

**Town of Boone  
Planning Commission  
Regular Meeting  
6:00 PM, Sep. 26, 2016  
Council Chambers, 1500 Blowing Rock Road**

**Adoption of Agenda**

**Approval of Minutes**

*August 22, 2016 Public Hearing minutes*

August 22, 2016 Public Hearing minutes

*August 22, 2016 Planning Commission meeting minutes*

August 22, 2016 Planning Commission meeting minutes

*September 12, 2016 Special Planning Commission meeting minutes*

09-12-2016 Special Planning Commission meeting minutes

**Case 20160497 Hampton Property Conditional District Zoning map Amendment  
& Case 20160499 Hampton Property General Use Zoning Map Amendment**

Case 20160499 Hampton Property Conditional District Zoning Map  
Application Information

Case 20160497 Hampton Property General Use Zoning Map Amendment  
Application Information

Case 20160499 Hampton Property Conditional District Site Plans

Case 20160497 & 20160499 Staff Report

**Case 20160421 Article 24 Parking - Revisions**

Article 24 Parking

Article 24 - Parking Revisions Red-Lined Version

**Adjournment**

**DRAFT PUBLIC HEARING  
MINUTES  
MONDAY, AUGUST 22, 2016  
5:30 P.M.**

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| <b>COUNCIL MEMBERS:</b>             | Mayor Rennie Brantz, Mayor Pro-Tem-Lynne Mason, Loretta Clawson, Jeannine Underdown, Jennifer Teague and Charlotte Mizelle                                 |
| <b>PLANNING COMMISSION MEMBERS:</b> | Connor Boyle, Susan McCracken, Kate Hayes, Jeff Templeton, Cameron Lippard, Caroline Catoe and Adrian Thompson                                             |
| <b>STAFF PRESENT:</b>               | Bill Bailey-Director of Planning and Inspections, Jane Shook-Planning Supervisor, Brian Johnson-Urban Design Specialist and Marlene Crosby-Board Secretary |
| <b>OTHERS PRESENT:</b>              | John Ward-Town Manager and Allison Meade-Town Attorney                                                                                                     |

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**CALL TO ORDER**

Mayor Rennie Brantz called the hearing to order at 6:00 p.m.

Mayor Pro-Tem Mason made a motion to move the first agenda item for Case 20160136 Rivers Walk to the end of the agenda and keep the other agenda items in the order that they are listed on the agenda, seconded by Council Member Collins.

**VOTE:**

Aye-All

Nay-None

**The vote was unanimous.**

**CASE 20160377 PARKING STRUCTURES:** Alan Crees with Municipal Engineering has filed a Planning Permit Application for a UDO Text Amendment to modify the UDO in regards to parking structures.

Mr. Alan Crees from Municipal Engineering presented this case. Mr. Crees noted that this request is not related to the Rivers Walk PD Map Amendment case.

Mr. Crees said he was approached by a client who is interested in tearing down some older apartments that they own located near the university to build a parking deck. Mr. Crees said as he researched the building of a parking deck, he found that it is very difficult to build in an O-I zoning district or B-3 zoning district because a parking structure is considered a building. He said

it has to meet the Town's maximum square footage floor ratio and building footprint requirements.

Mr. Crees reviewed his analysis for this case. He said that building a parking structure in the Downtown B-1 zoning district is unrestricted because you can build lot line to lot line.

Mr. Crees explained Exhibit 1, he said he used a one-acre piece of property to explain the information that he wanted to present at this meeting. He said Exhibit 1 is showing a multi-story building with a maximum building footprint allowed of 30 percent with a 70 percent open space. He said the brown or orange colors are outlining a maximum size building footprint with the 20 percent footprint. He said the gray shaded area would be a typical surface parking lot. He said if this piece of property was maximized, the livability space would be about 27.5 percent. He said that livability space includes sidewalks, green areas, landscaping and patio type features.

Mr. Crees explained Exhibit 2, he said it is a one-story building in the O/I zoning district. He said it would have maximized floor area ratio with a livability space ratio of 27.5 percent.

Mr. Crees explained Exhibit 3, he said this represents a four-story parking structure and he noted that the building shrinks down quite a bit in the presentation. He said this leaves 88 percent livability space or green space. He explained that all of the outside parking is going inside of the structure. He said that livability space is nice but in a B-3 zoning district, he said the intent is to have a denser development.

Mr. Crees explained Exhibit 4, he said this represents a multi-story parking structure using a 30 percent maximum footprint in a B-3 zoning district which looks more realistic. He said this leaves a 68.9 percent livability space.

Ms. Allison Meade, Town Attorney asked Mr. Crees about Exhibit 3, she said with the allowance given in Exhibit 4 that no one would want to build in Exhibit 4 because you would always be entitled to use the 30 percent rule. Mr. Crees said that is true. Mr. Crees said this might be more similar in the O/I zoning district because you do not get the maximum 30 percent footprint.

Mr. Crees explained Exhibit 5, he noted that this could be the smallest parking structure that could be built.

Mr. Crees explained Exhibit 6, he said this shows putting the minimum parking structure onto the one-acre lot. He said there is still 43.5 percent livability space. He said there is an opportunity to build nicer sidewalks and landscaping.

Mr. Crees explained Exhibit 7, he said this shows the parking structure increased as much as he could get it and it develops most of the building set-back. He said there is 31.5 livability space.

Mr. Crees said the point of the exhibits was to show a visual on why he thinks building a parking structure in the B-3 zoning district is not feasible. He said Exhibit 4 could be compared with Exhibit 6. He said a 60 percent to 65 percent building footprint is reasonable. He said he recommended 60 percent in his proposed text change to keep it as simple as possible.

Mr. Crees said he submitted the proposed text for the UDO text amendment allowing parking structures to be considered as a Planned Development. He said he added this information because he felt as an engineer that this gave more flexibility instead of asking for a variance due to an encroaching lot line into a setback. He said in the front of the lot he could ask for a better setback in the front. He said he is not committed to the proposed text amendment.

Mr. Crees said that Mr. Bill Bailey, Director of Planning and Inspections is working on revisions for UDO Article 24 Parking. He said he hopes that the revisions to the Parking would help with future developments.

Ms. Meade said it seemed to her that instead of comparing Exhibit 4 versus 6, you should compare Exhibit 1 versus 6. She said that Exhibit 1 can be built now with the surface lot. She said the area to the left in the Exhibit, is called open space under the current code. She said open space includes asphalt. She said if you look at the actually livability space which include buffers, plants and grass, then Exhibit 1 and 6 would be the Exhibits to look at as far as what Mr. Crees is proposing. She said there would be livability space under the proposed text, if someone built a deck rather than a surface lot. Mr. Crees said this is correct.

Ms. Meade said her concern with Mr. Crees proposed language was that he used the term open space as in example 16.01.01F, she said perhaps Council might want to focus on livability space. She said using open space there would suggest that you could build a parking structure and you could still have a surface lot on top of it. She said the interest would be in allowing a parking garage to give more livability space than a surface lot would give. Mr. Crees said he may change the language in E to say building space from building footprint and open space. Mr. Crees said he will consider what Ms. Meade pointed out on the proposed language. Mr. Crees said he did not feel like it was realistic for someone to build a parking structure and also a surface lot. Mr. Crees said he would think that they would make their parking structure larger. Mr. Crees said he would be willing to calculate a percentage for livability for this requirement.

Ms. Meade said that the Council and Planning Commission members might want to consider making the requirements equal between the parking structure and surface lots.

Ms. Meade suggested reworking D and E to focus on the livability ratio, while Article 24 Parking is being reviewed by the Staff.

Mr. Bailey came to the podium and said that per Council's direction the Staff is working on UDO Article 24 Parking. Mr. Bailey said the Staff has completed a draft on Article 24 and it has been sent to the Town Manager and Town Attorney for their review. Mr. Bailey explained the reason for lack of analysis in the draft, he said it was because the Staff thought they could work on both things at the same time.

Mr. Bailey asked for Council's permission to defer Article 24 Parking until the September 2016 public hearing.

Mr. John Ward, Town Manager said the proposed parking deck beside of Town Hall would be impacted by these same parking requirements. He said there are private and public decks that would be impacted. He said hopefully there will be some potential parking solutions that can be applied to these proposed parking decks by the September public hearing.

Member Templeton confirmed with Mr. Crees that the current UDO language is prohibiting Mr. Cree's client from building a proposed parking deck. Mr. Crees said that is correct per his client's proposed plan.

Member McCracken asked Mr. Bailey if there a provision that the change in parking would be considered an addition to be an allowable use for a Planned Development. Mr. Bailey said the Staff has been asked to amend Article 24 Parking and to include Mr. Cree's request in it. Mr. Bailey said the Staff requested that they be able to work on both items as one comprehensive change.

Ms. Meade said it would be seem reasonable to seek some direction from Council on including a parking garage in the PD process. She said it makes sense to work on allowing parking garages by right in mixed-use developments with PD eligibility.

Mr. Bailey said a parking garage over three acres is not eligible for a PD development.

Mayor Brantz closed this public hearing.

**CASE 20160419 WELSH CD ZONING MAP AMENDMENT:** David Welsh has filed a Planning Permit

Application for a Conditional District Zoning Map Amendment to rezone 342 Old Bristol Road from R2 Two-Family Residential to Conditional District B2 Neighborhood Business with a site specific development plan for Use 11.13 Other Personal Service Establishments.

Mr. David Welsh and Mrs. Anna Welsh presented this case. Mr. Welsh said that they would like to change a current student rental property into an art studio for Mrs. Welsh. He said the art studio is located near several businesses such as Colors Edge, Lovill House Bed and Breakfast and a laundry mat. He said that Mrs. Welsh would be teaching art classes to the children in the community. The art classes will be offered in the morning and afternoon and they will last approximately one-hour and one half per class which will be eight students or less. It will be opened five days a week or less. There will be no classes after 9 p.m. When parents sign up their children to attend the classes, the art studio will email the parents specific directions on getting to the art studio. The directions will be on the art studio website. The parents will be told to come down King Street and to turn onto Green Street by the Colors Edge business. This will prevent anyone from driving through the neighborhood. There will be a staggered pick-up and drop-off system.

Mr. Welsh said they plan to install a row of Evergreen trees to serve as a buffer between the proposed art studio and the house to right of it.

Mrs. Welsh said she has been a teacher for 18 years and her favorite years have been teaching at Hardin Park School. She said this year she is completing her art education degree. She said she is very passionate about teaching students about art history. She said she believes this art studio will be an asset to their community.

Mayor Pro-Tem Mason asked Mr. and Mrs. Welsh if they were willing to make conditions for a conditional zoning district. Mr. and Mrs. Welsh agreed that they would make these two items conditions.

Mayor Pro-Tem Mason asked Ms. Meade if an art studio is the only use that is permitted. Mr. Welsh confirmed that this proposed project is for a specific use.

Mayor Brantz asked Mr. and Mrs. Welsh if they had consulted with the neighbors about this specific use. Mr. Welsh said he does not really know any of the neighbors. Mr. Welsh said the area is mostly college students and apartment buildings in the area.

Member Boyle asked for clarification on the change to the landscape buffer. Mr. Welsh explained if you were standing on the road looking at the proposed art studio, you would see a house to the right and the addition of the Evergreen trees would go between these two structures.

Member McCracken asked Mr. Welsh if he was requesting a conditional B-2 zoning district change versus a B-2 zoning district because of the specific use. Mr. Welsh said they are requesting a conditional B-2 zoning change because of the specific use.

Mayor Pro-Tem Mason asked Mr. Welsh was is directly behind the proposed art studio. He said

there are a couple of student rental houses. He said to the front is a couple of apartment complexes, the laundry mat, the Lovill House Bed and Breakfast and the Colors Edge business.

Council Member Mizelle asked Mr. and Mrs. Welsh, if they have any plans of painting the proposed art studio building a loud fluorescent color. Mr. Welsh said their business name is The Blue House, LLC and it is a 1920's farmhouse that has always been blue and they intend to keep it the same color.

Member Lippard said thank you to Mr. and Mrs. Welsh for bringing something to this neighborhood that is worth having other than student rentals.

The first speaker was Ms. Sally Reynolds. She owns and lives in the home at 485 Green Street and it is not a student rental. At this time, she lives here part of the time and her permanent home is in Raleigh, North Carolina. She recently put a 30-year roof on her home which should convey her commitment to this neighborhood. She was strongly opposed to any business use at the property located at 342 Old Bristol Road including Conditional Use 11.13 Other Personal Service Establishments such as an art school.

Ms. Reynolds talked about the drainage problem at 342 Old Bristol Road. She was informed that a sump pump was installed to control the problem. She said during periods of heavy rain it is impossible to prevent water from seeping from below into the basement of the structure. She said any use of this structure seems very problematic, especially where children are concerned.

Ms. Reynolds talked about the serious problem of multiply cars in the neighborhood. She further talked about more current problems in the neighborhood with parking and traffic which poses a lack of safety for the neighborhood.

Ms. Reynolds said the proposed art studio will attract more cars and people to the neighborhood. She said the neighborhood is unable to absorb the number of cars that are currently there. She talked about Old Bristol Road being narrow and having no sidewalks and street parking is impossible with pedestrians walking on the street. She said as a result that Green Street gets the parking overflow.

Ms. Reynolds said rezoning the proposed small lot at the west end of Green Street for any type of business is a step in the wrong direction for the future improvement of this community.

Ms. Reynolds said a step in the right direction would be to turn this lot into a small neighborhood public park, community garden or playground. She said this would be in keeping with the first sentence of the occupancy guidelines. She said this neighborhood wants to remain a family neighborhood.

Ms. Reynolds noted that the east end of Green Street has multiple cars.

Ms. Reynolds said she wants to preserve this neighborhood for retirees, working people and

occasional rentals to students and not have it over occupied with rental homes which is a current problem. She said let's make Green Street more green.

The second speaker was Ms. Diane Blanks. She is a full time resident at 357 Green Street. She was in strong opposition to the proposed zoning change. She said allowing this zoning change would further damage the neighborhood along with absentee landlords. She said she feels that allowing this zoning change would open the door to other businesses in the neighborhood. She said currently there is too much traffic and the narrow street was not designed to carry the current traffic flow.

Mayor Brantz closed this public hearing.

**CASE 20160423 APPALACHIAN STATE UNIVERSITY GU ZONING MAP AMENDMENT** – Dr. Timothy Burwell with ASU has filed a Planning Permit Application for a General Use Zoning Map Amendment to rezone 663 Howard Street from R3 Multiple-Family Residential to U1 University.

Mayor Brantz gave a brief presentation for this case. Mayor Brantz noted that there were no speakers signed up on this case and there were no questions from the Council or Planning Commission on this case.

Mayor Pro-Tem Mason asked Mr. Mike O'Connor, ASU Physical Plant Director to give a brief update of university developments.

Mr. O'Connor said after a ceremonial ground breaking dedication, there was an actual ground breaking at the Beaver College of Health and Sciences. The early site work is underway with the installation of site utilities. The next step will be foundation work. He said you could expect to see vertical steel going up on the project around the holidays. He said there has been communication between the university and all of the contractors to keep the traffic flow on State Farm Road and Deerfield Road. He said the estimated completion date for the project is July of 2018. He said the university looks forward to all economic development that this project may generate for the High Country.

Mr. O'Connor said the campus master plan is being updated from 2010. He said they have had nine listening sessions and have invited university employees to come to the sessions and give their feedback on what the university is doing. He said they have completed four of five master plan committee meetings. They have been working on transportation, open space, academics and support systems.

Mr. O'Connor said on October 20, 2016 from 8 a.m. until 4 p.m. and on October 21, 2016 from 8 a.m. until 2:30 p.m., they will have their first open-form design charrette and they will invite people from the Town of Boone to attend the charrette. The charrette will be on campus at the Plemmons Student Union in the Calloway Peak Room 137.

Mr. O'Connor said the university's plan is to complete the campus masterplan process by the end of the calendar year and present it to the Board of Trustees just after the calendar year. And to

publish it sometime in February or March.

Mr. O'Connor introduced Mr. Paul Fortay, Vice-Chancellor of Business Affairs to talk about the future university growth. Mr. Fortay said the growth of the university will be about two-percent of the growth in the past. He said they are looking at an increase of about 350 students per year based off of the current amount of 18,000 on campus students. He said there is now a four-year fixed tuition that was just passed by the legislature and this fixed tuition might affect the university. He said there has been slow but steady student growth over the last year.

Council Member Clawson asked Mr. Fortay about the student growth with the new medical building. Mr. O'Connor said there will not be an increase in students, they will re-locating the students from class rooms. He said the relocation of students will help free up space on campus for better utilization of other things because they are really strapped for space.

Member Templeton confirmed that the growth of 350 students which equates to 75 apartments with four bedrooms that will be needed to meet the student housing needs. Member Templeton said are there any anticipated residential accommodations being built on the campus. Mr. O'Connor said yes, there will be a new residence hall with 300 beds built at the old Winkler residence hall and it will start in the spring and the completion date is the winter semester of 2018. Mr. O'Connor said there are always other projects being looked at for more development.

Mayor Pro-Tem Mason asked Mr. O'Connor if any consideration had been given to student parking needs. Mr. O'Connor said the university has the authorization by the Board of Governors to build a parking structure on campus on the existing lot behind the Holmes Convocation Center. He said there is potential to build a parking deck in other places on campus. He said the updated campus masterplan will help the university know where to build another parking deck on campus.

Mayor Pro-Tem Mason asked Mr. O'Connor if the university would be addressing housing needs for the increase of students in the campus masterplan. She said that there needs to be better dialogue between the university and the Town so the Town can make informed decisions. He said that there will be information regarding this topic at the campus masterplan charrette.

Mayor Pro-Tem Mason talked about the need for workforce housing. She asked Mr. O'Connor if this was an issue that the university faces with their faculty and staff. Mr. O'Connor said the university had a faculty-staff campus master plan to review this type of housing. He said there are some possibilities of some financial incentives being looked at right now for faculty and staff housing to help the lower paid employees and new faculty members be able to afford housing.

Mayor Brantz asked Mr. O'Connor if there were plans for the university to buy the property between King Street and Howard Street below the Presbyterian Church. Mr. O'Connor said there is a possibility for the university to purchase this property and potentially build on it.

Member Thompson asked Mr. O'Connor about the Winkler Residence Hall project. Mr. O'Connor said there is authorization to build the Winkler Residence Hall project, however, they need to

meet with the Board of Governors in December 2016 to discuss borrowing the balance of the money needed to build the structure.

Council Member Mizelle confirmed that the university's parking structure is not a done deal at this time. Mr. O'Connor said they have authorization to build a parking structure but they are still looking at other locations on campus to put it.

Member Collins asked about the possibility of a parking structure on State Farm Road. Mr. O'Connor noted that this area is a special flood hazard area and they are constrained to build a parking structure in this area.

Member Catoe asked Mr. O'Connor without a cap on the student growth, are they going to consider which students can bring vehicles on campus. He said this is always the top of the conversation. He also said that transportation is changing, he said a lot of students are not bothering to get drivers licenses. He added that they have improved their public transportation so people can get up and down the mountain via bus. He said they also have to consider electric cars and incorporating ways to charge these types of cars. Mr. O'Connor noted at this point there are no restrictions as to which students can bring vehicles on campus. He said that freshmen have to park in the freshmen parking lot on State Farm Road during normal working hours.

Ms. Diane Blanks asked if the university has considered any park and rides out in the County. Mr. O'Connor said this was talked about in the 2020 campus masterplan. He said one location was near the soccer stadium and where the new Appalcart facility is located. He said that the university has talked about a shuttle service that would stay on campus to transport students.

Member Lippard asked about the 28 acres at the old Broyhill Inn Conference center and is there a plan to build residence halls in this area. Mr. O'Connor said this area has been identified for an innovation campus. And it has been looked at potentially for faculty housing.

Mr. Jim Marsh asked if there had been any discussion on making a road down to Poplar Grove Road from the university. Mr. O'Connor said yes this has been looked at with other alternative routes but there are not any funds for it.

Mayor Brantz closed this public hearing.

**CASE 20160222 20160501 PROJECTING THEATRE MARQUEE-LIGHTING** – Amend the UDO in regards to projecting theater marquee in the B1 Central Business zoning district including to allow them to use flashing, blinking, scrolling or intermittent lights.

Mr. Frank Mohler from the Appalachian Theatre presented this case. He indicated that the Appalachian Theatre made the original request for this case. He referred to a newspaper article dated November 24, 1938 which indicated that when the theatre opened that it had scrolling lights.

Member Boyle said he is concerned about the lights and wanted to know how bright, they were going to be compared to all the other lights in the Downtown area. Mr. Mohler said the lights would be bright but he did not know how bright they would be. Mr. Mohler said this type of lighting is used, when something exciting is happening in the theatre. Mr. Mohler added that there would not be bright lights on the marquee, when nothing is going on in the theater.

Ms. Meade talked about the evidence that indicated there were scrolling lights before and the request is to have this type of lighting again. Mr. Mohler said yes.

Council Member Teague voiced her concern for the brightness of the lighting because there are residential apartments across from the street from the theatre. She talked about the hours of operation of the lighting.

Member Templeton asked if there was a way to get the same affect with low wattage lamps. Mr. Mohler said that all of the lights on the marquee are LED lights which will replace the original neon lights.

Mayor Brantz asked when the theatre will open. Mr. Mohler explained that they are in Phase I of construction, which is to replicate the façade and marquee. And, they should be able to open by the end of October of 2016. He said the starting of construction for Phase II of the project will depend on their fundraising for the project.

Member Lippard asked about light pollution and the use of low impact lighting. He asked Mr. Mohler why there is a hurry to discuss the lighting, when the inside of the building has not been completed. Mr. Mohler explained that there is work being done in the lobby now to protect the glass on the front of the theater.

Member Lippard asked Mr. Mohler if the Historic Preservation Commission had an opportunity to address the lighting issue. Mr. Mohler said that the theatre has an archive and history committee that has interviewed around three dozen people that had been to the theatre.

Ms. Diane Blanks said that she stayed in the old Daniel Boone Hotel on the top floor, when the theatre had the original chasing lights and the lights did not bother her.

Member McCracken said that she is a theatre board member and she said that Mr. Mohler and the others on the committee could not have done more due diligence on the research for the lighting. Member McCracken said that she would ask that this proposal be viewed in the sense that the lighting has been researched as much as it possibly can be. And she said the lighting conversation has been going on for at least 18 months.

Mr. Jim March from the Daniel Boone Condominium Association located on W. King Street said there are 51 condos in the association and they cost \$225,000 per each unit. He said they are not opposed to the theatre lighting. The owners are permanent residence that live there. He said there are a couple of ladies that are concerned about the blinking and scrolling lights. He

also noted that some of the residence like to sit on their patios and watch the cars go by.

Mr. Marsh said the main concern is the brightness of the foot candles. He said the condo association just changed out all of their outside lights around their doorways from fluorescent to LED lighting. He said it did improve the lighting around the door ways.

Mr. Marsh talked about the condo residents being able to close their blinds but he felt this idea was infringing on their rights as a home owner.

Mr. Marsh said any type of light would be an improvement on West King Street because it is difficult to see the sidewalk at night time.

Member Boyle talked about the different types of LED lights that could be chosen to address the light pollution concerns of the neighbors.

Mayor Brantz closed this public hearing.

Mayor Brantz called for a ten-minute break at 7:10 p.m.

Mayor Brantz reconvened the public hearing at 7:22 p.m.

**CASE 20160136 RIVERS WALK PD ZONING MAP AMENDMENT:**

Mr. Bailey presented this case. He said the Staff asked the applicant to submit a new application containing their current proposal. He said contained in the Staff report is a map, description of their request, a Table of Principal Uses that compares the UDO and CD B-1 zoning district approval. He said there is a deviation from the original approval. He pointed out that the one request in the proposed change is to move the commercial space along Water Street and Poplar Grove Road.

Mr. Bailey pointed out that the words in blue in the Staff report is what the applicant provided to the Staff and in the words in red are what they did not provide to the Staff.

Mr. Bailey pointed out that the applicant is requesting a deviation from Article 25 the Community Appearance Standards.

Mr. Bailey asked the Council and Planning Commission to consider the Staff recommendations in the Staff report. He pointed out that the Staff added a reasonable basis of approval In the section above the Staff recommendations to help the Council and Planning Commission better understand the Staff's thought process for the approval.

Mr. Bailey said located above the map in the Staff report, you can see the impact analysis which looked at the additional traffic impact. He said there is an impact to transit and the Staff did not have enough information in the file to do an analysis on it. He noted that there will be more

people and transit routes at this project which is an obvious impact to transit.

Mr. Bailey said there is a difference between what the applicant is providing for offsite parking and the UDO requirement for parking.

Mr. Bailey noted there is an impact for building materials and there are specific material requirements for the B-1 zoning district. He said the specific material requirements were adopted by Council for the interim while the Community Appearance Commission worked on a building materials list in their design standards.

Mr. Bailey talked about the scale of the building and is it appropriate for the Downtown area.

Mr. Bailey said the things he listed above was the major things that needed to be pointed out for this request.

Mr. Jim Deal the attorney for the applicant came to the podium to present this case. Mr. Deal said the project is back before the Council and Planning Commission to present the proposed enhancements to what has already been approved. Mr. Deal noted that the scale of the building has already been approved.

Mr. Deal said the applicant, Mr. Glenn Weaver has met with the Community Appearance Commission and presented the enhancements to them for their review and requested a deviation from the current standards.

Mr. Deal pointed out that the Town does not have standards for exterior improvements to buildings in the current ordinance.

Mr. Deal said that Mr. Weaver has been talking to local rock suppliers to see what is available for local rock. Mr. Deal pointed out that the ordinance calls for a mix of exterior finishes.

Mr. Deal reviewed the proposed changes in this request. He talked about the moving of the commercial space, increase in building height and the adding of parapets and crickets to make the commercial space more attractive to commercial tenants and the potential option to have the entrance into the parking garage come off of the county road at the back of the agricultural extension building.

Mr. Deal talked about the possibility of building a steeple or chimney around the elevator shaft that would need to go to the top of the building to access all of the floors. He said the CAC members suggested including the elevator shaft in with the clock tower and maybe making the clock tower taller so it could be more visible in the Town. Mr. Deal said the applicant could raise the height of the clock tower, if the Council and Planning Commission would like him to.

Mr. Deal said he considers the changes listed above to be improvements to the already approved plan. He talked about the time, effort and costs that have been spent on this project. He said, if

there are any changes that anyone would like to suggest, Mr. Weaver would be glad to review those suggestions.

Member Templeton talked about a previous discussion on raising the commercial floor height to get the air-conditioning into the other rooms rather than having it designed in one corner of the property. He asked Mr. Deal if the ceiling height is still part of the current request. Mr. Weaver said he would like to have that but he has not requested it because it raises the height of the building. He is asking to raise the height of the building only enough to install the elevator shaft, insulation, parapets and crickets to flow the water away from the building.

Mr. Alan Crees from Municipal Engineering explained the changes in this request from an engineering standpoint. He said they moved the dumpsters farther back on the site which was a concern from Mr. Sam Furgiuele, the pool is not over the parking garage it is behind the building between the building and the creek and added a hot tub and patio space to provide a recreation area, the auxiliary drive way from the county with minor grading for a greenway construction.

Mr. Crees said over a year ago, he met with Mr. Chris Turner, Director of Appalcart. Mr. Crees said there are several bus routes in this area with the one stop at Mellow Mushroom and the White route stops across to Water Street from Mellow Mushroom and the Gold route goes up Poplar Grove road. Mr. Crees said at Mr. Turner's direction, they added two bus shelters at this project.

Mr. Crees explained a 600 square foot deficiency in the commercial space, he noted that the original approval counted the commercial parking.

Mr. Crees talked about some of the community benefits which are: it promotes walkability, it will have 920 linear feet of sidewalk with the majority of it being along Poplar Grove Road, there are over 1,000 linear feet of overhead power lines that will be placed underground, they are restoring 320 feet of vegetated stream buffer that is currently a gravel parking lot, the old structures will be removed from the floodway to help revitalize that corner of Downtown area and this project will be an infill development that will generate additional tax revenue.

Member Lippard said that in the original plan the Planning Commission had voted with a condition that there would be a paved eight-foot greenway and he asked what happened to the greenway. Member Lippard said the greenway was an item that Mr. Jeff Githens was amiable to. He also talked about the easement and the grading for a future greenway.

Member Mizelle asked Mr. Crees, when he talked with Appalcart was there any discussion about any additional buses that might be needed for the additional 360 students. Mr. Crees said at that time there was no discussion on additional buses or bus routes because the Gold route runs before 6 p.m. and this route may change to run at a later time. Mr. Crees said that Mr. Turner was not concerned about filling the bus routes because currently there are three bus routes there. Mr. Turner felt like with the project's close proximity to campus that in bad weather the students would be riding the buses more often. Mr. Crees said he needed to have conversation

with the new director of Appalcart to see what his thoughts are for this project.

Council Member Mizelle talked about her concern for the buses, she said prior to 8 a.m. the buses are packed with students, especially at the high impact times of the day.

Council Member Mizelle talked about her concern for the greenway to be completed, she felt the completed greenway would improve safety around the project.

Council Member Mizelle asked Mr. Crees if they have made sure that with the new location of the dumpsters, the trash trucks are able to get in and out of the new location to empty the dumpsters without any problem. Mr. Crees explained the process for a truck-turning program that deals with this type of thing and he said he could submit this information to Staff. Council Member Mizelle said that she would like to protect the Proper Restaurant as much as possible. She also mentioned that she would like to see more detail information on the results of the truck-turning program.

Council Member Mizelle said she agreed with the moving of the commercial space to the new location near Water Street.

Council Member Mizelle said she would prefer to see well-constructed parapets rather than wooden screening to hide mechanical equipment because they are much more attractive.

Council Member Teague asked how did the original plan get approved to build the building without the elevator going all the way to the top of the building and provide ADA access.

Mr. Weaver explained how the elevators service the floors and still meet the ADA requirements. He said you have to have a certain number of ADA rooms. He said they have elevators in the middle of the building. He said these two elevators service all of the floors east of the elevator. He said the elevator at the middle of the parking lot will service that location. He said in the western most part of the building where the iron railings are shown on the map, there are town house units in it on the third floor that go to the two bedrooms on the second floor. He said as a unit it is ADA compliant but you cannot get to the two bedrooms on the top floor.

Ms. Meade asked Mr. Weaver to confirm that the original plan would have been ADA compliant even though the elevator did not service the top floor. Mr. Weaver said that being ADA compliant does not necessarily mean that every room of a building has to be ADA compliant. He said to be ADA compliant in the unit, you can have internal stairs and you do not have to have an elevator within your unit. And you would use the stairs to go to the top two bedrooms and there are 18 bedrooms of 380 bedrooms in the building. Council Member Teague confirmed that the two bedrooms are in an apartment. Mr. Weaver said yes.

Council Member Teague asked would there ever been a case where the elevator just went to the two bedrooms and not in the apartment on the next level. Mr. Weaver said that particular unit is the equivalent of two two-bedroom units stacked one on top of the other one and they could

have been two two-bedroom units on the top floor. He said it could have been a two-story four-bedroom because it is the same footprint.

Mr. Weaver said the difference in the commercial calculations is a section of the parking deck is fronting on Poplar Grove Road and the previous Council considered the parking there to apply to commercial space.

Mr. Ward talked about a previous rendering in conjunction with moving the commercial space towards Water Street, there was also a designation of the surface lot and is this still the case. Mr. Weaver said it did not matter to him if this area is considered residential or commercial. Mr. Weaver said he is willing to do it either way.

Member Templeton said it seemed to him that if you are going to put the commercial at one end of the building that there should be commercial parking at that end of the building. Mr. Weaver said this is why he does not have an issue with it.

Mr. Ward said the important thing to note with the parking and the greenway is that these things need to be looked at in a new view at this time.

Council Member Mizelle confirmed with the new request for this project the elevators would go all the way to the top of the building. Mr. Weaver said that every corridor would need an elevator. Mr. Weaver said the elevators are near where the red barn is and slightly west of the western most driveway.

Council Member Teague said she is struggling with why the project was presented for approval without the elevators not going all the way to the top of the building. Mr. Weaver said that Town Homes all over the Town are occupied by numerous types of occupants and this is traditional in almost every community.

Ms. Meade said the proposed building is not a Town House it is a large multi-complex apartment building. She said the ADA may have required that every corridor have an elevator service. She said would the previous approved project have been built in compliance with the law. Mr. Weaver said yes because he would not propose a building that would not meet the code and the Staff would not approve it. Mr. Weaver said a mistake like that years down the road could cause the development from being sold. Ms. Meade asked Mr. Weaver if he could have built the previous approved building lawfully as proposed as it relates to the elevators. Mr. Weaver said his architects told him yes.

Member Templeton asked the Staff to help the Council and Planning Commission understand the process. Mr. Bailey clarified that Staff went through a zoning process which is one step in a multi-step process. Mr. Bailey said the second step is when Staff looks at the ascetics of the building in the CD approval and make sure the plan meets the requirements. Mr. Bailey said the third step is the building phase, he said in that step the ADA requirements apply to the project. Mr. Bailey said there is a possible disconnect because the Staff does not look at the building

requirements in the zoning review. Mr. Bailey said it is the developer's job to know what they can build and describe it.

Mr. Bailey said if the developer has a deviation in the project, they will come before the Council and Planning Commission to explain the deviation.

Mr. Bailey said the Staff did a lot of research on the deviations. He talked about the following information found in the Staff report. He said the Fair Housing Act (HUD) requires elevators in Apartments (R-2) to go to all floors if the elevator is required, Section 1007.2.1, requires accessible floors in the buildings of four or more stories above grade plan to have an elevator, NC Building Code Section 1006.2.1.1 requires all Type A units to be dispersed throughout the building.

Mr. Bailey referred to a drawing in the meeting packet and talked about examples of what is and what is not acceptable for elevators.

Mr. Bailey said he was unclear on what Mr. Weaver was explaining in his presentation regarding the Town Homes. Mr. Bailey said, if it is a two-story unit; you only have to serve the entrance. Mr. Bailey said it is not a Type A unit, if it has stairs inside it with no handicap access into the sleeping, bathing, living or cooking quarters. Mr. Bailey said this would be a Type B unit that would need to be converted or it would be just a standard unit.

Mr. Bailey said when a developer says his building is a certain height and that height includes the requirement that elevators go to every floor. He said that ADA accessible elevators must go to every floor and spread throughout the building. He further explained that other federal and state ordinances require that the elevator shaft extend to the top of the building, where it comes to rest on the top utmost floor. Mr. Bailey said they have to have the ability to raise and lower the elevator from a steel beam to suspend above the elevator car. Mr. Bailey said the drawing in the meeting packet is not depicting the technical specifications. Mr. Bailey said the drawing is explaining the requirements for elevators under the code.

Council Member Teague asked does the elevator service every floor in the previous plan. Mr. Bailey said the Staff has not seen the building plans for this project to make that determination. He said that Staff has only reviewed the zoning plans for the project.

Council Member Teague said if the developer cannot build the old project, the conversation that he has a plan is not valid. Mr. Ward suggested considering the topography, where the buildings are going up, the possibility exists for the elevators to service the top of the building.

Mr. Bailey further explained the spacing of the elevators on each floor.

Council Member Teague asked if the approved CD project is all one level apartments. Mr. Deal said some of the apartments are one level and some of them are two level apartments as the building steps down.

Mr. Deal explained that the elevator does not have to service every bedroom.

Mrs. Deal said that the developer has talked about changing some of the four-bedroom units to two-bedroom units because the developer thought this was preferred by the Council. Mr. Deal noted that the architects on this project are familiar with the ADA requirements. Mr. Deal confirmed that the building plans will have to meet the standards and they will be sealed by an architect and an engineer on the CD or the PD process.

Mr. Deal talked about the Community Appearance Commission discussions on screening the elevator shaft. Mr. Deal said the developer is open to suggestions on screening the elevator shaft.

Ms. Meade said she thought that the developer came to Council to ask for more space to put up an elevator so it could reach the top floor. She said for example, if the elevator did not reach the top floor on building four, this would not be lawful under the Fair Housing Act, therefore, this project could not have been built as proposed.

Ms. Meade said that Mr. Bailey does not agree with the developer on the elevators. Mr. Deal said he would ask Mr. Bailey to speak with the architect to get more information on this topic because the elevator does reach a certain unit. Ms. Meade said the elevator does not go to every floor. Mr. Deal said the elevator does not have to reach every bedroom within a unit. Mr. Deal said the elevators are reaching every area that they should reach legally.

Mr. Deal confirmed that Mr. Weaver earlier in the hearing was talking about two-story Town House-type apartments.

Member Templeton asked Mr. Bailey if the 40-foot building height restriction is causing this problem. Mr. Bailey said yes. Member Templeton said on October 12 the Council voted 3-2 against the recommendations of the Planning Commission to limit the height restriction in a B1 zoning district from 44 feet to 40 feet and this is why we are here today having this debate because they do not have the four feet needed to run the elevator to the top of the building. Member Templeton said, if the Council wants to revisit the arbitrary 40 feet height limit, this discussion of the elevator shaft would be a mute-point and the developer could go ahead and build a nice building in Downtown Boone. Council Member Teague said the building height is not her main issue.

Mr. Bailey clarified that the elevators are required to service the corridors that serve the floors that have the entries to the units. He said if the unit is two-story, the elevators do not have to go to the second floor of an individual unit because you have to go to the entry floor of the unit. He said the architects and engineers are signing and sealing the drawings that they are submitting for approval does not mean that they have done an ADA analysis or a Type B analysis or looked at the building code. He said it means the plans they have submitted are certified and they have met the code.

Mr. Bailey explained the building plan submittal and review process which is an administrative process.

Mayor Pro-Tem Mason asked for clarified on the parking because there is conflicting information in the meeting packet. She asked for the number of residential and commercial parking spaces.

Council Member Collins said in 2015 for the CD approval the applicant was required to demonstrate adequate parking for the development. She agreed with Mayor Pro-Tem Mason that the Council needs to know about the parking because it is an issue.

Mr. Weaver said that Mr. Bailey requested that a parking engineer determine, if there was adequate parking. The engineer made a presentation to Mr. Bailey that indicated that the parking was adequate. Mr. Weaver said he would like to add the clause that there would be a parking contract for every student or young professional or any other resident in the building who brings a car to Boone. Mr. Weaver said he agreed to this.

Mr. Weaver said the previous Council requested that a parking study be done by a professional for this project. Mr. Weaver said that Mr. Bailey reviewed the completed parking study. Mr. Weaver said that Mr. Bailey asked Mr. Weaver to add that they do not lease a space unless the tenant has a parking space for his car. Mr. Weaver said he could assure the Council that he is not going to spend \$35 million dollars on a project and have a situation where he cannot rent the units because there are not enough parking spaces.

Mr. Weaver reviewed the previously approved number of spaces for residential and commercial. He said they have added the provision that there will be a satellite parking lot and negotiations have started on this type of parking.

Mayor Pro-Tem Mason asked Mr. Weaver to clarify the on-site parking plan. He said they are proposing 188 two-car sharing vehicles, six motorcycle parking spaces, 68 bicycles spaces and 70 parking spaces across the street on a first-come and first serve basis.

Mr. Weaver said they would have an off-site parking plan that would have at least 50 parking spaces and they would operate it for two years. He said at the end of the two years they would determine if that was adequate. He said if it is not adequate, they will add more parking spaces from some other parking facility.

Mayor Pro-Tem Mason asked Mr. Weaver how many of the 188 parking spaces are commercial and residential. He said they did not break the spaces now into commercial and residential. He said in the previous approval 40 spaces were commercial during commercial business hours and these spaces were residential spaces after business hours.

