

**Town of Boone
Public Hearing
6:00 PM, Aug. 24, 2020
WebEx, WebEx**

Public Participation:

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

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

I. Call to Order of Town Council

II. Call to Order of Planning Commission

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

July 27, 2020 Public Hearing Minutes

IV. PUBLIC HEARING

General Guidelines for Each Case Presented at Public Hearing

- i. Presentation of Case**
- ii. Questions by Town Council & Planning Commission**
- iii. Public Comment**
- iv. Discussion/Questions by Town Council & Planning Commission**
- v. Public Hearing for Case is Closed**

A. Case PL04085-072720 Create E4 Educational District - UDO Text Amendment

Case PL04085-072720 Application Information

Case PL04085-072720 Staff Report

**B. Case PL04083-072420 & Case PL04804-072720 ASU Endowment Fund -
General Use Zoning Map Amendment**

Case PL04083-072420 Application Information

Case PL04084-072720 Application Information

Case PL04083-072420 & PL04084-072720 Staff Report

Case PL04083-072420 & PL04084-072720 Exhibit 1 Meeting Minutes

V. Adjournment of Town Council

PLANNING COMMISSION

VI. Board Training - Town Attorney

VII. Approval of Planning Commission Meeting Minutes

July 27, 2020 Planning Commission Meeting Minutes

VIII. Planning Commission Consideration of Cases Heard at Public Hearing

IX. Other Matters

X. Adjournment of Planning Commission

**PUBLIC HEARING MINUTES
MONDAY, JULY 27, 2020, 6:00 P.M.
VIA WEBEX SOFTWARE**

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

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

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

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

Call to Order

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

Chair Shay called the Planning Commission to order at 6:03 p.m.

Approval of Meeting Minutes

Mayor Pro Tem Clawson made a motion to approve the June 22, 2020 Public Hearing minutes as written. The motion was seconded by Council Member LaPlaca.

Vote: Aye – All
Nay – None

The motion passed.

Commission Member Tippet made a motion to approve the June 22, 2020 Public Hearing minutes as written. The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed.

General Guidelines for Each Case Presented at Public Hearing

Ms. Shook read the guidelines that are to be followed during public hearing cases.

Ms. Meade added that, due to COVID 19, the public could offer written public comment up to 24 hours after the public hearing concluded.

Case PL03943-060520 & PL03944-060520 Clawson – General Use Zoning Map Amendments

Case PL03943-060520 Information: Wayne Clawson has requested a General Use Zoning Map Amendment for property located at 146 Clawson Street (Watauga County PIN: 2910-69-1946-000) to rezone the property from R1 Single Family Residential to R3 Multiple-Family Residential.

Case PL03944-060520 Information: Wayne Clawson, Trustee for the Christopher Clawson Trust Boone has requested a General Use Zoning Map Amendment for property located at 170 Clawson Street (Watauga County PIN: 291160-2149-000) to rezone the portion of the property zoned MH Manufactured Home Park to R3 Multiple-Family Residential.

Ms. Shook reviewed the request as it was outlined in the meeting packet. She introduced Ham Wilson, attorney for the applicant.

Mr. Wilson noted that he represented Wayne Clawson and the Christopher Clawson Trust. He explained that 170 Clawson Street was currently zoned MH Manufactured Housing and 146 Clawson Street was zoned R1 Single Family Residential and they were requesting that both properties be rezoned to R3 Multiple Family Residential. Mr. Wilson noted that the properties were surrounded by apartments and commercial uses. He stated the properties were located within a Primary Growth Area and the request was in keeping with the goals of the Comprehensive Plan.

Ms. Shook noted that Mr. Wayne Clawson had joined the meeting.

Vice Chair Plaag referred to page 29 of the meeting packet and pointed out that the staff report indicated the requested rezoning was to E1 Educational. Ms. Shook apologized for the mistake, noting the report should have shown the requested rezoning to be to R3 Multiple Family Residential. Vice Chair Plaag mentioned the 2012 rezoning of adjacent property and asked if 170 Clawson Street contained a single family home. Ms. Shook replied that the property was zoned MH but had a single family home on it. Vice Chair Plaag noted that R3 parcels were required to have a minimum land area of 20,000 sq. ft. and 146 Clawson Street had only 15,800 sq. ft. Ms. Shook stated that was correct, noting the property would have to be combined with another R3 lot in order to develop it. Vice Chair Plaag asked if the applicant was offered the opportunity to seek a Conditional District. Ms. Shook replied that the different rezoning options were always discussed with applicants.

Council Member Ulmer asked if there was a mobile on the 170 Clawson Street property. Ms. Shook explained that 170 Clawson Street contained a house that she thought the person who ran the Clawson Mobile Home Park may have lived in before the park property was sold and rezoned to CDR3 in 2012.

Council Member LaPlaca asked how long ago it had been since the mobile homes were located in the park. Ms. Shook thought the mobile homes were relocated in 2011 or 2012.

Mayor Brantz asked if a traffic study had been done for this request. Ms. Shook replied that there had not been and reminded everyone that this was a general use rezoning, not a site specific approval.

Council Member Hicks asked what the current use of the property was and Ms. Shook replied that both properties contained single family homes. Ms. Shook went on to explain that, after the properties were rezoned, any development would have to apply for permits through the Town.

Commission Member Veno asked if it was the plan for these properties to dove-tail into the Watauga Green project. Ms. Shook replied that the current request was for a general use rezoning and any plans beyond that would have to come to the Town at a later date.

Vice Chair Plaag noted that churches, event venues, and recreational facilities were some uses that would be allowed in an R3 zoning district and expressed concern for the R1 zoned parcel to the right of 146 Clawson Street. Ms. Shook explained that the parcel to the right of 146 Clawson Street was split zoned R1 and R3 and contained two single family homes on the property.

Mayor Brantz asked if there were mostly multi-family uses in the area. Ms. Shook replied that Watauga Green and Meadow Hill were both multi-family uses in the area and noted there were also some single family homes on Perkinsville Drive and Perkins Street.

At 6:35 p.m. Mayor Brantz invited public comment.

Wayne Clawson, applicant and property owner, stated that 170 Clawson Street contained his mother's house. He stated that the house was there when the mobile home park started in 1964 and he felt that 170 Clawson Street was zoned MH Manufactured Home in error. Mr. Clawson explained that no one was living in the home at this time. He went on to say that 146 Clawson Street was his residence and he currently rented the house because he had moved into the county.

Commission Member Veno asked if neighboring properties were notified of the rezoning request. Ms. Shook responded that property owners located within 150' of the subject properties were notified by letter and a sign was posted on both properties.

Mayor Brantz asked what the timeframe was for construction on the properties. Ms. Shook replied that no site specific plans had been received for these properties. Ms. Meade reminded everyone that this was a request for a general use rezoning so they would need to consider all possible uses in an R3 instead of any type of perceived plans for the property.

Vice Chair Plaag expressed concern about removing the R1 designation from 146 Clawson Street and leaving the property to the right as an R1 island to itself.

Council Member Ulmer agreed with Vice Chair Plaag's concern.

Mr. Clawson stated that both his home and his mother's home had been used as rentals and so had the homes located next door. Council Member LaPlaca asked if the homes next door had been rented as multi-family use instead of single family use. Mr. Clawson was unsure and noted that the homes had been being used as rentals for at least 10 years. Ms. Shook explained that single family homes could be rented and still be single family uses. Vice Chairman Plaag added that more than two unrelated people would be non-conforming in the R1.

Council Member LaPlaca stated the request seemed acceptable to her and thanked Mr. Clawson for his input.

With no further questions or comments, Mayor Brantz closed the public hearing for this case at 6:47 p.m.

Case PL03979-061620 Watauga Medical Center – Conditional District Zoning Map Amendment

Maran Sigmon with Watauga Medical Center Inc. has requested a Conditional District Zoning Map Amendment to rezone the Watauga Medical Center campus (Watauga County PINs: 2910-71-6688-000, 2910-71-7264-000, 2910-70-6917-000, and a portion of 2910-70-7453-000) from O/I Office Institutional/B3 General Business to Conditional District O/I Office Institutional with a phased site specific development plan for Use 11.26 Hospital. The applicant has requested 5 year vesting.

Ms. Shook explained the request as it was outlined in the meeting packet. She noted there would be three phases permitted under the Conditional District approval, to include:

1. New Central Energy Plant for the campus
2. Sitework for future hospital expansion
3. Hospital expansion (new wing)

Ms. Shook stated the property was located in a WS-IV Watershed Area and appeared to meet the requirements for built-upon area. She explained that the scope of this project would trigger Tier 4, meaning the site would have to come into full compliance with UDO requirements, unless impossible. Ms. Shook noted that a photometric plan was submitted and appeared to be compliant, however the applicant still had to demonstrate compliance with lighting requirements for the parking deck. Sidewalks were shown on the plans, as well as a conceptual greenway along Deerfield Road and a Traffic Impact Analysis was provided.

Ms. Shook mentioned the Wellness District Small Area Plan. She stated it was adopted but after the College of Health Sciences was zoned Wellness District and standards adopted there was some concern from property owners in the area that the standards needed some revisions and those revisions have not yet taken place.

Jim Deal, attorney representing Watauga Medical Center, stated the hospital moved to this location and opened in 1967. He noted that the Comprehensive Plan cited Watauga Medical Center as being an integral part of the Town's assets.

Mr. Deal stated that the current Central Energy Plant was extremely outdated and could not handle a catastrophic failure. He noted the improvements to Johnson Street would provide better access to the homes there. Mr. Deal explained, when complete, there would likely be the same number of patient rooms but there would be a better, more state of the art facility. He stated they had conducted two neighborhood meetings, one in the fall and one on July 15, and had made some changes to their plans as a result. Mr. Deal stated the laydown area would be moved farther away from the homes and would be located closer to Deerfield Road. He explained that they were requesting a 5 year vesting period due to uncertain times but felt they would likely only take two years.

Mr. Deal introduced Christie Adams with McMillan, Pazdan, Smith Architecture. Ms. Adams stated that the expansion to the hospital would be approximately 93,000 sq. ft. and 60' tall and the Central Energy Plant would be approximately 10,000 sq. ft. and 39' tall. She noted the project would replace existing facilities, making them larger and more up to date. EIFS, brick, and stucco will be used on the exterior and the main and emergency department entrances will be relocated.

Council Member LaPlaca asked for the existing square footage of the hospital. Ms. Adams replied the hospital was currently 233,000 sq. ft. and they would be adding approximately 93,000 sq. ft. more with this project. Council Member LaPlaca asked if the Cancer Center would remain separate and Ms. Adams stated that it would.

Mayor Brantz asked if ICU units would be added. Ms. Adams explained that they would not be adding any beds but would be replacing the existing 10 ICU units. She noted that work would be done by right and was not part of the Conditional District request.

Vice Chair Plaag referred to a letter from Deron Geouque that indicated there had been an oil leak at the hospital. Greg Turner with Charlotte Engineers replied that above ground fuel tanks were being proposed. Vice Chair Plaag asked if there had been consideration for the use of solar arrays. Mr. Turner replied that the State had certain regulations that had to be met for energy use and they would be meeting those standards.

Vice Chair Plaag asked about the 10' multi-modal path along Johnson Street. Jeff Mangas with EMH&T replied that neighbors had concerns about the alignment of the path along Johnson Street so they were now proposing a 5' sidewalk on each side.

Vice Chair Plaag referred to the Traffic Impact Analysis that indicated there would be 3,288 trips and asked if that was one trip in and one trip out or if it was round trip. Frank Amenya with Davenport Engineering replied that the trip count reflected the number of trips in and the number of trips out so the number would need to be divided in order to get the round trip number. Vice Chair Plaag noted a loss of 34 parking spaces was shown while there was a projected increase in traffic. Mr. Mangas replied that some areas of the hospital would be decommissioned so there should be no significant impact on parking.

Mr. Mangas noted that Johnson Street would be relocated and would be available for residents to use before the signal was installed. He stated that the neighbors were concerned about the location of the laydown yard and they also did not want a 10' path going by their houses.

Vice Chair Plaag asked if the Edmisten house and barn would be demolished with this project. Mr. Mangas replied that the barn would be demolished but the house would not be demolished with this project. Vice Chair Plaag asked about the possibility of moving one or both of the structures off-site. Mr. Deal stated

that there had been some inquiries about that but no specific proposals had been received. He felt the hospital would welcome the idea of someone moving the barn.

Mr. Deal addressed transitional zone mitigations as outlined on page 119 of the meeting packet. He noted noise from the Central Energy Plant would be mitigated by a super low sound fan on the cooling towers and the relocation of the laydown area. Lighting would be mitigated by the use of full cut-off fixtures and a vegetative buffer. Traffic impacts would be mitigated by the re-routing of Johnson Street and installation of a traffic signal. Visual impacts would be mitigated by additional plantings and the location of the expansion. Health impacts would be mitigated with stormwater management and providing greater access to quality care.

Mr. Deal stated that the hospital had been working on this design for at least two years and he felt this would be an enhanced medical facility with improved flow into the area. He added that the project met the Wellness District guidelines and would not be out of character with the area. Mr. Deal noted that opinions of the neighborhood residents were taken into consideration before presenting the plan to Town Council and Planning Commission.

Council Member LaPlaca asked if the noise level from the new Central Energy Plant would be more or less than the current noise level. Mr. Turner replied that the noise would be less. Council Member LaPlaca asked if they would be adding megawatts. Mr. Turner stated that they would, noting they planned to remove two generators and add four.

Council Member LaPlaca referenced stormwater management and asked what would happen to the water. Mr. Mangas responded that there would be a dry basin to detain the water for slow release.

Commission Member Zebzda stated he appreciated what the hospital did for the community.

Council Member LaPlaca stated she had used the Cancer Center and felt it was a great facility with wonderful people.

Mayor Pro Tem Clawson asked if the hospital would be able to offer more services with the expansion so that people wouldn't have to travel to other areas for care. Mr. Deal replied that they would.

Mayor Brantz asked if helicopter service would continue and Mr. Deal stated that it would.

Vice Chair Plaag thanked everyone for a thorough presentation and asked if they would consider committing to a 10' easement along Deerfield Road for a greenway. Mr. Deal replied that they had already committed to providing a 10' easement in the Conditional District request.

Ms. Shook noted that during the public hearing was a good time to discuss any possible conditions so they could be discussed with the applicant. Ms. Shook referred to page 130 of the meeting packet where it stated "The permit issuing authority may allow or require the installation of a public greenway instead of sidewalk."

Vice Chair Plaag hoped the hospital would consider an adaptive reuse of the Edmisten house and suggested using it as a Hospice house.

Commission Member Zebzda asked if the hospital could submit documentation outlining how it could better invest in community health, noting there needed to be more availability of free care or care for low income people. Ms. Meade explained that conditions of approval should be limited to impacts of the actual development and felt Commission Member Zebzda's request would not be an appropriate condition.

Chuck Mantooth, President and CEO of Appalachian Regional Healthcare, noted that the hospital started High Country Community Health and supported free clinic. He indicated there were several other

programs offered and stated he would be happy to share those with Commission Member Zebzda at some other time.

Ms. Meade asked if a 10' greenway along Deerfield Road was shown on the site specific plan. Ms. Shook explained that conceptual greenway was shown on the plan but there did not appear to be a commitment to construct a greenway. Ms. Meade reiterated that the Town could require the installation of a greenway. Ms. Shook replied that the hospital was proposing to install a 5' sidewalk and reserve an easement for a greenway. Mr. Mangas indicated there was some significant terrain and felt the hospital would prefer to just provide an easement at this time. Mr. Ward asked if the easement would be parallel to the 5' sidewalk and Mr. Mangas replied that it would.

Ms. Shook suggested that the applicant could install a 5' sidewalk and work with the Town to come up with a solution regarding the greenway or the applicant could install a 10' greenway in lieu of a sidewalk. Ms. Shook asked for Public Works' opinion. Justin Stines, Facilities Maintenance Superintendent, stated he was not sure it made sense to have a 5' sidewalk with a greenway beside it.

Mr. Deal stated they would accept a condition to work with the town for the best plan regarding the sidewalk and greenway. Ms. Meade felt that a more specific condition was needed, especially if there would be cost sharing between the hospital and the Town. Mr. Ward stated he would prefer a 10' path instead of a 5' sidewalk.

Ms. Shook referred to the staff recommended conditions located on page 144 of the meeting packet which are as follows:

1. Where there is a conflict between the application information and the plans (dated July 20, 2020) the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations concerning the proposed 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. ___ Year Vesting for the project be granted
5. The applicant shall ensure that the "routine optimization of the traffic signal timings" occurs as noted in the Traffic Impact Analysis.
6. Any other conditions agreed upon ...

Mr. Deal stated that Condition 5 was in DOT's control. Mr. Amenya added that DOT had agreed to take Condition 5 into consideration. Ms. Shook noted that she had received verification from DOT this afternoon and felt Condition 5 could be removed.

Mr. Mantooth stated this was a \$105,000,000 - \$110,000,000 project, money would be tight, and a greenway was not part of their overall plan. He asked that the hospital not have to bear the entire cost of a greenway trail.

Mr. Deal felt they could agree to grant a 10' easement and pay what a 5' sidewalk would cost to go toward a 10' greenway with the Town covering the remaining cost.

Mayor Brantz suggesting polling Council members to see where they stood on the greenway situation. Vice Chair Plaag expressed concern about polling in the middle of a public hearing. Mayor Pro Tem Clawson echoed Vice Chair Plaag's concern.

Council Member Hicks asked if the expansion of services would affect patient costs. Mr. Mantooth replied that the cost would not be passed on to the public.

At 8:30 p.m. Mayor Brantz invited public comment. There was no public comment.

Ms. Shook reminded everyone that public comment could be taken for 24 hours after the hearing.

With no further questions or comments, Mayor Brantz closed the public hearing for this case at 8:31 p.m.

Other Matters

There were no other matters discussed at this hearing.

Adjournment of Town Council

Mayor Pro Tem Clawson made a motion for Town Council to adjourn at 8:32 p.m. The motion was seconded by Council Member LaPlaca.

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

Rennie Brantz, Mayor

Brenda Henson, Board Secretary

Elizabeth Shay, Planning Commission Chair

Continuation of Planning Commission Meeting

Chairperson Shay called a break in the Planning Commission meeting from 8:33 p.m. until 8:42 p.m.

Board Training

Ms. Shook stated she would send everyone a copy of the gift policy to read and Ms. Meade would attend a future meeting to discuss the policy with the Commission.

Approval of Meeting Minutes

Vice Chair Plaag noted a correction to the June 22, 2020 Planning Commission meeting minutes to remove the word *it* from the last sentence in the 3rd paragraph from the bottom of page 12 of the minutes.

Commission Member Behrend made a motion to approve the June 22, 2020 meeting minutes as amended. The motion was seconded by Commission Member Tippet.

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

Case PL03943-060520 & PL03944-060520 Clawson – General Use Zoning Map Amendments

Case PL03943-060520 Information: Wayne Clawson has requested a General Use Zoning Map Amendment for property located at 146 Clawson Street (Watauga County PIN: 2910-69-1946-000) to rezone the property from R1 Single Family Residential to R3 Multiple-Family Residential.

Case PL03944-060520 Information: Wayne Clawson, Trustee for the Christopher Clawson Trust Boone has requested a General Use Zoning Map Amendment for property located at 170 Clawson Street (Watauga County PIN: 291160-2149-000) to rezone the portion of the property zoned MH Manufactured Home Park to R3 Multiple-Family Residential.

Vice Chair Plaag expressed concern with the rapid changes in this area. He felt like it was a neighborhood that got away from itself. Vice Chair Plaag stated, while he was concerned about the neighboring R1 property, he felt, under the circumstances, that the two subject properties were no longer appropriately zoned.

Chair Shay stated she was not seeing a lot of reasons not to approve the rezoning requests.

Commission Member Veno agreed and noted that no one came forward to oppose the requests.

Commission Member Behrend felt it did not make sense to reject the requests.

Commission Member Tippet stated the area was in transition and seemed a little messy but he supported the rezoning requests.

Commission Member Zebzda stated he was inclined to support the requests.

