Town of Boone
Planning Commission
Regular Meeting
6:00 PM, May. 22, 2017
Council Chambers, 1500 Blowing Rock Road

I. Call to Order

II. Adoption of Agenda

III. Approval of Minutes

April 24, 2017 Planning Commission Meeting Minutes

IV. Case PL00481-050817 Mansa Hospitality LLC - General Use Rezoning

Mansa Hospitality LLC - Application Information

Mansa Hospitality LLC - Staff Report

V. Case PL00479-050817 Education Districts and Uses - UDO Text Amendment

Educational Districts & Uses UDO Text Amendemnt - Application Information

Educational Districts and Uses UDO Text Amendment- Staff Report

VI. Case PL00282-02317 Courtyard by Marriott Conditional District Zoning Map Amendment Modification

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)

VII. Other Matters by Board Members of Staff

VIII. Adjournment

PLANNING COMMISSION MEETING MINUTES

MONDAY, APRIL 24, 2017

(Immediately following the Public Hearing held at 5:30 pm)

COMMISSION MEMBERS PRESENT:	Chairperson Connor Boyle, Elizabeth Shay, Becky Gosky and Adrian Thompson
STAFF MEMBERS PRESENT:	Jane Shook, Director of Planning & Inspections, Christy Turner, Senior Planner, Marty Little, Planner and Marlene Crosby, Board Secretary

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CALL TO ORDER

Chairperson Boyle called the meeting to order at 7:08 p.m.

Chairperson Boyle welcomed new Member Becky Gosky to the Commission. Member Gosky gave a brief history of her work experience.

ADOPTION OF AGENDA

Chairperson Boyle made a motion, seconded by Member Thompson to approve the agenda as written with Case PL00283-022417 Marketplace Mixed Use – Planning Development Modification being postponed to the May 2017 Public Hearing.

Vote: Aye – All
Nay – None

The motion passed.

APROVAL OF MINUTES

Chairperson Boyle made a motion, seconded by Member Thompson to approve the March 6, 2017, Special Planning Commission meeting minutes, March 27, 2017 Public Hearing and March 27, 2017 Planning Commission minutes as written.

Vote: Aye – All
Nay – None

The motion passed.

CASE PL00282-022317 COURTYARD BY MARRIOTT – CONDITIONAL DISTRICT ZONING MAP AMENDMENT

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

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

Chairperson Boyle noted that Member Thompson stated that he would like the opportunity to go to the Marriott location and look at the sign on the building or to give the applicant some time to work with the Planning Staff to come to a possible solution that does not necessarily involve making an amendment change.

Member Gosky liked the idea of the Staff working with the applicant on a freestanding sign solution for the lighted signage at Courtyard by Marriott.

Ms. Jane Shook, Director of Planning and Inspections reminded the Commission members that they have to consider the request that is being presented to them. She noted the Commission members can wait to make a recommendation on this case until the next meeting but that the Commission cannot direct that the applicant to make changes to their request unless the applicant comes in on their own to discuss changes to it. She said the Commission did have the option to recommend denial because the applicant had other options to consider.

Chairperson Boyle suggested tabling this case until the next public hearing. Ms. Shook said the Commission could recommend to table this case to the next meeting or to a special meeting. She informed the Commission members that the May 2017 public hearing agenda already had several cases on it.

Member Thompson noted that the applicant could potentially withdraw the case before the next meeting to allow themselves the time to work out a resolution on their own.

Member Shay noted that the applicant learned of some other opportunities at the public hearing that they could possibly pursue regarding the sign. She said that every day she walks through the Wendy's intersection and she sees how the intensity of the traffic in this area could cause you to miss seeing the Marriott sign.

Member Thompson noted that because of traffic at this location on Hwy 105, if you miss the Marriott driveway, the vehicles have to turn around and come back to the Marriott.

Motion and Vote:

Chairperson Boyle made a motion, seconded by Member Gosky to table this agenda item for discussion and possible action to the next regularly scheduled public hearing.

Vote: Aye – All
Nay – None

The motion passed.

CASE PL00283-022417 MARKETPLACE MIXED USE – PLANNED DEVELOPMENT MODIFICATION

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

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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.

Ms. Shook stated that the applicant had requested for this case to be postponed until the next public hearing.

CASE PL00421-041017 ARTICLE 9 AMENDMENTS REVISIONS – UDO TEXT AMENDMENT

After implementation of changes to Article 9 in 2016, Staff and the Town Attorney have noticed that there are items that needed to be modified to add additional clarification in order to make the section more easily understandable.

Ms. Shook said there were no substantive changes to the proposed text change, the proposed change only makes it easier to understand and makes development regulations and procedures more predictable and timely.

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 will make interpretations and use of this UDO clearer and easier to understand which is in line with the 2006 Comprehensive Plan policy 2.1 THE ECONOMY, 2.2.1 E (E.1) Economic Development. This proposed change directs people to continue to look for ways to make development regulations and permit procedures more predictable and timely.

Vote: Aye – All
Nay – None

The motion passed.

Second Motion and Vote: Chairperson Boyle made a motion, seconded by Member Thompson, to recommend approval for the following reason that the proposed change will make the existing document clearer and easier to understand.

Vote: Aye – All
Nay – None

The motion passed.

OTHER MATTERS FROM BOARD MEMBERS OR STAFF

Ms. Shook asked the Commission members to think about some alternate dates for future meetings regarding the discussions on the planning documents that were discussed at the public hearing. She explained that the Commission members would need to prepare before the meetings to have an understanding of the 2030 Master Use Plan and the 2006 Comprehensive Plan Update to achieve more quality work during the works sessions.

Chairperson Boyle said he preferred to have meetings dedicated to the planning documents rather than to discuss this topic at the regularly scheduled Commission meetings. Ms. Shook agreed that having dedicated meetings on the planning documents would help them to move ahead more quickly. She said these meetings would possibly be one to three hours long. She said that Staff would provide all of the materials and inform the other Commission members of the future meetings. She noted that these meetings would possible begin in the fall of 2017.

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ADJOURNMENT

Chairperson Boyle adjourned the meeting at 7:14 p.m.

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

Communication: April 24, 2017 Planning Commission Meeting Minutes (Approval of Minutes)

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, North Carolina 28607

Phone Number: 828-268-6960 Email Address:

Property Owner: Mansa Hospitality LLC Company:

Address:

Phone Number: Email Address:

B. PROPERTY INFORMATION

Watauga County Parcel Identification Number(s): Portion of 2819790873000

Address/Location: 2240 Blowing Rock Road

Project Name: Mansa Hospitality LLC- General Use Zoning Map 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 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	*Conditional District Zoning Map Amendment Project Data Form
❒ Voluntary Annexation	*Annexation Petition (Satellite or Contiguous)
❒ UDO Text Interpretation	*UDO Interpretation Data Form

Communication: Mansa Hospitality LLC - Application Information (Case PL00481-050817 Mansa Hospitality LLC - General Use Rezoning)

D. DETAILED DESCRIPTION OF PROJECT

The Town of Boone has initiated the zoning of a portion of property (Watauga County PIN: 2819790873000) owned by Mansa Hospitality LLC to B3 General Business, Corridor District Overlay, Watershed Areas Critical Area (WS-IV-CA), Viewshed Overlay and Special Flood Hazard overlay to coincide with the voluntary annexation of the property which is scheduled to be completed on June 15, 2017. Zoning is in part necessary due to the recent NC Supreme Court decision which upheld Senate Bill 865 which removed the Town of Boone's ability to exercise any extra-territorial jurisdiction (ETJ) related powers (Effective January 10, 2017).

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:

Name: NA Company:

Address: License #:

Phone Number: Email Address:

Architect:

Name: NA 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.

Town of Boone	Jane Shook	May 8, 2017
Applicant[1] (Print)	**Applicant Signature**	**Date**
NA	**NA**	**NA**
Property Owner (Print)	**Property Owner Signature**	**Date**

Official Use Only

Project File Name:

Mansa Hospitality LLC – General Use Zoning Map Amendment

Permit Number:

PL00481-050817

Project Name/Number:

NA

Date:	Fee:	Receipt Number:	Method of Payment:	Paid By:
May 8, 2017	NA	NA	NA	NA

S:\FORMS\Forms_2015\Zoning\ZoningPlanningPermitApplication_052016.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: Mansa Hospitality LLC - Application Information (Case PL00481-050817 Mansa Hospitality LLC - General Use Rezoning)

General Use Zoning 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: Mansa Hospitality LLC – General Use Zoning Map Amend.
Permit Name/Number: PL00481-050814

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

A. ADDITIONAL APPLICATION INFORMATION

Hearing Date Requested[1]: May 22, 2013

B. DEVELOPMENT INFORMATION

Existing Zoning District(s): NA (Watauga Co. jurisdiction)

Proposed Zoning District(s): B3; Corridor District; Watershed Areas Critical Areas (WS-IV-CA), Viewshed & SFHA Overlays

Existing Land Use(s): Vacant

Adjacent Land Use(s): N: Multi-Family, Retail E: Commercial; Single-Family Dwelling

W: Office/Multi-Family S: Retail

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

If yes, describe:

Total Land Area:

C. DOCUMENTS REQUIRED FOR SUBMITTAL

❒ ~~Application Fee~~

❒ ~~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.

NA	NA	NA
Property Owner (Print)	**Property Owner Signature**	**Date**

[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.

Communication: Mansa Hospitality LLC - Application Information (Case PL00481-050817 Mansa Hospitality LLC - General Use Rezoning)

Official Use Only

Public Hearing Meeting Date: May 22, 2017

PC Meeting Date: May 22, 2017

TC Meeting Date: June 15, 2017

Date of APO Mailed Notification: May 8, 2017

Date of Posted Notification: May 8, 2017

Project Approved: ☐ Yes ☐ No

Date Order Recorded: NA

Order Recordation Information: Book: NA Page: NA

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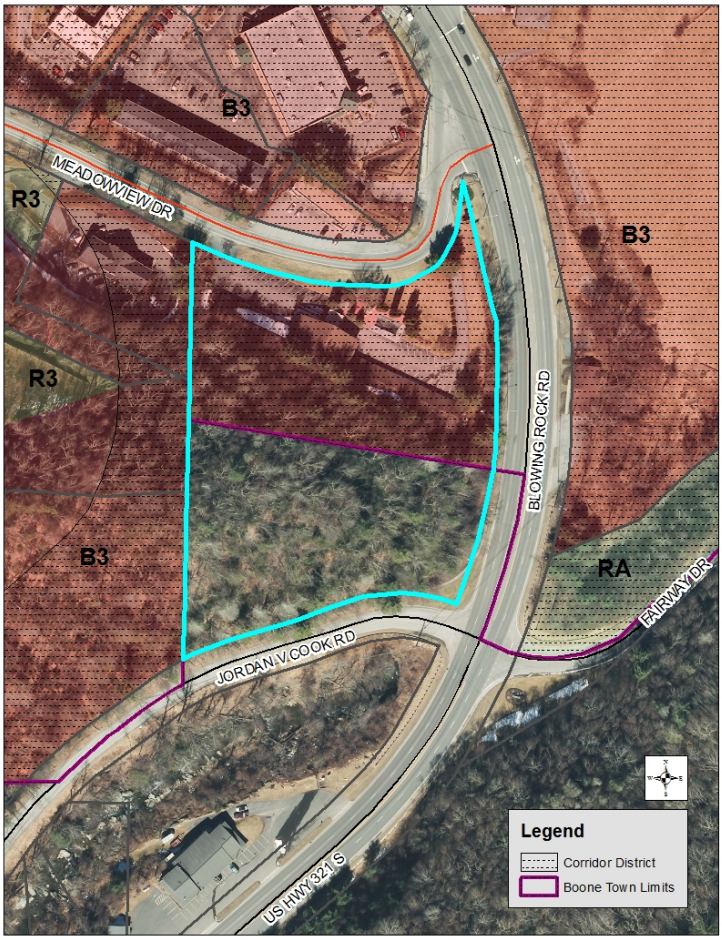
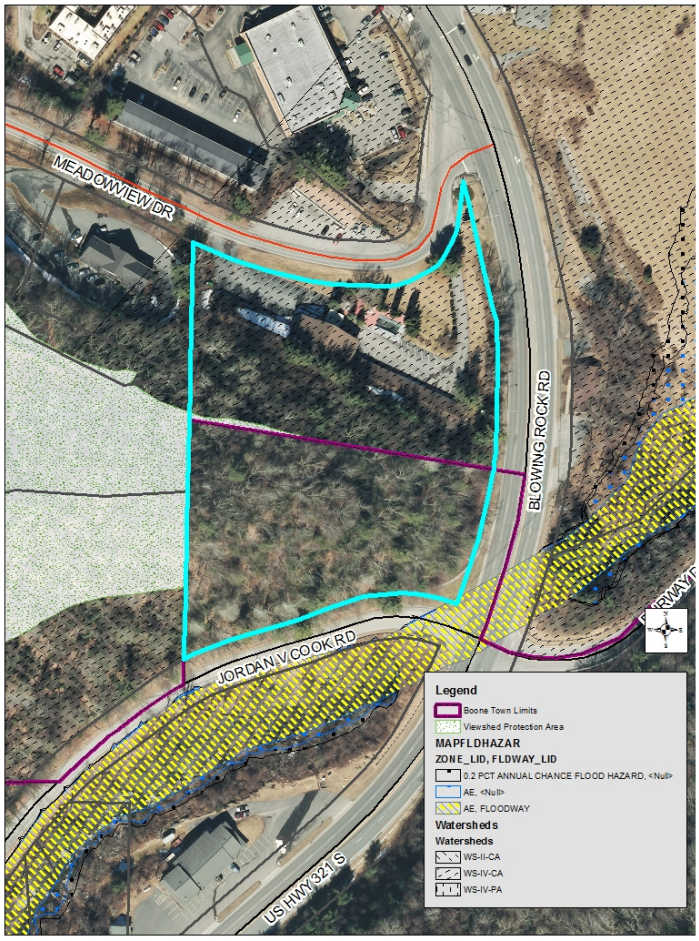
Communication: Mansa Hospitality LLC - Application Information (Case PL00481-050817 Mansa Hospitality LLC - General Use Rezoning)

