

**Town of Boone
Public Hearing
6:00 PM, Sep. 25, 2023
Town Council Chambers at 1500 Blowing Rock Road
or Webex, Video Conferencing Software**

Revised Hearing Notice – Meeting Format/Location Has Been Changed

The meeting format for the September 25, 2023 Public Hearing has been updated to accommodate requests from the public and applicants. You can now participate in-person at Council Chambers at 1500 Blowing Rock Road or online via WebEx (a video conferencing software). See instructions below on how to participate using WebEx.

Participate in Meeting via WebEx: Individuals who wish to watch the meeting or speak during public comment can do so through WebEx either online or by phone. To do so, please email Jane Shook, Director of Planning & Inspections at jane.shook@townofboone.net or call 828-268-6960, and you will be provided with an email invitation to the meeting. All requests for participation must be completed by 5:00 p.m. on the day of the meeting.

I. Call to Order - Town Council

II. Call to Order - Planning Commission

III. Moment of Silence

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

July 24, 2023 Public Hearing Minutes

V. Public Hearing Guidelines for Each Case Presented

- A. Presentation of Case by Staff/Applicant*
- B. Questions by Town Council and Planning Commission*
- C. Public Comment*
- D. Discussion/Questions by Town Council and Planning Commission*
- E. Public Hearing for Case is Closed*

VI. Case A23-0003 Andrea Brown - General Use Zoning Map Amendment

Case A23-0003 Andrea Brown - Application Information

Case A23-0003 Andrea Brown - Staff Report

Case A23-0003 Board Meeting Excerpts

VII. Case A23-0149 Faculty Street Townhomes - Conditional District Zoning Map Amendment

Case A23-0149 Application Information

Case A23-0149 Neighborhood Meeting Information

Case A23-0149 Site Plans

Case A23-0149 Photometric/Lighting Plans

Case A23-0149 Building Elevations

Case A23-0149 Floor Plans

Case A23-0149 Staff Report

VIII. Case A23-0185 WVS Investments LLC - General Use Zoning Map Amendment

Case A23-0185 WVS Investments LLC - Application Information

Case A23-0185 WVS Investments LLC - Staff Report

IX. Adjournment of Town Council

PLANNING COMMISSION MEETING

X. Public Comment

XI. Approval of Planning Commission Meeting Minutes

July 24, 2023 Planning Commission Meeting Minutes

XII. Planning Commission Consideration of Cases Heard at Public Hearing

XIII. Comprehensive Plan Update

XIV. Discussion of Chair & Vice Chair Appointments

Chair & Vice Chair Application

XV. Other Matters

XVI. Adjournment of Planning Commission

**TOWN COUNCIL AND PLANNING COMMISSION
PUBLIC HEARING MINUTES
MONDAY, JULY 24, 2023, 6:00 PM
1500 BLOWING ROCK ROAD & VIA WEBEX SOFTWARE**

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

PLANNING COMMISSION MEMBERS PRESENT: Elizabeth Shay-Chair, Eric Plaag-Vice Chair, Chris Behrend, and John Tippet

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Jessica Mitchell-Long-Range/Special Projects Planner, and Brenda Henson-Board Secretary

OTHER TOWN STAFF PRESENT: Amy Davis-Town Manager

Call to Order

Mayor Futrelle called the Town Council to order at 6:03 p.m. Chair Shay called the Planning Commission to order at 6:03 p.m.

Moment of Silence

A moment of silence was observed.

Approval of Meeting Minutes

Council Member Roseman made a motion to approve the May 22, 2023, Public Hearing minutes as written. The motion was seconded by Mayor Pro Tem Tugman.

Vote: Aye – 4
Nay – None
Absent – 1 (Carter)

The motion passed.

Commission Member Behrend made a motion to approve the May 22, 2023, Public Hearing minutes as written. The motion was seconded by Commission Member Tippet.

Vote: Aye – 3
Nay – None
Abstain – 1 (Plaag)

The motion passed.

PUBLIC HEARING

Case PL06422-012523 Kelpat Terrace – General Use Zoning Map Amendment

The Town of Boone has submitted a General Use Zoning Map Amendment application requesting to rezone 145 Moretz Drive from B1 Central Business to R3 Multiple-Family. This rezoning is necessary because, as of October 2021, the B1 Central Business zoning district no longer exists as it was replaced with two new zoning districts, the B1 Downtown Core and the B1 Downtown Interface.

Ms. Jane Shook, Director of Planning & Inspections, presented the request as it was outlined in the meeting packet. She stated that property owners were notified of this change in May and again in July. Ms. Shook noted that she had spoken with Stephen Phillips, owner of several of the Kelpat Terrace condo

units, and he indicated an understanding and acceptance of the zoning change. Ms. Shook explained that changing this property's zoning from B1 to R3 would change their interior setback requirement for the neighboring property zoned B1 Downtown Interface to 13 feet.

There was no public comment and no further questions.

Mayor Futrelle closed the public hearing for this case at 6:12 p.m.

Case PL05640-040822 Lighting Design Standards – UDO Text Amendment

The Town of Boone has submitted a request to modify UDO Article 25 Community Appearance Standards to reflect lighting industry changes and lighting design best practices. In conjunction with the Community Appearance Commission evaluating current Community Appearance Standards, Planning Staff has evaluated the current lighting standards by meeting with lighting design professionals, dark sky advocates, and local energy providers to discuss current lighting practices and areas of improvement.

Ms. Jessica Mitchell, Long-Range/Special Projects Planner, stated that the presentation in the meeting packet was unchanged from the May presentation. She provided a brief overview of the content.

Mayor Pro Tem Tugman asked whether or not lighting could be repaired or replaced if it was taken out in a storm, or if new lighting would have to be installed to meet the new ordinance requirements. Ms. Shook referenced UDO Section 7.05.02(B) that read:

All new structures or portions of structures must comply with all Ordinance requirements. However, when a nonconforming structure is destroyed or damaged by fire, flood, wind, other act of God, the structure may be repaired or restored to its original dimensions and conditions as long as the structure is not located in a Floodway or Special Flood Hazard Area, a building permit for the repair or restoration is issued within one (1) year and the structure is occupied within two (2) years of the date the building permit is issued.

1. A nonconforming structure damaged by other cause to such extent that repair, reconstruction or restoration is expected to cost more than fifty percent (50%) of the total value of the structure, must be removed.

Ms. Shook suggested that this section should be reviewed in relation to lighting and signs.

Council Member George asked about sunsetting. Ms. Shook asked Council Member George if there were certain elements or portions of the ordinance that he would want to sunset versus waiting for those items to come into compliance naturally. She noted for example, that it would be difficult to gather the data needed to begin tracking elements such as pole heights in order to notify owners that they need to come into compliance because the standard affects all commercial properties.

Vice Chair Plaag stated that parking lot and stadium lighting were probably some of the oldest and least energy-efficient lighting in town. He noted that implementing a sunset date could help the Town move more quickly toward a carbon-neutral position and preserve the night sky. Vice Chair Plaag added that one of the most egregious offenders of lighting was the stadium at ASU. He then referred to the following proposed text:

27.02.01 Exemptions: Unless otherwise prohibited, the following types of lighting are exempt from the requirements of this Article:

A. Any lighting required by state and federal agencies.

B. Any lighting installed by the Town of Boone or the State for the benefit of public health, safety, and welfare.

Vice Chair Plaag expressed concern that these exemptions would include the stadium at ASU. Ms. Mitchell replied that stadium lighting was addressed under Section 27.04 Sports Field Lighting. She stated that 27.02.01 was not drafted to allow an exemption for the stadium. Vice Chair Plaag noted that a skilled lawyer could make an argument that stadium lighting was necessary for public safety and welfare during a football game, which would make their lighting exempt from the requirements. He suggested rewording 27.02.01(A) and (B) to avoid unintended consequences.

Vice Chair Plaag referenced the following proposed text:

27.02.01 Exemptions

C. Lighting of United States of America or North Carolina state flags specifically if the flag and flagpole do not exceed the maximum permitted building height for the zoning district.

He asked why flagpole lighting was exempt and noted that flagpole lighting should fall under the same regulations as other architectural features and be limited to 800 lumens. Ms. Shook replied that flagpole lighting was a common exemption across the state. She noted that flagpoles were often lit with solar lights that did not require a permit to install. Vice Chair Plaag stated that allowing an exemption for flagpole lighting could allow someone to illuminate their flag with a blindingly bright light.

Vice Chair Plaag referenced the following proposed text:

27.02.01 Exemptions

D. Individual residential lighting for Single-Family Dwellings (Use 1.01), Manufactured Homes (Use 1.02-1.04), other uses lawfully operated out of a single-family dwelling or Use 1.06 Duplex (one duplex building per lot), that are not part of subdivision plan for street or other common or public area outdoor lighting.

He asked why residential lighting would be exempt when security flood lighting on homes was sometimes blinding. Ms. Mitchell replied that residential lighting was another item that was commonly exempt from other research jurisdictions. Ms. Shook added that the lighting standards currently did not apply to single-family and two-family development, and to do so would require a total revamp of the review and enforcement process.

Vice Chair Plaag asked if the word “event” was defined as it related to sports field lighting. He noted that there were times when there was football practice at 5:00 a.m. with all of the stadium lights on and canned crowd noise blasting. Ms. Shook noted that ASU might have some type of lighting that could be turned to a lower intensity level. She noted that there had been a general concern about the impacts of the University's stadium lighting, not only on adjacent neighborhoods, but also on neighborhoods across the valley when no events were actually taking place.

Chair Shay asked how the ordinance would cross-reference signs and lighting and how staff would know when lighting became a sign, or a sign became lighting. Ms. Shook responded this would be accomplished through training and possibly some minor text amendments.

Mayor Pro Tem Tugman noted that some language about residential security lighting should be considered in the future. She also noted that open and closed signs should be limited in size so that they do not stretch across the entire front of a business. Ms. Shook added that there would be some minor text amendments to the sign ordinance to address this issue.

There was no public comment on this case.

Vice Chair Plaag asked what the compliance date was for window signs. Ms. Shook replied that the compliance date was January 1, 2024.

Ms. Shook asked Council and Planning Commission members for their thoughts regarding sunsetting and, if interested, what elements should be included in the sunset. Council Member George stated he would be interested in sunsetting things outside of the structural components, such as light poles and floodlights. He agreed with Vice Chair Plaag that this would help the Town achieve some form of carbon output efficiency.

Ms. Shook noted that imposing a sunset date would require staff to change schedules to allow enforcement actions to take place in the evenings when lights would be operational. She stated that sunsetting needed to be clear with an easy way to enforce the regulations.

Council Member Roseman stated she would like to make sure that, if they did do any sunsetting, it was on things that would be very egregious and cause light pollution to the community. She recognized that requiring people to make some of the suggested changes would be a true hardship.

With nothing further, Mayor Futrelle closed the public hearing for this case at 7:02 p.m.

Adjournment of Town Council

Council Member Roseman made a motion to adjourn the Town Council at 7:04 p.m. The motion was seconded by Mayor Pro Tem Tugman.

Vote: Aye – All
Nay – None

The motion passed.

Tim Futrelle, Mayor

Brenda Henson, Board Secretary

Elizabeth Shay, Planning Commission Chair

Continuation of Planning Commission Meeting

Public Comment

There was no additional public comment.

Approval of Planning Commission Meeting Minutes

Commission Member Behrend made a motion to approve the May 22, 2023, Planning Commission meeting minutes as written. Chair Shay seconded the motion.

Vote: Aye – 3
Nay – None
Abstain – 1 (Plaag)

The motion passed.

Case PL06422-012523 Kelpat Terrace – General Use Zoning Map Amendment

The Town of Boone has submitted a General Use Zoning Map Amendment application requesting to rezone 145 Moretz Drive from B1 Central Business to R3 Multiple-Family. This rezoning is necessary because, as of October 2021, the B1 Central Business zoning district no longer exists as it was replaced with two new zoning districts, the B1 Downtown Core, and the B1 Downtown Interface.

Chair Shay asked for further clarification on the setback of 13 feet that would be required under the R3 zoning. Ms. Shook explained that the B1 Downtown Interface zoning district had a zero-foot interior setback if it was adjacent to another property zoned B1 Downtown Interface. However, if a B1 Downtown Interface property were adjacent to a property that was zoned differently, that zoning district's interior setback would apply to the property B1 Downtown Interface property as well.

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

Comprehensive Plan Policy 2.3 The Community

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

Comprehensive Plan Policy 2.3.3 Housing & Neighborhoods

A. The protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community.

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.

The motion was seconded by Commission Member Tippet.

Vote: Aye – All
Nay – None

The motion passed.

Second Motion and Vote: Vice Chair Plaag made a motion that the Planning Commission recommends approval of Ordinance PL06422-012523 and believes approval is reasonable and in the public interest because the proposed zoning classification change brings the current parcel in alignment with its current use and helps to create a buffer to the R1 neighborhood that is located to the south. The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed.

Case PL05640-040822 Lighting Design Standards – UDO Text Amendment

The Town of Boone has submitted a request to modify UDO Article 25 Community Appearance Standards to reflect lighting industry changes and lighting design best practices. In conjunction with the Community Appearance Commission evaluating current Community Appearance Standards, Planning Staff has evaluated the current lighting standards by meeting with lighting design professionals, dark sky advocates, and local energy providers to discuss current lighting practices and areas of improvement.

Ms. Shook reviewed some of the items that were discussed during the public hearing including a review of non-conforming situations and what that covered, reviewing the nonconforming language to ensure that lighting and signs were covered, review 27.02.01(A) and (B) to ensure that ASU's stadium lighting could not be considered exempt, and reviewing 27.02.01(C) on flagpole lighting.

Commission Member Behrend suggested removing 27.02.01(C) regarding the exemption of flagpole lighting.

Vice Chair Plaag suggested the following be added to Section 27.03.07(D) Glare Control: Uplighting may only be used to illuminate a landscaping element, a US or North Carolina flag, or an architectural feature provided the lighting design has a maximum light output of 800 lumens. He also suggested that language might need to be added regarding pole heights.

Discussion ensued regarding stadium lighting. Ms. Shook wondered if part of the problem with stadium lighting was the hours of operation. She stated that this topic could possibly be addressed through Town/Gown relations. Ms. Shook noted that sports field lighting applied not only to ASU but to Watauga County High School, Hardin Park Elementary School, and Watauga County recreation facilities. She stated that she was hesitant to try to define the word "event" because sometimes defining a word provided no flexibility.

Vice Chair Plaag stated he was really more concerned with ASU's stadium lights during practice sessions when all of the lights were on early in the morning or left on after everyone was gone in the evening. Ms. Shook suggested the addition of language that would limit stadium lights to be on no more than 1-2 hours after an event or usage and be limited to a certain output. Vice Chair Plaag stated he was unsure if the stadium had downlighting. If they did not and Town Council imposed a sunset date, they would have to come into compliance. Vice Chair Plaag stated that penalties should be assessed if ASU did not bring their lighting into compliance with the local ordinance.

Vice Chair Plaag stated that residential lighting could be considered at a later date. He suggested that when it was considered, compliance could be complaint-driven. Ms. Shook stated she would put residential lighting on the list of items to revisit.

Chair Shay asked Ms. Shook to give them a list of the suggested changes so far. Ms. Shook stated that staff would review the nonconforming situation to see how lighting and signs would be impacted by that text and revise it, if necessary; review 27.02.01(A) and (B); eliminate 27.02.01(C) regarding the exemption of flags; review 27.03.07(D) architectural features and add language from 27.01.01(C) regarding flag poles; research hours of operation restrictions for lighting; have a conversation with the Town Manager and the Town Attorney regarding general compliance by those who have sports fields; and research a possible definition of the word "event".

Vice Chair Plaag noted there were three categories of changes that a property owner might have to make if there was a sunset date. One would be to keep the light pole and retrofit the instrument so that it met the standard. Another would be to completely replace the light pole and instrument to come into compliance. Lastly, different building lighting features, that lit a sign or accent strips around the top of a hotel would need to be replaced or removed to come into compliance.

Ms. Shook noted that pole height was difficult to accurately measure and a sunset date on pole heights would mean a site visit to every commercial property in the Town of Boone to try to take measurements. She stated that when properties had to come into compliance with the sign ordinance and the gas station canopy requirements, these items were more easily identifiable and manageable.

Vice Chair Plaag suggested a sunset date of five years, or 10 years if someone had recently upgraded their lighting. Ms. Shook noted it would be difficult to keep track of who had made recent upgrades as well as offering two different compliance dates.

Ms. Shook asked Commission members if there was something specific and most egregious, other than sports field lighting, that they would like to see come into compliance.

Commission Member Tippettt stated he liked the idea of sunseting. He also stated that he was aware there could be costs to business owners who did not own the property, and tracking would be difficult for staff. Commission Member Tippettt noted that properties would eventually come into compliance as renovations took place.

Ms. Shook explained that the lighting text amendment was not suggested because complaints had been received but because of changes in technology and industry standards necessitated a review of the standards so that the language reflected not only the new technology but what Staff thought would be best practices.

Vice Chair Plaag stated that the most important things to him were the downcasting and shielding of lights, the Kelvins, and color temperature.

Chair Shay agreed with Vice Chair Plaag, noting light pollution, emissions, and energy consumption as important issues. She expressed concern with creating ordinances that lock things in and then technology and development conditions changed, and then you are stuck with these old, very specific ordinances that get very fussy about height and design features.

Vice Chair Plaag noted that the egregious examples would stand out to the inspectors by the end of the sunset date, either through a complaint-driven process or just by driving around town.

When asked by the Commission, Ms. Shook reminded Commission members that they were not required to give a recommendation this evening unless they wanted to. However, if 30 days passed without a recommendation, Town Council could go ahead and take action on the request. Ms. Shook stated that Planning Commission could meet again in August to discuss this amendment or staff could try to craft revisions based on tonight's conversation to present to Town Council at their next meeting.

Commission Member Behrend liked the idea that staff put the Commission's suggestions together and propose them to the Town Council instead of having the Planning Commission meet about this topic again. She also stated she would be in favor of not implementing a sunset date.

Commission Member Tippettt agreed with Commission Member Behrend about moving the text forward, but supported a sunset of 5-7 years for the items that Vice Chair Plaag outlined as egregious.

First Motion and Vote: Vice Chair Plaag made a motion that the amendment to the town's zoning ordinance, inclusive of the following modifications; staff would review the nonconforming situation to see how lighting would be impacted by that text and revise it, if necessary; review 27.02.01(A) and (B) for lighting and signs; eliminate 27.02.01(C) regarding the exemption of flags; review 27.03.07(D) architectural features and add language from 27.01.01(C) regarding flag poles; research hours of operation restrictions for lighting; have a conversation with the Town Manager and the Town Attorney regarding general compliance by those who have sports fields; and research a possible definition of the word event, after further consideration by planning staff for clarity and to the inclusion of a sunseting provision to address the most egregious areas of concern, perhaps to include such issues as downcasting, shielding, and light temperature, with a sunseting period of between five and seven years to address those areas of concern, is consistent with the Town's comprehensive plan and any other adopted plans of the Town that are applicable because the amendment is consistent with:

Comprehensive Plan Policy 2.1.1 Economic Development

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

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

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

Commission Member Behrend seconded the motion and wished to amend the motion to include:

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.

Vice Chair Plaag accepted the amendment.

Vote: Aye – All
Nay – None

The motion passed.

Second Motion and Vote: Vice Chair Plaag made a motion that the Planning Commission recommends approval of Ordinance PL05640-040822 as amended and believes approval is reasonable and in the public interest because the proposed changes to the lighting ordinance, broadly speaking, will address a number of long-standing concerns within the community about light pollution and likely will have the additional benefit of improving energy efficiency and helping the Town meet its carbon neutral goals. The motion was seconded by Commission Member Tippet. Chair Shay wished to amend the motion to include the phrase "without unduly burdening businesses and economic development". Vice Chair Plaag and Commission Member Tippet accepted the amendment.

Vote: Aye – All
Nay – None

The motion passed.

Other Matters

Ms. Shook noted that there would be text amendments in the near future regarding traffic impact analyses and historic district revisions in Appendix D. She also noted that the Town hoped to have a consultant by the end of September to begin work on the Comprehensive Plan update with a goal for completion of August 2024.

Vice Chair Plaag announced that he was running for a position on Town Council and, if elected, he would no longer be eligible to be a member of the Planning Commission or the Historic Preservation Commission.

Adjournment of Planning Commission

Commission Member Behrend made a motion to adjourn the meeting at 8:29 p.m. Commission Member Tippet seconded the motion.

Vote: Aye – All

Nay – None
The motion passed.

Elizabeth Shay, Planning Commission Chair

Brenda Henson, Board Secretary

DRAFT

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:

near corner of Bub Teems + Hwy 421 East King

Watauga County Parcel Identification Number:

2920 09617 7000

Existing Zoning District(s):

R3

Proposed Zoning District(s):

B3

Adjacent Land Uses:

N:

B3

E:

road, - (RI across road)

S:

B3

W:

B3 (- The Collection)

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

☐ Yes ☒ No ☐ Unknown

If yes, describe:

Total Land Area:

0.17 ac. (+/-)

C. Property Owner Information

Name:

Andrea K. Finney (f/k/a Andrea Kay Brown)

Complete Mailing Address (Street, City, Zip):

2366 Ridge Road Boone, NC 28607

Phone Number:

828-963-3214

Email Address:

andreafinney1117@gmail.com

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.

Chelsea Beau Garrett

Property Owner (Print)

for Andrea Finney
(per email 6-30-2023
attached)

Chelsea Beau Garrett

Property Owner (Signature)

6-30-2023

Date

Official Use Only				
Permit Name: <u>Brown, Andrea - Gen. Use Z. Map Amend.</u>				
Permit Number: _____				
Date: <u>6-30-23</u>	Fee: <u>\$374.00</u>	Receipt Number: <u>706971</u>	Method of Payment: ☐ Cash ☒ Check Number: <u>1335</u>	Paid By: <u>TPS Marriott</u>

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: _____

PC Meeting Date: _____

TC Meeting Date: _____

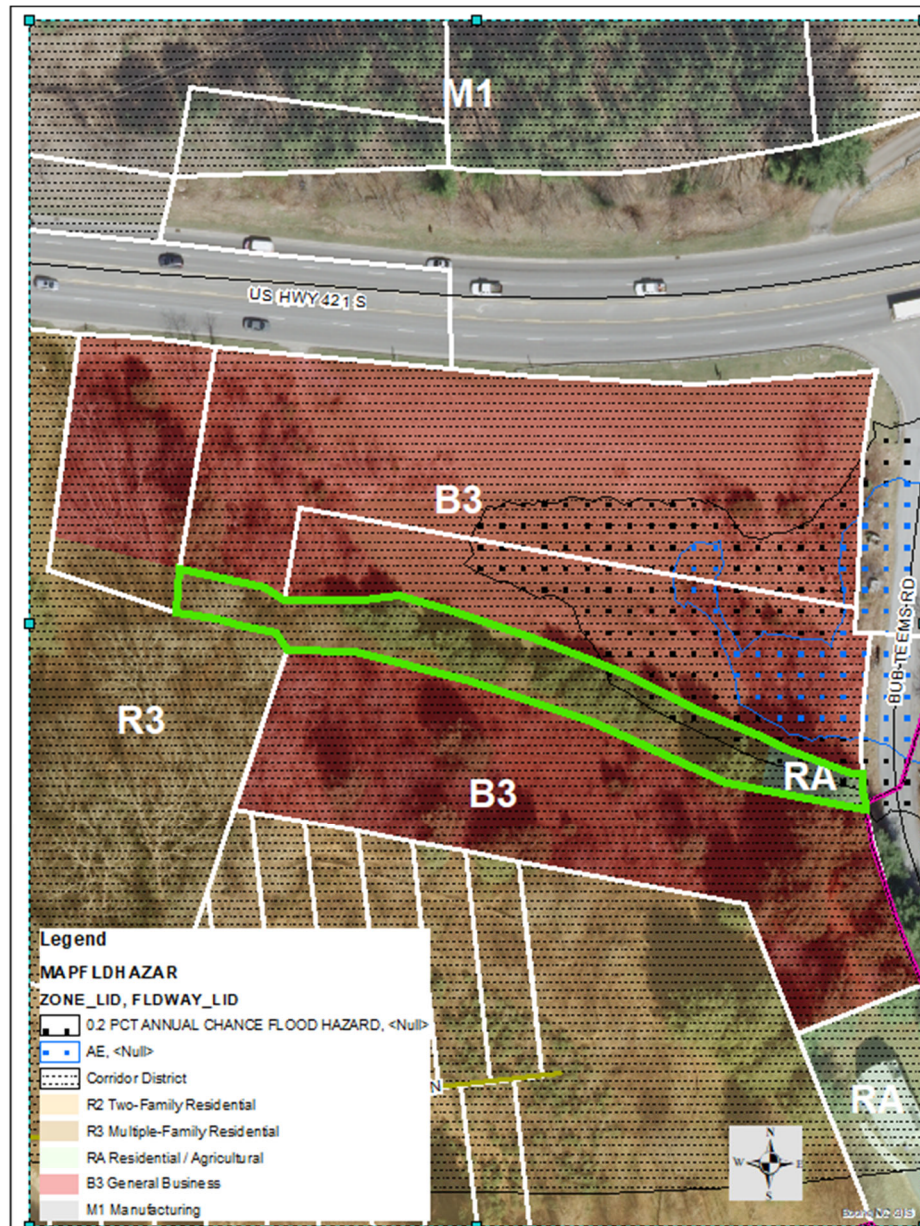
Date of APO Mailed Notification: _____

Date of Posted Notification: _____

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

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Staff Report
Public Hearing
September 25, 2023
Case A23-0003 Andrea Finney General Use Zoning Map Amendment



Request

Andrea K Finney has submitted a General Use Zoning Map Amendment petition to rezone a parcel of property located on Bub Teems Road (Watauga County PIN: 2920-09-6177-000) from R3 Multi-Family Residential and RA Residential/Agricultural to B3 General Business. The subject property is outlined in green on the map above.

General Use Zoning Map Amendment Guidance

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

History

On April 12, 2023, Town Council denied a request to rezone the property to Conditional District B3 as part of a Conditional District Zoning Map amendment and site-specific approval which also included three other surrounding parcels.

Parcel Information

Property Owners Information:	Andrea Kay Brown
Watauga County PIN:	2920-09-6177-000
Address:	TBD
Use:	Vacant
Size:	0.169 acres
Jurisdiction:	Town of Boone
Access:	Bub Teems Road
Corridor District:	Yes
Viewshed:	No
Watershed:	No
SFHA:	Yes. A portion of the parcel is located within the Special Flood Hazard Area although not within the AE Floodway.
Steep Slope:	Yes
Very Steep Slope:	
Vesting:	N/A
Current Zoning:	<u>R3 Multi-Family Residential</u>

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 intended to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.

RA Residential/Agricultural

The RA Residential/Agricultural District is established as a district in which the principal use of the land is for low density residential and agricultural purposes. Low-density commercial and service uses which serve the day-to-day convenience needs of the surrounding area are permissible so long as the uses are of such nature as to minimize conflicts with the area they serve. These districts are intended to ensure that residential development not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at a sufficiently low density to provide a healthful environment. The regulations for this district are intended to create a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses.

Corridor Overlay District

The corridor districts are established overlay districts intended to protect the main thoroughfares through Town.

Proposed Zoning:

B3 General Business with Corridor Overlay District

The B3 General Business District is primarily intended to accommodate a wide range of office, restaurant, retail, service, and multi-family residential uses in a mixed-use environment. The regulations for this district are intended to create a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses.