Commission Member Tippet suggested making joint motions for both rezoning requests. Chair Shay and Vice Chair Plaag agreed.

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

1.1 Overall Objectives for the Boone Comprehensive Plan

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

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.

Comprehensive Plan Policy 2.1.1 Economic Development

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 2.3.2 Community Character

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

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.

The motion was seconded by Commission Member Behrend.

Vice Chair Plaag wished to amend the motion to remove reference to Comprehensive Plan Policy 2.3.3.A. and add:

Comprehensive Plan Policy 2.1.1 Economic Development

- D.1. Evaluate development regulations for amendments providing flexibility in the renovation and redevelopment of existing structures and sites.

Comprehensive Plan Policy 2.3.2 Community Character

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

Comprehensive Plan Policy 2.3.3 Housing & Neighborhoods

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

Commission Members Veno and Behrend accepted the amendment.

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 the proposed amendments to the Town's Zoning map and believes approval is reasonable and in the public interest because the area is such a mish mash and this will streamline an area that is developing. The motion was seconded by Commission Member Behrend. Chair Shay suggested the motion be amended to something like the amendment to the map would reflect the reality of an area in transition. Commission Member Veno then amended his motion as follows: The Planning Commission recommends approval of the proposed amendment to the Town's Zoning map and believes approval is reasonable and in the public interest because the rezoning will conform the overall complexion of the properties to what currently exists and compliment the surrounding area. Commission Member Behrend accepted the amended motion.

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

Case PL03979-061620 Watauga Medical Center – Conditional District Zoning Map Amendment

Maran Sigmon with Watauga Medical Center Inc. has requested a Conditional District Zoning Map Amendment to rezone the Watauga Medical Center campus (Watauga County PINs: 2910-71-6688-000, 2910-71-7264-000, 2910-70-6917-000, and a portion of 2910-70-7453-000) from O/I Office Institutional/B3 General Business to Conditional District O/I Office Institutional with a phased site specific development plan for Use 11.26 Hospital. The applicant has requested 5 year vesting.

Ms. Shook reminded Commission members that they would need to include any conditions of approval and consideration of the 5 year vesting request.

Chair Shay asked Ms. Shook to explain vesting. Ms. Shook stated it gave extra time above the allowed 2 year vesting for an applicant to file for permits.

Vice Chair Plaag asked if there were negative consequences to granting a 5 year vesting. Ms. Shook replied that any ordinance changes during the vested time would not apply to the project and that could be negative.

Commission Member Zebzda felt that the hospital should include plans to provide affordable healthcare. Ms. Shook replied that Ms. Meade had, in past advice, stated that operational issues were outside the Planning Commission's purview.

Vice Chair Plaag stated he would rather have Town Council impose a 10' greenway. He expressed concern with Mr. Mantooth's comment that a greenway was not part of their overall plan, noting that greenway's encouraged health and well-being.

Commission Members Veno, Zebzda, and Shay agreed with Vice Chair Plaag.

Chair Plaag noted that the Edmisten house and barn dated back to the 1920's and he was acquainted with someone who was interested in moving the structures. Chair Plaag stated the barn had some significant issues but the house was in fairly good condition. He felt the house should be used as a Hospice house and would like a 6-month moratorium from whenever the hospital would like to demolish the house to try and work out an alternative solution.

Mr. Ward stated that the hospital was not licensed as a Hospice provider. He also noted that there was property that was recently annexed into Town that was planned to be for Hospice.

Ms. Shook stated that the property containing the Edmisten farm was located in a Watershed and that would severely limit development. She added that the house and barn were not part of the area requested to be a Conditional District and felt conditions should not be placed on the Conditional District approval for structures outside the request.

Ms. Shook added that extended vesting was oftentimes helpful in difficult economic times.

Commission Member Behrend agreed and thought it was reasonable for the hospital to pay the cost for a 5' sidewalk and have that money go toward the installation of a 10' greenway with the remainder being paid for out of Town funds.

Mr. Ward replied that there were no funds for greenways but there were some funds for sidewalks. He stated that Town Council would have to approve the transfer and augmentation of funds to install a greenway. Mr. Ward suggested, if recommended and approved, that the greenway be an asphalt path.

Commission Member Behrend felt the greenway should be a shared cost between the hospital and the Town.

Vice Chair Plaag suggested polling members to see where they stood on the issues of vesting and greenway.

Chair Shay stated she would support a 5 year vesting and requiring Watauga Medical Center to install and pay for a 10' greenway.

Commission Member Behrend stated she would support a 5 year vesting and the installation of a greenway with a shared cost between the Town and the hospital.

Chair Plaag stated he would support a 4 year vesting and requiring Watauga Medical Center to install and pay for a 10' greenway.

Commission Member Tippettt stated he would support a 4 year vesting and requiring Watauga Medical Center to install and pay for a 10' greenway.

Commission Member Veno stated he would defer to the Town recommendation or support a 4 year vesting. He also supported requiring Watauga Medical Center to install and pay for a 10' greenway because it promoted wellness.

Commission Member Zebzda stated he would support either a 4 or 5 year vesting and requiring Watauga Medical Center to install and pay for a 10' greenway.

Chair Shay stated she would also be okay with a 4 year vesting.

First Motion and Vote: Commission Member Tippettt made a motion that the proposed amendment to the Town's zoning map is consistent with the Town's Comprehensive Plan, the Wellness District Small Area Plan, the Walk/Bike Boone Plan, the Middle Fork Greenway Master Plan, and any other adopted plan(s) of the Town that is applicable because it complies with:

Comprehensive Plan Policy 2.1.1 Economic Development

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

Comprehensive Plan Policy 2.2.1 Transportation

- A. Street patterns shall be designed so as to define the limits of the neighborhood, accentuate focal points and interesting vistas, allow convenient circulation within the neighborhood and provide multiple, alternative outlets from the area to adjoining neighborhoods and /or major streets. Particular attention shall be given to avoid designs that provide convenient "cut-through" traffic opportunities.
- B.B.2. Continue to implement sidewalk construction throughout Boone in accordance with the Boone Walkways Long Range Plan (1995 Boone – Blowing Rock Alternative Transportation Plan). Actively pursue available funding opportunities.
- B.B.4. Explore funding options for alternative transportation projects throughout Town. Options could include a city-wide vehicle registration fee, earmarking property taxes for alternative transportation improvements, and seeking grant funding opportunities from federal, state and private organizations.
- D.D.1. Construct additional turning lanes at intersections where traffic is backed-up during peak traffic times.
- G.G.1. Evaluate and amend site plan standards to include provisions for transit stops, sidewalks and pedestrian ways, bikeways and secure bicycle storage.
- G.G.2. Construct transit stops with covered passenger shelters to encourage ridership.
- G.G.3. Construct, where possible, bus stop pull-out areas or lanes to avoid holding up traffic along traffic corridors.

Commission Member Tippettt suggested the following conditions:

1. Where there is a conflict between the application information and the plans (dated July 20, 2020) the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.

2. Any commitments and representations concerning the proposed 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. 4 Year Vesting for the project be granted
5. Watauga Medical Center shall provide a 10' easement along Deerfield Road, install a 10' wide greenway on the easement, and incur the full cost of installation.

The motion was seconded by Commission Member Zebzda.

Vote: Aye – 5
Nay – 1 (Behrend)

The motion passed.

Commission Member Behrend stated she voted against the motion because she felt there should be a cost share for the installation of the greenway.

Second Motion and Vote: Commission Member Tippet made a motion that the Planning Commission recommends approval of the proposed amendment, with conditions, to the Town's Zoning map and believes approval is reasonable and in the public interest because Watauga Medical Center is facing growing pains, the area is growing, and the project is needed in order to make infrastructure improvements. The motion was seconded by Commission Member Zebzda.

Vote: Aye – All
Nay – None

The motion passed.

Other Matters

Vice Chair Plaag stated, after the July 15, 2020 Town Council meeting, he was concerned by one Council member's repeated behavior and sent an email to Mr. Ward and Ms. Meade regarding the need for additional Board training, specifically regarding appropriate consideration of General Use Zoning Map Amendments. Vice Chair Plaag read the email to Commission members.

Adjournment of Planning Commission

Vice Chair Plaag made a motion to adjourn the meeting at 10:32 p.m. The motion was seconded by Commission Member Venio.

Vote: Aye – All
Nay – None

The motion passed.

Elizabeth Shay, Planning Commission Chair

Brenda Henson, Board Secretary

Planning Application - UDO Text Amendment

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

Official Use Only

Case Number:
PL04085-072720
Case Name:
Creation of E4 Zoning District

A. CONTACT INFORMATION

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

B. TEXT INFORMATION

Amendment is to:

Article(s): 14 Zoning Districts, 15 District Use Requirements, 16 District Standards,

Section(s): 14.03, 15.07, 16.01, 16.08

Brief Description of Amendment (Attach Proposed Text):

Modify the UDO to create a new E4 Educational Child Daycare District which is limited to college- and university-operated child daycare centers and also cleans up language in the educational zoning districts for when a property zoned as an educational district is sold to a third party that is not a college or university or educational institution.

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

Jane Shook
Applicant (Print)

/s/ Jane Shook
Applicant Signature

July 27, 2020
Date

Official Use Only

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

Hearing/Decision Information

Public Hearing Meeting
Date: August 24, 2020

PC Meeting
Date: _____

TC Meeting
Date: _____

Text Approved: ☐ Yes ☐ No

Notes: _____

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**STAFF REPORT
PUBLIC HEARING
AUGUST 24, 2020**

Case PL04085-072720 Creation of E4 Education Child Daycare Zoning District- UDO Text Amendment

Request

In July 2020, Appalachian State University approached Council to request the creation of a new educational zoning district that would be limited to (and allow by right) child daycares. Appalachian State University presented the request as a solution to a concern regarding the June 2020 request to rezone/zone a parcel on Poplar Grove Road to E1 Educational District.

Discussion at the June 2020 Public Hearing/Planning Commission meeting and the July 2020 Council meeting included a concern that the E1 (and the other educational zoning districts) were broad in description and permitted a wide range of college and university uses.

Council agreed to consider the creation of a new district as requested and directed Staff to draft language to create a new E4 Educational Zoning District. The draft language creates a new E4 Educational Child Daycare District which is limited to college- and university- operated child daycare centers and also cleans up language in the educational zoning districts for when a property zoned as an educational district is sold to a third party that is not a college or university or educational institution.

Proposed Ordinance Amendment

ORDINANCE #PL04085-072720

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

WHEREAS, the Town Council recognizes that there is a shortage of child care in the community;
and

WHEREAS, the Town Council finds that it is in the best interest of the Town and its citizens to create solutions to allow the construction of child care centers; and

WHEREAS, an overall objective within the Comprehensive plan states, “**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.”; and

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

WHEREAS, this proposed UDO text amendment was duly noticed for public hearing; a public hearing was held with respect to the proposed amendment on August 24, 2020; and the Boone Planning Commission has had an opportunity to submit a written report to the Boone Town Council with respect to the proposed amendment;

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

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

Article 14 Zoning Districts

...

14.03 Educational Districts Established

- 14.03.01** The educational districts are established to provide areas which promote the enhancement of compatible educational institutions and opportunities within the Town’s planning area while preserving the overall small-town character of Boone.
- 14.03.02** The U-1 University District is established for the main campus of Appalachian State University (ASU). This district is intended to provide for the planning and expansion of ASU’s main campus that is consistent with the Town’s overall planning objectives. In the event that a property or portion of property zoned U-1 is sold to a non-university third party, the property must be rezoned. The third-party property owner shall submit a petition to rezone the property within 6 months of closing on its purchase of the property.
- 14.03.03** The E-1 Educational District is established to provide for appropriate uses by colleges or universities outside of the ASU main campus. Such uses shall not include residential uses. The owner of a property zoned E-1 must be a college or university. In the event that a property or portion of property zoned E-1 is sold to a third party that is not a college or university, no subsequent use of the property shall be permitted until the property is rezoned.~~the property must be rezoned. The third-party property owner shall submit a petition to rezone the property within 6 months of closing on its purchase of the property.~~
- 14.03.04** The E-2 Educational District is established to provide for appropriate uses by colleges or universities outside of the ASU main campus, which uses may include residential uses. The owner of a property zoned E-2 must be a college or university. In the event that a property or portion of a property zoned E-2 is sold to a third party that is not a college or university, no subsequent use of the property shall be permitted until the property is rezoned.~~the property must be rezoned. The third-party property owner shall submit a petition to rezone the property within 6 months of closing on its purchase of the property.~~
- 14.03.05** The E-3 Educational District is established to provide for planning and appropriate expansion of trade schools and public or private elementary and secondary educational institutions. Such uses shall not include residential uses unless such are approved through a CD process. The owner of a property zoned E-3 must be a public or private educational institution. In the event that a property or portion of property zoned E-3 is sold to a third party that is not such an educational institution, no subsequent use of the property shall be permitted until the property is rezoned.~~the property must be rezoned. The third-party property owner shall submit a petition to rezone the property within 6 months of closing on its purchase of the property.~~
- 14.03.05** The E-4 Educational Child Daycare District is established to provide for a zoning district in which the use allowed within the district is limited to a University- or College- operated Child Daycare Center. The owner of a property zoned E-4 must be a public or private educational institution. In the event that a property or portion of property zoned E-4 is sold to a third party that is not such an educational institution, no subsequent use of the property shall be permitted until the property is rezoned.

Article 15 District Use Requirements

Use #	Specific Use	Zoning Districts																				Reference
		Low Density Residential				Medium to High Density Residential						Commercial/Industrial					Education					
		RA	R1	R1A	RR	R1S	R2	R4	MH	R3	R5	OI	B1	B2	B3	M1	U1	E1	E2	E3	E4	
1.0 Household Living																						
1.01	Single-Family Dwelling	P	P	P	P	P	P	P														
1.02	Manufactured Home “Class A”	L			L		L	L	L													15.08
1.03	Manufactured Home “Class B”	L							L													15.08
1.04	Manufactured Home “Class C”																					
1.05	Manufactured Home Park								L													15.09
1.06	Duplex (one duplex building per lot)	P					P	P		P												
1.07	Duplex (more than one duplex building per lot)									L												15.10
1.08	Townhouse (up to 30 bedrooms)							L ^{T50}		L ^{T50}												15.10
1.09	Townhouse (31-100 bedrooms)							L ^{T50}		L ^{T75}												15.10
1.10	Townhouse (> 100 bedrooms)							L ^{T75}		L ¹²⁵												15.10
1.11	Multi-Family Dwelling (up to 30 bedrooms)									L ^{T125}												15.10
1.12	Multi-Family Dwelling (31-100 bedrooms)									L ^{T200}												15.10
1.13	Multi-Family Dwelling (> 100 bedrooms)									L ^{T300}												15.10
1.14	Multi-Family Dwelling in Mixed Use (up to 30 bedrooms)												L	L ^{T75}	L							15.11
1.15	Multi-Family Dwelling in Mixed Use (31-100 bedrooms)												L ^{T125}		L ^{T125}							15.11
1.16	Multi-Family Dwelling in Mixed Use (> 100 bedrooms)												L ^{T125}		L ^{T200}							15.11
1.17	Adult Living Community									p ^{T300}	p ^{T300}											
2.0 Group Living																						
2.01	Family Care Home	L	L	L	L	L	L	L		L												15.13

Use #	Specific Use	Zoning Districts																				Reference
		Low Density Residential				Medium to High Density Residential						Commercial/Industrial					Education					
		RA	R1	R1A	RR	R1S	R2	R4	MH	R3	R5	OI	B1	B2	B3	M1	U1	E1	E2	E3	E4	
2.02	Family Care Institutions											L ^{T125}										15.14
2.03	Halfway House, Category 1											L										15.14
2.04	Halfway House, Category 2											L ^{T125}										15.14
2.05	Residential Care Facility										CD	pT300			pT300							
2.06	Fraternity or Sorority Dwelling									S ^{T300}												15.16
2.07	Boarding House									L					L							15.17
3.0 Transient Living																						
3.01	Home for Survivors of Domestic Violence	L	L	L			L	L				L		L								15.18
3.02	Shelter for Homeless, Category 1									L ^{T50}		L ^{T50}	L ^{T50}		L ^{T50}							15.19
3.03	Shelter for Homeless, Category 2									L ^{T300}		L ^{T300}			L ^{T300}							15.19
3.04	Bed and Breakfast, Category 1	L	S ^{T50}	S ^{T50}			L ^{T50}	L ^{T50}					L	L								15.2
3.05	Bed and Breakfast, Category 2						L	L ^{T125}					L ^{T125}		L ^{T125}							15.2
3.06	Vacation Rental	L ^{T75}								L ^{T75}			L ^{T75}	L ^{T75}	L ^{T75}							15.21
3.07	Motel														pT300							
3.08	Hotel												CD		pT200							
4.0 Institutional																						
4.01	Airport/Landing Strip	S ^{T300}																				15.22
4.02	Heliport	S ^{T300}																				15.22
4.03	Funeral Home Establishment											P	P	P	P							
4.04	Cemetery	P	P	P	P		P	P	P	P		P	P	P	P	P						
4.05	Post Office											P	P	P	P	P						
4.06	Post Office, Distribution															P						
4.07	Animal Sanctuary	S ^{T300}																				
5.0 Government Uses																						
5.01	Government Cultural Facility											P	P		P							

Use #	Specific Use	Zoning Districts																				Reference
		Low Density Residential				Medium to High Density Residential						Commercial/Industrial					Education					
		RA	R1	R1A	RR	R1S	R2	R4	MH	R3	R5	OI	B1	B2	B3	M1	U1	E1	E2	E3	E4	
5.02	Government Neighborhood Cultural Facility, Indoor Activity Only	S	S	S	S		S	S				P	P	P	P							
5.03	Government Neighborhood Cultural Facility, Includes Outdoor Activity											P	P		P							
5.04	Recreation Facility, Category 1	P								P		P	P	P	P	P						
5.05	Recreation Facility, Category 2	P	P	P	P		P	P				P	P	P	P	P						
5.06	Recreation Facility, Category 3	pT50	S	S	S		S	S		P		pT50	pT50	pT50	pT50	pT50						
5.07	Event Venue, Category 1								P	P		P	P	P	P							
5.08	Event Venue, Category 2								S	S		P	P	P	P							
5.09	Event Venue, Category 3											pT50	pT50	pT50	pT50							
5.10	Landfill															S						
5.11	Solid Waste Processing															S						
5.12	Police Substation	P	P	P	P		P	P				P	P	P	P	P						
5.13	Utility Facility, Town	L	L	L	L	L	L	L				L	L	L	L	L						15.23
5.14	Utility Facility, Government, Neighborhood	L	L	L	L	L	L	L	P	P		L	L	L	L	L						15.23
5.15	Utility Facility, Government, Regional	L ^{T300}							L	L		L ^{T300}			L ^{T300}	L ^{T300}						15.23
5.16	Government Facility	P							L	L		P	P	P	P	P						
6.0 Non-Government Utility Facility																						
6.01	Utility Facility, Neighborhood	L	L	L	L	L	L	L	P	L		L	L	L	L	L						15.23
6.02	Utility Facility, Regional	L ^{T300}										L ^{T300}			L ^{T300}	L ^{T300}						15.23
7.0 Wireless Communication																						
7.01	Small Wireless Collocation	L	L	L	L	L	L	L	L	L		L	L	L	L	L	L	L	L			15.25
7.02	Wireless Facility Collocation on Existing Wireless Support Structure or Utility Pole	L	L	L	L	L	L	L	L	L		L	L	L	L	L	L	L	L			15.24