STAFF REPORT
MAY 22, 2017 PUBLIC HEARING
CASE PL00481-050817 MANSA HOSPITALITY LLC-GENERAL USE ZONING MAP AMENDMENT





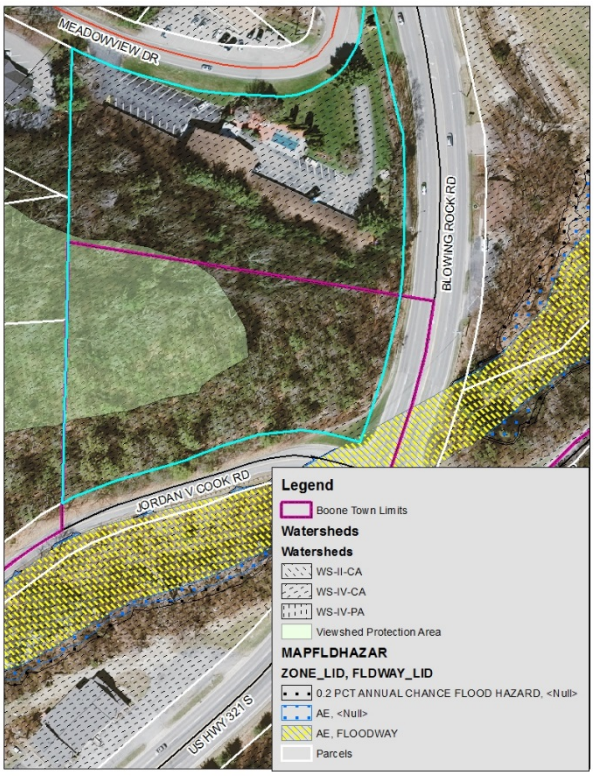
Request

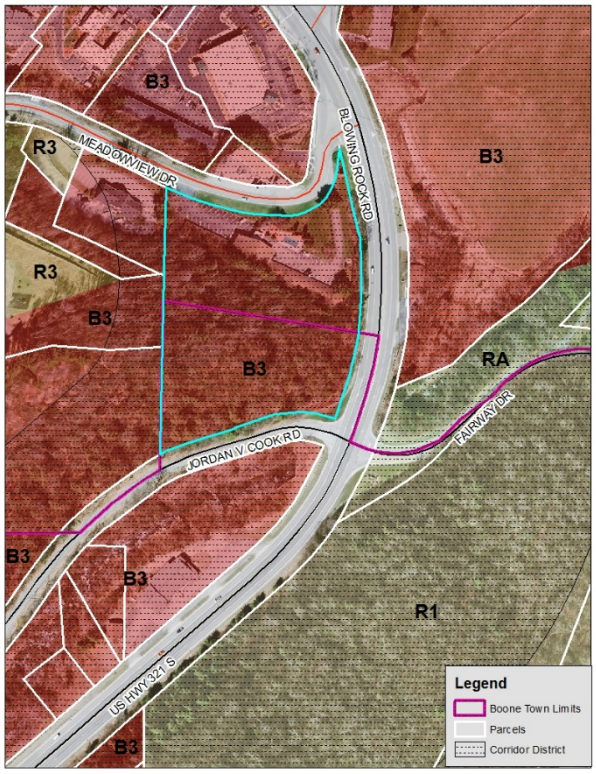
The Town of Boone has initiated a General Use Zoning Map Amendment to zone the remainder of the parcel owned by Mansa Hospitality LLC (2240 Blowing Rock Road; Watauga County PIN: 2819790873000) being brought into the Town's corporate limits through voluntary annexation. Proposed zoning includes: B3 General Business; Corridor District Overlay, Watershed Areas Critical Area (WS-IV-CA), Viewshed Overlay and Special Flood Hazard Area Overlay.

Staff is recommending that the property be zoned to what the property had been previously zoned while it was in the Town's ETJ (see maps on page 2).

Communication: Mansa Hospitality LLC - Staff Report (Case PL00481-050817 Mansa Hospitality LLC - General Use Rezoning)

MAP OF ZONING AS OF JANUARY 5, 2017





History/Timeline

01-05-2017: The Town of Boone Board of Adjustment issued Mansa Hospitality LLC a Special Use Permit for TownePlace Suites (Use 3.08 Hotel).

Please note that at the time of approval, the property was divided by the Town of Boone corporate limits line, with a portion of the lot containing a majority of the TownePlace Suites development within the Town of Boone corporate limits and the remaining portion of the lot being located in the ETJ. At the time the Special Use Permit was approved the applicant was aware that annexation would be required due to receiving Town water and sewer services. The Special Use Permit was granted subject to the following conditions:

1. Where there is a conflict between the application information and the plans (dated received December 2, 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 application shall submit the necessary applications, plans, details and specifications which meet the requirements of the Town Code, UDO, Building Code

Communication: Mansa Hospitality LLC - Staff Report (Case PL00481-050817 Mansa Hospitality LLC - General Use Rezoning)

and any other applicable codes for review and approval necessary to issue Zoning and Building Permits.

01-05-2017: Mansa Hospitality LLC submitted for a Zoning Permit application for the TownePlace Suites Project.

01-10-2017: Area within ETJ now within Watauga County jurisdiction (Town of Boone zoning no longer applicable).

03-31-2017: Mansa Hospitality LLC submitted an annexation request to annex the remainder of the property into the Town of Boone Corporate Limits.

04-20-2017: Council completed the first step of the voluntary annexation process with the adoption of the resolution directing the clerk to investigate the sufficiency of the annexation petition.

05-18-2017: Council will complete the second step of the voluntary annexation process with the presentation of the Certificate of Sufficiency and the adoption of the resolution fixing the date of the public hearing for annexation.

05-22-2017: Public Hearing and Planning Commission meeting to hear case to "zone" property located in the former ETJ. *Staff is recommending that the property be zoned to what the property had been previously zoned while it was in the Town's ETJ (see maps on page 2).*

06-15-2017: Council meeting to make a decision on the proposed zoning.

06-15-2017: Public Hearing and adoption of annexation ordinance scheduled- effective date of annexation ordinance is February 16, 2017.

Area Information

Zoning District Descriptions:

B3: The B3 General Business District is established to provide a wide range of consumer goods, convenience goods and personal services for the community and surrounding region. Appropriate residential uses are allowed in this district, normally as part of mixed-use developments. The regulations for this district are designed and intended to create a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses.

Corridor District: The corridor districts are established overlay districts intended to protect the main thoroughfares through town.

Viewshed Protection: The Viewshed Protection District is established as an overlay district intended to protect the scenic beauty and natural environment of Boone's hillside areas vital to preservation of a high quality of life and continued economic development by minimizing the visual impact of building construction and land disturbing activities.

Communication: Mansa Hospitality LLC - Staff Report (Case PL00481-050817 Mansa Hospitality LLC - General Use Rezoning)

Special Flood Hazard Overlay: The special flood hazard area is an overlay district intended to regulate the special flood hazard area pursuant to Article 30 Flood Damage Prevention.

Watershed Areas Critical Area (WS-IV-CA): The watershed districts are established as overlay districts intended to regulate the water supply watershed areas pursuant to Article 29 Watershed Protection.

Permissible Uses

UDO Article 15, Section 15.07 contains the Table of Principal Uses for the B3 General Use District, which should be read in conjunction with the definition of terms set forth in UDO Article 34.

15.07 Table of Principal Uses

Use #	Specific Use	B3	Reference
1.0 Household Living			
1.01	Single-Family Dwelling		
1.02	Manufactured Home "Class A"		15.08
1.03	Manufactured Home "Class B"		15.08
1.04	Manufactured Home "Class C"		
1.05	Manufactured Home Park		15.09
1.06	Duplex (one duplex building per lot)		
1.07	Duplex (more than one duplex building per lot)		15.10
1.08	Townhouse (up to 30 bedrooms)		15.10
1.09	Townhouse (31-100 bedrooms)		15.10
1.10	Townhouse (> 100 bedrooms)		15.10
1.11	Multi-Family Dwelling (up to 30 bedrooms)		15.10
1.12	Multi-Family Dwelling (31-100 bedrooms)		15.10
1.13	Multi-Family Dwelling (> 100 bedrooms)		15.10
1.14	Multi-Family Dwelling in Mixed Use (up to 30 bedrooms)	L	15.11
1.15	Multi-Family Dwelling in Mixed Use (31-100 bedrooms)	L^{T125}	15.11
1.16	Multi-Family Dwelling in Mixed Use (> 100 bedrooms)	L^{T200}	15.11
2.01	Family Care Home		15.13
2.02	Family Care Institutions		15.14
2.03	Halfway House, Category 1		15.14
2.04	Halfway House, Category 2		15.14
2.05	Nursing Care Home	L	15.14
2.06	Nursing Care Institution	L^{T125}	15.14
2.07	Skilled Nursing Facility	L^{T300}	15.14
2.08	Retirement Community, Category 1		15.15
2.09	Retirement Community, Category 2		15.15
2.10	Residence Hall, Category 1	L	15.15
2.11	Residence Hall, Category 2	L^{T200}	15.15
2.12	Residence Hall, Category 3	L^{T300}	15.15
2.13	Fraternity or Sorority Dwelling		15.16
2.14	Boarding House	L	15.17

Communication: Mansa Hospitality LLC - Staff Report (Case PL00481-050817 Mansa Hospitality LLC - General Use Rezoning)

Use #	Specific Use	B3	Reference
3.0 Transient Living			
3.01	Home for Survivors of Domestic Violence		15.18
3.02	Shelter for Homeless, Category 1	L^{T50}	15.19
3.03	Shelter for Homeless, Category 2	L^{T300}	15.19
3.04	Bed and Breakfast, Category 1		15.20
3.05	Bed and Breakfast, Category 2	L^{T125}	15.20
3.06	Vacation Rental	L^{T75}	15.21
3.07	Motel	P^{T300}	
3.08	Hotel	P^{T200}	
4.0 Institutional Uses			
4.01	Airport/Landing Strip		15.22
4.02	Heliport		15.22
4.03	Funeral Home Establishment	P	
4.04	Cemetery	P	
4.05	Post Office	P	
4.06	Post Office, Distribution		
4.07	Animal Sanctuary		
5.0 Government Uses			
5.01	Government Cultural Facility	P	
5.02	Government Neighborhood Cultural Facility, Indoor Activity Only	P	
5.03	Government Neighborhood Cultural Facility, Includes Outdoor Activity	P	
5.04	Recreation Facility, Category 1	P	
5.05	Recreation Facility, Category 2	P	
5.06	Recreation Facility, Category 3	P^{T50}	
5.07	Event Venue, Category 1	P	
5.08	Event Venue, Category 2	P	
5.09	Event Venue, Category 3	P^{T50}	
5.10	Landfill		
5.11	Solid Waste Processing		
5.12	Police Substation	P	
5.13	Utility Facility, Town	L	15.23
5.14	Utility Facility, Government, Neighborhood	L	15.23
5.15	Utility Facility, Government, Regional	L^{T300}	15.23
5.16	Government Facility	P	
6.0 Non-Government Utility Facility			
6.01	Utility Facility, Neighborhood	L	15.23
6.02	Utility Facility, Regional	L^{T300}	15.23
7.01	Antenna Collocation on Existing Wireless Support Structure not requiring additional accessory equipment	P	
7.02	Antenna Collocation on Existing Wireless Support Structure requiring additional accessory equipment	L	15.24
7.03	Building Mounted Antenna not requiring additional accessory equipment	L	15.24

Communication: Mansa Hospitality LLC - Staff Report (Case PL00481-050817 Mansa Hospitality LLC - General Use Rezoning)

Use #	Specific Use	B3	Reference
7.04	Building Mounted Antenna requiring additional accessory equipment	L	15.24
7.05	Antenna Collocation on Electrical Transmission Towers		15.24
7.06	Other Antenna	L	15.24
7.07	Wireless Support Structure which meets district height requirements	L	15.24
7.08	Stealth Wireless Facility which exceeds district height requirements	L	15.24
7.09	Wireless Support Structure which does not meet district height requirements up to and including 120'		15.24
7.10	Other Tower that exceeds 120' in height		15.24
7.11	Emergency Response Communication Antenna	P	
8.0 Assembly			
8.01	Religious Assembly, Category 1	P	
8.02	Religious Assembly, Category 2	P	
8.03	Religious Assembly, Category 3	P[T200]	
8.04	Club/Lodge, Category 1	P [T75]	
8.05	Club/Lodge Which Does Not Serve Alcohol	P	
9.0 Education			
9.01	Appalachian State University		
9.02	Caldwell Community College and Technical Institute		
9.03	Other Public Colleges and Universities		
9.04	Private Colleges and Universities	P[T300]	
9.05	Trade School	P[T200]	
9.06	High School		
9.07	Elementary School		
9.08	Boarding School	P[T300]	
9.09	All other Educational Facilities		
10.0 Daycare			
10.01	Child Daycare, Large	L	15.25
10.02	Child Daycare Center	L	15.25
10.03	Adult Daycare, Large	L	15.25
10.04	Adult Daycare Center	L	15.25
10.05	All Other Daycare		
11.0 General Sales and Service			
11.01	Kennel	L[T125]	15.26
11.02	Veterinary Office/Hospital with Outdoor Kennels	L[T125]	15.26
11.03	Veterinary Office/Hospital without Outdoor Kennels	P	
11.04	Financial Institution ≤ 5,000 ft^2	P	
11.05	Financial Institution > 5,000 ft^2	P	
11.06	Restaurant ≤ 2,500 ft^2 open to the public during 10 pm – 6 am	P [T75]	
11.07	Other Restaurants ≤ 2,500 ft^2	P	

Communication: Mansa Hospitality LLC - Staff Report (Case PL00481-050817 Mansa Hospitality LLC - General Use Rezoning)

Use #	Specific Use	B3	Reference
11.08	Restaurant > 2,500 ft^2 open to the public during 10 pm – 6 am	P^{T200}	
11.09	Other Restaurants > 2,500 ft^2	P^{T125}	
11.10	Bar		
11.11	ABC Store	P	
11.12	Personal Service Establishment open to the public during 10 pm – 6 am	P^{T75}	
11.13	Other Personal Service Establishments	P	
11.14	Retail Store up to 5,000 ft^2	P	
11.15	Retail Store more than 5,000 but less than 25,000 ft^2	P^{T200}	
11.16	Retail Store 25,000 ft^2 and greater	L^{T300}	15.27
11.17	Shopping Center/Mall	S^{T300}	15.28
11.18	Business or Professional Office open to the public during 10 pm–6 am	P^{T75}	
11.19	Other Business or Professional Office	P	
11.20	Medical Office, Category 1	P^{T300}	
11.21	Medical Office, Category 2	P^{T125}	
11.22	Medical Office, Category 3	P^{T125}	
11.23	Medical Office, Category 4	P	
11.24	Hospital		
11.25	Medical Emergency Response	P^{T300}	
11.26	Open Air Market, Recurring	L^{T75}	15.29
11.27	Vehicle Sales and Service	L^{T75}	15.30
11.28	Equipment Sales and Service	L^{T125}	15.31
11.29	Moped Sales and Service	P	
11.30	Boat or Marine Craft Sales and Service	L^{T75}	15.32
11.31	Impound Lot/Towing Service	L^{T125}	15.33
11.32	Gas Station	P^{T125}	
11.33	Car Wash	P^{T125}	
11.34	Seasonal Retail Activities and Amusements	P	
11.35	Therapy Farm		
12.0 Recreation and Entertainment Uses			
12.01	Indoor Shooting Range	L^{T75}	15.34
12.02	Outdoor Shooting Range		
12.03	Indoor Theater	P	
12.04	Outdoor Theater	P^{T125}	
12.05	Event Venue, Category 1	P	
12.06	Event Venue, Category 2	P^{T125}	
12.07	Event Venue, Category 3	P^{T200}	
12.08	Campground and Recreational Vehicle Park	L^{T200}	15.35
12.09	Coliseum	S^{T300}	
12.10	Recreation Facility, Category 1	P	
12.11	Recreation Facility, Category 2	P ^{T50}	
12.12	Recreation Facility, Category 3	P^{T200}	
12.13	Racetrack		
13.0 Agriculture			
13.01	Garden, Community	L	15.36

