

**Town of Boone
Public Hearing
6:00 PM, Jun. 22, 2020
WebEx, WebEx**

Public Participation:

Watch the Meeting: Anyone can view the Council meeting live at: <https://townofboone.viebit.com/?folder=ALL>

Public Participation: Individuals who wish to address Council during remote public participation can do so through WebEx either online or by phone. If you wish to provide public comment, please email Town Manager, John A. Ward III at john.ward@townofboone.net or call in at 828-268-6205 and you will be provided with an invite to the meeting. All registrations must be completed by 5:45PM on the day of the meeting. Participants should complete the registration form provided in the meeting invite to be included in public participation and view further instructions. Staff will moderate the WebEx session to ensure all participants have an opportunity to address Council.

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General Guidelines for Each Case Presented at the Public Hearing

1. Presentation of Case
2. Questions by Town Council & Planning Commission
3. Public Comment
4. Discussion/Questions by Town Council & Planning Commission
5. Public Hearing for Case is Closed

I. Call to Order of Town Council

II. Call to Order of Planning Commission

III. Approval of Meeting Minutes (Town Council and Planning Commission)

1. January 27, 2020 Public Hearing Meeting Minutes

PUBLIC HEARING

IV. Case PL03541-013120 & Case PL03608-022820 ASU Child Development Center - General Use Zoning Map Amendment

Case PL03541-013120 Application Information

Case PL03608-022820 Application Information

Case PL03540-013120 & PL03608-022820 Staff Report

V. Case PL03942-060520 Temporary Classrooms - UDO Text Amendment

Case PL03942-060520 Application Information

Case PL03942-060520 Staff Report - *Add-On*

VI. Adjournment of Town Council

PLANNING COMMISSION

VII. Approval of Meeting Minutes

1. October 28, 2019 Planning Commission Meeting Minutes
2. September 23, 2019 Planning Commission Meeting Minutes

VIII. Planning Commission Consideration of Cases Heard at Public Hearing

IX. Other Matters

X. Adjournment of Planning Commission

**PUBLIC HEARING MINUTES
MONDAY, JANUARY 27, 2020, 6:00 P.M.
TOWN COUNCIL CHAMBERS**

COUNCIL MEMBERS: Rennie Brantz-Mayor, Loretta Clawson-Mayor Pro-Tem, Sam Furguele, Connie Ulmer, Dustin Hicks, and Nancy LaPlaca

PLANNING COMMISSION MEMBERS: Elizabeth Shay-Chairperson, Eric Plaag-Vice Chairman, Frank Veno, Chris Behrend, John Tippet, and James Hedrick

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Marty Little-Senior Planner, and Brenda Henson-Board Secretary

OTHERS PRESENT: John Ward-Town Manager and Allison Meade-Town Attorney

CALL TO ORDER

Mayor Brantz called the Town Council to order at 6:03 p.m.

Vice Chairman Plaag called the Planning Commission to order at 6:03 p.m.

Approval of Meeting Minutes

Council Member Furguele suggested changes to typographical errors in the November 25, 2019 Public Hearing minutes.

Vice Chairman Plaag suggested a change in the 5th paragraph on page 11 to state that in addition to the three-page excerpt from The Appalachian he also handed out a screen shot of a page from the Walker WORKspace website. He also suggested a change in the 6th paragraph on page 11 to state that he used the way back machine at archive.org.

Chairperson Shay suggested a change in the approval of meeting minutes on page 1 to show that she abstained from voting on the September 23, 2019 meeting minutes.

Ms. Meade explained that it was acceptable for a board member to vote on minutes even if they were not present at the meeting for which the minutes were being considered.

Council Member Furguele made a motion to approve the November 25, 2019 Public Hearing minutes with the suggested amendments. The motion was seconded by Mayor Pro Tem Clawson.

Vote: Aye – All
Nay – None

The motion passed.

Vice Chairman Plaag made a motion to approve the November 25, 2019 Public Hearing minutes with the suggested amendments. The motion was seconded by Commission Member Tippet.

Vote: Aye – All
Nay – None

The motion passed.

CASE PL03452-123119 & PL03453-123119 Christopher Taylor – General Use Zoning Map Amendment

The Town of Boone has initiated a General Use Zoning Map Amendment for property owned by Christopher and Kimberly Taylor (Watauga County PINs: 2920-31-8460-000 and 2920-31-8255-000) to R1 Single-family Residential with WS-IV Watershed Areas Protected Area (WS-IV-PA). Zoning is to coincide with the property owner's voluntary annexation of the properties. The properties are located along Paul Critcher Road.

Mr. Little presented the request as it was outlined in the meeting packet noting that Mr. Taylor presented a hardship and was allowed to connect to Town water. He stated that Mr. Taylor had also proved his properties were annexable so this request was to zone the properties.

Vice Chairman Plaag asked if the properties would be served with both water and sewer. Mr. Little replied that the properties would be receiving water only. Vice Chairman Plaag asked for the nature of the hardship. Ms. Meade explained that the Public Works Department dealt with hardship requests and may not be something that Planning & Inspections would know. Mr. Little stated he thought the hardship might be due to a well failure.

Mr. Little stated the recommendation was to zone the properties R1 Single-Family Residential with a Watershed protection overlay. Ms. Meade asked if Staff recommended the Watershed designation. Mr. Little replied that the properties were already located within a State designated watershed.

Council Member Furguele asked if the reason for the annexation was due to the hardship policy why both parcels would be considered when one of the lots was vacant. He asked if the Town would be providing water to the vacant lot as well as the one that has a structure on it. Mr. Little stated that water would be supplied to the lot containing the structure. Council Member Furguele asked if the vacant lot could be developed with a single-family home. Mr. Little replied that it could. Council Member Furguele asked if the properties were located in a Rural Growth Area. Mr. Little stated that they were. Council Member Furguele stated it looked like the area to the east was pretty populated. Mr. Little replied that was correct and noted the properties were on the edge of the Secondary Growth Area. Council Member Furguele noted that the area to the west that was located in the Secondary Growth Area was much less populated. Mr. Little noted that the map on packet page 28 showed where the former ETJ line extended and stated that a large section of Paul Critcher Road, the subject properties, and the area to the east of the subject properties had never been located inside the ETJ. Council Member Furguele asked how they were guided, if at all, by the designation of the growth areas. He also asked what it meant to be annexed and provide utility services to the rural growth area and asked if that was in conflict with what the designation of the rural growth area was. Mr. Little replied that it would seem that it was but noted that water was already at this site allowing the property owner to hook on without any extension of lines. Council Member Furguele felt the Town's growth maps were a bit out of date. Mr. Ward explained that the maps did not always equate to where the utilities had been run.

Vice Chairman Plaag stated he was puzzled by the fact that there were already Town water lines extended to an area located outside of the ETJ. Vice Chairman Plaag asked if there had been other annexation requests for properties that were outside of the old ETJ boundaries that already had access to Town water. Ms. Shook replied that the Town's policies changed regarding the requirement of annexation, noting that previously not all of the properties that hooked onto Town water were required to annex. She stated this particular property owner fell under newer policies. Mr. Ward added that the policy requiring annexation started almost immediately after the ETJ was removed. Vice Chairman Plaag asked if there had been any annexations since the policy change where the property was located outside of the old ETJ boundaries and already had access to Town water. Ms. Shook replied that she could not answer that question without some research. Mr. Ward stated he did not remember any. Vice Chairman Plaag asked, if this property owner had access to Town water that preceded not only this request but also the conflict over the ETJ, why he was not eligible to connect to Town water. Mr. Ward replied that the lines being in place and being granted access were two different things and had always been treated that way. Ms. Meade asked if Staff knew why the lines were already there. Ms. Shook replied that she did not know for sure but thought it might be because there had been previous well failures in the area. Ms. Meade asked if it was correct that there were properties in this area that were already fed by Town water. Mr. Ward replied that was correct. Ms. Meade noted that if the prior policy of the Town was to require annexation to hook onto Town water then there would likely be a small cluster of properties in the Town limits. Vice Chairman

Plaag stated, from his perspective, if there were neighbors who were currently connected to Town water then this particular property owner would be an island unto himself and be penalized for a political fight that did not involve him. Council Member Furguele stated this did not have anything to do with the ETJ. Vice Chairman Plaag stated the change in policy was in response to the removal of the ETJ. Council Member Furguele stated the policy had always been that the Town did not have any obligation to provide water outside the Town limits and there could always be conditions imposed. He stated that annexation was always mentioned as a condition in the Water & Sewer Code that could be imposed but Council did not always impose that condition. Council Member Furguele stated that the Council looked at water requests on a case by case basis, weighing the benefits of the use inside the Town versus the collection of double water & sewer rates. Vice Chairman Plaag stated the subject properties lay outside the former ETJ and what he supposed would be an area of annexation and he was puzzled by taking action that entrapped you to a policy rather than taking action that would be to the benefit of both the Town and the property owner from a sensible standpoint. He felt that charging double rates would be a more sensible solution to this specific property owner's need than to create this weird island of annexation that was so far from the current Town limits of Boone. Council Member Furguele asked how far the properties were from the Town limits.

Council Member Furguele stated he supported the policy to annex in order to get Town water so that water was not being provided to unregulated areas. He felt the only way to protect the existing development there was to zone it something that was compatible with what already existed in the area and with how the property owner was already using his property. Council Member Furguele stated he supported the annexation as well as the zoning of the properties.

Ms. Meade stated, to the extent this applicant ended up being treated differently than neighbors who are also on Town water, it raised a different way of looking at the same question of consistency. She stated at some point the Town might want to consider requiring annexation from the properties who were already out there that were staying connected, noting that right now State law suggested the Town could do that.

In response to Council Member Furguele's question, Mr. Little noted that, according to a survey done for the annexation, the subject properties were located approximately .7 miles from the primary corporate limits.

Ms. Meade noted that the Ordinance had consistently required annexation for the past two years and stated there were other areas of satellite annexations. She stated that there was no flexibility for this requirement without changing the Code. Vice Chairman Plaag expressed concern that at some point in the future the applicant would have difficulty with his neighbors being angry with him for causing them to have to be annexed. Ms. Meade replied that the suggestion to annex properties currently receiving Town services would affect all properties in this situation, not just the area discussed at this hearing. Vice Chairman Plaag stated he hoped the spirit of his concern was taken and felt this was an odd way to address this problem given the likelihood that Mr. Taylor's neighbors were currently enjoying Town water while living in the County. Ms. Meade explained that the reason Council adopted this strong policy of only getting water and sewer if you annex was because after the ETJ was taken away the Town no longer had any power to control the growth of its boundaries. She stated that annexation was the sole way and felt it had been successful over the past two years and offered regulation and protection to neighbors.

The applicant, Christopher Taylor, came to the podium. Council Member Furguele asked Mr. Taylor if it was correct that his well was contaminated. Mr. Taylor replied that the well was not contaminated but was drying up. He stated that others used to be connected to the well but were now serviced by Town water. Mr. Taylor explained that when the well started to dry up he had a plumber who lived in the neighborhood come to look at it and provide his professional opinion. Council Member Furguele asked

if there were other properties close to Mr. Taylor that were not on Town water that were facing the same problem. Mr. Taylor replied that he was not sure.

Mr. Ward asked if this was a community well. Mr. Taylor stated that it was and noted that the vacant property was deemed as the well property for the community.

Ms. Meade asked Mr. Taylor if there were neighbors still drawing from the well. Mr. Taylor replied there were no others serviced by the well at this time that he was aware of. He stated that when they purchased the house in 2014 they talked with all of the neighbors who were connected to the well and they all indicated they had made the conversion to Town water so he was the only property still serviced by the well. Ms. Meade asked if any of Mr. Taylor's neighbors who were receiving Town water were annexed. Mr. Taylor stated that none of them were annexed to his knowledge. Ms. Meade asked Ms. Shook if that was correct. Ms. Shook replied that the Town had no data showing other properties in that neighborhood being annexed.

Council Member LaPlaca asked Mr. Taylor what he was doing for water right now. Mr. Taylor stated he was now connected to the Town's water system. Mr. Ward added that the Taylor's were given authorization, based on their hardship case, to make the water tap to be connected with the expectation that they would follow up with an annexation petition.

Vice Chairman Plaag asked if the homes along Paul Critcher Drive were new or older homes. Mr. Taylor felt they were probably a decade or more old but he was not sure.

Commission Member Veno asked Mr. Taylor if he was given an explanation as to why the well dried up. Mr. Taylor replied that his plumber's assumption was as houses were added to the well it depleted the supply.

Council Member Hicks asked Mr. Taylor how he felt about the annexation. Mr. Taylor stated he was willing to do whatever he needed to do to ensure that his family had water.

Council Member Hicks asked if the Town wanted to expand its territory and asked if that had been planned out. He asked if the Town wanted to annex the former ETJ area or go beyond that. Ms. Meade explained that there was no longer power under State law for annexation that was not voluntary so towns could not annex property against the will of the property owner. She stated that voluntary annexation was the only way for the Town to grow. Vice Chairman Plaag asked if that was with the caveat that properties outside a town's limits that were receiving town services could withdraw services unless the properties voluntarily annex. Ms. Meade replied that was correct but felt there may be some legal controversy.

Mr. Ward asked Ms. Meade if she felt the Town would have more control over the water with the property being annexed. Ms. Meade stated if a property had Town water outside of Town limits it could develop zoning free.

Council Member Furguele stated Vice Chairman Plaag had valid points but noted this property was adjacent to what was the ETJ and was considered a natural growth area of the Town. He felt that other properties in the area may want to annex and this property could become contiguous. Council Member Furguele felt it was still prudent to have the property annexed.

Vice Chairman Plaag asked if there was a limitation on how much annexation the Town can do. Ms. Shook replied it was 10% of the Town's primary corporate limits. She stated that some satellite annexations have been brought into the corporate limits so the Town was currently at approximately 2%. Ms. Shook noted there was language in the Statutes that would allow for forced annexations but the criteria was so hard to meet that she was not aware of any communities that have moved forward with any forced annexations.

Council Member Furguele stated you had to start somewhere. He noted the Town now had a huge water supply with the new intake and noted he did not want to fuel unregulated development.

Vice Chairman Plaag referred to the well lot, noting that both parcels were to be annexed and both would have the ability to connect to water. He asked Council Member Furguele if he was concerned about the possibility of the well parcel being developed. Council Member Furguele replied that he was not concerned with the property being developed if it was zoned.

Ms. Meade asked if the vacant parcel met the requirements for a conforming R1 parcel. Mr. Little stated that it did.

Mr. Ward stated he thought the Growth Maps were developed in 2006 and had likely changed a great deal.

With no further questions or comments, Mayor Brantz closed the public hearing for this case at 6:56 p.m.

Case PL03449-123119 Non-substantive Errors – UDO Text Amendment

The Town of Boone has initiated a UDO Text Amendment to allow typographical errors, spelling errors, numerical reference errors, errors in section or page numbering or other purely non-substantive editorial changes to be corrected by the Planning Director without formal adoption by the Town Council provided that such corrections do not change the meaning of the Ordinance.

Ms. Shook stated this was an amendment to UDO Article 1 to allow for corrections of scrivener errors and other non-substantive changes.

Ms. Meade suggested striking the word *changes* after the word spelling in the 3rd line of Section 1.27.01. She stated the point of the amendment was so that the Planning Director, rather than coming to Town Council, can make non-substantive changes to the UDO. Ms. Meade emphasized the fact that this did not apply to substantive changes, noting substantive changes were required by law to go through the public hearing process. She stated this amendment would allow for things such as code reference changes, section numbering, and minor word changes.

Vice Chairman Plaag suggested including the allowance for the Planning Director to make grammatical changes as long as it did not change the meaning of the Code.

Council Member Furguele stated a lot of the things being worked on currently would have a ripple effect that could require a great deal of renumbering in the UDO.

With no further questions or comments, Mayor Brantz closed the public hearing for this case at 7:00 p.m.

OTHER MATTERS

There were no other matters discussed at this hearing.

ADJOURNMENT OF TOWN COUNCIL

Council Member Furguele made a motion for Town Council to adjourn at 7:00 p.m. The motion was seconded by Mayor Pro Tem Clawson.

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

Rennie Brantz, Mayor

Brenda Henson, Board Secretary

Elizabeth Shay, Planning Commission Chairperson

Continuation of Planning Commission Meeting

Chairperson Shay called a break in the Planning Commission meeting from 7:00 p.m. until 7:08 p.m.

Approval of Meeting Minutes

Vice Chairman Plaag noted that approval of the September 23, 2019 and October 28, 2019 Planning Commission meeting minutes had previously been deferred and asked why they were not on this meeting's agenda. Ms. Shook replied that it was an oversight and would place them on the next meeting agenda.

Commission Member Veno stated he found some typographical errors in the minutes and asked if the Commission was supposed to point out typographical errors or suggest substantive changes only in the minutes. Both Chairperson Shay and Vice Chairman Plaag stated they typically suggest substantive changes only, noting that minute taking was a difficult task and they did not feel the need to point out typographical errors. Vice Chairman Plaag thanked all Town employees who took meeting minutes.

Chairperson Shay suggested the following changes to the December 9, 2019 meeting minutes:

1. Page 5, paragraph 5 should read *Commission Member Veno asked Chairperson Shay what her objection was to 20,000 sq. ft. and she replied that larger lots could possibly encourage sprawl.*
2. Page 8, last paragraph, second sentence should read *Chairperson Shay replied that this would decrease the appraised value of the home, noting she recently looked at purchasing a home and found examples of this while house hunting.*

Vice Chairperson Plaag made a motion to approve the May 20, 2019, August 26, 2019, and December 9, 2019 meeting minutes as amended. The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed.

CASE PL03452-123119 & PL03453-123119 Christopher Taylor – General Use Zoning Map Amendment

The Town of Boone has initiated a General Use Zoning Map Amendment for property owned by Christopher and Kimberly Taylor (Watauga County PINs: 2920-31-8460-000 and 2920-31-8255-000) to R1 Single-family Residential with WS-IV Watershed Areas Protected Area (WS-IV-PA). Zoning is to coincide with the property owner's voluntary annexation of the properties. The properties are located along Paul Critcher Road.

Vice Chairman Plaag stated he remained concerned about the trap that was set, not by anyone's design, for this property owner relative to his neighbors. He felt that in an effort to address a much more global problem for the Town it had led to a complication at the micro level for individual property owners. Vice Chairman Plaag stated he would be sympathetic to this particular applicant if he had said he wasn't really crazy about being annexed into the Town and wished there was a different way to do this. He stated he also took Council Member Furguele's point about this really being the only mechanism left for the Town to control growth along the perimeter of Town and he was sympathetic to that. Vice Chairman Plaag felt this seemed like an awfully complicated way to accomplish this goal with regard to these particular two parcels but he did not know of a better way to do it.

Commission Member Veno asked Vice Chairman Plaag what he felt was the complication. Vice Chairman Plaag replied there the applicant currently had neighbors who were already on Town water that had no obligation to be annexed into the Town and the Town had not taken a position that they were going to withdraw services to those properties unless they annex. Vice Chairman Plaag felt that this particular property owner was being penalized by the consequences of a political fight between the Town and County and the policies that emerged from that fight in a way that his neighbors were not.

Commission Member Veno asked what the applicant's penalty would be for being annexed into the Town. He noted that the applicant seemed to be willing to be annexed. Vice Chairman Plaag stated he would be paying a substantially higher tax rate. Ms. Shook stated the applicant would pay double water rates for receiving water outside the Town limits and the difference between higher taxes and double water rates would have to be weighed to know which was greater.

Commission Member Veno asked if the applicant would also receive sewer because he was being annexed. Mr. Little stated that was not necessarily the case and Commission Member Veno asked why. Ms. Shook replied that there were no sewer lines in that area.

Vice Chairman Plaag stated it would be interesting to know why water lines were extended to these locations without sewer lines.

Commission Member Behrend asked if someone else really wanted Town water but was located outside the Town limits, would this annexation they were considering tonight set a precedent for other properties. Ms. Shook replied that not all cases were treated the same and explained that hardship cases were limited to single-family and two-family uses and did not extend to commercial uses. She stated that there were secondary pressure zones where water was extended but noted there was no guarantee someone could hook on to water in those zones.

Commission Member Tippettt felt the Town now had a chance to extend zoning and bring this property into the Town and he supported that.

Vice Chairman Plaag noted Mr. Taylor's agreement with the Town was that in exchange for receiving Town water he would petition for annexation and asked what happened if Town Council decided not to annex his property. Ms. Shook replied that there were several provisions in the Town Code that had to be met before a property could be satellite annexed. She stated, if a property was not able to annex, the property owner would sign an agreement with the Town to seek annexation in the future when their property would meet the requirements of the Code.

Chairperson Shay asked what other Town services a property might receive if it was annexed. Ms. Shook replied that some properties could receive service by the Fire Department and Public Works Department and noted that all annexed property would receive service by the Police Department.

Vice Chairman Plaag stated he lived in an area that was a satellite annexation and was, for a time, surrounded on all sides by County jurisdiction. He stated they had been in the house for about two weeks when they heard gunshots and called Boone Police who told him they could not do anything about it because the shooting was coming from property in the County. He stated they then called the County who said they could not help him because his property was located in the Town. Vice Chairman Plaag stated there was an impasse and was still an issue to this day regarding jurisdictional services. He felt that issues such as this would cause hardships to Mr. Taylor that his neighbors would not suffer.

Commission Member Veno wished to clarify that what they were considering with this request was to zone both properties as R1 with Watershed.

Chairperson Shay stated she agreed with everyone. She noted the homeowner was willing to undergo annexation at a significant cost to him in order to get water. Chairperson Shay felt annexation was an

important tool that the Town needed to use to impose zoning along the periphery of the Town and she was in favor of approving the zoning request.

