Town of Boone
Public Hearing
6:00 PM, Aug. 26, 2019
Council Chambers, 1500 Blowing Rock Road

The appearance times contained within this agenda are approximate and are subject to change at any time. No agenda item will be started after 10:30 p.m. Remaining items will be addressed at a continuation meeting or will be tabled until the next available meeting.

I. Call to Order - Town Council

II. Call to Order - Planning Commission

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

April 29, 2019 Public Hearing Minutes

IV. Case PL02654-060619 East King St Hotel - Conditional District Zoning Map Amendment

PL02654-060619 Application Information

PL02654-060619 Neighborhood Meeting Exhibit

PL02654-060619 Parking Demand Analysis

PL02654-060619 Traffic Impact Analysis Information

PL02654-060619 Civil/Site Plans

PL02654-060619 Building Elevations

PL02654-060619 Lighting Plan

PL02654-060619 Staff Report

V. Case PL02928-080519 Ward - General Use Zoning Map Amendment

PL02928-080519 Application Information

PL02928-080519 Staff Report

VI. Case PL02632-060519 Section 4.16 Modification of Permits - UDO Text Amendment

PL02632-060519 Application Information

PL02632-060519 Staff Report

VII. Case PL2860-071119 Hotels in the B1 Central Business Zoning District- UDO Text Amendment

PL02860-070119 Application Information

PL02860-070119 Staff Report

VIII. Adjournment of Town Council

IX. Approval of Planning Commission Meeting Minutes

April 29, 2019 Planning Commission Meeting Minutes (packet pg. 127)

X. Consideration of Cases Heard at the Public Hearing

XI. Other Matters

XII. Adjournment of Planning Commission

PUBLIC HEARING MINUTES

MONDAY, APRIL 29, 2019, 6:00 P.M.

TOWN COUNCIL CHAMBERS

COUNCIL MEMBERS: Rennie Brantz-Mayor, Loretta Clawson-Mayor Pro-Tem, Marshall Ashcraft, Sam Furgiuele, Connie Ulmer, and Lynne Mason

PLANNING COMMISSION MEMBERS: James Hedrick-Acting Chairman, Frank Veno, Chris Behrend, and Kennedy Kavanaugh

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 6:00 p.m. and stated that neither the Planning Commission Chair or Vice Chair were present. He explained that he could appoint a Chair or the Planning Commission could elect one themselves. Commission Member Hedrick volunteered to act as Chairman.

Acting Chairman Hedrick called the Planning Commission to order at 6:01 p.m.

APPROVAL OF PUBLIC HEARING MINUTES

Council Member Ulmer made a motion, seconded by Mayor Pro Tem Clawson for Town Council to approve the January 28, 2019 Public Hearing minutes with the correction that the date be changed on the minutes from 2018 to 2019.

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

Commission Member Veno made a motion, seconded by Commission Member Behrend for Planning Commission to approve the January 28, 2019 Public Hearing minutes with the date correction from 2018 to 2019.

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

CASE PL02285-021419 ASU – GENERAL USE ZONING MAP AMENDMENT

Appalachian State University has submitted a Planning Permit Application to request that a 34 acre portion of their 74.63 acre property located off of Highway 105 and High School Drive (Watauga County Parcel ID: 2910027414000) be rezoned from B3 General Business to E1 Educational District.

Ms. Shook presented the request as it was outlined in the packet. She stated that ASU wished to rezone a portion of the old High School property from B3 to E1 which would not include any residential use.

Council Member Furgiuele asked what uses would be allowed in the E1 district. Ms. Shook replied that the E1 district allowed any use that was related to university use. Council Member Furgiuele asked if the property could be all parking. Ms. Shook stated that was correct and added that the Town could not regulate the use of parking not associated with another use on state owned property. Council Member Furgiuele asked Ms. Shook if she had asked ASU if they would consider a Conditional District zoning for this property. Ms. Shook deferred that question to the ASU representative present at the hearing.

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Ms. Meade reminded everyone that this was a general use zoning map amendment and the only thing they should consider were the uses allowed under E1 zoning and evaluate whether or not they felt these uses would fit the area.

Nick Katers with ASU's Office of Business Affairs addressed Council Member Furgiuele's question regarding a Conditional District zoning and stated the university was not inclined to do a Conditional District because they would have to go to the Council of State. Mr. Katers provided Council and Planning Commission members with the latest artist's rendering of the University's plans for the property in question. He stated they planned to first refurbish the softball field in the existing softball field location. Mr. Katers stated that the orientation of the track and tennis courts would be changed and would be done as the funding became available.

Council Member Furgiuele asked what assurance the Town would have if the funding fell through. Mr. Katers replied that these would be NCAA facilities and the Town had his assurance that these facilities would be completed. Council Member Furgiuele expressed concern about the future with a general zoning instead of a Conditional District. Mr. Katers assured Council Member Furgiuele that the University was committed to building the softball field, track, and tennis courts on this property. Council Member Furgiuele stated that in 25 years ASU could do anything else they wanted to on the property that was allowed in E1.

Commission Member Kavanaugh asked if buildings could be placed on the property if it was zoned E1. Ms. Shook replied that buildings could be placed on the property and read the description of E1. She stated that university uses, except for residence halls or dormitories, would be allowed.

Commission Member Kavanaugh expressed concern about potential traffic and parking problems. Mr. Katers stated there were 1,100 freshman parking spaces on the property currently and most of those cars remain parked for the week. Commission Member Kavanaugh asked what would happen when there were matches. Mr. Katers replied that there were 100 more spaces available on the site.

Mr. Ward stated that the Hwy. 105 project indicated a return of the traffic light and a turn lane at this location. Council Member Furgiuele asked how many years Hwy. 105 would be under construction. Mr. Ward replied it would be 2-4 years. He added that there would be another hearing regarding the Hwy. 105 project on Tuesday, May 6, 2019.

Reporter Thomas Sherrill asked when the softball field would be completed. Mr. Katers replied that they would like to have it complete by January 1, 2020. Mr. Sherrill asked what the capacity would be for the softball stadium. Mr. Katers stated it would be 100-150.

Council Member Furgiuele asked if ASU had moved forward with their plans for this property with the Hwy. 105 project in mind. Mr. Katers replied that they were neutral on the Hwy. 105 project and would move forward with their plans regardless of the Hwy. 105 project.

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 6:22 p.m.

CASE PL02333-030719 INITIATION OF AMENDMENTS – UDO TEXT AMENDMENT

The Town of Boone has initiated a text amendment to revise UDO Article 9 Amendments with respect to the process for the initiation of zoning map and text amendments.

Ms. Shook noted that staff reports for text amendments have changed. She pointed out additional new language on the first page of the staff report that would help lay out the intent and purpose of the text amendment being presented.

Ms. Shook stated this text amendment was a request to revise UDO Article 9 Amendments to allow applications for map amendments submitted by citizens or property owners to be sent directly to the next

regularly scheduled public hearing upon submittal of a complete application. She explained that the Ordinance currently has a process that requires the request be sent to Town Council first for them to send to Public Hearing. Due to the fact that there has never been a request that Council did not agree to send to Public Hearing, it was felt to be an unnecessary step in the process so this text amendment would provide a direct line to the Public Hearing upon receipt of the application. Ms. Shook noted that text amendments would still follow the current process of being sent to Council before being sent to Public Hearing.

Mr. Ward asked for the approximate reduction in time. Ms. Shook replied that the proposed amendment would reduce wait times for applicants by approximately one month.

Council Member Furgiuele felt that the stipulation for proceeding found in B. 2. Under Map Amendments that reads *Upon the initiative of the Administrator or the Town Attorney* should also include the Town Manager. He expressed concern that this could allow a significant text amendment to go to Public Hearing without Council's knowledge. Council Member Furgiuele referred to A. 1. Text Amendments and asked that the word *heard* in the last sentence of the first paragraph be changed to *scheduled for consideration* due to the fact that Council is not always able to hear all of the items on their agenda in a given meeting.

Ms. Meade agreed that the rewording from *heard* to *scheduled for consideration* in A. 1. Text Amendments was a good suggestion by Council Member Furgiuele. Ms. Meade then addressed Council Member Furgiuele's concern regarding the language in B. 2. She explained that there could be extraordinary cases where the Planner or the Town Attorney might need authority to send something directly to Public Hearing without the additional delay. Ms. Meade offered examples such as changes in State law or code language that could have a negative impact and needed to be addressed quickly.

Council Member Furgiuele stated he had no problem with map amendments going straight to Public Hearing no matter who initiated them. He stated he agreed with Ms. Meade about the need for a bypass in the examples she gave.

Ms. Shook stated this was not new language and was already in the UDO.

Council Member Furgiuele suggested changing B. 2. to read *Upon the initiative of the Administrator, Town Attorney, or Town Manager with a concurrence of all three.* Mr. Ward stated they typically operated that way anyway.

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 6:33 p.m.

CASE PL02335-030719 BURDEN OF PROOF & TRANSITIONAL ZONE CLARIFICATIONS – UDO TEXT AMENDMENT

The Town of Boone has initiated a text amendment to modify UDO Article 6 Board of Adjustment Hearings to clarify the applicant's responsibility to produce substantial competent evidence, and to modify UDO Article 9 Amendments to clarify that any Conditional District application which triggers transitional zones shall meet the requirements of UDO Subsection 6.02.02 Transitional Zones.

Ms. Shook presented the request, stating the changes would provide greater clarity regarding an applicant's responsibility to produce competent evidence when requesting approval for variances or Special Use Permits from the Board of Adjustment. She stated it would also clarify the applicant's responsibility to produce substantial competent evidence with addressing transitional zone requirements for Special Use Permits or Conditional Districts.

Council Member Furgiuele asked if it was fair to say that the General Assembly has made it more difficult for Boards of Adjustment to consider lay testimony. Ms. Meade felt that was a fair assessment. She stated that requiring expert testimony has made the process more expensive for developers and has

sometimes made it almost impossible for other interested parties/neighbors to come forward to give testimony about traffic and value without hiring an expert to give testimony.

Council Member Furgiuele stated he was in favor of this amendment and felt it was an improvement. Council Member Furgiuele stated had never seen the Board of Adjustment make an adverse credibility determination even though they have the power to do so under their Rules of Procedure. He felt it might strengthen the language if the word *credible* was added to the areas of the text so they would read *substantial, credible evidence*. Ms. Meade agreed that would be a good suggestion. She noted that the proposed language would help focus people but felt this was also a training issue.

Council Member Furgiuele felt that there were higher standards for someone to testify at a Board of Adjustment than in court.

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 6:43 p.m.

CASE PL02336-030719 WIRELESS COMMUNICATION FACILITIES – UDO TEXT AMENDMENT

The Town of Boone has initiated a text amendment to revise UDO Articles 15 District Use Requirements and 34 Definitions to modify regulatory standards related to wireless communication facilities and wireless support structures.

Ms. Shook presented the request as it was outlined in the packet noting that the proposed language would modernize regulations and bring them up-to-date with State and Federal regulations.

Mayor Brantz asked what a small wireless facility was. Ms. Meade replied there was a size requirement for the facility that she thought was something like 18" high. She explained that the statute requires municipalities to allow the use of their right-of-ways for these facilities and greatly limit the extent to which the Town can regulate them elsewhere. Ms. Meade stated the statute also requires the Town to accept up to 25 applications as one application. She stated the draft text presented was her best attempt using both Cary and Durham's Ordinances and noted there could still be some inconsistencies in the language. Ms. Meade felt, once the Town has more experience with these applications, there could be a need for revisions to the text.

Mr. Ward stated the small cell wireless was a change from putting up large cell towers and provides a quicker way of creating a grid to move from 4G to 5G. Ms. Meade felt it was good that better communication could be attained with smaller packages and this code was intended to encourage stealth systems because they can be placed on existing poles and towers. She stated what was not encouraged was new towers, new poles, and non-stealth wireless on buildings.

Mr. Ward noted this was about cellular not broadband. He felt, because of the University, we were pretty well served with broadband in our area.

Ms. Meade noted the current Ordinance allows structures up to 120' in height and the proposed text reduces that height to 50'.

Council Member Furgiuele referred to the section regarding the Blue Ridge Parkway view shed protection and asked if there were properties within the Town that would be within one mile of the Parkway centerline. Ms. Shook replied that she did not believe so and noted this was language from the existing Ordinance. Mr. Ward stated there was some discussion about this but felt it should be left in the Ordinance due to the potential for growth of the Town.

Council Member Furgiuele referred to the section regarding Setback Reductions and thought the consideration of reducing setbacks in a Special Use Permit sounded like a variance. Ms. Meade felt this was required to meet the legal limits on the Town's ability to regulate communications in the sense that you cannot have regulations that end up prohibiting these communications as a matter of Federal law.

She stated the proposed language included these type of flexible mechanisms so that if there was a proposal where the ordinary restrictions would basically end up not allowing the communication facility, there would at least be some flexibility to address that extraordinary circumstance.

Ms. Shook referred to Section 15.24.12 Outside Experts and Disputes and stated there would be a fee for a review by an outside consultant. She noted, however, that the short list of engineers already approved by Town Council were not qualified engineers in the communications field but felt the Town use them to subcontract a consultant to perform a review. Council Member Furgiuele felt this requirement was appropriate in order to gain expertise that Board members would not have. Mr. Ward suggested that the Town go ahead and put the list of engineering firms on notice so they could be aware and prepared.

Mayor Brantz asked what a balloon test was. Ms. Shook explained that a balloon would be floated in the air to the height of the proposed tower and it provides a visual of how high the tower would actually be. She added that a balloon test would be very helpful in determining viewshed requirements as well. Ms. Meade stated that the proposed text required the applicant to notify adjoining property owners when the balloon test would be performed so they could observe it if they wanted to.

Council Member Furgiuele questioned maintenance responsibilities. Ms. Meade replied there were sections in the Ordinance that required the Administrator to give notice and then give a certain period of time for remedy. Council Member Furgiuele asked how you would give notice if contact information had not been maintained. Ms. Shook stated they would then contact whoever was listed as the property owner. Council Member Furgiuele questioned proof of insurance. Ms. Shook replied that it was required at the time of permit submittal but there is no reporting mechanism built into the Ordinance. Council Member Furgiuele asked if there should be annual reporting required. Ms. Shook stated, while maybe there should be from a maintenance perspective, Staff would then be required to keep track of any kind of reporting. Council Member Furgiuele asked about abandonment of facilities. Ms. Meade replied that abandonment of small wireless facilities was addressed in Section 15.25.04(B)(5) Public Safety but felt it would be a good idea to some type of enforcement mechanism for communication towers. Ms. Shook asked if that was something Council would want to see with this particular text because there were applicants currently waiting on this text to be adopted before submitting their application. Council Member Furgiuele stated he saw no reason to delay the text as it was proposed and consider a further amendment at a later date. Ms. Meade felt she could add some limited provisions regarding insurance reporting before this amendment was considered by Town Council.

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 7:08 p.m.

CASE PL02337-030719 AWNINGS IN THE B1 – UDO TEXT AMENDMENT

The Town of Boone has initiated a text amendment to revise UDO Article 18 B1 Central Business District Standards to allow awnings and canopies on existing buildings.

Ms. Shook stated this amendment would allow the installation of historically appropriate awnings and canopies on existing buildings in the B1 Central Business zoning district whether they were historically on the building or not.

Council Member Furgiuele questioned the types of materials for metal frame awnings. Ms. Shook noted this was scheduled to be a topic for discussion at tomorrow night's Community Appearance Commission meeting. Council Member Furgiuele asked if metal awnings could be used. Ms. Shook replied that they were not considered historically appropriate and noted that some clarifying language needed to be added to the proposed text. Mr. Johnson stated that a metal cable-hung awning would be appropriate.

Council Member Furgiuele stated he did not want to delay this amendment. He stated he was in favor of this and felt it would enhance the look of Downtown. Ms. Shook hoped to have additional language in this draft to present at the next Town Council meeting.

Mr. Ward noted that awnings with vertical supports were difficult to navigate snow plows around.

Ms. Shook stated that any awning that protruded over the Town sidewalk would still be required to get an encroachment agreement through the Town Manager's office. Mr. Ward added that the encroachment agreement places maintenance responsibilities on the person who installs the canopy.

Acting Chairman Hedrick asked if this amendment would apply to new awnings only or to existing ones as well. Ms. Shook replied that this would apply to new awnings or replacements of old awnings.

Commission Member Veno asked if this amendment would apply to 2nd story canopies. Mr. Johnson responded that 2nd story canopies would not be historically appropriate. Ms. Meade felt it would be good to make that clear in the language.

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 7:17 p.m.

CASE PL02338-030719 PERMIT PROCESS – UDO TEXT AMENDMENT

The Town of Boone has initiated a text amendment to revise UDO Article 4 Permits to modify the schedule pursuant to which a permit is to be processed.

Ms. Shook presented the request as it was outlined in the packet. She stated this amendment would allow Staff flexibility in the processing of permit applications. Ms. Shook explained that the UDO currently allows only 20 business days for review and comment on applications regardless of the size or complexity of an application or other demands on Town Staff. This sometimes leaves Staff very little time to review projects within the 20 day required time period. Ms. Shook stated that Staff was requesting the 20 day time limit be removed and Staff be allowed to adopt a departmental policy setting forth anticipated review timeframes. She felt that complicated commercial reviews could take up to 25 days, but could be more if review by outside agencies or special reviews were required. Ms. Shook emphasized that, although this amendment would allow Staff extra time, it does not mean Staff will take an excessive amount of time for review.

Ms. Meade stated this was a common sense recognition of the fact that review of The Standard or Rivers Walk projects was a whole different animal than the review of a single family home or smaller commercial project. She noted that review required a high level of detail and this amendment would help Staff to not be up against the wall with a strict time requirement when what they are doing is in the public interest.

Mr. Ward anticipated he would have draft review fees from Planning & Inspections, Public Works, and the Fire Department at next week's Town Council meeting. He added that he had no concern over any extended review and felt it was necessary to give Staff time to review those extreme projects.

Ms. Meade referred to Section 4.05.02(A)(4)(a) Incomplete Applications and suggested changing the language from *it will be deemed withdrawn* to *it may be withdrawn at the discretion of the Administrator.* Ms. Shook felt there could be cases when that would be necessary. Council Member Furgiuele expressed concern that the flexibility could create additional layers of back and forth with an applicant. Ms. Shook stated that the Town currently does not charge review fees but noted that review fees are being proposed in the new fee schedule and she hoped this would help reduce the number of reviews necessary.

Mayor Brantz asked how long an applicant had to wait to resubmit if their application is withdrawn. Ms. Shook replied that it would depend on the type of permit but noted that zoning permit applications can be resubmitted right away.

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Council Member Furgiuele pointed out that there could be Ordinance changes during an extended review time and projects could still be permitted under Ordinance requirements that are no longer in place. He felt if there was a need for more than three submittals and Ordinance requirements had changed that pertained to the applicant's project, they could resubmit under the new Ordinance requirements. Ms. Meade replied that she understood what Council Member Furgiuele was saying but felt that would add a great deal of pressure on Staff. Ms. Shook stated the text put pressure on the applicant but also put pressure on Staff to make sure they had requested all of the information needed within the three submittals. Ms. Meade pointed out that Staff could make an error in their requested information that could cause the need for another submittal and requiring a withdrawal of the application after three submittals would allow no flexibility. Ms. Meade suggested leaving the language about a withdrawal after three submittals and adding language regarding and extension being allowed for extraordinary circumstances. Council Member Furgiuele asked who would determine what the extraordinary circumstances were and noted that people could always argue that they had an extraordinary circumstance and he was concerned that the Town would get played. Ms. Meade suggested adding language to accept further submittals *in extraordinary circumstances arising from events beyond the applicant's control.* Council Member Furgiuele suggested giving examples of extraordinary circumstances in the text.

Council Member Furgiuele referred to Section 4.07.01 Application to be Processed Expeditiously and suggested removing the wording *Recognizing that inordinate delays in acting upon applications may impose unnecessary costs on the applicant*. Ms. Meade agreed.

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 7:35 p.m.

CASE PL02408-040419 TEMPORARY USE 9.01 T-13 TEMPORARY USE 9.01 PUBLIC COLLEGES & UNIVERSITIES – UDO TEXT AMENDMENT

The Town of Boone has initiated a text amendment to revise UDO Article 15 to allow use T-13 Temporary Use 9.01 Public Colleges and Universities within the B3 General Business Zoning District subject to certain restrictions.

Ms. Shook stated this was a request to modify Article 15 of the UDO to allow T-13 Temporary Use 9.01 Public Colleges and Universities within the B3 General Business zoning district. She noted the use was currently allowed in the M1 and O/I zoning districts. Ms. Shook referred to 15.69.14(A)(8) that states *Temporary Use 9.01 is not permitted on any property any part of which is within 400 feet of the centerline of Highway 321/Hardin Street between King Street and Highway 105* and noted this restriction applied to this area only. Ms. Meade referred to the 400 ft. buffer map contained in the Board packet, noting that the protected area was shown in blue and also included any parcel touching the blue line so that area and those parcels would not be allowed to have T-13 Temporary Uses.

Council Member Furgiuele referred to 15.69.14(A)(7) that reads *The applicant is permitted to lease the same property for a different temporary use subsequent to the termination of a temporary use permit for another use.* He noted that the first temporary permit could go for seven years and asked for the reasoning behind allowing another temporary use to subsequently occupy. Ms. Shook replied that, due to various needs of the University for temporary office space, this text allowed a different University office use to move into the same space that was just vacated by a previous University office use. Council Member Furgiuele asked if that was really a different temporary use. Ms. Shook stated that, based upon previous discussion, it would be. Ms. Meade added that it would still be an office space but would be a new need.

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Council Member Furgiuele expressed concern about allowing this temporary use in the B3. He stated there was a special University zoning district and thought this was developed so the University would not essentially take over the business districts. Council Member Furgiuele thought this seemed like an attempt to avoid ad hoc rezoning to University uses. He questioned the allowance of such long-term use because the retail space then becomes a de facto part of the University without any rezoning. Council Member Furgiuele stated the University could stay in one area so long that it takes up retail space for seven years with a renewal of seven years. He noted that he felt the University was important and was not against it but felt their growth should be more intentional. Ms. Meade noted that the language states the permit shall be valid for five years with a possible 2-year extension if there are extraordinary circumstances and the University has to show that they have plans to accommodate a permanent use within the five-year period of time. Ms. Meade stated there was no cap on the number of times the temporary use could be leased by the University and suggested that be addressed if it was a concern.

Council Member Ashcraft felt there was a real problem providing places for economic development improvement in the M1 and he had never understood why M1 was included as an area for temporary University uses and B3 was excluded. He stated he would be inclined to take M1 out of the allowed area so the University would not be competing for space in what was already a very limited market. Council Member Ashcraft stated he preferred a distance requirement instead of not allowing the uses along the corridor. He agreed that the language needed to be tightened up so there could not be indefinite extensions for University uses. Council Member Ashcraft also felt allowing temporary University uses closer to the University could cause less traffic impact and provide more convenience for the University's use. Council Member Ulmer agreed with Council Member Ashcraft's statements.

Commission Member Behrend expressed concern about the length of time the University could occupy one space as well as the number of temporary uses that could occur in a close area.

Council Member Furgiuele asked Council Member Ashcraft to clarify if he favored a distance requirement. He replied the he would like to see the proposed 400' protected buffer area along the corridor be opened up and instead impose a distance requirement so it would not turn into an extension of the University. Council Member Furgiule stated he would not be against that and asked Ms. Shook if there would be any problems with imposing a distance requirement. Ms. Shook stated there are currently two permits issued for property in the M1 that are adjacent to each other. She also noted there may be other areas that offer spaces close to each other that would offer the ability to have some shared parking. Ms. Shook felt a distance requirement could cause unintended consequences.

Council Member Furgiuele asked Council Member Ashcraft about time limits and he replied that he was open to discussion but felt they were necessary. Ms. Shook recalled testimony from a previous meeting regarding the expense to property owners to get tenant spaces ready to lease and that property owners were concerned that 5 or 6 years would not be a sufficient amount of time to recoup those costs. Council Member Furgiuele stated if the University finishes out a space it would be a benefit to the property owner.

Council Member Furgiuele stated he was not against a longer period of time if it was a finite period of time however, he felt that, if the University wanted to grow their campus, they should use University zones for University uses and this would offer the public an opportunity to weigh in.

Mr. Katers stated the University had no intention of moving into these locations permanently. He stated the University had the need for about 200 spaces temporarily while they go through renovations. Mr. Katers noted that Sanford Hall would be taken off-line this summer and the English and Languages Department would have to be moved to another location. He stated the same thing would happen in the future as they renovate other older facilities and felt most renovations would generally fall within the 5-7 year timeline for completion. Mr. Katers explained that currently in the Charleston Forge building they are housing some of their administrative staff and considering moving some of their IT professionals as

well. He stated though they had a desire, as part of their Master Plan, to build an auxiliaries building within ASU's footprint in the near future, it would not be happening within the next two years. Mr. Katers stated it was the University's intent to house everyone within their footprint within the 5-7 year timeline. He noted there were about 50 administrative staff at Charleston forge and about 100 IT professionals to move and there were other smaller administrative sections that will be displaced due to renovations. Mr. Katers stated when the University renovated academic facilities they tend not to move administrative staff back into those buildings because they become faculty/student use primarily.

Mayor Pro Tem Clawson asked if it was correct that ASU planned to have buildings where they would take the temporary uses back to permanently. Mr. Katers replied that was correct and the plan was for that to happen within 5-7 years.

Council Member Ulmer asked where that building would be placed. Mr. Katers stated that was still undetermined but hoped to have a better idea within the next six months or so.

Council Member Ashcraft stated he took away from Mr. Katers comments that it might be useful to have seven years instead of five but it was not likely there would be a true need for anything beyond seven years and asked if that was correct. Mr. Katers stated that was correct. He stated this was a conscious move by the University to consolidate administrative positions into a new administrative facility in the future. Mr. Katers added that currently that was not available but was in their short term Master Plan.

Council Member Furgiuele asked if it was legal for Council to sunset a provision in the UDO. Ms. Meade replied that she had not researched that but felt Council could add a limitation that this particular use could not be done at the same property for more than seven years. She stated she would have to look into the possibility of sunsetting but did not see why it could not be done based on the justification that has been presented that it is, in fact, a temporary need. Ms. Meade advised Council that it should be added now if they wished to do so because it would give notice to potential private owners that this is not going to be available to them after a certain period of time. Council Member Furgiuele stated he would be more comfortable with that.

Ms. Shook asked Mr. Katers if, after the current needs are met, there would be need for more swing space in the future. Mr. Katers replied that the University anticipated the need for swing space to decrease over time as some of the upgrades to older buildings are completed. He noted they were down to the last few with Sanford Hall on line next and Wey Hall behind that at some point. Mr. Katers stated that, at that point, most of their academic facilities will have been through at least one major renovation.

Ms. Meade stated she thought she heard Mr. Katers say the University did not anticipate needed the temporary office space for its needs after seven years. Council Member Furgiuele stated he was not suggesting the sunset piece apply to anything other than the B3. He stated he did not have as much of a problem with O/I but was concerned with B3 because, even though people complain that the Town has a lot of empty commercial space, as Boone continues to grow people will want the commercial space for commercial uses and the temporary office uses could detract from viability in the future. Council Member Furgiuele felt commercial corridors should be protected for commercial uses in the long-term. He stated if a sunset could be placed on the B3 he would be okay with removing the protected area, allowing a seven-year period without having to show extraordinary circumstances, and having no distance limitation between uses.

Paul Forte, Vice Chancellor of Business Affairs, stated that, as they go through this building period, they would like to utilize some of the currently vacant property and keeps tax paying businesses getting an income stream. He felt the seven-year compromise would be reasonable. Council Member Furgiuele stated he would not be against a slightly longer sunset period so some staggering could take place but felt 10 years would be enough. Council Member Ashcraft noted that if the University wanted something long-

term it would necessitate rezoning. Mr. Forte felt that the 10-year sunset period in the B3 would work for them.

James Milner with Appalachian Commercial Real Estate, addressed Town Council and Planning Commission members stating he had been retained by owners of The Standard as the landlord's agent for the main level commercial space. Mr. Milner referred to the 400 ft. buffer map contained in the Board packet on page 127. He noted that the only property from King Street to Clement Street that was zoned B3 was the University Overlook property, aside from Earthfare and Grace Lutheran Church. Mr. Milner felt the focus of the map would be from Clement Street to the intersection with 105 and there were only two available spaces for lease in that area. He stated there would be about 1,600 sq. ft. of space available at the corner of Clement Street and Blowing Rock Road at Winkler's Square and did not think the University would be excited about being next to a vape shop and kava bar. Mr. Milner noted the only other available project within that area would be The Standard. Council Member Furgiuele stated there were other spaces that could become available or structures that could be torn down and rebuilt. Mr. Milner disagreed. Mr. Milner stated they could live with the 10-year sunset period but could not live with was the 400 ft. buffer. He felt if temporary uses were going to be allowed in B3 they should be allowed in all B3 without exception.

Jeff Carter, commercial asset manager for Landmark, stated he was charged with filling the retail space at The Standard. He stated he was glad to hear the suggestion of the 10-year time period for the B3. Mr. Carter noted that commercial uses would be beneficial to everyone but they have vacant property and ASU has a need. He stated they would still be trying to get commercial tenants to lease space.

Bill Aceto, resident of the Town of Boone and commercial real estate broker with Blue Ridge Realty & Investments, stated he was representing the former BB&T Bank on Hwy 105. Mr. Aceto offered the BB&T space as a potential swing space for the University as they have been struggling to secure a tenant due to the uncertainty of the Hwy 105 widening. Mr. Aceto felt there was currently more commercial space available than there was demand. He encouraged the University to lease rather than to own so the property stays on the tax rolls. Mr. Aceto felt barriers needed to be removed and more opportunities needed to be allowed in the vacant spaces.

Ms. Meade asked if there was agreement to sunset the B3 after 10 years and if there was also interest in not dictating lease terms but simply allow the term per lease of whatever length to sunset in 10 years or whether Council still wanted to specify maximum lease terms. Council Member Ashcraft replied he would still want to limit the term to seven years because it serves the Council's purpose of making it clear they do not want these to be long-term uses. He stated he did not hear anything that indicated to him there was a need to do more than seven years. Council Member Furgiuele noted that the 10-year sunset would still allow for some staggering and agreed with Council Member Ashcraft that the lease could be for seven years but with no extension. Council Member Furgiuele stated this would be for the B3 only and could possibly be considered for the M1 also. Ms. Meade replied that consideration of M1 was not part of this amendment but could be brought back to another Public Hearing if that was the desire of Council. Council Member Furgiuele felt M1 should be reconsidered at some point.

Mr. Milner felt seven years would give them enough time to amortize their improvement dollars. He noted that finishing out a first generation space made the space more appealing to a second generation user. Council Member Furgiuele replied that the commercial space would be made into office space and the next tenant may want commercial space. Mr. Milner stated it would depend on the floor plan and business concept as to the usability of the space.

Mayor Brantz asked if there was consensus among Council members regarding seven-year leases with a 10-year sunset in the B3. Ms. Meade felt there seemed to be a general consensus for those terms. Council Member Furgiuele stated he would like to hear what members of the Planning Commission thought.

Commission Member Behrend stated she would have a hard time with allowing a 10-year lease and it was the general consensus of Planning Commission members that a seven-year lease would be acceptable.

Ms. Meade felt there was need for some clarification on whether or not the same space could be leased for seven years and then leased for three years or would it be for only one seven-year lease per space. She mentioned the idea of a seven-year sunset if there was a seven-year lease. Mr. Ward noted that the 10-year sunset would start now but the University might not be ready for a space for two more years so the seven-year lease would still be able to fall within the 10-year sunset window. Ms. Meade asked if the same property could be leased more than once within the 10-year time period.

Mr. Forte stated, if money had been spent to upfit a space, they would like to be able to reuse that space with a second swing space opportunity. He felt the ability for the University to rent property for the next 10 years as swing space and require no particular lease time would be the easiest way to handle things. Mr. Forte stated that the University would try to accommodate as many of their displaced staff on the ASU footprint as possible.

There was general consensus to place a 10-year sunset on Use T-13 in the B3 only, with no lease period. Ms. Meade felt it would be best to set a calendar date for expiration of the allowed use, which would be 10 years from the date of approval by Council with no lease to extend beyond that date.

Ms. Shook noted that properties which are zoned Conditional District would have to make sure that the use is actually an approved use under their approval. She stated this was not a use when The Standard was approved so their approval would have to be modified to add this use.

Commission Member Veno stated this made more sense to him and felt it was a good way to fill empty spaces.

Ms. Shook felt it would be helpful to Planning Commission, who would be considering these cases directly after the Public Hearing, for Council to prioritize the cases they would like for Planning Commission to try to make recommendations on tonight, given the late start of the Planning Commission meeting. Ms. Shook stated she would like to have a recommendation from Planning Commission tonight regarding the Wireless Transmission Facilities due to the fact that there are several people waiting to make application. She also felt the ASU Temporary Use case should be heard tonight as well. After some discussion, the following priority list for recommendations by Planning Commission was established by Town Council:

1. ASU Temporary Use
2. Wireless Transmission Facilities
3. Awnings in B1
4. ASU Rezoning
5. Initiation of Amendments
6. Burden of Proof
7. Permit Process

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 8:30 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 8:30 p.m. The motion was seconded by Council Member Furgiuele.

Vote: Aye – All
Nay – None

The motion passed.

_____ _____

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

_____

James Hedrick, Acting Planning Commission Chairman

Acting Chairman Hedrick called a break in the Planning Commission meeting from 8:30 p.m. until 8:40 p.m.

APPROVAL OF PLANNING COMMISSION MINUTES

Commission Member Kavanaugh made a motion to approve the January 28, 2019 Planning Commission meeting minutes with the amendment that the date on the minutes be changed from 2018 to 2019. The motion was seconded by Commission Member Veno.

Vote: Aye – All
Nay – None
The motion passed

There was discussion regarding the order Planning Commission should consider the cases and it was decided that they would go in the order in which they were heard at the Public Hearing and try to address all of the cases.

CASE PL02285-021419 ASU – GENERAL USE ZONING MAP AMENDMENT

Ms. Shook reminded Commission members that this was a request to rezone a portion of property owned by ASU from B3 to E1.

