

**TOWN COUNCIL AND PLANNING COMMISSION
SPECIAL PUBLIC HEARING AND PLANNING COMMISSION MEETING MINUTES
MONDAY, JANUARY 5, 2026, 6:00 PM
1500 BLOWING ROCK ROAD AND WEBEX**

COUNCIL MEMBERS PRESENT: Mayor Dalton George, Mayor Pro Tem Todd Carter, Eric Plaag, Virginia Roseman, and Adrian Tait

PLANNING COMMISSION MEMBERS PRESENT: Chair Frank Venio, Vice-Chair Anne Pruitt, Garrett Kight (via WebEx), Declan King, Michael Mileski (via WebEx), and Frida Paz-Miranda

PLANNING STAFF PRESENT: Jane Shook-Director of Planning & Inspections, Brandon Wise-Deputy Director of Planning & Inspections, Amy Snider-Commercial Zoning Administrator, and Brenda Henson-Board Clerk

OTHER TOWN STAFF OR REPRESENTATIVES PRESENT: Todd Moody-Public Works Director, Justin Stines-Public Works Deputy Director, and Allison Meade-Town Attorney

Call to Order

Mayor George called the Town Council to order at 6:04 p.m. Chair Venio called the Planning Commission to order at the same time. The meeting was held at the Town Council Chambers, located at 1500 Blowing Rock Road, Boone, as well as via WebEx.

Moment of Silence

A moment of silence was observed.

Approval of Meeting Minutes

Council Member Plaag moved to approve the November 24, 2025, Public Hearing minutes as written. Council Member Roseman seconded the motion.

Vote: Aye – 4
Nay – 0

The motion passed.

Commission Member Paz-Miranda moved to approve the November 24, 2025, Public Hearing and Planning Commission meeting minutes as written. Vice-Chair Pruitt seconded the motion.

Vote: Aye – 6
Nay – 0

The motion passed.

PUBLIC HEARING

Case A25-0790 RK Investors, LLC – Conditional District Zoning Map Amendment

Appalachian Greenway, LLC, has submitted a Conditional District Zoning Map Amendment application requesting to rezone 736 Greenway Road from M1 Manufacturing and R1 Single-Family Residential to Conditional District R3 Multiple-Family Residential District with a site-specific development plan for Use 1.13 Multi-Family Dwelling (> 100 bedrooms) with the following accessory uses: A-8 & A-9 ATMs, A-15 Residential Garden, A-16 Satellite receiving antenna less than 1 meter in diameter, A-20 swimming pool, spa and hot tubs, A-22 vehicular gate, A-28 Accessory Solar Energy System, and A-29 Electric-Vehicle

Charging Station. This application also includes a request to deviate from certain ordinance standards. In conjunction with this application, the property owner, International Resistive Company Inc., has requested annexation of the portion of the property currently outside corporate limits.

Amy Snider, Commercial Zoning Administrator, noted the continuation of this case from the November 24, 2025, Public Hearing. She stated that several revisions to the request were submitted on December 22, 2025, and were outlined in the meeting packet. An additional revision was submitted on December 31, 2025, showing the breakdown of the \$250,000 the applicant committed to construct a greenway. Ms. Snider stated that this revision was received too late to be included in the meeting packet.

Tom Brasse with RK Investors listed some of the requested changes as follows:

- Widen parking deck, use brick veneer, and include motorcycle and bicycle parking
- Buildings five through twelve will be three stories
- Buildings one, three, and four will be five stories
- Building two next to Watauga Opportunities will be four stories
- Balconies have been added to the market-rate buildings (7-12)
- Courtyards have been added to ground-floor units in market-rate buildings
- There will be 54 one-bedroom units, 100 two-bedroom units, six three-bedroom units, and 150 four-bedroom units for a total of 310 units/872 bedrooms
- Instead of three dumpsters, they will provide one dumpster that will be emptied three times per week
- Visitor parking spaces will be provided
- The project will be phased so buildings can be occupied as they are completed
- 50% of the development will be masonry (brick) with no vinyl siding, likely vinyl windows

Steve Hart with Hart Hickman, an environmental consulting firm, noted that his firm had worked on over 200 Brownfields sites. He stated that over 250 areas on the IRC site had been sampled, and he believed the site could be safely developed with the proper engineering controls, soil management plan, and vapor mitigation control. Mr. Hart noted that air and soil testing would be completed prior to occupancy of the buildings, with ongoing monitoring of the vapor mitigation system. He added that the State performed periodic inspections of the site. Mr. Hart stated he had a conversation with Dr. Callahan regarding concerns about arsenic and that, based on historical data, arsenic levels were low and appeared to be at naturally occurring levels. Mr. Hart also noted that a large amount of soil had been removed from the site over the years.

