

**Town of Boone
Town Council/Planning Commission
Public Hearing
5:30 PM, Sep. 25, 2017
Council Chambers, 1500 Blowing Rock Road**

I. Call to Order

II. Approval of Meeting Minutes

June 26, 2017 - Public Hearing

III. Case PL00915-091117 Culvert UDO Text Amendment

Culverts, UDO Text Amendment- Application Information

Culverts, UDO Text Amendment - Staff Report

IV. Discussion of Comprehensive Plan/Boone 2030 Plan Merger

V. Discussion of Additional Uses in the M-1 Zoning District

VI. Discussion of University Swing Space

VII. Adjournment

**PUBLIC HEARING MINUTES
MONDAY, JUNE 26, 2017 AT 5:30 P.M.**

COUNCIL MEMBERS: Mayor Rennie Brantz, Mayor Pro-Tem Lynne Mason, Loretta Clawson, Charlotte Mizelle and Jeannine Underdown Collins

PLANNING COMMISSION MEMBERS: Chairperson Connor Boyle, Adrian Thompson, Elizabeth Shay, Eric Woolridge and Becky Gosky

STAFF PRESENT: Jane Shook, Director of Planning and Inspections, Christy Turner, Senior Planner, Marty Little, Planner, Brenda Henson, Board Secretary and Marlene Crosby, Board Secretary

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

CALL TO ORDER

Mayor Rennie Brantz called the Council to order at 5:30 p.m.

Planning Commission Chairperson Connor Boyle called the Planning Commission to order at 5:30 p.m.

APPROVAL OF MINUTES

Council Member Collins made a motion, seconded by Council Member Clawson, to approve the May 4, 2017 Special Town Council, Planning Commission and Community Appearance Commission and the May 22, 2017 Public Hearing minutes as written.

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

Planning Commission Member Shay made a motion, seconded by Planning Commission Member Gosky, to approve the May 22, 2017 Public Hearing minutes as written.

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

CASE PL00558-061217 USE 14.04 MICROBREWERY – UDO TEXT AMENDMENT

Request to modify UDO Article 15 to allow Use 14.01 Microbrewery in the M1 Manufacturing District. While recently reviewing a request, Staff discovered that Use 14.04 Microbrewery, a manufacturing use, are not permissible in the M-1 Manufacturing District.

Upon review of the description for the M1 Manufacturing District and definitions for each of the brewery related uses, Staff feels that not including Use 14.01 Microbrewery as a principal use in the Manufacturing District was an error when the Table was revised to allow these uses in 2013. The report includes the description of the M1 Manufacturing District, the definitions for brewery related uses and excerpt of the Table of Principal Uses modified to allow Use Microbrewery in the M1 Manufacturing District.

Ms. Jane Shook, Director of Planning and Inspections reviewed this case as outlined in the meeting packet. She explained that Staff feels that not including Use 14.01 Microbrewery as a principal use in the Manufacturing District was an error when the Table was revised to allow these uses in 2013. She

noted that the proposed change would be to allow the microbrewery use in the M-1 zoning district as shown on packet page 11. She said that no other changes are proposed for this case.

The first speaker was Mr. Carson Coatney, co-owner of the Boone Shine Brewing Company. He is in support of this proposed text change. He explained that his business has outgrown its current space on Wilson Drive and would like to expand their brewery to the industrial park by leasing space from US Buildings.

Mr. Coatney said as they researched this location, they found out that microbrewery was not an allowed use in the M-1 zoning district. He explained the difference between a micro-brewery and a brewery as defined by the UDO. He said the way the property is currently zoned is for a large brewery and not for a small brewery which is what his business is. He said when he spoke with Staff, the Staff felt like this was an error in the text.

Mayor Brantz asked Mr. Coatney what his timeframe was for expanding his microbrewery. Mr. Coatney said that he would like to do it as soon as possible because the US Building space is the first available option right now. He said he would like to be in this proposed space in time to start production by spring.

Mayor Brantz closed the public hearing on this case.

Discussion ensued on the uses within the industrial park that are not industrial uses. Ms. Shook talked about partial space vacancies in the buildings in the industrial park which are open for lease and are being shown to a variety of people. She said in the last six months the Staff has been contacted by people interested in the industrial park for office, recreation facilities and bakery (with retail component) type uses. She said the industrial park was created with the intent of industrial uses. She said the zoning district is limited in what is allowed in it.

Ms. Shook said she has talked with Mr. Joe Furman, Director of Watauga County Planning and Inspections. She learned that when the industrial park was first created, it had a covenant that restricted the uses within the industrial park that has since expired. She reviewed some of the permissible uses that are not currently allowed in the industrial park.

Ms. Shook asked the Council what uses would they like to be permissible within the industrial park zoning district other than the current permissible uses.

Ms. Shook said that Mr. Furman said from an economic development standpoint he is not really seeing a lot of industrial activity in the industrial park due to proximity to transit and other transportation options but that he had noted that one of the major problems for local industrial uses was not being able to find a location.