Commission Member Kavanaugh expressed concern with traffic on Hwy. 105. Commission Member Veno noted that the subject property used to house Watauga High School and he did not see the traffic being any worse. He asked if was correct that the traffic light would be re-installed and a turn lane would be added.

Ms. Shook explained that ASU would have to submit a zoning permit application to the Town to perform work on this property and part of the review process would be for NCDOT to review and determine if the use would require a traffic signal on Hwy. 105. Ms. Shook stated DOT did take into consideration in their planning process for the Hwy 105 improvement project the plans ASU had for this site.

Acting Chairman Hedrick stated ASU already owns the property and the Commission just needed to decide if the allowed uses would be appropriate for that property. Ms. Shook replied that was correct and noted the property was currently being used as a parking lot and, under State law, the Town could not regulate their use of the property for parking.

Commission Member Veno stated he had been following the property since the high school left and he felt what ASU wanted to do with the property was better than other things that could go in that location.

Acting Chairman Hedrick stated the removal of the softball field and tennis courts on campus could open up the potential for future buildings on the campus footprint.

Ms. Shook reminded Commission members that this was a general use rezoning and, while specific plans were presented by ASU, the Board could only consider uses allowed in the E1, which would be educational or university related uses, with the exception of dormitories/residence halls.

First Motion and Vote:

Commission Member Kavanaugh made a motion, seconded by Commission Member Behrend, that the proposed amendment 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 the proposed amendment is consistent with:

Comprehensive Plan Policy 1.1 Overall Objectives for the Boone Comprehensive Plan

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

Comprehensive Plan Policy 2.1.1 Economic Development

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

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

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

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

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

Acting Chairman Hedrick asked if he could amend the motion to add Comprehensive Plan Policy 2.3.2.E. Ms. Shook explained that the vote had already been taken but could be withdrawn if they wished to start over. Commission Members Kavanaugh and Behrend agreed to the amendment and Commission Member Kavanaugh noted that she would restate her motion.

First Motion and Vote:

Commission Member Kavanaugh made a motion, seconded by Commission Member Behrend, that the proposed amendment 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 the proposed amendment is consistent with:

Comprehensive Plan Policy 1.1 Overall Objectives for the Boone Comprehensive Plan

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

Comprehensive Plan Policy 2.1.1 Economic Development

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

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

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

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

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.

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

Second Motion and Vote:
Commission Member Veno made a motion, seconded by Commission Member Kavanaugh, that the Planning Commission recommends approval of the proposed amendment to the Town's Zoning map and believes approval is reasonable and in the public interest because the University is expanding so rapidly and intensely and there is so much unused property that could be revitalized and this is a good way to do that on the old high school site and is an appropriate use of the existing property.

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

CASE PL02333-030719 INITIATION OF AMENDMENTS – UDO TEXT AMENDMENT
Ms. Shook noted that changes to the proposed text that were suggested during the Public Hearing were as follows:

9.02.01 [A][1] Text Amendments
The last sentence of the first paragraph should read *Such request shall be scheduled for Council consideration at the next available regularly-scheduled meeting.*

9.02.01 [B][2]
This should read *Upon the initiative of the Administrator, Town Attorney, or Town Manager, with concurrence of all three.*

First Motion and Vote:
Acting Chairman Hedrick made a motion, seconded by Commission Member Kavanaugh, 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, with changes to 9.02.01 [A][1] Text Amendments with the last sentence of the first paragraph reading *Such request shall be scheduled for Council consideration at the next available regularly-scheduled meeting* and 9.02.01 [B][2] reading *Upon*

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the initiative of the Administrator, Town Attorney, or Town Manager, with concurrence of all three, because the proposed amendment is consistent with:

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.

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

Second Motion and Vote:
Commission Member Kavanaugh made a motion, seconded by Commission Member Behrend, that the Planning Commission recommends approval, based on the notion that the changes discussed will be sent through, of the proposed amendment to the Town's Zoning ordinance and believes approval is reasonable and in the public interest because it allows for quicker and more efficient initiation of amendments, both text and map, and provides some ease on the part of the Town Council, Planning Commission, and staff.

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

CASE PL02335-030719 BURDEN OF PROOF & TRANSITIONAL ZONE CLARIFICATIONS – UDO TEXT AMENDMENT
Ms. Shook noted it was suggested at the Public Hearing to add the word *credible* to all areas of the text that mentioned substantial competent evidence so that the text would read *substantial credible competent evidence*. Ms. Shook explained this language would clarify that the burden of proof is on the applicant making a request before the Board of Adjustment and testimony should be provided for the record even when there is no opposition on a topic.

Ms. Shook stated this text amendment also included a change that Transitional Zone requirements be part of a Conditional District and not just a Special Use Permit.

Ms. Shook noted that, under State law, traffic and property values are required to be qualified by a professional such as traffic engineers or appraisers. Commission Member Veno stated that would then put an additional financial burden on whomever needed those types of witnesses. Ms. Shook replied that it would but noted that this was already a requirement under State law and this language would just clarify the requirements.

First Motion and Vote:
Commission Member Kavanaugh made a motion, seconded by Acting Chairman 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, with the addition of the word *credible* in all applicable areas of the text so that it should read *substantial credible competent evidence,* because the proposed amendment is consistent with:

Comprehensive Plan Policy 2.1.1 Economic Development

E.1 Continue to look for ways to make development regulations and permit procedures more predictable

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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 2.3.4 Public Involvement

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

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

Second Motion and Vote:
Commission Member Behrend made a motion, seconded by Commission Member Kavanaugh, 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 the changes clarify the responsibility of everyone involved in the process so each person knows what they are responsible for.

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

CASE PL02336-030719 WIRELESS COMMUNICATION FACILITIES – UDO TEXT AMENDMENT
Ms. Shook stated that the technology for wireless was complex and the way the state requires wireless facilities to be regulated was complex. She stated that what was proposed was what the Town Attorney and Staff thought was the best solution for regulations based on Ms. Meade's research. Ms. Shook noted that permitting offices across the State were struggling to know how to understand the changes in State law.

Ms. Shook felt that after processing a few applications staff would likely find areas of the text that would need to be modified. She stated she did feel comfortable with the facilities that would require a Special Use Permit because she would be allowed to go to an outside consultant for assistance and that fee would be paid for by the applicant. Ms. Shook stated she was not an expert in wireless communication facilities but the Town would be hiring someone who was when Special Use Permits were necessary.

Acting Chairman Hedrick mentioned language that Ms. Meade stated in the Public Hearing that she would add. Ms. Shook stated that was correct and although she did not have that exact language additions would be added regarding a mechanism for the applicant to notify the Town on an annual basis that the insurance is being maintained and the other change would be to create language in 15.24 regarding abandonment of the sites. Commission Member Behrend and Acting Chairman Hedrick felt those additions were appropriate and important.

Commission Member Veno stated he was overwhelmed by the text and never knew anything about wireless facilities until he read the packet. Ms. Shook stated that, as proposed, the text was more comprehensive than what was currently in the UDO and has expanded to cover changing technology from when the ordinance was first drafted. Ms. Shook noted there could be unanticipated consequences from the text due to the rapidly changing technology and, while neither she or Ms. Meade were experts on wireless communication facilities, the text presented was what they felt was the best for the protection of the community.

Acting Chairman Hedrick stated they could look at this like a framework that may need to be revisited from time to time as technology changes. Ms. Shook stated that Ms. Meade drafted the language based

on current legislation and other ordinances that have been adopted. She noted that Ms. Meade chose what she felt was the cleanest or best language from each of those ordinances and combined them with some of the Town's current standards.

Commission Member Veno referred to Ms. Shook's comment during the Public Hearing that several applications had been submitted for wireless facilities. Ms. Shook explained that several applicants from different providers had called who wished to make application but are waiting for the new text to be adopted.

Ms. Shook stated that under the current ordinance the Town would have to allow 25 small wireless facilities on one application or allow facilities in the Town's right-of-way and on Town utility poles. Commission Member Veno asked if they had to apply for a permit. Ms. Shook replied that they did have to apply for a permit but staff would have to issue the permit.

Commission Member Behrend asked if there were size or height requirements for the small wireless facilities in the current ordinance. Ms. Shook replied there was not. She added that was also no requirement in the ordinance about how many poles could be placed or how far apart.

Ms. Shook explained that small wireless facilities were placed in a small area and used to boost signal. She noted that most of the definitions contained in the proposed text were State law definitions.

Commission Member Veno again stated that he was overwhelmed but this text was the best they had. Acting Chairman Hedrick replied that the intention was protection of the Town and community as a whole.

Commission Member Kavanaugh stated wireless communication facilities were going to come to this town regardless and she felt it should be more on our terms.

Ms. Shook noted that the more people who did not have dedicated home phone lines and relied on cell phones placed more demand on wireless transmission facilities and affects the 911 system. While there is a necessity for them, Ms. Shook stated there was also a necessity to regulate them.

Commission Member Behrend felt it was important to get this text adopted and have these regulations in place. She stated she did not know if this was the perfect plan but it would be a start.

Acting Chairman Hedrick felt it was a good first step.

Commission Member Veno stated that he hated to act on something because he was ignorant of it but he guessed this text was a start. He added that he did not disagree with the fact that this was needed he just found it difficult to understand. Ms. Shook offered to go through and explain the general regulations in each section if the Commission members wanted.

Ms. Shook noted that emergency response communication antenna requirements had not changed and were also in the current ordinance.

First Motion and Vote:

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

Comprehensive Plan Policy 1.1

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.

Comprehensive Plan Policy 2.1.1 Economic Development

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

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.

Comprehensive Plan Policy 2.3 The Community

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

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

Second Motion and Vote:
Commission Member Kavanaugh made a motion, seconded by Acting Chairman Hedrick, that the Planning Commission recommends approval of the proposed amendment to the Town's Zoning ordinance and believes approval is reasonable and in the public interest because it allows further Town control and regulations over the implementation of these wireless communication facilities as well as allows these facilities to come is with more ease and is more transparent with what regulations are set forth in order for them to put these in.

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

CASE PL02337-030719 AWNINGS IN THE B1 – UDO TEXT AMENDMENT
Ms. Shook noted that two changes were suggested during the Public Hearing; the installation of awnings over street level uses and allowed fabrics. Ms. Shook noted that the Community Appearance Commission would be meeting tomorrow night and would further discuss these items so that revised language could be presented to Town Council prior to adoption of the text.

Ms. Shook explained that the awning or canopy would have to be historically appropriate and under the current ordinance an awning could not be installed on a building unless there had been one on the building in the past. This text would allow those buildings to install an awning as long as it was historically appropriate.

Commission Member Veno asked if awnings would have to be removed if they were not conforming. Ms. Shook replied that that these requirements would be for new installations or replacements.

First Motion and Vote:
Commission Member Veno made a motion, seconded by Commission Member Behrend, that the proposed amendment to the Town's zoning ordinance is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because the proposed amendment is consistent with:

Comprehensive Plan Policy 1.1

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.

Comprehensive Plan Policy 2.1.1 Economic Development

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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.

Comprehensive Plan Policy 2.3.2 Community Character

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

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

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

Second Motion and Vote:
Commission Member Kavanaugh made a motion, seconded by Commission Member Behrend, 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 the amendment allows for the historical qualities of Boone to be maintained as well as encourages the community appearance that we seek out in the Comprehensive Plan and encourages pedestrian safety.

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

Acting Chairman Hedrick called a break in the meeting from 10:00 p.m. until 10:05 p.m.

CASE PL02338-030719 PERMIT PROCESS – UDO TEXT AMENDMENT
Ms. Shook stated that currently there are a limited number of days allowed by the UDO for staff to review application submittals noting that staff had 20 business days from the time an application was submitted to review the submission and respond to the applicant. She stated that, while some projects such as single family homes, were simpler, some projects were very complex and required detailed review by not only Planning & Inspections but the Fire Department, Public Works, and possibly DOT or other outside agencies. Ms. Shook noted various deadlines being juggled by Planning & Inspections and emphasized the difficulty of getting reviews and responses completed within 20 days.

Commission Members Kavanaugh and Behrend agreed that staff needed more time for review.

First Motion and Vote:
Commission Member Kavanaugh made a motion, seconded by Acting Chairman 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 the proposed amendment is consistent with:

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.

Vote: Aye – All

Nay – None
The motion passed.

Second Motion and Vote:
Acting Chairman Hedrick made a motion, seconded by Commission Member Kavanaugh, that the Planning Commission recommends approval of the proposed amendment to the Town's Zoning ordinance and believes approval is reasonable and in the public interest because it will reduce the burdens of time and deadlines on the Planning staff and ensure a more thorough and complete review of applications and allow for equitable and agreeable development into the future.

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

CASE PL02408-040419 TEMPORARY USE 9.01 T-13 TEMPORARY USE 0.01 PUBLIC COLLEGES & UNIVERSITIES – UDO TEXT AMENDMENT
Commission Member Kavanaugh stated she got a little bit lost on this case and did not know what sunsetting meant. Ms. Shook explained that sunsetting meant a date certain would be chosen for the use to no longer be allowed.

Ms. Shook noted that the O/I and M1 currently allow these temporary uses. This text amendment would allow public colleges and universities to have temporary uses in the B3 as well.

There was some concern or confusion expressed about the 10 year allowed time frame. Ms. Shook noted that Town Council was okay to have no buffer if the text for B3 sunsets in 10 years.

Commission Member Kavanaugh asked if a new building could be built to use as the temporary space. Ms. Shook replied that the text required that existing space be leased so while a new building could be built it would not be likely built by the University.

Commission Member Behrend asked if having the University in a commercial space would hinder other businesses from coming to the area. Mr. Johnson replied that while ASU was using the commercial space another tenant could not go into the space.

Commission Member Veno asked if this could increase the tax base. Ms. Shook felt it would depend on the level of improvements done to a space and when tax evaluations were performed.

Commission Member Behrend stated she was feeling better about the text but knew that some people were concerned with ASU taking over the town.

Ms. Shook reminded Commission members that the 10 year time frame applied only to B3.

Commission Member Kavanaugh and Acting Chairman Hedrick felt 10 years was reasonable.

Commission Member Behrend stated she was okay with 10 years.

Commission Member Veno felt that empty spaces were better occupied and stated he was a little bitter about the unintended consequence of empty spaces caused by mixed use projects.

First Motion and Vote:
Acting Chairman Hedrick made a motion, seconded by Commission Member Behrend, 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, considering the discussion at the Public Hearing and that language is added, because the proposed amendment is consistent with:

Comprehensive Plan Policy 1.1

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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.

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

Comprehensive Plan Policy 2.3 The Community

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.

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

Second Motion and Vote:
Acting Chairman Hedrick made a motion, seconded by Commission Member Kavanaugh, 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 this amendment, including the 10 year sunset period, will provide a period of transition for the University to occupy the B3 zoning district while enhancing their own capacity on the main campus to house their faculty, staff, and other needs.

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

OTHER MATTERS
There were no other matters discussed at this meeting.

ADJOURNMENT OF PLANNING COMMISSION
Commission Member Kavanaugh made a motion, seconded by Commission Member Behrend to adjourn the meeting at 10:36 p.m.

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

_____ _____

James Hedrick, Acting Planning Commission Chairman **Brenda Henson, Board Secretary**

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Zoning/Planning Permit 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
www.townofboone.net

PERMIT IS FOR (CHOOSE ONE):

- ☐ Single Family or Duplex (Residential)
- ☐ Commercial
- ☐ Board of Adjustment Hearing (other than Appeals)
- ☐ Planning/Other

A. CONTACT INFORMATION

Applicant: Dan Norman, CEO Company: North Star Villages, LLC

Address: 2318 Blakeford Lane Charlotte NC 28226

Phone Number: 704-975-9867 Email Address: dannorman@northstarvillages.com

Property Owner: Various (See attached) Company:

Address:

Phone Number: Email Address:

B. PROPERTY INFORMATION

Watauga County Parcel Identification Number(s): 2910-18-8163-000, 2910-18-9020-000, 2910-18-9036-000, 2910-28-0036-000, 2910-28-1022-000, 2910-27-1827-000 (See Cover Sheet)

Address/Location: East King Street

Project Name: East King Street Hotel

C. PERMIT SUBCATEGORIES

Additional Forms Needed

Zoning Permits

☐ Accessory Building	*Zoning Project Data Form (Residential or Commercial)
☐ Addition/Expansion including decks and patios	*Zoning Project Data Form (Residential or Commercial)
☐ Change of Occupancy	*Commerical Project Data Form
☐ Land Disturbance (not associated with the construction of a bldg.)	*Zoning Project Data Form (Residential or Commercial)
☐ Manufactured Home Set-up in Park	*Manufactured Home in Park Form
☐ New Building Construction	*Zoning Project Data Form (Residential or Commercial)
☐ Renovation/Remodel	*Zoning Project Data Form (Residential or Commercial)
☐ Accessory Use (as listed in UDO Subsection 15.07.01)	*Zoning Project Data Form (Residential or Commercial)
☐ Temporary Use (as listed in UDO Subsection 15.07.02)	*Zoning Project Data Form (Residential or Commercial)
☐ Sign	*Sign Project Data Form (Zoning)
☐ Pavement Sealant	*Pavement Sealant Project Data Form
☐ Major Subdivision Zoning Permit	*Commercial Project Data Form

Board of Adjustment Hearings

☐ Special Use Permit/Modification	*Special Use Permit Form
☐ Variance	*Variance Form
☐ Major Subdivision Preliminary Plat Approval	*Major Subdivision Preliminary Plat Approval Form

Planning/Other

☐ Exempt Division of Land	*Subdivision Exemption Project Data Form
☐ Minor Subdivision (Preliminary and Final Plat)	*Minor Subdivision Project Data Form
☐ Major Subdivision (Final Plat)	*Major Subdivision Final Plat Project Data Form
☐ UDO Text Amendment	*Text Amendment Project Data Form
☐ General Use Zoning Map Amendment	* General Use Map Zoning Map Amendment Project Data Form
☒ Conditional District Zoning Map Amendment	*Conditional District Zoning Map Amendment Project Data Form
☐ Voluntary Annexation	*Annexation Petition (Satellite or Contiguous)

D. DETAILED DESCRIPTION OF PROJECT

A 4-story 107-room hotel is proposed

E. PROJECT MANAGER DESIGNATION

A project manager is responsible for the activities listed in UDO Section 4.19. Single-family and two-family projects involving less than ½ acre of land disturbing activity or commercial site improvements that involve no more than 2,500 square feet of land disturbing activity are exempt from this requirement.

Name:	Michael P. Trew	Company:	Municipal Engineering Services
Address:	820-B State Farm Road Boone NC 28607	License #:	C-0281
Phone Number:	828-262-1767	Email Address:	trewmesco@bellsouth.net

F. DESIGN PROFESSIONAL INFORMATION

Engineer:

Name:	Michael P. Trew	Company:	820-B State Farm Road Boone NC 28607
Address:	820-B State Farm Road Boone NC 28607	License #:	C-0281
Phone Number:	828-262-1767	Email Address:	trewmesco@boone.ent

Architect:

Name:	Paul Monardo, President	Company:	Gary B. Corsey & Associates, Architects, Inc.
Address:	3621 Vinings Slope SE Suite 4440	License #:	11215
Phone Number:	Atlanta GA 30339	Email Address:	pmonardo@courseyarchitects.com

G. BROWNSFIELD AGREEMENT NOTIFICATION

1. Does the applicant have or is the applicant planning to enter into a Brownsfield Agreement with the NC Brownfields Program
   ☐ Yes ☒ No (If yes, please answer question #2 below)
2. Anticipated date of the first year of partial exclusion of property taxes: _____

H. 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.

Dan Norman	Dan Norman	06/05/2019
Applicant[1] (Print)	**Applicant Signature**	**Date**
See attachment for authorization	See attachment for authorization	
Property Owner (Print)	**Property Owner Signature**	**Date**

Official Use Only

Project File Name: East King St. Hotel - Cond. District Zoning Map Amend.

Permit Number: PL02654-060619

Project Name/Number:

Date:	Fee:	Receipt Number:	Method of Payment:	Paid By:
6-5-19	$500.00	993556	ck # 1184	North Star Villages L

S:\FORMS\Forms_2015\ZoningPermitApplication_052015.doc

[1] Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person must be submitted along with this application. Execution by property owner of this application signifies that the applicant is authorized to proceed.

Communication: PL02654-060619 Application Information (Case PL02654-060619 East King St Hotel - Conditional District Zoning Map

Conditional District Map Amendment
Project Data Form

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
Project Name/Number:
Permit Name/Number:

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

A. ADDITIONAL APPLICATION INFORMATION

Application is For: ☒ Conditional District Map Amendment ☐ Conditional District Map Amendment Modification

Hearing Date Requested[1]:

B. DEVELOPMENT INFORMATION

Project Name: East King Street Hotel

Project Description: A four-story 107-room hotel is proposed for the subject property

Existing Zoning District(s): B3/R3 Proposed Zoning District(s): B3

Existing Land Use(s): Parking lots Proposed Land Use(s)[2]: Commercial (Hotel)

Adjacent Land Use(s): N: Business (Municipal) E: Multi-Family Residential

W: Multi-Family Residential S: Multi-Family Residential

Are there are any existing variances granted to the property? ☐ Yes ☒ No ☐ Unknown

If yes, describe:

Are any variances being requested with this project?[3] ☐ Yes ☒ No

If yes, describe:

Total Land Area: 85,237 sq ft Total Disturbed Area: 82,815 sq ft

Number of Proposed Phases: n/a

Describe Phasing (if proposed): n/a

If requesting vesting greater than 2 years (per UDO Section 4.14), list amount requested (up to 3 additional years).

For modifications, list original case # and date granted:

[1] Each applicant must provide the meeting date for which they wish their request to appear. Each completed application must have met published meeting deadlines.
[2] Please see UDO Article 15 for specific details on permissible uses
[3] Each request for a Variance must be submitted on a separate Zoning Permit Application along with the appropriate fee.

Communication: PL02654-060619 Application Information (Case PL02654-060619 East King St Hotel - Conditional District Zoning Map

C. DOCUMENTS REQUIRED FOR SUBMITTAL

- ❒ Completed Application (see UDO Article 4 & Appendix A)
- ❒ Application Fee
- ❒ 7 complete sets of development site plans
- ❒ One (1) reduced copy of development site plans (11X17)
- ❒ Two (2) sets of copies of building elevations
- ❒ Digital copy of plans (if available)
- ❒ Deed(s) of all property included in the request
- ❒ A written metes & bounds legal description with accompanying survey map is required for a request that would rezone only a portion of a tax parcel or requests for multiple zoning districts

D. PROPERTY OWNER SIGNATURE:

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.

Property Owner's Representative (Print) (Authorization is attached)	Property Owner's Representative's Signature	Date

Official Use Only

Public Hearing Meeting Date: _____

PC Meeting Date: _____

TC Meeting Date: _____

Date of APO Mailed Notification: _____

Date of Posted Notification: _____

Project Approved: ☐ Yes ☐ No

Date Order Recorded: _____

Order Recordation Information: Book: _____ Page: _____

S:\FORMS\Forms_2015\ConditionalDistrictZoningMapAmendmentProjectDataForm_062015.doc

Communication: PL02654-060619 Application Information (Case PL02654-060619 East King St Hotel - Conditional District Zoning Map

Attachment to Conditional District Map Amendment Project Data Form
Parcel Numbers and Property Owners

2910-18-8163-000
James B. Graham, Jr.
Geoffrey L Graham
939 Appalachian Drive
Boone NC 28607

2910-18-9020-000
Tumbling Dice Properties, LLC
939 Appalachian Drive
Boone NC 28607

2910-18-9036-000
Reno Management, LLC
PO Box 823
Blowing Rock NC 28605

2910-28-0036-000
Mrs. Buford Stamey
C/O Teresa Lentz
PO Box 143
Blowing Rock NC 28605

2910-28-1022-000
Trailway Laundry, Inc.
139 Ash Lane
Boone NC 28607

2910-27-1827-000
Daphne Ramsey
156 Hillside Drive
Boone NC 28607

RECEIVED
JUN 05 2019
BY:

February 19, 2019

Town of Boone
Planning & Inspections Department
680 West King Street
Boone, NC 28607

RECEIVED
JUN 05 2019
BY:

Re: East King Street and Hillside Drive Property

Dear Sir or Madam:

This letter is to authorize Dan Norman, on behalf of North Star Villages, LLC, to apply for a zoning permit and any and all permits that might be necessary on behalf of the development of a hotel project on East King Street at the corner of Hillside Drive in Boone. I am expressly authorizing North Star Villages to execute such documents as maybe necessary to obtain all permits and authorizations from the Town of Boone to construct a hotel project on the property. This authorization shall include filing applications for all permits, filing any necessary requests for water allocation, and any other authorizations or requirements in order to construct a hotel project on the property located at East King Street and Hillside Drive, Boone, Watauga County, North Carolina. This authorization is specifically granted on behalf of the property owners listed below.

Very truly yours,

Trailway Laundry, Inc.

Lon D. Hagaman, Jr., President
President

Communication: PL02654-060619 Application Information (Case PL02654-060619 East King St Hotel - Conditional District Zoning Map

Heirs of Mrs. Buford Stamey

By: _____
Teresa Lentz

By: _____
Edward Stamey

By: _____
Harvey Stamey

By: _____
Michael Stamey

By: _____
Christopher Stamey

RECEIVED
JUN 05 2019
BY: _____

Communication: PL02654-060619 Application Information (Case PL02654-060619 East King St Hotel - Conditional District Zoning Map

Ronco Management, LLC

By: _____

Charlene Hoadley

Member

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JUN 05 2019

BY: _____

James B. Graham, Jr.

Karen A. Graham

Geoffrey L. Graham

Kathleen Q. Graham

Tumbling Dice Properties, LLC

By: _____
Geoffrey L. Graham
Member

By: _____
Kathleen Q. Graham
Member

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JUN 05 2019
BY: _____

Communication: PL02654-060619 Application Information (Case PL02654-060619 East King St Hotel - Conditional District Zoning Map

Daphne B. Ramsey

Daphne B. Ramsey

RECEIVED
JUN 05 2019
BY:

Di Santi Watson Capua Wilson & Garrett, PLLC

ATTORNEYS AT LAW

642 WEST KING STREET

Boone, North Carolina 28607

Anthony S. di Santi
CERTIFIED SUPERIOR COURT MEDIATOR
adisanti@dwc-law.com

Donald M. Watson, Jr.
dwatson@dwc-law.com

Andrea Natale Capua
ALSO LICENSED IN FLORIDA
acapua@dwc-law.com

MAILING ADDRESS:
POST OFFICE BOX 193
Boone, North Carolina 28607
TELEPHONE: (828) 264-6126
FAX: (828) 264-7743
www.dwc-law.com

Frank C. Wilson, III
ALSO LICENSED IN ALABAMA
fcw@dwc-law.com

Chelsea Bell Garrett
cgarrett@dwc-law.com

Crawford H. Cleveland, III
ccleveland@dwc-law.com

July 8, 2019

Marty Little-Senior Planner
Jane Shook-Director of Planning & Inspections
Town of Boone
567 West King Street
Boone, NC 28607

via Hand Delivery

RECEIVED
JUL 09 2019
BY:

Re: **North Star Villages ("Applicant")**
Application for Conditional Rezoning/ Map Amendment

Dear Mr. Little and Mrs. Shook:

The purpose of this letter is to inform the Town of Boone Planning & Inspections staff, Town Council and Planning Commission that the Applicant held a community meeting on Tuesday, July 25, 2019 on the subject property. The purpose of the meeting was to show an updated set of draft plans to anyone interested, discuss and answer questions about the characteristics of the project being proposed, and to explain how it differs from the project this Applicant previously proposed to the Town of Boone Board of Adjustment earlier this year. In attendance/ represented at the meeting to help answer questions were: Dan Norman and Tom Odai, principles of Applicant, North Star Villages, Michael Trew, PE, from Municipal Engineering, Ron Cutlip, landscape architect for the project, the property owner, and myself.

Attached as Exhibit 1 to this letter is a list of nearby property owners to which notice of the community meeting was mailed. Attached as Exhibit 2 to this letter is a two-page sign-in sheet showing the nearby property owners that signed in when they arrived at the community meeting. We believe several nearby property owners attended and did not sign in based on a rough head count at the meeting. I anticipate some of the neighboring property owners may attend the quarterly public hearing on July 22, 2019, and the Applicant welcomes their feedback and has already made some alterations to the planned project based on the discussions at the community meeting.

Please include this letter and attachments in the July 22nd Quarterly Public Meeting agenda packets as part of Applicant's submission. Thank you for your help and please contact me with any questions.

Communication: PL02654-060619 Neighborhood Meeting Exhibit (Case PL02654-060619 East King St Hotel - Conditional District Zoning Map

Very truly yours,

DI SANTI WATSON CAPUA WILSON & GARRETT, PLLC

Chelsea Bell Garrett

CBG/ln
W:\CBG\RE\NORMAN, DAN\LTR.TOWN OF BOONE.DOC

Communication: PL02654-060619 Neighborhood Meeting Exhibit (Case PL02654-060619 East King St Hotel - Conditional District Zoning Map

NEIGHBORHOOD MEETING
E KING ST HOTEL 06/25/19

NAME	ADDRESS	PHONE
MARSHALL, ROBERT + ROSE	4311 Brandy Rd GSO, NC 27407	
HENRY AND LISA KNOLL	147 HIGHLANDS DR. BOONE, NC	
TED HAGAMAN JR	876 Parkcrest Dr. Boone	
CHERIE HAMPTON	148 Highway 105 Ext. #303 Boone	
John Tippett	255 Woodland Drive Boone	
Candace Tippett	" " " "	
Tom Pace	118 Blanwood Dr	
Tasse Little	255 Windy Dr.	
Clayton Norris	280 Windy Dr.	
Carol Norris	176 Woodland Dr.	
Trent Edwards	214 Blanwood Dr.	
Harvey Deal	275 Woodland Dr.	

Phone #'s redacted for privacy

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BY:

Communication: PL02654-060619 Neighborhood Meeting Exhibit (Case PL02654-060619 East King St Hotel - Conditional District Zoning Map

EXHIBIT 1

P. 1

NEIGHBORHOOD MEETING
E KING ST HOTEL 06/25/1

NAME	ADDRESS	PHONE
DAN NORMAN	2318 BLAKEFORD LN, CHARLOTTE	
Daphne Ramsey	156 Hulsie Dr Boone, NC	
RON CUTLIP	276-H WATAUGA VILLAGE DR	
Tracy Henry	143 Skyview Dr.	
Magdene Heddy	295 Tony Acres	
Lenni Perry	57 MAY Apple Trail Newland NC, 28657	
" "	134 Hoss in the West Dr.	
[illegible]		
Lainey Edmisten	359 E. King St.	
Jim Lewis	2117 Deerfield Rd	

Phone #'s redacted for privacy

Communication: PL02654-060619 Neighborhood Meeting Exhibit (Case PL02654-060619 East King St Hotel - Conditional District Zoning Map

Premium Apartments
NORTH STAR Villages LLC

June 7, 2019

Dear Property Owner:

A formal application has been submitted to the Town of Boone seeking approval of a Map Amendment for a development project on the south side of East King Street consisting of four lots running west from Hillside Drive including 156 Hillside Drive.

We are asking the Town of Boone to approve this application to allow development of a hotel on the described property.

We would like to cordially invite you to a neighborhood informational meeting to be held on the property **Tuesday, June 25, 2019 from 5:00pm to 7:00pm**.

At this meeting we will make every effort to illustrate how the property will be developed and to answer any questions you may have.