Use #	Specific Use	Zoning Districts																				Reference
		Low Density Residential				Medium to High Density Residential						Commercial/Industrial					Education					
		RA	R1	R1A	RR	R1S	R2	R4	MH	R3	R5	OI	B1	B2	B3	M1	U1	E1	E2	E3	E4	
7.03	Stealth Wireless Facility Attached to Existing Building or Structure	L	L	L	L	L	L	L	L	L		L	L	L	L	L	L	L	L	I		15.24
7.04	Non-stealth Wireless Facility Attached to Existing Building or Structure																					15.24
7.05	Non-stealth Wireless Facility Collocation on Electrical Transmission Towers	L	L	L	L	L	L	L	L	L		L	L	L	L	L	L	L	L	L		15.24
7.06	Stealth Wireless Support Structure	S/L	S/L	S/L	S/L	S/L	L	L	L	L		L	L	L	L	L	L	L	L	L		15.24
7.07	Non-stealth Wireless Support Structure									L		L			L	L	L					15.24
7.08	Reserved																					
7.09	Reserved																					
7.10	Emergency Response Communication Antenna	P	P	P	P	P	P	P	P	P		P	P	P	P	P						
8.0 Assembly																						
8.01	Religious Assembly, Category 1	P	P	P	P		P	P	P	P		P	P	P	P							
8.02	Religious Assembly, Category 2	pT125	pT125	pT125	pT125		pT125	pT125	pT125	pT125		pT75	P		P							
8.03	Religious Assembly, Category 3	pT200											pT200		pT200							
8.04	Club/Lodge, Category 1												p T75		p T75							
8.05	Club/Lodge Which Does Not Serve Alcohol	P											P		P							
9.0 Education																						
9.01	Public colleges and universities																pT200	pT200	pT200		P	
9.02	Private colleges and universities																	pT200	pT200			
9.03	Trade school																			pT200		
9.04	High school																			pT200		
9.05	Elementary school																			pT200		

Use #	Specific Use	Zoning Districts																				Reference
		Low Density Residential				Medium to High Density Residential						Commercial/Industrial					Education					
		RA	R1	R1A	RR	R1S	R2	R4	MH	R3	R5	OI	B1	B2	B3	M1	U1	E1	E2	E3	E4	
9.06	Boarding school																					
9.07	College- or university-operated community enterprise												L									15.7
10.0 Daycare																						
10.01	Child Daycare, Large	L							L		L				L	L						15.26
10.02	Child Daycare Center											L			L							15.26
10.03	Adult Daycare, Large	L							L		L				L	L						15.26
10.04	Adult Daycare Center											L			L							15.26
10.05	All Other Daycare											CD										
11.0 General Sales and Service																						
11.01	Kennel	L ^{T125}													L ^{T125}							15.27
11.02	Veterinary Office/Hospital with Outdoor Kennels	L ^{T125}										L ^{T125}			L ^{T125}							15.27
11.03	Veterinary Office/Hospital without Outdoor Kennels	P										P	P	P	P							
11.04	Financial Institution ≤ 5,000 ft²											P	P	P	P							
11.05	Financial Institution > 5,000 ft²											P	P		P							
11.06	Restaurant ≤ 2,500 ft² open to the public during 10 pm – 6 am											p ^{T75}	p ^{T75}	p ^{T75}	p ^{T75}	p ^{T75}						
11.07	Other Restaurants ≤ 2,500 ft²											P	P	P	P	P						
11.08	Restaurant > 2,500 ft² open to the public during 10 pm – 6 am											p ^{T200}	p ^{T125}		p ^{T200}							
11.09	Other Restaurants > 2,500 ft²											p ^{T125}	p ^{T75}		p ^{T125}							
11.10	Restaurant ≤ 3,500 ft² open to the public during 10 pm-6 am															p ^{T300}						
11.11	Other Restaurants ≤ 3,500 ft²															p ^{T300}						
11.12	Bar																					
11.13	ABC Store												P		P	P						

Use #	Specific Use	Zoning Districts																				Reference
		Low Density Residential				Medium to High Density Residential						Commercial/Industrial					Education					
		RA	R1	R1A	RR	R1S	R2	R4	MH	R3	R5	OI	B1	B2	B3	M1	U1	E1	E2	E3	E4	
11.14	Personal Service Establishment open to the public during 10 pm-6 am											pT75	pT50		pT75	P						
11.15	Other Personal Service Establishments											P	P	P	P	P						
11.16	Retail Store up to 5,000 ft²											P	P	P	P	P						
11.17	Retail Store more than 5,000 but less than 25,000 ft²												pT125	pT200	pT200							
11.18	Retail Store 25,000 ft² and greater														L T300							15.28
11.19	Reserved																					
11.20	Business or Professional Office open to the public during 10 pm - am											pT75	pT50		pT75	p T75						
11.21	Other Business or Professional Office											P	P	P	P	P						
11.22	Medical Office, Category 1											pT300	pT300		pT300							
11.23	Medical Office, Category 2											pT125	pT125		pT125							
11.24	Medical Office, Category 3											pT125			pT125							
11.25	Medical Office, Category 4											P	P	P	P							
11.26	Hospital											pT300										
11.27	Medical Emergency Response											pT300	pT300		pT300							
11.28	Open Air Market, Recurring	L T75										L T50			L T75							15.29
11.29	Vehicle Sales and Service													L T125	L T75							15.3
11.30	Equipment Sales and Service														L T125	L T125						15.31
11.31	Moped Sales and Service												P	P	P							
11.32	Boat or Marine Craft Sales and Service														L T75	L T75						15.32
11.33	Impound Lot/Towing Service														L T125	L T125						15.33
11.34	Gas Station	pT125												pT125	pT125	pT125						
11.35	Car Wash													pT125	pT125	pT125						

Use #	Specific Use	Zoning Districts																				Reference
		Low Density Residential				Medium to High Density Residential						Commercial/Industrial					Education					
		RA	R1	R1A	RR	R1S	R2	R4	MH	R3	R5	OI	B1	B2	B3	M1	U1	E1	E2	E3	E4	
11.36	Seasonal Retail Activities and Amusements	P										P	P	P	P	P						
12.0 Recreation & Entertainment Uses																						
12.01	Indoor Shooting Range	L ^{T75}													L ^{T75}							15.34
12.02	Outdoor Shooting Range																					
12.03	Indoor Theater												P		P							
12.04	Outdoor Theater	p ^{T200}											p ^{T125}		p ^{T125}							
12.05	Event Venue, Category 1												P	p ^{T75}	P	P						
12.06	Event Venue, Category 2												p ^{T50}	p ^{T125}	p ^{T125}							
12.07	Event Venue, Category 3												p ^{T200}		p ^{T200}							
12.08	Campground and Recreational Vehicle Park	L ^{T200}													L ^{T200}							15.35
12.09	Coliseum														S ^{T300}							
12.10	Recreation Facility, Category 1	p ^{T125}										P	P	P	P	P						
12.11	Recreation Facility, Category 2	p ^{T125}										p ^{T50}			p ^{T50}							
12.12	Recreation Facility, Category 3	p ^{T200}													p ^{T200}							
12.13	Racetrack																					
13.0 Agriculture																						
13.01	Garden, Community	L	L	L	L	L	L	L				L	L	L	L							15.36
13.02	Garden, Residential	L	L	L	L	L	L	L				L	L	L	L							15.37
13.03	Agricultural Operation Excluding Livestock	P																				
13.04	Agricultural Operation Including Livestock	P																				
13.05	Swine Farm																					
13.06	Confined Animal Feeding Operation (CAFO)																					
13.07	Custom Slaughterhouse	P																				

Use #	Specific Use	Zoning Districts																				Reference
		Low Density Residential				Medium to High Density Residential						Commercial/Industrial					Education					
		RA	R1	R1A	RR	R1S	R2	R4	MH	R3	R5	OI	B1	B2	B3	M1	U1	E1	E2	E3	E4	
13.08	Other Slaughterhouse																					
13.09	Forestry	L	L	L	L	L	L	L	L	L		L	L	L	L	L						15.38
14.0 Manufacturing																						
14.01	Microbrewery												L ^{T75}		L ^{T125}	L ^{T125}						15.39
14.02	Brewpub												L ^{T75}		L ^{T125}	L ^{T125}						15.39
14.03	Brewery/Distillery														L ^{T125}	L ^{T125}						15.4
14.04	Brewery/Distillery, Other																					15.41
14.05	Winery Associated with a Vineyard	L ^{T125}														L ^{T125}						15.42
14.06	Winery														L ^{T125}	L ^{T125}						15.42
14.07	Winery, Other																					
14.08	Extraction of Earth Materials																					
14.09	Machine/Welding Shop														L ^{T200}	L ^{T200}						15.44
14.10	Manufacturing, Other															L ^{T300}						15.45
15.0 Parking																						
15.01	Parking Lot											L	L		L							15.46
15.02	Parking Structure									L ^{T125}		L	L		L							15.47
15.03	Park and Ride Lots	L										L			L	L						15.46
16.0 Storage																						
16.01	Self-Storage Facilities	L ^{T125}													L ^{T75}	L ^{T75}						15.48
16.02	Outdoor Storage															L ^{T75}						15.49
16.03	Warehouse															p ^{T75}						
16.04	Fuel Storage Facility														p ^{T300}	p ^{T300}						
16.05	Chemical Storage Facility																					
17.0 Transportation																						
17.01	Passenger Terminals														p ^{T200}	P						
17.02	Trucking or freight terminal ≤ 10,000 ft²														p ^{T125}	p ^{T125}						
17.03	Trucking or freight terminal > 10,000 ft²															p ^{T300}						

Use #	Specific Use	Zoning Districts																				Reference
		Low Density Residential				Medium to High Density Residential						Commercial/Industrial					Education					
		RA	R1	R1A	RR	R1S	R2	R4	MH	R3	R5	OI	B1	B2	B3	M1	U1	E1	E2	E3	E4	
18.0 Waste Related Uses																						
18.01	Recycling Drop-off Station	L ^{T300}														L ^{T200}						15.49
18.02	Recycling and Salvage															L ^{T300}						15.49
18.03	Junkyard																					
18.04	Private Landfill																					
19.0 Particular Activities Which Pose Particular Concern About Public Health																						
19.01	Electronic and Internet Gaming														S							15.5
19.02	Adult Establishments														S							15.51

...

Article 16 District Standards

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16.01.02 Intensity Table

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Minimum Livability Space Ratio* (LSR)	Minimum Setbacks	
					Street	Interior
Residential Zoning Districts						
RA No Public Water & Sewer Available	20,000 sq. ft	100 ft.	80 ft.	.65	20 ft.	18 ft.
RA Public Water Available	15,000 sq. ft.	80 ft.	64 ft.	.65	20 ft.	18 ft.
RA Public Water & Sewer Available	10,000 sq. ft.	65 ft.	52 ft.	.65	20 ft.	14 ft.
R1	8,000 sq. ft.	70 ft.	56 ft.	.53	20 ft.	14 ft.
R1A	8,000 sq. ft.	70 ft.	56 ft.	.53	20 ft.	14 ft.
RR	6,000 sq. ft.	70 ft.	56 ft.	.48	20 ft.	13 ft.
R1S	5,000 sq. ft.	35 ft.	28 ft.	Refer to UDO Subsection 16.01.01(C)	20'	7', Refer to Subsection 16.06.10
R2	6,000 sq. ft.	70 ft.	56 ft.	.48	20 ft.	13 ft.
R4	6,000 sq. ft.	70 ft.	56 ft.	.48	20 ft.	13 ft.
R3	20,000 sq. ft.	80 ft.	64 ft.	.40	20 ft.	13 ft.
R5	10,000 sq. ft.	70 ft.	56 ft.	.27	20 ft.	17 ft.
MH	87,120 sq. ft.	None	56 ft.	.51	20 ft.	20 ft.
OI	10,000 sq. ft.	100 ft.	80 ft.	.27	20 ft.	17 ft.
Commercial/Industrial Zoning Districts						
B1	5,000 sq. ft.	15 ft.	12 ft.	None	Refer to Section 16.06.02	Refer to Secti 16.06.04
B2	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.
B3	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.
M1	17,000 sq. ft.	80 ft.	64 ft.	.3	20 ft.	22 ft.
Educational Zoning Districts						
U1	None	None	None	.27	Refer to Section 16.06.09	Refer to Secti 16.06.08
E1	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.

Communication: Case PL04085-072720 Staff Report (Case PL04085-072720 Create E4 Educational District - UDO Text Amendment)

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Minimum Livability Space Ratio* (LSR)	Minimum Setbacks	
					Street	Interior
E2	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.
E3	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.
<u>E4</u>	<u>21,780 sq. ft.</u>	<u>80 ft.</u>	<u>64 ft.</u>	<u>.27</u>	<u>20 ft.</u>	<u>17 ft.</u>

...

16.08 Building Height

16.08.01 For the purposes of this Section:

- A. The height of a building shall be the vertical distance measured from the average elevation of the finished grade at the primary façade of the building to the highest point of the building except as provided herein.
- B. “Stories” as used herein refers to the number of heated, habitable floors above grade at the primary facade. Where both stories and heights are listed in the table below at section 16.08.02, the building can have no more than the listed number of stories, and also may not exceed the specified height in feet.

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

Zone	Height Limitation
R1, R1A, RR, R2, R4, RA	3 stories
R1S	1 story with an attic story or a basement/25’ Refer to Subsection 16.08.11
R3	3 stories
R5	4 stories/56’
MH	35’
OI	4 stories/67’
B1	See Subsection 16.08.04
B2	3 stories/40’
B3	3 stories/45’ (primary)-4 stories/56’ (secondary)
E1, E2, E3	3 stories/45’ (primary)-5 stories/67’ (secondary)
<u>E4</u>	<u>3 stories/45’</u>
U1	Refer to Subsection 16.08.09
M1	67’

Article 34 Definitions

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Child Daycare Center

A program or arrangement where over eight children, whom are no more than sixteen (16) years old, and who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four (4) hours but less than twenty-four (24) hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption.

...

College or University

A degree-granting institution, other than a trade school, which provides education beyond the high-school level, and typically has programs resulting in an Associate's, Bachelor's, or Master's degree. In addition to classroom buildings, it may include offices, laboratories, lecture halls, dormitories, residence halls, athletic facilities, and similar buildings and other facilities as applicable to the university.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMPREHENSIVE PLAN POLICIES

2.1 THE ECONOMY

2.1.1 Economic Development

- A.** The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy.
 - A.1** Continue to evaluate and amend development regulations to help insure aesthetic quality in the area and preserve the natural beauty of the area.
 - A.2** Adopt analytically sound, technically based hillside development regulations to preserve natural beauty.
 - A.3** Support the Arts Council, Jones House, ASU and others in attracting quality cultural events to Boone.
 - A.4** Balance the benefits of economic development projects with special concern for environmental quality issues.
- B.** New and expanding industries and businesses shall be encouraged which: 1) diversify the local economy, 2) train and use a skilled labor force and 3) increase area residents' incomes.

- C.** The Town shall encourage the development of a well-balanced tourism trade as a primary element of the area’s economic future. Investments in services, facilities, and proper growth management shall be employed in furtherance of this objective.
- D.** Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.
 - D.1** Evaluate development regulations for amendments providing flexibility in the renovation and redevelopment of existing structures and sites.
 - D.2** Urge the resolution of the clean-up process of the 482 State Farm Road site so as to render the building suitable for use as soon as possible.
 - D.3** Pursue annually at least one joint public-private venture that will benefit the community at large.
- E.** The Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area’s physical and human resources.
 - E.1** Continue to look for ways to make development regulations and permit procedures more predictable and timely. Evaluate opportunities for administrative review and permit issuance for development projects which, due to their small size or relatively minor impacts, may not require review by a formal public commission or board.
- F.** New firms and expanding businesses that complement the natural resources and beauty of the region shall be especially recruited and encouraged.
- G.** The Town shall support the development of new business parks.
 - G.1** Identify suitable property for possible business park development.
- H.** The Town shall promote coordination of economic development resources with the appropriate institutions and agencies. Regional coordination and interaction among areas with a shared economic interest shall be encouraged.
 - H.1** Assist business recruitment and expansion efforts by providing demographic and market data and development information to potential developers and business prospects. Direct such interested parties, by referral through the Economic Development Director, to identified locations in the community.
 - H.2** Include economic development as a specific point of discussion by the recently created Community Council.
 - H.3** Continue to support the Economic Development Commission as the lead economic development agency in the county. Continue to support and work with the Committee of 100, Chamber of Commerce, Tourism Development Authority, High Country Host, Broyhill Institute for Business Development, High Country Council of Governments, Caldwell Community College and Technical Institute, JobLink and others on issues of economic benefit to the whole community.
- I.** Small business start-ups, expansions and spin-offs shall be encouraged. The presence of ASU and Caldwell Community College and Technical Institute shall be recognized as a necessary and important resource for area businesses.

- J. Appropriate educational and training programs shall be encouraged to help local residents, especially those unemployed and underemployed, take advantage of business expansion and to develop new skills.
 - J.1 Encourage the growth of a student internship program between area businesses, ASU and Caldwell Community College and Technical Institute as a means of providing training for Boone area citizens.
 - J.2 Actively pursue workforce training through ASU and Caldwell Community College and Technical Institute to meet existing needs of current employers and make efforts to develop the skills necessary for higher paying jobs.
 - J.3 Support careers education programs in the public schools.
- K. Boone shall identify and provide services consistent with the needs of the area’s growing retiree population.
 - K.1 Support local agencies and institutions efforts in the development of programs and services providing for the needs of the growing retiree population.

...

2.3 THE COMMUNITY

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

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 community deserving special attention by the zoning ordinance, in light of their high visibility, traffic impact, strategic location, or other unique features. Continue to encourage significant new public buildings and outdoor spaces to locate in these and other positions of visibility and strategic prominence. Encourage the private sector to do likewise.
 - A.2** Seek out locations of historical merit in the community, and prepare an action plan for their enhancement, rehabilitation, or relocation as may be necessary.
- B.** Multiple and appropriate adaptive reuse of historic resources shall be encouraged.
 - B.1** Amend development regulations to offer flexibility for restoration and active use of historic structures and other resources.
- C.** Wise development of the tourism potential of the area’s architectural, historic, scenic and natural resources shall be encouraged.
 - C.1** Consider the placement of public art at appropriate locations in downtown, including murals.
- D.** The destruction of significant architectural, historic, scenic, natural and archaeological resources in the planning area shall be discouraged.
 - D.1** Carefully scrutinize proposed road widening to ensure that such actions do not destroy community and neighborhood character.
 - D.2** Continue to support the Town’s tree preservation standards. Evaluate the effectiveness of the tree regulations since their establishment and amend them as necessary.
- E.** New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone’s original community character as a High Country small town.

PLANNING BOARD REPORT/RECOMMENDATIONS

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

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

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

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

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

TOWN COUNCIL ACTION

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

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

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

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

General Use Zoning Map Amendment Application

Town of Boone Planning & Inspections Department

680 W. King Street, Suite C • Boone, North Carolina 28607

Phone (828) 268-6960 • Fax (828) 268-6961 • Email: planning@townofboone.net • www.townofboone.net



A. Required to be Submitted at Time of Application

Notes: It is recommended that applicants schedule a meeting with Planning & Inspections Staff prior to application submittal.

Failure to provide the info required on this application may delay the review and scheduling of the requested hearing.

- ☒ Property Owner Authorization for all property included in the request. See [Section D](#).
- ☒ Deed(s) of all property to be included in the request,
- ☒ Both a digital and a hard copy of a written metes and bound legal description with accompanying survey map for a request that would rezone only a portion of a tax parcel or requests for multiple zoning districts.
- ☒ Permit Fee (See Planning & Inspections Fee Schedule)

Each application is allowed two (2) reviews. The 1st review of the submitted information and a 2nd review if revisions or supplemental information is required based upon the 1st review. Each subsequent review after the 2nd review will be charged at 50% of the original fees charged for the application. These fees shall be paid at the time of resubmittal.

