home	L		15.06
2.02	Family Care Institutions			15.07
2.03	Halfway House, Category 1			15.07
2.04	Halfway House, Category 2			15.07
2.05	Residential Care Facility			
2.06	Fraternity or Sorority Dwelling	S ^{T300}		15.09
2.07	Boarding House	L		15.10
3.0 Transient Living				
3.01	Home for Survivors of Domestic Violence			15.11
3.02	Shelter for Homeless, Category 1	L ^{T50}		15.12
3.03	Shelter for Homeless, Category 2	L ^{T300}		15.12
3.04	Bed and Breakfast, Category 1			15.13
3.05	Bed and Breakfast, Category 2			15.13
3.06	Vacation Rental	L ^{T75}		15.14
3.07	Homestay Rental	L		15.05

Use #	Specific Use	R3	U1	Reference
3.08	Motel			
3.09	Hotel, Small			
3.10	Hotel, Large			
3.11	Hotel, extended stay			
4.0 Institutional				
4.01	Airport/Landing Strip			15.15
4.02	Heliport			
4.03	Funeral Home Establishment			
4.04	Cemetery	P		
4.05	Post Office			
4.06	Post Office, Distribution			
4.07	Animal Sanctuary			
5.0 Government Uses				
5.01	Government Cultural Facility			
5.02	Government Neighborhood Cultural Facility, Indoor Activity Only			
5.03	Government Neighborhood Cultural Facility, Includes Outdoor Activity			
5.04	Recreation Facility, Category 1	P		
5.05	Recreation Facility, Category 2			
5.06	Recreation Facility, Category 3	P		
5.07	Event Venue, Category 1	P		
5.08	Event Venue, Category 2	S		
5.09	Event Venue, Category 3			
5.10	Landfill			
5.11	Solid Waste Processing			
5.12	Police Substation			
5.13	Utility Facility, Town			15.16
5.14	Utility Facility, Government, Neighborhood	P		15.16
5.15	Utility Facility, Government, Regional	L		15.16
5.16	Government Facility	L		
6.0 Non-Government Utility Facility				
6.01	Utility Facility, Neighborhood	L		15.16
6.02	Utility Facility, Regional			15.16
7.0 Wireless Communication				
7.01	Small Wireless Collocation	L	L	15.18
7.02	Wireless Facility Collocation on Existing Wireless Support Structure or Utility Pole	L	L	15.17
7.03	Stealth Wireless Facility Attached to Existing Building or Structure	L	L	15.17
7.04	Non-stealth Wireless Facility Attached to Existing Building or Structure			15.17
7.05	Non-stealth Wireless Facility Collocation on Electrical Transmission Towers	L	L	15.17
7.06	Stealth Wireless Support Structure	L	L	15.17
7.07	Non-stealth Wireless Support Structure	L	L	15.17
7.08	Emergency Response Communication Antenna	P	P	
8.0 Assembly				
8.01	Religious Assembly, Category 1	P		
8.02	Religious Assembly, Category 2	pT125		
8.03	Religious Assembly, Category 3			
8.04	Club/Lodge, Category 1			
8.05	Club/Lodge Which Does Not Serve Alcohol			

Use #	Specific Use	R3	U1	Reference
9.0 Education				
9.01	Public colleges and universities		pT200	
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			15.63
9.08	College- or university-operated child daycare center			15.19
10.0 Daycare				
10.01	Child Daycare, Large	L		15.19
10.02	Child Daycare Center			15.19
10.03	Adult Daycare, Large	L		15.19
10.04	Adult Daycare Center			15.19
10.05	All Other Daycare			
11.0 General Sales and Service				
11.01	Kennel			15.20
11.02	Veterinary Office/Hospital with Outdoor Kennels			15.20
11.03	Veterinary Office/Hospital without Outdoor Kennels			
11.04	Financial Institution ≤ 5,000 ft ²			
11.05	Financial Institution > 5,000 ft ²			
11.06	Restaurant ≤ 2,500 ft ² open to the public during 10 pm – 6 am			
11.07	Other Restaurants ≤ 2,500 ft ²			
11.08	Restaurant > 2,500 ft ² open to the public during 10 pm – 6 am			
11.09	Other Restaurants > 2,500 ft ²			
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			
11.15	Other Personal Service Establishments			
11.16	Retail Store up to 5,000 ft ²			
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			15.21
11.19	Reserved			
11.20	Business or Professional Office open to the public during 10 pm - am			
11.21	Other Business or Professional Office			
11.22	Medical Office, Category 1			
11.23	Medical Office, Category 2			
11.24	Medical Office, Category 3			
11.25	Medical Office, Category 4			
11.26	Hospital			
11.27	Medical Emergency Response			
11.28	Open Air Market, Recurring			15.22
11.29	Vehicle Sales and Service			15.23
11.30	Equipment Sales and Service			15.24
11.31	Moped Sales and Service			
11.32	Boat or Marine Craft Sales and Service			15.25

Use #	Specific Use	R3	U1	Reference
11.33	Impound Lot/Towing Service			15.26
11.34	Gas Station			
11.35	Car Wash			
11.36	Seasonal Retail Activities and Amusements			
11.37	Electric-Vehicle Charging Station			15.65
12.0 Recreation & Entertainment Uses				
12.01	Indoor Shooting Range			15.27
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			15.28
12.09	Coliseum			
12.10	Recreation Facility, Category 1			
12.11	Recreation Facility, Category 2			
12.12	Recreation Facility, Category 3			
12.13	Racetrack			
13.0 Agriculture				
13.01	Garden, Community			15.29
13.02	Garden, Residential			15.30
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		15.31
14.0 Manufacturing				
14.01	Microbrewery			15.32
14.02	Brewpub			15.32
14.03	Brewery/Distillery			15.33
14.04	Brewery/Distillery, Other			15.34
14.05	Winery Associated with a Vineyard			15.35
14.06	Winery			15.35
14.07	Winery, Other			
14.08	Extraction of Earth Materials			
14.09	Machine/Welding Shop			15.37
14.10	Manufacturing, Other			15.38
15.0 Parking				
15.01	Parking Lot			15.39
15.02	Parking Structure	L ^{T125}		15.40
15.03	Park and Ride Lots			15.39
16.0 Storage				
16.01	Self-Storage Facilities			15.41
16.02	Outdoor Storage			15.42
16.03	Warehouse			

Use #	Specific Use	R3	U1	Reference
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			15.42
18.02	Recycling and Salvage			15.42
18.03	Junkyard			
18.04	Private Landfill			
19.0 Particular Activities Which Pose Particular Concern About Public Health				
19.01	Electronic and Internet Gaming			15.43
19.02	Adult Establishments			15.44

Excerpt from B1.02 Complete Table of Accessory Uses

Use #	Accessory Use	R3	U1	Reference
A-1	Secondary suite	L		15.45
A-2	Home occupation	L		15.46
A-3	Accessory dwelling unit	L		15.47
A-4	Drive-through			15.48
A-5	Outdoor display			15.49
A-6	Outdoor storage			15.50
A-7	Outdoor dining			15.51
A-8	Automated teller machine (ATM)			
A-9	Automated teller machine (ATM), freestanding	L		15.52
A-10	Produce stand			15.53
A-11	Poultry	L		15.54
A-12	Livestock, small	L		15.55
A-13	Livestock, large			15.56
A-14	Bees	L		15.57
A-15	Garden, residential	L		15.58
A-16	Satellite receiving antennas less than 1 meter in diameter	P		
A-17	Satellite receiving antennas less than 2 meters in diameter			
A-18	Satellite receiving antennas 2 meters and greater in diameter			
A-19	Helistop			
A-20	Swimming pools, spas, and hot tubs	L		15.59
A-21	Caretaker's residence			15.60
A-22	Vehicular gate	L		15.61
A-23	Vehicle washing station	P		
A-24	Chemical storage facility			
A-25	Open air market, accessory	L		15.22
A-26	Daycare, small	P		
A-27	Limited structure to enable recreational use of open rooftops	L ^{T300}		14.03.07(G) 14.19.06(H)(8)(d)
A-28	Solar Energy System	L		15.64
A-29	Electric-Vehicle Charging Station	L		15.65

Excerpt from B1.03 Complete Table of Temporary Uses

Use #	Temporary Use	R3	U1	Reference
T-1	Temporary family care structure	L		15.62
T-2	Temporary construction or repair dwelling	L		15.62
T-3	Temporary construction trailer	L		15.62
T-4	Temporary mobile medical unit			15.62
T-5	Temporary classroom			15.62
T-6	Temporary portable storage containers	L		15.62
T-7	Temporary staging			15.62
T-8	Temporary non-fixed site event venue			15.62
T-9	Carrier on wheels (cow)	L		15.62
T-10	Yard sales	L		15.62
T-11	Itinerant merchant/peddler	L		15.62
T-12	Open air market, temporary			15.62
T-13	Temporary Use 9.01 Public Colleges and Universities			15.62

Excerpt from B1.04 Complete Intensity Table

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Minimum Livability Space Ratio* (LSR)	Minimum Setbacks	
					Street	Interior
Residential Zoning Districts						
R3	20,000 sq. ft.	80 ft.	64 ft.	.40	20 ft.	13 ft.
Educational Zoning Districts						
U1	None	None	None	.27	Refer to Subsection 14.29.03(B)(1)	Refer to Subsection 14.29.03(b)(2)

Excerpt of 14.29.03 U1 Development Standards**A. Minimum Livability Space: .27 (see Subsection 14.03.05)**

- University campus land will be considered as a whole for purposes of computing land use intensities. This provision does not apply to satellite tracts; however, land separated from the main campus only by a public street or thoroughfare will be deemed part of the main campus.

B. Minimum Setbacks:

- Street: 10 feet when development is adjacent to Town maintained streets
- Interior: 14' when development is proposed adjacent to R1 zoned property and 0' when development is proposed adjacent to B1 zoned property.
- Additional setback provisions in Section 14.03.07(E) do not apply in the U1 district.

Excerpt of B1.05 Complete Building Height Table

Zone	Height Limitation
R3	3 stories
U1	Refer to Subsection 14.29.03(C)

Excerpt of 14.29.03 U1 Development Standards

- C. Maximum Building Height: In the U1 district, building heights for structures internal to the main campus shall be generally limited only by the Town's firefighting capability except for those structures located immediately adjacent to property in a non-University district. In this instance:
1. All buildings proposed within 100 feet of an R1, R1A, RR, R2, R4, or RA zoned property shall be limited to a maximum height of thirty-five feet (35').
 2. All buildings proposed within fifty feet (50') of an R3, OI, B1, B2, or B3 zoned property shall be limited to the maximum height allowed in the adjoining district. Additional height restrictions in Subsections 14.03.07(D) and (E) shall not apply in the U1 district.

Excerpt of B1.06 Complete Occupancy Table

Occupancy Regulation	Zoning District
One family or up to 4 unrelated	1. R3 Multiple-Family
Note: a dwelling occupied by a family (but not unrelated persons) may also have one (1) roomer.	2. B3 General Business
	3. M1 Manufacturing
No Occupancy Limitations	1. U1 University

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.

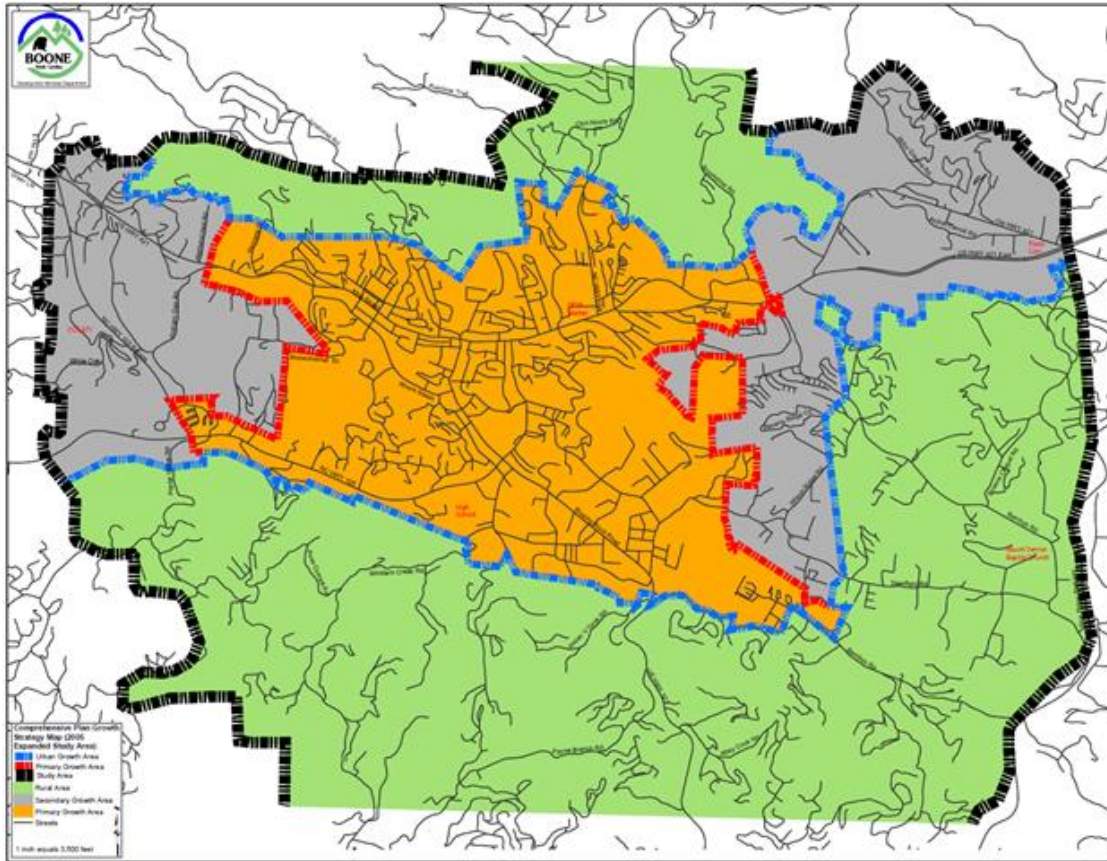
University: Emphasize cooperative planning among the Town, County, and University.

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 properties are located within the Primary Growth area.

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

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

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

Staff has reviewed land use and comprehensive plan policies, and listed those policies and actions 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.

