Town of Boone
Public Hearing
6:00 PM, Aug. 22, 2022
WebEx, Video Conferencing Software

Public Comment: (Remote): Individuals who wish to address Council can do so through WebEx either online or by phone. If you wish to provide public comment remotely, please email Interim Town Manager, Amy Davis at meetings@townofboone.net or call in at 828-268-6200 and you will be provided with an invite to the meeting. All registrations must be completed by 12:30 PM the day prior to the meeting. Staff will moderate the WebEx session to ensure all participants have an opportunity to address Council.

I. Call to Order of Town Council

II. Call to Order of Planning Commission

III. Moment of Silence

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

July 25, 2022 Public Hearing Minutes

V. PUBLIC HEARING

A. General Guidelines for Each Case Presented at Public Hearing

i. Presentation of Case

ii. Questions by Town Council and Planning Commission

iii. Public Comment

iv. Discussion/Questions by Town Council and Planning Commission

v. Public Hearing for Case is Closed

VI. Case PL05865-070822 Watauga County Parking Deck - Conditional District Zoning Map Amendment

Case PL05865-070822 - Application

Case PL05865-070822 - Staff Report

Case PL05865-070822 - Exhibit A - Letter for Neighborhood Meeting

Case PL05865-070822 - Exhibit B - Neighborhood Meeting Minutes

Case PL05865-070822 - Exhibit C - Elevations

Case PL05865-070822 - Exhibit D - Elevations

Case PL05865-070822 - Exhibit E - Site Plans

Case PL05865-070822 - Exhibit F - Deed

Case PL05865-070822 - Exhibit G - Survey

VII. Adjournment of Town Council

VIII. PLANNING COMMISSION MEETING

IX. Public Comment

X. Approval of Planning Commission Meeting Minutes

July 25, 2022 Planning Commission Meeting Minutes

XI. Planning Commission Consideration of Case Heard at Public Hearing

XII. Other Matters

XIII. Adjournment of Planning Commission

PUBLIC HEARING MINUTES
MONDAY, JULY 25, 2022, 6:00 PM
VIA WEBEX SOFTWARE

COUNCIL MEMBERS: Mayor Tim Futrelle, Mayor Pro-Tem Edie Tugman, Todd Carter, Dalton George, Becca Nenow, and Virginia Roseman

PLANNING COMMISSION MEMBERS: Eric Plaag-Vice-Chair, Chris Behrend, John Tippett, Frank Veno, and Smith Warren

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Mike James-Senior Planner, Christy Turner-Senior Planner (joined at 6:20 p.m.), Jessica Mitchell-Long-Range/Special Projects Planner, and Brenda Henson-Board Secretary

OTHER TOWN STAFF AND REPRESENTATIVES PRESENT: Amy Davis-Interim Town Manager (joined at 6:10 p.m.), Allison Meade-Town Attorney, and Rick Miller-Public Works Director

OTHER ATTENDEES/PARTICIPANTS VIA WEBEX: Jerome Norvell, Jeff Templeton, Greg Edney, and JC Feimster

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Call to Order

Mayor Futrelle called the Town Council to order at 6:04 p.m. Vice-Chair Plaag called the Planning Commission to order at 6:05 p.m. for the Public Hearing/Planning Commission meeting held via WebEx.

Moment of Silence

A moment of silence was observed.

Approval of Meeting Minutes

Council Member Roseman made a motion to approve the May 23, 2022 Public Hearing minutes as written. The motion was seconded by Council Member George.

Vote: Aye – All
Nay – None

The motion passed.

Commission Member Behrend made a motion to approve the May 23, 2022 Public Hearing minutes as written. The motion was seconded by Commission Member Tippett.

Vote: Aye – All
Nay – None

The motion passed.

PUBLIC HEARING

Ms. Shook outlined the guidelines for each case presented at the public hearing.

Case PL05826-062722 Appendix D Modifications – UDO Text Amendment

The Town proposes to modify UDO Appendix D (Downtown Boone Local Historic District Design Standards) to provide consistency with NC General Statutes and to correct references to the Town of Boone UDO.

DRAFT

Communication: July 25, 2022 Public Hearing Minutes (Approval of Public Hearing Minutes by Town Council and Planning Commission)

Vice-Chair Plaag announced that he had contributed to the preparation of the materials in the three text amendments being presented at this hearing. He stated that he had spoken with Ms. Meade, the Town Attorney, and, as long as there was no objection, he would serve in his role as acting chair of the Planning Commission. However, he would not be voting on any of those first three cases or participating in the discussion as a Planning Commission member. Vice-Chair Plaag stated he would be happy to answer questions as a member of the Historic Preservation Commission, if necessary. Ms. Meade added that this was acceptable only because the Planning Commission was an advisory committee and not quasi-judicial. There were no objections to Vice-Chair Plaag continuing as chair of the Planning Commission, but being recused from discussion and voting on the three text amendments on this agenda.

Ms. Jane Shook, Director of Planning & Inspections, presented the request as it was outlined in the meeting packet. She noted there was repetitive information regarding Subsection 6.01.04 that was proposed to be removed and replaced with a reference to the applicable section. Ms. Shook then noted the removal of the Oscar and Suma Hardin House (WT0056) from the Residential Properties Within the District section because this building has already been demolished.

Ms. Shook pointed out the removal of language in Section 14.4 that stated *Combining lots for the purpose of building a single building across multiple lots is not permitted in the District, as it disrupts the town planning system and does not align with the massing and scale of the District's historic building patterns.* The reason for removal of this language was that the combination of lots was permissible under state law. Ms. Shook stated that mass and scale could be addressed through other regulations, but not through property lines. She noted that the words *property lines* would also be removed from Section 1.9 where it talked about *existing historic property lines, block patterns, setbacks in the land, both natural and created*.

Ms. Shook noted that no one had signed up to speak regarding this case.

With no public comment, Mayor Futrelle closed the public hearing for this case at 6:15 p.m.

Case PL05718-051822 Demolition Standards in the Downtown Boone Local Historic District – UDO Text Amendment

The Town proposes to modify UDO Article 8 Subsection 8, and Appendix D, Downtown Boone Design Guidelines and Handbook, Subsection "Standards For Relocation and Demolition" to revise and elaborate upon standards for relocation and demolition of structures in the historic district, provide guidance to applicants with respect to preservation processes, and clarify the role of the Historic Preservation Commission.

Ms. Jessica Mitchell, Long-Range/Special Projects Planner, presented the case as it was outlined in the meeting packet. She noted that staff had presented this text to the HPC during their advisory sessions, and at the July 5th meeting, the HPC made a motion to recommend approval by the Planning Commission and Town Council. The text contained modifications to Article 8, Section 8, detailing revised demolition standards, and included merging some of the existing standards of Appendix D regarding demolition into this section of Article 8. Ms. Mitchell stated that the HPC suggested including the Historic American Buildings Survey (HABS) guidelines that were provided by the National Park Service. The guidelines were included in the meeting packet on pages 41 through 65.

Ms. Mitchell referred to packet page 36 under Appendix D, noting that this particular portion of Appendix D mentioned demolition but did not contain any regulations for demolition.

Ms. Mitchell referred to packet page 37 regarding Relocation of Buildings. She noted that this section detailed the proposed guidelines for relocation of buildings in the historic district. Ms. Meade suggested the addition of a sentence at the end of the first paragraph in Section 1 to serve as some type of transition. She suggested the sentence should read *Applicants engaged in relocation should:*

Communication: July 25, 2022 Public Hearing Minutes (Approval of Public Hearing Minutes by Town Council and Planning Commission)

DRAFT

Vice-Chair Plaag referred to packet page 34, Subsection 8.08.01(A)(4)(a) where it referred to being in compliance with the Historic American Building Survey guidelines. He stated he did not believe the intention of the HPC was to suggest that people who were trying to meet the standard had to actually submit to the Historic American Buildings Survey process, but instead had to have a report prepared that met those guidelines. Ms. Meade suggested that the last sentence should read *Documentation shall be provided by a historic preservation consultant or professional listed by the North Carolina State Historic Preservation Office, resulting in a report that complies with Historic American Buildings Survey (HABS) guidelines.* Vice-Chair Plaag felt that would eliminate the confusion and better captured the intention of the HPC.

Council Member Roseman stated that moving a structure could be very cumbersome on the Town. She asked if the Town found a building that they felt should be preserved and relocated, would all of the responsibility fall on the Town to do the report and pay all of the fees associated with moving the building. Ms. Meade replied that she did not think this section was actually aimed at that situation. She explained that this section was aimed at a private applicant who wanted to relocate a building. Ms. Meade stated that, in the case of the Town wanting to relocate a building, it would be a case-by-case situation that would have to be negotiated, hopefully by the HPC, the Town and the applicant. Vice-Chair Plaag explained that the intention of this text was that many of the standards listed here applied to the property owner who was essentially applying for this process and exploring relocation as an option in the broader demolition process. He stated that this text did not intend for the Town to assume responsibility to secure the structure to be moved. Vice-Chair Plaag added that if the HPC recommended that a property could be relocated successfully and utilized in some other fashion, preserving some element of its context historically, that a decision would have to be made by Town Council and the applicant regarding who would pay for what.

Vice-Chair Plaag stated that there were tax incentives, particularly to a commercial owner, if they made a building available and even contributed to its relocation. He felt that this type of situation would be a relatively rare circumstance, and hoped that there were other solutions that would be pursued by most applicants when it came to existing buildings they were looking to do something with.

Council Member Roseman asked if this text would help with demolition. Vice-Chair Plaag replied that there were some limitations in that the HPC could not entirely prohibit demolition under state statute. He stated there was a waiting period and that waiting period was supposed to be used for exploring alternatives like the possibility of relocation, as a last resort to demolition. Vice-Chair Plaag felt that the proposed language addressed what was likely to come up, as best as it could be foreseen.

Ms. Shook noted that no one had signed up to speak regarding this case.

With no public comment, Mayor Futrelle closed the public hearing for this case at 6:32 p.m.

<u>Case PL05671-042722 Public Art Standards in the Downtown Boone Local Historic District – UDO Text Amendment</u>

The Town proposes to modify the UDO Appendix D, Downtown Boone Design Guidelines and Handbook, Section "Design Standards for Historic Streetscapes, Landscapes, Monuments, and Other Resources in the District" to develop public art standards within the local historic district addressing concerns of public art, provide direction for future public art projects, and fill gaps currently written in the historic standards.

These standards were written following initial (1) the Historic Preservation Commission beginning to hear Certificate of Appropriateness cases, (2) conversations with local art advocates, and (3) Town Council creating a Public Arts commission.

Communication: July 25, 2022 Public Hearing Minutes (Approval of Public Hearing Minutes by Town Council and Planning Commission)

Ms. Mitchell outlined the request as it was presented in the meeting packet. She stated this text amendment would modify Appendix D to develop public art standards in the historic district. Ms. Mitchell explained that this was following initial Certificate of Appropriateness cases where the HPC had conversations with local art advocates and following Town Council creating the Public Arts Commission. She noted that the HPC had reviewed this text and at their July 5th advisory meeting, the HPC made a motion to recommend approval by the Planning Commission and Town Council.

Ms. Mitchell explained that the text box on the top of packet page 74 was included in error and was not supposed to be included. She pointed out that sections of Appendix D on packet pages 74 and 75 had been renumbered. Ms. Mitchell referred to packet page 76 containing the proposed language regarding public art standards.

Council Member Roseman asked if there would be a section about art that was sponsored or on Town property that was not subject to the COA process. Ms. Meade replied that Section 11.4 on packet page 78 provided that exemption. She explained that the basic idea was that public art, as well as historic markers or interpretive signage, that was either located on Town property, Town right-of-way, Town maintained public right-of-way, or to be sponsored in whole or in part by the Town, would be exempt from the COA process. Ms. Meade added that they would instead have to be approved by the Town Council after consideration and advice being provided by the HPC, and anyone else that Town Council wanted to get a recommendation from, which could include the Public Arts Commission.

Ms. Meade suggested that the definition of public art contained in the final bullet point of Section 11.4 be removed because it was consistent with the definition of public art that was given in the first paragraph of Section 11. She also suggested the addition of a sentence stating that *Public art on public property owned or controlled by public authorities other than the Town is not intended to come within the exemption of Subsection 11.4.* Ms. Meade explained that county and state property would still need to go through the COA process because the Town Council did not control those properties.

Ms. Shook noted that no one had signed up to speak regarding this case.

With no public comment, Mayor Futrelle closed the public hearing for this case at 6:39 p.m.

Case PL05781-061322 Signs – UDO Text Amendment (Request to be tabled)

Case PL05729-052322 Templeton Properties – General Use Zoning Map Amendment

Jeff Templeton Rentals, LLC has submitted a General Use Zoning Map Amendment Application to re-zone a 2.91-acre parcel located at 315 State Farm Road from R-1 Single Family Residential to OI Office/Institutional. The parcel fronts State Farm Road and backs up to VFW Drive. The Watauga County Parcel ID is 2910-45-2250-000.

Vice-Chair Plaag un-recused himself for this case.

Mr. Michael James, Senior Planner for Town of Boone Planning & Inspections, outlined the case as it was presented in the meeting packet.

Vice-Chair Plaag asked if there was a Neighborhood Conservation District overlay for the neighborhood surrounding this property. Mr. James replied that some of the properties along Shady Lane were in a Neighborhood Conservation District.

Vice-Chair Plaag stated that the staff report mentioned the VFW was a nonconformity. He asked if this was a legal nonconformity or an illegal nonconformity. Mr. James replied that it was a legal nonconformity in that the property predated the current zoning.

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Vice-Chair Plaag asked if it was correct that the following were permitted uses in the OI zoning district: a vet office with outdoor kennels, restaurants of various sizes, a retail store up to 5,000 square feet, a medical office, a medical emergency response facility, including an accessory use of a heli-stop, open air markets, seasonal retail and amusements, uses including Christmas tree lots, pumpkin patches, corn mazes, a parking lot, or a parking deck. Mr. James replied that was correct. He noted that several of the uses mentioned would require a special use permit because of the proximity to the R1. Vice-Chair Plaag asked if it was correct that doctor's offices, dentist's offices, and funeral homes would not require a special use permit, but larger restaurants, larger retail stores, and a helipad would require a special use permit. Mr. James replied that was correct.

Council Member Carter asked if this was the parcel containing the one vacant church building. He also asked if the OI zoning would allow for more than one structure to be built on that property. Mr. James confirmed that the property contained on vacant church building and could possibly allow two structures under the OI zoning.

Ms. Shook pointed out that this was a general use zoning request, so there was nothing under consideration as far as construction. However, she noted that depending on the intensity ratios or parking requirements, there was a potential that another building could be constructed on the property.

Council Member George expressed concern about the impact of this zoning change on the neighborhood. He stated that there had to be some ways to mitigate the impact to the neighborhood, otherwise he did not think this was possible.

Mayor Pro-Tem Tugman stated the subject property was practically surrounded by a residential neighborhood, and this felt like an encroachment. She stated she could appreciate that this was a vacant building that was not being utilized in the way that Mr. Templeton would choose, but felt it was not appropriate to encroach on a neighborhood in this particular way.

Commission Member Veno referred to a letter that was sent by one of the residents in that neighborhood that was sent to Planning Commission and Town Council members shortly before the meeting. He noted that the man was concerned about access to the property from VFW Drive, which would create a traffic hardship. Commission Member Veno stated he was also concerned about that neighborhood because the OI zoning allowed a vast array of uses.

Mayor Pro-Tem Tugman stated that she drove to the area this afternoon. She noted that the plat showed there was access to VFW Drive from the subject property, but the primary access was off of State Farm Road. Mayor Pro-Tem Tugman felt that Mr. McLaughlin's concern was viable regarding any potential use of the access to VFW Drive. She noted that VFW Drive was narrow and additional traffic could create difficulty for the neighborhood in accessing State Farm Road.

Council Member Roseman asked if State Farm Road would ever be expanded into a three-lane in that section, or would it remain a two-lane road. Ms. Shook replied that there had been considerations of in the past, but she was unsure when or if anything would be done. Council Member Roseman stated the State Farm Road was a very tight road that had a blind curve and wall was really close to the sidewalk. She expressed concern that this was not the safest spot for a business being used daily with a high flow of traffic. Council Member Roseman asked if there was a way to preserve the R1 buffer along Shady Lane as a way to help protect the neighborhood.

Ms. Meade replied that the town did not have any right to do anything unilaterally. However, the applicant could make a proposal along those lines, but would have to do so through a different zoning application process called the Conditional District (CD) process. Ms. Meade explained that the CD process would involve a very specific plan that would be considered by Council that would commit to particular

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uses, particular intensity, building sizes, and so forth, and could also commit to a buffer of some type along the lines of what Council Member Roseman was referencing. But, Ms. Meade reminded Council and Commission members, that was not what was before them tonight, and could not be part of a general rezoning.

Commission Member Warren stated he lived on State Farm Road and walked his dog in that area. He stated it was a very unsafe road to walk alongside of. Commission Member Warren did not feel that the added traffic that would come through that road would be very safe for people like him and the other residents of the community.

Vice-Chair Plaag asked if the building that that was there currently was previously a religious facility, and if that was a normal permitted use under the R1 category at present. Mr. James stated that was correct. He noted that a small religious assembly Category 1 was allowed pretty much everywhere. Vice-Chair Plaag asked if other uses such as a family home or a domestic violence shelter were also permitted uses in R1. Mr. James relied that was correct. Vice-Chair Plaag asked if the property owner would have the ability to subdivide this parcel by right and perhaps build two single-family homes. Mr. James replied that, ignoring any topographical issues on the property, it could be subdivided into two or three parcels for single-family homes. Vice-Chair Plaag stated that his point in raising those questions was to emphasize that the applicant was not locked into having a church and would have other possibilities available to him under the current zoning.

Ms. Shook noted that no one had signed up to speak regarding this case, but noted that Mr. Templeton was present if he wished to speak.

Jeff Templeton, applicant and property owner, referred to some graphics of the property that Ms. Shook shared on the screen. He first addressed the letter that was sent by Mr. McLaughlin regarding a connection on VFW Drive. Mr. Templeton explained that the access was the left of the driveway entrance and curled around the VFW building. He stated that the access was actually called a license and was not an easement that had been granted to anyone. Mr. Templeton noted that back when this was still a church the VFW was allowed to use the access for overflow parking. He felt that use of the access from his property to VFW Drive would make no sense to use because traffic would only get back in line on VFW Drive to try to get on to State Farm Road.

Mr. Templeton stated there was an opaque stand of trees and shrubs between the building and parking lot and the neighborhood on Shady Lane. He also noted that the Shady Lane neighborhood was significantly higher in elevation than the subject parcel. Mr. Templeton stated that his property fronts State Farm Road and had value for business purposes as a business location. He noted that OI was the least intrusive zoning classification that would allow him to use the property for something other than a church. Mr. Templeton felt that there was not much appeal for a single-family residence being located next to a very busy road.

Mr. Templeton stated that this parcel was not part of the neighborhood and functioned more as part of the State Farm business corridor. He noted that he was not proposing any changes to the design of the entrance to the parking lot or the building. Mr. Templeton stated that the property had been vacant for five years.

Mr. Templeton pointed out properties along State Farm Road that were zoned OI, B2, B3, R3, and M1. He stated that the property was convenient to town and was located on a major thoroughfare. Mr. Templeton did not feel that creating more lots for homes would be something that would be highly marketable because of the location. He stated his goal was to try to use the existing facilities to accommodate customers he currently had on a waiting list that needed small offices.

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Ms. Meade noted that, while Mr. Templeton made it clear that he was not proposing any changes to the building or parking lot, the Commission and Council could not take that statement into account with a general rezoning. She noted that the only way Mr. Templeton could come forward and bind himself to that sort of promise was through a CD application, which could limit the proposed uses to professional offices.