B. Property Information

Street Address:
538 Poplar Grove Rd., Boone, NC 28607

Watauga County Parcel Identification Number:
2900-58-7299-000 & 2900-58-6723-000

Existing Zoning District(s): R1 & R3

Proposed Zoning District(s): E4 & R1

Adjacent Land Uses: N: R1

E: R3 & County

S: County

W: R1 & County

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

☐ Yes ☐ No ☒ Unknown

If yes, describe:

Total Land Area: ASU Endowment Fund Property, 17.057 acres (Two Parcels, 6.457 & 10.6 acres)

C. Property Owner Information

Name:

The Board of Trustees of the Endowment Fund of Appalachian State University

Complete Mailing Address (Street, City, Zip):

438 Academy St., B.B. Dougherty Administration Building, Boone, NC 28608

Phone Number:

Email Address:

828-262-2030 (Bus. Affairs); 828-262-7195 (PD&C)

katersnw@appstate.edu; piercewj@appstate.edu

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

D. Applicant Signature and Property Owner Authorization

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

Jeff Pierce, P.E., Director of PD&C

Property Owner (Print)
Delegated Authority

Property Owner (Signature)

23 Jul 20

Date

Official Use Only				
Permit Name: <u>ASU Endowment Fund - Gen. Use Zoning Map Amend.</u>				
Permit Number: <u>PL04083-072420</u>				
Date:	Fee: <u>\$340.00</u>	Receipt Number:	Method of Payment: ☐ Cash ☐ Check Number: _____	Paid By:

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: _____

PC Meeting Date: _____

TC Meeting Date: _____

Date of APO Mailed Notification: _____

Date of Posted Notification: _____

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

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

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

Bk 1896 Pg 405 (3)

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



654099

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

NORTH CAROLINA DEED OF GIFT

Excise Tax: \$0.00 (Gift Deed)

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

By: _____

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

This instrument was prepared by: Dayton T. Cole

Brief description for the Index: _____

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

GRANTOR

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

GRANTEE

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

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

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

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

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

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

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

Bk 1896 Pg 406

Doc No: 654099 Kind: DEED

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

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

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to Grantee in fee simple.

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

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

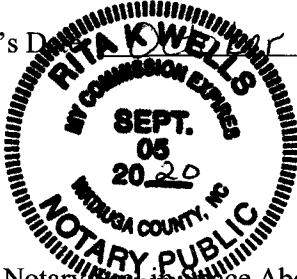
Appalachian Student Housing Corporation

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

**STATE OF NORTH CAROLINA
 COUNTY OF WATAUGA**

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

Today's Date May 19, 2016.



[Affix Notary Seal in Space Above]

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

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

My commission expires: September 5, 2020

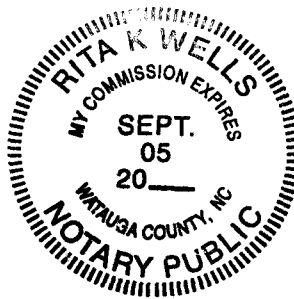
Bk 1896 Pg 407

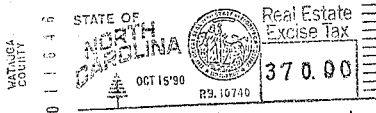
Doc No: 654099 Kind: DEED

Exhibit A

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

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





BK 0164 PG 631

Excise Tax: \$370.00

Recording Time, Book & Page

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

STATE OF NORTH CAROLINA

WARRANTY DEED

COUNTY OF WATAUGA

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

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

and

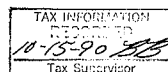
THE BOARD OF TRUSTEES OF THE
ENDOWMENT FUND OF APPALACHIAN STATE UNIVERSITY
(See N.C.G.S. 116-36)
Appalachian State University, Boone, NC 28608
(hereinafter called "Grantees")

W I T N E S S E T H:

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

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

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



Communication: Case PL04083-072420 Application Information (Case PL040804-072720 ASU

BK 0164 PG 632

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

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

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

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

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

STATE OF NORTH CAROLINA

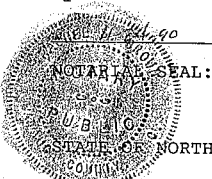
COUNTY OF WATAUGA

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

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

My commission expires:

Rachel S. Brown
Notary Public



STATE OF NORTH CAROLINA, COUNTY OF WATAUGA

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

Phyllis E. Foster

Register of Deeds

Phyllis E. Foster
Asst./Deputy Register of Deeds

(jch-030172)

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

Legal Description

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

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

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

Exceptions

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

Lying and being in both The Town of Boone and Brushy Fork Townships, and being more particularly described as follows:

BEGINNING at a calculation point lying in the Center of SR 1185 (Poplar Grove Rd.)

said point being the terminus of the 5th call of Deed Book 1896, Page

405 and the terminus of the 6th call of Deed Book 164, Page 631, formerly a railroad spike

thence leaving center of said road, S 39°31'54" W a distance of 286.44' (passing a set rebar with M&C cap at 50.01') to a calculation point, said point being the Point of Beginning;

thence S 39°31'54" W a distance of 190.62 ' to a set nail;

thence S 04°19'43" W a distance of 210.81' to a set rebar with M&C cap;

thence S 85°32'50" E a distance of 413.98' to a set rebar with M&C cap;

thence N 16°28'37" W a distance of 146.02' to a calculation point;

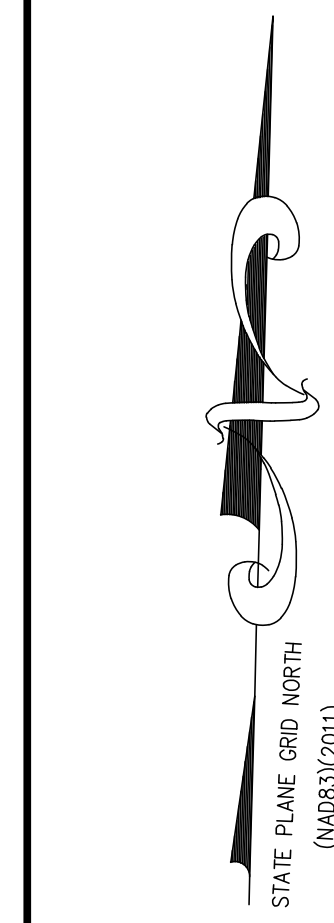
thence N 43°11'28" W a distance of 342.00' to the point of BEGINNING.

CONTAINING 2.27 Acres, more or less, and BEING a part of two certain tracts of land

described in deeds dated December 20th, 2016 and October 15th, 1990, from Appalachian Student

Housing Corporation and James C. Greene, Jr and wife, Frances T. Greene, to The Board of Trustees of the Endowment Fund of Appalachian State University.





Review Officer _____ Date _____

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

TERIOR IMPROVEMENTS
SHOWN FOR CLARITY
PURPOSES

PARCEL 2
574068.25 SQ FT
13.18 ACRES

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

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

DATE _____

1. ALL DISTANCES ARE GROUND MEASUREMENTS IN US SURVEY FEET UNLESS OTHERWISE NOTED.
2. REFERENCES ARE AS SHOWN ON THE PLAT.
3. PROPERTY OWNERS SHOWN TAKEN FROM WATAUGA COUNTY GIS AS OF FEBRUARY 2, 2020
4. THIS PROPERTY MAY BE SUBJECT TO OTHER RIGHTS-OF-WAY, EASEMENTS, RESERVATIONS AND RESTRICTIONS, WRITTEN AND UNWRITTEN, RECORDED AND UNRECORDED, NOT SHOWN HEREON..
5. SUBJECT PROPERTY IS LOCATED IN ZONE X (MINIMAL FLOOD HAZARD) PER FIRM 371029000J, EFFECTIVE DATE 12/03/2009.
6. AREA DETERMINED BY COORDINATE COMPUTATION AND IS IN US SURVEY FEET UNLESS OTHERWISE NOTED.
7. THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF ABSTRACT TITLE.
8. THIS SURVEY IS INTENDED ONLY FOR THE NAMED PARTY OR PARTIES AS SHOWN HERON, NO WARRANTIES ARE HEREBY IMPLIED OR GRANTED TO ANY OTHER PARTY FOR ANY PURPOSE
9. BOONE TOWN LIMITS AND ETJ BOUNDARIES ARE PER WATAUGA COUNTY GIS. LINE IS SHOWN FOR PROPOSED ANNEX PURPOSES ONLY.

BY: _____ DEPUTY

Mattern & Craig
ENGINEERS/SURVEYORS

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

BOUNDARY AND PARTIAL TOPOGRAPHIC SURVEY
CHILD DEVELOPMENT CENTER

Vertical Scale:
N/A

Horizontal Scale:
1"=60'

Commission Number:
3934-G

Sheet No.

1

Communication: Case PL04083-072420 Application Information (Case PL04083-072420 & Case PL04804-072720 ASU Endowment Fund - General Use Zoning Map Amendment)

Packet Pg. 47

General Use Zoning Map Amendment Application

Town of Boone Planning & Inspections Department

680 W. King Street, Suite C ♦ Boone, North Carolina 28607

Phone (828) 268-6960 ♦ Fax (828) 268-6961 ♦ Email: planning@townofboone.net ♦ www.townofboone.net



A. Required to be Submitted at Time of Application

Notes: It is recommended that applicants schedule a meeting with Planning & Inspections Staff prior to application submittal.

Failure to provide the info required on this application may delay the review and scheduling of the requested hearing.

- ☐ Property Owner Authorization for all property included in the request. See [Section D](#).
- ☐ Deed(s) of all property to be included in the request,
- ☐ Both a digital and a hard copy of a written metes and bound legal description with accompanying survey map for a request that would rezone only a portion of a tax parcel or requests for multiple zoning districts.
- ☐ Permit Fee (See Planning & Inspections Fee Schedule)

Each application is allowed two (2) reviews. The 1st review of the submitted information and a 2nd review if revisions or supplemental information is required based upon the 1st review. Each subsequent review after the 2nd review will be charged at 50% of the original fees charged for the application. These fees shall be paid at the time of resubmittal.

B. Property Information

Street Address:

538 Poplar Grove Road

Watauga County Parcel Identification Number:

Portions of 2900587299000 & 2900586723000

Existing Zoning District(s): Un-zoned

Proposed Zoning District(s): E4

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

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

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

If yes, describe:

Total Land Area: 2.27 acres

C. Property Owner Information

Name:

Appalachian State University Board of Trustees of the Endowment Fund

Complete Mailing Address (Street, City, Zip):

438 Academy Street, Boone, NC 28608

Phone Number:

828-262-2030

Email Address:

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

D. Applicant Signature and Property Owner Authorization

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

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

Property Owner (Print)

Property Owner (Signature)

Date

Official Use Only				
Permit Name: ASU Child Development Center – General Use Zoning Map Amendment				
Permit Number: PL01084-072720				
Date: July 27, 2020	Fee: NA	Receipt Number: NA	Method of Payment: ☐ Cash ☐ Check Number: _____	Paid By: NA

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: August 24, 2020

PC Meeting Date: August 24, 2020

TC Meeting Date: September 2020

Date of APO Mailed Notification: August 4, 2020

Date of Posted Notification: August 4, 2020

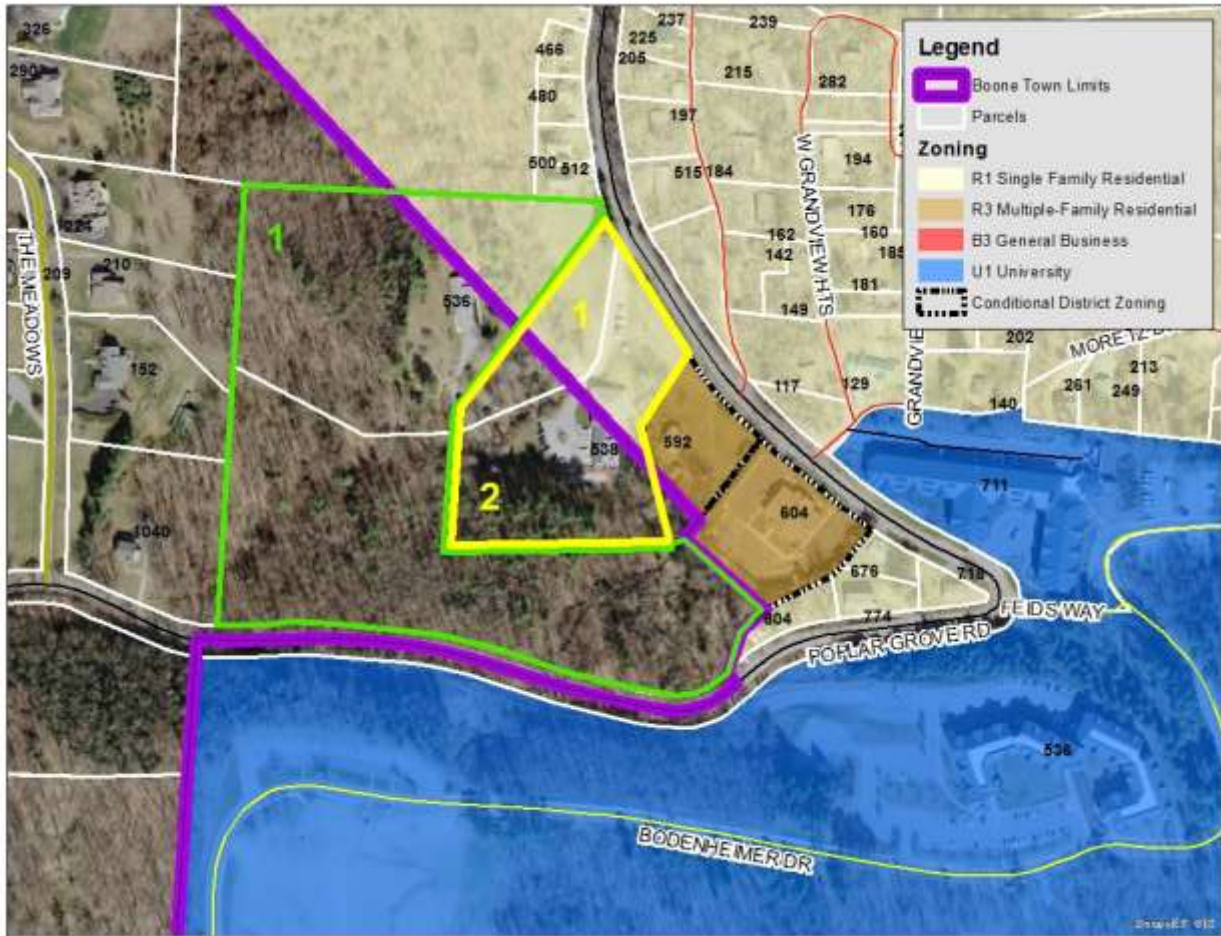
Request Approved: ☐ Yes ☐ No If yes, date request sent to GIS: _____

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

Communication: Case PL04084-072720 Application Information (Case PL04083-072420 & Case PL04084-072720 ASU Endowment Fund -

STAFF REPORT
PUBLIC HEARING
AUGUST 24, 2020

CASE PL04083-072420 AND PL04084-072720 ASU CHILD DEVELOPMENT CENTER
GENERAL USE ZONING MAP AMENDMENTS



Requests

NOTE: Due to how CASE PL04083-072420 and PL04084-072720 deal with the same parcel, Staff has prepared a combined Staff Report for ease of explanation. Additionally, the request involves the zoning/rezoning of property to an E4 Educational Zoning District which is a new zoning district under review at the same time as these requests (will be heard first). This report reflects the standards that are in the proposed zoning district as outlined in the Staff Report for that case. See Staff Report for Case PL04085-072720 for full details of the new E4 Educational Zoning District.

Case PL03541-013120 Information: The Board of Trustees of the Endowment Fund of Appalachian State University has requested a General Use Zoning Map Amendment for 1.61 acres of property located at or near 538 Poplar Grove Road (Watauga County PINs: 2900-58-7299-000 and 2900-58-6723-000) to rezone portions of the properties from R1 Single-Family Residential to E4 Educational District. Please see area marked with the yellow 1 on the map above.

Case PL03608-022820 Information: The Town of Boone has initiated the zoning of approximately 2.27 acres of property located off of 538 Poplar Grove Road (portions of Watauga County PINs: 2900-58-7299-000 and 2900-58-6723-000) owned by The Board of Trustees of the Endowment Fund of Appalachian State University to E4 Educational Zoning District in conjunction with the property owner's request for annexation of the property. Please see area marked with the yellow 2 on the map above.

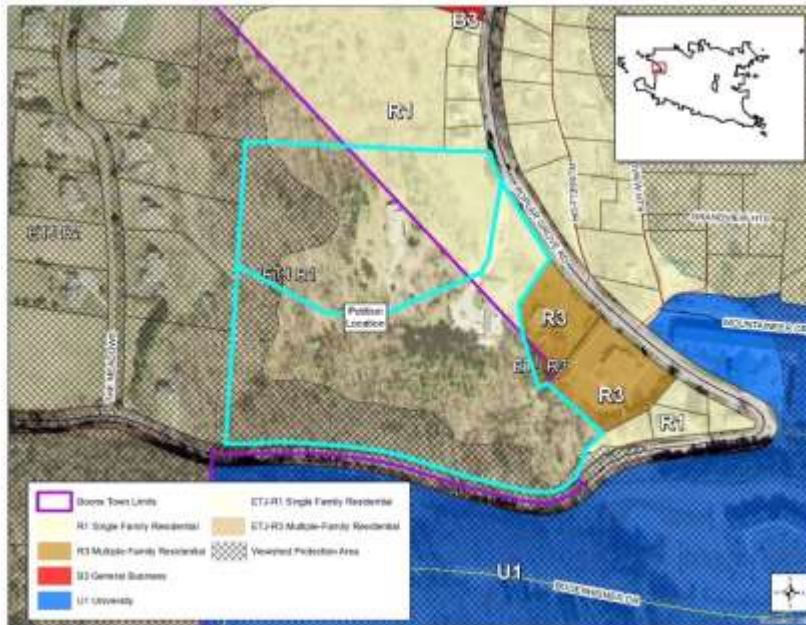
Explanation: The Board of Trustees of the Endowment Fund of Appalachian State University currently owns two adjacent parcels as shown on the map on page 1 (536 & 538 Poplar Grove Road).

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

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

1. The new 538 Poplar Grove lot (ASU Child Development Center) outlined in yellow on the attached map will contain 3.88 acres of which 2.27 acres are outside of corporate limits. The Town has been petitioned to annex the 2.27 acres outside of corporate limits. This new lot is the subject for the cases noted above. The requests are to rezone the existing zoned portions from R1 to E4 and to zone the un-zoned portion to E4.
2. The new 536 Poplar Grove lot (single-family dwelling) will contain the remaining 13.18 acres (outlined in green on the map above). Other than changes to the property boundaries, no other changes to the zoning or jurisdiction are being proposed for this lot.

History



- 1-10-2017: Town of Boone lost authority to exercise powers of extraterritorial jurisdiction. See map above for ETJ zoning details.
- 06-22-2020: Public hearing on request to rezone the same property identified in this report to E1 Educational District. Planning Commission recommended denial of request (see Public Hearing and Planning Commission attached as Exhibit 1).
- 07-14-2020 Request for rezoning sent to Council for consideration. At this time, a motion to approve or deny did not pass. Note: draft minutes of the July Council meeting are not available at the time this report was published.
- 07-16-2020 Appalachian State University representatives appeared in front of Council during Public Comment at the July 16, 2020 Council meeting and proposed the creation of a new Educational Zoning District that would be limited to child day cares. Council agreed, requested that text be drafted and due to the University timeline agreed to a special public hearing in August to hear the cases involved in this matter (UDO Text Amendment and General Use Zoning Map Amendments). Note: draft minutes of the July Council meeting are not available at the time this report was published.

Zoning Analysis



Case PL03541-013120		Case PL03608-022820
Location on Map:	Area in corporate limits, outlined in yellow, marked "1"	Area outside of corporate limits, outlined in yellow, marked "2"
Applicant:	Appalachian State University Board of Trustees of the Endowment Fund	Town of Boone (based upon requested annexation of property)
Property Owner:	Appalachian State University Board of Trustees of the Endowment Fund	Appalachian State University Board of Trustees of the Endowment Fund
Address:	538 Poplar Grove Road	538 Poplar Grove Road

Case PL03541-013120		Case PL03608-022820
Watauga Co. PIN:	2900587299000 & 2900586723000	2900587299000 & 2900586723000
Use:	ASU Child Development Center, Use 9.01 Public College or University	ASU Child Development Center, Use 9.01 Public College or University
Size:	1.61 acres	2.27 acres
Jurisdiction:	Town of Boone	Watauga County
Access:	Poplar Grove Road (NCDOT maintained)	Poplar Grove Road (NCDOT maintained)
Viewshed:	No	No
Watershed:	No	No
Special Flood Hazard:	No	No
Steep Slope:	Yes	Yes
Previous ETJ Zoning:	NA- inside Boone corporate limits	R1 Single-Family
Existing Zoning:	R1 Single-Family	None
Requested Zoning:	E4 Educational	E4 Educational
Vesting:	None	None

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

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

Excerpt of ARTICLE 14 ZONING DISTRICTS AND ZONING MAP

...

