

**TOWN COUNCIL AND PLANNING COMMISSION
PUBLIC HEARING AND PLANNING COMMISSION MEETING MINUTES
MONDAY, JULY 28, 2025, 6:00 PM
140 QUEEN STREET**

COUNCIL MEMBERS PRESENT: Mayor Pro Tem Dalton George, Todd Carter, Eric Plaag, and Edie Tugman

COUNCIL MEMBERS ABSENT: Mayor Tim Futrelle and Virginia Roseman

PLANNING COMMISSION MEMBERS PRESENT: Frank Veno-Vice-Chair, Garrett Kight, Anne Pruitt, Frida PazMiranda, and Michael Mileski (arrived at 6:20 pm)

PLANNING COMMISSION MEMBERS ABSENT: Adrian Tait-Chair and Chris Behrend

PLANNING STAFF PRESENT: Jane Shook-Director of Planning & Inspections, Brandon Wise-Deputy Director of Planning & Inspections, Amy Snider-Commercial Zoning Administrator, and Brenda Henson-Board Clerk

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

Call to Order

Mayor Pro Tem George called the Town Council to order at 6:00 pm. Vice-Chair Veno called the Planning Commission to order at the same time. The meeting was held at the Watauga County Public Library, located at 140 Queen Street.

Moment of Silence

A moment of silence was observed.

Approval of Meeting Minutes

Council Member Plaag moved to approve the June 23, 2025, Special Public Hearing minutes as written. Council Member Carter seconded the motion.

Vote: Aye – 4
Nay – 0
Absent – 1 (Roseman)

The motion passed.

Commission Member Pruitt moved to approve the June 23, 2025, Special Public Hearing and Planning Commission meeting minutes as written. Commission Member Kight seconded the motion.

Vote: Aye – 5
Nay – 0
Absent – 2 (Behrend, Tait)

The motion passed.

PUBLIC HEARING

Case A25-0115 Jeremiah's Ice – Conditional District Zoning Map Amendment

JSeventeen7, LLC, submitted a Conditional District Zoning Map Amendment application to rezone the property at 1095 East King Street from B3 General Business to Conditional District B3 General Business to

add a drive-through as an accessory use. The applicant has submitted zoning and building plans to convert the current building into an Italian ice restaurant.

Amy Snider, Commercial Zoning Administrator, presented the request.

Chelsea Garrett, the applicant and part of JSeventeen7, LLC, introduced herself, her husband, Rob Garrett, and the property owner and contractor, Sid Greene. Ms. Garrett reminded everyone that they had not completed their traffic impact analysis at the May public hearing. However, they presented most of their case at that time.

Ms. Garrett noted that the restaurant use was allowed by right, but the drive-through required a conditional district zoning map amendment. She stated the roof would change from a green metal roof to a black metal roof. Signage would include a backlit sign on the building and a wood and metal, exteriorly lit monument sign in the same location as the previous freestanding sign.

Ms. Garrett felt that their project met a lot of the vision and planning principles of Boone Next. She explained that they were redeveloping an existing site, adding extensive landscaping, and preserving an existing building that provided a mountain aesthetic along a major corridor. Ms. Garrett stated that they were creating a natural grassy area where water could go when the creek overflowed. An opaque fence would be installed in the back of the property, and security cameras would also be installed.

Ms. Garrett stated that the existing sidewalk along King Street, along with the addition of a portion of sidewalk along Grove Street, made the property easily accessible to pedestrians. She noted that their goal was to be a gathering place for students. Ms. Garrett mentioned concerns expressed at the May public hearing regarding the safety of students gathering around a site with a drive-through. She pointed out that students who walked to their location from the high school would be crossing a 5-lane highway.

Ms. Garrett stated that the plan to have a coffee truck on site was not part of this request and would require a separate conditional district approval if they were to move forward in that direction. She noted that Jeremiah's Ice would not open until 11:00 a.m. or 12:00 p.m.

Ms. Garrett commented that they were prepared to offer possible conditions regarding the drive-through, if necessary, to gain approval. One suggestion was to operate the drive-through year-round, but only at night from 6 to 9 pm, to avoid school traffic. Ms. Garrett felt this would limit the issue with pedestrians on site because the kids coming from school in the afternoons would not have to deal with drive-through traffic. Another suggestion was a seasonal drive-through that would operate in the off-season. Ms. Garrett stated that the whole point of the business was to have people, when the weather was good, hang out on the decks, talk, and play games. She felt that these two suggested options would limit risks to pedestrian safety because there would be less traffic on-site during the winter and in the evenings.

Ms. Garrett stated that the deck would drain so that no one would get wet under it. She suggested having lights, events, or music under the deck during the off-season.

