

**Town of Boone
Public Hearing
6:00 PM, Jul. 24, 2023
WebEx**

This meeting will be held via WebEx. Individuals who wish to watch the meeting or speak during public comment can do so through WebEx either online or by phone. Please email jane.shook@townofboone.net or call 828-268-6960 and you will be provided with an invite to the meeting. All requests for participation must be completed by 5:00 PM on the day of the meeting. Staff will moderate the WebEx session to ensure all participants have an opportunity to speak. Individuals who require user assistance registering or joining the WebEx meeting can call 828-268-6960 for support.

I. Call to Order - Town Council

II. Call to Order - Planning Commission

III. Moment of Silence

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

May 22, 2023 Public Hearing Minutes

V. Public Hearing Guidelines for Each Case Presented

- A. Presentation of Case by Staff/Applicant*
- B. Questions by Town Council and Planning Commission*
- C. Public Comment*
- D. Discussion/Questions by Town Council and Planning Commission*
- E. Public Hearing for Case is Closed*

VI. Case PL06422-012523 Kelpat Terrace - General Use Zoning Map Amendment

Case PL06422-012523 Application Information

Case PL06422-012523 Staff Report

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

Case PL05640-040822 Application Information

Case PL05640-040822 Staff Report

Case PL05640-040822 Presentation

VIII. Adjournment of Town Council

PLANNING COMMISSION MEETING

IX. Public Comment

X. Approval of Planning Commission Meeting Minutes

May 22, 2023 Planning Commission Meeting Minutes

XI. Planning Commission Consideration of Cases Heard at Public Hearing

XII. Other Matters

XIII. Adjournment of Planning Commission

**TOWN COUNCIL AND PLANNING COMMISSION
PUBLIC HEARING MINUTES
MONDAY, MAY 22, 2023, 6:00 PM
1500 BLOWING ROCK ROAD & VIA WEBEX SOFTWARE**

COUNCIL MEMBERS PRESENT: Mayor Tim Futrelle, Mayor Pro Tem Edie Tugman, Todd Carter, Dalton George, Becca Nenow, and Virginia Roseman (arrived at 6:10 p.m.)

PLANNING COMMISSION MEMBERS PRESENT: Elizabeth Shay-Chair, Chris Behrend, John Tippet, and Frank Veno

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

OTHER TOWN STAFF AND REPRESENTATIVES PRESENT: Allison Meade-Town Attorney, Amy Davis-Town Manager, Rick Miller-Public Works Director, Todd Moody- Public Works Deputy Director

Call to Order

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

Moment of Silence

A moment of silence was observed.

Approval of Meeting Minutes

Council Member Carter made a motion to approve the March 20, 2023, Special Public Hearing minutes as written. The motion was seconded by Council Member George.

Vote: Aye – 4
Nay – None
Absent – 1 (Roseman)

The motion passed.

Mayor Pro Tem Tugman made a motion to approve the March 27, 2023, Public Hearing minutes as written. The motion was seconded by Council Member George.

Vote: Aye – 4
Nay – None
Absent – 1 (Roseman)

The motion passed.

Commission Member Behrend made a motion to approve the March 20, 2023, Special Public Hearing minutes as written. The motion was seconded by Commission Member Tippet.

Vote: Aye – 4
Nay – None

The motion passed.

Commission Member Behrend made a motion to approve the March 27, 2023, Public Hearing minutes as written. The motion was seconded by Commission Member Venio.

Vote: Aye – 4
Nay – None

The motion passed.

Public Hearing Guidelines

Mayor Futrelle explained the guidelines for each case presented at the public hearing.

PUBLIC HEARING

Case PL06583-040523 Yates Family Properties – General Use Zoning Map Amendment

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

Mr. Mike James, Senior Planner with the Town of Boone Planning & Inspections Department, presented the request as it was outlined in the meeting packet. He noted that this request was for a General Use Zoning Map Amendment, not a Conditional District Zoning Map Amendment. Mr. James explained that there was no site-specific development plan, and conditions could not be placed on a General Use Zoning Map Amendment. He noted that, as advised in the Staff Report, Council and Commission members should consider whether the entire range of permitted uses in the requested classification (R1) was more appropriate than the range of uses in the existing classification (R3).

Mr. Allen Yates, the property owner, stated that he had proposed a subdivision on this property about six months ago that did not get very far. He noted that he was now requesting the minimum zoning of R1 so that someone could at least build a house on the property or undertake any other development.

Council Member Roseman arrived at the meeting at 6:10 p.m.

Council Member Roseman asked how many houses could be built on the property if it was zoned R1. Mr. James explained that if the property were subdivided, each lot would have to have 56' of road frontage. Mr. James added that, without any further board action, he felt that only one home would be permitted on the property. Mr. James explained that any subdivision of the property would most likely trigger the major subdivision process, which required plat approval before the Board of Adjustment or a Conditional District process before the Town Council and Planning Commission.

Mr. James noted that the property was located within a watershed area, so the number of lots allowed would be reduced to ten if the property owner considered subdividing.

Chair Shay asked if a minor subdivision was possible. Mr. James did not believe the subdivided lots could meet the street frontage requirements.

At 6:20 p.m. Mayor Futrelle asked for public comment.

Mr. Vince Caruso, age 14, stated he had lived in the Chase Hill community for five years. He noted that one of his favorite things about living in the Chase Hill community was the peace and quiet. Mr. Caruso stated that development would bring more people, traffic, and noise and would eventually take away all the beautiful nature and woods. He felt that any development of the subject property would create a major safety issue for pedestrians who walk on the street. Mr. Caruso stated that he loved this community because it was peaceful, and he was happy to have those woods. He asked that any future development requests be denied.

Mr. James Edwards did not wish to speak.

Ms. Shook noted that written public comment was sent to the Council and Planning Commission via email.

Ms. Rosie Bentley stated she lived on Kellwood Drive and was concerned about the increased traffic generated by additional housing. She also expressed concerns about additional flooding caused by the development of the Yates property. Ms. Bentley stated that this was a wonderful neighborhood, and she was thrilled to live there. She added that she hoped whatever was done on the Yates property was done in the best interest of the neighborhood.

Mr. Yates stated he appreciated all of the concerns from the neighborhood. He reminded everyone that he was just requesting a general zoning change with no plan for development at this time. Mr. Yates felt this was a beautiful property, and noted he would like to have it be available as an R1 property for someone to build a home. Mr. Yates stated that he had not put up any no-trespassing signs and felt he had been very accommodating to the neighborhood.

Council Member George stated he was impressed with this neighborhood's ability to mobilize and get folks out. He added that the high-density development allowed in R3 zoning was not something the Town wanted to see in this neighborhood. Council Member George noted that an R1 zoning would only allow for a single home unless the property owner went through an additional process for subdivision. He felt that an R1 zoning would put the subject property in harmony with the majority of that area, while also permitting the type of development that would create the least impact on the neighborhood.

With nothing further, Mayor Futrelle closed the public hearing for this case at 6:32 p.m.

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

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

Ms. Jane Shook, Director of the Town of Boone Planning & Inspections Department, presented the request as it was outlined in the meeting packet.

Mr. Nick Katers with ASU noted the request was for three parcels to be rezoned R3 to U1. He stated the largest parcel contained the Holmes Convocation Center and was currently zoned U1, with a small portion zoned R3. Mr. Katers noted that the second parcel was 8,000 square feet, zoned R3, and was currently used as a parking lot. The third parcel was being used as a drive aisle, was 7,500 square feet, and was zoned as R3. He stated that all three of the parcels were contiguous with the main campus.

Council Member George asked if the adjacent condo owners were notified of this request. Ms. Shook replied that everyone within 150 feet of the subject properties was notified.

Mayor Pro Tem Tugman mentioned that the University had plans to build a parking deck on the properties in question. She noted that there appeared to be some single-family homes adjacent to the University property. Mayor Pro Tem Tugman asked what the setbacks would be for the parking deck, given the neighboring single-family residences. Ms. Shook explained that though this request was for general use rezoning and should not be viewed as a site-specific plan, it was relevant to note the University had submitted a zoning permit application that was currently under review. She noted that one of the review comments was for the property owner to address the zoning of the properties. She then noted that based upon the zoning of the adjacent properties, the building would have to be set back at least 50 feet, or the height of the structure would be restricted.

Mayor Pro Tem Tugman asked about height requirements. Ms. Shook explained that because the building would be setback from the residential property by 50 feet, the University could take advantage of a higher height limit. Mayor Pro Tem Tugman stated that the building was proposed to be five or six stories tall. Ms. Meade added that the height for U1 was allowed to go up to fire safety height.

Chair Shay asked why there were so few uses allowed in the U1 zoning district. Ms. Shook replied that anything that was University related would be allowed as long as it advanced the mission of the University.

Mayor Pro Tem Tugman noted that there were areas of steep slope on the properties. Ms. Shook replied that the steep slopes areas would not be disturbed.

Council Member George felt this was a good project and a nice opportunity for the Town and the University to get along. He stated that the project would make that side of the University a lot more accessible and walkable, even though the property would be taken off of the tax rolls. Ms. Shook replied that these properties were already owned by the State, so they were not currently on the tax rolls.

Council Member Roseman stated that, as a Town Council member, she would always be the hardest sell when there were requests for rezoning properties to U1.

There was no public comment on this case.

Council Member Carter felt this request made sense. He felt a parking deck would improve parking and walkability.

Commission Member Veno agreed that a parking deck in this location made sense and was sorely needed. He stated that it would be in a place that was not very obvious to the public. Commission Member Veno noted that while State-owned property was off of the Town's tax rolls, the University still brought a lot of revenue to the Town.

Council Member Roseman felt a parking deck would benefit the community. However, she wished the parking deck construction would have been done on the portion of the property that was already zoned U1. Ms. Shook noted that the University had been making use of the subject properties since they first owned them.

Mayor Futrelle saw the parking deck as a benefit to the community. He applauded ASU for their efforts to open the lines of communication much farther than they had been in quite some time.

With nothing further, Mayor Futrelle closed the public hearing for this case at 6:52 p.m.

Case PL05640-040822 Lighting Design Standards – UDO Text Amendment

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

Ms. Shook noted that Ms. Jessica Mitchell, Long-Range & Special Projects Planner, would be giving a presentation that would explain the intent and purpose behind the proposed lighting changes.

Ms. Mitchell stated that the presentation was contained in the meeting packet, beginning on page 105. A copy is attached. Ms. Mitchell also presented photos of various businesses around town to show examples of current lighting. These photos are contained in the meeting packet beginning on page 114, and a copy is attached.

Discussion ensued as to the applicability of the proposed standards. Ms. Meade asked if Council would want the revised lighting standards to apply only to new construction or if they would want the standards to apply to existing development with a date set for when the developments would need to come into compliance. Ms. Meade felt it would be somewhat unusual to require non-conforming situations to come into compliance for lighting, given the substantial cost to property owners. She suggested that if Council did want to require all developments to come into compliance, a longer timeframe be considered. Ms. Shook stated that lighting standards were currently a Tier 2 requirement, meaning if improvements to a development totaled at least 25% of the development's value, lighting requirements would have to be met. She explained that originally, it had been in Tier 1 (10%), but had been reassessed and modified due to the cost of lighting improvements.

Mayor Futrelle felt there should be universal standards for parking lot lighting. Ms. Shook stated that there had been concerns voiced regarding the amount of lighting in parking lots. She felt there needed to be a balance between safety and protecting the dark sky values.