Sincerely,

RECEIVED
JUL 09 2019
BY:

Dan Norman

2318 Blakeford Lane, Charlotte, NC 28226
Mobile (704) 975-9867 Fax (704) 899-4610

EXHIBIT 2

ID	TXACCTNAME	TXADDRESS	TXADDRESS2	TXCITYST	TXZIP
2910181070000	HELMS FAMILY TRUST	PO BOX 587		WEST END, NC	27376
2910185050000	HELMS FAMILY TRUST	PO BOX 587		WEST END, NC	27376
2910184016000	HELMS FAMILY TRUST	PO BOX 587		WEST END, NC	27376
2910174946000	THE HELMS FAMILY TRUST	PO BOX 587		WEST END, NC	27376
2910184094000	THE HELMS FAMILY TRUST	PO BOX 587		WEST END, NC	27376
2910189020000	TUMBLING DICE PROPERTIES, LLC	939 APPALACHIAN DR		BOONE, NC	28607
2910188163000	GRAHAM, JAMES B JR,GRAHAM, GEOFFREY L	939 APPALACHIAN DR		BOONE, NC	28607
2910189036000	RENO MANAGEMENT LLC	PO BOX 823		BLOWING ROCK, NC	28605
2910280036000	STAMEY, BUFORD MRS	C/O TERESA LENTZ	PO BOX 143	BLOWING ROCK, NC	28605
2910283090000	PERRY, LANA D	51 MAY APPLE TRL		NEWLAND, NC	28657
2910284029000	LANA D PERRY,DENNIS F PERRY	C/O LANA D PERRY	51 MAY APPLE TRAIL	NEWLAND, NC	28657
2910282070000	RAMSEY, DAPHNE	156 HILLSIDE DR		BOONE, NC	28607-4215
2910272849000	KNOLL, HENRY J.	PO BOX 1675		BOONE, NC	28607-1675
2910282132000	NC DEPT OF TRANSPORTATION,.DEPARTMENT OF TRANSPORTATION	407 OAKWOODS RD		WILKESBORO, NC	28697
2910283027000	NOCHE, LLC	895 STATE FARM RD STE 401		BOONE, NC	28607-6021
2910284268000	BOONE UNITARIAN UNIVERSAL FELLOWSHIP	381 EAST KING STREET		BOONE, NC	28607-4049
2910283337000	ELLIOTT, REAL PROPERTIES INC	885 STATE FARM RD		BOONE, NC	28607-4946
2910283247000	EDMISTEN, KELLY JOE	2112-1 DEERFIELD ROAD		BOONE, NC	28607
2910282322000	THRIFT FOOD CENTER	PO BOX 586		BOONE, NC	28607-0586
2910280382000	BOONE TOWN OF	567 W KING ST		BOONE, NC	28607
2910189207000	THE FORUM ON EAST KING LLC	215 BOONE HEIGHTS DR		BOONE, NC	28607
2910186370000	KINGSWOOD PROPERTY OWNERS ASSOC	KING ST		BOONE, NC	28607
2910281022000	TRAILWAY LAUNDRY INC.	139 ASH LANE		BOONE, NC	28607
2910271827000	RAMSEY, DAPHNE	156 HILLSIDE DR		BOONE, NC	28607-4215
2910273665000	COLDIRON, RONALD ALAN	202 HORN IN THE WEST DR		BOONE, NC	28607
2910273762000	SOUTHARD, BRAD C	279 SLEEPY HOLLOW LANE		BANNER ELK, NC	28604-
2910273866000	BREWER, IVA LEA	PO BOX 2228		BOONE, NC	28607
2910273974000	LEE, ROBERT D AND SHARON J	234 HOWARDS CREEK CHURCH RD		BOONE, NC	28607
2910276826000	KW HOLDING COMPANY, LLC	PO BOX 3340		FT MILL, SC	29745
2910273564000	GRAGG, JOHN AND BRENDA	126 WOODLAND DR		BOONE, NC	28607-4259
2910272604000	SPA PROPERTIES IV, LLC	PO BOX 12592		CHARLOTTE, NC	28220
2910272734000	SPA PROPERTIES IV, LLC	PO BOX 12592		CHARLOTTE, NC	28220
2910272538000	BALF HOLDINGS, LLC,C/O ANN ROBERSON	PO BOX 1099		LEWISVILLE, NC	27023
2910177807000	HELMS FAMILY TRUST	PO BOX 587		WEST END, NC	27376
2910175806000	HELMS FAMILY TRUST	PO BOX 587		WEST END, NC	27376
2910175897000	HELMS FAMILY TRUST	PO BOX 587		WEST END, NC	27376
2910174829000	E SQUARED HOLDINGS, LLC	553 OAK ST		BOONE, NC	28607
2910177898000	BOWMAN, GLENN MICHAEL,BOWMAN, BETH CHURCH	1413 SIXTH ST CIRCLE NW		HICKORY, NC	28601
2910178858000	TUMBLING DICE PROPERTIES, LLC	939 APPALACHIAN DR		BOONE, NC	28607
2910179846000	LITTLE, RICHARD G,LITTLE, TASSE A	2714 TANGLEWOOD LANE		CHARLOTTE, NC	28211-1647
2910175720000	CAMPBELL, JASON D,CAMPBELL, AMANDA M	166 WINDY DR		BOONE, NC	28607
2910176711000	SGP PROPERTIES LLC	PO BOX 3528		BOONE, NC	28607

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JUL 09 2019
BY:

Communication: PL02654-060619 Neighborhood Meeting Exhibit (Case PL02654-060619 East King St

2910174717000	ROUND TABLE INVESTMENTS INC	C/O DONALD MORRISON	24 LONGVIEW ROAD	ASHEVILLE, NC	28806
2910271811000	LOVIN, J FULTON	PO BOX 462		BOONE, NC	28607
2910271759000	WHITE PINES OF ROWAN, LLC	4240 STOKES FERRY RD		SALISBURY, NC	28146
2910176791000	STEVE & LINDA RIGELL LIVING TRUST,RIGELL, STEVE	196 WINDY DR		BOONE, NC	28607
2910175660000	JENSEN, GENE D AND OLGA	P O BOX 1134		BLOWING ROCK, NC	28605-1134
2910179691000	CAROL CLAYTON NORRIS REVOCABLE TRUST,NORRIS, CAROL CLAYTO	176 WOODLAND DR		BOONE, NC	28607
2910270713000	CANTRELL, DEBBIE	2086 N 500 W		KOKOMO, IN	46901-9607
2910179605000	BINGHAM FARMS II LLC	120 MCGRADY LN		SPARTA, NC	28675
2910178635000	BINGHAM, VIRGINIA J, TRUSTEE	199 IRA RD		BOONE, NC	28607
2910178756000	NORRIS, CLAYTON E,NORRIS, PRISCILLA L	PO BOX 1001		BOONE, NC	28607
2910179734000	NORRIS, CLAYTON E,NORRIS, PRISCILLA L	PO BOX 1001		BOONE, NC	28607
2910177785000	RIGELL, LUCAS R,RIGELL, FRANK S + RIGELL, LINDA	196 WINDY DR		BOONE, NC	28607
2910177665000	BINGHAM, VIRGINIA J, TRUSTEE	199 IRA RD		BOONE, NC	28607
2910271615000	CAROL CLAYTON NORRIS REVOCABLE TRUST,NORRIS, CAROL CLAYTO	176 WOODLAND DR		BOONE, NC	28607
2910186370002	ML PHILLIPS FAMILY LIMITED PARTNERSHIP	875 MOUNT JEFFERSON RD		WEST JEFFERSON, NC	28694-8334
2910186370004	WRIGHT, JOHN RICHARD,.JOHN RICHARD WRIGHT LIVING TRUST	PO BOX 2508		BOONE, NC	28607
2910186370033	WRIGHT, JOHN RICHARD,.JOHN RICHARD WRIGHT LIVING TRUST	PO BOX 2508		BOONE, NC	28607
2910186370041	WRIGHT PROPERTIES OF BOONE LLC	270 LAZY LAKE ROAD		BOONE, NC	28607
2910186370044	JOHN R BURLINSON LIVING TRUST,BURLINSON, JOHN R	2840 PETSOSKEY PL		THE VILLAGES, FL	32163
2910186370046	DEVRIES, THOMAS J,DEVRIES, NANCY S	1932 SUMMERHILL DR		CHARLOTTE, NC	28212
2910186370055	HOLMES PROPERTIES OF THE H C LLC	409 TOM SHOOK RD		BANNER ELK, NC	28604
2910283337008	F&M FAMILY LLC	114 2ND SAN MARINO TER		MIAMI, FL	33139
2910283337010	EULISS, HOWARD O,EULISS, SUSAN M	620 GREEN ACRES MYERS ST		MILLERS CREEK, NC	28651-9280
2910186370006	CALLOWAY, ALBERT H SR,.ALBERT H CALLOWAY SR AMENDED & REST/	279 SPRINGMOOR DR		RALEIGH, NC	27615-7700
2910186370013	ANDREWS, GLENDA PATRICIA	2888 LIBERTY GROVE CHURCH ROAD		FLEETWOOD, NC	28626
2910186370018	SHINN, CHRISTOPHER DAVIDSON	14900 OXFORD HOLW		HUNTERSVILLE, NC	28078
2910186370020	BECK, HALL P JR	P O BOX 734		VALLE CRUCIS, NC	28691-0734
2910186370028	MADDEN, MELISSA R	1215 LANE DR		CARY, NC	27511
2910186370038	ML PHILLIPS FAMILY LIMITED PARTNERSHIP	875 MOUNT JEFFERSON RD		WEST JEFFERSON, NC	28694-8334
2910186370048	NEWBOLD, CLEMENT BUCKLEY III	12810 QUAIL LAKE DRIVE		CLERMONT, FL	34711
2910186370049	MILLER, JANIE WATTS,MILLER, DONALD CURTIS	786 HUNTING HILLS LN		BOONE, NC	28607
2910276826004	NGUYEN, CHIEU MINH,NGUYEN, TAM MAU	148 HWY 105 EXT. STE. 203		BOONE, NC	28607
2910276826009	HAMPTON, CHERIE	148 HWY 105 EXT #303		BOONE, NC	28607
2910276826010	JONES, DANIEL K	148 HWY 105 APT 304		BOONE, NC	28607
2910276826013	KW HOLDING COMPANY, LLC	PO BOX 3340		FT MILL, SC	29745
2910283337001	PAYNE, PHILLIP MARC,PAYNE, PAMELA LEWIS	210 BEAVER CREEK RD	PO BOX 606	WEST JEFFERSON, NC	28694
2910283337003	HALCYON PROPERTIES LLC	1670 HOWARDS CREEK RD		BOONE, NC	28607
2910283337005	GIL, LUIS,GIL, NORA	PO BOX 15983		FORT LAUDERDALE, FL	33318
2910186370008	REBWIN PROPERTIES, LLC	5445 PINE HOLLOW TRL		OVIEDO, FL	32765
2910186370010	HOLMES PROPERTIES OF THE H C LLC	409 TOM SHOOK RD		BANNER ELK, NC	28604
2910186370011	PATE, BRIAN,PATE, EILEEN V	873 STROUD CIR		WAKE FOREST, NC	27587
2910186370014	WRIGHT PROPERTIES OF BOONE LLC	270 LAZY LAKE ROAD		BOONE, NC	28607
2910186370015	LUNDIE, DAVID R	2004 RESERVE FALLS LN		WAKE FOREST, NC	27587

Communication: PL02654-060619 Neighborhood Meeting Exhibit (Case PL02654-060619 East King St

2910186370026	WILLIS, HERMAN DENNIS JR	110 S RUDISILL DR		CHERRYVILLE, NC	28021
2910186370034	MOUNTAIN APARTMENT MANAGEMENT LLC	529 OVERLOOK LANE		MOUNTAIN CITY, TN	37683
2910186370043	ML PHILLIPS FAMILY LIMITED,PARTNERSHIP	875 MOUNT JEFFERSON RD		WEST JEFFERSON, NC	28694
2910283337004	MARSHALL, ROBERT JR AND ROSE	4311 BRANDY RD		GREENSBORO, NC	27407-9741
2910186370012	PORTANTE, MICHAEL	191 POINT LOOKOUT DR		WILKESBORO, NC	28697
2910186370016	ABERNATHY, MARK C	114 HOMEPLACE DR		MOUNT HOLLY, NC	28120-9660
2910186370024	MORGAN, HOWARD L,MORGAN, CLAUDIA H	910 BURKEMONT AVE		MORGANTON, NC	28655-4501
2910186370030	M L PHILLIPS FAMILY LIMITED PARTNERSHIP	875 MOUNT JEFFERSON RD		WEST JEFFERSON, NC	28694
2910186370032	ML PHILLIPS FAMILY LIMITED PARTNERSHIP	875 MOUNT JEFFERSON RD		WEST JEFFERSON, NC	28694-8334
2910186370042	DANIEL, EVELYN B	570 DANIEL RD		MOCKSVILLE, NC	27028
2910276826012	KW HOLDING COMPANY, LLC	PO BOX 3340		FT MILL, SC	29745
2910276826015	KW HOLDING COMPANY, LLC	PO BOX 3340		FT MILL, SC	29745
2910186370027	MET HOLDINGS LLC	481 KILARNEY WAY		BOONE, NC	28607
2910186370031	G AND T FAMILY LLC	768 W KING ST		BOONE, NC	28607
2910186370045	M L PHILLIPS FAMILY LIMITED PARTNERSHIP	875 MOUNT JEFFERSON RD		WEST JEFFERSON, NC	28694
2910186370051	WITHERS, JOHN M III,WITHERS, JOAN D	537 AMITY CHURCH RD		IRON STATION, NC	28080
2910276826014	KW HOLDING COMPANY, LLC	PO BOX 3340		FT MILL, SC	29745
2910276826006	SPANGLER, CHRISTOPHER D	6236 US HWY 321 S		BLOWING ROCK, NC	28605
2910276826007	DOEGE, KARL	148 HWY 105 EXT UNIT 301		BOONE, NC	28607
2910276826008	HIGBY, CONSTANCE B,HIGBY, SUZANNAH B	144 RIDGE POINT DR		BOONE, NC	28607
2910276826011	BROWN, ERIC BRANDON	148 HWY 105 EXTENSION STE	305	BOONE, NC	28607
2910186370005	REBWIN PROPERTIES, LLC	5445 PINE HOLLOW TRL		OVIEDO, FL	32765
2910186370007	LOCKHART, HARRY JAMES JR,LOCKHART, MARY M	6203 BURNING BUSH COURT		PLEASANT GARDEN, NC	27313
2910186370017	CRUMPLER, G R JR	109 OAK RIDGE DR		BOONE, NC	28607
2910186370022	HIMM, JOSEPH D. AND PAULINE B	209 W FIRST ST	P O BOX 743	WEST JEFFERSON, NC	28694
2910186370023	ARMSTRONG, BRYANT	300 BLACKWELL ST 213		DURHAM, NC	27701
2910186370054	CLEMENTS, CHARLES R AND BARBARA	6004 NORTH 1ST ST		ARLINGTON, VA	22203
2910283337002	STEFANOVIC, DRAGAN,STEFANOVIC, MARIE	2609 CROSS CREEK DR		MARYVILLE, TN	37803
2910283337007	BROWN, RICHARD MCKEE,BROWN, KAREN AINSWORTH	8301 SALEM DR		APEX, NC	27539-9758
2910283337009	EULISS, HOWARD O,EULISS, SUSAN M	620 GREEN ACRES MYERS ST		MILLERS CREEK, NC	28651-9280
2910283337012	HAAS, DAVID BRYAN,HAAS, MICHAELE H	PO BOX 3384		BOONE, NC	28607
2910186370003	WRIGHT, JOHN RICHARD,.JOHN RICHARD WRIGHT LIVING TRUST	PO BOX 2508		BOONE, NC	28607
2910186370021	CRUMPLER, GEORGE R JR	109 OAK RIDGE DR		BOONE, NC	28607
2910186370029	VEST, PAUL,VEST, VICKI	37 WILDERNESS RD		ASHEVILLE, NC	28804
2910186370035	JCK HOLDINGS LLC	700 PRESSLEY RD		CHARLOTTE, NC	28217-4614
2910186370047	PHILLIPS, MITCHELL L,PHILLIPS, JANINE N	875 MOUNT JEFFERSON RD		WEST JEFFERSON, NC	28694
2910186370052	TILLEY CURRIE 1 LLC	768 W KING ST		BOONE, NC	28607
2910186370053	CRUMPLER, G R JR	109 OAK RIDGE DR		BOONE, NC	28607
2910186370056	HOLMES PROPERTIES LLC	P.O. BOX 653		VALLE CRUCIS, NC	28691
2910276826002	STREAMKEEPER, LLC	PO BOX 2711		BOONE, NC	28607
2910283337006	EULISS, HOWARD O,EULISS, SUSAN M	620 GREEN ACRES MYERS ST		MILLERS CREEK, NC	28651-9280
2910283337011	HAAS, DAVID BRYAN,HAAS, MICHELE H	PO BOX 3384		BOONE, NC	28607-3384
2910186370001	TILLEY CURRIE 1 LLC	768 W KING ST		BOONE, NC	28607

Communication: PL02654-060619 Neighborhood Meeting Exhibit (Case PL02654-060619 East King St

2910186370009	MORGAN, PATRICIA K,KUYKENDALL, JOHN R JR	158 WOODBERRY DR	ROXBORO, NC	27574-6660
2910186370019	REDSED LLC	110 BOURKE PL	CARY, NC	27511-5556
2910186370025	MET HOLDINGS LLC	481 KILARNEY WAY	BOONE, NC	28607
2910186370036	TILLEY CURRIE 1 LLC	768 W KING ST	BOONE, NC	28607
2910186370037	LESESNE, HENRY,LESESNE, JEAN	5160 NIAGRA DR	CHAPEL HILL, NC	27517
2910186370039	WRIGHT, JOHN RICHARD,.JOHN RICHARD WRIGHT LIVING TRUST	PO BOX 2508	BOONE, NC	28607
2910186370040	ML PHILLIPS FAMILY LIMITED,PARTNERSHIP	875 MOUNT JEFFERSON RD	WEST JEFFERSON, NC	28694
2910186370050	CLEMENTS, CHARLES R AND BARBARA	6004 NORTH 1ST ST	ARLINGTON, VA	22203
2910276826001	KW HOLDING COMPANY, LLC	PO BOX 3340	FT MILL, SC	29745
2910276826003	KW HOLDING COMPANY, LLC	PO BOX 3340	FT MILL, SC	29745
2910276826005	KW HOLDING COMPANY, LLC	PO BOX 3340	FT MILL, SC	29745

Communication: PL02654-060619 Neighborhood Meeting Exhibit (Case PL02654-060619 East King St

Municipal Engineering Services Company, P.A.

July 19, 2019

Mr. Marty Little, Senior Planner
Town of Boone Department of Planning & Inspections
PO Drawer 192
Boone, NC 28607

RECEIVED
JUL 19 2019
BY:

RE: Proposed East King Street Hotel Parking Demand Analysis

Dear Marty:

The proposed East King Street Hotel to be constructed at the corner of East King Street and Hillside Drive will have 107 rentable rooms. Our site plan provides 110 parking spaces – one per room and three for employees.

The current Town of Boone parking requirements for a hotel require a minimum of 1.25 spaces per room plus additional parking for restaurant/lounge and meeting areas. The proposed hotel will not have a restaurant/lounge or meeting space. Due to the topography and other site restrictions it is impossible to provide 1.25 spaces per room. We have researched this type of parking restrictions and believe a 1.25 rate will result in excessive parking spaces. Following is documentation to support our assessment that the 111 spaces shown on the plan will be sufficient for the project.

1. A letter the Project Architect is attached. Mr. Coursey's firm has almost 50 years of experience in hotel design and explains in his letter that for this type of hotel (mid-level with no restaurant/lounge or meeting rooms) the industry standard is one space per guestroom.

2. A Sample Parking Design Analysis (PDA) is attached. During our research we found a PDA for a similar size Hilton Hotel with similar services in a town slightly larger than Boone. The conclusion of the analysis is that a 1:1 parking ratio will be sufficient for the proposed hotel.

Based on the attached documentation it is our professional opinion that a 1:1 parking ratio will be sufficient for the proposed hotel. If you have any questions or need additional information, please feel free to call.

Sincerely,
MUNICIPAL ENGINEERING SERVICES CO., P.A.

Michael P. Trew, PE

Enclosures

Copy: Dan Norman, CEO, North Star Villages

68 Shipwash Drive • Garner, NC 27529 • ph: 919-772-5393 • fx: 919-772-1176 • www.mesco.com
P.O. Box 349 • Boone, NC 28607 • ph: 828-262-1767 • fx: 828-265-2601 • www.mesco.com

CIVIL / SANITARY / ENVIRONMENTAL ENGINEERS • SUBSURFACE UTILITY ENGINEERING (SUE)
SITE PLANNING / SUBDIVISIONS • SOLID WASTE MANAGEMENT • FUNDING/GRANT ADMINISTRATION
LICENSE NUMBER: C-0281

Communication: PL02654-060619 Parking Demand Analysis (Case PL02654-060619 East King St Hotel - Conditional District Zoning Map

gcsa

gary b. courseyy & associates • architects • in • a.i.a.

architecture
interior design
planning

February 25, 2019

Town of Boone
680 W King St, Suite C
Boone, NC 28607

Attention: Jane Shook, Planning Director

RE: Proposed East King Street Hotel, Boone, NC

Dear Jane,

Our firm has almost 50 years of experience serving the hospitality business. The site parking of hotels usually requires one space per guest room. This serves two purposes; it allows more open spaces for landscaping, which omits large expenses of parking areas; and the one space per guestroom allows for a lush landscaping area for the street scope of each project, the overall appeal of the fabric of the neighborhood.

We would like to state that the industry standard for select service hotels in the Industry Standard parking ratio is one space per guestroom. It doesn't matter what brand of hotel. This tier of hotel does not generally require more spaces than the one space per guestroom standard.

East King Street Hotel in Boone will be no different than our experience has seen and that more parking than provided should not be necessary.

If have any questions or need additional information, give us a call.

Sincerely,

Gary B. Coursey, FAIA
CEO

3621 vinings slope s.e. • suite 4440 • atlanta, georgia 30339 • 770.432.2727 • fax 770.432.2773 • www.courseyarchitects.com

Communication: PL02654-060619 Parking Demand Analysis (Case PL02654-060619 East King St Hotel - Conditional District Zoning Map

May 13, 2014

Kelly Harris, P.E.
Keystone Engineering & Surveying
PO Box 436
Stillwater, OK 74076

Re: *Parking Analysis for Hilton Home 2 – Stillwater, OK*

Dear Mrs. Harris:

Lee Engineering has analyzed the trip generation characteristics of the proposed Hilton Home 2 hotel to be located north of Hall of Fame Avenue just east of Main Street in Stillwater, OK. The proposed hotel will consist of 109 rooms and will cater to the business traveler. No meeting space, food service, or on-site restaurant will be provided at the hotel.

City of Stillwater Requirements

The City of Stillwater has revised their current building code to require 1.25 parking spaces/room. Based on these requirements, the number of parking spaces required for the proposed 109-room hotel would be 136 spaces. The current site plan for the proposed hotel has provided for 111 parking spaces.

ITE Parking Standards

The number of parking spaces at a location is relative to the cost and location of the parking, number of available stalls, adjacency of transit services, and land use. *Parking Generation, 4th Edition* by the Institute of Transportation Engineers (ITE) provides industry parking standards for various land uses. **Table 1** provides the average and 85th percentile parking rates during the peak periods based on ITE rates for a business hotel.

Communication: PL02654-060619 Parking Demand Analysis (Case PL02654-060619 East King St Hotel - Conditional District Zoning Map

Table 1: ITE Parking Generation Rates for Business Hotel

	Weekday	Saturday
Peak Period	12:00am to 4:00am	11:00pm to 12:00am
Average Rate	0.60 vehicles/occupied room	0.66 vehicles/occupied room
85th Percentile Rate	0.75 vehicles/occupied room	0.72 vehicles/occupied room

As indicated in *Parking Generation*, the data provided above was gathered from seven study sites; five in a suburban location and the other two in urban locations. The parking demand ratios at the suburban sites were similar to that of the urban sites.

ITE Parking Demand

Parking rates shown in Table 1 indicate that the average and 85th percentile parking demand is comparable on a weekday versus a weekend. **Table 2** shows the predicted parking demand for the proposed hotel at full occupancy using the ITE parking rates.

Table 2: ITE Predicted Parking Demand for Hilton Home 2

	Weekday	Saturday
Average Demand	66 spaces	72 spaces
85th Percentile Demand	82 spaces	79 spaces

Comparable Site Parking Accumulation Data Collection

The Developer has several similar hotels in operation throughout the United States. They have collected parking demand data for the following four hotels, similar to the proposed hotel, and are provided in the Appendix.

- Homewood Suites, Round Rock, TX – 115 Suites
- Hampton Inn, Round Rock, TX – 94 Rooms
- Homewood Suites, Nashville, TN – 192 Suites
- Hampton Inn and Suites - Lavaca, Austin, TX – 137 Rooms

The existing parking demand for the study sites was determined by counting the number of parking spaces which were occupied during weekday and weekend operations. Counts were taken during the peak hour at 12:00am. Parking data was collected for the two Round Rock, TX sites during the 2013 holiday season (Thanksgiving, Christmas, and New Year) and for the other two sites during the month of March 2014 (Spring Break). These times of year are the estimated peak seasons.

Based on the parking accumulation data collected, **Table 3** presents the existing average and maximum parking demands observed. Raw data is attached at the end of this document.

Table 3: Comparable Site Existing Peak Parking Demand

Study Location	Spaces Available	WEEKDAY Number Rooms Sold Avg (Max)	WEEKDAY Number Occupied Spaces Avg (Max)	WEEKDAY Vehicles Per Occupied Room Avg (Max)	WEEKEND Number Rooms Sold Avg (Max)	WEEKEND Number Occupied Spaces Avg (Max)	WEEKEND Vehicles Per Occupied Room Avg (Max)
Homewood Suites, Round Rock, TX	115	84 (115)	68 (94)	0.81 (0.82)	74 (115)	66 (92)	0.89 (0.80)
Hampton Inn, Round Rock, TX	94	67 (94)	54 (92)	0.81 (0.98)	52 (94)	46 (92)	0.88 (0.98)
Homewood Suites, Nashville, TN	192	191 (192)	120 (169)	0.63 (0.88)	185 (192)	129 (164)	0.70 (0.85)
**Hampton Inn - Lavaca, Austin, TX*	137	133 (137)	57 (81)	0.43 (0.59)	123 (137)	59 (90)	0.48 (0.66)
TOTALS	**401**	**342 (401)**	**242 (355)**	**0.71 (0.89)**	**311 (401)**	**241 (348)**	**0.77 (0.87)**

*NOT USED IN CALCULATION OF RATES

To be conservative, the Hampton Inn – Lavaca in Austin, TX was not used in the calculation of rates since data from this location seems to be an outlier compared to the other three hotels. From the data shown in the table above, the weekday and weekend expected parking demands are very similar. **Table 4** shows the predicted parking demand for the proposed hotel at full occupancy using the comparable site parking rates.

Table 4: Comparable Site Predicted Parking Demand for Hilton Home 2

	Weekday	Weekend
Average Demand	77 spaces	84 spaces
Maximum Demand	97 spaces	95 spaces

Comparing parking demands in Tables 2 & 4, the calculated demand is slightly higher than that shown for the ITE rates.

Conclusions

Based on analysis of calculated parking demands, the proposed Hilton Home 2 hotel is estimated to generate a maximum demand for approximately 97 parking spaces. We recommend a variance to approve this hotel site with a 1.0 parking space/room ratio, resulting in 109 total parking spaces.

Thank you for the opportunity to complete this study. Please contact me if you have any questions or need additional information.

Sincerely,

Esther M. Shaw-Smith, P.E.
Project Manager

LICENSED PROFESSIONAL ENGINEER ESTHER M. SHAW-SMITH 5-13-14 23711

ATTACHMENTS

DESIGN RESOURCE GROUP

MEMORANDUM

Date: July 8, 2019

To: Marty Little
Senior Planner
Town of Boone
Planning & Inspections Department

RECEIVED
JUL 19 2019
BY:

From: Randy E. Goddard, PE
Senior Principal
Design Resource Group, PA (C-2165)

Subject: **East King Street Hotel** (841-001)
Conditional District Zoning Map Amendment (PL02654-060619)
Response to Traffic Impact Analysis (TIA) Comments

In response to Traffic Impact Analysis (TIA) related comments made by the Town of Boone's Planning & Inspections Department in their letter dated July 2, 2019, we provide the following:

- Per the Town of Boone's Unified Development Ordinance (UDO) Subsection 4.05.03(C) Traffic Impact Analysis, a TIA may be required if any of the following conditions exist:

  1. The development proposes to have an access to the public road system within 100' of the Stop bar of any traffic control signal; or
     a. This condition does not exist so therefore this condition does not apply. The development does not have a proposed access within 100' of a STOP bar at a signalized intersection.

  2. The development proposes to have an access to the public road system within 200' of the STOP bar of any traffic control signal and based upon Institute of Transportation Engineers (ITE) trip generation rates is projected to generate eighty (80) or more exiting trips during any one (1) hour period of any day; or
     a. This condition does not exist as the site is projected to generate no more than 27 exiting trips based on the 10th Edition of ITE Trip Generation (see attached trip tables) so therefore this condition does not apply. In addition, the development does not have a proposed access within 100' of a STOP bar at a signalized intersection.

  3. The development proposes to have an access to the public road at a location where sight distance in any direction along the road is less than 500'; or
     a. Adequate sight distance has been verified by the site civil for the project at 960' looking to the left from the proposed access location on E. King Street therefore this condition does not apply.

2459 Wilkinson Boulevard, Suite 200
Charlotte, NC 28208

o 704.343.0608
w www.drgrp.com

Communication: PL02654-060619 Traffic Impact Analysis Information (Case PL02654-060619 East King St Hotel - Conditional District Zoning

4. The development proposes access onto a public road that does not have a paved width of at least eighteen feet (18'); or
    a. This condition does not exist as E. King Street where the primary access is located far exceeds 18' pavement width and if an access is allowed to Hillside Drive, the width of this side street has a pavement width no less than 18' wide so therefore this condition does not apply.

5. The development proposes access to a public road that currently operates at a level of service D or less and based upon ITE trip generation rates is projected to generate 1,500 weekday trips; or
    a. This condition does not exist as the site is projected to generate an estimated 782 daily trips based on the 10th Edition of ITE Trip Generation (see attached trip tables) so therefore this condition does not apply

6. The Administrator or Public Works Director determines that the proposed project will have a potential impact on the public road system due to the size of the projector existing transportation system; or determines that there are safety concerns with the driveway location or design.
    a. We do not believe this condition is met as we have not seen correspondence indicating the Town has any traffic related issues with the proposed hotel project.

- If a TIA is not required by the North Carolina Department of Transportation (NCDOT), please provide documentation from NCDOT proving so.

    - A Traffic Impact Analysis Need Screening document has been completed and was provided to the NCDOT District office (Brandon Greer) on July 2, 2019 (see attached packet).
    - NCDOT staff has reviewed the information and have determined that a TIA is not required (see attached correspondence dated 7/8/19).

Please contact us should you have any questions or need any additional information.

Attachments: Hotel Trip Generation Tables
NCDOT TIA Need Screening Packet
NCDOT E-Mail Dated 7/8/19

cc: Dan Norman	North Star Villages, LLC
Michael Threw, PE	Municipal Engineering Services Co, PA
Chelsea Bell Garrett	di Santi Watson Capua Wilson & Garrett, PLLC

Communication: PL02654-060619 Traffic Impact Analysis Information (Case PL02654-060619 East King St Hotel - Conditional District Zoning

Randy Goddard

From: Fisher, Hugh C <hcfisher@ncdot.gov>
Sent: Monday, July 08, 2019 12:38 PM
To: Randy Goddard
Subject: FW: North Star Villages/ Boone NC TIA Screening/Scoping Request
Attachments: DOC070819-07082019122953.pdf

Signed document attached

H. Carson Fisher
Engineering Technician III
Boone District Office
North Carolina Department of Transportation

828 268 6028 office
hcfisher@ncdot.gov

1829 Hwy. 194 North
P.O. Box 1460
Boone, NC 28607+1460

RECEIVED
JUL 19 2019
BY:

From: Fisher, Hugh C
Sent: Monday, July 8, 2019 11:52 AM
To: Randy Goddard <randy@drgrp.com>
Cc: Greer, Brandon S <bgreer@ncdot.gov>
Subject: North Star Villages/ Boone NC TIA Screening/Scoping Request

Randy – Brandon Greer has indicated that NCDOT will nor require a TIA for the four story hotel on E King St at Hillside Dr in Boone NC. Let me know if you have questions, Thanks, Carson

H. Carson Fisher
Engineering Technician III
Boone District Office
North Carolina Department of Transportation

828 268 6028 office
hcfisher@ncdot.gov

1829 Hwy. 194 North
P.O. Box 1460
Boone, NC 28607+1460

Communication: PL02654-060619 Traffic Impact Analysis Information (Case PL02654-060619 East King St Hotel - Conditional District Zoning

DRAFT Traffic Impact Analysis Need Screening / Scoping Request

TIA Need Screening | TIA Scoping | TIA Submittal

Additional Comments:

The TIA need decision is made by the NCDOT Division 11 District 2 on 7/8/19.

NCDOT District Representative's Signature

Ivan Dishman
Print Name

Email concurrence may be used in lieu of the signature.

Communication: PL02654-060619 Traffic Impact Analysis Information (Case PL02654-060619 East King St Hotel - Conditional District Zoning

Packet Pg. 51

DESIGN RESOURCE GROUP

NORTH CAROLINA PROFESSIONAL SEAL 16315 ENGINEER RANDY GODDARD

Randy E. Goddard

JULY 15, 2019

TRANSPORTATION TECHNICAL MEMORANDUM

Date: July 15, 2019

To: Dan Norman
North Star Villages, LLC

From: Randy E. Goddard, P.E.
Senior Principal
Design Resource Group, PA (C-2165)

Subject: **Boone E. King Street Hotel** (841-001)

RECEIVED JUL 19 2019 BY:

EXECUTIVE SUMMARY

As discussed below, the proposed 107 room hotel development will not have a significant impact on the adjacent roadways and intersections, based on the estimated minor number of peak hour trips expected to be generated from this development and will not endanger the health, safety and welfare of the general public.

We provide the following supporting information:

Land Use [ITE Code]			Daily	AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
Hotel [310]	107	Rooms	782	29	20	49	28	27	55

References: Trip Generation, 10th Edition, Institute of Transportation Engineers, Washington, DC, 2017

Under the proposed zoning the 107-room hotel is expected to generate 49 trips in the AM peak hour and 55 trips in the PM peak hour. This equates to less than 1 trip per minute in either of the peak hour periods.

According to the site plan, the proposed development will utilize two limited movement unsignalized accesses with the main access on E. King Street (limited to right-in/right-out) and a secondary access on the adjacent side street of Hillside Drive (limited to right-in/left out with appropriate regulatory signing). Each access is limited to one lane in and one lane out due to the minimal amount of traffic generated by the project.

To minimize the impact and number of potential conflict points along E. King Street, all three (3) existing driveways along this frontage will be removed with redevelopment of the site.

It is our opinion that the trips generated by the proposed hotel development will not significantly impact the area roadway network based on the expected minimal increase in traffic to be generated from this site.

2459 Wilkinson Boulevard, Suite 200
Charlotte, NC 28208

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Communication: PL02654-060619 Traffic Impact Analysis Information (Case PL02654-060619 East King St Hotel - Conditional District Zoning

DISCUSSION

Background/Location

North Star Villages, LLC is requesting a conditional zoning map amendment (PL02654-060619) for approximately 2.1 acres on the south side of E. King Street (US 421) between Hardin Street (US 321) (signalized intersection) and US 221 N (signalized intersection) to allow for a 107-room hotel. (see Preliminary Site Plan prepared by Municipal Engineering Services Company, PA) (see attached Figure 1 Vicinity Map on Aerial).

The non-commercially zoned portion of the site is currently zoned R-3 and the proposal is to take the entire site to a B-3 conditional zoning classification and combined into one parcel.

Per the request of the petitioner, Design Resource Group, PA (DRG) provides the following information pertaining to the location of the development, anticipated site traffic volumes, access verification/evaluation of the expected peak hours, and the field information.

Roadways/Sight Distance:

As indicated on the most current Transportation Plan for Watauga County Revised (5/25/17), E. King Street (US 421) is classified as a Boulevard with a posted speed limit of 35-mph in the vicinity of the proposed development. It is assumed Hillside Drive appears as a residential street and has a posted speed limit of 20-mph.

E. King Street has been recently improved and is a four-lane divided facility (two lanes in each direction with a median) with curb/gutter, planting strip, sidewalk and street lighting on both sides of the street.

E. King Street intersects US 321 (Hardin Street) to the west with a traffic signal and turn lanes and intersects US 221 to the east which is also signalized with turn lanes.

