

**TOWN COUNCIL AND PLANNING COMMISSION
PUBLIC HEARING AND PLANNING COMMISSION MEETING MINUTES
MONDAY, SEPTEMBER 22, 2025, 6:00 PM
604 WEST KING STREET**

COUNCIL MEMBERS PRESENT: Mayor Tim Futrelle, Todd Carter, Eric Plaag, Virginia Roseman, and Edie Tugman (arrived at 6:03 p.m.)

COUNCIL MEMBERS ABSENT: Mayor Pro Tem Dalton George

PLANNING COMMISSION MEMBERS PRESENT: Adrian Tait-Chair, Frank Veno-Vice-Chair, Garrett Kight, Declan King, Anne Pruitt, Michael Mileski, and Frida PazMiranda

PLANNING STAFF PRESENT: Jane Shook-Director of Planning & Inspections (via WebEx), Brandon Wise-Deputy Director of Planning & Inspections, Amy Snider-Commercial Zoning Administrator, Jessica Mitchell-Advanced Planning Specialist, Jonathan Yates-Environmental Specialist, and Brenda Henson-Board Clerk

OTHER TOWN STAFF OR REPRESENTATIVES PRESENT: Todd Moody-Public Works Director, Josh Eller-Public Works Deputy Director, Robbie Jones-Utilities Services Technician, and Allison Meade-Town Attorney (all via WebEx)

Call to Order

Mayor Futrelle called the Town Council to order at 6:00 p.m. Chair Tait called the Planning Commission to order at the same time. The meeting was held at the Jones House Cultural Center, located at 604 West King Street.

Moment of Silence

A moment of silence was observed.

Approval of Meeting Minutes

Council Member Plaag moved to approve the July 28, 2025, Public Hearing minutes as written. Council Member Roseman seconded the motion.

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

The motion passed.

Commission Member Pruitt moved to approve the July 28, 2025, Public Hearing and Planning Commission meeting minutes as written. Commission Member Kight seconded the motion.

Vote: Aye – 7
Nay – 0

The motion passed.

Brandon Wise, Deputy Director of Planning & Inspections, introduced Declan King, the newest member of the Planning Commission.

PUBLIC HEARING

Cases A25-0446 & A25-0684 Lindsay & Andrew Hannon – Annexation and General Use Zoning Map Amendment

Andrew & Lindsay Hannon submitted a voluntary satellite annexation petition for 106 Hollar and Greene Lane (Watauga County PIN: 2921-42-1814-000). Concurrently, the applicants are requesting a zoning designation of R1 Single-Family Residential and Corridor District overlay to be applied upon annexation.

Mr. Wise introduced the request.

Council Member Plaag asked if zoning the property as R1 would create any non-conformities. Mr. Wise replied that it would not.

Council Member Tugman arrived at the meeting at 6:03 pm.

Council Member Roseman stated that she was excited about the new expedited annexation process and hoped it would help promote the town's continued growth.

Mayor Futrelle invited public comment. There was no public comment on these cases.

With nothing further, Mayor Futrelle closed the public hearing for these cases at 6:04 p.m.

Cases A25-0500 & A25-0685 John Seldomridge – Annexation and General Use Zoning Map Amendment

John Seldomridge submitted a voluntary satellite annexation petition to annex property located off I J Bingham Place (Watauga County PIN: 2921-71-0741-000). Concurrently, the applicant is requesting a zoning designation of R3 Multiple-Family Residential to be applied upon annexation.

Amy Snider, Commercial Zoning Administrator, introduced the requests.

Council Member Plaag asked if zoning the property as R3 would create any non-conformities. Ms. Snider replied that it would not.

Council Member Plaag noted that Fire Marshal Amy Flieg had expressed concern that regulations would not be met. Ms. Snider explained that Ms. Flieg meant that the site would need to be brought up to standards once developed. She added that the property would be connected to existing town lines, so this would not be an extension of services.

Mayor Futrelle invited public comment. Mr. Wise noted that Ira Bingham, who was attending via WebEx, might wish to comment, but he did not reply when called upon. With no public comment and nothing further, Mayor Futrelle closed the public hearing for this case at 6:07 p.m. Council Member Plaag suggested that there might be technical difficulties and asked that the public hearing be reopened later in the meeting if Ira Bingham was able to indicate a desire to speak.

Cases A25-0501 & A25-0686 Justin Rogers – Annexation and General Use Zoning Map Amendment

Justin Rogers submitted a voluntary satellite annexation petition to annex property located at 176 I J Bingham Place (Watauga County PIN: 2921-71-0436-000). Concurrently, the applicant is requesting a split zoning designation of B3 General Business and R3 Multiple-Family Residential to be applied upon annexation.