Mayor Pro-Tem Mason asked Mr. Weaver about the parking provision for visitors. He said he assumed the visitors would park in the commercial spaces, if they are available.

Mayor Pro-Tem Mason asked Mr. Weaver where would the parents of the students' park, when they come to Town. Mr. Weaver said he did not know but he did not think they would have any problem finding a parking space.

Mayor Pro-Tem Mason said if we have a large number of satellite parking, what provision is there to prevent students from bringing their cars into the Downtown area on the weekends and taking up all of the available parking spaces. Mr. Weaver said he did not think the students would want to pay the meter charges. She asked Mr. Weaver if he had been Downtown on a Saturday or Sunday. He said yes and he normally gets a parking space. She noted that parking is a big issue in the Downtown area because of students parking their cars in the commercial spaces. She said there is a possibility of the Town going to metered parking on Sunday. Mr. Weaver said many students go home on the weekends.

Member Templeton said maybe the Town should build a parking deck. Mr. Weaver said he has already told the County that if they would put out a RFP for a parking deck, he would submit a proposal for it.

Mr. Weaver talked about the County and their issue with their culvert behind their County building.

Mr. Weaver talked about the plan to install the greenway and if the greenway was installed, it would have to be torn out because the County's culvert runs over into Rivers Walk property. He said he would love to build a private parking deck for them independent of the Rivers Walk project.

Council Member Collins asked Mr. Weaver what happens, if he is not able to finish this project on time under the contract. He said many of his projects are bid for universities; and he has never seen a developer win a bid that has had a reputation of failing to complete a project on time.

Mr. Weaver talked about other projects that he has developed and what happened with the escrow bonds on those projects. He said they do not build their own projects or use small contractors and he named the construction companies that he has used on other large projects. He said that he has never had to put a student in a hotel.

Mayor Pro-Tem Mason asked Mr. Weaver to explain the building material and building heights for each of the sections of the building. Mr. Weaver handed out colored renderings that showed the building materials on the various buildings. Mr. Weaver pointed out the different building materials on the colored renderings. He noted that the steeple and chimney would be brick. He pointed out where the retail businesses and security quarters would be located, the location of the gym and aerobics areas and the pool area.

Mayor Pro-Tem Mason asked what happened to the previous architect, Mr. Bill Dixon who worked on the project. He said Mr. Dixon does not usually do large projects. He said that Mr. Dixon said he did not want to be involved in the project and he did not describe the reasons for

not being involved.

Mr. Weaver went over the names of the architects that have been involved in the project since the beginning.

Mr. Weaver said the buildings in the renderings are from Lenoir, North Carolina. He said he talked with Mr. Buddy Woods from Woods Masonry and Mr. Woods said he can supply local rock at a competitive price.

Mayor Pro-Tem Mason asked Mr. Weaver what type of building materials would be used for the parapets and would it be vinyl or plastic. Mr. Weaver said that he would prefer to use material that does not rot. He further explained about the need to replace rotten wood, when repainting the exterior of buildings.

Council Member Clawson noted that this is a massive project. Mr. Weaver agreed and he said that a project of this size does not usually work unless it has 400 beds in it. He said many of their projects are 700 beds or more.

Mayor Pro-Tem Mason asked Mr. Weaver about the possibility of selling the apartments as condos or selling the apartments to the university and the renting of the apartments with or without furniture. Mr. Weaver said they would provide the apartments with or without furniture. Mr. Weaver said, in general projects like this one which is located contiguous to the university; they are always looking at an exit strategy. He said that occasionally universities buy projects. He said they have had no conversations with the university on this development and they have never sold a development to a university. He said the exit strategy is to sell to another investment group or sell them as condominiums.

Mr. Weaver talked about the University Highlands apartments being purchased by the university.

Mayor Brantz asked Mr. Weaver how many employees are needed for a project this size. Mr. Weaver said one to two employees per 70 tenants and one employee per 35 tenants. He said these employees would live on the property as the management for the development.

Discussion ensued on the apartments that have been sold and taken off the tax rolls.

Council Member Teague asked about the reconfiguring of the bedrooms to make a third level, if the PD is approved. Mr. Weaver said the reconfiguring of the bedrooms has not been decided. He said they are requesting to increase the number of apartments to 151. He said that he would prefer to not commit to doing this because managers like to decide what kind of sizes of apartments you have and they have not selected a manager yet. She said by going all the way to the top of the building gives them more flexibility for the apartment sizes and Mr. Weaver agreed. Mr. Weaver talked about lofts being more popular in larger cities.

Mr. Weaver talked about the building heights with the parapets. He said they think a five-foot

parapet would hide the mechanical equipment on top of the building. Mr. Weaver said they added the chimney because they thought it was an enhancement to the project.

Mayor Pro-Tem Mason asked what would be the maximum height of the building with the parapet. Mr. Weaver said that he doesn't care how high the building is, he will build it to whatever building height the Council wants but he does want to put the elevator behind the parapet.

Mr. Bailey noted that this project is a site specific development plan.

Discussion ensued on the height variations for the proposed development.

Mr. Weaver said they are ready to present a grading plan but that cannot be done without knowing the building height requirements.

Council Member Collins said she would like not only that the easement be obtained for the greenway but the greenway be completed. Mr. Weaver noted that if they were to build it now, it would have to be torn out because of the culvert.

Council Member Mizelle clarified about the plastic being a sturdy plastic and not like vinyl siding that is flimsy. Mr. Weaver said he would use the sturdy type of plastic.

Mayor Brantz asked will the recreation areas be open to the public or only to the residents. Mr. Weaver said the recreation area is open to the gym members. He said the tenants have to have a background check, credit check and criminal investigation before they can be considered to live there. He said members of the gym have to go through the same types of screenings as the tenants.

Council Member Teague asked about the location of the pool deck and is it protected by the building. Mr. Weaver said the pool size is 40 feet by 20 feet and is located on the greenway side of the building. He noted that it is an infinity pool with a two-foot water fall.

Member McCracken gave her ascetic opinion by saying that a north facing pool with a wall that is 40 feet high that is backed by a ridge that is higher means the sun may shine there maybe five hours a day in summer in the morning hours. She said, it would be better to have a completed greenway.

Member McCracken said she had a concern for the safety of the pool area considering how pools are used at some of the other apartment complexes which often have large gatherings of people. She had a concern for emergency egress, in case of an emergency. Mr. Weaver said the access to the pool is through a gate system and people would go through the parking deck to get to it. He said you cannot exit the pool and get right on the greenway.

Mr. Weaver said they do not allow tanning beds in the apartment complexes because of

carcinogenic problems.

Council Member Teague agreed with Member McCracken regarding the safety of the pool area.

Mr. Weaver said there is no other location for the pool and most young professionals like to have a pool.

Mr. Bailey talked about the Staff's concerns for the project.

Mr. Bailey said there is no demonstration of transit agreement with Appalcart, he said that Staff did not add it as a condition but thought it would be an important condition, the changes that the applicant is requesting are changes from the original CD approval to now and this limits a lot of things, there is no knowledge of Town Homes in the previous record or the mention of heights of 60 feet. He suggested using the building height as a material reference only and make sure this is clear in the record.

The first speaker was Mr. Chuck Watkins. He noted that he was a representative of the Historic Preservation Commission and he was presenting for HPC Chairperson Eric Plaag. He said he was designated to read a letter drafted by Chairperson Plaag who could not attend this public hearing. He said at a regularly scheduled HPC meeting on August 9, 2016 the HPC discussed the Rivers Walk project. He said there was a quorum present at the meeting which voted unanimously to amend the published agenda to discuss the Rivers Walk project. He said in accordance with the requirements of UDO Section 2.04.03B, paragraph 2A. He said the same quorum voted unanimously to authorize HPC Chairperson Eric Plaag to convey the substance of the following concerns to Mayor Brantz, Members of Town Council and Mr. Ward, Town Manager and a copy of this correspondence was given to the Boone Area media. He also noted that this same quorum voted unanimously to authorize Mr. Watkins to read these remarks at this public hearing on August 22, 2016. He said based on the materials submitted of the Rivers Walk Planned Development project to the Planning and Inspections Department and made available to the HPC as of August 9, 2016. He said the HPC respectfully wishes to express its concern about the appropriateness of the proposed project under the Planned Development zoning amendment process for the following reasons: the proposed height of the project exceeding 48 feet on its Water Street elevation, and 53 feet at numerous points along Poplar Grove Road is out of scale with the historic architecture of Downtown Boone, please note that the applicant's July 12<sup>th</sup> drawings imply a building height of 43 feet and nine inches on Water Street but the actual measured building height is 48 feet and nine inches, the proposed building footprint is out of scale with the development patterns of Downtown Boone, the proposed exterior balconies are not a historic appropriate architecture feature for Downtown Boone, the proposed exterior materials including the use of vinyl windows, fiber cement siding, hardy plank and hardy board, faux stack stone and vinyl and plastic siding are not historic appropriate building materials for new construction in Downtown Boone, the proposed project will have an adverse effect on at least two immediately adjacent properties which are the 1889 Watauga County jail which is likely to be considered eligible to be listed on the National Register of Historic Service Survey; as well as the 1930 Rivers house which the Downtown Boone. He said the survey team has determined

that both of these buildings are ideal candidates for the National Register designation. He said UDO Section 14.05.01B, paragraph 1 D requires that a planned development can be approved only upon finding that the proposed PD will not substantially injure or damage the use of value of the surrounding properties. He talked about this project being located within the Municipal Service District in Downtown Boone, the HPC recommends that the Council deny the zoning application. He said on behalf of the HPC, they thank the Council for their consideration to the HPC's concerns.

Member Templeton asked about the location of the Rivers House. Mr. Watkins said it is the rock house right off Rivers street.

Council Member Collins noted that she had read the 2015 meeting minutes on the Rivers Walk case and she said that she did not see any comments from the Historic Preservation Commission regarding the original approval for this case. Council Member Collins asked if the Historic Preservation Commission had objections to the original CD approval in 2015. Mr. Chuck Watkins said that he did not have the answer on her question because he was not on the HPC at that time. Council Member Collins asked the Planning Commission members, if they knew the answer to her question. Planning Commission Member Cameron Lippard said that the HPC did have input on numerous things in the Downtown area but an HPC member did not come forward to discuss the Rivers Walk case. Member Lippard said the comments that came forward regarding this case were community comments.

Ms. Diane Blanks talked about a letter written by HPC, she said that Chairperson Plaag was out of town when this letter was first presented to the Town. She said that the people she has talked to is appalled for what is happening to Boone with a concern for the benefit to outside developers. She talked about the building height being higher than the Farmers Hardware building but the width of the building was not mentioned. She talked about the proposed large project damaging the character of Downtown Boone because of its size. She spoke against allowing balconies to be built the side of the building that faces Poplar Grove Road because of the trash along the road. She suggested that the developers install marsh land to absorb the run off of Kraut Creek because of heavy rains. She noted that the Council has the privilege and the responsibility to protect the Town and its residents and it is past time to do it.

The second speaker was Pam Williamson. Ms. Williamson responded to a comment made by Council Member Collins, she said why does it matter if the HPC discussed the proposed project back in February of 2015, because they are speaking to it now.

Ms. Williamson talked about the original approval being voted on 5-0 in 2015 as a conditional use district. She said she felt the project should not have been approved because it is too big the location of it. She said that she was not sure, if there was a plan or not based on the elevators.

Ms. Williamson talked about the CD approval in 2015, she said the Council must have known the project met the building materials and other requirements at that time.

Ms. Williamson talked about page 82 of the traffic study, she read that there were 1, 271 trips per day of travel on Water Street and River Street and towards W. King Street.

Ms. Williamson said that she does not want the Downtown area to turn into dormitories. She talked about the possibility of the selling of the proposed project to the university and the Town losing it from their tax roll and the Town pays for the damage made by the sale of the project.

Ms. Williamson pointed out that this proposed project will be the third large project that Council will have approved within a short period of time.

Ms. Williamson said that some people are referring to Blowing Rock Road as the Blowing Rock Tunnel Road. She pointed out that the proposed mega project is on a two-lane road. She noted that it will be a tunnel on Poplar Grove Road. She noted that this proposed project is wrong to be built in this location because of its size.

Ms. Williamson said the PD process is not working and talked about the past requirements of the UDO that were years in the making and the PD process throws all of this process out of the window. She said on August 31, 2016, there is another large planned development neighborhood meeting. She talked about the numerous public hearings on the PD process.

Ms. Williamson talked about a moratorium being placed on the mega projects until the PD process can be revised and improved.

Member Templeton said that in a previous testimony earlier in the hearing, it was stated that the university will grow about two percent per year which is over 360 students. He said this project has 360 beds and it represents one year of growth. He said since Ms. Williamson has attended committee meetings and has made sure that no growth could happen on hillsides and no one can get water in the city limits, he asked her where would you have the Town put the 360 students. She said that she believes that we can get something better than what we are getting with this project.

Ms. Williamson referred to the 2013 housing study and suggested having the housing study redone to see what is needed for student growth. He said she ignored the housing study. She said she did not ignore the study. She said she believes in statistical information that tells her the facts about a topic.

Member Templeton told Ms. Williamson that she was ignoring property costs. Ms. Williamson said, if you can afford a \$35-million-dollar project you can pay for the land to build it on. She said this is not about a profit, it is about a quality of life for all of the Town of Boone.

Council Member Teague reminded everyone that there has been a CD approved for this case. Council Member Teague said she felt that the Council is in a very difficult situation with this proposed PD project. She noted that some of the Council members are not impressed with the old proposed plan and she hopes that this will be considered when they look at the new proposed

plan for this project.

Council Member Clawson noted that regarding the PD process, she feels that this Council is not qualified to consider a PD when there are approximately 400 pages in a meeting packet to be read and digested. She also noted that she was not on the Council, when the CD was approved for this project.

Council Member Collins said that she wished that they could have had all of this discussion in 2015 regarding this project, she asked where everyone was in 2015 when this project was reviewed for approval.

Council Member Mizelle added that seeing the Standard at Boone project going up has made everyone realize the size of it. She said the choices are the CD or the PD.

Member McCracken said that she was on the Planning Commission in 2015 and they discussed this case for a long time and they struggled with the decision to approve the project. She also noted that not all of the current Planning Commission members were on the Commission at that time. She pointed out that we are in the third week of the university starting back to class and the traffic has increased.

Council Member Clawson said she sees cars and not bicycles and walkers in the Town but she wishes that she did see them.

Ms. Meade reminded everyone that the development needs to be very clear on building materials, height and other things for a site specific development plan. She said the developer needs to commit and be tied to the specific development standard in terms of building height, parapets and other things that would be a deviation.

Mayor Brantz appointed Planning Commission Member Connor Boyle to serve as acting Chairperson of the Planning Commission for the August 22, 2016 Planning Commission meeting.

Mayor Brantz adjourned this public hearing.

#### **ADJOURNMENT**

Mayor Brantz adjourned the public hearing at 9:28 p.m.

#### **VOTE:**

Aye-All

Nay-None

**The vote was unanimous.**

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Rennie Brantz, Mayor

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Marlene Crosby, Board Secretary

Communication: August 22, 2016 Public Hearing minutes (August 22, 2016 Public Hearing minutes)

**PLANNING COMMISSION MEETING MINUTES**  
**MONDAY AUGUST 22, 2016**  
(Immediately following Public Hearing)

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**Commission Members:** Connor Boyle, Caroline Catoe, Kate Hayes, Cameron Lippard, Susan McCracken, Jeff Templeton, Adrian Thompson

**Staff:** Bill Bailey, Director of Planning and Inspections; Jane Shook, Planning Supervisor; Brian Johnson, Urban Design Specialist; Marlene Crosby, Board Secretary

**Others:** John Ward, Town Manager

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Acting Chair Boyle called the meeting to order at 9:37 P.M. He welcomed new Planning Commission Members Kate Hayes and Adrian Thompson to the Commission.

Discussion ensued on which cases to discuss at this meeting and which cases to possibly table until a future meeting.

Mr. Bill Bailey reviewed the process for discussion and recommendations on each case discussed at this meeting and the scheduling of a special meeting or deferring the case to the next meeting.

Member Lippard noted that he preferred to discuss the Rivers Walk PD Zoning Map Amendment case at a future meeting. He pointed out that the Planning Commission has already discussed this topic one time and now this case is back before the Planning Commission with new information to be reviewed and discussed. Mr. Bailey also noted that this case is starting over with a conditional district approval. Mr. Bailey said the changes for the PD process are outlined in the Staff report for this case from the conditional district approval. Mr. Bailey said any other information would be decided on by the Planning Commission, if it is relevant or not to the case and craft either a set of conditions for the applicants to accept or reject and craft a recommendation to Council for this case.

Member McCracken noted that she preferred to discuss the Rivers Walk PD Zoning Map Amendment case at a future meeting because she would like the opportunity to do her due diligence and not have to rush through the recommendation process due to the late hour of this meeting and because the Planning Commission's recommendations set precedence for future development.

Mr. Ward told the Commission members that they can always recommend a Special Planning Commission meeting to discuss a case. Mr. Bailey talked about having manageable agenda items for each meeting. He said that by moving Case 20160136 Rivers Walk and Case 20160377 Parking Structures to a future meeting, the other items on the agenda would be more manageable for this meeting. He noted that removal of the Parking Structures case from the agenda was agreed upon by the Council.

**Motion and Vote:** Member Lippard made a motion seconded by Member McCracken to recommend that the Planning Commission table the Case 20160136 Rivers Walk PD Zoning Map Amendment to a Special Planning Commission meeting on the Planning Commission's former regular meeting time of Monday, September 12, 2016 at 6 p.m. to discuss and make recommendations on this case.

**Vote:** Aye – All  
Nay – None

**The motion passes.**

It was the consensus of the Planning Commission members to discuss at this meeting the following cases: Case 20160419 Welsh CD Zoning Map Amendment, Case 20160423 Appalachian State University GU Zoning Map Amendment and Case 20160501 Projecting Theater Marquee-Lighting.

#### **ADOPTION OF AGENDA**

Member Lippard made a motion, seconded by Member Catoe to adopt the agenda as amended.

**Vote:** Aye – All  
Nay – None

**The motion passes.**

#### **APPROVAL OF MINUTES**

Member Lippard made a motion, seconded by Member Catoe to approve the June 6, 2016 Special Public Hearing minutes as written.

**Vote:** Aye – All  
Nay – None

**The motion passes.**

Member Templeton made a motion, seconded by Member Catoe to approve the June 13, 2016 Planning Commission meeting minutes as written.

**Vote:** Aye – All  
Nay – None

**The motion passes.**

#### **ELECTION OF VICE- CHAIR**

Member Templeton nominated Member Connor Boyle for the position of Vice-Chair of the Planning Commission, seconded by Member McCracken. Member Boyle accepted the position of Vice-Acting Chair

**Vote:** Aye – All  
Nay – None

**The motion passes.**

**CASE 20160419 WELSH CD ZONING MAP AMENDMENT:** David Welsh has filed a Planning Permit Application for a Conditional District Zoning Map Amendment to rezone 342 Old Bristol Road from R2 Two-Family Residential to Conditional District B2 Neighborhood Business with a site specific development plan for use 11.13 Other Personal Service Establishments. The applicant has indicated on the application that the use is for an “art studio”.

Mr. Bailey presented this case as outlined in the meeting packet. Mr. Bailey said the property is currently being used for student housing which was a chief complaint from the public hearing for this case. Mr. Bailey noted the requested change for the property would eliminate the student housing complaint.

Member Lippard asked about the Staff comments for this case. Mr. Bailey explained that the Staff comments were in the Staff report. Mr. Bailey talked about the change in intensity with the proposed zoning change. Mr. Bailey noted that this property was student housing but he thought it is now vacant. Mr. Bailey pointed out that this was a chief complaint of this property at the public hearing on this case. Acting Chair Boyle asked if there would be currently up to four cars at this property. Mr. Bailey said the

Staff looked at this as a controlled environment as opposed to an uncontrolled environment. Mr. Bailey pointed out that the proposed change would eliminate the student housing complaints.

Member Templeton confirmed that this is a R-2 zoning district. Mr. Bailey said the request is for a conditional B-2 zoning district.

Member Templeton asked if the student housing was grandfathered in by right. Mr. Bailey said yes and up to two unrelated.

Member McCracken asked the maximum number of cars that can currently be parked at this property. Mr. Bailey said technically up to four cars. Mr. Bailey noted the restriction is on unrelated persons living there.

Mr. Bailey reviewed the impact analysis on the parking and landscape buffer impacts and the requirements for them. Mr. Bailey said the applicant staggered the parking so parking would not be a burden on the street.

Mr. Bailey reviewed the impact analysis on the parking and landscape buffer impacts located within the Staff report.

Member Thompson asked if he could ask a question on this case. Mr. Bailey said only if it is related to condition on the case.

Member Thompson asked if there was a condition regarding fixing the water issue on the property. It was the consensus of the Planning Commission that no one had knowledge enough to speak on this topic.

Discussion ensued on re-opening public comment for this case.

It was the consensus of the Planning Commission members to open the public hearing to hear more information for this case.

Mr. David Welsh the applicant for this case came to the podium. He said there is an issue with an underground spring. He said that Mr. David Little, Building Inspector suggested for him to use hydraulic cement to remedy the underground spring problem. Mr. Welsh said he thought the cement remedied the water problem.

Mr. Welsh said the Town asked him to put in a dry well which is a large hole with gravel in case any of the spring water comes from the basement and from what he has seen in the last 60 days there is not enough water for the pump to turn on.

Mr. Welsh said currently four parks can park on the property and he wants to add one more space so his wife can have a parking spot by the door for safety reasons. He said he is adding more gravel and he has submitted a drawing to the Town showing where he wants to put the gravel. He said they will have a pick-up and drop-off system for the students.

Member Hayes asked Mr. Welsh to elaborate on the pick-up and drop-off system. He said the pick-up and drop-off system will be staggered. He said the number of students in the classes will be eight or smaller. He said four students will be dropped off and then a pause in traffic for about ten minutes until the next group is allowed to drop-off or pick-up students. He said the parents are not allowed to get out of their car while dropping-off or picking up.

Member McCracken asked Mr. Bailey about the section of the Staff report that says, the parking concerns could be effectively managed through different parking management techniques and use management including limiting class or event sizes. She asked if this means the Planning Commission should limit the size of the classes. Mr. Bailey said that Mr. Welsh has described a technique that addresses the concern in the impact analysis that the Staff had on the class size. Mr. Bailey said, if the technique that Mr. Welsh described is sufficient, then, he would suggest adopting it as a condition for the recommendation of

approval or denial.

Member Templeton asked the neighbor, Ms. Sally Reynolds which of the two choices would she prefer this property to become; an art studio or stay as student housing. She said, if it is a true “art studio” where artist creates works of art, she said this would be fine as a personal use. She noted that an art gallery is different from an art school. She said her understanding of the proposed project is an “art school”. She said she would prefer her first choice to be a dwelling unit for student housing, if the property owner maintained the property.

Ms. Reynolds said the problem in her neighborhood, especially on Green Street now is absentee landlords who rent to students without maintaining the homes. She said if the landlord and students respected the homes, they would be fine with students renting in this neighborhood. Member Templeton said in his opinion if this property is used for an “art school”, they would take pride in the building and this might be a more preferred neighborhood. She said it would all depend on the students abiding by the rules and landlords that abide by the Town rules.

Ms. Reynolds said for the applicant to recommend the traffic come and go through the west end of the street is a great recommendation but it does not mean the traffic will flow that way. Member Templeton said if he was a parent with a child attend this “art school”, he would drive up W. King Street and made a right onto Old Bristol Road to get to drop-off his child. He said, he would not have any reason to go down Green Street. Ms. Reynolds maybe or maybe not. She said she lives at that end of Greens Street where the “art studio” is located and she goes home different ways depending on her mood.

Mr. Reynolds said that her neighbor Ms. Diane Blanks said this is a trend that can morph into something else.

Mr. Bailey pointed out that this case is a site specific development plan approval and it cannot morph into something else that is allowed in the B-2 zoning district unless it comes back through the public hearing process.

Member Lippard said the neighborhood concerns that he heard about were not from the businesses from across the street but from the abuse of the rules of the residential rentals or student housing issues. Member Lippard told her that she should notify the Town of the abuse of the rules. Ms. Reynolds said she is working on this.

Member Lippard said where in the proposed request is it increasing the traffic flow other than adding a one-car parking space making a total of five cars with the proposed change. He noted that the occupancy issue at the said location is not the problem of this particular property owner. Ms. Reynolds said the neighbors do complain about the neighborhood occupancy issues.

Member Lippard pointed out that the neighbors are in a position to have a business suited for their neighborhood with the proposed zoning change. Member Lippard talked about the proposed “art school” granting an opportunity for the children in the neighborhood to learn about art, if they wanted to.

Member Lippard talked about the neighborhood wanting a park that would bring more traffic and children to their neighborhood.

It was the consensus of the Planning Commission members to close public comment at this time.

Member McCracken asked if the applicant would commit to restricting the use of said property to art classes not to exceed ten students at any given time. Mr. Welsh said he would agree to that condition.

Member McCracken asked if the applicant would adopt in writing the staggered drop-off method for the clientele using the “art studio”. Mr. Welsh said he would agree to that condition.

Vice-Chair Boyle asked if the applicant would commit to strongly urging the clientele to enter the said property from the west. Mr. Welsh said he is going to observe the entering of the clientele into the said property and make any corrections, if needed. Mr. Welsh also noted that the directions to said property will be on their website and included into an email to the clientele.

**First Motion and Vote:** Member McCracken made a motion, seconded by Member Lippard 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 promotes economic development that will revitalize an underutilized structure. The Town encourages small business start-ups. It is residentially scaled and designed as a neighborhood business. Full service neighborhoods that offer opportunities for living, working, shopping and gathering should be encouraged.

**Vote:** Aye – All  
Nay – None

**The motion passes.**

**Second Motion and Vote:** Member Catoe made a motion, seconded by Member Lippard that the Planning Commission recommends approval of the amendment because the proposed request is in alignment with the B-2 neighborhood business district and provides a smooth transition to a family district, it creates a healthy aesthetic environment for its intended use, it provides a smooth transition from the west and south B-2 business district to the east and north R-2 residential district with the following conditions:

1. The applicant would restrict the use of said property to art classes not to exceed ten students at any given time.
2. The applicant to adopt in writing the staggered drop-off method for the clientele using the "art studio" as publicly communicated to use the west facing entrance.
3. Where there is a conflict between the application information and the plans (site plans bearing a received date of July 19, 2016) the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
4. 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.
5. Final plans shall be submitted that are in compliance with the provisions of the UDO and other provisions of the Town Code.
6. The applicant comply with the requirements of UDO Section 7.05.
7. If the landscaping requirements in Subsection 7.05.02, are not triggered by the new use, the applicant shall install an opaque evergreen buffer along the eastern property line.

**Vote:** Aye – All  
Nay – None

**The motion passes.**

Mr. Welsh did agree to the Staff conditions listed in the Staff report.

Mr. Ward left the meeting.

**CASE 20160423 APPALACHIAN STATE UNIVERSITY GU ZONING MAP AMENDMENT** – Dr. Timothy Burwell with ASU has filed a Planning Permit Application for a General Use Zoning Map Amendment to rezone 663 Howard Street from R3 Multiple-Family Residential to U1 University.

Mr. Bailey presented this case as outlined in the meeting packet.

There were no questions on this case.

**First Motion and Vote:** Member Lippard made a motion, seconded by Member McCracken that the proposed amendment to the Town's zoning ordinance is consistent with the Town's comprehensive plan and other applicable adopted plan of the Town which relate to this application because it is consistent with the property ownership and the proposed development.

**Vote:** Aye – All  
Nay – None

**The motion passes.**

**Second Motion and Vote:** Member Lippard made a motion, seconded by Member McCracken to approve the proposed amendment to the Town's zoning map and believe that approval is reasonable and in the public interest because it continues good relations between the Town of Boone and Appalachian State University.

**Vote:** Aye – All  
Nay – None

**The motion passes.**

**CASE 20160501 PROJECTING THEATER MARQUEE-LIGHTING** – Amend the UDO in regards to projecting theater marquee in the B1 Central Business zoning district including to allow them to use flashing, blinking, scrolling or intermittent lights.

Mr. Bailey presented this case as outlined in this meeting packet. Mr. Bailey noted that in the Staff report it says, there is no evidence of a scrolling light marquee. Mr. Bailey said at the public hearing earlier on August 22, 2016, there was some evidence presented of a scrolling light marquee at the theatre.

Mr. Bailey talked about the lighting affecting adjacent properties. He told the Planning Commission members that they may or may not want to consider this as a condition. He pointed out that there are Town regulations for it.

Vice-Chair Boyle asked if the applicant would be willing to control the lighting so it does not scroll or chase and to investigate an appropriate illuminating color rendering. Member Templeton asked Vice-Chair Boyle if he had any knowledge of lighting illuminations and noted that there is a lot of variety of lighting to choose for the theatre.

Member McCracken noted that she is a liaison to the university on the Appalachian Theater and she has no monetary benefit from the theatre. She supported having more light on W. King Street at night for safety reasons. She said the lights the theatre is proposing are not going to be on 24/7 and they are no brighter than the university stadium lights which are on 24/7.

Mr. Bailey talked about the Council directing the Staff to revise the text and the Staff revised the text based on a photograph that was taken while the theatre was in operation.

Mr. Bailey talked about the hours of operation of the theater. He said the lights would be on only while the theatre is open and prohibited between the hours of 11 p.m. to 7 a.m. Ms. Shook pointed out that the request is to allow the theatre to have the lights on during the hours of operation. Ms. Shook said the Staff drafted standards based off of a photograph of the original marquee.

Mr. Brian Johnson, Urban Design Specialist talked about the use of LED lights versus the old metal halides and how they measure in a similar fashion, but the LED light will be ten times brighter to the eye because it is a cleaner light. He added that there are a lot of options in lighting to help bring down the brightness.

Discussion ensued on possible complaints made to the Town regarding the lights, if they install bright chasing lights. Mr. Johnson talked the Town requirements for full cutoff fixtures and applying these requirements to the theatre lighting.

Member McCracken talked about the architectural standards being directed by the Town and the Appalachian Theater wanting to be restored to the original status.

**First Motion and Vote:** Member McCracken 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 the application because it supports and enhances the cultural and significant and historic significance of Downtown Boone and affirms its appealing orientation and it acknowledges the areas assets as such for economic development, jobs creation and supports the arts.

**Vote:** Aye – All  
Nay – None

**The motion passes.**

**Second Motion and Vote:** Member McCracken made a motion, seconded by Member Lippard that the Planning Commission recommends approval because it supports one of the economic parties of the Town to increase our arts and facilities and maintain the historic feel of Downtown.

**Vote:** Aye – All  
Nay – None

**The motion passes.**

#### **OTHER MATTERS FROM BOARD MEMBERS OR STAFF**

Discussion of November and December meeting dates. Mr. Bailey asked the Planning Commission members if they wanted to reschedule the meeting dates for the months listed above because the dates fall on or near holidays.

Ms. Shook explained it is helpful to know the meeting dates, when the Staff is explaining the hearing process to the applicants. Ms. Shook suggested at least rescheduling the December 2016 Planning Commission meeting.

Member Templeton suggested cancelling the December 2016 Public Hearing and Planning Commission meeting because there is a good chance there we will not be able to obtain a meeting quorum. Vice-Chair Boyle agreed with Member Templeton.

Member Catoe suggested rescheduling the December meeting to the third Monday in December.

Ms. Shook said the Staff will email the Planning Commission members regarding the November and December 2016 meeting dates to ask for their feedback on rescheduling the meetings.

Member McCracken asked the Staff to email the 2015 Planning Commission meeting minutes that the Rivers Walk case was originally discussed by the Planning Commission.

Mr. Bailey told the Planning Commission meeting members that at this meeting the Staff handed out Unified Development Ordinance updates. He also noted that the Town would be handing out new UDO's to the Planning Commission members.

**ADJOURNMENT**

Member Templeton made a motion to adjourn the meeting at 10:33 p.m., seconded by Member Lippard.

**Vote:** Aye – All  
Nay – None

**The motion passes.**

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**Connor Boyle, Vice-Chair**

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**Marlene Crosby, Board Secretary**

DRAFT

**SPECIAL PLANNING COMMISSION**  
**DRAFT MEETING MINUTES**  
**MONDAY, SEPTEMBER 12, 2016 6:00 P.M.**

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**PLANNING COMMISSION  
MEMBERS:**

Chairperson Eric Woolridge, Cameron Lippard, Matthew Vincent, Adrian Thompson, Susan McCracken, Kate Hayes and Elizabeth Shay

**PLANNING STAFF:**

Bill Bailey-Director of Planning and Inspections, Jane Shook-Planning Supervisor, Brian Johnson-Urban Design Specialist and Marlene Crosby-Board Secretary

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Chairperson Woolridge called the meeting to order at 6:06 p.m. He welcomed new members Kate Hayes, Elizabeth Shay and Adrian Thompson to the Planning Commission. He said at the next meeting, he would ask them to give a brief history of their work experience and history.

**ADOPTION OF AGENDA**

Member Lippard made a motion, seconded by Member Vincent to approve the agenda as written.

**Vote:** Aye – All  
Nay - None

**The motion passes.**

**CASE 20160136 RIVERS WALK PLANNING DEVELOPMENT ZONING MAP AMENDMENT** Glen Weaver has filed a Planning Permit Application for a Planned Development Zoning Map Amendment to rezone 178 South Water Street, 190 and 208 Poplar Grove Road from B1 Central Business to a Planned Development zoning district with a site specific development plan which includes a mixed-use building (residential and commercial uses), including a parking deck. The residential portion contains 151 dwelling units (380 bedrooms); with the following uses proposed for the commercial portion of the building: 11.06 Restaurant ≤ 2,500 ft<sup>2</sup> open to the public during 10 pm–6 am, 11.07 Other Restaurants ≤ 2,500 ft<sup>2</sup>, 11.08 Restaurant >2,500 ft<sup>2</sup> open to the public during 10 pm–6 am, 11.09 Other Restaurants > 2,500 ft<sup>2</sup>, 11.12 Personal Service Establishment open to the public during 10 pm–6 am, 11.13 Other Personal Service Establishments, 11.14 Retail Store up to 5,000 ft<sup>2</sup>, 11.15 Retail Store more than 5,000 but less than 25,000 ft<sup>2</sup>, 11.18 Business or Professional Office open to the public during 10 pm – 6 am, 11.19 Other Business or Professional Office, 11.23 Medical Office, Category 4, 12.10 Recreation Facility, Category 1, and 14.02 Brewpub.

Mr. Bill Bailey, Director of Planning and Inspections Department presented this case. Mr. Bailey referred to the Staff report, and explained how the report contained a table which compared the standard in the B1, the standards of approval in the original conditional district request, and the requested standards in the planned development request.

Mr. Bailey reminded the Planning Commission members that the public hearing is open and suggested making a positive statement to allow for additional public comment. Mr. Bailey said is it incumbent on the Planning Commission members to figure out how the applicant is deviating from the previous approval and the ordinance and make sure the deviations are attached to their recommendation, when recommending conditions on this case.

Discussion ensued on the proposed changes to the previous CD approval. Member Lippard referred to the Comparison chart in the Staff report. Mr. Bailey explained that the Planning Commission should look at the UDO requirements for the B-1 zoning district and how the proposed changes deviate from these requirements. Mr. Bailey pointed out that the proposed deviations are in a red color in the Staff report.

Member McCracken asked Mr. Bailey to review the procedural process for the conditional district process and a planned development process. He explained that the said property has been zoned to a conditional B-1 zoning district which has a set of standards attached to it. He said the Staff left the B-1 standards in the Staff report to show the comparison to the PD process. He added that the middle column in the chart is indicating the conditional district zoning approval. He further explained the difference between the CD and PD process and noted that the PD process creates its own unique zoning district and does not rely on the underlying zoning district. He said the chart shows the B-1 zoning district to show how the CD and PD process are tied together. He said, if they are not proposing a change then the B-1 standard applies. He said if they are requesting a change they have to make the request through the Planning Commission, and then the burden is on the applicant to explain the change and how they are mitigating the impact of the change.

Mr. Bailey said there is an impact analysis in the Staff report that addresses potential impacts of the proposed development.

Chairperson Woolridge referred to page 22 of the Staff report in UDO Section 14.05.01(B) 1 a-d. He pointed out the four key findings that should only be approved in the PD process.

Mr. Bailey pointed out the property has to be greater than three-acres and it must be mixed-use. He noted that the applicant has to meet only one of these criteria to meet the criteria of a PD development.

Mr. Bailey talked about the need to establish a reasonable basis for approval and the Planning Commission's recommendations help the Council make their decision on this case.

Mr. Bailey pointed out that the law requires that an impact analysis be completed for a project. He pointed out to the Planning Commission potential impacts such as traffic, parking and transit that they might need to address.

Mr. Bailey said based on the applicant's traffic study there will be an additional 2,800 trips made to the site. He said based on UDO parking standards, they are providing some but not all the parking for the project which is a potential impact on the surrounding streets. He said that at that time, the applicant had not provided information regarding AppalCart service to the development.

Member McCracken asked Mr. Bailey to give the history of the on-site 184 parking spaces. Mr. Bailey noted that the applicant was required to demonstrate adequate parking for the development through a parking study. He explained that the applicant did a parking study which is required by the UDO. He said that he approved this study based on the concepts that were presented in the report. He said the applicant has not presented any evidence that these concepts are valid because they shifted into the PD process.

Member McCracken asked Mr. Bailey, when he approved the concept does that mean in his professional judgment he felt the parking was adequate. Mr. Bailey said he felt that within the constraints of the UDO what they presented within the parking study which relied heavily on off-site parking that they could conceivably match what is required in the UDO. He said the applicant took the 20% discount that they were allowed because the project is located close to the university, adjacent to transit. Mr. Bailey noted that though the applicant had submitted a parking study, the applicant had not submitted evidence to demonstrate that the applicant can do what is proposed in the parking study.

Discussion ensued on opening public comment for this case. It was the consensus of the Planning Commission to hear more information from the applicant. Member Lippard said he would like to get more information on building height, appearance of the building, number of beds, commercial space location, greenway being developed, parking, and transit and traffic issues. He said that all of these topics need discussion to see how the applicant will address them.

Chairperson Woolridge clarified that the Planning Commission needs to look at the ordinance requirements when reviewing the said topics of discussion.

Member McCracken said she needs to see it demonstrated on how these topics meet the definition of a Planned Development. Mr. Bailey noted that the Planning Commission has to determine the four findings and provide positive facts on the findings. He said if the Planning Commission is not able to do this, they can talk to the applicant and solicit information that might be missing or to garner conditions that might make the Planning Commission comfortable with meeting these four findings that are required by law.

Mr. Bailey noted that this case is an unusual situation. He said normally you would have a B-1 zoning district and the standards in the B-1 would be compared to what is being proposed by the applicant and look for the deviations and their potential impacts. He said the difference in this case is that the zoning of the property was a conditional district approval tied to a site specific development plan.

Chairperson Woolridge asked Mr. Jim Deal, attorney for the applicant to present his proposed changes and information on the outstanding topics identified by the Planning Commission earlier in this meeting.

Mr. Deal noted that the current developer is Mr. Glenn Weaver and Mr. Jeff Githens is no longer involved in this project.