Current Use:

Currently Vacant

Analysis of Adjacent Zoning

	Adjacent Zoning	Adjacent Land Use
North	B3 General Business	Vacant (parcels also owned by applicant to North)
West	R3 Multi-Family Residential; B3 General Business	Vacant
South	R3 Multi-Family Residential; B3 General Business	Multi-Family Residential; Vacant
East	Not zoned (Outside Town Limits)	Single-Family Dwellings

Zoning District Analysis

APPENDIX B COMPARATIVE TABLES

B1.01 Complete Table of Principal Uses

Use #	Specific Use	Zoning Districts			Reference
		RA	R3	B3	
1.0 Household Living					
1.01	Single-Family Dwelling	P			
1.02	Manufactured Home “Class A”	L			15.01
1.03	Manufactured Home “Class B”	L			15.01
1.04	Manufactured Home “Class C”				
1.05	Manufactured Home Park				15.02
1.06	Duplex (one duplex building per lot)	P	P		
1.07	Duplex (more than one duplex building per lot)		L		15.03
1.08	Townhouse (up to 30 bedrooms)		L ^{T50}		15.03
1.09	Townhouse (31-100 bedrooms)		L ^{T75}		15.03
1.10	Townhouse (> 100 bedrooms)		L ¹²⁵		15.03
1.11	Multi-Family Dwelling (up to 30 bedrooms)		L ^{T125}		15.03
1.12	Multi-Family Dwelling (31-100 bedrooms)		L ^{T200}		15.03
1.13	Multi-Family Dwelling (> 100 bedrooms)		L ^{T300}		15.03
1.14	Multi-Family Dwelling in Mixed Use (up to 30 bedrooms)			L	15.04
1.15	Multi-Family Dwelling in Mixed Use (31-100 bedrooms)			L ^{T125}	15.04
1.16	Multi-Family Dwelling in Mixed Use (> 100 bedrooms)			L ^{T200}	15.04
1.17	Adult Living Community		p ^{T300}		

Use #	Specific Use	Zoning Districts			Reference
		RA	R3	B3	
2.0 Group Living					
2.01	Family Care Home	L	L		15.06
2.02	Family Care Institutions				15.07
2.03	Halfway House, Category 1				15.07
2.04	Halfway House, Category 2				15.07
2.05	Residential Care Facility			pT300	
2.06	Fraternity or Sorority Dwelling		S ^{T300}		15.09
2.07	Boarding House		L	L	15.10
3.0 Transient Living					
3.01	Home for Survivors of Domestic Violence	L			15.11
3.02	Shelter for Homeless, Category 1		L ^{T50}	L ^{T50}	15.12
3.03	Shelter for Homeless, Category 2		L ^{T300}	L ^{T300}	15.12
3.04	Bed and Breakfast, Category 1	L			15.13
3.05	Bed and Breakfast, Category 2			L ^{T125}	15.13
3.06	Vacation Rental	L ^{T75}	L ^{T75}	L ^{T75}	15.14
3.07	Homestay Rental	L	L	L	15.05
3.08	Motel			pT300	
3.09	Hotel, Small			P	
3.10	Hotel, Large			pT200	
3.11	Hotel, extended stay			pT300	
4.0 Institutional					
4.01	Airport/Landing Strip	S ^{T300}			15.15
4.02	Heliport	S ^{T300}			
4.03	Funeral Home Establishment			P	
4.04	Cemetery	P	P	P	
4.05	Post Office			P	
4.06	Post Office, Distribution				

Use #	Specific Use	Zoning Districts			Reference
		RA	R3	B3	
4.07	Animal Sanctuary	S ^{T300}			
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	P	P	
5.05	Recreation Facility, Category 2	P		P	
5.06	Recreation Facility, Category 3	p ^{T50}	P	p ^{T50}	
5.07	Event Venue, Category 1		P	P	
5.08	Event Venue, Category 2		S	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	15.16
5.14	Utility Facility, Government, Neighborhood	L	P	L	15.16
5.15	Utility Facility, Government, Regional	L ^{T300}	L	L ^{T300}	15.16
5.16	Government Facility	P	L	P	
6.0 Non-Government Utility Facility					
6.01	Utility Facility, Neighborhood	L	L	L	15.16
6.02	Utility Facility, Regional	L ^{T300}		L ^{T300}	15.16

Use #	Specific Use	Zoning Districts			Reference
		RA	R3	B3	
7.0 Wireless Communication					
7.01	Small Wireless Collocation	L	L	L	15.18
7.02	Wireless Facility Collocation on Existing Wireless Support Structure or Utility Pole	L	L	L	15.17
7.03	Stealth Wireless Facility Attached to Existing Building or Structure	L	L	L	15.17
7.04	Non-stealth Wireless Facility Attached to Existing Building or Structure				15.17
7.05	Non-stealth Wireless Facility Collocation on Electrical Transmission Towers	L	L	L	15.17
7.06	Stealth Wireless Support Structure	S/L	L	L	15.17
7.07	Non-stealth Wireless Support Structure		L	L	15.17
7.08	Emergency Response Communication Antenna	P	P	P	
8.0 Assembly					
8.01	Religious Assembly, Category 1	P	P	P	
8.02	Religious Assembly, Category 2	p ^{T125}	p ^{T125}	P	
8.03	Religious Assembly, Category 3	p ^{T200}		p ^{T200}	
8.04	Club/Lodge, Category 1			p ^{T75}	
8.05	Club/Lodge Which Does Not Serve Alcohol	P		P	
9.0 Education					

Use #	Specific Use	Zoning Districts			Reference
		RA	R3	B3	
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				15.63
9.08	College- or university-operated child daycare center				15.19
10.0 Daycare					
10.01	Child Daycare, Large	L	L	L	15.19
10.02	Child Daycare Center			L	15.19
10.03	Adult Daycare, Large	L	L	L	15.19
10.04	Adult Daycare Center			L	15.19
10.05	All Other Daycare				
11.0 General Sales and Service					
11.01	Kennel	L ^{T125}		L ^{T125}	15.20
11.02	Veterinary Office/Hospital with Outdoor Kennels	L ^{T125}		L ^{T125}	15.20
11.03	Veterinary Office/Hospital without Outdoor Kennels	P		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}	

Use #	Specific Use	Zoning Districts			Reference
		RA	R3	B3	
11.07	Other Restaurants ≤ 2,500 ft²			P	
11.08	Restaurant > 2,500 ft² open to the public during 10 pm – 6 am			pT200	
11.09	Other Restaurants > 2,500 ft²			pT125	
11.10	Restaurant ≤ 3,500 ft² open to the public during 10 pm-6 am				
11.11	Other Restaurants ≤ 3,500 ft²				
11.12	Bar				
11.13	ABC Store			P	
11.14	Personal Service Establishment open to the public during 10 pm-6 am			pT75	
11.15	Other Personal Service Establishments			P	
11.16	Retail Store up to 5,000 ft²			P	
11.17	Retail Store more than 5,000 but less than 25,000 ft²			pT200	
11.18	Retail Store 25,000 ft² and greater			L T300	15.21
11.19	Reserved				
11.20	Business or Professional Office open to the public during 10 pm - am			pT75	
11.21	Other Business or Professional Office			P	
11.22	Medical Office, Category 1			pT300	
11.23	Medical Office, Category 2			pT125	
11.24	Medical Office, Category 3			pT125	

Use #	Specific Use	Zoning Districts			Reference
		RA	R3	B3	
11.25	Medical Office, Category 4			P	
11.26	Hospital				
11.27	Medical Emergency Response			pT300	
11.28	Open Air Market, Recurring	L ^{T75}		L ^{T75}	15.22
11.29	Vehicle Sales and Service			L ^{T75}	15.23
11.30	Equipment Sales and Service			L ^{T125}	15.24
11.31	Moped Sales and Service			P	
11.32	Boat or Marine Craft Sales and Service			L ^{T75}	15.25
11.33	Impound Lot/Towing Service			L ^{T125}	15.26
11.34	Gas Station	pT125		pT125	
11.35	Car Wash			pT125	
11.36	Seasonal Retail Activities and Amusements	P		P	
11.37	Electric-Vehicle Charging Station			L	15.65
12.0 Recreation & Entertainment Uses					
12.01	Indoor Shooting Range	L ^{T75}		L ^{T75}	15.27
12.02	Outdoor Shooting Range				
12.03	Indoor Theater			P	
12.04	Outdoor Theater	pT200		pT125	
12.05	Event Venue, Category 1			P	
12.06	Event Venue, Category 2			pT125	
12.07	Event Venue, Category 3			pT200	
12.08	Campground and Recreational Vehicle Park	L ^{T200}		L ^{T200}	15.28
12.09	Coliseum			S ^{T300}	
12.10	Recreation Facility, Category 1	pT125		P	

Use #	Specific Use	Zoning Districts			Reference
		RA	R3	B3	
12.11	Recreation Facility, Category 2	p ^{T125}		p ^{T50}	
12.12	Recreation Facility, Category 3	p ^{T200}		p ^{T200}	
12.13	Racetrack				
13.0 Agriculture					
13.01	Garden, Community	L		L	15.29
13.02	Garden, Residential	L		L	15.30
13.03	Agricultural Operation Excluding Livestock	P			
13.04	Agricultural Operation Including Livestock	P			
13.05	Swine Farm				
13.06	Confined Animal Feeding Operation (CAFO)				
13.07	Custom Slaughterhouse	P			
13.08	Other Slaughterhouse				
13.09	Forestry	L	L	L	15.31
14.0 Manufacturing					
14.01	Microbrewery			L ^{T125}	15.32
14.02	Brewpub			L ^{T125}	15.32
14.03	Brewery/Distillery			L ^{T125}	15.33
14.04	Brewery/Distillery, Other				15.34
14.05	Winery Associated with a Vineyard	L ^{T125}			15.35
14.06	Winery			L ^{T125}	15.35
14.07	Winery, Other				
14.08	Extraction of Earth Materials				
14.09	Machine/Welding Shop			L ^{T200}	15.37
14.10	Manufacturing, Other				15.38
15.0 Parking					

Use #	Specific Use	Zoning Districts			Reference	
		RA	R3	B3		
15.01	Parking Lot			L	15.39	
15.02	Parking Structure		L ^{T125}	L	15.40	
15.03	Park and Ride Lots	L		L	15.39	
16.0 Storage						
16.01	Self-Storage Facilities	L ^{T125}		L ^{T75}	15.41	
16.02	Outdoor Storage				15.42	
16.03	Warehouse					
16.04	Fuel Storage Facility			p ^{T300}		
16.05	Chemical Storage Facility					
17.0 Transportation						
17.01	Passenger Terminals			p ^{T200}		
17.02	Trucking or freight terminal ≤ 10,000 ft²			p ^{T125}		
17.03	Trucking or freight terminal > 10,000 ft²					
18.0 Waste Related Uses						
18.01	Recycling Drop-off Station	L ^{T300}			15.42	
18.02	Recycling and Salvage				15.42	
18.03	Junkyard					
18.04	Private Landfill					
19.0 Particular Activities Which Pose Particular Concern About Public Health						
19.01	Electronic and Internet Gaming			S	15.43	
19.02	Adult Establishments					15.44

(Ord. PL04727-050721, 07-01-2021; Ord. PL05272-110121, 12-08-2021; Ord. PL05168-100621, 12-08-2021)

A-1	Secondary suite	L	L	L	15.45
A-2	Home occupation	L	L	L	15.46

A-3	Accessory dwelling unit			L	15.47
A-4	Drive-through				15.48
A-5	Outdoor display				15.49
A-6	Outdoor storage				15.50
A-7	Outdoor dining				15.51
A-8	Automated teller machine (ATM)				
A-9	Automated teller machine (ATM), freestanding				15.52
A-10	Produce stand	L			15.53
A-11	Poultry	L	L	L	15.54
A-12	Livestock, small	L	L	L	15.55
A-13	Livestock, large	L			15.56
A-14	Bees	L	L	L	15.57
A-15	Garden, residential	L	L	L	15.58
A-16	Satellite receiving antennas less than 1 meter in diameter	P	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				
A-19	Helistop	ST300			
A-20	Swimming pools, spas, and hot tubs	L	L	L	15.59
A-21	Caretaker's residence				15.60
A-22	Vehicular gate	L	L	L	15.61
A-23	Vehicle washing station	P			
A-24	Chemical storage facility				
A-25	Open air market, accessory	L	L	L	15.22
A-26	Daycare, small	P	P	P	
A-27	Limited structure to enable recreational use of open rooftops				14.03.07(G) 14.19.06(H)(8)(d)
A-28	Solar Energy	L	L	L	15.64

	System				
A-29	Electric-Vehicle Charging Station	L	L	L	15.65

Excerpt of B1.04 Complete Intensity Table

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Minimum Livability Space Ratio* (LSR)	Minimum Setbacks	
					Street	Interior
Residential Zoning Districts						
RA (Public Water & Sewer Available)	10,000 sq. ft.	65 ft.	52 ft.	.65	20 ft.	14 ft.
R3	20,000 sq. ft.	80 ft.	64 ft.	.40	20 ft.	13 ft.
B3	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.

Excerpt of B1.05 Complete Building Height Table

Zone	Height Limitation
RA, R3	3 stories
B3	3 stories/45' primary – 4 stories/56' secondary

Excerpt of B1.06 Complete Occupancy Table

Occupancy Regulation	Zoning District
One family or up to 2 unrelated Note: a dwelling occupied by a family (but not unrelated persons) may also have one (1) roomer.	R1 Single-Family Residential R1S Small Home Residential R1A Single-Family Residential with Accessory Dwelling RR Residential Rehabilitation R2 Two-Family Residential R4 Two-Family Residential/Manufactured Housing R5 55+ Housing Residential RA Residential Agriculture MH Manufactured Housing B1 Downtown Interface B1 Downtown Core B2 Neighborhood Business O/I Office Institutional E2 Educational
One family or up to 4 unrelated Note: a dwelling occupied by a family (but not unrelated persons) may also have one (1) roomer.	R3 Multi-Family Residential B3 General Business M1 Manufacturing

Staff Note: *The subject parcel is a non-conforming lot of record. The current zoning districts of R3 and RA both have larger minimum lot size, lot width and street frontage requirements. If the parcel was re-zoned to B3, the parcel would still be a non-conforming lot of record but the amount of the non-conformity would be reduced.*

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.

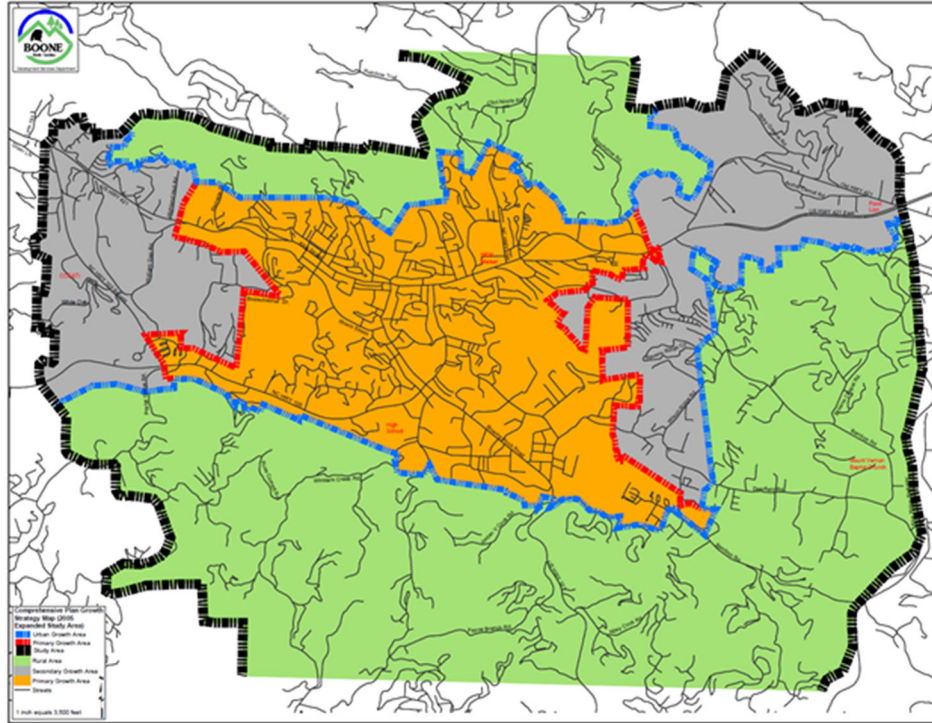
Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

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.

1.2 Growth Strategy Map (p. 17): The property is located within Primary Growth Area.



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

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

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

Staff has reviewed land use and comprehensive plan policies, and listed those policies 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. See below:

2.1 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.

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

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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.

2.2.2 Utilities

- 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 employ incentives to encourage a concentration of intense urban type development within the Urban Growth Area.

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2.2.5 Environmental Health

- 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.

2.3 THE COMMUNITY

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

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

2.3.3 Housing & Neighborhoods

- A. The protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community.
- H. The overall housing unit density for proposed infill residential development or redevelopment should be compatible with the average density of existing areas.

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Certificate of Mailing

I, Brenda Henson, certify that individual notices meeting the requirements of Article 9 of the Town of Boone UDO were placed in the mail (first class) on September 1, 2023.

/s/ Brenda Henson

Brenda Henson, Administrative Support Specialist

Certification of Posting

I, Brandon Wise, 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 September 1, 2023.

/s/ Brandon Wise

Brandon Wise, Environmental Planner

PLANNING BOARD REPORT/RECOMMENDATIONS

Per NCGS 160D-604(b), subsequent to initial adoption of a zoning regulation, all proposed amendments to the zoning regulation or zoning map shall be submitted to the Planning Commission for review and comment. If no written report is received from the Planning Commission within 30 days of referral of the amendment to that board, the Town Council may act on the amendment without the Planning Commission report. The Town Council is not bound by the recommendations, if any, of the Planning Commission. Per NCGS 160D-604(d), when conducting a review of proposed zoning text or map, the Planning Commission shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Commission shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the Planning Commission, but a comment by the Planning Commission that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

Vote 1: The proposed amendment to the Town's zoning map ☐is OR ☐is not consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because:

Note 1

Vote 2: The Planning Commission recommends ☐approval OR ☐denial of Ordinance A23-0003 and believes ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

Note 1: describe elements of controlling land use plans and how the amendment is or is not consistent.

Note 2: briefly explain why, factors may include (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

TOWN COUNCIL ACTION -- Adoption of Ordinance

Per NCGS 160D-605, when adopting or rejecting any zoning text or map amendment, the Town Council shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the governing board that at the time of action on the amendment the governing board was aware of and considered the planning board's recommendations and any relevant portions of an adopted comprehensive plan. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently.

Vote 1: The proposed amendment to the Town's zoning map ☐is OR ☐is not consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because:

Note 1

Vote 2: The Town Council ☐approves OR ☐denies Ordinance A23-0003 and believes ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

Note 1: describe elements of controlling land use plans and how the amendment is or is not consistent.

Note 2: briefly explain why, factors may include (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

Exhibit A**Ordinance A23-0003**

WHEREAS, pursuant to N.C. Gen. Stat. §160D-601, the Town may amend its zoning map after giving proper public notice and holding a public hearing; and

WHEREAS, the Planning Commission and Town Council has received the request to amend the Official Zoning Map of the Town of Boone, North Carolina to rezone the property below from R3 Multiple Family Residential to R1 Single-Family Residential with a site-specific development plan for Use 1.01 Single Family Dwelling and the development of a 15-lot architecturally integrated major subdivision:

Address:	TBD
Watauga County PIN:	2920-09-6177-000
Property Owner(s):	Andrea Kay Brown
Zoning:	B3 General Business

WHEREAS, the Boone Town Council held a duly-noticed public hearing September 25, 2023 with respect to this rezoning request; and

WHEREAS, the Boone Town Council has taken into full consideration any information offered at the public hearing; and

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

NOW, THEREFORE, BE IT RESOLVED as follows:

- SECTION 1.** The Boone Town Council hereby approves and adopts the modifications to the Town Zoning Map as set forth herein.
- SECTION 2.** All provisions of any Town ordinance in conflict with this ordinance are hereby repealed to the extent of such conflict.
- SECTION 3.** This Ordinance shall be effective immediately upon its adoption by Town Council.

Adopted this the 11th day of October, 2023.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon, Town Clerk

TOWN COUNCIL AND PLANNING COMMISSION

PUBLIC HEARING MINUTES

MONDAY, MARCH 27, 2023, 6:00 PM

VIA WEBEX SOFTWARE

COUNCIL MEMBERS PRESENT: Mayor Tim Futrelle, Dalton George, Becca Nenow, and Virginia Roseman

PLANNING COMMISSION MEMBERS PRESENT: Elizabeth Shay-Chair, Eric Plaag-Vice-Chair, Chris Behrend, Scott Boyd, John Tippet, Frank Veno, and Smith Warren

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Stacey Miller-Deputy Director of Planning & Inspections & Chief Building Inspector, Christy Turner-Senior Planner, Mike James-Senior Planner, and Brenda Henson-Board Secretary

OTHER TOWN STAFF AND REPRESENTATIVES PRESENT: Allison Meade-Town Attorney, Rick Miller-Public Works Director, Justin Stines-Facilities Maintenance Superintendent

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Case PL06330-120922 Spring Hill Suites – Conditional District Zoning Map Amendment

Mansa Hospitality Boone, LLC has submitted a Conditional District Zoning Map Amendment application to rezone four parcels of property located at and near the intersection of US 421 South and Bub Teems Road (Watauga County PINs: 2920-09-6331-000, 2920-09-7251-000, 2920-09-6177-000 and 2920-09-7187-000) from B3 General Business and RA Residential/Agricultural to B3 General Business with a site-specific plan to develop a 104-room hotel (Use 3.10 – Hotel Large).

Mr. Mike James, Senior Planner with the Town of Boone Planning & Inspections Department, presented the request as it was outlined in the meeting packet. He noted that there were four parcels, one of which was split-zoned as R3 and RA. This request, if approved, would rezone the split-zoned property to B3 and allow for the development of a 104-room hotel.

Mr. Jay Shah with Mansa Hospitality Boone, LLC stated there would be no conference center or business center in the hotel. He noted that the development would have been allowed by right if the middle parcel had been zoned B3. Mr. Shah stated that the development would be at a higher elevation than Hwy 421 and Bub Teems Road. He felt that the hotel would create a positive economic impact and increase employment in Town.

Mr. James stated that the property was located in the Corridor District, but the applicant had requested an entrance onto Hwy 421 instead of Bub Teems Road. He noted that this information was contained in the traffic impact analysis located in the meeting packet.

Council Member George asked about impacts on any streams or the river. Mr. Brandon Wise, Environmental Planner with the Town of Boone Planning & Inspections Department, replied that there was a stream on the property that was piped though there was a portion of the stream was daylighted. Council Member George stated that East Boone was the only area for the Town to grow. He asked Council members to make sure this type of development was what they wanted to see along this major corridor.

Vice-Chair Plaag noted that about 1/3 of the site was located in the 500-year floodplain and a smaller portion was located in the 100-year floodplain. He asked how flooding would be mitigated. Mr. Wise replied that the building would be located outside of the 100-year floodplain. He noted that the plans indicated there would be an underground storage system that would contain any new runoff. Vice-Chair Plaag asked if the building would be elevated. Mr. Kory Hedrick with K2 Engineering replied that the building would be elevated.

Vice-Chair Plaag stated that there seemed to be a discrepancy in the data points in the parking and traffic analysis. He noted that the parking study was done in late January, on a day when the high temperature was 50 degrees. Chair Plaag did not feel that this was a true reflection of a peak demand period. Additionally, the study showed that between eight o'clock and 10 o'clock in the morning, there was an increase of 28 vehicles entering the parking lot on Saturday, yet the traffic study suggested that during the am peak, there would be an average of 25 vehicles entering. Vice-Chair Plaag stated that these types of issues caused him to worry about the validity of traffic and parking analyses. Mr. Shah replied that the study was done in January because of the timing of their application submission and the hearing. He added that there was no foul play or ill intention with the timing of the study or the temperature of the day.

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Council Member Roseman asked if the proposed sidewalk along Bub Teems Road could be removed and instead placed down Hwy 421 toward the bridge. Ms. Shook replied that the UDO required that new developments install sidewalks along roads bordering their property. She stated that the Town could not require a property owner to install a sidewalk along property that they did not own. Ms. Shook noted that a multi-modal path was planned for the opposite side of the highway she noted that there had been conversations with NCDOT about including the side of the proposed development as well. She asked Mr. Miller, Director of Public Works if he could provide any clarification.

Mr. Rick Miller, Director of Public Works, stated that the multi-modal path planned for the opposite side of the highway was approved but the Town and NCDOT had only preliminary conversations about another multi-modal path on this side of the highway.

Council Member Roseman felt it would be more beneficial to have a sidewalk along Hwy 421 to safely get pedestrians to the Greenway and Brookshire Park. Vice-Chair Plaag noted that there were almost 25 homes in that area that had the potential to use the sidewalk along Bub Teems Road.

Mr. Miller stated that extending the sidewalk along Hwy 421 within the state right-of-way would have to be done through encroachment agreements with DOT. He noted that this would not involve a property owner so the Town would have to fill out paperwork. Mr. Miller stated it would take time but it could be done.

Ms. Meade asked the applicant if there were any franchise agreements that would prohibit the installation of the sidewalk farther on Hwy 421 in lieu of installing the sidewalk along Bub Teems Road. Mr. Paul Gage replied that he was not aware of any requirements through Marriott regarding sidewalk installation. He added that they had followed the ordinance requirements. Mr. Shah added that the municipality had the requirements for the sidewalks, not the franchise.

Vice-Chair Plaag stated it was approximately 190' from Bub Teems Road to New River Hills. The proposed sidewalk along Bub Teems Road was approximately 380'. Vice-Chair Plaag suggested installing a small section of sidewalk up Bub Teems Road, then installing the remaining footage of sidewalk along Hwy 421 to New River Hills.

Ms. Meade asked what would be between the sidewalk and the retaining wall along Bub Teems Road. Mr. Hedrick replied that most of this area was in the DOT right-of-way and would be grass.

With nothing further, Mayor Futrelle closed the public hearing for this case at 8:08 p.m.

Ms. Shook noted that though she and Ms. Meade had worked on the revisions to the sign text but they were not ready for Planning Commission to discuss the revisions at tonight's meeting and noted that the Planning Commission would make a decision at their meeting on when to continue discussion.

Adjournment of Town Council

Council Member Roseman made a motion to adjourn the Town Council at 8:09 p.m. The motion was seconded by Council Member George.

Vote: Aye – All

Nay – None

The motion passed.

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Planning Commission Deliberations:

Mansa Hospitality Boone, LLC has submitted a Conditional District Zoning Map Amendment application to rezone four parcels of property located at and near the intersection of US 421 South and Bub Teems Road (Watauga County PINs: 2920-09-6331-000, 2920-09-7251-000, 2920-09-6177-000 and 2920-09-7187-000) from B3 General Business and RA Residential/Agricultural to B3 General Business with a site-specific plan to develop a 104-room hotel (Use 3.10 – Hotel Large).

Vie-Chair Plaag noted that two motorcycle parking spaces were required but the current site plan did not show those spaces. He stated that the staff report said compliance would be finalized during the zoning permit process, and asked what that comment meant. Mr. James explained that the required motorcycle parking spaces would have to be added to the plan during the zoning permit process. Vice-Chair Plaag asked if they would need to make that a condition of approval. Mr. James replied that it would not need to be a condition of approval because all applicable UDO requirements would have to be met to issue a zoning permit.

Commission Member Behrend thought the project looked good and felt it made sense to change the zoning from R3 and RA to B3.

Commission Member Veno agreed that it was a good project. He noted that a lot of time, effort, and money had gone into planning this project. Commission Member Veno asked why the applicant had not taken care of the rezoning issue before all of the project preparation was done. Ms. Shook replied that requesting a site-specific development plan provided more assurances than a general rezoning. Additionally, the current property owner did not own all four parcels previously.

Commission Member Tippet asked if there was a fund that the Town budgeted for sidewalk installation or if there were matching fund requirements with DOT. Mr. Miller replied that Public Works was usually allocated between \$15,000 and \$25,000 for sidewalk construction throughout the year. He stated that DOT only participated if the project was approved through the STIP (State Transportation Improvement Program) plan process. Mr. Miller noted that the multi-modal path planned for the north side of Hwy 421 was one of those projects. He stated that the Town had set aside money for the last five years totaling \$100,000 to go toward this project. The proposed path would extend from Grove Street to the Brookshire property. Mr. Miller noted that the Town's portion of the construction cost was 20%, or \$500,000. He stated that if they were to build a sidewalk on the opposite side of the highway, they would have to use the funds that were allocated to them or request money from the general fund through a budget amendment.

Commission Member Tippettt stated he was reluctant to do any trade-offs. He said he supported the project with the conditions but was reluctant to shorten the sidewalk on Bub Teems Road. Commission Member Tippettt also recognized the benefit of a sidewalk along Hwy 421 that would offer safer access to the Greenway.

Vice-Chair Plaag stated he would like to see a condition, if the arrangements could be made with DOT to secure permission through the right-of-way on Highway 421 between Bub Teems Road and New River Hills Road, that a sidewalk be installed that would create a direct path over to the Greenway access on New River Hills Road. This would allow hotel guests to walk down to New River Hills Road, go onto the underpass, and go over to Brookshire Park or the brewery. Vice-Chair Plaag felt that a portion of the sidewalk could also be installed on Bub Teems Road.

Vice-Chair Plaag expressed concern that allowing left-hand turns onto Hwy 421 would be hazardous. He noted that the speed limit was 45 miles per hour and the traffic lights were not close enough to the property to slow cars down. Vice-Chair Plaag asked if the cycling of the traffic lights could be changed so that they turn red more often. Mr. Miller replied that the Town could approach DOT about that possibility, but noted that DOT's main concern was keeping the traffic moving, not pedestrian safety. He stated that the traffic impact analysis did not have anything derogatory in it. Mr. Miller noted that the TIA was completed by an engineer and in order to question that engineer, the Town would have to hire an engineer to verify all the information in the TIA was correct. He added that an engineer would usually agree with another engineer. Vice-Chair Plaag stated it was really a matter of traffic safety because turning left on a busy highway would create a lot of near misses or accidents.

Vice-Chair Plaag stated that generally speaking, he was satisfied with the answers the applicant gave to his questions and he was supportive of the project with the condition of the possible sidewalk installation change.

Commission Member Venio asked if the speed limit in that area could be reduced from 45 miles per hour to 35 miles per hour. Mr. Miller replied that the ordinance required this type of request to come from Town Council in the form of a resolution. He stated that if the procedural steps were followed, that request could be submitted to DOT for their consideration. Mr. Miller noted that they could only request a change inside Town limits.

Commission Member Behrend stated there was a middle lane at the proposed driveway. She noted that some people were very good at using the lane and some were not.

Ms. Shook reminded Commission members that any conditions would need to be accepted by the applicant.

Vice-Chair Plaag asked if there would be a consensus of Commission members to ask the Town Council to do a resolution to DOT requesting the speed limit be reduced to 35 miles per hour from the Toyota dealership to the Nissan dealership if the project was approved. There was a consensus of Commission members.

Ms. Shook asked Mr. Shah if he would accept a condition, if it could be worked out, to split the distance of the sidewalk between a portion of Bub Teems Road and Hwy 421 to New River Hills Road. Mr. Shah replied that he thought he could get his group to agree to a linear foot to linear foot swap as long as it was okay with the Town and DOT.

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

Comprehensive Plan Policy 2.1.1 Economic Development

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.

Comprehensive Plan Policy 2.2.5 Environmental Health

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.

Comprehensive Plan Policy 2.3 The Community

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

The motion was seconded by Commission Member Tippet.

Vote: Aye – All

Nay – None

The motion passed.

Second Motion and Vote: Commission Member Veno made a motion that the Planning Commission recommends approval of Ordinance PL06330-120922 and believes approval is reasonable and in the public interest because the company has presented a well-thought-out plan and well-engineered plan that is consistent with the Town's standards. Vice-Chair Plaag wished to amend the motion to add the condition that if NCDOT approval can be secured that the statutorily required sidewalk installment along Bub Teems Road will be instead split in a linear foot for linear foot swap to include a portion of Bub Teems Road and the portion of UD 421 between Bub Teems Road and New River Hills Road.

Mr. James asked if a time limit could be placed on DOT's approval so that this condition could be enforced. Ms. Shook noted that encroachment agreements had to be applied for with their driveway permit, so she suggested that this might be an appropriate time to request approval from DOT for the sidewalk. Vice-Chair Plaag suggested a suitable time limit that would allow for appropriate back and forth with DOT without delaying the construction's progress. He added that if the change to the sidewalk placement was not allowed or easements could not be secured, the applicant would be required to install sidewalks as originally required by the UDO.

Vice-Chair Plaag asked that the staff conditions also be applied to the approval. Commission Member Venio accepted the suggested amendments to his motion. The motion was seconded by Commission Member Behrend.

Vote: Aye – All

Nay – None

The motion passed.

Motion and Vote: Vice-Chair Plaag made a motion that if the Town Council chooses to approve this project, they simultaneously to their approval also prepare a resolution to request of DOT that the speed limit from the Toyota dealership on US 421 to the Nissan dealership on US 421 be reduced from 45 miles per hour to 35 miles per hour in both directions. The motion was seconded by Commission Member Venio.

Vote: Aye – All

Nay – None

The motion passed.

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MINUTES – REGULAR MEETING BOONE TOWN COUNCIL April 12, 2023

CONSIDERATION OF CASES HEARD AT MARCH 27, 2023 PUBLIC HEARING

Ms. Shook presented Case PL06330-120922 - Spring Hill Suites Conditional District Zoning Map Amendment. Ms. Shook noted that if approved, the Planning Commission recommended that the speed limit in the area be reduced. Ms. Meade noted that this was not in the control of Council, but that they could approve a resolution of support to reduce the speed limit. It was also noted that the applicant understood and agreed to the conditions as proposed by the Planning Commission, which included certain conditions to sidewalks.

Mr. George expressed concern regarding this project and stated that approving this hotel would feel like bad planning to him. He added that, in his view, the project was at odds with many elements of the Comprehensive Plan. Ms. Roseman stated that, while she appreciated Mr. George's view, as a mother who traveled multiple years for her children's activities, a hotel such as this with pedestrian and bike paths and the connection to the Greenway trail was an incentive. Mr. Carter stated that he lived and worked in that corridor and that the proposed would only increase the high amount of traffic in the area. He stated that the hotel would not add any benefit to Boone citizens and would add 104 additional vehicles. Mayor Pro-Tem Tugman agreed with Mr. George's statement and that members had to approve better development than they had in the past and that this did not meet that vision. Ms. Nenow stated that this project did not support long-term residents, and that tourism was already strong as is.