Council Member Roseman asked if there was a center turn lane in front of this property. Mr. Rick Miller, Public Works Director, replied that there was not a third lane in front of this property.

Vice-Chair Plaag asked if it was correct that the R1 height limitation was three stories and 40 feet and OI was four stories and 67 feet. Mr. James replied that was correct. Vice-Chair Plaag asked if the property was located within the viewshed. Mr. James stated that approximately half of the property was in the viewshed. Vice-Chair Plaag asked if Mr. Templeton would have a requirement to maintain that stand of trees because of the viewshed requirements or was it not possible to know that at this time. Mr. James replied that it was likely, but would be difficult to say without a specific site plan. Vice-Chair Plaag asked if it was conceivable that the stand of trees could be removed to facilitate construction of two 67 foot, four story buildings that would be visible by the residents of Shady Lane. Mr. James replied that, theoretically, it could be possible, but without any detailed elevations or topography, it would be very difficult to say definitively.

Mayor Pro-Tem Tugman stated that, while State Farm Road appeared to be a major thoroughfare, she did not think the design would constitute that of a major thoroughfare. She stated that she felt strongly about the preservation of neighborhoods and felt this encroachment on the neighborhood was unfair to the folks whose primary investment was their home.

Commission Member Veno asked for some clarification on the Conditional District process. Ms. Meade replied that it would be a different process than this general rezoning. She explained that an applicant would come forward with a specific site plan and proposed uses. Further, approval would be for that specific plan, but the underlying zoning would still be OI, if that was what the applicant requested.

Mayor Futrelle asked Mr. Templeton if he intended to change the building or build something else. Mr. Templeton replied that he had tenants that he could not satisfy with the current offerings he had who were looking for office space. He stated there was a high demand in Boone for small office spaces. However, Mr. Templeton noted that someone could come along and need a larger office space, such as an eye center or real estate office.

Mr. Templeton stated that, based on the comments he had heard tonight, there was no interest in doing anything other than keeping this property zoned R1, so why should he go to all the effort and cost to come back with a Conditional District plan, only to get it shot down. He stated it looked like the future of this property was a rental house.

Council Member Roseman asked if Mr. Templeton chose to apply for a Conditional District would that site specific plan continue if the property was sold. Ms. Meade replied that the ownership of a property had nothing to do with the zoning. She explained that the property could be sold tomorrow and the new owner would have the same zoning as the previous owner.

Mayor Pro-Tem Tugman stated she could appreciate Mr. Templeton's hesitancy to come forward with a Conditional District application because of the expense. However, she felt if there were plans that would be more acceptable and significantly limit the development of this piece of property so that it did not create an issue for the surrounding neighborhood.

Commission Member Veno asked the neighbors around the property were notified of Mr. Templeton's intentions. Ms. Shook replied that they were notified.

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Mr. Templeton noted that when the property was developed for the church it was zoned R3. He stated that, at some point, the church got the property rezoned to R1. Ms. Meade asked Mr. Templeton if the property was zoned R1 when he purchased it. He replied that it was zoned R1.

Mr. Templeton asked if it was correct that, under R1 zoning, he could cut any trees he wanted on the property. Ms. Meade stated she did not know that this was an appropriate time to go into what was allowed under the district as of right.

Ms. Shook noted that no one had signed up to speak regarding this case. The only written public comment that was received was forwarded to the Planning Commission, Town Council, and the applicant earlier today.

Vice-Chair Plaag stated he was aware that great effort had been put into trying to explore ways to make small housing available in our community that would be affordable to people who work in Boone but who could not afford to live in Boone. He pointed out that there was quite a bit of acreage on this lot. Vice-Chair Plaag suggested that Mr. Templeton might explore beyond the obvious one giant lot for a huge McMansion kind of option and look at possibly subdividing the lot to create housing that would be affordable to people who work in Boone. Vice-Chair Plaag felt this might be a way to keep the current R1 zoning while still allowing the property owner to make money on the property.

With no public comment, Mayor Futrelle closed the public hearing for this case at 7:34 p.m.

Case PL05774-060922 O'Reilly Auto Parts – General Use Zoning Map Amendment

The Town of Boone has initiated the zoning of a portion of property on NC Hwy 105 and Snaggy Mountain Blvd to B3 General Business and Corridor District overlay. The remainder of the portion of Watauga County PIN: 2900-44-8162-000, already in the corporate limits is currently zoned B3 General Business and Corridor Overlay. This property is owned by Norvell Boone, LLC which is proposed to be an O'Reilly Auto Parts. Zoning is to coincide with the property owner's voluntary annexation of the property.

Ms. Christy Turner, Senior Planner for Town of Boone Planning & Inspections, noted that this was a General Use Zoning Map Amendment for property Highway 105 and Snaggy Mountain Boulevard. She stated the 0.140-acre portion of the property was currently not zoned and was located in the County. Ms. Turner stated that the request was to rezone the remaining portion of the parcel as B3.

Ms. Shook clarified that this request was not to rezone property, but to zone property in connection with an annexation that the applicant was currently processing. She noted there was a small portion of the subject property that was located outside Town limits that had to be annexed in order to receive utility services.

Council Member Roseman asked if O'Reilly's planned to build on that section of the property. Ms. Turner replied that they were not proposing to build on that portion of the property, and added that the portion of the property to be zoned was considered a steep slope.

Vice-Chair Plaag asked about the Corridor Overlay District in Subsection 14.40.04(A) and the allowed access onto Hwy 105. He stated it sounded as though because of the driveway spacing requirements along Hwy 105 and some of the other underlying language under 14.40.04(A), access has to be from Snaggy Mountain Boulevard. Ms. Turner replied that DOT was giving them access from Hwy 105. She stated that the Snaggy Mountain access was not adequate to serve this business. Vice-Chair Plaag asked if this was because of the steep slope issue with the back part of the property. Ms. Turner stated that was correct. Ms. Shook added that this issue would be covered under Subsection 14.40.04(G) that stated *Access not Prohibited: Any parcel of record on the effective date of this Ordinance that has been prohibited*

Communication: July 25, 2022 Public Hearing Minutes (Approval of Public Hearing Minutes by Town Council and Planning Commission)

DRAFT

all vehicular access based on the provisions herein shall be allowed one (1) access point to its street frontage while meeting the intent of the technical requirements as is practical.

Mayor Pro-Tem Tugman stated she thought there was a water line going through this parcel and asked if that would have any impact on bringing this piece of property into the town. Rick Miller, Public Works Director, replied that he was not aware of a water line going through that property. Ms. Shook added that there was a culvert along the front of the property along Hwy 105. Mayor Pro-Tem Tugman stated she must have been mistaken about the water line.

Ms. Shook noted that no one had signed up to speak regarding this case.

With no public comment, Mayor Futrelle closed the public hearing for this case at 7:43 p.m.

Ms. Shook asked if Town Council had a priority for the recommendations from Planning Commission for this evenings cases. Ms. Meade suggested that Planning Commission consider and make recommendations on the cases in the following order: 1) Appendix D Modifications – UDO Text Amendment, 2) O'Reilly Auto Parts – General Use Zoning Map Amendment, 3) Demolition Standards in the Downtown Boone Local Historic District – UDO Text Amendment, 4) Public Art in the Downtown Boone Local Historic District – UDO Text Amendment, and 5) Templeton Properties – General Use Zoning Map Amendment. Town Council agreed with Ms. Meade's suggested order.

Adjournment of Town Council

Council Member Roseman made a motion to adjourn the Town Council at 7:44 p.m. The motion was seconded by Council Member Carter.

Vote: Aye – All
Nay – None

The motion passed.

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Tim Futrelle, Mayor **Brenda Henson, Board Secretary**

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Eric Plaag, Planning Commission Vice-Chair

Continuation of Planning Commission Meeting

Public Comment

Ms. Shook noted that no one had signed up to speak under public comment.

Approval of Meeting Minutes

Commission Member Warren made a motion to approve the May 23, 2022 Planning Commission meeting minutes. The motion was seconded by Commission Member Veno.

Vote: Aye – All
Nay – None

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The motion passed.

Vice-Chair Plaag called a break in the meeting from 7:47 p.m. until 7:56 p.m.

Case PL05826-062722 Appendix D Modifications – UDO Text Amendment

The Town proposes to modify UDO Appendix D (Downtown Boone Local Historic District Design Standards) to provide consistency with NC General Statutes and to correct references to the Town of Boone UDO.

Vice-Chair Plaag recused himself from discussion and voting on this case.

Ms. Shook explained that this requested text amendment was intended to make sure that language was consistent with general statutes and other UDO language.

Commission Member Tippett stated he supported the amendment.

First Motion and Vote: Commission Member Tippett 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 plans of the Town that are applicable because the amendment is consistent with:

Comprehensive Plan Policy 2.1.1 Economic Development

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

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

Comprehensive Plan Policy 2.1.5 Downtown

A.4 Establish specific architectural and design standards for downtown consistent with its location, setting, and various functions.

The motion was seconded by Commission Member Warren.

Vote: Aye – All
Nay – None
Recused – 1 (Plaag)

The motion passed.

Second Motion and Vote: Commission Member Tippett made a motion that the Planning Commission recommends approval of Ordinance PL05826-062722 and believes approval is reasonable and in the public interest because it brings the UDO into compliance with state general statutes and other UDO language. The motion was seconded by Commission Member Warren.

Vote: Aye – All
Nay – None
Recuse – 1 (Plaag)

The motion passed and approval was recommended.

Case PL05774-060922 O'Reilly Auto Parts – General Use Zoning Map Amendment

The Town of Boone has initiated the zoning of a portion of property on NC Hwy 105 and Snaggy Mountain Blvd to B3 General Business and Corridor District overlay. The remainder of the portion of Watauga County

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Communication: July 25, 2022 Public Hearing Minutes (Approval of Public Hearing Minutes by Town Council and Planning Commission)

PIN: 2900-44-8162-000, already in the corporate limits is currently zoned B3 General Business and Corridor Overlay. This property is owned by Norvell Boone, LLC which is proposed to be an O'Reilly Auto Parts. Zoning is to coincide with the property owner's voluntary annexation of the property.

Vice-Chair Plaag un-recused himself for this case.

Ms. Shook reminded Commission members that this was a request to zone a portion of property as B3 and Corridor District Overlay so that it would be consistent with the remainder of the parcel. She noted that the Town was requesting this zoning to coincide with the annexation of the property.

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

Comprehensive Plan Policy 2.1.1 Economic Development

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.

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.

A.1 Conduct on-going assessments of critical locations in the community deserving special attention by the zoning ordinance, in light of their high visibility, traffic impact, strategic location, or other unique features. Continue to encourage significant new public buildings and outdoor spaces to locate in these and other positions of visibility and strategic prominence. Encourage the private sector to do likewise.

Vice Chair Plaag wished to amend to motion to remove reference to Comprehensive Plan Policy 2.3.2.A. Commission Member Veno accepted the amendment.

The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed.

Second Motion and Vote: Commission Member Veno made a motion that the Planning Commission recommends approval of Ordinance PL05774-060922 and believes approval is reasonable and in the public interest because annexation is good in cases like this and the zoning is appropriate and makes sense. The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed and approval was recommended.

<u>Case PL05718-051822 Demolition Standards in the Downtown Boone Local Historic District – UDO Text Amendment</u>

The Town proposes to modify UDO Article 8 Subsection 8, and Appendix D, Downtown Boone Design Guidelines and Handbook, Subsection "Standards For Relocation and Demolition" to revise and elaborate

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upon standards for relocation and demolition of structures in the historic district, provide guidance to applicants with respect to preservation processes, and clarify the role of the Historic Preservation Commission.

Ms. Mitchell reminded Commission members of the changes to the proposed text that were discussed during the public hearing. She referred to Section 8.08.01(A)(4)(a) and noted the last sentence should read *Documentation shall be provided by a historic preservation consultant or professional listed by the North Carolina State Historic Preservation Office resulting in a report that complies with Historic American Buildings Survey (HABS) guidelines.*

Ms. Mitchell then referred to the Standards for Relocation and Demolition, Section 1. Relocation of Buildings. She stated that it was suggested that a phrase be added to the end of the opening paragraph that read *Applicants engaged in relocation should:*

Ms. Mitchell stated that the proposed language would be more clear for applicants seeking demolition or relocation in the Downtown Historic District.

Commission Member Veno felt that the relocation of some buildings would be very difficult and would likely be a rare occurrence.

First Motion and Vote: Commission Member Tippett 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 plans of the Town that are applicable, with the changes as discussed, because the amendment is consistent with:

Comprehensive Plan Policy 2.1.1 Economic Development

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

A.4 Balance the benefits of economic development projects with special concern for environmental quality issues.

Comprehensive Plan Policy 2.1.5 Downtown

A.4 Establish specific architectural and design standards for downtown consistent with its location, setting, and various functions.

C.1 Examine zoning ordinances and revise as necessary to encourage construction of buildings with residences over ground-floor businesses.

C.2 Develop strategies that will assist in providing a diversity of commercial and service businesses more reflective of the town's economic and demographic profile.

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.1 Amend development regulations to offer flexibility for restoration and active use of historic structures and other resources.

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.

DRAFT

The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None
Recuse – 1 (Plaag)

The motion passed.

Second Motion and Vote: Commission Member Tippett made a motion that the Planning Commission recommends approval of Ordinance PL05718-051822 and believes approval is reasonable and in the public interest because the amendment to Appendix D Demolition Standards in the Downtown Local Historic District merges existing standards and brings the UDO into compliance with the Historic American Building Standards (HABS) for relocation and demolition provides clarity to property owners. The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None
Recuse – 1 (Plaag)

The motion passed approval was recommended.

Case PL05671-042722 Public Art Standards in the Downtown Boone Local Historic District – UDO Text Amendment

The Town proposes to modify the UDO Appendix D, Downtown Boone Design Guidelines and Handbook, Section "Design Standards for Historic Streetscapes, Landscapes, Monuments, and Other Resources in the District" to develop public art standards within the local historic district addressing concerns of public art, provide direction for future public art projects, and fill gaps currently written in the historic standards.

These standards were written following initial (1) the Historic Preservation Commission beginning to hear Certificate of Appropriateness cases, (2) conversations with local art advocates, and (3) Town Council creating a Public Arts commission.

Vice-Chair Plaag reminded Commission members that he would be recused from this case.

Ms. Mitchell reminded Commission members of the changes discussed during the public hearing. She referred to Subsection 11.4 and stated that letter (i) in the first paragraph should be changed to say *located on property owned, controlled, or maintained for public use by the Town within a historic district or within the boundaries of a publicly owned landmark.*

Ms. Mitchell noted that the second bullet point in Subsection 11.4 would be removed and replaced with *By way of clarification, public art on public property owned or controlled by public authorities other than the Town is not intended to come within the exemption of this subsection 11.4.* Ms. Mitchell stated that this would make it clear that Town art would be exempt, but County or University art would not be exempt.

First Motion and Vote: Commission Member Behrend 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 plans of the Town that are applicable, with the changes that were discussed, because the amendment is consistent with:

Comprehensive Plan Policy 2.1.1 Economic Development

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

Communication: July 25, 2022 Public Hearing Minutes (Approval of Public Hearing Minutes by Town Council and Planning Commission)

A.3 Support the Arts Council, Jones House, ASU and others in attracting quality cultural events to Boone.

Comprehensive Plan Policy 2.1.5 Downtown

D.1 Consider the placement of public art (including murals and statuary) at appropriate locations in the downtown area.

D.2 Support the development and enhancement of cultural facilities, e.g. art and antique galleries.

Comprehensive Plan Policy 2.3.2 Community Character

C.1 Consider the placement of public art at appropriate locations in downtown, including murals.

The motion was seconded by Commission Member Warren.

Vote: Aye – All
Nay – None

The motion passed.

Second Motion and Vote: Commission Member Behrend made a motion that the Planning Commission recommends approval of Ordinance PL05688-050322 and believes approval is reasonable and in the public interest because it defines more readily the intent of the town to include art as part of our historic area. The motion was seconded by Commission Member Warren.

Vote: Aye – All
Nay – None
Recuse – 1 (Plaag)

The motion passed and approval was recommended.

Case PL05781-061322 Signs – UDO Text Amendment (Tabled)

Case PL05729-052322 Templeton Properties – General Use Zoning Map Amendment

Jeff Templeton Rentals LLC has submitted a General Use Zoning Map Amendment Application to re-zone a 2.91-acre parcel located at 315 State Farm Road from R-1 Single Family Residential to OI Office/Institutional. The parcel fronts State Farm Road and backs up to VFW Drive. The Watauga County Parcel ID is 2910-45-2250-000.

Vice-Chair Plaag un-recused himself for this case.

Commission Member Warren stated that he lived on State Farm Road and walked in that area. He felt if this property was developed into something more than what it currently was, it would destroy the neighborhood. Commission Member Warren stated that the structure of the road would make it very unsafe.

Commission Member Tippett stated that he had mixed feelings about the proposal. He noted that he drove on State Farm Road a lot, and it was a very busy road. Commission Member Tippett stated that whatever went there would increase traffic. He noted that the building could be converted into offices and there was a natural buffer with an increased elevation to the residential neighborhood. Commission Member Tippett stated that his concern was with what could happen in five or 10 years if Mr. Templeton decided to sell the property. With a height limitation of 67 feet in the OI zoning district, Commission Member Tippett expressed concern that one or two new buildings could be built on the property at this height, which could greatly impact the neighborhood and traffic flow on State Farm Road. He noted there would be additional expense involved in coming back with a Conditional District application, but he felt

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that would give the Planning Commission and the Town Council more guidance as to what would actually go on the property.

Vice-Chair Plaag stated that the height limitation of 67 feet in OI was a dramatic change from the current height limitation of 40 feet in a R1. He reminded Commission members that because this was a general use rezoning request, they could not consider any proposed site-specific plans for the property. He stated their job was to consider all of the possible uses allowed in an OI zoning district and decide if all of those uses would be suitably located in that area, were they to be built there. Vice-Chair Plaag stated it was for that reason that he could not support this application as it was presently constructed. He added that he would be willing to look at a Conditional District application where a really low intensity, modified use of the site was considered by the applicant.

Commission Member Behrend expressed concern that the property would be open for development of any of the uses allowed in OI under a general use rezoning.

Commission Member Veno stated that his first concern was the neighbors. He noted that State Farm Road was not a major artery, but it was being used as a shortcut because traffic in Boone was so untenable right now. Commission Member Veno stated that the more density there was, as far as businesses on that road, the worse it was going to become. He referred to the statement that was made that there was a need in Boone for office space, and pointed to all of the mixed-use developments in the area that were vacant. Commission Member Veno stated that there seemed to be plenty of space available for someone who wanted a small office. He expressed concern that zoning the property OI would basically be rolling the dice on what could happen, so he would not be able to support this request.

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

Comprehensive Plan Policy 2.3.2 Community Character

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

Comprehensive Plan Policy 2.3.3 Housing & Neighborhoods

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.

The motion was seconded by Commission Member Warren.

Vote: Aye – All
Nay – None

The motion passed.

Second Motion and Vote: Vice-Chair Plaag made a motion that the Planning Commission recommends denial of the proposed amendment to the town zoning map and believes denial to rezone the portion of the property from R1 Single-Family to OI Office Institutional is reasonable and in the public interest

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because the proposed rezoning would represent a serious threat to the surrounding R1 neighborhood, a portion of which is a Neighborhood Conservation District, and would not be compatible with surrounding properties in this particular area. The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed and denial was recommended.

Other Matters

Ms. Shook announced that Commission Member Warren was now a regular member of the Planning Commission instead of the student representative.

Ms. Shook also announced that the regularly scheduled Planning Commission meeting on August 22 would instead be a special public hearing.