Council Member George stated that the use of Kelvins and lumens was an attractive idea that could help balance the warm and cool colors of light.

Discussion ensued as to potential public outreach before proceeding with changes.

Chair Shay felt that both Planning Commission and Town Council needed more time to digest the materials and the proposed changes.

Ms. Meade cautioned that if sunsetting was adopted, Council would need to be very specific about what was actually being included in the items that would sunset. Ms. Shook noted that cumulative construction costs were tracked for 3 years. Once the cost of improvements would reach a particular level, another tier could be triggered, meaning additional requirements of the UDO would have to be met. Ms. Shook stated that the cost for lighting upgrades required by the sunset date would not go toward the cumulative costs. Ms. Meade added that the current tiered system also acted as a disincentive to upgrade properties due to the associated costs.

Next meeting dates were discussed. Ms. Shook noted that Chair Shay and Commission Member Tippet's terms would expire on June 30, 2023, and they would be going off of the Planning Commission. Ms. Shook stated that the next regularly scheduled Public Hearing would be on July 24, 2023. Town Council and Planning Commission members agreed to continue the discussion of the lighting design standards revisions at the July Public Hearing.

Adjournment of Town Council

Council Member Carter made a motion to adjourn the Town Council at 8:24 p.m. The motion was seconded by Council Member Roseman.

Vote: Aye – All
Nay – None

The motion passed.

Tim Futrelle, Mayor

Brenda Henson, Board Secretary

Elizabeth Shay, Planning Commission Chair

Continuation of Planning Commission Meeting

Chair Shay called a break in the meeting from 8:24 p.m. until 8:32 p.m.

Public Comment

There was no additional public comment.

Approval of Planning Commission Meeting Minutes

Commission Member Behrend made a motion to approve the March 27, 2023, Planning Commission meeting minutes as written. Commission Member Tippettt seconded the motion.

Vote: Aye – All
Nay – None

The motion passed.

Commission Member Tippettt made a motion to approve the April 17, 2023, Special Planning Commission meeting minutes as written. Commission Member Behrend seconded the motion.

Vote: Aye – All
Nay – None

The motion passed.

Case PL06583-040523 Yates Family Properties – General Use Zoning Map Amendment

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

Commission Member Tippettt stated that the subject property was surrounded by residential properties and the river. He felt that with all of the environmental considerations, the property should be zoned for the lowest possible density. Commission Member Tippettt noted that only about half of the seven acres could be developed due to flood zone restrictions. He stated he hoped someone would build a house and have a nice riverfront property. Commission Member Tippettt spoke in favor of the rezoning request.

Commission Member Behrend agreed with Commission Member Tippettt. She felt that R1 was a better, lower use than R3.

Commission Member Veno felt that an R1 zoning of this property made sense. He stated that one or two houses added to the neighborhood would not add a great deal of traffic.

Chair Shay agreed that this property seemed to be a logical place to have very low-density residential, which could serve some conservation and flood management functions. Chair Shay asked Ms. Shook if a curb cut would support two driveways or driveways to two residences. Ms. Shook replied that a single driveway could serve two lots. However, to create two lots, each lot would have to meet the minimum standard of 56 feet of street frontage.

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

Comprehensive Plan Policy 2.2.2 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.

Comprehensive Plan Policy 2.2.5 Environmental Health

E.1 Consider the use of innovative zoning techniques such as density bonuses and transfer of development rights in exchange for preservation of significant environmental features.

F. Recognizing the economic and environmental costs of commercial and residential stormwater runoff, innovative stormwater management techniques such as permeable sidewalks, driveways, and parking areas shall be encouraged.

Comprehensive Plan Policy 2.3.1 Community Appearance

A. Measures to improve the effectiveness of grading, landscaping and buffering standards for new and existing developments shall be encouraged.

Comprehensive Plan Policy 2.3.2 Community Character

E. New development, redevelopment, and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town.

Comprehensive Plan Policy 2.3.3 Housing & Neighborhoods

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

The motion was seconded by Commission Member Behrend. Chair Shay wished to amend the motion to include:

Comprehensive Plan Policy 2.3.3 Housing & Neighborhoods

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

Commission Members Tippet and Behrend accepted the amendment.

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 Ordinance PL06583-040523 and believes approval is reasonable and in the public interest because the recommended R1 single-family allows less dense permitted uses than the current zoning and would have less negative impacts on potential environmental issues and fits with the surrounding residential neighborhood. The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed.

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

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

Chair Shay asked what ASU intended to do with the property. Ms. Shook replied that this request was for a General Use Zoning Map Amendment. However, the University had submitted a zoning permit application to the Town to construct a parking deck on the properties. Ms. Shook explained that the zoning application could not be fully processed because portions of the properties were zoned R3 instead of U1.

Commission Member Veno stated he was in favor of rezoning these properties and using them to construct something to further the University's purpose. He noted that the properties were located in the center of a lot of activity, yet was somewhat away from the mainstream.

Commission Member Tippet and Chair Shay stated they would support the rezoning request.

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

Comprehensive Plan Policy 2.1.2 Commercial Development

I. Office and institutional development may be encouraged as a transitional land use between residential areas and higher intensity commercial activities.

The motion was seconded by Commission Member Behrend. Commission Member Tippet wished to amend the motion to include:

Comprehensive Plan Policy 2.1.1 Economic Development

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.

Chair Shay and Commission Member Behrend accepted the amendment.

Vote: Aye – All
Nay – None

The motion passed.

Second Motion and Vote: Chair Shay made a motion that the Planning Commission recommends approval of Ordinance PL06596-041223 and believes approval is reasonable and in the public interest because the properties are already owned and being used by the University so rezoning them to U1 would allow the University to make efficient and logical use of the parcels and make all of the parcels the same zoning classification. The rezoning of the parcels is a good opportunity to demonstrate Town/Gown cooperation. The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed.

Case PL05640-040822 Lighting Design Standards – UDO Text Amendment

This is a request to modify UDO Article 25 Community Appearance Standards to reflect lighting industry changes and lighting design best practices. In conjunction with the Community Appearance Commission

evaluating current Community Appearance Standards, Planning Staff has evaluated the current lighting standards by meeting with lighting design professionals, dark sky advocates, and local energy providers to discuss current lighting practices and areas of improvement.

Chair Shay stated that staff had done a tremendous amount of work on the proposed amendment, but additional time was necessary for Commission members to digest the work and consider possible issues. She asked Ms. Shook if the Planning Commission would be discussing the lighting design standards at their regular meeting in June. Ms. Shook replied that the next discussion would need to take place with both Planning Commission and Town Council, so the topic would not be considered until the July Public Hearing. Ms. Shook reminded Chair Shay and Commission Member Tippet that their terms on the Planning Commission would expire on June 30, 2023. However, they could continue to serve on the Commission until their positions were replaced. Chair Shay and Commission Member Tippet indicated they would likely be able to attend the meeting in July.

Other Matters

Ms. Shook noted that an RFP had been released for the Comprehensive Plan.

Adjournment of Planning Commission

Commission Member Behrend made a motion to adjourn the meeting at 9:11 p.m. Commission Member Tippet seconded the motion.

Vote: Aye – All
Nay – None

The motion passed.

Elizabeth Shay, Planning Commission Chair

Brenda Henson, Board Secretary

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:

145 Moretz Drive

Watauga County Parcel Identification Number:

See List on Back of Application

Existing Zoning District(s): B1 Central Business

Proposed Zoning District(s): R3 Multiple Family

Adjacent Land Uses: N: Commercial/Town Owned Property

E: University

S: South

W: Single-Family Residential

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

If yes, describe: Special Use Permit, 1984

Total Land Area: .682 acre

C. Property Owner Information

Name:

See List on Back of Application

Complete Mailing Address (Street, City, Zip):

Phone Number:

Email Address:

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

D. Applicant Signature and Property Owner Authorization

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

Initiated by Town of Boone

Property Owner (Print)

Property Owner (Signature)

Date

Official Use Only				
Permit Name: Kelpat Terrace – General Use Zoning Map Amendment				
Permit Number: PL06422-012523				
Date:	Fee:	Receipt Number:	Method of Payment: ☐ Cash ☐ Check Number: _____	Paid By:

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: July 24, 2023

PC Meeting Date: July 24, 2023

TC Meeting Date: _____

Date of APO Mailed Notification: _____

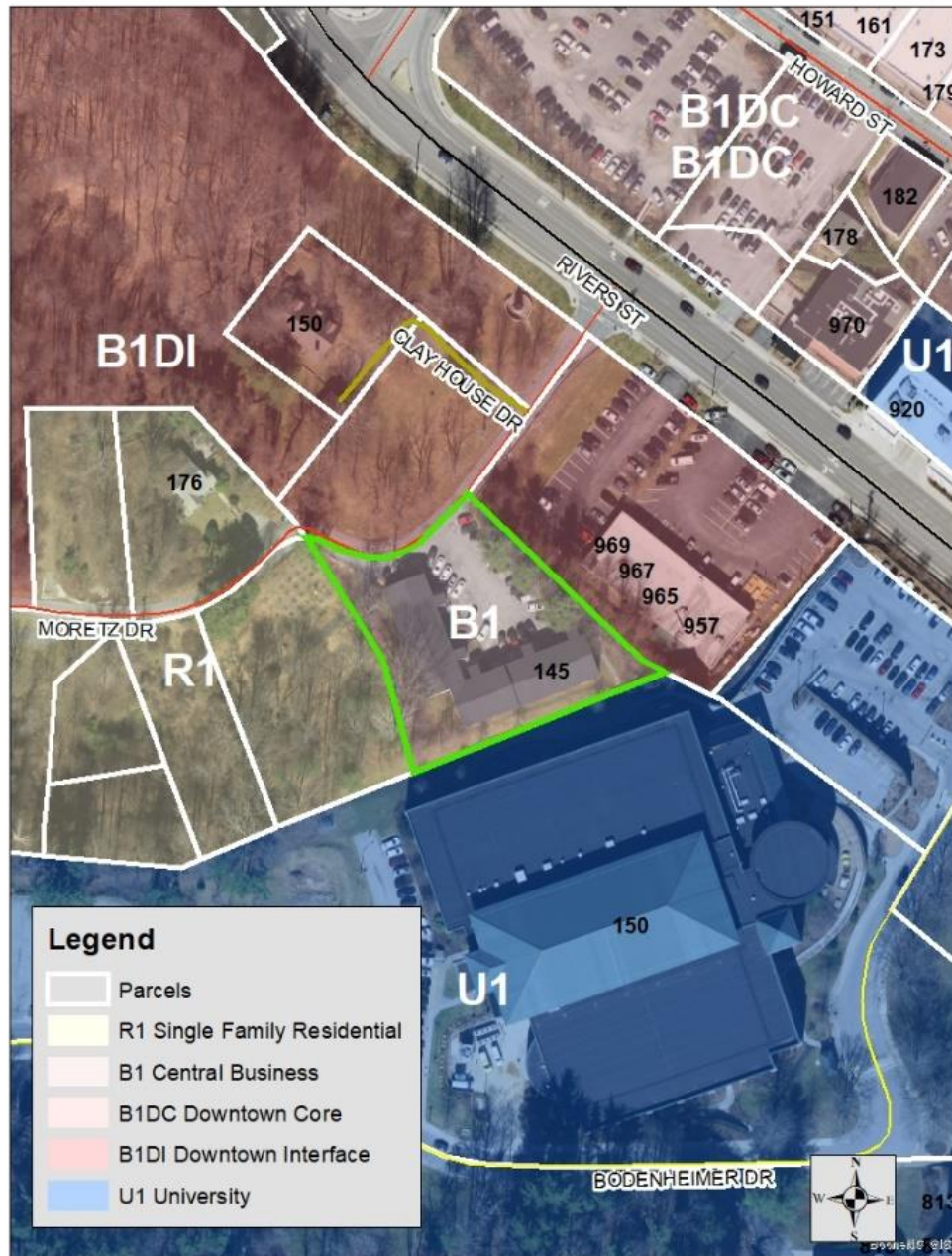
Date of Posted Notification: _____

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

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ID	TXACCTNAME	TXADDRESS	TXCITYST	TXZIP
2900784636000	MILLER, WILLIAM H,MILLER, DONNA	4409 LAKE WALK DR	GREENSBORO, NC	27410-8232
2900784636001	PHILLIPS GROUP PROPERTIES, LP	PO BOX 3528	BOONE, NC	28607
2900784636002	PHILLIPS GROUP PROPERTIES LTD PTNRP	PO BOX 3528	BOONE, NC	28607
2900784636003	FLEMING, R HOWARD,FLEMING, DOLLY H	3820 CASEY LEIGH LN	RALEIGH, NC	27612
2900784636004	PHILLIPS GROUP PROPERTIES LTD PTNRP	PO BOX 3528	BOONE, NC	28607
2900784636005	PHILLIPS GROUP PROPERTIES LTD PTNRP	PO BOX 3528	BOONE, NC	28607
2900784636006	PHILLIPS GROUP PROPERTIES, LP	PO BOX 3528	BOONE, NC	28607
2900784636007	PHILLIPS GROUP PROPERTIES,LIMITED PARTNERSHIP	PO BOX 3528	BOONE, NC	28607
2900784636008	PHILLIPS GROUP PROPERTIES LTD PTNRP	PO BOX 3528	BOONE, NC	28607
2900784636009	PHILLIPS GROUP PROPERTIES LTD PTNRP	PO BOX 3528	BOONE, NC	28607-0828
2900784636010	PHILLIPS GROUP PROPERTIES,LIMITED PARTNERSHIP	PO BOX 3528	BOONE, NC	28607
2900784636011	PHILLIPS GROUP PROPERTIES, LP	PO BOX 3528	BOONE, NC	28607
2900784636012	JOHN R BURLINSON LIVING TRUST,BURLINSON, JOHN R	2840 PETSOSKEY PL	THE VILLAGES, FL	32163
2900784636013	LITTLE, RICHARD	20411 DEEP COVE COURT	CORNELIUS, NC	28031
2900784636014	PHILLIPS GROUP PROPERTIES,LIMITED PARTNERSHIP	P.O. BOX 3528	BOONE, NC	28607
2900784636015	PHILLIPS GROUP PROPERTIES, LP	PO BOX 3528	BOONE, NC	28607
2900784636016	PHILLIPS GROUP PROPERTIES, LP	PO BOX 3528	BOONE, NC	28607
2900784636017	PHILLIPS GROUP PROPERTIES, LP	PO BOX 3528	BOONE, NC	28607
2900784636018	PHILLIPS GROUP PROPERTIES LTD PTNRP	PO BOX 3528	BOONE, NC	28607

Staff Report
Public Hearing
July 24, 2023
Case PL06422-012523 Kelpat Terrace General Use Zoning Map Amendment



Request

The Town of Boone has submitted a General Use Zoning Map Amendment Application requesting to rezone 145 Moretz Drive, from B1 Central Business to R3 Multiple-Family. This rezoning is necessary because, as of October 2021, the B1 Central Business zoning district no longer exists as it was replaced with two new zoning districts, the B1 Downtown Core, and the B1 Downtown Interface.

History

- 10/2021 In October 2021, the Town of Boone undertook a large-scale rezoning of the downtown area to replace and expand the existing B1 Central Business zoning district with two new zoning districts, the B1 Downtown Core and the B1 Downtown Interface. With this case, the Town originally proposed to rezone 380 properties in the downtown area to one of the new zoning districts.
- 11/2022 During review of the final implementation, Staff discovered that out of the 380 parcels originally considered for rezoning, one B1 Central Business zoned parcel, 145 Moretz Drive, was left out and, till today, is still zoned B1 Central Business. As the B1 Central Business District no longer exists, Staff approached Council in November 2022 and was given permission to correct the omission by rezoning the parcel. Due to the location and existing use of 145 Moretz Drive, Council identified the R3 Multiple Family zoning district as the new zoning district to be considered.
- 05/2023 In early May 2023, Planning and Inspections Staff mailed notices to the properties owners notifying them of the correction and the proposed hearing date.

General Use Zoning Map Amendment Guidance

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

Zoning Analysis Information

Address:	145 Moretz Drive	
PARCEL ID	ADDRESS 2	PROPERTY OWNER
2900784636000	COMMON SPACE	MILLER, WILLIAM H, MILLER, DONNA
2900784636001	UNIT 1	PHILLIPS GROUP PROPERTIES, LP
2900784636002	UNIT 2	PHILLIPS GROUP PROPERTIES LTD PTNRP
2900784636003	UNIT 3	FLEMING, R HOWARD, FLEMING, DOLLY H
2900784636004	UNIT 4	PHILLIPS GROUP PROPERTIES LTD PTNRP
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2900784636011 UNIT 11 PHILLIPS GROUP PROPERTIES, LP
 2900784636012 UNIT 12 JOHN R BURLINSON LIVING TRUST, BURLINSON, JOHN R
 2900784636013 UNIT 13 LITTLE, RICHARD
 2900784636014 UNIT 14 PHILLIPS GROUP PROPERTIES, LIMITED PARTNERSHIP
 2900784636015 UNIT 15 PHILLIPS GROUP PROPERTIES, LP
 2900784636016 UNIT 16 PHILLIPS GROUP PROPERTIES, LP
 2900784636017 UNIT 17 PHILLIPS GROUP PROPERTIES, LP
 2900784636018 UNIT 18 PHILLIPS GROUP PROPERTIES LTD PTNRP

Use: Multi-Family
Size: 29,708 square feet
Jurisdiction: Town of Boone
Access: Moretz Drive (Town maintained).
Corridor District: No
Viewshed: No
Watershed: No
Special Flood Hazard: No
Steep Slope: No
Phasing: N/A
Vesting: N/A
Current Zoning: B1 Central Business
Requested Zoning: R3 Multi-Family Residential

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

	Adjacent Zoning	Adjacent Land Use
North	B1 Downtown Interface	Vacant (Town owned property)
West	R1 Single-Family	Vacant
South	U1 University	University
East	B1 Downtown Interface	Commercial uses (restaurant, retail)

Excerpts from UDO Appendix B

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

Excerpt of B1.01 Complete Table of Principal Uses

Use #	Specific Use	R3	Reference
1.0 Household Living			
1.01	Single-Family Dwelling		
1.02	Manufactured Home "Class A"		15.01
1.03	Manufactured Home "Class B"		15.01
1.04	Manufactured Home "Class C"		
1.05	Manufactured Home Park		15.02
1.06	Duplex (one duplex building per lot)	P	
1.07	Duplex (more than one duplex building per lot)	L	15.03
1.08	Townhouse (up to 30 bedrooms)	L ^{T50}	15.03
1.09	Townhouse (31-100 bedrooms)	L ^{T75}	15.03
1.10	Townhouse (> 100 bedrooms)	L ¹²⁵	15.03
1.11	Multi-Family Dwelling (up to 30 bedrooms)	L ^{T125}	15.03
1.12	Multi-Family Dwelling (31-100 bedrooms)	L ^{T200}	15.03
1.13	Multi-Family Dwelling (> 100 bedrooms)	L ^{T300}	15.03
1.14	Multi-Family Dwelling in Mixed Use (up to 30 bedrooms)		15.04
1.15	Multi-Family Dwelling in Mixed Use (31-100 bedrooms)		15.04
1.16	Multi-Family Dwelling in Mixed Use (> 100 bedrooms)		15.04
1.17	Adult Living Community	p ^{T300}	
2.0 Group Living			
2.01	Family Care Home	L	15.06
2.02	Family Care Institutions		15.07
2.03	Halfway House, Category 1		15.07
2.04	Halfway House, Category 2		15.07
2.05	Residential Care Facility		
2.06	Fraternity or Sorority Dwelling	S ^{T300}	15.09
2.07	Boarding House	L	15.10
3.0 Transient Living			
3.01	Home for Survivors of Domestic Violence		15.11
3.02	Shelter for Homeless, Category 1	L ^{T50}	15.12
3.03	Shelter for Homeless, Category 2	L ^{T300}	15.12
3.04	Bed and Breakfast, Category 1		15.13
3.05	Bed and Breakfast, Category 2		15.13
3.06	Vacation Rental	L ^{T75}	15.14
3.07	Homestay Rental	L	15.05
3.08	Motel		
3.09	Hotel, Small		
3.10	Hotel, Large		
3.11	Hotel, extended stay		
4.0 Institutional			
4.01	Airport/Landing Strip		15.15
4.02	Heliport		

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

Use #	Specific Use	R3	Reference
9.01	Public colleges and universities		
9.02	Private colleges and universities		
9.03	Trade school		
9.04	High school		
9.05	Elementary school		
9.06	Boarding school		
9.07	College- or university-operated community enterprise		15.63
9.08	College- or university-operated child daycare center		15.19
10.0 Daycare			
10.01	Child Daycare, Large	L	15.19
10.02	Child Daycare Center		15.19
10.03	Adult Daycare, Large	L	15.19
10.04	Adult Daycare Center		15.19
10.05	All Other Daycare		
11.0 General Sales and Service			
11.01	Kennel		15.20
11.02	Veterinary Office/Hospital with Outdoor Kennels		15.20
11.03	Veterinary Office/Hospital without Outdoor Kennels		
11.04	Financial Institution ≤ 5,000 ft ²		
11.05	Financial Institution > 5,000 ft ²		
11.06	Restaurant ≤ 2,500 ft ² open to the public during 10 pm – 6 am		
11.07	Other Restaurants ≤ 2,500 ft ²		
11.08	Restaurant > 2,500 ft ² open to the public during 10 pm – 6 am		
11.09	Other Restaurants > 2,500 ft ²		
11.10	Restaurant ≤ 3,500 ft ² open to the public during 10 pm-6 am		
11.11	Other Restaurants ≤ 3,500 ft ²		
11.12	Bar		
11.13	ABC Store		
11.14	Personal Service Establishment open to the public during 10 pm-6 am		
11.15	Other Personal Service Establishments		
11.16	Retail Store up to 5,000 ft ²		
11.17	Retail Store more than 5,000 but less than 25,000 ft ²		
11.18	Retail Store 25,000 ft ² and greater		15.21
11.19	Reserved		
11.20	Business or Professional Office open to the public during 10 pm - am		
11.21	Other Business or Professional Office		
11.22	Medical Office, Category 1		
11.23	Medical Office, Category 2		
11.24	Medical Office, Category 3		
11.25	Medical Office, Category 4		
11.26	Hospital		
11.27	Medical Emergency Response		