Mr. George made a motion that the proposed amendment to the Town's zoning map is not consistent with the Comprehensive Plan and any other adopted plans of the Town that are applicable because it is not consistent with the following Comprehensive Plan Sections
2.1.1 Economic Development

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.

Comprehensive Plan Policy 2.2.5 Environmental Health

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.

Comprehensive Plan Policy 2.3 The Community

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

Mr. Carter seconded the motion and a vote was called.

VOTE: Aye: George, Tugman, Carter, Nenow

Nay: Roseman

Mr. George made a second motion to deny ordinance PL0633-120922 because of the negative impact the proposed project would have on the corridor and neighborhood and long-term residents, as well as the reasons listed above. Mayor Pro-Tem Tugman seconded the motion and a vote was called.

VOTE: Aye: George, Tugman, Carter, Nenow

Nay: Roseman

Amended Conditional District Zoning Map Amendment Application

Town of Boone Planning & Inspections Department
680 W. King Street, Suite C ♦ Boone, North Carolina 28607

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



A. Required to be Submitted at Time of Application (check all that apply)

Note: A pre-application meeting is required prior to application submittal.

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

- ☐ Digital copies of all paper submittal documents (may be emailed to planning@townofboone.net)
- ☐ 6 paper copies of complete site plans meeting the requirements of Town of Boone Unified Development Ordinance (UDO) Appendix A (max. size 30" x 42")
- ☐ Deed(s) of all property to be included in the request
- ☐ Both a digital and a hard copy of a written metes and bound legal description with accompanying survey map for a request that would rezone only a portion of a tax parcel or requests for multiple zoning districts.
- ☐ Property Owner Authorization. If you are not the property owner, you will need to provide documentation of property owner authorization to apply for this permit.
- ☐ Permit Fee (See Planning & Inspections Fee Schedule). Each application is allowed two (2) reviews. The 1st review of the submitted information and a 2nd review if revisions or supplemental information is required based upon the 1st review. Each subsequent review after the 2nd review will be charged at 50% of the original fees charged for the application. These fees shall be paid at the time of resubmittal.

B. Requested Hearing – See latest published Meeting Schedule for dates

Date of requested hearing: September 25, 2023

C. Property Information (Project Location)

Street Address:

TBD Faculty Street

Watauga County Parcel Identification Number(s):

2910-14-4592-000

D. Property Owner Information

Name:

A & R Mountain Properties, LLC

Complete Mailing Address (Street, City, Zip):

P.O. Box 2201, Boone, NC 28607

Phone Number:

828-773-9491

Email Address:

trice@brri.net

E. Applicant Information

Name:

A & R Mountain Properties, LLC

Company:

A & R Mountain Properties, LLC

Complete Mailing Address (Street, City, Zip):

P.O. Box 2201, Boone, NC 28607

Phone Number:

828-773-9491

Email Address:

trice@brri.net

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

F. Detailed Description of Project

Seeking conditional district rezoning from R3 to CDZ R3 with site specific approval of a townhome project consisting of 6 two bedroom townhomes and 6 one bedroom townhomes

G. Project Cost

Project Cost:

\$ 3,578,000

H. Development Information

Is the development subject to a previous Special Use Permit? ☐ Yes ☐ No ☒ Unknown

If yes, please describe: _____

Are there any other variances granted that impact the property? ☐ Yes ☐ No ☒ Unknown

If yes, please describe: _____

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

If yes, please describe: _____

I. District/Use Information

Existing Zoning District:

R3

Proposed Zoning District(s):

CZD R3

Existing Land Use(s):

Vacant

Proposed Land Use(s) (Specific Use # from UDO Section 15.07 Required):

15.03

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

Building Footprint Square Footage:	Current: <u>None</u>	Proposed: <u>See attachment</u>
Total Building Square Footage (all floors):	Current: <u>None</u>	Proposed: <u>See attachment</u>
Number of Stories	Current: <u>None</u>	Proposed: <u>See attachment</u>
Building Height:	Current: <u>None</u>	Proposed: <u>See attachment</u>
Number of Units:	Current: <u>None</u>	Proposed: <u>See attachment</u>
Number of Bedrooms:	Current: <u>None</u>	Proposed: <u>See attachment</u>

K. Environmental Information

Total Land Area : 0.69 ☐ Sq. Feet or ☒ Acres

Disturbed Area: 0.69 ☐ Sq. Feet or ☒ Acres

Viewshed: Is development occurring within the Viewshed Protection District? ☐ Yes ☒ No ☐ Unknown

Is development occurring on slopes in excess of 30%? ☒ Yes ☐ No ☐ Unknown

Slope:

Is development occurring on slopes in excess of 50%? ☐ Yes ☒ No ☐ Unknown

Is the property located within a designated Water Supply Watershed Area? ☐ Yes ☒ No ☐ Unknown

Watershed:

If yes, please select: ☐ WS-II-CA ☐ WS-IV-PA ☐ WS-IV-CA

Stream/River: Is there a stream or river on or near the property? ☒ Yes ☐ No Boone Creek is 60+/- feet from property line

SFHA: Is the property located within the Special Flood Hazard Area? ☒ Yes ☐ No ☐ Unknown

100 year flood plain encroaches 0.4 foot onto property line

Impervious Area: What is the existing impervious area in the development? 0 ☒ sq. feet ☐ acres
 What is the proposed impervious area in the development? 17,285 ☒ sq. feet ☐ acres

L. Design Professional Information

Designer is an: ☒ Architect ☒ Engineer ☐ Owner ☐ Other: See Supplement
 Name: Brent Davis Company: Brent Davis Architecture, Inc.
 Complete Mailing Address (Street, City, Zip): 189 Sally Street, Boone, NC 28607
 Phone Number: 828-265-4848 Email Address: bda.arch@yahoo.com

Additional Designer Information: If additional designers are involved beyond the 1 listed, please provide additional info on a separate sheet.

M. Brownfields Agreement Notification

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

N. Applicant Signature and Property Owner Authorization

I hereby certify that I am authorized to submit this application; that all information is correct and complete; and all work will comply with all applicable State and local laws, ordinances, and regulations. I will ensure that the Planning and Inspections Department is notified of any changes in the approved plans and specifications for the project permitted herein.

<u>A & R Mountain Properties, LLC</u> Applicant (Print)	By: <u>Todd A. Rice</u> Name/Title: <u>Todd Rice, Manager</u> Applicant (Signature)	<u>09 / 06 / 2023</u> Date
<u>A & R Mountain Properties, LLC</u> Property Owner (Print)	By: <u>Todd A. Rice</u> Name/Title: <u>Todd Rice, Manager</u> Property Owner (Signature)	<u>09 / 06 / 2023</u> Date

Supplement To Conditional District Zoning Map Amendment Application

Section J Site Information

Buildings 100

Building Footprint Square Footage	3,860
Total Building Square Footage (all floors)	10,464
Number of Stories	3
Building Height	40'
Number of Units	6
Number of Bedrooms	3 two-bedroom units and 3 one-bedroom units

Buildings 200

Building Footprint Square Footage	3,860
Total Building Square Footage (all floors)	10,464
Number of Stories	3
Building Height	40'
Number of Units	6
Number of Bedrooms	3 one-bedroom units and 3 two-bedroom units

Section L Design Professional Information

Engineer

Name	Devin Staley
Company	Blue Ridge Engineering PLLC
Complete Mailing Address	924 Main Street, Suite 200 North Wilkesboro, NC 28659
Phone Number	336-838-2500
Email Address	devin@ridge.blue

Official Use Only

Permit Name: _____

Permit Number: _____

Date: _____

Fee: _____

Receipt Number: _____

Method of Payment:

☐ Cash

☐ Check Number: _____

Paid By: _____

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: _____

PC Meeting Date: _____

TC Meeting Date: _____

Date of APO Mailed Notification: _____

Date of Posted Notification: _____

Request Approved: ☐ Yes ☐ No

If yes, date request sent to GIS: _____

S:\FORMS\PI_Forms_Current\Planning Forms\CDZMapAmend_10202020.docx

Title	CDZ Application
File name	Application - Amended.pdf
Document ID	8eca5fa1cd50849aab0b05a7ff8d8eb9040ed3ac
Audit trail date format	MM / DD / YYYY
Status	● Signed

Document History



09 / 05 / 2023
09:11:37 UTC-4

Sent for signature to Todd A. Rice (trice@brri.net) from
tyler@moffattandmoffatt.com
IP: 47.46.216.82



09 / 06 / 2023
14:21:08 UTC-4

Viewed by Todd A. Rice (trice@brri.net)
IP: 69.77.154.180



09 / 06 / 2023
14:22:16 UTC-4

Signed by Todd A. Rice (trice@brri.net)
IP: 69.77.154.180



COMPLETED

09 / 06 / 2023
14:22:16 UTC-4

The document has been completed.

**AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN
SHEET AND ISSUES/RESPONSES**

THE AFFIANT, having been first duly sworn now deposes and says:

1. That I am William P. Aceto, and I am over the age of 18 years and competent to make this Affidavit and that I have personal knowledge of the facts set out in this Affidavit.

2. That I am a Manager of A & R Mountain Properties, LLC ("Applicant").

3. That Applicant intends to submit a Conditional District Zoning Map Amendment Application to the Town of Boone.

4. Applicant conducted a Neighborhood Meeting in accordance with Town of Boone Unified Development Ordinance ("UDO") Section 9.09.02 ("Neighborhood Meeting").

5. That Applicant caused notices of the Neighborhood Meeting to be mailed to property owners within 300' of the proposed development at least 25 days prior to the meeting in accordance with UDO Subsection 1.13.02, and to the Town of Boone Planning & Inspection Department.

6. The Neighborhood Meeting was conducted in-person and telephonically on July 29, 2023, at 5:30 P.M. to 7:00 P.M.

7. A true and accurate copy of the Neighborhood Meeting notice mailing list is attached hereto as Exhibit 1 and is hereby expressly incorporated into this Affidavit as if the contents thereof were expressly set forth herein in this Affidavit.

8. A true and accurate copy of the Neighborhood Meeting notice is attached hereto as Exhibit 2 and is hereby expressly incorporated into this Affidavit as if the contents thereof were expressly set forth herein in this Affidavit.

9. A true and accurate copy of the Neighborhood Meeting sign-in sheet is attached hereto as Exhibit 3 and is hereby expressly incorporated into this Affidavit as if the contents thereof were expressly set forth herein in this Affidavit.

10. A true and accurate copy of the Neighborhood Meeting summary report is attached hereto as Exhibit 4 and is hereby expressly incorporated into this Affidavit as if the contents thereof were expressly set forth herein in this Affidavit.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK, SIGNATURE PAGE
TO FOLLOW]

I declare under penalty of perjury that the foregoing is true and correct. This the 28th day of July, 2023.

FURTHER THE AFFIANT SAYETH NOT.



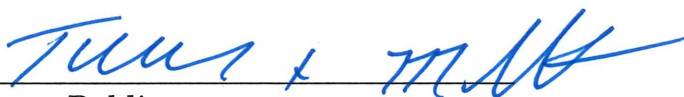
William P. Aceto

State of North Carolina

County of Watauga

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: William P. Aceto.

Date: 7-28-23



Notary Public

My commission expires: 9-21-25



2910146890000
850 BLOWING ROCK ROAD (NC) OWNER LP
P.O. BOX 130339
CARLSBAD, CA 92013

2910138946000
BOONE HOSPITALITY ASSOC II LLC
PO BOX 339
LAURINBURG, NC 28353

2910142595000
CALHOUN, LIAM CLYDE
331 HIGHLAND AVE
BOONE, NC 28607

2910240410000
GREENE, DENNIS L
PO BOX 1331
BOONE, NC 28607

2910143520000
HARRIS, TIMOTHY B AND SHIRLEY D
349 HIGHLAND AVE
BOONE, NC 28607

2910149661000
MCDONALDS REAL ESTATE COMPANY
P O BOX 182571
COLUMBUS, OH 43218

2910143822000
MORETZ, REBA (LIFE ESTATE), MORETZ, JOHN B
643 POPLAR HILL DR
BOONE, NC 28607

2910146386000
OSCAR INVESTORS MANAGEMENT CORP
200 WINTERGREEN LN
BOONE, NC 28607

2910142618000
PEARL LTD INC
123 OCEAN BLVD W
HOLDEN BEACH, NC 28462-5024

2910145358000
ROOT, MARTIN MENZO, ROOT, CONSTANCE LILLIAN
214 WINTERGREEN LN
BOONE, NC 28607

2910144592000
A & R MOUNTAIN PROPERTIES, LLC
P O BOX 2201
BOONE, NC 28607

2910142972000
BUTLER, JERRY L, BUTLER, PHYLLIS
470 EAGLE DR
BOONE, NC 28607

2910049841000, 2910140661000
FARTHING, CAROLYN HAYES
107 HILLANDALE DR
BOONE, NC 28607

2910144329000
HANKINS, CHARLES D
365 HIGHLAND AVE
BOONE, NC 28607

2910144102000
JONES, ROBERT S, JONES, RUTH BROOKS
215 WINTERGREEN LANE
BOONE, NC 28607

2910142662000, 2910142736000, 2910143790000
MORETZ, REBA (LIFE ESTATE), MORETZ, JOHN B
643 POPLAR HILL DR
BOONE, NC 28607

2910144614000
MOUNTAINLIGHT MANAGEMENT, LLC
172 MUSTARD FIELD RD
BOONE, NC 28607

2910145008000
OWEN, SUSAN PRESTON
PO BOX 155
VILAS, NC 28692

2910141429000
PEDIGO, JULIA ANN
318 HIGHLAND AVE
BOONE, NC 28607-4612

2910141381000, 2910142028000
STALLINGS, ANDREW H AND EMILY B
PO BOX 111
BOONE, NC 28607



2910148136000, 2910147222000
WHITE, JOAN LYNN
170 WINTERGREEN LANE
BOONE, NC 28607



Exhibit 5

June 30, 2023

Re: Neighborhood Meeting; Faculty Street Conditional District Rezoning Request

Dear Neighbor,

You are invited to attend a public information meeting on July 27, 2023 to discuss the proposed rezoning located on Faculty Street as shown on the attached map. You are getting this notice because you are within the 300' notification boundary for our proposed development. This meeting will be held in-person at 895 Blowing Rock Rd, Boone, NC 28607 (the office of Boone High Country Rentals) from 5:30pm-7:00pm, and you can join in anytime in that window. Call-in directions are contained on the following page. Please note that you have the option to join in-person, or you can join by calling in on your telephone.

The applicant and developer for the rezoning is A & R Mountain Properties, LLC. The purpose of this meeting is to allow us to explain the proposed development and to allow you, as the residents of the neighborhood, to express your concerns about the proposed development on Faculty Street, as shown on the attached map.

As a reminder, these parcels are currently located within the Town of Boone limits. These parcels are currently zoned R-3. Our proposal is to rezone the property to a R3-CZ designation to allow for residential townhouses consisting of 6 two-bedroom units and 6 one-bedroom units to be developed on the property.

If you have questions or are unable to attend the meeting, please reach out to us. Our contact information is below.

We look forward to speaking with you on Thursday, July 27, 2023.

Thank you,

A & R Mountain Properties, LLC

Bill Aceto

P. 828-773-7753

E. billaceto@gmail.com

Todd Rice

P. 828-773-9491

E. ricetodda@gmail.com

How to Participate in-Person:

- Please arrive at 895 Blowing Rock Rd, Boone, NC 28607 anytime between 5:30 P.M. and 7:00 P.M on July 27, 2023.
- Parking is available on site and there is overflow parking available immediately next door at 915 Blowing Rock Rd., Boone, NC 28607.
- Enter the double doors on the first floor, and a receptionist will be present to show you to the conference room.
- Please note: this meeting will be recorded.

How to Participate by Phone:

- Dial the following number: 844-875-7777
- Enter the following information when prompted:
 - Access Code is: 6836699
- Once the meeting has started and attendance has been taken, all participants will be muted to allow for presentation by the meeting host.
- Please note: this meeting will be recorded.
- If you have difficulty connecting or have technical difficulties during the meeting, you can reach out to Bill at billaceto@gmail.com or by calling 828-773-7753.

Town of Boone GIS

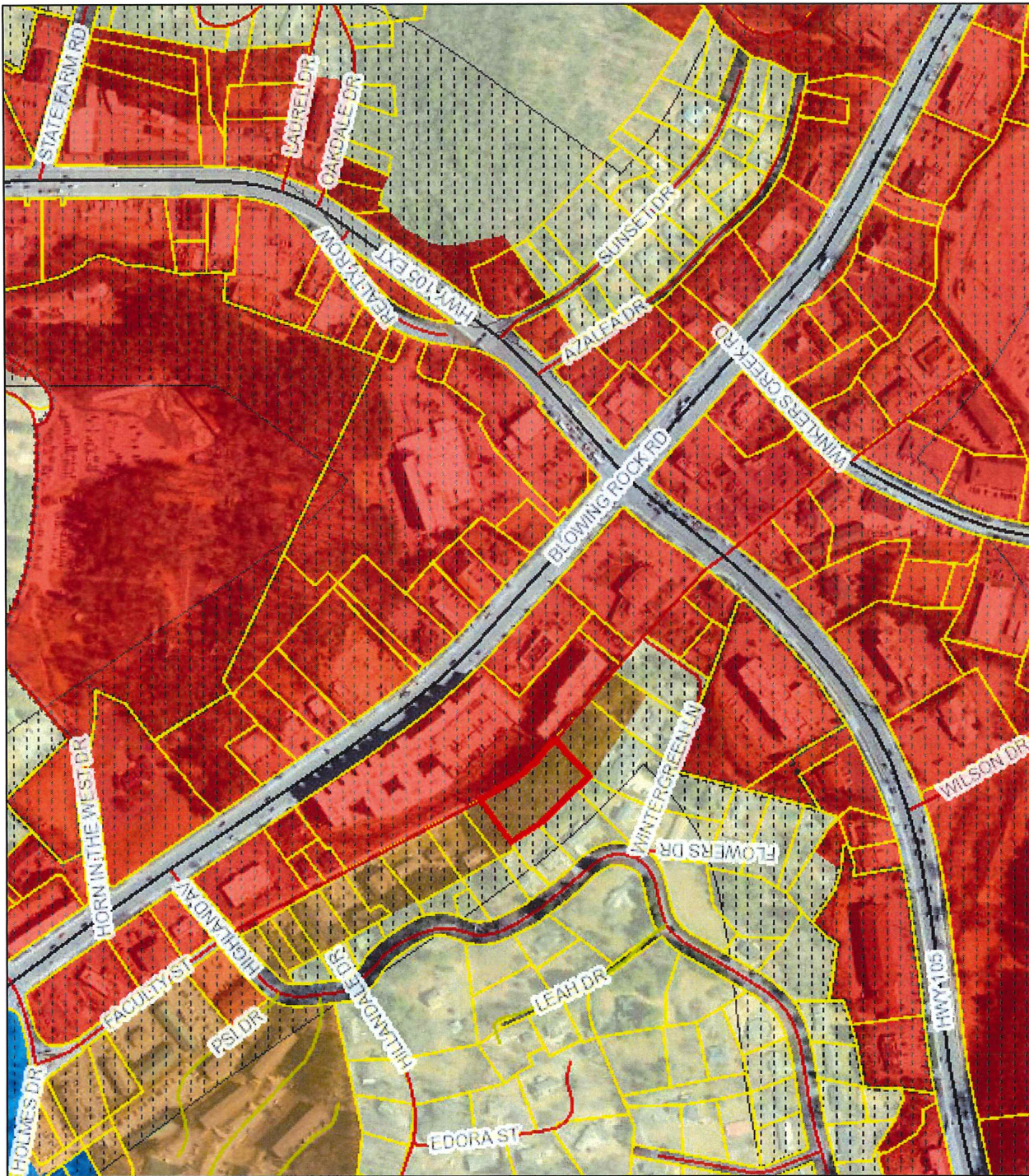
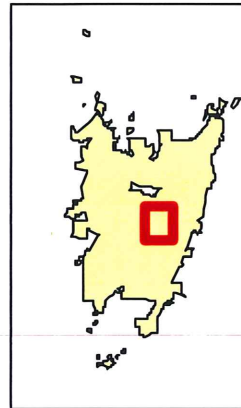
Watauga County Tax Information

Parcel ID: 2910-14-4592-000
Tax District: C02 Land Use: C00
Ownership Information:
A & R MOUNTAIN PROPERTIES, LLC
P O BOX 2201
BOONE, NC 28607
Property Information:

FACULTY STREET
Building Value: \$0
Land Value: \$313,900
Total Value: \$313,900

Town of Boone Information

Zoning District: Town Limits
Zoning: R3 Multiple-Family Residential
Conditional Use: N/A
Conditional: N/A
Corridor District: Yes
Watershed: N/A
Flood Zone: Yes
View Shed Protection Area: N/A
Municipal Service District: N/A
Primary Fire District: N/A
Neighborhood Conservation District: N/A
Downtown Boone Local Historic District: N/A



1 inch = 425 feet

Disclaimer:
This map is based on the Watauga County Tax Parcel Map. All layers have been modified to this base. This is a thematic map for general planning purposes only. This map is subject to quarterly updates and revisions.



June 28, 2023

NEIGHBORHOOD MEETING SIGN-IN/ATTENDANCE SHEET

Meeting Address:	895 Blowing Rock Rd, Boone, NC 28607
Date of Meeting:	July 27, 2023
Time of Meeting:	5:30 P.M.
Property Owner(s):	A & R Mountain Properties, LLC
Applicant:	A & R Mountain Properties, LLC



Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only. For phone participants, applicant will request your information during the call.

	Name/Organization	Address	Phone	Email	Email Update Requested (y/n)
	Shirley Harris	349 Highland Ave.	828-262-1067	shirleyharris@charter.net	
1.	TIMOTHY HARRIS	349 HIGHLAND AVE.	828-262-1067	timharris3@charter.net	No
2.	DAVIS HANKINS	365 Highland Avenue	(704) 953-1624	davis.hankins@gmail.com	
3.	Emily Stallings	340 Highland 110 Brown DR	N/A	N/A	
4.	Mike Burleson	195 Wintergreen Ln.	828 773 5511	n/a	Yes
5.	Susan Owen	195 Wintergreen Lane	828 268-4268	SPARKLINGANVIL@GMAIL.COM	YES
6.	Mark Russ	195 Wintergreen Ln	828 964 8878	MARKIRUSS@YAHOO.COM	Y
7.					

8.	Reba Moritz				
9.	Brenda Speckmann				
10.	Nicole Schoychid				
11.	Lynn White				
12.					
13.					
14.					
15.					
16.					
17.					
18.					

19.					
20.					
21.					
22.					
23.					
24.					
25.					
26.					
27.					
28.					
29.					

Account Information

Date: July 27, 2023 4:01:39 PM
 Dial-in number:  (844) 875-7777
 Access code: 6836699
 Account: #s28169145 (Maria Norris)

Audio

Caller	Service Type	Start Time	End Time	Duration
(828) 262-4646 - BLUE RIDGE PROF Host	 	4:01:39 PM	5:25:04 PM	84m
(828) 458-6722 - ASHLEY TATE	 	4:32:16 PM	4:40:32 PM	9m
(828) 773-1577 - MARIA NORRIS	 	4:33:11 PM	4:33:50 PM	1m
(828) 773-1577 - MARIA NORRIS	 	4:41:08 PM	5:25:06 PM	44m

Number of attendees: 4
 Toll free minutes: 138m

Note: All times in Central Time

Thank you for choosing FreeConferenceCall.com, the most recognized conferencing brand on the planet. Enjoy the conference? Refer A Friend today.

If you have any questions, please call our Customer Service Department at (844) 844-1322 or email us at support@freeconferencecall.com.

FreeConferenceCall.com

PO Box 41069 Long Beach, CA 90853

Tel: (844) 844-1322

Fax: (562) 432-5250

SUMMARY REPORT OF NEIGHBORHOOD MEETING

Meeting Address:	895 Blowing Rock Rd, Boone, NC 28607
Date of Meeting:	July 27, 2023
Time of Meeting:	5:30 P.M.
Property Owner(s):	A & R Mountain Properties, LLC
Applicant:	A & R Mountain Properties, LLC



Below is a summary of the meeting:

1. Introduction by Todd Rice
2. Presentation by Todd Rice (copy of presentation enclosed)
3. Questions from attendees

Below is a summary of the questions/comments/concerns from attendees at the Neighborhood Meeting.

	Question/Comment/Concern
1.	Why are you seeking CZ R3 as opposed to leaving the property as R3?
2.	What are the density requirements for this specific property?
3.	Are you putting a in a fence?
4.	What are the landscape buffer requirements?
5.	How many feet are the between the rear of building and property line?
6.	Can you clarify why the Town fined you for removing the trees/underbrush?
7.	What is the size of the lot?
8.	What is the size of the building?
9.	Where is entrance door?
10.	How many feet from rear patios and retaining wall?
11.	Is the building in a flood plain?
12.	Has geotechnical study been completed?
13.	How tall are the retaining walls?

14.	Suggested landscaping on neighborhood side of fence
15.	Why is the retaining wall terraced?
16.	What is in the open space between 2 structures?
17.	Where is the lighting on the neighborhood side?
18.	How will trash pickup be handled?
19.	How many people are living in all units total?
20.	Is this student housing?
21.	Is this rental housing?
22.	Are you going to specify the number of occupants?
23.	Will they rent by the bedroom or the unit?
24.	Is this on the applecart route?
25.	What is the vehicular entrance or exit?
26.	Will this entrance meet fire safety requirements?
27.	Are you going to obtain a traffic study?
28.	How far above the Faculty street level is the garage level?
29.	How high is the top of the level building on the neighborhood side?
30.	Where are the stairwells?
31.	Construction timeline?
32.	Stick built or modular?
33.	How would you excavate the site?
34.	Are there restrictions on construction date and time?
35.	Why did you not build more closer to Faculty Street?
36.	I am concerned about losing neighborhoods

37.	Can you put a driveway right next to the neighbors property?
38.	Is there a set back requirement for driveways from neighboring property?
39.	Expressed concerns about the landscape buffer creating enough screening between the 2 properties
40.	How will you control parties?
41.	Can you evict tenants if they are creating too much noise?
42.	Who takes care of the landscaping?
43.	Will there be visitor parking spaces?
44.	Max of 24 parking spaces?
45.	When will your submission to the Town be available?
46.	How many feet is the building from foundation to roof?
47.	Are you going to put up a pole up at the site to see the impact on the viewshed?
48.	How close is retaining wall from neighboring property owner?
49.	Overall concerns include, buffers, landscaping, lighting, trash, density, geological soundness of hill, noise, and traffic

EXHIBIT 4

(Cont.)

Proposed Faculty Street Residential Townhome Project



Contacts

Owner- A&R Mountain Properties

Todd Rice - trice@brri.net - (828) 773-9491

Architect- Davis & Taft Architecture, P.A.

Brent Davis - (828) 265-4848

Engineer- Blue Ridge Engineering

Devin Staley - (336) 838-2500

Contractor- TBD

Site Map

Town of Boone GIS

Watauga County Tax Information

Parcel ID: 2910-14-4592-000

Tax District: C02 Land Use: C00

Ownership Information:

A & R MOUNTAIN PROPERTIES, LLC
P O BOX 2201

BOONE, NC 28607

Property Information:

FACULTY STREET

Building Value: \$0

Land Value: \$313,900

Total Value: \$313,900

Town of Boone Information

Zoning District: Town Limits

Zoning: R3 Multiple-Family Residential

Conditional Use: N/A

Conditional: N/A

Corridor District: Yes

Watershed: N/A

Flood Zone: Yes

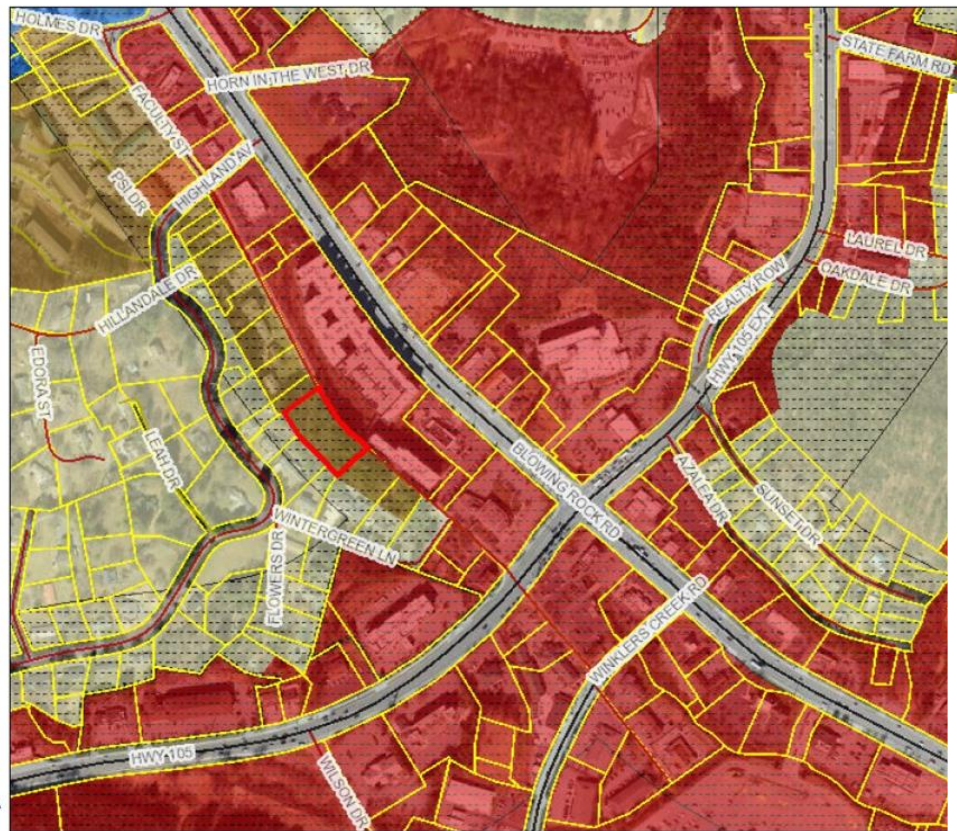
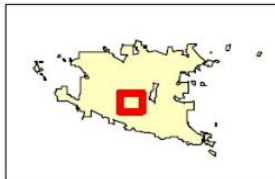
View Shed Protection Area: N/A

Municipal Service District: N/A

Primary Fire District: N/A

Neighborhood Conservation District: N/A

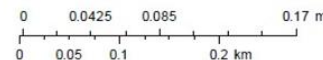
Downtown Boone Local Historic District: N/A



Disclaimer:

This map is based on the Watauga County Tax Parcel Map. All layers have been modified to this base. This is a thematic map for general planning purposes only. This map is subject to quarterly updates and revisions.