Commission Member Warren asked when Planning Commission might return to in person meetings. Ms. Shook replied that they would have to wait until there were some definitive answers from Council. She assured Commission members that she would notify them of any changes as soon as possible. She noted that the Executive Order was set to expire on August 15.

Vice-Chair Plaag asked Commission Member Warren if he was eager to return to in person meetings or if he liked the convenience of being in his home. Commission Member Warren replied that it was a little bit of both. Vice-Chair Plaag stated he preferred not going out to meetings. He thought this technology was wonderful and hoped they could continue to use it. Commission Member Warren noted that he could not imagine attending some of the Commission's long meetings in person.

Commission Member Behrend stated that she really liked the convenience of WebEx and not having to drive into town for a meeting.

Adjournment of Planning Commission

Commission Member Behrend made a motion to adjourn the meeting at 8:52 p.m. The motion was seconded by Commission Member Tippett.

Vote: Aye – All
Nay – None

The motion passed.

_____ _____

Eric Plaag, Planning Commission Vice-Chair **Brenda Henson, Board Secretary**

DRAFT

Communication: July 25, 2022 Public Hearing Minutes (Approval of Public Hearing Minutes by Town Council and Planning Commission)

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: ASAP

C. Property Information (Project Location)

Street Address:
Southeast corner of Water St. and Queen St.

Watauga County Parcel Identification Number(s):
2900-79-9830-000

D. Property Owner Information

Name:
Watauga County

Complete Mailing Address (Street, City, Zip):
814 W. King St., Suite 205 Boone, NC 28607

Phone Number:
828-265-8000

Email Address:
Deron.Geouque@watgov.org

E. Applicant Information

Name:
Deron Geouque, Manager

Company:
Watauga County

Complete Mailing Address (Street, City, Zip):
814 W. King St., Suite 205 Boone, NC 28607

Phone Number:
828-265-8000

Email Address:
Deron.Geouque@watgov.org

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

F. Detailed Description of Project

Construction of a two level parking deck

Communication: Case PL05865-070822 - Application (Case PL05865-070822 Watauga County Parking Deck - Conditional District Zoning Map

G. Project Cost

Project Cost:

$5.1 Million

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:

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

If yes, please describe:

I. District/ Use Information

Existing Zoning District:	Proposed Zoning District(s):
B1-DC	B1-DC
Existing Land Use(s):	**Proposed Land Use(s) (Specific Use # from UDO Section 15.07 Required):**
Vacant & 15.0 Parking Lot	15.02 Parking Structure

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

Building Footprint Square Footage:	Current: 0	Proposed: 25,170 +/-
Total Building Square Footage (all floors):	Current: 0	Proposed: 50,340 +/-
Number of Stories	Current: N/A	Proposed: 2
Building Height:	Current: N/A	Proposed: 28.5' +/-
Number of Units:	Current: N/A	Proposed: N/A
Number of Bedrooms:	Current: N/A	Proposed: N/A

K. Environmental Information

Total Land Area: 0.718 ☐ Sq. Feet or ☑ Acres

Disturbed Area: 0.718 +/- ☐ 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

Communication: Case PL05865-070822 - Application (Case PL05865-070822 Watauga County Parking Deck - Conditional District Zoning Map

Impervious Area:			
	What is the existing impervious area in the development?	23,983	☑ sq. feet ☐ acres
	What is the proposed impervious area in the development?	28,217	☑ sq. feet ☐ acres

L. Design Professional Information

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

Name: Bill Dixon, AIA

Company: Appalachian Architecture

Complete Mailing Address (Street, City, Zip): 703 W. King St., Suite 201 Boone, NC 28607

Phone Number: 828-265-2405

Email Address: bill@apparch.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. 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.

Deron Geouque, Manager	Deron Geouque	7-1-2022
Applicant (Print)	**Applicant (Signature)**	**Date**
Watauga County	Deron Geouque	7-1-2022
Property Owner (Print)	**Property Owner (Signature)**	**Date**

Communication: Case PL05865-070822 - Application (Case PL05865-070822 Watauga County Parking Deck - Conditional District Zoning Map

Official Use Only				
Permit Name: Watauga County Parking Deck - Cond. Dist. 2 Map Amend				
Permit Number: PL05865-070822				
Date: 7-8-22	Fee: $842.00	Receipt Number: 521959	Method of Payment: ☐ Cash ☑ Check Number: 00010462	Paid By: Watauga County

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: _____

PC Meeting Date: _____

TC Meeting Date: _____

Date of APO Mailed Notification: _____

Date of Posted Notification: _____

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

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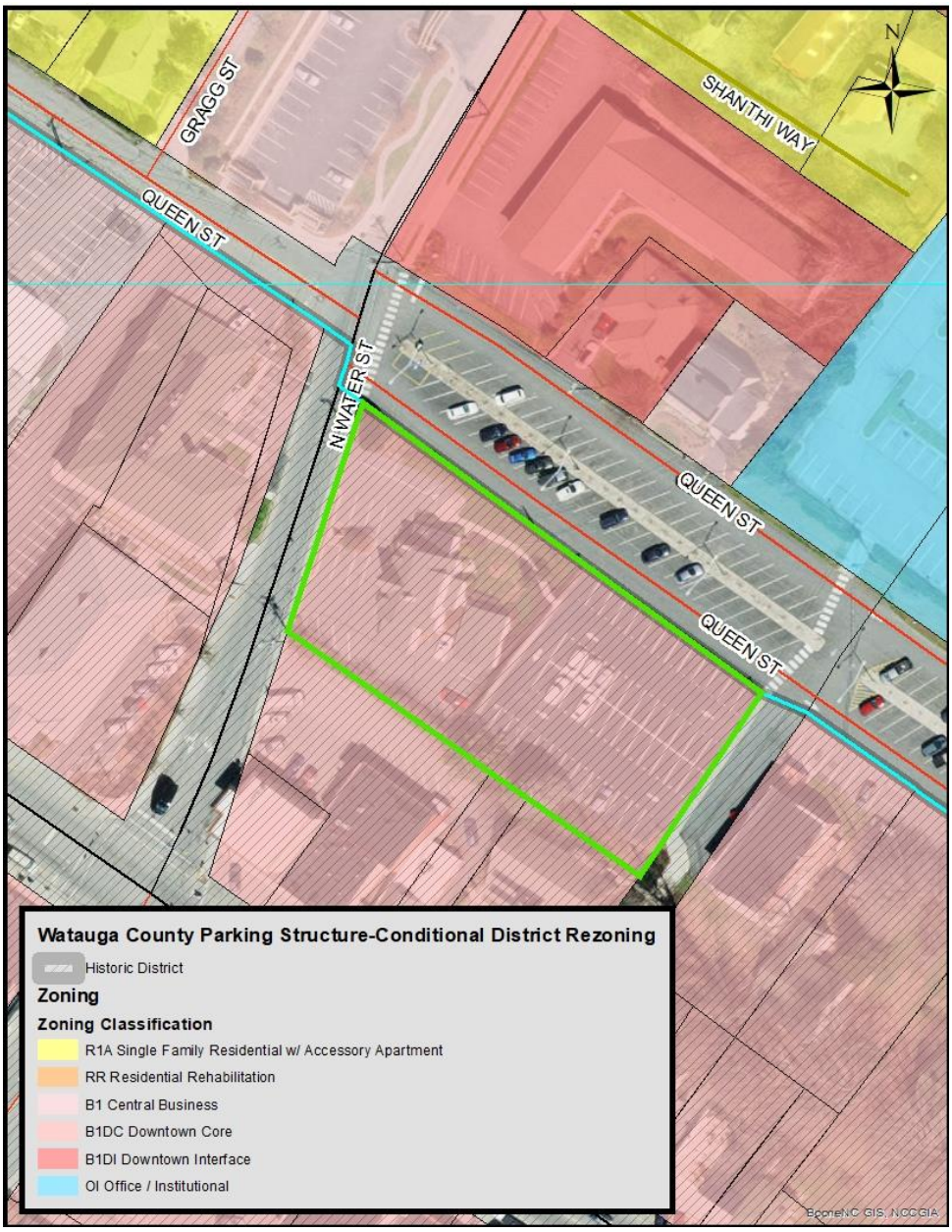
STAFF REPORT
PUBLIC HEARING
AUGUST 22, 2022
CASE PL05865-070822 WATAUGA COUNTY PARKING STRUCTURE
CONDTIONAL DISTRICT ZONING MAP AMENDMENT



Request

Watauga County has filed a Conditional District Zoning Map Amendment Application to rezone 136 N. Water Street (Watauga County Parking Lot) from B1DC, Downtown Core to Conditional District B1DC, Downtown Core for a site-specific approval for Use 15.02, Parking Structure.

The request for Conditional District approval is required pursuant to UDO Subsection 14.19.03 which states that Use 15.02 requires a Conditional District Zoning Map Amendment to construct this use in the B1DC.

History

8/9/2022 The Historic Preservation Commission issued a Certificate of Appropriateness (COA) for the development with the following conditions:

1. The applicant shall meet the lighting standards set forth at Section 7 of the Design Standards for Historic Streetscapes, Landscapes, Monuments, and Other Resources in the District, UDO Appendix D. In meeting these lighting standards, the goal shall be to minimize the number and visibility of the fixtures, and in particular to avoid or minimize poles that are visible from the outside of the structure. Staff shall review the lighting plan submission, and if Staff has significant questions as to compliance with Section 7, the applicant agrees that the case will be brought back HPC for further review and approval of the lighting plan.
2. The faux chimneys on the stair buildings shall not to exceed the height shown on the revised plans, and may be modified consistent with any of the examples that the applicant showed the HPC during the August 9, 2022 meeting.

Parcel Information

Property Owner:	Watauga County
Address:	136 N. Water Street
Watauga Co. PIN:	2900-79-9830-000
Use:	15.02, Parking Structure
Size:	.718 acres
Jurisdiction:	Town of Boone
Access:	Water Street (NCDOT maintained) and Private Alley (Town maintained)
Corridor District:	No
Viewshed:	No
Watershed:	No
Special Flood Hazard:	No
Steep Slope:	No
Existing Zoning:	B1DC, Downtown Core/Downtown Boone Local Historic District
Requested Zoning:	Conditional District B1 Downtown Core
Phasing:	No
Vesting:	2 years (if approved)

Process Analysis

The applicant is requesting approval for Conditional District B1DC, Downtown Core zoning with a site-specific development plan for Use 15.02, Parking Structure which requires Conditional District Approval is this zoning district.

Pursuant to UDO Subsection 14.01.02(C) 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 a proposed general use zoning district, is limited to the authorized uses and development standards mandated within that district, and may be subjected to conditions that make the development more desirable.

A site specific development plan is defined in UDO Article 34 as “A plan which has been submitted to the Town by a landowner that describes with certainty the type and intensity of a use for a specific parcel or parcels of property,

and includes the boundaries of the site; significant topographical and other natural features effecting development of the site; the location on the site of the proposed buildings, structures, and other improvements; the dimensions, including height, of the proposed buildings and other structures; and the location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways."

9.09.02 Neighborhood Meeting:

The applicant shall conduct a neighborhood meeting prior to the submission of the application for a Conditional District Zoning Map Amendment. This meeting will allow the applicant to explain the proposed development and to be informed of the concerns of the neighborhood and surrounding property owners.

A. A meeting notice must be mailed to property owners within 300' of the development at least 25 days prior to the meeting in accordance with Subsection 1.13.02 herein. A copy of the notice shall also be provided to the Planning Department. The notice shall contain a summary of the proposed development, the applicants contact information, the date, time, and location of the meeting.

B. The meeting must be held at an accessible and convenient location and time in light of available options. Upon coordination through the Planning Department, the meeting may be held at Town Council Chambers if that location is available.

C. At the meeting, the petitioner, at a minimum, shall present all the following information:

1. Contact information of the parties involved in the ownership, design, and development of the property;
2. The location of the property and general information on the current conditions of the site;
3. Proposed use(s) and site development;
4. Any preliminary plans or renderings, if available; and

D. The applicant shall provide the Administrator with a summary report of the meeting which includes a list of all attendees and details the meeting including all concerns expressed by attendees and commitments made by the petitioner. This report shall be included in the staff report.

Staff Note: The applicant held a neighborhood meeting on July 27, 2022. A summary report of the meeting along with the certification of mailing to the affected property owners is included in the board packet.

Zoning District Analysis

Excerpts from UDO Article 14 Zoning District and Zoning Map on the B1Downtown Core zoning district:

14.19 B1 Downtown Districts

14.19.01 The B1 Downtown Core and the B1 Downtown Interface Districts encompass the Town of Boone's downtown area and represent, in large measure, the remaining vestiges of the Town's historic character. Regulations in these districts are intended to preserve and maintain a small-town, high-country atmosphere. Preservation and adaptive reuse of existing historic buildings are encouraged and new construction shall be appropriately scaled to be sympathetic to the existing built environment. Design and regulatory standards for these districts reinforce the character of the downtown as a pedestrian friendly area by encouraging architectural solutions that are visually interesting, and are compatible in scale and character to the surrounding area. To help accomplish this, the area is divided into two (2) districts, each with its own character and scale which contribute to the overall vitality of the downtown area. Identification of the districts is listed below:

Communication: Case PL05865-070822 - Staff Report (Case PL05865-070822 Watauga County Parking Deck - Conditional District Zoning Map

A. B1 Downtown Core District: The Downtown Core District is the center of the downtown area and contains the greatest concentration of historic commercial buildings. This district establishes a continuous building facade at the street frontage to strengthen the identity of downtown as a pedestrian destination where pedestrians feel comfortable through the careful selection of building materials, human scale design, and ground floor fenestration. Standards in this district reinforce the historic nature of the existing built environment through regulation of appearance, height, scale and mass.

Zoning & Use of Adjacent Properties		
	Adjacent Zoning	**Adjacent Land Use**
North	B1DI Downtown Interface	Parking Lot
East	B1DC, Downtown Boone Local Historic District	Multi-family Residential
South	B1DC, Downtown Boone Local Historic District	Restaurant, Professional Office
West	B1DC, Downtown Boone Local Historic District	Government Facility

Current Use: 15.01, Parking Lot (definition from Article 34 below):
Parking Lot
An off-street, surfaced, ground level area where motor vehicles or bicycles are stored for temporary, daily, or overnight parking.

Proposed Use: 15.02: Parking Structure (definition from Article 34 below):

Parking Structure
A structure used for motor vehicle or bicycle parking which is partially or wholly enclosed and includes any above or below-grade decks for temporary, daily or overnight parking.

Compliance with limited use requirements in UDO Subsection 25.03:

25.03 Parking Structures

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

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

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

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

Staff Note: This parcel is located in the Downtown Boone Local Historic District, and was required to obtain a Certificate of Appropriateness (COA) pursuant to UDO Subsection 8.05.03 under new construction of or additions to structures, except specifically provided otherwise herein. The applicant obtained a Certificate of Appropriateness from the Historic Preservation Commission on August 9, 2022.

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

Communication: Case PL05865-070822 - Staff Report (Case PL05865-070822 Watauga County Parking Deck - Conditional District Zoning Map

Staff Note: HPC and the applicant have agreed to place a condition on the COA that the applicant will come back before HPC before a lighting plan is finalized to obtain approval for the fixtures used in the parking structure as well as the lighting levels meeting IESNA standards.

Intensity Standards:

Required	Proposed	Compliance
Minimum Gross Land Area: 2,500 sq. ft.	31,276.08 sq. ft. (0.718 acres)	Yes
Minimum Building Footprint: 50% of the lot	80.5%	Yes

Building Height:

Required	Proposed	Compliance
Maximum Height 33’	30’	Yes

Staff Comments:

1. *Pursuant to UDO Subsection 14.19.04(F)(5), buildings fronting streets in the B1 Districts, outside of the area governed by Subsection 14.19.03(G)(1), are limited to thirty-three feet (33’), as measured from the average elevation of the existing or proposed public sidewalk facing the street to the highest point of the building or structure containing the primary entrance.*
2. *Pursuant to UDO Subsection 14.14.04(F)(7)(a)(ii), the building height limitations for this building shall not include parapet walls so long as the parapet walls do not exceed 4’ above the maximum building height of thirty-three feet (33’). The height of parapet walls above 4’ shall be counted toward the building height. The applicant has indicated that the parapet wall does not exceed the minimum height allowed for parapet walls in this zoning district.*
3. *Pursuant to UDO Subsection 14.19.04(F)(7)(b), the height of a building existing as of April 26, 2018 may not be increased, whether by demolition and rebuilding or reconstruction, renovation, or improvement, unless approved under the Conditional District Zoning Map Amendment process set forth in Article 9 herein. The applicant has agreed that they will apply for a Conditional District Zoning Map Amendment for this project.*

Building Setbacks:

Required	Proposed	Compliance
Street Setback is to build-to-line Pursuant to UDO Subsection 14.19.04(E)(1)(a), the build-to line is the back of the required public sidewalk or the back of the street right-of-way along the primary public way. The building may be set back farther if the area created by an additional setback is designated as plaza space and/or landscaped greenspace that retains the intended connection between the publicly accessible	11.5’ (N. Water) 0’ (Queen)	Yes

Communication: Case PL05865-070822 - Staff Report (Case PL05865-070822 Watauga County Parking Deck - Conditional District Zoning Map

Required	Proposed	Compliance
pedestrian realm and ground-level internal portions of the building.		
Interior Setback Pursuant to UDO Subsection 14.19.04(E)(2), the interior setback is Interior: 0', except whenever a lot in a B1 Downtown District has a common boundary line with a lot in an adjacent zoning district, the interior setback requirement applicable to the B1 lot shall be the minimum set forth for the adjacent lot.	Southside Boundary: 1.5'-5' Eastern Boundary: 0'-4'	Yes

Staff Comments

Fire Department (Amy Flieg, Fire Marshall)

1. Based on the definitions in the Building Code is the first level considered an open or enclosed parking garage?
   a. The requirements for these are set forth in the NC Building Code section 406.5.2.
   b. If it is an open parking garage then please prove that the opening dimensions equal or exceed those requirements set forth in section 406.5.2.
   c. If those opening cannot be met then the first level would be considered on enclosed parking garage and would have to meet all the criteria in Building Code section 406.6 and all pertaining sections in the Fire Code.
2. Additional information about the grade, structure elevations and openings are needed to determine if this building meets the requirements for fire department access set forth in section 503.1.1 of the NC Fire Code.

Planning and Inspections (Brandon Wise, Environmental Planner)

1. Post Construction stormwater will be required for increased impervious area.
2. Landscape plan will be reviewed when official submittal is received. At that point the plantings to be used would be reviewed to ensure native historically accurate plantings are chosen and placed.

Public Services (Justin Stines, Facilities Maintenance Superintendant)

1. If the sidewalk along Queen Street is constructed as drawn on the site plan, a discussion must take place regarding the responsibility of maintenance for the sidewalk before the completion of the project.

NCDOT (Carson Fisher, Engineering Technician III)

1. Contingent on sufficient storm water detention being designed so that minimal impact is felt downstream.

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.

Communication: Case PL05865-070822 - Staff Report (Case PL05865-070822 Watauga County Parking Deck - Conditional District Zoning Map

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.