2.1 Economy (page 21)**2.1.1 Economic Development**

- A.** The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy.
 - A.1** Continue to evaluate and amend development regulations to help insure aesthetic quality in the area and preserve the natural beauty of the area.
 - A.2** Adopt analytically sound, technically based hillside development regulations to preserve natural beauty.
 - A.3** Support the Arts Council, Jones House, ASU and others in attracting quality cultural events to Boone.
 - A.4** Balance the benefits of economic development projects with special concern for environmental quality issues.
- B.** New and expanding industries and businesses shall be encouraged which: 1) diversify the local economy, 2) train and use a skilled labor force and 3) increase area residents' incomes.
- C.** The Town shall encourage the development of a well-balanced tourism trade as a primary element of the area's economic future. Investments in services, facilities, and proper growth management shall be employed in furtherance of this objective.
- D.** Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.
 - D.1** Evaluate development regulations for amendments providing flexibility in the renovation and redevelopment of existing structures and sites.
 - D.2** Urge the resolution of the clean-up process of the 482 State Farm Road site so as to render the building suitable for use as soon as possible.
 - D.3** Pursue annually at least one joint public-private venture that will benefit the community at large.
- E.** The Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area's physical and human resources.
 - E.1** Continue to look for ways to make development regulations and permit procedures more predictable and timely. Evaluate opportunities for administrative review and permit issuance for development projects which, due to their small size or relatively minor impacts, may not require review by a formal public commission or board.
- F.** New firms and expanding businesses that complement the natural resources and beauty of the region shall be especially recruited and encouraged.
- G.** The Town shall support the development of new business parks.
 - G.1** Identify suitable property for possible business park development.
- H.** The Town shall promote coordination of economic development resources with the appropriate institutions and agencies. Regional coordination and interaction among areas with a shared economic interest shall be encouraged.

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

2.1.2 Commercial Development (page 25)

- A.** Uncontrolled strip development along the areas through streets shall be prohibited. The undesirable effects of existing strip development shall be reduced and/or reconfigured when redevelopment opportunities permit. New strip development on isolated single lots along through streets shall be discouraged.
 - A.1** Review and revise the Town's driveway and parking standards to minimize driveway cuts and require that adjacent parking lots be connected.
- 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.

- B.1** Review the Town's zoning text and map with the objective of reducing the negative impacts of typical commercial 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.
 - H.1** Amend the zoning map to provide appropriate commercial zoning in transitional areas that do not encroach upon established residential neighborhoods.
- 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.
 - J.1** Beyond the major corridor area consider the development of architectural design standards for commercial development throughout the Town's planning area.
 - J.2** Consider supplementing the highway corridor overlay district in the zoning ordinance to encourage commercial development to include: 1) attractive signage, and 2) build-to lines with parking in the rear.

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2.2 Infrastructure

2.2.2 Utilities (page 49)

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

- B.1** Continue to monitor water consumption at the Boone Water Treatment Plan with an eye toward planning for expansion of the facility when appropriate.
- C.** The Town shall consider the highest level of participation in the cost of providing water and sewer services within the Primary Growth Area with the next highest level of participation considered for the Secondary Growth Area.
- D.** Water and sewer services shall not be extended to properties in the Rural Area (outside the Urban Growth Area). Exceptions to this policy may include the provision of services to other local governments, cooperative agreements on major economic development initiatives, and extensions needed to address imminent public health problems or related environmental hazards.
 - D.1** Establish revised written water and sewer service extension policies consistent with the designated growth area on the Growth Strategy Map of this plan. Coordinate with the County in assessing water and sewer needs in the areas of the county that are already facing significant development pressures, and that are supportive of an organized, planned growth strategy.
- E.** The Town shall employ incentives to encourage a concentration of intense urban type development within the Urban Growth Area.
 - E.1** Establish an incentive program to encourage development within the Urban Growth Area.
- F.** Area-wide cooperation and support shall be sought in bringing in alternative utility services to the Boone Area.
 - F.1** Consider the establishment of an “Alternate Energy Commission” to address this and other energy issues on an on-going basis.
- G.** Long range planning for a possible stormwater collection and treatment system shall be supported, including the development of financial and regulatory strategies.
 - G.1** Prepare a community-wide stormwater management strategy to address the future implementation of NPDES Phase II program requirements.

...

2.3 Community

2.3.2 Community Character (page 75)

- A.** The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area.
 - A.1** Conduct on-going assessments of critical locations in community deserving special attention by the zoning ordinance, in light of their high visibility, traffic impact, strategic location, or other unique features. Continue to encourage significant new public buildings and outdoor spaces to locate in these and other positions of visibility and strategic prominence. Encourage the private sector to do likewise.
 - A.2** Seek out locations of historical merit in the community, and prepare an action plan for their enhancement, rehabilitation, or relocation as may be necessary.
- B.** Multiple and appropriate adaptive reuse of historic resources shall be encouraged.

- B.1** Amend development regulations to offer flexibility for restoration and active use of historic structures and other resources.
- C.** Wise development of the tourism potential of the area's architectural, historic, scenic and natural resources shall be encouraged.
 - C.1** Consider the placement of public art at appropriate locations in downtown, including murals.
- D.** The destruction of significant architectural, historic, scenic, natural and archaeological resources in the planning area shall be discouraged.
 - D.1** Carefully scrutinize proposed road widening to ensure that such actions do not destroy community and neighborhood character.
 - D.2** Continue to support the Town's tree preservation standards. Evaluate the effectiveness of the tree regulations since their establishment and amend them as necessary.
- E.** New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town.

2.3.3 Housing & Neighborhoods (page 79)

- A.** The protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community.
 - A.1** As road widenings are proposed, carefully evaluate their potential impact on the integrity of residential areas, pedestrian-oriented commercial districts, and the ability of bicyclists and pedestrians to function in the affected area.
 - A.2** Prepare at least two neighborhood plans, working closely with neighborhood residents, and incorporating the full range of neighborhood issues to include: land use, traffic, housing, neighborhood business services, infrastructure improvements, parks and recreation needs, crime and safety.
 - A.3** Prepare a document readily accessible to the public that details residential zoning areas and the date on which each was implemented.
 - A.4** Establish a planning and development policy that protects older established residential neighborhoods from the negative effects of adjacent commercial development.
 - A.5** Establish a task force to determine how like communities successfully enforce their existing residential codes. Items requiring focused attention: Detailed analysis of implementation and enforcement. For example, penalties, personnel requirements, budget implications, long-term effect on town character and economic development.
 - A.6** Implement a residential zoning enforcement policy based on the task force analysis above.
- B.** Street system designs which discourage through traffic on purely local streets while allowing for free circulation within the neighborhood shall be encouraged.

- B.1** Update the Town’s standards for subdivision street layouts, emphasizing circulation between neighborhoods and the ability of pedestrians and bicyclists to travel on back streets throughout the town.
- B.2** To the extent federal and state funding programs will allow, seek and apply for at least one grant to provide for bicycle paths to connect residential areas with commercial and university districts.
- C.** Proposed residential development which would expose residents to harmful effects of incompatible development or to environmental hazards shall be prohibited.
 - C.1** Amend the zoning map and development regulations to prevent residential uses from locating adjacent to existing developments and other uses which may have characteristics which cannot be effectively mitigated.
- D.** Innovative and flexible land planning and development practices shall be encouraged to create livable developments which better safeguard land, water, energy and historic resources.
 - D.1** Continue to evaluate opportunities in the zoning ordinance for flexibly designed and located single-family and multi-family residential developments.
 - D.2** Establish ongoing relationships with ASU’s departments of Geography and Planning, Appropriate Technology, and Sustainable Development to develop, enhance, and implement efforts toward creating affordable housing, appropriate infill development, neighborhood livability standards, and design standards for multi-family development. This should include attention to lighting, bike and pedestrian pathways, and federal, state, and local funding sources.
- E.** Factors in determining preferred locations for high density residential development shall include: close proximity to the university, employment or shopping centers; access to major thoroughfares and the transit system; the availability of public services and facilities; and compatibility with adjacent land uses.
 - E.1** Review the zoning ordinance for the appropriate placement of high density housing near urban activity centers that are coordinated with transit system stops.
- F.** The affordable housing needs of area residents, particularly elderly and low to moderate income residents, shall be recognized in Town policies and actions regarding residential development.
 - F.1** To the extent the federal and state funding programs will allow, seek and apply for at least one grant to provide for low to moderate income housing.
- G.** Compact, full service neighborhoods, offering opportunities for living, working, shopping, and gathering places, shall be encouraged in newly planned developments, as well as for redeveloping areas.
- H.** The overall housing unit density for proposed infill residential development or redevelopment should be compatible with the average density of existing areas.

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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 1, 2023.

/s/ Brenda Henson

Brenda Henson, Administrative Support Specialist

Certification of Posting

I, Darrell Pulliam, certify that the subject property was posted as required in Article 9, Subsection 9.03.03(B)(2) of the Town of Boone UDO on May 1, 2023.

/s/ Darrell Pulliam

Darrell Pulliam, Building Inspector

PLANNING COMMISSION REPORT

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

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:

Note 1

The Planning Commission recommends ☐approval OR ☐denial of the proposed amendment to the Town's Zoning map and believes ☐approval OR ☐denial of Ordinance PL06596-041223 is reasonable and in the public interest because:

Note 2

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

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

TOWN COUNCIL ACTION – Adoption of Ordinance

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

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:

Note 1

The Town Council ☐approves OR ☐denies the proposed amendment to the Town's Zoning map and believes ☐approval OR ☐denial of Ordinance PL06596-041223 is reasonable and in the public interest because:

Note 2

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

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

Ordinance PL06596-041223

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

WHEREAS, the Planning Commission has received the request to amend the Official Zoning Map of the Town of Boone, North Carolina to zone the parcel below as follows:

Case	PL06596-041223	PL06597-041223	PL06598-041223
Property Owner:	ASU	ASU/Board of Trustees of the Endowment Fund of Appalachian State University	ASU/State of North Carolina
Watauga Co. PIN:	2910-05-2962-000	2910-05-5885-000	2910-05-6841-000
Current Zoning:	U1 University/R3 Multiple Family	R3 Multiple Family	R3 Multiple Family
Requested Zoning:	U1 University	U1 University	U1 University

WHEREAS, in accordance with the procedures set forth in the Town of Boone Unified Development Ordinance, the Commission and Council met to consider the proposed amendment on May 22, 2023; and

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

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

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

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

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

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

Adopted this the 14th day of June, 2023.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon, Town Clerk

Planning Application - UDO Text Amendment

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

Official Use Only

Case Number:
Case PL05640-040822
Case Name:
Lighting Design Standards

A. CONTACT INFORMATION

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

B. TEXT INFORMATION

Amendment is to:

Article(s): Article 25

Section(s): Article 25 Section 5 Lighting

Brief Description of Amendment (Attach Proposed Text):

To modify UDO Article 25 Community Appearance Standards to reflect lighting industry changes and lighting design best practices. In conjunction with the Community Appearance Commission evaluating current Community Appearance Standards, Planning Staff has evaluated the current lighting standards by meeting with lighting design professionals, dark sky advocates, and local energy providers to discuss current lighting practices and areas of improvement.

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

Jessica Mitchell
Applicant (Print)

/s/ Jessica Mitchell
Applicant Signature

04/08/22
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: 05/22/23

PC Meeting Date: 05/22/23

TC Meeting Date: 06/14/23

Text Approved: ☐ Yes ☐ No

Notes:

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

Communication: Case PL05640-040822 Application Information (Case PL05640-040822 Lighting Design Standards - UDO Text Amendment)



**STAFF REPORT
PUBLIC HEARING
MAY 22, 2023**

Case PL05640-040822 Lighting Design Standards – Community Appearance Standards – UDO Text Amendment

Request

To modify UDO Article 25 Community Appearance Standards to reflect lighting industry changes and lighting design best practices. In conjunction with the Community Appearance Commission evaluating current Community Appearance Standards, Planning Staff has evaluated the current lighting standards by meeting with lighting design professionals, dark sky advocates, and local energy providers to discuss current lighting practices and areas of improvement.

History

February 22, 2022	Community Appearance Commission tasked with evaluating Community Appearance Standards in UDO Article 25. Planning Staff tasked with Lighting Design Standards within Article 25.
April 12, 2022	Meeting with lighting design professional and dark sky advocate
April 20, 2022	Meeting with local energy provider, New River Light & Power
April 26, 2022	Presentation of drafted lighting standards to Community Appearance Commission
April 27, 2022	Meeting with local energy provider, Blue Ridge Energy Members Foundation, Inc.
May 24, 2022	Presented revised drafted lighting standards to Community Appearance Commission

Background

In Staff's research for updating the lighting standards, we have investigated the use of:

- Kelvin (K) – defined as the light temperature in which it measures how warm (lower numbers) or cool (higher numbers) the light is
- Lumens - the total amount of light emitted from a source
- Foot candles (fc) - the amount of light falling onto a surface within one square foot
 - For reference, 1 foot candle is equal to 10 lumens
- Watts or wattage – measure of how much power a light bulb uses

Below are some diagrams that Staff has found helpful in our research to better understand the proposed text changes.

