Town of Boone
Public Hearing
6:00 PM, Jul. 26, 2021
WebEx, WebEx

Public Participation:

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

Public Participation: Individuals who wish to address Council during remote public participation can do so through WebEx either online or by phone. If you wish to provide public comment, please email Town Manager, John A. Ward III at john.ward@townofboone.net or call in at 828-268-6205 and you will be provided with an invite to the meeting. All registrations must be completed by 5:45PM on the day of the meeting. Participants should complete the registration form provided in the meeting invite to be included in public participation and view further instructions. Staff will moderate the WebEx session to ensure all participants have an opportunity to address Council. Note: To preserve bandwidth and ensure an orderly meeting, only individuals who wish to address Council should use the WebEx link. Anyone who wants to watch the meeting, but not address Council, should view the livestream at the link above.

I. Call to Order of Town Council

II. Call to Order of Planning Commission

III. Approval of Public Hearing Minutes by Town Council and Planning Commission

May 24, 2021 Public Hearing Minutes

IV. Public Hearing

General Gudielines for Each Case Presented at Public Hearing

i. Presentation of Case

ii. Questons by Town Council & Planning Commission

iii. Public Comment

iv. Discussion/Questions by Town Council and Planning Commission

v. Public Hearing for Case is Closed

V. Cases PL04893-070721 & PL04894-070721 Blue Ridge Tourist Court Historic Landmark Designation

Cases PL048933-070721 & PL04894-070721 Application Information

Cases PL048933-070721 & PL04894-070721 Exhibit A Local Landmark Designation Report

Cases PL048933-070721 & PL04894-070721 Staff Report

Cases PL048933-070721 & PL04894-070721 Exhibit B Meeting Minutes Excerpt

Cases PL048933-070721 & PL04894-070721 Exhibit C NC State Historic Preservation Office Written Comment

VI. Case PL04797-060921 Watauga County Courthouse - Conditional District Zoning Map Amendment

Case PL04797-060921 Application Information

Case PL04797-060921 Site plan

Case PL04797-060921 Site Photos

Case PL04797-060921 Building Elevation

Case PL04797-060921 Board of Adjustment Order - Variances

Case PL04797-060921 Staff Report

Case PL04797-060921 Exhibit A Meeting Minutes Excerpt

VII. Case PL04835-062221 A&R Mountain Properties LLC - General Use Zoning Map Amendment -WITHDRAWN BY APPLICANT

Case PL04835-062221 Application Information

Case PL04835-062221 Staff Report

Case PL04835-062221 Exhibit A Meeting Minutes Excerpt

VIII. Adjournment of Town Council

IX. Planning Commission Meeting

X. Public Comment

XI. Approval of Planning Commission Minutes

April 5, 2021 Special Planning Commission Meeting Minutes

May 24, 2021 Planning Commission Meeting Minutes

XII. Planning Commission Consideration of Cases Heard at Public Hearing

XIII. Unified Development Ordinance Update

XIV. Discussion of Commission Chair and Vice-Chair

Chair & Vice-Chair Application

XV. Other Matters

XVI. Adjourment of Planning Commission

PUBLIC HEARING MINUTES
MONDAY, MAY 24, 2021, 6:00 P.M.
VIA WEBEX SOFTWARE

COUNCIL MEMBERS: Rennie Brantz-Mayor, Sam Furgiuele, Virginia Roseman, and Dustin Hicks (joined at 6:30 p.m.)

PLANNING COMMISSION MEMBERS: Elizabeth Shay-Chair, Eric Plaag-Vice Chair, Chris Behrend, John Tippett, Amanda Halbert, Adam Zebzda, and Frank Veno

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Mike James-Senior Planner, Brian Johnson-Urban Design Specialist, and Brenda Henson-Board Secretary

OTHER TOWN STAFF AND REPRESENTATIVES PRESENT: John Ward-Town Manager and Allison Meade-Town Attorney

OTHER ATTENDEES/PARTICIPANTS VIA WEBEX: Brian Williams

Call to Order

Mayor Brantz called the Town Council to order at 6:05 p.m. and Chair Shay called the Planning Commission to order at 6:05 p.m. for the Public Hearing/Planning Commission meeting held via WebEx.

Approval of Meeting Minutes777

Council Member LaPlaca made a motion to approve the March 22, 2021 Public Hearing minutes. The motion was seconded by Council Member Roseman.

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

Vice Chair Plaag made a motion to approve the March 22, 2021 Public Hearing minutes with a correction to the last sentence on page 2 of the minutes so that it should read *He stated he did not see how Staff could say that an application was complete until they had everything they needed to determine that the application complied with all aspects of the UDO unless the definition was changed as to what constituted a complete application in the prior section.* The motion was seconded by Commission Member Behrend.

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

Ms. Shook reviewed the general guidelines for each case presented at the Public Hearing.

Case PL04630-040921 Blue Ridge Tourist Court - Conditional District Zoning Map Amendment

Blue Ridge Tourist Court LLC has requested a Conditional District Zoning Map Amendment to rezone 574 Old East King Street (Watauga County PIN: 2910-89-5295-000) from B2 Neighborhood Business to Conditional District B3 General Business with a site-specific development plan for Use 3.07 Motel.

Vice Chair Plaag recused himself from this case because he was the historic preservation consultant for the project and had assisted Brian Williams in preparing some of the materials before the boards.

Mr. Williams presented his request for a Conditional District rezoning for the property at 574 Old East King Street. He referred to a survey from 1985 of the entire site and noted that a portion of the property was split out before he was able to acquire it. Mr. Williams stated that the Tourist Court building had seven rooms in it and an office that was constructed in 1950. Shortly thereafter, the annex building was

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constructed and then the garage apartment was constructed in 1951 or 1952. In 1953, the motel building, which had an additional 10 rooms in it, was constructed. Mr. Williams explained that the original Blue Ridge Tourist Court was used for tourists who were coming to town to see the Horn in the West and the Blue Ridge Parkway. After the original owned sold the property it changed hands a number of times and had quite a few different names such as the Blue Ridge Tourist Court, the Blue Ridge Motor Court, and the Perkins Park. Mr. Williams stated that, most recently, the property had turned into an apartment complex called the Phoenix Complex. He stated that the property had fallen into a state of disrepair and had been condemned by the Town. Mr. Williams stated that the site was quite connected when it was built. He noted that the driveway went from 421 through the property up to what was Park Street where there was actually a park to the west of the site. He stated the park was still in a wooded state. Mr. Williams showed pictures of the site from the 1950's and as it sits currently. He stated that the windows have been boarded up at the request of the town, noting that the condemnation requested that the site be secured or it would need to be demolished because the building was a safety hazard. Mr. Williams stated that the Tourist Court office was made of native stone and was quite beautiful on the outside. He reminded everyone that he was seeking Conditional District rezoning for the parcel that housed the Tourist Court building, the annex, and the office. Mr. Williams stated that the proposed site plans were very similar to what was historically there with a few minor changes to accommodate modern requirements of the UDO with things like trash facilities, handicap parking, and more controlled access to the site. He explained that, to reduce the number of driveways onto the site, the sidewalk would be brought in front of the old driveway and some planters would be placed there to block the driveway from being used by vehicles but still maintain the integrity of the site. Mr. Williams stated he would also be pursuing having the site listed on the National Register of Historic Places. He noted that the National Register was having a really big push for roadside attractions and this site was really in their wheelhouse right now for what they were pursuing. Mr. Williams stated, in seeking that designation, he would have to try to maintain the site's historic fabric as best he could. He noted that drastic changes to the site were really frowned upon by the National Register.

Mr. Williams stated that the reason he was requesting a Conditional District rezoning rather than requesting a straight rezoning was because of the 300-foot transitional zone that came along with the motel use. He explained that there was low density residential property 270 feet away that was zoned RA that triggered the need to request the Conditional District rezoning. Mr. Williams stated that the site sat to the south of the protected property. He stated that the topography really sloped up behind the motel and the house sat back behind a wooded tree line along the front of the road. Mr. Williams felt that the topography of the land, as well as the direction that the building faced, would direct noise in the opposite direction from the protected parcel. Mr. Williams stated he did get a chance to meet the people that live at that house and they were very excited that someone was doing something to these properties. He felt he had met all the requirements of the UDO in terms of density and parking. Mr. Williams stated he would provide six short term bicycle parking spaces, which was beyond the two short term bicycle spaces that were required. He noted that he was required to provide two long term bicycle spaces and he would be providing four and they would be within the units. Mr. Williams stated that the motel would have a total of seven units in the two buildings, three of which would be quite small and really would not lend themselves to housing internal bicycle storage. He felt that one of the great things about the site was its proximity to the greenways and he hoped that would be an amenity to the property. Mr. Williams stated he did not expect an increase in traffic in front of the protected residential property because most people would approach from Old East King Street. He hoped there would be an increase in bicycle traffic in front of their parcel because he hoped people would make use of the Greenway.

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Council Member Furgiuele asked if there were any neighborhood businesses that the property had ever been used for and Mr. Williams replied that there were not.

Council Member Furgiuele asked how long the property had been zoned B2. Ms. Shook stated she was unsure but felt it had been more than 20 years. Council Member Furgiuele asked if it was correct that the property across East King Street was zoned B3 and Ms. Shook replied that was correct.

Council Member LaPlaca asked, given that Mr. Williams was seeking historic designation and had to preserve the buildings as much as possible, how the buildings would change and would they be energy efficient. Mr. Williams replied that interior changes could be made to services like heating and cooling and noted he was working with Landon Pennington to explore a solar option. Council Member LaPlaca asked about the soundness of the structure. Mr. Williams replied that the building was condemned not because of structural concerns and noted that the underlying structure was in good shape. He stated that a lot of the historic elements were still in place like the steel case windows and he planned to restore those and replace the windows that were missing. Mr. Williams noted that he would not be adding square footage because that would be sort of antithetical to the preservation process. He stated that he did plan, in the future, to remove the portion of roof that was added for height on one side of the building. He stated he was exploring adding back the old chimney to the main building that was there originally but had been removed at some point. Mr. Williams believed that chimney provided the steam heat for the whole complex originally. He noted that the structure was built on a slab, except there was a small basement under a single room where the utilities were located.

Mayor Brantz asked Mr. Williams if the Tourist Court would be operated year-round and he replied that it would.

Council Member Roseman referred to the Type A buffer and asked Mr. Williams what he was planning to do to protect the residential district. Mr. Williams replied that he would be required to install a 10-foot Type A buffer behind the structure and, because he had a fair amount of square footage there, in addition to that 10 feet he planned to provide additional landscaping behind the building mostly in the form of evergreen landscaping to cut down on noise as best as possible. Council Member Roseman asked Mr. Williams if he had received any type of written support from the neighbors for his project. Mr. Williams replied that he had not received written support but he had not received any negative complaints either. He stated that everyone that had walked by had been fairly happy that something was going to be going on with the site other than what had been going on for the past 20 years.

Council Member Roseman asked Ms. Shook if the neighbor in the protected district had been notified of this meeting so they could attend if they wanted to. Ms. Shook replied that this project triggered a 300-foot transitional zone so all neighbors within 300 feet were notified. Council Member Roseman asked if it was correct that the property was within 270 feet and so they would have been notified. Ms. Shook stated that was correct.

Commission Member Zebada asked Mr. Williams to elaborate on how he planned to address the staff concerns regarding the existing retaining wall's stability and/or actions to stabilize it, as well as his plans to repave the existing parking lot and maintain stormwater drainage. Mr. Williams replied that he had already had a couple of contractors come out and give him quotes for repairing the retaining wall located just south of the main Tourist Court building. He stated that the wall was fairly tall and was failing and he was looking to replace it with another concrete block retaining wall, which was what it was now. Mr. Williams stated he had spoken with people about repaving the parking lot. He noted that he actually planned to reduce the square footage of the parking lot slightly so there would be less impervious surface. Mr. Williams stated that the new 10-foot buffer on the western side would reduce the impervious area by a fair amount of square footage and there would also be another reduction on the eastern side of the property.

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Mayor Brantz asked Mr. Williams if he had explored connections with ASU in terms of housing and he replied that he had not.

Council Member Hicks joined the meeting.

Mr. Williams stated that he planned on operating the Tourist Court as sort of short term rental style motel so there would not be someone in the office but would be sort of a no touch concept where you would come to the property, put in your key code, and enter. He stated that the original office building would house a coin-op laundry machine and an icemaker and it would be controlled access through the same system. Mr. Williams hoped he could get some folks coming to ASU events or high school events but he had not discussed this directly with any of those parties. He stated he had discussed his plan with a handful of business owners in the East Boone area just to let them know what he was doing and to try and build some excitement around the area.

Commission Member Veno asked Mr. Williams if he owned the house that was above the motel. Mr. Williams replied that he did not own the house. He stated that he owned the property to the north of the house as well as the property to the southeast of the house but he was not able to finalize plans for the portion of the property containing the house prior to putting in the application for the Conditional District rezoning so he would be back fairly soon for rezoning of the other parcel.

Commission Member Tippett asked Mr. Williams what name he would be operating under. Mr. Williams replied that he would be operating as Blue Ridge Tourist Court. He noted that the original sign was a six-inch thick metal sign similar to most of the signage that was in Downtown around that same time but then they got a new sign with slightly different graphics with neon on it. Mr. Williams stated he would like to recreate the original sign but was unsure if it would meet current signage requirements for the Town.

Council Member Roseman asked Mr. Williams if he had been made aware that the Council was discussing Airbnb's and restrictions.

Ms. Meade wished to clarify that while Mr. Williams used the term Airbnb in terms of his operating model, Airbnb concerns were about the use of private residential structures such as houses and maybe apartments. Ms. Meade stated that this was a motel so in the event that restrictions were placed for Airbnb's in rental residential property, it would not have an effect on this property.

Council Member Roseman asked if there would be on-site management. Mr. Williams replied that he had been in contact with three or four different management companies about future management but for the first year he would be doing most of the managing so that he could understand a little bit more about the operation.

Commission Member Halbert stated there was an AppalCART stop right in front of the property and asked Mr. Williams if he was planning to have the stop renamed or if it would keep the same name. Mr. Williams replied that he spoke with AppalCART a couple of weeks back, not about renaming the stop, but to ask if they had any plans to get rid of the AppalCART stop and was told that the Board of Directors had not slated it for removal. Mr. Williams stated he had not considered changing the name of the stop but thought it was a great idea.

Ms. Shook stated she did not receive any requests for participation in public input.

Mr. James stated he had received several calls from homeowners who received notification letters but no one indicated they would be attending the meeting.

Commission Member Zebzda asked what about the general substance of the calls made by those residents. Mr. James replied that there were a few questions about what was going on and some comments about the property being in disrepair and not very nice to look at. He stated that most everybody was somewhere between neutral and excited about the potential of the project and the fact

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that the property would be cleaned up. Mr. James stated that some stated they did not want the buildings to be torn down and have a new apartment building in its place.

With nothing further, Mayor Brantz closed the public hearing on this case at 6:50 p.m.

Vice Chair Plaag rejoined the meeting.

Case PL04727-050721 160D and Other Clarifications - UDO Text Amendment

The Town of Boone has initiated a UDO Text Amendment to revise the UDO as follows: revise entire UDO to comply with NC General Statue 160D; merge all or portions of UDO Articles 14, 15, 16, 17, 18 and 27; modify the following in new Article 14: B1 setbacks, building spacing, add additional hotel uses, B2 and B3 zoning district descriptions; standards related to corridor and viewshed district overlays; provide definitions for existing text; modify application process in Article 4, revise Article 7 Nonconformities to provide additional clarification; revision of existing Appendix B Guide for Landscaping to Appendix B Comparative tables and creation of new Appendix C Details and Specifications Manual. Other non-substantive changes are being offered and amendments may also be made to other Articles to conform them to the changes being proposed.

Ms. Shook noted that the staff report was inadvertently omitted from the meeting packet and was emailed to members prior to the meeting. She then presented the request as it was outlined in the staff report, noting this was a very large change that was basically an amendment to the entire UDO.

Vice Chair Plaag referred to Section 6.01 on packet page 118. He noted this was the section that was previously called Board of Adjustment and he understood that the intention here was to change it to include HPC in quasi-judicial hearings, but at the beginning of that section there was a reference to all hearings of the Board and all quasi-judicial hearings of the Historic Preservation Commission. Vice Chair Plaag pointed out that there was no Board defined at that point because the section had changed from being Board of Adjustment to quasi-judicial hearings. He felt the term Board needed clarification. He also noted that, throughout the section, the word board was sometimes capitalized and sometimes not. He noted there was a minor typo in 6.01.01(J). Vice Chair Plaag then referred to Section 6.01.02 on packet page 119 that stated it was now necessary for the board to take official action on any application or appeal but noted that there was no definition of what that quorum was.

Ms. Meade replied that the intent was to allow later, more specific provisions for each board to stand for itself. She explained that the Board of Adjustment and Historic Preservation Commission's quasi-judicial procedures were combined because they related to the same statute that stated this section would apply to all quasi-judicial decisions of the HPC, as well as the Board of Adjustment. Ms. Meade stated that the quorum varied for each board. She noted there was a concern, at least on staff's part, about the HPC being able to meet a quorum given the current size of the board and suggested a possible reduction of members on that board.

Ms. Shook stated the size of the board was discussed previously and the membership was slated to be reduced from 7 to 5 but because there was a full Board and others interested in sitting on the Board, a recommendation was made for the Board to remain at 7. As of the end of June there will only be 2 members on the HPC. Vice Chair Plaag stated there was someone applying to be considered at the June Town Council meeting so potentially there would be 3. He stated he was encouraging both of the members who were rotating off in June to at least hang around until their seats were filled. Ms. Meade stated that the statute allowed a board as small as three members.

Vice Chair Plaag referred to Sections 8.03 and 8.04 on packet pages 149 and 150 regarding the COA process and stated that language might need to be altered to change the COA for minor work to a Statement of Conformity. Ms. Meade replied that staff tried to follow his direction on that wording but

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she changed it because that language did not match up with the statute. She noted that the statute just recognized the COA, either for major work or administratively approved work so she felt it was best to stick with the statutory language but was happy to work with Vice Chair Plaag to come up with a solution. Vice Chair Plaag explained that staff had called him because they were having trouble with the COA as it related to minor work and asked if there was a better term that could be used and they came up with the term Statement of Conformity.

Ms. Shook explained that she did not want people to use the term Certificate of Appropriateness for minor work that did not go through the quasi-judicial process. She noted that a lot of other jurisdictions did not call for a Certificate of Appropriateness for minor work because it was administrative so the suggestion of Statement of Conformity seemed reasonable.

Vice Chair Plaag referred to Section 9.04 on packet page 164 that stated if any resident or landowner in town submits a written statement, etc. and asked if it was the intent to exclude a business owner who was not a land owner or a resident from submitting an amendment to the UDO or filing a Conditional District application. Ms. Meade replied that this was only for citizen comment and the change was not intended to be substantive. She explained that references to the term property owner were changed to landowner because that was what the new statute most often used. Ms. Meade stated that the statute appeared to inconsistently use both terms for no good reason.

Ms. Shook noted that the citizen comment was taken directly from the statute and asked Ms. Meade if they would be allowed to change that. Ms. Meade felt that if the Planning Commission recommended a broader definition that Council agreed to, there should be no problem with a more inclusive provision.

Vice Chair Plaag suggested the language to include people who own property, people who live here whether or not they own property, people who run a business here, and possibly people who work here. Ms. Meade stated the suggestion seemed reasonable to her.

Vice Chair Plaag asked if a business owner would be considered a property owner versus a landowner. Ms. Meade replied that it was a distinction and it should be added if that was the intent.

Commission Member Zebzda referred to Section 4.12.01(C) on packet page 101 that stated performance guarantees shall be in an amount of not less than 125% of the estimated cost of completion. He stated he thought, historically, that the 120 or 125% statistic was a point of conflict or disagreement between some developers and the Town. Commission Member Zebzda asked if there was any way to reword that section to still provide an adequate financial guarantee for project completion while opening it up to some more negotiations between a private developer and Town Council to find a more mutually agreeable agreement. Ms. Meade explained that this was a limitation imposed by state law.

Ms. Meade referred to Section 7.05.02(B) on packet page 146 and 147 and noted there was a suggestion of changing the deadlines for reconstruction of structures that were destroyed by an act of God, like fire or flood. She stated that this had recently happened to someone in Town and it became clear that the deadline of six months to get the building permit and a year to occupy the structure appeared to be really unreasonably tight. Ms. Meade stated it could take time to work on insurance payments so there was money to hire people to submit plans or to figure out what could be rebuilt and then getting a house built in 12 months almost never happened.

Ms. Shook stated that three categories for hotel small, large, and extended stay, were included in this amendment. She explained that, in the B1, the only hotel allowed would be a small, and that would be proposed to be allowed by right. Ms. Shook stated that, in the B3, all three would be allowed, with the small being allowed by right, the large allowed with a 200-foot transitional zone, and the extended stay with a 300 foot transitional zone. The Wellness District would allow a small hotel by right. Ms. Shook referred to packet page 550 that contained definitions for the hotel categories. She noted that the small

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hotel would be up to 20 guestrooms, the large would be 21 or more, and the extended stay would be any number of rooms that puts rates on a weekly or monthly basis and regularly rents guest rooms for stays of one week or more.

Ms. Shook noted that a revised definition for land disturbing activity had been added as it related to speculative grading.

Council Member Furgiuele referred to Section 4.01.01(A)(1) and asked if there was supposed to be the word approval after development in the second line. Ms. Shook replied that it should be a development approval.

Council Member Furgiuele stated that he noticed in the powers over the Community Appearance Commission, the paragraph that allowed the Council to assign things to Community Appearance had been struck. Ms. Shook replied that she inadvertently removed that and it would be added back in.

Board Member Roseman applaud staff for removing the gender specific identification throughout the text.

Commission Member Veno stated he was wondering why the word board was capitalized throughout and was a little confused on the quasi-judicial quorum. Mr. Shook replied that quorum for each board was set forth in Article 2. She added that the overall issue of board membership for the HPC was not necessarily the number available for quorum but that there would potentially be four open seats on the Historic Preservation Commission.

Commission Member Roseman expressed concern that having one person missing from a three person board could cause issues. Ms. Meade replied that the statute allowed the Board to be as small as three. She stated that the COA decision making process was considered to be specialized and sometimes there needed to be small and pretty expert boards to handle those. Ms. Meade stated that having a board of five with a quorum of three or four was what they were suggesting.

Ms. Meade noted that the lowercase word board in 6.01 was there to define references that refer to both the Board of Adjustment and HPC.

Ms. Shook stated she had not been contacted by anybody who wanted to participate in the public comment portion of this hearing.

Vice Chair Plaag asked if it would be appropriate in the quasi-judicial section to just have the references to where quorum was defined for each board later on so that way there would be no confusion about what the intent was. Ms. Meade suggested they could just strike the sentence altogether because it really carried no water.

Adjournment of Town Council

With nothing further, Council Member LaPlaca made a motion to adjourn the Town Council at 7:34 p.m. The motion was seconded by Council Member Roseman.

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

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Rennie Brantz, Mayor **Brenda Henson, Board Secretary**

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Elizabeth Shay, Planning Commission Chair

Continuation of Planning Commission Meeting

Chair Shay called for a break from 7:34 p.m. until 7:43 p.m.

Public Comment

Ms. Shook stated that no one had signed up for public comment.

Approval of Meeting Minutes

Vice Chair Plaag made a motion to approve the March 22, 2021 Planning Commission meeting minutes. The motion was seconded by Commission Member Tippett.

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

Vice Chair Plaag recused himself from the case involving Blue Ridge Tourist Court.

Case PL04630-040921 Blue Ridge Tourist Court - Conditional District Zoning Map Amendment

Blue Ridge Tourist Court LLC has requested a Conditional District Zoning Map Amendment to rezone 574 Old East King Street (Watauga County PIN: 2910-89-5295-000) from B2 Neighborhood Business to Conditional District B3 General Business with a site-specific development plan for Use 3.07 Motel.

Chair Shay stated it was nice to see this property being brought back to life and she thought the plan sounded really interesting. She stated she always had questions about pedestrian connections but did not think there were any pedestrian facilities nearby in that part of town.

Ms. Shook noted that the applicant was proposing to install sidewalks along the front of the property as required by the Ordinance. Chair Shay asked if it was correct that the sidewalks would not connect to anything because there were no other sidewalks there. Ms. Shook stated that was correct but explained that the UDO now required sidewalks whether or not there was connectivity or not.

Commission Member Veno stated he did not remember anything being mentioned about traffic but added that he did not see how traffic could be any kind of an issue with this project. Ms. Shook replied that neither Mr. James, the senior planner who did the review of the project, nor Public Works had any concerns regarding traffic at the site. Mr. James added that there was only minimal concern about traffic considering there would only be about seven rooms and 11 parking spaces. He stated that this project did not trigger the need for a traffic study.

Commission Member Veno referred to the office building with its natural stone work and felt it was still very notable and it would be a shame to lose that. He stated there was a trend across the country of people buying up old hotels or motels and refurbishing them.

Commission Member Zebzda stated he thought it was a very cool project. He noted that it was very enjoyable to read through and see all the plans and the proposed use. Commission Member Zebzda stated that, coming into the meeting, he had a few concerns pertaining to the retaining wall, the parking lot, and bicycle parking but the applicant did an amazing job clearing everything up and addressing those concerns.

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Commission Member Behrend stated that Mr. Williams gave a wonderful presentation of the project and she appreciated how he went through each step.

Commission Member Tippett stated he supported the project based on what he had heard. He stated he was usually concerned about impacts on neighborhoods and residential properties but noted he was not concerned with just seven rooms. Commission Member Tippett stated that the topography and landscaping would help with impacts to the neighbor.

Chair Shay stated that the Town's stormwater management guidelines and requirements had changed since the hotel was last active and asked if that was reflected in planned changes for the property. Ms. Shook replied that the State actually tied their hands a little bit as far as when the Town could require new stormwater management systems. She stated that a property owner could volunteer, but the Town could only require an applicant to make stormwater improvements when there was a new impervious surface. Ms. Shook stated that when Mr. Williams repaved the lot they would make sure there were not new issues created with the direction of the stormwater. Chair Shay stated she thought there was reference to a reduction in impervious surface. Mr. James stated that there would be a slight decrease in impervious area and that should have negligible impacts. He noted that the applicant was not required to repave the parking lot, but he had indicated that he would like to do so towards the end of construction.

Ms. Shook stated that normally during the public hearing conditions of approval were discussed and agreed to by the applicant however, that did not happen. She stated she did not recall any specific conditions being agreed but noted the staff recommended conditions on packet page 36 and 37. Ms. Shook asked Mr. Williams if he would agree to those conditions and he replied that he would agree to those conditions.

First Motion and Vote: Commission Member Tippett made a motion that the proposed amendment to the Town's zoning map from B2 to B3 General Business Conditional District zoning is consistent with the town's comprehensive plan and any other adopted plans of the town that are applicable because it complies with:

Comprehensive Plan Policy 2.1.1 Economic Development

B. New and expanding industries and businesses shall be encouraged which: 1) diversify the local economy, 2) train and use a skilled labor force and 3) increase area residents' incomes.

C. The Town shall encourage the development of a well-balanced tourism trade as a primary element of the area's economic future. Investments in services, facilities, and proper growth management shall be employed in furtherance of this objective.

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

Comprehensive Plan Policy 2.1.2 Commercial Development

G. Effective buffering and/or landscaping shall be provided where a large scale or automobile-orientated commercial or office use adjoins an existing or planned residential use.

Comprehensive Plan Policy 2.3.2 Community Character

A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area.

B. Multiple and appropriate adaptive reuse of historic resources shall be encouraged.

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C. Wise development of the tourism potential of the area's architectural, historic, scenic and natural resources shall be encouraged.

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.

The motion was seconded by Commission Member Behrend.

Commission Member Zebzda wished to amend the motion to add:

Comprehensive Plan Policy 2.1.1 Economic Development

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

Commission Members Tippett and Behrend accepted the amendment.

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

Second Motion and Vote: Commission Member Tippett made a motion that the Planning Commission recommends approval of the proposed amendment to the Town's Zoning map and believes approval is reasonable and in the public interest because this scale of use is no greater than previous commercial use, and historic preservation projects should be encouraged as well as appropriate tourism development projects. The motion was seconded by Commission Member Veno.

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

Commission Member Tippett then made a motion that the 3 recommended staff conditions be attached to the original motions. The motion was seconded by Commission Member Behrend.

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

Vice Chair Plaag rejoined the meeting.

Mr. Williams thanked everyone for their recommendation and stated that he appreciated everyone's enthusiasm about the project.

Case PL04727-050721 160D and Other Clarifications - UDO Text Amendment

The Town of Boone has initiated a UDO Text Amendment to revise the UDO as follows: revise entire UDO to comply with NC General Statue 160D; merge all or portions of UDO Articles 14, 15, 16, 17, 18 and 27; modify the following in new Article 14: B1 setbacks, building spacing, add additional hotel uses, B2 and B3 zoning district descriptions; standards related to corridor and viewshed district overlays; provide definitions for existing text; modify application process in Article 4, revise Article 7 Nonconformities to provide additional clarification; revision of existing Appendix B Guide for Landscaping to Appendix B Comparative tables and creation of new Appendix C Details and Specifications Manual. Other non-substantive changes are being offered and amendments may also be made to other Articles to conform them to the changes being proposed.

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Ms. Shook noted the following changes that were proposed during the public hearing:

6.01.01(A) Change the section to be about quasi-judicial procedures for both the Historic Preservation Commission and the Board of Adjustment. Change the first board to Board of Adjustment just to clarify.

6.01.01(J) Fix the typo.

Correct inconsistent capitalization of the word board throughout Section 6.01.

6.01.02 Either reference each board's quorum or strike that subsection altogether.

8.03 and 8.04 Review General Statutes regarding minor work and see if the terminology Statement of Conformity should be used or Certificate of Appropriateness.

9.04 Make it broader. Take away the term landowner and refer to property owner. Possibly add the term business owner.

4.01 Add the term approval after development.

2.03.04 Add the assignment of other duties by Town Council to Community Appearance Commission.

Check quorum for all boards for consistency.

Ms. Shook referred to Section 9.09.02 on packet page 168 regarding neighborhood meetings. She noted that language was added to provide another layer of participation and awareness to Conditional District Map Amendments.

Commission Member Zebzda stated that the updated language took the whole spirit of the Comprehensive Plan and made it applicable. He felt Comprehensive Plan Policy 2.3.4 Public Involvement would be appropriate to cite in the motion for approval. Commission Member Zebzda stated he personally saw what was being considered as a specific implementation tool to bring the UDO into compliance with State law.

Vice Chair Plaag stated his experience with neighborhood meetings that were held under the old Planned Development process was that the summary that was provided by the applicant often did not fully encompass the tenor and breadth and depth of the concerns expressed by participants in the neighborhood meeting. He suggested that a staff member be present to take minutes of the neighborhood meeting process so that an objective person, who was not the applicant, summarized what took place. Ms. Shook replied that would be a great commitment from a small staff to attend all neighborhood meetings to take minutes. She also expressed concern that staff would be pulled into the meeting for questions. Ms. Shook asked if it would help to include the phrase "all concerns" rather than "any concerns" in the language. Vice Chair Plaag felt that would help but would still like to suggest to Council that staff be present at neighborhood meetings to take minutes. He stated he did not see a way in which there was a clear expectation that an applicant would be truthful in relaying information.

Commission Member Zebzda suggested adding that if an applicant misrepresented, failed to provide, or purposely omitted any concern made by a neighbor in one of the neighborhood meetings that they could have a civil penalty or some sort of fine. Ms. Shook replied that the Town could only penalize people for things that were authorized under State law and she did not believe that was something that the Town could penalize.

Commission Member Veno felt that requiring staff to attend neighborhood meetings would be an undue burden on staff. He stated that the process the Town used kind of covered everything and he was comfortable with things the way they were. Commission Member Veno noted that neighbors who had concerns could make those known at the public hearing.

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Chair Shay stated she liked the notion of multiple, smaller meetings because big meetings could drown out all but a few voices but she also recognized that it would require more staff time.

Vice Chair Plaag wished to clarify his concern, noting that the way the language read, it left things entirely in the hands of the applicant to report to the Administrator what was or was not said at the neighborhood meeting. He added that, at the neighborhood meeting, there would not be a staff member or a Council member or a Planning Commission member present so everyone would be relying entirely on the assertions of the applicant. Vice Chair Plaag stated his concern was whether it was feasible and realistic to have a staff member present for the neighborhood meeting and stated, from Ms. Shook's feedback, it would place a burden on staff. He stated he did like Ms. Shook's suggestion of changing 9.09.02(E) so that it read that essentially, the summary report would detail the meeting, including all concerns expressed by attendees and any comments made by the petitioner or by the applicant.

First Motion and Vote: Commission Member Veno made a motion that the proposed amendment to the Town's zoning ordinance is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because the proposed amendments are consistent with all of the Comprehensive Plan objectives. The motion was seconded by Vice Chair Plaag who wished to amend to motion to include the proposed changes previously enumerated by Ms. Shook, including changing *any* to *all* feedback or comments as it relates to neighborhood meetings.

1. Revise Subsection 2.03.04 to not delete "Perform any other duty assigned by the Council that is authorized pursuant to N.C. Gen. Stat. § 160A-452."
2. Revise Subsection 4.01.01(A)(1) to add term "approval" after "development".
3. Subsection 6.01.01(A): clarify "Board of Adjustment" in first sentence.
4. Subsection 6.01.01(J): correct type of word "and".
5. Subsection 6.01.02: either strike this subsection or add clarification language to the other Sections on quorum for the BOA and HPC. STRIKE
6. Review Section 6.01 to see whether the term "board" needs to be capitalized or lower case. Lower case all except references to Board of Adjustment; lowercase "board packet"
7. Review other sections of UDO to ensure that quorum is used appropriately (see UDO Articles 2, 6 and 8). Other sections are adequate
8. Review Sections 8.03 and 8.04 with consistency with General Statutes and Minor Work (Statement of Conformity language). I remain concerned about inconsistency with the statute (attached). Could you send me just the COA portion of the UDO in Word (i) as currently drafted and (ii) as staff/Eric had proposed and let me work on it a little bit?
9. Revise Section 9.04 to include text in yellow : "If any resident, property owner, business owner or other citizen who works within the Town submits a written statement regarding a proposed amendment..."
10. Note: to recommend approval to include the requirement for a neighborhood meeting for a CD Zoning Map Amendment process. Additionally, recommends Subsection 9.09.02(E) be revised from "any concerns" to "all concerns".

Vice Chair Plaag also wished to amend the motion to include:

Comprehensive Plan Policy 2.3.4 Public Involvement

C. Specific functional plans and implementation tools shall be supported as part of the comprehensive planning program for the Town and County.

Commission Member Veno accepted the amendments.

Vote: Aye – All
Nay – None

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The motion passed.

Second Motion and Vote: Commission Member Veno made a motion that the Planning Commission recommends approval of the proposed amendment to the Town's Zoning ordinance and believes approval is reasonable and in the public interest because it meets the spirit and intent of the objectives in the Comprehensive Plan. Vice Chair Plaag wished to amend the motion to add that the proposed amendment brings the Town's UDO into compliance with recent statutory changes at the state level. Commission Member Veno accepted the amendment. Chair Shay wish to amend the motion to add that the amendment makes it easier to implement the Comprehensive Plan because it is a cleaner, stronger structure. Commission Member Veno accepted the amendment. Vice Chair Plaag seconded the motion, as amended.

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

Other Matters

Ms. Shook reminded everyone that the last public input session would be this Thursday at 6 p.m. Then on June 9 there will be another joint meeting of the CAC, HPC, and Town Council to go over all the public input obtained through the month of May on the Downtown Planning Projects.

Commission Member Veno asked if mailers were being sent out regarding the Downtown Projects. Ms. Shook replied that staff sent out almost 500 postcards around the first of May. In addition, and one of the building inspectors did a lot of hard work and he walked to every business who may not have received a mailer because they may not be property owners and distributed to all open businesses in the Downtown area. She stated that mailers were sent to the Chamber and it was sent to the DBA.

Commission Member Zebzda stated he was planning to graduate in May, 2022 and would be staying in Boone longer term to pursue a Master's degree in Public Administration. He stated he felt it would be in the best interest of not only himself, but also the student body, and the Commission for him not to seek reappointment as a student representative when his term expired June 30. Commission Member Zebzda stated he would be seeking an appointment as an alternate member on the Board of Adjustment. He noted there had been a lot of interest from the student body to join the Planning Commission and he expected one or more applications to be considered by Town Council.

Commission Members thanked Commission Member Zebzda for his service on the Planning Commission.

Vice Chair Plaag added that there was a student position on the Historic Preservation Commission that he would like to see filled.

Adjournment of Planning Commission

Vice Chair Plaag made a motion to adjourn the meeting at 8:49 p.m. The motion was seconded by Commission Member Tippett.

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

Communication: May 24, 2021 Public Hearing Minutes (Approval of Public Hearing Minutes by Town Council and Planning Commission)

Elizabeth Shay, Planning Commission Chair **Brenda Henson, Board Secretary**

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Local Historic Landmark 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.
- ☐ Deed(s) of all property to be included in the request,
- ☐ Both a digital and a hard copy of a written metes and bounds 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: 574 Old E King St, 187/191 Cecil Miller

Watauga County Parcel Identification Number: 2910-89-5295-000, 2910-89-7127-000

Existing Zoning District(s): B3-Conditional District Zoning, B2

Total Land Area: .39, .29

Are there any existing variances, or other site-specific approvals granted to the property? ☐Yes ☒No ☐Unknown

If yes, describe:

C. Applicant Information

Name: Brian Williams

Complete Mailing Address (Street, City, Zip): 505 Grand Blvd, Boone, NC 28607

Phone Number: 205-908-2329

Email Address: brian28607@gmail.com

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

D. Property Owner Information

Name: Blue Ridge Tourist Court, LLC

Complete Mailing Address (Street, City, Zip): 505 Grand Blvd, Boone, NC 28607

Phone Number: 205-908-2329

Email Address: brian28607@gmail.com

E. Landmark Information

Proposed Landmark Name: Blue Ridge Tourist Court & Motel

Period of Significance: 1950-1970

Provide a narrative, under separate cover, that describes how the proposed landmark meets the Town's criteria for Landmark Designation. Areas of importance shall include, but are not limited to:

Communication: Cases PL048933-070721 & PL04894-070721 Application Information (Cases PL04893-070721 & PL04894-070721 Blue Ridge

Time-period of significance

Historic function or use

Significant events that occurred at, around, or resulted in the proposed landmark

Important persons associated with the proposed landmark

Detailed-description of the physical characteristics of the proposed landmark, including the architectural style and materials used

A list of significant exterior architectural features that should be protected

A detailed description of the property

Description of the current conditions of the proposed landmark and whether it has maintained its historical integrity in terms of location, design, materials, etc.

F. Applicant Signature and Property Owner Authorization

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.

Blue Ridge Tourist Court, LLC		7/15/2021
Property Owner (Print)	**Property Owner (Signature)**	**Date**

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

Public Hearing Meeting Date: _____

PC Meeting Date: _____

TC Meeting Date: _____

Date of APO Mailed Notification: _____

Date of Posted Notification: _____

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

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Communication: Cases PL048933-070721 & PL04894-070721 Application Information (Cases PL04893-070721 & PL04894-070721 Blue Ridge

Exhibit A

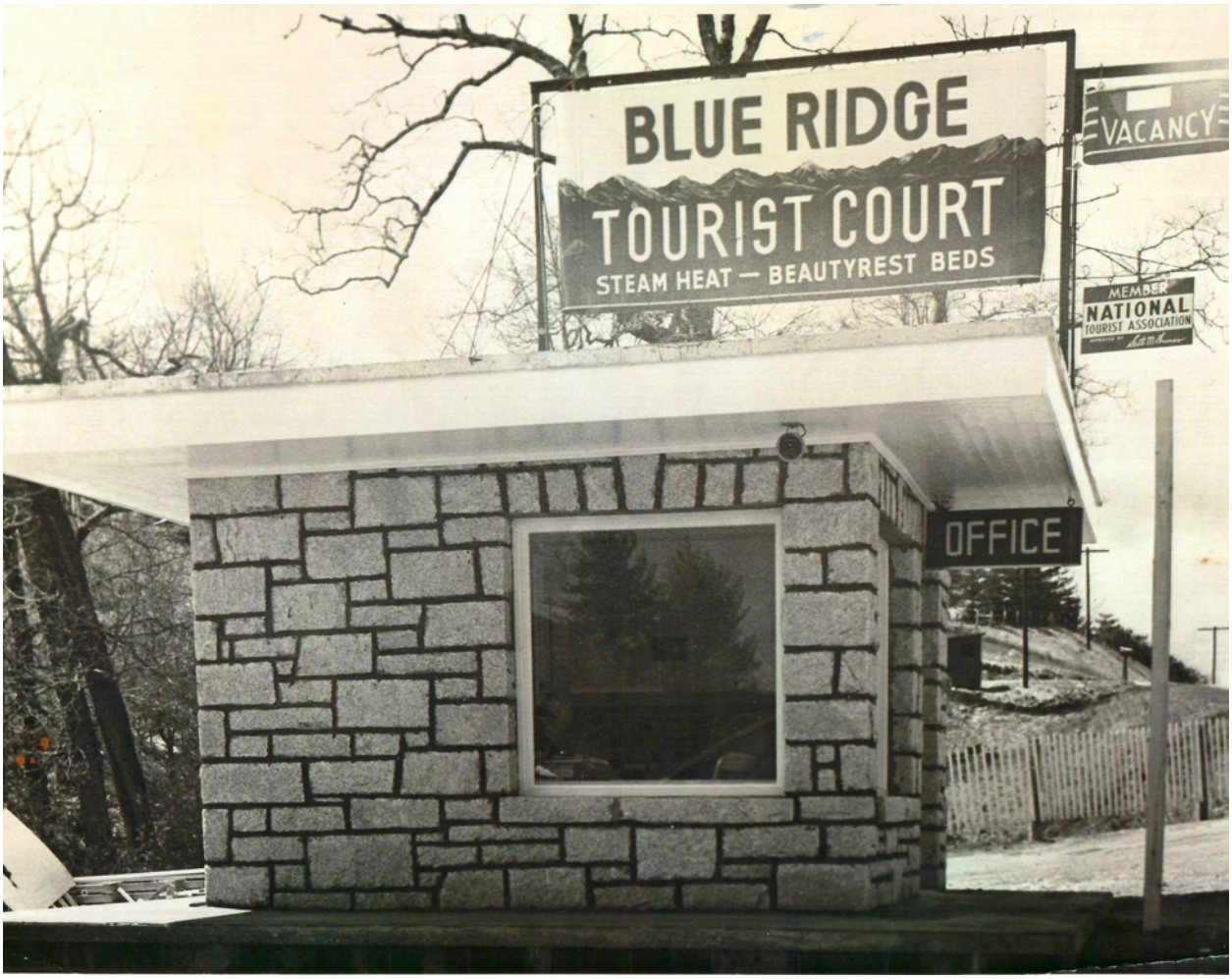
BOONE HISTORIC PRESERVATION COMMISSION

Local Landmark Designation Report

BLUE RIDGE TOURIST COURT & MOTEL

574 OLD E. KING STREET/187 & 191 CECIL MILLER ROAD

BOONE, NC



Prepared by

Dr. Eric Plaag, Carolina Historical Consulting, LLC

May 3, 2021

Communication: Cases PL048933-070721 & PL04894-070721 Exhibit A Local Landmark Designation Report (Cases PL04893-070721 & PL04894-

Cover Image: Native stone office building of the Blue Ridge Tourist Court, circa 1950, image courtesy of Allan and Judy Wagner and the Digital Watauga Project

Communication: Cases PL048933-070721 & PL04894-070721 Exhibit A Local Landmark Designation Report (Cases PL04893-070721 & PL04894-

Local Historic Landmark Designation Report
Blue Ridge Tourist Court and Motel
Boone, Watauga County

I. General information

1. Common and Historical Property Names

Blue Ridge Tourist Court and Motel, Blue Ridge Tourist Court, Blue Ridge Motor Court, Economy Inn, Perkins Park Inn, Phoenix Complex

2. Physical Address or Location

574 Old. E. King St., Boone, NC 28607 (Blue Ridge Tourist Court)
187/191 Cecil Miller Rd., Boone, NC 28607 (Garage Apartment and Motel)

*3. Tax Parcel Identification Number (PIN)**

2910-89-5295-000 (Tourist Court, incl. Office and Annex/Duplex)
2910-89-7127-000 (Garage Apartment and Motel)

4. Current Owner(s) Name(s)

Blue Ridge Tourist Court, LLC

5. Current Owner(s) Mailing Address(es)

505 Grand Blvd., Boone, NC 28607

6. Appraised Value of the Property (a copy of the most recent tax card will suffice)

$143,200 (Tourist Court)
$155,500 (Garage Apartment and Motel)

7. Date of Construction

Estel Wagner built the L-shaped, original section of the Blue Ridge Tourist Court and its detached stone office in 1950. Wagner added the Annex/Duplex in 1951, the Garage Apartment in late 1951 or early 1952, and the Motel circa 1953.