Mr. Deal presented the proposed changes that they are asking for this project: the reconfiguring of the commercial retail space along Poplar Grove Road and moving it closer to Water Street with an increase in height to some extent for the commercial space, using parapets and crickets to hide the HVAC equipment and he noted that the parapets and crickets count as building height and they are proposing that they do not exceed five feet. He noted the applicant was proposing to change the apartment unit mix to convert some of the four-bedrooms to one and two-bedroom apartments without changing the number of bedrooms, the elevator shaft penetrating the roof and the possible condition of covering the shaft with a chimney or steeple effect that was suggested by the Community Appearance Commission.

Mr. Deal addressed the concern for the greenway. He said if the developer is potentially required to pave the greenway, this would create impervious surface which would trigger other storm water requirements. Mr. Deal talked about exempting the developer from doing storm water retention calculations because of the increase in impervious surface. He said the applicant is willing to discuss the greenway with the Planning Commission, he said he is not sure what the applicant can do because we have to work with the County regarding the potential access off of the road that they do not have approval for at this time.

Mr. Deal addressed the concern for the parking. He talked about the requirement that the applicant provide 50 satellite parking spaces that they are obligated to provide off-site. He talked about the tenant's lease contract including a parking space.

Member McCracken asked Mr. Bailey what is the process, if these proposed changes come to the Planning Commission as an amendment to the approved CD. Mr. Bailey explained that deviations to ordinance requirements in the conditional district process would be heard as a variance request by the Board of Adjustment. Mr. Bailey

noted that the Board of Adjustment had denied a variance request in regards to height during the conditional district process.

Mr. Deal addressed the concern for building height. He said specifically that the parapets and crickets would not exceed five feet and the elevator shafts could be covered by a chimney or steeple as determined by the Community Appearance Commission.

Discussion ensued on the building height of 62 feet. Mr. Weaver said they would not need that much building height. He said they only needed five feet for the elevator shaft crash zone. Member McCracken asked how high the roof will be and Mr. Weaver said 40 feet. Mr. Deal noted that the applicant is not asking to increase the height of the building. Ms. Jane Shook, Planning Supervisor explained that there is a difference in elevation on the back side of the building and the building is not necessarily 40 feet on the back side of the building due to the elevation differences. Mr. Deal clarified that the applicant is asking for the five feet to cover the elevator shaft. Mr. Brian Johnson, Urban Design Specialist said that the Community Appearance Commission did not set a building height for this project. Mr. Weaver confirmed that he is not asking for 62 feet for the building height.

Discussion ensued regarding building height variation. She asked if there will be any height variations between the buildings. Mr. Weaver said the buildings will stair step as they go up 40 to 50 feet which will cause the parapet to go up ten feet to the next building. Mr. Weaver said there will be multiple buildings that are designed to look like many individual buildings that will have different kinds of parapets that will be modulated in height. Mr. Weaver said it would look like a collection of buildings instead of just one long building and it will look more like Main Street. Mr. Crees further pointed out on the site plan the heights and different looks of the building. Mr. Weaver further explained that the parapets will be integrated into the design of the building to cover the mechanical equipment on the top of the building.

Discussion ensued on storm water management for the project. Chairperson Woolridge asked Staff about the storm water comment within the Staff report. Mr. Bailey confirmed that the applicant was not proposing to increase the impervious area so that the applicant would not be required to install certain storm water measures on the site. Ms. Shook noted that Staff incorporated the comment asking for storm water because Staff was responsible for trying to get the best development possible for the town. Chairperson Woolridge asked Mr. Deal, if they could put in a rain garden or something else to help with the additional impervious area created by the greenway.

Mr. Weaver said in the process of talking to the County on different issues, the County told him that they were going to spend \$300,000 or \$400,000 taking out their existing failing culvert. He said their culvert does not stop at the project property. He said their culvert runs down behind the stream behind the property line. He said this section will have to be torn out. He does not want to build that section of the greenway and it be torn out by the County for the culvert work. He explained that he would build the greenway along the building. Discussion ensued as to the location of the greenway and how the additional impervious area created by the greenway would require storm water management per the UDO. Mr. Crees said the difficulty in providing the storm water for the greenway is because of the linear path-multiple storm water spots would be needed. Chairperson Woolridge said the developer would have to mitigate the amount of imperious surface anywhere it is located. Mr. Crees pointed out that the Town builds sidewalks all over Town and they are not providing storm water retention for those sidewalks. Mr. Deal pointed out that the applicant is doing improvements to the creek over what is currently there by increasing the buffer significantly which will improve the quality of the water going into the creek.

Chairperson Woolridge asked how many beds are in the project. Mr. Deal said 380 beds are already approved.

Chairperson Woolridge noted his concerns that if the greenway does not get built now that it may not ever happen. Mr. Deal said things get done slowly in the Town. Mr. Deal said that the applicant was asked to build the greenway and they said yes to it. Mr. Deal asked for the impervious surface area to not count it against applicant. Mr. Deal said he feels that this is a compromise and the applicant bear the cost of building the greenway with no cost to the Town.

Chairperson Woolridge asked the Planning Commission if they would be alright with not penalizing the applicant for the impervious surface, if they build the greenway. Member McCracken asked about the water flow from the roof. Chairperson Woolridge said the water would flow out into the streets into the storm water system into Boone creek.

Mr. Deal said it will be a coordinated event to build the driveway to the development and replace the culvert at the same time. He said the greenway may be on both properties the County and the project, it depends on how it all gets worked out with the County.

Discussion ensued on the property line shown on the site plans and the possibility of an easement being needed. Mr. Crees pointed out the property line on the site plan. Chairperson Woolridge said maybe the building needed to be shrunked down to make more room at the end of the building near the County's property line. Mr. Deal said that would require another deviation.

Discussion ensued on the appearance of the building. Member Lippard talked about the changes to the appearance of the different facades with consideration to the Historic Preservation Commissions comments. Mr. Deal said he had a memo that he was to ignore their comments. Member Lippard said the appearance of the building is a public concern. Mr. Deal explained that Mr. Weaver did talk to Woods Masonry Supply to discuss rock and brick building materials. Mr. Deal talked about the blend of rock, brick and hardy board being used for building materials to break up the look of the buildings so they buildings do not look like one massive building. Mr. Deal said right now there is not a recommended exterior appearance standard for Downtown Boone. Mr. Deal noted that the CAC is working on the standards.

Mr. Brian Johnson, Urban Design Specialist talked about comparison chart on page 11 of the staff report and talked about the concerns of the Community Appearance Commission on building materials. He noted that the CAC concerns about the amount of hardi board being used. Mr. Johnson had directed Planning Commission to the section of the ordinance that requires the facades to be comprised of unpainted red brick or darker colored brick or natural stone.

Mr. Johnson noted that the CAC had concerns about the type of material being used for the parapets. The applicant is proposing a type of composite plastic for the parapets.

Discussion ensued on the building materials and deviating from the standards. Mr. Bailey said once you deviate from the standard the applicant must use unpainted red brick, darker colored brick or natural stone. He further explained that the applicant has to demonstrate how they are mitigating the impact.

Discussion ensued on what is considered the "main building façade". Mr. Deal asked is it on Water Street or on Poplar Grove Road. Mr. Deal said the primary street is Water Street. Mr. Bailey said it would be any publicly visible façade.

Mr. Johnson reminded the Planning Commission that said about one year ago the CAC recommended a stop gap on building materials while the Downtown Design Guidelines were being discussed by the CAC.

Mr. Bailey pointed that wooden building material cannot be used in the Downtown Fire District.

Discussion ensued on the building materials that can be used on a publicly visible façade. Member Lippard asked Mr. Weaver to identify the building materials on the plan presented at this meeting. Mr. Weaver noted the following building materials: planking, brick and stone. Mr. Weaver said the building materials are to make the look of a New Orleans boarding house. Mr. Weaver said there the percentages for building materials would be 40 percent for hardy plank and 60 percent for stone and brick. Mr. Bailey confirmed that this can be a condition, if the applicant is willing to accept it.

Mr. Deal outlined the four findings for this case. The PD will provide a development of equal or higher quality than other wise governed by the strict application of district regulations. The parapets are esthetically superior to mechanical screens.

Member McCracken asked is it superior to the underlying district or to what is being proposed. Mr. Bailey explained three opportunities to develop properties.

Mr. Deal noted that the CAC requested parapets instead of screens to be used to hide the mechanical units on top of the building. He noted the relocation of the commercial space improves the retail commercial space to help the space get rented. Mr. Deal also noted that the parking spaces being moved near the exterior lot is an improvement. Mr. Weaver said the garage parking is being increased by two spaces. Mr. Deal noted that the proposed PD will encourage open spaces create an and efficient attractive environmentally sensitive design and the extension of the greenway supports the environment as well as increasing the buffer zone, reducing the encroachment into the creek buffer, and the applicant would of revegetate the creek buffer. He also noted the applicant is proposing a variation of the façade attractive design and materials. The relocating of the commercial space will improve walkability for customers walking down Water Street. The parapets and potential chimney or steeple will be more attractive than screens. The proposed PD will create a well- developed cohesive mixed-use in-fill development that incorporates commercial and residential spaces. The design of the building will make the building look like separate buildings. The design does include the greenway and bicycle orientation with a connection to the Howard Street project completion. The PD will not damage the use in value or the enjoyment of surrounding property or prevent the development of surrounding property. The proposed improvements of the already approved project increases the value of the property.

Discussion ensued on the trout buffer waiver. Chairperson Woolridge asked Mr. Crees if there will be required a revised trout buffer waiver later on. Mr. Crees said the applicant has a trout buffer waiver that will need to be modified because of the grading of the greenway.

Chairperson Woolridge asked about an update to the Southern States building. Mr. Crees said it is sitting in the floodway and the culvert is under the building. Mr. Crees noted there will be need to be an impact analysis done because of the addition of the greenway.

Discussion ensued on the greenway being extended to the County's property. Chairperson Woolridge asked Mr. Crees what is preventing the greenway from being built to the County's property. Mr. Crees said with some flexibility, they can try to build it there based on the County's easement and coordination with the work the County is doing. Mr. Deal said he was not sure that an easement is needed to build the greenway. Mr. Deal further talked about coordinating the work with the County to build the greenway to the County's property line. Mr. Deal said

the County has no site plans at this time to replace the culvert. Mr. Deal said he did not want to duplicate costs and if someone else tears the culvert out that the applicant does not have to build it back.

Mr. Deal confirmed that he and the applicant have met with the County to discuss the access at the back of the parking garage from the County driveway and replacement of the existing failing culvert. Mr. Deal confirmed that the applicant and the County want to do this work together. Chairperson Woolridge said he preferred for the greenway to be built now and for it to be completed. Mr. Weaver said he will build the greenway from property line to property line and the Town will maintain it. Chairperson Woolridge said that the Planning commission will make this a recommendation for the applicant to build an eight-foot paved greenway. Mr. Weaver accepted this as a condition. Mr. Crees said that the greenway can fit into the plan.

Discussion ensued on parking spaces. Member Lippard asked Mr. Weaver if the apartment tenant has to have a parking agreement with a private entity or in the parking garage of the development or on campus. Mr. Weaver said he will make sure the tenant has a contract for parking. He noted his offer to construct a satellite parking facility that will park at least 50 spaces and his desire to monitor the lot for two years. He explained he would monitor the usage of the lot and at the end of the two years, he would add additional spaces, if needed.

Discussion ensued on the development's use of AppalCart.

Mr. Weaver noted he agreed to pay the charges assessed by AppalCart. Mr. Deal clarified that Mr. Weaver would pay the charges when the Town adopted regulations requiring all large multi-family developments to pay the same fees.

Discussion ensued on the need for a change to the ordinance to require apartment complexes to charge.

Mr. Weaver said he has talked to the Appalcart director about the fee. He said that Appalcart said they would not be able to provide the current level of service and they will either have to delete bus stops or decrease the frequency of service. He said for this reason all of the other apartment complexes will agree to pay the fee. He said if everyone pays the fee it is not rent dollars but tax dollars.

Mr. Weaver confirmed that he will build two outbound bus shelters. Mr. Crees said it will be a one-stop with two transitions. He noted that they do not need three bus shelters.

Member McCracken asked Mr. Weaver how he was going to decide who gets to park onsite. Mr. Weaver noted that a tenant may not want to pay the cost of the parking. He noted that the tenant may rent a less expensive parking space or they may not want to park at the location of the satellite parking. He said he has made an offer to lease the unleased parking spaces at Horn in the West. He said this offer has not been accepted.

Mr. Bailey read the parking ordinance requirements in UDO Article 24.06.01. Mr. Bailey pointed out in UDO Article 24.06.02 that all such satellite parking spaces (except spaces intended for employee use) must be located with 500 feet of a public entrance of a principal building housing the use associated with such parking. Mr. Weaver said he already had a parking study certified of being adequate for 380 bedrooms. Mr. Weaver said the 50 spaces in a satellite lot would be additional spaces. Mr. Bailey said he has not seen any evidence that any spaces have been leased or any concrete example of how this parking will be provided.

Discussion ensued on the appropriate recommendation for parking. Mr. Bailey said if the Planning Commission is going to rely on satellite parking to offset the onsite parking requirements the applicant has to meet current ordinance requirements unless there is a deviation requested.

Mr. Deal talked about the changes to the parking ordinance and it is frustrating to plan for parking for proposed project. Member Lippard talked about the requirements of satellite parking.

Mr. Deal said this is the first time he had heard from Staff about the 500 feet from the proposed project. Mr. Bailey said it is the applicant's responsibility to read the ordinance and meet the requirements of it.

Discussion ensued on having a parking agreement in the apartment lease. Mr. Deal said there will an agreement within the lease that requires each tenant who has a vehicle to have a parking space. It was noted that there are not enough parking spaces in the parking garage for the amount of beds in the apartment complex.

Chairperson Woolridge asked if there needs to be a deviation for parking. Mr. Bailey explained the ordinance requirements for parking.

Discussion ensued as to the amount of students who may not have a vehicle. Mr. Weaver noted that 76 percent of the students were expected to bring a vehicle based on a survey which was based on two percent of all of students and 36 percent of those have university parking contracts.

It was the consensus of the Planning Commission that the tenant provide that they have a place to park their car regardless of the distance.

Discussion ensued on the change of the mix of units. Mr. Weaver said they changed the larger units into smaller units. Mr. Weaver said they are asking for a change in units from 145 to 151 and maintain the 380 beds. Mr. Deal confirmed they are not asking for an increase of beds.

Mr. Bailey reviewed the parking study and noted the number of maximum spaces for residential is 231 and there is no evidence that they are providing this number of spaces.

Chairperson Woolridge said he did not have an issue with the parking study.

Member Lippard asked how many units have four beds in it. It was noted in the applicants plans that 44 four - bedroom units are being proposed for this project.

It was the consensus of the Planning Commission to close the public comment for this case.

Discussion ensued on the Impact Analysis and the project impacts for the proposed project.

Chairperson Woolridge said the Impact Analysis with projected impacts is located on page seven and eight of the Staff report.

Mr. Bailey noted traffic, parking, transit, building materials and scale would speak to the first finding.

Mr. Deal said the applicant is not adding additional trips other than what has already been approved and no change in the bedroom count. It was noted that these trips include commercial use. Mr. Bailey noted that the trips listed in the traffic study are potential trips. Mr. Deal reviewed the changes to the parking space for bicycle and motorcycle parking. Mr. Deal confirmed that there will be a sidewalk along Poplar Grove Rd.

At 8:06 p.m. Chairperson Woolridge called for a five minute break.

At 8:12 p.m. Chairperson Woolridge reconvened the meeting.

Member McCracken talked about the height of the clock tower on the site plan. Mr. Deal said it is located at the end of the property. Mr. Johnson said the height of the clock tower was a concern at the CAC meeting on this case.

Mr. Johnson said they did not recommend a height for the tower. Mr. Johnson said the way it was presented to the CAC, they did not have an issue with the tower being a little higher. Mr. Crees noted that clock towers were exempted from the building height requirements.

Member McCracken asked if DENR has final say on a project regarding storm water. Mr. Bailey said the ordinance does not have requirements for this topic. Ms. Shook said the Staff encourages all applicants to consider it.

Mr. Weaver reviewed the proposed map and explained the reconfigured retail spaces.

Discussion ensued on the possible conditions.

**First Motion and Vote: First Motion and Vote:** Member Lippard made a motion, seconded by 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 a PD should only be approved with the following findings:

1. The proposed PD will produce a development of equal or higher quality than otherwise required by the strict application of district regulations that would otherwise govern because it provides the better development of under-utilized B-1 properties and meets the .
2. The proposed PD will encourage innovative arrangement of buildings and open spaces to provide efficient, attractive, flexible and environmentally sensitive design because it will create more of a greenway through Downtown Boone as well as provide increased stream buffers along Boone Creek.
3. The proposed PD will produce a development functioning as a cohesive, unified project; and attractive mixed-use development including residential for young professionals and commercial properties.
4. The proposed PD will not substantially injure or damage the use, value, and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the adopted plans and policies of the Town because clear discussions have been had between the community, the business owners within the area and the applicant.

Member McCracken noted that the compelling reason to support the project was completion of the greenway. She noted that she feels that there are big changes from the CD. She noted that she feels that the whole CD and PD process needs to be revisited in the way that they interact.

Chairperson Woolridge asked to add a friendly amendment to the "a" to add the development meets the minimum storm water requirements based on the UDO because the requirement says "equal to".

Member Lippard and Member Vincent accepted the friendly amendments.

**Vote:** Aye – All

Nay – None

**The motion passes.**

**Second Motion and Vote:** Chairperson Woolridge made a motion, seconded by Member Hayes, to recommend approval with the following conditions:

1. The applicant shall install an 8' paved greenway path within a dedicated easement from Water Street to the Watauga County property line and the Town will take over maintenance upon completion; the additional impervious area [from the greenway] will not count against the applicant;
2. The height of the building to the roof line not exceed 40 feet and all parapets, crickets, and elevator shafts shall not exceed 5 feet above the 40 feet (not to exceed 45 feet in total).
3. The deviation from B1 building materials will allow the use of hardy plank (fiber cement siding) for up to 40 percent of the building material and shall be dispersed along the building façade.

4. The developer will ensure that each renter with a motor vehicle will demonstrate a parking contract for said vehicle.
5. The development will change the bedroom mix to include more 1 and 2 bedrooms up to 151 units.
6. The commercial space will be reconfigured in accordance with the new plans.
7. Where there is a conflict between the application information and the plans (site plans bearing a received date of July 21, 2016 and architectural plans bearing a received dated July 18. 2016), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
8. 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.
9. Final plans shall be submitted that are in compliance with the provisions of the UDO and other provisions of the Town Code.
10. All driveway permits shall be obtained prior to the issuance of the Zoning Permit.
11. The applicant will be required to satisfy all NCDOT requirements prior to the issuance of a Zoning Permit.
12. All previous Conditional District conditions not a modified shall come forward as part of this approval.

For the following reasons: the Towns' adopted plans state that an economic-development effort shall encourage revitalization of under-utilized sites and infrastructure; a variety of mutually compatible and supportive mixed-uses shall be encouraged in the Downtown area; the Town shall employ incentives to encourage the concentration of intense urban development within the urban growth area; and the plan as presented would further expand the Town's greenway, bicycle and pedestrian network.

Member McCracken asked about the use of materials in the structure should the word façade be used to be more specific. Member Lippard agreed with the changing of the wording on condition three listed above.

**Vote:** Aye – All

Nay – None

**The motion passes.**

#### **ADJOURNMENT**

Chairperson Woolridge adjourned the meeting at 8:48 p.m.

---

**Chairperson, Eric Woolridge**

---

**Board Secretary, Marlene Crosby**

**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](http://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: Scott Porter Company: Hampton Property, LLC  
Address: 1846 US Hwy. 421 South Boone, NC 28607  
Phone Number: 828-263-9076 Email Address: scottpt@highcountry4rent.com  
Property Owner: Hampton Property, LLC Company: N/A  
Address: 1846 US Hwy. 421 South Boone, NC 28607  
Phone Number: 828-263-9076 Email Address: scottpt@highcountry4rent.com

**B. PROPERTY INFORMATION**

Watauga County Parcel Identification Number(s): 2920-09-6084-000  
Address/Location: Near 210 Stratford Lane in Boone, NC  
Project Name: Hampton Estates

**C. PERMIT SUBCATEGORIES**

*Additional Forms Needed*

**Zoning Permits**

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

**Board of Adjustment Hearings**

- |                                                                      |                                                   |
|----------------------------------------------------------------------|---------------------------------------------------|
| <input type="checkbox"/> Special Use Permit/Modification             | *Special Use Permit Form                          |
| <input type="checkbox"/> Variance                                    | *Variance Form                                    |
| <input type="checkbox"/> Major Subdivision Preliminary Plat Approval | *Major Subdivision Preliminary Plat Approval Form |

**Planning/Other**

- |                                                                               |                                                              |
|-------------------------------------------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> Exempt Division of Land                              | *Subdivision Exemption Project Data Form                     |
| <input type="checkbox"/> Minor Subdivision (Preliminary and Final Plat)       | *Minor Subdivision Project Data Form                         |
| <input type="checkbox"/> Major Subdivision (Final Plat)                       | *Major Subdivision Final Plat Project Data Form              |
| <input type="checkbox"/> UDO Text Amendment                                   | *Text Amendment Project Data Form                            |
| <input type="checkbox"/> General Use Zoning Map Amendment                     | *General Use Map Zoning Map Amendment Project Data Form      |
| <input checked="" type="checkbox"/> Conditional District Zoning Map Amendment | *Conditional District Zoning Map Amendment Project Data Form |
| <input type="checkbox"/> Voluntary Annexation                                 | *Annexation Petition (Satellite or Contiguous)               |
| <input type="checkbox"/> UDO Text Interpretation                              | *UDO Interpretation Data Form                                |

**D. DETAILED DESCRIPTION OF PROJECT**

Amending previous multifamily condo plan to be rezoned as conditional R-2 for the development of single family (use 1.01) and/or duplex lots (use 1.06)

**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 ¼ 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: Scott Porter Company: Hampton Property, LLC  
 Address: 1846 US Hwy. 421 South Boone, NC 28607 License #: N/A  
 Phone Number: 828-263-9076 Email Address: scottp@highcountry4rent.com

**F. DESIGN PROFESSIONAL INFORMATION****Engineer:**

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

**Architect:**

Name: N/A Company: N/A  
 Address: N/A License #: N/A  
 Phone Number: N/A Email Address: N/A

**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.

Scott Porter [Signature] 7/28/16  
 Applicant<sup>1</sup> (Print) Applicant Signature Date

Hampton Property, LLC [Signature] 7/28/16  
 Property Owner (Print) Property Owner Signature Date

**Official Use Only**

|                                                                                   |                         |                                  |                                        |                                      |
|-----------------------------------------------------------------------------------|-------------------------|----------------------------------|----------------------------------------|--------------------------------------|
| Project File Name:<br><u>Hampton Estates - Conditional District Map Amendment</u> |                         |                                  |                                        |                                      |
| Permit Number:<br><u>20160499</u>                                                 |                         |                                  |                                        |                                      |
| Project Name/Number:                                                              |                         |                                  |                                        |                                      |
| Date:<br><u>7-29-16</u>                                                           | Fee:<br><u>\$500.00</u> | Receipt Number:<br><u>447592</u> | Method of Payment:<br><u>CK # 2300</u> | Paid By:<br><u>Valor Engineering</u> |

SAFORMS\Forms\_2015\Zoning\PermitApplication\_052015.doc

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

**Conditional District Map Amendment  
Project Data Form**

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

**Official Use Only**

Project Name/Number:

Permit Name/Number:

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

**A. ADDITIONAL APPLICATION INFORMATION**

Application is For: ☒ Conditional District Map Amendment ☐ Conditional District Map Amendment Modification

Hearing Date Requested<sup>1</sup>: 9/26/16

**B. DEVELOPMENT INFORMATION**

Project Name: Hampton Estates

Project Description: Amending previous multifamily condo plan to be rezoned as conditional R-2 for the development of single family and/or duplex lots

Existing Zoning District(s): R-3, RA

Proposed Zoning District(s): R-2

Existing Land Use(s): Undeveloped

Proposed Land Use(s)<sup>2</sup>: Single Family/Duplex  
Uses 1.01, 1.06

Adjacent Land Use(s): N: Undeveloped

E: Bub Teems Road

W: Single Family

S: Hartley Street

Are there any existing variances granted to the property? ☐ Yes ☐ No ☒ Unknown

If yes, describe: N/A

Are any variances being requested with this project?<sup>3</sup> ☐ Yes ☒ No

If yes, describe: N/A

Total Land Area: +/- 2.850 acres

Total Disturbed Area: +/- 1.95

Number of Proposed Phases: N/A

Describe Phasing (if proposed): N/A

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

For modifications, list original case # and date granted: N/A

<sup>1</sup> Each applicant must provide the meeting date for which they wish their request to appear. Each completed application must have met published meeting deadlines.

<sup>2</sup> Please see UDO Article 15 for specific details on permissible uses

<sup>3</sup> Each request for a Variance must be submitted on a separate Zoning Permit Application along with the appropriate fee.

**C. DOCUMENTS REQUIRED FOR SUBMITTAL**

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

**D. PROPERTY OWNER SIGNATURE:**

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

Hampton Property, LLC  
Property Owner (Print)

  
Property Owner Signature

7/28/16  
Date

Official Use Only

Public Hearing Meeting Date: \_\_\_\_\_

PC Meeting Date: \_\_\_\_\_

TC Meeting Date: \_\_\_\_\_

Date of APO Mailed Notification: \_\_\_\_\_

Date of Posted Notification: \_\_\_\_\_

Project Approved: ☐ Yes ☐ No

Date Order Recorded: \_\_\_\_\_

Order Recordation Information: Book: \_\_\_\_\_ Page: \_\_\_\_\_  
S:\FORMS\Forms\_2015\ConditionalDistrictZoningMapAmendmentProjectDataForm\_062015.doc

**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  
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☐ Board of Adjustment Hearing (other than Appeals)  
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- ☐ Accessory Building  
☐ Addition/Expansion including decks and patios  
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☐ Manufactured Home Set-up in Park  
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☐ Temporary Use (as listed in UDO Subsection 15.07.02)  
☐ Sign  
☐ Pavement Sealant  
☐ Major Subdivision Zoning Permit

- \*Zoning Project Data Form (Residential or Commercial)  
 \*Zoning Project Data Form (Residential or Commercial)  
 \*Commercial Project Data Form  
 \*Zoning Project Data Form (Residential or Commercial)  
 \*Manufactured Home in Park Form  
 \*Zoning Project Data Form (Residential or Commercial)  
 \*Zoning Project Data Form (Residential or Commercial)  
 \*Zoning Project Data Form (Residential or Commercial)  
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 \*Sign Project Data Form (Zoning)  
 \*Pavement Sealant Project Data Form  
 \*Commercial Project Data Form

**Board of Adjustment Hearings**

- ☐ Special Use Permit/Modification  
☐ Variance  
☐ Major Subdivision Preliminary Plat Approval

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 \*Variance Form  
 \*Major Subdivision Preliminary Plat Approval Form

**Planning/Other**

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☐ Minor Subdivision (Preliminary and Final Plat)  
☐ Major Subdivision (Final Plat)  
☐ UDO Text Amendment  
☒ General Use Zoning Map Amendment  
☐ Conditional District Zoning Map Amendment  
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☐ UDO Text Interpretation

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 \*Minor Subdivision Project Data Form  
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 \*UDO Interpretation Data Form

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

**Architect:**

Name: N/A Company: N/A  
 Address: N/A License #: N/A  
 Phone Number: N/A Email Address: N/A

**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.

|                                                        |                                                                                                                  |                        |
|--------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|------------------------|
| <u>Scott Porter</u><br>Applicant <sup>1</sup> (Print)  | <br>Applicant Signature      | <u>7/28/16</u><br>Date |
| <u>Hampton Property, LLC</u><br>Property Owner (Print) | <br>Property Owner Signature | <u>7/28/16</u><br>Date |

**Official Use Only**

|                                                              |                          |                                  |                                        |                                      |
|--------------------------------------------------------------|--------------------------|----------------------------------|----------------------------------------|--------------------------------------|
| Project File Name:<br><u>Hampton Estates - Map Amendment</u> |                          |                                  |                                        |                                      |
| Permit Number:<br><u>20160497</u>                            |                          |                                  |                                        |                                      |
| Project Name/Number:                                         |                          |                                  |                                        |                                      |
| Date:<br><u>7-29-16</u>                                      | Fee:<br><u>\$ 300.00</u> | Receipt Number:<br><u>447591</u> | Method of Payment:<br><u>CK # 2299</u> | Paid By:<br><u>Valor Engineering</u> |

SA\FORMS\FORMS\_2015\ZoningPermitApplication\_052015.doc

<sup>1</sup> 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.

**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](http://www.townofboone.net)

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

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

**A. ADDITIONAL APPLICATION INFORMATION**

Hearing Date Requested<sup>1</sup>: 9/26/16

**B. DEVELOPMENT INFORMATION**

Existing Zoning District(s): R-3, RA Proposed Zoning District(s): B-3  
Existing Land Use(s): Undeveloped  
Adjacent Land Use(s): N: Undeveloped E: Bub Teems Road  
W: Single Family S: Hartley Street

Are there are any existing variances granted to the property? ☐ Yes ☐ No ☒ Unknown

If yes,

describe: N/A

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.

Hampton Property, LLC  
Property Owner (Print)

  
Property Owner Signature

7/28/16  
Date

<sup>1</sup> Each applicant must provide the meeting date for which they wish their request to appear. Each completed application must have met published meeting deadlines.

**Official Use Only**

Public Hearing Meeting Date: \_\_\_\_\_

PC Meeting Date: \_\_\_\_\_

TC Meeting Date: \_\_\_\_\_

Date of APO Mailed Notification: \_\_\_\_\_

Date of Posted  
Notification: \_\_\_\_\_

Project Approved: ☐ Yes ☐ No

Date Order Recorded: \_\_\_\_\_

Order Recordation Information: Book: \_\_\_\_\_ Page: \_\_\_\_\_  
S:\FORMS\Forms\_2015\GeneralUseZoningMapAmendmentProjectDataForm\_062015.doc

PROJECT DIRECTORY

DEVELOPER/OWNER  
HAMPTON PROPERTY, LLC  
1846 US HWY. 421 S  
BOONE, NC 28607  
(828) 268-4339  
CONTACT: MR. SCOTT PORTER

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

SURVEYOR  
NEW RIVER SURVEYORS, PLLC  
1651 NC HWY 194 N  
BOONE, NC 28607  
(828) 268-9779  
CONTACT: MR. RUSSELL SHAW

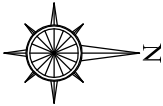
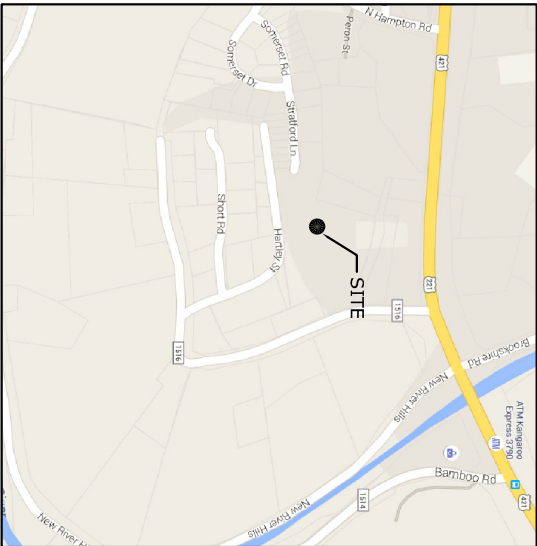
TOWN OF BOONE PLANNING & INSPECTIONS  
680 WEST KING STREET  
BOONE, NC 28607  
(828) 268-6200  
CONTACT: MRS. JANE SHOOK

CONDITIONAL DISTRICT REZONING PLANS FOR:

# Hampton Estates

*A Single & Two Family Development*

NEAR 221 HARTLEY STREET  
BOONE, WATAUGA COUNTY, NC 28607  
ZONED: RA AND R-3  
PROPOSED ZONING: R-2  
PARCELS #: 2920-096-093-000



VICINITY MAP  
NOT TO SCALE

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

PREPARED BY:



215 Boone Heights Drive Suite 107

Boone, NC 28607  
828-262-9807

February 26, 2016

051-001

| SHEET INDEX |                                     |
|-------------|-------------------------------------|
| COVER SHEET |                                     |
| G-1         | PRELIMINARY SITE PLAN               |
| CDR-1       | PRELIMINARY GRADING & DRAINAGE PLAN |
| CDR-2       | PRELIMINARY UTILITY PLAN            |
| CDR-3       | PRELIMINARY LANDSCAPE PLAN          |
| CDR-4       |                                     |

Town of Boone  
Planning & Inspections  
Date Received  
July 29, 2016

UTILITY PROVIDERS

NEW RIVER LIGHT AND POWER  
COMPANY  
WINKLER'S CREEK RD.  
P.O. BOX 1130  
BOONE, NC 28607  
(828) 264-3671  
CONTACT: MR. PHILIP HIATT

AT&T  
1047 HARPER AVE.  
LENOIR, NC 28645  
(828) 754-0532  
CONTACT: MR. DAVID MOORE

TOWN OF BOONE PUBLIC UTILITIES  
321 EAST KING ST.  
BOONE, NC 28607  
(828) 268-6250  
CONTACT: MR. JACK HARMON

FRONTIER NATURAL GAS  
1927 NORTH BRIDGE ST.  
ELKIN, NC 28621  
(336) 366-7245  
CONTACT: MR. ERNIE MCGUIRE

| REVISIONS: |              |       |
|------------|--------------|-------|
| NO.        | DESCRIPTION: | DATE: |
|            |              |       |
|            |              |       |
|            |              |       |
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|            |              |       |
|            |              |       |



Hampton  
Estates  
A Single & Two Family  
Development

Packet Pg. 55

ADDRESS:  
Near 211 Hartley Street  
Boone, NC 28607

DEVELOPER:

Hampton  
Property, LLC

1846 US HWY. 421 S  
Boone, NC 28607

CONTACT:  
Mr. Scott Porter

ENGINEER:



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

SEAL:



REVISIONS DATE

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PROJECT MANAGER: JEG

DRAWING BY: JEG

JURISDICTION: TOWN OF BOONE

DATE: 07/28/16

SHEET TITLE:

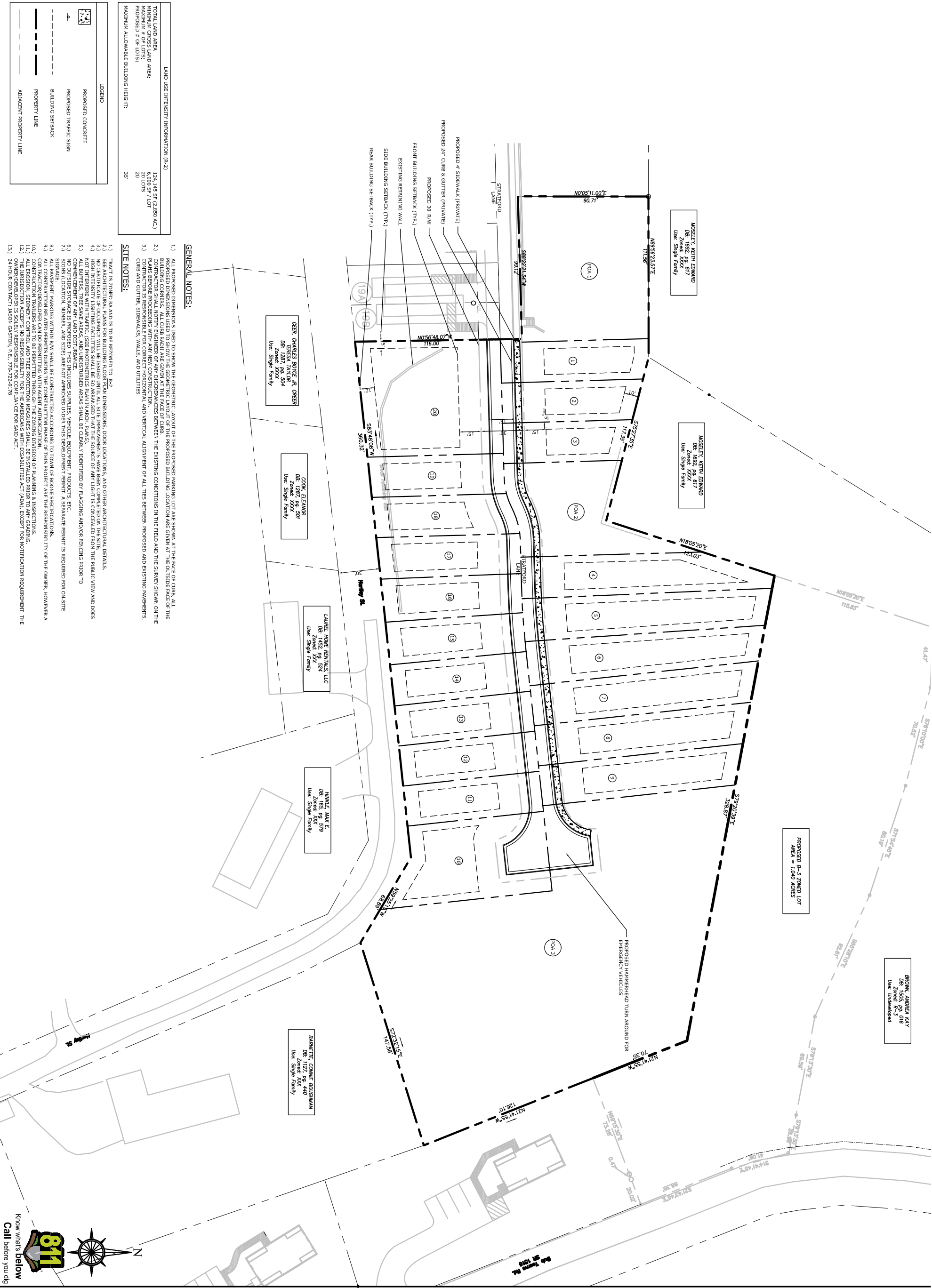
PRELIMINARY  
SITE PLAN

SHEET NUMBER: CDR-1

SCALE: 1" = 30'



FILE NUMBER: 054-001



|                                      |                        |
|--------------------------------------|------------------------|
| LAND USE INTENSITY INFORMATION (R-2) | 124,145 SF (2,850 AC.) |
| TOTAL LAND AREA:                     |                        |
| MINIMUM GROSS LAND AREA:             | 6,000 SF / LOT         |
| MINIMUM GROSS LOT AREA:              | 20 COTS                |
| PROPOSED # OF LOTS:                  | 35                     |
| MAXIMUM ALLOWABLE BUILDING HEIGHT:   |                        |

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

- GENERAL NOTES:
- 1.) ALL PROPOSED DIMENSIONS USED TO SHOW THE GEOMETRIC LAYOUT OF THE PROPOSED PARKING LOT ARE SHOWN AT THE FACE OF CURB. ALL DIMENSIONS ARE TO BE MEASURED TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
  - 2.) CONTRACTOR SHALL NOTIFY ENGINEER OF ANY DISCREPANCIES BETWEEN THE EXISTING CONDITIONS IN THE FIELD AND THE SURVEY SHOWN ON THE BUILDING CORNERS. ALL CURB RADIUS ARE GIVEN AT THE FACE OF CURB.
  - 3.) CONTRACTOR SHALL NOTIFY ENGINEER OF ANY DISCREPANCIES BETWEEN THE EXISTING CONDITIONS IN THE FIELD AND THE SURVEY SHOWN ON THE BUILDING CORNERS. ALL CURB RADIUS ARE GIVEN AT THE FACE OF CURB.
  - 4.) CONTRACTOR SHALL NOTIFY ENGINEER OF ANY DISCREPANCIES BETWEEN THE EXISTING CONDITIONS IN THE FIELD AND THE SURVEY SHOWN ON THE BUILDING CORNERS. ALL CURB RADIUS ARE GIVEN AT THE FACE OF CURB.
  - 5.) CONTRACTOR SHALL NOTIFY ENGINEER OF ANY DISCREPANCIES BETWEEN THE EXISTING CONDITIONS IN THE FIELD AND THE SURVEY SHOWN ON THE BUILDING CORNERS. ALL CURB RADIUS ARE GIVEN AT THE FACE OF CURB.
  - 6.) CONTRACTOR SHALL NOTIFY ENGINEER OF ANY DISCREPANCIES BETWEEN THE EXISTING CONDITIONS IN THE FIELD AND THE SURVEY SHOWN ON THE BUILDING CORNERS. ALL CURB RADIUS ARE GIVEN AT THE FACE OF CURB.
  - 7.) CONTRACTOR SHALL NOTIFY ENGINEER OF ANY DISCREPANCIES BETWEEN THE EXISTING CONDITIONS IN THE FIELD AND THE SURVEY SHOWN ON THE BUILDING CORNERS. ALL CURB RADIUS ARE GIVEN AT THE FACE OF CURB.
  - 8.) CONTRACTOR SHALL NOTIFY ENGINEER OF ANY DISCREPANCIES BETWEEN THE EXISTING CONDITIONS IN THE FIELD AND THE SURVEY SHOWN ON THE BUILDING CORNERS. ALL CURB RADIUS ARE GIVEN AT THE FACE OF CURB.
  - 9.) CONTRACTOR SHALL NOTIFY ENGINEER OF ANY DISCREPANCIES BETWEEN THE EXISTING CONDITIONS IN THE FIELD AND THE SURVEY SHOWN ON THE BUILDING CORNERS. ALL CURB RADIUS ARE GIVEN AT THE FACE OF CURB.
  - 10.) CONTRACTOR SHALL NOTIFY ENGINEER OF ANY DISCREPANCIES BETWEEN THE EXISTING CONDITIONS IN THE FIELD AND THE SURVEY SHOWN ON THE BUILDING CORNERS. ALL CURB RADIUS ARE GIVEN AT THE FACE OF CURB.
  - 11.) CONTRACTOR SHALL NOTIFY ENGINEER OF ANY DISCREPANCIES BETWEEN THE EXISTING CONDITIONS IN THE FIELD AND THE SURVEY SHOWN ON THE BUILDING CORNERS. ALL CURB RADIUS ARE GIVEN AT THE FACE OF CURB.
  - 12.) CONTRACTOR SHALL NOTIFY ENGINEER OF ANY DISCREPANCIES BETWEEN THE EXISTING CONDITIONS IN THE FIELD AND THE SURVEY SHOWN ON THE BUILDING CORNERS. ALL CURB RADIUS ARE GIVEN AT THE FACE OF CURB.
  - 13.) CONTRACTOR SHALL NOTIFY ENGINEER OF ANY DISCREPANCIES BETWEEN THE EXISTING CONDITIONS IN THE FIELD AND THE SURVEY SHOWN ON THE BUILDING CORNERS. ALL CURB RADIUS ARE GIVEN AT THE FACE OF CURB.