Ms. Garrett referred to the traffic impact analysis, noting that an ice cream store was not listed in the IT manual, so the traffic engineer based the study on a modified version of a fast-food restaurant. She explained that the model considered fast food restaurants to be open for 12 hours, whereas the ice cream store would typically be open for only nine hours. Ms. Garrett directed everyone to page 59 of the meeting packet, noting that there would be 26 proposed trips per hour. The traffic engineer took the peak count based on the IT manual and used that count for all nine hours. She stated that, to evaluate the impact of the drive-through as a worst-case scenario, the number of trips was treated as if 100% of the trips would go through the drive-through. Ms. Garrett noted that they had a good vehicular stacking queue on-site. "Do not block the driveway" signage would be installed. Ms. Garrett explained that their left lane allowed for 220 feet of storage, and the right lane allowed for 200 feet, which provided adequate

stacking on-site. She added that orders would be taken at the window, so there would be no menu board or speaker in the drive-through, which could cause delays in the line. Orders were estimated to take approximately three minutes to prepare, unless there was a car full of people. Ms. Garrett stated that if the trip generation of 26 were increased by 90%, according to the traffic engineer, the drive-through queues would still contain all of the cars on-site.

Ms. Garrett indicated a willingness to operate the drive-through on a temporary basis for 6-9 months to make sure it was functioning as the Town Council desired.

Council Member Carter stated that the site was larger than one would think. He was relieved that there would be no business during the morning, given the already high volume of traffic in the area. Council Member Carter felt this would be a cool spot for East Boone. He added that he would be okay with the drive-through operating during evening hours and on weekends.

Council Member Plaag stated that this area has a massive amount of pedestrian traffic, which would make it a popular destination for this business, given its proximity to hundreds of beds within easy walking distance, as well as sidewalks that can access the location, and the high school across the street. He added that the town had made a commitment to finding places that could be a 15-minute neighborhood, and the Perkinsville area potentially fits that model. Council Member Plaag was reluctant, in the wake of Boone Next, to agree to another drive-through, even with the proposal for variations in times, seasons, and days.

Ms. Garrett noted that Council Member Plaag had previously suggested having the interior lane open, with the exterior lane reserved for vehicular traffic. She stated that kids would not be running around the parking lot in January or at seven o'clock at night. Ms. Garrett said that her suggestions were a way to limit drive-through hours to times when fewer kids would be there. She offered to operate the drive-through on a trial basis during the winter months, so if things were not working, the Council could discontinue use of the drive-through. Ms. Garrett stated that she asked the staff this question to see if it was something that they could enforce. Brandon Wise, Deputy Director of Planning & Inspections, replied that he did not feel it would be challenging to enforce limitations on the drive-through.

Council Member Plaag stated that his concern was more of a timing issue in that he did not want the Council or the Planning Commission to be accused of embracing Boone Next and encouraging walkability, then turning around not even a month after passing the plan and trying to make an exception for a drive-through at certain times during the year.

Sid Greene, the property owner and contractor, stated that the drive-through would not impact the on-site traffic pattern. He added that the lanes pedestrians would cross would be crossed with or without a drive-through because the exit pattern for cars went through what would or would not be a drive-through.

Council Member Plaag noted that all of the intended patron parking was to be located behind the building, and the only way out of the spaces closest to the building was to back out, which was acceptable. Patrons who park in the rear six spaces might drive around the building, but he felt they would be more likely to pull forward and go straight out to Grove Street. Mr. Greene replied that the ultimate goal was to circulate everyone around the building to the exit for safety and to get cars flowing in one direction, with or without the drive-through. He noted there would be marked crosswalks for pedestrians on each side of the deck structure.

Ms. Garrett stated that people would go to the drive-through if they thought it was open. If it were closed, they would continue circling the building and park. She noted that she would prefer there to be bollards at the right only exit instead of concrete, for snowplow and delivery truck purposes. Ms. Garrett stated that, due to the way cars would enter and the site signage, she assumed they would circle the building.

She emphasized that they were willing to make the drive-through temporary to see if it worked and were also willing to drastically limit its use. Ms. Garrett noted that a gate would be installed on the deck to deter kids from running across. She stated that the drive-through window would be located at the back right corner of the property, barely covered by the deck. This was done to provide a clear line of sight and prevent people from stepping off a curb into traffic. Ms. Garrett stated that being able to operate the drive-through would help the business during the hard time of year.

Commission Member Pruitt noted that a left turn exit lane was shown on one of the site plans, and a right-only exit lane was shown on another. Ms. Garrett replied that the site plan showing a left turn exit was an old plan and that exit would be a right out only.

Commission Member PazMiranda stated that she used to walk along King Street to the coffee shop at New Market Center when she was in high school. She expressed concern about the length of the crosswalk light, noting that it did not allow pedestrians enough time to cross the street. Mr. Wise replied that the staff had spoken with NCDOT about the crosswalk and timing of the traffic lights in that area. Ms. Garrett recalled someone suggesting at the May public hearing that installing a school zone at the intersection might help slow traffic.