First Motion and Vote: Commission Member Tippet made a motion that the proposed amendment to the Town's zoning map to R1 Single-family Residential with WS-IV Watershed Areas Protected Area is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that is applicable because it complies with:

1.1 Overall Objectives for the Boone Comprehensive Plan

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.

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

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

Vice Chairman Plaag seconded the motion and wished to amend the motion to add the following:

1.1 Overall Objectives for the Boone Comprehensive Plan

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.

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

Commission Member Tippet accepted the amendments.

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

Second Motion and Vote: Commission Member Tippet made a motion that the Planning Commission recommends approval of the proposed amendment to the Town's Zoning map and believes approval is reasonable and in the public interest because the extension of water and annexation of the property will improve public health and safety with the property receiving Town services and the R1 zoning is compatible with the surrounding, largely single family uses. The motion was seconded by Commission Member Behrend.

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

Case PL03449-123119 Non-substantive Errors – UDO Text Amendment

The Town of Boone has initiated a UDO Text Amendment to allow typographical errors, spelling errors, numerical reference errors, errors in section or page numbering or other purely non-substantive editorial changes to be corrected by the Planning Director without formal adoption by the Town Council provided that such corrections do not change the meaning of the Ordinance.

Chairperson Shay reminded Commission members of the change suggested to the language in 1.27.01 to include grammatical errors.

Commission Member Tippettt felt this needed to be done. Commission Member Behrend agreed.

First Motion and Vote: Vice Chairman Plaag 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 plan(s) of the Town that is applicable because it complies with:

Comprehensive Plan Policy 2.1.1 Economic Development

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

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

The motion was seconded by Commission Member Tippettt.

Vote: Aye – All

Nay – None

The motion passed.

Second Motion and Vote: Vice Chairman Plaag made a motion that the Planning Commission recommends approval of the proposed amendment to the Town's Zoning map and believes approval is reasonable and in the public interest because the proposed change would streamline the permit and application process for those who are working with the Planning Staff while also limiting the amount of time that Planning Commission and Town Council need to spend on fairly academic changes that might be necessary in the Code. The motion was seconded by Commission Member Behrend.

Vote: Aye – All

Nay – None

The motion passed.

Election of Officers

Ms. Shook stated it was time for election of the Chair and Vice Chair of the Planning Commission. Vice Chairman Plaag asked if the process had changed so that the Commission would forward their nominees for Town Council to make the final selection of Chair and Vice Chair. Ms. Shook replied that the text amendment to make that change had not yet taken place but was on the P&I Work Plan.

Chairperson Shay called for nominations for Chair. Vice Chairman Plaag asked Chairperson Shay if she was willing to continue as Chair and she replied that she was willing unless someone else wanted the position.

Commission Member Tippettt made a motion to nominate Elizabeth Shay as Chairperson. There were no other nominations. The motion was seconded by Commission Member Venno.

Vote: Aye – All

Nay – None

The motion passed.

Chairperson Shay called for nominations for Vice Chair. She noted that Vice Chairman Plaag had done an excellent job in the position and she asked if he would be willing to continue as Vice Chair. He replied that he would be willing to continue as Vice Chair.

Chairperson Shay made a motion to nominate Eric Plaag as Vice Chairman. There were no other nominations. The motion was seconded by Commission Member Behrend.

Vote: Aye – All

Nay – None

The motion passed.

OTHER MATTERS

Ms. Shook stated that Planning Staff met with Town Council for their annual Planning Retreat on January 22, 2020 where tasks and priorities were set for the coming year. She stated there have been some legislative changes, some of which became effective on July 1, 2019 and some which will be effective on January 1, 2021. These changes are due to the consolidation of County and Town regulations into what will be known as Chapter 160D of the North Carolina General Statutes. Ms. Shook stated the UDO would have to be brought into compliance as soon as possible with the regulations that were effective in July and by the end of this year for those that will take effect in 2021. She stated this was one of the new top priorities for staff and amendments would come to Public Hearing and Planning Commission throughout the year.

Ms. Shook noted that Planning Staff's other priorities directed from Council remained the same as last year with another top priority being Downtown plans. She stated that the Community Appearance Commission has been working on an expansion of the B1 and the Historic Preservation Commission has been working on a Local Historic Downtown District. Ms. Shook explained that these were two different plans for the same area. She stated that the CAC and HPC were nearing the end of their processes and, once complete, the next step would be to hold a joint meeting with Town Council, Planning Commission, Historic Preservation Commission, and the Community Appearance Commission in order to work out any issues prior to gathering public input.

Ms. Shook stated she would be provided Town Council and update on each board at their February meeting and Council will then look at setting a date for the joint meeting. She anticipated the joint meeting would take place in March or April with public input happening soon after.

Vice Chairman Plaag asked where the public input sessions would be held. Ms. Shook stated they would likely have to look at an alternative space so dialogue could be encouraged.

Chairperson Shay asked if it was correct that there was a vacancy on the Planning Commission. Ms. Shook replied that was correct. She stated the vacancy was for an ASU representative and that position served a one-year term. Commission Member Veno asked if the ASU position was for a student or staff. Ms. Shook responded that the position was meant to be for a student. Chairperson Shay and Commission Member Hedrick were notified that their terms on the Commission were set to expire on June 30, 2020 and were urged to reapply if they wished to seek reappointment. Ms. Shook added that Commission members were eligible to serve up to three terms on Planning Commission.

Ms. Shook stated there was a possibility that the February Planning Commission meeting could be a joint meeting about the Downtown plans. If that did not work out to be the case, Ms. Shook stated she would like to have some Board training.

ADJOURNMENT OF PLANNING COMMISSION

Vice Chairman Plaag made a motion to adjourn the meeting at 7:48 p.m. The motion was seconded by Commission Member Behrend.

Vote: Aye – All

Nay – None

The motion passed.

Elizabeth Shay, Planning Commission Chairperson

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:

539 BRYAN GROVE RD, BOONE, NC 28607

Watauga County Parcel Identification Number:

2900-58-7299-000 & 2900-58-6723-000

Existing Zoning District(s):

R1 & R3

Proposed Zoning District(s):

E1, R1

Adjacent Land Uses:

N:

R1

E:

R3 & COUNTY

S:

COUNTY

W:

R1 & COUNTY

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

☐ Yes ☐ No ☒ Unknown

If yes, describe:

Total Land Area:

ASU PROPERTY 17.057 ACRES (TWO PARCELS, 6.457 & 10.6 ACRES)

C. Property Owner Information

Name:

APPALACHIAN STATE UNIVERSITY

Complete Mailing Address (Street, City, Zip):

438 ACADEMY ST. BUSINESS AFFAIRS, BOONE, NC 28608

Phone Number:

828-262-2030

Email Address:

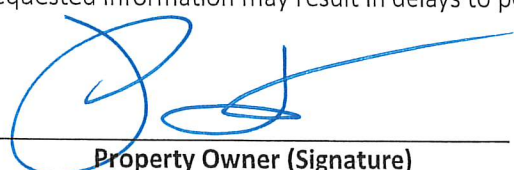
forte.pd@appstate.edu

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.

PAUL D. FORTE, VC OF BA
Property Owner (Print)


Property Owner (Signature)

2.11.2020
Date

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

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: _____

PC Meeting Date: _____

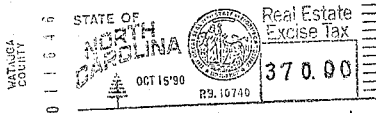
TC Meeting Date: _____

Date of APO Mailed Notification: _____

Date of Posted Notification: _____

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

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



BK 0164 PG 631

Excise Tax: \$370.00

Recording Time, Book & Page

THIS INSTRUMENT WAS PREPARED BY AND SHOULD BE MAILED TO:
CHARLES E. CLEMENT, ATTORNEY AT LAW
307 WEST KING STREET, BOONE, NC 28607

STATE OF NORTH CAROLINA

WARRANTY DEED

COUNTY OF WATAUGA

This Deed made this 15th day of October, 1990, by and between

JAMES C. GREENE, JR. and wife, FRANCES T. GREENE
(hereinafter called "Grantors")

and

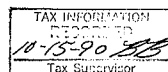
THE BOARD OF TRUSTEES OF THE
ENDOWMENT FUND OF APPALACHIAN STATE UNIVERSITY
(See N.C.G.S. 116-36)
Appalachian State University, Boone, NC 28608
(hereinafter called "Grantees")

W I T N E S S E T H:

Grantors, for and in consideration of the sum of Ten Dollars and other good and valuable consideration to them in hand paid by Grantees, the receipt of which is hereby acknowledged, have given, granted, bargained, sold and conveyed, and by these presents do give, grant, bargain, sell, convey and confirm unto Grantees, their heirs and assigns, in fee simple all that certain lot, parcel or tract of land situated in Boone Township and Brushy Fork Township, Watauga County, North Carolina, and more particularly described as follows:

BEING all that certain 10.600 acre tract or parcel of land in Boone Township and Brushy Fork Township, Watauga County, North Carolina, located on the north and southwest sides of the big "switchback" of NCSR 1102 (Poplar Grove Road) on the southwest side of Boone; being all of the property described in Deed Book 180, Page 513 and the perimeter of same, and being more fully described in Exhibit A attached hereto and incorporated herein by reference.

The property hereinabove described was acquired by Grantors by instrument recorded in Deed Book 180, Page 513, Watauga County Registry.



Communication: Case PL03541-013120 Application Information (Case PL03541-013120 & Case PL03608-022820 ASU

BK 0164 PG 632

TO HAVE AND TO HOLD the aforesaid lot, parcel or tract of land and all privileges and appurtenances thereunto belonging, or in any wise appertaining, unto Grantees, their heirs and assigns in fee simple forever.

Grantors covenant with Grantees that they are seized of the premises in fee simple and have the right to convey the same in fee simple; that title is marketable and free and clear of all encumbrances, other than those exceptions set forth below; and that they will warrant and defend the title to the same against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to those exceptions set forth in Exhibit A attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, Grantors have hereunto set their hands and seals the day and year first above written.

James C. Greene, Jr. (SEAL)
James C. Greene, Jr.
Frances T. Greene (SEAL)
Frances T. Greene

STATE OF NORTH CAROLINA

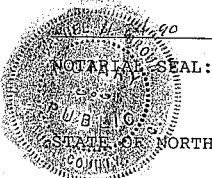
COUNTY OF WATAUGA

I, RACHEL S. BROWN, a Notary Public of said County and State, do hereby certify that JAMES C. GREENE, JR. and wife, FRANCES T. GREENE, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official seal this the 15th day of October, 1990.

My commission expires:

Rachel S. Brown
Notary Public



STATE OF NORTH CAROLINA, COUNTY OF WATAUGA

The foregoing certificate of Rachel S. Brown, Watauga County, N.C. Notary Public, is certified to be correct. This instrument was presented for registration and duly recorded in the Office of the Register of Deeds of Watauga County, North Carolina in Book of Records 164, Page 631, on this the 15th day of October, 1990, at 4:25 AM/PM.

Phyllis E. Foster

Register of Deeds

Deputy Register of Deeds

(jch-030172)

EXHIBIT A
TO WARRANTY DEED
FROM JAMES C. GREENE, JR. AND WIFE, FRANCES T. GREENE
TO THE BOARD OF TRUSTEES OF
THE ENDOWMENT FUND OF APPALACHIAN STATE UNIVERSITY
(See N.C.G.S. 116-36)

Legal Description

BEING all that certain 10.600 acre tract or parcel of land in Boone Township and Brushy Fork Township, Watauga County, North Carolina, located on the north and southwest sides of the big "switchback" of NCSR 1102 (Poplar Grove Road) on the southwest side of Boone; being all of the property described in Deed Book 180, Page 513 and the perimeter of same, and being more fully described as follows:

BEGINNING on an existing railroad spike in the center of NCSR 1102 (Poplar Grove Road), said spike being a corner to Steve Poe et.al. and located South 63 degrees 59 minutes 25 seconds East 2,652.31 feet from NCGS Monument "HOWARD" (N=909,268.79 E=1,202,829.50 NAD '27); thence from the BEGINNING and with the Poe line, North 03 degrees 57 minutes 50 seconds East 507.57 feet to a 5/8 inch rebar set, corner to Grant Ayers; thence with the Ayers line as follows: South 65 degrees 14 minutes 15 seconds East, passing an existing iron pin on line at 8.20 feet, a total distance of 305.13 feet to an existing iron pin; thence North 87 degrees 18 minutes 45 seconds East 177.12 feet to an existing iron pin; thence North 64 degrees 55 minutes 45 seconds East 247.51 feet to an existing nail and cap in the center of a paved drive; thence with the center of said paved drive and the Ayers line, North 25 degrees 39 minutes 45 seconds East 62.13 feet to an existing nail and cap in the center of said drive; thence continuing with the Ayers line, North 07 degrees 14 minutes 05 seconds East 249.15 feet to a railroad spike set in the center of NCSR 1102 (Poplar Grove Road); thence with the center of said road a curve concave to the northeast having a radius of 275.00 feet or an arc distance of 61.29 feet (chord is South 26 degrees 16 minutes 40 seconds East 61.16 feet); thence with the center of NCSR 1102 (Poplar Grove Road), South 33 degrees 01 minutes 20 seconds East 214.17 feet to a railroad spike set; thence leaving said road and with the Charles Lewis line, South 34 degrees 25 minutes 05 seconds West 184.66 feet to a 5/8 inch rebar set; thence with the Charles Lewis line, South 08 degrees 08 minutes 55 seconds East 84.49 feet to a 5/8 inch rebar set; thence with the Charles Lewis line, South 16 degrees 36 minutes 55 seconds East 146.19 feet to an Ash tree; thence with the Charles Lewis line, North 67 degrees 54 minutes 05 seconds East 27.13 feet to an existing iron pin, corner to Grant Ayers; thence with the Ayers line, South 48 degrees 14 minutes 30 seconds East 201.15 feet to a 5/8 inch rebar set, corner to H.P. Melaragno; thence with the Melaragno line, South 47 degrees 06 minutes 30 seconds West 59.76 feet to a 5/8 inch rebar set; thence with the Melaragno line, South 19 degrees 30 minutes 30 seconds West, passing an existing iron pin on line at 79.64 feet, a total distance of 134.57 feet to a railroad spike set in the center of NCSR 1102 (Poplar Grove Road); thence with the center of said road a curve concave to the north having a radius of 155.00 feet for an arc distance of 110.17 feet (chord is South 80 degrees 09 minutes 50 seconds West 107.86 feet); thence with the center of said road a curve concave to the northwest having a radius of 2,070.00 feet for an arc

distance of 301.62 feet (chord is North 75 degrees 18 minutes 00 seconds West 301.35 feet); thence with the same a curve concave to the southwest having a radius of 865.00 feet for an arc distance of 103.57 feet (chord is North 74 degrees 33 minutes 20 seconds West 103.51 feet); thence with the same a curve concave to the south having a radius of 1,175.00 feet for an arc distance of 369.49 feet (chord is North 86 degrees 59 minutes 40 seconds West 367.97 feet); thence with the same a curve concave to the north having a radius of 340.00 feet for an arc distance of 86.48 feet (chord is North 88 degrees 43 minutes 00 seconds West 86.25 feet) to the BEGINNING; being described using bearings and distances relative to the North Carolina Geodetic Survey System NAD '27, and containing 10,600 acres as shown on Job or Plat No. 90307, dated September 26, 1990, entitled "Survey for The Board of Trustees of the Endowment Fund of Appalachian State University," prepared by Frank Lee Hayes, RLS No. L-1488; and being more particularly shown on said plat which is recorded in Plat Book 11, Page 217, Watauga County, North Carolina, Public Registry.

Exceptions

1. Right of Way to State Highway Commission for NCSR 1102 (Poplar Grove Road) as set forth in Book 87, Page 247, Watauga County Registry and shown on Job or Plat No. 90307, dated September 26, 1990, entitled "Survey for The Board of Trustees of the Endowment Fund of Appalachian State University," prepared by Frank Lee Hayes, RLS No. L-1488.
2. Water rights, spring rights and road right-of-way which is along the northwestern boundary of the property and being the driveway as furnishes ingress and egress to the Grant Ayers property as set forth in the Deed recorded in Deed Book 180, Page 513, Watauga County Registry.
3. Utility easements, power lines, sanitary sewer line and storm sewer line as shown on Job or Plat NO. 90307, dated September 26, 1990, entitled "Survey for The Board of Trustees of the Endowment Fund of Appalachian State University," prepared by Frank Lee Hayes, RLS No. L-1488.

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

Bk 1896 Pg 405 (3)

Recorded: 12/20/2016 at 01:21:37 PM
Doc No: 654099 Kind: DEED



654099

✓ OFFICE OF STUDENT DEVELOPMENT
ASU BOX 32117
BOONE, NC 28608

NORTH CAROLINA DEED OF GIFT

Excise Tax: \$0.00 (Gift Deed)

Parcel Identifier No. 2900-58-6723-000 Verified by Watauga County on the ____ day of _____, 20__

By: _____

Mail/Box to: Dayton T. Cole, Office of General Counsel, Appalachian State University, PO Box 32126, Boone, NC 28608.

This instrument was prepared by: Dayton T. Cole

Brief description for the Index: _____

THIS DEED made this _____ day of June, 2016, by and between

GRANTOR

Appalachian Student Housing Corporation
Office of Vice Chancellor for Student Development
Appalachian State University
B.B. Dougherty Administration Building, Rm 109
438 Academy Street
Boone, NC 28608

GRANTEE

Board of Trustees of the Endowment Fund of Appalachian State University
c/o Office of General Counsel
Appalachian State University
PO Box 32126
Boone, NC 28608

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

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

WITNESSETH, that Grantor, in consideration and support of the nonprofit and charitable purposes of Grantor, and for other valuable consideration given or paid by Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, give and convey unto Grantee in fee simple all that certain lot or parcel of land situated in the Town of Boone, Watauga County, North Carolina and more particularly described as follows:

A 6.457 acre parcel of land located on the southwest side of Poplar Grove Road (NCSR 1102) and more particularly described on Exhibit A, attached hereto and incorporated herein.

Also conveyed herewith is all of Grantor's right, title and interest in and to that certain Right of Way as set forth and described in Book 180, Page 513, Watauga County Registry and Plat Book 11, Page 217, Watauga County Registry.

Further conveyed are those well and spring rights as described in Book 159, Page 907, Watauga County Registry.

Bk 1896 Pg 406

Doc No: 654099 Kind: DEED

This conveyance is made subject to that Right of Way to Poplar Grove Road as set forth and described in Book 87, page 247, Watauga County Registry.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1110, Page 356.

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 has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following exceptions: This property is conveyed subject to ad valorem taxes for the current year and subsequent years, if any, and any other easements, restrictions and rights of way of record.

IN WITNESS WHEREOF, Grantor has duly executed the foregoing as of the day and year first above written.

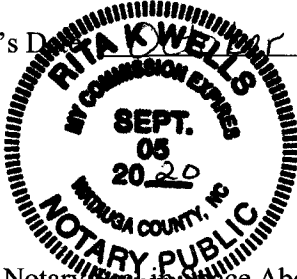
Appalachian Student Housing Corporation

By: Leroy Wright
 Print Name: Leroy Wright
 Title: President, ASHC

**STATE OF NORTH CAROLINA
 COUNTY OF WATAUGA**

I certify that the following person personally appeared before me this day, acknowledging to me that he or she signed the foregoing document: Leroy Wright.

Today's Date May 19, 2016.



[Affix Notary Seal in Space Above]

Rita K. Wells
 [Notary's signature as name appears on seal]

Rita K. Wells
 [Notary's printed name as name appears on seal]

My commission expires: September 5, 2020

Bk 1896 Pg 407

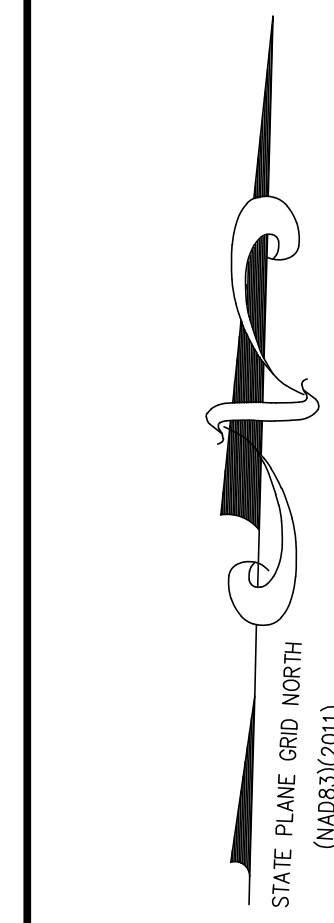
Doc No: 654099 Kind: DEED

Exhibit A

A 6.457 acre parcel of land located on the southwest side of Poplar Grove Road NCSR 1102 and being those properties described in Deed Book 99 at Page 651 and Deed Book 159 at Page 907 and being bound on the north by T. Adams, S. Adams, Deal, and Winkler (Book of Records 750 at Page 046) and Joseph Eller and Bruce Godwin (Book of Records 370 at Page 688), bound on the south by ASU Endowment Fund (Plat Book 11 at Page 217), and bound on the west by James and Shelia Deal (Book of Records 185 at Page 536) and the Hayes Living Trust (Book of Records 706 at Page 892) and being surveyed by Frank Lee Hayes, PLS L - 1488, Job No. 05259, on July 21, 2005 as:

BEGINNING on a 5/8 inch rebar with a cap having NCGS coordinates (Northing: 909,298.98' and Easting: 1,202,123.18') common corner to Hayes Living Trust, located South 85 degrees 35 minutes 59 seconds East 2,462.83 feet from NCGS Monument "Howard" and also located South 81 degrees 44 minutes 05 seconds East 133.63 feet from an existing 5/8 inch rebar with a cap, the southeast corner to Lot 10 of The Meadows (Plat Book 12 at Page 28); THENCE from the BEGINNING and with the line of T. Adams, S. Adams, Deal, and Winkler, South 86 degrees 00 minutes 00 seconds East 303.31 feet to an existing 3/4 inch steel rod; THENCE with the same, South 88 degrees 43 minutes 15 seconds East 191.15 feet to an existing 3/4 inch steel rod; THENCE South 88 degrees 43 minutes 15 seconds East 187.32 feet to a 5/8 inch rebar set in the line of Eller and Godwin; THENCE with the line of Eller/Godwin, South 88 degrees 43 minutes 15 seconds East 25.41 feet to a point in Poplar Grove Road; THENCE with the centerline of said road, South 17 degrees 37 minutes 45 seconds East 21.79 feet to a point; THENCE leaving said road and with the line of ASU Endowment Fund, South 07 degrees 14 minutes 05 seconds West 49.22 feet to a steel spike set in pavement; THENCE with the same, South 07 degrees 14 minutes 05 seconds West 199.93 feet to an existing railroad spike in pavement; THENCE with the same, South 25 degrees 39 minutes 45 seconds West 62.13 feet to an existing railroad spike in pavement; THENCE with the same, South 64 degrees 55 minutes 45 seconds West 247.51 feet to an existing 3/4 inch steel rod; THENCE with the same, South 87 degrees 18 minutes 45 seconds West 177.12 feet to a 5/8 inch rebar set replacing an iron; THENCE with the same, North 65 degrees 14 minutes 15 seconds West 305.13 feet to a 5/8 inch rebar set in the Deal line; THENCE North 03 degrees 57 minutes 50 seconds East 340.30 feet to the BEGINNING being described using bearings relative to NAD '27 and distances being measured horizontally.