1 inch = 425 feet



June 28, 2023



Packet Pg. 66

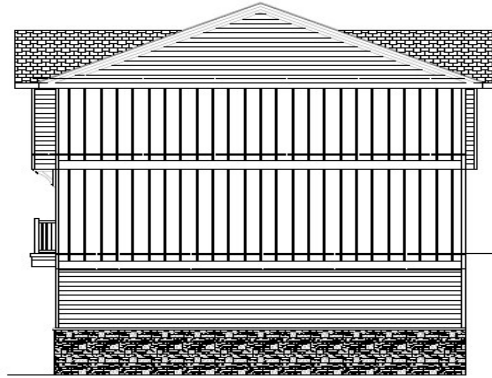
Current State of the Property



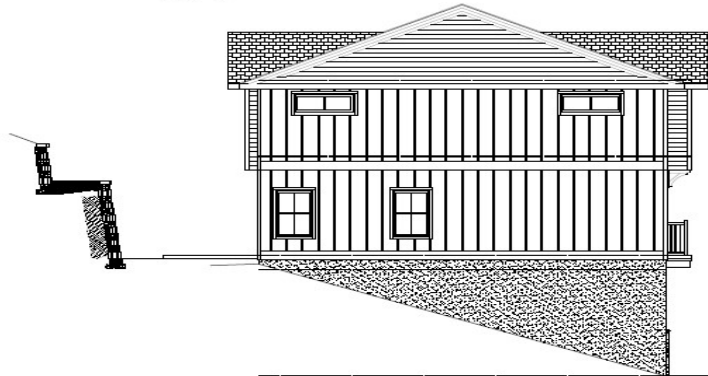
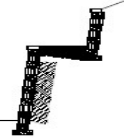
Proposed Use and Development

- 6 Two Bedroom Townhomes
- 6 One Bedroom Townhomes
- 24 Parking Spaces
- Seeking to modify the zoning from R3 to Conditional District R3 for a site specific development

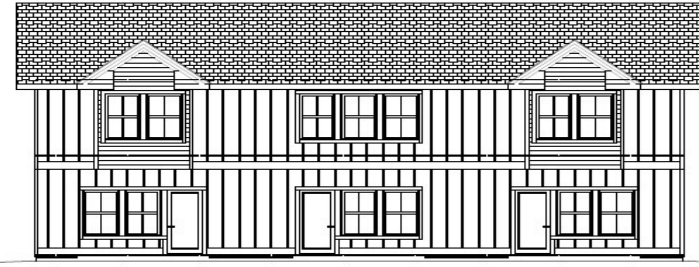
Proposed Rear Elevation



CONCEPTUAL REAR SIDE ELEVATION
SCALE: 1/8" = 1'-0"



CONCEPTUAL LEFT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



CONCEPTUAL REAR ELEVATION
SCALE: 1/8" = 1'-0"



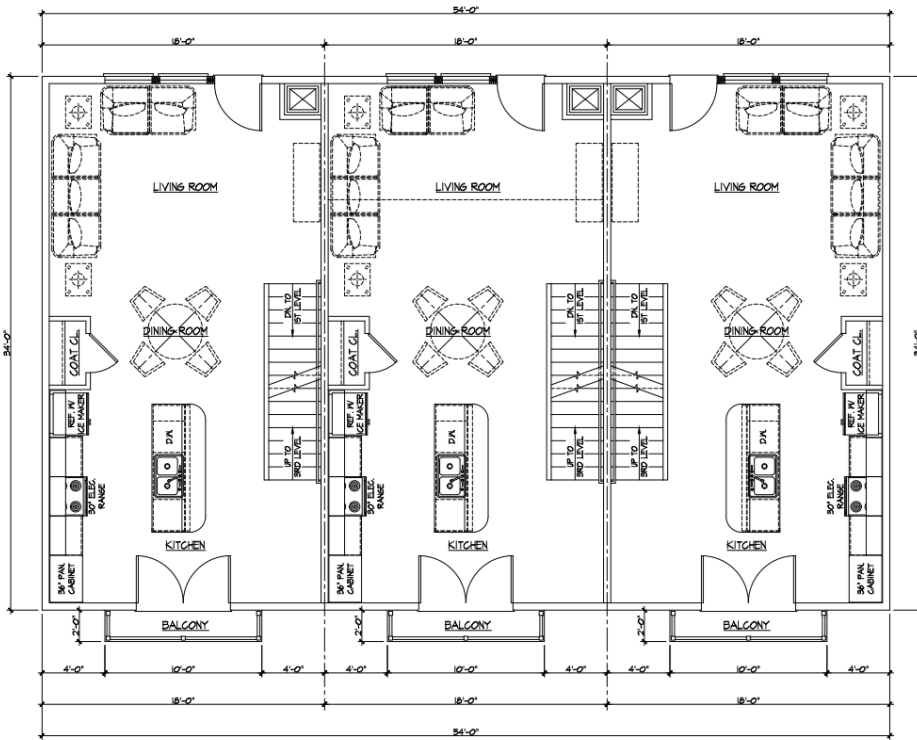
CONCEPTUAL FRONT ELEVATION
SCALE: 1/8" = 1'-0"

DEVELOPER:	
FACILITY STREET	
TOWN/POUR:	
BOULE	NORTH CAROLINA
DATE:	REVISION:
1	2
3	4
BRENT DAVIS ARCHITECTURE, INC.	
10000 WILSON AVENUE, SUITE 100, RICHMOND, VA 23234	
SHEET	

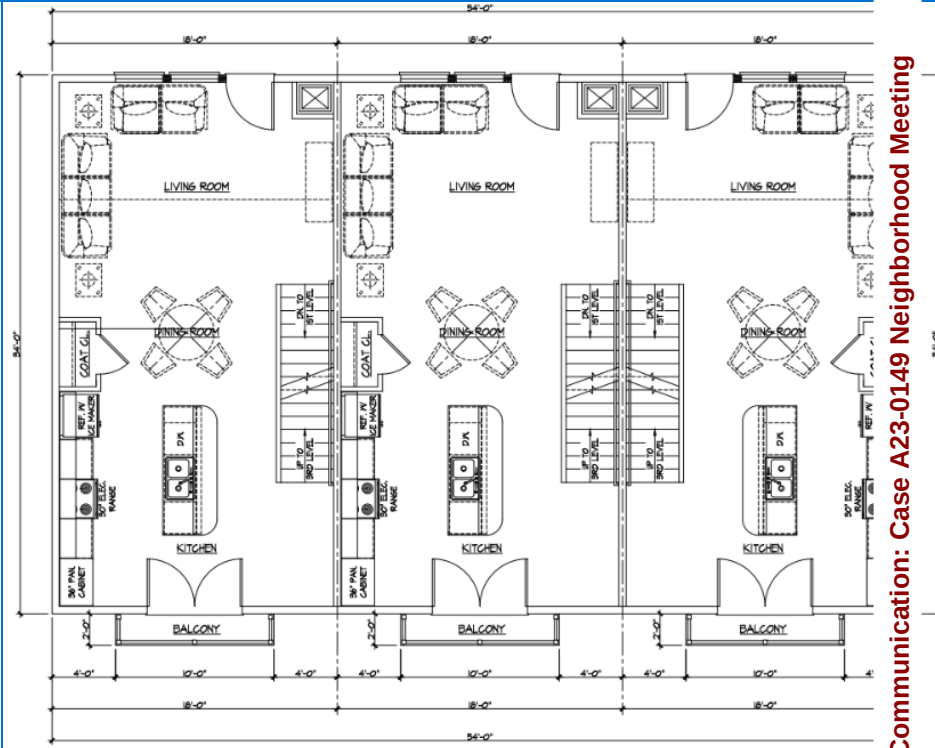
Communication: Case A23-0149 Neighborhood Meeting



Proposed Floor Plans



CONCEPTUAL FLOOR PLAN - 2ND LEVEL
SCALE: 1/4" = 1'-0"
(2) 2 BR UNITS, (1) 1 BR UNIT



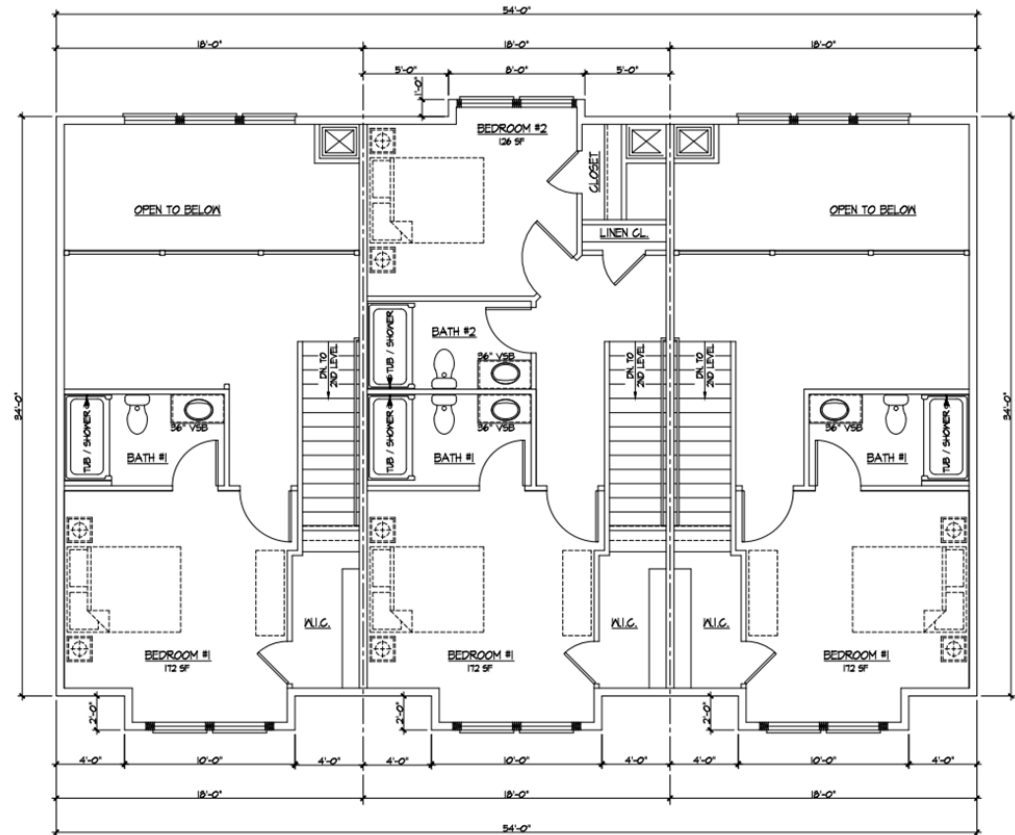
CONCEPTUAL FLOOR PLAN - 2ND LEVEL
SCALE: 1/4" = 1'-0"
(2) 1 BR UNITS, (1) 2 BR UNIT

Communication: Case A23-0149 Neighborhood Meeting

Proposed Floor Plans

AREA CALCULATIONS - 2 BEDROOM UNIT	
1ST LEVEL - HEATED	102 SF
2ND LEVEL - HEATED	612 SF
3RD LEVEL - HEATED	602 SF
TOTAL HEATED	1316 SF
1ST LEVEL - UNHEATED	405 SF
UNIT TOTAL	1,721 SF

AREA CALCULATIONS - 1 BEDROOM UNIT	
1ST LEVEL - HEATED	102 SF
2ND LEVEL - HEATED	602 SF
3RD LEVEL - HEATED	361 SF
TOTAL HEATED	1,071 SF
1ST LEVEL - UNHEATED	405 SF
UNIT TOTAL	1,476 SF

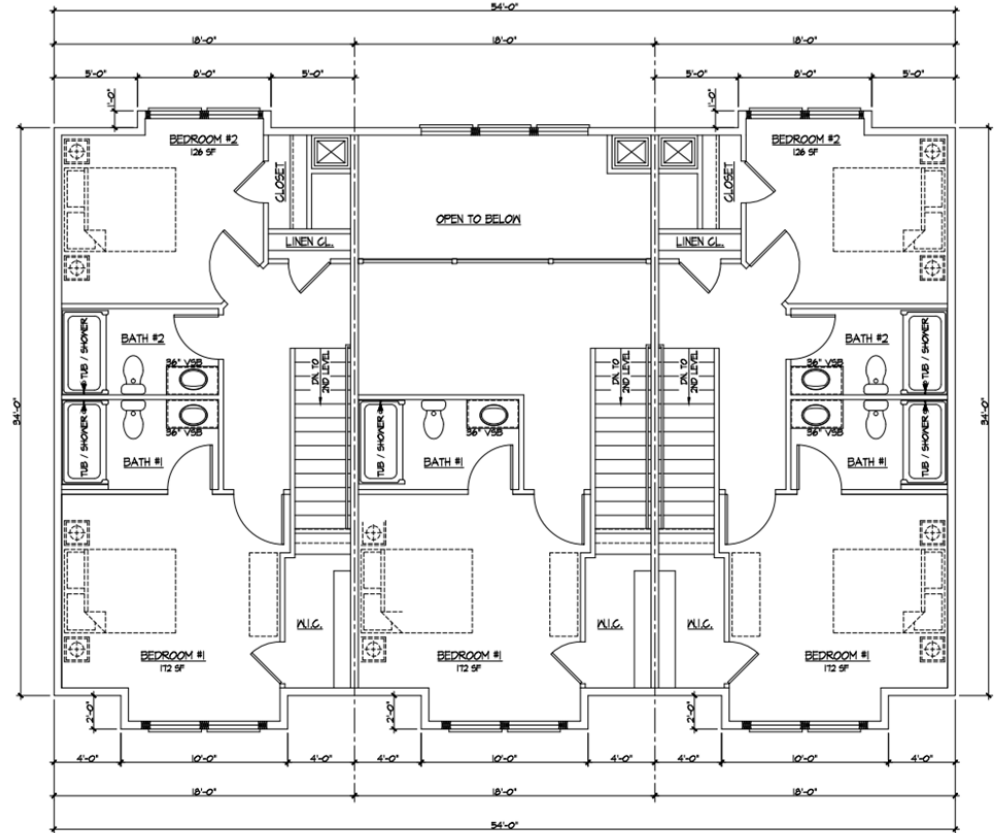


CONCEPTUAL FLOOR PLAN - 3RD LEVEL
SCALE: 1/4" = 1'-0" (2) 1 BR UNITS, (1) 2 BR UNIT

Proposed Floor Plans

AREA CALCULATIONS - 2 BEDROOM UNIT	
1ST LEVEL - HEATED	102 SF
2ND LEVEL - HEATED	612 SF
3RD LEVEL - HEATED	602 SF
TOTAL HEATED	1,316 SF
1ST LEVEL - UNHEATED	405 SF
UNIT TOTAL	1,721 SF

AREA CALCULATIONS - 1 BEDROOM UNIT	
1ST LEVEL - HEATED	102 SF
2ND LEVEL - HEATED	602 SF
3RD LEVEL - HEATED	361 SF
TOTAL HEATED	1,071 SF
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UNIT TOTAL	1,476 SF

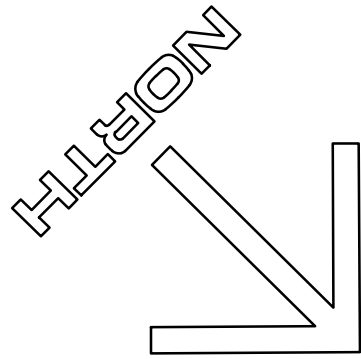


CONCEPTUAL FLOOR PLAN - 3RD LEVEL
SCALE: 1/4" = 1'-0"
(2) 2 BR UNITS, (1) 1 BR UNIT

Questions

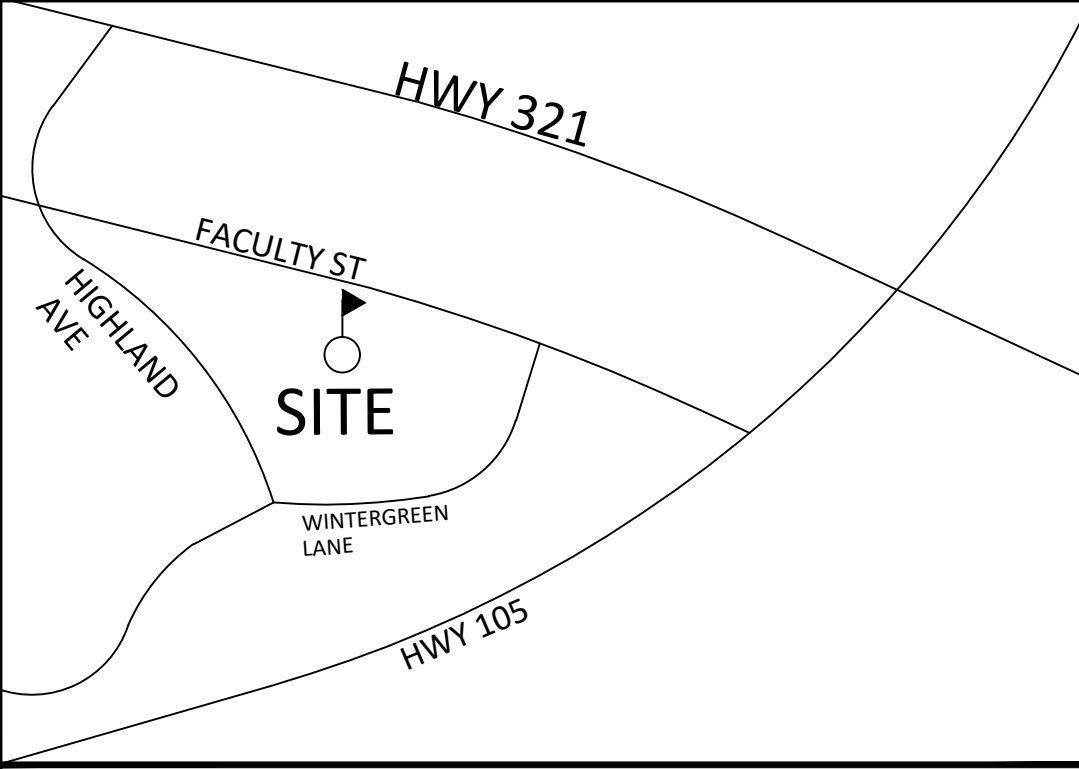
Thank You for Your Time





SITE LAYOUT NOTES

1. THIS IS NOT A PROPERTY SURVEY. SEE SURVEY FOR BOUNDARY INFORMATION.
2. ALL WORK SHALL COMPLY WITH LOCAL ORDINANCES, NCDOT STANDARDS AND OWNER SPECIFICATIONS. ALL SIGNS AND PAVEMENT MARKINGS SHALL COMPLY WITH MUTCD STANDARD.
3. CONTRACTOR IS RESPONSIBLE FOR ALL SAFETY, METHODS, PROCEDURES AND SEQUENCES OF ITS OPERATIONS. CONTRACTOR SHALL PROVIDE ADEQUATE TRAFFIC CONTROL FOR ITS OPERATIONS IN COMPLIANCE WITH MUTCD AND NCDOT STANDARDS. CONTRACTOR SHALL NOTIFY NCDOT, OWNER, AND ENGINEER AT LEAST 72 HOURS IN ADVANCE OF ANY LANE CLOSURE OR TRAFFIC SHIFT.
4. ALL WORK IS SUBJECT TO INSPECTION OF THE OWNER, ENGINEER AND AUTHORITIES HAVING JURISDICTION. THE OWNER SHALL PAY FOR ALL QUALITY ASSURANCE TESTING REQUIRED. CONTRACTOR SHALL PROTECT THE WORK UNTIL SUCH TIME THAT THE PROJECT IS APPROVED AND OPENED TO TRAFFIC.
5. SUBGRADE SHALL BE ACCEPTED BY THE ENGINEER PRIOR TO PLACEMENT OF STONE BASE. CONTRACTOR SHALL PROVIDE A LOADED TRUCK FOR ALL PROOF-ROLLS REQUIRED.
6. STONE BASE SHALL BE ACCEPTED BY THE ENGINEER PRIOR TO ASPHALT PLACEMENT. CONTRACTOR SHALL PROVIDE A LOADED TRUCK FOR ALL PROOF-ROLLS REQUIRED.
7. PAVING CONTRACTOR SHALL PROVIDE A CERTIFIED ROADWAY QUALITY CONTROL TECHNICIAN WITH A NUCLEAR GAGE AT ALL TIMES ASPHALT IS BEING PLACED. IF REQUESTED, THE CONTRACTOR SHALL BE RESPONSIBLE FOR TAKING ASPHALT CORE SAMPLES FOR VERIFICATION OF COMPACTION AND THICKNESS.
8. SLOPES IN HANDICAP PARKING SPACES AND ACCESS AISLE AREAS SHALL NOT EXCEED 2% IN ANY DIRECTION INCLUDING THE DIAGONAL.
9. CONTRACTOR SHALL MAINTAIN AN APPROVED SET OF PLANS ON THE JOB SITE AT ALL TIMES.



VICINITY MAP

© COPYRIGHT 2023 BY BLUE RIDGE ENGINEERING PLLC, NC LICENSE #P-0205. ALL RIGHTS RESERVED. THIS PLAN MAY NOT BE RE-USED, SOLD, LOANED OR GIVEN TO OTHERS. REPRODUCTION OR PHOTOCOPYING OF THIS PLAN WITHOUT THE WRITTEN CONSENT OF BLUE RIDGE ENGINEERING PLLC IS PROHIBITED.

DRAWN BY: TSM

PROJECT #: 22042

ORIGINAL ISSUE DATE: 08/09/2023

REVISIONS: 09/12/2023

REVISION TO TWO BUILDINGS

PRELIMINARY
NOT FOR CONSTRUCTION

Blue Ridge Engineering PLLC

924 Main Street - Suite 200
North Wilkesboro, NC 28659
336.838.2500
www.ridge.blue
Firm #P-0205

Prepared for:

A & R MOUNTAIN PROPERTIES, LLC

2237 NC-105
Boone, NC 28607

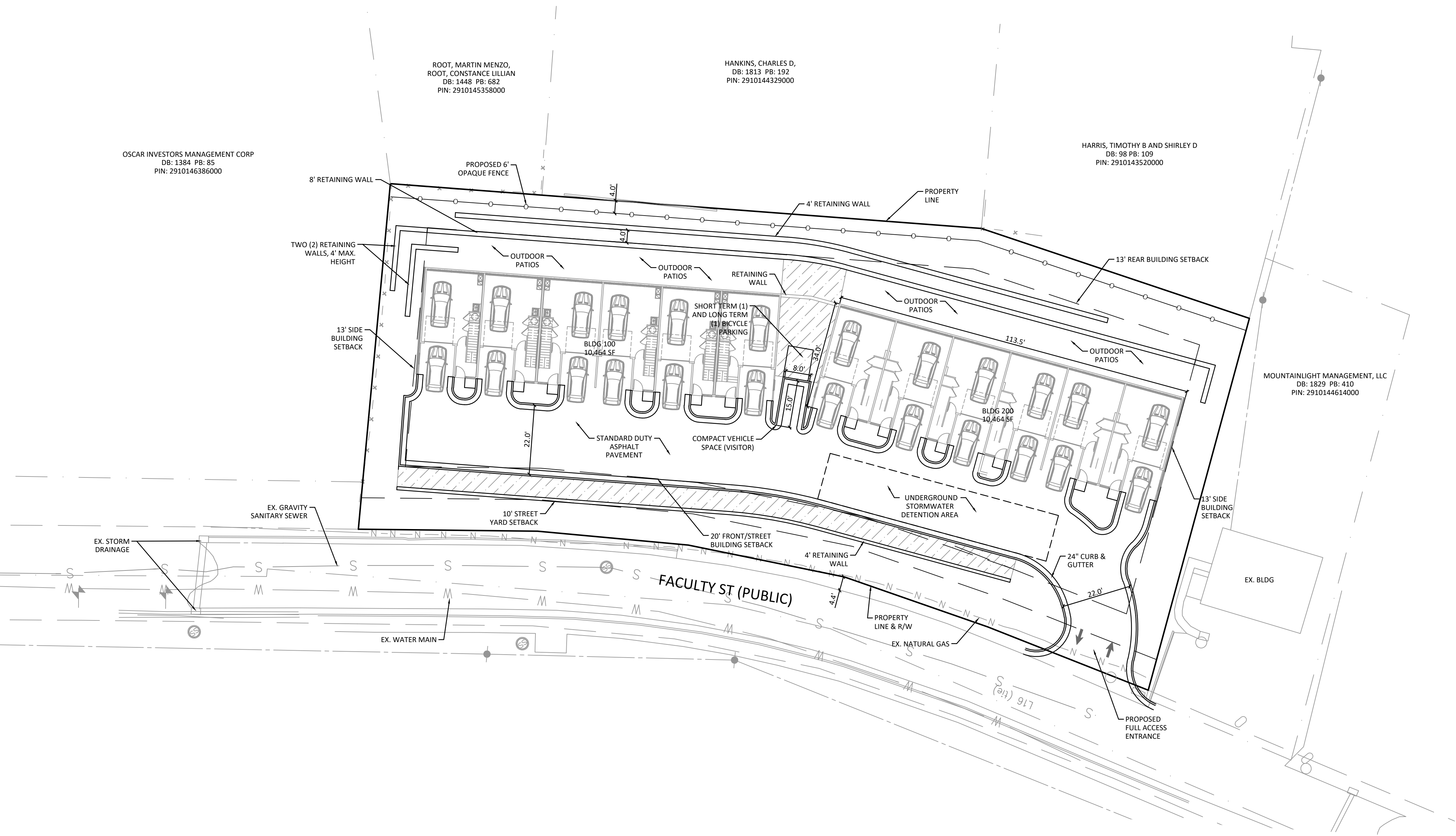
Site Layout Plan

Proposed Faculty Street Townhouses

Faculty Street
Boone, NC

SHEET

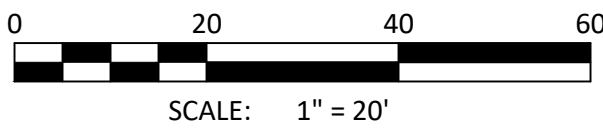
C-5

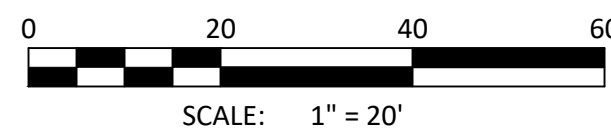
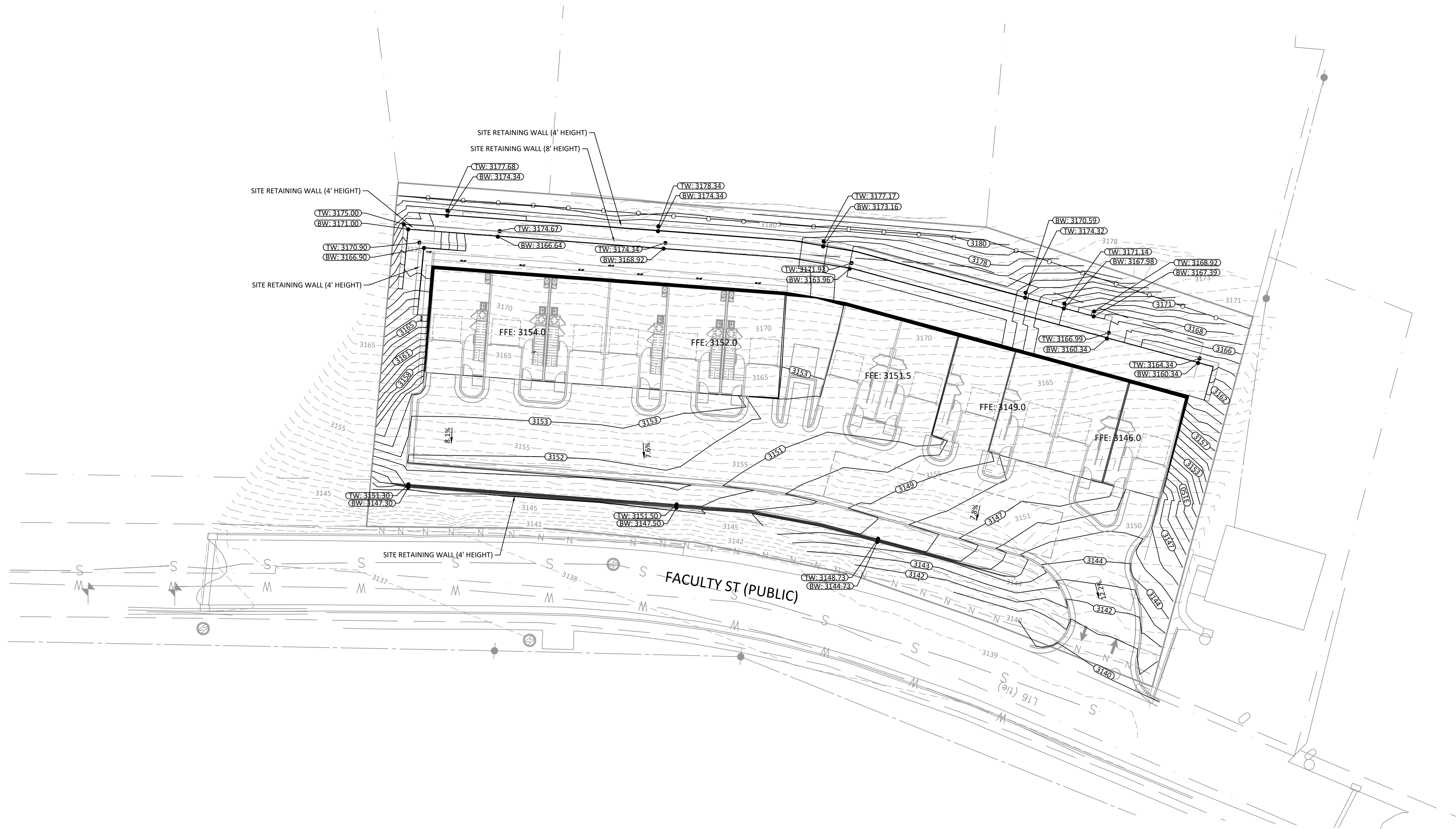
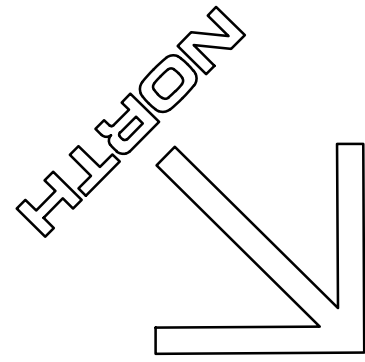


SITE DATA

GENERAL	
LATITUDE	36°12'22" N
LONGITUDE	81°40'22" W
PIN	2910144592000
LOT AREA	0.69 AC.
ZONING	R-3 (MULTI-FAMILY RESIDENTIAL)
SETBACKS	
FRONT	20'
SIDE	13'
REAR	13'
PROPOSED USE	
TOWNHOUSES	20,928 SF
BLDG 100	10,464 SF
BLDG 200	10,464 SF
PARKING:	
REQUIRED	
TOWNHOUSES	2 SPACES PER UNIT
PROVIDED	
TOWNHOUSES	2 SPACES PER UNIT
RECREATIONAL AREA	
5% REQUIRED	1,503 SF
PROVIDED	1,911 SF
LIVABILITY SPACE	
REQUIRED	15,028 SF (50% OF TOTAL SITE AREA)
PROVIDED	
IMPERVIOUS	1,632 SF (5.4%)
PERVIOUS	13,501 SF (44.9%)
TOTAL	15,133 SF (50.3%)
IMPERVIOUS AREA	
EXISTING	0 SF
PROPOSED	17,548 SF