Mayor Pro Tem George felt that this was an interesting opportunity, and he appreciated the applicant's willingness to be flexible. He was agreeable to the nighttime drive through and possible weekend limitations. Mayor Pro Tem George stated that having a drive-through that increased the number of cars exiting next to a corridor might encourage the DOT to invest in pedestrian-friendly infrastructure. He added that, despite the presence of a drive-through, the fact that so much of the use would be devoted to getting people there and encouraging them to stay, he felt it was an opportunity to deliver on some of the Boone Next priorities.

Council Member Tugman expressed concern about the location where the lanes merge on the site due to pedestrian safety. Ms. Garrett noted that when the drive-through is closed, there would be no option to walk up to the window. To place an order, a customer must go inside. Mr. Greene stated that pedestrian access to the site would be via the sidewalk along Grove Street, noting there was no pedestrian access from the sidewalk along King Street.

Council Member Tugman also expressed concern about traffic backing up on King Street with excess traffic at that intersection. Ms. Garrett replied that the business would remain there, regardless of whether they had a drive-through or not. Council Member Tugman responded that the previous insurance office use would not have created as much traffic at that intersection as an ice cream store.

Allison Meade, the Town Attorney, inquired whether there was a concern that the drive-through would not have sufficient capacity on-site, which could result in cars being stacked on Grove and King Streets, or if the concern was related to cars being stacked in the road to turn in. Ms. Meade stated that a condition could be placed on the approval that would require the owner never to permit queuing from the drive-through to result in stacking onto Grove Street.

Council Member Plaag asked what would happen if the service got backed up. Ms. Garrett replied that they planned to have people taking orders at iPad stations during events or predictably busy times. They were also considering an app that would allow customers to pre-order online. Ms. Garrett noted that she had spoken with the Hunts from Cornerstone Church across the street regarding the allowance of overflow parking for large groups, if necessary. She again stated that each treat took approximately three minutes to prepare. There would be 2-3 people preparing the treats, so wait times would vary depending on the size of the order and the number of employees working at a given time.

There was no public comment on this case.

Council Member Carter stated that he wanted to support successful local businesses. He felt that Ms. Garrett had been very gracious in her offers of compromise. Council Member Carter noted that he lived near this property, had watched the construction, and walked the property.

Mayor Pro Tem George felt that this would be a significant amount of responsibility to place on the applicant, which no other drive-through had to undertake. He stated that the reason he tried to prevent drive-throughs from being added by right was to hold owners accountable for any issues caused by their drive-throughs. Mayor Pro Tem George stated that Starbucks never had to tell them how long it would take to make a Frappuccino. If a condition were to be placed to limit queuing out into the street, the Council should decide what the policing powers were to hold everybody else accountable equitably. Council Member Plaag replied that the idea would be akin to holding all non-conformities accountable to the current regulation, even though the Council did not have the authority to do so. He stated that, at Mayor Pro Tem George's request, the Council changed the regulations regarding drive-throughs. They were now in a dialogue with an applicant about what that would look like, but they did not have the power to go to Bojangles or Starbucks and say that they did not love what they were doing and impose new conditions on their operations. Council Member Plaag stated that the Council could negotiate conditions and make decisions about whether a drive-through was appropriate at this location, but suggesting there was an inequity with this case struck him as an odd argument to make, coming from the person who had called for the regulation change. Mayor Pro Tem George clarified that policing powers should be uniform and equitable. Ms. Meade noted that policing powers were in play that could possibly be retroactively applied.

Ms. Garrett stated that the sign on the building would be white backlit. The sign on the street would be green metal with a frame around it with Jeremiah's Ice colors. Commission Member Pruitt inquired about the height of the freestanding sign. Ms. Garrett replied that the UDO allowed monument signs to be up to six feet tall.

Commission Member Kight asked how much of the business was expected to be foot traffic versus drive-through traffic. Ms. Garrett replied that they picked this location because of its proximity to the high school. The majority of their employees would be kids who walked from school, and she hoped to have a large number of walking customers.

Commission Member PazMiranda stated that students walking from the high school would cut across the grass instead of walking to the driveway. She suggested installing a path from the sidewalk on Grove Street to the site, located between the intersection on King Street and the driveway. Ms. Garrett replied that a shortcut path could be installed.

Commission Member Mileski expressed concern that the dual-entry parking spaces had no buffer from the entry lanes, leaving the parking lot wide open. Ms. Garrett noted that this design was intentional because it provided better circulation on the property for delivery and garbage trucks. She added that it also allowed cars to pull out of the spaces instead of backing out into the entry lanes.

