Town of Boone
Planning Commission
Regular Meeting
6:00 PM, Apr. 24, 2017
Council Chambers, 1500 Blowing Rock Road

Call to Order

Adoption of Agenda

Approval of Minutes

March 6, 2017 Special Planning Commission Meeting Minutes

March 27, 2017 Public Hearing Minutes

March 27, 2017 Planning Commission Meeting Minutes

Case PL00282-022317 Courtyard by Marriott - Conditional District Zoning Map Amendment

Courtyard by Marriott Application Information

Courtyard by Marriott Applicant's Supplemental Information

Courtyard by Marriott Staff Report

Courtyard by Marriott- Staff Report Exhibit 1 (Past Meeting Minutes Excerpt)

Case PL00283-022417 Marketplace Mixed Use - Planned Development Modification

Marketplace Planned Development Application Information

Marketplace Planned Development Modification Description

Marketplace Planned Development Staff Report

Marketplace Planned Development Staff Report- Exhibit 1 (Past Meeting Minutes Excerpt)

Marketplace Planned Development Site Plan Information

Case PL00421-041017 Article 9 Amendments - UDO Text Amendment

PL00421-041017 Application Information

PL00421-041017 Staff Report

Planning Document Discussion

Other Matters by Board Members or Staff

Adjournment

DRAFT SPECIAL PLANNING COMMISSION MEETING MINUTES
MONDAY, MARCH 6, 2017, 5:30 P.M.

COMMISSION MEMBERS:	Chairperson Connor Boyle, Kate Hayes, Adrian Thompson, Elizabeth Shay and Eric Woolridge
STAFF MEMBERS:	Jane Shook, Director of Planning & Inspections, Brian Johnson, Urban Design Specialist and Marlene Crosby, Board Secretary
OTHERS:	Allison Meade, Town Attorney

CALL TO ORDER

Chairperson Boyle called the meeting to order at 5:33 p.m.

ADOPTION OF AGENDA

Member Woolridge made a motion, seconded by Member Thompson to approve the agenda after moving agenda item seven to agenda item four and to add to the end of the agenda the recommendation for a Planning Commission member to be appointed to the Affordable Housing Task Force.

Vote: Aye - All
Nay – None
The motion passes.

APROVAL OF MINUTES

Ms. Jane Shook, Director of Planning and Inspections explained to the Planning Commission members that the Council has already approved the November 28, 2016 and the January 23, 2017 public hearing minutes and in the future they will need to be approved at the same time.

Member Woolridge made a motion, seconded by Member Shay to approve the November 28, 2016 Public Hearing and Planning Commission meeting minutes as written and the January 23, 2017 Public Hearing minutes as written and the January 23, 2017 Planning Commission meeting minutes with three changes made on page seven in paragraph three and sentence one and three. In sentence one, remove the word "every" and "system". In sentence three add the word "managing" to "He thinks managing the stormwater is doable…"

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

CASE 20160751 MODIFICATION TO UDO ARTICLES 15 & 16

At the November 15, 2016 Planning Retreat, Council directed that modifications to the UDO be made in regards to intensity and use within UDO Article 15 District Uses and UDO Article 16 District Standards. Amendments may also be made to other Articles to conform them to changes made in these Articles.

Communication: March 6, 2017 Special Planning Commission Meeting Minutes (Approval of Minutes)

Ms. Shook presented this case. She noted that this case was first brought before them at the November 2016 public hearing and it has been carried forward to this meeting. She noted that there has been no Staff changes to the proposed text since November 2016. She noted that Ms. Allison Meade, Town Attorney was present to answer questions on the proposed changes to these Articles.

Chairperson Boyle asked for an overview of the proposed changes to these Articles. Ms. Meade referred to a memorandum dated November 18, 2016 regarding the proposed changes to UDO Article 15 (found on page 63 of the electronic meeting packet).

Ms. Meade said that the recreation space was moved to Article 15 because it related only to manufactured homes and multi-family and thus helped clean up Article 16. She said the proposed text requires five percent for those uses. She also noted that the height limitations were changed to call out a specific number of stories. She said that maximum heights in the B-1 zoning district were changed to allow parapet walls to come within the height limitation.

Ms. Shook said in the current code the highest part of the building counted parapets. She explained that in the B-1 zoning district there had been issues with building heights depending on the construction of the building. She the proposed change the building height on King Street from Water Street to College Street and on Depot Street from King Street to Howard Street to allow three stories with a 45' building height and which would allow a five-foot increase for parapets for those buildings facing those streets. Ms. Shook said frequently the proposed buildings were 40 feet before allowing for the parapets.

Ms. Shook noted that a new height limitation was created for the remainder of the B-1 zoning district which would be the five stories and the fifty-five feet height limitation. She said there are additional exemptions from the building height that was not in the text for things like elevators and mechanical penthouses.

Ms. Meade also noted that the exemption allow for rooftop amenities. Ms. Meade said that the mechanical equipment on rooftops do need to be adequately screened. She said the idea is to allow the rooftops to be used in the B-1 zoning district and other districts.

Ms. Shook said that some of the proposed changes to the text are from the 2009 Density Subcommittee meetings.

Member Woolridge asked about the density subcommittee recommendations on recreation space for multi-family buildings in the B-3 zoning district. She said she does recall one recommendation from the subcommittee to increase the setback areas. Ms. Shook said she thought the subcommittee may have recommended removing this requirement because it is not shown in the table. Ms. Meade noted that the five-percent standard is maintained in the November 18, 2016 memo.

Member Woolridge talked about his concern for the setbacks regarding multi-family buildings in the B-3 zoning district.

Member Woolridge asked for clarification on the proposed change to increase the minimum setback and allowing parking in the front of the buildings. Ms. Shook said the modifications were based upon direction from Council. Member Woolridge said that he does not support this proposed change and voting to recommend it to Council. He said this is not recommended in the Boone 2030 Plan. He said that he thought the Town was trying to move away from that type of development. He read the third sentence under Item 2, Setbacks for multi-use multi-family buildings in the B-3: This reflects the consensus of the Council members that the "hulking effect of large buildings immediately of the sidewalk such as The Standard at Boone is not appropriate for the B-3 district. For essentially the same reason, the prior prohibition on parking in front of such buildings has been deleted."

Member Woolridge noted Council's direction means that a part of the 20 foot setback can be used for parking. He said that he agrees with the "hulking effect" is an issue and larger building need a greater setback with the area made into more of a public space. He said the other issue with this proposed text is he thought the setback should not be used for parking. He said The Standard at Boone needs a greater public space in the front of the building. He said it should be a zero setback up to the landscaping or hardscaping. He said this space should not be utilized for parking.

Ms. Meade noted that the lack of the 20 foot minimum setback applies only to multi-family buildings in the B-3 district. She said all other uses around the B-3 district get the setback and do have parking in the front creating an inconsistent standard.

Member Woolridge explained that the idea is to try create a more urban form as opposed to a corridor form for multi-family buildings with mixed commercial uses.

Member Woolridge noted that the issue with the "hulking effect" is valid, he said the mechanism of which the Town is trying to deal with this issue is what he has an issue with. Ms. Meade said this is the kind of feedback that should go back to the Council. Ms. Meade clarified that the Planning Commission would be alright with the proposed setback as long as it had a hardscape area. Member Woolridge said he thinks there should be a zero foot setback and outline sidewalk width and other things being proposed for a project which will dictate what the setback is. He noted that the proposed text is saying a zero foot setback but it is not because of the incorporation of the landscaping and sidewalks. He gave an example of the recent King and College mixed-use project. He said a seven-foot wide sidewalk is not wide enough for the building height.

Member Woolridge said the problem is the minimum standards for setbacks are insufficient.

Ms. Shook said that in the interim that Council wants to prevent another proposed project coming in like The Standard at Boone. She further explained that Council's direction is to make these changes in the interim and for Staff to review Article 15.11 completely to see if it is actually working. She said the Staff will be working on totally revamping Article 15.11 and mixed-use. She said this will give the opportunity to look at adding amenity areas and building height to other zoning districts.

Member Hayes asked if there were other projects that have these types of issues. Ms. Shook noted that other mixed-use development had been discussed.

Discussion ensued on the location of parking at developments. Ms. Meade said the Council does

not feel that parking in the back of buildings is conducive to businesses or customers. She said that at least some parking in the front of buildings should be considered.

Ms. Meade asked as an example if the parking at the Hungry Howies building in the old Frogurt location should be behind the building. Member Woolridge said the parking would need to be either on the side or the rear of the building.

Another example of a building pulled up to the street right-of-way, Five Guys, was also discussed. Member Woolridge noted that were other issues with this building due to the pedestrian triangle, the relationship of the building to the sidewalk and the architecture.

Another example of a mixed-use building and its relationship to the street was the Winkler Square building. Member Woolridge said he cannot be convinced that moving the Winkler Square building back and putting the parking lot in front will help the look of this building because of architectural issues. Discussion ensued on the 20 foot setback. Ms. Meade suggested making a 20-foot setback a maximum requirement with parking in the front rather than a zero-foot setback. She explained it would allow for additional space and the setback would not be allowed to go further back.

Member Woolridge said there is a location issue. He said the goal is to try to create for multi-family buildings a pedestrian environment. Ms. Meade said the goal is limited to the Downtown core area.

Ms. Shook noted that Council has directed Staff to review for modifications for Section 15.11 to see if there is a place for multi-family and mixed-use. She said there needs to be a distinction between the two uses.

Member Woolridge asked what triggered The Standard at Boone into a conditional-district rezoning category. Ms. Shook said the applicant preferred to go through that process rather than the Board of Adjustment process. Ms. Shook noted that the standards that have to be met for the Board of Adjustment are different than the standards that have to be met for a conditional-district rezoning. She noted at that time there was not a Planned Development process in place and the project had to go before the Board of Adjustment for their eight variances. It was noted that the whole project could have been approved through the Board of Adjustment process.

Discussion ensued on reducing the “hulking effect”. Chairperson Boyle suggested proposing what was done in the Wellness District standards regarding the higher stories being set back from the street.

Ms. Meade encouraged the Planning Commission members to voice their ideas on their issues of these proposed changes for Council to consider.

Member Woolridge said the Boone 2030 Plan was created to prevent urban sprawl and parking in the front of buildings. Ms. Meade said that everyone agrees that in general this is not a good idea and we can take this information to Council. She suggested adding proposed text that requires public space in the front of the building.

Chairperson Boyle noted that no one from the Planning Commission being at the November 2016 Planning Retreat. Ms. Shook explained that this retreat was Council’s time to give direction to the Planning Staff for the next six to twelve months. Chairperson Boyle and Member Thompson thought it would be a great idea to meet with Council on these topics rather than try to

communicate to Council through meeting minutes.

Ms. Shook asked the Planning Commission if there were any other parts of the proposed revised text that were an issue. She noted that there are projects in the Downtown area that are waiting on the outcome of these proposed text changes for their projects. She suggested that the Planning Commission make a recommendation on the things they are comfortable with.

Member Woolridge said we are trying to protect the residential areas from being taken over by apartment buildings.

Ms. Shook talked about the large chain stores and how they like to have their parking lots located near the front door. . She said when Staff reviews Section 15.11 the Staff will look at everything applicable including location and parking.

Chairperson Boyle asked each Member to voice their concerns on the proposed changes in the memorandums.

Member Thompson said he felt that the "hulking effect" is an issue, the minimum setback standards are better than maximum setback standards, he thinks that what goes in the setback should be defined, he liked the suggestion of having the upper stories set back the higher the building is like the Wellness District standards and he likes the idea of having a meeting with Council to discuss these issues.

Mr. Brian Johnson, Urban Design Specialist noted that the proposed height in the B-3 zoning district three stories are the primary and the 67 feet is the secondary.

Member Woolridge said he felt that he would like to hear more from the Council on their thoughts and goals for future development. He said the issues are more than building height and parking and suggested looking at public space with its relationship to architecture.

Member Thompson asked about the proposed change of 35 feet for three stories. Ms. Shook this is to allow flexibility with building construction and roof types.

Discussion ensued on proposed changes to Article 16. Ms. Meade reviewed the change to the intensity table. She noted that it is simply to remove the requirements related to Floor Area Ratio and Open Space and focus on Livability Space. She said the point is to give flexibility and focus on what provides the most public value.

Ms. Shook said some of the changes to the intensity table also incorporates the issues brought up by Alan Crees regarding parking structures in that the current form with maximum floor area and open space does not account for parking located in structures rather focuses on parking lots .

Member Shay talked about Article 15. She showed some concern for going to a 20-foot minimum setback. She prefers the maximum setback because we are moving to parking maximums. She said that she was not sure that people would find The Standard at Boone had such a "hulking effect" five or ten years from now. Member Shay talked about Article 16. She liked the focus given to livability space in the proposed text.

Member Hayes talked about Article 15. She said she supports more livability space. She said she felt it is important to specify commercial space because of the empty space commercial

spaces in the Town. Member Hayes talked about Article 16. She said she supports having flexibility and asked would we want to extend it to the university also as it relates to close proximity to a certain zoning district. Ms. Shook said the Staff has not been given direction to make any changes that relate to the U1 zoning district.

Ms. Shook asked the Commission how they felt about the modification in Section 15.11 which clarifies commercial use. She said she feels this is important clarification because it will help prevent the double-dip where recreation space is used as commercial space. Member Hayes asked if this change is made will there be more projects with a commercial business already slated for a building like the King and College project. Ms. Shook said not necessarily. Ms. Shook said according to developers she has met with the commercial on the bottom floor does not drive the project. It is the multi-family projects that the banks are financing.

Member Woolridge talked about the density from the housing driving the retail use. He said retail spaces are used because there are more people being located around the businesses. He noted that they may not be filled now but that the spaces would be preserved and that with the creation of more residential in the area would become filled. Chairperson Boyle agreed with Member Woolridge on this topic.

Member Woolridge talked about the setbacks for commercial use on some of the corridors. He said with the Highland Crossing project, the Planning Commission recommended that they build the commercial building at the same time of the residential buildings. Ms. Shook said there are options under Section 15.10 such as letter of credit that connects with Section 15.11 for single-use buildings.

Discussion ensued on making recommendations on portions of Article 15 and all of Article 16. Chairperson Boyle said that he is alright with making recommendations on part of these Articles.

First Motion and Vote:
Member Thompson made a motion, seconded by Member Shay, that the proposed amendment excluding Section 15.03 and 15.04 (with the exception of keeping 15.11.04(D)) to the Town's zoning ordinance is consistent with the Town's Comprehensive plan and other applicable adopted plans of the Town which relate to this application because it is keeping in line with the community appearance and community character section of the Comprehensive Plan update by blending the built environment with the natural scenic and historic character of the high country of a small town, especially discouraging commercial strip development, cluttered signage and cheap apartment buildings.

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

Second Motion and Vote:
Member Thompson made a motion, seconded by Chairperson Boyle, to recommend approval for all of the proposed amendment excluding Section 15.03 and 15.04 (with the exception of keeping 15.11.04(D)) to the Town's zoning ordinance and believe approval is reasonable and in the public interest because it is consistent with the Comprehensive update, community appearance and community character by blending the building environment with the natural scenic and historic

character of the high country of a small town, it especially discourages commercial strip development, cluttered signage and cheap apartment buildings.

Member Hayes asked for a friendly amendment to include that the amendment also prevents commercial developers from double-dipping recreation in the commercial space.

This friendly amendment was accepted by both Member Thompson and Chair Boyle.

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

Additional Motion and Vote:
Chairperson Boyle made a motion, seconded by Member Shay, that the exclusions from the proposed amendment are not consistent with the Town's Comprehensive Plan and other adopted plans of the Town which relate to this application because it is a deterrent to walkability and the creation of a more viable usable space. The Planning Commission suggests other alternatives such as possible height setbacks, space between the right-of-way and setback and take a closer look at the minimum setbacks.

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

CASE PL00258-020917 ARTICLE 24 PARKING REVISIONS
The Town of Boone has initiated a text amendment to modify the UDO regulations related to Article 24 Parking. Amendments may also be made to other Articles to conform them to changes made in Article 24 Parking.

Ms. Shook noted that this text was presented at the public hearing and was not for action but for discussion. She noted that as discussed at the public hearing the exceptions in the B-1 zoning district may not be necessary, due to the maximum parking requirements. She said they would only be used, if there were minimum parking requirements. Ms. Meade said the exceptions in Section 24.01 Parking Spaces Required in the Downtown will not apply. She said there would be an issue if new minimums has been applied to commercial parking. She said maximums for parking still apply Ms. Meade referred to page 133 in the electronic packet under Section 24.01.03(B) Additions and Renovations. She said there was some thought to give a safe harbor to renovations where a use called for additional parking. She said the idea is to make it easier to renovate older buildings. She said the City of Raleigh does not have to change their parking until you have a 25 percent in floor area ratio for an approved site.

Ms. Shook said sometimes the Staff finds it difficult to tell if they are not providing enough their parking spaces at business.

Discussion ensued on businesses having inadequate parking. Ms. Shook said it does not happen often but can occur.

Chairperson Boyle noted he likes the maximum parking requirements.

Member Woolridge asked if the Mellow Mushroom would have been able to go in today with the current parking requirements. Ms. Shook said that Mellow Mushroom had to provide offsite parking agreements. She discussed what happens when satellite parking standards are not maintained. She said today on a change of use the Staff reviews the tiered system to set the parking unless the use requires additional parking. She said the tiers one through three are to the extent practical. She said at the fourth tier which is work of 75% total development value states unless impossible. She said that Article 24 guides the Staff. She noted that the parking requirements for restaurants is higher than for retail uses. She noted that this is where parking becomes difficult with existing structures to know that you are providing sufficient parking for that use.

Ms. Shook said right now the language is not clear what the applicant needs to provide for sufficient parking. She also noted that parking in the Downtown area should be treated differently than in any other place in Town.

Discussion ensued on times when a business did not provide enough parking.

Ms. Shook said that the Planning Commission can email either Ms. Meade or herself with their thoughts and comments on parking. Chairperson Boyle said he would study some more on this topic.

Member Hayes asked if there is an issue with the loading zones. Ms. Shook said those regulations have not changed. Ms. Shook noted that in the downtown area that you do not want to encourage every business to have their own unloading zone due to the dense development. Ms. Shook did say that the unloading zone issue is being looked at separately for Howard Street and for ways for this to be enforced through the Town Code.

CASE PL00264-021317 SHOPPING CENTER REVISIONS

The Town of Boone has initiated a text amendment to modify the UDO to remove or alter regulations related to "shopping centers". The "shopping center" concept was identified as needing more work before implementation of the revised UDO which became effective January 1, 2014 and was inadvertently left in the draft.

Ms. Shook said this change to the proposed amendment is to remove it from the UDO. She explained that the text was inadvertently left in the draft of the ordinance. She said the proposed change cleans up a mistake in the text.

First Motion and Vote:

Chairperson Boyle made a motion, seconded by Member Thompson, that the proposed amendment to the Town's zoning ordinance is consistent with the Town's Comprehensive plan and other applicable adopted plans of the Town which relate to this application because it is in agreement with the 2.1.1(E.1) Economic Development which states that we should continue to

look for ways to make development regulations and permit procedures more predictable and timely.

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

Second Motion and Vote:

Member Woolridge made a motion, seconded by Member Thompson, to approve the proposed amendment to the Town's zoning ordinance and believe that approval is reasonable and in the public interest because it removes an existing conflict in the ordinance and creates a more efficient permitting process.

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

CASE 20160438 CAC REVISIONS

The Town of Boone has initiated a text amendment to modify the UDO regulations related to the Community Appearance Commission to bring the UDO into alignment with North Carolina General Statute 160A-452.

Ms. Shook pointed out that the proposed change is to revise the powers of the CAC. The CAC will be a recommending body but will not be allowed to do plan review or to allow deviations on proposed projects. She said these former powers have been given to the Administrator.

Mr. Johnson referred to packet page 122 and reviewed Section 25.03.04, 25.03.07 and page 125, Section 25.05.04. He said these sections would be changed so the authority would be given to the Administrator instead of the CAC. He noted that appeals of the decisions would go to the Board of Adjustment.

It was noted that the proposed change will cause more efficient permitting and correct the ordinance to meet the state statute.

First Motion and Vote:

Member Woolridge made a motion, seconded by Chairperson Boyle, that the proposed amendment to the Town's zoning ordinance is consistent with the Town's Comprehensive plan and other applicable adopted plans of the Town which relate to this application because it creates a more efficient planning permit process and removes a conflict in the ordinance with current state law.

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

Second Motion and Vote:

Member Woolridge made a motion, seconded by Chairperson Boyle to approve the proposed amendment to the Town's zoning ordinance and believe that approval is reasonable and in the public interest for the same reasons as stated in the first motion.

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

OTHER MATTERS FROM BOARD MEMBERS OR STAFF

Discussion ensued on a Planning Commission member being recommended to the Affordable Housing Task Force. Ms. Shook said the task force currently meets at 5:30 p.m. on the second Wednesday of the month. She noted that the number of Planning Commission representatives on the Affordable Housing Task Force was being recommended to be changed from two members to one member because of the reduction in the Planning Commission size. No other Member than Member Woolridge noted that they could commit to attending the meeting. Member Woolridge noted that he could be a member of the task force until his term expires in June of 2017. It was the consensus of the Planning Commission to recommend Member Eric Woolridge to be a member of the task force.

ADJOURNMENT

Chairperson Boyle made a motion, seconded by Member Thompson to adjourn the meeting at 7:30 p.m.

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

Connor Boyle, Chairperson	**Marlene Crosby, Board Secretary**

PUBLIC HEARING MINUTES
MONDAY, MARCH 27, 2017 AT 5:30 P.M.

COUNCIL MEMBERS PRESENT:	Mayor Rennie Brantz, Mayor Pro-Tem Lynne Mason, Loretta Clawson, Charlotte Mizelle and Jeannine Underdown Collins
PLANNING COMMISSION MEMBERS PRESENT:	Vice-Chairperson Matthew Vincent, Elizabeth Shay, Kate Hayes and Eric Woolridge
STAFF PRESENT:	Jane Shook, Director of Planning and Inspections and Marlene Crosby, Board Secretary
OTHERS PRESENT:	John Ward, Town Manager and Allison Meade, Town Attorney

CALL TO ORDER

Mayor Brantz called the Council to order at 5:38 p.m.

Vice-Chairperson Vincent called the Planning Commission meeting to order at 5:39 p.m.

APPROVAL OF MINUTES

Council Member Mizelle made a motion, seconded by Council Member Collins to approve the February 22, 2017 Special Town Council, Planning Commission and Community Appearance Commission meeting minutes and the February 27, 2017 Public Hearing minutes as written.

Vote:

Aye – All
Nay – None

The motion passed.

Planning Commission Vice-Chairperson Vincent made a motion, seconded by Planning Commission Member Hayes to approve the February 22, 2017 Special Town Council, Planning Commission as written.

Vote:

Aye – All
Nay – None

The motion passed.

DRAFT

Communication: March 27, 2017 Public Hearing Minutes (Approval of Minutes)

Planning Commission Member Woolridge made a motion, seconded by Planning Commission Member Shay to approve the February 27, 2017 Public Hearing Minutes as written.

Vote:

Aye – All
Nay – None

The motion passed.

CASE PL00320-030917 ASU – GENERAL USE ZONING MAP AMENDMENT

Dayton Cole with Appalachian State University (State of North Carolina) has filed a Planning Permit Application for a General Use Zoning Map Amendment to rezone 949 Blowing Rock Road Street from B3 General Business to U1 University.

Ms. Jane Shook, Director of Planning and Inspections explained the request for the rezoning change from B-3 to U-1 as outlined in the meeting packet. Ms. Shook noted that Mr. Dayton Cole, Council for Appalachian State University was present to answer questions on this case.

Mayor Brantz asked Mr. Dayton Cole to define ACCL Boone, LLC. Mr. Cole said that is the name of the seller of the property to the State of North Carolina.

Mayor Brantz asked Mr. Cole why there was a re-purchase arrangement. Ms. Allison Meade, Town of Boone Attorney noted that the deed is twelve years old and is not relevant to the rezoning request. She said she felt the applicant included this information to show the ownership of the property.

Mayor Brantz asked if there were any plans to expand the facility on this property. Mr. Cole said his student development administrators have told him that there are no other plans for uses of the facility. Mr. Cole said he understands that an applicant cannot make promises about future uses for this type of application. Mr. Cole noted that on his application to the Town it was written that the kitchen of the facility has been remodeled for use of an academic brewery. Mr. Cole said the university does have plans to seek ABC permits to use it as both a brewery and a distillery for academic purposes.

Mr. Cole talked about the comparisons of the B-3 zoning district and the U-1 zoning districts being remarkably similar. He said he does not think the proposed zoning change is that significant in terms of applying general uses across the board.

Ms. Meade explained that any change of use at the university has to be done in a U-1 zoned property. She explained that in order for this type of use, they had to request a rezoning of the property to be in compliance. She also noted that the residential use for this property was grandfathered in.

DRAFT

Mayor Pro-Tem Mason asked Ms. Shook why the request is for the U-1 and not the E-1 zoning district. Ms. Shook said the standards for the E-1 zoning district have not yet been created or populated into the table. Ms. Shook said at this time, this request is the university's only option for further use of the property.

Mayor Pro-Tem Mason said she is having a conflict because this is a satellite site and not on the main campus and she thought this is the type of use was what the E-1 zoning district was for.

Council Member Clawson asked about the height. Ms. Shook said the U1 district is more flexible with height.

Council Member Mizelle asked Ms. Shook if the viewshed limits the height of a building that can put on the property. Ms. Shook said not necessarily for the universitysince the state is not subject to overlay districts and the viewshed is an overlay zoning district. Ms. Shook said regularly in the area of the Viewshed, the height would be limited to 35 feet of the R-1 zoning district.

Ms. Shook referred to page 24 of the electronic hearing packet and talked about U-1 zoning district restrictions, when they are adjacent to certain zoning areas. She said other than these restrictions, it is limited normally to fire fighting capability.

Ms. Shook reviewed the U-1 limitations in the area of the viewshed. She said all buildings proposed within 50 feet of the R-3, O-1, B-1 or B-2 or B-3 zoned property shall be limited to the maximum height allowed by the adjoining district. Ms. Shook said all buildings proposed with 100 feet of the R-1, R-1A, RR , R-2, R-3, R-4 and R-A, the maximum height allowed are three stories and 45 feet.

Mayor Brantz asked if the university facility will continue to use Town water. Mr. Cole talked about an agreement that allows the Town and University to move back and forth when either one needs water. Mr. Cole said the university will look into this topic, if need be. Council Member Mizelle confirmed with Mr. Cole that the university is currently using Town water.

Mayor Pro-Tem Mason asked Ms. Shook for when she thought the E-1 zoning district would be populated in the table. Ms. Shook said this topic is on the Staff's list of things to do as a low priority at this time. Ms. Shook said the Staff can reschedule it, if the Council would prefer it.

Mayor Pro-Tem Mason asked Ms. Shook how the University Hall property is zoned. Ms. Shook said a portion of it is zoned R-3 with a portion of it was rezoned to U-1 to allow for the changeover of the Singing News building.

Mayor Pro-Tem Mason asked Ms. Shook how the College of Health Sciences property is zoned. Ms. Shook said it is zoned Wellness District.

DRAFT

Mayor Pro-Tem Mason talked about the intent of the E-1 zoning district being for the use of off campus properties. She said she is having a conflict with the zoning districts because in the future it could potentially lead to the whole corridor being used by the university which is along the Town's business corridor. She said she felt it is not good for the university to take over a main business corner. She noted that she would like to know more about the status of the E-1 zoning district because this district was created to handle the zoning of university properties that are not part of the main campus.

Ms. Meade told the Council that a meeting is scheduled with the Town Staff and the University Staff and this topic can be further discussed for this particular project at that meeting.

Mayor Brantz asked Ms. Shook, if anyone had contacted her regarding this rezoning request.

Ms. Shook said that she had taken two phone calls from neighboring property owners. She said after she explained to the callers the full impact of the rezoning, they did not seem to indicate to her that there would be an issue other than a possible parking issue. She said both property owners said they would not be attending the public hearing for this case.

Council Member Collins confirmed that the reason for the rezoning request was because of the poor condition of the Broyhill Inn resulting in the need to move the brewery to another location. Mr. Cole confirmed that the Broyhill Inn and Conference Center has been demolished. He noted that the university campus is land locked and they do not have many places that they could move the brewery to on campus.

Mr. Cole said the satellite property on Blowing Rock Road is working well for the brewery as well as allowing for the repurposing of property owned by the university. He noted that the adopted plans of the Town encourage the repurposing of properties in the Town.

Mr. Cole said he received a phone call from Ms. Reba Moretz a former trustee of the university and an adjacent land owner. Ms. Moretz had questions on whether the rezoning would affect an easement that includes access to their property from the driveway off Blowing Rock Road. Mr. Cole told her that to the best of his knowledge the rezoning would have no impact on the driveway easement.

Council Member Collins asked Mr. Cole to confirm that only lab work is being done at the facility. Mr. Cole said the lab is being used for academic teaching purposes.

Mr. Cole thanked the Council for their consideration for the rezoning request application. He said that the university would ask that the Council approve this rezoning request because the university believes that the request is reasonable and in the public interest of the Town because it is consistent with the Comprehensive Plan and other applicable plans adopted by the Town and compatible with other current uses of properties and it will further fulfil the academic goals of the university.

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There were no speakers for this case.

Mayor Brantz closed the public comment on this case.

CASE PL00258-030917 ARTICLE 24 PARKING REVISIONS – UDO TEXT AMENDMENT

The Town of Boone has initiated a text amendment to modify the UDO regulations related to Article 24 Parking. Amendments may also be made to other Articles to conform them to changes made in Article 24 Parking.

Ms. Shook explained the Staff presented this case at the last public hearing and made modifications that are found in the handout presented at this hearing (permanently attached) and also found on page 59 of the electronic hearing packet.

Ms. Meade reviewed the changes made to Article 24.01.04 Parking Revisions. She said the option of payment was removed in lieu of parking. She clarified the language regarding the alternatives for exemptions in the B-1 zoning district. She said she feels that the B-1 zoning district is worthy of consideration of exemptions giving the dense nature of the uses. She noted that we do want lot line to lot line development in this district in a pedestrian environment.

Ms. Meade talked about creating exceptions to parking to allow for change of use or to encourage development as presented in the revisions. She suggested making no exceptions for multi-family or the residential portions of mixed-use and have every other use excepted.

Ms. Meade began discussion on Article 24.01.03. She talked about having a safe-haven for small change of use development. She talked about a range of approaches to parking throughout the State of North Carolina. She noted that Raleigh, North Carolina has a 25 percent change in necessary parking before the parking requirements are triggered.

Ms. Meade talked about an ApplaCart service issue that was mentioned by Council Member Mizelle. Ms. Meade said the issue is not addressed in the proposed changes in Article 24 except for a provision allowing a reduction in the required parking for multi-family or mixed-use developments. Ms. Meade said the suggestion has been made to reduce the parking reductions so that they may not be reduced greater than f 15 percent. Ms. Meade said one of the reductions is available for the Appalcart service and language would need to be added for the applicant to obtain Appalcart service. Ms. Meade said if the applicant obtained Appalcart service there could be a ten percent reduction in the parking requirements. Ms. Meade noted there could be a 15 percent parking reduction for being close to campus or Appalcart service.

Discussion ensued regarding the need for bus pull offs. Ms. Shook noted that the Town would need to discuss this with AppalCart because previously she had heard that the agency was against them because of the inability to pull back out when into heavy traffic.

Ms. Shook said the Staff would like to look into this issue with Appalcart and with transit and bring that information back to the Council at a future date. Council Member Mizelle supported Staff looking into this issue especially for high traffic areas in the Town. Ms. Shook explained that Appalcart has to look at how traffic affects their routes.

Council Member Mizelle asked about the parking requirements for visitor parking spaces. She said she would like to see language added to include visitor parking. Mr. John Ward, Town

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Manager asked Council Member Mizelle, if she was suggesting for this proposed change to be above the 70 percent threshold because it would change the number. Council Member Mizelle said she was suggesting to stay within the 70 percent threshold. She said that she feels this parking change should be anywhere that there is development with multiple houses. Ms. Meade suggested that the Staff bring this proposed visitor parking change back to the Council at a later date for discussion.

Ms. Meade said that Staff is recommending removing Article 24.02.06 Geometric Design Standards for Parking Table found on electronic packet page 41. Ms. Meade said the numbers in the table do not work at all. Mayor Brantz said there are no objections to the removing of said table.

Mayor Pro-Tem Mason asked Ms. Shook if there is any recourse for inadequate parking in a development. Ms. Shook explained that the ordinance has always required that there be adequate or sufficient parking. Ms. Shook further explained that upon issuance of a certificate of occupancy, if there is an issue with parking an enforcement action can be taken because the applicant has agreed to provide sufficient parking. Mayor Pro-Tem Mason asked what type of enforcement action would be taken. Ms. Shook said the Staff would start the enforcement process by reviewing their certificate of occupancy. Ms. Shook said the Staff would work with the applicant on locating satellite parking to bring them into compliance with the ordinance. Mr. Ward noted that moving a building after a certificate of occupancy has been issued can be costly. Ms. Meade added that the process begins with the notice of violation to work with the applicant to find a solution to their parking.

Council Member Clawson talked about her concern for the visitor parking potentially reducing the .70 percent in the parking calculation. Ms. Shook said she would work with Ms. Meade for a solution to the parking percentage and to see if the percentage needs to be increased to accommodate the visitor parking. Ms. Meade said the .70 percent parking calculation included the visitor parking. Ms. Meade said it raises a separate issue when the visitor parking is not properly designated. Ms. Meade said one suggestion is to require the destination and revisit this topic, if it turns out that the numbers do not work.

Mayor Pro-Tem Mason talked about the exceptions for the Downtown District. She said most businesses Downtown have transient parking for people that are in the Downtown area for one to two hours. She said she thinks the nature of the Downtown does not lend existing properties to provide extra parking. She said she is concerned for the parking with the addition of large residential developments where we know there will be residential uses. She said she feels like we need to focus on parking at residential projects to make sure they have the .70 percent for parking.

Ms. Meade said that all parking for properties could be exempted except for multi-family use. She asked if the Council wanted to consider having under ten parking spaces for an apartment building in the Downtown area. Mr. Ward said for the first time since the Town took over the selling of parking permits they are sold out even at the Daniel Boone Park. He also said there is a waiting list for people interested in permitted parking spaces in Downtown Boone. Mayor Pro-Tem Mason added that this causes a dilemma for Downtown business owners to attract and retain employees. Mayor Pro-Tem Mason said that businesses are paying the MSD tax which has

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traditionally covered some of the issues with parking. She noted that she wants to keep Downtown Boone vibrant.

Ms. Shook said there are some commercial uses such as hotels that have long-term patrons that may need to be considered within that category for required parking.

Council Member Clawson showed a concern for who keeps up with the satellite parking. Ms. Shook said currently depending on the mechanism, the Staff does not have a way to track it. Ms. Shook said the Staff normally hears about parking issues very quickly, when it is not provided

Mayor Pro-Tem Mason suggested providing some long-term parking spaces, when the Town gets a parking garage whether it be for residential purposes or employee parking. Mr. Ward said as part of the business model for the parking garage, there would need to be some diversity as to who is renting it much more than by the hour. Mayor Pro-Tem Mason said eventually fee-in-lieu could be an option. Mr. Ward said the Town currently has the demand for a parking garage but there may not be enough access spaces to place the fee-in-lieu there. He said as the Town grows and there are multiple options for parking areas that is when you can implement the fee-in-lieu and support that system.

Council Member Mizelle agreed with Mayor Pro-Tem Mason regarding the long-term parking spaces.

Mayor Pro-Tem Mason said she feels we need to protect the commercial parking spaces for people who are in and out of businesses over several hours and make sure there is adequate parking.

Ms. Meade asked if there were other suggestions in Article 24.01.03 regarding the parking exceptions outside of the B-1 zoning district. Ms. Meade explained if there is a renovation to a building and that change of use should require additional parking, it could be made a requirement that the applicant would have to provide additional parking.

Mayor Pro-Tem Mason said it is important to create parking requirements with flexibility to incentivize parking for re-development.

Ms. Meade asked the Council if they were comfortable with the proposed ten percent and four parking spaces for Downtown parking requirements rather than the 25 percent for re-development. It was the consensus of the Council to agree with the ten percent and four parking spaces for the Downtown area.

Mayor Pro-Tem Mason clarified that in the B-1 zoning district if residential units are added to existing buildings, they need to meet the proposed parking requirement.

Planning Commission Member Hayes asked Ms. Shook if a development does not have satellite parking and needs to provide it and it becomes available, it is assumed that they will make use of it. Ms. Meade said that the Town will require satellite parking, if it is available. Ms. Shook said the applicant would demonstrate adequate parking through the permit process which can be through a lease agreement to obtain satellite parking. Council Member Mizelle asked Ms. Shook if satellite parking is required for a permit for a project and the property is later sold does this follow the project. Ms. Shook said yes it does follow the project.

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Ms. Meade pointed out that regarding satellite parking, it was proposed to increase the distance to allow satellite parking up to one-quarter mile. Mr. Ward said if the distance was not increased the parking would not be available because there is not a lot of additional parking available to be added to a satellite list. Ms. Meade noted that the topic of increasing the distance to one-half mile might need to be revisited.

There were no public speakers for this case.

Mayor Brantz closed the public comment on this case.

ADJOURNMENT

At 6:29 p.m. Mayor Brantz adjourned the Council from the public hearing.

_____ _____

Rennie Brantz, Mayor **Marlene Crosby, Board Secretary**

_____

Matthew Vincent, Planning Commission Vice-Chairperson

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PLANNING COMMISSION MEETING MINUTES

MONDAY, MARCH 27, 2017

(Immediately following Public Hearing)

COMMISSION MEMBERS:	Vice-Chairperson Matthew Vincent, Kate Hayes, Elizabeth Shay and Eric Woolridge
STAFF MEMBERS:	Jane Shook, Director of Planning & Inspections and Marlene Crosby, Board Secretary
OTHERS:	John Ward, Town Manager and Allison Meade, Town Attorney

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CALL TO ORDER

Vice-Chairperson Vincent called the meeting to order at 6:29 p.m.

ADOPTION OF AGENDA

Member Woolridge made a motion, seconded by Member Hayes to approve the agenda as written.

Vote:

Aye – All

Nay – None

The motion passed.

APROVAL OF MINUTES

Member Hayes made a motion, seconded by Member Woolridge to approve the March 6, 2017, Special Planning Commission meeting minutes as written.

Vote:

Aye – All

Nay – None

The motion passed.

CASE PL00320-030917 ASU (STATE OF NORTH CAROLINA) – GENERAL USE ZONING MAP AMENDMENT

Dayton Cole with Appalachian State University (State of North Carolina) has filed a Planning Permit Application for a General Use Zoning Map Amendment to rezone 949 Blowing Rock Road from B-3 General Business to U1 University.

Ms. Jane Shook, Director of Planning and Inspections explained the request for the rezoning change from B-3 to U-1 as outlined in the meeting packet. She explained that in the public

Communication: March 27, 2017 Planning Commission Meeting Minutes (Approval of Minutes)

hearing for this case, there was discussion regarding the E-1 zoning district. She explained that the E-1 zoning district is covered in Article 14 of the Unified Development Ordinance and that no standards have been adopted for it. She also noted that no uses have been populated in the table for this district. She said the only option the university had at this time was to request a zoning change to the U-1 zoning district.

Ms. Shook said that the earliest the Staff could provide changes to the E-1 zoning district in Article 14 would be at the April 2017 public hearing. She said the potential adoption of the proposed changes to the E-1 zoning district would be May or June of 2017. She noted that the university is waiting to get their ABC permit and they cannot move forward with their educational instruction until the rezoning can occur. She clarified that the 949 Blowing Rock Road parcel can be rezoned to E-1 once the standards are adopted. It was noted that either the university or the Town could initiate the future rezoning of said parcel from U-1 to E-1.

Ms. Shook explained the intent of the E-1 zoning district. She said it was for off campus expansion without a residential component. She said in the case of this request; the property is already residential.

First motion and vote:
Member Woolridge made a motion, seconded by Member Shay that the proposed Amendment to the Town's zoning map is consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to this application because the rezoning allows the university to conduct its business as necessary, the change in rezoning is not sufficiently different from the previous zoning.

Vote:

Aye – All
Nay – None

The motion passed.

Second Motion and Vote:
Member Shay made a motion, seconded by Vice-Chairperson Vincent that the Planning Commission recommends approval to the proposed amendment to the Town's zoning map and believe it is reasonable and in the public interest because it encourages the Town and applicant to seek the E-1 zoning district, when that option becomes available and the rezoning is in alignment with the adoptable plans of the Town.

Vote:

Aye – All
Nay – None

The motion passed.

Member Hayes asked if the university's fermentation program is in limbo until the university is approved for the new site. Ms. Shook said it is her understanding that the university cannot obtain their ABC permit until the Town of Boone Staff sign off on it which cannot occur until the rezoning of the parcel is approved.

CASE PL00258-020917 ARTICLE 24 PARKING REVISIONS - UDO TEXT AMENDMENT

The Town of Boone has initiated a text amendment to modify the UDO regulations related to Article 24 Parking. Amendments may also be made to other Articles to conform them to changes made in Article 24 Parking.

Ms. Shook reviewed the proposed modifications to the text since last month. She said the Staff is recommending that the additional table for the B-1 zoning district be removed from the UDO. She talked about the information in the handout from the public hearing regarding Article 24.01.04, Exceptions in the B-1 Downtown District. She said at the public hearing for this case Alternative 1 to not exempt residential parking and to exempt the commercial projects.

Ms. Shook said there was discussion at the public hearing for the Staff to review multi-family parking requirements for visitor parking and Applacart and transit and bring this information back to Council at a later date.

Member Kate asked about what other cities are doing regarding parking requirements. Ms. Shook said the parking fluctuates and explained that in the change of use in certain areas, they go by expansion size or by the number of parking spaces triggered. Ms. Shook noted that the Town of Boone has maximum parking requirements.

Member Shay asked about the red text that is being proposed to be removed in Article 24.01.04. She asked Ms. Shook if the removal of the Administrator is a loss of some flexibility. Ms. Shook said this text was relocated and not removed from the UDO.

Member Woolridge asked Ms. Shook if there were any Staff concerns regarding parking. Ms. Shook noted that parking can be somewhat tricky not with redevelopment but with change of use. She further explained the limits of when the developer would need to obtain satellite parking for a development. She said the Staff would like to see exemptions for the B-1 zoning district which is a very unique zoning district. She noted that hopefully the proposed change to parking would encourage re-development.

Ms. Shook pointed out that the other proposed standards are to help improve the existing text.

Member Shay asked if there was language in the UDO regarding priced parking. She asked if developers base their parking demand on priced parking. Ms. Shook said there has not been discussion on this topic.

Ms. Shook explained that if a developer is proposing a project with no available parking, they have to demonstrate where they are obtaining their satellite parking which includes a parking study that shows employee parking and on street public parking.

Member Hayes noted that she likes the Appalcart provision. Ms. Shook noted that this is if a reduction is taken for parking.