Use #	Specific Use	R3	Reference
11.28	Open Air Market, Recurring		15.22
11.29	Vehicle Sales and Service		15.23
11.30	Equipment Sales and Service		15.24
11.31	Moped Sales and Service		
11.32	Boat or Marine Craft Sales and Service		15.25
11.33	Impound Lot/Towing Service		15.26
11.34	Gas Station		
11.35	Car Wash		
11.36	Seasonal Retail Activities and Amusements		
11.37	Electric-Vehicle Charging Station		15.65
12.0 Recreation & Entertainment Uses			
12.01	Indoor Shooting Range		15.27
12.02	Outdoor Shooting Range		
12.03	Indoor Theater		
12.04	Outdoor Theater		
12.05	Event Venue, Category 1		
12.06	Event Venue, Category 2		
12.07	Event Venue, Category 3		
12.08	Campground and Recreational Vehicle Park		15.28
12.09	Coliseum		
12.10	Recreation Facility, Category 1		
12.11	Recreation Facility, Category 2		
12.12	Recreation Facility, Category 3		
12.13	Racetrack		
13.0 Agriculture			
13.01	Garden, Community		15.29
13.02	Garden, Residential		15.30
13.03	Agricultural Operation Excluding Livestock		
13.04	Agricultural Operation Including Livestock		
13.05	Swine Farm		
13.06	Confined Animal Feeding Operation (CAFO)		
13.07	Custom Slaughterhouse		
13.08	Other Slaughterhouse		
13.09	Forestry	L	15.31
14.0 Manufacturing			
14.01	Microbrewery		15.32
14.02	Brewpub		15.32
14.03	Brewery/Distillery		15.33
14.04	Brewery/Distillery, Other		15.34
14.05	Winery Associated with a Vineyard		15.35
14.06	Winery		15.35
14.07	Winery, Other		

Use #	Specific Use	R3	Reference
14.08	Extraction of Earth Materials		
14.09	Machine/Welding Shop		15.37
14.10	Manufacturing, Other		15.38
15.0 Parking			
15.01	Parking Lot		15.39
15.02	Parking Structure	L ^{T125}	15.40
15.03	Park and Ride Lots		15.39
16.0 Storage			
16.01	Self-Storage Facilities		15.41
16.02	Outdoor Storage		15.42
16.03	Warehouse		
16.04	Fuel Storage Facility		
16.05	Chemical Storage Facility		
17.0 Transportation			
17.01	Passenger Terminals		
17.02	Trucking or freight terminal ≤ 10,000 ft ²		
17.03	Trucking or freight terminal > 10,000 ft ²		
18.0 Waste Related Uses			
18.01	Recycling Drop-off Station		15.42
18.02	Recycling and Salvage		15.42
18.03	Junkyard		
18.04	Private Landfill		
19.0 Particular Activities Which Pose Particular Concern About Public Health			
19.01	Electronic and Internet Gaming		15.43
19.02	Adult Establishments		15.44

Excerpt of B1.02 Complete Table of Accessory Uses

Use #	Accessory Use	R3	Reference
A-1	Secondary suite	L	15.45
A-2	Home occupation	L	15.46
A-3	Accessory dwelling unit	L	15.47
A-4	Drive-through		15.48
A-5	Outdoor display		15.49
A-6	Outdoor storage		15.50
A-7	Outdoor dining		15.51
A-8	Automated teller machine (ATM)		
A-9	Automated teller machine (ATM), freestanding	L	15.52
A-10	Produce stand		15.53
A-11	Poultry	L	15.54
A-12	Livestock, small	L	15.55
A-13	Livestock, large		15.56
A-14	Bees	L	15.57

Use #	Accessory Use	R3	Reference
A-15	Garden, residential	L	15.58
A-16	Satellite receiving antennas less than 1 meter in diameter	P	
A-17	Satellite receiving antennas less than 2 meters in diameter		
A-18	Satellite receiving antennas 2 meters and greater in diameter		
A-19	Helistop		
A-20	Swimming pools, spas, and hot tubs	L	15.59
A-21	Caretaker's residence		15.60
A-22	Vehicular gate	L	15.61
A-23	Vehicle washing station	P	
A-24	Chemical storage facility		
A-25	Open air market, accessory	L	15.22
A-26	Daycare, small	P	
A-27	Limited structure to enable recreational use of open rooftops	L ^{T300}	14.03.07(G) 14.19.06(H)(8)(d)
A-28	Solar Energy System	L	15.64
A-29	Electric-Vehicle Charging Station	L	15.65

Excerpt of B1.03 Complete Table of Temporary Uses

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

Excerpt of B1.04 Complete Intensity Table

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

Excerpt of B1.05 Complete Building Height Table

Zone	Height Limitation
R3	3 stories

Excerpt of B1.06 Complete Occupancy Table

Occupancy Regulation	Zoning District
One family or up to 4 unrelated Note: a dwelling occupied by a family (but not unrelated persons) may also have one (1) roomer.	R3 Multiple-Family B3 General Business M1 Manufacturing

CONFORMITY TO ADOPTED PLANS**COMPREHENSIVE PLAN UPDATE****1.1 Overall Objectives for the Boone Comprehensive Plan (p. 15):**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

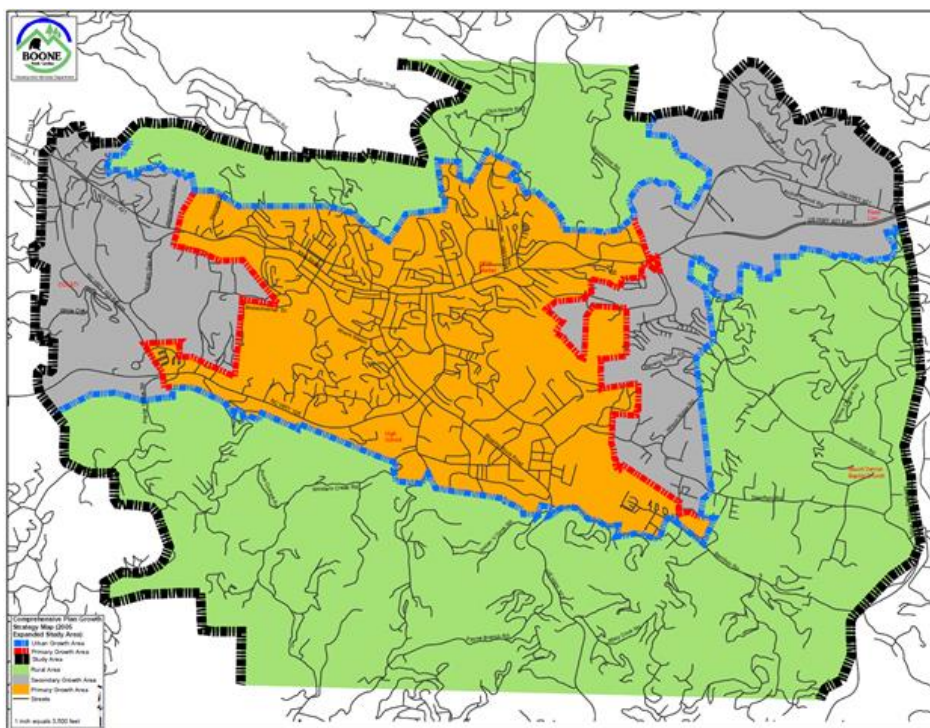
Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

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

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

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

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



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

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

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

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

2.1 Economy

...

2.1.1 Economic Development

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

...

2.3 THE COMMUNITY

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

2.3.3 Housing & Neighborhoods

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

...

Certificate of Mailing

I, Brenda Henson, certify that individual notices meeting the requirements of Article 9 of the Town of Boone UDO were placed in the mail (first class) on June 30, 2023.

/s/ Brenda Henson

Brenda Henson, Administrative Support Specialist

Certification of Posting

I, Darrell Pulliam, certify that the subject property was posted as required in Article 9, Subsection 9.03.03(B)(2) of the Town of Boone UDO on June 30, 2023.

/s/ Darrell Pulliam

Brandon Wise, Environmental Planner

PLANNING BOARD REPORT/RECOMMENDATIONS

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

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

Note 1

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

Vote 2: The Planning Commission recommends ☐approval OR ☐denial of Ordinance PL06422-012523 and believes ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

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

TOWN COUNCIL ACTION – Adoption of Ordinance

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

additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently.

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

Note 1

The Town Council ☐approves OR ☐denies the proposed amendment to the Town’s Zoning map and believes ☐approval OR ☐denial of Ordinance PL06422-012523 is reasonable and in the public interest because:

Note 2

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

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

Ordinance PL06422-012523

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

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

Current Zoning: B1 Central Business

Requested Zoning: R3 Multiple-Family

Address:	145 Moretz Drive	
PARCEL ID	ADDRESS 2	PROPERTY OWNER
2900784636000	COMMON SPACE	MILLER, WILLIAM H, MILLER, DONNA
2900784636001	UNIT 1	PHILLIPS GROUP PROPERTIES, LP
2900784636002	UNIT 2	PHILLIPS GROUP PROPERTIES LTD PTNRP
2900784636003	UNIT 3	FLEMING, R HOWARD, FLEMING, DOLLY H
2900784636004	UNIT 4	PHILLIPS GROUP PROPERTIES LTD PTNRP
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2900784636014	UNIT 14	PHILLIPS GROUP PROPERTIES, LIMITED PARTNERSHIP
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2900784636016	UNIT 16	PHILLIPS GROUP PROPERTIES, LP
2900784636017	UNIT 17	PHILLIPS GROUP PROPERTIES, LP
2900784636018	UNIT 18	PHILLIPS GROUP PROPERTIES LTD PTNRP

WHEREAS, in accordance with the procedures set forth in the Town of Boone Unified Development Ordinance, the Commission and Council met to consider the proposed amendment on July 24, 2023; and

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

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

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

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

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

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

Adopted this the 9th day of August, 2023.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon, Town Clerk

Planning Application - UDO Text Amendment

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

Official Use Only

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

A. CONTACT INFORMATION

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

B. TEXT INFORMATION

Amendment is to:

Article(s): Article 25

Section(s): Article 25 Section 5 Lighting

Brief Description of Amendment (Attach Proposed Text):

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

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

Jessica Mitchell
Applicant (Print)

/s/ Jessica Mitchell
Applicant Signature

04/08/22
Date

Official Use Only

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

Hearing/Decision Information

Public Hearing Meeting
Date: 05/22/23

PC Meeting Date: 05/22/23

TC Meeting Date: 06/14/23

Text Approved: ☐ Yes ☐ No

Notes:

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

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



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

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

Request

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

History

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

Background

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

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

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

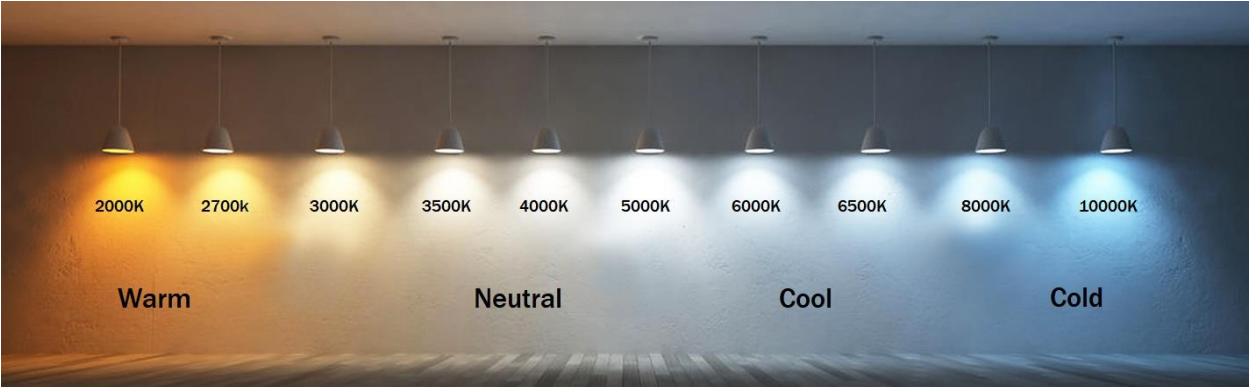


Figure 1. Source: <https://www.ledlightingwholesaleinc.com/Understanding-Lumens-vs-Kelvin-s/399.htm>