Review Officer _____ Date _____

WILLIAM A. DACCHILLE
AND WIFE,
DONNA J. DACCHILLE
B.R. 178, PG. 739
PARCEL ID: 2900-58-0392-000

PARCEL 2
574068.25 SQ FT
13.18 ACRES

CORPORATION OF THE PRESIDING
BISHOP OF THE CHURCH OF
JESUS CHRIST OF LATTER-DAY
SAINTS
B.R. 543, PG. 725
PARCEL ID: 2900-68-2376-000

BY: _____ DEPUTY

WATAUGA COUNTY – NORTH CAROLINA

JEFF B. HOPPES, PLS,
REG. NO. L-4473 C-1154

DATE _____

Mattern & Craig
ENGINEERS/SURVEYORS

701 FIRST STREET, S.W.
ROANOKE, VIRGINIA 24016
(540) 345-9342
FAX (540) 345-7891

1

Communication: Case Pl 03541-013120 Application Information (Case Pl 03541-013120 & Case Pl 03608-022820 ASU Child Development Center - General Use Zoning Map Amendment)

Packet Pg. 23

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:

538 Poplar Grove Road

Watauga County Parcel Identification Number:

Portions of 2900587299000 & 2900586723000

Existing Zoning District(s): Un-zoned

Proposed Zoning District(s): E1

Adjacent Land Uses: N: Single-family dwelling E: Single-family dwelling; religious assembly

S: Single-family dwellings, ASU main campus W: Single-family dwelling

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

If yes, describe:

Total Land Area: 2.27 acres

C. Property Owner Information

Name:

Appalachian State University Board of Trustees of the Endowment Fund

Complete Mailing Address (Street, City, Zip):

438 Academy Street, Boone, NC 28608

Phone Number:

828-262-2030

Email Address:

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

D. Applicant Signature and Property Owner Authorization

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

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

Property Owner (Print)

Property Owner (Signature)

Date

Official Use Only				
Permit Name: ASU Child Development Center – General Use Zoning Map Amendment				
Permit Number: PL03608-022820				
Date: February 28, 2020	Fee: NA	Receipt Number: NA	Method of Payment: ☐ Cash ☐ Check Number: _____	Paid By: NA

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: June 22, 2020

PC Meeting Date: June 22, 2020

TC Meeting Date: July 2020

Date of APO Mailed Notification: June 1, 2020

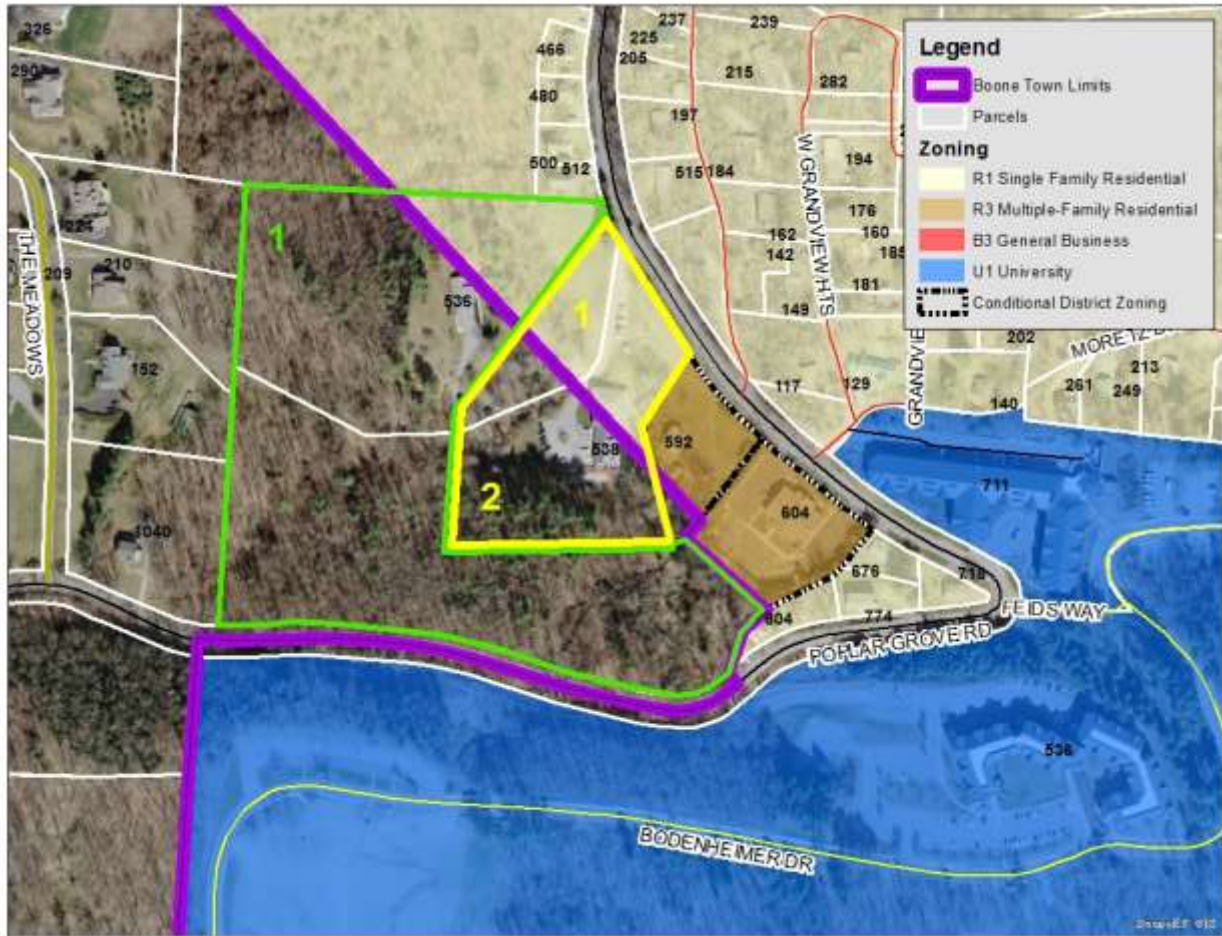
Date of Posted Notification: May 29, 2020

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

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STAFF REPORT
PUBLIC HEARING
JUNE 22, 2020

CASE PL03541-013120 AND CASE PL03608-022820 ASU CHILD DEVELOPMENT CENTER
GENERAL USE ZONING MAP AMENDMENTS



Requests

Due to how Case PL03541-013120 & Case PL03608-022820 deal with the same parcel, Staff has prepared a combined Staff Report for ease of explanation.

Case PL03541-013120 Information: The Board of Trustees of the Endowment Fund of Appalachian State University has requested a General Use Zoning Map Amendment for 1.61 acres of property located at or near 538 Poplar Grove Road (Watauga County PINs: 2900-58-7299-000 and 2900-58-6723-000) to rezone portions of the properties from R1 Single-Family Residential to E1 Educational District. Please see area marked with the yellow 1 on the map above.

Case PL03608-022820 Information: The Town of Boone has initiated the zoning of approximately 2.27 acres of property located off of 538 Poplar Grove Road (portions of Watauga County PINs: 2900-58-7299-000 and 2900-58-6723-000) owned by The Board of Trustees of the Endowment Fund of Appalachian State University to E1 Educational Zoning District in conjunction with the property owner's request for annexation of the property. Please see area marked with the yellow 2 on the map above.

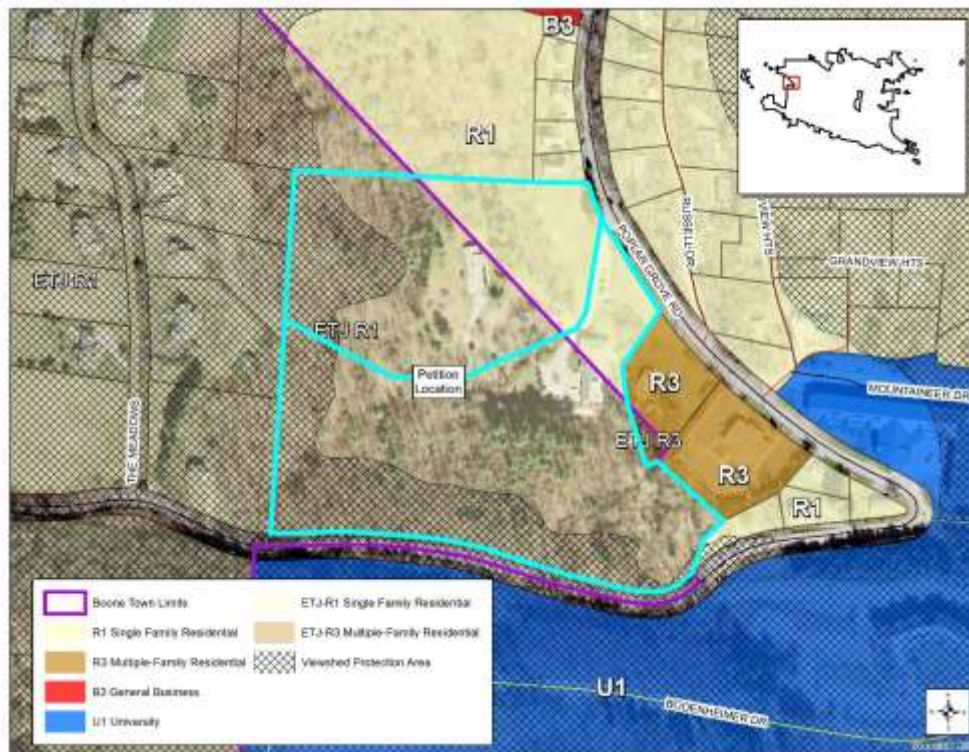
Explanation: The Board of Trustees of the Endowment Fund of Appalachian State University currently owns two adjacent parcels as shown on the map on page 1 (536 & 538 Poplar Grove Road).

The 536 Poplar Grove lot currently contains 6.47 acres and the use on the lot is a single-family dwelling unit. The 538 Poplar Grove lot currently contains 10.6 acres and the use on the lot is the ASU Child Development Center. These two lots are outlined in white on the map above (please note the external boundaries are either in yellow or green with the white line providing the current boundary which provides the interior separation between the two lots. Also see the attached annexation survey in Exhibit 1 for additional clarification.

The Board of Trustees of the Endowment Fund of Appalachian State University is proposing to recombine the two existing lots into two (2) new lots with new property boundaries:

1. The new 538 Poplar Grove lot (ASU Child Development Center) outlined in yellow on the attached map will contain 3.88 acres of which 2.27 acres are outside of corporate limits. The Town has been petitioned to annex the 2.27 acres outside of corporate limits. This new lot is the subject for the cases noted above. The requests are to rezone the existing zoned portions from R1 to E1 and to zone the un-zoned portion to E1.
2. The new 536 Poplar Grove lot (single-family dwelling) will contain the remaining 13.18 acres (outlined in green on the map above). Other than changes to the property boundaries, no other changes to the zoning or jurisdiction are being proposed for this lot.

ETJ History



1-10-2017: Town of Boone lost authority to exercise powers of extraterritorial jurisdiction.

Zoning Analysis



	Case PL03541-013120	Case PL03608-022820
Location on Map:	Area in corporate limits, outlined in yellow, marked "1"	Area outside of corporate limits, outlined in yellow, marked "2"
Applicant:	Appalachian State University Board of Trustees of the Endowment Fund	Town of Boone (based upon requested annexation of property)
Property Owner:	Appalachian State University Board of Trustees of the Endowment Fund	Appalachian State University Board of Trustees of the Endowment Fund
Address:	538 Poplar Grove Road	538 Poplar Grove Road
Watauga Co. PIN:	2900587299000 & 2900586723000	2900587299000 & 2900586723000
Use:	ASU Child Development Center, Use 9.01 Public College or University	ASU Child Development Center, Use 9.01 Public College or University
Size:	1.61 acres	2.27 acres
Jurisdiction:	Town of Boone	Watauga County
Access:	Poplar Grove Road (NCDOT maintained)	Poplar Grove Road (NCDOT maintained)
Viewshed:	No	No
Watershed:	No	No
Special Flood Hazard:	No	No
Steep Slope:	Yes	Yes
Previous ETJ Zoning:	NA- inside Boone corporate limits	R1 Single-Family
Existing Zoning:	R1 Single-Family	None
Requested Zoning:	E1 Educational	E1 Educational
Vesting:	None	None

	Adjacent Zoning	Adjacent Land Use (Watauga Co. Tax Data)
North	Not zoned (Watauga County Jurisdiction), R1 Single-Family	Single-family dwelling
East	R1 Single-Family, Conditional District R3 Multiple Family	Single-family dwellings, Religious Assembly
South	Not zoned for the portion of applicant's property remaining in Watauga County jurisdiction; beyond applicant's property & across Poplar Grove Road is zoned U1	Single-family dwelling; U1 contains ASU Main Campus
West	Not zoned (Watauga County Jurisdiction)	Single-family dwellings

Below are excerpts from the UDO regarding the district, use, intensity and height for the R1 Single-Family Zoning District (existing and former zoning of parcels), and the E1 Educational District (zoning districts which allow for permanent university uses due to the ASU Child Daycare Center).

Excerpt of ARTICLE 14 ZONING DISTRICTS AND ZONING MAP

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14.01.02 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.

...

14.03.03 The E-1 Educational District is established to provide for appropriate uses by colleges or universities outside of the ASU main campus. Such uses shall not include residential uses. The owner of a property zoned E-1 must be a college or university. In the event that a property or portion of property zoned E-1 is sold to a third party that is not a college or university, the property must be rezoned. The third-party property owner shall submit a petition to rezone the property within 6 months of closing on its purchase of the property.

...

Excerpt of ARTICLE 15 DISTRICT USES

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15.07 Table of Principal Uses

Use #	Specific Use	R1	E1	Reference
1.0 Household Living				
1.01	Single-Family Dwelling	P		
1.02	Manufactured Home "Class A"			15.08
1.03	Manufactured Home "Class B"			15.08
1.04	Manufactured Home "Class C"			
1.05	Manufactured Home Park			15.09
1.06	Duplex (one duplex building per lot)			
1.07	Duplex (more than one duplex building per lot)			15.10
1.08	Townhouse (up to 30 bedrooms)			15.10
1.09	Townhouse (31-100 bedrooms)			15.10
1.10	Townhouse (> 100 bedrooms)			15.10
1.11	Multi-Family Dwelling (up to 30 bedrooms)			15.10
1.12	Multi-Family Dwelling (31-100 bedrooms)			15.10
1.13	Multi-Family Dwelling (> 100 bedrooms)			15.10
1.14	Multi-Family Dwelling in Mixed Use (up to 30 bedrooms)			15.11
1.15	Multi-Family Dwelling in Mixed Use (31-100 bedrooms)			15.11
1.16	Multi-Family Dwelling in Mixed Use (> 100 bedrooms)			15.11
1.17	Adult Living Community			
2.0 Group Living				
2.01	Family Care Home	L		15.13
2.02	Family Care Institutions			15.14
2.03	Halfway House, Category 1			15.14
2.04	Halfway House, Category 2			15.14
2.05	Residential Care Facility			
2.06	Fraternity or Sorority Dwelling			15.16
2.07	Boarding House			15.17
3.0 Transient Living				
3.01	Home for Survivors of Domestic Violence	L		15.18
3.02	Shelter for Homeless, Category 1			15.19
3.03	Shelter for Homeless, Category 2			15.19
3.04	Bed and Breakfast, Category 1	S ^{T50}		15.20
3.05	Bed and Breakfast, Category 2			15.20
3.06	Vacation Rental			15.21
3.07	Motel			

Use #	Specific Use	R1	E1	Reference
3.08	Hotel			
4.0 Institutional				
4.01	Airport/Landing Strip			15.22
4.02	Heliport			15.22
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	S		
5.03	Government Neighborhood Cultural Facility, Includes Outdoor Activity			
5.04	Recreation Facility, Category 1			
5.05	Recreation Facility, Category 2	P		
5.06	Recreation Facility, Category 3	S		
5.07	Event Venue, Category 1			
5.08	Event Venue, Category 2			
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		15.23
5.14	Utility Facility, Government, Neighborhood	L		15.23
5.15	Utility Facility, Government, Regional			15.23
5.16	Government Facility			
6.0 Non-Government Utility Facility				
6.01	Utility Facility, Neighborhood	L		15.23

Use #	Specific Use	R1	E1	Reference
6.02	Utility Facility, Regional			15.23
7.0 Wireless Communication				
7.01	Small Wireless Collocation	L	L	15.25
7.02	Wireless Facility Collocation on Existing Wireless Support Structure or Utility Pole	L	L	15.24
7.03	Stealth Wireless Facility Attached to Existing Building or Structure	L	L	15.24
7.04	Non-stealth Wireless Facility Attached to Existing Building or Structure			15.24
7.05	Non-stealth Wireless Facility Collocation on Electrical Transmission Towers	L	L	15.24
7.06	Stealth Wireless Support Structure	S/L	L	15.24
7.07	Non-stealth Wireless Support Structure			15.24
7.08	Reserved			
7.09	Reserved			
7.10	Emergency Response Communication Antenna	P		
8.0 Assembly				
8.01	Religious Assembly, Category 1	P		
8.02	Religious Assembly, Category 2	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		p ^{T200}	
9.02	Private colleges and universities		p ^{T200}	
9.03	Trade school			
9.04	High school			
9.05	Elementary school			
9.06	Boarding school			
9.07	College- or university-operated community enterprise			15.70
10.0 Daycare				
10.01	Child Daycare, Large			15.26
10.02	Child Daycare Center			15.26

Use #	Specific Use	R1	E1	Reference
10.03	Adult Daycare, Large			15.26
10.04	Adult Daycare Center			15.26
10.05	All Other Daycare			
11.0 General Sales and Service				
11.01	Kennel			15.27
11.02	Veterinary Office/Hospital with Outdoor Kennels			15.27
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			15.28
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			

Use #	Specific Use	R1	E1	Reference
11.25	Medical Office, Category 4			
11.26	Hospital			
11.27	Medical Emergency Response			
11.28	Open Air Market, Recurring			15.29
11.29	Vehicle Sales and Service			15.30
11.30	Equipment Sales and Service			15.31
11.31	Moped Sales and Service			
11.32	Boat or Marine Craft Sales and Service			15.32
11.33	Impound Lot/Towing Service			15.33
11.34	Gas Station			
11.35	Car Wash			
11.36	Seasonal Retail Activities and Amusements			
12.0 Recreation & Entertainment Uses				
12.01	Indoor Shooting Range			15.34
12.02	Outdoor Shooting Range			
12.03	Indoor Theater			
12.04	Outdoor Theater			
12.05	Event Venue, Category 1			
12.06	Event Venue, Category 2			
12.07	Event Venue, Category 3			
12.08	Campground and Recreational Vehicle Park			15.35
12.09	Coliseum			
12.10	Recreation Facility, Category 1			
12.11	Recreation Facility, Category 2			
12.12	Recreation Facility, Category 3			
12.13	Racetrack			
13.0 Agriculture				
13.01	Garden, Community	L		15.36

Use #	Specific Use	R1	E1	Reference
13.02	Garden, Residential	L		15.37
13.03	Agricultural Operation Excluding Livestock			
13.04	Agricultural Operation Including Livestock			
13.05	Swine Farm			
13.06	Confined Animal Feeding Operation (CAFO)			
13.07	Custom Slaughterhouse			
13.08	Other Slaughterhouse			
13.09	Forestry	L		15.38
14.0 Manufacturing				
14.01	Microbrewery			15.39
14.02	Brewpub			15.39
14.03	Brewery/Distillery			15.40
14.04	Brewery/Distillery, Other			15.41
14.05	Winery Associated with a Vineyard			15.42
14.06	Winery			15.42
14.07	Winery, Other			
14.08	Extraction of Earth Materials			
14.09	Machine/Welding Shop			15.44
14.10	Manufacturing, Other			15.45
15.0 Parking				
15.01	Parking Lot			15.46
15.02	Parking Structure			15.47
15.03	Park and Ride Lots			15.46
16.0 Storage				
16.01	Self-Storage Facilities			15.48
16.02	Outdoor Storage			15.49
16.03	Warehouse			
16.04	Fuel Storage Facility			
16.05	Chemical Storage Facility			

Use #	Specific Use	R1	E1	Reference
17.0 Transportation				
18.0 Waste Related Uses				
18.01	Recycling Drop-off Station			15.49
18.02	Recycling and Salvage			15.49
18.03	Junkyard			
18.04	Private Landfill			
19.0 Particular Activities Which Pose Particular Concern About Public Health				
19.01	Electronic and Internet Gaming			
19.02	Adult Establishments			

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Excerpt from ARTICLE 16 DISTRICT STANDARDS

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16.01 Schedule of Land Use Intensity Regulations

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16.01.02 Intensity Table

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Minimum Livability Space Ratio* (LSR)	Minimum Setbacks	
					Street	Interior
R1	8,000 sq. ft.	70 ft.	56 ft.	.53	20 ft.	14 ft.
E1	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.