SITE NOTES:

- 1.) TRACT IS ZONED R-2 AND IS TO BE REZONED TO R-2.
- 2.) SETBACKS ARE TO BE MEASURED TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
- 3.) NO CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNTIL ALL SITE IMPROVEMENTS HAVE BEEN COMPLETED ON THE SITE.
- 4.) HIGH INTENSITY LIGHTING FACILITIES SHALL BE SO ARRANGED THAT THE SOURCE OF ANY LIGHT IS CONCEALED FROM THE PUBLIC VIEW AND DOES NOT INTERFERE WITH TRAFFIC, (SEE PHOTO OPERATES PLAN IN ARCH. PLANS).
- 5.) ALL CONSTRUCTION RELATED PERMITS DURING THE CONSTRUCTION PHASE OF THIS PROJECT ARE THE RESPONSIBILITY OF THE OWNER, HOWEVER A CONTRACTOR SHALL NOTIFY ENGINEER OF ANY DISCREPANCIES BETWEEN THE EXISTING CONDITIONS IN THE FIELD AND THE SURVEY SHOWN ON THE BUILDING CORNERS. ALL CURB RADIUS ARE GIVEN AT THE FACE OF CURB.
- 6.) CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
- 7.) CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
- 8.) CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
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- 13.) CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.



**Packet Pg. 57**

Hampton  
Property, LLC

CONTACT:



[www.valorenengineering.com](http://www.valorenengineering.com)

07/28/16

[illegible]

DRAWING BY: JEG

TOWN OF BOONE

SHEET TITLE:

# PRELIMINARY UTILITY PLAN

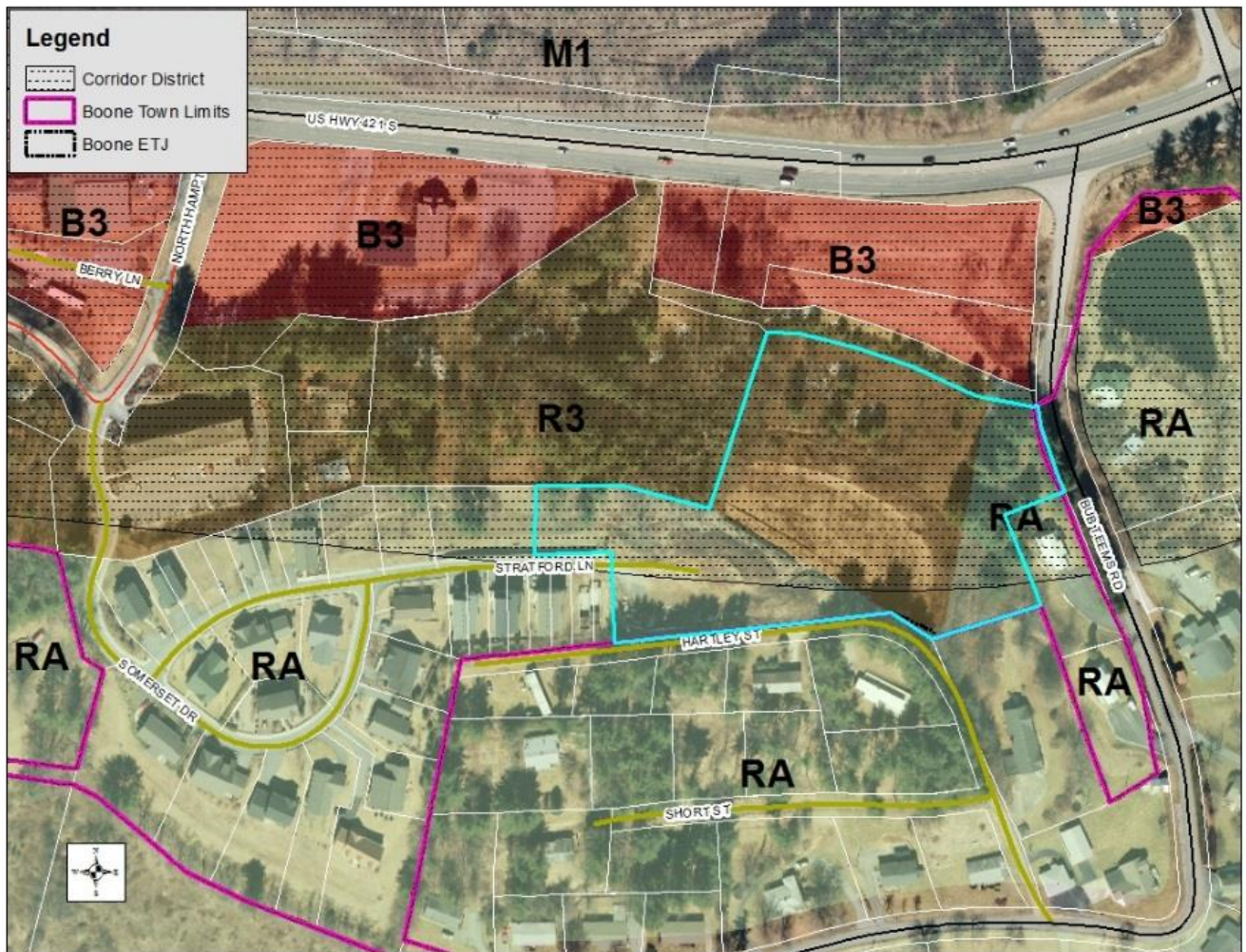
SCALE: 1" = 30'

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STAFF REPORT  
PUBLIC HEARING  
SEPTEMBER 26, 2016

CASE 20160497 HAMPTON PROPERTY GENERAL USE ZONING MAP AMENDMENT &  
CASE 20160499 HAMPTON PROPERTY CONDITIONAL DISTRICT ZONING MAP AMENDMENT



### Special Instructions

The following Staff Report covers the information for both requests. Separate sections for the Conditional District request and the General Use request will be provided following the [History](#) and [Property Description](#) sections below.

### Request

Mr. Scott Porter with Hampton Property LLC has filed Zoning Map Amendment Petitions for a 3.89 acre property located at the end of Stratford Lane (Watauga County PIN: 2920-09-6084-000). The first petition is to rezone a 2.85 acre portion of the property from R-A Residential Agriculture and R-3 Multi-Family Residential to Conditional District R-2 Two-Family Residential for a 20 lot subdivision for Use 1.01 Single-family Dwelling and Use 1.06 Duplex; the second request is to rezone the remaining 1.04 acres of the property (located near Bub Teems Road) from R-A Residential Agriculture and R-3 Multi-Family Residential to B3 General Business.

**Applicant Information**

**Applicant Name/Position:** Scott Porter  
**Applicant Organization:** Hampton Property, LLC  
**Applicant Address:** 1846 US Hwy 421 South, Boone, NC 28607  
**Applicant Contact Phone:** (828) 263-9076  
**Applicant Email:** scottp@highcountry4rent.com

**Parcel Information**

**Addresses:** Not Applicable  
**Watauga County PINs:** 2920-09-6084-000  
**Property Owner:** Hampton Property LLC  
**Total Lot size:** 3.89 acres  
**Jurisdiction:** Corporate limits  
**Access:** Stratford Lane (private); applicant proposes to extend Stratford Lane which will terminate in a turnaround. The proposed extension will have a slope of 12%.  
**Topography:** Approximately 100' of elevation change from southwest corner of property (near Hartley Street) to Bub Teems Road.  
**SFHA:** No  
**Watershed District:** No  
**Corridor District:** No  
**NCD:** No  
**Viewshed:** No  
**Transit Route:** No  
**Utilities:** Town water and sewer are available.  
**Current Zoning:** RA Residential Agriculture and R3 Multi-Family Residential  
**Vesting:** 2 years  
**2030 Plan Designations:** G1 and G2  
**Current Uses:** Vacant

| Zoning & Use of Adjacent Properties |                            |                                        |
|-------------------------------------|----------------------------|----------------------------------------|
|                                     | Adjacent Zoning            | Adjacent Land Use                      |
| North                               | R3 Multi-Family            | Vacant                                 |
| East                                | RA Residential Agriculture | Single-Family and Two-Family Dwellings |
| South                               | RA Residential Agriculture | Single-Family Dwellings                |
| West                                | RA Residential Agriculture | Single-Family and Two-Family Dwellings |

**History**

**08-07-2003:** Board of Adjustment approved a Conditional Use Permit to allow a phased 48 lot architecturally integrated subdivision, which included sixteen (16) single-family dwelling unit lots, twenty-eight (28) town home lots, one (1) 18 unit condominium lot, one (1) 18

unit apartment building lot, one (1) 9 unit apartment building lot containing parking and (1) lot containing the property management office (meeting minutes located in Exhibit 1).

**Conditions of Approval:**

1. The permit is approved subject to plans (Carefree Estates, June 26, 2003). Minor modifications may be permitted to comply with the requirements of the UDO.
2. Final plans shall be submitted that are in compliance with the provisions of the UDO, Fire Department, and Department of Public Utilities requirements.
3. The access and connections onto Bub Teems Road must be approved by the NCDOT.
4. The relocation and repaving on North Hampton Street be completed before any certificate of occupancy is issued.
5. A recorded agreement is required granting perpetual parking rights for the off site parking for the 18 unit apartment building.
6. A final plat must be approved in accordance with Section 94 of the UDO.
7. An instrument must be recorded in the Watauga County registry setting forth provisions for the establishment of a property owners association for the purpose of assessing dues for maintenance of the roads, open space, storm water management system and recreational areas by the purchasers of the property which will be served by the aforementioned items. A professional management agency must be hired to handle the responsibility of the maintenance of all infrastructure.
8. Sidewalks are to be clearly demarcated to distinguish them from the roadway.
9. Interior buffer requirements are relaxed within the development.
10. Parking requirements are to be relaxed to allow 72 spaces to accommodate 24 condominium units.
11. The project be granted vesting for five years.

**07-02-2009:** Board of Adjustment approved a modification to the original approval to add a 19<sup>th</sup> unit to the previously approved 18 unit apartment complex. In addition the approval allowed the applicant to remove 4 parking spaces and add 8 bicycle and 1 motorcycle space at the complex. (meeting minutes located in Exhibit 2).

**Conditions of Approval:**

1. Where there is a conflict between the application and the plans, the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO. 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.
2. Final plans shall be submitted that re in compliance with the provision of the UDO and other provisions of the Town Code.

**04-03-2014:** Board of Adjustment denied an application for a modification of the original approval to allow three parcels to be removed from the original conditional use permit granted in 2003 (meeting minutes located in Exhibit 3)

**Case 20150944 Hampton Property- Conditional District R2 Information**

**Detailed Project Description:** The applicant is proposing to remove this property from the original Hampton Estates development. In the original approval the area and the end of Stratford Lane was reserved for a 18 unit condominium building and a parking lot. As proposed, the 2.85 acre portion of the property located at the end of Stratford Lane is proposed to be subdivided into twenty lots, which will be developed with either single-family dwellings or duplexes accessed by an extension of Statford Lane.

**Current Zoning:**

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

**R3 Multi-Family Residential:** The R3 Multiple-Family Residential District is established to provide a high density area consisting of three or more dwelling units per lot plus limited service use. The regulations for this district are designed and intended to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment in which to live and provide for compatible and disruptive activities that properly belong in nonresidential districts.

**Proposed Zoning:**

**CD R2 Two Family Residential:** The R2 Two-Family Residential District is established to provide a medium density living area consisting of single-family and two-family dwellings, and other related uses necessary for a sound neighborhood. The regulations for this district are designed and intended to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.

**Proposed Use(s):** 1.1 Single-Family Dwelling  
1.06 Duplex (one duplex building per lot)

*Staff Comment: both proposed uses are permitted by right within the R2 zoning district*

**Architecturally Integrated Subdivision Definition:**

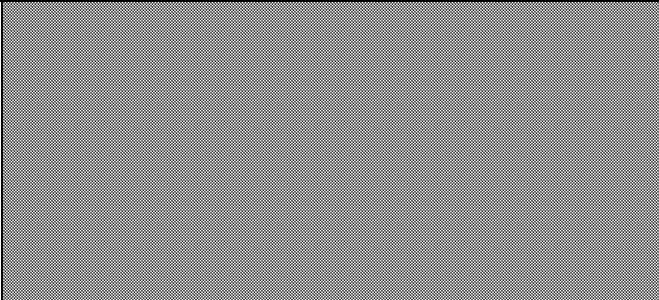
A subdivision in which approval is obtained not only for the division of land into lots but also for a configuration of principal buildings to be located on such lots. The plans for an architecturally integrated subdivision shall show the dimensions, height, and location of all such buildings to the extent necessary to comply with the purpose and intent as set forth in Section 16.11.

## Impact Analysis

### Projected Impacts:

1. **Density:** The density of the proposed development is similar to original Hampton Estates single-family and two-family subdivision which was developed under different regulations which were in effect at the time of original approval. The proposed development as proposed has the potential to add an additional 40 dwelling units (80 parking spaces) onto Stratford Lane, an 18' private street.
2. **Stratford Lane:** Pursuant to UDO Subsection 23.06.07 all dead end streets shall be developed as cul-de-sacs in accordance with the standards set forth in Article 24. Except where no other practicable alternative is available such streets shall not extend more than 550'. Note: the Fire Department did not have any concerns with length of the road.

| Section 16.11 Architecturally Integrated Subdivision Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |      |                  |               |          |        |                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------------------|---------------|----------|--------|-------------------------------|
| Standard                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Proposed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |      |                  |               |          |        |                               |
| <p><b>UDO Section 16.11.01:</b> In an architecturally integrated subdivision, the applicant may create lots and construct buildings without regard to any minimum lot size, maximum floor area ratio for single family residences (use 1.100), lot width or setback restrictions except that:</p> <p><b>A.</b> 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</p> <p><b>B.</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.</p> | <p><b>Note:</b> the applicant has not indicated the mix of single-family and two-family. As proposed, the mix could allow up to 40 additional dwelling units (20 duplexes).</p> <p>A single-family dwelling is not subject to the maximum floor area ratio per this requirement. Though the duplex will be limited to the maximum floor area ratio based upon the lot size (6,000 square feet). This would limit each duplex to a total floor area of 1,698 square feet.</p> <p>Setback requirements within the development are relaxed, with a 15' street setback off of Stratford Lane and 5' setbacks to interior property lines.</p> <p><b>Note:</b> The applicant has not demonstrated that this development is part of the "Hampton Estates" subdivision which would impact the setbacks between the projects (require a setback of 13'). Additionally, lots 10-20 back onto Hartley Street, which is outside of the subdivision, which requires a 20' setback, not 10' as shown.</p> <p><b>The applicant has not demonstrated how parking will fit on the lot:</b></p> <table border="1"> <tr> <th>Use:</th><th>Minimum Parking:</th></tr> <tr> <td>Single-Family</td><td>2 spaces</td></tr> <tr> <td>Duplex</td><td>2 spaces (each unit); 4 Total</td></tr> </table> | Use: | Minimum Parking: | Single-Family | 2 spaces | Duplex | 2 spaces (each unit); 4 Total |
| Use:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Minimum Parking:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |      |                  |               |          |        |                               |
| Single-Family                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 2 spaces                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |      |                  |               |          |        |                               |
| Duplex                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 2 spaces (each unit); 4 Total                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |      |                  |               |          |        |                               |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                  |                 |                            |               |                         |       |                     |    |                  |                 |                     |                |                           |                 |                            |               |                         |       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-----------------|----------------------------|---------------|-------------------------|-------|---------------------|----|------------------|-----------------|---------------------|----------------|---------------------------|-----------------|----------------------------|---------------|-------------------------|-------|
| <p><b>UDO Section 16.11.02:</b> 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.</p> | <p>See sheet CDR-1 in the plans submitted by the applicant.</p> <table border="1" data-bbox="787 247 1416 420"> <tr> <td>Total Land Area:</td><td>124,145 sq. ft.</td></tr> <tr> <td>Min. Gross Land Area (R2):</td><td>6,000 sq. ft.</td></tr> <tr> <td>Max. # of lots allowed:</td><td>20.69</td></tr> <tr> <td>Proposed # of lots:</td><td>20</td></tr> </table> <p>Pursuant to UDO Subsection 16.02.02, the area within the street right-of-way area may not be used to satisfy lot area requirements. There is approximately 12,565 square feet located within the right-of-way area.</p> <table border="1" data-bbox="787 625 1294 819"> <tr> <td>Total Land Area:</td><td>124,145 sq. ft.</td></tr> <tr> <td>Land Area w/in ROW:</td><td>12,565 sq. ft.</td></tr> <tr> <td>Remaining Area Available:</td><td>111.580 sq. ft.</td></tr> <tr> <td>Min. Gross Land Area (R2):</td><td>6,000 sq. ft.</td></tr> <tr> <td>Max. # of lots allowed:</td><td>18.59</td></tr> </table> | Total Land Area: | 124,145 sq. ft. | Min. Gross Land Area (R2): | 6,000 sq. ft. | Max. # of lots allowed: | 20.69 | Proposed # of lots: | 20 | Total Land Area: | 124,145 sq. ft. | Land Area w/in ROW: | 12,565 sq. ft. | Remaining Area Available: | 111.580 sq. ft. | Min. Gross Land Area (R2): | 6,000 sq. ft. | Max. # of lots allowed: | 18.59 |
| Total Land Area:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 124,145 sq. ft.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                  |                 |                            |               |                         |       |                     |    |                  |                 |                     |                |                           |                 |                            |               |                         |       |
| Min. Gross Land Area (R2):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 6,000 sq. ft.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                  |                 |                            |               |                         |       |                     |    |                  |                 |                     |                |                           |                 |                            |               |                         |       |
| Max. # of lots allowed:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 20.69                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                  |                 |                            |               |                         |       |                     |    |                  |                 |                     |                |                           |                 |                            |               |                         |       |
| Proposed # of lots:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 20                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                  |                 |                            |               |                         |       |                     |    |                  |                 |                     |                |                           |                 |                            |               |                         |       |
| Total Land Area:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 124,145 sq. ft.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                  |                 |                            |               |                         |       |                     |    |                  |                 |                     |                |                           |                 |                            |               |                         |       |
| Land Area w/in ROW:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 12,565 sq. ft.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                  |                 |                            |               |                         |       |                     |    |                  |                 |                     |                |                           |                 |                            |               |                         |       |
| Remaining Area Available:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 111.580 sq. ft.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                  |                 |                            |               |                         |       |                     |    |                  |                 |                     |                |                           |                 |                            |               |                         |       |
| Min. Gross Land Area (R2):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 6,000 sq. ft.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                  |                 |                            |               |                         |       |                     |    |                  |                 |                     |                |                           |                 |                            |               |                         |       |
| Max. # of lots allowed:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 18.59                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                  |                 |                            |               |                         |       |                     |    |                  |                 |                     |                |                           |                 |                            |               |                         |       |
| <p><b>UDO Section 16.11.03:</b> 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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>See sheet CDR-1 in the plans submitted by the applicant for areas marked as POA 1-3. Applicant has not indicated on how these areas are to be used.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                  |                 |                            |               |                         |       |                     |    |                  |                 |                     |                |                           |                 |                            |               |                         |       |
| <p><b>UDO Section 16.11.04:</b> 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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                  |                 |                            |               |                         |       |                     |    |                  |                 |                     |                |                           |                 |                            |               |                         |       |

**Intensity:****16.01.02 Intensity Table**

| Zoning District                             | Minimum Gross Land Area | Minimum Lot Width | Minimum Street Frontage | Maximum Floor Area Ratio (FAR) | Minimum Open Space Ratio (OSR) | Minimum Livability Space Ratio (LSR) | Minimum Recreation Space Ratio (RSR) | Setbacks |          |
|---------------------------------------------|-------------------------|-------------------|-------------------------|--------------------------------|--------------------------------|--------------------------------------|--------------------------------------|----------|----------|
|                                             |                         |                   |                         |                                |                                |                                      |                                      | Street   | Interior |
| <b>RA</b><br>Public Water & Sewer Available | 10,000 sq. ft.          | 65 ft.            | 52 ft.                  | .100                           | .80                            | .65                                  | .025                                 | 20 ft.   | 14 ft.   |
| <b>R3</b>                                   | 5,000 sq. ft.           | 80 ft.            | 64 ft.                  | .480                           | .72                            | .4                                   | .062                                 | 20 ft.   | 13 ft.   |
| <b>R2</b>                                   | 6,000 sq. ft.           | 70 ft.            | 56 ft.                  | .283                           | .74                            | .48                                  | .042                                 | 20 ft.   | 13 ft.   |
| <b>Proposed:</b>                            | 6,000 sq. ft.           | *                 | *                       | *                              | Info not provided              | Info not provided                    | NA                                   | *        | *        |

**\*See Section 16.11 Architecturally Integrated Subdivision Information Table above**

**Building Height Limitations:**

Subject to other provisions of UDO Section 16.08, building height limitations in the RA, R3 and R-2 shall be as follows:

| Zone                                   | Height Limitation (Feet)      |
|----------------------------------------|-------------------------------|
| R1, R1A, RR, <u>R2</u> , R4, <u>RA</u> | 35                            |
| <u>R3</u>                              | 50 (primary) – 90 (secondary) |

**Streets:**

1. The proposed private street shall be constructed to meet the minimum private street standards as set forth in Article 23.
2. The applicant will be required to create a property owner associations for private street maintenance.

**Slope/Stormwater:**

1. The property contains areas of steep slope. The applicant shall submit the required geologic studies during the zoning permit process.
2. The applicant will be requiring each lot owner to provide stormwater controls for each of their lots.
3. The applicant will be required to provide stormwater control for the new street and sidewalk. Easements an property owner association documents will be required for the continued maintenance of these improvement:

**Community Appearance and Landscape Standards (Urban Design Specialist)**

1. Stratford Lane and Hartley Street require 10' street yards meeting the requirements of UDO Section 31.09. As proposed the applicant is not showing a street yard along Hartley Street. In addition, the street yard proposed along Stratford Lane does not meet the landscape material requirements (shrubs).
2. Use 1.01 Single-Family Dwelling does not trigger the need for any additional landscape buffers. Use 1.06 Duplex will trigger a requirement for a 10' Type A landscape buffer along the Penick property line (to the north) and along the new property line (separating the development from the proposed B3 area).

**Other Comments:**

1. Site Note 2 on page CDR-1 references architectural plans for building floor plans dimensions and architectural details. Please note, the only plans submitted were the civil/site plans prepared by Valor Engineering.

**Comments from Other Departments & Outside Agencies****Public Works:****Services Division (Facilities Maintenance Superintendent)**

The Public Services Department has reviewed and approved the above referenced plans.

**Utilities Division (Utility Services Technician)**

The Public Works Department has conducted a plan review for the proposed project located near Stratford Lane. The materials reviewed by this department are dated 7/28/16 and are approved with the following conditions.

1. The proposed sanitary sewer and water mains that are to be extended and to be dedicated to the Town of Boone will need to be permitted to the appropriate state agencies and all necessary easements given to the Town of Boone.

**Fire Department (Michael Teague, Assistant Fire Chief)**

A review of the submitted site plan drawings was conducted. Following is the result of this review:

1. "T" hammerhead turn at the end of the drive is not wide enough. The top of the "T" shall be 120 feet in length, 60 feet to each side of the center of the main drive.
2. Overall width of the street and "T" hammerhead turn is only 18 feet to the back of the curb. Overall width is to be 20 feet in width.
3. Concerned where parcel 10 will be parking. Their entrance is part of the "T" hammerhead.
4. No Parking signs will be required at the top of the "T" hammerhead.
5. Original plans have shown an additional hydrant towards the end of the new development. This hydrant is still required.

**REASONABLE BASIS FOR APPROVAL**

*To establish "reasonable basis" the permit issuing authority must balance several factors, including the size of the tract, the compatibility of the rezoning with the comprehensive plan and other applicable adopted plans, the benefits and detriments resulting from the rezoning to the petitioner landowner, neighbors and the surrounding community, and the relationship between the proposed uses and the uses currently allowed in adjacent tracts.*

The proposed rezoning encompasses approximately 2.85 acres in an area within the previously approved Hampton Estates Subdivision which was to contain 18 multi-family dwelling units. Surrounding land uses include single-family and two-family dwelling units and vacant multi-family and commercial property. This proposed rezoning is consistent with and supported by several plan objectives and policies in the comprehensive plan and Boone 2030 Plan as noted above.

Based on the foregoing analysis, this rezoning petition is/is not a reasonable request.

**Staff Recommendations**

Please see the applicant's attached exhibits. Staff has reviewed the application as presented for compliance with UDO standards. If approved, Staff recommends the following conditions:

1. Where there is a conflict between the application information and the plans (dated received July 29, 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 and any other applicable plans for review and approval necessary to issue Zoning and Building Permits.
4. The applicant shall reduce the number of lots to 18.
5. The applicant shall install all landscape streetyards and buffers as required by the UDO.
6. The applicant shall demonstrate that each lot meets the minimum parking space requirements. Each lot shall provide parking spaces outside of the street right-of-way which met UDO requirements.

**Case 20160497 Hampton Property – General Use B3 Information**

In deciding whether to adopt a proposed amendment to this Ordinance, the central issue before the Council is whether the proposed amendment advances the public health, safety, or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the Mayor and be excluded. In particular, when considering proposed general use map amendments:

- A. The Council shall not consider any representations made by the petitioner that if the change is granted the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Council shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.
- B. The Council shall only consider the impact of the proposed change on the public at large.

**Detailed Project Description:** The applicant is proposing to remove this property from the original Hampton Estates development. This lot will have access off of Bub Teems Road.

**Current Zoning:**

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

**R3 Multi-Family Residential:** The R3 Multiple-Family Residential District is established to provide a high density area consisting of three or more dwelling units per lot plus limited service use. The regulations for this district are designed and intended to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment in which to live and provide for compatible and disruptive activities that properly belong in nonresidential districts.

**Proposed Zoning:**

**B3 General Business:** 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.

**Current Use:** Vacant

**15.07 Table of Principal Uses**

| Use #                  | Specific Use                                           | Zoning Districts  |                   |                   | Reference |
|------------------------|--------------------------------------------------------|-------------------|-------------------|-------------------|-----------|
|                        |                                                        | RA                | R3                | B3                |           |
| 1.0 Household Living   |                                                        |                   |                   |                   |           |
| 1.01                   | Single-Family Dwelling                                 | P                 |                   |                   |           |
| 1.02                   | Manufactured Home “Class A”                            | L                 |                   |                   | 15.08     |
| 1.03                   | Manufactured Home “Class B”                            | L                 |                   |                   | 15.08     |
| 1.04                   | Manufactured Home “Class C”                            |                   |                   |                   |           |
| 1.05                   | Manufactured Home Park                                 |                   |                   |                   | 15.09     |
| 1.06                   | Duplex (one duplex building per lot)                   | P                 | P                 |                   |           |
| 1.07                   | Duplex (more than one duplex building per lot)         |                   | L                 |                   | 15.10     |
| 1.08                   | Townhouse (up to 30 bedrooms)                          |                   | L <sup>T50</sup>  |                   | 15.10     |
| 1.09                   | Townhouse (31-100 bedrooms)                            |                   | L <sup>T75</sup>  |                   | 15.10     |
| 1.10                   | Townhouse (> 100 bedrooms)                             |                   | L <sup>125</sup>  |                   | 15.10     |
| 1.11                   | Multi-Family Dwelling (up to 30 bedrooms)              |                   | L <sup>T125</sup> |                   | 15.10     |
| 1.12                   | Multi-Family Dwelling (31-100 bedrooms)                |                   | L <sup>T200</sup> |                   | 15.10     |
| 1.13                   | Multi-Family Dwelling (> 100 bedrooms)                 |                   | L <sup>T300</sup> |                   | 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 <sup>T125</sup> | 15.11     |
| 1.16                   | Multi-Family Dwelling in Mixed Use (> 100 bedrooms)    |                   |                   | L <sup>T200</sup> | 15.11     |
| 2.0 Group Living       |                                                        |                   |                   |                   |           |
| 2.01                   | Family Care Home                                       | L                 | L                 |                   | 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                 | L                 | L                 | 15.14     |
| 2.06                   | Nursing Care Institution                               |                   |                   | L <sup>T125</sup> | 15.14     |
| 2.07                   | Skilled Nursing Facility                               |                   |                   | L <sup>T300</sup> | 15.14     |
| 2.08                   | Retirement Community, Category 1                       | L                 | L                 |                   | 15.15     |
| 2.09                   | Retirement Community, Category 2                       |                   | L <sup>T200</sup> |                   | 15.15     |
| 2.10                   | Residence Hall, Category 1                             | L                 | L                 | L                 | 15.15     |
| 2.11                   | Residence Hall, Category 2                             |                   | L <sup>T200</sup> | L <sup>T200</sup> | 15.15     |
| 2.12                   | Residence Hall, Category 3                             |                   |                   | L <sup>T300</sup> | 15.15     |
| 2.13                   | Fraternity or Sorority Dwelling                        |                   | S <sup>T300</sup> |                   | 15.16     |
| 2.14                   | Boarding House                                         |                   | L                 | L                 | 15.17     |
| 3.0 Transient Living   |                                                        |                   |                   |                   |           |
| 3.01                   | Home for Survivors of Domestic Violence                | L                 |                   |                   | 15.18     |
| 3.02                   | Shelter for Homeless, Category 1                       |                   | L <sup>T50</sup>  | L <sup>T50</sup>  | 15.19     |
| 3.03                   | Shelter for Homeless, Category 2                       |                   | L <sup>T300</sup> | L <sup>T300</sup> | 15.19     |
| 3.04                   | Bed and Breakfast, Category 1                          | L                 |                   |                   | 15.20     |
| 3.05                   | Bed and Breakfast, Category 2                          |                   |                   | L <sup>T125</sup> | 15.20     |
| 3.06                   | Vacation Rental                                        | L <sup>T75</sup>  | L <sup>T75</sup>  | L <sup>T75</sup>  | 15.21     |
| 3.07                   | Motel                                                  |                   |                   | p <sup>T300</sup> |           |
| 3.08                   | Hotel                                                  |                   |                   | p <sup>T200</sup> |           |
| 4.0 Institutional Uses |                                                        |                   |                   |                   |           |
| 4.01                   | Airport/Landing Strip                                  | S <sup>T300</sup> |                   |                   | 15.22     |
| 4.02                   | Heliport                                               | S <sup>T300</sup> |                   |                   | 15.22     |

| Use #                                      | Specific Use                                                                                            | Zoning Districts |       |       | Reference |
|--------------------------------------------|---------------------------------------------------------------------------------------------------------|------------------|-------|-------|-----------|
|                                            |                                                                                                         | RA               | R3    | B3    |           |
| 4.03                                       | Funeral Home Establishment                                                                              |                  |       | P     |           |
| 4.04                                       | Cemetery                                                                                                | P                | P     | P     |           |
| 4.05                                       | Post Office                                                                                             |                  |       | P     |           |
| 4.06                                       | Post Office, Distribution                                                                               |                  |       |       |           |
| 4.07                                       | Animal Sanctuary                                                                                        | ST300            |       |       |           |
| <b>5.0 Government Uses</b>                 |                                                                                                         |                  |       |       |           |
| 5.01                                       | Government Cultural Facility                                                                            |                  |       | P     |           |
| 5.02                                       | Government Neighborhood Cultural Facility, Indoor Activity Only                                         | S                | P     | P     |           |
| 5.03                                       | Government Neighborhood Cultural Facility, Includes Outdoor Activity                                    |                  |       | P     |           |
| 5.04                                       | Recreation Facility, Category 1                                                                         | P                | P     | P     |           |
| 5.05                                       | Recreation Facility, Category 2                                                                         | P                | P     | P     |           |
| 5.06                                       | Recreation Facility, Category 3                                                                         | PT50             | S     | PT50  |           |
| 5.07                                       | Event Venue, Category 1                                                                                 |                  |       | P     |           |
| 5.08                                       | Event Venue, Category 2                                                                                 |                  |       | P     |           |
| 5.09                                       | Event Venue, Category 3                                                                                 |                  |       | PT50  |           |
| 5.10                                       | Landfill                                                                                                |                  |       |       |           |
| 5.11                                       | Solid Waste Processing                                                                                  |                  |       |       |           |
| 5.12                                       | Police Substation                                                                                       | P                | P     | P     |           |
| 5.13                                       | Utility Facility, Town                                                                                  | L                | L     | L     | 15.23     |
| 5.14                                       | Utility Facility, Government, Neighborhood                                                              | L                | L     | L     | 15.23     |
| 5.15                                       | Utility Facility, Government, Regional                                                                  | LT300            |       | LT300 | 15.23     |
| 5.16                                       | Government Facility                                                                                     | P                | P     | P     |           |
| <b>6.0 Non-Government Utility Facility</b> |                                                                                                         |                  |       |       |           |
| 6.01                                       | Utility Facility, Neighborhood                                                                          | L                | L     | L     | 15.23     |
| 6.02                                       | Utility Facility, Regional                                                                              | LT300            |       | LT300 | 15.23     |
| <b>7.0 Telecommunications</b>              |                                                                                                         |                  |       |       |           |
| 7.01                                       | Antenna Collocation on Existing Wireless Support Structure not requiring additional accessory equipment | P                | P     | P     |           |
| 7.02                                       | Antenna Collocation on Existing Wireless Support Structure requiring additional accessory equipment     | L                | L     | L     | 15.24     |
| 7.03                                       | Building Mounted Antenna not requiring additional accessory equipment                                   | L                | L     | L     | 15.24     |
| 7.04                                       | Building Mounted Antenna requiring additional accessory equipment                                       | L                |       | L     | 15.24     |
| 7.05                                       | Antenna Collocation on Electrical Transmission Towers                                                   |                  | L     |       | 15.24     |
| 7.06                                       | Other Antenna                                                                                           | L                |       | L     | 15.24     |
| 7.07                                       | Wireless Support Structure which meets district height requirements                                     | S                | L     | L     | 15.24     |
| 7.08                                       | Stealth Wireless Facility which exceeds district height requirements                                    | L                | S     | L     | 15.24     |
| 7.09                                       | Wireless Support Structure which does not meet district height requirements up to and including 120'    | S                |       |       | 15.24     |
| 7.10                                       | Other Tower that exceeds 120' in height                                                                 |                  |       |       | 15.24     |
| 7.11                                       | Emergency Response Communication Antenna                                                                | P                | P     | P     |           |
| <b>8.0 Assembly</b>                        |                                                                                                         |                  |       |       |           |
| 8.01                                       | Religious Assembly, Category 1                                                                          | P                | P     | P     |           |
| 8.02                                       | Religious Assembly, Category 2                                                                          | PT125            | PT125 | P     |           |
| 8.03                                       | Religious Assembly, Category 3                                                                          | PT200            |       | PT200 |           |
| 8.04                                       | Club/Lodge, Category 1                                                                                  |                  |       | PT75  |           |

| Use #                                 | Specific Use                                                              | Zoning Districts  |    |                   | Reference |
|---------------------------------------|---------------------------------------------------------------------------|-------------------|----|-------------------|-----------|
|                                       |                                                                           | RA                | R3 | B3                |           |
| 8.05                                  | Club/Lodge Which Does Not Serve Alcohol                                   | P                 |    | P                 |           |
| <b>9.0 Education</b>                  |                                                                           |                   |    |                   |           |
| 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                                         |                   |    | pT300             |           |
| 9.05                                  | Trade School                                                              |                   |    | pT200             |           |
| 9.06                                  | High School                                                               |                   |    |                   |           |
| 9.07                                  | Elementary School                                                         |                   |    |                   |           |
| 9.08                                  | Boarding School                                                           |                   |    | pT300             |           |
| 9.09                                  | All other Educational Facilities                                          |                   |    |                   |           |
| <b>10.0 Daycare</b>                   |                                                                           |                   |    |                   |           |
| 10.01                                 | Child Daycare, Large                                                      | L                 | L  | L                 | 15.25     |
| 10.02                                 | Child Daycare Center                                                      |                   |    | L                 | 15.25     |
| 10.03                                 | Adult Daycare, Large                                                      | L                 | L  | L                 | 15.25     |
| 10.04                                 | Adult Daycare Center                                                      |                   |    | L                 | 15.25     |
| 10.05                                 | All Other Daycare                                                         |                   |    |                   |           |
| <b>11.0 General Sales and Service</b> |                                                                           |                   |    |                   |           |
| 11.01                                 | Kennel                                                                    | L <sup>T125</sup> |    | L <sup>T125</sup> | 15.26     |
| 11.02                                 | Veterinary Office/Hospital with Outdoor Kennels                           | L <sup>T125</sup> |    | L <sup>T125</sup> | 15.26     |
| 11.03                                 | Veterinary Office/Hospital without Outdoor Kennels                        | P                 |    | P                 |           |
| 11.04                                 | Financial Institution ≤ 5,000 ft <sup>2</sup>                             |                   |    | P                 |           |
| 11.05                                 | Financial Institution > 5,000 ft <sup>2</sup>                             |                   |    | P                 |           |
| 11.06                                 | Restaurant ≤ 2,500 ft <sup>2</sup> open to the public during 10 pm – 6 am |                   |    | p <sup>T75</sup>  |           |
| 11.07                                 | Other Restaurants ≤ 2,500 ft <sup>2</sup>                                 |                   |    | P                 |           |
| 11.08                                 | Restaurant > 2,500 ft <sup>2</sup> open to the public during 10 pm – 6 am |                   |    | pT200             |           |
| 11.09                                 | Other Restaurants > 2,500 ft <sup>2</sup>                                 |                   |    | pT125             |           |
| 11.10                                 | Bar                                                                       |                   |    |                   |           |
| 11.11                                 | ABC Store                                                                 |                   |    | P                 |           |
| 11.12                                 | Personal Service Establishment open to the public during 10 pm – 6 am     |                   |    | p <sup>T75</sup>  |           |
| 11.13                                 | Other Personal Service Establishments                                     |                   |    | P                 |           |
| 11.14                                 | Retail Store up to 5,000 ft <sup>2</sup>                                  |                   |    | P                 |           |
| 11.15                                 | Retail Store more than 5,000 but less than 25,000 ft <sup>2</sup>         |                   |    | pT200             |           |
| 11.16                                 | Retail Store 25,000 ft <sup>2</sup> and greater                           |                   |    | L <sup>T300</sup> | 15.27     |
| 11.17                                 | Shopping Center/Mall                                                      |                   |    | S <sup>T300</sup> | 15.28     |
| 11.18                                 | Business or Professional Office open to the public during 10 pm–6 am      |                   |    | p <sup>T75</sup>  |           |
| 11.19                                 | Other Business or Professional Office                                     |                   |    | P                 |           |
| 11.20                                 | Medical Office, Category 1                                                |                   |    | pT300             |           |
| 11.21                                 | Medical Office, Category 2                                                |                   |    | pT125             |           |
| 11.22                                 | Medical Office, Category 3                                                |                   |    | pT125             |           |
| 11.23                                 | Medical Office, Category 4                                                |                   |    | P                 |           |
| 11.24                                 | Hospital                                                                  |                   |    |                   |           |
| 11.25                                 | Medical Emergency Response                                                |                   |    | pT300             |           |
| 11.26                                 | Open Air Market, Recurring                                                | L <sup>T75</sup>  |    | L <sup>T75</sup>  | 15.29     |
| 11.27                                 | Vehicle Sales and Service                                                 |                   |    | L <sup>T75</sup>  | 15.30     |

| Use #                     | Specific Use                               | Zoning Districts  |    |                   | Reference |
|---------------------------|--------------------------------------------|-------------------|----|-------------------|-----------|
|                           |                                            | RA                | R3 | B3                |           |
| 11.28                     | Equipment Sales and Service                |                   |    | L <sup>T125</sup> | 15.31     |
| 11.29                     | Moped Sales and Service                    |                   |    | P                 |           |
| 11.30                     | Boat or Marine Craft Sales and Service     |                   |    | L <sup>T75</sup>  | 15.32     |
| 11.31                     | Impound Lot/Towing Service                 |                   |    | L <sup>T125</sup> | 15.33     |
| 11.32                     | Gas Station                                | p <sup>T125</sup> |    | p <sup>T125</sup> |           |
| 11.33                     | Car Wash                                   |                   |    | p <sup>T125</sup> |           |
| 11.34                     | Seasonal Retail Activities and Amusements  | P                 |    | P                 |           |
| <b>12.0 Recreation</b>    |                                            |                   |    |                   |           |
| 12.01                     | Indoor Shooting Range                      | L <sup>T75</sup>  |    | L <sup>T75</sup>  | 15.34     |
| 12.02                     | Outdoor Shooting Range                     |                   |    |                   |           |
| 12.03                     | Indoor Theater                             |                   |    | P                 |           |
| 12.04                     | Outdoor Theater                            | p <sup>T200</sup> |    | p <sup>T125</sup> |           |
| 12.05                     | Event Venue, Category 1                    |                   |    | P                 |           |
| 12.06                     | Event Venue, Category 2                    |                   |    | p <sup>T125</sup> |           |
| 12.07                     | Event Venue, Category 3                    |                   |    | p <sup>T200</sup> |           |
| 12.08                     | Campground and Recreational Vehicle Park   | L <sup>T200</sup> |    | L <sup>T200</sup> | 15.35     |
| 12.09                     | Coliseum                                   |                   |    | S <sup>T300</sup> |           |
| 12.10                     | Recreation Facility, Category 1            | p <sup>T125</sup> |    | P                 |           |
| 12.11                     | Recreation Facility, Category 2            | p <sup>T125</sup> |    | p <sup>T50</sup>  |           |
| 12.12                     | Recreation Facility, Category 3            | p <sup>T200</sup> |    | p <sup>T200</sup> |           |
| <b>13.0 Agriculture</b>   |                                            |                   |    |                   |           |
| 13.01                     | Garden, Community                          | L                 | L  | L                 | 15.36     |
| 13.02                     | Garden, Residential                        | 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                 | 15.38     |
| <b>14.0 Manufacturing</b> |                                            |                   |    |                   |           |
| 14.01                     | Microbrewery                               |                   |    | L <sup>T125</sup> | 15.39     |
| 14.02                     | Brewpub                                    |                   |    | L <sup>T125</sup> | 15.39     |
| 14.03                     | Brewery/Distillery                         |                   |    | L <sup>T125</sup> | 15.40     |
| 14.04                     | Brewery/Distillery, Other                  |                   |    |                   | 15.41     |
| 14.05                     | Winery Associated with a Vineyard          | L <sup>T125</sup> |    |                   | 15.42     |
| 14.06                     | Winery                                     |                   |    | L <sup>T125</sup> | 15.42     |
| 14.07                     | Winery, Other                              |                   |    |                   |           |
| 14.08                     | Extraction of Earth Materials              |                   |    |                   |           |
| 14.09                     | Machine/Welding Shop                       |                   |    | L <sup>T200</sup> | 15.44     |
| 14.10                     | Manufacturing, Other                       |                   |    |                   | 15.45     |
| <b>15.0 Parking</b>       |                                            |                   |    |                   |           |
| 15.01                     | Parking Lot                                |                   |    | L                 | 15.46     |
| 15.02                     | Parking Structure                          |                   |    | L                 | 15.47     |
| 15.03                     | Park and Ride Lots                         | L                 |    | L                 | 15.46     |

| Use #                                                                         | Specific Use                              | Zoning Districts  |    |                   | Reference |
|-------------------------------------------------------------------------------|-------------------------------------------|-------------------|----|-------------------|-----------|
|                                                                               |                                           | RA                | R3 | B3                |           |
| 16.0 Storage                                                                  |                                           |                   |    |                   |           |
| 16.01                                                                         | Mini-Storage                              | L <sup>T125</sup> |    | L <sup>T75</sup>  | 15.48     |
| 16.02                                                                         | Outdoor Storage                           |                   |    |                   | 15.49     |
| 16.03                                                                         | Warehouse                                 |                   |    |                   |           |
| 16.04                                                                         | Fuel Storage Facility                     |                   |    | p <sup>T300</sup> |           |
| 16.05                                                                         | Chemical Storage Facility                 |                   |    |                   |           |
| 17.0 Transportation                                                           |                                           |                   |    |                   |           |
| 17.01                                                                         | Passenger Terminals                       |                   |    | p <sup>T200</sup> |           |
| 17.02                                                                         | Trucking or freight terminal ≤ 10,000 ft² |                   |    | p <sup>T125</sup> |           |
| 17.03                                                                         | Trucking or freight terminal > 10,000 ft² |                   |    |                   |           |
| 18.0 Waste Related Uses                                                       |                                           |                   |    |                   |           |
| 18.01                                                                         | Recycling Drop-off Station                | L <sup>T300</sup> |    |                   | 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     |

**15.07.01 Table of Accessory Uses**

|      | Accessory Uses                                                | Zoning Districts  |    |                   | Reference |
|------|---------------------------------------------------------------|-------------------|----|-------------------|-----------|
|      |                                                               | RA                | R3 | B3                |           |
| A-1  | Secondary Suite                                               | L                 | L  | L                 | 15.52     |
| A-2  | Home Occupation                                               | L                 | L  | L                 | 15.53     |
| A-3  | Accessory Dwelling Unit                                       |                   | L  | 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  | L                 | 15.59     |
| A-10 | Produce Stand                                                 | L                 |    |                   | 15.60     |
| A-11 | Poultry                                                       | L                 | L  | L                 | 15.61     |
| A-12 | Livestock, Small                                              | L                 | L  | L                 | 15.62     |
| A-13 | Livestock, Large                                              | L                 |    |                   | 15.63     |
| A-14 | Bees                                                          | L                 | L  | L                 | 15.64     |
| A-15 | Garden, Residential                                           | L                 | L  | L                 | 15.65     |
| A-16 | Satellite receiving antennas less than 1 meter in diameter    | P                 | P  | P                 |           |
| A-17 | Satellite receiving antennas less than 2 meters in diameter   | P                 |    | P                 |           |
| A-18 | Satellite receiving antennas 2 meters and greater in diameter |                   |    | S                 |           |
| A-19 | Helistop                                                      | S <sup>T300</sup> |    | S <sup>T300</sup> |           |
| A-20 | Swimming pools, spas, and hot tubs                            | L                 | L  | L                 | 15.66     |
| A-21 | Caretaker's residence                                         |                   |    | L                 | 15.67     |

|      | Accessory Uses             | Zoning Districts |    |       | Reference |
|------|----------------------------|------------------|----|-------|-----------|
|      |                            | RA               | R3 | B3    |           |
| A-22 | Vehicular Gate             | L                | L  | L     | 15.68     |
| A-23 | Vehicle Washing Station    | P                | P  | P     |           |
| A-24 | Chemical Storage Facility  |                  |    | PT125 |           |
| A-25 | Open Air Market, Accessory | L                | L  | L     | 15.29     |
| A-26 | Daycare, Small             | P                | P  | P     |           |

#### 15.07.03 Table of Temporary Uses

| Use # | Specific Use                              | Zoning Districts |    |    | Reference |
|-------|-------------------------------------------|------------------|----|----|-----------|
|       |                                           | RA               | R3 | B3 |           |
| T-1   | Temporary Care Provider Dwelling          | L                | L  | L  | 15.69     |
| T-2   | Temporary Construction or Repair Dwelling | L                | L  | L  | 15.69     |
| T-3   | Temporary Construction Trailer            | L                | L  | 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                |    | L  | 15.69     |
| T-9   | Carrier on Wheels (COW)                   | L                | L  | L  | 15.69     |
| T-10  | Yard Sales                                | L                | L  | L  | 15.69     |
| T-11  | Itinerant Merchant/Peddler                | L                | L  | L  | 15.69     |
| T-12  | Open Air Market, Temporary                | L                |    | L  | 15.29     |

#### Intensity:

#### 16.01.02 Intensity Table

| Zoning District                             | Minimum Gross Land Area | Minimum Lot Width | Minimum Street Frontage | Maximum Floor Area Ratio (FAR) | Minimum Open Space Ratio (OSR) | Minimum Livability Space Ratio (LSR) | Minimum Recreation Space Ratio (RSR) | Setbacks |          |
|---------------------------------------------|-------------------------|-------------------|-------------------------|--------------------------------|--------------------------------|--------------------------------------|--------------------------------------|----------|----------|
|                                             |                         |                   |                         |                                |                                |                                      |                                      | Street   | Interior |
| <b>RA</b><br>Public Water & Sewer Available | 10,000 sq. ft.          | 65 ft.            | 52 ft.                  | .100                           | .80                            | .65                                  | .025                                 | 20 ft.   | 14 ft.   |
| <b>R3</b>                                   | 5,000 sq. ft.           | 80 ft.            | 64 ft.                  | .480                           | .72                            | .4                                   | .062                                 | 20 ft.   | 13 ft.   |
| <b>B3</b>                                   | 5,000 sq. ft.           | 50 ft.            | 40 ft.                  | .429                           | .71                            | .27                                  | .062                                 | 20 ft.   | 17 ft.   |

#### Building Height Limitations:

Subject to other provisions of UDO Section 16.08, building height limitations in the RA, R3 and B3 shall be as follows:

| Zone                                   | Height Limitation (Feet)      |
|----------------------------------------|-------------------------------|
| R1, R1A, RR, <b>R2</b> , R4, <b>RA</b> | 35                            |
| <b>B3</b>                              | 44 (primary) – 67 (secondary) |

**CONFORMITY TO ADOPTED PLANS****COMPREHENSIVE PLAN UPDATE**

[Click here to view the 2006 Comprehensive Plan Update](#)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **2.1 THE ECONOMY**

#### **2.1.1 Economic Development**

- A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy.
- D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.

#### **2.1.4 Agricultural and Rural Development**

- A. Farms and woodlands shall be recognized as an integral part of the planning area's open space system.
- B. Agriculture, forestry and low density residential activities shall be the preferred land uses in the Rural Area, as identified on the Growth Strategy Map. Urban level development shall not be encouraged in the Rural Area.

### **2.2 THE INFRASTRUCTURE**

#### **2.2.1 Transportation**

- A. Street patterns shall be designed so as to define the limits of the neighborhood, accentuate focal points and interesting vistas, allow convenient circulation within the neighborhood and provide multiple, alternative outlets from the area to adjoining neighborhoods and/or major streets. Particular attention should be given to avoid designs that provide convenient "cut-through" traffic opportunities.

#### **2.2.2 Utilities**

- A. Extensions of water and/or sewer services that could result in scattered, non-directed development and costly provision of other urban services shall be prohibited.
- B. Water and sewer services shall be concentrated within the limits of a geographically defined Urban Growth Area. The Primary Growth Area shall receive first priority for the provision or enhancement of water and sewer services.
- C. Water and Sewer services shall not be extended to properties in the Rural Area (outside the Urban Growth Area). Exceptions to this policy may include the provision of services to other local governments, cooperative agreements on major economic development initiatives, and extensions needed to address imminent public health problems or related environmental hazards.

#### **2.2.5 Environmental Quality**

- A. Development of ridgetops and excessive slopes shall be strongly discouraged. Where development is allowed, stringent performance standards shall be met.
- D. Runoff and drainage from development activities shall be of a quality and quantity as near to natural conditions as possible, with special emphasis given to critical watershed areas.

### **2.3 THE COMMUNITY**

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

#### **2.3.2 Community Character**

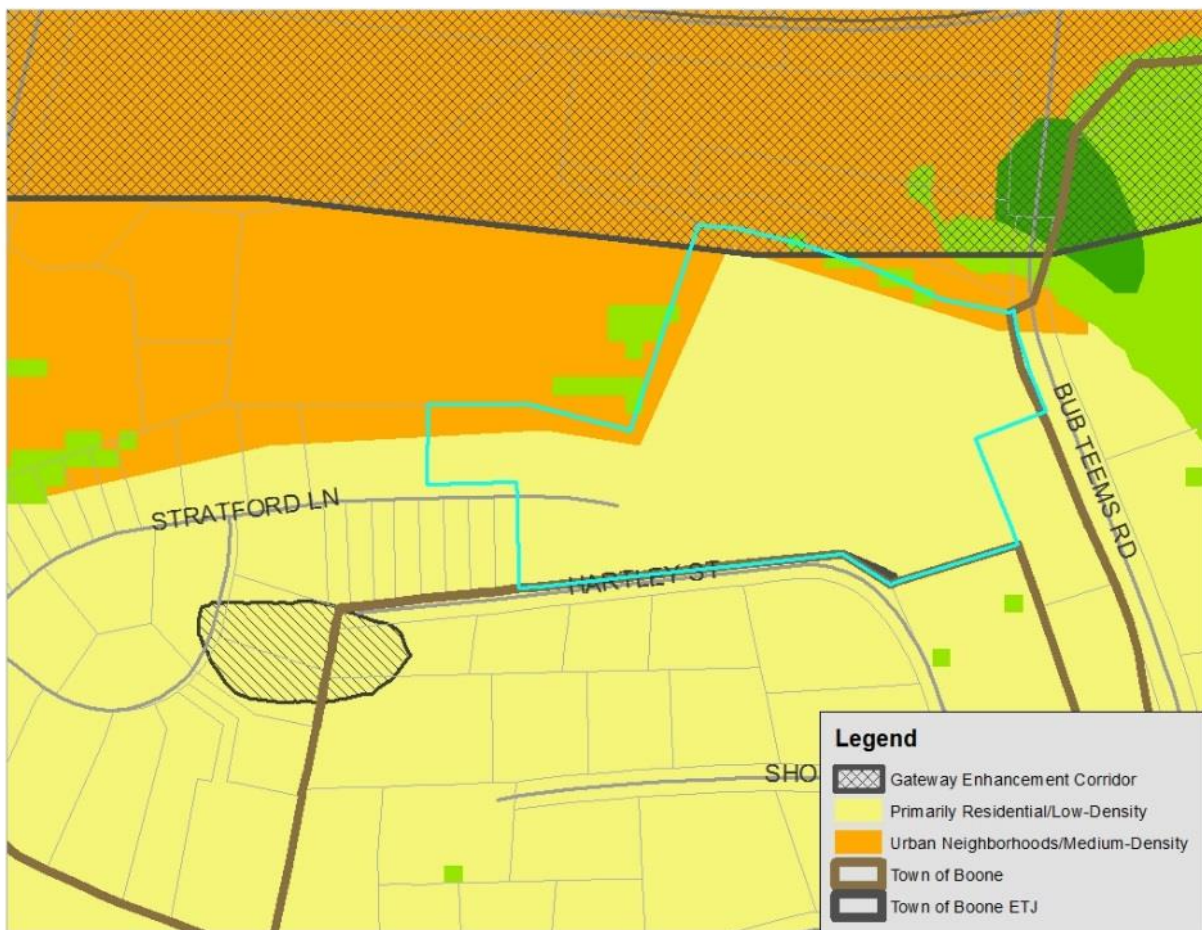
- E. New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town.

#### **2.3.3 Housing & Neighborhoods**

- A. The protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community.
- C. Proposed residential development which would expose residents to harmful effects of incompatible development or to environmental hazards shall be prohibited.
- D. Innovative and flexible land planning and development practices shall be encouraged to create livable developments which better safeguard land, water, energy and historic resources.
- E. Factors in determining preferred locations for high density residential development shall include: close proximity to the university, employment or shopping centers, access to major thoroughfares and the transit system; the availability of public services and facilities; and compatibility with adjacent land uses.
- H. The overall housing unit density for proposed infill residential development or redevelopment should be compatible with the average density of existing areas.

#### BOONE 2030 LAND USE PLAN

[Click here to view the Boone 2030 Land Use Plan](#)



The property is located in the G-1 sector within the Framework Plan (Boone 2030 Land Use Plan).

The G-1 sector, indicated by the light yellow on the Framework Map, is intended for relatively low density residential development. This sector includes existing low-density residential neighborhoods that are not appropriate for redevelopment. It also includes lands that are not proximate to thoroughfares and are not

projected to be high growth areas due to limited access to transportation networks and utilities. Appropriate development typically consists of cluster developments such as conservation subdivisions, or low-density residential development on relatively large lots. For Boone, this sector is generally located away from planned neighborhood or regional centers and close to heavily encumbered O-1 or O-2 land.

**Appropriate Land Uses/Development Types:**

- Low density cluster developments or hamlets (a clustering of buildings around a rural crossroad)
- Limited convenience retail uses ..
- Civic uses (parks, schools, religious and government uses)
- Low-density residential development comprised predominately single-family detached structures and small scale multiple family units (e.g. duplexes, triplexes) - (up to 5 units per acre - except where limited by watershed rules to 1single family unit per two acres (WS-II) or 2 single family units per acre (WS-IV))

**Certification of Notification By Mail**

I, Marlene Crosby, certify that individual notices meeting the requirements of Article 9, Subsection 9.03.03(B)(2) of the Town of Boone UDO were placed in the mail (first class) on September 8, 2016.

---

Marlene Crosby

**Certification of Posting**

I, Chris Grubb, certify that the subject property was posted as required in Article 9, Subsection 9.03.03(B)(2) of the Town of Boone UDO on September 8, 2016.

---

Chris Grubb, Environmental Planner

**PLANNING BOARD REPORT****\*\* PLANNING COMMISSION WILL NEED TO VOTE SEPARATELY ON EACH CASE \*\*****Case 20160499 Hampton Properties Conditional District Zoning Map Amendment****Case 20160497 Hampton Properties General Use Zoning Map Amendment**

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 ☐ denial for the following reasons:

**TOWN COUNCIL ACTION****\*\*COUNCIL WILL NEED TO VOTE SEPARATELY ON EACH CASE\*\*****Case 20160499 Hampton Properties Conditional District Zoning Map Amendment****Case 20160497 Hampton Properties General Use Zoning Map Amendment**

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 ☐ 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 ☐ deny the proposed amendment to the Town's zoning map and believe ☐ approval ☐ denial is reasonable and in the public interest because:

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## EXHIBIT 1

### Board of Adjustment August 7, 2003 Meeting Minutes

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|                       |                                                                                                                                                           |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Board Members:</b> | Earl Keller, Diana Perry, Ethel Simpson, Jerry Kirksey-Chair, Rick Foster-Vice Chair, Richard Crepeau, Karen Byerly, Fred Hay, and Edward Brown-Alternate |
| <b>Staff:</b>         | John Spear-Planning Director, George Cole-Planning Supervisor, David Graham-Development Coordinator, Jane Shook-Planner, Kim Tester-Board Secretary       |
| <b>Other:</b>         | Sam Furgiuele-Town Attorney                                                                                                                               |

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...

**Carefree Property Co., LLC** has applied for a Conditional Use Permit for a major subdivision pursuant to UDO Section 165. Because of the size of the project, the applicants have requested a five (5) year vested right. The property is located at North Hampton Road and Bub Teems Road and is further identified as Watauga County PINs 2910-98-8735-000, 2920-09-7033-000, 2910-99-4176-000, 2910-99-5369-000, 2910-99-6217-000, and 2910-99-8034-000.

Scott Porter was sworn in to testify. Chair Kirksey pointed out to Mr. Porter that since there are only seven members of the Board to hear the case, it will have to be passed by a full majority of those members. After conferring with his counsel, Mr. Porter stated he would like to proceed with the case.

Mr. Porter presented a brief summary of his background and explanation of his project. He entered into evidence a conceptual site plan of the project (Porter Exhibit 1), a drawing titled: Private Street Section Carefree Estates (Porter Exhibit 2), and an artist's rendering of the view of the proposed condominiums for the project from Highway 421 (Porter Exhibit 3). While reiterating the need for affordable housing, Mr. Porter explained this project would include single family housing, two apartment complexes, condominiums, and some duplexes. He stated that Appalcart service would be available to the project. Mr. Porter stated the project is designed to present a new traditional neighborhood using modular construction. He presented four modular home designs (later entered into evidence as Porter Exhibits 5, 6, 7, and 8) as examples of the architectural style proposed for the development. Mr. Porter discussed the issues for which he is asking for flexibility with the UDO requirements.

The first issue discussed concerned parking. Mr. Porter stated the parking for the condominiums would allow for three spaces per unit. Board Member Crepeau asked if this could be reinforced by creating a deed restriction for parking. Mr. Porter indicated that could be done.

The next issue discussed was phasing the project in several steps. Mr. Porter stated the current residents in the mobile homes are his employees and would be relocated to another location.

Mr. Porter discussed the issue of sidewalks throughout the development. He referred to Porter Exhibit 2. Board Member Crepeau voiced a concern with safety of the sidewalks and noted he would like to see the sidewalk made like crosswalks similar to the ones on the ASU campus. Mr. Porter noted the weather conditions in the area made for difficulties in what material can be used for sidewalks. He also pointed out there would be ample room for emergency vehicles within the development.

In regard to the issue of landscape buffers, Mr. Porter presented a diagram showing the location of landscape buffers (Porter Exhibit 4). He pointed out blocking the properties with landscape buffers would defeat the intention of the project as a neighborhood. He pointed out the buffer along the retaining wall between the apartments and the single family homes. He stated the buffer would be eight feet tall. Board Member Crepeau asked how high the retaining wall would be.

Marty Kocot, of Land Design, was sworn in to testify. Mr. Kocot stated the wall would be four (4) feet to fifteen (15) feet high in places.

Board Member Crepeau asked how much of the property is located in the corridor overlay district. Mr. Porter indicated what will be visible from Highway 421 on the site plan. Board Member Crepeau asked how much of UDO Section 158 applies to this project; he noted out of the 13 items contained in the section, only one third of those requirements are being utilized. Mr. Porter disagreed by saying he has worked with the planning staff to take as many of the requirements into account as possible. Board Member Crepeau asked if a light buffer could be created between the development and the highway corridor. Mr. Porter responded there is a significant amount of trees and vegetation in that area that would not be disturbed. Board Member Crepeau asked if the artist rendering (Porter Exhibit 3) is representative of how the development will look from Highway 421. Mr. Porter indicated that it is.

The next item of discussion pertained to a right-hand turn deceleration lane. Mr. Porter indicated from talking with the NC Department of Transportation the deceleration lane is recommended but not required. He noted George Cole and Blake Brown, Public Works director, have reviewed it and do not think it should be a requirement. Mr. Porter noted there is about forty feet of road at the end of North Hampton road that needs to be widened and paved. The portion he is referring to is a private road which would require that the Town acquire it to upgrade it. Mr. Porter could not say for sure that would happen.

Mr. Porter asked for vested rights for the property for five years. He commented the reason is to be responsive to the market. In building model homes and townhouses, the project can be developed in phases. Depending on the amount of condo units that can be built, Mr. Porter indicated the construction of the duplexes could be forgone. He also noted if Bub Teems road could not be extended the duplexes planned for that area would be deleted. He pointed out there are a number of unknown factors that could affect the development of the project.

Mr. Porter addressed the recommendations of the Planning Commission including the requirement for a professional property management firm. He noted the future creation of a POA document that references parking, maintenance, etc.

Scott Porter informed the Board of a natural spring that currently services two residents. He stated he would be provide well service for those residences if the spring is damaged in the construction of the project.

Mr. Furgiuele asked if Mr. Porter was a member/manager of Carefree Property Company, LLC. Mr. Porter indicated he is.

Marty Kocot stated the project will comply fully with the requirements of the UDO. He addressed the issues of water quality and quantity. He explained water quality will be protected by the use of a bio retention area and infiltration trenches for water that leaves the site. As far as water quantity, Mr. Kocot stated runoff would be collected and stored. He noted the water will be metered so that it will leave the property as it did before the property was developed.

Board Member Keller asked if the landowners would be satisfied with a well if the spring is damaged. He noted the spring could be damaged during construction.

Mr. Kocot stated the water from the spring would be tested to make sure the quality is protected.

Eleanor Cook, of 374 Bub Teems Road, was sworn to testify. She voiced her concerns as: how the density of this project would affect surrounding property owners, the landscape buffers, and access to the project from Bub Teems Road including Hartley and Short Streets. She compared the appearance of the condominiums to the Sugar Top condominium located in Banner Elk. She asked how adjoining property owners will be informed if there are changes to the project. Mr. Spear informed her that any significant changes to the project would warrant a return appearance before the Board of Adjustment. Ms. Cook asked if Mr. Spear recalled a conversation where he indicated the Department of Transportation intended to extend Bub Teems Road. Mr. Spear indicated he had no recollection of the conversation.

Ron Dunbar, being duly sworn, stated his concern as the water runoff created by the vast amount of paving including the parking lot of the condominiums. He voiced concerns with the current water runoff situation with the adjacent church and Highway 421. Board Member Hay asked if Mr. Dunbar would be satisfied with well service provided by Mr. Porter in the event the natural spring is damaged during the construction process. Mr. Dunbar responded he has not had a chance to think about that option.

Joyce Dunbar, being duly sworn, asked who would monitor the situation of water control for the project. She also voiced concern about emergency access to the development.

Linda Lonon, being duly sworn, stated she owns rental property on Hartley Street and Short Street. She noted a concern with the view of the dumpster for the condominium from the properties on Hartley and Short Streets. She listed her other concerns as increased runoff as the result of paving, construction traffic during the construction of the development, and if the property is annexed, the additional impact on the waste water treatment plant. She stated she would like to see Mr. Porter delineate the phasing of the project in greater detail.

Rex Christopher Barnes, being duly sworn, listed his concerns as the right-turn deceleration lane, the cost of paving North Hampton Road, the condition of the natural spring, the location of the condominiums and their effect on the New River, and water runoff.

Theresa Geer, being duly sworn, stated a concern about the trees buffering her property from the proposed project. She also voiced a concern with construction traffic using Hartley and Short Streets for access to the project. Ms. Geer asked if the adjoining property owners would be notified prior to any blasting done for the project.

Board Member Keller asked if Mr. Porter did own the right-of-way for Hartley and Shorts Streets. Mr. Porter answered he did but has no intention of using the roads for major construction traffic.

The Board recessed for a ten minute break.

After reconvening, Mr. Porter noted Hartley Street may be used by traffic no larger than a pick up truck. He addressed several concerns of the property owners including water run-off, the development of Bub Teems Road to connect with Hilltop Drive, dumpster screening, and blasting within the project. He noted the Town would only pay to pave the part of North Hampton Road that was originally planned.

Board Member Crepeau asked what was currently served by water and sewer service. Mr. Porter stated the mobile homes and existing house are served by town utilities. Mr. Furguele noted the water and sewer has been approved by the Town Council, but the property has not been annexed.

Board Member Simpson asked if the dumpster could be relocated. Mr. Porter noted the site plan presented was only preliminary. He noted he would be sensitive to adjoining property owners in the location of the dumpster.

Board Member Crepeau asked about a condition to require the townhouses and duplexes to be as they are represented at the Board of Adjustment. Mr. Porter stated he would have no problem with such a condition. He entered into evidence four modular home representations as Porter Exhibits 5, 6, 7, and 8.

In reference to the water and sewer issue, Board Member Hay asked if Mr. Porter would be amendable to that condition. Mr. Porter stated he preferred not to address the sewer issue. Mr. Furguele noted approval is required from the Town Council to hook to water service only.

Board Member Crepeau asked if the parking requirements were relaxed, would the size of the condominium building increase in lieu of constructing the duplexes. Mr. Porter noted the number of units would change, not the size of the building. He explained whether the condominium contained eighteen 3 bedroom units or twenty-four 1, 2, or 3 bedroom units, there would be 72 parking spaces; three spaces to each unit.

George Cole, being duly sworn, informed the Board of the potential impact traffic impact of forty-two (42) trips during the evening peak hours with 28 cars coming into the project during the evening. He noted the impact would not be significant even if all 28 cars used the intersection. He noted that would compute to one car every two minutes.

With no other input, Chair Kirksey closed the public hearing.

#### **Vote #1**

Board Member Perry moved the application is complete. Board Member Foster seconded the motion.

VOTE: Aye - All  
Nay - None

The motion carries unanimously.

## Vote #2

Board Member Perry moved the application complies with all applicable requirements of the Unified Development Ordinance. Board Member Simpson seconded the motion.

VOTE: Aye - All  
Nay - None

The motion carries unanimously.

## Vote #3

Chair Kirksey asked for any recommendations from the Board Members for conditions for this project.

Board Member Crepeau listed the following conditions:

- Ensure language in the deed restrictions for the condominiums with regard to parking.
- Ensure the location of the dumpster is sensitive to the location of adjoining home owners.
- Hartley Street and Short Street be closed to construction traffic
- Ensure the duplex and townhouse be similar to or in the spirit of the examples presented to the Board of Adjustment
- Delineation of the sidewalks from the streets be made clearer.

Board Member Hay suggested the use of such impervious materials as gravel or wood chips for the sidewalks. Board Member Crepeau stated the use of those materials might be hard to maintain. He noted the design of crosswalks used by ASU. Marty Kocot stated such options as tinting the asphalt are possible; he noted he would work with the planning staff concerning this issue.

Board Member Keller suggested a condition concerning the natural spring. Board Member Crepeau suggested this condition would need to be flexible for preferences and choices to be made by those involved. Vice Chair Foster stated he was satisfied with the sworn testimony of the applicant concerning this issue. A discussion ensued concerning how the Board could draft this issue into a condition. Board Member Crepeau suggested the following wording of a possible motion: the developer offer to provide water of equivalent quality and quantity in the event the P. L. Hamby Estate spring is damaged during the construction of the project subject to the property owner's agreement.

Board Member Crepeau moved grant the Conditional Use Permit and to allow flexibility for the sidewalks be clearly demarcated as to separate pedestrian traffic from motor vehicle traffic; to allow flexibility to relax requirements for the landscape buffer because this project is in effect the same as a planned unit development and to require a 25 foot buffer would make building on the property difficult; furthermore, the eight foot buffer along the retaining wall and the differences in elevation achieves the purpose of a 25 foot buffer; to relax the parking requirements so that 72 parking spaces would accommodate 24 units for the condominium building; and include the staff recommended conditions which are as follows:

1. The permit is approved subject to plans (Carefree Estates, June 26, 2003). Minor modifications may be permitted to comply with the requirements of the UDO.
2. Final plans shall be submitted that are in compliance with the provisions of the UDO, Fire Department, and Department of Public Utilities requirements.
3. The access and connections onto Bub Teems Road must be approved by the NCDOT.
4. The relocation and repaving on North Hampton Road be completed before any certificate of occupancy is issued.
5. A recorded agreement is required granting perpetual parking rights for the off site parking for the 18 unit apartment building.
6. A final plat must be approved in accordance with Section 94 of the UDO.
7. An instrument must be recorded in the Watauga County Registry setting forth provisions for the establishment of a property owners association for the purpose of assessing dues for maintenance of the roads, open space, storm water management system and recreational areas by the purchasers of the property which will be served by the aforementioned items. In order to insure the infrastructure is properly maintained, the covenants establishing the property owners association shall specify that a company be hired to maintain the infrastructure. This company shall have the expertise and ability to manage and maintain the infrastructure including the roads, sidewalks, storm water management system, and recreational facilities.

Board Member Crepeau also added to his motion to allow the 5 year vested right for the project. Board Member Foster seconded the motion.

VOTE:           Aye - All  
                     Nay - None

The motion carries unanimously, and the Conditional Use Permit is granted.

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## EXHIBIT 2

Board of Adjustment  
Thursday, July 2, 2009  
Meeting Minutes

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**Board Members Present:** Rich Crepeau-Chairman, Fred Hay-Vice Chairman, Lee Stroupe, Andy Ball, Tom Hearron, Allan Scherlen, and Bob de Camara

**Staff Present:** Ricky Hurley-Planning Staff, Jim Byrne-Interim Planning Director, and Brenda Henson-Board Secretary

**Others Present:** Sam Furguele-Town Attorney

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### **SU20090288 Hampton Property – Special Use Permit Modification**

Hampton Property, LLC is requesting a minor modification of Conditional Use Permit 2003-6 to add an additional unit to a proposed apartment building and reduce the amount of parking. The proposed building will contain nineteen (19) two and three bedroom units. The property is located at the intersection of North Hampton Road and Somerset Drive. The entire parcel is zoned Multiple Family Residential (R-3). This modification is required by Section 81[b] of the Unified Development Ordinance. Minor modifications to special use permits are permissible upon approval by the Board of Adjustment. The property is also identified as Watauga County PIN 2911-81-8682-000.

Scott Porter, manager of Hampton Property, was sworn in. Chairman Crepeau asked Mr. Porter if he had reviewed the packet information and if he had any objections to the content. Mr. Porter replied that he had reviewed the packet and pointed out that the map included in the packet did not accurately show the property lines, otherwise he was okay with the content. Mr. Porter then presented the request, explaining that he would like to add one additional unit to a proposed apartment building, reduce the amount of parking by four spaces, and add bicycle and motorcycle parking. Vice Chairman Hay asked Mr. Hurley if the requested changes would meet UDO standards and he stated they would. Board Member Hearron asked if the five year vesting was still valid. Mr. Furguele explained that a vesting period is the time allowed to obtain a building permit.

With no one from the public to speak, Chairman Crepeau closed the public hearing at 7:53 p.m.

Board Member de Camara made a motion that the application is complete. The motion was seconded by Board Member Stroupe. Mr. Furguele explained that a modification only requires a vote to grant or deny. Board Member de Camara withdrew his motion, with Board Member Stroupe consenting to the withdrawal.

Board Member Scherlen made a motion to grant the Special Use Permit Modification. The motion was seconded by Board Member Hearron. Chairman Crepeau stated this was a favorable request due to the fact that it does meet UDO requirements.

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

**The motion passed unanimously and the Special Use Permit Modification was granted.**

### EXHIBIT 3

Board of Adjustment  
Thursday, April 3, 2014  
Meeting Minutes

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**Resident Members Present:** Rich Crepeau-Chairman, Tom Hearn-Vice Chairman, David Welsh, Virginia Roseman, and Tom Jamison

**Staff Present:** Bill Bailey-Director of Planning & Inspections, Jane Shook-Development Coordinator, Christy Turner-Planner, Chris Grubb-Code Enforcement Officer/Environmental Planner, and Brenda Henson-Board Secretary

**Others Present:** Sam Furguele-Town Attorney

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#### **SU20140117 Hampton Property, LLC – Special Use Permit Modification**

Scott Porter on behalf of Hampton Property, LLC is requesting a modification to a Special Use Permit to allow three (3) parcels (Watauga County PINs 2920-09-6093-000, 2920-08-3990-000 and 2920-08-3960-00) to be removed from the original Carefree Development Co. Conditional Use Permit granted in 2003.

Chairman Crepeau called a break from 11:53 p.m. until 11:58 p.m.

Chairman Crepeau announced there was a request to have an intervener.

Patrick Zumbo was sworn in. He stated he lived at 186 Stratford Lane which was 130' from the property in question. Mr. Zumbo stated he was an officer in the Home Owner's Association. Mr. Zumbo felt that the requested change would directly affect the residents in the subdivision. He noted that he was representing himself and not the community.

Board Member Welsh asked Mr. Zumbo if he lived in a house or a condo and he replied that he lived in a townhouse.

Chairman Crepeau asked if the applicant, Scott Porter, had any questions for Mr. Zumbo. Mr. Furguele objected stating that Mr. Porter was not an attorney and Hampton Property was an LLC. Chairman Crepeau sustained the objection.

Board Member Roseman made a motion to allow Patrick Zumbo to participate in the hearing as an intervener. The motion was seconded by Board Member Welsh.

**VOTE:**            **Aye – All**  
                      **Nay – None**

**The motion passed unanimously.**

Scott Porter was sworn in. Mr. Porter stated that he was the developer of Hampton Estates. He noted that the subdivision was originally called Carefree Estates but the name was changed because there was another development with a similar name. Mr. Porter explained that the property in question was located at the end of Stratford Lane and contained about 4 acres. He noted that he would like to subdivide the property but he could not because it was approved to be condos under the original Conditional Use Permit. Mr. Porter stated that he had applied for and received permits to build the condos but with the economic downturn he did not build the condos and the permits expired. Mr. Porter stated there was an error on page 3 of the staff report that states *The applicant is requesting that the 2 acres zoned R3 be developed as single-family homes and/or duplexes.* Mr. Porter stated that he was just asking that the property be released from the Conditional Use Permit that from his understanding was an expired permit. He noted that the R3 portion of the property was not developable at the top but it could be developed at the bottom. Mr. Porter stated that if he built single family homes on the property and he could not sell them he would want to rent them.

Board Member Welsh asked Mr. Porter how many homes he thought he could fit on the property. Mr. Porter replied that he thought he could create 6-9 lots maximum.

Chairman Crepeau asked why an expired Conditional Use Permit would not automatically release someone from the permit restrictions. Mr. Porter replied that he did not know why the property would not be released from the expired Conditional Use Permit.

Board Member Welsh asked if the 4 acre tract was connected to Mr. Porter's development and he replied that it was. Board Member Welsh questioned the access to the property. Mr. Porter stated there were 3 different accesses to the property. Board Member Welsh asked if the property would be accessed through the development. Mr. Porter replied that would be discussed at the time of permit submittal.

Mr. Furgiuele asked Mr. Porter if it was his understanding that the 5 year vesting period expired because his permits for the condos expired. Mr. Porter replied that he did not know but stated that was what he was told by Planning staff. Mr. Furgiuele asked if a Property Owner's Association was created and Mr. Porter stated there was one created for the portion that was developed. Mr. Furgiuele asked if the property in question was subject to POA restrictions. Mr. Porter stated that it was not subject to POA restrictions because it was undeveloped land.

Chairman Crepeau asked Mr. Porter if he had reviewed the staff report and he replied that he had reviewed it. Chairman Crepeau asked Mr. Porter if he felt the staff report was correct. Mr. Porter cited the statement on page 3 that noted he was requesting to develop the R3 property as single-family homes and/or duplexes. Mr. Porter stated that he was requesting to have the entire 4 acres released from the Conditional Use Permit.

Mr. Zumbo asked Mr. Porter if he was going to develop the R3 portion of the property. Mr. Porter replied that he wanted to put single family homes on the RA zoned property. Mr. Zumbo referred to the August 7, 2003 meeting minutes in Exhibit 1 contained in the Board packet noting that promises had been made. Mr. Zumbo expressed concern that something would be built on the property that would not be compatible with the neighborhood and that there could be more than 2 unrelated people in each unit. Mr. Zumbo felt there should be a specific plan in place before the property was released from the Conditional Use Permit.

Chairman Crepeau asked Mr. Zumbo if he had received any legal advice and he replied that he had not had time to do that yet.

Chairman Crepeau reminded Board members that the only thing under consideration with this request was for the property to be released from the Conditional Use Permit.

Board Member Welsh asked if the 4 acre tract was included in the restrictive covenants and Mr. Zumbo stated the property was included in the original development plan. Mr. Zumbo referred to the last paragraph of the narrative in Exhibit 2 contained in the Board packet expressing concern with the fact that Mr. Porter wanted the homes or duplexes to be available to rent without restrictions.

Board Member Roseman asked if there would be less units than with the previously proposed condos. Mr. Furgiuele reminded Board members that there was currently no application for development of the property.

Mr. Zumbo stated again that he felt there should be a development plan before the property was released.

Mr. Furgiuele called Bill Bailey to testify. Mr. Bailey noted there were two viable options regarding this property; one would be to revise or modify the original plan and one would be to remove the property from the plan altogether. Mr. Bailey referred to the minutes in Exhibit 1 contained in the Board packet noting that Mr. Porter felt at the time there was a need for different types of housing to meet different price points for affordable housing. Mr. Bailey noted that numerous concessions were made including buffering and parking for approval of the original development in order to allow the variations in housing types in an effort to achieve affordable housing options. Mr. Bailey stated he did not have any information showing him why something that was so necessary in 2003 was no longer necessary. He also stated he did not know how the removal of the condos would affect the remainder of the development. Mr. Furgiuele asked Mr. Bailey if under the current ordinance someone could build a single family home in an R3 zoning district and Mr. Bailey replied that it would not be allowed. Mr. Furgiuele asked about building duplexes. Mr. Bailey stated duplexes were allowed in the RA and R3 zoning districts. Mr. Furgiuele asked about minimum lot size requirements. Mr. Bailey stated that the minimum lot size in the RA district was 15,000 square feet and the minimum lot size in the R3 zoning district is 5,000 square feet. Mr. Furgiuele asked if the property in question could be developed by right or would the applicant have to come back to the Board for approval. Mr. Bailey replied that some things would be possible to be built by right. Mr. Furgiuele asked if the applicant could request a rezoning of the property and Mr. Bailey replied that he could request a rezoning. Mr. Furgiuele asked if these properties were part of the Conditional Use Permit and Mr. Bailey replied that they were. Mr. Furgiuele noted that Mr. Porter can no longer build the rest of his project out according to the original plan because the vesting rights have expired. Mr. Furgiuele added that Mr. Porter cannot develop anything at all on this property until it is released from the Conditional Use Permit. Mr. Bailey presented the original approved plan showing that the property in question was included in the plan **(Exhibit 3, permanently on file)**.

Mr. Porter noted that Planning staff told him he could not subdivide the property without a Special Use Permit because of the extension of water and sewer. Mr. Bailey read language from the ordinance regarding major subdivisions and stated that if any one of the conditions listed in the UDO were met, the property would be considered a major subdivision and would require Board approval. Mr. Porter asked if it was correct that if the property requested water and sewer it would be considered a major subdivision requiring Board approval and Mr. Bailey replied that was correct. Mr. Porter asked if he could build one

single family house on the property by right if he did not subdivide it. Mr. Bailey stated that he could build one single family house or one duplex on the property without subdividing.

Chairman Crepeau opened the public hearing at 1:01 a.m.

Rex Christopher Battern of 141 Bub Teems Road was sworn in. Mr. Battern stated that Bub Teems Road was a dead end road containing all single family homes. He expressed concern with rental housing, where access to the property would be, and the quality and quantity of water to his property. Mr. Battern stated there needed to be a vision of where the property was going before it was released from the Conditional Use Permit.

James Milner was sworn in. He stated he was sympathetic to Mr. Porter's problem. Mr. Milner stated that his property was the closest to the property in question and he did not agree with the lots being removed from the permit because they would contribute to the POA to help maintain the roads. Mr. Milner cautioned the Board that approval of this request could set a precedent for other developers to request removal from permits when things did not work out with the project.

Mr. Porter asked Mr. Milner if the property in question currently paid POA dues. Mr. Milner replied that no dues were being paid currently because the property was vacant but noted that the property was part of the restrictive covenants. Mr. Porter asked Mr. Milner if it was correct that the reason the Town would not take over the road into the development was because the POA did not want to do the necessary things to meet the Town's requirements. Mr. Milner stated that the Town would not take over the street. Mr. Porter asked if it was because the POA was not willing to meet the requirements. Mr. Milner replied that he was not aware of that.

In closing, Mr. Furguele stated that the Town took no position on the request.

Mr. Zumbo thanked the Board for their time and requested that a plan for development be submitted before any changes to the original permit approval were made.

Mr. Porter stated it was unclear what he could or could not do with this property. He stated that he did not want to spend a lot of money on plans for the property if he was not allowed to do anything with the property. Mr. Porter stated he needed some clarity.

With nothing further, Chairman Crepeau closed the public hearing at 1:16 a.m.

Board Member Roseman stated that exonerating Mr. Porter from the original plan would leave members of the subdivision unsure of the expectations.

Chairman Crepeau asked if an expired permit could be resurrected. Mr. Furguele stated that an expired Conditional Use Permit could be renewed through the Conditional District Zoning process. Chairman Crepeau noted that the community had expectations of how the development would be when they bought into it.

The Board agreed, by majority, to the following findings of fact:

1. The parcels in question are part of the original Conditional Use Permit.
2. The information in the staff report is accurate in depicting the request except for the statement on page 3 that states the applicant is requesting that the 2 acres zoned R3 be developed as single-

family homes and/or duplexes instead of stating that the applicant is requesting that the 4 acres be released from the Conditional Use Permit.

3. The Conditional Use Permit for this property is expired.
4. If this property is released from the Conditional Use Permit it is not a given that any proposal for development would go through a public hearing process.
5. The property owners had expectations as to the character and content of the subdivision.

### **Motion**

**Vote 1:** Vice Chairman Hearron made a motion that the application is complete. The motion was seconded by Board Member Welsh.

**VOTE:**            **Aye – 3 (Welsh, Crepeau, Hearron)**  
                       **Nay – 2 (Roseman, Jamison)**

**The motion passed by a 3 to 2 vote.**

### **Motion**

**Vote 2:** Vice Chairman Hearron made a motion that the application complies with all applicable requirements of the Town of Boone Unified Development Ordinance. The motion was seconded by Board Member Welsh.

**VOTE:**            **Aye – All**  
                       **Nay – None**

**The motion passed unanimously.**

There was some confusion and discussion regarding the next vote. Chairman Crepeau stated the language for the 3<sup>rd</sup> vote seemed different and Mr. Furguele noted that the language had changed in the new UDO.

### **Motion**

**Vote 3:** Chairman Crepeau made a motion that as proposed, the development will substantially injure the value of adjoining or abutting property because regardless of what may or may not occur, that uncertainty likely has some sort of impact on the marketability and the value of the properties that are in the subdivision subject to the Conditional Use Permit. The motion was seconded by Board Member Roseman.

**VOTE:**            **Aye – 4 (Crepeau, Roseman, Welsh, Jamison)**  
                       **Nay – 1 (Hearron)**

**The motion passed by a 4 to 1 vote.**

### **Motion**

Chairman Crepeau made a motion to deny the Special Use Permit Modification. The motion was seconded by Board Member Roseman.

**VOTE:**           Aye – 3 (Crepeau, Roseman, Welsh)  
                  Nay – 1 (Hearron)  
                  Abstain – 1 (Jamison)

The motion passed by a majority vote and the Special Use Permit Modification was denied.

## PARKING

### 24.01 Parking Spaces Required

**24.01.01** All developments in all zoning districts shall initially and continually provide a sufficient number of permanent off-street motor vehicle and bicycle parking spaces, in compliance with this Article, to accommodate the residents, employees, customers, visitors and others who may spend time at that development.

**24.01.02** Unless otherwise expressly stated, every development shall provide the parking spaces required per Table 24.01 below and the other provisions of this Article. Parking spaces may be provided in a parking structure. For uses not covered in Table 24.01, the parking requirements shall be as determined by the Administrator as set forth at subsection 24.01.11 below. Calculations that result in a fraction of a space shall be rounded up to the next whole number.

**24.01.03** Unless otherwise expressly stated, these requirements apply as follows:

A. **New Construction.** Any new buildings or structures must provide parking as required by this Article at such times as a Certificate of Occupancy or other zoning Certificate required for use or occupancy is issued; or

B. **Additions & Renovations.**

1. A building or site may be renovated or repaired without providing additional parking provided that there is no increase in gross floor area or improved site area, subject to the provisions of subsection (C) below.

2. When an existing building, use and/or occupancy is enlarged or expanded to include additional dwelling units, floor area, seating capacity, or other units of measurement used for establishing parking and loading requirements, parking is required for the enlarged or expanded building area, use or occupancy only; *[provided, however, that if the enlarged area, use or occupancy would require an increase of less than five (5) percent in the required number of parking spaces or fewer than five (5) spaces, no additional parking shall be required.]*; or

C. Upon conversion from one type of use or occupancy to another, or any change in the manner in which the use is constructed that would result in additional parking requirements, parking is required for the new use or occupancy; *[provided, however, that if a change in use or occupancy would require an increase of less than five (5) percent in the required number of parking spaces or fewer than five (5) spaces, no additional parking shall be required.]*

(Raleigh: must have 25% increase in floor area or improved site area before (B) is triggered, and must have 25% increase in required additional spaces before (C) is triggered ; GSO and Davidson – any change triggers;

Table 24.01

| Use Type                              | Specific Use                                                                                                                                                                | Minimum Automobile Parking <sup>1</sup>                                                                                                             | Short-Term Bicycle Parking Minimum <sup>2</sup>    | Long-Term Bicycle Parking Minimum <sup>3</sup>      |
|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|-----------------------------------------------------|
| 1.0 Household Living                  | 1.01 Single-Family Dwelling<br>1.02 Manufactured Home "Class A"<br>1.03 Manufactured Home "Class B"<br>1.06 Duplex<br>1.07 Duplex                                           | 2 spaces per DU <sup>5</sup>                                                                                                                        | -                                                  | -                                                   |
|                                       | 1.08-1.10 Townhouse<br>1.11-1.13 Multi-Family<br>1.14-1.16 Multi-Family                                                                                                     | <u>1.25-spaces for 0-1 BD DU<sup>5</sup>, 1.5 spaces for 2 BD DU<sup>5</sup>, 2 spaces per 3+ bed DU<sup>5</sup></u>                                | 1 per 20 units                                     | 1 per 4 units                                       |
|                                       | 1.05 Manufactured Home Park                                                                                                                                                 | <u>2 spaces per DU<sup>5</sup> + 1 visitor's space per 10 DU<sup>5</sup>s + 2 spaces for employees<sup>7</sup></u>                                  | 1 per 20 beds                                      |                                                     |
| 2.0 Group Living                      | 2.01 Family Care Home                                                                                                                                                       | 2 spaces per DU <sup>5</sup>                                                                                                                        | -                                                  | <u>1 space per 5 employees</u>                      |
|                                       | 2.08-2.09 Retirement Community<br><u>2.10-2.12 Residence Hall</u>                                                                                                           | 1.5 spaces per DU <sup>5</sup>                                                                                                                      | 1 space per 20 beds                                | 1 space per 10 beds                                 |
|                                       | 2.02 Family Care Institutions<br>2.03-2.04 Halfway House<br>2.05-2.06 Nursing Care<br>2.07 Skilled Nursing Facility                                                         | 1 space per 3 beds                                                                                                                                  |                                                    | <u>1 space per 5 employees</u>                      |
|                                       | 2.13 Fraternity or Sorority Dwelling                                                                                                                                        | 1 space per <u>2</u> beds                                                                                                                           | 1 space per 20 beds                                | 1 space per 10 beds                                 |
|                                       | 2.14 Board Housing                                                                                                                                                          | 1.25 spaces per rentable room                                                                                                                       | 1 space per 20 beds                                | 1 space per 10 beds                                 |
| 3.0 Transient Living                  | 3.01 Home for Survivors of Domestic Violence                                                                                                                                | 3 spaces per DU <sup>5</sup>                                                                                                                        | 2 spaces                                           | 2 spaces                                            |
|                                       | 3.02-3.03 Shelter for Homeless                                                                                                                                              | 1 space per 4 beds                                                                                                                                  | 2 spaces                                           | 2 spaces                                            |
|                                       | 3.04-3.05 Bed & Breakfast                                                                                                                                                   | 2 spaces + 1 space per rentable room                                                                                                                | 2 spaces                                           | 2 spaces                                            |
|                                       | 3.06 Vacation Rental                                                                                                                                                        | 3 spaces per unit                                                                                                                                   | 2 spaces                                           | 2 spaces                                            |
|                                       | 3.07 Motel<br>3.08 Hotel                                                                                                                                                    | 1 space per rentable room + 5 spaces per 1,000 ft <sup>2</sup> of restaurant & lounge & meeting & banquet + 1 space per <u>employee<sup>7</sup></u> | 2 spaces                                           | 2 spaces                                            |
| 4.0 Institutional Uses                | 4.01 Airport/Land Strip<br>4.02 Heliport<br>4.04 Cemetery<br>4.07 Animal Sanctuary<br>4.03 Funeral Home Establishment<br>4.05 Post Office<br>4.06 Post Office, Distribution | <u>TBD<sup>1</sup></u>                                                                                                                              | <u>TBD</u>                                         | <u>TBD</u>                                          |
| 5.0 Government Uses                   | All Government Uses                                                                                                                                                         | <u>TBD<sup>1</sup></u>                                                                                                                              | <u>TBD</u>                                         | <u>TBD</u>                                          |
| 6.0 Non-Governmental Utility Facility | All Non-Government Utility Facility                                                                                                                                         | <u>TBD<sup>1</sup></u>                                                                                                                              | -                                                  | -                                                   |
| 7.0 Telecommunications                | All Telecommunication Uses                                                                                                                                                  | 1 space                                                                                                                                             | -                                                  | -                                                   |
| 8.0 Assembly                          | 8.01-8.03 Religious Assembly                                                                                                                                                | 1 space per <u>3</u> seats in worship area + 3 spaces per 1,000 ft <sup>2</sup> for <u>other areas</u>                                              | 1 space per 2,000 ft <sup>2</sup> GFA <sup>6</sup> | 1 space per 5,000 ft <sup>2</sup> GFA <sup>6</sup>  |
|                                       | 8.04-8.05 Assembly Uses                                                                                                                                                     | <u>1 space per 2 seats in assembly area + 3 spaces per 1,000 ft<sup>2</sup> of other areas</u>                                                      | 1 space per 1,000 ft <sup>2</sup> GFA <sup>6</sup> | 1 space per 10,000 ft <sup>2</sup> GFA <sup>6</sup> |

| Use Type                             | Specific Use                                                                                                                                                                                                                                                                                                                       | Minimum Automobile Parking <sup>1</sup>                                                       | Short-Term Bicycle Parking Minimum <sup>2</sup>         | Long-Term Bicycle Parking Minimum <sup>3</sup>           |
|--------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|---------------------------------------------------------|----------------------------------------------------------|
| 9.0 Education                        | 9.01-9.05 Education Uses                                                                                                                                                                                                                                                                                                           | <u>1 space per 300 ft<sup>2</sup> of admin/office space + 3 spaces per classroom</u>          | <u>3 spaces per classroom</u>                           | <u>.5 spaces per classroom</u>                           |
|                                      | 9.06-9.09 Education Uses                                                                                                                                                                                                                                                                                                           | <u>1 space per 300 ft<sup>2</sup> of admin/office space + 7 spaces per classroom</u>          | <u>3 spaces per classroom</u>                           | <u>.5 spaces per classroom</u>                           |
| 10.0 Daycare                         | All Daycare Uses                                                                                                                                                                                                                                                                                                                   | <u>1 per employee + 1 per 10 enrollees</u>                                                    | <u>2 spaces</u>                                         | <u>2 spaces</u>                                          |
| 11.0 General Sales & Service         | 11.01 Kennel<br>11.11 ABC Store<br>11.12 - 11.13 Personal Service Establishment<br>11.14-11.16 Retail Store<br>11.17 Shopping Center/Mall<br>11.26 Open Air Market<br>11.04 & 11.05 Financial Institution<br>11.18 - 11.19 Business or Professional Office<br>11.20-11.23 Medical Office<br>11.02-11.03 Veterinary Office/Hospital | <u>5 spaces per 1,000 ft<sup>2</sup> GFA<sup>6</sup> including outdoor areas-</u>             | <u>1 space per 5,000 ft<sup>2</sup> GLA<sup>4</sup></u> | <u>1 space per 10,000 ft<sup>2</sup> GLA<sup>4</sup></u> |
|                                      | 11.06 - 11.10 Restaurant                                                                                                                                                                                                                                                                                                           | <u>1 space per 100 ft<sup>2</sup> GLA<sup>4</sup> including outdoor space used for dining</u> | <u>1 space per 5,000 ft<sup>2</sup> GLA<sup>4</sup></u> | <u>1 space per 10,000 ft<sup>2</sup> GLA<sup>4</sup></u> |
|                                      | 11.32 Gas Station                                                                                                                                                                                                                                                                                                                  | <u>TBD</u>                                                                                    | -                                                       | -                                                        |
|                                      | 11.33 Car Wash                                                                                                                                                                                                                                                                                                                     | <u>1 space per on-site employee + 1 space per vac station</u>                                 | -                                                       | -                                                        |
|                                      | 11.27 Vehicle Sales and Service<br>11.28 Equipment Sales and Service<br>11.29 Moped Sales and Service<br>11.30 Boat or Marine Craft Sales and Service                                                                                                                                                                              | <u>3 spaces per 1,000 ft<sup>2</sup> GFA<sup>6</sup> + 2 spaces per service bay</u>           | -                                                       | -                                                        |
| 12.0 Recreation & Entertainment Uses | 12.01 Indoor Shooting Range                                                                                                                                                                                                                                                                                                        | <u>1 space per firing point</u>                                                               | <u>1 space per 5,000 ft<sup>2</sup> GFA<sup>6</sup></u> | <u>1 space per 10,000 ft<sup>2</sup> GFA<sup>6</sup></u> |
|                                      | 12.03 Indoor Theater<br>12.05 Event Venue Cat I                                                                                                                                                                                                                                                                                    | <u>1 space per 3 seats</u>                                                                    | <u>1 space per 5,000 ft<sup>2</sup> GFA<sup>6</sup></u> | <u>1 space per 10,000 ft<sup>2</sup> GFA<sup>6</sup></u> |
|                                      | 12.10 Recreation Cat I                                                                                                                                                                                                                                                                                                             | <u>1 space per 300 ft<sup>2</sup> GFA<sup>6</sup></u>                                         | <u>1 space per 5,000 ft<sup>2</sup> GFA<sup>6</sup></u> | <u>1 space per 10,000 ft<sup>2</sup> GFA<sup>6</sup></u> |
|                                      | 12.04 Outdoor Theater<br>12.06 Event Venue Cat. II<br>12.07 Event Venue Cat III                                                                                                                                                                                                                                                    | <u>TBD</u>                                                                                    | <u>1 space per 2,000 ft<sup>2</sup> GFA<sup>6</sup></u> | <u>1 space per 10,000 ft<sup>2</sup> GFA<sup>6</sup></u> |
|                                      | 12.09 Coliseum<br>12.11 Recreation Cat II<br>12.12 Recreation Cat III12.01,                                                                                                                                                                                                                                                        | <u>TBD</u>                                                                                    | <u>1 space per 20 motor vehicle spaces</u>              | <u>TBD</u>                                               |
|                                      | 12.08 Campgrounds/RV Parks                                                                                                                                                                                                                                                                                                         | <u>TBD</u>                                                                                    | -                                                       | -                                                        |
|                                      |                                                                                                                                                                                                                                                                                                                                    | <u>TBD</u>                                                                                    | -                                                       | -                                                        |
| 13.0 Agriculture Uses                | All Agricultural Uses                                                                                                                                                                                                                                                                                                              | <u>TBD</u>                                                                                    | -                                                       | -                                                        |
| 14.0 Manufacturing                   | 14.01 Microbrewery<br>14.02 Brew Pub                                                                                                                                                                                                                                                                                               | <u>1 per 4 seats</u>                                                                          | <u>1 space per 5,000 ft<sup>2</sup> GLA<sup>4</sup></u> | <u>1 space per 10,000 ft<sup>2</sup> GLA<sup>4</sup></u> |
|                                      | All other Manufacturing Uses                                                                                                                                                                                                                                                                                                       | <u>TBD</u>                                                                                    | <u>TBD</u>                                              | <u>TBD</u>                                               |
| 16.0 Storage                         | 16.01 Mini-Storage<br>16.02 Outdoor Storage                                                                                                                                                                                                                                                                                        | <u>5 spaces</u>                                                                               | -                                                       | -                                                        |
|                                      | 16.03 Warehouse<br>16.04 Fuel Storage Facility                                                                                                                                                                                                                                                                                     | <u>1 space per employee<sup>7</sup></u>                                                       | <u>TBD</u>                                              | <u>TBD</u>                                               |

| Use Type                                                                   | Specific Use                                                                   | Minimum Automobile Parking <sup>1</sup> | Short-Term Bicycle Parking Minimum <sup>2</sup>    | Long-Term Bicycle Parking Minimum <sup>3</sup>      |
|----------------------------------------------------------------------------|--------------------------------------------------------------------------------|-----------------------------------------|----------------------------------------------------|-----------------------------------------------------|
| 17.0 Transportation                                                        | 17.01 Passenger Terminals<br>17.02 & 17.03 Trucking or Freight Terminal        | TBD                                     | TBD                                                | TBD                                                 |
| 18.0 Waste Related Uses                                                    | All Waste Related Uses                                                         | 1 space per 2,000 ft <sup>2</sup>       | -                                                  | -                                                   |
| 19.0 Particular Activities which Pose Particular Concerns to Public Health | All Particular Activities which Pose Particular Concerns to Public Health Uses | TBD                                     | 1 space per 5,000 ft <sup>2</sup> GFA <sup>6</sup> | 1 space per 10,000 ft <sup>2</sup> GFA <sup>6</sup> |
| Accessory Uses                                                             | A-1 Secondary Suite                                                            | 1 space per unit                        | -                                                  | -                                                   |
|                                                                            | A-3 Accessory Dwelling Unit                                                    |                                         |                                                    |                                                     |
|                                                                            | A-10 Produce Stand                                                             | TBD                                     | -                                                  | -                                                   |
|                                                                            | A-21 Caretaker's Residence                                                     | 2 spaces per unit                       | -                                                  | -                                                   |
|                                                                            | A-19 Helistop                                                                  | TBD                                     | TBD                                                | -                                                   |
|                                                                            | A-24 Chemical Storage Facility                                                 | 1 space per 2,000 ft <sup>2</sup>       | -                                                  | -                                                   |
| Temporary Uses                                                             | T-1 Temporary Care Provider Dwelling                                           | 1 space per unit                        | -                                                  | -                                                   |
|                                                                            | T-2 Temporary Construction or Repair Dwelling                                  |                                         |                                                    |                                                     |
|                                                                            | T-3 Temporary Construction Trailer                                             |                                         |                                                    |                                                     |
|                                                                            | T-8 Temporary Non-Fixed Site Event Venue                                       | TBD                                     | TBD                                                | -                                                   |

Notes: 1. For uses not listed, or for uses To Be Determined by the Administrator, refer to 24.01.09

2. The minimum number of short-term bicycle parking spaces is 2 unless no bicycle parking is required. In no case shall more than 20 short-term spaces be required. (Davidson Table 8.1<sup>1</sup>) & (Davidson 8.6.1)

3. The minimum number of long-term bicycle parking spaces is 2 unless no bicycle parking is required.

4. GLA = Gross Leasable Area

5. DU = Dwelling Unit. Maximums for residential uses 1.01 through 1.10 exclude driveways and garage spaces.

6. GFA = Gross Floor Area and includes both indoor and outdoor space used

7. Calculating spaces based on employees or other occupants must be based on the total number of persons present or on duty at the time of maximum use

#### 24.01.04 Exceptions

The following exceptions apply in the B-1 downtown district, but do not apply to any development involving multi-family housing of more than 10 bedrooms [or: do not apply to any development that would require provision of more than 10 motor vehicle parking spaces upon application of the parking requirements set forth in this Article]. These exceptions apply only with respect to motor vehicle parking.

- A. Existing buildings which were legally constructed without the provision of on-site parking [and infill building on existing lots of record] are not required to meet the requirements of this Article and will be construed as conforming to parking.
- B. Payments in lieu of motor vehicle parking may be provided according to the Schedule of Fees/Payments established by the Town Council. Such payment must be made prior to issuance of a Certificate of Occupancy or such other zoning Certificate as is required to be issued prior to use or occupancy.

[Alternative 2: The parking requirements set forth in this Article do not apply to development in the B-1 district except for development including multi-family housing

*exceeding 10 bedrooms [or: any development that would require provision of more than 10 motor vehicle parking spaces upon application of the parking requirements set forth in this Article].]*

*[Alternative 3: No exceptions for the B-1 district.]*

**24.01.05 Maximum Parking; Excess Parking**

- A.** The maximum allowed parking spaces for any use shall be 110% of the required minimum, provided that the applicant may establish the need for a higher maximum as provided at subsection 24.01.09 below.
- B.** An applicant may be allowed additional parking in excess of the maximum established per subsection (A) above in the following instances:
  - 1. The applicant is proposing to develop structured parking and is proposing extra spaces that will be available for public use, or for shared or satellite parking as defined in this Article.
  - 2. In the R3 and B3 districts, an applicant may be allowed additional parking spaces in surface parking lots in excess of the maximum established per subsection (A) above in the following instances:
    - i. The additional parking spaces are to be used for shared parking or satellite parking, as defined in this Article, or for public use.
    - ii. The applicant provides at least either (i) double (i.e., 200%) the required setback on each side of the parking lot and 150% the required landscape buffer, or (ii) 150% the required setback on each side and 200% the required landscape buffer.

**24.01.06** Except as otherwise provided herein, all required parking shall be located on the same parcel as the use to be served.

**24.01.07** When more than one (1) use is provided on any development or building lot, the parking requirements enumerated herein shall be the sum total of the parking requirements of the various uses, except as otherwise provided herein.

**24.01.08** The number of parking spaces provided at the time of approval of the development may not be subsequently reduced or increased without the written approval of the permit issuing authority upon proper written application.

**24.01.09** Minimums and maximums may be adjusted by the permit issuing authority when the applicant provides a parking demand analysis prepared by a qualified engineer or other evidence that clearly and convincingly demonstrates that the minimum requirements established herein would result in excess and unnecessary parking for the development or that the maximum requirements established herein are inadequate to meet the parking needed for the development.

- A.** Without limiting the generality of the foregoing, the permit issuing authority may allow deviations from the parking requirements set forth herein when it finds that:

1. A residential development is irrevocably oriented toward the elderly;
2. A business is primarily oriented to walk-in trade.

**B.** Whenever the permit issuing authority allows or requires a deviation from the presumptive parking requirements set forth herein, it shall enter on the face of the permit the parking requirement that it imposes and the reasons for allowing or requiring the deviation.

**24.01.10** If the permit issuing authority concludes, based upon information it receives in the consideration of a specific development proposal, that the presumption established herein for a particular use classification is inadequate or otherwise unsound, it shall initiate a request for an amendment in accordance with the procedures set forth in Article 9.

**24.01.11** When a use is proposed which is not listed in Table 24.01 or is listed "To Be Determined", the permit issuing authority shall determine the number of spaces required or permitted, as relevant, by referencing the most similar use(s) listed in Table 24.01 and any such other factors as are deemed relevant, including the particular parking demand and trip generation characteristics of the proposed use.

**A.** If the permit issuing authority concludes that no reasonably similar use is listed -it may require the applicant to submit a parking demand analysis prepared by a qualified engineer.

**B.** Any parking demand analysis shall include, at a minimum:

- i. Estimates of parking demand based on reliable data collected from comparable uses or based on external data from credible research organizations; and
- ii. Be based on developments and/or uses that are comparable in density, intensity, bulk, scale, type of activity and location; and
- iii. Studies must document the source of all data used to develop the recommended requirements; and
- iv. The submitted study must include all source materials and data logs used to develop the recommendation as exhibits to the recommendation; and
- v. The submitted demand study must include an executive summary that succinctly outlines the methodology and recommendation.

**24.01.12 Allowed Reductions in Parking Requirements for Multi-Family Dwellings**

**A.** The minimum parking required for multi-family dwellings may be reduced for each of the following by the factor indicated, with a maximum reduction of 15%:

1. If the development is located within ½ mile of the Appalachian State University main campus or the Appalachian Health Sciences Building, the minimum parking may be reduced by 10%.

2. If the development is served by a public transit route, with a transit shelter or bus pull-off existing or to be constructed within ¼ mile of the development, the minimum parking may be reduced by 10%. To be entitled to this reduction for a route and/or transit stop that is not currently in existence, the applicant must provide written documentation establishing to the satisfaction of the Administrator that the transit authority will establish the route and/or facility prior to or simultaneously with first occupancy of the development.
3. For every six (6) bicycle parking spaces in excess of the short or long term bicycle parking space requirements of Table 24.01, the motor vehicle parking requirement may be reduced by one (1) space.

**24.01.13** For purposes of calculating spaces based on employees or other occupants, calculations shall be based on the total number of persons present or on duty at the time when maximum use of the building, land or use is being made.

- A. The number of persons in assembly areas with fixed seating or a designed seating capacity shall be the maximum seating capacity.
- B. The number of persons in assembly areas without fixed seating or without a designed seating capacity shall be based on the floor area actually used for the assembly area divided by 5.
- C. If more than one (1) assembly area is used simultaneously by different occupants, then the capacity of all such areas must be used to calculate the required parking and loading. Otherwise, the computations is calculated based on the largest assembly area.

**24.01.14 Parking Structures**

- A. The maximum allowed parking spaces may be exceeded if the additional spaces are provided as part of a parking structure.
- B. Structured parking spaces should be screened so as not to be visible from a public street, park or public pedestrian way.
- C. When above-ground structured parking is located on a road right-of-way, the first floors adjacent to the right-of-way shall be designed and constructed so as to be compatible in appearance with adjacent properties, subject to the design guidelines of that planning area, if any.

**24.01.15** For Residential Uses 1.01 through 1.10, driveways may be used to satisfy minimum on-site parking requirements, provided that sufficient space is available to prevent vehicle encroachment onto sidewalk and/or into adjoining vehicular travel lanes

## 24.02 Parking Space Dimensions and Required Widths of Parking Area Aisles and Driveways

- 24.02.01** Subject to Subsections 24.02.02, 24.02.03 and 24.02.06, each parking space shall contain a rectangular area at least seventeen and one half feet long (17.5') and nine feet (9') wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this Section.
- 24.02.02** In parking areas containing ten (10) or more parking spaces, a rectangular area of only seven and one half feet (7.5') in width by fifteen feet (15') in length, may be conspicuously designated as reserved for compact cars in the following situations:
- A.** Multi-family uses may provide up to fifty percent (50%) of the parking spaces for compact cars.
  - B.** All other uses may provide up to thirty-five percent (35%) of the parking spaces for compact cars.
  - C.** All compact spaces must be permanently signed as "Compact."
- 24.02.03** Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than twenty-three feet (23') by nine and one half feet (9.5').
- 24.02.04** Parking area aisle widths shall conform to the Table 24.02 Geometric Design Standards for Parking Table, which varies the width requirement according to the angle of parking.
- 24.02.05** Driveways shall not be less than eleven feet (11') in width for one way traffic and eighteen feet (18') in width for two way traffic, except that eleven feet (11') wide driveways are permissible for two way traffic when:
- A.** The driveway is no longer than fifty feet (50'), and
  - B.** The driveway provides access to not more than six (6) spaces, and
  - C.** Sufficient turning space is provided so that vehicles need not back into a public street.
- 24.02.06** Driveways to parking areas shall not exceed 24 feet in width (two lanes) or 12 feet in width (one lane), except those where turn lanes are required.

**TABLE 24.02 Geometric Design Standards for Parking**

Geometric Design for Standard Automobiles

| Parking Angle (degrees) | Stall Width (Feet)* | Stall Depth (to Curb) (feet) | Aisle Width (feet) | Stall Width Parallel to Aisle (feet) | Module Width (feet) | Bumper Overhang (feet) |
|-------------------------|---------------------|------------------------------|--------------------|--------------------------------------|---------------------|------------------------|
| 0                       | 9.5                 | N/A                          | 12.0               | 23.0                                 | 31.0                | N/A                    |
| 45                      | 9.0                 | 17.5                         | 12.0               | 12.7                                 | 47.2                | 2.0                    |
| 60                      | 9.0                 | 19.0                         | 16.0               | 10.4                                 | 54.0                | 2.5                    |

|           |     |      |      |     |      |     |
|-----------|-----|------|------|-----|------|-----|
| <b>75</b> | 9.0 | 19.5 | 23.0 | 9.3 | 62.0 | 2.5 |
| <b>90</b> | 9.0 | 18.0 | 24.0 | 9.0 | 60.0 | 3.0 |

*\*Note: Stall width shall be measured perpendicular to the vehicle not parallel to the aisle.*

**Geometric Design for Standard Automobiles (Alternative for B-1) (Millcreek 17.27.040)**

| <u>Parking Angle (degrees)</u> | <u>Stall Width (Feet)*</u> | <u>Stall Depth (to Curb) (feet)</u> | <u>Aisle Width (feet)</u> |              | <u>Stall Width Parallel to Aisle (feet)</u> | <u>Module Width (feet)</u> |              | <u>Bumper Overhang (feet)</u> |
|--------------------------------|----------------------------|-------------------------------------|---------------------------|--------------|---------------------------------------------|----------------------------|--------------|-------------------------------|
|                                |                            |                                     | <u>1 way</u>              | <u>2 way</u> |                                             | <u>1 way</u>               | <u>2 way</u> |                               |
| <u>0</u>                       | <u>9.0</u>                 | <u>18.0</u>                         | <u>13.0</u>               | <u>13.0</u>  | <u>12.7</u>                                 | <u>22.0</u>                | <u>31.0</u>  | <u>2.0</u>                    |
| <u>45</u>                      | <u>9.0</u>                 | <u>18.0</u>                         | <u>13.0</u>               | <u>22.0</u>  | <u>10.4</u>                                 | <u>31.0</u>                | <u>58.0</u>  | <u>2.5</u>                    |
| <u>60</u>                      | <u>9.0</u>                 | <u>18.0</u>                         | <u>18.0</u>               | <u>22.0</u>  | <u>9.3</u>                                  | <u>54.0</u>                | <u>58.0</u>  | <u>2.5</u>                    |
| <u>90</u>                      | <u>9.0</u>                 | <u>18.0</u>                         | <u>22.0</u>               | <u>22.0</u>  | <u>9.0</u>                                  | <u>58.0</u>                | <u>58.0</u>  | <u>3.0</u>                    |

*\*Note: Stall width shall be measured perpendicular to the vehicle not parallel to the aisle.*

**Geometric Design for Compact Automobiles**

| <u>Parking Angle (degrees)</u> | <u>Stall Width (Feet)*</u> |                   | <u>Stall Depth (to Curb) (feet)</u> | <u>Aisle Width (feet)</u> | <u>Stall Width (Parallel to Aisle (feet)</u> | <u>Module Width (feet)</u> | <u>Bumper Overhang (feet)</u> |
|--------------------------------|----------------------------|-------------------|-------------------------------------|---------------------------|----------------------------------------------|----------------------------|-------------------------------|
|                                | <u>Multi-Family</u>        | <u>Other Uses</u> |                                     |                           |                                              |                            |                               |
| <b>0</b>                       | 8.0                        | 8.0               | N/A                                 | 11.0                      | 1.0                                          | 27.0                       | N/A                           |
| <b>45</b>                      | 7.5                        | 8.0               | 16.0                                | 11.0                      | 10.5                                         | 43.0                       | 2.0                           |
| <b>60</b>                      | 7.5                        | 8.0               | 16.7                                | 14.0                      | 8.7                                          | 47.4                       | 2.3                           |
| <b>75</b>                      | 7.5                        | 8.0               | 16.3                                | 17.4                      | 7.8                                          | 50.0                       | 2.5                           |
| <b>90</b>                      | 7.5                        | 8.0               | 15.0                                | 20.0                      | 7.5                                          | 50.                        | 2.5                           |

*\*Note: Stall width shall be measured perpendicular to the vehicle not parallel to the aisle.*

**General Design Requirements**

- 24.03.01** Unless no other practicable alternative is available, vehicle accommodation areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing into a public street. This requirement does not apply to parking areas consisting of driveways that serve one or two dwelling units, but a design requiring backing onto arterial streets is to be avoided unless there is no reasonable alternative.
- 24.03.02** Vehicle accommodation areas of all developments shall be designed so sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.
- 24.03.03** Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.

**24.03.04** Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

**24.03.05** All vehicle accommodation areas shall designate parking space for handicapped persons in accordance with the state Building Code.

**24.03.06** **Location of Residential Parking:** Parking outside a substantially enclosed structure of more than four (4) motor vehicles between the front building line of the principal building and the street is prohibited on any lot used for purposes that fall within the following principal use classifications: 1.01, 1.02, 1.03, 1.04, 1.05, 1.06.

**24.03.07** Vehicle accommodation areas shall be designed to minimize breaks in the pedestrian environment along the public street and create safe and comfortable passage for pedestrians. Curb cuts shall be minimized in width and number.

**24.03.08** To the extent such can be reasonably avoided, property located at a street intersection shall not have parking, loading, or service areas within 25' of a corner.

**24.03.09 Parking Lot Placement**

**A.** Parking lots shall be placed to the side or behind buildings, except that parking is allowed in the front of the principal building as follows:

**B.** Except in the B1 and all Residential Zoning Districts, a development may have one (1) row of parking and a drive aisle placed in between the principal building and the public street right-of-way.

1. The parking and drive aisle together may not be more than 54' in width.

2. There must be well-delineated pedestrian access from the parking area to the primary pedestrian entrance.

**C.** Parallel parking is allowed on one side of a driveway that accesses a rear or side parking lot.

**24.04.07** Uninterrupted areas of parking lot shall be limited to 36 spaces. Parking lots with more than 36 spaces shall be broken by landscape features, which can include natural features designed to handle stormwater runoff.

**24.04.08** Multiple parking lots serving a non-residential or multi-family development should be interconnected.

**24.04.09 Vehicle Accommodation Area Drainage**

**A.** This section does not apply to one and two-family residential uses.

**B.** All parking lots, regardless of surfacing, shall retain stormwater on site or drain to a catch basin in a public street.

**C.** All paved parking areas shall be curbed using a standard curb with a minimum width of 1.5 feet.

- D. Curb inlets may be used to permit sheet flow drainage into rain gardens or other bio-retention areas as part of an alternative engineered storm water retention system.
- E. In parking lots of more than 100 spaces, the stormwater from all spaces over 100 shall be conveyed to low impact stormwater management devices on site, as approved, by the Administrator.
- F. Low impact stormwater management devices (such as pervious paving, bioretention areas, vegetated landscape islands, and the use of absorbent landscaping) are encouraged for all parking areas.

#### **24.04.10 Parking Area Landscaping**

- A. Parking areas should be organized to provide consolidated landscape areas as opportunities for passive stormwater management.
- B. Landscaping is required as provided at Article 31, section 31.10 ("Vehicular Surface Areas").

#### **24.04.11 Pedestrian Access**

Parking lots shall be designed to allow pedestrians to safely move from their vehicles to the building.

- A. On small lots (thirty-six spaces or less), this may be achieved by providing a sidewalk at the perimeter of the lot.
- B. On larger lots, pedestrian corridors within the parking area should channel pedestrians from the car to the perimeter of the lot or to the building. These corridors shall be delineated by a paving material that differs from that of vehicular areas and planted to provide shade. The use of small posts or bollards are encouraged to provide additional separation of pedestrian and vehicular corridors.

#### **Vehicle Accommodation Area Surfaces**

- 24.04.12** Except for single or two family dwellings and excluding vehicle accommodation areas designed for two (2) vehicles or less, all vehicle accommodation areas shall be surfaced with a bituminous paving or NCDOT standard ABC stone. ABC stone may not be used on vehicle accommodation areas with slopes greater than five percent (5%).
- 24.04.13** Parking spaces in areas surfaced with bituminous paving shall be appropriately demarcated with painted lines or other markings. Parking spaces in areas surfaced with NCDOT standard ABC stone shall be demarcated whenever practicable.
- 24.04.14** Vehicle accommodation areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, vehicular accommodation area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.
- 24.04.15** Use of pavement or asphalt sealant, coating or like product (hereafter referred to as "sealant").

- A.** Any sealant may only be used in conformity with its manufacturer's specifications and is further subject to the following requirements:
1. No person may apply a sealant nor authorize its application without first obtaining a zoning permit from the Administrator. As part of the permit application, the applicant must disclose the date the sealant will be applied, the location of the area to which the sealant will be applied, the type of sealant which will be applied and such other information as the Administrator shall request. The Administrator may charge appropriate fees to defray the costs of inspections needed to verify compliance with this Section.
  2. A sealant may not be applied unless the pavement and air temperatures at the location of the application, at all times during application and for at least forty-eight hours thereafter, are and are predicted to be at least fifty-five degrees (55°) Fahrenheit and stable or rising, but less than eighty degrees (80°) Fahrenheit.
  3. A sealant may not be applied during rainy or wet weather.
  4. Any person applying a sealant must have on site for ready inspection by the Administrator a copy of the manufacturer's specifications for application of the sealant.
- B.** Additional Requirement for Non-Coal-Tar-Based Sealants: In addition to the foregoing requirements of Subsection 24.04.04(A), a non-coal-tar-based sealant may not be applied if at the time the application is to begin, any chance of precipitation is predicted by the National Weather Service for any portion of the period during which the sealant is expected to be applied, or at the time application begins there is more than a fifteen percent (15%) chance of precipitation predicted by the National Weather Service for any portion of the forty-eight (48) hours following the anticipated completion of the application.
- C.** Additional Requirement for Coal-Tar-Based Sealants:
1. In addition to the foregoing requirements of Subsection 24.04.04(A), a sealant containing coal tar may not be applied if at the time the application is to begin, any chance of precipitation is predicted by the National Weather Service for any portion of the period during which the sealant is expected to be applied; at the time application begins there is a ten percent (10%) or more chance of precipitation predicted for any period within the forty-eight (48) hours following the anticipated completion of the application; or if at the time application begins, there is more than a twenty percent (20%) chance of precipitation predicted for any period within seven (7) full days following the anticipated completion of the application, each as predicted by the National Weather Service.
  2. A sealant containing coal tar may never be applied to a surface, any part of which is located within a flood way, nor to a surface, any part of which is within 200 feet

from the closest point of any natural watercourse, and shown on a map labeled as the "NC Stream Map" as produced by the North Carolina Stream Mapping Project (<http://www.ncstreams.org>)" on file with and available through the Administrator.

3. A sealant containing coal tar may only be applied to a surface, any part of which is located in an area of special flood hazard, if buffering is placed along all portions of the downslope perimeter of the surface sufficient to absorb and impede any draining of the sealant from the surface to a degree equivalent or more effective than the absorption and impedance which can be achieved with bales of hay, laid end to end, and such buffering is maintained in place for a period of no less than seven days following application of the sealant. For purposes of this paragraph, the use of bales of hay of normal size and weight, laid end to end, shall be considered sufficient to meet the requirements of this paragraph.
4. A sealant containing coal tar may only be applied to a surface, any part of which contains a storm drain, if buffering or filters are placed around the full perimeter of the storm drain sufficient to absorb and impede any draining of the sealant from the surface to a degree equivalent or more effective than the absorption and impedance which can be achieved with bales of hay, laid end to end, and such buffering is maintained in place for a period of no less than seven days following application of the sealant. For purposes of this paragraph, the use of bales of hay of normal size and weight forming an unbroken perimeter around a storm drain shall be considered a sufficient buffer and filter to meet the requirements of this paragraph.

#### **24.05 Shared Parking**

- 24.05.01** One parking area may contain required spaces for several different uses, but except as otherwise provided in this Section, the required space assigned to one use may not be credited to another use.
- 24.05.02** To the extent that developments that wish to make joint use of the same parking spaces operate at different times, the same spaces may be credited to both uses. For example, if a parking lot is used in connection with an office building on Monday through Friday but is generally ninety percent (90%) vacant on weekends, another development that operates only on weekends could be credited with ninety percent (90%) of the spaces on that lot. Or, if a church parking lot is generally occupied only to fifty percent (50%) of capacity on days other than Sunday, another development could make use of fifty percent (50%) of the church lot's spaces on those other days.
- 24.05.03** If the joint use of the same parking spaces by two or more (2+) principal uses involves satellite parking spaces, then the provisions of Section 24.06 are also applicable.
- 24.05.04** Where motor vehicle access is provided between adjoining non-residential sites and the operating hours of adjoining uses do not significantly overlap, the uses may share up to 50 percent of required parking spaces.

**24.05.06** Bicycle parking may be provided in a common area of a shared parking area for adjacent sites.

**24.05.07** An applicant proposing the use of shared parking must:

- A.** Demonstrate that the applicant has the express legal right to use the spaces in question; and
- B.** Provide the shared use agreement detailing how the spaces will be shared among the uses; and
- C.** Provide proof to the Administrator of a continuation of the right to use the shared parking annually, on January 15 of each year, unless the Administrator has provided for a different frequency of such reporting; and
- D.** The applicant must sign an acknowledgment that the continuing validity of the applicant's permit depends upon the continuing ability to provide the requisite number of parking spaces. If the shared parking is no longer available or the property owner or applicant fails to comply with the requirements of the Section, the parking requirement reverts to those requirements found in Table 24.01 and the property owner or applicant must demonstrate compliance with said requirements or its zoning Certificate shall be revoked.

#### **24.06 Satellite Parking**

**24.06.01** Required parking spaces may be provided on adjacent or nearby lots in accordance with the provisions of this Section. These off-site spaces are referred to in this Section as satellite parking spaces.

**24.06.02** All satellite parking spaces must be located within ¼ mile of a public entrance of a principal building housing the use associated with such parking, or within ¼ mile of the lot on which the use associated with such parking lot is located if the use is not housed within any principal building; provided, however, that this limitation does not apply to on-campus housing located in the UI district; and further provided that satellite parking may not be used for visitor or customer parking required for any use unless the satellite parking spaces are within 200 feet of the parcel to be served by such parking.

**24.06.03** The applicant wishing to take advantage of the provisions of this Section must present satisfactory written evidence that the applicant has the legal right to use the satellite parking spaces, and that such right is exclusive during the operating hours of the use in question.. The applicant must also sign an acknowledgment that the continuing validity of the applicant's permit depends upon the continuing ability to provide exclusive use during operating hours of the requisite number of parking spaces. If the parking spaces are required for residential uses, "operating hours" shall be considered to be 24 hours a day for purposes of this section.

- 24.06.04** Persons who obtain satellite parking spaces in accordance with this Section are not responsible for ensuring that the satellite parking areas from which they obtain their spaces satisfy the design requirements of this Article.
- 24.06.05** The applicant using satellite parking to comply with the requirements of this Article must provide proof to the Administrator of a continuation of the right to use the shared parking annually, on January 15 of each year, unless the Administrator provides for a different frequency of reporting.
- 24.06.07** The applicant using satellite parking to comply with the requirements of this Article must sign an acknowledgment that the continuing validity of the applicant's permit depends upon the continuing ability to provide the requisite number of parking spaces. If the applicant or property owner fails to comply with the requirements of the Section, the parking requirement reverts to those requirements found in Table 24.01 and the property owner or applicant must demonstrate compliance with said requirements or the zoning Certificate may be revoked.

#### **24.07 Special Provisions For Lots With Existing Buildings**

- 24.07.01** Notwithstanding any other provisions of this Ordinance, whenever (i) there exists a lot with one or more structures on it constructed before the effective date of this Ordinance, and (ii) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (iii) the parking requirements of Section 24.01 that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking, then the applicant need only comply with the requirements of Section 24.01 to the extent that (i) parking space is practicably available on the lot where the development is located, and (ii) satellite parking space is reasonably available.
- 24.07.02** Should satellite parking subsequently become reasonably available, then it shall be a continuing condition of the permit authorizing development on such lot that the applicant obtain satellite parking when it does become available.

#### **24.08 Loading and Unloading Areas**

- 24.08.01** Subject to subsection 24.08.06 below, whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area, located at the rear, side or end of the business, must be provided initially and continually in accordance with this Subsection to accommodate the delivery or shipment operations in a safe and convenient manner.
- 24.08.02** The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development in question. Subsection 24.08.03 indicates the number of spaces that, presumably satisfies the standard set forth in this Subsection. However, the permit issuing authority may

require more or less loading and unloading area if reasonably necessary to serve the development.

**24.08.03** For the purpose of this Section, the off-street loading and unloading space shall have the minimum dimensions of twelve feet (12') by fifty-five feet (55') and overhead clearance of fourteen feet (14') from street grade.

- A.** Retail business shall provide one (1) space of 300 square feet for each 5,000 square feet of floor space.
- B.** Wholesale and industry shall provide one (1) space of 500 square feet for each 10,000 square feet of floor area.
- C.** In the case of mixed uses, the total requirements for off-street loading or unloading space shall be the sum of the requirements for the various uses except to the extent the applicant can demonstrate to the satisfaction of the Administrator that different operating hours or other factors will permit different users or tenants to share the same loading spaces. It shall be an express condition of the permit issued to an applicant taking advantage of this provision that the loading spaces are to be practically adequate to serve the development, and if such spaces prove to be inadequate the Administrator may require that the development provide additional loading spaces or, if additional spaces are not provided, revoke the permit for the development.

**24.08.04** Loading and unloading areas shall be so located and designed that the vehicles intended to use them can (i) maneuver safely and conveniently to and from a public right-of-way, and (ii) complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.

**24.08.05** No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

**24.08.06** Whenever (i) there exists a lot with one or more structures on it constructed before the effective date of this Ordinance, and (ii) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (iii) the loading requirements of this Section cannot be satisfied because there is not sufficient area available on the lot that can be practicably be used for loading and unloading, then the applicant need only comply with this Section to the extent reasonably possible.

## **24.09 Bicycle Parking**

**24.09.02** Bicycle spaces shall be provided as set forth at Table 24.01. In those instances when alternative measures are associated with a particular use, e.g., "2, or 1 per 20 units," the measure providing the higher number of bicycle parking spaces shall be used.

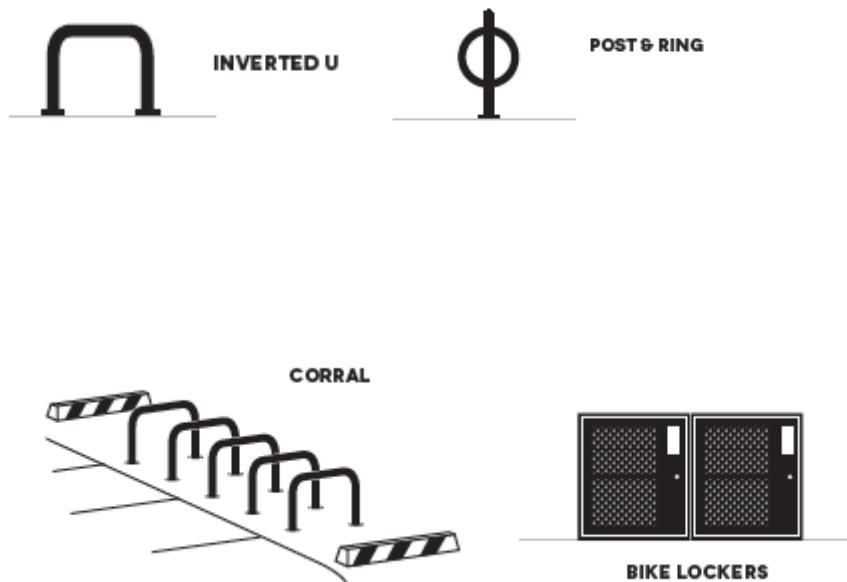
- A.** When required, the minimum number of bicycle parking spaces for any multi-family or non-residential use is two (2) spaces or one (1) rack.

- B. A single “inverted U” bicycle parking rack will count as two bicycle parking spaces.

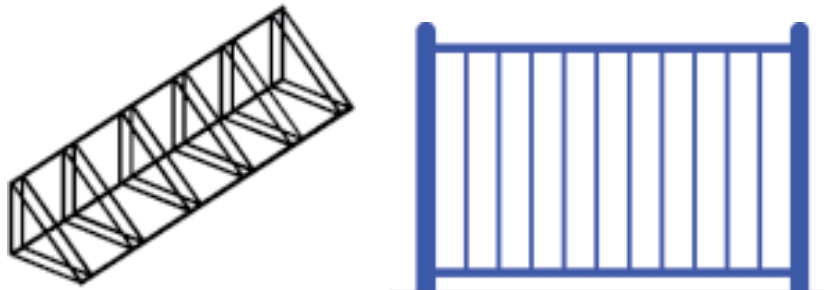
**24.09.04** Parking facilities shall meet the following standards:

- A. Bicycle parking facilities shall conform with the design guidelines promulgated by the Association of Pedestrian and Bicycle Professionals (APBA) as found in the “Bicycle Parking Guidelines” manual.
- B. Bicycle racks shall provide for at least two (2) points of contact with the bicycle frame and for the locking of at least one wheel using varying types of bike locks (U-lock, wire cable, etc.)
- C. All racks must be safe, sturdy and well-anchored.

Examples of acceptable facilities:



Examples of **unacceptable** facilities (because they secure only one wheel):



- A. Outside bicycle parking facilities shall be illuminated in conformity with the standards for "open parking areas" of UDO Section 25.05. Inside bicycle parking facilities shall be illuminated in conformity with the standards for "building entries" of UDO Section 25.05.
- B. Areas set aside for outside bicycle parking shall be clearly marked and reserved for bicycle parking only. Where the location of said parking is not easily visible from the street, a sign that does not exceed four square feet (4 ft<sup>2</sup>) in area and directs cyclists to parking shall be provided on site and must be visible from the street or from the main building entrance. For purposes of this Section, "main building entrance" shall connote and refer to the primary doorway by which residents, visitors or customers enter and exit a building, whether or not said entrance is oriented facing the public street. Signs shall comply with the MUTCD for Bicycle parking signage

Examples of acceptable signs:



- C. Bicycle parking shall be located so as to avoid impeding or creating a hazard to pedestrians from parked or approaching bicycles, and to avoid creating a hazard to bicyclists or bicycles from automobiles or other motor vehicles. Bicycle racks installed on private sidewalks within the development must provide a clear, unobstructed passage of at least five feet (5') for pedestrians and should be installed at least three feet (3') from the face of any curb. Bicycle racks may not be installed on public sidewalks without the express authorization of the Boone Town Council, subject to such conditions which may be attached to such authorization.

#### **24.09.05 Short Term Bicycle Parking**

- A. Short-term bicycle parking shall meet the needs of people visiting businesses, institutions and other uses with similar needs – typically lasting up to two (2) hours. Since short-term users are infrequent visitors to these locations, the parking installation should be readily visible and self-explanatory.
- B. Parking facilities for short term bicycle parking must be located no farther from the main building entrance than the distance to the closest non-handicap vehicle space, or fifty feet (50'), whichever is greater, and they must be visible from public sidewalk areas along the public street frontage adjoining the use and located directly in front of the main building entrance unless the main building entrance is not oriented toward the public street. In those instances where the main building entrance is not oriented toward the public street, the parking facilities must be visible from such locations, as

determined by the Administrator or permit issuing authority, which will provide the greatest level of visibility to achieve the dual purposes of security for the bicycles using the facilities and availability to bicyclists visiting the building for the first time.

- C. Short term bicycle parking, when allowed within a public right-of-way, should be coordinated with street furniture as applicable and may (but is not required to) be covered.

#### **24.09.06 Long term bicycle parking**

- A. Long term bicycle parking shall provide for daily, overnight or even longer duration bicycle parking by residents and employees. These users often leave bicycles unattended and unmonitored for extended periods and require exclusive access, additional security and weather protection.
- B. Long term bicycle parking shall be covered or enclosed, and must provide security and protection from weather and the elements. Long term parking spaces may include indoor parking, racks in covered loading dock areas, racks in garage structures, bicycle lockers or other means, and should be incorporated whenever possible into the building design.

## PARKING

### **24.01** Parking Spaces Required

- 24.01.01** All developments in all zoning districts shall initially and continually provide a sufficient number of permanent off-street motor vehicle and bicycle parking spaces, in compliance with this Article, to accommodate the ~~number of vehicles that ordinarily are likely to be attracted to the development in question~~ residents, employees, customers, visitors and others who may spend time at that development.
- 24.01.02** Unless otherwise expressly stated, every development shall provide the parking spaces required per Table 24.01 below and the other provisions of this Article. The number of off-street vehicle parking spaces included in a development shall comply with the standards in this Article. Parking spaces may be provided in a parking structure. For uses not covered in Table 24.01, the parking requirements shall be as determined by the Administrator as set forth at subsection 24.01.11 below. Calculations that result in a fraction of a space shall be rounded up to the next whole number.
- 24.01.03** Unless otherwise expressly stated, these requirements apply as follows:~~to:~~
- A. **New Construction.** ~~All Any~~ new buildings or structures being constructed must provide parking as required by this Article at such times as a Certificate of Occupancy or other zoning Certificate required for use or occupancy is issued; or
  - B. **Additions & Renovations.**
    - 1. A building or site may be renovated or repaired without providing additional parking provided that there is no increase in gross floor area or improved site area, subject to the provisions of subsection (C) below.
    - 2. When ~~ever~~ an existing building, use and/or occupancy is enlarged or expanded to include additional dwelling units, floor area, seating capacity, or other units of measurement used for establishing parking and loading requirements, parking is required for the ; provided, however, that
      - 1. ~~Any additional off-street parking and loading spaces are required only as needed to serve the enlarged or expanded building area, use or occupancy only, not the entire building or use; [provided, however, that if the enlarged area, use or occupancy would require an increase of less than five (5) percent in the required number of parking spaces or fewer than five (5) spaces, no additional parking shall be required.]; and or~~
  - C. Upon conversion from one type of use or occupancy to another, or any change in the manner in which the use is constructed that would result in additional parking requirements, parking is required for the new use or occupancy; [provided, however,

that if a change in use or occupancy would require an increase of less than five (5) percent in the required number of parking spaces or fewer than five (5) spaces, no additional parking shall be required<sup>2</sup>. Notwithstanding the foregoing, if a residential use is established in a building formerly used for nonresidential purposes, parking must be provided in accordance with the requirements in Table 24.1.]

(Raleigh: must have 25% increase in floor area or improved site area before (B) is triggered, and must have 25% increase in required additional spaces before (C) is triggered ; GSO and Davidson – any change triggers;

Table 24.01

| Use Type               | Specific Use                                                                                                                              | Minimum Automobile Parking <sup>1</sup>                                                                                                       | Short-Term Bicycle Parking Minimum <sup>2</sup> | Long-Term Bicycle Parking Minimum <sup>3</sup> |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|------------------------------------------------|
| 1.0 Household Living   | 1.01 Single-Family Dwelling<br>1.02 Manufactured Home "Class A"<br>1.03 Manufactured Home "Class B"<br>1.06 Duplex<br>1.07 Duplex         | 2 spaces per DU <sup>5</sup>                                                                                                                  | =                                               | =                                              |
|                        | 1.08-1.10 Townhouse<br>1.11-1.13 Multi-Family<br>1.14-1.16 Multi-Family                                                                   | 1.25-spaces for 0-1 BD DU <sup>5</sup><br>1.5 spaces for 2 BD DU <sup>5</sup> , 2 spaces per 3+ bed DU <sup>5</sup>                           | 1 per 20 units                                  | 1 per 4 units                                  |
|                        | 1.05 Manufactured Home Park                                                                                                               | 2 spaces per DU <sup>5</sup> + 1 visitor's space per 10 DU <sup>5</sup><br>+ 2 spaces for employees <sup>7</sup>                              | 1 per 20 beds                                   |                                                |
|                        |                                                                                                                                           |                                                                                                                                               |                                                 |                                                |
| 2.0 Group Living       | 2.01 Family Care Home                                                                                                                     | 2 spaces per DU <sup>5</sup>                                                                                                                  | =                                               | 1 space per 5 employees                        |
|                        | 2.08-2.09 Retirement Community<br>2.10-2.12 Residence Hall                                                                                | 1.5 spaces per DU <sup>5</sup>                                                                                                                | 1 space per 20 beds                             | 1 space per 10 beds                            |
|                        | 2.02 Family Care Institutions<br>2.03-2.04 Halfway House<br>2.05-2.06 Nursing Care<br>2.07 Skilled Nursing Facility                       | 1 space per 3 beds                                                                                                                            |                                                 | 1 space per 5 employees                        |
|                        | 2.13 Fraternity or Sorority Dwelling                                                                                                      | 1 space per 2 beds                                                                                                                            | 1 space per 20 beds                             | 1 space per 10 beds                            |
|                        | 2.14 Board Housing                                                                                                                        | 1.25 spaces per rentable room                                                                                                                 | 1 space per 20 beds                             | 1 space per 10 beds                            |
| 3.0 Transient Living   | 3.01 Home for Survivors of Domestic Violence                                                                                              | 3 spaces per DU <sup>5</sup>                                                                                                                  | 2 spaces                                        | 2 spaces                                       |
|                        | 3.02-3.03 Shelter for Homeless                                                                                                            | 1 space per 4 beds                                                                                                                            | 2 spaces                                        | 2 spaces                                       |
|                        | 3.04-3.05 Bed & Breakfast                                                                                                                 | 2 spaces + 1 space per rentable room                                                                                                          | 2 spaces                                        | 2 spaces                                       |
|                        | 3.06 Vacation Rental                                                                                                                      | 3 spaces per unit                                                                                                                             | 2 spaces                                        | 2 spaces                                       |
|                        | 3.07 Motel<br>3.08 Hotel                                                                                                                  | 1 space per rentable room + 5 spaces per 1,000 ft <sup>2</sup> of restaurant & lounge & meeting & banquet + 1 space per employee <sup>7</sup> | 2 spaces                                        | 2 spaces                                       |
| 4.0 Institutional Uses | 4.01 Airport/Land Strip<br>4.02 Heliport<br>4.04 Cemetery<br>4.07 Animal Sanctuary<br>4.03 Funeral Home Establishment<br>4.05 Post Office | TBD <sup>1</sup>                                                                                                                              | TBD                                             | TBD                                            |

|  | <u>Use Type</u>                                 | <u>Specific Use</u>                                                                                                                                                                                                                                                                                                                                                                                          | <u>Minimum Automobile Parking<sup>1</sup></u>                                                  | <u>Short-Term Bicycle Parking Minimum<sup>2</sup></u>   | <u>Long-Term Bicycle Parking Minimum<sup>3</sup></u>     |
|--|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|---------------------------------------------------------|----------------------------------------------------------|
|  |                                                 | <u>4.06 Post Office, Distribution</u>                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                |                                                         |                                                          |
|  | <u>5.0 Government Uses</u>                      | <u>All Government Uses</u>                                                                                                                                                                                                                                                                                                                                                                                   | <u>TBD<sup>1</sup></u>                                                                         | <u>TBD</u>                                              | <u>TBD</u>                                               |
|  | <u>6.0 Non-Governmental Utility Facility</u>    | <u>All Non-Government Utility Facility</u>                                                                                                                                                                                                                                                                                                                                                                   | <u>TBD<sup>1</sup></u>                                                                         | <u>-</u>                                                | <u>-</u>                                                 |
|  | <u>7.0 Telecommunications</u>                   | <u>All Telecommunication Uses</u>                                                                                                                                                                                                                                                                                                                                                                            | <u>1 space</u>                                                                                 | <u>-</u>                                                | <u>-</u>                                                 |
|  | <u>8.0 Assembly</u>                             | <u>8.01-8.03 Religious Assembly</u>                                                                                                                                                                                                                                                                                                                                                                          | <u>1 space per 3 seats in worship area + 3 spaces per 1,000 ft<sup>2</sup> for other areas</u> | <u>1 space per 2,000 ft<sup>2</sup> GFA<sup>6</sup></u> | <u>1 space per 5,000 ft<sup>2</sup> GFA<sup>6</sup></u>  |
|  |                                                 | <u>8.04-8.05 Assembly Uses</u>                                                                                                                                                                                                                                                                                                                                                                               | <u>1 space per 2 seats in assembly area + 3 spaces per 1,000 ft<sup>2</sup> of other areas</u> | <u>1 space per 1,000 ft<sup>2</sup> GFA<sup>6</sup></u> | <u>1 space per 10,000 ft<sup>2</sup> GFA<sup>6</sup></u> |
|  | <u>9.0 Education</u>                            | <u>9.01-9.05 Education Uses</u>                                                                                                                                                                                                                                                                                                                                                                              | <u>1 space per 300 ft<sup>2</sup> of admin/office space + 3 spaces per classroom</u>           | <u>3 spaces per classroom</u>                           | <u>.5 spaces per classroom</u>                           |
|  |                                                 | <u>9.06-9.09 Education Uses</u>                                                                                                                                                                                                                                                                                                                                                                              | <u>1 space per 300 ft<sup>2</sup> of admin/office space + 7 spaces per classroom</u>           | <u>3 spaces per classroom</u>                           | <u>.5 spaces per classroom</u>                           |
|  | <u>10.0 Daycare</u>                             | <u>All Daycare Uses</u>                                                                                                                                                                                                                                                                                                                                                                                      | <u>1 per employee + 1 per 10 enrollees</u>                                                     | <u>2 spaces</u>                                         | <u>2 spaces</u>                                          |
|  | <u>11.0 General Sales &amp; Service</u>         | <u>11.01 Kennel</u><br><u>11.11 ABC Store</u><br><u>11.12 - 11.13 Personal Service Establishment</u><br><u>11.14-11.16 Retail Store</u><br><u>11.17 Shopping Center/Mall</u><br><u>11.26 Open Air Market</u><br><u>11.04 &amp; 11.05 Financial Institution</u><br><u>11.18 - 11.19 Business or Professional Office</u><br><u>11.20-11.23 Medical Office</u><br><u>11.02-11.03 Veterinary Office/Hospital</u> | <u>5 spaces per 1,000 ft<sup>2</sup> GFA<sup>6</sup> including outdoor areas-</u>              | <u>1 space per 5,000 ft<sup>2</sup> GLA<sup>4</sup></u> | <u>1 space per 10,000 ft<sup>2</sup> GLA<sup>4</sup></u> |
|  |                                                 | <u>11.06 - 11.10 Restaurant</u>                                                                                                                                                                                                                                                                                                                                                                              | <u>1 space per 100 ft<sup>2</sup> GLA<sup>4</sup> including outdoor space used for dining</u>  | <u>1 space per 5,000 ft<sup>2</sup> GLA<sup>4</sup></u> | <u>1 space per 10,000 ft<sup>2</sup> GLA<sup>4</sup></u> |
|  |                                                 | <u>11.32 Gas Station</u>                                                                                                                                                                                                                                                                                                                                                                                     | <u>TBD</u>                                                                                     | <u>-</u>                                                | <u>-</u>                                                 |
|  |                                                 | <u>11.33 Car Wash</u>                                                                                                                                                                                                                                                                                                                                                                                        | <u>1 space per on-site employee + 1 space per vac station</u>                                  | <u>-</u>                                                | <u>-</u>                                                 |
|  |                                                 | <u>11.27 Vehicle Sales and Service</u><br><u>11.28 Equipment Sales and Service</u><br><u>11.29 Moped Sales and Service</u><br><u>11.30 Boat or Marine Craft Sales and Service</u>                                                                                                                                                                                                                            | <u>3 spaces per 1,000 ft2 GFA<sup>6</sup> + 2 spaces per service bay</u>                       | <u>-</u>                                                | <u>-</u>                                                 |
|  | <u>12.0 Recreation &amp; Entertainment Uses</u> | <u>12.01 Indoor Shooting Range</u>                                                                                                                                                                                                                                                                                                                                                                           | <u>1 space per firing point</u>                                                                | <u>1 space per 5,000 ft<sup>2</sup> GFA<sup>6</sup></u> | <u>1 space per 10,000 ft<sup>2</sup> GFA<sup>6</sup></u> |
|  |                                                 | <u>12.03 Indoor Theater</u><br><u>12.05 Event Venue Cat I</u>                                                                                                                                                                                                                                                                                                                                                | <u>1 space per 3 seats</u>                                                                     | <u>1 space per 5,000 ft<sup>2</sup> GFA<sup>6</sup></u> | <u>1 space per 10,000 ft<sup>2</sup> GFA<sup>6</sup></u> |
|  |                                                 | <u>12.10 Recreation Cat I</u>                                                                                                                                                                                                                                                                                                                                                                                | <u>1 space per 300 ft<sup>2</sup> GFA<sup>6</sup></u>                                          | <u>1 space per 5,000 ft<sup>2</sup> GFA<sup>6</sup></u> | <u>1 space per 10,000 ft<sup>2</sup> GFA<sup>6</sup></u> |
|  |                                                 | <u>12.04 Outdoor Theater</u><br><u>12.06 Event Venue Cat. II</u><br><u>12.07 Event Venue Cat. III</u>                                                                                                                                                                                                                                                                                                        | <u>TBD</u>                                                                                     | <u>1 space per 2,000 ft<sup>2</sup> GFA<sup>6</sup></u> | <u>1 space per 10,000 ft<sup>2</sup> GFA<sup>6</sup></u> |

| <u>Use Type</u>                                                            | <u>Specific Use</u>                                                                                                                                                     | <u>Minimum Automobile Parking<sup>1</sup></u>                                            | <u>Short-Term Bicycle Parking Minimum<sup>2</sup></u>     | <u>Long-Term Bicycle Parking Minimum<sup>3</sup></u>       |
|----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|-----------------------------------------------------------|------------------------------------------------------------|
|                                                                            | 12.09 Coliseum<br>12.11 Recreation Cat II<br>12.12 Recreation Cat III12.01,<br>12.08 Campgrounds/RV Parks                                                               | TBD                                                                                      | 1 space per 20 motor vehicle spaces                       | TBD                                                        |
| 13.0 Agriculture Uses                                                      | All Agricultural Uses                                                                                                                                                   | TBD                                                                                      | -                                                         | -                                                          |
| 14.0 Manufacturing                                                         | 14.01 Microbrewery<br>14.02 Brew Pub<br>All other Manufacturing Uses                                                                                                    | 1 per 4 seats<br>TBD                                                                     | 1 space per 5,000 ft <sup>2</sup> GLA <sup>4</sup><br>TBD | 1 space per 10,000 ft <sup>2</sup> GLA <sup>4</sup><br>TBD |
| 16.0 Storage                                                               | 16.01 Mini-Storage<br>16.02 Outdoor Storage<br>16.03 Warehouse<br>16.04 Fuel Storage Facility                                                                           | 5 spaces<br>1 space per employee <sup>7</sup>                                            | -<br>TBD                                                  | -<br>TBD                                                   |
| 17.0 Transportation                                                        | 17.01 Passenger Terminals<br>17.02 & 17.03 Trucking or Freight Terminal                                                                                                 | TBD                                                                                      | TBD                                                       | TBD                                                        |
| 18.0 Waste Related Uses                                                    | All Waste Related Uses                                                                                                                                                  | 1 space per 2,000 ft <sup>2</sup>                                                        | -                                                         | -                                                          |
| 19.0 Particular Activities which Pose Particular Concerns to Public Health | All Particular Activities which Pose Particular Concerns to Public Health Uses                                                                                          | TBD                                                                                      | 1 space per 5,000 ft <sup>2</sup> GFA <sup>6</sup>        | 1 space per 10,000 ft <sup>2</sup> GFA <sup>6</sup>        |
| Accessory Uses                                                             | A-1 Secondary Suite<br>A-3 Accessory Dwelling Unit<br>A-10 Produce Stand<br>A-21 Caretaker's Residence<br>A-19 Helistop<br>A-24 Chemical Storage Facility               | 1 space per unit<br>TBD<br>2 spaces per unit<br>TBD<br>1 space per 2,000 ft <sup>2</sup> | -<br>-<br>-<br>TBD<br>-                                   | -<br>-<br>-<br>-<br>-                                      |
| Temporary Uses                                                             | T-1 Temporary Care Provider Dwelling<br>T-2 Temporary Construction or Repair Dwelling<br>T-3 Temporary Construction Trailer<br>T-8 Temporary Non-Fixed Site Event Venue | 1 space per unit<br>TBD                                                                  | -<br>TBD                                                  | -<br>-                                                     |

Notes: 1. For uses not listed, or for uses To Be Determined by the Administrator, refer to 24.01.09

2. The minimum number of short-term bicycle parking spaces is 2 unless no bicycle parking is required. In no case shall more than 20 short-term spaces be required. (Davidson Table 8.1<sup>1</sup>) & (Davidson 8.6.1)

3. The minimum number of long-term bicycle parking spaces is 2 unless no bicycle parking is required.

4. GLA = Gross Leasable Area

5. DU = Dwelling Unit. Maximums for residential uses 1.01 through 1.10 exclude driveways and garage spaces.

6. GFA = Gross Floor Area and includes both indoor and outdoor space used

7. Calculating spaces based on employees or other occupants must be based on the total number of persons present or on duty at the time of maximum use

#### **24.01.04 Exceptions**

The following exceptions apply in the B-1 downtown district, but do not apply to any development involving multi-family housing of more than 10 bedrooms *[or: do not apply to any development that would require provision of more than 10 motor vehicle parking spaces upon application of the parking requirements set forth in this Article]*. These exceptions apply only with respect to motor vehicle parking.

A. Existing buildings which were legally constructed without the provision of on-site parking [and infill building on existing lots of record] are not required to meet the requirements of this Article and will be construed as conforming to parking.

B. Payments in lieu of motor vehicle parking may be provided according to the Schedule of Fees/Payments established by the Town Council. Such payment must be made prior to issuance of a Certificate of Occupancy or such other zoning Certificate as is required to be issued prior to use or occupancy.

[Alternative 2: The parking requirements set forth in this Article do not apply to development in the B-1 district except for development including multi-family housing exceeding 10 bedrooms for: any development that would require provision of more than 10 motor vehicle parking spaces upon application of the parking requirements set forth in this Article].]

[Alternative 3: No exceptions for the B-1 district.]

**24.01.04** ~~Uses which have parking requirements which are to be "as determined by the Administrator" as listed in Subsection 24.01.03 are required to submit a parking demand analysis prepared by a qualified engineer if requested to do so by the Administrator.~~

~~A. The Administrator shall make the determination based upon the expected parking needs of the development, recognizing the Town's goal of preventing excess parking.~~

#### **24.01.05 Maximum Parking; Excess Parking**

A. The maximum allowed parking spaces for any use shall be 110% of the required minimum, provided that the applicant may establish the need for a higher maximum as provided at subsection 24.01.09 below.s

B. An applicant may be allowed additional parking in excess of the maximum established per subsection (A) above in the following instances:

1. The applicant is proposing to develop structured parking and is proposing extra spaces that will be available for public use, or for shared or satellite parking as defined in this Article.

2. In the R3 and B3 districts, An applicant may be allowed additional parking spaces in surface parking lots in excess of the maximum established per subsection (A) above in the following instances:

i. ~~BILL??~~The additional parking spaces are to be used for shared parking or satellite parking, as defined in this Article, or for public use.

~~The applicant may be allowed an additional \_\_\_\_\_% parking spaces over the maximum if: [provides at least either (i) double (i.e., 200%) the required additional landscaping? Additional setback?]setback on each side of the parking~~

lot and 150% the required landscape buffer, or (ii) 150% the required setback on each side and 200% the required landscape buffer.

~~The applicant may be allowed an additional \_\_\_\_\_ % parking spaces over the maximum if: [additional landscaping? Additional setback?]~~

ii.

**24.01.06** Except as otherwise provided herein, all required parking shall be located on the same parcel as the use to be served.

**24.01.07** When more than one (1) use is provided on any development or building lot, the parking requirements enumerated herein shall be the sum total of the parking requirements of the various uses, except as otherwise provided herein.

**24.01.085** The number of parking spaces provided at the time of approval of the development may not be subsequently reduced or increased without the written approval of the permit issuing authority upon proper written application.

**24.01.09** All spaces must otherwise be maintained for the life of the development.

Minimums and maximums may be adjusted by the permit issuing authority when the applicant provides a parking demand analysis prepared by a qualified engineer or other evidence which that clearly and convincingly demonstrates supports a conclusion that application of the minimum requirements s established by herein Subsection 24.01.03 would result in excess and unnecessary parking for the development or that the maximum requirements s established herein by Subsection 24.01.03 are inadequate to meet the parking needed for the development.