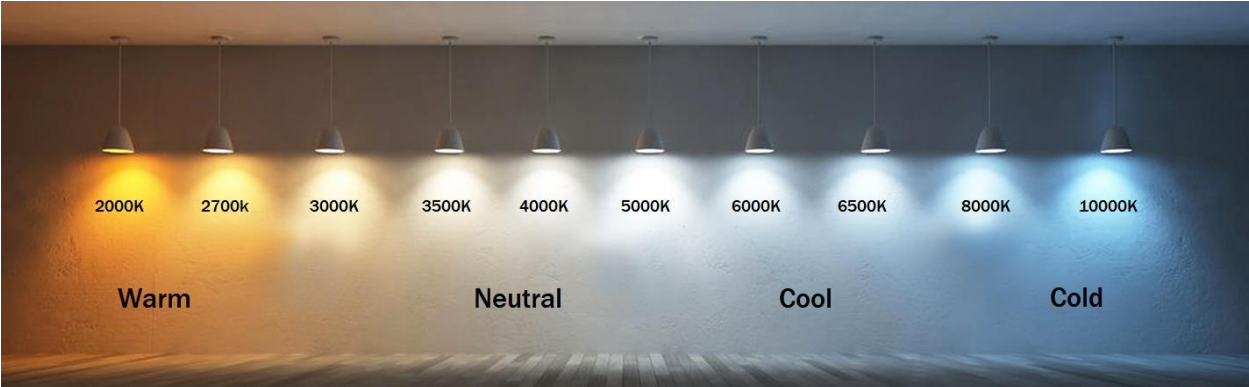


Figure 1. Source: <https://www.ledlightingwholesaleinc.com/Understanding-Lumens-vs-Kelvin-s/399.htm>

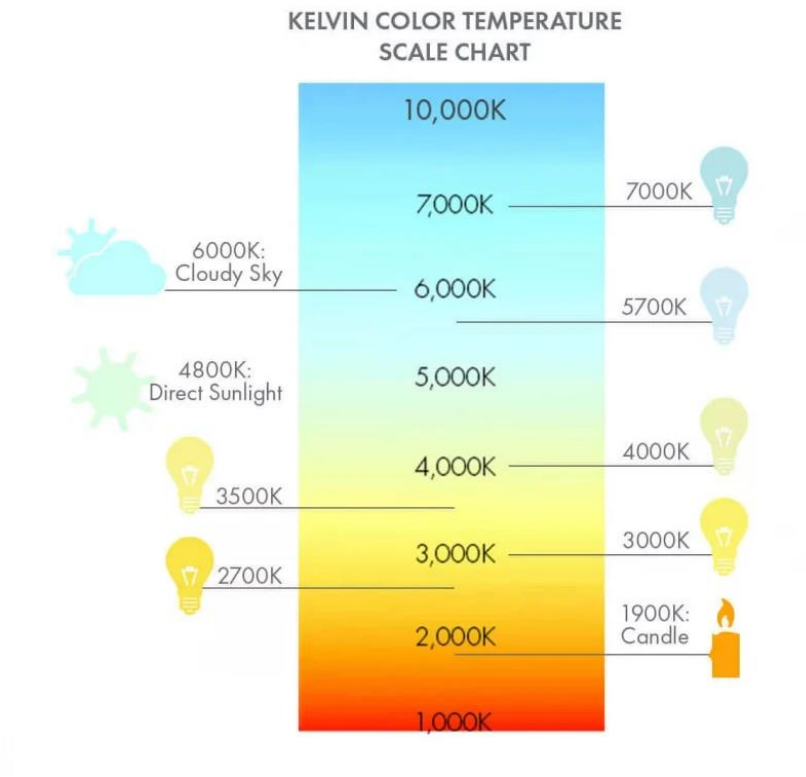


Figure 2. Source: <https://www.nvautoparts.com/defining-kelvin-lumens-and-lux/>

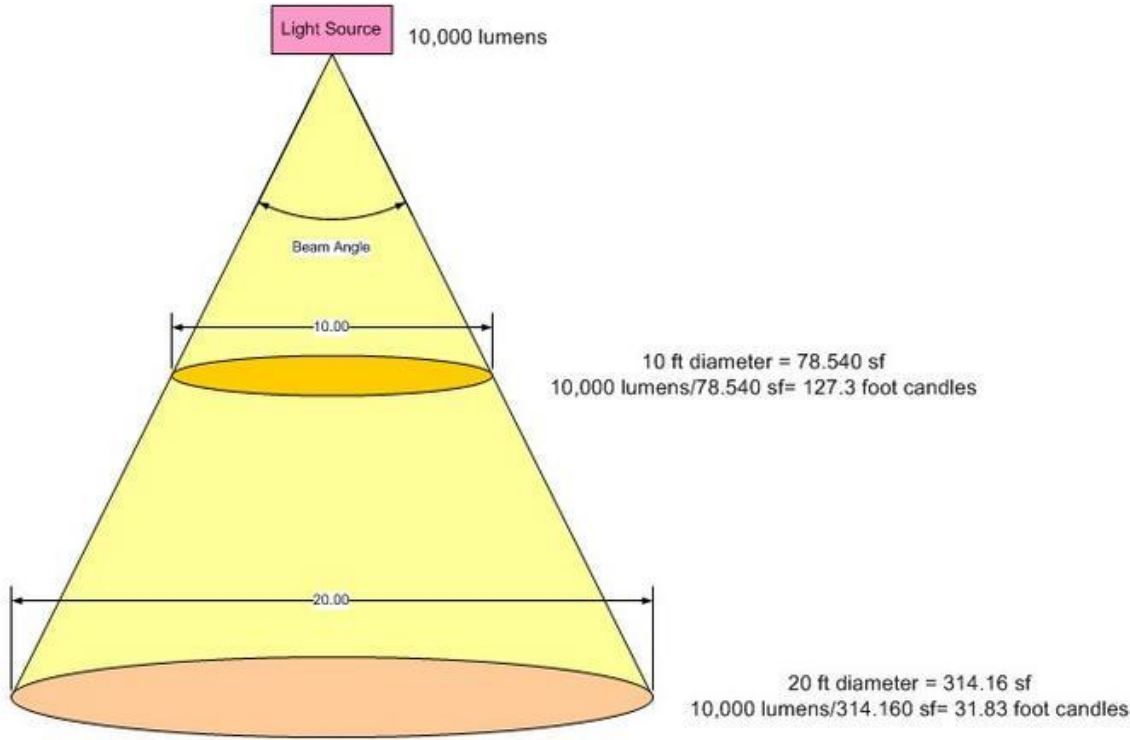


Figure 3. Source: <http://www.americangreenlights.com/lumens--lux--and-foot-candles.html>

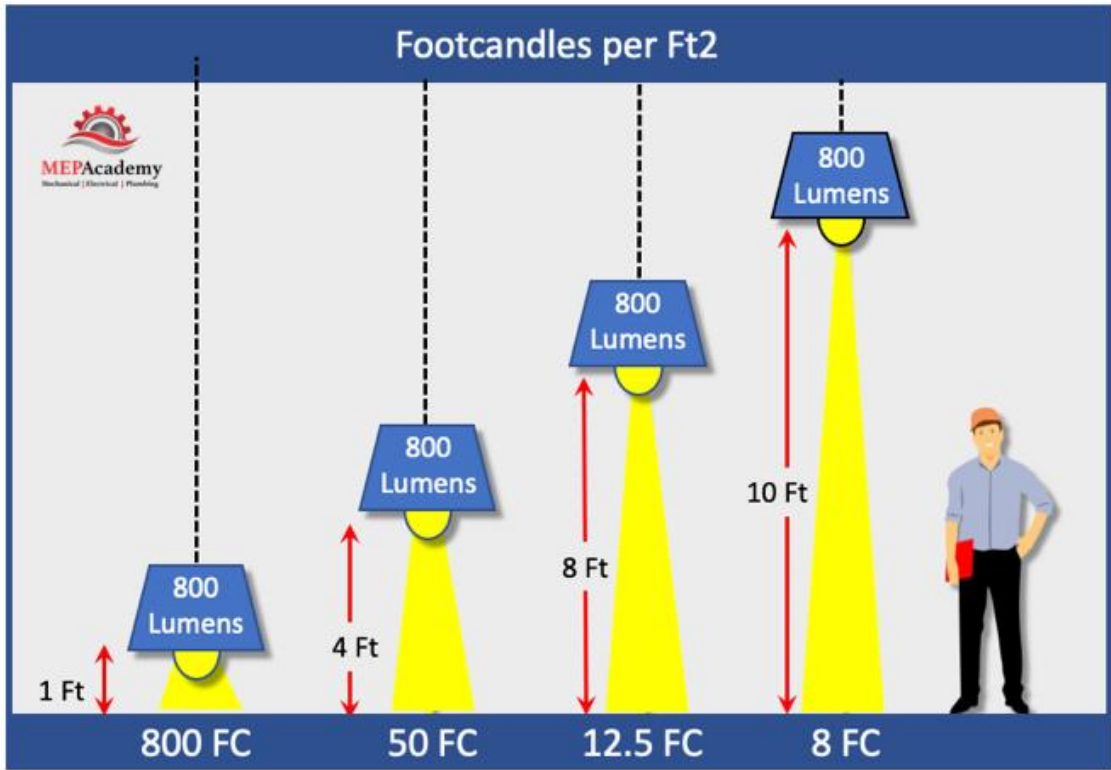


Figure 4. Source: <https://mepacademy.com/lumens-and-footcandles/>

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.

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

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.

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

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

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

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

COMPREHENSIVE PLAN POLICIES**2.1 THE ECONOMY****2.1.1 Economic Development**

- A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy.
 - A.1 Continue to evaluate and amend development regulations to help insure aesthetic quality in the area and preserve the natural beauty of the area.
- 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.

2.3 THE COMMUNITY

2.3.1 Community Appearance

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

2.3 THE COMMUNITY

2.3.2 Community Character

- 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 THE COMMUNITY

2.3.4 Public Involvement

- A. Public involvement shall be encouraged in decisions concerning land use and development by making the public aware of proposed developments at the earliest opportunity, as well as fostering communication among developers, the Town, the County, the University, and the general public.
 - A.2 Maintain and update a mailing list of architects, engineers, surveyors, landscape architects, realtors, builders, developers and contractors for notification and distribution of changes in Town policies and regulations.
- 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.

PLANNING BOARD REPORT/RECOMMENDATIONS

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

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

Note 1

Vote 2: The Planning Commission recommends ☐approval OR ☐denial of Ordinance # PL05640-040822 and believes ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

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

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

TOWN COUNCIL ACTION – Adoption of Ordinance

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

ORDINANCE # PL05640-040822

AN ORDINANCE TO REVISE UNIFIED DEVELOPMENT ORDINANCE RELATING TO LIGHTING DESIGN STANDARDS AND COMMUNITY APPEARANCE STANDARDS

WHEREAS, the Boone Town Council desires to modify, clarify and regulate best practices for lighting design standards for commercial development; and

WHEREAS, the Boone Town Council held a duly-noticed public hearing on May 22, 2023 with respect to this ordinance; and

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

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

WHEREAS, the Town Council finds that it is in the best interest of the Town and its citizens that Town Council directly consider and, with input from the public as deemed appropriate by Council; and

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

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

SECTION 1. Article 7, 24, 25, 26, 27, 34, and Appendix A of the Town of Boone Unified Development Ordinance (“UDO”) is hereby revised as set forth in the attached **Exhibit A** to this Ordinance, which is incorporated by reference, with deletions and additions shown in ~~red~~ and blue respectively:

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

SECTION 3. In the event any section, subsection, subdivision, paragraph, subparagraph, item, sentence, clause, phrase or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this ordinance, which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this ordinance.

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

Adopted this the ____th day of _____, 2023.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon, Town Clerk

Vote 1: The proposed amendment to the Town’s zoning ordinance ☐is OR ☐ is **not** consistent with the Town’s comprehensive plan and any other adopted plan(s) of the Town:

Note 1

Vote 2: The Town Council ☐approves OR ☐denies Ordinance # PL05640-040822 to the Town’s zoning ordinance and believes ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

Note 1: describe elements of controlling land use plans and how the amendment is or is not consistent. Town Council members may reference the comprehensive plan policies in the Planning Commission’s recommendations, or use the other comprehensive plan policies as the Council member see relevant and pertinent to the case.

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

EXHIBIT A**Article 7 Nonconformities**

...

7.05 Nonconforming Situation

...

7.05.02 Development which requires compliance with UDO:

- A.** Cost of development as referenced herein shall be measured by adding together the costs which will be incurred in all development activity as proposed, together with the development activity other than normal maintenance and repair that has been permitted within the prior thirty-six (36) months.
- B.** All new structures or portions of structures must comply with all Ordinance requirements. However, when a nonconforming structure is destroyed or damaged by fire, flood, wind, other act of God, the structure may be repaired or restored to its original dimensions and conditions as long as the structure is not located in a Floodway or Special Flood Hazard Area, a building permit for the repair or restoration is issued within one (1) year and the structure is occupied within two (2) years of the date the building permit is issued.
 - 1. A nonconforming structure damaged by other cause to such extent that repair, reconstruction or restoration is expected to cost more than fifty percent (50%) of the total value of the structure, must be removed.
- C.** Compliance of existing development with the requirements of the Ordinance shall be triggered by the costs of proposed new development (excluding any costs associated with improvements made due to compliance with this Section) in accordance with the following tiers. The Administrator may require certification of the new development by a competent professional. The following tiers are cumulative in effect:
 - 1. **Tier 1:** Reconstruction, modification and alteration of a structure or development in which the cost is certified to exceed ten percent (10%) of the value of the development shall comply with the following, to the extent practicable:
 - a. Bicycle parking in accordance with Section 24.09.
 - b. Landscape improvements pursuant to Section 31.09 Screening Along Streets with a priority given to large deciduous trees.
 - 2. **Tier 2:** Reconstruction, modification and alteration of a structure or development in which the cost is certified to exceed twenty-five percent (25%) of the value of the development shall comply with the following, to the extent practicable:
 - a. Solid waste and recycling containers pursuant to Section 22.13.
 - b. Signs pursuant to Article 26.
 - c. Color requirements in accordance with Subsection 25.02.05.

- d. Lighting in accordance with ~~Section 25.05~~ [Article 27 Lighting Standards](#).
- e. Landscape improvements pursuant to Section 31.06 Buffer and Screen Requirements with a priority given to large deciduous trees.

Article 24 Parking

...

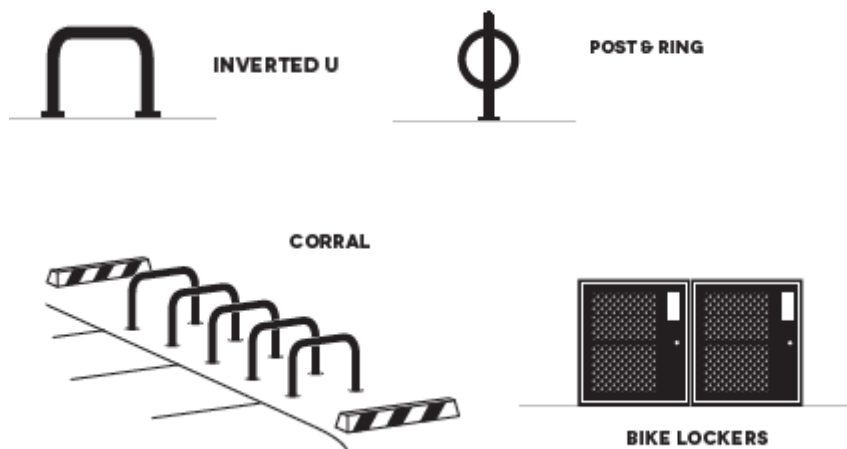
24.09 Bicycle Parking

...

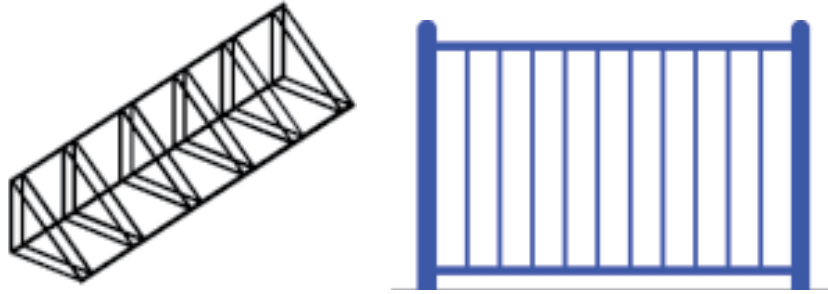
24.09.04 Bicycle Parking facilities shall meet the following standards:

- A. Bicycle parking facilities shall conform with the design guidelines promulgated by the Association of Pedestrian and Bicycle Professionals (APBA) as found in the "Bicycle Parking Guidelines" manual.
- B. Bicycle racks shall provide for at least two (2) points of contact with the bicycle frame and for the locking of at least one wheel using varying types of bike locks (U-lock, wire cable, etc.)
- C. All racks must be safe, sturdy and well-anchored.