LEGEND





CLEARING AND GRADING NOTES

1. GRADING SHALL NOT PROCEED UNTIL APPROPRIATE EROSION AND SEDIMENT CONTROL MEASURES HAVE BEEN INSTALLED.
2. LAND DISTURBING ACTIVITIES SHALL NOT COMMENCE UNTIL APPROVAL TO DO SO HAS BEEN RECEIVED BY GOVERNING AUTHORITIES AND SEDIMENT CONTROL MEASURES HAVE BEEN INSTALLED. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING OR VERIFYING THAT ALL ASSOCIATED PERMITS AND APPROVALS HAVE BEEN OBTAINED FOR THIS WORK. NO WORK SHALL BE PERFORMED OUTSIDE THE DISTURBED LIMITS SHOWN ON THIS PLAN. CONTRACTOR SHALL COMPLY WITH ALL FEDERAL, STATE AND LOCAL ORDINANCES. CONTRACTOR IS RESPONSIBLE FOR ALL NESHAP NOTIFICATIONS REQUIRED. ALL SUCH NOTIFICATIONS SHALL BE MADE AT LEAST TWO WEEKS PRIOR TO ANY DEMOLITION WORK.
3. ALL ASPHALT, TREES, STUMPS, BRUSH, ROOTS, STRUCTURES, WALLS, FOUNDATIONS, CURBS, TANKS, BARRELS, FLOOR SLABS, CONCRETE, METAL, SEPTIC TANKS, FENCING, SIGNS, POLES, TRASH, OTHER DEBRIS, AND UNSUITABLE FILL MATERIAL SHALL BE PROPERLY DISPOSED OF OFF-SITE. ALL PAVEMENT AND CONCRETE EDGES SHALL BE SAWCUT. ALL CONCRETE SHALL BE REMOVED/REPLACED TO THE NEAREST JOINT. STORM DRAINAGE BOXES, GRATES AND PIPE TO BE REMOVED MAY BE REUSED IF FOUND TO BE SUITABLE BY THE ENGINEER, UNLESS OTHERWISE NOTED.
4. CERTAIN TREES WITHIN 10 FEET OF THE TOP OF ANY CUT SLOPE MAY BE REQUIRED TO BE REMOVED AT THE DISCRETION OF THE ENGINEER. CERTAIN TREES WITHIN 5 FEET OF THE CLEARING LIMITS SHOWN ON THE DRAWINGS MAY BE REQUIRED TO BE REMOVED AT THE DISCRETION OF THE ENGINEER.
5. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL SAFETY, METHODS, MEANS, PROCEDURES AND SEQUENCES OF ITS OPERATIONS. CONTRACTOR SHALL PROVIDE ADEQUATE TRAFFIC CONTROL FOR ITS OPERATIONS. CONTRACTOR SHALL INSTALL ABUNDANT ORANGE SAFETY FENCING ON THE PROJECT TO PREVENT OTHERS FROM ENTERING THE WORK AREA. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING SAFETY FENCING AS NECESSARY FOR THE DURATION OF THE PROJECT.
6. THE LOCATION OF UTILITIES SHOWN ON THE PLANS SHALL BE CONSIDERED APPROXIMATE. ALL UTILITIES MAY NOT BE SHOWN. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE EXISTENCE AND ACTUAL LOCATION OF ALL EXISTING UTILITY LINES WHETHER SHOWN ON THE PLANS OR NOT. CONTRACTOR SHALL CONTACT ULOCO. CONTRACTOR SHALL NOTIFY ALL UTILITY COMPANIES HAVING UNDERGROUND UTILITIES ON SITE OR WITHIN RIGHT-OF-WAY PRIOR TO EXCAVATION. UTILITY ADJUSTMENTS AND/OR REMOVAL/RELOCATION IS INCLUDED IN THE SCOPE OF WORK. CONTRACTOR IS RESPONSIBLE FOR WORK ASSOCIATED WITH MAINTAINING/REPAIRING UTILITY SERVICES AS NECESSARY.
7. ALL FILL PLACED SHALL PASS A PROOF-ROLL TEST BEFORE AND AFTER INSTALLATION OF STONE BASE, SLABS OR PAVEMENTS. SUBGRADE SHALL BE ACCEPTED BY THE ENGINEER PRIOR TO PLACEMENT OF STONE BASE. STONE BASE SHALL BE INSPECTED AND ACCEPTED BY THE ENGINEER PRIOR TO PLACEMENT OF ASPHALT. CONTRACTOR SHALL PROVIDE A LOADED TRUCK FOR ALL PROOF-ROLLS REQUIRED.
8. ALL WORK IS SUBJECT TO INSPECTION OF THE OWNER, ENGINEER AND AUTHORITIES HAVING JURISDICTION. THE OWNER SHALL PAY FOR ALL QUALITY ASSURANCE TESTING REQUIRED.
9. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY APPROVALS, PERMITS, ETC. AND FOR PROPER DISPOSAL OF ANY MATERIAL REMOVED FROM THE SITE.
10. EXISTING DRAINAGE PATTERNS SHALL BE MAINTAINED UNLESS OTHERWISE SHOWN ON THE PLANS. ALL AREAS OF THE SITE SHALL BE SHAPED TO DRAIN TO EROSION CONTROL DEVICES.
11. THE CONTRACTOR SHALL KEEP ALL STREETS AND ROADWAYS CLEAN. THIS SHALL BE ACCOMPLISHED BY STREET SWEEPING AND WASHING AS NECESSARY ON A DAILY BASIS.
12. ALL FILL SHALL BE PLACED AND COMPACTED IN ACCORDANCE WITH THE GEOTECHNICAL REPORT PREPARED FOR THIS PROJECT. DRYING OR WETTING OF FILL MATERIAL MAY BE REQUIRED TO COMPLY WITH MOISTURE LIMITS SPECIFIED. IF NO GEOTECHNICAL STUDY HAS BEEN PERFORMED, ALL EARTHWORK PLACED SHALL BE WITHIN 5% OF OPTIMUM MOISTURE AND COMPACTED TO AT LEAST 95% OF THE STANDARD PROCTOR.
13. THE CONTRACTOR SHALL SMOOTH AND BLEND IN ALL GRADE TRANSITIONS AND PROVIDE POSITIVE DRAINAGE AROUND ALL BUILDINGS. THE TOP OF SLOPE FOR ALL CUT SLOPES SHALL BE ROUNDED. THE FINAL GRADE OF ALL CUT SLOPES SHALL BE SCARIFIED AND TRACKED AS NECESSARY FOR ESTABLISHMENT OF GROUND COVER. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IF ANY CLARIFICATION IS NEEDED CONCERNING THE INTENT OF THE DRAWINGS, INCLUDING SPOT GRADES, CONTOUR LINES, BREAK POINTS, DRAINAGE PATTERNS, ETC. THE CONTRACTOR SHALL DRAG AND RAKE THE ENTIRE SITE AND LEAVE THE ENTIRE SITE IN A CLEAN, NEAT, SMOOTH CONDITIONS SUITABLE FOR MOWING.
14. SLOPES IN ADA PARKING SPACES AND ACCESS AISLES SHALL NOT EXCEED 2% IN ANY DIRECTION INCLUDING THE DIAGONAL.
15. THIS PROJECT MAY INCLUDE MATERIAL TO BE IMPORTED/EXPORTED TO/FROM THIS SITE. CONTRACTOR SHALL BE RESPONSIBLE FOR PERMITTING AND APPROVALS REQUIRED FOR ANY OFF-SITE BORROW AREAS OR WASTE AREAS.
16. CONTRACTOR SHALL MAINTAIN A STAMPED APPROVED SET OF PLANS ON THE JOB SITE AT ALL TIMES.

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DRAWN BY:

TSM

PROJECT #

22042

REVISION TO TWO BUILDINGS

ORIGINAL ISSUE DATE:

08/09/2023

REVISIONS:

09/12/2023

PRELIMINARY

NOT FOR CONSTRUCTION

Blue Ridge Engineering PLLC

924 Main Street - Suite 200

North Wilkesboro, NC 28659

336.838.2500

www.ridge.blue

Firm #P-0205



Prepared for:

A & R MOUNTAIN PROPERTIES, LLC

2237 NC-105

Boone, NC 28607

Grading Plan

Proposed Faculty Street Townhouses

Faculty Street

Boone, NC

SHEET

C-6

Communication: Case A23-0149 Site Plans (Case A23-0149 Faculty Street Townhouses - Conditional District Zoning Map Amendment)

PRELIMINARY - NOT FOR CONSTRUCTION

PROPOSED 6' OPAQUE FENCE

21-LL & 20-KA ALONG FRONT OF FENCE

1-WO

1-AA

3-RC

1-FD

3-ML

1-WO

3-RC

1-FD

3-ML

1-AA

TYPE A BUFFERYARD 10 FT WIDE, 77 LF

12-RC, 12-IB, 18-LL & 12-KA INSIDE RETAINING WALL BUFFER

3-RB

3-CS

15-AA

TYPE B BUFFERYARD 15 FT WIDE, 276 LF

1-WO

1-WO

1-WO

1-WO

13-AA

1-WO

1-WO

1-AA

1-RC

3-CS

3-RB

1-RC

1-AA

1-RB

1-AA

3-IB

1-FD

3-IB

1-WO

3-IB

1-FD

3-IB

1-AA

2-ML

3-RC

LONG TERM (1) AND SHORT TERM (1) BIKE PARKING SPACES

PRIMARY STREETYARD 220 LF

5-RC

1-WO

13-IB

1-RM

7-ML

1-RM

7-IB

1-RM

15-ML

1-RM

7-IB

1-WO

7-ML

1-WO

FACULTY ST (PUBLIC)

PLANTING LIST (SHRUBS)			
SYM.	QTY	NAME	SIZE AT PLANTING
	51	INKBERRY (IB) <i>Ilex glabra</i>	24" MIN. HEIGHT
	39	MOUNTAIN LAUREL (ML) <i>Kalmia latifolia</i>	24" MIN. HEIGHT
	39	LITTLE LIME HYDRANGEA (LL) <i>hydrangea</i> ' paniculata 'Jane'	18" MIN. HEIGHT
	32	KURUME AZALEA (KA) <i>Azalea obtusum</i>	18" MIN. HEIGHT
	31	R. CATAWBA (RC) <i>Rhododendron catawbiense</i>	24" MIN. HEIGHT

PROVIDED	
LG TREES	7
24" SHRUBS	73

ALL TREES, SHRUBS, AND PLANTS SHALL CONFORM TO ACCEPTED STANDARDS ESTABLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN.

ALL PLANTING BEDS SHALL RECEIVE 4" OF DOUBLE-GROUND HARDWOOD BARK MULCH. ALL AREAS OTHER THAN PLANT BEDS SHALL BE SODDED OR SEEDS AS SPECIFIED.

ALL TREES IN LAWN AREAS SHALL RECEIVE 8" DIAMETER MULCH RING, 4" DEPTH

ALL ROOT BALLS REMOVED FROM CONTAINERS SHALL BE SCARIFIED PRIOR TO PLANTING AND BACKFILLING. ALL PLANTS SHALL BE SOAKED WITH WATER IMMEDIATELY AFTER PLANTING. AN 4" DIAMETER MULCH RING (MIN. 4" DEPTH) SHALL BE INSTALLED AROUND ALL TREES.

LOCATIONS OF UTILITIES SHOWN ARE BASED ON EVIDENCE OBSERVED AT THE TIME OF SURVEY. OTHER UTILITIES MAY EXIST THAT ARE NOT SHOWN. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE EXISTENCE AND ACTUAL LOCATION OF ALL EXISTING UTILITY LINES, AND TO PROTECT THESE LINES DURING CONSTRUCTION.

CONTRACTOR SHALL MAINTAIN AND GUARANTEE ALL PLANTINGS FOR ONE YEAR AFTER INSTALLATION AND SHALL REPLACE PLANTINGS AS NECESSARY.

TREES AND SHRUBS TO BE TRANSPLANTED SHALL BE TRANSPLANTED AS SOON AS POSSIBLE AFTER CONSTRUCTION BEGINS. CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVAL, STORAGE, WATERING, PLANTING, AND MAINTENANCE OF EXISTING TREES AND SHRUBS TO BE TRANSPLANTED.

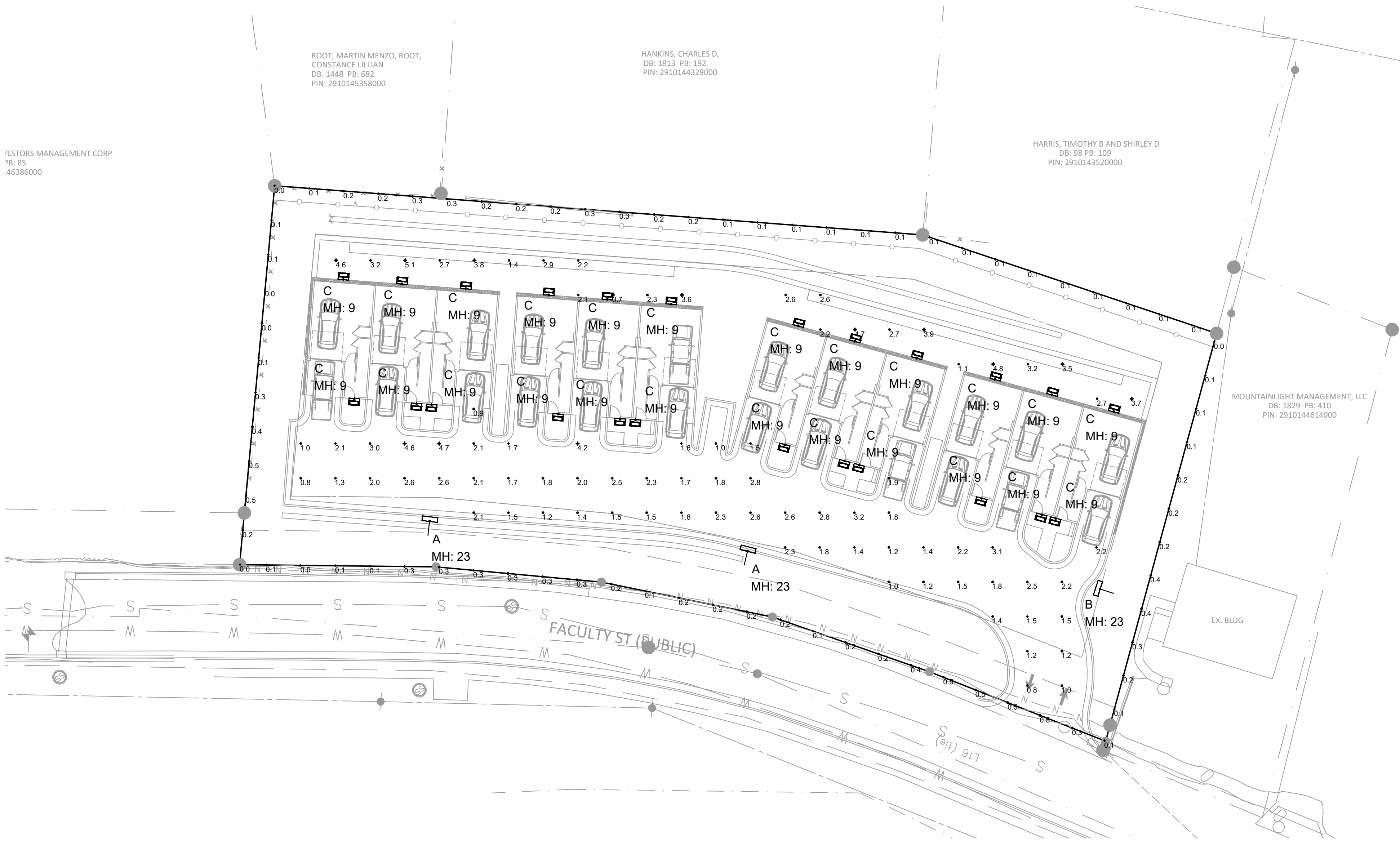


Luminaire Schedule							
Symbol	Qty	Label	Arrangement	Total Lamp Lumens	LLF	Description	
	24	C	Single	N.A.	0.750	ARC1 LED P1 40K	
	2	A	Single	N.A.	0.810	OSQM-B-9L-40K7-2M-Ux-xx-xx-xxxx w- OSQ-BLSMF CONFIGURED FROM OSQL-B-30L-40K7-2M-U	
	1	B	Single	N.A.	0.810	OSQM-B-9L-40K7-4M-Ux-xx-xx-xxxx w- OSQ-BLSMF CONFIGURED FROM OSQL-B-30L-40K7-4M-	

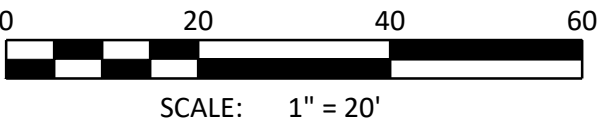
Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
Parking Area	Illuminance	Fc	1.95	4.7	0.8	2.44	5.88
Property Line	Illuminance	Fc	0.20	0.5	0.0	N.A.	N.A.
Rear Area	Illuminance	Fc	3.14	5.1	1.1	2.85	4.64

NOTE:
THIS LIGHTING DESIGN IS BASED ON INFORMATION SUPPLIED BY OTHERS TO PAGE INTERWORKS, P.A. SITE DETAILS PROVIDED HEREON ARE REPRODUCED ONLY AS A VISUALIZATION AID. FIELD DEVIATIONS MAY SIGNIFICANTLY AFFECT PREDICTED PERFORMANCE. PRIOR TO INSTALLATION, CRITICAL SITE INFORMATION (POLE LOCATIONS, ORIENTATION, MOUNTING HEIGHT, ETC.) SHOULD BE COORDINATED WITH THE CONTRACTOR AND/OR SPECIFIER RESPONSIBLE FOR THE PROJECT.

NOTE:
LUMINAIRE DATA IS TESTED TO INDUSTRY STANDARDS UNDER LABORATORY CONDITIONS. OPERATING VOLTAGE AND NORMAL MANUFACTURING TOLERANCES OF LED ARRAY, DRIVER, AND LUMINAIRE MAY AFFECT FIELD RESULTS.



1 SITE PHOTOMETRIC PLAN
SCALE: 1" = 20'-0" PH-1



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PROJECT # 23332	
ORIGINAL DATE: 08/09/2023	REVISIONS:

FOR
REFERENCE
ONLY

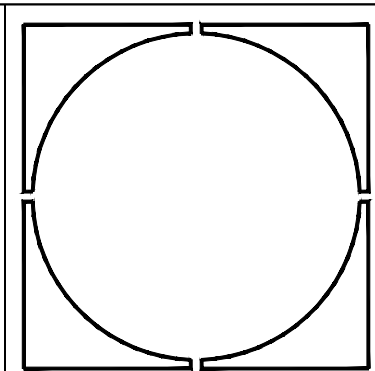
PAGE
INTERWORKS, P.A.
ENGINEERS & CONSULTANTS
203 MAIN STREET, NORTH WILKESBORO, NC 28657
PHONE: 800-667-4226

Prepared for:
A & R MOUNTAIN PROPERTIES, LLC
2237 NC-105
Boone, NC 28607

SITE PHOTOMETRIC PLAN

Proposed Faculty Street Townhouses
Faculty Street
Boone, NC

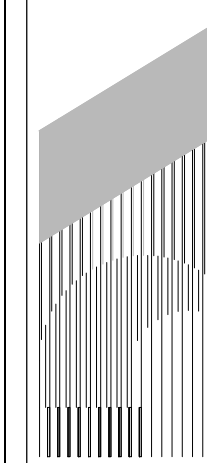
SHEET
PH-1



DEVELOPER:

FACULTY STREET
APARTMENTS
BOONE
NORTH CAROLINA

DATE	JOB NO.:	CONCEPTUAL DESIGN
3/20/23	CONCEPTUAL DESIGN	
7/14/23	CONCEPTUAL DESIGN	
8/9/23	C.D.R. SUBMITTAL	
8/30/23	REVISED CONCEPTUAL DESIGN	
9/13/23	REVISED C.D.R. SUBMITTAL	

 BRENT DAVIS ARCHITECTURE, INC.
BOONE, NORTH CAROLINA

SHEET
A2.0

PRELIMINARY
NOT FOR CONSTRUCTION

Communication: Case A23-0149 Building Elevations (Case A23-0149 Faculty Street Townhomes - Conditional District Zoning Map Amendment)

COMMERCIAL APPEARANCE REQUIREMENTS - FRONT ELEVATION

PLAN = 113'-0" LIN. DIM.		
FEATURE TYPE	LOCATION	NO. OF FEATURES
1. BUILDING OFFSETS - MIN. 4'	PLAN	8
2. MATERIAL CHANGE	PLAN	1
3. WINDOWS - MIN. 2'-8" x 3'-4"	PLAN	6
4. COVERED GARAGE ENTRY	PLAN	6
PLAN FEATURE TYPES - 4 REQ'D.		21 - TOTAL (12 REQ'D)

ELEVATION = ± 30'-10" ELEV. HT.	
FEATURE TYPE	LOCATION
1. WINDOWS / FULL GL. DOOR - MIN. 2'-8" x 3'-4"	ELEVATION
2. BUILDING OFFSETS - MIN. 4'	ELEVATION
3. BALCONY	ELEVATION
4. CANTILEVERED DORMER	ELEVATION
5. MATERIAL CHANGE	ELEVATION
6. DECORATIVE WOOD BRACKETS	ELEVATION
ELEVATION FEATURE TYPES - 3 REQUIRED	

ROOF = ± 2400 SF ROOF AREA	
FEATURE TYPE	LOCATION
1. OPPOSING ROOF LINES	ROOF
2. OFFSET IN ROOF LINE	ROOF
ELEVATION FEATURE TYPES - 2 REQUIRED	

WINDOW CALCULATIONS (10% GLASS FOR STREET FACING ELEVATION)	
113'-0" (LENGTH) x 10% - 11'-4" GLASS REQUIRED : 64' GLASS PROVIDED INCLUDING GARAGE DOORS, 16' GLASS PROVIDED IN WINDOWS	

EACH DWELLING UNIT MEETS THE STANDARDS
OF SECTION 15.03.05, PARAGRAPHS A, B, AND C.

AREA CALCULATIONS - 1 BEDROOM UNIT	
1ST LEVEL - HEATED	104 SF
2ND LEVEL - HEATED	640 SF
3RD LEVEL - HEATED	512 SF
TOTAL HEATED	1,256 SF
1ST LEVEL - UNHEATED	424 SF
UNIT TOTAL	1,680 SF

AREA CALCULATIONS - 2 BEDROOM UNIT	
1ST LEVEL - HEATED	104 SF
2ND LEVEL - HEATED	640 SF
3RD LEVEL - HEATED	640 SF
TOTAL HEATED	1,384 SF
1ST LEVEL - UNHEATED	424 SF
UNIT TOTAL	1,808 SF

BUILDING 100 - 6 UNITS	
GROSS FLOOR AREA	10,464 SF



CONCEPTUAL FRONT ELEVATION - BUILDING 100
SCALE : 1/4" = 1'-0"



COMMERCIAL APPEARANCE REQUIREMENTS - REAR ELEVATION

PLAN = 113'-0" LIN. DIM.		
FEATURE TYPE	LOCATION	NO. OF FEATURES
1. PILASTERS	PLAN	2
2. MATERIAL CHANGE	PLAN	1
3. WINDOWS / FULL GL. DOOR - MIN. 2'-8" X 3'-4"	PLAN	18
4. CONCRETE PATIOS		6
PLAN FEATURE TYPES - 4 REQ'D.		27 - TOTAL (12 REQ'D)

ELEVATION = ± 18'-6" ELEV. HT.	
FEATURE TYPE	LOCATION
1. WINDOWS / FULL GL. DOOR - MIN. 2'-8" X 3'-4"	ELEVATION
2. CANTILEVERED DORMER	ELEVATION
3. MATERIAL CHANGE	ELEVATION
4. PILASTERS	ELEVATION
ELEVATION FEATURE TYPES - 3 REQUIRED	

ROOF = ± 1200 SF ROOF AREA	
FEATURE TYPE	LOCATION
1. OPPOSING ROOF LINES	ROOF
2. DORMER ROOF LOUVERS	ROOF
ELEVATION FEATURE TYPES - 2 REQUIRED	

EACH DWELLING UNIT MEETS THE STANDARDS
OF SECTION 15.03.05, PARAGRAPHS A, B, AND C.

AREA CALCULATIONS - 1 BEDROOM UNIT	
1ST LEVEL - HEATED	104 SF
2ND LEVEL - HEATED	640 SF
3RD LEVEL - HEATED	512 SF
TOTAL HEATED	1256 SF
1ST LEVEL - UNHEATED	424 SF
UNIT TOTAL	1680 SF

AREA CALCULATIONS - 2 BEDROOM UNIT	
1ST LEVEL - HEATED	104 SF
2ND LEVEL - HEATED	640 SF
3RD LEVEL - HEATED	640 SF
TOTAL HEATED	1384 SF
1ST LEVEL - UNHEATED	424 SF
UNIT TOTAL	1808 SF

BUILDING 100 - 6 UNITS	
GROSS FLOOR AREA	10,464 SF

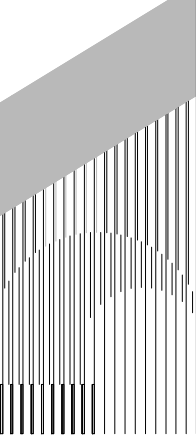
CONCEPTUAL REAR ELEVATION - BUILDING 100
SCALE : 1/4" = 1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION

DEVELOPER:

FACULTY STREET
APARTMENTS
BOONE
NORTH CAROLINA

DATE	JOB NO.	
3/20/23	CONCEPTUAL DESIGN	
7/14/23	CONCEPTUAL DESIGN	
8/9/23	C.D.R. SUBMITTAL	
8/30/23	REVISED CONCEPTUAL DESIGN	
9/13/23	REVISED C.D.R. SUBMITTAL	

 BRENT DAVIS ARCHITECTURE, INC.
BOONE, NORTH CAROLINA

SHEET
A2.1

COMMERCIAL APPEARANCE REQUIREMENTS - LEFT SIDE ELEVATION

PLAN = 34'-0" LIN. DIM.		
FEATURE TYPE	LOCATION	NO. OF FEATURES
1. PILASTERS	PLAN	2
2. MATERIAL CHANGE	PLAN	1
3. WINDOWS - MIN. 2'-8" x 3'-4"	PLAN	1
4. PILASTERS	PLAN	2
PLAN FEATURE TYPES - 2 REQ'D.		6 - TOTAL (4 REQ'D)

ELEVATION = ± 25'-0" AVG. ELEV. HT.	
FEATURE TYPE	LOCATION
1. WINDOWS / FULL GL. DOOR - MIN. 2'-8" X 3'-4"	ELEVATION
2. MATERIAL CHANGE	ELEVATION
3. PILASTERS	ELEVATION
ELEVATION FEATURE TYPES - 3 REQUIRED	3 REQ'D.

ROOF = ± 1200 SF ROOF AREA	
FEATURE TYPE	LOCATION
1. ROOF RETURN EYEBROW	ROOF
ELEVATION FEATURE TYPES - 1 REQUIRED	

EACH DWELLING UNIT MEETS THE STANDARDS
OF SECTION 15.03.05, PARAGRAPHS A, B, AND C.

COMMERCIAL APPEARANCE REQUIREMENTS - RIGHT SIDE ELEVATION

PLAN = 34'-0" LIN. DIM.		
FEATURE TYPE	LOCATION	NO. OF FEATURES
1. PILASTERS	PLAN	2
2. MATERIAL CHANGE	PLAN	1
3. WINDOWS - MIN. 2'-8" x 3'-4"	PLAN	1
4. PILASTERS	PLAN	2
PLAN FEATURE TYPES - 2 REQ'D.		6 - TOTAL (4 REQ'D)

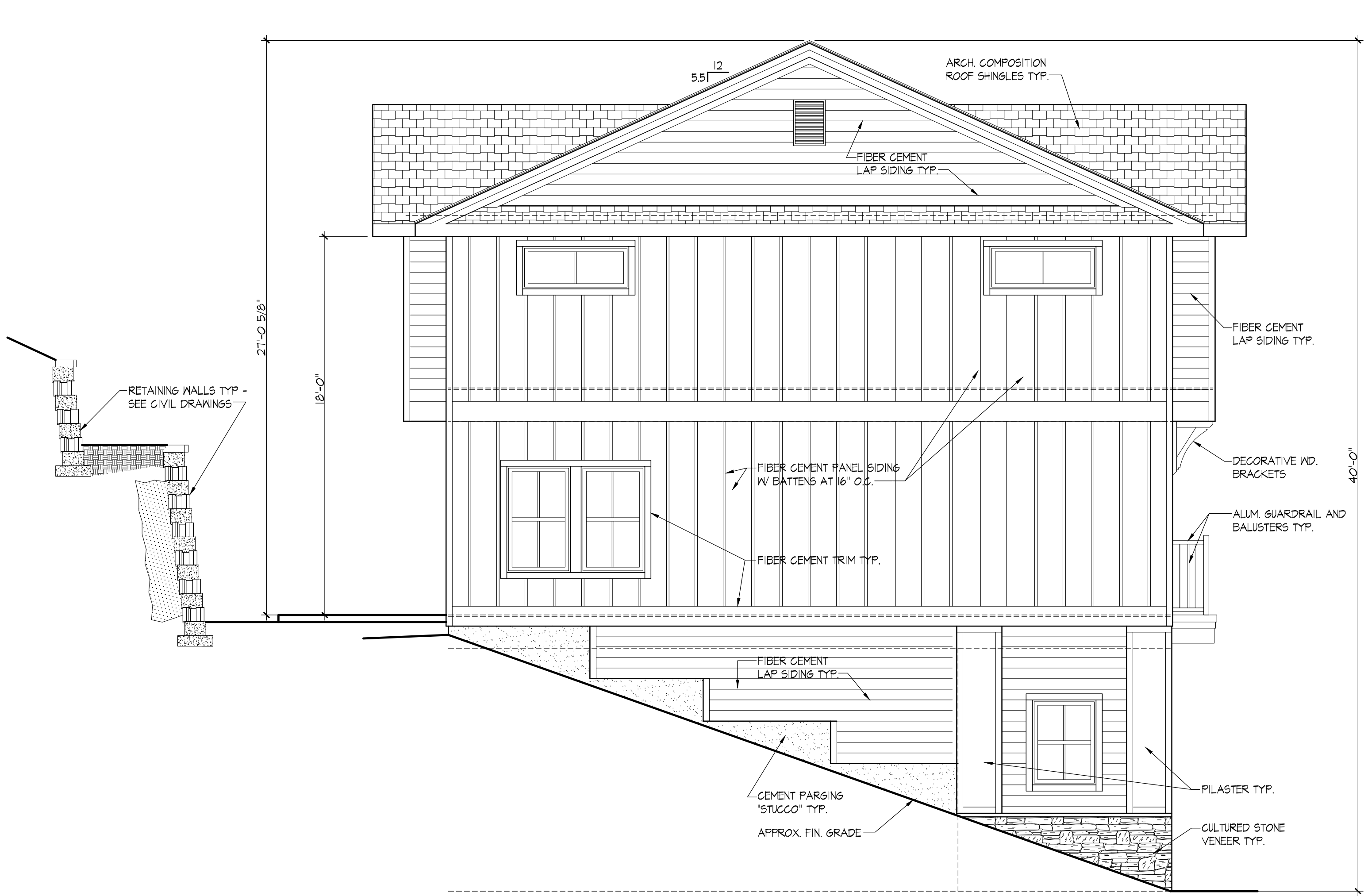
ELEVATION = ± 32'-0" AVG. ELEV. HT.	
FEATURE TYPE	LOCATION
1. WINDOWS - MIN. 2'-8" X 3'-4"	ELEVATION
2. MATERIAL CHANGE	ELEVATION
3. PILASTERS	ELEVATION
ELEVATION FEATURE TYPES - 3 REQUIRED	3 REQ'D.