Communication: Mansa Hospitality LLC - Staff Report (Case PL00481-050817 Mansa Hospitality LLC - General Use Rezoning)

Use #	Specific Use	B3	Reference
13.02	Garden, Residential	L	15.37
13.03	Agricultural Operation Excluding Livestock		
13.04	Agricultural Operation Including Livestock		
13.05	Swine Farm		
13.06	Confined Animal Feeding Operation (CAFO)		
13.07	Custom Slaughterhouse		
13.08	Other Slaughterhouse		
13.09	Forestry	L	15.38
14.0 Manufacturing			
14.01	Microbrewery	L^{T125}	15.39
14.02	Brewpub	L^{T125}	15.39
14.03	Brewery/Distillery	L^{T125}	15.40
14.04	Brewery/Distillery, Other		15.41
14.05	Winery Associated with a Vineyard		15.42
14.06	Winery	L^{T125}	15.42
14.07	Winery, Other		
14.08	Extraction of Earth Materials		
14.09	Machine/Welding Shop		15.44
14.10	Manufacturing, Other		15.45
15.0 Parking			
15.01	Parking Lot	L	15.46
15.02	Parking Structure	L	15.47
15.03	Park and Ride Lots	L	15.46
16.0 Storage			
16.01	Mini-Storage	L^{T75}	15.48
16.02	Outdoor Storage		15.49
16.03	Warehouse		
16.04	Fuel Storage Facility	P^{T300}	
16.05	Chemical Storage Facility		
17.0 Transportation			
17.01	Passenger Terminals	P^{T200}	
17.02	Trucking or freight terminal ≤ 10,000 ft^2	P^{T125}	
17.03	Trucking or freight terminal > 10,000 ft^2		
18.0 Waste Related Uses			
18.01	Recycling Drop-off Station		15.49
18.02	Recycling and Salvage		15.49
18.03	Junkyard		
18.04	Private Landfill		
19.0 Particular Activities which pose Particular Concerns about Public Health			
19.01	Electronic and Internet Gaming	S	15.50
19.02	Adult Establishments	S	15.51

Communication: Mansa Hospitality LLC - Staff Report (Case PL00481-050817 Mansa Hospitality LLC - General Use Rezoning)

15.07.01 Table of Accessory Uses

Use #	Accessory Uses	B3	Reference
A-1	Secondary Suite	L	15.52
A-2	Home Occupation	L	15.53
A-3	Accessory Dwelling Unit	L	15.54
A-4	Drive-Through	L	15.55
A-5	Outdoor Display	L	15.56
A-6	Outdoor Storage	L	15.57
A-7	Outdoor Dining	L	15.58
A-8	Automated Teller Machine (ATM)	P	
A-9	Automated Teller Machine (ATM), Freestanding	L	15.59
A-10	Produce Stand		15.60
A-11	Poultry	L	15.61
A-12	Livestock, Small	L	15.62
A-13	Livestock, Large		15.63
A-14	Bees	L	15.64
A-15	Garden, Residential	L	15.65
A-16	Satellite receiving antennas less than 1 meter in diameter	P	
A-17	Satellite receiving antennas less than 2 meters in diameter	P	
A-18	Satellite receiving antennas 2 meters and greater in diameter	S	
A-19	Helistop	S[T300]	
A-20	Swimming pools, spas, and hot tubs	L	15.66
A-21	Caretaker's residence	L	15.67
A-22	Vehicular Gate	L	15.68
A-23	Vehicle Washing Station	P	
A-24	Chemical Storage Facility	P[T125]	
A-25	Open Air Market, Accessory	L	15.29
A-26	Daycare, Small	P	

15.07.03 Table of Temporary Uses

Use #	Temporary Uses	B3	Reference
T-1	Temporary Care Provider Dwelling	L	15.69
T-2	Temporary Construction or Repair Dwelling	L	15.69
T-3	Temporary Construction Trailer	L	15.69
T-4	Temporary Mobile Medical Unit	L	15.69
T-5	Temporary Classroom	L	15.69
T-6	Temporary Portable Storage Containers		15.69
T-7	Temporary Staging	L	15.69
T-8	Temporary Non-Fixed Site Event Venue	L	15.69
T-9	Carrier on Wheels (COW)	L	15.69
T-10	Yard Sales	L	15.69
T-11	Itinerant Merchant/Peddler	L	15.69
T-12	Open Air Market, Temporary	L	15.29

Communication: Mansa Hospitality LLC - Staff Report (Case PL00481-050817 Mansa Hospitality LLC - General Use Rezoning)

Intensity/Density Regulations:

Zoning District	Min. Gross Land Area	Min Lot Width	Min. Street Frontage	Min. Livability Space Ratio (LSR)	Setbacks	
					Street	Interior
B3	5,000 ft^2	50 ft.	40 ft.	.27	20’	17’

Building Height

Zone	Height Limitation (Feet)
B3	3 stories/45’ (primary) – 5 stories/ 67’ (secondary)

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.

Communication: Mansa Hospitality LLC - Staff Report (Case PL00481-050817 Mansa Hospitality LLC - General Use Rezoning)

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 Commission and Council should review these policies carefully. Each member may make his or her own interpretation as to the relevance of each and which carry the most weight thereby shaping their overall recommendation.

COMPREHENSIVE PLAN POLICIES

2.1 THE ECONOMY

2.1.1 Economic Development

A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most 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 future. Investments in services, facilities, and proper growth management shall be employed in furtherance of this objective.

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

E. The Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area's physical and human resources.

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.

Communication: Mansa Hospitality LLC - Staff Report (Case PL00481-050817 Mansa Hospitality LLC - General Use Rezoning)

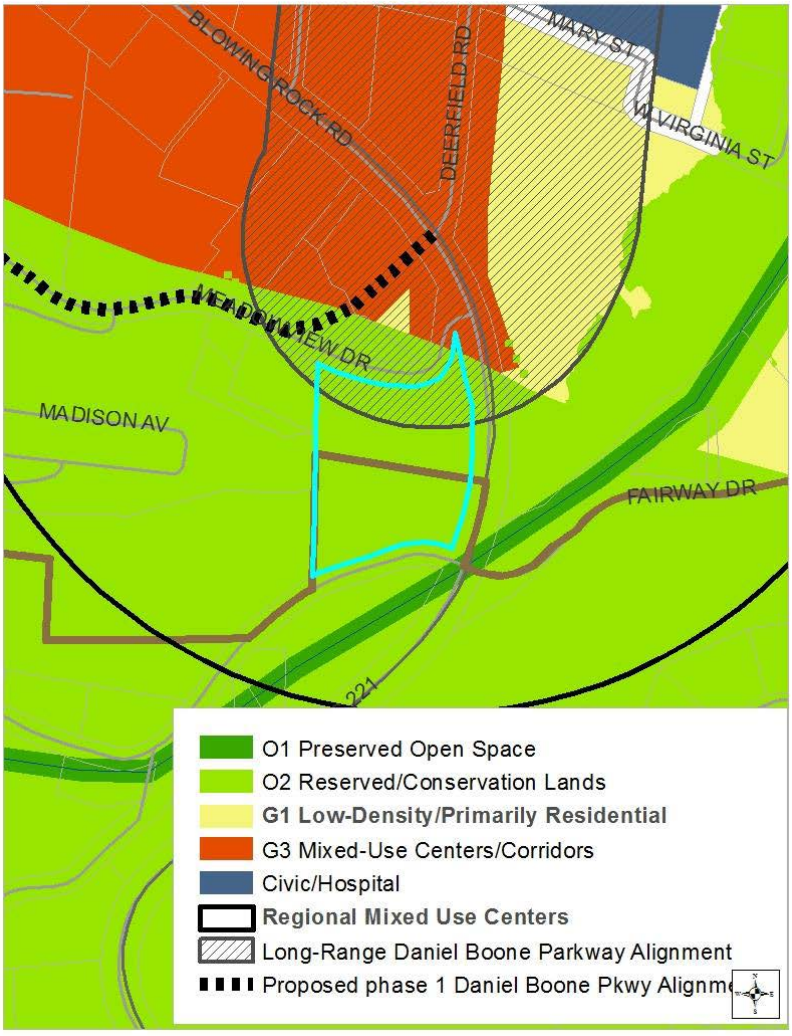
The Town, along with private property owners and developers, shall work to jointly improve the appearance and design of major street corridors.

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.

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.



This property is located within the O-2 sector. The **O-2 sector** represent areas that are prime candidates for moving into the O-1 sector through conservation easements or other open space

Communication: Mansa Hospitality LLC - Staff Report (Case PL00481-050817 Mansa Hospitality LLC - General Use Rezoning)

acquisition/protection measures such as Transfer of Development Rights. This sector, shown in medium green on the Framework Map, consists of lands that should be off-limits to development except occasional residential/rural buildings at very low densities. These areas may be legally developable based on current federal, state, and local regulations. However, they are areas that based on environmental and urban service factors (difficulty of providing of sewer/water service and roadways, for example) should be lightly developed or undeveloped, remaining in a rural or natural state. In large part, these areas correspond with locations identified for viewshed protection in the Town's current regulations. This zone also corresponds with areas in the Secondary Water Pressure Zone, defined as elevations above 3400 feet, which are difficult to efficiently serve with adequate public water pressure. For Boone, this sector also consists of:

- 100 year floodplain
- Slopes of 30-70%
- 100 ft. riparian stream buffer
- Zone of potential rock instability
- High landslide hazard zones

Certification of Notification by Mail

I, Jane Shook, 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 May 8, 2017.

_____

Jane Shook, Director of Planning and Inspections

Certification of Posting

I, Marty Little, 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 May 8, 2017.

_____

Marty Little, Planner

Communication: Mansa Hospitality LLC - Staff Report (Case PL00481-050817 Mansa Hospitality LLC - General Use Rezoning)

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.

ACTION TAKEN

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: Mansa Hospitality LLC - Staff Report (Case PL00481-050817 Mansa Hospitality LLC - General Use Rezoning)

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: Educational Districts and Uses- 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: Educational Districts & Uses UDO Text Amendemnt - Application Information (Case PL00479-050817 Education Districts and

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	05/08/2017
Applicant[1] (Print)	**Applicant Signature**	**Date**
NA	**NA**	**NA**
Property Owner (Print)	**Property Owner Signature**	**Date**

Official Use Only

Project File Name:

Educational Districts and Uses- UDO Text Amendment

Permit Number:

PL00479-050817

Project Name/Number:

NA

Date:	Fee:	Receipt Number:	Method of Payment:	Paid By:
May 8, 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: Educational Districts & Uses UDO Text Amendemnt - Application Information (Case PL00479-050817 Education Districts and

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: Educational Districts & Uses- UDO Text Amend
Permit Name/Number: PL00479-050817

A. TEXT INFORMATION

Amendment is to:

Article(s): Articles 14, 15, 16, and 34

Section(s): varies

Brief Description of Amendment (Attach Proposed Text):

Modification of the UDO text to provide clarification on how Educational zoning districts and uses

Reason for Change: Recommendation from Town Attorney that changes are required due to inconsistencies and issues on how the ordinance treats educational districts and uses.

Official Use Only

Public Hearing Meeting Date: May 22, 2017

PC Meeting Date: May 22, 2017

TC Meeting Date: June 15, 2017

Text Approved: ❑ Yes ❑ No

Date UDO Updated: _____

Communication: Educational Districts & Uses UDO Text Amendemnt - Application Information (Case PL00479-050817 Education Districts and

STAFF REPORT
PUBLIC HEARING
MAY 22, 2017
CASE PL00479-050817 EDUCATIONAL DISTRICTS AND USES- UDO TEXT AMENDMENT

Request

Request to modify UDO Article 14, 15, 16, 17, and 34 in regards to educational districts and uses. Amendment may also be made to other Articles to conform them to changes made in these Articles.

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.

ARTICLE 14: ZONING DISTRICTS AND ZONING MAP

…

§ 14.03 EDUCATIONAL DISTRICTS ESTABLISHED.

14.03.01 The educational districts are established to provide areas which promote the enhancement of compatible educational institutions and opportunities within the town's planning area while preserving the overall small-town character of Boone. ~~For their principal and accessory uses, the entities which are subject to the U1, E1 and E2 districts may only function within those districts. Uses allowed in those districts must be integral to the entity or must be specifically identified and authorized for those districts in the Table of Principal Uses, Table of Accessory Uses and Table of Temporary Uses.~~

14.03.02 The U-1 University District is established for the main campus of Appalachian State University (ASU). This district is intended to provide for the planning and expansion of ASU's main campus that is consistent with the Town's overall planning objectives. In the event that a property or portion of property zoned U-1 is sold to a non-university third party, the property must be rezoned. The third-party property owner shall submit a petition to rezone the property within 6 months of closing on its purchase of the property. ~~Specific uses listed in the U1 column in the Table of Principal Uses, the Table of Accessory Uses, and the Table of Temporary Uses are only allowed if they are associated with and have the approval of the institution authorized under Use Category 9.01 and 9.02.~~

14.03.03 The E-1 Educational District is established to provide for appropriate ~~ASU, CCC&TI, and other~~ uses by ~~institutions of higher learning~~colleges or universities ~~uses away~~ outside of ~~from~~ the ASU main campus. Such uses shall not include residential uses. The owner of a property zoned E-1 must be a college or~~,~~ university~~, or other institution of higher learning~~. In the event that a property or portion of property zoned E-1 is sold to a third party that is not a college or university, the property must be rezoned. The third-party property owner shall submit a petition to rezone the property within 6 months of closing on its purchase of the property. ~~Specific uses listed in the E-1 column in the Table of Permissible Uses, the Table of Accessory Uses, and the Table of Temporary Uses are only allowed if they are associated with and have the approval of the institution authorized under Use Category 9.01 and 9.02.~~

14.03.04 The E-2 Educational District is established to provide for appropriate uses by colleges or universities outside of the ASU main campus, which uses may include residential uses. The owner of a property zoned E-2 must be a college or university. In the event that a property or portion of a property zoned E-2 is sold to a third party that is not a college or university, the property must be rezoned. The third-party property owner shall submit a petition to rezone the property within 6 months of closing on its purchase of the property.