Council Member Plaag asked whether the applicant would be willing to disclose to renters that this was a Brownfields site, much like landlords must do for properties in the floodplain. Mr. Hart replied that notification to renters was required under the Brownfields agreement. Council Member Plaag asked how long renters would be notified. Mr. Hart replied that a Brownfields ran with the property, so renters should be notified in perpetuity. Council Member Plaag asked if this notification would be part of the lease. Mr. Hart replied that it would. Mr. Hart noted that there were several other properties in town that were Brownfields sites, such as The Standard and Rivers Walk.

Council Member Tait asked what type of remediation there would be for this site. Mr. Hart explained that most of the soil contamination had already been addressed, and he did not expect more soil remediation. However, if any soil contamination was found, they would have to notify DEQ and remove it from the site. He noted that there was still some groundwater contamination to address. Council Member Tait asked if there would be a division of responsibility for the soil and groundwater. Mr. Hart replied that IRC would continue to be responsible for groundwater remediation. Council Member Plaag asked what would

happen if IRC dissolved. Mr. Hart stated that the new property owner would become the responsible party.

Council Member Roseman stated that the Town was previously told that the site was unsafe for habitation. Mr. Hart reiterated that most of the contaminants had been removed. He stated that the pavement would act as a cap for the soil and would limit groundwater penetration. He added that there would be an environmental management plan and periodic inspections. Council Member Roseman asked whether any contaminated soil that might be located would be replaced with two feet of fresh soil. Mr. Hart stated that contaminated soil would have to be replaced to whatever depth the contamination reached.

Council Member Plaag asked about the off-gassing of methane. Mr. Hart responded that some methane was detected in the off-gas in one or two low-lying areas, noting there would be a methane mitigation system in place. Council Member Plaag asked if it was correct that Town Council heard this site was unsafe. Todd Moody, Director of Public Works, confirmed that it was what the Council was told. Mr. Hart stated that he had reviewed 30 years of data on the site and did not find it unsafe. Council Member Carter added that IRC had been remediating the site since the 90s. Mr. Hart added that IRC entered an agreement in 2016 to continue remediation into the future. Council Member Roseman asked if the methane off-gassing would be unsafe. Mr. Hart replied that the levels would be low and directed away from occupied space.

Chair Veno asked if the current concrete slab would be removed and, if so, what happened to the soil underneath. Mr. Hart stated that the slab would be removed and the soil would stay on the site unless contaminants were found. He added that there was groundwater contamination that went off-site, but did not go as far as Winkler's Creek. Mr. Hart stated there were two wells near Winkler's Creek, called sentinel wells, that were regularly monitored. Allison Meade, Town Attorney, asked if it was correct that if the groundwater contamination reached the sentinel wells, it would have to be mitigated. Mr. Hart replied that was correct.

Commission Member King asked if the environmental management plan could be publicly visible. Mr. Hart replied that everything they submitted to the State was public record and could be accessed via the NCDEQ online portal.

Commission Member Plaag referred to a site plan containing a lot of scary red dots, and asked if those dots represented bad contamination. Mr. Hart explained that the dots depicted areas of soil sampling, and the different colors noted different dates of sampling.

Brandon Wise, Deputy Director of Planning & Inspections, noted that links to the Brownfield program were found on packet page 18.

Vice-Chair Pruitt asked if the development would be connected to town water and sewer. Mr. Hart stated that it would and had to be as part of the Brownfields agreement.

Commission Member Paz-Miranda asked how the workers and the community would be protected when the ground was broken for construction. Mr. Hart replied that there would be organic vapor monitoring and dust monitoring.

Council Member Roseman asked about the pressure weight of the buildings to the groundwater. Mr. Brasse replied that the building would be on pilings, so there would be very little building pressure on the soil.