Ms. Snider introduced the requests.

Council Member Plaag expressed concern about split-zoning the property. He noted that the town had worked to eliminate split-zoning and felt it would be poor form to allow this property to be split-zoned. He asked if subdivision of the property had been considered, and suggested it as a condition of approval.

Justin Rogers, the property owner, stated that he had hired a surveyor to draw a plat, but the county would not approve the subdivision due to the location of a well on the property. Mr. Rogers noted that

his property was currently serviced by town water and sewer, so he would not need a well. He agreed to accept the condition of subdividing the property.

Council Member Plaag asked if any non-conformities would be created with zoning the property as R3 or B3. Ms. Snider replied that community appearance standards would be off a little, but everything would fall under tier compliance for any improvements.

Mayor Futrelle asked if they would be zoning two properties with two different zoning designations, with the condition that the property be subdivided. Ms. Snider stated that was correct.

Commission Member Mileski asked if any development was planned on the commercial portion of the property. Mr. Rogers replied that no development was planned on the commercial property.

Mayor Futrelle invited public comment. Mr. Wise noted that Denise Carroll had requested a WebEx invitation to the meeting regarding this case. Ms. Carroll did not speak.

With nothing further, Mayor Futrelle closed the public hearing for these cases at 6:14 p.m.

Cases A25-0581 & A25-0687 Nicole & Daniel Kerr – Annexation and General Use Zoning Map Amendment

Nicole (Suni) and Daniel Kerr submitted a voluntary satellite annexation petition for 1750 US Highway 421 North (Watauga County PIN: 2901-20-9794-000). This annexation request is part of a hardship connection request by the property owner due to the property not having access to drinking water. Concurrently, the applicants are requesting a zoning designation of R1 Single-Family Residential and Corridor District Overlay to be applied upon annexation.

Mr. Wise introduced the request. He noted that, due to the hardship, town water had already been connected to the house.

Council Member Roseman asked if the property had to be annexed because town water had already been connected to it. Mr. Wise explained that when a property requested town water or sewer, they were required to petition for annexation as part of the hardship. Council Member Roseman asked if the customer would be billed at double the rate until they were annexed into town. Todd Moody, Public Works Director, replied that anyone receiving town water would pay double rates until they were annexed into town.

Council Member Plaag asked if zoning the property as R1 would create any non-conformities. Mr. Wise responded that the property currently contained a single-family home and no non-conformities would be created. Council Member Plaag stated that the property was zoned B3 when it was in the ETJ, but he would prefer to preserve the housing stock by zoning the property as R1.

Vice-Chair Veno asked if anyone could receive town water without being annexed. Mr. Wise replied that annexation would have to be requested to receive town services. He noted that there were properties currently receiving town water or sewer that were not annexed into the town. Mr. Wise stated that those properties were previously located in the ETJ and were now paying double rates for services. He added that the Kerrs were already connected to the town's sewer system.

Mayor Futrelle invited public comment. There was no public comment on these cases.

With nothing further, Mayor Futrelle closed the public hearing for these cases at 6:20 p.m.

Case A25-0606 Outdoor Dining – UDO Text Amendment

Consideration of a text amendment to UDO Articles 15 and 31 to modify how outdoor dining as an accessory use is regulated and to clarify encroachments into Neighborhood Protection buffers.

Jane Shook, Director of Planning & Inspections, presented the request. She noted that outdoor dining was currently permitted in the B1 Downtown Core, but was restricted in other zoning districts by regulations that prohibited outdoor dining in required landscape buffers and building setbacks. Ms. Shook added that the Council had directed staff to evaluate whether flexibility could be granted for outdoor dining in areas between buildings and public streets.

Ms. Shook referred to packet page 109, where the definition of outdoor dining had been changed from being a portion of a restaurant to an outdoor area. She noted that outdoor dining could occur at uses other than restaurants. She stated that no change to the use table was proposed. However, new standards were proposed in Article 15. Ms. Shook added that, while outdoor dining would be permitted anywhere on the development parcel, some requirements must be met, as outlined in Subsection 15.51.01.

Ms. Shook stated that changes were proposed to the landscape standards in Subsection 31.04.06. A new exception for outdoor dining was proposed that would allow encroachment into the required landscaped buffers or street yards, provided the total number of required plantings were still met, and the purpose or intent of the required buffer or street yard was not compromised. Outdoor dining would not be allowed in a required Neighborhood Protection buffer or street yard.

Council Member Roseman asked how the addition of outdoor dining would affect an establishment that had already met its seat quota for system development fees. Ms. Shook replied that any additional seating, indoor or outdoor, would require the customer to pay additional system development fees. Mr. Wise stated that customers would not have to pay additional system development fees if they removed some indoor seating and replaced it with the same number of outdoor seats. He noted that customers were told this information when they applied for permits.