First Motion and Vote:
Member Woolridge made a motion, seconded by Member Shay that the proposed amendment to the town's zoning ordinance is consistent with the Town's Comprehensive plan and other applicable adopted plans of the Town which relate to this application because it improves the ability to administer the ordinance effectively by cleaning up the language to make the ordinance more clear for potential re-development and development interests and ensures that there is sufficient parking associated with each development as the Town continues to grow.

Member Hayes added that it meets the objectives to support and enhance the cultural sufficience of Downtown Boone by providing exceptions in the B-1 zoning district.

Member Woolridge accepted this friendly amendment.

Vote:

Aye – All
Nay – None

The motion passed.

Second Motion and Vote:
Member Woolridge made a motion, seconded by Member Shay to approve the proposed amendment to the Town's zoning ordinance and believe that approval is reasonable and in the public interest which includes the removal of the B-1 table and the Alternative one recommendation related to Article 24.01.04 Exceptions in the B-1 Downtown District for the reasons previous stated and that residential parking exemptions not be included.

Vote:

Aye – All
Nay – None

The motion passed.

OTHER MATTERS FROM BOARD MEMBERS OR STAFF

There were no other topics discussed at this meeting.

ADJOURNMENT

Member Woolridge made a motion, seconded by Member Shay to adjourn the meeting at 7:04 p.m.

Vote:

Aye – All

Nay – None

The motion passed.

Matthew Vincent, Vice-Chairperson	**Marlene Crosby, Board Secretary**

Zoning/Planning Permit Application

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

PERMIT IS FOR (CHOOSE ONE):

- ❑ **Single Family or Duplex (Residential)**
- ❑ **Commercial**
- ❑ **Board of Adjustment Hearing (other than Appeals)**
- ❑ **Planning/Other**

A. CONTACT INFORMATION

Applicant: David McLamb
Company: Boone Hospitality Associates II, LLC
Address: 1050 Highway 105 Boone, NC 28607
Phone Number: 828-265-7676
Email Address: david@poteathospitality.com
Property Owner: Boone Hospitality Associates II, LLC
Company: Courtyard by Marriott
Address: PO Box 339 Laurinburg, NC 28353
Phone Number: 910-276-2611
Email Address: david@poteathospitality.com

B. PROPERTY INFORMATION

Watauga County Parcel Identification Number(s): 2910-13-8946-000
Address/Location: 1050 Highway 105 Boone NC 28607
Project Name:

C. PERMIT SUBCATEGORIES

Additional Forms Needed

Zoning Permits

❒ Accessory Building	*Zoning Project Data Form (Residential or Commercial)
❒ Addition/Expansion including decks and patios	*Zoning Project Data Form (Residential or Commercial)
❒ Change of Use	*Commerical Project Data Form
❒ Land Disturbance (not associated with the construction of a bldg.)	*Zoning Project Data Form (Residential or Commercial)
❒ Manufactured Home Set-up in Park	*Manufactured Home in Park Form
❒ New Building Construction	*Zoning Project Data Form (Residential or Commercial)
❒ Renovation/Remodel	*Zoning Project Data Form (Residential or Commercial)
❒ Accessory Use (as listed in UDO Subsection 15.07.01)	*Zoning Project Data Form (Residential or Commercial)
❒ Temporary Use (as listed in UDO Subsection 15.07.02)	*Zoning Project Data Form (Residential or Commercial)
X Sign	*Sign Project Data Form (Zoning)
❒ Pavement Sealant	*Pavement Sealant Project Data Form
❒ Major Subdivision Zoning Permit	*Commercial Project Data Form

Board of Adjustment Hearings

❒ Special Use Permit/Modification	*Special Use Permit Form
❒ Variance	*Variance Form
❒ Major Subdivision Preliminary Plat Approval	*Major Subdivision Preliminary Plat Approval Form

Planning/Other

❒ Exempt Division of Land	*Subdivision Exemption Project Data Form
❒ Minor Subdivision (Preliminary and Final Plat)	*Minor Subdivision Project Data Form
❒ Major Subdivision (Final Plat)	*Major Subdivision Final Plat Project Data Form

❒ UDO Text Amendment	*Text Amendment Project Data Form
❒ General Use Zoning Map Amendment	* General Use Map Zoning Map Amendment Project Data Form
❒ Conditional District Zoning Map Amendment	*Conditional District Zoning Map Amendment Project Data Form
❒ Voluntary Annexation	*Annexation Petition (Satellite or Contiguous)
❒ UDO Text Interpretation	*UDO Interpretation Data Form

D. DETAILED DESCRIPTION OF PROJECT

Illumination of existing sign on building

E. PROJECT MANAGER DESIGNATION

A project manager is responsible for the activities listed in UDO Section 4.19. Single-family and two-family projects involving less than ½ acre of land disturbing activity or commercial site improvements that involve no more than 2,500 square feet of land disturbing activity are exempt from this requirement.

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

F. DESIGN PROFESSIONAL INFORMATION

Engineer:			
Name:		Company:	
Address:		License #:	
Phone Number:		Email Address:	
Architect:			
Name:		Company:	
Address:		License #:	
Phone Number:		Email Address:	

G. APPLICANT SIGNATURE:

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

David McLamb				2-22-17
Applicant1 (Print)		**Applicant Signature**		**Date**
Boone Hospitality Associates II, LLC		Boone Hospitality Associates II LLC By David McLamb		2-22-17
Property Owner (Print)		**Property Owner Signature**		**Date**

Official Use Only

Project File Name: Courtyard by Marriott - Cond. Dist. Map Amend. Mod.

Permit Number:

1 Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person must be submitted along with this application. Execution by property owner of this application signifies that the applicant is authorized to proceed.

Project Name/Number: PL 00282-022317				
Date: 2-23-17	Fee: $500.00	Receipt Number: 799768	Method of Payment: ck # 1775	Paid By: Boone Hospitality Assoc.

S:\FORMS\Forms_2015\Zoning\ZoningPlanningPermitApplication_052016.doc

Conditional District Map Amendment Project Data Form

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

Official Use Only
Project Name/Number:
Permit Name/Number:

It is recommended that applicants schedule a meeting with Planning & Inspections Staff prior to application submittal.

A. ADDITIONAL APPLICATION INFORMATION

Application is For: X Conditional District Map Amendment ❒ Conditional District Map Amendment Modification

Hearing Date Requested1:

B. DEVELOPMENT INFORMATION

Project Name: Courtyard by Marriott

Project Description: Illumination of existing sign on building

Existing Zoning District(s): CB-3 Proposed Zoning District(s): Same

Existing Land Use(s): 1.530 Hotel Proposed Land Use(s)2: Same

Adjacent Land Use(s): N: R-1 E: B-3

W: B-3 S: B-3

Are there are any existing variances granted to the property? ❒ Yes X No ❒ Unknown

If yes, describe:

Are any variances being requested with this project?3 ❒ Yes X No

If yes, describe:

Total Land Area: Total Disturbed Area:

Number of Proposed

1 Each applicant must provide the meeting date for which they wish their request to appear. Each completed application must have met published meeting deadlines.
2 Please see UDO Article 15 for specific details on permissible uses
3 Each request for a Variance must be submitted on a separate Zoning Permit Application along with the appropriate fee.

Communication: Courtyard by Marriott Application Information (Case PL00282-022317 Courtyard by

Phases: _____

Describe Phasing (if proposed): _____

If requesting vesting greater than 2 years (per UDO Section 4.14), list amount requested (up to 3 additional years). _____

For modifications, list original case # and date granted: _____

C. DOCUMENTS REQUIRED FOR SUBMITTAL

X Completed Application (see UDO Article 4 & Appendix A)

X Application Fee

☐ 7 complete sets of development site plans

X One (1) reduced copy of development site plans (11X17)

X Two (2) sets of copies of building elevations

☐ Digital copy of plans (if available)

X Deed(s) of all property included in the request

A written metes & bounds legal description with accompanying survey map is required for a request that would rezone only a portion of a tax parcel or requests for multiple zoning districts

D. PROPERTY OWNER SIGNATURE:

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.

Boone Hospitality Associates II, LLC	Boone Hospitality Associates II, LLC By [signature]	2-22-17
Property Owner (Print)	**Property Owner Signature**	**Date**

Official Use Only

Public Hearing Meeting Date: _____

PC Meeting Date: _____

TC Meeting Date: _____

Date of APO Mailed Notification: _____

Date of Posted Notification: _____

Project Approved: ☐ Yes ☐ No

Date Order Recorded: _____

Order Recordation Information: Book: _____ Page: _____

S:\FORMS\Forms_2015\ConditionalDistrictZoningMapAmendmentProjectDataForm_062015.doc

RECEIVED
FEB 2 3 2017

POTEAT HOSPITALITY ASSOCIATES, LLC

DAVID A. MCLAMB

Marriott
Hilton
Choice
Best Western

PO Box 339 Laurinburg, NC 28353 ▪ david@poteathospitality.com ▪ Tel: (910) 280-3735

February 22, 2017

Re: Courtyard by Marriott
1050 Highway 105
Boone, NC 28607

The hotel was opened in 2012 and Zoned CB-3 with conditions limiting lighting to protect the residential community on Wintergreen Drive. At that time an unlit sign was placed on the east end of the building in a position to minimalize sight lines to residential community. In addition a staggered double row of 15 foot Green Giant arborvitae trees were planted to form an opaque buffer to the residential area.

Picture #1 is an aerial view offered to establish sight lines from the recessed sign to the residential community. The two houses located on the south side of Wintergreen Lane are zoned B-3 and the two houses on the opposite side within the line are zoned R-1.

Picture #2 was taken form a lift at the corner of the building level with the existing sign. As shown, the trees have matured to create a buffer exceeding 30 feet completely isolating the residential area. Only the roof top is visible to the sign.

Picture #3 shows the sign as mounted and is offered to show the setback which limits the sight line to Wintergreen Drive.

The pictures presented demonstrate the landscape has changed from 2012/2013 and lighting the sign would not violate the intent of the zoning conditions placed on the hotel to protect the residential area.

Highway 105 is a major artery and the hotel is located in a slight curve limiting visibility from the east. Illuminating the sign will identify the building from the 321/105 intersection and allow tourist to move to the proper lane and anticipate the turn in thus creating a safer flow of traffic.

To recap, the illumination will not adversely affect the residential area. It will add to the safe flow of traffic and improve the experience of the tourist which is critical to the success of our economy.

Thank you for your careful consideration of this request.

David McLamb

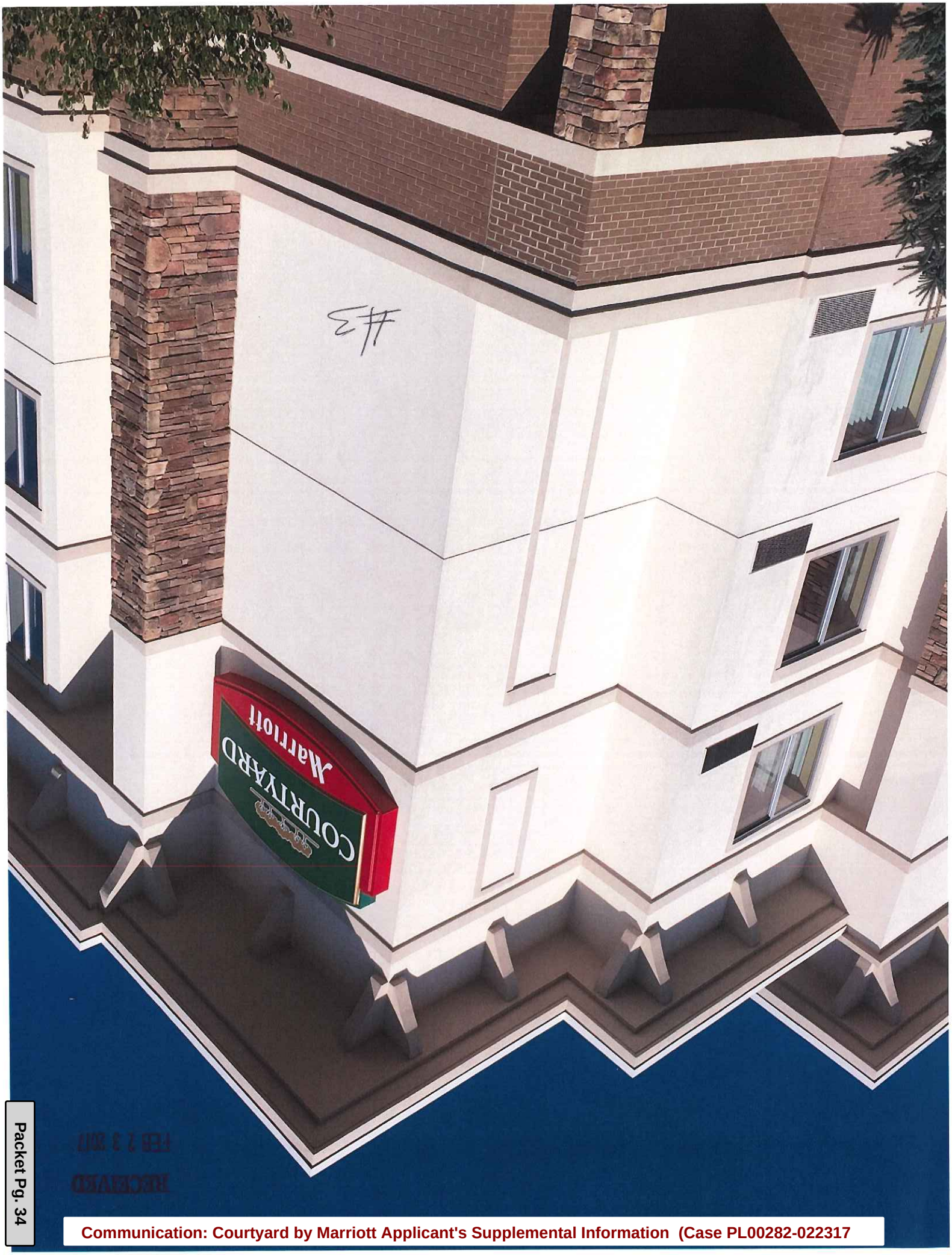
SITE LINE

RECEIVED
FEB 2 3 2017

Picture #1

RECEIVED
FEB 2 3 2017

Communication: Courtyard by Marriott Applicant's Supplemental Information (Case PL00282-022317

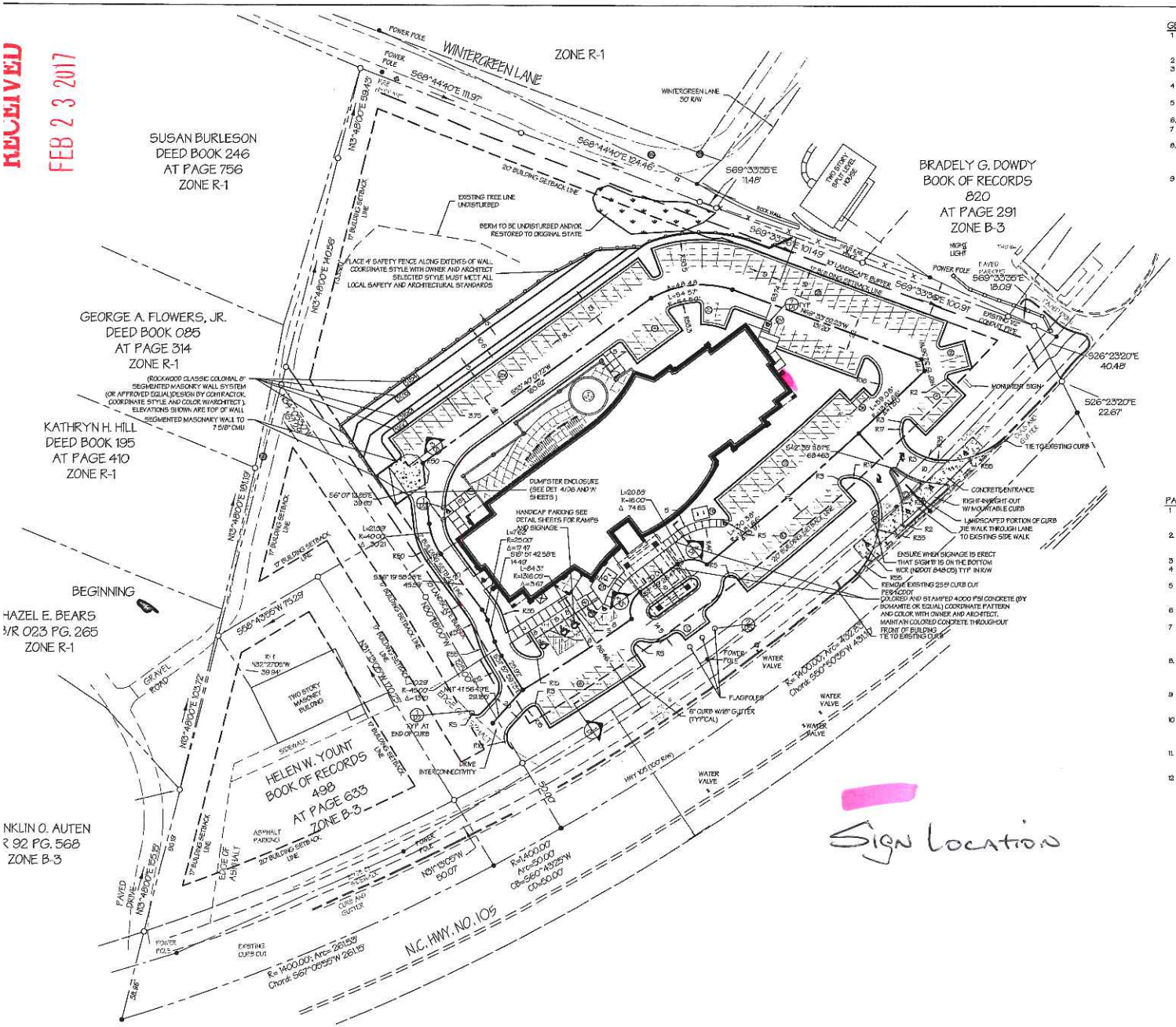


#3

RECEIVED
FEB 23 2017

Packet Pg. 35

RECEIVED
FEB 2 3 2017



GENERAL NOTES

1. BOUNDARY AND TOPO BY: APPALACHIAN PROFESSIONAL LAND SURVEYORS AND CONSULTANTS, P.A. - 1460 US HWY 421 SOUTH, BOONE, NC 28607 - (828) 264-0290
2. DEVELOPER: BOONE HOSPITALITY ASSOCIATES II, LLC - LAURINBURG, NC.
3. CONTRACTOR IS TO VERIFY ALL UTILITY LOCATIONS PRIOR TO BEGINNING WORK.
4. ALL WORK IS TO BE IN ACCORDANCE WITH ALL STATE AND LOCAL REGULATIONS.
5. ALL PERMITS ARE TO BE OBTAINED BY THE CONTRACTOR PRIOR TO THE START OF CONSTRUCTION
6. HYDRANT LOCATION SHALL BE APPROVED BY THE LOCAL FIRE MARSHALL
7. EXISTING UTILITIES ON SITE SHALL BE RELOCATED AS REQUIRED CONTRACTOR SHALL PAY ALL COSTS ASSOCIATED WITH RELOCATION.
8. CONTRACTORS ARE TO FULLY ACQUAINT THEMSELVES WITH ALL UTILITIES WITHIN THE CITY AND STATE ROW AND WITHIN THE PROPERTY BOUNDARIES WHICH WILL REQUIRE RELOCATION. ALL COSTS ASSOCIATED WITH RELOCATION SHALL BE INCLUDED IN THE BASE BID
9. ALL WORK PERFORMED WITHIN NCDOT ROW SHALL BE PER NCDOT SPECS AND SHALL BE INSPECTED FOR COMPLIANCE BY STATE INSPECTORS AT THEIR DISCRETION.

SIGN LEGEND

A. STOP — R1-1 30"X30"
B. ONLY — R3-7B 30"X36"
C. DO NOT ENTER — R5-1 36"X36"
TYPICAL SIGN DETAIL

LEGEND

- PROPERTY LINE
- CURB AND GUTTER
- RETAINING WALL
- SAFETY FENCE
- NCDOT ROW
- LANDSCAPE BUFFER
- BUILDING SETBACK
- STANDARD DUTY ASPHALT PAVING

PARKING AND PAVEMENT NOTES

1. ALL SIGNS, PAVEMENT MARKINGS, AND OTHER TRAFFIC CONTROL DEVICES SHALL CONFORM TO THE MANUAL ON UNIFORM TRAFFIC DEVICES, 2009 EDITION AS AMENDED.
2. ALL PAVEMENT MARKINGS SHALL BE PAINTED WHITE ON ASPHALT FOUR (4) INCHES WIDE UNLESS INDICATED OTHERWISE. ALL PAVEMENT MARKINGS SHALL BE THERMOPLASTIC WHITE ON ASPHALT IN NCDOT ROW
3. ALL DIMENSIONS ARE TO FRONT-OF-CURB UNLESS INDICATED OTHERWISE
4. CONTRACTOR SHALL FURNISH AND INSTALL PAVEMENT MARKINGS AS SHOWN ON THE PLANS.
5. CONTRACTOR SHALL COORDINATE THE INSTALLATION OF ALL SIGNS, PAVEMENT MARKINGS, AND OTHER TRAFFIC CONTROL DEVICES WITH OTHER CONTRACTORS ON SITE
6. JOINTS OR SCORE MARKS ARE TO BE SHARP AND CLEAN WITHOUT SHOWING EDGES OF JOINTING TOOLS.
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8. CONTRACTOR SHALL COMPLY WITH ALL PERTINENT PROVISIONS OF THE "MANUAL OF ACCIDENT PREVENTION IN CONSTRUCTION" ISSUED BY AGC OF AMERICA, INC AND THE HEALTH AND SAFETY REGULATIONS FOR CONSTRUCTION ISSUED BY THE US DEPARTMENT OF LABOR.
9. CONTRACTOR SHALL FULLY COMPLY WITH THE REQUIREMENTS OF THE SOILS ENGINEER, ECS CAROLINAS, LLP., AS DETAILED IN THEIR REPORT DATED 07/23/2010
10. ALL EXISTING ON-SITE STRUCTURES SHALL BE REMOVED PER LOCAL CODES AND DISPOSED OF OFF-SITE, INCLUDING ALL ATTACHED UTILITIES AND APPURTENANCES. ANY AND ALL WELLS ON SITE SHALL BE IDENTIFIED TO THE ENGINEER BEFORE CONSTRUCTION AND CAPPED PER HIS INSTRUCTIONS
11. ALL AREAS NOT IDENTIFIED AS STANDARD DUTY PAVING SHALL BE CONSTRUCTED AS HEAVY DUTY PAVING (SEE DETAILS FOR STANDARD AND HEAVY DUTY PAVING REQUIREMENTS)
12. ALL SIGNS, WHETHER FREE-STANDING OR ATTACHED REQUIRE SEPARATE APPLICATION FOR EACH INDIVIDUAL SIGN ALL SIGNS SHALL MEET THE REQUIREMENTS IN ARTICLE 19 OF THE UDO. A SIGN PERMIT IS REQUIRED PRIOR TO INSTALLATION OF ANY SIGN

SITE STATISTICS	
TOTAL ACREAGE	3.22 ACRES
ZONING	CB-3
PROPOSED USE	HOTEL
TOTAL STORIES	4
TOTAL ROOMS	100
TOTAL PARKING SPACES	100
COMPACT SPACES	35
HANDICAP SPACES	4
MOTORCYCLE SPACES	4
BICYCLE SPACES	4

SITE PLAN

REVISIONS:
DATE:

NORTH CAROLINA PROFESSIONAL SEAL ENGINEER JUSTIN D. CHR 09/08/2010

Blue Ridge Environmental Consultants, P.A.
Engineering | Planning | Environmental
NOBELS Engineering Firm #C-3446
1303 South Collegiate Drive
Wilkesboro, NC 28697
336 844 4088
http://brec.biz

COURTYARD BY MARRIOTT
PREPARED FOR:
BOONE HOSPITALITY ASSOCIATES II, LLC
LAURINBURG, NC

DATE: 09/08/2010
PROJECT NUMBER: 0306090_MARRIOTT
DRAWN BY: JEDWARDS
APPROVED BY: JCHURCH
SCALE: 1"=30'-0" (H) (V)
SHEET: C1

DO NOT SCALE - PLANS MUST BE RECEIVED AS A COMPLETE SET

RELEASED FOR BID - NOT RELEASED FOR CONSTRUCTION

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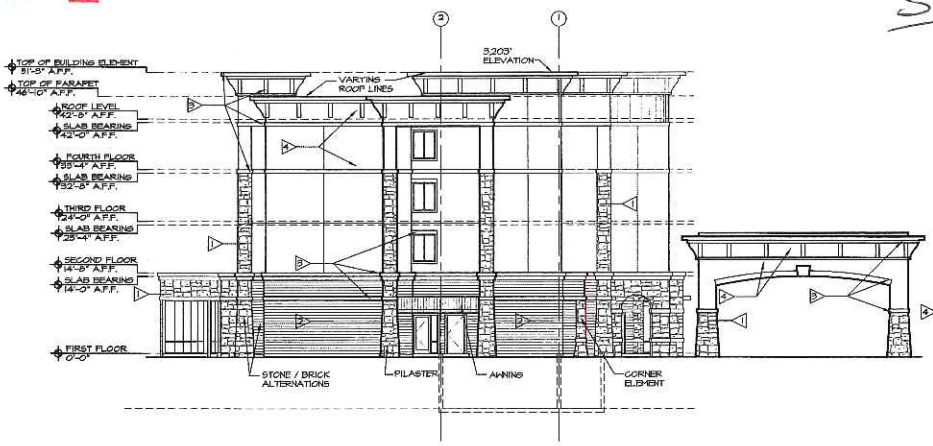
Communication: Courtyard by Marriott Applicant's Supplemental Information (Case PL00282-022317

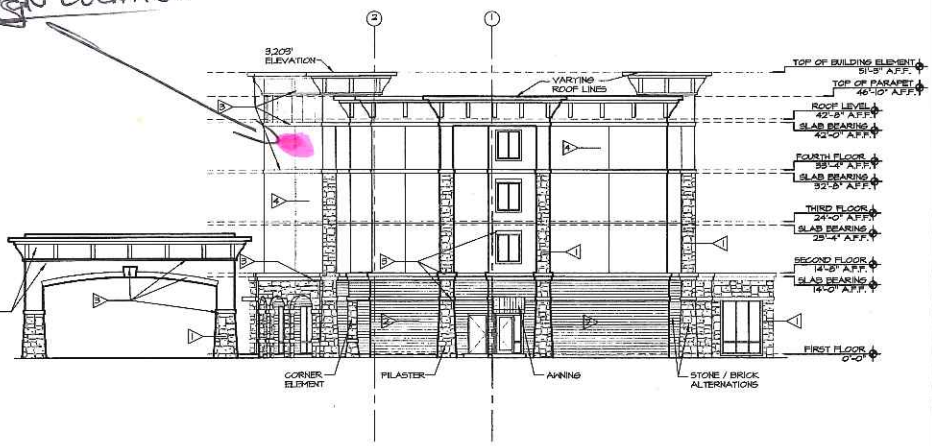
Packet Pg. 36

RECEIVED
FEB 2 3 2017



1 ZC.3 WEST ELEVATION N.T.S.

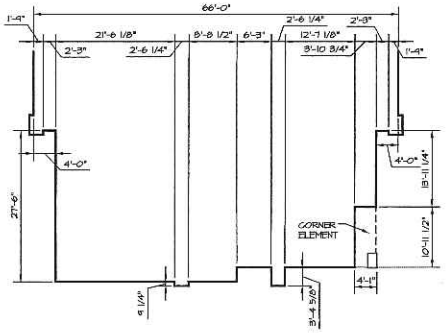
Sign Location



2 ZC.3 EAST ELEVATION N.T.S.

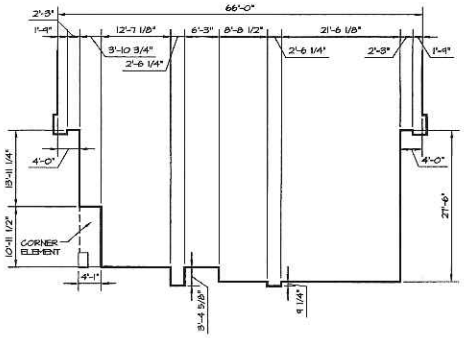
EXTERIOR FINISH INDEX SCHEDULE

	MATERIAL	COLOR	MANUFACTURER
1	STONE VENEER	80% CHARDONNAY COUNTRY LEDGESTONE (CSV-20006) W/ 20% CHARDONNAY DRESSED FIELDSTONE (CSV-2042)	SUNSET STONE 303-791-1233 www.sunsetstone.net
2	BRICK VENEER	1.25 GREYSTONE	PALMETTO BRICK 800-922-4423
3	E.I.F.S. TRIM	#10622 INDIANA LIMESTONE	STO - DESIGN MATERIALS, INC STEVE TOUNTS CELL #336-848-6100 OFFICE #919-821-5200
4	E.I.F.S. IN-FILL	#10604 FRENCH VANILLA	STO - DESIGN MATERIALS, INC. STEVE TOUNTS CELL #336-848-6100 OFFICE #919-821-5200



FEATURE TYPE	# PER
1. 4' WALL OFFSETS	4
2. PILASTERS	4
3. STONE / BRICK ALTERNATION	-
4. VARYING ROOF LINES	-
5. AWNINGS	-
6. CORNER ELEMENT	-
TOTAL FEATURES PROVIDED	12
TOTAL FEATURES REQUIRED	8

NOTE: ALL EXTERIOR COLORS SHALL COMPLY WITH TOWN OF BOONE UNIFIED DEVELOPMENT ORDINANCE REQUIREMENTS.



ALL CONTRACTORS AND SUB-CONTRACTORS SUBMITTING BIDS ON THIS PROJECT SHALL BE REQUIRED TO RECEIVE THE ENTIRE SET OF DRAWINGS. BROKEN SETS ARE NOT ALLOWED FOR BIDDING PROJECTS.

UNDER NO CIRCUMSTANCES ARE THE DRAWINGS TO BE SCALED !!

REVISIONS	DATE	BY

DRAWN BY	APPROVED
VLG	RWH
PROJ. # 10011	DATE 4-15-10

ROBERT W. HAM REGISTERED ARCHITECT CAMPBELL, PA. HENDERSONVILLE, N.C.

QualityFirst

isom ham DESIGN GROUP, PA Architecture • Engineering 1305 Collegiate Drive Williamston, NC 28897 www.isomham.com Phone: 336.838-4007 Fax: 336.838-4318

ZONING COMPLIANCE - SIDE ELEVATIONS

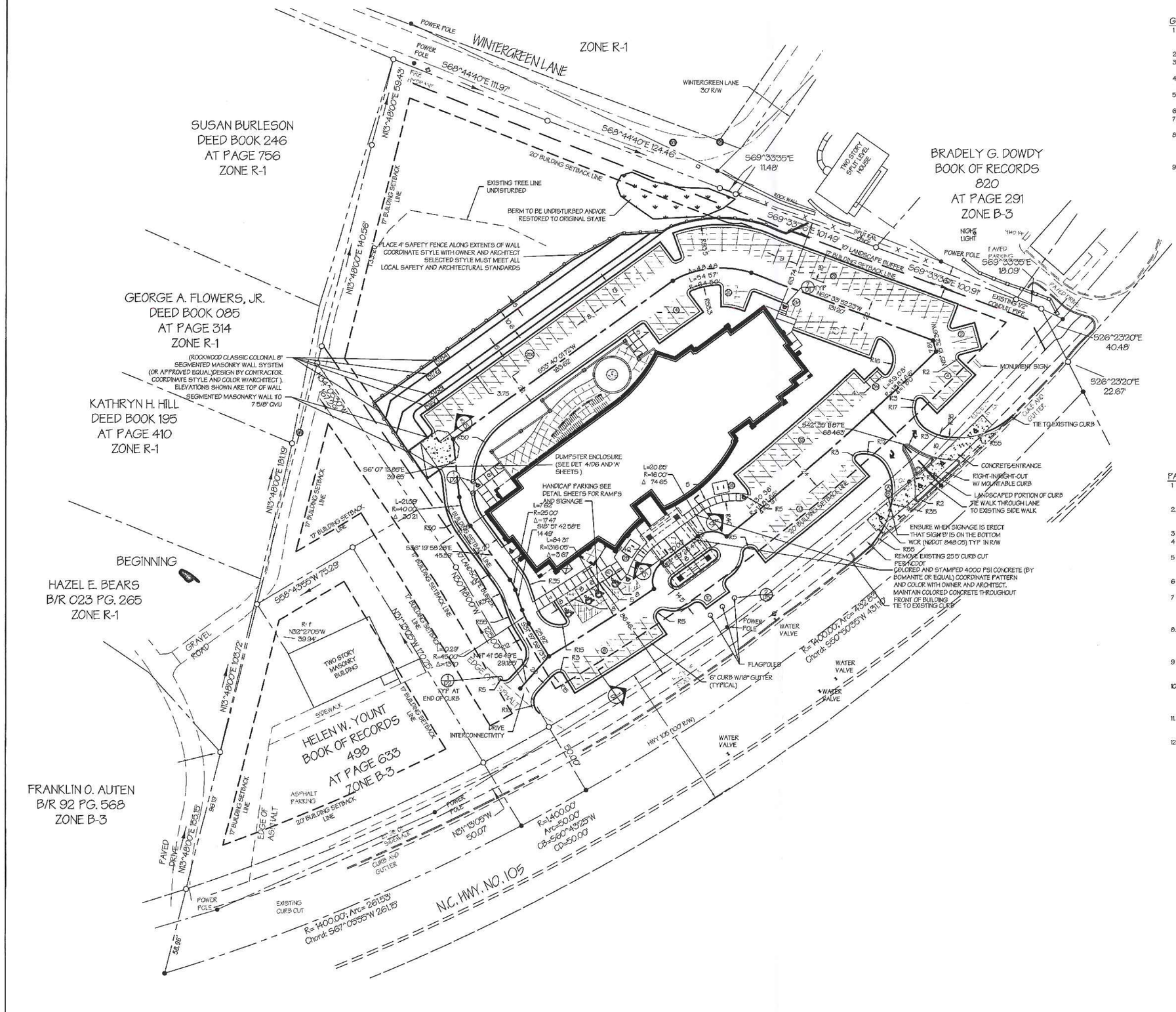
COURTYARD Marriott

BOONE NORTH CAROLINA

SHEET ZC.3 OF

NOT RELEASED FOR CONSTRUCTION

Communication: Courtyard by Marriott Applicant's Supplemental Information (Case PL00282-022317



GENERAL NOTES

1. BOUNDARY AND TOPO BY: APPALACHIAN PROFESSIONAL LAND SURVEYORS AND CONSULTANTS, PA - 1480 US HWY 421 SOUTH, BOONE, NC 28607 - (828) 264-0290
2. DEVELOPER: BOONE HOSPITALITY ASSOCIATES II, LLC - LAURINBURG, NC.
3. CONTRACTOR IS TO VERIFY ALL UTILITY LOCATIONS PRIOR TO BEGINNING WORK.
4. ALL WORK IS TO BE IN ACCORDANCE WITH ALL STATE AND LOCAL REGULATIONS.
5. ALL PERMITS ARE TO BE OBTAINED BY THE CONTRACTOR PRIOR TO THE START OF CONSTRUCTION
6. HYDRANT LOCATION SHALL BE APPROVED BY THE LOCAL FIRE MARSHALL
7. EXISTING UTILITIES ON SITE SHALL BE RELOCATED AS REQUIRED CONTRACTOR SHALL PAY ALL COSTS ASSOCIATED WITH RELOCATION.
8. CONTRACTORS ARE TO FULLY ACQUAINT THEMSELVES WITH ALL UTILITIES WITHIN THE CITY AND STATE ROW AND WITHIN THE PROPERTY BOUNDARIES WHICH WILL REQUIRE RELOCATION. ALL COSTS ASSOCIATED WITH RELOCATION SHALL BE INCLUDED IN THE BASE BID
9. ALL WORK PERFORMED WITHIN NCDOT ROW SHALL BE PER NCDOT SPECS AND SHALL BE INSPECTED FOR COMPLIANCE BY STATE INSPECTORS AT THEIR DISCRETION.

SIGN LEGEND

(A) STOP — R1-1 30"X30"
(B) ONLY — R3-5a 30"X36"
(C) DO NOT ENTER — R5-1 30"X30"

TYPICAL SIGN SYMBOL

LEGEND

- PROPERTY LINE
- CURB AND GUTTER
- RETAINING WALL
- SAFETY FENCE
- NCDOT ROW
- LANDSCAPE BUFFER
- BUILDING SETBACK
- STANDARD DUTY ASPHALT PAVING

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SITE STATISTICS	
TOTAL ACREAGE	3.22 ACRES
ZONING	CB-3
PROPOSED USE	HOTEL
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TOTAL PARKING SPACES	100
COMPACT SPACES	35
HANDICAP SPACES	4
MOTORCYCLE SPACES	4
BICYCLE SPACES	4

RECEIVED
FEB 23 2017

SITE PLAN

DO NOT SCALE - PLANS MUST BE RECEIVED AS A COMPLETE SET

REVISIONS:

DATE

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 045316 — JUSTIN C. CHURCH — 09/18/2010

Blue Ridge Environmental Consultants, P.A.
Engineering | Planning | Environmental
NCBELS Engineering Firm #C-3448
1305 South Collegiate Drive
Wilkesboro, NC 28697
336 844 4088
http://brec.biz

COURTYARD BY MARRIOTT

PREPARED FOR: BOONE HOSPITALITY ASSOCIATES II, LLC LAURINBURG, NC

DATE 09/18/2010

PROJECT NUMBER 03012010_MARRIOTT

DRAWN BY JEDWARDS

APPROVED BY JCHURCH

SCALE: 1"=30'-0" (H) (V)

SHEET: C1

RELEASED FOR BID - NOT RELEASED FOR CONSTRUCTION

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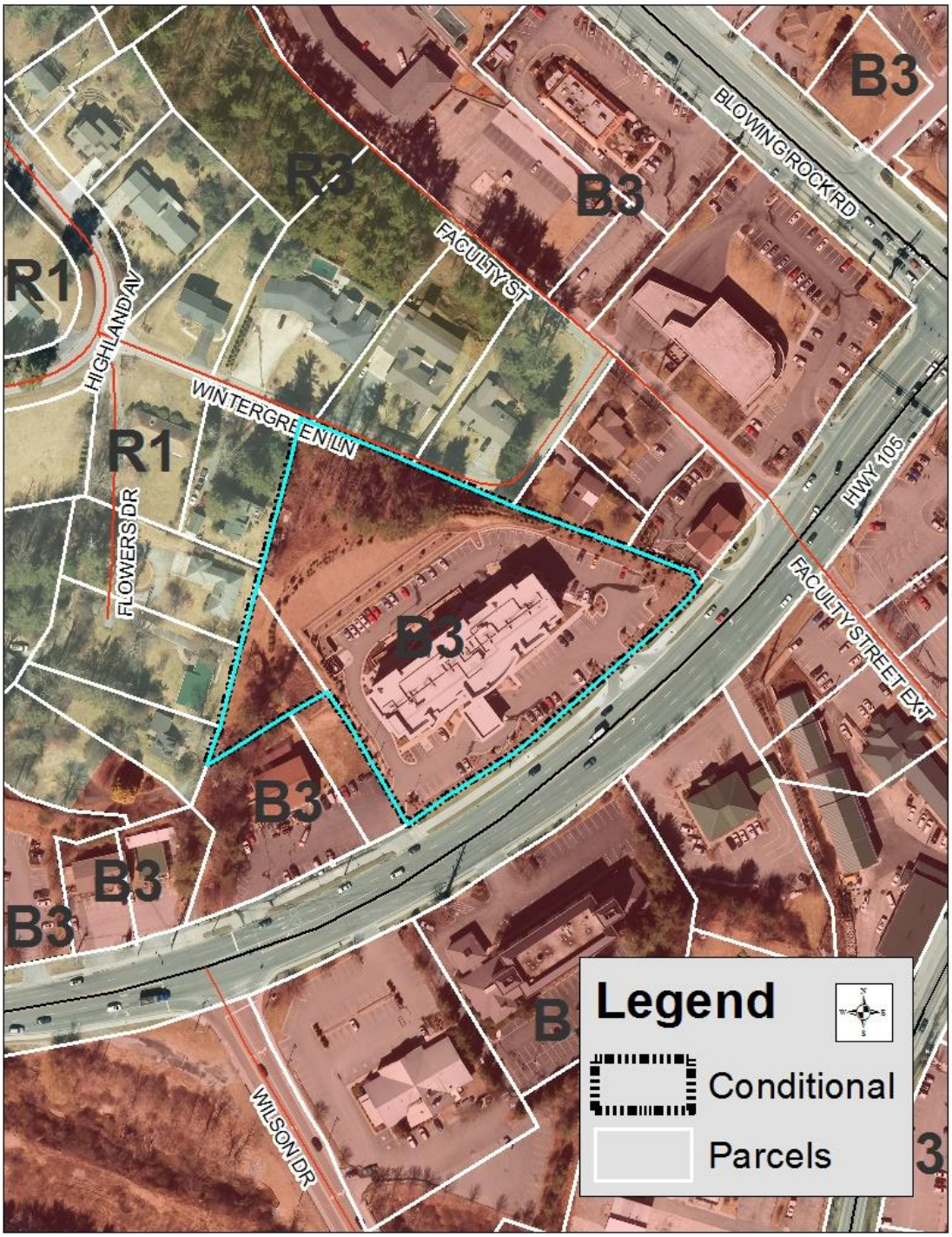
STAFF REPORT
PUBLIC HEARING
APRIL 24, 2017
CASE PL00282-022317 COURTYARD BY MARRIOTT
CONDITONAL DISTRICT ZONING MAP AMENDMENT MODIFICATION



Request

David McLamb with Boone Hospitality Associates II, LLC has filed a Planning Permit Application for a Conditional District Zoning Map Amendment Modification to modify the conditions to the existing Conditional District Zoning Map approval to allow the Courtyard by Marriott located at 1050 Highway 105 to illuminate the sign on the eastern side of the building. The approval currently has the following condition which would have to be modified in order to allow the sign to be lighted:

> Bollard type (low profile) lighting is to be used as much as possible. Pole/carriage lights are to be kept at a minimum. No exterior lights on the building higher than the first floor. The building will not be "uplighted". On the back and two ends of the building, no lights will be installed above first floor and no grounds lights shining up will be installed. The Highway 105 elevation facing the street can be lighted per the developer's and architect's discretion, within the requirements of the UDO. The architect and engineer will continue to develop the site lighting plans to minimize off site light pollution. "Low to the ground" lighting options under consideration are recessed lights in retaining and courtyard walls, bollard lighting, and low landscape lights.