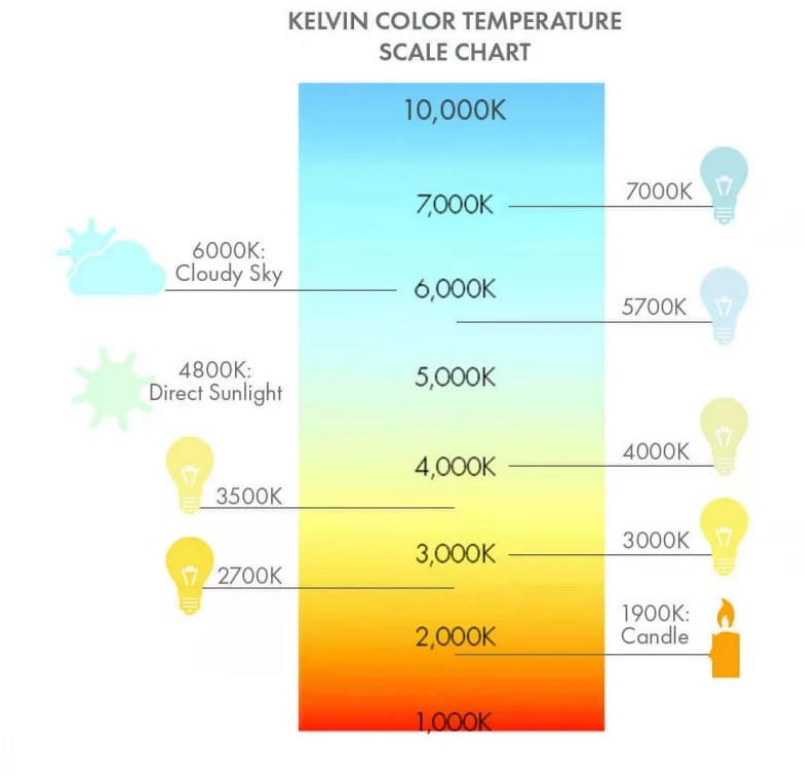


Figure 2. Source: <https://www.nvautoparts.com/defining-kelvin-lumens-and-lux/>

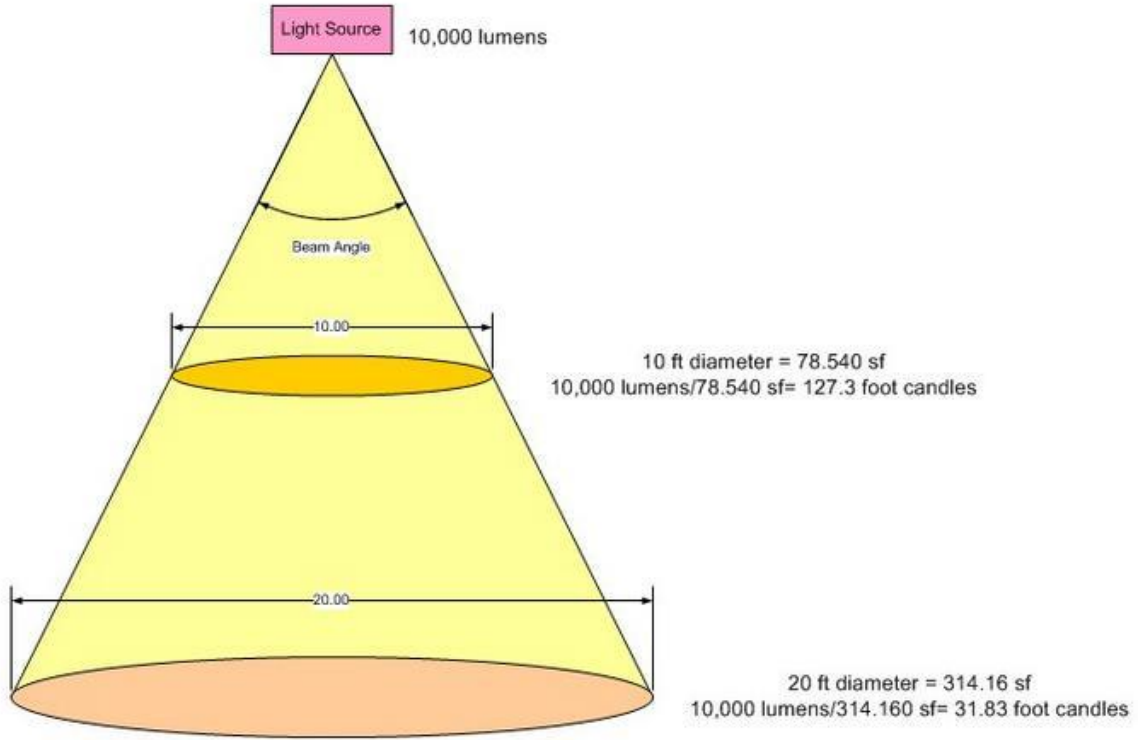


Figure 3. Source: <http://www.americangreenlights.com/lumens--lux--and-foot-candles.html>

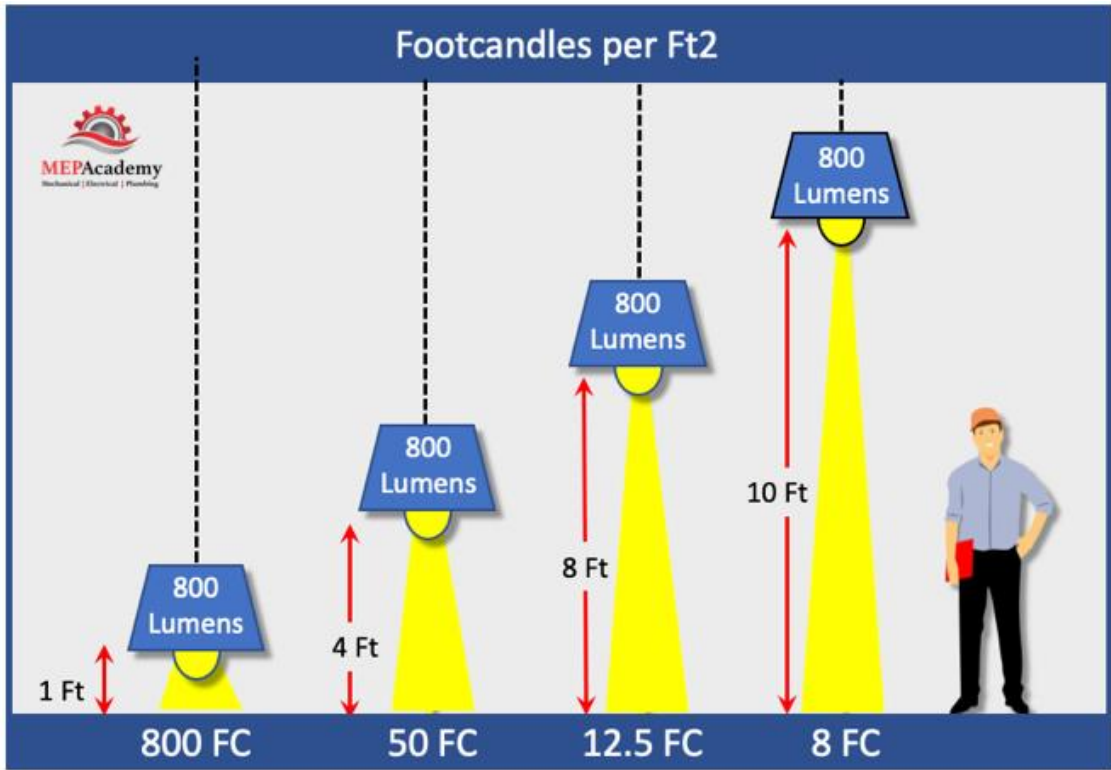


Figure 4. Source: <https://mepacademy.com/lumens-and-footcandles/>

CONFORMITY TO ADOPTED PLANS**COMPREHENSIVE PLAN UPDATE****1.1 Overall Objectives for the Boone Comprehensive Plan (p. 15):**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy.
 - A.1 Continue to evaluate and amend development regulations to help insure aesthetic quality in the area and preserve the natural beauty of the area.
- E. The Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area's physical and human resources.
 - E.1 Continue to look for ways to make development regulations and permit procedures more predictable and timely. Evaluate opportunities for administrative review and permit issuance for development projects which, due to their small size or relatively minor impacts, may not require review by a formal public commission or board.

2.3 THE COMMUNITY

2.3.1 Community Appearance

- C. The significance of major roadway entrances into Boone as measures of community image and quality shall be recognized through building placement, landscape, signage and other visual improvements. The Town, along with private property owners and developers, shall work to jointly improve the appearance and design of major street corridors.
- E. The Town shall encourage public, private, and utility company efforts to place utility wires underground whenever feasible.

2.3 THE COMMUNITY

2.3.2 Community Character

- E. New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town.

2.3 THE COMMUNITY

2.3.4 Public Involvement

- A. Public involvement shall be encouraged in decisions concerning land use and development by making the public aware of proposed developments at the earliest opportunity, as well as fostering communication among developers, the Town, the County, the University, and the general public.
 - A.2 Maintain and update a mailing list of architects, engineers, surveyors, landscape architects, realtors, builders, developers and contractors for notification and distribution of changes in Town policies and regulations.
- D. Special committees, advisory panels, educational forums, public workshops, leadership seminars, town meetings and media contacts shall be encouraged and fostered to enhance the effectiveness of citizen involvement in community planning and action.

PLANNING BOARD REPORT/RECOMMENDATIONS

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

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

Note 1

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

Note 2

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

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

TOWN COUNCIL ACTION – Adoption of Ordinance

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

ORDINANCE # PL05640-040822

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

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

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

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

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

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

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

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

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

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

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

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

Adopted this the ____th day of _____, 2023.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon, Town Clerk

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

Note 1

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

Note 2

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

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

EXHIBIT A**Article 7 Nonconformities**

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7.05 Nonconforming Situation

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7.05.02 Development which requires compliance with UDO:

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

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

Article 24 Parking

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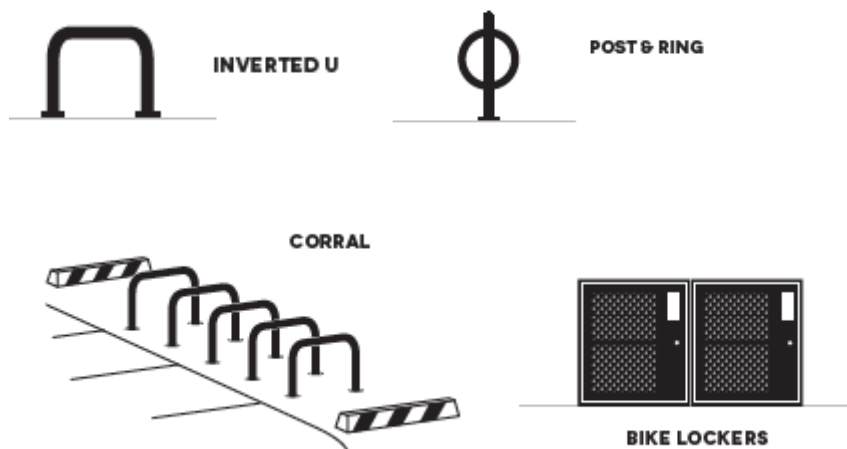
24.09 Bicycle Parking

...