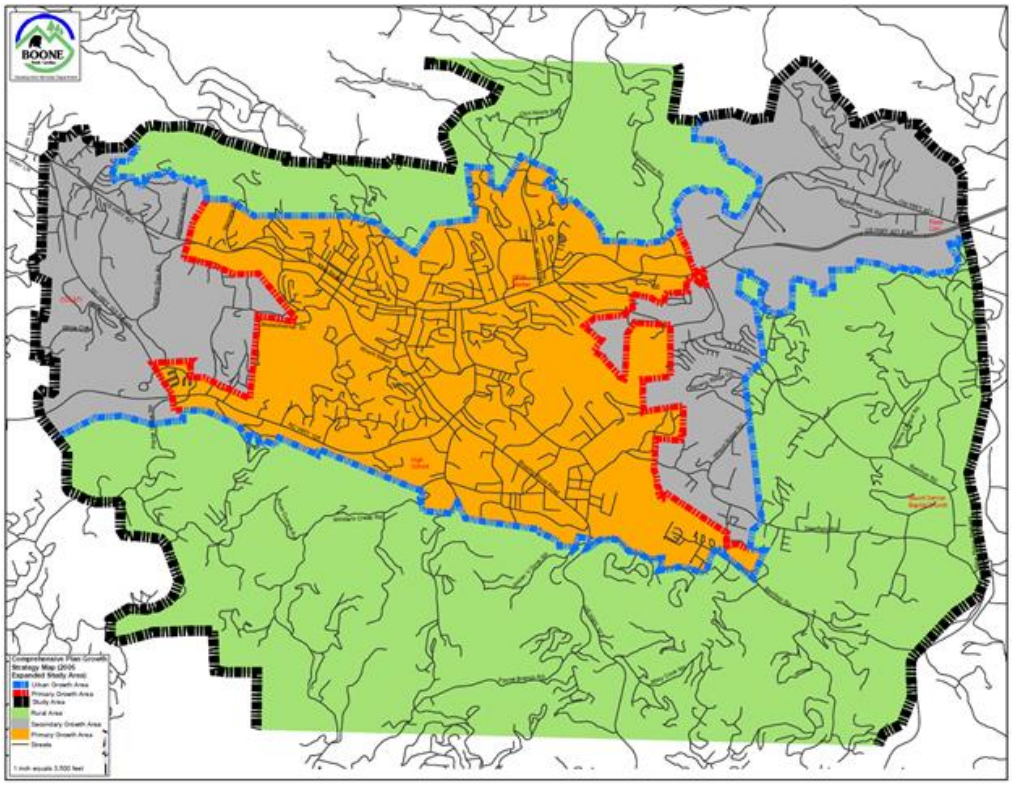
University: Emphasize cooperative planning among the Town, County, and University.

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.

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.

Communication: Case PL05865-070822 - Staff Report (Case PL05865-070822 Watauga County Parking Deck - Conditional District Zoning Map

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 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. 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.

Communication: Case PL05865-070822 - Staff Report (Case PL05865-070822 Watauga County Parking Deck - Conditional District Zoning Map

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 (dated July 26, 2022 and August 11, 2022) 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 project 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 plans for review and approval necessary to issue Zoning and Building Permits.

4. Any other conditions agreed upon …

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 29, 2022.

Communication: Case PL05865-070822 - Staff Report (Case PL05865-070822 Watauga County Parking Deck - Conditional District Zoning Map

/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 29, 2021.

/s/ Darrell Pulliam

Darrell Pulliam, Building Inspector

Communication: Case PL05865-070822 - Staff Report (Case PL05865-070822 Watauga County Parking Deck - 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.*

Communication: Case PL05865-070822 - Staff Report (Case PL05865-070822 Watauga County Parking Deck - Conditional District Zoning Map

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 PL05865-070822

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 Core District:

Address:	136 N. Water Street
Watauga County PIN:	2900-79-9830-000
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 August 22, 2022; and

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

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

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

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

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

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

Adopted this the ___th day of _____, 2022.

.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon, Town Clerk

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** **of Ordinance PL0585-070822** 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: Case PL05865-070822 - Staff Report (Case PL05865-070822 Watauga County Parking Deck - Conditional District Zoning Map

DI SANTI CAPUA & GARRETT, PLLC

Attorneys and Counselors at Law
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*Certified mediator

Chelsea Bell Garrett, Esq.
cgarrett@dwc-law.com

Andrea N. Capua, Esq.*
acapua@dwc-law.com
*Also licensed in FL

(828) 264-6126 (Tel.)
(828) 264-7743 (Fax.)

RECEIVED
JUL 05 2022
BY:

*****NOTICE OF NEIGHBORHOOD MEETING*****

June 30, 2022

Dear Property Owner:

A formal application has been submitted to the Town of Boone seeking approval of a conditional zoning map amendment for a two-level parking project to be located on the corner of Water and Queen Streets. This letter is for the purpose of inviting you to a neighborhood informational meeting at the date, time and location set forth below. At this meeting, we will make every effort to show you the design for the project and any renderings/ visuals we have created. You will have the opportunity ask questions and provide construction feedback.

Meeting Date and Time: **Wednesday, July 27, 2022 at 5:30 pm**
Meeting Location: **Watauga County Commissioners Board Room**
814 West King Street, Boone, NC 28607

If you are unable to attend, feel free to email or call Chelsea Bell Garrett (contact information above) to request copies of project plans, visuals, etc. provided at the meeting or to set up a time to speak with someone on the project team about your questions and comments. We look forward to seeing you there.

Very Truly Yours,

di Santi Capua & Garrett, PLLC

Chelsea Bell Garrett

Chelsea Bell Garrett, Esq.

Cc: Christy Turner, Jane Shook

DI SANTI CAPUA & GARRETT, PLLC
Attorneys and Counselors at Law
www.dwc-law.com

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Andrea N. Capua, Esq.*
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(828) 264-6126 (Tel.)
(828) 264-7743 (Fax.)

August 5, 2022

Christy Turner
Senior Planner
Town of Boone
680 West King Street, Suite C
Boone, North Carolina 28607 *Via Email: Christy.turner@townofboone.net*

Re: CDZ Amendment- Water/ Depot St. Parking Structure
Watauga County

Dear Christy,

The purpose of this letter is to inform you that, pursuant to Article 9 of the Unified Development Ordinance for the Town of Boone, Watauga County (the "Applicant") held a neighborhood meeting on Wednesday, July 27, 2022 at 5:30 pm at the Watauga County Commissioner's Board Room. Notice of the meeting was sent to the neighboring property owners on June 30, 2022, which neighbors are listed as part of the Certificate of Mailing shown in Exhibit "A" attached hereto and incorporated herein. The purpose of the meeting was to inform the neighbors about the plans for the Property by showing them the site plan and renderings for the parking structure (the "Project") and to hear feedback, answer questions, and address any concerns raised. Bill Dixon of Appalachian Architecture, Alan Crees of Municipal Engineering, and I were in attendance.

The only neighboring property owners who attended were Harold and Maggie Tilley- owners of the property immediately to the south of the subject property in which Appalachian Management, Inc. is located. The Tilleys did not express concerns about the Project except regarding existing water drainage issues they have at their property along King St. They also asked about the path/ sidewalk on the east, upper side of the Project (off the Queen Street entrance). Alan Crees explained that the path would be turned into a formal sidewalk but that it would be flush with the pavement. Alan Crees also described the proposed water detention for the Project, the fact that the site is already impervious and being used for parking, and the Project is only increasing impervious surface by 17.6%- less than a quarter percentage increase. The County, the Tilleys, and Mr. Crees agreed that the NC Department of Transportation ("DOT") has the responsibility of addressing the pre-existing drainage issues along King Street/ 421. Watauga County is happy to

Communication: Case PL05865-070822 - Exhibit B - Neighborhood Meeting Minutes (Case PL05865-070822 Watauga County Parking Deck -

collaborate with the Town and other property owners (like the Tilleys) to encourage the DOT to address the drainage issues existing along King Street. The County will be installing a drainage detention system with the Project that will prevent worsening any pre-existing drainage issues.

The Applicant remains willing to speak to any neighboring property owner about the Project.

Very Truly Yours,

DI SANTI CAPUA & GARRETT, PLLC

Chelsea Bell Garrett

Chelsea Bell Garrett

Enclosure

Communication: Case PL05865-070822 - Exhibit B - Neighborhood Meeting Minutes (Case PL05865-070822 Watauga County Parking Deck -

1 / A-1 WATER ST. / QUEEN ST. VIEW
N.T.S.

2 / A-1 WATER ST. VIEW
N.T.S.

3 / A-1 QUEEN ST. VIEW
N.T.S.

APPALACHIAN
ARCHITECTURE, PA

APPALACHIAN
ARCHITECTURE, PA
BILL DIXON, NCARB
705 W. KING ST.
SUITE 201
BOONE, NC 28607
828 265 2405
FAX: 828 265 2406
WEBSITE: WWW.APPALARCH.COM

DATE: 5/25/22

REVISIONS:

DATE:	REV#:	BY:
7/27/22	HPC COMMENTS	
8/2/22	HPC COMMENTS	
8/9/22	HPC COMMENTS	

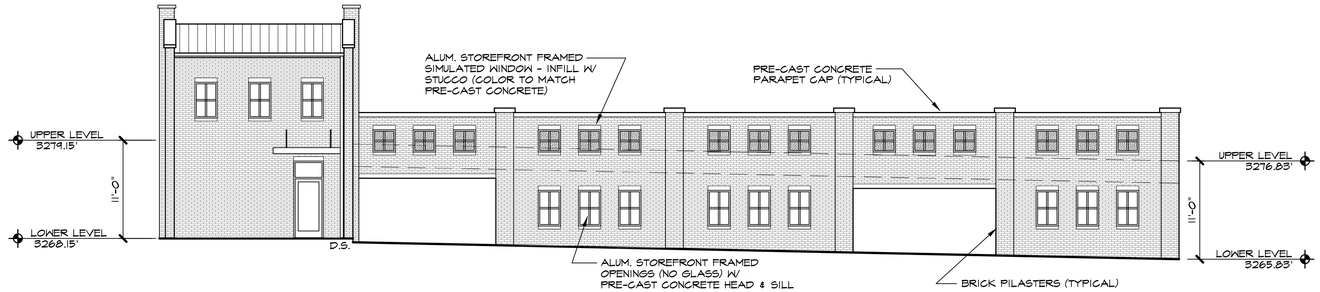
EXTERIOR ELEVATIONS

WATAUGA COUNTY PARKING GARAGE

BOONE
NORTH CAROLINA

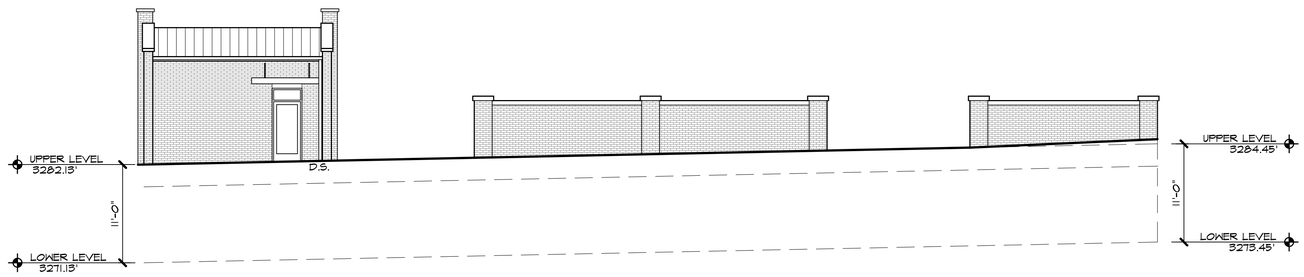
DRAWN BY: LB
CHECKED BY:
SHEET TITLE
A-1
OF

Communication: Case PL05865-070822 - Exhibit C - Elevations (Case PL05865-070822 Watauga County Parking Deck - Conditional District Zoning Map Amendment)

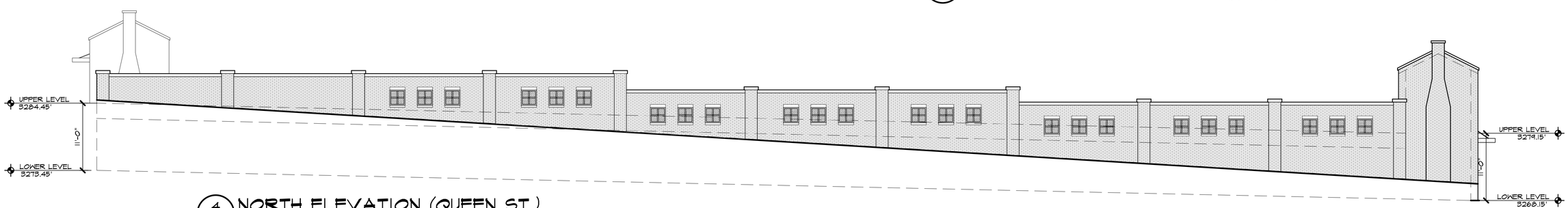


1 A-2 WEST ELEVATION (WATER ST.)
1/8"=1'-0"

2 A-2 SOUTH ELEVATION
1/8"=1'-0"



3 A-2 EAST ELEVATION
1/8"=1'-0"



4 A-2 NORTH ELEVATION (QUEEN ST.)
1/8"=1'-0"

APPALACHIAN
ARCHITECTURE, PA

APPALACHIAN
ARCHITECTURE, PA
BILL DIXON, NCARB
705 W. KING ST.
SUITE 201
BOONE, NC 28607
828 265 2405
FAX: 828 265 2406
WEBSITE: WWW.APPALARCH.COM

DATE: 6/7/22

REVISIONS:

DATE:	REV#:	BY:
7/14/22	HPC COMMENTS	
8/2/22	HPC COMMENTS	
8/9/22	HPC COMMENTS	

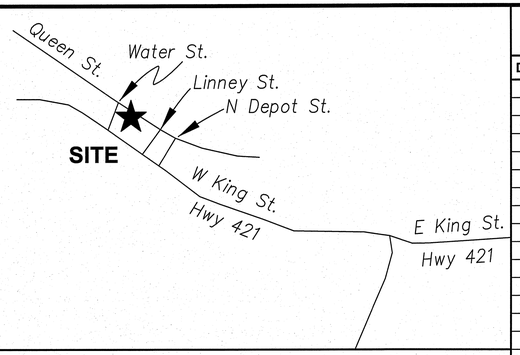
EXTERIOR ELEVATIONS

WATAUGA COUNTY PARKING GARAGE

BOONE
NORTH CAROLINA

DRAWN BY: LB
CHECKED BY:
SHEET TITLE
A-2 OF

Communication: Case PL05865-070822 - Exhibit D - Elevations (Case PL05865-070822 Watauga County Parking Deck - Conditional District Zoning Map Amendment)



VICINITY MAP
NOT TO SCALE

INDEX OF DRAWINGS

DWG. NO.	DESCRIPTION	DWG. NO.
C-1	COVER SHEET	1 OF 6
C-2	EXISTING CONDITIONS PLAN	2 OF 6
C-3	SITE PLAN LOWER PARKING LEVEL	3 OF 6
C-4	SITE PLAN UPPER PARKING LEVEL	4 OF 6
C-5	GRADING PLAN LOWER PARKING LEVEL	5 OF 6
C-6	GRADING PLAN UPPER PARKING LEVEL	6 OF 6

811
Know what's **below.**
Call before you dig.

North Carolina One-Call Center
811 or 1-800-632-4949
www.ncocc.org

OWNER/APPLICANT:
WATAUGA COUNTY
814 WEST KING STREET, SUITE 205
BOONE, NC 28607
(828) 265-8000

CIVIL ENGINEER:
MUNICIPAL ENGINEERING , INC.
820-B STATE FARM ROAD
BOONE, NC 28607
(828) 262-1767

ARCHITECT:
APPALACHIAN ARCHITECTURE, PA
703 WEST KING STREET, SUITE 201
BOONE, NC 28607
(828) 265-2405

SURVEYOR:
APPALACHIAN PROFESSIONAL LAND
SURVEYORS & CONSULTANTS, PA
1480 US HWY 421 S
BOONE, NC 28607
(828) 264-0290

WATAUGA COUNTY PARKING DECK
WATAUGA COUNTY
WATER STREET
BOONE, NORTH CAROLINA

PROJECT NO. B21030

Municipal Engineering Services Company, P.A.
Boone, N.C. Garner, N.C.

PRELIMINARY
FOR REGULATORY REVIEW ONLY

By: _____
Professional Engineer

LEGEND

- EX. POWER POLE
- EX. SS MANHOLE
- EX. SS CLEANOUT
- EX. GATE VALVE
- EX. FIRE HYDRANT
- EX. LIGHT POLE
- EX. CATCH BASIN
- EX. DROP INLET
- EX. WATER METER
- EX. GUY WIRE
- EX. TEST PIT
- EX. DRAINAGE MANHOLE
- EX. GAS MARKER
- EX. WELL
- EX. TREE
- EX. BUSH
- EX. SIGN
- EX. TELEPHONE PEDESTAL
- EX. FIBER OPTIC MARKER
- PROPOSED POWER POLE
- PROPOSED SS MANHOLE
- PROPOSED SS CLEANOUT
- PROPOSED GATE VALVE
- PROPOSED FIRE HYDRANT
- PROPOSED WATER METER
- PROPOSED LIGHT POLE
- PROPOSED STORMWATER DETENTION OUTLET CONTROL STRUCTURE
- PROPOSED STORMWATER DRAINAGE STRUCTURE

LINETYPES

- PROPOSED WATERMAIN
- 3200 — PROPOSED CONTOURS
- 3200 — EXISTING CONTOURS
- STREAM OR CREEK
- DITCH OR SWALE
- T/B — STREAM OR CREEK TOP OF BANK
- SB — STREAM BUFFER
- TB — TROUT BUFFER
- WTL — EXISTING WETLANDS
- PROPOSED DRAINAGE PIPE
- EXISTING STORM DRAINAGE
- PROPOSED SANITARY SEWER MAIN
- CENTERLINE
- FENCES
- EXISTING WATERLINE
- R/W — RIGHT-OF-WAY LINE
- EA — EASEMENTS
- WS — EXISTING WATERSHED
- AE — EXISTING FLOOD ZONE AE LIMIT
- EXISTING SANITARY SEWER
- PD — PERMANENT DIVERSION
- TD — TEMPORARY BERM DITCH
- SF — SILT FENCE
- EXISTING WOODS LINE
- // — EXISTING OVERHEAD POWERLINE
- G — UNDERGROUND GAS LINE
- FO — UNDERGROUND FIBER OPTIC LINE
- P — UNDERGROUND POWERLINE
- T — UNDERGROUND TELEPHONE LINE
- C — UNDERGROUND CABLE LINE

LAND USE INFORMATION

WATAUGA COUNTY PIN:	2900-79-9830-000
WATAUGA COUNTY BOOK / PAGE:	2275 / 413
ZONING:	B-1 DC (DOWNTOWN CORE)
PROPERTY AREA:	0.718 AC
CONSTRUCTION COST ESTIMATE:	$5,100,000.00
APPROXIMATE DISTURBED AREA:	0.718 AC (31,258 SF)
EXISTING LAND USE:	VACANT & 15.01 PARKING LOT
PROPOSED LAND USE:	15.02 PARKING STRUCTURE
EXISTING GROSS FLOOR AREA:	0 SF
PROPOSED GROSS FLOOR AREA:	50,340± SF
PROPOSED BUILDING FOOTPRINT:	25,170± SF (80.5% OF LOT AREA)
PROPOSED BUILDING HEIGHT:	28.5' ±
EXISTING IMPERVIOUS AREA:	23,986 SF
PROPOSED IMPERVIOUS AREA:	28,217 SF
BROWNFIELDS:	N/A
WATERSHED:	N/A
FLOOD HAZARD AREA:	N/A

PROJECT NOTES

1. THE PROPOSED PROJECT CONSISTS OF THE CONSTRUCTION OF A TWO LEVEL PARKING DECK ON PROPERTY OWNED BY WATAUGA COUNTY. THE LOWER LEVEL WILL BE ACCESSED OFF OF WATER STREET AND THE UPPER LEVEL WILL BE ACCESSED OFF OF QUEEN STREET VIA A TOWN OF BOONE ALLEY. CURRENTLY THE PROPERTY IS USED FOR SURFACE LEVEL PARKING.
2. THESE PLANS ARE SUBMITTED FOR THE CONSIDERATION OF A CONDITIONAL DISTRICT ZONING MAP AMENDMENT BY THE BOONE TOWN COUNCIL. MINOR REVISIONS TO THE SITE PLANS MAY BE REQUIRED AFTER FURTHER REVIEW AND PERMITTING THROUGH THE TOWN OF BOONE'S ZONING COMPLIANCE PERMIT PROCESS.
3. SITE LIGHTING SHALL MEET THE REQUIREMENTS OF THE TOWN OF BOONE'S UDO.
4. DETAILED GRADING, DRAINAGE, STORM WATER DETENTION AND EROSION CONTROL PLANS WILL BE SUBMITTED FOR REVIEW DURING THE ZONING COMPLIANCE PROCESSES.
5. STORM WATER DETENTION WILL BE PROVIDED FOR THE PROPOSED INCREASE IN IMPERVIOUS AREA PER THE TOWN OF BOONE'S UDO. UNDERGROUND DETENTION WILL BE LOCATED IN THE LANDSCAPED AREA ALONG WATER STREET OR UNDER THE PARKING STRUCTURE.