14.01.02 The R1 Single Family Residential District is established to provide a low-density living area consisting only of single-family dwelling units and other related uses necessary for a sound neighborhood. The regulations for this district are designed to stabilize and encourage a comfortable, healthy, safe, aesthetically pleasing and pleasant living environment for family life that promotes peaceful quiet enjoyment sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.

...

14.03.05 The E-4 Educational Child Daycare District is established to provide for a zoning district in which the use allowed within the district is limited to a University- or College- operated Child Daycare Center. The owner of a property zoned E-4 must be a public or private educational institution. In the event that a property or portion of property zoned E-4 is sold to a third party that is not such an educational institution, no subsequent use of the property shall be permitted until the property is rezoned.

...

Excerpt of ARTICLE 15 DISTRICT USES

...

15.07 Table of Principal Uses

Use #	Specific Use	R1	E4	Reference
1.0 Household Living				
1.01	Single-Family Dwelling	P		
1.02	Manufactured Home "Class A"			15.08
1.03	Manufactured Home "Class B"			15.08
1.04	Manufactured Home "Class C"			
1.05	Manufactured Home Park			15.09
1.06	Duplex (one duplex building per lot)			
1.07	Duplex (more than one duplex building per lot)			15.10
1.08	Townhouse (up to 30 bedrooms)			15.10
1.09	Townhouse (31-100 bedrooms)			15.10
1.10	Townhouse (> 100 bedrooms)			15.10
1.11	Multi-Family Dwelling (up to 30 bedrooms)			15.10
1.12	Multi-Family Dwelling (31-100 bedrooms)			15.10
1.13	Multi-Family Dwelling (> 100 bedrooms)			15.10
1.14	Multi-Family Dwelling in Mixed Use (up to 30 bedrooms)			15.11
1.15	Multi-Family Dwelling in Mixed Use (31-100 bedrooms)			15.11
1.16	Multi-Family Dwelling in Mixed Use (> 100 bedrooms)			15.11
1.17	Adult Living Community			
2.0 Group Living				
2.01	Family Care Home	L		15.13
2.02	Family Care Institutions			15.14
2.03	Halfway House, Category 1			15.14
2.04	Halfway House, Category 2			15.14
2.05	Residential Care Facility			

Use #	Specific Use	R1	E4	Reference
2.06	Fraternity or Sorority Dwelling			15.16
2.07	Boarding House			15.17
3.0 Transient Living				
3.01	Home for Survivors of Domestic Violence	L		15.18
3.02	Shelter for Homeless, Category 1			15.19
3.03	Shelter for Homeless, Category 2			15.19
3.04	Bed and Breakfast, Category 1	S ^{T50}		15.20
3.05	Bed and Breakfast, Category 2			15.20
3.06	Vacation Rental			15.21
3.07	Motel			
3.08	Hotel			
4.0 Institutional				
4.01	Airport/Landing Strip			15.22
4.02	Heliport			15.22
4.03	Funeral Home Establishment			
4.04	Cemetery	P		
4.05	Post Office			
4.06	Post Office, Distribution			
4.07	Animal Sanctuary			
5.0 Government Uses				
5.01	Government Cultural Facility			
5.02	Government Neighborhood Cultural Facility, Indoor Activity Only	S		
5.03	Government Neighborhood Cultural Facility, Includes Outdoor Activity			
5.04	Recreation Facility, Category 1			
5.05	Recreation Facility, Category 2	P		
5.06	Recreation Facility, Category 3	S		
5.07	Event Venue, Category 1			
5.08	Event Venue, Category 2			

Use #	Specific Use	R1	E4	Reference
5.09	Event Venue, Category 3			
5.10	Landfill			
5.11	Solid Waste Processing			
5.12	Police Substation	P		
5.13	Utility Facility, Town	L		15.23
5.14	Utility Facility, Government, Neighborhood	L		15.23
5.15	Utility Facility, Government, Regional			15.23
5.16	Government Facility			
6.0 Non-Government Utility Facility				
6.01	Utility Facility, Neighborhood	L		15.23
6.02	Utility Facility, Regional			15.23
7.0 Wireless Communication				
7.01	Small Wireless Collocation	L		15.25
7.02	Wireless Facility Collocation on Existing Wireless Support Structure or Utility Pole	L		15.24
7.03	Stealth Wireless Facility Attached to Existing Building or Structure	L		15.24
7.04	Non-stealth Wireless Facility Attached to Existing Building or Structure			15.24
7.05	Non-stealth Wireless Facility Collocation on Electrical Transmission Towers	L		15.24
7.06	Stealth Wireless Support Structure	S/L		15.24
7.07	Non-stealth Wireless Support Structure			15.24
7.08	Reserved			
7.09	Reserved			
7.10	Emergency Response Communication Antenna	P		
8.0 Assembly				
8.01	Religious Assembly, Category 1	P		
8.02	Religious Assembly, Category 2	pT125		
8.03	Religious Assembly, Category 3			
8.04	Club/Lodge, Category 1			
8.05	Club/Lodge Which Does Not Serve Alcohol			
9.0 Education				

Use #	Specific Use	R1	E4	Reference
9.01	Public colleges and universities		P	
9.02	Private colleges and universities		P	
9.03	Trade school			
9.04	High school			
9.05	Elementary school			
9.06	Boarding school			
9.07	College- or university-operated community enterprise			15.70
10.0 Daycare				
10.01	Child Daycare, Large			15.26
10.02	Child Daycare Center			15.26
10.03	Adult Daycare, Large			15.26
10.04	Adult Daycare Center			15.26
10.05	All Other Daycare			
11.0 General Sales and Service				
11.01	Kennel			15.27
11.02	Veterinary Office/Hospital with Outdoor Kennels			15.27
11.03	Veterinary Office/Hospital without Outdoor Kennels			
11.04	Financial Institution ≤ 5,000 ft ²			
11.05	Financial Institution > 5,000 ft ²			
11.06	Restaurant ≤ 2,500 ft ² open to the public during 10 pm – 6 am			
11.07	Other Restaurants ≤ 2,500 ft ²			
11.08	Restaurant > 2,500 ft ² open to the public during 10 pm – 6 am			
11.09	Other Restaurants > 2,500 ft ²			
11.10	Restaurant ≤ 3,500 ft ² open to the public during 10 pm-6 am			
11.11	Other Restaurants ≤ 3,500 ft ²			
11.12	Bar			
11.13	ABC Store			
11.14	Personal Service Establishment open to the public during 10 pm-6 am			

Use #	Specific Use	R1	E4	Reference
11.15	Other Personal Service Establishments			
11.16	Retail Store up to 5,000 ft ²			
11.17	Retail Store more than 5,000 but less than 25,000 ft ²			
11.18	Retail Store 25,000 ft ² and greater			15.28
11.19	Reserved			
11.20	Business or Professional Office open to the public during 10 pm - am			
11.21	Other Business or Professional Office			
11.22	Medical Office, Category 1			
11.23	Medical Office, Category 2			
11.24	Medical Office, Category 3			
11.25	Medical Office, Category 4			
11.26	Hospital			
11.27	Medical Emergency Response			
11.28	Open Air Market, Recurring			15.29
11.29	Vehicle Sales and Service			15.30
11.30	Equipment Sales and Service			15.31
11.31	Moped Sales and Service			
11.32	Boat or Marine Craft Sales and Service			15.32
11.33	Impound Lot/Towing Service			15.33
11.34	Gas Station			
11.35	Car Wash			
11.36	Seasonal Retail Activities and Amusements			
12.0 Recreation & Entertainment Uses				
12.01	Indoor Shooting Range			15.34
12.02	Outdoor Shooting Range			
12.03	Indoor Theater			
12.04	Outdoor Theater			
12.05	Event Venue, Category 1			

Use #	Specific Use	R1	E4	Reference
12.06	Event Venue, Category 2			
12.07	Event Venue, Category 3			
12.08	Campground and Recreational Vehicle Park			15.35
12.09	Coliseum			
12.10	Recreation Facility, Category 1			
12.11	Recreation Facility, Category 2			
12.12	Recreation Facility, Category 3			
12.13	Racetrack			
13.0 Agriculture				
13.01	Garden, Community	L		15.36
13.02	Garden, Residential	L		15.37
13.03	Agricultural Operation Excluding Livestock			
13.04	Agricultural Operation Including Livestock			
13.05	Swine Farm			
13.06	Confined Animal Feeding Operation (CAFO)			
13.07	Custom Slaughterhouse			
13.08	Other Slaughterhouse			
13.09	Forestry	L		15.38
14.0 Manufacturing				
14.01	Microbrewery			15.39
14.02	Brewpub			15.39
14.03	Brewery/Distillery			15.40
14.04	Brewery/Distillery, Other			15.41
14.05	Winery Associated with a Vineyard			15.42
14.06	Winery			15.42
14.07	Winery, Other			
14.08	Extraction of Earth Materials			
14.09	Machine/Welding Shop			15.44

Use #	Specific Use	R1	E4	Reference
14.10	Manufacturing, Other			15.45
15.0 Parking				
15.01	Parking Lot			15.46
15.02	Parking Structure			15.47
15.03	Park and Ride Lots			15.46
16.0 Storage				
16.01	Self-Storage Facilities			15.48
16.02	Outdoor Storage			15.49
16.03	Warehouse			
16.04	Fuel Storage Facility			
16.05	Chemical Storage Facility			
17.0 Transportation				
18.0 Waste Related Uses				
18.01	Recycling Drop-off Station			15.49
18.02	Recycling and Salvage			15.49
18.03	Junkyard			
18.04	Private Landfill			
19.0 Particular Activities Which Pose Particular Concern About Public Health				
19.01	Electronic and Internet Gaming			
19.02	Adult Establishments			

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Excerpt from ARTICLE 16 DISTRICT STANDARDS

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16.01 Schedule of Land Use Intensity Regulations

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16.01.02 Intensity Table

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Minimum Livability Space Ratio* (LSR)	Minimum Setbacks	
					Street	Interior
R1	8,000 sq. ft.	70 ft.	56 ft.	.53	20 ft.	14 ft.
E4	21,780 sq. ft.	80 ft.	64 ft.	.27	20 ft.	17 ft.

...

16.08 Building Height

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

Zone	Height Limitation
R1	3 stories/40'; accessory structures may not exceed 25'
<u>E1</u>	<u>3 stories/45'</u>

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

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

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

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

Can provide Town services.

Fire Department (A. Flieg, Fire Marshal)

Can provide Town services.

Police Department (D. Crawford, Police Chief)

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

2006 Comprehensive Plan Analysis

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

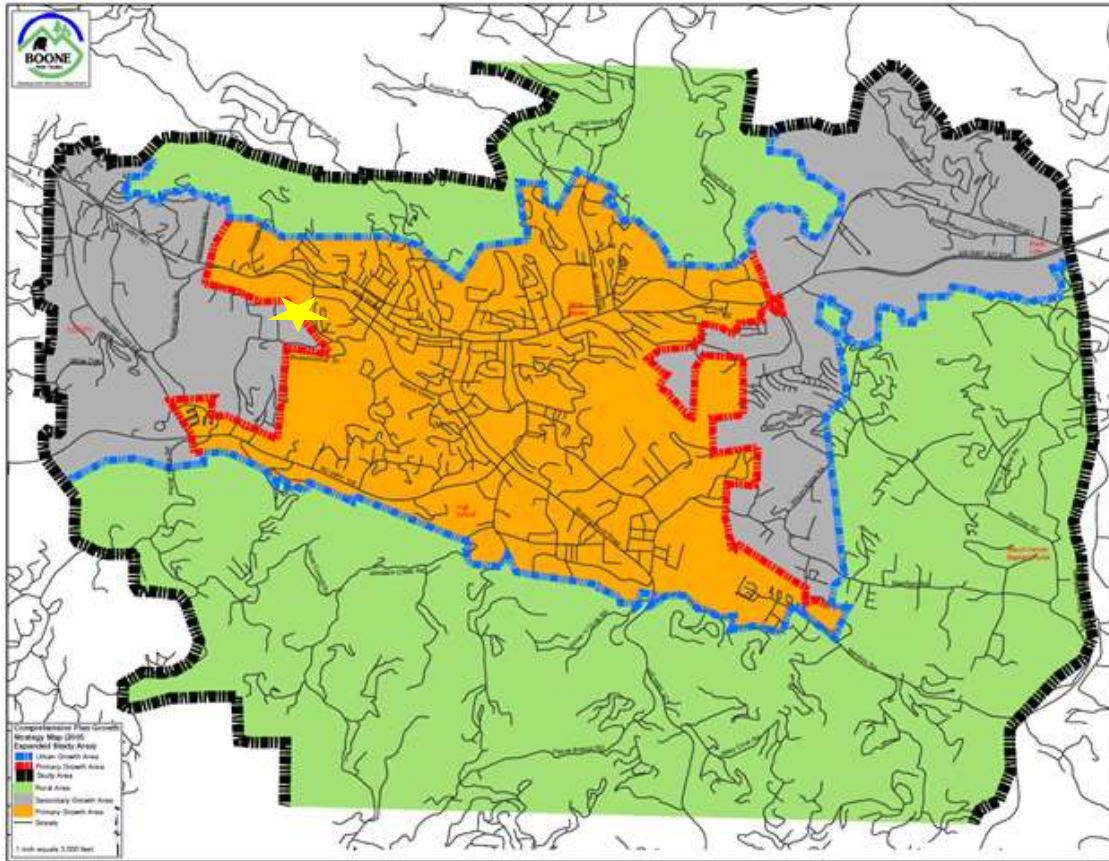
Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

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

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

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

1.2 GROWTH STRATEGY MAP (p. 17):



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

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

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

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

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

2.1 Economy (page 21)

2.1.1 Economic Development

- A.** The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy.
 - A.1** Continue to evaluate and amend development regulations to help insure aesthetic quality in the area and preserve the natural beauty of the area.
 - A.2** Adopt analytically sound, technically based hillside development regulations to preserve natural beauty.
 - A.3** Support the Arts Council, Jones House, ASU and others in attracting quality cultural events to Boone.
 - A.4** Balance the benefits of economic development projects with special concern for environmental quality issues.
- B.** New and expanding industries and businesses shall be encouraged which: 1) diversify the local economy, 2) train and use a skilled labor force and 3) increase area residents' incomes.
- C.** The Town shall encourage the development of a well-balanced tourism trade as a primary element of the area's economic future. Investments in services, facilities, and proper growth management shall be employed in furtherance of this objective.
- D.** Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.
 - D.1** Evaluate development regulations for amendments providing flexibility in the renovation and redevelopment of existing structures and sites.
 - D.2** Urge the resolution of the clean-up process of the 482 State Farm Road site so as to render the building suitable for use as soon as possible.
 - D.3** Pursue annually at least one joint public-private venture that will benefit the community at large.
- E.** The Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area's physical and human resources.
 - E.1** Continue to look for ways to make development regulations and permit procedures more predictable and timely. Evaluate opportunities for administrative review and permit issuance for development projects which, due to their small size or relatively minor impacts, may not require review by a formal public commission or board.
- F.** New firms and expanding businesses that complement the natural resources and beauty of the region shall be especially recruited and encouraged.
- G.** The Town shall support the development of new business parks.
 - G.1** Identify suitable property for possible business park development.
- H.** The Town shall promote coordination of economic development resources with the appropriate institutions and agencies. Regional coordination and interaction among areas with a shared economic interest shall be encouraged.

- H.1** Assist business recruitment and expansion efforts by providing demographic and market data and development information to potential developers and business prospects. Direct such interested parties, by referral through the Economic Development Director, to identified locations in the community.
- H.2** Include economic development as a specific point of discussion by the recently created Community Council.
- H.3** Continue to support the Economic Development Commission as the lead economic development agency in the county. Continue to support and work with the Committee of 100, Chamber of Commerce, Tourism Development Authority, High Country Host, Broyhill Institute for Business Development, High Country Council of Governments, Caldwell Community College and Technical Institute, JobLink and others on issues of economic benefit to the whole community.
- I.** Small business start-ups, expansions and spin-offs shall be encouraged. The presence of ASU and Caldwell Community College and Technical Institute shall be recognized as a necessary and important resource for area businesses.
- J.** Appropriate educational and training programs shall be encouraged to help local residents, especially those unemployed and underemployed, take advantage of business expansion and to develop new skills.
 - J.1** Encourage the growth of a student internship program between area businesses, ASU and Caldwell Community College and Technical Institute as a means of providing training for Boone area citizens.
 - J.2** Actively pursue workforce training through ASU and Caldwell Community College and Technical Institute to meet existing needs of current employers and make efforts to develop the skills necessary for higher paying jobs.
 - J.3** Support careers education programs in the public schools.
- K.** Boone shall identify and provide services consistent with the needs of the area's growing retiree population.
 - K.1** Support local agencies and institutions efforts in the development of programs and services providing for the needs of the growing retiree population.

2.1.2 Commercial Development (page 25)

- A.** Uncontrolled strip development along the areas through streets shall be prohibited. The undesirable effects of existing strip development shall be reduced and/or reconfigured when redevelopment opportunities permit. New strip development on isolated single lots along through streets shall be discouraged.
 - A.1** Review and revise the Town's driveway and parking standards to minimize driveway cuts and require that adjacent parking lots be connected.
- B.** Commercial and Office Development shall be encouraged to locate in planned shopping centers, office parks and mixed use developments to stop the proliferation of strip development.

- B.1** Review the Town's zoning text and map with the objective of reducing the negative impacts of typical commercial strip development.
- C.** Community/Commercial Centers shall be located adjacent to a major street and contain or be adjacent to other appropriate community facilities.
- D.** Automobile Orientated Neighborhood and Convenience Commercial Centers shall be encouraged to locate on a collector street or secondary street at its intersection with a major street.
- E.** Residentially scaled and designed neighborhood businesses may be a planned element of newly developed or redeveloped neighborhoods. They should be near other compatible facilities such as elementary schools and neighborhood parks.
- F.** Commercial uses may be encouraged to develop by consolidation and expansion of existing commercially zoned property, only when such consolidation and expansion does not encroach upon a viable residential area.
- G.** Effective buffering and/or landscaping shall be provided where a large scale or automobile-orientated commercial or office use adjoins an existing or planned residential use.
- H.** Encroachment of incompatibly scaled and designed commercial or office uses into viable existing or planned residential areas shall be prohibited.
 - H.1** Amend the zoning map to provide appropriate commercial zoning in transitional areas that do not encroach upon established residential neighborhoods.
- I.** Office and institutional development may be encouraged as a transitional land use between residential areas and higher intensity commercial activities.
- J.** Highway Oriented Commercial uses shall be clustered along segments of major streets and contain land uses which are mutually compatible and reinforcing in use and design. Businesses shall be encouraged to coordinate their site designs with other nearby businesses. Design factors shall include, at a minimum, shared parking and street access, convenient pedestrian and vehicular movement, and consistent sign standards.
 - J.1** Beyond the major corridor area consider the development of architectural design standards for commercial development throughout the Town's planning area.
 - J.2** Consider supplementing the highway corridor overlay district in the zoning ordinance to encourage commercial development to include: 1) attractive signage, and 2) build-to lines with parking in the rear.