...

16.08 Building Height

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16.08.02 Subject to the remaining provisions of this Section, building height limitations in the various zoning districts shall be as follows:

Zone	Height Limitation
R1	3 stories/40'; accessory structures may not exceed 25'
E1	3stories/45' (primary) – 5 stories/67' (secondary)

...

16.08.03 In the R3, B2, B3, E1, E2 and E3 districts the height limitation may range between the primary height limitation in the table to the secondary height limitation (which is the maximum for the district), subject to the provisions below:

- A. For each foot the height of the structure exceeds the primary height limitation, the boundary lot setback applicable to the entire structure shall increase by one foot (1').
- B. For each story which exceeds the primary height limitation, the boundary lot setback applicable to the entire structure shall increase by 11 feet (11').
- C. In no case shall the height of a structure exceed the secondary height limitation established in the table.

...

Town Departmental Analysis (From Annexation Report Sent to Town Council)

Public Works – Utilities Division (M. Trivette, Utility Services Technician)

Please see attached memo from Mike Trivette, Utility Service Technician. (Exhibit 2)

Public Works – Services Division (J. Stines, Facilities Maintenance Supervisor)

Can provide Town services.

Fire Department (A. Flieg, Fire Marshal)

Can provide Town services.

Police Department (D. Crawford, Police Chief)

Do not see any issues with being able to provide services to the site, nor are there any recognized safety hazards to the public.

2006 Comprehensive Plan Analysis

1.1 OVERALL OBJECTIVES FOR THE BOONE COMPREHENSIVE PLAN (p. 15):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

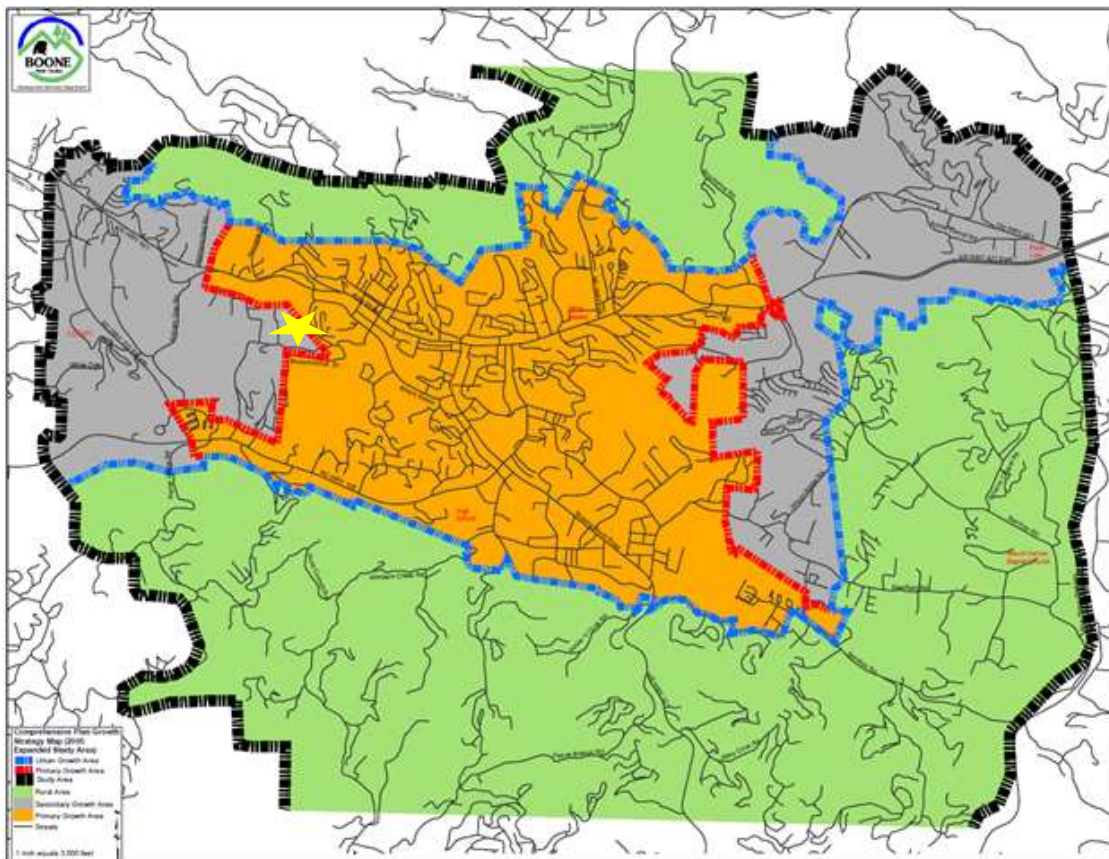
Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

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

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

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

1.2 GROWTH STRATEGY MAP (p. 17):



The portion of the property within the corporate limits is located within the Primary Growth area and the portion of the property located outside the corporate limits is located within the Secondary Growth Area.

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

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

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

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

2.1 Economy (page 21)

2.1.1 Economic Development

- A.** The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy.
 - A.1** Continue to evaluate and amend development regulations to help insure aesthetic quality in the area and preserve the natural beauty of the area.
 - A.2** Adopt analytically sound, technically based hillside development regulations to preserve natural beauty.
 - A.3** Support the Arts Council, Jones House, ASU and others in attracting quality cultural events to Boone.
 - A.4** Balance the benefits of economic development projects with special concern for environmental quality issues.
- B.** New and expanding industries and businesses shall be encouraged which: 1) diversify the local economy, 2) train and use a skilled labor force and 3) increase area residents' incomes.
- C.** The Town shall encourage the development of a well-balanced tourism trade as a primary element of the area's economic future. Investments in services, facilities, and proper growth management shall be employed in furtherance of this objective.
- D.** Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.
 - D.1** Evaluate development regulations for amendments providing flexibility in the renovation and redevelopment of existing structures and sites.

- D.2** Urge the resolution of the clean-up process of the 482 State Farm Road site so as to render the building suitable for use as soon as possible.
- D.3** Pursue annually at least one joint public-private venture that will benefit the community at large.
- E.** The Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area's physical and human resources.
 - E.1** Continue to look for ways to make development regulations and permit procedures more predictable and timely. Evaluate opportunities for administrative review and permit issuance for development projects which, due to their small size or relatively minor impacts, may not require review by a formal public commission or board.
- F.** New firms and expanding businesses that complement the natural resources and beauty of the region shall be especially recruited and encouraged.
- G.** The Town shall support the development of new business parks.
 - G.1** Identify suitable property for possible business park development.
- H.** The Town shall promote coordination of economic development resources with the appropriate institutions and agencies. Regional coordination and interaction among areas with a shared economic interest shall be encouraged.
 - H.1** Assist business recruitment and expansion efforts by providing demographic and market data and development information to potential developers and business prospects. Direct such interested parties, by referral through the Economic Development Director, to identified locations in the community.
 - H.2** Include economic development as a specific point of discussion by the recently created Community Council.
 - H.3** Continue to support the Economic Development Commission as the lead economic development agency in the county. Continue to support and work with the Committee of 100, Chamber of Commerce, Tourism Development Authority, High Country Host, Broyhill Institute for Business Development, High Country Council of Governments, Caldwell Community College and Technical Institute, JobLink and others on issues of economic benefit to the whole community.
- I.** Small business start-ups, expansions and spin-offs shall be encouraged. The presence of ASU and Caldwell Community College and Technical Institute shall be recognized as a necessary and important resource for area businesses.
- J.** Appropriate educational and training programs shall be encouraged to help local residents, especially those unemployed and underemployed, take advantage of business expansion and to develop new skills.
 - J.1** Encourage the growth of a student internship program between area businesses, ASU and Caldwell Community College and Technical Institute as a means of providing training for Boone area citizens.

J.2 Actively pursue workforce training through ASU and Caldwell Community College and Technical Institute to meet existing needs of current employers and make efforts to develop the skills necessary for higher paying jobs.

J.3 Support careers education programs in the public schools.

K. Boone shall identify and provide services consistent with the needs of the area's growing retiree population.

K.1 Support local agencies and institutions efforts in the development of programs and services providing for the needs of the growing retiree population.

2.1.2 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.

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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 June 1, 2020.

/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 29, 2020.

/s/ Darrell Pulliam

Darrell Pulliam, Building Inspector

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.

PLANNING BOARD REPORT

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

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

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

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

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

TOWN COUNCIL ACTION

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

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

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

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



SURVEYORS CERTIFICATION:

I, JEFF B. HOPPES CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION FROM DEED DESCRIPTION(S) RECORDED IN BOOK OF RECORDS 1896, PAGE 405, BOOK OF RECORDS 164, PAGE 631; PLAT BOOK 11, PAGE 217; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION AS REFERENCED; THAT THE RATIO OF PRECISION AS CALCULATED DOES NOT EXCEED 1:10,000;

THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. THAT THIS PLAT MEETS THE REQUIREMENTS OF G.S. 47-30 SECTION F-11-C-1; THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

JEFF B. HOPPES, PLS,
REG. NO. L-4473 C-1154

DATE _____

SURVEYOR NOTES:

1. ALL DISTANCES ARE GROUND MEASUREMENTS IN US SURVEY FEET UNLESS OTHERWISE NOTED.
2. REFERENCES ARE AS SHOWN ON THE PLAT.
3. PROPERTY OWNERS SHOWN TAKEN FROM WATAUGA COUNTY GIS AS OF FEBRUARY 2, 2020
4. THIS PROPERTY MAY BE SUBJECT TO OTHER RIGHTS-OF-WAY, EASEMENTS, RESERVATIONS AND RESTRICTIONS, WRITTEN AND UNWRITTEN, RECORDED AND UNRECORDED, NOT SHOWN HEREON..
5. SUBJECT PROPERTY IS LOCATED IN ZONE X (MINIMAL FLOOD HAZARD) PER FIRW 3710290000J, EFFECTIVE DATE 12/03/2009.
6. AREA DETERMINED BY COORDINATE COMPUTATION AND IS IN US SURVEY FEET UNLESS OTHERWISE NOTED.
7. THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF ABSTRACT TITLE.
8. THIS SURVEY IS INTENDED ONLY FOR THE NAMED PARTY OR PARTIES AS SHOWN HERON, NO WARRANTIES ARE HEREBY IMPLIED OR GRANTED TO ANY OTHER PARTY FOR ANY PURPOSE
9. BOONE TOWN LIMITS AND ETJ BOUNDARIES ARE PER WATAUGA COUNTY GIS. LINE IS SHOWN FOR PROPOSED ANNEX PURPOSES ONLY.

REGISTER OF DEEDS

State of North Carolina
County of Watauga

FILED FOR REGISTRATION ON THE ____ DAY OF _____, 2020
AT _____

PLAT BOOK _____, PAGE _____

REGISTER OF DEEDS, WATAUGA COUNTY

BY: _____ DEPUTY

I (WE) CERTIFY THAT I AM (WE ARE) THE
OWNER(S) OF THE PROPERTY DESCRIBED HEREON,
WHICH PROPERTY LOCATED WITHIN THE
JURISDICTION OF THE TOWN OF BOONE.

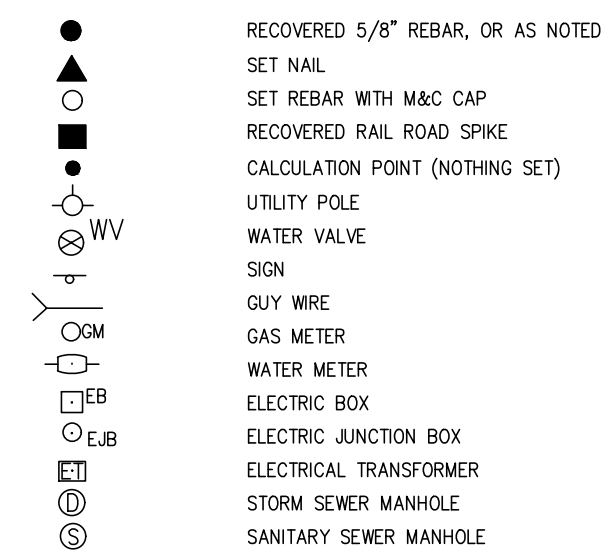
REVIEW OFFICER

State of North Carolina
County of Watauga

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

Review Officer	Date
----------------	------

LEGEND



SD
S
O/U
CO
DI
CB
TRF JB
x
y

STORM WATER LINES
UNDERGROUND SEWER LINE
OVERHEAD UTILITY LINES
SEWER EASEMENT
CLEAN OUT
DROP INLET
CURB INLET
TRAFFIC JUNCTION BOX
ELECTRICAL TRANSFORMER
PEDESTRIAN TRAFFIC LIGHT POLE
GUARD RAIL
FENCE LINE
PROPERTY LINE
ADJOINER LINE TAKEN FROM DEEDS
PROPOSED BOUNDARY LINES

GLOBAL POSITIONING CERTIFICATION (RTK)

CLASS OF SURVEY: A
THE POSITIONAL ACCURACY OF THE RTK DERIVED POSITIONAL
INFORMATION
IS 0.036 HORIZONTAL AND 0.071 VERTICAL FOR GPS 2.
TYPE OF GPS FIELD PROCEDURE: RTK
EQUIPMENT USED: TRIMBLE R8S DUAL FREQUENCY RECEIVER.
DATUM/EPOCH: NAD83 (2011) EPOCH 2010.00
PUBLISHED FIXED CONTROL: N/A
GEOID MODEL: GEOID 12B
COMBINED FACTOR: 1.0001397571
UNITS: US SURVEY FEET
GRID NORTH AND GRID COORDINATES DERIVED BY VRS NETWORK
OBSERVATIONS.

"PRELIMINARY PLAT – NOT FOR RECORDATION,
CONVEYANCES, OR SALES"

A PLAT SHOWING
A BOUNDARY SURVEY
FOR
A PROPOSED RECOMBINATION
AND PROPOSED SUBDIVISION
(FOR ANNEXATION PURPOSES)

APPALACHIAN STATE UNIVERSITY

TOWN OF BOONE & BRUSHY FORK TOWNSHIP
(SEE NOTE 9)

WATAUGA COUNTY – NORTH CAROLINA

BOUNDARY AND PARTIAL TOPOGRAPHIC SURVEY

CHILD DEVELOPMENT CENTER

BEING SITUATED ALONG POPLAR GROVE RD, BOONE NC

Vertical Scale:
N/A

Horizontal Scale:
1"=60'

Commission Number:
3934-G

Sheet No.:

1

Town of Boone



Public Works Department Utilities Division

To: Jane Shook, Director of Planning and Inspections

From: Mike Trivette, Utility Services Technician

Date: February 12, 2020

Subject: ASU Child Development Center
PL03540-013120 - Voluntary Annexation

Mr. Paul D. Forte is requesting to obtain water and sanitary sewer services for properties located on/near 538 Poplar Grove Rd. The existing annexed portion of properties are served with water and sanitary sewer services. The water system in this is on a secondary pressure system.

In accordance with sections below of The Town of Boone Code of Ordinances:
Chapter 50 Water and Sewers

The proposed annexation would not be allowed to create an extension, but would be allow to make connections after annexation and zoning.

§ 50.285 GENERAL.

The intent of this subchapter is to set forth standard procedures whereby water and sewer connections may be made, and whereby mains may be extended where no mains are presently laid. An **EXTENSION** refers to the continuation of a water main beyond its currently existing limits, while a **CONNECTION** is defined as the linking of pipes serving a single customer to an existing water main.

§ 50.292 EXTENSIONS AND CONNECTIONS IN THE SECONDARY PRESSURE ZONE.

In general, the **SECONDARY PRESSURE ZONE** includes all areas at an altitude above 3,400 feet above sea level. Notwithstanding any other provision of this chapter, requests for extensions and connections into the secondary pressure zone may only be approved if the following additional criteria are satisfied.

(A) *Requests for extensions into the secondary pressure zone.* No service extensions into the secondary pressure zone shall be considered for approval unless:

(1) The property for which service is requested was located inside the town limits on or before March 8, 2007; and

(2) The applicant agrees to adhere to town secondary pressure zone specifications, and among other things, agrees at its expense to:

- (a) Use minimum-eight-inch pipe diameter;
- (b) Provide all needed booster pumping station(s) of EFI design with fire pumping capabilities;
- (c) Provide a minimum-100,000-gallon, welded-joint, steel storage tank;
- (d) Install pressure protection for each individual water service; and
- (e) Install dataflow systems radio telemetry compatible with existing town system; and

(3) All portions of a proposed extension are below 3,620 feet in elevation.

(B) *Request for connections into the secondary pressure zone.* A connection to an existing water main in a secondary pressure zone may be approved in cases in which such connection:

- (1) Creates no negative impact on the town's distribution system;
- (2) Allows adequate pressure to be maintained as may be necessary to comply with the requirements of the Fire Department and applicable fire codes;
- (3) Results in no additional costs to the town; and
- (4) Otherwise complies with the requirements of the town water and sewer code for connection to the town's water system.

Thank you.

If you have any questions, or require any additional information feel free to contact me.

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:
PL03942-060520
Case Name:
Temporary Classrooms

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): 15

Section(s): 15.07, 15.69

Brief Description of Amendment (Attach Proposed Text):

To modify the regulations associated with Temporary Classrooms .

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

Jane Shook
Applicant (Print)

/s/ Jane Shook
Applicant Signature

June 5, 2020
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: June 22, 2020

PC Meeting
Date: June 22, 2020

TC Meeting
Date: July 2020

Text Approved: ☐ Yes ☐ No

Notes:

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

Communication: Case PL03942-060520 Application Information (Case PL03942-060520 Temporary Classrooms - UDO Text Amendment)



**STAFF REPORT
PUBLIC HEARING
JUNE 22, 2020**

Case PL03942-060520 Temporary Classrooms - UDO Text Amendment

Request

The Town was approached by the Watauga County Board of Education in late 2019 with concerns about the pending expiration date (September 2020) for the temporary classrooms installed at Hardin Park Elementary. Due to large class sizes, the school had run out of permanent classrooms spaces to accommodate the growing school. The school system is in the planning process of exploring long-term solutions but the permitting for this would not be completed before their current temporary classroom permit expires.

Council discussed and gave approval to Town Staff at the 2020 Planning Retreat to move forward with an amendment to address this issue. The current text was also modified to provide further clarification on temporary classrooms.

Proposed Ordinance Amendment

ORDINANCE # _____

**AN ORDINANCE TO REVISE THE TOWN OF BOONE UNIFIED DEVELOPMENT ORDINANCE (UDO)
RELATING TO TEMPORARY CLASSROOMS**

WHEREAS, the Town Council recognizes the current need to accommodate the increase of enrollment at the local elementary school; and

WHEREAS, the Town Council finds that it is in the best interest of the Town and its citizens that temporary classrooms, subject to regulation, be allowed for expansion of educational spaces as an interim step, while the Board of Education plans for a long-term solution; and

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

WHEREAS, this proposed UDO text amendment was duly noticed for public hearing; a public hearing was held with respect to the proposed amendment on June 22, 2020; and the Boone Planning Commission has had an opportunity to submit a written report to the Boone Town Council with respect to the proposed amendment;

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

SECTION 1. The following subsections of Article 1 of the Boone UDO are hereby amended as follows, with deletions and additions shown in **red** and **blue** respectively:

Article 14 Zoning Districts**14.03 Educational Districts**

14.03.05 The E-3 Educational District is established to provide for planning and appropriate expansion of trade schools and public or private elementary and secondary educational institutions. Such uses shall not include residential uses unless such are approved through a CD process. The owner of a property zoned E-3 must be a public or private educational institution. In the event that a property or portion of property zoned E-3 is sold to a third party that is not such an educational institution, the property must be rezoned. The third-party property owner shall submit a petition to rezone the property within 6 months of closing on its purchase of the property.

Article 15 District Use Requirements**15.07.03 Table of Temporary Uses**

Use #	Temporary Use	Zoning Districts																				Refer
		Low Density Residential				Medium to High Density Residential						Commercial/Industrial					Education					
		RA	R1	R1A	RR	R1S	R2	R4	MH	R3	R5	OI	B1	B2	B3	M1	U1	E1	E2	E3		
T-1	Temporary care provider dwelling	L			L		L	L	L	L		L	L	L	L						15.	
T-2	Temporary construction or repair dwelling	L	L	L	L	L	L	L	L	L		L	L	L	L	L					15.	
T-3	Temporary construction trailer	L	L	L	L	L	L	L	L	L		L	L	L	L	L					15.	
T-4	Temporary mobile medical unit												L		L						15.	
T-5	Temporary classroom											L			L					L	15.	
T-6	Temporary portable storage containers	L	L	L	L	L	L	L	L	L		L	L	L	L	L					15.	
T-7	Temporary staging											L			L	L					15.	
T-8	Temporary non-fixed site event venue	L										L			L						15.	
T-9	Carrier on wheels (cow)	L	L	L	L	L	L	L	L	L		L	L	L	L	L					15.	
T-10	Yard sales	L	L	L	L	L	L	L	L	L		L	L	L	L	L					15.	
T-11	Itinerant merchant/peddler	L	L	L	L	L	L	L	L	L		L	L	L	L	L					15.	
T-12	Open air market, temporary	L										L	L	L	L	L					15.	
T-13	Temporary Use 9.01 Public Colleges and Universities											L			L	L					15.	