* Note that these are the old parcel numbers prior to the recent purchase by Blue Ridge Tourist Court, LLC. As of the date of this application, new Watauga County parcel numbers were not yet available.

Communication: Cases PL048933-070721 & PL04894-070721 Exhibit A Local Landmark Designation Report (Cases PL04893-070721 & PL04894-

8. Historical Significance

Areas of Significance:	Criterion A: Entertainment/Recreation Criterion B: Estel G. Wagner (1920-2011)
Period of Significance:	1950-1970

II. Brief Statement of Significance

The Blue Ridge Tourist Court and Motel is significant at the local level under Criterion A in the area of entertainment/recreation for its association with mid-century tourism and roadside lodging in Boone and Watauga County at the beginning of the region's transformation into a tourist hub. The period of significance is 1950 to 1970, representing the core period of the property's use as a true roadside motel under management first by the Wagner family (1950-1956), then by the Rice family (1956-1970).

The Blue Ridge Tourist Court and Motel is also significant at the local level under Criterion B for its association with Estel G. Wagner (February 16, 1920-July 20, 2011), a mid-century developer and real estate magnate who is believed to have been Boone's first real estate broker and who played a major role in the development of Boone's mid-century tourism trade. Wagner built the L-shaped Tourist Court building and the native stone Office building in 1950, then added the Annex/Duplex in 1951, the Garage Apartment in either late 1951 or early 1952, and the Motel building in late 1953 or early 1954. Wagner held the property until its sale in 1956.

Of the several tourist court/motor court/motel operations built between 1945 and 1958 during the surge in post-World War II automobile tourism, the Blue Ridge Tourist Court and Motel is the last one within present-day Boone town limits to survive. All five of the buildings associated with the operations of the Blue Ridge Tourist Court and Motel also retain an impressive degree of integrity, given their changes in ownership and function over time. All five buildings retain their general original form and appearance, and in those few cases where newer exterior materials have been applied, the original materials are known to survive underneath. All five buildings are already scheduled for historic rehabilitation in compliance with the Secretary of the Interior's Standards for Rehabilitation.

The property to be designated includes the parcel containing the Tourist Court, Office, and Annex/Duplex buildings as well as the parcel containing the Garage Apartment and Motel buildings. The parcel containing the residence in which the Wagner and Rice families resided while operating the business is not included this designation application because 1) the residence was never a direct part of the Tourist Court or Motel operations, 2) the current owners of the residence have not indicated an interest in Local Landmark designation, and 3) changes to the residence over time have significantly altered the original exterior appearance of the residence.

Communication: Cases PL048933-070721 & PL04894-070721 Exhibit A Local Landmark Designation Report (Cases PL04893-070721 & PL04894-

III. Architectural Description

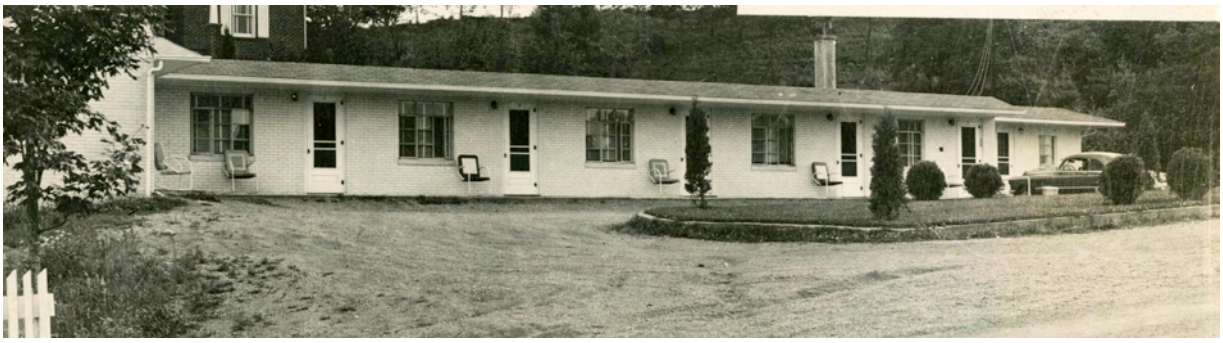
This view of the Blue Ridge Tourist Court (cropped from a three-image postcard made by Paul Weston and postmarked October 14, 1951) shows the Office in the foreground, the seven-room, L-shaped Tourist Court building behind that, and the Annex at far right. The Residence sits above the complex, with the old shack on what would become the Motel parcel to the east (left) of the Residence. Image courtesy of the Eric Plaag Collection, Digital Watauga Project.

The Blue Ridge Tourist Court and Motel is located in East Boone, Watauga County, North Carolina, on the south side of Old East King Street, just east of the intersection with Cecil Miller Road. Historically, the complex consisted of three parcels that were unified in the 1950s in service to the operations of the roadside motel. The northernmost parcel, facing on Old East King Street, included the Blue Ridge Tourist Court rooms set back from the road and arranged in an L-shape; a small, stone office building located at the road; and an annex of four rooms separated into two units located at the west end of the L-shaped building and set back slightly. The L-shaped building and the office were completed in late summer of 1950, while the Annex was completed in 1951.[1] This same parcel originally included a landscaped area at the road

[1] No article announcing the opening of the Blue Ridge Tourist Court has been found, but the first reference to the business being open appeared in a want ad on September 21, 1950. See "For Rent," *Watauga Democrat*, 21 September 1950: 8. Dates on the buildings after 1950 are courtesy of Estel G. Wagner's son Allan Wagner, who was born in 1948 and spent his early childhood in the nearby residence. Estel G. Wagner also acknowledged a 1950 start of construction date in his private memoirs, although he appears to have sometimes been off a year or two in other

Communication: Cases PL048933-070721 & PL04894-070721 Exhibit A Local Landmark Designation Report (Cases PL04893-070721 & PL04894-

frontage, just east of the office. Later owners of the property added an above-ground pool in this landscaped area in the late 1960s, but this resource no longer survives. Several brick piers, which apparently supported driveway chains, were also later installed (post-1970) and survive on the King Street road frontage.



This image, also cropped from the 1951 Paul Weston postcard, shows a nearly full view of the north (main) elevation of the seven-unit, L-shaped Tourist Court building. Image courtesy of the Eric Plaag Collection, Digital Watauga Project.

A separately deeded park area to the west contained playground equipment installed by the motel owners and used in this tourist court operation, but little evidence of this feature survives today. This same park parcel also contains the remnants of a small, brick pump house that appears to have directed a water supply from a pair of springs to the original Tourist Court parcel, but this pump house was never located directly on the parcels owned by the operators of the Blue Ridge Tourist Court and Motel.[2]

The second parcel, located due south of the Tourist Court parcel and at a higher elevation accessible from Cecil Miller Road, contained a brick residence originally built circa 1949, where the proprietors of the Blue Ridge Tourist Court and their children resided. It was never a direct part of the Tourist Court or Motel operations, although the families of the proprietors of the Blue Ridge Tourist Court and Motel lived in this residence from 1949 to 1970. In either late 1951 or early 1952, the owner of the Blue Ridge Tourist Court constructed a garage apartment building to the south of the residence, directly at the right of way with Cecil Miller Road, in order to provide a long-term stay option as part of the tourist court operation.[3]

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dates when compared with other sources. After acknowledging that he was laying block for the foundation of the L-shaped building in 1950, he wrote, "I built seven rooms in 1951 and then four more in 1952 and built a garage apartment behind the house." See Estel G. Wagner, "Life Story of Estel George Wagner," typescript, unknown date, Wagner family archives.

[2] The original deed conveying these and other parcels as part of the establishment of the D. O. Ray Development specifically noted "a par[k] with two springs, the same being included in a map of the Ray Development, and a right-of-way to the springs and the park is hereby given proportionately to each and every lot and tract in the above described development." See Sallie and Lelia Ray to W. N. Ragan and L. A. Greene, Deed Book 45, Page 480, Watauga County Register of Deeds. All real estate instruments referenced in this Local Landmark Designation Application are available through the Watauga County Register of Deeds unless otherwise noted.

[3] Allan Wagner indicates that the lower level of the Garage Apartment with the garage doors was used primarily for lawn-mowing equipment and storage, while the upper level was leased on a long-term basis, often to the same family from Virginia who visited during sequential summers in the early 1950s. Allan Wagner, Personal Conversation, April 20, 2021.

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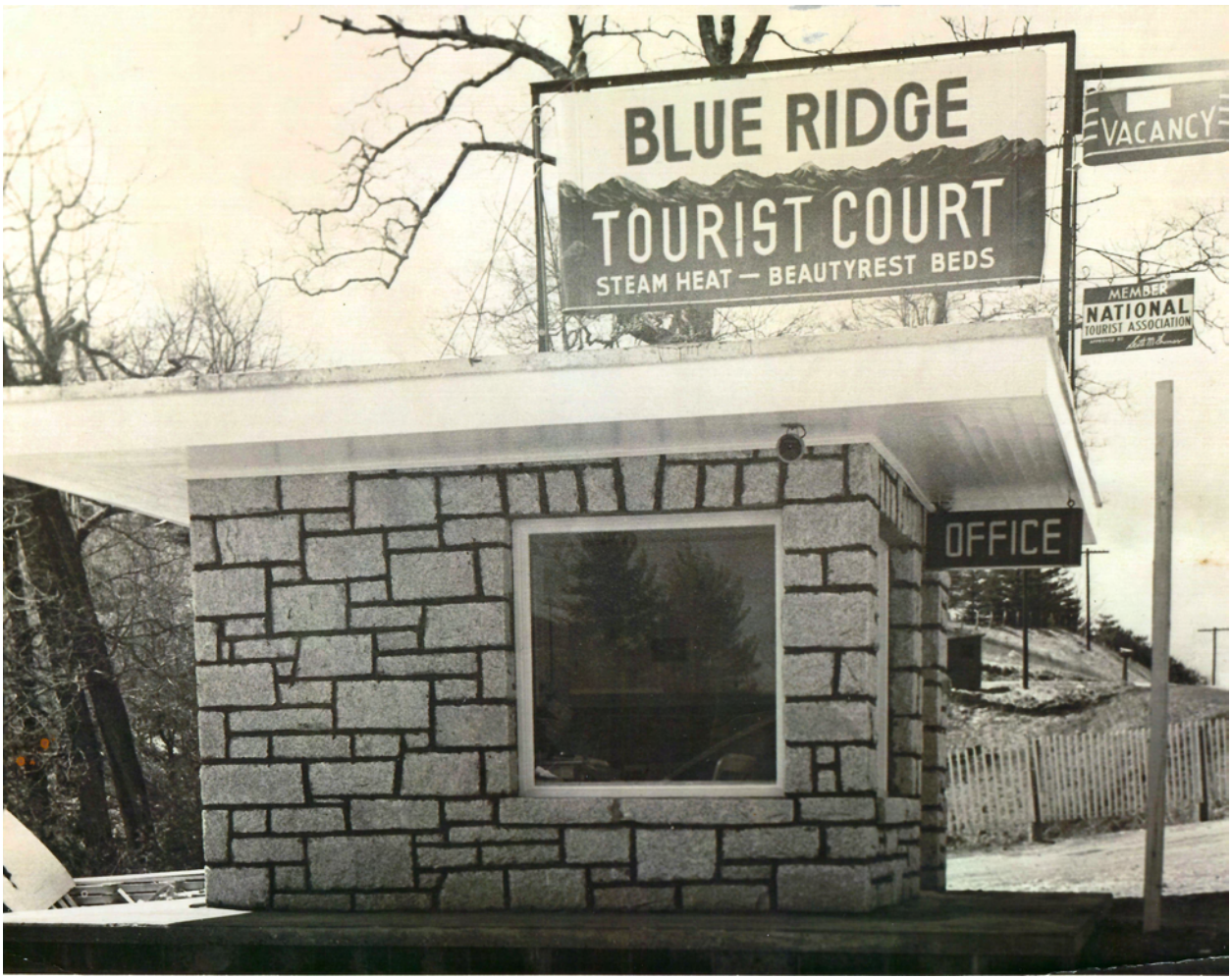
The third parcel was located to the east of the residence at an even higher elevation on Cecil Miller Road. Before 1951, this parcel contained a small, wood-frame building that may have served as an apartment. In July 1951, the proprietors of the Tourist Court acquired this parcel, demolished the wood-frame building, and erected the present motel building sometime before 1955, most likely in late 1953 or early 1954.[4]

The Office (Contributing Resource)



This image shows the east side of the stone office building as it appeared circa 1950. Image is courtesy of Allan and Judy Wagner and the Digital Watauga Project.

[4] The owner of the parcels in the early 2000s, who at that time owned all three of these parcels plus a fourth parcel to the east of the Tourist Court parcel as a singular property, chose to subdivide the parcels into the present alignment in order to facilitate a string of mortgages on the property. As a result, the garage apartment was associated with the Motel parcel rather than the residence. These owners eventually defaulted on the mortgage on the residence circa 2010, and the property went through foreclosure, resulting in the present situation where the owner of the residence parcel is a different entity than the owner of the Tourist Court and Motel parcels. For the original grouping of two parcels, see, for example, Deed of Trust, Celeste F. Gore and David Trivette to Jimmy D. Reeves, July 12, 2001, Book of Record 644, Page 251; and Deed of Trust, David D. Trivette to America's Wholesale Lender, November 4, 2003, Book of Record 908, Page 786. For evidence of the division into four parcels, see David D. Trivette, Jr., and Celeste F. Gore to Dwayne H. Wiseman, March 16, 2004, Book of Record 945, Page 519.

Communication: Cases PL048933-070721 & PL04894-070721 Exhibit A Local Landmark Designation Report (Cases PL04893-070721 & PL04894-

Regarding the Tourist Court parcel on Old East King Street, there are three distinct buildings. The first is a small, square, one-story Office building with a flat roof constructed in 1950. The roof features an unusually large overhang on all four sides, which is ceiled with painted beadboard. Historic images indicate that the roof once supported steel-frame signs with interior lighting (a later version had neon lettering), but these are no longer extant. A smaller lighted sign labeled "Office" and located on the north elevation under the eaves has also gone missing. Posts under the north elevation overhang support a bank of mailboxes, but this is a post-1970 addition to the building.

This circa 1951 image shows Estel G. Wagner reading a newspaper at the Office desk in front of the building's stone fireplace. Image courtesy of Allan and Judy Wagner and the Digital Watauga Project.

Composed of natural granite arranged in a random ashlar pattern, the building itself is set on a concrete slab and features keystoned door and window openings with deep surrounds and stone sills on the windows. The west side of the Office building offers a stout chimney with sloped shoulders and a stunted stack, which serves the keystoned, coursed ashlar fireplace with brick firebox located inside the office. The fireplace is topped off with a polished granite mantel and is unusual given the diminutive nature of the Office building. On the north and south elevations,

Communication: Cases PL048933-070721 & PL04894-070721 Exhibit A Local Landmark Designation Report (Cases PL04893-070721 & PL04894-

the Office features two original, exterior, three-paneled doors with three vertical lights in the upper half; both appear to feature original hardware, although there is some damage to the front (north) door. Two large, plate glass windows are intact on the north and east elevations, although the east pane is cracked.

The rest of the interior is paneled in vertical knotty pine with modest pine trim, much of which suffers from water and mold damage, particularly near the floor. The concrete slab floor is carpeted, but this carpeting is badly deteriorated. A small closet with a plywood-covered window occupies the southeast corner of the office building; the original framing for this window appears to be intact. The interior ceiling appears to have been clad in Celotex affixed to one-by-three cross members; this was later removed for a drop ceiling in a steel grid, most of which has rusted, deteriorated, or collapsed from ongoing roof leakage.

The Tourist Court (Contributing Resource)

The main Tourist Court building (constructed 1950) is an L-shaped, one-story, seven-unit roadside motel with the bottom of the ell oriented toward the east side of the parcel. The west side of the building features a concrete stairwell with a concrete block retaining wall descending to a boiler room. This retaining wall is badly deteriorated and collapsing into the stairwell, while the boiler room is partially filled with water and was generally inaccessible for safety reasons. The boiler stack visible at the southwest corner of the Tourist Court building in historic images was removed sometime after 1970, probably when the current wall unit heaters were installed in each individual room. A tall, concrete block retaining wall buttressed by concrete obelisks runs along the south elevation of the Tourist Court building to hold back the hillside. Portions of this wall have been rendered unstable by tree roots, particularly at the southeast end of the wall.

The main (north) elevation and its west-facing elevations are concrete block coated with Shotcrete applied in a brick masonry pattern.[5] Other than the west end of the building, which rests on the concrete foundation of the boiler room, the remainder of the building appears to have a foundation of concrete slab. A concrete slab provides a walkway along the main elevation and its ell, while the north end of the bottom of the ell features a stepped parapet to obscure the roof elements; this parapet was coped in terracotta tiles, a few of which survive. The original roof was flat with a half-gabled, shingle-covered awning covering the entire north elevation walkway. This awning feature was ceiled in bead board. At an unknown date between 1964 and 1989 (based on available aerial images), a low-profile, plywood-framed roof was added on top of the original flat roof to create a slight slope toward the rear (south) elevation. This same roof was extended over the west stairwell, while the stairwell itself saw a gate added over the stairs and a balustrade added just to the west of the stairs, presumably for safety reasons. The present owner intends to remove this roof addition and restore the original roof profile and appearance of the building. Historically, there was also a lattice screen shielding the gap between the Tourist Court building and the Annex building; the new owner intends to recreate a similar barrier.

[5] For an excellent overview of Shotcrete, see Anne T. Sullivan, "Shotcrete," *Twentieth-Century Buildings Materials*, Ed. by Thomas C. Jester, (Washington, DC: McGraw-Hill, 1995), 102-07.

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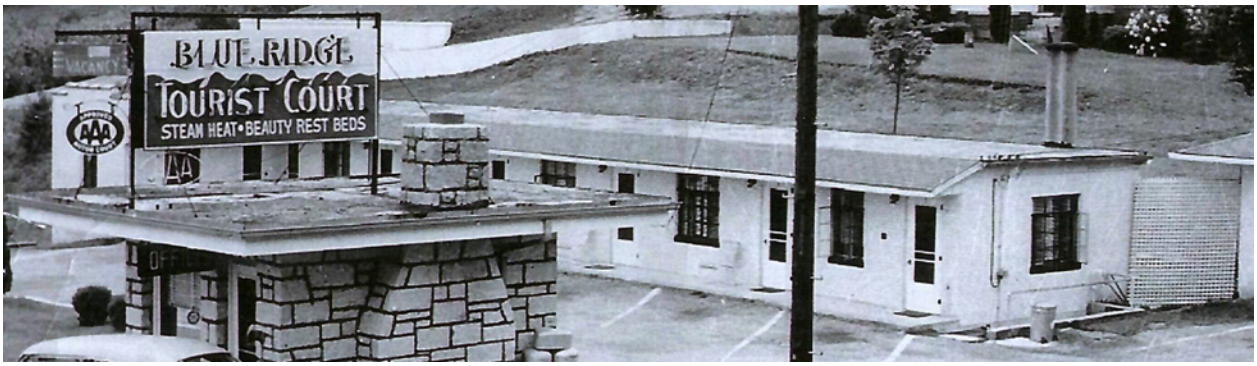
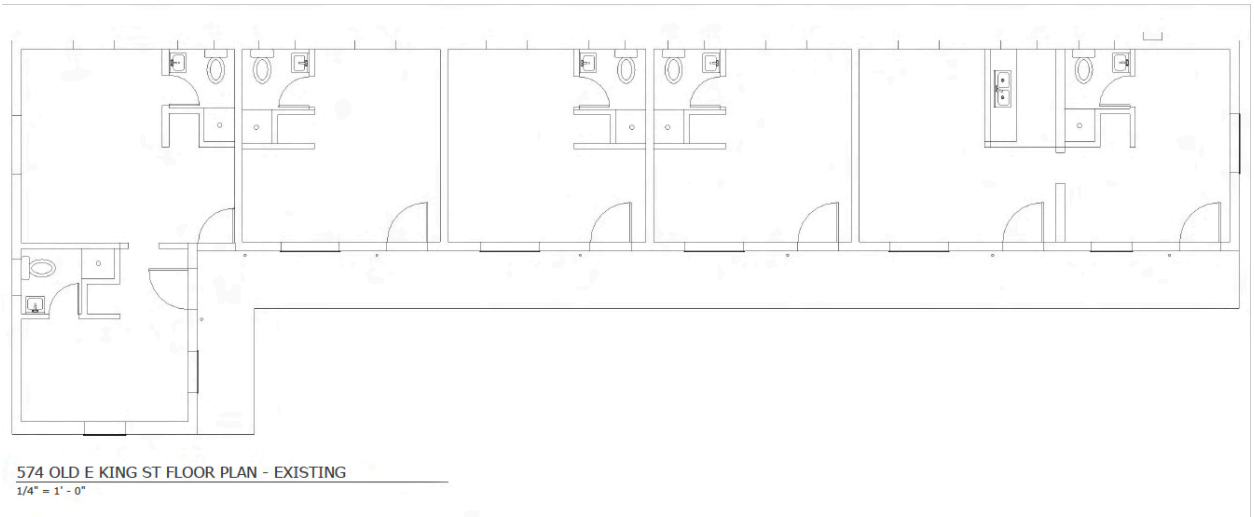
The main Tourist Court building appears to retain nearly all of its original, 12-light, Steelcase windows along the north elevation, the lights of which are arranged in a grid three columns wide by four rows high, with three-light casements in the outer columns. The one exception is the window on the north face of the ell, which appears originally to have been an eight-light, Steelcase window arranged in columns of four lights, with three-light casements. This was replaced at an unknown date with the present one-over-one, double-hung sash, wooden window. Windowsills are generally of formed concrete. Also surviving are the original four-panel, wooden doors with original hardware and an intricate, four-light design at the top of the door. Screen doors that originally covered the unit entry doors no longer survive. Shotcrete also appears to cover the east and south elevations of the Tourist Court building, although the finish is smooth and plain. While numerous original window piercings survive along these two elevations, including some original framing elements, only the five rear, Steelcase windows (typically of eight lights arranged in two columns of four, with three-light casements) appear to survive in place. Bathroom windows are nearly all replacements of the originals, a few of which appear to be vinyl replacements.



This detail crop from a circa 1954 image of the Blue Ridge Tourist Court and Motel complex shows the original window and roof configurations on the main Tourist Court building. Image courtesy of Allan and Judy Wagner and the Digital Watauga Project.



This floor plan drawing shows the current configuration of the Tourist Court building rooms. Image courtesy of Blue Ridge Tourist Court, LLC.

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Nearly all of the rooms retain their original configuration of an open room area with a small closet and a bathroom with small shower grouped into one corner of the room. Only one unit—the one second from the west—appears to have had its bathroom and closet replaced by a modern kitchenette that occupies the same footprint. This room and the far west room have an narrow, adjoining doorway, as do the two rooms at the bottom of the ell. Original floors in all units appear to have been of asbestos tile, while walls were generally of thin sheetrock, and the ceilings composed of Celotex. One exception is the room at the west end of the building, which features vertical, knotty pine paneling like that found in the Office, the Annex, and the Motel. This room may have been an early "upscale" room at the complex, while the smaller rooms to the east were more conventional in their décor. Few, if any, of the bathroom fixtures appear to be original, although the bathroom footprints are probably original. Some units also feature a sink stand (one with a small, built-in hotplate), but these are not likely to have been an original feature of the units.

This detail crop from the 1951 Paul Weston postcard shows the standard configuration of most of the seven units in the original Tourist Court building. Visible in the mirror are the small closet and the door to the bathroom that would have been on the opposite side of the room from the bed and desk. Image courtesy of the Eric Plaag Collection, Digital Watauga Project.

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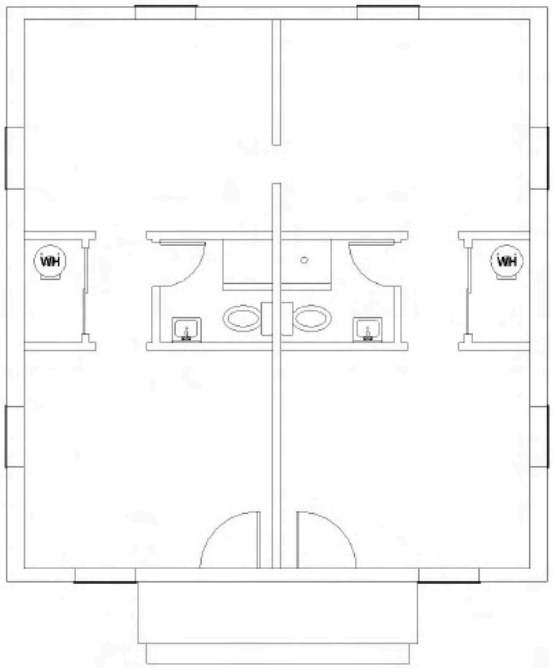
The Annex (Contributing Resource)

The Annex building (built 1951 to provide long-term stay suites to the complex) sits just to the southwest of the Tourist Court building and features two motel room units of two rooms each designed as suites for longer term stays. One story in height, the Annex is composed of concrete block covered with Shotcrete, which is patterned to resemble brick only on its north elevation. The other elevations are all Shotcrete in a smooth and plain finish. The Annex building is likely built atop a concrete slab. Original windows appear to have been three-light, bi-fold casements, but these were replaced at an unknown date (post-1965) with one-over-one, wooden, DHS windows, which are still intact. The original roof was flat with a hipped, shingled overhang. At an unknown date between 1964 and 1989 (based on available aerial images), some slight build up of this roof was completed, perhaps simply to cover the old flat roof, but the profile remains similar to the original. The present owner intends to remove this roof addition and restore the original roof profile and appearance. An L-shaped stockade fence (non-historic) at the northwest corner of the Annex will also be removed.



574 OLD E KING ST FLOOR PLAN - EXISTING
1/4" = 1' - 0"

This floor plan drawing shows the current configuration of the Annex building rooms. Image courtesy of Blue Ridge Tourist Court, LLC.

The two wooden entry doors appear to be original and are three-paneled in the bottom half with three horizontal, stacked lights in the top half. Entry to the two units is gained via a two-step, concrete slab that spans about half of the north elevation. Original interior treatments are not known, but some rooms of both units presently reveal walls of thin, painted paneling, carpeted floors, and a gridded drop ceiling of acoustical tiles. Above these drop ceilings is an MDF type

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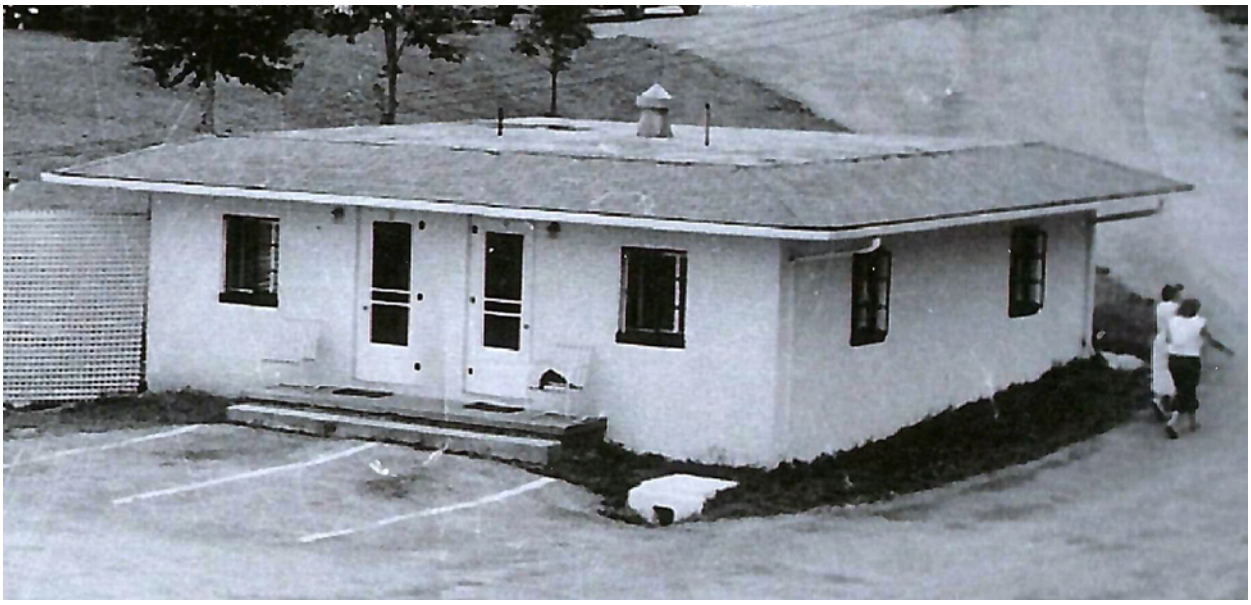
material, which appears to have had Celotex attached at one time. Other rooms clearly exhibit what appears to be rich, knotty pine paneling and trim that is likely original (some of which has been painted). Some areas beneath the carpet reveal what appears to be asbestos tile, while other areas have newer ceramic tile installed. The two units are connected via a very narrow doorway in the rear (south) rooms of the units. Both units appear to have had kitchen facilities originally, although existing cabinetry and fixtures in both cases appear to be later iterations.



This detail crop from a circa 1954 image of the Blue Ridge Tourist Court and Motel complex shows the original window and roof configurations on the Annex building. Image courtesy of Allan and Judy Wagner and the Digital Watauga Project.

Residence (Non-Contributing Resource, Not Included in Designation Boundary)

This detail crop from the 1951 Paul Weston postcard shows the original appearance of the Residence when the north elevation was the "front" of the house, overlooking the Tourist Court building. Image courtesy of the Eric Plaag Collection, Digital Watauga Project.

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This detail crop from the circa 1954 image of the Blue Ridge Tourist Court and Motel complex shows the enclosure of the porch on the north elevation of the house, as well as the side-gabled roof and chimney of the Garage Apartment on the opposite side of the house (far right). Image courtesy of Allan and Judy Wagner and the Digital Watauga Project.

This circa 1950 image shows a young Allan Wagner with one of his sisters on the original back porch on the south elevation of the Residence. Today, this much-modified entrance now serves as the main entrance to the house. Image courtesy of Allan and Judy Wagner and the Digital Watauga Project.

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Above the Tourist Court and Annex buildings, just up the rise in elevation to the south, is the original Residence, which dates to 1948 or 1949. A driveway originally descended from the residence to the west side of the Annex, where it joined the Tourist Court parking lot, although this driveway has been blocked and covered over with grass for several decades. The Residence is a one and a half-story, side-gabled, painted brick house with basement. A soldier course band serves as a water table for much of the perimeter of the house.

The north elevation of the house, which is believed to have been the original "front" of the building, originally featured an open, wraparound porch with Craftsman-style posts on the north and east elevations, but this porch was enclosed by the mid-1950s; its door and window openings have been further modified since that time. A large, open deck has also been added to the north elevation of the porch. Original windows appear to have been Craftsman-style, vertical three-over-one, double-hung sash, wooden windows, but all of these have been switched out to vinyl replacements. A short chimney stack on the east elevation appears to be original to the house and may serve a fireplace known from Wagner family photos to have been located inside. Another, smaller chimney, which may have served a boiler or stove, rises from the south elevation roof. The roof features asphalt shingles, which appear similar to the original roof covering.

Along the west side is a stairwell leading to an entrance to what was advertised in the 1940s and 1950s as a full basement; this area has been covered in recent years by a stockade fence and a shed roof awning. The south elevation offers a long, concrete slab porch covered with faux stone on concrete block, with posts supporting an asphalt-shingled roof above. Based on Wagner family photos, this porch is clearly a later addition to the house; a circa-1950 image shows two of the Wagner children standing on a much smaller, uncovered, concrete stoop that provided access to what was likely the back door of the house at that time. The present door at this entrance is also a modern replacement for the original Craftsman-style, wooden door that featured three panels in the lower section and three vertical lights in the upper section. The interior of the Residence was not accessible.

The Garage Apartment (Contributing Resource)

Just to the southeast of the Residence is the two-story, side-gabled Garage Apartment building, probably built in 1951 or early 1952 to provide another long-term stay option at the property. Like the Tourist Court and the Annex, this building is composed of concrete block covered in Shotcrete. The south and west elevations are textured to simulate a brick pattern, while the east and north elevations are of a smooth, plain finish. A brick chimney sits on the east side of the building, although this appears to have been a later addition. A circa 1953 Wagner family photo, likely taken at the time the Motel was being built, shows no chimney on the east elevation, but there was a four-paneled door that appears to have opened onto a small, exterior stoop. This side entrance has been eliminated, although remnants of the stoop and door piercing are still evident in the present-day finish of the east elevation. This image also reveals that the present-day, vertical paneling under the gable may cover what appears to have been either asbestos or asphalt shingles under the gable in the early 1950s. Another chimney is evident at the southwest corner of the house and appears to be original, as it is visible in the circa 1954 image of the entire complex.

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This circa 1953 image shows part of the Garage Apartment at left, with the Residence located behind the Garage Apartment and machinery. The two men in the photo appear to be looking toward the Motel parcel, suggesting that this image was taken during construction of the Motel. Image courtesy of Judy and Allan Wagner.

187 CECIL MILLER FIRST FLOOR FLOOR PLAN - EXISTING
1/4" = 1' - 0"

This floor plan drawing shows the current configuration of the second floor rooms of the Garage Apartment. The lower level is a two-bay garage space used for storage. The right side of the above image represents the south elevation of the building facing Cecil Miller Road. Image courtesy of Blue Ridge Tourist Court, LLC.

Windows for the second floor apartment are generally Craftsman-style, vertical, three-over-one, double-hung sash, wooden windows. Metal awnings, apparently not original, shield several of

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the windows. The second-floor, apartment interior, which is accessible from the south entry at grade, contains four rooms—two bedrooms, a living room, and a kitchen—plus a bathroom with a small shower. Preliminary investigation suggests that original flooring was a thin, hardwood stock that is still present beneath several layers of later flooring materials. Walls appear to be plaster, or perhaps Shotcrete, applied directly to the concrete block. A poorly executed attempt at an arched doorway is present between the living room and the small hallway to the bathroom and bedrooms; it is unclear whether this was an original feature.

The west elevation of the lower floor features two garage bays covered with vertical paneling, through one of which a door has been cut to gain access. The lower floor of the north elevation offers a four-paneled door and a window piercing that has been filled with plywood. At the time of our site visit, the interior space of the lower level, which was originally built as a two-bay garage space—contained mechanicals for the upstairs apartment and an enormous amount of stored household goods that made exploration of interior details impossible. A retaining wall of railroad ties leads away from the north elevation to the north and supports the parking lot for the Motel located uphill and to the east of the Residence and the Garage Apartment. A similar wall runs from the west elevation of the Garage Apartment along Cecil Miller Road. A 1985 survey of the property suggests that these retaining walls were originally of concrete block. A small exterior stairway at the northeast corner of the Garage Apartment previously rose to the Motel parking lot, as shown in the 1985 survey, but this has been removed.

The Motel (Contributing Resource)

This detail crop from the circa 1954 image of the Blue Ridge Tourist Court and Motel complex shows a large portion of the south and west elevations of the Motel building. Image courtesy of Allan and Judy Wagner and the Digital Watauga Project.

An asphalt parking lot surrounds the Motel building on the east, south and west sides. Drives with retaining walls (still extant) originally connected the east and west parking areas to a right of way for a never completed Town of Boone street known as South Street, which connected Cecil Miller Drive and Old East King Street on the east side of the Motel building. The northern portion of South Street now sits on a parcel that is not part of this complex; that portion of the drive has largely been eliminated by changes in grade.

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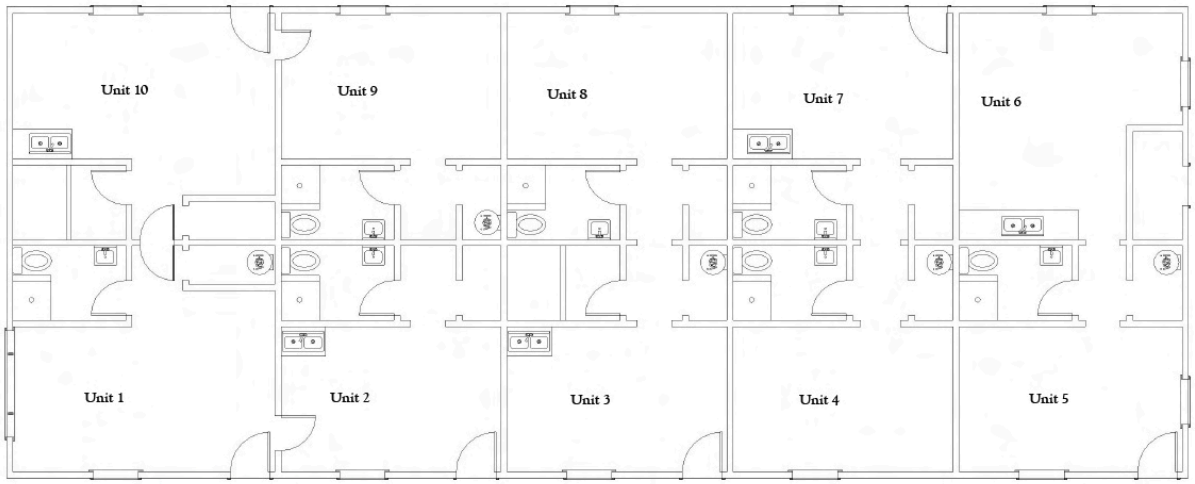

191 CECIL MILLER FLOOR PLAN - EXISTING
1/4" = 1' - 0"

This floor plan drawing shows the current configuration of the Motel rooms. Unit numbers are not historical and are for reference purposes in this report only. The right side of the above image represents the south elevation of the Motel facing Cecil Miller Road. Image courtesy of Blue Ridge Tourist Court, LLC.

The Motel building itself is one story in height and was likely built in 1953 (or perhaps 1954) directly on a concrete block and slab foundation, part of which serves as the walkway for the west, south, and east elevations. It originally featured ten motel room units with various suite permutations effected by the use of connecting doors. The Motel building appears to be of wood frame construction and originally clad in shiplap siding that still survives underneath the present T1-11 vertical siding application. The present owner intends to remove the T1-11 and restore the original shiplap siding. Like the Annex building, the Motel originally featured a flat roof with a hipped, shingled overhang ceiled in bead board. Like the Tourist Court and the Annex, this roof has been slightly built up with a new roof covering applied directly over the original but maintains a limited profile. The present owner intends to remove the roof addition elements and restore the roof to its original appearance and configuration.

Five rooms were located on each side (west and east) of the Motel, with Units 3 and 8, 4 and 7, and 5 and 6 each featuring a connecting door between the rooms. Units 1, 2, 9, and 10 offered an even more complex arrangement: Units 1 and 2, as well as 9 and 10, each featured a single connecting door between them (only the one between Units 1 and 2 survives), but all four rooms could essentially be converted to a four-room suite by virtue of double connecting doors between Units 1 and 10 (both of which survive). It is for this reason that Units 2 and 9 did not have an east-west connecting door between them, unlike the other six small units to the south. Original, four-panel, wooden doors to the units that feature a four-light arrangement at the top of the door remain mostly in place, although at least four doors (Units 4, 6, 8, and 9) are believed either to be hidden within the walls or possibly stored in the Garage Apartment garage bays, while another (Unit 10) has been replaced with a modern, vinyl door.

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As suggested by a mid-1950s historical image of the interior of Unit 1, the rooms appear to have been clad originally in vertical, knotty pine siding and trim, some of which is still visible in some units. Much of it has either been covered or replaced with a cheaper, vertical paneling, probably of plywood, that is also painted. Most units feature gridded drop ceilings with acoustical tiles, but there is some evidence that the original ceilings were likely Celotex, some of which survives in some areas. Most original floor coverings have been removed, although it appears likely that the original floor coverings were asbestos tile, which may still survive in some areas beneath later flooring treatments.

This circa 1954 image shows the interior of Unit 1 of the Motel building, looking northwest. Knotty pine paneling and trim, Celotex ceilings, and asbestos tile flooring were probably the standard décor throughout the Motel building, even though Units 1 and 10 were larger rooms and featured large window complexes at the north end of the units. Image courtesy of Allan and Judy Wagner and the Digital Watauga Project.

Windows on the east, south, and west elevations of the Motel are two-over-two, horizontal light, double-hung sash, wooden windows that appear to be original, while the windows on the north elevation (Units 1 and 10, the latter covered but likely still extant underneath) are significantly more ornate, featuring a fixed, plate glass center light in a wooden frame, flanked by two-over-two, double-hung sash, wooden windows. In at least two units (Units 3 and 10), the bathroom

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spaces have been cut in half by the installation of a false wall; speculation is that later owners chose not to handle the removal of fixtures in the hidden spaces, but it is not yet known what survives behind these false walls. Meanwhile, the bathroom has been altogether removed in Unit 6 and replaced with a double-sink kitchenette. A utility closet, probably used for housekeeping equipment, is accessible by a four-paneled door with four upper lights on the south elevation. This utility space, which was probably used for housekeep storage, effectively robbed Unit 6 of its closet space and made Unit 6 a smaller room than all of the others.