ROOF = ± 1200 SF ROOF AREA	
FEATURE TYPE	LOCATION
1. ROOF RETURN EYEBROW	ROOF
ELEVATION FEATURE TYPES - 1 REQUIRED	

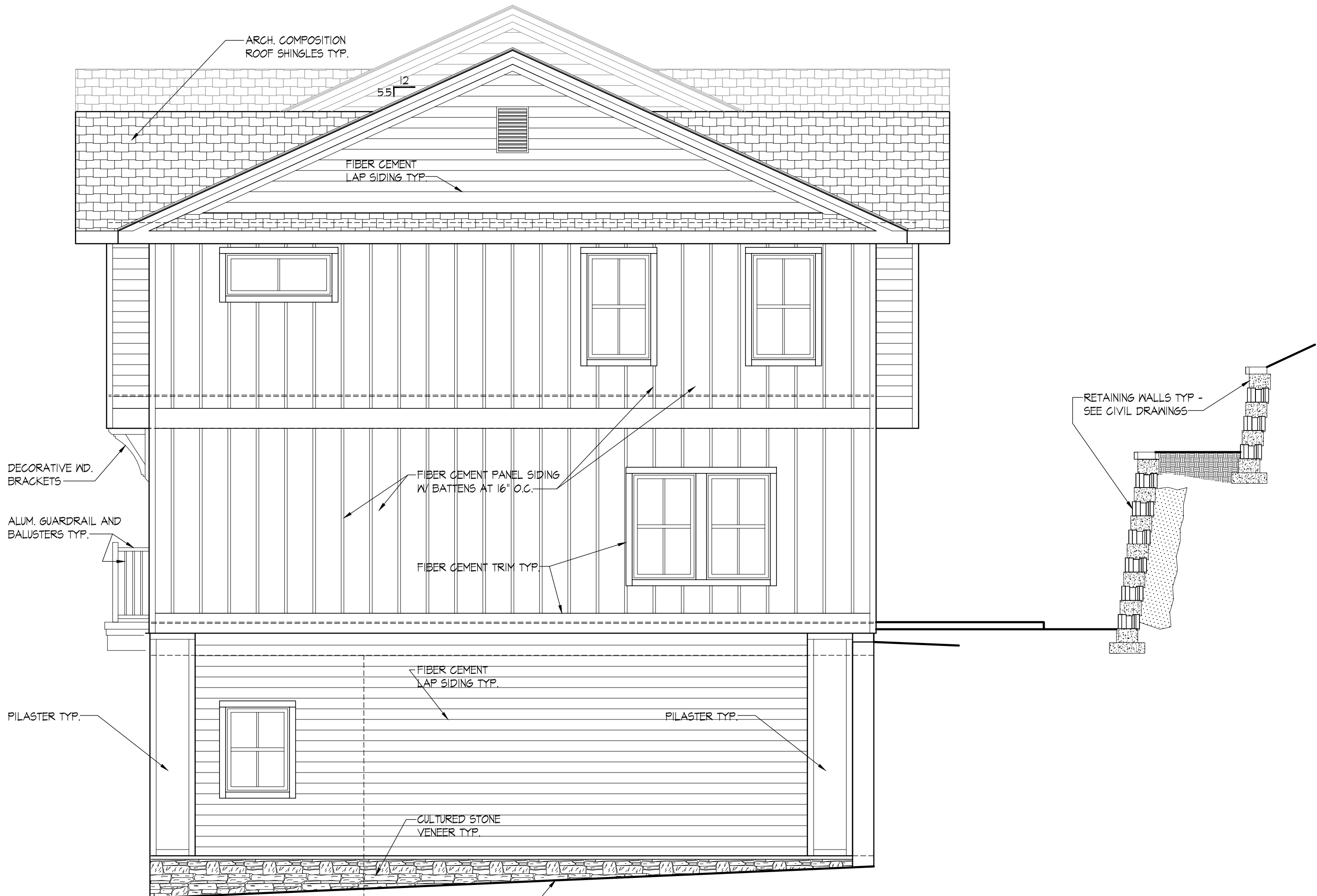
AREA CALCULATIONS - 1 BEDROOM UNIT	
1ST LEVEL - HEATED	104 SF
2ND LEVEL - HEATED	640 SF
3RD LEVEL - HEATED	512 SF
TOTAL HEATED	1,256 SF
1ST LEVEL - UNHEATED	424 SF
UNIT TOTAL	1,680 SF

AREA CALCULATIONS - 2 BEDROOM UNIT	
1ST LEVEL - HEATED	104 SF
2ND LEVEL - HEATED	640 SF
3RD LEVEL - HEATED	640 SF
TOTAL HEATED	1,384 SF
1ST LEVEL - UNHEATED	424 SF
UNIT TOTAL	1,808 SF

BUILDING 100 - 6 UNITS	
GROSS FLOOR AREA	10,464 SF



CONCEPTUAL LEFT SIDE ELEVATION - BUILDING 100
SCALE : 1/4" = 1'-0"



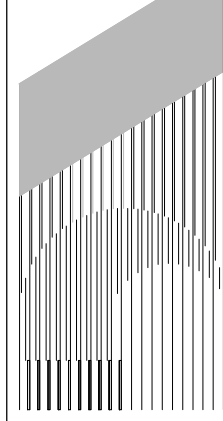
CONCEPTUAL RIGHT SIDE ELEVATION - BUILDING 100
SCALE : 1/4" = 1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION

DEVELOPER:

FACULTY STREET
APARTMENTS
BOONE
NORTH CAROLINA

DATE	JOB NO. :	CONCEPTUAL DESIGN
3/20/23	CONCEPTUAL DESIGN	
7/14/23	CONCEPTUAL DESIGN	
8/9/23	C.D.R. SUBMITTAL	
8/30/23	REVISED CONCEPTUAL DESIGN	
9/13/23	REVISED C.D.R. SUBMITTAL	



BRENT DAVIS ARCHITECTURE, INC.
BOONE, NORTH CAROLINA

SHEET

A2.2

COMMERCIAL APPEARANCE REQUIREMENTS - FRONT ELEVATION

PLAN = 113'-0" LIN. DIM.		
FEATURE TYPE	LOCATION	NO. OF FEATURES
1. BUILDING OFFSETS - MIN. 4'	PLAN	8
2. MATERIAL CHANGE	PLAN	1
3. WINDOWS - MIN. 2'-8" x 3'-4"	PLAN	6
4. COVERED GARAGE ENTRY	PLAN	
PLAN FEATURE TYPES - 4 REQ'D.		15 - TOTAL (12 REQ'D)

ELEVATION = ± 30'-10" ELEV. HT.	
FEATURE TYPE	LOCATION
1. WINDOWS / FULL GL. DOOR - MIN. 2'-8" X 3'-4"	ELEVATION
2. BUILDING OFFSETS - MIN. 4'	ELEVATION
3. BALCONY	ELEVATION
4. CANTILEVERED DORMER	ELEVATION
5. MATERIAL CHANGE	ELEVATION
6. DECORATIVE WOOD BRACKETS	ELEVATION
ELEVATION FEATURE TYPES - 3 REQUIRED	3 REQ'D.

ROOF = ± 2400 SF ROOF AREA	
FEATURE TYPE	LOCATION
1. OPPOSING ROOF LINES	ROOF
2. OFFSET IN ROOF LINE	ROOF
ELEVATION FEATURE TYPES - 2 REQUIRED	

WINDOW CALCULATIONS (10% GLASS FOR STREET FACING ELEVATION)	
113'-0" (LENGTH) x 10% = 11'-4" GLASS REQUIRED : 64' GLASS PROVIDED INCLUDING GARAGE DOORS, 16' GLASS PROVIDED IN WINDOWS	

EACH DWELLING UNIT MEETS THE STANDARDS OF SECTION 15.03.05, PARAGRAPHS A, B, AND C.

AREA CALCULATIONS - 1 BEDROOM UNIT	
1ST LEVEL - HEATED	104 SF
2ND LEVEL - HEATED	640 SF
3RD LEVEL - HEATED	512 SF
TOTAL HEATED	1256 SF
1ST LEVEL - UNHEATED	424 SF
UNIT TOTAL	1680 SF

AREA CALCULATIONS - 2 BEDROOM UNIT	
1ST LEVEL - HEATED	104 SF
2ND LEVEL - HEATED	640 SF
3RD LEVEL - HEATED	640 SF
TOTAL HEATED	1384 SF
1ST LEVEL - UNHEATED	424 SF
UNIT TOTAL	1808 SF

BUILDING 200 - 6 UNITS	
GROSS FLOOR AREA	10,464 SF



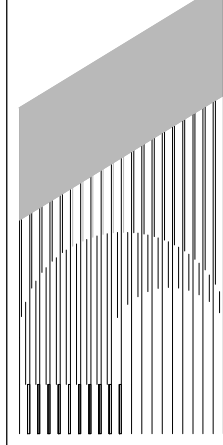
CONCEPTUAL FRONT ELEVATION - BUILDING 200
SCALE : 1/4" = 1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION

DEVELOPER:

FACULTY STREET
APARTMENTS
BOONE
NORTH CAROLINA

DATE	JOB NO.:	CONCEPTUAL DESIGN
3/20/23	CONCEPTUAL DESIGN	
7/14/23	CONCEPTUAL DESIGN	
8/9/23	C.D.R. SUBMITTAL	
8/30/23	REVISED CONCEPTUAL DESIGN	
9/13/23	REVISED C.D.R. SUBMITTAL	



BRENT DAVIS ARCHITECTURE, INC.
BOONE, NORTH CAROLINA

SHEET

A2.3

COMMERCIAL APPEARANCE REQUIREMENTS - REAR ELEVATION

PLAN = 113'-0" LIN. DIM.		
FEATURE TYPE	LOCATION	NO. OF FEATURES
1. PILASTERS	PLAN	2
2. MATERIAL CHANGE	PLAN	1
3. WINDOWS / FULL GL. DOOR - MIN. 2'-8" X 3'-4"	PLAN	18
4. CONCRETE PATIOS	PLAN	6
PLAN FEATURE TYPES - 4 REQ'D.		27 - TOTAL (12 REQ'D)

ELEVATION = ± 18'-6" ELEV. HT.	
FEATURE TYPE	LOCATION
1. WINDOWS / FULL GL. DOOR - MIN. 2'-8" X 3'-4"	ELEVATION
2. CANTILEVERED DORMER	ELEVATION
3. MATERIAL CHANGE	ELEVATION
4. PILASTERS	ELEVATION
ELEVATION FEATURE TYPES - 3 REQUIRED	

ROOF = ± 1200 SF ROOF AREA	
FEATURE TYPE	LOCATION
1. OPPOSING ROOF LINES	ROOF
2. OFFSET IN ROOF LINE	ROOF
ELEVATION FEATURE TYPES - 2 REQUIRED	

AREA CALCULATIONS - 1 BEDROOM UNIT	
1ST LEVEL - HEATED	104 SF
2ND LEVEL - HEATED	640 SF
3RD LEVEL - HEATED	512 SF
TOTAL HEATED	1256 SF
1ST LEVEL - UNHEATED	424 SF
UNIT TOTAL	1680 SF

AREA CALCULATIONS - 2 BEDROOM UNIT	
1ST LEVEL - HEATED	104 SF
2ND LEVEL - HEATED	640 SF
3RD LEVEL - HEATED	640 SF
TOTAL HEATED	1384 SF
1ST LEVEL - UNHEATED	424 SF
UNIT TOTAL	1808 SF

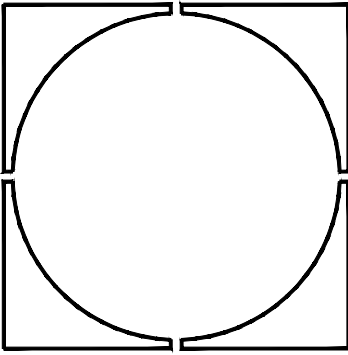
BUILDING 200 - 6 UNITS	
GROSS FLOOR AREA	10,464 SF

EACH DWELLING UNIT MEETS THE STANDARDS
OF SECTION 15.03.05, PARAGRAPHS A, B, AND C.



CONCEPTUAL REAR ELEVATION - BUILDING 200
SCALE : 1/4" = 1'-0"

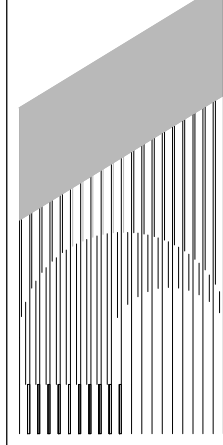
PRELIMINARY
NOT FOR CONSTRUCTION



DEVELOPER:

FACULTY STREET
APARTMENTS
BOONE
NORTH CAROLINA

DATE	JOB NO. :	CONCEPTUAL DESIGN
3/20/23	CONCEPTUAL DESIGN	
7/14/23	CONCEPTUAL DESIGN	
8/9/23	C.D.R. SUBMITTAL	
8/30/23	REVISED CONCEPTUAL DESIGN	
9/13/23	REVISED C.D.R. SUBMITTAL	

 BRENT DAVIS ARCHITECTURE, INC.
BOONE, NORTH CAROLINA

SHEET
A2.4

Exhibit 3

COMMERCIAL APPEARANCE REQUIREMENTS - LEFT SIDE ELEVATION

PLAN = 34'-0" LIN. DIM.		
FEATURE TYPE	LOCATION	NO. OF FEATURES
1. PILASTERS	PLAN	2
2. MATERIAL CHANGE	PLAN	1
3. WINDOWS - MIN. 2'-8" x 3'-4"	PLAN	1
4. PILASTERS	PLAN	2
PLAN FEATURE TYPES - 2 REQ'D.		6 - TOTAL (4 REQ'D)

ELEVATION = ± 32'-0" AVG. ELEV. HT.	
FEATURE TYPE	LOCATION
1. WINDOWS - MIN. 2'-8" x 3'-4"	ELEVATION
2. MATERIAL CHANGE	ELEVATION
3. PILASTERS	ELEVATION
ELEVATION FEATURE TYPES - 3 REQUIRED	

ROOF = ± 1200 SF ROOF AREA	
FEATURE TYPE	LOCATION
1. ROOF RETURN EYEBROW	ROOF
ELEVATION FEATURE TYPES - 1 REQUIRED	

EACH DWELLING UNIT MEETS THE STANDARDS OF SECTION 15.03.05, PARAGRAPHS A, B, AND C.

COMMERCIAL APPEARANCE REQUIREMENTS - RIGHT SIDE ELEVATION

PLAN = 34'-0" LIN. DIM.		
FEATURE TYPE	LOCATION	NO. OF FEATURES
1. PILASTERS	PLAN	2
2. MATERIAL CHANGE	PLAN	1
3. WINDOWS - MIN. 2'-8" x 3'-4"	PLAN	1
4. PILASTERS	PLAN	2
PLAN FEATURE TYPES - 2 REQ'D.		6 - TOTAL (4 REQ'D)

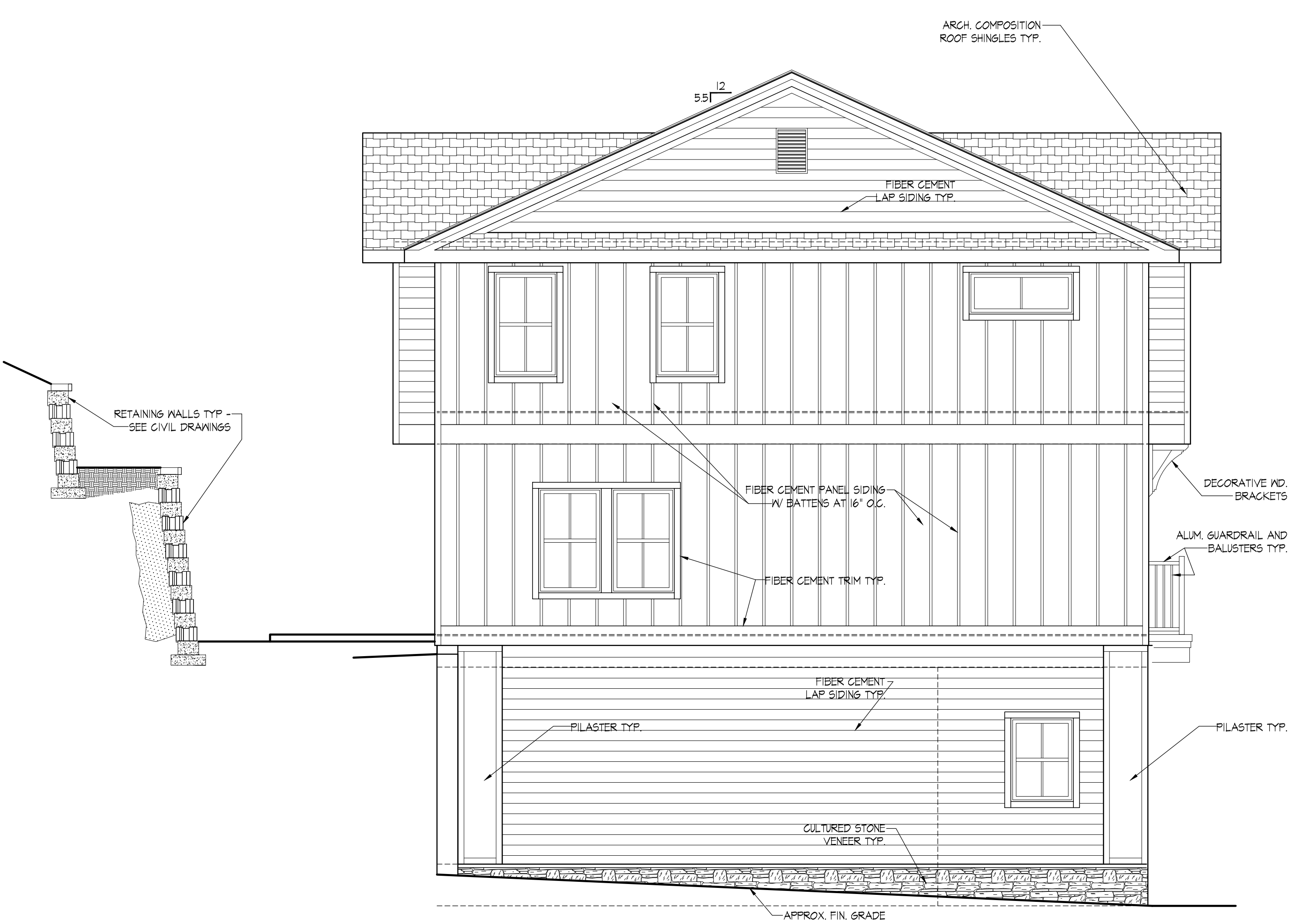
ELEVATION = ± 25'-0" AVG. ELEV. HT.	
FEATURE TYPE	LOCATION
1. WINDOWS / FULL GL. DOOR - MIN. 2'-8" x 3'-4"	ELEVATION
2. MATERIAL CHANGE	ELEVATION
3. PILASTERS	ELEVATION
ELEVATION FEATURE TYPES - 3 REQUIRED	

ROOF = ± 1200 SF ROOF AREA	
FEATURE TYPE	LOCATION
1. ROOF RETURN EYEBROW	ROOF
ELEVATION FEATURE TYPES - 1 REQUIRED	

AREA CALCULATIONS - 1 BEDROOM UNIT	
1ST LEVEL - HEATED	104 SF
2ND LEVEL - HEATED	640 SF
3RD LEVEL - HEATED	512 SF
TOTAL HEATED	1,256 SF
1ST LEVEL - UNHEATED	424 SF
UNIT TOTAL	1,680 SF

AREA CALCULATIONS - 2 BEDROOM UNIT	
1ST LEVEL - HEATED	104 SF
2ND LEVEL - HEATED	640 SF
3RD LEVEL - HEATED	640 SF
TOTAL HEATED	1,384 SF
1ST LEVEL - UNHEATED	424 SF
UNIT TOTAL	1,808 SF

BUILDING 200 - 6 UNITS	
GROSS FLOOR AREA	10,464 SF



CONCEPTUAL LEFT SIDE ELEVATION - BUILDING 200
SCALE : 1/4" = 1'-0"



CONCEPTUAL RIGHT SIDE ELEVATION - BUILDING 200
SCALE : 1/4" = 1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION

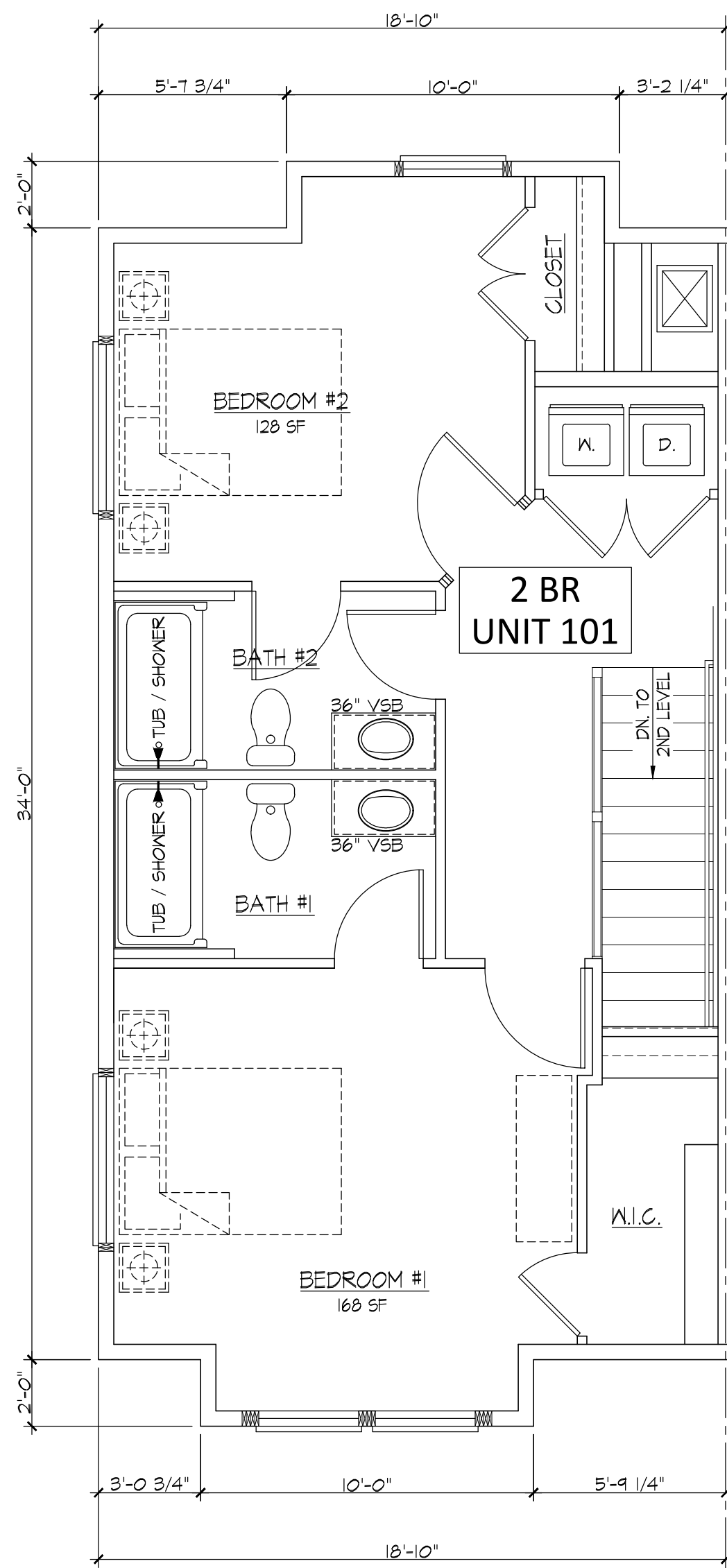
DEVELOPER:

FACULTY STREET
APARTMENTS
BOONE
NORTH CAROLINA

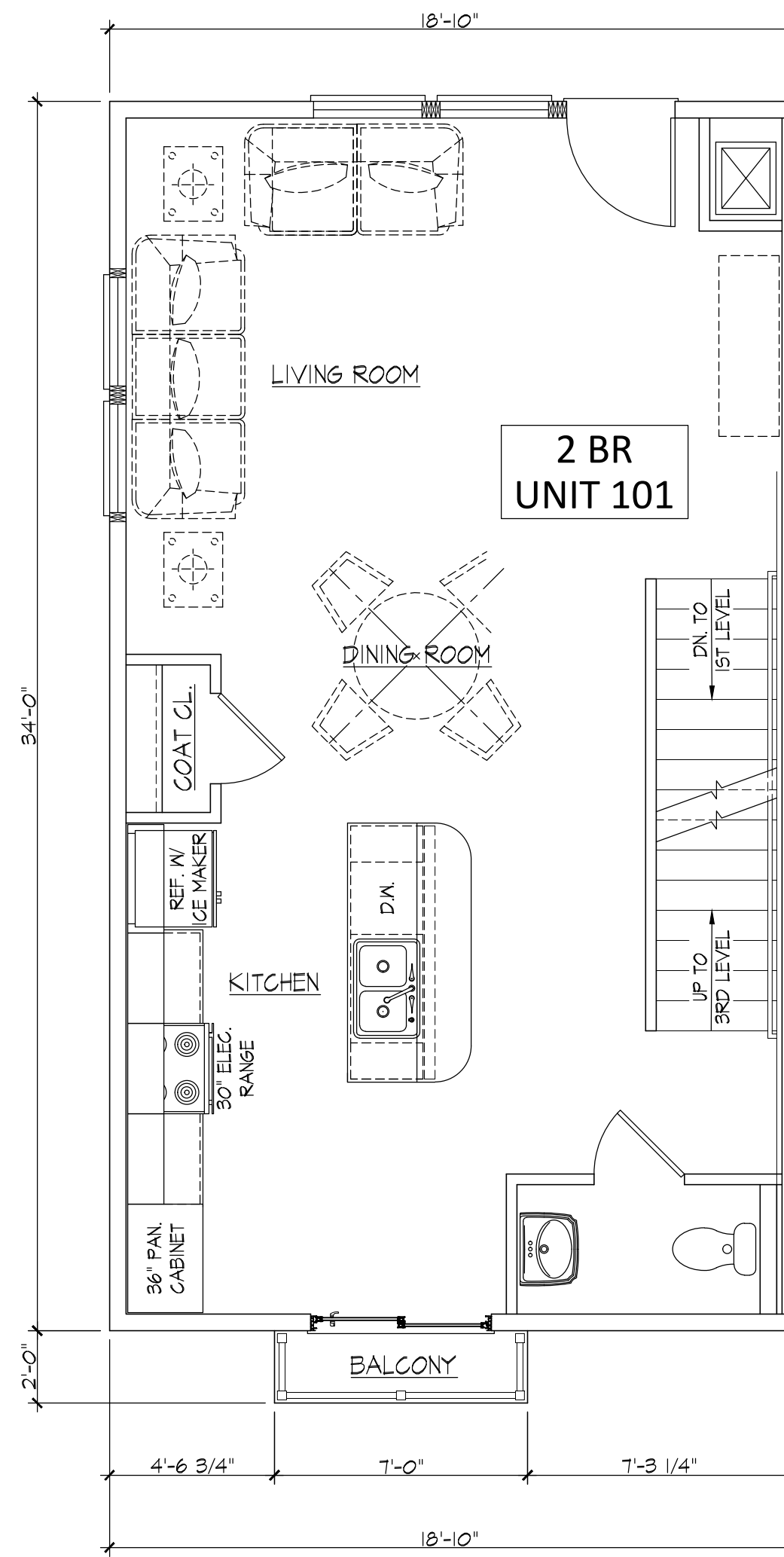
DATE	JOB NO. :	CONCEPTUAL DESIGN
3/20/23	CONCEPTUAL DESIGN	
7/14/23	CONCEPTUAL DESIGN	
8/9/23	C.D.R. SUBMITTAL	
8/30/23	REVISED CONCEPTUAL DESIGN	
9/13/23	REVISED C.D.R. SUBMITTAL	