MUNICIPAL ENGINEERING, INC.
68 SHIPWASH DRIVE, GARNER, NC 27529 · PHONE: 919-772-5393
820-B STATE FARM ROAD, BOONE, NC 28607 · PHONE: 828-262-1767
LICENSE NUMBER: F-0812

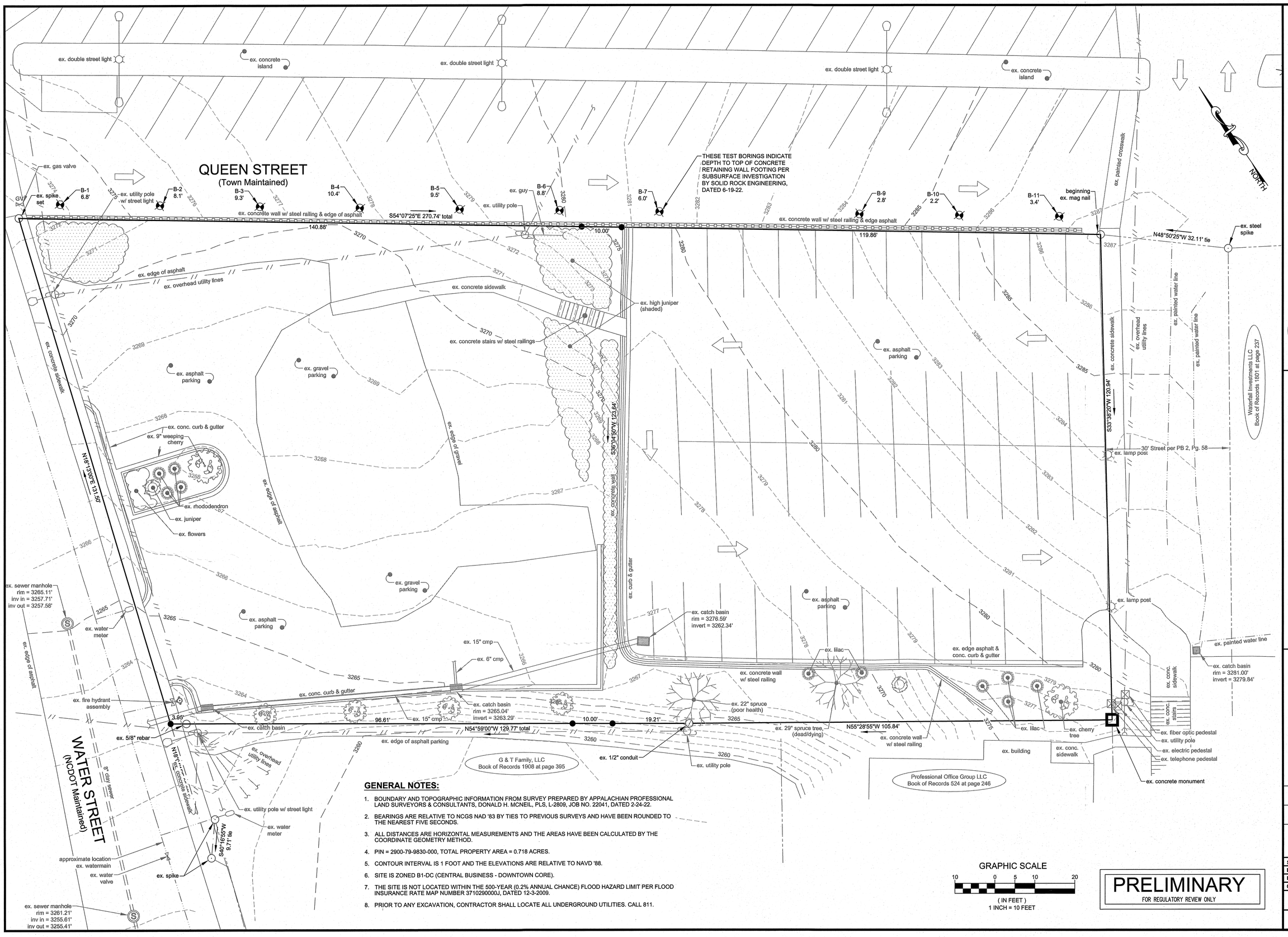
WATAUGA COUNTY PARKING DECK
WATAUGA COUNTY
WATER STREET
BOONE, NORTH CAROLINA

DATE	BY	REV.	DESCRIPTION

COVER SHEET
FOR CDZ MAP AMENDMENT

SCALE: NA
DATE: 7-8-22
DRWN. BY: SGJ
CHKD. BY: AJC
PROJECT NUMBER
B21030
DRAWING NO. C-1
SHEET NO. 1 OF 6

Communication: Case PL05865-070822 - Exhibit E - Site Plans (Case PL05865-070822 Watauga County Parking Deck - Conditional District Zoning Map Amendment)



GENERAL NOTES:

1. BOUNDARY AND TOPOGRAPHIC INFORMATION FROM SURVEY PREPARED BY APPALACHIAN PROFESSIONAL LAND SURVEYORS & CONSULTANTS, DONALD H. MCNEIL, PLS, L-2809, JOB NO. 22041, DATED 2-24-22.
2. BEARINGS ARE RELATIVE TO NCGS NAD '83 BY TIES TO PREVIOUS SURVEYS AND HAVE BEEN ROUNDED TO THE NEAREST FIVE SECONDS.
3. ALL DISTANCES ARE HORIZONTAL MEASUREMENTS AND THE AREAS HAVE BEEN CALCULATED BY THE COORDINATE GEOMETRY METHOD.
4. PIN = 2900-79-9830-000, TOTAL PROPERTY AREA = 0.718 ACRES.
5. CONTOUR INTERVAL IS 1 FOOT AND THE ELEVATIONS ARE RELATIVE TO NAVD '88.
6. SITE IS ZONED B1-DC (CENTRAL BUSINESS - DOWNTOWN CORE).
7. THE SITE IS NOT LOCATED WITHIN THE 500-YEAR (0.2% ANNUAL CHANCE) FLOOD HAZARD LIMIT PER FLOOD INSURANCE RATE MAP NUMBER 3710290000J, DATED 12-3-2009.
8. PRIOR TO ANY EXCAVATION, CONTRACTOR SHALL LOCATE ALL UNDERGROUND UTILITIES. CALL 811.

GRAPHIC SCALE

10 0 5 10 20

(IN FEET)
1 INCH = 10 FEET

PRELIMINARY
FOR REGULATORY REVIEW ONLY

MUNICIPAL ENGINEERING, INC.
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820-B STATE FARM ROAD, BOONE, NC 28607 - PHONE: 828-262-1767
LICENSE NUMBER: F-0812

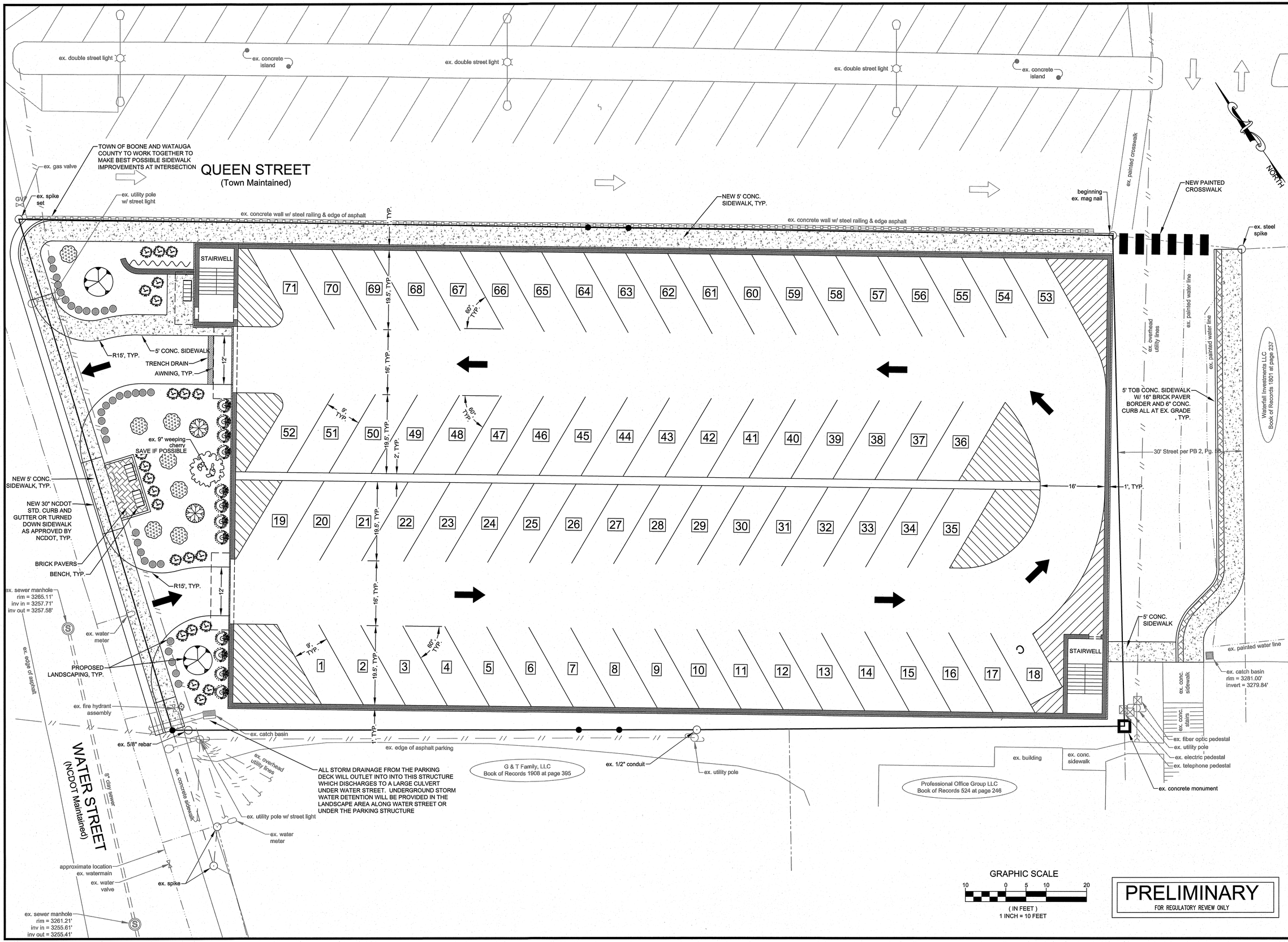
WATAUGA COUNTY PARKING DECK
WATAUGA COUNTY
WATER STREET
BOONE, NORTH CAROLINA

DATE	BY	REV.	DESCRIPTION

EXISTING CONDITIONS PLAN
FOR CDZ MAP AMENDMENT

SCALE:	AS SHOWN
DATE:	7-8-22
DRWN. BY:	SGJ/EGT
CHKD. BY:	AJC/MPT
PROJECT NUMBER	B21030
DRAWING NO.	C-2
SHEET NO.	2 OF 6

Communication: Case PL05865-070822 - Exhibit E - Site Plans (Case PL05865-070822 Watauga County Parking Deck - Conditional District Zoning Map Amendment)



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68 SHIPWASH DRIVE, GARNER, NC 27529 - PHONE: 919-772-5393
820-B STATE FARM ROAD, BOONE, NC 28607 - PHONE: 828-262-1767
LICENSE NUMBER: F-0812

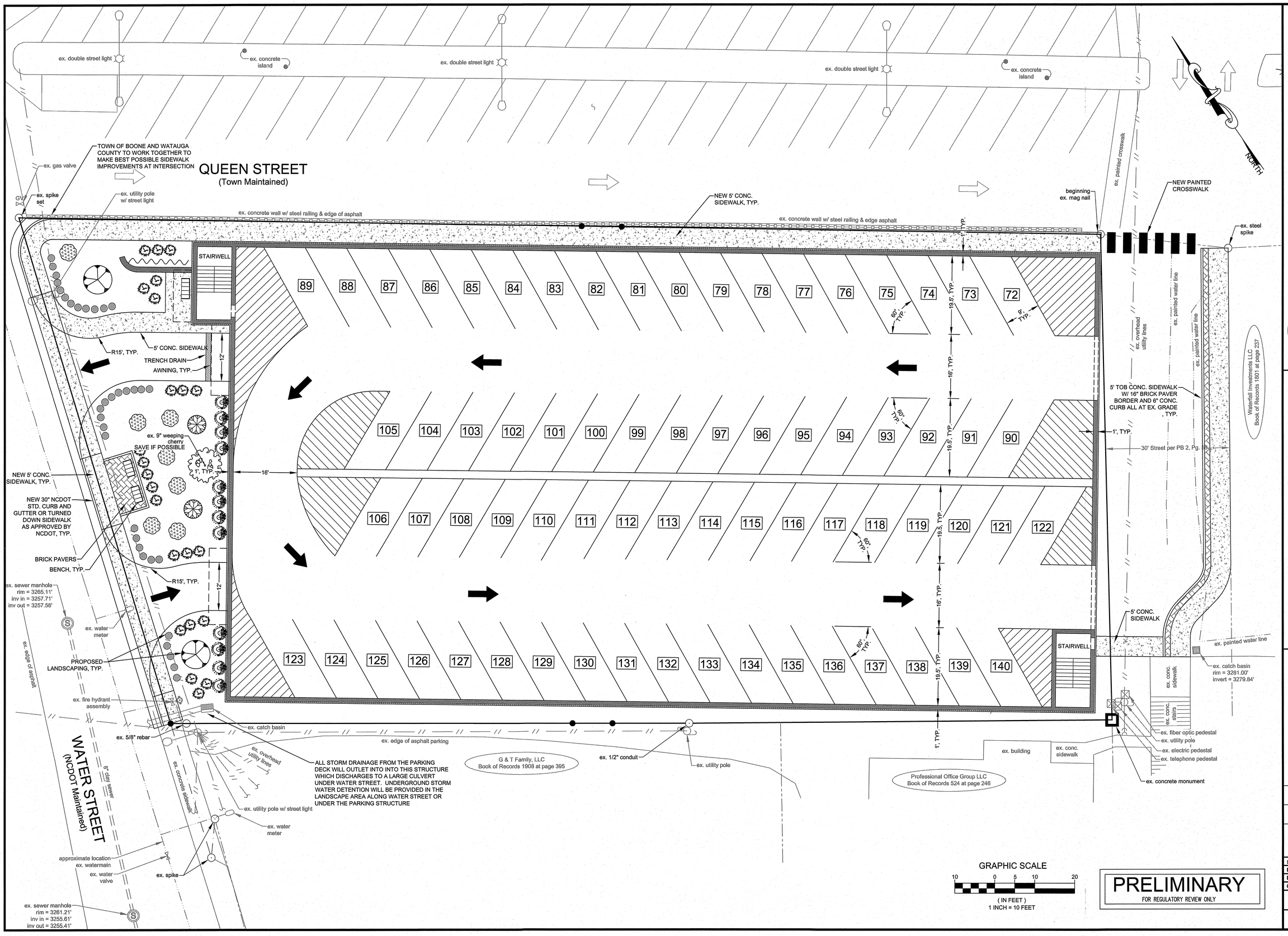
WATAUGA COUNTY PARKING DECK
WATAUGA COUNTY
WATER STREET
BOONE, NORTH CAROLINA

DATE	BY	REV.	DESCRIPTION

SITE PLAN LOWER PARKING LEVEL
FOR CDZ MAP AMENDMENT

SCALE:	AS SHOWN
DATE:	7-8-22
DRWN. BY:	SGJ/EGT
CHKD. BY:	AJC/MPT
PROJECT NUMBER	B21030
DRAWING NO.	C-3
SHEET NO.	3 OF 6

Communication: Case PL05865-070822 - Exhibit E - Site Plans (Case PL05865-070822 Watauga County Parking Deck - Conditional District Zoning Map Amendment)



MUNICIPAL ENGINEERING, INC.
68 SHIPWASH DRIVE, GARNER, NC 27529 - PHONE: 919-772-5393
820-B STATE FARM ROAD, BOONE, NC 28607 - PHONE: 828-262-1767
LICENSE NUMBER: F-0812

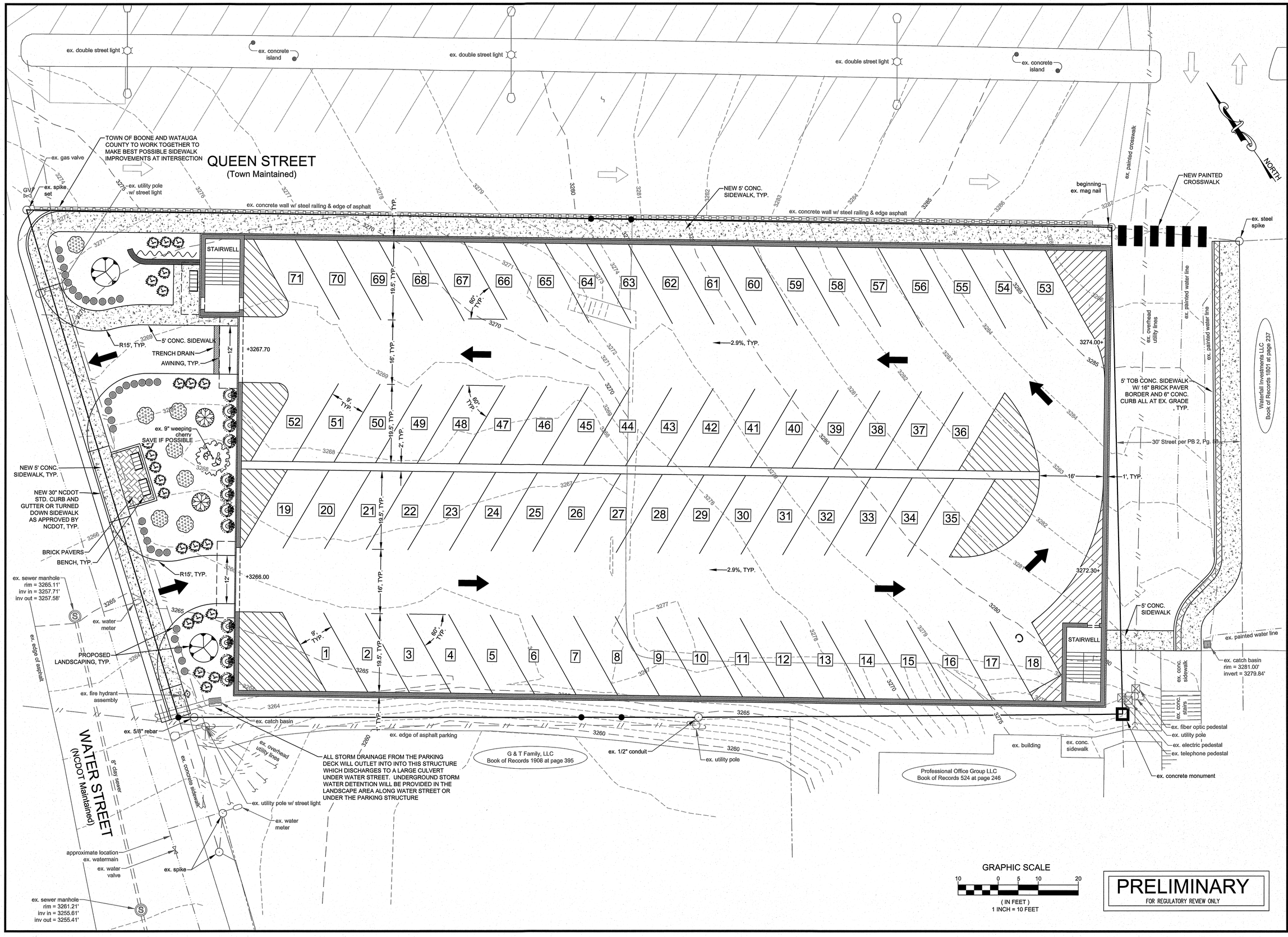
WATAUGA COUNTY PARKING DECK
WATAUGA COUNTY
WATER STREET
BOONE, NORTH CAROLINA

DATE	BY	REV.	DESCRIPTION

SITE PLAN UPPER PARKING LEVEL
FOR CDZ MAP AMENDMENT

SCALE:	AS SHOWN
DATE:	7-8-22
DRWN. BY:	SGJ/EGT
CHKD. BY:	AJC/MPT
PROJECT NUMBER	B21030
DRAWING NO.	C-4
SHEET NO.	4 OF 6

Communication: Case PL05865-070822 - Exhibit E - Site Plans (Case PL05865-070822 Watauga County Parking Deck - Conditional District Zoning Map Amendment)