III. Historical Background

Mid-Century Tourism and Roadside Lodging in Boone and Nearby Environs

At the end of World War II, lodging options in Boone and its immediate vicinity were few and far between. A 1950 Boone Lions Club study designed to track Boone's "progress" since the founding of the club in 1936 nicely summarized the problem: "In 1936 the tourist industry was not large, and very few accommodations were available."[6] The most luxurious facility was Boone's freestanding, downtown hotel, the Daniel Boone Hotel, located on King Street, which had opened in 1925 during Boone's first commercial building boom. Two other, less luxurious hotel operations, both located on the second floor of 1920s commercial block buildings in downtown, had also been popular before the war. The Carolina Hotel, located in the Qualls Block on King Street, was gutted during a Christmas Day fire in 1952 and never reopened. The Hotel Watauga in the Hahn Building on King Street was similarly gutted by fire in April 1953; that space was later converted into an off-campus dormitory for the Appalachian State Teachers College.[7] A handful of tourist homes, such as the Gragg House on Gragg Street at the west end of Boone and the Greene Inn on King Street (demolished March 1954) opposite the Daniel Boone Hotel, provided bed-and-breakfast type accommodations, while the Jones House provided lodgings for boarders.[8] Otherwise, Boone in 1945 had virtually no other accommodations for travelers and certainly nothing of the roadside motel variety. Indeed, Boone was ill prepared for the wave of tourism that would come following the war.

While tourist courts originated out of the roadside auto camps of the 1920s, roadside accommodations did not become a staple of the tourism industry until after World War II. In the years following the war, Americans increasingly took to the road for pleasure travel, and the demand for quick and easy roadside lodgings dramatically increased.[9] Many of these properties were initially advertised as "tourist courts" before terms like "motor court" and, eventually, "motel" became more popular ways of describing the same limited-service, park-at-your room facilities that evolved to meet the burgeoning demand for roadside lodgings. Probably the first of

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[6] "Lions' Study Spotlights City Progress Since '36," *Watauga Democrat*, 19 January 1950: 3.
[7] For a detailed description of these three facilities, see Eric W. Plaag, *Comprehensive Architectural Survey of Downtown Boone, North Carolina, FINAL REPORT*, (Boone, NC: Boone Historic Preservation Commission, February 2021).
[8] On the demise of the Greene Inn, see Rob Rivers, "King Street," *Watauga Democrat*, 18 March 1954: 1, 4. For an image of the Gragg House, which still stands, see "The Gragg House," Postcard, postmarked 10 July 1952, Bobby Brendell Postcard Collection, Digital Watauga Project, available online, http://digitalwatauga.org/items/show/20527.
[9] For an outstanding study of the origins and evolution of roadside motels, see John A. Jakle, et al, *The Motel in America*, (Baltimore: Johns Hopkins University Press, 1996).

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these kinds of properties in the Boone area was Earl D. Cook's Black Bear Tourist Court, a large home surrounded by small, disconnected cabins located just east of Boone town limits on US 421 near Hillside Drive. Cook's operation was celebrated in the local press when it was first announced in October 1945: "This venture will be particularly helpful to visitors to this section, where living accommodations have been crowded, and will represent a splendid addition to the fast-growing community."[10] Opened in 1946, any remaining vestige of those buildings was swept away with the widening of US 421 in the early 2010s.

This circa 1950s postcard shows the Black Bear Tourist Court, located just east of downtown Boone near the intersection of East King Street and Hillside Drive. Image courtesy of the Bobby Brendell Postcard Collection, Digital Watauga Project.

Another tourist court operation, spurred by demands from the local Junior Chamber of Commerce, was the Mountain Motel, opened by L. T. Tatum in August 1948.[11] This property expanded in size as demand increased in the years that followed, but it was demolished for a McDonald's a couple of decades ago. In Boone and surrounding environs, the Watauga Centennial celebration in 1949, construction on the Blue Ridge Parkway through Watauga County in the early 1950s, and the opening of the *Horn in the West* outdoor drama at the Daniel

[10] "New Buildings Being Erected in This Locality," *Watauga Democrat*, 25 October 1945: 1.

[11] On the opening of the Mountain Motel, see Rob Rivers, "King Street," *Watauga Democrat*, 5 August 1948: 1. For "Ladies Night" at the Chamber of Commerce in June 1948, which members of the Junior Chamber of Commerce were encouraged to attend, one of the principal topics for discussion was "the possibilities of building a modern tourist court." See "Ladies Night at C. of C. Planned," *Watauga Democrat*, 24 June 1948: 1. A Chamber of Commerce committee composed of several Boone business luminaries was also formed in June 1948 "to ascertain how many local people are interested in buildings hotels and tourist courts." See "Junior Jaycee Group May Be Formed Here," *Watauga Democrat*, 3 June 1948: 2.

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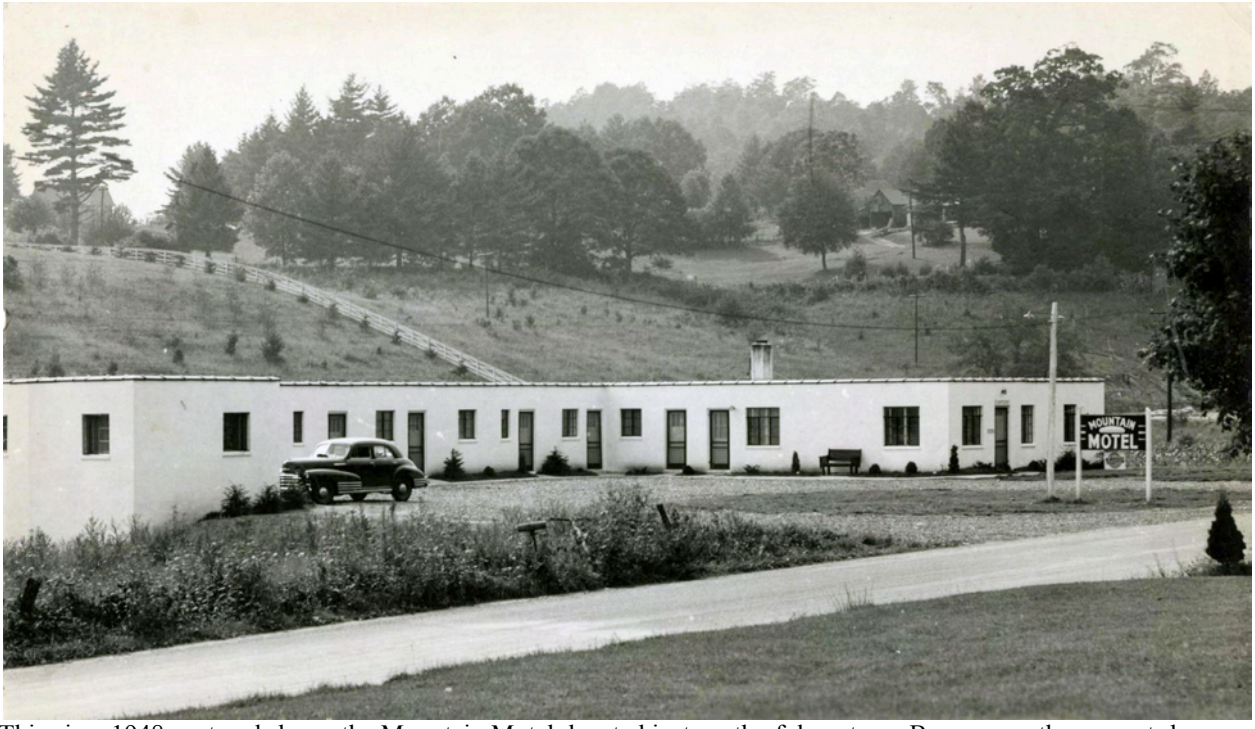
Boone Amphitheatre in 1952 further amplified this demand for lodging infrastructure. Local booster Stanley A. Harris, for example, urged his fellow Wataugans in March 1949 to be "Forty Niners," noting, "Watauga County is by nature the most ideal summer playground in America, but vacationists must have hotels, tourist courts, [and] golf courses, and it takes vision, daring, and much hard work to build these accommodations. Will we be forty niners in developing what nature has given us?"[12] A year later, Sam P. Weems, superintendent of the Blue Ridge Parkway, specifically warned the Boone Chamber of Commerce that they needed to take the demand for tourist accommodations more seriously: "The superintendent urged the people of Boone to develop the tourist trade and not be complacent in their attitudes. He said the [Blue Ridge] Parkway should be the 'backbone' of the tourist trade, and that somebody must provide for these travelers."[13]



This circa 1948 postcard shows the Mountain Motel, located just south of downtown Boone near the present-day intersection of Blowing Rock Road and NC-105, in its original configuration. Image courtesy of the Bobby Brendell Postcard Collection, Digital Watauga Project.

Estel G. Wagner opened the Blue Ridge Tourist Court in what was then the Perkinsville community in the late summer of 1950, urged to do so by none other than Stanley A. Harris and the other Chamber of Commerce luminaries whom Wagner had quickly befriended after he arrived in Boone earlier that year.[14] Today, the Blue Ridge Tourist Court and Motel is believed to be the last of the early tourist courts and motels of the late 1940s and early 1950s to survive in

[12] Stanley A. Harris, "Be a Forty Niner," *Watauga Democrat*, 3 March 1949: 4.
[13] "Boone Should Prepare for Tourists Now Weems Says," *Watauga Democrat*, 19 January 1950: 1, 6.
[14] Wagner noted in his autobiography, "Dempsey Wilcox invited me to go as his guest to a Chamber of Commerce meeting. I enjoyed it very much and met Mrs. Stallings, Stanley Harris, Alfred Adams, Ruby Ellis, etc. I went to three or four meetings and got involved with the community and joined the Boone Chamber of Commerce." See Wagner, "Life Story," 15.

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Boone. All others have met with partial or complete demolition. By early 1951, for example, the Hamby Tourist Court was in operation just east of downtown Boone on King Street as a collection of cabins around the A. E. Hamby home.[15] While one of the smaller buildings of that operation still survives as an unrecognizable student apartment house, the Hamby Tourist Court appears to have ceased operations by the mid 1960s, and the main house and other cabins no longer stand.

This 1950s postcard shows part of the Hamby Tourist Court, located just east of downtown Boone near the present-day intersection of King Street and Cherry Drive. Image courtesy of the Bobby Brendell Postcard Collection, Digital Watauga Project.

By 1956, Boone advertised considerably more lodging opportunities. The ten-unit Boone Trail Motel (completed 1952), located on East King Street halfway between Boone and Perkinsville was demolished in 2019 to make way for a student apartment complex.[16] Four other motels located on Blowing Rock Road about a mile and a half from downtown Boone near Deerfield Road and US 321—the Longvue Motor Court (completed late 1951), the Oakwood Motel (completed 1952), the Watauga Tourist Court (built 1952), and the Cardinal Motel (completed 1953)—were demolished decades ago.[17] Even the motels that followed in the late 1950s and

[15] "For Rent," *Watauga Democrat*, 8 February 1951: 6.
[16] The first newspaper reference to the Boone Trail Motel appeared in 1952. See "Grades Hotels, Cafes in County Are Given Out," *Watauga Democrat*, 7 August 1952: 1.
[17] For the first reference to the Longvue Motor Court, see "Eating Places Rate Grade 'A,'" *Watauga Democrat*, 10 January 1952: 1. The Longvue Motor Court appears to have been built around a café that was in operation in early 1951. For the first reference to the Watauga Tourist Court, see "For Sale," *Watauga Democrat*, 29 May 1952: 7. For the first reference to the Oakwood Motel, see "Grades Hotels, Cafes in County Are Given Out," *Watauga Democrat*, 7 August 1952: 1. For news of the completion of the Cardinal Motel, see Rob Rivers, "King Street," *Watauga Democrat*, 6 August 1953: 1.

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1960s have largely vanished from Boone. Only one, an operation known as Greene's Motor Court (built 1959), located on Blowing Rock Road near the intersection with Shadowline Drive, still stands.[18] Originally built as a 12-unit strip, this motel attached a massive, three-story building behind the strip by the 1980s (52 total units) and is nearly unrecognizable when compared to its original 1959 iteration.

This postcard image from circa 1960 shows Greene's Motel as it appeared shortly after it opened. Image courtesy of the Bobby Brendell Postcard Collection, Digital Watauga Project.

Estel George Wagner (1920-2011)

Born to Judson E. Wagner and Effie Dean (Smith) Wagner in Harlow, Montana, on February 16, 1920, Estel Wagner moved frequently as a child, spending time in Harford, Maryland, and Lancaster County, Pennsylvania, before he married Virginia Lucille Miller, a Watauga County native, in 1942. Through much of the 1940s, Wagner worked as a farmer, laboring first on his father's farm, then managing two separate farms in Lancaster County, then operating his own farm after 1945. A medical crisis in 1949 nearly killed Wagner and effectively ended his farming career, however. Ordered to spend about a year recuperating, Estel and Lucille determined to move back to Watauga County near her eldest brother, Cecil Miller, whose home was located a short distance from the eventual site of the Blue Ridge Tourist Court.[19] The timing was fortunate, too; in May 1949, the Carolina Land Auction Company announced the auction of Tom

[18] The first newspaper reference to Greene's Motor Court appeared in 1959. See Joe Maples, "Speaking of Golf," *Watauga Democrat*, 13 August 1959: 2.
[19] Much of this information on Estel G. Wagner's early life comes from Wagner, "Life Story."

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Bumgarner's "New Brick 7-Room Home" on one acre of land located just down the hill from Cecil Miller's farm.[20] Bumgarner desperately needed to sell the property to pay off a substantial fine from a criminal conviction for running an illegal liquor operation.[21] That September, Tom and Pansy Bumgarner conveyed the parcel containing the Residence and the land that would eventually feature the Tourist Court, the Annex, and the Office to Estel G. Wagner.[22] At the time, this property was located in a community known as Perkinsville, about a mile east of the Boone town limits. This area was later annexed into the corporate limits of Boone.

This circa 1951 image shows Estel G. Wagner sitting at the desk in the Office at the Blue Ridge Tourist Court. The sign he's holding reads, "Swappin' hosses is alright—if the other feller's got the best hoss." Image courtesy of Allan and Judy Wagner and the Digital Watauga Project.

As Wagner made connections in the Boone vicinity and sought a new career path, he began attending Chamber of Commerce meetings, where he met many of the key players committed to Boone's efforts to stimulate tourism in the region. As early as February of 1950, the Chamber

[20] See "Three Big Auction Sales," advertisement, *Watauga Democrat*, 12 May 1949: 4.
[21] According to local press reports, "Tom Bumgarner was fined $2,000 and the cost, and given an eighteen months suspended sentence, having entered a plea of guilty to possession for the purpose of sale. He was placed on probation for three years, and his driving license revoked." The fine amount is equivalent to $21,400 in 2021. See "Heavy Fines in Liquor Cases," *Watauga Democrat*, 5 May 1949: 1.
[22] See Tom and Pansy Bumgarner to Estel G. Wagner, 5 September 1949, Deed Book 67, Page 312.

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had appointed Wagner to its Tourists Committee.[23] According to Wagner's unpublished autobiography, Chamber discussions by 1950 were centered on bringing to Boone a Kermit Hunter outdoor drama production like *Unto These Hills*, which had just opened that summer at Cherokee, North Carolina. Chamber members expressed frustrations, though, that there weren't sufficient lodging facilities in Boone to support that level of tourism.[24] This need prompted Wagner to build the seven-room Tourist Court building in 1950 and add the four-room (two-unit) Annex and the Garage Apartment in 1951, the latter two of which were designed to accommodate long-term stays by virtue of their kitchen facilities. Wagner acquired the Motel parcel in July 1951 and constructed the Motel building in either late 1953 or early 1954, bringing his unit count to 20 (sometimes advertised as 22 rooms because of the double rooms in the Annex units).[25]

As a testament to the demand for tourist court lodgings in the early 1950s, the Blue Ridge Tourist Court helped host newspaper writers from ten states as part of a Blue Ridge Parkway tourism promotional tour in 1951, and served as the sole host for the Fourth Annual North Carolina Writers Conference in 1953, despite the fact that the property lacked any restaurant or conference facilities.[26] As late as 1956, the Blue Ridge Tourist Court remained in demand for

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[23] "C. of C. Lists 1950 Committees," *Watauga Democrat*, 23 February 1950: 1.

[24] Wagner wrote, "At that time, they were exploring the possibility of hiring Kermit Hunter, the author of 'Horn in the West,' to write a pageant. That is how I became involved with the outdoor theatre—Horn in the West!!! One of the problems with the drama coming to Boone was there was not place for people to sleep or eat. We had to have accommodations for visitors to the area. So I decided to build a motel—the Blue Ridge Tourist Court was born." See Wagner, "Life Story," 15-16. Hunter's *Unto These Hills* opened in Cherokee in 1950. The Boone Chamber of Commerce invited Hunter to speak in September 1951. See "Kermit Hunter to Speak to Chamber of Commerce," *Watauga Democrat*, 13 September 1951: 1. Plans to hire Hunter to write a drama were not publicly discussed until later that year. See "Historical Association Sponsors Drama; Kermit Hunter Visitor," *Watauga Democrat*, 15 November 1951: 1. Plans were already percolating in Boone, however, in the wake of the 1949 Watuaga County Centennial celebration, which had featured a series of vignettes on the county's history. Known as *Echoes of the Blue Ridge* and staged by Russell L. Rowland, that outdoor drama covered Watauga County history in a series of "episodes," including "Early Cherokee Indian Village," "Watauga's First Visitors," "Daniel Boone's Cabin," "Carolinian Patriotism," Watauga County Is Born," "War Between the States," "The Gay 90s," and "The Iron Horse Comes to Watauga County." See *Echoes of the Blue Ridge* Program, July 1949, Bradley Lawson Collection, Digital Watauga Project, online, http://digitalwatauga.org/items/show/20978. A variation on this production was offered in 1950 as well, designed to "emulate the general trend of outdoor drama as typified by such successful productions as the Lost Colony, the Common Glory, and the more recent Unto These Hills." See "Colorful Parades, Pageantry Feature Holiday Celebration," *Watauga Democrat*, 6 July 1950: 1.

[25] There is some dispute about the year the Motel was completed. Estel G. Wagner, who is sometimes loose with dates in his autobiography, says 1954. See Wagner, "Life Story," 20. In this same sentence, he also says he added "the upper level 12 units," when in fact there were only ten units in that building. Wagner's son, Allan Wagner, reported in a private conversation with the author on April 20, 2021, that he believed the Motel was completed in 1953.

[26] On the Blue Ridge Tourist Court hosting the Blue Ridge Parkway promotional tour, see "Newsmen, Others from 10 States Tour Parkway," *Watauga Democrat*, 24 May 1951: 1, 4. The newsmen were also guests of the Longvue Tourist Court and the Mountain Motel. Regarding the North Carolina Writers Conference in 1953, the Blue Ridge Tourist Court served as "Registration Headquarters" for the event, but conference events were held elsewhere, including on the Appalachian State Teachers College campus. Saturday's events included a session at the home of Elizabeth Boatwright Coker in Blowing Rock, followed by dinner at her home. See "Writers to Gather for 3-Day Session," *Watauga Democrat*, 6 August 1953: 1. A summary of the events of the conference can be found in Charles Blackburn, Jr., and Robert G. Anthony, Jr., compilers, *Fifty Splendid Summers: A Short History of the North Carolina Writers Conference, 1950-1999*, (Manteo, NC: North Carolina Writers Conference, 1999), 7-8. These

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traveling groups; in July that year, it hosted (along with the Daniel Boone Hotel) a busload of business and farm leaders from seven North Carolina counties representing the Northwest North Carolina Development Association.[27]

Meanwhile, Wagner continued to be involved in the Boone Chamber of Commerce, serving as a director and second vice president of the Chamber by early 1953.[28] Wagner was also active in the Boone Rotary, where he served as vice president in 1952.[29] His immense popularity among the business and political set prompted the Watauga County Republican Party to nominate Wagner as a Board of Commissioners candidate that year. Wagner promptly declined the nomination, noting that "having only lived here a short time, I don't feel qualified."[30] This popularity was no doubt the result of one of his most noteworthy contributions to Boone's burgeoning tourism industry, which also came in 1952, when he was appointed along with W. R. Winkler, Russell Hodges, Alfred Adams, and Grover Robbins to the Daniel Boone Amphitheatre Building Committee for the planned *Horn in the West* outdoor drama.[31] With his Building Committee colleagues, Wagner played a pivotal role in overseeing the construction of the amphitheatre and ensuring the facility was ready for its 1952 premiere. This association also proved lucrative for Wagner's tourist court business. In June 1952, the Blue Ridge Tourist Court hosted photographers from *LIFE* magazine and various news services who were in town to photograph the photo rehearsal of *Horn in the West.*[32] Five years later, his colleagues called on him again, when Wagner played a critical role in the 1957 purchase of the land for the Boone Golf Club, an Ellis Maples-designed course, and he went on to serve for over 40 years on the club's board of directors.[33]

Wagner's other business ventures in Boone included his early 1952 purchase of the Murray Esso Station at the corner of Hardin Street and Howard Street, as well as his 1954 purchase of the CK&M Gateway Restaurant in the Hodges Building in downtown Boone, which he sold later that year.[34] He also purchased nine acres of land in the Perkinsville area that he developed into the Hillcrest Circle neighborhood and later developed the Estel Wagner Subdivision on Farthing Street.[35] In 1957, Wagner completed construction on a two-story, concrete brick building at the southwest corner of King and Appalachian Streets in Boone, with retail on the first floor and

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notes indicate that 22 guests were in attendance (only two of them a married couple), and that they had clearly stayed together at a motel.

[27] See "Program Set for Leaders," *News and Observer*, 14 July 1956: 16.

[28] "Chamber Commerce Has Installation of Officers," *Watauga Democrat*, 19 February 1953: 1.

[29] "Thompson Heads Rotary Club," *Watauga Democrat*, 10 April 1952: 1.

[30] Estel Wagner, "To the Voters of Watauga County," advertisement, *Watauga Democrat*, 25 September 1952: 8. See also "GOP Offers Winkler for Assembly," *Watauga Democrat*, 18 September 1952: 1.

[31] "Theater Work Nearing Completion in Boone," *Asheville Citizen*, 2 June 1952: 7.

[32] "Photographers Have Field Day Monday at Full Dress Rehearsal Outdoor Drama," *Watauga Democrat*, 26 June 1952: 1, 4; and "Photographers Are to Be Feted End of Week," *Watauga Democrat*, 19 June 1952: 1.

[33] "Land Is Bought to Assure Building Local Golf Course," *Watauga Democrat*, 21 November 1957: 1. See also Estel G. Wagner obituary, Austin and Barnes Funeral Home, 2011, online, https://austinandbarnesfuneralhome.com/tribute/details/1818/Estel-Wagner/obituary.html.

[34] On the Esso station, see "Estel Wagner Buys Murray Esso Place," 7 February 1952: 1. On the restaurant, see "Announcing Change of Ownership," advertisement, *Watauga Democrat*, 1 July 1954: 2; and Wagner, "Life Story," 22.

[35] Private conversation, Allan Wagner, 20 April 2021. See also Wagner, "Life Story," 22.

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apartments on the second. This building still stands and is home today to a Jimmy John's.[36] In 1959, Wagner also sat for North Carolina's real estate broker license exam, earning his place as Boone's first licensed broker.[37] That same year, he completed construction of the Cook and Wagner Apartment Building with his partner J. D. Cook; this building housed his first brokerage office on the first floor and apartments on the second, and it still stands on Howard Street in downtown Boone.[38] In 1963, Wagner and Cecil Miller built the Cabana Motel on Blowing Rock Road, which opened in 1963. Wagner sold that motel in 1971.[39] It was demolished in 2017 for construction of a massive student apartment complex. In the early 1970s, Wagner was also one of the six original partners on the Polar Palace, a popular Boone ice skating rink that also no longer stands.[40]

Additional Historic Context

After operating the Blue Ridge Tourist Court for six years, Estel G. Wagner sold the motel operation, including the Residence, to Harold E., Mary, and W. B. Rice in January 1956.[41] The Rices continued to operate the business under the name Blue Ridge Motor Court, adding an above-ground swimming pool to the Tourist Court parcel on the former grassy strip at the road frontage about 1968. The Rices continued to own the property until 1970, when the property was sold again.[42] The property changed hands several times during the 1970s and 1980s, and by 1992, it was known as the Economy Inn.[43] During the ownership cycle of Tony and Phyllis Kerzman (1979-1985), the Kerzmanns went through a series of transactions to secure to themselves ownership of a section of park land to the west on which the western driveway for the Blue Ridge Tourist Court intruded, as well as portions of South Street to the east.[44]

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[36] "Three New Concerns Move into New Wagner Building," *Watauga Democrat*, 2 May 1957: 1.
[37] See Wagner, "Life Story," 22-23.
[38] See "Estel G. Wagner Announces the Opening," advertisement, *Watauga Democrat*, 14 May 1959: 7; and Wagner, "Life Story," 22-23.
[39] See "Local Building Boom Seen; Many Structures Going Up," *Watauga Democrat*, 9 May 1963: 1, 6. See also Wagner, "Life Story," 32.
[40] See Wagner, "Life Story," 32. Wagner called this "probably my worst venture in real estate…. I probably lost $25,000 on this deal."
[41] See Estel G. Wagner and his wife Lucille V. Wagner to Harold E. Rice and his wife Mary J. Rice a one half interest as estate by the entireties and W. B. Rice a one half undivided interest, 3 January 1956, Deed Book 74, Page 567.
[42] This conversion took place in two steps. See W. B. Rice to Harold E. Rice and wife Mary J. Rice, 20 November 1969, Deed Book 109, Page 453; and Harold E. Rice and wife Mary J. Rice to Donald B. Hollis and wife Pauline B. Hollis, 24 September 1970, Deed Book 116, Page 40.
[43] Relevant deeds during this period include Donald B. Hollis by and through his Attorney in Fact, Pauline B. Hollis, and Pauline B. Hollis individually to Greene Smith and Basil Smith, 28 March 1972, Deed Book 128, Page 330; Greeneville Smith to Thomas Basil Smith and wife Nancy Jeannie Smith, 7 April 1978, Deed Book 182, Page 252; Thomas Basil Smith and wife Nancy Jeannie Smith to Tony L. Kerzmann and wife Phyllis R. Kerzmann, 25 April 1979, Deed Book 189, Page 162; Tony L. Kerzmann and wife Phyllis R. Kerzmann to S. K. Vashee, 28 May 1985, Book of Record 13, Page 258; S. K. Vashee and wife Sarlaben Vashee to Amar Corp, 26 April 1986, Book of Record 37, Page 495; Amar Corp to David B. Jagirdar and wife Amita D. Jagirdar, 28 April 1986, Book of Record 37, Page 498; and David B. Jagirdar and wife Amita D. Patel to Ernest Dubuque, 17 November 1992, Book of Record 230, Page 563. This last deed refers to the property as the Economy Inn.
[44] The relevant deed for the 4,361 park portion shown on the Pennell survey dated February 5, 1985, is D. O. Ray and wife Betty Jane Ray to Tony L. Kerzmann and wife Phyllis R. Kerzmann, 7 February 1985, Book of Record 11,

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This postcard from the late 1960s shows the Blue Ridge Tourist Court complex with its newly installed above-ground pool (no longer extant). Image courtesy of the Eric Plaag Collection, Digital Watauga Project.

Following additional transactions in the 1990s, the property was known as the Perkins Park Inn when David D. Trivette, Jr., and Celese F. Gore purchased the property in 1998, despite the fact that it was operating at that point as a deteriorated, ramshackle apartment complex.[45] Trivette and Gore appear to have changed the name to the Phoenix Complex, and the property continued to deteriorate as a result of deferred maintenance and an increasingly transient clientele occupying the "apartments." Through a series of defaults and disclosures, Trivette and Gore lost the Residence parcel in 2011 and the Tourist Court and Motel parcels in 2019, by which time the latter buildings had been condemned by the Town of Boone.[46] Blue Ridge Tourist Court, LLC,

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Page 341. The relevant South Street deeds include D. O. Ray and wife Betty Jane Ray, George Lewis, et al, to Tony L. Kerzmann and wife Phyllis R. Kerzmann, 7 March 1985, Book of Record 11, Page 334, in which the Kerzmann's secured interest in the southern portion of South Street; and Tony L. Kerzmann and Phyllis R. Kerzmann to D. O. Ray and Betty Jane Ray, May 1985, Book of Record 12, Page 128, in which the Kerzmanns surrendered the northern portion of South Street.

[45] For relevant transactions involving the Blue Ridge Tourist Court and Motel properties, see Ernest C. Dubuque to Four Seasons Apartments, Inc., 13 June 1994, Book of Record 292, Page 28; Memorandum of Installment Land Sale Contract, Four Seasons Apartments, Inc., to Celeste F. Gore and David D. Trivette, Jr., 1 October 1998, Book of Record 476, Page 767, in which the property is referred to as the Perkins Park Inn; and Four Seasons Apartments, Inc., to Celeste F. Gore and David D. Trivette, Jr., 1 October 1998, Book of Record 644, Page 248. Interestingly, the South Street portion was not conveyed as part of this transaction.

[46] For the sale of the Residence parcel out of foreclosure, see Richard P. McNeely, Substitute Trustee, to US Bank National Association, Trustee, 21 July 2011, Book of Record 1582, Page 655. For the foreclosure sale of the Tourist Court and Motel parcels, see Benjamin N. Neece, Substitute Trustee, to Highlands Union Bank, 19 July 2019, Book of Record 2038, Page 414. The Phoenix Complex was the residence of numerous individuals who were arrested on

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acquired the Tourist Court and Motel parcels in April 2021 with plans to restore the property to its early 1950s appearance.[47]

IV. Historical Significance

The Blue Ridge Tourist Court and Motel is significant at the local level under Criterion A in the area of entertainment/recreation for its association with mid-century tourism and roadside lodging in Boone and Watauga County at the beginning of the region's transformation into a tourist hub. The period of significance is 1950 to 1970, representing the core period of the property's use as a true roadside tourist court and motel under management first by the Wagner family (1950-1956), then by the Rice family (1956-1970).

During a time when roadside accommodations were desperately needed in Boone to support the region's burgeoning, post-World War II automobile tourism industry, the Blue Ridge Tourist Court and Motel was one of the first handful of tourist court and motor court properties to be built in the Boone vicinity. Not only was the Blue Ridge Tourist Court more refined and architecturally complex than its predecessors, the Black Bear Tourist Court and the Mountain Motel, but its original proprietor, Estel G. Wagner (February 16, 1920-July 20, 2011) consistently strove to improve the accommodations and recognized early on the mid-1950s shift from tourist courts that focused on cabins and buildings with a long string of tiny rooms to motel buildings that offered suite capabilities and kitchen facilities for longer term stays. Most important, the Blue Ridge Tourist Court and Motel is the last of these early, roadside accommodations focused on automobile tourism and built between 1945 and 1958 that remains in Boone, and all five of its operational buildings are intact and largely unchanged from their early 1950s appearance. Given that the Blue Ridge Tourist Court and Motel is representative of a key shift in Boone's economy (highlighted by the 1950s focus on new Watauga County attractions such as the Blue Ridge Parkway, *Horn in the West*, Mystery Hill, Tweetsie Railroad, the Boone Golf Club, and general mountain tourism), the Blue Ridge Tourist Court and Motel complex is probably Boone's last, best example of roadside accommodation architecture associated with this economic shift. The presence of a new owner committed to its restoration and long-term preservation only amplifies the importance of this property to the preservation of Boone's mid-twentieth century entertainment and recreation history.

The Blue Ridge Tourist Court and Motel is also significant at the local level under Criterion B for its association with Estel G. Wagner , a mid-century developer and real estate magnate who is believed to have been Boone's first real estate broker and who played a major role in the development of Boone's mid-century tourism trade. Wagner built the L-shaped Blue Ridge Tourist Court building and the native stone Office building in 1950, then added the

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assault, theft, and drug charges during the late 2010s. See, for example, Garrett Price, "Police Reports," *Watauga Democrat*, 5 June 2016, online, https://www.wataugademocrat.com/zz_styling/police-reports/article_ec5b2a41-eefc-5d50-a6e6-b6d088bd3957.html; Kayla Lasure, "Sheriff's Reports," *Watauga Democrat*, 1 June 2017, online, https://www.wataugademocrat.com/news/sheriffs-reports/article_c41d1317-c2f0-5918-b267-7d7cfd19d6f9.html; Kayla Lasure, "Sheriff's Reports," *Watauga Democrat*, 26 September 2017, online, https://www.wataugademocrat.com/news/sheriffs-reports/article_83bfef5c-78b0-53fb-a71c-a63c8a6cbc34.html; and Kayla Lasure, "Sheriff's Reports," *Watauga Democrat*, 7 October 2019, online, https://www.wataugademocrat.com/news/sheriffs-reports/article_c2ab69dd-5e6b-5ba8-9d4e-7989603a8a0c.html.

[47] See First Community Bank to Blue Ridge Tourist Court, LLC, 12 April 2021, Book of Record 2182, Page 345.

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Annex/Duplex in 1951, the Garage Apartment in either late 1951 or early 1952, and the Motel building in late 1953 or early 1954. Wagner held the property until its sale in 1956. Wagner played a highly significant role in the development of Boone's mid-twentieth century tourism trade, serving in leadership roles with the Rotary Club and Boone Chamber of Commerce shortly after his arrival in Boone in 1949. His efforts as a member of the building committee for the Daniel Boone Amphitheatre (where *Horn in the West* continues to be staged) and his marketing of the Blue Ridge Tourist Court and Motel as the gathering spot for such diverse events as tourism photographer tours and the North Carolina Writers Conference only underscore his vision for linking roadside accommodations to the act of tourism itself. Wagner was also a visionary in land development, producing two mid-twentieth century Boone subdivisions, and played a major role well into the 1970s as a financial partner in other tourism attractions such as the Boone Golf Club and the Polar Palace. He also constructed several 1950s infill properties in downtown Boone and was one of the partners behind the Cabana Motel, a popular 1960s accommodation on Blowing Rock Road. The Blue Ridge Tourist Court and Motel is the earliest and most obvious surviving representation of Estel G. Wagner's powerful influence on Boone's tourism trade during the mid-twentieth century.

All five of the contributing resources associated with the operations of the Blue Ridge Tourist Court and Motel also retain an impressive degree of integrity, given their changes in ownership and function over time. All five buildings retain their general original form and appearance, and in those few cases where newer exterior materials have been applied, the original materials are known to survive underneath. All five buildings are already scheduled for historic rehabilitation in compliance with the Secretary of the Interior's Standards for Rehabilitation. Most importantly, all five of the buildings, taken as a whole, retain a startlingly high degree of integrity in terms of design, setting, workmanship, materials, feeling, and association.

V. Property Included in the Local Landmark Designation

The property to be designated includes the parcel containing the Tourist Court, Office, and Annex/Duplex buildings as well as the parcel containing the Garage Apartment and Motel buildings. All five buildings are extant at their original sites and have undergone minimal alterations in the years since Wagner and the Rices sold the property. All of these buildings should be included within the boundaries of the designation because of these factors. The parcel containing the residence in which the Wagner and Rice families resided while operating the business is not included this designation application because 1) the residence was never a direct part of the Tourist Court or Motel operations, 2) the current owners of the residence have not indicated an interest in Local Landmark designation, and 3) changes to the residence over time have significantly altered the original exterior appearance of the residence, including reversing the orientation of the front of the house from facing Old East King Street to facing Cecil Miller Road.

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VII. Photographs

Eric Plaag took the photographs on the following pages on March 18, 2021, April 1, 2021, and April 17, 2021. They reflect the current status and condition of the property.

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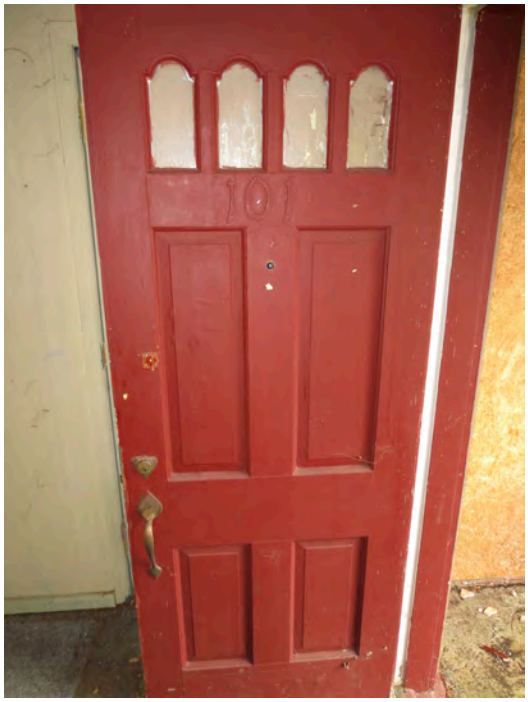

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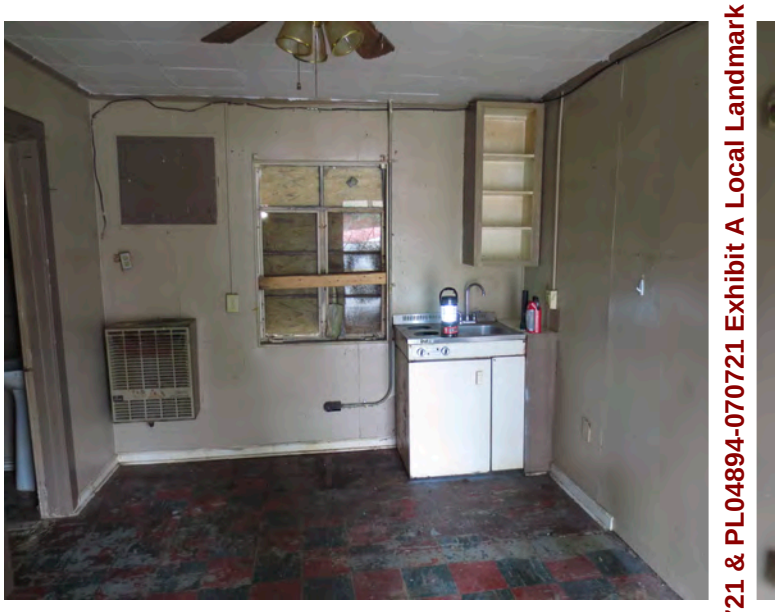

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Communication: Cases PL048933-070721 & PL04894-070721 Exhibit A Local Landmark Designation Report (Cases PL04893-070721 & PL04894-

NC_WataugaCounty_BlueRidgeTouristCourtAndMotel0013.JPG

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Communication: Cases PL048933-070721 & PL04894-070721 Exhibit A Local Landmark Designation Report (Cases PL04893-070721 & PL04894-

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NC_WataugaCounty_BlueRidgeTouristCourtAndMotel0019.JPG

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Communication: Cases PL048933-070721 & PL04894-070721 Exhibit A Local Landmark Designation Report (Cases PL04893-070721 & PL04894-

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NC_WataugaCounty_BlueRidgeTouristCourtAndMotel0022.JPG

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Communication: Cases PL048933-070721 & PL04894-070721 Exhibit A Local Landmark Designation Report (Cases PL04893-070721 & PL04894-

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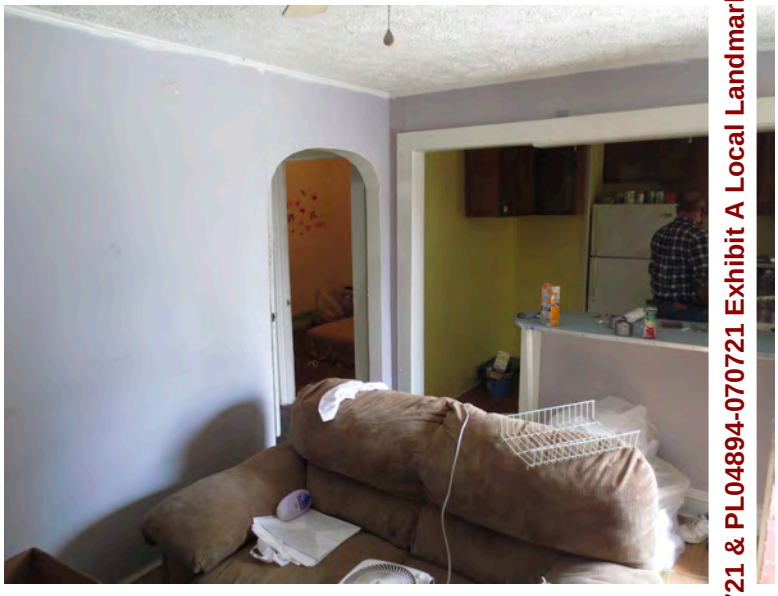

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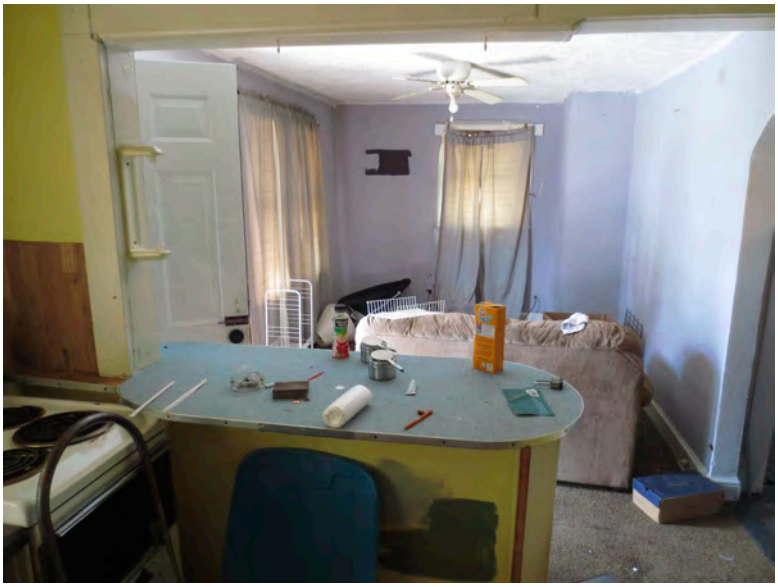

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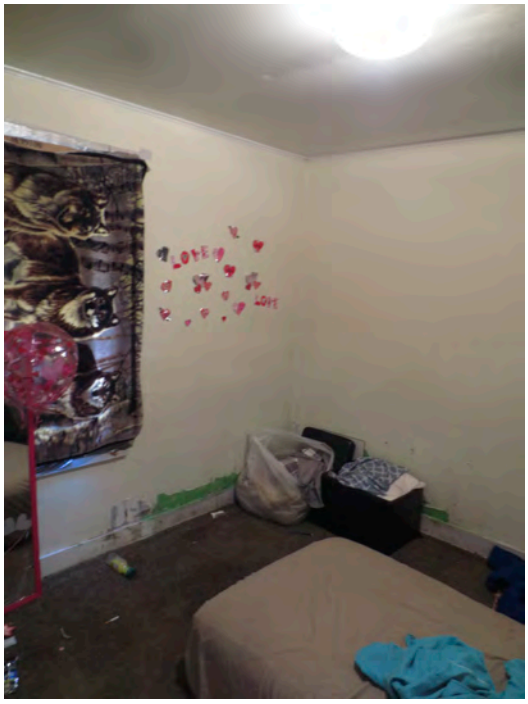
NC_WataugaCounty_BlueRidgeTouristCourtAndMote 30.JPG