Council Member Plaag noted that the traffic impact analysis was done on the last day of school for the university. He expressed displeasure that this day was chosen to complete the study because the last day of school was notoriously underattended, which could provide an inaccurate picture of the traffic typically in that area. Ms. Garrett explained that the timing of projects did not always coincide with times of extreme traffic. She stated that the TIA cost \$10,000, and it was upsetting when the reliability of the analysis was questioned. Ms. Meade reminded everyone that TIA's were done by engineers and were based on established industry standards. The engineers use an ITE manual, and they adhere to specific standards. Ms. Garrett stated that the study was performed at a time that considered high school students, not college students.

Vice-Chair Veno asked about the supports for the deck. Mr. Greene replied that a V-shaped steel structure would support the deck.

Ms. Garrett stated that the idea of requiring drive-throughs to obtain a conditional district zoning map amendment was so that the Council could consider the site and determine what would work specifically for that site. She felt that she had offered several good options to address concerns that were expressed, and would like the opportunity to see if they can have a successful drive-through.

With nothing further, Mayor Pro Tem George closed the public hearing for this case at 7:37 p.m.

Cases A25-0504 and A25-0505 High Country Mountain Properties – General Use Zoning Map Amendment

In conjunction with a request for voluntary annexation, the Town of Boone has initiated the zoning of two parcels on Trillium Ridge (Watauga County PINs 2819-19-9210-000 and 2819-19-7099-000) owned by High Country Mountain Properties as R1 Single-Family Residential, along with the Viewshed Protection and the WS-II Watershed Areas Critical Area overlays.

Mr. Wise introduced the case.

Council Member Plaag asked if it was correct that the watershed limited a residential property to one single-family home per two acres. Mr. Wise replied that this was correct. He noted that the property in question was not two acres, so 6%, or 3,000 square feet, of the entire lot could be built upon. Mr. Wise added that the 3,000 square feet included all non-permeable surfaces.

Council Member Plaag stated that he had looked at the lot next door, which had been developed, and the one on the other side, which had also been developed. He noted that there were three single-family homes on 2.2 acres, which was three times what the watershed ordinance desired. He added that about half of the area of the two parcels was designated as steep slope, and Boone Next designated this area as rural and green space where new development should be limited. Council Member Plaag stated that the area allowed single-family homes, but it should not be encouraged. He noted that this specific location encouraged one more set of automobiles coming into town from a town property. He stated that all of those things made him uncomfortable. A 3,000-square-foot footprint for a home did not check the box for affordable housing. Council Member Plaag noted that he suspected the reason the request for annexation was made was that either a well or a septic system was not possible. Mr. Wise replied that the applicant had requested to tie into the town's sewer system, and noted that a town sewer line ran up beyond the subject properties.

Council Member Plaag asked if it was correct that the property had to be annexed to receive town water or sewer. Mr. Wise stated that was correct. Council Member Plaag asked if there was a water line in that area. Mr. Wise replied that the property would be serviced by well water.

Commission Member Pruitt asked if there was a sewer easement on the property. Mr. Wise stated that he was not sure. He noted that the sewer line was off to the side of the left parcel. Mr. Wise added that watershed regulations would apply to the property, regardless of whether it was located in the town or county. He explained that the property was currently located in the watershed, but the county followed a different watershed model than the town.

Vice-Chair Veno stated that he agreed with Council Member Plaag's concerns. However, a house would likely be built on the property, whether it was located in the town or the county, so that traffic concerns would be the same. Council Member Plaag stated that the town's commitment to preserving rural and green space would not be met if the property were developed. Ms. Meade noted that the town would gain property tax revenue and control over code enforcement.

Mayor Pro Tem George felt that strategic annexation was one of the few ways for the town to grow and have some development controls.

Council Member Plaag stated that the Trillium Ridge area had been identified in Boone Next as a green and rural space with limited infrastructure. He noted that he was unsure whether saying no was the correct answer, given all the reasons they had discussed.

There was no public comment on this case.

Mayor Pro Tem George stated that annexing the property and zoning it R1 would help grow the town's tax base and allow the town more control over development.

With nothing further, Mayor Pro Tem George closed the public hearing for this case at 7:51 p.m.

Cases A25-0506 and A25-0507 Tyler & Lara Jones – General Use Zoning Map Amendment

In conjunction with a request for voluntary annexation, the Town of Boone has initiated the zoning of 539 Old Bristol Road and the adjacent property (Watauga County PINs 2901-01-8665-000 and 2901-01-8606-000) owned by Tyler & Lara Jones as R1 Single-Family Residential, along with the Corridor District overlay.

Mr. Wise introduced the case.