14.03.05 The E-3 Educational District is established to provide for planning and appropriate expansion of trade schools and public or private elementary and secondary educational institutions ~~such as Hardin Park Elementary and Watauga High School~~. Such uses shall not include residential uses unless such are approved through a CD or PD process. The owner of a property zoned E-3 must be a public or private educational institution. In the event that a property or portion of property zoned E-3 is sold to a third party that is not such an educational institution, the property must be rezoned. The third-party property owner shall submit a petition to rezone the property within 6 months of closing on its purchase of the property. ~~Specific uses listed in the E-2 column in the Table of Permissible Uses, the Table of Accessory Uses, and the Table of Temporary Uses are only allowed if they are associated with and have the approval of the institution authorized under Use Category 9.04 and 9.05.~~

(Ord. passed 12-16-2013)

…

ARTICLE 15: DISTRICT USE REQUIREMENTS

§ 15.01 TYPES OF USES.

15.01.01 Permitted (P). A "P" in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses indicates that a use is allowed by right in the respective district unless the use is subject to a transitional zone (see ~~12.01.02~~6.02.02). Such uses are subject to all applicable requirements of this ordinance but do not have additional requirements which are specific to the use in accordance with this Article. A cross-reference in the "Reference" column of the Table for a permitted use is intended to direct the reader to a Section(s) which has special importance to the use, but it does not limit the applicability of other sections.

15.01.02 Permitted subject to limitations (L). An "L" in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses indicates that a use is allowed by right in the respective district unless the uses is subject to a transitional zone (see ~~9.01.02~~6.02.02), provided that the use meets the normal requirements of the ordinance plus additional requirements designed to address the specific impacts of the use. A cross-reference in the "Reference" column of the table for a permitted use with an "L" is intended to direct the reader to a Section(s) which has special importance to the use, but it does not limit the applicability of other sections.

15.01.03 Special use permit required (S). An "S" in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses indicates that a use is allowed only with a special use

permit in the respective district. A cross-reference in the "Reference" column of the table for a permitted use with an "S" is intended to direct the reader to a section which has special importance to the use, but it does not limit the applicability of other sections.

15.01.04 Conditional District (CD). A "CD" in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses indicates that a use is allowed only with a conditional district zoning approval in the respective district. A cross-reference in the "Reference" column of the table for a permitted use with a "CD" is intended to direct the reader to a section which has special portance to the use, but it does not limit the applicability of other sections.

15.01.05 Not permitted (blank cell). A blank cell in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses indicates that a uses in not allowed in the respective district.

15.01.06 Transitional zones. Transitional zones attach to each R1, R1A, RR, R2, and RA district and are designed to address the predictable negative impacts of certain uses and therefore have additional standards which must be met. A proposed use subject to a transitional zone must be approved by a special use permit or in a CD or PD. A superscript "Tn" in the Table of Principal Uses, Table of Accessory Uses or the Table of Temporary Uses denotes the specified use in the specified district is subject to a transitional zone, where "n" represents the size, in feet, of the transitional zone, measured from the boundary of the protected district. However, in the any of the protected districts, the distance is measured from the protected lot rather than the protected zone. See Subsection 6.02.02 for full transitional zone requirements.

15.01.07 Use nomenclature. Each use listed in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses below is more fully defined in Article 34 Definitions. The nomenclature of each use within the tables is for identification purposes only.

(Ord. passed 12-16-2013)

§ 15.02 UNLISTED USES.

15.02.01 Unlisted uses. Any use not permitted, prohibited, or restricted by this ordinance is an "unlisted use" that shall only be permitted if approved by the Planning Director pursuant to the following provisions:

A. Procedure for evaluating unlisted uses. Where a particular use category or use type is not specifically allowed under this ordinance or is also not prohibited or restricted by this ordinance, the Planning Director may permit the use category or type if the criteria of Subsection 15.02.01(B) below are met. The Planning Director shall give due consideration to the intent of this ordinance concerning the district(s), involved, the character of the uses specifically identified, and the character of the use(s) in question.

B. Criteria for evaluating unlisted uses. In order to determine that the proposed uses(s) has an impact that is similar in nature, function, and duration to the other uses allowed in a

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specific zoning district, the Planning Director shall assess all relevant characteristics of the proposed use, including but not limited to the following:

1. The volume and type of sales, retail, wholesale; size and type of items sold and nature of inventory on the premises;

2. Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution; any dangerous, hazardous, toxic, or explosive materials used in the processing; and

3. The nature and location of storage and outdoor display of merchandise; enclosed, open, inside or outside the principal building; and predominant types of items stored (such as business vehicles, work-in-process, inventory, and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders); and

4. The type, size and nature of buildings and structures; and

5. The number and density of employees and customers per unit area of site in relation to business hours and employment shifts; and

6. Transportation requirements, including the modal split for people and freight, by volume type and characteristic of traffic generation to and from the site, trip purposes and whether trip purposes can be shared by other uses on the site; and

7. Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other uses; and

8. The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation and fumes; and

9. Any special public utility requirements for serving the proposed use, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and

10. The impact on adjacent properties created by the proposed use will not be greater than that of other uses in the zoning district.

15.02.03 Determination of unlisted use(s) by the Planning Director. All determinations by the Planning Director made pursuant to this section shall be in writing. In making the determination described in this section, the Planning Director shall initiate an amendment to this ordinance if the particular use or category of use(s) is likely to be common or to recur frequently, or if the omission is likely to lead to public uncertainty and confusion. Until final action has been taken on such proposed amendment, the determination of the Planning Director shall be binding on all officers and departments of the town. If no amendment is initiated, the Planning Director's determination shall thereafter be

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binding on all officers and departments of the town, without further action or amendment of this ordinance.

15.02.04 Appeal of determination of the Planning Director. The determination of the Planning Director may be appealed to the Board of Adjustment pursuant to the procedures set forth in Article 6 of this ordinance.

(Ord. passed 12-16-2013)

§ 15.03 ACCESSORY USES.

15.03.01 An accessory use must be:

A. Clearly incidental to and customarily found in connection with a principal structure or use; and

B. Subordinate to and serve a principal structure or use ; and

C. Subordinate in area, extent, or purpose to the principal structure or use served; and

D. Located within the same site specific development plan as the principal structure or use.

15.03.02 Subsection 15.07.01, the Table of Accessory Uses, lists generally authorized accessory uses within the associated zoning districts so long as the use otherwise qualifies as an accessory use.

15.03.03 A use which is not permitted as a principal use in a zoning district cannot be allowed as an accessory use in that district unless it is specifically listed in the Table of Accessory Uses.

15.03.04 When a development is proposed on land with more than one zoning classification, any accessory use must be located on those portions of the development with zoning designations which allows the use as principal use or is authorized by the Table of Accessory Uses.

(Ord. passed 12-16-2013)

§ 15.04 PERMISSIBLE USES NOT REQUIRING PERMITS.

15.04.01 Notwithstanding any other provisions of this ordinance, no zoning or special use permit is necessary for the following uses:

A. Public streets or sidewalks.

B. Electric power, telephone, telegraph, cable television, gas, water and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way with the permission of the owner.

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C. Utility facilities located within a public right-of-way with the permission of the owner.

(Ord. passed 12-16-2013)

§ 15.05 COMBINATION USES.

15.05.01 A combination use may only be authorized if all proposed principal uses are permissible in the zoning district for which it is proposed.

15.05.02 A combination use must be authorized by a special use permit if any of the permissible uses requires a special use permit.

15.05.03 A combination use has special rules regarding landscaping (See Article 31).

(Ord. passed 12-16-2013)

§ 15.06 MORE SPECIFIC USE CONTROLS.

15.06.01 When two use classifications in the Table of Principal Uses describe a particular activity, the more specific description shall control.

(Ord. passed 12-16-2013)

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15.07 TABLE OF PRINCIPAL USES.

Use #	Specific Use	Zoning Districts																	Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial					Education				
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
1.0	**Household living**																		
1.01	Single-family dwelling	P	P	P	P	P	P								~~P~~				
1.02	Manufactured home "Class A"	L			L	L	L	L							~~P~~				15.08
1.03	Manufactured home "Class B"	L						L											15.08
1.04	Manufactured home "Class C"																		
1.05	Manufactured home park							L											15.09
1.06	Duplex (one duplex building per lot)	P				P	P		P						~~P~~				
1.07	Duplex (more than one duplex building per lot)								L						~~L~~				15.10
1.08	Townhouse (up to 30 bedrooms)						L T50		L T50						~~L~~ T50				15.10
1.09	Townhouse (31-100 bedrooms)						L T50		L T75						~~L~~ T75				15.10
1.10	Townhouse (> 100 bedrooms)						L T75		L 125						~~L~~ T125				15.10
1.11	Multi-family dwelling (up to 30 bedrooms)								L T125						~~L~~ T125				15.10
1.12	Multi-family dwelling (31-100 bedrooms)								L T200						~~L~~ T200				15.10
1.13	Multi-family dwelling (> 100 bedrooms)								L T300						~~L~~ T300				15.10
1.14	Multi-family dwelling in mixed use (up to 30 bedrooms)										L	L T75	L		~~L~~ T75				15.11
2.0	**Group Living**																		
2.01	Family care home	L	L	L	L	L	L		L						~~L~~				15.13
2.02	Family care institutions									L T125					~~L~~ T125				15.14
2.03	Halfway house, Category 1									L					~~L~~				15.14
2.04	Halfway house, Category 2									L T125									15.14
2.05	Nursing care home	L	L	L		L	L		L	L			L		~~L~~				15.14
2.06	Nursing care institution									L T125			L T125						15.14
2.07	Skilled nursing facility									L T300			L T300						15.14
2.08	Retirement community, Category 1	L				L	L		L	L					~~L~~				15.15
2.09	Retirement community, Category 2								L T200	L T125					~~L~~ T125				15.15

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Use #	Specific Use	Zoning Districts																	Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial					Education				
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
~~2.10~~	~~Residence hall, Category 1~~	~~L~~							~~L~~	~~L~~	~~L~~		~~L~~		~~L~~				~~15.15~~
~~2.11~~	~~Residence hall, Category 2~~								~~L[T200]~~	~~L[T200]~~			~~L[T200]~~		~~L[T200]~~				~~15.15~~
~~2.12~~	~~Residence hall, Category 3~~									~~L[T300]~~			~~L[T300]~~						~~15.15~~
2.13	Fraternity or sorority dwelling								S[T300]						P[T300]				15.16
2.14	Boarding house								L				L		~~P~~				15.17
3.0	**Transient Living**																		
3.01	Home for survivors of domestic violence	L	L	L		L	L			L		L			~~L~~				15.18
3.02	Shelter for homeless, Category 1								L[T50]	L[T50]	L[T50]		L[T50]		~~L[T50]~~				15.19
3.03	Shelter for homeless, Category 2								L[T300]	L[T300]			L[T300]		~~L[T300]~~				15.19
3.04	Bed and breakfast, Category 1	L	S[T50]	S[T50]		L[T50]	L[T50]				L	L			~~L~~				15.20
3.05	Bed and breakfast, Category 2					L	L[T125]				L[T125]		L[T125]		~~L[T125]~~				15.20
3.06	Vacation rental	L[T75]							L[T75]		L[T75]	L[T75]	L[T75]		~~L[T75]~~				15.21
3.07	Motel												P[T300]		~~P[T300]~~				
3.08	Hotel										P[T200]		P[T200]		~~P[T200]~~				
4.0	**Institutional Uses**																		
4.01	Airport/landing strip	S[T300]																	15.22
4.02	Heliport	S[T300]													~~S[T300]~~				15.22
4.03	Funeral home establishment									P	P	P	P		~~P~~				
4.04	Cemetery	P	P	P	P	P	P	P	P	P	P	P	P	P	~~P~~				
4.05	Post office									P	P	P	P	P	~~P~~				
4.06	Post office, distribution													P					
4.07	Animal sanctuary	S[T300]													~~S[T300]~~				
5.0	**Government Uses**																		
5.01	Government cultural facility									P	P		P		~~P~~				
5.02	Government neighborhood cultural facility, indoor activity only	S	S	S	S	S	S		P	P	P	P	P		~~P~~				
5.03	Government neighborhood cultural facility, includes outdoor activity									P	P		P		~~P~~				
5.04	Recreation facility, Category 1	P							P	P	P	P	P		~~P~~				

Use #	Specific Use	Zoning Districts																	Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial					Education				
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
5.05	Recreation facility, Category 2	P	P	P	P	P	P	P	P	P	P	P	P		~~P~~				
5.06	Recreation facility, Category 3	P[T50]	S	S	S	S	S	S	S	P[T50]	P[T50]	P[T50]	P[T50]		~~P~~[~~T50~~]				
5.07	Event venue, Category 1									P	P	P	P		~~P~~				
5.08	Event venue, Category 2									P	P	P	P		~~P~~				
5.09	Event venue, Category 3									P[T50]	P[T50]	P[T50]	P[T50]		~~P~~[~~T50~~]				
5.10	Landfill													S					
5.11	Solid waste processing													S					
5.12	Police substation	P	P	P	P	P	P	P	P	P	P	P	P	P	~~P~~				
5.13	Utility facility, town	L	L	L	L	L	L	L	L	L	L	L	L	L	~~L~~				15.23
5.14	Utility facility, government, neighborhood		L	L	L	L	L	L	L	L	L	L	L	L	~~L~~	L			
5.15	Utility facility, government, regional	L[T300]								L[T300]			L[T300]	L[T300]	~~L~~[~~T300~~]				15.23
5.16	Government facility	P							P	P	P	P	P	P	~~P~~				
6.0	**Non-government Utility Facility**																		
6.01	Utility facility, neighborhood	L	L	L	L	L	L	L	L	L	L	L	L	L	~~L~~				15.23
6.02	Utility facility, regional	L[T300]								L[T300]			L[T300]	L[T300]	~~L~~[~~T300~~]				15.23
7.0	**Telecommunications**																		
7.01	Antenna collocation on existing wireless support structure not requiring additional accessory equipment	P	P	P	P	P	P	P	P	P	P	P	P	P	~~P~~				
7.02	Antenna collocation on existing wireless support structure requiring additional accessory equipment	L	L	L	L	L	L	L	L	L	L	L	L	L	~~L~~				15.24
7.03	Building mounted antenna not requiring additional accessory equipment	L	L	L	L	L	L	L	L	L	L	L	L	L	~~L~~				15.24
7.04	Building mounted antenna requiring additional accessory equipment	L								L	L	L	L	L	~~L~~				15.24
7.05	Antenna collocation on electrical transmission towers								L										15.24
7.06	Other antenna	L								L	L	L	L	L	~~L~~				15.24