NC_WataugaCounty_BlueRidgeTouristCourtAndMotel0031.JPG



NC_WataugaCounty_BlueRidgeTouristCourtAndMote 32.JPG

Communication: Cases PL048933-070721 & PL04894-070721 Exhibit A Local Landmark Designation Report (Cases PL04893-070721 & PL04894-

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Communication: Cases PL048933-070721 & PL04894-070721 Exhibit A Local Landmark Designation Report (Cases PL04893-070721 & PL04894-

NC_WataugaCounty_BlueRidgeTouristCourtAndMotel0037.JPG

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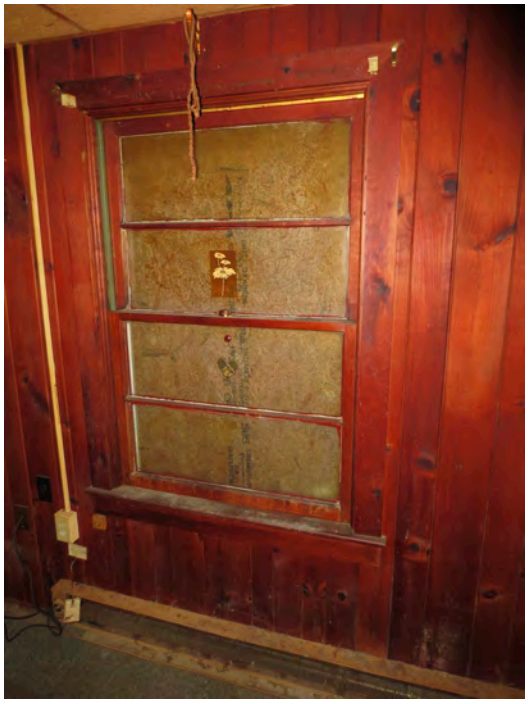

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Communication: Cases PL048933-070721 & PL04894-070721 Exhibit A Local Landmark Designation Report (Cases PL04893-070721 & PL04894-

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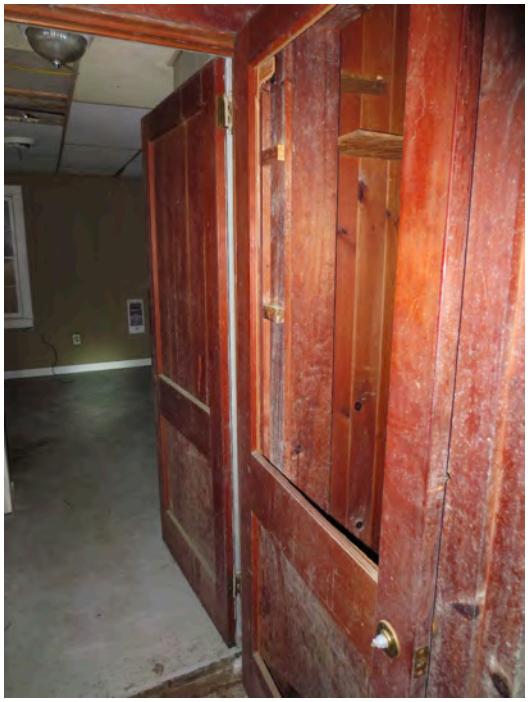

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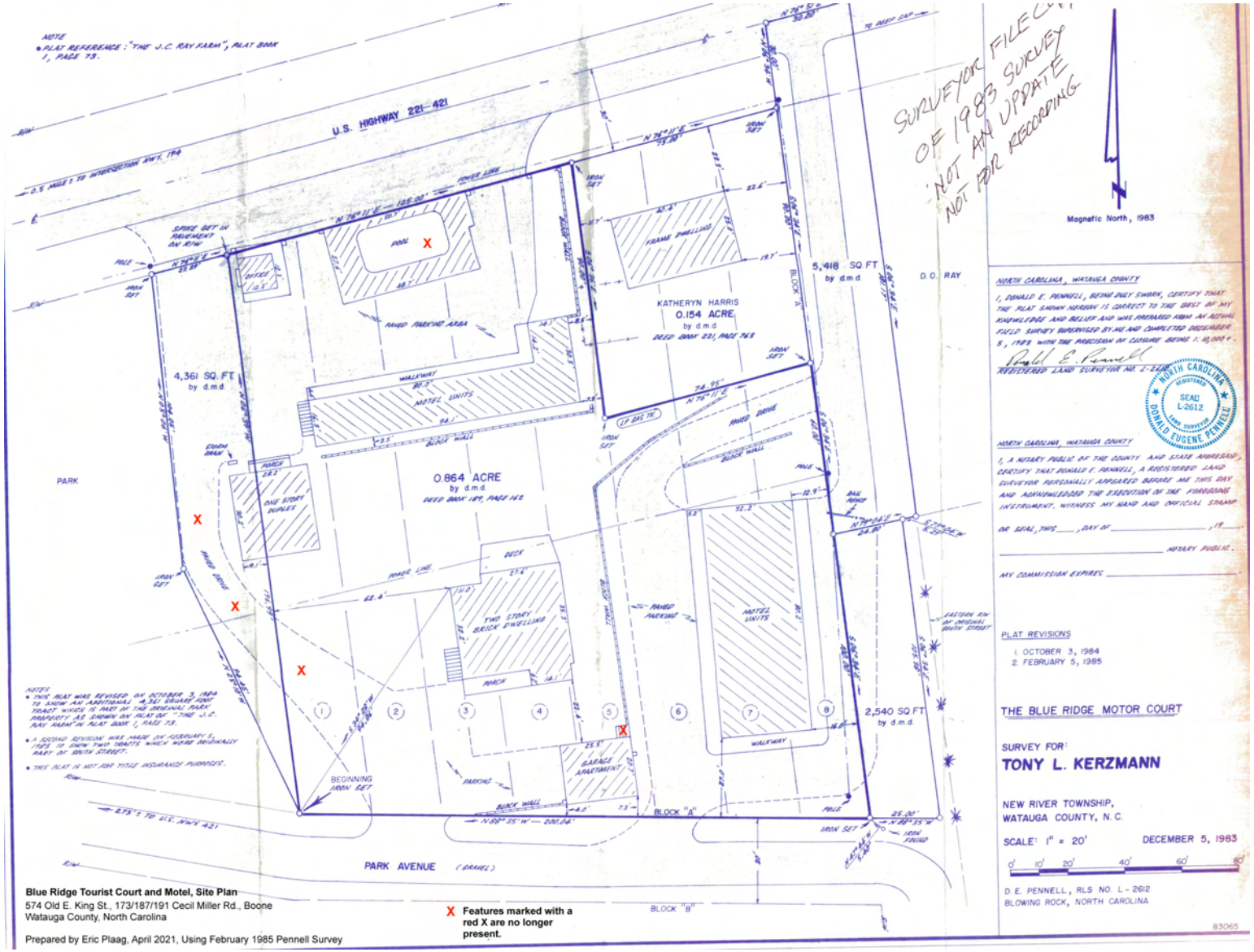
NC_WataugaCounty_BlueRidgeTouristCourtAndMotel0043.JPG

Communication: Cases PL048933-070721 & PL04894-070721 Exhibit A Local Landmark Designation Report (Cases PL04893-070721 & PL04894-

VIII. Site Plan



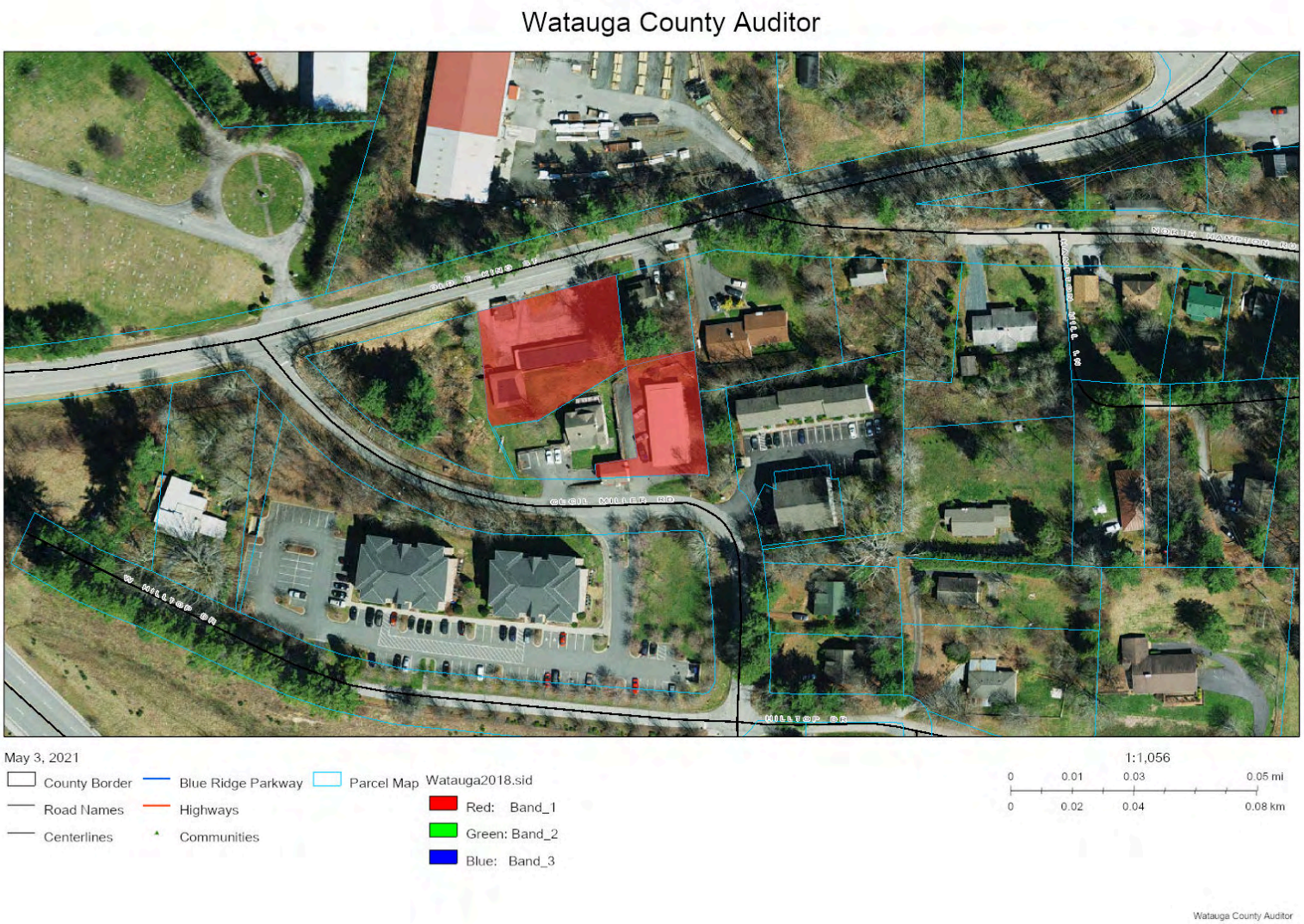
Blue Ridge Tourist Court and Motel, Site Plan
574 Old E. King St., 173/187/191 Cecil Miller Rd., Boone
Watauga County, North Carolina

Prepared by Eric Plaag, April 2021, Using February 1985 Pennell Survey

X Features marked with a red X are no longer present.

Communication: Cases PL048933-070721 & PL04894-070721 Exhibit A Local Landmark Designation

IX. Landmark Boundary



Communication: Cases PL048933-070721 & PL04894-070721 Exhibit A Local Landmark Designation

X. Tax Parcel Maps

Town of Boone GIS

Watauga County Tax Information

Parcel ID: 2910-89-5295-000

Tax District: C02 **Land Use:** C15

Ownership Information:

HIGHLANDS UNION BANK,C/O FIRST COMMUNITY BANK
29 COLLEGE DR

BLUEFIELD, VA 24605

Property Information:

574 OLD E KING ST
TRACT 1, DB2038 PG414

Building Value: $0
Land Value: $0
Total Value: $0

Town of Boone Information

Zoning District: Town Limits

Zoning: B2 Neighborhood Business

Conditional Use: N/A

Conditional: N/A

Corridor District: Yes

Watershed: N/A

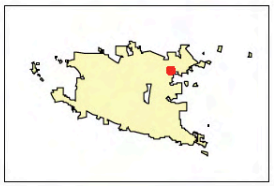
Flood Zone: N/A

View Shed Protection Area: N/A

Municipal Service District: N/A

Central Fire District: Central Fire District

Neighborhood Conservation District: N/A



Disclaimer:
This map is based on the Watauga County Tax Parcel Map.
All layers have been modified to this base.
This is a thematic map for general planning purposes only.
This map is subject to quarterly updates and revisions.

1 inch = 42 feet

0 0.00425 0.0085 0.017 mi

0 0.005 0.01 0.02 km

N

April 23, 2021

Blue Ridge Tourist Court and Motel, Tourist Court Parcel
574 Old E. King St., Boone
Watauga County, North Carolina

Communication: Cases PL048933-070721 & PL04894-070721 Exhibit A Local Landmark Designation

Watauga County Auditor

April 23, 2021

County Border
Road Names
Centerlines
Blue Ridge Parkway
Highways
Communities
Parcel Map
Watauga2018.sid
Red: Band_1
Green: Band_2
Blue: Band_3

1:1,009

0 0.01 0.03 0.05 mi
0 0.02 0.04 0.08 km

Watauga County Auditor

Blue Ridge Tourist Court and Motel, Garage Apartment & Motel Parcel

187 & 191 Cecil Miller Rd., Boone
Watauga County, North Carolina

Map created by Eric Plaag, April 2021

XI. Tax Parcel Information

PARID: 2910895295000

HIGHLANDS UNION BANK, C/O FIRST COMMUNITY BANK — **574 OLD E KING ST**

Parcel

ParID	2910895295000
Tax Year	2021
SITUS Addess	574 OLD E KING ST
City, State, Zip	, NC ,
Unit #	
Unit Description	
NBHD	11C1 - NEW RIVER BUS
Class	RC - RESID/COMMERCIAL
Land Use Code	C15 - HOTEL/MOTEL L/R WITH REST
Living Units	6
CAMA Acres	.39
Zoning	BOB2 - BOB2
Map #	2910-89-5295-000

Jan 1 Values

Land Value.	76,400
Building Value	66,800
==========	========
Appraisal Total	143,200
Exemptions or Exclusions	0
Land Deferred Value	
	========
Taxable Total	143,200

Owner Mailing

Tax Year	2021
Sequence Number	0
Owner Number	1800208
Owner	HIGHLANDS UNION BANK C/O FIRST COMMUNITY BANK
Mailing Address	29 COLLEGE DR
City, State, Zip	BLUEFIELD VA 24605

Legal Description

Township	11 - NEW RIVER
City Code	
Jurisdiction (Tax Code District)	C02 - BOONE
Unit Desc	
Unit #	
Book	2038
Page	414
Legal Desc 1	TRACT 1, DB2038 PG414
Deeded Acres	0.39

Sale Date	Book	Page	Sale Price	Grantor	Grantee
19-JUL-19	2038	414	300,000		
27-MAY-11	1574	172	0	GORE, CELESTE F	HIGHLANDS UNION BANK
12-JUL-01	644	248	376,000		

Tourist Court Parcel Data

Communication: Cases PL048933-070721 & PL04894-070721 Exhibit A Local Landmark Designation Report (Cases PL04893-070721 & PL04894-

PARID: 2910897127000

HIGHLANDS UNION BANK, C/O FIRST COMMUNITY BANK — **187 CECIL MILLER RD**

Parcel

ParID	2910897127000
Tax Year	2021
SITUS Addess	187 /191 CECIL MILLER RD
City, State, Zip	BOONE , NC , 28607
Unit #	
Unit Description	
NBHD	11C1 - NEW RIVER BUS
Class	RC - RESID/COMMERCIAL
Land Use Code	C15 - HOTEL/MOTEL L/R WITH REST
Living Units	5
CAMA Acres	.29
Zoning	BOB2 - BOB2
Map #	2910-89-7127-000

Jan 1 Values

Land Value.	75,800
Building Value	79,700
==========	========
Appraisal Total	155,500
Exemptions or Exclusions	0
Land Deferred Value	
	========
Taxable Total	155,500

Owner Mailing

Tax Year	2021
Sequence Number	0
Owner Number	1800208
Owner	HIGHLANDS UNION BANK C/O FIRST COMMUNITY BANK
Mailing Address	29 COLLEGE DR
City, State, Zip	BLUEFIELD VA 24605

Legal Description

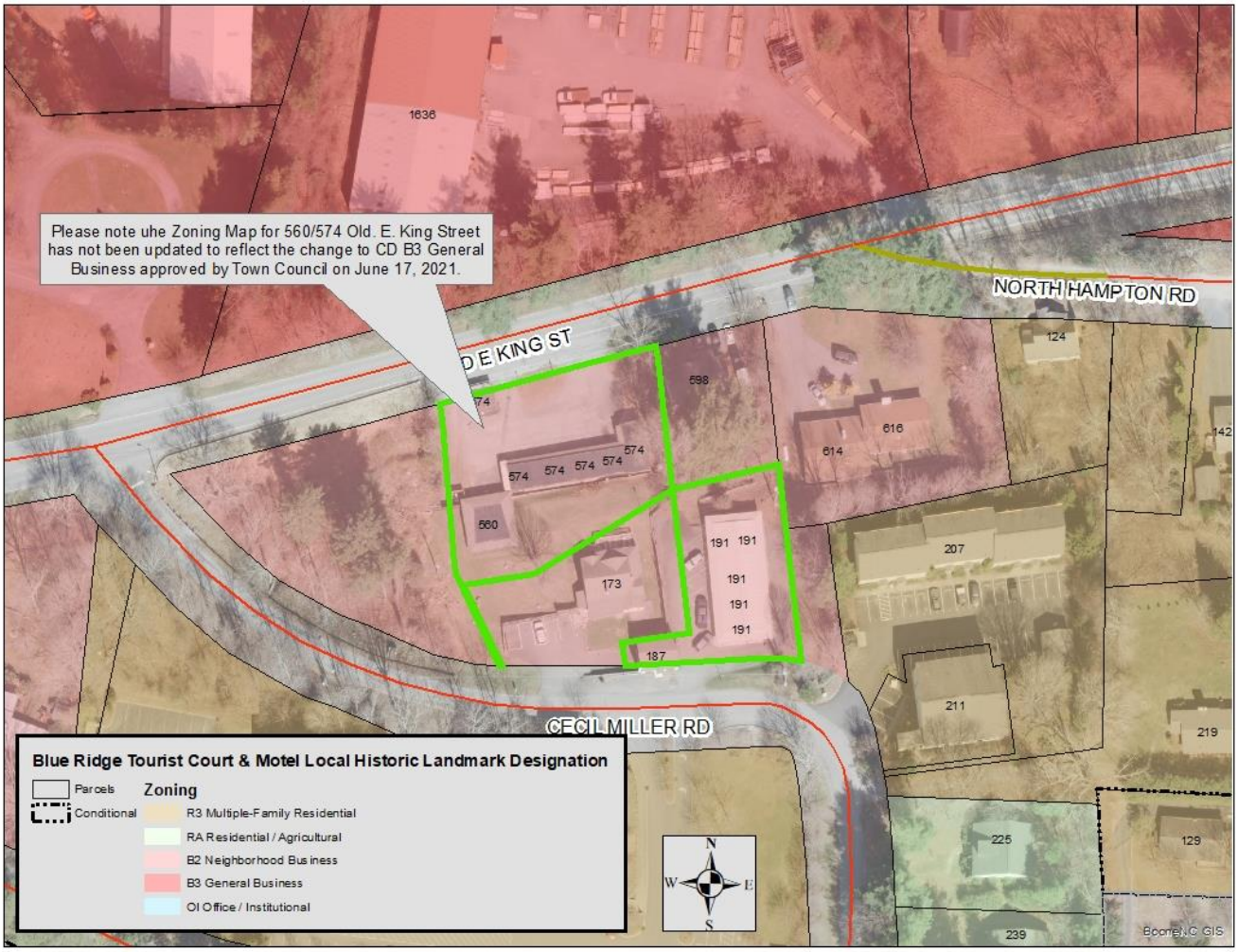
Township	11 - NEW RIVER
City Code	
Jurisdiction (Tax Code District)	C02 - BOONE
Unit Desc	
Unit #	
Book	1574
Page	172
Legal Desc 1	CECIL MILLER RD
Deeded Acres	0.29

Sale Date	Book	Page	Sale Price	Grantor	Grantee
19-JUL-19	2038	414	300,000		
27-MAY-11	1574	172	0	GORE, CELESTE F	HIGHLANDS UNION BANK
12-JUL-01	644	248	376,000		

Garage Apartment and Motel Parcel Data

Communication: Cases PL048933-070721 & PL04894-070721 Exhibit A Local Landmark Designation Report (Cases PL04893-070721 & PL04894-

Staff Report
Public Hearing
July 26, 2021
Cased PL04893-070721 & PL04894-070721 Blue Ridge Tourist Court & Motel Local Historic Landmark Designation (Zoning Map Amendment)



Request

Blue Ridge Tourist Court, LLC has filed Local Historic Landmark Applications to designate the properties at 560/574 Old East King Street, Watauga County PIN: 2910-89-5295-000 (Case PL04893-070721) and at 187/191 Cecil Miller Road, Watauga County PIN: 2910-89-7127-000 (Case PL04894-070721) as a Local Historic Landmark. The subject properties are outlined in green on the map above.

Note: Historic landmark designation is processed as an amendment to the Town's official Zoning Map (similar to a general use zoning map amendment).

History

05-03-2021 The applicant submitted a request for 560/574 Old East King Street and 187/191 Cecil Miller road to the Historic Preservation Commission for Local Historic Landmark consideration. (See Exhibit A Landmark Designation Report)

05-11-2021 The Historic Preservation Commission recommended approval of the Local Historic Landmark request. (see meeting minutes in Exhibit B)

05-13-2021 Staff sent to designation report to the NC State Historic Preservation Office for comment pursuant to NC General Statute 160D-946.

05-24-2021 A public hearing was held to hear a request from Brian Williams with Blue Ridge Tourist Court, LLC to rezone the property located at 574 Old East King Street (Watauga County PIN: 2910-89-5295-000) from B2 Neighborhood Business to Conditional District B3 General Business with a site-specific development plan for Use 3.07 (Motel). (See meeting minutes in Exhibit B)

05-24-2021 The Planning Commission recommended approval of the Conditional District Zoning Map Amendment for 574 Old E. King Street. (See meeting minutes in Exhibit B)

06-11-2021 Planning Staff received official written comment from the NC State Historic Office on the local historic landmark designation report. (See Exhibit C)

06-17-2021 Town Council approved the request to rezone 574 Old E. King Street to Conditional District B3 General Business with a site-specific development plan for Use 3.07. (minutes pending)

Parcel Information

Case:	PL04893-070721	PL04894-070721
Property Owners:	Blue Ridge Tourist Court LLC	Blue Ridge Tourist Court LLC
Watauga County PIN:	2910-89-5295-000	2910-89-7127-000
Address:	560/574 Old East King Street	187/191 Cecil Miller Road
Size:	.39 acre	.29 acre
Jurisdiction:	Town of Boone	Town of Boone
Access:	Old E. King Street, Town Maintained	Cecil Miller Road (Town Maintained)
Corridor District:	Partial corridor district coverage	Partial corridor district coverage
Viewshed:	No	No
Watershed:	No	No
Special Flood Hazard:	No	No
Steep Slope:	Yes	Yes
Phasing:	No	No
Current Zoning:	Conditional District B3 General Business	B2 Neighborhood Business
Use:	3.07 Motel	Multi-Family

	Adjacent Zoning	Adjacent Land Use
North	B-3 General Business	Religious Assembly, Retail
East	B-2 Neighborhood Business	Single-Family Residential
South	B-2 Neighborhood Business	Multi-Family
West	B-2 Neighborhood Business	Vacant

Planning Staff Analysis

The applicant is requesting approval for Local Historic Landmark designation. Pursuant to UDO Subsection 8.02.01 the Council may adopt, amend or repeal Ordinances designating one or more historic landmarks. No property shall be recommended for designation as a historic landmark unless it is deemed and found by the Historic Preservation Commission to be of special significance in terms of its historical, prehistorical, architectural,

Communication: Cases PL048933-070721 & PL04894-070721 Staff Report (Cases PL04893-070721 & PL04894-070721 Blue Ridge Tourist Court

or cultural importance, and to possess integrity of design, setting, workmanship, materials, feeling and/or association.

Each property designated as a landmark shall be identified in the Ordinance, along with the name or names of the owner or owners of the property, those elements of the property that are integral to its historical, architectural, or prehistorical value, including the land area of the property so designated, and any other information the Council deems necessary. For each building, structure, site, area, or object so designated as a historic landmark, the Ordinance shall require that the waiting period set forth in this Article be observed prior to its demolition. For each designated landmark, the Council may also provide for a suitable sign on the property indicating that the property has been so designated, and if the owner consents, the sign shall be placed upon the property. Otherwise, the sign shall be placed on a nearby public right-of-way.

Designation of historic landmarks is also regulated by NC General Statutes 160D, Part 4 Historic Preservation. Specifically, 160D-946 sets forth the process for landmark designation as follows:

Requirement	Blue Ridge Tourist Court & Motel Compliance
The Department of Cultural Resources, acting through the State Historic Preservation Officer, shall, upon request of the department or at the initiative of the preservation commission, be given an opportunity to review and comment upon the substance and effect of the designation of any landmark pursuant to this Part. Any comments shall be provided in writing. If the Department does not submit its comments or recommendation in connection with any designation within 30 days following receipt by the Department of the investigation and report of the preservation commission, the commission and any governing board shall be relieved of any responsibility to consider such comments.	1. HPC reviewed and recommend approval of original request for local landmark designation on May 11, 2021. 2. Planning Staff sent the report to NC State Historic Preservation Office on May 13, 2021 for review & comment. 3. Planning Staff received official comment from NC State Historic Preservation Office on June 11, 2021. (See Exhibit C)
The preservation commission and the governing board shall hold a joint legislative hearing or separate legislative hearings on the proposed regulation. Notice of the hearing shall be made as provided by G.S. 160D-601. [requirements for Public Hearing to amend Zoning Ordinance or Zoning Map].	Public Hearing with the Historic Preservation Commission, the Planning Commission and Town Council scheduled for Monday, July 26, 2021. PC expected to make recommendations on July 26, 2021.
Following the hearings, the governing board may adopt the regulation as proposed, adopt the regulation with any amendments it deems necessary, or reject the proposed regulation.	To be scheduled for Council consideration in August 2021.

Communication: Cases PL048933-070721 & PL04894-070721 Staff Report (Cases PL04893-070721 & PL04894-070721 Blue Ridge Tourist Court

CERTIFICATE OF APPROPRIATENESS

From and after the designation of a landmark, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), nor above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished on such landmark or within such district until after an application for a Statement of Conformity for minor work or a Certificate of Appropriateness (COA) for major work has been approved as detailed in UDO Article 8 Historic Preservation Procedures.

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.

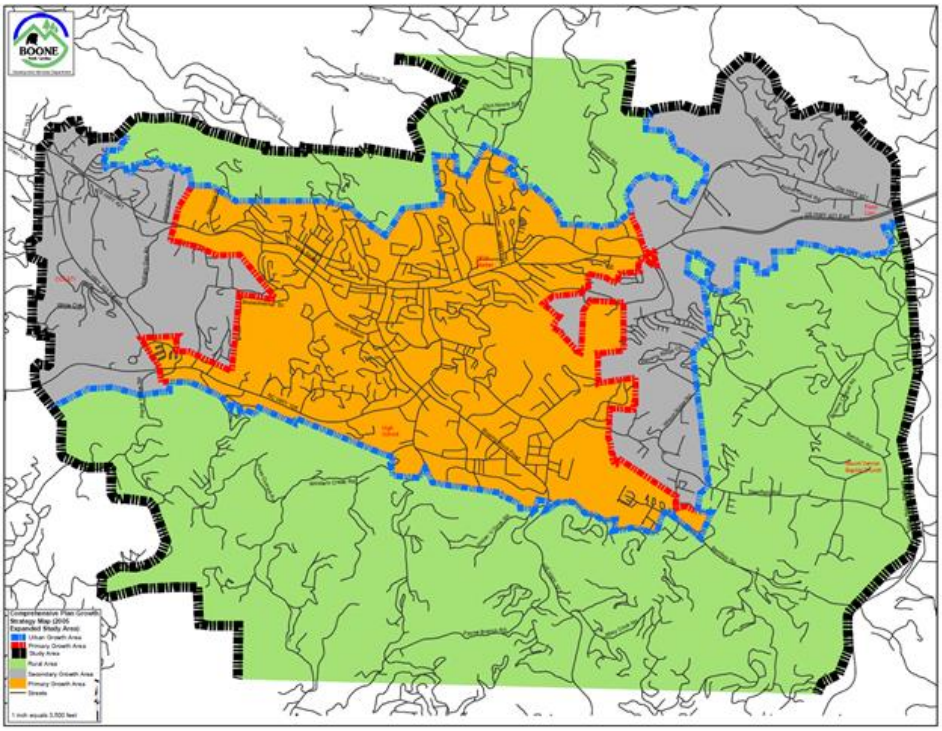
Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

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.

B. New and expanding industries and businesses shall be encouraged which: 1) diversify the local economy, 2) train and use a skilled labor force and 3) increase area residents' incomes.

Communication: Cases PL048933-070721 & PL04894-070721 Staff Report (Cases PL04893-070721 & PL04894-070721 Blue Ridge Tourist Court

C. The Town shall encourage the development of a well-balanced tourism trade as a primary element of the area's economic future. Investments in services, facilities, and proper growth management shall be employed in furtherance of this objective.

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

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

F. New firms and expanding businesses that complement the natural resources and beauty of the region shall be especially recruited and encouraged.

G. The Town shall support the development of new business parks.

H. The Town shall promote coordination of economic development resources with the appropriate institutions and agencies. Regional coordination and interaction among areas with a shared economic interest shall be encouraged.

I. Small business start-ups, expansions and spin-offs shall be encouraged. The presence of ASU and Caldwell Community College and Technical Institute shall be recognized as a necessary and important resource for area businesses.

J. Appropriate educational and training programs shall be encouraged to help local residents, especially those unemployed and underemployed, take advantage of business expansion and to develop new skills.

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

...

2.1.2 Commercial Development

A. Uncontrolled strip development along the areas through streets shall be prohibited. The undesirable effects of existing strip development shall be reduced and/or reconfigured when redevelopment opportunities permit. New strip development on isolated single lots along through streets shall be discouraged.

B. Commercial and Office Development shall be encouraged to locate in planned shopping centers, office parks and mixed use developments to stop the proliferation of strip development.

C. Community/Commercial Centers shall be located adjacent to a major street and contain or be adjacent to other appropriate community facilities.

D. Automobile Orientated Neighborhood and Convenience Commercial Centers shall be encouraged to locate on a collector street or secondary street at its intersection with a major street.

E. Residentially scaled and designed neighborhood businesses may be a planned element of newly developed or redeveloped neighborhoods. They should be near other compatible facilities such as elementary schools and neighborhood parks.

F. Commercial uses may be encouraged to develop by consolidation and expansion of existing commercially zoned property, only when such consolidation and expansion does not encroach upon a viable residential area.

G. Effective buffering and/or landscaping shall be provided where a large scale or automobile-orientated commercial or office use adjoins an existing or planned residential use.

H. Encroachment of incompatibly scaled and designed commercial or office uses into viable existing or planned residential areas shall be prohibited.

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

Communication: Cases PL048933-070721 & PL04894-070721 Staff Report (Cases PL04893-070721 & PL04894-070721 Blue Ridge Tourist Court

J. Highway Oriented Commercial uses shall be clustered along segments of major streets and contain land uses which are mutually compatible and reinforcing in use and design. Businesses shall be encouraged to coordinate their site designs with other nearby businesses. Design factors shall include, at a minimum, shared parking and street access, convenient pedestrian and vehicular movement, and consistent sign standards.

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2.2.2 Utilities

A. Extensions of water and/or sewer services that could result in scattered, non-directed development and costly provision of other urban services shall be prohibited.

B. Water and sewer services shall be concentrated within the limits of a geographically defined Urban Growth Area. The Primary Growth Area shall receive first priority for the provision or enhancement of water and sewer services.

C. The Town shall consider the highest level of participation in the cost of providing water and sewer services within the Primary Growth Area with the next highest level of participation considered for the Secondary Growth Area.

D. Water and sewer services shall not be extended to properties in the Rural Area (outside the Urban Growth Area). Exceptions to this policy may include the provision of services to other local governments, cooperative agreements on major economic development initiatives, and extensions needed to address imminent public health problems or related environmental hazards.

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

F. Area-wide cooperation and support shall be sought in bringing in alternative utility services to the Boone Area.

G. Long range planning for a possible stormwater collection and treatment system shall be supported, including the development of financial and regulatory strategies.

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2.3 THE COMMUNITY

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

B. Properly planned, mixed use developments that promote efficient provision of public services shall be encouraged within the Urban Growth Area.

C. Funding for outside agencies and organizations serving the citizens of Boone shall continue to receive support consistent with area service needs and Town budget constraints.

D. Coordinated inter-governmental and university-town planning for urban area land use and development, transportation, utilities, recycling, environmental management, law enforcement, education, recreation, tourism and economic development shall be encouraged.

2.3.1 Community Appearance

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

B. The significance of street trees in providing visual relief, summer cooling, improved air quality and livability shall be recognized through public policies and actions to encourage their planting and maintenance.

C. The significance of major roadway entrances into Boone as measures of community image and quality shall be recognized through building placement, landscape, signage and other visual improvements. The Town, along

Communication: Cases PL048933-070721 & PL04894-070721 Staff Report (Cases PL04893-070721 & PL04894-070721 Blue Ridge Tourist Court

with private property owners and developers, shall work to jointly improve the appearance and design of major street corridors.

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

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

2.3.2 Community Character

A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area.

B. Multiple and appropriate adaptive reuse of historic resources shall be encouraged.

C. Wise development of the tourism potential of the area's architectural, historic, scenic and natural resources shall be encouraged.

D. The destruction of significant architectural, historic, scenic, natural and archaeological resources in the planning area shall be discouraged.

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

2.3.3 Housing & Neighborhoods

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

B. Street system designs which discourage through traffic on purely local streets while allowing for free circulation within the neighborhood shall be encouraged.

C. Proposed residential development which would expose residents to harmful effects of incompatible development or to environmental hazards shall be prohibited.

D. Innovative and flexible land planning and development practices shall be encouraged to create livable developments which better safeguard land, water, energy and historic resources.

E. Factors in determining preferred locations for high density residential development shall include: close proximity to the university, employment or shopping centers; access to major thoroughfares and the transit system; the availability of public services and facilities; and compatibility with adjacent land uses.

F. The affordable housing needs of area residents, particularly elderly and low to moderate income residents, shall be recognized in Town policies and actions regarding residential development.

G. Compact, full service neighborhoods, offering opportunities for living, working, shopping, and gathering places, shall be encouraged in newly planned developments, as well as for redeveloping areas.

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

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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 July 7, 2021.

/s/ Brenda Henson

Brenda Henson, Administrative Support Specialist

Communication: Cases PL048933-070721 & PL04894-070721 Staff Report (Cases PL04893-070721 & PL04894-070721 Blue Ridge Tourist Court

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 July 7, 2021.

/s/ Darrell Pulliam

Darrell Pulliam, Building Inspector

PLANNING COMMISSION REPORT

Per NCGS 160D-604(b), subsequent to initial adoption of a zoning regulation, all proposed amendments to the zoning regulation or zoning map shall be submitted to the Planning Commission for review and comment. If no written report is received from the Planning Commission within 30 days of referral of the amendment to that board, the Town Council may act on the amendment without the Planning Commission report. The Town Council is not bound by the recommendations, if any, of the Planning Commission. Per NCGS 160D-604(d), when conducting a review of proposed zoning text or map, the Planning Commission shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Commission shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the Planning Commission, but a comment by the Planning Commission that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the planning board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made.

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

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

The Planning Commission recommends ☐**approval** OR ☐**denial** of the proposed amendment to the Town's Zoning map and believes ☐**approval** OR ☐**denial** **<u>to designate the properties as local historic landmarks</u>** 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.*

Communication: Cases PL048933-070721 & PL04894-070721 Staff Report (Cases PL04893-070721 & PL04894-070721 Blue Ridge Tourist Court

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. The plan consistency statement is not subject to judicial review. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the Town Council statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the action taken. When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the governing board. This statement of reasonableness may consider, among other factors, (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. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the governing board statement on reasonableness may address the overall rezoning.

Ordinance PL04893-070721 & PL04894-070721

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 designate the parcels identified below as a Local Historic Landmark

Address:	842 W. King Street
Watauga County PIN:	2900-79-6809-000
Property Owner:	Watauga County

WHEREAS, the Town of Boone has created the Boone Historic Preservation Commission ("HPC") as a historic preservation commission having the authority to exercise, within the planning jurisdiction of the Town, all powers and duties conferred by Part 4 of Chapter 160D of the North Carolina General Statutes; and

WHEREAS, the HPC duly adopted (i) rules of procedure and (ii) principles and guidelines for the alteration, restoration, relocation, or demolition of properties designated as landmarks at its regular meeting held January 12, 2016; and

WHEREAS, the HPC issued a Landmark Designation Report on May 11, recommending designation of the Property as a historic landmark; and

WHEREAS, as set forth in detail in the Landmark Designation Report, the HPC has determined that the Property is of special significance in terms of its historical and architectural importance, and possesses integrity of design, setting, workmanship, materials, feeling and association; and

WHEREAS, the Landmark Designation Report was submitted to the State Historic Preservation Office ("SHPO") of the North Carolina Department of Cultural Resources for review and comment; and

WHEREAS, the SHPO has reviewed the Landmark Designation Report and issued a letter of comment dated June 11, 2021, in which it noted that the Properties are significant for its association with mid-century tourism and roadside lodging in Boone and Watauga County and for its association with developer and real estate magnate, Estel G.Wagner; and

WHEREAS, the Boone Historic Preservation Commission held a duly-noticed public hearing on July 26, 2021, with respect to this ordinance and designation of the Property as a historic landmark as contemplated herein, and following said hearing voted to confirm its recommendation that the Town Council designate the Property as a historic landmark; and

WHEREAS, the Boone Town Council held a duly-noticed public hearing July 26, 2021 with respect to this ordinance and designation of the Property as a historic landmark as contemplated herein; and

WHEREAS, the Boone Town Council has taken into full consideration any information offered at the public hearing and the information contained in the HPC's Landmark Designation Report; and

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

WHEREAS, the Boone Town Council finds that the Property is of special historical, architectural, and cultural significance, and possesses integrity of design, setting, workmanship, materials, feeling and/or association, as described by the Local Landmark Designation Report; and

WHEREAS, the Boone Town Council finds the Property's preservation should be encouraged and ensured,

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1: The Boone Town Council hereby designates the properties at 560/574 Old East King Street, Watauga County PIN: 2910-89-5295-000 (Case PL04893-070721) and at 187/191 Cecil Miller Road, Watauga County PIN: 2910-89-7127-000 (Case PL04894-070721), known as "Blue Ridge Tourist Courty and Motel" as a Local Historic Landmark.

Section 2: A sign designating the Blue Ridge Tourist Court and Motel may be placed on the property or in a nearby right of way designating the properties and Local Landmark Designations.

Section 3: The review process provided by Article 8 of the Town's Unified Development Ordinance ("UDO") shall be observed prior to demolition, alteration, rehabilitation, restoration, or removal of any exterior elements of the designated Property.

Section 4: In the event relocation, demolition or destruction of the Property is authorized as provided by law, such action may be delayed up to 365 days as provided by Article 8 of the UDO and NC General Statutes 160A-400.14.

Section 5: This ordinance shall be effective as of the date of its adoption.

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 26, 2021; 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:

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

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The Town Council ☐**approves** OR ☐**denies** the proposed amendment to the Town's Zoning map and believes ☐**approval** OR ☐**denial** **<u>to designate the property as a local historic landmark</u>** is reasonable and in the public interest because:

Note 2

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***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.*

Communication: Cases PL048933-070721 & PL04894-070721 Staff Report (Cases PL04893-070721 & PL04894-070721 Blue Ridge Tourist Court

Meeting Minutes Excerpts – Exhibit B

TOWN OF BOONE
HISTORIC PRESERVATION COMMISSION
MEETING MINUTES
MAY 11, 2021
3:00 p.m.

Historic Preservation Commission Members in Attendance: Chairperson Eric Plaag, Vice-Chairperson Phoebe Pollitt, Bettie Bond, and Chuck Watkins
Council Liaisons: Rennie Brantz and Virginia Roseman
Town Staff in Attendance: Jane Shook-Director of Planning and Inspections, Christy Turner-Senior Planner, and Marlene Crosby-Board Secretary
Others Present: John Ward-Town Manager and Laney Pilkington-Administrative Support Specialist/Communications, Mark Freed-Director of Cultural Resources, and Brian Williams, Applicant

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Blue Ridge Tourist Court and Motel/Local Landmark Designation Report
Chairperson Plaag explained that he would need to recuse himself from the discussion on this agenda item. He said that Mr. Brian Williams hired him to be the historical consultant for the Local Landmark Designation Report. Chairperson Plaag recommended approval from the Historic Preservation Commission to recuse himself from any input, discussion, or voting on said project. Chairperson Plaag noted that he would be available to answer any historical questions on said project.

Motion and Vote:
Vice-Chairperson Pollitt made a motion seconded by Member Bond to approve Chairperson Plaag to recuse himself from the discussion on the Blue Ridge Tourist Motor Court and Motel agenda topic. The recusal is because Chairperson Plaag was hired as the historical consultant by the property owner, Mr. Brian Williams, to work on the Local Landmark Designation Report.

Vote:
Aye – (Bond, Pollitt and Watkins)
Nay- None
Recused – (Plaag)
The motion passed.

Chairperson Plaag polled the members: Member Bond, Member Watkins, and Vice-Chairperson Pollitt.

Chairperson Plaag turned the meeting over to Vice-Chairperson Pollitt. She asked Mr. Brian Williams, property owner of the Blue Ridge Tourist Motor Court and Motel, to present his information.

Mr. Williams began presenting his proposed project. Mr. Williams gave a brief overview of the Blue Ridge Tourist Court and Motel, Local Landmark Designation Report prepared by Dr. Plaag (permanently on file).

Communication: Cases PL048933-070721 & PL04894-070721 Exhibit B Meeting Minutes Excerpt (Cases PL04893-070721 & PL04894-070721

Mr. Williams presented a seven-page PowerPoint (permanently on file) that explained the building names and general site layout of the buildings and their locations on the site. He explained the dates of construction of the buildings and their historical significance from 1950 to 1970. He pointed out that one of the previous owners was Mr. Estel G. Wagner, and he was a local builder-developer. He said that Mr. Wagner had built the tourist court and motel and other motels in the Town of Boone.

Mr. Williams gave a virtual tour of the buildings on the property. He said that since the mid to early 1990s, the property had been used as an apartment complex.

Mr. Williams gave a brief architectural summary of the properties that included photos from the Watauga Digital Project. He said the office was built in 1950 with stone and a flat roof. He said the office building had a considerable roof overhang on all four sides, and the outside consisted of natural granite in a random ashlar pattern. He said that inside the office, there was a large fireplace located on the west side that had a polished granite mantel.