Tyler Jones, the applicant and property owner, stated that he grew up in Boone. He said that they bought their house in 2022 from his wife's grandmother. When they had the septic tank checked, they discovered that the lid was sliding off. They were not allowed to adjust it because the drain field would be cut, and they could not tie back into it. Mr. Jones stated that they were told that if their septic tank completely failed, they would have to install a pump to pump their sewage to the back of their property, which would be cost-prohibitive for his family.

Council Member Plaag asked Mr. Jones if he was currently living in the house. Mr. Jones replied that he, his wife, and his two kids lived in the house. Council Member Plaag noted that the property was zoned B3 when it was in the ETJ because it was located in the corridor. He stated that there were some commercial uses in that area, but there were also many houses. Council Member Plaag felt that at this time it was more important to preserve the housing stock.

Commission Member Pruitt asked what would happen to the existing septic tank if the property were connected to the town sewer line. Mr. Wise replied that he was unsure of the process for abandoning a septic tank and suggested that the Health Department would likely enforce those regulations.

With nothing further, Mayor Pro Tem George closed the public hearing for this case at 7:59 p.m.

Case A25-0230 Conditional District Zoning Map Amendments – UDO Text Amendment

Consideration of a text amendment to the Unified Development Ordinance that would allow Town Council to approve variances from ordinance standards when considering an application for a conditional district zoning map amendment.

Ms. Shook introduced the case. She noted that this text amendment would expand the property owner notification to 300 feet and add the requirement for a pre-application meeting. It would provide for the required neighborhood meeting as well as allow for additional neighborhood meetings. Ms. Shook stated that this would be discussed with applicants. The purpose of the meeting had been clarified to ensure that the applicant understood that the meeting was an opportunity to present development plans to the neighbors, gather feedback, and document concerns. The meeting notice will be posted on the Planning and Inspections webpage to increase transparency about neighborhood meetings. Ms. Shook also noted that there would be a clarification of what documentation would be required from the neighborhood meetings, such as accurate meeting minutes that must be submitted with the application for

development, and a time limit from when the neighborhood meeting was held to when the application could be submitted. She stated that the standards would be revised regarding the information that applicants must submit. Ms. Shook explained that the current conditional district process requires an applicant to meet all ordinance standards of the zoning district. If the applicant varied from the ordinance standards, they would need a variance from the Board of Adjustment. She stated that sometimes a more comprehensive review of the variances in relation to the overall project was needed, which was not something the Board of Adjustment could undertake. The Council then had to consider the project after the variance was granted. Ms. Shook said the amended process would alleviate that issue and give the responsibility of allowing flexibility to the Planning Commission and Town Council.

Ms. Meade noted that there would still be variances heard by the Board of Adjustment that were not tied to conditional district zoning map amendments. She stated that having the Board of Adjustment consider variances for projects that they could not review in their entirety put them in a terrible position. Likewise, when the Planning Commission and Town Council reviewed a project that the Board of Adjustment had already granted variances for, it put them in a difficult position because they did not have an opportunity to weigh in on the varied standard.

Council Member Plaag appreciated the work on this amendment. He felt that this was a step to help the Council begin examining the ordinance to identify ways to improve it, making development a more efficient and successful process for everyone involved. Council Member Plaag stated he had no objections to the substance, but did point out a couple of typos. On packet page 196, Subsection 9.09.02(C)(1)(b), the word *bases* should be changed to *basis*. On packet page 201, Subsection 9.10.01 appeared to have been repeated.

There was no public comment on this case.

With nothing further, Mayor Pro Tem George closed the public hearing for this case at 8:06 p.m.

Adjournment of Town Council

Council Member Carter moved to adjourn the Public Hearing at 8:06 p.m. Council Member Tugman seconded the motion.

Vote: Aye – 4
Nay – 0
Absent – 1 (Roseman)

The motion passed.

Dalton George, Mayor Pro Tem

Brenda Henson, Board Clerk

Frank Venio, Planning Commission Vice-Chair

PLANNING COMMISSION

Vice-Chair Venio called a break in the meeting from 8:09 pm until 8:12 pm.

Case A25-0115 Jeremiah's Ice – Conditional District Zoning Map Amendment

JSeventeen7, LLC, submitted a Conditional District Zoning Map Amendment application to rezone the property at 1095 East King Street from B3 General Business to Conditional District B3 General Business to add a drive-through as an accessory use. The applicant has submitted zoning and building plans to convert the current building into an Italian ice restaurant.

Vice-Chair Veno stated that this business could operate by right without the drive-through. He felt that the applicant had done a good job of presenting possible solutions to everyone's concerns.

Commission Member Pruitt stated that she did not want to limit the hours of the drive-through. She was in favor of allowing the applicant to operate the drive-through, providing them with an opportunity to run a successful business. Commission Member Pruitt felt that the business would be aware if the drive-through was not successful or was posing a safety hazard.

Vice-Chair Veno agreed with Commission Member Pruitt's statements, noting that he did not have any strong opinion about the hours of the drive-through.