Council Member Clawson asked if there was a lot of vacant buildings in the industrial park. Ms. Shook said the manufacturing space of the US Steel building is vacant and portions of other buildings that are vacant.

Mayor-Pro Tem Mason talked about being careful not to limit what may be available space and suggested preserving the industrial park by keeping a percentage manufacturing uses in it. She said she

would like to know more specifically how much space is vacant in the industrial park. Ms. Shook explained that the Staff does not have any hard numbers on the vacant space but there are portions of buildings that have vacant space.

Mayor-Pro Tem Mason said it might be good to look into the space vacancies in the B-1 and B-3 zoning districts as well.

Ms. Shook pointed out the advantage of making use of the existing buildings which would save on costs of constructing a new building for businesses in the size that they need. She pointed out that there is not a lot of availability to construct new buildings.

Mayor Brantz talked about being more flexible with the uses to possibly encourage uses that may not have been thought about before that may also be more sustainable as well.

It was the consensus of the Council for the Staff to move forward and investigate potential uses based on vacant spaces. Ms. Shook confirmed that the Council preferred that the Staff present their recommendations to them prior to a public hearing at a regular Council meeting in the next month or so.

Mayor Pro-Tem Mason asked the Staff to talk with Mr. Furman regarding the symposium that was held a few years back. Ms. Shook said that Mr. Furman was in agreement that more uses could go into the industrial park. Ms. Shook said that we need to be careful on the new uses to make sure they are conducive to each other. Ms. Shook noted that some of the uses may be site specific for each individual site.

Ms. Allison Meade, Town Attorney suggested for the Planning Commission to be involved in the discussion of potential different uses in the industrial park.

Mr. Ward agreed that creatively Staff can come up with a variety of options for uses in the existing sites where construction and site work are already completed. He also said that he felt that parking will be a challenge in the industrial park depending on the use and we need to be careful to allow uses that are conducive to the other uses already there. It was also noted that the potential for increased traffic should be considered, when looking at different uses.

ADJOURNMENT

Mayor Brantz adjourned the Council from the hearing at 5:48 p.m.

Mayor, Rennie Brantz

Board Secretary, Marlene Crosby

Planning Commission Chairperson, Connor Boyle

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: Town of Boone Company: _____
Address: PO Drawer 192, Boone, NC 28607
Phone Number: _____ Email Address: _____
Property Owner: _____ Company: _____
Address: _____
Phone Number: _____ Email Address: _____

B. PROPERTY INFORMATION

Watauga County Parcel Identification Number(s): NA
Address/Location: NA
Project Name: PL00915-091117- Culverts, UDO Text Amendment

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 *Commercial 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)
- ☐ UDO Text Interpretation *UDO Interpretation Data Form

D. DETAILED DESCRIPTION OF PROJECT

See Project Data Form

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: NA Company: _____
 Address: _____ License #: _____
 Phone Number: _____ Email Address: _____

F. DESIGN PROFESSIONAL INFORMATION**Engineer: NA**

Name: _____ Company: _____
 Address: _____ License #: _____
 Phone Number: _____ Email Address: _____

Architect: NA

Name: _____ Company: _____
 Address: _____ License #: _____
 Phone Number: _____ Email Address: _____

G. 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
Applicant¹ (Print)

Jane Shook
Applicant Signature

09/11/17
Date

NA
Property Owner (Print)

NA
Property Owner Signature

NA
Date

Official Use Only

Project File Name:

Culverts, UDO Text Amendment

Permit Number:

PL00915-091117

Project Name/Number:

NA

Date:	Fee:	Receipt Number:	Method of Payment:	Paid By:
Sept. 25, 2017	NA	NA	NA	NA

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.

UDO Text 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:

Culverts- UDO Text Amendment

Permit Name/Number:

PL00915-091117

A. TEXT INFORMATION

Amendment is to:

Article(s): Article 20 (amendments may be made to other Articles to conform them to changes made in Article 20)

Section(s): Section 20.04

Brief Description of Amendment (Attach Proposed Text):

Modification of the UDO text as it relates culverts.

Reason for Change: See Staff Report

Official Use Only

Public Hearing Meeting Date: September 25, 2017

PC Meeting Date: September 25, 2017

TC Meeting Date: October 19, 2017

Text Approved: ☐ Yes ☐ No

Date UDO Updated: _____

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Communication: Culverts, UDO Text Amendment- Application Information (Case PL00915-091117 Culvert UDO Text Amendment)



**STAFF REPORT
PUBLIC HEARING
SEPTEMBER 25, 2017
CASE PL00915-091117-CULVERTS, UDO TEXT AMENDMENT**

Request

On June 15, 2017, Town Council approved a request from the Town Attorney to draft modifications to the UDO for clarification on culvert installations and to add further stream buffer protections.