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68 SHIPWASH DRIVE, GARNER, NC 27529 - PHONE: 919-772-5393
820-B STATE FARM ROAD, BOONE, NC 28607 - PHONE: 828-262-1767
LICENSE NUMBER: F-0812

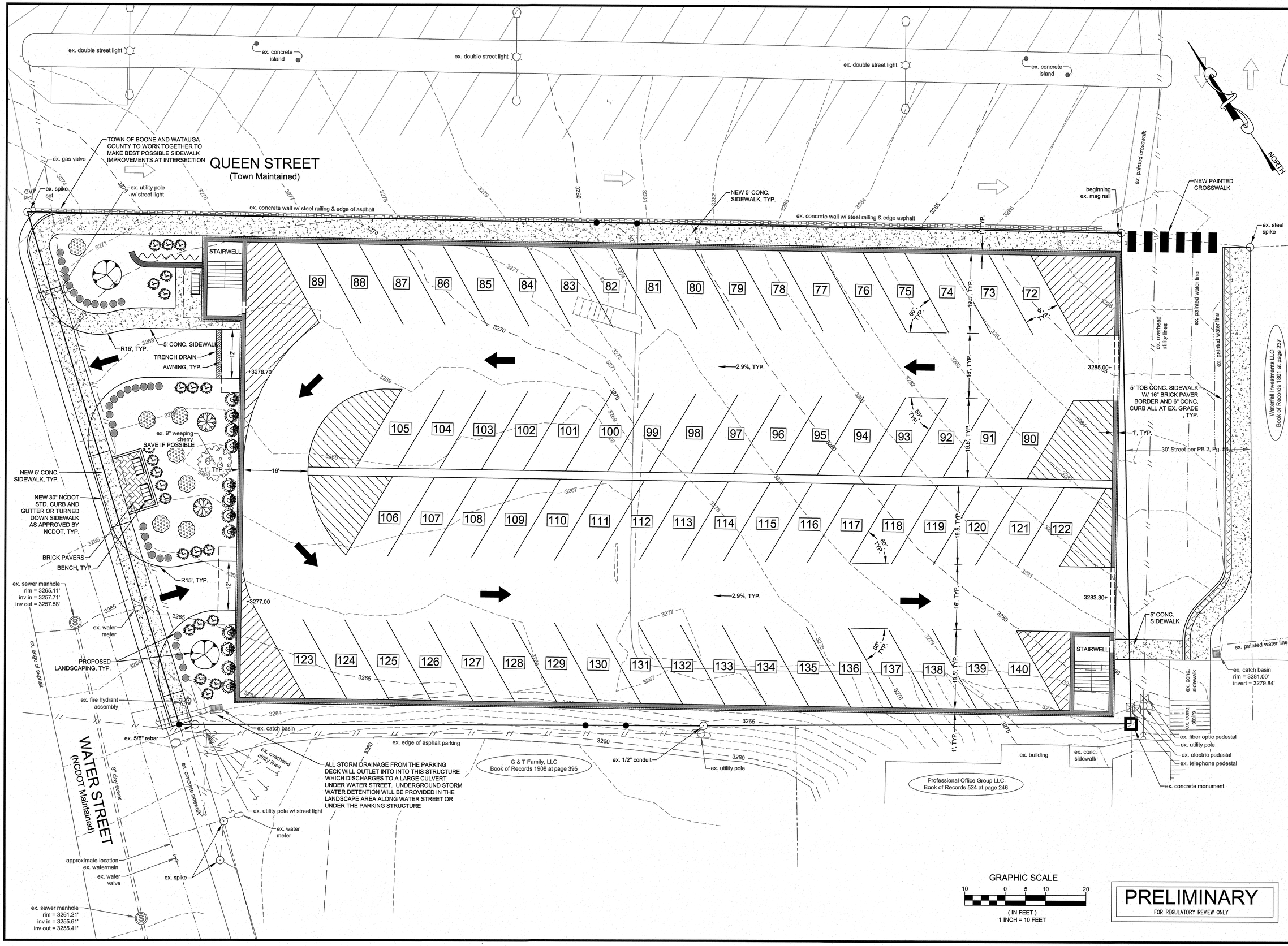
WATAUGA COUNTY PARKING DECK
WATAUGA COUNTY
WATER STREET
BOONE, NORTH CAROLINA

DATE	BY	REV.	DESCRIPTION

GRADING PLAN LOWER PARKING LEVEL
FOR CDZ MAP AMENDMENT

SCALE:	AS SHOWN
DATE:	7-8-22
DRWN. BY:	SGJ/EGT
CHKD. BY:	AJC/MPT
PROJECT NUMBER	B21030
DRAWING NO.	C-5
SHEET NO.	5 OF 6

Communication: Case PL05865-070822 - Exhibit E - Site Plans (Case PL05865-070822 Watauga County Parking Deck - Conditional District Zoning Map Amendment)



MUNICIPAL ENGINEERING, INC.
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820-B STATE FARM ROAD, BOONE, NC 28607 - PHONE: 828-262-1767
LICENSE NUMBER: F-0812

WATAUGA COUNTY PARKING DECK
WATAUGA COUNTY
WATER STREET
BOONE, NORTH CAROLINA

DATE	BY	REV.	DESCRIPTION

GRADING PLAN UPPER PARKING LEVEL
FOR CDZ MAP AMENDMENT

SCALE:	AS SHOWN
DATE:	7-8-22
DRWN. BY:	SGJ/EGT
CHKD. BY:	AJC/MPT
PROJECT NUMBER	B21030
DRAWING NO.	C-6
SHEET NO.	6 OF 6

Communication: Case PL05865-070822 - Exhibit E - Site Plans (Case PL05865-070822 Watauga County Parking Deck - Conditional District Zoning Map Amendment)

FILED Amy J Shook
Register of Deeds, Watauga Co, NC
Fee Amt: $26 00

Bk 2275 Pg 413 (4)
Recorded: 05/23/2022 at 12:08:05 PM
Doc No. 720455 Kind: COMBO

RETURNED TO ANTHONY DI SANTI
AT THE TIME OF RECORDING

720455

STATE OF NORTH CAROLINA

INSTRUMENT OF COMBINATION

COUNTY OF WATAUGA

This **INSTRUMENT OF COMBINATION** made this the 23rd day of May, 2022, by **Watauga County, a corporate and body politic chartered by the State of North Carolina** of 814 West King Street, Room 205, Boone, NC 28607.

WITNESSETH:

WHEREAS, the maker of this **INSTRUMENT OF COMBINATION** owns certain properties which were acquired by the following deeds:

Lot 1, 0.374 acre (18,284 square feet) located at 136 North Water Street, Boone, NC 28607 (Parcel No. 2900-79-8884-000), North Carolina General Warranty Deed duly recorded in Book of Records 2004 at Page 52 and shown at Plat Book 16 at Page 5, Watauga County Registry; and;

Lot 2, 0.343 acre (14,949 square feet) located on Queen Street adjoining Lot 1 described herein, Boone, NC 28607 (Parcel No. 2900-79-9786-000) North Carolina General Warranty Deed duly recorded in Book of Records 584 at Page 722 and shown at Plat Book 16 at Page 5, Watauga County Registry; and;

WHEREAS, Watauga County wishes to combine the above-mentioned properties into a single tract of land for the purpose of complying with all applicable provisions of the Watauga County Watershed, Zoning and Subdivision Ordinances and the Unified Development Ordinance of the Town of Boone; and

Prepared by: di Santi Capua & Garrett, PLLC
PO Box 193, 642 W. King Street
Boone, NC 28607

RECEIVED
JUL 08 2022
BY:

Communication: Case PL05865-070822 - Exhibit F - Deed (Case PL05865-070822 Watauga County Parking Deck - Conditional District Zoning

Bk 2275 Pg 414
Doc No: 720455 Kind: COMBO

WHEREAS, this is a limited special purpose instrument for the purposes specified above and is not a conveyance or modification of the ownership interests in the property hereinafter described; and

WHEREAS, upon execution and recordation of this instrument, the properties acquired by the aforementioned deeds are hereby combined and shall hereafter be described according to the description as follows, and hereto and hereby incorporated by reference:

A 0.717 acre tract (33,233 square feet) located at 136 North Water Street, Boone, NC 28607 as described on Exhibit A attached hereto and incorporated herein by reference.

(The northeastern boundary line of Lot 1, 0.374 acres and the southwestern boundary line of Lot 2, 0.343 acres is hereby eliminated by this Instrument of Combination)

IN WITNESS WHEREOF, the maker, Watauga County, hereby executes this Instrument of Combination by its duly appointed County Manager and attested thereto by its duly appointed Clerk.

Watauga County, a North Carolina corporate and body politic chartered by the State of North Carolina

By: Deron Geouque
Deron Geouque, Watauga County Manager

Attest:

Anita Fogle
Anita Fogle, Clerk to the Board of County Commissioners

(CORPORATE SEAL)

Prepared by: di Santi Capua & Garrett, PLLC
PO Box 193, 642 W. King Street
Boone, NC 28607

Communication: Case PL05865-070822 - Exhibit F - Deed (Case PL05865-070822 Watauga County Parking Deck - Conditional District Zoning

Bk 2275 Pg 415
Doc No. 720455 Kind: COMBO

STATE OF NORTH CAROLINA, COUNTY OF WATUAGA

I, a Notary Public of the County and State aforesaid, certify that Anita Fogle, personally came before me this day and acknowledged that she is the Clerk to the Board of Commissioners for the County of Watauga, North Carolina, and that by authority duly given and as the act of said County, the foregoing instrument was signed in its name by Deron Geouque, Watauga County Manager and attested by her as Clerk to the Board of Commissioners.

The signatory acknowledged to me that she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

Witness my hand and official stamp or seal, this the 23rd day of May, 2022.

Macy Hafner
NOTARY
PUBLIC
North Carolina

Macy Hafner
Notary Public

Print: Name: Macy Hafner

My Commission Expires: 1·27·2026

Prepared by: di Santi Capua & Garrett, PLLC
PO Box 193, 642 W. King Street
Boone, NC 28607

Communication: Case PL05865-070822 - Exhibit F - Deed (Case PL05865-070822 Watauga County Parking Deck - Conditional District Zoning

EXHIBIT A

A 0.717 acre tract situated on the southeastern side of the intersection of Queen Street and Water Street and being all of the Shiloh Investments, LLC property described in Book 407 of Records at page 578; bounded on the north by Queen Street, on the east by a 30 feet wide alley (Cross Street per Plat Book 002 at page 058), on the south by Professional Office Group (DB 199 at page 837 and Book 524 of Records at page 246), King Street Properties, LLC (Book 455 of Records at page 496) and Steve Ward (Book 017 of Records at page 230) and on the west by Water Street; said 0.717 acres being surveyed by Russell C. Shaw, PLS L-2899 and being more particularly described as:

BEGINNING on a concrete monument found, a common corner with Professional Office Group in the western line of a 30 feet wide alley and being referenced from the following points: (1) North 34 degrees 16 minutes East 119.00 feet from a 5/8" rebar found on the northern side of King Street, (2) North 11 degrees 51 minutes West 41.73 feet from a 1/2" conduit pipe found at the southwestern corner of a block wall on the eastern side of the alley and (3) North 84 degrees 04 minutes West 52.58 feet from the southwestern corner of a two-story brick apartment building on the eastern side of the alley and the southern side of Queen Street; THENCE from the beginning and with the line of Professional Office Group, North 55 degrees 30 minutes West 75.76 feet to a concrete monument found; THENCE North 53 degrees 21 minutes West 7.08 feet to an existing 3/4" pipe; THENCE continuing with said line and with the line of King Street Properties and Steve Ward, North 55 degrees 19 minutes West 148.76 feet to a 5/8" rebar set on the eastern side of the concrete sidewalk along Water Street; THENCE North 55 degrees 19 minutes West 4.00 feet to a MagNail set in said sidewalk; THENCE leaving said line and along said concrete sidewalk and along the eastern side of Water Street, North 18 degrees 07 minutes East 131.60 feet to a MagNail set in the walk near the end of a concrete wall running along the southern side of Queen Street; THENCE leaving said line and along the southern edge of said wall, South 54 degrees 13 minutes East 270.95 feet to a MagNail set in a concrete walk at the intersection of Queen Street and the 30 feet wide alley; THENCE leaving Queen Street and with the western side of said alley, South 33 degrees 38 minutes West 120.94 feet to the BEGINNING, bearings being relative to Book 407 of Records at page 578 and the North Carolina Geodetic Survey system, NAD '83 with all measurements being horizontal.

Communication: Case PL05865-070822 - Exhibit F - Deed (Case PL05865-070822 Watauga County Parking Deck - Conditional District Zoning

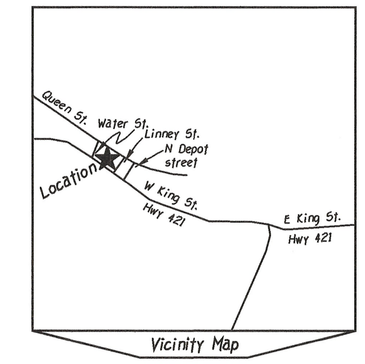
Notes:

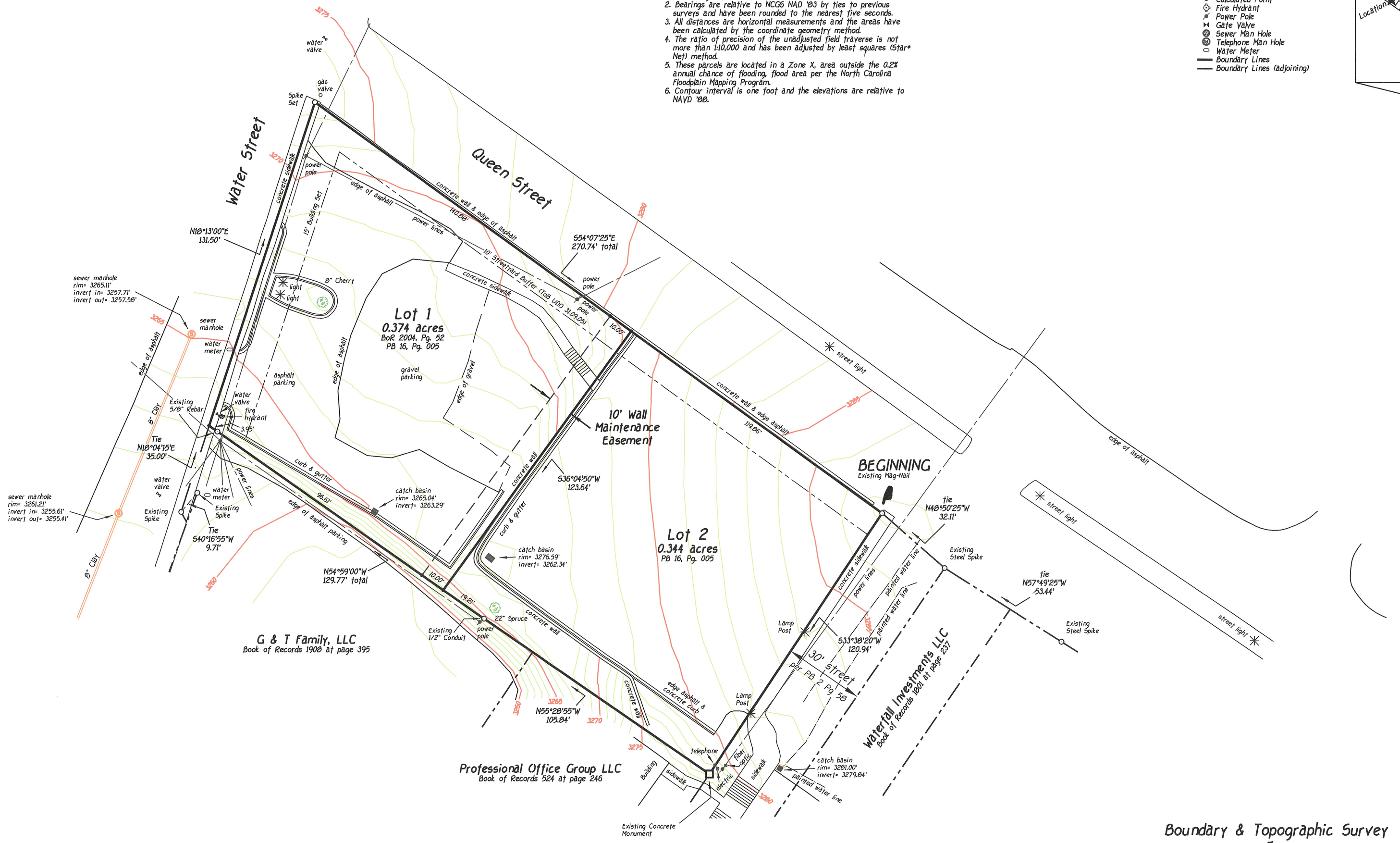
1. This is a boundary and topographic survey of the lands conveyed to Watauga County by deed recorded in Book of Records 2004 at page 52 and Plat Book 16 at page 005 of the Watauga County Public Registry.
2. Bearings are relative to NCGS NAD '83 by ties to previous surveys and have been rounded to the nearest five seconds.
3. All distances are horizontal measurements and the areas have been calculated by the coordinate geometry method.
4. The ratio of precision of the unadjusted field traverse is not more than 1:10,000 and has been adjusted by least squares (Star* Net) method.
5. These parcels are located in a Zone X, area outside the 0.2% annual chance of flooding, flood area per the North Carolina Floodplain Mapping Program.
6. Contour interval is one foot and the elevations are relative to NAVD '88.