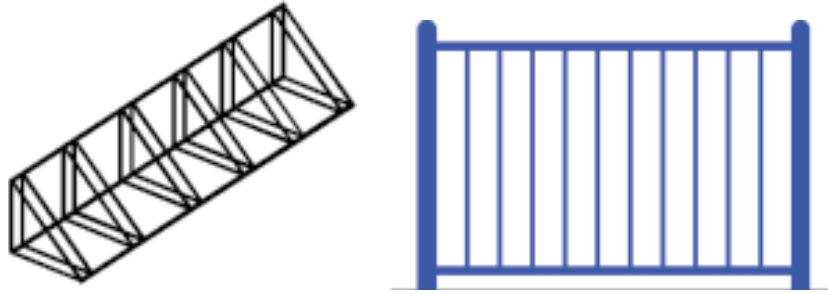
24.09.04 Bicycle Parking facilities shall meet the following standards:

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

Examples of acceptable facilities:



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



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

...

Article 25 Community Appearance Standards

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

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

...

25.03 Parking Structures

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

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

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

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

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

...

25.05 **Lighting**~~Reserved~~

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

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

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

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

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

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

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

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

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

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

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

Article 26 Signs

...

26.05 Prohibited

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

...

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

...

26.08.06 Accessory Signs

F. Window signs.

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

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

Article 27 Lighting Standards ~~Reserved~~

27.01 Purpose, Applicability, Administration

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

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

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

27.01.03 Administration

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

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

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

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

27.02 Exemptions and Prohibitions

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

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

27.02.02 Prohibited:

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

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

27.03 Design Standards

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

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

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

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

27.03.07 Glare Control

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



Lighting installed from vertical fixture and
vertical building line

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

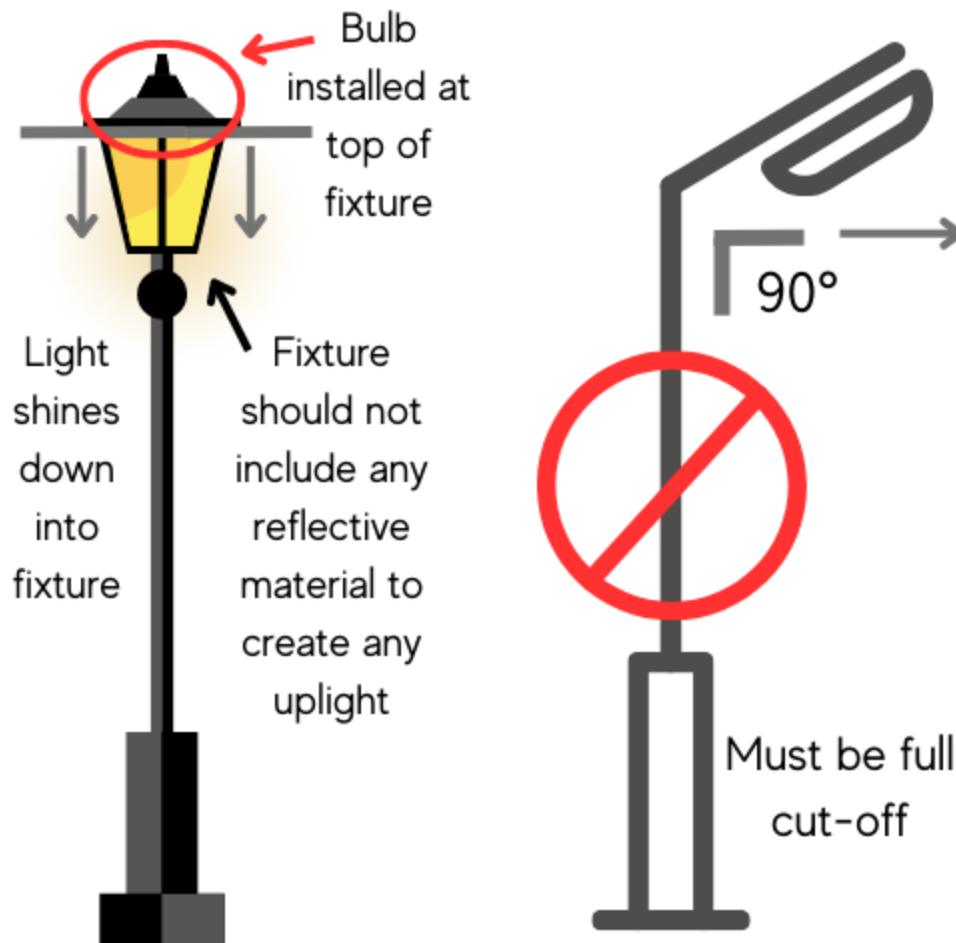


Figure 2. Additional considerations of lighting design. Lighting must be full cut-off fixtures. In certain zoning district, there are existing light fixtures using a lantern-style fixture with glare control, as the light shines down into the fixture.

27.04 Sports Field Lighting

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

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

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

27.05 Canopy Lighting

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

27.06 Parking Lot, Parking Garage Lighting

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

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

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

Article 34 Definitions

Full Cutoff Fixture

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

Appendix A Application Information

A3 Site Plans

...

A3.08 Lighting Plan

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

A3.08.02 The plan shall contain the following information:

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

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



LIGHTING DESIGN STANDARDS

Case PL05640-040822

Town of Boone Planning and Inspections

May 22, 2023 Public Hearing/Planning Commission Meeting

What is Currently in UDO Standards?

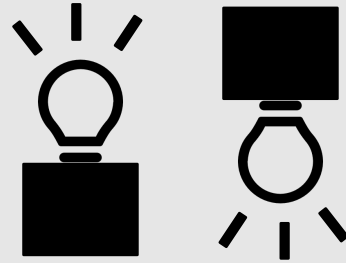
- Prevent excess light on neighboring properties and to limit light for dark sky protection
- Requiring full-cut-off fixtures, footcandles minimum and maximum amounts
- Sports fields, outdoor courts, and parking decks follow IESNA lighting industry standards
- Canopy lighting at a maximum illuminance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

Most Recent Change (Approved 12/8/21)

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

Elements Needing Revisions

Up-lighting
restrictions



Defining lighting
that is *prohibited* and
exempt



Pole-mounted
lighting – height
considerations

Proposed
Changes
Include



Considering different lighting
measurements and values –
Kelvins, lumens



Evaluate lighting
activities and
allowable
footcandles

Possible Solutions: Staff Recommendations

01

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

02

Define lighting types desired and specific design standards for lighting

03

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

Resources and Staff Research

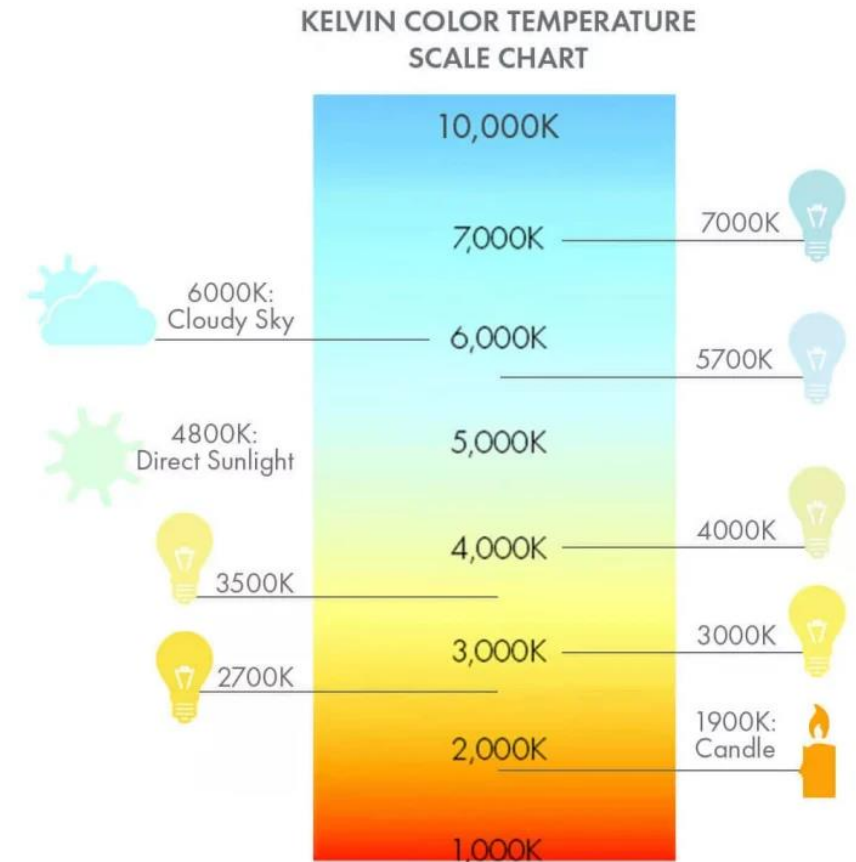
- Exploring other jurisdictions' standards
 - Apex, NC
 - Asheville, NC
 - Cary, NC
 - Chapel Hill, NC
 - Durham, NC
 - Greensboro, NC
 - Wake Forest, NC
- Researching Lighting Industry standards
 - International Dark-Sky Association (IDA)
 - Lighting Principles
 - Lighting Basics
 - NCDOT Specifications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