Mr. Williams explained that the tourist court motel was built in 1950. He outlined the following architectural features: on the north and west elevations, they used concrete block coated with Shotcrete in a brick masonry pattern, a concrete slab walkway was covered by a half-gabled roof, the north end features had a stepped parapet wall, a concrete stairwell on the west leading to a boiler in the basement, a boiler stack was visible in photos no longer present, and the original steel case windows remain. He said an above-ground pool was added in the 1970s. He said later the pool was removed, and that area was landscaped.

Mr. Williams described the annex building. He noted that it was built in 1951 to accommodate longer stays. He said the building has a Shotcrete brick pattern, and the originally featured steel case windows have been replaced.

Mr. Williams described the garage apartment. He said the apartment was built in the late 1951 to 1952-time period to provide long-term stay options. He explained that there is a Shotcrete brick masonry on the central and west elevations of the apartment.

Mr. Williams described the second parcel. He said this parcel was acquired in July of 1951. He explained that the present motel building was erected sometime before 1955, most likely late in 1953 or early 1954. He said this building has ten rooms, and it currently has modern plywood siding and original lap siding underneath the plywood. He said it also has a parapet wall and terra-cotta tiles.

Mr. Williams opened the floor for questions on the presentation. Member Bond asked Mr. Williams about his plans for the said properties and how long it would take to achieve the renovation. He said the properties are currently zoned B-2 neighborhood business. Mr. Williams said he intends to operate the main tourist court building, office, and the annex as an Air B & B style motel. He said the garage apartment behind the motel is also zoned B-2, and he wants to keep it and make it a long-term rental. He pointed out that he intends to request to rezone the property to R-3. He said he in the second phase, he also wants to create condos or townhomes and sell them on the parcel behind the motel.

Mr. Williams explained that he is pursuing a National Register of Historic Places and a local landmark designation for the properties. He explained that he has already submitted his conditional district zoning application to the Planning Commission and Town Council. He also explained that his requests are on the Council's June meeting agenda for final consideration of the conditional district rezoning.

Member Bond asked Mr. Williams if there were any significant obstacles in his way of moving forward with his proposed plans for his property. Mr. Williams said he had a couple of issues around the motel with a boundary and driveway easement. He said he is working on these issues with the Town Attorney and the Boone Public Works Department.

Member Watkins asked Dr. Plaag, except for the tourist court building in Blowing Rock, is the Blue Ridge Tourist Court and Motel the oldest surviving post-World War II tourist court type building in the Town of Boone. Dr. Plaag said yes, that is located in the Town Limits.

Member Bond asked how do developers finance projects like this? She wondered if the financial institutions were willing to loan money for these types of projects. Dr. Plaag said that he did not look into financial institutions specifically when writing his report. He added that in the case of Mr. Estel Wagner, he laid the concrete block himself.

Mr. Williams said that meeting the landscaping requirements will be another obstacle that he will have to work out. He said that he has been able to accommodate the current landscaping requirements for the motel parcel. He said it would be more challenging to meet the landscaping requirements on the upper portion of the property.

Motion and Vote:

Member Bond made a motion, seconded by Member Watkins, to recommend that both parcels at the Blue Ridge Tourist Court and Motel be designated as a single local landmark.

Vote:

Aye – (Bond, Pollitt, Watkins)
Nay – None
Recused – Plaag
The motion passed.

Vice-Chairperson Pollitt polled the members: Member Bond, Member Watkins, and Vice-Chairperson Pollitt.

Chairperson Plaag rejoined the meeting and his position as the HPC Chairperson.

Mr. Williams left the virtual meeting at approximately 3:39 p.m.

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PUBLIC HEARING MINUTES

MONDAY, MAY 24, 2021, 6:00 P.M.
VIA WEBEX SOFTWARE

COUNCIL MEMBERS: Rennie Brantz-Mayor, Sam Furgiuele, Virginia Roseman, and Dustin Hicks (joined at 6:30 p.m.)

PLANNING COMMISSION MEMBERS: Elizabeth Shay-Chair, Eric Plaag-Vice Chair, Chris Behrend, John Tippett, Amanda Halbert, Adam Zebzda, and Frank Veno

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Mike James-Senior Planner, Brian Johnson-Urban Design Specialist, and Brenda Henson-Board Secretary

OTHER TOWN STAFF AND REPRESENTATIVES PRESENT: John Ward-Town Manager and Allison Meade-Town Attorney

OTHER ATTENDEES/PARTICIPANTS VIA WEBEX: Brian Williams

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Case PL04630-040921 Blue Ridge Tourist Court - Conditional District Zoning Map Amendment

Blue Ridge Tourist Court LLC has requested a Conditional District Zoning Map Amendment to rezone 574 Old East King Street (Watauga County PIN: 2910-89-5295-000) from B2 Neighborhood Business to Conditional District B3 General Business with a site-specific development plan for Use 3.07 Motel.

Vice Chair Plaag recused himself from this case because he was the historic preservation consultant for the project and had assisted Brian Williams in preparing some of the materials before the boards.

Mr. Williams presented his request for a Conditional District rezoning for the property at 574 Old East King Street. He referred to a survey from 1985 of the entire site and noted that a portion of the property was split out before he was able to acquire it. Mr. Williams stated that the Tourist Court building had seven rooms in it and an office that was constructed in 1950. Shortly thereafter, the annex building was constructed and then the garage apartment was constructed in 1951 or 1952. In 1953, the motel building, which had an additional 10 rooms in it, was constructed. Mr. Williams explained that the original Blue Ridge Tourist Court was used for tourists who were coming to town to see the Horn in the West and the Blue Ridge Parkway. After the original owned sold the property it changed hands a number of times and had quite a few different names such as the Blue Ridge Tourist Court, the Blue Ridge Motor Court, and the Perkins Park. Mr. Williams stated that, most recently, the property had turned into an apartment complex called the Phoenix Complex. He stated that the property had fallen into a state of disrepair and had been condemned by the Town. Mr. Williams stated that the site was quite connected when it was built. He noted that the driveway went from 421 through the property up to what was Park Street where there was actually a park to the west of the site. He stated the park was still in a wooded state. Mr. Williams showed pictures of the site from the 1950's and as it sits currently. He stated that the windows have been boarded up at the request of the town, noting that the condemnation requested that the site be secured or it would need to be demolished because the building was a safety hazard. Mr. Williams stated that the Tourist Court office was made of native stone and was quite beautiful on the outside. He reminded everyone that he was seeking Conditional District rezoning for the parcel that housed the Tourist Court building, the annex, and the office. Mr. Williams stated that the proposed site plans were very similar to what was historically there with a few minor changes to accommodate modern requirements of the UDO with things like trash facilities, handicap parking, and more controlled access to the site. He explained that, to reduce the number of driveways onto the site, the sidewalk would be brought in front of the old driveway and some planters would be placed there to block the driveway from

Communication: Cases PL048933-070721 & PL04894-070721 Exhibit B Meeting Minutes Excerpt (Cases PL04893-070721 & PL04894-070721

being used by vehicles but still maintain the integrity of the site. Mr. Williams stated he would also be pursuing having the site listed on the National Register of Historic Places. He noted that the National Register was having a really big push for roadside attractions and this site was really in their wheelhouse right now for what they were pursuing. Mr. Williams stated, in seeking that designation, he would have to try to maintain the site's historic fabric as best he could. He noted that drastic changes to the site were really frowned upon by the National Register.

Mr. Williams stated that the reason he was requesting a Conditional District rezoning rather than requesting a straight rezoning was because of the 300-foot transitional zone that came along with the motel use. He explained that there was low density residential property 270 feet away that was zoned RA that triggered the need to request the Conditional District rezoning. Mr. Williams stated that the site sat to the south of the protected property. He stated that the topography really sloped up behind the motel and the house sat back behind a wooded tree line along the front of the road. Mr. Williams felt that the topography of the land, as well as the direction that the building faced, would direct noise in the opposite direction from the protected parcel. Mr. Williams stated he did get a chance to meet the people that live at that house and they were very excited that someone was doing something to these properties. He felt he had met all the requirements of the UDO in terms of density and parking. Mr. Williams stated he would provide six short term bicycle parking spaces, which was beyond the two short term bicycle spaces that were required. He noted that he was required to provide two long term bicycle spaces and he would be providing four and they would be within the units. Mr. Williams stated that the motel would have a total of seven units in the two buildings, three of which would be quite small and really would not lend themselves to housing internal bicycle storage. He felt that one of the great things about the site was its proximity to the greenways and he hoped that would be an amenity to the property. Mr. Williams stated he did not expect an increase in traffic in front of the protected residential property because most people would approach from Old East King Street. He hoped there would be an increase in bicycle traffic in front of their parcel because he hoped people would make use of the Greenway.

Council Member Furgiuele asked if there were any neighborhood businesses that the property had ever been used for and Mr. Williams replied that there were not.

Council Member Furgiuele asked how long the property had been zoned B2. Ms. Shook stated she was unsure but felt it had been more than 20 years. Council Member Furgiuele asked if it was correct that the property across East King Street was zoned B3 and Ms. Shook replied that was correct.

Council Member LaPlaca asked, given that Mr. Williams was seeking historic designation and had to preserve the buildings as much as possible, how the buildings would change and would they be energy efficient. Mr. Williams replied that interior changes could be made to services like heating and cooling and noted he was working with Landon Pennington to explore a solar option. Council Member LaPlaca asked about the soundness of the structure. Mr. Williams replied that the building was condemned not because of structural concerns and noted that the underlying structure was in good shape. He stated that a lot of the historic elements were still in place like the steel case windows and he planned to restore those and replace the windows that were missing. Mr. Williams noted that he would not be adding square footage because that would be sort of antithetical to the preservation process. He stated that he did plan, in the future, to remove the portion of roof that was added for height on one side of the building. He stated he was exploring adding back the old chimney to the main building that was there originally but had been removed at some point. Mr. Williams believed that chimney provided the steam heat for the whole complex originally. He noted that the structure was built on a slab, except there was a small basement under a single room where the utilities were located.

Mayor Brantz asked Mr. Williams if the Tourist Court would be operated year-round and he replied that it would.

Council Member Roseman referred to the Type A buffer and asked Mr. Williams what he was planning to do to protect the residential district. Mr. Williams replied that he would be required to install a 10-foot Type A buffer behind the structure and, because he had a fair amount of square footage there, in addition to that 10 feet he planned to provide additional landscaping behind the building mostly in the form of evergreen landscaping to cut down on noise as best as possible. Council Member Roseman asked Mr. Williams if he had received any type of written support from the neighbors for his project. Mr. Williams replied that he had not received written support but he had not received any negative complaints either. He stated that everyone that had walked by had been fairly happy that something was going to be going on with the site other than what had been going on for the past 20 years.

Council Member Roseman asked Ms. Shook if the neighbor in the protected district had been notified of this meeting so they could attend if they wanted to. Ms. Shook replied that this project triggered a 300-foot transitional zone so all neighbors within 300 feet were notified. Council Member Roseman asked if it was correct that the property was within 270 feet and so they would have been notified. Ms. Shook stated that was correct.

Commission Member Zebada asked Mr. Williams to elaborate on how he planned to address the staff concerns regarding the existing retaining wall's stability and/or actions to stabilize it, as well as his plans to repave the existing parking lot and maintain stormwater drainage. Mr. Williams replied that he had already had a couple of contractors come out and give him quotes for repairing the retaining wall located just south of the main Tourist Court building. He stated that the wall was fairly tall and was failing and he was looking to replace it with another concrete block retaining wall, which was what it was now. Mr. Williams stated he had spoken with people about repaving the parking lot. He noted that he actually planned to reduce the square footage of the parking lot slightly so there would be less impervious surface. Mr. Williams stated that the new 10-foot buffer on the western side would reduce the impervious area by a fair amount of square footage and there would also be another reduction on the eastern side of the property.

Mayor Brantz asked Mr. Williams if he had explored connections with ASU in terms of housing and he replied that he had not.

Council Member Hicks joined the meeting.

Mr. Williams stated that he planned on operating the Tourist Court as sort of short term rental style motel so there would not be someone in the office but would be sort of a no touch concept where you would come to the property, put in your key code, and enter. He stated that the original office building would house a coin-op laundry machine and an icemaker and it would be controlled access through the same system. Mr. Williams hoped he could get some folks coming to ASU events or high school events but he had not discussed this directly with any of those parties. He stated he had discussed his plan with a handful of business owners in the East Boone area just to let them know what he was doing and to try and build some excitement around the area.

Commission Member Veno asked Mr. Williams if he owned the house that was above the motel. Mr. Williams replied that he did not own the house. He stated that he owned the property to the north of the house as well as the property to the southeast of the house but he was not able to finalize plans for the portion of the property containing the house prior to putting in the application for the Conditional District rezoning so he would be back fairly soon for rezoning of the other parcel.

Commission Member Tippett asked Mr. Williams what name he would be operating under. Mr. Williams replied that he would be operating as Blue Ridge Tourist Court. He noted that the original sign was a six-inch thick metal sign similar to most of the signage that was in Downtown around that same time but then

they got a new sign with slightly different graphics with neon on it. Mr. Williams stated he would like to recreate the original sign but was unsure if it would meet current signage requirements for the Town.

Council Member Roseman asked Mr. Williams if he had been made aware that the Council was discussing Airbnb's and restrictions.

Ms. Meade wished to clarify that while Mr. Williams used the term Airbnb in terms of his operating model, Airbnb concerns were about the use of private residential structures such as houses and maybe apartments. Ms. Meade stated that this was a motel so in the event that restrictions were placed for Airbnb's in rental residential property, it would not have an effect on this property.

Council Member Roseman asked if there would be on-site management. Mr. Williams replied that he had been in contact with three or four different management companies about future management but for the first year he would be doing most of the managing so that he could understand a little bit more about the operation.

Commission Member Halbert stated there was an AppalCART stop right in front of the property and asked Mr. Williams if he was planning to have the stop renamed or if it would keep the same name. Mr. Williams replied that he spoke with AppalCART a couple of weeks back, not about renaming the stop, but to ask if they had any plans to get rid of the AppalCART stop and was told that the Board of Directors had not slated it for removal. Mr. Williams stated he had not considered changing the name of the stop but thought it was a great idea.

Ms. Shook stated she did not receive any requests for participation in public input.

Mr. James stated he had received several calls from homeowners who received notification letters but no one indicated they would be attending the meeting.

Commission Member Zebzda asked what about the general substance of the calls made by those residents. Mr. James replied that there were a few questions about what was going on and some comments about the property being in disrepair and not very nice to look at. He stated that most everybody was somewhere between neutral and excited about the potential of the project and the fact that the property would be cleaned up. Mr. James stated that some stated they did not want the buildings to be torn down and have a new apartment building in its place.

With nothing further, Mayor Brantz closed the public hearing on this case at 6:50 p.m.

Vice Chair Plaag rejoined the meeting.

…

<u>Continuation of Planning Commission Meeting</u>

Chair Shay called for a break from 7:34 p.m. until 7:43 p.m.

…

<u>Case PL04630-040921 Blue Ridge Tourist Court - Conditional District Zoning Map Amendment</u>

Blue Ridge Tourist Court LLC has requested a Conditional District Zoning Map Amendment to rezone 574 Old East King Street (Watauga County PIN: 2910-89-5295-000) from B2 Neighborhood Business to Conditional District B3 General Business with a site-specific development plan for Use 3.07 Motel.

Chair Shay stated it was nice to see this property being brought back to life and she thought the plan sounded really interesting. She stated she always had questions about pedestrian connections but did not think there were any pedestrian facilities nearby in that part of town.

Ms. Shook noted that the applicant was proposing to install sidewalks along the front of the property as required by the Ordinance. Chair Shay asked if it was correct that the sidewalks would not connect to anything because there were no other sidewalks there. Ms. Shook stated that was correct but explained that the UDO now required sidewalks whether or not there was connectivity or not.

Commission Member Veno stated he did not remember anything being mentioned about traffic but added that he did not see how traffic could be any kind of an issue with this project. Ms. Shook replied that neither Mr. James, the senior planner who did the review of the project, nor Public Works had any concerns regarding traffic at the site. Mr. James added that there was only minimal concern about traffic considering there would only be about seven rooms and 11 parking spaces. He stated that this project did not trigger the need for a traffic study.

Commission Member Veno referred to the office building with its natural stone work and felt it was still very notable and it would be a shame to lose that. He stated there was a trend across the country of people buying up old hotels or motels and refurbishing them.

Commission Member Zebzda stated he thought it was a very cool project. He noted that it was very enjoyable to read through and see all the plans and the proposed use. Commission Member Zebzda stated that, coming into the meeting, he had a few concerns pertaining to the retaining wall, the parking lot, and bicycle parking but the applicant did an amazing job clearing everything up and addressing those concerns.

Commission Member Behrend stated that Mr. Williams gave a wonderful presentation of the project and she appreciated how he went through each step.

Commission Member Tippett stated he supported the project based on what he had heard. He stated he was usually concerned about impacts on neighborhoods and residential properties but noted he was not concerned with just seven rooms. Commission Member Tippett stated that the topography and landscaping would help with impacts to the neighbor.

Chair Shay stated that the Town's stormwater management guidelines and requirements had changed since the hotel was last active and asked if that was reflected in planned changes for the property. Ms. Shook replied that the State actually tied their hands a little bit as far as when the Town could require new stormwater management systems. She stated that a property owner could volunteer, but the Town could only require an applicant to make stormwater improvements when there was a new impervious surface. Ms. Shook stated that when Mr. Williams repaved the lot they would make sure there were not new issues created with the direction of the stormwater. Chair Shay stated she thought there was reference to a reduction in impervious surface. Mr. James stated that there would be a slight decrease in impervious area and that should have negligible impacts. He noted that the applicant was not required to repave the parking lot, but he had indicated that he would like to do so towards the end of construction.

Ms. Shook stated that normally during the public hearing conditions of approval were discussed and agreed to by the applicant however, that did not happen. She stated she did not recall any specific conditions being agreed but noted the staff recommended conditions on packet page 36 and 37. Ms. Shook asked Mr. Williams if he would agree to those conditions and he replied that he would agree to those conditions.

First Motion and Vote: Commission Member Tippett made a motion that the proposed amendment to the Town's zoning map from B2 to B3 General Business Conditional District zoning is consistent with the town's comprehensive plan and any other adopted plans of the town that are applicable because it complies with:

Comprehensive Plan Policy 2.1.1 Economic Development

B. New and expanding industries and businesses shall be encouraged which: 1) diversify the local economy, 2) train and use a skilled labor force and 3) increase area residents' incomes.

C. The Town shall encourage the development of a well-balanced tourism trade as a primary element of the area's economic future. Investments in services, facilities, and proper growth management shall be employed in furtherance of this objective.

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

Comprehensive Plan Policy 2.1.2 Commercial Development

G. Effective buffering and/or landscaping shall be provided where a large scale or automobile-orientated commercial or office use adjoins an existing or planned residential use.

Comprehensive Plan Policy 2.3.2 Community Character

A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area.

B. Multiple and appropriate adaptive reuse of historic resources shall be encouraged.

C. Wise development of the tourism potential of the area's architectural, historic, scenic and natural resources shall be encouraged.

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.

The motion was seconded by Commission Member Behrend.

Commission Member Zebzda wished to amend the motion to add:

Comprehensive Plan Policy 2.1.1 Economic Development

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

Commission Members Tippett and Behrend accepted the amendment.

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

Second Motion and Vote: Commission Member Tippett made a motion that the Planning Commission recommends approval of the proposed amendment to the Town's Zoning map and believes approval is reasonable and in the public interest because this scale of use is no greater than previous commercial use, and historic preservation projects should be encouraged as well as appropriate tourism development projects. The motion was seconded by Commission Member Veno.

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

Commission Member Tippett then made a motion that the 3 recommended staff conditions be attached to the original motions. The motion was seconded by Commission Member Behrend.

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

Vice Chair Plaag rejoined the meeting.

Mr. Williams thanked everyone for their recommendation and stated that he appreciated everyone's enthusiasm about the project.

North Carolina Department of Natural and Cultural Resources
State Historic Preservation Office
Ramona M. Bartos, Administrator

Governor Roy Cooper

Secretary D. Reid Wilson

June 18, 2021

RECEIVED
JUL 02 2021
BY:

Blue Ridge Tourist Court, LLC
505 Grand Blvd.
Boone, NC 28607

RE: **Blue Ridge Tourist Court and Motel in Boone, Watauga County [WT0958]:**
- **574 Old E. King St. and 187 & 191 Cecil Miller Rd., [Blue Ridge Tourist Court, LLC, owner]**
- **173 Cecil Miller Rd., [K.K. Capital, LLC, owner]**

Dear Sir or Madam:

At your request, the above-named property, of which you own 574 Old E. King St. and 187 & 191 Cecil Miller Rd., was presented to the National Register Advisory Committee (NRAC) at its virtual meeting via Zoom on June 10, 2021 for a preliminary assessment of the property's eligibility for the National Register of Historic Places. The NRAC is a board of professionals and citizens with expertise in history, architectural history, and archaeology, and meets three times a year to advise me on the eligibility of properties for the National Register.

The committee determined that this property is potentially eligible for the National Register and warrants further study. Accordingly, the property has been added to the Study List of potential nominations to the National Register.

The inclusion of a property on the Study List places no restrictions, requirements, or obligations on the property's owner. The Study List is simply the first step in the National Register listing process. Please note that placement on the Study List does not mean automatic nomination to the Register. Properties are not listed in the National Register over the objection of a private owner, or the majority of private owners where a National Register boundary encompasses multiple owners.

Placement on the Study List is not a guarantee of National Register eligibility, but a preliminary indication that a property *appears* to be *potentially* eligible for listing in the Register. Eligibility requires that a property substantially convey its appearance from the period of its historic significance. If the property is altered subsequent to placement on the Study List, State Historic Preservation Office staff should be consulted about potential eligibility prior to undertaking a National Register nomination. Changes to a property's character-defining materials, features, spaces, or spatial relationships that are not in keeping with the Secretary of the Interior's Standards may render a property ineligible for listing in the National Register.

The next step in the process is preparation of a formal National Register nomination document. This is a written research report prepared to National Register standards, which describes and evaluates the property and its history. The property will be nominated only if you or an interested third party initiate this next step. The enclosed set of *National Register Fact Sheets* describes the National Register and the listing process.

Location: 109 East Jones Street, Raleigh NC 27601 **Mailing Address:** 4617 Mail Service Center, Raleigh NC 27699-4617 **Telephone/Fax:** (919) 814-6570/814-6898

Communication: Cases PL048933-070721 & PL04894-070721 Exhibit C NC State Historic Preservation Office Written Comment (Cases PL04893-

If you wish to have your property nominated, we encourage you to hire a professional consultant to prepare the nomination materials. We maintain a list of qualified private consultants on our website who have recently successfully completed nominations in North Carolina, accessed at the following link: https://files.nc.gov/ncdcr/historic-preservation-office/survey-and-national-register/nrconslt.pdf. It is up to the nomination sponsor to check consultant references and experience to make the decision that best suits project needs. While staff will be available in a limited capacity to advise owners who wish to prepare their own nominations, the complexity of technical requirements and standards of documentation often require nominations to be prepared by historians or architectural historians experienced in the nomination process. Particularly, if the nomination must meet specific sponsor timelines, a consultant is recommended to expedite the process. When a technically complete and adequately documented nomination is submitted to this office, staff can provide timely review and processing. The National Register process generally takes about twelve to eighteen months from submission of a first draft nomination packet.

Please note that listing of a property in the National Register places no obligation or restriction on a private owner using private resources to maintain or alter the property. Listing in the National Register is largely an honorary designation that can also generate substantial benefits for the property owner. It provides a measure of protection from any state or federal funded, licensed, or permitted project that might affect the property. In addition, the Tax Reform Act of 1986 provides for a federal income tax credit of twenty percent of qualified rehabilitation expenditures for the substantial rehabilitation of income-producing properties (commercial or residential rental) that are listed in the National Register. Also, effective January 2016, taxpayers who receive the federal income tax credit are eligible to receive a state "piggyback" tax credit against North Carolina income taxes. For more information about the varied percentages of the state tax credit for historic income-producing properties, please visit our website at: https://www.ncdcr.gov/about/history/division-historical-resources/state-historic-preservation-office/restoration-2. A state tax credit of fifteen percent of qualified rehabilitation expenditures (up to $22,500 total credit) is available to owners of non-income-producing historic structures. **If you are considering pursuing rehabilitation tax credits, contact Jennifer Cathey, Restoration Specialist in our Western regional office at jennifer.cathey@ncdcr.gov or 828-250-3113, to discuss potential project timing and qualifications.**

Please let us know if the ownership of the property changes, if it is moved, or if it is altered in any significant way. If you have questions about the National Register program, please contact Jennifer Brosz, National Register Coordinator, Survey and National Register Branch, State Historic Preservation Office, at 4617 Mail Service Center, Raleigh, NC 27699-4617, or Jenn.Brosz@ncdcr.gov.

Sincerely,

Ramona M. Bartos, Deputy
State Historic Preservation Officer

RMB/jhs

Enclosures

cc: KK Capital, LLC, owner
Christy Turner, Senior Planner, Town of Boone
Rennie Brantz, Mayor, Town of Boone
John Welch, Chairman, Watauga County Board of Commissioners
Eric Plaag, Consultant

Communication: Cases PL048933-070721 & PL04894-070721 Exhibit C NC State Historic Preservation Office Written Comment (Cases PL04893-

North Carolina Department of Natural and Cultural Resources
State Historic Preservation Office
Ramona M. Bartos, Administrator

Governor Roy Cooper

Secretary D. Reid Wilson

June 18, 2021

KK Capital, LLC
526 Scaleybark Rd.
Charlotte, NC 28209

RE: **Blue Ridge Tourist Court and Motel in Boone, Watauga County [WT0958]:**

- **173 Cecil Miller Rd., [K.K. Capital, LLC, owner]**
- **574 Old E. King St. and 187 & 191 Cecil Miller Rd. [Blue Ridge Tourist Court, LLC, owner]**

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Sincerely,

Ramona M. Bartos, Deputy
State Historic Preservation Officer

RMB/jhs

Enclosures

cc: Blue Ridge Tourist Court, LLC, owner
Christy Turner, Senior Planner, Town of Boone
Rennie Brantz, Mayor, Town of Boone
John Welch, Chairman, Watauga County Board of Commissioners
Eric Plaag, Consultant

Communication: Cases PL048933-070721 & PL04894-070721 Exhibit C NC State Historic Preservation Office Written Comment (Cases PL04893-

Conditional District 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 (check all that apply)

Note: A pre-application meeting is required prior to application submittal.
Failure to provide the information required on this application may delay the review and scheduling of the requested hearing.

- ☑ Digital copies of all paper submittal documents (may be emailed to planning@townofboone.net)
- ☑ 6 paper copies of complete site plans meeting the requirements of Town of Boone Unified Development Ordinance (UDO) Appendix A (max. size 30" x 42")
- ☑ 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.
- ☑ Property Owner Authorization. If you are not the property owner, you will need to provide documentation of property owner authorization to apply for this permit.
- ☐ 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. Requested Hearing – See latest published Meeting Schedule for dates

Date of requested hearing: July 26, 2021

C. Property Information (Project Location)

Street Address: 842 West King St.

Watauga County Parcel Identification Number(s): 2900 796809000

D. Property Owner Information

Name: Watauga County

Complete Mailing Address (Street, City, Zip): 814 West King St. Boone NC 28607

Phone Number: 828-265-8000

Email Address: deron.geouque@watgov.org

E. Applicant Information

Name: John Muter / Jake Bowman

Company: Muter Construction Co.

Complete Mailing Address (Street, City, Zip): 111 East Vance St. Zebulon, NC 27597

Phone Number: (919) 404-8330 (919) 749-9340

Email Address: jmuter@muterconstruction.com

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

F. Detailed Description of Project

Installation of metal roof (retro-fitted). Roof will be pitched, standing seam and installed over the existing membrane flat roof.

Communication: Case PL04797-060921 Application Information (Case PL04797-060921 Watauga County Courthouse - Conditional District

G. Project Cost

Project Cost:

$ $835,686.00

H. Development Information

Is the development subject to a previous Special Use Permit? ☐ Yes ☑ No ☐ Unknown

If yes, please describe:

Are there any other variances granted that impact the property? ☑ Yes ☐ No ☐ Unknown

If yes, please describe: 16.08.04.(A)(2) and 18.02.02(C)(1)(d) and 18.12.02(C)(2)(a)

Are there any other variances requested with this development? ☐ Yes ☑ No

If yes, please describe: already granted (see above) (Z-04363-111920 and Z-04426-122320 Z-04426-122320

I. District/Use Information

Existing Zoning District: B1 Central Business

Proposed Zoning District(s): Conditional District B1

Existing Land Use(s): 5.16 Government Facility

Proposed Land Use(s) (Specific Use # from UDO Section 15.07 Required): 5.16 Government Facility

J. Site Information (include information for additional buildings on a separate sheet)

Building Footprint Square Footage:	Current: n/a	Proposed:
Total Building Square Footage (all floors):	Current: n/a	Proposed:
Number of Stories	Current: 3	Proposed: same
Building Height:	Current: 33 ft.	Proposed: 50'-8" (increase in pitch)
Number of Units:	Current: n/a	Proposed:
Number of Bedrooms:	Current: n/a	Proposed:

K. Environmental Information

Total Land Area : n/a ☐ Sq. Feet or ☐ Acres

Disturbed Area: n/a ☐ Sq. Feet or ☐ Acres

Viewshed: Is development occurring within the Viewshed Protection District? ☐ Yes ☑ No ☐ Unknown

Slope:
Is development occurring on slopes in excess of 30%? ☐ Yes ☑ No ☐ Unknown
Is development occurring on slopes in excess of 50%? ☐ Yes ☑ No ☐ Unknown

Watershed:
Is the property located within a designated Water Supply Watershed Area? ☐ Yes ☑ No ☐ Unknown
If yes, please select: ☐ WS-II-CA ☐ WS-IV-PA ☐ WS-IV-CA

Stream/River: Is there a stream or river on or near the property? ☐ Yes ☑ No

SFHA: Is the property located within the Special Flood Hazard Area? ☐ Yes ☑ No ☐ Unknown

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Communication: Case PL04797-060921 Application Information (Case PL04797-060921 Watauga County Courthouse - Conditional District

Impervious Area:	What is the existing impervious area in the development?	n/a –	☐sq. feet ☐ acres
	What is the proposed impervious area in the development?	not changing	☐sq. feet ☐ acres

L. Design Professional Information

Designer is an: ☑Architect ☐Engineer ☐Owner ☐Other: _____

Name: Appalachian Architecture Pa (Bill Dixon)

Company:

Complete Mailing Address (Street, City, Zip): 703 West King St. #201

Phone Number: 828-265-2405

Email Address: bill@appalarch.com

Additional Designer Information: If additional designers are involved beyond the 1 listed, please provide additional info on a separate sheet.

M. Brownfields Agreement Notification

1. Does the applicant have or is the applicant planning to enter into a Brownfields Agreement with the NC Brownfields Program? ☐ Yes ☑ No (If yes, please answer question #2 below.)

2. Anticipated date for the first year of partial exclusion of property taxes: n/a

N. Applicant Signature and Property Owner Authorization

I hereby certify that I am authorized to submit this application; that all information is correct and complete; and all work will comply with all applicable State and local laws, ordinances, and regulations. I will ensure that the Planning and Inspections Department is notified of any changes in the approved plans and specifications for the project permitted herein.

Applicant (Print)	Applicant (Signature)	Date
Deron T. Geougue	Deron T. Geougue	6-7-2021
Property Owner (Print)	**Property Owner (Signature)**	**Date**

Communication: Case PL04797-060921 Application Information (Case PL04797-060921 Watauga County Courthouse - Conditional District

Official Use Only				
Permit Name: Watauga County Courthouse - Cond. Dist. Z Map Amend.				
Permit Number: PL04797-060921				
Date: 6-9-21	Fee: $765.00	Receipt Number: 766877	Method of Payment: ☐ Cash ☒ Check Number: 19463	Paid By: DiSanti Watson Capua

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: July 26, 2021

PC Meeting Date: July 26, 2021

TC Meeting Date: July 13 or 15, 2021

Date of APO Mailed Notification: July 1, 2021

Date of Posted Notification: July 1, 2021

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

S:\FORMS\PI_Forms_Current\Planning Forms\CDZMapAmend_10202020.docx

Communication: Case PL04797-060921 Application Information (Case PL04797-060921 Watauga County Courthouse - Conditional District

North Carolina }
Watauga County } J. C. Harlan one of the grantors of the foregoing deed within and personally appeared before me this day and duly acknowledged the due execution of the same for the purposes therein expressed and also the foregoing certificate of R. N. Grogan Notary Public of Wilkes County under his seal of office is adjudged to be correct and sufficient let the deed with the certificates be registered This 2nd day of May 1902.

John H Bingham C.S.C.
Per W. W. Phenee D.C.

Filed for registration 2d day of May A.M. May 5th 1904. Reg. May 5th 1904

North Carolina }
County of Watauga } Know all men by these presents that Lee M. B. Blackburn and Joe Mathis Blackburn of the County of Watauga and State of North Carolina parties of the first part and John W. Hodges L. R. Greene and George W. Robbins Commissioners of Watauga County and their successors parties of the second part Witnesseth that for and in Consideration of the sum of Three Hundred Dollars Cash in hand paid the receipt of which is hereby acknowledged We the above named parties of the first part our heirs and assigns do hereby give grant bargain sell transfer and convey unto the above named parties of the second part and their successors the following described tract piece or parcel of land situate lying and being in the County and State above named in the Town of Boone fronting on ~~street~~ Hugh Beginning on a stake 7 feet and fourteen S 66° W from center of a stone erected in the year 1903 by the United States Geological

RECEIVED
JUL 15 2021
BY:

Communication: Case PL04797-060921 Application Information (Case PL04797-060921 Watauga County Courthouse - Conditional District

Survey said stone erected to mark the Northern point of the Composer running thence N. 55° W. 150 feet to a stake in King Street thence running N. 55° E. 270 feet more or less to a stake on the South side of Queen Street thence S. 55° E. 150 feet to a stake on the South side of Queen Street thence South 55° W. 270 feet more or less to the beginning containing 1 acre more or less. To hold and to hold to them the said Board of County Commissioners of Watauga County North Carolina and their successors forever in fee simple absolute We the parties of the first part our heirs and assigns do hereby covenant to and with the parties of the second part that we are lawfully seized and possessed of the above described land and have a good and perfect right to convey the same in fee simple and that the same is free and clear of all encumbrances whatever and that we will forever warrant and defend the title to the same against the lawful claims of all persons whomsoever. In Witness whereof we the aforesaid parties of the first part have hereunto set our hands and seals this 2nd day of May 1904.

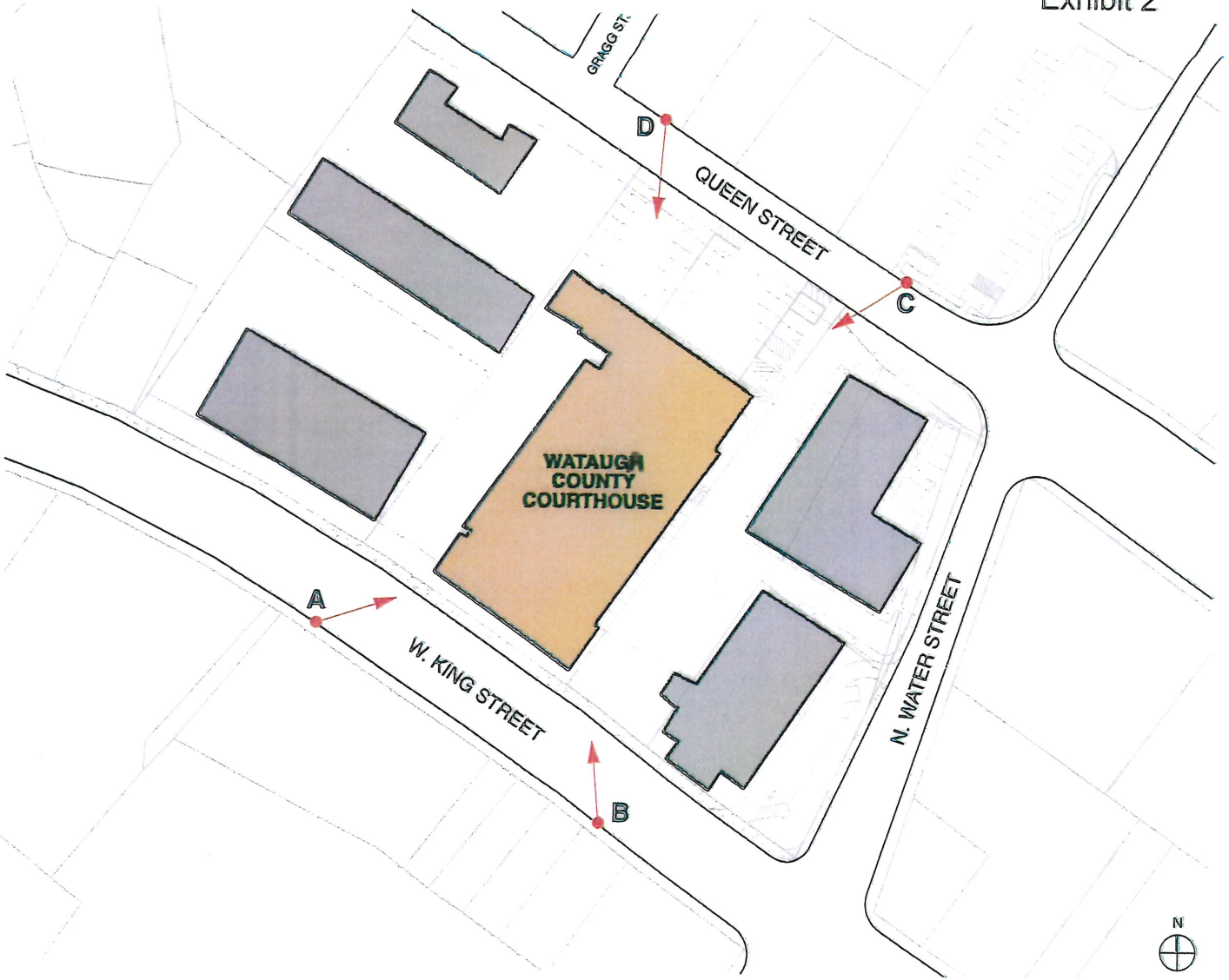
Attest

M. B. Blackburn (Seal)
Martha x her mark Blackburn (Seal)

North Carolina
Watauga County } I Thos. Bingham Clerk of the Superior Court of Watauga County do hereby certify that M. B. Blackburn and Martha Blackburn his wife appeared before me this day and acknowledged the due execution of the foregoing deed of Conveyance and the said Martha Blackburn being by me privately examined separate

Communication: Case PL04797-060921 Application Information (Case PL04797-060921 Watauga County Courthouse - Conditional District

Exhibit 2



SITE PLAN

WATAUGA COUNTY COURTHOUSE
01

RECEIVED
JUL 15 2021
BY:

VIEW A - NW Corner (Before)

WATAUGA COUNTY COURTHOUSE
02

RECEIVED
JUL 15 2021
BY:

RECEIVED
JUL 15 2021
BY:

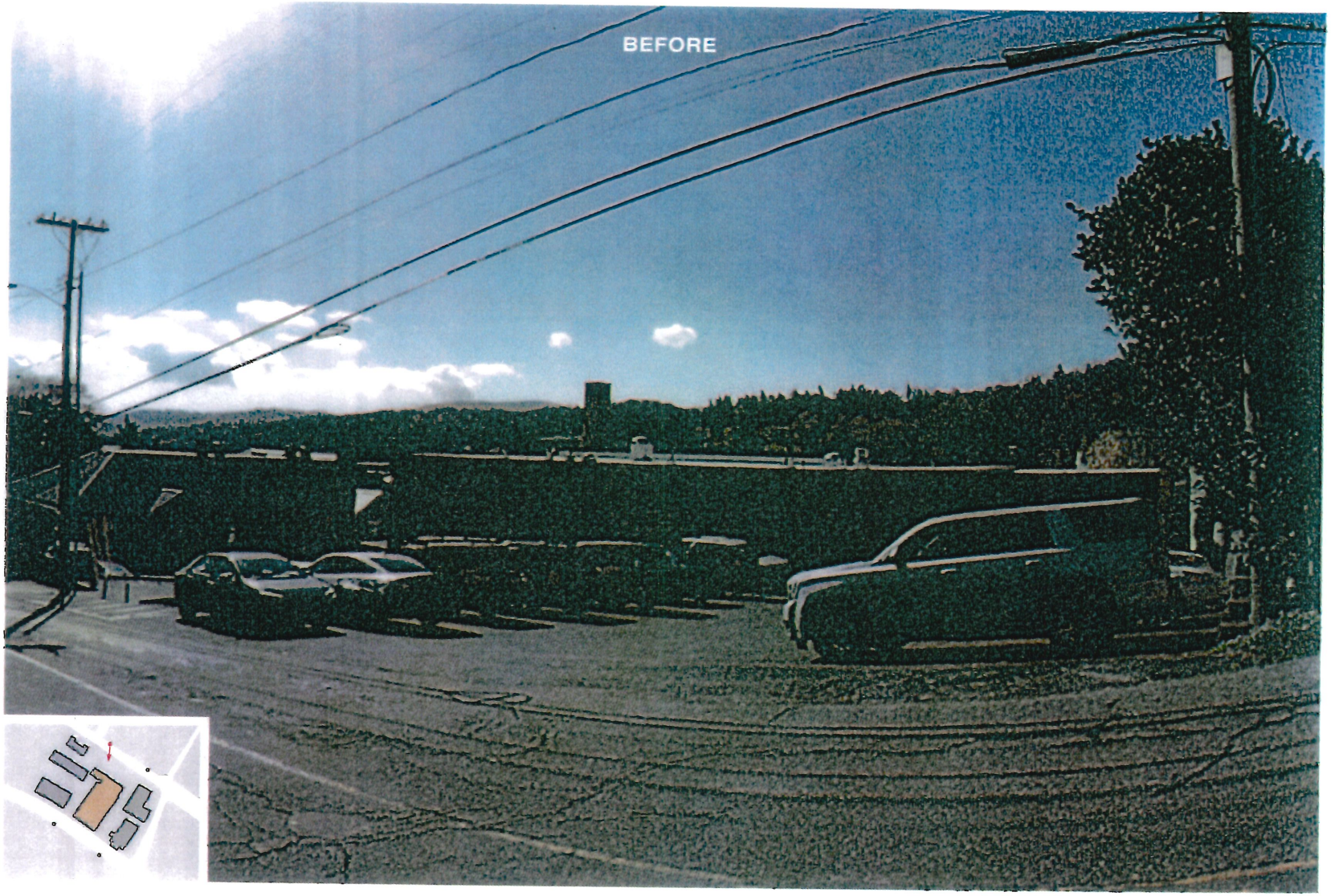
VIEW B - NE Corner (Before)

WATAUGA COUNTY COURTHOUSE
04

RECEIVED
JUL 15 2021
BY

VIEW C - SE Corner (Before)

WATAUGA COUNTY COURTHOUSE
06



RECEIVED
JUL 15 2021
BY:

VIEW D - SW Corner (Before)

WATAUGA COUNTY COURTHOUSE
08

RECEIVED
JUL 15 2021
BY:

FRONT ELEVATION (SOUTH)

WATAUGA COUNTY COURTHOUSE

10

Cases Z04363-111920, Z04425-122320 and Z04426-122320
WATAUGA COUNTY COURTHOUSE
APPLICATION FOR VARIANCES

WRITTEN DECISION OF THE
TOWN OF BOONE BOARD OF ADJUSTMENT
APPROVING VARIANCES

These applications for variances pursuant to Section 6.03 of the Town of Boone Unified Development Ordinance ("UDO") came before the Town of Boone Board of Adjustment (the "Board") on January 7, 2021 for a quasi-judicial hearing. Based on the testimony of the witnesses, the Application, the Staff Report and related materials, and the exhibits and other evidence presented at the hearing, the Board finds that the requested variances should be granted and, in support thereof, makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

The Board finds that substantial, material, competent evidence was presented establishing the following facts:

1. The property at issue consists of approximately 1.18 acres owned by Watauga County ("applicant") located at 842 W. King St., and consists of a parcel known as Watauga County PIN 2910-79-6809-000 (hereinafter, the "Property").
2. The Property is zoned B1-Central Business and currently has a courthouse on the property.
3. The courthouse houses courtrooms and offices that include the clerk of court, county tax administrator, register of deeds, and office of vital records.
4. The courthouse currently has a flat roof with a membrane overlay. The roof has experienced leaks in both the main courthouse, including into the main courtroom, and in the more recent addition to the rear of the building.
5. The applicant desires to retrofit a pitched standing seam metal roof on the building, over the existing flat roof.
6. The courthouse was built 52 years ago, making it a "historic" building within the meaning of UDO Article 18, which defines as "historic" any building over 50 years of age as of May 1, 2018.
7. The applicant seeks the following three variances:
    a. Variance to UDO Subsection 16.08.04(A)(2) to exceed the maximum building height in the B1 Central Business District by up to 17'-8."
    b. Variance to UDO Subsection 18.02.02(C)(1)(d) to modify historic features, materials, and spatial relationships that characterize the property – that is, to retrofit the existing flat roof with a pitched roof; and
    c. Variance to UDO Subsection 18.02.02(C)(2)(a) to modify acceptable historic building materials – that is, to replace the flat roof material with standing seam metal.
8. The requested modifications of the building do not involve any changes to the nature or intensity of the use of the building.