Commission Member Kight stated that he was okay with the business having a drive-through during all of their operating hours. He was also okay with placing a condition to re-evaluate the drive-through in 6-9 months.

Ms. Garrett stated that the reason the options were offered was that the Council seemed hesitant about the drive-through at the May public hearing. She noted that if she had largely mitigated the safety concerns, she was hopeful that they would let them try to make it work. Ms. Garrett stated that she would love to have no condition on the drive-through, but she was not scared of having one of the options she had proposed.

Commission Member Kight asked if the Town Council could impose conditions, regardless of whether the Planning Commission recommended them or not. Ms. Shook replied that the Planning Commission would make their recommendation to the Council. Then, the Council would evaluate, work with the applicant, and impose final conditions as it deemed necessary.

Vice-Chair Veno asked if there would be directional arrows in the parking lot to direct the flow of traffic on-site. Ms. Shook replied that the applicant indicated during the public hearing that there would be pavement markings.

Vice-Chair Veno noted that he disliked drive-throughs because of the amount of gas used by cars and the carbon emissions. However, he did not want to deprive a business owner of a significant amount of business because they could not have a drive-through. Vice-Chair Veno stated he understood Council Member Plagg's concern that one of the goals in Boone Next was to have fewer cars and more green space.

Commission Member Pruitt replied that Boone Next also encouraged the development of more pedestrian-friendly areas to bring the community together. She added that Jeremiah's Ice was not a drive-through-only business and was being designed as a gathering place.

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

Planning Principle 1: Prioritize thoughtfully designed development of underutilized land within the town's existing built-upon areas over development of undeveloped land on the town's outer limits. *It is preferable to accommodate growth in locations within the existing town limits that are appropriate for,*

can support, and would be enhanced by new development. Infill and redevelopment will occur in a strategic manner that considers community needs like provision of and access to goods, services, transit, and quality public space.

Planning Principle 2: Emphasize quality design to create an attractive, inspiring public and private realm - architecture, streetscape, corridors, gateways, and edges - that is uniquely Boone. *Public areas (streetscapes, sidewalks, parks, plazas, etc.) and private areas (building facades, landscaping, parking facilities, etc.) will be planned, arranged, and designed with quality materials to celebrate a sense of place and character by balancing function, appearance, and affordability, while fostering creativity, innovation, and human-scale design that is true to Boone.*

Goals & Policies

Chapter 1 Land Use and Development

Goal 1.2 DEVELOPMENT TRUE TO BOONE'S VISION: Boone's development and redevelopment will enhance the best of the town's existing built environment and reinforce the vision set forth in this plan.

Policy 1.3.4 Encourage Reuse and Rehabilitation: Support and encourage adaptive reuse and rehabilitation of existing homes and buildings. Where appropriate, minimum building code standards should be applied in a manner compatible with historic preservation efforts.

Chapter 3 A Vibrant Local Economy

Goal 3.1 A STRONG AND DIVERSE LOCAL ECONOMY: Boone will have a strong and diverse local economy that builds on existing economic sectors and fosters the growth of new green economic sectors.

Policy 3.1.1 Build on Boone's Existing Economic Assets: Leverage existing economic assets by promoting businesses that are actively investing in Boone and providing living wage jobs.

Policy 3.1.4 Support Boone's Small Businesses: Support Boone's independent businesses and ensure existing resources are adequately advertised to existing and prospective small businesses. Foster a spirit of entrepreneurship and information-sharing. Create opportunity for creating new locally-owned small businesses, including protecting and expanding the supply of small, affordable spaces in existing and new building.

Commission Member Kight seconded the motion.

Vote: Aye – 5
Nay – 0
Absent – 2 (Behrend, Tait)

The motion passed.

Second Motion and Vote: Commission Member Pruitt made a motion that the Planning Commission recommends approval of Ordinance A25-0115 within Exhibit A and believes approval is reasonable and in the public interest because it is going to help support and encourage adaptive reuse and rehab of an existing building, it's going to increase a strong and diverse local economy in the area and support small business and economic development, and it will be exciting to have an ice cream shop on the east side of Boone. Commission Member Kight seconded the motion.

Vote: Aye – 5
Nay – 0
Absent – 2 (Behrend, Tait)

The motion passed.

The following conditions shall apply:

1. Where there is a conflict between the application information and the plans (dated received on March 19, 2025), 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 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.

Cases A25-0504 and A25-0505 High Country Mountain Properties – General Use Zoning Map Amendment

In conjunction with a request for voluntary annexation, the Town of Boone has initiated the zoning of two parcels on Trillium Ridge (Watauga County PINs 2819-19-9210-000 and 2819-19-7099-000) owned by High Country Mountain Properties as R1 Single-Family Residential, along with the Viewshed Protection and the WS-II Watershed Areas Critical Area overlays.