Hillside Drive does not show a roadway classification. The roadway is a two-lane facility (one lane in each direction) with a small section of curb and gutter on each side at the intersection with E. King Street. There is no sidewalk on either side of the street but the street narrows to approximately 18 feet as it enters the existing neighborhood behind the proposed development.

Sight distance has been field verified by the site civil at 960 feet looking to the west from the proposed access location on E. King Street which far exceeds the requirement by the North Carolina Department of Transportation (NCDOT) for a roadway with a 35-mph posted speed limit.

Communication: PL02654-060619 Traffic Impact Analysis Information (Case PL02654-060619 East King St Hotel - Conditional District Zoning

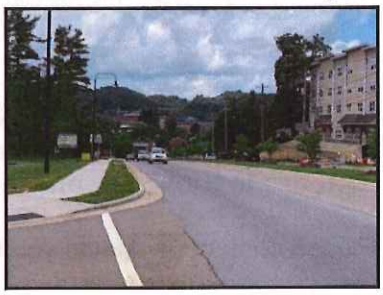
Proposed Access:

According to the latest Site Plan (attached with revision date of 7/8/19), the proposed development will utilize two limited movement unsignalized locations with a right-in/right-out access on E. King Street (primary access) and a right-in/left-out access on Hillside Drive (secondary access). To help enforce the turn restrictions in addition to the driveway design, we would recommend at a minimum the following (see attached Hillside Drive Access with Signage Recommendations – Figure 2):

- Placement of a No Right Turn (R3-1) sign internal on the right side at the driveway;
- Placement of a No Left Turn (R3-2) sign on Hillside Dive on the right side in advance of the driveway.

Guests wanting to enter the site coming from the east on US 221/US 421 can u-turn at the E. King Street and Hardin Street signalized intersection and guests wanting to leave the hotel and go west towards the downtown retail / restaurant area can travel east and u-turn at the E. King Street and US 221 N signalized intersection.

We view the secondary access as minor and is only expected to be utilized by a small percentage of drivers and only for anyone that may miss the first driveway that would then have the opportunity to turn right-in off E. King Street and then right into the site. The driveway design and signage should help reinforce this movement. This should also help limit the number of vehicles to only the section of Hillside Drive to between E. King Street and the site's driveway.



Field Observations:

A field visit was performed on Friday July 5, 2019 to verify existing laneage and observe traffic conditions in and around the proposed development.

Average Annual Traffic Counts:

According to the latest (2017) count data available by the North Carolina Department of Transportation (NCDOT), the average annual two-way daily traffic (AADT) volume on E. King Street along the proposed site is 24,000 vehicles per day (vpd). There is not recent count data available for Hillside Drive.

Trip Generation:

The daily and peak-hour-trip-generation data for the proposed 107-room hotel is presented in Table 1. The values for the trips generated by the hotel land use are obtained from the Institute of Transportation Engineers, Trip Generation Manual, 10th Edition, 2017.

Table 1: Trip Generation

Land Use [ITE Code]			Daily	AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
Hotel [310]	107	Rooms	782	29	20	49	28	27	55

References: Trip Generation, 10th Edition, Institute of Transportation Engineers, Washington, DC. 2017.

Communication: PL02654-060619 Traffic Impact Analysis Information (Case PL02654-060619 East King St Hotel - Conditional District Zoning

Packet Pg. 54

Under the proposed zoning the 107-room hotel is expected to generate 49 trips in the AM peak hour and 55 trips in the PM peak hour. This equates to less than 1 trip per minute in either of the peak hour periods.

Based on the location of the project, the site traffic distribution (See Figure 3) is expected to be as follows

- Approximately 90% of the site traffic is expected to arrive via the main access and approximately 10% of the site traffic to arrive via the secondary access;
- Approximately 80% of the site traffic is expected to depart via the main access and approximately 20% of the site traffic to depart via the secondary access.

The proposed development peak hour traffic volumes based on this distribution (see Figure 3) shows the expected trips entering and exiting during the highest peak hour in the morning and the highest peak hour in the evening. The highest estimated number of trips entering the site would be 26 rights in from E. King Street in the AM peak hour while the highest estimated number of trips expected to exit the site would be 25 vehicles turning right from the site also from the same primary access. None of the estimated driveway volumes are significant or expected to cause congestion on either E. King Street or Hillside Drive (especially with the turn restrictions placed at the Hillside Drive access).

CONCLUSION

It is our opinion that the trips generated by the proposed 107-room hotel development will not significantly impact the area roadway network based on the expected minimal increase in traffic nor endanger the health, safety and welfare of the general public.

Please contact us should you need any additional information.

Attachments: Figure 1 - Vicinity Map on Aerial
Site Plan (revised 7/8/19)
Figure 2 - Hillside Drive Access with Signage Recommendations
Figure 3 - Proposed Distribution & Build Peak Hour Traffic Volumes

cc: Chelsea Bell Garrett di Santi Watson Capua Wilson & Garrett, PLLC
Michael Threw, PE Municipal Engineering Services Co, PA
File

Communication: PL02654-060619 Traffic Impact Analysis Information (Case PL02654-060619 East King St Hotel - Conditional District Zoning

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BOONE E. KING STREET HOTEL
BOONE, NORTH CAROLINA

NORTH STAR VILLAGES, LLC
2318 BLAKEFORD LANE
CHARLOTTE, NC 28226

AREA OF INFLUENCE

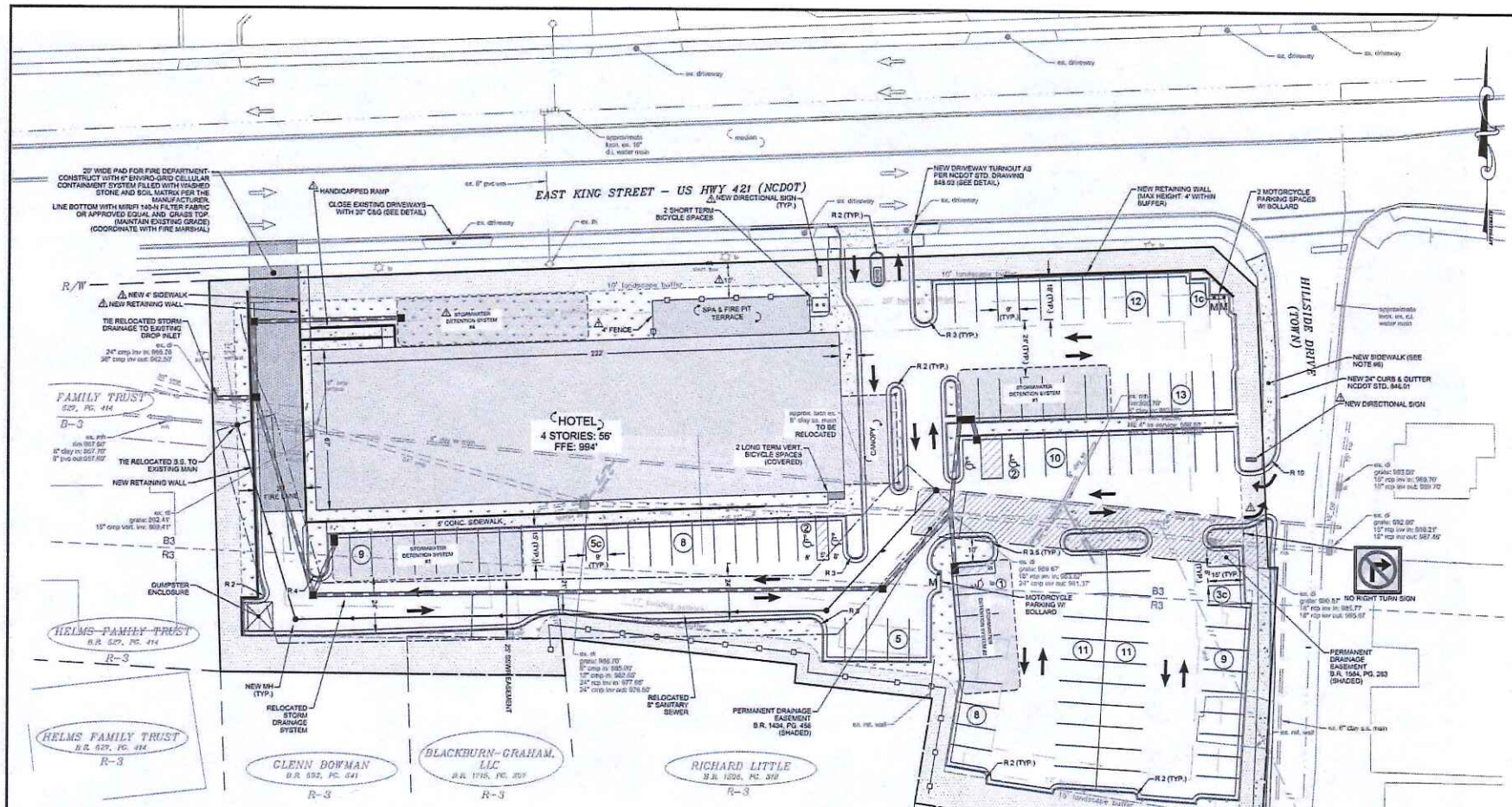
SCALE: 0 XX XX N

PROJECT #: 841-001
DRAWN BY: PAH
CHECKED BY: KEG

JULY 2019

REVISIONS:

Figure 1



GENERAL NOTES

1. THESE PLANS ARE PRELIMINARY FOR REVIEW AND APPROVAL OF VARIANCES AND ISSUANCE OF CONDITIONAL DISTRICT PERMIT. FINAL DESIGN DRAWINGS WILL BE DEVELOPED FOR REVIEW AND APPROVAL OF ZONING PERMIT.
2. TOPOGRAPHIC SURVEY BY MUNICIPAL ENGINEERING ON 12-19-18 & 02-08-19
3. BOUNDARY SURVEYS BY AB CHRISTIE SURVEYORS, L-4265, ON 08-02-19, DRAWING NUMBER, 16051-1 & 16051-2
4. CONTOUR INTERVAL = 1'
5. COORDINATE RELOCATION/REMOVAL OF PARKING LOT LIGHTING WITH NEW RIVER LIGHT & POWER
6. SIDEWALK ALONG HILLSIDE DRIVE SHALL MEET TOWN OF BOONE MINIMUM STANDARDS
7. OWNER TO DEDICATE EASEMENT TO TOWN FOR NEW SIDEWALK ALONG HILLSIDE DRIVE
8. FENCE SHALL MEET TOWN OF BOONE MINIMUM ORDINANCE
9. BICYCLE AND MOTORCYCLE PARKING TO MEET MINIMUM STANDARDS AS PER UDO SUBSECTION 24-09-24.10
10. FIRE DEPARTMENT CONNECTION TO BE DETERMINED BUT SHALL BE ON BUILDING AND WITHIN 100' OF EXISTING FIRE HYDRANT.
11. CURB & GUTTER ALONG HILLSIDE DRIVE IS TO BE INSTALLED OUTSIDE OF EXISTING ROADWAY. PLACE EDGE OF GUTTER AT EXISTING EDGE OF PAVEMENT (COORDINATE W/ STREET DEPT., JUSTIN STINES 262-4589
12. A DRIVEWAY PERMIT FOR ACCESS ONTO HILLSIDE DRIVE HAS BEEN SUBMITTED TO ZONING DEPARTMENT.
13. DESIGN DRAWINGS WILL SHOW LOCATIONS OF DOMESTIC, FIRE, AND METERS.
14. EXISTING SANITARY SEWER CONNECTIONS WILL BE TIED TO RELOCATED SEWER MAIN

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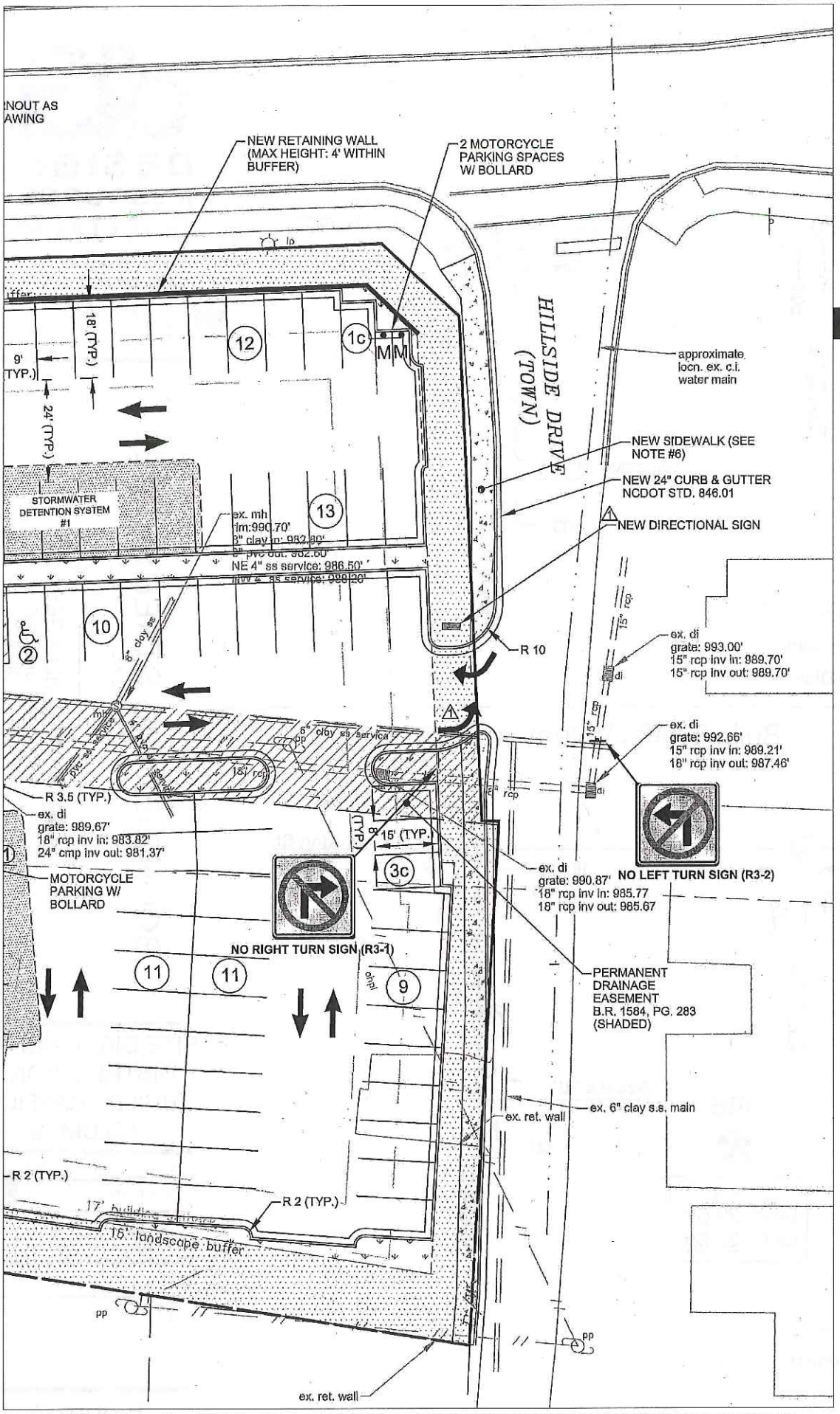
P.O. BOX 349, BOONE, NC 28607 · PHONE: 828-262-1767
LICENSE NUMBER: C-0281

EAST KING STREET HOTEL
CONDITIONAL DISTRICT REQUEST
EAST KING ST
BOONE, NORTH CAROLINA

DATE	BY	REVISIONS	REVISION
07-05-19	MEK	1	REVISED PER

SITE PLAN

SCALE: 1" = 20'
DATE: 06/06/19
DRWN. BY: SJU
CHKD. BY: MPT
PROJECT NUMBER: B18053.3
DRAWING NO.: C-3
SHEET NO.: 3 OF 4



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BOONE, NC

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2318 BLAKEFORD LANE
CHARLOTTE, NC 28226

HILLSIDE DRIVE ACCESS WITH SIGNAGE RECOMMENDATION

0 NTS N
SCALE: NTS

PROJECT #: 841-001
DRAWN BY: PAH
CHECKED BY: REG

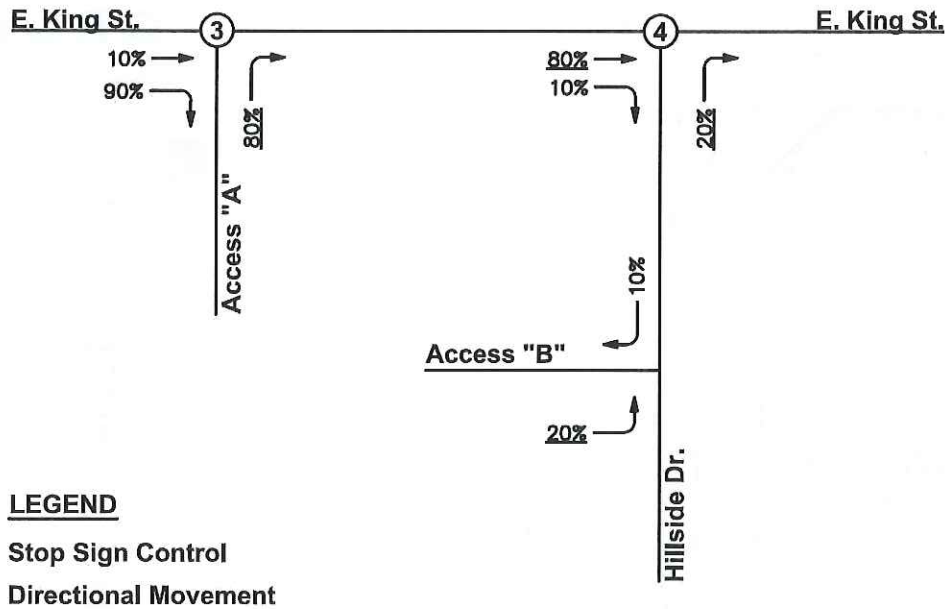
JULY 2019

REVISIONS:
1.

Figure 2

Communication: PL02654-060619 Traffic Impact Analysis Information (Case PL02654-060619 East King St Hotel - Conditional District Zoning

Site Directional Distribution

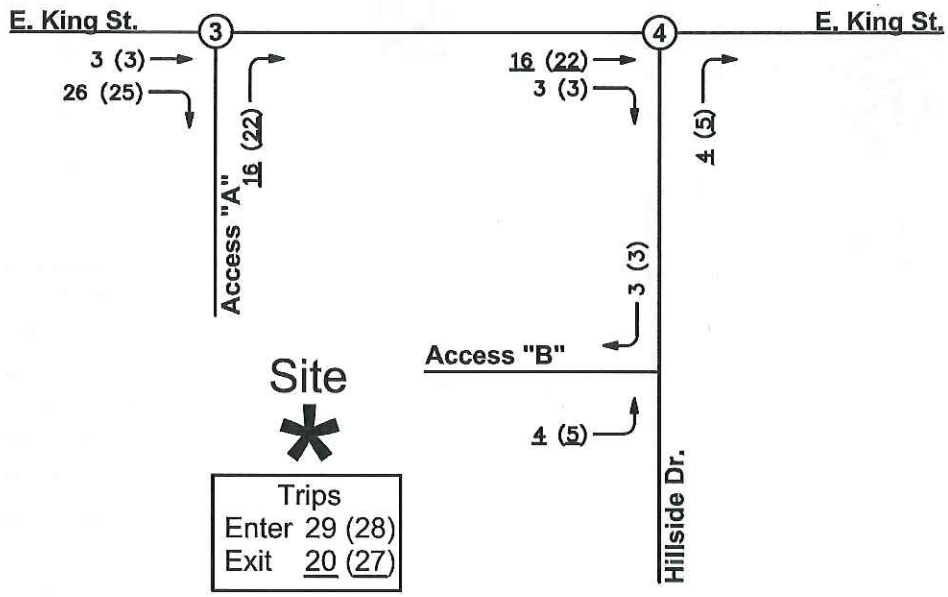


LEGEND

- Stop Sign Control
- Directional Movement

xx% / xx% Enter/Exit Dist. %

Build Traffic Volumes



LEGEND

- Stop Sign Control
- Directional Movement

VOLUMES: AM (PM)

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BOONE, NC

NORTH STAR VILLAGES, LLC
2318 BLAKEFORD LANE
CHARLOTTE, NC 28226

SITE DIRECTIONA DISTRIBUTION/ BUILD TRAFFIC VOLUMES

0 NTS N
SCALE: NTS

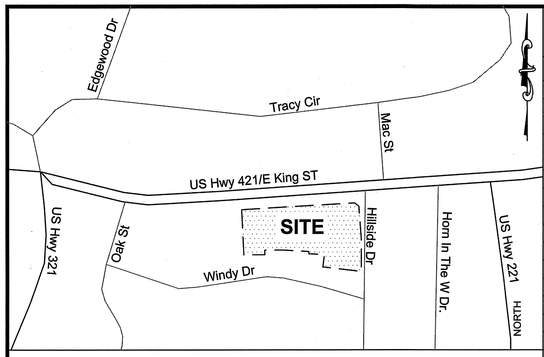
PROJECT #: 841-001
DRAWN BY: PAH
CHECKED BY: REG

JULY 2019

REVISIONS:
1.

Figure 3

Communication: PL02654-060619 Traffic Impact Analysis Information (Case PL02654-060619 East King St Hotel - Conditional District Zoning



VICINITY MAP
NOT TO SCALE

INDEX OF DRAWINGS

DWG. NO.	DESCRIPTION	DWG. NO.
C-1	COVER SHEET	1 OF 4
C-2	EXISTING CONDITIONS	2 OF 4
C-3	SITE PLAN	3 OF 4
C-4	GRADING PLAN	4 OF 4

APPLICANT:
NORTH STAR VILLAGES, LLC
2318 BLAKEFORD LANE
CHARLOTTE, NC 28226
(704) 975-9867

CIVIL ENGINEER:
MUNICIPAL ENGINEERING
SERVICES COMPANY, PA
PO BOX 349
820-B STATE FARM RD
BOONE, NC 28607
(828) 262-1767

SURVEYOR:
AB CHRISTIE SURVEYORS
169 BRADFORD LN
BOONE, NC 28607
(828) 263-8005

ARCHITECT:
GARY B. CORSEY & ASSOCIATES, INC.
3621 VININGS SLOPE SE, SUITE 4440
ATLANTA, GA 30339
(770) 432-2727

CONSULTING ARCHITECT:
APPALACHIAN ARCHITECTURE
703 W. KING STREET, SUITE 201
BOONE, NC 28607
(828) 265-2406

LANDSCAPE ARCHITECT:
RONALD S. CUTLIP, LANDSCAPE ARCHITECT
276-H WATAUGA VILLAGE DRIVE
BOONE, NC 28607
(646) 765-5540

SITE LIGHTING ENGINEER:
IONCON, PLLC
726 STATE FARM ROAD
BOONE, NC 28607
(828) 264-8500

EAST KING STREET HOTEL
NORTH STAR VILLAGES
EAST KING ST
BOONE, NC
PROJECT NO. B18053.3

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

PRELIMINARY
FOR REGULATORY REVIEW ONLY

By: _____
Professional Engineer

LEGEND

- EX. POWER POLE
- EX. SS MANHOLE
- EX. SS CLEANOUT
- EX. GATE VALVE
- EX. FIRE HYDRANT
- EX. LIGHT POLE
- EX. CATCH BASIN
- EX. DROP INLET
- EX. WATER METER
- EX. GUY WIRE
- EX. TEST PIT
- EX. DRAINAGE MANHOLE
- EX. GAS MARKER
- EX. WELL
- EX. TREE
- EX. BUSH
- EX. SIGN
- EX. TELEPHONE PEDESTAL
- EX. FIBER OPTIC MARKER
- PROPOSED POWER POLE
- PROPOSED SS MANHOLE
- PROPOSED SS CLEANOUT
- PROPOSED GATE VALVE
- PROPOSED FIRE HYDRANT
- PROPOSED LIGHT POLE
- PROPOSED DRAINAGE STRUCTURE
- PROPOSED YARD DRAINAGE INLET
- PROPOSED WATER METER
- TEMPORARY WATTLE
- TEMPORARY ROCK PIPE INLET PROTECTION
- TEMPORARY HARDWARE CLOTH & GRAVEL INLET PROTECTION

LINETYPES

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

LAND USE INTENSITY RATIOS

SITE ZONED B3/R3*

PINs: 2910-18-8163-000, 2910-18-9020-000, 2910-18-9036-000, 2910-28-0036-000, 2910-28-1022-000, 2910-27-1827-000 & 2910-17-8858-000 ** ***

	PROVIDED:		ALLOWED:
LOT AREA	= 85,237 SF	> MIN	= 5,000 SF
LOT WIDTH	= 168 LF	> MIN	= 70 FT
△ TOTAL LIVABILITY SPACE	= 29,677 SF (35%)	> MIN	= 23,014 SF (27%)
△ HARD-SCAPED LIVABILITY SPACE	= 4,958 SF (17%)	< MIN	= 8,407 SF (30%)
BUILDING HEIGHT	= 56'	< MAX	= 56' (4 STORIES) ***

* THE R-3 PROPERTIES ARE BEING REQUESTED TO BE CONDITIONALLY REZONED TO B-3

** THE PROPERTIES ARE PLANNED TO BE RECOMBINED INTO ONE PARCEL PRIOR TO C.O

*** A PORTION OF TRACT 2910-17-8858-000 IS PLANNED TO BE COMBINED WITH SUBJECT PROPERTY PENDING APPROVAL AND PRIOR TO CERTIFICATE OF OCCUPANCY (C.O.)

PARKING REQUIREMENTS

*AUTOMOBILE PARKING REQUIREMENTS

MINIMUM PARKING SPACES:	1.25 (ROOM) = 107(1.25) = 134
△ STANDARD SPACES PROVIDED:	95
△ COMPACT SPACES PROVIDED:	10
HANDICAPPED SPACES PROVIDED:	5
△ TOTAL SPACE PROVIDED	110

NOTE: PARKING DEMAND ANALYSIS ATTACHED TO SUBMITTAL PACKAGE

BICYCLE PARKING REQUIREMENTS

SHORT TERM BICYCLE SPACES

MINIMUM NUMBER OF SHORT TERM BICYCLE SPACES REQUIRED:	2
PROVIDED SHORT TERM BICYCLE SPACES:	2

LONG TERM BICYCLE SPACES

MINIMUM NUMBER OF LONG TERM BICYCLE SPACES REQUIRED:	2
PROVIDED LONG TERM BICYCLE SPACES:	2

MOTORCYCLE PARKING REQUIREMENTS

MOTORCYCLE PARKING SPACE REQUIREMENT:
1 SPACE / 40 AUTOMOBILE PARKING SPACES

MINIMUM NUMBER OF MOTORCYCLE PARKING SPACES REQUIRED:	3
PROVIDED MOTORCYCLE PARKING SPACES:	3

SIDEWALKS

THE PROJECT PLANS TO INSTALL SIDEWALKS IN ALL LOCATIONS THAT SIDEWALKS DO NOT EXIST.

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P.O. BOX 349, BOONE, NC 28607 - PHONE: 828-262-1767
LICENSE NUMBER: C-0281

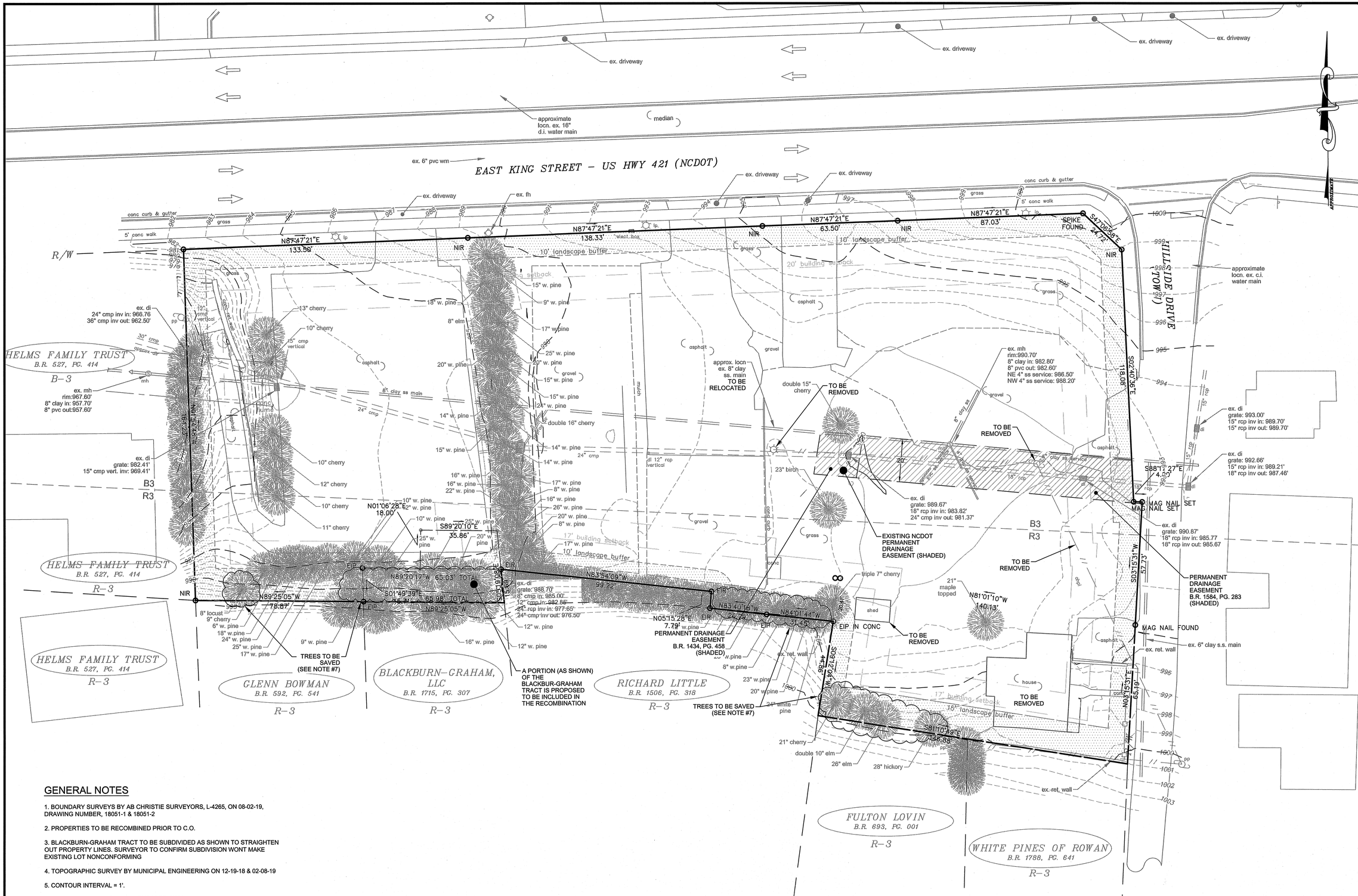
EAST KING STREET HOTEL
CONDITIONAL DISTRICT REQUEST
EAST KING STREET
BOONE, NORTH CAROLINA

DATE	BY	REV.	DESCRIPTION
07-19-19	MPT	△	PARKING TOTAL, LIVABILITY, & CONSULTING AIA
07-08-19	MPT	△	VARIES (SEE △)

COVER SHEET

SCALE: NTS
DATE: 08/05/19
DRWN. BY: SGJ
CHKD. BY: MPT
PROJECT NUMBER B18053.3
DRAWING NO. C-1
SHEET NO. 1 OF 4

Communication: PL02654-060619 Civil/Site Plans (Case PL02654-060619 East King St Hotel - Conditional District Zoning Map Amendment)



GENERAL NOTES

1. BOUNDARY SURVEYS BY AB CHRISTIE SURVEYORS, L-4265, ON 08-02-19, DRAWING NUMBER, 18051-1 & 18051-2

2. PROPERTIES TO BE RECOMBINED PRIOR TO C.O.

3. BLACKBURN-GRAHAM TRACT TO BE SUBDIVIDED AS SHOWN TO STRAIGHTEN OUT PROPERTY LINES. SURVEYOR TO CONFIRM SUBDIVISION WONT MAKE EXISTING LOT NONCONFORMING

4. TOPOGRAPHIC SURVEY BY MUNICIPAL ENGINEERING ON 12-19-18 & 02-08-19

5. CONTOUR INTERVAL = 1'.

6. RIGHT OF WAY HILLSIDE DRIVE IS UNKNOWN

7. TREES SHOWN TO BE SAVED ARE CONTINGENT ON THEIR HEALTH AND AMOUNT OF DISTURBANCE IN THEIR ROOT ZONES, CONTRACTOR TO WORK WITH TOWN OF BOONE URBAN DESIGN SPECIALIST TO DETERMINE THE VIABILITY OF SAVING THE SHOWN TREES.