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Communication: Case PL04797-060921 Board of Adjustment Order - Variances (Case PL04797-060921 Watauga County Courthouse -

9. The current county administration is not responsible for the existence of the flat roof, as that construction choice was made by a long-prior administration and was made at a time when current standing-seam commercial metal roof technology was not available.

10. The applicant seeks to retrofit the roof in order to prevent leaks and extend the life of the building.

11. The current flat roof has leaks which have disrupted the operation of the courtroom, caused damage to the building, and threatened the preservation of essential, official documents maintained in the offices housed within the courthouse.

12. The existing flat roof on the courthouse has leaked and may continue to leak both from punctures and from wear of the seams.

13. Leaks through the seams in flat roofs can be caused by the pooling of water on the low-slope pitch of these roofs and the freezing-thaw cycles that during winters in the mountains, as well as by inadvertent punctures or other damage caused by workers attending to HVAC and other equipment installed on the roof surface.

14. Leaks in flat roofs may be and often are hidden and not found until water enters the building, potentially damaging the building and/or its contents. Damage caused by infiltrating water can be what alerts to the leak.

15. Installation of a new flat roof will not prevent the possibility of new and hidden leaks.

16. The life of the proposed metal roof will be approximately 60 years, compared to 10 to 15 years for a new flat roof.

17. The proposed standing-seam metal roof is effectively leak-free over its lifetime because of the standing-seam construction.

18. "Historic" metal roofing materials and construction techniques which may have existed in the vicinity, such as metal shingles that may have existed on the former Watauga Jail building, have been superseded by the improved technology of current commercial metal roofs, which are essentially leak-free as a result of the standing seam design.

19. The proposed standing seam roof will match the roofs that have been recently installed on the adjacent, county-owned County Administration and Magistrate ("Rock Annex") buildings.

20. The proposed addition of the standing seam metal roof on the courthouse building is part of the County's plan, adopted two or three years prior, to retrofit all its down-town buildings with pitched metal roofs.

21. The proposed standing seam metal roof is similar to the roof of the historic post office a block away on King Street, except that the post office roof is made of copper.

22. The proposed roof will enclose the HVAC equipment that is located on the roof and that is currently visible from Queen Street, and thereby will improve the aesthetics of the building from the Queen Street side as the HVAC units will be enclosed rather than exposed to view.

23. Enclosure of the HVAC equipment extends the life of said equipment, makes it safer and more comfortable for workers to work on the HVAC equipment, and eliminates the risk that HVAC workers inadvertently puncture the flat roof and cause leaks.

24. The pitched roof will be entirely or largely not visible from the sidewalk at the front of the courthouse.

25. The pitch of the proposed roof is as low as possible while still accommodating the HVAC equipment on the roof.

Communication: Case PL04797-060921 Board of Adjustment Order - Variances (Case PL04797-060921 Watauga County Courthouse -

26. The date of the courthouse building construction (52 years ago) only barely fits within the 50-year historic window provided under the UDO.
27. The courthouse building's current architecture, exterior materials and aesthetics do not appear to offer significant historic value and are not aesthetically pleasing.
28. The proposed retrofitted roof will improve the aesthetics of the building, especially from the Queen Street side.
29. The courthouse building is unusual and presents a unique situation in that it is used for the storage of documents and the conduct of activities that are critically important to the public good, and protection of these materials and activities are in the public interest.
30. No non-party witness spoke or provided comments in favor of or against the proposed retrofitted roof.
31. Staff determined that the proposed retrofitted roof is an "addition" within the meaning of UDO section 18.02, and applicant makes no objection to this determination.

CONCLUSIONS OF LAW

Based upon the application, the evidence submitted, the foregoing findings of fact and UDO Section 6.03, the Board of Adjustment makes the following Conclusions of Law:

Variance 1: Height requirement

By a 4-0 vote, the Board concludes that the applicant has provided competent, material and substantial evidence to establish that:

a) an unnecessary hardship would result from the strict application of UDO Section 16.08.04(A)(2) to the Property;

b) the hardship results from conditions that are peculiar to the Property;

c) the hardship did not result from actions taken by the applicant;

d) the requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Variances 2 and 3: Modifications of requirements as to historic feature and historic material:

By a 4-0 vote, the Board concludes that the applicant has provided competent, material and substantial evidence to establish that:

a) an unnecessary hardship would result from the strict application of 18.02.02(C)(1)(d) and (C)(2)(a) to the Property;

b) the hardship results from conditions that are peculiar to the Property;

c) the hardship did not result from actions taken by the applicant;

Communication: Case PL04797-060921 Board of Adjustment Order - Variances (Case PL04797-060921 Watauga County Courthouse -

d) the requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

ACCORDINGLY, based on the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, the Board of Adjustment hereby grants the proposed variances, subject to the following conditions:

1. Where there is a conflict between the application information and the plans (site plan received November 19, 2020), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations concerning the proposed development made by the applicant or its representatives at the public hearing are also a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.
3. The applicant shall submit the necessary applications, plans, details and specifications which meet the requirements of the Town Code, UDO, Building Code and any other applicable codes for review and approval necessary to issue Zoning and Building Permits.

****

This decision shall be deemed filed with the Clerk of the Board as of the date it has been signed by the Board Chairman and served on the Applicant/Appellant and any other Parties per the Certificate of Service attached hereto.

This the 16th day of April, 2021.

Richard Crepeau, Board Chairman

Attest:

Brenda Henson

Brenda Henson, Board Secretary

[Remainder of page intentionally left blank;

NOTICE OF RIGHT TO APPEAL and CERTIFICATE OF SERVICE FOLLOW ON NEXT PAGE]

Communication: Case PL04797-060921 Board of Adjustment Order - Variances (Case PL04797-060921 Watauga County Courthouse -

Notice of Right to Appeal

If you are dissatisfied with the decision of this Board, an appeal may be taken to the Superior Court of Watauga County within thirty (30) days after the date this order is filed with the Clerk of the Board. See N.C.G.S. §160A-388(e2) and subsection 6.01.11 of the Town of Boone Unified Development Ordinance.

****

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 19th day of April, 2021, the foregoing written decision of the Town of Boone Board of Adjustment was filed with the Clerk to the Boone Board of Adjustment and served upon the following persons, being the applicant/appellant/petitioner, the other parties to the Board's proceedings (if any), and each person making a written request for a copy of this decision at the hearing (if any), by depositing a copy of same, enclosed in a first class, postpaid wrapper in a post office or official depository under the care and custody of the United States Postal Service addressed as follows:

Applicant:
John Muter
Muter Construction
111 East Vance Street
Zebulon, NC 27597
jmuter@muterconstruction.com

Property Owner:
Watauga County
814 West King Street
Boone, NC 28607
deron.geouque@watgov.org

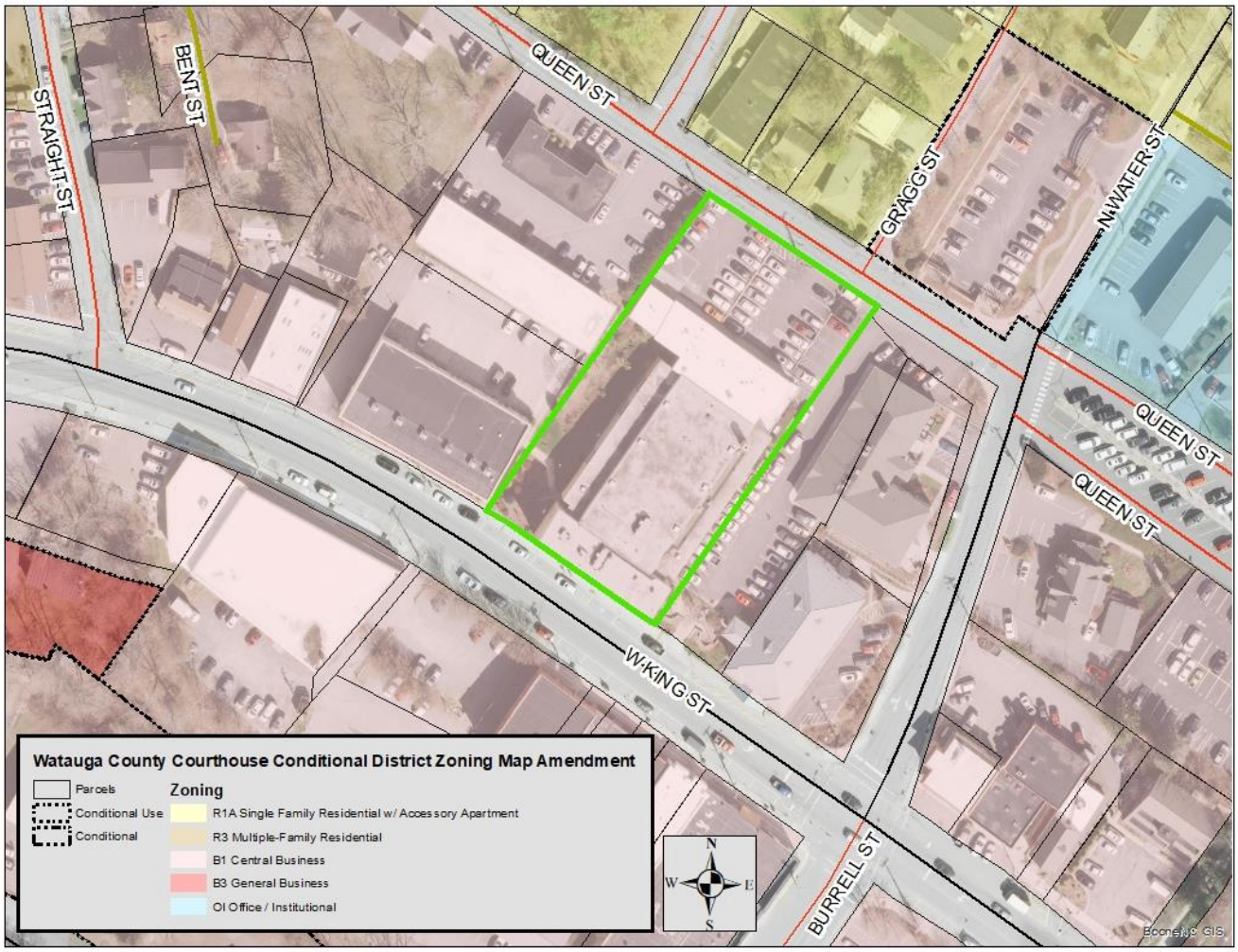
Courtesy copy to:
Chelsea Garrett, Esq.
cgarrett@dwc-law.com

In addition, a copy of the foregoing document was provided on the same date by email if and as so indicated above.

By: Brenda Henson
Brenda Henson, Clerk to the Town of Boone
Board of Adjustment

Communication: Case PL04797-060921 Board of Adjustment Order - Variances (Case PL04797-060921 Watauga County Courthouse -

STAFF REPORT
PUBLIC HEARING
JULY 26, 2021
CASE PL04797-060921 WATAUGA COUNTY COURTHOUSE
CONDTIONAL DISTRICT ZONING MAP AMENDMENT



Request

John Muter, on behalf of Watauga County, has filed a Conditional District Zoning Map Amendment Application to rezone 842 West King Street (Watauga County Courthouse) from B1 Central Business to Conditional District B1 Central Business for a site specific approval for Use 5.16 Government Facility.

The request for Conditional District approval is required pursuant to UDO Subsection 16.08.04(B)(2)(a) which states that the height of existing buildings may not be increased unless approved under the Conditional District Zoning Map Amendment Process. Watauga County is proposing to install a new pitched metal roof which will increase the height of the building, thus requiring a Conditional District Zoning Map Amendment.

Note: The property owner is not proposing any other changes to the current use or any other physical modifications to the existing site other than the installation of the new roof. The subject property is outlined in green on the map above.

History

01-07-2021: The Board of Adjustment granted three variances related to construction of a new pitched metal roof on the Watauga County Courthouse. The following variances were granted: Variance to UDO Subsection 16.08.04(A)(2) to exceed the maximum building height in the B1 Central Business District by up to 17' 8". Please see Exhibit A for an excerpt of the meeting minutes for this meeting.

1. A variance to Unified Development Ordinance (UDO) Subsection 16.08.04(A)(2) to exceed the maximum building height in the B1 Central Business District by up to 17'8".
2. A variance to Unified Development Ordinance (UDO) Subsection 18.02.02(C)(1)(d) to modify historic features, materials, and spatial relationships that characterize the property to allow a pitched roof to be retro-fitted over the existing flat roof.
3. A variance to Unified Development Ordinance (UDO) Subsection 18.02.02(C)(2)(a) to modify acceptable building materials to allow a standing seam metal roof to be installed instead of using historic roofing materials.

The variances were granted subject to the following conditions:

1. Where there is a conflict between the application information and the plans (site plan received November 19, 2020), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations concerning the proposed development made by the applicant or its representatives at the public hearing are also a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.
3. The applicant shall submit the necessary applications, plans, details and specifications which meet the requirements of the Town Code, UDO, Building Code and any other applicable codes for review and approval necessary to issue Zoning and Building Permits.

Parcel Information

Property Owner:	Watauga County
Address:	842 W. King Street
Watauga Co. PIN:	2900-79-6809-000
Use:	5.16 Government Facility
Size:	1.18 acres
Jurisdiction:	Town of Boone
Access:	King Street (NCDOT maintained) and Queen Street (Town maintained)
Corridor District:	No
Viewshed:	No
Watershed:	No
Special Flood Hazard:	No
Steep Slope:	No
Existing Zoning:	B1 Central Business
Requested Zoning:	Conditional District B1 Central Business
Phasing:	No
Vesting:	2 years (if approved)

Regulatory Standards Review

As mentioned previously in the report, Watauga County is requesting Conditional District B1 Central in order to install a new pitched metal roof which will increase the height of the building, thus requiring a Conditional District Zoning Map Amendment as required by UDO Subsection 16.08.04(B)(2)(a). No other changes to the site or building are being requested.

UDO Subsection 16.08.04(B)(2)(a) states "The height of existing buildings may not be increased unless approved under the Conditional District Zoning Map Amendment process set forth in Article 9 herein."

Additionally, UDO Subsection 9.09.02 requires that all variances proposed by the petitioner must be obtained from the Board prior to the scheduling of the public hearing for a conditional district map amendment.

In this case, Watauga County was required to obtain three variances to UDO requirements for this project prior to the scheduling of the public hearing for this Conditional District request. The Board of Adjustment granted all three variances in January 2021. See "History" on page 2 of this report for more details.

Zoning District Analysis

Currently, the Watauga County Courthouse is zoned B1 Central Business. The applicant is requesting approval for Conditional District B1 Central Business Use 11.26 Hospital. Pursuant to UDO Subsection 14.05**,** a Conditional District (CD) is a zoning district in which the use and development of a property pursuant to a site specific development plan is approved through the legislative process pursuant to Article 9 of this Ordinance. A CD utilizes the existing zoning district, is limited to the authorized uses and the development standards mandated within that district, and may be subjected to conditions that make the development plan more desirable.

Excerpts from UDO Article 14 Zoning District and Zoning Map on the B1 Central Business zoning district

14.02 Commercial Districts Established

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

14.02.02 The B1 Central Business District is intended to provide for the development of the commercial and service center for the Town while maintaining its character, and to encourage appropriate residential uses in the central area of Town, normally as part of mixed-use developments. The regulations for this district are designed and intended to create a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses.

Zoning & Use of Adjacent Properties		
	Adjacent Zoning	**Adjacent Land Use**
North	R1A Single Family Residential w/Accessory Apt.	Residential
East	B1, Central Business	Residential
South	B1, Central Business	Restaurant, Professional Office
West	B1, Central Business	Professional Office, Multi-family Residential

Use Information

Current/Proposed Use: 5.16 Government Facility

Pursuant to UDO Subsection 15.07 is permissible in the B1 Central Business District by right.

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.

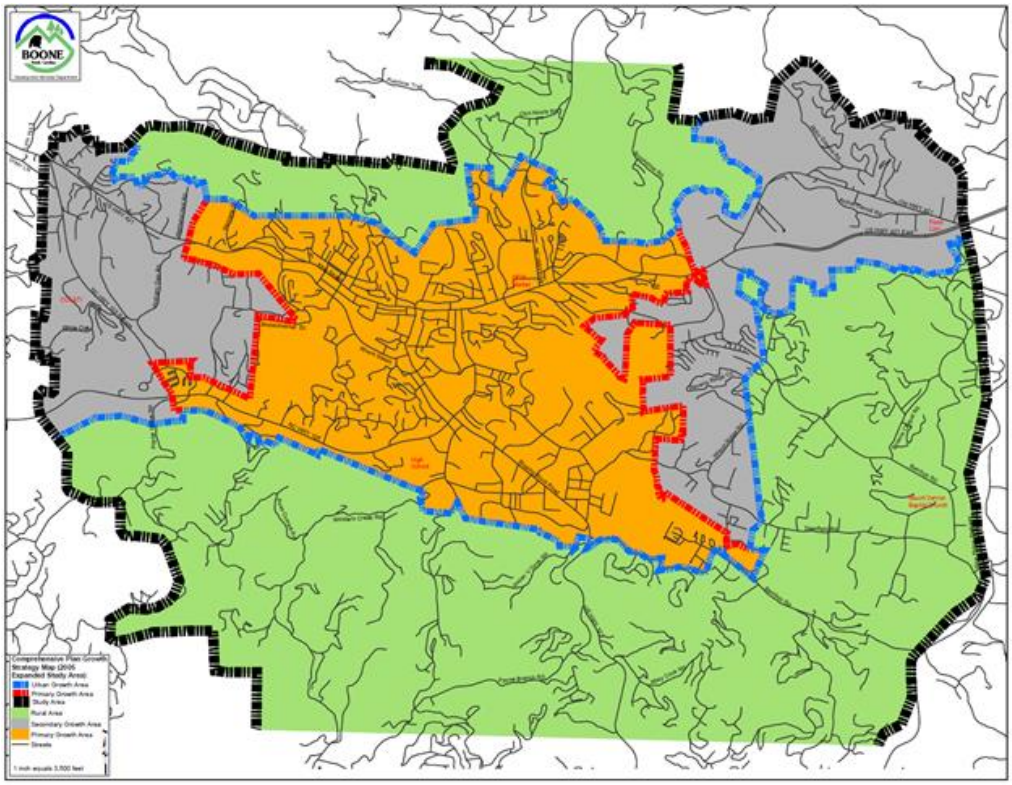
University: Emphasize cooperative planning among the Town, County, and University.

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: This development is located within the Primary Growth Area as shown on the Growth Strategy Map. The Primary Growth Area is that portion of the urban growth area where urban levels of facilities are already in place or can be provided most cost effectively. This is the area where near term growth and development is to be especially encouraged. See Growth Strategy Map below:



2.0 Policies for Growth and Development

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 Board should review these policies carefully. Each member may make his or her own interpretation as to the relevance of each and which carry the most weight thereby shaping their overall recommendation.

2.1 THE ECONOMY (p. 19)

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

B. New and expanding industries and businesses shall be encouraged which: 1) diversify the local economy, 2) train and use a skilled labor force and 3) increase area residents' incomes.

C. The Town shall encourage the development of a well-balanced tourism trade as a primary element of the area's economic future. Investments in services, facilities, and proper growth management shall be employed in furtherance of this objective.

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

Communication: Case PL04797-060921 Staff Report (Case PL04797-060921 Watauga County Courthouse - Conditional District Zoning Map

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

F. New firms and expanding businesses that complement the natural resources and beauty of the region shall be especially recruited and encouraged.

G. The Town shall support the development of new business parks.

H. The Town shall promote coordination of economic development resources with the appropriate institutions and agencies. Regional coordination and interaction among areas with a shared economic interest shall be encouraged.

I. Small business start-ups, expansions and spin-offs shall be encouraged. The presence of ASU and Caldwell Community College and Technical Institute shall be recognized as a necessary and important resource for area businesses.

J. Appropriate educational and training programs shall be encouraged to help local residents, especially those unemployed and underemployed, take advantage of business expansion and to develop new skills.

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

2.1.2 Commercial Development (p. 23)

A. Uncontrolled strip development along the area's through streets shall be prohibited. The undesirable effects of existing strip development shall be reduced and/or reconfigured when redevelopment opportunities permit. New strip development on isolated single lots along through streets shall be discouraged.

B. Commercial and Office Development shall be encouraged to locate in planned shopping centers, office parks and mixed-use developments to stop the proliferation of strip development.

C. Community/Commercial Centers shall be located adjacent to a major street and contain or be adjacent to other appropriate community facilities.

D. Automobile Orientated Neighborhood and Convenience Commercial Centers shall be encouraged to locate on a collector street or secondary street at its intersection with a major street.

E. Residentially scaled and designed neighborhood businesses may be a planned element of newly developed or redeveloped neighborhoods. They should be near other compatible facilities such as elementary schools and neighborhood parks.

F. Commercial uses may be encouraged to develop by consolidation and expansion of existing commercially zoned property, only when such consolidation and expansion does not encroach upon a viable residential area.

G. Effective buffering and/or landscaping shall be provided where a large scale or automobile-orientated commercial or office use adjoins an existing or planned residential use.

H. Encroachment of incompatibly scaled and designed commercial or office uses into viable existing or planned residential areas shall be prohibited.

I. Amend the zoning map to provide appropriate commercial zoning in transitional areas that do not encroach upon established residential neighborhoods.

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

K. Highway Oriented Commercial uses shall be clustered along segments of major streets and contain land uses which are mutually compatible and reinforcing in use and design. Businesses shall be encouraged to coordinate their site designs with other nearby businesses. Design factors shall include, at a minimum, shared parking and street access, convenient pedestrian and vehicular movement, and consistent sign standards.

2.1.5 Downtown

A. A compatible design character for the downtown area, drawing upon the locality's original High Country small town features, shall be identified, reinforced and supported to put forth a quality image and sense of place.

B. The Town, in concert with the downtown property owners and merchants, shall encourage public and private efforts to develop and publicize adequate and appropriately designed off-street parking lots in the downtown area.

C. A variety of mutually compatible and supportive mixed uses shall be encouraged in the downtown area.

D. Public and private developments shall be encouraged to incorporate local artistry into public and semi-public spaces downtown.

E. Public and private development decisions in the downtown area shall exhibit a special concern for maintaining the intensive, pedestrian oriented character of the district.

F. The maintenance and revitalization of downtown Boone, as well as planning for its future development, will reflect the realities and qualities befitting its geographical setting and function as a center of (1) commercial and service activities, (2) educational and cultural activities, events and (3) public services.

2.3 THE COMMUNITY

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

B. Properly planned, mixed use developments that promote efficient provision of public services shall be encouraged within the Urban Growth Area.

C. Funding for outside agencies and organizations serving the citizens of Boone shall continue to receive support consistent with area service needs and Town budget constraints.

D. Coordinated inter-governmental and university-town planning for urban area land use and development, transportation, utilities, recycling, environmental management, law enforcement, education, recreation, tourism and economic development shall be encouraged.

2.3.1 Community Appearance

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

B. The significance of street trees in providing visual relief, summer cooling, improved air quality and livability shall be recognized through public policies and actions to encourage their planting and maintenance.

C. The significance of major roadway entrances into Boone as measures of community image and quality shall be recognized through building placement, landscape, signage and other visual improvements. The Town,

along with private property owners and developers, shall work to jointly improve the appearance and design of major street corridors.

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

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

2.3.2 Community Character

A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area.

B. Multiple and appropriate adaptive reuse of historic resources shall be encouraged.

C. Wise development of the tourism potential of the area's architectural, historic, scenic and natural resources shall be encouraged.

D. The destruction of significant architectural, historic, scenic, natural and archaeological resources in the planning area shall be discouraged.

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

2.3.4 Public Involvement

A. Public involvement shall be encouraged in decisions concerning land use and development by making the public aware of proposed developments at the earliest opportunity, as well as fostering communication among developers, the Town, the County, the University, and the general public.

B. Neighborhood and special area planning shall be encouraged to foster public involvement in the production of closely tailored, action oriented special area plans and programs.

C. Specific functional plans and implementation tools shall be supported as part of the comprehensive planning program for the Town and County.

D. Special committees, advisory panels, educational forums, public workshops, leadership seminars, town meetings and media contacts shall be encouraged and fostered to enhance the effectiveness of citizen involvement in community planning and action.

Conclusion

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

If approved, Staff recommends the following conditions be included in the decision:

1. Where there is a conflict between the application information and the plans (plan received June 15, 2021) the plans control. Insignificant deviations may be permitted to comply with the requirements of the UDO.

2. Any commitments and representations concerning the proposed development made by the applicant or its (his or her) representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.

3. The applicant shall submit the necessary applications, plans, details and specifications which meet the requirements of the Town Code, UDO, Building Code and any other applicable codes for review and approval necessary to issue Zoning and Building Permits.

Communication: Case PL04797-060921 Staff Report (Case PL04797-060921 Watauga County Courthouse - Conditional District Zoning Map

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 July 2, 2021.

/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 July 2, 2021.

/s/ Darrell Pulliam

Darrell Pulliam, Building Inspector

Communication: Case PL04797-060921 Staff Report (Case PL04797-060921 Watauga County Courthouse - Conditional District Zoning Map

PLANNING COMMISSION REPORT

Per NCGS 160D-604(b), subsequent to initial adoption of a zoning regulation, all proposed amendments to the zoning regulation or zoning map shall be submitted to the Planning Commission for review and comment. If no written report is received from the Planning Commission within 30 days of referral of the amendment to that board, the Town Council may act on the amendment without the Planning Commission report. The Town Council is not bound by the recommendations, if any, of the Planning Commission. Per NCGS 160D-604(d), when conducting a review of proposed zoning text or map, the Planning Commission shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Commission shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the Planning Commission, but a comment by the Planning Commission that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the planning board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made.

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

_____

_____

_____

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

The Planning Commission recommends ☐**approval** OR ☐**denial** of the proposed amendment to the Town's Zoning map and believes ☐**approval** OR ☐**denial** **<u>to rezone the property Conditional District B1 Central Business is reasonable and in the public interest because:</u>**

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.*

(If approved) The following conditions apply:

1. Where there is a conflict between the application information and the plans (plan received June 15, 2021) the plans control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations concerning the proposed development made by the applicant or its (his or her) representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.
3. The applicant shall submit the necessary applications, plans, details and specifications which meet the requirements of the Town Code, UDO, Building Code and any other applicable codes for review and approval necessary to issue Zoning and Building Permits.
4. List any other conditions…

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. The plan consistency statement is not subject to judicial review. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the Town Council statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the action taken. When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the governing board. This statement of reasonableness may consider, among other factors, (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. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the governing board statement on reasonableness may address the overall rezoning.

Ordinance PL04797-060921

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 rezone the parcel identified below to Conditional District B1 Central Business District:

Address:	842 W. King Street
Watauga County PIN:	2900-79-6809-000
Property Owner:	Watauga County

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 26, 2021; 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:

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

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

The Town Council ☐**approves** OR ☐**denies** the proposed amendment to the Town's Zoning map and believes ☐**approval** OR ☐**denial** **<u>to rezone the property</u>** 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.*

(If approved) The following conditions apply:

1. Where there is a conflict between the application information and the plans (plan received June 15, 2021) the plans control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations concerning the proposed development made by the applicant or its (his or her) representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.
3. The applicant shall submit the necessary applications, plans, details and specifications which meet the requirements of the Town Code, UDO, Building Code and any other applicable codes for review and approval necessary to issue Zoning and Building Permits.
4. List any other conditions…

Communication: Case PL04797-060921 Staff Report (Case PL04797-060921 Watauga County Courthouse - Conditional District Zoning Map

Exhibit A
Board of Adjustment
Thursday, January 7, 2021
Meeting Minutes Excerpt

Members Present: Rich Crepeau-Chair, David Welsh-Vice Chair, Pam Williamson, Andy Brooks, and Virginia Roseman

Town Staff Present: Jane Shook-Director of Planning & Inspections, Christy Turner-Planner, John Ward-Town Manager, and Brenda Henson-Board Secretary

Others Participating or Present: Allison Meade-Town Attorney, Chelsea Garrett, Deron Geouque, and John Muter

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…

Z04363-111920, Z04425-122320, and Z04426-122320 Watauga County Courthouse – Variances

Watauga County has requested the following three variances from the Town of Boone Unified Development Ordinance (UDO) in order to construct a pitched metal roof over the existing flat roof of the Watauga County Courthouse at 842 West King Street:

1. Variance to UDO Subsection 16.08.04(A)(2) to exceed the maximum building height in the B1 Central Business District by up to 17' 8".
2. Variance to UDO Subsection 18.02.02(C)(1)(d) to modify historic features, materials, and spatial relationships that characterize the property; and
3. Variance to UDO Subsection 18.02.02(C)(2)(a) to modify acceptable historic building materials

Chair Crepeau asked Ms. Garrett if there were any concerns or objections to the contents of the Board packet and she replied that there were no objections.

Chair Crepeau asked Ms. Garrett to proceed with her opening statement.

Ms. Garrett stated the variances were related to the installation of a new roof on the Courthouse that would be pitched metal instead of flat membrane and would increase the height of the building. Ms. Garrett thanked Ms. Turner and Town staff for being as accommodating as possible when discovering and facilitating the additional variances that were needed. Ms. Garrett stated this was a relatively ugly building that was built 52 years ago and just met the 50 year threshold to make it an historic building although it did not look historic. She stated that the neighboring County buildings currently have pitched metal roofs and adding a pitched metal roof to the Courthouse would be harmonious with those buildings. Ms. Garrett noted that the current membrane roof leaked and was difficult to maintain and prohibited efficient operation. Allowing a pitched roof would remedy those issues as well as allow them to cover the rooftop HVAC units.

Christy Turner, Senior Planner with the Town of Boone, was sworn in. Ms. Turner stated the reason staff chose to consider the roof as an addition instead of a renovation when looking at the historical features and materials variances was because they felt pitching the roof was more of an addition than a renovation in terms of the Webster's dictionary definitions.

Jane Shook, Director of Planning & Inspections, was sworn in. Ms. Shook wished to clarify that the UDO allowed the choice between renovation and addition for this type of construction and staff chose addition

Communication: Case PL04797-060921 Exhibit A Meeting Minutes Excerpt (Case PL04797-060921 Watauga County Courthouse - Conditional

because renovation implied that there would be a returning of something to its former condition. Ms. Shook stated that an addition implied something new would be added and staff determined that a new pitched metal roof would be something new. She noted that whether addition or renovation was chosen the variances would still be required. The only difference would be for the historical features variance where an addition would take into consideration a comparison of features on buildings on the same block and block across the street and a renovation would take into consideration the building itself.

Ms. Meade asked if there was any objection to the determination that the roof would be considered an addition. Ms. Garrett replied there was no objection.

Ms. Garrett asked that John Muter and Deron Geouque be sworn in. Chair Crepeau swore Mr. Muter and Mr. Geougue in.

Ms. Garrett asked Mr. Muter who he hired to draw the renderings for the building. Mr. Muter replied that Bill Dixon was hired to provide renderings so they could get a feel for what the building would look like from the street level in the front and back. Ms. Garrett asked Mr. Muter if he was the owner of Muter Construction. Mr. Muter stated his wife was the owner and he was president of the company. Ms. Garrett asked Mr. Muter if he responded to an RFQ for this project and he replied that they did.

Ms. Garrett asked Mr. Muter if he proposed the metal roof and he replied that the pitched metal roof was listed in the request for qualifications from the County. Ms. Garrett asked what the reasoning was for the pitched metal roof versus the flat membrane roof. Mr. Muter stated the pitched metal roof would be a huge maintenance savings although the upfront cost would be more. He stated a flat roof had a lifespan of about 15 years versus an approximate 60 lifespan of a metal roof and the pitch would also provide shelter for the HVAC units. Ms. Garrett asked if the HVAC units were visible from the Queen Street side of the building. Mr. Muter stated that was where they were most visible. Ms. Garrett asked if the color and material would be the same as the neighboring County buildings and Mr. Muter replied that was correct. Ms. Garrett asked how the pitch for the roof was determined. Mr. Muter explained that the items on the roof required a steeper pitch than a low profile pitch but noted they kept the pitch as low as possible. Mr. Muter noted that the building was already higher than allowed by the existing UDO requirements.

Ms. Garrett asked Mr. Muter if he had installed any flat membrane roofs. Mr. Muter stated that he had installed a lot of membrane roofs. Ms. Garrett asked if all membrane roofs were made of the same materials. Mr. Muter explained that there were different types of membrane roofs including EPM which looked like a black rubber, TPO or PVC, or a modified membrane roof and they all tended to be single ply. Ms. Garrett asked what type of membrane roof was currently on the Courthouse building. Mr. Muter stated he was pretty sure it was a TPO membrane and could be easily retro-fitted.

Ms. Garrett asked Mr. Muter if he was familiar with some of the maintenance issues the Courthouse had experienced over the years. Mr. Muter stated that because there was no pitch the flat roof would pond water and the freezing and thawing opened up joints that were undetected until leaks came into the building. Ms. Garrett asked if it would be more difficult to repair a membrane roof than a metal roof. Mr. Muter replied that you didn't really have to replace metal roofs that often. He explained that they were seamed with what was called a standing seam that prevented leaks. Mr. Muter stated that the ability to repair a membrane roof depended on the age of the roof and the ability to match the membrane type. Ms. Garrett asked if there was a benefit to having rooftop HVAC units covered. Mr. Muter felt there were huge benefits. He stated that workers providing maintenance could do so out of the elements and the units would last longer out of the weather. Ms. Garrett asked if retro-fitting meant putting another roof on top of the existing roof. Mr. Muter stated that was correct. Ms. Garrett asked where the access to the roof would be. Mr. Muter stated there would be several access points, one of which would be an internal access through the building. Mr. Muter added that the pitched metal roof would cost 1½ to 2 times more than replacing the flat membrane roof.

Communication: Case PL04797-060921 Exhibit A Meeting Minutes Excerpt (Case PL04797-060921 Watauga County Courthouse - Conditional

Ms. Garrett called Mr. Geouque to testify. Ms. Garrett asked Mr. Geouque how long he had been County Manager for Watauga County. Mr. Geouque replied he had been County Manager for nine years and was Assistant County Manager for 11 years prior to that. Ms. Garrett asked Mr. Geouque if he worked closely with the staff that maintained County facilities and he stated that he did.

Ms. Garrett asked Mr. Geouque to speak about maintenance issues the County had experienced with the membrane roof. Mr. Geouque stated that the County had experienced issues with membrane roofs on County buildings for some time but were financially unable to replace them with something else. He explained that over the past 3-4 years the County devised a plan to replace all membrane roofs on County buildings with metal roofs. Mr. Geouque noted the East Annex, Administration building, Cooperative Extension, and Library building roofs have all been replaced with metal roofs and the Health Department building was constructed with a metal roof. He stated that the metal roofs provide better protection of the building envelopes. Mr. Geouque noted there were important historical documents housed in the Courthouse and it was crucial to preserve those.

Ms. Garrett asked about leaks in the Courthouse. Mr. Geouque stated there had been leaks in the large courtroom. Ms. Garrett asked if there had been leaks in any of the vaults containing vital records. Mr. Geouque replied there had been some leaks but noted that vital records had been moved to the courthouse addition that was built approximately 10 years ago. Ms. Garrett asked if the metal roof would allow for more efficient heating and cooling. Mr. Geouque referred that question to Mr. Muter but noted the new roof would allow them to conceal the units which, he assumed, would preserve the life of the units. He noted that penetrations to the roof were where the HVAC units were and enclosing them under the metal roof would prevent water leaks from forming at those penetrations.

Ms. Garrett asked Mr. Geouque if other options for the roof were considered that would eliminate the need for variances. Mr. Geouque stated in his 20 years with the County the flat roofs had been nothing but maintenance nightmares and no other product could provide the level of service that a metal roof could provide. Ms. Garrett asked if the metal roof would extend the longevity of the building so the County would not have to look at alternative locations for years to come. Mr. Geouque replied that was correct. He felt the County would like to maintain its presence in the current location into the foreseeable future.

Vice Chair Welsh asked if anything would be happening to the exterior of the building or would it be the roof only. Mr. Geouque replied that this was probably the ugliest Courthouse building in North Carolina with its “pebble-tech” siding but at this time they were proposing the roof addition only. He felt if they got approval to replace the roof they would be more inclined to pursue changing the siding.

Ms. Garrett asked if there had been work done to the façade recently. Mr. Geouque stated that was correct, noting there had been extensive damage in the tax office due to leaks in the seams of the siding.

Ms. Garrett asked Mr. Muter how long he had been doing roofs. He replied that he started doing roof work in 1978. Ms. Garrett asked Mr. Muter if he had ever retro-fit a metal roof over a membrane roof and he stated he had, noting that last year they had retro-fitted roofs for Johnston County schools. Ms. Garrett asked if it was correct that you would not be able to see the new roof a great deal from the King Street side of the building. Mr. Muter stated that was correct. Ms. Garrett asked Mr. Muter if there were other options instead of going from membrane to metal. Mr. Muter felt there were no other materials that would work better.

At 6:37 p.m. Ms. Shook noted there was no one from the public that wished to speak to the variances.

In closing, Ms. Garrett stated that this was a unique situation. She stated that none of the variances affected the safety of the community and the addition of a pitched metal roof would be an improvement to the building. Ms. Garrett stated there were a lot of leaks and unsightly HVAC units at this existing building. She said the roof addition would not destroy the historic nature of the building and would provide long

Communication: Case PL04797-060921 Exhibit A Meeting Minutes Excerpt (Case PL04797-060921 Watauga County Courthouse - Conditional

term maintenance improvements. Ms. Garrett noted the building would be uniform with the surrounding buildings and add to the aesthetics and harmony of the area.

The Town did not wish to provide a closing statement.

Chair Crepeau opened the floor for discussion among Board members.

Ms. Meade wished to note that the case was presented as a whole but Board members would need to vote for each individual variance. She then read UDO Section 6.03 regarding variance requirements.

Chair Crepeau stated they would first discuss the height variance listed as Case Z04363-111920.

Board Member Roseman asked Mr. Muter if there was any way the roof pitch could be less. Mr. Muter replied that what they proposed was the lowest they could pitch the roof and still make everything work. Board Member Roseman wished to clarify that the roof would either have to be the pitch that was requested in the variance or it would have to remain a membrane roof. Mr. Muter stated that was correct.

Board Member Brooks stated that there was damage occurring to areas containing important documents and that the new pitched roof would provide better protection for the documents and be a safer working environment for the maintenance workers as well as the workers inside the Courthouse. He added that Statesville had an uglier Courthouse.

Board Member Roseman noted that no one spoke against the variance requests. She felt the new roof would be a cohesive roof type that would be in harmony with the community.

Vote 1

Board Member Brooks made a motion that an unnecessary hardship would result from the strict application of the ordinance because of the need the building has as far as repairs and the nature of the building itself due to the documents stored within. The motion was seconded by Vice Chair Welsh.

VOTE: Aye – All
Nay – None
Recused – 1 (Williamson)

The motion passed.

Vote 2

Board Member Brooks made a motion that the hardship results from conditions that are peculiar to the property, such as location, size or topography because of the unique public use of the property and the active damage that is occurring to it. Board Member Roseman wished to amend the motion to include that the building was currently to a point where the variance was needed in order to make the necessary improvements. Board Member Brooks accepted the amendment. The motion was seconded by Board Member Roseman.

VOTE: Aye – All
Nay – None
Recused – 1 (Williamson)

The motion passed.

Vote 3

Board Member Roseman made a motion that the hardship did not result from actions taken by the applicant or the property owner because the membrane roof was installed years ago under a different county administration when different roof construction techniques were available, and a variance is now required to improve the condition of the building. The motion was seconded by Vice Chair Welsh.

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VOTE: Aye – All
Nay – None
Recused – 1 (Williamson)

The motion passed.

Vote 4

Chair Crepeau made a motion that the requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured and substantial justice is achieved and the issues with the structural integrity of the building can be improved with the new roof. Board Member Roseman wished to add that the spirit is to keep the community as cohesive as possible and the new roof will advance the beauty of the community. The motion was seconded by Board Member Roseman.

VOTE: Aye – All
Nay – None
Recused – 1 (Williamson)

The motion passed.

Given the similar nature of the variances for historical features and materials, Chair Crepeau asked if Cases Z04425-122320 and Z04426-122320 could be consolidated for voting purposes. Ms. Garrett stated they would be okay with that. Chair Crepeau asked if there was any discussion regarding these variances.

Board Member Roseman stated that the County had been planning this project for 3-4 years, which would have been prior to the building being 50 years old. She felt that there was now an advanced ability to provide better and safer products for roofing.

Board Member Brooks felt the roofing material and features would be durable and economical.

Vice Chair Welsh felt the new roof would be aesthetically more pleasing and cohesive and would be better than seeing HVAC units on the rooftop.