Communication: Case PL 03942-060520 Staff Report (Case PL 03942-060520)

15.69 Temporary Uses**15.69.01 General Regulations:**

- A. Unless otherwise provided here in, all listed temporary uses are required to obtain a permit in compliance with the regulations of this Section.
- B. Unless expressly permitted no sign may be erected in conjunction with a temporary use.
- C. Only those improvements and modifications minimally necessary for the temporary use to function are permitted.
- D. In the event the property owner fails to remove a temporary structure within the described time frames after the permit authorizing its use has been terminated, the Town may remove the said temporary structure at the expense of the owner, and may seek to recover through collection efforts or a civil action against the owner, the costs of removal, court costs and attorney fees.
- E. A sight triangle ten feet (10') by seventy feet (70') must be observed at all intersections of driveways or streets with adjacent streets.
- F. Temporary uses shall not be subject to the requirements of Article 25 Community Appearance Standards unless provided in this Section.
- G. No required existing landscape buffer may be disturbed for any temporary use.
- H. All temporary uses shall meet all applicable NC Building Codes.
- I. Unless otherwise provided herein, the land use intensity ratios of Section 16.01 shall apply.
- J. Unless otherwise provided herein, landscaping is not required for temporary uses.

...

15.69.06 Temporary Classroom: A temporary ~~classroom~~ structure serving as expansion space for schools may be permitted as a temporary ~~use accessory~~ use to Use 9.05 ~~Education Elementary School~~ and Use 11.23 Hospital subject to the following conditions:

- A. A temporary classroom must be accessory and related to the principal use on the lot.
- B. A temporary classroom shall only be allowed at a density that does not exceed one temporary classroom for every five (5) acres.
- C. The temporary classroom shall be placed on the lot in such manner that it meets all required setbacks.
- D. The location, placement, and type of the temporary classroom must be selected so as to minimize any negative effects on adjacent properties.
- E. The land use intensity ratios of Section 16.01 do not apply to a temporary classroom.
- F. Landscape buffers must be provided to the extent the temporary classroom is adjacent to properties not associated with the principal use for the lot for which the temporary classroom serves.

~~F.G.~~ Article 25 Community Appearance Standards shall not apply to temporary classrooms.

G.H. The permit shall be valid for ~~three (3)~~ ten (10) years from the date of issuance.

The temporary use permit may be extended subject to the following conditions:

1. A one (1) year extension is allowed if a building permit for an approved project for permanent construction which would replace the need for the temporary classroom has been issued prior to the expiration of the temporary permit; and
2. The applicant requests an extension within ninety (90) days prior to the expiration of the temporary permit period.

...

Article 17 Wellness District Standards

...

17.02 District Use Requirements

- 17.02.01** Except as provided herein, all principal, accessory and temporary uses within the WD shall comply with Article 15 District Uses.
- 17.02.02** Except for educational uses and medical uses, development containing more than 20,000 square feet or having building footprints greater than half an acres shall provide for a mix or two or more (2+) principal uses.
- 17.02.03** The permitted uses allowed within the Wellness District are those permitted under the Town of Boone, Unified Development Ordinance, Article 15, District Use Requirements as of the date of the approved Wellness District Small Area Plan and are further limited herein.

...

C. Table of Temporary Uses

Use #	Specific Use	Reference
T-3	Temporary Construction Trailer	15.69
T-4	Temporary Mobile Medical Unit	
T-5	Temporary Classroom	
T-8	Temporary Non-Fixed Site Event Venue	
T-9	Temporary Carrier on Wheels (COW)	
T-11	Temporary Iterant Merchant/Peddler	

Article 34 Definitions

Elementary School

A school that includes first through eighth grades and may have a kindergarten or early childhood program.

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

CONFORMITY TO ADOPTED PLANS

COMPREHENSIVE PLAN UPDATE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMPREHENSIVE PLAN POLICIES

2.1 THE ECONOMY

2.1.1 Economic Development

- A.** The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy.
 - A.1** Continue to evaluate and amend development regulations to help insure aesthetic quality in the area and preserve the natural beauty of the area.
 - A.2** Adopt analytically sound, technically based hillside development regulations to preserve natural beauty.
 - A.3** Support the Arts Council, Jones House, ASU and others in attracting quality cultural events to Boone.
 - A.4** Balance the benefits of economic development projects with special concern for environmental quality issues.
- B.** New and expanding industries and businesses shall be encouraged which: 1) diversify the local economy, 2) train and use a skilled labor force and 3) increase area residents' incomes.
- C.** The Town shall encourage the development of a well-balanced tourism trade as a primary element of the area's economic future. Investments in services, facilities, and proper growth management shall be employed in furtherance of this objective.
- D.** Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.
 - D.1** Evaluate development regulations for amendments providing flexibility in the renovation and redevelopment of existing structures and sites.
 - D.2** Urge the resolution of the clean-up process of the 482 State Farm Road site so as to render the building suitable for use as soon as possible.
 - D.3** Pursue annually at least one joint public-private venture that will benefit the community at large.
- E.** The Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area's physical and human resources.

- E.1** Continue to look for ways to make development regulations and permit procedures more predictable and timely. Evaluate opportunities for administrative review and permit issuance for development projects which, due to their small size or relatively minor impacts, may not require review by a formal public commission or board.
- F.** New firms and expanding businesses that complement the natural resources and beauty of the region shall be especially recruited and encouraged.
- G.** The Town shall support the development of new business parks.
 - G.1** Identify suitable property for possible business park development.
- H.** The Town shall promote coordination of economic development resources with the appropriate institutions and agencies. Regional coordination and interaction among areas with a shared economic interest shall be encouraged.
 - H.1** Assist business recruitment and expansion efforts by providing demographic and market data and development information to potential developers and business prospects. Direct such interested parties, by referral through the Economic Development Director, to identified locations in the community.
 - H.2** Include economic development as a specific point of discussion by the recently created Community Council.
 - H.3** Continue to support the Economic Development Commission as the lead economic development agency in the county. Continue to support and work with the Committee of 100, Chamber of Commerce, Tourism Development Authority, High Country Host, Broyhill Institute for Business Development, High Country Council of Governments, Caldwell Community College and Technical Institute, JobLink and others on issues of economic benefit to the whole community.
- I.** Small business start-ups, expansions and spin-offs shall be encouraged. The presence of ASU and Caldwell Community College and Technical Institute shall be recognized as a necessary and important resource for area businesses.
- J.** Appropriate educational and training programs shall be encouraged to help local residents, especially those unemployed and underemployed, take advantage of business expansion and to develop new skills.
 - J.1** Encourage the growth of a student internship program between area businesses, ASU and Caldwell Community College and Technical Institute as a means of providing training for Boone area citizens.
 - J.2** Actively pursue workforce training through ASU and Caldwell Community College and Technical Institute to meet existing needs of current employers and make efforts to develop the skills necessary for higher paying jobs.
 - J.3** Support careers education programs in the public schools.
- K.** Boone shall identify and provide services consistent with the needs of the area's growing retiree population.

K.1 Support local agencies and institutions efforts in the development of programs and services providing for the needs of the growing retiree population.

...

2.3 THE COMMUNITY

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

PLANNING BOARD REPORT/RECOMMENDATIONS

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

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

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

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

TOWN COUNCIL ACTION

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

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

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

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

**PLANNING COMMISSION MEETING MINUTES
MONDAY, OCTOBER 28, 2019 AT 6:00 P.M.
IN TOWN COUNCIL CHAMBERS**

PLANNING COMMISSION MEMBERS PRESENT: Elizabeth Shay-Chairperson, Eric Plaag-Vice Chairman, Chris Behrend, James Hedrick, and Frank Venio

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections and Brenda Henson-Board Secretary

CALL TO ORDER

Chairperson Shay called the Planning Commission meeting to order at 6:01 p.m.

CASE PL02634-060519 Sidewalk Fee-in-Lieu – UDO Text Amendment

The Town of Boone has initiated a UDO Text Amendment to revise UDO Articles 15, 17 & 23 to limit when an applicant can utilize fee-in-lieu for sidewalks. Amendments may also be made to other Articles to conform them to changes made in these Articles.

Vice Chairman Plaag asked the Commission how they felt about proceeding because he felt uncomfortable with proceeding with editing by committee while in session. He stated he thought they were all up to the task but did not want the Commission spend the time with all the edit and have whatever they come up with at the end of the meeting not pass.

Chairperson Shay noted she was not at the public hearing where these text amendments were discussed and asked if there was discussion on them. Ms. Shook stated there was a great deal of discussion and directed Commission members to the September 23, 2019 draft minutes that were emailed to them prior to this meeting. She noted that paper copies of the minutes had been provided for them tonight and encouraged Commission members to take a few moments to look over the draft minutes if they had not already done so.

Vice Chairman Plaag asked if Commission members could make reference to the draft public hearing minutes if they needed to. Ms. Shook felt that they could reference the draft and noted the minutes were prepared for that purpose and were not intended to be considered for approval at this time.

Chairperson Shay asked for the reasoning behind the requested text amendment. Ms. Shook explained that Town Council wanted developments to pay their own way and go ahead and install sidewalks rather than paying a fee-in-lieu. Ms. Shook stated that the fees-in-lieu do not usually cover the actual cost of sidewalk installation noting that fees are for materials only and do not include labor costs. Ms. Shook pointed out, that though requiring sidewalk construction would cause pockets of sidewalks that would not connect to existing sidewalks the goal was to eventually have the sidewalks connect.

Ms. Shook stated the sidewalk handbook, handled by Public Works, was scheduled to be updated, would require the involvement of engineers, and was currently out to bid.

Chairperson Shay asked what happened after Planning Commission made a decision on the amendment. Ms. Shook explained that once Planning Commission makes a recommendation, Town Council has a certain number of days to act on that recommendation and if no recommendation is made this evening, Town Council could act on the request because it has been 30 days since the hearing. Ms. Shook stated if Planning Commission members felt there were things in the text that still needed to be addressed they could recommend those items be addressed in a subsequent revision.

Chairperson Shay referred to Section 23.08.03 Design Requirements and asked why the wording was being

changed from *approval by the Public Works Director* to *approval by the Administrator*. Ms. Shook replied that the change to Administrator was broader and would provide staff with more flexibility.

Ms. Shook asked Commission members if they had any concerns outside of the concerns that were discussed at the public hearing. Members indicated they did not.

Commission Member Veno asked what about the proposed text made it harder for someone to pay a fee-in-lieu. Ms. Shook explained that applicants must install sidewalks if they are constructing a new major subdivision, a new multi-family residential development, or a new office, institutional, commercial or industrial development. She stated that sometimes applicants chose not to install sidewalks because the fee-in-lieu was cheaper than putting in the sidewalk. Ms. Shook noted that the fee-in-lieu charge would be revised as well and would be more of a true estimate of labor and materials costs. She stated that this text would require developments to install a sidewalk, as well as curb and gutter if necessary, regardless of whether or not there was existing sidewalks to connect to. Sidewalks must be constructed to the Town standards that are listed in the Town's Sidewalk and Street Manual. Ms. Shook stated the proposed text would only allow payment of fee-in-lieu in the event of steep slope or other environmental issues that would be damaging or dangerous. Ms. Shook stated that fee-in-lieu payments go into a fund that is then used to install sidewalks on the Sidewalk Priority List. She explained that the Town did not have to use the money paid by the development to build the sidewalk at the development. Vice Chairman Plaag felt if the development was not located in an area on the sidewalk priority that it could be years before a sidewalk might be installed there and the in-lieu amount paid might not cover the cost of building that sidewalk after a number of years had passed.

Vice Chairman Plaag referred to Section 23.08.01 and the requirement that sidewalks must be installed for new major subdivisions. He noted there was discussion at the public hearing regarding major and minor subdivisions and Council Member Furguele raised the question of why this requirement does not apply to minor subdivisions. Vice Chairman Plaag noted that more than 10 lots would be considered a major subdivision and 10 lots or less would be considered a minor subdivision. He stated that if minor subdivisions were required to install sidewalks then a two lot subdivision would have to put a sidewalk along the street even if it was on a street that had no other sidewalks or was a satellite property and that could make a project cost prohibitive or impractical. Vice Chairman Plaag felt that, in a town where we should be encouraging people to develop affordable housing, it seemed onerous to impose upon a small land owner who was proposing a small subdivision the requirement to install sidewalk infrastructure. He stated he would like to propose to Town Council that the language in 23.08.01 not be changed to include minor subdivisions at this time. Ms. Shook replied that her understanding from the public hearing was that this was a topic that could possibly be revisited in a future text amendment. She noted that she echoed Vice Chairman Plaag's concerns. Commission members were in agreement with Vice Chairman Plaag's recommendation to leave minor subdivisions out of Section 23.08.01.

Commission Member Veno thought that John Ward brought up a similar issue on Archie Carroll Road to what Vice Chairman Plaag was talking about with sidewalks for minor subdivisions. Ms. Shook replied that there was some mention of possibly placing a distance limit outside of corporate limits on the sidewalk requirement. She noted the possibility that DOT might not give an approval for an encroachment to build a sidewalk in some cases and this may be a topic for consideration at a later date. Vice Chairman Plaag asked if an exception should be considered at this time to allow a fee-in-lieu in the instances where DOT does not approve of the installation of a sidewalk. Ms. Shook stated that was not contemplated in the proposed text and had not happened very often.

Vice Chairman Plaag referred to Section 23.08.04 and the clause that stated *greenway that is expected with reasonable certainty to be constructed within the next several years*. He noted that he and several Council members were uncomfortable with that language and stated there seemed to be consensus at

the public hearing to change the wording to *to be constructed within the next 5 years or which are approved and funded by the Department of Transportation*. There was consensus of Commission members to make this recommendation.

Commission Member Venio asked for clarification on the installation of a greenway instead of a sidewalk. Ms. Shook gave the example of the new multi-modal path from Brookshire Park to Bubble's Car Wash that has already been approved on DOT's Statewide Transportation Improvement Plan and stated that any new development along that area would be required to install the 10' wide multi-modal path as approved in the STIP.

Commission Member Venio referred to 23.08.04(A) and asked who the applicant would be if it was not the property owner. Ms. Shook explained that the applicant could be the developer of the project instead of the property owner.

Chairperson Shay directed Commission members to Section 23.08.05. Vice Chairman Plaag stated he did not recall any concerns being expressed about either (A) or (B) or the introductory part of (C)(1).

Commission Member Venio stated there was concern expressed at the public hearing about the term *mature trees*. Ms. Shook stated that mature tree was not defined in the UDO but noted there was language in the UDO that indicated if a term was not defined the dictionary definition should be used. Ms. Shook explained that the UDO had protection for significant and historic trees and Council Member Furguele felt this language should mirror that and this was reflected in the draft public hearing minutes.

Vice Chairman Plaag offered the following language change to 23.08.05(C)(1)(ii) to say *where such damage cannot be mitigated by the use of an alternative path, and is not justified*. Ms. Shook replied that she thought that was what the last sentence in that section was trying to accomplish when it stated *the Administrator must find that there is no reasonable alternative manner of building that particular section of sidewalk (such as changing its location) that would avoid the problems posed by the identified site-specific factors*. She stated she would like for the text to be as clear as possible in case someone appealed their decision to the Board of Adjustment. Vice Chairman Plaag felt that adding the phrase he proposed as well as keeping the last sentence would satisfy this concern. There was consensus of Commission members to recommend Vice Chairman Plaag's suggested language.

Vice Chairman Plaag suggested the following language change to 23.08.05(C)(1)(ii) to say *the certainty or likelihood of damage resulting to sensitive habitat, natural watercourses, or significant, historic, and/or mature trees*. Ms. Shook explained that a significant tree could be 8" and the Ordinance does not require the retention of 8" trees in certain circumstances. She stated that significant trees were not required to be retained if they were in the vehicular surface area or the building footprint. Ms. Shook stated that historic trees were required to be retained and could result in a project redesign in order to accommodate those trees. In light of this information, Vice Chairman Plaag felt significant trees should be removed from his suggested language and a definition of mature trees be added to the UDO that would mimic the industry definition. Ms. Shook asked if Commission members wanted to craft a definition of have Staff handle that. Vice Chairman Plaag suggested Staff create the definition based on the U.S. Forestry Service or other industry standard.

Vice Chairman Plaag referred to 23.08.05(C)(1)(i) and the word *impractical*, noting this was an item of concern discussed at the public hearing. Commission Member Venio asked if the word should be removed completely from this section. Vice Chairman Plaag suggested using the word *impossible*. Commission members agreed to the suggested change from *impractical* to *impossible*.

Commission Member Venio stated he had looked at the Sidewalk Handbook and asked if it was just specifications for building sidewalks. Ms. Shook replied that was correct and noted the handbook was small and not very in-depth but did provide some detail. She stated the Town Public Works Department

was working on a new details and specifications for a new Town of Boone Details and Specification Manual and the new manual would contain both Public Works related items and items that would likely be moved over from the UDO.

Commission Member Veno asked what constituted a steep slope. Ms. Shook replied that a steep slope was any slope that was over 30%. She explained that this was the slope you would cut into to install the sidewalk and not the slope of the sidewalk itself. Ms. Shook noted that the slope of the actual sidewalk had to meet ADA standards.

Chairperson Shay directed Commission members to 23.08.05(C)(2). Vice Chairman Plaag stated there was some discussion at the public hearing regarding rounding of fees and he felt that was an internal policy that did not belong in the UDO. Ms. Shook noted that the Town had an adopted fee schedule and the fee structure would be addressed in the Public Works fee schedule.

Chairperson Shay referred to the last sentence in 23.08.05(C)(2), that states *The applicable fee shall be determined by the rate in effect on the date the fee is paid*. She noted the previous language referred to *the rate in effect on the date the development plan is approved* and asked if there was a split between when the fee was paid and when the development plan was approved. Ms. Shook stated that the date the application was submitted and the date the fee was paid were different dates. She added that, in reality, it sometimes can take up to six months to get a project approved and during that time fees could change.

Vice Chairman Plaag stated that one of the issues that recurred several times during the public hearing was accepting a fee-in-lieu and then the Town coming back 10 years later to install the sidewalk because it has been reached on the Sidewalk Priority List and the Town does not have an easement and will have to pay the property owner to obtain one. Vice Chairman Plaag stated there was some discussion of acquiring the easement. Ms. Shook stated there seemed to be some confusion regarding easements and stated that easements were currently required. She felt the problem would be when a 5' easement was given and more would be needed to install the sidewalk or a multi-modal path. Ms. Shook referred to Section 23.08.02 that states *Sidewalks along any public street shall require the dedication of a permanent easement for public use to the Town of Boone*. She suggested including similar language in Section 23.08.05 for clarifying purposes. Ms. Shook noted there was also an argument that if there were impossible or dangerous circumstances preventing the installation of a sidewalk a sidewalk may never be installed in that location therefore negating the need for an easement. She stated if there were environmental issues, those issues would likely remain in the future but if the issue was trees, that could change over time. Ms. Shook then suggested crafting one requirement similar to 23.08.02 that would cover the entire 23.08 section and address any exceptions or deviations. There was consensus of Commission members to make this recommendation.

The Commission then discussed satellite annexation properties that were located outside of the main corporate limits. Vice-Chair Plaag suggested that 23.08.05(C)(2) should actually be reformatted as a 23.08.05(D) and add the following new 23.08.05(C)(2) *In the instance where the applicant is unable to secure permission from the North Carolina Department of Transportation to install sidewalks in compliance with the Town's requirements* and 23.08.05(C)(3) where Staff would draft language to allow an exemption from this section for properties located in satellite annexations more than 1 mile from corporate limits. There was consensus of Commission members to make this recommendation.

The Commission asked Ms. Shook to summarize the changes that had been discussed. Ms. Shook noted the following:

1. Revise Section 23.08.04 to strike "*next several years*" and replace it with "*next five years or where approved and funded by the North Carolina Department of Transportation*"

2. Relocate and have Staff draft language regarding easements that would apply to the different scenarios throughout the entire section
3. Revise Section 23.08.05(C)(1) by changing the word as follows:

~~Fee-in-lieu is not an option when existing sidewalks are removed during the course of construction; in this case sidewalks must be replaced.~~ The Administrator finds, based upon clear and convincing evidence, that the building of a particular section of sidewalk is either technically impractical or undesirable as the result of one or more of the following site-specific factors: (i) unique to that development site. These might include, for example, a n extremely steep slope or other site-specific factors making the building or use of that section of sidewalk impractical impossible or dangerous to the public; or (ii) the certainty or likelihood of damage resulting to sensitive habitat, natural watercourses, or mature or historic trees, where such damage cannot be mitigated by the use of an alternative path which is not justified by the a countervailing public interest in the addition of that particular area of sidewalk. In addition, the Administrator must find that there is no reasonable alternative manner of building that particular section of sidewalk (such as changing its location) that would avoid the problems posed by the identified site-specific factors.

Define "mature trees".

4. Revise and create Sections 23.08.05(C)(2) and (3) as follows:
 2. In the instance where the applicant is unable to secure permission from NCDOT to install sidewalks in compliance with the Town's requirements.
 3. In the instance where a satellite parcel of the Town (due to annexation) is greater than one (1) mile from the Town's main corporate limits. This exemption shall not apply when contiguous sidewalk infrastructure exists along the public street.
5. Reformat the rest of the section for a new subsection on payment.

Vice-Chair Plaag made a motion, seconded by Commission Member Behrend, the proposed amendment, as amended, to the Town's zoning ordinance is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because it is in alignment with the following:

1. Comprehensive Plan Overall Objective 1.1: 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;
2. Comprehensive Plan Overall Objective 1.1: Trees: Conserve existing trees and plant new trees, especially hardwoods;
3. Comprehensive Plan Overall Objective 1.1: Bikeways: Implement the planned system of bikeways as a legitimate transportation alternative. Unify with greenways and other pedestrian facilities where possible.
4. Comprehensive Plan Overall Objective 1.1: Pedestrian Movement: Encourage a system of sidewalks, paths, crosswalks and compact development patterns which make it easy to get around Boone on foot.
5. Comprehensive Plan Policy 2.2.1: Planned systems of pedestrian ways, bikeways, greenways, and similar facilities shall be encouraged as energy efficient and environmentally sound transportation

alternatives. Site planning that incorporates secure bicycle storage at places of living, working or schooling, shopping, and gathering shall be required, where appropriate.

6. Comprehensive Plan Policy 2.2.1: All future road construction within the Town shall be examined for bike and pedestrian feasibility. Wherever possible, compatible bike lanes and pedestrian walkways shall be implemented in conjunction with accompanying road construction.

Vote: Aye-All

Nay-None

The motion passed.

Vice-Chair Plaag made a motion, seconded by Commission Member Veno, that the Planning Commission recommends approval of the proposed amendment, as amended, to the Town's Zoning ordinance and believes approval is reasonable and in the public interest because proposed changes further ensure that appropriate sidewalk and greenway construction will actually occur on a timely basis in areas of new development and provide a viable means of cost recovery for the Town in those instances where the Town must do the sidewalk construction itself.

Vote: Aye-All

Nay-None

The motion passed.

The Chair called for a five minute recess.

Case PL03076-090919 55+ Housing – UDO Text Amendment

The Town of Boone has initiated a UDO Text Amendment to revise UDO Articles 14, 15, 16 and 34 to create a new residential zoning district and a new principal use for housing developments for persons who are 55+ in age. Amendments may also be made to other Articles to conform them to changes made in these Articles.

Chair Shay asked Ms. Shook to outline the history of the request. Ms. Shook noted that the Town was approached by an applicant who originally had been given approval for a 55+ multi-family development project consisting of three buildings. The first two buildings were constructed and the slab was constructed for the third building. At that time, the economy took a hit and the developers were not able to complete the third building. Subsequently, the Town adopted new language which requires the multi-family developments to develop in accordance with the standards in UDO Section 15.10. When the developers of the 55+ multi-family development came back in they found that they could only proceed with the requirements of Section 15.10, of which based upon the majority of the development would have necessitated the need for many variances. The developer then approached Council, who was supportive of the need for this type of housing and directed language to be drafted to create a new zoning district for this use.

Ms. Shook noted that the creation of a zoning district had to coincide with the creation of a new use because the only multi-family uses in the ordinance had to either meet the requirements of UDO Section 15.10 or UDO Section 15.11 which regulates multi-family with mixed-use. Upon review of the current uses, including retirement communities, Staff realized that uses were related to the uses for Nursing Care Home, Nursing Care Institution, and skilled nursing communities.

Ms. Shook also noted that Staff evaluated where the current uses were allowed and noticed that some of the uses were currently allowed in multiple residential zoning districts. She noted that after evaluating the uses, the districts, and limited availability of housing, Staff decided to draft the text to not allow the new uses in those same residential districts. She also noted two errors in the Staff Report: the table with a "L" in the table for the new uses should be a "P" since there were no supplemental standards

recommended at this time and the definitions for retirement communities should be deleted as shown in the table of principal uses.

Ms. Shook also noted that as discussed at the Public Hearing that Staff anticipates making further changes to the text in the near future because though the text anticipates mixed-use it doesn't currently outline the uses that would be permissible in an Adult Living Community.

Vice-Chair asked how rental of rooms, specifically, rooms rented out by the residents for an event, would work. Ms. Shook noted that would be an accessory use that would fall under the principal use of Adult Living Community.

The Commission agreed to review the text in the order in which it was presented in the Staff Report.

Vice-Chair Plaag noted he concurred with the decision to remove the uses from the lower density residential districts. He noted essentially the text replaced "multi-family residences for the elderly" with "adult living communities" and then condensed the other three uses under "residential care facility". He noted that there were concerns about condensing the uses but that he felt that the new definition greatly simplified things.

Discussion ensued as to the term adult living community as a use and to whether it should be referred to and defined as "Housing for Older Persons" and defined as in the Housing for Older Persons Act which was discussed at the public hearing. It was the consensus of the committee to leave the language for "Adult Living Community" as is but to change "*specifically*" to "*primarily*" so that the new language reads "*primarily designed for independent living for person who are fifty-five years of age or older (55+)*".

Ms. Shook noted that the changes in Subsections 14.01.06, 14.01.07, and 14.01.09 were to clean up the language of some of the other existing residential districts.

Discussion ensued on the revisions to the Table of Principal Uses. Chair Shay noted that several of the uses had been struck through and replaced with the one use and asked if the two new uses were broader to cover all of the previous uses. Ms. Shook that was the intent.

Commission Member Venio asked for confirmation that medical services, such as an urgent care, could not be provided in the adult living community use. Ms. Shook confirmed that no, medical service could not be provided.

Vice-Chair Plaag noted that as proposed the adult living community use was proposed to be allowed in the R3, R5 and B3 zoning districts and the residential care facility was proposed to be allowed in the R3, R5, OI and B3 zoning districts. Ms. Shook noted that yes, Staff had populated the table for the new uses with the districts Staff had thought Council would want to consider. She noted that there hadn't been discussion on this prior to the drafting so Staff had included more districts knowing that there may be some objection to them.

Vice-Chair Plaag and Commission Member Venio concurred that during the public hearing that it had been discussed about not allowing the residential care facility use in the R3 or R5 zoning district by right, but with conditional district approval only. Vice-Chair Plaag noted that Council Member Furgiuele had stated at the public hearing that while he was satisfied with Adult Living Community in the R3 he had concerns with the residential care facility use because they could have ambulances coming and going depending on the level of service provided and is different than a residential development. Vice-Chair Plaag noted he shared Council Member Furgiuele's concerns about residential care facilities in the R3 but was confused about the R5 because if the district was designed for these uses, why would an applicant have to ask for a conditional district approval. Ms. Shook asked the Committee to remember that when Council tasked the drafting of the language they may not have anticipated the changes presented so this was the Council's first opportunity to review. Ms. Shook noted that at this point she felt that maybe Council's goal

was to create the district for the just adult living communities. Ms. Shook asked the Commission to envision a piece of property zoned R5 which was surrounded by R1 neighborhoods and what would be the difference in impacts between an adult living community and a residential care facility. She noted that Staff presented the text in a conservative way and so each use was marked with a 300' transitional zone which could be modified. Vice-Chair Plaag asked if it would be similar to the hotel case that previously had been through the process. Ms. Shook agreed, but noted that it would have to be a conditional district if Council and the Planning Commission wanted to discuss development details, such as ambulances, because that type of discussion was not allowed under a general use rezoning case.

Vice-Chair Plaag asked if the R4 district description would have to be rewritten if the residential care facility was removed as a permissible use. Ms. Shook stated she did not think it would have to be rewritten.

Commission Member Behrend said that the question then is whether to allow the residential care facility in the R3 or R5. Vice-Chair Plaag noted his preference was to not allow the residential care facility in the R3 or R5 for the reasons Council Member Furguele had mentioned at the public hearing. Commission Member Behrend noted that she thought it should be allowed in the R5 because it would allow for someone to transition from use to the other. Vice-Chair Plaag noted that he had a hard time envisioning a combination use where you would want to allow the residential use care facility by right and suggests.

Discussion ensued on the ability of an applicant to apply for a project that could request a rezoning for two different zoning districts to cover the areas covered by the two different uses. Ms. Shook noted though if someone wanted to come back with one facility that had both, then that would require a text amendment.

Chair Shay noted she wasn't comfortable pushing the residential care facility to be allowed only in commercial areas and would like to leave it as an opportunity if the circumstances were right and further noted she liked the text as presented. Ms. Shook noted that to ensure the right conditions, then permitting would have to be with a site specific approval with conditional district zoning.

Chair Shay asked the Commission how they felt about the adult living community use. Ms. Shook noted that the Commission may want to consider not allowing it in the B3 at this time because Staff had not identified standards for the mixed use portion of the development and that when the next draft was presented that it would detail the uses and the standards for the development. She noted that the definition of adult living community would need to be revised to remove the "*with or without mixed uses*" clause.

Vice-Chair Plaag recommended that at this time, use 1.17 Adult Living Community only be allowed in the R3 and R5 zoning district subject to the 300' transitional zone and the use 2.05 Residential Care Facility not be allowed in the R3 zoning district, allowed in the R4 zoning district only with conditional district approval, and allowed in the OI and B3 zoning districts by right subject to a 300' transitional zone. There was consensus of Commission members to make this recommendation.

Discussion ensued on the intensity standards for the R5 zoning district. Ms. Shook noted that the smaller 5,000 square foot lot size was proposed to accommodate the single-home on a single-lot concept that the adult living community allows. She noted that she recognized that this is one of the few districts which would allow either a single-home on a single-lot or allow a multi-family style of development so coming up with standards to cover that spectrum was hard and noted that a multi-family style of development would still need to meet the livability space requirements, landscaping and parking requirements for the use. Discussion ensued as to whether the property in the single-family home development for adult living communities would be a single-home on a single-lot or if it would be more of a condo type development

where the homeowner would own the home but the development would take care of the exterior elements. Vice-Chair Plagg that he would be more comfortable with the minimum lot size increasing to 10,000 square feet and then being lowered when Staff came back with the revisions that incorporated different levels so a distinction could be made between the single-family on single-lots adult living communities and the multi-family version of adult living communities. There was consensus of Commission members to make this recommendation.

Discussion ensued on the automobile parking requirements for the adult living community uses. There was consensus from the Commission that the parking requirements of 1 parking space per unit plus 1 parking space for visitor parking per dwelling for adult living communities was too much, therefore their recommendation would to be modify the requirement from 1 visitor parking space per dwelling to .5.

Discussion ensued on the automobile parking requirements for residential care facility use and the need to ensure enough staff parking and visitor parking. There was consensus from the Commission the standards proposed was not sufficient and therefore recommended that residential care facilities should provide 1 space for every 4 beds but also one space for every two staff members. They noted that these facilities usually had 24 hour care and had employees for different shifts.

Discussion ensued regarding bicycle parking. Ms. Shook noted that Staff had not recommended bicycle parking for the adult living community at this time because she felt there need to be more tiers that would cover both the multi-family component and the single-family component of the use. The Planning Commission was in consensus not to make changes at this time.

The Planning Commission noted that there was an error in Subsection 31.04.01(B) in the fact that 2.05 referenced the wrong uses. Ms. Shook noted that was an error and would add it to their list of recommended changes.

The Commission asked Ms. Shook to summarize the changes that had been discussed. Ms. Shook noted the following:

1. Revise the adult living community definition by striking the clause “with or without mixed uses” and replacing “specifically” with “primarily”.
2. Revise the table of principal uses Section 15.07 so that use 1.17 Adult Living Community not be permissible in the B3 zoning district, allowed in the R3 and R5 zoning district by right subject to the 300’ transitional zone and use 2.05 Residential Care Facility not be permissible in the R3 zoning district, allowed in the R4 zoning district only with conditional district approval, and allowed in the OI and B3 zoning districts by right subject to a 300’ transitional zone.
3. Revise Subsection 16.01.02 Intensity Table by requiring a 10,000 square foot minimum lot size rather than a 5,000 square foot minimum lot size in the R5 zoning district.
4. Revise Table 24.01 to require use 1.17 Adult Living Community to provide 1 parking space per unit plus .5 visors parking space per unit.
5. Revise Table 24.01 to require use 2.05 Residential Care Facility to provide 1 parking space for every four beds and one parking space for every two Staff members.
6. Correct errors in Subsection 31.04.01(B) to say 2.05 Residential Care Facility and strike the definitions for retirement community in UDO Article 34.

Commission Member Behrend made a motion, seconded by Commission Member Venno, the proposed amendment, as amended, to the Town’s zoning ordinance is consistent with the Town’s comprehensive plan and any other adopted plan(s) of the Town that are applicable because of the following:

1. Comprehensive Plan Policy 2.1.1(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.

2. Comprehensive Plan Policy 2.1.1(K):Boone shall identify and provide services consistent with the needs of the area's growing retiree population.

Commission Member Veno asked to amend the motion to include:

1. Comprehensive Plan Policy 2.3.3(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.
2. Comprehensive Plan Policy 2.3.3(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.
3. Comprehensive Plan Policy 2.3.3(H): The overall housing unit density for proposed infill residential development or redevelopment should be compatible with the average density of existing areas.

Vice-Chair Plaag asked to amend the motion to also include:

1. Comprehensive Plan Policy 2.3.3(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.
2. Comprehensive Plan Policy 2.3.3(C): Proposed residential development which would expose residents to harmful effects of incompatible development or to environmental hazards shall be prohibited.
3. Comprehensive Plan Policy 2.3.3(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.

Commission Member Behrend and Veno accepted the friendly amendments.

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

Chair Shay made a motion, seconded by Vice-Chair Plaag, that the Planning Commission recommends approval of the proposed amendment, as amended, to the Town's Zoning ordinance and believes approval is reasonable and in the public interest because the amendment honors our community values of inclusive multi-generational and economically diverse neighborhoods.

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

OTHER MATTERS

Ms. Shook asked the Planning Commission if they would be available to meet on November 18, 2019 to for a special public hearing to replace the regularly scheduled public hearing on November 25, 2019. She noted that the goal was to be able to have the same Council who heard the case at the public hearing have time to meet to decide on the case prior to the new Council who would be seated in mid-December. Several members of the Commission indicated that they were not available at that time. Ms. Shook asked if they would be available to attend the regularly scheduled meeting on the 25th and all indicated that they would be available.

There being no other matters, Commission Member Hedrick made a motion, seconded by Commission Member Venio, to adjourn the meeting at 10:13 p.m.

Elizabeth Shay, Planning Commission Chairperson

Brenda Henson, Board Secretary

DRAFT

**PUBLIC HEARING MINUTES
MONDAY, SEPTEMBER 23, 2019, 6:00 P.M.
TOWN COUNCIL CHAMBERS**

COUNCIL MEMBERS: Rennie Brantz-Mayor, Loretta Clawson-Mayor Pro-Tem, Marshall Ashcraft, Sam Furguele, Connie Ulmer, and Lynne Mason

PLANNING COMMISSION MEMBERS: Eric Plaag-Vice Chairman, Frank Veno, Chris Behrend, and James Hedrick

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Christy Turner-Senior Planner, Marty Little-Senior Planner, and Brenda Henson-Board Secretary

OTHERS PRESENT: John Ward-Town Manager and Allison Meade-Town Attorney

CALL TO ORDER

Mayor Brantz called the Town Council to order at 6:00 p.m.

Vice Chairman Plaag called the Planning Commission to order at 6:00 p.m.

Mayor Brantz pointed out the General Guidelines for Each Case Presented at Public Hearing listed in the meeting packet.

CASE PL02977-082019 Caldwell Hospice – General Use Zoning Map Amendment

The Town of Boone has initiated the zoning of a 10.009 acre property off Archie Carrol Road (Watauga County PIN: 2921-52-6451-000) owned by Carroll NC Properties, LLC & Robert L. Idol, Jr. to OI Office/Institutional. Zoning is to coincide with the property owner's voluntary annexation of the property.

Mr. Little presented the request as it was outlined in the meeting packet.

Council Member Furguele asked if it was correct that a number of uses in OI would trigger transitional zone requirements. Mr. Little replied that was correct. Council Member Furguele asked if it was correct that transitional zones would not be triggered in this instance because the surrounding single family homes are outside the Town's jurisdiction. Mr. Little stated that was correct. Council Member Furguele asked if any of the uses in OI would be allowed there if the property was zoned OI. Mr. Little stated that was correct. Mr. Little explained to Planning Commission members that Caldwell Hospice submitted an annexation petition to Town Council and indicated a desire to place a Hospice facility on the property, which would be allowed in an OI.

Vice Chairman Plaag mentioned the 55+ Housing text amendment that would be heard later in this hearing and asked if the proposed R5 zoning district would be more appropriate zone for the Caldwell Hospice property than OI. Council Member Furguele stated there could be some objection to the R5 district being available for both senior living and care facilities. Mr. Little responded to Vice Chairman Plaag's question noting that the Hospice Use could be allowed in the R5 district. Vice Chairman Plaag wondered if R5 would be better than OI for the subject island parcel, if adopted, given that it might be more restrictive and offer better protection from the nearby residential property.

Council Member Furguele stated this was a general zoning and noted that, once the zoning was approved, the property owner could sell the property to someone else who could then develop any of the allowed uses in the approved district.

Council Member Mason asked if any other zoning districts were considered, noting the property was zoned B3 when it was located in the ETJ. Mr. Little replied that R1, B3, and OI were all considered. Council Member Furguele asked if the proposed R5 district was considered. Mr. Little stated it was not considered at the time the staff report was compiled. Ms. Meade added that staff felt they had been directed by Town Council to request an OI zoning district after the annexation discussion and added that

the new R5 district was only conceptual at that point. Council Member Furgiuele asked if it was correct that the applicant also requested OI. Ms. Meade stated that was correct.

Vice Chairman Plaag asked if the subject property was, at one time, part of the larger adjacent property that was also zoned B3. Mr. Little replied that this was part of a larger parcel and the subject 10 acre tract was divided from the large parcel.

Commission Member Behrend asked if it was uncommon to have parcels that are not adjacent to property inside the Town limits to want to annex. Ms. Meade replied that it was not an uncommon occurrence.

Mayor Brantz asked if there were other Hospice sites in Boone or Watauga County. Mr. Little replied that there were no other facilities in Boone or Watauga County to his knowledge. Vice Chairman Plaag felt that some of the nursing care facilities in Town would have some Hospice care but would not be considered a Hospice facility.

Mayor Brantz opened the hearing for public comment.

Michael Trew with Municipal Engineering, engineer for the Hospice project, stated that Hospice has currently outgrown the space they are in and need to expand. He noted the project was planned to happen in two stages with the first stage being office space and the second being the care facility.

Mayor Brantz asked how many beds the facility would have. Mr. Trew replied that the plan was for seven beds.

Ms. Meade reminded everyone that specifics of the project were not to be taken into account with respect to the application.

Commission Member Veno mentioned Mr. Trew's comment about Hospice having outgrown their current location and asked where they were currently located. Mr. Trew replied that Hospice was currently leasing a space in Carriage Square for office use only.

Council Member Furgiuele expressed concern that they keep talking, in a general rezoning, about a specific plan because once the property is rezoned the plans could change. He stated there was no guarantee a specific project would be built and felt it was wrong to continue talking about a particular project.

Council Member Mason noted that properties that were already zoned could come before Council and ask for a Conditional District and asked if properties who were annexing could request a Conditional District. Ms. Meade felt this could have been done. Ms. Shook stated that a base zoning district should still be identified and added that there had never been an instance that general use zoning was not done first. Council Member Furgiuele noted that a Conditional District was a stand-alone zoning district so it would be no different than asking for general rezoning, even if the property had not previously been zoned, because you would be establishing a one of a kind zoning district. Ms. Shook stated that was correct in the fact that the site specific plan would be different than any other site specific plan but the basic zoning would still apply. Ms. Meade stated that seeking a Conditional District for a property that was annexing meant the owner would have to front a great deal of money to develop a site specific plan and could create a very high expense for a lot of unknowns.

Vice Chairman Plaag asked if there was any notification requirement for property owners who lived outside the Town's jurisdiction. Mr. Little replied that adjacent property owner notifications were sent to all property owners, whether in or out of the Town's jurisdiction, for this case. Council Member Furgiuele asked, for clarification, if the Town sent notifications to property owners who were not in Town limits. Ms. Shook replied that was correct. Ms. Meade added that it was a conservative way to go even though it was not legally required.

Council Member Furguele stated the reason he asked the question about transitional zones was that, even though he was really pleased the Town sent notifications to the affected property owners outside the Town's jurisdiction, as a practical matter, in a satellite annexation the transitional zones mean nothing because they are not triggered if there are no low density zoning districts in the area. Council Member Furguele suggested a future discussion about reframing the transitional zones to at least address the areas of the former ETJ. He stated he did not feel totally comfortable with a general rezoning with many uses that would normally trigger transitional zones but were not going to in this case. Council Member Furguele stated he was not opposing the proposal but was concerned about this as a future practice.

Council Member Mason asked, since this property borders single family dwellings, what the landscape buffer requirements would be. Mr. Little replied that they would be required to do a Type C buffer and read the following: Opaque Screen, Type "C" is a screen that is opaque from the ground to a height of at least six feet (6'), with intermittent visual obstructions from the opaque portion to a height of at least twenty feet (20'). An opaque screen is intended to exclude completely all visual contact between uses and to create a strong spatial separation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstruction should not contain any completely unobstructed openings more than ten feet (10') wide. Council Member Furguele asked if this was true even though the adjoining properties were outside the Town's jurisdiction. Mr. Little stated that was correct. Council Member Furguele asked what triggered the landscape buffer requirement. Mr. Little replied that it was triggered by the adjacent land use and not by zoning district. Council Member Furguele asked what land use triggered the requirement. Mr. Little stated that the proposed land use of Family Care Institution being adjacent to residential land uses. Council Member Furguele noted that two of the structures were vacant and asked if they would be considered uses because they were presumed to be for single family purposes. Ms. Shook wished to clarify the issue and noted that UDO Section 31.03.01 B. stated if the abutting area is undeveloped, the required screening shall be that which would be required for a use necessitating the greatest visual obstruction. Council Member Furguele stated that an adjacent use could change before a permit application was received. Ms. Shook replied that was correct and explained that buffering requirements would then be determined by whatever use was adjacent at the time of application.

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 6:25 p.m.

Case PL03012-082619 Glenn – General Use Zoning Map Amendment

The Town of Boone has initiated the zoning of a .251 acre portion of 804 Poplar Grove Road (Watauga County PIN 2900-68-2176-000) owned by Robert Chase Glenn and Timothy Dale Glenn to R1 Single-Family Residential. Zoning is to coincide with the property owner's voluntary annexation of the portion of property outside of corporate limits.