Council Member Carter asked if there was reciprocity for businesses that could not utilize their outdoor dining in the winter. Allison Meade, Town Attorney, replied that water and sewer rates were charged based on usage, while system development fees were one-time fees set by the state based on the use. Mr. Moody added that system development fees were capacity fees specifically calculated based on the maximum possible usage for all users, not just restaurants. He stated that the only time a customer would have to pay more than the one-time fee was when an additional use was added. Mr. Moody noted that system development fees were different from planning and zoning permit fees, although they were related in process. Council Member Carter expressed concern that businesses were being charged \$20,000 to place a picnic table outside their business, regardless of whether they served food or not. He felt the communication regarding outdoor dining and system development fees was lacking, and better communication with business owners was needed.

Council Member Plaag understood Council Member Carter's concern. However, he felt it would be incredibly burdensome on the town to adjust system development fees or give refunds every time a change in capacity was made. Council Member Plaag stated that Public Works had always been very clear with him in communicating the details of how system development fees worked. He suggested that the average person or average business owner did not regularly deal with system development fees and tended to see them as use fees instead of capacity fees. Council Member Plaag explained that a capacity fee meant the customer was paying for the right to generate that amount of capacity, and the town, as a whole, needed to clarify that distinction better so that customers understood they were paying for capacity, not use.

Commission Member Pruitt asked if there was a permit process that customers desiring outdoor dining would have to go through. Mr. Wise replied that if the outdoor dining were placed in a landscape buffer or triggered the neighborhood protection, a landscape plan would have to be submitted.

Ms. Shook stated that the reason we heard more about restaurants and system development fees was that they were the most visible. For instance, when someone added outdoor dining, it was noticeable. When someone added employees to an office building, you could not easily see that. Ms. Shook noted that, during COVID, guidance for outdoor dining was changed several times to try to meet restaurants where they were at. After everything returned to normal, businesses were expected to pay system development fees for any seats that were added. Ms. Shook stated that it was standard practice for Planning & Inspections to refer anyone proposing a restaurant with outdoor dining to Public Works to discuss system development fees. She added that system development fees were often large and could be very concerning to business owners. She was unsure what could be done in the process to make the Council more comfortable, other than ensuring that the town communicated better with applicants.

Council Member Plaag asked if new commercial development had parking minimums. Ms. Shook replied that residential uses, including hotels, had a minimum parking requirement, while most other uses had maximum parking requirements. She stated that the overall premise was for developments to provide sufficient parking for their use. Mr. Wise added that businesses were not required to provide parking in the B1 Downtown Core; therefore, if they chose to place outdoor dining in their parking spaces, they could do so. Council Member Plaag stated that businesses in other districts did not have the same flexibility to use their parking areas for outdoor dining because they would still have to meet minimum parking requirements. He asked if that was an inequity in the application of the language.

Ms. Meade offered that the reason there were no parking requirements in downtown was to keep the downtown walkable and not totally beholden to automobile traffic. She did not feel that there was an equity difference, but rather a difference in the approach to policy between the downtown area and other areas of Boone. Council Member Plaag expressed concern that a downtown business might replace their parking spaces with outdoor dining, then complain that the town had not done enough to provide sufficient parking downtown.

Council Member Carter stated that he was not in favor of delaying this text amendment because of his concerns.

Chair Tait asked if the proposed amendment pertained only to the downtown. Mr. Wise replied that the text amendment covered all zoning districts where outdoor dining was allowed, not just the downtown.

Ms. Meade suggested revising the beginning of Subsection 15.51.01(A)(1) to read *To the extent provided at UDO Article 24, all development shall continue to provide sufficient parking to accommodate the residents, etc.* She stated that this wording might make it clearer that no new parking requirements were being added.

Council Member Plaag stated that the proposed text set up a policy choice to prioritize outdoor seating over existing parking, which would be beneficial for downtown employees, visitors, and residents. He added that those spaces would be sacrificed and not replaced because an individual property owner decided to convert them into dining space. Council Member Plaag wanted to ensure that, if approved, everyone understood the potential unintended consequences.

Chair Tait asked what the limit of encroachment into landscape buffer areas would be. Mr. Wise explained that the limit would be to the extent that the planting count and the buffer's intended purpose would still be met. He stated that some buffers had a different intent. For example, some buffers were required to be fully opaque, while others were required to be partially opaque. Outdoor dining in a street yard would also require the planting requirements or the intent of the street yard to be met.

Chair Tait inquired about noise restrictions when a property was adjacent to residential areas. Mr. Wise replied that the noise ordinance was in effect from 10:00 p.m. until 6:00 a.m. He noted that a

neighborhood protection buffer would have to be added if the property were adjacent to a residentially zoned property other than R3.