Commission Member Pruitt stated that she had a problem with this request, noting that the property was located in an area designated as rural and that Boone Next had not promoted annexing property in a rural area for 10-15 years.

Ms. Shook noted that this case was presented to the Council for the first step of the annexation process, and they agreed to send it to a public hearing. The town must advertise which zoning districts would be considered if the property were to be annexed. Ms. Shook noted that Mr. Wise had to leave the meeting, but she would try to contact him to see if this was a hardship connection request. She explained that the Town Code outlined the guidelines for requesting a connection, and one of those was hardship. She noted that an annexation report, which contained information regarding the annexation, the legal requirements, and a zoning analysis, was presented to the Council during the first annexation step so that the Council could choose the zoning classification for the property if it were to become annexed. Ms. Shook relayed to Commission members that they were free to make their recommendation based on their concerns. She stated that staff would endeavor to include hardship information in the staff reports for future requests.

Commission Member Pruitt noted that a sewer line was on the property. Ms. Shook stated that the sewer line likely ran along the road at the property. Commission Member Pruitt expressed concern that the property was located in a rural area and was not in close proximity to any part of town. Ms. Shook replied that this was a satellite annexation, which was not uncommon. She added that the property was currently within Watauga County's jurisdiction, which meant that the town had no development control over it.

Commission Member PazMiranda stated that she was in favor of annexing the property to give the town jurisdiction and provide watershed protection. Ms. Shook replied that the property was currently located in a watershed, although the county used a different enforcement model than the town.

Commission Member Mileski stated that he saw no reason not to annex the property, given that the sewer was already available.

Vice-Chair Veno felt that a house would be built on the property regardless of whether it was in the county or the town. However, if the property were in the town's jurisdiction, it would be part of the town's tax base.

Ms. Shook clarified that the case before the Planning Commission pertained to the zoning of the property if it were to be annexed, not to the actual annexation of the property. Commission Member Pruitt stated that she had thought from the beginning that the Planning Commission was supposed to make a recommendation regarding the annexation of the property, based on the conversation of the Town Council during the public hearing. Ms. Shook reiterated that the Planning Commission made recommendations on the zoning of the property. However, if the Planning Commission strongly felt that this property should not be annexed, they could express this desire to the Town Council in their zoning recommendation.

Commission Member Kight felt that this was an unusual location for property to be annexed into the town. He asked Ms. Shook for the difference between R1 and R1S. Ms. Shook replied that the town advertised for this property to be zoned R1, not R1S, so the case might have to be re-advertised and go through the public hearing process if they wanted to change the zoning from what was advertised. Vice-Chair Veno stated he was okay with an R1 zoning.

Commission Member Kight stated that, like Commission Member Pruitt, he thought the Planning Commission was making a recommendation on the annexation based on the conversation of the Council and the language in Boone Next.

Ms. Shook explained that annexation is a two-step process, and, statutorily, certain steps must be taken. Once the petition was submitted, the clerk had to certify the sufficiency of the petition, meaning the right people had signed it to annex legally. Following that, a resolution was passed setting a date for a public hearing on the annexation. For this request, that hearing date was scheduled for the August 27, 2025, Town Council meeting. In conjunction with the annexation process, the property must have a zoning designation selected that would be applied to the property at the time the Town Council voted to approve the final annexation. The zoning designation was what the Planning Commission was tasked with making a recommendation on. Ms. Shook noted that only the Council determined whether or not a property would be annexed into town; however, she reiterated that the Planning Commission could include a recommendation on the annexation.

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

Planning Principle 9: Incorporate environmentally sensitive and sustainable practices into future developments. *Development will be designed to reduce potential negative impacts on environmental features such as wetlands, riparian buffers, streams, steep slopes, wooded areas, special flood hazard areas, wildlife habitats, etc. The town will continue efforts to protect and restore watersheds, wetlands, streams, and special flood hazard areas in development or redevelopment. New construction will use context-sensitive design to reduce impacts on existing site features. New development should use green building practices. Projects should minimize energy consumption, use renewable energy where feasible, minimize the consumption of resources, and use recycled building materials. Green stormwater management is important, along with protections to our waterways. Infill and redevelopment should maintain or enhance Boone's Urban Forest.*

Goals and Policies

Chapter 1 Land Use and Development

Policy 1.4.5 Protect Valued Mountain Viewsheds: Boone is a beautiful mountain town and must protect those viewsheds deemed most important by the Boone community.

Chapter 5 Green and Resilient

Policy 5.1.1 Use Low Impact Development Practices: To protect water quality, use low impact development practices, like bioswales, rain gardens, and permeable pavement that use or mimic natural processes. Promote the use of local plant species and limit or eliminate the planting of invasive species.