Examples of acceptable facilities:



Examples of **unacceptable** facilities (because they secure only one wheel):



- A. Outside bicycle parking facilities shall be illuminated in conformity with the standards for "~~open parking areas~~ Parking Areas" of UDO Section 27.03 and 27.06~~25.05~~. Inside bicycle parking facilities shall be illuminated in conformity with the standards for "building entries" of UDO Section ~~25.05~~ 27.03.

...

Article 25 Community Appearance Standards

25.02.05 Colors: The intent of this Section is to prevent inordinately bright façades and primary color ranges. All new construction elements are subject to color requirements, except pavement markings and signage.

- A. Acceptable colors for site walls ~~site lighting~~, and any other outside construction elements (excluding signage) include that equivalent to Sherwin-Williams series "Essential" and "Fundamentally Neutral" in the Town of Boone Color Reference Guide.

...

25.03 Parking Structures

25.03.01 The intent of this Section is to regulate aesthetic features on parking structures to prevent a utilitarian appearance, and to provide a safe, secure environment for patrons, employees and vehicles.

25.03.02 Publicly visible facades must comply with provisions of this Article pertaining to exterior walls, materials, and colors.

25.03.03 All above-ground parking floors and decks shall be designed using a continuous façade incorporating window-like openings. The sill of any window-like opening must be a minimum of 42" above the finished floor.

25.03.04 Elevator and stair shafts shall be topped with gabled roofs or other architectural features and be oriented so that lobbies are visible from the street at each level.

~~**25.03.05** Lighting shall be uniform throughout the structure so that dark hiding places are not created. Lighting levels must conform to IESNA standards.~~

...

25.05 **Lighting**~~Reserved~~

25.05.01 — ~~The intent of this Section is to prevent light from commercial developments from excessively illuminating the property in question, other properties, or the night sky.~~

25.05.02 — ~~Only light fixtures which are categorized as full cut-off (FCO) fixtures shall be permitted, except sports field fixtures which must comply with Section 25.05.04.~~

25.05.03 — ~~The following are specific standards for lighting intensity based upon the activity involved. Values are presented in allowable foot-candles (fc) maintained (measured horizontally) at grade and are to be averaged throughout the site to avoid hot spots, i.e. areas of extreme light intensity relative to the remainder of the site:~~

Activity	Minimum	Maximum	Min./Max. Uniformity Ratio
Pedestrian Areas/Sidewalks	.2 f.c.	1.0 f.c.	
Building Entries	1.0 f.c.	10.0 f.c.	
Street Lighting	.2 f.c.	1.0 f.c.	
Open Parking Areas	.2 f.c. to 9 f.c.	3.6 fc	4:1
Playgrounds		5.0 fc	
Site Perimeter		.5 fc	

25.05.04 — ~~Lighting for sports fields and outdoor courts is generally in excess of general outdoor lighting levels. Recreation lighting levels established by the IESNA are to be used as the standard. All sports fields or tennis courts must meet the following minimum standards:~~

- ~~1. Fixtures must be fitted with the manufacturer's glare control package. If the manufacturer does not have a glare control package, the fixture specification must be changed to a manufacturer that offers a glare control package.~~
- ~~2. Lighting shall be extinguished no later than one hour after the event ends.~~
- ~~3. Fixtures must be designed with a sharp cutoff and aimed so that their beams fall within the primary playing area and the immediate surroundings, so that off site direct illumination is significantly restricted.~~

25.05.05 — ~~Canopies associated with vehicle related services shall be illuminated at a maximum illuminance of 30 fc and individual fixtures shall be flush mounted or have the canopy edge below the lowest light emitting point on the fixtures. All existing gas station canopies which exceed this standard shall be made compliant within seven (7) years of the date of adoption of this Article.~~

25.05.06 — ~~Up lighting may be used to illuminate a building, landscaping element or architectural feature, provided the lighting design has a maximum illuminance of 12fc, measured in a vertical plane. Down lighting is preferred.~~

25.05.07 — ~~Parking decks and covered parking areas must conform to IESNA standards.~~

~~25.05.08 — At the end of a development permit, the applicant shall submit a final certification that a post installation inspection was conducted to check for compliance with a light meter against the approved lighting plan. Substitutions by electricians and contractors are common and will not be accepted unless substitutions are reviewed and approved.~~

~~— The post installation inspection should be conducted by a professional engineer with demonstrable expertise in lighting design and mitigation strategies, or a lighting specialist who is lighting certified (LC) by the National Council on Qualifications for the Lighting Professions (NCQLP).~~

Article 26 Signs

...

26.05 Prohibited

26.05.01 Signs that are not expressly allowed under these regulations are prohibited. Without limiting the foregoing, the following sign and sign structures are specifically prohibited:

...

S. Lighting that has the primary intent or effect of drawing attention to goods or services offered on the premises, e.g., branding, rather than lighting intended to provide functional lighting or lighting traditionally used to accentuate landscaping or architectural features of a building.

...

26.08.06 Accessory Signs

F. Window signs.

1. Window signs placed on the interior of a window or door are limited to the ground floor in the R3 Multi-Family, and B2 Neighborhood Business zoning districts. All other commercial uses in all other zoning districts are permitted window signs up to and including the third story.
2. With the exception of one open/closed sign, window signs shall not be illuminated, including by means of any electronic discharge tubing or similar lighting manufactured into shapes that forms letters, parts of letter, skeleton tubing, or other decorative elements of logos. Additionally, in no case may a window or a door be outlined using any type of lighting.
 - a. Exception 1: The use of seasonal string lighting for any legitimate merchandise display is exempt provided such lighting is both clearly temporary (not to exceed 60 days) and seasonal in nature.

- b. Exception 2: This regulation is not intended to prohibit the internal lighting of a storefront window/merchandise display.

Article 27 Lighting Standards ~~Reserved~~

27.01 Purpose, Applicability, Administration

27.01.01 Purpose: The regulations set forth in this Article are designed to place emphasis on the physical effects of lighting. The intent is to:

- A. Prevent light from excessively illuminating the property in question, other properties, or the night sky.
- B. Conserve energy.
- C. Maintain public safety.

27.01.02 Applicability; General Aims: Unless expressly otherwise indicated, this Article shall apply to all development in the Town of Boone that requires permitting through the Planning and Inspections Office. Lighting should have a clear functional purpose and be placed only if it is functionally required. The effects of proposed new lighting on adjacent properties and the environment should be evaluated and minimized where reasonably possible. Alternatives to lights such as reflective paints or luminous markers signs, curbs, and steps should be considered.

27.01.03 Administration

- A. Subject to the requirements of Article 4, a lighting plan using light fixtures that meet the standards herein and the standards set forth in Section A3.08 Lighting plans, shall be required for any new development, modifications that trigger Tier 2 in Section 7.05, or for any other modification to an existing light fixture unless exempted herein.
- ~~A.~~**B. Nonconforming Lighting:** Any nonconforming lighting, lighting fixture, or light pole lawfully in place or approved by the Town prior to the adoption of this Article shall be exempt from these requirements, except as specifically provided herein.

Staff Note: Staff is seeking input regarding if Town Council is interested in sunseting or a compliance date.

- 1. Routine maintenance is permitted for all existing fixtures. Routine maintenance work includes changing the lamp, ballast, starter, photo control, lens, and other required components.
- 2. If any previous nonconforming lighting, including any lighting installed prior to the adoption of this Article, is replaced, moved, upgraded, or otherwise changed, the fixture must be replaced by a fixture that is in compliance with this Article.
- C. Prior to issuance of a Certificate of Occupancy or other final approval of permitted development, the applicant shall submit a written certification that a post-installation

inspection was conducted with a light meter and that the inspection established that the installation is in full compliance with the approved lighting plan. The post-installation inspection must be conducted by a professional engineer with demonstrable expertise in lighting design and mitigation strategies, or a lighting specialist who is lighting certified (LC) by the National Council on Qualifications for the Lighting Professions (NCQLP), and the inspecting professional must sign the written certification. Note: Substitutions by electricians and contractors are common and will not be accepted unless substitutions are reviewed and approved.

27.02 Exemptions and Prohibitions

27.02.01 Exemptions: Unless otherwise prohibited, the following types of lighting are exempt from the requirements of this Article:

- A. Any lighting required by state and federal agencies.
- B. Any lighting installed by the Town of Boone or the State for the benefit of public health, safety, and welfare.
- C. Lighting of United States of America or North Carolina state flags specifically if the flag and flagpole do not exceed the maximum permitted building height for the zoning district.
- D. Individual residential lighting for Single-Family Dwellings (Use 1.01), Manufactured Homes (Use 1.02-1.04), other uses lawfully operated out of a single-family dwelling or Use 1.06 Duplex (one duplex building per lot), that are not part of subdivision plan for street or other common or public area outdoor lighting.
- E. A suspended string of lights used to supplement lighting for any outdoor activity (i.e., dining or patio use). String lights should be no more than 50 lumens.
 - 1. For interior window lighting see regulations found in Subsection 26.08.06 (F).
- F. Temporary Lighting:
 - 1. Any temporary lighting installed or used by a government entity.
 - 2. Any temporary lighting used by the Police or Fire Department or other emergency services.
 - ~~1.3.~~ 3. Any temporary lighting for a temporary event, including recreational activities, concerts, plays or other outdoor events open to the public.
 - 4. Any temporary seasonal lighting displays that are part of customary holiday decorations and/or annual civic events.

27.02.02 Prohibited:

- A. Lighting that could be confused for any warning, emergency, or traffic control devices.
- B. Any lights which blink, flash, move, flicker, or change intensity or color unless otherwise specifically allowed or exempt under this ordinance.

- C. Any lighting fixture or device that is operated in such a manner to constitute a hazard or danger.
- D. Unshielded or exposed accent building mounted luminous tube including traditional neon or similar gas lighting, LED neon, LED, LED message signs, fluorescent, or similar technology for exterior architectural lighting (i.e., lighting around features).
 - 1. Traditional neon or LED neon are to be corporate colors used in the submitted site plans and building design. If corporate colored lighting is used, it is to be recessed into the building element on which it is installed.
 - a. For interior window lighting see regulations found in Subsection 26.08.06 (F).
 - 2. Any of these types of lighting that are part of a sign must comply with –sign regulations set forth in Article 26.
- E. High intensity lights such as search lights or lasers.
- ~~A.~~F. Internally illuminated wall panels if the light from the panels extends beyond the decorative wall panel or wall panels if illuminated by uplighting.
- G. Awnings or canopies intended for building accents over doors, windows, and other exterior features cannot be internally illuminated so as to turn a translucent material into an internally illuminated material. Lighting may be installed under canopies that light the sidewalk, or downlights onto the architectural features of a building.

27.03 Design Standards

- 27.03.01 Areas subject to a small area plan or a zoning overlay (such as a historic district or landmark) may be subject additional standards for lighting.
- 27.03.02 Material & Color: Unless otherwise specified all light poles used within a development site shall:
 - A. Be of a matte, low-gloss, or satin grey, black, bronze, dark green or dark brown finish.
 - B. Be made of aluminum, fiber-glass, or wood.
- 27.03.05 All exterior lighting, including lighting attached to or within the property, shall be either amber or white, in color, with the exception of low-light output (800 lumens or lower) landscaping or other decorative lighting, or signage lighting.
- 27.03.06 No light fixture shall exceed a color temperature of 3,500 Kelvins (K).
- 27.03.07 The following table sets forth the –minimum and maximum standards for lighting intensity based upon the purpose of the lighting involved. Values are presented in footcandles (fc).

	<u>Minimum</u>	<u>Maximum</u>
<u>Building Entries</u>	<u>1</u>	<u>10</u>

<u>Parking Areas/Pedestrian Areas/Sidewalks</u>	<u>4</u>	<u>6</u>
<u>Site Perimeter</u>		<u>.5</u>
<u>All Other On-Site Lighting</u>		<u>10</u>

- A. Table values are presented in allowable foot-candles (fc) maintained (measured horizontally) at grade, i.e. on pavement, and are to be averaged throughout the site to avoid hot spots, i.e. areas of extreme light intensity relative to the remainder of the site.
- B. The values in the above chart for “all other on-site lighting” are for the maximum point of illuminance measured at grade in footcandles.
- C. The values in the above chart for “site perimeter” are for the maximum point of illuminance as measured at the property line in footcandles.
1. Exemption: In the case of buildings closer than ten feet (10') to the property line using only wall pack lighting, light trespass may be greater than .5 footcandle, when the wall packs are fully shielded, directed downward, and light output equals 1,600 lumens or less.

27.03.07 Glare Control

- A. Unless otherwise specified, all light fixtures shall be full cut-off (FCO) fixtures as defined in Article 34.
1. A luminaire with a flat lens should not be considered a full cut-off fixture if the luminaire housing has any reflective material that results in any amount of uplighting.
2. Any use of string lighting cannot constitute meeting exterior lighting requirements of this ordinance.
- B. All pole- or wall-mounted light fixtures shall be oriented horizontally (i.e., parallel to grade) or angled at ninety degrees (90° from vertical building lines or vertical pole).
- C. Any lighting, including pole-mounted lighting, shall be mounted at a height equal to or less than thirty-five feet (35') feet above the finished grade at the base of the light pole.
- D. Down lighting is preferred and recommended as decorative and security lighting. Up-lighting may only be used to illuminate a landscaping element or architectural feature, provided the lighting design has a maximum light output of 800 lumens.
1. Any up-lighting shall be located, aimed or shielded to prevent light spill.
2. Up-lighting shall not shine any higher than half of the building height to eliminate excessive lighting and light spill.