Applicant Information

Applicant Name/Position:	David McLamb
Applicant Organization:	Boone Hospitality Associates II, LLC
Applicant Address:	1050 Highway 105, Boone, NC 28607
Applicant Contact Phone:	(828) 265-7676
Applicant Email:	david@poteathospitality.com

Parcel Information

Addresses:	1050 Highway 105, Boone, NC 28607
Watauga County PINs:	2910-13-8946-000
Property Owner:	Boone Hospitality Associates II, LLC
Total Lot size:	3.221 acres
Jurisdiction:	Corporate limits
Access:	Hwy 105
Topography:	Approximately 56' of elevation change from top southwest corner of property to the eastern corner of property on Highway 105.
SFHA:	No
Watershed District:	No
Corridor District:	Yes
NCD:	No
Viewshed:	No
Utilities:	Town water and sewer are available.

Communication: Courtyard by Marriott Staff Report (Case PL00282-022317 Courtyard by Marriott - Conditional District Zoning Map

Current Zoning: Conditional District B3 General Business

Vesting: 2 years

2030 Plan Designations: G3

Current Uses: Hotel

Zoning & Use of Adjacent Properties		
	Adjacent Zoning	**Adjacent Land Use**
North	R1 Single Family	Single-family dwellings
East	B3 General Business; R1 Single Family	Commercial; single-family dwellings
South	B3 General Business	Commerical
West	B3 General Business;R1 Single Family	Commercial; single-family dwellings

ANALYSIS

HISTORY

Originally this property was zoned B-3 General Business and R-1 Single Family Residential, with the B-3 General Business portion along the NC Hwy 105 corridor and the R-1 Single Family along the northern portion of the property closer to Wintergreen Lane.

11-20-08: Approval was granted for Conditional District B-3 General Business for the construction of a 100 unit hotel (Use 1.530 Hotels). Staff has attached copies of the minutes from the Public Hearing, the Planning Commission and the Town Council meeting in which this case was heard (Exhibit 1). The original approval was subject to 18 conditions below:

1. The project is approved subject to a zoning map amendment petition received from Boone Hotel Five, LLC and all accompanying civil, architectural and electrical drawings bearing a received date of November 3, 2008; revised architectural elevations and sections bearing a received date of November 13, 2008; and the handout depicting the proposed earthen berm and landscaping along Wintergreen Lane dated November 14, 2008. Minor modifications may be permitted in order to comply with the requirements of the UDO. Any commitments and representations concerning the proposed project made by the applicant or his representatives at the public hearing shall also become a condition of approval.
2. Final plans shall be submitted that are in compliance with the provisions of the UDO and other applicable provisions of Town, State and Federal codes prior to final zoning approval.
3. NCDOT driveway permits shall be obtained prior to final zoning approval.
4. The proposed development will restore, as much as practicably possible, the preexisting natural contours of the property at the "opening" at the Wintergreen Lane curve. To restore the proposed berm to what appears to be natural grade, the height of the berm will range from approximately seven feet on the upper end, tapering to zero feet on the lower end. An opaque type C buffer will be provided. The developer has agreed to construct the berm and landscaping within six months of the approval of the CD-B3 zoning

Communication: Courtyard by Marriott Staff Report (Case PL00282-022317 Courtyard by Marriott - Conditional District Zoning Map

(May 30, 2009) and Development Services Department approval so that both the berm and landscaping can be established prior to construction commencing in several years.

5. No quality existing vegetation will be removed from the current wooded area along Wintergreen Lane, with two exceptions: 1) Two trees will be removed in the parking lot and the retaining wall area (14" poplar and 24" white pine-as indicated on landscape plan), and 2) Two older white pines near Susan Owens house, which the developer has agreed to remove, which, should they fall, could cause extensive damage to Susan's house. It is the developer's intention (and benefit) that all high quality existing vegetation to remain along the perimeter of the site with new landscaping interspersed throughout. The Urban Design Specialist will work with the landscaping designer and installer in determining what existing vegetation will remain or be removed at the time of installation.
6. No further grading of land within the current wooded area of the R-1 tract adjacent to Wintergreen Land and the Owen property boundary. This will retain a natural wooded buffer between the neighborhood and the commercial development. New landscaping, exceeding the town's standards, will be interspersed in the existing trees.
7. The developer will install minimum 15' high "Green Giant" Arborvitae trees with a minimum of two rows with plants staggered to form an opaque buffer as proposed on the landscape plan.
8. Removal of all dead trees and brush from the current wooded area of the R-1 tract adjacent to Wintergreen Lane will be completed by the developer.
9. There will be no "sports bar" established within the hotel. There will be a breakfast buffet bar and a limited "prepared meal" dinner menu for hotel guests. There will also be a small bar in the lobby for hotel guests.
10. No intense lighting will be erected behind the hotel, nor will such light be directed toward the residential neighborhood. Only one security light will be erected at the rear of the hotel unless more are required by the franchise. The developer will keep site and building lighting to a minimum, while meeting both the town's UDO and franchise lighting requirements.
11. Developer will limit the height of the parapet walls to 3203 feet (based upon current survey information and proposed finished floor elevation of 3151.71)
12. Roof shall be flat and grey in color.
13. The 25-foot planned buffer between the Owens property and the hotel will be moved back from the boundary line and be as close as possible to the hotel, up to the limits of the already disturbed area. The plants in this buffer will be decided upon by Ms. Owens, the Urban Design Specialist and the landscape architect for the project.
14. Bollard type (low profile) lighting is to be used as much as possible. Pole/carriage lights are to be kept at a minimum. No exterior lights on the building higher than the first floor. The building will not be "uplighted". On the back and two ends of the building, no lights will be installed above first floor and no grounds lights shining up will be installed. The Highway 105 elevation facing the street can be lighted per the developer's and architect's

Communication: Courtyard by Marriott Staff Report (Case PL00282-022317 Courtyard by Marriott - Conditional District Zoning Map

discretion, within the requirements of the UDO. The architect and engineer will continue to develop the site lighting plans to minimize off site light pollution. "Low to the ground" lighting options under consideration are recessed lights in retaining and courtyard walls, bollard lighting, and low landscape lights.

15. No dumping/deliveries, etc. between the hours of 10 pm and 7 am.
16. Developer will restrict the use of the exterior courtyard at the rear of the building to 11:00 pm.
17. The large dead pine trees along the Owens boundary line will be taken down, as well as the last standing one in the Owens yard.
18. The large gap at the curve of Wintergreen Lane be filled in, as high as possible, to be able to support plantings of large trees and shrubs, to create an opaque buffer.

05-20-10: Approval was granted for a modification to the approved Conditional District B-3 General Business zoning for modifications to site improvements including but not limited to: parking, retaining walls, landscaping, and building placement.). Staff has attached copies of the minutes from the Public Hearing, the Planning Commission and the Town Council meeting in which this case was heard (Exhibit 1). The modification was approved subject to the following conditions:

1. The project is approved subject to the Conditional District petitions received from Reg Poteat and Jeff Collins and all accompanying civil and architectural drawings bearing a received date of April 5, April 13, April 22, and May 10, 2010. Insignificant deviations may be permitted in order to comply with the requirements of the UDO. Any commitments and representations concerning the proposed project made by the applicant or his representatives at the public hearing shall also become a condition of approval.
2. All conditions of the previous approval given in November 2008 will remain in effect unless modified herein.
3. Final plans shall be submitted that are in compliance with the provisions of the UDO and other applicable provisions of Town, State and Federal codes prior to final zoning approval.
4. NCDOT driveway permits shall be obtained prior to final zoning approval.
5. The proposed development will restore, as much as practicably possible, the preexisting natural contours of the property at the "opening" at the Wintergreen Lane curve. To restore the proposed berm to what appears to be natural grade, the height of the berm will range from approximately seven feet on the upper end, tapering to zero feet on the lower end. An opaque type C buffer will be provided. The developer has agreed to construct the berm and landscaping within six months of the approval of the CD-B3 zoning (May 30, 2009) and Development Services Department approval so that both the berm and landscaping can be established prior to construction commencing in several years.
6. No quality existing vegetation will be removed from the current wooded area along Wintergreen Lane, with two exceptions: 1) Two trees will be removed in the parking lot and the retaining wall area (14" poplar and 24" white pine-as indicated on landscape plan),

Communication: Courtyard by Marriott Staff Report (Case PL00282-022317 Courtyard by Marriott - Conditional District Zoning Map

and 2) Two older white pines near Susan Owens house, which the developer has agreed to remove, which, should they fall, could cause extensive damage to Susan's house. It is the developer's intention (and benefit) that all high quality existing vegetation to remain along the perimeter of the site with new landscaping interspersed throughout. The Urban Design Specialist will work with the landscaping designer and installer in determining what existing vegetation will remain or be removed at the time of installation. **The applicant has modified this condition to the degree the site plan submitted on May 10, 2010 conflicts with the approved site plan from November 2008.**

7. No further grading of land within the current wooded area of the R-1 tract adjacent to Wintergreen Land and the Owen property boundary. This will retain a natural wooded buffer between the neighborhood and the commercial development. New landscaping, exceeding the town's standards, will be interspersed in the existing trees.
8. The developer will install minimum 15' high "Green Giant" Arborvitae trees with a minimum of two rows with plants staggered to form an opaque buffer as proposed on the landscape plan.
9. Removal of all dead trees and brush from the current wooded area of the R-1 tract adjacent to Wintergreen Lane will be completed by the developer.
10. There will be no "sports bar" established within the hotel. There will be a breakfast buffet bar and a limited "prepared meal" dinner menu for hotel guests. There will also be a small bar in the lobby for hotel guests.
11. No intense lighting will be erected behind the hotel, nor will such light be directed toward the residential neighborhood. Only one security light will be erected at the rear of the hotel unless more are required by the franchise. The developer will keep site and building lighting to a minimum, while meeting both the town's UDO and franchise lighting requirements.
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Communication: Courtyard by Marriott Staff Report (Case PL00282-022317 Courtyard by Marriott - Conditional District Zoning Map

lighting options under consideration are recessed lights in retaining and courtyard walls, bollard lighting, and low landscape lights.

16. No dumping/deliveries, etc. between the hours of 10 pm and 7 am.
17. Developer will restrict the use of the exterior courtyard at the rear of the building to no later than 11:00 pm.
18. The large dead pine trees along the Owens boundary line will be taken down, as well as the last standing one in the Owens yard.
19. The large gap at the curve of Wintergreen Lane be filled in, as high as possible, to be able to support plantings of large trees and shrubs, to create an opaque buffer.
20. The landscape plan bearing the date of November 17, 2008 is considered as a minimum plan for the applicants. The new landscape plan that is to be submitted as part of the zoning compliance process will be drawn based upon consultation with the neighbors immediately adjacent to the project. Final landscape plan recommendations are to be made by a representative from Planning and Inspections. If there is any disagreement about the final landscape plan recommendations, then the approval for the landscape plan shall go back for Council action.

05-21-2013: Following public hearing, Town Council denied a request from the property owner to illuminate the sign. Staff has attached copies of the minutes from the Public Hearing, the Planning Commission and the Town Council meeting in which this case was heard (Exhibit 1).

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.

Communication: Courtyard by Marriott Staff Report (Case PL00282-022317 Courtyard by Marriott - Conditional District Zoning Map

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 Primary Growth Area is that portion of the urban growth area where urban level of 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.

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 Planning Commission and Town 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.

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 cost 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 futures. Investments in services, facilities, and proper growth management shall be employed in furtherance of this objective.

Communication: Courtyard by Marriott Staff Report (Case PL00282-022317 Courtyard by Marriott - Conditional District Zoning Map

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

F. New firms and expanding businesses that complement the natural resources and beauty of the region shall be especially recruited and encouraged.

2.1.2 Commercial Development

F. Commercial uses may by 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 oriented 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.

J. Highway Oriented Commerical uses shall be clustered along segments of major streets and contain land uses which are mutually compatible and reinforcing in use and design. Businesses shall be encouraged to coordinate their site designs with other nearby businesses. Design factors shall include, at a minimum, shared parking and street access, convenient pedestrian and vehicular movement, and consistent sign standards.

2.2 INFRASTRUCTURE

2.2.1 Transportation

I. Driveway cuts along major streets and roads shall be limited to allow these streets to serve primarily as safe traffic movement corridors or, alternatively, to maximize curb frontage for on-street parking.

2.3 The Community

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

2.3.1 Community Appearance

C. The significance of major roadway entrances into Boone as measures of community image and quality shall be recognized through building placement, landscape, signage and other visual improvements. The Town, along with private property owners and developers shall work to jointly improve the appearance and design of major street corridors.

2.3.2 Community Character

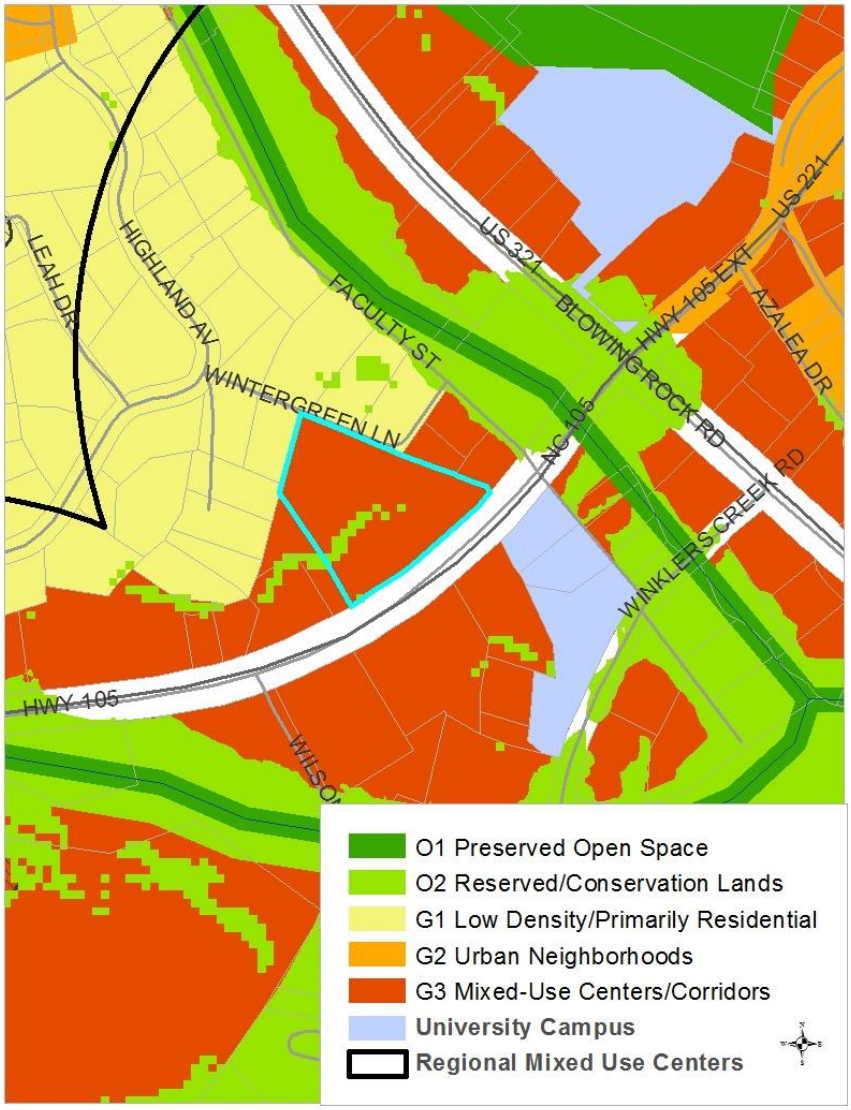
E. New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town.

2.3.3 Housing and Neighborhoods

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.

Communication: Courtyard by Marriott Staff Report (Case PL00282-022317 Courtyard by Marriott - Conditional District Zoning Map

BOONE 2030 LAND USE PLAN



The 2030 Land Use Plan works together with the Town's Comprehensive Plan and other plans and programs to provide for the Town's long range growth. The Land Use Plan is a three-dimensional framework for the comprehensive plan and serves as the basis for all the facility and service needs of the Town. The Land Use Plan serves as the guiding vision and policy basis for determining the appropriateness of any development or redevelopment that is proposed for the Town's planning jurisdiction.

The Framework Plan: The property is located predominately in the G-3 Mixed-Use Center sector and within a Regional Center. The G-3 Sector is intended to apply along high-capacity regional thoroughfares at major transportation nodes, or along portions of highly traveled corridors. G-3 land generally falls within areas for higher-intensity regional-serving development. Care should be taken to limit the length of G-3 corridor development to avoid the creation of lengthy, undifferentiated linear strip development.

Communication: Courtyard by Marriott Staff Report (Case PL00282-022317 Courtyard by Marriott - Conditional District Zoning Map

Appropriate Land Uses/Development Types:

- Single family and multifamily residential
- Neighborhood serving commercial uses
- Civic uses
- Traditional neighborhood developments
- Regional centers
- Industrial districts

Regional Centers are mixed-use activity centers with employment and commercial uses that attract people from beyond the immediate neighborhoods and from surrounding communities. These centers are appropriate for commercial and employment development as well as the area's highest density housing. The area of these centers is based on a 1/2 mile radius (a typical 10-minute walk)—the larger black circles on the Framework Map. Regional centers are envisioned for downtown Boone and the historic university core; around the hospital and the current high school site; and at the intersection of US 321 and NC 105; and around the intersection of US321 and Shadowline Drive. These centers will provide the highest concentrations of residential and employment in the Plan area.

Certification of Notification by Mail

I, Brenda Henson, certify that individual notices meeting the requirements of Article 9, Subsection 9.03.03(B)(2) of the Town of Boone UDO were placed in the mail (first class) on April 7, 2017.

_____

Brenda Henson

Certification of Posting

I, Stacey Miller, 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 April 10, 2017.

_____

Stacey Miller

Findings & Conclusions

Staff has reviewed the application as presented for compliance with UDO standards. If approved, Staff recommends the following conditions:

1. Any commitments and representations concerning the proposed project made by the applicant or his representatives at the public hearing shall also become a condition of approval.
2. All conditions of the previous approvals will remain in effect unless the applicant has expressly indicated intent to modify.
3. Final plans shall be submitted that are in compliance with the provisions of the UDO and other applicable provisions of Town, State and Federal Codes prior to final zoning approval.

Communication: Courtyard by Marriott Staff Report (Case PL00282-022317 Courtyard by Marriott - Conditional District Zoning Map

PLANNING BOARD REPORT

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

First motion and vote: The proposed Amendment to the Town's zoning map ☐**is** OR ☐**is not** consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to this application because:

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

TOWN COUNCIL ACTION

Per NCGS 160A-383, zoning regulations shall be made in accordance with a comprehensive plan. Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest.

First motion and vote: The proposed amendment to the Town's zoning map ☐**is** OR ☐**is not** consistent with the Town's Comprehensive plan and other applicable adopted plans of the Town which relate to this application because:

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

Communication: Courtyard by Marriott Staff Report (Case PL00282-022317 Courtyard by Marriott - Conditional District Zoning Map

Case PL00282-022317 Courtyard by Marriott
Exhibit 1 Meeting Minutes Excerpts

11-13-2008 QPH Meeting Minute Excerpt

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CASE 20080165 COURTYARD by MARRIOTT

Boone Five, LLC has filed a request to change the zoning classification of property located on NC Highway 105 across from Hampton Inn. The request is to change the zoning from split B-3, General Business and R-1, Single-Family Residential to CDB-3, Conditional District General Business. Approval of the request would permit the construction of a 100-unit Courtyard by Marriott.

Mr. Spear presented the case as outlined in the meeting packet. He noted that a valid protest petition was submitted on this case. Mr. Spear explained that the receipt of a valid protest petition would require the case to receive a 3/4 majority vote by Town Council in order to approve the rezoning request.

Damon Mallatere, one of the developers of the project, reviewed the request. He noted that the plans had changed considerably from the previous plans developed three years ago primarily too address the neighborhood concerns. There would be decreased grading into the site so there would be less land disturbance near the neighborhood. In order to have the increased buffer between the development and the neighborhood, significant retaining walls, at a cost of approximately $500,000 will be required. The buffer area atop the retaining walls will be sufficiently landscaped and planted.

Commission Member Woolridge asked if the site would be graded down flat to the highway and Mr. Mallatere replied that the site would slope up, which helps them with visibility and traffic noise, and allows them to still retain the increased buffer area and reduce the amount of grading.

Commission Member Dotson asked how many new jobs would be generated. Mr. Mallatere anticipated approximately 35 employees.

Mr. Mallatere noted that he was also part owner of the Super 8 Motel and because of its age there is a possibility of converting it to student housing.

Mr. Mallatere stated that they were proposing a flat roof option to reduce building height and that all lighting would be contained on the site. He also noted that this would be a full service hotel with a restaurant and bar, serving breakfast and dinner. Mr. Mallatere explained that they would have a 40 year lease with the option to purchase and in order to make this project financially feasible they would need to have at least 100 rooms.

Bill Dixon, architect for the project, stated that the developers were trying to protect the neighborhood as well as meeting the UDO requirements. Based on neighborhood concerns, lighting will be contained on the site, a flat roof has been proposed, the height of the building has been lowered by 3-6 feet with the possibility of having it lowered by 10 feet, larger trees than required by the UDO will be planted, and a 10 foot berm will be built along Wintergreen Lane.

Communication: Courtyard by Marriott- Staff Report Exhibit 1 (Past Meeting Minutes Excerpt) (Case PL00282-022317 Courtyard by Marriott -

Commission Member Woolridge questioned the sidewalk and expressed his desire to see a small landscape buffer between the street and the sidewalk. Mr. Dixon stated that this would be a DOT decision.

Commission Chairperson Spann stated that Council and Planning Commission members all received information from Lynn White outlining her concerns with the project from the neighborhood perspective **(see attached)**. Commission Chairperson Spann asked that each of the nine items be addressed and Mr. Mallatere did so as follows:

1. The height of the hotel will not exceed three stories from the N.C. Hwy 105 street level. **No, this cannot be done, but will go with the flat roof option.**
2. The establishment of a complete "closure" of the large unsightly gap across from 148 Wintergreen Lane. This destruction of the natural earthen buffer was caused by an UNAUTHORIZED roadway access to the B-3 tract of land. The closure will require a 20-foot tall earthen berm with aesthetically-pleasing vegetation planted on it, including a 10-foot tall cedar hedge along the entire ridge of the berm, spaced as to create a "solid" vegetated buffer. **No, this cannot be done.**
3. No further cutting of any trees currently located within the wooded area of the R-1 tract of land adjacent to Wintergreen Lane and the Owen property boundary. (This was a recommendation also made by Town of Boone arborist, Brian Johnson, on April 23, 2007). **Yes.**
4. No further grading of land within the current wooded area of the R-1 tract adjacent to Wintergreen Land and the Owen property boundary. This will retain a natural wooded earthen buffer between the neighborhood and the commercial development. **Yes.**
5. The planting of a 10-foot tall cedar hedge, spaced to create a "solid" vegetated buffer, located just beyond the south edge of the current wooded area described in Nos. 3 and 4, and connecting with the hedge described in No. 2. **Yes, with Brian Johnson's approval.**
6. Removal of all dead trees and brush from the wooded area. **Yes.**
7. Parking will be provided only underground and at the front of the hotel, with none behind the structure. **No.**
8. There will be no "sports bar" established within the hotel. **Yes.**
9. No intense lighting will be erected behind the hotel, nor will such light be directed toward the residential neighborhood. Only one security light will be erected at the rear of the hotel, unless more are required by the franchise. **Yes.**

Mr. Mallatere stated he would like to have a decision on this request as presented and did not wish to have it tabled, whether the vote would be for or against.

Lynn White, who lives at 170 Wintergreen Lane, expressed her concern with the proposed project. She felt that a 4-story hotel would have a negative impact on her neighborhood and that the proposed landscaping and earthen berm would not sufficiently buffer the neighborhood from the proposed development. Ms. White felt that anything more than 3 stories would not be acceptable for the neighborhood.

Eloise Berry, who lives at 148 Wintergreen Lane, felt that her privacy and quality of living would be jeopardized because hotel guests would be able to look into her windows. She asked that the neighborhood be considered in the decision making process.

Communication: Courtyard by Marriott- Staff Report Exhibit 1 (Past Meeting Minutes Excerpt) (Case PL00282-022317 Courtyard by Marriott -

Bob Schlagel, who lives on Highland Avenue adjoining Wintergreen Lane, read a letter from his neighbor Shirley Harris who expressed concern for the impact on the neighborhood. Mr. Schlagel stated his agreement with Ms. White's comments and concerns.

Susan Owen, who lives at 195 Wintergreen Lane, felt there should be a win, win situation somewhere. She stated she has been speaking with Mr. Dixon regarding reducing the height of the building and some progress has been made with the change to a flat roof. Ms. Owen presented a rendering depicting the view of the proposed hotel from her property. She felt that if the height could be lower several more feet that she would be happier about the project. Ms. Owen noted that hotels were usually fairly quiet and would be better than some of the other allowable uses.

Alan White, who lives at 170 Wintergreen Lane, spoke against the project stating it would severely impact the Wintergreen neighborhood. He urged that no more than 3 stories should be allowed and the buffer between the project and Wintergreen Lane should be higher than proposed in order to provide more shielding for the neighbors. Mr. White questioned the height of the proposed berm as shown on the engineering plans.

Jeff Collins, one of the property owners and owner of a neighboring business, stated that the proposed 4-story building would not be any higher than the original 3-story building that was proposed three years ago. He also noted that if the retaining wall was extended into the gap at Wintergreen Lane, it would not allow sufficient room for plantings to grow, where the earthen berm would. Mr. Collins invited anyone who wished to look at the site to contact him and he would meet them with maps and drawings.

Greg Parsons, one of the property owners, felt that instead of commercial zoning encroaching into a residential area, a review of the zoning map actually shows that it is the residential zoning district that is encroaching into commercial area.

Judith Phoenix expressed concern that the project had changed so significantly from the previous proposal of three years ago and was concerned with the impact on the Wintergreen neighborhood. She felt that 3 stories would be acceptable, but 4 stories was not smart growth.

Neil Shepherd, engineer and surveyor for the project, wished to clarify that the original berm that was removed several years ago was approximately at an elevation of 3170 and the proposed plan shows a restored elevation of the berm to 3171.

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11-17-08 Planning Commission Meeting Minute Excerpt

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<u>CASE 20080165 COURTYARD by MARRIOTT</u>

Boone Five, LLC has filed a request to change the zoning classification of property located on NC Highway 105 across from Hampton Inn. The request is to change the zoning from split B-3, General Business and R-1, Single-Family Residential to CDB-3, Conditional District General Business. Approval of the request would permit the construction of a 100-unit Courtyard by Marriott.

Chairperson Spann opened the floor for the board members to ask for more information on this case. Commissioner Turner asked for the results of the on-site meeting at Mrs. White's home located at 170

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Wintergreen Lane. Chairperson Spann spoke about the on-site meeting and everyone that was present to hear the concerns of the surrounding neighbors. The people present at the on-site meeting were Bill Dixon, Project Architect, John Spear, Director of Development Services, Brian Johnson, Urban Design Specialist, Damon Malletere, Boone Hotel Five, LLC, Bunk Spann, Chairperson Planning Commission, Mary Ruth McRae, Vice-Chairperson Planning Commission, Lynn & Alan White, Susan Owen, Bob Schlagal, Janet Pepin, Town Council Member and Lynne Mason, Town Council Member.

Commissioner Turner made a motion to hear from the people present at the November 17, 2008, on-site meeting at Mr. Joan White's home located at 170 Wintergreen Lane and what progress had been made since the November 13, 2008, Quarterly Public Hearing. Commissioner Gryder seconded the motion.

Vote: Aye – All

Nay – None

The vote was unanimous.

The following Draft Copy was presented at this meeting.

Date: **November 17, 2008 DRAFT COPY**

To: Members of the Boone Planning Commission and Boone Town Council

RE: Neighborhood Request and Developer Response

CB3 Zoning Request - Courtyard by Marriott Hotel

Please find below a list of requests from Lynn White and Susan Owen. The developer's response is in red.

Lynn White's Comments/Questions:

1) The height of the hotel will not exceed three (3) stories from the N.C. Highway 105 street level.

The developer will not be able to accommodate this request, though we are proposing measures beyond the requirements of the UDO to lessen the impact of the development on the neighbors.

The steep embankment at the 105 sidewalk will be reduced by almost ½ the current height (Four and one-half (4 ½) feet to six (6) feet is proposed to be cut across the front of the property. The proposed main finished floor is approximately five and one-half feet above Highway 105 at mid point of the site. Some of the factors affecting this decision are 1) Minimizing the grade at driveway entrance, and 2) Continued "cutting" of the grade at 105 worsens the grading conditions at back of property and Winter Green Lane.

The proposed four story building of which 95% is in the currently B3 zoning, will exceed all of the setback and height requirements of the UDO, if the CB3 zoning is approved. The cost of land, construction costs, and current economic conditions necessitate the developer construct a four story building. Town council previously approved water allotment for a 101 room hotel. The proposed hotel is 100 rooms. The height of the proposed four story hotel does not exceed the height of the previous three story with gable roof hotel plans which were submitted during the request/approval for water. The gain of a fourth story allowed us to reduce the building footprint by approximately 2,500 square feet and reduce the length of the building by approximately 50 across its length.

2) The establishment of a complete "closure" of the large unsightly gap across from 148 Wintergreen Lane. This destruction of the natural earthen buffer was caused by an UNAUTHORIZED roadway access to the B-3 tract of land. The closure will require a 20-foot tall earthen berm with aesthetically pleasing vegetation planted on it, including a 10-foot tall cedar hedge along the entire ridge of the berm, spaced as to create a "solid"

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vegetated buffer. Agreed. The proposed development will restore, as much as practically possible, the pre-existing natural contours of the property at the "opening" at the Winter Green Lane curve. An opaque Type 'C' buffer will be provided. It is our opinion that very little of the proposed hotel will be visible through the current "opening" after the "cut" is restored and the landscaping completed. The developer would be willing to proceed with the construction of the berm and landscaping this winter, so that both can be established prior to construction commencing in several years.

3) No further cutting of any trees currently located within the wooded area of the R-1 tract of land adjacent to Wintergreen Lane and the Owen property boundary. (This was a recommendation also made by the Town of Boone Arborist, Brian Johnson, on April 23, 2007).

Agreed. No quality existing vegetation will be removed from the current wooded area along Winter Green Lane, with the exception of some of the older white pines near Susan Owen's house, which the developer has agreed to remove, which, should they fall could cause extensive damage to Susan's house.

4) No further grading of land within the current wooded area of the R-1 tract adjacent to Wintergreen Lane and the Owen property boundary. This will retain a natural wooded earthen buffer between the neighborhood and the commercial development. Agreed. No grading will occur in the wooded area, with the exception of restoring the natural grade at the unfortunate opening in the vegetation at Winter Green lane. New landscaping, exceeding the town's standards, will be interspersed in the existing trees.

5) The planting of a 10-foot tall cedar hedge, spaced to create a "solid" vegetated buffer, located just beyond the south edge of the current wooded area described in #3 & #4, and connecting with the hedge described in #2. Agreed, with minor exceptions to plant selection.

6) Removal of all dead trees and brush from the wooded area. Agreed.

7) Parking will be provided only underground and at the front of the hotel, with none behind the structure. Developer cannot provide underground parking. Per the Long Range Master Plan, the UDO, and Smart Growth Concepts, the majority of the proposed parking will be away from the street and behind the building, with the balance of parking distributed at the two ends and front of the proposed building.

8) There will be no "sports bar" established within the hotel. Agreed. No sports bar is planned for the hotel. There will be a breakfast buffet bar, and a limited "pre-pared meal" dinner menu for hotel guests. There will also be a small bar in the lobby for hotel guests.

9) No intense lighting will be erected behind the hotel, nor will such light be directed toward the residential neighborhood. Only one security light will be erected at the rear of the hotel, unless more are required by the franchise. Agreed. As evidenced by the multiple site lighting plans submitted, and continued development of alternative site lighting options, the developer will keep site and building lighting to a minimum, while meeting both the town's UDO and franchise's lighting requirements.

Susan Owen's Comments/Questions:

1) Roof elevation to be no more than 3200 feet in height. Agreed. Developer will limit the height of the parapet walls around the main roof perimeter to 3200 feet (based upon current survey information). Parapet walls at the building offsets may exceed this height but no greater than three feet to create variety in the building elevations, per the Community Appearance Standards required in the UDO. The proposed building exceeds the setback and building height requirements required by the UDO.

2) Roof shall be flat and grey in color. Agreed.

3) The 25-foot planed buffer between my property and the hotel will be moved back from my boundary line, and be as close as possible to the hotel, up to the limits of the already disturbed area. The plants in this buffer will be decided upon by me, Brian Johnson and the landscape architect for the project. Agreed. The

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twenty-five foot buffer has been moved away from the property line and located at the top of the proposed bank.

4) We will not tolerate any light pollution from this project- hence no lighting will be seen from my yard. Bollard type (low profile) lighting to be used as much as possible. Pole/Carriage lights to be kept at a minimum. (Lighting could shine down from the retaining walls?) No exterior lights on the building higher than 1st floor. The building will not be "uplighted." (No lights from ground level shining up onto the building.)

Agreed, see statement # 9 above.

5) No dumping/deliveries, etc. between the hours of 10pm to 7am. The back-up "beepers" on commercial trucks are very loud; they wake us up in the middle of the night from across Hwy. 105, even with our windows closed. Agreed.

6) Restrict the outside 'courtyard' hours to no later than 10pm as well. Drinking and dining outside can very loud as well. Developer will restrict the use of the exterior courtyard at the rear of the building to 11:00 pm.

7) The large dead pine trees along the boundary line close to my house will be taken down, as well as the last standing one in my yard. They are all in a close clump- if all are taken down leaving one standing, it poses a greater risk that the one tree will fall. Agreed.

8) The large gap at the curve of Wintergreen Lane be filled in, as high as possible, to be able to support plantings of large trees and shrubs, to create an opaque buffer. Agreed.

In closing, we believe we have addressed the neighborhood concerns, and have gone to extraordinary measures to include the neighbors in the site and building design, allowing this process to truly be a "community design."

Assuming the CB3 zoning is approved, this proposed project supports many of the goals of Boone's Long Range Master Plan, meets the requirements of the town's current Unified Development Ordinance, and follows many of the ideas in "Smart Growth" planning.

If the project fails to be approved, the current property owners could, without a change to the current zoning, subdivide the property into several individual parcels currently zoned B3 along Highway 105, and several individual home sites in the property currently zoned R-1, which in my opinion, would have a much greater negative impact on the immediate neighbors and neighborhood as a whole, than the proposed development. This could probably be realized without any neighborhood input or consideration at all.

We appreciate your time and your commitment to this community. Damon Malletere, the developer, or myself, will be happy to address any concerns you have, or answer any further questions.

Sincerely,

William (Bill) Max Dixon, Jr., AIA, NCARB

WMD:Jr/shs

Commissioner Turner asked to hear more information from Mrs. Susan Owen and Mrs. Joan White. Mrs. Owen approached the podium and showed the board members photos provided by Mr. Bill Dixon, Project Architect that were not shown at the November 13, 2008 Quarterly Public Hearing meeting. The new photos showed the views without landscaping from Mrs. White's living room front door and from Mrs. Berry's front yard. Mrs. Owen showed some photos with landscaping that included information from the National Arboretum website suggested by Mr. Brian Johnson, Urban Design Specialist. Mrs. Owen stated that the hotel will be hidden with proper landscaping, if the Berm is added correctly with the staggered trees. Mrs. Owen stated that the proposed hotel is the best project for the neighborhood. Mrs. Owen is happy with the proposed landscaping plan as it was presented to her. Mrs. White approached the podium and voiced her concern with the Berm as presented. She is comfortable with the height and vegetation that has been suggested. She stated that the problem in the rendition

presented is that it does not adequately reflect the Grading Plan and the Berm. There are no definitive measurements for the Berm. She would like to know exactly how high the Berm will be on top of the trees once they have been positioned. She spoke about the $50,000 cost for a berm and retaining wall that would be provided by Boone Hotel Five, LLC.

Mr. Devin Staley, Engineer from Blue Ridge Engineering came to the podium and addressed Mrs. White's concern. Mr. Staley handed out copies of the most current rendition of the proposed property. Discussion ensued on the height of the trees and berm. Mr. Staley pointed out the existing grade height of 3,164 and the proposed Grading Plan height of 3,171. Discussion ensued on the view from the front of Mrs. White's house and Mrs. Owen's windows after the trees have been planted. Discussion ensued on the chances of someone seeing inside the residential home windows from the proposed hotel site. Mr. Staley said it would depend on the lighting, cloud coverage and the time of day. Discussion ensued on the proposed vegetation for this proposed hotel site. The most current changes included the moving back of the 25 foot buffer which will exceed the requirements of the UDO. Mrs. White's son began discussion on the proposed total building height. Mr. Bill Dixon, Architect outlined the total height that had been agreed upon. Discussion ensued on the impact of the landscaping presented. Mr. Johnson explained the impact of the landscaping, noise and light pollution at the proposed hotel site. Discussion ensued on the planting of trees while construction is going on to get a head start on the tree growth. Discussion ensued on the removal of two trees and the view will be affected from the front the White residence. The open space from the removal of these trees is 40 to 60 feet off the property line and will not be replaced.

Commissioner Woolridge made a motion that the application is consistent with the Town's 2006 Comprehensive Plan and other applicable adopted plans because:

1. Adequate buffers have been provided adjacent to the residential neighborhood, and

2. The development is adjacent to Highway 105.

Vice-Chairperson McRae seconded the motion.

Vote: Aye – All

Nay – None

The vote was unanimous.

Commissioner Woolridge made another motion to recommend approval of the CDB-3, Conditional District General Business zoning request in accordance with the conditions stated in the November 17, 2008 Draft Copy of conditions provided by the developer and as modified by the Planning Commission (see November 20, 2008 Final Copy below) and with the staff's written recommendations for approval.

Commissioner Turner seconded the motion.

CASE #20080165 – Courtyard by Marriott

CONDITIONS OF APPROVAL

Staff recommended conditions of approval:

1. The project is approved subject to a zoning map amendment petition received from Boone Hotel Five, LLC and all accompanying civil, architectural and electrical drawings bearing a received date of November 3, 2008; **revised architectural elevations and sections bearing a received date of November 13, 2008; and the handout depicting the proposed earthen**

Communication: Courtyard by Marriott- Staff Report Exhibit 1 (Past Meeting Minutes Excerpt) (Case PL00282-022317 Courtyard by Marriott -

berm and landscaping along Wintergreen Drive dated November 14, 2008. Minor modifications may be permitted in order to comply with the requirements of the UDO. Any commitments and representations concerning the proposed project made by the applicant or his representatives at the public hearing shall also become a condition of approval.

2. Final plans shall be submitted that are in compliance with the provisions of the UDO and other applicable provisions of Town, State and Federal Codes prior to final zoning approval.
3. NCDOT driveway permits shall be obtained prior to final zoning approval

Developer's proposed conditions of approval:

Date: **November 20, 2008 FINAL COPY**

(edited in blue to include comments from November 17, 2008 Planning Commission Meeting)

To: Members of the Boone Planning Commission and Boone Town Council

RE: Neighborhood Request and Developer Response

CB3 Zoning Request - Courtyard by Marriott Hotel

Please find below a list of requests from Lynn White and Susan Owen. The developer's response is in red.

Lynn White's Comments/Questions:

1) The height of the hotel will not exceed three (3) stories from the N.C. Highway 105 street level. The developer will not be able to accommodate this request, though we are proposing measures beyond the requirements of the UDO to lessen the impact of the development on the neighbors.

   The steep embankment at the 105 sidewalk will be reduced by almost ½ the current height (Four and one-half (4 ½) feet to six (6) feet is proposed to be cut across the front of the property. The proposed main finished floor is approximately five and one-half feet above Highway 105 at mid point of the site. Some of the factors affecting this decision are 1) Minimizing the grade at driveway entrance, and 2) Continued "cutting" of the grade at 105 worsens the grading conditions at back of property and Winter Green Lane.

   The proposed four story building of which 95% is in the currently B3 zoning more than meets all of the setback and height requirements of the UDO, if the CB3 zoning is approved. The cost of land, construction costs, and current economic conditions necessitate the developer construct a four story building. Town council previously approved water allotment for a 101 room hotel. The proposed hotel is 100 rooms. The height of the proposed four story hotel ***does not*** exceed the height of the previous three story with gable roof hotel plans which were submitted during the request/approval for water. The gain of a fourth story allowed us to reduce the building footprint by approximately 2,500 square feet and reduce the length of the building by approximately 50 across its length.

2) The establishment of a complete "closure" of the large unsightly gap across from 148 Wintergreen Lane. This destruction of the natural earthen buffer was caused by an UNAUTHORIZED roadway access to the B-3 tract of land. The closure will require a 20-foot tall earthen berm with aesthetically pleasing vegetation planted on it, including a 10-foot tall cedar hedge along the entire ridge of the berm, spaced as to create a "solid" vegetated buffer. The proposed development will restore, as much as practically possible, the pre-existing natural contours of the property at the "opening" at the Winter Green Lane curve. To restore the proposed berm to what appears to be natural grade, the height of the berm will range from approximately 7' on the upper end, tapering to 0' on the lower end. An opaque Type 'C' buffer will be provided. It is our opinion that very little of the proposed hotel will be visible through the current "opening" after the "cut" is restored and the landscaping completed. The developer has agreed to construct the berm and landscaping within six months of the approval for the CB3 zoning (May 20, 2009) and Development Services

Department approval, so that both the berm and landscaping can be established prior to construction commencing in several years.

3) No further cutting of any trees currently located within the wooded area of the R-1 tract of land adjacent to Wintergreen Lane and the Owen property boundary. (This was a recommendation also made by the Town of Boone Arborist, Brian Johnson, on April 23, 2007).

   No quality existing vegetation will be removed from the current wooded area along Winter Green Lane, with two exceptions: 1) Two trees will be removed in the parking lot and retaining wall area (14" poplar and 24" white pine-as indicated on landscape plan), and 2) Two older white pines near Susan Owen's house, which the developer has agreed to remove, which, should they fall, could cause extensive damage to Susan's house. It is the developer's intention (and benefit) that all high quality existing vegetation to remain along the perimeter of the site with new landscaping interspersed through out. Brian Johnson will work with landscape designer and installer in determining what existing vegetation will remain or be removed at the time of installation.

4) No further grading of land within the current wooded area of the R-1 tract adjacent to Wintergreen Lane and the Owen property boundary. This will retain a natural wooded earthen buffer between the neighborhood and the commercial development. Agreed. No grading will occur in the wooded area, with the exception of restoring the natural grade at the unfortunate opening in the vegetation at Winter Green lane. New landscaping, exceeding the town's standards, will be interspersed in the existing trees.

5) The planting of a 10-foot tall cedar hedge, spaced to create a "solid" vegetated buffer, located just beyond the south edge of the current wooded area described in #3 & #4, and connecting with the hedge described in #2. The developer will install minimum 15' high 'Green Giant' Arbor Vitae trees with a minimum of two rows with plants staggered to form an opaque buffer as proposed on landscape plan.

6) Removal of all dead trees and brush from the wooded area. Agreed.

7) Parking will be provided only underground and at the front of the hotel, with none behind the structure. Developer cannot provide underground parking. Per the Long Range Master Plan, the UDO, and Smart Growth Concepts, the majority of the proposed parking will be away from the street and behind the building, with the balance of parking distributed at the two ends and front of the proposed building.