PRELIMINARY
FOR REGULATORY REVIEW ONLY

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LICENSE NUMBER: C-0281

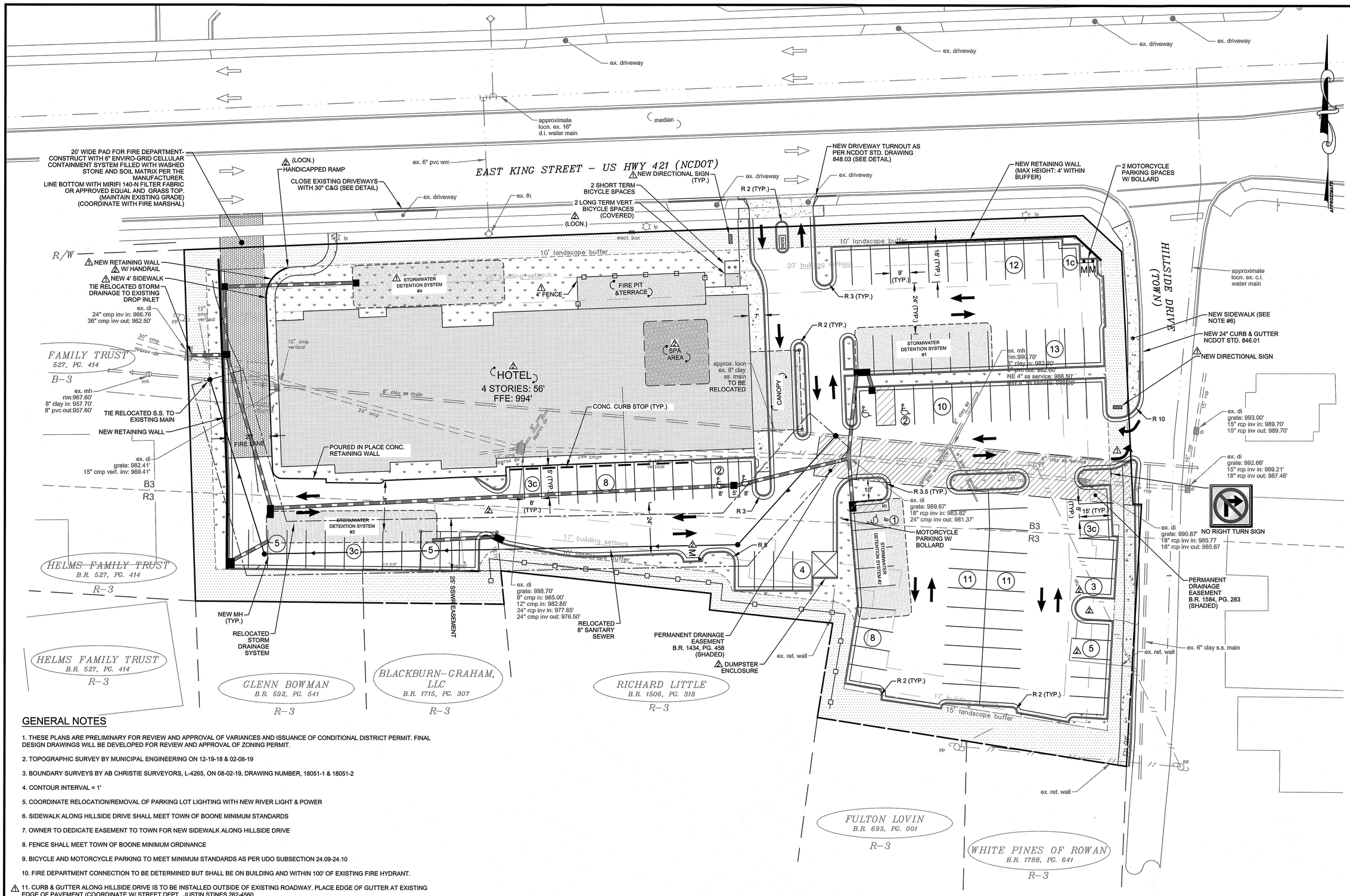
EAST KING STREET HOTEL
CONDITIONAL DISTRICT REQUEST
EAST KING ST
BOONE, NORTH CAROLINA

DATE	BY	REV.	DESCRIPTION

EXISTING CONDITIONS

SCALE:	1" = 20'
DATE:	06/05/19
DRWN. BY:	SGJ
CHKD. BY:	MPT
PROJECT NUMBER	B18053.3
DRAWING NO.	C-2
SHEET NO.	2 OF 4

Communication: PL02654-060619 Civil/Site Plans (Case PL02654-060619 East King St Hotel - Conditional District Zoning Map Amendment)



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5. COORDINATE RELOCATION/REMOVAL OF PARKING LOT LIGHTING WITH NEW RIVER LIGHT & POWER
6. SIDEWALK ALONG HILLSIDE DRIVE SHALL MEET TOWN OF BOONE MINIMUM STANDARDS
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10. FIRE DEPARTMENT CONNECTION TO BE DETERMINED BUT SHALL BE ON BUILDING AND WITHIN 100' OF EXISTING FIRE HYDRANT.
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12. A DRIVEWAY PERMIT FOR ACCESS ONTO HILLSIDE DRIVE WILL BE SUBMITTED TO ZONING DEPARTMENT AT THE SAME TIME AS ZONING PERMIT SUBMITTAL.
13. DESIGN DRAWINGS WILL SHOW LOCATIONS OF DOMESTIC, FIRE, AND METERS.
14. EXISTING SANITARY SEWER CONNECTIONS WILL BE TIED TO RELOCATED SEWER MAIN.
15. SPA AREA SHALL MEET THE REGULATIONS OF UDO SECTION 16.08.08 F&G.
16. POURED IN PLACE RETAINING WALL TO BE PAINTED A COLOR THAT IS ARCHITECTURALLY COMPATIBLE WITH THE HOTEL.

GRAPHIC SCALE

20 0 10 20 40

(IN FEET)
1 INCH = 20 FEET

PRELIMINARY
FOR REGULATORY REVIEW ONLY

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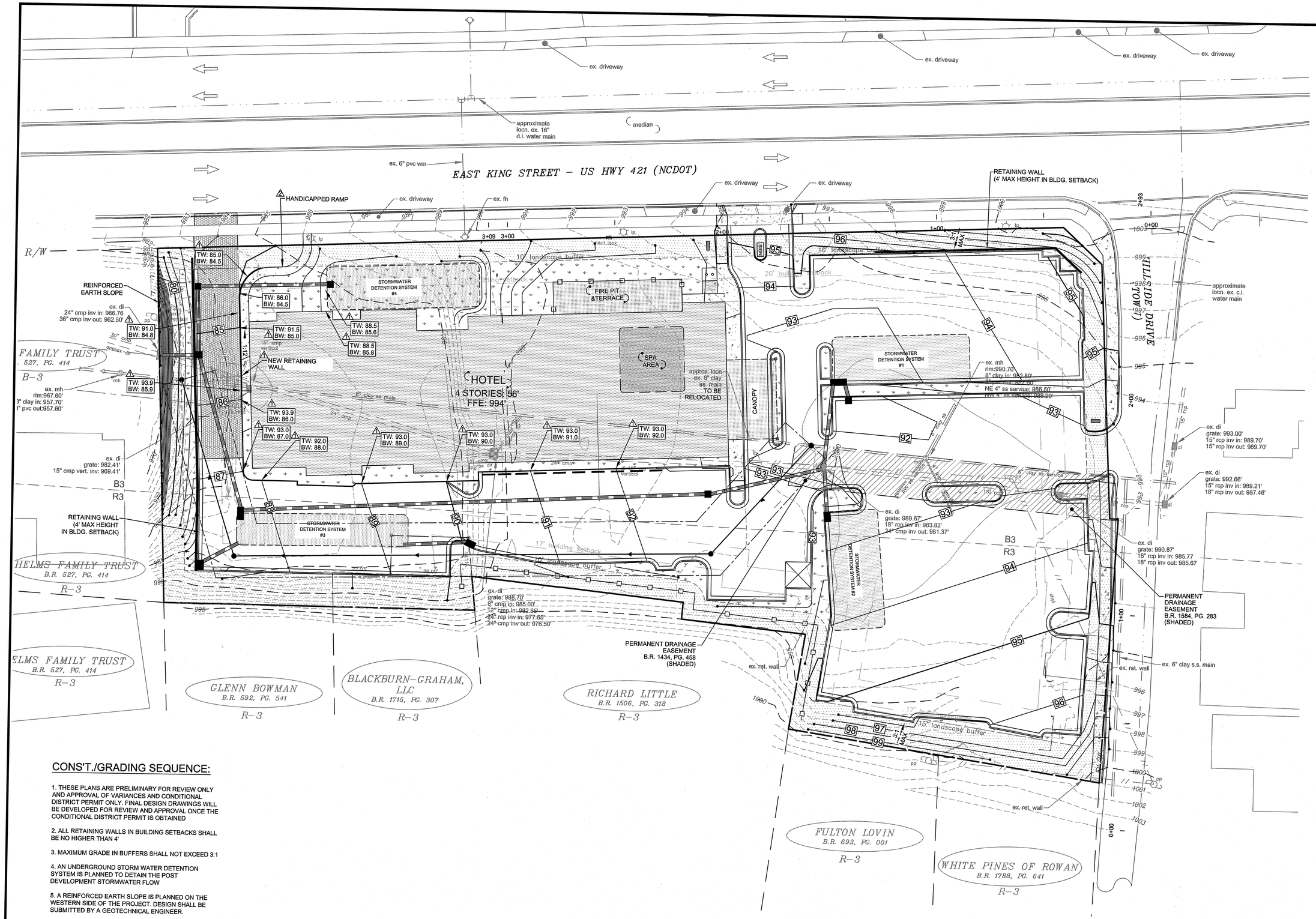
EAST KING STREET HOTEL
CONDITIONAL DISTRICT REQUEST
EAST KING ST
BOONE, NORTH CAROLINA

DATE	BY	REV.	DESCRIPTION
07-19-19	MPT	1	SPA MOVED TO ROOF. FOOTPRINT AND REAR PARKING ADJUSTED
07-08-19	MPT	1	VARIES (SEE 1)

SITE PLAN

SCALE: 1" = 20'
DATE: 08-05-19
DRWN. BY: SGJ
CHKD. BY: MPT
PROJECT NUMBER: B18053.3
DRAWING NO.: C-3
SHEET NO.: 3 OF 4

Communication: PL02654-060619 Civil/Site Plans (Case PL02654-060619 East King St Hotel - Conditional District Zoning Map Amendment)



CONS'T./GRADING SEQUENCE:

1. THESE PLANS ARE PRELIMINARY FOR REVIEW ONLY AND APPROVAL OF VARIANCES AND CONDITIONAL DISTRICT PERMIT ONLY. FINAL DESIGN DRAWINGS WILL BE DEVELOPED FOR REVIEW AND APPROVAL ONCE THE CONDITIONAL DISTRICT PERMIT IS OBTAINED

2. ALL RETAINING WALLS IN BUILDING SETBACKS SHALL BE NO HIGHER THAN 4'

3. MAXIMUM GRADE IN BUFFERS SHALL NOT EXCEED 3:1

4. AN UNDERGROUND STORM WATER DETENTION SYSTEM IS PLANNED TO DETAIN THE POST DEVELOPMENT STORMWATER FLOW

5. A REINFORCED EARTH SLOPE IS PLANNED ON THE WESTERN SIDE OF THE PROJECT. DESIGN SHALL BE SUBMITTED BY A GEOTECHNICAL ENGINEER.

PRELIMINARY
FOR REGULATORY REVIEW ONLY

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P.O. BOX 349, BOONE, NC 28607 - PHONE: 828-262-1767

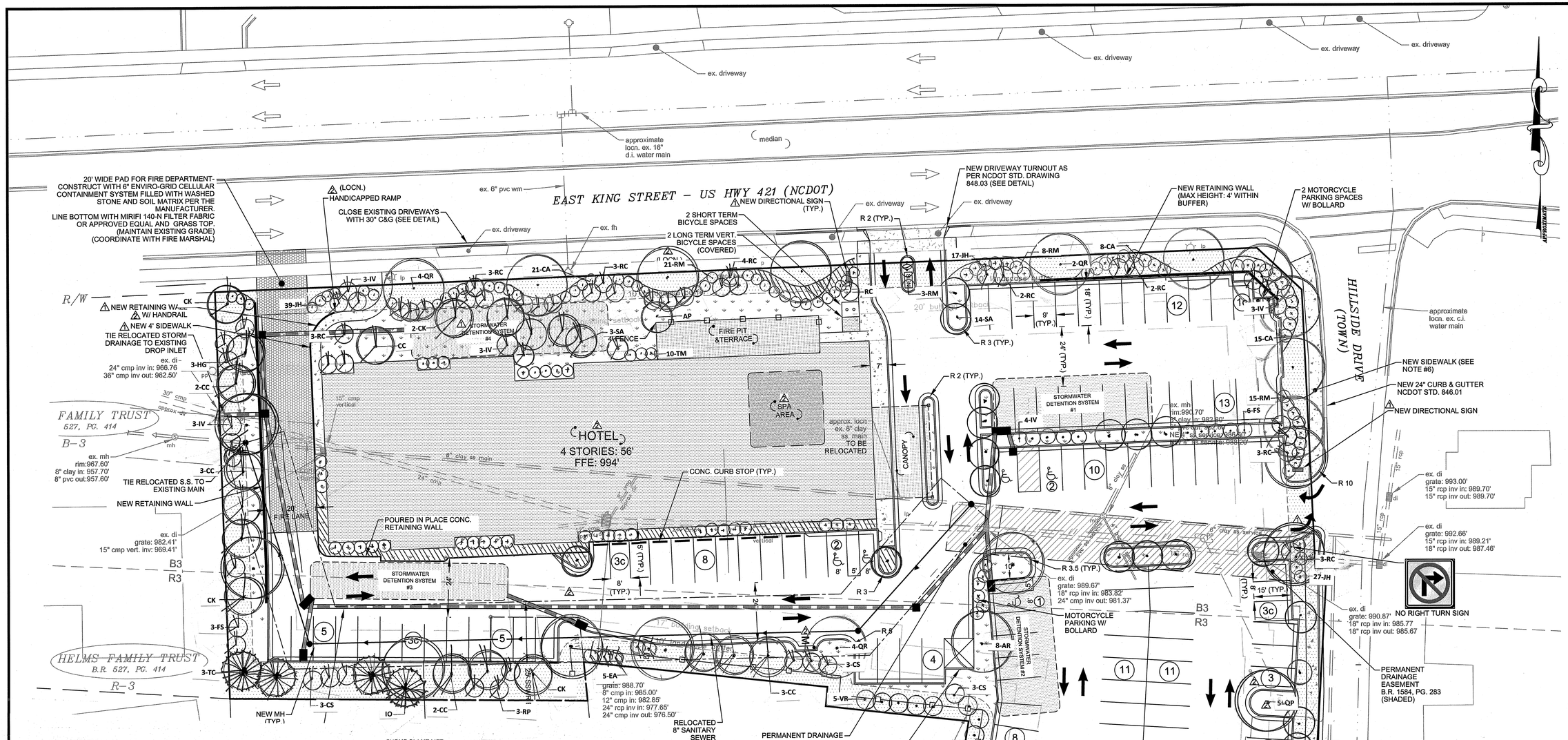
EAST KING STREET HOTEL
CONDITIONAL DISTRICT REQUEST
EAST KING ST
BOONE, NORTH CAROLINA

Communication: PL02654-060619 Civil/Site Plans (Case PL02654-060619 East King St Hotel - Conditional District Zoning Map Amendment)

DATE	BY	REV.	DESCRIPTION
07-17-19	MPT	2	GRADING REVISED TO MATCH NEW FOOTPRINT
07-08-19	MPT	1	RETAINING WALL & ELEVATIONS ADDED (SEE 2)

PRELIMINARY GRADING PLAN

SCALE: 1" = 20'
DATE: 07/16/19
DRWN. BY: SGJ
CHKD. BY: MPT
PROJECT NUMBER: B18053.3
DRAWING NO.: C-4
SHEET NO.:



EVERGREEN TREE PLANT LIST

KEY	LATIN NAME	COMMON NAME	QTY	SIZE	COMMENTS
IO	Ilex opaca	American Holly	3	6-8'	B&B
PG	Picea glauca 'conica'	Dwarf Alberta Spruce	3	5-6'	B&B
TS	Tsuga Canadensis	Eastern Hemlock	6	6-8'	B&B

DECIDUOUS TREES PLANT LIST

KEY	LATIN NAME	COMMON NAME	QTY	SIZE	COMMENTS
AR	Acer rubrum	Red maple	10	2 ½" caliper B&B	
AP	Acer palmatum	Japanese maple	1	1 ½" caliper B&B	
CC	Cercis candensis	Eastern redbud	11	1 ½" caliper B&B	
CK	Cornus kousa	Kousa dogwood	6	1 ½" caliper B&B	
QP	Quercus palustris	Pin Oak	7	2 ½" caliper B&B	
QR	Quercus rubra	Red Oak	10	2 ½" caliper B&B	
SA	Sorbus Americana	Mountain Ash	20	1 ½" caliper B&B	

SHRUB PLANT LIST

KEY	LATIN NAME	COMMON NAME	QTY	SIZE	COMMENTS
CA	Cotoneaster apiculata	Cotoneaster	65	1gal	container
CSF	Cornus stolonifera flaviramea	yellow twig	5	2-3ft	container
CS	Cornus stoloifera	Red twig	9	2-3ft	container
EA	Euonymus alatus	Burning bush	5	2-3ft	container
FS	Forsythia suspense	Weeping forsythia	9	2-3ft	container
HG	Hydrangea macrophilla	Endless summer	6	2-3ft	container
IV	Ilex verticillata	Winterberry Holly	19	2-3ft	container
JH	Juniperus horizonalis	Andorra juniper	83	1ft	container
JP	Juniperus procumbens nana	Dwarf procumbens	83	1gal	container
PC	Pyracantha coccinea	Firethron	5	3ft	container
RP	Rhododendron PJM	PJM Rhododendron	11	2-3ft	container
RC	Rhododendron catawbiense	Rhododendron species	25	3-4ft	B&B
RCF	Rhododendron calendulaceum	Flame Azalea	12	2-3ft	B&B
RM	Rosa meigalpo	Red drift rose	72	18"	container
TM	Taxus media 'ward'	Dwarf yew	33	1-2ft	container
VA	Viburnum "arrow wood'	Arrow wood	5	3-4ft	B&B
VR	Viburnum rhytidophyllum	Leatherleaf	5	3-4ft	B&B

PERENNIALS PLANT LIST

KEY	LATIN NAME	COMMON NAME	QTY	SIZE	COMMENTS
EP	Echinacea purpurea	Purple cone flower	30	1gal	container
HF	Hemerocallis fulva	Day lily rosy returns	160	1gal	container
LB	Leucanthemun super 'becky'	Shasta Daisy	25	1gal	container
NW	Nepta 'walker'	Walkers low catmint	125	1gal	container
RH	Rudbeckia hita	Blackeyed susan's	25	1gal	container

ORNAMENTAL GRASSES PLANT LIST

KEY	LATIN NAME	COMMON NAME	QTY	SIZE	COMMENTS
CK	Calamagrostis acutiflora 'karl'	Karl forester	107	1gal	container
MS	Miscanthus sinensis	Dixieland	29	1gal	container

GROUNDCOVER PLANT LIST

KEY	LATIN NAME	COMMON NAME	QTY	SIZE	COMMENTS
VM	Vinca minor	Mrytle	2,440	6"runner	6" Pots

GRAPHIC SCALE

20 0 10 20 40

(IN FEET)
1 INCH = 20 FEET

Ronald S. Cutlip
LANDSCAPE ARCHITECT
LAND PLANNER
(646) 765-5540
www.ronaldscutlip.com
ron@cutlipgolfdesign.com

PRELIMINARY
FOR REGULATORY REVIEW ONLY

MUNICIPAL ENGINEERING SERVICES COMPANY, P.A.
68 SHIPWASH DRIVE, GARNER, NC 27529 - PHONE: 919-772-5393
P.O. BOX 349, BOONE, NC 28607 - PHONE: 828-262-1767

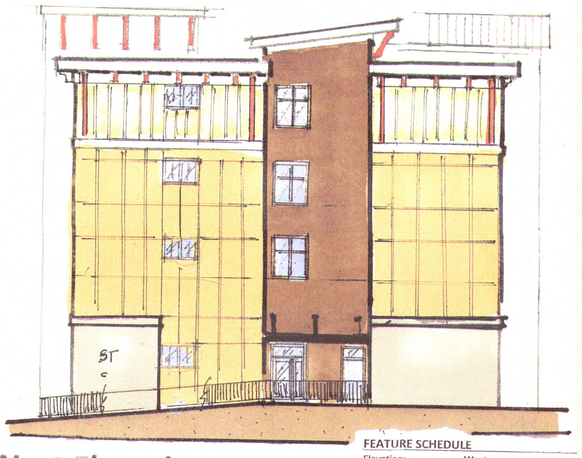
EAST KING STREET HOTEL
CONDITIONAL DISTRICT REQUEST
EAST KING ST
BOONE, NORTH CAROLINA

DATE	BY	REV.	DESCRIPTION
07-17-19	MPT	2	SPA MOVED TO ROOF. FOOTPRINT AND REAR PARKING ADJUSTED
07-08-19	MPT	1	VARIES (SEE 2)

LANDSCAPE PLAN

SCALE: 1" = 20'
DATE: 06-05-19
DRWN. BY:
CHKD. BY:
PROJECT NUMBER
DRAWING NO.
SHEET NO. OF

Communication: PL02654-060619 Civil/Site Plans (Case PL02654-060619 East King St Hotel - Conditional District Zoning Map Amendment)



West Elevation

3/32" = 1'-0" +/-

FEATURE SCHEDULE

Elevation:	West	
Length:	67' to 75'	
Features required:	3 types	Quantity-8
Features provided:	Doors & Windows	9
	Canopies & Awnings	1
	Parapets, Cornices, Brackets & Bands	3 +
	Change of materials	4

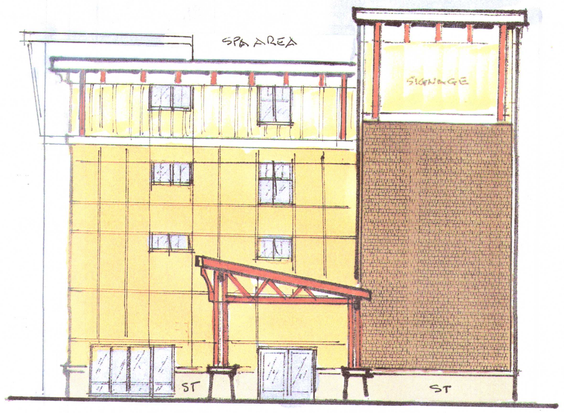
FEATURE SCHEDULE

Elevation:	Parking Area - South	
Length:	222'	
Features required:	5 types	Quantity-16
Features provided:	Doors & Windows	66
	Off-sets in plan	1
	Canopies & Awnings	1
	Parapets, Cornices, Brackets & Bands	2 +
	Change of materials	5

South Elevation

Parking Lot

3/32" = 1'-0" +/-



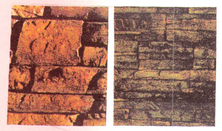
East Elevation

Hillside Drive

3/32" = 1'-0" +/-

FEATURE SCHEDULE

Elevation:	Hillside Drive - East	
Length:	67' to 75'	
Features required:	3 types	Quantity-8
Features provided:	Doors & Windows	8
	Off-sets in plan	4
	Canopies & Awnings	2
	Parapets, Cornices, Brackets & Bands	9
	Change of materials	5



MONTECITO Cliffstone CHAPEL HILL Stacked Stone

50/50 MIX (ST)
ELDORADO (no exceptions)

SW 6005 Folkstone (F.S.)

SW 6101 Sands of Time (S.O.T.)

SW 6099 Sand Dollar (S.D.)

SW 6378 Crisp Linen TRIM (T.)

SW 3108-P Plum Mahogany BRACKETS

FEATURE SCHEDULE

Elevation:	King Street-North	
Length:	222'	
Features required:	5 types	Quantity-16
Features provided:	Doors & Windows	60
	Off-sets in plan	4
	Canopies & Awnings	2
	Parapets, Cornices, Brackets & Bands	9 +
	Change of materials	5

North Elevation

King Street

3/32" = 1'-0" +/-

RECEIVED JUL 19 2019 BY:

MUNICIPAL ENGINEERING SERVICES COMPANY, P.A.
68 SHIPWASH DRIVE, GARNER, NC 27529 - PHONE: 919-772-5393
P.O. BOX 349, BOONE, NC 28607 - PHONE: 828-262-1767
LICENSE NUMBER: C-0281

Developer:
North Star Villages
Dan Norman
2318 Blakeford Road
Charlotte, NC 28226

Building Elevations

Architect:
Gary b. coursey & associates-architects inc -aia
3621 vinings slope se
Suite 440
Atlanta, Georgia 30339

King Street Hotel
Conditional District Request
Resubmittal: July 19th, 2019

APPALACHIAN ARCHITECTURE, P.A.
BILL MAX DIXON, JR., AIA, NCARB
POST OFFICE BOX 179
705 N. KING ST. SUITE 201
BOONE, NC 28607
PHONE: (828) 265-2405
FAX: (828) 265 2406
bill@appalarch.com
www.appalarch.com

Communication: PL02654-060619 Building Elevations (Case PL02654-060619 East King St Hotel - Conditional District Zoning Map Amendment)

DRAWING LEGEND:

- EXISTING LIGHT FIXTURES AT ASSUMED 35'-0" MOUNTING HEIGHT
- NEW AREA LIGHT FIXTURES AT 18'-0" AND 20'-0" MOUNTING HEIGHT. NOTE: FIXTURE HEIGHTS LABELED ON PLAN.
- NEW SECURITY LIGHT FIXTURES AT 9'-0" MOUNTING HEIGHT AND 30DEGREE TILT.

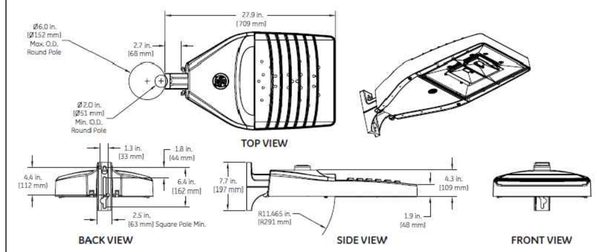
1 LIGHTING COMPLIANCE PLAN

Scale: 1/32"=1'-0"

IONCON

Digitally signed by PATRICK A. BEVILLE, PE, LEED AP
DN: cn=PATRICK A. BEVILLE, PE, LEED AP, o=IONCON, PLLC, email=patrick@goioncon.com, c=US
Reason: I am approving this document
Location: BOONE, NC
Date: 2019.07.19 11:58:55 -04'00'

GE EVOLVE LED AREA LIGHT-- UNIVERSAL MOUNTING ARM: D1



NOTE: UTILITY TO CONFIRM MOUNTING-- POLE AND MOUNTING STRUCTURAL ENGINEERING BY OTHER.

LITHONIA LIGHTING ELA QWP REMOTE FIXTURE

ELA QWP

EAST KING STREET HOTEL PHOTOMETRIC INFORMATION:

NOTE:

-ALL FIXTURES TO BE FULL-CUT OFF OR NIGHT SKY COMPLIANT. ALL FIXTURES SHOWN ARE GE EVOLVE LED AREA LIGHT EALS-03 AT 18' OR 20' POLE MOUNTED HEIGHT OR LITHONIA LIGHTING EAL QWP REMOTE FIXTURE AT 9' WALL MOUNTED HEIGHT OR EQUAL.

-UTILITY TO CONFIRM MOUNTING POLE AND MOUNTING STRUCTURAL ENGINEERING BY OTHER.

-CONTRACTOR TO CONFIRM VOLTAGE, DIMMING, CONTROLS, MOUNTING ARM, FIXTURE COLOR AND ANY FURTHER OPTIONS.

OPEN PARKING AREAS LIGHT FIXTURES:

- -(3) GE EVOLVE LED AREA LIGHT - MODEL# EALS03_ D5SH740, FULL CUTOFF, (2) 18' AND (1) 20' POLE MOUNTED HEIGHT - 64WATTS, OR EQUAL.
- -(8) GE EVOLVE LED AREA LIGHT - MODEL# EALS03_C4AH740, FULL CUTOFF, (2) 18' AND (6) 20' POLE MOUNTED HEIGHT - 50WATTS, OR EQUAL
- -(4) LITHONIA LIGHTING ELA QWP REMOTE FIXTURE - MODEL# ELA QWP L0309, FULL CUTOFF WITH 30DEGREE TILT, 9' WALL MOUNTED HEIGHTS - 9.6WATTS, OR EQUAL.

TOWN OF BOONE UDO LIGHTING REQUIREMENTS

OPEN PARKING AREAS

Maximum	3.6 fc
Minimum	0.2 TO 0.9 fc
Max/Min	4:1

SITE PERIMETER

Maximum	0.5 fc

STREET LIGHTING

Maximum	1.0 fc
Minimum	0.2 fc

EAST KING STREET HOTEL

SITE PERIMETER

Average	0.3 fc
Maximum	0.5 fc
Minimum	0.0 fc

SITE WHOLE

Average	1.2 fc
Maximum	3.0 fc
Minimum	0.0 fc

OPEN PARKING AREAS

NORTH EAST LOT		SOUTH LARGE LOT		SOUTH WEST LOT	
Average	1.3 fc	Average	1.6 fc	Average	1.4 fc
Maximum	2.4 fc	Maximum	2.5 fc	Maximum	2.2 fc
Minimum	0.6 fc	Minimum	0.8 fc	Minimum	0.8 fc
Max/Min	4.0:1	Max/Min	3.1:1	Max/Min	2.8:1

SOUTH EAST LOT		SOUTH SMALL LOT		NORTH WEST DRIVE	
Average	1.8 fc	Average	1.7 fc	Average	0.4 fc
Maximum	2.8 fc	Maximum	2.8 fc	Maximum	2.3 fc
Minimum	0.7 fc	Minimum	0.8 fc	Minimum	0.2 fc
Max/Min	4.0:1	Max/Min	3.5:1		

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NORTH CAROLINA PROFESSIONAL SEAL 023045 ENGINEER PATRICK A. BEVILLE

CONTACT
MADISON BLARI
(828) 2634-8500

DRAWN BY	APPROVED
MEB	PAB
REVISED	APPROVED

PATRICK A. BEVILLE, PE LEED AP
IONCON, PLLC P-0820
726 STATE FARM RD. UNIT B
BOONE, NORTH CAROLINA 28607
PHONE: 828-264-8500

IONCON
SUSTAINABILITY IN ENGINEERING
WWW.GOIONCON.COM (828) 264-8500

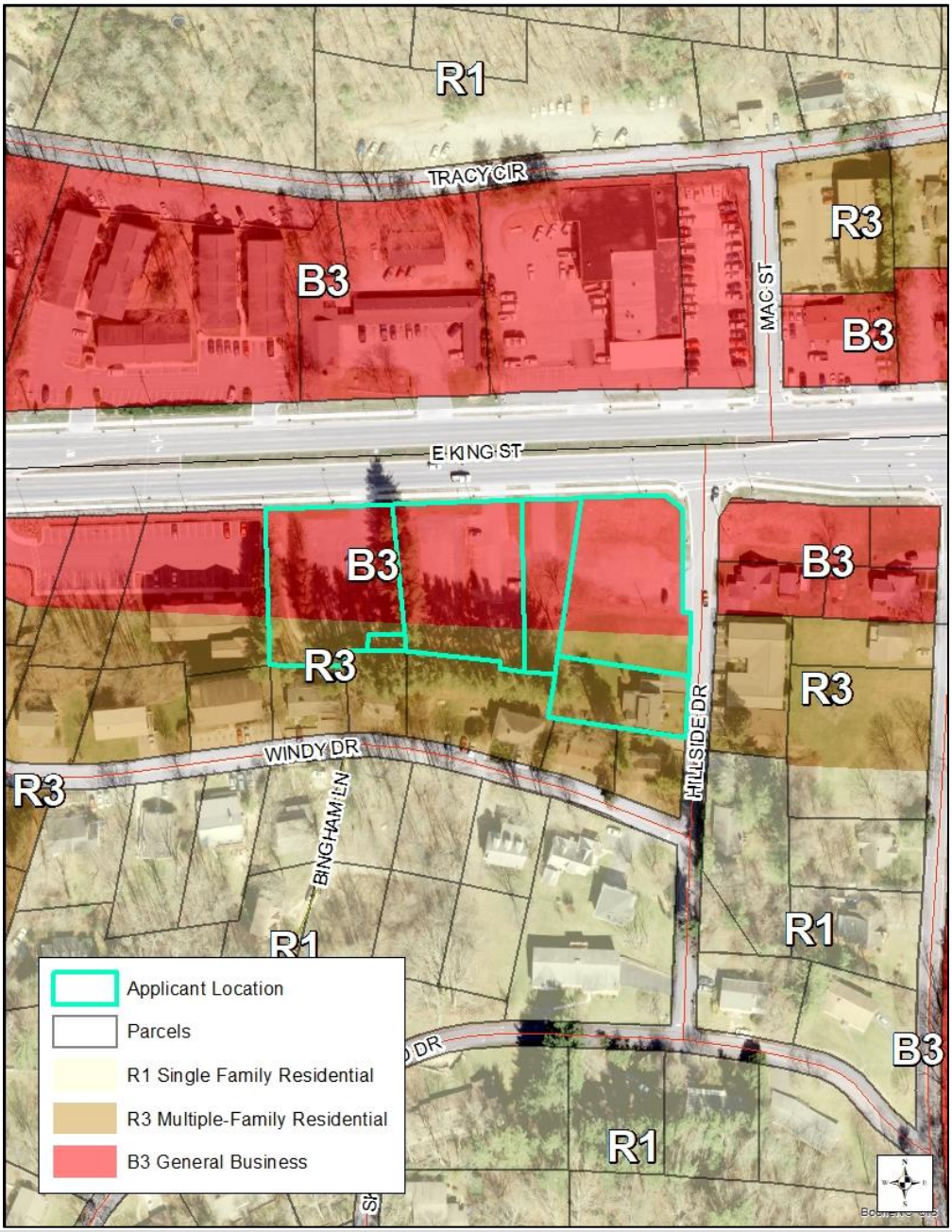
LIGHTING COMPLIANCE PLAN

EAST KING STREET HOTEL
726 STATE FARM RD. SUITE B
BOONE, NC 28607

JOB NUMBER	196002
DATE	07-19-2019
SCALE	1/32" = 1'-0"
SHEET: OF: 1	L-100
TOTAL: OF:	

Communication: PL02654-060619 Lighting Plan (Case PL02654-060619 East King St Hotel - Conditional District Zoning Map Amendment)

STAFF REPORT
PUBLIC HEARING
AUGUST 26, 2019
CASE PL02654-060619 EAST KING ST HOTEL – CONDITIONAL DISTRICT ZONING MAP AMENDMENT



Request

Dan Norman with North Star Villages, LLC has applied for a Conditional District Zoning Map Amendment to construct a four-story, 107-room hotel located at the corner of East King Street and Hillside Drive. Four properties are currently split-zoned B3 General Business and R3 Multi-family residential, and two properties are wholly zoned R3 Multiple-family residential. The proposed zoning district for all six properties, shown on the map above outlined in blue, is Conditional District B3 General Business, and the proposed use is Use 3.08 Hotel.