BRENT DAVIS ARCHITECTURE, INC.
BOONE, NORTH CAROLINA

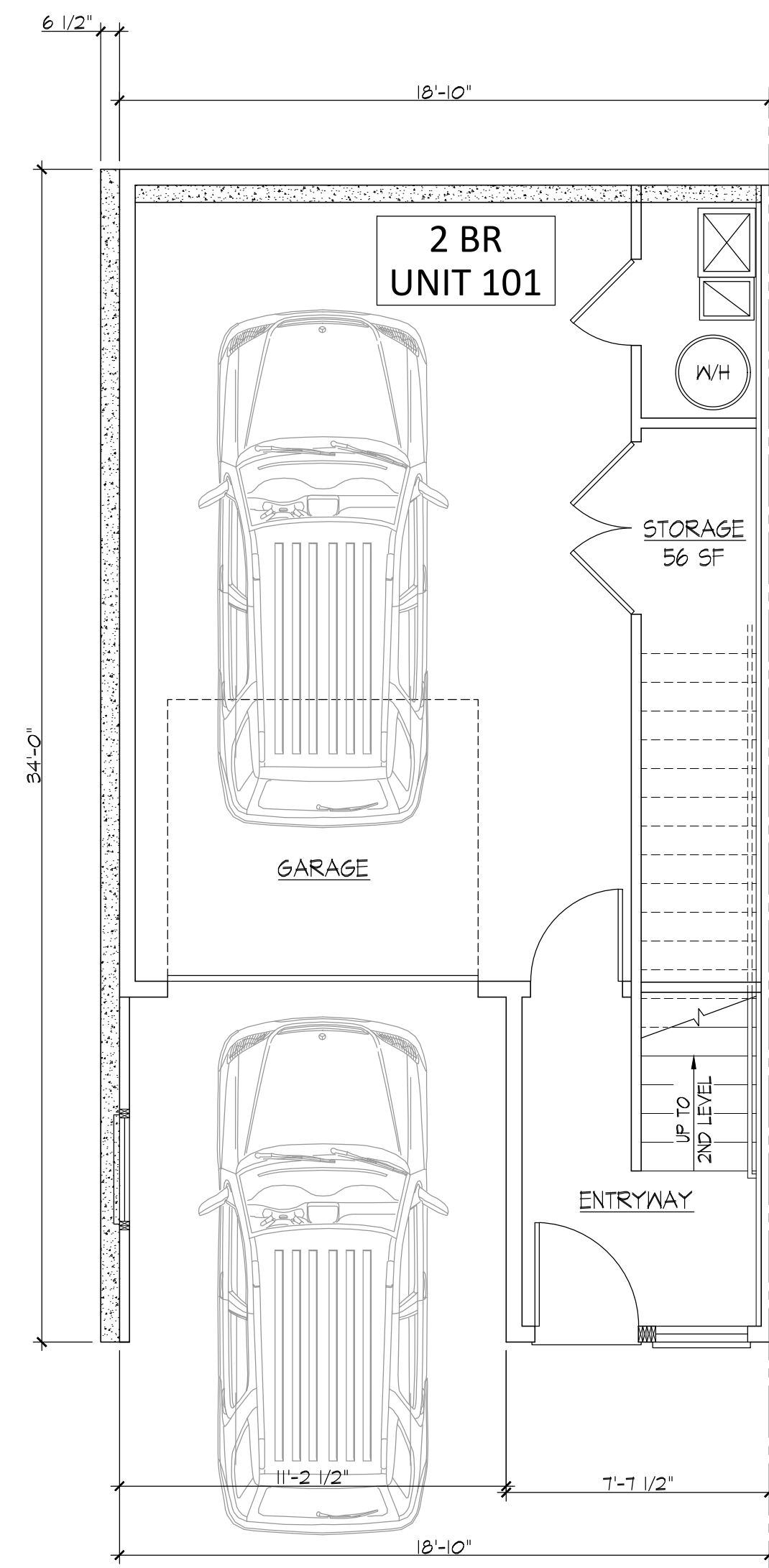
SHEET
A2.5



FACULTY STREET APARTMENTS
3RD LEVEL FLOOR PLAN - 2 BEDROOM UNIT



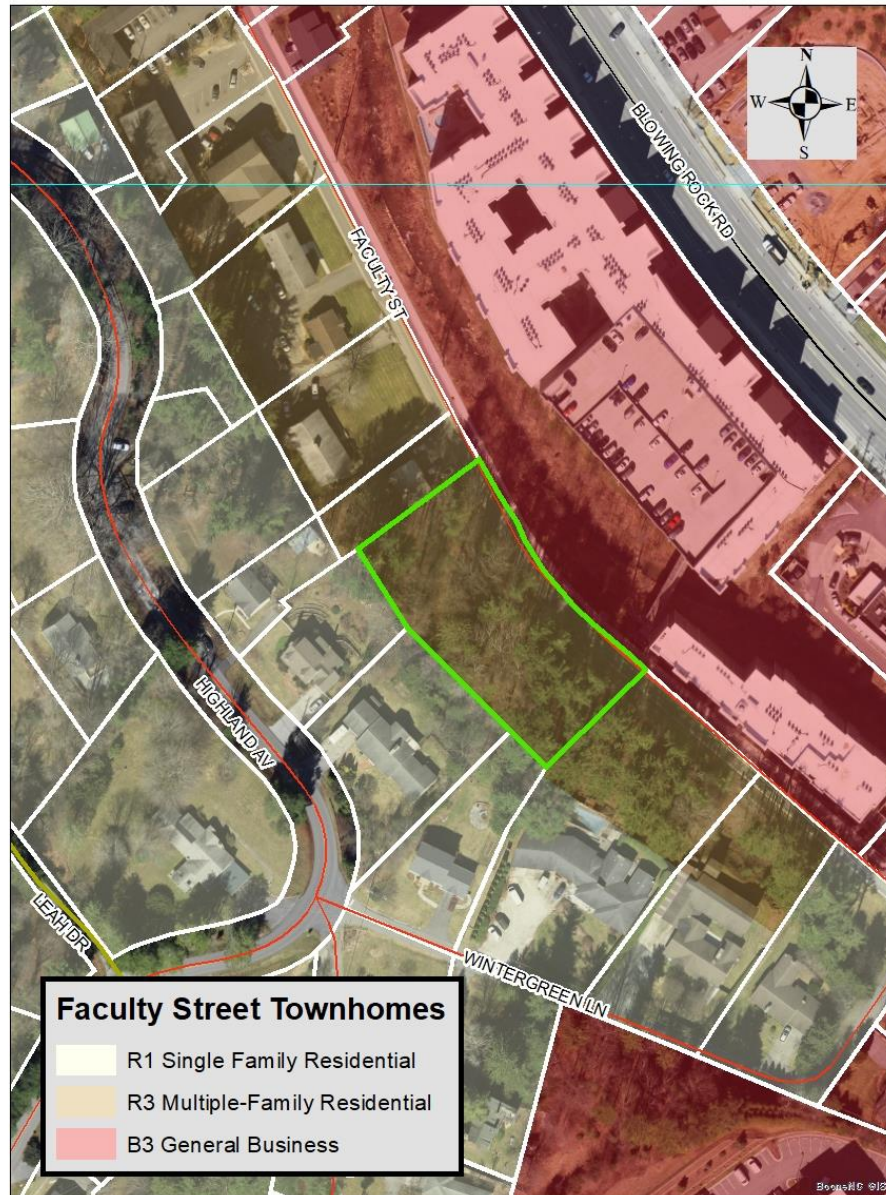
FACULTY STREET APARTMENTS
2ND LEVEL FLOOR PLAN - 2 BEDROOM UNIT



FACULTY STREET APARTMENTS
1ST LEVEL FLOOR PLAN - 2 BEDROOM UNIT

Staff Report
Public Hearing
September 25, 2023

Case A23-0149-Faculty Street Townhomes Conditional District Zoning Map Amendment



Request

Bill Aceto and Todd Rice for A&R Mountain Properties, LLC have requested a Conditional District Zoning Map Amendment for property located on Faculty Street (Watauga County PIN: 2910-14-4592-000) to construct six (6) one-bedroom townhomes and six (6) two-bedroom townhomes that are proposed to be forty (40) feet in height.

Parcel Information

Address: (TBD) Faculty Street
Property Owner: A&R Mountain Properties, LLC
Watauga County PIN: 2910-14-4592-000
Lot size (total): .69 Acres
Jurisdiction: Town of Boone
Access: Faculty Street (Town maintained)
SFHA: Yes
Watershed District: No
Corridor District: Yes
NCD: No
Viewshed: No
Steep Slope: Yes
Transitional Zone: Yes
Current Zoning: R3 Multiple-Family Residential

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 intended to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.

Current Use: 1.01 Single-Family Residential – Currently Vacant

Proposed Use: Use 1.08 Townhouse (up to 30 bedrooms)
 Townhouse: A building containing, intended or used solely for one dwelling unit on its own lot, with an individual private entrance and where three or more buildings are joined side-by-side (“a row”), with no dwelling unit located above or below another dwelling unit, and each building having exposed front and rear walls for access, light and ventilation. A Townhouse development may contain multiple rows.

Zoning & Use of Adjacent Properties		
	Adjacent Zoning	Adjacent Land Use
North	General Business	Mixed-use, Multi-family residential
East	R3 Multi-family Residential/R1 Single-family Residential	Single-family Dwelling
South	R1 Single-family Residential	Single-family Dwelling
West	R3 Multi-family Residential	Single-family Dwelling

Planning Staff Analysis:

The applicant is requesting approval for Conditional District R3, Multi-family residential zoning with a site-specific development plan for Use 1.08, Townhouse (up to 30 bedrooms), which has a 50' transitional zone attached, which the applicant is triggering.

Pursuant to UDO Subsection 14.01.02(C) a Conditional District (CD) is a zoning district in which the use and development of a property pursuant to a site-specific development plan is approved through the legislative process pursuant to Article 9 of this Ordinance. A CD utilizes a proposed general use zoning district, is limited to the authorized uses and development standards mandated within that district, and may be subjected to conditions that make the development more desirable.

A site specific development plan is defined in UDO Article 34 as "A plan which has been submitted to the Town by a landowner that describes with certainty the type and intensity of a use for a specific parcel or parcels of property, and includes the boundaries of the site; significant topographical and other natural features effecting development of the site; the location on the site of the proposed buildings, structures, and other improvements; the dimensions, including height, of the proposed buildings and other structures; and the location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways."

See below for details on the applicant's compliance with the Conditional District procedural requirement for a neighborhood meeting as set forth in UDO Subsection 9.09.02 and the development's overall compliance with UDO standards specific to the development:

Compliance with UDO Subsection 9.09.02 Neighborhood Meeting:

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

- A.** A meeting notice must be mailed to property owners within 300' of the development at least 25 days prior to the meeting in accordance with Subsection 1.13.02 herein. A copy of the notice shall also be provided to the Planning Department. The notice shall contain a summary.
- B.** of the proposed development, the applicants contact information, the date, time, and location of the meeting.
- C.** The meeting must be held at an accessible and convenient location and time in light of available options. Upon coordination through the Planning Department, the meeting may be held at Town Council Chambers if that location is available.
- D.** At the meeting, the petitioner, at a minimum, shall present all the following information:
 - 1. Contact information of the parties involved in the ownership, design, and development of the property;
 - 2. The location of the property and general information on the current conditions of the site;
 - 3. Proposed use(s) and site development;

4. Any preliminary plans or renderings, if available; and
- E. The applicant shall provide the Administrator with a summary report of the meeting which includes a list of all attendees and details the meeting including all concerns expressed by attendees and commitments made by the petitioner. This report shall be included in the staff report.

Staff Note: The applicant held a neighborhood meeting on July 27, 2023. A recap of the meeting along with the certification of mailing to the affected property owners is included in the board packet. Please see information in board packet.

Zoning Analysis

R3 Intensity Standards:

Required	Proposed	Compliance
Minimum Gross Land Area: 20,000 sq. ft.	30056.4 sq. ft. (.69 acres)	Yes

R3 Building Height:

Required	Proposed	Compliance
Maximum Height is limited to 40'*	Building Height: 40'	Yes

* Subsection 14.03.07 (D) In all nonresidential zones and the R3 zone, all structures located within 100 feet of an R1 zoned property shall not exceed forty feet (40') in height. The applicant's project is within 100 feet of R1 property, so the structures are limited to forty feet (40') in height,

Building Setbacks:

Required	Proposed	Compliance
Interior: 13'	13'	Yes
Street: 20'	20'	Yes

Parking:

Required	Proposed	Compliance
Automobile Space – 2 per unit	24	Yes
Bicycle, Short-Term – 1 spaces	1	Yes
Bicycle, Long-Term – 3 spaces	3	Yes
Motorcycle – Exempt	NA	Yes

Sidewalks: Pursuant to UDO Subsection 23.08.01(B), sidewalks shall be required for all new multi-family residential development. Technically, though not shown, the applicant will be required to construct a 5' sidewalk along Faculty Street (along with the 10' landscaped street yard).

Town Staff believes it is important to note that recently NCDOT has begun a feasibility study along this corridor and along this side of the street for a 10' wide multi-use path. Expected completion date is due in 2024.

Though not formally adopted by the town, this feasibility study will most likely have an impact on the pedestrian infrastructure along Faculty Street. UDO Subsection 23.08.04 states that when, with respect to a development parcel, a public greenway or other

alternative walkway (for purposes of this section, “greenway”) has been identified in a duly adopted government alternative transportation plan or other duly-adopted plan, or where a proposed public greenway will connect to an existing greenway or to a planned greenway that is expected with reasonable certainty to be constructed within the next five years or that is approved and funded by the North Carolina Department of Transportation, the following shall be required as applicable:

1. The permit-issuing authority may allow or require the installation of a public greenway instead of sidewalk. A request to install a public greenway shall be supported by a site plan depicting the location and dimensions of the greenway, a description of the method of construction, and any other information deemed necessary by the Administrator.
2. If a public greenway is to be constructed upon the development parcel at the expense of the town or another third party, instead of constructing the greenway the developer shall pay fee-in-lieu of construction as provided at 23.08.05(D).
3. If a public greenway is already in place on the development parcel, the developer shall not be required to install the section of sidewalk that otherwise would be required to be installed along the same boundary or boundaries of the parcel.

Compliance with limited use requirements in UDO Subsection 15.03: 1.07 Duplex; 1.08-1.10 Townhouse; 1.11-1.13 Multi-Family Dwelling; 1.14-1.16 Multi-Family Dwelling In Mixed Use (unless specifically excluded)

Pursuant to UDO Subsection 15.03.03, each new multi-family development shall meet the following standards:

- A.** A townhouse style design and a mixture of unit configuration and sizes per development shall be encouraged. No one type of dwelling units, as defined by the number of bedrooms, shall comprise more than 50% of the total units.

Staff Note: The applicant is proposing a townhouse use. Six of the units are 1-bedroom and 6 are 2-bedroom.

- B.** Parking shall be limited to a maximum of two (2) spaces per unit and a clearly designated parking area for visitors.
1. The square footage of the parking designated for visitors may not exceed ten percent (10%) of the total parking area. A minimum of twenty-five percent (25%) of units shall have a garage or carport.
 2. If freestanding, garages and carports shall be architecturally integrated with the development. To the greatest extent practicable, parking shall be located behind or underneath proposed building(s).

Staff Note: Each townhome unit will have the required 2 off-street parking spaces within a stacked 2 car garage. One visitor space has been provided.

- C.** A livability space ratio of .50 must be met for the development. Fifty percent (50%) of the required livability space shall be designated to a defined area exclusively for the use of ground floor units. This space must consist of a common yard with accompanying private outdoor space for each

ground level unit, or individual yards contiguous with the unit served. Either configuration must provide direct access from all ground floor units. The remaining livability space shall be designated for the use of the development as a whole as recreation space and shall be located so as to provide for direct auditory, visual, and physical access from the dwelling units served.

Staff Note: The applicant has indicated that they are in compliance with this requirement with a livability space of .503 (50.3%, 15,133 sf). Additionally, each unit is considered a ground floor unit and will have access to the common areas within the development.

D. On-site property management or an owner's association shall be required.

Staff Note: Property management will be located within 500' of the property at 899 Blowing Rock Road.

E. Recreation space:

1. A minimum of 5% of the parcel shall be provided as recreation space for residents of the park.
2. In general, required recreation space shall have a least dimension of twenty-five feet (25), an average dimension of fifty feet (50'), and a minimum area of 2,500 square feet. Smaller dimensions are acceptable if:
 - a. Less than 2500 square feet of recreation area is required, or
 - b. The recreation area is a suitably improved roof area or enclosed floor area, or
 - c. The anticipated needs of the residents require smaller facilities, such as tot lots or shuffle board courts, or
3. The dedication of a greenway easement may be used to satisfy the requirements for recreational space.
4. Outdoor recreation area for common use should be located twenty feet (20') or more from any residential windows at the same general level.
5. Recreation areas shall be maintained in a safe and sanitary manner.

Staff Note: The plans indicated that this has been met within the intensity calculations but has not shown the area on the plans. If the applicant ends up dedicating an easement and paying fee-in-lieu for a multi-use trail, then the recreation requirement will have been met.

Pursuant to UDO Subsection 15.03.04, each residential building shall meet the following standards:

- A.** The maximum building height shall be three (3) stories of occupied space, and in no case shall the building exceed fifty feet (50') in total height including the roof or the maximum in the particular zoning district, whichever is less.

Staff Note: Applicant has met this requirement. Buildings are 40' in height and 3 stories.

B. Roof Requirements:

1. If a pitched roof is proposed, the pitched roof area may be used as attic or storage space.

2. If a flat roof is proposed, fifty percent (50%) of the roof area must be used as livability space.

Staff Note: The applicant is proposing to use pitched roofs.

- C. The front entrance of each unit on the first floor must be at ground level to the greatest extent practicable.

Staff Note: Please see applicant's elevations There are stairs to each front door due to topography. Each front entrance is at ground level to the extent possible.

Pursuant to UDO Subsection 15.03.05, each dwelling unit shall meet the following standards:

- A. The bedroom to bathroom ratio of each unit within the development shall be limited as follows:

1. Efficiency unit and one (1) bedroom unit: one (1) bathroom.
2. Two (2) bedroom unit: one (1) or two (2) bathrooms, with no less than one bathroom with common access.
3. Three (3) bedroom unit: Two (2) bathrooms with no less than one (1) bathroom with common access.
4. Four (4) or more bedroom unit: Three (3) bathrooms with no less than two (2) bathrooms with common access from a hall.

- B. In every unit with two (2) or more bedrooms, a designated master suite must be included and shall be at least twenty-five percent (25%) larger than every other bedroom and not less than 144 square feet excluding closet space.

- C. Dedicated storage space of at least fifty square feet (50 ft²) per unit must be provided for units without garages. Any storage space which is not within or attached to the building containing the units served by the space must be architecturally integrated with the development.

- D. Occupancy of each unit shall be limited to (2) two unrelated persons.

Staff Note: The applicant has demonstrated compliance with these standards, see floor plans in the board packet.

Transitional Zone: Pursuant to UDO Subsections 9.09.05 and 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.

This proposed development is not within 125' of a protected residential zoning district so the transitional zone mitigation is not required.

ANALYSIS BY OTHER TOWN STAFF**Environmental Planner (Brandon Wise, 828-268-6960) -Approved with Conditions**

Approved

Public Works:**Utilities Division (Robbie Jones, Utility Services Technician, 828-268-6250)**

Approved.

Services Division (Facilities Maintenance Superintendent, Justin Stines, 828-268-6230)

A feasibility study is underway by the Town to determine the possibility of a 10 feet wide path in this area. The path would need a 15-20 feet easement from the back of the curb, depending on the study outcome. The applicant would be required to pay fee-in-lieu rather than construct the path or a sidewalk.

Fire Department

This project will require sprinklers. Please make plans for these.

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.

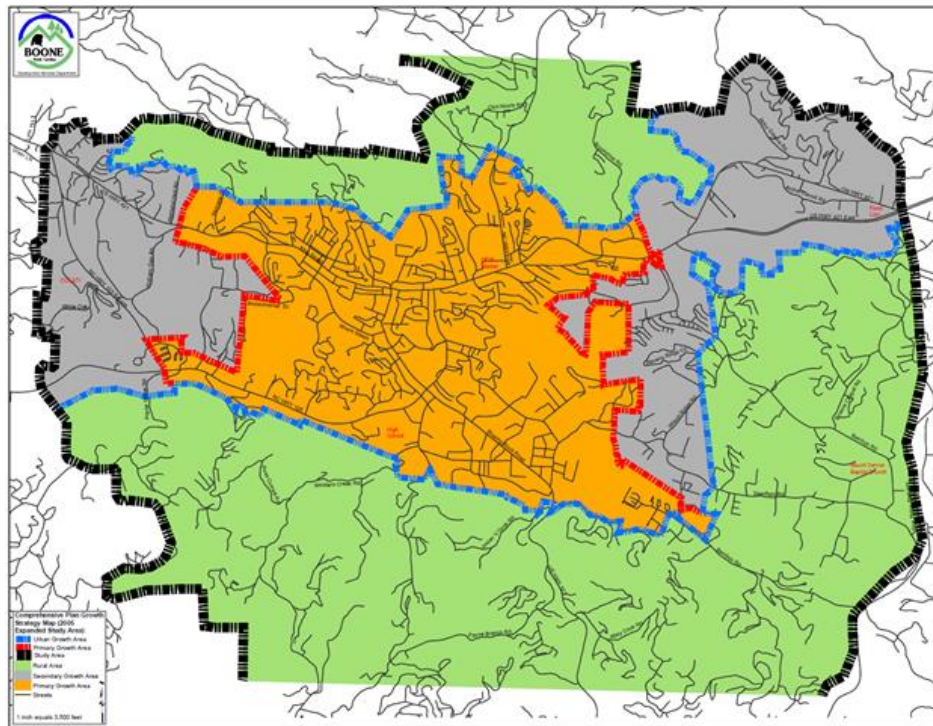
Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

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.

1.2 Growth Strategy Map (p. 17): The property is located within Primary Growth Area.



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

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

Additionally, for comparison, the Rural Area is that portion of the planning study area that is influenced by urban area growth forces, but within which urban level development should be strongly discouraged.

Urban level services and associated development densities should not be planned for this area, except in case by case evaluations of major economic development projects.

Staff has reviewed land use and comprehensive plan policies, and listed those policies 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. See below:

2.1 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.
- D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.

...

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.

2.3.1 Community Appearance

- A. Measures to improve the effectiveness of grading, landscaping and buffering standards for new and existing developments shall be encouraged.
- B. The significance of street trees in providing visual relief, summer cooling, improved air quality and livability shall be recognized through public policies and actions to encourage their planting and maintenance.
- C. The significance of major roadway entrances into Boone as measures of community image and quality shall be recognized through building placement, landscape, signage and other visual improvements. The Town, along with private property owners and developers, shall work to jointly improve the appearance and design of major street corridors.

2.3.2 Community Character

- A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area.
- B. Multiple and appropriate adaptive reuse of historic resources shall be encouraged.
- C. Wise development of the tourism potential of the area's architectural, historic, scenic and natural resources shall be encouraged.
- D. The destruction of significant architectural, historic, scenic, natural and archaeological resources in the planning area shall be discouraged.

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

2.3.3 Housing & Neighborhoods

- A. The protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community.
- B. Street system designs which discourage through traffic on purely local streets while allowing for free circulation within the neighborhood shall be encouraged.
- C. Proposed residential development which would expose residents to harmful effects of incompatible development or to environmental hazards shall be prohibited.
- 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.
- 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.

...

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 September 1, 2022.

/s/ Brenda Henson

Brenda Henson, Administrative Support Specialist

Certification of Posting

I, Brandon Wise, 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 September 1, 2022.

/s/ Brandon Wise

Brandon Wise, Environmental Planner

Conclusion

The following conditions are automatically included and a part of any approval.

1. Where there is a conflict between the application information and the plans (dated received on September 13, 2023), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations concerning the proposed development made by the applicant or its (his or her) representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.
3. The applicant shall submit the necessary applications, plans, details and specifications which meet the requirements of the Town Code, UDO, Building Code and any other applicable codes for review and approval necessary to issue Zoning and Building Permits.

Any other conditions agreed upon by the applicant and Town Council:

1. Potential condition on sidewalk/greenway path
2. Any other conditions agreed upon ...

Planning Commission Recommendations

Per NCGS 160D-604(b), subsequent to initial adoption of a zoning regulation, all proposed amendments to the zoning regulation or zoning map shall be submitted to the Planning Commission for review and comment. If no written report is received from the Planning Commission within 30 days of referral of the amendment to that board, the Town Council may act on the amendment without the Planning Commission report. The Town Council is not bound by the recommendations, if any, of the Planning Commission. Per NCGS 160D-604(d), when conducting a review of proposed zoning text or map, the Planning Commission shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Commission shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the Planning Commission, but a comment by the Planning Commission that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

Vote 1: The proposed amendment to the Town's zoning map ☐is OR ☐is not consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because:

Note 1

Vote 2: The Planning Commission recommends ☐approval OR ☐denial of Ordinance A23-0149 and believes ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

Note 1: describe elements of controlling land use plans and how the amendment is or is not consistent.

Note 2: briefly explain why, factors may include (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

TOWN COUNCIL ACTION - Adoption of Ordinance

Per NCGS 160D-605, when adopting or rejecting any zoning text or map amendment, the Town Council shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the governing board that at the time of action on the amendment the governing board was aware of and considered the planning board's recommendations and any relevant portions of an adopted comprehensive plan. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently.

Vote 1: The proposed amendment to the Town's zoning map ☐ **is** OR ☐ **is not** consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because:

Note 1

Note 1: describe elements of controlling land use plans and how the amendment is or is not consistent.

Vote 2: The Town Council ☐ **approves** OR ☐ **denies** and believes ☐ **approval** OR ☐ **denial** of Ordinance A23-0149 in Exhibit A is reasonable and in the public interest because:

Note 2

Note 2: briefly explain why, factors may include (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

Exhibit A**Ordinance A23-0149**

WHEREAS, pursuant to N.C. Gen. Stat. §160D-601, the Town may amend its zoning map after giving proper public notice and holding a public hearing; and

WHEREAS, the Planning Commission and Town Council has received the request to amend the Official Zoning Map of the Town of Boone, North Carolina to rezone the property below from R3 Multi-family Residential District to R3 Multi-family Residential with a site-specific development plan for Use 1.08 (Townhomes).

Addresses: (TBD) Faculty Street

Watauga County PINs: 2910-14-4592-000

Property Owner: A&R Mountain Properties, LLC

WHEREAS, the Boone Town Council held a duly-noticed public hearing September 25, 2022 with respect to this rezoning request; and

WHEREAS, the Boone Town Council has taken into full consideration any information offered at the public hearing; and

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

NOW, THEREFORE, BE IT RESOLVED as follows:

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

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

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

Adopted this the 11th day of October, 2023.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon, Town Clerk

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: Fieldstream Drive Watauga County Parcel Identification Number: 2911-51-7897-000

Existing Zoning District(s): N/A Proposed Zoning District(s): B3, General Business

Adjacent Land Uses: N: Vacant E: Single-family Residential

S: Vacant W: Multi-family Residential

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

If yes, describe: _____

Total Land Area: .50 acres

C. Property Owner Information

Name: WVS Investments, LLC

Complete Mailing Address (Street, City, Zip): PO Box 123, Boone NC 28607

Phone Number: 828-963-0376 Email Address: welshdavidj@gmail.com

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

D. Applicant Signature and Property Owner Authorization

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

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

Property Owner (Print)

Property Owner (Signature)

Date

Official Use Only				
Permit Name:				
Permit Number:				
Date:	Fee:	Receipt Number:	Method of Payment: ☐ Cash ☐ Check Number: _____	Paid By:

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: 09/25/2022

PC Meeting Date: 09/25/2022

TC Meeting Date: _____

Date of APO Mailed Notification: _____

Date of Posted Notification: _____

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

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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



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B. Property Information

Street Address:

Fieldstream Drive

Watauga County Parcel Identification Number:

2911-51-8715-000

Existing Zoning District(s): N/A

Proposed Zoning District(s): B3, General Business

Adjacent Land Uses: N: Vacant

E: Single-family Residential

S: Vacant

W: Multi-family Residential

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

If yes, describe:

Total Land Area: .50 acres

C. Property Owner Information

Name:

WVS Investments, LLC

Complete Mailing Address (Street, City, Zip):

PO Box 123, Boone NC 28607

Phone Number:

828-963-0376

Email Address:

welshdavidj@gmail.com

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

D. Applicant Signature and Property Owner Authorization

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

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

Property Owner (Print)

Property Owner (Signature)

Date

Official Use Only				
Permit Name:				
Permit Number:				
Date:	Fee:	Receipt Number:	Method of Payment: ☐ Cash ☐ Check Number: _____	Paid By:

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: 09/25/2022

PC Meeting Date: 09/25/2022

TC Meeting Date: _____

Date of APO Mailed Notification: _____

Date of Posted Notification: _____

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

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Staff Report
Public Hearing
September 25, 2023

Case A23-0183 WVS Investments LLC – General Use Zoning Map Amendment



REQUEST

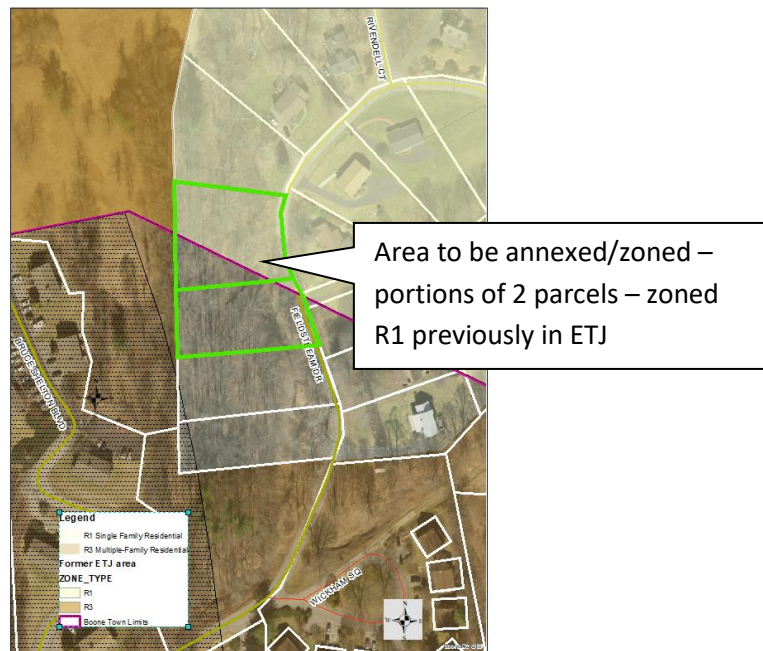
WVS Investments LLC has submitted a Voluntary Annexation Petition requesting to annex a combined 0.381 acres of two tracts (Watauga County PINs 2911-51-8715-000 and 2911-51-7897-000) contiguous to the Town of Boone's primary corporate limits. The remainder of each parcel is already located within the Town of Boone corporate limits and is zoned R1 Single-family Residential. This General Use Zoning Map Amendment, concurrent with the annexation petition, is the focus of this case.

General Use Zoning Map Amendment Guidance

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

HISTORY

- 1-10-2017 The Town of Boone lost the authority to exercise powers of the extraterritorial jurisdiction. The portion of each parcel to be annexed was previously located within the Town of Boone ETJ. Both were zoned R1, Single-family Residential as shown on the map below. (Note – R1 in the former ETJ is shown as a different color than R1 within the Town for ease of reading the map.)



PARCEL INFORMATION

Property Owners Information:	WVS Investments LLC
Watauga County PINs	2911-51-8715-000 and 2911-51-7897-000
Address	TBD
Use	Vacant
Size	0.38 acres (.94, total of both parcels)

Jurisdiction	Town of Boone/Watauga County
Access	Fieldstream Drive (private)
Corridor District:	Yes
Viewshed	No
Watershed	No
SFHA	No
Steep Slope	Yes
Very Steep Slope	Yes
Existing Zoning	No Zoning on the portion of each parcel to be annexed
Previous Zoning	R1 Single-family Residential (in former ETJ)
Requested Zoning	R1 Single-family Residential
Vesting	NA
Current Zoning:	Unzoned
Proposed Zoning:	R1 Single-Family Residential

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.

Analysis of Adjacent Zoning

	Adjacent Zoning	Adjacent Land Use
North	Unzoned – Watauga County	Vacant, Multi-family Residential
West	Unzoned – Watauga County; R3 Multi-family Residential	Multi-family Residential
South	R1 Single-family Residential	Vacant
East	Unzoned – Watauga County; R1 Single-family Residential	Single-family Residential

Zoning District Analysis

Below are excerpts from UDO Article 14 regarding the districts, uses, intensity and height for the R1 Single-Family Residential District.

Excerpt of ARTICLE 14 ZONING DISTRICTS

...

14.05 R-1 General Business District

- 14.05.01** 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.

...