8) There will be no "sports bar" established within the hotel. Agreed. No sports bar is planned for the hotel. There will be a breakfast buffet bar, and a limited "pre-pared meal" dinner menu for hotel guests. There will also be a small bar in the lobby for hotel guests.

9) No intense lighting will be erected behind the hotel, nor will such light be directed toward the residential neighborhood. Only one security light will be erected at the rear of the hotel, unless more are required by the franchise. Agreed. As evidenced by the multiple site lighting plans submitted, and continued development of alternative site lighting options, the developer will keep site and building lighting to a minimum, while meeting both the town's UDO and franchise's lighting requirements.

<u>Susan Owen's Comments/Questions</u>:

1) Roof elevation to be no more than 3200 feet in height. Developer will limit the height of the parapet walls to 3203 feet (based upon current survey information and proposed finished floor elevation of 3151.71). The proposed building more than meets the setback and building height requirements required by the UDO.

2) Roof shall be flat and grey in color. Agreed.

3) The 25-foot planned buffer between my property and the hotel will be moved back from my boundary line, and be as close as possible to the hotel, up to the limits of the already disturbed

area. The plants in this buffer will be decided upon by me, Brian Johnson and the landscape architect for the project. Agreed. The twenty-five foot buffer has been moved away from the property line and located at the top of the proposed bank.

4) We will not tolerate any light pollution from this project- hence no lighting will be seen from my yard. Bollard type (low profile) lighting to be used as much as possible. Pole/Carriage lights to be kept at a minimum. (Lighting could shine down from the retaining walls?) No exterior lights on the building higher than 1st floor. The building will not be "uplighted." (No lights from ground level shining up onto the building.) Agreed with exceptions. On the back and two ends of the building, no lights will be installed above first floor and no ground lights shinning up will be installed. The Highway 105 elevation facing the street can be lighted per developer's and architect's discretion, within the requirements of the UDO. Architect and Engineer will continue to develop the site lighting plans to minimize off site light pollution. 'Low to the ground' lighting options under consideration are recessed lights in retaining and courtyard walls, bollard lighting, and low landscape lights. Also see comment # 9 above.
5) No dumping/deliveries, etc. between the hours of 10pm to 7am. The back-up "beepers" on commercial trucks are very loud; they wake us up in the middle of the night from across Hwy. 105, even with our windows closed. Agreed.
6) Restrict the outside 'courtyard' hours to no later than 10pm as well. Drinking and dining outside can very loud as well. Developer will restrict the use of the exterior courtyard at the rear of the building to 11:00 pm.
7) The large dead pine trees along the boundary line close to my house will be taken down, as well as the last standing one in my yard. They are all in a close clump- if all are taken down leaving one standing, it poses a greater risk that the one tree will fall. Agreed.
8) The large gap at the curve of Wintergreen Lane be filled in, as high as possible, to be able to support plantings of large trees and shrubs, to create an opaque buffer. Agreed.

In closing, we believe we have addressed the neighborhood concerns, and have gone to extraordinary measures to include the neighbors in the site and building design, allowing this process to truly be a "community design." Assuming the CB3 zoning is approved, this proposed project supports many of the goals of Boone's Long Range Master Plan, meets the requirements of the town's current Unified Development Ordinance, and follows many of the ideas in "Smart Growth" planning.

If the project fails to be approved, the current property owners could, without a change to the current zoning, subdivide the property into several individual parcels currently zoned B3 along Highway 105, and several individual home sites in the property currently zoned R-1, which in my opinion, would have a much greater negative impact on the immediate neighbors and neighborhood as a whole, than the proposed development. This could probably be realized without any neighborhood input or consideration at all.

We appreciate your time and your commitment to this community. Damon Malletere, the developer, or myself, will be happy to address any concerns you have, or answer any further questions.

William (Bill) Max Dixon, Jr., AIA, NCARB

Vote: Aye – All

Nay – None

The vote was unanimous.

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11-20-08 Town Council Meeting Minute Excerpt

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Case 20080165 Courtyard by Marriott - Boone Five, LLC requested to change the zoning classification of property located on NC Highway 105 across from Hampton Inn. The request is to change the zoning from split B-3, General Business and R-1, Single-Family Resident to CDB-3, Conditional District General Business. Approval of the request would permit the construction of a 100-unit Courtyard by Marriott. Development Services Director John Spear said the Planning Commission recommended approval of the zoning map amendment with conditions. Mr. Spear reminded Council that a valid protest petition was received on the case which will require a super majority vote of Council to approve. Mayor Clawson reopened the public hearing on the case at 6:50 p.m.

Damon Malletere, developer of the project, reported that a request to change the retaining wall structures that was made by Ms. White earlier today could not be accommodated. Mr. Malletere said he has agreed to many of the conditions that were presented at the public hearing and that he is requesting that Council either approve or disapprove of the request tonight. Mr. Malletere reiterated that he has accommodated all the neighbors' request to the best of his economic ability. Mr. Malletere said he has agreed to over $100,000 in landscaping which includes plans to restore the cut along Wintergreen Lane to its original slope. Mr. Malletere said the property owners have a grading plan that will allow a cut within 25' of adjacent properties and that the property can be subdivided to allow fast-food restaurants.

Devin Staley with Blowing Rock Engineering presented a cross section profile of the berm and explained that the landscaping buffer will include green giant arbor vitae trees. Council member Mason asked why changing the retaining walls is not viable. Mr. Staley said if the length of the retaining wall is increased, it will lower the height of the berm, an action which will mean less landscaping.

Bill Dixon, architect for the project, feels that the developers have made extended efforts to appease the neighborhood with hopes for a "win/win" situation for all involved. Mr. Dixon reviewed the changes made, such as reducing the flood heights, using low-level lighting and installing a flat roof.

Lynne White of Wintergreen Lane reiterated that the proposed berm is not adequate and will not buffer noise. Ms. White requested that the rezoning be denied as presented.

Susan Owen of Wintergreen Lane read emails from her daughters regarding the situation. Ms. Owen said the developers have worked very hard to appease the neighborhood and that she is in favor of the rezoning request with the conditions that were negotiated.

Jeff Collins, one of the property owners, said this will be a beautiful project and that it is well engineered. Mr. Collins said the developers have tried to do everything that Ms. White has asked of them.

Bob Schlagal of Highland Avenue felt his neighborhood is one in crisis and that he would like to see the property restored as a park; however, he will concede to a hotel given the alternatives.

There being no further public comment the public hearing closed at 7:23 p.m.

Council member Pepin commended the neighborhood and developers for their negotiations citing that there are no easy or perfect answers. Council member Pepin said that some neighbors have more to lose than others and that for the developers every change costs money. Council member Mason asked the developers if they have agreed to the Planning Commission conditions. Mr. Malletere nodded yes. Council member Mason said even though she has seen great efforts on both sides, that not everyone is going to be satisified with this rezoning. Council member Brantz agreed that the solution is not perfect but that people working together is the direction

Communication: Courtyard by Marriott- Staff Report Exhibit 1 (Past Meeting Minutes Excerpt) (Case PL00282-022317 Courtyard by Marriott -

Boone wants to move forward. Council member Aycock pointed out that the alternatives can be worse for the neighborhood. Council member Phillips said if one envisions a "worst-case" scenario, the hotel is more compatible with the neigbhorhood. Council member Mason agreed that most of the parcel is zoned B-3 with development that can occur without public comment.

On a motion by Council member Phillips, seconded by Council member Aycock, Council moved that the proposed amendment to the Town's zoning map is consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to this application because:

1. A hotel is more compatible with the adjacent neighborhood than many other uses permissible in B-3 zoning districts.
2. Effort has been made to provide effective buffering and/or landscaping where commercial use adjoins residential use.
3. Effort has been made to minimize the impact of the development on the neighborhood.
4. The site utilizes current infrastructure and is in the primary growth area.
5. The projects encourages economic development and revitalization of a currently under-used site primarily located in a commercial area
6. The project will improve the appearance of a major roadway.

VOTE: **Aye-All**

Nay-None

On a motion by Council member Phillips, seconded by Council member Aycock, Council moved to approve the proposed amendment to the Town's zoning map and believe approval is reasonable and in the public interest because:

1. The staff recommendations for the project are as follows:
2. The applicant agreed to comply with his letter of response to the neighborhood residents as follows:

CONDITIONS OF APPROVAL

Staff recommended conditions of approval:

1. The project is approved subject to a zoning map amendment petition received from Boone Hotel Five, LLC and all accompanying civil, architectural and electrical drawings bearing a received date of November 3, 2008; **revised architectural elevations and sections bearing a received date of November 13, 2008; and the handout depicting the proposed earthen berm and landscaping along Wintergreen Drive dated November 14, 2008**. Minor modifications may be permitted in order to comply with the requirements of the UDO. Any commitments and representations concerning the proposed project made by the applicant or his representatives at the public hearing shall also become a condition of approval.
2. Final plans shall be submitted that are in compliance with the provisions of the UDO and other applicable provisions of Town, State and Federal Codes prior to final zoning approval.
3. NCDOT driveway permits shall be obtained prior to final zoning approval

Developer's proposed conditions of approval:

Date: **November 20, 2008 FINAL COPY**

(edited in blue to include comments from November 17, 2008 Planning Commission Meeting)

To: Members of the Boone Planning Commission and Boone Town Council

Communication: Courtyard by Marriott- Staff Report Exhibit 1 (Past Meeting Minutes Excerpt) (Case PL00282-022317 Courtyard by Marriott -

RE: Neighborhood Request and Developer Response

CB3 Zoning Request - Courtyard by Marriott Hotel

Please find below a list of requests from Lynn White and Susan Owen. The developer's response is in red.

Lynn White's Comments/Questions:

1. The height of the hotel will not exceed three (3) stories from the N.C. Highway 105 street level. The developer will not be able to accommodate this request, though we are proposing measures beyond the requirements of the UDO to lessen the impact of the development on the neighbors.

The steep embankment at the 105 sidewalk will be reduced by almost ½ the current height (Four and one-half (4 ½) feet to six (6) feet is proposed to be cut across the front of the property. The proposed main finished floor is approximately five and one-half feet above Highway 105 at mid point of the site. Some of the factors affecting this decision are 1) Minimizing the grade at driveway entrance, and 2) Continued "cutting" of the grade at 105 worsens the grading conditions at back of property and Winter Green Lane.

The proposed four story building of which 95% is in the currently B3 zoning more than meets all of the setback and height requirements of the UDO, if the CB3 zoning is approved. The cost of land, construction costs, and current economic conditions necessitate the developer construct a four story building. Town council previously approved water allotment for a 101 room hotel. The proposed hotel is 100 rooms. The height of the proposed four story hotel **does not** exceed the height of the previous three story with gable roof hotel plans which were submitted during the request/approval for water. The gain of a fourth story allowed us to reduce the building footprint by approximately 2,500 square feet and reduce the length of the building by approximately 50 across its length.

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3. No further cutting of any trees currently located within the wooded area of the R-1 tract of land adjacent to Wintergreen Lane and the Owen property boundary. (This was a recommendation also made by the Town of Boone Arborist, Brian Johnson, on April 23, 2007). No quality existing vegetation will be removed from the current wooded area along Winter Green Lane, with two exceptions: 1) Two trees will be removed in the parking lot and retaining wall area (14" poplar and 24" white pine-as indicated on landscape plan), and 2) Two older white pines near Susan Owen's house, which the developer has agreed to remove, which, should they fall, could cause extensive damage to Susan's house. It is the developer's intention (and benefit) that all high quality existing vegetation to remain along the perimeter of the site with new landscaping interspersed through out. Brian Johnson will work with landscape designer and installer in determining what existing vegetation will remain or be removed at the time of installation.

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the exception of restoring the natural grade at the unfortunate opening in the vegetation at Winter Green lane. New landscaping, exceeding the town's standards, will be interspersed in the existing trees.

5. The planting of a 10-foot tall cedar hedge, spaced to create a "solid" vegetated buffer, located just beyond the south edge of the current wooded area described in #3 & #4, and connecting with the hedge described in #2. The developer will install minimum 15' high 'Green Giant' Arbor Vitae trees with a minimum of two rows with plants staggered to form an opaque buffer as proposed on landscape plan.

6. Removal of all dead trees and brush from the wooded area. Agreed.

7. Parking will be provided only underground and at the front of the hotel, with none behind the structure. Developer cannot provide underground parking. Per the Long Range Master Plan, the UDO, and Smart Growth Concepts, the majority of the proposed parking will be away from the street and behind the building, with the balance of parking distributed at the two ends and front of the proposed building.

8. There will be no "sports bar" established within the hotel. Agreed. No sports bar is planned for the hotel. There will be a breakfast buffet bar, and a limited "pre-pared meal" dinner menu for hotel guests. There will also be a small bar in the lobby for hotel guests.

9. No intense lighting will be erected behind the hotel, nor will such light be directed toward the residential neighborhood. Only one security light will be erected at the rear of the hotel, unless more are required by the franchise. Agreed. As evidenced by the multiple site lighting plans submitted, and continued development of alternative site lighting options, the developer will keep site and building lighting to a minimum, while meeting both the town's UDO and franchise's lighting requirements.

Susan Owen's Comments/Questions:

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2. Roof shall be flat and grey in color. Agreed.

3. The 25-foot planned buffer between my property and the hotel will be moved back from my boundary line, and be as close as possible to the hotel, up to the limits of the already disturbed area. The plants in this buffer will be decided upon by me, Brian Johnson and the landscape architect for the project. Agreed. The twenty-five foot buffer has been moved away from the property line and located at the top of the proposed bank.

4. We will not tolerate any light pollution from this project- hence no lighting will be seen from my yard. Bollard type (low profile) lighting to be used as much as possible. Pole/Carriage lights to be kept at a minimum. (Lighting could shine down from the retaining walls?) No exterior lights on the building higher than 1st floor. The building will not be "uplighted." (No lights from ground level shining up onto the building.) Agreed with exceptions. On the back and two ends of the building, no lights will be installed above first floor and no ground lights shinning up will be installed. The Highway 105 elevation facing the street can be lighted per developer's and architect's discretion, within the requirements of the UDO. Architect and Engineer will continue to develop the site lighting plans to minimize off site light pollution. 'Low to the ground' lighting options under consideration are recessed lights in retaining and courtyard walls, bollard lighting, and low landscape lights. Also see comment # 9 above.

5. No dumping/deliveries, etc. between the hours of 10pm to 7am. The back-up "beepers" on commercial trucks are very loud; they wake us up in the middle of the night from across Hwy. 105, even with our windows closed. Agreed.

6. Restrict the outside 'courtyard' hours to no later than 10pm as well. Drinking and dining outside can very loud as well. Developer will restrict the use of the exterior courtyard at the rear of the building to 11:00 pm.

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8. The large gap at the curve of Wintergreen Lane be filled in, as high as possible, to be able to support plantings of large trees and shrubs, to create an opaque buffer. Agreed.
In closing, we believe we have addressed the neighborhood concerns, and have gone to extraordinary measures to include the neighbors in the site and building design, allowing this process to truly be a "community design." Assuming the CB3 zoning is approved, this proposed project supports many of the goals of Boone's Long Range Master Plan, meets the requirements of the town's current Unified Development Ordinance, and follows many of the ideas in "Smart Growth" planning.
If the project fails to be approved, the current property owners could, without a change to the current zoning, subdivide the property into several individual parcels currently zoned B3 along Highway 105, and several individual home sites in the property currently zoned R-1, which in my opinion, would have a much greater negative impact on the immediate neighbors and neighborhood as a whole, than the proposed development. This could probably be realized without any neighborhood input or consideration at all.
We appreciate your time and your commitment to this community. Damon Malletere, the developer, or myself, will be happy to address any concerns you have, or answer any further questions.

William (Bill) Max Dixon, Jr., AIA, NCARB

VOTE: **Aye-All**
NAY-NONE

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05-03-2010 QPH MEETING MINUTE EXCERPT

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CASE 20100163 CATACORNER INVESTMENTS – CONDITIONAL DISTRICT ZONING MODIFICATION

Mr. Jeff Collins for Catacorner Investments and Mr. Reg Poteat have filed a Conditional District Map Modification request for property located on Hwy 105 (Watauga County PIN: 2910-13-8946-000 and a portion of 2910-13-6885-000). The request is to modify the site specific development plan associated with the Conditional District B-3 General Business zoning district for the Courtyard by Marriott which received Conditional District B-3 approval in November of 2008.

Ms. Shook, Planner presented this case as outlined in the meeting packet. Ms. Shook said that there was one valid protest petition to trigger a super majority. Mayor Pro-Tem Mason asked Ms. Shook to highlight the area of previous conditions from November of 2008. She talked about the installation of a berm on Wintergreen Lane. She was recently present at a meeting at the site and it is her understanding that under a new proposal a portion of this berm will need to be removed. Ms. Shook said that in order for the applicant to be in compliance with their approval, the berm had to be installed initially. Council Member Leigh asked about an encroachment agreement. Mr. Johnson said that they were not in the right-of-way and an encroachment agreement is not needed. Mayor Pro-Tem Mason said it was her understanding the height of the retaining wall is lower than the elevation of the current berm. How can the berm currently be restored in relation to the height of the retaining wall, she would need more information to conceptualize. Mr. Jim Deal, Attorney for Mr. and Mrs. Reg Poteat came to the podium.

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Mr. Deal explained that he scheduled a meeting with Ms. White and Ms. Owen to talk about their concerns with the initial concept that he had presented. Mr. Deal said that since he has met with them, they have changed the plan significantly. Mr. Deal said that he tried to address as many of their concerns as he could and still build something that is attractive to the community. Mr. Deal pointed out that almost all of the conditions that were in the original permit are not being changed. Only three or four conditions have they been asked to change. Mr. Deal said that seven through eighteen are not being changed. Mr. Deal said he met with the Development Services Staff for guidance. Mr. Deal said part of what creates the issue is when the original plan first came before the Town Council; it was the Marriot Courtyard Version Number Three. This was the version that Marriot Courtyards was building at that point in time. Mr. Deal pointed out that these kinds of hotel chains are constantly changing. Mr. Deal gave the differences between the different versions of this hotel chain. Mr. Deal explained the difference in walls heights, access to hotel site, the dumpster service between 8 AM and 9 AM, moving the structure back and maintaining elevation to prevent the Staples issue. Mayor Pro-Tem Mason stated that she needs the significant changes in writing because it is difficult for her to conceptualize. She talked about the location of the building and it is against the Smart Growth Principles. Mr. Deal said this project is a challenge being next to a R-1 neighborhood in the back of it, he prefers to put the building further back to put noise in the front of the building. Mr. Deal met with neighbors to address their concerns. Mr. Deal later at this meeting asked the engineers to explain the changes from a professional standpoint. Commissioner Woolridge asked Mr. Deal what does the developer have to gain by moving the building back ten feet? Mr. Deal said it gives better access off of Hwy 105, more landscaping, allows Version Four of this hotel chain which would look better. Mr. Reg Poteat, hotel owner talked about how the streetscape is very important. Mr. Poteat talked about the awards at his High Point, North Carolina hotel and other hotel locations that have won awards as a result of their landscaping. Mr. Sam Furgiuele commented on the authority of the Town Council and the Section 397 of the Unified Development Ordinance and the Appearance Standards and preserving historic trees. He talked about the possibility of the need for a variance request and how the Town Council cannot grant a variance.

The first speaker was Mr. David Turlington, Attorney presenting many residences near this location. Mr. Turlington handed out a written submission for the file and he asked the Town Council Members and the Planning Commissioners to consider the content of it. He commented that the petitioners modified what they submitted. Mr. Turlington said we are looking at a hotel that is anywhere from four to six feet taller than the previous hotel and it is ten feet closer to the houses and a dumpster and parking that is closer to the houses. He said that now he hears that they want ten feet retaining walls. Mr. Turlington said that there are four foot retaining walls and eight foot setbacks in the current statutes. There are no historic trees there that he knows of at this time. Mr. Turlington said it is a big issue in 20 years when the Marriot franchise expires and the next thing you know it is student housing.

The second speaker was Lynn White. She lives at 170 Wintergreen Lane and has lived here 47 years. Ms. White said that her son was present to distribute some reference materials. The reference materials included three pages of information on this case and photographs of the grading line of the established berm and hedge close to this sight. She has seen a lot of changes in the Town of Boone. She and her husband returned to Boone in 1961 to teach at the Appalachian State University. Each of them taught more than 35 years at ASU. She bought her home in 1972 at 170 Wintergreen Lane. She raised her three

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sons there. She considers the area where her home is to be one of the most beautiful and historic areas in Boone. She is in opposition of the current proposal and she stated the reasons why, please see attached. She pointed out eight significant changes. She said that in 2005, she purchased the house next door to her home at 148 Wintergreen Lane where Mrs. Louise Berry lives. This home is directly across from the gap she is referring to in the reference materials. This is the only rental property that Ms. White owns. She further explained the history of the creation of an earthen berm near this property which included a hedge. She further explained the rest of the information in the reference materials. Ms. White encouraged all present to come and look out the windows of her home and Mrs. Berry's to see the negative effect that they will experience. She pointed out that there is on file a previously approved proposal for the development for a hotel on the land in question. She said they spent two years or more and she thought it was resolved. Now a totally new plan comes out and it impacts her neighborhood even more so. She said the residences do appreciate the entries that were sited within the Comprehensive Plan policies, noted in pages five through seven in the staff report.

The third speaker was Mr. Andy Stallings. Mr. Stallings lives at 390 Highland Avenue. He lives outside the 100 feet limit. His parents built his house there in 1948. He pointed out there are a lot of engineering issues with this project and most engineering issues can be solved. Mr. Stallings said he has spoken to Ms. Owens and he thinks it would be inappropriate for any plan to be approved that has not been seen by the affected neighbors to this project. He said he is curious on what the next step would be to move forward with this project.

The fourth speaker was Martin Root. He lives at 214 Wintergreen Lane. He said he welcomes the Courtyard Marriot and he said he thinks everything can be worked out for this project. He said it is apparent that the latest changes were not presented in writing at this meeting and he would like to see the newest plans in writing before approvals are made to this project.

The fifth speaker was Jeff Collins. He lives at 104 Hwy 105 South. He is the owner of Peabody's. He also owns a portion of land near Peabody's. He is in support of the Courtyard Marriot.

The sixth speaker was Gregg Parsons. He lives at 1104 Hwy 105 South. He is not in support of the neighbors having to see a hotel out of their house windows. He supports the hotel owner wanting to make this hotel a better place, if he is given a chance.

The seventh speaker was Susan Owen. She lives at 195 Wintergreen Lane. She presented several visuals which included the old and the new site maps without the latest changes. She supports the Courtyard Marriot under the permitted conditions. She was glad to hear that there have been some new changes; she took the new changes as a positive step forward. She said that she would like to review all new plan revisions. She said that she had requested and did not receive the plan, grading plan, utility plan, the landscaping plan and two pages of photometrics, all floorplans and two pages of exterior elevations for comparison with the old information. She also requested the information stating that the Marriott will not let them build the other hotel from the plans of two years ago and she requested it in writing. Mr. Deal said he would provide her with the new changes. Ms. Owen pointed out everything that she is seeing in the old and new changes. She showed pictures of her view from her yard, etc. She talked about the meadow and demonstrated the size of it before the grading began. She had an email regarding the parapet walls saying they would be no higher than 3203 sea level. She has a concern for the parapet walls.

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She said what she really wants is the meadow back with the ground hogs, etc. She demonstrated the 3:1 grade with a ball of string and is interested in the new changes regarding the grade.

Mr. Allan White, the son of Ms. Lynn White asked why with all the acreage at his location does the 1/20 or 1/50 of an acre that the berm is currently sitting on have to be destroyed. Mr. Ham from Blue Ridge Engineering answered questions on a portion of the UDO requirements that they have to meet which include parking.

Mr. Deal said that he got the staff report on Friday, April 20, 2010. He said how you address both concerns from Ms. White and Ms. Owen because Ms. White wants some things that Ms. Owen does not want. How do you satisfy both of them? You can't! You can only address as many concerns as you can and still do a project that benefits the community as a whole. Mr. Deal said he does not know what else he is supposed to do because the joint meeting town meeting only happens once a quarter. He said he has done as much as they possibility can on this with working nights and weekends to gather as much information as possible. He is open to suggestions and ideas to make this project work and to reduce damage to the neighbors.

Mrs. Pat Poteat said that for several years she had looked for property in the Boone area to build a courtyard. Mrs. Poteat said that she received a call saying that this property had all ready been approved for a Courtyard. She became excited and came to Boone to check into it. She said that they are a small family owned company and they own and manage their hotels. Their goal is to exceed their guest and community expectations, if given the opportunity. Mrs. Poteat commented on the fact that the building of this new hotel will create at least 35 new jobs, if given the opportunity. The guests sign a 'no party" document. She said that during the day that the hotel is really quiet. Her High Point, North Carolina hotel manager was present to say that the heaviest check in time is between 3:30 PM to 6:30 PM daily. Mrs. Poteat said that her hotel will be a good neighbor.

With no further questions, Mayor Clawson closed the public hearing for this case.

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05-10-10 PLANNING COMMISSION MEETING MINUTE EXCERPT

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Case 20100163 Catacorner Investments – Conditional District Zoning Modification: Mr. Jeff Collins for Catacorner Investments and Mr. Reg Poteat have filed a Conditional District Map Modification request for property located on Hwy 105 (Watauga County PIN: 2910-13-8946-000 and a portion of 2910-13-6885-000). The request is to modify the site specific development plan associated with the Conditional District B-3 General Business zoning district for the Courtyard by Marriott which received Conditional District B-3 approval in November of 2008.

Chairperson Spann asked for a motion to accept additional public comment and staff comment. Member Dotson made a motion to accept additional public and staff comment, seconded by Vice-Chairperson McRae.

Vote: Aye – All

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Nay - None
The vote was unanimous.

Ms. Shook told the board members that the Development Services staff received on Monday, May 10, 2010 a modification to this case. Mr. Brian Johnson, Urban Design Specialist handed out the one-page 11 X 17 revised site plan. Ms. Shook outlined the changes that showed the differences between the old 2008 plan and the new proposed plan (see attached). The map was colored coded. The blue indicates the retaining wall. The green indicates the berm. The orange indicates the limits of disturbed. Discussion ensued on the proposed modifications. Ms. Shook said that they also submitted revised intensity calculations that do meet the requirements of the ordinance. The location of the dumpster has been moved closer to the Catacorner Investments/Peabody's property.

It was the consensus of the board members to hear additional comment from the neighborhood. A sign-up sheet was started for additional comment.

The first speaker was Ms. Lynn White. Ms. White's son passed out a drawing and a three-page typed document regarding Poteat Hospitality Associates and Catacorner Investments, Inc. dated May 10, 2010 (see attached). She read the information in the document out loud. Discussion ensued on which trees will do best at this location.

The second speaker was Ms. Susan Owen. She noted that her husband Charles Coffey was present at this meeting. Ms. Owen talked about the meadow, emptying of the dumpster, parapet walls and the height of them being no higher than 3203 with the top of the highest parapet wall being at 5604. She noted a difference of five feet over what is permitted for the parapet walls in comparison to the overall floor elevations and she said she would like to see this worked out. Discussion ensued on the difference between the overall height and the elevation of the building and the placement of the 25 foot buffer. Ms. Owen asked the board members to think about in 20 years this building becoming student housing.

The third speaker was Mr. Jim Deal, Attorney. He suggested focusing on the items that need to be amended. He stated that the paperwork is in compliance with the ordinance with a slight site modification. He asked the board members to recommend approved changes in the revised site plan.

Mr. Johnson gave a brief history of the berm stating that the previous owner wanted to help the community at that time. The lower part of the berm will need to be raised.

Mr. Deal said the paperwork will meet the conditions subject to modifications noted in the site plan. Mr. Deal went over the 18 conditions of approval for this case.

The fourth speaker was Ms. Pat Poteat. She gave the history of the longevity of some of her other hotels. She gave some proposed statistics of the increase of sales tax, city tax, county tax and utilities for the Town of Boone. She hopes that this hotel will create 30 to 36 jobs for the Boone area. She said they own three other hotels that are in college towns in High Point, North Carolina, Laurinburg, South Carolina and Greeneville, South Carolina. She said that they will support the town and the university.

Discussion ensued on the plant list and the opaque berm. Mr. Johnson said there is room for a second row which was the whole intent for this berm.

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First motion and vote: Vice Chair McRae made a motion, seconded by Commission Member Vincent that the proposed amendment to the Town's zoning map is consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to this application because it is an appropriate modification to an existing conditional use zone and site plan to take account of changes in the required design for this particular application and it is appropriate and effective design for a difficult site near a residential area.

Vote: **Aye – All**
Nay – None

The vote was unanimous.

Second Motion and Vote: Commission Member Vincent made a recommendation, seconded by Vice-Chair McRae that the Planning Commission recommends approval, subject to the conditions of approval listed in the Staff Report and based upon the testimony of the applicants because it is an appropriate modification to an existing conditional use zone and site plan to take account of changes in the required design for this particular application and it is appropriate and effective design for a difficult site near a residential area.

Modified Conditions of Approval:

1. The project is approved subject to the Conditional District petitions received from Reg Poteat and Jeff Collins and all accompanying civil and architectural drawings bearing a received date of April 5, April 13, April 22, 2010 and May 10, 2010. Insignificant deviations may be permitted in order to comply with the requirements of the UDO. Any commitments and representations concerning the proposed project made by the applicant or his representatives at the public hearing shall also become a condition of approval.
2. All conditions of the previous approval given in November 2008 will remain in effect unless the applicant has expressly indicated intent to modify.

Previous and new conditions of Approval:

	ORIGINAL CONDITIONS	NEW CONDITIONS
1	THE PROJECT IS APPROVED SUBJECT TO A ZONING MAP AMENDMENT PETITION RECEIVED FROM BOONE HOTEL FIVE, LLC AND ALL ACCOMPANYING CIVIL, ARCHITECTURAL AND ELECTRICAL DRAWINGS BEARING A RECEIVED DATE OF NOVEMBER 3, 2008; REVISED ARCHITECTURAL ELEVATIONS AND SECTIONS BEARING A RECEIVED DATE OF NOVEMBER 13, 2008; AND THE HANDOUT DEPICTING THE PROPOSED EARTHEN BERM AND LANDSCAPING ALONG WINTERGREEN LANE DATED NOVEMBER 14, 2008. MINOR MODIFICATIONS MAY BE PERMITTED IN ORDER TO COMPLY WITH THE REQUIREMENTS OF THE UDO. ANY COMMITMENTS AND REPRESENTATIONS CONCERNING THE PROPOSED PROJECT MADE BY THE APPLICANT OR HIS REPRESENTATIVES AT THE	PER MR. DEAL THIS CONDITION IS MODIFIED TO REFLECT THE NEW CIVIL AND ARCHITECTURAL DRAWING SUBMITTED BY THE APPLICANT. SEE #1 IN THE MODIFIED CONDITIONS OF APPROVAL ABOVE.

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	PUBLIC HEARING SHALL ALSO BECOME A CONDITION OF APPROVAL.	
2	FINAL PLANS SHALL BE SUBMITTED THAT ARE IN COMPLIANCE WITH THE PROVISIONS OF THE UDO AND OTHER APPLICABLE PROVISIONS OF TOWN, STATE, AND FEDERAL CODES PRIOR TO FINAL ZONING APPROVAL.	PER MR. DEAL, THIS CONDITION TO REMAIN IN EFFECT, NOT MODIFIED BY THE APPLICANT.
3	NCDOT DRIVEWAY PERMITS SHALL BE OBTAINED PRIOR TO FINAL ZONING APPROVAL.	PER MR. DEAL, THIS CONDITION TO REMAIN IN EFFECT, NOT MODIFIED BY THE APPLICANT.
4	THE PROPOSED DEVELOPMENT WILL RESTORE, AS MUCH AS PRACTICABLY POSSIBLE, THE PREEXISTING NATURAL CONTOURS OF THE PROPERTY AT THE "OPENING" AT THE WINTERGREEN LANE CURVE. TO RESTORE THE PROPOSED BERM TO WHAT APPEARS TO BE NATURAL GRADE THE HEIGHT OF THE BERM WILL RANGE FROM APPROXIMATELY SEVEN FEET ON THE UPPER END, TAPERING TO ZERO FEET ON THE LOWER END. AN OPAQUE TYPE C BUFFER WILL BE PROVIDED. THE DEVELOPER HAS AGREED TO CONSTRUCT THE BERM AND LANDSCAPING WITHIN SIX MONTHS OF THE APPROVAL OF THE CD-B3 ZONING (MAY 30, 2009) AND DEVELOPMENT SERVICES DEPARTMENT APPROVAL SO THAT BOTH THE BERM AND LANDSCAPING CAN BE ESTABLISHED PRIOR TO CONSTRUCTION COMMENCING IN SEVERAL YEARS.	PER MR. DEAL, THIS CONDITION TO REMAIN IN EFFECT, NOT MODIFIED BY THE APPLICANT.
5	NO QUALITY EXISTING VEGETATION WILL BE REMOVED FROM THE CURRENT WOODED AREA ALONG WINTERGREEN LANE, WITH TWO EXCEPTIONS: 1) TWO TREES WILL BE REMOVED IN THE PARKING LOT AND THE RETAINING WALL AREA (14" POPLAR AND 24" WHITE PINE-AS INDICATED ON LANDSCAPE PLAN), AND 2) TWO OLDER WHITE PINES NEAR SUSAN OWENS HOUSE, WHICH THE DEVELOPER HAS AGREED TO REMOVE, WHICH, SHOULD THEY FALL, COULD CAUSE EXTENSIVE DAMAGE TO SUSAN'S HOUSE. IT IS THE DEVELOPER'S INTENTION (AND BENEFIT) THAT ALL HIGH QUALITY EXISTING VEGETATION TO REMAIN ALONG THE PERIMETER OF THE SITE WITH NEW LANDSCAPING INTERSPERSED THROUGHOUT. THE URBAN DESIGN SPECIALIST WILL WORK WITH THE LANDSCAPING DESIGNER AND INSTALLER IN DETERMINING WHAT EXISTING	AS PER MR. DEAL, THE APPLICANT HAS MODIFIED THIS CONDITION WITH THE RELOCATION OF THE DUMPSTER, MODIFICATION OF THE RETAINING WALLS, AND MODIFICATION TO THE PROPOSED PARKING AREA IN THE LOCATION OF WINTERGREEN LANE. NO MODIFICATIONS WERE SPECIFICALLY MADE TO THE REQUIREMENTS ABOUT THE REMOVAL OF TREES OR

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	VEGETATION WILL REMAIN OR BE REMOVED AT THE TIME OF INSTALLATION.	WORKING WITH THE URBAN DESIGN SPECIALIST.
6	NO FURTHER GRADING OF LAND WITHIN THE CURRENT WOODED AREA OF THE R-1 TRACT ADJACENT TO WINTERGREEN LANE AND THE OWEN PROPERTY BOUNDARY. THIS WILL RETAIN A NATURAL WOODED BUFFER BETWEEN THE NEIGHBORHOOD AND THE COMMERCIAL DEVELOPMENT. NEW LANDSCAPING, EXCEEDING THE TOWN'S STANDARDS, WILL BE INTERSPERSED IN THE EXISTING TREES.	PER MR. DEAL, THIS CONDITION TO REMAIN IN EFFECT, NOT MODIFIED BY THE APPLICANT.
7	THE DEVELOPER WILL INSTALL MINIMUM 15' HIGH "GREEN GIANT" ARBORVITAE TREES WITH A MINIMUM OF TWO ROWS WITH PLANTS STAGGERED TO FORM AN OPAQUE BUFFER AS PROPOSED ON THE LANDSCAPE PLAN.	PER MR. DEAL, THIS CONDITION TO REMAIN IN EFFECT, NOT MODIFIED BY THE APPLICANT.
8	REMOVAL OF ALL DEAD TREES AND BRUSH FROM THE CURRENT WOODED AREA OF THE R-1 TRACT ADJACENT TO WINTERGREEN LANE WILL BE COMPLETED BY THE DEVELOPER.	PER MR. DEAL, THIS CONDITION TO REMAIN IN EFFECT, NOT MODIFIED BY THE APPLICANT.
9	THERE WILL BE NO "SPORTS BAR" ESTABLISHED WITHIN THE HOTEL. THERE WILL BE A BREAKFAST BUFFET BAR AND A LIMITED "PREPARED MEAL" DINNER MENU FOR HOTEL GUESTS. THERE WILL ALSO BE A SMALL BAR IN THE LOBBY FOR HOTEL GUESTS.	PER MR. DEAL, THIS CONDITION TO REMAIN IN EFFECT, NOT MODIFIED BY THE APPLICANT.
10	NO INTENSE LIGHTING WILL BE ERECTED BEHIND THE HOTEL, NOR WILL SUCH LIGHT BE DIRECTED TOWARD THE RESIDENTIAL NEIGHBORHOOD. ONLY ONE SECURITY LIGHT WILL BE ERECTED AT THE REAR OF THE HOTEL UNLESS MORE ARE REQUIRED BY THE FRANCHISE. THE DEVELOPER WILL KEEP SITE AND BUILDING LIGHTING TO A MINIMUM, WHILE MEETING BOTH THE TOWN'S UDO AND FRANCHISE LIGHTING REQUIREMENTS.	PER MR. DEAL, THIS CONDITION TO REMAIN IN EFFECT, NOT MODIFIED BY THE APPLICANT.
11	DEVELOPER WILL LIMIT THE HEIGHT OF THE PARAPET WALLS TO 3203 FEET (BASED UPON CURRENT SURVEY INFORMATION AND PROPOSED FINISHED FLOOR ELEVATION OF 3151.71)	PER MR. DEAL, THIS CONDITION TO REMAIN IN EFFECT, NOT MODIFIED BY THE APPLICANT.

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12	ROOF SHALL BE FLAT AND GREY IN COLOR.	PER MR. DEAL, THIS CONDITION TO REMAIN IN EFFECT, NOT MODIFIED BY THE APPLICANT.
13	THE 25-FOOT PLANNED BUFFER BETWEEN THE OWENS PROPERTY AND THE HOTEL WILL BE MOVED BACK FROM THE BOUNDARY LINE AND BE AS CLOSE AS POSSIBLE TO THE HOTEL, UP TO THE LIMITS OF THE ALREADY DISTURBED AREA. THE PLANTS IN THIS BUFFER WILL BE DECIDED UPON BY MS. OWENS, THE URBAN DESIGN SPECIALIST AND THE LANDSCAPE ARCHITECT FOR THE PROJECT.	PER MR. DEAL, THIS CONDITION TO REMAIN IN EFFECT, NOT MODIFIED BY THE APPLICANT.
14	BOLLARD TYPE (LOW PROFILE) LIGHTING IS TO BE USED AS MUCH AS POSSIBLE. POLE/CARRIAGE LIGHTS ARE TO BE KEPT AT A MINIMUM. NO EXTERIOR LIGHTS ON THE BUILDING HIGHER THAN THE FIRST FLOOR. THE BUILDING WILL NOT BE "UPLIGHTED". ON THE BACK AND TWO ENDS OF THE BUILDING, NO LIGHTS WILL BE INSTALLED ABOVE FIRST FLOOR AND NO GROUNDS LIGHTS SHINING UP WILL BE INSTALLED. THE HIGHWAY 105 ELEVATION FACING THE STREET CAN BE LIGHTED PER THE DEVELOPER'S AND ARCHITECT'S DISCRETION, WITHIN THE REQUIREMENTS OF THE UDO. THE ARCHITECT AND ENGINEER WILL CONTINUE TO DEVELOP THE SITE LIGHTING PLANS TO MINIMIZE OFF SITE LIGHT POLLUTION. "LOW TO THE GROUND" LIGHTING OPTIONS UNDER CONSIDERATION ARE RECESSED LIGHTS IN RETAINING AND COURTYARD WALLS, BOLLARD LIGHTING, AND LOW LANDSCAPE LIGHTS.	PER MR. DEAL, THIS CONDITION TO REMAIN IN EFFECT, NOT MODIFIED BY THE APPLICANT.
15	NO DUMPING/DELIVERIES, ETC. BETWEEN THE HOURS OF 10 PM AND 7 AM.	PER MR. DEAL, THE DUMPSTER LOCATION HAS BEEN MODIFIED. AS NO MODIFICATION HAS BEEN PROPOSED CONCERNING DUMPING OR DELIVERIES, THIS CONDITION WILL REMAIN IN EFFECT.
16	DEVELOPER WILL RESTRICT THE USE OF THE EXTERIOR COURTYARD AT THE REAR OF THE BUILDING TO 11:00 PM.	PER MR. DEAL, THIS CONDITION TO REMAIN IN EFFECT, NOT MODIFIED BY THE APPLICANT.

17	THE LARGE DEAD PINE TREES ALONG THE OWENS BOUNDARY LINE WILL BE TAKEN DOWN, AS WELL AS THE LAST STANDING ONE IN THE OWENS YARD.	PER MR. DEAL, THIS CONDITION TO REMAIN IN EFFECT, NOT MODIFIED BY THE APPLICANT.
18	THE LARGE GAP AT THE CURVE OF WINTERGREEN LANE BE FILLED IN, AS HIGH AS POSSIBLE, TO BE ABLE TO SUPPORT PLANTINGS OF LARGE TREES AND SHRUBS, TO CREATE AN OPAQUE BUFFER.	PER MR. DEAL, THIS CONDITION TO REMAIN IN EFFECT, NOT MODIFIED BY THE APPLICANT.

Vote: **Aye – All**
Nay - None

The vote was unanimous.

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05-18-10 TOWN COUNCIL MEETING MINUTE EXCERPT

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Case 20100163 Catacorner Investments - Conditional District Zoning Modification -
Mr. Jeff Collins for Catacorner Investments and Mr. Reg Poteat have filed a Conditional District Map Modification request for property located on Highway 105 (Watauga County PIN 2910-13-8946-000 and a portion of 2910-13-6885-000). The request is to modify the site specific development plan associated with the Conditional District B-3 General Business zoning district for the Courtyard by Marriott which received Conditional District B-3 approval in November of 2008. Development Services Planner Jane Shook presented the following information regarding the Planning Commission action on this request:

… [See PC Minutes above]

Mayor Clawson noted that there were persons in attendance that wished to speak to this case. Upon a motion by Council Member Ball, seconded by Council Member Mason, Council moved to reopen the public hearing on this case at 7:38 p.m. to hear additional public comment.

VOTE: **Aye - All**
Nay - None

Lynne White of 170 Wintergreen Lane presented information and comments regarding her concern with the project and summarized the following requests:

- Arborvitae trees will be planted from the 133 Wintergreen Lane west property corner to the end of the undisturbed existing tree line. The trees will be planted in three staggered rows, and will be tall enough to match the currently existing arborvitae. Additionally, two staggered rows of 15-foot arborvitae trees will be planted along the boundary of 133 Wintergreen Lane.
- The berm and hedge modifications be completed as soon as possible, to help shield the neighborhood from the next few years of construction noise.

(Information presented by Ms. White permanently on file in the Clerk's office.)

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Susan Owen of 195 Wintergreen Drive stated that her concerns with the height of the building and the placement of the 25-foot buffer between her property and the proposed site have been adequately addressed.