Elise Smith with Landworks Design addressed the greenway. She stated that they planned to rehab the existing sidewalk, provide ADA ramps, install a mostly five-foot sidewalk from Ivy Drive to Wilson Drive,

install two crosswalks at the Boone Mall intersection, perform signal improvements at Wilson Drive, and construct a pedestrian bridge at Winkler's Creek. If easements were acquired, they would be dedicated to the Town. Ms. Smith stated that if they were unsuccessful in completing all of the improvements by the issuance of final COs, any unspent portion of the earmarked \$250,000 would be donated to the Town. Council Member Tait asked what would happen if \$250,000 was not enough to complete the greenway. Russell Ranson with RK Investors replied that they would work diligently to complete as many of the improvements as possible.

Council Member Plaag suggested the possibility of installing a sidewalk towards Walmart instead of going toward Winkler's Creek. Mr. Ranson stated that they could look at the feasibility of installing a sidewalk to Walmart. However, he felt that residents would benefit from having the pedestrian bridge. Commission Member Plaag stated that there were already pieces of sidewalk in place going toward Walmart. Mr. Ranson replied that there were two or three properties that would have to provide right-of-way to install the sidewalk. Ms. Meade added that easement acquisition would be a limiting issue. Mr. Ranson stated that he would commit the \$250,000 and research what could be done in both directions. Mr. Moody added that the Town could install the sidewalk to Walmart, but noted that acquiring easements was time-consuming.

Mr. Ranson stated that there would be 15 affordable units, offered at 80% AMI to preferred employers, such as the Town of Boone, Watauga County, Watauga County Schools, and 501(C)(3)'s for ten years. Council Member Tait asked Mr. Ranson if he would be willing to offer 24 affordable units. He replied that he would not.

Council Member Roseman stated that the one-bedroom unit for \$1,500 was more than her mortgage on her six-bedroom house.

Council Member Carter stated that increasing housing stock was helpful. He added that he would like to see 24 affordable units, but was okay with 15. He felt that the rental rates were about as good as they could be.

Mayor George asked about the possibility of having 32 affordable units for five years instead of 15 units for 10 years. Mr. Ranson replied that his knee-jerk reaction would be that he liked that idea less because it did not seem as easily financed. Council Member Plaag stated that he liked the 10-year option better because the rent increase was only 3% per year. He also noted that he appreciated the commitment to 50% masonry. Mr. Ranson noted that the masonry would be brick.

Commission Member Plaag asked if the phasing could be balanced so that some market-rate buildings were occupiable at the same time the student housing units were completed. Mr. Ranson replied that they hoped to have all of the buildings completed within six months of each other. Ms. Meade suggested that some assurance might be needed that the market-rate housing was built at the same rate as the student housing to ensure that not only student housing was being offered at the beginning.

Mr. Wise stated that the final CO would start the 5-year clock for tax exemption under the Brownfield agreement.

Council Member Roseman asked if units could be reserved in advance. Mr. Ranson replied that they could, and they planned to give hard-hat tours.

Mayor George called a break in the public hearing from 7:45 pm until 7:51 pm.

Commission Member Kight suggested offering 16 affordable units. He mentioned the sidewalk on Deck Hill and asked if that could be eliminated in favor of more affordable units. Mr. Ranson replied that the Town required the sidewalk.

Mayor George asked about traffic concerns. Mr. Ranson stated that anytime there was additional development, there was additional traffic. He felt that the new traffic signal would be a positive.

Mayor George invited public comment.

Marilyn Hall stated she had lived on Ivy Drive for 45 years. She expressed concern with water and flooding, traffic on Greenway Road, and the possibility that Ivy Drive would become a cut-through. She noted that the housing problem was not new to Boone. Ms. Hall stated that there were already so many student housing developments in Boone and that there might be a better location for this development.

Audrey Hartley, a retired educator and native, presented Council members with a letter regarding her concerns with the development. She stated that their house on Greenway Road was now occupied by their granddaughter, and it had been affected by several hurricanes. Ms. Hartley noted that there was a need for low-income housing in Boone. She felt that this development would erode the neighborhood. Ms. Hartley expressed concern about traffic and soil contamination. She stated she was opposed to the development.

Michael Maybee, President and CEO of Watauga Opportunities, stated that he was concerned with traffic. He felt that the new traffic light might help some. Mr. Maybee thanked RK Investors for being transparent throughout the process. He stated that Watauga Opportunities had been looking at ways to help with the traffic by possibly creating another loading dock where large semi-trucks could make deliveries to their facility. Mr. Maybee stated that the site had been a vacant eyesore for years. While he was unsure if this was the right development for the site, he noted that the site would at least be cleaned up. Mr. Maybee added that he preferred to have the sidewalk to the Winkler's Creek Bridge.

Neil Hartley expressed concern about stormwater retention. He explained that he had spent a lot of money on his home at 815 Greenway Road and did not want to have more stormwater runoff caused by increased impervious surface. Mr. Hartley noted that traffic in this area was difficult and asked that the project be denied.

David Peeler of 256 Rogers Drive expressed concern about the addition of 600 more cars on a 2-lane, 20 mph road.

Council Member Plaag asked Mr. Wise to address stormwater run-off. Mr. Wise stated that, based on the plans, it appeared there would be a reduction in impervious surface. If impervious surface increased, detention requirements would have to be met by demonstrating that the development would not add water at a rate higher than the current runoff.

Council Member Roseman stated that Greenway Road was heavily used. She asked whether there were future plans for widening the road. Mr. Moody replied that there were no plans for the expansion of Greenway Road. Council Member Carter added that there were plans for a multi-modal path along Greenway Road.

Council Member Plaag stated that the intersection of Winkler's Creek Road and Blowing Rock Road was a major concern, and he would like to see that as a right-in, right-out only. He asked about the location of the new traffic light. Mr. Ranson replied that AppalCART wanted the traffic light to be closer to Watauga Opportunities because it would function better for bus traffic at that location. Mr. Maybee added that the location of the light would provide more safety, noting that AppalCART did not want to enter the development and go to the bus shelter station because it would add four minutes to their route. Mr. Moody clarified that the location of the traffic light was a collaborative effort between AppalCART, the Town, and the developer.

Vice-Chair Pruitt noted that there would not be a straight access from the development to Ivy Drive. Council Member Plaag suggested that Town Council could consider, as a separate item, the possibility of creating a right-in, right-out at Ivy Drive.

Ms. Meade referred to the balconies and courtyards, noting that the Board of Adjustment had historically opposed them because they could create congregation areas for students. Council Member Roseman noted that the balconies and courtyards were for the market-rate housing, and she felt it was important to give people a sense of belonging. Council Member Plaag agreed with Council Member Roseman. However, if removing the balconies could increase the number of affordable units, he would be in favor of that.

Council Member Roseman stated that this was a Brownfield site that could be used, and the applicant was willing to listen to and try to accommodate their suggestions. She added that there would be less runoff and less soil disturbance. Council Member Roseman expressed confidence in most of the development, other than traffic.

With nothing further, Mayor George closed the public hearing for this case at 8:48 pm.

Adjournment of Town Council

Mayor George adjourned the Town Council at 8:48 pm.

Dalton George, Mayor

Brenda Henson, Board Clerk

Frank Venio, Planning Commission Chair

PLANNING COMMISSION MEETING

Chair Venio called a break in the meeting from 8:48 pm until 8:56 pm.

Discussion and Recommendation on Case(s) Heard at the Public Hearing

Case A25-0790 RK Investors, LLC – Conditional District Zoning Map Amendment

Appalachian Greenway, LLC, has submitted a Conditional District Zoning Map Amendment application requesting to rezone 736 Greenway Road from M1 Manufacturing and R1 Single-Family Residential to Conditional District R3 Multiple-Family Residential District which a site-specific development plan for Use 1.13 Multi-Family Dwelling (> 100 bedrooms) with the following accessory uses: A-8 & A-9 ATMs, A-15 Residential Garden, A-16 Satellite receiving antenna less than 1 meter in diameter, A-20 swimming pool, spa and hot tubs, A-22 vehicular gate, A-28 Accessory Solar Energy System, and A-29 Electric-Vehicle Charging Station. This application also includes a request to deviate from certain ordinance standards. In conjunction with this application, the property owner, International Resistive Company Inc., has requested annexation of the portion of the property currently outside corporate limits.

Discussion ensued regarding the Brownfields. Vice-Chair Pruitt felt that the engineer's presentation was very thorough, and they were doing their due diligence.

Chair Veno stated that he placed a lot of stock in public comments, but he had to rely on the engineer's comments regarding the Brownfields. Vice-Chair Pruitt added that she did not know there were other Brownfields properties in town.