Commission Member Pruitt expressed concern about the safety of outdoor diners who would be sitting in a parking lot. Ms. Shook responded that the allowance of outdoor dining had been in effect for a while. This text amendment would allow the outdoor dining to be placed in landscape buffers and street yards. Ms. Shook explained that there were no setbacks from the drive aisle or vehicular surface to an outdoor dining area. She felt that most businesses would not choose to put their patrons in danger. Commission Member Pruitt suggested bollards, pylons, or large planters. Council Member Plaag supported revising the language in the future to provide large planters as barriers. He added that the protective device did not have to be permanent.

Ms. Shook noted that the DOT could approve outdoor dining within a DOT right-of-way. She did not know if DOT would allow whatever barrier the Town might require. However, she felt that language could be created that would address safety and protection for the conversion of parking into dining areas.

Mayor Futrelle invited public comment. There was no public comment on this case.

With nothing further, Mayor Futrelle closed the public hearing for this case at 7:12 p.m.

Case A25-0604 Itinerant Merchants, Open-Air Markets, Mobile Retail – UDO Text Amendment

Consideration of a text amendment to UDO Articles 14, 15, 34, and Appendix B to revise regulations for itinerant merchants, mobile retail, and open-air markets.

Ms. Shook presented the request. She stated that food trucks were currently regulated as itinerant merchants. The proposed text created specific regulations for mobile retail because its impacts differed from those of other itinerant merchants. Ms. Shook defined a mobile retail unit as a motor vehicle that is operable on its own or can be towed, or the use of a non-motorized cart, where retail items, personal services, and/or food products can be sold or provided. The use of a mobile retail unit, specifically for preparation and distribution of food and/or beverages and food/beverages services is referred to as a “food truck” and is subject to the standards of “mobile retail.”

Ms. Shook noted that the definition of open-air market had been modified to include mobile retail or other merchants. The proposed amendment would remove the open-air market temporary use, leave them as accessory uses, and add them as principal uses. Ms. Shook stated that this should make it easier for the staff to enforce the regulations and for others to interpret them.

Ms. Shook referred to Subsection 15.62.12 Itinerant Merchant/Peddler (B). She noted that the language had been changed from seventy-two (72) consecutive hours to three (3) days that an itinerant merchant could stay on a lot in a one (1) week period. Itinerant merchants operating in the Downtown Municipal Service District would have to meet the Town Code requirements outlined in Chapter 111: Street Vendors.

Ms. Shook referred to Section 15.68 Mobile Retail Unit (Accessory), noting that these were new standards for which staff would like to receive feedback. She noted errors in Subsection 15.68.02 Duration, stating the intent of that section was to model the itinerant merchant. That section should read “A mobile retail unit may not stay in the development for more than three (3) days in a one (1) week period, unless the itinerant merchant is participating in an approved open-air market.”

The proposed text suggested allowing at least one (1) mobile retail per one acre, with a maximum of four (4) units per development. Ms. Shook noted that these limitations would not apply to mobile retail units participating in an approved open-air market or a special event regulated by Town Code Chapter 94 or 111.

Ms. Shook outlined the proposed standards found in Subsection 15.68.04, noting that any outdoor dining associated with a mobile retail unit must comply with UDO Section 15.51 Outdoor Dining. A mobile retail unit could not encroach upon or disturb traffic movements and pedestrian circulation, and at least two (2) parking spots for each mobile unit must be provided on the site, while maintaining sufficient parking for the development. Mobile retail units must be separated from buildings or other permanent structures by a minimum of ten (10) feet. Ms. Shook stated that achieving this distance could be difficult in the downtown area. Signage, other than on the unit, must be consistent with UDO requirements. Noise ordinance requirements must be followed. If the mobile retail unit was located on a lot adjacent to residentially zoned properties, the unit could not operate at different hours than the principal use.

Council Member Roseman asked if a mobile retail unit had to move from its location for four (4) days a week or if it just had to be closed. Mr. Wise replied that the proposed language would suggest that the unit had to be removed from its location. Ms. Shook added that this was proposed language only and open to discussion.

Council Member Plaag asked if there was anything to prevent a food truck from parking downtown in metered parking spaces to sell on the sidewalk. Ms. Shook stated she would have to check the Town Code to see if there were any regulations against that. If not, regulations could be created.

Council Member Roseman expressed the concern that brick-and-mortar restaurants had to pay taxes and service fees that mobile units did not.