Jim Deal, attorney representing the applicant, stated that his client has worked hard to put a new configuration on the footprint of the plan approved in 2008. He noted that there were concerns about the landscaping plan for the project. Mr. Deal stated the Town's Urban Design Specialist Brian Johnson has met with the neighbors to discuss their concerns regarding the landscaping plan. He further stated that the applicant does agree with condition #13 regarding the 25 ft. buffer between the Owens' property and the hotel site. Mr. Deal stated that the applicant is also agreeable to moving the dumpster site and the hours of operation for dumping. He reiterated that the applicant is willing to comply with Brian Johnson's recommendations concerning the landscape plan requirements. With no further testimony, Mayor Clawson closed the public hearing at 8:30 p.m. Mr. Deal stated that his client would like to have a decision on the landscaping requirements before setting any plants. Council Member Leigh stated that she would like to ask a question of Lynne White. Upon a motion by Council Member Leigh, seconded by Council Member Phillips, Council moved to reopen the public hearing at 8:41 p.m.

VOTE: **Aye - All**
Nay - None

Council Member Leigh asked if Ms. White is satisfied with the conditions of the proposed plan as presented in the staff report. Ms. White stated that she wants to make sure that conditions #7 and 8 are complied with by the applicant. Allen White, son of Lynne White, echoed his mother's concerns. Derek Goddard, of Blue Ridge Environmental Consultants, P.A., agreed that the applicant is willing to meet all existing conditions for this project except where noted by Mr. Deal. Greg Parsons stated that he feels that the issue of the landscaping depends on the perspective from which the project is viewed. With no other testimony offered, Mayor Clawson closed the public hearing at 8:48 p.m. Council Member Mason asked Mr. Deal if the applicant will agree to the following conditions: conditions contained in the staff report, a landscape plan based on the plan dated 11/17/08 as a base plan from which a final landscape plan can be developed by the applicant and a representative from the Planning & Inspections Department after consulting with the members of the neighborhood, a representative from the Planning & Inspections Department make the final recommendation for the landscape plan, and that if all parties do not agree on the final recommendation, the issue can be brought back before the Council. Mr. Deal stated that applicant will agree to the summary as stated by Council Member Mason. Upon a motion by Council Member Mason, seconded by Council Member Ball, Council moved that the proposed amendment to the Town's zoning map, with all stipulated conditions, is consistent with the Town's Comprehensive plan and other applicable adopted plans of the Town which relate to this application because the property is located in the primary growth area, is supported by the G-3 Mixed-Use Center sector of the Boone 2030 Land Use Plan, and because measures were taken to protect the residents of the adjoining properties of the project.

VOTE: **Aye - All**
Nay - None

Upon a motion by Council Member Mason, seconded by Council Member Ball, Council moved to approve the proposed amendment to the Town's zoning ordinance with the staff conditions as contained in the

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Planning Commission minutes dated May 10, 2010, based on the site plan submitted May 10, 2010, and based on the landscape plan dated November 17, 2008 as a minimum plan on which a final plan will be developed by the applicant and a representative from the Planning & Inspections Department in consultation with the neighbors with a final recommendation from the representative from the Planning & Inspections Department. Furthermore she moved that approval is reasonable and in the public interest because efforts were made to minimize the impact on adjoining properties through effective buffering and landscaping.

VOTE: **Aye - Aye**
Nay – None

…

05-06-2013 QPH Meeting Minute Excerpt

…

CASE 20130155 Boone Hospitality Associates, LLC has filed a petition for a Conditional District Map Amendment modification to allow an attached sign on the east side of the Courtyard by Marriott building at 1050 Hwy 105 to be lighted (Watauga County PIN: 2910138946000).

Ms. Shook presented this case as outlined in the meeting packet. Ms. Shook noted that Mr. Ben McKethan, General Manager of the Courtyard by Marriott was present to answer questions.

Mr. Ben McKethan came to the podium to present this case. Mr. McKethan said in addition to the letter found in the meeting packet, he handed out a letter dated May 6, 2013 (permanently attached). Mr. McKethan read the letter at the meeting. Mr. McKethan talked about the photos of the sign located in the meeting packet.

Vice-Chairperson Simmons asked Mr. McKethan, if their sign was a standard corporate sign. Mr. McKethan said yes. Vice-Chairperson Simmons asked Mr. McKethan if anyone from their corporate office had given them a lumen rating on the sign. Mr. McKethan said currently the sign has no lighting on it and it will depend on the light that they put in the sign.

Planning Commission member Buathier said that the lights of the hotel are dark except to the entrances of the hotel are lit, when approaching the hotel at night.

Planning Commission Member Dotson asked Mr. McKethan, if the sign shown in the photos can be seen from Wintergreen Lane. Mr. McKethan said to his knowledge it is not seen from Wintergreen Lane.

Town Council Member Mason asked Mr. McKethan, if there is a road frontage sign for the hotel. Mr. McKethan said yes there are small monument signs on the Peabody's side of the hotel and they are lit.

Planning Commission Member Long asked the staff, we do have a current sign ordinance that covers lighted signs. He said it would seem that the hotel would have to meet the sign ordinance for lighted signs. Mr. Bailey said the hotel sign has met the requirements of the sign ordinance. Mr. Bailey said this

Communication: Courtyard by Marriott- Staff Report Exhibit 1 (Past Meeting Minutes Excerpt) (Case PL00282-022317 Courtyard by Marriott -

is a special case that trumps the sign ordinance because of the conditions placed upon it. Mr. Bailey said for the sign to be lighted from the back is a better option because the brightness of the sign can be better controlled.

First speaker was Ms. Lynne White who lives at 170 Wintergreen Lane. She has lived at this address for 42 years and she also owns the house next door. She said that the hotel is visible from both of her houses. She said the sign is at the entrance of her R-1 single-family neighborhood. She asked how far off the sign ordinance is the sign going to be illuminated. She thinks the illumination of the sign should be specified. She asked for the specifics of the illumination of the proposed sign request. Mr. Bailey said if the Town Council members allow the sign to be lighted; the hotel will be required to follow the requirements of Article 18, Section 323[h]. Mr. Bailey said the bulb size is 11 watts. She asked how many bulbs would be inside the sign. Mr. Bailey said he was not familiar with the construction of this type of sign other than this type of sign is hollow inside. She said that any illumination will impact her neighborhood. She said that her neighborhood has already been impacted with the location of the hotel. She said that more specifics should have been set forward in the petition.

Planning Commission Member Templeton talked about the screening of the hotel not being adequate because of the removal of trees to build the retaining wall behind the hotel. He asked Ms. White, if there was adequate screening behind the hotel would she feel differently about it, she said she was not pursuing the screening. She said that she does not want her neighborhood being illuminated from the light of the hotel sign. She does not want her neighborhood to be greeted by this lighted hotel sign. She wants her neighborhood to be seen as a residential neighborhood.

Planning Commission Member Buathier asked if the lighting of this sign is approved what about the exterior lighting. Ms. Shook said that the condition would still stand about the exterior lighting.

Ms. White asked if the sign would stay the same size. Mr. Bailey said yes and they would only pull the face off of the sign and add the bulbs and connect the wiring and put the face of the sign back on and the lights would come on at night.

Ms. White proposed that a shield be put up on the north side of the sign to prevent any illumination to come into her neighborhood. Mr. Bailey said that he believes there can be.

2nd Speaker was Ms. Susan Owen. Ms. Owen said that she lives behind the hotel and the proposed lighting of the hotel sign is not going to affect her. She said she is speaking on behalf of her neighbors. She said the Courtyard by Marriott has been a good neighbor until they wanted to light this sign. She does not support the lighting of this sign.

Mayor Clawson closed the public hearing for this case.

Mayor Clawson called for a short break at 8:24 p.m. and reconvened the meeting at 8:33 p.m.

…

Communication: Courtyard by Marriott- Staff Report Exhibit 1 (Past Meeting Minutes Excerpt) (Case PL00282-022317 Courtyard by Marriott -

05-13-2013 Planning Commission Meeting Minute Excerpt

…

CASE 20130155 BOONE HOSPITALITY ASSOCIATES, LLC has filed a petition for a Conditional District Map Amendment modification to allow an attached sign on the east side of the Courtyard by Marriott building at 1050 Hwy 105 to be lighted (Watauga County PIN: 2910138946000).

Mr. Bailey presented this case as outlined in the meeting packet. Mr. Bailey pointed out that the sign is legally established and it is not lit. The staff is not allowing the applicant to light the sign because of one of the conditions of approval which is no lighting above the first floor. Mr. Bailey said that the request is for this sign to be lit.

Vice-Chairperson Simmons talked about the agreement in the original approval. He referred to condition 15 of the original approval and noted there will be no exterior lights above the first floor. He said that he felt that the Planning Commission should tread lightly when reviewing this case because of the investment of time and the money that has been spent on behalf of the residents and the developer.

Member McCracken asked if there were any speakers for this case at the Quarterly Public Hearing. Mr. Bailey the speakers were Lynne White and Susan Owen and they did not support the lighting of the sign.

Vice-Chairperson Simmons noted that the sign is shielded partly by the offset of the building. He noted that at the Quarterly Public Hearing that Ms. Lynne White suggested putting up a shield to prevent the light pollution. Mr. Bailey said there has not been a demonstration one way or the other to the staff regarding a shield for the lighted sign by the applicant. Mr. Bailey explained the location of Ms. White's homes and her view of sight of the hotel sign.

Chairperson Woolridge said that this is a tough decision and he does not approve of lighting the sign because of the condition put on the lighting of their sign their approval.

Member Alexander said he was not on the Planning Commission when the Courtyard by Marriott was built but; he can see both sides of the story.

Member Dotson said that the owner of the Courtyard by Marriott has really tried to accommodate the neighbors throughout their project.

Discussion ensued on other options for the sign on the front of the building.

FIRST MOTION: Chairperson Woolridge made the first motion to the proposed amendment to the town's zoning map is not consistent with the town's comprehensive plan and other applicable adopted plans of the town which relate to this application because the proposed amendment to the conditional district zoning map does not occur in the manner that is consistent with the adjacent neighborhood and does not adequately protect the adjacent traditional neighborhood, seconded by Vice-Chairperson Simmons.

VOTE: Aye- 7 (Buathier, Dotson, Long, McCracken, Simmons, Templeton and Woolridge)
Nay – 1 (Alexander)

Communication: Courtyard by Marriott- Staff Report Exhibit 1 (Past Meeting Minutes Excerpt) (Case PL00282-022317 Courtyard by Marriott -

The motion passed.

SECOND MOTION: Member Buathier made a motion to deny the proposed amendment to the town's zoning map and believe denial is reasonable and in the public interest because of the following reasons, seconded by Member Dotson.

1. No lighting above the first floor as outlined in condition 14 of the previous approval.
2. The building will not be up lighted
3. The agreement to minimize off site light pollution

VOTE: Aye – All
Nay – None
The vote was unanimous.

Friendly Amendments:

Chairperson Woolridge said the recommendation for denial comes from the Courtyard by Marriott not demonstrating a good faith effort to come up with a good lighting plan.

Member Alexander asked if the location of the sign could be changed. Mr. Bailey said not based on the current code.

Chairperson Woolridge said let it go on record that it is the consensus of the Planning Commission that the two parties could find a solution to the lighting of the sign by the Courtyard by Marriott working with the neighbors.

…

05-21-2013 Town Council Meeting Minute Excerpt

…

Case 20130155 – Boone Hospitality Associates, LLC has filed a petition for a Conditional District Map Amendment modification to allow an attached sign on the east side of the Courtyard Marriott building at 1050 Highway 105 to be lighted (Watauga County PIN 2910-13-8946-000.)

Planning Director Bill Bailey presented the request for the lighting of existing sign. He noted that the Planning Commission recommended denial of the request. Council discussed the impact of the lighted sign on the adjacent neighborhood.

Vote #1

Upon a motion by Council Member Ball, seconded by Council Member Scherlen, Council moved that the proposed amendment to the Town's zoning map is not consistent with the Town's Comprehensive Plan and other applicable adopted plans of the Town which relate to this application because the proposed

Communication: Courtyard by Marriott- Staff Report Exhibit 1 (Past Meeting Minutes Excerpt) (Case PL00282-022317 Courtyard by Marriott -

amendment to the conditional district zoning map does not occur in the manner that is consistent with the adjacent neighborhood and does not adequately protect the adjacent transitional neighborhood.

VOTE: Aye – 3 (Scherlen, Mason, Ball)

Nay – 1 (Leigh)

Absent – 1 (Brantz)

Vote #2

Upon a motion by Council Member Ball, seconded by Council Member Scherlen, Council moved to deny the proposed amendment to the Town's zoning map and believe approval is reasonable and in the public interest for the following reasons:

1. No lighting above the first floor as outlined in condition 14 of the previous approval.

Bollard type (low profile) lighting is to be used as much as possible. Pole/carriage lights are to be kept at a minimum. No exterior lights on the building higher than the first floor. The building will not be "uplighted." On the back and two ends of the building, no lights will be installed above first floor and no grounds lights shining up will be installed. The Highway 105 elevation facing the street can be lighted per the developer's and architect's discretion, within the requirements of the UDO. The architect and engineer will continue to develop the site lighting plans to minimize off-site light pollution. "Low to the ground" lighting options under consideration are recessed lights in retaining and courtyard walls, bollard lighting, and low landscape.

2. The building will not be uplighted.

3. The agreement to minimize off-site light pollution.

Council Member Leigh stated that the request is a reasonable way to mitigate lighting that goes into the neighborhood and does not feel it would be harming the neighborhood.

VOTE: Aye – 3 (Scherlen, Mason, Ball)

Nay – 1 (Leigh)

Absent – 1 (Brantz)

Communication: Courtyard by Marriott- Staff Report Exhibit 1 (Past Meeting Minutes Excerpt) (Case PL00282-022317 Courtyard by Marriott -

Zoning/Planning Permit Application

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

PERMIT IS FOR (CHOOSE ONE):

- ❑ **Single Family or Duplex (Residential)**
- ❑ **Commercial**
- ❑ **Board of Adjustment Hearing (other than Appeals)**
- ❑ **Planning/Other**

A. CONTACT INFORMATION

Applicant: John Winkler Company: The Winkler Organization

Address: PO Box 2675 Boone, NC 28607

Phone Number: 828-262-3431 Email Address: winkheelsfan@yahoo.com

Property Owner: Howard Street Ventures, LLC Company: N/A

Address: PO Box 2675 Boone, NC 28607

Phone Number: 828-262-3431 Email Address: winkheelsfan@yahoo.com

B. PROPERTY INFORMATION

Watauga County Parcel Identification Number(s): 2900-79-7562-000, 2900-79-6480-000

Address/Location: 783 West King Street Boone, NC

Project Name: Marketplace Mixed Use

C. PERMIT SUBCATEGORIES

Additional Forms Needed

Zoning Permits

❒ Accessory Building	*Zoning Project Data Form (Residential or Commercial)
❒ Addition/Expansion including decks and patios	*Zoning Project Data Form (Residential or Commercial)
❒ Change of Use	*Commerical Project Data Form
❒ Land Disturbance (not associated with the construction of a bldg.)	*Zoning Project Data Form (Residential or Commercial)
❒ Manufactured Home Set-up in Park	*Manufactured Home in Park Form
❒ New Building Construction	*Zoning Project Data Form (Residential or Commercial)
❒ Renovation/Remodel	*Zoning Project Data Form (Residential or Commercial)
❒ Accessory Use (as listed in UDO Subsection 15.07.01)	*Zoning Project Data Form (Residential or Commercial)
❒ Temporary Use (as listed in UDO Subsection 15.07.02)	*Zoning Project Data Form (Residential or Commercial)
❒ Sign	*Sign Project Data Form (Zoning)
❒ Pavement Sealant	*Pavement Sealant Project Data Form
❒ Major Subdivision Zoning Permit	*Commercial Project Data Form

Board of Adjustment Hearings

❒ Special Use Permit/Modification	*Special Use Permit Form
❒ Variance	*Variance Form
❒ Major Subdivision Preliminary Plat Approval	*Major Subdivision Preliminary Plat Approval Form

Planning/Other

❒ Exempt Division of Land	*Subdivision Exemption Project Data Form
❒ Minor Subdivision (Preliminary and Final Plat)	*Minor Subdivision Project Data Form
❒ Major Subdivision (Final Plat)	*Major Subdivision Final Plat Project Data Form
❒ UDO Text Amendment	*Text Amendment Project Data Form
❒ General Use Zoning Map Amendment	* General Use Map Zoning Map Amendment Project Data Form
◆ Conditional District Zoning Map Amendment (PDR)	*Conditional District Zoning Map Amendment Project Data Form
❒ Voluntary Annexation	*Annexation Petition (Satellite or Contiguous)
❒ UDO Text Interpretation	*UDO Interpretation Data Form

D. DETAILED DESCRIPTION OF PROJECT

Mixed Use Building with approximately 14,903 SF of retail/commercial Space, 159 bedrooms, and parking deck

E. PROJECT MANAGER DESIGNATION

A project manager is responsible for the activities listed in UDO Section 4.19. Single-family and two-family projects involving less than ½ acre of land disturbing activity or commercial site improvements that involve no more than 2,500 square feet of land disturbing activity are exempt from this requirement.

Name: John Winkler
Company: The Winkler Organization
Address: PO Box 2675 Boone, NC 28607
License #: N/A
Phone Number: 828-262-3431
Email Address: winkheelsfan@yahoo.com

F. DESIGN PROFESSIONAL INFORMATION

Engineer:

Name: Jason Gaston, P.E.
Company: Valor Engineering, PLLC
Address: 215 Boone Hts. Dr. Ste. 107 Boone, NC
License #: 035233
Phone Number: 828-262-9807
Email Address: jason@valorengineering.com

Architect:

Name: Brent Davis, AIA
Company: Brent Davis Architecture, Inc.
Address: 189 Sally St, Boone, NC 28607
License #: 4921
Phone Number: 828-265-4848
Email Address: bda.arch@yahoo.com

G. APPLICANT SIGNATURE:

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

John Winkler		02/24/17
Applicant[1] (Print)	**Applicant Signature**	**Date**
John Winkler		02/24/17
Property Owner (Print)	**Property Owner Signature**	**Date**

Official Use Only

Project File Name: Marketplace Mixed Use - Planned Development Modification

Permit Number: PL00283-022417

Project Name/Number:

Date:	Fee:	Receipt Number:	Method of Payment:	Paid By:
2-24-17	$500.00	799769	ck # 28611	King Construction

[1] Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person must be submitted along with this application. Execution by property owner of this application signifies that the applicant is authorized to proceed.

Conditional District Map Amendment Project Data Form

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

Official Use Only
Project Name/Number:
Permit Name/Number:

It is recommended that applicants schedule a meeting with Planning & Inspections Staff prior to application submittal.

A. ADDITIONAL APPLICATION INFORMATION

Application is For: ❒ Conditional District Map Amendment ◆ Conditional District Map Amendment Modification

Hearing Date Requested[1]: April, 2017

B. DEVELOPMENT INFORMATION

Project Name: Marketplace Mixed Use

Project Description: Mixed Use Building with approximately 14,903 SF of retail/commercial Space, 159 bedrooms, and parking deck

Existing Zoning District(s): B-1 Proposed Zoning District(s): PDR B-1

Existing Land Use(s): Retail/Restaurant/Office Proposed Land Use(s)[2]: 1.16, 11.09, 11.14, 11.15

Adjacent Land Use(s): N: King Street E: Commercial

W: Water Street S: Howard Street

Are there are any existing variances granted to the property? ❒ Yes ◆ No ❒ Unknown

If yes, describe: N/A

Are any variances being requested with this project?[3] ❒ Yes ◆ No

If yes, describe: N/A

Total Land Area: +/- 1.018 acres Total Disturbed Area: +/- 1.018 acres

Number of Proposed Phases: N/A

Describe Phasing (if proposed): N/A

If requesting vesting greater than 2 years (per UDO Section 4.14), list amount requested (up to 3 additional years). N/A

For modifications, list original case # and date granted: **CASE 20160136 granted on 6/16/16**

[1] Each applicant must provide the meeting date for which they wish their request to appear. Each completed application must have met published meeting deadlines.
[2] Please see UDO Article 15 for specific details on permissible uses
[3] Each request for a Variance must be submitted on a separate Zoning Permit Application along with the appropriate fee.

C. DOCUMENTS REQUIRED FOR SUBMITTAL

- Completed Application (See UDO Article 4 and Appendix A)
- Application Fee
- 7 complete sets of development site plans
- One (1) reduced copy of development site plans (11X17)
- Two (2) sets of copies of building elevations
- Digital copy of plans (if available)
- Deed(s) of all property included in the request
- A written metes & bounds legal description with accompanying survey map is required for a request that would rezone only a portion of a tax parcel or requests for multiple zoning districts

D. PROPERTY OWNER SIGNATURE:

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.

John Winkler		02/24/17
JOHN WINKLER		2/24/17
Property Owner (Print)	**Property Owner Signature**	**Date**

Official Use Only

Public Hearing Meeting Date: _____

PC Meeting Date: _____

TC Meeting Date: _____

Date of APO Mailed Notification: _____

Date of Posted Notification: _____

Project Approved: ☐ Yes ☐ No

Date Order Recorded: _____

Order Recordation Information: Book: _____ Page: _____

S:\FORMS\Forms_2015\ConditionalDistrictZoningMapAmendmentProjectDataForm_062015.doc

Town Of Boone

Geographic Information Systems

Search | Results | Layers

Results List

Details

Show Tax Card (TaxCard.aspx?id=2900-79-6480-000

Parcel ID:	2900-79-6480-000
Tax District:	MS1
Property Description:	LOT 1 P017/161
Property Address:	783 W KING ST
Tax Account:	1584118
Tax Name:	HOWARD STREET VENTURES LLC
Tax Address:	PO BOX 2675
Tax Address 2:	
Tax City/St:	BOONE, NC
Tax Zip:	28607
Landuse:	
NBRH Code:	05C6
NBRH Desc:	DOWNTOWN BOONE BUSINESS
Deed Book:	717
Deed Page:	567
Date Recorded:	5/1/2002
Instr Type:	DEED

Communication: Marketplace Planned Development Application Information (Case PL00283-022417

Town of Boone
Planning & Inspections
Date Received
April 10, 2017

Modification to the PDR for the Marketplace Mixed Use: 04-10-17 Plan Revision Description

1. South Water Street has been modified to accommodate 41.5' of pavement width per Todd Moody zoning permit comments dated 12/19/16. Therefore, the sidewalk along South Water Street ranges from 5-6' in width, which is not wide enough to accommodate street trees.
2. The parking garage entrance locations and dumpster/compactor entrance have been relocated.
3. The overall building footprint increased from 36,253 SF to 36,406 SF (+153 sf)
4. The Uses have been modified per the following:
   - Reduction of "commercial" use from 17,838 SF to 14,250 SF (-3,588 SF)
   - Reduction of multifamily bedrooms from 159 bedrooms to 156 bedrooms (-3 bedrooms). Current Unit mix is as follows:

	ORIGINAL APPROVAL	PROPOSED
1-BR Units	44	40
2-BR Units	50	52
3-BR Units	5	4

   - It should be noted that since no tenants have been selected, the developer is showing all 14,250 sf as the higher intensity "restaurant use" for all parking and traffic calculations.
5. The Street Level Commercial Uses have been modified per the following:

ORIGINAL APPROVAL

STREET LEVEL COMMERCIAL USES		
MIN. KING ST. LEVEL COMMERCIAL LAND USE OF AT LEAST 50%:	18,168	sf
KING ST. PROPOSED:	9,376	sf
KING ST. PROPOSED (%):	25.8%	
MIN. WATER ST. LEVEL COMMERCIAL LAND USE OF AT LEAST 30%:	10,901	sf
WATER ST. PROPOSED:	3,558	sf
WATER ST. PROPOSED (%):	9.8%	
MIN. HOWARD ST. LEVEL COMMERCIAL LAND USE OF AT LEAST 30%:	10,901	sf
HOWARD ST. PROPOSED:	4,904	sf
HOWARD ST. PROPOSED (%):	13.5%	

PROPOSED

STREET LEVEL COMMERCIAL USES		
MIN. KING ST. LEVEL COMMERCIAL LAND USE OF AT LEAST 50%:	18,203	sf
KING ST. PROPOSED:	8,779	sf
KING ST. PROPOSED (%):	24.1%	
MIN. WATER ST. LEVEL COMMERCIAL LAND USE OF AT LEAST 30%:	10,922	sf
WATER ST. PROPOSED:	-	sf
WATER ST. PROPOSED (%):	0.0%	
MIN. HOWARD ST. LEVEL COMMERCIAL LAND USE OF AT LEAST 30%:	10,922	sf
HOWARD ST. PROPOSED:	5,471	sf
HOWARD ST. PROPOSED (%):	15.0%	

Communication: Marketplace Planned Development Modification Description (Case PL00283-022417 Marketplace Mixed Use - Planned

6. Provided Vehicular Parking has been modified per the following:

ORIGINAL APPROVAL

PROVIDED STANDARD PARKING SPACES:	134 SPACES
PROVIDED STANDARD PARKING SPACES (ACCESSIBLE)	11 SPACES
PROVIDED COMPACT PARKING SPACES:	222 SPACES
TOTAL PARKING PROVIDED:	**367 SPACES**
EXCESS PARKING PROVIDED OVER MAX. ALLOWABLE:	52 SPACES
EXCESS PARKING PROVIDED OVER MIN. REQ'D:	119 SPACES

MULTIFAMILY ALLOWABLE COMPACT SPACES (MAX. 50%):	79 SPACES
OTHER USES ALLOWABLE COMPACT SPACES (MAX. 30%)	62 SPACES
TOTAL NUMBER OF ALLOWABLE COMPACT SPACES:	141 SPACES
TOTAL NUMBER OF ALLOWABLE COMPACT SPACES (%):	38.4%
PROVIDED NUMBER OF COMPACT SPACES:	222 SPACES
PROVIDED NUMBER OF COMPACT SPACES (%):	60.5%

PROPOSED

PROVIDED STANDARD PARKING SPACES:	158 SPACES
PROVIDED STANDARD PARKING SPACES (ACCESSIBLE)	8 SPACES
PROVIDED COMPACT PARKING SPACES:	177 SPACES
TOTAL PARKING PROVIDED:	**343 SPACES**
EXCESS PARKING PROVIDED OVER MAX. ALLOWABLE:	16 SPACES
EXCESS PARKING PROVIDED OVER MIN. REQ'D:	75 SPACES

MULTIFAMILY ALLOWABLE COMPACT SPACES (MAX. 50%):	78 SPACES
OTHER USES ALLOWABLE COMPACT SPACES (MAX. 30%)	51 SPACES
TOTAL NUMBER OF ALLOWABLE COMPACT SPACES:	129 SPACES
TOTAL NUMBER OF ALLOWABLE COMPACT SPACES (%):	37.6%
PROVIDED NUMBER OF COMPACT SPACES:	177 SPACES
PROVIDED NUMBER OF COMPACT SPACES (%):	51.6%

7. Provided Bicycle Parking has been modified per the following:

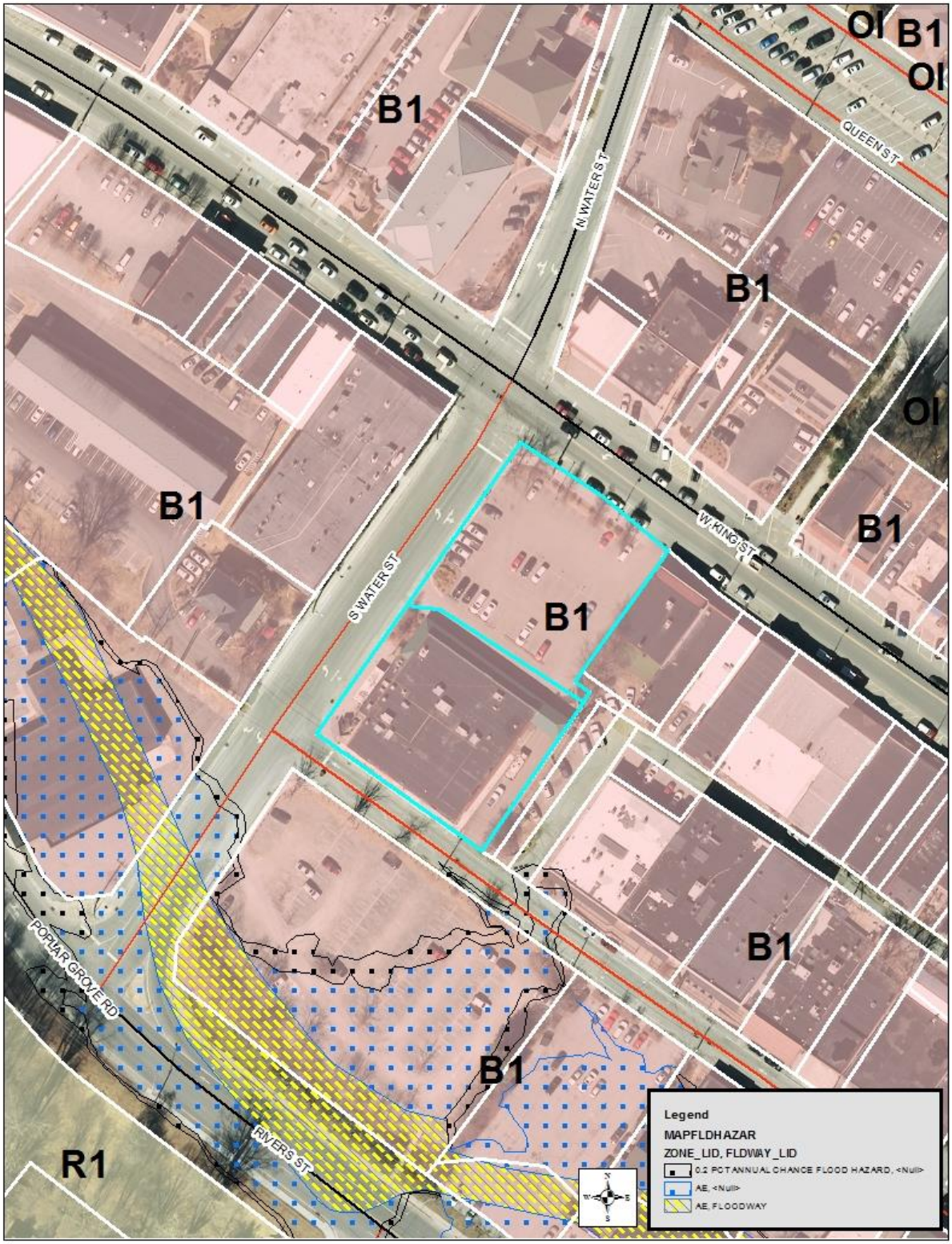
ORIGINAL APPROVAL

Motorcycle Parking & Bicycle Parking: The B-1 Central Business Zoning District is exempt from both of these requirements.	
TOTAL PROVIDED BICYCLE PARKING (INSIDE GARAGE):	**88 SPACES**

PROPOSED

Motorcycle Parking & Bicycle Parking: The B-1 Central Business Zoning District is exempt from both of these requirements.	
TOTAL PROVIDED BICYCLE PARKING (INSIDE GARAGE):	**66 SPACES**

STAFF REPORT
PUBLIC HEARING
APRIL 24, 2017
CASE PL00283-022417 MARKETPLACE PLANNED DEVELOPMENT ZONING MAP AMENDMENT MODIFICATION



Request

John Winkler with The Winkler Organization has filed a Planning Permit Application to modify the existing Marketplace Planned Development Zoning Map Approval for properties located at or near 783 West King Street (Watauga Co. PINs: 2900-79-7562-000 & 2900-79-6480-000). The approved development contains a mixed-use building which includes both residential and commercial uses, and a parking deck. Requested modifications include: modification of items to meet Town requirements, modification of vehicular access to the building, modification in building footprint (+153'), overall reduction of 3 bedrooms, modification of unit mix by bedroom, modifications to the commercial space including size (-3,588 ft^2) and location, and modifications to the amount and type of vehicle and bicycle parking.

Applicant Information

Applicant Name/Position:	John Winkler
Applicant Organization:	The Winkler Organization
Applicant Address:	PO Box 2675, Boone, NC 28607
Applicant Contact Phone:	(828) 262-3434
Applicant Email:	winkheelsfam@yahoo.com

Parcel Information

Addresses:	783 West King Street
Watauga County PINs:	2900797562000 and 2900796480000
Property Owner:	Howard Street Ventures LLC
Total Lot size:	1.018 acres (44,325 square feet)
Jurisdiction:	Corporate limits
Access:	Water Street (local town street) and Howard Street ()
Topography:	Approximate 17.25' change in elevation from King Street to Howard Street; Slope from NE to SW
SFHA:	No. The special flood hazard area is located to the south of this property.
Watershed District:	No
Corridor District:	No
NCD:	No
Viewshed:	No
Transit Route:	Yes. (Green Route West, Express, Gold Route -not after 6 pm, Pop 105)
Utilities:	Town water and sewer are available.
Current Zoning:	**Marketplace Planned Development**
Vesting:	2 years
2030 Plan Designations:	G-4 Downtown Boone
Approved Uses:	11.06 Restaurant ≤ 2,500 ft^2 open to the public during 10pm-6am, 11.07 Other restaurants ≤ 2,500 ft^2, 11.08 Restaurant > 2,500 ft^2 open to the public during 10pm-6am, 11.09 Other restaurants ≤ 2,500 ft^2,

11.12 Personal Service Establishment open to the public during 10 pm – 6 am,
11.13 Other Personal Service Establishments,
11.14 Retail Store up to 5,000 ft^2,
11.15 Retail Store more than 5,000 ft^2 but less than 25,000 ft^2,
11.19 Other business or Professional Office,
14.02 Brewpub and
15.02 Parking Structure.

Zoning & Use of Adjacent Properties		
	Adjacent Zoning	**Adjacent Land Use**
North	B1 Central Business	Across King St.: Restaurant, Office
East	B1 Central Business	Restaurant, Across alley: mixed-use building with restaurant, retail & multi-family
South	B1 Central Business	Across Howard St.: Parking
West	B1 Central Business	Across Water St: mixed use building with restaurant and multi-Family

History

06-13-2016: Town Council approved the Marketplace Planned Development Zoning Map Amendment request for a planned development at properties located at or near 783 West King Street (Watauga Co. PINs: 2900-79-7562-000 & 2900-79-6480-000) (See Exhibit 1). The proposed development consisted of a mixed-use building containing both residential and commercial uses, including a parking deck. The residential portion proposed 99 dwelling units with 159 bedrooms; with the following uses proposed to be allowed for the commercial portion of the building: 11.06 Restaurant ≤ 2,500 ft2 open to the public during 10pm-6am, 11.07 Other restaurants ≤ 2,500 ft2; 11.08 Restaurant > 2,500 ft2 open to the public during 10pm-6am; 11.09 Other restaurants ≤ 2,500 ft2, 11.12 Personal Service Establishment open to the public during 10 pm – 6 am, 11.13 Other Personal Service Establishments, 11.14 Retail Store up to 5,000 ft2; 11.15 Retail Store more than 5,000 ft2 but less than 25,000 ft2, 11.19 Other business or Professional Office, 14.02 Brewpub and 15.02 Parking Structure. This request was approved subject to the following conditions:

1. Where there is a conflict between the application information and the plans (site plans and architectural plans bearing a received date of May 27, 2016, and as amended on June 13, 2016), 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 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. Final plans shall be submitted that are in compliance with the provisions of the UDO and other provisions of the Town Code.
4. All driveway permits shall be obtained prior to the issuance of a zoning permit.
5. The applicant will be required to satisfy all NCDOT requirements prior to issuance of a zoning permit.
6. At least 40 percent of the project's parking will be dedicated for short-term hourly parking.
7. The development is limited to the proposed five, three-bedroom units and is not allowed to have any four-bedroom units.
8. The applicant is granted an exception to allow cast concrete or similar material (such as cast moldings) for accent trim as shown on the building.

9. The applicant's removal of the request for the deviation regarding attached wall signage to be allowed the following:
   a. The applicant is allowed to place a building identification sign (such as "Marketplace") within the sign band or cornice band at each of the 45-degree angles proposed for the building.
   b. Each [commercial] tenant will be allowed up to a 16-square-foot projecting sign and an awning sign [meeting the requirements set forth for awning signs in the B1].
   c. Each parking entrance will be allowed up to a 24-square-foot projecting sign.
   d. The applicant is given approval to have an awning at all other ingress/egress points on the building.

Impact Analysis

Proposed Zoning: Marketplace Planned Development (Marketplace PD)

Comparison of current standards to the deviations in the original request (in blue) and modified request (revised deviation shaded in green):

Comparison Chart		
Standard	**Original Marketplace PD**	**Revised Marketplace PD**
UDO Section 16.08 Building Height Limitations (UDO Subsections 16.08.02 & 16.08.04) Maximum Building Height = 40'	Deviating from standard as follows: King Street: 38' (meets current standard) Water Street: 42' 4" (2' 4" +) Howard Street: 50'4" (10'4" +)	No change to approved deviation.
UDO Section 16.06 Building Height Requirements (UDO Subsections 16.06.02, 16.06.03 & 16.06.07) Building Setbacks=0'	In compliance. Street: Building is proposed to sit behind the public right-of-way on King Street, South Water Street and Howard Street. The interior setback varies as the building is proposed to sit from less than 1' to no more than 5' from the interior property line.	No change to approved standard.
UDO ARTICLE 15, SUBSECTION 15.11.04(A) Multi-Family in Mixed Use: 1. Each project shall provide primary street level commercial land uses (i.e. retail, office, restaurant) of at least fifty percent (50%) of the square footage of the footprint of each building on the primary street level. For developments located on lots which abut more than one public street in the Central Business District, each additional street level floor	Deviating from standard as follows: Building Footprint: 36,336 square feet required	Deviation from original approval: Building Footprint: 36,406 square feet required

Communication: Marketplace Planned Development Staff Report (Case PL00283-022417 Marketplace Mixed Use - Planned Development

Comparison Chart

Standard	Original Marketplace PD	Revised Marketplace PD
shall provide commercial uses of at least 30% of that level's square footage. For purposes of this Subsection, the "primary street" shall be determined according to the following order: King Street, Howard Street, Depot Street, all other streets. For example, if a project is located on a lot that abuts both King Street and Howard Street, King Street shall be considered the "primary street" while for a project which abuts Howard Street and Depot Street, Howard Street shall be considered the "primary street" and so on.	**Street Level Commercial Uses*** King Street: 50%; Required: 18,168 ft^2; Proposed: 9,376 ft^2 (26%); Deviation: 8,751 ft^2 (24%) Water Street: 30%; Required: 10,901 ft^2; Proposed: 3,558 ft^2 (10%); Deviation 7,343 ft^2 (20%) Howard Street: 30%; Required: 10,901 ft^2; Proposed: 5,351 ft^2 (15%); Deviation: 5,525 ft^2 (15%) *Calculations not including commercial parking provided on the King Street, Water Street & Howard Street levels since it is not a qualifying "commercial use" per UDO Subsection 15.11.01A	**Street Level Commercial Uses*** King Street: 50%; Required: 18,203 ft^2; Proposed: 8,779 ft^2 (24%); Deviation: 9,424 ft^2 (26%) Water Street: 30%; Required: 10,922 ft^2; Proposed: 0 ft^2 (0%); Deviation 10,922 ft^2 (20%) Howard Street: 30%; Required: 10,922 ft^2; Proposed: 5,471 ft^2 (15%); Deviation: 5,451 ft^2 (15%) *Calculations not including commercial parking provided on the King Street, Water Street & Howard Street levels since it is not a qualifying "commercial use" per UDO Subsection 15.11.01A
2. The entire frontage of the primary street level of the building abutting the street shall provide commercial uses. Required entrances for ingress and egress to secondary uses are permitted along said frontage so long as they are no larger than necessary to meet building code and safety requirements for ingress and egress. Commercial uses on the non-primary street level(s) shall front on the non-primary street.	In compliance. Commercial uses are grouped so that they face each street level. Required entrances to the secondary uses are permitted for the parking garage on the Howard Street & Water Street frontages as well as a solid waste/recycling enclosure on Howard Street.	No change to approved standard.
3. New projects shall be at least two floors above the primary street level.	In compliance. The building is two stories above King Street.	No change to approved standard.
4. Buildings facades shall be oriented to each public street and shall have a primary entrance door facing each abutting public sidewalk.	In compliance. There is either a lobby entrance or a direct entrance into the building from all three streets.	No change to approved standard.
5. A minimum of 60% of primary public street level facing building facade shall be comprised of transparent, non-reflective windows and 30% of non-primary street level facing building facades	In compliance.	No change to approved standard.

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Comparison Chart		
Standard	**Original Marketplace PD**	**Revised Marketplace PD**
shall be comprised of transparent, non-reflective windows.		
6. Surface parking shall be located away from each public street to the extent possible, and if practical, to the rear of the principal building.	In compliance. No surface parking proposed.	No change to approved standard.
7. Structured parking is permitted to the rear of the building or below the street level floor.	In compliance. The structured parking is located within the middle of the building off of Water Street and behind and below the commercial uses on Howard Street.	No change to approved standard.
8. Building facades may be no further than 0'-0" from the established street setback line, except where necessary to provide landscaped courtyards, plazas, pocket parks, other pedestrian oriented amenities, or when there would be interference with public utilities.	In compliance. Building sits on the established street setback line except where building deviates to keep a straight line along an elevation. Sidewalks are provided along each public street.	No change to approved standard.
9. The minimum building footprint shall be 50% of the total gross square feet of the lot.	In compliance. As proposed the building covers 82% of the lot.	In compliance. As proposed, the increase of 153 feet to the building footprint does not change the 82% coverage already approved.
10. Pedestrian weather protection such as awnings or canopies are encouraged along the public street but may be placed only in accordance with an encroachment agreement authorized by the Town Council.	In compliance. No awning or canopies are required.	No change to approved standard.
UDO Section 24.01 Parking Spaces Required Multi-Family Parking Spaces=159 Commercial Spaces (Retail)=156 Use 15.02 Parking Structure= No Min. or Maximum	Parking Spaces Provided: 367	Deviation from original approval: Parking Spaces Provided: 343 (-24)
UDO Subsection 24.02.02 (Compact Spaces) *-Based upon 367 parking spaces-* Multi-Family allowed up to 50% compact = 64 spaces	Deviating from standard as follows (using 367 parking spaces): Compact Spaces Provided = 222 (60%) (+70 compact spaces, 19%+)	Deviation from original approval (using 343 parking spaces): Compact Spaces Provided: 177 (52%) (+52 compact spaces)

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Comparison Chart		
Standard	**Original Marketplace PD**	**Revised Marketplace PD**
Other uses allowed up to 35% compact=73 spaces **Total # of compact spaces allowed = 152 spaces** **(41% of 366 parking spaces)**		
UDO Section 24.09 Bicycle Parking Required Short-Term Spaces = 0 Required Long-Term Spaces = 0	In Compliance. Provided Long-Term Spaces = 88 spaces	Deviation requested from approved standard: Provided Long-Term Spaces = 66 spaces (-22)
UDO Section 24.08 Loading & Unloading Areas Required Loading/Unloading Areas=3	Deviating from standards as follows: Provided= 0	No change to approved deviation.
UDO Section 26.07 Signs Permitted in the B1 District Each business is permitted 2 signs from the following categories: attached (wall), canopy or projecting. In no case may the signs be in the same category. Subsection 26.07.02: Attached signs shall not exceed an area equal to ½ foot per linear foot of building frontage with a maximum size of 48 ft^2.	Deviating from standards as follows: Allow all signs as permitted in 26.07.02 to be no greater than 48 ft^2.	No change to approved deviation.
UDO Article 25 Community Appearance Standards	The building as proposed meets the requirements of Article 25 Community Appearance Standards with the following exceptions: final colors have not been submitted for review and approval and Staff is requesting that the applicant consider using cast stone in lieu of composite trim.	No change to approved standard.
UDO Subsection 24.03.16(A) (culverts) Building construction is prohibited from being horizontally closer than 10' from the centerline of drainage culverts less than 48" in width.	Deviating from standards as follows: The culvert for the new stormwater/stream conveyance system is as close as approximately 6' to the building (as measured from the centerline of the drainage culvert).	No change to approved deviation standard.