Commission Member King stated that it did not seem like the development would create more risks related to contamination.

Commission Member Paz-Miranda urged that all of the tenants be made aware of the contamination and the efforts to mitigate it. She asked that this information be easily accessible to the public.

Commission Member Mileski stated that there was really no way for the applicant to plan for every possible issue until construction began. He noted that the State had agreed that the site was safe for construction.

Commission Member Kight asked if a list of other Brownfields sites in town could be published on the Town's website with links to monitoring data. Ms. Shook replied that she could try to find a place on the website for those links.

Discussion then moved to the greenway. Vice-Chair Pruitt stated that she appreciated the willingness of the applicant to try to make something happen. She added that having the greenway go toward campus would be the most helpful, given the increase in the number of cars on Greenway Road.

Commission Member Paz-Miranda stated that she lived on Greenway Road and would be appreciative of any sidewalk in any direction.

Commission Member King was agreeable with a sidewalk or greenway in either direction.

Chair Veno agreed, adding that it was difficult to bike anywhere in Boone.

Commission Member Mileski asked if the \$250,000 would cover the cost of the greenway expansion. Vice-Chair Pruitt replied that she understood the applicant would build as far as the \$250,000 would go. She noted that the applicant had agreed to investigate the installation of a sidewalk to Walmart versus to the Winkler's Creek Bridge.

Mr. Moody stated that, from the Public Works perspective, going towards Winkler's Creek would be more beneficial for the town.

Ms. Shook stated that the condition related to the greenway would need to be crafted by Mr. Moody and the Town attorney before presentation to the Town Council.

There was discussion regarding traffic. Chair Veno noted that there were a lot of negative comments from the public about traffic. He stated that he tried to read the transportation impact analysis but found it difficult to understand. Chair Veno added that traffic was endemic to all of Boone and was nothing new. He stated that Greenway Road could not be widened. He also suggested that the Town Council consider looking at the entrance to Ivy Drive for a possible right-in, right-out. Vice-Chair Pruitt agreed, noting that it should be a separate issue from this request.

Commission Member Paz-Miranda felt that the bus stop and the greenway commitment would offer alternatives to vehicular traffic.

Affordability was discussed. Commission Member Paz-Miranda stated that she would always be supportive of affordable housing, but was unhappy that she herself could not afford the rent at the proposed development. Vice-Chair Pruitt replied that one positive was that there would be more beds in Boone, which might free up units in other developments.

Commission Member Kight noted that the applicant proposed to provide the minimum amount of attainable housing while asking the Town to compromise on development standards such as building height and increasing stories. He suggested that the 10-year commitment not be activated until completion of the entire project, instead of beginning in 2026 as noted in the staff report. Commission Member Kight added that there were at least three years of development before the tax value would be readjusted, and the Town started seeing benefits. Mr. Ranson indicated he would be agreeable to that change.

Chair Venio asked if the Planning Commission needed to vote on the annexation request. Ms. Shook explained that if the Planning Commission recommended approval of the Conditional District Zoning Map Amendment, it would be implied that they were also in agreement with the annexation.

Commission members then discussed stormwater. Chair Venio stated he was comfortable with Mr. Wise's explanation of the stormwater. He noted that he understood the resident's fear after Hurricane Helene.

Commission Member Paz-Miranda expressed some concern with flooding, but felt the plan looked good.

Commission Member King suggested that the proposed development might improve stormwater in the area.

Chair Venio stated he was in favor of the balconies on the market-rate buildings. Commission Member Paz-Miranda agreed that she was in favor of the balconies, unless they could be removed to obtain 16 attainable units instead of 15.

Chair Venio asked if students would be allowed to live in the market-rate units. Vice-Chair Pruitt replied that she did not think students could be excluded from renting the units.

Vice-Chair Pruitt noted the planting strip shown in the rendering on packet page 141 and asked if that planting strip could be installed instead of having the sidewalk right next to the road. She stated that it would make the pedestrians feel safer. Mr. Ranson agreed to install the planting strip and maintain it along their property.

Commission Member Kight asked if the sidewalk along Deck Hill had to be installed. Mr. Wise replied that the sidewalk was required by the UDO, but it was possible that a fee-in-lieu could be paid, which would go into the sidewalk fund.