Vote 1

Chair Crepeau made a motion that an unnecessary hardship would result from the strict application of the ordinance because of the aforementioned items. The motion was seconded by Board Member Roseman.

VOTE: Aye – All
Nay – None
Recused – 1 (Williamson)

The motion passed.

Vote 2

Board Member Brooks made a motion that the hardship results from conditions that are peculiar to the property, such as location, size or topography because the building is only historic by two years and a historic comparison cannot be apples to apples due to the architectural style of the building. The motion was seconded by Board Member Roseman.

VOTE: Aye – All
Nay – None
Recused – 1 (Williamson)

The motion passed.

Vote 3

Communication: Case PL04797-060921 Exhibit A Meeting Minutes Excerpt (Case PL04797-060921 Watauga County Courthouse - Conditional

Board Member Brooks made a motion that the hardship did not result from actions taken by the applicant or the property owner because the hardship results from the age and limitations of the construction itself. The motion was seconded by Vice Chair Welsh.

VOTE: Aye – All
Nay – None
Recused – 1 (Williamson)

The motion passed.

Vote 4

Board Member Brooks made a motion that the requested variances were consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured and substantial justice is achieved. The motion was seconded by Chair Crepeau.

VOTE: Aye – All
Nay – None
Recused – 1 (Williamson)

The motion passed.

Chair Crepeau closed the public hearing for these cases at 7:18 p.m.

Communication: Case PL04797-060921 Exhibit A Meeting Minutes Excerpt (Case PL04797-060921 Watauga County Courthouse - Conditional

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: 243/245 Bamboo Road & 148 Hampton Trailer Court

Watauga County Parcel Identification Number: **2920-20-5262-000**

Existing Zoning District(s): Not Zoned

Proposed Zoning District(s): R3 Multiple Family, SFHA, WS-IV Watershed Areas Protected Area

Adjacent Land Uses: N: Manufactured Home Park E: Manufactured Home Park

S: Residential Care Facility W: Airport/Vacant

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

If yes, describe:

Total Land Area: .988 acres

C. Property Owner Information

Name: A&R Mountain Properties LLC

Complete Mailing Address (Street, City, Zip): PO Box 2201, Boone, NC 28607

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.

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

Property Owner (Print) **Property Owner (Signature)** **Date**

Communication: Case PL04835-062221 Application Information (Case PL04835-062221 A&R Mountain Properties LLC - General Use Zoning

Official Use Only				
Permit Name: A&R Mountain Properties LLC-General Use Zoning Map Amendment				
Permit Number: PL04835-062221				
Date: 06-22-2021	Fee: NA	Receipt Number:	Method of Payment: ☐ Cash ☐ Check Number:_____	Paid By:

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: July 26, 2021

PC Meeting Date: _____

TC Meeting Date: _____

Date of APO Mailed Notification: July 6, 2021

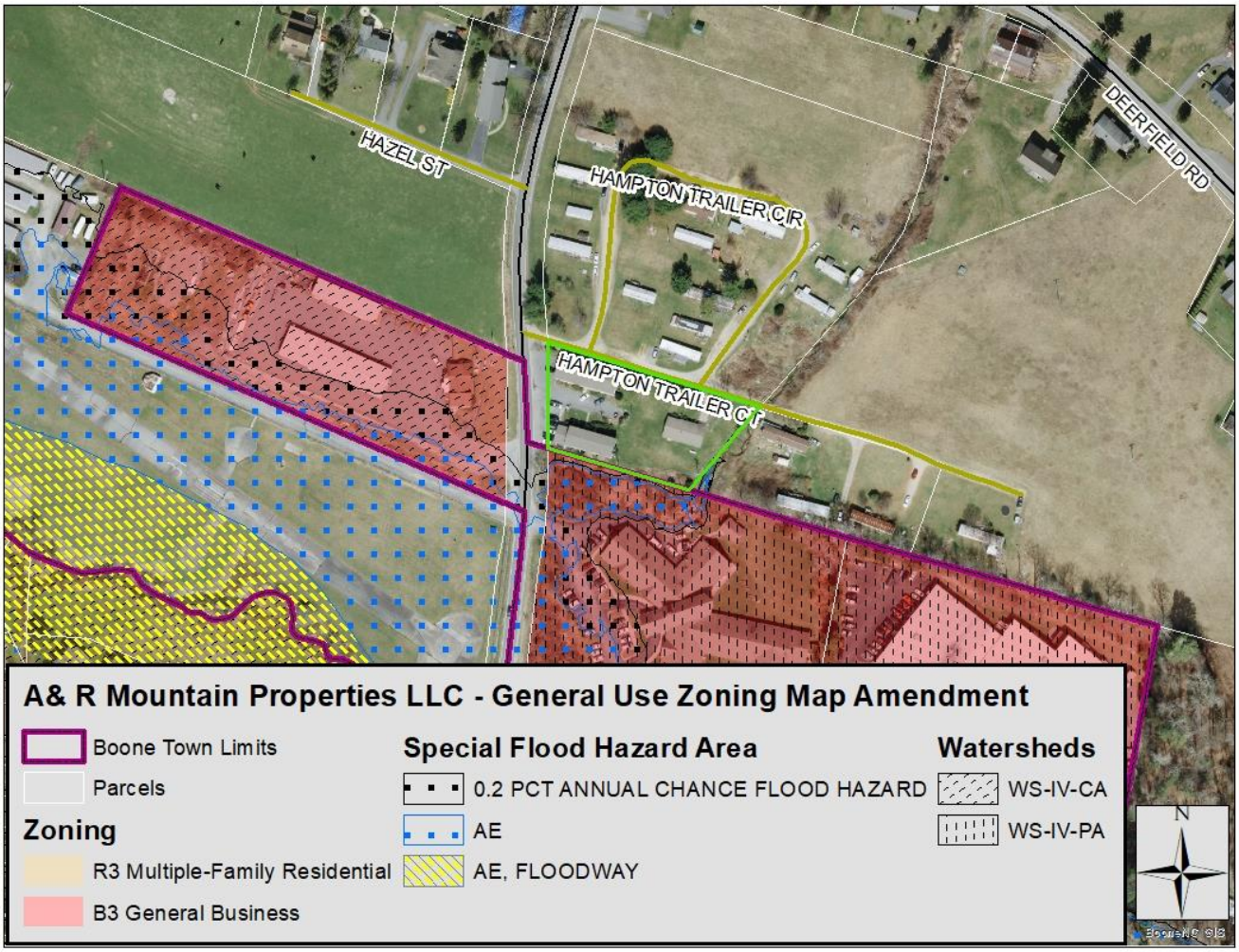
Date of Posted Notification: July 6, 2021

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

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

Communication: Case PL04835-062221 Application Information (Case PL04835-062221 A&R Mountain Properties LLC - General Use Zoning

STAFF REPORT
PUBLIC HEARING
JULY 26, 2021
CASE PL04835-062221 A&R MOUNTAIN PROPERTIES LLC
GENERAL USE ZONING MAP AMENDMENT



Request

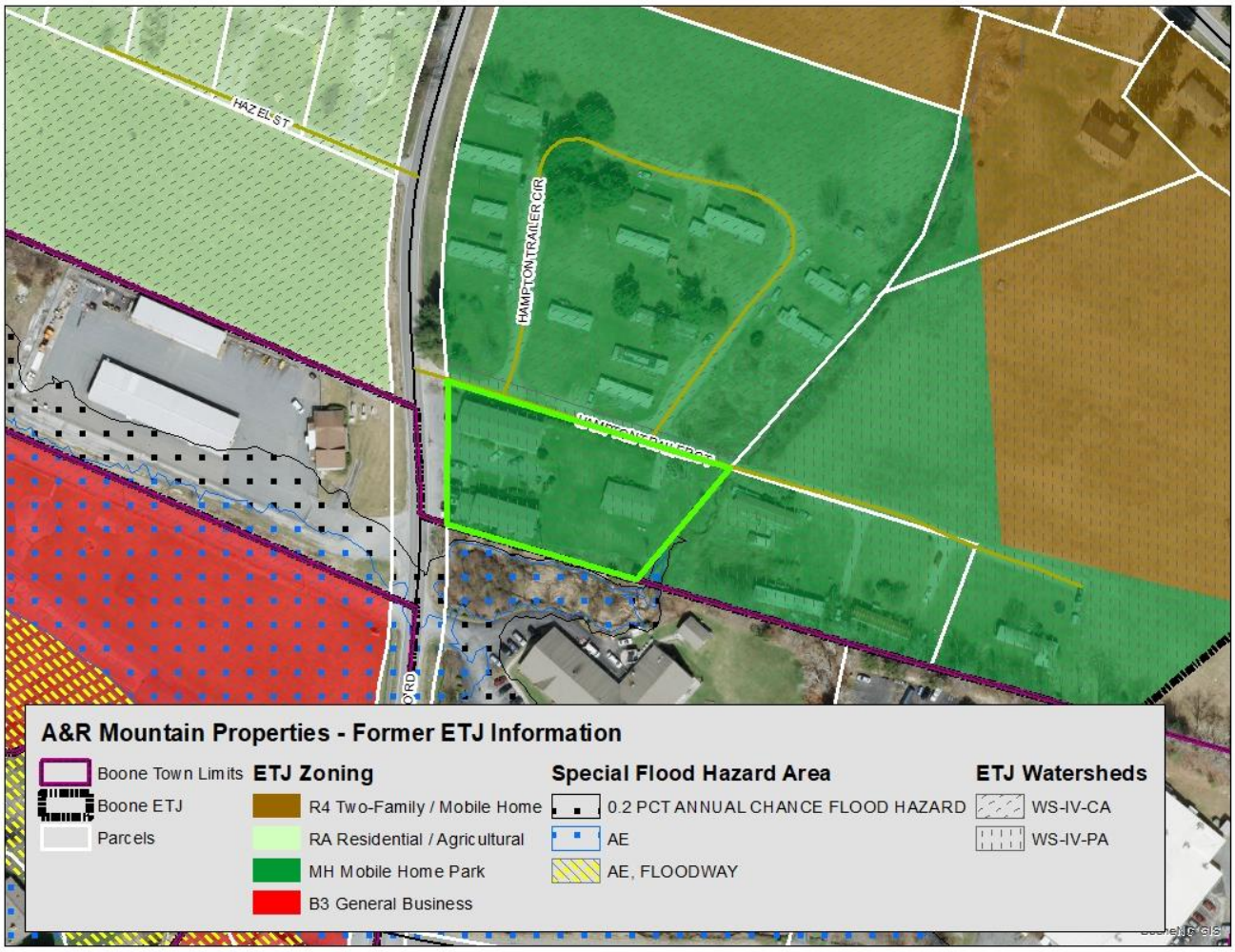
The Town of Boone has initiated the zoning of 243/245 Bamboo Road and 148 Hampton Trailer Court (Watauga County PIN: 2920-20-5262-000) owned by A&R Mountain Properties to coincide with the property owner's voluntary annexation of the property. The parcel is proposed to be zoned R3 Multiple-Family with a WS-IV Watershed Areas Protected Area overlay district; a portion to the eastern edge of the property is proposed to be zoned with the Special Flood Hazard Area overlay district. The subject property is outlined in green on the map above.

General Use Zoning Map Amendment Guidance

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

requested classification. Rather, the Council shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification. The Council shall only consider the impact of the proposed change on the public at large.

HISTORY



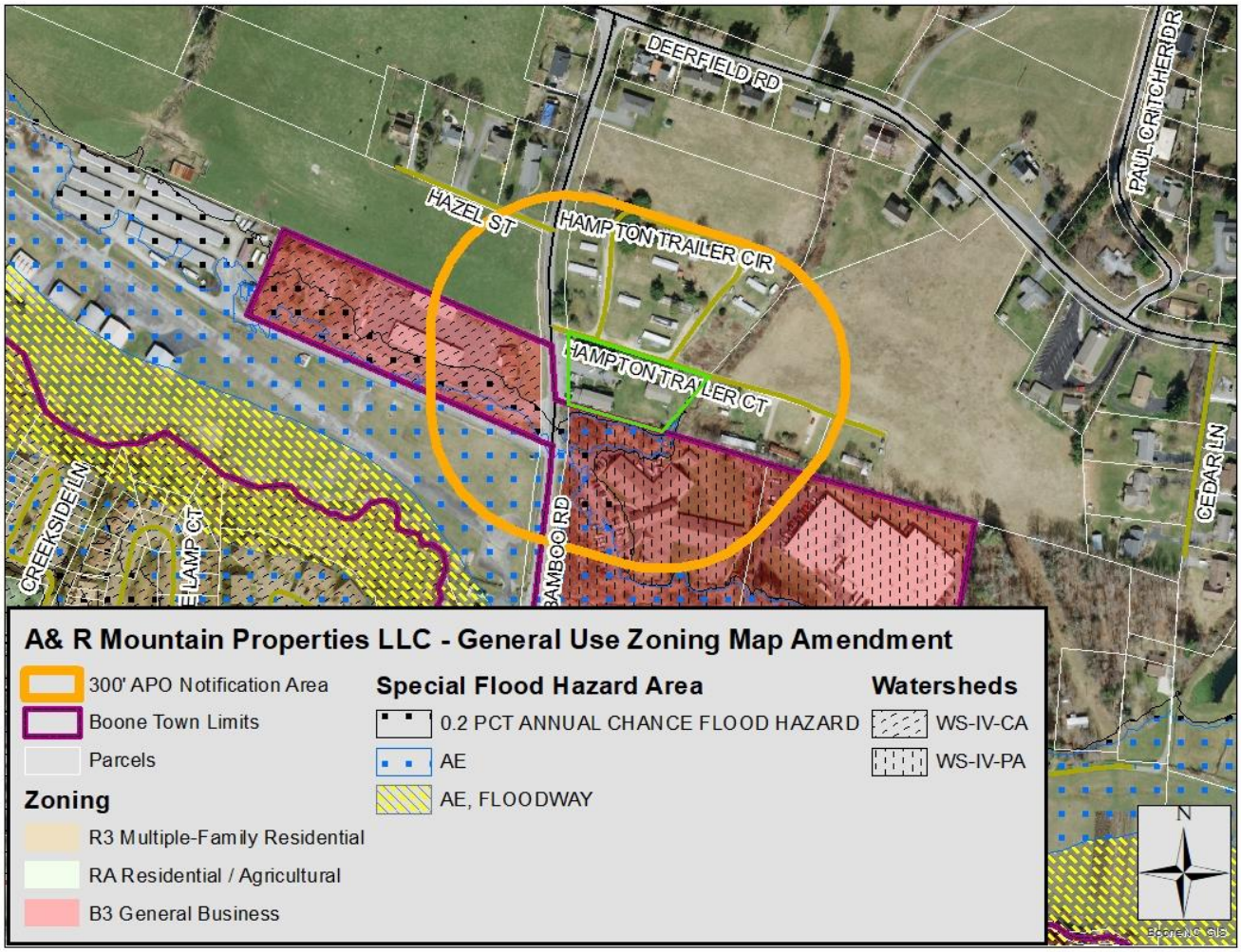
01-10-2017: Town of Boone lost authority to exercise powers of extraterritorial jurisdiction. The subject property was previously zoned MH Manufactured Home Park with Special Flood Hazard and WS-IV Watershed Areas Protected Area overlays as part of Boone's ETJ.

03-15-2018: Council approved a request from the property owner to connect 43/245 Bamboo Road and 148 Hampton Trailer Court to Town sewer with the conditions that the applicant petition for annexation and the applicant pay for the extension to the public lines and for a public easement. (See Exhibit A Town Excerpt of Meeting Minutes)

04-10-2021: Property owner submitted to the Planning and Inspections Department a Voluntary Annexation Petition for 243/245 Bamboo Road and 148 Hampton Trailer Court.

06-15-2021: Town Council took the first step in the annexation process by approving a resolution fixing the date of the public hearing on the question of annexation pursuant to GS 160A-31 and scheduled an annexation public hearing for August 17, 2021. Council requested that the R3 Multiple Family zoning district be considered and requested that the measurement for selection of adjacent property owner notifications be increased to 300' from 150' in addition to the other regulatory notification requirements.

07-06-2021 Staff mailed adjacent property owner notification letters using the 300' measurement as requested by Council. See map below:



Zoning Analysis

Address:	243/245 Bamboo Road & 148 Hampton Trailer Court
Watauga Co. PIN:	2920-20-5262-0000
Use:	1.11 Multi-family Dwelling (up to 30 bedrooms)
Size:	0.988 acres
Jurisdiction:	Watauga County/Town of Boone
Access:	Driveway frontage to Bamboo Road
Viewshed:	No
Watershed:	WS-IV Watershed Areas Protected Area
SFHA:	Yes (small portion to the east)
Steep Slope:	No
Existing Zoning:	Not zoned
Previous ETJ Zoning:	MH Manufactured Home Park

	Adjacent Zoning	Adjacent Land Use (Watauga Co. Tax Data)
North	Not Zoned (Watauga County)	Manufactured Home Park
East	Not Zoned (Watauga County)	Manufactured Home Park/2 dwellings
South	B3 General Business, WS-IV-PA, SFHA	Residential Care Facility
West	B3 General Business, WS-IV-CA, SFHA	Office/Utility Facility

Below are excerpts from the UDO regarding the district, use, intensity and height for the R3 Multiple Family Zoning District, Special Flood Hazard Area and the WS-IV Watershed Areas Protected Area overlays.

Excerpt of ARTICLE 14 ZONING DISTRICTS REGULATIONS

…

14.10 Multiple-Family Residential District

14.10.01 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.

14.10.02 R3 Permissible Uses

Use #	Specific Use	R3	Reference
Allowable Principal Uses			
1.0 Household Living			
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
1.17	Adult Living Community	P^{T300}	
2.0 Group Living			
2.01	Family Care Home	L	15.06
2.06	Fraternity or Sorority Dwelling	S^{T300}	15.09
2.07	Boarding House	L	15.10
3.0 Transient Living			
3.02	Shelter for Homeless, Category 1	L^{T50}	15.12
3.03	Shelter for Homeless, Category 2	L^{T300}	15.12
3.06	Vacation Rental	L^{T75}	15.14
4.0 Institutional			
4.04	Cemetery	P	
5.0 Government Uses			
5.04	Recreation Facility, Category 1	P	

Communication: Case PL04835-062221 Staff Report (Case PL04835-062221 A&R Mountain Properties LLC - General Use Zoning Map

Use #	Specific Use	R3	Reference
5.06	Recreation Facility, Category 3	P	
5.07	Event Venue, Category 1	P	
5.08	Event Venue, Category 2	S	
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			
6.01	Utility Facility, Neighborhood	L	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
7.05	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]	
10.0 Daycare			
10.01	Child Daycare, Large	L	15.19
10.03	Adult Daycare, Large	L	15.19
13.0 Agriculture			
13.09	Forestry	L	15.31
15.0 Parking			
15.02	Parking Structure	L[T125]	15.40
Allowable Accessory Uses			
A-1	Secondary suite	L	15.45
A-2	Home occupation	L	15.46
A-3	Accessory dwelling unit	L	15.47
A-9	Automated teller machine (ATM), freestanding	L	15.52
A-11	Poultry	L	15.54
A-12	Livestock, small	L	15.55
A-14	Bees	L	15.57
A-15	Garden, residential	L	15.58
A-16	Satellite receiving antennas less than 1 meter in diameter	P	
A-20	Swimming pools, spas, and hot tubs	L	15.59
A-22	Vehicular gate	L	15.61
A-23	Vehicular washing station	P	
A-25	Open air market, accessory	L	15.22
A-26	Daycare, small	P	
Allowable Temporary Uses			
T-1	Temporary care provider dwelling	L	15.62

Communication: Case PL04835-062221 Staff Report (Case PL04835-062221 A&R Mountain Properties LLC - General Use Zoning Map

Use #	Specific Use	R3	Reference
T-2	Temporary construction or repair dwelling	L	15.62
T-3	Temporary construction trailer	L	15.62
T-6	Temporary portable storage containers	L	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

14.10.03 R3 Development Standards

A. Minimum Gross Land Area: 20,000 square feet (see Subsection 14.03.02)

B. Minimum Lot Width: 80 feet (see Subsection 14.03.03)

C. Minimum Street Frontage: 64 feet (see Subsection 14.03.04)

D. Minimum Livability Space: .40 (see Subsection 14.03.05)

E. Minimum Setbacks (see Subsection 14.03.06)

1. Street: 20 feet
2. Interior: 13 feet

F. Maximum Building Height: 3 stories (see Subsection 14.03.07)

14.10.04 Occupancy: Unlimited family or up to 4 unrelated persons (see Section 14.04)

…

14.38 Special Flood Hazard Area

14.38.01 The Special Flood Hazard Area is an overlay district intended to regulate the Special Flood Hazard Area pursuant to Article 30 Flood Damage Prevention.

14.39 Watershed Districts

14.39.01 The watershed districts are established as overlay districts intended to regulate the water supply watershed areas pursuant to Article 29 Watershed Protection.

…

Article 29 Watershed Protection

…

29.03.03 Existing development is not subject to the requirements of this Article. Expansions to structures classified as existing development must meet the requirements of this Article, however, the built upon area of the existing development is not required to be included in the density calculations.

…

29.06.03 *WS-IV Watershed Areas Protected Area (WS-IV-PA)*: In order to address a moderate to high land use intensity pattern, single family residential uses shall develop at a maximum of two (2)

Communication: Case PL04835-062221 Staff Report (Case PL04835-062221 A&R Mountain Properties LLC - General Use Zoning Map

dwelling units per acre. All other residential and non-residential development shall be allowed at a maximum of twenty-four percent (24%) built upon area.

A. Uses allowed are:

1. Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.
2. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 1I.6101-.0209).
3. Residential development.
4. Non-residential development, excluding the storage of toxic and hazardous materials unless a spill containment plan is implemented.

B. Density and built upon limits:

1. Single family residential development shall not exceed two (2) dwelling units per acre, on a project by project basis. No residential lot shall be less than one half (1/2) acre, except within an approved cluster development.
2. All other residential and non-residential development shall not exceed twenty- four percent (24%) built upon area on a project by project basis. For the purpose of calculating built upon area, total project area shall include acreage in the tract on which the project is to be developed.

TOWN DEPARTMENTAL ANALYSIS FOR ANNEXATION REVIEW

Public Works – Utilities Division (R. Jones, Utility Services Technician)
Can provide Town Services.

Public Works – Services Division (J. Stines, Facilities Maintenance Supervisor)
No comments received.

Fire Department (A. Flieg, Fire Marshal)
Can provide Town services.

Police Department (S. Robbins)
No comments received.

2006 COMPREHENSIVE PLAN ANALYSIS

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

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

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

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

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

Communication: Case PL04835-062221 Staff Report (Case PL04835-062221 A&R Mountain Properties LLC - General Use Zoning Map

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.

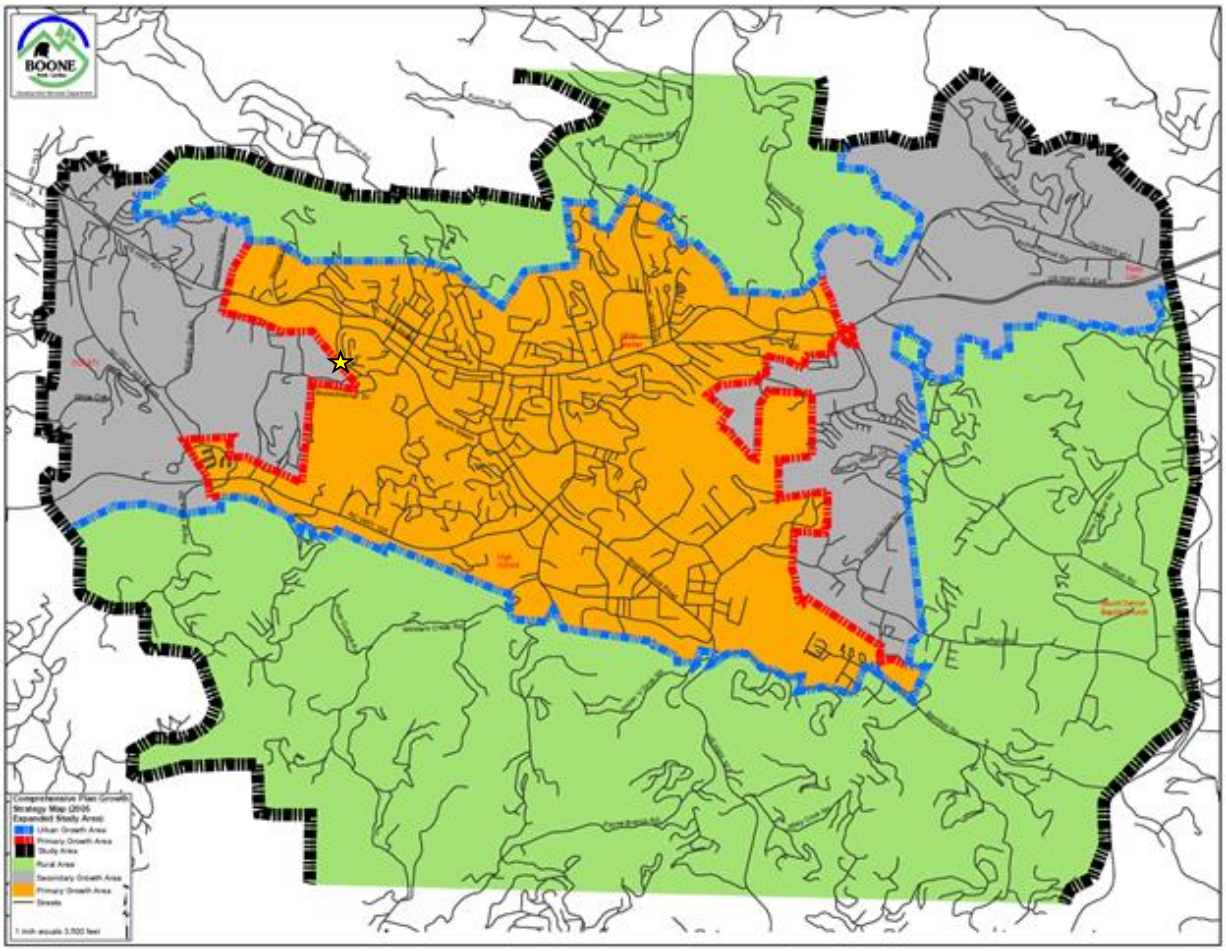
Recreation: Strive for additional public recreation facilities, especially sports fields, greenways and indoor recreation centers.

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):

Communication: Case PL04835-062221 Staff Report (Case PL04835-062221 A&R Mountain Properties LLC - General Use Zoning Map



The property is located within the **Secondary Growth Area**. 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.

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

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

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

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

2.1 Economy

2.1.1 Economic Development

Communication: Case PL04835-062221 Staff Report (Case PL04835-062221 A&R Mountain Properties LLC - General Use Zoning Map

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

B. New and expanding industries and businesses shall be encouraged which: 1) diversify the local economy, 2) train and use a skilled labor force and 3) increase area residents' incomes.

C. The Town shall encourage the development of a well-balanced tourism trade as a primary element of the area's economic future. Investments in services, facilities, and proper growth management shall be employed in furtherance of this objective.

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

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

F. New firms and expanding businesses that complement the natural resources and beauty of the region shall be especially recruited and encouraged.

G. The Town shall support the development of new business parks.

H. The Town shall promote coordination of economic development resources with the appropriate institutions and agencies. Regional coordination and interaction among areas with a shared economic interest shall be encouraged.

I. Small business start-ups, expansions and spin-offs shall be encouraged. The presence of ASU and Caldwell Community College and Technical Institute shall be recognized as a necessary and important resource for area businesses.

J. Appropriate educational and training programs shall be encouraged to help local residents, especially those unemployed and underemployed, take advantage of business expansion and to develop new skills.

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

2.2 Infrastructure

2.2.2 Utilities

A. Extensions of water and/or sewer services that could result in scattered, non-directed development and costly provision of other urban services shall be prohibited.

B. Water and sewer services shall be concentrated within the limits of a geographically defined Urban Growth Area. The Primary Growth Area shall receive first priority for the provision or enhancement of water and sewer services.

C. The Town shall consider the highest level of participation in the cost of providing water and sewer services within the Primary Growth Area with the next highest level of participation considered for the Secondary Growth Area.

D. Water and sewer services shall not be extended to properties in the Rural Area (outside the Urban Growth Area). Exceptions to this policy may include the provision of services to other local governments, cooperative agreements on major economic development initiatives, and extensions needed to address imminent public health problems or related environmental hazards.

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

Communication: Case PL04835-062221 Staff Report (Case PL04835-062221 A&R Mountain Properties LLC - General Use Zoning Map

F. Area-wide cooperation and support shall be sought in bringing in alternative utility services to the Boone Area.

G. Long range planning for a possible stormwater collection and treatment system shall be supported, including the development of financial and regulatory strategies.

…

2.2.5 Environmental Health

A. Development on ridgetops and excessive slopes shall be strongly discouraged. Where development is allowed, stringent performance standards shall be met.

B. Continued improvements to the public sewage collection and treatment facilities shall be supported, with priority given to servicing existing or planned densely developed areas where environmental and economic benefits can be realized.

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

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

E. Development which preserves the natural features of the site, including existing topography, streams and significant trees and vegetation, shall be reflected in the Town's Development Standards.

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.

G. The development of a comprehensive drainage and flood plain management plan, including public and private actions in support of plan implementation, shall be supported.

H. Local area requirements for solid waste disposal facilities shall be anticipated through advanced planning; facilities shall be located and designed so as not to adversely impact significant natural or man-made resources.

I. The Town recognizes the need for a regional solution to the solid waste issue, and will support efforts toward that end.

J. Research and development of reuse, recycling, and resource recovery programs, whether public or private, shall be encouraged and supported.

K. The Town shall encourage and set an example which promotes water and energy conservation, and the reduction of waste generation at the source.

L. An anti-litter consciousness, beginning in the schools, and including the university, businesses and individual citizens and visitors shall be encouraged.

M. The location of hazardous waste storage and disposal facilities in the Boone planning area shall not be supported. Transportation of hazardous materials through Boone shall be discouraged. The location of propane storage tanks shall be carefully controlled to the extent permitted by state and federal law, as well as by state enabling legislation for local government regulation.

Communication: Case PL04835-062221 Staff Report (Case PL04835-062221 A&R Mountain Properties LLC - General Use Zoning Map

N. Industries and activities producing excessive noise, odor, air, water and light pollution, or other harmful impacts, shall not be permitted, unless such adverse impacts can be clearly overcome through effective mitigation.

O. Encourage use of low-impact habitat-friendly practices to achieve and maintain native species, including plants, wildlife and beneficial insects (such as pollinators) within private and public developments.

P. Ensure that landscape and pesticide management practices minimize impacts to the environment including impacts to pollinators.

…

2.3 Community

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

B. Properly planned, mixed use developments that promote efficient provision of public services shall be encouraged within the Urban Growth Area.

C. Funding for outside agencies and organizations serving the citizens of Boone shall continue to receive support consistent with area service needs and Town budget constraints.

D. Coordinated inter-governmental and university-town planning for urban area land use and development, transportation, utilities, recycling, environmental management, law enforcement, education, recreation, tourism and economic development shall be encouraged.

2.3.2 Community Character

A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area.

B. Multiple and appropriate adaptive reuse of historic resources shall be encouraged.

C. Wise development of the tourism potential of the area's architectural, historic, scenic and natural resources shall be encouraged.

D. The destruction of significant architectural, historic, scenic, natural and archaeological resources in the planning area shall be discouraged.

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

2.3.3 Housing & Neighborhoods

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

B. Street system designs which discourage through traffic on purely local streets while allowing for free circulation within the neighborhood shall be encouraged.

C. Proposed residential development which would expose residents to harmful effects of incompatible development or to environmental hazards shall be prohibited.

D. Innovative and flexible land planning and development practices shall be encouraged to create livable developments which better safeguard land, water, energy and historic resources.

Communication: Case PL04835-062221 Staff Report (Case PL04835-062221 A&R Mountain Properties LLC - General Use Zoning Map

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 July 7, 2021.

/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(C) of the Town of Boone UDO on July 6, 2021.

/s/ Darrell Pulliam

Darrell Pulliam, Building Inspector

Communication: Case PL04835-062221 Staff Report (Case PL04835-062221 A&R Mountain Properties LLC - General Use Zoning Map

PLANNING COMMISSION REPORT

Per NCGS 160D-604(b), subsequent to initial adoption of a zoning regulation, all proposed amendments to the zoning regulation or zoning map shall be submitted to the Planning Commission for review and comment. If no written report is received from the Planning Commission within 30 days of referral of the amendment to that board, the Town Council may act on the amendment without the Planning Commission report. The Town Council is not bound by the recommendations, if any, of the Planning Commission. Per NCGS 160D-604(d), when conducting a review of proposed zoning text or map, the Planning Commission shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Commission shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the Planning Commission, but a comment by the Planning Commission that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the planning board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made.

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

_____

_____

_____

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

The Planning Commission recommends ☐**approval** OR ☐**denial** of the proposed amendment to the Town's Zoning map and believes ☐**approval** OR ☐**denial** **to zone the property R3 Multiple Family, SFHA, and WS-IV-PA** 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. The plan consistency statement is not subject to judicial review. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the Town Council statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the action taken. When

Communication: Case PL04835-062221 Staff Report (Case PL04835-062221 A&R Mountain Properties LLC - General Use Zoning Map

adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the governing board. This statement of reasonableness may consider, among other factors, (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. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the governing board statement on reasonableness may address the overall rezoning.

Ordinance PL04835-062221

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 identified below to R3 Multiple-Family, Special Flood Hazard, and WS-IV Water Supply Watershed Area overlays

Address:	243/245 Bamboo Road and 148 Hampton Trailer Court
Watauga County PIN:	2920-20-5262-000
Property Owner:	A&R Mountain Properties LLC

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 26, 2021; 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:

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

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

The Town Council ☐**approves** OR ☐**denies** the proposed amendment to the Town's Zoning map 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.

Exhibit A
MINUTES – REGULAR MEETING EXCERPT
BOONE TOWN COUNCIL
March 15, 2018

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order at 6:00 p.m. Thursday, March 15, 2018 in the Council Chambers located at 1500 Blowing Rock Road. Mayor Rennie Brantz presided. Council Members present were Mayor Pro-Tem Loretta Clawson, Lynne Mason, Connie Ulmer, Sam Furgiuele and Marshall Ashcraft. Staff present were Town Manager John Ward, Town Clerk Nicole Worley, Planning Director Jane Shook, Deputy Public Works Directors Eric Gustaveson and Josh Eller, Lt. Danny Houck and Fire Chief Jimmy Isaacs. Town Attorney Allison Meade was also present.

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QUASI-JUDICIAL HEARING

REQUEST FOR SERVICE - HIDDEN CREEK MANAGEMENT SERVICE

Town Attorney Allison Meade opened public hearing at 7:30 p.m. Tucker Deal, attorney for the applicant Blake Pace, stated that the property in question was located in the former ETJ and that it was adjacent to Town limits. Mr. Deal stated that the applicant was denied a septic permit by the Watauga County Health Department due to insufficient space on the property for a tank and repair area. Mr. Deal indicated that the applicant had considered modifications to the site or type of system, but that none would effectively overcome the site's space constraints. Applicant Blake Pace of Hidden Creek Management, after being duly sworn, stated that the property would consist of affordable housing and that the current septic system had failed to the point where the ground was no longer able to pass percolation tests. He stated that he had spent $17,000 in attempts to repair the system and that it was not financially feasible to pump the system every two months. Mr. Blake confirmed that he would pay for the extension of sewer connections and that he would be willing to accept water services although the property had a well. Mr. Deal added that Mr. Pace would be required to use Town water services in order to receive sewer services as per Town regulations. Town Attorney Allison Meade inquired about an inaccuracy in the number of units located on the property which was contained on the denial letter from the Watauga County Health Department and asked whether the error could have contributed to denial of a septic permit. Mr. Pace confirmed that there were three buildings on the site with 11 units and Mr. Deal added that a site analysis was performed by the County. Ms. Meade asked whether other options had been explored to which Mr. Deal replied that they had looked into other options, but that they would be difficult and expensive to pursue. Public Works Deputy Director Josh Eller was duly sworn and stated that an analysis had been done on the property and that there were different routes that were feasible. Mr. Eller stated that the water mains were located across the street and that it would not be difficult to hook on to them from the property in question. He added that the nearest public connection via DOT right-of-way was approximately 1,000 feet away. Mr. Eller stated that another option would be to acquire a private easement from Deerfield Ridge Assisted Living to connect to a private line on Candy Lane. After brief discussion regarding the remaining life of the system, Ms. Meade closed the hearing at 7:52 p.m. Council Member Furgiuele stated that due to time pressures in terms of system failure, it was his view that the request to make a private connection was reasonable to approve. Council Member Mason concurred. Council Member Ulmer made a motion to approve the request as presented subject to the applicant

Communication: Case PL04835-062221 Exhibit A Meeting Minutes Excerpt (Case PL04835-062221 A&R Mountain Properties LLC - General Use

petitioning for annexation. Council Member Furgiuele seconded, then asked to amend the motion to clarify that the applicant would pay for the extension to public lines for a private easement. Council Member Clawson seconded this amended motion.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Connie Ulmer, Councilwoman

SECONDER: Sam Furgiuele, Councilman

AYES: Sam Furgiuele, Connie Ulmer, Marshall Ashcraft, Lynne Mason, Loretta Clawson

Communication: Case PL04835-062221 Exhibit A Meeting Minutes Excerpt (Case PL04835-062221 A&R Mountain Properties LLC - General Use

PLANNING COMMISSION MEETING MINUTES
MONDAY, APRIL 5, 2021, 6:00 P.M.
VIA WEBEX SOFTWARE

PLANNING COMMISSION MEMBERS PRESENT: Elizabeth Shay-Chair, Eric Plaag-Vice Chair, Chris Behrend, John Tippett, Frank Veno, Adam Zebzda, and Amanda Halbert

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Christy Turner-Senior Planner, Brian Johnson-Urban Design Specialist, and Brenda Henson-Board Secretary

OTHER TOWN STAFF AND REPRESENTATIVES PRESENT: Lane Moody-DBDA Director

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Call to Order

Chair Shay called the special Planning Commission meeting, held via WebEx, to order at 6:01 p.m.

Approval of Meeting Minutes

Commission Member Behrend made a motion to approve the March 12, 2021 special Planning Commission meeting minutes. The motion was seconded by Vice Chair Plaag.

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

Amanda Halbert was recognized as a new Planning Commission member and introductions were made.

Downtown Planning Projects

Ms. Shook stated that the goal today was to go through the proposed text. She noted that she had sent out an email earlier today with the intention of keeping all four boards involved in this process up to date on where things stand with each board meeting. Ms. Shook stated that the CAC met last week and some general recommendations were made for staff to draft some text regarding rooftop additions. She stated that the Community Appearance Commission did approve to allow the chair and vice chair of the Commission to attend any future meetings of the Planning Commission, Historic Preservation Commission, or Town Council as needed while moving through this process. Ms. Shook stated she would like for the Planning Commission to consider the same option of allowing the chair and vice chair to attend other meetings. She felt this would help with continuity between the boards. Ms. Shook noted there was a joint meeting scheduled on April 20 where everyone would be more fully updated. She stated she was working on reformatting the text that Planning Commission would be discussing tonight but noted the text would remain the same.

Chair Shay asked if the Core and the Interface were seen as static or if over time the Core would transition to the outer areas or the Interface might join the Core. Ms. Shook replied that it was expected that some properties could transition from Interface to Core over time, although there were different standards for each district. She felt the only zoning district in this process that would be static, without major changes, would be the overlay for the Historic District.

Vice Chair Plaag explain that, for the historic districts, there was a very specific period of significance associated with that proposed district, and a very specific statement of significance. He stated, because of the way the Downtown Historic District was framed, it would be unusual for it to expand.

Commission Member Tippett stated he was very comfortable with the proposed boundaries of the Downtown Core and the Interface as well as the Historic District.

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Commission Member Veno stated he felt comfortable with the boundaries. He stated he read through Vice Chair Plaag's essay on historic districts and the designation report and it gave him a better understanding of why the boundaries came to be joined like they were. Commission Member Veno expressed some concern with the Interface and what could happen there. He stated there were a lot of properties there and he did not know how the owners of those properties were going to react to being pulled into the Interface area.

Commission Member Veno referred to page 6 of the historic preservation report under the heading "The difference between Local Designation and National Register Listing". He noted that the last sentence of that section indicated that a historic property or district may qualify for both local designation and National Register listing but these were separate processes with different consequences. Commission Member Veno asked for some explanation of those processes.

Vice Chair Plaag stated that oftentimes when someone was interested in getting their house on the National Register of Historic Places, which was essentially managed by the National Park Service, they would ask what the consequences would if they tore the house down. Vice Chair Plaag stated that there was no National Register police and no one would come to look at the house or say anything about any changes that might have been made. He explained that a National Register designation was an honorary designation unless the project was federally funded or there had been rehabilitation tax credits. Vice Chair Plaag explained that Local Historic Landmark listings or District listings were essentially reviewed by the State Historic Preservation Office. However, the local municipality, through the state code, had the ability to regulate changes, either for that landmark or within that district, regarding any properties contributing or not, that were located within the boundaries in order to preserve the integrity of the district. He noted that the state code language had been in effect for decades and it was a tool that many local municipalities used to ensure that their downtown's did not disappear.

Vice Chair Plaag stated that just because a building was designated as historic did not mean that the building could not be torn down. He noted there was a one year waiting period in North Carolina for demolition and after that waiting period the property owner could go ahead and tear the building down. Vice Chair Plaag stated the reason for the waiting period was that it allowed time for the municipality and the owner to have a conversation about whether or not destruction was best for the property or if there was something that could be done to save the historic property.

Ms. Shook stated she addressed hotels with the 160D text and noted that the hotel category would be populated for both the Interface and the Downtown Core. She stated there would be three classifications of hotels; small, large and extended stay, with the small hotel (20 rooms or less) being proposed to be allowed in the Downtown Interface.

Commission Member Veno questioned the tiered system. Ms. Shook explained that the tiered system looked at two things; the total development value, which was the building and the land together, and the project cost, which did not include the cost of the land or any improvements that were required to bring the property into compliance under the tiered system or furniture and inventory. Ms. Shook stated that you looked at the total project cost, subtracted any maintenance and repair that had to be done and then subtracted the cost of the land. If the total was over 10% tier one was triggered, if it was over 25% tier 2 was triggered, over 50% percent would trigger tier 3, and over 75% would trigger tier 4. Vice Chair Plaag asked if development value was determined by what the assessed value of the property was or what the market value was. Ms. Shook replied that Article 1 of the UDO indicated the County's tax value would be used or the applicant could submit an appraisal of an as-is condition if the appraisal had been done within the last two years, or they could submit a sales price if the sale was in the last two years. Documentation would have to be submitted to prove the value.