Council Member Carter stated that he was super excited to be discussing this. He felt that food trucks had been a missing piece of our local economy. He added that Boone was becoming a foodie town. Council Member Carter stated that having a food truck sometimes allowed small businesses to get their start. He felt that there were many positives to this text amendment. Council Member Carter stated that three (3) days was too limited, and suggested allowing a four (4) day on-site limit. He noted that he wanted to promote this in a responsible way, allowing it to bring character and culture to different food experiences. Council Member Carter mentioned picnic tables at food trucks. He asked if system development fees would be required, because he thought it would be stupid.

Ms. Shook stated that food trucks do not hook up to town water or sewer, so there should be no system development fees associated with outdoor dining for the food truck.

Commission Member PazMiranda agreed that three (3) days was very limiting to the success of the business. She added that to foster local businesses, the town needed to be more forgiving. Commission Member PazMiranda stated she was concerned about the ten (10) foot distance from the food truck to a building. She explained that Boone was very small, and having that limit would hamper the success of food trucks.

Council Member Carter suggested that the length of stay for food trucks could be determined by agreement between the vendor and the property owner.

Chair Tait stated he was supportive of food trucks. He asked why there needed to be a limit on stay and what the goal of such a limit was. Chair Tait noted a concern that he had in the past was the impact that food trucks might have on local restaurants. He read the North Carolina Health Code governing food trucks and found that they are required to attach to a commissary, which is typically a local restaurant, where they must dispose of their waste and obtain clean water. Chair Tait noted that, in most cases, the food truck was an extension of a restaurant, providing another outlet for them to sell their food. He added that he was not sure if the proposed text was in a complete enough format for it to move forward tonight. He expressed interest in hearing from the local restaurant community with their questions, concerns, or support of the regulations.

Council Member Tugman stated that there was resentment among downtown businesses of mobile retail units because the businesses pay county and city taxes, as well as municipal service taxes, which food trucks do not pay.

Chair Tait suggested that the downtown area might require slightly different regulations due to its limited space.

Ms. Shook stated that the proposed text was modeled after the language of itinerant merchants, which was how food trucks were currently regulated. She noted that they also had to be aware of changes in the General Statutes regarding down zoning.

Council Member Plaag stated that there was a distinction between a food truck parked on the street and one located in a parking lot. He added that he did not have an issue with picnic tables outside of food trucks. He also did not have an issue with whether a food truck moved or just shuttered, with one exception. If the food truck never moved, then its water would be discharged on that property. If it were a permanent food truck, would it need to pay a system development fee for having that use at that property? Council Member Plaag stated that the time limitation might eliminate that concern.

Council Member Roseman suggested allowing food trucks downtown if a downtown business sponsored them.

Council Member Carter stated that many brick-and-mortar restaurants had food trucks, which were part of building that brand and contributing to the area's culture. He agreed that food trucks should not be allowed to be on a property permanently. However, three (3) days was too limiting.

Ms. Meade stated that food trucks were a bit of an odd beast because they were neither real estate nor an improvement to real estate; they were personal property situated on a piece of real estate. She did not feel that their use would give rise to vested interest in most cases. She questioned to what extent food trucks should be regulated in the UDO, as opposed to just in the Town Code. Ms. Shook replied that she had some discomfort with food trucks being regulated in the UDO because it tended to suggest that they were a use that could get a vested interest.

Ms. Meade suggested that the Council and Planning Commission have further discussions with the staff about what they would like to see in terms of food trucks. She also suggested considering a public hearing to involve property owners, restaurant owners, and other interested parties.

Chair Tait noted that the Town of Blowing Rock prohibited food trucks in its downtown area. However, West Jefferson was completely supportive of food trucks and had a commercial kitchen, managed by the NC Cooperative Extension, that served as a commissary kitchen for food trucks.

It was suggested that, instead of a public hearing, a discussion session be held, inviting members of the DBDA and anyone else who would like to participate.

Commission Member PazMiranda suggested allowing food trucks to locate on Howard Street in the future.

Mayor Futrelle invited public comment. There was no public comment on this case.

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

Adjournment of Town Council

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

Vote: Aye – 4

Nay – 0
Absent – 1 (Roseman)

The motion passed.

Tim Futrelle, Mayor

Brenda Henson, Board Clerk

Adrian Tait, Planning Commission Chair

PLANNING COMMISSION

Chair Tait called a break in the meeting from 8:10 pm until 8:20 p.m.

Cases A25-0446 & A25-0684 Lindsay & Andrew Hannon – Annexation and General Use Zoning Map Amendment

Andrew & Lindsay Hannon submitted a voluntary satellite annexation petition for 106 Hollar and Greene Lane (Watauga County PIN: 2921-42-1814-000). Concurrently, the applicants are requesting a zoning designation of R1 Single-Family Residential to be applied upon annexation.