Proposed Amendment

The text below in ~~red strikethrough~~ is the text proposed to be deleted and the blue underline is the new text for consideration.

Boone, NC Unified Development Ordinance

§ 20.04 SOIL EROSION CONTROL DESIGN STANDARDS.

20.04.01 Any land disturbing activity that includes alteration of existing topographic slope grades or natural ground cover shall conform to the soil erosion and sediment control design standards in this article.

20.04.02 Erosion and sedimentation control measures, structures, and devices shall be so planned, designed, and constructed as to provide protection from the calculated maximum peak rate of runoff from the ten year storm. Runoff rates shall be calculated using the procedures in the USDA, Soil Conservation Service, National Engineering Field Manual for Conservation Practice, the North Carolina Erosion and Sediment Control Planning and Design Manual, or other acceptable calculation procedures.

20.04.03 Erosion and sediment control measures are required to promote the public health and welfare by protecting and enhancing the town's watersheds, preserving natural watercourses and stream buffers, enhancing water quality, and protecting against uncontrolled runoff and flooding. To serve these purposes, erosion and sediment control measures must accomplish the following mandatory standards when land-disturbing activity is undertaken on a tract:

A. Containment. Installation of sufficient sedimentation and erosion control devices and practices to retain the sediment generated by the land disturbing activity within the boundaries of the tract during construction and upon completion of development.

B. Buffer zone. No land-disturbing activity shall be permitted in proximity to any lake or natural watercourse unless an undisturbed, vegetated buffer zone is provided along the margin of the watercourse. Plant material in the buffer must be retained in its natural state or replanted and restored with plant species as recommended by . The buffer must be a minimum of 25 feet wide or of sufficient width to confine visible siltation within the 25% of the buffer zone nearest the land-disturbing activity, whichever is greater (provided, that a 30' foot buffer is required as provided at section 29.08 of this Ordinance). If the slope perpendicular to the stream measured from the top of the stream bank is 3H:1V or steeper a detailed erosion control plan and calculations sufficient to support the proposed buffer width must be submitted for town review. A temporary and minimal disturbance may be permitted if the applicant submits documentation that there is no reasonable alternative. The temporary and minimal disturbance shall be limited to a maximum of 10% of the total length of the buffer zone within the tract to be distributed such that there is not more than 100 linear feet of disturbance in each 1,000 linear feet of buffer zone. Buffers may be encroached upon by roads, public walkways, and utilities where no practical alternative exists, but such encroachments shall be designed to minimize their impacts to the greatest extent reasonably practical. Pervious public recreational facilities shall be

permitted in buffer zones.

C. Ground cover on disturbed areas. Groundcover (temporary or permanent depending on phase of grading) that is sufficient to restrain erosion must be placed on all disturbed areas within 21 calendar days of completion of any phase of grading. Specifications for groundcover must be listed on the erosion control plan and should be consistent with the NCDENR Erosion and Sedimentation Control Planning and Design Manual.

20.04.04D. Land-disturbing activity in connection with construction in, on, over, or under a lake or natural watercourse shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the stream channel. In general, natural watercourses may not be channelized or piped except where street, driveway, sidewalk, public greenway and utility crossings and other activities are permitted by the ordinance, comply with the limits of subsection (B) above, and are shown to be necessary to allow access to the property. Road, utilities, and/or other such activities shall cross at the narrowest practical point and be designed and constructed to the greatest practical extent to minimize impacts on the watercourse and buffer zone.

E. For purposes of this section 20.40, “natural watercourses” are those perennial and intermittent streams shown on a map labeled as the “NC Stream Map” as produced by the North Carolina Stream Mapping Project (<http://www.ncstreams.org>)” on file with and available through the Administrator.

~~The relocation of a stream, where relocation is an essential part of the proposed activity, shall be planned and executed so as to minimize changes in the stream flow characteristics, except when justification for significant alteration to flow characteristic is provided.~~
(Ord. passed 12-16-2013)

CONFORMITY TO ADOPTED PLANS

COMPREHENSIVE PLAN UPDATE

1.1 Overall Objectives for the Boone Comprehensive Plan (p. 15):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMPREHENSIVE PLAN POLICIES

2.1 THE ECONOMY

2.1.1 Economic Development

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

2.2 INFRASTRUCTURE

2.2.5 Environmental Quality

- 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.

BOONE 2030 LAND USE PLAN

Staff recommends that Town Council and the Planning Commission review Chapter 5 Infrastructure and Sustainability of the Boone 2030 Land Use Plan. This chapter contains many different sections pertaining to flooding and water quality.

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 other applicable adopted plans of the Town which relate to this application because:

Second Motion and Vote: The Planning Commission recommends ☐approval OR ☐denial for the following reasons:

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 other applicable adopted plans of the Town which relate to this application because:

Second Motion and Vote: I move to ☐approve OR ☐deny the proposed amendment to the Town's zoning ordinance and believe ☐approval OR ☐denial is reasonable and in the public interest because:
