

**Town of Boone
Public Hearing
6:00 PM, Sep. 26, 2022
Town Council Chambers
1500 Blowing Rock Road**

See below in blue for more options on how to participate.

The Boone Town Council will hold a special meeting on Monday, September 26, 2022 at 6:00 p.m. at 1500 Blowing Rock Road to consider a waiver of competitive bidding under G.S 143-12-(g) for the purchase of a Rescue Truck from Four Guys Inc. of Meyersdale, PA. Directly following the special Town Council meeting, the Boone Planning Commission and the Town Council will hold a joint public hearing.

Planning Commission members and members of the public will have the option to participate either in-person at Town Council Chambers at 1500 Blowing Rock Road or remotely using WebEx, a video conferencing system. Please note, Town Council members are scheduled to attend the Public Hearing in-person at Council Chambers. To watch or participate in this meeting via WebEx, 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. Individuals who require user assistance registering or joining the WebEx event can call 828-268-6960 for support.

I. Call to Order of Town Council

II. Moment of Silence

III. Proclamation in Honor of Hispanic Heritage Month

Proclamation in Honor of Hispanic Heritage Month

IV. Consideration of Purchase of Rescue Truck

Action Request - Waiver of Bidding Requirements for Fire Truck Purpose

V. Call to Order of Planning Commission

VI. Approval of Public Hearing Minutes by Town Council and Planning Commission

August 22, 2022 Public Hearing Minutes

VII. PUBLIC HEARING

A. *General Guidelines for Each Case Presented at Public Hearing*

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

VIII. Case PL05995-081822 Hampton, Barney - General Use Zoning Map Amendment

Case PL05995-081822 Application

Case PL05995-081822 Staff Report

IX. Case PL05764-060822 Yates Family Properties - Conditional District Zoning Map Amendment

Case PL05764-060822 Application

Case PL05764-060822 Neighborhood Meeting Information

Case PL05764-060822 Traffic Impact Analysis Information

Case PL05764-060822 Site Plans

Case PL05764-060822 Staff Report

X. Case PL 05979-081222 Portofino Hotel - Conditional District Zoning Map Amendment

Case PL05979-081222 Application

Case PL05979-081222 Project Narrative

Case PL05979-081222 Neighborhood Meeting Information

Case PL05979-081222 Elevations

Case PL05979-081222 Site Plans

Case PL05979-081222 Lighting Information

Case PL05979-081222 Staff Report

Case PL05975-081222 Staff Report Exhibit 1 Meeting Minutes Excerpts

XI. Case PL05781-061322 Signs - UDO Text Amendment

Case PL05781-061322 Application

Case PL05781-061322 Staff Report

XII. Adjournment of Town Council

XIII. PLANNING COMMISSION MEETING

XIV. Public Comment

XV. Approval of Planning Commission Meeting Minutes

August 22, 2022 Planning Commission Meeting Minutes

XVI. Planning Commission Consideration of Cases Heard at Public Hearing

XVII. Other Matters

XVIII. Adjournment of Planning Commission

TOWN OF BOONE PROCLAMATION IN HONOR OF HISPANIC HERITAGE MONTH

WHEREAS, each year, the United States observes National Hispanic Heritage Month by celebrating the culture, heritage, and countless contributions of those whose ancestors were indigenous to North America as well as those who came from Spain, Mexico, the Caribbean, Central America, and South America; and

WHEREAS, what began in 1968 as Hispanic Heritage Week under President Lyndon Johnson was expanded by President Ronald Reagan in 1988 to cover a 30-day period starting on September 15 and ending on October 15; and

WHEREAS, the date September 15 is significant because it is the anniversary of independence for the Latin American countries of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua. Additionally, Mexico and Chile celebrate their independence days on September 16 and September 18, respectively; and

WHEREAS, this year's theme, "**Unidos: Inclusivity for a Stronger Nation**" encourages all voices to be represented and reinforces the need to ensure diverse voices and perspectives are welcomed in decision-making processes, thereby helping to build stronger communities and a stronger nation; and

WHEREAS, the Mayor and Town of Boone Council recognizes and honors the many ways that Hispanic Americans, Latinos, Latinas, and Latinx-identifying people enrich the fabric of our town and strengthen Boone's culture while also rededicating ourselves to address the lack of equal access to opportunity that many still face; and

WHEREAS, we celebrate the advocacy and outreach of Q'Pasa Appalachia and Immigrant Justice Coalition (Coalición de Justicia para Inmigrantes) in promoting a visibly diverse, equitable and inclusive Boone community; and

WHEREAS, we reaffirm that diversity is one of our greatest strengths. We also acknowledge the Hispanic, Latino, Latina and Latinx leaders who have stayed in the struggle for equal justice to ensure that everyone can contribute their talents and have the opportunity to thrive; and

WHEREAS, Hispanics continue their rich tradition of significant and diverse contributions to the cultural, educational, economic and political vitality of the Town of Boone;

NOW, THEREFORE, BE IT RESOLVED, that on this 28th day of September 2022, the Town of Boone Mayor and Council do hereby proclaim September 15th – October 15th, 2022, as Hispanic Heritage Month and encourage all residents to celebrate our unique and vibrant history and recommit ourselves to a shared future of healthy, peaceful, safe, and sustainable communities for all.



TOWN OF BOONE AGENDA ITEM ACTION REQUEST FORM

This form must be completed and attached to all supporting documentation for items to be included in the Town of Boone Council agenda. One (1) form per agenda item.

Submitted By: Jimmy Isaacs Department: Fire Chief

Contact Phone # 828-268-6180 Date Submitted: Sep. 7, 2022

Email: jimmy.isaacs@townofboone.net

Date of Council Meeting to consider this item: Sep. 26, 2022

Council Action Requested: For Action ☒ For Information ☐

Waiver of Bidding Requirements for Fire Truck Purchase

Summary of Information:

Staff is requesting a waiver of bidding requirements in order to utilize terms and pricing of a contract between Four Guys Fire Trucks and North Carolina Sheriffs' Association fire apparatus contract for the purchase of a rescue truck at a cost of \$699,957.00.

**PUBLIC HEARING MINUTES
MONDAY, AUGUST 22, 2022, 6:00 PM
VIA WEBEX SOFTWARE**

COUNCIL MEMBERS: Mayor Pro-Tem Edie Tugman, Todd Carter, Dalton George, Becca Nenow, and Virginia Roseman

PLANNING COMMISSION MEMBERS: Elizabeth Shay-Chair, Eric Plaag-Vice-Chair, Chris Behrend, Frank Venno, and Smith Warren

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

OTHER TOWN STAFF AND REPRESENTATIVES PRESENT: Amy Davis-Interim Town Manager, Allison Meade-Town Attorney, and Rick Miller-Public Works Director

OTHER ATTENDEES/PARTICIPANTS VIA WEBEX: Alan Crees, Bill Dixon, JC Feimster, Chelsea Garrett, Deron Geouque, Harold Tilley, and Maggie Tilley

Call to Order

Mayor Pro Tem Tugman called the Town Council to order at 6:05 p.m. She noted that Mayor Futtrelle was unable to attend this meeting. Chair Shay called the Planning Commission to order at 6:05 p.m. for the Public Hearing/Planning Commission meeting held via WebEx.

Moment of Silence

A moment of silence was observed.

Approval of Meeting Minutes

Vice-Chair Plaag wished to make the following corrections to the July 25, 2022, Public Hearing minutes:

- Page 3 of the minutes, last paragraph – remove the word *initial*.
- Page 5 of the minutes, second paragraph, third sentence – change the word *on* to *one*.

Council Member Nenow made a motion to approve the July 25, 2022, Public Hearing minutes as amended. The motion was seconded by Mayor Pro Tem Tugman.

Vote: Aye – All
Nay – None

The motion passed.

Vice-Chair Plaag made a motion to approve the July 25, 2022, Public Hearing minutes as amended. The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed.

PUBLIC HEARING

Ms. Shook reviewed the guidelines for each case presented at the public hearing.

Case PL05865-070822 Watauga County Parking Deck – Conditional District Zoning Map Amendment

Watauga County has filed a Conditional District Zoning Map Amendment Application to rezone 136 N. Water Street (Watauga County Parking Lot) from B1DC, Downtown Core to Conditional District B1DC, Downtown Core for a site-specific approval for Use 15.02, Parking Structure.

Vice-Chair Plaag stated he would be recusing himself from this case because he had participated in quasi-judicial action on this project as a member of the Historic Preservation Commission.

Ms. Christy Turner, Senior Planner with Town of Boone Planning & Inspections, presented the request as it was outlined in the meeting packet.

Ms. Chelsea Garrett, attorney for Watauga County, stated that plans for this project were presented to the Historic Preservation Commission on July 12, July 26, and August 12. During this time, the project underwent a series of revisions to incorporate HPC's suggested changes. Ms. Garrett noted that the proposed parking deck would be located one block from downtown Boone, providing walkable access to downtown. She explained that 2/3 of the parking deck would be for county employee parking during the workday. The deck would be available for free public parking on evenings and weekends.

Mr. Bill Dixon, the architect for the project, noted there would be two sets of entry/exit stairs, heavy landscaping, and benches in the seating area. He stated they would try to save the Japanese maple tree on the property. Mr. Dixon added that they would like to revise the existing 6-7 feet tall retaining wall at the corner of Water Street and Queen Street. Modifying the wall would allow them to create a softer entrance onto Queen Street from Water Street. Mr. Dixon stated that the exterior would be brick with brick pilasters, which would be in keeping with the downtown look. He noted that the lower level windows would provide some ventilation but would have to be supplemented by mechanical ventilation to meet the building code. Mr. Dixon stated that the lower level would also be sprinkled, and a 5' sidewalk would be installed along Queen Street.

Ms. Garrett stated that the building height would be about the same as the My Pho building on King Street. She asked Mr. Dixon to speak about the building setbacks. Mr. Dixon stated that along Water Street, the building would be setback 11 feet from the back of the sidewalk, and the stair tower from the intersection would be about 35 feet from the back of the sidewalk. Mr. Dixon noted that the UDO would allow them to build up to the property line in the downtown district. The setbacks they proposed were based on the building requirements and the size.

Ms. Garrett asked Mr. Alan Crees, engineer for the project, to speak about the stormwater detention system. Mr. Crees stated that there was a considerable amount of impervious surface on the site already with the two parking areas that were currently there. He noted that the proposed project would add about 4,200 square feet of impervious area. Mr. Crees explained that they would be required to install a stormwater detention system to compensate for the additional impervious area. The system would be designed so that no post-construction runoff from the site would not be any more than the current runoff.

Ms. Garrett asked if it was correct that the existing impervious area was 23,983 square feet. Mr. Crees replied that was correct. Ms. Garrett noted that the increased impervious area was a 17.65% increase. She asked Mr. Crees what kind of drainage system or runoff detention was currently in place and did it work. Mr. Crees replied that a catch basin in the corner of the upper parking lot went to some other catch basins on the southern property line in the parking area down below. All of that then tied into a 36-inch pipe that was DOT's main culvert that ran down the middle of Water Street. Mr. Crees stated that this project's plan would be to capture all the water from the site. He felt there would be a slight reduction in the amount of water going out into the street. Ms. Garrett asked if there was currently anything in place that slowed the flow of water. Mr. Crees replied that there was no system currently in place. He explained that the proposed stormwater detention system would be located within the landscaping area. Mr. Crees added that there would not be a pond or anything above ground because of limited room and the grade.

He stated there would be underground pipes that could hold the volume of water and then release it slowly.

Ms. Garrett asked Mr. Crees if the minimum UDO requirements for stormwater detention were being met. Mr. Crees explained that they would be adding impervious area and, after some complicated calculations regarding the volume of water, they were proposing to increase the volume of detention by 25% over what was required.

Ms. Garrett asked Mr. Crees if he met with Mr. Harold Tilly and DOT regarding existing water issues and the flow along King Street. Mr. Crees replied that he did attend a meeting with Mr. Tilley and DOT to look at Mr. Tilley's situation with stormwater. He stated that a section of DOT pipe in front of Mr. Tilley's building was undersized. Mr. Crees explained that all of the pipe from the top of Water Street down to King Street was 36 inches. However, there was a 25-foot section under King Street that was about 20 inches in diameter. Mr. Crees stated that this smaller diameter pipe restricted the flow during large storms, that resulted in water coming out of a catch basin in front of Mr. Tilley's building. Mr. Crees noted that the 36-inch pipe ran under Mr. Tilley's building. He stated that the DOT representative was going to speak with their hydraulics unit to run some numbers and see if it was warranted to come out and upsize the 20-inch section of pipe to 36 inches.

Commission Member Behrend asked if the second floor of the parking deck was open or covered. Ms. Garrett replied that the UDO required the cars on the second floor to be screened so there would be no headlight glare. A 42-inch high wall would be placed around the second floor, but there would be no roof. Commission Member Behrend felt that if there had been a roof on the second floor, it would have been a good place to put solar panels.

Mayor Pro Tem Tugman asked if the sidewalk on the Queen Street side of the building would abut the building so that there would not be any space between the sidewalk and the brick exterior of the building. Ms. Garrett explained that they proposed to have the sidewalk end at the side of the brick building, assuming that the existing rock retaining wall would be removed.

At 6:43 p.m. Mayor Pro Tem Tugman invited public comment.

Ms. Maggie Tilley stated that she and her husband, Harold, owned the property adjacent to the proposed parking deck. She expressed concerns about stormwater management. Ms. Tilley read UDO Section 21.03(A)(1) regarding Drainage and Stormwater Management Performance Standards. During the neighborhood meeting, she noted that Alan Crees shared that the parking deck would add 4,200 square feet of impervious surface in excess of the previous building and lot. Ms. Tilley felt that was a pretty considerable amount. She requested that a stormwater management plan, based on Section 21.03(A)(1), be completed that would address the impacts of the additional 4,200 square feet of impervious area to the existing infrastructure while being mindful of the impact on Boone Creek, as well. Ms. Tilley stated that planning for the future should include a solid, properly functioning infrastructure for a thriving business community.

Mr. Harold Tilley stated that the stormwater problem began at the top of Water Street at Bill Dixon's driveway. He explained that the 36-inch culvert ran to a junction box outside the county's rock building on Water Street, and there was no manhole in that junction box so that it could be cleaned out. Mr. Tilley stated that the water then turned left and went along the My Pho building property line and then went under his building. He noted that the pipe was a concrete culvert that came to a drain at the front door of Appalachian Management and then went to another junction box with a 36-inch culvert in the middle of the sidewalk on King Street. It was 20 inches out into the middle of the street from that junction box. Mr. Tilley noted that not only water but trash and debris come down the mountain through this culvert. He stated that the Town of Boone nor the State of North Carolina had done anything to keep the culverts

clean. Mr. Tilley noted that he paid his staff to go down in the culverts to clean out the construction debris, leaves, sticks, logs, and even a dog house that came from where it entered the culvert at Mr. Dixon's driveway. Mr. Tilley stated that debris would come to the 20-inch culvert and could not go any further, so the water would back up. He noted that when the junction box was originally put in the sidewalk, the Town of Boone would not allow him to put a manhole in the box so that he could keep it clean. Since then, the water had backed up to the point that the state put in a manhole and cover. However, Mr. Tilley stated it was still up to him to keep it clean. Mr. Tilley noted that the pipe on the other side of King Street was a 48-inch pipe. He asked that no action be taken on this request until there was a stormwater plan in place that would work.

Mr. Crees stated that the pipe was not on the county's property at all. He added that the pipe ran down the street, under Mr. Tilley's building, and back into the street. Mr. Crees stated they would have to produce a stormwater plan for this project and meet all UDO requirements. He felt that the proposed development would not aggravate the water situation, but would improve it. Mr. Crees stated he would hate to see this project held hostage for a town-wide or DOT problem.

Ms. Garrett explained that there was no disagreement between the county and the Tilley's. She felt that the stormwater issue would require collaboration between the interested and affected parties, the Town of Boone and the County, to put some pressure on DOT. Ms. Garrett stated this was an existing problem. She noted they would be eliminating additional runoff that could be created by the additional 4,200 square feet by increasing their detention.

Chair Shay asked if the water runoff and debris problems would remain regardless of this construction. Ms. Turner replied that she believed they would. Ms. Turner noted that the county would handle the pre and post-runoff, but the original issue would still exist. Ms. Turner stated that Water Street was a DOT road and believed they were aware of the issues. Chair Shay asked if there were any possible design treatments for the culverts, like screens or meshes, that could cut down on debris. Mr. Brandon Wise, the Environmental Planner for Town of Boone Planning & Inspections, replied that what was existing would not be changed by what was proposed. He stated that during this meeting was the first time he had heard that they were looking at increasing detention by 25%. Mr. Wise noted that screens and meshes required regular maintenance and could cause even more back up of debris.

Ms. Garrett asked if the answer to the problem would be to increase the pipe size. Mr. Wise replied that this was a combination of DOT pipes and private property pipes. Then the pipe did daylight into town jurisdiction down on Howard Street. He noted that increasing the pipe size would probably help some of the flow.

Mr. Wise stated he met with Mr. Tilley and DOT and felt the easiest answer right now would be to make pipe sizes match. He noted it would be up to DOT to do the full hydraulic analysis to determine the correct pipe size.

Chair Shay noted that it was mentioned there had been several design revisions. She stated she was curious about the character of those revisions. Ms. Garrett replied that the actual structure itself, the walls, the height, had stayed the same. She stated that there had been changes made to the window openings, the stone pilasters, and the faux chimneys.

Commission Member Veno asked why Mr. Tilley was responsible for cleaning out the pipes. He also asked if the water runoff affected the integrity of the buildings. Commission Member Veno felt that expanding the size of the culverts would not solve the trash problem. He stated that a larger culvert would carry more trash. Mr. Wise replied that once a pipe was on your property and there was no easement, it became a private pipe that would be the responsibility of the property owner to maintain. Mr. Wise stated that increasing the pipe size would allow the pipe to carry more trash. Still, he felt the bigger

problem was that pipes stopped up in areas the town did not have access to, such as under Mr. Tilley's building.

Commission Member Veno asked if there was a lighting plan. Ms. Turner stated that, during the hearing for the Historic Preservation's Certificate of Appropriateness, it was decided that the applicant would choose a design for their lighting fixtures and their photometric plan and come back to HPC for their approval. Mayor Pro Tem Tugman wished to clarify that if this request passed the Planning Commission, it would pass without a lighting plan. The Historic Preservation Commission would approve the lighting plan when the county decided what lighting they would like to install. Ms. Garrett replied that it was her understanding that the HPC would only be consulted on the lighting plan if staff felt there was an issue with the plan. Mayor Pro Tem Tugman asked if HPC would have the final approval of the lighting plan or if it would come back to Planning Commission and Town Council. Ms. Turner replied that the lighting plan would only go to the Historic Preservation Commission for their Certificate of Appropriateness.

Ms. Garrett explained that the lighting plan would just comply with the UDO if this property were not in a historic district. She stated that the HPC would not want to give them a Certificate of Appropriateness if they had awful lighting fixtures that did not mesh with the neighborhood. Ms. Garrett noted that they had identified an example that the HPC seemed to like. A formal photometric evaluation would determine how many would need to be installed. She stated the lights would not be higher than 12 feet. Ms. Garrett noted that the Queen Street lights were quite bright and illuminated most of the northern half of the parking deck.

Ms. Shook wished to clarify that the lighting plan was to be presented to staff and, unless there were an issue, staff would approve the plan. If there were an issue or concern, staff would send the lighting plan to HPC for review. Ms. Garrett replied that was her recollection.

Mr. Rick Miller, Town of Boone Public Works Director, stated he wanted to make sure the Council and the Planning Commission knew that removing the wall on Queen Street would require Town Council approval and that there would be cost associated with that removal. Commission Member Veno asked if the wall was on Town property and not on the development site. Mr. Miller stated that was correct.

Commission Member Veno asked if there had been any traffic research done for this project. Ms. Garrett replied that the parking would be consolidated to the parking deck, but there would be two entrances/exits so that both levels of the deck do not exit and enter in the same location. She felt that would help with traffic issues. Ms. Garrett added that most of the people coming to the parking deck area were already coming because they parked along Queen Street or other parking lots.

Mr. Deron Geouque agreed with Ms. Garrett. He added that he did not see a traffic issue, especially with two exits.

Commission Member Veno asked if there would be a gate that had to open up before people could get into the parking deck. He also asked if there would be a cost for parking. Ms. Garrett replied that there would not be a gate and no one had to pay.

Mayor Pro Tem Tugman asked if the parking deck would be available to jurors serving during the business week. Mr. Geouque stated that jurors would remain on Queen Street because most of the parking would be for staff. He felt that shifting staff parking over to the parking deck would free up the spaces around the courthouse for the citizens utilizing the courthouse facility. Mr. Geouque stated that he and Mr. Dixon were trying to devise ways to regulate and ensure that others did not take up the staff parking.

Adjournment of Town Council

Council Member Nenow made a motion to adjourn the Town Council at 7:25 p.m. The motion was seconded by Council Member Carter.

Vote: Aye – All
Nay – None

The motion passed.

Edie Tugman, Mayor Pro Tem

Brenda Henson, Board Secretary

Elizabeth Shay, Planning Commission Chair

Continuation of Planning Commission Meeting

Chair Shay called for a break in the Planning Commission meeting from 7:25 p.m. until 7:33 p.m. Vice-Chair Plaag unrecused himself.

Public Comment

Ms. Shook noted that no one had signed up to speak under public comment.

Approval of Meeting Minutes

Commission Member Warren made a motion to approve the July 25, 2022, Planning Commission meeting minutes. The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed.

Case PL05865-070822 Watauga County Parking Deck – Conditional District Zoning Map Amendment

Watauga County has filed a Conditional District Zoning Map Amendment Application to rezone 136 N. Water Street (Watauga County Parking Lot) from B1DC, Downtown Core to Conditional District B1DC, Downtown Core for a site-specific approval for Use 15.02, Parking Structure.

Vice-Chair Plaag recused himself from this case.

Commission Member Behrend expressed concern that there was not a larger percentage of public parking with this project. Ms. Shook replied that the applicant was not required to provide public parking. She did note that, as mentioned in the public hearing, other parking spaces would be vacated as a result of the parking deck.

Commission Member Warren asked if there was anything presented at the public hearing that addressed how the county would stop the public from parking in the staff spaces. Ms. Shook felt that the county would likely have a system for tracking parking in the parking deck because they indicated that was their intent.

Chair Shay stated she was in favor of more parking downtown that could increase activity downtown without a similar increase in the number of vehicles. She added that the water issue was troublesome. Chair Shay stated that it seemed to be operationally separate because it seemed as though the parking deck was supposed to add no new runoff and perhaps even reduce runoff. Yet, the water issue remained for other members of downtown. Chair Shay asked Ms. Shook what kind of stipulations for discussion they could consider given that these two issues were not entirely linked. Ms. Shook replied that any suggested condition would need to be related to the project itself. Planning Commission would need to get the applicant's feedback regarding their willingness to accept any conditions placed on the permit. She noted that the applicant committed during the public hearing to an increase in stormwater retention of 25% above what was required.

Commission Member Behrend asked if the Planning Commission would recommend to Town Council that the town lower the wall on Queen Street. Ms. Shook felt it could be suggested but noted that, ultimately, Council would be making the decision.

Commission Member Veno felt the water problem was the biggest issue that came up tonight. He agreed with Chair Shay that the water issue seemed to be a separate matter. Commission Member Veno stated he did not think the development would add to the current water issues. Commission Member Veno did not like the idea of putting conditions on the development to take care of a problem that already existed. Commission Member Veno stated he was confident that the Historic Preservation Commission would be able to ensure proper height and lighting for the downtown historic district.

Chair Shay felt that Planning Commission could make a friendly suggestion to Town Council to have town-wide discussions regarding stormwater management.

First Motion and Vote: Chair Shay 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 1.1 Automobile Transportation

Maximize the efficiency of existing facilities, but not at the expense of 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.

Comprehensive Plan Policy 1.1 Infrastructure

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

Comprehensive Plan Policy 2.1.5 Downtown

B. The Town, in concert with the downtown property owners and merchants, shall encourage public and private efforts to develop and publicize adequate and appropriately designed off-street parking lots in the downtown area.

The motion was seconded by Commission Member Veno.

Vote: Aye – All
 Nay – None
 Recused – 1 (Plaag)

The motion passed.

Second Motion and Vote: Chair Shay made a motion that the Planning Commission recommends approval of the proposed amendment to the town's zoning map and believes approval to rezone the property Conditional District B1 Central Business is reasonable and in the public interest because the proposed structure addresses the need for parking as Boone manages high demand for access to the downtown district while honoring the spirit and letter of B1DC zoning. The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None
Recused – 1 (Plaag)

The motion passed, and approval was recommended.

Vice-Chair Plaag unrecused himself. Discussion ensued regarding stormwater management.

Vice-Chair Plaag stated he would like to make a historical comment about these culverts. He referred to the 1849 map of Boone, stating that there was a giant creek flowing down from what was now Water Street that originated way up on Rich Mountain. Vice-Chair Plaag stated that the culvert was the source of significant damage to downtown Boone in 1902, 1916, and 1940, as well as numerous other flooding events. He relayed that he was worried about this and had been for a number of years. Vice-Chair Plaag stated he had expressed his concerns when the Marketplace project was originally being considered. He noted that their plan called for the drainage that currently flowed across the Marketplace property to be redirected up King Street, down Burrell Street, and then down Howard Street toward the east using a series of 90 degree turns in the culverts. Vice-Chair Plaag felt this would only further exacerbate this problem.

Vice-Chair Plaag stated a great deal of surface water came down Water Street that flowed into those culverts, on top of whatever water was already being directed underground. He noted that John Ward, former Town Manager, worked hard on a solution with DOT before he left.

Ms. Shook stated that the Marketplace project was no longer proposing to change their pipe locations. She noted that the town did look, during the process of that project, at options. Ms. Shook explained that redirecting the outfall of all those culverts could have a negative impact on other property that would have to be considered.

Mr. Miller stated there were some drainage improvements on Howard Street where the three culverts crossed. However, once the pipe got to private or state property, it was out of the town's hands. Mr. Miller stated it would take an effort from everyone to fix drainage issues in this town.

Vice-Chair Plaag asked Mr. Miller if he had a sense of why DOT was unwilling to do anything about that pipe. Mr. Miller replied that it was likely cost, staffing, and materials. Mr. Wise added that DOT was aware of the issue. He stated that he had heard a lot about getting the town's stormwater in line, and while the town was working toward that, it was easier said than done. Mr. Wise relayed that there was a possibility that the town would be forced into stormwater action by the state. He noted that nothing could be fixed overnight but would be a long process.

Vice-Chair Plaag asked Mr. Wise if he knew the size of the pipe that crossed the Marketplace property. Mr. Wise replied that it was a 36-inch pipe until it got to the backside of the Ransom building, then it upgraded to a 48-inch pipe the rest of the way back.

Vice-Chair Plaag stated he would like to make a suggestion that Planning Commission recommend to Council that this stormwater concern be a top priority from a planning and infrastructure perspective. He added that this set of pipes and the fact that they downsize was a historic and current problem. Vice-Chair Plaag felt it might be helpful if Council asked Mr. Miller and Mr. Wise for a prioritized list of other places in town where similar kinds of issues existed that needed addressing in the near term.

Mr. Miller stated that he knew where the problems were in the town. He noted that many of the issues were on DOT or private property and, by law, he could not inspect those pipes. He indicated that he did have a list of town-owned properties but did not have a list of DOT and private property owner issues and damage.

Vice Chair Plaag made a motion to recommend that, in the near immediate term, now was probably the best possible opportunity while there was potentially going to be the ground open on the Marketplace site, and whatever work might occur at the parking deck was discussed tonight, to try to get the DOT on board with specifically addressing the 20-inch pipe that was in the middle of the right-of-way. More broadly, it would be valuable for the town, specifically for Town Council, to know where the other problem areas were located. The best way to do that would be to ask Mr. Miller and Mr. Wise to make a prioritized list of problem areas and what might be needed to address drainage issues throughout the town's jurisdiction. The motion was seconded by Commission Member Warren.

Vote: Aye – All
Nay – None

The motion passed.

Other Matters

Ms. Shook discussed the process so far on the update for a Comprehensive Plan. She noted that an RFQ was released today looking for a consultant. Ms. Shook stated she would let everyone know when a date for the kickoff meeting was chosen to discuss the Comprehensive Plan. She also noted there would be a full agenda for next month's public hearing.

Adjournment of Planning Commission

Commission Member Warren made a motion to adjourn the meeting at 8:20 p.m. The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed.

Elizabeth Shay, Planning Commission Chair

Brenda Henson, Board Secretary

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:

TBD W. Donnies Drive

Watauga County Parcel Identification Number:

2829-18-8754-000

Existing Zoning District(s): Unzoned

Proposed Zoning District(s): RA or R1

Adjacent Land Uses: N: Unzoned (Watauga County)

E: Unzoned (Watauga County)

S: Unzoned (Watauga County)

W: RA

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

If yes, describe: _____

Total Land Area: 1.004 Acres

C. Property Owner Information

Name:

Barney and Delores Hampton

Complete Mailing Address (Street, City, Zip):

PO Box 1792, Boone, NC 28607

Phone Number:

828-265-7139

Email Address:

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

D. Applicant Signature and Property Owner Authorization

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

**NA – Processed in conjunction with
property owners request for annexation.**

Property Owner (Print)

Property Owner (Signature)

Date

Official Use Only				
Permit Name: Hampton, Barney General Use Zoning Map Amendment				
Permit Number: PL05995-081822				
Date:	Fee:	Receipt Number:	Method of Payment: ☐ Cash ☐ Check Number: _____	Paid By:

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: September 26, 2022

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: _____

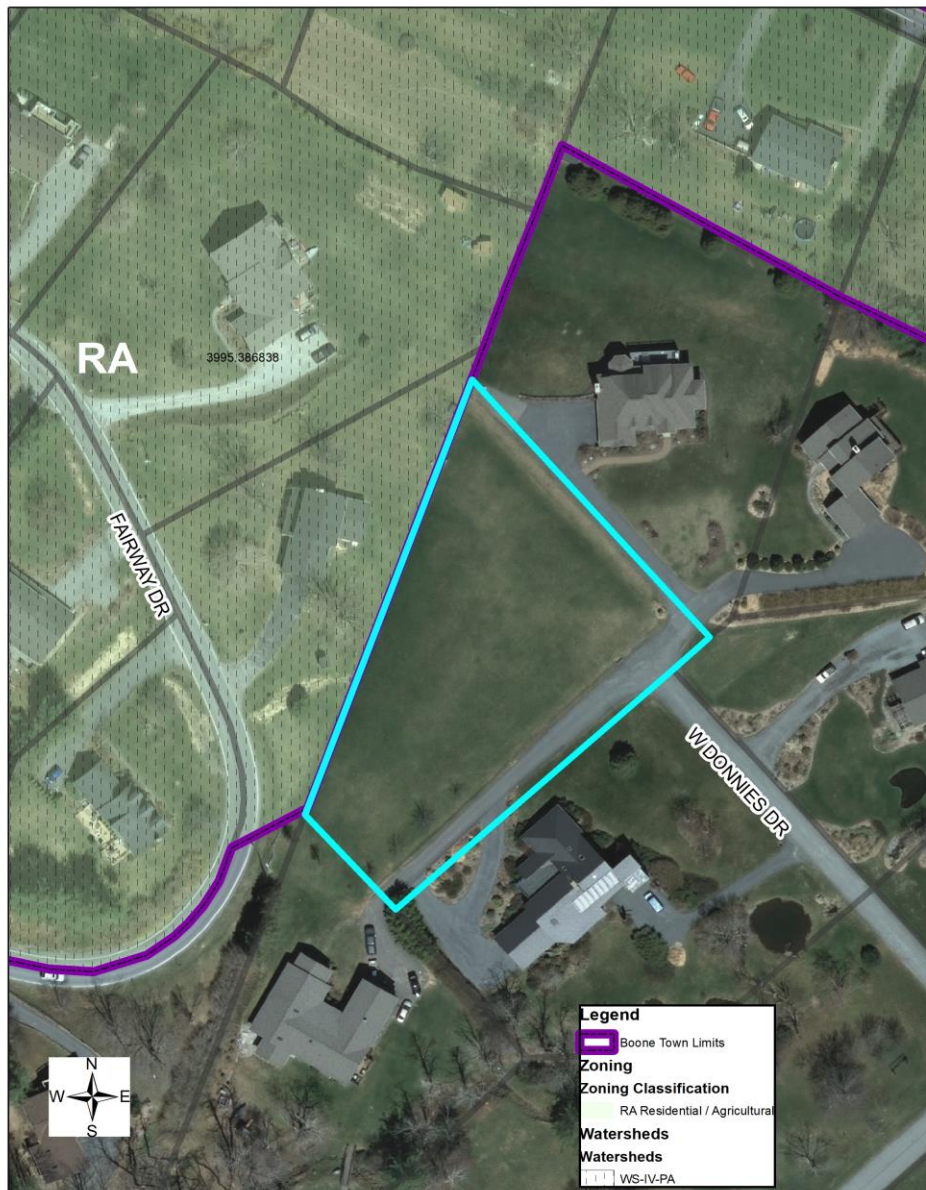
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Communication: Case PL05995-081822 Application (Case PL05995-081822 Hampton, Barney - General Use Zoning Map Amendment)

STAFF REPORT

SEPTEMBER 26, 2022

CASE PL05995-081822 HAMPTON, BARNEY & DELORES – GENERAL USE ZONING MAP AMENDMENT



REQUEST

The Town of Boone has initiated the zoning of property on West Donnie's Drive (Watauga County PIN: 2829-18-8754-000) owned by Barney and Delores Hampton to RA Residential Agricultural or R1 Single-Family Residential. Zoning is to coincide with the property owner's voluntary annexation of the property. A Voluntary Annexation Petition from Barney and Delores Hampton requesting the Town to annex 1.004 acres contiguous to the Town of Boone primary corporate limits has been submitted and processed. The parcel is currently vacant. By direction of Town Council during the consideration of the annexation petition, zoning of the property is to be either RA Residential Agriculture or R1 Single-Family Residential with WS-IV Watershed Areas Protected Area (WS-IV-PA).

HISTORY

1-10-2017: Town of Boone lost authority to exercise powers of extraterritorial jurisdiction. The subject property was previously zoned RA Residential/Agricultural with Watershed WS-IV-PA Overlay. See map below.



ZONING ANALYSIS OF ANNEXATION AREA

Petitioner:	Barney & Delores Hampton
Address:	TBD West Donnies Drive
Watauga Co. PIN:	2829-18-8754-0000
Use:	Vacant
Size:	1.004 acres
Jurisdiction:	Watauga County
Access:	Access from West Donnies Drive
Viewshed:	No
Watershed:	Need to be zoned WS-IV-PA overlay
SFHA:	No
Steep Slope:	No
Existing Zoning:	Not zoned
Previous Zoning:	RA Residential/Agricultural (when property was located in ETJ)
Requested Zoning:	RA Residential/Agricultural or R1 Single-Family Residential
Vesting:	No

	Adjacent Zoning	Adjacent Land Use (Watauga Co. Tax Data)
North	Not zoned (Watauga County Jurisdiction)	Single-Family Residential
East	Not zoned (Watauga County Jurisdiction)	Single-Family Residential
South	Not zoned (Watauga County Jurisdiction)	Single-Family Residential
West	RA Residential/Agricultural	Single-Family Residential

Below are excerpts from the UDO regarding the district, use, intensity and height both the RA Residential/Agricultural (former zoning of parcel) and R1 Single Family zoning districts.

Excerpts of ARTICLE 14 ZONING DISTRICTS AND ZONING MAP

Zoning District Descriptions:

R1: 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.

RA: 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.

Excerpts of Appendix B Comparative Tables

Excerpt of B1.01 Table of Principal Uses

Use #	Specific Use	RA	R1	Reference
1.0 Household Living				
1.01	Single-Family Dwelling	P	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		

Use #	Specific Use	RA	R1	Reference
1.07	Duplex (more than one duplex building per lot)			15.03
1.08	Townhouse (up to 30 bedrooms)			15.03
1.09	Townhouse (31-100 bedrooms)			15.03
1.10	Townhouse (> 100 bedrooms)			15.03
1.11	Multi-Family Dwelling (up to 30 bedrooms)			15.03
1.12	Multi-Family Dwelling (31-100 bedrooms)			15.03
1.13	Multi-Family Dwelling (> 100 bedrooms)			15.03
1.14	Multi-Family Dwelling in Mixed Use (up to 30 bedrooms)			15.04
1.15	Multi-Family Dwelling in Mixed Use (31-100 bedrooms)			15.04
1.16	Multi-Family Dwelling in Mixed Use (> 100 bedrooms)			15.04
1.17	Adult Living Community			
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			
2.06	Fraternity or Sorority Dwelling			15.09
2.07	Boarding House			15.10
3.0 Transient Living				
3.01	Home for Survivors of Domestic Violence	L	L	15.11
3.02	Shelter for Homeless, Category 1			15.12
3.03	Shelter for Homeless, Category 2			15.12
3.04	Bed and Breakfast, Category 1	L	S ^{T50}	15.13
3.05	Bed and Breakfast, Category 2			15.13
3.06	Vacation Rental	L ^{T75}		15.14
3.07	Homestay Rental	L	L	15.05
3.08	Motel			
3.09	Hotel, Small			
3.10	Hotel, Large			
3.11	Hotel, extended stay			
4.0 Institutional				
4.01	Airport/Landing Strip	S ^{T300}		15.15

Use #	Specific Use	RA	R1	Reference
4.02	Heliport	S ^{T300}		
4.03	Funeral Home Establishment			
4.04	Cemetery	P	P	
4.05	Post Office			
4.06	Post Office, Distribution			
4.07	Animal Sanctuary	S ^{T300}		
5.0 Government Uses				
5.01	Government Cultural Facility			
5.02	Government Neighborhood Cultural Facility, Indoor Activity Only	S	S	
5.03	Government Neighborhood Cultural Facility, Includes Outdoor Activity			
5.04	Recreation Facility, Category 1	P		
5.05	Recreation Facility, Category 2	P	P	
5.06	Recreation Facility, Category 3	P ^{T50}	S	
5.07	Event Venue, Category 1			
5.08	Event Venue, Category 2			
5.09	Event Venue, Category 3			
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	L	15.16
5.15	Utility Facility, Government, Regional	L ^{T300}		15.16
5.16	Government Facility	P		
6.0 Non-Government Utility Facility				
6.01	Utility Facility, Neighborhood	L	L	15.16
6.02	Utility Facility, Regional	L ^{T300}		15.16
7.0 Wireless Communication				
7.01	Small Wireless Collocation	L	L	15.18
7.02	Wireless Facility Collocation on Existing Wireless Support Structure or Utility Pole	L	L	15.17
7.03	Stealth Wireless Facility Attached to Existing Building or Structure	L	L	15.17
7.04	Non-stealth Wireless Facility Attached to Existing Building or Structure			15.17

Use #	Specific Use	RA	R1	Reference
7.05	Non-stealth Wireless Facility Collocation on Electrical Transmission Towers	L	L	15.17
7.06	Stealth Wireless Support Structure	S/L	S/L	15.17
7.07	Non-stealth Wireless Support Structure			15.17
7.08	Emergency Response Communication Antenna	P	P	
8.0 Assembly				
8.01	Religious Assembly, Category 1	P	P	
8.02	Religious Assembly, Category 2	pT125	pT125	
8.03	Religious Assembly, Category 3	pT200		
8.04	Club/Lodge, Category 1			
8.05	Club/Lodge Which Does Not Serve Alcohol	P		
9.0 Education				
9.01	Public colleges and universities			
9.02	Private colleges and universities			
9.03	Trade school			
9.04	High school			
9.05	Elementary school			
9.06	Boarding school			
9.07	College- or university-operated community enterprise			15.63
9.08	College- or university-operated child daycare center			15.19
10.0 Daycare				
10.01	Child Daycare, Large	L		15.19
10.02	Child Daycare Center			15.19
10.03	Adult Daycare, Large	L		15.19
10.04	Adult Daycare Center			15.19
10.05	All Other Daycare			
11.0 General Sales and Service				
11.01	Kennel	L ^{T125}		15.20
11.02	Veterinary Office/Hospital with Outdoor Kennels	L ^{T125}		15.20
11.03	Veterinary Office/Hospital without Outdoor Kennels	P		
11.04	Financial Institution ≤ 5,000 ft ²			
11.05	Financial Institution > 5,000 ft ²			

Use #	Specific Use	RA	R1	Reference
11.06	Restaurant ≤ 2,500 ft ² open to the public during 10 pm – 6 am			
11.07	Other Restaurants ≤ 2,500 ft ²			
11.08	Restaurant > 2,500 ft ² open to the public during 10 pm – 6 am			
11.09	Other Restaurants > 2,500 ft ²			
11.10	Restaurant ≤ 3,500 ft ² open to the public during 10 pm-6 am			
11.11	Other Restaurants ≤ 3,500 ft ²			
11.12	Bar			
11.13	ABC Store			
11.14	Personal Service Establishment open to the public during 10 pm-6 am			
11.15	Other Personal Service Establishments			
11.16	Retail Store up to 5,000 ft ²			
11.17	Retail Store more than 5,000 but less than 25,000 ft ²			
11.18	Retail Store 25,000 ft ² and greater			15.21
11.19	Reserved			
11.20	Business or Professional Office open to the public during 10 pm - am			
11.21	Other Business or Professional Office			
11.22	Medical Office, Category 1			
11.23	Medical Office, Category 2			
11.24	Medical Office, Category 3			
11.25	Medical Office, Category 4			
11.26	Hospital			
11.27	Medical Emergency Response			
11.28	Open Air Market, Recurring	L ^{T75}		15.22
11.29	Vehicle Sales and Service			15.23
11.30	Equipment Sales and Service			15.24
11.31	Moped Sales and Service			
11.32	Boat or Marine Craft Sales and Service			15.25
11.33	Impound Lot/Towing Service			15.26
11.34	Gas Station	p ^{T125}		
11.35	Car Wash			
11.36	Seasonal Retail Activities and Amusements	P		

Use #	Specific Use	RA	R1	Reference
11.37	Electric-Vehicle Charging Station			15.65
12.0 Recreation & Entertainment Uses				
12.01	Indoor Shooting Range	L ^{T75}		15.27
12.02	Outdoor Shooting Range			
12.03	Indoor Theater			
12.04	Outdoor Theater	p ^{T200}		
12.05	Event Venue, Category 1			
12.06	Event Venue, Category 2			
12.07	Event Venue, Category 3			
12.08	Campground and Recreational Vehicle Park	L ^{T200}		15.28
12.09	Coliseum			
12.10	Recreation Facility, Category 1	p ^{T125}		
12.11	Recreation Facility, Category 2	p ^{T125}		
12.12	Recreation Facility, Category 3	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	15.31
14.0 Manufacturing				
14.01	Microbrewery			15.32
14.02	Brewpub			15.32
14.03	Brewery/Distillery			15.33
14.04	Brewery/Distillery, Other			15.34
14.05	Winery Associated with a Vineyard	L ^{T125}		15.35
14.06	Winery			15.35
14.07	Winery, Other			
14.08	Extraction of Earth Materials			
14.09	Machine/Welding Shop			15.37

Use #	Specific Use	RA	R1	Reference
14.10	Manufacturing, Other			15.38
15.0 Parking				
15.01	Parking Lot			15.39
15.02	Parking Structure			15.40
15.03	Park and Ride Lots	L		15.39
16.0 Storage				
16.01	Self-Storage Facilities	L ^{T125}		15.41
16.02	Outdoor Storage			15.42
16.03	Warehouse			
16.04	Fuel Storage Facility			
16.05	Chemical Storage Facility			
17.0 Transportation				
17.01	Passenger Terminals			
17.02	Trucking or freight terminal ≤ 10,000 ft ²			
17.03	Trucking or freight terminal > 10,000 ft ²			
18.0 Waste Related Uses				
18.01	Recycling Drop-off Station	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			15.43
19.02	Adult Establishments			15.44

Excerpt of B1.02 Table of Accessory Uses

Use #	Accessory Use	RA	R1	Reference
A-1	Secondary suite	L	L	
A-2	Home occupation	L	L	
A-3	Accessory dwelling unit			
A-4	Drive-through			
A-5	Outdoor display			
A-6	Outdoor storage			
A-7	Outdoor dining			
A-8	Automated teller machine (ATM)			
A-9	Automated teller machine (ATM), freestanding			
A-10	Produce stand	L		
A-11	Poultry	L	L	
A-12	Livestock, small	L	L	
A-13	Livestock, large	L		

Use #	Accessory Use	RA	R1	Reference
A-14	Bees	L	L	
A-15	Garden, residential	L	L	
A-16	Satellite receiving antennas less than 1 meter in diameter	P	P	
A-17	Satellite receiving antennas less than 2 meters in diameter	P		
A-18	Satellite receiving antennas 2 meters and greater in diameter			
A-19	Helistop	S ^{T300}		
A-20	Swimming pools, spas, and hot tubs	L	L	
A-21	Caretaker's residence			
A-22	Vehicular gate	L	L	
A-23	Vehicle washing station	P		
A-24	Chemical storage facility			
A-25	Open air market, accessory	L	L	
A-26	Daycare, small	P	P	
A-27	Limited structure to enable recreational use of open rooftops			
A-28	Solar Energy System	L	L	
A-29	Electric-Vehicle Charging Station	L	L	

Excerpt of B1.03 Table of Temporary Uses

Use #	Temporary Use	RA	R1	Reference
T-1	Temporary family care structure	L	L	15.62
T-2	Temporary construction or repair dwelling	L	L	15.62
T-3	Temporary construction trailer	L	L	15.62
T-4	Temporary mobile medical unit			15.62
T-5	Temporary classroom			15.62
T-6	Temporary portable storage containers	L	L	15.62
T-7	Temporary staging			15.62
T-8	Temporary non-fixed site event venue	L		15.62
T-9	Carrier on wheels (cow)	L	L	15.62
T-10	Yard sales	L	L	15.62
T-11	Itinerant merchant/peddler	L	L	15.62
T-12	Open air market, temporary	L		15.62
T-13	Temporary Use 9.01 Public Colleges and Universities			15.62

Excerpt of B1.04 Intensity Table

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Minimum Livability Space Ratio* (LSR)	Minimum Setbacks	
					Street	Interior
R1	8,000 sq. ft.	70 ft.	56 ft.	.53	20 ft.	14 ft.
RA No Public Water & Sewer Available	20,000 sq. ft.	100 ft.	80 ft.	.65	20 ft.	18 ft.
RA Public Water Available	15,000 sq. ft.	80 ft.	64 ft.	.65	20 ft.	18 ft.
RA Public Water & Sewer Available	10,000 sq. ft.	65 ft.	52 ft.	.65	20 ft.	14 ft.

Excerpt of B1.05 Building Height Table

Zone	Height Limitation
<u>R1</u> , R1A, RR, R2, R4, <u>RA</u>	3 stories

Excerpt of B1.06 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

ANNEXATION/ZONING PROCESS EXPLANATION

When a property is annexed into the Town of Boone's corporate limits, zoning of the property must also occur. The annexation and zoning of the property occurs in separate but concurrent processes. Both of the processes require separate public hearings. Staff has detailed the steps in which both of these processes would occur below.

Date	Annexation	Zoning
August 24, 2022	Step 1 Presentation of Petition: The first step of the annexation process occurred at the August 2022 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 annexation for October 12, 2022 and sent the case to be considered for zoning at the September 24, 2022 Public Hearing.	
September 26, 2022		Step 1 Zoning (Public Hearing on Zoning): Cases to zone properties placed on the September 2022 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 public hearing.
October 12, 2022	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. Step 3 Council Vote on Annexation: Subsequent to the annexation public hearing and after the decision on the zoning of the properties, Council will vote on the Annexation Ordinance. The	Step 3 Council Vote on Zoning: Planning Commission recommendations will be forwarded to the October Town Council meeting for Council decision on zoning of the properties.

	annexation ordinance can be made effective immediately, June 30, 2023 or June 30, 2024.	
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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.

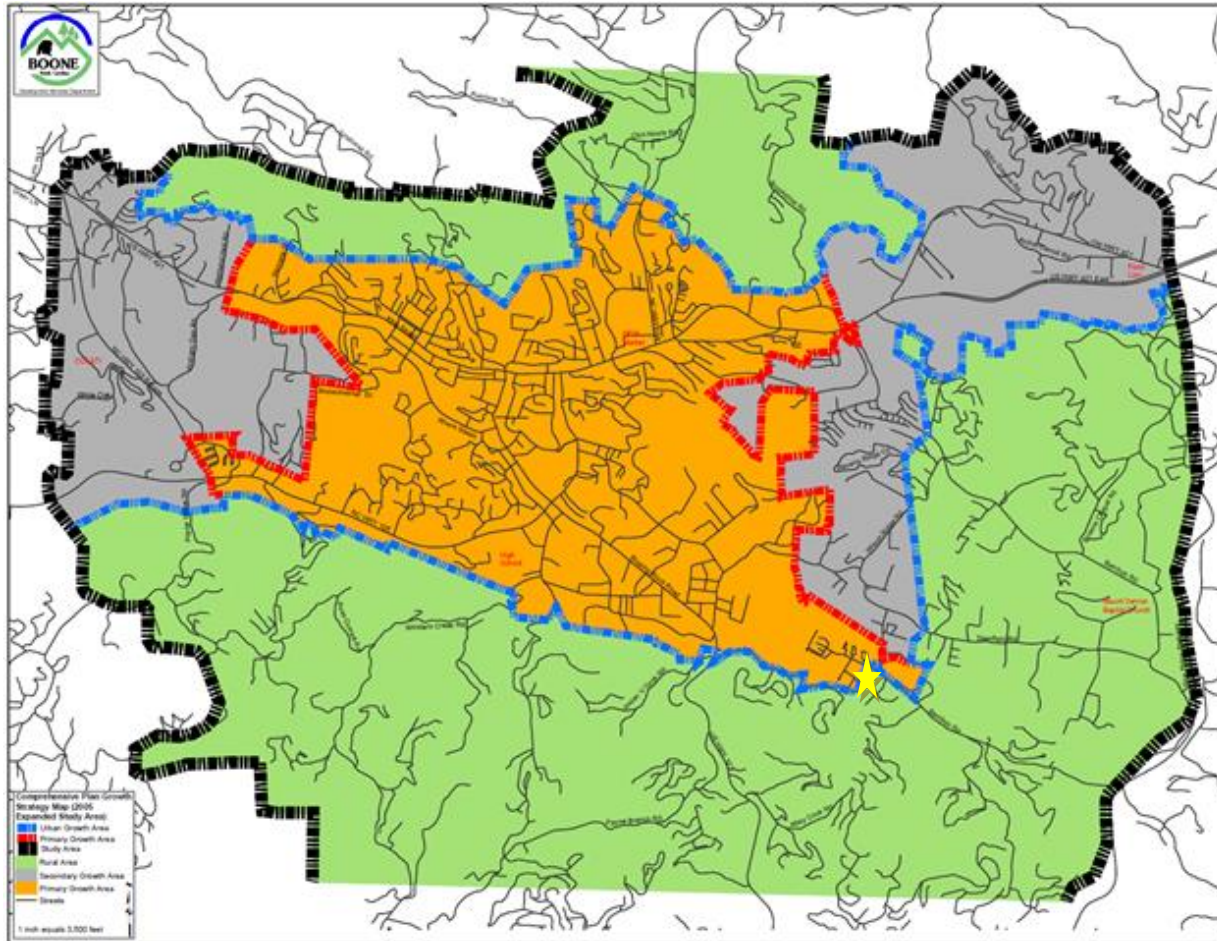
Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

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 property lies along the corporate limits line and is located within the Rural Area adjacent to the Primary Growth area (see yellow star on map above).

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.

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 and the Planning Commission should review these policies carefully. Each member may make his or her own interpretation as to the relevance of each and which carry the most weight.

2.1 Economy (page 21)

2.1.1 Economic Development

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

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

2.2 Infrastructure

2.2.2 Utilities (page 49)

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

- B. Water and sewer services shall be concentrated within the limits of a geographically defined Urban Growth Area. The Primary Growth Area shall receive first priority for the provision or enhancement of water and sewer services.

- B.1 Continue to monitor water consumption at the Boone Water Treatment Plan with an eye toward planning for expansion of the facility when appropriate.

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

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

- D.1 Establish revised written water and sewer service extension policies consistent with the designated growth area on the Growth Strategy Map of this plan. Coordinate with the County in assessing water and sewer needs in the areas of the county that are already facing significant development pressures, and that are supportive of an organized, planned growth strategy.

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

- E.1 Establish an incentive program to encourage development within the Urban Growth Area.

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

- F.1 Consider the establishment of an “Alternate Energy Commission” to address this and other energy issues on an on-going basis.

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

- G.1 Prepare a community-wide stormwater management strategy to address the future implementation of NPDES Phase II program requirements.

...

2.3 Community

2.3.2 Community Character (page 75)

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

- A.1 Conduct on-going assessments of critical locations in community deserving special attention by the zoning ordinance, in light of their high visibility, traffic impact, strategic location, or other unique features. Continue to encourage significant new public buildings and outdoor spaces to locate in these and other positions of visibility and strategic prominence. Encourage the private sector to do likewise.

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

2.3.3 Housing & Neighborhoods (page 79)

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

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

...

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 8, 2022.

/s/ Brenda Henson

Brenda Henson, Administrative Support Specialist

Certification of Posting

I, Darrell Pulliam, certify that the subject property was posted as required in Article 9, Subsection 9.03.03(B)(2) of the Town of Boone UDO on September 7, 2022.

/s/ Brandon Wise

Brandon Wise, Environmental Planner

Ultimate Issue Before Council on Amendments

Pursuant to UDO Subsection 9.07, in deciding whether to adopt a proposed amendment to this Ordinance, 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:

- A. 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.
- B. The Council shall only consider the impact of the proposed change on the public at large.

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 # PL05995 within in 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.

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.

Ordinance PL05995-081822

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 zone the property below:

Addresses:	TBD (off W Donnies Drive)
Watauga County PIN:	2829-18-8754-0000
Property Owner:	Barney and Delores Hampton
Zone:	R1 Single Family/RA Rural Agriculture(choose one) and WS-IV Watershed Areas Protected Area (WS-IV-PA)

WHEREAS, the Boone Town Council held a duly-noticed public hearing September 26, 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 12th day of October, 2022.

.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon, Town Clerk

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 PL05995-081822 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.

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: 07-25-22

C. Property Information (Project Location)

Street Address:

TBD Chase Hill Drive

Watauga County Parcel Identification Number(s):

2920-00-9240-000

D. Property Owner Information

Name:

YATES FAMILY PROPERTIES LLC

Complete Mailing Address (Street, City, Zip):

643-J SUITE 5 GREENWAY RD Boone, NC 28607

Phone Number:

828-964-0089

Email Address:

allen@allenyatesrealty.com

E. Applicant Information

Name:

Allen Yates

Company:

YATES FAMILY PROPERTIES LLC

Complete Mailing Address (Street, City, Zip):

643-J SUITE 5 GREENWAY RD Boone, NC 28607

Phone Number:

828-964-0089

Email Address:

allen@allenyatesrealty.com

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

F. Detailed Description of Project

Down-zone +/- 7.5 acres of R-3 multifamily property to R-1 and plat 15 single family residential lots. Consolidate the development footprint outside the floodway (architecturally integrated subdivision) to minimize environmental impacts and disturbed area.

G. Project Cost

Project Cost:

\$ 1,000,000.00

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:

R-3

Proposed Zoning District(s):

R-1

Existing Land Use(s):

Undeveloped

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

1.01 - Single Family Dwelling

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

Building Footprint Square Footage:	Current: <u>N/A</u>	Proposed: <u>+/- 19,200 sf</u>
Total Building Square Footage (all floors):	Current: <u>N/A</u>	Proposed: <u>+/- 30,720 sf</u>
Number of Stories	Current: <u>N/A</u>	Proposed: <u>2</u>
Building Height:	Current: <u>N/A</u>	Proposed: <u>35'</u>
Number of Units:	Current: <u>N/A</u>	Proposed: <u>15</u>
Number of Bedrooms:	Current: <u>N/A</u>	Proposed: <u>45</u>

K. Environmental Information

Total Land Area : 7.576 ☐ Sq. Feet or ☒ Acres

Disturbed Area: 2.52 ☐ 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

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

Official Use Only

Permit Name: <u>Yates Family Properties - Cond. Dist. Zoning Map Amend.</u>				
Permit Number: <u>PL05764-060822</u>				
Date: <u>6-8-22</u>	Fee: <u>\$842.00</u>	Receipt Number: <u>521893</u>	Method of Payment: ☐ Cash ☒ Check Number: <u>3474</u>	Paid By: <u>Allen Yates Realty</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: _____

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

Impervious Area: What is the existing impervious area in the development? 0 ☐ sq. feet ☒ acres
What is the proposed impervious area in the development? 1.07 ☐ sq. feet ☒ acres

L. Design Professional Information

Designer is an: ☐ Architect ☒ Engineer ☐ Owner ☐ Other: _____

Name: Jason Gaston Company: Valor Engineering

Complete Mailing Address (Street, City, Zip):
215 Boone Heights Drive Suite 107 Boone, NC 28607
Phone Number: 828-262-9807 Email Address: jason@valorengineering.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/A

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.

Allen Yates
Applicant (Print)

Allen Yates
Applicant (Signature)

6-8-2022
Date

Allen Yates
Property Owner (Print)

Allen Yates
Property Owner (Signature)

6-8-2022
Date

Neighborhood Meeting for Public Comments Regarding Development of Property on Chase Hill Drive

Meeting Minutes

Monday, July 18, 2022

Present: Allen Yates and Sharon Yates, representing Allen Yates Realty, Inc.
42 Residents and Interested Parties (roster attached)

1. History

Allen Yates opened the meeting at approximately 6:10 pm, with a brief history of his career in real estate. He then outlined the current zoning of the referenced property, and his intention to apply for rezoning for a lower-density purpose (residential housing rather than student housing). He shared copies of the proposed footprint of the homes and infrastructure with the attendees, as well as conceptual ideas of the type of homes that may be built on the property. He informed them about the approval process, and that there would be a second public meeting at a later date, with the full planning board of the Town of Boone.

2. Discussion

At this time, Mr. Yates began to call on the attendees that had requested to speak for their questions and concerns. Five attendees took the floor, with concerns being addressed on the following topics:

- Flooding
- Erosion
- Stormwater management
- Setbacks/Encroachment
- Property and road access for construction traffic
- Effect on property values
- Increased neighborhood traffic

3. Roundtable

When the last registered speaker concluded their remarks/questions, the floor was opened for any brief follow-up comments or questions. Mr. Yates encouraged the residents to attend the full Planning Board meeting in the future, in order to get any additional clarification or information.

4. Adjournment

The meeting was adjourned at approximately 7:30 pm.

**NEIGHBORHOOD MEETING FOR PUBLIC COMMENTS REGARDING DEVELOPMENT
OF PROPERTY ON CHASE HILL DRIVE
MONDAY, JULY 18, 2022 6pm**

Name	Address	Do you wish to speak tonight?	
		Yes	No
Lynlea Bentley	235 Kellwood Dr.		✓
Rosie Bentley	"	✓	
James & Teresa Edwards	327 Chase Hill Dr	✓	
Olivia Knight	(P O Box 1512) - 144 Village Dr.		✓
Jan Johnson	486 Kellwood Dr		✓
Melinda Clement	152 Village Dr		✓
Lisa & Ron Forster	198 Chase Hill Drive -		✓
Dana Huestetter	148 VOG 1-B4		✓
GARY HUFFSTETTER	178 VILLAGE DRIVE		✓
Maeve Kupp	172 Village Dr.		✓
Norma Cook	228 Chase Hill Dr		?
Susan & Joe Sember	149 Kellwood & 187 Juniper		✓
Sarah Davis Cagle	126 Chase Ct		?
Wayne & Delores Cannon	255 Chase Hill Dr.		✓

**NEIGHBORHOOD MEETING FOR PUBLIC COMMENTS REGARDING DEVELOPMENT
OF PROPERTY ON CHASE HILL DRIVE
MONDAY, JULY 18, 2022 6pm**

Name	Address	Do you wish to speak tonight?	
		Yes	No
Jeannine Underdown Collins	1281 Fairway Dr.		☒
Kim Vallini	180 Village Dr.		☒
Dacia Tretheux	174 Carriage Lamp Ct.		☒ ?
Shay "	" "		
BRANDON MANES	180 CARRIAGE LAMP CT.		



215 Boone Heights Dr., Ste. 107
Boone, NC 28607
828.262.9807
www.valorengineering.com

September 8, 2022

Michael James
Town of Boone
680 West King Street, Suite C
Boone, NC 28607

Chase Hill Subdivision - Traffic/Access Analysis

Michael James:

Please let this letter serve as a brief description of traffic analysis requirements for the proposed Single Family Subdivision on Chase Hill Drive for Mr. Allen Yates. The project has access to Chase Hill Drive and will be extending this public street to provide access to 15 new single family lots. Per the Institute of Traffic Engineers Manual, here is a breakdown of the traffic counts:

Total Trips / Day: 144 Trips
Peak Hour Traffic: 16 Trips (10 Out, 6 In)

Per Section 4.04.02 C, a TIA may be required if certain criteria are met. Below is a list of these criteria and how this project compares:

1. The development proposes to have an access to the public road system within 100 feet of the STOP bar of any traffic control signal;

There is no traffic control signal within close proximity of this project. N/A

2. The development proposes to have an access to the public road system within 200 feet of the STOP bar of any traffic control signal and based upon Institute of Transportation Engineers (ITE) trip generation rates is projected to generate 80 or more exiting trips during any one hour period of any day;

There is no traffic control signal within close proximity of this project and it does not generate 80 or more trips during the peak hour. N/A

3 The development proposes to have access to any public road at a location where sight distance in any direction along the road is less than 500 feet;

The development is not proposing a traditional access via a driveway connection or "T", rather, it is extending an existing road. Therefore, SDL and SDR are not applicable, as vehicles will be continuing on an existing road, not making right or left turns to access the site. N/A

4. The development proposes access onto a public road that does not have a paved width of at least 18 feet;

The existing Chase Hill Drive is 19'-6" wide. N/A

5. The development proposes access to a public road that currently operates at a level of service of D or less and based upon ITE trip generation rates is projected to generate 1,500 weekday trips

Total Trips per day is 144. N/A

6. The Administrator or Public Works Director determines that the proposed project will have a potential negative impact on the public road system due to the size of the project or existing transportation system; or determines that there are safety concerns with the driveway location and design.

To be determined by the Administrator or Public Works Director, however, it should be noted that there is no driveway location or connection since this project will simply be extending and existing street.

Based on the first five UDO criteria a Traffic Impact analysis should not be required. If you have any questions about this analysis or would like any further information, please feel free to contact us at your convenience.

Sincerely,

Valor Engineering, PLLC

By:

A circular professional seal for the State of North Carolina. The outer ring contains the text "NORTH CAROLINA" at the top and "JASON GASTON" at the bottom. The inner ring contains the text "PROFESSIONAL" at the top and "ENGINEER" at the bottom. In the center of the seal, the word "SEAL" is written above the number "035233". A handwritten signature in black ink is written across the seal.

Name: Jason Gaston, P.E.

Title: Managing Member

Date: September 8, 2022

PROJECT DIRECTORY

DEVELOPER/OWNER
YATES FAMILY PROPERTIES, LLC
643-J SUITE 5 GREENWAY ROAD
BOONE, NC 28607
(828) 264-5960
CONTACT: MR. ALLEN YATES

CIVIL ENGINEER
VALOR ENGINEERING, PLLC
215 BOONE HEIGHTS DR., SUITE 107
BOONE, NC 28607
(828) 262-9807
CONTACT: MR. JASON GASTON, P.E.

SURVEYOR
APPALACHIAN PROFESSIONAL LAND
SURVEYORS AND CONSULTANTS
1480 U.S. HIGHWAY 421 SOUTH
BOONE, NC 28607
(828) 264-0290
CONTACT: MR. DONALD MCNEIL

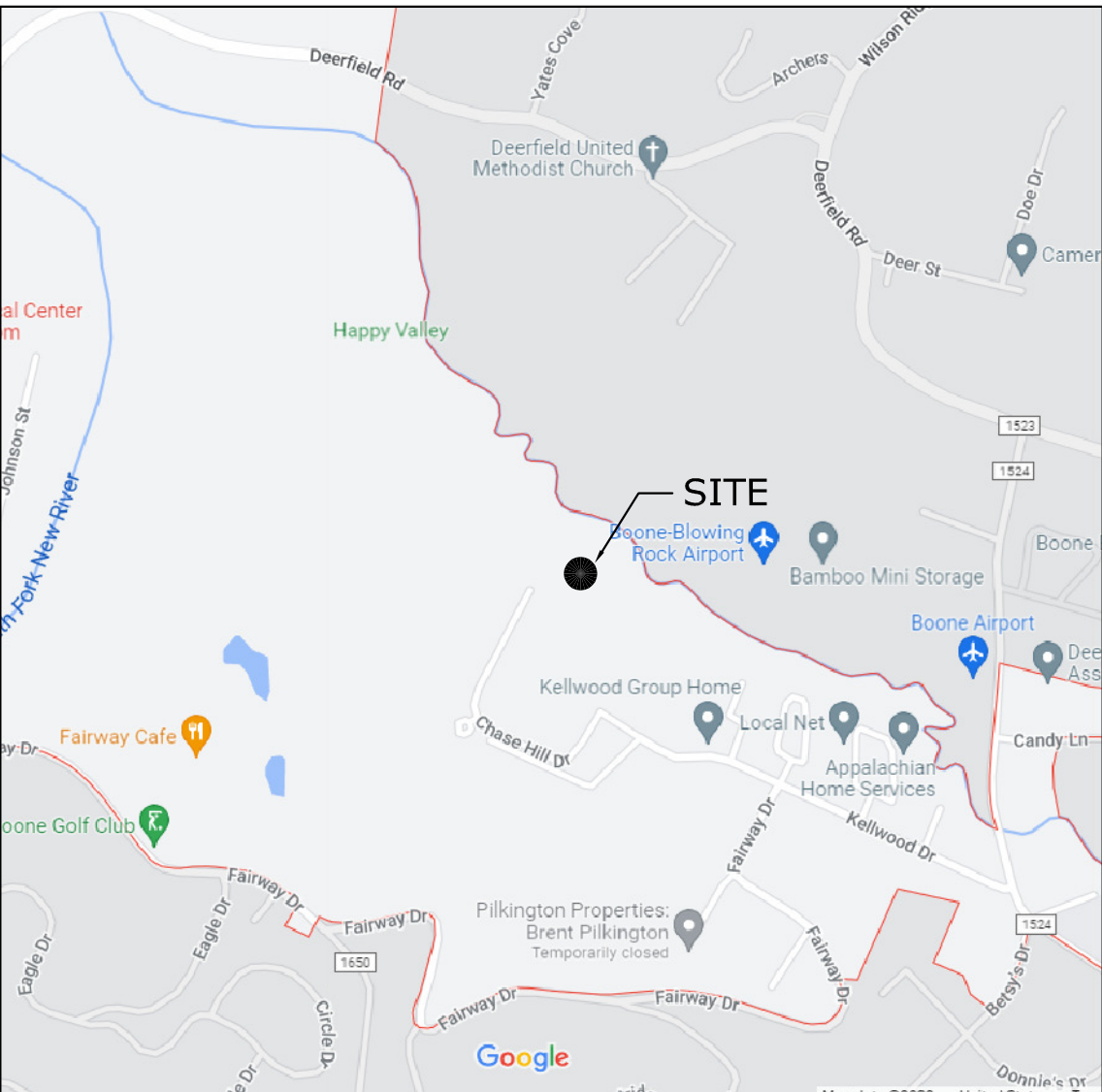
TOWN OF BOONE PLANNING & INSPECTIONS
567 WEST KING STREET
BOONE, NC 28607
(828) 268-6200
CONTACT: MRS. JANE SHOOK

CONDITIONAL DISTRICT REZONING PLANS FOR:

Chase Hill
Subdivision

A Single Family Development

NEAR CHASE HILL DRIVE
BOONE, WATAUGA COUNTY, NC 28607
CURRENT ZONING: R-3
PROPOSED CONDITIONAL ZONING: R-1
PARCEL #: 2920-00-9240-000



VICINITY MAP
NOT TO SCALE

24 HR CONTACT: MR. JASON GASTON, P.E.
(828) 262-9807

PREPARED BY:



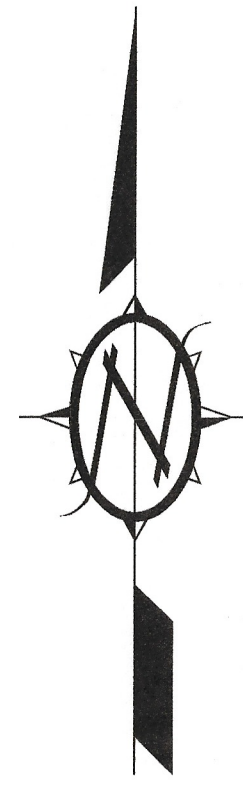
215 Boone Heights Drive Suite 107
Boone, NC 28607
828-262-9807

June 9, 2022
110-001

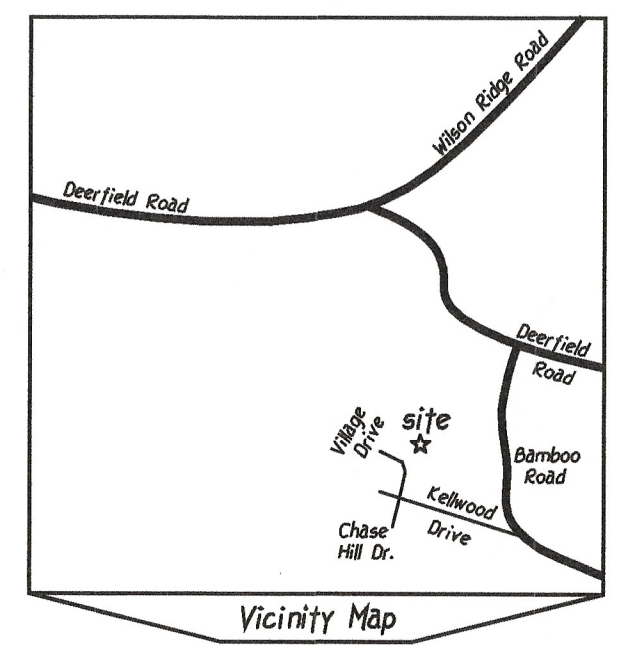
SHEET INDEX

G-1	COVER SHEET
V-1	SURVEY
C-0	STREET & INFRASTRUCTURE TREE REMOVAL PLAN
C-1	PRELIMINARY PLAT & SITE PLAN
C-2	STREET ONLY GRADING & DRAINAGE PLAN
C-2.1	FULL BUILD-OUT GRADING & DRAINAGE PLAN
C-3	UTILITY PLAN
C-4	LANDSCAPE PLAN

REVISIONS:			
NO.	DESCRIPTION:	BY:	DATE:



Flag Legend
Wetland Flags
Stream Flags
Sampling Points Flags



Legend
(Corner Descriptions)
Existing Iron Pins
Monument Set
Control Monument
5/8" Steel Rod Set
Calculated Point
Fire Hydrant
Power Pole
Gate Valve
Sewer Man Hole
Telephone Man Hole
Water Meter
Boundary Lines
Boundary Lines (adjoining)

Notes:
1. This is a boundary and topographic survey of the lands conveyed to Yates Family Properties, LLC by deed recorded in Book of Records 2051 at page 605 and shown on plat recorded in Plat Book 27 at page 155 of the Watauga County Public Registry.
2. Bearings are relative to the North Carolina Geodetic Survey (NAD '83 (N5 R5 2007)) and have been rounded to the nearest five seconds.
3. All distances are horizontal measurements and the area has been calculated by the coordinate geometry method.
4. The ratio of precision of the unadjusted field traverse is not more than 1:10,000 and has been adjusted by least squares StarNet method.
5. A portion of this parcel is located in a Zone AE, area within the 10% annual chance of flooding, flood area per the North Carolina Floodplain Mapping Program.
6. Contour interval is one foot and the elevations are relative to NAVD '88
7. The BFE (Base Flood Elevations) is per the NCFRIS.
8. Revised May 20, 2022 to identify and show location of Wetland, Stream, and Sampling points as marked by flags placed by Adam Williams, PWS of Brushy Fork Environmental Consulting, Inc.



Surveyors Certificate
I certify that this map was drawn under my supervision from an actual survey made under my supervision and description recorded in Book of Records 2051 at page 605 and shown on plat recorded in Plat Book 27 at page 155 of the Watauga County Public Registry.
and that this map meets the requirements of the Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1600).
This 23rd day of May, 2022.
Donald H. McNeil, P.L.S., L-2809

North Carolina Professional Land Surveyor Seal
DONALD H. MCNEIL
L-2809

Boundary & Topographic Survey
For
Yates Family Properties, LLC

Town of Boone - Blue Ridge Township
Watauga County -- North Carolina

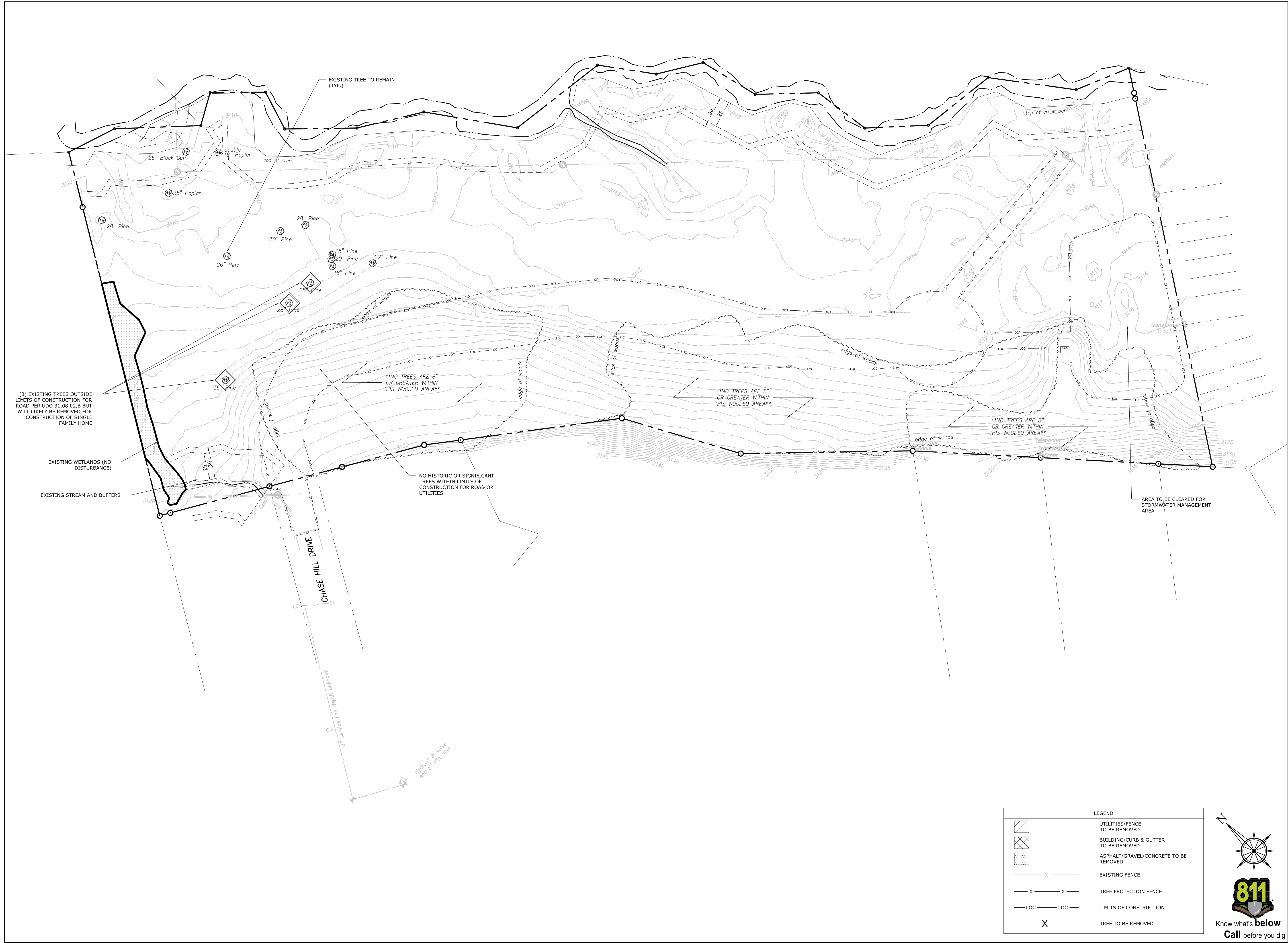
November 5, 2021
Revisions: May 20, 2022

Scale is 1"=50' (1:600)
0 50' 100' 150' 200'

Appalachian Professional Land Surveyors & Consultants, PA; C-2398
1480 US Highway 421 South / Boone, North Carolina 28607 / (828) 264-0290

Job No. 22102

Communication: Case PL 05764-060822 Site Plans (Case PL 05764-060822 Yates Family Properties - Conditional District Zoning Map Amendment)



PROJECT:
Chase Hill Subdivision

ADDRESS:
Chase Hill Dr.
Boone, NC 28640

DEVELOPER:
Yates Family Properties, LLC

CONTACT: MR. ALLEN YATES

ENGINEER:
VALOR ENGINEERING
215 Boone Heights Drive, Ste. 107
Boone, NC 28607
828-262-9807
www.valorengineering.com

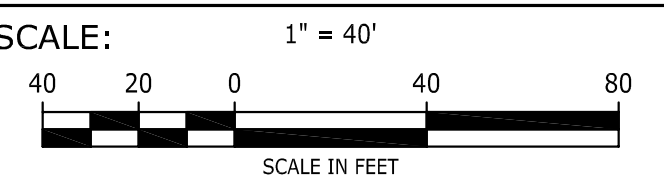
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**PRELIMINARY
NOT FOR CONSTRUCTION**

REVISIONS	DATE

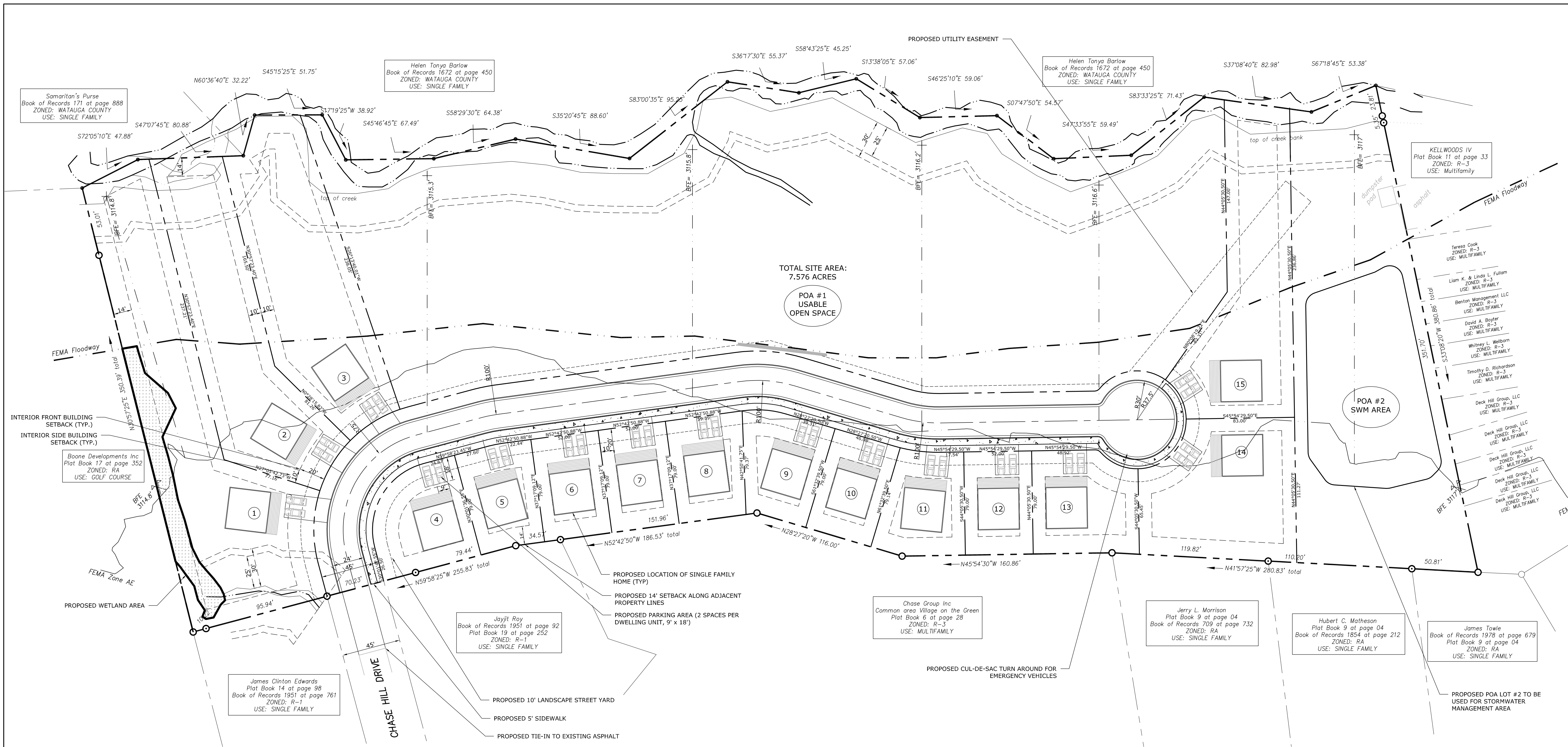
PROJECT MANAGER: JEG
DRAWING BY: JEG
JURISDICTION: TOWN OF BOONE
DATE: 06/09/22
SHEET TITLE:

**STREET & INFRASTRUCTURE
TREE REMOVAL PLAN**

SHEET NUMBER: **C-0**



FILE NUMBER: 110-001



LEGEND	
	PROPOSED CONCRETE
	PROPOSED TRAFFIC SIGN
	BUILDING SETBACK
	PROPERTY LINE
	ADJACENT PROPERTY LINE

- GENERAL NOTES
1. THE PROPERTY IS CURRENTLY ZONED R-3 AND SHALL BE CONDITIONALLY REZONED TO R-1
 2. THE PROPERTY IS LOCATED IN ZONE A/E AND IS INSIDE THE 100-YEAR FLOODPLAIN PER NCDOT MAP 3710292000 DATED 12/03/09
 3. THE EXISTING CHASE HILL DRIVE HAS AN EXISTING 45' RIGHT-OF-WAY AND IS MAINTAINED BY THE TOWN OF BOONE.
 4. THIS IS A PLAN OF DEVELOPMENT OF 10 LOTS UNDER UDO SECTION 5.10.
 5. LOTS SHALL BE USED FOR SINGLE FAMILY HOMES.
 6. LOTS SHALL BE SERVICED BY PUBLIC WATER AND PUBLIC SEWER AND THEREFORE DO NOT NEED APPROVAL BY THE APPALACHIAN DISTRICT HEALTH DEPARTMENT FOR WELL OR SEPTIC.
 7. SEE ADDITIONAL PLANS PROVIDED FOR INFORMATION ON WATER, SEWER, STORMWATER, AND LANDSCAPING.
 8. ALL LOTS SHALL HAVE ACCESS ALONG THE PROPOSED EXTENSION OF CHASE HILL DRIVE.

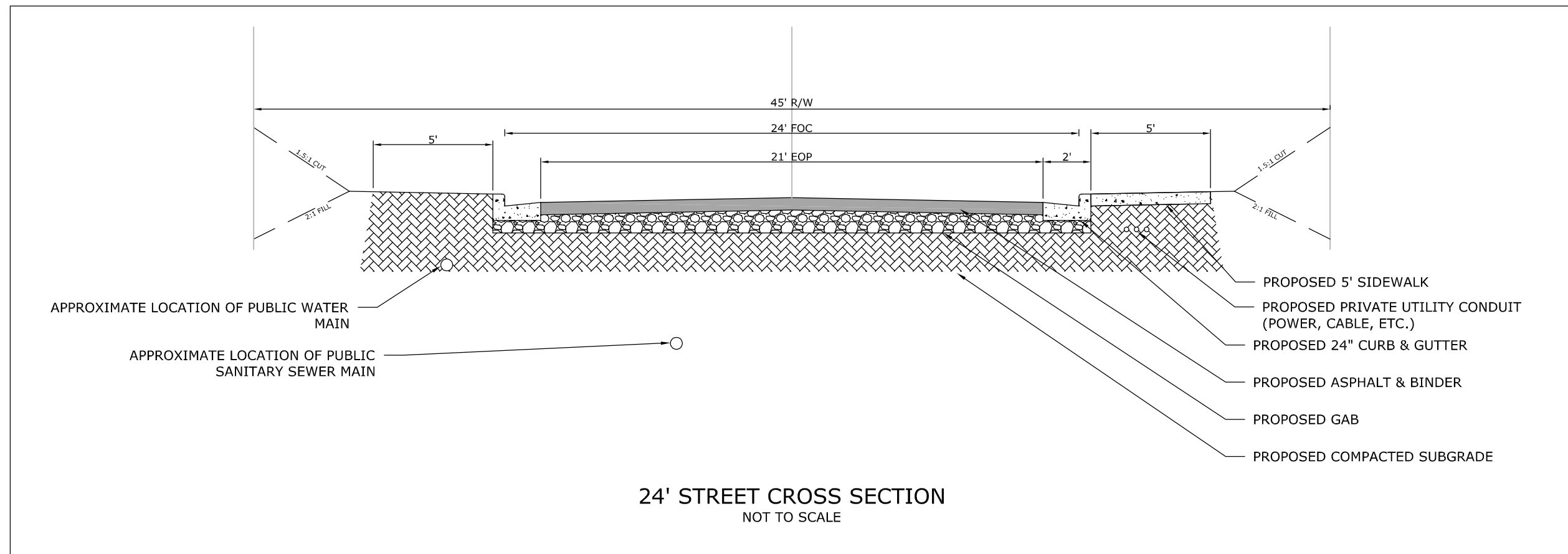
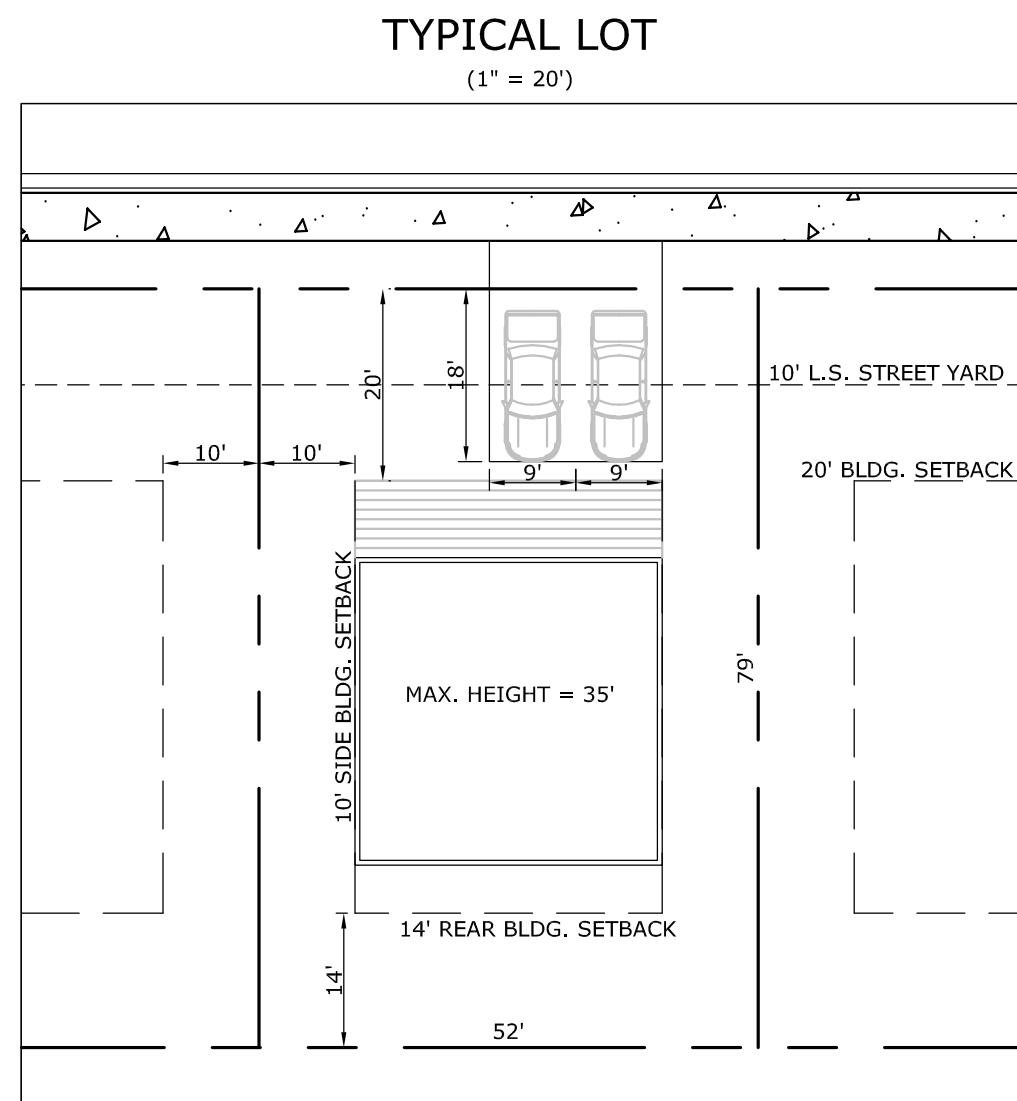
Architecturally Integrated Subdivision Calculations			
Zoning	Minimum Gross Land Area / Lot	Total Site Area (acres)	Maximum # of Permitted Lots
R-1	8000	330011	41
Total Proposed # of Lots: 15			

WS-IV-CA Watershed Calculations			
Max. Allowable SFR Density	Total Site Area	Max. Allowable SFR DU	Proposed SFR DU
2 Dwelling Units (DU) / Acre	7.576	15	15

R-1 Intensity Summary				
Min. Gross Land Area:	Min. Lot Width	Min. Street Frontage	Min. LSR	Interior Setback
8,000 sf	70	56	0.53	20'

Proposed Intensity Summary - Conditional District R-1 Lots				
Min. Gross Land Area:	Min. Lot Width	Min. Street Frontage	Min. LSR	Interior Setback
4,100 sf	52'	40'	0.48	20'

Lot Area Table	
Lot #	Area (sf)
1	25,202
2	15,861
3	16,982
4	5,495
5	4,324
6	4,108
7	4,108
8	4,388
9	4,757
10	4,108
11	4,855
12	4,108
13	6,114
14	11,792
15	14,753
POA 1	36,896
POA 2	127,499



Chase Hill Subdivision

ADDRESS: Chase Hill Dr.
Boone, NC 28640

DEVELOPER: Yates Family Properties, LLC

CONTACT: MR. ALLEN YATES

ENGINEER: VALOR ENGINEERING
215 Boone Heights Drive, Ste. 107
Boone, NC 28607
828-262-9807
www.valorengineering.com

SEAL: PRELIMINARY NOT FOR CONSTRUCTION

REVISIONS	DATE

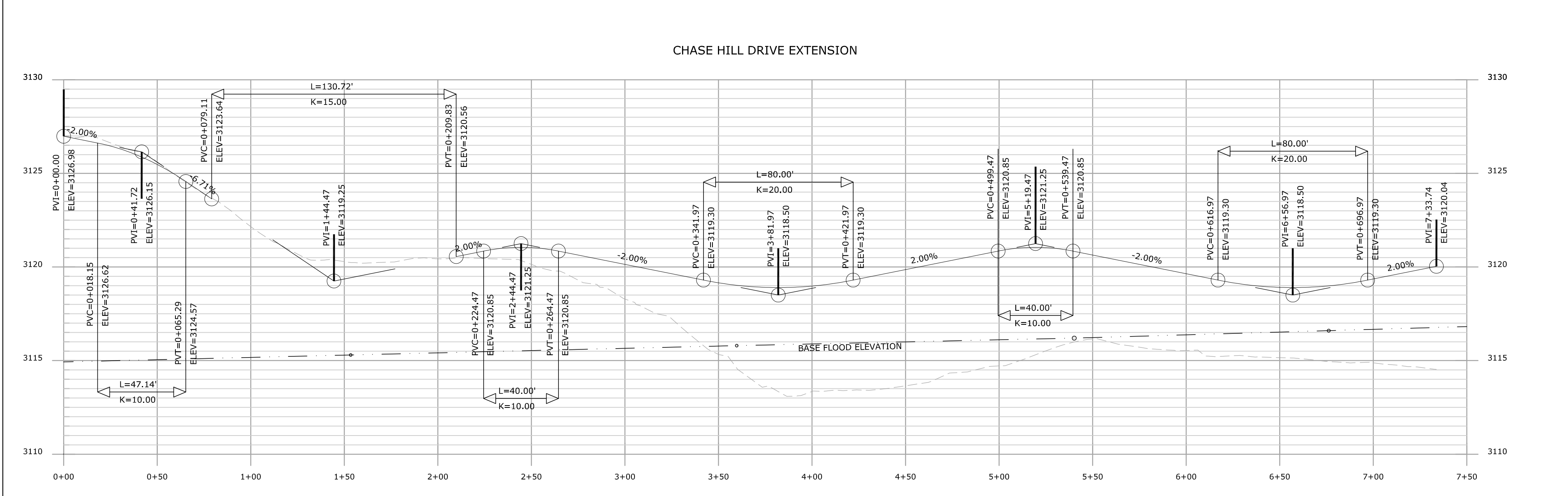
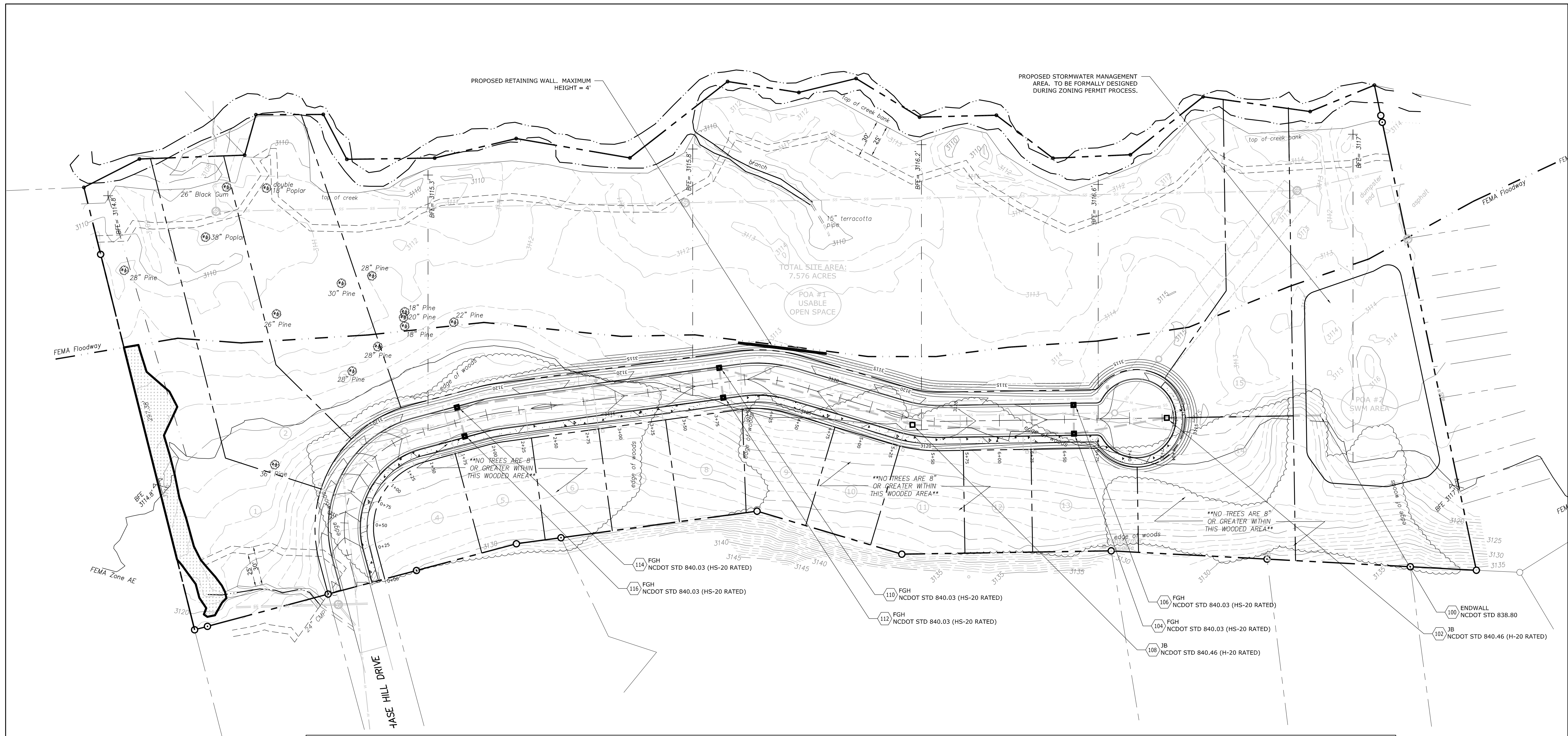
PROJECT MANAGER: JEG
DRAWING BY: JEG
JURISDICTION: TOWN OF BOONE
DATE: 06/09/22
SHEET TITLE:

PRELIMINARY PLAT & SITE PLAN

SHEET NUMBER: C-1

SCALE: 1" = 40'
40 20 0 40 80
SCALE IN FEET

FILE NUMBER: 110-001



Know what's below
Call before you dig

PROJECT:
Chase Hill Subdivision

ADDRESS:
Chase Hill Dr.
Boone, NC 28640

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REVISIONS	DATE

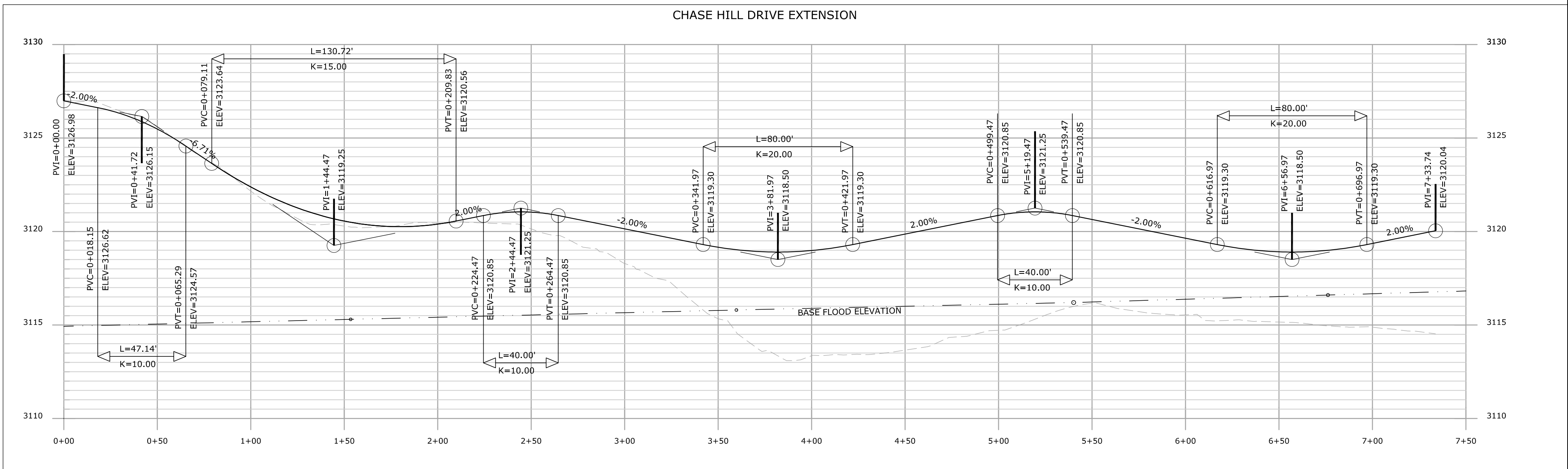
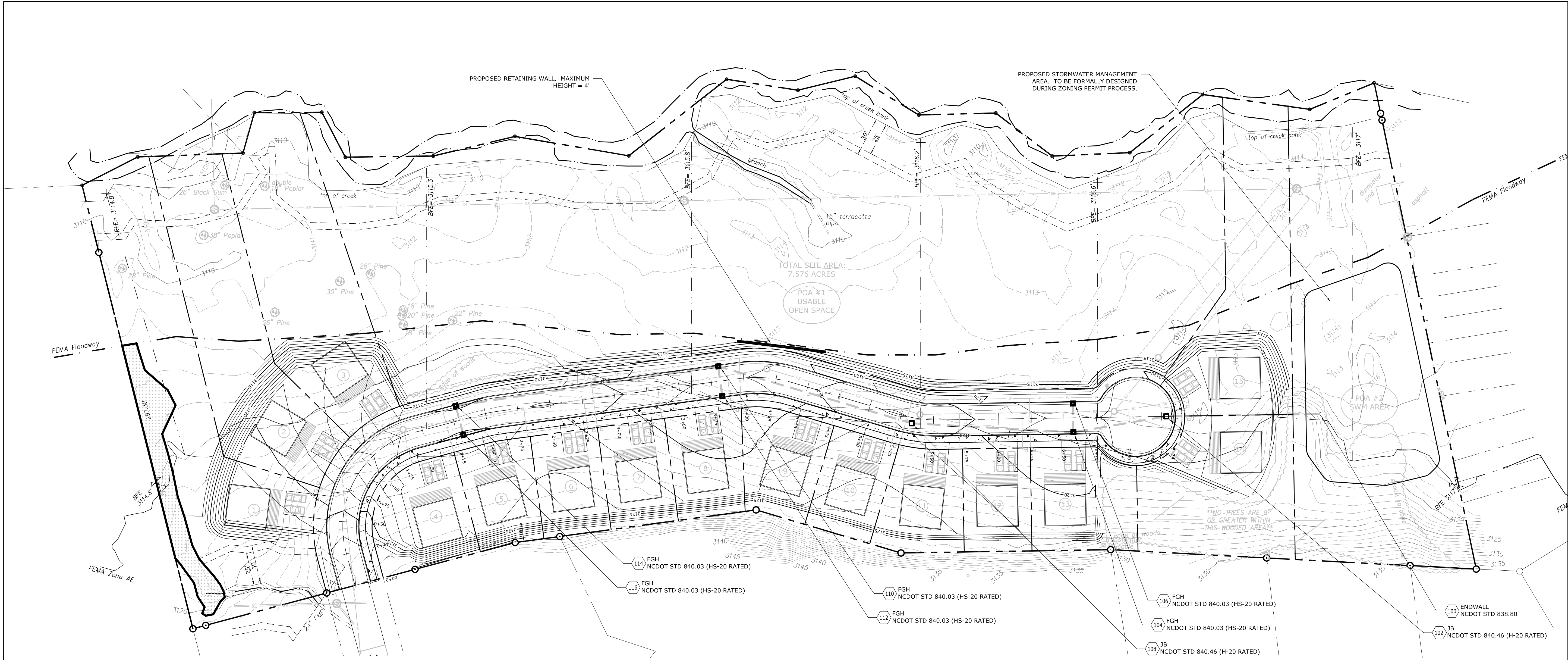
PROJECT MANAGER: JEG
DRAWING BY: JEG
JURISDICTION: TOWN OF BOONE
DATE: 06/09/22

SHEET TITLE:
**STREET ONLY
GRADING
& DRAINAGE PLAN**

SHEET NUMBER: C-2

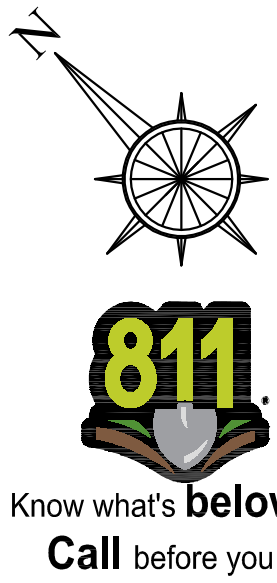
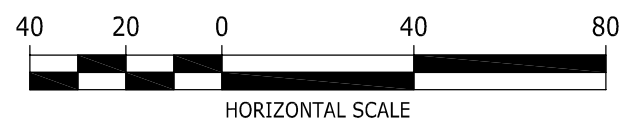
SCALE: 1" = 40'
40 20 0 40 80
SCALE IN FEET

FILE NUMBER: 110-001



EARTHWORK CALCULATIONS		
REQ'D CUT =	+ 3,775	CY
REQ'D FILL =	- 10,800	CY
ADDITIONAL REQ'D FILL FOR SHRINKAGE, ETC. =	- 1000	CY
ADDITIONAL CUT FROM PAVEMENT BASE =	+ 150	CY
BALANCE:	- 7,875	CY
EARTHWORK NOTES:		
1.) ADDITIONAL REQ'D FILL FOR SHRINKAGE WAS BASED UPON A SHRINKAGE OF 15% TO ACCOUNT FOR REMOVAL OF TOPSOIL, COMPACTION, ETC.		
2.) REQ'D CUT IS IN SITU CUT.		
3.) ANY SOIL MATERIAL TO BE TRANSPORTED OFFSITE SHALL BE EXPORTED TO A SPOIL SITE APPROVED BY THE GOVERNING JURISDICTION.		
4.) IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ALL QUANTITIES AND BID NUMBERS. THESE CALCULATIONS ARE PROVIDED FOR REFERENCE ONLY.		

LEGEND	
	CONCRETE SIDEWALK AND PAVING
	EXISTING SPOT ELEVATION
	PROPOSED SPOT ELEVATION
	EXISTING CONTOURS
	PROPOSED CONTOURS



PROJECT:

Chase Hill Subdivision

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DEVELOPER:

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CONTACT:

MR. ALLEN YATES

ENGINEER:



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828-262-9807
www.valorengineering.com

SEAL:

PRELIMINARY
NOT FOR CONSTRUCTION

REVISIONS

DATE

PROJECT MANAGER:

JEG

DRAWING BY:

JEG

JURISDICTION:

TOWN OF BOONE

DATE:

06/09/22

SHEET TITLE:

FULL
BUILD-OUT GRADING
& DRAINAGE PLAN

SHEET NUMBER:

C-2.1

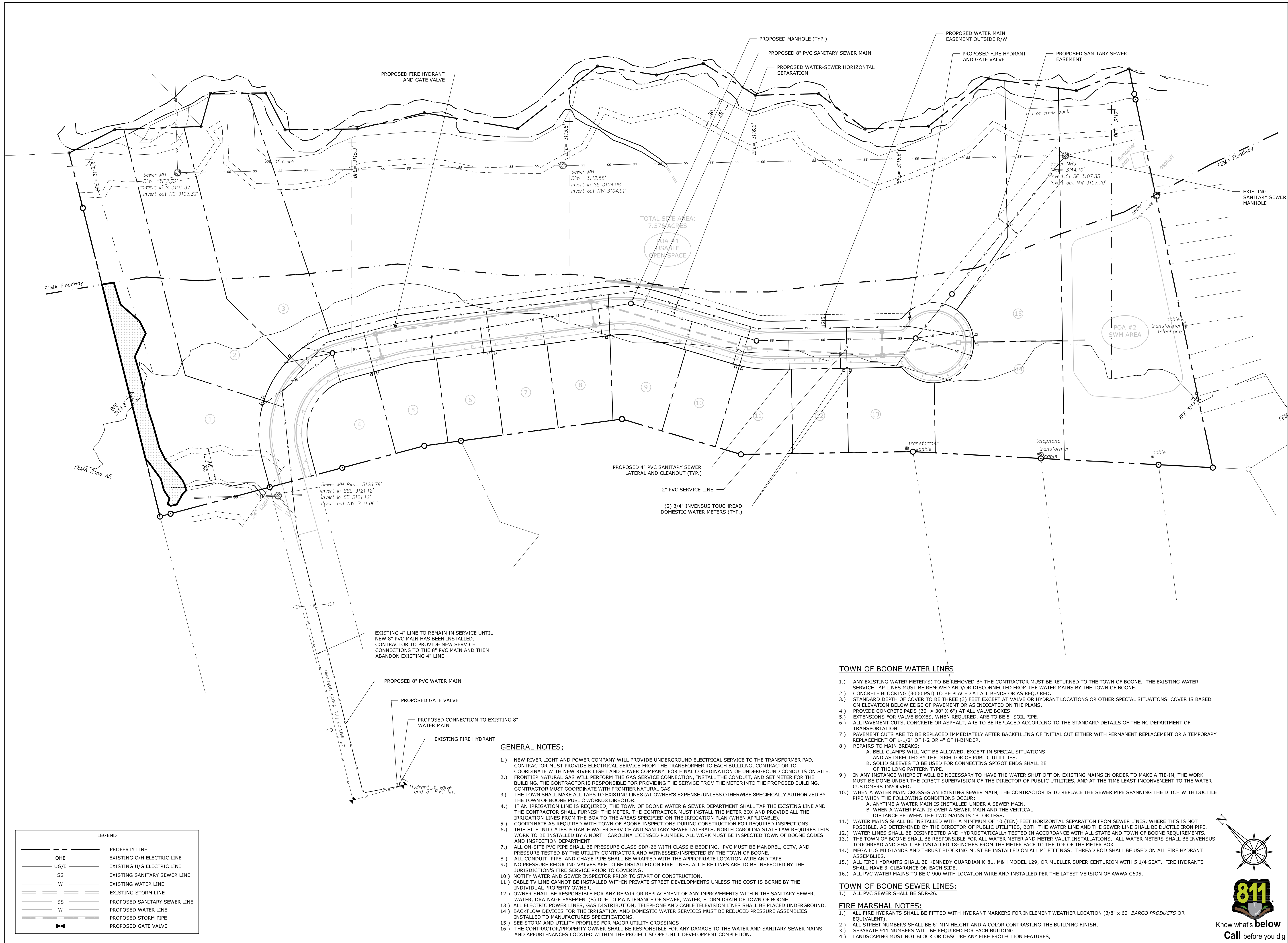
SCALE:

1" = 40'



FILE NUMBER:

110-001



PROJECT:

Chase Hill Subdivision

ADDRESS:

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Boone, NC 28640

DEVELOPER:

Yates Family Properties, LLC

CONTACT: MR. ALLEN YATES

ENGINEER:

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828-262-9807
www.valorengineering.com

SEAL:

PRELIMINARY
NOT FOR CONSTRUCTION

REVISIONS	DATE
1 TOWN COMMENTS	07/27/22

PROJECT MANAGER: JEG

DRAWING BY: JEG

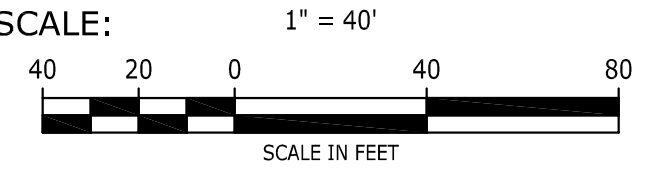
JURISDICTION: TOWN OF BOONE

DATE: 06/23/22

SHEET TITLE:

UTILITY PLAN

SHEET NUMBER: C-3



FILE NUMBER: 110-001

TOWN OF BOONE WATER LINES

- ANY EXISTING WATER METER(S) TO BE REMOVED BY THE CONTRACTOR MUST BE RETURNED TO THE TOWN OF BOONE. THE EXISTING WATER SERVICE TAP LINES MUST BE REMOVED AND/OR DISCONNECTED FROM THE WATER MAINS BY THE TOWN OF BOONE.
- CONCRETE BLOCKING (3000 PSI) TO BE PLACED AT ALL BENDS OR AS REQUIRED.
- STANDARD DEPTH OF COVER TO BE THREE (3) FEET EXCEPT AT VALVE OR HYDRANT LOCATIONS OR OTHER SPECIAL SITUATIONS. COVER IS BASED ON ELEVATION BELOW EDGE OF PAVEMENT OR AS INDICATED ON THE PLANS.
- PROVIDE CONCRETE PADS (30" X 30" X 6") AT ALL VALVE BOXES.
- EXTENSIONS FOR VALVE BOXES, WHEN REQUIRED, ARE TO BE 5" SOIL PIPE.
- ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO THE STANDARD DETAILS OF THE NC DEPARTMENT OF TRANSPORTATION.
- PAVEMENT CUTS ARE TO BE REPLACED IMMEDIATELY AFTER BACKFILLING OF INITIAL CUT EITHER WITH PERMANENT REPLACEMENT OR A TEMPORARY REPLACEMENT OF 1-1/2" OF 1-2 OR 4" OF H-BINDER.
- REPAIRS TO MAIN BREAKS:
 - BELL CLAMPS WILL NOT BE ALLOWED, EXCEPT IN SPECIAL SITUATIONS AND AS DIRECTED BY THE DIRECTOR OF PUBLIC UTILITIES.
 - SOLID SLEEVES TO BE USED FOR CONNECTING SPIGOT ENDS SHALL BE OF THE LONG PATTERN TYPE.
- IN ANY INSTANCE WHERE IT WILL BE NECESSARY TO HAVE THE WATER SHUT OFF ON EXISTING MAINS IN ORDER TO MAKE A TIE-IN, THE WORK MUST BE DONE UNDER THE DIRECT SUPERVISION OF THE DIRECTOR OF PUBLIC UTILITIES, AND AT THE TIME LEAST INCONVENIENT TO THE WATER CUSTOMERS INVOLVED.
- WHEN A WATER MAIN CROSSES AN EXISTING SEWER MAIN, THE CONTRACTOR IS TO REPLACE THE SEWER PIPE SPANNING THE DITCH WITH DUCTILE PIPE WHEN THE FOLLOWING CONDITIONS OCCUR:
 - ANYTIME A WATER MAIN IS INSTALLED UNDER A SEWER MAIN.
 - WHEN A WATER MAIN IS OVER A SEWER MAIN AND THE VERTICAL DISTANCE BETWEEN THE TWO MAINS IS 18" OR LESS.
- WATER MAINS SHALL BE INSTALLED WITH A MINIMUM OF 10 (TEN) FEET HORIZONTAL SEPARATION FROM SEWER LINES. WHERE THIS IS NOT POSSIBLE, AS DETERMINED BY THE DIRECTOR OF PUBLIC UTILITIES, BOTH THE WATER LINE AND THE SEWER LINE SHALL BE DUCTILE IRON PIPE.
- WATER LINES SHALL BE DISINFECTED AND HYDROSTATICALLY TESTED IN ACCORDANCE WITH ALL STATE AND TOWN OF BOONE REQUIREMENTS.
- THE TOWN OF BOONE SHALL BE RESPONSIBLE FOR ALL WATER METER AND METER VAULT INSTALLATIONS. ALL WATER METERS SHALL BE INVENUS TOUCHREAD AND SHALL BE INSTALLED 18-INCHES FROM THE METER FACE TO THE TOP OF THE METER BOX.
- MEGA LUG (M) GLANDS AND THRUST BLOCKING MUST BE INSTALLED ON ALL M) FITTINGS. THREAD ROD SHALL BE USED ON ALL FIRE HYDRANT ASSEMBLIES.
- ALL FIRE HYDRANTS SHALL BE KENNEDY GUARDIAN K-81, M&M MODEL 129, OR MUELLER SUPER CENTURION WITH 5 1/4 SEAT. FIRE HYDRANTS SHALL HAVE 3' CLEARANCE ON EACH SIDE.
- ALL PVC WATER MAINS TO BE C-900 WITH LOCATION WIRE AND INSTALLED PER THE LATEST VERSION OF AWWA C605.

TOWN OF BOONE SEWER LINES:

- ALL PVC SEWER SHALL BE SDR-26.

FIRE MARSHAL NOTES:

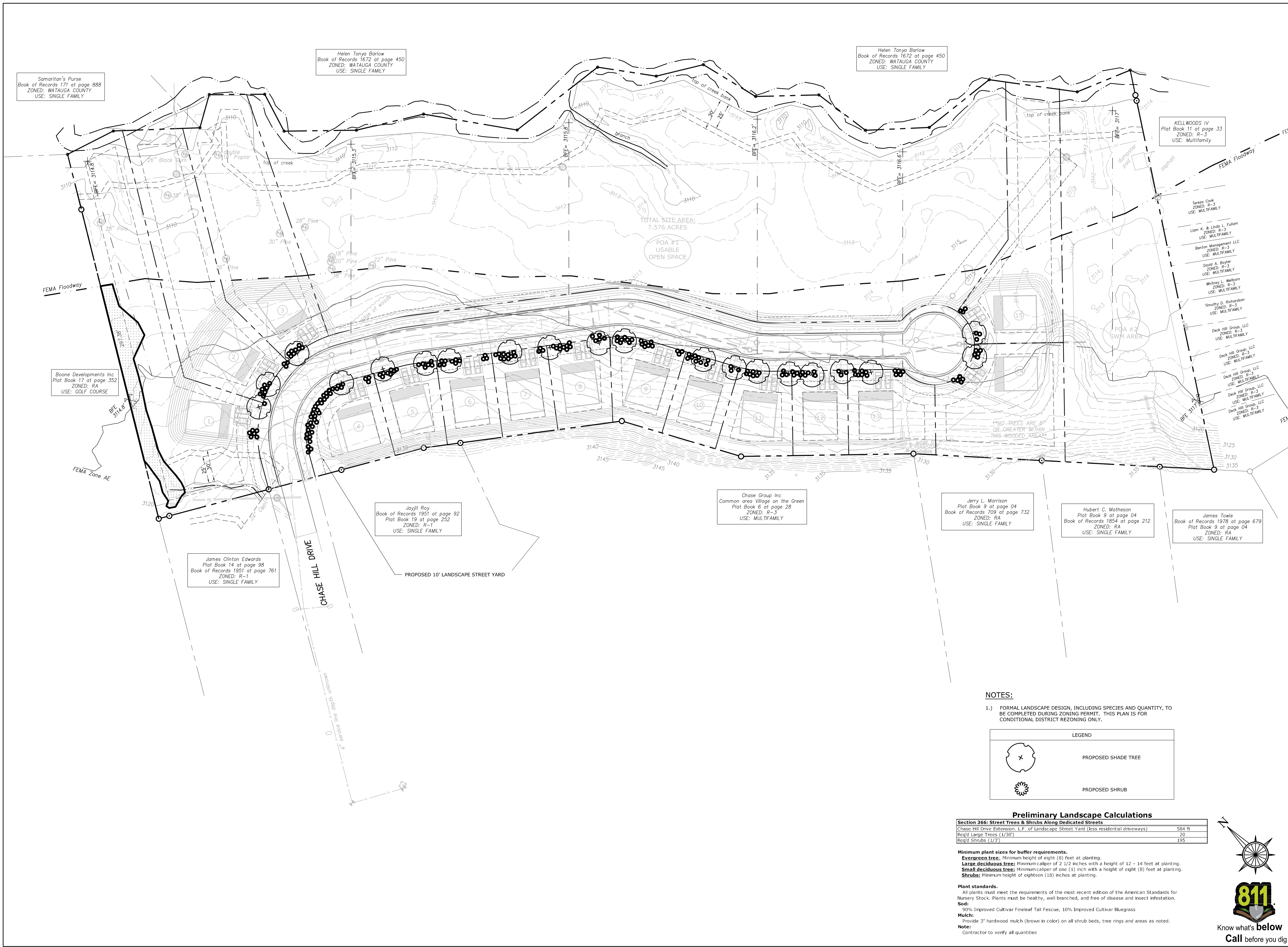
- ALL FIRE HYDRANTS SHALL BE FITTED WITH HYDRANT MARKERS FOR INCLEMENT WEATHER LOCATION (3/8" x 60" BARCO PRODUCTS OR EQUIVALENT).
- ALL STREET NUMBERS SHALL BE 6" MIN HEIGHT AND A COLOR CONTRASTING THE BUILDING FINISH.
- SEPARATE 911 NUMBERS WILL BE REQUIRED FOR EACH BUILDING.
- LANDSCAPING MUST NOT BLOCK OR OBSCURE ANY FIRE PROTECTION FEATURES,

GENERAL NOTES:

- NEW RIVER LIGHT AND POWER COMPANY WILL PROVIDE UNDERGROUND ELECTRICAL SERVICE TO THE TRANSFORMER PAD. CONTRACTOR MUST PROVIDE ELECTRICAL SERVICE FROM THE TRANSFORMER TO EACH BUILDING. CONTRACTOR TO COORDINATE WITH NEW RIVER LIGHT AND POWER COMPANY FOR FINAL COORDINATION OF UNDERGROUND CONDUITS ON SITE.
- FRONTIER NATURAL GAS WILL PERFORM THE GAS SERVICE CONNECTION, INSTALL THE CONDUIT, AND SET METER FOR THE BUILDING. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING THE SERVICE FROM THE METER INTO THE PROPOSED BUILDING. CONTRACTOR MUST COORDINATE WITH FRONTIER NATURAL GAS.
- THE TOWN SHALL MAKE ALL TAPS TO EXISTING LINES (AT OWNER'S EXPENSE) UNLESS OTHERWISE SPECIFICALLY AUTHORIZED BY THE TOWN OF BOONE PUBLIC WORKS DIRECTOR.
- IF AN IRRIGATION LINE IS REQUIRED, THE TOWN OF BOONE WATER & SEWER DEPARTMENT SHALL TAP THE EXISTING LINE AND THE CONTRACTOR SHALL FURNISH THE METER. THE CONTRACTOR MUST INSTALL THE METER BOX AND PROVIDE ALL THE IRRIGATION LINES FROM THE BOX TO THE AREAS SPECIFIED ON THE IRRIGATION PLAN (WHEN APPLICABLE).
- COORDINATE AS REQUIRED WITH TOWN OF BOONE INSPECTIONS DURING CONSTRUCTION FOR REQUIRED INSPECTIONS.
- THIS SITE INDICATES POTABLE WATER SERVICE AND SANITARY SEWER LATERALS. NORTH CAROLINA STATE LAW REQUIRES THIS WORK TO BE INSTALLED BY A NORTH CAROLINA LICENSED PLUMBER. ALL WORK MUST BE INSPECTED TOWN OF BOONE CODES AND INSPECTION DEPARTMENT.
- ALL ON-SITE PVC PIPE SHALL BE PRESSURE CLASS SDR-26 WITH CLASS B BEDDING. PVC MUST BE MANDREL, CCTV, AND PRESSURE TESTED BY THE UTILITY CONTRACTOR AND WITNESSED/INSPECTED BY THE TOWN OF BOONE.
- ALL CONDUIT, PIPE, AND CHASE PIPE SHALL BE WRAPPED WITH THE APPROPRIATE LOCATION WIRE AND TAPE.
- NO PRESSURE REDUCING VALVES ARE TO BE INSTALLED ON FIRE LINES. ALL FIRE LINES ARE TO BE INSPECTED BY THE JURISDICTION'S FIRE SERVICE PRIOR TO COVERING.
- NOTIFY WATER AND SEWER INSPECTOR PRIOR TO START OF CONSTRUCTION.
- CABLE TV LINE CANNOT BE INSTALLED WITHIN PRIVATE STREET DEVELOPMENTS UNLESS THE COST IS BORNE BY THE INDIVIDUAL PROPERTY OWNER.
- OWNER SHALL BE RESPONSIBLE FOR ANY REPAIR OR REPLACEMENT OF ANY IMPROVEMENTS WITHIN THE SANITARY SEWER, WATER, DRAINAGE EASEMENT(S) DUE TO MAINTENANCE OF SEWER, WATER, STORM DRAIN OF TOWN OF BOONE.
- ALL ELECTRIC POWER LINES, GAS DISTRIBUTION, TELEPHONE AND CABLE TELEVISION LINES SHALL BE PLACED UNDERGROUND.
- BACKFLOW DEVICES FOR THE IRRIGATION AND DOMESTIC WATER SERVICES MUST BE REDUCED PRESSURE ASSEMBLIES INSTALLED TO MANUFACTURES SPECIFICATIONS.
- SEE STORM AND UTILITY PROFILES FOR MAJOR UTILITY CROSSINGS
- THE CONTRACTOR/PROPERTY OWNER SHALL BE RESPONSIBLE FOR ANY DAMAGE TO THE WATER AND SANITARY SEWER MAINS AND APPURTENANCES LOCATED WITHIN THE PROJECT SCOPE UNTIL DEVELOPMENT COMPLETION.

LEGEND	
	PROPERTY LINE
	EXISTING O/H ELECTRIC LINE
	EXISTING U/G ELECTRIC LINE
	EXISTING SANITARY SEWER LINE
	EXISTING WATER LINE
	EXISTING STORM LINE
	PROPOSED SANITARY SEWER LINE
	PROPOSED WATER LINE
	PROPOSED STORM PIPE
	PROPOSED GATE VALVE





PROJECT:

Chase Hill Subdivision

ADDRESS:

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Boone, NC 28640

DEVELOPER:

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CONTACT: MR. ALLEN YATES

ENGINEER:

VALOR
ENGINEERING

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SEAL:

PRELIMINARY
NOT FOR CONSTRUCTION

REVISIONS	DATE

PROJECT MANAGER: JEG

DRAWING BY: JEG

JURISDICTION: TOWN OF BOONE

DATE: 06/09/22

SHEET TITLE:

LANDSCAPE PLAN

SHEET NUMBER: C-4

SCALE: 1" = 40'

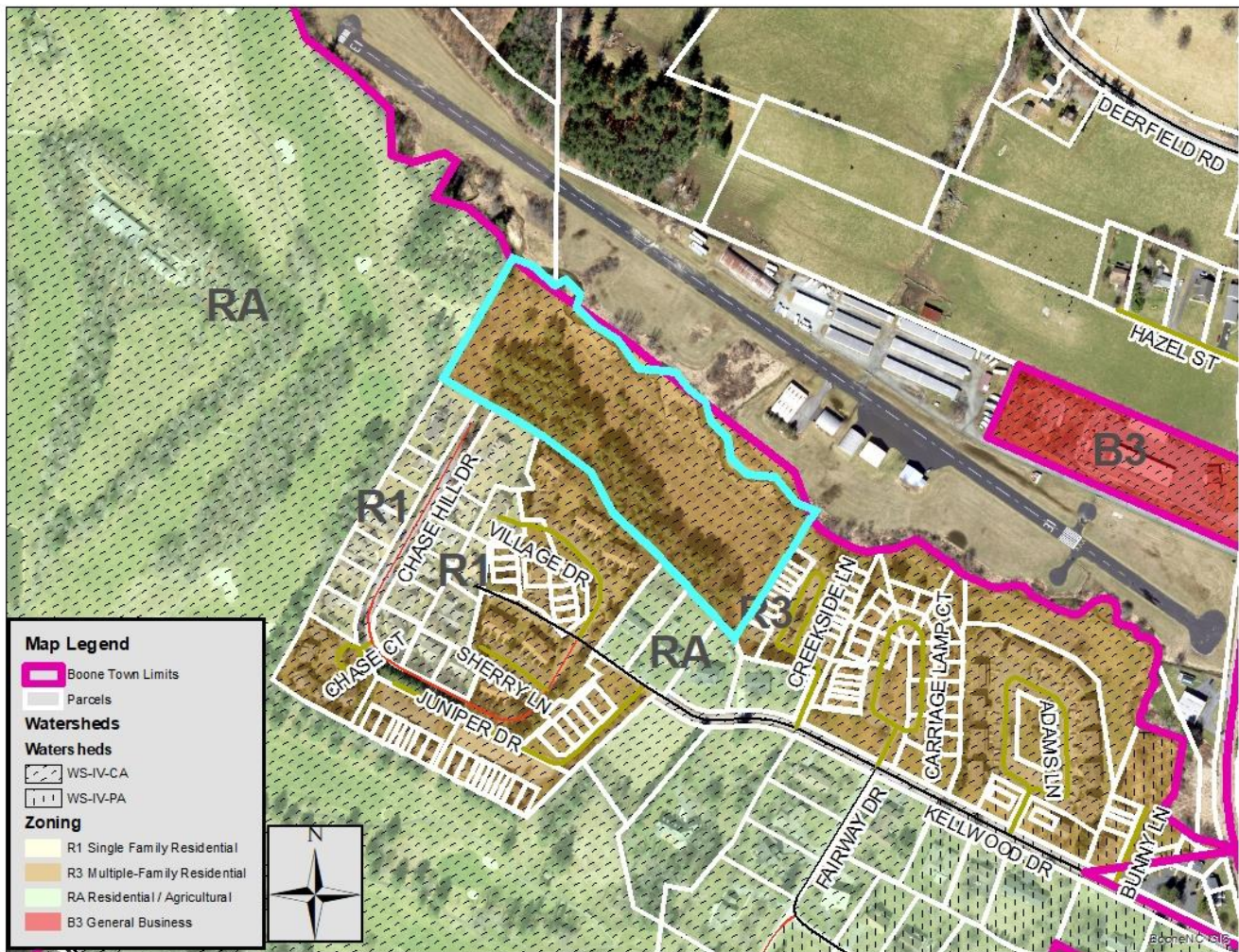
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SCALE IN FEET

FILE NUMBER: 110-001



Staff Report
Public Hearing
September 26, 2022
Case PL05764-060822 Yates Family Properties Conditional District Zoning Map Amendment

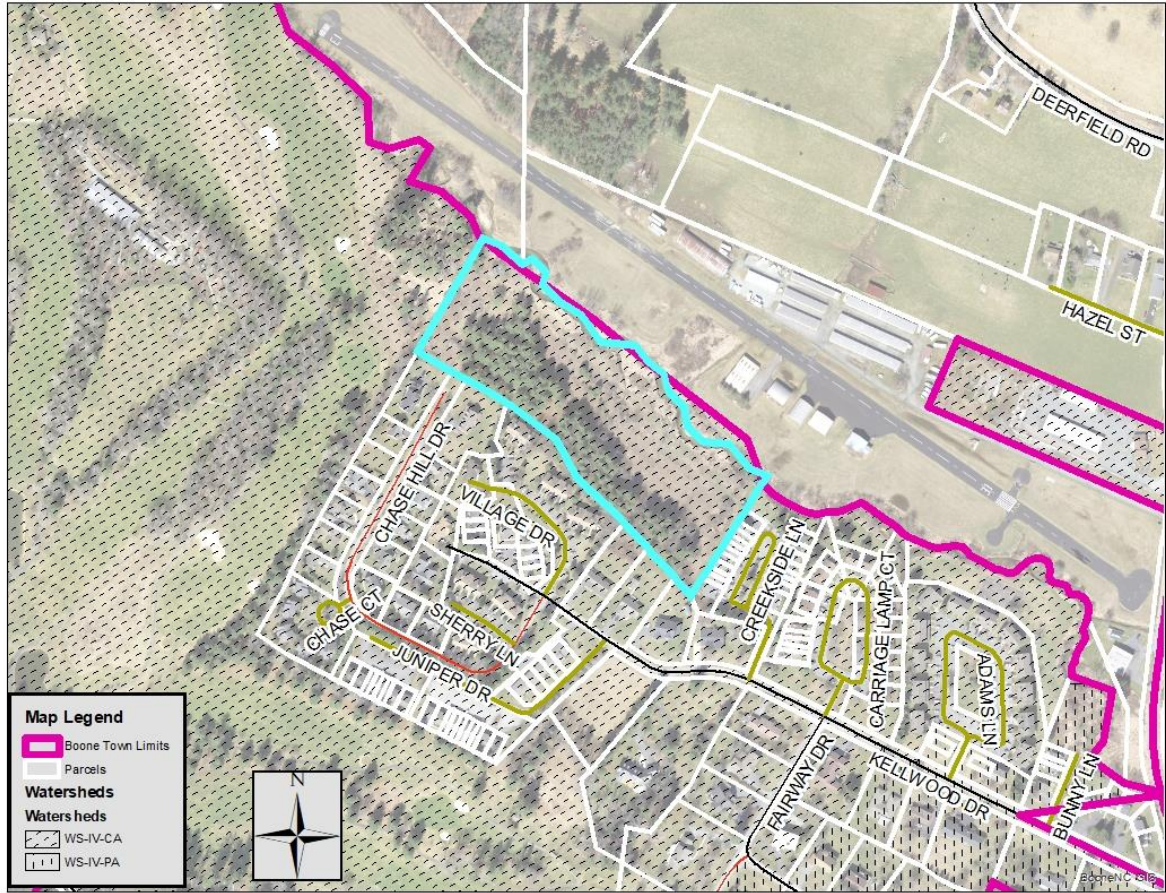


Request

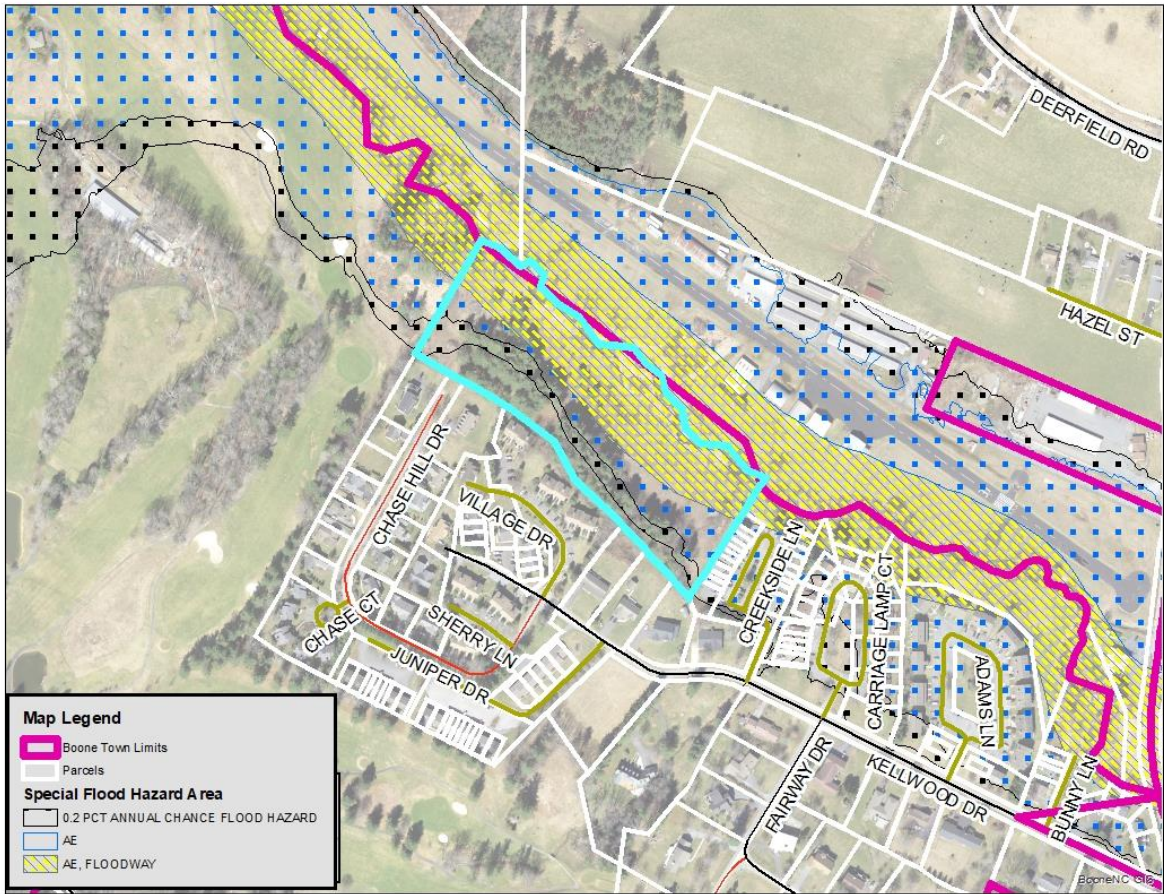
Yates Family Properties LLC is requesting a Conditional District Zoning Map Amendment to rezone property located at the end of Chase Hill Drive (Watauga County PIN: 2920-00-9240-000) from R3 Multi-Family Residential to R1 Single Family Residential with a site-specific plan for a major architecturally integrated subdivision of 15 single-family lots (Use 1.01 – Single-family Residential). The applicant is proposing an architecturally-integrated major subdivision of 15 single-family home sites and accompanying amenities on an extension of Chase Hill Drive. The requested Conditional District Approval will also include subdivision plat approval. The subject property is outlined in blue on the map on page 1.

Parcel Information

Property Owners Information:	Yates Family Properties LLC
Watauga County PIN:	2920-00-9240-000
Address:	TBD. Each lot will be accessed from a proposed extension of Chase Hill Drive.
Use:	Vacant
Size:	7.577 acres
Jurisdiction:	Town of Boone
Access:	Chase Hill Drive (Town maintained). Chase Hill Drive currently ends approximately 50 feet from the subject parcel.
Corridor District:	No
Viewshed:	No
Watershed:	Yes (WS-IV-CA) (See separate Watershed Map below)
Special Flood Hazard:	Yes. Approximately half of the parcel is within the AE Floodway. Other portions are within the SFHA Zone AE. (See separate SFHA map below)
Steep Slope:	Yes (a very small portion in the Southeast corner of the property)
Phasing:	No
Vesting:	2 years
Current Zoning:	R3 Multi-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.
Proposed Zoning:	Conditional District 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.
Current Use:	Currently Vacant
Proposed Use:	1.01 Single-Family Dwellings (15 total home sites + 2 POA-owned lots) “A building, not including a manufactured home, that is developed with space on all sides, containing, intended or used solely for one dwelling unit; not attached to any non-accessory building or dwelling unit.”



Special Flood Hazard Area Map



	Adjacent Zoning	Adjacent Land Use
North	Unzoned – Outside Corporate Limits	Airport
West	RA Residential/Agriculture	Golf Course
South	R1 Single-Family Residential RA Residential/Agriculture R3 Multi-Family Residential	Single-Family Residential Condos
East	R3 Multi-Family Residential	Condos/Townhomes

Process Analysis

The applicant is requesting approval for Conditional District R1 Single-Family Residential zoning with a site-specific development plan for Use 1.01, Single-Family Dwelling, which is allowed by right in the R1 zoning district. The applicant is proposing an architecturally integrated major subdivision of 15 single-family home sites, accompanying infrastructure and amenities, and an extension of Chase Hill Drive.

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 UDO Article 9. 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:

- A. 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.
- B. 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 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 the required neighborhood meeting on July 18, 2022. A recap of the meeting is included in the board packet. The applicant lists 42 attendees having attended the meeting.

Subdivision Analysis

Architecturally Integrated Subdivision Analysis

As mentioned above, the applicant is requesting architecturally integrated subdivision approval within this request. Please read below for details on the standards for “architecturally integrated subdivisions” and the process approval for “major subdivisions”.

Pursuant to UDO Article 34 Definitions, an “**Architecturally Integrated Subdivision**” is a subdivision in which approval is obtained not only for the division of land into lots but also for a configuration of principal buildings to be located on such lots. The plans for an architecturally integrated subdivision shall show the dimensions, height, and location of all such buildings to the extent necessary to comply with the purpose and intent of architecturally integrated subdivisions as set forth in Section 5.10.

In an architecturally integrated subdivision, the applicant may create lots and construct buildings without regard to any minimum lot size, lot width or setback restrictions except that:

- A. Lot boundary setback requirements shall apply where and to the extent that the subdivided tract abuts land that is not part of the subdivision, and
- B. Each lot must be of sufficient size and dimensions that it can support the structure proposed to be located on it, consistent with all other applicable requirements of this Ordinance.

The purpose of the regulations is to provide flexibility, consistent with the public health and safety and without increasing overall density, to the applicant who subdivides property and constructs buildings on the lots created in accordance with a unified and coherent plan of development.

Density: The number of dwelling units in an architecturally integrated subdivision may not exceed the maximum density authorized for the tract. The number of lots allowed in an architecturally integrated subdivision shall be calculated by dividing the project area by the minimum gross land area set forth for the zoning district. For an architecturally integrated subdivision project that is composed of areas with different zoning designations, the number of lots shall be determined for each zoning district. The maximum number of lots for the project shall be the sum of the densities for each district. Further, only authorized uses shall be permitted in each zoning district.

Staff Note: The R1 Single-Family Residential zoning district allows a minimum lot size of 8,000 square feet which could potentially allow up to 41 lots based upon area alone. However, this property has environmental limitations including the WS-IV-CA which further limits the density for the proposed

single-family use to two dwelling units per acre, thus reducing the allowable density to no more than 15 lots.

Open Space: In architecturally integrated subdivisions the amount of land saved by creating lots that are smaller than the standards set forth in B1.04 Complete Intensity Table, shall be set aside as open space.

Staff Note: The applicant has clustered the development to the portion of the development outside the AE Floodway, and for the most part out of the AE area (though a portion of the building on lots 2 and 14 are bisected by the AE boundary and lots 3 and 15 are completely within the AE area. Please note, the residences with any portion within the AE will have to be elevated 2' above base flood elevations. See applicant's plans for more details.

In summary, the applicant has demonstrated compliance with the standards set forth in Section 5.10 for architecturally integrated subdivisions.

Major Subdivision Analysis

Subdivision standards regulate the subdivision of land, these standards for the Town of Boone can be found in UDO Article 5 Subdivisions which classifies divisions of property into the following classifications: exempt, minor, or major. Based upon the standards, this development has been classified as a "major subdivision". Pursuant to UDO Article 34 a major subdivision as one which involves:

- A. The creation of eleven or more lots, regardless of whether the lots are created at one time or over an extended period of time; or
- B. The creation of any new streets (either public or private); or
- C. The creation or extension of a public water or sewer system, or
- D. The installation of drainage improvements upon one (1) or more lots to serve one (1) or more other lots.

Staff Note: The applicant's development has been classified a "major subdivision" in accordance with the standards set forth in the ordinance. Generally, pursuant to the subdivision process set forth in UDO Article 5 Subdivisions, the applicant would be required to be required a special use permit from the Board of Adjustment. However, pursuant to UDO Subsection 9.09.03, the authorization of a CD for any major subdivision preliminary plat approval shall preclude any requirement for obtaining a special use permit for such use. In this case, a Special Use Permit is not required.

Process: As mentioned above, UDO Article 5 contains the standards for the subdivision process. Please see below for the four step summary required for major subdivisions:

1. The applicant is first required to meet with Staff with a sketch plan.
2. The applicant must submit a preliminary plat for review by the permitting authority, which in this case is Town Council, through the CD process.
3. If the preliminary plat is approved, the applicant will then need to submit for a zoning permit to construct the subdivision infrastructure. Once completed, the applicant may move to the final plat step detailed in 4 below.
4. Upon approval of a major subdivision preliminary plat, and completion of all required subdivision-related infrastructure as authorized by the preliminary plat approval, the applicant is eligible to submit a final plat for approval.
 - A. The final plat shall be submitted in accordance with Article 4.

- B. The final plat shall contain the information as described in Appendix A.
- C. The final plat shall be prepared and certified by a North Carolina licensed professional land surveyor.
- D. The final plat must be in compliance with the approved preliminary plat.
- E. The Administrator shall approve the final plat if the subdivision improvements are consistent with this Ordinance and the preliminary plat approval.
- F. The approved final plat shall be recorded within forty-five (45) days of approval by the Planning and Inspections Department or the approval shall be void.

Zoning District Analysis

- Setbacks:** Lot boundary setback requirements apply where and to the extent that the subdivided tract abuts land that is not part of the subdivision. As proposed, the subdivision will meet the requirements of architecturally integrated subdivisions setback requirements as listed in UDO Article 5.10.
- Street:** The applicant proposes an extension of the public street (Chase Hill Drive) to include a 45' right of way, and 24' of paved area which exceeds the street design requirements of UDO 23.05.02. Chase Hill Drive is a subcollector street as defined in UDO 23.01.02 as, once extended, it will serve between 26 and 100 dwelling units and handle between 200 and 800 trips per day. Minor private streets Juniper Drive and Sherry Lane have their sole access from the existing portion of Chase Hill Drive.
- Sidewalk:** UDO 23.08.01 requires sidewalks for all new major subdivisions. The applicant is proposing new sidewalk along the entire south side of the Chase Hill Drive extension. The remaining requirements of UDO 23.08 appear to be met. Further analysis will be conducted during the Zoning review process before construction of the street and infrastructure is permitted.
- Parking:** Each single-family residence is required to have 2 off-street parking spaces available. Applicant has proposed an 18' by 18' driveway for each home site outside the street right of way. The driveways as proposed will be constructed of sufficient size and materials to satisfy the requirements of UDO Article 24.
- Landscaping:** Use 1.01 Single-Family Dwelling does not require any landscape buffers. The applicant is proposing some street landscaping as part of the amenities of the development.
- Environmental (Grading/Stormwater/Erosion):** The grading, stormwater and erosion control standards appear to be able to be met based upon the information submitted. The applicant will be required to submit details during zoning review demonstrating full compliance. The development of the subdivision will necessitate the applicant's obtaining a NCG01 Construction Stormwater Discharge Permit from NCDEQ. The Town's Environmental Planner (or designee) will perform periodic inspections during development.

Compliance with Overlay Requirements: Watershed Protection and Flood Damage Prevention Regulations

Public Water Supply Watershed Analysis

Overlay districts are those districts that overlap one or more general use districts and contain standards in addition to the underlying general use or conditional district zoning standards. Where requirements conflict, overlay district standards supersede general use district standards. In this case the development property is subject to two additional overlays in addition to the general use district. These overlays include Watershed Protection District and Special Flood Hazard Area (SFHA).

The watershed overlays within the Town of Boone are designated as Public Water Supply Watersheds by the North Carolina Environmental Management Commission. Pursuant to UDO Article 29.04.01, The Planning Commission shall act as the Watershed Review Board on all subdivision regulation matters, therefore during the CD process, the Planning Commission shall make also review the plat and shall find that it does or does not meet the watershed requirements of the UDO and report their findings for preliminary plat approval (this CD process).

This parcel is specifically located in the WS-IV-CA. Pursuant to UDO Subsection 29.06.02, in order to address a moderate to high land use intensity pattern, single family residential uses are allowed at a maximum of two (2) dwelling units per acre. All other residential and non-residential development shall be allowed twenty-four percent (24%) built-upon area. New sludge application sites and landfills are specifically prohibited. Allowed uses within this watershed include:

1. Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990.
2. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).
3. Residential.
4. Non-residential development, excluding:
 - a. The storage of toxic and hazardous materials unless a spill containment plan is implemented,
 - b. Landfills, and
 - c. Sites for land application of sludge/residuals or petroleum contaminated soils.

Density: Single family residential development shall not exceed two (2) dwelling units per acre on a project-by-project basis. No residential lot shall be less than one half (1/2) acre, except within an approved cluster development.

Staff Note: The applicant has demonstrated compliance with the density requirements for the WS-IV-CA watershed. The architecturally integrated subdivision proposal "clusters" the proposed development to one part of the property with lots smaller than the ½ acre minimum, yet maintains the overall density mandated by the watershed with the average density being not more than 1 single-family dwelling per ½ acre.

Special Flood Hazard Area Analysis

This property is located within the Special Flood Hazard Area as noted above. Pursuant to **UDO Article 30**, the Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Watauga County dated December 3, 2009.

The northern portion of the property (closest to the airport) is located with the AE Floodway. Although not specifically prohibited, land disturbance is strongly discouraged within the AE Floodway. The applicant is proposing no land disturbance within the AE Floodway. The AE Floodway portion of the property is currently in a naturally vegetative state and as proposed will remain so. Most of the Floodway portion will be owned by the POA and residents will be able to use that area as green space. The Town currently has a sewer line through this portion of the property. Three existing manholes are identified on the site plans.

Portions of the new road, all of lots 3 and 15 and significant portions of lots 2 and 14, will be located within the AE portion of the Special Flood Hazard Area (the “100-year flood area”). Land disturbance and vertical construction are permitted in the AE zone; however, any residential structures must be elevated 2 feet above base flood elevation and an elevation certificate from a duly qualified land surveyor will be required upon the completion of construction. Several base flood elevations are identified on the applicant’s site plan.

Other Related Issue:

There is an identified area of wetlands on the property along a portion of the western border. No land disturbance is proposed within this area. The Town of Boone and the State of North Carolina do not require any specific development buffer around identified wetlands.

ANALYSIS BY OTHER TOWN STAFF

Public Works:

Utilities Division (Utility Services Technician)

Approved

Services Division (Facilities Maintenance Superintendent)

Approved.

Fire Department (Fire Marshal)

Approved. Applicant has agreed to upgrade approximately 200 feet of Town water line from 4 inches to 8 inches per the Fire Department’s requirements.

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.

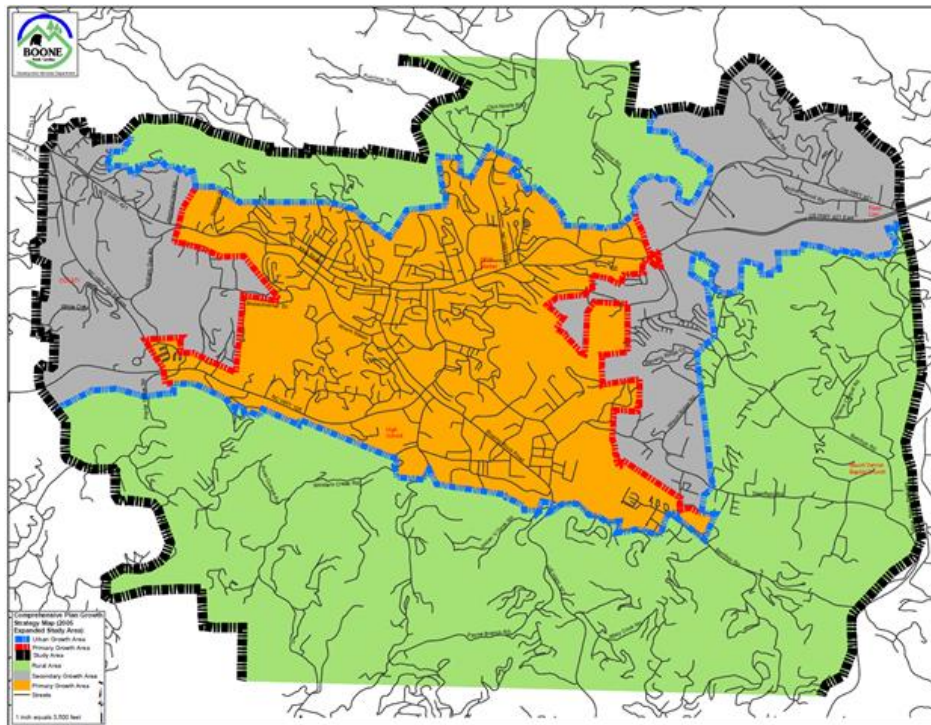
Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

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.

...

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.

...

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.
- E. Development which preserves the natural features of the site, including existing topography, streams and significant trees and vegetation, shall be reflected in the Town's Development Standards.
 - E.1 Consider the use of innovative zoning techniques such as density bonuses and transfer of development rights in exchange for preservation of significant environmental features.
- F. Recognizing the economic and environmental costs of commercial and residential stormwater runoff, innovative stormwater management techniques such as permeable sidewalks,, driveways, and parking areas shall be encouraged.

2.3 THE COMMUNITY

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

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.

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.
- 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 8, 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 7, 2022.

/s/ Brandon Wise

Brandon Wise, Environmental Planner

Conditions of Approval

Please see the applicant's attachments. Staff has reviewed the application as presented for compliance with UDO standards. 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 June 28, 2022 plus page C-007 updated as received September 8, 2022) the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations concerning the proposed project made by the applicant or its (his or her) representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.
3. The applicant shall submit the necessary applications, plans, details and specifications which meet the requirements of the Town Code, UDO, Building Code and any other applicable plans for review and approval necessary to issue Zoning and Building Permits.

Any other conditions agreed upon ...

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.

Watershed Review Board: The Planning Commission shall review the proposed project and shall find that it does or does not meet the watershed requirements of the UDO.

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 Planning Commission recommends ☐approval OR ☐denial of Ordinance PL05764-060822 and believes ☐approval OR ☐denial 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.

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.

Ordinance PL05764-060822

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:

Addresses:	TBD (off Chase Hill Drive)
Watauga County PIN:	2920-00-9240-000
Property Owner:	Yates Family Properties LLC
Zoning:	CD R1-SingleFamily

WHEREAS, the Boone Town Council held a duly-noticed public hearing September 26, 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 12th day of October, 2022.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon, Town Clerk

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 PL05764-060822 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.

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 datesDate of requested hearing: 09-26-22**C. Property Information (Project Location)**

Street Address:

970 Rivers Street Boone, NC

Watauga County Parcel Identification Number(s):

2900-78-7965-000, 2900-78-6979-000,**D. Property Owner Information**2900-79-7027-000

Name:

River Street Ventures, LLC

Complete Mailing Address (Street, City, Zip):

PO Box 2675 Boone, NC 28607

Phone Number:

828-262-3431

Email Address:

winkheelsfan@yahoo.com**E. Applicant Information**

Name:

John Winkler

Company:

River Street Ventures, LLC

Complete Mailing Address (Street, City, Zip):

PO Box 2675 Boone, NC 28607

Phone Number:

828-262-3431

Email Address:

winkheelsfan@yahoo.com**Preferred Method of Contact for Written/Response Documents (select one): ☐ Mail or ☒ Email****F. Detailed Description of Project**

Construct a 2-story, 20 room hotel and all associated parking, landscaping,
and infrastructure.

G. Project Cost

Project Cost:

\$ 4,000,000.00

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:

B-1

Proposed Zoning District(s):

B-1

Existing Land Use(s):

Commercial

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

Small Hotel (3.09) and Parking Lot (15.01)

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

Building Footprint Square Footage:

Current: 5,819

Proposed: +/- 6,385 sf

Total Building Square Footage (all floors):

Current: 10,150

Proposed: +/- 12,770 sf

Number of Stories

Current: 2

Proposed: 2

Building Height:

Current: +/- 18'

Proposed: +/- 21'

Number of Units:

Current: N/A

Proposed: 20 hotel room

Number of Bedrooms:

Current: N/A

Proposed: N/A

K. Environmental Information

Total Land Area: 0.807 ☐ Sq. Feet or ☒ Acres

Disturbed Area: 0.715 ☐ 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

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

Impervious Area: What is the existing impervious area in the development? 0.71 ☐ sq. feet ☒ acres
What is the proposed impervious area in the development? 0.52 ☐ sq. feet ☒ acres

L. Design Professional Information

Designer is an: ☐ Architect ☒ Engineer ☐ Owner ☐ Other: _____
Name: Jason Gaston Company: Valor Engineering
Complete Mailing Address (Street, City, Zip):
215 Boone Heights Drive Suite 107 Boone, NC 28607
Phone Number: 828-262-9807 Email Address: jason@valorengineering.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/A

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.

John Winkler [Signature] 08/10/22
Applicant (Print) Applicant (Signature) Date

River Street Ventures, LLC [Signature] 08/10/22
Property Owner (Print) Property Owner (Signature) Date

Official Use Only

Permit Name: <u>Portofino Hotel - Conditional District Zoning Map Amend</u>				
Permit Number: <u>PL 05979 - 081222</u>				
Date: <u>8-11-22</u>	Fee: <u>\$ 842.00</u>	Receipt Number: <u>522051</u>	Method of Payment: ☐ Cash ☒ Check Number: <u>30518</u>	Paid By: <u>King Construction</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: _____

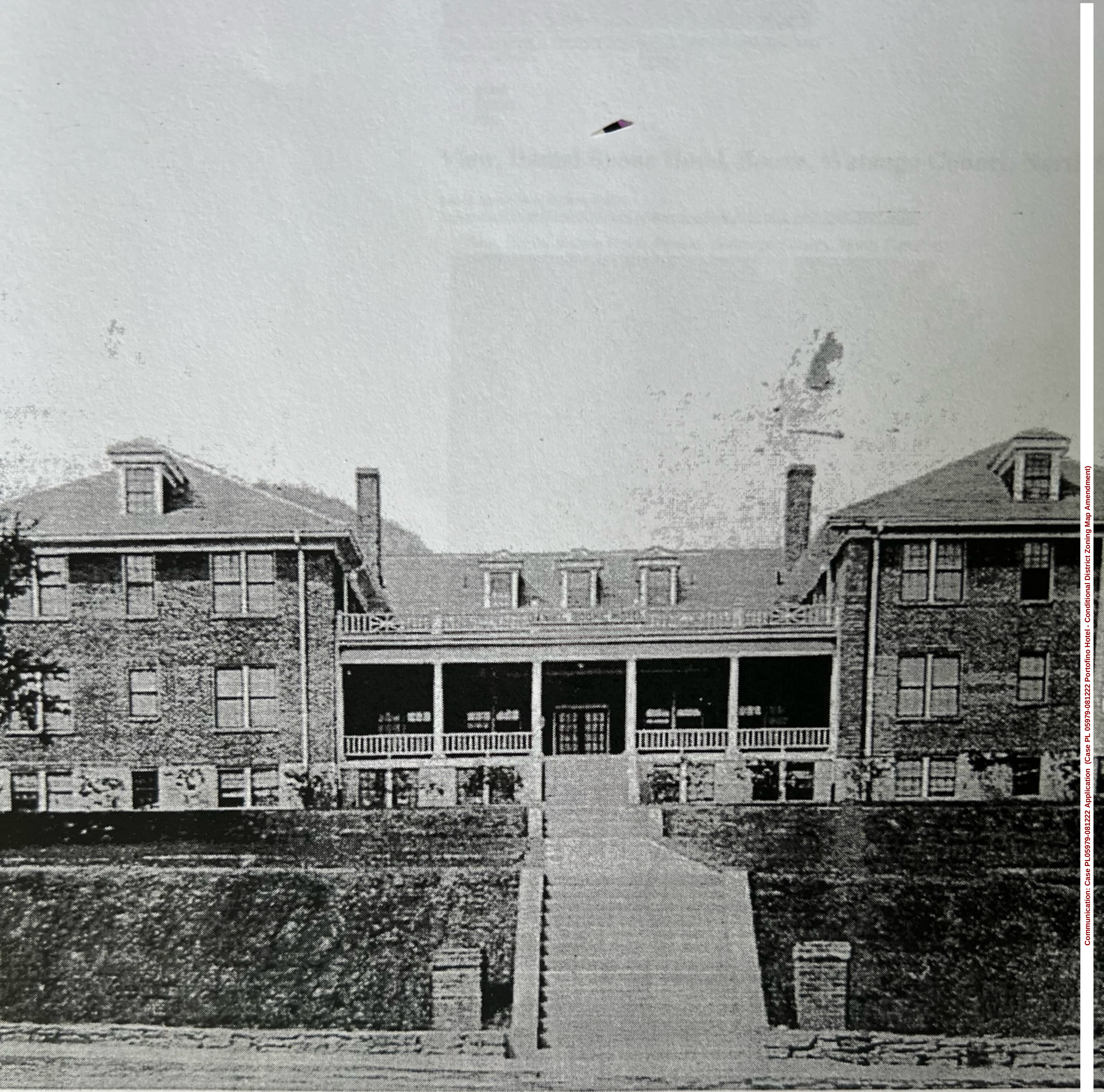
Request Approved: ☐ Yes ☐ No If yes, date request sent to GIS: _____

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

Communication: Case PL05979-081222 Application (Case PL 05979-081222 Portofino Hotel - Conditional District Zoning Map Amendment)

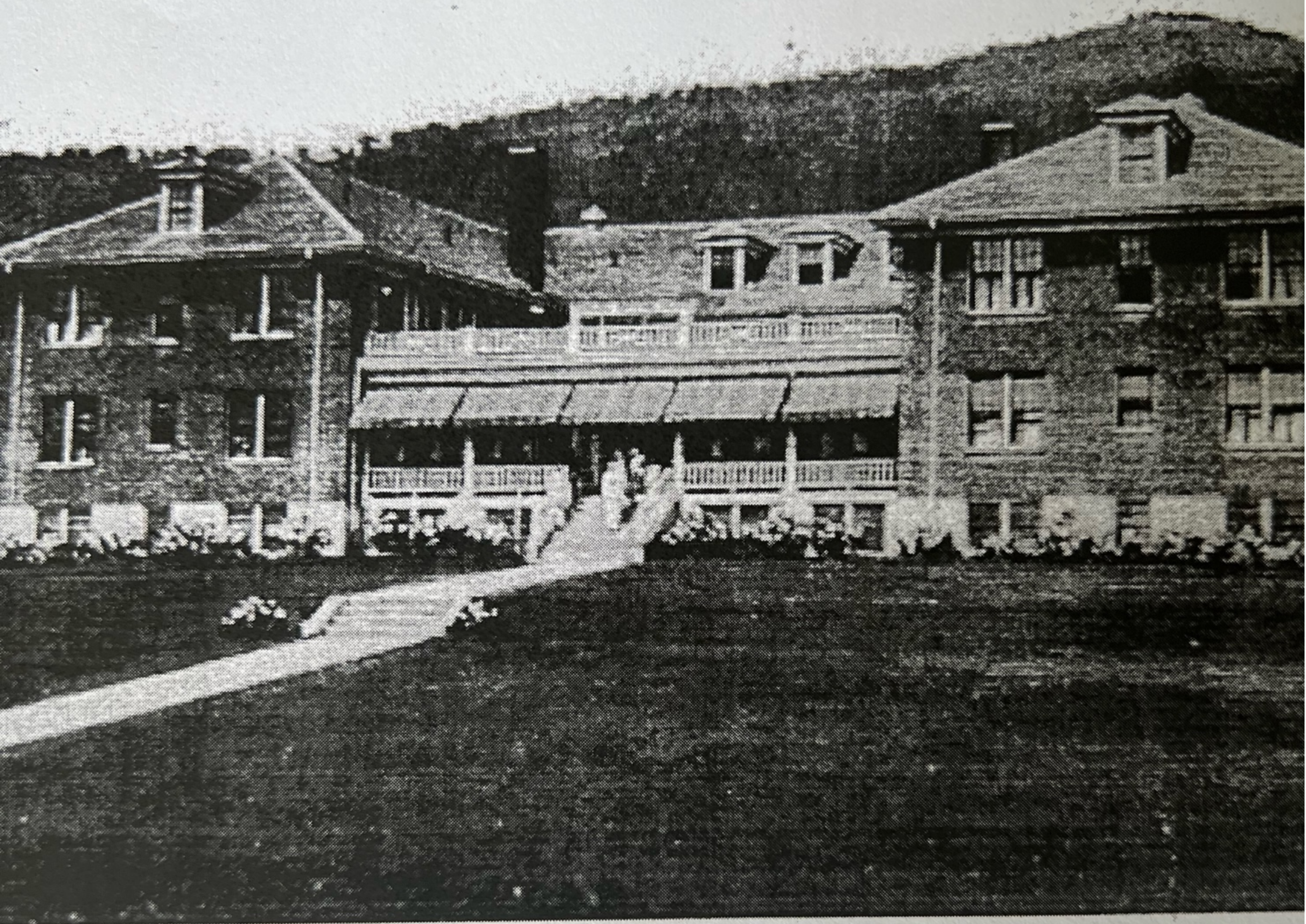






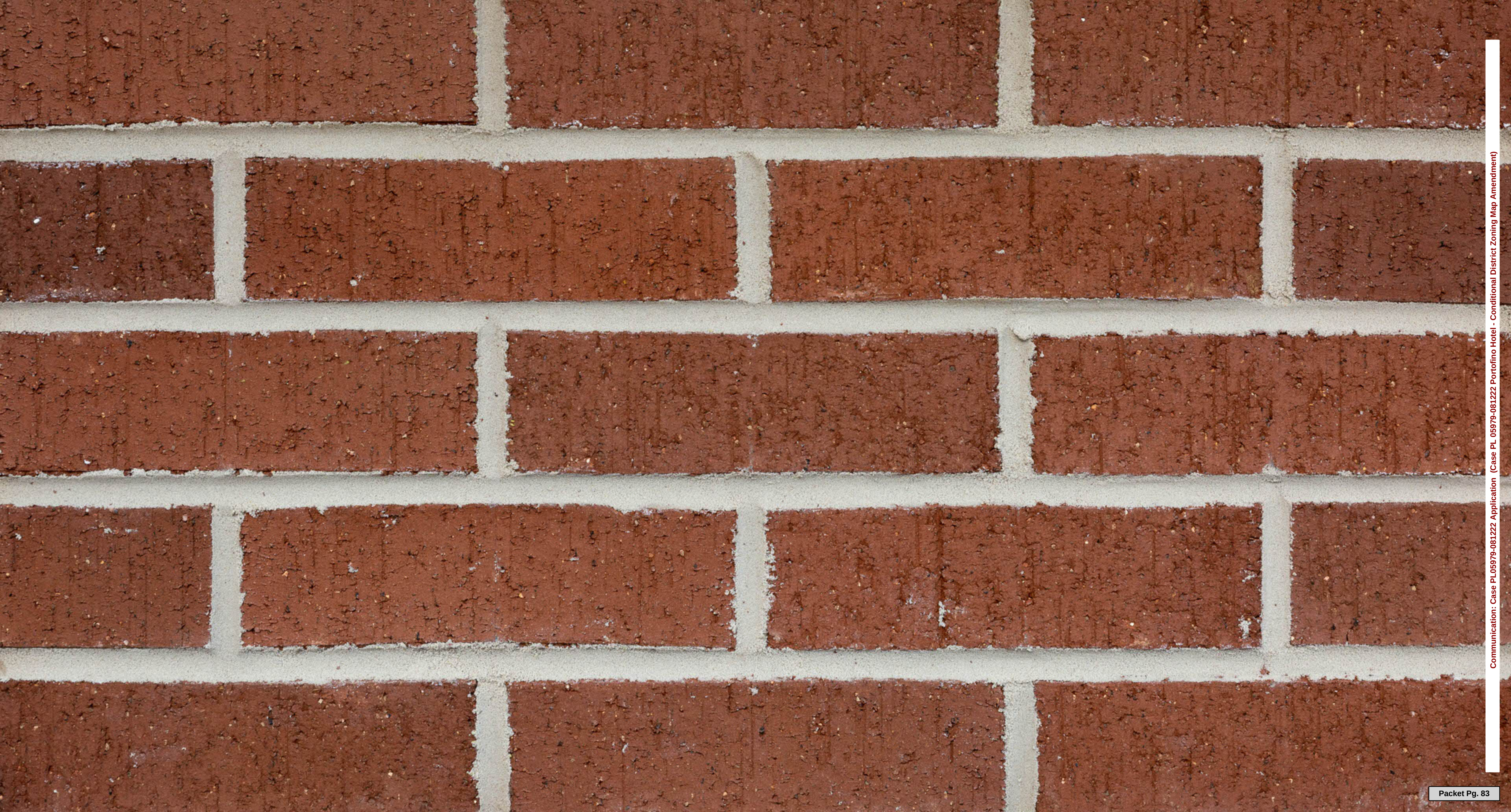
Daniel Boone Hotel photo postcard from personal

More





The Daniel Boone Hotel







Conditional District Rezoning

Date: August 10, 2022

Project: Portofino Hotel

Address: River Street, Boone, North Carolina

RE: Description of Major Work – New Construction

Description of Proposed Work

Portofino Hotel is a two-story building consisting of (20) guest rooms and miscellaneous ancillary spaces for support of hotel operations. The first floor has 6,112 sf which includes (11) guest rooms and miscellaneous ancillary spaces. The second floor has 5,309 sf which includes (9) guest rooms and miscellaneous ancillary spaces. The primary entrance is through a 10' deep x 27' long veranda which is recessed into the first and second floors along River Street. A 42" high parapet wall is shown at the roof perimeter to screen roof top HVAC equipment.

Exterior walls will utilize Type III construction consisting of light gauge steel stud framing. Light gauge steel joists will be used for second floor and roof framing. Interior wall framing will utilize light gauge steel studs. Exterior walls will have a 2-hour fire rating as required in Type III construction. Tapered roof insulation and a TPO membrane will be installed as the roof system.

Exterior finish materials consist of a red wire cut brick. The veranda will be constructed using FRT framing lumber and FRT trim. All exterior wood for the columns, newel post, balusters and rails will be painted white. Single hung wood windows with white metal cladding will be used for compliance with Type III construction which requires non-combustible materials at exterior walls.

Brick veneer around the building include triple stacked soldier coursing with 1" corbeling at parapet walls, 16" wide pilasters extending from grade to top of the parapet wall and a brick soldier course above each window. The veranda features 12" square wood columns with brick bases. The balcony balustrade consists of 8" square newel posts, 3" square balusters and 3" thick wood rails. All wood will be painted white. Building elevations and colored renderings are included in this submittal to illustrate the building design features.

The **existing building on the site** has a height of 16'-8" measured from the roof peak to the average sidewalk elevation. The height of the proposed new structure is 21'-1 1/2" as measured from the top of the roof structure to the average sidewalk elevation.

Conditional District Rezoning

The owner has decided to proceed with a CDR and will be requesting a 5'-0" height increase above the height for the existing structure. This will allow the new structure to have a height of 21'-8" from the top of the roof structure to the average sidewalk

elevations on River Street. Parapet walls are not included in the building height since they are less than 4 feet high. The UDO allows a height of 33 feet for a building at this location.

Design considerations

Every building type has its own unique character and architectural style. The general public can usually identify a building's purpose and function by its exterior design. When considering the exterior design of the proposed hotel, we were challenged to create a design that met the functional and operational requirements for a building offering hospitality services to visitors and local residents. Because of its location in Downtown Boone, we were further challenged to provide a building design which provided historical significance and at a scale appropriate to existing building in the area.

Boone has a vibrant hospitality economy as evidenced by the large variety of hotels located within the town limits. Brent Davis Architecture has designed other hotels in the area but none of the local hotel designs appeared suitable for this downtown location. During our research of hotel designs, one stood out as having significant historical value and character and this was the Daniel Boone Hotel which was constructed in 1925 and demolished in 1982. It was a two-story brick veneered structure with a grand veranda centered between two opposing hipped roof wings. Although modest in detailing, the large areas of brick presented a sense of luxury. Dormer adorned the various hipped roofs around the building. It had Colonial Revival detailing and a scale much larger than one would expect in a town the size of Boone. The opposing wings offered considerable mass and scale to the overall design, but the proportions were balanced by the large columned veranda. A mix of double and single windows provided a pleasing balance and rhythm in the building's fenestration.

For the Portofino Hotel, we are not attempting to duplicate the design but to provide similar design features and perhaps a modest sense of elegance as captured in the Daniel Boone Hotel. Obviously, we were not able to use the high hipped roofs due to height restrictions and the scale of the Daniel Boone Hotel is larger than the current site could accommodate. We incorporated a large single level veranda centered between the two-story equally proportioned wings. The veranda has equally spaced wood columns with brick pier bases. The balcony balustrade above utilizes appropriately spaced newel posts to further enhance the building's design and a desired architectural rhythm. Brick pilasters were introduced in the exterior walls to break up the larger wall surfaces. The pilasters terminate and blend into the triple stacked soldier coursing at the top of parapet walls. A brick soldier course is used to adorn each window head. A mix of double and single windows are used to project a pleasing balance and rhythm in the building's fenestration. The red brick veneer is consistent with other buildings in the downtown area.

Photos of the Daniel Boone Hotel and other local buildings are included in the submittal package to show comparable brick detailing, overall scale, massing, and proportions for the proposed hotel structure.

Proposed Exterior Finishes

Brick: Equal to Taylor Brick Co #317-D-Red, modular, wire cut

Windows: 3' x 5' Equal to Andersen E series, wood window with metal cladding.

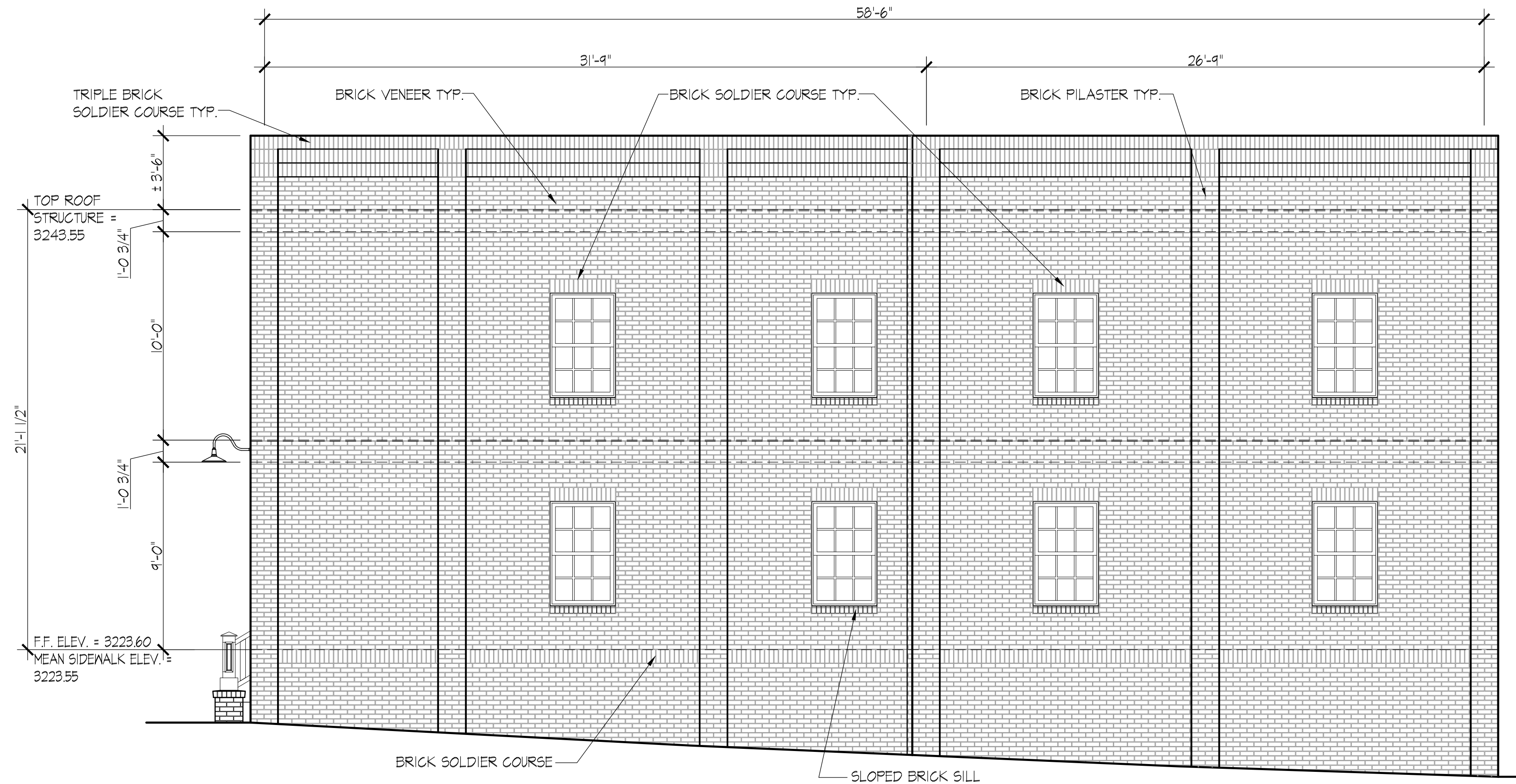
Brent Davis, Architect

Brent Davis Architecture, Inc
189 Sally Street
Boone, North Carolina
Ph 828-265-4848
Email: bda.arch@yahoo.com

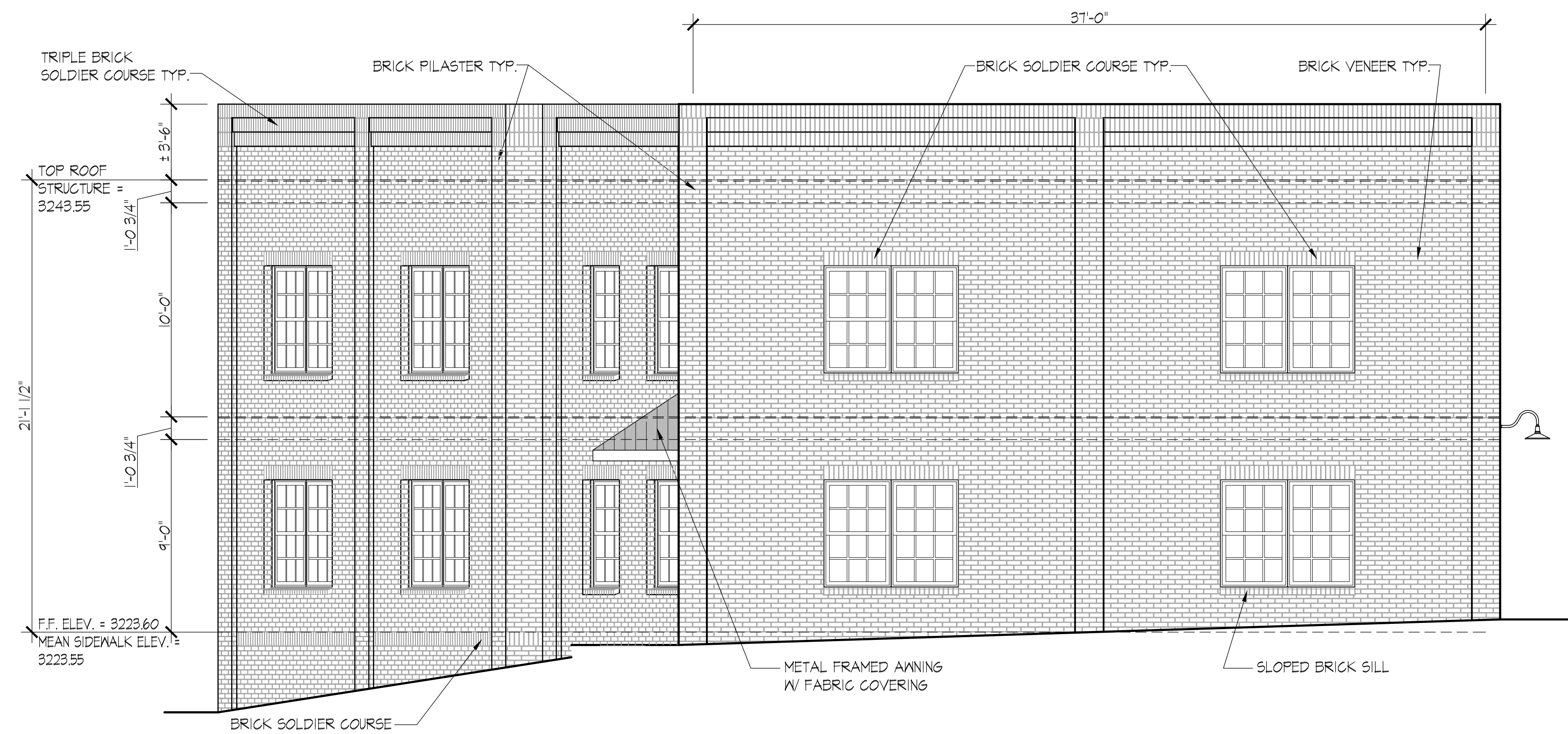
IN RE: THE MATTER OF RIVER STREET VENTURES, LLC
CONDITIONAL DISTRICT ZONE REQUEST

Pursuant to Section 9.09.02 of the Town of Boone Unified Development Ordinance, a neighborhood meeting was scheduled with regard to the River Street Ventures, LLC project located at 970 River Street, Boone, NC 28607 (formerly the Café Portofino property). A notice was sent to all property owners located within 300 feet of the development on July 14, 2022, notifying them that a neighborhood meeting would be held at the Town of Boone Council Chambers on Blowing Rock Road on August 9 at 6:00 pm.

The property owner was present at the meeting and provided a description of the ownership, design, and development of the property and the location and general information regarding the current conditions of the property. The owner and applicant also provided a proposed use and site development description together with preliminary renderings of the building to be built on the property. The attendees at the meeting were James M. Deal, Jr., attorney for the applicant, John Winkler, representative of the applicant, Brent Davis, architect for the applicant, and Jason Gaston, of Valor Engineering on behalf of the applicant. There were no neighbors in attendance at the meeting. The meeting concluded at 6:20 pm.

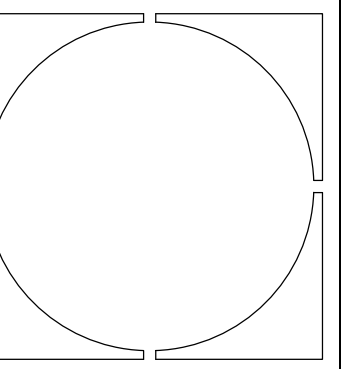


RIGHT SIDE ELEVATION
SCALE : 1/4" = 1'-0"



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

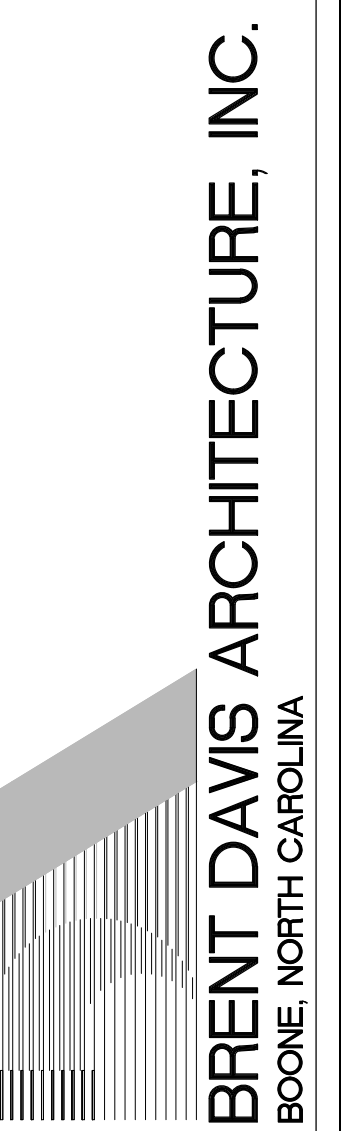
PRELIMINARY
NOT FOR CONSTRUCTION



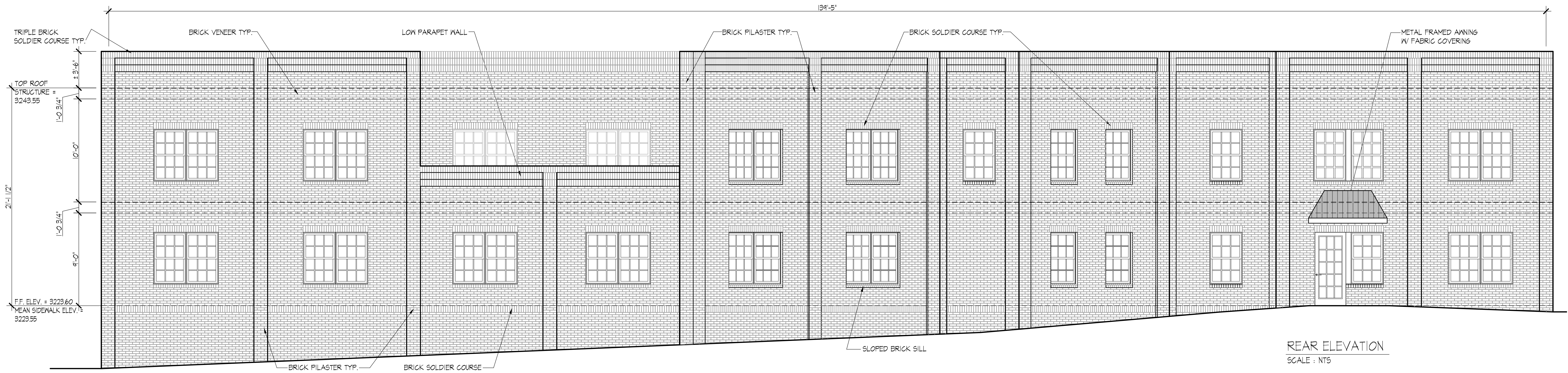
DEVELOPER:

PORTOFINO HOTEL
970 RIVERS STREET
BOONE, NORTH CAROLINA

DATE	JOB NO. :
3/15/22	CONCEPTUAL DESIGN
6/16/22	REVISED CONCEPTUAL DESIGN
6/24/22	C.O.A. SUBMITTAL / H.P.C. APPROVAL
8/9/22	TOWN COUNCIL / COMM. MEETING



SHEET
A2.1



DEVELOPER:

PORTOFINO HOTEL
970 RIVERS STREET
BOONE, NORTH CAROLINA

DATE	JOB NO.:
3/15/22	CONCEPTUAL DESIGN
6/16/22	REVISED CONCEPTUAL DESIGN
6/24/22	C.O.A. SUBMITTAL / H.P.C. APPROVAL
8/9/22	TOWN COUNCIL / COMM. MEETING

BRENT DAVIS ARCHITECTURE, INC.
BOONE, NORTH CAROLINA

SHEET
A2.0

PRELIMINARY
NOT FOR CONSTRUCTION

PROJECT DIRECTORY

DEVELOPER/OWNER
RIVER STREET VENTURES, LLC
P.O. BOX 2675
BOONE, NC 28607
(828) 262-3431
CONTACT: MR. JOHN WINKLER

CIVIL ENGINEER
VALOR ENGINEERING, PLLC
215 BOONE HEIGHTS DR., SUITE 107
BOONE, NC 28607
(828) 262-9807
CONTACT: MR. JASON GASTON, P.E.

ARCHITECT
BRENT DAVIS ARCHITECTURE, INC.
189 SALLY STREET
BOONE, NC 28307
(828) 265-4848
CONTACT: MR. BRENT DAVIS, AIA

SURVEYOR
APPALACHIAN PROFESSIONAL LAND
SURVEYORS AND CONSULTANTS
1480 U.S. HIGHWAY 421 SOUTH
BOONE, NC 28607
(828) 264-0290
CONTACT: MR. DONALD MCNEIL

TOWN OF BOONE PLANNING & INSPECTIONS
567 WEST KING STREET
BOONE, NC 28607
(828) 268-6200
CONTACT: MRS. JANE SHOOK

CONDITIONAL DISTRICT REZONING PLANS FOR:

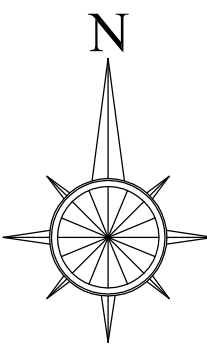
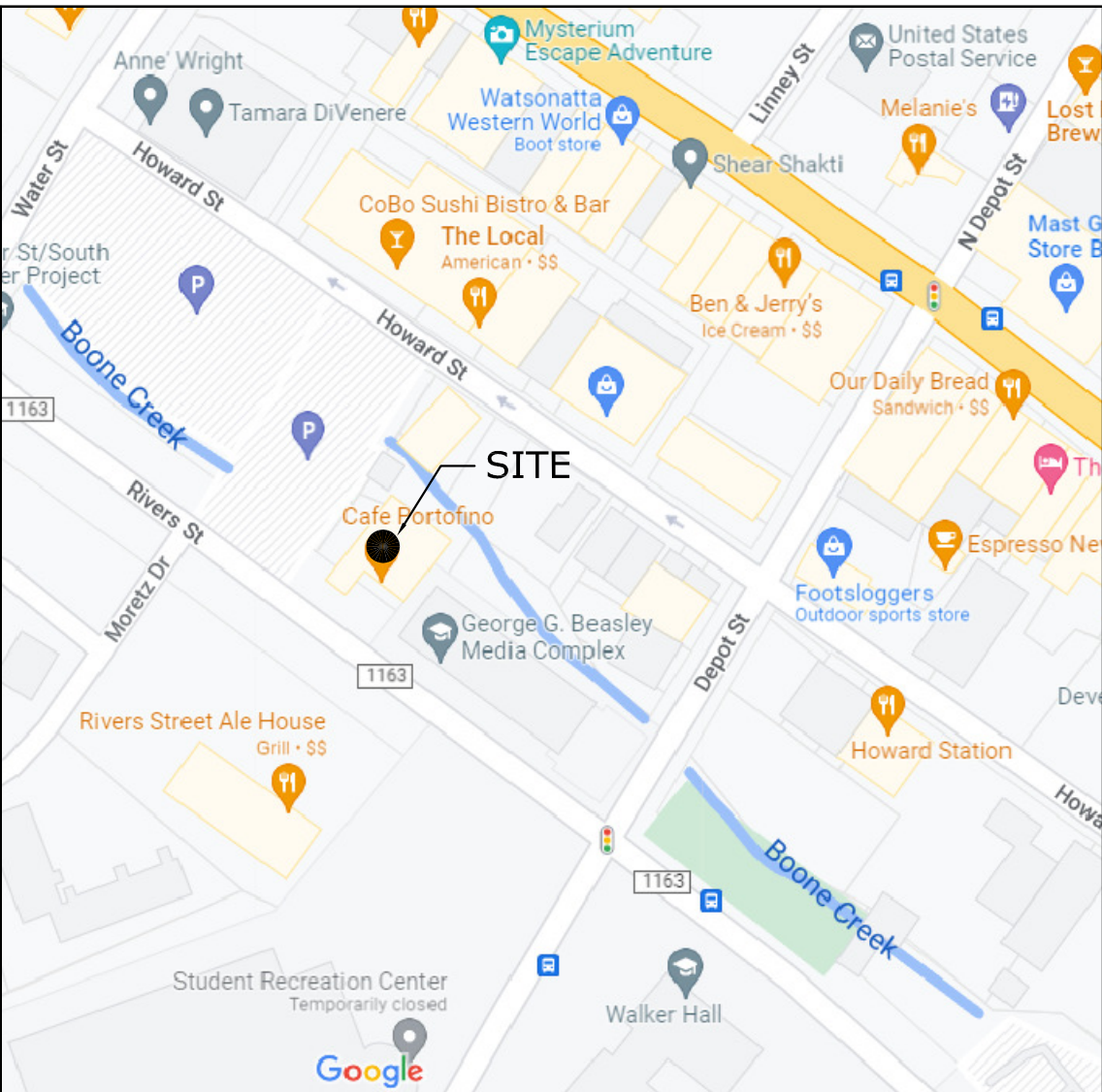
Cafe Portofino
Hotel

A Commercial Development

970 RIVERS STREET
BOONE, WATAUGA COUNTY, NC 28607

ZONING: B-1

PARCELS #: 2900-78-7965-000, 2900-78-6979-000, 2900-79-7027-000



VICINITY MAP
NOT TO SCALE

24 HR CONTACT: MR. JASON GASTON, P.E.

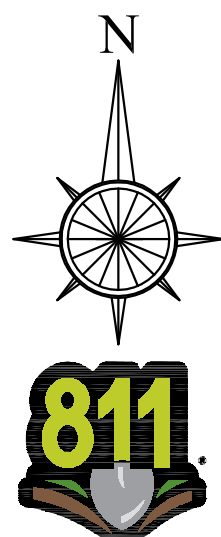


Boone, NC 28607
828-262-9807
August 10, 2022
001-051

SHEET INDEX

G-1	COVER SHEET
C-0	EXISTING CONDITIONS & DEMOLITION PLAN
C-1	PRELIMINARY SITE PLAN
C-2	PRELIMINARY GRADING & DRAINAGE PLAN
C-3	PRELIMINARY UTILITY PLAN
L-1	LANDSCAPE PLAN

REVISIONS:			
NO.	DESCRIPTION:	BY:	DATE:



PROJECT:

Cafe Portofino Hotel

A Commercial Development

ADDRESS:

970 Rivers Street
Boone, NC

DEVELOPER:

River Street Ventures, LLC

PO Box 2675
Boone, NC 28607
828-262-3431

CONTACT:

MR. JOHN WINKLER

ENGINEER:



215 Boone Heights Drive, Ste. 107
Boone, NC 28607
828-262-9807
www.valorengineering.com

SEAL:



REVISIONS

DATE

PROJECT MANAGER:

JEG

DRAWING BY:

JEG

JURISDICTION:

TOWN OF BOONE

DATE:

08/10/22

SHEET TITLE:

EXISTING CONDITIONS & DEMOLITION PLAN

SHEET NUMBER:

C-0

SCALE:

1" = 20'



FILE NUMBER:

001-051

GENERAL NOTES:

- 1.) ALL PROPOSED DIMENSIONS USED TO SHOW THE GEOMETRIC LAYOUT OF THE PROPOSED PARKING LOT ARE SHOWN AT THE FACE OF CURB. ALL PROPOSED DIMENSIONS USED TO SHOW THE GEOMETRIC LAYOUT OF THE PROPOSED BUILDING LOCATION ARE GIVEN AT THE OUTSIDE FACE OF THE BUILDING CORNERS. ALL CURB RADIUS ARE GIVEN AT THE FACE OF CURB.
- 2.) CONTRACTOR SHALL NOTIFY ENGINEER OF ANY DISCREPANCIES BETWEEN THE EXISTING CONDITIONS IN THE FIELD AND THE SURVEY SHOWN ON THE PLANS BEFORE PROCEEDING WITH ANY NEW CONSTRUCTION.
- 3.) CONTRACTOR IS RESPONSIBLE FOR CORRECT HORIZONTAL AND VERTICAL ALIGNMENT OF ALL TIES BETWEEN PROPOSED AND EXISTING PAVEMENTS, CURB AND GUTTER, SIDEWALKS, WALLS, AND UTILITIES.

SITE NOTES:

- 1.) TRACTS ARE ZONED B-1.
- 2.) SEE ARCHITECTURAL PLANS FOR BUILDING FLOOR PLAN DIMENSIONS, DOOR LOCATIONS, SITE LIGHTING PLAN, AND OTHER ARCHITECTURAL DETAILS.
- 3.) NO CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNTIL ALL SITE IMPROVEMENTS HAVE BEEN COMPLETED ON THE SITE.
- 4.) HIGH INTENSITY LIGHTING FACILITIES SHALL BE SO ARRANGED THAT THE SOURCE OF ANY LIGHT IS CONCEALED FROM THE PUBLIC VIEW AND DOES NOT INTERFERE WITH TRAFFIC. (SEE PHOTOMETRICS PLAN IN ARCH. PLANS).
- 5.) ALL BUFFERS, TREE SAVE AREAS, AND UNDISTURBED AREAS SHALL BE CLEARLY IDENTIFIED BY FLAGGING AND/OR FENCING PRIOR TO COMMENCEMENT OF ANY LAND DISTURBANCE.
- 6.) NO OUTSIDE STORAGE IS PROPOSED. THIS INCLUDES SUPPLIES, VEHICLE, EQUIPMENT, PRODUCTS, ETC.
- 7.) SIGNS (LOCATION, NUMBER, AND SIZE) ARE NOT APPROVED UNDER THIS DEVELOPMENT PERMIT. A SEPARATE PERMIT IS REQUIRED FOR ON-SITE SIGNAGE.
- 8.) ALL PAVEMENT MARKING WITHIN NCDOT R/W SHALL BE CONSTRUCTED ACCORDING TO NCDOT SPECIFICATIONS. ALL PAVEMENT MARKINGS ON TOWN MAINTAINED ROADS SHALL BE 3M STAMARK PAVEMENT MARKING TAPE SERIES 270 AND BE INSTALLED PER MANUFACTURER SPECIFICATIONS.
- 9.) ALL CONSTRUCTION RELATED PERMITS DURING THE CONSTRUCTION PHASE OF THIS PROJECT ARE THE RESPONSIBILITY OF THE OWNER, HOWEVER A CONTRACTOR/DEVELOPER CAN DO PERMITTING WITH AGENT AUTHORIZATION.
- 10.) CONSTRUCTION TRAILERS ARE TO BE PERMITTED THROUGH THE ZONING DIVISION OF DEVELOPMENT SERVICES.
- 11.) ALL EROSION, SEDIMENT CONTROL AND TREE PROTECTION MEASURES SHALL BE INSTALLED PRIOR TO ANY GRADING.
- 12.) THE JURISDICTION ACCEPTS NO RESPONSIBILITY FOR THE AMERICANS WITH DISABILITIES ACT (ADA), EXCEPT FOR NOTIFICATION REQUIREMENT. THE OWNER/DEVELOPER IS SOLELY RESPONSIBLE FOR COMPLIANCE FOR SAID ACT.
- 13.) DUMPSTER AND RECYCLING ENCLOSURES SHALL BE ARCHITECTURALLY COMPATIBLE WITH THE BUILDING BY PAINTING THE ENCLOSURE THE SAME COLOR AS THE BUILDING SIDING.
- 14.) 24 HOUR CONTACT: JASON GASTON, P.E., 770-722-9178

LEGEND	
	PROPOSED CONCRETE
	PARKING COUNT
	PROPOSED TRAFFIC SIGN
	PAINTED TRAFFIC ARROWS
	PROPERTY LINE
	PROPOSED SCREENING WALL

PARKING CALCULATIONS	
MIN. HOTEL PARKING (3.09)	
TOTAL NUMBER OF RENTABLE ROOMS:	20
REQUIRED PARKING:	1.25 SPACES / ROOM
MINIMUM REQUIRED HOTEL PARKING:	25 SPACES
MAXIMUM ALLOWABLE HOTEL PARKING (120% OF MINIMUM):	30 SPACES
PROVIDED HOTEL STANDARD PARKING SPACES:	15 SPACES
PROVIDED HOTEL ACCESSIBLE PARKING SPACES:	2 SPACES
PROVIDED HOTEL COMPACT PARKING SPACES: (MAX 35%)	8 SPACES
TOTAL HOTEL PARKING PROVIDED:	25 SPACES
% COMPACT PARKING PROVIDED:	32%
ADDITIONAL PARKING LOT SPACES (USE 15.01)	
PROVIDED STANDARD PARKING SPACES	15 SPACES
PROVIDED COMPACT PARKING SPACES	5 SPACES
TOTAL PARKING LOT PARKING PROVIDED:	20 SPACES
% COMPACT PARKING PROVIDED:	25%
TOTAL STANDARD PARKING SPACES	30
TOTAL COMPACT PARKING SPACES	13
TOTAL ACCESSIBLE PARKING SPACES	2
TOTAL PARKING SPACES:	45
MOTORCYCLE PARKING CALCULATIONS	
** EXEMPT PER 24.10.01 **	
COMMERCIAL/RETAIL LOADING SPACE CALCULATIONS	
** EXEMPT PER 24.01.05.11 **	
Bicycle Parking Calculations	
Min. required hotel short term spaces (2 Spaces) =	2 spaces
Min. required hotel long term spaces (2 Spaces) =	2 spaces
Total provided short term spaces =	2 spaces
Total Provided Long Term Spaces =	2 spaces
TOTAL BICYCLE PARKING PROVIDED:	4 SPACES

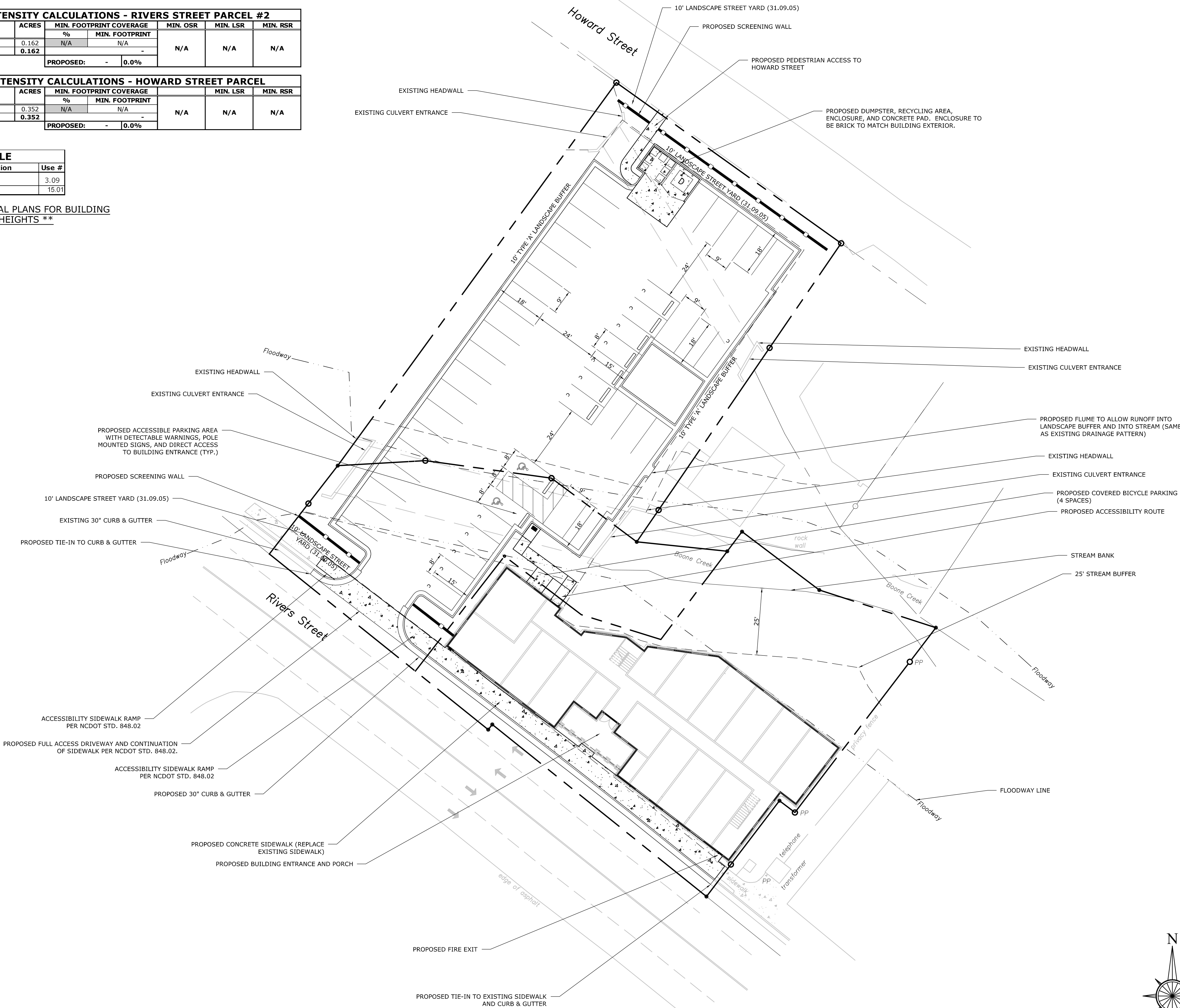
LAND USE INTENSITY CALCULATIONS - RIVERS STREET PARCEL #1						
	ACRES	MIN. FOOTPRINT COVERAGE		MIN. OSR	MIN. LSR	MIN. RSR
		%	MIN. FOOTPRINT			
ZONED B-1	0.293	50%	6,385	N/A	N/A	N/A
TOTAL:	0.293		6,385			
		PROPOSED:	6,461	50.6%		

LAND USE INTENSITY CALCULATIONS - RIVERS STREET PARCEL #2						
	ACRES	MIN. FOOTPRINT COVERAGE		MIN. OSR	MIN. LSR	MIN. RSR
		%	MIN. FOOTPRINT			
ZONED B-1	0.162	N/A	N/A	N/A	N/A	N/A
TOTAL:	0.162		-			
		PROPOSED:	-	0.0%		

LAND USE INTENSITY CALCULATIONS - HOWARD STREET PARCEL						
	ACRES	MIN. FOOTPRINT COVERAGE		MIN. OSR	MIN. LSR	MIN. RSR
		%	MIN. FOOTPRINT			
ZONED B-1	0.352	N/A	N/A	N/A	N/A	N/A
TOTAL:	0.352		-			
		PROPOSED:	-	0.0%		

USE TABLE		
Quantity	Description	Use #
20	HOTEL ROOMS	3.09
N/A	PARKING LOT	15.01

** SEE ARCHITECTURAL PLANS FOR BUILDING ELEVATIONS AND HEIGHTS **



PROJECT:

Cafe
Portofino
Hotel

A Commercial Development

ADDRESS:

970 Rivers Street
Boone, NC

DEVELOPER:

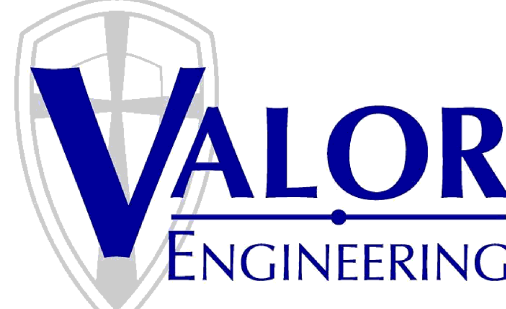
River Street
Ventures, LLC

PO Box 2675
Boone, NC 28607
828-262-3431

CONTACT:

MR. JOHN WINKLER

ENGINEER:



215 Boone Heights Drive, Ste. 107
Boone, NC 28607
828-262-9807

www.valorengineering.com

SEAL:



REVISIONS

DATE

PROJECT MANAGER:

JEG

DRAWING BY:

JEG

JURISDICTION:

TOWN OF BOONE

DATE:

08/10/22

SHEET TITLE:

PRELIMINARY SITE PLAN

SHEET NUMBER:

C-1

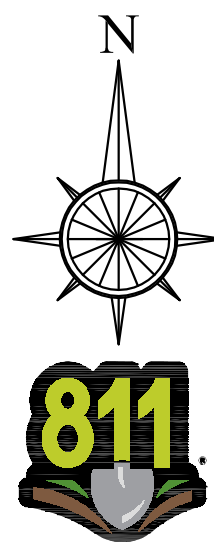
SCALE:

1" = 20'



FILE NUMBER:

001-051

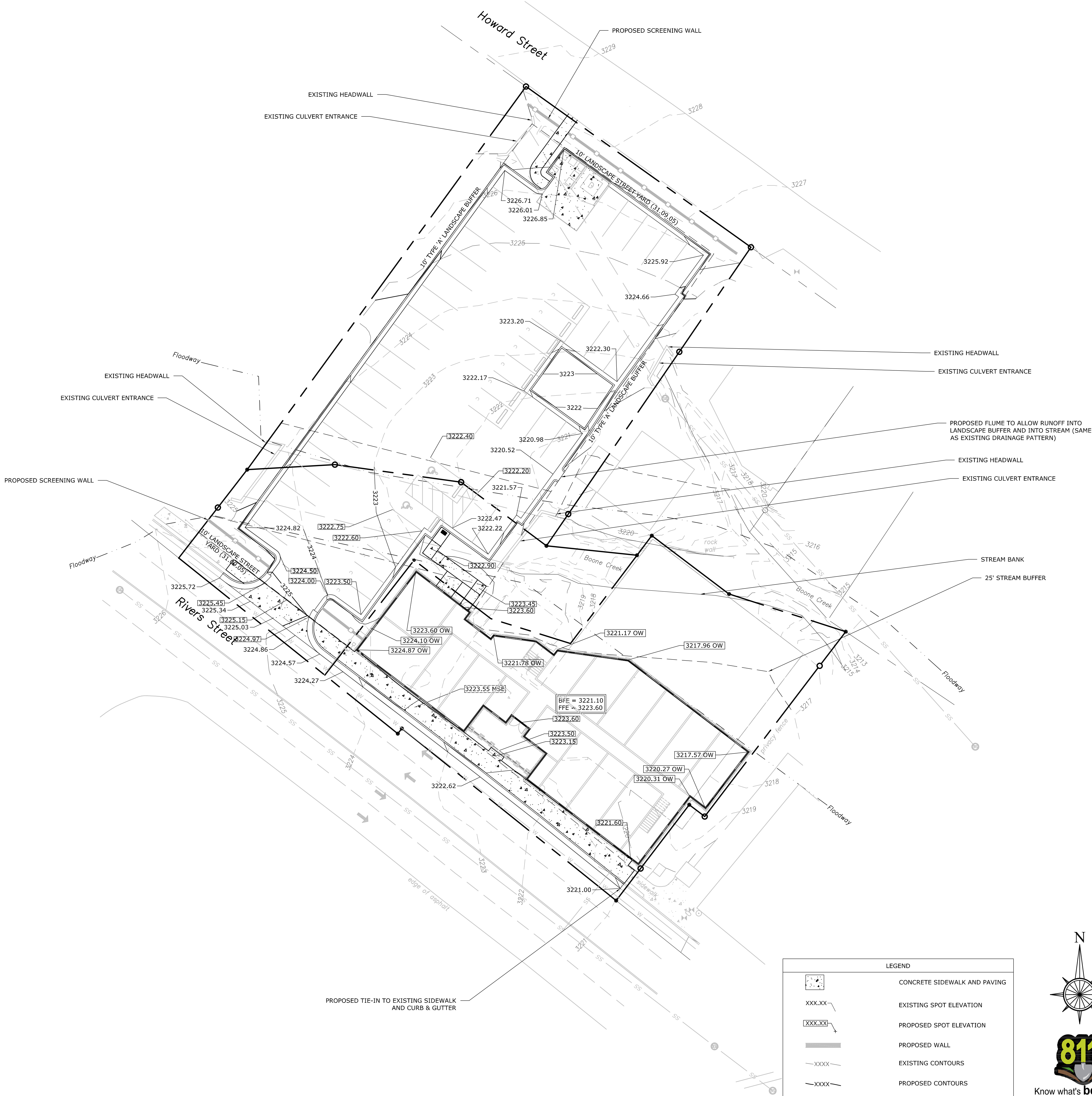


GRADING NOTES:

- 1.) ALL SPOT ELEVATIONS SHOWN ARE @ THE EOP UNLESS OTHERWISE NOTED.
- 2.) ALL PROPOSED SIDEWALKS SHALL BE BUILT WITH A 2% CROSS-SLOPE AWAY FROM THE BUILDING.
- 3.) THE CONTRACTOR SHALL CLEAN OUT ACCUMULATED SILT IN STORM WATER CONVEYANCE CHANNELS, PIPES, AND DETENTION FACILITIES AT END OF CONSTRUCTION WHEN DISTURBED AREAS HAVE BEEN STABILIZED.
- 4.) COORDINATE WITH THE TOWN OF BOONE INSPECTIONS DURING CONSTRUCTION.
- 5.) NO CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNTIL ALL SITE IMPROVEMENTS HAVE BEEN COMPLETED FOR APPROPRIATE PHASE.
- 6.) REFER TO SUBSURFACE EXPLORATION AND GEOTECHNICAL ENGINEERING EVALUATION REPORTS AS PROVIDED BY OWNER FOR RECOMMENDATIONS ASSOCIATED WITH: GENERAL SITE PREPARATION, BUILDING PAD PREPARATION, PAVEMENT SECTIONS, FILL, SLOPES AND EXCAVATION.
- 7.) CONSTRUCT EROSION CONTROL BARRIERS PER THE TOWN OF BOONE INSPECTOR AND MAINTAIN UNTIL PERMANENT VEGETATION IS ESTABLISHED.
- 8.) THE CONTRACTOR SHALL RE-ESTABLISH ALL RIGHT OF WAY AREA WHICH IS DAMAGED OR DISTURBED TO ORIGINAL CONDITIONS OR BETTER DURING AUTHORIZED WORK. ALL WORK IN NCDOT RIGHT OF WAY SHALL COMPLY WITH NCDOT SPECIFICATIONS.
- 9.) ALL CURBED ISLANDS SHALL BE FILLED TO TOP OF CURB WITH TOPSOIL AND SEEDED.
- 10.) MAXIMUM CUT SLOPE IS 1.5:1 AND MAXIMUM FILL SLOPE IS 2:1. ANY PROPOSED SLOPE > 2:1 SHALL BE PROPERLY DESIGNED AND CERTIFIED BY A NORTH CAROLINA REGISTERED PROFESSIONAL ENGINEER OR GEOLOGIST. CONTRACTOR SHALL COORDINATE WITH THE GEOTECHNICAL CONSULTANT AND PROVIDE COPIES OF THE DESIGNS AND CERTIFICATIONS TO THE TOWN OF BOONE.
- 11.) ALL BUFFERS, TREE SAVE AREAS, AND UNDISTURBED AREAS SHALL BE CLEARLY IDENTIFIED BY FLAGGING AND/OR FENCING PRIOR TO COMMENCEMENT OF ANY LAND DISTURBANCE.
- 12.) ALL STORM PIPE SHOWN ON THIS PLAN SHALL BE WRAPPED WITH LOCATION WIRE AND TAPE.
- 13.) IN ALL AREAS OF FILL OR OTHERWISE DISTURBANCE OF EXISTING CONDITIONS, UNLESS OTHERWISE NOTED, THE CONTRACTOR SHALL FULLY AND COMPLETELY REMOVE AND LEGALLY DISPOSE OFF-SITE, ALL PLANT MATERIALS INCLUDING BUT NOT LIMITED TO ROOT SYSTEMS, CONCRETE, REINFORCED CONCRETE, ASPHALT DEBRIS, UNDERBRUSH, TOPSOIL, AND OTHER DELETERIOUS MATERIAL. THE SUBGRADE TO REMAIN SHALL BE COMPACTED TO 95% STANDARD PROCTOR MAXIMUM DRY DENSITY FOLLOWING FULL REMOVAL OF THESE MATERIALS.
- 14.) ALL SUBGRADE PREP AND AREAS OF THE SITE TO RECEIVE FILL SHALL BE COMPLETED IN STRICT CONFORMANCE WITH THE RECOMMENDATIONS PROVIDED BY THE PROJECT GEOTECHNICAL ENGINEER. THE CONTRACTOR SHALL HAVE THIS REPORT ON THE JOB SITE FOR REFERENCE AT ALL TIMES. THE CONTRACTOR SHALL PROVIDE EARTHWORK OPERATIONS AND CONSTRUCTION PHASE MONITORING TO ENSURE THAT ALL COMPACTION IS COMPLETED IN ACCORDANCE WITH THE GEOTECHNICAL REPORT. THE CONTRACTOR SHALL PROVIDE TESTING REPORTS TO THE OWNER REGARDING COMPACTION TESTING PER THE TESTING PROTOCOL IN THE GEOTECHNICAL REPORT.
- 15.) IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN QUALIFIED PROFESSIONAL ADVICE WHEN QUESTIONS ARISE CONCERNING DESIGN AND EFFECTIVENESS OF EROSION CONTROL DEVICES. 24 HR. CONTACT: MR. JASON GASTON (770) 722-9178
- 16.) A PORTION OF THIS PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA PER PANEL 3710291000J, DATED 12/3/09. A "NO RISE" CERTIFICATION SHALL BE PROVIDED UPON ZONING PERMIT SUBMISSION.
- 17.) STORMWATER MANAGEMENT FACILITIES AND EROSION CONTROL MEASURES ARE TO BE ACCOMPLISHED PRIOR TO ANY OTHER CONSTRUCTION ON THE SITE AND MAINTAINED UNTIL PERMANENT GROUND COVER IS ESTABLISHED. STORM WATER MANAGEMENT SHALL BE IN ACCORDANCE WITH COUNTY, STATE, AND OTHER APPROPRIATE ORDINANCES AND REGULATIONS IN EFFECT AT TIME OF CONSTRUCTION PLAN APPROVAL.
- 18.) EXTREME CAUTION SHALL BE USED WHEN WORKING WITHIN THE VICINITY OF THE EXISTING OVERHEAD POWER LINES. CONTRACTORS SHALL NOTIFY/COORDINATE WITH NEW RIVER LIGHT AND POWER COMPANY PRIOR TO CONSTRUCTION.
- 19.) ALL PUBLICLY MAINTAINED SIDEWALK SHALL BE BUILT WITH 5,000 PSI CONCRETE WITH FIBER 4" THICK AND 4" WASHED STONE UNDERNEATH. SIDEWALK TO BE SEALED WITH CONCRETE SEALER. ALL DRIVEWAYS SHALL BE 6" WASH STONE AND 6" 5,000 PSI CONCRETE WITH FIBER AND SEALED. ALL PROPOSED SIDEWALKS SHALL BE BUILT WITH A 2% CROSS-SLOPE AWAY FROM THE BUILDING.
- 20.) SITE WILL BE DISTURBING STEEP SLOPES AND IS SUBJECT TO THE GEOTECHNICAL ENGINEERING RECOMMENDATIONS IN THE REPORT FROM THE GEOTECHNICAL ENGINEER. CONTRACTOR TO CONTACT GEOTECHNICAL ENGINEERING PRIOR TO CONSTRUCTION TO OBTAIN A COPY OF THE REPORT AND DISCUSS ANY REQUIRED RECOMMENDATIONS.

CDR NOTES:

- 1.) MINIMAL CUT & FILL IS ANTICIPATED FOR THE SITE, AS THE MAJORITY OF THE PARKING LOT IS ON EXISTING GRADE TO FACILITATE A "NO IMPACT" FROM FEMA.
- 2.) AS A RESULT OF THE REQUIRED LANDSCAPE BUFFERS AND REMOVAL OF THE BUILDING FOOTPRINT FROM THE STREAM, THE SITE WILL HAVE LESS IMPERVIOUS AREA POST-DEVELOPMENT THAN PRE-DEVELOPMENT. THEREFORE, NO STORMWATER MANAGEMENT SHALL BE REQUIRED, AND EXISTING DRAINAGE PATTERNS SHALL BE MAINTAINED.



PROJECT:

**Cafe
Portofino
Hotel**
A Commercial Development

ADDRESS:

970 Rivers Street
Boone, NC

DEVELOPER:

**River Street
Ventures, LLC**

PO Box 2675
Boone, NC 28607
828-262-3431

CONTACT:

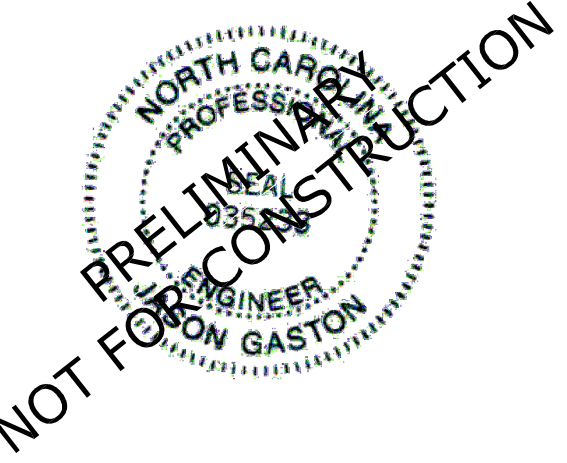
MR. JOHN WINKLER

ENGINEER:



215 Boone Heights Drive, Ste. 107
Boone, NC 28607
828-262-9807
www.valorengineering.com

SEAL:



REVISIONS

DATE

PROJECT MANAGER:

JEG

DRAWING BY:

JEG

JURISDICTION:

TOWN OF BOONE

DATE:

08/10/22

SHEET TITLE:

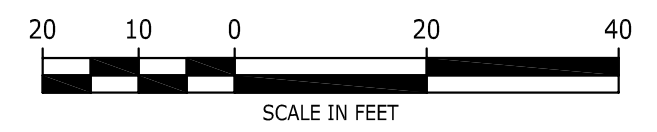
**PRELIMINARY GRADING
& DRAINAGE PLAN**

SHEET NUMBER:

C-2

SCALE:

1" = 20'



FILE NUMBER:

001-051



TOWN OF BOONE WATER LINES

- 1.) ANY EXISTING WATER METER(S) TO BE REMOVED BY THE CONTRACTOR MUST BE RETURNED TO THE TOWN OF BOONE. THE EXISTING WATER SERVICE TAP LINES MUST BE REMOVED AND/OR DISCONNECTED FROM THE WATER MAINS BY THE TOWN OF BOONE.
- 2.) CONCRETE BLOCKING (3000 PSI) TO BE PLACED AT ALL BENDS OR AS REQUIRED.
- 3.) STANDARD DEPTH OF COVER TO BE THREE (3) FEET EXCEPT AT VALVE OR HYDRANT LOCATIONS OR OTHER SPECIAL SITUATIONS. COVER IS BASED ON ELEVATION BELOW EDGE OF PAVEMENT OR AS INDICATED ON THE PLANS.
- 4.) PROVIDE CONCRETE PADS (30" X 30" X 6") AT ALL VALVE BOXES.
- 5.) EXTENSIONS FOR VALVE BOXES, WHEN REQUIRED, ARE TO BE 5" SOIL PIPE.
- 6.) ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO THE STANDARD DETAILS OF THE NC DEPARTMENT OF TRANSPORTATION.
- 7.) PAVEMENT CUTS ARE TO BE REPLACED IMMEDIATELY AFTER BACKFILLING OF INITIAL CUT EITHER WITH PERMANENT REPLACEMENT OR A TEMPORARY REPLACEMENT OF 1-1/2" OF 1-2 OR 4" OF H-BINDER.
- 8.) REPAIRS TO MAIN BREAKS:
 - A. BELL CLAMPS WILL NOT BE ALLOWED, EXCEPT IN SPECIAL SITUATIONS AND AS DIRECTED BY THE DIRECTOR OF PUBLIC UTILITIES.
 - B. SOLID SLEEVES TO BE USED FOR CONNECTING SPIGOT ENDS SHALL BE OF THE LONG PATTERN TYPE.
- 9.) IN ANY INSTANCE WHERE IT WILL BE NECESSARY TO HAVE THE WATER SHUT OFF ON EXISTING MAINS IN ORDER TO MAKE A TIE-IN, THE WORK MUST BE DONE UNDER THE DIRECT SUPERVISION OF THE DIRECTOR OF PUBLIC UTILITIES, AND AT THE TIME LEAST INCONVENIENT TO THE WATER CUSTOMERS INVOLVED.
- 10.) WHEN A WATER MAIN CROSSES AN EXISTING SEWER MAIN, THE CONTRACTOR IS TO REPLACE THE SEWER PIPE SPANNING THE DITCH WITH DUCTILE PIPE WHEN THE FOLLOWING CONDITIONS OCCUR:
 - A. ANYTIME A WATER MAIN IS INSTALLED UNDER A SEWER MAIN.
 - B. WHEN A WATER MAIN IS OVER A SEWER MAIN AND THE VERTICAL DISTANCE BETWEEN THE TWO MAINS IS 18" OR LESS.
- 11.) WATER MAINS SHALL BE INSTALLED WITH A MINIMUM OF 10 (TEN) FEET HORIZONTAL SEPARATION FROM SEWER LINES. WHERE THIS IS NOT POSSIBLE, AS DETERMINED BY THE DIRECTOR OF PUBLIC UTILITIES, BOTH THE WATER LINE AND THE SEWER LINE SHALL BE DUCTILE IRON PIPE.
- 12.) WATER LINES SHALL BE DISINFECTED AND HYDROSTATICALLY TESTED IN ACCORDANCE WITH ALL STATE AND TOWN OF BOONE REQUIREMENTS.
- 13.) THE TOWN OF BOONE SHALL BE RESPONSIBLE FOR ALL WATER METER AND METER VAULT INSTALLATIONS. ALL WATER METERS SHALL BE INVENSUS TOUCHREAD AND SHALL BE INSTALLED 18-INCHES FROM THE METER FACE TO THE TOP OF THE METER BOX.
- 14.) MEGA LUG M3 GLANDS AND THRUST BLOCKING MUST BE INSTALLED ON ALL M3 FITTINGS. THREAD ROD SHALL BE USED ON ALL FIRE HYDRANT ASSEMBLIES.
- 15.) ALL FIRE HYDRANTS SHALL BE KENNEDY GUARDIAN K-81, M&H MODEL 129, OR MUELLER SUPER CENTURION WITH 5 1/4 SEAT. FIRE HYDRANTS SHALL HAVE 3' CLEARANCE ON EACH SIDE.
- 16.) ALL PVC WATER MAINS TO BE C-900 WITH LOCATION WIRE AND INSTALLED PER THE LATEST VERSION OF AWWA C605.

TOWN OF BOONE SEWER LINES:

- 1.) ALL PVC SEWER SHALL BE SDR-26.

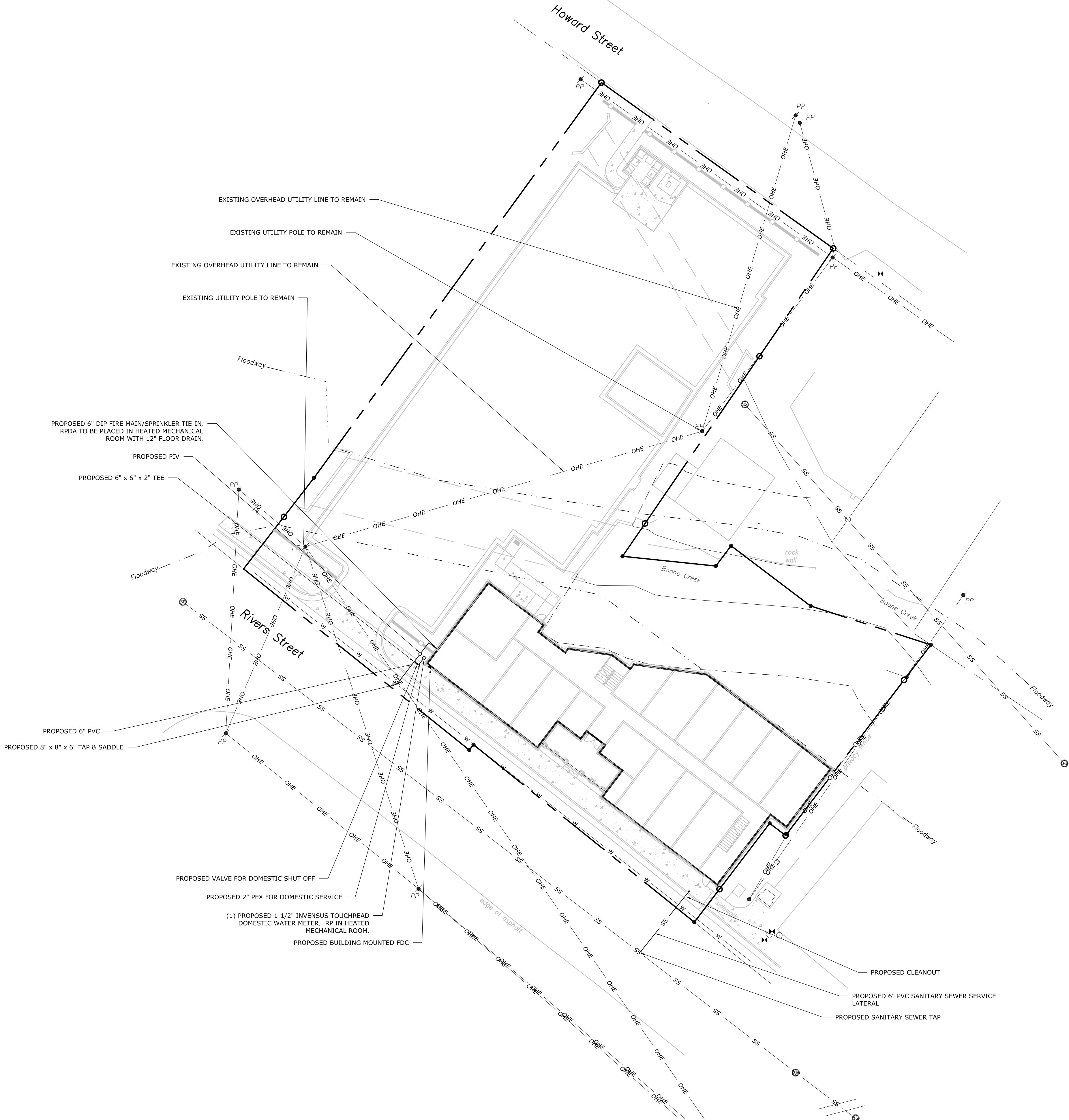
FIRE MARSHAL NOTES:

- 1.) ALL FIRE HYDRANTS SHALL BE FITTED WITH HYDRANT MARKERS FOR INCLEMENT WEATHER LOCATION (3/8" x 60" BARCO PRODUCTS OR EQUIVALENT).
- 2.) ALL STREET NUMBERS SHALL BE 6" MIN HEIGHT AND A COLOR CONTRASTING THE BUILDING FINISH.
- 3.) WHEN APPLICABLE, SEPARATE 911 NUMBERS WILL BE REQUIRED FOR EACH BUILDING.
- 4.) LANDSCAPING MUST NOT BLOCK OR OBSCURE ANY FIRE PROTECTION FEATURES.

GENERAL NOTES:

- 1.) NEW RIVER LIGHT AND POWER COMPANY WILL PROVIDE UNDERGROUND ELECTRICAL SERVICE TO THE TRANSFORMER PAD. CONTRACTOR MUST PROVIDE ELECTRICAL SERVICE FROM THE TRANSFORMER TO EACH BUILDING. CONTRACTOR TO COORDINATE WITH NEW RIVER LIGHT AND POWER COMPANY FOR FINAL COORDINATION OF UNDERGROUND CONDUITS ON SITE.
- 2.) FRONTIER NATURAL GAS WILL PERFORM THE GAS SERVICE CONNECTION, INSTALL THE CONDUIT, AND SET METER FOR THE BUILDING. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING THE SERVICE FROM THE METER INTO THE PROPOSED BUILDING. CONTRACTOR MUST COORDINATE WITH FRONTIER NATURAL GAS.
- 3.) THE TOWN SHALL MAKE ALL TAPS TO EXISTING LINES (AT OWNER'S EXPENSE) UNLESS OTHERWISE SPECIFICALLY AUTHORIZED BY THE TOWN OF BOONE PUBLIC WORKS DIRECTOR.
- 4.) IF AN IRRIGATION LINE IS REQUIRED, THE TOWN OF BOONE WATER & SEWER DEPARTMENT SHALL TAP THE EXISTING LINE AND THE CONTRACTOR SHALL FURNISH THE METER. THE CONTRACTOR MUST INSTALL THE METER BOX AND PROVIDE ALL THE IRRIGATION LINES FROM THE BOX TO THE AREAS SPECIFIED ON THE IRRIGATION PLAN (WHEN APPLICABLE).
- 5.) COORDINATE AS REQUIRED WITH TOWN OF BOONE INSPECTIONS DURING CONSTRUCTION FOR REQUIRED INSPECTIONS.
- 6.) THIS SITE INDICATES POTABLE WATER SERVICE AND SANITARY SEWER LATERALS. NORTH CAROLINA STATE LAW REQUIRES THIS WORK TO BE INSTALLED BY A NORTH CAROLINA LICENSED PLUMBER. ALL WORK MUST BE INSPECTED TOWN OF BOONE CODES AND INSPECTION DEPARTMENT.
- 7.) ALL ON-SITE PVC PIPE SHALL BE PRESSURE CLASS SDR-26 WITH CLASS B BEDDING. PVC MUST BE MANDREL, CCTV, AND PRESSURE TESTED BY THE UTILITY CONTRACTOR AND WITNESSED/INSPECTED BY THE TOWN OF BOONE.
- 8.) ALL CONDUIT, PIPE, AND CHASE PIPE SHALL BE WRAPPED WITH THE APPROPRIATE LOCATION WIRE AND TAPE.
- 9.) NO PRESSURE REDUCING VALVES ARE TO BE INSTALLED ON FIRE LINES. ALL FIRE LINES ARE TO BE INSPECTED BY THE JURISDICTION'S FIRE SERVICE PRIOR TO COVERING.
- 10.) NOTIFY WATER AND SEWER INSPECTOR PRIOR TO START OF CONSTRUCTION.
- 11.) CABLE TV LINE CANNOT BE INSTALLED WITHIN PRIVATE STREET DEVELOPMENTS UNLESS THE COST IS BORNE BY THE INDIVIDUAL PROPERTY OWNER.
- 12.) OWNER SHALL BE RESPONSIBLE FOR ANY REPAIR OR REPLACEMENT OF ANY IMPROVEMENTS WITHIN THE SANITARY SEWER, WATER, DRAINAGE EASEMENT(S) DUE TO MAINTENANCE OF SEWER, WATER, STORM DRAIN OF TOWN OF BOONE.
- 13.) ALL ELECTRIC POWER LINES, GAS DISTRIBUTION, TELEPHONE AND CABLE TELEVISION LINES SHALL BE PLACED UNDERGROUND.
- 14.) BACKFLOW DEVICES FOR THE IRRIGATION AND DOMESTIC WATER SERVICES MUST BE REDUCED PRESSURE ASSEMBLIES INSTALLED TO MANUFACTURES SPECIFICATIONS.
- 15.) SEE STORM AND UTILITY PROFILES FOR MAJOR UTILITY CROSSINGS
- 16.) THE CONTRACTOR/PROPERTY OWNER SHALL BE RESPONSIBLE FOR ANY DAMAGE TO THE WATER AND SANITARY SEWER MAINS AND APPURTENANCES LOCATED WITHIN THE PROJECT SCOPE UNTIL DEVELOPMENT COMPLETION.

LEGEND	
---	PROPERTY LINE
— OHE —	EXISTING O/H ELECTRIC LINE
— UG/E —	EXISTING U/G ELECTRIC LINE
— GAS —	EXISTING U/G GAS LINE
— SS —	EXISTING SANITARY SEWER LINE
— W —	EXISTING WATER LINE
— — —	EXISTING STORM LINE
— GAS —	PROPOSED GAS LINE
— SS —	PROPOSED SANITARY SEWER LINE
— W —	PROPOSED WATER LINE
— UG/E —	PROPOSED U/G ELECTRIC LINE
— — — — —	PROPOSED U/G ELECTRIC SERVICE
— — — — —	PROPOSED STORM PIPE
	PROPOSED TRANSFORMER
	PROPOSED A/C UNIT
	PROPOSED GATE VALVE
	WATER-SEWER CROSSING
	WATER-STORM CROSSING



PROJECT:

Cafe
Portofino
Hotel
A Commercial Development

ADDRESS:

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DEVELOPER:

River Street
Ventures, LLC

PO Box 2675
Boone, NC 28607
828-262-3431

CONTACT:

MR. JOHN WINKLER

ENGINEER:



215 Boone Heights Drive, Ste. 107
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www.valorengineering.com

SEAL:



REVISIONS

DATE

PROJECT MANAGER:

JEG

DRAWING BY:

JEG

JURISDICTION:

TOWN OF BOONE

DATE:

08/10/22

SHEET TITLE:

PRELIMINARY
UTILITY PLAN

SHEET NUMBER:

C-3

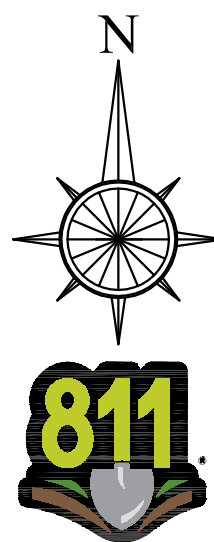
SCALE:

1" = 30'



FILE NUMBER:

001-051



Know what's below
Call before you dig

LIGHT FIXTURE SCHEDULE							
TYPE	MANUFACTURER	CATALOG NUMBER	LAMPS	DRIVER	FIXTURE WATTAGE	VOLTAGE	DESCRIPTION
OA	MCGRAW	GALN-SA2C-740-U-SL3-BZ	LED 4000K 11695 LUMENS	ELECTRONIC	108	120/277V	LED POLE LIGHT, TYPE III DISTRIBUTION, HOUSE SIDE SHIELD, FULL CUTOFF BRONZE FINISH, WET LOCATION LABEL, ARM MOUNT ON A 14" ARM.
OB	MCGRAW	GALN-SA2C-740-U-SL4-BZ	LED 4000K 11695 LUMENS	ELECTRONIC	108	120/277V	LED POLE LIGHT, TYPE IV DISTRIBUTION, HOUSE SIDE SHIELD, FULL CUTOFF BRONZE FINISH, WET LOCATION LABEL, ARM MOUNT ON A 14" ARM.
OC	BASELIGHT	BLE-G-WHS14-150-G22-X-X-X-LED16-4000K	LED 400K 1250 LUMENS	ELECTRONIC	16	120/277V	WALL MOUNT GOOSENECK BARN SHADE FIXTURE WITH BLACK FINISH. MOUNT AT 9'-6" AFF, SEE ARCH ELEVATIONS.
POLE	MCGRAW	AS30-08N5BB	N/A	N/A	N/A	120/277V	20" SQUARE STRAIGHT ALUMINUM POLE WITH ANCHOR BASE. BRONZE FINISH, WET LOCATION LABEL, WITH PROVISIONS FOR ARM MOUNTING.



709 Catawba St.
Belmont, NC 28012
P: (704) 399-3943
www.allied-engineers.com
North Carolina COA #P-0342

Project	Hotel Portifino	Catalog #		Type	OA & OB
Prepared by		Notes		Date	



McGraw-Edison GALN Galleon II

Area / Site Luminaire

Product Features



Interactive Menu

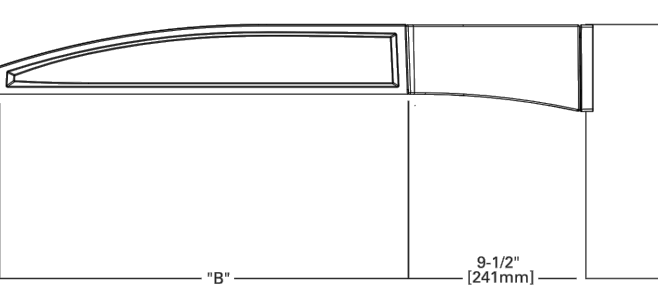
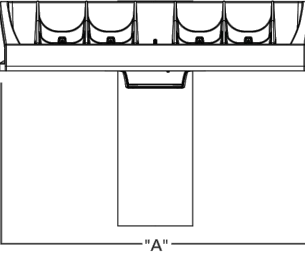
- Ordering Information page 2
- Mounting Details page 3
- Optical Distributions page 5
- Product Specifications page 5
- Energy and Performance Data page 6
- Control Options page 10

Quick Facts

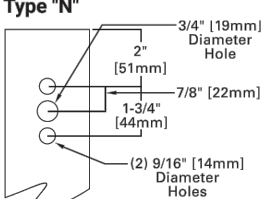
- Lumen packages range from 3,300 - 73,500 (33W - 552W)
- 16 optical distributions
- Efficacy up to 159 lumens per watt
- Full Cut Off

Dimensional Details

Standard Arm



Pole Drilling Patterns



Number of Light Squares	Width "A"	Housing Length "B"	Weight with Standard or QM Arm	EPA with Standard or QM Arm
1-4	16"	22"	29 lb	0.95
5-6	22"	22"	39 lb	0.95
7-9	22"	28-1/8"	48 lb	1.1

NOTES:
For arm selection requirements and additional line art, see Mounting Details section.

NOTES:
1. View data (www.distributors.com) to confirm specifications. Not all product variations are DLC qualified.
2. DA Certified (DCCO) CCT and warmer only, fixed mounting options.



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July 15, 2022 4:00 PM

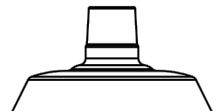


SPS-0448 REV C

THE ORIGINAL™ INTEGRATED LED SERIES

JOB NAME: Portifino Hotel

FIXTURE TYPE: OC



BLE - G	- WHS14	- 150	- G22	- 150	- NA	- NA	-
A	B	C	D	E	F	G	
150	- NA	- LED16	- 4000K	- FL			
H	I	J	K	L			

Order Example: BLE - G - WHS16 - 600 - G22 - 980 - NA - ACR - 600 - NA - LED38 - 2700K - DL

A - MOUNTING STYLE

C	Cord Hung
CN	Chain Hung
F	Flush Mount ¹
G	Gooseneck
S	Stem Mount

B - SHADE SIZE

THE ORIGINAL™:

WHS12	12" Shade
WHS14	14" Shade
WHS16	16" Shade
WHS18	18" Shade
WHS20	20" Shade

C - SHADE FINISH

POWDER COAT FINISHES²:

150	Black
250	White
350	Vintage Green
355	Jadite
455	Cherry Red
550	Yellow
650	Bronze
750	Cobalt Blue
765	Delphite Blue
850	Graphite
950	Metallic Chrome

CSA LISTED CORDS:

SBK	Standard Black
SWH	Standard White
CSB	Black Cloth
CSW	White Cloth
CMG	Grey Cloth
CSR	Red Cloth
CRZ	Red Chevron Cloth
CSBB	Black & Brown Cloth
CSRW	Red & White Cloth
CSGW	Gold & White Cloth
CSBG	Black & Gold Cloth
CSBW	Black & White Cloth
CSBP	Black & Pink Cloth
CSUW	Blue & White Cloth

CHAIN MOUNT OPTIONS³:

CN36	3' of Chain
CN48	4' of Chain
CN60	5' of Chain
CN72	6' of Chain

C - SHADE FINISH (CONTINUED)

POWDER COAT FINISHES²:

700	Royal Blue
705	Navy
710	Cobalt Blue
715	Delphite Blue
790	Lavender
800	Industrial Grey
805	Charcoal Granite
810	Graphite
975	Galvanized

NATURAL METALS⁴:

995	Raw Copper
996	Weathered Copper
997	Raw Brass
998	Weathered Brass
999	Oil-Rubbed Copper

D - MOUNTING

NA Not Applicable

CSA LISTED CORDS:

SBK	Standard Black
SWH	Standard White
CSB	Black Cloth
CSW	White Cloth
CMG	Grey Cloth
CSR	Red Cloth
CRZ	Red Chevron Cloth
CSBB	Black & Brown Cloth
CSRW	Red & White Cloth
CSGW	Gold & White Cloth
CSBG	Black & Gold Cloth
CSBW	Black & White Cloth
CSBP	Black & Pink Cloth
CSUW	Blue & White Cloth

CHAIN MOUNT OPTIONS³:

CN36	3' of Chain
CN48	4' of Chain
CN60	5' of Chain
CN72	6' of Chain

D - MOUNTING (CONTINUED)

GOOSENECK OPTIONS:

G1 ⁵	G11 ⁶	G26 ⁶
G2 ⁷	G12 ⁷	G32 ⁷
G3 ⁸	G13 ⁸	G34 ⁸
G4 ⁹	G14 ⁹	G35 ⁹
G5 ¹⁰	G15 ¹⁰	G36 ¹⁰
G6 ¹¹	G16 ¹¹	G44 ¹¹
G7 ¹²	G17 ¹²	G65 ¹²
G8	G22	
G9	G24	
G10	G25	

STEM MOUNT OPTIONS:

STS04	5" Stem Mount, 6"
STS12	5" Stem Mount, 12"
STS18	5" Stem Mount, 18"
STS24	5" Stem Mount, 24"
STS36	5" Stem Mount, 36"
STS48	5" Stem Mount, 48"
ST706	75" Stem Mount, 6"
ST712	75" Stem Mount, 12"
ST718	75" Stem Mount, 18"
ST724	75" Stem Mount, 24"
ST736	75" Stem Mount, 36"
ST748	75" Stem Mount, 48"

E - MOUNTING FINISH

PLEASE NOTE: See Section C for Finish Options. 980 Brushed Aluminum is also available for Gooseneck (Except G36, G64 & G65) and Stem mounting styles. If a Porcelain shade finish is selected, mounting will be powder coat painted-to-match. Porcelain shade finishes are not available with a Natural Metal mounting finish.

(1) If Cord Hung (C), selection identifies canopy finish.

(2) If Chain Hung (CN) Mounting Style, selection identifies chain and canopy finish. Natural Metals are not applicable.

(3) If Stem Mount (S) Mounting Style, selection identifies stem and canopy finish.

(4) If Flush Mount (F) Mounting Style, selection identifies this couple and canopy finish. Natural Metals are not applicable.

980 Brushed Aluminum

G - SHADE ACCESSORIES²

NA	None
WC	Wire Cage
ACR	Acrylic Diffuser ¹⁴

H - SHADE ACCESSORY FINISH

PLEASE NOTE: See Section C for Finish Options. Natural Metals not applicable. If Porcelain Finish is selected, accessory will be powder coat painted-to-match.

NA	Not Applicable
----	----------------

I - MOUNTING ACCESSORY

PLEASE NOTE: Mounting Accessories below are only applicable with select Mounting Styles. Please refer to product listings on our website for further detail.

NA	None/Not Applicable
HSC	Hang Straight Canopy ¹⁵
LD8PC	LED Decorative Backing Plate Cover ¹⁶
LDCHX	LED Decorative Backing Plate Cover & Hex Cover ¹⁷

J - LIGHT SOURCE

LED11	850 Lumen, 11W LED
LED16	1250 Lumen, 16W LED
LED27	2000 Lumen, 27W LED
LED38	3000 Lumen, 38W LED
LED43	4000 Lumen, 43W LED ¹⁸

K - COLOR TEMPERATURE

2700K	2700K, Warm White
3000K	3000K, Neutral White
3500K	3500K, Bright White
4000K	4000K, Cool White

L - LED LENS

DL	Domed Lens
FL	Flat Lens

F - CORDS²

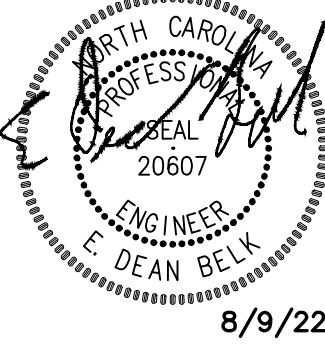
NA Not Applicable

IMPORTANT: (1) Not available with Acrylic Diffuser shade accessory. (2) Not available in Natural Metals. (3) All Porcelain Enamel finished shades feature a white interior and a black outer rim. (4) All Powder Coat finished shades. Galvanized excluded. Feature a white interior. (5) Natural Metals have a longer estimated manufacturing time, please check the website for exact lead time. There are no returns accepted on Natural Metals. (6) Not compatible with 36" shade size and larger. (7) Only applicable if Chain Hung Mounting Style selected in Section A, select NA if another Mounting Style is selected. (8) Acrylic Diffuser limits the maximum lumen selection as well as reduces lumens delivered and CRI. Selection Limits: 2000 Max for 12" and 14" shades; 3000 Max for 16" through 20" shades. (9) Fixture is CSA Listed for Camp Location with Acrylic Diffuser. (10) Only applicable if Stem Mounting Style is selected in Section A. (11) Not available with G3, G4, G11, G15, G26, & G36 Gooseneck option. (12) Only applicable if Gooseneck Mounting Style is selected in Section A. (13) Full Cut Off.

Address: 320 Knox McRae Drive Titusville, FL 32780 Phone: (800) 407-8764 Email: sales@barntlight.com Website: www.barntlight.com

1

SEAL:



8/9/22

PROJECT NAME:
Portifino Hotel

LOCATION:
Boone, North Carolina

SHEET TITLE:
Schedule and Fixtures

PROJECT NO:
22216

DRAWN BY:
ED.B.

CAD NO:
22216 E

CHECKED BY:
ED.B.

SCALE:
As Noted

DATE:
Aug. 9, 2022

REVISIONS:

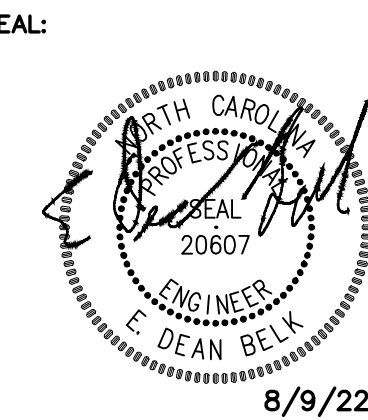
SHEET NUMBER:

E-2

OF 2



709 Catawba St.
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North Carolina COA #P-0342



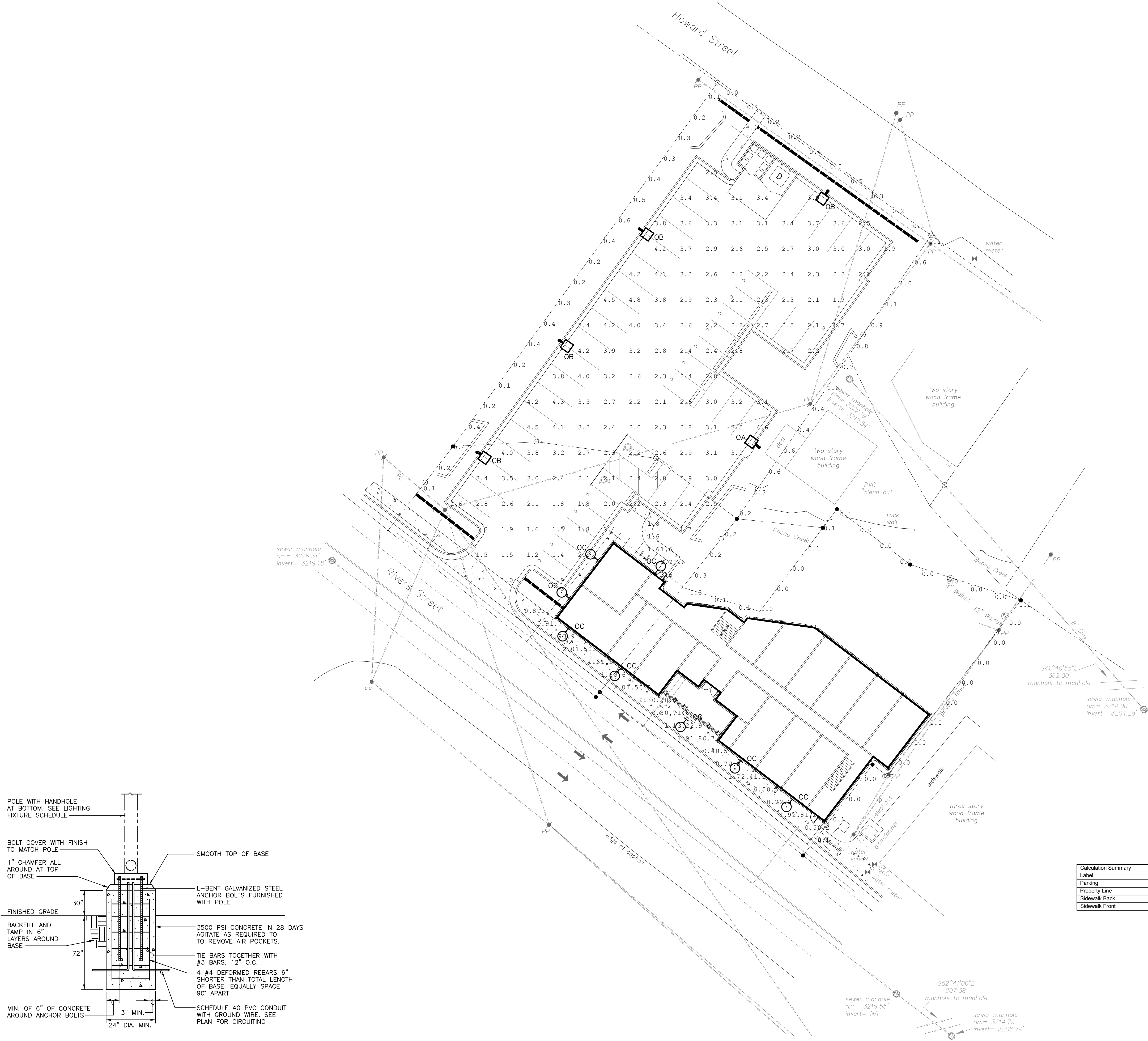
PROJECT NAME:
Portfino Hotel
LOCATION:
Boone, North Carolina
SHEET TITLE:
Photometric Plan and Detail

PROJECT NO:
22216
DRAWN BY:
EDB.
CAD NO:
22216 E
CHECKED BY:
EDB.
SCALE:
As Noted
DATE:
Aug. 9, 2022

REVISIONS:

SHEET NUMBER:

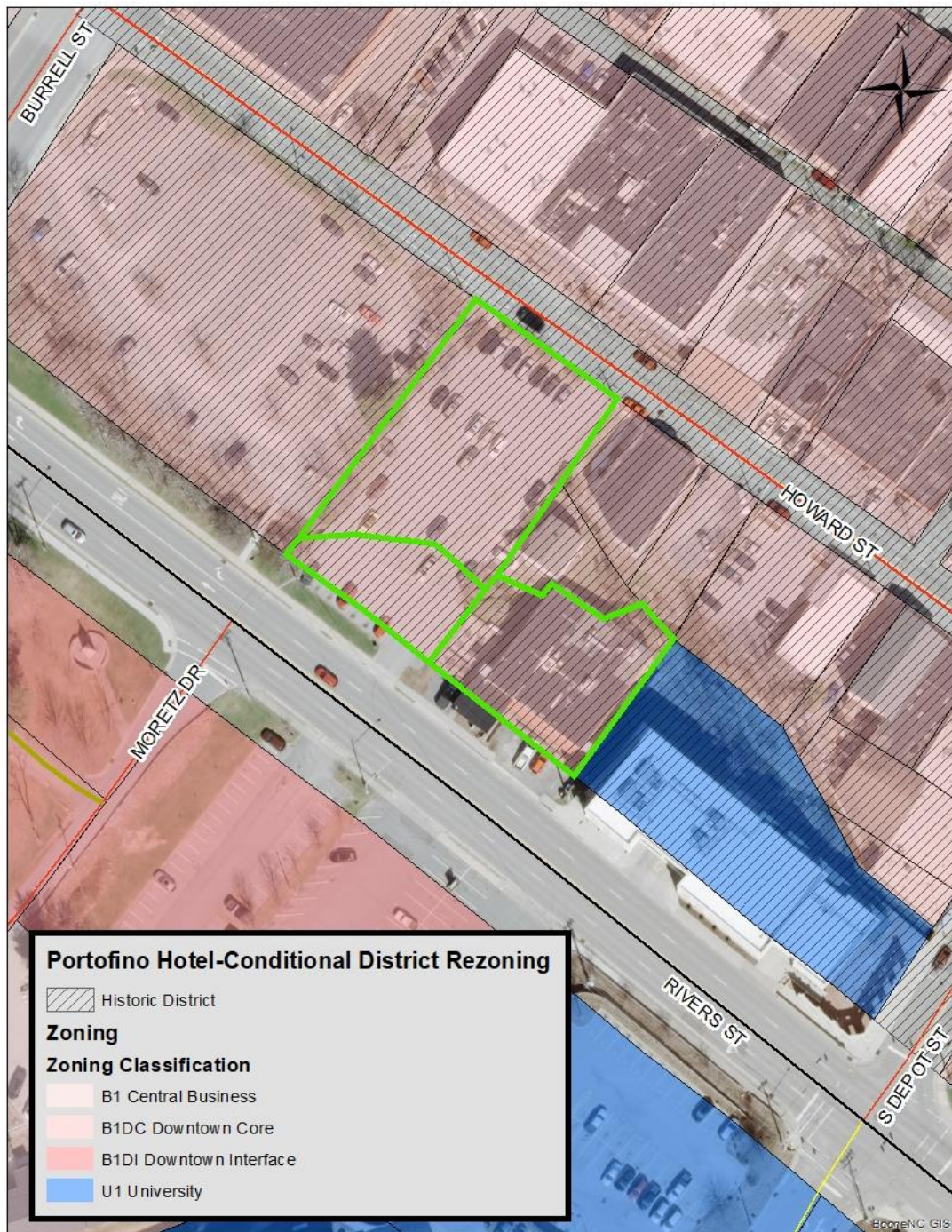
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Staff Report
Public Hearing
September 26, 2022

Case PL05979-081222-Portofino Hotel (River Street Ventures, LLC) Conditional District Zoning Map Amendment



Request

River Street Ventures, LLC has submitted a Conditional District Zoning Map Amendment application for property located at 970 Rivers Street (Watauga County PINs: 2900-78-7965-000, 2900-78-6979-000, and 2900-79-7027-000) to rezone the property B1 Downtown Core with a site-specific development plan for a two story, 20 room hotel (Use 3.09 Hotel, Small) and Use 15.01 (Parking Lot).

Communication: Case PL05979-081222 Staff Report (Case PL 05979-081222 Portofino Hotel - Conditional District Zoning Map Amendment)

Parcel Information

Property Owner Information:	Rivers Street Ventures, LLC
Watauga County PIN:	2900-78-7965-000, 2900-78-6979-000, and 2900-79-7027-000
Address:	970 Rivers Street
Use:	Use 3.09 (Hotel, Small) and Use 15.01 (Parking Lot)
Lot size (total):	.293 Acres
Jurisdiction:	Town of Boone
Access:	Rivers Street (State maintained)
SFHA:	Yes
Watershed District:	No
Corridor District:	No
NCD:	No
Viewshed:	No
Steep Slope:	No
Transitional Zone:	No
Current Zoning:	B1 Downtown Core

The B1 Downtown Core and the B1 Downtown Interface Districts encompass the Town of Boone's downtown area and represent, in large measure, the remaining vestiges of the Town's historic character. Regulations in these districts are intended to preserve and maintain a small town, high country atmosphere. Preservation and adaptive reuse of existing historic buildings are encouraged and new construction shall be appropriately scaled to be sympathetic to the existing built environment. Design and regulatory standards for these districts reinforce the character of the downtown as a pedestrian friendly area by encouraging architectural solutions that are visually interesting, and are compatible in scale and character to the surrounding area. To help accomplish this, the area is divided into two (2) districts, each with its own character and scale which contribute to the overall vitality of the downtown area. Identification of the districts is listed below:

- A. B1 Downtown Core District: The Downtown Core District is the center of the downtown area and contains the greatest concentration of historic commercial buildings. This district establishes a continuous building facade at the street frontage to strengthen the identity of downtown as a pedestrian destination where pedestrians feel comfortable through the careful selection of building materials, human scale design, and ground floor fenestration. Standards in this district reinforce the historic nature of the existing built environment through regulation of appearance, height, scale and mass.**

- B. B1 Downtown Interface District:** The Downtown Interface District serves as a gateway into the downtown area and as the transition between the B1 Downtown Core District and adjacent zoning districts. Development in this district must be sensitive to issues of compatibility with the Downtown Core District as well as surrounding zoning districts, many which are low-density residential.

Proposed Zoning: Conditional District B1 Downtown Core

Current Use: Vacant

Proposed Use: Use 3.09 Hotel, Small

A commercial lodging establishment containing up to twenty (20) guest rooms offered to the general public for transient overnight accommodations. The establishment also may contain ancillary facilities or services such as restaurants, bars, coffee shops, exercise rooms, swimming pools, spas and meeting rooms. This definition shall not include extended stay hotels.

Use 15.01 Parking Lot

An off-street, surfaced, ground level area where motor vehicles or bicycles are stored for temporary, daily, or overnight parking.



Staff Note: This map is provided for additional information illustrating where the property is in relation to the Special Flood Hazard Area including the AE flood zone (100 year floodplain) and the Boone Creek floodway. Additionally, this map shows the 500 year floodplain (0.2 PCT Annual Chance Flood Hazard) shown in gray hashed-line portion. This map originated from the property's variance case heard by the Town of Boone Board of Adjustment; for more information on that case, see the History section below.

Zoning & Use of Adjacent Properties		
	Adjacent Zoning	Adjacent Land Use
North	B1, Downtown Core, Downtown Boone Local Historic District	Single Family Dwelling Unit, Other Business or Professional Office
East	U1, University	Public College and University
South	B1, Downtown Interface	Restaurant, Retail
West	B1, Downtown Core, Downtown Boone Local Historic District	Parking Lot

History

- 02-03-2022** The Boone Board of Adjustment granted a variance to UDO Subsection 20.04.03(B) to allow more than 10% disturbance within the stream buffer zone and, specifically, for 129.5 linear feet of temporary disturbance within the 129.5 linear feet of stream buffer zone (100%). See Exhibit 1 for meeting minutes' excerpt. The variance was granted subject to specific conditions as set forth below. Where there is a conflict between the application information and the plans (site plan received December, 14 2021), the plans control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
1. 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.
 2. 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.
 3. The applicant cannot proceed with any land disturbance on the property in absence of a final approved development plan authorizing demolition of the building and new development.
 4. The variance shall expire following completion of demolition, remediation of the stream buffer, and construction activities undertaken consistent with an approved redevelopment project, should all required zoning and building permit(s) for the demolition of the existing building and re-development of the property be approved.
- 05-10-2022** The Town of Boone Historic Preservation Commission granted a Certificate of Appropriateness (see Exhibit 1 for meeting minutes' excerpts for any approved minutes) for the demolition of the building with the following conditions:
1. Where there is conflict between the application information and the plans (February 28, 2021), the plans control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
 2. Any commitments and representations concerning the proposed exterior modification made by the applicant or its (their) 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 other applicable codes for review and approval necessary to issue Zoning and Building Permits.
 4. The applicant agreed to a 90-day waiting period: to hire and pay for a professional from a list provided by the State Historic Preservation Office (SHPO) to document the interior and exterior of the building.
 5. The applicant shall explore alternative options to save or salvage the building.

Process Analysis

The applicant is requesting approval for Conditional District B1DC, Downtown Core zoning with a site-specific development plan for Use 3.09 Hotel, Small, which is allowed by right in the B1DC, Downtown Core.

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:

- A. 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.
- B. 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 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 14, 2022. A recap of the meeting along with the certification of mailing to the affected property owners is included in the board packet.

Zoning District Analysis

B1 Downtown Core

Development Standards (pursuant to UDO Subsection 14.19.04):

Required	Proposed	Compliance
Minimum Gross Land Area: 2,500 sq. ft.	12,763.08 sq. ft. (.293 acres)	Yes
Minimum Building Footprint: 50% of the lot	6,385 sq. ft. (50.6%)	Yes

Building Height:

Required	Proposed	Compliance
Maximum Height is limited to 33'*	Building Height: 20'	Yes
(Existing building: 19')	Parapet Height: 3' 6" (42")	
	Total Height: 23' 6"	

* Pursuant to UDO Subsection 14.19.04(F)(7)(a)(ii), the building height limitations for buildings governed by Subsections 14.19.03(F)(2) and 14.19.04(F)(3) shall not include parapet walls so long as the parapet walls do not exceed 4' above the maximum building height of thirty-three feet (33'). The height of parapet walls above 4' shall be counted toward the building height

Staff Comments:

1. Pursuant to UDO Subsection 14.14.04(F)(7)(a), flat roofs shall be capped by parapets of sufficient height to screen rooftop equipment and penthouses from view when standing at ground level twenty feet (20') from the structure.

Building Setbacks:

Required	Proposed	Compliance
Street Setback is to build-to-line	0'	Yes
Pursuant to UDO Subsection 14.19.04(E)(1)(a), the build-to line is the back of the required public sidewalk or the back of the street right-of-way along the primary public way. The building may be set back farther if the area created by an additional setback is designated as plaza space and/or landscaped greenspace that retains the intended connection between the publicly accessible pedestrian realm and ground-level internal portions of the building.		

0', except whenever a lot in a B1 Downtown District has a common boundary line with a lot in an adjacent zoning district, the interior setback requirement applicable to the B1 lot shall be the minimum set forth for the adjacent lot. Note: the applicant is allowed to observe a 0' setback against the adjacent U1 zoned property.	0'	Yes
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Parking:

Required	Proposed	Compliance
Automobile Space – 1.25 per room	25	Yes
Bicycle, Short-Term – 2 spaces	N/A	Yes
Bicycle, Long-Term – 2 spaces	N/A	Yes
Motorcycle – Exempt	N/A	Yes

Compliance with Special Flood Hazard Area standards:

This property is located within the Special Flood Hazard Area as noted on the map on Staff Report page 1. Pursuant to **UDO Article 30**, the Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Watauga County dated December 3, 2009.

Nearly the entire property is located within the AE Floodway. Although not specifically prohibited, land disturbance is strongly discouraged within the AE Floodway; however, no building construction is proposed in the floodway. The proposed work to be done in the floodway is the demolition of the existing structure and stream buffer restoration. The proposed building will be located in the AE Floodplain and will have to be elevated or floodproofed. The applicant is proposing to not build in the floodway, only in the AE Floodplain. The proposed construction includes a screening wall, which is nearly on the floodway line.

Land disturbance and vertical construction are permitted in the AE zone; however, any non-residential properties must be elevated to two feet above base flood elevations or floodproofed to two feet above base flood elevation. An elevation certificate from a duly qualified land surveyor will be required upon the completion of construction and a floodproofing certificate sealed by a licensed engineer is required if the building is floodproofed. Several base flood elevations are identified on the applicant's site plan.

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

1. No-Rise Certification will be required prior to any work in the floodway.
2. Elevation Certificates will be required at the three (3) different stages, per drawing, when finished floor elevation is established, and final.
3. No work may be completed in the trout buffer between the days of October 15 and April 15.
4. Pre and post impervious calculations will be required to determine if stormwater detention will be required.
5. 401 permit will be required for stream bank and bottom disturbance.

Public Works:

Utilities Division (Robbie Jones, Utility Services Technician)

No Comments

Services Division (Facilities Maintenance Superintendent, Justin Stines)

Approved.

Fire Department (Amy Flieg, Fire Marshal)

Not Approved

1. Per section 903.2.8 of the NC Fire Prevention Code this building is required to have a sprinkler system and fire alarm.
2. The PIV and FDC were noted on the site plan, however there is not a fire hydrant within the 100 ft distance required by Town of Boone Ordinance 92.20 D7.
3. Address numbers are required to be a minimum of 6 inches in height and a contrasting color to the background, section 505.1 of the NC Fire Prevention Code.

NCDOT (Carson Fisher, Engineering Technician III)

Approved

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.

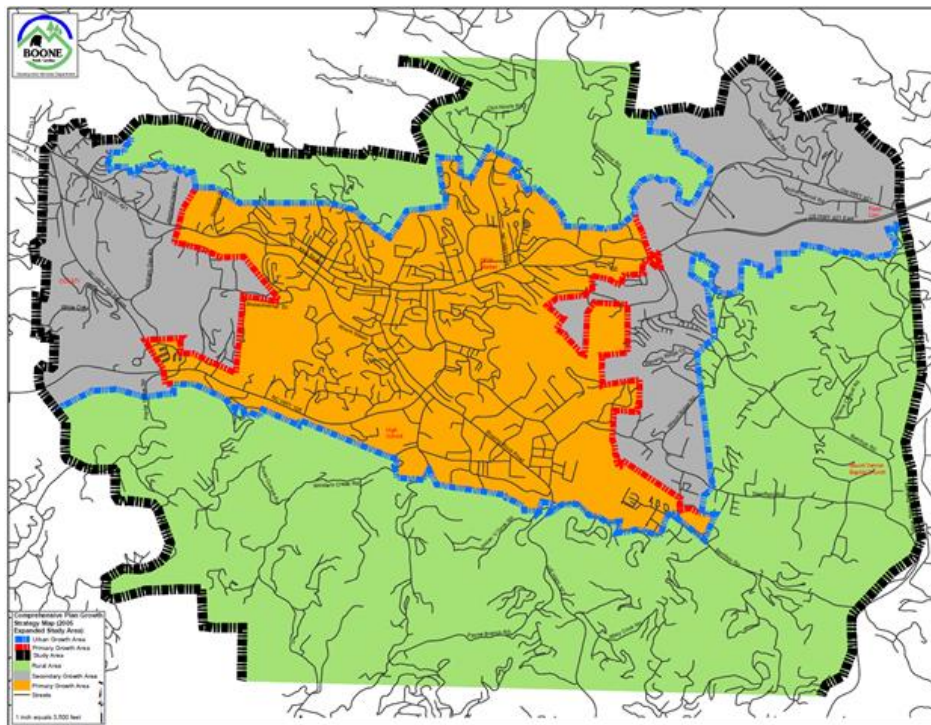
Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

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.
- B. New and expanding industries and businesses shall be encouraged which: 1) diversify the local economy, 2) train and use a skilled labor force and 3) increase area residents' incomes.
- C. The Town shall encourage the development of a well-balanced tourism trade as a primary element of the area's economic future. Investments in services, facilities, and proper growth management shall be employed in furtherance of this objective.
- D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.
- E. The Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area's physical and human resources.
- F. New firms and expanding businesses that complement the natural resources and beauty of the region shall be especially recruited and encouraged.
- G. The Town shall support the development of new business parks.
- H. The Town shall promote coordination of economic development resources with the appropriate institutions and agencies. Regional coordination and interaction among areas with a shared economic interest shall be encouraged.
- I. Small business start-ups, expansions and spin-offs shall be encouraged. The presence of ASU and Caldwell Community College and Technical Institute shall be recognized as a necessary and important resource for area businesses.
- J. Appropriate educational and training programs shall be encouraged to help local residents, especially those unemployed and underemployed, take advantage of business expansion and to develop new skills.
- K. Boone shall identify and provide services consistent with the needs of the area's growing retiree population.

...

2.1.2 Commercial Development

- A. Uncontrolled strip development along the areas through streets shall be prohibited. The undesirable effects of existing strip development shall be reduced and/or reconfigured when redevelopment opportunities permit. New strip development on isolated single lots along through streets shall be discouraged.
- B. Commercial and Office Development shall be encouraged to locate in planned shopping centers, office parks and mixed use developments to stop the proliferation of strip development.
- C. Community/Commercial Centers shall be located adjacent to a major street and contain or be adjacent to other appropriate community facilities.
- D. Automobile Orientated Neighborhood and Convenience Commercial Centers shall be encouraged to locate on a collector street or secondary street at its intersection with a major street.
- E. Residentially scaled and designed neighborhood businesses may be a planned element of newly developed or redeveloped neighborhoods. They should be near other compatible facilities such as elementary schools and neighborhood parks.

- F. Commercial uses may be encouraged to develop by consolidation and expansion of existing commercially zoned property, only when such consolidation and expansion does not encroach upon a viable residential area.
- G. Effective buffering and/or landscaping shall be provided where a large scale or automobile-orientated commercial or office use adjoins an existing or planned residential use.
- H. Encroachment of incompatibly scaled and designed commercial or office uses into viable existing or planned residential areas shall be prohibited.
- I. Office and institutional development may be encouraged as a transitional land use between residential areas and higher intensity commercial activities.
- J. Highway Oriented Commercial uses shall be clustered along segments of major streets and contain land uses which are mutually compatible and reinforcing in use and design. Businesses shall be encouraged to coordinate their site designs with other nearby businesses. Design factors shall include, at a minimum, shared parking and street access, convenient pedestrian and vehicular movement, and consistent sign standards.

...

2.1.5 Downtown

- A. A compatible design character for the downtown area, drawing upon the locality's original High Country small town features, shall be identified, reinforced and supported to put forth a quality image and sense of place.
- B. The Town, in concert with the downtown property owners and merchants, shall encourage public and private efforts to develop and publicize adequate and appropriately designed off-street parking lots in the downtown area.
- C. A variety of mutually compatible and supportive mixed uses shall be encouraged in the downtown area.
- D. Public and private developments shall be encouraged to incorporate local artistry into public and semi-public spaces downtown.
- E. Public and private development decisions in the downtown area shall exhibit a special concern for maintaining the intensive, pedestrian oriented character of the district.
- F. The maintenance and revitalization of downtown Boone, as well as planning for its future development, will reflect the realities and qualities befitting its geographical setting and function as a center of (1) commercial and service activities, (2) educational and cultural activities, events and (3) public services.

...

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 consider the highest level of participation in the cost of providing water and sewer services within the Primary Growth Area with the next highest level of participation considered for the Secondary Growth Area.
- D. Water and sewer services shall not be extended to properties in the Rural Area (outside the Urban Growth Area). Exceptions to this policy may include the provision of services to other local governments, cooperative

agreements on major economic development initiatives, and extensions needed to address imminent public health problems or related environmental hazards.

- E. The Town shall employ incentives to encourage a concentration of intense urban type development within the Urban Growth Area.
- F. Area-wide cooperation and support shall be sought in bringing in alternative utility services to the Boone Area.
- G. Long range planning for a possible stormwater collection and treatment system shall be supported, including the development of financial and regulatory strategies.

...

2.3 THE COMMUNITY

- A. Urban type development within the Urban Growth Area shall meet appropriate Town standards.
- B. Properly planned, mixed use developments that promote efficient provision of public services shall be encouraged within the Urban Growth Area.
- C. Funding for outside agencies and organizations serving the citizens of Boone shall continue to receive support consistent with area service needs and Town budget constraints.
- D. Coordinated inter-governmental and university-town planning for urban area land use and development, transportation, utilities, recycling, environmental management, law enforcement, education, recreation, tourism and economic development shall be encouraged.

2.3.1 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.
- D. Sign policies and standards shall be periodically updated to enhance community identity and create a high quality business image.
- E. The Town shall encourage public, private, and utility company efforts to place utility wires underground whenever feasible.

2.3.2 Community Character

- 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.
- ...

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 7, 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 7, 2022.

/s/ Brandon Wise

Brandon Wise, Environmental Planner

Conditions of Approval

Please see the applicant's attachments. Staff has reviewed the application as presented for compliance with UDO standards. 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 June 28, 2022 plus page C-007 updated as received September 12, 2022) the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations concerning the proposed project made by the applicant or its (his or her) representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.
3. The applicant shall submit the necessary applications, plans, details and specifications which meet the requirements of the Town Code, UDO, Building Code and any other applicable plans for review and approval necessary to issue Zoning and Building Permits.

Any other conditions agreed upon ...

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

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

Vote 2: The Planning Commission recommends ☐approval OR ☐denial of Ordinance PL05979-081222 and believes ☐approval OR ☐denial 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.

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.

Ordinance PL05979-081222

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 B1DC, Downtown Core to Conditional District B1DC, Downtown Core with a site-specific development plan for Use 3.09 (Small Hotel) and Use 15.01 (Parking Lot).

Addresses:	970 Rivers Street
Watauga County PINs:	2900-78-7965-000, 2900-78-6979-000, and 2900-79-7027-000
Property Owner:	Rivers Street Ventures LLC
Zoning:	CD B1 Downtown Core

WHEREAS, the Boone Town Council held a duly-noticed public hearing September 26, 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 12th day of October 2022.

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The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon, Town Clerk

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 **PL05979-081222** 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.

Board of Adjustment
Thursday, February 3, 2022
EXCERPT Meeting Minutes

Board Members Present: David Welsh-Vice-Chair, Joan Brook, Pam Williamson, Barbara Yale-Read, and Adam Zebzda

Planning Staff Present: Jane Shook-Director of Planning & Inspections, Christy Turner-Senior Planner, Brandon Wise-Environmental Planner, Stacey Miller-Deputy Director/Chief Building Inspector, and Brenda Henson-Board Secretary

Others Participating or Present: Allison Meade-Town Attorney, Carrie Caviness, Jim Deal, Sidney Gladwell, Angela King, Laney Pilkington, Matty Staskel, Cameron Stuart, and John Winkler

Case Z05379-121421 Rivers Street Ventures – Variance

Rivers Street Ventures has requested a variance from UDO Subsection 20.04.03(B) to allow for 129.5 linear feet of temporary disturbance with more than 10% disturbance within the 129.5 linear feet (100%) of stream buffer zone in order to perform construction work on the building currently occupied by Café Portofino at 970 Rivers Street (Watauga County PIN: 2900-78-7965.000).

Jim Deal, attorney representing the applicant, stated this was a request for a variance to allow for a temporary and minimal disturbance in the buffer zone of Boone Creek. He added that the applicant planned to take down the existing building which sat within the stream buffer and conduct a stream restoration at that point and subsequent to that, temporarily disturb the buffer area when the property was redeveloped.

Mr. Deal called Carrie Caviness with Interface Environmental Consulting to testify. Ms. Caviness was sworn in by Vice-Chair Welsh. Mr. Deal asked Ms. Caviness to describe the proposed work that would be done and the reason why a variance was needed. Ms. Caviness stated that the UDO allowed for temporary minimal disturbances of the 25' stream buffer. She noted they were typically limited to 10% of the total buffer length on the property, not to exceed 100' per 1000'. Ms. Caviness stated that, right now, there was approximately 129½ linear feet of buffer on the property in question, and temporary and minimal disturbances were proposed for the entire buffer. She added that approximately 54 linear feet of the buffer impact would be related to the proposed streambank stabilization and buffer restoration, while the remainder would be impacted by the building demolition, temporary construction access, and forested riparian buffer plantings. Ms. Caviness stated that Boone Creek, a designated trout stream, flowed west to east across the property on its northern boundary and flowed underneath the existing building structure after exiting some culvert pipes at the adjacent public parking area. She noted there was a sewer pipe in the stream that serviced the Café Portofino building. Underneath the building were aging concrete and wooden piers as well as riprap, stone, garbage, and debris. Ms. Caviness stated they planned to remove the sewer pipe and reconnect via the Rivers Street line for future development. She noted they were proposing a disturbance outside of the trout buffer moratorium, which lasted from October 15 to April 15. The building would be demolished from the top down, and when they got to the piers, they would use a pump around method to avoid any debris or sedimentation going into the creek or affecting downstream monitors. Ms. Caviness explained that once the piers were removed, the excess trash and debris would also be removed from the daylighted section. They would then stabilize at the edge of water using a low boulder structure and tie in with the existing ground elevation. Ms. Caviness stated they would mat with natural fiber, seed with native seed, and then plant using a live stake

technique directly at the edge of the water. If redevelopment plans were finalized and approved at that point, they would then establish a silt fence 10' inside of the buffer closest to River Street so there would be 15' of undisturbed area between the top of the bank and where the silt fence would be installed. The remaining 10' would be graveled to reduce dust or sediment export and build the redevelopment. Once that was complete, the access could be removed and the area would be seeded with native seed and the entire buffer area would be planted with a mix of native shrubs and small tree species.

Ms. Caviness stated they were already in discussion with the New River Conservancy to assist in matching their planting funds. She noted that daylighting and buffer restoration in the urban setting was a priority for the headwaters of the South Fork of the New River. Ms. Caviness stated they had submitted a trout stream buffer variance request to the Division of Land Quality in Winston-Salem concurrent with this application.

Ms. Caviness noted that an unnecessary hardship would result from the strict application of the ordinance because enforcement of the ordinance would limit disturbance within the buffer and that would inhibit the restoration of the stream and its floodplain area. She added that there could not be a partial demolition of the building or a partial restoration on the site. Ms. Caviness stated that the hardship resulted from conditions which were peculiar to the property such as location, size and topography because the property was relatively small in size compared to the footprint of the building and there was a stream running underneath the building. She stated that the hardship did not result from actions taken by the applicant or property owner because the current property owner did not develop the building. Ms. Caviness added that the requested variance was consistent with the spirit, purpose, and intent of the UDO which was to prohibit over-development in the stream buffer and not inhibit stream buffer restoration through demolition of existing structures.

Mr. Deal indicated they had no objections to the materials in the staff report and wished to have the meeting packet entered into evidence. Vice-Chair Welsh entered the staff report and the materials contained in the meeting packet into evidence (**permanently on file**).

Board Member Williamson noted that the Board had not seen the approval from Land Quality for the trout stream and asked for it to be submitted to the record. Ms. Caviness shared the letter with Ms. Shook who then shared a copy of the letter on the screen.

Vice-Chair Welsh noted he went to the property and looked underneath the building. He asked about the future of the sewer pipe. Ms. Caviness replied that the pipe only serviced the Café Portofino building, and if and when the site was redeveloped, the pipe would be decommissioned and removed. A new connection would be made to a larger line that ran along Rivers Street.

Board Member Zebzda noted the UDO section that stated a temporary, minimal disturbance may be permitted if the applicant submitted documentation that there was no reasonable alternative. He asked what other alternatives were explored, if any. Ms. Caviness replied that, given the condition of the building as it overhung the stream, there would be no alternative to establish a forested buffer, or stabilize the sediment underneath. She stated that the two foot clearance under the building did not provide them with great alternatives.

Board Member Williamson asked if the applicant was proposing to demolish the Café Portofino and redevelop the parcel with a smaller commercial building. Mr. Deal responded to that they had not decided the size of the building, but the footprint would be smaller than the current building. Board Member Williamson asked if it was correct that the variance from UDO Section 20.04.03(B) was for a temporary, not a permanent, land disturbance in order to demolish the Café Portofino building and then redevelop the site. Mr. Deal replied that was correct. Board Member Williamson asked if a demolition and redevelopment plan had been submitted to the Town for approval. Mr. Deal stated that they had not

submitted demo or redevelopment plans and noted that this was the first step in the process. Board Member Williamson asked if it was correct that the applicant was seeking a variance to tear down the building prior to having any other permits for this project. Mr. Deal explained that they had just gotten a permit from DENR and in order to move forward with anything, they had to know whether or not they were going to be able to work in the stream.

Board Member Williamson referred to page 9 of the meeting packet that stated Café Portofino was an aging commercial structure with aging piers and concrete underneath. She asked if it had been determined that the building was dangerous. Mr. Deal replied that they had a letter from a structural engineer along with an affidavit that had been sent to Ms. Shook deeming the structure to be unsound. Board Member Williamson stated it would have been a good idea to have that in the meeting packet. Mr. Deal explained that the letter had not been prepared in time to be included in the meeting packet. He stated he did not know when the building was first built, but he could not remember when the building was not there. He stated he also did not know when the building was extended over the creek, but felt it was more than 40 years ago, probably in the late 60s or early 70s.

Board Member Williamson asked if the engineer was present to testify regarding the soundness of the building. Mr. Deal stated that the engineer was not present but had submitted a sworn affidavit. Board Member Williamson asked, if the variance was approved, would there be any demolition or land disturbance prior to the complete and final approval of the redevelopment plan by the Town of Boone. Mr. Deal replied that nothing would be done that was not approved by the Town in accordance with the appropriate ordinances. Board Member Williamson asked Ms. Caviness what work they intended to start on prior to approval for demolition and redevelopment. Ms. Caviness stated that no work was proposed to take place prior to approval for demolition and redevelopment. She noted that the earliest anything could begin would be April 15, 2022. Ms. Caviness stated she could only speak to the environmental permitting aspects of the timeline, but assumed nothing would move forward until all necessary approvals were obtained from the Town. From the state and federal standpoint, nothing could occur prior to April 15 or after October 15.

Board Member Williamson asked if any significant trees, plants, or shrubbery would be destroyed by the proposed temporary land disturbance. Ms. Caviness replied that there would be no tree loss as a result of this project.

Board Member Williamson asked for clarification regarding other possible alternatives. Mr. Deal replied that the building crossed the stream so there was no way to do the work without removing the building. He noted there was a 2' clearance between the bank and the bottom of the building. Mr. Deal stated there was no reasonable alternative to opening up the stream than to take the building down. Ms. Caviness added that the only other alternative would be to pipe the stream, which was the opposite of the point of having a daylighted stream.

Board Member Brook asked if the 10' buffer for redevelopment was in conjunction with matching funds from New River Conservancy. Ms. Caviness explained that there would be a 10' construction access, and the partnership with New River Conservancy would help provide matching funds and volunteers to plant the entire 25' buffer after the stream work was complete and the 10' construction access was removed. Ms. Caviness stated they would do live plantings right at the edge of water and then container plantings of shrubs and trees throughout the entire 25' buffer. Board Member Brook stated that a container plant in the buffer zone would not help with erosion control. Ms. Caviness replied that she did not mean container plants that stayed in the container, but larger plants that came in containers that would be removed. Board Member Brook noted that they would be relying on matching funds from a non-profit and asked if those volunteer hours could not be met would the developer be responsible for the cost. Ms. Caviness replied that she assumed the developer would cover the cost of the plants and planting. Mr.

Deal replied that was correct. He stated that the developer of the property was responsible for the landscaping but they hoped that New River Conservancy would choose to partner in the project because they felt like this was a good project for downtown Boone.

Board Member Zebzda referred to the stream pump-around detail graphic and the notation that stated if in-stream work extended beyond one day, an open weir section of sandbags would be installed to allow flow through the work area overnight. He asked if they would construct a barrier to the water flow with sandbags, and then potentially release all that sand into the creek. Ms. Caviness replied that the sand did not come out of the bags. She explained that in order to run a 4-6" sump pump someone had to man it all the time so, at night, they would physically remove two or three sandbags from the dam structure in the middle and allow the stream to flow over a weir so the water would not back up.

Board Member Williamson asked if there were any emails or anything that could be submitted to the record from New River Conservancy regarding this project. Ms. Caviness stated she had contacted Chelsea with New River Conservancy to discuss the project and the timeline, and Chelsea thought it would be a great opportunity to partner. Ms. Caviness noted that the river builder program operated on an annual funding cycle and, if the timelines matched up, they may be able to provide some funding for the project. She stated that she asked Chelsea verbally if she would object to having this mentioned at this meeting and in the application that they had New River Conservancy's support and potential for matching funds with this project, and Chelsea said that would be fine. Ms. Caviness stated she did not have any email correspondence, but Chelsea seemed excited about the project. Board Member Williamson stated she would like to see something submitted to the record from the Conservancy that backed up that hearsay. She added that it would have been helpful to receive this information and the engineer's letter prior to the meeting. Ms. Meade explained that it was up to the applicant as to what evidence they wanted to submit, and the applicant did not have to submit evidence requested by the Board. She stated that the applicant was in charge of their case and decided what evidence was before the Board.

Mr. Deal stated that Ms. Shook had been provided a copy of the engineer's letter. Ms. Shook shared the letter on the screen for Board members to view.

Board Member Zebzda asked if the applicant decided later on to stray from putting a smaller commercial building on the property to putting something residential, would they have to come back before the Board for another variance. Ms. Meade replied that the property was zoned commercial so changing to a residential project would require rezoning, which would go to Town Council.

Jane Shook, Director of Planning & Inspections, was sworn in by Vice-Chair Welsh. Ms. Shook stated that if the applicant strayed from the information that was submitted for this particular application, they would be required to come back to the Board to amend their variance. Ms. Meade replied that the applicant would make the argument that the consideration of the next step was not relevant to this variance, and they would have a strong argument. She stated that she could not promise that they would not be able to move forward without coming back to the Board.

Board Member Brook asked if the Café Portofino business owner was the same as the property owner or if they were separate individuals. Ms. Meade replied that they were separate individuals. She added that ownership of the property was an irrelevant consideration.

Ms. Shook cited Subsection 4.01.01(A)(2) that stated "demolition of an existing building is not permitted except in accordance with and pursuant to the issuance of a valid development approval for new (replacement) construction; provided that this provision shall not apply in the case of (1) demolition of accessory structures, or (2) demolition of a structure where the owner has established to the satisfaction of the Administrator that such is required for the public safety, health, or welfare, and that land-disturbing activities will be limited to the minimum reasonable extent necessary for the demolition." Ms. Meade

asked Ms. Shook if she was saying that the stream redevelopment that would be permitted pursuant to this variance would not go forward until the whole project plan was approved and permitted. Ms. Shook stated that was correct. She noted that this building was located within the Downtown Local Historic District so the next step in the process would be to obtain a Certificate of Appropriateness from the Historic Preservation Commission for demolition and reconstruction.

Christy Turner, Senior Planner with Planning & Inspections, was sworn in by Vice-Chair Welsh. Ms. Turner added that the demolition of the building could be delayed for up to a year while the applicant worked the Historic Preservation Commission to see if the building could be relocated or if there were other alternatives for the building. Vice-Chair Welsh asked why that would be a one-year process. Ms. Turner replied that the North Carolina General Statutes dictated that if a building was in a local historic district, the demolition could be delayed up to 365 days. Ms. Meade clarified that the statute was aimed more at preserving historic buildings.

Ms. Turner noted that the west portion of the building was demolished in 1939 and was rebuilt in the same year, according to the architectural survey for the Town. She stated that the building was originally used as a showroom for the tobacco burley warehouse, and then went through many iterations of different businesses after that.

Board Member Williamson asked Ms. Turner if it was true that in a joint Planning Commission and Town Council meeting on September 27, 2021 regarding historic properties in Boone, the meeting packet pictured and provided a history of historic properties in Boone, including the Café Portofino building. Ms. Turner replied that was correct. Board Member Williamson asked if this information was available to the public online. Ms. Turner stated that it was.

Vice-Chair Welsh asked if the Town had any issues or reservations with this buffer project. Ms. Shook replied that the Town had no position on the project. She stated it would have to meet ordinance standards or permits would not be issued.

Ms. Meade asked for an explanation on the point of stream buffer provisions.

Brandon Wise, Environmental Planner for the Town of Boone Planning & Inspections, was sworn in by Vice-Chair Welsh. Mr. Wise stated that the purpose of the stream buffer, as it was defined in the ordinance, was to protect the stream from sedimentation during the construction process. He explained that the Town wanted the stream buffer there to allow sediment to fall out before it reached the creeks, and to allow the creeks to remain healthy throughout the construction process.

Mr. Deal asked if there was any practical way that work could be done in the stream to restore it in a way that would be desirable to the Town with the way the building was presently constructed. Mr. Wise replied that he did not believe he was qualified to answer that question because he had never done the actual physical work of stream restorations. Mr. Deal asked Mr. Wise if he was familiar with the building and the fact that it extended over the stream. Mr. Wise stated that he was. Mr. Deal asked Mr. Wise if he was familiar with the trash under the building and the sewer pipe running under the building. Mr. Wise replied that he was familiar with both.

Vice-Chair Welsh asked if the applicant could go underneath the building and clean up the trash. Mr. Wise replied that, based on his professional experience and on the affidavit that was given by a structural engineer, he did not feel it would be within his Town's comfort zone to send somebody in there. However, he would leave that up to the property owner and the people doing the cleaning of the stream. Mr. Deal asked if it was correct that, unless the building was removed, there would be no way to daylight the stream. Mr. Wise replied that because the EPA's definition of daylighting was to bring a stream from underground to above ground, it would lead one to believe that this stream was already daylighted. He

stated that if they were talking about the removal of obstructions, then there would be no way to remove the obstructions without removing the building.

Board Member Williamson asked if this project was subject to an older version of the ordinance or the current version of the ordinance. Ms. Shook replied that this project was subject to the most current ordinance requirements because the application was received on 12-14-21 and the last ordinance update was on 12-08-21. Board Member Williamson asked if the Board did or did not have the authority to determine whether or not the Café Portofino's building should be torn down. Ms. Shook replied that the question before the Board tonight was not whether the building should be torn down, but rather if a variance should be granted for encroachment into the stream buffer. Board Member Williamson asked what the next step was after the application for a Certificate of Appropriateness with the Historic Preservation Commission. Ms. Shook explained that, if the variance was granted, the next step would be to obtain a Certificate of Appropriateness from the Historic Preservation Commission for the demolition and new construction, depending on what the use was of that new construction. Ms. Shook stated that certain items, like height, would dictate the next steps beyond the HPC. Board Member Williamson asked if it was correct that the new building could not go above two stories. Ms. Shook stated that if the applicant were to rebuild with a building at a higher height than the existing building they would be required to obtain a Conditional District approval from Town Council, in addition to the Historic Preservation's Certificate of Appropriateness. Board Member Williamson asked if it was possible that the proposed demolition of the Café Portofino building could be denied. Ms. Shook replied that she did not believe so. She stated that the Historic Preservation Commission could delay but not prevent demolition. Board Member Williamson asked what the point was for the case to go to the HPC if they could not prevent demolition. Ms. Shook explained that it gave the Historic Preservation Commission an opportunity to see if there were other opportunities to save the building or to do other things.

Ms. Meade stated it was not just about demolition. She noted that the HPC would consider actual plans for redevelopment because there were standards that would have to be met for the new building. Ms. Turner stated that, without plans for a new development, a demo permit could not be issued.

Board Member Williamson asked if it was possible that during the process there could be changes in the design or footprint. Ms. Shook stated that could happen.

Ms. Meade stated they would be working in the entire buffer area. She felt that the only thing that could potentially change would be the amount of the temporary construction area. Ms. Meade stated if that changed, they would have to come back to this Board.

Board Member Williamson asked Ms. Shook if her office had determined that the Café Portofino building was dangerous. Ms. Shook replied that Planning & Inspections had not been requested to make any determinations nor had they conducted any investigations to make a determination about the safety of the building. Board Member Williamson asked if the applicant could still proceed with the land disturbance the Board was considering at this meeting, even if changes were made to the project during the rest of the process. Ms. Shook replied that if the applicant did not demolish the building there may not be a need to move forward. Board Member Williamson asked if the applicant was required by the ordinance to come before the Board of Adjustment for the variance prior to getting approval to tear down the building. Ms. Shook replied that they were. Board Member Williamson asked if staff had received any kind of preliminary plans other than what was contained in the meeting packet showing that there was going to be a smaller commercial building. Ms. Shook stated that staff had no submissions other than what was before the Board at this meeting.

Board Member Williamson asked Mr. Wise if there were any significant trees or plants that would be lost with the proposed land disturbance on the site. Mr. Wise replied that, because of the location of the building in the stream, there were no significant trees of over an 8" diameter on the site.

Board Member Williamson noted that property was located in the new Downtown Historic District. She asked if the project would be subject to the requirements for that district. Ms. Shook replied that the project would be subject to the requirements of the B1 Downtown Core and the Local Historic District.

Board Member Zebzda asked Mr. Wise if there were any project specific conditions or measures that he could recommend to help prevent any environmental harm or damage during construction prior to the stream restoration. Mr. Wise replied that the staff report discussed all of the required permits. He noted that a No-Rise Certification for flood would be required before work was done.

Vice-Chair Welsh called a break in the meeting from 7:00 p.m. until 7:06 p.m., after which the Board reconvened.

Ms. Meade asked Ms. Shook what stream buffer protections were put into place to address. Ms. Shook replied that the stream buffer was for protection of the stream during construction and the buffer also provided a natural habitat that reduced the velocity and temperature of water as it entered the stream, creating a healthier stream. Ms. Meade asked if it was correct that requests for variances to the stream buffer were generally for construction purposes. Ms. Shook stated that was correct. Ms. Meade asked if, when the stream buffer regulations were put in place, it was contemplated that the purpose of those regulations was to restore the stream. Ms. Shook replied that she believed that was the intent to restore buffers for the stream.

Board Member Zebada asked if it was correct that this variance not only concerned stream restoration but the demolition of the building as well. Ms. Meade replied that the Board would not be authorizing demolition of the building with this variance. She stated the Board would be authorizing work in the stream and the stream buffer that would be required for demolition. Ms. Meade added that the only question before the Board was whether the applicant could exceed the 10% to do the work in the stream and on the stream buffer.

Board Member Williamson asked Mr. Deal if the primary intent with this variance was to daylight the stream and restore the stream buffers or to build a new commercial building. Mr. Deal replied that it was both. He explained that they would like to clean up and restore the stream and, at the same time, be able to construct a new building. He stated he did not think one had priority over the other.

Board Member Zebada stated that the Town of Boone and Appalachian State University were working on a plan to daylight Boone Creek through Peacock. He asked why the applicant was doing stream restoration independently of that plan instead of joining in on a joint venture already established for the same purpose. Mr. Deal replied that this would involve numerous property owners that would need to be in agreement, and there was no comprehensive plan that everybody could sign. Board Member Zebzda asked if this proposed stream restoration would be consistent with whatever the Town and University did. Mr. Deal stated that the Town and the University did not even have a plan yet so it would be hard to say, but he felt it would be consistent with what the Town and State wanted.

Board Member Williamson asked if the applicant would commit to doing the stream restoration and work on the stream even if the project ended up not being approved. Mr. Deal stated he did not think it would be physically possible due to the low clearance of the building. He noted that there was currently no stream buffer where the building was located.

Board Member Zebzda asked if there was any work at all that could be done to the stream buffer if the building was not demolished. Ms. Caviness replied that there was opportunity to provide some planting

upstream of the existing building and create some shade, but unless the building came down there could be no restoration of an actual functioning buffer. She stated that, from a stream health and ecological health point of view, doing this work was the absolute best thing that could be done for the stream now or in the future. Ms. Caviness felt the buffer designs would likely be very much aligned with future, proposed activities downstream because the stream restoration practitioners were all using very well defined natural channel design and restoration techniques.

Vice-Chair Welsh asked if granting the variance would negatively affect the natural habitat or the health of the stream. Ms. Caviness replied that it would not. She stated that the measures that were presenting in terms of silt fencing and pumping the stream around were fairly stringent, and she did not anticipate any sort of negative discharge or violation of any standards.

Board Member Williamson asked why the applicant was required by the Town's ordinance to come to the Board of Adjustment prior to anything else in the process. Ms. Shook replied that staff asked the applicant to request the variance first. She noted that there was no specific ordinance requirement other than the requirement that all variances must be granted prior to requesting a conditional district. Ms. Shook stated that, using that in past practice, this would be the first step in this particular process.

Ms. Meade asked if any of the Board members had any ex-parte discussions about this application. All Board members indicated they had no ex-parte communication regarding this case. Ms. Meade asked if any Board member viewed the property. Vice-Chair Welsh, Board Member Williamson, Board Member Brook, and Board Member Zebzda indicated they viewed the property.

Mr. Deal wished to offer the letter from Land Quality and the letter and affidavit from the engineer as evidence. Vice-Chair Welsh accepted both items into evidence and they were marked as Exhibits 6 & 7, respectively (**exhibits permanently on file**).

In closing, Mr. Deal stated that the current condition of the stream was deplorable. He noted they were following the process that was recommended to them by Planning staff, which was to start with requesting a variance that would allow the temporary stream buffer disturbance and temporary construction area. Mr. Deal stated that, should all of the the steps in the process not happen, they would not be working in the buffer area. Mr. Deal addressed the four findings needed to grant the variance. The first one dealt with an unnecessary hardship that would result from the strict application of the ordinance. He stated that, if the variance was not granted, no significant work, like removing the sewer pipe or structural building elements, could be done in the stream. The second finding was that the hardship resulted from conditions which were peculiar to the property. Mr. Deal stated that the issues on this property were not ones that existed throughout the Town. The third finding was that the hardship did not result from actions taken by the applicant. He noted that the building was built in 1938 or 1939, which long predated the applicant getting title to this property. The fourth finding was that the variance was consistent with the spirit, purpose, and intent of the UDO and public safety would be secure and substantial justice achieved. Mr. Deal stated that the spirit of UDO was to open up the streams in Boone, particularly Boone Creek, and restore the stream. He felt that, if the variance was not granted, the Town would not be keeping with the spirit of the UDO because that area of stream would not be restored. Mr. Deal stated that the variance was a two stage process with the first stage being taking the building down so they could start restoring the stream and creating buffers where no buffers currently exist. He noted that stage two would be the temporary construction entrance so that construction of a new building could take place. Mr. Deal felt that this project would be beneficial to the Town and would significantly enhance the downtown area.

At 6:12 p.m. Vice-Chair Welsh invited public comment.

Ms. Shook called on Angela King, Matty Staskel, and Cameron Stuart. No one wished to comment.

Board Member Williamson stated she had some conditions that she would like for the board to consider. She noted that the process had been really frustrating for her. Board Member Williamson stated she knew that the daylighting of streams was incredibly important to the Town, and that effective buffer regulations were equally protected and a high priority. She added that the Downtown Core, the Town's historic properties, and significant waterways were also incredibly important. Board Member Williamson stated that they were being asked to make decisions tonight regarding the variance for a significant and almost wholesale land disturbance along the significant waterway based on a plan that, as far as she could tell, did not really exist yet, at least on paper. She stated it was difficult to see the small numbers on the site plans. Board Member Williamson noted that, while she knew the applicant wanted to build a new building, she did not know what kind of impact that would have in terms of granting this wholesale variance. She felt it would be difficult to determine whether or not there was an unnecessary hardship resulting from the strict application of minimal standards of the ordinance when no demolition or development plan had been submitted or approved. Board Member Williamson thought they were putting the cart before the horse, and she had a problem with that. She stated she tried to make good decisions based on facts and what was presented, but felt that was hard to do when she did not have in front of her what would help her make a decision. Board Member Williamson stated this was not the fault of the applicant and asked that Ms. Meade speak with Town Council about the process. She felt the Board needed to determine whether the applicant should be allowed to go forward with such an extensive land disturbance plan that may or may not ever reach fruition. Board Member Williamson stated that the applicant could still go out and clean up the trash, even if they did not get the permit. She added that she was persuaded by what she had heard tonight that the primary purpose of this land disturbance was not to restore the stream but to demolish and then rebuild. Board Member Williamson proposed the idea of continuing the variance until they had a final plan that they could sign off on.

Board Member Williamson stated that, if the Board did not wish to continue the variance, she would like to propose the following three conditions:

1. The board's approval of this variance is contingent on the Town's formal and final approval for demolition and redevelopment of the building.
2. The applicant cannot proceed with any land disturbance on the property in absence of a final approved development plan.
3. The variance shall last only through the duration of the demolition, remedial, and construction activities consistent with an approved redevelopment project, should the demolition of Café Portofino be approved.

Board Member Williamson stated she would feel better about moving forward with those conditions in place. She noted she still had some problems with the submission of the applicant's material, especially in regards to the lack of written documentation outlining other alternatives that they had considered. Board Member Williamson added that she did not like getting things at the last minute. She stated she would appreciate it if staff would immediately send any supplemental information to Board members.

Board Member Yale-Read agreed with Board Member Williamson's comments.

Ms. Shook explained that, prior to moving into remote meetings, staff met with the Board and the Board adopted a remote meeting guidance that stated no new evidence could be submitted after the Board packet had been produced. She stated that staff followed the recommendations that were adopted by the Board of Adjustment.

Ms. Meade stated that neither the staff nor the Board had ever required anyone to produce all of their evidence in advance. She explained that if a party had an objection to any of the evidence, it would not

necessarily be appropriate for the Board to look at it. Ms. Meade stated she understood the desire for careful and diligent preparation, but felt this was the best rule. Ms. Meade noted that judges or juries did not get to see evidence until the lawyers had a chance to look at them during the actual case, and then if the evidence was allowed to be heard, it was allowed to be heard.

Board Member Williamson stated she understood and appreciated Ms. Meade's comments and agreed that it was a good decision. She stated she noticed that the application was filed on December 13, 2021. She felt that was plenty of time to get something in writing to present from the New River Conservancy, as well as the other documents that were presented during the meeting.

Ms. Meade wished to address the process question that both Board Members Williamson and Yale-Read expressed some frustration with. She stated that this was the process set forth in the UDO and the UDO was the governing law of this Board. Ms. Meade noted that this was a quasi-judicial board that was bound to follow the UDO. She stated she could pass along the Board members disagreement with the process to Town Council, but unless and until the Town Council changed the process, applicants were required by the UDO to come to the Board of Adjustment to request variances before they could proceed further. Ms. Meade explained that when the Board considered a variance, they were not approving a development plan. She stated that the Board's job tonight was not to approve or deny the request based on any potential plan, but to look at the variance regarding the temporary disturbance of the stream buffer and whether or not the applicant had shown sufficient grounds to be entitled to a variance to the standards set forth in the UDO. Ms. Meade suggested asking the applicant's attorney about their willingness to accept Board Member Williamson's proposed conditions. She stated that, in her view, those conditions were already things that were required under the UDO.

Board Member Zebzda stated it seemed to him that this application did not follow the letter of the law set forth on page 19 of the Board packet, yet it followed the spirit of the ordinance and complied with the Town's Comprehensive Plan. He felt that this section of the ordinance might be outdated. Ms. Meade replied that it was within the Board's purview to figure out what was the intent behind this particular language. She stated that, in many cases, the UDO language, on its face, did not make sense in certain circumstances, and Board members had to look more broadly at the intent of the ordinance. Ms. Meade noted the statement that temporary and minimal disturbance may be permitted if the applicant submitted documentation that there was no reasonable alternative. She felt that statement made no sense for this request because the alternative in this case was to not demolish the building, and no documentation was necessary to show that. Ms. Meade added that this case was either demolition or not demolition, and if the applicant were to rebuild, the UDO required them to build outside of the stream buffer.

Board Member Williamson stated she understood, but felt there could have been written documentation, given the number of people working on this project. She stated it was testified that no alternatives were pursued, and that was a requirement. Board Member Williamson stated it was not cool to say they had to follow the rule on this hand, but not on that hand. She stated she would respectfully disagree that the applicant was not required to submit something in writing that indicated no alternatives existed.

Board Member Brook stated she had similar thoughts. She noted that an engineer was called in to decree that the building was a hazard, but an architect was never called in. Board Member Brook stated she believed that an architect's testimony could have supplied an alternative to demolition of the building. She felt this fell back to the hardship being created by the applicant. Board Member Brook stated that the applicant did not build the building over the stream however, in the course of time, the applicant could have done some maintenance of the stream. She asked if it was appropriate to ask for the condition of an architect's presumption or analysis. Mr. Deal replied that an architect designed projects and did not make determinations about working in stream buffers. Mr. Deal noted that the language requiring

documentation did not say the documentation had to be written, so he felt they had met the language of the ordinance. Mr. Deal stated he was struggling to try to answer the Board's questions regarding the building being torn down and whether or not something else gets built on the property. He noted that they were following the process they were instructed to follow. Mr. Deal referred to Board Member Williamson's suggested conditions and agreed with Ms. Meade that they were what the ordinance called for. Mr. Deal noted that a variance was an option for the Board to vary the strict language of the ordinance.

Board Member Williamson asked, if the demolition and rebuilding was not approved, would the variance for work in the stream buffer still stand. She added that she did not think any demolition or land disturbance should occur until the approval process was complete. Ms. Meade replied that, according to the ordinance, neither demolition nor construction could proceed until development plans were approved.

Ms. Meade asked Mr. Deal if his client had any objection to Board Member Williamson's proposed conditions. Mr. Deal replied that they would accept those conditions. He noted that the applicant could not proceed with any disturbance without the final approval. He asked if they would be able to plant a tree in the area that was not currently covered by the building. Ms. Meade replied that she did not believe that would be an issue. Mr. Deal stated they were fine to agree that they could not proceed with any disturbance without the appropriate approvals.

Board Member Williamson asked if there was a need to include a condition that the variance lasted only through the duration of the demolition, remedial, and construction activities consistent with his development project. Ms. Shook explained that the temporary, minimal disturbance would end after final inspections were passed for the project. Ms. Meade added that the variance authority went away at the end of construction, and any subsequent work would require a new variance if it exceeded the 10% standards. Ms. Shook agreed with Ms. Meade.

Board Member Williamson asked if there was a definition of the word documentation in the ordinance. Mr. Wise replied that the word documentation was not defined in the ordinance. Ms. Shook explained that words that were not defined in the ordinance would default to the dictionary definition. Ms. Shook then read the following definition from Miriam Webster: 1) The act or an instance of furnishing or authenticating with documents; 2 a) The provision of documents in substantiation, also documentary evidence; b 1) The use of historical documents; b 2) Conformity to historical or objective facts; b 3) The provision of footnotes, appendices, addenda referring to or containing documentary evidence; 3) Information Science; 4) The usually printed instructions, comments, and information for using a particular piece or system of computer software or hardware.

Ms. Meade referred to Board Member Brook's question about an architect. She stated she did not think it would be appropriate for a Board member to make decisions based upon what the Board member thought would be the best expert. Ms. Meade added that, as a matter of public knowledge, engineers had the expertise to give opinions about structural issues in a building. Generally speaking, architects did not. Board Member Brook replied that she was not suggesting that an architect could give an opinion in place of an engineer. She stated she was only speaking in terms of some type of remodeling or reassessment of the current structure to make it more accessible to stream restoration. Board Member Brook noted that the Board only received an opinion from a structural engineer regarding the inappropriateness of the current safety of the building. She felt that fell back on the applicant because, over time, the structure of the building was not maintained.

Mr. Deal stated that, when footers were in the creek and water constantly hit against those footers, he was unsure what impact that would have, but felt it would likely eat away at the structural integrity of the building.

Board Member Williamson asked if the applicant would have to go through a quasi-judicial process with the Historic Preservation Commission. Ms. Shook replied that they would hold a quasi-judicial evidentiary hearing for the Certificate of Appropriateness for the demolition and redevelopment of that parcel. Board Member Williamson asked if it was correct that, once HPC voted on whether or not to issue the COA, there was no teeth to their decision. Ms. Meade replied that the Historic Preservation Commission's decision definitely had teeth. She stated that if a COA was not issued, nothing could proceed. Ms. Meade noted that the demolition itself could not be held up for more than a year, but a development plan could not go forward unless approved by the HPC.

Board Member Zebzda asked for clarification regarding the UDO standards for buffer requirements and what was intended with the language. Ms. Meade replied that she felt the buffer requirements were a bit problematic because there was not some type of exemption for daylighting.

Board Member Williamson noted that the conditions recommended by staff also needed to be included as conditions of approval. Mr. Deal stated they would agreed to the standard staff conditions, as well as the conditions recommended by Board Member Williamson.

Ms. Meade stated she would be making a recommendation that the staff conditions be changed so they would incorporated in the process and not presented as conditions because they were already required by the UDO.

Vice-Chair Welsh stated that the property contained an aging, structurally unsound building that sat over the creek. He noted that the applicant wanted to daylight the stream and beautify Downtown, which he saw as a positive. Vice-Chair Welsh stated that, once the building was gone, a new building could not be constructed in the stream buffer so the applicant would be limited to where they could rebuild. He stated he walked around the building Monday morning and it appeared to be an aging, structurally unsound, kind of ugly building, right in the center of Downtown. Vice-Chair Welsh stated that the applicant was going through the proper steps as required by the UDO.

Board Member Zebzda asked what use would be permitted under B1 Downtown Core. Ms. Shook replied that any uses listed in Article 14 in the Table of Principle Uses, the Table of Accessry Uses, or the Table of Temporary Uses would be permitted. Some of the uses included business/professional office, retail, mixed-use, multi-family, and boutique hotels.

Board Member Williamson asked if it was correct that if a Board member voted negatively on a vote, they were required to vote against the variance in the end. Ms. Meade replied that if any of the four criteria did not receive a 4/5 vote, the variance did not even proceed to a final vote. She explained that, in order for a variance to be issued, four of the five Board members must vote in favor of each of the four findings.

Vote 1

Board Member Zebzda made a motion that that unnecessary hardship would result from a strict application of the Ordinance because it would prevent the stream bank restoration of a critical local waterway and prevent the applicant from using it in a way that betters the community and the environment overall. The motion was seconded by Vice-Chair Welsh. Board Member Williamson stated she did not believe that, under the dictionary definition of the word and by the intent of the ordinance, the applicant had submitted documentation that there was no reasonable alternative

VOTE: Aye – 4

Nay – 1 (Williamson)

The motion passed.

Vote 2

Board Member Williamson made a motion that the applicant has produced substantial and credible evidence to show that a hardship would result from conditions that are peculiar to the property and that the location, size, and configuration of the existing building because the building to be demolished straddles the waterway, and granting this variance will not negatively impact neighboring properties. The motion was seconded by Vice-Chair Welsh.

VOTE: Aye – All

Nay – None

The motion passed.

Vote 3

Board Member Williamson made a motion that the hardship did not result from actions taken by the applicant or the property owner, and that the hardship is not self created but rather the result of a property that has limited access options for demolition and rebuild. The motion was seconded by Vice-Chair Welsh.

VOTE: Aye – 4

Nay – 1 (Brook)

The motion passed.

Vote 4

Board Member Zebzda made a motion that the requested variance is consistent with the spirit, purpose, and intent of the Ordinance and that public safety is secured and substantial justice is achieved. Board Member Williamson wished to amend the motion to add that this is because the land disturbance is temporary and the applicant will meet final UDO requirements upon redevelopment. Board Member Zebzda accepted the amendment. The motion was seconded by Board Member Williamson.

VOTE: Aye – All

Nay – None

The motion passed and the variance was granted with the following conditions:

1. Where there is a conflict between the application information and the plans (site plan received December, 14 2021), the plans 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.
4. The applicant cannot proceed with any land disturbance on the property in absence of a final approved development plan authorizing demolition of the building and new development.
5. The variance shall expire following completion of demolition, remediation of the stream buffer, and construction activities undertaken consistent with an approved redevelopment project,

should all required zoning and building permit(s) for the demolition of the existing building and re-development of the property be approved.

TOWN OF BOONE
HISTORIC PRESERVATION COMMISSION
EXCERPT MEETING MINUTES
MAY 10, 2022, 3 PM
WebEx Video Conferencing

Historic Preservation Commission Members in Attendance:

Chair Eric Plaag, Vice-Chair Bettie Bond, Rennie Brantz, Izabela Willis, and Chuck Watkins

Council Liaisons: Virginia Roseman

Town Staff in Attendance:

Jane Shook-Director of Planning & Inspections, Jessica Mitchell-Long-Range/Special Projects Planner, Christy Turner-Senior Planner, and Marlene Crosby-Board Secretary

Others in Attendance: Allison Meade-Town Attorney, Jim Deal-Attorney-Deal, Moseley and Smith, John Winkler-Rivers Street Ventures, LLC, Judah Goheen-Winkler Organization, Jason Gaston-Valor Engineering, and Brent Davis-Brent Davis Architecture and Carrie Caviness, Ph.D-Interface Environmental Consulting, LLC

Case Z05606-032422 Rivers Street Ventures – Certificate of Appropriateness for Major Work

John Winkler, on behalf of Rivers Street Ventures, LLC, is requesting a Certificate of Appropriateness (COA) for Major Work for the demolition of the existing building (currently Café Portofino) at 970 Rivers Street (Watauga County PIN: 2900-78-7965-000) in the Downtown Boone Local Historic District and proposed new construction of a one-story hotel.

Chair Plaag affirmed/sworn in the following Planning Staff: Ms. Jane Shook, Ms. Christy Turner, and Ms. Jessica Mitchell.

Chair Plaag swore in the following individuals: Mr. John Winkler on behalf of Rivers Street Ventures, LLC, Mr. Judah Goheen from the Winkler Organization, Mr. Jason Gaston from Valor Engineering, Mr. Brent Davis from Brent Davis Architecture, and Ms. Carrie Caviness, Ph.D. from Interface Environmental Consulting, LLC.

Chair Plaag asked the Commissioners if they had a fixed opinion about this case that is not susceptible to change; if any Commissioner has a conflict of interest regarding this case, including any financial interest in the outcome of the case or a close familial relationship with any person affected by the outcome of the case; or if any Commissioner has engaged in any undisclosed ex-parte communication regarding this case. There were no responses in the affirmative.

Chair Plaag pointed out that Mr. Jim Deal, Attorney from Deal, Moseley, and Smith, was present to represent the applicant. Mr. Deal indicated that Mr. John Winkler was acting on behalf of the applicant, Rivers Street Ventures, LLC.

Chair Plaag asked Mr. Deal if he wished to make an opening statement. Mr. Deal explained that he was giving the opening statement on behalf of the applicant, who requested a "Certificate of Appropriateness" (COA) to demolish the building, commonly known as Café Portofino, and replace it with another structure.

He said the applicant believes the proposed building is congruent with the downtown historic district. He noted that the height of the proposed building is less than the height of the current building. He stated the proposed work would demolish the existing pilings in the creek that restrict the flow of water and prevent the daylighting of the creek.

Mr. Deal explained the applicant and the witnesses would provide information and evidence about the process and the reasons for the demolition, the proposed reuse of the site, and the landscaping used to open up and restore the creek. He further stated there used to be hotels between Howard Street and River Street, and with this proposal, the applicant believed that a hotel in this location is in character with the downtown historic district.

Chair Plaag asked the Planning Staff if they wished to give an opening statement. Ms. Turner noted there were two topics for discussion: the demolition and then the proposed new building on the same lot. She referenced packet page 136 regarding Design Standards for Demolition and noted Section 2.4 of the standards should have been included in the staff report. She further explained that Sections 6.16, 7.3, 7.9, and 9.3 should be removed from the staff report for this case's hearing as those standards relate to renovations and not new construction as proposed.

Mr. Deal asked to confirm that the Commission has up to 365 days to delay demolition and that the Commission could not deny the demolition of a building. Chair Plaag replied that was correct with regard to this particular case.

Mr. Deal called Mr. Judah Goheen as the first witness to discuss the current condition of the building. Mr. Goheen said he was in the building as recently as last week with Mr. Darrell Pulliam, a Town of Boone Building Inspector. Mr. Goheen said that Mr. Pulliam agreed the building should be demolished. Mr. Goheen noted there were areas of mold, holes in the floor from rotted wood, roof leaks, sagging floors, and the foundation piers that sit in the creek were crumbling and appeared to look unsafe. He stated that in his opinion, the overall building has exceeded its reasonable service life.

Ms. Meade asked Mr. Deal if he offered some expert testimony; she stated that no foundation had been set at this point for who Mr. Goheen is or what his expertise is. Mr. Deal explained that he had just asked Mr. Goheen for his personal view of the condition of the building as the property manager of the building. Mr. Deal asked Mr. Goheen to describe his work and his background and training with respect to property management. Mr. Goheen replied that he is the maintenance and grounds director at the Winkler Organization, dealing directly with the owners of Café Portofino and the upstairs tenants for the past eight years. Mr. Goheen said there are two apartments upstairs that the Winkler Organization stopped leasing about a year or two ago because of extreme rot inside the walls, and because the exterior stairs into the building looked unsafe. Mr. Goheen said he has not been in the crawlspace, but plumbing companies have gone under the building to check on different things.

Chair Plaag said he noticed that Mr. Goheen said that he had not been in the crawlspace. He confirmed with Mr. Goheen that he essentially relied on comments from others' hearsay comments. Mr. Goheen said that was correct, and indicated he had pictures of the crawlspace. Chair Plaag asked Mr. Goheen if he had submitted copies of the pictures as part of the application. Mr. Goheen said he is not aware if the pictures had been submitted, but he could submit them if needed.

Chair Plaag confirmed with Mr. Goheen that he is not a structural engineer and does not have specialized training. Mr. Goheen replied that was correct. Chair Plaag asked Mr. Goheen if he had training in repairing and maintaining a historic wooden building. Mr. Goheen noted that if the current building was considered historic, then he has been involved firsthand in minor repairs, but not any substantial repairs to the building. Mr. Goheen said he is familiar with the general maintenance and upkeep of the building. Chair Plaag rephrased his question to Mr. Goheen if he had any preservation training in appropriate repair and

maintenance of historical materials, as recommended by the National Park Service; Mr. Goheen replied no.

Discussion ensued on the submitted letter from the structural engineer. Mr. Deal asked Ms. Meade if he could tender the letter as evidence. Ms. Meade explained that the application and the staff report are normally considered as an exhibit offered into evidence. Chair Plaag said that generally, the Commission members rely on the staff report presented unless the applicant objects. Chair Plaag also pointed out that the problem with a prepared letter is that it leaves no ability to cross-examine that person or ask related questions. Ms. Meade suggested that the Commission accept the entire contents of the packet into evidence, and then the Commission can discuss and weigh the evidence during review of the case. Chair Plaag asked the Commission members if there were any objections to accepting the entirety of the case packet into evidence; there were no objections from the Commission.

Mr. Deal called Mr. John Winkler, on behalf of Rivers Street Ventures LLC, as the next witness in this case. Mr. Deal asked Mr. Winkler to describe his ownership or interest in the property, and his experience with the building known as Café Portofino. Mr. Winkler replied that he is a part of the LLC that owns the property. He stated that he is familiar with the construction of the building, and he is a licensed contractor. Mr. Winkler further explained that he had been an unlimited licensed contractor since 1982, and he has dealt with commercial and residential buildings.

Mr. Deal asked Mr. Winkler if he had the opportunity to view the Café Portofino building in its current status; Mr. Winkler replied yes. Mr. Deal asked Mr. Winkler his opinion as a licensed contractor of the existing structure of the building. Mr. Winkler stated that he saw the photos of the building, and he felt there was no way to salvage it because of the current condition, which included the failing foundation. Mr. Winkler said he was not sure why additional photos were not submitted.

Mr. Deal asked Mr. Winkler if he had witnessed the current pilings in the creek area. Mr. Winkler replied that in his opinion, they are insufficient, and indicated he has witnessed trash collecting in the creek due to the pilings. Mr. Deal also asked Mr. Winkler if he had his people clear out the trash in the creek. He could not speak to that as he was not there to see it, and he was unsure if staff had done that or not.

Mr. Deal asked Mr. Winkler to describe the proposed building. Mr. Winkler said he is proposing a 17-unit, one-story boutique hotel. He said it is designed to meet the special flood hazard requirements by FEMA. Mr. Deal asked Mr. Winkler if the new construction would not have any pilings in the creek. Mr. Winkler stated there would be five or six pilings from the edge of the creek, which would be 25 feet from the edge of the creek.

Chair Plaag asked Mr. Winkler if he had explored ways to replace the existing piers and beams with new materials, possibly concrete or some other material, that would sufficiently support the existing building located in the floodplain. Mr. Winkler said he had not explored replacing the piers with other materials because the building is in sections and it is impossible to get under the building to explore other material options.

Chair Plaag asked Mr. Winkler if he had read in the staff report that the Café Portofino building is the last remaining building in Boone associated with tobacco production and sales during the 1930s, 1940s, and 1950s. Mr. Winkler replied that he was informed of the history. Chair Plaag asked Mr. Winkler if he had explored the following possibilities for the consideration of things to be done with this building such as: National Register Designation under Criterion A for its association with the tobacco trade in Boone; or explored a National Park Service rehabilitation tax credits for buildings that are eligible for the National Register; or if explored local landmark designation for this building given its association with the tobacco trade in Boone. Mr. Winkler replied no to the considerations Chair Plaag mentioned.

Mr. Deal called the next witness, Mr. Jason Gaston from Valor Engineering. Mr. Gaston stated that he is a licensed engineer in North Carolina, and he has been practicing civil engineering since 2009.

Mr. Deal asked Mr. Gaston to state his involvement with the Café Portofino site. Mr. Gaston said that he worked on the layout for the proposed hotel. Mr. Gaston went over the site plans within the board packet. He explained that Mr. Winkler wants to use the existing parking lot with some modification as parking for the hotel with any excess parking to be shared with tenants who currently use it. He noted the parking lot would be resurfaced and restriped and have new curb and gutter added. He pointed out on the proposed plan that no portion of the new building will be inside the required stream buffer. He stated there will be a new sidewalk along River Street. He explained that the building has an awkward shape dictated by the 25-foot stream buffer. He pointed out that the Board of Adjustment has reviewed the buffer requirement variance to remove the building from the buffer.

Chair Plaag asked Mr. Gaston if his testimony was regarding the engineering for the proposed building, and not to any structural engineering with regard to the existing building. Mr. Gaston replied that was correct, with one exception. He noted that Mr. Winkler had initially explored the requirements to repair or reconstruct, which resulted in the project would trigger tier four, for repairs exceeding 75 percent of the current value.

Mr. Deal asked Mr. Gaston to describe to the Commission the effect of the tier that he talked about in response to Chair Plaag's question. Mr. Gaston read UDO Section 7.05.02(C4) as follows: Tier 4: Reconstruction, modification, and alteration of a structure or development in which the cost is certified to exceed seventy-five (75%) of the value of the development shall require compliance with all requirements of the UDO unless compliance is impossible, provided this section shall not require replacement of or substantial change to a façade that is in good condition.

Mr. Gaston further explained that the current tax value of the property is \$505,200.00. He stated that he and Mr. Winkler discussed the repair estimate to be substantially over 100 percent of the value. He continued that the proposed project would have to meet all the requirements of the UDO, if possible. He stated this situation is one of the reasons why the applicant is proposing complete new construction. He further explained that the building itself does not meet the required base flood elevation; he explained this is not possible unless you raise the whole building. He said he would encourage the applicant to reconstruct a building that at least meets the special flood hazard requirements, which is for the building to be two feet above the base flood elevation.

Chair Plaag asked Mr. Gaston if the listed tax value for \$505,200.00 is the amount that currently appears on the tax card or a figure listed due to the new evaluation recently mailed out. Mr. Gaston said he took the information from the current listing on the Town of Boone GIS system. He replied that did not know if the GIS system pulled the new values. He said he assumed the amount does not reflect the revised value if there is a revised value.

Chair Plaag noted that Mr. Winkler mentioned the existing building sits two feet below the flood level. Mr. Gaston replied no, as in reference to the base flood elevation, the finished floors are above the base flood elevation. Mr. Gaston explained that the UDO requires regulatory flood protection elevation, which the property does not meet at 1.67 feet above the base flood elevation; he stated the property is to be at two feet above the base flood elevation.

Chair Plaag asked Mr. Gaston if this means for any other existing building that does not meet the current standard that property owners must lift a building up to the proper height or remove it from the floodway. Mr. Gaston referred to Tier 4 of the UDO regarding compliance. He further stated that as an engineer, he said he would recommend development to meet the regulatory flood protection elevation of two feet above the base flood elevation. Chair Plaag asked if it would be possible to alter the existing building so

that it could be raised to meet the flood standards. Mr. Gaston believed that was more of a structural question to raise an existing building.

Mr. Deal called the next witness, Mr. Brent Davis of Brent Davis Architecture. Mr. Davis stated he had been an architect in Watauga County since 2000. Mr. Davis said he is roughly familiar with but has not visited the site. He said that he prepared the architectural plans for the proposed building. He reviewed the written description of the proposed work as outlined within the board packet. He explained the features of the building including that it is a 17-guest room, boutique hotel, 16 feet, six inches in height. He further described that it is a wood construction building using fire retardant treated lumber with a low sloped roof truss, and a 30-inch parapet to screen HVAC equipment. He also stated the building exterior will be wood and brick, and siding material that will be painted. He detailed that the storefront material will be of anodized aluminum with clear, tempered glass. He noted that the guest rooms may or may not have tempered glass; he explained the type of glass will depend upon the height off the floor, and it could be clear glass with double insulation. He further stated that the proposal also included awnings over each entry door. He stated that a brick veneer will continue around base of the building, which will be an eight-inch concrete reinforced slab with piers. He also detailed a decorative pergola or trellis that will be placed at the front of the building. Mr. Davis concluded by stating that there were photographs submitted as comparisons of buildings on Depot and Howard Street.

Mr. Davis described the mass and scale of the proposed building. Mr. Deal asked Mr. Davis about the height of the current building. Mr. Davis replied that it is 19 feet. Mr. Deal asked if the height of the proposed building would be less than the existing building; Mr. Davis replied yes. Mr. Davis continued by explaining the buildings on Howard Street that were similar to the proposal. He noted that he tried to capture the scale proportion of similar buildings on Howard Street and others in the neighborhood in terms of scale and exterior features. He talked about the exterior finishes and the material and color for the proposed facility. He noted that the Black Forest color is not an actual black color and that he used the same color on two boutique hotels in Blowing Rock, North Carolina, and the color worked out well. Member Watkins said he knew that the Black Forest color has become popular, but he wondered about its relevance to the downtown historic district.

Member Watkins asked Mr. Davis about the rectangles under the windows shown on the building elevation within the board packet. Mr. Davis replied that the rectangles represent loose louvered panels called PTAC units, which are inside air conditioning and heating units that extends into the hotel room. He continued by stating they fit flat to the surface of the building, and the owner selected the colors. Mr. Winkler stated that the Black Forest paint color has been used on his other hotel properties.

Chair Plaag asked Mr. Davis about the pergolas at 208 Howard Street, a building identified in the Comprehensive Architectural Survey and the Designation Report WT0874 for the C. C. Wilcox Building. Chair Plaag asked Mr. Davis if those pergolas were original to that building. Mr. Davis replied that he was unsure if they were original to the building. Chair Plaag asked Mr. Davis if he was familiar with the renovations completed at the Howard Street building in 2017; he asked Mr. Davis if he knew the appearance of the building before 2017. Mr. Davis answered no to both questions.

Chair Plaag asked Mr. Davis if he could name another building in the historic district that has ever featured pergolas or utilized copper sheet metal as a coping material during the period of significance from 1918 to 1964, or if Mr. Davis was familiar with copper material being a common coping material in the district during the said period of significance. Mr. Davis said he could not think of a building in the historic district that used this material. He further explained that the material was used on the High Country Bank, however, the building is not in the historic district.

Chair Plaag asked Mr. Davis if he could name a building in the historic district that has utilized a gray-tan colored brick or any use of the gray-tan colored brick during the said period of significance for the district. Mr. Davis said no to both questions.

Chair Plaag noted that Mr. Davis had previously described the proposed use of columns made of stone and wood as an architectural feature of the proposed building; Chair Plaag asked if a more accurate term would be to classify those as pilasters. Mr. Davis said that is correct and stated that the pilasters are not holding up the building, but are a decorative feature that gives contours to the wall.

Chair Plaag asked Mr. Davis if he was familiar with any building in the historic district during the period of significance that used a combination of lap siding, boards, vertical batten boards, and brick on the exterior cladding of the building. Mr. Davis replied no.

Chair Plaag asked Mr. Davis if he was familiar with any building in the historic district during the period of significance that utilized tinted glass in its windows. Mr. Davis replied no.

Chair Plaag asked Mr. Davis about 260, 268, and 274 Howard Street; Chair Plaag said Mr. Davis described these three buildings as one building. Chair Plaag pointed out that these three buildings were built at distinct, separate times from one another. Mr. Davis said he assumed there were separate buildings, but he was looking at the mass of the building in terms of length and height. Chair Plaag pointed out that it is inaccurate to describe these three buildings as one building as massing appropriate or common to the historic district. Chair Plaag asked Mr. Davis to tell him the length of the proposed building of the primary elevation or main façade of the building along River Street. Mr. Davis stated the length is 132 feet and six inches. Chair Plaag asked Mr. Gaston to give the present length of the primary façade, not including the setback or porches located on the west side of the building. Mr. Gaston said the length is 80.5 feet.

Mr. Deal called the next witness, Ms. Carrie Caviness, Ph.D. from Interface Environmental Consulting, LLC and Chair Plaag affirmed her in. She stated she is an environmental consultant who has been practicing in the Boone area since 2013 or 2014. Mr. Deal asked Ms. Caviness if she was familiar with the site on River Street; Ms. Caviness replied she prepared the trout buffer waiver application for the Division of Land Quality with NCDEQ and the Board of Adjustment. Mr. Deal asked Ms. Caviness to state her findings and recommendations with respect to the stream quality and the restoration of the creek. Ms. Caviness explained that she found some geomorphology and stream health issues. She explained that these issues come from the elevated stream because of an existing sewer pipe underneath the Café Portofino building connecting to the main line that runs along the creek. She said that from a biogeochemical standpoint the condition is not ideal. She further stated that trash accumulates due to the shape of the building, and there is no leaf litter that supports stream health.

Mr. Deal asked Ms. Caviness if, in her opinion, the proposed pilings for the new structure would be an improvement from what is in the stream bed now. Ms. Caviness replied that she is doing a geomorphologic and a biologic study to see what is the best thing to do to improve the restoration of the stream.

Mr. Deal asked Ms. Caviness to describe the landscaping recommendations. She said that there is not a final list as of yet, but once the demolition is completed, the following will occur: boulders will be placed around the edge of the water to protect material behind the bank; a gentle slope to a floodplain bench and then sloped up to the existing elevation; the 25-foot trout buffer that will be matted, stabilized, and seeded with native riparian seed; along with planting a mixture of shrub and native tree species. She discussed working with Mr. Brandon Wise, Environmental Planner, on the planting design in accordance with Town approval. She noted that planting native plants that provide shade are ideal for the trout stream.

Chair Plaag asked Ms. Caviness about the supporting pillars proposed in the floodway but not necessarily within the 25-foot stream buffer. He wanted to know if there are potential consequences of structural members being located in the floodway during a flooding event at Boone Creek. Ms. Caviness replied that unfortunately she could not answer those questions because they were outside of her scope of permitted work.

Chair Plaag pointed out that Mr. Deal in his opening statement talked about the history of hotels in the area between Howard Street and Rivers Street in the applicant's opening statement. Chair Plaag asked Mr. Deal if someone was going to speak on this topic. Mr. Deal noted that there were two hotels on Howard Street during the period of significance, and there were multiple hotels on King Street, although none existed anymore. He mentioned a hotel used to be beside the Café Portofino building, where the parking lot is now between Howard Street and River Street. Ms. Meade pointed out that an attorney's comments are not evidence in the case. She said that unless there are materials in the record, they should not be considered. Mr. Deal pointed out that in the record, it stated the Café Portofino building was used in the tobacco industry for up to two years between 1939 and 1941 and was abandoned by Austin Tobacco. He said he did not want the Commission to think it was a long-standing tobacco building according to the records presented by the town.

Discussion ensued on the building being unsafe. Member Watkins asked if he was correct in understanding that there was testimony that the building is now unsafe. Chair Plaag said that Mr. Goheen made statements of opinion to that effect during his testimony. Member Watkins asked Mr. Goheen how long the building had been unsafe. Mr. Goheen said that it was hard to tell because it was difficult to access all of the areas of the building until the restaurant moved out all of its equipment. He explained on his initial walkthrough, after the equipment was removed, he noticed rotten flooring over the foundational parts over the creek. Chair Plaag questioned who was responsible for the maintenance and repair of the building. Mr. Goheen said that the tenant was responsible for the entire interior of the building and all of the equipment. He further stated the property management company was responsible for primarily anything outside of the building, such as walls, roof, common area, and parking lot.

Discussion ensued on the roof leaking and the poor condition of the outside columns. Chair Plaag confirmed with Mr. Goheen that the property management company is responsible for repairing the outside columns. Mr. Goheen explained that every time a leak was reported, he attempted to seal the roof. He explained that multiple repairs had been made, and because of the way the building had settled it made it difficult to repair the roof.

Chair Plaag asked if a property manager would be concerned about the liability perspective for their employer related to the deterioration of things, supporting posts or exterior materials, that are not the tenant's responsibility. Mr. Goheen agreed and stated that was the main reason that they stopped leasing the two apartments above the restaurant because he felt they were unsafe.

Chair Plaag asked Mr. Goheen who was responsible for cleaning up trash on the exterior of the building, specifically the trash that was said to have been in the creek and was mentioned during some of the testimonies. Mr. Goheen said the property management company, specifically the ground staff, would be responsible for the trash outside of the building. Chair Plaag asked Mr. Goheen if he routinely checked on the trash outside the building. Mr. Goheen said that there would be a buildup of trash after a storm and trash would collect around the pilings underneath the building. He pointed out that the town sewer line that runs underneath the building also tends to catch trash.

Ms. Meade asked Mr. Goheen who his employer was. He replied, Mr. John Winkler. She asked Mr. Goheen if he was the property manager for this building, and he replied yes. She asked him roughly how many properties he manages, and he replied that organization has about 30 properties in Boone. She asked him

if he had a contractor's license or any specific licensing or certification other than the property manager experience for the last eight years. He replied no.

Mr. Deal said in response to Member Watkins's question that he would like to share the letter from the structural engineer that is included in the packet. Mr. Deal explained that the letter states the engineer's opinion that the building is not structurally sound. Mr. Deal said the engineer was not available to attend this meeting. Chair Plaag discussed that he did not think it was appropriate for Mr. Deal to defend the letter from the engineer since the engineer is not present to be cross-examined. Chair Plaag said that it has already been stipulated that the engineer's letter is in the packet and can be used as evidence.

Chair Plaag asked the Planning Staff if they would like to present any evidence other than the meeting packet pertinent to this application. Ms. Turner said the Planning Staff does not have further evidence.

Chair Plaag asked if there were any other interested parties that would like to speak or present evidence in support of the application. Ms. Shook said one person had indicated that they wanted to speak, but she had left the meeting. Chair Plaag asked if any other nonparty witnesses would like to speak or present evidence in support of the application. There were no responses in the affirmative.

Chair Plaag asked if any interested party or other nonparty witness would like to speak or present evidence in opposition to the application. There were no responses in the affirmative.

Chair Plaag asked the Planning Staff if their office had received any written correspondence about this particular case. Ms. Shook and Ms. Turner replied no.

Chair Plaag asked the Planning Staff if they had a closing argument or summary. The Planning Staff did not have a closing statement.

Mr. Deal gave a closing statement noting that no testimony showed that the existing building was safe. He said the only testimony voiced was that the building was unsafe. He referred to the engineer's letter located in the meeting packet that could be weighed as evidence supporting the case that the building is unsafe. He mentioned there was also testimony from individuals who have been in the building that repeatedly discussed the poor condition of the building. He said he is personally very familiar with the building, and how the building has had different uses through the years. He mentioned that anything built there needs to reflect the character and exterior appearance we want as a town. He stated on behalf of the applicant, they would like to work with the Town regarding the exterior appearance. Mr. Deal started describing findings, one of which is that the building has been structurally unsafe with its pilings in the stream. He described that this contradicts what the Town wants, which is the opening of Boone Creek to make it more attractive and amenable as opposed to the current site. He stated the reason for demolition is because the building is unsafe and it is in the floodway; moreover, he stated it does not meet any of the current requirements of the ordinance. He stated that it is not reasonable nor practicable to save the existing building. He described the proposed reuse of the site included a lower building height for the area. He mentioned that Ms. Caviness described the new landscaping and the proposal to improve the creek would be significant to get the pilings out of the creek and open it up. He indicated the applicant was working with the Town to remove the sewer line and connect it to Rivers Street. In closing, he said there is ample reason to allow the demolition, which will be the first thing that the applicant will request from the Commission.

Chair Plaag began the discussion of the evidence presented. Chair Plaag mentioned the issue of witnesses' statements of the building not being historically significant to the area. He continued by stating that there is a designation report that has declared this building to be historically significant to the district for its contributions to the history of the Town, not necessarily its contributions to architecture. Chair Plaag

opened the floor for discussion on this issue and a possible motion for a finding of fact that the building is or is not historically significant to the district.

Member Bond said that she did not see the existing building having historical value even though it has had many uses. She said she felt the larger issue is the Howard Street project. She said she felt that we could make this area historically significant by cleaning up the creek and remembering what was in this area.

Member Watkins said he felt that the historical significance of the building is perhaps less important than the overall plan. He also noted that the applicant had indicated a willingness of the owners, the architect, and the developers to work with the Commission on a different proposal that is more appealing than the initial plan.

Member Brantz said that he found the safety issues to be important. He stated that removing the existing building and considering a new building would be wise from a public safety angle.

Chair Plaag reminded the Commissioners that the issue before them is not what is safe or unsafe; rather, the issue is if the building contributes to the historic district's character, has historical or architectural significance, or both. He noted the designation report says it is historically significant and a contributing building to the district. He mentioned that if we believe that to be true, or the demolition of the building is damaging to the character of the district, that demolition could not be prevented but it could be delayed. He said that other options could be explored for either repairing the building at the site or the possibility of the owner facilitating the moving of the building to another location. He noted the last resort would be to potentially salvage portions of the building to be used in some other capacity at some other location.

Ms. Meade explained that considering the safety angle could be a problematic precedent for the Commission to take. She explained that even if the Commission agreed that the evidence established a safety issue, she said she would take issue with that based on the evidence presented of no other measures taken regarding the safety of the building.

Ms. Meade reviewed the statute's language with respect to demolition, so the Commissioners understood the actual legal standard that applies. She said if the Commission finds that a building or site within the district has no special significance or value toward maintaining the character, the district shall waive all or part of such period of delay and authorize earlier demolition or removal.

Discussion ensued on a potential delay in demolition. Chair Plaag pointed out that the standards require the building be documented extensively as the interior of the building has never been documented. He said that the Commission is obligated to approve a request for demolition with a possible delay with the approval to allow for the documenting of the interior of building. Chair Plaag discussed some options in the hearing with regard to alternative solutions, and as a last resort, the relocating of the building.

Discussion ensued on possible ways to address the request for demolition. Chair Plaag suggested that a possible motion be made about the requested demolition or whether a delay seems appropriate or not. Member Watkins asked if everything that was not original to that building was stripped off what would remain. Chair Plaag said there is a rectangular piece at the southwest corner of the building that is not original to the building. He further noted that near the rear of the building, there is a stucco material placed over base material applied later at an unknown time. Chair Plaag said that he suspected that the base material was probably the original wood boards of the building. Member Watkins noted that in his experience, it was difficult to move buildings or motivate owners to pay for them to be moved, or finding people willing to undertake the process. Chair Plaag pointed out that there is an opportunity for Mr. Winkler and his company to work with the Town to donate the salvageable elements of this building to

the Town to reconstruct this building or something similar at Daniel Boone Park. He said this could effectively create the possibility of a year-round Farmers Market at Daniel Boone Park. He added that there are potential tax benefits to Mr. Winkler and his company for doing something like this.

Chair Plaag noted that Mr. Winkler had testified that he had not explored options that could be done, ranging from the lifting of the building to figuring out a different configuration for the supports to get them out of the creek. Chair Plaag noted that he was troubled by any applicant who comes to the COA process and is not prepared to mention what has been explored or why certain items cannot be done. He suggested that a delay in the demolition be beneficial in assisting the owner, applicant, and the Commission in assuring the public that the Commission has done its due diligence in exploring all other alternatives before authorizing the demolition. Member Watkins mentioned that the applicant would probably be willing to do things like enable complete documentation of the building before the demolition. Chair Plaag suggested the applicant talk to a historic preservation specialist about what can be done to save the building or other things to meet the applicant's goals for the hotel.

Discussion ensued on delaying the demolition of the building. Chair Plaag explained that the demolition could occur at the end of the 365 days. The applicant could do their due diligence and return to the Commission in two or three months. The hearing could be reopened to hear the diligence testimony from the experts to speak on those things. The Commission could make further consideration at that time for reducing the waiting period.

Chair Plaag explained his experience with property owners who take advantage of tax credits and explore those kinds of solutions, as it is generally less expensive than tearing down a building.

Member Watkins said the most helpful thing that the Commissioners can do since they cannot prevent the demolition of the building, and if the applicant wants to demolish the building, is to work with the applicant to produce a replacement building that will maintain the spirit of the historic district.

At 5:18 p.m. Chair Plaag called for a ten-minute break, and at 5:29 p.m., he reconvened the hearing.

Chair Plaag continued deliberating on the possible waiting period for the proposed demolition. He asked the Commission if they wished to impose any type of waiting period or if there were any suggestions for the applicant as to how to utilize the waiting period and possibly reduce the time if the Commission is so inclined. Member Brantz suggested a 90-day waiting period. Chair Plaag noted that it is his understanding that the applicant can demolish at any time once the COA is issued within the effective period of the COA that has a time limit on it to begin the work. Chair Plaag asked Member Brantz if he was suggesting the applicant have a 90-day waiting period or time limit before they would be able to demolish. Member Brantz confirmed that he is suggesting a waiting period.

Motion and Vote:

Member Brantz made a motion, seconded by Member Bond, that the Historic Preservation Commission approve the demolition of this structure with a 90-day waiting period.

Member Watkins asked if Member Brantz's motion included the applicant working with the Commission to produce an alternative plan for the hotel. Chair Plaag reiterated that the Commission is reviewing a two-part COA between the demolition and the proposed new hotel as two separate issues. Chair Plaag said that once the demolition is approved, the Commission can then consider the proposed plan for the site. Chair Plaag noted in the second part of the COA review that the Commission can choose to recess if there are questions that cannot be answered at this hearing and reopen the hearing at a later time, if the applicant needs to gather information to address some of the concerns the Commission might have about the new hotel.

Member Watkins asked if Member Brantz's motion included the applicant providing access to the building and hiring and paying for a professional to document the interior of the building. Chair Plaag suggested that Member Brantz amend his motion to include Member Watkins's thoughts, and if the applicant fails to do what is recommended by the Commission within the 90-day waiting period, it will revert to the 365-day waiting period or some other waiting period that is chosen.

Member Bond added a friendly amendment to Member Brantz's motion. She agreed to the demolition of the building with the caveat of a 90-day waiting period, at which time the applicant will give access to the building, and hire and pay for a photographic survey of the interior of the building before it is demolished.

Ms. Meade suggested that the motion establish precise parameters to be specific to the condition. Chair Plaag recommended that whoever does the interior documentation be from the list of historic preservation consultants maintained by the State Historic Preservation Office (SHPO). Chair Plaag pointed out that he is not making a recommendation and noted that from his work experience, Ms. Heather Fernbach has done work in Watauga County. He said her work would include a written description to supplement our existing exterior description of the building. He noted that the interior of this building had never been documented before. Chair Plaag said that, if appropriate, the applicant could ask the Planning Staff for SHPO contact information to help streamline the process for the applicant. Mr. Deal said the applicant would need some idea of the cost of hiring a professional before they would agree to it. Chair Plaag gave an estimate cost of between \$2,000 and \$5,000, or possibly less. Mr. Deal said the applicant agreed to pay within that cost range for the professional to document the building. He noted the applicant could contact them the next business day and get it scheduled to do the work. Mr. Deal noted that the professional going into the building would need to sign a waiver because it is too dangerous to let someone in that building without a waiver.

Mr. Deal pointed out that to do any work on demolition in a trout stream, you cannot get into the creek between October 15 and April 15. He said if the approval is not completed before October 15, the applicant might as well wait the year. Ms. Meade added that the waiting period could be within 90 days at the earliest date the report was submitted. Mr. Deal confirmed that the applicant was agreeable to the terms discussed. Ms. Meade added that if the timeframe was not met or the cost was an issue to the applicant, the matter would come back to the Commission.

Chair Plaag asked Member Brantz and Vice-Chair Bond to amend their motion to include the applicant is to explore the possibility of working with the Town to convey a part or all of the building to the Town if the Town is interested in acquiring it on a salvage basis. Mr. Deal said the applicant is willing to explore salvage opportunities but is unwilling to pay for them. Mr. Deal said that he could write a letter to the Town of Boone and offer the building to them and then they could move it wherever they wanted to move it. Chair Plaag said that in either case, regardless of whether it is moved or torn down and the Commission will probably want to see the building documented in its current location. He said they would offer it to the Town, and maybe there is a center part of the original structure that might be reasonably movable. Member Brantz and Vice-Chair Bond accepted these friendly amendments.

Ms. Turner clarified the conditions for the demolition COA as well as that the applicant has to obtain the COA before the demolition permit can be issued; and the demolition portion of the COA effective date will be 90 days and when both of the conditions have been met.

The conditions of the COA case are as listed below:

1. Where there is conflict between the application information and the plans (February 28, 2021), the plans control. Insignificant deviations may be permitted to comply with the requirements of the UDO.

2. Any commitments and representations concerning the proposed exterior modification made by the applicant or its (their) 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 other applicable codes for review and approval necessary to issue Zoning and Building Permits.
4. The applicant agreed to a 90-day waiting period: to hire and pay for a professional from a list provided by the State Historic Preservation Office (SHPO) to document the interior and exterior of the building.
5. The applicant shall explore alternative options to save or salvage the building.

Vote: Aye – All
Nay – None

The motion passed.

Discussion ensued on the proposed new building. Chair Plaag pointed out that from the architect's testimony, the applicant had done very little due diligence in selecting materials and features for the building appropriate to the historic district for new construction. He said he could not support the building as proposed because it is not congruous with the historic district. He suggested that the Commission discuss some of the materials to allow the applicant to regroup on what is proposed for the site. Mr. Deal agreed with Chair Plaag and noted that it would be helpful to ask the Commission for guidance on the building design's proposed features that are congruous with the period of significance.

Chair Plaag said that he appreciates the proposed lower building height. He said he was concerned with the massing of the building because the proposed building is substantially longer. Chair Plaag pointed out his concerns about the proposed exterior materials of the new building as the applicant could use one exterior material along with interesting design features, rather than three or four different exterior colors and six or seven different architectural styles on the same building. He suggested that the applicant look at the buildings on lower Depot Street that have both stone and brick or brick tile on them instead of the mishmash of colors and architectural features proposed.

Discussion ensued on the required minimum building footprint. Mr. Gaston said a B-1 development requires a minimum building footprint coverage for the lot to be 50 percent. He said the site is barely that amount, and they are constrained with the stream buffer in the back, the sidewalk in the front, and have maxed out the buildable footprint. He said he would have to shorten the building because it could not go higher. He directed his question to Planning Staff, and Ms. Shook answered about making sure he meets the minimum footprint requirements for lots in the B-1 zoning district. Ms. Shook said that in the past a reduction was not allowed; she said there was another project that got a variance for the building footprint.

Ms. Meade asked Planning Staff if some type of public space, like a courtyard, on one side of the building would still count towards the building footprint. She said, if not it should be something that should be considered and could be an oversight in the UDO. She said she thought there should be some flexibility either for meeting historical standards or for public spaces like courtyard spaces. Ms. Shook clarified that there is no additional guidance within the section.

Member Watkins said he was uncomfortable trying to tell the applicant how to address the Commission's concerns. He said ultimately, the Commission will vote on whether they think the final result is congruous with the historic district. He suggested that the Commission provide the applicant with a list of elements or materials the Commission believes would be compatible with the approval. Chair Plaag agreed with Member Watkins.

Chair Plaag pointed out the following items that the Commission felt they would like to see on the proposed building:

- Replace the copper sheet metal with a historic material
- Do not use the pergolas on the new design
- Possibly use a different color brick and paint color other than the gray/tan brick and a different paint color other than Black Forest that is more historical to the district
- Adjust the massing/scale of the building that is more appropriate to the former building and lot as well as surrounding buildings
- If using pilasters, call them that on the architectural plan
- Break up the elements/materials using on the exterior of the building
- Do not use tinted or mirrored glass for the windows
- See if a different material for the HVAC units other than the PTAC's can be used

Mr. Deal said the applicant would have to discuss with Mr. Davis and Mr. Gaston the possible options to see if there is a reasonable way to address the concern of the massing issue by trying to include the slight setback that Chair Plaag mentioned.

Discussion ensued on the timeline to submit the proposed application's revised site plans and description. The Planning Staff discussed a date for the applicant to submit their revised documents and plans to the Planning Department. Ms. Shook said the meeting packet would need to be published by June 3. The Planning Staff agreed to work with the applicant as needed so long as there was sufficient time to review and publish.

Chair Plaag said he did not think a new staff report would be needed, rather a revision of the drawings, elevations, and site plan would need to be submitted. He said that the Planning Staff would need time to review and comment. Mr. Deal said he would need time to talk with Mr. Davis and Mr. Gaston and check their availability to work on the revised plans. Mr. Deal said he would try to work towards making the June meeting agenda. Chair Plaag noted that the Commission could delay the COA case review of the new construction until the July meeting, if needed. Ms. Meade pointed out that to avoid any issues with having to provide a second public notice, she would suggest that the Chair, when the Commission is done with this discussion, table the case over to the next regular session of the Commission. Chair Plaag said if there are no objections, he will continue this case to the next Historic Preservation Commission Quasi-Judicial hearing on June 14, 2022, at 3 p.m. via WebEx, a video conferencing software. On behalf of the applicant, Mr. Deal had no objection to continuing this case.

Staff Note: The June 14, 2022, Historic Preservation Commission meeting to continue the quasi-judicial hearing on the Rivers Street Ventures COA Case was requested to be tabled until July 12, 2022. The July 12, 2022, Historic Preservation Commission Quasi-Judicial meeting minutes are provided below.

TOWN OF BOONE
HISTORIC PRESERVATION COMMISSION
EXCERPT MEETING MINUTES
JULY 12, 2022, 3:00 p.m.
WebEx Video Conferencing

Historic Preservation Commission Members in Attendance:

Chair Eric Plaag, Vice-Chair Bettie Bond, and Chuck Watkins

Council Liaisons: Virginia Roseman

Town Staff in Attendance:

Jane Shook-Director of Planning & Inspections, Christy Turner-Senior Planner, and Marlene Crosby-Board Secretary

Others in Attendance: Tim Futrelle-Mayor, Amy Davis-Interim Town Manager, Allison Meade-Town Attorney, Jim Deal-Attorney at Deal, Moseley and Smith, John Winkler-Winkler Organization, Judah Goheen-Winkler Organization, Brent Davis-Brent Davis Architecture, Bill Dixon-Appalachian Architecture, Alan Crees-Municipal Engineering, Deron Geouque-County Manager and Chelsea Garrett-Attorney at diSanti, Capua and Garrett, PLLC

Case Z05606-032422 Rivers Street Ventures – Certificate of Appropriateness for Major Work

John Winkler, on behalf of Rivers Street Ventures, LLC, is requesting a Certificate of Appropriateness (COA) for Major Work for the demolition of the existing building (currently Café Portofino) at 970 Rivers Street (Watauga County PIN: 2900-78-7965-000) at the Downtown Boone Local Historic District and proposed new construction of a one-story hotel.

Chair Plaag announced that the case is being continued from May 10, 2022 till July 12, 2022.

Chair Plaag reopened this case and Ms. Jane Shook, Director of Planning and Inspections, and Ms. Christy Turner, Senior Planner were sworn in.

Ms. Meade confirmed with Planning Staff that there was no one from the public that had asked to speak on this case.

Chair Plaag asked the HPC the following questions: does anyone have a fixed opinion about the case that is not susceptible to change; have a conflict of interest regarding the case, including any financial interest in the outcome of the case; have a close familial relationship with any person affected by the outcome of the case; or engaged in any undisclosed ex-parte communication regarding this particular application. There were no answers in the affirmative to these questions.

Chair Plaag confirmed with Mr. Jim Deal from Deal, Moseley, and Smith that he is the attorney for the applicant. Chair Plaag asked Mr. Deal if he had any objections to the materials submitted with the updated meeting packet. Mr. Deal said he had no objections.

Chair Plaag asked if the Acme Historical Documentation Survey Report included other photographs than those within the report. Chair Plaag affirmed Mr. Judah Goheen from the Winkler Organization. Mr. Goheen responded that the consultant only gave them the photos in the report. Chair Plaag asked Mr. Deal if the consultant they hired provided a floor plan or a photo key to the building's exterior and interior. Chair Plaag said these things are often included in these kinds of reports.

Ms. Meade pointed out that the HPC did not outline a particular sort of explicit requirements or expectations for the requested report. She said if the HPC feels like they did not receive enough information, it would be helpful for the HPC to discuss it so that future applicants and staff could be given better directions. Ms. Meade pointed out that the HPC could request that the applicant ask their consultant to provide the additional photos. She asked Chair Plaag the intent of the report. Chair Plaag said the goal is to document the building that had been designated as a historic building, even though that building is potentially demolished. He further explained that it is a mitigating measure in terms of

preservation. Ms. Meade noted that we could be more explicit with applicants and staff moving forward with these details.

Chair Plaag asked Mr. Deal if his applicant could ask their consultant to provide the following things: all photographs so they can be appropriately stored, and a floorplan with a photo key that documents various numbered photos taken inside and outside of the building. Mr. Deal said the applicant is willing to ask the consultant to provide these things, provided they will do it without an additional charge. Mr. Goheen asked if they could hand draw a floor plan. Chair Plaag agreed to accept a hand-drawn floor plan with the photo key. Ms. Meade suggested that the HPC accept the report that has been submitted and published in the meeting packet. There were no objections to the report in the meeting packet.

Discussion ensued on the new proposed building elevations. Mr. Deal said that based on comments at the last hearing, the applicant had redesigned the building. Mr. Deal called on Mr. Brent Davis from Brent Davis Architecture as a witness to present the changes from the written description of the proposed work. After Mr. Davis was sworn in by Chair Plaag, Mr. Davis began his review of the proposed building changes from the packet between the April 28, 2022 submittal and the June 23, 2022, submittal.

Mr. Deal asked Mr. Davis to speak to the comments in the meeting packet by Ms. Amy Flieg, Town of Boone Fire Marshal. Mr. Davis explained that a sprinkler room on the first floor of the proposed building would accommodate a backflow device.

Discussion ensued on a revised site plan. Ms. Meade pointed out that a revised site plan was offered but inadvertently omitted from the meeting packet, but it has been added and can be viewed online.

After Mr. Gaston was sworn in, he began explaining that he had met with Mr. Justin Stines, Facilities Maintenance Supervisor, and Ms. Flieg and discussed relocating the dumpster and changing the access by closing some of the entrances. Mr. Gaston said these proposed changes are not shown on the revised site plan currently shown but that he did have an updated one that he could email to Ms. Shook so that she could share. Once Ms. Shook received the email she shared the revised site plan on the screen where Mr. Gaston explained that there was also a discussion about a fire apparatus, but since they are taking down two power lines directly in front of this building for this project, the fire department can use ladder trucks when needed. He added that the proposed parking spaces are now 45 as opposed to 47 spaces. He said that one significant change is that there is no longer any vehicular access to Howard Street from the proposed hotel parking lot.

Chair Plaag asked Mr. Gaston about a fencing component at the northeast end of the parking lot. Chair Plaag asked if the current design would provide pedestrian egress from the parking lot for the proposed hotel to Howard Street. Mr. Gaston said that is correct.

Chair Plaag asked the Planning Staff if they had any questions about the revised site plan. Ms. Turner said no and confirmed that the proposed parking spaces were adequate for the buildings. Ms. Meade asked the Planning Staff if they felt the submitted materials and design details were specific enough and met the requirements of the Unified Development Ordinance. Ms. Turner said yes at this time, unless the applicant makes other proposed changes or if something arises during the conditional district zoning map amendment process.

Chair Plaag expressed his concern for the lack of pedestrian access to Howard Street from the parking lot and the potential impacts on neighboring properties. He said if there is no access given, there is a potential

for pedestrians to walk through other areas to get from the hotel to Howard Street. He asked the Planning Staff if there was a mechanism in the UDO to allow pedestrian access. Ms. Turner said yes, the access could be by a sidewalk or walkway. She suggested that the Planning Staff review the Howard Street Plan to see if it is feasible to have an access point there. Ms. Meade asked if the applicant would be willing to agree to provide a pedestrian access with hardscape, subject to the condition of working with Mr. Stines and Mr. Todd Moody at the Public Works Department, and to be consistent with the Howard Street Plan. After being sworn in by Chair Plaag, Mr. John Winkler, the property owner, agreed to the proposed condition.

Discussion ensued on the standard for new commercial construction projects. Chair Plaag asked for clarification on building height. Ms. Shook noted that as proposed the applicant had met the height requirements and due to ordinance requirements the applicant was required to do an additional process because the height of the proposed building exceeded the height of the original building.

Discussion ensued on the appropriateness of a proposed new commercial building. Chair Plaag read Section 14.7 and pointed out that the proposed building is longer and higher than the existing building. He voiced his concerns from a mass, scale, and height perspective as to whether this building, for this particular part of the district, is appropriate in scale and massing. He said he is raising this issue because it is a change from what historically has been there. He said he wanted to be sure that the Planning Staff was not saying that the proposed project meets the district standard and only addresses the required standards of the UDO. Ms. Meade responded that this was correct. She suggested that the Planning Staff revise this section to clarify that they were speaking to general UDO standards. She said that otherwise, they would be pre-judging the work of the HPC.

Discussion ensued on the staff comment under Section 14.10. Chair Plaag pointed out that this staff comment is incorrect in the staff report. Ms. Turner agreed that the staff comment was incorrect.

Discussion ensued on the staff comment under Section 3.6 on packet page 161. Chair Plaag read this section and pointed out that the staff comment states that the applicant meets the UDO setback requirements. He asked if the setbacks are relevant to this particular standard, since this is a standard that addresses building mass and open space and the relationship between those two things, and not a UDO requirement regarding setbacks. In response to the staff comment, Ms. Meade noted that Ms. Turner might have been speaking to the underlying general UDO standards. She said it is up to the HPC to apply the historic standards.

Chair Plaag opened the public comment session of the meeting. There was no public comment presented. Chair Plaag asked Mr. Deal if he would like to rebut any evidence or discussion presented at this hearing. Mr. Deal said no.

Chair Plaag asked Mr. Deal if he would like to give a closing summary or argument or defer that until after the staff has any interest in making additional statements. Mr. Deal said he would wait for Staff to comment. Ms. Turner said the Staff had no further comments.

In summary, Mr. Deal pointed out that the revised site plan included everything the HPC requested. He reiterated that the proposed building is out of the floodway. He noted that inserting the set back in the center of the new proposed building changes the massing along the street. Mr. Deal noted that the applicant thought it was important to have a hotel support the downtown area. He said the applicant does recognize that a conditional district rezoning map amendment is required for the proposed hotel. He said

opening up the stream, creating a pedestrian walkway, and closing the vehicular traffic to Howard Street all benefit the downtown area.

Chair Plaag opened the floor to the HPC for discussion on the proposal of the new building design and its relationship to the applicable standards. Member Watkins confirmed that all the staff comments on packet page 151 had been met. Ms. Turner explained that certifications for the stream bank restoration would be required later. Member Watkins asked Chair Plaag if any wire-cut brick exists in the Downtown area. Chair Plaag said there is a mix of brick types and some buildings that fall into the period of significance have wire-cut bricks. Chair Plaag said he thought wire-cut brick was appropriate for the historic district. Member Watkins agreed with the proposed color of the brick.

Chair Plaag explained that the HPC does not want to create a sense of false historicity in existing architecture or new construction because that would not be appropriate.

Discussion ensued on scale and massing of buildings. Chair Plaag voiced his concern about controlling scale and massing so that it is appropriate for the historic district.

Vice-Chair Bond noted that it is important to be careful about handling the first new construction due to the Howard Street project. She noted her concern for any precedence set that would influence projects in the historic district.

Member Watkins congratulated the applicant and his team for the significant improvement in the proposed new building design; he thought it would fit well in the historic district.

Motion and Vote:

Member Watkins made a motion, seconded by Vice-Chair Bond, to accept the proposed exterior modification of the proposed hotel because it is congruous with the special character of the historic district.

Chair Plaag asked Member Watkins to accept a friendly amendment to add the condition for the pedestrian access from the proposed hotel parking lot to Howard Street. Member Watkins accepted the friendly amendment.

Member Watkins also included the conditions of approval that are automatically included as a part of the approval. Vice-Chair Bond accepted this friendly amendment and to include the following conditions.

1. New construction: Where there is a conflict between the application information (March 24, 2022) and the plans (June 24, 2022), the plans control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations 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

4. The applicant agreed to work with the Public Works Department to locate and to construct a pedestrian access between the hotel parking lot and the streetscape improvements for Howard Street.

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

Planning Application - UDO Text Amendment

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

Official Use Only

Case Number:
PL05781-061322
Case Name:
Signs

A. CONTACT INFORMATION

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

B. TEXT INFORMATION

Amendment is to:

Article(s): 26, 34

Section(s): _____

Brief Description of Amendment (Attach Proposed Text):

The Town of Boone has proposed amendments to UDO Article 26 Signs and Article 34 Definitions to revise and modernize sign regulations. Amendments may also be made to other Articles to conform them to changes made in this case

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

Jane Shook
Applicant (Print)

/s/ Jane Shook
Applicant Signature

June 13, 2022
Date

Official Use Only

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

Hearing/Decision Information

Public Hearing Meeting
Date: 09/26/2022

PC Meeting Date: _____

TC Meeting Date: _____

Text Approved: ☐ Yes ☐ No

Notes: _____

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Communication: Case PL05781-061322 Application (Case PL05781-061322 Signs - UDO Text Amendment)



STAFF REPORT
PUBLIC HEARING
SEPTEMBER 26, 2022
Case PL05781-061322 Signs - UDO Text Amendment

Request

The Town of Boone has proposed amendments to UDO Article 26 Signs and Article 34 Definitions to revise and modernize sign regulations. Numerous changes have been made to the regulations in order to be compliant with statutory requirements, case law and the need to modernize the language. Staff and the Town Attorney will provide additional details during the presentation of the case at the public hearing.

Please note, amendments may also be made to other Articles to conform them to changes made in this case.

CONFORMITY TO ADOPTED PLANS

COMPREHENSIVE PLAN UPDATE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMPREHENSIVE PLAN POLICIES

2.1 THE ECONOMY

2.1.1 Economic Development

- A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy.
 - A.1 Continue to evaluate and amend development regulations to help insure aesthetic quality in the area and preserve the natural beauty of the area.
 - A.2 Adopt analytically sound, technically based hillside development regulations to preserve natural beauty.
 - A.3 Support the Arts Council, Jones House, ASU and others in attracting quality cultural events to Boone.
 - A.4 Balance the benefits of economic development projects with special concern for environmental quality issues.

...

2.3 THE COMMUNITY

- A. Urban type development within the Urban Growth Area shall meet appropriate Town standards.
 - A.1 Establish minimum architectural design standards for commercial development throughout the Town.

2.3 THE COMMUNITY

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.
 - A.1 Establish minimum architectural design standards for commercial development throughout the Town.

..

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

D.1 Conduct a review of the Town's sign regulations with the goal to have a long term policy consistent with the appearance of the High Country, including greater use of ground signs and directory signs.

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.

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 ordinance ☐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 Planning Commission recommends ☐approval OR ☐denial of Ordinance # PL05558-030922 within in 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. 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.

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.

ORDINANCE # PL05781-061322

**AN ORDINANCE TO REVISE ARTICLES 23 AND 34 OF THE TOWN OF BOONE UNIFIED DEVELOPMENT
ORDINANCE RELATING TO SIGNS**

WHEREAS, the Boone Town Council desires to revise and modernize the requirements for signs;
and

WHEREAS, the Boone Town Council held a duly-noticed public hearing on March 26, 2022 with respect to this ordinance; 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

WHEREAS, the Boone Town Council is authorized to enact this Ordinance pursuant to its zoning authority under G.S. Chapter 160D, Article 6;

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

SECTION 1. Articles 26 and 34 of the Town of Boone Unified Development Ordinance (“UDO”) is hereby revised as set forth in the attached **Exhibit A** to this Ordinance, which is incorporated by reference, with deletions and additions shown in ~~red~~ and blue respectively:

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

SECTION 3. In the event any section, subsection, subdivision, paragraph, subparagraph, item, sentence, clause, phrase or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this ordinance, which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this ordinance.

SECTION 4. This Ordinance shall be effective immediately upon its adoption by Town Council.

Adopted this the 12th day of October, 2022.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon, Town Clerk

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

Note 1

Vote 2: The Town Council ☐approves OR ☐denies Ordinance # PL05558-030922 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.

Communication: Case PL05781-061322 Staff Report (Case PL05781-061322 Signs - UDO Text Amendment)

EXHIBIT A**Article 7 Nonconformities**

...

7.05 Nonconforming Situation**7.05.01 Alteration of a Nonconforming Situation:**

- A. Subject to Subsection 7.05.06, a nonconforming structure may be altered so long as no new nonconformity is created nor existing nonconformity increased.

7.05.02 Development ~~requiring~~ ~~which requires~~ compliance with UDO:

- A. Cost of development as referenced herein shall be measured by adding together the costs ~~which~~ ~~that~~ will be incurred in all development activity as proposed, together with the development activity other than normal maintenance and repair that has been permitted within the prior thirty-six (36) months.
- B. 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.
- C. Compliance of existing development with the requirements of the Ordinance shall be triggered by the costs of proposed new development (excluding any costs associated with improvements made due to compliance with this Section) in accordance with the following tiers. The Administrator may require certification of the new development by a competent professional. The following tiers are cumulative in effect:
 - 1. **Tier 1:** Reconstruction, modification and alteration of a structure or development in which the cost is certified to exceed ten percent (10%) of the value of the development shall comply with the following, to the extent practicable:
 - a. Bicycle parking in accordance with Section 24.09.
 - b. Landscape improvements pursuant to Section 31.09 Screening Along Streets with a priority given to large deciduous trees.

2. **Tier 2:** Reconstruction, modification and alteration of a structure or development in which the cost is certified to exceed twenty-five percent (25%) of the value of the development shall comply with the following, to the extent practicable:
 - a. Solid waste and recycling containers pursuant to Section 22.13.
 - b. Signs pursuant to Article 26.
 - c. Color requirements in accordance with Subsection 25.02.05.
 - d. Lighting in accordance with Section 25.05.
 - e. Landscape improvements pursuant to Section 31.06 Buffer and Screen Requirements with a priority given to large deciduous trees.
3. **Tier 3:** Reconstruction, modification and alteration of a structure or development in which the cost is certified to exceed fifty percent (50%) of the value of the development shall require compliance with the following, to the extent practicable:
 - a. Drainage and stormwater requirements pursuant to Article 21.
 - b. Pedestrian circulation and sidewalk requirements pursuant to Section 23.08.
 - c. Parking requirements pursuant to Article 24.
 - d. All other requirements of Article 25 Community Appearance Standards.
 - e. All other requirements of Article 31 Landscape Standards.
 - f. Corridor District requirements pursuant to Article 14.
4. **Tier 4:** Reconstruction, modification and alteration of a structure or development in which the cost is certified to exceed seventy-five (75%) of the value of the development shall require compliance with all requirements of the UDO unless compliance is impossible, provided this section shall not require replacement of or substantial change to a façade that is in good condition.

(Ord. PL04727-050721, 07-01-2021)

...

Article 26 Signs

~~26.01 General Regulation of Signs~~

~~26.01.01 Location Requirements: No signs shall be located in or overhang any right-of-way, including alleys and sidewalks, except for government signs. All signs shall be set back a minimum of one (1) foot from the right of way in all zoning districts except the "B1" Central Business District.~~

~~26.01.02 Vision Obstructions: No signs shall create any vision obstructions onto a public right of way, alley, sidewalk, adjacent drive or private drive entering onto a street. Signs or floodlights~~

~~erected or placed in such a manner as to cause glare that impairs driver vision on a roadway or causes a nuisance to adjacent property as defined in N.C. Gen. Stat. § 136-32.2 are also prohibited.~~

26.01.03 — Landscaping Requirements: ~~Freestanding signs must be placed in a landscaped area which is at least three feet (3') in width and at least the length of the greatest dimension of the sign. Curbing, railroad ties, bricks, fencing and/or other suitable vehicular barrier shall enclose the landscaped area.~~

26.01.04 — Construction Signs: ~~Signs may be two-sided, non-illuminated and shall not exceed thirty-two square feet (32 ft²) and may be placed on premise. They shall be removed no later than seven (7) days after completion of the project.~~

26.01.05 — Attached Sign Limitations: ~~Attached signs shall not project higher than the building soffit or eave height and shall not extend beyond the edge of any wall or other surface to which they are mounted (this does not refer to projecting signs).~~

26.01.06 — Copy Area: ~~The area of a sign shall be measured according to the following rules as applicable:~~

~~**A.** In the case of freestanding, projecting, canopy or marquee signs, area consists of the entire surface area on which copy could be placed. The supporting structure or bracing of a sign shall not be counted as a part of the sign area unless such structure or bracing is made part of the signs message. Where a sign has two (2) display faces back to back, the area of only one face shall be considered as the sign area. When a sign has more than one display face, all areas which can be viewed simultaneously shall be considered the sign area. All signs are limited to two (2) faces.~~

~~**B.** In the case of a sign (other than freestanding, projecting, canopy or marquee) whose message is fabricated together with the background which borders or frames the message, sign area shall be the total area of the entire background.~~

~~**C.** In the case of a sign (other than freestanding, projecting, canopy or marquee) whose message is applied to a background which provides no border or frame, sign area shall be computed by continuous rectilinear lines, or a circle or an ellipse enclosing the extreme limits of the letters, writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display used to differentiate the sign from the backdrop or structure against which it is placed.~~

26.01.07 — Freestanding Signs: ~~All freestanding signs shall follow the following criteria:~~

~~**A.** No freestanding sign shall be placed less than forty feet (40') from another freestanding sign.~~

~~**B.** Freestanding signs shall be located on the same lot as the business being advertised.~~

~~**C.** All freestanding signs, support structures and required landscaping areas shall be at least one foot (1') from any right-of-way or easement.~~

~~26.01.08 — **Lighting:** Interior lighting for signs, where permitted, shall not exceed eleven (11) watts per bulb (the standard industry size). In the case of the use of exterior lighting by floodlights, such lights must comply with N.C. Gen. Stat. § 136-32.2.~~

~~26.01.09 — **Changeable Copy:** Signs in the B2, B3 zones and projecting theater marquees in the B1 zones may contain changeable copy; however, in no case shall the changeable copy portion of the sign exceed fifty percent (50%) of the total sign area. Copy which changes through mechanical, digital, electronic, or manual means may change or alternate no more than once every sixty (60) minutes.~~

~~26.01.10 — **Awning, Canopy, Projecting and Suspended Signs:** Awning, canopy projecting and suspended signs may be no less than eight feet (8') at their lowest point above any sidewalk.~~

~~26.01.11 — All signs must be placed in accordance with Section 98 of the Boone Town Code.~~

~~26.02 Signs Which Do Not Require a Permit~~

~~26.02.01 — No zoning permit is necessary for these signs, provided they are not prohibited in this Article and provided that they comply with the conditions described herein.~~

~~A. — Informational signs displayed for the direction or convenience of the public. Such signs shall not exceed four square feet (4 ft²) in area and may be illuminated.~~

~~B. — Directional signs are permitted provided that they do not exceed four square feet (4 ft²) in area and three feet (3') in height.~~

~~C. — Gasoline pump signs that are non-illuminated giving information such as self-service instructions, price, type of fuel, etc., shall be permitted on gasoline pumps. These may contain the trade name or emblem, but they shall not exceed beyond the side of the gasoline pump and not more than one foot (1') above it. In addition, establishments that sell gasoline shall be allowed one (1) price sign (or two (2)) if the station is located on corner property which displays price only, and does not exceed four square feet (4 ft²) in area. This sign shall be in addition to the signs permissible in the district in which said gas station is located.~~

~~D. — Time and temperature signs are limited to one sign with alternating cycles. This sign may be in addition to other permitted signs. It may not contain any advertising other than the name or logo of the business and it must comply with all requirements of the district in which it is located.~~

~~E. — Drive through window signs are permitted as either a freestanding sign or attached wall sign. Such signs may not exceed twenty-eight square feet (28 ft²) and should not generally be visible from the front of the restaurant. If a freestanding menu sign is used, such sign may not exceed eight feet (8') in height. No more than two (2) drive through signs are permitted for each business.~~

~~F. — Little League sponsorship signs are permitted at the Optimist Club fields for the Little League Season (April through October). The signs may not exceed twenty-four square~~

feet (24 ft²) and must be uniform in dimension. The copy on the temporary sign is limited to the name of the sponsoring business and its logo.

~~G. Business Directory Signs: Signs, other than signs permitted under 26.12.01, that are not illuminated may be placed on buildings to identify the tenants within. Such signs shall contain no advertising other than business name and/or logo and shall not exceed one (1) square foot per sign, per business.~~

~~H. Temporary Signs, other than Agricultural Signs, Community Event Signs, inflatable signs and Farmer's Market Signs.~~

~~I. Political Signs~~

~~J. Subdivisions, multi-family residential developments, and mobile home parks may display one sign announcing the name of the development at each entrance. The sign copy is limited to the name of the development only and may be freestanding or placed on the entrance wall of the development. The sign may be illuminated and the size may not exceed thirty square feet (30 ft²) in area, or eight feet (8') in height.~~

(Ord. 20140385, 08-21-2014)

~~26.03 Signs Excluded from Regulation~~

~~26.03.01~~ The following signs and/or displays shall be exempt from the regulations of this Article. These exemptions do not relieve an applicant from obtaining a building permit pursuant to the North Carolina Building Code:

~~A. A government sign, when approved or duly authorized by the governmental entity's governing body.~~

~~B. Trade names and graphics customarily painted on newspaper and soft drink dispensers, as well as delivery trucks.~~

~~C. Publicly owned memorial/historical tablets or signs.~~

~~D. Living Sign~~

~~E. Bench Signs located on private property~~

~~26.04 Prohibited Signs~~

~~26.04.01~~ The following signs are prohibited:

~~A. Abandoned Signs~~

~~B. Flashing, blinking, or scrolling signs or signs with intermittent lights~~

~~C. Portable Signs~~

~~D. Roof Signs~~

~~E. Rotating Signs~~

~~F. Sidewalk Signs~~

~~G. Snipe Signs~~~~H. Inflatable Signs, other than those permitted under the Temporary Sign Regulations of Section 26.16.10.~~~~I. Signs imitating or resembling official traffic or government signs or signals~~~~J. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign(s). Vehicles or trailers which display signs must move to perform only business-related activities at least every forty-eight (48) hours to obtain exemption from this requirement.~~~~K. Temporary Signs except those in Section 26.16.~~~~L. Trademarks, emblems, pictures, etc. displayed in a three (3) dimensional nature.~~~~M. Pavement marking of any kind, except for traffic control.~~~~N. Offensive Signs as defined by N.C. Gen. Stat. § 19-1.1.~~~~O. Signs which obstruct views of other signs, other property, or sight into public rights of way.~~~~P. Billboards or off premise advertising, except off-premise community event signs.~~~~Q. Signs placed in public right-of-way~~~~R. Signs placed which obstruct public safety~~~~S. Fence wraps displaying signage when affixed to perimeter fencing at a construction site until the certificate of occupancy is issued for the final portion of any construction at that site or 24 months from the time the fence wrap was installed, whichever is shorter. No fence wrap may display any advertising other than advertising sponsored by a person directly involved in the construction project and for which monetary compensation for the advertisement is not paid or required.~~~~T. Any sign(s) which does not comply with regulations of this Ordinance.~~~~(Ord. PL04727-050721, 07-01-2021)~~~~**26.05 Signs Permitted in the R1, R1S, RA, RR, R1A, R2, R4 and MH Districts**~~~~**26.05.01** The residential districts provide for a quiet environment and sound neighborhoods. While some service-oriented businesses are allowed, the general usage is for family life. The intent of this Section is therefore to provide for a limited use of signs which are generally not illuminated and which will preserve the family-oriented character of neighborhoods.~~~~**26.05.02** One sign at each entrance announcing the name of a subdivision, residential development or mobile home park is allowed.~~~~**A.** The sign copy is limited to the name of the development only.~~~~**B.** The sign may be freestanding or placed on the entrance wall of the development.~~

~~C. The sign may not exceed thirty square feet (30 ft²) in area, or eight feet (8') in height.~~

~~D. The sign may be illuminated.~~

~~**26.05.03** Any Use 5.2 Churches, Synagogues and Temples is permitted two signs from the following categories: attached or freestanding.~~

~~A. Freestanding signs may not exceed thirty square feet (30 ft²) in area, or eight feet (8') in height.~~

~~B. Attached signs may not exceed an area equal to one square foot (1 ft²) of sign area per linear foot of the building frontage. The maximum square footage for an attached sign is thirty square feet (30 ft²).~~

~~C. Signs may be illuminated.~~

(Ord. PL03171-000319, 12-16-2019)

~~**26.06 Signs Permitted in the R3 District**~~

~~**26.06.01** The R3 District is established to provide a medium density area consisting of three or more family dwelling units plus limited service use.~~

~~**26.06.02 Advertising Signs**~~

~~A. Two signs allowed per premise that may be chosen from the following categories: attached, freestanding, canopy, or projecting. In no case may both signs be from the same category. Painted wall signs are prohibited.~~

~~B. Attached and freestanding signs may not exceed sixteen square feet (16 ft²) in area per sign.~~

~~C. Freestanding signs may not exceed ten feet (10') in height.~~

~~D. Projecting signs may not exceed eight square feet (8 ft²) in area per sign.~~

~~E. Awning signs may not exceed twenty five percent (25%) of the area of the awning. The maximum allowable square footage is forty-eight square feet (48 ft²) regardless of the size of the awning.~~

~~F. Signs which are attached to the face or side of an awning may not exceed twelve inches (12") in height and no support structures shall be visible.~~

~~**26.07 Signs Permitted in the B1 District**~~

~~**26.07.01** The B1 district has diverse shops in close proximity to one another, and is oriented primarily to daytime pedestrian use. Flower boxes, benches, shake shingle roofs and natural plantings lend the area a distinctive mountain village appearance. Leisurely shopping is encouraged. The intent of this Section is therefore, to promote the downtown as a shopping and gathering place and to enhance the village atmosphere. The use of wooden signs is encouraged, so as to contribute to the warmth, friendliness and natural beauty of the area.~~

~~**26.07.02** — Each business is permitted two (2) signs chosen from the following categories: attached, canopy, or projecting. In no case may both signs be in the same category. Painted wall signs are prohibited in the B1 zone. Signs may be illuminated. Businesses are also allowed one sign from the following:~~

~~**A.** — A projecting sign which may contain the name of the business and any logo which the business chooses to adopt. The sign may not exceed four square feet (4 ft²) in size. It shall display only the name of the business and/or buildings which it is attached to and the building and/or business logo or logos and no more than one (1) per building.~~

~~**B.** — A freestanding sign which may be a maximum size of two feet (2') by two feet (2'), and the bottom of said sign shall display only the name of the business and/or building which it is located in front of, and the building and/or business logo or logos and no more than one (1) sign per building.~~

~~**26.07.03** — Attached signs shall not exceed an area equal to the greater of sixteen square feet (16 ft²) or one-half square foot (½ ft²) of sign area per linear foot of building frontage. For example, buildings which are thirty-two feet (32') across the front or less may have a sixteen (16) square feet attached sign. If the building is larger than thirty-two feet (32') across the front the permitted size would be determined by the formula, one-half square foot (½ ft²) per linear foot of building. The maximum allowable square footage is forty-eight square feet (48 ft²) regardless of building size.~~

~~**26.07.04** — Projecting signs may not exceed sixteen square feet (16 ft²) in area.~~

~~**26.07.05** — Awning signs shall not exceed twenty-five percent (25%) of the area of the awning. The maximum allowable square footage is forty-eight square feet (48 ft²) regardless of the size of the awning. Signs which are attached to the face or side of an awning may not exceed twelve inches (12") in height and no support structures shall be visible.~~

~~**26.07.06** — Businesses who choose to use a ground mounted sign instead of a freestanding sign may increase the maximum square footage in accordance with the provisions of Section 27.15.~~

~~**26.07.07** — Projecting Theater Marquees: Theaters which choose to use a projecting theater marquee are only allowed to have the signage as permitted in Section 27.13.~~

~~**26.08 Signs Permitted in the B2 District**~~

~~**26.08.01** — The neighborhood business district provides a variety of commercial services. It is oriented to vehicular traffic as well as pedestrian traffic. The signs allowed in this area permit an efficient means of information transfer consistent with the size of the streets and speed of the traffic.~~

~~**26.08.02** — Advertising Signs~~

~~**A.** — Signs may be illuminated.~~

- ~~B. Each business is permitted two signs. They may be chosen from the following categories: attached, freestanding, canopy, projecting. In no case may the signs be of the same category except that a business may have two (2) attached signs.~~
- ~~C. Attached signs shall not exceed an area equal to one square foot (1 ft²) of sign area per linear foot of building frontage. For example, a building which is fifty feet (50') across the front may have a fifty square foot (50 ft²) attached sign. The maximum allowable square footage of attached sign is eighty square feet (80 ft²) regardless of building size.~~
- ~~D. Freestanding signs shall not exceed thirty square feet (30 ft²) in area and twenty feet (20') in height.~~
- ~~E. Projecting signs may not exceed sixteen square feet (16 ft²) in area.~~
- ~~F. Awning signs shall not exceed twenty-five percent (25%) of the area of the awning. The maximum allowable square footage is forty-eight square feet (48 ft²) regardless of the size of the awning. Awning signs may be attached at the face of, side of, or under the awning. Signs which are attached to the face or side of awning may not exceed twelve inches (12") in height.~~
- ~~G. Businesses who choose to use a ground mounted sign instead of a freestanding sign may increase the maximum square footage in accordance with the provisions of Section 26.15.~~

~~26.09 Signs Permitted in the B3 District~~

~~26.09.01 The B3 districts are located on all major access roads to Boone. It is on these roads that the visitor receives a first impression of the Town. It is the intent of this Ordinance to allow the visitor to locate business establishments easily and quickly and yet not to allow signs which might interfere with views of the scenic mountains. The B3 districts provide a variety of services primarily oriented toward vehicular traffic. Because vehicles in this area travel at speeds up to 45 m.p.h., it is important to ensure that signs are clear, distinct and readable in a brief space of time. The requirements identify establishments quickly and easily.~~

~~26.09.02 Advertising Signs~~

- ~~A. Signs may be illuminated.~~
- ~~B. Each business is permitted two (2) signs which may be of any type, however, no more than one canopy sign per business.~~
- ~~C. Freestanding signs shall not exceed fifty square feet (50 ft²) in area and twenty feet (20') in height.~~
- ~~D. No freestanding sign shall be placed less than forty feet (40') from another freestanding sign.~~
- ~~E. Projecting signs may not exceed sixteen square feet (16 ft²).~~

- ~~F. Awning signs shall not exceed twenty five percent (25%) of the area of the awning. The maximum allowable square footage is forty eight square feet (48 ft²) regardless of the size of the awning. Awning signs may be attached to the awning at the face of, side of, or under the awning. Signs which are attached to the face or side of the awning may not exceed twelve inches (12") in height and no support structures shall be visible.~~
- ~~G. Attached signs and painted wall signs may not exceed an area equal to one square foot (1 ft²) of sign area per linear foot of the building frontage. For example, a building which is fifty feet (50') across the front may have a fifty square foot (50 ft²) attached or painted wall sign. The maximum square footage of attached or painted wall sign is 120 square feet, regardless of building size.~~
- ~~H. Businesses who choose to use a ground mounted sign instead of a freestanding sign may increase the maximum square footage in accordance with the provisions of Section 26.15.~~

~~26.10 Signs Permitted in the M1 District~~

~~26.10.01 The manufacturing district in Boone is limited to currently existing industrial uses. Each use shall be permitted one advertising sign.~~

~~26.10.02 Advertising Signs~~

- ~~A. The sign may be attached or freestanding.~~
- ~~B. The sign may be illuminated.~~
- ~~C. Attached signs may not exceed an area equal to one square foot (1 ft²) per linear foot of building frontage and not exceed 120 square feet.~~
- ~~D. Freestanding signs may not exceed fifty square feet in size and twenty feet (20') in height.~~

~~26.10.03 In addition to signage permitted by Section 26.10.02 A, the industrial district shall be permitted a directory sign which announces the name of the industrial park and all businesses located within the park. Directory Signs may be freestanding and shall conform to the following requirements:~~

- ~~A. Directory Sign.~~
 - ~~1. The freestanding directory sign shall not exceed fifty square feet (50 ft²) in area.~~
 - ~~2. The height of the directory sign shall not exceed twenty feet (20').~~

~~26.10.04 Businesses who choose to use a ground mounted sign instead of a freestanding sign may increase the maximum square footage in accordance with the provisions of Section 26.15.~~

~~26.11 Signs Permitted in the OI District~~

~~26.11.01 The Office Institutional zoning district provides a variety of office, institutional and commercial services. The signs allowed in this area permit an efficient means of information transfer consistent with the size of the streets and speed of the traffic.~~

26.11.02 — Advertising Signs

- ~~A. Signs may be illuminated.~~
- ~~B. Each office/institution/business is permitted two signs. They may be chosen from the following categories: attached, freestanding, canopy, or projecting. In no case may the signs be of the same category except that an office/institution/business may have two (2) attached signs. Painted wall signs are not permitted in the OI district.~~
- ~~C. Attached signs shall not exceed an area equal to one square foot (1) of sign area per linear foot of building frontage. For example, a building which is fifty feet (50') across the front may have a fifty square foot (50 ft²) attached sign. The maximum allowable square footage of an attached sign is sixty-four square feet (64 ft²), regardless of building size.~~
- ~~D. Freestanding signs shall not exceed thirty square feet (30 ft²) in area and ten feet (10') in height.~~
- ~~E. Projecting signs may not exceed sixteen square feet (16 ft²) in area.~~
- ~~F. Awning signs shall not exceed twenty-five percent (25%) of the area of the awning. The maximum allowable square footage is forty-eight square feet (48 ft²) regardless of the size of the awning of the awning. No signs may be attached to the awning support structures. Signs which are attached to the face or side of an awning may not exceed twelve inches (12") in height.~~
- ~~G. Businesses who choose to use a ground mounted sign instead of a freestanding sign may increase the maximum square footage in accordance with the provisions of Section 26.15.~~

26.12 Shopping Centers and Malls

26.12.01 — **Directory Signs:** A shopping center or mall shall be permitted a directory sign. Directory signs may be attached or freestanding and shall conform to the area requirements as follows:

- ~~A. In the B1 district, the permitted area of an attached directory sign shall not exceed the greater of twenty square feet (20 ft²) or one-half square foot (½ ft²) per linear foot of total frontage of the building to a maximum of forty-eight square feet (48 ft²). Freestanding directory signs shall not exceed twenty square feet (20 ft²) in area and ten feet (10') in height.~~
- ~~B. In the B2 district, the permitted area of an attached directory sign shall not exceed one square foot (1 ft²) per linear foot of frontage of the building to a maximum of eighty square feet (80 ft²). A freestanding directory sign shall not exceed forty-eight square feet (48 ft²) in area, and twenty feet (20') in height.~~
- ~~C. In the B3 district, an attached directory sign shall not exceed one square foot (1 ft²) per linear foot of building frontage to a maximum of 120 square feet. A freestanding directory sign shall not exceed the greater of fifty square feet (50 ft²) in area or ten square~~

feet (10 ft²) in area for each 150 linear feet of arterial road frontage of the lot in which it is located. The height of the directory sign shall not exceed twenty feet (20').

~~D. In the R3 district, directory signs shall conform to the requirements set forth in Section 26.06.~~

~~E. When a shopping center or mall has in excess of 400 feet on an arterial road(s) and consists of more than five (5) acres, one (1) directory sign per arterial road upon which it fronts is permitted.~~

~~F. When a development utilizes parking control devices as regulated by Boone Town Code Chapter 73 Towing, the name of the building or business shall be prominently visible from the entrance of the controlled parking area.~~

~~**26.12.02** Entrances to interior malls may be identified by an attached sign in addition to the other sign permitted to the business establishment. Such signs shall be attached to the building over the entrances or beside the entrances only. The signs shall not exceed four square feet (4 ft²) in the B1 district, eight square feet (8 ft²) in the B2 district and sixteen square feet (16 ft²) in the B3 district.~~

~~**26.12.03** Signs for tenants within shopping centers, malls and unified business establishments shall meet the following requirements:~~

~~A. Businesses within shopping centers, malls and unified business establishments are permitted two (2) signs from the following categories: attached, canopy, and projecting. In the B3 district, painted wall signs are also permitted.~~

~~B. If the business has an exterior frontage in the commercial development of eighty linear feet (80 lf) or more, the business may be permitted a freestanding sign as one (1) of its two (2) permitted signs. All signs permitted by this Section must meet all regulations contained in Section 26.01 as they pertain to the district in which they are located. Area of attached and painted wall signs shall be computed by the linear building frontage feet of each individual establishment.~~

(Ord. 20140385, 08-21-2014)

~~**26.13 Marquee Sign Regulations**~~

~~**26.13.01** The following regulations shall apply solely to marquee signs other than a historical reconstruction of a projecting theater marquee.~~

~~A. Except where a projecting theater marquee is utilized pursuant to this Section, theaters, museums, auditoriums and other entertainment facilities are permitted one (1) changeable copy marquee in addition to their two (2) permitted signs.~~

~~B. Marquee signs shall conform to the applicable sign requirements for the district in which they are located, however the area of the marquee sign shall be permitted an increase in size up to an additional 100% provided that one of the other signs to which the~~

~~business is entitled is reduced in size. The percentage of increase in area shall be equal to the reduction in area of the other permitted sign.~~

- ~~C. If the marquee is a freestanding sign, the height of the marquee may not be increased over that permitted in the zone in which it is located.~~

~~26.13.02~~ ~~The following regulations shall apply solely to a historical reconstruction of a projecting theater marquee:~~

- ~~A. A projecting theater marquee shall be allowed only in the B1 Central Business District.~~

- ~~B. No portion of a projecting theater marquee shall be less than eight feet (8') above grade nor higher than sixteen feet (16').~~

- ~~C. A projecting theater marquee and supporting structures shall not extend over the edge of any sidewalk or into any street right-of-way absent an encroachment agreement authorizing such incursion by the Town.~~

- ~~D. The projecting theater marquee shall only be attached to the building in which the theater is located and must be above an entrance to the theater. No projecting theater marquee sign shall be wider than the building to which it is attached.~~

- ~~E. Signage may be installed directly upon the vertical face or faces of a projecting theater marquee with the following conditions:~~

- ~~1. Channel letters may extend above such vertical face or faces provided that the letter height is restricted to twelve inches (12") in height.~~
- ~~2. No sign may extend below such vertical face or faces with the exception of lighting elements. All lighting elements shall meet the requirements of Subsection 26.13.02(B) above.~~
- ~~3. The changeable copy portions of a projecting theater marquee shall not exceed fifty percent (50%) of the total area of all faces and comply with Section 27.01.~~
- ~~4. All other signage attached to a projecting theater marquee may not exceed 20 percent (20%) of the total area of all faces.~~

- ~~F. A projecting theater marquee may include the use of flashing, scrolling, or intermittent lights subject to the following conditions:~~

- ~~1. The flashing, scrolling, blinking, or intermittent lights may only be in operation during the time the theater is open to the public and prohibited between the hours of 11 p.m. to 7 a.m.~~
- ~~2. Light fixtures on the projecting theater marquee do not have to meet the requirement for full cut-off fixtures as required in Subsection 25.05.02.~~

- ~~G. Encroachment: Where a projecting theater marquee extends over a public sidewalk or other public property, an executed encroachment agreement approved by the Boone~~

~~Council shall be required prior to issuance of any sign permit for a projecting theater marquee.~~

~~H. A projecting theater marquee may be constructed either as part of a new structure or as an addition to an existing structure as follows:~~

- ~~1. Site-specific plans and specifications must be submitted from a registered North Carolina licensed structural engineer demonstrating that the projecting theater marquee complies in all ways with appropriate code provisions of the Town and the State of North Carolina, including but not limited to, materials, drainage, roof strength, bracing and anchorage.~~
- ~~2. A final certification from the registered North Carolina licensed structural engineer shall be required stating that the projecting theater marquee complies with all appropriate code provisions of the Town and the State of North Carolina and that the projecting theater marquee has been constructed according to their submitted design.~~

~~(Ord. 20160501, 09-15-2016)~~

~~26.14 Home Occupation Signs~~

~~26.14.01 The following regulations shall apply solely to home occupation signs.~~

- ~~A. Home occupation signs are permitted in the R1, R1A, RA, R2, R3, R4, MH, B1, B2, and B3 districts.~~
- ~~B. The sign may not be illuminated.~~
- ~~C. The sign must be an attached sign mounted flat on the building.~~
- ~~D. The sign may not exceed four square feet (4 ft²) in size.~~

~~26.15 Exceptions and Modifications~~

~~26.15.01 Where a business establishment elects to erect only one (1) sign on premises, and that sign is to be an attached sign, the permitted area of this sign may be increased as follows:~~

- ~~A. The permitted area of an attached sign may be increased by fifty percent (50%).~~
- ~~B. The attached sign permitted by this Section shall meet all other applicable requirements regarding placement, lighting, permit procedures, etc., of this Ordinance.~~
- ~~C. In the event that the business should desire a second sign after the attached sign allowed by this Section is erected, no permit for the additional sign shall be issued until the attached sign meets the size requirements of the district in which it is located as specified in Section 26.01.~~

~~26.15.02 Where a business establishment is set back from its major road by 200 feet or more, the permitted size of the attached signs may be increased by ten percent (10%) plus an additional~~

ten percent (10%) for each fifty feet (50') of distance in excess of 200 feet to a maximum of 100% increase provided that:

- ~~A. This increase shall apply to attached signs only.~~
- ~~B. This increase shall apply to only one of the two permitted signs.~~
- ~~C. The attached sign must meet all other applicable requirements regarding placement, lighting, permit procedures, etc. as it pertains to the district in which it is located.~~
- ~~D. If the business has a freestanding sign this increase shall not apply.~~
- ~~E. If a business is set back from its major access road by 200 feet or more and has only one sign, the business may choose the modifications of size permitted by this Subsection 26.15.01 or 26.15.02, but may not combine the allowances provided by the two Subsections.~~

26.15.03 ~~Businesses may erect more than the two (2) allowed signs upon obtaining Staff approval provided that:~~

- ~~A. The additional signs must be attached or projecting signs.~~
- ~~B. The combined area of all signs must be less than or equal to the permitted area by type of sign. For example, if a ninety square foot (90 ft²) attached sign is permitted, then the business may have two (2) forty five square feet (45 ft²) attached signs or three (3) thirty square feet (30 ft²) signs.~~
- ~~C. The maximum number of additional signs allowed is three (3).~~
- ~~D. The additional signs are not illuminated.~~
- ~~E. The applicant shall submit a drawing of the proposed locations of the additional signs and meet all applicable requirements.~~

26.15.04 ~~Businesses in the B2, B3, M1, and OI districts who chose to use a ground sign instead of a freestanding sign may increase the maximum square footage of that sign by thirty five percent (35%).~~

26.15.05 ~~Businesses located in the B1 district may erect a ground/monument sign provided that:~~

- ~~A. All applicable requirements of Section 26.01 are met, and;~~
- ~~B. A minimum of forty feet (40') (setback) is provided between any building and a ground/monument sign, and;~~
- ~~C. No ground/monument sign shall exceed sixteen square feet (16 ft²) in area with no horizontal or vertical dimension exceeding six feet (6'), and except as allowed Subsection 26.15.05 below, and;~~
- ~~D. A business located 100 feet or more from King Street may erect a freestanding sign with a maximum area of twenty five square feet (25 ft²) and a maximum height of six feet (6').~~
- ~~E. No sign shall be placed in a public right of way.~~

~~26.15.06~~ Corner Lots: Businesses located on a corner lot may be permitted one additional attached sign to those otherwise permitted herein.

~~26.15.07~~ Signs for developments subject to Boone Town Code Chapter 73 Towing.

~~A.~~ Parking control warning signs shall comply with the requirements of Boone Town Code Chapter 73 Towing.

~~B.~~ Parking control warning signs do not require sign permits.

~~C.~~ All developments subject to this subsection shall comply with one of the following requirements, as applicable:

~~1.~~ A building(s) with a single business shall prominently display the name of the business.

~~2.~~ Shopping Center/Mall developments shall follow the regulations set forth in 26.12.01(F).

~~D.~~ All signs shall be clearly visible from the controlled parking spaces.

(Ord. 20140385, 08-18-2014)

~~26.16 Temporary Sign Regulations~~

~~26.16.01~~ Temporary signs must conform to all regulations of this Section not otherwise superseded by this Article. No type of temporary sign, other than an agricultural sign whose placement is approved by the North Carolina Department of Transportation, may be placed in the public right of way. Temporary signs, other than agricultural signs, inflatable signs and community event signs, shall not be required to obtain a sign permit.

~~26.16.02~~ **Community Event Signs:** Community event signs are permitted for public agencies, schools, churches, civic fraternal organizations or similar non-commercial organizations, or for commercial events when approved by the Boone Town Council.

~~A.~~ Signs for non-commercial community events may be erected provided that:

~~1.~~ Such groups shall be non-profit corporations or associations organized and operated for charitable purposes that are licensed as non-profit groups with the North Carolina Secretary of State.

~~2.~~ Any fund being raised by the community event must be used for charitable or non-profit purposes.

~~3.~~ All community events must occur within Watauga County. A community event that does not occur within Watauga County may receive permission to display signs with the approval of the Boone Town Council.

~~4.~~ A Community Event Sign Permit Application must be completed by the sponsor of the event and approved by the Administrator. The sponsor must organize all aspects of a community event. A representative of the organization must sign the permit

application and will be jointly responsible with the organization for ensuring that the regulations are followed.

~~B. Signs for commercial community events may be erected, provided that:~~

- ~~1. An application is properly completed and delivered to the Town of Boone Planning and Inspections Department at least forty-five days before the event.~~
- ~~2. The event is approved by the Boone Town Council as a “community event”.~~
- ~~3. As determined by the Boone Town Council, the event provides a significant economic benefit to the Town as a whole, and portrays or places the Town of Boone in a positive light.~~
- ~~4. The event is open to all citizenry of the Town of Boone and its planning jurisdiction.~~
- ~~5. The event has received the written endorsement of a non-profit group whose mission includes promoting the economic vitality of Boone, such as, but not limited to, the Downtown Business Development Association, the Boone Chamber of Commerce, or the High Country Host.~~
- ~~6. The sponsor of the event has completed a Community Event Sign Permit Application and paid the appropriate fee, and the application is approved by the Planning and Inspections Department. A representative of the organization must sign the permit application and will be jointly responsible with the organization for ensuring that these regulations are followed.~~

~~C. All community events, whether non-commercial or commercial are subject to the following requirements:~~

- ~~1. Each community event is allowed to display no more than twelve (12) off-premise signs that do not exceed four square feet (4 ft²) in an area and four feet (4') in height. Only one (1) sign per lot is allowed with the permission of the landowner or registered agent. One (1) off-premise banner and one (1) banner at the event site are allowed. Each banner may not exceed twenty-four square feet (24 ft²).~~
- ~~2. A community event may display allowable signage annually.~~
- ~~3. The signs are not illuminated.~~
- ~~4. The signs may not be displayed earlier than seven (7) days prior to the event and must be removed within forty-eight (48) hours after the event.~~

~~D. An event which does not take place in Watauga County may still be designated a “community event” when the event is approved by the Boone Town Council based upon a determination that the event nevertheless significantly contributes to the economic vitality and heritage of Boone.~~

~~E. The Boone Town Council recognizes the following as community events:~~

~~The Highland Games~~

~~The Blowing Rock Celtic Festival~~~~Trade Days~~~~Watauga High School Project Graduation~~~~Boone Bluegrass Festival~~~~Gospel Singing Jubilee~~~~Sugar Grove Music Festival~~~~Wooly Worm Festival~~~~**26.16.03 Political Sign:** Political signs are permitted in accordance with Section 26.17.~~~~**26.16.04 Real Estate Sign:** A real estate sign is a temporary sign advertising the real estate upon which the sign is located as being for rent, lease, open house or sale. Real estate signs are permissible subject to the following regulations:~~~~**A.** Real estate signs advertising property for sale, lease or rent shall adhere to the following regulations:~~~~1. Only one (1) sign per lot is allowed.~~~~2. The sign shall not be illuminated.~~~~3. Area and Height Requirements:~~

Zoning District	Maximum Area	Maximum Height
Residential Zoning Districts	4 ft ²	5 ft.
B1 Central Business	4 ft ²	
Remaining Zoning Districts	20 ft ²	8 ft.

~~4. The real estate sign shall be removed within forty-eight (48) hours after the property closing.~~~~**B.** Open House Residential Real Estate Sign: Open house residential real estate signs shall be subject to the following requirements:~~~~1. There shall be no more than one on-premise and two (2) total off-premise open house residential real estate signs for any open house event. These signs must include the realtor's phone number or the homeowner's address and the street address where the event is taking place.~~~~2. Off-premise signs may be in place only from 8 a.m. on Saturday to 8 p.m. on Sunday.~~~~3. Off-premise signs shall not exceed three square feet (3 ft²) in area and two feet (2') in height.~~~~4. Such signs shall not be illuminated.~~

5. ~~Only one on-site sign per lot is allowed with the permission of the landowner, registered agent or tenant.~~

26.16.05 ~~Yard Sale Sign:~~ ~~Yard sale signs are permitted as temporary signs provided that the signs adhere to the following criteria:~~

- ~~A. No more than three (3) signs per event are allowed.~~
- ~~B. Two (2) signs may be placed off premise from the location of the event on private property with the landowner or registered agent's consent.~~
- ~~C. The signs may remain in place for forty-eight (48) hours only.~~
- ~~D. Such signs shall serve as directional aids and text on such signs shall be limited to Yard Sale or Garage Sale and an arrow.~~
- ~~E. Signs shall be placed out of the street right-of-way and no signs will be placed on utility poles.~~
- ~~F. The signs shall not be illuminated.~~
- ~~G. Signs are limited in size to four square feet (4 ft²) in area and must list the phone number of the event organizer on the back.~~

26.16.06 ~~Newly Established Business:~~ ~~Businesses which are newly established or have changed locations may display a temporary sign provided that:~~

- ~~A. The size of any such sign is not in excess of twenty-four square feet (24 ft²) in area.~~
- ~~B. The sign may be displayed for a period of thirty (30) days. This thirty-day period may begin no earlier than fifteen (15) days prior to the opening date of the business and not later than thirty (30) days after the certificate of occupancy is issued by the building inspector.~~
- ~~C. Only one (1) such sign is allowed per premise; however, this one sign may be used in addition to other permitted signs.~~

26.16.07 ~~Special Sales and Promotions:~~ ~~Temporary signs as defined by advertising special sales and promotions by merchants and other profit-making concerns may be erected in addition to other permitted signs provided:~~

- ~~A. The size of such sign shall not exceed twenty-four square feet (24 ft²).~~
- ~~B. The signs are not illuminated.~~
- ~~C. The signs are displayed for a period of ten (10) days only.~~
- ~~D. Only one (1) sign per premise is allowed.~~
- ~~E. An interval of thirty (30) days shall separate each event.~~

26.16.08 ~~Agricultural Signs:~~ ~~Agricultural signs are subject to the following criteria:~~

- ~~A.~~ A permit must be applied for by delivery of a completed application and payment of such fee as established by the Boone Town Council, no less than forty five (45) days prior to the first day of display. The application for a permit must state the dates of the exposition, festival or event in question. Only one (1) fee shall be due for each separate exposition, festival or event in question;
- ~~B.~~ Signs must comply with all North Carolina Department of Transportation requirements, including those requirements as to location and placement, and the applicant is responsible for compliance with DOT requirements and with the requirements of this Ordinance;
- ~~C.~~ Off-premises signs may only be placed with the permission of the person with the legal authority to grant such permission. There may be no more than fifteen (15) off-premises agricultural signs within the planning jurisdiction of the Town for each exposition, festival or event;
- ~~D.~~ Signs may be permitted for a maximum of six (6) weeks, must be fixed in place for the duration of the exposition, festival or event, and must be removed by the applicant within forty eight (48) hours of the conclusion of the exposition, festival or event;
- ~~E.~~ All signs relating to a particular agricultural exposition, festival or event must be uniform in shape and color. Any designs must be complementary. Each sign must be stable and must be properly secured to its location;
- ~~F.~~ Signs may not exceed twenty eight square feet (28 ft²), but may be comprised of a large sign with smaller signs attached, which smaller signs direct the public to particular locations participating in the exposition, festival or event;
- ~~G.~~ Agricultural signs may not be illuminated.

26.16.09 — Farmer's Market Sign Regulations

- ~~A.~~ A permit must be applied for by delivery of a completed application and payment of such fee as established by the Boone Town Council, no less than ten days prior to the first day of operation. The application for a permit must state all dates the farmer's market will operate during the calendar year in question, and must disclose the name and address of the sponsoring non-profit organization. The person signing the application is jointly responsible with the sponsoring organization for compliance with this Article. Only one fee shall be due for each calendar year of operation of a farmer's market.
- ~~B.~~ A farmer's market may display no more than eight (8) off-premise signs that do not exceed four square feet (4 ft²) in area and four feet in height (4'). Only one (1) sign is permitted per lot, and off-premises signs may be posted only with the permission of the person with the legal authority to grant such permission.
- ~~C.~~ Farmer's market signs may not be illuminated.

~~D. Farmer's market signs may be displayed only during daylight hours on each day of operation.~~

~~E. Signs must comply with all relevant North Carolina Department of Transportation requirements as to location and placement, and the applicant is responsible for compliance with DOT requirements.~~

26.16.10 Inflation Signs: ~~Inflation signs may be temporarily displayed in a B3 zoning district subject to the following conditions:~~

~~A. Only one (1) inflation sign may be displayed per tax parcel, and no more than one (1) inflation sign per business or event, even if the business or event is located on multiple tax parcels.~~

~~B. An inflation sign may be displayed for a period of seven (7) continuous days, an interval of thirty (30) days shall separate each event for which the sign is displayed. In addition, the inflation sign may be displayed for no more than three (3) separate events in any calendar year.~~

~~C. Any inflation sign must be set back and away from any pedestrian or vehicular right of way, any utility poles, above ground utility lines and any other hazardous structure, at least the vertical distance from the ground to the top of the sign when it is displayed at its maximum height, plus ten feet (10').~~

~~D. An inflation sign may not obstruct visibility for vehicular traffic.~~

~~E. Any inflation sign must be secured to the ground in conformity with the manufacturer's specifications.~~

~~F. No inflation sign may be displayed in such a way that the top of the sign is more than twenty five feet (25') above the ground level.~~

~~G. Inflation signs shall not be illuminated.~~

~~H. No inflation sign may exceed 400 cubic feet when fully inflated.~~

~~I. The applicant shall submit a certification that the inflation sign will be erected and displayed in conformance with this Section and the manufacturer's specifications.~~

{Ord. 20140384, 08-18-2014; Ord. PL04727-050721, 07-01-2021}

~~26.17 Political Sign Regulations~~

26.17.01 ~~The following regulations shall apply solely to political signs, posters, etc.:~~

~~A. No signs shall be placed in a public right of way.~~

~~B. No signs shall be placed on public utility poles, telephone poles, parking meter poles or any other sign or sign support structure erected by a duly constituted governmental body.~~

~~C. No signs shall be placed on roofs nor painted on roofs.~~

- ~~D. Any political sign which is determined to be a hazard or infringement to the public health, safety and welfare is prohibited.~~
- ~~E. Portable signs shall not be allowed for political uses.~~
- ~~F. Political Signs may be placed on private property with the consent of the landowner or their authorized agent.~~
- ~~G. Except for legal billboards, no political sign shall be larger than sixteen square feet (16 ft²).~~
- ~~H. Political signs may be displayed no sooner than sixty (60) days before any election. All political signs must be removed within forty eight (48) hours after each election.~~

(Ord. PL04727-050721, 07-01-2021)

~~26.18 Maintenance and Relocation of Signs~~

~~26.18.01 All sign supports, braces, poles, wires, and anchors thereof shall be kept in good repair. They shall be maintained in safe condition, free from deterioration, missing parts, and peeling paint. Any sign not in compliance with these standards shall be deemed a nuisance and the following action may be taken.~~

- ~~A. The Administrator shall give written notice to the owner specifying the sign indicated and telling what needs to be done to bring the sign into compliance.~~
- ~~B. The owner of the sign shall respond to the notice within two (2) weeks and shall have sixty (60) days to complete said repairs. Additional time shall be granted by the Administrator only upon delay of parts when it has been clearly shown that the parts have been ordered.~~
- ~~C. Failure to complete repairs in the specified time shall result in the Administrator causing the sign to be repaired, removed or altered at the expense of the owner(s). Costs of removal or repair, court costs and attorney fees incurred by the Town shall be assessed against the owner(s), to be collected by the Town in an action in the nature of a debt.~~
- ~~D. In the event a sign is damaged in excess of fifty percent (50%) of its reproduction value, such sign shall be restored or repaired only in compliance with the provisions of this Ordinance.~~

~~26.18.02 Signs for which a sign permit has been issued may be relocated in conformance with the regulations of this Article upon notification of the Administrator. Signs which are nonconforming may not be relocated except upon removal of all non-conforming features of the sign.~~

~~26.19 Obsolete and Abandoned Sign Regulations~~

~~26.19.01 Signs or parts of signs which advertise or pertain to a business, product, service, commodity, event, activity, or purpose which no longer exists or that has not been in use for ninety (90) days or more shall be deemed to be an abandoned sign. Signs which are associated with~~

~~seasonal business such as ski shops, Horn in the West, etc., shall not be considered obsolete or abandoned provided there is clear intent to continue in the coming season.~~

- ~~A. Obsolete or abandoned signs are prohibited and shall be removed by the owner or his agent within thirty (30) days of termination of the business, activity, event, etc.~~
- ~~B. Failure to remove such signs or parts of signs shall result in written notice from the Administrator. Failure to comply with these terms shall result in the sign being removed at the owner(s) expense. Costs of removal or repair, court costs and attorney fees incurred by the Town shall be assessed against the owner(s), to be collected by the Town in an action on the nature of the debt.~~

~~26.20 Permanent Off-Premise Signs in Easements~~

~~26.20.01~~ ~~Permanent off-premise signs in access easements shall be permissible subject to the following requirements and limitations:~~

- ~~A. Application required: No permanent off-premise sign may be placed or displayed in an access easement area until a permit authorizing its display is issued.~~
 - ~~1. The applicant must submit a certified copy of the instrument creating the easement with the application. The access easement area must be the only available and planned access for the development requesting the permanent off premise sign. The Administrator may require that the applicant provide a signed statement from an attorney that such easement confers upon the applicant the right to display a sign within the easement if the Administrator is unsure of the scope of the rights created by the easement. Unless the easement affords rights to display a sign for the full potential life of the development, it will be considered legally insufficient.~~
- ~~B. No permit for a sign which will be displayed or located within an access easement may be issued unless there are no roads contiguous with the lot upon which the development is located, or the access easement in which the sign is to be located is the only available and planned vehicular access to the aforementioned lot.~~
- ~~C. The only sign which may be permitted for display in an off-premise easement is a ground mounted/monument sign which must meet all dimensional, separation, location, and lighting requirements of this Article for a ground mounted/monument sign in the zoning district in which it will be placed or the development is located, whichever is more restrictive, unless any such requirement is explicitly superseded by this Section.~~
 - ~~1. For residential developments, including multi-family developments, all signs subject to this Section shall be limited to no more than thirty square feet (30 ft²) of sign face.~~
- ~~D. Limitations on the number of signs allowed: Only one (1) permanent off-premise sign will be allowed on a lot which is subject to an access easement which also allows a permanent off-premise sign (further known as the hosting lot). The permanent off-premise sign shall count as one of the free-standing signs (not including directory signs) allowed for the hosting lot. Furthermore, if at the time of application, existing signs on the hosting lot have either a~~

~~combined square footage that meets/exceeds the maximum square footage allowed, or meet/exceed the maximum number of freestanding signs allowed, the applicant must provide a written declaration from the owner or occupant of the hosting lot indicating which sign(s) will be removed. If any signs are required to be removed, this shall be done prior to the issuance of the permit for the permanent off-premise sign.~~

26.01 Applicability

26.01.01 All signs constructed, installed, modified, moved, painted or replaced shall comply with the standards of this Article, whether such signs do or do not require a sign permit.

26.01.02 Signs shall only be placed on private property with the permission of the owner, whether such signs do or do not require a sign permit.

26.01.03 Any sign permitted by these regulations may display or publish a noncommercial message, whether such signs do or do not require a sign permit.

26.01.04 No sign or sign structure shall be subject to any limitation based upon the viewpoint of the message contained on such sign or displayed on such sign structure. The regulations of this Article are not intended to favor commercial speech over constitutionally-protected political or noncommercial speech. A sign containing a noncommercial message may be substituted for any sign containing a commercial message that is allowed by the regulations of this article.

26.01.05 Transitional Provisions

- A.** Subject to Subsection 7.05.02(C)(2), all permanent signs legally erected prior to **October 12, 2022** may remain in place and in use, subject to the requirements set forth in Subsection 7.05.02(C)(2).
- B.** All violations of this Article in effect prior to **October 12, 2022** shall remain violations of the Ordinances of the Town and all penalties and enforcement remedies set forth hereunder shall be available to the Town as though the violation were a violation of this Article. However, if the effect of this Article is to make a sign that was formerly nonconforming become conforming, then enforcement action shall cease.

26.02 Permit and Inspections Required

26.02.01 Unless otherwise specified, the construction, installation, modification, movement, or replacement of any sign requires a sign permit.

26.02.02 All signs shall be constructed and installed in accordance with the applicable provisions of the North Carolina State Building and Electrical Codes.

26.02.03 Except for temporary signs, upon notification of completion by the applicant, the Planning and Inspections Department shall make a final inspection of the sign to verify compliance with the permit and all applicable codes.

26.03 Maintenance

26.03.01 All permanent signs shall be maintained in good structural condition, firmly affixed to the ground, a building, or other support structure by direct attachment, and in compliance with all building and electrical codes.

26.03.02 The following maintenance activities do not require a sign permit:

- A.** Normal maintenance and repair of a sign, including such activity as painting, cleaning, and similar activities.
 - 1. Exception: The following activities are not considered normal maintenance or repair: structural changes, changes in the electrical components of the sign, an increase in any sign dimension, or changes in the location of a sign.
- B.** Changing or replacing the sign face within an existing sign structure so long as no electrical or structural changes are made to the sign structure and the size of the sign face is not increased.
- C.** Changing the copy of a changeable message component of a sign.

26.04 Enforcement; Removal of Certain Signs

26.04.01 Enforcement of this Article is addressed in Article 12 Enforcement.

26.04.02 Any temporary sign deemed to create a traffic hazard or otherwise pose a threat to public safety shall be removed at the direction of the Administrator.

26.04.03 Any temporary sign placed in the public right-of-way in violation of this Article shall be deemed a public nuisance and may be seized by the enforcement official or other representative of the Town, and the person owning or placing the sign may be charged both with a violation of this chapter and with the cost of removing and disposing of the sign.

26.04.04 Within ninety (90) days after a permanent sign becomes an abandoned sign, it shall be the responsibility of the property owner to remove the discontinued sign and any associated sign structure and to patch and conceal any and all damage to any property resulting from the removal of the discontinued sign and associated sign structure, if any. The removal of a discontinued sign shall include all sign support components, angle irons, poles, and other remnants of the discontinued sign, which are not currently in use, or proposed for immediate reuse as evidenced by a sign permit application for a permitted sign.

Staff Note: Consider revising to either allow the sign structure longer or not required to be removed. In many instances, the new tenant will either replace all signage or utilize the sign structure and its components.

26.04.05 Materials

- A. Unless otherwise specified, permanent signs shall be constructed of brick, wood or simulated wood, stone, concrete, metal, plastic, or high-density urethane (HDU) foam board or similar durable foam construction.
- B. Unless otherwise specified awning signs may also be constructed of durable weather resistant material such as canvas, nylon, or vinyl-coated fabric held taut between sign framework.
- C. Unless otherwise specified, temporary signs shall be made of canvas, nylon, vinyl-coated fabric or similar weatherproof materials

26.05 Prohibited

26.05.01 Signs that are not expressly allowed under these regulations are prohibited. Without limiting the foregoing, the following sign and sign structures are specifically prohibited:

- A. Abandoned signs
- B. Balloons, pennants, streamers
- C. Animated, flashing, blinking, or scrolling signs or signs with intermittent lights
- D. Portable signs
- E. Roof signs
- F. Rotating signs
- G. Snipe signs
- H. Inflatable signs

Staff Note: Previously inflatable signs were allowed due to a local business who used to annually put up an inflatable hot air balloon in support of project graduation. Staff feels like this is a good time to assess this type of signage and if it should be allowed.

- I. Signs imitating or resembling official traffic or government signs or signals
- J. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign(s). Vehicles or trailers that display signs must be operated for bona fide business purposes at least every forty-eight (48) hours during weekdays to be exempted from this provision.
- K. Temporary signs except those allowed per Section 26.06
- L. Trademarks, emblems, pictures, etc. displayed in a three (3) dimensional nature
- M. Pavement marking of any kind, except for traffic control
- N. Offensive Signs as defined by N.C. Gen. Stat. § 19-1.1
- O. Billboards or off-premise advertising
- P. Signs placed in the public right-of-way (whether Town- or state-maintained)

Q. Signs that threaten public safety (for example, by blocking egress to the public way)

R. Any sign(s) that does not comply with regulations of this Ordinance

26.06 Signs Not Requiring a Permit

26.06.01 Notwithstanding any other provisions of this ordinance, no sign permit is required for the following signs; provided, that any such sign shall conform to any applicable standards set forth in this article:

A. A-Frame Signs: A-frame signs provided they meet the following requirements:

1. Allowed for all uses within all zoning districts.

Staff Note: Staff was previously directed by a prior Council to allow A-frame signage. Since that time the new Historic District standards were adopted and A-frame signs or sidewalks signs are not allowed in the Downtown Boone Local Historic District as evidence by the Section on Design Standards for Historic Streetscapes, Landscapes, Monuments, and Other Resources in the District, specially, Section 8.1 under Signage, found on page 111 which states “Sandwich boards, other temporary street signage, seating, and/or merchandise shall not be placed upon the public ways of the District or otherwise impede the pedestrian or traffic flow on those public ways.”

Additionally, this section regulates seating which the Town has worked to install in the downtown area and sidewalk sales which the Town Code permits.

§ 96.002 OBSTRUCTIONS PROHIBITED.

(A) Except as otherwise authorized by statute, ordinance (including this chapter), and/or in writing by the Town Council, or as required by the performance of some function authorized or mandated by a statute or ordinance, no person(s) may congregate, stand, sit or lie on a public way in a manner that would intentionally obstruct or cause to be obstructed pedestrian traffic or prevent the free ingress and egress by members of the public to and from private or public buildings, memorials, parks or parking lots adjacent to or accessed by public way within the town. Also, no person may intentionally obstruct a public way within the town by placing or leaving any object(s) within the traveled portion of the public way, except as authorized by this chapter. A situation maintained in violation of this section is hereby declared to be a public nuisance and is subject to the provisions of § [96.010](#) herein.

(B) *Exceptions.*

(1) *Construction.* The foregoing prohibitions shall not apply to temporary obstructions caused by persons engaged in construction work on abutting property when proper warning devices are maintained in accordance with § 96.005.

(2) *Limited exception for temporary sidewalk sales.* Partial obstruction of a public sidewalk for a sidewalk sale is permissible only under the following conditions:

(a) The obstruction takes place only during daylight hours.

(b) The sidewalk is only partially obstructed in a manner that does not seriously inconvenience the public or threaten the public safety; in any event, a minimum four-foot width of sidewalk must be left clear and unimpeded for pedestrians. For purposes of this section, an obstruction shall be understood to include any employee(s) who occupy the sidewalk in connection with the sale.

(c) The person or entity conducting the sidewalk sale is authorized to do so by the fee owner(s) of the property on which the sale is being held.

(3) Temporary sidewalk sales may be prohibited on specific days by proclamation issued by the Mayor according to law or by resolution adopted by the Town Council.

2. One (1) A-frame sign is permitted per building entrance regardless of the number of tenants.
 3. The A-frame sign shall be placed within ten feet (10') of the building entrance.
 4. In accordance with Town Code § 96.002, a minimum unobstructed sidewalk clearance of four-foot (4') in width must be left clear and unimpeded for pedestrians.
 5. A-frames signs shall not interfere with pedestrians (including egress paths to public way) or vehicular surface areas.
 6. The A-frame sign is limited to six square feet (6 sq. ft.) in area per side and four feet (4') in height.
 7. Illumination of such signs is prohibited and the sign is prohibited from having any type of electronic component.
 8. A-frame signs shall be used while the establishment is open to the public only and shall be stored indoors at any other time.
- B. ATM Signs:** ATM signs provided total signage may not exceed fifteen square feet (15 sq. ft.) in area per machine.
- C. Bench Signs:** Bench Signs provided they meet the following requirements:
1. Shall be located on private property zoned R3, B1, B2, B3, OI, WD, M1, U1, E1, E2, or E2.
 2. The size of the sign may not exceed fifteen square feet (15 sq. ft.).
 3. Signage shall not extend beyond any dimension of the bench.

- D. Building Identification Signs:** Signs that identify buildings and that are permanently integrated in a building's facade with etching, embossing and/or engraving and provided that they do not exceed 5% of the total façade on which they are placed.
- E. Construction Signs:** Temporary construction signs provided they meet the following requirements:
1. The sign is posted on a lot currently under construction pursuant to a valid zoning or building permit.
 2. Only one non-illuminated sign with a maximum of two (2) sides per lot is permissible.
 3. The sign must be removed upon issuance of a certificate of occupancy for all construction at that site.
- F. Fence Wraps:** Fence wraps displaying signage when affixed to perimeter fencing at a construction site provided they meet the following requirements:
1. Such fence wraps are allowed until a certificate of occupancy is issued for the final portion of any construction at that site or 24 months from the time the fence wrap was installed, whichever time period is shorter. After such period has elapsed, the signage must be removed or covered.
 2. No fence wrap affixed pursuant to this section may display any advertising other than advertising sponsored by a person directly involved in the construction project and for which monetary compensation for the advertisement is not paid or required.
- G. Government Sign:** A duly authorized temporary or permanent government sign.
- H. Historical plaques or markers** approved by a governmental entity or the National Registry of Historic Places or similar bona fide authority empowered to recognize historic places or structures
- I. Home Occupation Signs:** A permanent non-illuminated wall sign that may not exceed four square feet (4 sq. ft.).
- J. Living Sign:** A non-illuminated sign constructed of living materials such as shrubs, trees, and/or flowers.
- K. Logos:** Logos, labels, and trademarks located on mechanical equipment, solid waste or recycling containers, newspaper and soft drink dispensers, gas station pumps, and similar equipment are not regulated by this Article.
- L. Parking-control Warning Signs:** Parking Parking-control warning signs shall comply with the requirements of Boone Town Code § 73 Towing.
1. A building(s) with a single-establishment shall prominently display the name of the establishment.
 2. Shopping Center/Mall developments shall follow the regulations set forth in 26.12.01(F).

3. All signs shall be clearly visible from the controlled parking spaces.

M. Political Signs In the Public Right of Way: Political signs are permitted in the public right of way only to the extent such signs comply with the requirements as to size and time of posting set forth at N.C. General Statute § 136-32, as such may be re-codified or amended from time to time. For the definition of political signs as used herein, see N.C. General Statute § 136-32(c).

1. Such signs may not exceed 864 square inches in area per display face and two faces per sign and may not be higher than 42" above the edge of the pavement of the road.
2. Such signs may only be placed with the permission of the property owner fronting the right of way where the sign is to be placed.
3. In all cases, the property owner and the political candidate shall be equally responsible for the removal of the signs within 48 hours after the election.
4. Any political sign that remains in a right-of-way maintained by the town more than 30 days after the election is to be deemed unlawfully placed and abandoned property, and any person may remove and dispose of such political sign without penalty.

N. Pushcart Signs: Signs contained on vendor push carts that do not exceed fifteen square feet (15 sq. ft.) in area per push cart.

O. Real Estate Signs: A real estate sign advertising the real estate upon which the sign is located as being for rent, lease, open house or sale. Real estate signs are permissible subject to the following regulations:

1. Only one (1) sign per lot is allowed.
2. The sign shall not be illuminated.
3. Area and Height Requirements:

Zoning District	Maximum Area	Maximum Height
Residential Zoning Districts	4 ft ²	5 ft.
B1 Zoning Districts	4 ft ²	
Remaining Zoning Districts	20 ft ²	8 ft.

4. The real estate sign shall be removed within forty-eight (48) hours after the property closing.
5. Open House Residential Real Estate Sign: Open house residential real estate signs shall be subject to the following requirements:
 - a. There shall be no more than one on-premise and two (2) total off-premise open house residential real estate signs for any open house event. These signs must

include the realtor's phone number or the homeowner's address and the street address where the event is taking place.

- b. Off-premise signs may be in place only from 8 a.m. on Saturday to 8 p.m. on Sunday.
- c. Off-premise signs shall not exceed three square feet (3 sq. ft.) in area and two feet (2') in height.
- d. Such signs shall not be illuminated.

P. Temporary Decorations: Temporary decorations or displays, when such are clearly incidental to and are customarily and commonly associated with any national, local or religious holiday/celebration.

Q. Temporary Signs:

1. General Regulations:

- a. Temporary signs shall either attach securely to a structure or shall be securely ground-mounted.
- b. Temporary signs shall not be illuminated.
- c. Temporary signs are not permitted in public rights of way except as provided at subsection 26.06.01(M).
- d. Temporary signs are not permitted within 11 feet of the edge of pavement of any roadway or alley.
- e. Temporary signs may not be or mounted upon trees, utility poles, traffic control signs, lights, or devices in any place or manner prohibited by the provisions herein, or upon a portable sign structure.

2. On-Premises Advertising Temporary Signs

- a. Each parcel or each tenant, in a multi-tenant commercial development is allowed to display one on-premise advertising temporary sign, subject to the following conditions:
 - i. Each tenant in a multi-tenant development is only allowed to display a freestanding temporary sign in compliance with this section if their building fronts the street the sign is located on^[AM1].
 - ii. Maximum size per sign is twenty-four square feet (24 sq. ft.).
 - iii. Temporary signs are limited to a display period of fourteen (14) consecutive days and there shall be a thirty (30) days between display periods^[AM2].

3. Off-Premises Advertising Temporary Signs.

[Alternative 1]

- a. Off-premises advertising temporary signs are prohibited.

[Alternative 2]

- a. Each parcel or each tenant of a multi-tenant development may display one off-premises commercial message temporary signs, subject to the following conditions:
 - i. The sign is limited to four square feet in area and no more than three feet in height.
 - ii. The sign may be posted for display no earlier than 3:00 p.m. of a Friday, or before 3:00 p.m. of the day before a designated holiday, and displayed until 6:00 p.m. on that immediately following Sunday or on that designated holiday.

4. Noncommercial Message Temporary Signs.

- a. Noncommercial message temporary signs are allowed without limitation, provided that any such sign (i) may not exceed 16 square feet in area and (ii) may not be located within any public right of way, closer than 11 feet from the edge of the pavement of any roadway or alley, or within the site triangle at street intersections as set forth at Chapter 96 of the Town Code.
- b. Noncommercial messages are messages and emblems that do not function to direct attention to or promote a business, product, service, event, or activity, either on-site or off-site. Examples of noncommercial messages include, but are not limited to, signs advocating a public issue, recommending a candidate for office, and personal messages.

R. Temporary Use Signs: Temporary signs shall be allowed in conjunction with lawfully established temporary uses in all districts. Such signs must be located on the parcel on which the temporary use is occurring and may be attached or freestanding subject to the following:

- 1. Temporary uses may be permitted up to two signs.
- 2. These signs shall not exceed a cumulative total of XX square feet (xx sq. ft.) in area.
- 3. Signs for temporary uses are allowed for the duration of the temporary use.

S. Umbrella Signs: Umbrella signs used in connection with outdoor seating provide they meet the following requirements:

- 1. The signs shall be painted or printed on the umbrella.
- 2. Umbrellas shall not be erected at an acute angle for the purpose of serving as signage.
- 3. Umbrella signs shall be located on the umbrella itself and shall not be suspended from or otherwise hang from an umbrella.

4. Signage shall not be illuminated.

T. Vehicle Signs: Vehicle signs, unless such signs are used in a manner prohibited hereinafter, provided they meet the following requirements;

1. Vehicles must be operated in the normal course of business and may include the name of the owner or business;
2. Signage when affixed or painted onto vehicles and equipment and the like, are exempt from regulation, provided that, when not being so operated, such vehicles are parked or stored in areas appropriate to their use as vehicles and in such a manner and location on the lot so as to minimize their visibility from any street to the greatest extent feasible.
3. All such vehicles must have current and valid registration and inspection.
4. Vehicles or equipment that display signs must move to perform only business-related activities at least every forty-eight (48) hours.

26.07 General Requirements for Signs

26.07.01 Sign Area

- A.** The sign area includes the area within a single, continuous perimeter enclosing the extreme limits of characters, lettering, logos, illustration, or ornamentations, together with any material or color forming an integral part of the display or differentiating the sign from the background to which it is placed. Structural supports with no sign copy shall not be included in the sign area. If a sign is attached to an entrance wall or fence, only that portion of that wall or fence onto which the sign face or letters are placed shall be calculated in the sign area.
- B.** Where a sign has two (2) sign areas back to back, the area of only one side shall be considered as the sign area. The maximum angle of a double-faced sign is 45 degrees, except for signs located on corner lots in which case the angle may be 90 degrees.
- C.** All signs are limited to two (2) sides.
- D.** Option for Window Signage Calculation: For calculating maximum area of window signs, the window area is calculated as a continuous surface until divided by an architectural or structural element. Mullions are not considered an element that divides window area.

Staff Note: The Town has not regulated any signage placed on the interior of windows. Staff has noticed an increase of both “window signage” and the use of neon colored lights. Staff asks for direction on whether or not additional regulation on this type of signage should occur.

26.07.02 Sign Height

- A. Freestanding: Sign height is measured from the base of the sign at the ground to the highest point of the sign, including any attachments.

Staff Note, Option #2 : The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign. In cases where the normal grade is below grade at street level, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public or private street.

- B. Attached: Attached signs shall not project higher than the building soffit or eave height.

26.07.03 Vertical Clearance

- A. For attached signs, vertical clearance is measured as the vertical distance measured from the ground directly below the sign to the lowest point of the sign. Any sign encroaching onto a sidewalk may be no less than eight feet (8') at the lowest point from the lowest point of the sign as measured to the sidewalk underneath.

26.07.04 Sign Setback

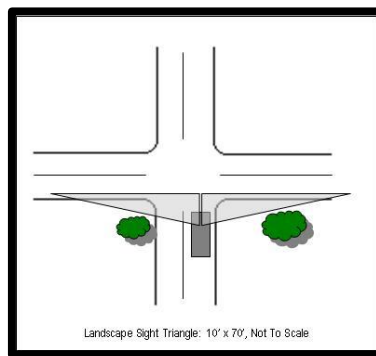
- A. A sign setback of at least one foot (1') is required from any easement, property line, or right-of-way. This setback is measured from the applicable easement, property line, or right-of-way to the closest component of the sign or sign structure.

26.07.05 Location

- A. Signs shall be located on the same lot/building as the use being advertised unless a permanent off-premise sign in an access easement is permitted subject to the following requirements:
1. Application required: No permanent off-premise sign may be placed or displayed in an access easement area until a permit authorizing its display is issued.
 2. No permit for a sign that will be displayed or located within an access easement may be issued unless there are no roads contiguous with the lot upon which the development is located, or the access easement in which the sign is to be located is the only available and planned vehicular access to the aforementioned lot.
 3. The applicant must submit a certified copy of the instrument creating the easement with the application. The access easement area must be the only available and planned access for the development requesting the permanent off-premise sign. The Administrator may require that the applicant provide a signed statement from an attorney that such easement confers upon the applicant the right to display a sign within the easement if the Administrator is unsure of the scope of the rights created

by the easement. Unless the easement affords rights to display a sign for the full potential life of the development, it will be considered legally insufficient.

4. The only sign that may be permitted for display in an off-premise easement is a ground mounted/monument sign which must meet all dimensional, separation, location, and lighting requirements of this Article for a ground mounted/monument sign in the zoning district in which it will be placed or the development is located, whichever is more restrictive, unless any such requirement is explicitly superseded by this Section.
 5. Limitations on the number of signs allowed: Only one (1) permanent off-premise sign will be allowed on a lot which is subject to an access easement which also allows a permanent off-premise sign (further known as the hosting lot). The permanent off-premise sign shall count as one of the free-standing signs (not including directory signs) allowed for the hosting lot. Furthermore, if at the time of application, existing signs on the hosting lot have either a combined square footage that meets/exceeds the maximum square footage allowed, or meet/exceed the maximum number of freestanding signs allowed, the applicant must provide a written declaration from the owner or occupant of the hosting lot indicating which sign(s) will be removed. If any signs are required to be removed, this shall be done prior to the issuance of the permit for the permanent off-premise sign.
- B.** Signs may be located in a required building setback or landscaped streetyard or buffer. If a sign is located in a required setback it shall not be otherwise located so as to obstruct pedestrian or vehicular traffic.
- C.** To ensure that signs do not constitute a traffic hazard, a sight triangle ten feet (10') by seventy feet (70') will be observed at all intersections of driveways/streets with adjacent streets (see diagram below).



- D.** No sign shall be located in or overhang any easement or right-of-way for public use, including alleys and sidewalks.

1. Exempted from this requirement are any signs within a B1 zoning district. These signs shall first obtain an encroachment agreement authorizing such incursion in accordance with Chapter 96 of the Boone Town Code.
 - a. An encroachment agreement shall be required for any replacement of signs that do not have an encroachment agreement.

26.07.06 Audio Components

- A. Audio components are prohibited as part of any sign, except for drive-through signs where the audio component is designed, located, shielded, and directed to prevent detection from surrounding properties.

26.07.07 Changeable/Digital Copy

- A. Up to 50% of a permissible principal sign permitted in Section 26.08 may contain changeable/digital copy subject to the regulations herein.
- B. Only one of the two allowable signs may contain changeable/digital copy.
- C. No such sign can be placed within 100 feet of a residential zoned property except for non-residential uses along a major traffic corridor, collector, or arterial street as defined in Article 34.
- D. A sign with a changeable/digital copy shall contain additional information so the sign is not completely blank if the changeable message area is removed.
- E. For electronic message signs, the maximum brightness is limited to 5,000 nits when measured from the sign's face at its maximum brightness, during daylight hours, and 500 nits when measured from the sign's face at its maximum brightness between dusk and dawn, i.e., the time of day between sunset and sunrise. The sign shall have an ambient light meter and automatic or manual dimmer control that produces a distinct illumination change from a higher allowed illumination level to a lower allowed level for the time period between one-half hour before sunset and one-half hour after sunrise. No sign may display light of such intensity or brilliance to cause glare or otherwise impair the vision of the driver or result in a nuisance to a driver.
 1. Applicants shall submit a certification from the sign manufacturing confirming compliance with the standards set forth above.
- F. Images and messages displayed in changeable/digital copy area must be complete in themselves, without continuation in content to the next image or message or to any other sign. The image shall be static with all animation, streaming video, flashing, scrolling, fading, and other illusions of motion otherwise prohibited.
- G. Any sign containing changeable/digital copy located on a local historic landmark or within a local historic district must obtain a Certificate of Appropriateness from the Historic

Preservation Commission as outline in UDO Article 8 prior to the issuance of a new sign permit.

- H. Changeable copy messages hours may change or alternate every sixty (60) seconds.

26.07.09 Illumination

- A. Where permitted, permanent signs may be internally or externally illuminated. In no case shall a temporary sign be illuminated.
- B. Lighting for permanent signs shall be consistent throughout a project, unless otherwise permitted within a Master Sign Plan, in which there is a variety of façade design and building types.
- C. All external illumination of a sign shall concentrate the illumination upon the printed area of the sign face.
- D. The use of blinding, flashing, moving, rotating, intermittent, or otherwise distracting lighting is prohibited.
- E. All sign illumination, both external and internal, shall be designed, located, shielded, and directed to prevent the casting of glare or direct light upon rights-of-way and surrounding properties, and prevent the distraction of motor vehicle operators or pedestrians in the rights-of-way.
- F. Internal illumination shall be allowed for certain types of permanent signs within the following zoning districts: B1 Downtown, B2 Neighborhood Business, B3 General Business, O/I Office/Institutional, WD Wellness District, and Education districts.
 - 1. Cabinets may be utilized, provided all electrical wiring is contained within the cabinet or support structure. Sign copy must be translucent and all background materials must be opaque.
 - 2. Channel letters may be utilized, provided all electrical wiring is contained within the building wall or within/on a raceway.

26.08 Signs Requiring a Permit

26.08.01 All principal signs shall require a permit, and are divided into three subcategories: attached, freestanding, and accessory.

- A. Accessory signs shall require a permit, unless otherwise noted. Accessory sign copy is not included in principal sign calculations.

26.08.02 Number of Signs Allowed

- A. Each establishment is permitted two (2) principal signs. In no case may both signs be of the same type, except for wall signs in compliance with Subsection 26.08.04(D)(3).
 - 1. Exception 1:

2. Exception 2: Tenants within a multi-tenant development are permitted two (2) attached signs. Please see Subsection Though the development overall will be allowed a tenant directory sign in compliance with Subsection 26.08.04(E.),

- B.** Each development is permitted the use of accessory signs in accordance with the guidelines set forth herein.

Table of Permanent Signs										
Principal										
Zoning Districts:	Residential	R3	B1	B2	B3	O/I	M1	WD	Educational	Reference
ATTACHED										
Awning/Canopy	L	L	L	L	L	L	L	L	L	26.08.04(A)
Marquee			L		L				L	26.08.04(B)
Projecting	L	L	L	L	L	L	L	L	L	26.08.04(C)
Wall	L	L	L	L	L	L	L	L	L	26.08.04(D)
Painted Wall					L		L			26.08.04(E)
FREESTANDING										
Monument	L	L	L	L	L	L	L	L	L	26.08.05(C)
Pole		L		L	L	L	L	L	L	26.08.05(D)
Accessory										
Directional	L	L	L	L	L	L	L	L	L	26.08.06(A)
Incidental	L	L	L	L	L	L	L	L	L	26.08.06(B)
Menu Board		L	L	L	L	L	L	L	L	26.08.06(C)
Suspended	L	L	L	L	L	L	L	L	L	26.08.06(D)
Tenant Directory	L	L	L	L	L	L	L	L	L	26.08.06(E)
Window	L	L	L	L	L	L	L	L	L	26.08.06(F)

26.08.03 Master Sign Plans

- A.** A Master Sign Plan is required for all residential subdivisions, multi-family and townhouse developments, non-residential subdivisions, and all multi-building and multi-tenant commercial developments before any permanent signs and their components may be erected.
1. All owners, tenants, subtenants and purchasers of individual units within the development shall comply with the approved Master Sign Plan.
 2. Residential developments that have only one (1) entrance sign, and have no other signs, shall not be required to submit a Master Sign Plan.
- B.** A Master Sign Plan Application shall include all of the following:
1. The location of each principal and accessory sign.
 2. Sign type, size, height, materials, color, illumination, and landscaping (if applicable) for each principal or accessory sign.

3. Computations of the total sign areas demonstrating compliance with all other sections of this Article.
 4. Allocation of permitted wall sign area among tenants in proportion to the overall building frontage as set forth in Subsection 26.08.04(D).
- C. All lighting and landscaping elements of signs within a Master Sign Plan shall be consistent throughout the development, unless explicitly specified within the plan.
 - D. Amendments to approved plans. A Master Sign Plan may be amended via application submitted by the owner of the property, or an agent, tenant, or contract purchaser specifically authorized by the owner. The application must include written authorization from all owners affected by the proposed amendment(s). If an association for the property exists, then the association shall provide written authorization for all owners within the development.
 - E. After approval of, or amendment to, a Master Sign Plan, no permanent sign shall be erected except in accordance with such plan.
 - F. Master Sign Plans shall be enforced in the same way as any other provision in this Article.
 - G. In the case of any conflict between a provision of an approved Master Sign Plan and one (1) or more provisions of this Article, the Master Sign Plan shall control.

26.08.04 Attached Permanent Sign Types.

A. Awning/canopy signs.

1. On a single-tenant property one (1) awning or canopy sign is allowed only in lieu of all other attached signage permitted on the wall the awning is attached that abuts a public or private street or right-of-way. Tenants occupying spaces with facades abutting multiple streets are permitted one awning or canopy sign per façade.
2. Sign copy on any awning or canopy sign surface is limited to 25% of the total surface area including any valances, not to exceed forty-eight square feet (48 sq. ft.).
3. A canopy is permitted a sign face attached to and located above the top of the canopy with a maximum height of twenty-four inches (24").
4. Signs may be externally illuminated only.

B. Marquee signs.

1. A marquee sign shall be allowed for theaters, museums, auditoriums, and other entertainment facilities in addition to the two allowable principal signs, subject to the following requirements:
 - a. Marquee signs shall conform to the applicable sign requirements for the district in which they are located, however the area of the marquee sign shall be permitted an increase in size up to an additional 100% provided that one of the

other signs to which the establishment is entitled is reduced in size. The percentage of increase in area shall be equal to the reduction in area of the other permitted sign.

2. The following regulations shall apply solely to a historical reconstruction of a projecting theater marquee:
 - a. A projecting theater marquee shall be allowed only in the B1 Downtown Core.
 - b. No portion of a projecting theater marquee shall be less than eight feet (8') above grade nor higher than sixteen feet (16').
 - c. A projecting theater marquee and supporting structures shall not extend over the edge of any sidewalk or into any street right-of-way absent an encroachment agreement authorizing such incursion by the Town.
 - d. The projecting theater marquee shall only be attached to the building in which the theater is located and must be above an entrance to the theater. No projecting theater marquee sign shall be wider than the building to which it is attached.
 - e. Signage may be installed directly upon the vertical face or faces of a projecting theater marquee with the following conditions:
 - i. Channel letters may extend above such vertical face or faces provided that the letter height is restricted to twelve inches (12") in height.
 - ii. No sign may extend below such vertical face or faces with the exception of lighting elements. All lighting elements shall meet the requirements of Subsection 26.13.02(B) above.
 - iii. The changeable copy portions of a projecting theater marquee shall not exceed fifty percent (50%) of the total area of all faces and comply with Section 27.01.
 - iv. All other signage attached to a projecting theater marquee may not exceed 20 percent (20%) of the total area of all faces.
 - f. A projecting theater marquee may include the use of flashing, scrolling, or intermittent lights subject to the following conditions:
 - i. The flashing, scrolling, blinking, or intermittent lights may only be in operation during the time the theater is open to the public and prohibited between the hours of 11 p.m. to 7 a.m.
 - ii. Light fixtures on the projecting theater marquee do not have to meet the requirement for full cut-off fixtures as required in Subsection 25.05.02.
 - g. Encroachment: Where a projecting theater marquee extends over a public sidewalk or other public property, an executed encroachment agreement

approved by the Boone Council shall be required prior to issuance of any sign permit for a projecting theater marquee.

- h. A projecting theater marquee may be constructed either as part of a new structure or as an addition to an existing structure as follows:
 - i. Site-specific plans and specifications must be submitted from a registered North Carolina licensed structural engineer demonstrating that the projecting theater marquee complies in all ways with appropriate code provisions of the Town and the State of North Carolina, including but not limited to, materials, drainage, roof strength, bracing and anchorage.
 - ii. A final certification from the registered North Carolina licensed structural engineer shall be required stating that the projecting theater marquee complies with all appropriate code provisions of the Town and the State of North Carolina and that the projecting theater marquee has been constructed according to their submitted design.

C. Projecting signs.

1. Projecting signs shall be erected so that the sign is perpendicular to the building wall on which they are attached. In cases where a projecting sign has two sign faces that are not perpendicular, the interior angle formed between faces shall be sixty (60) degrees or less.
2. The maximum area for a projecting sign is eight square feet (8 sq. ft.) in the R3 Multi-family residential zoning district, and sixteen square feet (16 sq. ft.) in all other zoning districts.
3. Projecting signs shall not project more than four foot (4") from any building on which they are attached.
4. Projecting signs shall be centered over, or located near, the principal doorway.
5. Projecting signs may be externally or internally illuminated.

D. Wall signs.

1. Wall signs shall be erected so that the sign is attached flush against and parallel to the exterior wall or surface of a building. Where a wall sign utilizes channel letters for interior lighting, a raceway may separate the sign from the wall provided that all electrical components of the sign are housed within the raceway, and the raceway does not extend more than six (6) inches from the face of the wall or surface of the building.
2. The maximum area for wall signs shall be determined by a ratio of allowable square feet of sign area per linear foot of building frontage, as measured by 26.01.04(C). In no case may a wall sign in any district exceed the maximum, as listed in the table below:

Zoning District	Ratio	Maximum Area (square feet)
Residential districts (residential uses)		4 sq. ft.
Residential districts (non-residential uses)		16 sq. ft.
Residential districts (non-residential uses on major traffic corridors, arterial or collector streets)	0.5:1	48 sq. ft.
R3 Multi-family residential		16 sq. ft.
B1 Downtown Core	0.5:1	48 sq. ft.
B1 Downtown Interface	1:1	80 sq. ft.
B2 Neighborhood Business	1:1	80 sq. ft.
B3 General Business	1:1	120 sq. ft.
O/I Office/Institutional	1:1	64 sq. ft.
M1 Manufacturing	1:1	120 sq. ft.
WD Wellness district	1:1	80 sq. ft.
Education districts	1:1	64 sq. ft.

3. Wall signs may be placed on either the primary or secondary façade, but allowable size calculations shall be measured along the primary façade. Where a establishment elects to have two (2) wall signs, one shall be placed on the primary façade and the other on a secondary façade. The two (2) signs may be equal in size, but in no case may the secondary façade sign be larger than the primary façade sign. The sum of the area of the two (2) wall signs shall not exceed the allowable square footage defined in 26.02.04(F)2.
4. No portion of a wall sign may extend above, below, or beyond the edge of the wall or surface on which it is attached.
5. Wall signs may be externally or internally illuminated.

E. Painted wall signs.

1. Painted wall signs shall be allowed on secondary façades in the B3 General Business zoning district, provided they meet the requirements of 26.02.04(F)3.

2. Painted wall signs may be externally illuminated.

26.08.05 Freestanding Permanent Signs.

- A.** Maximum area and height of freestanding signs can be found in Table 26.08.05 below.
- B.** No freestanding sign shall be placed less than forty feet (40') from another freestanding sign unless no other option is available.
- C.** Freestanding signs must be placed in either:
 1. A landscaped streetyard or buffer that meets current standards; or
 2. A landscaped area that is at least three feet (3') in width and the least the length of the greatest dimension of the sign.
- D. Multi-Tenant Developments**
 1. In lieu of a separate freestanding sign per individual tenant, multi-tenant developments are allowed a freestanding multi-tenant directory monument sign that is approximately fifty percent (50%) larger than the size of a monument sign for a single establishment (for most zoning districts). See Table 26.08.04 for more detail.
 - a. Exception: Tenants in a multi-tenant development will be allowed to have a freestanding sign if the establishment has an exterior building frontage in the development of eighty linear feet (80 lf) or more. In the instance the exterior frontage requirement has been met, then the establishment may be permitted a freestanding sign as one (1) of its two (2) permitted signs along the street that the building frontage is located along.
- E. Monument Signs.**
 1. The maximum size of a monument sign is approximately thirty-five percent (35%) larger than it's allowed (if applicable) pole/pylon sign to incentivize the use of monument signs.
 2. Developments shall be allowed additional monument signs at secondary entrances for the general public provided that:
 - a. The height of the monument sign located at the secondary entrance shall not exceed four feet (4') in height.
 - b. The maximum area of the monument sign located at the secondary entrance shall not exceed 50% of the maximum area of the freestanding sign located at the primary entrance.
 - c. The monument sign located at the secondary entrance does not front the same linear public or private street as the freestanding sign located at the primary entrance.
 - d. All other requirements for monument signs are met.

Table 26.08.05

Zoning District	Pole/Pylon Signs Maximums		Monument Signs ¹ Maximum Area/Height Maximums		Multi-Tenant Directory Monument Signs ² Maximums	
	Area (Square Feet)	Height (Feet)	Area (Square Feet)	Height (Feet)	Area (Square Feet)	Height (Feet)
Residential districts (residential uses)			30	6	30	6
Residential districts (non- residential uses)			30	6	30	6
Residential districts (non- residential uses on major traffic corridors, arterial or collector streets)			41	6	62	6
B1 Downtown Core			16	4	16	4
B1 Downtown Interface			41	4	41	4
B2 Neighborhood Business	30	20	41	6	62	6
B3 General Business	50	20	68	6	102	8
O/I Office/Institutional	30	20	41	6	62	8
M1 Manufacturing	50	20	68	6	102	8
WD Wellness district	30	20	41	6	62	8
Education districts	50	20	68	6	102	8

26.08.06 Accessory Signs**A. Directional signs.**

1. Directional signs shall be allowed for all uses in association with vehicle and pedestrian entrances, parking areas, and general wayfinding. They may be attached or freestanding, but may not exceed four (4) square feet in area.
2. Attached directional signs are subject to the following requirements:
 - a. Shall be limited to wall signs.
 - b. Shall be attached flush against and parallel to the exterior wall or surface of a building.
 - c. No portion of the sign may extend above, below, or beyond the edge of the wall or surface on which it is attached.

- d. Attached directional signs may be externally illuminated.
- 3. Freestanding directional signs are subject to the following requirements:
 - a. May not exceed three feet (3') in height outside of any required site triangle and may not exceed two feet (2') within any required site triangle.
 - b. Freestanding directional signs may be externally or internally illuminated in the B2 Neighborhood Business, B3 General Business, O/I Office/Institutional, M1 Manufacturing; and externally illuminated in all other districts.

B. Incidental signs.

- 1. Incidental signs shall be allowed in all districts provided they contain no logo or on-premise advertising. They may be attached or freestanding, but may not exceed four (4) square feet in area.
- 2. Attached incidental signs are subject to the following requirements:
 - a. Shall be limited to wall signs.
 - b. Shall be attached flush against and parallel to the exterior wall or surface of a building.
 - c. No portion of the sign may extend above, below, or beyond the edge of the wall or surface on which it is attached.
 - d. Attached incidental signs may be externally or internally illuminated.
- 3. Freestanding incidental signs are subject to the following requirements:
 - a. May not exceed three (3) feet in height outside of any required site triangle and may not exceed two feet (2') within any required site triangle.
 - b. Freestanding incidental signs may be externally or internally illuminated in the B2 Neighborhood Business, B3 General Business, O/I Office/Institutional, M1 Manufacturing; and externally illuminated in all other districts.

C. Menu Boards.

- 1. In the B1 zoning districts, each building entrance may have one walk-up menu board, subject to the following requirements:
 - a. The menu board must be located inside a display box, permanently mounted adjacent to the building entrance.
 - b. The display box shall not exceed eight (8) square feet in area.
 - c. The display box shall be appropriate in size, location, and design to the character and architectural detail of the building.
 - d. The display box may be externally illuminated, or internally illuminated utilizing full cut-off fixtures within the display box.

2. In the remaining zoning districts, where allowed, uses that utilize a drive-thru or walk-up service may erect one (1) menu board for each drive-thru or walk-up lane or window. Menu boards may be attached or freestanding, subject to the following requirements:
 - a. Attached menu boards shall be limited to wall signs, which shall be attached flush against and parallel to the exterior wall or surface of a building, with no portion of the sign extending above, below, or beyond the edge of the wall or surface on which it is attached and shall not exceed fourteen square feet (14 sq. ft.).
 - b. Freestanding menu boards shall not exceed eight (8) feet in height, must be placed within an approved landscaped area, and shall be set back one (1) foot from interior lot lines and shall not exceed twenty-eight square feet (28 sq. ft.) in area.
 - c. Each drive-thru menu boards shall not exceed twenty-eight (28) square feet.
 - d. Menu boards shall not be legible from any public street.
 - e. Menu boards may be externally or internally illuminated.

D. Suspended Signs

1. Suspended signs shall be allowed under canopies and along pedestrian arcades provided that they are attached in a secure manner, with brackets and mounting devices maintained and in good repair. Signs shall be mounted so that the method of installation is concealed to the extent practical.
2. The maximum area for a suspended sign shall not exceed four (4) square feet in all districts.
3. Unless specifically authorized by an encroachment agreement approved by the Town Council, no suspended sign may overhang a public street or public sidewalk.
4. Suspended signs may not be illuminated.

E. Tenant directory wall signs.

1. Developments with more than one tenant shall be permitted to install a tenant directory wall signs subject to the requirements herein.
 - a. Each building with multiple tenants is allowed a tenant directory sign at each entrance into the building.
 - b. Tenant directory signs shall be attached flush against and parallel to the exterior wall or surface of a building, with no portion of the sign extending above, below, or beyond the edge of the wall or surface on which it is attached.
 - c. Tenant directory signs may not be illuminated.

F. Window signs.

1. Window signs are limited to the ground floor only in the R3 Multi-Family, B1 Downtown, and B2 Neighborhood Business zoning districts. All other commercial uses in all other zoning districts are permitted for window signs up to and including the second story.
2. The total window sign area, whether temporary or permanent, is limited to no more than 25% of the surface of each window area, including transparent areas of doors and entryways.
3. Window signs may be internally or naturally illuminated. No external illumination is permitted.

Article 34 Definitions

34.01 Definition of Terms

...

A-Frame Sign

A temporary sign ordinarily in the shape of the letter “A” or some variation thereof, which is displayed on the ground, not permanently attached to the ground, and usually two-sided, generally connected at the top and separated at the bottom.

...

Abandoned Sign

Sign or parts of signs ~~which~~that advertise or pertain to a business, product, service, commodity, event, activity, or purpose which no longer exists, is not maintained or that has not been in use for ninety (90) days or more. Signs ~~which~~that are associated with seasonal ~~business~~establishment such as ski shops, Horn in the West, etc. shall not be considered abandoned or obsolete provided there is clear intent to continue in the coming season.

...

~~Agricultural Sign~~

~~A temporary sign posted to direct the public to an agricultural exposition, festival or event, as those terms are described, when such exposition, festival or event is taking place within the corporate or planning limits of the Town, or within Watauga County. An agricultural exposition, festival or event is an event which involves at least ten separate participants involved in the cultivation of land, who for a period of time not exceeding six weeks per year, provide tours and/or on-site sales or samples of agricultural products resulting from that cultivation to area tourists.~~

...

Animated Sign.

A sign that uses moving or changing lights to depict action, movement, or the optical illusion of movement of part of the sign structure, sign, or pictorial segment, or including the movement of any illumination or the flashing or varying of light intensity to create a special effect or scene.

...

Attached Sign

Any sign attached to, applied on, or supported by any part of a building, including, but not limited to, a wall, window, or projecting sign, or a sign on a canopy, awning or marquee.

~~A sign which is mounted flush to a building wall.~~

...

Awning

A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework.

Awning/Canopy Sign

Sign that is part of, or attached to, an awning, canopy or other fabric, plastic or structural protective cover over a door, window, entrance or outdoor service area.

...

Banner

A temporary sign made of fabric or any non-rigid material with or without no enclosing framework.

...

Bench Sign

A sign located on the surface of a bench. ~~The size of the bench is limited to seventy inches (70") in length and thirty-six inches (36") in height.~~

...

Billboard

A sign identifying advertising and/or directing the public to an business establishment, merchandise, service, entertainment or product ~~which~~that is located at a place other than the property on which such sign is located. These signs are also known as off-premise outdoor advertising signs.

...

~~**Canopy Sign**~~

~~Sign that is part of, or attached to, an awning, canopy or other fabric, plastic or structural protective cover over a door, window, entrance or outdoor service area.~~

...

Changeable/Digital Copy Sign

Sign on which copy~~The portion of a sign that allows for~~ changes through mechanical, electronic, digital or manual means ~~and reader boards with changeable letters.~~

...

Community Event Signs

An annual temporary sign, other than a commercial sign, posted to direct patrons to community events for public agencies, schools, churches, civic fraternal organizations or similar non-commercial organizations, or an annual temporary sign posted to direct patrons to a commercial event, when that event, as determined by the Boone Town Council, provides a significant economic benefit to the Town as a whole, is open to all citizenry of the Town of Boone and its planning jurisdiction, portrays the Town of Boone in a positive light, and which has received the written endorsement of a non-profit group whose mission includes promoting the economic vitality of Boone such as, but not limited to, the Downtown Business Development Association, the Boone Chamber of Commerce, or the High Country Host.

...

Construction Sign

A sign ~~whose message is limited to (i) identification of architects, engineers, contractors, and/or other persons involved with the construction project and/or (ii) or to the name of the building being constructed, the intended purpose of the building and/or the expected completion date~~ sign identifying an architect, engineer, contractor, subcontractor, financial institution, material supplier, etc., participating in construction on the property where the sign is located.

...

Directional Sign

A sign giving directions, instructions, or facility information. ~~The sign(s) may contain the name or logo of an establishment, but no advertising copy.~~ Examples include “parking”, “exit”, “enter” or “parking-control warning” signs.

Directory Sign

A sign listing the names of more than one business, activity or professional office conducted within a building, group of buildings or commercial center.

...

Double-Faced Sign

A sign with two copy faces.

...

Drive-Through Window Sign

An attached or freestanding sign listing choices and prices. The sign also allows communication between the consumer and business.—

...

Farmer’s Market Sign

~~A temporary sign posted to direct the public to a farmer's market when such farmer's market is taking place within the corporate or planning limits of the Town. A "farmer's market" is a one-day event which can take place from week to week, but in the aggregate no more than two days each week, which involves individual participants selling retail products, at least fifteen of whom sell products which derive from the cultivation of land, and which takes place under the sponsorship of a non-profit organization.~~

...

Freestanding Sign

A sign supported by a sign structure placed in the ground ~~which is~~ and wholly independent of any building, fence, vehicle, or object other than the sign structure for support.

...

Gasoline Pump Sign

Signs ~~which are~~ normally associated with the sale of gasoline including the price, self-service, etc. information contained on the pump.

...

Governmental Entity

The Town and its departments, the Watauga County Board of Education, Watauga County, the State of North Carolina and its departments, and the United States of America and its departments.

...

Government Sign

Any temporary or permanent sign erected and maintained by a governmental entity.

...

Ground Mounted Sign/Monument Sign

A freestanding sign that is less than six feet (6') in height.

...

~~Height (of a sign)~~

~~The vertical distance measured from the highest point of the sign to the lowest point of surface grade beneath the sign.~~

...

Home Occupation Sign

A sign permitted in association with a legitimate home occupation conducted on the premises of the dwelling unit occupied by the operator of the ~~business~~ establishment.

...

~~Identification Sign~~

~~A sign whose copy is limited to the name and address of a building, institution, person and/or activity or occupation being identified.~~

Illegal Sign

A sign ~~which~~that does not meet the requirements of this Ordinance.

Illuminated Sign

A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

...

Inflatable Sign

A sign or figure filled with air or gas to enlarge said sign or figure.

Informational Sign

A sign that informs the public of goods, facilities or services available on the premises, e.g., credit card sign or sign indicating hours of ~~business~~operation.

...

Little League Sign

Sponsorship signs placed at the Optimist Club field.

...

Living Sign

A non-illuminated sign constructed of living materials such as shrubs, trees, and/or flowers.

...

Marquee

A sign of a theater, auditorium, fairground or museum or similar venue which advertises ~~present-current~~ and/or scheduled events with the ~~th~~Sign structure. Any structure which supports, has supported or is capable of supporting a sign, including any decorative cover for said sign structure. ~~e~~-use of changeable text.

...

Menu Board Sign

An attached or freestanding sign listing choices and prices.

...

Monument Sign

A freestanding sign supported permanently upon the ground by a continuous base flush to the ground.

...

Noncommercial Message

Messages and emblems that do not function to direct attention to or promote a business, product, service, event, or activity, either on-site or off-site. Examples of noncommercial messages include, but are not limited to, signs advocating a public issue, recommending a candidate for office, and personal messages.

...

Nonconforming Sign

A sign that was lawfully constructed but does not conform to current size, height, location, design, construction, or other requirements of this Ordinance.

...

Off-Premise Advertising/Sign

~~A sign which that does not pertain to the use of the premises on which it is located.~~ A sign directing attention to or promoting a business, product, service, event, or activity that is not sold, produced, manufactured, furnished, or conducted at the site upon which the sign is located.

...

On-Premise Advertising/Sign

~~A sign which that pertains to the use of the premises on which it is located.~~ A sign directing attention to or promoting a business, product, service, event, or activity that is sold, produced, manufactured, furnished, or conducted at the site upon which the sign is located.

...

Painted Wall Sign

A sign painted directly on any exterior building wall or door surface, exclusive of window and door glass areas.

...

Parking-Control Warning Sign

A sign that informs the public that the parking lot or parking structure is subject to parking-control.

...

Permanent Sign

~~Any sign which that, when installed, is intended for permanent use.~~ Any sign with an intended use in excess of twelve (12) months from the date of installation, unless otherwise stated, shall be deemed a permanent sign.

...

Pole/Pylon Sign

~~A sign which that is permanently affixed to the ground by a pole or other structure and which is not part of the building.~~

...

Political Sign

A temporary sign used in connection with a local, state, national election or referendum.

Portable Sign

A sign mounted on a frame or chassis, designed to be easily relocated, and not meant to be ~~permanently~~ affixed to buildings, poles, or the ground.

...

Projecting Sign

A sign ~~which is~~ attached to a building wall with the face of the sign perpendicular to the building wall.

...

Pushcart Sign

...

Real Estate/for Sale/Open House/or Lease Sign

A ~~temporary~~ sign advertising the real estate upon which the sign is located as being for rent, lease, open house or sale.

...

Roof Sign

Any sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure.

...

Rotating Sign

A sign ~~which~~ that turns ~~around~~ on an axis.

...

~~Sidewalk Sign~~

~~A temporary sign placed on the sidewalk during regular business hours.~~

Sign

Any object, device, display, structure, or part thereof, situated outdoors, which is used ~~solely~~ to advertise, identify, display, direct, or visually attract attention to an object, person, establishment, institution, organization, business, product, service, event or location by any means, including but not limited to words, letters, figures, designs, symbols, fixtures, streamers, balloons, pennants, air driven devices, colors, illuminated or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, or any fraternal, religious or civic organizations; works of art which in no way identify a product; or scoreboards located on athletic fields.

Sign Copy

The wording and/or symbols on a sign surface in either permanent or changeable form.

Sign Face

The area of a sign on which copy is placed.

Sign Structure

Any structure ~~which~~ that supports, has supported or is capable of supporting a sign, including any decorative cover for said sign structure.

Sign Maintenance

~~The cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.~~

...

Snipe Sign

A temporary sign or poster affixed to a tree, public utility pole, fence, etc.

...

Suspended Sign

A sign ~~which is~~ suspended from the underside of a horizontal plane surface, such as a canopy or marquee, and which is supported by such surface.

...

Tenant Directory Sign

A sign listing the names of more than one establishment, activity or professional office conducted within a building, group of buildings or commercial center.

...

Temporary Decoration

Temporary decorations or displays, when such are clearly incidental to and are customarily and commonly associated with any national, local, or religious holiday/celebration.

...

Temporary Sign

~~A sign or advertising display constructed of cloth, canvas, fabric, plastic, paper, plywood or other light material that is used only temporarily and is not permanently mounted.~~

...

~~Time and Temperature Sign~~

~~Signs which display only time and temperature in alternate light cycles.~~

...

~~Yard Sale Sign~~

~~A sign directing the public to the occasional non-business sale of secondhand household and other goods incidental to household uses.~~

Wall Sign

A sign ~~which is~~ mounted flush to a building wall.

...

Window Sign

A sign ~~which is permanently~~ painted on, ~~permanently~~ attached to or designed to be visible through a window, excluding displays of merchandise.

**PUBLIC HEARING MINUTES
MONDAY, AUGUST 22, 2022, 6:00 PM
VIA WEBEX SOFTWARE**

COUNCIL MEMBERS: Mayor Pro-Tem Edie Tugman, Todd Carter, Dalton George, Becca Nenow, and Virginia Roseman

PLANNING COMMISSION MEMBERS: Elizabeth Shay-Chair, Eric Plaag-Vice-Chair, Chris Behrend, Frank Veno, and Smith Warren

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

OTHER TOWN STAFF AND REPRESENTATIVES PRESENT: Amy Davis-Interim Town Manager, Allison Meade-Town Attorney, and Rick Miller-Public Works Director

OTHER ATTENDEES/PARTICIPANTS VIA WEBEX: Alan Crees, Bill Dixon, JC Feimster, Chelsea Garrett, Deron Geouque, Harold Tilley, and Maggie Tilley

Call to Order

Mayor Pro Tem Tugman called the Town Council to order at 6:05 p.m. She noted that Mayor Futtrelle was unable to attend this meeting. Chair Shay called the Planning Commission to order at 6:05 p.m. for the Public Hearing/Planning Commission meeting held via WebEx.

Moment of Silence

A moment of silence was observed.

Approval of Meeting Minutes

Vice-Chair Plaag wished to make the following corrections to the July 25, 2022, Public Hearing minutes:

- Page 3 of the minutes, last paragraph – remove the word *initial*.
- Page 5 of the minutes, second paragraph, third sentence – change the word *on* to *one*.

Council Member Nenow made a motion to approve the July 25, 2022, Public Hearing minutes as amended. The motion was seconded by Mayor Pro Tem Tugman.

Vote: Aye – All
Nay – None

The motion passed.

Vice-Chair Plaag made a motion to approve the July 25, 2022, Public Hearing minutes as amended. The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed.

PUBLIC HEARING

Ms. Shook reviewed the guidelines for each case presented at the public hearing.

Case PL05865-070822 Watauga County Parking Deck – Conditional District Zoning Map Amendment

Communication: August 22, 2022 Planning Commission Meeting Minutes (Approval of Planning Commission Meeting Minutes)

Watauga County has filed a Conditional District Zoning Map Amendment Application to rezone 136 N. Water Street (Watauga County Parking Lot) from B1DC, Downtown Core to Conditional District B1DC, Downtown Core for a site-specific approval for Use 15.02, Parking Structure.

Vice-Chair Plaag stated he would be recusing himself from this case because he had participated in quasi-judicial action on this project as a member of the Historic Preservation Commission.

Ms. Christy Turner, Senior Planner with Town of Boone Planning & Inspections, presented the request as it was outlined in the meeting packet.

Ms. Chelsea Garrett, attorney for Watauga County, stated that plans for this project were presented to the Historic Preservation Commission on July 12, July 26, and August 12. During this time, the project underwent a series of revisions to incorporate HPC's suggested changes. Ms. Garrett noted that the proposed parking deck would be located one block from downtown Boone, providing walkable access to downtown. She explained that 2/3 of the parking deck would be for county employee parking during the workday. The deck would be available for free public parking on evenings and weekends.

Mr. Bill Dixon, the architect for the project, noted there would be two sets of entry/exit stairs, heavy landscaping, and benches in the seating area. He stated they would try to save the Japanese maple tree on the property. Mr. Dixon added that they would like to revise the existing 6-7 feet tall retaining wall at the corner of Water Street and Queen Street. Modifying the wall would allow them to create a softer entrance onto Queen Street from Water Street. Mr. Dixon stated that the exterior would be brick with brick pilasters, which would be in keeping with the downtown look. He noted that the lower level windows would provide some ventilation but would have to be supplemented by mechanical ventilation to meet the building code. Mr. Dixon stated that the lower level would also be sprinkled, and a 5' sidewalk would be installed along Queen Street.

Ms. Garrett stated that the building height would be about the same as the My Pho building on King Street. She asked Mr. Dixon to speak about the building setbacks. Mr. Dixon stated that along Water Street, the building would be setback 11 feet from the back of the sidewalk, and the stair tower from the intersection would be about 35 feet from the back of the sidewalk. Mr. Dixon noted that the UDO would allow them to build up to the property line in the downtown district. The setbacks they proposed were based on the building requirements and the size.

Ms. Garrett asked Mr. Alan Crees, engineer for the project, to speak about the stormwater detention system. Mr. Crees stated that there was a considerable amount of impervious surface on the site already with the two parking areas that were currently there. He noted that the proposed project would add about 4,200 square feet of impervious area. Mr. Crees explained that they would be required to install a stormwater detention system to compensate for the additional impervious area. The system would be designed so that no post-construction runoff from the site would not be any more than the current runoff.

Ms. Garrett asked if it was correct that the existing impervious area was 23,983 square feet. Mr. Crees replied that was correct. Ms. Garrett noted that the increased impervious area was a 17.65% increase. She asked Mr. Crees what kind of drainage system or runoff detention was currently in place and did it work. Mr. Crees replied that a catch basin in the corner of the upper parking lot went to some other catch basins on the southern property line in the parking area down below. All of that then tied into a 36-inch pipe that was DOT's main culvert that ran down the middle of Water Street. Mr. Crees stated that this project's plan would be to capture all the water from the site. He felt there would be a slight reduction in the amount of water going out into the street. Ms. Garrett asked if there was currently anything in place that slowed the flow of water. Mr. Crees replied that there was no system currently in place. He explained that the proposed stormwater detention system would be located within the landscaping area. Mr. Crees added that there would not be a pond or anything above ground because of limited room and the grade.

He stated there would be underground pipes that could hold the volume of water and then release it slowly.

Ms. Garrett asked Mr. Crees if the minimum UDO requirements for stormwater detention were being met. Mr. Crees explained that they would be adding impervious area and, after some complicated calculations regarding the volume of water, they were proposing to increase the volume of detention by 25% over what was required.

Ms. Garrett asked Mr. Crees if he met with Mr. Harold Tilly and DOT regarding existing water issues and the flow along King Street. Mr. Crees replied that he did attend a meeting with Mr. Tilly and DOT to look at Mr. Tilly's situation with stormwater. He stated that a section of DOT pipe in front of Mr. Tilly's building was undersized. Mr. Crees explained that all of the pipe from the top of Water Street down to King Street was 36 inches. However, there was a 25-foot section under King Street that was about 20 inches in diameter. Mr. Crees stated that this smaller diameter pipe restricted the flow during large storms, that resulted in water coming out of a catch basin in front of Mr. Tilly's building. Mr. Crees noted that the 36-inch pipe ran under Mr. Tilly's building. He stated that the DOT representative was going to speak with their hydraulics unit to run some numbers and see if it was warranted to come out and upsize the 20-inch section of pipe to 36 inches.

Commission Member Behrend asked if the second floor of the parking deck was open or covered. Ms. Garrett replied that the UDO required the cars on the second floor to be screened so there would be no headlight glare. A 42-inch high wall would be placed around the second floor, but there would be no roof. Commission Member Behrend felt that if there had been a roof on the second floor, it would have been a good place to put solar panels.

Mayor Pro Tem Tugman asked if the sidewalk on the Queen Street side of the building would abut the building so that there would not be any space between the sidewalk and the brick exterior of the building. Ms. Garrett explained that they proposed to have the sidewalk end at the side of the brick building, assuming that the existing rock retaining wall would be removed.

At 6:43 p.m. Mayor Pro Tem Tugman invited public comment.

Ms. Maggie Tilly stated that she and her husband, Harold, owned the property adjacent to the proposed parking deck. She expressed concerns about stormwater management. Ms. Tilly read UDO Section 21.03(A)(1) regarding Drainage and Stormwater Management Performance Standards. During the neighborhood meeting, she noted that Alan Crees shared that the parking deck would add 4,200 square feet of impervious surface in excess of the previous building and lot. Ms. Tilly felt that was a pretty considerable amount. She requested that a stormwater management plan, based on Section 21.03(A)(1), be completed that would address the impacts of the additional 4,200 square feet of impervious area to the existing infrastructure while being mindful of the impact on Boone Creek, as well. Ms. Tilly stated that planning for the future should include a solid, properly functioning infrastructure for a thriving business community.

Mr. Harold Tilly stated that the stormwater problem began at the top of Water Street at Bill Dixon's driveway. He explained that the 36-inch culvert ran to a junction box outside the county's rock building on Water Street, and there was no manhole in that junction box so that it could be cleaned out. Mr. Tilly stated that the water then turned left and went along the My Pho building property line and then went under his building. He noted that the pipe was a concrete culvert that came to a drain at the front door of Appalachian Management and then went to another junction box with a 36-inch culvert in the middle of the sidewalk on King Street. It was 20 inches out into the middle of the street from that junction box. Mr. Tilly noted that not only water but trash and debris come down the mountain through this culvert. He stated that the Town of Boone nor the State of North Carolina had done anything to keep the culverts

clean. Mr. Tilley noted that he paid his staff to go down in the culverts to clean out the construction debris, leaves, sticks, logs, and even a dog house that came from where it entered the culvert at Mr. Dixon's driveway. Mr. Tilley stated that debris would come to the 20-inch culvert and could not go any further, so the water would back up. He noted that when the junction box was originally put in the sidewalk, the Town of Boone would not allow him to put a manhole in the box so that he could keep it clean. Since then, the water had backed up to the point that the state put in a manhole and cover. However, Mr. Tilley stated it was still up to him to keep it clean. Mr. Tilley noted that the pipe on the other side of King Street was a 48-inch pipe. He asked that no action be taken on this request until there was a stormwater plan in place that would work.

Mr. Crees stated that the pipe was not on the county's property at all. He added that the pipe ran down the street, under Mr. Tilley's building, and back into the street. Mr. Crees stated they would have to produce a stormwater plan for this project and meet all UDO requirements. He felt that the proposed development would not aggravate the water situation, but would improve it. Mr. Crees stated he would hate to see this project held hostage for a town-wide or DOT problem.

Ms. Garrett explained that there was no disagreement between the county and the Tilley's. She felt that the stormwater issue would require collaboration between the interested and affected parties, the Town of Boone and the County, to put some pressure on DOT. Ms. Garrett stated this was an existing problem. She noted they would be eliminating additional runoff that could be created by the additional 4,200 square feet by increasing their detention.

Chair Shay asked if the water runoff and debris problems would remain regardless of this construction. Ms. Turner replied that she believed they would. Ms. Turner noted that the county would handle the pre and post-runoff, but the original issue would still exist. Ms. Turner stated that Water Street was a DOT road and believed they were aware of the issues. Chair Shay asked if there were any possible design treatments for the culverts, like screens or meshes, that could cut down on debris. Mr. Brandon Wise, the Environmental Planner for Town of Boone Planning & Inspections, replied that what was existing would not be changed by what was proposed. He stated that during this meeting was the first time he had heard that they were looking at increasing detention by 25%. Mr. Wise noted that screens and meshes required regular maintenance and could cause even more back up of debris.

Ms. Garrett asked if the answer to the problem would be to increase the pipe size. Mr. Wise replied that this was a combination of DOT pipes and private property pipes. Then the pipe did daylight into town jurisdiction down on Howard Street. He noted that increasing the pipe size would probably help some of the flow.

Mr. Wise stated he met with Mr. Tilley and DOT and felt the easiest answer right now would be to make pipe sizes match. He noted it would be up to DOT to do the full hydraulic analysis to determine the correct pipe size.

Chair Shay noted that it was mentioned there had been several design revisions. She stated she was curious about the character of those revisions. Ms. Garrett replied that the actual structure itself, the walls, the height, had stayed the same. She stated that there had been changes made to the window openings, the stone pilasters, and the faux chimneys.

Commission Member Veno asked why Mr. Tilley was responsible for cleaning out the pipes. He also asked if the water runoff affected the integrity of the buildings. Commission Member Veno felt that expanding the size of the culverts would not solve the trash problem. He stated that a larger culvert would carry more trash. Mr. Wise replied that once a pipe was on your property and there was no easement, it became a private pipe that would be the responsibility of the property owner to maintain. Mr. Wise stated that increasing the pipe size would allow the pipe to carry more trash. Still, he felt the bigger

problem was that pipes stopped up in areas the town did not have access to, such as under Mr. Tilley's building.

Commission Member Veno asked if there was a lighting plan. Ms. Turner stated that, during the hearing for the Historic Preservation's Certificate of Appropriateness, it was decided that the applicant would choose a design for their lighting fixtures and their photometric plan and come back to HPC for their approval. Mayor Pro Tem Tugman wished to clarify that if this request passed the Planning Commission, it would pass without a lighting plan. The Historic Preservation Commission would approve the lighting plan when the county decided what lighting they would like to install. Ms. Garrett replied that it was her understanding that the HPC would only be consulted on the lighting plan if staff felt there was an issue with the plan. Mayor Pro Tem Tugman asked if HPC would have the final approval of the lighting plan or if it would come back to Planning Commission and Town Council. Ms. Turner replied that the lighting plan would only go to the Historic Preservation Commission for their Certificate of Appropriateness.

Ms. Garrett explained that the lighting plan would just comply with the UDO if this property were not in a historic district. She stated that the HPC would not want to give them a Certificate of Appropriateness if they had awful lighting fixtures that did not mesh with the neighborhood. Ms. Garrett noted that they had identified an example that the HPC seemed to like. A formal photometric evaluation would determine how many would need to be installed. She stated the lights would not be higher than 12 feet. Ms. Garrett noted that the Queen Street lights were quite bright and illuminated most of the northern half of the parking deck.

Ms. Shook wished to clarify that the lighting plan was to be presented to staff and, unless there were an issue, staff would approve the plan. If there were an issue or concern, staff would send the lighting plan to HPC for review. Ms. Garrett replied that was her recollection.

Mr. Rick Miller, Town of Boone Public Works Director, stated he wanted to make sure the Council and the Planning Commission knew that removing the wall on Queen Street would require Town Council approval and that there would be cost associated with that removal. Commission Member Veno asked if the wall was on Town property and not on the development site. Mr. Miller stated that was correct.

Commission Member Veno asked if there had been any traffic research done for this project. Ms. Garrett replied that the parking would be consolidated to the parking deck, but there would be two entrances/exits so that both levels of the deck do not exit and enter in the same location. She felt that would help with traffic issues. Ms. Garrett added that most of the people coming to the parking deck area were already coming because they parked along Queen Street or other parking lots.

Mr. Deron Geouque agreed with Ms. Garrett. He added that he did not see a traffic issue, especially with two exits.

Commission Member Veno asked if there would be a gate that had to open up before people could get into the parking deck. He also asked if there would be a cost for parking. Ms. Garrett replied that there would not be a gate and no one had to pay.

Mayor Pro Tem Tugman asked if the parking deck would be available to jurors serving during the business week. Mr. Geouque stated that jurors would remain on Queen Street because most of the parking would be for staff. He felt that shifting staff parking over to the parking deck would free up the spaces around the courthouse for the citizens utilizing the courthouse facility. Mr. Geouque stated that he and Mr. Dixon were trying to devise ways to regulate and ensure that others did not take up the staff parking.

Adjournment of Town Council

Council Member Nenow made a motion to adjourn the Town Council at 7:25 p.m. The motion was seconded by Council Member Carter.

Vote: Aye – All
Nay – None

The motion passed.

Edie Tugman, Mayor Pro Tem

Brenda Henson, Board Secretary

Elizabeth Shay, Planning Commission Chair

Continuation of Planning Commission Meeting

Chair Shay called for a break in the Planning Commission meeting from 7:25 p.m. until 7:33 p.m. Vice-Chair Plaag unrecused himself.

Public Comment

Ms. Shook noted that no one had signed up to speak under public comment.

Approval of Meeting Minutes

Commission Member Warren made a motion to approve the July 25, 2022, Planning Commission meeting minutes. The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed.

Case PL05865-070822 Watauga County Parking Deck – Conditional District Zoning Map Amendment

Watauga County has filed a Conditional District Zoning Map Amendment Application to rezone 136 N. Water Street (Watauga County Parking Lot) from B1DC, Downtown Core to Conditional District B1DC, Downtown Core for a site-specific approval for Use 15.02, Parking Structure.

Vice-Chair Plaag recused himself from this case.

Commission Member Behrend expressed concern that there was not a larger percentage of public parking with this project. Ms. Shook replied that the applicant was not required to provide public parking. She did note that, as mentioned in the public hearing, other parking spaces would be vacated as a result of the parking deck.

Commission Member Warren asked if there was anything presented at the public hearing that addressed how the county would stop the public from parking in the staff spaces. Ms. Shook felt that the county would likely have a system for tracking parking in the parking deck because they indicated that was their intent.

Chair Shay stated she was in favor of more parking downtown that could increase activity downtown without a similar increase in the number of vehicles. She added that the water issue was troublesome. Chair Shay stated that it seemed to be operationally separate because it seemed as though the parking deck was supposed to add no new runoff and perhaps even reduce runoff. Yet, the water issue remained for other members of downtown. Chair Shay asked Ms. Shook what kind of stipulations for discussion they could consider given that these two issues were not entirely linked. Ms. Shook replied that any suggested condition would need to be related to the project itself. Planning Commission would need to get the applicant's feedback regarding their willingness to accept any conditions placed on the permit. She noted that the applicant committed during the public hearing to an increase in stormwater retention of 25% above what was required.

Commission Member Behrend asked if the Planning Commission would recommend to Town Council that the town lower the wall on Queen Street. Ms. Shook felt it could be suggested but noted that, ultimately, Council would be making the decision.

Commission Member Veno felt the water problem was the biggest issue that came up tonight. He agreed with Chair Shay that the water issue seemed to be a separate matter. Commission Member Veno stated he did not think the development would add to the current water issues. Commission Member Veno did not like the idea of putting conditions on the development to take care of a problem that already existed. Commission Member Veno stated he was confident that the Historic Preservation Commission would be able to ensure proper height and lighting for the downtown historic district.

Chair Shay felt that Planning Commission could make a friendly suggestion to Town Council to have town-wide discussions regarding stormwater management.

First Motion and Vote: Chair Shay 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 1.1 Automobile Transportation

Maximize the efficiency of existing facilities, but not at the expense of 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.

Comprehensive Plan Policy 1.1 Infrastructure

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

Comprehensive Plan Policy 2.1.5 Downtown

B. The Town, in concert with the downtown property owners and merchants, shall encourage public and private efforts to develop and publicize adequate and appropriately designed off-street parking lots in the downtown area.

The motion was seconded by Commission Member Veno.

Vote: Aye – All
Nay – None
Recused – 1 (Plaag)

The motion passed.

Second Motion and Vote: Chair Shay made a motion that the Planning Commission recommends approval of the proposed amendment to the town's zoning map and believes approval to rezone the property Conditional District B1 Central Business is reasonable and in the public interest because the proposed structure addresses the need for parking as Boone manages high demand for access to the downtown district while honoring the spirit and letter of B1DC zoning. The motion was seconded by Commission Member Behrend.

Vote: Aye – All
 Nay – None
 Recused – 1 (Plaag)

The motion passed, and approval was recommended.

Vice-Chair Plaag unrecused himself. Discussion ensued regarding stormwater management.

Vice-Chair Plaag stated he would like to make a historical comment about these culverts. He referred to the 1849 map of Boone, stating that there was a giant creek flowing down from what was now Water Street that originated way up on Rich Mountain. Vice-Chair Plaag stated that the culvert was the source of significant damage to downtown Boone in 1902, 1916, and 1940, as well as numerous other flooding events. He relayed that he was worried about this and had been for a number of years. Vice-Chair Plaag stated he had expressed his concerns when the Marketplace project was originally being considered. He noted that their plan called for the drainage that currently flowed across the Marketplace property to be redirected up King Street, down Burrell Street, and then down Howard Street toward the east using a series of 90 degree turns in the culverts. Vice-Chair Plaag felt this would only further exacerbate this problem.

Vice-Chair Plaag stated a great deal of surface water came down Water Street that flowed into those culverts, on top of whatever water was already being directed underground. He noted that John Ward, former Town Manager, worked hard on a solution with DOT before he left.

Ms. Shook stated that the Marketplace project was no longer proposing to change their pipe locations. She noted that the town did look, during the process of that project, at options. Ms. Shook explained that redirecting the outfall of all those culverts could have a negative impact on other property that would have to be considered.

Mr. Miller stated there were some drainage improvements on Howard Street where the three culverts crossed. However, once the pipe got to private or state property, it was out of the town's hands. Mr. Miller stated it would take an effort from everyone to fix drainage issues in this town.

Vice-Chair Plaag asked Mr. Miller if he had a sense of why DOT was unwilling to do anything about that pipe. Mr. Miller replied that it was likely cost, staffing, and materials. Mr. Wise added that DOT was aware of the issue. He stated that he had heard a lot about getting the town's stormwater in line, and while the town was working toward that, it was easier said than done. Mr. Wise relayed that there was a possibility that the town would be forced into stormwater action by the state. He noted that nothing could be fixed overnight but would be a long process.

Vice-Chair Plaag asked Mr. Wise if he knew the size of the pipe that crossed the Marketplace property. Mr. Wise replied that it was a 36-inch pipe until it got to the backside of the Ransom building, then it upgraded to a 48-inch pipe the rest of the way back.

Vice-Chair Plaag stated he would like to make a suggestion that Planning Commission recommend to Council that this stormwater concern be a top priority from a planning and infrastructure perspective. He added that this set of pipes and the fact that they downsize was a historic and current problem. Vice-Chair Plaag felt it might be helpful if Council asked Mr. Miller and Mr. Wise for a prioritized list of other places in town where similar kinds of issues existed that needed addressing in the near term.

Mr. Miller stated that he knew where the problems were in the town. He noted that many of the issues were on DOT or private property and, by law, he could not inspect those pipes. He indicated that he did have a list of town-owned properties but did not have a list of DOT and private property owner issues and damage.

Vice Chair Plaag made a motion to recommend that, in the near immediate term, now was probably the best possible opportunity while there was potentially going to be the ground open on the Marketplace site, and whatever work might occur at the parking deck was discussed tonight, to try to get the DOT on board with specifically addressing the 20-inch pipe that was in the middle of the right-of-way. More broadly, it would be valuable for the town, specifically for Town Council, to know where the other problem areas were located. The best way to do that would be to ask Mr. Miller and Mr. Wise to make a prioritized list of problem areas and what might be needed to address drainage issues throughout the town's jurisdiction. The motion was seconded by Commission Member Warren.

Vote: Aye – All
Nay – None

The motion passed.

Other Matters

Ms. Shook discussed the process so far on the update for a Comprehensive Plan. She noted that an RFQ was released today looking for a consultant. Ms. Shook stated she would let everyone know when a date for the kickoff meeting was chosen to discuss the Comprehensive Plan. She also noted there would be a full agenda for next month's public hearing.

Adjournment of Planning Commission

Commission Member Warren made a motion to adjourn the meeting at 8:20 p.m. The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed.

Elizabeth Shay, Planning Commission Chair

Brenda Henson, Board Secretary