Commission Member Pruitt asked if the Planning Commission was only considering the zoning of the property or if they were also considering the annexation. Ms. Shook explained that the Planning Commission's recommendation for zoning meant they were agreeable with the annexation. However, they were allowed to discuss the annexation, and if they felt strongly that the property should not be annexed, they could make a recommendation to that effect to the Council.

Commission Member Pruitt stated that the request seemed pretty straightforward.

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

Goals & Policies

Chapter 1 Land Use and Development

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

Policy 1.5.1 Manage Growth to Balance Protection of Community Character and Natural Areas While Directing Desired Growth to Identified Centers: The town will manage growth in a manner that balances the protection of community character and natural lands while accommodating future population. Change in the community will be carefully managed to protect critical natural lands, provide a variety of housing options for a diversity of households, support economic development, support fiscal balance, ensure adequate public safety services, and utilize growth patterns that support regional and local transit services. Lands within the town's current corporate limits are priorities for infill and redevelopment. New

development areas contiguous with the town and in identified activity centers should be secondary priorities for development and ahead of areas outside centers.

Policy 1.5.2 Guide Utility Service Extensions and Annexations Using the Utility Service and Annexation Criteria: Use the Utility Service and Annexation Criteria of this chapter to evaluate applications for annexation of lands into the town and extension of public utilities to new areas. These criteria serve as the primary guide for making annexation and utility extension decisions. The criteria provide a framework for ensuring decisions are made consistently and in accordance with the Comprehensive Plan. They are complemented by the Growth Management Tiers Map.

Policy 1.5.3 Guide Growth Using the Growth Management Tiers Map: The Growth Management Tiers Map serves as a guide for development and investment decisions. The map's purpose is to ensure Boone accommodates growth consistent with the Boone Next Planning Principles, intentionally directs growth to desired areas, manages the pace of development, and aims for fiscal balance. This map is intended to be used when considering zoning and development approvals, utility service extensions, annexations, incentives, and capital investments. This map should be used in coordination with the Utility Service and Annexation Criteria. The Growth Management Tiers Map will be updated from time to time to reflect changing planning conditions.

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

Commission Member King added that the request met all of the utility service annexation criteria.

Commission Member Kight seconded the motion.

Vote: Aye – 7
Nay – 0

The motion passed.

Second Motion and Vote: Chair Tait made a motion that the Planning Commission recommends approval of Ordinance A25-0684 within Exhibit A and believes approval is reasonable and in the public interest because we are encouraging development along the Old 421 corridor and the annexation of properties where water and sewer and other town services already exist. Commission Member Pruitt seconded the motion.

Vote: Aye – 7
Nay – 0

The motion passed.

Cases A25-0500 & A25-0685 John Seldomridge – Annexation and General Use Zoning Map Amendment

John Seldomridge submitted a voluntary satellite annexation petition to annex property located off of I J Bingham Place (Watauga County PIN: 2921-71-0741-000). Concurrently, the applicant is requesting a zoning designation of R3 Multiple-Family Residential to be applied upon annexation.

Commission Member Kight noted that whatever was constructed on the property under the general use R3 zoning would have to meet UDO requirements.

Vice-Chair Veno asked if the Planning Commission could recommend a different zoning if they did not feel the one requested was correct. Ms. Shook replied that the case would likely have to go back through the public hearing process if a zoning designation other than the one advertised was applied to the property. Vice-Chair Veno stated he just wanted to clarify the process.

Commission Member Pruitt believed that this area would develop in the coming years and was a suitable location for multi-family housing.

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

Planning Principle 1: Prioritize thoughtfully designed development of underutilized land within the town's existing built-upon areas over development of undeveloped land on the town's outer limits. *It is preferable to accommodate growth in locations within the existing town limits that are appropriate for, can support, and would be enhanced by new development. Infill and redevelopment will occur in a strategic manner that considers community needs like provision of and access to goods, services, transit, and quality public space.*

Planning Principle 7: Support the town's established neighborhoods and new residential developments through neighborhood-level engagement and planning. *Neighborhoods may include a variety of land uses (residential, commercial, civic, and recreational areas), building types and housing types. They may have an identifiable center that offers basic services such as cafes, childcare, specialty stores, and grocery options. Neighborhoods will support a variety of travel options and be well-connected to adjacent neighborhoods and parks. They will seamlessly integrate the members of diverse, multi-generational communities living in proximity to one another.*

Planning Principle 10: Encourage appropriate development to meet the town's urgent need for housing or other specific community needs by means of density bonuses or other mechanisms. *Encourage construction of affordable housing, public infrastructure, or other identified community needs by means of density bonuses or other incentives in appropriate areas of the town. For example, increased building height or additional units may be allowed in exchange for incorporating affordable housing units in a development.*

Commission Member Mileski seconded the motion.