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2.2 Infrastructure

2.2.2 Utilities (page 49)

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

- B.** Water and sewer services shall be concentrated within the limits of a geographically defined Urban Growth Area. The Primary Growth Area shall receive first priority for the provision or enhancement of water and sewer services.
 - B.1** Continue to monitor water consumption at the Boone Water Treatment Plan with an eye toward planning for expansion of the facility when appropriate.
- C.** The Town shall consider the highest level of participation in the cost of providing water and sewer services within the Primary Growth Area with the next highest level of participation considered for the Secondary Growth Area.
- D.** Water and sewer services shall not be extended to properties in the Rural Area (outside the Urban Growth Area). Exceptions to this policy may include the provision of services to other local governments, cooperative agreements on major economic development initiatives, and extensions needed to address imminent public health problems or related environmental hazards.
 - D.1** Establish revised written water and sewer service extension policies consistent with the designated growth area on the Growth Strategy Map of this plan. Coordinate with the County in assessing water and sewer needs in the areas of the county that are already facing significant development pressures, and that are supportive of an organized, planned growth strategy.
- E.** The Town shall employ incentives to encourage a concentration of intense urban type development within the Urban Growth Area.
 - E.1** Establish an incentive program to encourage development within the Urban Growth Area.
- F.** Area-wide cooperation and support shall be sought in bringing in alternative utility services to the Boone Area.
 - F.1** Consider the establishment of an “Alternate Energy Commission” to address this and other energy issues on an on-going basis.
- G.** Long range planning for a possible stormwater collection and treatment system shall be supported, including the development of financial and regulatory strategies.
 - G.1** Prepare a community-wide stormwater management strategy to address the future implementation of NPDES Phase II program requirements.

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2.3 Community

2.3.2 Community Character (page 75)

- A.** The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area.
 - A.1** Conduct on-going assessments of critical locations in community deserving special attention by the zoning ordinance, in light of their high visibility, traffic impact, strategic location, or other unique features. Continue to encourage significant new public buildings and outdoor spaces to locate in these and other positions of visibility and strategic prominence. Encourage the private sector to do likewise.

- A.2** Seek out locations of historical merit in the community, and prepare an action plan for their enhancement, rehabilitation, or relocation as may be necessary.
- B.** Multiple and appropriate adaptive reuse of historic resources shall be encouraged.
 - B.1** Amend development regulations to offer flexibility for restoration and active use of historic structures and other resources.
- C.** Wise development of the tourism potential of the area's architectural, historic, scenic and natural resources shall be encouraged.
 - C.1** Consider the placement of public art at appropriate locations in downtown, including murals.
- D.** The destruction of significant architectural, historic, scenic, natural and archaeological resources in the planning area shall be discouraged.
 - D.1** Carefully scrutinize proposed road widening to ensure that such actions do not destroy community and neighborhood character.
 - D.2** Continue to support the Town's tree preservation standards. Evaluate the effectiveness of the tree regulations since their establishment and amend them as necessary.
- E.** New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town.

2.3.3 Housing & Neighborhoods (page 79)

- A.** The protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community.
 - A.1** As road widenings are proposed, carefully evaluate their potential impact on the integrity of residential areas, pedestrian-oriented commercial districts, and the ability of bicyclists and pedestrians to function in the affected area.
 - A.2** Prepare at least two neighborhood plans, working closely with neighborhood residents, and incorporating the full range of neighborhood issues to include: land use, traffic, housing, neighborhood business services, infrastructure improvements, parks and recreation needs, crime and safety.
 - A.3** Prepare a document readily accessible to the public that details residential zoning areas and the date on which each was implemented.
 - A.4** Establish a planning and development policy that protects older established residential neighborhoods from the negative effects of adjacent commercial development.
 - A.5** Establish a task force to determine how like communities successfully enforce their existing residential codes. Items requiring focused attention: Detailed analysis of implementation and enforcement. For example, penalties, personnel requirements, budget implications, long-term effect on town character and economic development.
 - A.6** Implement a residential zoning enforcement policy based on the task force analysis above.

- B.** Street system designs which discourage through traffic on purely local streets while allowing for free circulation within the neighborhood shall be encouraged.
 - B.1** Update the Town's standards for subdivision street layouts, emphasizing circulation between neighborhoods and the ability of pedestrians and bicyclists to travel on back streets throughout the town.
 - B.2** To the extent federal and state funding programs will allow, seek and apply for at least one grant to provide for bicycle paths to connect residential areas with commercial and university districts.
- C.** Proposed residential development which would expose residents to harmful effects of incompatible development or to environmental hazards shall be prohibited.
 - C.1** Amend the zoning map and development regulations to prevent residential uses from locating adjacent to existing developments and other uses which may have characteristics which cannot be effectively mitigated.
- D.** Innovative and flexible land planning and development practices shall be encouraged to create livable developments which better safeguard land, water, energy and historic resources.
 - D.1** Continue to evaluate opportunities in the zoning ordinance for flexibly designed and located single-family and multi-family residential developments.
 - D.2** Establish ongoing relationships with ASU's departments of Geography and Planning, Appropriate Technology, and Sustainable Development to develop, enhance, and implement efforts toward creating affordable housing, appropriate infill development, neighborhood livability standards, and design standards for multi-family development. This should include attention to lighting, bike and pedestrian pathways, and federal, state, and local funding sources.
- E.** Factors in determining preferred locations for high density residential development shall include: close proximity to the university, employment or shopping centers; access to major thoroughfares and the transit system; the availability of public services and facilities; and compatibility with adjacent land uses.
 - E.1** Review the zoning ordinance for the appropriate placement of high density housing near urban activity centers that are coordinated with transit system stops.
- F.** The affordable housing needs of area residents, particularly elderly and low to moderate income residents, shall be recognized in Town policies and actions regarding residential development.
 - F.1** To the extent the federal and state funding programs will allow, seek and apply for at least one grant to provide for low to moderate income housing.
- G.** Compact, full service neighborhoods, offering opportunities for living, working, shopping, and gathering places, shall be encouraged in newly planned developments, as well as for redeveloping areas.
- H.** The overall housing unit density for proposed infill residential development or redevelopment should be compatible with the average density of existing areas.

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Certificate of Mailing

I, Brenda Henson, certify that individual notices meeting the requirements of Article 9 of the Town of Boone UDO were placed in the mail (first class) on August 4, 2020.

/s/ Brenda Henson

Brenda Henson, Administrative Support Specialist

Certification of Posting

I, Darrell Pulliam, certify that the subject property was posted as required in Article 9, Subsection 9.03.03(B)(2) of the Town of Boone UDO on August 4, 2020.

/s/ Darrell Pulliam

Darrell Pulliam, Building Inspector

General Use Zoning Map Amendment Guidance

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

PLANNING BOARD REPORT

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

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

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

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

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

TOWN COUNCIL ACTION

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

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

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

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

**PUBLIC HEARING MINUTES
MONDAY, JUNE 22, 2020, 6:00 P.M.
WebEx, Video Conferencing Software**

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

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

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections and Marlene Crosby-Board Secretary

OTHERS PRESENT: John Ward-Town Manager, Allison Meade-Town Attorney, Rick Miller-Director of Public Works and Anna Twigg-Town Manager Intern

CALL TO ORDER

Mayor Brantz called the Town Council to order at 6:05 p.m.

Chairman Shay called the Planning Commission to order at 6:05 p.m.

Adoption of Agenda

Mayor Pro-Tem Clawson made a motion, seconded by Council Member Furgiuele to amend the agenda to add possible discussion on a Resolution Requesting Changes to State Law Relative to the Rights of Tenants.

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

Approval of Meeting Minutes

Council Member Furgiuele made a motion, seconded by Mayor Pro-Tem Clawson to approve the January 27, 2020 public hearing minutes as written.

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

Planning Commission Vice-Chairperson Plaag made a motion, seconded by Planning Commission Member Behrend to approve the January 27, 2020 public hearing minutes as written.

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

Case PL03541-013120 & Case PL03608-022820 ASU Child Development Center – General Use Zoning Map Amendments

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

Case PL03541-013120 Information: The Board of Trustees of the Endowment Fund of Appalachian State University has requested a General Use Zoning Map Amendment for 1.61 acres of property located at or

near 538 Poplar Grove Road (Watauga County PINs: 2900-58-7299-000 and 2900-58-6723-000) to rezone portions of the properties from R1 Single-Family Residential to E1 Educational District.

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

Ms. Jane Shook, Director of Planning and Inspections presented this case as outlined in the meeting packet as follows:

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

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

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

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

Ms. Shook led Council and the Planning Commission through the Staff Report for the case.

Ms. Shook said that Mr. Rick Miller, Director of Public Works Department is attending this meeting via phone, if anyone has questions. She pointed out that there is an attached memo in the meeting packet from Mr. Mike Trivette, Utility Services Technician regarding the property located at 538 Poplar Grove Rd.

She noted that under Use 9.0 Education, Use 9.01 and Use 9.02 Public colleges and universities that a special use permit would be required, if a 200 ft. Transitional Zone is triggered in the E1 zoning district.

Mr. Matt Dull from Appalachian State University stated that the University is excited to expand their existing child development center. He said there is a significant need for additional child care spaces both on the University campus and in the community. He said that child care is one of the highest concerns for their faculty and staff that are moving to Boone. He said the existing child care center serves 68 children and the proposed expansion would add 54 more spaces and there would be some limited number of community spaces available. He said the proposed addition would allow for a single-story, 5,000 square

foot building that would be adjacent to the existing structure. He said the expansion would include the expanding of the playground, widen and improve the existing road that accesses the child care center, will facilitate better traffic flow, include drop-off and pick-up zones, add an additional storm water retention system on the site, addition of sidewalks along Poplar Grove Road, Appalcart pull off, and will bury some of the over ground utilities that serves some of the neighbors. He said the University is only wanting to expand the number of childcare slots available for the community and they would like to annex into the Town to use Town utilities.

Planning Commission Vice-Chairperson Plaag asked Ms. Shook how long has the existing parcel that has the child care center on it been zoned R1. She said she did not have that information available, she said Staff would have to research it. She said that she thought that zoning designation has been in place for a while. She said that it could have been a permitted use at one time but is no longer a permitted use.

Planning Commission Vice-Chairman Plaag pointed out that the driveway for the parcel that will remain that is still zoned R1 and the only street footage to access a Town street is 22.08 feet long whereas the R1 requires a 56 foot street footage for any Town lot. Ms. Shook reviewed the survey and noted that while the property is required to have street frontage that the street frontage does not have to be on a street in the corporate limits. Discussion ensued regarding the street frontage regulation. Planning Commission Vice-Chair Plaag noted a concern that the University could potentially sell off a section of their property and then the zoning of that property will continue to allow for the 22.08 foot street footage because the Town can no longer mandate that there be any other street frontage on that lot.

Ms. Allison Meade, Town Attorney explained that the triangle outlined in green that is in the Town limits is not a separate lot and the area of property in the triangle does not have to meet Town requirements in of itself, but that the whole parcel would be reviewed for compliance. She said there is an agreement between the Town and County about cross jurisdictional parcels and that if the University did come in, subsequently, and tried to divide off the triangle of property that is in the corporate limit and create that triangular lot, they would not be given permits to development if they make it non-conforming. She said that development rights are permitted to some non-conforming lots but they have to date back to a certain time.

Planning Commission Chairman Plaag confirmed that the Grandview Heights area is a Neighborhood Conservation District. He was concerned for the increase in traffic from the child care center and possible problems with traffic backing up onto Poplar Grove Road. He asked in general about the plans that the University has to accommodate the said concerns. Ms. Meade explained that during a general use rezoning, the details of site specific plans are not to be considered in the decision making.

Council Member Furguele asked Ms. Shook if the request just constitutes an expansion of the University campus and anything that is on campus and any use that is allowed by the University other than dormitories under this designation. Ms. Shook said this is correct. He talked about the neighbors that live in the Kalmia area. He noted that they voiced their concerns about a cottage development that had been proposed in the past. He asked if these specific people had been notified of these zoning requests. Ms. Shook said that all property owners within 150 feet of both parcel boundaries as they exist now received notification. Ms. Shook pointed out that a neighbor had indicated they would like to speak during public comment. Mr. Matthew Dull noted that the University reached out to the same neighbors by phone calls and some type of mailers. Mr. Dull said that Mr. and Mrs. Combs came to the event held by the University in the neighborhood and they did review the proposed plans for these zoning application requests. Council Member Furguele pointed out that the Town has no control over what University uses

are made of this property in the future, if there is a general use rezoning. Ms. Shook said if the University does anything within 200 feet of a protected district, it will trigger a transitional zone for the remaining property located across the street. Council Member Furguele asked if the University had an opportunity to request conditional district zoning and Ms. Shook noted that Staff had discussed this issue with the applicant and that the University choose to move forward with the General Use Zoning Map Amendment request instead.

Discussion ensued on transitional zones. Ms. Meade asked Ms. Shook to explain the reference to the transitional zones in the Staff report. Ms. Shook said per the current ordinance language, the applicant would be required to apply for a special use permit for any proposed development on the property if a transitional zone is triggered.

Council Member LaPlaca asked Mr. Matthew Dull from Appalachian State University, if approved, will the proposed expansion of the child care center fulfill the need that the University has for child care. Mr. Dull said it would probably not meet the need for the University or the community because there is a very significant need for child care in the High Country. He said that they have a waiting list that has about 100 children on it waiting for child care options on campus. He reiterated that the proposed expansion will accommodate about 54 more children but they are in the design process and this number could change.

Planning Commission Vice-Chairman Plaag asked Ms. Meade based on the guidance for general use zoning map amendments, if questions about the need for the proposed child care center expansion are irrelevant to the consideration of the review of the cases. Ms. Meade said yes.

Mayor Brantz asked Mr. Dull about the timeframe for developing the child care center, if the proposed requests are approved. Mr. Dull said there would be approximately a six to eight month construction window after all of the Town permitting processes are completed. He said that construction could start in October or November 2020 and continue through the spring semester into early summer of 2021.

Mayor Pro-Tem Clawson asked Mr. Dull if the child care center will serve the community or only children associated with the University. He said it will primarily serve children associated with the University; but there will be some child care spaces for the community, especially, for some pre-school age children. He said that they currently have children from the community in the child care center now.

Planning Commission Member Adam Zebzda said that he heard Council Member Furguele say that the University declined to apply for a conditional district application. He said why did the University not choose to follow the conditional district process but they proposed to rezone the whole property to E1. He said at the moment, he would be hesitant to eliminate the opportunity for housing anywhere in Boone. Ms. Meade noted that Planning Commission Member Adam Zebzda is raising two questions in his discussion of these proposed cases. She explained that the E1 use allows all University uses except housing. She explained that the University does not intend to put in dormitory-style housing. She pointed out the University knows that there would be most likely opposition from Council to allowing a dormitory-style or other housing use on the property. She explained that the University has chosen the more narrow use category that still meets their needs. She explained that conditional district application would require a formal site specific development plan along with the request for the E1 zoning. She explained that in the past Council Member Furguele had noted that he would prefer that the University apply for a conditional district application with a site specific plan. She noted that Council Member Furguele had expressed that he is uncomfortable with a general use rezoning that would allow any type of use other than the residential use in the future. She also explained that the University decided as a matter of policy they

would not seek conditional district rezoning because they would have to go through a special process that involves the Council of State. She said because of this process the University has repeatedly declined the conditional district process of which some of the Council members would prefer that the University go through.

Public Comment

Mr. Brady Combs and Mrs. Austin Combs gave their public comment regarding these proposed cases. Mr. Combs said that he and his wife live at 592 Poplar Grove Road. He said that they are in favor of the proposed cases. He said that both the Town and University had notified him and his wife of the proposed general use rezoning cases. He said they did attend the neighborhood meeting.

Mrs. Combs noted that the current traffic flow from the child care center has been before 8:00 a.m. and after 5:00 p.m. She said that she does not see traffic issues and does not for see any traffic issues in the future with the proposed cases. Mr. Combs said there is a lot of foot traffic on Popular Grove Road and the proposed sidewalks will improve pedestrian safety. Mr. Combs liked the idea of proposed plantings along the property line because they would help shelter his property from the road from the proposed development. Ms. Combs said the child care center have been good neighbors. She said that she supports the possibly of the expansion of the child care center because it would help the community as a whole with their child care needs.

Council Member Furguele asked Mr. and Mrs. Combs, if they would have the same level of enthusiasm if ten years from now if the University instead wanted to build a 67 foot classroom building on this property. He further explained that the University would have the freedom to do other types of developments. Mr. Combs responded and said that he would have to consider any future proposed projects at that future time. Mr. Combs added that because of the current setbacks language in the Unified Development Ordinance future developments do not concern him at this time. Mrs. Combs agreed with Mr. Combs.

With no further questions or comments, Mayor Brantz closed the public hearing for this case.

Case PL03942-060520 Temporary Classrooms – UDO Text Amendment

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

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

Ms. Shook read aloud the proposed Ordinance Amendment. She pointed out that the ordinance currently allows for temporary classrooms. Ms. Shook explained that the Watauga Medical Center approached the Town regarding temporary classroom that they needed on Mary Street. She said that these temporary classrooms have been removed. She added that for four or five years Hardin Park School has needed temporary class rooms due to high student enrollments.

Ms. Shook reviewed the Table of Temporary Uses in Article 15.07.03. She said that temporary class rooms are allowed in the OI, B3 and E3 districts. She explained what the E3 zoning district is for elementary and

high schools. She said if these type schools would want to do more development, it could only be done in these zoning districts.

Ms. Shook reviewed Article 15.69 Temporary Uses, Article 15.69.01 General Regulations and noted there were no proposed text changes to this subsection.

Ms. Shook reviewed the proposed changes in Article 15.69.06 Temporary Classroom as detailed in the Staff Report. She noted the exemption for meeting the requirements of the Community Appearance Standards and the change in the length of time for the temporary use to ten years.

Mayor Brantz asked Ms. Shook why the permit shall be valid for ten (10) years from the date of issuance. Ms. Shook said that when the Council gave direction to move forward with this proposed text, the Staff was not given a specific timeframe. She said the school had told the Staff that they were seven to ten years out in their planning efforts. She said this is why Staff proposed ten years.

Planning Commission Vice-Chairman Plaag talked about his concern in Article 15.69.06 regarding the proposed change from three (3) to ten (10) years that a permit shall be valid for from the date of issuance. He talked about the stated goal of the school system that led this request to the public hearing process which is to move away from temporary structures and move towards an expansion that will more appropriately accommodate children at the school. He said he was concerned for extending the length of this permit for such a long time. He said it would take away any incentive from a permitting and administrative process and pushing the school system to make changes at the school. He said that he is also concerned about other areas that do not have temporary classrooms and it gets approved for ten years and in five years or one year into the issued permit you have neighborhoods that are adjacent to that school expressing concerns about noise by the outside temporary classrooms. Ms. Shook said for Hardin Park Elementary School there is a limiting factor which is one temporary classroom for every five acres. She said the ordinance requires that they place them to minimize the impacts to adjacent property owners. She said that Hardin Park Elementary School worked with Staff to find a location that met their needs and the requirements of the ordinance. She said based on their acreage, they have room for only one more structure. She said they are limited on where they can put a structure and the structure would take up the space of any outdoor recreation facility at the school.

Planning Commission Vice-Chair Plaag asked Ms. Shook if there was a specific reason for extending validity of the permit from three to ten years either to this case or to another school in our community. Ms. Shook explained that the planning and funding process for a new school or a renovation of the existing school takes a while to achieve. She said that she chose ten years because of the information that was presented to Staff from the school system. Mr. John Ward, Town Manager agreed that Ms. Shook was correct with using the ten years based off the information from the school system. Mr. Ward further added that the need for more space is not going to go away but potentially increase and it will be limited by the number of structures per acre.

Mayor Brantz asked Ms. Shook if there are special maintenance rules that accompany these temporary classrooms. He pointed out if the temporary class rooms are just sitting without use, they could deteriorate. Ms. Shook said the temporary class rooms would have to meet the building code and any other codes that are applicable.

Mr. Ward noted that as part of the consideration of this case, he wanted to clarify that part of the reason for the extra need for space at Hardin Park Elementary School is because Hardin Park is the school in

Watauga County that accommodates most of the special needs. He said this has put the additional growth on said school.

Planning Commission Chairman Plaag asked Ms. Shook, if there was a mechanism for a solution that would specifically address the Hardin Park Elementary School need but would not affect the other use allowed. Ms. Shook referred to Article 15.69.06(H) and noted a solution could be made by limiting the temporary permits for classrooms for Use 11.23 Hospital for three (3) years and allow for the Use 9.05 for ten (10) years. He said that he would be more comfortable with this proposed solution.