Parcel Information

Address:	East King Street
Watauga County PINs:	2910-18-8163-000, 2910-18-9020-000, 2910-18-9036-000, 2910-28-0036-000, 2910-28-1022-000, and 2910-27-1827-000
Property Owners:	James B. Graham Jr.; Tumbling Dice Properties, LLC; Reno Management, LLC; Buford Stamey; Trailway Laundry, Inc.; and Daphne Ramsey
Total Lot size:	85,237 square feet (1.957 acres)
Jurisdiction:	Town of Boone
Access:	East King Street (NCDOT) and Hillside Drive (Town)
SFHA:	No
Watershed District:	No
Corridor District:	Yes
NCD:	No
Viewshed:	No
Utilities:	Town water and sewer
Current Zoning:	Four properties split-zoned B3/R3; two properties zoned R3
Proposed Zoning:	CD-B3 Conditional District General Business
Current Uses:	Vacant, single-family dwelling

Zoning & Use of Adjacent Properties		
	Zoning	**Land Use (according to tax records)**
North	B3 General Business	Government facility, mixed-use, multi-family dwellings
East	B3 General Business, R3 Multiple-family residential	Vacant, single-family dwelling, multi-family dwellings
South	R3 Multiple-family residential	Multi-family dwellings, duplexes, single-family dwellings
West	B3 General Business, R3 Multiple-family residential	Multi-family dwellings

Planning Staff Analysis

The applicant is seeking a conditional district zoning map amendment in order to allow a hotel (Use 3.08) to be constructed along the East King Street corridor at the corner of East King Street (eastbound) and Hillside Drive. A hotel is a permissible use in the B3 zoning district subject to a 200-foot transitional zone, which the applicant has triggered. Hotels are not permissible in the R3 zoning district. Pursuant to the Town of Boone Unified Development Ordinance (UDO) Article 9 Amendments Subsection 9.09.03, any proposed CD development within a transitional zone is subject to the standards and requirements of Article 6.02.02.

Hotel is defined in UDO Article 34 Definitions as "A building or a group of buildings primarily containing guest rooms accessed by an internal hallway for lodging and usually meals and other services for travelers

Communication: PL02654-060619 Staff Report (Case PL02654-060619 East King St Hotel - Conditional District Zoning Map Amendment)

and other paying guests. Common accessory uses are dining areas, meeting rooms, and recreational facilities. Occupancy is by transients rather than residents."

Note: If approved, the applicant will be required to submit detailed plans meeting all requirements of the UDO and the North Carolina State Building Code.

Zoning District Descriptions:

…

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

…

14.02.04 The B3 General Business District is established to provide a wide range of consumer goods, convenience goods and personal services for the community and surrounding region. Appropriate residential uses are allowed in this district, normally as part of mixed-use developments. The regulations for this district are designed and intended to create a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses.

…

14.05.01 A Conditional District (CD) is a zoning district in which the use and development of a property pursuant to a site-specific development plan is approved through the legislative process pursuant to Article 9 of this Ordinance.

A. A CD utilizes the existing zoning district, is limited to the authorized uses and the development standards mandated within that district, and may be subjected to conditions that make the development plan more desirable.

…

Additional Specific Use Requirements:

Hotels (Use 3.08) are not subject to additional specific use requirements of Article 15.

District Standards:

Land Use Intensity Requirements (B3 Zoning District)			
	UDO Requirement	**Proposed**	**Compliance**
Minimum Gross Land Area	5,000 sq. ft.	85, 237 sq. ft.	Yes
Minimum Lot Width	50 ft.	168 ft.	Yes
Minimum Street Frontage	40 ft.	168 ft.	Yes
Minimum Livability Space Ratio	.27	.35	Yes
Minimum street setback	20 ft.	31 ft.	Yes
Minimum interior setback	17 ft.	28 ft.	Yes

Communication: PL02654-060619 Staff Report (Case PL02654-060619 East King St Hotel - Conditional District Zoning Map Amendment)

Building Height Limitations (B3 Zoning District)			
	UDO Requirement	**Proposed**	**Compliance**
Maximum Building Height	3 stories/45' (primary) 5 stories/67' (secondary)	4 stories/56'	Yes

Note: Pursuant to UDO Subsection 16.08.03, the setbacks for the proposed project are increased due to the building secondary height requirement (one linear foot of setback increase per linear foot of building height increase). The applicant has demonstrated compliance with both setback and building height requirements.

Grading & Soil Erosion and Sediment Control:
The proposed project appears to meet general requirements of the UDO. A full review will be conducted during the zoning permit review process.

Stormwater Management:
The proposed project appears to meet general requirements of the UDO. A full review will be conducted during the zoning permit review process.

Parking:

Minimum Parking Requirements (Use 3.08)			
	UDO Requirement	**Proposed**	**Compliance**
Motor vehicle	1.25 space/rentable room (107 rooms = minimum 134 spaces)	110 spaces	See note below
Short-term bicycle	2 spaces	2 spaces	Yes
Long-term bicycle	2 spaces	2 spaces	Yes
Motorcycle	3 spaces	3 spaces	Yes

Note: The applicant has submitted a parking demand analysis (See Applicant's Parking Demand Analysis). Pursuant to UDO Subsection 24.01.09, "minimums and maximums may be adjusted by the permit issuing authority when the applicant provides reliable and persuasive evidence (which may include but is not necessarily limited to a parking demand analysis prepared by a qualified engineer) demonstrating that the minimum parking required per the provisions of this Article would result in excess and unnecessary parking for the development…"

Community Appearance Standards:
The proposed project appears to meet general requirements of the UDO. A full review will be conducted during the zoning permit review process.

Landscape Standards:
The proposed project appears to meet general requirements of the UDO. A full review will be conducted during the zoning permit review process.

Communication: PL02654-060619 Staff Report (Case PL02654-060619 East King St Hotel - Conditional District Zoning Map Amendment)

Traffic Impact Analysis:
See Applicant's Traffic Impact Analysis (TIA).

Corridor District:
The proposed development meets UDO requirements for the Corridor Overlay District. A single access is allowed along the thoroughfare (US Hwy 421 East), with an additional access allowed only for emergency vehicles. An alternative access is proposed along Hillside Drive, but is designed to be right-in and left-out only.

Transitional Zone:
Pursuant to UDO Subsection 6.02.02, transitional zones are established for the purpose of creating special protections for residents of protected districts from the potential adverse impacts of certain potentially incompatible nearby development, based upon the legislative finding that the general requirements of this ordinance have not been sufficient to protect the residents of such protected districts from the adverse consequences of such developments and that the variety of circumstances which may need to be ameliorated in the face of such development are not amenable to a "one size fits all" approach.

Because this development is within 200' of a protected residential zoning district, the applicant will need to demonstrate that the planned development will effectively, and to the greatest degree reasonably possible, mitigate the impacts of the proposed development upon the protected district, including but not limited to:

a. Noise impacts;
b. Light impacts; and
c. Any other predictable negative effect, including but not limited to:
    i. Negative visual effects;
    ii. Negative traffic effects; and
    iii. Negative health effects.

Because of the variable topography and characteristics of particular tracts of land within the town's zoning jurisdiction, the solutions incorporated into the development plan by the applicant must be tailored to specifically address the characteristics of the particular location in relation to the protected district. Only if an applicant can demonstrate by clear and convincing evidence that the normal requirements of the ordinance are themselves sufficient to protect the protected district may the application be approved without additional measures being incorporated into the site-specific development plan.

Phasing:
The applicant has not requested phasing.

Vested Rights:
The applicant has not requested extended vesting.

Communication: PL02654-060619 Staff Report (Case PL02654-060619 East King St Hotel - Conditional District Zoning Map Amendment)

Analysis from other Town Staff

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

1. Future plans need to have domestic/fire line connections, meter locations shown. Sanitary Sewer relocation to show acknowledgment of re-connection of existing Sanitary Sewer laterals.

Public Works - Services Division (Justin Stines, Facilities Maintenance Superintendent)

1. Applicant will be required to obtain a driveway permit for access onto Hillside Drive.
2. Details and specifications of sidewalks and solid waste enclosure will be reviewed during the zoning permit review process.
3. A permanent easement to the Town of Boone is required for the public use of any sidewalk that is not in the right-of-way on Hillside Drive.

Fire Department (Amy Flieg, Fire Marshal)

1. Approved.

History

4-4-2019 The Board of Adjustment heard two variance requests for the East King Street Hotel. The first, a height variance from the secondary height requirement of UDO Subsection 16.08.03, would have allowed a four-story, 45-foot-tall building within the primary height limitation. The second, a setback variance from UDO Subsection 16.01.02, would have allowed a 12-inch encroachment into the 20-foot street setback along East King Street. Both variance requests were denied.

2006 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.

Communication: PL02654-060619 Staff Report (Case PL02654-060619 East King St Hotel - Conditional District Zoning Map Amendment)

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

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

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

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

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

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

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

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

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

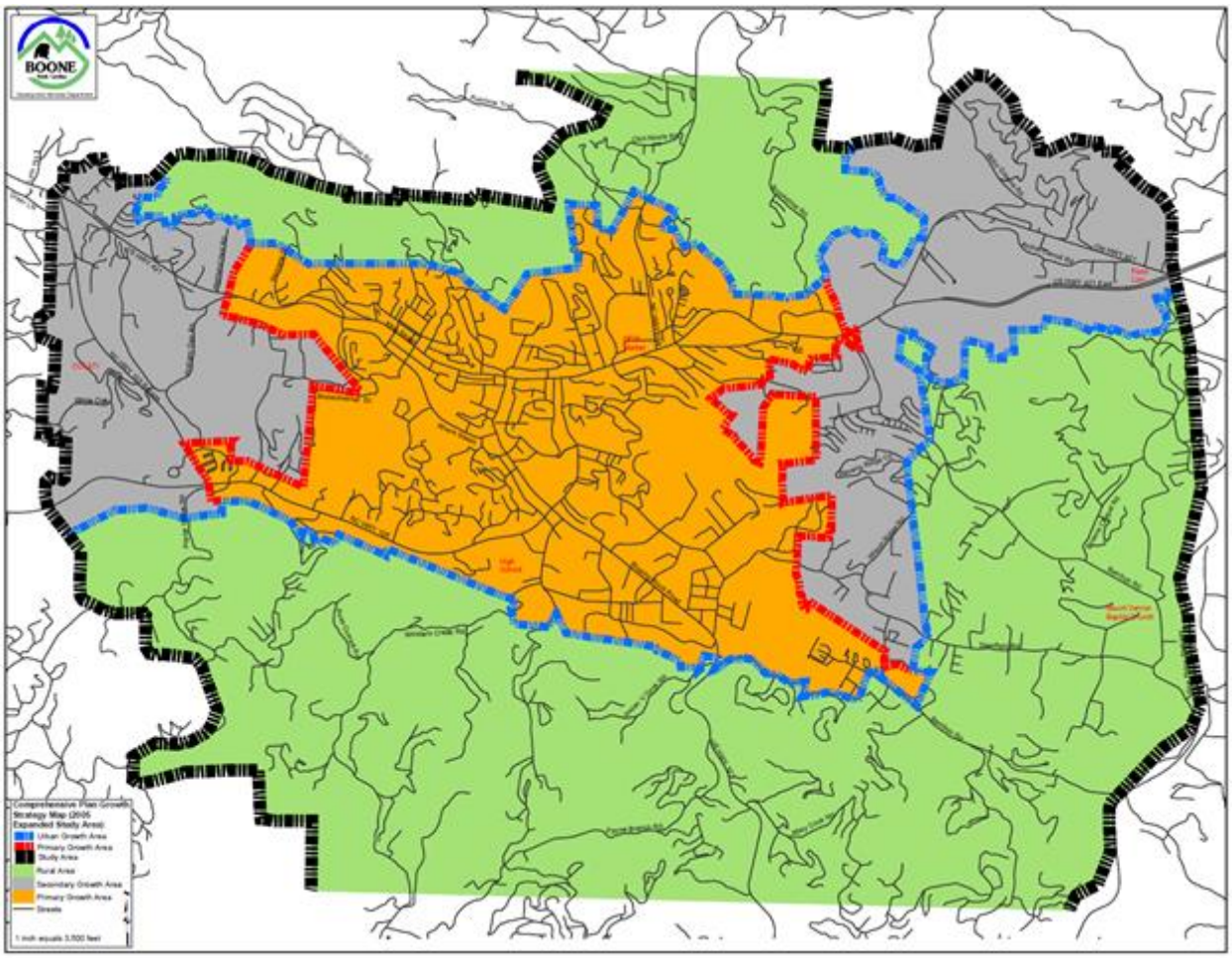
Recreation: Strive for additional public recreation facilities, especially sports fields, greenways and indoor recreation centers.

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

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

1.2 Growth Strategy Map (p. 17): The property is located within Primary Growth Area. The Primary Growth Area is that portion of the urban growth area where urban level of facilities are already in place or can be provided most cost effectively. This is the area where near term growth and development is to be especially encouraged. See Growth Strategy Map below (approximate property location marked with yellow star):

Communication: PL02654-060619 Staff Report (Case PL02654-060619 East King St Hotel - Conditional District Zoning Map Amendment)



Relevant 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.

2.1 The Economy (p. 21)

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

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

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

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

Communication: PL02654-060619 Staff Report (Case PL02654-060619 East King St Hotel - Conditional District Zoning Map Amendment)

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

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

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

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

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

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

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

2.1.2 Commercial Development (p. 25)

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

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

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

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

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

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

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

Communication: PL02654-060619 Staff Report (Case PL02654-060619 East King St Hotel - Conditional District Zoning Map Amendment)

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

I. H.1Amend the zoning map to provide appropriate commercial zoning in transitional areas that do not encroach upon established residential neighborhoods.

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

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

2.2 Infrastructure (p. 39)

2.2.2 Utilities (p. 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.

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

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

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

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

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

2.2.5 Environmental Health (p. 61)

A. Development on ridgetops and excessive slopes shall be strongly discouraged. Where development is allowed, stringent performance standards shall be met.

B. Continued improvements to the public sewage collection and treatment facilities shall be supported, with priority given to servicing existing or planned densely developed areas where environmental and economic benefits can be realized.

Communication: PL02654-060619 Staff Report (Case PL02654-060619 East King St Hotel - Conditional District Zoning Map Amendment)

C. Development activities in the 100-year floodplain or near lakes or streams shall be carefully controlled. If development must occur, low intensity uses such as open space, recreation and adequately buffered agricultural or forestry activities shall be preferred.

D. Runoff and drainage from development activities shall be of a quality and quantity as near to natural conditions as possible, with special emphasis given to critical watershed areas.

E. Development which preserves the natural features of the site, including existing topography, streams and significant trees and vegetation, shall be reflected in the Town's Development Standards.

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

G. The development of a comprehensive drainage and flood plain management plan, including public and private actions in support of plan implementation, shall be supported.

H. Local area requirements for solid waste disposal facilities shall be anticipated through advanced planning; facilities shall be located and designed so as not to adversely impact significant natural or man-made resources.

I. The Town recognizes the need for a regional solution to the solid waste issue, and will support efforts toward that end.

J. Research and development of reuse, recycling, and resource recovery programs, whether public or private, shall be encouraged and supported.

K. The Town shall encourage and set an example which promotes water and energy conservation, and the reduction of waste generation at the source.

L. An anti-litter consciousness, beginning in the schools, and including the university, businesses and individual citizens and visitors shall be encouraged.

M. The location of hazardous waste storage and disposal facilities in the Boone planning area shall not be supported. Transportation of hazardous materials through Boone shall be discouraged. The location of propane storage tanks shall be carefully controlled to the extent permitted by state and federal law, as well as by state enabling legislation for local government regulation.

N. Industries and activities producing excessive noise, odor, air, water and light pollution, or other harmful impacts, shall not be permitted, unless such adverse impacts can be clearly overcome through effective mitigation.

2.3 The Community (p. 67)

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

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

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

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

Communication: PL02654-060619 Staff Report (Case PL02654-060619 East King St Hotel - Conditional District Zoning Map Amendment)

2.3.1 Community Appearance (p. 69)

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

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

C. The significance of major roadway entrances into Boone as measures of community image and quality shall be recognized through building placement, landscape, signage and other visual improvements. The Town, along with private property owners and developers, shall work to jointly improve the appearance and design of major street corridors.

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

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

2.3.2 Community Character (p. 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.

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

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

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

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

2.3.3 Housing and Neighborhoods (p. 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.

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

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

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

E. Factors in determining preferred locations for high density residential development shall include: close proximity to the university, employment or shopping centers; access to major thoroughfares

Communication: PL02654-060619 Staff Report (Case PL02654-060619 East King St Hotel - Conditional District Zoning Map Amendment)

and the transit system; the availability of public services and facilities; and compatibility with adjacent land uses.

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

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

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

2.3.4 Public Involvement (p. 85)

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

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

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

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

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 5, 2019.

/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 5, 2019.

/s/Darrell Pulliam

Darrell Pulliam, Building Inspector

Planning Commission 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

Communication: PL02654-060619 Staff Report (Case PL02654-060619 East King St Hotel - Conditional District Zoning Map Amendment)

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*]:

Communication: PL02654-060619 Staff Report (Case PL02654-060619 East King St Hotel - Conditional District Zoning Map 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: 282 Daniel Boone Drive Ext

Watauga County Parcel Identification Number: 2910-78-5025-000

Existing Zoning District(s): CD O/I

Proposed Zoning District(s): R1 Single-Family

Adjacent Land Uses: N: Watauga High School E: Watauga High School

S: Watauga High School W: Single-Family Dwelling

Are there any existing variances or site specific approvals granted to the property? ☑Yes ☐No ☐Unknown

If yes, describe: Originally this property was included in the CD O/I zoning for WHS. Case 20070229

Total Land Area: .454 acres

C. Property Owner Information

Name: John A. Ward III

Complete Mailing Address (Street, City, Zip): 282 Daniel Boone Drive Extension

Phone Number:

Email Address:

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

D. Applicant Signature and Property Owner Authorization

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

NA	NA	August 5, 2019
Property Owner (Print)	**Property Owner (Signature)**	**Date**

Communication: PL02928-080519 Application Information (Case PL02928-080519 Ward - General Use Zoning Map Amendment)

Official Use Only				
Permit Name: Ward, John – General Use Zoning Map Amendment				
Permit Number: PL02928-080519				
Date: August 5, 2019	Fee: NA	Receipt Number: NA	Method of Payment: ☐ Cash ☐ Check NA Number:_____	Paid By: NA

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: August 26, 2019

PC Meeting Date: August 26, 2019

TC Meeting Date: September 2019

Date of APO Mailed Notification: August 5, 2019

Date of Posted Notification: August 5, 2019

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

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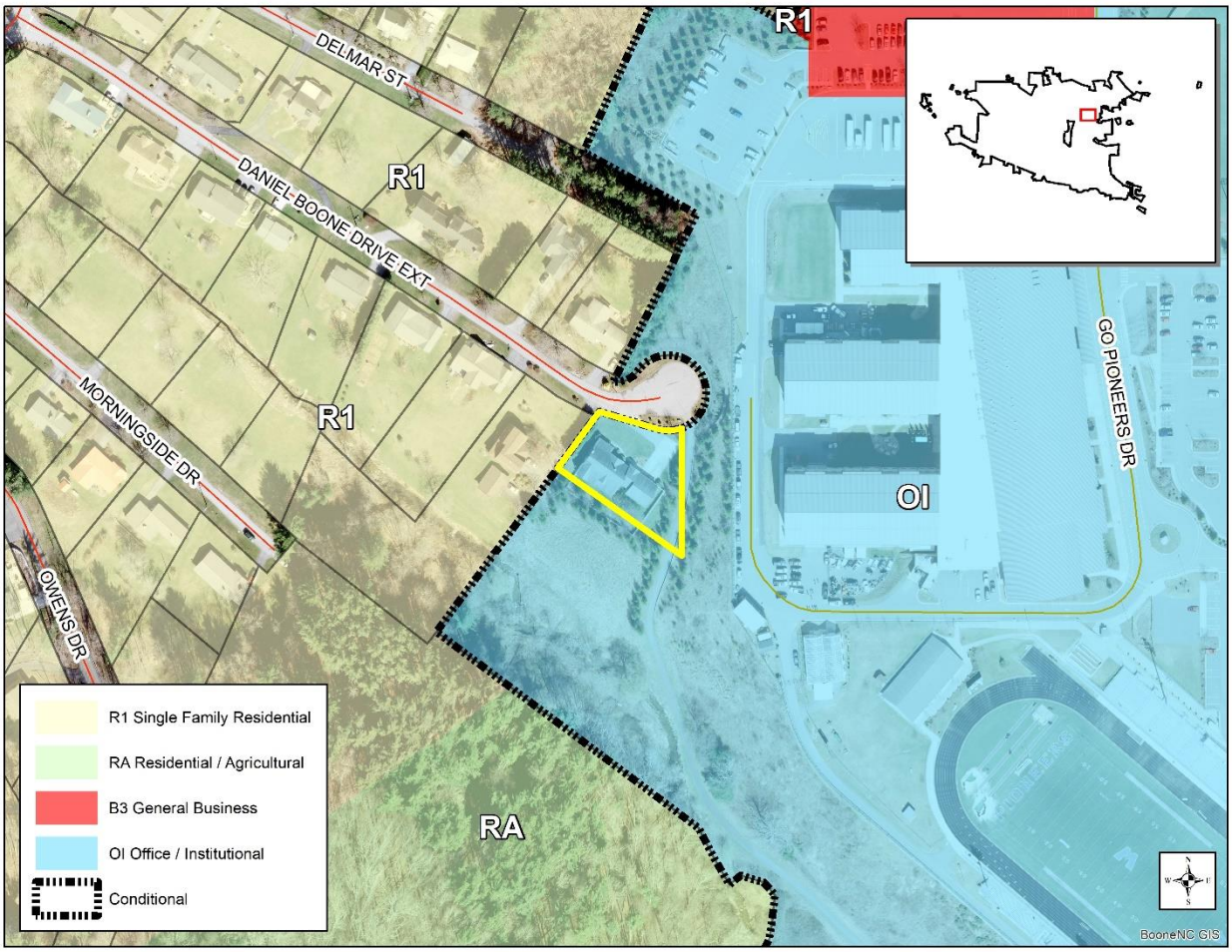
Communication: PL02928-080519 Application Information (Case PL02928-080519 Ward - General Use Zoning Map Amendment)

STAFF REPORT
PUBLIC HEARING
AUGUST 26, 2019
CASE PL02928-080519 WARD, JOHN - GENERAL USE ZONING MAP AMENDMENT



Request

The Town of Boone has initiated a General Use Zoning Map Amendment to rezone property owned by Mr. John A. Ward III, located at 282 Daniel Boone Drive Extension and shown in yellow on the map above, from CD-OI Conditional District Office Institutional to R1 Single-Family Residential. Originally, the property was included in the Watauga High School Conditional District Zoning Map Amendment (Case 20070229).

Parcel Information

Address:	282 Daniel Boone Drive Extension
Watauga County PIN:	2910-78-5025-000
Property Owner:	John A. Ward III
Total Lot size:	0.45 acre
Jurisdiction:	Town of Boone
Access:	Daniel Boone Drive Extension (Town)
SFHA:	No

Watershed District: No

Corridor District: No

NCD: No

Viewshed: No

Utilities: Town water and sewer

Current Zoning: CD-OI Conditional District Office/Institutional

Proposed Zoning: R1 Single-Family Residential

Current Use: 1.01 Single-family dwelling

Zoning & Use of Adjacent Properties		
	Zoning	**Land Use (according to tax records)**
North	R1 Single-Family Residential, CD-OI Conditional District Office/Institutional	Single-Family dwellings, High School
East	CD-OI Conditional District Office/Institutional	High School, Greenway trail
South	CD-OI Conditional District Office/Institutional	High School, Greenway trail
West	R1 Single-Family Residential	Single-family dwellings

Planning Staff Analysis

Zoning District Descriptions:

…

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.

…

14.02.05 The OI Office/Institutional District is established to provide a zoning district which promotes the development of moderately intensive office and institutional uses which are oriented toward the provision of services versus the sale of products. Appropriate small scale residential uses are allowed in this district to the point they support allowable office and institutional uses. The regulations for this district are designed and intended to create a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses.

Use Analysis:

UDO Article 15, Section 15.07 contains the Table of Principal Uses which should be read in conjunction with the definition of terms set forth in UDO Article 34.

Communication: PL02928-080519 Staff Report (Case PL02928-080519 Ward - General Use Zoning Map Amendment)

Please note: the following use comparison is between the base R1 zoning district and the base OI zoning district. Not all uses included in the table may have been allowed under the conditional district approval.

15.07 Table of Principal Uses

Use #	Specific Use	R1	OI	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
2.0 Group Living				
2.01	Family Care Home	L		15.13
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	Nursing Care Home	L	L	15.14
2.06	Nursing Care Institution		L^{T125}	15.14
2.07	Skilled Nursing Facility		L^{T300}	15.14
2.08	Retirement Community, Category 1		L	15.15
2.09	Retirement Community, Category 2		L^{T125}	15.15
2.13	Fraternity or Sorority Dwelling			15.16
2.14	Boarding House			15.17
3.0 Transient Living				
3.01	Home for Survivors of Domestic Violence	L	L	15.18
3.02	Shelter for Homeless, Category 1		L^{T50}	15.19
3.03	Shelter for Homeless, Category 2		L^{T300}	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			

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Use #	Specific Use	R1	OI	Reference
4.0 Institutional				
4.01	Airport/Landing Strip			15.22
4.02	Heliport			15.22
4.03	Funeral Home Establishment		P	
4.04	Cemetery	P	P	
4.05	Post Office		P	
4.06	Post Office, Distribution			
4.07	Animal Sanctuary			
5.0 Government Uses				
5.01	Government Cultural Facility		P	
5.02	Government Neighborhood Cultural Facility, Indoor Activity Only	S	P	
5.03	Government Neighborhood Cultural Facility, Includes Outdoor Activity		P	
5.04	Recreation Facility, Category 1		P	
5.05	Recreation Facility, Category 2	P	P	
5.06	Recreation Facility, Category 3	S	P^{T50}	
5.07	Event Venue, Category 1		P	
5.08	Event Venue, Category 2		P	
5.09	Event Venue, Category 3		P^{T50}	
5.10	Landfill			
5.11	Solid Waste Processing			
5.12	Police Substation	P	P	
5.13	Utility Facility, Town	L	L	15.23
5.14	Utility Facility, Government, Neighborhood	L	L	15.23
5.15	Utility Facility, Government, Regional		L^{T300}	15.23
5.16	Government Facility		P	
6.0 Non-Government Utility Facility				
6.01	Utility Facility, Neighborhood	L	L	15.23
6.02	Utility Facility, Regional		L^{T300}	15.23
7.0 Telecommunications				
7.01	Antenna Collocation on Existing Wireless Support Structure not requiring additional accessory equipment	P	P	
7.02	Antenna Collocation on Existing Wireless Support Structure requiring additional accessory equipment	L	L	15.24
7.03	Building Mounted Antenna not requiring additional accessory equipment	L	L	15.24
7.04	Building Mounted Antenna requiring additional accessory equipment		L	15.24
7.05	Antenna Collocation on Electrical Transmission Towers			15.24
7.06	Other Antenna		L	15.24
7.07	Wireless Support Structure which meets district height requirements	S	L	15.24
7.08	Stealth Wireless Facility which exceeds district height requirements	S	L	15.24
7.09	Wireless Support Structure which does not meet district height requirements up to and including 120’		S	15.24
7.10	Other Tower that exceeds 120’ in height			15.24

Communication: PL02928-080519 Staff Report (Case PL02928-080519 Ward - General Use Zoning Map Amendment)

Use #	Specific Use	R1	OI	Reference
7.11	Emergency Response Communication Antenna	P	P	
8.0 Assembly				
8.01	Religious Assembly, Category 1	P	P	
8.02	Religious Assembly, Category 2	P[T125]	P[T75]	
8.03	Religious Assembly, Category 3			
8.04	Club/Lodge, Category 1			
8.05	Club/Lodge Which Does Not Serve Alcohol			
9.0 Education				
9.01	Public colleges and universities			
9.02	Private colleges and universities			
9.03	Trade school			
9.04	High school			
9.05	Elementary school			
9.06	Boarding school			
9.07	College- or university-operated community enterprise			15.70
10.0 Daycare				
10.01	Child Daycare, Large			15.25
10.02	Child Daycare Center		L	15.25
10.03	Adult Daycare, Large			15.25
10.04	Adult Daycare Center		L	15.25
10.05	All Other Daycare		CD	
11.0 General Sales and Service				
11.01	Kennel			15.26
11.02	Veterinary Office/Hospital with Outdoor Kennels		L[T125]	15.26
11.03	Veterinary Office/Hospital without Outdoor Kennels		P	
11.04	Financial Institution ≤ 5,000 ft^2		P	
11.05	Financial Institution > 5,000 ft^2		P	
11.06	Restaurant ≤ 2,500 ft^2 open to the public during 10 pm – 6 am		P [T75]	
11.07	Other Restaurants ≤ 2,500 ft^2		P	
11.08	Restaurant > 2,500 ft^2 open to the public during 10 pm – 6 am		P[T200]	
11.09	Other Restaurants > 2,500 ft^2		P[T125]	
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		P[T75]	
11.15	Other Personal Service Establishments		P	
11.16	Retail Store up to 5,000 ft^2		P	
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			15.27
11.19	Reserved			

Communication: PL02928-080519 Staff Report (Case PL02928-080519 Ward - General Use Zoning Map Amendment)

Use #	Specific Use	R1	OI	Reference
11.20	Business or Professional Office open to the public during 10 pm–6 am		P[T75]	
11.21	Other Business or Professional Office		P	
11.22	Medical Office, Category 1		P[T300]	
11.23	Medical Office, Category 2		P[T125]	
11.24	Medical Office, Category 3		P[T125]	
11.25	Medical Office, Category 4		P	
11.26	Hospital		P[T300]	
11.27	Medical Emergency Response		P[T300]	
11.28	Open Air Market, Recurring		L[T50]	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		P	
12.0 Recreation and 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			
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		P	
12.11	Recreation Facility, Category 2		P [T50]	
12.12	Recreation Facility, Category 3			
12.13	Racetrack			
13.0 Agriculture				
13.01	Garden, Community	L	L	15.36
13.02	Garden, Residential	L	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	L	15.38

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Use #	Specific Use	R1	OI	Reference
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
14.10	Manufacturing, Other			15.45
15.0 Parking				
15.01	Parking Lot		L	15.46
15.02	Parking Structure		L	15.47
15.03	Park and Ride Lots		L	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				
17.01	Passenger Terminals			
17.02	Trucking or freight terminal ≤ 10,000 ft^2			
17.03	Trucking or freight terminal > 10,000 ft^2			
18.0 Waste Related Uses				
18.01	Recycling Drop-off Station			15.49
18.02	Recycling and Salvage			15.49
18.03	Junkyard			
18.04	Private Landfill			
19.0 Particular Activities Which Pose Particular Concerns About Public Health				
19.01	Electronic and Internet Gaming			15.50
19.02	Adult Establishments			15.51

Communication: PL02928-080519 Staff Report (Case PL02928-080519 Ward - General Use Zoning Map Amendment)

15.07.01 Table of Accessory Uses

Use #	Accessory Use	R1	OI	Reference
A-1	Secondary suite	L	L	15.52
A-2	Home occupation	L	L	15.53
A-3	Accessory dwelling unit		L	15.54
A-4	Drive-through		L	15.55
A-5	Outdoor display		L	15.56
A-6	Outdoor storage			15.57
A-7	Outdoor dining		L	15.58
A-8	Automated teller machine (ATM)		P	
A-9	Automated teller machine (ATM), freestanding		L	15.59
A-10	Produce stand			15.60
A-11	Poultry	L	L	15.61
A-12	Livestock, small	L	L	15.62
A-13	Livestock, large			15.63
A-14	Bees	L	L	15.64
A-15	Garden, residential	L	L	15.65
A-16	Satellite receiving antennas less than 1 meter in diameter	P	P	
A-17	Satellite receiving antennas less than 2 meters in diameter		P	
A-18	Satellite receiving antennas 2 meters and greater in diameter		S	
A-19	Helistop		S[T300]	
A-20	Swimming pools, spas, and hot tubs	L	L	15.66
A-21	Caretaker's residence		L	15.67
A-22	Vehicular gate	L	L	15.68
A-23	Vehicle washing station		P	
A-24	Chemical storage facility			
A-25	Open air market, accessory	L	L	15.29
A-26	Daycare, small	P	P	

Communication: PL02928-080519 Staff Report (Case PL02928-080519 Ward - General Use Zoning Map Amendment)

15.07.02 Table of Temporary Uses

Use #	Temporary Use	R1	OI	Reference
T-1	Temporary care provider dwelling		L	15.69
T-2	Temporary construction or repair dwelling	L	L	15.69
T-3	Temporary construction trailer	L	L	15.69
T-4	Temporary mobile medical unit			15.69
T-5	Temporary classroom		L	15.69
T-6	Temporary portable storage containers	L	L	15.69
T-7	Temporary staging		L	15.69
T-8	Temporary non-fixed site event venue		L	15.69
T-9	Carrier on wheels (cow)	L	L	15.69
T-10	Yard sales	L	L	15.69
T-11	Itinerant merchant/peddler	L	L	15.69
T-12	Open air market, temporary		L	15.69
T-13	Temporary Use 9.01 Public Colleges and Universities		L	15.69

Intensity/Density Regulations:

Excerpt from UDO Article 16, Subsection 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.
OI	10,000 sq. ft.	100 ft.	80 ft.	.27	20 ft.	17 ft.

Building Height:

Excerpt from UDO Article 16, Subsection16.08.02

Zone	Height Limitation (Feet)
R1	3 stories/40'; accessory structures may not exceed 25'
OI	4 stories/67'

History

06-21-2007 The property was rezoned from R1 Single-Family Residential to CD-OI Conditional District Office/Institutional as included in the Watauga High School Conditional District Zoning Map Amendment (Case 20070229).

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,

Communication: PL02928-080519 Staff Report (Case PL02928-080519 Ward - General Use Zoning Map Amendment)

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.

2006 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.