Commission Member Kight stated that information in the meeting packet indicated that if the attainable units were not leased within 90 days, they could be rented at market value. He asked whether there was any protection or guarantee that those units would go back into the attainable pool at the end of the leases. He also asked if the 15 attainable units would be marked units within the market-rate buildings. Mr. Ranson replied that the 15 attainable units were discounted and there should be no problem filling them. However, he wanted to provide a stopgap measure in case it did happen. He added that if a unit sat vacant for three months, he would be out \$6,000 for a three-bedroom unit, so he would be trying to rent those units. Mr. Ranson stated that if one of the units got rented by a market-rate person, he could not make them move out until their lease was up. Once the lease ended, the unit would go back into the attainable housing pool. He added that the 15 attainable units would be leased on a first-come, first-served basis.

Commission Member Kight asked whether some of the units could not be pre-booked to allow renters who were not on the typical student schedule an opportunity to lease. Mr. Ranson replied that the more supply there was, the more adaptable landlords could be, noting that the market dictated the flexibility of lease options.

Vote 1

Commission Member Paz-Miranda made a motion that the proposed amendment to the Town's zoning map is consistent with the Town's current comprehensive plan and any other adopted plan(s) of the Town that are applicable because of the following from Boone Next:

Planning Principle 1: Prioritize thoughtfully designed development of underutilized land within the town's existing built-upon areas over development of undeveloped land on the town's outer limits.

Planning Principle 4: Encourage development and connections that better balance the needs of pedestrians, drivers, cyclists, and transit users.

Planning Principle 7: Support the town's established neighborhoods and new residential developments through neighborhood-level engagement and planning.

Planning Principle 10: Encourage appropriate development to meet the town's urgent need for housing or other specific community needs by means of density bonuses or other mechanisms.

Goals & Policies

Policy 1.2.5: Use Appropriate Transitions Between Different Scales and Intensities: Use appropriate transitions between different building uses and intensities by stepping down building heights and scale from areas allowing taller buildings to primarily residential neighborhoods.

Policy 1.6.1: Support Income-Restricted Housing: Support permanently affordable housing for low- and middle-income residents geographically located throughout the town. Prioritize permanent affordability, particularly for those at or below 60 percent of the area median income, through community land trusts, nonprofit ownership and management, the Housing Authority, town ownership, and restricted deeds and covenants. Consider programs that fund home improvements for low income homeowners in exchange for right of first refusal to purchase homes for affordable housing partners.

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

Policy 2.3.3: Develop a Comprehensive Transit Stop & Amenity Program: Consider both the cost of some of Boone's transit stops are currently minimal, often consisting of little more than a sign. To improve the experience and accessibility of public transit, the Town should collaborate with AppalCART to develop a comprehensive Transit Stop and Amenity Program. This program would outline the types of amenities that should be included at transit stops across Boone, such as bus shelters, bike racks, seating, and lighting. It would also identify requirements for developer participations, which could be added to the Town's Unified Development Ordinance (UDO) or Roadway & Sidewalk Program Handbook to ensure these amenities are integrated into new developments.

Policy 5.3.1: Protect Ecologically-Valuable Areas: Protect floodplains, steep hillsides, wetlands, and other ecologically valuable areas and corridors from development.

The motion was seconded by Commission Member King.

Vote: Aye – 6
Nay – 0

The motion passed.

Vote 2

Commission Member King made a motion, seconded by Vice-Chair Pruitt, that the Planning Commission recommends approval of Ordinance #A25-0790 within Exhibit A and approval is reasonable and in the public interest because this development revitalizes a Brownfield site and adds desperately needed housing stock to Boone. The recommendation is subject to the following conditions agreed upon by the applicant:

1. Where there is a conflict between the application information and the plans (dated received on November 13, 2025), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations concerning the proposed development made by the applicant to 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 requirement 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 planting strip between the street and the sidewalk on the development's side of the street shall be installed and maintained by the applicant.
5. The Petitioner commits that up to six buildings on the Site will contain conventional one-, two-, and three-bedroom apartments and not rent by the bedroom (student-style housing).
6. The Petitioner commits to install a traffic signal at the western Greenway Dr access point, if allowed by the Town. The western access shall include left turn lanes both into the site (westbound) and into the site across the street (eastbound). The site's entrance to Ivy Dr shall be constructed as a right-in/right-out condition.
7. Attainable Units: A covenant, in a form approved by the Town, shall be filed and recorded in the property's chain of title by the property owner in the Watauga County Register of Deeds prior to the completion of the construction of the multifamily apartment community on the land that is the subject to rezoning (the "Project"). The covenant shall provide the following terms:
 - a. The owner shall set aside fifteen (15) of the multifamily apartment units ("Attainable Units") at the Project to be available for lease only by Preferred Employer Tenants at the Preferred Employer Rate.
 - b. "Preferred Employer" includes Town of Boone, Watauga County, Watauga County Schools, a 501(c)(3) organization headquartered in and serving Watauga County, or any similar organization agreed upon by the property owner and the Town Manager.
 - c. A "Preferred Employer Tenant" is a person who, at the time the person applies to lease an Attainable Unit, is employed by a Preferred Employer with an annual household income that does not exceed 120% of the area median family income for Watauga County, as published annually by the United States Department of Housing and Urban Development ("HUD").
 - d. The "Preferred Employer Rate" for a one-year lease is \$1,500 per month for a one-bedroom unit, \$1,900 per month for a two-bedroom unit, and \$2,200 per month for a three-bedroom unit, which rate shall increase annually by 3%.

- e. The Attainable Units will be contained exclusively within the six buildings identified as Building Nos. 7-12 in the Project site plan and will be comparable in square footage and external appearance to the other units in those buildings. The specific units to be leased by Preferred Employer Tenants at Preferred Employer Rates is to be determined by tenant preference among units available for lease within Building Nos. 7 -12 at that time.
 - f. Nothing herein or the covenant shall require the owner to lease any unit to any person who does not meet the tenant applicant requirements adopted by the owner for the Project (except any income-based standard), including the satisfactory completion of a criminal background check and credit check.
 - g. In the event the owner uses good faith effort to lease an Attainable Unit for a period of ninety (90) consecutive days and the Attainable Unit remains vacant at the conclusion of that 90-day period, then the owner may then lease such Attainable Unit to anyone at the market rate.
 - h. Upon request by the Town Manager, the owner annually shall provide the Town rental records that are sufficient to demonstrate its compliance with the restrictions imposed by the covenant.
 - i. The covenant shall automatically expire, terminate, and be of no further force or effect after ten (10) years from the date on which it is recorded. The 10-year time commitment for the 15 attainable units within buildings 7-12 for preferred employer tenants will start when the last certificate of occupancy for the development is issued.
8. Greenway Commitment: The applicant is committed to helping facilitate the Town's plan to construct a 5' public walkway (4' min. width where obstacles occur), spanning from the Project entrance at Ivy Dr to the Wilson Dr at Winkler's Creek Rd intersection (the "Greenway Section") as part of the Town's Cross Boone Connector initiative. The applicant commits to spending up to \$250,000 towards the design, right-of-way acquisition, and construction of the Greenway Section, with the Town paying any remaining amounts needed to complete the Greenway Section. Upon the applicant paying \$250,000 towards the design, right-of-way acquisition, and construction of the Greenway Section, it shall have no further obligations with regard to the Greenway Section.
9. Architectural Masonry: The Petitioner commits to providing a minimum of 50% masonry brick veneer on all residential buildings on the site (excluding window area from calculation).
10. Visitor Parking: The Petitioner commits to a minimum of 20 marked visitor parking spaces distributed throughout the site. This number includes a minimum of 5 short-term (15 minute) parking spaces. Permitting for visitor spots shall be managed through the leasing office.
11. Ground Floor Courtyards: The Petitioner commits to providing ground-floor courtyards where feasible, as generally depicted on the Site Plan.
12. Site Amenities: In addition to indoor amenities, the Site shall include, but not be limited to, at least four (4) of the following outdoor amenities for residents: Boulderling Station, Outdoor kitchen/grill area, Covered outdoor seating (w/ possible fire pit), Hammock Garden, Whirlpool Spa, Cornhole court, Swimming Pool, Pickleball

Vote: Aye – 6
Nay – 0

The motion passed.

Other Matters

There were no other matters discussed.

Adjournment of Planning Commission

Commission Member King made a motion to adjourn the meeting at 10:08 pm. Vice-Chair Pruitt seconded the motion.

Vote: Aye – 6
Nay – 0

The motion passed.

Frank Veno, Planning Commission Chair

Brenda Henson, Board Clerk