Policy 5.3.1 Protect Ecologically-Valuable Areas: Protect floodplains, steep hillsides, wetlands, and other ecologically valuable areas and corridors from development.

Commission Member Pruitt seconded the motion.

Vote: Aye – 5
Nay – 0
Absent – 2 (Behrend, Tait)

The motion passed.

Second Motion and Vote: Commission Member Kight made a motion that the Planning Commission recommends approval of Ordinance A25-0504/0505 within Exhibit A and believes approval is reasonable and in the public interest because zoning this R1 does provide some more restrictive development regulations through the town's Unified Development Ordinance than would be if the property was left unzoned in the county. Commission Member Pruitt seconded the motion.

Vote: Aye – 5
Nay – 0
Absent – 2 (Behrend, Tait)

The motion passed.

Cases A25-0506 and A25-0507 Tyler & Lara Jones – General Use Zoning Map Amendment

In conjunction with a request for voluntary annexation, the Town of Boone has initiated the zoning of 539 Old Bristol Road and the adjacent property (Watauga County PINs 2901-01-8665-000 and 2901-01-8606-000) owned by Tyler & Lara Jones as R1 Single-Family Residential, along with the Corridor District overlay.

Commission Member Kight stated that his was a hardship request for property in the northwest gateway.

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

Goals and Policies

Chapter 1 Land Use and Development

Goal 1.5 INTENTIONAL GROWTH MANAGEMENT: Boone will manage growth thoughtfully and intentionally within its borders and at its edges to enhance the town's livability and meet the needs of a growing community.

Goal 1.6 AN AFFORDABLE TOWN TO LIVE IN: Boone will facilitate sustainable affordable housing for low-to middle income residents.

Policy 1.6.5 Preserve the Town's existing affordable homes: While ensuring housing is safe for tenants through code enforcement, preserve the townwide stock of naturally occurring affordable housing (NOAH) using zoning and other innovative planning tools.

Chapter 5 Green and Resilient

Goal 5.2 SUSTAINABLE BUILDINGS, OPERATIONS, AND INFRASTRUCTURE: Boone will seek sustainable practices in building, operations, and infrastructure of town government and across the community.

Policy 5.2.2 Manage Growth on Boone's Edges: Intentionally manage outward growth to balance protecting community character and natural areas while directing desired growth to identified centers. Use the Utility Service and Annexation Criteria and the Growth Management Tiers Map to manage growth.

Commission Member Kight seconded the motion.

Vote: Aye – 5
Nay – 0
Absent – 2 (Behrend, Tait)

The motion passed.

Second Motion and Vote: Commission Member Pruitt made a motion that the Planning Commission recommends approval of Ordinance A25-0506 and A25-0507 within Exhibit A and believes approval is reasonable and in the public interest because the property owners would not be able to live in the house if it were not zoned R1 and connected to the town's sewer line. Commission Member Kight seconded the motion.

Vote: Aye – 5
Nay – 0
Absent – 2 (Behrend, Tait)

The motion passed.

Case A25-0230 Conditional District Zoning Map Amendments – UDO Text Amendment

Consideration of a text amendment to the Unified Development Ordinance that would allow Town Council to approve variances from ordinance standards when considering an application for a conditional district zoning map amendment.

First Motion and Vote: Vice-Chair Veno made a motion that the proposed amendment to the Town's Unified Development Ordinance (UDO) is consistent with the Town's comprehensive plan and any other adopted plans of the Town that are applicable because the amendment streamlines how the site-specific flexibility is reviewed under the CD zoning map amendment process and allows the town to implement Boone Next. Commission Member Pruitt seconded the motion.

Vote: Aye – 5
Nay – 0
Absent – 2 (Behrend, Tait)

The motion passed.

Second Motion and Vote: Commission Member Mileski made a motion that the Planning Commission recommends approval of Ordinance A25-0230 within Exhibit A and believes approval is reasonable and in the public interest because it would reduce the reliance on separate variances. Vice-Chair Veno seconded the motion.

Vote: Aye – 5
Nay – 0
Absent – 2 (Behrend, Tait)

The motion passed.

Other Matters

Ms. Shook noted that it was time for Chair and Vice-Chair appointments. She asked members who were interested in being considered for the Chair or Vice-Chair positions to complete an application and return

it to the Board Clerk within two weeks. The Planning Commission would make recommendations at its next meeting based on the submitted applications. Those applications would then be submitted to the Town Council for their consideration.

Adjournment

Commission Member Kight motioned to adjourn the meeting at 10:06 p.m. Commission Member Pruitt seconded the motion.

Vote: Aye – 5
Nay – 0
Absent – 2 (Behrend, Tait)

The motion passed.

Frank Veno, Planning Commission Vice-Chair

Brenda Henson, Board Clerk