Use #	Specific Use	Zoning Districts																	Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial					Education				
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
7.07	Wireless support structure which meets district height requirements	S	S	S		S	S		L	L	L	L	L	L	~~L~~				15.24
7.08	Stealth wireless facility which exceeds district height requirements	L	S	S		S	S		S	L	L	L	L	L	~~L~~				15.24
7.09	Wireless support structure which does not meet district height requirements up to and including 120'	S								S				S	~~L~~				15.24
7.10	Other tower that exceeds 120' in height																		15.24
7.11	Emergency response communication antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	~~P~~				
~~8.0 Assembly~~																			
8.01	Religious assembly, Category 1	P	P	P	P	P	P	P	P	P	P	P	P		~~P~~				
8.02	Religious assembly, Category 2	P[T125]	P[T125]	P[T125]	P[T125]	P[T125]	P[T125]	P[T125]	P[T125]	P[T75]	P		P		~~P~~				
8.03	Religious assembly, Category 3	P[T200]									P[T200]		P[T200]		~~P[T200]~~				
8.04	Club/lodge, Category 1										P [T75]		P [T75]		~~P~~				
8.05	Club/lodge which does not serve alcohol	P									P		P		~~P~~				
9.0	**Education**																		
~~9.01~~	~~Appalachian state university~~														~~P~~				
~~9.02~~	~~Caldwell community college and technical institute~~									~~P[T75]~~					~~P~~				
9.013	P~~Other p~~ublic colleges and universities									~~P[T75]~~					P[T200]	P[T200]	P[T200]		
9.024	Private colleges and universities									~~P[T300]~~	~~P[T200]~~		~~P[T300]~~			P[T200]	P[T200]		
9.035	Trade school									~~P[T200]~~	~~P[T200]~~		~~P[T200]~~		~~P~~			P[T200]	
9.046	High school									~~P[T300]~~					~~P~~			P[T200]	
9.057	Elementary school									~~P[T125]~~								P[T200]	
9.068	Boarding school									~~P[T300]~~	~~P[T300]~~		~~P[T300]~~		~~P~~				
~~9.09~~	~~All other educational facilities~~									~~CD~~									
10.0	**Daycare**																		
10.01	Child daycare, large	L					L		L			L	L		~~P~~				15.25
10.02	Child daycare center									L			L		~~P~~				15.25

Use #	Specific Use	Zoning Districts																	Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial					Education				
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
10.03	Adult daycare, large	L					L		L			L	L		~~P~~				15.25
10.04	Adult daycare center									L			L		~~P~~				15.25
10.05	All other daycare									CD									
11.0	**General Sales and Service**																		
11.01	Kennel	L^{T125}											L^{T125}						15.26
11.02	Veterinary office/hospital with outdoor kennels	L^{T125}								L^{T125}			L^{T125}		~~L^{T125}~~				15.26
11.03	Veterinary office/hospital without outdoor kennels	P								P	P	P	P		~~P~~				
11.04	Financial institution σ: 5,000 ft^2									P	P	P	P		~~P~~				
11.05	Financial institution > 5,000 ft^2									P	P		P		~~P~~				
11.06	Restaurant σ: 2,500 ft^2 open to the public during 10 p.m. - 6 a.m.									P^{T75}	P^{T75}	P^{T75}	P^{T75}		~~P~~				
11.07	Other restaurants σ: 2,500 ft^2									P	P	P	P		~~P~~				
11.08	Restaurant > 2,500 ft^2 open to the public during 10 p.m. - 6 a.m.									P^{T200}	P^{T125}		P^{T200}		~~P~~				
11.09	Other restaurants > 2,500 ft^2									P^{T125}	P^{T75}		P^{T125}		~~P~~				
11.10	Bar																		
11.11	ABC store										P		P						
11.12	Personal service establishment open to the public during 10 p.m. - 6 a.m.									P^{T75}	P^{T50}		P^{T75}		~~P~~				
11.13	Other personal service establishments									P	P	P	P		~~P~~				
11.14	Retail store up to 5,000 ft^2									P	P	P	P		~~P~~				
11.15	Retail store more than 5,000 but less than 25,000 ft^2										P^{T125}	P^{T200}	P^{T200}		~~P~~				
11.16	Retail store 25,000 ft^2 and greater												L^{T300}						15.27
11.17	Shopping center/mall									S^{T300}	S	S^{T125}	S^{T300}		~~S^{T125}~~				15.28
11.18	Business or professional office open to the public during 10 p.m.-6 a.m.									P^{T75}	P^{T50}		P^{T75}		~~P~~				
11.19	Other business or professional office									P	P	P	P		~~P~~				
11.20	Medical office, Category 1									P^{T300}	P^{T300}		P^{T300}		~~P~~				
11.21	Medical office, Category 2									P^{T125}	P^{T125}		P^{T125}		~~P~~				

Use #	Specific Use	Zoning Districts																	Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial					Education				
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
11.22	Medical office, Category 3									P[T125]			P[T125]		~~P~~				
11.23	Medical office, Category 4									P	P	P	P		~~P~~				
11.24	Hospital									P[T300]					~~P~~[~~T300~~]				
11.25	Medical emergency response									P[T300]	P[T300]		P[T300]						
11.26	Open air market, recurring	L[T75]								L[T50]			L[T75]		~~L~~[~~T75~~]				15.29
11.27	Vehicle sales and service											L[T125]	L[T75]						15.30
11.28	Equipment sales and service												L[T125]	L[T125]					15.31
11.29	Moped sales and service										P	P	P						
11.30	Boat or marine craft sales and service												L[T75]	L[T75]					15.32
11.31	Impound lot/towing service												L[T125]	L[T125]	~~P~~				15.33
11.32	Gas station	P[T125]										P[T125]	P[T125]	P[T125]	~~P~~				
11.33	Car wash											P[T125]	P[T125]	P[T125]	~~P~~				
11.34	Seasonal retail activities and amusements	P								P	P	P	P		~~P~~				
12.0	**Recreation and Entertainment Uses**																		
12.01	Indoor shooting range	L[T75]											L[T75]		~~P~~				15.34
12.02	Outdoor shooting range																		
12.03	Indoor theater										P		P		~~P~~				
12.04	Outdoor theater	P[T200]									P[T125]		P[T125]		~~P~~				
12.05	Event venue, Category 1										P	P[T75]	P		~~P~~				
12.06	Event venue, Category 2										P[T50]	P[T125]	P[T125]		~~P~~				
12.07	Event venue, Category 3										P[T200]		P[T200]		~~P~~				
12.08	Campground and recreational vehicle park	L[T200]											L[T200]		~~L~~				15.35
12.09	Coliseum												S[T300]		~~P~~[~~T300~~]				
12.10	Recreation facility, Category 1	P[T125]								P	P	P	P		~~P~~				
12.11	Recreation facility, Category 2	P[T125]								P [T50]			P [T50]		~~P~~				
12.12	Recreation facility, Category 3	P[T200]											P[T200]						
12.13	Racetrack																		

Use #	Specific Use	Zoning Districts																	Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial					Education				
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
13.0	**Agriculture**																		
13.01	Garden, community	L	L	L	L	L	L	L	L	L	L	L	L		~~P~~				15.36
13.02	Garden, residential	L	L	L	L	L	L	L	L	L	L	L	L		~~L~~				15.37
13.03	Agricultural operation excluding livestock	P																	
13.04	Agricultural operation including livestock	P																	
13.05	Swine farm																		
13.06	Confined animal feeding operation (CAFO)																		
13.07	Custom slaughterhouse	P																	
13.08	Other slaughterhouse																		
13.09	Forestry	L	L	L	L	L	L	L	L	L	L	L	L	L	~~L~~				15.38
14.0	**Manufacturing**																		
14.01	Microbrewery										L[T75]		L[T125]		~~L~~				15.39
14.02	Brewpub										L[T75]		L[T125]	L[T125]	~~L~~				15.39
14.03	Brewery/distillery												L[T125]	L[T125]	~~L~~				15.40
14.04	Brewery/distillery, other																		15.41
14.05	Winery associated with a vineyard	L[T125]												L[T125]	~~L~~				15.42
14.06	Winery												L[T125]	L[T125]	~~L~~				15.42
14.07	Winery, other																		
14.08	Extraction of earth materials																		
14.09	Machine/welding shop												L[T200]	L[T200]	~~L[T200]~~				15.44
14.10	Manufacturing, other													L[T300]					15.45
15.0	**Parking**																		
15.01	Parking lot								L[T125]	L	L		L		~~P~~				15.46
15.02	Parking structure									L	L		L	L	~~P~~				15.47
15.03	Park and ride lots	L								L			L	L	~~P~~				15.46
16.0	**Storage**																		
16.01	Mini-storage	L[T125]											L[T75]	L[T75]	~~P~~				15.48

Use #	Specific Use	Zoning Districts																	Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial					Education				
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
16.02	Outdoor storage													L^{T75}	~~P~~				15.49
16.03	Warehouse													P^{T75}	~~P~~				
16.04	Fuel storage facility												P^{T300}	P^{T300}					
16.05	Chemical storage facility																		
17.0	**Transportation**																		
17.01	Passenger terminals												P^{T200}		~~P~~^{T200}				
17.02	Trucking or freight terminal σ: 10,000 ft^2												P^{T125}	P^{T125}					
17.03	Trucking or freight terminal > 10,000 ft^2													P^{T300}					
18.0	**Waste Related Uses**																		
18.01	Recycling drop-off station	L^{T300}												L^{T200}	~~P~~				15.49
18.02	Recycling and salvage													L^{T300}					15.49
18.03	Junkyard																		
18.04	Private landfill																		
19.0	Particular activities which pose particular concerns about public health																		
19.01	Electronic and internet gaming												S						15.50
19.02	Adult establishments												S						15.51

Communication: Educational Districts and Uses UDO Text Amendment- Staff Report (Case PL00479-

15.07.01 Table of accessory uses.

Use #	Accessory Use	Zoning Districts																	Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial					Education				
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	E3	
A-1	Secondary suite	L	L	L	L	L	L	L	L	L	L	L	L						15.52
A-2	Home occupation	L	L	L	L	L	L	L	L	L	L	L	L						15.53
A-3	Accessory dwelling unit			L	L	L	L		L	L	L	L	L						15.54
A-4	Drive-through									L			L	L					15.55
A-5	Outdoor display									L	L	L	L	L					15.56
A-6	Outdoor storage												L	L					15.57
A-7	Outdoor dining									L	L	L	L						15.58
A-8	Automated teller machine (ATM)									P	P	P	P	P					
A-9	Automated teller machine (ATM), freestanding								L	L	L	L	L	L					15.59
A-10	Produce stand	L																	15.60
A-11	Poultry	L	L	L	L	L	L	L	L	L		L	L						15.61
A-12	Livestock, small	L	L	L	L	L	L	L	L	L			L						15.62
A-13	Livestock, large	L																	15.63
A-14	Bees	L	L	L	L	L	L	L	L	L	L	L	L						15.64
A-15	Garden, residential	L	L	L	L	L	L	L	L	L	L	L	L	L					15.65
A-16	Satellite receiving antennas less than 1 meter in diameter	P	P	P	P	P	P	P	P	P	P	P	P	P					
A-17	Satellite receiving antennas less than 2 meters in diameter	P								P	P	P	P	P					
A-18	Satellite receiving antennas 2 meters and greater in diameter									S			S	P					
A-19	Helistop	S[T300]								S[T300]			S[T300]	S[T300]					
A-20	Swimming pools, spas, and hot tubs	L	L	L	L	L	L	L	L	L	L	L	L	L					15.66
A-21	Caretaker's residence									L			L	L					15.67
A-22	Vehicular gate	L	L	L	L	L	L	L	L	L	L	L	L	L					15.68
A-23	Vehicle washing station	P							P	P		P	P	P					
A-24	Chemical storage facility												P[T125]	P[T125]					
A-25	Open air market, accessory	L	L	L	L	L	L	L	L	L	L	L	L	L					15.29
A-26	Daycare, small	P	P	P	P	P	P	P	P	P	P	P	P	P					

15.07.03 Table of temporary uses.

		Zoning Districts	

Communication: Educational Districts and Uses UDO Text Amendment- Staff Report (Case PL00479-

		Low Density Residential				*Medium to High Density Residential*				*Commercial/Industrial*					*Education*			
		RA	***R1***	***R1A***	***RR***	***R2***	***R4***	***MH***	***R3***	***OI***	***B1***	***B2***	***B3***	***M1***	***U1***	***E1***	***E2***	
T-1	Temporary care provider dwelling	L			L	L	L	L	L	L	L	L	L					15.69
T-2	Temporary construction or repair dwelling	L	L	L	L	L	L	L	L	L	L	L	L	L				15.69
T-3	Temporary construction trailer	L	L	L	L	L	L	L	L	L	L	L	L	L				15.69
T-4	Temporary mobile medical unit										L		L					15.69
T-5	Temporary classroom									L			L					15.69
T-6	Temporary portable storage containers									L				L				15.69
T-7	Temporary staging									L			L	L				15.69
T-8	Temporary non-fixed site event venue	L								L			L					15.69
T-9	Carrier on wheels (cow)	L	L	L	L	L	L	L	L	L	L	L	L	L				15.69
T-10	Yard sales	L	L	L	L	L	L	L	L	L	L	L	L	L				15.69
T-11	Itinerant merchant/peddler	L	L	L	L	L	L	L	L	L	L	L	L	L				15.69
T-12	Open air market, temporary	L								L	L	L	L	L				15.29

(Ord. passed 12-16-13)

§ 15.15 RETIREMENT COMMUNITY CATEGORY 1, RETIREMENT COMMUNITY CATEGORY 2~~, RESIDENCE HALL CATEGORY 1, RESIDENCE HALL CATEGORY 2, RESIDENCE HALL CATEGORY 3~~.

15.15.01 Retirement community Category 1 and~~1~~, retirement community Category 2, ~~residence hall Category 1, residence hall Category 2, and residence hall Category 3~~ shall provide adequate supervision in light of the number and needs of the residents and security concerns for the use. [Isn't this already required by state law??]

(Ord. passed 12-16-2013)

§ 15.16 FRATERNITY AND SORORITY DWELLING.

15.16.01 A fraternity and sorority dwelling shall provide adequate supervision in light of the number and needs of the residents and security concerns for the use.

15.16.02 Without limiting the applicability of other ordinance requirements, a fraternity and sorority dwelling is subject to Article 25 Community Appearance Standards as well as Article 31 Landscape Standards.

15.16.03 A fraternity and sorority dwelling shall contain a minimum of 250 square feet for each resident.

15.16.04 A fraternity and sorority dwelling shall be located within one-half mile of the school of which it is affiliated.