Vote: Aye – 7
Nay – 0

The motion passed.

Second Motion and Vote: Chair Tait made a motion that the Planning Commission recommends approval of Ordinance A25-0685 within Exhibit A and believes approval is reasonable and in the public interest because encouraging the development of housing within proximity to town adds to the overall housing stock, supports the Boone Next Plan, and makes use of existing infrastructure and services provided by the town. Commission Member Kight seconded the motion.

Vote: Aye – 7
Nay – 0

The motion passed.

Cases A25-0501 & A25-0686 Justin Rogers – Annexation and General Use Zoning Map Amendment

Justin Rogers submitted a voluntary satellite annexation petition to annex property located at 176 I J Bingham Place (Watauga County PIN: 2921-71-0436-000). Concurrently, the applicant is requesting a split zoning designation of B3 General Business and R3 Multiple-Family Residential to be applied upon annexation.

Chair Tait asked if the Planning staff felt confident that the survey Mr. Rogers had delineating the business from the residential would meet all of the criteria in terms of setbacks and lot size. Mr. Wise replied that, based on a cursory review, it would meet requirements. However, it would be reviewed more closely upon submittal by the applicant.

Vice-Chair Veno asked if the Planning Commission would, in essence, be zoning two separate parcels because the property would be subdivided. Ms. Snider stated that was correct.

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

Planning Principle 1: Prioritize thoughtfully designed development of underutilized land within the town's existing built-upon areas over development of undeveloped land on the town's outer limits. *It is preferable to accommodate growth in locations within the existing town limits that are appropriate for, can support, and would be enhanced by new development. Infill and redevelopment will occur in a strategic manner that considers community needs like provision of and access to goods, services, transit, and quality public space.*

Planning Principle 10: Encourage appropriate development to meet the town's urgent need for housing or other specific community needs by means of density bonuses or other mechanisms. *Encourage construction of affordable housing, public infrastructure, or other identified community needs by means of density bonuses or other incentives in appropriate areas of the town. For example, increased building height or additional units may be allowed in exchange for incorporating affordable housing units in a development.*

Goals & Policies

Chapter 1 Land Use and Development

Policy 1.5.2 Guide Utility Service Extensions and Annexations Using the Utility Service and Annexation Criteria: Use the Utility Service and Annexation Criteria of this chapter to evaluate applications for annexation of lands into the town and extension of public utilities to new areas. These criteria serve as the primary guide for making annexation and utility extension decisions. The criteria provide a framework for ensuring decisions are made consistently and in accordance with the Comprehensive Plan. They are complemented by the Growth Management Tiers Map.

Policy 1.6.3 Diversity Boone's Housing Options: Promote a variety of housing types as well as housing tenure options around Boone. While the town should continue to build single-family, townhome, and multifamily building, explore other types of well-designed and contextually compatible housing, such as quadplexes and small-scale multiplexes. The town can use creative tools, like zoning "opt-in" districts, to ensure additional densities come with public benefits like income-restricted units. Also, support alternative housing tenure options like the community land trust model and cooperative housing. Unless Boone's rugged terrain precludes it, consider the use of pre-approved blueprints to reduce construction costs while ensuring high quality building designs and materials.

Commission Member Pruitt seconded the motion.

Vote: Aye – 7
Nay – 0

The motion passed.

Second Motion and Vote: Vice-Chair Veno made a motion that the Planning Commission recommends approval of Ordinance A25-0686 within Exhibit A and believes approval is reasonable and in the public interest because the request falls into the secondary growth area and its land uses are consistent with the town's goals and policies as stated in the first motion. Commission Member King seconded the motion.

Vote: Aye – 7
Nay – 0

The motion passed.

Cases A25-0581 & A25-0687 Nicole & Daniel Kerr – Annexation and General Use Zoning Map Amendment

Nicole (Suni) and Daniel Kerr submitted a voluntary satellite annexation petition for 1750 US Highway 421 North (Watauga County PIN: 2901-20-9794-000). This annexation request is part of a hardship connection request by the property owner due to the property not having access to drinking water. Concurrently, the applicants are requesting a zoning designation of R1 Single-Family Residential to be applied upon annexation.

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

Planning Principle 5: Employ planning policies to accommodate growth while promoting an equitable town and protecting the most vulnerable residents and small businesses against economic displacement. Planning and zoning policies and practices seek to limit the negative and undesired effects of gentrification and displacement. Current residents and small businesses that are in Boone should be able to afford to live within the town limits. Robust engagement and communication with residents and small businesses is key to promoting equitable planning in Boone.