Ms. Meade asked Ms. Shook, if there are other schools in the Town limits other than the Watauga High School and Hardin Park Elementary School. Ms. Shook said no other public schools. She noted that there are some small private schools and one of which is located in the Boone Methodist Church.

Council Member Hicks asked about the process for someone coming back to the Town after the three (3) or ten year (10) period has ended, what is the process to extend the period of time. Ms. Shook referred noted that a process for an extension is outlined in the text.

Ms. Meade pointed out a proposed change to the text in Article 15.69.06 Temporary Classroom, in the first line she suggested changing the word “school” to “classroom use.”

With no further questions or comments, Mayor Brantz closed the public hearing for this case at 7:19 p.m.

OTHER MATTERS

Resolution Requesting Changes to State Law Relative to the Rights of Tenants

Council Member Furguele explained that there was no substantive change to the resolution other than what was presented at the last Council meeting which included the proposed changes by Council Member Hicks regarding 5.b. disclosure of the type of flood zone that a property is in and 5.c. the category of the flood zone may not accurately reflect the frequency of the actual flooding that takes place.

Motion and Vote:

Council Member Furguele made a motion, seconded by Council Member Hicks to adopt the Resolution Requesting Changes to State Law Relative to the Rights of Tenants as presented.

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

ADJOURNMENT OF TOWN COUNCIL

Mayor Pro-Tem Clawson made a motion for Town Council to adjourn at 7:22 p.m. The motion was seconded by Council Member LaPlaca.

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

Rennie Brantz, Mayor

Marlene Crosby, Board Secretary

Elizabeth Shay, Planning Commission Chairperson

Continuation of Planning Commission Meeting

Chairperson Shay called a break in the Planning Commission meeting from 7:23 p.m. until 7:30 p.m.

Chairperson Shay called the meeting to order at 7:30 p.m.

Chairperson Shay welcomed new Planning Commission Member Adam Zebzda.

Approval of Meeting Minutes

Member Behrend made a motion, seconded by Vice-Chairman Plaag to approve the September 23, 2019 meeting minutes as written.

Vote: Aye – All
Nay – None

The motion passed.

Member Behrend made a motion, seconded by Vice-Chairman Plaag to approve the October 28, 2019 meeting minutes as amended.

Vote: Aye – All
Nay – None

The motion passed.

Case PL03541-03120 & PL03608-022820 ASU Child Development Center -General Use Zoning Map Amendments

Member Veno asked for clarification on the Poplar Grove Road being in the corporate Town limits. Ms. Jane Shook, Director of Planning and Inspections explained that a portion of Popular Grove Road which is a state maintained road goes through the corporate limits and it continues on outside of the corporate limits.

Vice-Chairman Plaag said that he had concern for the non-conforming use at the site for the R1 zoned lot. He said you have a child care center there as an E1 use in an R1 zoning district. He said that this could be argued that this was an error by the Town in allowing this zoning classification to the property with a non-conforming use. He said also that the University who owned the property decided to use it for the E1 use without going through the Town for approval. He further explained that the University now needs to rezone the property to be able to expand it; because of the non-conforming use. He said that he agrees with Council Member Furguele's concerns of the other things that would be allowed on this site like an academic building, parking deck or tennis courts allowed with the E1 use. He noted that a dormitory could not be built on this site. He said he is also concerned that the proposed expansion is located across the street from a protected Neighborhood Conservation District and surrounded by almost entirely R1 properties.

Chairman Shay asked Ms. Shook about the comment that was made in the public hearing for this case regarding how either the University system or Appalachian State University would not commit to the conditional district process. Ms. Shook stated that this question would have been good to have been asked during the public hearing. She said that when Council had asked this question, the response has

been that Appalachian State University has declined to pursue the process. She said she was not sure if it is University issue system wide. She said that comments have been made that no other Universities have been subject to a conditional district process.

Chairman Shay noted that she agrees that additional child care is needed in Boone. She said that she appreciated the comments made by Mr. and Mrs. Combs that were made in the public hearing as it related to additional child care spaces would be available for people that are traveling in our community.

Member Hedrick noted that he agreed with Council Member Furgiuele and Vice-Chairperson Plaag regarding their concerns for the broad scope of the E1 use.

Member Veno noted that he agrees with the concerns that Vice-Chairman Plaag voiced in this meeting. He said that he likes what is being requested but is concerned with the broad scope for the E1 use. He said as far as making recommendations what are the alternatives. He said that he believes that an alternative for the University would be the conditional district application process. Ms. Shook explained that they have to annex the property and concurrently get zoned in order to receive Town services. She also explained that the property has to be zoned appropriately for what the University wants to do whether it be a general use rezoning or a conditional district rezoning. She said it is up to the applicant on which type of application they want to submit to the Town. She told Member Veno that overall the Planning Commission has the ability in the case of the general use district to recommend approval or denial. She added that it does not prohibit the Planning Commission from sending recommendations to Council.

Member Behrend said that she does understand what can happen with E1 use. She noted that she likes the whole idea of what is being proposed for the expansion of the child care center. She also said that she likes the University is being considerate of the neighbors. She said that she supports the E1 use on the property.

Vice-Chairman Plaag said he is not opposed to child care and neither does he think that Council Member Furgiuele, Members Hedrick or Veno are opposed to child care. He said the Planning Commission is not to consider what the proposed specific site use is for the property. He said the Planning Commission should only consider the proposed uses listed under that zoning classification that is being requested. He explained that with an approved E1 use, the University can come to the Town and say they have changed their minds and say they are moving their child care center to another place on campus and put a large academic tower on that property and there is nothing that can stop the University under this specific request. He suggested that the Planning Commission members not be swayed by the need for child care because the Planning Commission should not be considering this topic in reviewing these cases.

Member Zebzda asked if the Planning Commission could recommend keeping the current parcel R1 and rezoning the other parcel to R1 as well. He said that he did not understand the request if the child care facility is doing well now how would rezoning to an E1 use change it. Ms. Shook further explained that when the Council approved these cases to be heard at a public hearing the E1 was the only zoning district under consideration. She said the choices for the University to request a zoning change that would allow them to operate is either U1 or E1.

Chairman Shay asked Ms. Shook is there another zoning district that could have been requested by the University and keep all the goals that have been discussed. Ms. Shook said the only zoning district choices

that the University has is either U1 or E1 and that the two process options are general use or conditional district zoning map amendments.

Member Tippet said that he agrees that there is a need for additional child care. He said that he knows that things can change five to ten years or even six months from now. He said he was not comfortable with the potential impact of the broad scope of uses that the E1 allows. He said the conditional district does sound like a better option for the University to follow to get what they need in the rezoning of the property.

Member Zebzda said he agrees with Member Tippet on the University requesting the conditional district process.

Chairman Shay asked Ms. Shook about the outcome of other University rezoning requests. Ms. Shook said one of the more recent University rezoning requests was the Watauga High School property with a request for E1. She said it was approved with some discussion on the potential to use the conditional district process at that time. She said another request was approved for U1 for the former First Presbyterian site adjacent to campus.

Vice-Chairman Plaag noted his concerns that the University does not always follow through with what they had committed to. He said on the Walker Space case the University agreed that they would not teach classes in that space and less than one year later, they were advertising on their website and doing interviews saying that this is a Walker Experience building where we offer classes on how to be better business people. He said this is a recent example of why he is concerned with the E1 district. He said at this point in time, he has little trust in the representations that are made by the University when changes or exceptions are requested by the University.

Ms. Shook shared her experience regarding the Walker Space case. She said that the communication between the University and the Town has changed over the last four to five years than how it worked in the past. She feels that there has been better open communication between the Planning and Inspections Department and the people in the University construction department. She said there was some growing pains but the University is working harder to ensure better communication.

Ms. Shook reviewed the General Use Zoning Map Amendment Guidance located on page 45 of the meeting packet. She noted that the decision that the Planning Commission makes will be sent to Council with any recommendations.

First Motion and Vote

Vice-Chairman Plaag made a motion, seconded by Member Zebzda that the proposed amendments to the Town's zoning map are not consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because the proposed amendment is not keeping with comprehensive plan:

2.1.2 Commercial Development

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

2.3.2 Community Character

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

2.3.3 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.

Vote: Aye – All
Nay – None

The motion passed.

Second Motion and Vote:

Vice-Chairman Plaag made a motion, seconded by Member Hedrick that the Planning Commission recommends denial of the proposed amendment to the Town's Zoning map and believes denial is reasonable and in the public interest because E1 zoning classification for the proposed parcel is not appropriate to the surrounding properties considering that there is a neighborhood conservation district located directly across the street. All of the parcels surrounding the proposed amendment changes are either family residences that are currently zoned R1 or during the period of the ETJ were zoned R1 with the exception of two R3 parcels that are located just to the southeast.

Vote: Aye – All
Nay – None

The motion passed.

Friendly Amendment: Member Zebzda asked if he could add that the E1 use is too broad of a zoning classification given the surrounding parcels. Vice-Chairman Plaag and Member Zebzda accepted this friendly amendment.

Ms. Shook confirmed that there was consensus of the Planning Commission members regarding reviewing a possible conditional district zoning application for these specific use.

Chairman Shay and Vice-Chairman Plaag wanted it noted on record that they are not against child care.

Case PL03942-060520 Temporary Classrooms – UDO Text Amendment

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

Ms. Shook reviewed the proposed changes to the text that occurred in the public hearing regarding Article 15.69.06 Temporary Classroom. The first sentence would read: A temporary structure serving as expansion space for classrooms may be permitted as a temporary use to Use 9.5 Elementary School and Use 11.23 Hospital subject to the following conditions. In Article 15.69.06(H), "The permit shall be valid from the date of issuance for three (3) years for Use 11.23 Hospitals and ten (10) years for Use 9.05 Elementary School."

Member Veno said that he agrees with the proposed changes to Article 15.69.06(H). Temporary Class Room.

Vice-Chairman Plaag confirmed with Ms. Shook that there is only one elementary school currently that is in the Town limits that is able to employ temporary classrooms. Ms. Shook said that is correct. She said the only other elementary school is a private school that is Grace Academy located at Boone United

Methodist Church. She said that Grace Academy has a special use permit that restricts or limits the occupancy of the portion of church.

First Motion and Vote:

Member Tippet made a motion, seconded by Member Hedrick that the proposed amendment to the Town's zoning ordinance is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because it complies with:

Comprehensive Plan Policy 2.1.1 Economic Development Sections A, B, C, D, E, F, G, H, I, J, and K.

Comprehensive Plan Economic Development Plan Policy

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.

Vice-Chairman Plaag asked how all of the Economic Development sections listed above apply to the school use. Member Tippet said that the Staff had recommended these sections in the Staff report. Member Tippet agreed that some of these sections may not apply to the school and welcomed a friendly amendment.

Vice-Chairman Plaag recommended as friendly amendment to choose Economic Development 2.3.

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.

Vice-Chairman Plaag explained his reasoning for a proposed change to a town rule to accommodate a County need which goes along with the inter-governmental co-operation for allowing these temporary structures to be on site for longer than they would be. Member Veno agreed with Vice-Chairman Plaag's reasoning on this topic. Member Veno noted that he reviewed the Economic Development Plan and he did not see a supporting policy that would fit this proposed text amendment.

Ms. Shook explained why the Staff included the Economic Development sections in the Staff Report. She said it is because it helps to see all of the policy sections rather than just a single section, when making proposed recommendations.

Chairman Shay said that she understands the Economic Development connection to the proposed cases and she agrees with Vice-Chairman Plaag's reasoning on this topic.

Member Tippet asked Vice-Chairman Plaag, if he agreed with including 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. He did not support including A.1 in the motion, and he said that he was concerned with one of the proposed changes which is one of the buildings will not be subject to the design standards which seems to be contradictory to A.1

Vice-Chairman Plaag noted that he agreed with including E.1 in the motion.

Member Tippet accepted the friendly amendment from Vice-Chairman Plaag for this motion to include only Economic Development 2.3(D and 2.1.1(E.1.) Member Hedrick accepted this friendly amendment.

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

Second Motion and Vote:

Member Tippet made a motion, seconded by Member Zebzda that the Planning Commission recommends approval of the proposed amendment to the Town's Zoning ordinance and believes approval is reasonable and in the public interest because of the proposed revisions to UDO Section 15.69.06 Temporary Classrooms which to change the "space to schools" to "space for classroom use" and the change to UDO Section 15.69.06 (H) Temporary Classrooms change the "permit shall be valid for (3) years for Use 11.23 Hospitals and the permit shall be valid for (10) years for Use 9.05 Elementary Schools.

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

OTHER MATTERS

Member Hedrick said his term is expiring for the Planning Commission and he would not be able to re-apply for a position on the Commission at this time due to personal reasons. He noted that he would be interested in serving on the Commission in the future.

Ms. Shook noted that the next public hearing would be on July 27, 2020.

ADJOURNMENT OF PLANNING COMMISSION

Member Behrend made a motion, seconded by Vice-Chairperson Plaag to adjourn the meeting at 8:42 p.m.

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

Elizabeth Shay, Planning Commission Chairperson

Marlene Crosby, Board Secretary

**PUBLIC HEARING MINUTES
MONDAY, JULY 27, 2020, 6:00 P.M.
VIA WEBEX SOFTWARE**

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

PLANNING COMMISSION MEMBERS: Elizabeth Shay-Chair, Eric Plaag-Vice Chair, Frank Venio, Chris Behrend, John Tippet, and Adam Zebzda

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

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

Call to Order

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

Chair Shay called the Planning Commission to order at 6:03 p.m.

Approval of Meeting Minutes

Mayor Pro Tem Clawson made a motion to approve the June 22, 2020 Public Hearing minutes as written. The motion was seconded by Council Member LaPlaca.

Vote: Aye – All
Nay – None

The motion passed.

Commission Member Tippet made a motion to approve the June 22, 2020 Public Hearing minutes as written. The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed.

General Guidelines for Each Case Presented at Public Hearing

Ms. Shook read the guidelines that are to be followed during public hearing cases.

Ms. Meade added that, due to COVID 19, the public could offer written public comment up to 24 hours after the public hearing concluded.

Case PL03943-060520 & PL03944-060520 Clawson – General Use Zoning Map Amendments

Case PL03943-060520 Information: Wayne Clawson has requested a General Use Zoning Map Amendment for property located at 146 Clawson Street (Watauga County PIN: 2910-69-1946-000) to rezone the property from R1 Single Family Residential to R3 Multiple-Family Residential.

Case PL03944-060520 Information: Wayne Clawson, Trustee for the Christopher Clawson Trust Boone has requested a General Use Zoning Map Amendment for property located at 170 Clawson Street (Watauga County PIN: 291160-2149-000) to rezone the portion of the property zoned MH Manufactured Home Park to R3 Multiple-Family Residential.

Ms. Shook reviewed the request as it was outlined in the meeting packet. She introduced Ham Wilson, attorney for the applicant.

Mr. Wilson noted that he represented Wayne Clawson and the Christopher Clawson Trust. He explained that 170 Clawson Street was currently zoned MH Manufactured Housing and 146 Clawson Street was zoned R1 Single Family Residential and they were requesting that both properties be rezoned to R3 Multiple Family Residential. Mr. Wilson noted that the properties were surrounded by apartments and commercial uses. He stated the properties were located within a Primary Growth Area and the request was in keeping with the goals of the Comprehensive Plan.

Ms. Shook noted that Mr. Wayne Clawson had joined the meeting.

Vice Chair Plaag referred to page 29 of the meeting packet and pointed out that the staff report indicated the requested rezoning was to E1 Educational. Ms. Shook apologized for the mistake, noting the report should have shown the requested rezoning to be to R3 Multiple Family Residential. Vice Chair Plaag mentioned the 2012 rezoning of adjacent property and asked if 170 Clawson Street contained a single family home. Ms. Shook replied that the property was zoned MH but had a single family home on it. Vice Chair Plaag noted that R3 parcels were required to have a minimum land area of 20,000 sq. ft. and 146 Clawson Street had only 15,800 sq. ft. Ms. Shook stated that was correct, noting the property would have to be combined with another R3 lot in order to develop it. Vice Chair Plaag asked if the applicant was offered the opportunity to seek a Conditional District. Ms. Shook replied that the different rezoning options were always discussed with applicants.

Council Member Ulmer asked if there was a mobile on the 170 Clawson Street property. Ms. Shook explained that 170 Clawson Street contained a house that she thought the person who ran the Clawson Mobile Home Park may have lived in before the park property was sold and rezoned to CDR3 in 2012.

Council Member LaPlaca asked how long ago it had been since the mobile homes were located in the park. Ms. Shook thought the mobile homes were relocated in 2011 or 2012.

Mayor Brantz asked if a traffic study had been done for this request. Ms. Shook replied that there had not been and reminded everyone that this was a general use rezoning, not a site specific approval.

Council Member Hicks asked what the current use of the property was and Ms. Shook replied that both properties contained single family homes. Ms. Shook went on to explain that, after the properties were rezoned, any development would have to apply for permits through the Town.

Commission Member Veno asked if it was the plan for these properties to dove-tail into the Watauga Green project. Ms. Shook replied that the current request was for a general use rezoning and any plans beyond that would have to come to the Town at a later date.

Vice Chair Plaag noted that churches, event venues, and recreational facilities were some uses that would be allowed in an R3 zoning district and expressed concern for the R1 zoned parcel to the right of 146 Clawson Street. Ms. Shook explained that the parcel to the right of 146 Clawson Street was split zoned R1 and R3 and contained two single family homes on the property.

Mayor Brantz asked if there were mostly multi-family uses in the area. Ms. Shook replied that Watauga Green and Meadow Hill were both multi-family uses in the area and noted there were also some single family homes on Perkinsville Drive and Perkins Street.

At 6:35 p.m. Mayor Brantz invited public comment.

Wayne Clawson, applicant and property owner, stated that 170 Clawson Street contained his mother's house. He stated that the house was there when the mobile home park started in 1964 and he felt that 170 Clawson Street was zoned MH Manufactured Home in error. Mr. Clawson explained that no one was living in the home at this time. He went on to say that 146 Clawson Street was his residence and he currently rented the house because he had moved into the county.

Commission Member Veno asked if neighboring properties were notified of the rezoning request. Ms. Shook responded that property owners located within 150' of the subject properties were notified by letter and a sign was posted on both properties.

Mayor Brantz asked what the timeframe was for construction on the properties. Ms. Shook replied that no site specific plans had been received for these properties. Ms. Meade reminded everyone that this was a request for a general use rezoning so they would need to consider all possible uses in an R3 instead of any type of perceived plans for the property.

Vice Chair Plaag expressed concern about removing the R1 designation from 146 Clawson Street and leaving the property to the right as an R1 island to itself.

Council Member Ulmer agreed with Vice Chair Plaag's concern.

Mr. Clawson stated that both his home and his mother's home had been used as rentals and so had the homes located next door. Council Member LaPlaca asked if the homes next door had been rented as multi-family use instead of single family use. Mr. Clawson was unsure and noted that the homes had been being used as rentals for at least 10 years. Ms. Shook explained that single family homes could be rented and still be single family uses. Vice Chairman Plaag added that more than two unrelated people would be non-conforming in the R1.

Council Member LaPlaca stated the request seemed acceptable to her and thanked Mr. Clawson for his input.

With no further questions or comments, Mayor Brantz closed the public hearing for this case at 6:47 p.m.

Case PL03979-061620 Watauga Medical Center – Conditional District Zoning Map Amendment

Maran Sigmon with Watauga Medical Center Inc. has requested a Conditional District Zoning Map Amendment to rezone the Watauga Medical Center campus (Watauga County PINs: 2910-71-6688-000, 2910-71-7264-000, 2910-70-6917-000, and a portion of 2910-70-7453-000) from O/I Office Institutional/B3 General Business to Conditional District O/I Office Institutional with a phased site specific development plan for Use 11.26 Hospital. The applicant has requested 5 year vesting.