~~15.16.05 The maximum floor area shall be no greater than one-half of the maximum floor area ratio for the zoning district in which the use is located. For example, a one acre (43,560 ft2) lot in the R3 Multiple-Family zoning district (.480 maximum floor area) would be able to support a 10,454.4 square foot building with 42 residents.~~

~~Calculation: Maximum Floor Area: 43,560 x .480 = 20,908.8 square feet~~

~~Allowable Floor Area: 20,908.8 x .5 = 10,454.4 square feet~~

~~Total Number of Residents: 10,454.4 ÷ 250 = 41.8~~

G. If the above standards are met, no additional ordinance requirements are applicable.

(Ord. passed 12-16-2013)

Article 16 District Standards

16.01 Schedule of Land Use Intensity Regulations

16.01.01 Unless otherwise specified, development in the following zones shall comply with the intensity regulations indicated in the following Intensity Table.

A. Unless otherwise provided in this Ordinance, the land use intensity regulations for architecturally integrated subdivisions shall apply to the development as a whole and not to individual parts thereof.

B. In the B-1 Zoning District, a minimum "Building Footprint" of fifty percent (50%) of the lot or parcel area is required. All other regulations in the Intensity Table apply.

(20150028-11192015)

16.01.02 Intensity Table

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Minimum Livability Space Ratio* (LSR)	Minimum Setbacks	
					Street	Interior
RA No Public Water & Sewer Available	20,000 sq. ft	100 ft.	80 ft.	.65	20 ft.	18 ft.
RA Public Water Available	15,000 sq. ft.	80 ft.	64 ft.	.65	20 ft.	18 ft.
RA Public Water & Sewer Available	10,000 sq. ft.	65 ft.	52 ft.	.65	20 ft.	14 ft.
R1	8,000 sq. ft.	70 ft.	56 ft.	.53	20 ft.	14 ft.
R1A	8,000 sq. ft.	70 ft.	56 ft.	.53	20 ft.	14 ft.
RR	6,000 sq. ft.	70 ft.	56 ft.	.48	20 ft.	13 ft.
R2	6,000 sq. ft.	70 ft.	56 ft.	.48	20 ft.	13 ft.
R4	6,000 sq. ft.	70 ft.	56 ft.	.48	20 ft.	13 ft.
R3	5,000 sq. ft.	80 ft.	64 ft.	.40	20 ft.	13 ft.

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Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Minimum Livability Space Ratio* (LSR)	Minimum Setbacks	
					Street	Interior
MH	87,120 sq. ft.	None	56 ft.	.51	20 ft.	20 ft.
OI	10,000 sq. ft.	100 ft.	80 ft.	.27	20 ft.	17 ft.
B1	5,000 sq. ft.	15 ft.	12 ft.	None	Refer to Section 16.06.02	Refer to Section 16.06.04
B2	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.
B3	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.
M1	17,000 sq. ft.	80 ft.	64 ft.	.3	20 ft.	22 ft.
U1	None	None	None	.27	Refer to Section 16.06.09	Refer to Section 16.06.08
E1	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.
E2	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.
E3	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.

(20140384-08212014)

**LSR is a ratio where the numerator is the square footage of Livability Space and the denominator is the square footage of the entire parcel.*

16.01.03 Where a lot is located in more than one zoning district, the appropriate land use intensity ratios shall be applied individually to each portion of the gross land area located within the different districts.

16.02 Gross Land Area

16.02.01 When a lot is located in more than one zoning district, the minimum square footage of the lot shall be the sum of the square footage derived by multiplying the minimum square footage required for each represented district by the proportion of the lot located within that district.

16.02.02 The area within the street right-of-way may not be used to satisfy lot area requirements.

16.03 Minimum Lot Widths

16.03.01 No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that:

A. Could be used for purposes that are permissible in that zoning district, and

B. Could satisfy any applicable setback requirements for that district.

Communication: Educational Districts and Uses UDO Text Amendment- Staff Report (Case PL00479-050817 Education Districts and Uses -

16.03.02 Where a lot fronts two (2) or more streets, the minimum lot width requirement shall be considered met if the lot width at the street setback from any one of such streets meets the minimum lot width requirement.

16.03.03 No lot created after the effective date of this Ordinance that is less than the required width shall be entitled to a variance from any building setback requirement.

16.04 Minimum Street Frontage Widths

16.04.01 The minimum width of the frontage of a lot on a street shall be eighty percent (80%) of the minimum lot width required for the lot. Easement areas shall be excluded from this requirement.

16.04.02 Where a lot fronts on two (2) or more streets, the minimum street frontage width requirements shall be considered met if the frontage along any one of such streets meets the minimum street frontage width requirements.

16.04.03 Where a lot fronts on a turning circle of a cul-de-sac or at a point of a street where the radius of the curvature of the right-of-way is less than ninety feet (90'), the minimum street frontage width requirement shall not apply.

16.06 Building Setback Requirements

16.06.01 Subject to Sections 16.07 and 16.11 and the other provisions of this Section, no portion of any building may be located on any lot closer to any lot line or to the street right-of-way line or centerline than is authorized in the Intensity Table.

A. If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the setback shall be measured from such right-of-way line. If the right-of-way line is not so determinable, the setback shall be measured from the street centerline. Whenever a lot fronts a street with a right-of-way of thirty feet (30') or less, the setback shall be measured from a line running parallel to the centerline at a distance of fifteen feet (15') from the centerline.

B. As used in this Section, the term "lot boundary line" refers to lot boundaries other than those that abut streets.

C. As used in this Section, the term "building" includes any substantial structure which by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. Without limiting the generality of the foregoing, the following structures shall be deemed to fall within this description:

1. Gas pumps and overhead canopies or roofs.
2. Fences running along lot boundary adjacent to public street rights-of-way if such fences exceed nine feet (9') in height and are substantially opaque.
3. Retaining walls which exceed four feet (4') in height.

Communication: Educational Districts and Uses UDO Text Amendment- Staff Report (Case PL00479-050817 Education Districts and Uses -

D. Flagpoles, bridges, transmission poles, cables, heat pumps, generators, air condition units and pad mounted transformers shall be exempt from building setback requirements, however, walk in coolers and refrigeration units must meet the requirements for accessory buildings.

16.06.02 In the B1 district, existing development may rebuild to existing building footprint lines, but cannot rebuild any closer to a street than the established existing building setback line as noted on the Official Existing Building Line Maps recorded with the Watauga County Registry in Deed Book 239, Pages 132-138. Structures existing prior to February 25, 1993 that do not meet the required setbacks shall not be considered to have nonconforming features.

16.06.03 In the B1 district, the minimum street setback distance shall not apply to a projecting theater marquee, canopy or roof overhang supports as long as such supports do not go beyond the edge of the sidewalk. This exemption shall not obviate the need for an encroachment agreement.

16.06.04 The interior setback for the B1 zoning district is 0', unless the lot abuts a district other than a U1 zoning district, in which case the lot boundary setback shall be fifteen feet (15').

16.06.05 In the B2 and B3 zoning districts, sideline to sideline construction may be permitted on one or more lots of at least 100 feet road frontage upon issuance of a special use permit in accordance with the provisions of Article 6 and subject to the following conditions:

A. The building must be constructed in accordance with the regulations for the primary fire district as contained in the North Carolina State Building Code.

B. There shall be a deeded street or right-of-way, built to Town standards, at both the front and the rear of the property.

C. Loading, unloading and refuse disposal access shall be from the street at the rear of the property.

D. Loading and parking shall be in compliance with Article 24 of this Ordinance.

16.06.06 Whenever a lot in a nonresidential district has a common boundary line with a lot in a residential district, and the property line setback requirement applicable to the residential lot is greater than that applicable to the nonresidential lot, then the lot in the nonresidential district shall be required to observe the property line setback requirement applicable to the adjoining residential lot.

16.06.07 Setback distances shall be measured from the property line or street right-of-way line to a point on the lot that is directly below the nearest extension of any part of the building that is substantially a part of the building itself and not a mere appendage to it (such as a flagpole, etc.).

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16.06.08 In the U1 district, the minimum street setback of ten feet (10') shall apply only when development is proposed adjacent to Town maintained streets.

16.06.09 In the U1 district, the minimum interior setback shall be increased to fourteen feet (14') only when development is proposed adjacent to R1 zoned property. Additional setback provisions in Section 16.06.05 do not apply in the U1 district. The minimum interior setback is zero feet (0') only when development is proposed adjacent to B1 zoned property.

16.07 Accessory Structure Setback Requirements

16.07.01 All accessory structures shall meet the building street setback requirement of fifteen feet (15') from the street right-of-way line and seven feet (7') from any interior lot line.

16.07.02 No accessory structure may be further forward to the street setback than the front most point of the principal structure.

16.07.03 The maximum lot coverage of the accessory structure shall not exceed twenty percent (20%) of the lot.

16.07.04 An accessory structure must be clearly subordinate to the principal structure in all dimensional aspects.

16.07.05 An accessory structure shall not be located in an easement unless expressly allowed.

16.08 Building Height Limitations

16.08.01 For the purposes of this Section:

The height of a building shall be the vertical distance measured from the average elevation of the finished grade at the primary façade of the building to the highest point of the building.

"Stories" as used herein refers to the number of heated, habitable floors above grade at the primary facade. Where both stories and heights are listed in the table below at section 16.08.02, the building can have no more than the listed number of stories, and also may not exceed the specified height in feet.

16.08.02 Subject to the remaining provisions of this Section, building height limitations in the various zoning districts shall be as follows:

Zone	Height Limitation
R1, R1A, RR, R2, R4, RA	3 stories
R3	3 stories
MH	35'
OI	4 stories/67'

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Zone	Height Limitation
B1	On King St. from Water to College and on Depot Street from King to Howard: 3 stories/45'; elsewhere: 4 stories/55'
B2	3 stories/ /40'
B3, E1, E2, E3	3 stories/45' (primary) – 5 stories/67' (secondary)
U1	Refer to Subsection 16.08.09
M1	67'

16.08.03 In the B2, ~~and~~ B3, E1, E2, and E3 districts the height limitation may range between the primary height limitation in the table to the secondary height (which is the maximum for the district), subject to the provision that for each foot the height of the structure exceeds the primary height limitation, the boundary lot setback applicable to the structure shall increase by one (1) foot. In no case shall the height of a structure exceed the secondary height limitation established in the table.

16.08.04 In the B1 district the maximum building height shall be limited to forty-five feet (45'), as measured from the average elevation of the existing or proposed sidewalk along the primary street at the middle of the building elevation facing the street to the highest point of the building or structure. Where a property has primary street frontages on opposite sides the applicable height limitation shall apply for each side and the building height limitation for each side shall terminate at the midpoint of the building.. Where a property does not border a primary street on any side, the maximum height shall be measured from the average finished ground elevation of the finished building. For the purpose of this Section, the following are considered primary streets: King Street, Queen Street, Howard Street, Rivers Street, Water Street, Depot Street, Appalachian Street, Grand Boulevard, Poplar Grove Road, Straight Street, Bent Street, Orchard Street, and Wallace Circle.

16.08.05 In all nonresidential zones and the R3 zone, all structures located within 100 feet of an R1 zoned property shall not exceed forty feet (40') in height.

16.08.06 Where a multi-unit or nonresidential structure has a height in excess of twenty feet (20') and adjoins a low density residential district, the structure shall meet an additional setback of one and one half feet (1 ½') for each foot in height above twenty feet (20').

16.08.07 If a structure is located at an elevation of 3000 feet above mean sea level and 500 feet above the valley floor, in no case shall the height of such structure exceed forty feet (40') above the mean natural grade.

16.08.08 The following features are not included in calculating the height of a structure for purposes of applying the district height limitations set forth in Subsection 16.08.02, except that on a corner lot in any residential district no planting, structures, fence, wall or obstruction to

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vision more than three feet (3') in height measured from the street center line shall be placed or maintained within the triangular area formed by the intersecting street lines and a straight line connecting points on said street lines each of which is twenty-five feet (25') from the point of intersection.

A. Chimneys, accessory radio or television antennas, flagpoles, monuments or solar collectors provided that such features do not exceed fifteen percent (15%) of the maximum height requirements.

B. Church spires, belfries, cupolas, domes, smokestacks, windmills, or observation towers, provided such structures do not exceed in height the horizontal distance from the structure to the nearest property line.

C. Utility transmission poles and cables.

D. Elevator or other mechanical equipment and mechanical penthouses; provided, however, that such features must be screened from view by parapets and set-back from roof edges.

E. Limited structures to enable recreational use of open rooftops; provided, however, that such features must be screened from view by parapets and set-back from roof edges and may be no more than 1/3 the area of the entire roof. As used in this provision, "structures" do not include areas that are simply decking to be used for standing or sitting.

16.08.09 In the U1 district, building heights for structures internal to the main campus shall be generally limited only by the Town's firefighting capability except for those structures located immediately adjacent to property in a non-University district. In this instance:

A. All buildings proposed within 100 feet of an R1, R1A, RR, R2, R4, or RA zoned property shall be limited to a maximum height of forty feet (40').

B. All buildings proposed within fifty feet (50') of an R3, OI, B1, B2, or B3 zoned property shall be limited to the maximum height allowed in the adjoining district. Additional height restrictions in Subsection 16.08.04 and 16.08.05 shall not apply in the U1 district.

16.09 Minimum Building Spacing

16.09.01 The minimum spacing between any two (2) buildings located on a single lot or in the U1 district, which contain dwelling units, shall be the sum of the spacing distances required for the walls of each building or portion thereof as follows:

A. The required spacing between buildings for any wall containing windows shall be the horizontal distance equal to the minimum interior setback applicable to the lot or district in which it is located, plus one (1) additional foot for each foot the height of the building exceeds thirty-five feet (35').

B. The required spacing distance for a windowless wall shall be in accordance with the applicable building codes.

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16.09.02 Unless otherwise regulated by this Ordinance, the spacing between structures or portions of structures not containing dwelling units shall be appropriate to the use of such structures or portions thereof. Spacing shall be related to fire protection requirements, the separation of spaces by fences, walls or vegetative screening, the location of parking and service areas, the exposure to nearby living quarters and similar considerations.

16.10 Intensity Regulations for the U1 District

16.10.01 University campus land will be considered as a whole for purposes of computing land use intensities. This provision does not apply to satellite tracts; however, land separated from the main campus only by a public street or thoroughfare will be deemed part of the main campus~~, and any land separated from the University's State Farm property only by a public street or thoroughfare will be deemed part of the State Farm property~~.

16.11 Architecturally Integrated Subdivisions

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

A. Lot boundary setback requirements shall apply where and to the extent that the subdivided tract abuts land that is not part of the subdivision, and

B. Each lot must be of sufficient size and dimensions that it can support the structure proposed to be located on it, consistent with all other applicable requirements of this Ordinance.