Legend

(Corner Descriptions)

- Existing Iron Pins
- Monument Set
- Control Monument
- 5/8" Steel Rod Set
- Calculated Point
- Fire Hydrant
- Power Pole
- Gate Valve
- Sewer Man Hole
- Telephone Man Hole
- Water Meter
- Boundary Lines
- Boundary Lines (adjoining)





Boundary & Topographic Survey
For

Watauga County

Town of Boone - Boone Township
Watauga County -- North Carolina

February 24, 2022

Scale is 1"=20' (1:240)

0 20' 40' 60' 80'

Surveyors Certificate

I certify that this map was drawn under my supervision from an actual survey made under my supervision; deed description recorded in Book(s) 2004 & 16 at page 52 & 005; that the boundaries not surveyed are indicated as drawn from information in Book _____ page _____ or other referenced source _____; that the ratio of precision or positional accuracy is 1:10,000; and that this map meets the requirements of the Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1600). This 7th day of April, 2022.

Donald H. McNeil, P.L.S., L-2809

NORTH CAROLINA PROFESSIONAL SEAL L-2809 LAND SURVEYOR DONALD H. McNEIL

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Appalachian Professional Land Surveyors & Consultants, PA; C-2390
1480 US Highway 421 South / Boone, North Carolina 28607 / (828) 264-0290

Job No. 22041

PUBLIC HEARING MINUTES
MONDAY, JULY 25, 2022, 6:00 PM
VIA WEBEX SOFTWARE

COUNCIL MEMBERS: Mayor Tim Futrelle, Mayor Pro-Tem Edie Tugman, Todd Carter, Dalton George, Becca Nenow, and Virginia Roseman

PLANNING COMMISSION MEMBERS: Eric Plaag-Vice-Chair, Chris Behrend, John Tippett, Frank Veno, and Smith Warren

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Mike James-Senior Planner, Christy Turner-Senior Planner (joined at 6:20 p.m.), Jessica Mitchell-Long-Range/Special Projects Planner, and Brenda Henson-Board Secretary

OTHER TOWN STAFF AND REPRESENTATIVES PRESENT: Amy Davis-Interim Town Manager (joined at 6:10 p.m.), Allison Meade-Town Attorney, and Rick Miller-Public Works Director

OTHER ATTENDEES/PARTICIPANTS VIA WEBEX: Jerome Norvell, Jeff Templeton, Greg Edney, and JC Feimster

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Call to Order

Mayor Futrelle called the Town Council to order at 6:04 p.m. Vice-Chair Plaag called the Planning Commission to order at 6:05 p.m. for the Public Hearing/Planning Commission meeting held via WebEx.

Moment of Silence

A moment of silence was observed.

Approval of Meeting Minutes

Council Member Roseman made a motion to approve the May 23, 2022 Public Hearing minutes as written. The motion was seconded by Council Member George.

Vote: Aye – All
Nay – None

The motion passed.

Commission Member Behrend made a motion to approve the May 23, 2022 Public Hearing minutes as written. The motion was seconded by Commission Member Tippett.

Vote: Aye – All
Nay – None

The motion passed.

PUBLIC HEARING

Ms. Shook outlined the guidelines for each case presented at the public hearing.

Case PL05826-062722 Appendix D Modifications – UDO Text Amendment

The Town proposes to modify UDO Appendix D (Downtown Boone Local Historic District Design Standards) to provide consistency with NC General Statutes and to correct references to the Town of Boone UDO.

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Vice-Chair Plaag announced that he had contributed to the preparation of the materials in the three text amendments being presented at this hearing. He stated that he had spoken with Ms. Meade, the Town Attorney, and, as long as there was no objection, he would serve in his role as acting chair of the Planning Commission. However, he would not be voting on any of those first three cases or participating in the discussion as a Planning Commission member. Vice-Chair Plaag stated he would be happy to answer questions as a member of the Historic Preservation Commission, if necessary. Ms. Meade added that this was acceptable only because the Planning Commission was an advisory committee and not quasi-judicial. There were no objections to Vice-Chair Plaag continuing as chair of the Planning Commission, but being recused from discussion and voting on the three text amendments on this agenda.

Ms. Jane Shook, Director of Planning & Inspections, presented the request as it was outlined in the meeting packet. She noted there was repetitive information regarding Subsection 6.01.04 that was proposed to be removed and replaced with a reference to the applicable section. Ms. Shook then noted the removal of the Oscar and Suma Hardin House (WT0056) from the Residential Properties Within the District section because this building has already been demolished.

Ms. Shook pointed out the removal of language in Section 14.4 that stated *Combining lots for the purpose of building a single building across multiple lots is not permitted in the District, as it disrupts the town planning system and does not align with the massing and scale of the District's historic building patterns.* The reason for removal of this language was that the combination of lots was permissible under state law. Ms. Shook stated that mass and scale could be addressed through other regulations, but not through property lines. She noted that the words *property lines* would also be removed from Section 1.9 where it talked about *existing historic property lines, block patterns, setbacks in the land, both natural and created*.

Ms. Shook noted that no one had signed up to speak regarding this case.

With no public comment, Mayor Futrelle closed the public hearing for this case at 6:15 p.m.

Case PL05718-051822 Demolition Standards in the Downtown Boone Local Historic District – UDO Text Amendment

The Town proposes to modify UDO Article 8 Subsection 8, and Appendix D, Downtown Boone Design Guidelines and Handbook, Subsection "Standards For Relocation and Demolition" to revise and elaborate upon standards for relocation and demolition of structures in the historic district, provide guidance to applicants with respect to preservation processes, and clarify the role of the Historic Preservation Commission.

Ms. Jessica Mitchell, Long-Range/Special Projects Planner, presented the case as it was outlined in the meeting packet. She noted that staff had presented this text to the HPC during their advisory sessions, and at the July 5th meeting, the HPC made a motion to recommend approval by the Planning Commission and Town Council. The text contained modifications to Article 8, Section 8, detailing revised demolition standards, and included merging some of the existing standards of Appendix D regarding demolition into this section of Article 8. Ms. Mitchell stated that the HPC suggested including the Historic American Buildings Survey (HABS) guidelines that were provided by the National Park Service. The guidelines were included in the meeting packet on pages 41 through 65.

Ms. Mitchell referred to packet page 36 under Appendix D, noting that this particular portion of Appendix D mentioned demolition but did not contain any regulations for demolition.

Ms. Mitchell referred to packet page 37 regarding Relocation of Buildings. She noted that this section detailed the proposed guidelines for relocation of buildings in the historic district. Ms. Meade suggested the addition of a sentence at the end of the first paragraph in Section 1 to serve as some type of transition. She suggested the sentence should read *Applicants engaged in relocation should:*

Communication: July 25, 2022 Planning Commission Meeting Minutes (Approval of Planning Commission Meeting Minutes)

DRAFT

Vice-Chair Plaag referred to packet page 34, Subsection 8.08.01(A)(4)(a) where it referred to being in compliance with the Historic American Building Survey guidelines. He stated he did not believe the intention of the HPC was to suggest that people who were trying to meet the standard had to actually submit to the Historic American Buildings Survey process, but instead had to have a report prepared that met those guidelines. Ms. Meade suggested that the last sentence should read *Documentation shall be provided by a historic preservation consultant or professional listed by the North Carolina State Historic Preservation Office, resulting in a report that complies with Historic American Buildings Survey (HABS) guidelines.* Vice-Chair Plaag felt that would eliminate the confusion and better captured the intention of the HPC.

Council Member Roseman stated that moving a structure could be very cumbersome on the Town. She asked if the Town found a building that they felt should be preserved and relocated, would all of the responsibility fall on the Town to do the report and pay all of the fees associated with moving the building. Ms. Meade replied that she did not think this section was actually aimed at that situation. She explained that this section was aimed at a private applicant who wanted to relocate a building. Ms. Meade stated that, in the case of the Town wanting to relocate a building, it would be a case-by-case situation that would have to be negotiated, hopefully by the HPC, the Town and the applicant. Vice-Chair Plaag explained that the intention of this text was that many of the standards listed here applied to the property owner who was essentially applying for this process and exploring relocation as an option in the broader demolition process. He stated that this text did not intend for the Town to assume responsibility to secure the structure to be moved. Vice-Chair Plaag added that if the HPC recommended that a property could be relocated successfully and utilized in some other fashion, preserving some element of its context historically, that a decision would have to be made by Town Council and the applicant regarding who would pay for what.

Vice-Chair Plaag stated that there were tax incentives, particularly to a commercial owner, if they made a building available and even contributed to its relocation. He felt that this type of situation would be a relatively rare circumstance, and hoped that there were other solutions that would be pursued by most applicants when it came to existing buildings they were looking to do something with.

Council Member Roseman asked if this text would help with demolition. Vice-Chair Plaag replied that there were some limitations in that the HPC could not entirely prohibit demolition under state statute. He stated there was a waiting period and that waiting period was supposed to be used for exploring alternatives like the possibility of relocation, as a last resort to demolition. Vice-Chair Plaag felt that the proposed language addressed what was likely to come up, as best as it could be foreseen.

Ms. Shook noted that no one had signed up to speak regarding this case.

With no public comment, Mayor Futrelle closed the public hearing for this case at 6:32 p.m.

<u>Case PL05671-042722 Public Art Standards in the Downtown Boone Local Historic District – UDO Text Amendment</u>

The Town proposes to modify the UDO Appendix D, Downtown Boone Design Guidelines and Handbook, Section "Design Standards for Historic Streetscapes, Landscapes, Monuments, and Other Resources in the District" to develop public art standards within the local historic district addressing concerns of public art, provide direction for future public art projects, and fill gaps currently written in the historic standards.

These standards were written following initial (1) the Historic Preservation Commission beginning to hear Certificate of Appropriateness cases, (2) conversations with local art advocates, and (3) Town Council creating a Public Arts commission.

Communication: July 25, 2022 Planning Commission Meeting Minutes (Approval of Planning Commission Meeting Minutes)

DRAFT

Ms. Mitchell outlined the request as it was presented in the meeting packet. She stated this text amendment would modify Appendix D to develop public art standards in the historic district. Ms. Mitchell explained that this was following initial Certificate of Appropriateness cases where the HPC had conversations with local art advocates and following Town Council creating the Public Arts Commission. She noted that the HPC had reviewed this text and at their July 5th advisory meeting, the HPC made a motion to recommend approval by the Planning Commission and Town Council.

Ms. Mitchell explained that the text box on the top of packet page 74 was included in error and was not supposed to be included. She pointed out that sections of Appendix D on packet pages 74 and 75 had been renumbered. Ms. Mitchell referred to packet page 76 containing the proposed language regarding public art standards.

Council Member Roseman asked if there would be a section about art that was sponsored or on Town property that was not subject to the COA process. Ms. Meade replied that Section 11.4 on packet page 78 provided that exemption. She explained that the basic idea was that public art, as well as historic markers or interpretive signage, that was either located on Town property, Town right-of-way, Town maintained public right-of-way, or to be sponsored in whole or in part by the Town, would be exempt from the COA process. Ms. Meade added that they would instead have to be approved by the Town Council after consideration and advice being provided by the HPC, and anyone else that Town Council wanted to get a recommendation from, which could include the Public Arts Commission.

Ms. Meade suggested that the definition of public art contained in the final bullet point of Section 11.4 be removed because it was consistent with the definition of public art that was given in the first paragraph of Section 11. She also suggested the addition of a sentence stating that *Public art on public property owned or controlled by public authorities other than the Town is not intended to come within the exemption of Subsection 11.4.* Ms. Meade explained that county and state property would still need to go through the COA process because the Town Council did not control those properties.

Ms. Shook noted that no one had signed up to speak regarding this case.

With no public comment, Mayor Futrelle closed the public hearing for this case at 6:39 p.m.

Case PL05781-061322 Signs – UDO Text Amendment (Request to be tabled)

Case PL05729-052322 Templeton Properties – General Use Zoning Map Amendment

Jeff Templeton Rentals, LLC has submitted a General Use Zoning Map Amendment Application to re-zone a 2.91-acre parcel located at 315 State Farm Road from R-1 Single Family Residential to OI Office/Institutional. The parcel fronts State Farm Road and backs up to VFW Drive. The Watauga County Parcel ID is 2910-45-2250-000.

Vice-Chair Plaag un-recused himself for this case.

Mr. Michael James, Senior Planner for Town of Boone Planning & Inspections, outlined the case as it was presented in the meeting packet.

Vice-Chair Plaag asked if there was a Neighborhood Conservation District overlay for the neighborhood surrounding this property. Mr. James replied that some of the properties along Shady Lane were in a Neighborhood Conservation District.

Vice-Chair Plaag stated that the staff report mentioned the VFW was a nonconformity. He asked if this was a legal nonconformity or an illegal nonconformity. Mr. James replied that it was a legal nonconformity in that the property predated the current zoning.

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Vice-Chair Plaag asked if it was correct that the following were permitted uses in the OI zoning district: a vet office with outdoor kennels, restaurants of various sizes, a retail store up to 5,000 square feet, a medical office, a medical emergency response facility, including an accessory use of a heli-stop, open air markets, seasonal retail and amusements, uses including Christmas tree lots, pumpkin patches, corn mazes, a parking lot, or a parking deck. Mr. James replied that was correct. He noted that several of the uses mentioned would require a special use permit because of the proximity to the R1. Vice-Chair Plaag asked if it was correct that doctor's offices, dentist's offices, and funeral homes would not require a special use permit, but larger restaurants, larger retail stores, and a helipad would require a special use permit. Mr. James replied that was correct.

Council Member Carter asked if this was the parcel containing the one vacant church building. He also asked if the OI zoning would allow for more than one structure to be built on that property. Mr. James confirmed that the property contained on vacant church building and could possibly allow two structures under the OI zoning.

Ms. Shook pointed out that this was a general use zoning request, so there was nothing under consideration as far as construction. However, she noted that depending on the intensity ratios or parking requirements, there was a potential that another building could be constructed on the property.

Council Member George expressed concern about the impact of this zoning change on the neighborhood. He stated that there had to be some ways to mitigate the impact to the neighborhood, otherwise he did not think this was possible.

Mayor Pro-Tem Tugman stated the subject property was practically surrounded by a residential neighborhood, and this felt like an encroachment. She stated she could appreciate that this was a vacant building that was not being utilized in the way that Mr. Templeton would choose, but felt it was not appropriate to encroach on a neighborhood in this particular way.

Commission Member Veno referred to a letter that was sent by one of the residents in that neighborhood that was sent to Planning Commission and Town Council members shortly before the meeting. He noted that the man was concerned about access to the property from VFW Drive, which would create a traffic hardship. Commission Member Veno stated he was also concerned about that neighborhood because the OI zoning allowed a vast array of uses.

Mayor Pro-Tem Tugman stated that she drove to the area this afternoon. She noted that the plat showed there was access to VFW Drive from the subject property, but the primary access was off of State Farm Road. Mayor Pro-Tem Tugman felt that Mr. McLaughlin's concern was viable regarding any potential use of the access to VFW Drive. She noted that VFW Drive was narrow and additional traffic could create difficulty for the neighborhood in accessing State Farm Road.

Council Member Roseman asked if State Farm Road would ever be expanded into a three-lane in that section, or would it remain a two-lane road. Ms. Shook replied that there had been considerations of in the past, but she was unsure when or if anything would be done. Council Member Roseman stated the State Farm Road was a very tight road that had a blind curve and wall was really close to the sidewalk. She expressed concern that this was not the safest spot for a business being used daily with a high flow of traffic. Council Member Roseman asked if there was a way to preserve the R1 buffer along Shady Lane as a way to help protect the neighborhood.

Ms. Meade replied that the town did not have any right to do anything unilaterally. However, the applicant could make a proposal along those lines, but would have to do so through a different zoning application process called the Conditional District (CD) process. Ms. Meade explained that the CD process would involve a very specific plan that would be considered by Council that would commit to particular

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uses, particular intensity, building sizes, and so forth, and could also commit to a buffer of some type along the lines of what Council Member Roseman was referencing. But, Ms. Meade reminded Council and Commission members, that was not what was before them tonight, and could not be part of a general rezoning.

Commission Member Warren stated he lived on State Farm Road and walked his dog in that area. He stated it was a very unsafe road to walk alongside of. Commission Member Warren did not feel that the added traffic that would come through that road would be very safe for people like him and the other residents of the community.

Vice-Chair Plaag asked if the building that that was there currently was previously a religious facility, and if that was a normal permitted use under the R1 category at present. Mr. James stated that was correct. He noted that a small religious assembly Category 1 was allowed pretty much everywhere. Vice-Chair Plaag asked if other uses such as a family home or a domestic violence shelter were also permitted uses in R1. Mr. James relied that was correct. Vice-Chair Plaag asked if the property owner would have the ability to subdivide this parcel by right and perhaps build two single-family homes. Mr. James replied that, ignoring any topographical issues on the property, it could be subdivided into two or three parcels for single-family homes. Vice-Chair Plaag stated that his point in raising those questions was to emphasize that the applicant was not locked into having a church and would have other possibilities available to him under the current zoning.

Ms. Shook noted that no one had signed up to speak regarding this case, but noted that Mr. Templeton was present if he wished to speak.

Jeff Templeton, applicant and property owner, referred to some graphics of the property that Ms. Shook shared on the screen. He first addressed the letter that was sent by Mr. McLaughlin regarding a connection on VFW Drive. Mr. Templeton explained that the access was the left of the driveway entrance and curled around the VFW building. He stated that the access was actually called a license and was not an easement that had been granted to anyone. Mr. Templeton noted that back when this was still a church the VFW was allowed to use the access for overflow parking. He felt that use of the access from his property to VFW Drive would make no sense to use because traffic would only get back in line on VFW Drive to try to get on to State Farm Road.

Mr. Templeton stated there was an opaque stand of trees and shrubs between the building and parking lot and the neighborhood on Shady Lane. He also noted that the Shady Lane neighborhood was significantly higher in elevation than the subject parcel. Mr. Templeton stated that his property fronts State Farm Road and had value for business purposes as a business location. He noted that OI was the least intrusive zoning classification that would allow him to use the property for something other than a church. Mr. Templeton felt that there was not much appeal for a single-family residence being located next to a very busy road.

Mr. Templeton stated that this parcel was not part of the neighborhood and functioned more as part of the State Farm business corridor. He noted that he was not proposing any changes to the design of the entrance to the parking lot or the building. Mr. Templeton stated that the property had been vacant for five years.

Mr. Templeton pointed out properties along State Farm Road that were zoned OI, B2, B3, R3, and M1. He stated that the property was convenient to town and was located on a major thoroughfare. Mr. Templeton did not feel that creating more lots for homes would be something that would be highly marketable because of the location. He stated his goal was to try to use the existing facilities to accommodate customers he currently had on a waiting list that needed small offices.

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Ms. Meade noted that, while Mr. Templeton made it clear that he was not proposing any changes to the building or parking lot, the Commission and Council could not take that statement into account with a general rezoning. She noted that the only way Mr. Templeton could come forward and bind himself to that sort of promise was through a CD application, which could limit the proposed uses to professional offices.

Council Member Roseman asked if there was a center turn lane in front of this property. Mr. Rick Miller, Public Works Director, replied that there was not a third lane in front of this property.

Vice-Chair Plaag asked if it was correct that the R1 height limitation was three stories and 40 feet and OI was four stories and 67 feet. Mr. James replied that was correct. Vice-Chair Plaag asked if the property was located within the viewshed. Mr. James stated that approximately half of the property was in the viewshed. Vice-Chair Plaag asked if Mr. Templeton would have a requirement to maintain that stand of trees because of the viewshed requirements or was it not possible to know that at this time. Mr. James replied that it was likely, but would be difficult to say without a specific site plan. Vice-Chair Plaag asked if it was conceivable that the stand of trees could be removed to facilitate construction of two 67 foot, four story buildings that would be visible by the residents of Shady Lane. Mr. James replied that, theoretically, it could be possible, but without any detailed elevations or topography, it would be very difficult to say definitively.