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Chair Shay referred to rooftop uses and asked if there were specific places of future concern. Ms. Shook replied that it was hard to say since the standards have not yet been written. She stated that rooftop additions would impact at least two different parts of the existing Ordinance. Ms. Shook noted that adding another story on top of a building would be of rooftop addition. She stated there was a part in the Ordinance under the height exemption that allowed limited rooftop structures to facilitate the open use or recreational use of open rooftops and that structure was exempt. Ms. Shook stated that Horton Hotel constructed under that exemption. She noted that Article 18, as it currently exists, was drafted largely in part from the National Park Service and State Secretary of Interior Standards of Rehabilitation and were very general but unfortunately the town did not clearly address rooftop additions and that would need to be revised. Ms. Shook explained that the revisions would not disallow rooftop additions but certain standards would have to be met because some of the open use rooftops could have impacts on neighbors.

Vice Chair Plaag stated that if there had been an historic district in place, what occurred at the Horton Hotel was what the National Park Service would describe as an inappropriate rooftop addition because it was too far forward and the brick that was used does not resemble the type of brick that was used below. He noted that you could see the addition from the street and that could have been avoided by not having the seating platform as elevated. Vice Chair Plaag stated that when rooftop additions are done the goal would be to minimize distractions from the architecture of the main building and have what was visible be sympathetic to the building.

Chair Shay asked about exterior doors. Ms. Shook replied that some door materials and styles were not acceptable Downtown. Commission Member Veno asked if there had been any consideration to green technology as far as windows that were LEED accepted that would meet the historic building standards or solar panels. He stated that, as much as he hated manufacturer doors, they were energy efficient. Ms. Shook replied that the question of energy efficiency was discussed with the CAC and pretty much any of the window or doors could be made or purchased that were energy efficient. Vice Chair Plaag noted that sometimes existing windows could be retrofitted although it may be expensive. He stated that the NPS had a great amount of guidance on what kinds of products were appropriate replacements for original windows. Ms. Shook felt that links could be provided to the National Park Service for additional guidance to make it easier for customers to build something in compliance.

Commission Member Veno referred to the Table of Uses regarding manufactured home parks and stated it did not look like there was any permitted use for manufactured home parks either in the B1DC or B1DI but there was an entire section on page 53 regarding standards that applied to manufactured home parks. Ms. Shook explained that those standards were there just to show how the text would be formatted.

Commission Member Veno noted that religious assemblies on page 23 of the uses were permitted in the B1 Interface District, but not in the in the Core District. Ms. Shook replied that religious assemblies in downtown areas was a long discussion. She stated that jurisdictions and municipalities, not just in North Carolina, struggled with having churches in the downtown. Ms. Shook explained that the use of a property that was used once or twice a week in a town's core area, your most pedestrian intense area, had an impact. Commission Member Veno asked about climbing walls. Ms. Shook replied that there were now height standards in place and a climbing wall could be considered an accessory use. She stated that any kind of new construction today would have to meet Ordinance requirements and if the property was located in the historic district there would be an additional step to go through for a Certificate of Appropriateness.

Commission Member Veno asked about parking garages. Ms. Shook replied that there were parking structures that were part of the use, and parking structures that were their own principal use. She stated there were design standards that had to be met.

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Vice Chair Plaag suggested issuing a frequently asked questions document that would go online and allow people to essentially have an answer to some of the most likely questions that could come up. He asked if Lane Moody with the Downtown Boone Development Association could tell them what she had been hearing from downtown business owners, not only about the historic district, but also about the B1 expansion of the B1 Core and the B1 Interface. Ms. Moody replied that she had not gotten a whole lot of feedback. She stated they had talked about some of the HPC design guidelines at the DBDA level. Ms. Moody stated she would be happy to seek further input.

Ms. Shook stated that both Ms. Turner and Mr. Johnson had been contacted by individuals and had started a FAQ section for their respective projects. Ms. Shook noted that Ms. Turner handled zoning and planning issues related to the downtown area. She stated that Ms. Turner had been advising customers of these pending projects so that they would be aware of the changes that could affect their projects. Ms. Turner stated she had received questions about how to get around the rules and regulations. Ms. Shook stated that the answer to that question was that you didn't get around the rules and regulations.

Vice Chair Plaag stated that a lot of times people got spooked because they did not understand exactly what change meant so they should be given as much information as possible.

Commission Member Veno stated he had been here since 1985 and had seen some disinformation campaigns go out causing some really hard feelings and he felt it was important to make sure that kind of thing did not happen during this process.

Chair Shay asked if it was correct that the Planning Commission could make a resolution that they were supportive of the process in principle for Ms. Shook to present to Town Council. Ms. Shook stated that was correct. She explained that Planning Commission would not make any recommendations until the public hearing process. Ms. Shook stated that, right now, Planning Commission just needed to express an understanding of the two different projects and voice any concerns, questions, or issues with the text.

Commission Member Veno mentioned that there were two new house bills that came out recently and expressed concern that those bills could affect the downtown projects. Ms. Shook replied that the middle housing bill that came out was not a district with students and single family detached housing was allowed by right. She stated that the middle housing bill would not have a direct impact on the B1 Downtown Core and the B1 Downtown Interface but noted there were elements of that bill that would affect the whole Unified Development Ordinance. Ms. Shook stated that the other bill was related to the building permit construction process for commercial permits and turning those around and sometimes all of that impacted development within the Ordinance.

Ms. Moody stated she received an invitation from Georgia's Main Street Program regarding a historic preservation, education, economics and innovation seminar designed to illustrate how preservation served as a cornerstone of Main Street and was ultimately rooted in the economic status of the downtown district. She stated she would be happy to forward that invitation on to anybody that was interested in attending the virtual event to be held on May 12, 2021 from 9:30 a.m. until 4 p.m. Ms. Shook felt there was additional training opportunities as far as Historic Preservation went.

Chair Shay asked if there was a consensus on the Planning Commission of general support for the plans. She stated she felt generally positive and supportive of the plans. Chair Shay stated she appreciated the work that the CAC and HPC had done and felt the materials they put together were clearly and carefully considered over a long time.

Commission Member Veno echoed Chair Shay's sentiments. He stated that thoroughly reading the introductions to the designation report and the historic survey report made it a lot easier for him to go through the UDO and see the foundation and thinking behind the things that were being proposed. Vice Chair Plaag noted that these documents were already public record and could be shared with anyone. He

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noted that the Town received feedback last week from the State Historic Preservation Office about the draft Designation Report and the feedback was very positive with only minor changes needed.

Ms. Shook stated she felt it was important to acknowledge those who do outstanding and incredible work and she wanted to recognize Eric Plaag for the work he did on the Survey Report, the District Designation Report, and a majority of the Design Guidelines. She added that the HPC really went through every single one of those reports and did a review of everything that was drafted.

Commission Member Behrend stated she really went through this process and found, after several times, that it really made a lot of sense and she was very much in support of the whole thing. She thanked everyone for the discussion because it helped clarify things in her head when she heard other people discuss and review things.

Commission Member Zebzda stated he was supportive of the project. He thanked Vice Chair Plaag for everything he had dedicated to the project and stated he was looking forward to seeing it through and seeing what happened.

Commission Member Veno referred to the binder that Planning Commission members received containing the Downtown Project information and asked if, in the future, such large amounts of paper could be placed in a round ring binder instead of a D-ring binder. He stated it was very difficult to move the pages back and forth in the D-ring binder. Ms. Shook replied that, out of necessity, the Town purchased the cheapest thing available for a temporary notebook.

Board Member Zebzda made a motion that the Planning Commission supports the draft Downtown Projects as is and pending any revisions to the text. The motion was seconded by Commission Member Veno who added that one of the most important things in this process would be how the information was presented to the public. Chair Shay asked Commission Member Zebza if he accepted Commission Member Veto's addition to the motion. Commission Member Zebzda accepted the addition. Chair Shay wished to add that the Planning Commission commends the HPC and CAC for their thoughtful, creative, attentive work. Vice Chair Plaag wished to make an amendment that staff be included in that commendation because they have worked hard through this process over the last several years. All parties agreed to the amendments.

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

Ms. Shook stated that staff had given a lot of special thought to how this information would be presented to the public, especially since everyone is still operating under COVID rules and not yet doing in person meetings. Some of the ideas include direct mailings, creation of websites, etc., and all of this will be presented at the meeting on April 20, 2021.

Adjournment

Commission Member Behrend made a motion to adjourn the meeting at 7:37 p.m. The motion was seconded by Commission Member Tippett.

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

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Elizabeth Shay, Planning Commission Chair **Brenda Henson, Board Secretary**

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PUBLIC HEARING MINUTES
MONDAY, MAY 24, 2021, 6:00 P.M.
VIA WEBEX SOFTWARE

COUNCIL MEMBERS: Rennie Brantz-Mayor, Sam Furgiuele, Virginia Roseman, and Dustin Hicks (joined at 6:30 p.m.)

PLANNING COMMISSION MEMBERS: Elizabeth Shay-Chair, Eric Plaag-Vice Chair, Chris Behrend, John Tippett, Amanda Halbert, Adam Zebzda, and Frank Veno

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Mike James-Senior Planner, Brian Johnson-Urban Design Specialist, and Brenda Henson-Board Secretary

OTHER TOWN STAFF AND REPRESENTATIVES PRESENT: John Ward-Town Manager and Allison Meade-Town Attorney

OTHER ATTENDEES/PARTICIPANTS VIA WEBEX: Brian Williams

Call to Order

Mayor Brantz called the Town Council to order at 6:05 p.m. and Chair Shay called the Planning Commission to order at 6:05 p.m. for the Public Hearing/Planning Commission meeting held via WebEx.

Approval of Meeting Minutes777

Council Member LaPlaca made a motion to approve the March 22, 2021 Public Hearing minutes. The motion was seconded by Council Member Roseman.

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

Vice Chair Plaag made a motion to approve the March 22, 2021 Public Hearing minutes with a correction to the last sentence on page 2 of the minutes so that it should read *He stated he did not see how Staff could say that an application was complete until they had everything they needed to determine that the application complied with all aspects of the UDO unless the definition was changed as to what constituted a complete application in the prior section.* The motion was seconded by Commission Member Behrend.

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

Ms. Shook reviewed the general guidelines for each case presented at the Public Hearing.

Case PL04630-040921 Blue Ridge Tourist Court - Conditional District Zoning Map Amendment

Blue Ridge Tourist Court LLC has requested a Conditional District Zoning Map Amendment to rezone 574 Old East King Street (Watauga County PIN: 2910-89-5295-000) from B2 Neighborhood Business to Conditional District B3 General Business with a site-specific development plan for Use 3.07 Motel.

Vice Chair Plaag recused himself from this case because he was the historic preservation consultant for the project and had assisted Brian Williams in preparing some of the materials before the boards.

Mr. Williams presented his request for a Conditional District rezoning for the property at 574 Old East King Street. He referred to a survey from 1985 of the entire site and noted that a portion of the property was split out before he was able to acquire it. Mr. Williams stated that the Tourist Court building had seven rooms in it and an office that was constructed in 1950. Shortly thereafter, the annex building was

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constructed and then the garage apartment was constructed in 1951 or 1952. In 1953, the motel building, which had an additional 10 rooms in it, was constructed. Mr. Williams explained that the original Blue Ridge Tourist Court was used for tourists who were coming to town to see the Horn in the West and the Blue Ridge Parkway. After the original owned sold the property it changed hands a number of times and had quite a few different names such as the Blue Ridge Tourist Court, the Blue Ridge Motor Court, and the Perkins Park. Mr. Williams stated that, most recently, the property had turned into an apartment complex called the Phoenix Complex. He stated that the property had fallen into a state of disrepair and had been condemned by the Town. Mr. Williams stated that the site was quite connected when it was built. He noted that the driveway went from 421 through the property up to what was Park Street where there was actually a park to the west of the site. He stated the park was still in a wooded state. Mr. Williams showed pictures of the site from the 1950's and as it sits currently. He stated that the windows have been boarded up at the request of the town, noting that the condemnation requested that the site be secured or it would need to be demolished because the building was a safety hazard. Mr. Williams stated that the Tourist Court office was made of native stone and was quite beautiful on the outside. He reminded everyone that he was seeking Conditional District rezoning for the parcel that housed the Tourist Court building, the annex, and the office. Mr. Williams stated that the proposed site plans were very similar to what was historically there with a few minor changes to accommodate modern requirements of the UDO with things like trash facilities, handicap parking, and more controlled access to the site. He explained that, to reduce the number of driveways onto the site, the sidewalk would be brought in front of the old driveway and some planters would be placed there to block the driveway from being used by vehicles but still maintain the integrity of the site. Mr. Williams stated he would also be pursuing having the site listed on the National Register of Historic Places. He noted that the National Register was having a really big push for roadside attractions and this site was really in their wheelhouse right now for what they were pursuing. Mr. Williams stated, in seeking that designation, he would have to try to maintain the site's historic fabric as best he could. He noted that drastic changes to the site were really frowned upon by the National Register.

Mr. Williams stated that the reason he was requesting a Conditional District rezoning rather than requesting a straight rezoning was because of the 300-foot transitional zone that came along with the motel use. He explained that there was low density residential property 270 feet away that was zoned RA that triggered the need to request the Conditional District rezoning. Mr. Williams stated that the site sat to the south of the protected property. He stated that the topography really sloped up behind the motel and the house sat back behind a wooded tree line along the front of the road. Mr. Williams felt that the topography of the land, as well as the direction that the building faced, would direct noise in the opposite direction from the protected parcel. Mr. Williams stated he did get a chance to meet the people that live at that house and they were very excited that someone was doing something to these properties. He felt he had met all the requirements of the UDO in terms of density and parking. Mr. Williams stated he would provide six short term bicycle parking spaces, which was beyond the two short term bicycle spaces that were required. He noted that he was required to provide two long term bicycle spaces and he would be providing four and they would be within the units. Mr. Williams stated that the motel would have a total of seven units in the two buildings, three of which would be quite small and really would not lend themselves to housing internal bicycle storage. He felt that one of the great things about the site was its proximity to the greenways and he hoped that would be an amenity to the property. Mr. Williams stated he did not expect an increase in traffic in front of the protected residential property because most people would approach from Old East King Street. He hoped there would be an increase in bicycle traffic in front of their parcel because he hoped people would make use of the Greenway.

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Council Member Furgiuele asked if there were any neighborhood businesses that the property had ever been used for and Mr. Williams replied that there were not.

Council Member Furgiuele asked how long the property had been zoned B2. Ms. Shook stated she was unsure but felt it had been more than 20 years. Council Member Furgiuele asked if it was correct that the property across East King Street was zoned B3 and Ms. Shook replied that was correct.

Council Member LaPlaca asked, given that Mr. Williams was seeking historic designation and had to preserve the buildings as much as possible, how the buildings would change and would they be energy efficient. Mr. Williams replied that interior changes could be made to services like heating and cooling and noted he was working with Landon Pennington to explore a solar option. Council Member LaPlaca asked about the soundness of the structure. Mr. Williams replied that the building was condemned not because of structural concerns and noted that the underlying structure was in good shape. He stated that a lot of the historic elements were still in place like the steel case windows and he planned to restore those and replace the windows that were missing. Mr. Williams noted that he would not be adding square footage because that would be sort of antithetical to the preservation process. He stated that he did plan, in the future, to remove the portion of roof that was added for height on one side of the building. He stated he was exploring adding back the old chimney to the main building that was there originally but had been removed at some point. Mr. Williams believed that chimney provided the steam heat for the whole complex originally. He noted that the structure was built on a slab, except there was a small basement under a single room where the utilities were located.

Mayor Brantz asked Mr. Williams if the Tourist Court would be operated year-round and he replied that it would.

Council Member Roseman referred to the Type A buffer and asked Mr. Williams what he was planning to do to protect the residential district. Mr. Williams replied that he would be required to install a 10-foot Type A buffer behind the structure and, because he had a fair amount of square footage there, in addition to that 10 feet he planned to provide additional landscaping behind the building mostly in the form of evergreen landscaping to cut down on noise as best as possible. Council Member Roseman asked Mr. Williams if he had received any type of written support from the neighbors for his project. Mr. Williams replied that he had not received written support but he had not received any negative complaints either. He stated that everyone that had walked by had been fairly happy that something was going to be going on with the site other than what had been going on for the past 20 years.

Council Member Roseman asked Ms. Shook if the neighbor in the protected district had been notified of this meeting so they could attend if they wanted to. Ms. Shook replied that this project triggered a 300-foot transitional zone so all neighbors within 300 feet were notified. Council Member Roseman asked if it was correct that the property was within 270 feet and so they would have been notified. Ms. Shook stated that was correct.

Commission Member Zebada asked Mr. Williams to elaborate on how he planned to address the staff concerns regarding the existing retaining wall's stability and/or actions to stabilize it, as well as his plans to repave the existing parking lot and maintain stormwater drainage. Mr. Williams replied that he had already had a couple of contractors come out and give him quotes for repairing the retaining wall located just south of the main Tourist Court building. He stated that the wall was fairly tall and was failing and he was looking to replace it with another concrete block retaining wall, which was what it was now. Mr. Williams stated he had spoken with people about repaving the parking lot. He noted that he actually planned to reduce the square footage of the parking lot slightly so there would be less impervious surface. Mr. Williams stated that the new 10-foot buffer on the western side would reduce the impervious area by a fair amount of square footage and there would also be another reduction on the eastern side of the property.

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Mayor Brantz asked Mr. Williams if he had explored connections with ASU in terms of housing and he replied that he had not.

Council Member Hicks joined the meeting.

Mr. Williams stated that he planned on operating the Tourist Court as sort of short term rental style motel so there would not be someone in the office but would be sort of a no touch concept where you would come to the property, put in your key code, and enter. He stated that the original office building would house a coin-op laundry machine and an icemaker and it would be controlled access through the same system. Mr. Williams hoped he could get some folks coming to ASU events or high school events but he had not discussed this directly with any of those parties. He stated he had discussed his plan with a handful of business owners in the East Boone area just to let them know what he was doing and to try and build some excitement around the area.

Commission Member Veno asked Mr. Williams if he owned the house that was above the motel. Mr. Williams replied that he did not own the house. He stated that he owned the property to the north of the house as well as the property to the southeast of the house but he was not able to finalize plans for the portion of the property containing the house prior to putting in the application for the Conditional District rezoning so he would be back fairly soon for rezoning of the other parcel.

Commission Member Tippett asked Mr. Williams what name he would be operating under. Mr. Williams replied that he would be operating as Blue Ridge Tourist Court. He noted that the original sign was a six-inch thick metal sign similar to most of the signage that was in Downtown around that same time but then they got a new sign with slightly different graphics with neon on it. Mr. Williams stated he would like to recreate the original sign but was unsure if it would meet current signage requirements for the Town.

Council Member Roseman asked Mr. Williams if he had been made aware that the Council was discussing Airbnb's and restrictions.

Ms. Meade wished to clarify that while Mr. Williams used the term Airbnb in terms of his operating model, Airbnb concerns were about the use of private residential structures such as houses and maybe apartments. Ms. Meade stated that this was a motel so in the event that restrictions were placed for Airbnb's in rental residential property, it would not have an effect on this property.

Council Member Roseman asked if there would be on-site management. Mr. Williams replied that he had been in contact with three or four different management companies about future management but for the first year he would be doing most of the managing so that he could understand a little bit more about the operation.

Commission Member Halbert stated there was an AppalCART stop right in front of the property and asked Mr. Williams if he was planning to have the stop renamed or if it would keep the same name. Mr. Williams replied that he spoke with AppalCART a couple of weeks back, not about renaming the stop, but to ask if they had any plans to get rid of the AppalCART stop and was told that the Board of Directors had not slated it for removal. Mr. Williams stated he had not considered changing the name of the stop but thought it was a great idea.

Ms. Shook stated she did not receive any requests for participation in public input.

Mr. James stated he had received several calls from homeowners who received notification letters but no one indicated they would be attending the meeting.

Commission Member Zebzda asked what about the general substance of the calls made by those residents. Mr. James replied that there were a few questions about what was going on and some comments about the property being in disrepair and not very nice to look at. He stated that most everybody was somewhere between neutral and excited about the potential of the project and the fact

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that the property would be cleaned up. Mr. James stated that some stated they did not want the buildings to be torn down and have a new apartment building in its place.

With nothing further, Mayor Brantz closed the public hearing on this case at 6:50 p.m.

Vice Chair Plaag rejoined the meeting.

Case PL04727-050721 160D and Other Clarifications - UDO Text Amendment

The Town of Boone has initiated a UDO Text Amendment to revise the UDO as follows: revise entire UDO to comply with NC General Statue 160D; merge all or portions of UDO Articles 14, 15, 16, 17, 18 and 27; modify the following in new Article 14: B1 setbacks, building spacing, add additional hotel uses, B2 and B3 zoning district descriptions; standards related to corridor and viewshed district overlays; provide definitions for existing text; modify application process in Article 4, revise Article 7 Nonconformities to provide additional clarification; revision of existing Appendix B Guide for Landscaping to Appendix B Comparative tables and creation of new Appendix C Details and Specifications Manual. Other non-substantive changes are being offered and amendments may also be made to other Articles to conform them to the changes being proposed.

Ms. Shook noted that the staff report was inadvertently omitted from the meeting packet and was emailed to members prior to the meeting. She then presented the request as it was outlined in the staff report, noting this was a very large change that was basically an amendment to the entire UDO.

Vice Chair Plaag referred to Section 6.01 on packet page 118. He noted this was the section that was previously called Board of Adjustment and he understood that the intention here was to change it to include HPC in quasi-judicial hearings, but at the beginning of that section there was a reference to all hearings of the Board and all quasi-judicial hearings of the Historic Preservation Commission. Vice Chair Plaag pointed out that there was no Board defined at that point because the section had changed from being Board of Adjustment to quasi-judicial hearings. He felt the term Board needed clarification. He also noted that, throughout the section, the word board was sometimes capitalized and sometimes not. He noted there was a minor typo in 6.01.01(J). Vice Chair Plaag then referred to Section 6.01.02 on packet page 119 that stated it was now necessary for the board to take official action on any application or appeal but noted that there was no definition of what that quorum was.

Ms. Meade replied that the intent was to allow later, more specific provisions for each board to stand for itself. She explained that the Board of Adjustment and Historic Preservation Commission's quasi-judicial procedures were combined because they related to the same statute that stated this section would apply to all quasi-judicial decisions of the HPC, as well as the Board of Adjustment. Ms. Meade stated that the quorum varied for each board. She noted there was a concern, at least on staff's part, about the HPC being able to meet a quorum given the current size of the board and suggested a possible reduction of members on that board.

Ms. Shook stated the size of the board was discussed previously and the membership was slated to be reduced from 7 to 5 but because there was a full Board and others interested in sitting on the Board, a recommendation was made for the Board to remain at 7. As of the end of June there will only be 2 members on the HPC. Vice Chair Plaag stated there was someone applying to be considered at the June Town Council meeting so potentially there would be 3. He stated he was encouraging both of the members who were rotating off in June to at least hang around until their seats were filled. Ms. Meade stated that the statute allowed a board as small as three members.

Vice Chair Plaag referred to Sections 8.03 and 8.04 on packet pages 149 and 150 regarding the COA process and stated that language might need to be altered to change the COA for minor work to a Statement of Conformity. Ms. Meade replied that staff tried to follow his direction on that wording but

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she changed it because that language did not match up with the statute. She noted that the statute just recognized the COA, either for major work or administratively approved work so she felt it was best to stick with the statutory language but was happy to work with Vice Chair Plaag to come up with a solution. Vice Chair Plaag explained that staff had called him because they were having trouble with the COA as it related to minor work and asked if there was a better term that could be used and they came up with the term Statement of Conformity.

Ms. Shook explained that she did not want people to use the term Certificate of Appropriateness for minor work that did not go through the quasi-judicial process. She noted that a lot of other jurisdictions did not call for a Certificate of Appropriateness for minor work because it was administrative so the suggestion of Statement of Conformity seemed reasonable.

Vice Chair Plaag referred to Section 9.04 on packet page 164 that stated if any resident or landowner in town submits a written statement, etc. and asked if it was the intent to exclude a business owner who was not a land owner or a resident from submitting an amendment to the UDO or filing a Conditional District application. Ms. Meade replied that this was only for citizen comment and the change was not intended to be substantive. She explained that references to the term property owner were changed to landowner because that was what the new statute most often used. Ms. Meade stated that the statute appeared to inconsistently use both terms for no good reason.

Ms. Shook noted that the citizen comment was taken directly from the statute and asked Ms. Meade if they would be allowed to change that. Ms. Meade felt that if the Planning Commission recommended a broader definition that Council agreed to, there should be no problem with a more inclusive provision.

Vice Chair Plaag suggested the language to include people who own property, people who live here whether or not they own property, people who run a business here, and possibly people who work here. Ms. Meade stated the suggestion seemed reasonable to her.

Vice Chair Plaag asked if a business owner would be considered a property owner versus a landowner. Ms. Meade replied that it was a distinction and it should be added if that was the intent.

Commission Member Zebzda referred to Section 4.12.01(C) on packet page 101 that stated performance guarantees shall be in an amount of not less than 125% of the estimated cost of completion. He stated he thought, historically, that the 120 or 125% statistic was a point of conflict or disagreement between some developers and the Town. Commission Member Zebzda asked if there was any way to reword that section to still provide an adequate financial guarantee for project completion while opening it up to some more negotiations between a private developer and Town Council to find a more mutually agreeable agreement. Ms. Meade explained that this was a limitation imposed by state law.

Ms. Meade referred to Section 7.05.02(B) on packet page 146 and 147 and noted there was a suggestion of changing the deadlines for reconstruction of structures that were destroyed by an act of God, like fire or flood. She stated that this had recently happened to someone in Town and it became clear that the deadline of six months to get the building permit and a year to occupy the structure appeared to be really unreasonably tight. Ms. Meade stated it could take time to work on insurance payments so there was money to hire people to submit plans or to figure out what could be rebuilt and then getting a house built in 12 months almost never happened.

Ms. Shook stated that three categories for hotel small, large, and extended stay, were included in this amendment. She explained that, in the B1, the only hotel allowed would be a small, and that would be proposed to be allowed by right. Ms. Shook stated that, in the B3, all three would be allowed, with the small being allowed by right, the large allowed with a 200-foot transitional zone, and the extended stay with a 300 foot transitional zone. The Wellness District would allow a small hotel by right. Ms. Shook referred to packet page 550 that contained definitions for the hotel categories. She noted that the small

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hotel would be up to 20 guestrooms, the large would be 21 or more, and the extended stay would be any number of rooms that puts rates on a weekly or monthly basis and regularly rents guest rooms for stays of one week or more.

Ms. Shook noted that a revised definition for land disturbing activity had been added as it related to speculative grading.

Council Member Furgiuele referred to Section 4.01.01(A)(1) and asked if there was supposed to be the word approval after development in the second line. Ms. Shook replied that it should be a development approval.

Council Member Furgiuele stated that he noticed in the powers over the Community Appearance Commission, the paragraph that allowed the Council to assign things to Community Appearance had been struck. Ms. Shook replied that she inadvertently removed that and it would be added back in.

Board Member Roseman applaud staff for removing the gender specific identification throughout the text.

Commission Member Veno stated he was wondering why the word board was capitalized throughout and was a little confused on the quasi-judicial quorum. Mr. Shook replied that quorum for each board was set forth in Article 2. She added that the overall issue of board membership for the HPC was not necessarily the number available for quorum but that there would potentially be four open seats on the Historic Preservation Commission.

Commission Member Roseman expressed concern that having one person missing from a three person board could cause issues. Ms. Meade replied that the statute allowed the Board to be as small as three. She stated that the COA decision making process was considered to be specialized and sometimes there needed to be small and pretty expert boards to handle those. Ms. Meade stated that having a board of five with a quorum of three or four was what they were suggesting.

Ms. Meade noted that the lowercase word board in 6.01 was there to define references that refer to both the Board of Adjustment and HPC.

Ms. Shook stated she had not been contacted by anybody who wanted to participate in the public comment portion of this hearing.

Vice Chair Plaag asked if it would be appropriate in the quasi-judicial section to just have the references to where quorum was defined for each board later on so that way there would be no confusion about what the intent was. Ms. Meade suggested they could just strike the sentence altogether because it really carried no water.

Adjournment of Town Council

With nothing further, Council Member LaPlaca made a motion to adjourn the Town Council at 7:34 p.m. The motion was seconded by Council Member Roseman.

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

_____ _____

Rennie Brantz, Mayor **Brenda Henson, Board Secretary**

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Elizabeth Shay, Planning Commission Chair

Continuation of Planning Commission Meeting

Chair Shay called for a break from 7:34 p.m. until 7:43 p.m.

Public Comment

Ms. Shook stated that no one had signed up for public comment.

Approval of Meeting Minutes

Vice Chair Plaag made a motion to approve the March 22, 2021 Planning Commission meeting minutes. The motion was seconded by Commission Member Tippett.

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

Vice Chair Plaag recused himself from the case involving Blue Ridge Tourist Court.

Case PL04630-040921 Blue Ridge Tourist Court - Conditional District Zoning Map Amendment

Blue Ridge Tourist Court LLC has requested a Conditional District Zoning Map Amendment to rezone 574 Old East King Street (Watauga County PIN: 2910-89-5295-000) from B2 Neighborhood Business to Conditional District B3 General Business with a site-specific development plan for Use 3.07 Motel.

Chair Shay stated it was nice to see this property being brought back to life and she thought the plan sounded really interesting. She stated she always had questions about pedestrian connections but did not think there were any pedestrian facilities nearby in that part of town.

Ms. Shook noted that the applicant was proposing to install sidewalks along the front of the property as required by the Ordinance. Chair Shay asked if it was correct that the sidewalks would not connect to anything because there were no other sidewalks there. Ms. Shook stated that was correct but explained that the UDO now required sidewalks whether or not there was connectivity or not.

Commission Member Veno stated he did not remember anything being mentioned about traffic but added that he did not see how traffic could be any kind of an issue with this project. Ms. Shook replied that neither Mr. James, the senior planner who did the review of the project, nor Public Works had any concerns regarding traffic at the site. Mr. James added that there was only minimal concern about traffic considering there would only be about seven rooms and 11 parking spaces. He stated that this project did not trigger the need for a traffic study.

Commission Member Veno referred to the office building with its natural stone work and felt it was still very notable and it would be a shame to lose that. He stated there was a trend across the country of people buying up old hotels or motels and refurbishing them.

Commission Member Zebzda stated he thought it was a very cool project. He noted that it was very enjoyable to read through and see all the plans and the proposed use. Commission Member Zebzda stated that, coming into the meeting, he had a few concerns pertaining to the retaining wall, the parking lot, and bicycle parking but the applicant did an amazing job clearing everything up and addressing those concerns.

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Commission Member Behrend stated that Mr. Williams gave a wonderful presentation of the project and she appreciated how he went through each step.

Commission Member Tippett stated he supported the project based on what he had heard. He stated he was usually concerned about impacts on neighborhoods and residential properties but noted he was not concerned with just seven rooms. Commission Member Tippett stated that the topography and landscaping would help with impacts to the neighbor.

Chair Shay stated that the Town's stormwater management guidelines and requirements had changed since the hotel was last active and asked if that was reflected in planned changes for the property. Ms. Shook replied that the State actually tied their hands a little bit as far as when the Town could require new stormwater management systems. She stated that a property owner could volunteer, but the Town could only require an applicant to make stormwater improvements when there was a new impervious surface. Ms. Shook stated that when Mr. Williams repaved the lot they would make sure there were not new issues created with the direction of the stormwater. Chair Shay stated she thought there was reference to a reduction in impervious surface. Mr. James stated that there would be a slight decrease in impervious area and that should have negligible impacts. He noted that the applicant was not required to repave the parking lot, but he had indicated that he would like to do so towards the end of construction.

Ms. Shook stated that normally during the public hearing conditions of approval were discussed and agreed to by the applicant however, that did not happen. She stated she did not recall any specific conditions being agreed but noted the staff recommended conditions on packet page 36 and 37. Ms. Shook asked Mr. Williams if he would agree to those conditions and he replied that he would agree to those conditions.

First Motion and Vote: Commission Member Tippett made a motion that the proposed amendment to the Town's zoning map from B2 to B3 General Business Conditional District zoning is consistent with the town's comprehensive plan and any other adopted plans of the town that are applicable because it complies with:

Comprehensive Plan Policy 2.1.1 Economic Development

B. New and expanding industries and businesses shall be encouraged which: 1) diversify the local economy, 2) train and use a skilled labor force and 3) increase area residents' incomes.

C. The Town shall encourage the development of a well-balanced tourism trade as a primary element of the area's economic future. Investments in services, facilities, and proper growth management shall be employed in furtherance of this objective.

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

Comprehensive Plan Policy 2.1.2 Commercial Development

G. Effective buffering and/or landscaping shall be provided where a large scale or automobile-orientated commercial or office use adjoins an existing or planned residential use.

Comprehensive Plan Policy 2.3.2 Community Character

A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area.

B. Multiple and appropriate adaptive reuse of historic resources shall be encouraged.

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C. Wise development of the tourism potential of the area's architectural, historic, scenic and natural resources shall be encouraged.

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.

The motion was seconded by Commission Member Behrend.

Commission Member Zebzda wished to amend the motion to add:

Comprehensive Plan Policy 2.1.1 Economic Development

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

Commission Members Tippett and Behrend accepted the amendment.

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

Second Motion and Vote: Commission Member Tippett made a motion that the Planning Commission recommends approval of the proposed amendment to the Town's Zoning map and believes approval is reasonable and in the public interest because this scale of use is no greater than previous commercial use, and historic preservation projects should be encouraged as well as appropriate tourism development projects. The motion was seconded by Commission Member Veno.

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

Commission Member Tippett then made a motion that the 3 recommended staff conditions be attached to the original motions. The motion was seconded by Commission Member Behrend.

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

Vice Chair Plaag rejoined the meeting.

Mr. Williams thanked everyone for their recommendation and stated that he appreciated everyone's enthusiasm about the project.

Case PL04727-050721 160D and Other Clarifications - UDO Text Amendment

The Town of Boone has initiated a UDO Text Amendment to revise the UDO as follows: revise entire UDO to comply with NC General Statue 160D; merge all or portions of UDO Articles 14, 15, 16, 17, 18 and 27; modify the following in new Article 14: B1 setbacks, building spacing, add additional hotel uses, B2 and B3 zoning district descriptions; standards related to corridor and viewshed district overlays; provide definitions for existing text; modify application process in Article 4, revise Article 7 Nonconformities to provide additional clarification; revision of existing Appendix B Guide for Landscaping to Appendix B Comparative tables and creation of new Appendix C Details and Specifications Manual. Other non-substantive changes are being offered and amendments may also be made to other Articles to conform them to the changes being proposed.

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Ms. Shook noted the following changes that were proposed during the public hearing:

6.01.01(A) Change the section to be about quasi-judicial procedures for both the Historic Preservation Commission and the Board of Adjustment. Change the first board to Board of Adjustment just to clarify.

6.01.01(J) Fix the typo.

Correct inconsistent capitalization of the word board throughout Section 6.01.

6.01.02 Either reference each board's quorum or strike that subsection altogether.

8.03 and 8.04 Review General Statutes regarding minor work and see if the terminology Statement of Conformity should be used or Certificate of Appropriateness.

9.04 Make it broader. Take away the term landowner and refer to property owner. Possibly add the term business owner.

4.01 Add the term approval after development.

2.03.04 Add the assignment of other duties by Town Council to Community Appearance Commission.

Check quorum for all boards for consistency.

Ms. Shook referred to Section 9.09.02 on packet page 168 regarding neighborhood meetings. She noted that language was added to provide another layer of participation and awareness to Conditional District Map Amendments.

Commission Member Zebzda stated that the updated language took the whole spirit of the Comprehensive Plan and made it applicable. He felt Comprehensive Plan Policy 2.3.4 Public Involvement would be appropriate to cite in the motion for approval. Commission Member Zebzda stated he personally saw what was being considered as a specific implementation tool to bring the UDO into compliance with State law.

Vice Chair Plaag stated his experience with neighborhood meetings that were held under the old Planned Development process was that the summary that was provided by the applicant often did not fully encompass the tenor and breadth and depth of the concerns expressed by participants in the neighborhood meeting. He suggested that a staff member be present to take minutes of the neighborhood meeting process so that an objective person, who was not the applicant, summarized what took place. Ms. Shook replied that would be a great commitment from a small staff to attend all neighborhood meetings to take minutes. She also expressed concern that staff would be pulled into the meeting for questions. Ms. Shook asked if it would help to include the phrase "all concerns" rather than "any concerns" in the language. Vice Chair Plaag felt that would help but would still like to suggest to Council that staff be present at neighborhood meetings to take minutes. He stated he did not see a way in which there was a clear expectation that an applicant would be truthful in relaying information.

Commission Member Zebzda suggested adding that if an applicant misrepresented, failed to provide, or purposely omitted any concern made by a neighbor in one of the neighborhood meetings that they could have a civil penalty or some sort of fine. Ms. Shook replied that the Town could only penalize people for things that were authorized under State law and she did not believe that was something that the Town could penalize.

Commission Member Veno felt that requiring staff to attend neighborhood meetings would be an undue burden on staff. He stated that the process the Town used kind of covered everything and he was comfortable with things the way they were. Commission Member Veno noted that neighbors who had concerns could make those known at the public hearing.

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Chair Shay stated she liked the notion of multiple, smaller meetings because big meetings could drown out all but a few voices but she also recognized that it would require more staff time.

Vice Chair Plaag wished to clarify his concern, noting that the way the language read, it left things entirely in the hands of the applicant to report to the Administrator what was or was not said at the neighborhood meeting. He added that, at the neighborhood meeting, there would not be a staff member or a Council member or a Planning Commission member present so everyone would be relying entirely on the assertions of the applicant. Vice Chair Plaag stated his concern was whether it was feasible and realistic to have a staff member present for the neighborhood meeting and stated, from Ms. Shook's feedback, it would place a burden on staff. He stated he did like Ms. Shook's suggestion of changing 9.09.02(E) so that it read that essentially, the summary report would detail the meeting, including all concerns expressed by attendees and any comments made by the petitioner or by the applicant.

First Motion and Vote: Commission Member Veno made a motion that the proposed amendment to the Town's zoning ordinance is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because the proposed amendments are consistent with all of the Comprehensive Plan objectives. The motion was seconded by Vice Chair Plaag who wished to amend to motion to include the proposed changes previously enumerated by Ms. Shook, including changing *any* to *all* feedback or comments as it relates to neighborhood meetings.

1. Revise Subsection 2.03.04 to not delete "Perform any other duty assigned by the Council that is authorized pursuant to N.C. Gen. Stat. § 160A-452."
2. Revise Subsection 4.01.01(A)(1) to add term "approval" after "development".
3. Subsection 6.01.01(A): clarify "Board of Adjustment" in first sentence.
4. Subsection 6.01.01(J): correct type of word "and".
5. Subsection 6.01.02: either strike this subsection or add clarification language to the other Sections on quorum for the BOA and HPC. STRIKE
6. Review Section 6.01 to see whether the term "board" needs to be capitalized or lower case. Lower case all except references to Board of Adjustment; lowercase "board packet"
7. Review other sections of UDO to ensure that quorum is used appropriately (see UDO Articles 2, 6 and 8). Other sections are adequate
8. Review Sections 8.03 and 8.04 with consistency with General Statutes and Minor Work (Statement of Conformity language). I remain concerned about inconsistency with the statute (attached). Could you send me just the COA portion of the UDO in Word (i) as currently drafted and (ii) as staff/Eric had proposed and let me work on it a little bit?
9. Revise Section 9.04 to include text in yellow : "If any resident, property owner, business owner or other citizen who works within the Town submits a written statement regarding a proposed amendment..."
10. Note: to recommend approval to include the requirement for a neighborhood meeting for a CD Zoning Map Amendment process. Additionally, recommends Subsection 9.09.02(E) be revised from "any concerns" to "all concerns".

Vice Chair Plaag also wished to amend the motion to include:

Comprehensive Plan Policy 2.3.4 Public Involvement

C. Specific functional plans and implementation tools shall be supported as part of the comprehensive planning program for the Town and County.

Commission Member Veno accepted the amendments.

Vote: Aye – All
Nay – None

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The motion passed.

Second Motion and Vote: Commission Member Veno made a motion that the Planning Commission recommends approval of the proposed amendment to the Town's Zoning ordinance and believes approval is reasonable and in the public interest because it meets the spirit and intent of the objectives in the Comprehensive Plan. Vice Chair Plaag wished to amend the motion to add that the proposed amendment brings the Town's UDO into compliance with recent statutory changes at the state level. Commission Member Veno accepted the amendment. Chair Shay wish to amend the motion to add that the amendment makes it easier to implement the Comprehensive Plan because it is a cleaner, stronger structure. Commission Member Veno accepted the amendment. Vice Chair Plaag seconded the motion, as amended.

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

Other Matters

Ms. Shook reminded everyone that the last public input session would be this Thursday at 6 p.m. Then on June 9 there will be another joint meeting of the CAC, HPC, and Town Council to go over all the public input obtained through the month of May on the Downtown Planning Projects.

Commission Member Veno asked if mailers were being sent out regarding the Downtown Projects. Ms. Shook replied that staff sent out almost 500 postcards around the first of May. In addition, and one of the building inspectors did a lot of hard work and he walked to every business who may not have received a mailer because they may not be property owners and distributed to all open businesses in the Downtown area. She stated that mailers were sent to the Chamber and it was sent to the DBA.

Commission Member Zebzda stated he was planning to graduate in May, 2022 and would be staying in Boone longer term to pursue a Master's degree in Public Administration. He stated he felt it would be in the best interest of not only himself, but also the student body, and the Commission for him not to seek reappointment as a student representative when his term expired June 30. Commission Member Zebzda stated he would be seeking an appointment as an alternate member on the Board of Adjustment. He noted there had been a lot of interest from the student body to join the Planning Commission and he expected one or more applications to be considered by Town Council.

Commission Members thanked Commission Member Zebzda for his service on the Planning Commission.

Vice Chair Plaag added that there was a student position on the Historic Preservation Commission that he would like to see filled.

Adjournment of Planning Commission

Vice Chair Plaag made a motion to adjourn the meeting at 8:49 p.m. The motion was seconded by Commission Member Tippett.

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

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Elizabeth Shay, Planning Commission Chair **Brenda Henson, Board Secretary**

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Planning Commission Chair/Vice-Chair Application

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

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

Name (Print):

Date Appointed: Date Term Expires:

Number of Terms Served:

Questions

1. **Orientation & Training**
   - **A.** Have you completed the Planning Commission orientation?

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

     ☐ **Yes** ☐ **NO**
2. **Comprehensive Plan & Other Adopted Plans**
   - **A.** Are you familiar with the Town's 2006 Comprehensive Plan and other adopted Plans as listed on the Planning and Inspections website under the "Ordinances, Plans & Studies" heading?

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

     ☐ **Yes** ☐ **NO**
3. **Unified Development Ordinance**
   - **A.** Are you familiar with the Town of Boone's Unified Development Ordinance, specifically Articles 1 General Provisions, Article 2 Administrative Mechanisms, Article 4 Permits, and Article 9 Amendments?

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

     ☐ **Yes** ☐ **NO**
4. **Robert's Rules of Order**
   - **A.** Are you familiar with Robert's Rules of Order?

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

     ☐ **Yes** ☐ **NO**
5. **Please explain why you wish to obtain this appointment:**

Official Use Only
Date Reviewed by Planning Commission:
Date Reviewed by Town Council:

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