16.11.02 The number of dwelling units in an architecturally integrated subdivision may not exceed the maximum density authorized for the tract under Section 16.01. The number of lots allowed in an architecturally integrated subdivision shall be calculated by dividing the project area by the minimum gross land area as shown in Section 16.01. For an architecturally integrated subdivision project that is composed of areas with different zoning designations, the number of units shall be determined for each zoning district. The maximum number of units for the project shall be the sum of the densities for each district. The units may be distributed throughout the project without regard to the zoning district lines subject to meeting the requirements of Subsection 16.11.01. Further, only uses authorized by Article 15 shall be permitted in each zoning district.

16.11.03 To the extent reasonably practicable, in architecturally integrated subdivisions the amount of land saved by creating lots that are smaller than the standards set forth in Section 16.01 shall be set aside as usable open space.

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

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16.12 Density On Lots Where Portion Dedicated to Town

16.12.01 Subject to the other provisions of this Ordinance, if (i) any portion of a tract lies within an area designated on any officially adopted Town plan as part of a proposed public park, greenway, or bikeway, and (ii) before the tract is developed, the owner of the tract, with the concurrence of the Town, dedicates to the Town that portion of the tract so designated, then, when the remainder of the tract is developed for residential purposes, the permissible density at which the remainder may be developed shall be calculated by regarding the dedicated portion of the original lot as if it were still part of the lot proposed for development.

Article 17 Wellness District Standards

…

17.02 District Use Requirements

17.02.01 Except as provided herein, all principal, accessory and temporary uses within the WD shall comply with Article 15 District Uses.

17.02.02 Except for educational uses and medical uses, development containing more than 20,000 square feet or having building footprints greater than half an acre shall provide for a mix or two or more (2+) principal uses.

17.02.03 The permitted uses allowed within the Wellness District are those permitted under the Town of Boone, Unified Development Ordinance, Article 15, District Use Requirements as of the date of the approved Wellness District Small Area Plan and are further limited herein.

Table of Principal Uses

Use #	Specific Use	Reference
3.0 Transient Living		
3.07	Hotel	
4.0 Institutional Uses		
4.05	Post Office	
5.0 Government Uses		
5.12	Police Substation	
7.0 Telecommunication		
7.11	Emergency Response Communications	
8.0 Assembly		
8.01	Religious Assembly, Category 1	

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Use #	Specific Use	Reference
9.0 Education		
9.01	~~Appalachian State University (no residential uses allowed)~~Public Colleges and Universities (no residential uses allowed)	
9.02	~~Caldwell Community College & Technical Institute (no residential uses allowed)~~ Private Colleges and Universities (no residential uses allowed)	
~~9.03~~	~~Other Public Colleges & Universities (no residential uses allowed)~~	
~~9.04~~	~~Other Private Colleges & Universities (no residential uses allowed)~~	
10.0 Daycare		
10.01	Child Daycare, Large	15.25
10.02	Child Daycare Center	
10.04	Adult Daycare Center	
11.0 General Sales and Service:		
11.04	Financial Institution ≤ 5,000 ft^2	
11.05	Financial Institution > 5,000 ft^2	
11.06	Restaurant ≤ 2,500 ft^2 open to the public during 10 pm – 6 am	
11.07	Other Restaurants ≤ 2,500 ft^2	
11.08	Restaurant > 2,500 ft^2 open to the public during 10 pm – 6 am	
11.09	Other Restaurants > 2,500 ft^2	
11.13	Other Personal Service Establishments	
11.14	Retail Store up to 5,000 ft^2	
11.15	Retail Store more than 5,000 but less than 25,000 ft^2	
11.16	Retail Store 25,000 ft^2 and greater	17.02.05
11.18	Business/Professional Office open to the public during 10 pm–6 am	
11.19	Other Business or Professional Office	
11.20	Medical Office, Category 1	
11.21	Medical Office, Category 2	
11.22	Medical Office, Category 3	

Communication: Educational Districts and Uses UDO Text Amendment- Staff Report (Case PL00479-050817 Education Districts and Uses -

Use #	Specific Use	Reference
11.23	Medical Office, Category 4	
11.24	Hospital	
11.25	Medical Emergency Response	
11.35	Therapy Farm	
12.0 Recreation		
12.10	Recreation Facility, Category 1	
15.0 Parking		
15.01	Parking Structure	15.47

…

Article 34 DEFINITIONS

COLLEGE or UNIVERSITY. A degree-granting institution, other than a trade school, which provides education beyond the high-school level, and typically has programs resulting in an Associate's, Bachelor's, or Master's degree. In addition to classroom buildings, it may include offices, laboratories, lecture halls, dormitories, residence halls, athletic facilities, and similar buildings and other facilities.~~Institution of higher learning that provides education to undergraduates and awards bachelors and sometimes masters degrees~~

TRADE SCHOOL. An institution which offers vocational and technical training in a variety of technical subjects and trades-, typically resulting in a certification.~~; it may include residential components for students and faculty~~.

~~UNIVERSITY. An educational institution for higher learning that typically includes an undergraduate college, graduate schools in various disciplines and sometimes professional schools.~~

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.

Communication: Educational Districts and Uses UDO Text Amendment- Staff Report (Case PL00479-050817 Education Districts and Uses -

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMPREHENSIVE PLAN POLICIES

2.1 THE ECONOMY

2.1.1 Economic Development

Communication: Educational Districts and Uses UDO Text Amendment- Staff Report (Case PL00479-050817 Education Districts and Uses -

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:

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: Educational Districts and Uses UDO Text Amendment- Staff Report (Case PL00479-050817 Education Districts and Uses -

Communication: Courtyard by Marriott Application Information (Case PL00282-02317 Courtyard by

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:

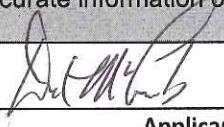
Name:		Company:	
Address:		License #:	
Phone Number:		Email Address:	

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				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:	Fee:	Receipt Number:	Method of Payment:	Paid By:
2-23-17	$500.00	799768	ck # 1775	Boone Hospitality Assoc.

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

Communication: Courtyard by Marriott Application Information (Case PL00282-02317 Courtyard by

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 PL00282-02317 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 _____ 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: _____

Communication: Courtyard by Marriott Applicant's Supplemental Information (Case PL00282-02317

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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

Communication: Courtyard by Marriott Applicant's Supplemental Information (Case PL00282-02317

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ZONE B-3

SITE LINE

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Picture #1

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RECEIVED
FEB 2 3 2017

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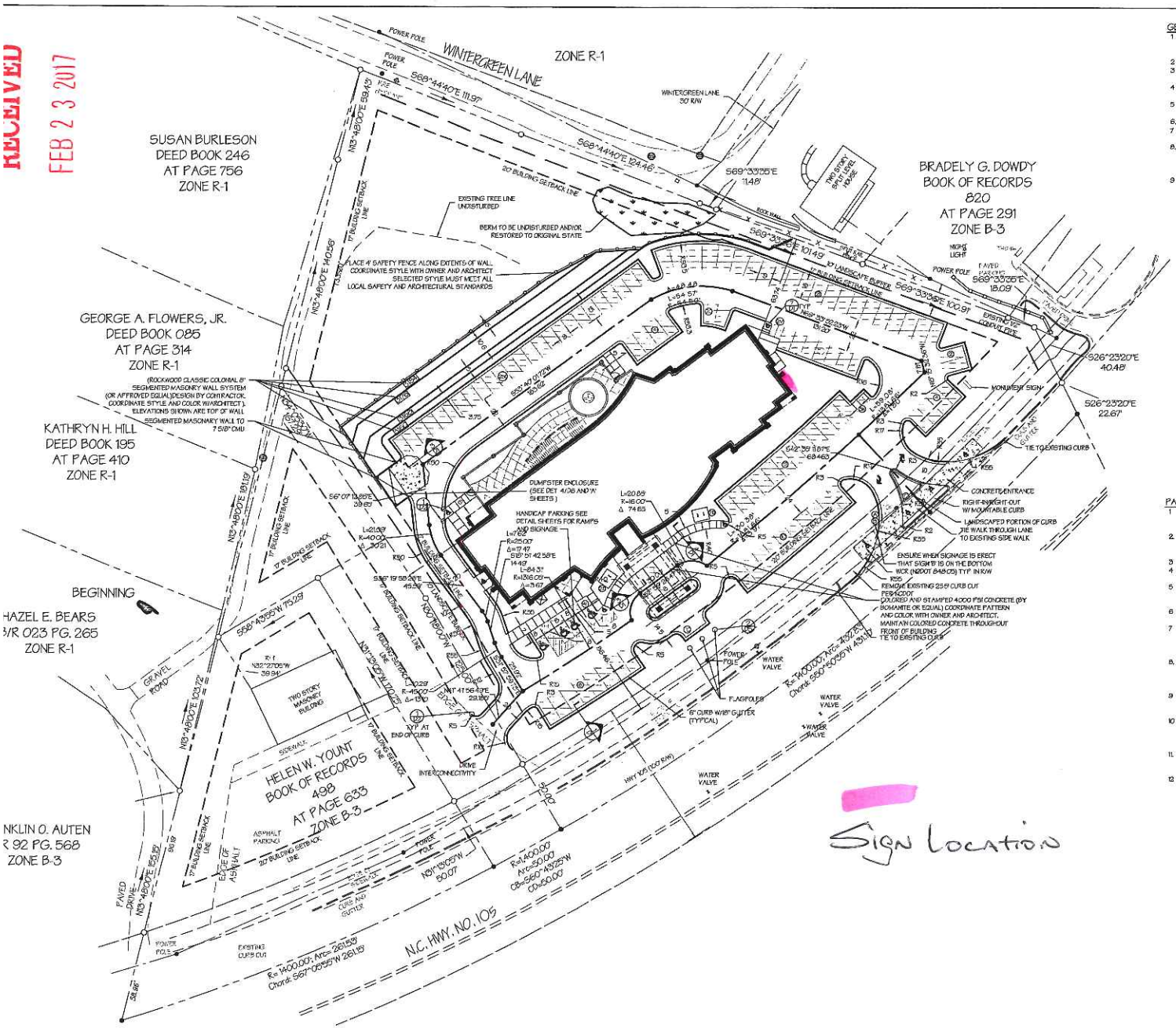
FEB 2 3 2017



GENERAL NOTES

1. BOUNDARY AND TOPO BY: APPALACHIAN PROFESSIONAL LAND SURVEYORS AND CONSULTANTS, P.A. - 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 — R3-5R — 30"X36"
C — DO NOT ENTER — R5-1 — 24"X24"
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.
7. CONTRACTOR SHALL SAW-CUT TIE-INS AT EXISTING CURBS AS NECESSARY TO INSURE SMOOTH TRANSITIONS. CONTRACTOR SHALL SAW-CUT AND TRANSITION TO MEET EXISTING PAVEMENT AS NECESSARY AND AS DIRECTED BY INSPECTOR TO INSURE POSITIVE DRAINAGE (TYPICAL AT ALL INTERSECTIONS)
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:

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

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL — JUSTIN G. CHRISTY — 036182 — 09/08/2010

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

BREC

COUNTY AND 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

RELEASED FOR BID - NOT RELEASED FOR CONSTRUCTION

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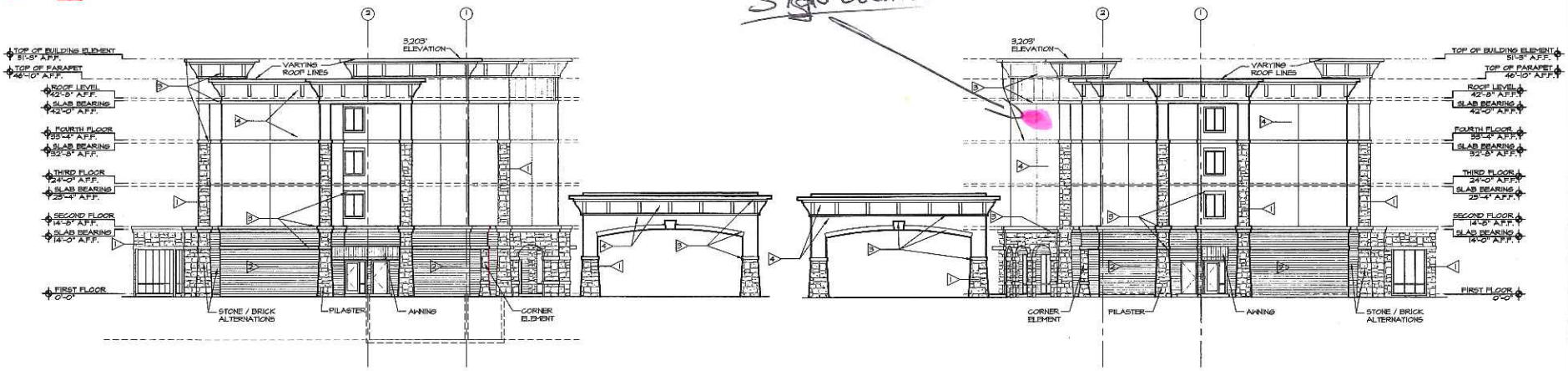
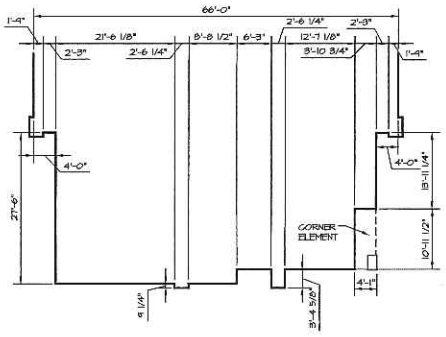


1 ZC.3 WEST ELEVATION N.T.S.

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

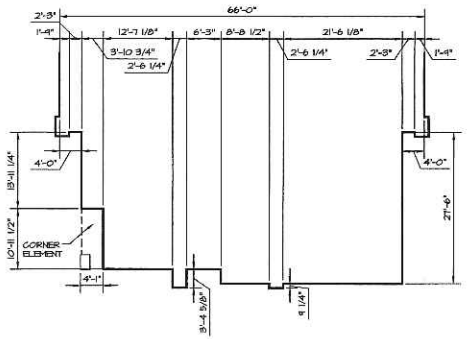
EXTERIOR FINISH INDEX SCHEDULE

	MATERIAL	COLOR	MANUFACTURER
1	STONE VENEER	80% CHARDONNAY COUNTRY LEDGESTONE (CSV-20006) W/ 20% CHARDONNAY DRESSED FIELDSTONE (CSV-2042)	SUNSET STONE 302-791-1233 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 YOUNTS CELL #336-848-6100 OFFICE #919-821-5200
4	E.I.F.S. IN-FILL	#10601 FRENCH VANILLA	STO - DESIGN MATERIALS, INC. STEVE YOUNTS 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. AWNING	
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 !!