14.05.02 R1 Permissible Uses

Use #	Specific Use	R1	Reference
Allowable Principal Uses			
1.0 Household Living			
1.01	Single-Family Dwelling	P	
2.0 Group Living			
2.01	Family Care Home	L	15.06
3.0 Transient Living			
3.01	Home for Survivors of Domestic Violence	L	15.11
3.07	Homestay Rental	L	15.05
4.0 Institutional			
4.04	Cemetery	P	
5.0 Government Uses			
5.02	Government Neighborhood Cultural Facility, Indoor Activity Only	S	
5.05	Recreation Facility, Category 2	P	
5.06	Recreation Facility, Category 3	S	
5.12	Police Substation	P	
5.13	Utility Facility, Town	L	15.16
5.14	Utility Facility, Government, Neighborhood	L	15.16
6.0 Non-Government Utility Facility			
6.01	Utility Facility, Neighborhood	L	15.16
7.0 Wireless Communication			
7.01	Small Wireless Collocation	L	15.18
7.02	Wireless Facility Collocation on Existing Wireless Support Structure or Utility Pole	L	15.17
7.03	Stealth Wireless Facility Attached to Existing Building or Structure	L	15.17
7.05	Non-stealth Wireless Facility Collocation on Electrical Transmission Towers	L	15.17
7.06	Stealth Wireless Support Structure	S/L	15.17
7.08	Emergency Response Communication Antenna	P	
8.0 Assembly			
8.01	Religious Assembly, Category 1	P	
8.02	Religious Assembly, Category 2	P ^{T125}	
13.0 Agriculture			
13.01	Garden, Community	L	15.30
13.02	Garden, Residential	L	15.30
13.09	Forestry	L	15.31
Allowable Accessory Uses			

Use #	Specific Use	R1	Reference
A-1	Secondary suite	L	15.45
A-2	Home occupation	L	15.46
A-11	Poultry	L	15.54
A-12	Livestock, small	L	15.55
A-14	Bees	L	15.57
A-15	Garden, residential	L	15.58
A-16	Satellite receiving antennas less than 1 meter in diameter	P	
A-20	Swimming pools, spas, and hot tubs	L	15.59
A-22	Vehicular Gate	L	15.61
A-25	Open air market, accessory	L	15.22
A-26	Daycare, small	P	
A-28	Solar Energy System	L	15.64
A-29	Electric-Vehicle Charging Station	L	15.65
Allowable Temporary Uses			
T-1	Temporary family health care structure	L	15.62
T-2	Temporary construction or repair dwelling	L	15.62
T-3	Temporary construction trailer	L	15.62
T-6	Temporary portable storage containers	L	15.62
T-9	Carrier on wheels (COW)	L	15.62
T-10	Yard sales	L	15.62
T-11	Itinerant merchant/peddler	L	15.62

14.05.03 R1 Development Standards

- A.** Minimum Gross Land Area: 8,000 square feet (see Subsection 14.03.02)
- B.** Minimum Lot Width: 70 feet (see Subsection 14.03.03)
- C.** Minimum Street Frontage: 56 feet (see Subsection 14.03.04)
- D.** Minimum Livability Space Ratio: .53 (see Subsection 14.03.05)
- E.** Minimum Setbacks (see Subsection 14.03.06)
 - 1. Street: 20 feet
 - 2. Interior: 14 feet
- F.** Maximum Building Height: 3 stories (see Subsection 14.03.07)

14.05.04 Occupancy: One (1) family or up to two (2) unrelated persons (see Section 14.04). A dwelling occupied by a family (but not by unrelated persons) may also have one (1) roomer.

...

2006 COMPREHENSIVE PLAN ANALYSIS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

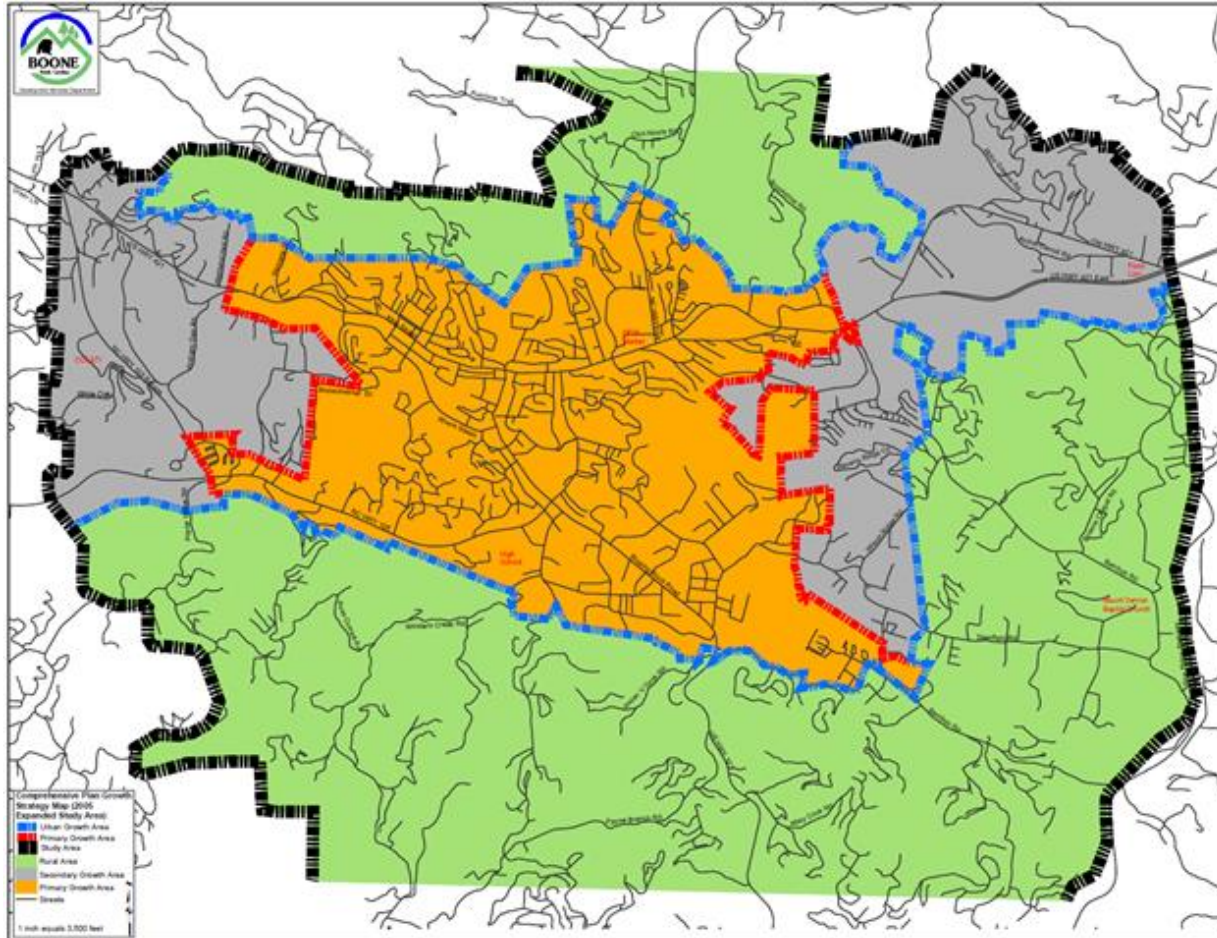
Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

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

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

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

1.2 GROWTH STRATEGY MAP (p. 17):



The properties are located within the Primary Growth area.

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

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

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

Staff has reviewed land use and comprehensive plan policies, and listed those policies and actions which in staff's opinion have a bearing on the request. Council should review these policies carefully. Each

member may make his or her own interpretation as to the relevance of each and which carry the most weight.

2.1 Economy (page 21)

2.1.1 Economic Development

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

2.2 Infrastructure

2.2.2 Utilities (page 49)

- A. Extensions of water and/or sewer services that could result in scattered, non-directed development and costly provision of other urban services shall be prohibited.
- B. Water and sewer services shall be concentrated within the limits of a geographically defined Urban Growth Area. The Primary Growth Area shall receive first priority for the provision or enhancement of water and sewer services.

...

2.3 Community

2.3.2 Community Character (page 75)

- A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area.
- 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 (page 79)

- A. The protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community.
- C. Proposed residential development which would expose residents to harmful effects of incompatible development or to environmental hazards shall be prohibited.
- H. The overall housing unit density for proposed infill residential development or redevelopment should be compatible with the average density of existing areas.

ANNEXATION PROCESS EXPLANATION (FOR REFERENCE ONLY)

The zoning of property being annexed into the Town corporate limits occurs in a separate but concurrent process. Both annexation and zoning require separate public hearings. Staff has detailed the steps in which these processes would occur below.

Date	Annexation	Zoning
07/12/2023	Step 1 Presentation of Petition: The first step of the annexation process occurred at the July 12, 2023 regular Town Council meeting, where the annexation petition and Certificate of Sufficiency was presented and Council approved a resolution scheduling a date for a public hearing on October 11, 2023.	
09/25/2023		Step 1 Zoning (Public Hearing on Zoning): Case to zone the properties placed on the September 25, 2023 public hearing agenda for the zoning of the property. Step 2 Zoning (PC Meeting): Planning Commission makes recommendation of the zoning of the parcel to Town Council following the September 25, 2023 public hearing.
10/11/2023	Step 2 Public Hearing on Annexation: The second step of the annexation process would be an annexation public hearing during the first part of the Council meeting on October 11, 2023. Step 3 Council Vote on Annexation: Subsequent to the public hearing on annexation (at the same meeting) be scheduled and after the decision on the zoning of the properties, Council will vote on the Annexation Ordinance. The annexation ordinance can be made effective immediately, June 30, 2024 or June 30, 2025.	Step 3 Council Vote on Zoning: Planning Commission recommendations will be forwarded to the October 11, 2023 Town Council meeting for Council decision on zoning of the properties.

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 September 1, 2023.

/s/ Brenda Henson

Brenda Henson, Administrative Support Specialist

Certification of Posting

I, Brandon Wise, 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 September 1, 2023.

/s/ Brandon Wise

Brandon Wise, Environmental Planner

PLANNING BOARD REPORT/RECOMMENDATIONS

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Vote 1: The proposed amendment to the Town's zoning map ☐is OR ☐is not consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because:

Note 1

Vote 2: The Planning Commission recommends ☐approval OR ☐denial of Ordinance # A23-0183 within Exhibit A and believes ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

Note 1: describe elements of controlling land use plans and how the amendment is or is not consistent.

Note 2: briefly explain why, factors may include (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

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Vote 1: 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:

Note 1

Vote 2: The Town Council ☐approves OR ☐denies Ordinance # A23-0183 and believes ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

Note 1: describe elements of controlling land use plans and how the amendment is or is not consistent. Town Council members may reference the comprehensive plan policies in the Planning Commission's recommendations, or use the other comprehensive plan policies as the Council member see relevant and pertinent to the case.

Note 2: briefly explain why, factors may include (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

Exhibit A

Ordinance A23-0183

WHEREAS, pursuant to N.C. Gen. Stat. §160D-601, the Town may amend its zoning map after giving proper public notice and holding a public hearing; and

WHEREAS, the Planning Commission has received the request to amend the Official Zoning Map of the Town of Boone, North Carolina to zone portions of the parcel identified herein:

Address	Watauga Co. PIN	Property Owner	Proposed Zoning
TBD Fieldstream Drive	Portion of 2911-51-8715-000 and 2911-51-7897-000	WVS Investments, LLC	R1 Single-Family Residential

WHEREAS, in accordance with the procedures set forth in the Town of Boone Unified Development Ordinance, the Commission and Council met to consider the proposed amendment on October 11, 2023; and

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

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

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

SECTION 1. The Official Zoning Map of the Town of Boone is hereby revised as set forth herein.

SECTION 2. This change shall be effective immediately upon its adoption by Town Council.

Adopted this 11th day of October, 2023.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon, Town Clerk

**TOWN COUNCIL AND PLANNING COMMISSION
PUBLIC HEARING MINUTES
MONDAY, JULY 24, 2023, 6:00 PM
1500 BLOWING ROCK ROAD & VIA WEBEX SOFTWARE**

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

PLANNING COMMISSION MEMBERS PRESENT: Elizabeth Shay-Chair, Eric Plaag-Vice Chair, Chris Behrend, and John Tippet

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Jessica Mitchell-Long-Range/Special Projects Planner, and Brenda Henson-Board Secretary

OTHER TOWN STAFF PRESENT: Amy Davis-Town Manager

Call to Order

Mayor Futrelle called the Town Council to order at 6:03 p.m. Chair Shay called the Planning Commission to order at 6:03 p.m.

Moment of Silence

A moment of silence was observed.

Approval of Meeting Minutes

Council Member Roseman made a motion to approve the May 22, 2023, Public Hearing minutes as written. The motion was seconded by Mayor Pro Tem Tugman.

Vote: Aye – 4
Nay – None
Absent – 1 (Carter)

The motion passed.

Commission Member Behrend made a motion to approve the May 22, 2023, Public Hearing minutes as written. The motion was seconded by Commission Member Tippet.

Vote: Aye – 3
Nay – None
Abstain – 1 (Plaag)

The motion passed.

PUBLIC HEARING

Case PL06422-012523 Kelpat Terrace – General Use Zoning Map Amendment

The Town of Boone has submitted a General Use Zoning Map Amendment application requesting to rezone 145 Moretz Drive from B1 Central Business to R3 Multiple-Family. This rezoning is necessary because, as of October 2021, the B1 Central Business zoning district no longer exists as it was replaced with two new zoning districts, the B1 Downtown Core and the B1 Downtown Interface.

Ms. Jane Shook, Director of Planning & Inspections, presented the request as it was outlined in the meeting packet. She stated that property owners were notified of this change in May and again in July. Ms. Shook noted that she had spoken with Stephen Phillips, owner of several of the Kelpat Terrace condo

units, and he indicated an understanding and acceptance of the zoning change. Ms. Shook explained that changing this property's zoning from B1 to R3 would change their interior setback requirement for the neighboring property zoned B1 Downtown Interface to 13 feet.

There was no public comment and no further questions.

Mayor Futrelle closed the public hearing for this case at 6:12 p.m.

Case PL05640-040822 Lighting Design Standards – UDO Text Amendment

The Town of Boone has submitted a request to modify UDO Article 25 Community Appearance Standards to reflect lighting industry changes and lighting design best practices. In conjunction with the Community Appearance Commission evaluating current Community Appearance Standards, Planning Staff has evaluated the current lighting standards by meeting with lighting design professionals, dark sky advocates, and local energy providers to discuss current lighting practices and areas of improvement.

Ms. Jessica Mitchell, Long-Range/Special Projects Planner, stated that the presentation in the meeting packet was unchanged from the May presentation. She provided a brief overview of the content.

Mayor Pro Tem Tugman asked whether or not lighting could be repaired or replaced if it was taken out in a storm, or if new lighting would have to be installed to meet the new ordinance requirements. Ms. Shook referenced UDO Section 7.05.02(B) that read:

All new structures or portions of structures must comply with all Ordinance requirements. However, when a nonconforming structure is destroyed or damaged by fire, flood, wind, other act of God, the structure may be repaired or restored to its original dimensions and conditions as long as the structure is not located in a Floodway or Special Flood Hazard Area, a building permit for the repair or restoration is issued within one (1) year and the structure is occupied within two (2) years of the date the building permit is issued.

1. A nonconforming structure damaged by other cause to such extent that repair, reconstruction or restoration is expected to cost more than fifty percent (50%) of the total value of the structure, must be removed.

Ms. Shook suggested that this section should be reviewed in relation to lighting and signs.

Council Member George asked about sunset. Ms. Shook asked Council Member George if there were certain elements or portions of the ordinance that he would want to sunset versus waiting for those items to come into compliance naturally. She noted for example, that it would be difficult to gather the data needed to begin tracking elements such as pole heights in order to notify owners that they need to come into compliance because the standard affects all commercial properties.

Vice Chair Plaag stated that parking lot and stadium lighting were probably some of the oldest and least energy-efficient lighting in town. He noted that implementing a sunset date could help the Town move more quickly toward a carbon-neutral position and preserve the night sky. Vice Chair Plaag added that one of the most egregious offenders of lighting was the stadium at ASU. He then referred to the following proposed text:

27.02.01 Exemptions: Unless otherwise prohibited, the following types of lighting are exempt from the requirements of this Article:

A. Any lighting required by state and federal agencies.

B. Any lighting installed by the Town of Boone or the State for the benefit of public health, safety, and welfare.

Vice Chair Plaag expressed concern that these exemptions would include the stadium at ASU. Ms. Mitchell replied that stadium lighting was addressed under Section 27.04 Sports Field Lighting. She stated that 27.02.01 was not drafted to allow an exemption for the stadium. Vice Chair Plaag noted that a skilled lawyer could make an argument that stadium lighting was necessary for public safety and welfare during a football game, which would make their lighting exempt from the requirements. He suggested rewording 27.02.01(A) and (B) to avoid unintended consequences.

Vice Chair Plaag referenced the following proposed text:

27.02.01 Exemptions

C. Lighting of United States of America or North Carolina state flags specifically if the flag and flagpole do not exceed the maximum permitted building height for the zoning district.

He asked why flagpole lighting was exempt and noted that flagpole lighting should fall under the same regulations as other architectural features and be limited to 800 lumens. Ms. Shook replied that flagpole lighting was a common exemption across the state. She noted that flagpoles were often lit with solar lights that did not require a permit to install. Vice Chair Plaag stated that allowing an exemption for flagpole lighting could allow someone to illuminate their flag with a blindingly bright light.

Vice Chair Plaag referenced the following proposed text:

27.02.01 Exemptions

D. Individual residential lighting for Single-Family Dwellings (Use 1.01), Manufactured Homes (Use 1.02-1.04), other uses lawfully operated out of a single-family dwelling or Use 1.06 Duplex (one duplex building per lot), that are not part of subdivision plan for street or other common or public area outdoor lighting.

He asked why residential lighting would be exempt when security flood lighting on homes was sometimes blinding. Ms. Mitchell replied that residential lighting was another item that was commonly exempt from other research jurisdictions. Ms. Shook added that the lighting standards currently did not apply to single-family and two-family development, and to do so would require a total revamp of the review and enforcement process.

Vice Chair Plaag asked if the word “event” was defined as it related to sports field lighting. He noted that there were times when there was football practice at 5:00 a.m. with all of the stadium lights on and canned crowd noise blasting. Ms. Shook noted that ASU might have some type of lighting that could be turned to a lower intensity level. She noted that there had been a general concern about the impacts of the University's stadium lighting, not only on adjacent neighborhoods, but also on neighborhoods across the valley when no events were actually taking place.

Chair Shay asked how the ordinance would cross-reference signs and lighting and how staff would know when lighting became a sign, or a sign became lighting. Ms. Shook responded this would be accomplished through training and possibly some minor text amendments.

Mayor Pro Tem Tugman noted that some language about residential security lighting should be considered in the future. She also noted that open and closed signs should be limited in size so that they do not stretch across the entire front of a business. Ms. Shook added that there would be some minor text amendments to the sign ordinance to address this issue.

There was no public comment on this case.

Vice Chair Plaag asked what the compliance date was for window signs. Ms. Shook replied that the compliance date was January 1, 2024.

Ms. Shook asked Council and Planning Commission members for their thoughts regarding sunsetting and, if interested, what elements should be included in the sunset. Council Member George stated he would be interested in sunsetting things outside of the structural components, such as light poles and floodlights. He agreed with Vice Chair Plaag that this would help the Town achieve some form of carbon output efficiency.

Ms. Shook noted that imposing a sunset date would require staff to change schedules to allow enforcement actions to take place in the evenings when lights would be operational. She stated that sunsetting needed to be clear with an easy way to enforce the regulations.

Council Member Roseman stated she would like to make sure that, if they did do any sunsetting, it was on things that would be very egregious and cause light pollution to the community. She recognized that requiring people to make some of the suggested changes would be a true hardship.

With nothing further, Mayor Futrelle closed the public hearing for this case at 7:02 p.m.

Adjournment of Town Council

Council Member Roseman made a motion to adjourn the Town Council at 7:04 p.m. The motion was seconded by Mayor Pro Tem Tugman.

Vote: Aye – All
Nay – None

The motion passed.

Tim Futrelle, Mayor

Brenda Henson, Board Secretary

Elizabeth Shay, Planning Commission Chair

Continuation of Planning Commission Meeting

Public Comment

There was no additional public comment.

Approval of Planning Commission Meeting Minutes

Commission Member Behrend made a motion to approve the May 22, 2023, Planning Commission meeting minutes as written. Chair Shay seconded the motion.

Vote: Aye – 3
Nay – None
Abstain – 1 (Plaag)

The motion passed.

Case PL06422-012523 Kelpat Terrace – General Use Zoning Map Amendment

The Town of Boone has submitted a General Use Zoning Map Amendment application requesting to rezone 145 Moretz Drive from B1 Central Business to R3 Multiple-Family. This rezoning is necessary because, as of October 2021, the B1 Central Business zoning district no longer exists as it was replaced with two new zoning districts, the B1 Downtown Core, and the B1 Downtown Interface.

Chair Shay asked for further clarification on the setback of 13 feet that would be required under the R3 zoning. Ms. Shook explained that the B1 Downtown Interface zoning district had a zero-foot interior setback if it was adjacent to another property zoned B1 Downtown Interface. However, if a B1 Downtown Interface property were adjacent to a property that was zoned differently, that zoning district's interior setback would apply to the property B1 Downtown Interface property as well.

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

Comprehensive Plan Policy 2.3 The Community

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

Comprehensive Plan Policy 2.3.3 Housing & Neighborhoods

A. The protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community.

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.

The motion was seconded by Commission Member Tippet.

Vote: Aye – All
Nay – None

The motion passed.

Second Motion and Vote: Vice Chair Plaag made a motion that the Planning Commission recommends approval of Ordinance PL06422-012523 and believes approval is reasonable and in the public interest because the proposed zoning classification change brings the current parcel in alignment with its current use and helps to create a buffer to the R1 neighborhood that is located to the south. The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed.

Case PL05640-040822 Lighting Design Standards – UDO Text Amendment

The Town of Boone has submitted a request to modify UDO Article 25 Community Appearance Standards to reflect lighting industry changes and lighting design best practices. In conjunction with the Community Appearance Commission evaluating current Community Appearance Standards, Planning Staff has evaluated the current lighting standards by meeting with lighting design professionals, dark sky advocates, and local energy providers to discuss current lighting practices and areas of improvement.

Ms. Shook reviewed some of the items that were discussed during the public hearing including a review of non-conforming situations and what that covered, reviewing the nonconforming language to ensure that lighting and signs were covered, review 27.02.01(A) and (B) to ensure that ASU's stadium lighting could not be considered exempt, and reviewing 27.02.01(C) on flagpole lighting.

Commission Member Behrend suggested removing 27.02.01(C) regarding the exemption of flagpole lighting.

Vice Chair Plaag suggested the following be added to Section 27.03.07(D) Glare Control: Uplighting may only be used to illuminate a landscaping element, a US or North Carolina flag, or an architectural feature provided the lighting design has a maximum light output of 800 lumens. He also suggested that language might need to be added regarding pole heights.

Discussion ensued regarding stadium lighting. Ms. Shook wondered if part of the problem with stadium lighting was the hours of operation. She stated that this topic could possibly be addressed through Town/Gown relations. Ms. Shook noted that sports field lighting applied not only to ASU but to Watauga County High School, Hardin Park Elementary School, and Watauga County recreation facilities. She stated that she was hesitant to try to define the word "event" because sometimes defining a word provided no flexibility.

Vice Chair Plaag stated he was really more concerned with ASU's stadium lights during practice sessions when all of the lights were on early in the morning or left on after everyone was gone in the evening. Ms. Shook suggested the addition of language that would limit stadium lights to be on no more than 1-2 hours after an event or usage and be limited to a certain output. Vice Chair Plaag stated he was unsure if the stadium had downlighting. If they did not and Town Council imposed a sunset date, they would have to come into compliance. Vice Chair Plaag stated that penalties should be assessed if ASU did not bring their lighting into compliance with the local ordinance.

Vice Chair Plaag stated that residential lighting could be considered at a later date. He suggested that when it was considered, compliance could be complaint-driven. Ms. Shook stated she would put residential lighting on the list of items to revisit.

Chair Shay asked Ms. Shook to give them a list of the suggested changes so far. Ms. Shook stated that staff would review the nonconforming situation to see how lighting and signs would be impacted by that text and revise it, if necessary; review 27.02.01(A) and (B); eliminate 27.02.01(C) regarding the exemption of flags; review 27.03.07(D) architectural features and add language from 27.01.01(C) regarding flag poles; research hours of operation restrictions for lighting; have a conversation with the Town Manager and the Town Attorney regarding general compliance by those who have sports fields; and research a possible definition of the word "event".

Vice Chair Plaag noted there were three categories of changes that a property owner might have to make if there was a sunset date. One would be to keep the light pole and retrofit the instrument so that it met the standard. Another would be to completely replace the light pole and instrument to come into compliance. Lastly, different building lighting features, that lit a sign or accent strips around the top of a hotel would need to be replaced or removed to come into compliance.

Ms. Shook noted that pole height was difficult to accurately measure and a sunset date on pole heights would mean a site visit to every commercial property in the Town of Boone to try to take measurements. She stated that when properties had to come into compliance with the sign ordinance and the gas station canopy requirements, these items were more easily identifiable and manageable.

Vice Chair Plaag suggested a sunset date of five years, or 10 years if someone had recently upgraded their lighting. Ms. Shook noted it would be difficult to keep track of who had made recent upgrades as well as offering two different compliance dates.

Ms. Shook asked Commission members if there was something specific and most egregious, other than sports field lighting, that they would like to see come into compliance.

Commission Member Tippettt stated he liked the idea of sunseting. He also stated that he was aware there could be costs to business owners who did not own the property, and tracking would be difficult for staff. Commission Member Tippettt noted that properties would eventually come into compliance as renovations took place.

Ms. Shook explained that the lighting text amendment was not suggested because complaints had been received but because of changes in technology and industry standards necessitated a review of the standards so that the language reflected not only the new technology but what Staff thought would be best practices.

Vice Chair Plaag stated that the most important things to him were the downcasting and shielding of lights, the Kelvins, and color temperature.

Chair Shay agreed with Vice Chair Plaag, noting light pollution, emissions, and energy consumption as important issues. She expressed concern with creating ordinances that lock things in and then technology and development conditions changed, and then you are stuck with these old, very specific ordinances that get very fussy about height and design features.

Vice Chair Plaag noted that the egregious examples would stand out to the inspectors by the end of the sunset date, either through a complaint-driven process or just by driving around town.

When asked by the Commission, Ms. Shook reminded Commission members that they were not required to give a recommendation this evening unless they wanted to. However, if 30 days passed without a recommendation, Town Council could go ahead and take action on the request. Ms. Shook stated that Planning Commission could meet again in August to discuss this amendment or staff could try to craft revisions based on tonight's conversation to present to Town Council at their next meeting.

Commission Member Behrend liked the idea that staff put the Commission's suggestions together and propose them to the Town Council instead of having the Planning Commission meet about this topic again. She also stated she would be in favor of not implementing a sunset date.

Commission Member Tippettt agreed with Commission Member Behrend about moving the text forward, but supported a sunset of 5-7 years for the items that Vice Chair Plaag outlined as egregious.

First Motion and Vote: Vice Chair Plaag made a motion that the amendment to the town's zoning ordinance, inclusive of the following modifications; staff would review the nonconforming situation to see how lighting would be impacted by that text and revise it, if necessary; review 27.02.01(A) and (B) for lighting and signs; eliminate 27.02.01(C) regarding the exemption of flags; review 27.03.07(D) architectural features and add language from 27.01.01(C) regarding flag poles; research hours of operation restrictions for lighting; have a conversation with the Town Manager and the Town Attorney regarding general compliance by those who have sports fields; and research a possible definition of the word event, after further consideration by planning staff for clarity and to the inclusion of a sunseting provision to address the most egregious areas of concern, perhaps to include such issues as downcasting, shielding, and light temperature, with a sunseting period of between five and seven years to address those areas of concern, is consistent with the Town's comprehensive plan and any other adopted plans of the Town that are applicable because the amendment is consistent with:

Comprehensive Plan Policy 2.1.1 Economic Development

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

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

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

Commission Member Behrend seconded the motion and wished to amend the motion to include:

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.

Vice Chair Plaag accepted the amendment.

Vote: Aye – All
Nay – None

The motion passed.

Second Motion and Vote: Vice Chair Plaag made a motion that the Planning Commission recommends approval of Ordinance PL05640-040822 as amended and believes approval is reasonable and in the public interest because the proposed changes to the lighting ordinance, broadly speaking, will address a number of long-standing concerns within the community about light pollution and likely will have the additional benefit of improving energy efficiency and helping the Town meet its carbon neutral goals. The motion was seconded by Commission Member Tippet. Chair Shay wished to amend the motion to include the phrase "without unduly burdening businesses and economic development". Vice Chair Plaag and Commission Member Tippet accepted the amendment.

Vote: Aye – All
Nay – None

The motion passed.

Other Matters

Ms. Shook noted that there would be text amendments in the near future regarding traffic impact analyses and historic district revisions in Appendix D. She also noted that the Town hoped to have a consultant by the end of September to begin work on the Comprehensive Plan update with a goal for completion of August 2024.

Vice Chair Plaag announced that he was running for a position on Town Council and, if elected, he would no longer be eligible to be a member of the Planning Commission or the Historic Preservation Commission.

Adjournment of Planning Commission

Commission Member Behrend made a motion to adjourn the meeting at 8:29 p.m. Commission Member Tippet seconded the motion.

Vote: Aye – All

Nay – None
The motion passed.

Elizabeth Shay, Planning Commission Chair

Brenda Henson, Board Secretary

DRAFT

Planning Commission Chair/Vice-Chair 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



Board Member Information (Please see Board Secretary if needed for term information)

Name (Print):

Date Appointed:

Date Term Expires:

Number of Terms Served:

Position:

☐ Chair ☐ Vice-Chair

Questions

1. Orientation & Training

A. Have you completed the Planning Commission orientation?

☐ Yes ☐ NO

B. If no, are you willing to attend orientation (2-3 hour commitment) prior to participating as Chair or Vice-Chair?

☐ Yes ☐ NO

2. Comprehensive Plan & Other Adopted Plans

A. Are you familiar with the Town's 2006 Comprehensive Plan and other adopted Plans as listed on the Planning and Inspections website under the "[Ordinances, Plans & Studies](#)" heading?

☐ Yes ☐ NO

B. If no, are you willing to take the time to review these documents in order to familiarize yourself with the intent and content of these plans prior to participating as Chair or Vice-Chair?

☐ Yes ☐ NO

3. Unified Development Ordinance

A. Are you familiar with the Town of Boone's [Unified Development Ordinance](#), specifically Articles 1 General Provisions, Article 2 Administrative Mechanisms, Article 4 Permits, and Article 9 Amendments?

☐ Yes ☐ NO

B. If no, are you willing to take the time to review these Articles in order to familiarize yourself with the intent and content of these Articles prior to participating as Chair or Vice-Chair?

☐ Yes ☐ NO

4. Robert's Rules of Order

A. Are you familiar with Robert's Rules of Order?

☐ Yes ☐ NO

B. If no, are you willing to take the time to review this Guide in order to familiarize yourself with the intent and content prior to participating as Chair or Vice-Chair?

☐ Yes ☐ NO

5. Please explain why you wish to obtain this appointment:

Official Use Only

Date Reviewed by Planning Commission:

Date Reviewed by Town Council:

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Communication: Chair & Vice Chair Application (Discussion of Chair & Vice Chair Appointments)