Lighting installed from vertical fixture and
vertical building line

[Figure 1. Glare control lighting should be installed from a vertical fixture or from the vertical building line.](#)

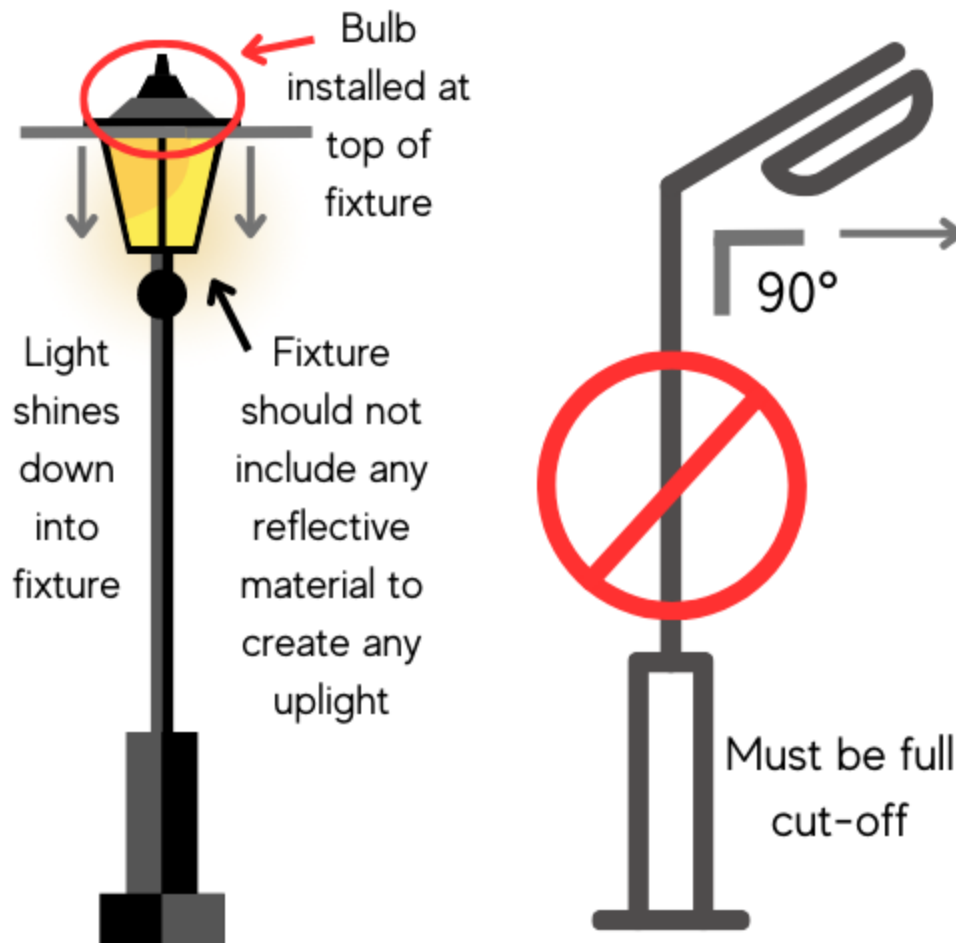


Figure 2. Additional considerations of lighting design. Lighting must be full cut-off fixtures. In certain zoning district, there are existing light fixtures using a lantern-style fixture with glare control, as the light shines down into the fixture.

27.04 Sports Field Lighting

27.04.01 Lighting for sports fields and outdoor courts is generally in excess of general outdoor lighting levels. Recreation lighting levels established by the IESNA are to be used as the standard. All sports fields, tennis courts, and similar facilities must meet the following minimum standards:

- A.** Fixtures must be fitted with the manufacturer's glare control package. If the manufacturer does not have a glare control package, the fixture specification must be changed to a manufacturer that offers a glare control package.
- B.** Lighting shall be extinguished no later than one hour after the event ends.

C. Fixtures must be designed with a sharp cutoff and aimed so that their beams fall within the primary playing area and the immediate surroundings, so that off-site direct illumination is significantly restricted.

27.05 Canopy Lighting

27.05.01 Canopies associated with vehicle—related services shall be illuminated at a maximum illuminance of 30 fc and individual fixtures shall be flush mounted or have the canopy edge below the lowest light-emitting point on the fixtures. ~~All existing gas station canopies which exceed this standard shall be made compliant within seven (7) years of the date of adoption of this Article.~~

27.06 Parking Lot, Parking Garage Lighting

27.06.01 Parking decks and covered parking areas must conform to IESNA standards.

A. Lighting on the top level of a parking garage shall not be more than 25 feet above the finished floor elevation of the top floor of the parking deck.

~~**27.08 Required Final Certification 27.08.01**—At the end of a development permit, the applicant shall submit a final certification that a post installation inspection was conducted to check for compliance with a light meter against the approved lighting plan. Substitutions by electricians and contractors are common and will not be accepted unless substitutions are reviewed and approved. The post installation inspection should be conducted by a professional engineer with demonstrable expertise in lighting design and mitigation strategies, or a lighting specialist who is lighting-certified (LC) by the National Council on Qualifications for the Lighting Professions (NCQLP).~~

Article 34 Definitions

Full Cutoff Fixture

A light fixture designed (i) so that no light is emitted above the fixture ~~projected at or above a ninety degree (90°) plane running through the lowest point on the fixture where the light is emitted~~ and (ii) glare control so that less than ten percent (10%) of the rated lumens are projected between ninety degrees (90°) and eighty degrees (80°).

Appendix A Application Information

A3 Site Plans

...

A3.08 Lighting Plan

A3.08.01 When required, an applicant shall submit a lighting plan ~~in accordance with Article 25 Community Appearance Standards~~ meeting the requirements detailed herein in Article 27.

A3.08.02 The plan shall contain the following information:

- A. ~~An area lighting plan~~A plan, drawn to scale, indicating all structures, parking lots, building entrances, vehicular and pedestrian traffic areas, vegetation that may interfere with lighting, and adjacent land uses that may be adversely impacted by the lighting. The plan shall contain a layout of all proposed fixtures by location, orientation, aiming direction, mounting height and type.
- B. The plan shall include all existing (to remain) and all proposed exterior lighting (site, architectural, building entrance, landscape, flagpole, etc.).
- C. A 10' x 10' illuminance grid (point-by-point) of maintained footcandles overlaid on the site plan plotted out to 0.0 footcandles, which demonstrates compliance with Section ~~25-05~~27.03 Design Standards.

A3.08.03 A detail of all proposed light fixtures demonstrating compliance with Section ~~25-05~~27.03 Design Standards shall be submitted with the lighting plan.



LIGHTING DESIGN STANDARDS

Case PL05640-040822

Town of Boone Planning and Inspections

May 22, 2023 Public Hearing/Planning Commission Meeting

What is Currently in UDO Standards?

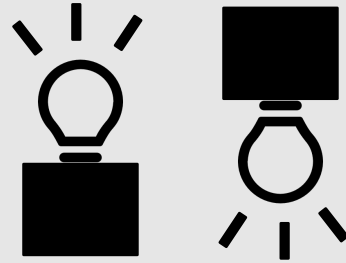
- Prevent excess light on neighboring properties and to limit light for dark sky protection
- Requiring full-cut-off fixtures, footcandles minimum and maximum amounts
- Sports fields, outdoor courts, and parking decks follow IESNA lighting industry standards
- Canopy lighting at a maximum illuminance of 30 footcandles; requiring flush mounted lighting

Most Recent Change (Approved 12/8/21)

Requires a submitted final certification for a lighting post-installation inspection conducted by a qualified lighting professional

Elements Needing Revisions

Up-lighting
restrictions



Defining lighting
that is *prohibited* and
exempt



Pole-mounted
lighting – height
considerations

Proposed
Changes
Include



Considering different lighting
measurements and values –
Kelvins, lumens



Evaluate lighting
activities and
allowable
footcandles

Possible Solutions: Staff Recommendations

01

Move Lighting Standards to **Reserved Article** (Article 27) and **Remove** from Article 25

02

Define lighting types desired and specific design standards for lighting

03

Maintain functional lighting standards (Parking structures, canopies, sports fields)

Resources and Staff Research

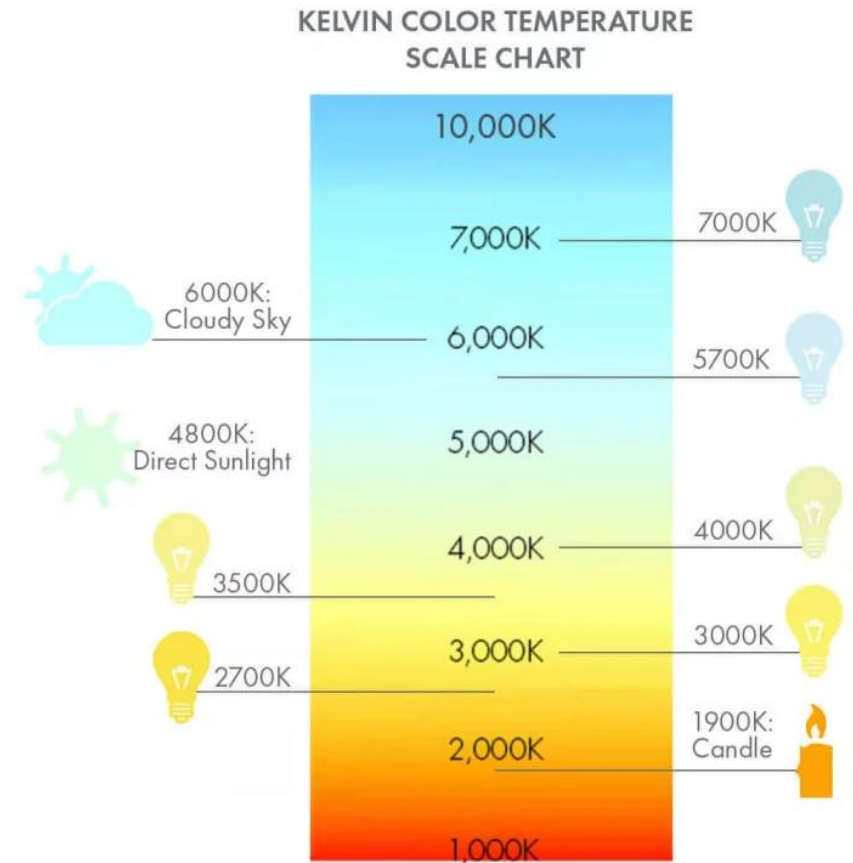
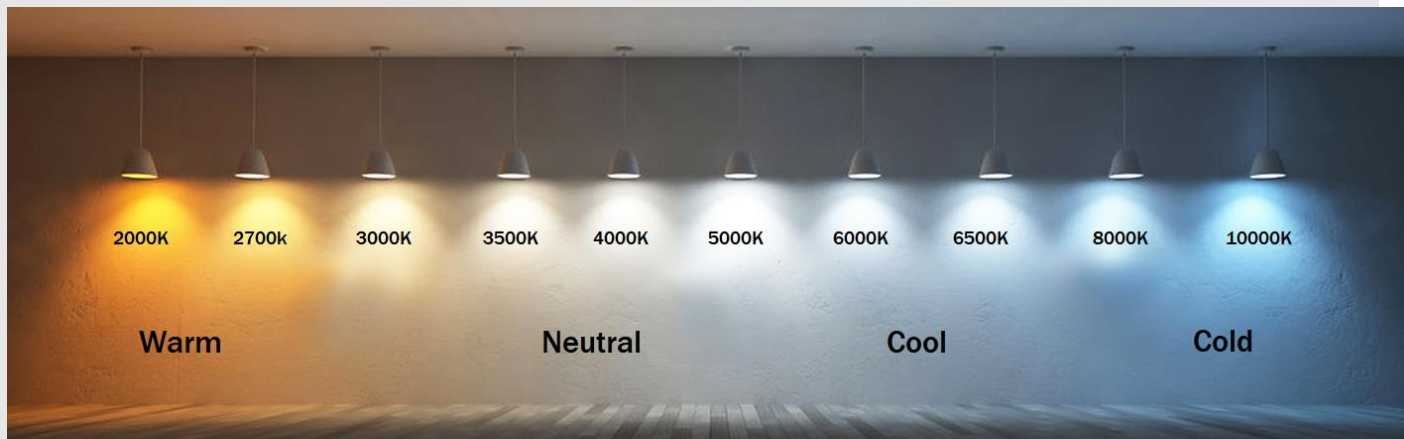
- Exploring other jurisdictions' standards
 - Apex, NC
 - Asheville, NC
 - Cary, NC
 - Chapel Hill, NC
 - Durham, NC
 - Greensboro, NC
 - Wake Forest, NC
- Researching Lighting Industry standards
 - International Dark-Sky Association (IDA)
 - Lighting Principles
 - Lighting Basics
 - NCDOT Specifications
- Community Appearance Commission Review
- Local lighting design professionals input
- Local energy providers feedback

Staff Recommendation: Synopsis of Amendment

- 27.01
 - Identify purpose more clearly
- 27.02
 - Define *exempted* and *prohibited* lighting types
- 27.03
 - Using lighting measurements such as *Kelvins* and *lumens* to control the luminance (from the light source) illuminance (falling onto a surface)
 - Modify *footcandle measurements*
 - Keep full-cut-off fixtures
- 27.04, 27.05, 27.06
 - Keep *sports field lighting*, *canopy lighting*, and *parking lot/parking garage lighting* – minor modification to *parking lighting*

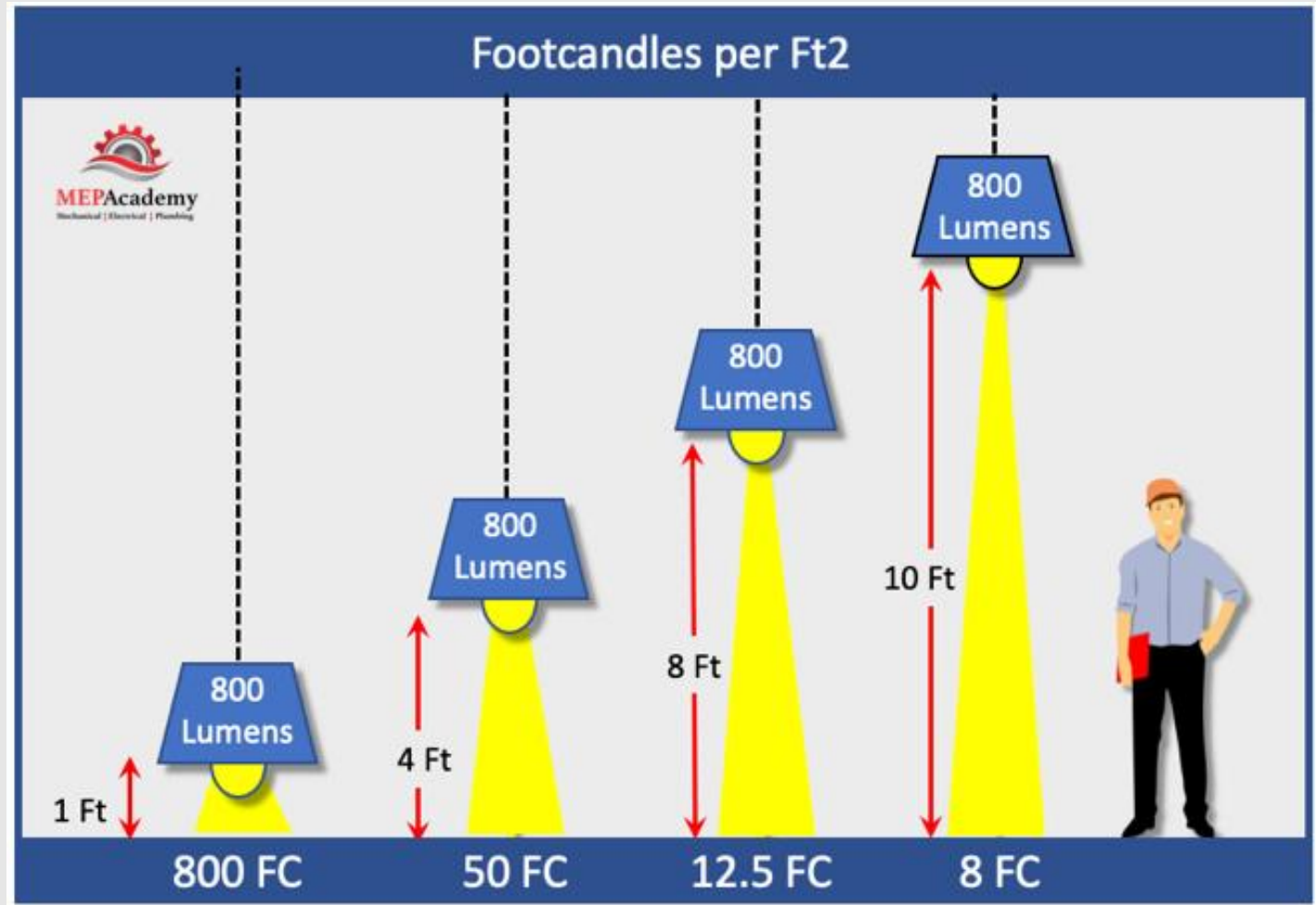
Staff Recommendation: What The Town Can Control

- Recent lighting industry changes and advances, such as using the “color” of lighting have led to this text amendment.
- In using lighting measurements such as *Kelvins* and *lumens* to light brightness, the Town can regulate the light “temperature” and the “color” of lighting.



Staff Recommendation: What The Town Can Control

- The current lighting ordinance regulates by footcandle measurements, which is helpful when considering a light fixture and height.
- However, Staff's research has found that other elements such as regulating lumens, along with Kelvins and footcandles, gives more direction for appropriate lighting.
- By defining *prohibited* lighting types the Town can control lighting types that should not be in compliance and control lighting spill or excessive lighting.



Credit: <https://mepacademy.com/lumens-and-footcandles/>

Staff Recommendation: What The Town Can Control

- Elaborating on the table for *footcandle measurements* provides applicants a greater understanding of what is allowed. It will regulate light intensity for areas where the Town has had concerns.
- Being cohesive between the proposed Lighting text and the recently approved Signs text (i.e., clarifying window or string lighting)
- Identifying height maximums for pole-mounted lights will help applicants as it is the same height that local energy providers use. It will lead to more even lighting across the Town with new and existing lighting installed at the same height.
- By modifying up-lighting and down-lighting, the Town can regulate decorative lighting that will prevent light spill and regulate what the Town is seeking in better design. Up-lighting can create more issues while being a choice for decorative lighting, and down-lighting regulations will lead to better lighting over time.
- Using intentional and clear language to define full cut-off fixtures and how such fixtures should be oriented.



Photograph Examples of Lighting within the Town of Boone

Town of Boone Planning and Inspections Staff

Pictures – June 2022



Smokes 'n More



Parking Lot Lighting – Southgate Shopping Center



Osaka Boone Restaurant



Chili's Restaurant



Circle K Blowing Rock Road



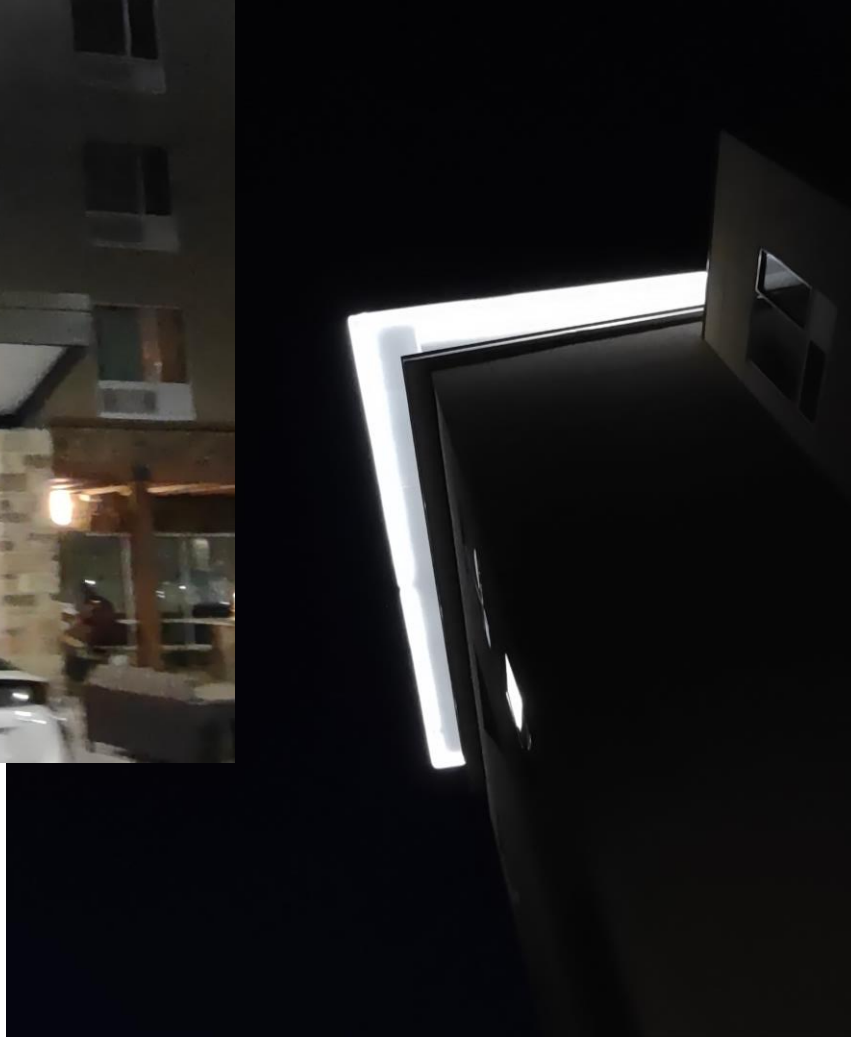
Applebee's Grill + Bar



Fairfield Inn & Suites and Chick-fil-a Parking Lot Lights



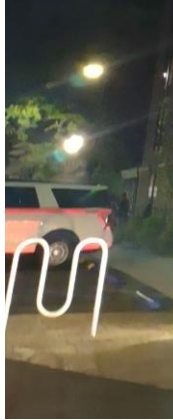
Towneplace Suites



Towneplace Suites (continued)



Towneplace Suites



Holiday Inn



Holiday Inn (continued)



Wells Fargo



Courtyard Marriott



Parking Lot Light Courtyard Marriott



Winklers Creek Crossing



Take 5 Oil Change



Cookout





Los Arcoiris Restaurant



First Citizens Bank



Zaxby's Restaurant



Sleep Inn



Sleep Inn/La Quinta Inn & Suites



Modern Toyota of Boone



Skyline Terrace



Earth Fare Parking Lot



King Street Flats



Blue Deer Cookie



King Street Flats/Blue Deer Cookie

**TOWN COUNCIL AND PLANNING COMMISSION
PUBLIC HEARING MINUTES
MONDAY, MARCH 27, 2023, 6:00 PM
VIA WEBEX SOFTWARE**

COUNCIL MEMBERS PRESENT: Mayor Tim Futrelle, Dalton George, Becca Nenow, and Virginia Roseman

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

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Stacey Miller-Deputy Director of Planning & Inspections & Chief Building Inspector, Christy Turner-Senior Planner, Mike James-Senior Planner, and Brenda Henson-Board Secretary

OTHER TOWN STAFF AND REPRESENTATIVES PRESENT: Allison Meade-Town Attorney, Rick Miller-Public Works Director, Justin Stines-Facilities Maintenance Superintendent

Call to Order

Mayor Futrelle called the Town Council to order at 6:04 p.m. Chair Shay called the Planning Commission to order at 6:05 p.m.

Moment of Silence

A moment of silence was observed.

Approval of Meeting Minutes

Council Member George made a motion to approve the January 23, 2023, Public Hearing minutes as written. The motion was seconded by Council Member Nenow.

Vote: Aye – 3
Nay – None
Absent – 2 (Tugman, Carter)

The motion passed.

Vice-Chair Plaag made a motion to approve the January 23, 2023, Public Hearing minutes as written. The motion was seconded by Commission Member Behrend.

Vote: Aye-7
Nay – None

The motion passed.

Public Hearing Guidelines

Ms. Jane Shook, the Director of Planning & Inspections, explained the guidelines for each case presented at the public hearing.

PUBLIC HEARING

Case PL06365-122822 Cole, Robert – General Use Zoning Map Amendment

Robert Cole has submitted a General Use Zoning Map Amendment application to request that 190 Chestnut Drive (Watauga County PIN: 2910-39-8092-000) be rezoned from R1 Single Family Residential to R3 Multiple-Family Residential.

Ms. Christy Turner, Senior Planner with the Town of Boone Planning & Inspections Department, presented the request as it was outlined in the meeting packet.

Ms. Allison Meade, Town Attorney, noted that his request was for a general rezoning of the property, not a conditional rezoning for a specific use. When considering this request, she reminded everyone that they would need to look at all of the possible uses allowed in an R3 zoning district. Ms. Meade cautioned against placing any consideration on any representations of use presented by the applicant because this was not a site-specific request.

Mr. Rob Cole, the applicant and property owner, stated that he would like to have 3-4 unrelated people in the house at 190 Chestnut Drive. He noted that Town staff advised him to apply for an R3 zoning to get the occupancy he sought. Mr. Cole stated that the house had two driveways and a garage. He added that the house should have a maximum of four cars and that parking on the site was sufficient.

Mr. Cole stated that the house was located next to the new storage facility, the new access road, and near the new Sheetz. He said Chestnut Drive would provide a natural barrier between his property and the neighboring R1 properties.

Mr. Cole referenced two letters of opposition submitted by Virginia Williams and Bob and Linda Carlough. He stated they were concerned with increased traffic and noted that he thought their concerns were most likely about the increased traffic from the new commercial development adjacent to his property. Mr. Cole contended that allowing one or two more occupants in his house would not significantly increase traffic in the neighborhood.

Mr. Cole noted that a 2021 housing needs assessment found 100% occupancy of rental units in the area. He stated that the study recommended increased housing density. Mr. Cole added that the Town considered that the benefits of the storage facility and Sheetz outweighed any negative impacts, and he asked for the same consideration.

Ms. Meade asked if the property was 7,400 square feet. Ms. Turner replied that was correct. Ms. Meade asked what the required minimum lot size was for properties zoned R3. Ms. Turner stated they were required to be 20,000 square feet. Ms. Meade asked if there were any other requirements of R3 zoning that the subject property did not meet, such as street frontage or lot width. Ms. Shook felt that might be difficult to know without a survey of the property. Ms. Turner noted that a quick measurement on GIS indicated those requirements were met.

Vice-Chair Plaag asked Mr. Cole if it was correct that he purchased the subject property after the storage facility had been approved. Mr. Cole stated that was correct. Vice-Chair Plaag asked Mr. Cole if he was aware that the storage facility would be constructed on the neighboring property when he purchased 190 Chestnut Drive. Mr. Cole replied that he was aware of the construction of the storage facility.

Council Member George felt it was unfortunate that a storage facility would be next to the house. He asked Mr. Cole if he was aware of cottage zoning or conditional district zoning that might have worked for this property. Ms. Turner stated that she discussed conditional district zoning with Mr. Cole, but he did not want to go that route. Mr. Cole added that he was not building anything, so he thought he did not need a conditional district with a site-specific development plan. Ms. Turner explained that the use of the property would be the same, there would just be an increase in occupancy. She stated that if Mr. Cole had requested a conditional district zoning, he would still have to get a variance to allow the increased occupancy. Ms. Shook wished to clarify that zoning the property to R3 as a general use rezoning would allow the occupancy Mr. Cole was seeking, and no variances would be required.

Ms. Meade noted that a conditional district would be more limited because it would be for a specific use. She added that the property did not meet UDO requirements for lot size in an R3. Ms. Shook stated that other rezoning requests had been approved without meeting all of the requirements of the zoning district.

At 6:36 p.m. Mayor Futrelle asked for public comment.

Ms. Carolyn Ward of 253 Chestnut Drive spoke against the rezoning request. She stated she had lived in the neighborhood since 2010. Ms. Ward said that most of the homes in the neighborhood were owner-occupied, and it was hard for working-class families to afford homes in town. She noted that Mr. Cole's house was currently occupied by two girls. Ms. Ward expressed concern about increased traffic and noise. She stated it was okay for the house at 190 Chestnut Drive to be a rental house but felt it should be a rental house for families and remain zoned R1. Ms. Ward thought the rezoning of this property could set a precedent, and other property owners would want to rezone their property. She was upset that she did not get invited to the neighborhood meeting held by Sheetz. Ms. Ward noted that her property was approximately 400 feet from the Sheetz property.

Ms. Linda Carlough of 111 Maple Drive spoke against the rezoning request. She stated she lived across the street from 190 Chestnut Drive and agreed with Ms. Ward's comments. Ms. Carlough said she was also concerned with increased traffic and felt they were losing the neighborhood feel. She was unhappy with the new storage facility and Sheetz. Ms. Carlough also worried about setting a precedent.

Council Member Roseman noted that the house had three bedrooms, and it seemed like Mr. Cole wanted a third person for the third bedroom.

Vice-Chair Plaag stated he was concerned about the repeated threats to R1 neighborhoods. He said he knew people who worked in Boone but could not afford to live in Boone. Vice-Chair Plaag felt that rezoning an R1 property to R3 would be an invitation to convert a single-family residence to student housing. He noted that the property did not meet R3 standards, and he was adamantly opposed to this rezoning.

Council Member George stated that the Town needed neighborhood preservation. He felt that Town Council needed to discuss ways to better inform people who would potentially be impacted by development.

Commission Member Veno stated he was confused by the fact that the applicant was applying for an R3 zoning but did not meet the minimum lot size required for R3 zoning. Ms. Shook noted that not all projects meet all requirements of the zoning district. She added that there could be no new development on this property if it was zoned R3.