Goals & Policies

Chapter 1 Land Use and Development

Policy 1.5.2 Guide Utility Service Extensions and Annexations Using the Utility Service and Annexation Criteria: Use the Utility Service and Annexation Criteria of this chapter to evaluate applications for annexation of lands into the town and extension of public utilities to new areas. These criteria serve as the primary guide for making annexation and utility extension decisions. The criteria provide a framework for ensuring decisions are made consistently and in accordance with the Comprehensive Plan. They are complemented by the Growth Management Tiers Map.

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

Chapter 4 Government and Public Services

Policy 4.4.1 Promote Use of Existing Resources: Promote infill, redevelopment, and adaptive use as a way to maximize use of existing services, infrastructure, and utilities.

Chapter 5 Green and Resilient

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

Commission Member Kight seconded the motion.

Vote: Aye – 7
Nay – 0

The motion passed.

Second Motion and Vote: Commission Member Pruitt made a motion that the Planning Commission recommends approval of Ordinance A25-0687 within Exhibit A and believes approval is reasonable and in the public interest because of the homeowner’s need for accessible, clean drinking water, and they have a hardship. Commission Member Kight seconded the motion.

Vote: Aye – 7
Nay – 0

The motion passed.

Case A25-0606 Outdoor Dining – UDO Text Amendment

Consideration of a text amendment to UDO Articles 15 and 31 to modify how outdoor dining as an accessory use is regulated and to clarify encroachments into Neighborhood Protection buffers.

Ms. Shook reminded Commission members of the suggested change to Section 15.51.01(A)(1) so that it would read *To the extent provided at UDO Article 24, all development shall continue to provide sufficient parking to accommodate the residents, employees, customers, visitors and others who may spend time at the development.* She also noted that language would be crafted regarding safety for outdoor dining created in parking spaces. Ms. Shook explained that, with the exception of hotels and residential units, commercial businesses currently did not have to provide parking downtown. If a business chose to use its existing parking for outdoor dining, it would be a conscious decision by the business owner to eliminate their parking.

Chair Tait noted that buffer encroachments would be handled at the staff level.

First Motion and Vote: Vice-Chair Veno made a motion that the proposed amendment to the Town’s Unified Development Ordinance (UDO) is consistent with the Town’s comprehensive plan and any other adopted plans of the Town that are applicable because of the following from Boone Next:

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

Planning Principle 3: Encourage compact, human-scale development that integrates a vertical mix of uses (residential, commercial, office, institutional, civic, etc.) and connects with existing developed areas. *Places will be created with multiple uses in proximity to each other, perhaps on the same site and/or in the same structure. Close attention will be given to the compatibility of those uses and their surroundings. Uses will be arranged in a manner that maximizes pedestrian activity and create “communities within our community.”*

Goals & Policies

Chapter 1 Land Use and Development

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

Vice-Chair Veno added that the Planning Department would add language concerning safety and security issues, and the first sentence in Section 15.51.01(A)(1) will be modified to read: *To the extent provided at UDO Article 24, all development shall continue to provide sufficient parking to accommodate the residents, employees, customers, visitors and others who may spend time at the development.*

Commission Member Pruitt seconded the motion.

Vote: Aye – 7
Nay – 0

The motion passed.

Second Motion and Vote: Vice-Chair Veno made a motion that the Planning Commission recommends approval of Ordinance A25-0606 within Exhibit A and believes approval is reasonable and in the public interest because it emphasizes the quality design and creative aspects of our community and the inspiring aesthetics of our downtown and our whole community. Commission Member Kight seconded the motion.

Vote: Aye – 7
Nay – 0

The motion passed.

Case A25-0604 Itinerant Merchants, Open-Air Markets, Mobile Retail – UDO Text Amendment

Consideration of a text amendment to UDO Articles 14, 15, 34, and Appendix B to revise regulations for itinerant merchants, mobile retail, and open-air markets.

This case was tabled.

Other Matters

Chair and Vice-Chair Applications for Recommendation to Town Council

Chair Tait stated that he was running for Town Council and, if elected, he would no longer be on the Planning Commission. He noted that Frank Veno had applied to be the Chair and Anne Pruitt had applied to be the Vice-Chair.

Chair Tait made a motion to recommend Frank Veno as Chair and Anne Pruitt as Vice-Chair. The motion was seconded by Commission Member Kight.

Vote: Aye – 7
Nay – 0

The motion passed.

The new Planning Commission member, Declan King, was introduced. He stated he was a junior in the Planning program at App State.

Adjournment

Commission Member Kight made a motion to adjourn the meeting at 9:09 p.m. Commission Member Pruitt seconded the motion.

Vote: Aye – 7
Nay – 0

The motion passed.

Adrian Tait, Planning Commission Chair

Brenda Henson, Board Clerk