Staff Recommendation: Synopsis of Amendment

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

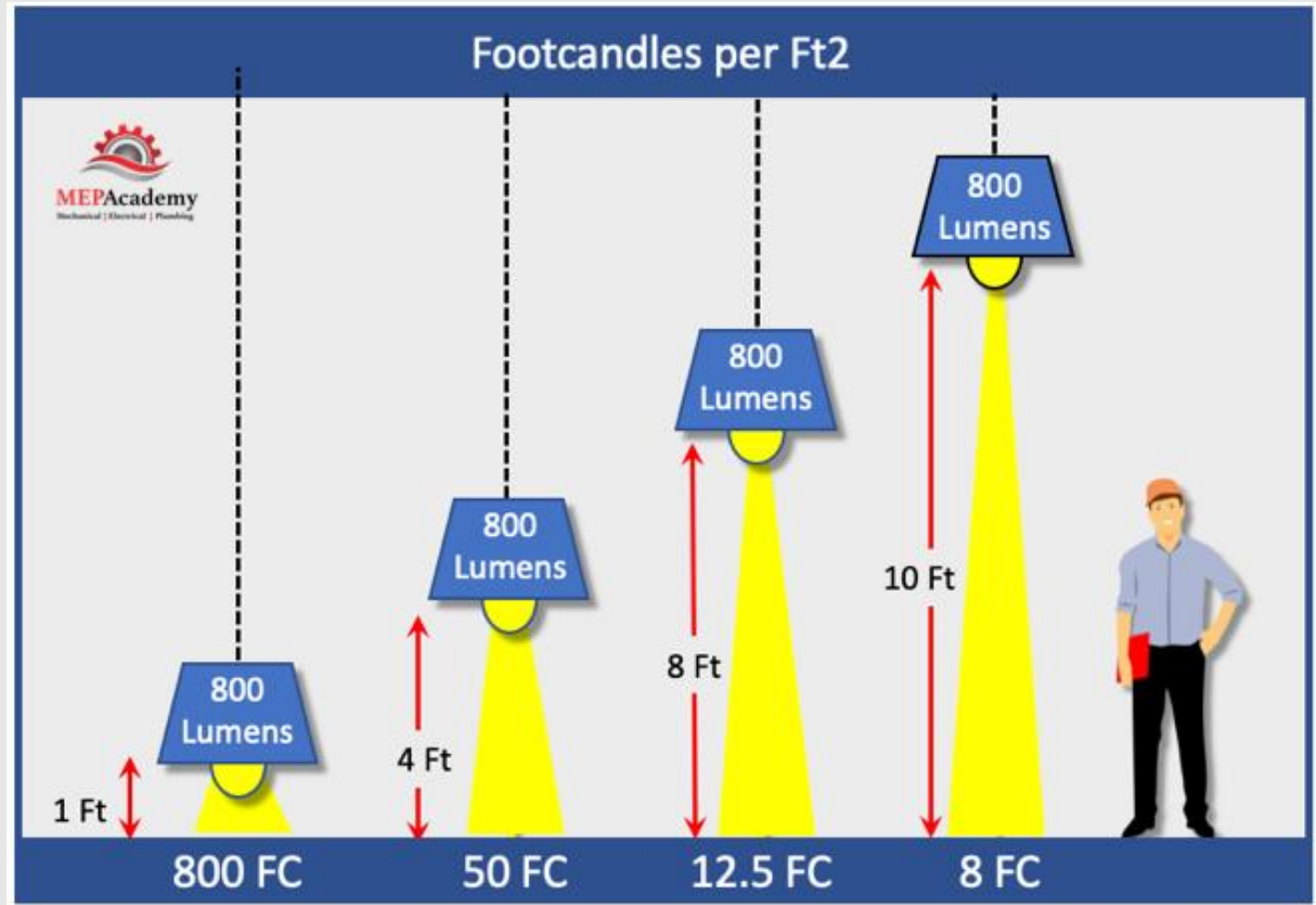
Staff Recommendation: What The Town Can Control

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



Staff Recommendation: What The Town Can Control

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



Staff Recommendation: What The Town Can Control

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



Photograph Examples of Lighting within the Town of Boone

Town of Boone Planning and Inspections Staff

Pictures – June 2022



Smokes 'n More



Parking Lot Lighting – Southgate Shopping Center



Osaka Boone Restaurant



Chili's Restaurant



Circle K Blowing Rock Road



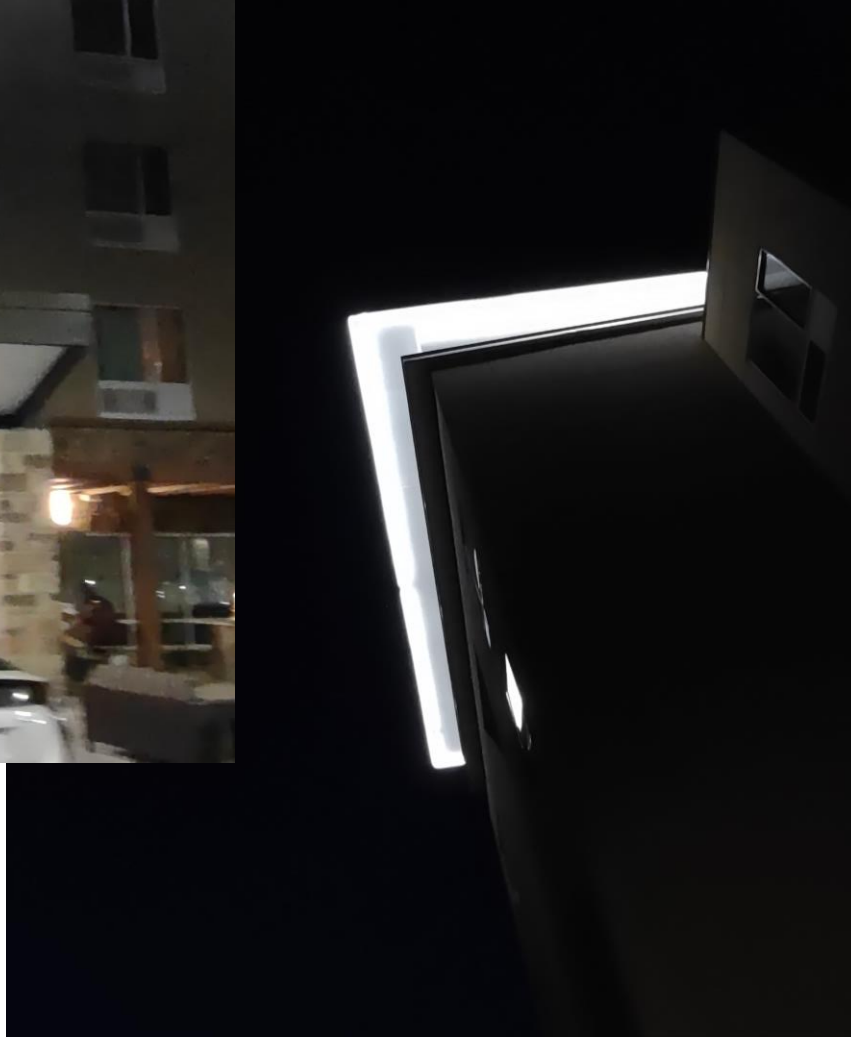
Applebee's Grill + Bar



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



Towneplace Suites



Towneplace Suites (continued)



Towneplace Suites



Holiday Inn



Holiday Inn (continued)



Wells Fargo



Courtyard Marriott



Parking Lot Light Courtyard Marriott



Winklers Creek Crossing



Take 5 Oil Change



Cookout





Los Arcoiris Restaurant



First Citizens Bank



Zaxby's Restaurant



Sleep Inn



Sleep Inn/La Quinta Inn & Suites



Modern Toyota of Boone



Skyline Terrace



Earth Fare Parking Lot



King Street Flats



Blue Deer Cookie



King Street Flats/Blue Deer Cookie

**TOWN COUNCIL AND PLANNING COMMISSION
PUBLIC HEARING MINUTES
MONDAY, MAY 22, 2023, 6:00 PM
1500 BLOWING ROCK ROAD & VIA WEBEX SOFTWARE**

COUNCIL MEMBERS PRESENT: Mayor Tim Futrelle, Mayor Pro Tem Edie Tugman, Todd Carter, Dalton George, Becca Nenow, and Virginia Roseman (arrived at 6:10 p.m.)

PLANNING COMMISSION MEMBERS PRESENT: Elizabeth Shay-Chair, Chris Behrend, John Tippet, and Frank Veno

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

OTHER TOWN STAFF AND REPRESENTATIVES PRESENT: Allison Meade-Town Attorney, Amy Davis-Town Manager, Rick Miller-Public Works Director, Todd Moody- Public Works Deputy Director

Call to Order

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

Moment of Silence

A moment of silence was observed.

Approval of Meeting Minutes

Council Member Carter made a motion to approve the March 20, 2023, Special Public Hearing minutes as written. The motion was seconded by Council Member George.

Vote: Aye – 4
Nay – None
Absent – 1 (Roseman)

The motion passed.

Mayor Pro Tem Tugman made a motion to approve the March 27, 2023, Public Hearing minutes as written. The motion was seconded by Council Member George.

Vote: Aye – 4
Nay – None
Absent – 1 (Roseman)

The motion passed.

Commission Member Behrend made a motion to approve the March 20, 2023, Special Public Hearing minutes as written. The motion was seconded by Commission Member Tippet.

Vote: Aye – 4
Nay – None

The motion passed.

Commission Member Behrend made a motion to approve the March 27, 2023, Public Hearing minutes as written. The motion was seconded by Commission Member Venio.

Vote: Aye – 4
Nay – None

The motion passed.

Public Hearing Guidelines

Mayor Futrelle explained the guidelines for each case presented at the public hearing.

PUBLIC HEARING

Case PL06583-040523 Yates Family Properties – General Use Zoning Map Amendment

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

Mr. Mike James, Senior Planner with the Town of Boone Planning & Inspections Department, presented the request as it was outlined in the meeting packet. He noted that this request was for a General Use Zoning Map Amendment, not a Conditional District Zoning Map Amendment. Mr. James explained that there was no site-specific development plan, and conditions could not be placed on a General Use Zoning Map Amendment. He noted that, as advised in the Staff Report, Council and Commission members should consider whether the entire range of permitted uses in the requested classification (R1) was more appropriate than the range of uses in the existing classification (R3).

Mr. Allen Yates, the property owner, stated that he had proposed a subdivision on this property about six months ago that did not get very far. He noted that he was now requesting the minimum zoning of R1 so that someone could at least build a house on the property or undertake any other development.

Council Member Roseman arrived at the meeting at 6:10 p.m.

Council Member Roseman asked how many houses could be built on the property if it was zoned R1. Mr. James explained that if the property were subdivided, each lot would have to have 56' of road frontage. Mr. James added that, without any further board action, he felt that only one home would be permitted on the property. Mr. James explained that any subdivision of the property would most likely trigger the major subdivision process, which required plat approval before the Board of Adjustment or a Conditional District process before the Town Council and Planning Commission.

Mr. James noted that the property was located within a watershed area, so the number of lots allowed would be reduced to ten if the property owner considered subdividing.

Chair Shay asked if a minor subdivision was possible. Mr. James did not believe the subdivided lots could meet the street frontage requirements.

At 6:20 p.m. Mayor Futrelle asked for public comment.

Mr. Vince Caruso, age 14, stated he had lived in the Chase Hill community for five years. He noted that one of his favorite things about living in the Chase Hill community was the peace and quiet. Mr. Caruso stated that development would bring more people, traffic, and noise and would eventually take away all the beautiful nature and woods. He felt that any development of the subject property would create a major safety issue for pedestrians who walk on the street. Mr. Caruso stated that he loved this community because it was peaceful, and he was happy to have those woods. He asked that any future development requests be denied.

Mr. James Edwards did not wish to speak.

Ms. Shook noted that written public comment was sent to the Council and Planning Commission via email.

Ms. Rosie Bentley stated she lived on Kellwood Drive and was concerned about the increased traffic generated by additional housing. She also expressed concerns about additional flooding caused by the development of the Yates property. Ms. Bentley stated that this was a wonderful neighborhood, and she was thrilled to live there. She added that she hoped whatever was done on the Yates property was done in the best interest of the neighborhood.

Mr. Yates stated he appreciated all of the concerns from the neighborhood. He reminded everyone that he was just requesting a general zoning change with no plan for development at this time. Mr. Yates felt this was a beautiful property, and noted he would like to have it be available as an R1 property for someone to build a home. Mr. Yates stated that he had not put up any no-trespassing signs and felt he had been very accommodating to the neighborhood.

Council Member George stated he was impressed with this neighborhood's ability to mobilize and get folks out. He added that the high-density development allowed in R3 zoning was not something the Town wanted to see in this neighborhood. Council Member George noted that an R1 zoning would only allow for a single home unless the property owner went through an additional process for subdivision. He felt that an R1 zoning would put the subject property in harmony with the majority of that area, while also permitting the type of development that would create the least impact on the neighborhood.

With nothing further, Mayor Futrelle closed the public hearing for this case at 6:32 p.m.

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

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

Ms. Jane Shook, Director of the Town of Boone Planning & Inspections Department, presented the request as it was outlined in the meeting packet.