Ms. Shook explained the request as it was outlined in the meeting packet. She noted there would be three phases permitted under the Conditional District approval, to include:

1. New Central Energy Plant for the campus
2. Sitework for future hospital expansion
3. Hospital expansion (new wing)

Ms. Shook stated the property was located in a WS-IV Watershed Area and appeared to meet the requirements for built-upon area. She explained that the scope of this project would trigger Tier 4, meaning the site would have to come into full compliance with UDO requirements, unless impossible. Ms. Shook noted that a photometric plan was submitted and appeared to be compliant, however the applicant still had to demonstrate compliance with lighting requirements for the parking deck. Sidewalks were shown on the plans, as well as a conceptual greenway along Deerfield Road and a Traffic Impact Analysis was provided.

Ms. Shook mentioned the Wellness District Small Area Plan. She stated it was adopted but after the College of Health Sciences was zoned Wellness District and standards adopted there was some concern from property owners in the area that the standards needed some revisions and those revisions have not yet taken place.

Jim Deal, attorney representing Watauga Medical Center, stated the hospital moved to this location and opened in 1967. He noted that the Comprehensive Plan cited Watauga Medical Center as being an integral part of the Town's assets.

Mr. Deal stated that the current Central Energy Plant was extremely outdated and could not handle a catastrophic failure. He noted the improvements to Johnson Street would provide better access to the homes there. Mr. Deal explained, when complete, there would likely be the same number of patient rooms but there would be a better, more state of the art facility. He stated they had conducted two neighborhood meetings, one in the fall and one on July 15, and had made some changes to their plans as a result. Mr. Deal stated the laydown area would be moved farther away from the homes and would be located closer to Deerfield Road. He explained that they were requesting a 5 year vesting period due to uncertain times but felt they would likely only take two years.

Mr. Deal introduced Christie Adams with McMillan, Pazdan, Smith Architecture. Ms. Adams stated that the expansion to the hospital would be approximately 93,000 sq. ft. and 60' tall and the Central Energy Plant would be approximately 10,000 sq. ft. and 39' tall. She noted the project would replace existing facilities, making them larger and more up to date. EIFS, brick, and stucco will be used on the exterior and the main and emergency department entrances will be relocated.

Council Member LaPlaca asked for the existing square footage of the hospital. Ms. Adams replied the hospital was currently 233,000 sq. ft. and they would be adding approximately 93,000 sq. ft. more with this project. Council Member LaPlaca asked if the Cancer Center would remain separate and Ms. Adams stated that it would.

Mayor Brantz asked if ICU units would be added. Ms. Adams explained that they would not be adding any beds but would be replacing the existing 10 ICU units. She noted that work would be done by right and was not part of the Conditional District request.

Vice Chair Plaag referred to a letter from Deron Geouque that indicated there had been an oil leak at the hospital. Greg Turner with Charlotte Engineers replied that above ground fuel tanks were being proposed. Vice Chair Plaag asked if there had been consideration for the use of solar arrays. Mr. Turner replied that the State had certain regulations that had to be met for energy use and they would be meeting those standards.

Vice Chair Plaag asked about the 10' multi-modal path along Johnson Street. Jeff Mangas with EMH&T replied that neighbors had concerns about the alignment of the path along Johnson Street so they were now proposing a 5' sidewalk on each side.

Vice Chair Plaag referred to the Traffic Impact Analysis that indicated there would be 3,288 trips and asked if that was one trip in and one trip out or if it was round trip. Frank Amenya with Davenport Engineering replied that the trip count reflected the number of trips in and the number of trips out so the number would need to be divided in order to get the round trip number. Vice Chair Plaag noted a loss of 34 parking spaces was shown while there was a projected increase in traffic. Mr. Mangas replied that some areas of the hospital would be decommissioned so there should be no significant impact on parking.

Mr. Mangas noted that Johnson Street would be relocated and would be available for residents to use before the signal was installed. He stated that the neighbors were concerned about the location of the laydown yard and they also did not want a 10' path going by their houses.

Vice Chair Plaag asked if the Edmisten house and barn would be demolished with this project. Mr. Mangas replied that the barn would be demolished but the house would not be demolished with this project. Vice Chair Plaag asked about the possibility of moving one or both of the structures off-site. Mr. Deal stated

that there had been some inquiries about that but no specific proposals had been received. He felt the hospital would welcome the idea of someone moving the barn.

Mr. Deal addressed transitional zone mitigations as outlined on page 119 of the meeting packet. He noted noise from the Central Energy Plant would be mitigated by a super low sound fan on the cooling towers and the relocation of the laydown area. Lighting would be mitigated by the use of full cut-off fixtures and a vegetative buffer. Traffic impacts would be mitigated by the re-routing of Johnson Street and installation of a traffic signal. Visual impacts would be mitigated by additional plantings and the location of the expansion. Health impacts would be mitigated with stormwater management and providing greater access to quality care.

Mr. Deal stated that the hospital had been working on this design for at least two years and he felt this would be an enhanced medical facility with improved flow into the area. He added that the project met the Wellness District guidelines and would not be out of character with the area. Mr. Deal noted that opinions of the neighborhood residents were taken into consideration before presenting the plan to Town Council and Planning Commission.

Council Member LaPlaca asked if the noise level from the new Central Energy Plant would be more or less than the current noise level. Mr. Turner replied that the noise would be less. Council Member LaPlaca asked if they would be adding megawatts. Mr. Turner stated that they would, noting they planned to remove two generators and add four.

Council Member LaPlaca referenced stormwater management and asked what would happen to the water. Mr. Mangas responded that there would be a dry basin to detain the water for slow release.

Commission Member Zebzda stated he appreciated what the hospital did for the community.

Council Member LaPlaca stated she had used the Cancer Center and felt it was a great facility with wonderful people.

Mayor Pro Tem Clawson asked if the hospital would be able to offer more services with the expansion so that people wouldn't have to travel to other areas for care. Mr. Deal replied that they would.

Mayor Brantz asked if helicopter service would continue and Mr. Deal stated that it would.

Vice Chair Plaag thanked everyone for a thorough presentation and asked if they would consider committing to a 10' easement along Deerfield Road for a greenway. Mr. Deal replied that they had already committed to providing a 10' easement in the Conditional District request.

Ms. Shook noted that during the public hearing was a good time to discuss any possible conditions so they could be discussed with the applicant. Ms. Shook referred to page 130 of the meeting packet where it stated "The permit issuing authority may allow or require the installation of a public greenway instead of sidewalk."

Vice Chair Plaag hoped the hospital would consider an adaptive reuse of the Edmisten house and suggested using it as a Hospice house.

Commission Member Zebzda asked if the hospital could submit documentation outlining how it could better invest in community health, noting there needed to be more availability of free care or care for low income people. Ms. Meade explained that conditions of approval should be limited to impacts of the actual development and felt Commission Member Zebzda's request would not be an appropriate condition.

Chuck Mantooth, President and CEO of Appalachian Regional Healthcare, noted that the hospital started High Country Community Health and supported free clinic. He indicated there were several other

programs offered and stated he would be happy to share those with Commission Member Zebzda at some other time.

Ms. Meade asked if a 10' greenway along Deerfield Road was shown on the site specific plan. Ms. Shook explained that conceptual greenway was shown on the plan but there did not appear to be a commitment to construct a greenway. Ms. Meade reiterated that the Town could require the installation of a greenway. Ms. Shook replied that the hospital was proposing to install a 5' sidewalk and reserve an easement for a greenway. Mr. Mangas indicated there was some significant terrain and felt the hospital would prefer to just provide an easement at this time. Mr. Ward asked if the easement would be parallel to the 5' sidewalk and Mr. Mangas replied that it would.

Ms. Shook suggested that the applicant could install a 5' sidewalk and work with the Town to come up with a solution regarding the greenway or the applicant could install a 10' greenway in lieu of a sidewalk. Ms. Shook asked for Public Works' opinion. Justin Stines, Facilities Maintenance Superintendent, stated he was not sure it made sense to have a 5' sidewalk with a greenway beside it.

Mr. Deal stated they would accept a condition to work with the town for the best plan regarding the sidewalk and greenway. Ms. Meade felt that a more specific condition was needed, especially if there would be cost sharing between the hospital and the Town. Mr. Ward stated he would prefer a 10' path instead of a 5' sidewalk.

Ms. Shook referred to the staff recommended conditions located on page 144 of the meeting packet which are as follows:

1. Where there is a conflict between the application information and the plans (dated July 20, 2020) the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations concerning the proposed 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. ___ Year Vesting for the project be granted
5. The applicant shall ensure that the "routine optimization of the traffic signal timings" occurs as noted in the Traffic Impact Analysis.
6. Any other conditions agreed upon ...

Mr. Deal stated that Condition 5 was in DOT's control. Mr. Amenya added that DOT had agreed to take Condition 5 into consideration. Ms. Shook noted that she had received verification from DOT this afternoon and felt Condition 5 could be removed.

Mr. Mantooth stated this was a \$105,000,000 - \$110,000,000 project, money would be tight, and a greenway was not part of their overall plan. He asked that the hospital not have to bear the entire cost of a greenway trail.

Mr. Deal felt they could agree to grant a 10' easement and pay what a 5' sidewalk would cost to go toward a 10' greenway with the Town covering the remaining cost.

Mayor Brantz suggesting polling Council members to see where they stood on the greenway situation. Vice Chair Plaag expressed concern about polling in the middle of a public hearing. Mayor Pro Tem Clawson echoed Vice Chair Plaag's concern.

Council Member Hicks asked if the expansion of services would affect patient costs. Mr. Mantooth replied that the cost would not be passed on to the public.

At 8:30 p.m. Mayor Brantz invited public comment. There was no public comment.

Ms. Shook reminded everyone that public comment could be taken for 24 hours after the hearing.

With no further questions or comments, Mayor Brantz closed the public hearing for this case at 8:31 p.m.

Other Matters

There were no other matters discussed at this hearing.

Adjournment of Town Council

Mayor Pro Tem Clawson made a motion for Town Council to adjourn at 8:32 p.m. The motion was seconded by Council Member LaPlaca.

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

Rennie Brantz, Mayor

Brenda Henson, Board Secretary

Elizabeth Shay, Planning Commission Chair

Continuation of Planning Commission Meeting

Chairperson Shay called a break in the Planning Commission meeting from 8:33 p.m. until 8:42 p.m.

Board Training

Ms. Shook stated she would send everyone a copy of the gift policy to read and Ms. Meade would attend a future meeting to discuss the policy with the Commission.

Approval of Meeting Minutes

Vice Chair Plaag noted a correction to the June 22, 2020 Planning Commission meeting minutes to remove the word *it* from the last sentence in the 3rd paragraph from the bottom of page 12 of the minutes.

Commission Member Behrend made a motion to approve the June 22, 2020 meeting minutes as amended. The motion was seconded by Commission Member Tippet.

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

Case PL03943-060520 & PL03944-060520 Clawson – General Use Zoning Map Amendments

Case PL03943-060520 Information: Wayne Clawson has requested a General Use Zoning Map Amendment for property located at 146 Clawson Street (Watauga County PIN: 2910-69-1946-000) to rezone the property from R1 Single Family Residential to R3 Multiple-Family Residential.

Case PL03944-060520 Information: Wayne Clawson, Trustee for the Christopher Clawson Trust Boone has requested a General Use Zoning Map Amendment for property located at 170 Clawson Street (Watauga County PIN: 291160-2149-000) to rezone the portion of the property zoned MH Manufactured Home Park to R3 Multiple-Family Residential.

Vice Chair Plaag expressed concern with the rapid changes in this area. He felt like it was a neighborhood that got away from itself. Vice Chair Plaag stated, while he was concerned about the neighboring R1 property, he felt, under the circumstances, that the two subject properties were no longer appropriately zoned.

Chair Shay stated she was not seeing a lot of reasons not to approve the rezoning requests.

Commission Member Veno agreed and noted that no one came forward to oppose the requests.

Commission Member Behrend felt it did not make sense to reject the requests.

Commission Member Tippet stated the area was in transition and seemed a little messy but he supported the rezoning requests.

Commission Member Zebzda stated he was inclined to support the requests.

Commission Member Tippet suggested making joint motions for both rezoning requests. Chair Shay and Vice Chair Plaag agreed.

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

1.1 Overall Objectives for the Boone Comprehensive Plan

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

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.

Comprehensive Plan Policy 2.1.1 Economic Development

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 2.3.2 Community Character

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

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.

The motion was seconded by Commission Member Behrend.

Vice Chair Plaag wished to amend the motion to remove reference to Comprehensive Plan Policy 2.3.3.A. and add:

Comprehensive Plan Policy 2.1.1 Economic Development

- D.1. Evaluate development regulations for amendments providing flexibility in the renovation and redevelopment of existing structures and sites.

Comprehensive Plan Policy 2.3.2 Community Character

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

Comprehensive Plan Policy 2.3.3 Housing & Neighborhoods

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

Commission Members Veno and Behrend accepted the amendment.

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 the proposed amendments to the Town's Zoning map and believes approval is reasonable and in the public interest because the area is such a mish mash and this will streamline an area that is developing. The motion was seconded by Commission Member Behrend. Chair Shay suggested the motion be amended to something like the amendment to the map would reflect the reality of an area in transition. Commission Member Veno then amended his motion as follows: The Planning Commission recommends approval of the proposed amendment to the Town's Zoning map and believes approval is reasonable and in the public interest because the rezoning will conform the overall complexion of the properties to what currently exists and compliment the surrounding area. Commission Member Behrend accepted the amended motion.

Vote: Aye – All
Nay – None

The motion passed.

Case PL03979-061620 Watauga Medical Center – Conditional District Zoning Map Amendment

Maran Sigmon with Watauga Medical Center Inc. has requested a Conditional District Zoning Map Amendment to rezone the Watauga Medical Center campus (Watauga County PINs: 2910-71-6688-000, 2910-71-7264-000, 2910-70-6917-000, and a portion of 2910-70-7453-000) from O/I Office Institutional/B3 General Business to Conditional District O/I Office Institutional with a phased site specific development plan for Use 11.26 Hospital. The applicant has requested 5 year vesting.

Ms. Shook reminded Commission members that they would need to include any conditions of approval and consideration of the 5 year vesting request.

Chair Shay asked Ms. Shook to explain vesting. Ms. Shook stated it gave extra time above the allowed 2 year vesting for an applicant to file for permits.

Vice Chair Plaag asked if there were negative consequences to granting a 5 year vesting. Ms. Shook replied that any ordinance changes during the vested time would not apply to the project and that could be negative.

Commission Member Zebzda felt that the hospital should include plans to provide affordable healthcare. Ms. Shook replied that Ms. Meade had, in past advice, stated that operational issues were outside the Planning Commission's purview.

Vice Chair Plaag stated he would rather have Town Council impose a 10' greenway. He expressed concern with Mr. Mantooth's comment that a greenway was not part of their overall plan, noting that greenway's encouraged health and well-being.

Commission Members Veno, Zebzda, and Shay agreed with Vice Chair Plaag.

Chair Plaag noted that the Edmisten house and barn dated back to the 1920's and he was acquainted with someone who was interested in moving the structures. Chair Plaag stated the barn had some significant issues but the house was in fairly good condition. He felt the house should be used as a Hospice house and would like a 6-month moratorium from whenever the hospital would like to demolish the house to try and work out an alternative solution.

Mr. Ward stated that the hospital was not licensed as a Hospice provider. He also noted that there was property that was recently annexed into Town that was planned to be for Hospice.

Ms. Shook stated that the property containing the Edmisten farm was located in a Watershed and that would severely limit development. She added that the house and barn were not part of the area requested to be a Conditional District and felt conditions should not be placed on the Conditional District approval for structures outside the request.

Ms. Shook added that extended vesting was oftentimes helpful in difficult economic times.

Commission Member Behrend agreed and thought it was reasonable for the hospital to pay the cost for a 5' sidewalk and have that money go toward the installation of a 10' greenway with the remainder being paid for out of Town funds.

Mr. Ward replied that there were no funds for greenways but there were some funds for sidewalks. He stated that Town Council would have to approve the transfer and augmentation of funds to install a greenway. Mr. Ward suggested, if recommended and approved, that the greenway be an asphalt path.

Commission Member Behrend felt the greenway should be a shared cost between the hospital and the Town.

Vice Chair Plaag suggested polling members to see where they stood on the issues of vesting and greenway.

Chair Shay stated she would support a 5 year vesting and requiring Watauga Medical Center to install and pay for a 10' greenway.

Commission Member Behrend stated she would support a 5 year vesting and the installation of a greenway with a shared cost between the Town and the hospital.

Chair Plaag stated he would support a 4 year vesting and requiring Watauga Medical Center to install and pay for a 10' greenway.

Commission Member Tippettt stated he would support a 4 year vesting and requiring Watauga Medical Center to install and pay for a 10' greenway.

Commission Member Veno stated he would defer to the Town recommendation or support a 4 year vesting. He also supported requiring Watauga Medical Center to install and pay for a 10' greenway because it promoted wellness.

Commission Member Zebzda stated he would support either a 4 or 5 year vesting and requiring Watauga Medical Center to install and pay for a 10' greenway.

Chair Shay stated she would also be okay with a 4 year vesting.

First Motion and Vote: Commission Member Tippettt made a motion that the proposed amendment to the Town's zoning map is consistent with the Town's Comprehensive Plan, the Wellness District Small Area Plan, the Walk/Bike Boone Plan, the Middle Fork Greenway Master Plan, and any other adopted plan(s) of the Town that is applicable because it complies with:

Comprehensive Plan Policy 2.1.1 Economic Development

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

Comprehensive Plan Policy 2.2.1 Transportation

- A. Street patterns shall be designed so as to define the limits of the neighborhood, accentuate focal points and interesting vistas, allow convenient circulation within the neighborhood and provide multiple, alternative outlets from the area to adjoining neighborhoods and /or major streets. Particular attention shall be given to avoid designs that provide convenient "cut-through" traffic opportunities.
- B.B.2. Continue to implement sidewalk construction throughout Boone in accordance with the Boone Walkways Long Range Plan (1995 Boone – Blowing Rock Alternative Transportation Plan). Actively pursue available funding opportunities.
- B.B.4. Explore funding options for alternative transportation projects throughout Town. Options could include a city-wide vehicle registration fee, earmarking property taxes for alternative transportation improvements, and seeking grant funding opportunities from federal, state and private organizations.
- D.D.1. Construct additional turning lanes at intersections where traffic is backed-up during peak traffic times.
- G.G.1. Evaluate and amend site plan standards to include provisions for transit stops, sidewalks and pedestrian ways, bikeways and secure bicycle storage.
- G.G.2. Construct transit stops with covered passenger shelters to encourage ridership.
- G.G.3. Construct, where possible, bus stop pull-out areas or lanes to avoid holding up traffic along traffic corridors.

Commission Member Tippettt suggested the following conditions:

1. Where there is a conflict between the application information and the plans (dated July 20, 2020) the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.

2. Any commitments and representations concerning the proposed 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. 4 Year Vesting for the project be granted
5. Watauga Medical Center shall provide a 10' easement along Deerfield Road, install a 10' wide greenway on the easement, and incur the full cost of installation.

The motion was seconded by Commission Member Zebzda.

Vote: Aye – 5
Nay – 1 (Behrend)

The motion passed.

Commission Member Behrend stated she voted against the motion because she felt there should be a cost share for the installation of the greenway.

Second Motion and Vote: Commission Member Tippet made a motion that the Planning Commission recommends approval of the proposed amendment, with conditions, to the Town's Zoning map and believes approval is reasonable and in the public interest because Watauga Medical Center is facing growing pains, the area is growing, and the project is needed in order to make infrastructure improvements. The motion was seconded by Commission Member Zebzda.

Vote: Aye – All
Nay – None

The motion passed.

Other Matters

Vice Chair Plaag stated, after the July 15, 2020 Town Council meeting, he was concerned by one Council member's repeated behavior and sent an email to Mr. Ward and Ms. Meade regarding the need for additional Board training, specifically regarding appropriate consideration of General Use Zoning Map Amendments. Vice Chair Plaag read the email to Commission members.

Adjournment of Planning Commission

Vice Chair Plaag made a motion to adjourn the meeting at 10:32 p.m. The motion was seconded by Commission Member Venno.

Vote: Aye – All
Nay – None

The motion passed.

Elizabeth Shay, Planning Commission Chair

Brenda Henson, Board Secretary