Other Deviations from original approval include: modifications to the width of South Water Street (increased to meet minimum requirements; entrances to parking garage and dumpster location have been modified; reduction in bedrooms from 159 to 156; and change in mix of units by number of bedrooms. Please see

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applicant's Modification Description (titled "Modification to the PDR for the Marketplace Mixed Use-04-10-17 Plan Revision Description").

Comments from P & I staff

Environmental Review, Community Appearance and Landscape Standards (Urban Design Specialist)
I have reviewed the revisions to the Marketplace Mixed-Use project with a received date of March 2, 2017 and offer the following comments:

1. As requested from previous comments, staff recommends revising the sidewalk along Water Street to an adequate (10' minimum) width to accommodate street trees.

Comments from Other Departments & Outside Agencies

Public Works:

Services Division (Facilities Maintenance Superintendent)
The Public Services Department has reviewed the above referenced plan and has the following comments.

1. Please provide clarification how solid waste containers will be emptied at shown location and details for the proposed compactor.
2. The curb and gutter shown on the plans for Howard Street should be a sidewalk curb combination as detailed on page 7 of the Roadway & Sidewalk Program Handbook.
3. The curb and gutter shown on the plans for King Street is not consistent with the existing curb type. Please revise. Staff can provide construction specifications.
4. Applicant will need an encroachment agreement for the stormwater conveyance system which will encroach into the Town's right-of-way. Additionally, staff is currently reviewing an alternative for the stormwater on Howard Street as it relates to the Howard Street Project. Please coordinate with Town staff on this section.
5. Please have your traffic engineer review the changes made to the entrance locations and provide a response.

Utilities Division (Utility Services Technician)
The Public Utilities Division has conducted a plan review for the proposed project on 783 West King St; materials reviewed by this department are dated received 03/02/2017 are approved with the following conditions.

1. Details on Water and Sanitary services on future plans.
2. Valves must be installed on the tee for the 6" fireline and the 4" water connections at the termination point o Town of Boone maintenance responsibility.

Applicant's Compliance with Planned Development Requirements	
UDO Subsection	**Compliance**
UDO Subsection 9.10.03: a PD may be only be proposed for either a development site containing 3 or more acres or a proposed development which includes both commercial and residential uses.	In compliance. The project as contains both commercial and residential uses.
UDO Subsection 9.10.04: The authorization of a PD shall preclude any requirement for obtaining a variance from the Board of Adjustment unless it is a variance to Article 29 Watershed Protection and Article 30 Flood Damage Prevention. Any such variances must be obtained before a public hearing is held on the proposed PD.	In compliance. The applicant has not requested any variances.

UDO Subsection 9.10.05(A)(1): One or more pre-petition consultations with the Administrator, in which the petitioner identifies the development site, its natural features, and the nature of the proposed development.	In compliance. The applicant has had consultation with Town staff.
UDO Subsection 9.10.05(A): Before submitting the petition, the petitioner must schedule a meeting with owners of property located within 150' of the development site. a. The petitioner must provide notice at least 21 days prior to the meeting in accordance with Subsection 1.13.02 herein. b. The meeting must be held at an accessible and convenient location in light of available options. c. The petitioner must record the names and addresses of all attendees at the meeting. d. At the meeting, the petitioner, at a minimum, shall present all the following information: i. Contact information of the parties involved in the ownership, design, and development of the property; ii. The location of the property and general information on the current conditions of the site; iii. Proposed use(s) and site development; iv. Any preliminary plans or renderings, if available; and v. Any other information deemed pertinent by the Administrator. e. The petitioner shall provide the Administrator with a report which details the meeting including any concerns expressed by attendees and any commitments made by the petitioner. This report shall be included in the staff report.	In compliance. Not required for insignificant modification.
UDO Subsection 9.10.05(B)(1): A site specific development plan addressing plan aspects identified in Appendix A, identifying all development specifics which deviate from the standards of this Ordinance.	In compliance. The applicant has submitted a site specific development plan and a separate narrative identifying all development specifics which deviate from the standards of the original approval. Please see applicant's Modification Description (titled "Modification to the PDR for the Marketplace Mixed Use-04-10-17 Plan Revision Description").
UDO Subsection 9.10.05(B)(2): Written analysis, tailored to specifically address the characteristics of the particular location, addressing how the planned development will effectively and to the greatest degree reasonably possible, mitigate the impacts of the	In compliance. Not required for insignificant modification.

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proposed development on the surrounding area, including but not limited to: a. noise impacts; b. light impacts; and c. any other predictable negative effect, including but not limited to: i. negative visual effects; ii. negative traffic effects; and iii. negative health effects.	
UDO Subsection 9.10.05(B)(3): Information to demonstrate compliance with all mandatory requirements of this Ordinance, including: a. Article 5 Subdivisions (for purposes of this Section the Town Council is the approval authority for major subdivision preliminary plats); b. Article 8 Historic Preservation; b. Article 19 Grading; c. Article 20 Soil Erosion and Sediment Control; d. Article 21 Stormwater Management; e. Article 22 Utilities; f. Article 29 Watershed Protection; g. Article 30 Flood Damage Prevention;	In compliance. If approved, additional technical details will be required to determine full compliance with the requirements of these Articles (as applicable).

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.

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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 Primary Growth Area is that portion of the urban growth area where urban level of 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.

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 Board 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.

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.

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

F. New firms and expanding businesses that complement the natural resources and beauty of the region shall be especially recruited and encouraged.

2.1.2 Commercial Development

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.

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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.

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.

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.

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 THE INFRASTRUCTURE

2.2.1 Transportation

I. Driveway cuts along major streets and roads shall be limited to allow these streets to serve primarily as safe traffic movement corridors or, alternatively, to maximize curb frontage for on-street parking.

2.2.2 Utilities

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.

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

2.2.4 Public Safety

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D. The Town shall place renewed emphasis on enforcement of the state building code and flood prevention regulations to avert or minimize loss of life and property during natural disasters.

2.2.5 Environmental Quality

C. Development activities in the 100 year floodplain or near lakes or streams shall be carefully controlled. If development must occur, low intensity uses such as open space, recreation and adequately buffered agricultural or forestry activities shall be preferred.

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.

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.

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.

2.3.3 Housing and 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.

C. Proposed residential development which would expose residents to harmful effects of incompatible development or to environmental hazards shall be prohibited.

C. 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. 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.

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.

BOONE 2030 LAND USE PLAN

The 2030 Land Use Plan works together with the Town's Comprehensive Plan and other plans and programs to provide for the Town's long range growth. The Land Use Plan is a three-dimensional framework for the comprehensive plan and serves as the basis for all the facility and service needs of the Town. The Land Use Plan serves as the guiding vision and policy basis for determining the appropriateness of any development or redevelopment that is proposed for the Town's planning jurisdiction.

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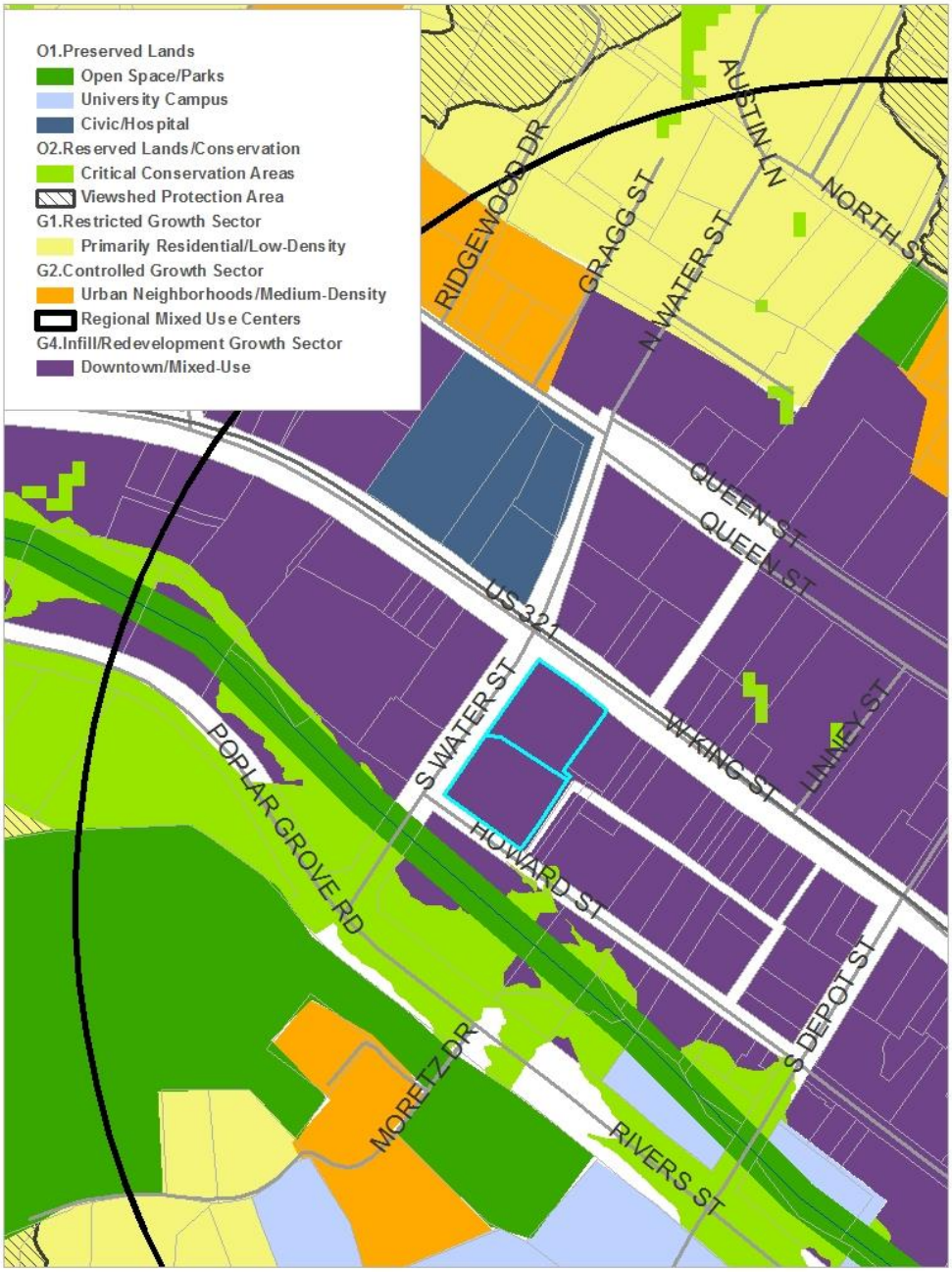

These properties are located within the G-4 Downtown Boone sector and are also located in a Regional Center. The G-4 sector is comprised of areas with existing development, with a relatively dense street grid, and which are appropriate for redevelopment or additional development. These areas are shown in the purple color on the Framework Map. This includes the historic downtown and the King Street corridor as far east as Hardin Street. This area is, in large respect, appropriate for redevelopment and new infill development and well served with infrastructure (roads, utilities, etc.), and access to services and amenities. Because this area is already well provided for in terms of urban services, it is one of the most efficient and most attractive area for redevelopment of underutilized land or development of vacant parcels. It is also one of the best areas for development in terms of minimizing new environmental impacts to natural areas since the area has been built upon since Boone's founding. In-depth discussion of concepts for downtown development, redevelopment and infill neighborhood

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development is included in the Downtown Boone section of the Land Use Plan. In general, however, the following development types and uses are appropriate in the G-4 sector, continuing in the historic pattern of mixed-use downtown development in Boone. Appropriate land uses/development types include: single-family and multi-family residential, commercial uses (retail and office), mixed-use development, civic uses, light industrial uses

Regional Centers are mixed-use activity centers with employment and commercial uses that attract people from beyond the immediate neighborhoods and from surrounding communities. These centers are appropriate for commercial and employment development as well as the area's highest density housing. The area of these centers is based on a 1/2 mile radius (a typical 10-minute walk)—the larger black circles on the map. Regional centers are envisioned for downtown Boone and the historic university core; around the hospital and the current high school site; and at the intersection of US 321 and NC 105; and around the intersection of US321 and Shadowline Drive. These centers will provide the highest concentrations of residential and employment in the Plan area.

Certification of Notification by Mail

I, Marlene Crosby, certify that individual notices meeting the requirements of Article 9, Subsection 9.03.03(B)(2) of the Town of Boone UDO were placed in the mail (first class) on April 10, 2017.

_____

Marlene Crosby, Administrative Support Specialist

Certification of Posting

I, Stacey Miller, 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 April 10, 2017.

_____

Stacey Miller

Staff Analysis and Recommendations

This project is located in the downtown area, near Appalachian State University and adjacent to Boone Creek and the recommended West Downtown Alive multi-use trail.

If Council approves the request, Staff recommends the following conditions:

1. Where there is a conflict between the application information and the plans (site plans dated received on February 24, 2016), 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 provide a revised traffic impact analysis which considers the requested modifications and shall be responsible for implementing any recommended changes.
4. All previous conditions attached to the project not modified with this request remain in effect as follows:
    a. Where there is a conflict between the application information and the plans (~~site plans and~~ architectural plans bearing a received date of May 27, 2016, and as amended on June 13, 2016), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.

b. Final plans shall be submitted that are in compliance with the provisions of the UDO and other provisions of the Town Code.
c. All driveway permits shall be obtained prior to the issuance of a zoning permit.
d. The applicant will be required to satisfy all NCDOT requirements prior to issuance of a zoning permit.
e. At least 40 percent of the project's parking will be dedicated for short-term hourly parking.
f. The development is limited to the proposed five, three-bedroom units and is not allowed to have any four bedroom units.
g. The applicant is granted an exception to allow cast concrete or similar material (such as cast moldings) for accent trim as shown on the building.
h. The applicant's removal of the request for the deviation regarding attached wall signage in exchange to be to be allowed the following:
    i. The applicant is allowed to place a building identification sign (such as "Marketplace") within the sign band or cornice band at each of the 45-degree angles proposed for the building.
    ii. Each [commercial] tenant will be allowed up to a 16-square-foot projecting sign and an awning sign [meeting the requirements set forth for awning signs in the B1].
    iii. Each parking entrance will be allowed up to a 24-square-foot projecting sign.
    iv. The applicant is given approval to have an awning at all other ingress/egress points on the building.

Planned Development Procedural Information

Per UDO Subsection 14.05.01(B):

A PD creates a sui generis (unique) zoning district not limited to the authorized uses and the development standards of a specific existing zoning district and may be subjected to conditions that make the development plan more desirable. A PD is intended to permit the establishment of areas in which diverse uses may be combined and integrated through careful planning to provide a unified and compatible development which is consistent with adopted plans, and which may reasonably be expected to result in a quality of living environment which is more closely in keeping with the purposes of zoning than would otherwise likely be obtained. It is not the intent of the Town Council that the PD district become a “loophole” designed to permit otherwise illegal contract, conditional or spot zoning, or clandestine institution of an unlawful use variance. Rather the PD district is intended to permit further refinement and more detailed expression of adopted plans in situations where the owners of the property present a development plan which is found to be in the public interest and consistent with adopted plans.

1. A PD should only be approved upon the following findings:
    a. That the proposed PD will produce a development of equal or higher quality than otherwise required by the strict application of district regulations that would otherwise govern;
    b. That the proposed PD will encourage innovative arrangement of buildings and open spaces to provide efficient, attractive, flexible, and environmentally sensitive design;
    c. That the proposed PD will produce a development functioning as a cohesive, unified project; and
    d. That the proposed PD will not substantially injure or damage the use, value, and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the adopted plans and policies of the Town.

PLANNING BOARD REPORT

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

First motion and vote: The proposed amendment to the Town's zoning map ☐**is** OR ☐**is not** consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to this application because:

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

TOWN COUNCIL ACTION

Per NCGS 160A-383, zoning regulations shall be made in accordance with a comprehensive plan. Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest.

First motion and vote: The proposed amendment to the Town's zoning map ☐**is** OR ☐**is not** consistent with the Town's Comprehensive plan and other applicable adopted plans of the Town which relate to this application because:

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

Case PL00283-022417 Marketplace Planned Development
Exhibit 1 Meeting Minutes Excerpts

06-06-2016 PH Meeting Minute Excerpt

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Case 20160275 Marketplace Planned Development - Zoning Map Amendment - John Winkler with The Winkler Organization has filed a Zoning Map Amendment Petition for a planned development at properties located at or near 783 West King Street (Watauga Co. PINs: 2900-79-7562-000 & 2900-79-6480-000). The proposed development consists of a mixed-use building containing both residential and commercial uses, including a parking deck. The residential portion will contain 99 dwelling units with 159 bedrooms; with the following uses are proposed to be allowed for the commercial portion of the building: 11.06 Restaurant ≤ 2,500 ft^2 open to the public during 10pm-6am, 11.07 Other restaurants ≤ 2,500 ft^2; 11.08 Restaurant > 2,500 ft^2 open to the public during 10pm-6am; 11.09 Other restaurants ≤ 2,500 ft^2, 11.12 Personal Service Establishment open to the public during 10 pm – 6 am, 11.13 Other Personal Service Establishments, 11.14 Retail Store up to 5,000 ft^2; 11.15 Retail Store more than 5,000 ft^2 but less than 25,000 ft^2, 11.19 Other business or Professional Office, 14.02 Brewpub and 15.02 Parking Structure.

Mr. Bailey gave a brief background on this case. Mr. Bailey handed out a copy of an email that Mr. Bailey had received regarding this case. He noted that a final draft of this proposed project will be presented tonight by Mr. Jim Deal, Attorney for the applicant.

Mr. Jim Deal the attorney for the applicant gave a brief background of the proposed project. He noted that the idea for this project started a little over one year ago. He said it started out as a possible parking garage and as a result of meetings with the Town Staff and community members it evolved into a mixed-use project with a street-level commercial component and a residential component and a parking garage. He said this proposed project has gone through a number of redesigns. He explained that the proposed project located on three streets in the Downtown area and how the applicant has tried to incorporate the commercial component on all three streets. He further explained that the applicant tried to create as many parking spaces as possible to help Downtown Business Owners. He talked about the applicant trying to make the residential apartments more geared for the young professionals. He said he walked along King Street trying to figure what the character of Boone is with some of the buildings having wood and some of them with stutto. He passed around two photos of Downtown Boone buildings that no longer exist (the old Daniel Boone Hotel and the Old Watauga County Courthouse building). He noted that the courthouse building had red brick on it. He said that Mr. John Cooper the owner of Mast General Stores and a member of the Downtown Boone Development Association suggested adding balconies on the upper levels of the residential units of the proposed building.

Mr. Deal talked about the meetings he had with Town Staff regarding the way the Unified Development Ordinance and the Boone 2030 Master Plan are constructed and what could be called into question in terms of this proposed project. He noted that the applicant would like to arrive at some kind of a consensus as a community on what we would like the proposed project to be which would include the exterior appearance.

The town meetings consisted of the Downtown Boone Development Association and the Community Appearance Commission and other community members and the applicant was able to gather feedback from each of them regarding this proposed project to incorporate into the revised plans.

Mr. Deal talked about the neighborhood meeting that was held and the concerns that were talked about at the meeting. He talked about the building heights on King Street, Howard Street and Water Street. He said in the original building plans and the building height presented at the neighborhood meeting was 46

Communication: Marketplace Planned Development Staff Report- Exhibit 1 (Past Meeting Minutes Excerpt) (Case PL00283-022417 Marketplace

feet and eight inches. He said as a result of the neighborhood meeting discussion and comments, the developer has reworked the plans. He noted that the project information in the meeting packet shows the building height to be 38 feet and the height probably really closer to 36 feet and four inches and he explained that the building height is measured from the median to the corner and not going up in a straight line but in a diagonal line. It noted to not be misleading, they put 38 feet in the plans and it is less than the 40 feet. He noted there is an eight feet and eight inch reduction in the height of the building on King Street. He said at the mid-point of the building on Water Street, he said as a result of the neighborhood meeting the building height changed from 50 feet and ten inches to 42 feet and four inches. He said based on measuring the building height from Water Street, it is 2 feet and four inches higher from what the UDO could "arguably" require. He noted that the UDO states that you measure from a primary street and in the case the primary street is King Street. He said at the neighborhood meeting the mid-point or median on Howard Street was 61 feet and six inches and the proposed redesigned height was changed to 50 feet and four inches.

Mr. Deal talked about a lengthy email that was sent to the Town regarding the requirements of the Boone 2030 Master Plan. He said the email conveniently left out what the Boone 2030 Master Plan called for at this exact site. He said the Boone 2030 Master Plan called for a six-story building. He further talked about the other building heights on King Street.

Mr. Deal talked about a concern regarding the building appearance. He talked about the old Watauga County Bank building and the Farmers Hardware building being located beside it. He noted that the proposed redesign included the look of the old Watauga Bank building on King Street. He talked about needing certain features in order to comply with the UDO.

Mr. Deal noted that on June 2, 2016 the proposed plans were reviewed by the Community Appearance Commission meeting. He noted that the developer is not requesting any deviations from the UDO regarding the exterior appearance. He said the CAC members were alright with the proposed plans based on the proposed revisions presented at this meeting.

Mr. Deal talked about some of the features like folding windows for some of the commercial space which may allow patio-type seating for some of the restaurants.

Mr. Deal said when the CAC members were asked about the building being stepped down, they did not like this idea.

Mr. Deal said there is a clock feature on the King Street elevation and it adds a couple of feet of height to the building and the building is still only at 38 feet.

Mr. Deal talked again about an email regarding this proposed project. He said he felt the email was wanting the Town to develop property that was owned by someone else. He noted that the proposed project is in line with the 2030 Boone Master Plan.

Mr. Deal said the proposed project has 159 bedrooms, he said after the neighbor meeting the number of bedrooms were reduced. He said the 159 bedrooms are in separate units. He said it has 367 parking spaces. He said if every single bedroom took a parking space, which he does not believe will happen based on the history in the Town and the cost of the parking spaces. He said this will leave 108 extra spaces which will be dedicated to some of the restaurants.

Mr. Deal talked about the planned development process and how it has worked well on this project because there has been a lot of opportunities to gather feedback and apply the feedback to the revised plans.

Mr. Deal introduced Mr. Brent Davis from Brent Davis Architecture.

Mr. Davis said that he has incorporated the communities concerns into the revised plans.

Mr. Davis pointed out that the clock feature on the King Street elevation changed the building height from 36 to 38 feet, he said otherwise the majority of the building height is 36 feet. He talked about the Water Street elevation and said the building height is 48 feet and four inches. He went over some of the other building heights of the building at various points of the building.

Mr. Davis said the main building feature is brick with applied trim. He noted that the King Street elevation represents the best revisions. He said he incorporated some of the elements of the old Watauga County Bank building into the revisions. He talked about the creating of shadow lines to make the building look like it had grown over time rather than using the typical bronze store front look. They chose to use a divided store front look to create more of a vintage look. He noted that the Downtown Boone Development Association suggested to include balconies in the apartments. He talked about the lobby being a place for people to wait for restaurant seating and it connects with the parking garage.

Mr. Davis talked about the style of windows with sloped awnings and they have a number of vendors they can get various types of windows from for the building.

Mr. Davis noted that Mr. Jason Gaston from Valor Engineering had information on the landscape and hardscape for the proposed project.

Mr. Davis went over the square footage for the whole building, entrances to the apartments and the parking deck. He explained on the elevations the location of the parking deck because the deck is not exposed from the outside of the building.

Mayor Pro-tem Mason asked Mr. Davis to break out the number of units that are one-bedroom and two-bedroom. Mr. Davis said there are 44 one-bedroom units, 50 two-bedroom units, five three-bedroom units for a total of 99 units and 159 bedrooms.

Council Member Teague asked for more information on the underground parking. He said the parking deck is 35 feet deep on King Street and another 20 feet deep for two more parking levels. He said each deck has a sloped parking ramp to reduce the retaining wall height and costs on King Street. He said there are 134 standard parking spaces, 11 accessible spaces 222 compact spaces for a total of 367 parking spaces and there are 88 bicycle spaces. She asked what level the bikes will be located on. Mr. Davis said they are trying to get them on the grade level off of Howard Street.

Council Member Mizelle asked for clarification on the trash compactors. Mr. Davis said there is one compactor not two compactors. Council Member Mizelle asked if there is enough room for the trash truck to get in and out to empty the trash. Mr. Davis said it is enough room according to the trash company.

Mr. Ward added, if this proposed plan is approved the Town will incorporate the Howard Street design plan with the radius turn.

Council Member Mizelle asked if the building will be thoroughly lit on all sides of the building. Mr. Davis said the lighting has not been addressed on one side of the building.

Mr. Ward said if the proposed plan is approved the Town will work with the developer on the Town's Streetscape plan.

Mayor Pro-Tem Mason clarified that there is an adopted street scape plan for the Downtown area. She asked Mr. Deal if this proposed plan would meet those requirements on W. King Street, Water Street and Howard Street as one unified project. Mr. Deal said it was his understanding that the Town is still working

on their Howard Street plan and the developer wants to work with the Town on this plan but once they know what that plan is, the developer will agree to work with the Town on the Howard Street plan.

Mr. Deal further explained the closures of the Town streets during the proposed project would need to be coordinated with the Town and the developer. He noted that about 85 percent of the construction of this proposed project will take place inside the building footprint.

Council Member Clawson asked about the height of the proposed building where it joins the Murphy's Restaurant. Mr. Deal said the building is about seven feet taller than Murphy's Restaurant and on W. King Street it is lower than the Watauga County Bank building. He noted the Farmers Hardware building on W. King Street is 47 feet high. He said behind the building facing Howard Street the current building is 53 high. He said the proposed building is lower than both of those elevations.

Council Member Mizelle asked about the width of the compact parking spaces. Mr. Deal said the compact spaces are eight-feet wide instead of nine-feet wide. He talked about the turning ratios for the parking spaces. He said the standard space is 9 feet and you need a greater width, if you have a certain amount of compact spaces. He further explained the change in parking. He said if the spaces become too tight, come of the spaces may need to be reconfigured, if needed. He noted that the compact spaces will be in the very low level of the building for the tenants that are living in the building because of the ability to control the tenant parking. He talked about the current proposed parking space plan being 367 spaces. He said this number could change to 330 parking spaces in order to accommodate extra space for cars.

Council Member Clawson talked about the narrow parking spaces at the movie theatre and she doesn't want to see that size in these parking spaces. Mr. Deal noted that most parking lots have a mixture of parking spaces in their lots. He said the developer was trying to maximize the available number of parking spaces in the Downtown area. He talked about gas prices determining the type of cars that people drive. Council Member Mizelle asked Mr. Deal if changing the parking spaces is as simple as changing the lines that outline a parking space. He said there are others present at this meeting that could answer parking questions.

Mayor Pro-Tem Mason asked what percentage of parking spaces will be reserved for residents versus commercial and public use. Mr. Deal said the figure used in the plan was 80 percent. He said he felt this was a high percentage and he did not feel that 80 percent of the residents will rent a space. He said it will depend on the tenant. He said if every single bedroom had a parking space, there are 208 extra spaces which is more parking than all of King Street. He confirmed that the 208 extra spaces would be available for commercial or public parking.

Council Member Teague asked about short-term parking.

Council Member Teague asked if the restaurants will be built out. Mr. Deal said this is usually driven by the tenant and it sometimes determines the cost of rent.

Mayor Pro-Tem Mason asked is the developer intending to lease the units by the unit or the bedroom. Mr. Deal said renting by the bedroom has been going on in Boone for 40 years and there is no negative connotation for doing this. He noted that he has had a good experience with renting by the bedroom.

Mayor Pro-Tem Mason said she felt it is important to have versatility in housing in the Downtown area and it not be geared to one sector of our community. She said for some populations renting by the bedroom works great but for a good part of our community, they are looking for units to rent rather than bedrooms to rent. He said he thinks this is why the developer is proposing one-bedroom units. Mr. Deal agreed with Mayor Pro-Tem Mason and he said the thinks this project has a good mix and it is attractive to the young professional. He noted that there may be a lot of young professionals that want a two-bedroom unit.

Council Member Clawson asked if the bedrooms would be per person. Mr. Deal explained how lease contracts are written.

Council Member Collins said she talked with the Community Appearance Commission regarding the King Street façade changes. She said they talked about taking off some of the EFIS and adding more brick to the façade to help with the transition to Howard Street. Mr. Deal asked if the feedback from the CAC members could be given to Mr. Brent Davis to review.

Council Member Mizelle asked since this is a proposed planned development project has anyone shown any interest in adding rooftop solar because it is the wish of the Sustainability, Environment and Economics committee members to have rooftop solar. Mr. Deal said there is one private person that is interested in it but the management of the water needs to be figured out. He said he was not sure, if it will actually happen yet. He said if the rooftop solar would make the building higher, the developer would need to deal with the height issue. Mr. Deal said the developer is happy to look into it.

Planning Commission Member Catoe asked if the rent rate amounts have been established. Mr. Deal explained how the rent amounts are usually calculated.

Planning Commission Member Boyle talked about the solar panels and said that the water would drip off of the roof. He asked about the height of the proposed building on the East elevation. Mr. Deal pointed out on the elevations the answer to this question.

Council Member Teague asked if the units are structured to be sold. Mr. Deal said not at this time it is not the intent. He said he would not say it will never happen due to condominium laws.

Council Member Clawson said the Downtown merchants would like to see public parking. Mr. Deal talked about the hourly parking turn over being needed to make the parking work. Council Member Teague asked Mr. Deal to get more information regarding the hourly parking spaces by the next Council meeting to find out how many spaces would be going to hourly parking. Mr. Deal said he would like for the parking expert to talk about the parking and the developer would need to know the dollar amount of the approved for the project. Council Member Clawson said she thought restaurant spaces are important.

Planning Commission Vice-Chairperson Simmons asked on the East elevation what part of the proposed building is covered in relation to Murphy's Restaurant. Mr. Deal said that Murphy's Restaurant is about a third of the way back. Discussion ensued on the driveway behind Murphy's Restaurant.

Planning Commission Chairperson Woolridge asked for any comments the developer might have regarding the lobby and bringing more life to King Street because these type of changes are not reflected in the proposed plans. Mr. Deal talked about some changes that were made at the June 2, 2016 CAC meeting and said that Mr. Bailey has not had time to present him with those changes. Mr. Deal talked about the roll-up windows and the use of them being weather driven. Mr. Deal noted that the drawings presented at this meeting are not the final drawings.

Mr. Davis talked about the sloping sidewalks and they possibility can install folding windows and still meet accessibility requirements.

Planning Commission Chairperson Woolridge asked if the plans would reflect the changes that Mr. Deal is presenting in this meeting.

Mr. Winkler talked about the question on egress and the door openings of the building.

Planning Commission Member Lippard reiterated what Planning Commission Chairperson Woolridge mentioned regarding bringing more life to King Street. Vice-Chairperson Simmons agrees that he would

like to see more life brought to the King Street. Mr. Deal said the developer is open to looking at options that are acceptable.

Ms. Allison Meade, Town Attorney said in the PD process this would be the time to work out the options to the best extent possible.

Planning Commission Tate agreed that it will be difficult to deal with the slope on the corner of the building at King Street and Water Street.

Mr. Winkler noted that where the terrain will allow the developer will do as much as possible to allow entry off the street into the building.

Mr. Deal said the developer is willing to work out conditions on the proposed project.

Council Member Teague asked Mr. Davis a question on the entry of the building. Mr. Davis explained the entrances to the building.

Council Member Teague said she understands what the Planning Commission Chairperson Woolridge is saying in support of the Planning Commission.

Mr. Steve McLaurin from McLaurin Parking said the proposed project will have in access of 135 hourly parking spaces available. Mr. McLaurin said the parking rate will determine who parks in the parking deck. He talked about the parking rate and how it will stimulate people to park there and have an incentive to move their car from the parking deck. He talked about the parking deck having 80 percent occupancy on a normal day. He talked about the extra parking being able to absorb the extra vehicles for days, when it is needed.

Council Member Mizelle asked about the eight-foot parking space width. Mr. McLaurin said the key to the dynamics of turnover is where people can get out of the vehicles easily. He talked about training the parking attendances on how to park the vehicles in regular and compact spaces. He said there is a possibility that they may need to decrease the parking spaces because they want people to be able to get in and out of the parking spaces with ease.

Council Member Teague asked would the parking be paid before or after you park. Mr. McLaurin said that has not been determined yet. He said he thinks the parking deck will have an attendant and you will pay on the way out Monday through Friday. He said they are still working out the dynamics of the parking deck.

Planning Commission Member Vincent asked if they will limit the amount of time for the parking. Mr. McLaurin said the parking rate will determine the parking cost and he thinks that the cost might be $2.00 for the first hour.

Council Member Teague asked if other spaces can be rented other than the tenants in the building. Mr. McLaurin said the tenants of the building will be the first to rent spaces and then to business owners and there will be a cap on it.

Mayor Pro-Tem Mason asked if Mr. McLaurin to prepare some information on the minimum of public parking spaces that might be available for those who want long-term parking and bring it to the next Council meeting so they do not lose the public parking option for people who want long-term parking.

Mr. Frank Amenya from Davenport Engineering gave an overview of the traffic study and the traffic improvements that are being worked on. He said at the neighborhood meeting there were asked if they were going to increase parking. He said that yes they will increase parking and they will mitigate the traffic that they are bringing in. He said at Water Street and King Street, they are looking at re-timing the signal light and providing a right-hand lane. He said at the intersection of Howard Street and Water Street

the Town is improving their pedestrian addition with the Howard Street study. He said at the intersection of Poplar Grove and Water Street the North Carolina Department of Transportation is looking at this section for a possible round-a-bout which was recommended as a result of the traffic study. He said there will be a sidewalk along King Street and there are improvements for the pedestrians and bicycles along Howard Street. He noted that they are proposing 88 bicycle racks for bicycles in the parking deck.

Mr. Amenya said the proposed project is within 400 feet of a transit line. He said there is an express transit line routes on Poplar Grove Road.

Planning Commission Member Boyle asked how they will mitigate the traffic at intersection of Water Street and King Street due to traffic back-ups on Water Street from River Street. Mr. Amenya talked about re-timing the signal lights to help cars exit the parking deck to help keep the traffic flowing. He said that he recommends that the Town work with NCDOT to reconfigure the light cycle at the Poplar Grove Extension and King Street to make sure it is signalized to help traffic flow onto the Poplar Grove Road to King Street rather than the River Street traffic continuing onto the Poplar Grove Road.

It was asked how many cars will exit the Water Street parking deck every minute? Mr. Amenya said in the morning peak hours, there are 26 cars making a left turn and 26 cars making a right turn per hour. He said in the evening peak hours, there are 47 making left turn and 43 making a right turn per hour. He noted that peak hours are usually 7 am to 9 am and 6 pm to 8 pm.

Mr. Amenya referred to the tables in the traffic study and explained the levels of service for E, D or F and how it relates to peak hours. He said you are good, if you can maintain a level D or better and this goes out to 20 years of growth on this case.

Planning Commission Member Lippard asked about future projections and what it would cost. Mr. Amenya said they base the traffic counts on the growth rate and he said the growth rate is compounded. He said he projected the growth rate by two percent.

Mr. Amenya explained the comparison and the level of service between the Rivers Walk project and the Marketplace project and he said they have accounted for future traffic flow and he added that he had worked with NCDOT on the future traffic count.

Mr. Amenya introduced Mr. Trent Moody from Davenport Engineering, he said he may be at future Town meetings when Mr. Amenya may not be available.

Council Member Mizelle asked about the round-a-bout at Water Street and River Street. Mr. Amenya explained that the NCDOT and the university are looking at this area for a round-a-bout. He said they will need the support of the Town, when they look at River Street. He said the university is looking at reducing the number of lanes due to speeding on Rivers Street.

Mayor Pro-Tem Mason asked if there was other information to be presented by the applicant. Mr. Deal said they have no more to present at this time but they are available for additional questions after the public comment.

Mayor Pro-Tem Mason called for a short break at 7:10 p.m.

Mayor Pro-Tem Mason reconvened the hearing at 7:20 p.m.

Mr. Charles Travis and his wife owns Old World Galleries and he said he is acutely aware of the parking problem in Downtown Boone. He said the Town parking meters helped the parking problem. He said he is in favor of the project as presented. He said the architectural drawings were appropriate for the Town of Boone.

Mr. Morgan Shaw said he is a business partner with Mr. Charles Travis at Old World Galleries. He noted that traffic and parking has always been a problem on King Street. He said the more parking the better to help their clients have better accessibility to benefit their business and the Town of Boone. He is in support of the parking of the proposed project.

Mr. Chuck Luddeke said he owns the Boone Mellow Mushroom. He said since his business has moved to King Street he has twice the parking issues than his former location on Rivers Street. He has had a number of customers that have been ticketed, booted or towed and his customers want him to pay these costs and have stated that they will not return to his restaurant. He also said that he supports the parking in the proposed project.

Mayor Pro-Tem Mason said that Mr. Ward has some written communication that he had received regarding this proposed case. She also noted that there were some emails sent to the Council from Mr. Eric Plaag and Ms. Pam Williamson. Mr. Ward said he also has a typed document from Steve and Eric Lawson with possible questions to be provided to the Council on this proposed project (not in the record).

Mayor Pro-Tem Mason asked if there were others that wanted to speak on this case or if anyone had any further questions on it from the Council or the Planning Commission. She also noted that the public hearing on this case will remain open for ongoing conversation as a result of the planned development process.

Council Member Teague asked if the proposed building touches the Murphy's Restaurant building. Mr. Deal said the proposed building does not physically touch Murphy's Restaurant.

Mr. Ward noted there is a walkway between the buildings.

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06-13-2016 Planning Commission Meeting Minute Excerpt

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CASE 20160275 Marketplace Planned Development – Zoning Map Amendment

John Winkler with The Winkler Organization has filed a Zoning Map amendment Petition for a planned development consisting of a mixed-use building containing both residential and commercial uses, including a parking deck for properties located at or near 783 West King Street (Watauga Co. PINs: 2900-79-7562-000 & 2900-79-6480-000).

Mr. Bailey presented this case as outlined in the meeting packet. He noted the applicant has made revisions to the proposed plans as a result concerns stated at the June 6, 2016 special public hearing.

Discussion ensued as to whether the public hearing was still open. The meeting continued with the public hearing considered open.

Chairperson Woolridge explained that the floor would be open to public comment after Mr. Davis gave his presentation on the plan revisions.

Mr. Jim Deal, Attorney for the applicant summarized the revisions that are reflected in the proposed plans and Mr. Brent Davis from Brent Davis Architecture handed out revised plans and elevations (permanently attached) and reviewed each of the revisions.

Mr. Davis said the compact parking spaces have been re-calculated to address the people's concern regarding the ease of getting in and out of their vehicles. In the re-calculation the compact parking widths changed to 8' 8"to 9 feet wide. Mr. Deal said that he estimates around 15 parking spaces were

lost in the revision of the plan. Mr. Deal said it dropped their estimated parking to 350 spaces from 367 spaces. Mr. Deal the engineers would have to determine where the support columns would need to be placed which may cause a further reduction in parking spaces.

Mr. Davis presented the following changes:

King Street: The windows closest to Murphy's have been modified to be folding doors which would open the space on the street. Other folding windows were added. Mr. Davis noted that the "arrows" as shown on the plan indicate that the windows and doors could be opened. Mr. Davis noted that the lobby had been narrowed to provide additional room to the restaurant spaces on either side of the lobby. Mr. Davis explained that there were options for steps down into the commercial spaces due to the change of grade along the sidewalk. Mr. Davis further described the potential for outdoor seating at the corner of King Street and Water Street at the 45 degree angle portion of the building.

Water Street: Mr. Davis noted the addition of windows and doors similar to those on King Street.

On the Howard Street elevation, Chairperson Woolridge asked the width of the door going into the restaurant. Mr. Davis said the width is five feet.

On the King Street elevation, Member McCracken asked why the entrance to the commercial tenant on the right was on the side of the building.

Mr. Davis said there was a request to put it on the side. Chairperson Woolridge explained that the original plans showed a main entry into the building a lobby. He said that he requested entry off of another street.

Discussion ensued on the location of the doors on King Street for the restaurants. Mr. Davis said there will be more planning for the restaurant entry depending on what the tenant will want for the restaurant. Mr. Davis said the revision on King Street opened up about 70 percent of the linear footage of this side of building for the restaurant.

Member Catoe asked, if you include parking, what is the square footage of the commercial area. Mr. Davis said it is 30,000 square feet.

On the King Street side, Mr. Davis explained how they made a change to the parking deck entrance that gained square footage to the building.

Chairperson Woolridge asked if the entrance to the building will be off of Water Street. Mr. Davis said yes. Mr. John Winkler, the applicant for this project, explained that they removed the big lobby opening on King Street based off of a request to remove it.

Chairperson Woolridge if there were other comments regarding the redesign of the proposed project.

Member Vincent asked about the parking spaces. Mr. Winkler gave a breakdown of the parking spaces, he said that 210 spaces have been allotted for long term monthly spaces and 140 have been allotted for hourly parking spaces for a total of 350 spaces. Mr. Winkler explained the cost of the parking deck is around $5 to $6 million dollars and there will be a ten percent deposit needed prior to construction of the parking deck. Mr. Deal said the tenants will have to pay for their parking. Mr. Deal said another part of it is the restaurant customer and staff parking is taking into consideration.

Discussion ensued on the changes to the original lobby area off of King Street to a hallway which now would lead to the parking deck and the residential units.

Chairperson Woolridge asked Mr. Davis what their thoughts were on signage for the building. Mr. Davis said that they created the sign bands to help with sign options on the building and to break up the look of the building.

Chairperson Woolridge said he felt that good well-planned signage is important and wanted to suggest that all the retail or restaurant signage be projecting signs.

Mr. Deal said that signage could this be placed as a condition on the proposed project. Mr. Bailey said if the applicant deviates from the current ordinance, there would need to be a recommendation made for it. Mr. Bailey pointed out that the Council could make a different recommendation on it.

Mr. Deal noted that they have a deviation on the square footage for wall signs.

Discussion ensued on different types of signage and adding dimension and character to the building. Member Lippard said he does not want to see the signage making it look like a government building.