Mr. Nick Katers with ASU noted the request was for three parcels to be rezoned R3 to U1. He stated the largest parcel contained the Holmes Convocation Center and was currently zoned U1, with a small portion zoned R3. Mr. Katers noted that the second parcel was 8,000 square feet, zoned R3, and was currently used as a parking lot. The third parcel was being used as a drive aisle, was 7,500 square feet, and was zoned as R3. He stated that all three of the parcels were contiguous with the main campus.

Council Member George asked if the adjacent condo owners were notified of this request. Ms. Shook replied that everyone within 150 feet of the subject properties was notified.

Mayor Pro Tem Tugman mentioned that the University had plans to build a parking deck on the properties in question. She noted that there appeared to be some single-family homes adjacent to the University property. Mayor Pro Tem Tugman asked what the setbacks would be for the parking deck, given the neighboring single-family residences. Ms. Shook explained that though this request was for general use rezoning and should not be viewed as a site-specific plan, it was relevant to note the University had submitted a zoning permit application that was currently under review. She noted that one of the review comments was for the property owner to address the zoning of the properties. She then noted that based upon the zoning of the adjacent properties, the building would have to be set back at least 50 feet, or the height of the structure would be restricted.

Mayor Pro Tem Tugman asked about height requirements. Ms. Shook explained that because the building would be setback from the residential property by 50 feet, the University could take advantage of a higher height limit. Mayor Pro Tem Tugman stated that the building was proposed to be five or six stories tall. Ms. Meade added that the height for U1 was allowed to go up to fire safety height.

Chair Shay asked why there were so few uses allowed in the U1 zoning district. Ms. Shook replied that anything that was University related would be allowed as long as it advanced the mission of the University.

Mayor Pro Tem Tugman noted that there were areas of steep slope on the properties. Ms. Shook replied that the steep slopes areas would not be disturbed.

Council Member George felt this was a good project and a nice opportunity for the Town and the University to get along. He stated that the project would make that side of the University a lot more accessible and walkable, even though the property would be taken off of the tax rolls. Ms. Shook replied that these properties were already owned by the State, so they were not currently on the tax rolls.

Council Member Roseman stated that, as a Town Council member, she would always be the hardest sell when there were requests for rezoning properties to U1.

There was no public comment on this case.

Council Member Carter felt this request made sense. He felt a parking deck would improve parking and walkability.

Commission Member Veno agreed that a parking deck in this location made sense and was sorely needed. He stated that it would be in a place that was not very obvious to the public. Commission Member Veno noted that while State-owned property was off of the Town's tax rolls, the University still brought a lot of revenue to the Town.

Council Member Roseman felt a parking deck would benefit the community. However, she wished the parking deck construction would have been done on the portion of the property that was already zoned U1. Ms. Shook noted that the University had been making use of the subject properties since they first owned them.

Mayor Futrelle saw the parking deck as a benefit to the community. He applauded ASU for their efforts to open the lines of communication much farther than they had been in quite some time.

With nothing further, Mayor Futrelle closed the public hearing for this case at 6:52 p.m.

Case PL05640-040822 Lighting Design Standards – UDO Text Amendment

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

Ms. Shook noted that Ms. Jessica Mitchell, Long-Range & Special Projects Planner, would be giving a presentation that would explain the intent and purpose behind the proposed lighting changes.

Ms. Mitchell stated that the presentation was contained in the meeting packet, beginning on page 105. A copy is attached. Ms. Mitchell also presented photos of various businesses around town to show examples of current lighting. These photos are contained in the meeting packet beginning on page 114, and a copy is attached.

Discussion ensued as to the applicability of the proposed standards. Ms. Meade asked if Council would want the revised lighting standards to apply only to new construction or if they would want the standards to apply to existing development with a date set for when the developments would need to come into compliance. Ms. Meade felt it would be somewhat unusual to require non-conforming situations to come into compliance for lighting, given the substantial cost to property owners. She suggested that if Council did want to require all developments to come into compliance, a longer timeframe be considered. Ms. Shook stated that lighting standards were currently a Tier 2 requirement, meaning if improvements to a development totaled at least 25% of the development's value, lighting requirements would have to be met. She explained that originally, it had been in Tier 1 (10%), but had been reassessed and modified due to the cost of lighting improvements.

Mayor Futrelle felt there should be universal standards for parking lot lighting. Ms. Shook stated that there had been concerns voiced regarding the amount of lighting in parking lots. She felt there needed to be a balance between safety and protecting the dark sky values.

Council Member George stated that the use of Kelvins and lumens was an attractive idea that could help balance the warm and cool colors of light.

Discussion ensued as to potential public outreach before proceeding with changes.

Chair Shay felt that both Planning Commission and Town Council needed more time to digest the materials and the proposed changes.

Ms. Meade cautioned that if sunsetting was adopted, Council would need to be very specific about what was actually being included in the items that would sunset. Ms. Shook noted that cumulative construction costs were tracked for 3 years. Once the cost of improvements would reach a particular level, another tier could be triggered, meaning additional requirements of the UDO would have to be met. Ms. Shook stated that the cost for lighting upgrades required by the sunset date would not go toward the cumulative costs. Ms. Meade added that the current tiered system also acted as a disincentive to upgrade properties due to the associated costs.

Next meeting dates were discussed. Ms. Shook noted that Chair Shay and Commission Member Tippet's terms would expire on June 30, 2023, and they would be going off of the Planning Commission. Ms. Shook stated that the next regularly scheduled Public Hearing would be on July 24, 2023. Town Council and Planning Commission members agreed to continue the discussion of the lighting design standards revisions at the July Public Hearing.

Adjournment of Town Council

Council Member Carter made a motion to adjourn the Town Council at 8:24 p.m. The motion was seconded by Council Member Roseman.

Vote: Aye – All
Nay – None

The motion passed.

Tim Futrelle, Mayor

Brenda Henson, Board Secretary

Elizabeth Shay, Planning Commission Chair

Continuation of Planning Commission Meeting

Chair Shay called a break in the meeting from 8:24 p.m. until 8:32 p.m.

Public Comment

There was no additional public comment.

Approval of Planning Commission Meeting Minutes

Commission Member Behrend made a motion to approve the March 27, 2023, Planning Commission meeting minutes as written. Commission Member Tippettt seconded the motion.

Vote: Aye – All
Nay – None

The motion passed.

Commission Member Tippettt made a motion to approve the April 17, 2023, Special Planning Commission meeting minutes as written. Commission Member Behrend seconded the motion.

Vote: Aye – All
Nay – None

The motion passed.

Case PL06583-040523 Yates Family Properties – General Use Zoning Map Amendment

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

Commission Member Tippettt stated that the subject property was surrounded by residential properties and the river. He felt that with all of the environmental considerations, the property should be zoned for the lowest possible density. Commission Member Tippettt noted that only about half of the seven acres could be developed due to flood zone restrictions. He stated he hoped someone would build a house and have a nice riverfront property. Commission Member Tippettt spoke in favor of the rezoning request.

Commission Member Behrend agreed with Commission Member Tippettt. She felt that R1 was a better, lower use than R3.

Commission Member Veno felt that an R1 zoning of this property made sense. He stated that one or two houses added to the neighborhood would not add a great deal of traffic.

Chair Shay agreed that this property seemed to be a logical place to have very low-density residential, which could serve some conservation and flood management functions. Chair Shay asked Ms. Shook if a curb cut would support two driveways or driveways to two residences. Ms. Shook replied that a single driveway could serve two lots. However, to create two lots, each lot would have to meet the minimum standard of 56 feet of street frontage.

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

Comprehensive Plan Policy 2.2.2 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.

Comprehensive Plan Policy 2.2.5 Environmental Health

E.1 Consider the use of innovative zoning techniques such as density bonuses and transfer of development rights in exchange for preservation of significant environmental features.

F. Recognizing the economic and environmental costs of commercial and residential stormwater runoff, innovative stormwater management techniques such as permeable sidewalks, driveways, and parking areas shall be encouraged.

Comprehensive Plan Policy 2.3.1 Community Appearance

A. Measures to improve the effectiveness of grading, landscaping and buffering standards for new and existing developments shall be encouraged.

Comprehensive Plan Policy 2.3.2 Community Character

E. New development, redevelopment, and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town.

Comprehensive Plan Policy 2.3.3 Housing & Neighborhoods

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

The motion was seconded by Commission Member Behrend. Chair Shay wished to amend the motion to include:

Comprehensive Plan Policy 2.3.3 Housing & Neighborhoods

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

Commission Members Tippet and Behrend accepted the amendment.

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 Ordinance PL06583-040523 and believes approval is reasonable and in the public interest because the recommended R1 single-family allows less dense permitted uses than the current zoning and would have less negative impacts on potential environmental issues and fits with the surrounding residential neighborhood. The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed.

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

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

Chair Shay asked what ASU intended to do with the property. Ms. Shook replied that this request was for a General Use Zoning Map Amendment. However, the University had submitted a zoning permit application to the Town to construct a parking deck on the properties. Ms. Shook explained that the zoning application could not be fully processed because portions of the properties were zoned R3 instead of U1.

Commission Member Veno stated he was in favor of rezoning these properties and using them to construct something to further the University's purpose. He noted that the properties were located in the center of a lot of activity, yet was somewhat away from the mainstream.

Commission Member Tippet and Chair Shay stated they would support the rezoning request.

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

Comprehensive Plan Policy 2.1.2 Commercial Development

I. Office and institutional development may be encouraged as a transitional land use between residential areas and higher intensity commercial activities.

The motion was seconded by Commission Member Behrend. Commission Member Tippet wished to amend the motion to include:

Comprehensive Plan Policy 2.1.1 Economic Development

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.

Chair Shay and Commission Member Behrend accepted the amendment.

Vote: Aye – All
Nay – None

The motion passed.

Second Motion and Vote: Chair Shay made a motion that the Planning Commission recommends approval of Ordinance PL06596-041223 and believes approval is reasonable and in the public interest because the properties are already owned and being used by the University so rezoning them to U1 would allow the University to make efficient and logical use of the parcels and make all of the parcels the same zoning classification. The rezoning of the parcels is a good opportunity to demonstrate Town/Gown cooperation. The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed.

Case PL05640-040822 Lighting Design Standards – UDO Text Amendment

This is a request to modify UDO Article 25 Community Appearance Standards to reflect lighting industry changes and lighting design best practices. In conjunction with the Community Appearance Commission

evaluating current Community Appearance Standards, Planning Staff has evaluated the current lighting standards by meeting with lighting design professionals, dark sky advocates, and local energy providers to discuss current lighting practices and areas of improvement.

Chair Shay stated that staff had done a tremendous amount of work on the proposed amendment, but additional time was necessary for Commission members to digest the work and consider possible issues. She asked Ms. Shook if the Planning Commission would be discussing the lighting design standards at their regular meeting in June. Ms. Shook replied that the next discussion would need to take place with both Planning Commission and Town Council, so the topic would not be considered until the July Public Hearing. Ms. Shook reminded Chair Shay and Commission Member Tippet that their terms on the Planning Commission would expire on June 30, 2023. However, they could continue to serve on the Commission until their positions were replaced. Chair Shay and Commission Member Tippet indicated they would likely be able to attend the meeting in July.

Other Matters

Ms. Shook noted that an RFP had been released for the Comprehensive Plan.

Adjournment of Planning Commission

Commission Member Behrend made a motion to adjourn the meeting at 9:11 p.m. Commission Member Tippet seconded the motion.

Vote: Aye – All
Nay – None

The motion passed.

Elizabeth Shay, Planning Commission Chair

Brenda Henson, Board Secretary