Mayor Pro-Tem Tugman stated that, while State Farm Road appeared to be a major thoroughfare, she did not think the design would constitute that of a major thoroughfare. She stated that she felt strongly about the preservation of neighborhoods and felt this encroachment on the neighborhood was unfair to the folks whose primary investment was their home.

Commission Member Veno asked for some clarification on the Conditional District process. Ms. Meade replied that it would be a different process than this general rezoning. She explained that an applicant would come forward with a specific site plan and proposed uses. Further, approval would be for that specific plan, but the underlying zoning would still be OI, if that was what the applicant requested.

Mayor Futrelle asked Mr. Templeton if he intended to change the building or build something else. Mr. Templeton replied that he had tenants that he could not satisfy with the current offerings he had who were looking for office space. He stated there was a high demand in Boone for small office spaces. However, Mr. Templeton noted that someone could come along and need a larger office space, such as an eye center or real estate office.

Mr. Templeton stated that, based on the comments he had heard tonight, there was no interest in doing anything other than keeping this property zoned R1, so why should he go to all the effort and cost to come back with a Conditional District plan, only to get it shot down. He stated it looked like the future of this property was a rental house.

Council Member Roseman asked if Mr. Templeton chose to apply for a Conditional District would that site specific plan continue if the property was sold. Ms. Meade replied that the ownership of a property had nothing to do with the zoning. She explained that the property could be sold tomorrow and the new owner would have the same zoning as the previous owner.

Mayor Pro-Tem Tugman stated she could appreciate Mr. Templeton's hesitancy to come forward with a Conditional District application because of the expense. However, she felt if there were plans that would be more acceptable and significantly limit the development of this piece of property so that it did not create an issue for the surrounding neighborhood.

Commission Member Veno asked the neighbors around the property were notified of Mr. Templeton's intentions. Ms. Shook replied that they were notified.

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Mr. Templeton noted that when the property was developed for the church it was zoned R3. He stated that, at some point, the church got the property rezoned to R1. Ms. Meade asked Mr. Templeton if the property was zoned R1 when he purchased it. He replied that it was zoned R1.

Mr. Templeton asked if it was correct that, under R1 zoning, he could cut any trees he wanted on the property. Ms. Meade stated she did not know that this was an appropriate time to go into what was allowed under the district as of right.

Ms. Shook noted that no one had signed up to speak regarding this case. The only written public comment that was received was forwarded to the Planning Commission, Town Council, and the applicant earlier today.

Vice-Chair Plaag stated he was aware that great effort had been put into trying to explore ways to make small housing available in our community that would be affordable to people who work in Boone but who could not afford to live in Boone. He pointed out that there was quite a bit of acreage on this lot. Vice-Chair Plaag suggested that Mr. Templeton might explore beyond the obvious one giant lot for a huge McMansion kind of option and look at possibly subdividing the lot to create housing that would be affordable to people who work in Boone. Vice-Chair Plaag felt this might be a way to keep the current R1 zoning while still allowing the property owner to make money on the property.

With no public comment, Mayor Futrelle closed the public hearing for this case at 7:34 p.m.

Case PL05774-060922 O'Reilly Auto Parts – General Use Zoning Map Amendment

The Town of Boone has initiated the zoning of a portion of property on NC Hwy 105 and Snaggy Mountain Blvd to B3 General Business and Corridor District overlay. The remainder of the portion of Watauga County PIN: 2900-44-8162-000, already in the corporate limits is currently zoned B3 General Business and Corridor Overlay. This property is owned by Norvell Boone, LLC which is proposed to be an O'Reilly Auto Parts. Zoning is to coincide with the property owner's voluntary annexation of the property.

Ms. Christy Turner, Senior Planner for Town of Boone Planning & Inspections, noted that this was a General Use Zoning Map Amendment for property Highway 105 and Snaggy Mountain Boulevard. She stated the 0.140-acre portion of the property was currently not zoned and was located in the County. Ms. Turner stated that the request was to rezone the remaining portion of the parcel as B3.

Ms. Shook clarified that this request was not to rezone property, but to zone property in connection with an annexation that the applicant was currently processing. She noted there was a small portion of the subject property that was located outside Town limits that had to be annexed in order to receive utility services.

Council Member Roseman asked if O'Reilly's planned to build on that section of the property. Ms. Turner replied that they were not proposing to build on that portion of the property, and added that the portion of the property to be zoned was considered a steep slope.

Vice-Chair Plaag asked about the Corridor Overlay District in Subsection 14.40.04(A) and the allowed access onto Hwy 105. He stated it sounded as though because of the driveway spacing requirements along Hwy 105 and some of the other underlying language under 14.40.04(A), access has to be from Snaggy Mountain Boulevard. Ms. Turner replied that DOT was giving them access from Hwy 105. She stated that the Snaggy Mountain access was not adequate to serve this business. Vice-Chair Plaag asked if this was because of the steep slope issue with the back part of the property. Ms. Turner stated that was correct. Ms. Shook added that this issue would be covered under Subsection 14.40.04(G) that stated *Access not Prohibited: Any parcel of record on the effective date of this Ordinance that has been prohibited*

Communication: July 25, 2022 Planning Commission Meeting Minutes (Approval of Planning Commission Meeting Minutes)

DRAFT

all vehicular access based on the provisions herein shall be allowed one (1) access point to its street frontage while meeting the intent of the technical requirements as is practical.

Mayor Pro-Tem Tugman stated she thought there was a water line going through this parcel and asked if that would have any impact on bringing this piece of property into the town. Rick Miller, Public Works Director, replied that he was not aware of a water line going through that property. Ms. Shook added that there was a culvert along the front of the property along Hwy 105. Mayor Pro-Tem Tugman stated she must have been mistaken about the water line.

Ms. Shook noted that no one had signed up to speak regarding this case.

With no public comment, Mayor Futrelle closed the public hearing for this case at 7:43 p.m.

Ms. Shook asked if Town Council had a priority for the recommendations from Planning Commission for this evenings cases. Ms. Meade suggested that Planning Commission consider and make recommendations on the cases in the following order: 1) Appendix D Modifications – UDO Text Amendment, 2) O'Reilly Auto Parts – General Use Zoning Map Amendment, 3) Demolition Standards in the Downtown Boone Local Historic District – UDO Text Amendment, 4) Public Art in the Downtown Boone Local Historic District – UDO Text Amendment, and 5) Templeton Properties – General Use Zoning Map Amendment. Town Council agreed with Ms. Meade's suggested order.

Adjournment of Town Council

Council Member Roseman made a motion to adjourn the Town Council at 7:44 p.m. The motion was seconded by Council Member Carter.

Vote: Aye – All
Nay – None

The motion passed.

_____ _____

Tim Futrelle, Mayor **Brenda Henson, Board Secretary**

_____

Eric Plaag, Planning Commission Vice-Chair

Continuation of Planning Commission Meeting

Public Comment

Ms. Shook noted that no one had signed up to speak under public comment.

Approval of Meeting Minutes

Commission Member Warren made a motion to approve the May 23, 2022 Planning Commission meeting minutes. The motion was seconded by Commission Member Veno.

Vote: Aye – All
Nay – None

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The motion passed.

Vice-Chair Plaag called a break in the meeting from 7:47 p.m. until 7:56 p.m.

Case PL05826-062722 Appendix D Modifications – UDO Text Amendment

The Town proposes to modify UDO Appendix D (Downtown Boone Local Historic District Design Standards) to provide consistency with NC General Statutes and to correct references to the Town of Boone UDO.

Vice-Chair Plaag recused himself from discussion and voting on this case.

Ms. Shook explained that this requested text amendment was intended to make sure that language was consistent with general statutes and other UDO language.

Commission Member Tippett stated he supported the amendment.

First Motion and Vote: Commission Member Tippett 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 plans of the Town that are applicable because the amendment is consistent with:

Comprehensive Plan Policy 2.1.1 Economic Development

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

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

Comprehensive Plan Policy 2.1.5 Downtown

A.4 Establish specific architectural and design standards for downtown consistent with its location, setting, and various functions.

The motion was seconded by Commission Member Warren.

Vote: Aye – All
Nay – None
Recused – 1 (Plaag)

The motion passed.

Second Motion and Vote: Commission Member Tippett made a motion that the Planning Commission recommends approval of Ordinance PL05826-062722 and believes approval is reasonable and in the public interest because it brings the UDO into compliance with state general statutes and other UDO language. The motion was seconded by Commission Member Warren.

Vote: Aye – All
Nay – None
Recuse – 1 (Plaag)

The motion passed and approval was recommended.

Case PL05774-060922 O'Reilly Auto Parts – General Use Zoning Map Amendment

The Town of Boone has initiated the zoning of a portion of property on NC Hwy 105 and Snaggy Mountain Blvd to B3 General Business and Corridor District overlay. The remainder of the portion of Watauga County

DRAFT

PIN: 2900-44-8162-000, already in the corporate limits is currently zoned B3 General Business and Corridor Overlay. This property is owned by Norvell Boone, LLC which is proposed to be an O'Reilly Auto Parts. Zoning is to coincide with the property owner's voluntary annexation of the property.

Vice-Chair Plaag un-recused himself for this case.

Ms. Shook reminded Commission members that this was a request to zone a portion of property as B3 and Corridor District Overlay so that it would be consistent with the remainder of the parcel. She noted that the Town was requesting this zoning to coincide with the annexation of the property.

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

Comprehensive Plan Policy 2.1.1 Economic Development

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.

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.

A.1 Conduct on-going assessments of critical locations in the community deserving special attention by the zoning ordinance, in light of their high visibility, traffic impact, strategic location, or other unique features. Continue to encourage significant new public buildings and outdoor spaces to locate in these and other positions of visibility and strategic prominence. Encourage the private sector to do likewise.

Vice Chair Plaag wished to amend to motion to remove reference to Comprehensive Plan Policy 2.3.2.A. Commission Member Veno accepted the amendment.

The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed.

Second Motion and Vote: Commission Member Veno made a motion that the Planning Commission recommends approval of Ordinance PL05774-060922 and believes approval is reasonable and in the public interest because annexation is good in cases like this and the zoning is appropriate and makes sense. The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed and approval was recommended.

<u>Case PL05718-051822 Demolition Standards in the Downtown Boone Local Historic District – UDO Text Amendment</u>

The Town proposes to modify UDO Article 8 Subsection 8, and Appendix D, Downtown Boone Design Guidelines and Handbook, Subsection "Standards For Relocation and Demolition" to revise and elaborate

DRAFT

upon standards for relocation and demolition of structures in the historic district, provide guidance to applicants with respect to preservation processes, and clarify the role of the Historic Preservation Commission.

Ms. Mitchell reminded Commission members of the changes to the proposed text that were discussed during the public hearing. She referred to Section 8.08.01(A)(4)(a) and noted the last sentence should read *Documentation shall be provided by a historic preservation consultant or professional listed by the North Carolina State Historic Preservation Office resulting in a report that complies with Historic American Buildings Survey (HABS) guidelines.*

Ms. Mitchell then referred to the Standards for Relocation and Demolition, Section 1. Relocation of Buildings. She stated that it was suggested that a phrase be added to the end of the opening paragraph that read *Applicants engaged in relocation should:*

Ms. Mitchell stated that the proposed language would be more clear for applicants seeking demolition or relocation in the Downtown Historic District.

Commission Member Veno felt that the relocation of some buildings would be very difficult and would likely be a rare occurrence.

First Motion and Vote: Commission Member Tippett 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 plans of the Town that are applicable, with the changes as discussed, because the amendment is consistent with:

Comprehensive Plan Policy 2.1.1 Economic Development

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

A.4 Balance the benefits of economic development projects with special concern for environmental quality issues.

Comprehensive Plan Policy 2.1.5 Downtown

A.4 Establish specific architectural and design standards for downtown consistent with its location, setting, and various functions.

C.1 Examine zoning ordinances and revise as necessary to encourage construction of buildings with residences over ground-floor businesses.

C.2 Develop strategies that will assist in providing a diversity of commercial and service businesses more reflective of the town's economic and demographic profile.

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.1 Amend development regulations to offer flexibility for restoration and active use of historic structures and other resources.

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.

DRAFT

The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None
Recuse – 1 (Plaag)

The motion passed.

Second Motion and Vote: Commission Member Tippett made a motion that the Planning Commission recommends approval of Ordinance PL05718-051822 and believes approval is reasonable and in the public interest because the amendment to Appendix D Demolition Standards in the Downtown Local Historic District merges existing standards and brings the UDO into compliance with the Historic American Building Standards (HABS) for relocation and demolition provides clarity to property owners. The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None
Recuse – 1 (Plaag)

The motion passed approval was recommended.

Case PL05671-042722 Public Art Standards in the Downtown Boone Local Historic District – UDO Text Amendment

The Town proposes to modify the UDO Appendix D, Downtown Boone Design Guidelines and Handbook, Section "Design Standards for Historic Streetscapes, Landscapes, Monuments, and Other Resources in the District" to develop public art standards within the local historic district addressing concerns of public art, provide direction for future public art projects, and fill gaps currently written in the historic standards.

These standards were written following initial (1) the Historic Preservation Commission beginning to hear Certificate of Appropriateness cases, (2) conversations with local art advocates, and (3) Town Council creating a Public Arts commission.

Vice-Chair Plaag reminded Commission members that he would be recused from this case.

Ms. Mitchell reminded Commission members of the changes discussed during the public hearing. She referred to Subsection 11.4 and stated that letter (i) in the first paragraph should be changed to say *located on property owned, controlled, or maintained for public use by the Town within a historic district or within the boundaries of a publicly owned landmark.*

Ms. Mitchell noted that the second bullet point in Subsection 11.4 would be removed and replaced with *By way of clarification, public art on public property owned or controlled by public authorities other than the Town is not intended to come within the exemption of this subsection 11.4.* Ms. Mitchell stated that this would make it clear that Town art would be exempt, but County or University art would not be exempt.

First Motion and Vote: Commission Member Behrend 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 plans of the Town that are applicable, with the changes that were discussed, because the amendment is consistent with:

Comprehensive Plan Policy 2.1.1 Economic Development

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

DRAFT

A.3 Support the Arts Council, Jones House, ASU and others in attracting quality cultural events to Boone.

Comprehensive Plan Policy 2.1.5 Downtown

D.1 Consider the placement of public art (including murals and statuary) at appropriate locations in the downtown area.

D.2 Support the development and enhancement of cultural facilities, e.g. art and antique galleries.

Comprehensive Plan Policy 2.3.2 Community Character

C.1 Consider the placement of public art at appropriate locations in downtown, including murals.

The motion was seconded by Commission Member Warren.

Vote: Aye – All
Nay – None

The motion passed.

Second Motion and Vote: Commission Member Behrend made a motion that the Planning Commission recommends approval of Ordinance PL05688-050322 and believes approval is reasonable and in the public interest because it defines more readily the intent of the town to include art as part of our historic area. The motion was seconded by Commission Member Warren.

Vote: Aye – All
Nay – None
Recuse – 1 (Plaag)

The motion passed and approval was recommended.

Case PL05781-061322 Signs – UDO Text Amendment (Tabled)

Case PL05729-052322 Templeton Properties – General Use Zoning Map Amendment

Jeff Templeton Rentals LLC has submitted a General Use Zoning Map Amendment Application to re-zone a 2.91-acre parcel located at 315 State Farm Road from R-1 Single Family Residential to OI Office/Institutional. The parcel fronts State Farm Road and backs up to VFW Drive. The Watauga County Parcel ID is 2910-45-2250-000.

Vice-Chair Plaag un-recused himself for this case.

Commission Member Warren stated that he lived on State Farm Road and walked in that area. He felt if this property was developed into something more than what it currently was, it would destroy the neighborhood. Commission Member Warren stated that the structure of the road would make it very unsafe.

Commission Member Tippett stated that he had mixed feelings about the proposal. He noted that he drove on State Farm Road a lot, and it was a very busy road. Commission Member Tippett stated that whatever went there would increase traffic. He noted that the building could be converted into offices and there was a natural buffer with an increased elevation to the residential neighborhood. Commission Member Tippett stated that his concern was with what could happen in five or 10 years if Mr. Templeton decided to sell the property. With a height limitation of 67 feet in the OI zoning district, Commission Member Tippett expressed concern that one or two new buildings could be built on the property at this height, which could greatly impact the neighborhood and traffic flow on State Farm Road. He noted there would be additional expense involved in coming back with a Conditional District application, but he felt

DRAFT

that would give the Planning Commission and the Town Council more guidance as to what would actually go on the property.

Vice-Chair Plaag stated that the height limitation of 67 feet in OI was a dramatic change from the current height limitation of 40 feet in a R1. He reminded Commission members that because this was a general use rezoning request, they could not consider any proposed site-specific plans for the property. He stated their job was to consider all of the possible uses allowed in an OI zoning district and decide if all of those uses would be suitably located in that area, were they to be built there. Vice-Chair Plaag stated it was for that reason that he could not support this application as it was presently constructed. He added that he would be willing to look at a Conditional District application where a really low intensity, modified use of the site was considered by the applicant.

Commission Member Behrend expressed concern that the property would be open for development of any of the uses allowed in OI under a general use rezoning.

Commission Member Veno stated that his first concern was the neighbors. He noted that State Farm Road was not a major artery, but it was being used as a shortcut because traffic in Boone was so untenable right now. Commission Member Veno stated that the more density there was, as far as businesses on that road, the worse it was going to become. He referred to the statement that was made that there was a need in Boone for office space, and pointed to all of the mixed-use developments in the area that were vacant. Commission Member Veno stated that there seemed to be plenty of space available for someone who wanted a small office. He expressed concern that zoning the property OI would basically be rolling the dice on what could happen, so he would not be able to support this request.

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

Comprehensive Plan Policy 2.3.2 Community Character

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

Comprehensive Plan Policy 2.3.3 Housing & Neighborhoods

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.

The motion was seconded by Commission Member Warren.

Vote: Aye – All
Nay – None

The motion passed.

Second Motion and Vote: Vice-Chair Plaag made a motion that the Planning Commission recommends denial of the proposed amendment to the town zoning map and believes denial to rezone the portion of the property from R1 Single-Family to OI Office Institutional is reasonable and in the public interest

DRAFT

because the proposed rezoning would represent a serious threat to the surrounding R1 neighborhood, a portion of which is a Neighborhood Conservation District, and would not be compatible with surrounding properties in this particular area. The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed and denial was recommended.

Other Matters

Ms. Shook announced that Commission Member Warren was now a regular member of the Planning Commission instead of the student representative.

Ms. Shook also announced that the regularly scheduled Planning Commission meeting on August 22 would instead be a special public hearing.

Commission Member Warren asked when Planning Commission might return to in person meetings. Ms. Shook replied that they would have to wait until there were some definitive answers from Council. She assured Commission members that she would notify them of any changes as soon as possible. She noted that the Executive Order was set to expire on August 15.

Vice-Chair Plaag asked Commission Member Warren if he was eager to return to in person meetings or if he liked the convenience of being in his home. Commission Member Warren replied that it was a little bit of both. Vice-Chair Plaag stated he preferred not going out to meetings. He thought this technology was wonderful and hoped they could continue to use it. Commission Member Warren noted that he could not imagine attending some of the Commission's long meetings in person.

Commission Member Behrend stated that she really liked the convenience of WebEx and not having to drive into town for a meeting.

Adjournment of Planning Commission

Commission Member Behrend made a motion to adjourn the meeting at 8:52 p.m. The motion was seconded by Commission Member Tippett.

Vote: Aye – All
Nay – None

The motion passed.

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Eric Plaag, Planning Commission Vice-Chair **Brenda Henson, Board Secretary**

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