Communication: PL02928-080519 Staff Report (Case PL02928-080519 Ward - General Use Zoning Map Amendment)

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

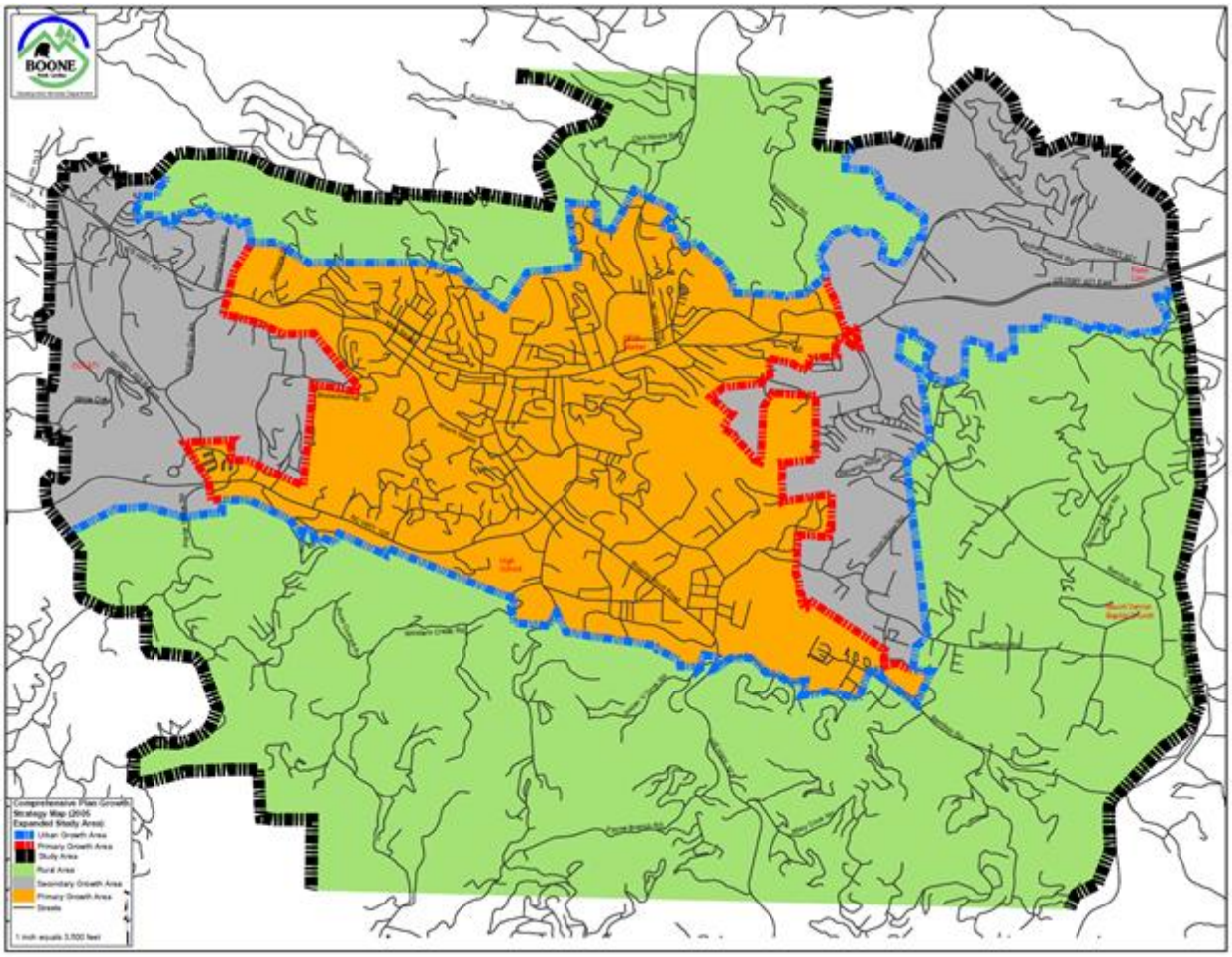
Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

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

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

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

1.2 Growth Strategy Map (p. 17): The property is located within Primary Growth Area. The Primary Growth Area is that portion of the urban growth area where urban level of facilities are already in place or can be provided most cost effectively. This is the area where near term growth and development is to be especially encouraged. See Growth Strategy Map below:



Relevant 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.

Communication: PL02928-080519 Staff Report (Case PL02928-080519 Ward - General Use Zoning Map Amendment)

2.3 Community (p. 67)

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

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

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

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

…

2.3.2 Community Character (p.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.

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

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

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

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

2.3.3 Housing & Neighborhoods (p. 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.

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

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

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

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

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

Communication: PL02928-080519 Staff Report (Case PL02928-080519 Ward - General Use Zoning Map Amendment)

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.

2.3.4 Public Involvement (p. 85)

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

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

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

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

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 5, 2019.

/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 5, 2019.

/s/Darrell Pulliam

Darrell Pulliam, Building Inspector

Planning Commission 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

Communication: PL02928-080519 Staff Report (Case PL02928-080519 Ward - General Use Zoning Map Amendment)

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*]:

Communication: PL02928-080519 Staff Report (Case PL02928-080519 Ward - General Use Zoning Map Amendment)

UDO Text 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. Contact Information

Applicant: Town of Boone Company:

Address: PO Drawer 192, Boone, NC 28607

Phone Number: 828-268-6960 Email Address:

B. Text Information

Amendment is to:

Article(s): 4

Section(s): 4.16

Brief Description of Amendment (Attach Proposed Text):

Amend UDO Article 4 Permits, Section 4.16 Modification of Permits to clarify the process for changes made to a project after a permit has been issued.

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	/s/ Jane Shook	June 5, 2019
Applicant (Print)	**Applicant Signature**	**Date**

Official Use Only

Permit Name: Section 4.16 Modification of Permits				
Permit Number: PL02632-060519				
Date: June 5, 2019	Fee: NA	Receipt Number: NA	Method of Payment: ☐ Cash ☐ Check Number:____	Paid By: NA

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date:

PC Meeting Date:

TC Meeting Date:

Text Approved: ❑ Yes ❑ No If yes, date entered into UDO:

S:\FORMS\PI_Forms_Current\Planning Forms\UDOTextAmendApp_06172019.doc

Communication: PL02632-060519 Application Information (Case PL02632-060519 Section 4.16 Modification of Permits - UDO Text Amendment)

STAFF REPORT
PUBLIC HEARING
AUGUST 26, 2019
CASE PL02632-060519 SECTION 4.16 MODIFICATION OF PERMITS - UDO TEXT AMENDMENT

Request

Amend UDO Article 4 Permits, Section 4.16 Modification of Permits to clarify the process for changes made to a project after a permit has been issued.

Proposed Ordinance Amendment

ORDINANCE #_____

AN ORDINANCE TO REVISE ARTICLE 4 OF THE TOWN OF BOONE UNIFIED DEVELOPMENT ORDINANCE RELATING TO MODIFICATION OF PERMITS

WHEREAS, the Boone Town Council finds that the language of section 4.16 of the Town of Boone Uniform Development Ordinance ("UDO") concerning modification of permits lacks clarity and precision;

WHEREAS, clarity in the language of the UDO increases certainty and the administration of the UDO and the development process;

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

WHEREAS, this proposed UDO text amendment was duly noticed for public hearing; a public hearing was held with respect to the proposed amendment on _____ ____, 2019; 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 4, section 4.16 of the Boone UDO are hereby amended as follows, with deletions and additions shown in red and blue respectively:

****

Modification of Permits

4.16.01 A permit with vested rights pursuant to NC Gen. Stat. 160A-385.1 may be modified pursuant to the ~~following Sections~~provisions of this section~~ until such times as a Certificate of Occupancy is issued. Thereafter, any change to a completed development or phase of a development may only be considered on a new application. A new application shall always be determined by the permit issuing authority which approved the site specific development plan~~. ~~–~~The proposed modification of a permit authorizing a development or phase of development that has been completed shall be considered only as a new application.

4.16.02 ~~Insignificant~~ Minor modifications to any~~from~~ permit or ~~zoning,~~ major subdivision preliminary plat approval ~~or special use permits~~issued pursuant to this Ordinance are permissible and the Administrator may authorize such ~~insignificant~~ minor modifications subject to the following:

~~**A.**~~ A modification is ~~insignificant~~ minor if, whether taken alone or together with other proposed modifications, ~~it~~ it has no ~~discernible~~ substantial negative impact on any one or more neighboring properties or~~,~~ on the general public~~, or those intended to occupy or use the proposed development~~. In addition, ~~; and~~ i

~~**B.**~~**A.** ~~Insignificant~~ n no case may a minor modification~~s may not~~:

1. Exceed ten percent (10%) of any measurable standard; or
2. Change the approved use(s); or
3. ~~2.~~ Modify a feature of an application which was central to the deliberations of the permit issuing authority; or
4. Modify an express condition ~~of~~ imposed by the permit issuing authority.

B. The Administrator shall determine whether or not a proposed modification, whether taken alone or together with other proposed modifications, is minor. With respect to permits authorized by the Board of Adjustment or Town Council, in the event of doubt the proposed modification shall not be considered minor.

C. An applicant requesting approval of one or more minor modifications shall submit a written request for such approval to the Administrator.

1. The request shall identify the proposed changes.
2. The request shall be processed in accordance with Section 4.05.
3. ~~1.~~ Approval of all changes shall be in writing.

4.16.03 All proposed modifications of a ~~Minor modifications to zoning,~~permit or major subdivision preliminary plat approval ~~or special use permits~~ that are determined by the Administrator not to be minor ~~are permissible with the~~must be processed as new applications and approved by~~al of~~ the original permit issuing authority ~~subject to the following:~~

~~Minor modifications are those that do not significantly change the essential character of the use(s) or activity that has been previously authorized; and~~

~~If a minor modification is approved, new conditions may be imposed in accordance with Section 4.09.~~

~~The applicant retains the right to reject such additional conditions by withdrawing his request for a modification and may then proceed in accordance with the previously issued permit.~~

~~An applicant who elects to withdraw an application for modification must do so prior before the final decision of the permit issuing authority.~~

~~**4.16.04** Major modifications to zoning, major subdivision preliminary plat approval or special use permits will be processed as new applications.~~

~~Major modifications are those that change the essential character of the use or activity that has been previously authorized or proposes changes which exceed the limits for minor modifications.~~

Communication: PL02632-060519 Staff Report (Case PL02632-060519 Section 4.16 Modification of Permits - UDO Text Amendment)

~~A proposed change in use, a change in intensity or density exceeding ten percent (10%) of any measurable standard, or a modification to a feature of an application which was central to the approval by the permit issuing authority shall always be considered a major modification~~.

~~**4.16.05** The Administrator shall determine whether modifications of permits fall within the categories set forth above in Subsections 4.16.02, 4.16.03, and 4.16.04.~~

~~The determination of the Administrator shall constitute the final decision of the Town and is not appealable.~~

~~**4.16.06** An applicant requesting approval of changes shall submit a written request for such approval to the Administrator.~~

~~The request shall identify the proposed changes.~~

~~The request shall be processed in accordance with Section 4.05.~~

~~Approval of all changes shall be in writing.~~

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:

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.

Communication: PL02632-060519 Staff Report (Case PL02632-060519 Section 4.16 Modification of Permits - UDO Text Amendment)

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.

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

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

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

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

Communication: PL02632-060519 Staff Report (Case PL02632-060519 Section 4.16 Modification of Permits - UDO Text Amendment)

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

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

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

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

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

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

2.3 The Community

2.3.4 Public Involvement

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

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

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

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

Communication: PL02632-060519 Staff Report (Case PL02632-060519 Section 4.16 Modification of Permits - UDO Text Amendment)

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*]:

Communication: PL02632-060519 Staff Report (Case PL02632-060519 Section 4.16 Modification of Permits - UDO Text 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*]:

Communication: PL02632-060519 Staff Report (Case PL02632-060519 Section 4.16 Modification of Permits - UDO Text Amendment)

UDO Text 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. Contact Information

Applicant: Town of Boone Company: _____

Address: PO Drawer 192, Boone, NC 28607

Phone Number: 828-268-6960 Email Address: _____

B. Text Information

Amendment is to:

Article(s): 15, 24

Section(s): 15.07, 24.01

Brief Description of Amendment (Attach Proposed Text):

Amend UDO Article 15 District Uses to only allow Use 3.08 Hotel in the B1 Central Business zoning district with Conditional District zoning and to amend UDO Section 24.01.04 to not except Use 3.08 Hotels in the B1 from compliance with the parking requirements of UDO Article 24.

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	/s/ Jane Shook	July 1, 2019
Applicant (Print)	**Applicant Signature**	**Date**

Official Use Only

Permit Name: Hotels in the B1 Central Business Zoning District				
Permit Number: PL02860-071119				
Date: July 1, 2019	Fee: NA	Receipt Number: NA	Method of Payment: ☐ Cash ☐ Check Number:____	Paid By: NA

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: _____

PC Meeting Date: _____

TC Meeting Date: _____

Text Approved: ❑ Yes ❑ No If yes, date entered into UDO: _____

S:\FORMS\PI_Forms_Current\Planning Forms\UDOTextAmendApp_06172019.doc

Communication: PL02860-070119 Application Information (Case PL2860-071119 Hotels in the B1 Central Business Zoning District- UDO Text

STAFF REPORT
PUBLIC HEARING
AUGUST 26, 2019
CASE PL02860-071119 HOTELS IN THE B1 - UDO TEXT AMENDMENT

Request

Amend UDO Article 15 District Uses to only allow Use 3.08 Hotel in the B1 Central Business zoning district with Conditional District zoning and to amend UDO Section 24.01.04 to not except Use 3.08 Hotels in the B1 from compliance with the parking requirements of UDO Article 24.

Proposed Ordinance Amendment

ORDINANCE #_____

AN ORDINANCE TO REVISE ARTICLE 4 OF THE TOWN OF BOONE UNIFIED DEVELOPMENT ORDINANCE RELATING TO USE 3.08 HOTELS IN THE B1 CENTRAL BUSINESS ZONING DISTRICT

WHEREAS, the Boone Town Council finds that there is significant public interest involved in protecting and preserving the existing B1 Central Business District (Downtown Boone) from potentially incompatible development, and that Hotels are of particular concern because of their unique traffic and parking impacts;

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

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 26, 2019; 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 Articles 15 and 24 of the Boone UDO are hereby repealed, and in their place are enacted the following new subsections, with deletions and additions shown in red and blue respectively:

****

Article 15 District Use Requirements

15.01 Types of Uses

15.01.01 Permitted (P): A "P" in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses indicates that a use is allowed by right in the respective district unless the use is subject to a transitional zone (see 6.02.02). Such uses are subject to all applicable requirements of this Ordinance but do not have additional requirements which are specific to the use in accordance with this Article. A cross-reference in the "Reference" column of the Table for a permitted use is intended to direct the reader to a Section(s) which has special importance to the use, but it does not limit the applicability of other Sections.

15.01.02 **Permitted Subject to Limitations (L):** An "L" in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses indicates that a use is allowed by right in the respective district unless the uses is subject to a transitional zone (see 6.02.02), provided that the use meets the normal requirements of the Ordinance plus additional requirements designed to address the specific impacts of the use. A cross-reference in the "Reference" column of the Table for a permitted use with an "L" is intended to direct the reader to a Section(s) which has special importance to the use, but it does not limit the applicability of other Sections.

15.01.03 **Special Use Permit Required (S):** An "S" in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses indicates that a use is allowed only with a Special Use Permit in the respective district. A cross-reference in the "Reference" column of the Table for a permitted use with an "S" is intended to direct the reader to a Section which has special importance to the use, but it does not limit the applicability of other Sections.

15.01.04 **Conditional District (CD):** A "CD" in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses indicates that a use is allowed only with a Conditional District zoning approval in the respective district. A cross-reference in the "Reference" column of the Table for a permitted use with a "CD" is intended to direct the reader to a Section which has special importance to the use, but it does not limit the applicability of other Sections.

15.01.05 **Not Permitted (Blank Cell):** A blank cell in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses indicates that a use is not allowed in the respective district.

15.01.06 **Transitional Zones:** Transitional zones attach to each R1, R1A, RR, R2, and RA district and are designed to address the predictable negative impacts of certain uses and therefore have additional standards which must be met. A proposed use subject to a transitional zone must be approved by a Special Use Permit or in a Conditional District. A superscript "T*n*" in the Table of Principal Uses, Table of Accessory Uses or the Table of Temporary Uses denotes the specified use in the specified district is subject to a transitional zone, where "*n*" represents the size, in feet, of the transitional zone, measured from the boundary of the protected district. However, in the any of the protected districts, the distance is measured from the protected lot rather than the protected zone. See Subsection 6.02.02 for full transitional zone requirements.

15.01.07 **Use Nomenclature:** Each use listed in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses below is more fully defined in Article 34 Definitions. The nomenclature of each use within the Tables is for identification purposes only.

…

Communication: PL02860-070119 Staff Report (Case PL2860-071119 Hotels in the B1 Central Business Zoning District- UDO Text Amendment)

15.07 Table of Principal Uses

…

Use #	Specific Use	Zoning Districts																	Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial					Education				
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
1.0 Household Living																			
3.08	Hotel										~~P T200~~ CD		P T200						

…

Article 24 Parking

24.01 Parking Spaces Required

24.01.01 All developments in all zoning districts shall initially and continually provide a sufficient number of permanent off-street motor vehicle and bicycle parking spaces, in compliance with this Article, to accommodate the residents, employees, customers, visitors and other who may spend time at that development.

24.01.02 Unless otherwise expressly stated, every development shall provide the parking spaces required per Table 24.01 below and the other provisions of this Article. Parking spaces may be provided in a parking structure. For uses not covered in Table 24.01, the parking requirements shall be as determined by the Administrator as set forth at subsection 24.01.11 below.

…

Table 24.01 Required Parking By Use:

Residential Land Uses	Minimum Parking Required
A-1 Secondary Suite A-3 Accessory Dwelling Unit T-1 Temporary Care Provider Dwelling T-2 Temporary Construction or Repair Dwelling T-3 Temporary Construction Trailer	1 space
1.01 Single-Family Dwelling 1.02 Manufactured Home "Class A" 1.03 Manufactured Home "Class B" 1.06 Duplex (each unit) 1.07 Duplex (each unit) 1.08-1.10 Townhouse (each unit) 2.01 Family Care Home	2 spaces

Communication: PL02860-070119 Staff Report (Case PL2860-071119 Hotels in the B1 Central Business Zoning District- UDO Text Amendment)

Residential Land Uses	Minimum Parking Required
A-21 Caretaker's Residence	
1.05 Manufactured Home Park	2 spaces /Manufactured Home plus, 1 visitors parking space/10 Manufactured Homes, plus 2 spaces for Manufactured Home Park Employees
1.11-1.116 Multi-Family	0.7 space per bedroom
3.01 Home for Survivors of Domestic Violence 3.06 Vacation Rental	3 Spaces
2.08-2.09 Retirement Community 2.10-2.12 Residence Hall	1 space/ unit plus 1 visitors parking space/dwelling unit
2.02 Family Care Institutions 2.03-2.04 Halfway House 2.05-2.06 Nursing Care 2.07 Skilled Nursing Facility 2.13 Fraternity or Sorority Dwelling 3.02-3.03 Shelter for Homeless	1 space/4 beds
2.14 Board Housing 3.04-3.05 Bed and Breakfast 3.07 Motel 3.08 Hotel	1.25 space/rentable room, plus 10 per 1000 ft^2 of restaurant/lounge, plus 20 per 1000 ft^2 per meeting/banquet room

…

24.01.04 **Exceptions in the B1 Central Business District.** Development in the B1 district is not required to meet the requirements of this Article, and will be construed as conforming to the requirements of this Article; provided, however, that (i) this exception does not apply to multi-family residential uses(s) or Use 3.08 Hotels, and (ii) this exception applies with respect to motor vehicle parking and loading/unloading areas, and does not apply with respect to bicycle parking.

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:

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.

Communication: PL02860-070119 Staff Report (Case PL2860-071119 Hotels in the B1 Central Business Zoning District- UDO Text Amendment)

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

Communication: PL02860-070119 Staff Report (Case PL2860-071119 Hotels in the B1 Central Business Zoning District- UDO Text Amendment)

Communication: PL02860-070119 Staff Report (Case PL2860-071119 Hotels in the B1 Central Business Zoning District- UDO Text Amendment)

2.1.1 Economic Development

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

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

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

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

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

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

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

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

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

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

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

2.1.2 Commercial Development

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

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

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

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

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

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

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

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

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

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.

2.1.5 Downtown

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

A.1 .

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

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

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

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

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

Communication: PL02860-070119 Staff Report (Case PL2860-071119 Hotels in the B1 Central Business Zoning District- UDO Text Amendment)

2.3 The Community

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

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

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

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

2.3.2 Community Character

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

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

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

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

Communication: PL02860-070119 Staff Report (Case PL2860-071119 Hotels in the B1 Central Business Zoning District- UDO Text Amendment)

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*]:

Communication: PL02860-070119 Staff Report (Case PL2860-071119 Hotels in the B1 Central Business Zoning District- UDO Text 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*]:

PUBLIC HEARING MINUTES

MONDAY, APRIL 29, 2019, 6:00 P.M.

TOWN COUNCIL CHAMBERS

COUNCIL MEMBERS: Rennie Brantz-Mayor, Loretta Clawson-Mayor Pro-Tem, Marshall Ashcraft, Sam Furgiuele, Connie Ulmer, and Lynne Mason

PLANNING COMMISSION MEMBERS: James Hedrick-Acting Chairman, Frank Veno, Chris Behrend, and Kennedy Kavanaugh

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 6:00 p.m. and stated that neither the Planning Commission Chair or Vice Chair were present. He explained that he could appoint a Chair or the Planning Commission could elect one themselves. Commission Member Hedrick volunteered to act as Chairman.

Acting Chairman Hedrick called the Planning Commission to order at 6:01 p.m.

APPROVAL OF PUBLIC HEARING MINUTES

Council Member Ulmer made a motion, seconded by Mayor Pro Tem Clawson for Town Council to approve the January 28, 2019 Public Hearing minutes with the correction that the date be changed on the minutes from 2018 to 2019.

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

Commission Member Veno made a motion, seconded by Commission Member Behrend for Planning Commission to approve the January 28, 2019 Public Hearing minutes with the date correction from 2018 to 2019.

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

CASE PL02285-021419 ASU – GENERAL USE ZONING MAP AMENDMENT

Appalachian State University has submitted a Planning Permit Application to request that a 34 acre portion of their 74.63 acre property located off of Highway 105 and High School Drive (Watauga County Parcel ID: 2910027414000) be rezoned from B3 General Business to E1 Educational District.

Ms. Shook presented the request as it was outlined in the packet. She stated that ASU wished to rezone a portion of the old High School property from B3 to E1 which would not include any residential use.

Council Member Furgiuele asked what uses would be allowed in the E1 district. Ms. Shook replied that the E1 district allowed any use that was related to university use. Council Member Furgiuele asked if the property could be all parking. Ms. Shook stated that was correct and added that the Town could not regulate the use of parking not associated with another use on state owned property. Council Member Furgiuele asked Ms. Shook if she had asked ASU if they would consider a Conditional District zoning for this property. Ms. Shook deferred that question to the ASU representative present at the hearing.

Communication: April 29, 2019 Planning Commission Meeting Minutes (packet pg. 127) (Approval of Planning Commission Meeting Minutes)

Ms. Meade reminded everyone that this was a general use zoning map amendment and the only thing they should consider were the uses allowed under E1 zoning and evaluate whether or not they felt these uses would fit the area.

Nick Katers with ASU's Office of Business Affairs addressed Council Member Furgiuele's question regarding a Conditional District zoning and stated the university was not inclined to do a Conditional District because they would have to go to the Council of State. Mr. Katers provided Council and Planning Commission members with the latest artist's rendering of the University's plans for the property in question. He stated they planned to first refurbish the softball field in the existing softball field location. Mr. Katers stated that the orientation of the track and tennis courts would be changed and would be done as the funding became available.

Council Member Furgiuele asked what assurance the Town would have if the funding fell through. Mr. Katers replied that these would be NCAA facilities and the Town had his assurance that these facilities would be completed. Council Member Furgiuele expressed concern about the future with a general zoning instead of a Conditional District. Mr. Katers assured Council Member Furgiuele that the University was committed to building the softball field, track, and tennis courts on this property. Council Member Furgiuele stated that in 25 years ASU could do anything else they wanted to on the property that was allowed in E1.

Commission Member Kavanaugh asked if buildings could be placed on the property if it was zoned E1. Ms. Shook replied that buildings could be placed on the property and read the description of E1. She stated that university uses, except for residence halls or dormitories, would be allowed.

Commission Member Kavanaugh expressed concern about potential traffic and parking problems. Mr. Katers stated there were 1,100 freshman parking spaces on the property currently and most of those cars remain parked for the week. Commission Member Kavanaugh asked what would happen when there were matches. Mr. Katers replied that there were 100 more spaces available on the site.

Mr. Ward stated that the Hwy. 105 project indicated a return of the traffic light and a turn lane at this location. Council Member Furgiuele asked how many years Hwy. 105 would be under construction. Mr. Ward replied it would be 2-4 years. He added that there would be another hearing regarding the Hwy. 105 project on Tuesday, May 6, 2019.

Reporter Thomas Sherrill asked when the softball field would be completed. Mr. Katers replied that they would like to have it complete by January 1, 2020. Mr. Sherrill asked what the capacity would be for the softball stadium. Mr. Katers stated it would be 100-150.

Council Member Furgiuele asked if ASU had moved forward with their plans for this property with the Hwy. 105 project in mind. Mr. Katers replied that they were neutral on the Hwy. 105 project and would move forward with their plans regardless of the Hwy. 105 project.

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 6:22 p.m.

CASE PL02333-030719 INITIATION OF AMENDMENTS – UDO TEXT AMENDMENT

The Town of Boone has initiated a text amendment to revise UDO Article 9 Amendments with respect to the process for the initiation of zoning map and text amendments.

Ms. Shook noted that staff reports for text amendments have changed. She pointed out additional new language on the first page of the staff report that would help lay out the intent and purpose of the text amendment being presented.

Ms. Shook stated this text amendment was a request to revise UDO Article 9 Amendments to allow applications for map amendments submitted by citizens or property owners to be sent directly to the next

regularly scheduled public hearing upon submittal of a complete application. She explained that the Ordinance currently has a process that requires the request be sent to Town Council first for them to send to Public Hearing. Due to the fact that there has never been a request that Council did not agree to send to Public Hearing, it was felt to be an unnecessary step in the process so this text amendment would provide a direct line to the Public Hearing upon receipt of the application. Ms. Shook noted that text amendments would still follow the current process of being sent to Council before being sent to Public Hearing.

Mr. Ward asked for the approximate reduction in time. Ms. Shook replied that the proposed amendment would reduce wait times for applicants by approximately one month.

Council Member Furgiuele felt that the stipulation for proceeding found in B. 2. Under Map Amendments that reads *Upon the initiative of the Administrator or the Town Attorney* should also include the Town Manager. He expressed concern that this could allow a significant text amendment to go to Public Hearing without Council's knowledge. Council Member Furgiuele referred to A. 1. Text Amendments and asked that the word *heard* in the last sentence of the first paragraph be changed to *scheduled for consideration* due to the fact that Council is not always able to hear all of the items on their agenda in a given meeting.

Ms. Meade agreed that the rewording from *heard* to *scheduled for consideration* in A. 1. Text Amendments was a good suggestion by Council Member Furgiuele. Ms. Meade then addressed Council Member Furgiuele's concern regarding the language in B. 2. She explained that there could be extraordinary cases where the Planner or the Town Attorney might need authority to send something directly to Public Hearing without the additional delay. Ms. Meade offered examples such as changes in State law or code language that could have a negative impact and needed to be addressed quickly.

Council Member Furgiuele stated he had no problem with map amendments going straight to Public Hearing no matter who initiated them. He stated he agreed with Ms. Meade about the need for a bypass in the examples she gave.

Ms. Shook stated this was not new language and was already in the UDO.

Council Member Furgiuele suggested changing B. 2. to read *Upon the initiative of the Administrator, Town Attorney, or Town Manager with a concurrence of all three.* Mr. Ward stated they typically operated that way anyway.

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 6:33 p.m.

CASE PL02335-030719 BURDEN OF PROOF & TRANSITIONAL ZONE CLARIFICATIONS – UDO TEXT AMENDMENT

The Town of Boone has initiated a text amendment to modify UDO Article 6 Board of Adjustment Hearings to clarify the applicant's responsibility to produce substantial competent evidence, and to modify UDO Article 9 Amendments to clarify that any Conditional District application which triggers transitional zones shall meet the requirements of UDO Subsection 6.02.02 Transitional Zones.

Ms. Shook presented the request, stating the changes would provide greater clarity regarding an applicant's responsibility to produce competent evidence when requesting approval for variances or Special Use Permits from the Board of Adjustment. She stated it would also clarify the applicant's responsibility to produce substantial competent evidence with addressing transitional zone requirements for Special Use Permits or Conditional Districts.

Council Member Furgiuele asked if it was fair to say that the General Assembly has made it more difficult for Boards of Adjustment to consider lay testimony. Ms. Meade felt that was a fair assessment. She stated that requiring expert testimony has made the process more expensive for developers and has

sometimes made it almost impossible for other interested parties/neighbors to come forward to give testimony about traffic and value without hiring an expert to give testimony.

Council Member Furgiuele stated he was in favor of this amendment and felt it was an improvement. Council Member Furgiuele stated had never seen the Board of Adjustment make an adverse credibility determination even though they have the power to do so under their Rules of Procedure. He felt it might strengthen the language if the word *credible* was added to the areas of the text so they would read *substantial, credible evidence*. Ms. Meade agreed that would be a good suggestion. She noted that the proposed language would help focus people but felt this was also a training issue.

Council Member Furgiuele felt that there were higher standards for someone to testify at a Board of Adjustment than in court.

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 6:43 p.m.

CASE PL02336-030719 WIRELESS COMMUNICATION FACILITIES – UDO TEXT AMENDMENT

The Town of Boone has initiated a text amendment to revise UDO Articles 15 District Use Requirements and 34 Definitions to modify regulatory standards related to wireless communication facilities and wireless support structures.

Ms. Shook presented the request as it was outlined in the packet noting that the proposed language would modernize regulations and bring them up-to-date with State and Federal regulations.

Mayor Brantz asked what a small wireless facility was. Ms. Meade replied there was a size requirement for the facility that she thought was something like 18" high. She explained that the statute requires municipalities to allow the use of their right-of-ways for these facilities and greatly limit the extent to which the Town can regulate them elsewhere. Ms. Meade stated the statute also requires the Town to accept up to 25 applications as one application. She stated the draft text presented was her best attempt using both Cary and Durham's Ordinances and noted there could still be some inconsistencies in the language. Ms. Meade felt, once the Town has more experience with these applications, there could be a need for revisions to the text.

Mr. Ward stated the small cell wireless was a change from putting up large cell towers and provides a quicker way of creating a grid to move from 4G to 5G. Ms. Meade felt it was good that better communication could be attained with smaller packages and this code was intended to encourage stealth systems because they can be placed on existing poles and towers. She stated what was not encouraged was new towers, new poles, and non-stealth wireless on buildings.

Mr. Ward noted this was about cellular not broadband. He felt, because of the University, we were pretty well served with broadband in our area.

Ms. Meade noted the current Ordinance allows structures up to 120' in height and the proposed text reduces that height to 50'.

Council Member Furgiuele referred to the section regarding the Blue Ridge Parkway view shed protection and asked if there were properties within the Town that would be within one mile of the Parkway centerline. Ms. Shook replied that she did not believe so and noted this was language from the existing Ordinance. Mr. Ward stated there was some discussion about this but felt it should be left in the Ordinance due to the potential for growth of the Town.

Council Member Furgiuele referred to the section regarding Setback Reductions and thought the consideration of reducing setbacks in a Special Use Permit sounded like a variance. Ms. Meade felt this was required to meet the legal limits on the Town's ability to regulate communications in the sense that you cannot have regulations that end up prohibiting these communications as a matter of Federal law.

She stated the proposed language included these type of flexible mechanisms so that if there was a proposal where the ordinary restrictions would basically end up not allowing the communication facility, there would at least be some flexibility to address that extraordinary circumstance.

Ms. Shook referred to Section 15.24.12 Outside Experts and Disputes and stated there would be a fee for a review by an outside consultant. She noted, however, that the short list of engineers already approved by Town Council were not qualified engineers in the communications field but felt the Town use them to subcontract a consultant to perform a review. Council Member Furgiuele felt this requirement was appropriate in order to gain expertise that Board members would not have. Mr. Ward suggested that the Town go ahead and put the list of engineering firms on notice so they could be aware and prepared.

Mayor Brantz asked what a balloon test was. Ms. Shook explained that a balloon would be floated in the air to the height of the proposed tower and it provides a visual of how high the tower would actually be. She added that a balloon test would be very helpful in determining viewshed requirements as well. Ms. Meade stated that the proposed text required the applicant to notify adjoining property owners when the balloon test would be performed so they could observe it if they wanted to.

Council Member Furgiuele questioned maintenance responsibilities. Ms. Meade replied there were sections in the Ordinance that required the Administrator to give notice and then give a certain period of time for remedy. Council Member Furgiuele asked how you would give notice if contact information had not been maintained. Ms. Shook stated they would then contact whoever was listed as the property owner. Council Member Furgiuele questioned proof of insurance. Ms. Shook replied that it was required at the time of permit submittal but there is no reporting mechanism built into the Ordinance. Council Member Furgiuele asked if there should be annual reporting required. Ms. Shook stated, while maybe there should be from a maintenance perspective, Staff would then be required to keep track of any kind of reporting. Council Member Furgiuele asked about abandonment of facilities. Ms. Meade replied that abandonment of small wireless facilities was addressed in Section 15.25.04(B)(5) Public Safety but felt it would be a good idea to some type of enforcement mechanism for communication towers. Ms. Shook asked if that was something Council would want to see with this particular text because there were applicants currently waiting on this text to be adopted before submitting their application. Council Member Furgiuele stated he saw no reason to delay the text as it was proposed and consider a further amendment at a later date. Ms. Meade felt she could add some limited provisions regarding insurance reporting before this amendment was considered by Town Council.

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 7:08 p.m.

CASE PL02337-030719 AWNINGS IN THE B1 – UDO TEXT AMENDMENT

The Town of Boone has initiated a text amendment to revise UDO Article 18 B1 Central Business District Standards to allow awnings and canopies on existing buildings.

Ms. Shook stated this amendment would allow the installation of historically appropriate awnings and canopies on existing buildings in the B1 Central Business zoning district whether they were historically on the building or not.