Commission Member Tippet asked if rezoning this property would be considered spot zoning due to the fact that there were no other R3-zoned properties in the area. Ms. Meade replied that it could be an issue; however, it was not necessarily illegal. She stated that if there were good reasons and justification for why this property should be zoned R3, it could be lawful. Ms. Meade added that the rezoning could be challenged by the neighbors.

Vice-Chair Plaag asked if the property could be sold to the storage facility so they could increase their footprint. Ms. Shook replied that the storage facility could only use the property for the uses allowed in that property's zoning district.

Mayor Futrelle believed that neighborhoods in Town were in bad shape, and they needed to ensure that they were maintained and safe. He stated that he did not begrudge anyone for using their property adequately. Mayor Futrelle expressed concern that allowing one R1 property to rezone as R3 could cause other R1 properties to want to do the same.

Council Member Roseman stated she lived close enough to King Street that she could see the businesses and traffic, but it did not bother her. She noted that she chose to live where she did, and she loved her house.

With nothing further, Mayor Futrelle closed the public hearing for this case at 7:04 p.m.

Case PL06330-120922 Spring Hill Suites – Conditional District Zoning Map Amendment

Mansa Hospitality Boone, LLC has submitted a Conditional District Zoning Map Amendment application to rezone four parcels of property located at and near the intersection of US 421 South and Bub Teems Road (Watauga County PINs: 2920-09-6331-000, 2920-09-7251-000, 2920-09-6177-000 and 2920-09-7187-000) from B3 General Business and RA Residential/Agricultural to B3 General Business with a site-specific plan to develop a 104-room hotel (Use 3.10 – Hotel Large).

Mr. Mike James, Senior Planner with the Town of Boone Planning & Inspections Department, presented the request as it was outlined in the meeting packet. He noted that there were four parcels, one of which was split-zoned as R3 and RA. This request, if approved, would rezone the split-zoned property to B3 and allow for the development of a 104-room hotel.

Mr. Jay Shah with Mansa Hospitality Boone, LLC stated there would be no conference center or business center in the hotel. He noted that the development would have been allowed by right if the middle parcel had been zoned B3. Mr. Shah stated that the development would be at a higher elevation than Hwy 421 and Bub Teems Road. He felt that the hotel would create a positive economic impact and increase employment in Town.

Mr. James stated that the property was located in the Corridor District, but the applicant had requested an entrance onto Hwy 421 instead of Bub Teems Road. He noted that this information was contained in the traffic impact analysis located in the meeting packet.

Council Member George asked about impacts on any streams or the river. Mr. Brandon Wise, Environmental Planner with the Town of Boone Planning & Inspections Department, replied that there was a stream on the property that was piped though there was a portion of the stream was daylighted. Council Member George stated that East Boone was the only area for the Town to grow. He asked Council members to make sure this type of development was what they wanted to see along this major corridor.

Vice-Chair Plaag noted that about 1/3 of the site was located in the 500-year floodplain and a smaller portion was located in the 100-year floodplain. He asked how flooding would be mitigated. Mr. Wise replied that the building would be located outside of the 100-year floodplain. He noted that the plans indicated there would be an underground storage system that would contain any new runoff. Vice-Chair Plaag asked if the building would be elevated. Mr. Kory Hedrick with K2 Engineering replied that the building would be elevated.

Vice-Chair Plaag stated that there seemed to be a discrepancy in the data points in the parking and traffic analysis. He noted that the parking study was done in late January, on a day when the high temperature was 50 degrees. Chair Plaag did not feel that this was a true reflection of a peak demand period. Additionally, the study showed that between eight o'clock and 10 o'clock in the morning, there was an increase of 28 vehicles entering the parking lot on Saturday, yet the traffic study suggested that during the am peak, there would be an average of 25 vehicles entering. Vice-Chair Plaag stated that these types of issues caused him to worry about the validity of traffic and parking analyses. Mr. Shah replied that the study was done in January because of the timing of their application submission and the hearing. He added that there was no foul play or ill intention with the timing of the study or the temperature of the day.

Chair Shay noted that a level of service for pedestrians was not included in the traffic study. Ms. Shook replied that the UDO did not require a pedestrian survey. Chair Shay felt a pedestrian survey was important in this area. Mr. James added that sidewalks were proposed on King Street and Bub Teems Road along the applicant's property lines. Ms. Shook asked if the sidewalk on King Street would connect with the sidewalk at the new apartment complex currently under construction. Mr. James stated that there was a parcel in between the two properties so the sidewalk would not connect.

Council Member Roseman asked why there was a sliver of R3-zoned property in between the B3-zoned properties. Ms. Shook explained that a portion of the property was rezoned when it belonged to Hampton Estates.

Vice-Chair Plaag referenced a letter that was submitted by Ms. Fulk and Ms. Kindley that indicated they were neighboring property owners. He stated that their letter indicated their property was split-zoned as B3 and RA. Mr. James replied that he had found no record of their parcel being zoned anything other than B3.

Vice-Chair Plaag stated that the applicant proposed a left and right turn out of their parking lot onto Hwy 421. He asked if there were any other recently rezoned parcels located on a 45-mile-per-hour road in Town that was allowed, as part of a conditional district zoning approval, a left turn across what amounted to five lanes of traffic from that new development. Mr. James replied that he would have to research that because he did not know the answer. Vice-Chair Plaag asked if there was a right turn only, what sort of downstream consequences would there be for traffic flow and traffic patterns. Ms. Shook stated that The Collection Apartments, which was near the subject property, through a special use permit, had a full access driveway.

Ms. Shook asked Mr. James if DOT had reviewed the scope for the TIA. Mr. James replied that DOT had reviewed the TIA. He noted that he had spoken with and emailed Carson with DOT. Mr. James stated that DOT was fine with the left and right turn out of the parking lot onto Hwy 421.

Vice-Chair Plaag asked if there were any recommendations from DOT regarding access. Mr. James replied that DOT recommended a right-turn deceleration lane, which was included in the applicant's site plans.

Ms. Shook stated that the Town currently had no standards that would limit a parcel to only having a right-in and right-out. She added that DOT controlled access onto Hwy 421. Ms. Shook expressed concern about where traffic would turn around if there was a right-out only.

Council Member Roseman questioned the property lines that were shown. Ms. Meade felt there could be some difference in the survey that what was represented on GIS. Mr. James added that the four parcels would be combined into one parcel and that parcel would reflect what was presented in the survey shown in the meeting packet.

Vice-Chair Plaag asked if the subject property was in the primary growth area. Ms. Shook replied that it was.

At 7:46 p.m. Mayor Futrelle invited public comment.

Mr. Jeff Patton stated if traffic had to turn right out of the hotel, they would likely try to turn around in his driveway. He felt the plan that was presented was good. Mr. Patton expressed concern about the sidewalk on Bub Teems Road going to nowhere. He noted the 20-foot elevation difference from the hotel to Bub Teems Road and the proposed retaining wall. Mr. Patton asked how that would look from Bub Teems Road. Mr. Hedrick replied that there would be a slope to the first retaining wall, there would be a landscaped area, then another retaining wall. Mr. Patton noted the proposed detention pond for storm drainage and asked if any upgrades would be done to ensure the water got to the New River. Mr. Hedrick

replied that the proposed stormwater management system should limit the amount of water leaving the site to a pre-development rate so there would be no increased flow during specified rain events. He stated there were no anticipated downstream improvements.

Council Member Roseman asked if the proposed sidewalk along Bub Teems Road could be removed and instead placed down Hwy 421 toward the bridge. Ms. Shook replied that the UDO required that new developments install sidewalks along roads bordering their property. She stated that the Town could not require a property owner to install a sidewalk along property that they did not own. Ms. Shook noted that a multi-modal path was planned for the opposite side of the highway she noted that there had been conversations with NCDOT about including the side of the proposed development as well. She asked Mr. Miller, Director of Public Works if he could provide any clarification.

Mr. Rick Miller, Director of Public Works, stated that the multi-modal path planned for the opposite side of the highway was approved but the Town and NCDOT had only preliminary conversations about another multi-modal path on this side of the highway.

Council Member Roseman felt it would be more beneficial to have a sidewalk along Hwy 421 to safely get pedestrians to the Greenway and Brookshire Park. Vice-Chair Plaag noted that there were almost 25 homes in that area that had the potential to use the sidewalk along Bub Teems Road.

Mr. Miller stated that extending the sidewalk along Hwy 421 within the state right-of-way would have to be done through encroachment agreements with DOT. He noted that this would not involve a property owner so the Town would have to fill out paperwork. Mr. Miller stated it would take time but it could be done.

Ms. Meade asked the applicant if there were any franchise agreements that would prohibit the installation of the sidewalk farther on Hwy 421 in lieu of installing the sidewalk along Bub Teems Road. Mr. Paul Gage replied that he was not aware of any requirements through Marriott regarding sidewalk installation. He added that they had followed the ordinance requirements. Mr. Shah added that the municipality had the requirements for the sidewalks, not the franchise.

Vice-Chair Plaag stated it was approximately 190' from Bub Teems Road to New River Hills. The proposed sidewalk along Bub Teems Road was approximately 380'. Vice-Chair Plaag suggested installing a small section of sidewalk up Bub Teems Road, then installing the remaining footage of sidewalk along Hwy 421 to New River Hills.

Ms. Meade asked what would be between the sidewalk and the retaining wall along Bub Teems Road. Mr. Hedrick replied that most of this area was in the DOT right-of-way and would be grass.

With nothing further, Mayor Futrelle closed the public hearing for this case at 8:08 p.m.

Ms. Shook noted that though she and Ms. Meade had worked on the revisions to the sign text but they were not ready for Planning Commission to discuss the revisions at tonight's meeting and noted that the Planning Commission would make a decision at their meeting on when to continue discussion.

Adjournment of Town Council

Council Member Roseman made a motion to adjourn the Town Council at 8:09 p.m. The motion was seconded by Council Member George.

Vote: Aye – All
Nay – None

The motion passed.

Tim Futrelle, Mayor

Brenda Henson, Board Secretary

Elizabeth Shay, Planning Commission Chair

Continuation of Planning Commission Meeting

Chair Shay called a break in the meeting from 8:10 p.m. until 8:17 p.m.

Public Comment

There was no additional public comment made.

Approval of Planning Commission Meeting Minutes

Vice-Chair Plaag made a motion to approve the January 23, 2023, Planning Commission meeting minutes as written. Commission Member Behrend seconded the motion.

Vote: Aye – All
Nay – None

The motion passed.

Case PL06365-122822 Cole, Robert – General Use Zoning Map Amendment

Robert Cole has submitted a General Use Zoning Map Amendment application to request that 190 Chestnut Drive (Watauga County PIN: 2910-39-8092-000) be rezoned from R1 Single Family Residential to R3 Multiple-Family Residential.

Ms. Turner reminded Commission members that they would need to consider all possible uses allowed in an R3 zoning district when considering this request.

Commission Member Tippet noted that while adding one more car on the property would not have a big impact on traffic he noted he had concerns that the property did not meet the minimum lot size required in an R3 zoning district and was concern about spot zoning. He said he was opposed to this request, and noted that the owner could still rent the house under the R1 guidelines.

Chair Shay stated the rules about unrelated people living together seemed to work at cross purposes with the desire to have more housing. She noted that unrelated people could be perfectly lovely neighbors and related people were not always the best neighbors. Chair Shay added that this application seemed to be the wrong tool for the problem. She stated that the parcel being 7,000 square feet instead of the minimum lot size of 20,000 square feet was a problem. Chair Shay noted that general rezoning requests could not be considered as the specific uses described by the property owner.

Commission Member Veno stated he was opposed to this request because it could set a precedent.

Vice-Chair Plaag felt he had made his position on this particular case clear during the public hearing. He stated that Mr. Cole purchased this property after the approval of the proposed storage facility that would be right next to this house. He also knew that there were discussions about what would happen on the

parcel opposite the new cut-through road and that there would be a new cut-through road. Vice-Chair Plaag stated that both the Planning Commission and the Town Council needed to make R1 neighborhoods their top priority.

Commission Member Warren agreed with all of the concerns that had been raised.

Ms. Shook wished to provide some clarification regarding the notification to the neighbors during the Sheetz project. She explained that the ordinance required a 150-foot notification to adjacent property owners when a special use permit was requested. Ms. Shook stated that the Sheetz project did not require a neighborhood meeting but the applicant decided to hold one as a courtesy. She noted that the applicant notified property owners within 150 feet of their property, just as the Town did. Ms. Shook added that state law only required adjoining property owner notification, so the Town went above and beyond with a minimum 150-foot notification. Ms. Shook stated she would have a discussion with Town Council regarding the Town's process for property owner notification.

Chair Shay asked why Mr. Cole was guided toward a General Use Zoning Map Amendment. Ms. Turner replied that she had provided Mr. Cole with his options and explained the Conditional District Zoning Map Amendment process, but he chose to seek a general rezoning.

First Motion and Vote: Vice-Chair Plaag made a motion that the proposed amendment to the Town's zoning map is not consistent with the Town's comprehensive plan and any other adopted plans of the Town that are applicable because approval would violate the following portions of the Comprehensive Plan:

Comprehensive Plan Policy 2.1.1 Economic Development

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

Comprehensive Plan Policy 2.3 The Community

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

Comprehensive Plan Policy 2.3.3 Housing & Neighborhoods

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.

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.

The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed.

Second Motion and Vote: Vice-Chair Plaag made a motion that the Planning Commission recommends denial of the proposed ordinance and believes denial is reasonable and in the public interest because the proposed zoning change would result in a zoning classification on a lot that does not meet the requirements of that zoning classification. The proposed zoning reclassification would endanger the stability and viability of the existing R1 neighborhood surrounding the subject parcel. The motion was seconded by Commission Member Behrend.

Vote: Aye – All

Nay – None

The motion passed.

Case PL06330-120922 Spring Hill Suites – Conditional District Zoning Map Amendment

Mansa Hospitality Boone, LLC has submitted a Conditional District Zoning Map Amendment application to rezone four parcels of property located at and near the intersection of US 421 South and Bub Teems Road (Watauga County PINs: 2920-09-6331-000, 2920-09-7251-000, 2920-09-6177-000 and 2920-09-7187-000) from B3 General Business and RA Residential/Agricultural to B3 General Business with a site-specific plan to develop a 104-room hotel (Use 3.10 – Hotel Large).

Vie-Chair Plaag noted that two motorcycle parking spaces were required but the current site plan did not show those spaces. He stated that the staff report said compliance would be finalized during the zoning permit process, and asked what that comment meant. Mr. James explained that the required motorcycle parking spaces would have to be added to the plan during the zoning permit process. Vice-Chair Plaag asked if they would need to make that a condition of approval. Mr. James replied that it would not need to be a condition of approval because all applicable UDO requirements would have to be met to issue a zoning permit.