BY	REVISIONS	DATE

DRAWN BY	APPROVED
VLG	RHH
PROJ. # 10011	DATE 9-15-10

ROBERT W. HAHN LICENSED ARCHITECT CAMDEN, S.C.

QualityFirst

isom ham
DESIGN GROUP, PA
Architecture • Engineering
1305 Collegiate Drive Williamston, NC 27892 www.isomham.com
Phone: 336.838.4097 Fax: 336.838.4318

ZONING COMPLIANCE - SIDE ELEVATIONS

NORTH CAROLINA

COURTYARD Marriott

BOONE

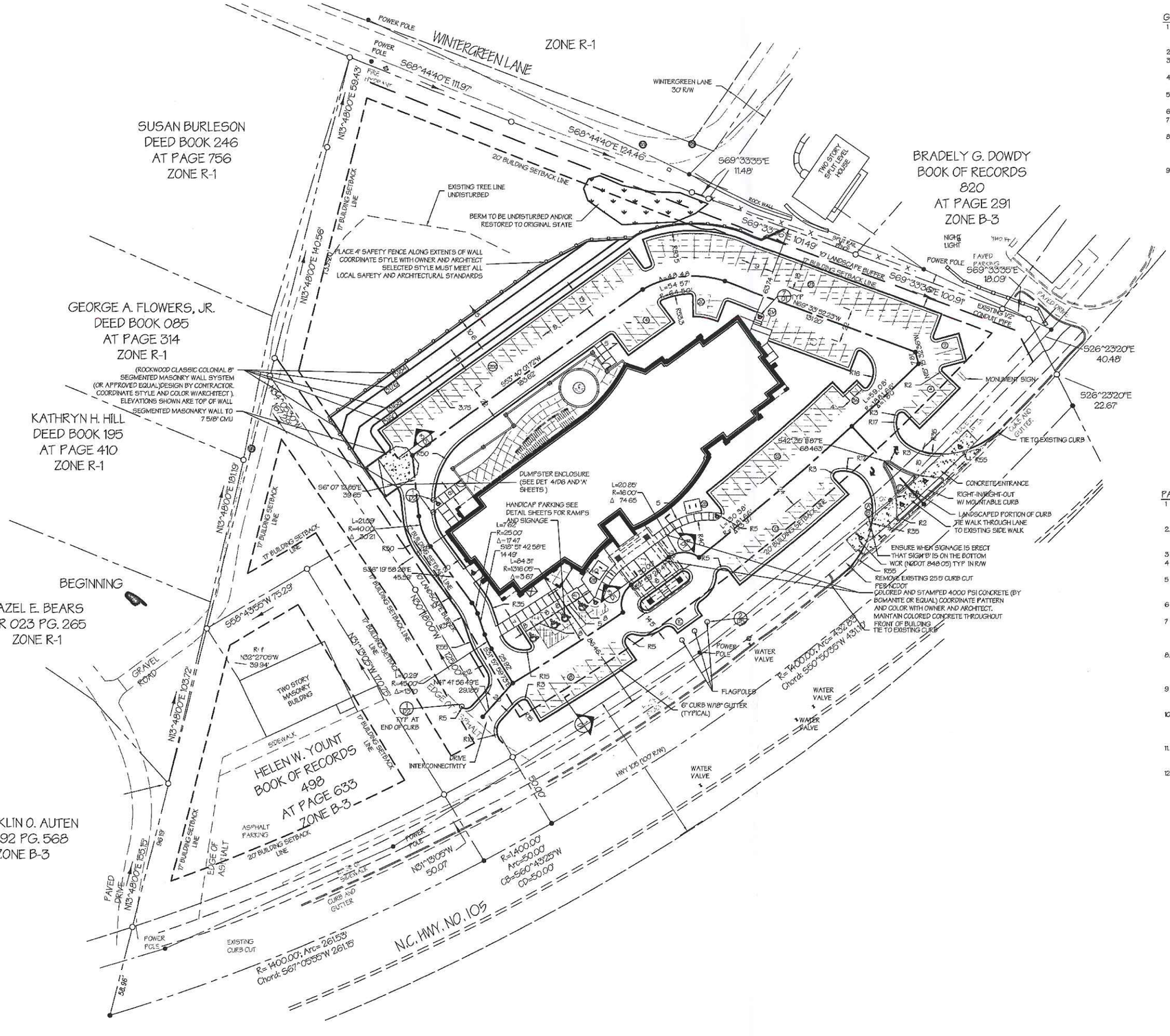
SHEET ZC.3 OF

NOT RELEASED FOR CONSTRUCTION

RECEIVED
FEB 2 3 2017

SITE PLAN

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



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

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.
7. CONTRACTOR SHALL SAW-CUT TIE-INS AT EXISTING CURBS AS NECESSARY TO INSURE SMOOTH TRANSITIONS CONTRACTOR SHALL SAW-CUT AND TRANSITION TO MEET EXISTING PAVEMENT AS NECESSARY AND AS DIRECTED BY INSPECTOR TO INSURE POSITIVE DRAINAGE (TYPICAL AT ALL INTERSECTIONS)
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 18 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

30 15 0 30 60

REVISIONS:

DATE:

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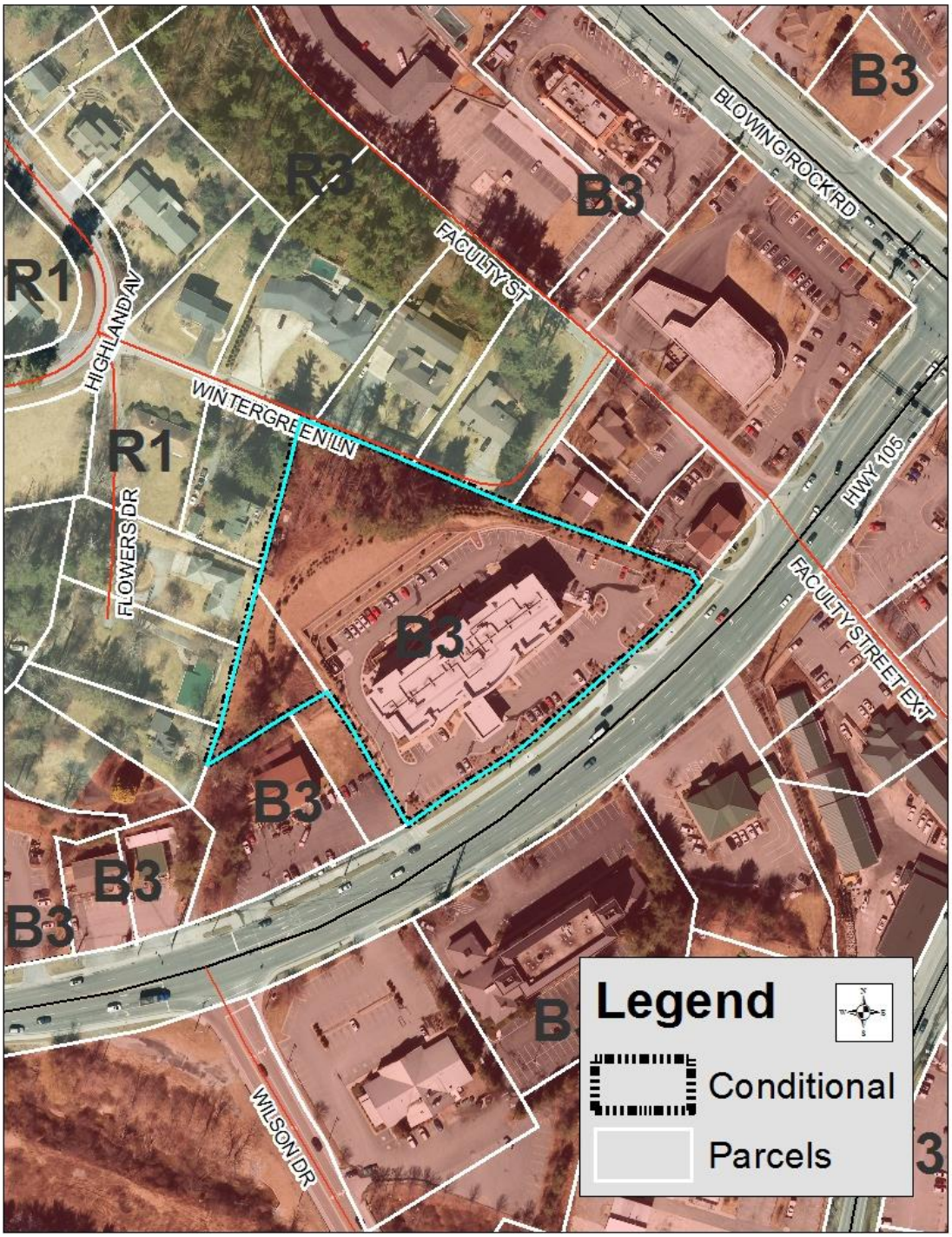
STAFF REPORT
PUBLIC HEARING
APRIL 24, 2017
CASE PL00282-022317 COURTYARD BY MARRIOTT
CONDITONAL DISTRICT ZONING MAP AMENDMENT MODIFICATION



Communication: Courtyard by Marriott Staff Report (Case PL00282-02317 Courtyard by Marriott Conditional District Zoning Map Amendment

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 PL00282-02317 Courtyard by Marriott Conditional District Zoning Map Amendment

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 PL00282-02317 Courtyard by Marriott Conditional District Zoning Map Amendment

(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 PL00282-02317 Courtyard by Marriott Conditional District Zoning Map Amendment

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 PL00282-02317 Courtyard by Marriott Conditional District Zoning Map Amendment

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.
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15. 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"

Communication: Courtyard by Marriott Staff Report (Case PL00282-02317 Courtyard by Marriott Conditional District Zoning Map Amendment

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 PL00282-02317 Courtyard by Marriott Conditional District Zoning Map Amendment

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 PL00282-02317 Courtyard by Marriott Conditional District Zoning Map Amendment

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

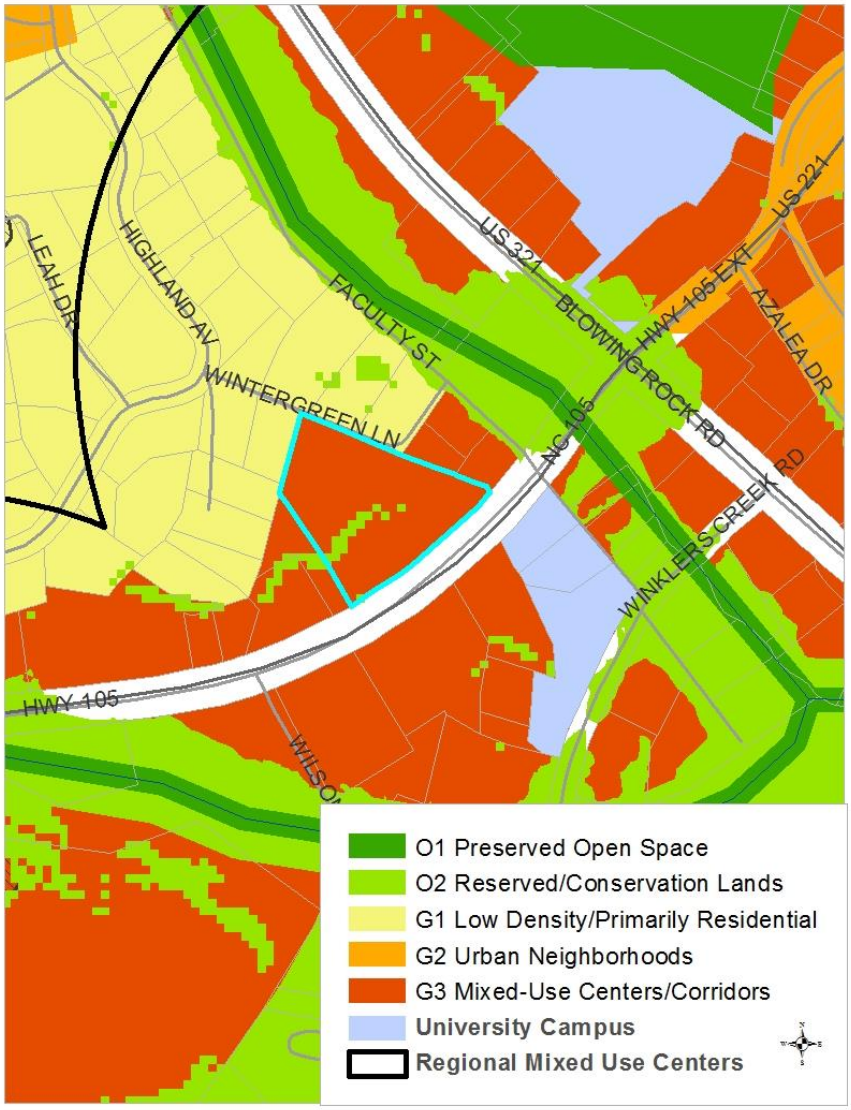
E. New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town.

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 PL00282-02317 Courtyard by Marriott Conditional District Zoning Map Amendment

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 PL00282-02317 Courtyard by Marriott Conditional District Zoning Map Amendment

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 PL00282-02317 Courtyard by Marriott Conditional District Zoning Map Amendment

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 PL00282-02317 Courtyard by Marriott Conditional District Zoning Map Amendment

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 PL00282-02317 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 PL00282-02317 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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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.

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

Communication: Courtyard by Marriott- Staff Report Exhibit 1 (Past Meeting Minutes Excerpt) (Case PL00282-02317 Courtyard by Marriott

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

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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 PL00282-02317 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

Communication: Courtyard by Marriott- Staff Report Exhibit 1 (Past Meeting Minutes Excerpt) (Case PL00282-02317 Courtyard by Marriott

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.

Susan Owen's Comments/Questions:

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

Communication: Courtyard by Marriott- Staff Report Exhibit 1 (Past Meeting Minutes Excerpt) (Case PL00282-02317 Courtyard by Marriott

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

Communication: Courtyard by Marriott- Staff Report Exhibit 1 (Past Meeting Minutes Excerpt) (Case PL00282-02317 Courtyard by Marriott

…

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 PL00282-02317 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 PL00282-02317 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.

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

Communication: Courtyard by Marriott- Staff Report Exhibit 1 (Past Meeting Minutes Excerpt) (Case PL00282-02317 Courtyard by Marriott

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:

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.

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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

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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

Communication: Courtyard by Marriott- Staff Report Exhibit 1 (Past Meeting Minutes Excerpt) (Case PL00282-02317 Courtyard by Marriott

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.

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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.

…

05-18-10 TOWN COUNCIL MEETING MINUTE EXCERPT

…

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

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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.

…

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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)

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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

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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)

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