Ms. Turner presented the request as it was outlined in the packet. She noted that Town Council requested an R1 zoning for this property at their August meeting.

Council Member Furguele asked if it was correct that the house was located on the portion of the parcel that was outside the Town limits and the other portion of the property that was located in the Town was zoned R1 and vacant. Ms. Turner replied that was correct and further explained that the property was being annexed into the Town due to a failed septic system. She noted that the house was already serviced by Town water but not sewer and, due to the failed septic system, the house has now been hooked up to Town sewer.

Council Member Mason felt this was fairly straightforward.

Mayor Brantz opened the hearing for public comment.

Chase Glenn thanked Council and Planning Commission for their consideration of the request. He stated he was somewhat forced to seek annexation. He explained that, after speaking with the County health inspector about his failed septic system, he was told getting on Town sewer was his only option. Mr. Glenn stated, due to a hardship policy act, he was able to go ahead and hook up to Town sewer before the annexation process was complete because he really had no other choice.

Council Member Furgiuele felt this request made sense, noting a portion of the property was already zoned R1 and this would help protect the adjacent R1 properties. He stated it would also correct one of the split zoned parcels in Town and felt the request should be supported.

Vice Chairman Plaag asked if it was correct that this request was just to zone the portion of the property that is currently still undergoing the annexation process. Ms. Turner stated that was correct.

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 6:30 p.m.

Case PL02634-060519 Sidewalk Fee-in-lieu – UDO Text Amendment

The Town of Boone has initiated a UDO Text Amendment to revise UDO Articles 15, 17 & 23 to limit when an applicant can utilize fee-in-lieu for sidewalks. Amendments may also be made to other Articles to conform them to changes made in these Articles.

Ms. Shook presented the request as it was outlined in the packet noting that Town Council requested modifications be made to when an applicant can pay a sidewalk fee-in-lieu. Ms. Shook explained that, in some commercial development cases, the applicant can choose to pay a fee-in-lieu if there is no adjacent sidewalk structure or if the sidewalk has not been identified on the Town's primary route. She stated that the proposed modification would require all commercial development to install a sidewalk instead of paying a fee-in-lieu unless specific criteria are met to be granted an exemption.

Ms. Shook noted some changes regarding the allowance of greenways as an alternative method to sidewalks. Mr. Ward stated the Town just received a grant in conjunction with the High Country Council of Governments for stormwater on Winklers Creek for a potential waterway enhancement with a greenway design that would allow for a connection to the existing greenway. He stated that the proposed text amendment would help facilitate this project.

Ms. Shook stated the exemptions that would allow payment of fee-in-lieu were steep slopes or other factors that would make a sidewalk impractical or dangerous to the public or; damage to sensitive habitat, natural watercourses, or mature trees. Additional proposed language states that the Administrator must find that there is no reasonable alternative manner of building that particular section of sidewalk (such as changing its location) that would avoid the problems posed by the identified site-specific factors.

Council Member Mason asked if there was redevelopment on 421 from Bamboo to Perkinsville how this would affect the multi-use pathway that was planned. Mr. Ward suggested the properties could pay in to the fee-in-lieu and that money could be used toward the cash match to install the multi-use trail. Ms. Shook stated this would require a modification of the text as presented.

Council Member Furgiuele stated, if there was an approved plan with construction by DOT, that property owners along the way couldn't just construct the portions of the pathway that are located on their property.

Ms. Shook stated the Town was fortunate to get the grant through the Statewide Transportation Improvement Program (STIP) funding.

Mr. Ward stated he would be working with Public Works to update fees for sidewalk fee-in-lieu payments. He noted that in areas where previous developments have chosen to pay the fee-in-lieu, installation of the sidewalk has sometimes been delayed by the Town and because an easement to put the sidewalk in

was not obtained to begin with the Town is having to go back and negotiate to get the easement they should have gotten at the beginning of the development. Mr. Ward suggested that if the Town does accept fee-in-lieu they should require right-of-way easements at that time so the Town does not have to go back and purchase something they could have potentially had given to them. Council Member Furguele asked how the Town would know where the easement would be if the reason a fee-in-lieu was allowed to begin with was that the installation of sidewalk would be dangerous to the public or the environment. Mr. Ward replied that Council Member Furguele was correct. Council Member Furguele suggested there could be some other contractual agreement instead of an easement that would be a commitment to dedicate an appropriate area at the appropriate time if the Town ultimately constructed some type of pedestrian way across their property.

Mayor Pro Tem Clawson felt it was important to get sidewalks installed whenever possible as well as getting the fee-in-lieu so sidewalks can be installed later.

Mayor Brantz asked if the sidewalk plan covered the entire town. Ms. Shook replied that primary priority and secondary routes are identified but the plan does not cover all town streets. Mr. Ward asked if the site on Archie Carroll road would be required to install sidewalks under this proposed amendment. Ms. Shook stated that they would and noted that there have been times when DOT did not want to provide an encroachment agreement for sidewalks that were sidewalks to nowhere. She also felt it should be made clear that the Town would not maintain sidewalks that were not connected to other infrastructure. Council Member Furguele suggested that Council consider putting some type of distance limit on the sidewalk requirement, noting that a satellite annexation 3 miles out was pretty far out. He suggested annexed properties more than a mile outside Town could pay fee-in-lieu. Mr. Ward stated that if there were sections of sidewalk installed it might make it easier to come back and make connections later to create a larger area of sidewalk. Mr. Ward stated he liked the environmental section of the proposed language.

Ms. Meade asked Ms. Shook if she thought it was possible that NCDOT would not grant an encroachment at the Hospice property on Archie Carroll Road so that the sidewalk could not be built. Ms. Shook stated she would like to speak with DOT because she did not have that answer. Ms. Meade felt if DOT would not grant an encroachment for a property it would be a good item to include as an exemption. Council Member Furguele stated at that point the sidewalk would be impossible instead of impractical, which was the wording in the text and he noted that he had a problem with the word impractical. Mr. Ward added that, in his experience, there were not a lot of places where DOT would certify their right-of-way. Council Member Furguele stated that a sidewalk did not always have to hug the street and could still be constructed across someone's property. Ms. Meade asked if the UDO permitted for that kind of flexibility. Ms. Shook felt that it could be done but thought there could be issues connecting to those sidewalks as other development occurred. Council Member Furguele stated this issue could be addressed in the sidewalk handbook and not necessarily through the UDO.

Ms. Meade stated if you had a property that already had a greenway running through the front yard, it would not make sense to require a sidewalk on that section. Ms. Shook replied that was correct and stated that some clarifications may need to be made. She asked if the changes that had been discussed should be made during this hearing process or should the text amendment request be pulled and brought back for consideration at a later date. Council Member Furguele felt the text amendment should go forward in this hearing process but stated he had a lot of questions.

Vice Chairman Plagg mentioned the requirement of a property owner to install a sidewalk when they could not get access within the DOT right-of-way and then the Town would not have an easement to that sidewalk and the property owner would control access to the sidewalk. Ms. Meade replied that the Town does require an easement for a public sidewalk if a sidewalk is built.

Council Member Furguele asked what constituted a major subdivision. Ms. Shook stated a major subdivision was more than 10 lots. Council Member Furguele stated someone might want to do a 6-unit cottage housing development along a public street and asked why the Town would not want sidewalks constructed along the public street. He stated he understood a larger subdivision required internal infrastructure but asked if the sidewalk requirements should not apply to all development, even minor subdivisions. Ms. Shook replied that a minor subdivision could be only one lot. Council Member Furguele felt, during phase two of this text amendment, that there should be some consideration about extending sidewalk requirements to development that might be less than 10 lots. Ms. Shook requested that Council provide direction on the number of lots they wished to include. She noted that there is an expectation by commercial projects to install sidewalks but that is not currently an expectation of smaller residential projects and this could affect project costs. Council Member Mason expressed concern with installing small sections of sidewalks in neighborhoods that would never be fully serviced by a sidewalk. Vice Chairman Plaag explained that he had just attempted to do this kind of development on a street that did not have public sidewalks and stated that had there been a requirement for the installation of sidewalks along the public street it would have caused the project to be cost prohibitive. He stated if the goal in having smaller, high density development was to provide affordable housing, the Town needed to pick a reasonable number of lots and he thought 10 felt about right. Vice Chairman Plaag agreed that 1-3 lot subdivisions should not be required to install sidewalks. He stated the Town needed to decide what its priorities were between encouraging housing that is affordable or requiring this infrastructure element. Vice Chairman Plaag suggested requiring less than 10 lots to install sidewalks could create a lot of pockets to nowhere. Council Member Furguele replied that maybe the answer was to leave the text as it was but felt there should be more conversation about the issue in the future.

Council Member Ashcraft mentioned the idea of cost sharing with the Town for installing sidewalks as an option to increase affordability and sidewalk locations in town.

Council Member Furguele referred to the language in 23.08.03 B. 1. a. that states Deviations may only be allowed when strict compliance with the Roadway & Sidewalk Program Handbook is not reasonably possible. He stated this was under the heading Design Requirements and asked if this suggested that someone could deviate from the structural requirements like the PSI or the way the sidewalks are created. Ms. Shook replied that, in the entire time this language has been in the Ordinance, she has never known anyone to deviate from the standards set forth. Council Member Furguele felt there should be an attempt to identify what things could be deviated from and suggested the UDO language could be modified to direct users to the Sidewalk Handbook and include the deviation guidelines there.

Council Member Furguele referred to the language in 23.08.04 B. regarding alternative methods and asked if the Town had standards for alternative methods of pedestrian circulation. Ms. Shook replied that the Town currently does not have standards for alternative methods but noted that Public Works was working on some details and specifications. Ms. Meade stated that while there may not be written standards there were still unwritten standards. Council Member Furguele asked if unwritten standards could be enforced. Ms. Meade asked if an unwritten standard had ever been challenged. Ms. Shook replied that she was not aware of that happening. Council Member Furguele stated if the Town had standards they should be written and should be the responsibility of the Town to let the public know what those standards are. Ms. Meade explained that the Town did not have the staff to reduce every Town policy into a procedure. She stated it could be done but it would cost time and resources and while things are better in writing, as a practical matter, all policies are not always written. Council Member Furguele felt that standards should not be referenced if they do not exist but stated if they were going to exist he would be okay with that. Ms. Shook explained that Public Works had submitted a request to an engineer to get a quote on some different details and specifications that would include details for greenways.

Council Member Furguele referred to the language in 23.08.05 C. 1. that referred to the sidewalk being impractical and stated the word impractical was not a strong or necessary word and should not be the basis for avoiding building a sidewalk. Council Member Furguele noted the mention of mature trees in the same section and asked what a mature tree was and if it was defined. He stated that significant and historic trees were defined and asked why the language did not reference something that was already defined. Council Member Ashcraft suggested they could reference horticulture guidelines that list the mature height of most tree species. Council Member Furguele stated that significant and historic trees were defined by trunk size. Ms. Meade asked for the definition of significant. Ms. Shook replied that a significant tree was any healthy tree with a diameter of 8" or more at breast height and a historic tree was a 25" diameter at breast height. Council Member Furguele stated that, without a definition, a mature tree meant nothing to him. He suggested that the term mature be defined or the language should be changed to the term historic. Ms. Meade explained that if the word was not defined in the UDO a court would look up the common usage of that term.

Council Member Furguele asked if fees-in-lieu were rounded to the nearest foot. Ms. Shook replied that the Town does not currently round and typically goes to the nearest tenth.

Vice Chairman Plaag referred to the language in 23.08.04 that references a greenway that was expected to be constructed in the next several years and stated he was not crazy about the vagueness of the next several years. Ms. Meade stated she was not either and she drafted that language.

There was discussion about the STIP and the timing of funded and unfunded projects. Mr. Ward stated it was difficult to know the specific number of years that it would take for a greenway project to take place due to the uncertainties with grants and outside funding sources.

Vice Chairman Plaag questioned the allowance of a greenway instead of a sidewalk along a public street. Council Member Furguele felt there could be instances where this alternative might work.

Council Member Mason felt Section 23.08.04 Alternative Methods for Pedestrian Circulation needed to be revisited and more discussion needed to take place. Ms. Meade stated there did not seem to be a consensus regarding the language in 23.08.04 so she was unsure what direction to take regarding revising the language and whether or not Council wanted to proceed with any type of text amendment at this time. Vice Chairman Plaag suggested the text be considered again at the next public hearing after staff has had an opportunity to rework some of the language. Ms. Meade stated that some of the smaller language revisions could be made without any problem but direction would need to be given by Council on the larger issues of greenways and timeframes. Council Member Furguele stated he was satisfied with 23.08.04 for the time being. He suggested they look at their greenway plans to see what was or was not built but stated he would not hold up the consideration of this text amendment for that.

Council Member Mason asked if there was a suggested number of years that could replace the wording of next several years in 23.08.04. Council Member Ashcraft suggested 5 years or which are approved and funded by the Department of Transportation. Council Member Furguele noted he was okay with several years, 3 years, or 5 years but felt offering a reasonable certainty would give the administrator the ability to address other issues such as funding. Council Member Mason stated she liked Council Member Ashcraft's suggestion of 5 years or included and funded by DOT. Council Member Furguele stated he was okay with that as well.

Council Member Ashcraft asked if the cost per foot for sidewalk installation was an in-house cost or a contractor cost. Ms. Shook replied this was a forced labor cost. She stated there was a fee charged for sidewalks and a separate fee was charged for curb and gutter. Ms. Shook noted that these charges only cover the cost of the materials. Mr. Ward stated he would like to update those charges through the fee structure to incorporate the true cost of installation which he felt should include labor and equipment.

Ms. Meade stated that could be brought back as an amendment. Council Member Ashcraft stated, if the contractor cost was higher than the Town's, the fee-in-lieu charges should reflect the contractor price to cover any additional contingencies. Council Member Furgiuele stated that could be done through the fee schedule and not through this text amendment. Mr. Ward stated he hoped to keep the fee schedule updated every year. He noted that some of the current funds that were collected for fee-in-lieu were probably collected eight years ago when there was a very different cost structure.

Council Member Mason asked if it was the consensus to use the term historic trees instead of mature trees. Council Member Furgiuele stated he did not care but felt mature trees should be defined if it was used. Ms. Meade noted that a 25" diameter tree was fairly large. Vice Chairman Plagg stated he preferred the term mature with the addition of a definition for mature trees. Council Member Mason stated that would be her preference as well. Council Member Furgiuele stated he would rather that not be a reason to not have to build a sidewalk. He felt that should be a reason to build a sidewalk that takes a path that preserves the trees. Ms. Meade felt that was addressed in 23.08.05 C.

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 7:38 p.m.

Case PL03076-090919 55+ Housing – UDO Text Amendment

The Town of Boone has initiated a UDO Text Amendment to revise UDO Articles 14, 15, 16 and 34 to create a new residential zoning district and a new principal use for housing developments for persons who are 55+ in age. Amendments may also be made to other Articles to conform them to changes made in these Articles.

Ms. Shook presented the request as it was outlined in the packet. She noted that a zoning district as well as a use had to be created for this text amendment. Ms. Shook explained that she did an assessment of similar use categories and narrowed them down to two categories; Adult Living Community and Residential Care Facility and the zoning district would be R5. She noted there was not a lot of input from Council regarding what the standards should be so the proposed text was the most inclusive possible. Ms. Shook explained that the Residential Care Facility was a combination of the current Nursing Care Home, Nursing Care Institution, and Skilled Nursing Facility categories.

Ms. Shook stated she had noticed some incorrect language in the R3, R4, and MH district sections and included changes to that language in this request.

Ms. Shook referred to the Use Table and noted the Residential Care Facility use was populated in the R3, R5, OI, and B3 zoning districts.

Ms. Meade noted the wording in the Adult Living Community that states this is an age-restricted development. She stated that Federal law does not generally allow discrimination based on age but has carved out an exemption for those who are 55 and older so retirement communities can be organized. Ms. Meade noted that every unit would not be required to be occupied by someone 55 or older and stated she thought the Federal requirement was 80% or more of units. She stated these communities could look like anything from cul-de-sac housing to condos to a facility that has everything including single family living, apartment living, assisted living, and skilled nursing.

Ms. Shook again referred to the Use Table and stated that Use 2.05 Residential Care Facility would be taking the place of the current uses 2.05 through 2.09. She explained that she had proposed the R3, R5, OI, and B3 with an L and a 300' transitional zone, noting that this was placed on there for discussion as there had been no direction regarding this. Ms. Shook noted the current Nursing Care Home was allowed in RA, R1, R1A, R2, and R4 and in an effort to protect residential neighborhoods she did not feel it was appropriate to include the Residential Care Facility in those residential districts.

Vice Chairman Plaag asked Ms. Shook if she was intending proactive zoning where the Town would identify various parcels that would be ripe for rezoning as R5 or would this be done by request of a property owner. Ms. Shook replied that it would be reactive.

Mr. Ward explained that there was currently a retirement development in Town that was designed to have three buildings but due to the recession only two were built. He noted that the slab and plumbing were already in place for the third building but due to zoning changes this development is no longer allowed. Ms. Meade asked Ms. Shook to explain why the third building could not be built under the current zoning. Ms. Shook explained that the original project was approved with a Special Use Permit and the buildings were to be phased. Vesting expired so to build the third building current requirements would have to be met, meaning meeting the requirements of Section 15.10 which does not match with the rest of the development.

Council Member Furguele stated it did not make sense, when you had a specific development for older people, to require the array of bedrooms in a normal multi-family project. He also noted that he did not remember a request to consolidate all of the care facilities into one or to make those available in the new zoning district. Ms. Shook stated that was correct and noted the direction was to create a new zoning district and a new zoning district cannot be created without creating a new use to populate within that zoning district. Council Member Furguele stated he understood that. Ms. Shook explained that it caused her to review all of the uses that were similar and it seemed cleaner to have them consolidated.

Council Member Furguele asked why they would not want to retain the different use categories instead of rolling them all into the Residential Care Facility category and suggested that there be at least two categories. Ms. Shook stated she may have overstepped what Council thought they wanted to see but was given very little direction about that vision.

Council Member Furguele referred to the definition of Adult Living Community and the language that states this is specifically designed for independent living for persons who are fifty-five years of age or older and asked if the wording *specifically designed* could be removed. Ms. Meade agreed that the wording could be removed. Ms. Shook stated that building code requires there to be a certain number of handicapped accessible units. Ms. Shook explained that the intent behind the development being specifically designed for those 55+ was to incorporate things such as wider doorways and other things that would be helpful if there was a need to transition to some additional care.

Council Member Furguele expressed concern about the proposed minimum lot size and noted that 5,000 sq. ft. was way too small, especially for a 56' building. Ms. Shook stated the idea was to have discussion about the proposed text and the definitions and figures proposed were provided as a starting point.

Council Member Furguele suggested the idea of requiring a Conditional District instead of transitional zone for Residential Care Facilities in the R3 or R5. Vice Chairman Plaag agreed that would make sense. Council Member Furguele stated if the scope was not so broad he might not have had that reaction. Ms. Shook reiterated that she went very broad with the proposed text due to the lack of discussion. Council Member Furguele stated he did not have a problem with what was proposed for the Adult Living Community in an R3 with a transitional zone but felt medical care facilities were different in that they could have ambulances coming and going due to the level of care needed which would be very different from a residential development. He stated he had some nervousness about a one size fits all approach when it came to drafting the regulations.

Council Member Furguele asked why no bicycle parking requirements were included in the proposed text for the Adult Living Community. Ms. Shook replied that she was unsure if Council and Planning Commission would want to allow single family homes in the Adult Living Community and there are no bicycle parking requirements for single family. Council Member Furguele felt if a certain number of units

were required that bicycle parking should also be required. Council Member Furguele also questioned the requirement of two vehicle parking spaces per unit in the Adult Living Community and felt that was too much. Ms. Meade asked if the parking requirements could be based on the type of development built. Council Member Furguele stated you would not need quite as many spaces as a typical multi-family development.

Council Member Mason mentioned subdivisions and Ms. Shook stated this text would not affect subdivisions.

Council Member Furguele stated it was a growing trend to have mixed and transitional housing for people over 55 but felt it might be a little ambitious to try to include that concept in this text amendment.

Council Member Furguele suggested making Adult Living Community uses a Conditional District until the district standards were more fully developed.

Mayor Pro Tem Clawson stated that nursing homes needed to have ample visitor parking.

Ms. Meade asked how the parcel was zoned that currently houses a 55+ development. Ms. Shook replied that the property was currently zoned OI. Council Member Ulmer asked why residences were in an office district. Council Member Furguele explained that residential uses were previously allowed in the OI but UDO revisions removed residential from OI.

Vice Chairman Plaag asked how most of the properties were zoned in the Wellness District. Ms. Shook stated there was a mixture of R3, OI, and B3. Vice Chairman Plaag asked if it was correct that if someone wanted to do a residential care facility they would currently fall under the old categories and those uses would be allowed in most areas depending on the specific use. Ms. Shook replied that was correct.

Ms. Meade asked Council Member Furguele if his intent was to require Conditional District in all the allowed zoning districts for the Adult Living Communities. Council Member Furguele stated he was initially thinking about just the Residential Care Facilities but given the small lot size and large height allowance he thought maybe the CD should be required in every instance. He explained that the R5 zoning district was a district by design and, upon request, could be located in any part of town. Council Member Furguele felt, until more specific standards were developed, requiring a CD would offer more protection and allow Council and Planning Commission to review a site specific plan. He stated the text should not be held up while staff developed the parameters and felt the requirement of a Conditional District would be a good interim measure.

Vice Chairman Plaag stated it looked as though Ms. Shook had contemplated the idea that someone could want to develop a small community that might include restaurants or stores or activities.