Commission Member Behrend thought the project looked good and felt it made sense to change the zoning from R3 and RA to B3.

Commission Member Veno agreed that it was a good project. He noted that a lot of time, effort, and money had gone into planning this project. Commission Member Veno asked why the applicant had not taken care of the rezoning issue before all of the project preparation was done. Ms. Shook replied that requesting a site-specific development plan provided more assurances than a general rezoning. Additionally, the current property owner did not own all four parcels previously.

Commission Member Tippetts asked if there was a fund that the Town budgeted for sidewalk installation or if there were matching fund requirements with DOT. Mr. Miller replied that Public Works was usually allocated between \$15,000 and \$25,000 for sidewalk construction throughout the year. He stated that DOT only participated if the project was approved through the STIP (State Transportation Improvement Program) plan process. Mr. Miller noted that the multi-modal path planned for the north side of Hwy 421 was one of those projects. He stated that the Town had set aside money for the last five years totaling \$100,000 to go toward this project. The proposed path would extend from Grove Street to the Brookshire property. Mr. Miller noted that the Town's portion of the construction cost was 20%, or \$500,000. He stated that if they were to build a sidewalk on the opposite side of the highway, they would have to use the funds that were allocated to them or request money from the general fund through a budget amendment.

Commission Member Tippetts stated he was reluctant to do any trade-offs. He said he supported the project with the conditions but was reluctant to shorten the sidewalk on Bub Teems Road. Commission Member Tippetts also recognized the benefit of a sidewalk along Hwy 421 that would offer safer access to the Greenway.

Vice-Chair Plaag stated he would like to see a condition, if the arrangements could be made with DOT to secure permission through the right-of-way on Highway 421 between Bub Teems Road and New River Hills Road, that a sidewalk be installed that would create a direct path over to the Greenway access on New River Hills Road. This would allow hotel guests to walk down to New River Hills Road, go onto the underpass, and go over to Brookshire Park or the brewery. Vice-Chair Plaag felt that a portion of the sidewalk could also be installed on Bub Teems Road.

Vice-Chair Plaag expressed concern that allowing left-hand turns onto Hwy 421 would be hazardous. He noted that the speed limit was 45 miles per hour and the traffic lights were not close enough to the property to slow cars down. Vice-Chair Plaag asked if the cycling of the traffic lights could be changed so that they turn red more often. Mr. Miller replied that the Town could approach DOT about that possibility, but noted that DOT's main concern was keeping the traffic moving, not pedestrian safety. He stated that the traffic impact analysis did not have anything derogatory in it. Mr. Miller noted that the TIA was completed by an engineer and in order to question that engineer, the Town would have to hire an engineer to verify all the information in the TIA was correct. He added that an engineer would usually agree with another engineer. Vice-Chair Plaag stated it was really a matter of traffic safety because turning left on a busy highway would create a lot of near misses or accidents.

Vice-Chair Plaag stated that generally speaking, he was satisfied with the answers the applicant gave to his questions and he was supportive of the project with the condition of the possible sidewalk installation change.

Commission Member Veno asked if the speed limit in that area could be reduced from 45 miles per hour to 35 miles per hour. Mr. Miller replied that the ordinance required this type of request to come from Town Council in the form of a resolution. He stated that if the procedural steps were followed, that request could be submitted to DOT for their consideration. Mr. Miller noted that they could only request a change inside Town limits.

Commission Member Behrend stated there was a middle lane at the proposed driveway. She noted that some people were very good at using the lane and some were not.

Ms. Shook reminded Commission members that any conditions would need to be accepted by the applicant.

Vice-Chair Plaag asked if there would be a consensus of Commission members to ask the Town Council to do a resolution to DOT requesting the speed limit be reduced to 35 miles per hour from the Toyota dealership to the Nissan dealership if the project was approved. There was a consensus of Commission members.

Ms. Shook asked Mr. Shah if he would accept a condition, if it could be worked out, to split the distance of the sidewalk between a portion of Bub Teems Road and Hwy 421 to New River Hills Road. Mr. Shah replied that he thought he could get his group to agree to a linear foot to linear foot swap as long as it was okay with the Town and DOT.

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

Comprehensive Plan Policy 2.1.1 Economic Development

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.

Comprehensive Plan Policy 2.2.5 Environmental Health

C. Development activities in the 100-year floodplain or near lakes or streams shall be carefully controlled. If development must occur, low intensity uses such as open space, recreation and adequately buffered agricultural or forestry activities shall be preferred.

D. Runoff and drainage from development activities shall be of a quality and quantity as near to natural conditions as possible, with special emphasis given to critical watershed areas.

Comprehensive Plan Policy 2.3 The Community

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

The motion was seconded by Commission Member Tippet.

Vote: Aye – All
Nay – None

The motion passed.

Second Motion and Vote: Commission Member Venio made a motion that the Planning Commission recommends approval of Ordinance PL06330-120922 and believes approval is reasonable and in the public interest because the company has presented a well-thought-out plan and well-engineered plan that is consistent with the Town's standards. Vice-Chair Plaag wished to amend the motion to add the condition that if NCDOT approval can be secured that the statutorily required sidewalk installment along Bub Teems Road will be instead split in a linear foot for linear foot swap to include a portion of Bub Teems Road and the portion of UD 421 between Bub Teems Road and New River Hills Road.

Mr. James asked if a time limit could be placed on DOT's approval so that this condition could be enforced. Ms. Shook noted that encroachment agreements had to be applied for with their driveway permit, so she suggested that this might be an appropriate time to request approval from DOT for the sidewalk. Vice-Chair Plaag suggested a suitable time limit that would allow for appropriate back and forth with DOT without delaying the construction's progress. He added that if the change to the sidewalk placement was not allowed or easements could not be secured, the applicant would be required to install sidewalks as originally required by the UDO.

Vice-Chair Plaag asked that the staff conditions also be applied to the approval. Commission Member Venio accepted the suggested amendments to his motion. The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed.

Motion and Vote: Vice-Chair Plaag made a motion that if the Town Council chooses to approve this project, they simultaneously to their approval also prepare a resolution to request of DOT that the speed limit from the Toyota dealership on US 421 to the Nissan dealership on US 421 be reduced from 45 miles per hour to 35 miles per hour in both directions. The motion was seconded by Commission Member Venio.

Vote: Aye – All
Nay – None

The motion passed.

Other Matters

Ms. Shook noted that she and Ms. Meade were still working on the text revisions for temporary signs. She asked that a special meeting be scheduled for Planning Commission to discuss and make

recommendations on the revised sign text. Ms. Shook stated that this meeting would be in lieu of the regular Planning Commission meeting scheduled for April 24. After some discussion, a special Planning Commission meeting was scheduled for Monday, April 17, 2023, at 6:00 p.m. via WebEx.

Chair Shay stated that her term on the Planning Commission would end on June 30, 2023, and she would not be seeking reappointment.

Ms. Shook noted that the terms for Commission Members Tippet and Boyd would also expire on June 30, 2023.

Commission Member Behrend asked how long Planning Commission would be having virtual meetings. Discussion ensued and it was concluded that the majority of Commission members preferred virtual meetings.

Adjournment of Planning Commission

Commission Member Behrend made a motion to adjourn the meeting at 9:28 p.m. Vice-Chair Plaag seconded the motion.

Vote: Aye – All
Nay – None

The motion passed.

Elizabeth Shay, Planning Commission Chair

Brenda Henson, Board Secretary

SPECIAL PLANNING COMMISSION MEETING MINUTES
MONDAY, APRIL 17, 2023, 6:00 PM
VIA WEBEX

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

TOWN STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Stacey Miller-Deputy Director & Chief Building Inspector, and Brenda Henson-Board Secretary

Call to Order

Chair Shay called the special Planning Commission meeting, held via WebEx, to order at 6:00 p.m.

Public Comment

There was no public comment.

Case PL05781-061322 Signs – UDO Text Amendment

The Town of Boone has proposed amendments to UDO Article 26 Signs and Article 34 Definitions to revise and modernize sign regulations.

Ms. Jane Shook, Director of Planning & Inspections, went over the revisions to the text since the last joint meeting with Council on March 20th. She noted the first change is to require compliance for electronic/digital copy and window signage by January 1, 2024, as noted in Section 26.01.05(A)(1)&(2) Transitional Provisions.

Ms. Shook noted that she had tightened the language regarding feather banners and inflatable signs in Section 26.05.01(H)&(I) Prohibited .

Ms. Shook referred to Section 26.06.01(G) Temporary or Other Exempt Signs General Regulations regarding temporary signs at the 105/Blowing Rock Road intersection. She explained that the size of the area where signs could be displayed had been defined as within 35 feet of the pedestrian signals located at the corner. Additionally, the signs could not interfere with pedestrian traffic along the public sidewalk. Vice-Chair Plaag noted that there was no size limitation on these signs. He suggested a limit of 30 square feet and no more than 10 feet in length. Ms. Shook felt there also needed to be a number limit of signs allowed on that corner of one or two per event.

Ms. Shook referred to Section 26.06.02(A) General-Use On-Premises Temporary Signs. She suggested that temporary sign regulations be made effective immediately upon adoption. Ms. Shook noted that 26.06.02(A)(2) recommended a maximum height of eight feet for free-standing temporary signs. Commission members agreed with this height limitation. Ms. Shook stated that 26.06.02(A)(4) restricted the use of feather banners in the B1DC and B1DI. She noted that 26.06.02(B) regarding special event signage would allow inflatable signs.

Ms. Shook reminded everyone that temporary signs were content-neutral and the content of the sign was not something the Town could regulate other than a distinction between commercial and non commercial messaging.

Ms. Shook referred to Section 26.06.04 Temporary Signs Advertising Public Special Events. There was consensus that 26.06.04(B)(4) No compensation (including by barter) may be given for permission to post an off-premise sign be moved to the General Regulations so this provision could apply to all temporary signs. Vice-Chair Plaag pointed out the following typos: 26.06.04(B) the word “sings” should be “signs” and 26.06.04(B)(5) the word “posed” should be “posted”.

Ms. Shook referred to Section 26.06.05(P)(4) Real Estate Signs. She stated she had received a call from a realtor who had suggested a revision to the language regarding when real estate signs should be removed. After some discussion, it was suggested that (4) be revised to say “The real estate sign shall be removed either within forty-eight (48) hours after the property closing or execution of the lease contract.”

Ms. Shook referred to Section 26.08.06(F)(2) Window Signs. She noted the revised language that prohibited windows and doors from being outlined using any type of lighting. Vice-Chair Plaag asked if holiday lights were addressed in the sign ordinance. Ms. Shook stated that holiday lights would be addressed under the lighting ordinance revisions that would be brought before Planning Commission soon. Vice-Chair Plaag felt that people might try to argue that their lights were holiday lights. Ms. Shook felt that could be addressed with language that stated temporary lighting of customary holiday lights would be allowed. Vice-Chair Plaag suggested that a time limit of 60 days be placed on how long holiday lights could be displayed. He also suggested adding a sentence to (2) that would allow the interior illumination of merchandise set back from the window.

Ms. Shook noted that the language had been cleaned up in Section 26.08.07 Murals.

Commission Member Behrend suggested that an eight-foot height limitation be added as a requirement for signs located on the corner of Hwy 105 and Blowing Rock Road in Section 26.06.01(G). Vice-Chair Plaag added that the size limitation in this section should be 32 square feet to accommodate the eight-foot height.

Commission Member Veno asked if there had been any conversation between the Town and ASU regarding lighting at the stadium. He noted that the stadium lights would shine into his windows at unusual hours of the night. Ms. Shook stated that stadiums had to have a certain illumination level in order to qualify to play games at night. Vice-Chair Plaag stated he was also affected by the stadium lights and felt the lights should not be allowed to be on between 10 p.m. and 6 a.m., except for the occasional game or event. Ms. Shook noted that the Town was looking to regulate the timing, brightness, and color of lighting with the upcoming lighting ordinance revisions. Vice-Chair Plaag asked if the Town had the ability to regulate lighting on University property. Ms. Shook replied that the University had to meet zoning requirements for new construction. She suggested having a discussion with Town Council about this concern.

Ms. Shook outlined the changes discussed as follows:

- Section 26.06.01(G), allow no more than two signs, no larger than 32 square feet, eight feet high, and 10 feet long.
- Suggest temporary signs come into compliance upon adoption.
- Correct typos – sings to signs and posed to posted.
- Section 26.06.04(B)(4) No compensation (including by barter) may be given for permission to post an off-premise sign. Move this to 26.06.01 General Regulations.
- Section 26.06.05(P) Revise to say The real estate sign shall be removed either within forty-eight (48) hours after the property closing or execution of the lease contract.
- Section 26.08.06(F) Evaluate to make sure seasonal lighting is properly addressed as well as lighting of merchandise displays.

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

Comprehensive Plan Policy 2.1.1 Economic Development

A.1 Continue to evaluate and amend development regulations to help ensure aesthetic quality in the area and preserve the natural beauty of the area.

Comprehensive Plan Policy 2.3.1 Community Appearance

A.1 Establish minimum architectural design standards for commercial development throughout the Town.

D. Sign policies and standards shall be periodically updated to enhance community identity and create a high quality business image.

D.1 Conduct a review of the Town's sign regulations with the goal to have a long term policy consistent with the appearance of the High Country, including greater use of ground signs and directory signs.

The motion was seconded by Vice-Chair Plaag.

Vote: Aye – All
Nay – None

The motion passed.

Second Motion and Vote: Commission Member Tippettt made a motion that the Planning Commission recommends approval of Ordinance PL05781-061322 and believes approval is reasonable and in the public interest because the amendments to UDO Article 26 Signs and Article 34 Definitions will revise and modernize sign regulations and the changes will bring the sign standards into compliance with statutory requirements and case law. The motion was seconded by Commission Member Behrend. Vice-Chair Plaag wished to amend the motion to include that the approval is inclusive of the changes discussed at this meeting. Commission Members Tippettt and Behrend accepted the amendment.

Vote: Aye – All
Nay – None

The motion passed and approval was recommended.

Other Matters

Ms. Shook stated that the April 24, 2023, Planning Commission meeting was canceled and the next Public Hearing was scheduled for May 22, 2023.

Adjournment

Vice-Chair Plaag made a motion to adjourn the meeting at 7:02 p.m. Commission Member Behrend seconded the motion.

Vote: Aye – All
Nay – None

The motion passed.

Elizabeth Shay, Planning Commission Chair

Brenda Henson, Board Secretary