Member McCracken asked about the previous main hall lobby door and noted that the entry way was more open than what is currently being proposed. She asked if the commission needed to discuss the change in door width at this meeting. Member Lippard said it was the consensus of the commission to not have the main entrance look like an interior mall. Mr. Deal said the revised change to the main hallway entry is a direct result of what the commission said they wanted to see at the June 2016 special public hearing. Member McCracken said she liked the idea of having a lobby because of the winter weather and she noted that she liked the idea of giving the entry a more welcome feel. Mr. Deal said you would have to take into consideration the loss of square footage for restaurant seating.

Discussion ensued on the type of entry way into the main hallway. Mr. Davis said he could make a change to the double doors off of the street.

Mr. Bailey explained the process for recommendations that should be followed so the Council can see what has been done.

Discussion ensued on how the King Street hallway functioned for ADA compliance.

Chairperson Woolridge noted it was the consensus of the commission to recommend projecting signs on the proposed building.

Discussion ensued on awnings. Mr. Johnson said that some people like awnings and some people do not like them. Mr. Johnson said the purpose of awnings is to provide protection from the weather. Mr. Johnson talked about the maintenance issues from the Public Works standpoint concerning the awnings. Mr. Johnson said the Community Appearance Commission supports the use of awnings.

Member Lippard said he feels like the Downtown area needs architectural style in their signage and awnings. He said the tenant would hopefully have some stylistic ideas that will make the building pop.

Vice-Chairperson Simmons talked about the possibility of a tenant using a structural awning.

Mr. Davis talked about identifying entrances into the proposed building, he said he would be glad to look at other possibilities on this topic, if needed.

Mr. Bailey talked about the Deviation Analysis in Accordance with UDO 9.10.05 (B)(1) located on page 58 of the meeting packet and he read number two from this list.

Mr. Deal said maybe there needs to be a recommendation from the commission for the applicant to look into projecting signs rather than sign bands. Mr. Deal noted that he was not sure what the square footage should be. It was noted that 48 square feet is a lot of square footage.

Mr. Bailey said that the applicant might want to think about doing some combination of sign band and projecting signage.

Ms. Shook asked that any recommendations for the signage be very clear so that Staff would be able to issues permits without confusion.

Chairperson Woolridge asked the applicant if the applicant would be agreeable to number two. Mr. Deal said yes they are agreeable to it.

Chairperson Woolridge asked about window logos. Mr. Bailey said the Town does not regulate anything inside the windows.

Discussion ensued on the deviation table and signage.

Mr. Bailey read UDO Article 26.07.01 through 26.07.07 about the signage that is allowed and not allowed in the B-1 zoning district. Mr. Bailey noted that a freestanding sign is not proposed at this project.

Ms. Shook talked about the Staff revising the sign ordinance and this would be a good opportunity to discuss sign-package requirements to include in the sign ordinance.

Mr. Deal talked about identifying the Marketplace building versus the tenants that live there. He talked about using a wall sign that directs the public to the parking deck.

Mr. Bailey said one of the things that the Staff tries to promote directory signs that help the public understand who is in the building.

Discussion ensued on projecting signs and wall signs.

Vice-Chairperson Simmons talked about the street level commercial uses on page 58 of the meeting packet. He talked about the King Street and Water Street sharing square footage and Water Street and Howard Street sharing square footage for commercial uses. He talked about the raw requirements outlined on the Deviation Analysis in Accordance with UDO 9.10.05(B)(1). He reviewed the changes that were made to the table. Vice-Chairperson Simmons and Member Long agreed that the commercial parking spaces are not included in these calculations.

Vice-Chairperson Simmons discussed the complexities of measuring commercial area in a building which has three different street frontages with varying topographical changes which change the street level of the building on all three sides.

Mr. Deal said all three street facing sides of the building having commercial square footage.

Vice-Chairperson Simmons talked about the Howard Street parking deck entrance and accessing the parking deck at this location which is parking deck level three. Mr. Deal noted that the applicant is not positive if they can put any bicycle parking at this location until they get the design from the construction company.

Mr. Winkler talked about the possible addition of 48 to 64 more bicycle parking spaces and the location of the bicycle parking if they do not have to install several water meters.

Vice-Chairperson Simmons said the only time he almost got seriously injured was on a bicycle in a parking deck.

Mr. Deal talked about the challenges of putting bicycle parking on level three of the Howard Street side of the building with the possible challenges of the installation of the water meters. Mr. Deal said they would work with the Public Works department on this.

Discussion ensued on the commuting by bicycle and being able to locate the parking deck on level three. Mr. Davis said he would work on this.

Member Dineen asked if the balcony doors were glass. Mr. Davis said yes they are proposing glass on these doors.

Vice-Chairperson Simmons talked about the configuration of bedrooms. He said originally there were 100 one-bedrooms, 31 two-bedrooms and three three-bedroom units. The current proposal is 44 one-bedroom units (44 bedrooms), 50 two-bedroom units (100 bedrooms), and five three-bedroom units with (15 bedrooms) for a total of 99 units and 159 bedrooms.

Mr. Deal said they tried to balance the mix of the number of bedrooms and the number of parking spaces to make enough profit to pay for the building. Mr. Winkler said the parking deck alone will not support paying for the building.

Member Lippard talked about the student housing, young professionals and family. Mr. Deal said there are five three-bedroom units. Mr. Deal explained the leasing process and who is obligated to pay the rent on the units.

Member Myers asked for clarification on the hallway that goes to the back of the building, if it was created as a result of reducing the main hallway. Mr. Davis said it was not shown in the first concept of the plan.

Member Myers asked how wide is the alley way between Murphy's Restaurant and the southwest corner of the building. Mr. Davis said the distance is seven feet. It was noted that the applicant only owned five feet of the seven foot alley.

Member Myers asked about fire access issues on the Murphy's side of the building. Mr. Deal said they had not had any comments about it from the Fire Department during the plan review.

Mr. Winkler said the building and parking deck will be sprinkled.

Member Vincent asked about other exterior building materials other than brick that they might be looking at to use on the building. Mr. Davis said as far as trim materials, they are looking at a manufactured stone which is a ground limestone mixed into a slurry and poured into a form. It will give them a lot of the design elements they are trying to achieve. He said they are still researching trim materials. He noted that real limestone is very heavy and difficult to work with on the building.

Member Vincent asked about the materials for guard rails. Mr. Davis said some type of metal that is powder coated.

Mr. Davis said they have more research to do for molding and pilasters, etc.

Chairperson Woolridge asked the commission members about their feelings on the exterior building materials. Member Vincent said he is still trying to decide what the look of Boone is because every building is different. Member Long said that he likes the look of the proposed plans as it relates to the exterior of the building.

Member Dineen asked if there will an opportunity to add live plants in the enclosed atrium. Mr. Davis said the atrium will be enclosed and a conditioned space with sky lights. Mr. Winkler said that they have not yet researched this topic.

The first speaker was Mr. Eric Plaag. Mr. Plaag introduced himself as the Chair of the Historic Preservation Commission, but noted that he is conveying his thoughts as a citizen of Boone and not as the Chairperson of the Historic Preservation Commission. He said that he had emailed many of the thoughts that he is sharing at this meeting to the Council and he had asked that those concerns be forwarded to the Planning Commission.

Mr. Plaag commended Mr. Winkler and his development team for listening to concerns voiced at the neighborhood meeting on April 5, 2016 regarding the proposed project.

Communication: Marketplace Planned Development Staff Report- Exhibit 1 (Past Meeting Minutes Excerpt) (Case PL00283-022417 Marketplace

Mr. Plaag said the reduction in building height along King Street and Howard Street is a modest improvement. He said although flawed and incomplete the applicant has tried proposed to modify the architectural elements that are more appropriate to Downtown Boone.

Mr. Plaag said the biggest flaw is thinking the parking deck will improve parking in the Downtown area.

He said the problem is Mr. Winkler's reason for asking for parking in Downtown Boone. He further talked about the parking allowances mentioned in the Staff report for this case, he said they are maximum and not minimum allowances. He talked about the proposed 367 parking spaces and what is permitted by the UDO. He said that Mr. Winkler is hoping to make a profit from the long-term leased parking spaces.

Mr. Plaag talked about the traffic study showing an increase in traffic.

Mr. Plaag talked about the not having the commitment in writing for any hourly parking arrangement. He urged the commission to get it in writing, if they want it to be part of the deal.

Mr. Plaag said partnering with the university and other commercial companies on the proposed parking deck would keep parking from coming onto King Street, Howard Street and Water Street and help mitigate parking issues in the Downtown area.

Mr. Plaag talked about the problems with the increased traffic flow will increase rather than decrease the current traffic issues.

Mr. Plaag strongly urged the Planning commission to deny the PD request because it exceeds the UDO limits on parking, height limitations and because of under-performed street-level commercial use. He noted that parking is not one of the categories of commercial space.

Mr. Plaag talked about the use of inappropriate building materials such as fiber cement, composite trim, cast concrete and parapet walls and exterior balconies that are not found in Boone's architectural.

The PC has the power to use the PD process for the appropriate building materials. He suggested that the Planning Commission members make use of that power.

Mr. Plaag handed out a photo named Downtown redevelopment concept from the Boone 2030 Land Use Plan, and noted that the design was more appropriate for Downtown Boone.

Member Templeton asked Mr. Plaag about one of the building materials. Mr. Plaag asked to complete his presentation before addressing his question. He said the materials used in the photo are appropriate for Downtown Boone.

Mr. Plaag handed out a rough sketch dated June 2, 2016 of the proposed Marketplace re-design levels that he had drawn (permanently attached). The sketch showed three levels of the building from King Street, Water Street and Howard Street. He reviewed the mix of uses on each level. He talked about the garage access on Howard Street. He said this building design fits the property and it does support the PD process. He noted that Howard Street would be the only access point for the parking garage.

Mr. Plaag asked the commission to encourage Mr. Winkler and Mr. Deal to consider his design proposal or to revise their proposal to a design that would make a better fit for Downtown Boone.

Member Templeton talked about the proposed building materials not being harmonious with the Downtown area. Member Templeton asked Mr. Plaag in his opinion what he thought is the appropriate building materials for the Downtown area. Mr. Plaag said the HPC has been engaged in the survey of Downtown Boone to help establish for the appropriate architectural materials for the Downtown area. Mr. Plaag referred to the Downtown guidelines draft that has been reviewed by the Community

Appearance Commission. Mr. Plaag said the solution is to figure out what you want your Downtown area to look like. He said raw brick is a historic building material and certain stylistic features.

Mr. Plaag talked about the Planning Commission not attending the Historic Preservation Committee meetings and asking for advice on building materials. Member Lippard said he is not required to go to the HPC meetings and said he is not beholden to the HPC, he is beholden to the Council.

Member Long asked if members of the CAC have communicated with the HPC. Mr. Plaag said yes they have. Member Long noted that he depends upon and respects the opinion of the CAC that relays their information to the Planning Commission.

Discussion ensued on to appropriate building materials in the downtown area and how they compare to existing buildings.

Member Lippard said the commission appreciates Mr. Plaag's comments regarding helping to make the Downtown buildings more ascetically pleasing on a Downtown strip, however, he feels that we have one of the ugliest Downtowns because everyone got to choose what they wanted at one time. He said we are having some guidelines placed on this proposed project which is more than a step forward than any 1920's building built in this Town.

Member Lippard said it is good that the HPC finally has one representative that comes and talks constantly about this subject. He said if you are a public entity you should share that information and the commission should not have to ask for it, he said he wants to make sure that this is clear.

Mr. Johnson talked about the look of the Farmers Hardware building having the look of concrete. Mr. Plaag said it was appropriate to use concrete, when that building was built.

Member Lippard said right now the commission has to figure out what the commission needs to discuss regarding building height, traffic issues, hourly parking. He said he does not see any agreement on materials at this time.

Member Long talked about the Downtown Boone Development Association comments being incorporated into the proposed plans that included the balconies. Mr. Plaag said there are no buildings in Downtown Boone that has balconies.

Vice-Chairperson Simmons noted that the illustrations in the Boone 2030 Land Use Plan were for illustration purposes only and that a person cannot choose just one photo from the plan to indicate importance. He noted that description found on page 223 of the Staff Report regarding the illustrations was important.

Member McCracken made a motion, seconded by Member Lippard to recess the public hearing.

At 8:12 p.m. Chairperson Woolridge called for a short break.

At 8:24 p.m. Chairperson Woolridge reconvened the meeting.

Chairperson Woolridge asked the Planning Commission regarding their thoughts or concerns on the proposed project.

Member Templeton said he is in favor of the proposed project. He said this is a viable and needed project for the Downtown area.

Member McCracken said she is generally in support of this proposed project. She said that she would like to see a condition placed on the project that no less than 40 percent of the total parking spaces be for short-term parking. She talked about the 50 percent requirement for commercial and that she has struggled with it. She said she would like to see more flexibility be given to the petitioner to be able to

Communication: Marketplace Planned Development Staff Report- Exhibit 1 (Past Meeting Minutes Excerpt) (Case PL00283-022417 Marketplace

make the best use for the lobby hallway space. She said she would like to see a right turn on Water Street.

Mr. Deal said they are in agreement with 40 percent or whatever the ultimate percentage is. He also said the more hourly parking the better.

Discussion ensued on the possible traffic issue at 5 p.m.

Member Dineen said she would like to see more housing for young professionals and families but the market does not lend itself to this type of housing. She noted her concern for having this large amount of parking at this location.

Member Lippard said he has taken into consideration that the applicant is willing to work with the Council and Planning Commission on this proposed project and trying to make the plans more suitable to the Downtown area. He said he appreciates the public comment because it reiterates what they have been doing. He noted that the commission can never make everyone happy. He said some of the things that need to continue to be discussed are the projecting signage, awning and the parking being specified as the 40 percent for hourly parking. He thinks the building height issues have been dealt with well, he likes the sliding doors that open up into the sidewalk environment, regarding the lobby, he doesn't care if it has one or not. He said he hoped that the housing options in the future would include young professionals.

Member Vincent talked about the parking issue in the Downtown area. He commended the applicant and his team for working with everyone and making the revisions to the proposed project. He said he would like to see the façade of the building broken up. He supports the proposed plan.

Member Myers talked about the availability of parking in the parking deck for the Downtown businesses. He said the softening the streetscape with the sliding doors and the projecting signs would be a good addition. He said he is in support of the project.

Member Catoe asked about the number of bedrooms, if Council approves can they be changed again.

Mr. Bailey said they have to go back through the approval process, if they change the layout of the unit mix.

Member Long talked about the difference between affordable housing and housing for young professionals. He said he would recommend this proposed project to the Council.

Vice-Chairperson Simmons said he agrees with Member Long and Member Vincent and he talked about hourly parking, and making it clear as to what the sign package is. He talked about the discussion regarding bringing vitality to the street. He talked about the change of the unit-mix being included in the recommendation. He supports this proposed project. He also reminded the commission to include the information on page 192 in the packet, when making recommendations.

Mr. Bailey said a statement should be made if the unit mix needs to be specific.

Member Vincent talked about the marketing research for the proposed project.

Chairperson Woolridge asked the applicant if they would agree to no more than five three-bedrooms and zero four-bedroom units. Mr. Deal said yes.

Member McCracken said she is struggling with the number of bedrooms. She asked if we should the commission should say they do not want to see more than ten percent of the one or two bedroom units. Chairperson Woolridge said they want to keep the bedrooms at one and two bedroom units.

Discussion ensued on the signage requirements for the proposed building.

Discussion ensued on building identification signs. Mr. Winker showed a rendering of the 45 degree angle of the building that faces the court house with the name Marketplace on it.

Chairperson Woolridge discussed with Staff how to describe the sign requirements.

Member McCracken asked if there was any signage in the Downtown area for parking. Mr. Bailey said yes.

Chairperson Woolridge told the applicant that the commission is working on substitute language for number two on the deviation list.

The commission discussed using a sign band and the possibility of the option of an awning at the entrances.

Ms. Shook talked about the directory signs that are allowed by right. Ms. Shook explained the benefit of a directory sign.

Chairperson Woolridge asked the applicant if would agree to these options. Mr. Deal said yes.

Mr. Bailey reminded the commission members to include the PD findings found on page 191 of the meeting packet into their motion for recommendations for conditions.

Discussion ensued on acceptable building materials. Member Long said the commission members are in agreement that they did not want to see hardy board used as building material. Mr. Bailey read about the acceptable building materials.

Member Long asked about the architectural exterior building materials and should they be addressed now. Mr. Deal said the applicant would not mind appearing before the Community Appearance Commission again for a final approval, if needed.

Discussion ensued on the type of building materials that should be used on the proposed building.

Chairperson Woolridge asked what the applicant would agree to use as building material.

Mr. Bailey said the Council modified the requirements for materials in the B-1 zoning district which are red brick or darker, natural stone, use of concrete. He said simulated brick, cultured stacked stone is prohibited.

Member Long suggested noting that architectural concrete would be prohibited under the current ordinance.

Mr. Johnson explained that the building material has to physically attach to the building.

Mr. Bailey said the CAC members showed a concern for the use of EFIS.

Mr. Davis noted that pre-cast concrete is thick and heavy and he further described this material.

Member Catoe asked if the railings are acceptable per the UDO. Mr. Bailey said yes.

Mr. Johnson talked about the variations of building materials that break up the look of the building.

It was noted if the applicant wanted to use slate as a building material that it would be allowed.

Chairperson Woolridge summarized the recommendations discussed by the Planning Commission members and agreed upon by the applicant as follows:

1. At least forty percent (40%) of the project's parking will be dedicated for short-term hourly parking.
2. The development is limited to the proposed five 3 bedroom units and is not allowed to have any

4 bedroom units.

3. The applicant is granted an exception to allow cast concrete or similar material (such as cast moldings) for accent trim as shown on the building.
4. The applicant's removal of the request for the deviation regarding attached wall signage to be allowed the following:
   a. The applicant is allowed to place a building identification sign [such as "Marketplace"] within the sign band or cornice band at each of the 45 degree angles proposed for the building.
   b. Each [commercial] tenant will be allowed up to a 16 square foot projecting sign and an awning sign [meeting the requirements set forth for awning signs in the B1].
   c. Each parking entrance will be allowed up to a 24 square foot projecting sign.
   d. The applicant is given approval to have an awning at all other ingress/egress points on the building.

First motion and vote:
Member Lippard made a motion, seconded by Member McCracken that the proposed amendment to the Town's zoning map is consistent with the Towns comprehensive plan and other applicable plans of the Town which relate to this application because of the following:

1. It [the Marketplace development] meets the call from the Boone 2030 plan for mixed-use development;
2. It [the Marketplace development] provides the possibility for more much-needed commercial parking in the B1 downtown district;
3. The parcel is located in the Primary Growth Area and the parcel is located in the G-4 Downtown Boone sector, which is appropriate for redevelopment and new infill mixed-use downtown development.
4. The development is further supported by the Comprehensive Plan Update as follows:
   a. 2.3.2(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
   b. the immediate area and supportive whenever possible of Boone's original community character as a High Country small town, and
   c. 2.1.5(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, and
   d. 2.1.1(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, and
   e. 2.1.5(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.
   f. 2.1.5(B) A variety of mutually compatible and supportive mixed uses shall be encouraged in the downtown area;
   g. 2.3.3(D) 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.
   h. 2.3.3(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.

5. It [the Marketplace development] presents a unique application of the new planned development procedures because:
   a. The proposed PD will produce a development of equal or higher quality than otherwise required by the strict application of district regulations that would otherwise govern;
   b. The proposed PD will encourage innovative arrangement of buildings and open spaces to provide efficient, attractive, flexible, and environmentally sensitive design;
   c. The proposed PD will produce a development functioning as a cohesive, unified project; and
   d. The proposed PD will not substantially injure or damage the use, value, and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the adopted plans and policies of the Town.

Vote: Aye – All
Nay – None

The vote was unanimous.

Second Motion and Vote:
Chair Woolridge made a motion, seconded by Member Catoe that the Planning Commission recommends approval with the following developer agreed upon conditions:

1. Where there is a conflict between the application information and the plans (site plans and architectural plans bearing a received date of May 27, 2016 and as amended on June 13, 2016), 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. Final plans shall be submitted that are in compliance with the provisions of the UDO and other provisions of the Town Code.
4. All driveway permits shall be obtained prior to the issuance of a Zoning Permit.
5. The applicant will be required to satisfy all NCDOT requirements prior to the issuance of a Zoning Permit.
6. At least forty percent (40%) of the project's parking will be dedicated for short-term hourly parking.
7. The development is limited to the proposed five 3 bedroom units and is not allowed to have any 4 bedroom units.
8. The applicant is granted an exception to allow cast concrete or similar material (such as cast moldings) for accent trim as shown on the building.
9. The applicant's removal of the request for the deviation regarding attached wall signage to be allowed the following:
   a. The applicant is allowed to place a building identification sign [such as "Marketplace"] within the sign band or cornice band at each of the 45 degree angles proposed for the building.
   b. Each [commercial] tenant will be allowed up to a 16 square foot projecting sign and an awning sign [meeting the requirements set forth for awning signs in the B1].
   c. Each parking entrance will be allowed up to a 24 square foot projecting sign.
   d. The applicant is given approval to have an awning at all other ingress/egress points on the building because of the reasons listed within the first motion.

Vote: Aye – All

Nay – None

The vote was unanimous.

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06-16-2016 Town Council Meeting Minute Excerpt

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CASE 20160275 MARKETPLACE PLANNED DEVELOPMENT ZONING MAP AMENDMENT - VOTE #1:
Case 20160275 Marketplace Planned Development Zoning Map Amendment – John Winkler with The Winkler Organization has filed a Zoning Map Amendment Application for a planned development at properties located at or near 783 W. King Street (Watauga County PINs 2900-79-7562-000 and 2900-79-6480-000). The proposed development consists of a mixed-use building containing both residential and commercial uses, including a parking deck. The residential portion will contain 99 dwelling units with 159 bedrooms; with the following uses proposed to be allowed for the commercial portion of the building: 11.06 Restaurant ≤ 2,500 ft2 open to the public during 10pm-6am, 11.07 Other restaurants ≤ 2,500 ft2; 11.08 Restaurant > 2,500 ft2 open to the public during 10pm-6am; 11.09 Other restaurants ≤ 2,500 ft2, 11.12 Personal Service Establishment open to the public during 10 pm – 6 am, 11.13 Other Personal Service Establishments, 11.14 Retail Store up to 5,000 ft2; 11.15 Retail Store more than 5,000 ft2 but less than 25,000 ft2, 11.19 Other business or Professional Office, 14.02 Brewpub and 15.02 Parking Structure.

Mayor Pro Tem Mason noted that the public hearing on this item remains open from the last hearing. Town Attorney Allison Meade reiterated her earlier comments regarding the intent of the planned development process. She pointed out that the reason behind this planned development application is due to deviations requested from the Unified Development Ordinance including height, less commercial space and an increase in parking space with more compact spaces.

Jim Deal, representing the Marketplace planned development request, spoke regarding the project, noting changes and conditions. He stated that all downtown business owners who spoke at the initial hearing were in favor of this project and reviewed the conditions as noted in the Planning Commission recommendation to Council. Brent Davis, architect for the Marketplace project, reviewed the changes as they were included in the Planning Commission meeting minutes. In response to Council Member Mizelle's question regarding parking, Mr. Davis advised that the parking will be available 24/7 with a ticket machine and arm to pay as you leave. Council questioned what security measures would be in place for those parking in the deck and the residents of the building. Mr. Deal advised there would be security cameras in place and access off King Street would require a key card. Town Manager John Ward advised that the hourly parking to be provided in this development will double the parking currently available on King Street. Mr. Deal added that they will be working with Town staff to ensure timing things in order to limit the disruption during construction and will coordinate with the Howard Street project. In response to Mayor Pro Tem Mason's question regarding the structural integrity of the adjacent building, Planning Director Bill Bailey advised that in addition to their inspections, the project's engineer will have to certify this as well.

Discussion ensued regarding the types of residents the developers expect to attract to this development. Mr. Deal noted that people do not want to be responsible for someone else's half of the apartment, and they typically rent per bedroom with utilities included unless a family is renting, in which it would be for the entire unit.

Eric Plaag, of Boone, stated there has never been a project in Boone that fronts three streets at one time. He voiced his concern with the access from King Street and to whom the two- and three-bedroom units were intended to be rented, stating that Mr. Deal indicated they would be for undergraduates. Mr. Plaag added that Mr. Winkler owns the Mellow Mushroom building and apartments, and students park along Water Street all day when moving in and out.

Mr. Deal advised that the one-bedroom apartments are intended for graduate students and young professionals, and if a family wants to rent, they would rent the entire unit. Mr. John Winkler advised that they have a group of men to help move people in, if needed, and have certain times during the day in which people can move in. Town Manager John Ward added that the Howard Street concept has loading zones proposed should this development be approved.

Mayor Pro Tem Mason closed the public hearing at 8:38 p.m.

Council Member Clawson voiced her concern with bringing such a large building with a lot of students who rent by the bedroom, noting that she believed this would also create traffic problems. She felt this was not the right location for a parking deck.

Upon a motion by Council Member Mizelle, seconded by Council Member Underdown Collins, Council moved that the proposed amendment to the Town's zoning map is consistent with the Town's Comprehensive Plan and other applicable adopted plans of the Town which relate to this application because of the following:

1. The Marketplace development meets the call from the Boone 2030 plan for mixed-use development;
2. The Marketplace development provides the possibility for more much-needed commercial parking in the B1 downtown district;
3. The parcel is located in the Primary Growth Area and the parcel is located in the G-4 Downtown Boone sector, which is appropriate for redevelopment and new infill mixed-use downtown development.
4. The development is further supported by the Comprehensive Plan Update as follows:
    a. 2.3.2(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, and;
    b. 2.1.5(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; and,
    c. 2.1.1(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; and,
    d. 2.1.5(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.
    e. 2.1.5(B) A variety of mutually compatible and supportive mixed uses shall be encouraged in the downtown area;
    f. 2.3.3(D) 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.

g. 2.3.3(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.

5. The Marketplace development presents a unique application of the new planned development procedures because:
   a. The proposed PD will produce a development of equal or higher quality than otherwise required by the strict application of district regulations that would otherwise govern;
   b. The proposed PD will encourage innovative arrangement of buildings and open spaces to provide efficient, attractive, flexible and environmentally sensitive design;
   c. The proposed PD will produce a development functioning as a cohesive, unified project; and,
   d. The proposed PD will not substantially injure or damage the use, value, and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the adopted plans and policies of the Town.

RESULT: APPROVED [4 TO 1]
MOVER: Charlotte Mizelle, Council Member
SECONDER: Jeannine Underdown Collins, Council Member
AYES: Mason, Mizelle, Teague, Collins
NAYS: Clawson

CASE 20160275 VOTE #2:
Upon a motion by Council Member Mizelle, seconded by Council Member Underdown Collins, Council moved to approve the proposed amendment to the Town's zoning map and believe approval is reasonable and in the public interest for the reasons listed in the first motion with the following developer agreed upon conditions:

1. Where there is a conflict between the application information and the plans (site plans and architectural plans bearing a received date of May 27, 2016, and as amended on June 13, 2016), 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 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. Final plans shall be submitted that are in compliance with the provisions of the UDO and other provisions of the Town Code.
4. All driveway permits shall be obtained prior to the issuance of a zoning permit.
5. The applicant will be required to satisfy all NCDOT requirements prior to issuance of a zoning permit.
6. At least 40 percent of the project's parking will be dedicated for short-term hourly parking.
7. The development is limited to the proposed five, three-bedroom units and is not

allowed to have any four-bedroom units.

8. The applicant is granted an exception to allow cast concrete or similar material (such as cast moldings) for accent trim as shown on the building.
9. The applicant's removal of the request for the deviation regarding attached wall signage to be allowed the following:
    a. The applicant is allowed to place a building identification sign (such as "Marketplace") within the sign band or cornice band at each of the 45-degree angles proposed for the building.
    b. Each [commercial] tenant will be allowed up to a 16-square-foot projecting sign and an awning sign [meeting the requirements set forth for awning signs in the B1].
    c. Each parking entrance will be allowed up to a 24-square-foot projecting sign.
    d. The applicant is given approval to have an awning at all other ingress/egress points on the building.

RESULT: APPROVED [4 TO 1]
MOVER: Charlotte Mizelle, Council Member
SECONDER: Jeannine Underdown Collins, Council Member
AYES: Mason, Mizelle, Teague, Collins
NAYS: Clawson

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Communication: Marketplace Planned Development Site Plan Information (Case PL00283-022417 Marketplace Mixed Use - Planned Development Modification)

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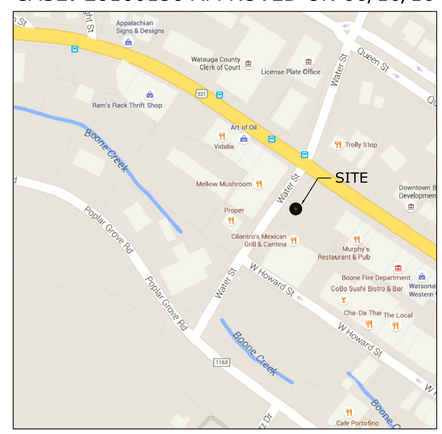
MODIFICATION TO THE PLANNED DISTRICT REZONING PLANS FOR:

Marketplace Mixed Use

A Mixed Use Development

783 WEST KING STREET
BOONE, WATAUGA COUNTY, NC 28607
ZONING: PD B-1
PARCELS #: 2900-79-7562-000, 2900-79-6480-000
CASE: 20160136 APPROVED ON 06/16/16



VICINITY MAP
NOT TO SCALE

N

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

PREPARED BY:

VALOR ENGINEERING

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

March 2, 2017
001-024

SHEET INDEX

G-1	COVER SHEET
V-1	SURVEY
C-1	SITE PLAN
C-2	GRADING & DRAINAGE PLAN
C-3	UTILITY PLAN
PE1	LIGHTING PLAN
PE2	LIGHTING PLAN

Town of Boone
Planning & Inspections
Date Received
March 2, 2017

UTILITY PROVIDERS

NEW RIVER LIGHT AND POWER COMPANY
WINKLER'S CREEK RD.
P.O. BOX 1130
BOONE, NC 28607
(828) 264-3671
CONTACT: MR. PHILIP HIATT

FRONTIER NATURAL GAS
1927 NORTH BRIDGE ST.
ELKIN, NC 28621
(336) 366-7245
CONTACT: MR. ERNIE MCGUIRE

AT&T
1047 HARPER AVE.
LENOIR, NC 28645
(828) 754-0532
CONTACT: MR. DAVID MOORE

TOWN OF BOONE PUBLIC UTILITIES
321 EAST KING ST.
BOONE, NC 28607
(828) 268-6250
CONTACT: MR. JACK HARMON

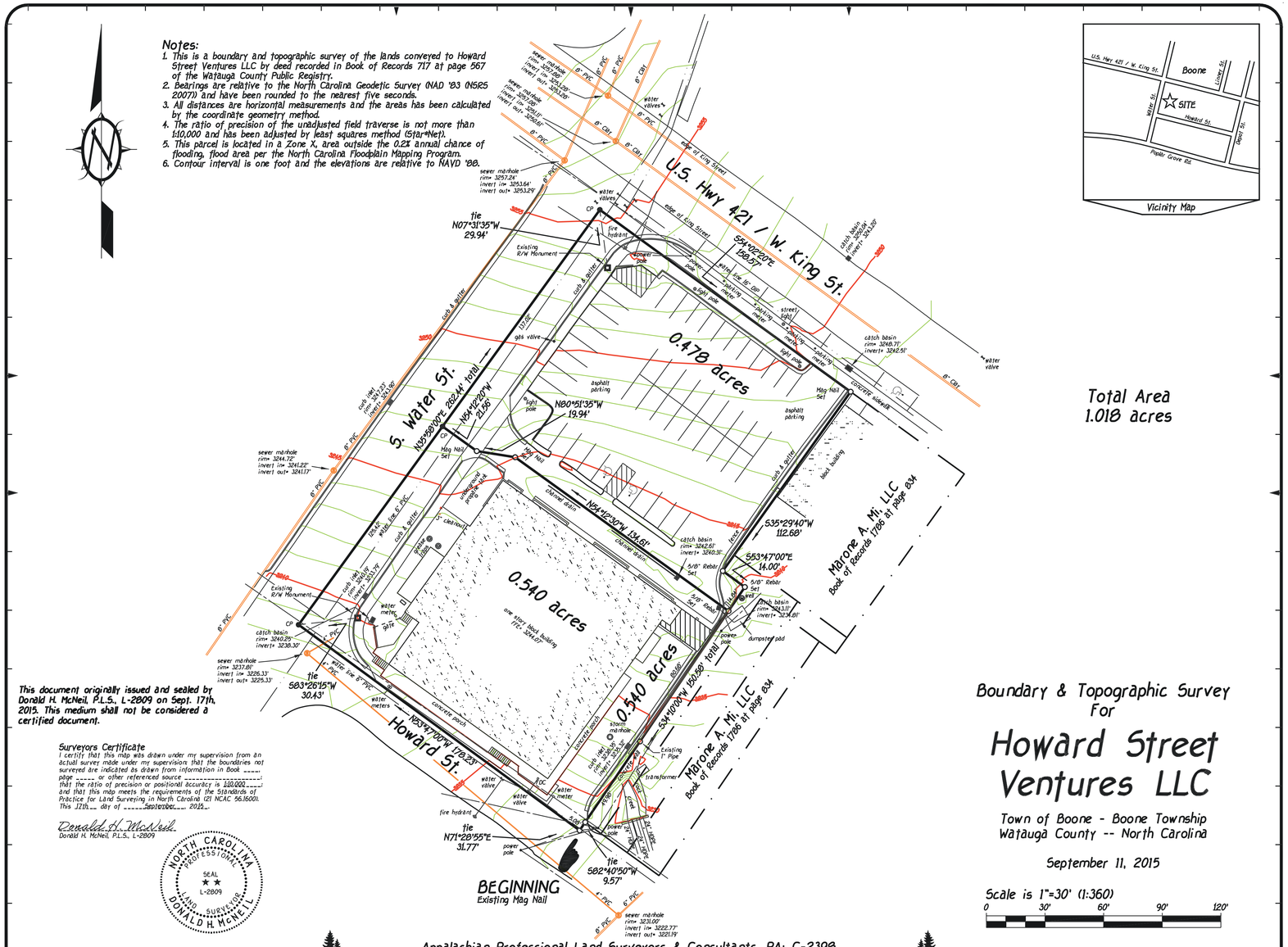
NORTH CAROLINA PROFESSIONAL SEAL 035233 ENGINEER JASON GASTON
03/02/17

REVISIONS:

NO.	DESCRIPTION:	BY:	DATE:
1	TOWN COMMENTS	JEG	12/20/16
2	PDR REVISIONS	JEG	03/02/17

Notes:

1. This is a boundary and topographic survey of the lands conveyed to Howard Street Ventures LLC by deed recorded in Book of Records 717 at page 567 of the Watauga County Public Registry.
2. Bearings are relative to the North Carolina Geodetic Survey (NAD '83 (NSRS 2007)) and have been rounded to the nearest five seconds.
3. All distances are horizontal measurements and the areas 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 method (Star*Net).
5. This parcel is located in a Zone X, area outside the 0.2% 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.



This document originally issued and sealed by Donald H. McNeil, P.L.S., L-2809 on Sept. 17th, 2015. This medium shall not be considered a certified document.

Surveyors Certificate

I certify that this map was drawn under my supervision from an actual survey made under my supervision that the boundaries not surveyed are indicated as drawn from information in Book _____ page _____ or other referenced source _____ that the ratio of precision or positional accuracy is 1:10,000 and that this map meets the requirements of the Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1600). This 17th day of September, 2015.

Donald H. McNeil
Donald H. McNeil, P.L.S., L-2809

NORTH CAROLINA PROFESSIONAL SEAL L-2809 LAND SURVEYOR DONALD H. MCNEIL

Total Area
1.018 acres

Boundary & Topographic Survey
For

Howard Street Ventures LLC

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

September 11, 2015

Scale is 1"=30' (1:360)

0 30' 60' 90' 120'

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

Job No. 15150

Communication: Marketplace Planned Development Site Plan Information (Case PL00283-022417 Marketplace Mixed Use - Planned Development Modification)

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 RADII 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.) TRACT IS 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 PAVEMEBT 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
	EXISTING RIGHT-OF-WAY LINE

COMMERCIAL USE LOCATION LEGEND

	KING STREET COMMERCIAL USE
	HOWARD STREET COMMERCIAL USE

LAND USE INTENSITY CALCULATIONS

	ACRES	MIN. FOOTPRINT COVERAGE %	MIN. FOOTPRINT	MIN. OSR	MIN. LSR	MIN. RSR
ZONED B-1 (MAX. FOOTPRINT)	1.018	50%	22,163	N/A	N/A	N/A
TOTAL:	1.018		22,163			
44,325 SF		PROPOSED:	36,406	82.1%		

STREET LEVEL COMMERCIAL USES

MIN. KING ST. LEVEL COMMERCIAL LAND USE OF AT LEAST 50%:	18,203	sf
KING ST. PROPOSED:	8,779	sf
KING ST. PROPOSED (%):	24.1%	
MIN. WATER ST. LEVEL COMMERCIAL LAND USE OF AT LEAST 30%:	10,922	sf
WATER ST. PROPOSED:	-	sf
WATER ST. PROPOSED (%):	0.0%	
MIN. HOWARD ST. LEVEL COMMERCIAL LAND USE OF AT LEAST 30%:	10,922	sf
HOWARD ST. PROPOSED:	5,471	sf
HOWARD ST. PROPOSED (%):	15.0%	

USE TABLE

Quantity	Description	Use #
40	1-BEDROOM APARTMENTS	1.16
52	2-BEDROOM APARTMENTS	1.16
4	3-BEDROOM APARTMENTS	1.16
14,250	SF OF RESTAURANT	11.09

BUILDING HEIGHT SUMMARY

PRIMARY BUILDING HEIGHT IN B-1:	40'
PROPOSED MEAN BUILDING HEIGHT (KING STREET):	38'
PROPOSED MEAN BUILDING HEIGHT (WATER STREET):	42'-4"
PROPOSED MEAN BUILDING HEIGHT (HOWARD STREET):	50'-4"
ADDITIONAL SETBACK PER UDO SECTION 207[C]	N/A

PARKING CALCULATIONS

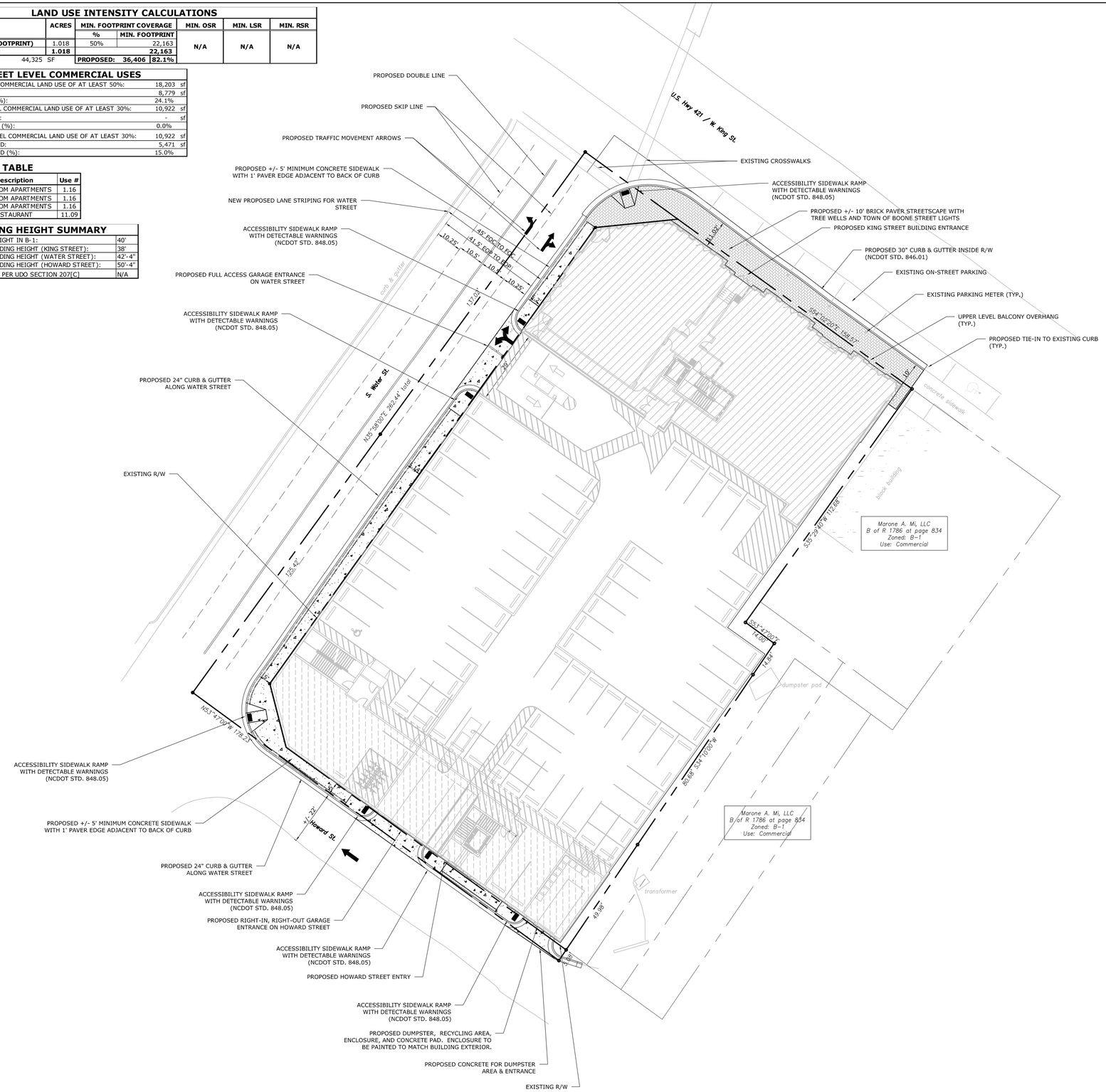
MAX. MULTIFAMILY RESIDENTIAL PARKING	
1 SPACE / 1-BR UNITS	40 SPACES
2 SPACES / 2 BR UNITS	104 SPACES
3 SPACES / 3 BR UNITS	12 SPACES
MAX. RESTAURANT PARKING	
12 SPACES / 1,000 SF GFA	171 SPACES
MAXIMUM ALLOWABLE PARKING:	**327 SPACES**
MIN. MULTIFAMILY RESIDENTIAL PARKING REQ'D (80% OF MAX):	125 SPACES
MIN. RESTAURANT PARKING (10 SPACES /1,000 SF GFA)	143 SPACES
MINIMUM REQUIRED PARKING:	**268 SPACES**
PROVIDED STANDARD PARKING SPACES:	158 SPACES
PROVIDED STANDARD PARKING SPACES (ACCESSIBLE)	8 SPACES
PROVIDED COMPACT PARKING SPACES:	177 SPACES
TOTAL PARKING PROVIDED:	**343 SPACES**
EXCESS PARKING PROVIDED OVER MAX. ALLOWABLE:	16 SPACES
EXCESS PARKING PROVIDED OVER MIN. REQ'D:	75 SPACES

MULTIFAMILY ALLOWABLE COMPACT SPACES (MAX. 50%):	78 SPACES
OTHER USES ALLOWABLE COMPACT SPACES (MAX. 30%)	51 SPACES
TOTAL NUMBER OF ALLOWABLE COMPACT SPACES:	129 SPACES
TOTAL NUMBER OF ALLOWABLE COMPACT SPACES (%):	37.6%
PROVIDED NUMBER OF COMPACT SPACES:	177 SPACES
PROVIDED NUMBER OF COMPACT SPACES (%):	51.6%

Motorcycle Parking & Bicycle Parking: The B-1 Central Business Zoning District is exempt from both of these requirements.