Council Member Mason asked if the Adult Living Community was in an R3 if it would have to meet the height requirements of an R3 zone and would only be allowed to go up to 4 stories in the R5. Ms. Shook replied that was correct.

Ms. Shook pointed out that, as the proposed text currently stands, there could be no mix of uses because no other uses would be allowed in the R5 until the Use Table gets revised. Until that time, Adult Living Communities would be limited to only a residential element. Ms. Meade suggested possibly having Adult Living with Mixed Uses and Adult Living without Mixed Uses with one being subject to the CD and one not.

Council Member Furguele stated he was disturbed by the potential height in the R5 and the small lot size.

Council Member Ashcraft stated he was okay with the CD approach for now.

Ms. Meade asked if the idea was to only allow the Adult Living Community in the R5 as a CD. Council Member Furguele suggested allowing the Adult Living Community in all of the zoning districts proposed in the text and have them all be with a Conditional District.

Ms. Shook noted the reason she proposed allowing Adult Living Communities in the B3 was because there was a lot more areas with B3 zoning and stated this was up for discussion by the boards. Council Member Furguele stated if there was a suitable B3 parcel the applicant could seek to have it rezoned to R5.

Ms. Shook expressed concern with the possibility that applying this zoning district to a parcel might not be legal and could be considered spot zoning if the surrounding area was not carefully considered. Ms. Meade stated she was not uncomfortable with creating a very specific district like this and felt it would be a floating district that could be called upon when there was a desire to develop this type of project.

Ms. Shook agreed with Council Member Furguele that requesting a rezoning of B3 property to R5 was acceptable.

Ms. Meade asked if Conditional Districts would be required for the Residential Care Facilities. Council Member Furguele stated he was satisfied with the transitional zones in the OI and B3 but felt the R3 and R5 should require CD. Council Member Furguele noted that, on the long term, he would not be looking for the CD on the Adult Living but suggested it as a stop-gap measure while staff worked on the language. Ms. Meade asked Council Member Furguele why he felt differently about the Adult Living Community and the Residential Care Facility in the B3. Council Member Furguele stated it was because the Residential Care Facility was a commercial use so he felt it fit into the General Business District.

Ms. Shook pointed out that the "L" that was populated in the Use Table would now be a "P". She explained that she placed an "L" there in case there were some standards that Council wished to apply but because there have been none the "L" would change to a "P". Council Member Furguele stated he thought there would be standards that would be adopted. Ms. Shook replied that there would be but, because they were not yet created, the use would be permitted with the transitional zone, until the time that the standards were developed and the text was revised. Council Member Furguele stated he had suggested requiring the CD until the standards were developed and the text was revised. Ms. Shook asked Council Member Furguele if he would like to have a CD in the OI and B3 as well as the R3 and R5 and he replied that he was only suggesting the CD for R3 and R5 and the OI and B3 could remain as transitional zone. Ms. Shook explained that the OI and B3 districts would have to be populated with a "P" instead of an "L" with this text amendment and could change to an "L" once the text had been revised and brought back before the Boards for another amendment to the text. Council Member Furguele stated that putting pure residential development in a commercial district was different than the Care Facilities which were commercial.

Vice Chairman Plaag asked if there was a guardrail to protect against the mega development that would mix these two uses. He asked if a safeguard could be to remove the Residential Care Facility from the R3, which would force an applicant who wanted to do a mega development to come in and do a Conditional District. Ms. Shook stated that was correct but would not preclude them from choosing another district or requesting split zoning. Council Member Furguele suggested that staff look at possible combination use categories when revising the text.

Mayor Brantz opened the hearing for public comment.

John Grasinger, owner of a 55+ residential development, stated his development did not have a 20% variance in the development and noted that at least one resident had to be 55 or older to live there. He stated there were two fully occupied buildings that were four stories tall with two bedrooms and an office-type bedroom. Mr. Grasinger stated there were some residents that were 100 years old, some that were in wheelchairs, and some very active residents. He felt the project had been very successful but the crash

in the economy caused him to be unable to get funding to complete the third building. Mr. Grasinger stated there was nothing said at the meeting tonight that he had any disagreement with. He noted his development did not have bicycle parking and a lot of people had bicycles which they parked in various places including their apartment.

Vice Chairman Plaag asked Mr. Grasinger where his development was located. Mr. Grasinger stated the development was off of Dale Street which was off of State Farm Road. He noted the development was buffered from ASU's parking lot and you could get right on the Greenway from the property.

Commission Member Behrend asked if a third building would fit into the development. Mr. Grasinger stated that the building pad was already in place because they poured all three building pads at the same time. He explained that they got the first building built and sold all of those units. Then they got the second building built and had to rent those because people could not get financing to buy but most of those units have now been sold. Mr. Grasinger stated the third building is just standing there as a foundation and an eyesore with a significant amount of money invested in it. He explained that he tried to keep the permit open for as long as possible but finally had to let it expire.

Vice Chairman Plaag asked Mr. Grasinger if he knew whether or not single family home retirement communities were typically done in a condo type manner where you would not own the parcel. Mr. Grasinger stated he had limited experience but thought there were probably more rental developments than condo developments. He added that there were very few places in Boone where a larger development with transitional housing could go.

Commission Member Behrend asked if the 55+ wording implied there were federal requirements involved to allow a percentage of residents under 55 years old. Mr. Grasinger explained that federal law stated you could not discriminate based on age but it did provide something called HOPA (Housing for Older People Act). He stated that HOPA allowed you to have 55 and older but it required that you at least have 80% of the occupancy be 55+. Mr. Grasinger noted that it did offer some flexibility for the times you may have only 75% occupancy of 55+ because you were making a good faith effort but the law did not say you had to have 20% occupancy that was under 55. Commission Member Behrend asked if the HOPA language should be included in the text. Ms. Meade replied that could be done but explained her thinking was that people would be subject to the federal law and the federal law applied no matter what the Town said. Commission Member Behrend thought including the language might make the 55+ more understandable. Vice Chairman Plaag thought it gave the Town some cover to have an ordinance that mandated a zoning category and provided standards desired by the Town versus just referring to a federal law and not providing standards that the Town would like to have as well. Ms. Meade stated the definition could definitely be adjusted.

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 8:44 p.m.

OTHER MATTERS

There were no other matters discussed at this hearing.

ADJOURNMENT OF TOWN COUNCIL

Council Member Furguele made a motion for Town Council to adjourn at 8:45 p.m. The motion was seconded by Commission Member Ulmer.

Vote: Aye – All

Nay – None

The motion passed.

Mayor Pro-Tem Clawson made a motion to enter closed session pursuant to authority granted under North Carolina General Statute 160A-71(b)(1), the Boone Town Council hereby gives notice to those concerned that a Special Meeting of the Boone Town Council will be held immediately following the public hearing scheduled for 6:00 p.m. on Monday, September 23, 2019 at Town Council Chambers located at 1500 Blowing Rock Road in Boone. The purpose of the meeting will be for Council to continue its closed session meeting from September 19th pursuant to: 1. N.C. Gen. Stat. § 143-318.11(a)(1), to review, approve and seal closed session minutes from Council's prior closed session(s); 2. N.C. Gen. Stat. § 143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and obtain legal advice, consider and/or give instructions to the attorney concerning one or more potential legal claims or other legal matter(s) and; 3. N.C. Gen. Stat. § 143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and obtain legal advice, consider and/or give instructions to the attorney concerning the legal matters involving Zhiyuan Chen. The motion was seconded by Council Member Furguele.

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

Rennie Brantz, Mayor

Brenda Henson, Board Secretary

Eric Plaag, Planning Commission Vice Chairman

Continuation of Planning Commission Meeting

Vice Chairman Plaag called a break in the Planning Commission meeting from 8:49 p.m. until 8:56 p.m.

Commission members discussed how they would like to proceed with the cases heard at the Public Hearing and how late they would be able to stay. Commission Member Behrend stated she would be able to stay until 10 p.m. Other members were open to staying until whatever time was needed. It was the consensus of the Commission members to proceed in the order presented at the hearing and see how far they could get.

Case PL02977-082019 Caldwell Hospice – General Use Zoning Map Amendment

The Town of Boone has initiated the zoning of a 10.009 acre property off Archie Carrol Road (Watauga County PIN: 2921-52-6451-000) owned by Carroll NC Properties, LLC & Robert L. Idol, Jr. to OI Office/Institutional. Zoning is to coincide with the property owner's voluntary annexation of the property.

Vice Chairman Plaag stated his understanding was that the applicant for annexation had requested the OI zoning classification. Mr. Little replied that Town Council directed staff to advertise as a request to zone to OI. Vice Chairman Plaag stated he thought he heard in the hearing that the applicant also requested an OI zoning. Mr. Little stated that was correct.

Vice Chairman Plaag stated a concern he heard at the hearing from a Council member was about the impact of zoning this satellite parcel as OI when it is surrounded on three sides by what is essentially residential property. Mr. Little noted that former ETJ zoning had properties from the northwest to

southwest zoned as RA, property to the south was B3, and no zoning immediately to the north because that area was located in the County's jurisdiction. Chairman Plaag asked what uses those unzoned properties contained. Mr. Little replied that there appeared to be a farm use and possibly single family homes.

Vice Chairman Plaag noted the subject parcel was originally part of a larger parcel zoned B3 when in the ETJ.

Commission Member Behrend stated she heard a concern from Town Council that the rezoning of this parcel would allow any of the allowed uses in the OI district. Vice Chairman Plaag noted that Ms. Meade had cautioned them not to consider the proposed Hospice use when contemplating a zoning classification but to consider the wide range of uses currently allowed in the UDO for OI zoned property.

Vice Chairman Plaag stated there were concerns raised about transitional zones and his understanding was that because none of the surrounding parcels were zoned so there would be no transitional zone requirements. Mr. Little confirmed that, without a zoned property to trigger a transitional zone, there would not be a transitional zone.

Commission Member Behrend stated she did not understand how they were supposed to justify a zoning classification without considering a proposed use.

Vice Chairman Plaag stated he did not think all of the properties near the subject property would ever be incorporated into the Town limits but felt the Town had an obligation to the surrounding property owners, whether they were in the Town or County, to be sensitive to their uses when deciding on a zoning for a property that will be annexed into the Town.

Mr. Little noted that adjacent property owners were notified of the hearing whether their properties were located inside the Town limits or not. Commission Member Hedrick asked if the Town received any response from the public. Mr. Little replied that he received a couple of calls asking what the request was for.

Commission members reviewed the uses permitted in the OI.

Commission Member Behrend asked why OI was requested instead of B3. Mr. Little replied that a Hospice facility would be classified as a Use 2.06 Nursing Care Institution and that use would currently be allowed in OI and B3. Commission Member Behrend stated they could have requested B3 instead of OI in that case. Vice Chairman Plaag asked if there was a reason OI was requested instead of B3. Mr. Little felt it could be the thought that OI was a less intense zoning district than B3. Vice Chairman Plaag noted that B3 presented some more problematic uses than OI.

Commission Member Hedrick asked what limitations there would be on the property if it remained in the County's jurisdiction. Mr. Little replied that the property would not be subject to any Town limitations.

Vice Chairman Plaag asked if a Conditional District was considered for this application. Mr. Little stated there was some discussion about it but there were concerns about the fact that it had not been done before and whether or not it could be done initially, along with the annexation. Mr. Little noted there was also a significant cost associated with seeking a Conditional District. Vice Chairman Plaag asked what the additional cost were to go through a CD process as opposed to by right zoning. Mr. Little explained there was the up-front cost of hiring engineers, designers, or architects, and producing plans for an unknown outcome in the CD process whereas, if a use was allowed by right in a zoning district and you could meet the Ordinance requirements, you could get a zoning permit.

Vice Chairman Plaag stated that, in looking through the uses in OI, he did not see a lot of egregious uses that would be allowed in the OI.

Commission Member Behrend stated if the property was not annexed and remained in the County's jurisdiction it could become anything and she felt OI uses would be better for the neighbors than what might be allowed there otherwise.

Commission Member Hedrick agreed with Commission Member Behrend and felt zoning the property OI with the annexation would present a better result than if the property were left in the County.

Vice Chairman Plaag asked if it was the property owner's responsibility to pay for the extension of water and sewer services. Ms. Shook responded that there could be times when cost sharing might occur and added that those parameters were set out in the Water and Sewer Ordinance.

Vice Chairman Plaag asked what the gray area depicted on the Growth Strategy Map. Mr. Little stated the gray area was the Primary Growth Area.

Vice Chairman Plaag asked if there was a structure on the subject property. Mr. Little stated the only structure on the property was a shed. Vice Chairman Plaag asked if there was any historic designation on the property. Mr. Little replied there was no historic designation to his knowledge.

First Motion and Vote: Commission Member Veno made a motion, seconded by Commission Member Behrend, that the proposed amendment to the Town's zoning map is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that is applicable because it complies with:

1.1 Overall Objectives for the Boone Comprehensive Plan

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.

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.

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

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

Commission Member Hedrick expressed a concern about policy 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. Vice Chairman Plaag stated that this Comprehensive Plan policy was part of the reason he had asked who bore the cost of extending water and sewer. He felt that if the Town did not generally require the applicant to bear the cost or a portion of the cost for extension, this policy would be a significant argument against approving this request.

Vice Chairman Plaag stated he was also a little on the fence because of policy 2.2.2 Utilities 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. Vice Chairman Plaag noted the subject property was located within the Secondary Growth Area. He stated he shared Commission Member Hedrick's concerns.

Vote: Aye – 2 (Veno, Behrend)
 Nay – 2 (Plaag, Hedrick)
The motion failed.

Commission Member Hedrick asked if what was hanging them up was Comprehensive Plan policies 2.2.2 A. & B. Vice Chairman Plaag stated that the property annexed in order to get water and sewer and these policies seemed to discourage the practice of extending water and sewer to island parcels, especially when they are not in the Primary Growth Area.

Ms. Shook replied that the Comprehensive Plan text was drafted in 2006 and the way the Town provides water may change because of the Town's new water intake system. Ms. Shook felt that the Growth Strategy Map, as well as the language in 2.2.2 Utilities, would likely change whenever the Comprehensive Plan was updated to reflect new policies. Ms. Shook noted that based on information from GIS water and sewer lines are already in place in front of the property. Vice Chairman Plaag stated that was very helpful to him. Commission Member Hedrick agreed. Vice Chairman Plaag felt it would be helpful to include this type of information in the board packet. Ms. Shook replied that Public Works would have to make that type of statement in their comments and she could ask if they would be willing to provide the information in the future.

Vice Chairman Plaag stated that they had a motion, second, and split vote but did not have all of the information about the water and sewer prior to voting. He asked if proper procedure would be to make a new motion to mirror the first motion. Ms. Shook stated she was unsure but felt that either a new motion or a recall of the first vote would be acceptable.

Commission Member Behrend, seconded by Commission Member Veno, made a motion to recall the last vote.

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

Vice Chairman Plaag stated that the motion and second, as originally stated by Commission Member Veno and seconded by Commission Member Behrend, was back on the table and asked there was any further discussion in light of the new information regarding the water and sewer.

Commission Member Hedrick stated the new information satisfied his concerns.

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

Second Motion and Vote: Commission Member Hedrick made a motion that the Planning Commission recommends approval of the proposed amendment to the Town's Zoning map and believes approval is reasonable and in the public interest because there are no foreseeable negative impacts to surrounding properties and it falls in line with the Town's Unified Development Ordinance as far as the Commission can see. Vice Chairman Plaag wished to amend the motion to add that, given the other possible zoning classifications that align with the past history of this property, the OI is a less intensive zoning classification than the B3 would be and would probably be more appealing to residential neighbors to this property. Commission Member Hedrick agreed with the amendment. The motion, as amended, was seconded by Commission Member Behrend.

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

Ms. Shook explained for the audience members that Planning Commission's recommendations would be reduced to writing and submitted to Town Council meeting in October.

Case PL03012-082619 Glenn – General Use Zoning Map Amendment

The Town of Boone has initiated the zoning of a .251 acre portion of 804 Poplar Grove Road (Watauga County PIN 2900-68-2176-000) owned by Robert Chase Glenn and Timothy Dale Glenn to R1 Single-Family Residential. Zoning is to coincide with the property owner's voluntary annexation of the portion of property outside of corporate limits.

Vice Chairman Plaag reminded Commission members that half of this property was already located within Town limits and was zoned R1 while the other half of the property was located in the County. He noted his recollection of the facts in this case were that Mr. Glenn experienced a septic system failure and was told by the health inspector from the County that the only solution to the problem would be to get on Town sewer and that could only be done through the annexation process. Vice Chairman Plaag noted that the Town had already hooked up sewer for Mr. Glenn although his property has not yet been annexed. Ms. Shook explained that the Water and Sewer Code contained a provision for single family residential homes only that if an emergency situation arose and the owner was able to annex the Town could go ahead and make the connection with the understanding that the owner must follow up with the annexation. Vice Chairman Plaag noted that he was not trying to imply Mr. Glenn did anything wrong.

Vice Chairman Plaag recalled hearing that the Town was already looking at this parcel because of its split jurisdiction and asked if this parcel would have been addressed at some point anyway. Ms. Shook explained that Council was looking at taxation issues with split jurisdiction parcels and there was an on-going assessment of all of those parcels, not just this parcel. She added that, while the Town would love to bring all of the split jurisdiction parcels into Town limits, she has not been directed to do so at this time.

Commission Member Veno asked if Mr. Glenn's house was on the part of the property that was located in the County. Vice Chairman Plaag stated that was correct. Ms. Turner added that the failed septic system was located on the portion of property that was already located within Town limits. Ms. Shook noted that the hardship provision would only apply if an annexation could occur. If Mr. Glenn could not have annexed, Ms. Shook stated he would have had to find a different solution for his failed septic issue which could cost thousands and thousands of dollars.

Commission Member Hedrick agreed with the comment from Council that this request seems pretty straightforward and reasonable.

First Motion and Vote: Commission Member Behrend 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 plan(s) of the Town that is applicable because it complies with:

Comprehensive Plan Policy 2.2.2 Utilities

- 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.
- 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.

Vice Chairman Plaag stated he was not sure 2.2.2 D. would apply because the property was located in the Primary Growth area. Commission Member Behrend stated she was okay to remove 2.2.2 D.

The motion, as amended, was seconded by Commission Member Hedrick.

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

Second Motion and Vote: Commission Member Behrend made a motion, seconded by Commission Member Veno, that the Planning Commission recommends approval of the proposed amendment to the Town's Zoning map and believes approval is reasonable and in the public interest because it makes sense to make this property consistent with the portion of the property that is already located in the Town.

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

At this time, Planning Commission members had discussion regarding whether to hear the remaining cases at this meeting, schedule a special meeting, or move the remaining items to their next regularly scheduled meeting.

Commission Member Veno stated he was confused about what they were being asked to do with the text amendments. Vice Chairman Plaag replied that he felt Council would like to see some form of each of the text amendments pushed through. He stated there was a lot of discussion about different components and suggested changes to the draft text. Vice Chairman Plaag stated it fell to them to essentially revise, on the fly, based on what they heard at the public hearing and make a recommendation to Council. He felt the discussion and revision process could take some time. Ms. Shook added that, based on the discussion of both text amendments, she would feel most comfortable if they went through the text change by change and take the time to write down suggested language.

Vice Chairman Plaag asked what the consequences would be if the text amendments were pushed to their next meeting and asked if Council would go ahead and take action. Ms. Shook replied that Council could not take action until 30 days had lapsed so they would not be able to take any action until the November Town Council meeting. Vice Chairman Plaag asked if they were unable to make quorum for the October Planning Commission meeting, would Council be able to vote on the amendments in November without Planning Commission recommendations. Ms. Shook stated Council could move forward without Planning Commission recommendations in that scenario. Vice Chairman Plaag asked if there were currently other agenda items for the October meeting. Ms. Shook replied that there were no other agenda items other than an update on another matter that she would provide. She added that the October meeting was not a public hearing and would be a Planning Commission meeting only.

Commission Member Veno asked if Commission members could get a copy of the sidewalk handbook. Ms. Shook stated the handbook could be viewed on the Town's website.

Vice Chairman Plaag asked if Commission members could get some type of highlights of the concerns raised at the public hearing prior to the Planning Commission meeting. Ms. Shook replied that every effort would be made to have draft minutes prepared and sent to Planning Commission before their meeting.

Vice Chairman Plaag made a motion, seconded by Commission Member Behrend, that the two remaining cases, sidewalk fee-in-lieu and 55+ housing, be tabled until the October 28 Planning Commission meeting.

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

OTHER MATTERS

Ms. Shook noted that Town Council was presented two options at their last meeting regarding a time frame for the potential town-wide rezoning. Ms. Shook stated Council also discussed the annual Planning & Inspections Work Plan that lists priorities set by Town Council for the Department. She noted that the first priority was completing project focused on the Downtown, which includes work the Community Appearance Commission was currently working on which would be text and a map amendment. Ms. Shook told Commission members they could expect to see the CAC's work come before them soon. She explained that there would be a recommendation to rezone properties in the Downtown area, as well as new design standards for those properties. She noted that the Historic Preservation Commission was also working on a potential Local Historic District which would have separate design guidelines. Ms. Shook stated that Town Council felt these items higher in priority so the potential town-wide rezoning project will be tabled until the Downtown projects are complete. She asked Commission members to hold onto their binders of information regarding the potential town-wide rezoning.

Ms. Shook noted there would be a lot of small text amendments at the November public hearing. Vice Chairman Plaag asked Ms. Shook if she anticipated cases on the November agenda other than the text amendments she had mentioned. Ms. Shook replied that there was a case associated with an annexation and noted that the submission deadline was not until Friday so there was a potential to have something else come in.

ADJOURNMENT OF PLANNING COMMISSION

Commission Member Hedrick made a motion, seconded by Commission Member Behrend, to adjourn the meeting at 9:59 p.m.

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

Eric Plaag, Planning Commission Vice Chairman

Brenda Henson, Board Secretary