Council Member Furgiuele questioned the types of materials for metal frame awnings. Ms. Shook noted this was scheduled to be a topic for discussion at tomorrow night's Community Appearance Commission meeting. Council Member Furgiuele asked if metal awnings could be used. Ms. Shook replied that they were not considered historically appropriate and noted that some clarifying language needed to be added to the proposed text. Mr. Johnson stated that a metal cable-hung awning would be appropriate.

Council Member Furgiuele stated he did not want to delay this amendment. He stated he was in favor of this and felt it would enhance the look of Downtown. Ms. Shook hoped to have additional language in this draft to present at the next Town Council meeting.

Mr. Ward noted that awnings with vertical supports were difficult to navigate snow plows around.

Ms. Shook stated that any awning that protruded over the Town sidewalk would still be required to get an encroachment agreement through the Town Manager's office. Mr. Ward added that the encroachment agreement places maintenance responsibilities on the person who installs the canopy.

Acting Chairman Hedrick asked if this amendment would apply to new awnings only or to existing ones as well. Ms. Shook replied that this would apply to new awnings or replacements of old awnings.

Commission Member Veno asked if this amendment would apply to 2nd story canopies. Mr. Johnson responded that 2nd story canopies would not be historically appropriate. Ms. Meade felt it would be good to make that clear in the language.

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 7:17 p.m.

CASE PL02338-030719 PERMIT PROCESS – UDO TEXT AMENDMENT

The Town of Boone has initiated a text amendment to revise UDO Article 4 Permits to modify the schedule pursuant to which a permit is to be processed.

Ms. Shook presented the request as it was outlined in the packet. She stated this amendment would allow Staff flexibility in the processing of permit applications. Ms. Shook explained that the UDO currently allows only 20 business days for review and comment on applications regardless of the size or complexity of an application or other demands on Town Staff. This sometimes leaves Staff very little time to review projects within the 20 day required time period. Ms. Shook stated that Staff was requesting the 20 day time limit be removed and Staff be allowed to adopt a departmental policy setting forth anticipated review timeframes. She felt that complicated commercial reviews could take up to 25 days, but could be more if review by outside agencies or special reviews were required. Ms. Shook emphasized that, although this amendment would allow Staff extra time, it does not mean Staff will take an excessive amount of time for review.

Ms. Meade stated this was a common sense recognition of the fact that review of The Standard or Rivers Walk projects was a whole different animal than the review of a single family home or smaller commercial project. She noted that review required a high level of detail and this amendment would help Staff to not be up against the wall with a strict time requirement when what they are doing is in the public interest.

Mr. Ward anticipated he would have draft review fees from Planning & Inspections, Public Works, and the Fire Department at next week's Town Council meeting. He added that he had no concern over any extended review and felt it was necessary to give Staff time to review those extreme projects.

Ms. Meade referred to Section 4.05.02(A)(4)(a) Incomplete Applications and suggested changing the language from *it will be deemed withdrawn* to *it may be withdrawn at the discretion of the Administrator.* Ms. Shook felt there could be cases when that would be necessary. Council Member Furgiuele expressed concern that the flexibility could create additional layers of back and forth with an applicant. Ms. Shook stated that the Town currently does not charge review fees but noted that review fees are being proposed in the new fee schedule and she hoped this would help reduce the number of reviews necessary.

Mayor Brantz asked how long an applicant had to wait to resubmit if their application is withdrawn. Ms. Shook replied that it would depend on the type of permit but noted that zoning permit applications can be resubmitted right away.

Council Member Furgiuele pointed out that there could be Ordinance changes during an extended review time and projects could still be permitted under Ordinance requirements that are no longer in place. He felt if there was a need for more than three submittals and Ordinance requirements had changed that pertained to the applicant's project, they could resubmit under the new Ordinance requirements. Ms. Meade replied that she understood what Council Member Furgiuele was saying but felt that would add a great deal of pressure on Staff. Ms. Shook stated the text put pressure on the applicant but also put pressure on Staff to make sure they had requested all of the information needed within the three submittals. Ms. Meade pointed out that Staff could make an error in their requested information that could cause the need for another submittal and requiring a withdrawal of the application after three submittals would allow no flexibility. Ms. Meade suggested leaving the language about a withdrawal after three submittals and adding language regarding and extension being allowed for extraordinary circumstances. Council Member Furgiuele asked who would determine what the extraordinary circumstances were and noted that people could always argue that they had an extraordinary circumstance and he was concerned that the Town would get played. Ms. Meade suggested adding language to accept further submittals *in extraordinary circumstances arising from events beyond the applicant's control.* Council Member Furgiuele suggested giving examples of extraordinary circumstances in the text.

Council Member Furgiuele referred to Section 4.07.01 Application to be Processed Expeditiously and suggested removing the wording *Recognizing that inordinate delays in acting upon applications may impose unnecessary costs on the applicant*. Ms. Meade agreed.

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 7:35 p.m.

CASE PL02408-040419 TEMPORARY USE 9.01 T-13 TEMPORARY USE 9.01 PUBLIC COLLEGES & UNIVERSITIES – UDO TEXT AMENDMENT

The Town of Boone has initiated a text amendment to revise UDO Article 15 to allow use T-13 Temporary Use 9.01 Public Colleges and Universities within the B3 General Business Zoning District subject to certain restrictions.

Ms. Shook stated this was a request to modify Article 15 of the UDO to allow T-13 Temporary Use 9.01 Public Colleges and Universities within the B3 General Business zoning district. She noted the use was currently allowed in the M1 and O/I zoning districts. Ms. Shook referred to 15.69.14(A)(8) that states *Temporary Use 9.01 is not permitted on any property any part of which is within 400 feet of the centerline of Highway 321/Hardin Street between King Street and Highway 105* and noted this restriction applied to this area only. Ms. Meade referred to the 400 ft. buffer map contained in the Board packet, noting that the protected area was shown in blue and also included any parcel touching the blue line so that area and those parcels would not be allowed to have T-13 Temporary Uses.

Council Member Furgiuele referred to 15.69.14(A)(7) that reads *The applicant is permitted to lease the same property for a different temporary use subsequent to the termination of a temporary use permit for another use.* He noted that the first temporary permit could go for seven years and asked for the reasoning behind allowing another temporary use to subsequently occupy. Ms. Shook replied that, due to various needs of the University for temporary office space, this text allowed a different University office use to move into the same space that was just vacated by a previous University office use. Council Member Furgiuele asked if that was really a different temporary use. Ms. Shook stated that, based upon previous discussion, it would be. Ms. Meade added that it would still be an office space but would be a new need.

Communication: April 29, 2019 Planning Commission Meeting Minutes (packet pg. 127) (Approval of Planning Commission Meeting Minutes)

Council Member Furgiuele expressed concern about allowing this temporary use in the B3. He stated there was a special University zoning district and thought this was developed so the University would not essentially take over the business districts. Council Member Furgiuele thought this seemed like an attempt to avoid ad hoc rezoning to University uses. He questioned the allowance of such long-term use because the retail space then becomes a de facto part of the University without any rezoning. Council Member Furgiuele stated the University could stay in one area so long that it takes up retail space for seven years with a renewal of seven years. He noted that he felt the University was important and was not against it but felt their growth should be more intentional. Ms. Meade noted that the language states the permit shall be valid for five years with a possible 2-year extension if there are extraordinary circumstances and the University has to show that they have plans to accommodate a permanent use within the five-year period of time. Ms. Meade stated there was no cap on the number of times the temporary use could be leased by the University and suggested that be addressed if it was a concern.

Council Member Ashcraft felt there was a real problem providing places for economic development improvement in the M1 and he had never understood why M1 was included as an area for temporary University uses and B3 was excluded. He stated he would be inclined to take M1 out of the allowed area so the University would not be competing for space in what was already a very limited market. Council Member Ashcraft stated he preferred a distance requirement instead of not allowing the uses along the corridor. He agreed that the language needed to be tightened up so there could not be indefinite extensions for University uses. Council Member Ashcraft also felt allowing temporary University uses closer to the University could cause less traffic impact and provide more convenience for the University's use. Council Member Ulmer agreed with Council Member Ashcraft's statements.

Commission Member Behrend expressed concern about the length of time the University could occupy one space as well as the number of temporary uses that could occur in a close area.

Council Member Furgiuele asked Council Member Ashcraft to clarify if he favored a distance requirement. He replied the he would like to see the proposed 400' protected buffer area along the corridor be opened up and instead impose a distance requirement so it would not turn into an extension of the University. Council Member Furgiule stated he would not be against that and asked Ms. Shook if there would be any problems with imposing a distance requirement. Ms. Shook stated there are currently two permits issued for property in the M1 that are adjacent to each other. She also noted there may be other areas that offer spaces close to each other that would offer the ability to have some shared parking. Ms. Shook felt a distance requirement could cause unintended consequences.

Council Member Furgiuele asked Council Member Ashcraft about time limits and he replied that he was open to discussion but felt they were necessary. Ms. Shook recalled testimony from a previous meeting regarding the expense to property owners to get tenant spaces ready to lease and that property owners were concerned that 5 or 6 years would not be a sufficient amount of time to recoup those costs. Council Member Furgiuele stated if the University finishes out a space it would be a benefit to the property owner.

Council Member Furgiuele stated he was not against a longer period of time if it was a finite period of time however, he felt that, if the University wanted to grow their campus, they should use University zones for University uses and this would offer the public an opportunity to weigh in.

Mr. Katers stated the University had no intention of moving into these locations permanently. He stated the University had the need for about 200 spaces temporarily while they go through renovations. Mr. Katers noted that Sanford Hall would be taken off-line this summer and the English and Languages Department would have to be moved to another location. He stated the same thing would happen in the future as they renovate other older facilities and felt most renovations would generally fall within the 5-7 year timeline for completion. Mr. Katers explained that currently in the Charleston Forge building they are housing some of their administrative staff and considering moving some of their IT professionals as

well. He stated though they had a desire, as part of their Master Plan, to build an auxiliaries building within ASU's footprint in the near future, it would not be happening within the next two years. Mr. Katers stated it was the University's intent to house everyone within their footprint within the 5-7 year timeline. He noted there were about 50 administrative staff at Charleston forge and about 100 IT professionals to move and there were other smaller administrative sections that will be displaced due to renovations. Mr. Katers stated when the University renovated academic facilities they tend not to move administrative staff back into those buildings because they become faculty/student use primarily.

Mayor Pro Tem Clawson asked if it was correct that ASU planned to have buildings where they would take the temporary uses back to permanently. Mr. Katers replied that was correct and the plan was for that to happen within 5-7 years.

Council Member Ulmer asked where that building would be placed. Mr. Katers stated that was still undetermined but hoped to have a better idea within the next six months or so.

Council Member Ashcraft stated he took away from Mr. Katers comments that it might be useful to have seven years instead of five but it was not likely there would be a true need for anything beyond seven years and asked if that was correct. Mr. Katers stated that was correct. He stated this was a conscious move by the University to consolidate administrative positions into a new administrative facility in the future. Mr. Katers added that currently that was not available but was in their short term Master Plan.

Council Member Furgiuele asked if it was legal for Council to sunset a provision in the UDO. Ms. Meade replied that she had not researched that but felt Council could add a limitation that this particular use could not be done at the same property for more than seven years. She stated she would have to look into the possibility of sunsetting but did not see why it could not be done based on the justification that has been presented that it is, in fact, a temporary need. Ms. Meade advised Council that it should be added now if they wished to do so because it would give notice to potential private owners that this is not going to be available to them after a certain period of time. Council Member Furgiuele stated he would be more comfortable with that.

Ms. Shook asked Mr. Katers if, after the current needs are met, there would be need for more swing space in the future. Mr. Katers replied that the University anticipated the need for swing space to decrease over time as some of the upgrades to older buildings are completed. He noted they were down to the last few with Sanford Hall on line next and Wey Hall behind that at some point. Mr. Katers stated that, at that point, most of their academic facilities will have been through at least one major renovation.

Ms. Meade stated she thought she heard Mr. Katers say the University did not anticipate needed the temporary office space for its needs after seven years. Council Member Furgiuele stated he was not suggesting the sunset piece apply to anything other than the B3. He stated he did not have as much of a problem with O/I but was concerned with B3 because, even though people complain that the Town has a lot of empty commercial space, as Boone continues to grow people will want the commercial space for commercial uses and the temporary office uses could detract from viability in the future. Council Member Furgiuele felt commercial corridors should be protected for commercial uses in the long-term. He stated if a sunset could be placed on the B3 he would be okay with removing the protected area, allowing a seven-year period without having to show extraordinary circumstances, and having no distance limitation between uses.

Paul Forte, Vice Chancellor of Business Affairs, stated that, as they go through this building period, they would like to utilize some of the currently vacant property and keeps tax paying businesses getting an income stream. He felt the seven-year compromise would be reasonable. Council Member Furgiuele stated he would not be against a slightly longer sunset period so some staggering could take place but felt 10 years would be enough. Council Member Ashcraft noted that if the University wanted something long-

term it would necessitate rezoning. Mr. Forte felt that the 10-year sunset period in the B3 would work for them.

James Milner with Appalachian Commercial Real Estate, addressed Town Council and Planning Commission members stating he had been retained by owners of The Standard as the landlord's agent for the main level commercial space. Mr. Milner referred to the 400 ft. buffer map contained in the Board packet on page 127. He noted that the only property from King Street to Clement Street that was zoned B3 was the University Overlook property, aside from Earthfare and Grace Lutheran Church. Mr. Milner felt the focus of the map would be from Clement Street to the intersection with 105 and there were only two available spaces for lease in that area. He stated there would be about 1,600 sq. ft. of space available at the corner of Clement Street and Blowing Rock Road at Winkler's Square and did not think the University would be excited about being next to a vape shop and kava bar. Mr. Milner noted the only other available project within that area would be The Standard. Council Member Furgiuele stated there were other spaces that could become available or structures that could be torn down and rebuilt. Mr. Milner disagreed. Mr. Milner stated they could live with the 10-year sunset period but could not live with was the 400 ft. buffer. He felt if temporary uses were going to be allowed in B3 they should be allowed in all B3 without exception.

Jeff Carter, commercial asset manager for Landmark, stated he was charged with filling the retail space at The Standard. He stated he was glad to hear the suggestion of the 10-year time period for the B3. Mr. Carter noted that commercial uses would be beneficial to everyone but they have vacant property and ASU has a need. He stated they would still be trying to get commercial tenants to lease space.

Bill Aceto, resident of the Town of Boone and commercial real estate broker with Blue Ridge Realty & Investments, stated he was representing the former BB&T Bank on Hwy 105. Mr. Aceto offered the BB&T space as a potential swing space for the University as they have been struggling to secure a tenant due to the uncertainty of the Hwy 105 widening. Mr. Aceto felt there was currently more commercial space available than there was demand. He encouraged the University to lease rather than to own so the property stays on the tax rolls. Mr. Aceto felt barriers needed to be removed and more opportunities needed to be allowed in the vacant spaces.

Ms. Meade asked if there was agreement to sunset the B3 after 10 years and if there was also interest in not dictating lease terms but simply allow the term per lease of whatever length to sunset in 10 years or whether Council still wanted to specify maximum lease terms. Council Member Ashcraft replied he would still want to limit the term to seven years because it serves the Council's purpose of making it clear they do not want these to be long-term uses. He stated he did not hear anything that indicated to him there was a need to do more than seven years. Council Member Furgiuele noted that the 10-year sunset would still allow for some staggering and agreed with Council Member Ashcraft that the lease could be for seven years but with no extension. Council Member Furgiuele stated this would be for the B3 only and could possibly be considered for the M1 also. Ms. Meade replied that consideration of M1 was not part of this amendment but could be brought back to another Public Hearing if that was the desire of Council. Council Member Furgiuele felt M1 should be reconsidered at some point.

Mr. Milner felt seven years would give them enough time to amortize their improvement dollars. He noted that finishing out a first generation space made the space more appealing to a second generation user. Council Member Furgiuele replied that the commercial space would be made into office space and the next tenant may want commercial space. Mr. Milner stated it would depend on the floor plan and business concept as to the usability of the space.

Mayor Brantz asked if there was consensus among Council members regarding seven-year leases with a 10-year sunset in the B3. Ms. Meade felt there seemed to be a general consensus for those terms. Council Member Furgiuele stated he would like to hear what members of the Planning Commission thought.

Commission Member Behrend stated she would have a hard time with allowing a 10-year lease and it was the general consensus of Planning Commission members that a seven-year lease would be acceptable.

Ms. Meade felt there was need for some clarification on whether or not the same space could be leased for seven years and then leased for three years or would it be for only one seven-year lease per space. She mentioned the idea of a seven-year sunset if there was a seven-year lease. Mr. Ward noted that the 10-year sunset would start now but the University might not be ready for a space for two more years so the seven-year lease would still be able to fall within the 10-year sunset window. Ms. Meade asked if the same property could be leased more than once within the 10-year time period.

Mr. Forte stated, if money had been spent to upfit a space, they would like to be able to reuse that space with a second swing space opportunity. He felt the ability for the University to rent property for the next 10 years as swing space and require no particular lease time would be the easiest way to handle things. Mr. Forte stated that the University would try to accommodate as many of their displaced staff on the ASU footprint as possible.

There was general consensus to place a 10-year sunset on Use T-13 in the B3 only, with no lease period. Ms. Meade felt it would be best to set a calendar date for expiration of the allowed use, which would be 10 years from the date of approval by Council with no lease to extend beyond that date.

Ms. Shook noted that properties which are zoned Conditional District would have to make sure that the use is actually an approved use under their approval. She stated this was not a use when The Standard was approved so their approval would have to be modified to add this use.

Commission Member Veno stated this made more sense to him and felt it was a good way to fill empty spaces.

Ms. Shook felt it would be helpful to Planning Commission, who would be considering these cases directly after the Public Hearing, for Council to prioritize the cases they would like for Planning Commission to try to make recommendations on tonight, given the late start of the Planning Commission meeting. Ms. Shook stated she would like to have a recommendation from Planning Commission tonight regarding the Wireless Transmission Facilities due to the fact that there are several people waiting to make application. She also felt the ASU Temporary Use case should be heard tonight as well. After some discussion, the following priority list for recommendations by Planning Commission was established by Town Council:

1. ASU Temporary Use
2. Wireless Transmission Facilities
3. Awnings in B1
4. ASU Rezoning
5. Initiation of Amendments
6. Burden of Proof
7. Permit Process

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 8:30 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 8:30 p.m. The motion was seconded by Council Member Furgiuele.

Vote: Aye – All
Nay – None

The motion passed.

_____ _____

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

_____

James Hedrick, Acting Planning Commission Chairman

Acting Chairman Hedrick called a break in the Planning Commission meeting from 8:30 p.m. until 8:40 p.m.

APPROVAL OF PLANNING COMMISSION MINUTES

Commission Member Kavanaugh made a motion to approve the January 28, 2019 Planning Commission meeting minutes with the amendment that the date on the minutes be changed from 2018 to 2019. The motion was seconded by Commission Member Veno.

Vote: Aye – All
Nay – None
The motion passed

There was discussion regarding the order Planning Commission should consider the cases and it was decided that they would go in the order in which they were heard at the Public Hearing and try to address all of the cases.

CASE PL02285-021419 ASU – GENERAL USE ZONING MAP AMENDMENT

Ms. Shook reminded Commission members that this was a request to rezone a portion of property owned by ASU from B3 to E1.

Commission Member Kavanaugh expressed concern with traffic on Hwy. 105. Commission Member Veno noted that the subject property used to house Watauga High School and he did not see the traffic being any worse. He asked if was correct that the traffic light would be re-installed and a turn lane would be added.

Ms. Shook explained that ASU would have to submit a zoning permit application to the Town to perform work on this property and part of the review process would be for NCDOT to review and determine if the use would require a traffic signal on Hwy. 105. Ms. Shook stated DOT did take into consideration in their planning process for the Hwy 105 improvement project the plans ASU had for this site.

Acting Chairman Hedrick stated ASU already owns the property and the Commission just needed to decide if the allowed uses would be appropriate for that property. Ms. Shook replied that was correct and noted the property was currently being used as a parking lot and, under State law, the Town could not regulate their use of the property for parking.

Commission Member Veno stated he had been following the property since the high school left and he felt what ASU wanted to do with the property was better than other things that could go in that location.

Acting Chairman Hedrick stated the removal of the softball field and tennis courts on campus could open up the potential for future buildings on the campus footprint.

Ms. Shook reminded Commission members that this was a general use rezoning and, while specific plans were presented by ASU, the Board could only consider uses allowed in the E1, which would be educational or university related uses, with the exception of dormitories/residence halls.

First Motion and Vote:

Commission Member Kavanaugh made a motion, seconded by Commission Member Behrend, that the proposed amendment 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 the proposed amendment is consistent with:

Comprehensive Plan Policy 1.1 Overall Objectives for the Boone Comprehensive Plan

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

Comprehensive Plan Policy 2.1.1 Economic Development

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

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

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

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

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

Acting Chairman Hedrick asked if he could amend the motion to add Comprehensive Plan Policy 2.3.2.E. Ms. Shook explained that the vote had already been taken but could be withdrawn if they wished to start over. Commission Members Kavanaugh and Behrend agreed to the amendment and Commission Member Kavanaugh noted that she would restate her motion.

First Motion and Vote:

Commission Member Kavanaugh made a motion, seconded by Commission Member Behrend, that the proposed amendment 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 the proposed amendment is consistent with:

Comprehensive Plan Policy 1.1 Overall Objectives for the Boone Comprehensive Plan

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

Comprehensive Plan Policy 2.1.1 Economic Development

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

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

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

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

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.

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

Second Motion and Vote:
Commission Member Veno made a motion, seconded by Commission Member Kavanaugh, that the Planning Commission recommends approval of the proposed amendment to the Town's Zoning map and believes approval is reasonable and in the public interest because the University is expanding so rapidly and intensely and there is so much unused property that could be revitalized and this is a good way to do that on the old high school site and is an appropriate use of the existing property.

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

CASE PL02333-030719 INITIATION OF AMENDMENTS – UDO TEXT AMENDMENT
Ms. Shook noted that changes to the proposed text that were suggested during the Public Hearing were as follows:

9.02.01 [A][1] Text Amendments
The last sentence of the first paragraph should read *Such request shall be scheduled for Council consideration at the next available regularly-scheduled meeting.*

9.02.01 [B][2]
This should read *Upon the initiative of the Administrator, Town Attorney, or Town Manager, with concurrence of all three.*

First Motion and Vote:
Acting Chairman Hedrick made a motion, seconded by Commission Member Kavanaugh, 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, with changes to 9.02.01 [A][1] Text Amendments with the last sentence of the first paragraph reading *Such request shall be scheduled for Council consideration at the next available regularly-scheduled meeting* and 9.02.01 [B][2] reading *Upon*

the initiative of the Administrator, Town Attorney, or Town Manager, with concurrence of all three, because the proposed amendment is consistent with:

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.

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

Second Motion and Vote:
Commission Member Kavanaugh made a motion, seconded by Commission Member Behrend, that the Planning Commission recommends approval, based on the notion that the changes discussed will be sent through, of the proposed amendment to the Town's Zoning ordinance and believes approval is reasonable and in the public interest because it allows for quicker and more efficient initiation of amendments, both text and map, and provides some ease on the part of the Town Council, Planning Commission, and staff.

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

CASE PL02335-030719 BURDEN OF PROOF & TRANSITIONAL ZONE CLARIFICATIONS – UDO TEXT AMENDMENT
Ms. Shook noted it was suggested at the Public Hearing to add the word *credible* to all areas of the text that mentioned substantial competent evidence so that the text would read *substantial credible competent evidence*. Ms. Shook explained this language would clarify that the burden of proof is on the applicant making a request before the Board of Adjustment and testimony should be provided for the record even when there is no opposition on a topic.

Ms. Shook stated this text amendment also included a change that Transitional Zone requirements be part of a Conditional District and not just a Special Use Permit.

Ms. Shook noted that, under State law, traffic and property values are required to be qualified by a professional such as traffic engineers or appraisers. Commission Member Veno stated that would then put an additional financial burden on whomever needed those types of witnesses. Ms. Shook replied that it would but noted that this was already a requirement under State law and this language would just clarify the requirements.

First Motion and Vote:
Commission Member Kavanaugh made a motion, seconded by Acting Chairman 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, with the addition of the word *credible* in all applicable areas of the text so that it should read *substantial credible competent evidence,* because the proposed amendment is consistent with:

Comprehensive Plan Policy 2.1.1 Economic Development

E.1 Continue to look for ways to make development regulations and permit procedures more predictable

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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 2.3.4 Public Involvement

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

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

Second Motion and Vote:
Commission Member Behrend made a motion, seconded by Commission Member Kavanaugh, 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 the changes clarify the responsibility of everyone involved in the process so each person knows what they are responsible for.

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

CASE PL02336-030719 WIRELESS COMMUNICATION FACILITIES – UDO TEXT AMENDMENT
Ms. Shook stated that the technology for wireless was complex and the way the state requires wireless facilities to be regulated was complex. She stated that what was proposed was what the Town Attorney and Staff thought was the best solution for regulations based on Ms. Meade's research. Ms. Shook noted that permitting offices across the State were struggling to know how to understand the changes in State law.

Ms. Shook felt that after processing a few applications staff would likely find areas of the text that would need to be modified. She stated she did feel comfortable with the facilities that would require a Special Use Permit because she would be allowed to go to an outside consultant for assistance and that fee would be paid for by the applicant. Ms. Shook stated she was not an expert in wireless communication facilities but the Town would be hiring someone who was when Special Use Permits were necessary.

Acting Chairman Hedrick mentioned language that Ms. Meade stated in the Public Hearing that she would add. Ms. Shook stated that was correct and although she did not have that exact language additions would be added regarding a mechanism for the applicant to notify the Town on an annual basis that the insurance is being maintained and the other change would be to create language in 15.24 regarding abandonment of the sites. Commission Member Behrend and Acting Chairman Hedrick felt those additions were appropriate and important.

Commission Member Veno stated he was overwhelmed by the text and never knew anything about wireless facilities until he read the packet. Ms. Shook stated that, as proposed, the text was more comprehensive than what was currently in the UDO and has expanded to cover changing technology from when the ordinance was first drafted. Ms. Shook noted there could be unanticipated consequences from the text due to the rapidly changing technology and, while neither she or Ms. Meade were experts on wireless communication facilities, the text presented was what they felt was the best for the protection of the community.

Acting Chairman Hedrick stated they could look at this like a framework that may need to be revisited from time to time as technology changes. Ms. Shook stated that Ms. Meade drafted the language based

on current legislation and other ordinances that have been adopted. She noted that Ms. Meade chose what she felt was the cleanest or best language from each of those ordinances and combined them with some of the Town's current standards.

Commission Member Veno referred to Ms. Shook's comment during the Public Hearing that several applications had been submitted for wireless facilities. Ms. Shook explained that several applicants from different providers had called who wished to make application but are waiting for the new text to be adopted.

Ms. Shook stated that under the current ordinance the Town would have to allow 25 small wireless facilities on one application or allow facilities in the Town's right-of-way and on Town utility poles. Commission Member Veno asked if they had to apply for a permit. Ms. Shook replied that they did have to apply for a permit but staff would have to issue the permit.

Commission Member Behrend asked if there were size or height requirements for the small wireless facilities in the current ordinance. Ms. Shook replied there was not. She added that was also no requirement in the ordinance about how many poles could be placed or how far apart.

Ms. Shook explained that small wireless facilities were placed in a small area and used to boost signal. She noted that most of the definitions contained in the proposed text were State law definitions.

Commission Member Veno again stated that he was overwhelmed but this text was the best they had. Acting Chairman Hedrick replied that the intention was protection of the Town and community as a whole.

Commission Member Kavanaugh stated wireless communication facilities were going to come to this town regardless and she felt it should be more on our terms.

Ms. Shook noted that the more people who did not have dedicated home phone lines and relied on cell phones placed more demand on wireless transmission facilities and affects the 911 system. While there is a necessity for them, Ms. Shook stated there was also a necessity to regulate them.

Commission Member Behrend felt it was important to get this text adopted and have these regulations in place. She stated she did not know if this was the perfect plan but it would be a start.

Acting Chairman Hedrick felt it was a good first step.

Commission Member Veno stated that he hated to act on something because he was ignorant of it but he guessed this text was a start. He added that he did not disagree with the fact that this was needed he just found it difficult to understand. Ms. Shook offered to go through and explain the general regulations in each section if the Commission members wanted.

Ms. Shook noted that emergency response communication antenna requirements had not changed and were also in the current ordinance.

First Motion and Vote:

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

Comprehensive Plan Policy 1.1

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.

Comprehensive Plan Policy 2.1.1 Economic Development

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

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.

Comprehensive Plan Policy 2.3 The Community

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

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

Second Motion and Vote:
Commission Member Kavanaugh made a motion, seconded by Acting Chairman Hedrick, that the Planning Commission recommends approval of the proposed amendment to the Town's Zoning ordinance and believes approval is reasonable and in the public interest because it allows further Town control and regulations over the implementation of these wireless communication facilities as well as allows these facilities to come is with more ease and is more transparent with what regulations are set forth in order for them to put these in.

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

CASE PL02337-030719 AWNINGS IN THE B1 – UDO TEXT AMENDMENT
Ms. Shook noted that two changes were suggested during the Public Hearing; the installation of awnings over street level uses and allowed fabrics. Ms. Shook noted that the Community Appearance Commission would be meeting tomorrow night and would further discuss these items so that revised language could be presented to Town Council prior to adoption of the text.

Ms. Shook explained that the awning or canopy would have to be historically appropriate and under the current ordinance an awning could not be installed on a building unless there had been one on the building in the past. This text would allow those buildings to install an awning as long as it was historically appropriate.

Commission Member Veno asked if awnings would have to be removed if they were not conforming. Ms. Shook replied that that these requirements would be for new installations or replacements.

First Motion and Vote:
Commission Member Veno made a motion, seconded by Commission Member Behrend, that the proposed amendment to the Town's zoning ordinance is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because the proposed amendment is consistent with:

Comprehensive Plan Policy 1.1

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.

Comprehensive Plan Policy 2.1.1 Economic Development

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

Comprehensive Plan Policy 2.3.2 Community Character

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

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

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

Second Motion and Vote:
Commission Member Kavanaugh made a motion, seconded by Commission Member Behrend, 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 the amendment allows for the historical qualities of Boone to be maintained as well as encourages the community appearance that we seek out in the Comprehensive Plan and encourages pedestrian safety.

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

Acting Chairman Hedrick called a break in the meeting from 10:00 p.m. until 10:05 p.m.

CASE PL02338-030719 PERMIT PROCESS – UDO TEXT AMENDMENT
Ms. Shook stated that currently there are a limited number of days allowed by the UDO for staff to review application submittals noting that staff had 20 business days from the time an application was submitted to review the submission and respond to the applicant. She stated that, while some projects such as single family homes, were simpler, some projects were very complex and required detailed review by not only Planning & Inspections but the Fire Department, Public Works, and possibly DOT or other outside agencies. Ms. Shook noted various deadlines being juggled by Planning & Inspections and emphasized the difficulty of getting reviews and responses completed within 20 days.

Commission Members Kavanaugh and Behrend agreed that staff needed more time for review.

First Motion and Vote:
Commission Member Kavanaugh made a motion, seconded by Acting Chairman 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 the proposed amendment is consistent with:

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.

Vote: Aye – All

Nay – None
The motion passed.

Second Motion and Vote:
Acting Chairman Hedrick made a motion, seconded by Commission Member Kavanaugh, that the Planning Commission recommends approval of the proposed amendment to the Town's Zoning ordinance and believes approval is reasonable and in the public interest because it will reduce the burdens of time and deadlines on the Planning staff and ensure a more thorough and complete review of applications and allow for equitable and agreeable development into the future.

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

CASE PL02408-040419 TEMPORARY USE 9.01 T-13 TEMPORARY USE 0.01 PUBLIC COLLEGES & UNIVERSITIES – UDO TEXT AMENDMENT
Commission Member Kavanaugh stated she got a little bit lost on this case and did not know what sunsetting meant. Ms. Shook explained that sunsetting meant a date certain would be chosen for the use to no longer be allowed.

Ms. Shook noted that the O/I and M1 currently allow these temporary uses. This text amendment would allow public colleges and universities to have temporary uses in the B3 as well.

There was some concern or confusion expressed about the 10 year allowed time frame. Ms. Shook noted that Town Council was okay to have no buffer if the text for B3 sunsets in 10 years.

Commission Member Kavanaugh asked if a new building could be built to use as the temporary space. Ms. Shook replied that the text required that existing space be leased so while a new building could be built it would not be likely built by the University.

Commission Member Behrend asked if having the University in a commercial space would hinder other businesses from coming to the area. Mr. Johnson replied that while ASU was using the commercial space another tenant could not go into the space.

Commission Member Veno asked if this could increase the tax base. Ms. Shook felt it would depend on the level of improvements done to a space and when tax evaluations were performed.

Commission Member Behrend stated she was feeling better about the text but knew that some people were concerned with ASU taking over the town.

Ms. Shook reminded Commission members that the 10 year time frame applied only to B3.

Commission Member Kavanaugh and Acting Chairman Hedrick felt 10 years was reasonable.

Commission Member Behrend stated she was okay with 10 years.

Commission Member Veno felt that empty spaces were better occupied and stated he was a little bitter about the unintended consequence of empty spaces caused by mixed use projects.

First Motion and Vote:
Acting Chairman Hedrick made a motion, seconded by Commission Member Behrend, 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, considering the discussion at the Public Hearing and that language is added, because the proposed amendment is consistent with:

Comprehensive Plan Policy 1.1

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.

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

Comprehensive Plan Policy 2.3 The Community

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.

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

Second Motion and Vote:
Acting Chairman Hedrick made a motion, seconded by Commission Member Kavanaugh, 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 this amendment, including the 10 year sunset period, will provide a period of transition for the University to occupy the B3 zoning district while enhancing their own capacity on the main campus to house their faculty, staff, and other needs.

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

OTHER MATTERS
There were no other matters discussed at this meeting.

ADJOURNMENT OF PLANNING COMMISSION
Commission Member Kavanaugh made a motion, seconded by Commission Member Behrend to adjourn the meeting at 10:36 p.m.

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

_____ _____

James Hedrick, Acting Planning Commission Chairman **Brenda Henson, Board Secretary**

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