TOTAL PROVIDED BICYCLE PARKING (INSIDE GARAGE):	**66 SPACES**

COMMERCIAL/RETAIL LOADING SPACE CALCULATIONS	
MIN. REQ'D LOADING SPACES FOR RESTAURANT (1 / 5,000 SF):	3 SPACES
PROVIDED LOADING SPACES:	0 SPACES



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Know what's **below**
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PROJECT:

The Marketplace

A Mixed Use Development

ADDRESS:
783 West King Street
Boone, NC

DEVELOPER:
Winkler organization
RESIDENTIAL & COMMERCIAL PROPERTY MANAGEMENT
215 Boone Heights Drive, Ste. 100
Boone, NC 28607
828-262-3431

CONTACT: MR. JOHN WINKLER

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

SEAL:
NORTH CAROLINA PROFESSIONAL SEAL 035233 ENGINEER JASON GASTON
03/02/17

REVISIONS	DATE
1 TOWN COMMENTS	12/20/16
2 PDR REVISIONS	03/02/17

PROJECT MANAGER:	JEG
DRAWING BY:	JEG
JURISDICTION:	TOWN OF BOONE
DATE:	03/02/17
SHEET TITLE:	SITE PLAN
SHEET NUMBER:	C-1
SCALE:	1" = 20'
FILE NUMBER:	001-024

20 10 0 20 40
SCALE IN FEET

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.

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.) NO PORTION OF THIS PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA.

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.

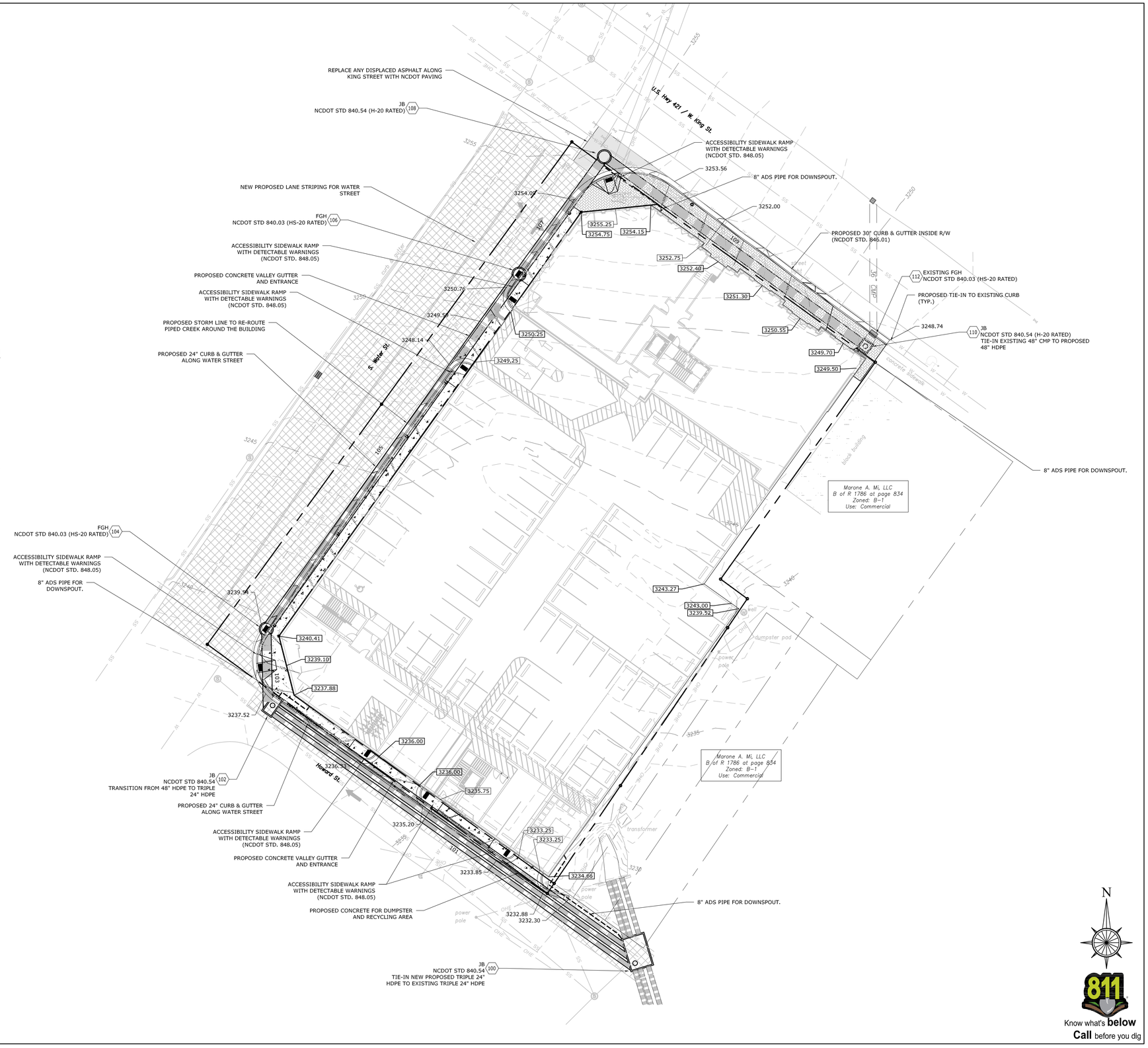
19.) ALL PUBLICLY MAINTAINED SIDEWALK SHALL BE BUILT WITH 5,000 PSI CONCRETE WITH FIBER 4" THICK AND 4" WASHED STONE UNDERNEATH. SIDEWALK TO BE SEALED WITH CONCRETE SEALER. ALL DRIVEWAYS SHALL BE 6" WASH STONE AND 6" 5,000 PSI CONCRETE WITH FIBER AND SEALED. ALL PROPOSED SIDEWALKS SHALL BE BUILT WITH A 2% CROSS-SLOPE AWAY FROM THE BUILDING.

EARTHWORK CALCULATIONS			
REQ'D CUT =	+	30,650	CY
REQ'D FILL =	-	105	CY
ADDITIONAL CUT FROM PAVEMENT BASE =	+	0	CY
ADDITIONAL CUT FROM FOUNDATION =	+	750	CY
BALANCE:	+	31,295	CY

EARTHWORK NOTES:
1.) A SHRINKAGE OF 15% WAS USED FOR THESE CALCULATIONS. REQ'D CUT IS IN SITU CUT.

2.) ANY SOIL MATERIAL TO BE TRANSPORTED OFFSITE SHALL BE EXPORTED TO A SPOIL SITE APPROVED BY THE GOVERNING JURISDICTION. AT THE START OF EARTH MOVING ACTIVITIES, THE CONTRACTOR SHALL PROVIDE THE TOWN OF BOONE WITH A COPY OF THE APPROVED SPOIL SITE PERMIT.

LEGEND	
	CONCRETE SIDEWALK AND PAVING
	STANDARD DUTY ASPHALT PAVING
	OVERLAY/REPAIR
	NCDOT ASPHALT PAVING
XXX.XX	EXISTING SPOT ELEVATION
XXX.XX	PROPOSED SPOT ELEVATION
XXXX	EXISTING CONTOURS
XXXX	PROPOSED CONTOURS



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03/02/17

REVISIONS	DATE
1 TOWN COMMENTS	12/20/16
2 PDR REVISIONS	03/02/17

PROJECT MANAGER:	JEG
DRAWING BY:	JEG
JURISDICTION:	TOWN OF BOONE
DATE:	03/02/17

SHEET TITLE:

GRADING & DRAINAGE PLAN

SHEET NUMBER: C-2

SCALE: 1" = 20'
20 10 0 20 40
SCALE IN FEET

FILE NUMBER: 001-024

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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.

TOWN OF BOONE WATER LINES - GENERAL NOTES:

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 I-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 MJ GLANDS AND THRUST BLOCKING MUST BE INSTALLED ON ALL MJ 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.

FIRE MARSHAL NOTES:

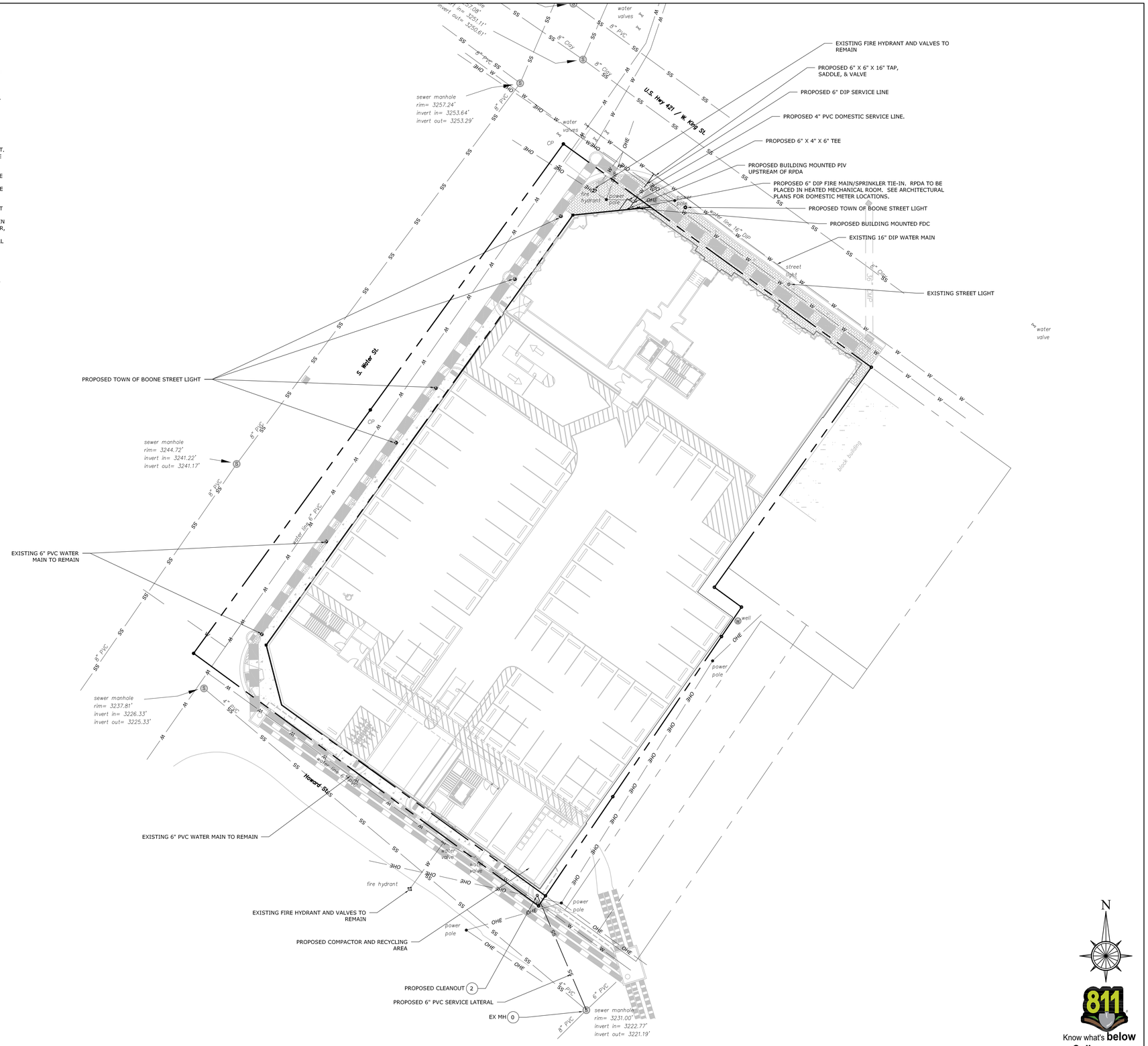
1.) ALL FIRE HYDRANTS SHALL BE FITTED WITH HYDRANT MARKERS FOR INCLEMENT WEATHER LOCATION (3/8" x 60" *BARCO PRODUCTS* OR EQUIVALENT).
2.) ALL STREET NUMBERS SHALL BE 8" MIN HEIGHT AND A COLOR CONTRASTING THE BUILDING FINISH.

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
T	PROPOSED TRANSFORMER
A/C	PROPOSED A/C UNIT
	PROPOSED GATE VALVE

SOLID WASTE CALCULATIONS:

1/8 CY / BEDROOM REQUIRED / WEEK
TOTAL CY REQUIRED: 20 CY
CAPACITY IN DUMPSTER: 8 CY
TOTAL DUMPSTERS REQUIRED: 1 (PICKED UP 4 X PER WEEK)



N

811 Know what's **below** **Call** before you dig

PROJECT:

The Marketplace

A Mixed Use Development

ADDRESS:
783 West King Street
Boone, NC

DEVELOPER:
Winkler organization
RESIDENTIAL & COMMERCIAL PROPERTY MANAGEMENT
215 Boone Heights Drive, Ste. 100
Boone, NC 28607
828-262-3431

CONTACT: MR. JOHN WINKLER

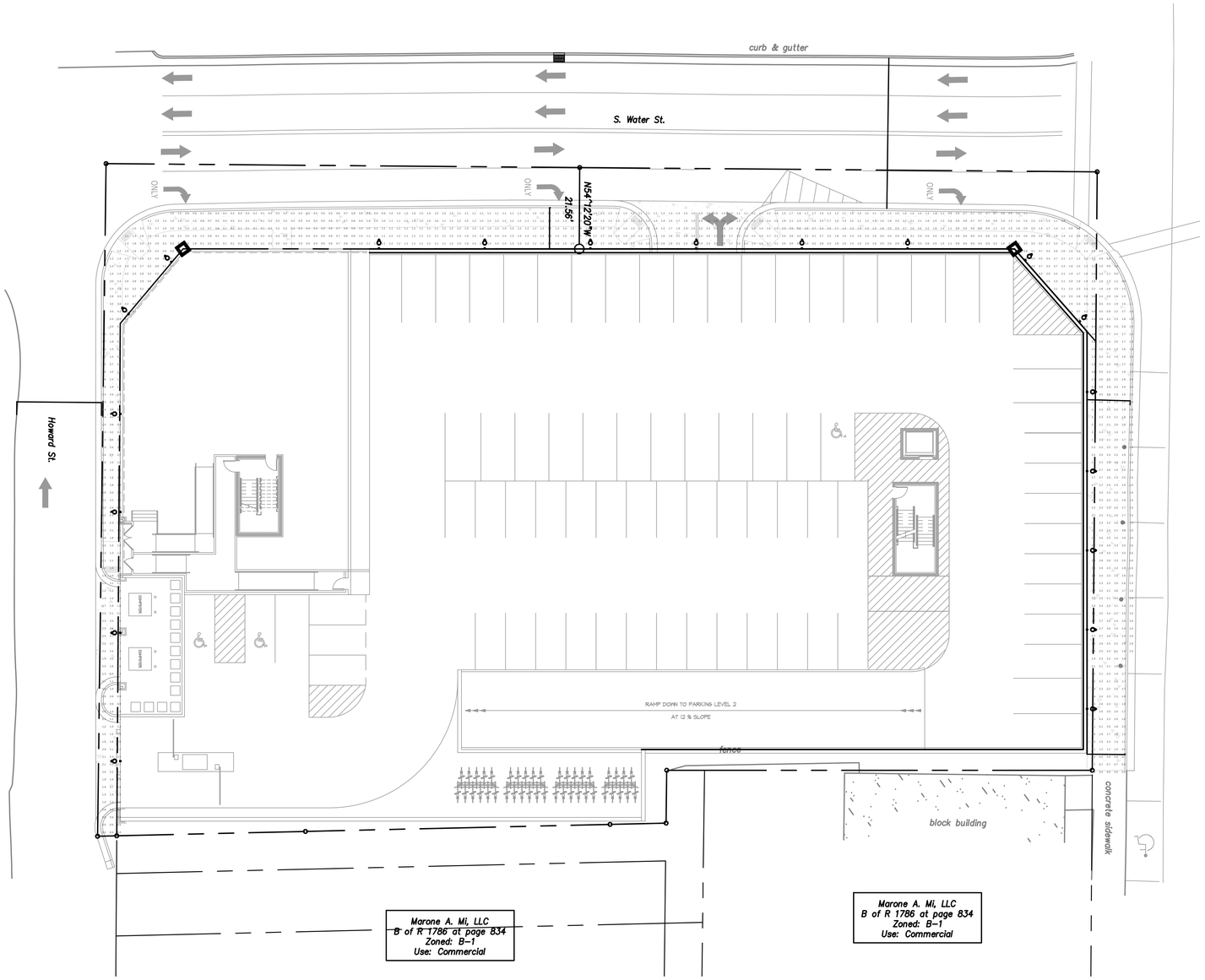
ENGINEER:
VALOR ENGINEERING
215 Boone Heights Drive, Ste. 107
Boone, NC 28607
828-262-9807
www.valorengineering.com

SEAL:
NORTH CAROLINA PROFESSIONAL SEAL 035233 ENGINEER JASON GASTON
03/02/17

REVISIONS	DATE
1 TOWN COMMENTS	12/20/16
2 PDR REVISIONS	03/02/17

PROJECT MANAGER:	JEG
DRAWING BY:	JEG
JURISDICTION:	TOWN OF BOONE
DATE:	03/02/17
SHEET TITLE:	UTILITY PLAN
SHEET NUMBER:	C-3
SCALE:	1" = 20' (20 10 0 20 40 SCALE IN FEET)
FILE NUMBER:	001-024

Communication: Marketplace Planned Development Site Plan Information (Case PL00283-022417 Marketplace Mixed Use - Planned Development Modification)



1 SITE PHOTOMETRIC PLAN
1/16

STATISTICS

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Sidewalk	+	1.7 fc	4.4 fc	0.1 fc	44.0:1	17.0:1

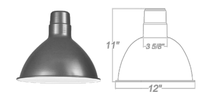
LUMINAIRE SCHEDULE

Symbol	Label	Qty	Catalog Number	Description	Lamp	File	Lumens	LLF	Watts
Ô	B	19	D612-32WPL 100GLCL	WITH WHITE INTERIOR AND CLEAR VAPOR TIGHT GLASS LENS	ONE SYLVANIA 32 WATT CPFL LAMP	D612-100GLCL-32WPL-T15295.IES	2400	0.95	33

BDA-1601-PE1.dwg, Plotted By: rick
May 18, 2016 - 3:20pm

ANP Lighting
INNOVATIVE SITE LIGHTING

Specifications D612



Project: _____
Customer No: _____
Fixture Type: _____
Quantity: _____

D612
12" Deep Bowl

RLM Shades manufactured using 1100 aluminum alloy, typically .08-.125 thickness

Catalog Logic

D612	32WPL	RTC	120	E6	100GLCLGUP	PC	41
Fixture	Light Source & Wattages	Ballast Housing	Voltage	Mounting	Glass	Accessory	Finish

1	2	3	4	5	6	7
D612						

1 LIGHT SOURCE & WATTAGES

Flourescent (WPL)	High Pressure Sodium Metal Halide
GU24 Socket Option	
26WPL	**50MH**
32WPL	**50HPS**
42WPL	**70MH**
***26WPLDIM**	**70HPS**
***32WPLDIM**	**100MH**
***42WPLDIM**	**100HPS**
***Max Distance From Lamp is 12"**	**150MH** (Without Glass)
(*Default 0 -10v DC)	**150HPS** (Without Glass)

Indoor Remote Ballast	Postline
Housing included (skip step 2)	requires 4" OD pole
50MHRI	Housing included (skip step 2)
70MHRI	**50MHP**
100MHRI	**50HPP**
150MHRI (Without Glass)	**70MHP**
	70HPP

2 BALLAST HOUSING

Fluorescent (WPL)	High Pressure Sodium/Metal Halide
RTC (WPL Ballast Canopy)	**HIDRC** (Metal Halide Ballast Canopy)
RTCNC (WPL Ballast Canopy/ No Spun Cover)	**HIDRCNC** (Metal Halide Ballast Canopy/No Spun Cover)
DBH (Dimming CFL Ballast housing)	

3 VOLTAGES

120	208	240	277

4 MOUNTING SOURCES

Arm Mounts
E1 E2 E3 E4 E5 E6 E7
E8 E9 E10 E11 E12 E13
E15 E16 E17 E18
E18SC E19 E20 E21 E22 E23 E25 E26

Wall Mounts
WM35
WM40 (ballast housing not required!)
WM55
WM55SC
WM75 (ballast housing not required!)
WM318 (requires remote ballast)
WM85 (requires remote ballast)
WM85SC (requires remote ballast)
WM85BP (requires remote ballast)
WM85SCBP (requires remote ballast)

Post Mounts
PM10
PM20
PM30
PM40
PM50

Pendant Mounts
BLC (black cord - includes canopy and 8' cord)
WHC (white cord - includes canopy and 8' cord)

1/2" stems (Comes Standard with STC)
2ST6 2ST12 2ST18 2ST24 2ST36 2ST48
2ST60 2ST72 2ST96

3/4" stems (Comes Standard with STC)
3ST6 3ST12 3ST18 3ST24 3ST36 3ST48
3ST60 3ST72 3ST96

5 GLASS

Wattages 32w WPL and 50w HID max and below
100GLCL (100w Vapor Tight w/Clear Glass)
100GLPR (100w Vapor Tight w/Prismatic Glass)
100GLFR (100w Vapor Tight w/Frosted Glass)
100GLBG (100w Vapor Tight w/White Ball Glass)

Wattages for 42w WPL and 100w HID
200GLCL (200w Vapor Tight w/Clear Glass)
200GLPR (200w Vapor Tight w/Prismatic Glass)
200GLFR (200w Vapor Tight w/Frosted Glass)

Glass & Guards
100GLCLGUP (100w Vapor Tight with Clear Glass & Small Wire Guard)
100GLPRGUP (100w Vapor Tight with Prismatic Glass & Small Wire Guard)
100GLFRGUP (100w Vapor Tight with Frosted Glass & Small Wire Guard)
100GLCLGUPC (100w Vapor Tight with Clear Glass & Cast Guard)
100GLPRGUPC (100w Vapor Tight with Prismatic Glass & Cast Guard)
100GLFRGUPC (100w Vapor Tight with Frosted Glass & Cast Guard)
200GLCLGUP (200w Vapor Tight with Clear Glass and Large Wire Guard)
200GLPRGUP (200w Vapor Tight with Prismatic Glass & Large Wire Guard)
200GLFRGUP (200w Vapor Tight with Frosted Glass & Large Wire Guard)

Guard Only, No Glass
100GLGUP (Small Wire Guard with No Glass)
100GLGUPC (Cast Guard with No Glass)
200GLGUP (Large Wire Guard with No Glass)
AC (Clear Stipple Glass Acorn) (50w HID; 32w WPL Max)

6 ACCESSORIES
CB (Cast back plate)
CBC (Cast back plate Spun Alum Cover)
GR12 (12" Wire Grill)
PC (Button Photo Cell) Remote Only
SC (Scroll for Arms)
SLC (Sloped Ceiling Mount)
SQ (Square Back Plate)
STC (Flat Ceiling Stem Canopy)
SWL (Swivel)

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ANP reserves the right to change material or design, without prior notice, in a continuing effort to upgrade its products.

1-800-548-3227
ANPlighting.com

ANP Lighting
INNOVATIVE SITE LIGHTING

D612
12" Deep Bowl

RLM Shades manufactured using 1100 aluminum alloy, typically .08-.125 thickness

SABER ENGINEERING
2923 South Tryon Street Suite 280
Charlotte, North Carolina 28203
tel 704.373.0068 fax 704.373.0260
MECHANICAL ELECTRICAL PLUMBING

May 18, 2016

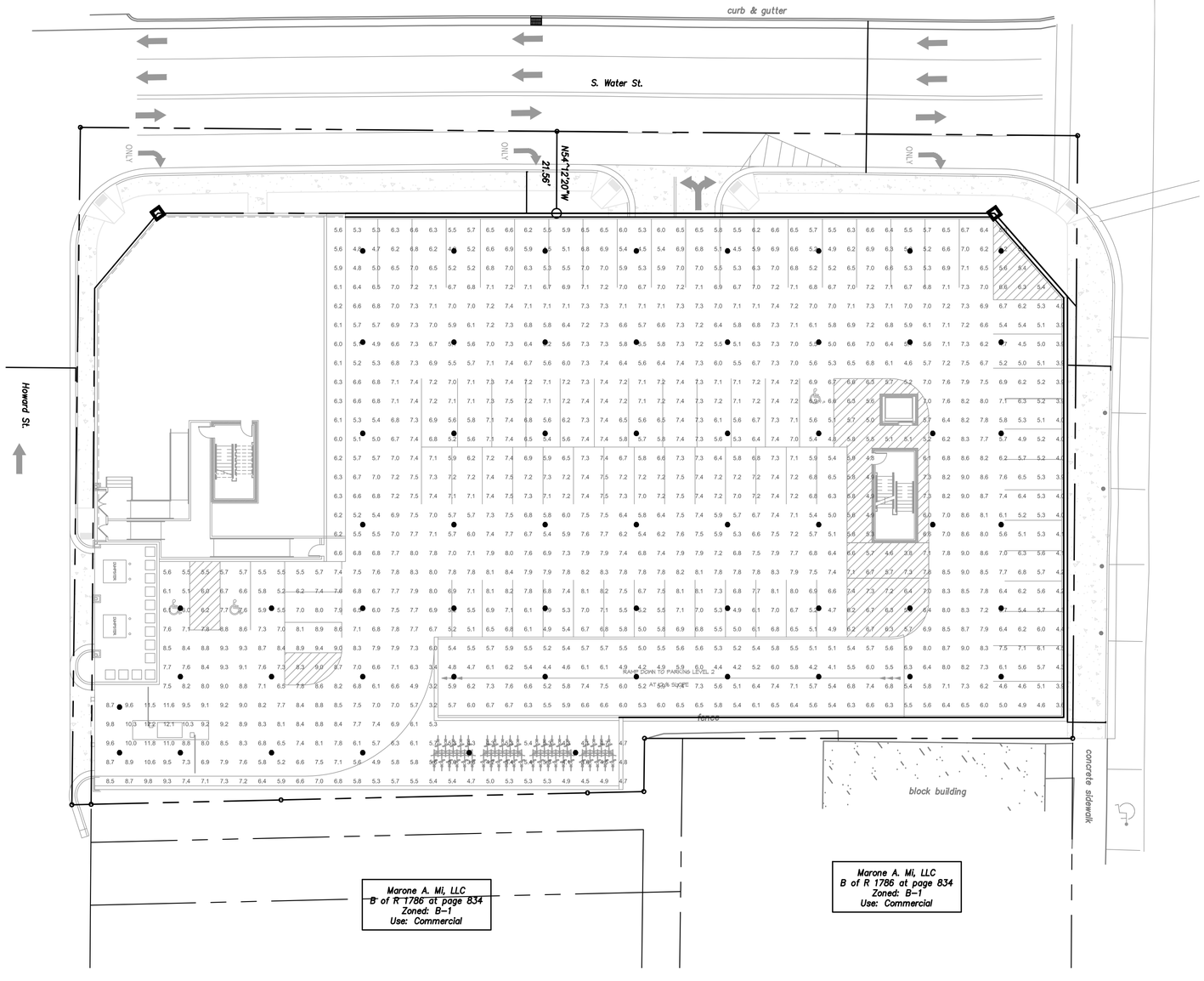
The Marketplace Mixed Use
BOONE, NORTH CAROLINA

MAY 18, 2016

SITE PHOTOMETRIC PLAN

PE1 OF 2

Communication: Marketplace Planned Development Site Plan Information (Case PL00283-022417 Marketplace Mixed Use - Planned Development Modification)



1 GARAGE PHOTOMETRIC PLAN
1/16

STATISTICS						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Garage	+	6.6 fc	12.2 fc	3.2 fc	3.8:1	2.1:1

LUMINAIRE SCHEDULE										
Symbol	Label	Qty	Catalog Number	Description	Lamp		File	Lumens	LLF	Watts
⊙	A	59	PGX LED P1 40K T5M MVOLT	PGX LED Nichia LED 4K T5M Optic	LED		PGX_LED_P1_40K_T5M_MVOLT.ies	Absolute	0.95	30

BDA-1601-PE2.dwg, Plotted By: rick
May 18, 2016 - 3:19pm

PGX LED
Parking Garage

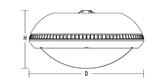
DLC QUALIFIED

Catalog Number
Notes
Type

Hit the Tab key or mouse over the page to see all interactive elements.

Specifications

Diameter: 16" (40.6 cm)
Height: 8" (20.3 cm)
Weight (max): 25 lbs (11.3 kg)



Introduction

The PGX LED luminaire is designed to provide visual comfort, energy savings, and long life. Its prismatic borosilicate glass lens delivers optimal visual comfort, superior photometric control, and no discoloration over the life of the luminaire. The PGX LED delivers up to 86% in energy savings when replacing 175W metal halide luminaires. With over a 100,000 hour life expectancy (12+ years of 24/7 continuous operation), the PGX LED luminaire provides significant maintenance savings over traditional luminaires.

Ordering Information

EXAMPLE: PGX LED P1 40K T5M MVOLT PM DWHXD

PGX LED

Series	Package	Color temperature	Distribution	Voltage	Mounting	Options		Finish (required)
PGX LED	P1	30K 3000 K	T5M Type V, medium	MVOLT [1]	**Shipped included**	**Shipped installed**		DWHXD White
	P2	40K 4000 K		120 [1]	PM Pendant mount standard [3] (36-inch length supply leads)	SF Single fuse (120, 277, 347V) [5,6]		DNAXD Natural aluminum
	P3	50K 5000 K	T5R Type V, rectangular	208 [1]		DF Double fuse (208, 240, 480V) [5,6]		DDBXD Dark bronze
				240 [1]		SPD10KV Separate surge protection [7]		
				277 [1]	SRM Surface mount [4] (12-inch length supply leads)	DMG 0-10V dimming driver (no controls) [8]		
				347 [1]		PIR Motion/ambient sensor for 8-15' mounting heights [9]		
				480 [1]		PIRH Motion/ambient sensor for 15-30' mounting heights [9]		
					Shipped separately	PIRSFC3V Motion/ambient sensor for 8-15' mounting heights and for typical applications requiring daylight harvesting and Title 24 compliance [9]		
					YK Yoke/trunnion mount [4]	PIRHSFC3V Motion/ambient sensor for 15-30' mounting heights and typical applications requiring daylight harvesting and Title 24 compliance [9]		
						XAD XPoint™ Wireless enabled [10]		
						XAD924 XPoint™ Wireless enabled for emergency circuit [10,11]		
						XAD PIR XPoint™ Wireless enabled motion/ambient sensor for 8-15' mounting heights [12]		
						XAD PIRH XPoint™ Wireless enabled motion/ambient sensor for 15-30' mounting heights [12]		
						XAD924 PIR XPoint™ Wireless enabled motion/ambient sensor for emergency circuits for 8-15' mounting heights [11,12]		
						XAD924 PIRH XPoint™ Wireless enabled motion/ambient sensor for emergency circuits for 15-30' mounting heights [11,12]		
						ELCW Emergency battery backup -20°C [13]		

Accessories

Ordered and shipped separately.

PGXYK DWHXD U — Yoke/trunnion accessory, (specify finish)
PGXBDS DWHXD U — Bird shroud for PM, (specify finish)[2]
PGXSRM U — Surface mount kit
PGXBDS YK DWHXD U — Bird shroud for yoke/trunnion mount, white (specify finish) [2]
PGXWG U — Wire guard

NOTES

1 MVOLT driver operates on any line voltage from 120-277V (50/60 Hz). Specify 120, 208, 240, or 277 options for only when ordering with fusing.
2 Not available with P3, ELCW, XAD, and XAD924 options.
3 Compatible with 3/4" NPT pendant stem, provided by others.
4 Also available as a separate accessory, see Accessories information.
5 Not available with XAD, XAD924 and ELCW.
6 Single fuse (SF) requires 120, 277, or 347V voltage option. Double Fuse (DF) requires 208, 240, or 480V option.
7 Not available with ELCW.
8 DMG not available with all PIR or XAD options.
9 PIR & PIRSFC3V specifies the Acuity Controls SBOR 10-DDP motion/ambient sensor, the PIRH & PIRHSFC3V specifies the Acuity Controls SBOR 6-DDP motion/ambient sensor. Not available with SF, DF, SPD10KV, or BDS options. Not available with yoke/trunnion mount.
10 Dimming driver standard. Available in layouts up to 30'. Not available with 347V or 480V. Not available with fusing.
11 XAD924 specifies the Acuity Controls XPA RL1 DSI EM XPoint Wireless light controller as a UL924 listed device for emergency lighting.
12 XAD PIR specifies the Acuity Controls XPA SBOR10_EM wireless controller, the XAD924 PIR specifies the Acuity Controls XPA SBOR10__EM wireless controller, the XAD PIRH specifies the Acuity Controls XPA SBOR6__EM wireless controller, and the XAD924 PIRH specifies the XPA SBOR6__EM wireless controller. Not available with 347V or 480V. Not available with fusing.
13 Not available with SF, DF, SPD10KV, BDS, 347V or 480V options. Not available with yoke/trunnion mount. Not available with XAD or XAD924; use XAD PIR, XAD PIRH, XAD924 PIR or XAD924 PIRH.

LITHONIA LIGHTING

One Lithonia Way • Conyers, Georgia 30012 • Phone: 800.279.8041 • Fax: 770.918.1209 • www.lithonia.com
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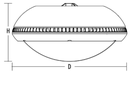
PGX LED
Rev. 03/23/16

PGX LED
Parking Garage

DLC QUALIFIED

Specifications

Diameter: 16" (40.6 cm)
Height: 8" (20.3 cm)
Weight (max): 25 lbs (11.3 kg)



SABER ENGINEERING
2923 South Tryon Street Suite 280
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MECHANICAL ELECTRICAL PLUMBING

May 18, 2016

The Marketplace Mixed Use
BOONE, NORTH CAROLINA

MAY 18, 2016

GARAGE
PHOTOMETRIC PLAN

PE2 OF 2

Zoning/Planning Permit Application

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

PERMIT IS FOR (CHOOSE ONE):

- ❑ Single Family or Duplex (Residential)
- ❑ Commercial
- ❑ Board of Adjustment Hearing (other than Appeals)
- ☑ Planning/Other

A. CONTACT INFORMATION

Applicant: Town of Boone Company: _____

Address: PO Drawer 192, Boone, NC 28607

Phone Number: _____ Email Address: _____

Property Owner: _____ Company: _____

Address: _____

Phone Number: Email Address:

B. PROPERTY INFORMATION

Watauga County Parcel Identification Number(s): NA

Address/Location: NA

Project Name: Article 9 Amendments- UDO Text Amendment

C. PERMIT SUBCATEGORIES

Additional Forms Needed

Zoning Permits

❒ Accessory Building	*Zoning Project Data Form (Residential or Commercial)
❒ Addition/Expansion including decks and patios	*Zoning Project Data Form (Residential or Commercial)
❒ Change of Occupancy	*Commerical Project Data Form
❒ Land Disturbance (not associated with the construction of a bldg.)	*Zoning Project Data Form (Residential or Commercial)
❒ Manufactured Home Set-up in Park	*Manufactured Home in Park Form
❒ New Building Construction	*Zoning Project Data Form (Residential or Commercial)
❒ Renovation/Remodel	*Zoning Project Data Form (Residential or Commercial)
❒ Accessory Use (as listed in UDO Subsection 15.07.01)	*Zoning Project Data Form (Residential or Commercial)
❒ Temporary Use (as listed in UDO Subsection 15.07.02)	*Zoning Project Data Form (Residential or Commercial)
❒ Sign	*Sign Project Data Form (Zoning)
❒ Pavement Sealant	*Pavement Sealant Project Data Form
❒ Major Subdivision Zoning Permit	*Commercial Project Data Form

Board of Adjustment Hearings

❒ Special Use Permit/Modification	*Special Use Permit Form
❒ Variance	*Variance Form
❒ Major Subdivision Preliminary Plat Approval	*Major Subdivision Preliminary Plat Approval Form

Planning/Other

❒ Exempt Division of Land	*Subdivision Exemption Project Data Form
❒ Minor Subdivision (Preliminary and Final Plat)	*Minor Subdivision Project Data Form
❒ Major Subdivision (Final Plat)	*Major Subdivision Final Plat Project Data Form
☑ UDO Text Amendment	*Text Amendment Project Data Form
❒ General Use Zoning Map Amendment	* General Use Map Zoning Map Amendment Project Data Form
❒ Conditional District Zoning Map Amendment	*Conditional District Zoning Map Amendment Project Data Form
❒ Voluntary Annexation	*Annexation Petition (Satellite or Contiguous)
❒ UDO Text Interpretation	*UDO Interpretation Data Form

Communication: PL00421-041017 Application Information (Case PL00421-041017 Article 9 Amendments - UDO Text Amendment)

D. DETAILED DESCRIPTION OF PROJECT

See Project Data Form

E. PROJECT MANAGER DESIGNATION

A project manager is responsible for the activities listed in UDO Section 4.19. Single-family and two-family projects involving less than ½ acre of land disturbing activity or commercial site improvements that involve no more than 2,500 square feet of land disturbing activity are exempt from this requirement.

Name: NA Company:

Address: License #:

Phone Number: Email Address:

F. DESIGN PROFESSIONAL INFORMATION

Engineer: NA

Name: Company:

Address: License #:

Phone Number: Email Address:

Architect: NA

Name: Company:

Address: License #:

Phone Number: Email Address:

G. APPLICANT SIGNATURE:

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

Jane Shook	Jane Shook	04/10/2017
Applicant[1] (Print)	**Applicant Signature**	**Date**
NA	**NA**	**NA**
Property Owner (Print)	**Property Owner Signature**	**Date**

Official Use Only

Project File Name:

Article 9 Amendments- UDO Text Amendment

Permit Number:

PL00421-041017

Project Name/Number:

NA

Date:	Fee:	Receipt Number:	Method of Payment:	Paid By:
April 10, 2017	NA	NA	NA	NA

S:\FORMS\Forms_2015\ZoningPermitApplication_052015.doc

[1] Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person must be submitted along with this application. Execution by property owner of this application signifies that the applicant is authorized to proceed.

Communication: PL00421-041017 Application Information (Case PL00421-041017 Article 9 Amendments - UDO Text Amendment)

UDO Text Amendment Project Data Form

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

Official Use Only
Project Name/Number:
Permit Name/Number: PL00421-041017 Article 9 Amend Revisions- UDO Text Amend

A. TEXT INFORMATION

Amendment is to:

Article(s): Article 9 Amendments

Section(s): 9.02

Brief Description of Amendment (Attach Proposed Text):

Modification of the UDO text to clarify recent changes made to Article 9.

Reason for Change: After implementation of changes to Article 9 in 2016, Staff and the Town Attorney have noticed that there items that needed to be clean-up to add additional clarification to make the section more easily understandable.

Official Use Only

Public Hearing Meeting Date: April 24, 2017

PC Meeting Date: April 24, 2017

TC Meeting Date: May 18, 2017

Text Approved: ❑ Yes ❑ No

Date UDO Updated: _____

S:\FORMS\Forms_2015\UDOTextAmendmentProjectDataForm_062015.doc

Communication: PL00421-041017 Application Information (Case PL00421-041017 Article 9 Amendments - UDO Text Amendment)

STAFF REPORT
PUBLIC HEARING
APRIL 24, 2017
CASE PL00421-041017 ARTICLE 9 AMENDMENTS REVISIONS- UDO TEXT AMENDMENT

Request

After implementation of changes to Article 9 in 2016, Staff and the Town Attorney have noticed that there items that needed to be modified to add additional clarification in order to make the section more easily understandable.

Proposed Amendment

The text below in ~~red strikethrough~~ is the text proposed to be deleted and the blue underline is the new text for consideration. Please note, text amendments will now contain the case number and effective date in italicized font at the end of the section in which the text was modified.

§ 9.02 INITIATION OF AMENDMENTS.

9.02.01 Text and map amendment.

A. Any person may request the Council to set a public hearing to consider a text amendment or a general map amendment, Conditional District map amendment or Planned Development map amendment (the later three being collectively referred to as "map amendments" or "rezonings").

~~1.~~ Such petition shall be heard by Council at the next available regularly-scheduled Council meeting.

B. The petition shall be filed with the Administrator and shall include at a minimum:

1. The name, address, and phone number of the applicant; and
2. In the case of a proposed text amendment, a summary of the specific objective of any proposed change in the text of this ordinance.
3. In the case of a proposed general use map amendment:
   a. A description of the land affected by the proposed amendment; and
   b. A description of the proposed map change.
4. In the case of Conditional District or Planned Development map amendments, those items described at Subsection 9.02.02 below.
5. The Administrator may in his or her discretion, prepare a written analysis of the proposed amendment to assist Council in consideration of whether to forward the amendment for public hearing. Any such analysis by the Administrator shall address the conformity of the proposed amendment with the Comprehensive Plan and other officially adopted plans of the town, as well as such other matters as the Administrator deems relevant.

C. The drafting of proposed text amendments and ~~general~~ map amendments and consideration of any such amendment at a public hearing may proceed only ~~upon direction given by Council to staff~~:

1. Upon direction given by Council to staff at Council's own initiative or upon its consideration of a petition submitted pursuant to section (B) above; or
2. Upon ~~recommendation made by~~the initiative of ~~staff,~~the Administrator or the Town Attorney~~, or any town board, commission, or other entity; or~~.

~~a. Every text amendment proposed by a department, board, or officer of the town shall be drafted by the Administrator or the Town Attorney, in consultation with each other.~~

~~3. Upon consideration by Council of a petition made by the owner of any legal or equitable interest in land located within the Town or its extraterritorial jurisdiction;~~

~~4. Provided, however, that amendments considered by the Administrator or the Town Attorney to be necessary or advisable in light of state law may be prepared without prior direction by Council.~~

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.

Communication: PL00421-041017 Staff Report (Case PL00421-041017 Article 9 Amendments - UDO Text Amendment)

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

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.

PLANNING BOARD REPORT/RECOMMENDATIONS

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

First motion and vote: The proposed amendment to the Town's zoning ordinance ☐**is** OR ☐**is not** consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to this application because:

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

Communication: PL00421-041017 Staff Report (Case PL00421-041017 Article 9 Amendments - UDO Text Amendment)

TOWN COUNCIL ACTION

Per NCGS 160A-383, zoning regulations shall be made in accordance with a comprehensive plan. Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest.

First motion and vote: The proposed amendment to the Town's zoning ordinance ☐**is** OR ☐**is not** consistent with the Town's Comprehensive plan and other applicable adopted plans of the Town which relate to this application because:

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

Communication: PL00421-041017 Staff Report (Case PL00421-041017 Article 9 Amendments - UDO Text Amendment)