A. Without limiting the generality of the foregoing, the permit issuing authority may allow deviations from the parking requirements set forth in herein Subsection 25.01.03 when it finds that:

1. A residential development is irrevocably oriented toward the elderly;
2. A business is primarily oriented to walk-in trade.

B. Whenever the permit issuing authority allows or requires a deviation from the presumptive parking requirements set forth in Subsection herein 24.01.03, it shall enter on the face of the permit the parking requirement that it imposes and the reasons for allowing or requiring the deviation.

**24.01.1006** If the permit issuing authority concludes, based upon information it receives in the consideration of a specific development proposal, that the presumption established by 19.01.03 herein for a particular use classification is erroneous inadequate or otherwise unsound, it shall initiate a request for an amendment in accordance with the procedures set forth in Article 9.

**24.01.1107** When a use is proposed which is not listed in ~~Subsection 24.01.03~~ Table 24.01 or is listed "To Be Determined", the permit issuing authority shall determine the number of spaces required or permitted, as relevant, by referencing the most similar use(s) listed in Table 24.01 and any such other factors as are deemed relevant, including the particular parking demand and trip generation characteristics of the proposed use ~~Subsection 24.01.03~~.

**A.** If the permit issuing authority concludes that no reasonably similar use is listed, ~~it~~ it may require the applicant to submit a parking demand analysis prepared by a qualified engineer ~~to determine the number of needed or permitted spaces for the proposed use,~~ or the permit issuing authority may procure its own parking demand analysis.

**B.** Any parking demand analysis shall include, at a minimum:

- i. Estimates of parking demand based on reliable data collected from comparable uses or based on external data from credible research organizations; and
- ii. Be based on developments and/or uses that are comparable in density, intensity, bulk, scale, type of activity and location; and
- iii. Studies must document the source of all data used to develop the recommended requirements; and
- iv. The submitted study must include all source materials and data logs used to develop the recommendation as exhibits to the recommendation; and
- v. The submitted demand study must include an executive summary that succinctly outlines the methodology and recommendation.

**24.01.1208 Allowed Reductions in Parking Requirements for Multi-Family Dwellings**

**A.** The minimum parking required for multi-family dwellings may be reduced ~~by a factor of 10%~~ for each one of the following by the factor indicated, with a maximum reduction of ~~1520%~~ based on these factors:

1. ~~The~~ If the development is located within  $\frac{1}{2}$  mile ~~1 mile of linear sidewalk distance from of any portion of the Appalachian State University library main campus or the Appalachian Health Sciences Building, and public sidewalks or public pedestrian walkways exist or will be constructed in connection with the development which allow safe pedestrian travel between the development and the main campus, the minimum parking may be reduced by 10%.~~
2. ~~Bus service to the development exists or is arranged by the applicant and all the development is served by a public transit route, with a transit shelter or bus pull-off for use by the residents is built or exists~~ existing or to be constructed within  $\frac{1}{4}$   $\frac{1}{2}$  mile ~~linear sidewalk distance from of the development, boundary the minimum parking may be reduced by 10%. To be entitled to this reduction for a route and/or~~

transit stop that is not currently in existence, the applicant must provide written documentation establishing to the satisfaction of the Administrator that the transit authority will establish the route and/or facility prior to or simultaneously with first occupancy of the development.

2-3. For every six (6) bicycle parking spaces in excess of the short or long term bicycle parking space requirements of Table 24.01, the motor vehicle parking requirement may be reduced by one (1) space.-

~~B. The number of automobile parking spaces for Use 1.300 Multi Family Residences shall not exceed one hundred and twenty percent (120%) of the minimum requirement.~~

**24.01.13** For purposes of calculating spaces based on employees or other occupants, calculations shall be based on the total number of persons present or on duty at the time when maximum use of the building, land or use is being made.

A. The number of persons in assembly areas with fixed seating or a designed seating capacity shall be the maximum seating capacity.

B. The number of persons in assembly areas without fixed seating or without a designed seating capacity shall be based on the floor area actually used for the assembly area divided by 5.

C. If more than one (1) assembly area is used simultaneously by different occupants, then the capacity of all such areas must be used to calculate the required parking and loading. Otherwise, the computations is calculated based on the largest assembly area.

**24.01.14** **Parking Structures**

A. The maximum allowed parking spaces may be exceeded if the additional spaces are provided as part of a parking structure.

B. Structured parking spaces should be screened so as not to be visible from a public street, park or public pedestrian way.

C. When above-ground structured parking is located on a road right-of-way, the first floors adjacent to the right-of-way shall be designed and constructed so as to be compatible in appearance with adjacent properties, subject to the design guidelines of that planning area, if any.

**24.01.15** For Residential Uses 1.01 through 1.10, driveways may be used to satisfy minimum on-site parking requirements, provided that sufficient space is available to prevent vehicle encroachment onto sidewalk and/or into adjoining vehicular travel lanes

## **24.02 Parking Space Dimensions and Required Widths of Parking Area Aisles and Driveways**

**24.02.01** Subject to Subsections 24.02.02, 24.02.03 and 24.02.06, each parking space shall contain a rectangular area at least seventeen and one half feet long (17.5') and nine feet (9') wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this Section.

**24.02.02** In parking areas containing ten (10) or more parking spaces, a rectangular area of only seven and one half feet (7.5') in width by fifteen feet (15') in length, may be conspicuously designated as reserved for compact cars in the following situations:

**A.** Multi-family uses may provide up to fifty percent (50%) of the parking spaces for compact cars.

**B.** All other uses may provide up to thirty-five percent (35%) of the parking spaces for compact cars.

**B.C.** All compact spaces must be permanently signed as "Compact."

**24.02.03** Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than twenty-three feet (23') by nine and one half feet (9.5').

**24.02.04** Parking area aisle widths shall conform to the Table 24.02 Geometric Design Standards for Parking Table, which varies the width requirement according to the angle of parking.

**24.02.05** Driveways shall not be less than eleven feet (11') in width for one way traffic and eighteen feet (18') in width for two way traffic, except that eleven feet (11') wide driveways are permissible for two way traffic when:

**A.** The driveway is no longer than fifty feet (50'), and

**B.** The driveway provides access to not more than six (6) spaces, and

**C.** Sufficient turning space is provided so that vehicles need not back into a public street.

**24.02.06** Driveways to parking areas shall not exceed 24 feet in width (two lanes) or 12 feet in width (one lane), except those where turn lanes are required.

**TABLE 24.02-06 Geometric Design Standards for Parking ~~Table~~**

Geometric Design for Standard Automobiles

| Parking Angle (degrees) | Stall Width (Feet)* | Stall Depth (to Curb) (feet) | Aisle Width (feet) | Stall Width Parallel to Aisle (feet) | Module Width (feet) | Bumper Overhang (feet) |
|-------------------------|---------------------|------------------------------|--------------------|--------------------------------------|---------------------|------------------------|
| 0                       | 9.5                 | N/A                          | 12.0               | 23.0                                 | 31.0                | N/A                    |
| 45                      | 9.0                 | 17.5                         | 12.0               | 12.7                                 | 47.2                | 2.0                    |
| 60                      | 9.0                 | 19.0                         | 16.0               | 10.4                                 | 54.0                | 2.5                    |

|    |     |      |      |     |      |     |
|----|-----|------|------|-----|------|-----|
| 75 | 9.0 | 19.5 | 23.0 | 9.3 | 62.0 | 2.5 |
| 90 | 9.0 | 18.0 | 24.0 | 9.0 | 60.0 | 3.0 |

*\*Note: Stall width shall be measured perpendicular to the vehicle not parallel to the aisle.*

#### Geometric Design for Standard Automobiles (Alternative for B-1) (Millcreek 17.27.040)

| Parking Angle (degrees) | Stall Width (Feet)* | Stall Depth (to Curb) (feet) | Aisle Width (feet) |       | Stall Width Parallel to Aisle (feet) | Module Width (feet) |       | Bumper Overhang (feet) |
|-------------------------|---------------------|------------------------------|--------------------|-------|--------------------------------------|---------------------|-------|------------------------|
|                         |                     |                              | 1 way              | 2 way |                                      | 1 way               | 2 way |                        |
| 0                       | 9.0                 | 18.0                         | 13.0               | 13.0  | 12.7                                 | 22.0                | 31.0  | 2.0                    |
| 45                      | 9.0                 | 18.0                         | 13.0               | 22.0  | 10.4                                 | 31.0                | 58.0  | 2.5                    |
| 60                      | 9.0                 | 18.0                         | 18.0               | 22.0  | 9.3                                  | 54.0                | 58.0  | 2.5                    |
| 90                      | 9.0                 | 18.0                         | 22.0               | 22.0  | 9.0                                  | 58.0                | 58.0  | 3.0                    |

*\*Note: Stall width shall be measured perpendicular to the vehicle not parallel to the aisle.*

#### Geometric Design for Compact Automobiles

| Parking Angle (degrees) | Stall Width (Feet)* |            | Stall Depth (to Curb) (feet) | Aisle Width (feet) | Stall Width (Parallel to Aisle (feet) | Module Width (feet) | Bumper Overhang (feet) |
|-------------------------|---------------------|------------|------------------------------|--------------------|---------------------------------------|---------------------|------------------------|
|                         | Multi-Family        | Other Uses |                              |                    |                                       |                     |                        |
| 0                       | 8.0                 | 8.0        | N/A                          | 11.0               | 1.0                                   | 27.0                | N/A                    |
| 45                      | 7.5                 | 8.0        | 16.0                         | 11.0               | 10.5                                  | 43.0                | 2.0                    |
| 60                      | 7.5                 | 8.0        | 16.7                         | 14.0               | 8.7                                   | 47.4                | 2.3                    |
| 75                      | 7.5                 | 8.0        | 16.3                         | 17.4               | 7.8                                   | 50.0                | 2.5                    |
| 90                      | 7.5                 | 8.0        | 15.0                         | 20.0               | 7.5                                   | 50.                 | 2.5                    |

*\*Note: Stall width shall be measured perpendicular to the vehicle not parallel to the aisle.*

### General Design Requirements

**24.03.01** Unless no other practicable alternative is available, vehicle accommodation areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing into a public street. This requirement does not apply to parking areas consisting of driveways that serve one or two dwelling units, although—but a design requiring backing onto arterial streets is discouraged to be avoided unless there is no reasonable alternative.

**24.03.02** Vehicle accommodation areas of all developments shall be designed so sanitation, emergency, and other public service vehicles can serve such developments without the

necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.

- 24.03.03** Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.
- 24.03.04** Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.
- 24.03.05** All vehicle accommodation areas shall designate parking space for handicapped persons in accordance with the state Building Code.
- 24.03.06** **Location of Residential Parking:** Parking outside a substantially enclosed structure of more than four (4) motor vehicles between the front building line of the principal building and the street is prohibited on any lot used for purposes that fall within the following principal use classifications: 1.01, 1.02, 1.03, 1.04, 1.05, 1.06.

**24.03.07** Vehicle accommodation areas shall be designed to minimize breaks in the pedestrian environment along the public street and create safe and comfortable passage for pedestrians. Curb cuts shall be minimized in width and number.

**24.03.08** To the extent such can be reasonably avoided, property located at a street intersection shall not have parking, loading, or service areas within 25' of a corner.

**24.03.09** **Parking Lot Placement**

**A.** Parking lots shall be placed to the side or behind buildings, except that parking is allowed in the front of the principal building as follows:

**B.** Except in the B1 and all Residential Zoning Districts, a development may have one (1) row of parking and a drive aisle placed in between the principal building and the public street right-of-way.

1. The parking and drive aisle together may not be more than 54' in width.

2. There must be well-delineated pedestrian access from the parking area to the primary pedestrian entrance.

**C.** Parallel parking is allowed on one side of a driveway that accesses a rear or side parking lot.

**24.04.07** Uninterrupted areas of parking lot shall be limited to 36 spaces. Parking lots with more than 36 spaces shall be broken by landscape features, which can include natural features designed to handle stormwater runoff.

**24.04.08** Multiple parking lots serving a non-residential or multi-family development should be interconnected.

#### **24.04.09 Vehicle Accommodation Area Drainage**

- A. This section does not apply to one and two-family residential uses.
- B. All parking lots, regardless of surfacing, shall retain stormwater on site or drain to a catch basin in a public street.
- C. All paved parking areas shall be curbed using a standard curb with a minimum width of 1.5 feet.
- D. Curb inlets may be used to permit sheet flow drainage into rain gardens or other bio-retention areas as part of an alternative engineered storm water retention system.
- E. In parking lots of more than 100 spaces, the stormwater from all spaces over 100 shall be conveyed to low impact stormwater management devices on site, as approved, by the Administrator.
- F. Low impact stormwater management devices (such as pervious paving, bioretention areas, vegetated landscape islands, and the use of absorbent landscaping) are encouraged for all parking areas.

#### **24.04.10 Parking Area Landscaping**

- A. Parking areas should be organized to provide consolidated landscape areas as opportunities for passive stormwater management.
- B. Landscaping is required as provided at Article 31, section 31.10 ("Vehicular Surface Areas").

#### **24.04.11 Pedestrian Access**

Parking lots shall be designed to allow pedestrians to safely move from their vehicles to the building.

- A. On small lots (thirty-six spaces or less), this may be achieved by providing a sidewalk at the perimeter of the lot.
- B. On larger lots, pedestrian corridors within the parking area should channel pedestrians from the car to the perimeter of the lot or to the building. These corridors shall be delineated by a paving material that differs from that of vehicular areas and planted to provide shade. The use of small posts or bollards are encouraged to provide additional separation of pedestrian and vehicular corridors.

#### **Vehicle Accommodation Area Surfaces**

- 24.04.~~1201~~** Except for single or two family dwellings and excluding vehicle accommodation areas designed for two (2) vehicles or less, all vehicle accommodation areas shall be surfaced with a bituminous paving or NCDOT standard ABC stone. ABC stone may not be used on vehicle accommodation areas with slopes greater than five percent (5%).

**24.04.1302** Parking spaces in areas surfaced with bituminous paving shall be appropriately demarcated with painted lines or other markings. Parking spaces in areas surfaced with NCDOT standard ABC stone shall be demarcated whenever practicable.

**24.04.1403** Vehicle accommodation areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, vehicular accommodation area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

**24.04.1504** Use of pavement or asphalt sealant, coating or like product (hereafter referred to as “sealant”).

**A.** Any sealant may only be used in conformity with its manufacturer’s specifications and is further subject to the following requirements:

1. No person may apply a sealant nor authorize its application without first obtaining a zoning permit from the Administrator. As part of the permit application, the applicant must disclose the date the sealant will be applied, the location of the area to which the sealant will be applied, the type of sealant which will be applied and such other information as the Administrator shall request. The Administrator may charge appropriate fees to defray the costs of inspections needed to verify compliance with this Section.
2. A sealant may not be applied unless the pavement and air temperatures at the location of the application, at all times during application and for at least forty-eight hours thereafter, are and are predicted to be at least fifty-five degrees (55°) Fahrenheit and stable or rising, but less than eighty degrees (80°) Fahrenheit.
3. A sealant may not be applied during rainy or wet weather.
4. Any person applying a sealant must have on site for ready inspection by the Administrator a copy of the manufacturer’s specifications for application of the sealant.

**B.** Additional Requirement for Non-Coal-Tar-Based Sealants: In addition to the foregoing requirements of Subsection 24.04.04(A), a non-coal-tar-based sealant may not be applied if at the time the application is to begin, any chance of precipitation is predicted by the National Weather Service for any portion of the period during which the sealant is expected to be applied, or at the time application begins there is more than a ~~ten-fifteen~~ percent (150%) chance of precipitation predicted by the National Weather Service for any portion of the forty-eight (48) hours following the anticipated completion of the application.

**C.** Additional Requirement for Coal-Tar-Based Sealants:

1. In addition to the foregoing requirements of Subsection 24.04.04(A), a sealant containing coal tar may not be applied if at the time the application is to begin, any chance of precipitation is predicted by the National Weather Service for any

portion of the period during which the sealant is expected to be applied; at the time application begins there is a ten percent (10%) or more chance of precipitation predicted for any period within the forty-eight (48) hours following the anticipated completion of the application; or if at the time application begins, there is more than a twenty percent (20%) chance of precipitation predicted for any period within seven (7) full days following the anticipated completion of the application, each as predicted by the National Weather Service.

2. A sealant containing coal tar may never be applied to a surface, any part of which is located within a flood way, nor to a surface, any part of which is within 200 feet from the closest point of any natural watercourse, and shown on a map labeled as the "NC Stream Map" as produced by the North Carolina Stream Mapping Project (<http://www.ncstreams.org>)" on file with and available through the Administrator.
3. A sealant containing coal tar may only be applied to a surface, any part of which is located in an area of special flood hazard, if buffering is placed along all portions of the downslope perimeter of the surface sufficient to absorb and impede any draining of the sealant from the surface to a degree equivalent or more effective than the absorption and impedance which can be achieved with bales of hay, laid end to end, and such buffering is maintained in place for a period of no less than seven days following application of the sealant. For purposes of this paragraph, the use of bales of hay of normal size and weight, laid end to end, shall be considered sufficient to meet the requirements of this paragraph.
4. A sealant containing coal tar may only be applied to a surface, any part of which contains a storm drain, if buffering or filters are placed around the full perimeter of the storm drain sufficient to absorb and impede any draining of the sealant from the surface to a degree equivalent or more effective than the absorption and impedance which can be achieved with bales of hay, laid end to end, and such buffering is maintained in place for a period of no less than seven days following application of the sealant. For purposes of this paragraph, the use of bales of hay of normal size and weight forming an unbroken perimeter around a storm drain shall be considered a sufficient buffer and filter to meet the requirements of this paragraph.

#### ~~24.05 Joint Use of Required Parking Spaces~~Shared Parking

- 24.05.01** One parking area may contain required spaces for several different uses, but except as otherwise provided in this Section, the required space assigned to one use may not be credited to another use.
- 24.05.02** To the extent that developments that wish to make joint use of the same parking spaces operate at different times, the same spaces may be credited to both uses. For example, if a parking lot is used in connection with an office building on Monday through Friday but is generally ninety percent (90%) vacant on weekends, another development that operates

only on weekends could be credited with ninety percent (90%) of the spaces on that lot. Or, if a church parking lot is generally occupied only to fifty percent (50%) of capacity on days other than Sunday, another development could make use of fifty percent (50%) of the church lot's spaces on those other days.

**24.05.03** If the joint use of the same parking spaces by two or more (2+) principal uses involves satellite parking spaces, then the provisions of Section 24.06 are also applicable.

**24.05.04** Where motor vehicle access is provided between adjoining non-residential sites and the operating hours of adjoining uses do not significantly overlap, the uses may share up to 50 percent of required parking spaces.

**24.05.06** Bicycle parking may be provided in a common area of a shared parking area for adjacent sites.

**24.05.07** An applicant proposing the use of shared parking must:

A. Demonstrate that the applicant has the express legal right to use the spaces in question; and

B. Provide the shared use agreement detailing how the spaces will be shared among the uses; and

C. Provide proof to the Administrator of a continuation of the right to use the shared parking annually, on January 15 of each year, unless the Administrator has provided for a different frequency of such reporting; and

A-D. The applicant must sign an acknowledgment that the continuing validity of the applicant's permit depends upon the continuing ability to provide the requisite number of parking spaces. If the shared parking is no longer available or the property owner or applicant fails to comply with the requirements of the Section, the parking requirement reverts to those requirements found in Table 24.01 and the property owner or applicant must demonstrate compliance with said requirements or its zoning Certificate shall be revoked.

## **24.06 Satellite Parking**

**24.06.01** ~~If the number of off-street parking spaces required by this Ordinance cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces~~Required parking spaces may be provided on adjacent or nearby lots in accordance with the provisions of this Section. These off-site spaces are referred to in this Section as satellite parking spaces.

**24.06.02** All ~~such~~ satellite parking spaces ~~(except spaces intended for employee use)~~ must be located within ~~500-¼ mile~~feet of a public entrance of a principal building housing the use associated with such parking, or within ~~500-feet~~¼ mile of the lot on which the use associated with such parking lot is located if the use is not housed within any principal building; provided, however, that this limitation does not apply to on-campus housing located in the UI

district; and further provided that satellite parking may not be used for visitor or customer parking required for any use unless the satellite parking spaces are within 200 feet of the parcel to be served by such parking. -Satellite parking spaces intended for employee use may be located within any reasonable distance.

- 24.06.03** The applicant wishing to take advantage of the provisions of this Section must present satisfactory written evidence that ~~he the applicant has the legal right has the permission of the owner or other person in charge of to use~~ the satellite parking spaces, ~~and that such right is exclusive during the operating hours of the use in question. to use such spaces.~~ The applicant must also sign an acknowledgment that the continuing validity of ~~his the applicant's~~ permit depends upon ~~his the~~ continuing ability to provide exclusive use during operating hours of the requisite number of parking spaces. If the parking spaces are required for residential uses, "operating hours" shall be considered to be 24 hours a day for purposes of this section.
- 24.06.04** Persons who obtain satellite parking spaces in accordance with this Section ~~shall not be held accountable for~~ are not responsible for ensuring that the satellite parking areas from which they obtain their spaces satisfy the design requirements of this Article.
- 24.06.05** The applicant using satellite parking to comply with the requirements of this Article must provide proof to the Administrator of a continuation of the right to use the shared parking annually, on January 15 of each year, unless the Administrator provides for a different frequency of reporting.
- 24.06.07** The applicant using satellite parking to comply with the requirements of this Article must sign an acknowledgment that the continuing validity of the applicant's permit depends upon the continuing ability to provide the requisite number of parking spaces. If the applicant or property owner fails to comply with the requirements of the Section, the parking requirement reverts to those requirements found in Table 24.01 and the property owner or applicant must demonstrate compliance with said requirements or the zoning Certificate may be revoked.

#### **24.07 Special Provisions For Lots With Existing Buildings**

- 24.07.01** Notwithstanding any other provisions of this Ordinance, whenever (i) there exists a lot with one or more structures on it constructed before the effective date of this Ordinance, and (ii) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (iii) the parking requirements of Section 24.01 that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking, then the applicant need only comply with the requirements of Section 24.01 to the extent that (i) parking space is practicably available on the lot where the development is located, and (ii) satellite parking space is reasonably available.

- 24.07.02** Should satellite parking subsequently become reasonably available, then it shall be a continuing condition of the permit authorizing development on such lot that the applicant obtain satellite parking when it does become available.

#### **24.08 Loading and Unloading Areas**

- 24.08.01** Subject to subsection 24.08.06 below, whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area, located at the rear, side or end of the business, must be provided initially and continually in accordance with this Subsection to accommodate the delivery or shipment operations in a safe and convenient manner.
- 24.08.02** The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development in question. Subsection 24.08.03 indicates the number of spaces that, presumably satisfies the standard set forth in this Subsection. However, the permit issuing authority may require more or less loading and unloading area if reasonably necessary ~~to satisfy the standard in Subsection 24.08.03~~ to serve the development.
- 24.08.03** For the purpose of this Section, the off-street loading and unloading space shall have the minimum dimensions of twelve feet (12') by fifty-five feet (55') and overhead clearance of fourteen feet (14') from street grade.
- A.** Retail business shall provide one (1) space of 300 square feet for each 5,000 square feet of floor space.
  - B.** Wholesale and industry shall provide one (1) space of 500 square feet for each 10,000 square feet of floor area.
  - C.** In the case of mixed uses, the total requirements for off-street loading or unloading space shall be the sum of the requirements for the various uses except to the extent the applicant can demonstrate to the satisfaction of the Administrator that different operating hours or other factors will permit different users or tenants to share the same loading spaces.- It shall be an express condition of the permit issued to an applicant taking advantage of this provision that the loading spaces are to be practically adequate to serve the development, and if such spaces prove to be inadequate the Administrator may require that the development provide additional loading spaces or, if additional spaces are not provided, revoke the permit for the development.
- 24.08.04** Loading and unloading areas shall be so located and designed that the vehicles intended to use them can (i) maneuver safely and conveniently to and from a public right-of-way, and (ii) complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.

**24.08.05** No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

**24.08.06** Whenever (i) there exists a lot with one or more structures on it constructed before the effective date of this Ordinance, and (ii) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (iii) the loading requirements of this Section cannot be satisfied because there is not sufficient area available on the lot that can be practicably be used for loading and unloading, then the applicant need only comply with this Section to the extent reasonably possible.

## **24.09 Bicycle Parking**

~~**24.09.01** The B – 1 Central Business zoning district is exempt from the requirements of this Section.~~

~~**24.09.02** Except for Use 1.01 Single Family Dwelling, Uses 1.02 and 1.03 Manufactured Home, Use 1.06 Duplex, Use 12.0, and any accessory or temporary use, bicycle parking facilities meeting the standards of this Section shall be provided by a permit applicant under each of the following circumstances:~~

~~When a new building is constructed;~~

~~When any addition to or enlargement of an existing building is constructed;~~

~~When a change in occupancy of any building occurs which results in a requirement for additional vehicle parking facilities under Section 24.01.~~

~~**24.09.023** The number of bicycle spaces shall be provided as set forth at Table 24.01. included in the required bicycle parking facilities shall be determined by the following table of uses. Use descriptions are abbreviated and are for descriptive purposes only. Uses listed below are preceded by a number which corresponds to a use category in the Table of Principal Uses, Section 15.07, *supra*, and include all specific uses described in association with that number.~~ In those instances when alternative measures are associated with a particular use, e.g., “2, or 1 per 20 units,” the measure providing the higher number of bicycle parking spaces shall be used.

**A.** When required, the minimum number of bicycle parking spaces for any multi-family or non-residential use is two (2) spaces or one (1) rack.

~~**A.B.**~~ A single “inverted U” bicycle parking rack will count as two bicycle parking spaces.

| <del>Residential Land Uses</del>           | <del>Short Term Spaces</del>    | <del>Long Term Spaces</del> |
|--------------------------------------------|---------------------------------|-----------------------------|
| <del>1.07 Duplex</del>                     |                                 |                             |
| <del>1.08 1.110 Townhouse</del>            | <del>2, or 1 per 20 units</del> | <del>1 per 4 units</del>    |
| <del>1.11 1.16 Multi-Family Dwelling</del> |                                 |                             |

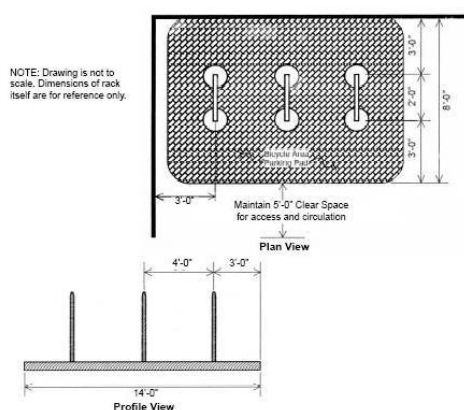
|                                |                         |                   |
|--------------------------------|-------------------------|-------------------|
| 1.05 Manufactured Home Park    | 2 or 1 per 20 bedrooms  |                   |
| 2.0 Group Living (Except 2.01) | 2, or 1 per 20 bedrooms | 1 per 10 bedrooms |
| 3.0 Transient Living           | 2                       | 2                 |

| Commercial Land Uses                                                                                                                                                                                                                                                                  | Short Term Spaces                     | Long Term Spaces                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|----------------------------------------|
| 5.12 Police Substation                                                                                                                                                                                                                                                                | 2                                     |                                        |
| 10.0 Daycare                                                                                                                                                                                                                                                                          | 2                                     | 2                                      |
| 4.03 Funeral Home Establishment<br>4.05-4.06 Post Office<br>5.01-5.02 Government Cultural Facility<br>5.04 Recreation Facility<br>5.07-5.09 Event Venue<br>5.16 Government Facility<br>8.0 Assembly<br>12.01 Indoor Shooting Range<br>12.03 Indoor Theater<br>12.05-12.07 Event Venue | 2, or 1 per 5,000 ft <sup>2</sup> GFA | 2, or 1 per 12,000 ft <sup>2</sup> GFA |
| 9.0 Education                                                                                                                                                                                                                                                                         | 1 per classroom                       | 1 per 2 classrooms                     |
| 10.0 Daycare                                                                                                                                                                                                                                                                          | 1 per 5,000 ft <sup>2</sup> GFA       | 1 per 10,000 ft <sup>2</sup> GFA       |
| 11.0 General Sales and Service (except 11.26-11.34)<br>14.01 Microbrewery<br>14.02 Brewpub<br>19.0 Particular Activities...                                                                                                                                                           | 2, or 1 per 5,000 ft <sup>2</sup> GFA | 1 per 10,000 ft <sup>2</sup> GFA       |
| 5.05-5.06 Recreation Facility                                                                                                                                                                                                                                                         | 1 per 20 automobile                   |                                        |

| Commercial Land Uses                                     | Short Term Spaces   | Long Term Spaces                       |
|----------------------------------------------------------|---------------------|----------------------------------------|
| 12.11-12.12 Recreation Facility<br>12.04 Outdoor Theater | parking spaces      |                                        |
| 12.09 Coliseum                                           | 8 or 1 per 40 seats |                                        |
| 14.0 Manufacturing (except 14.01-14.02)                  |                     | 2, or 1 per 15,000 ft <sup>2</sup> GFA |

**24.09.04** Parking facilities shall meet the following standards:

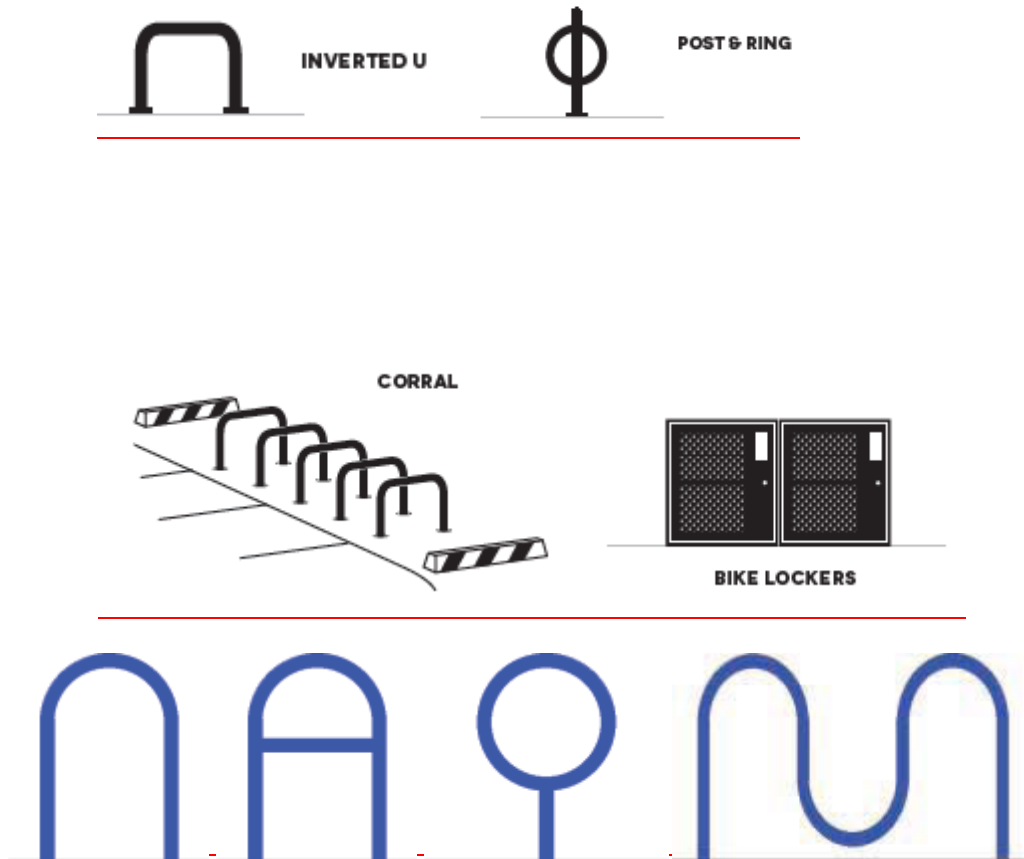
- A. Bicycle parking facilities shall conform with the design guidelines promulgated by the Association of Pedestrian and Bicycle Professionals (APBA) as found in the "Bicycle Parking Guidelines" manual.
  - B. Bicycle racks shall provide for at least two (2) points of contact with the bicycle frame and for the locking of at least one wheel using varying types of bike locks (U-lock, wire cable, etc.)
  - C. All racks must be safe, sturdy and well-anchored.
- ~~A. Each bicycle parking space shall be no less than six feet (6') long by two feet (2') wide, plus sufficient area for access. A "rack" is a bicycle facility which includes multiple contiguous bicycle parking spaces. Exact conformity with the following diagram for a single rack bicycle facility is not required, but adherence to this design shall meet the requirements of this Section:~~



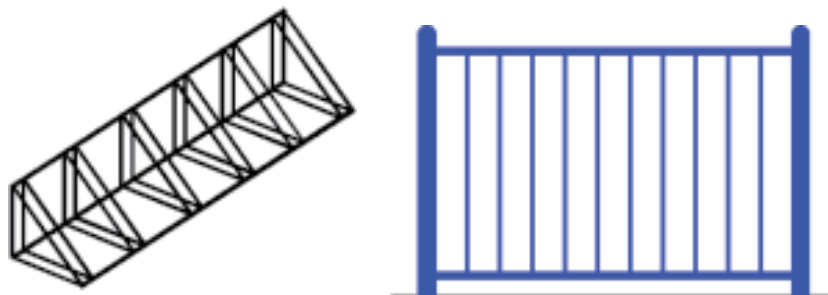
- ~~B. No less than four feet (4') must be provided between parallel racks.~~
- ~~C. Bicycle parking facilities shall be constructed of materials of sufficient strength to significantly resist their displacement or removal, and they shall be securely anchored in concrete or other equivalent material or system of sufficient strength to significantly resist removal. Bicycle parking facilities shall support bicycles in a stable position without damage to wheels, frame or~~

other components and allow for the use of either a cable, U-shaped, or similar lock to secure the bicycle.

Examples of acceptable facilities:



Examples of **unacceptable** facilities (because they secure only one wheel):



**D.A.** Outside bicycle parking facilities shall be illuminated in conformity with the standards for "open parking areas" of UDO Section 25.05. Inside bicycle parking facilities shall be illuminated in conformity with the standards for "building entries" of UDO Section 25.05.

**E.B.** Areas set aside for outside bicycle parking shall be clearly marked and reserved for bicycle parking only. Where the location of said parking is not easily visible from the street, a sign

that does not exceed four square feet (4 ft<sup>2</sup>) in area and directs cyclists to parking shall be provided on site and must be visible from the street or from the main building entrance. For purposes of this Section, "main building entrance" shall connote and refer to the primary doorway by which residents, visitors or customers enter and exit a building, whether or not said entrance is oriented facing the public street. Signs shall comply with the MUTCD for Bicycle parking signage

Examples of acceptable signs:



**F.C.** Bicycle parking shall be located so as to avoid impeding or creating a hazard to pedestrians from parked or approaching bicycles, and to avoid creating a hazard to bicyclists or bicycles from automobiles or other motor vehicles. Bicycle racks installed on private sidewalks within the development must provide a clear, unobstructed passage of at least five feet (5') for pedestrians and should be installed at least three feet (3') from the face of any curb. Bicycle racks may not be installed on public sidewalks without the express authorization of the Boone Town Council, subject to such conditions which may be attached to such authorization.

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#### **24.09.05 Short Term Bicycle Parking**

- A.** Short-term bicycle parking shall meet the needs of people visiting businesses, institutions and other uses with similar needs – typically lasting up to two (2) hours. Since short-term users are infrequent visitors to these locations, the parking installation should be readily visible and self-explanatory.
- B.** Short-term bicycle parking is parking intended or utilized for 2 hours or less by customers or visitors to a particular use. Parking facilities for short term bicycle parking must be located no farther from the main building entrance than the distance to the closest non-handicap vehicle space, or fifty feet (50'), whichever is ~~less~~greater, and they must be visible from public sidewalk areas along the public street frontage adjoining the use and located directly in front of the main building entrance unless the main building entrance is not oriented toward the public street. In those instances where the main building entrance is not oriented toward the public street, the parking facilities must be visible from such locations, as determined by the Administrator or permit issuing authority, which will provide the greatest level of visibility to achieve the dual purposes of security for the bicycles using the facilities and availability to bicyclists visiting the building for the first time.

~~A.C.~~ Short term bicycle parking, when allowed within a public right-of-way, should be coordinated with street furniture as applicable and may (but is not required to) be covered.

**24.09.06 Long term bicycle parking**

A. Long term bicycle parking ~~is intended or utilized for~~ shall provide for daily, overnight or even longer duration bicycle parking by residents and employees. These users often leave bicycles unattended and unmonitored for extended periods and require exclusive access, additional security and weather protection.

~~A.B.~~ Long term bicycle parking shall be covered or enclosed, and must provide security and protection from weather and the elements. Long term parking spaces may include indoor parking, racks in covered loading dock areas, racks in garage structures, bicycle lockers or other means, and ~~Long term bicycle parking~~ should be incorporated whenever possible into the building design.

~~24.09.07~~ ~~Bicycle parking exceeding the requirements of this Section may reduce by up to 10% required motor vehicle parking for residential uses and other uses where a parking demand analysis establishes a minimum motor vehicle parking expectation. For every five bicycle parking spaces in excess of the short or long term bicycle parking requirements of Subsection 24.09.03, the use's motor vehicle parking requirement is reduced by one (1) space.~~

**~~Motorcycle Parking~~**

~~24.10.01~~ ~~The B – 1 Central Business zoning district is exempt from the requirements of this Section.~~

~~24.10.02~~ ~~Motorcycle parking facilities meeting the standards of this Section shall be provided by a permit applicant under each of the following circumstances, and one (1) motorcycle parking space shall be provided for every 40 motor vehicle parking spaces:~~

~~A.~~ ~~When a new building is constructed;~~

~~B.~~ ~~When any addition or enlargement of an existing building is constructed;~~

~~C.~~ ~~When a change in occupancy of any building occurs where 40 or more vehicle parking spaces are provided.~~

~~24.10.03~~ ~~Motorcycle parking facilities shall meet the following design standards:~~

~~A.~~ ~~Each motorcycle parking space shall be no less than eight feet (8') long by four feet (4') wide, and sufficient space for access shall be provided.~~

~~B.~~ ~~Motorcycle parking facilities must be visible from public sidewalk areas along the public street frontage adjoining the use and located directly in front of the main building entrance unless the main building entrance is not oriented toward the public street. In those instances where the main building entrance is not oriented toward the public street, the motorcycle parking facilities must be visible from such locations, as determined by the Administrator or permit issuing authority, which will provide the~~

~~greatest level of visibility to achieve security for the motorcycles using the facilities. Motorcycle parking facilities must also include features to provide reasonable security for motorcycles. Designers are encouraged to include fixed features such as rails, hoops, or posts designed to provide a simple locking point to secure a motorcycle or scooter using a chain or similar device.~~

- ~~C. Motorcycle parking facilities shall be clearly marked and reserved for motorcycle parking only, using signage and/or pavement marking determined by the Administrator or permit issuing authority as adequate to both direct motorcycle riders to the proper facilities and to prevent use of the motorcycle parking facilities by other motor vehicles.~~
- ~~D. The slope of motorcycle parking facilities should be as close to level as possible while still providing adequate drainage. "Adequate drainage" is such drainage as will prevent the buildup of water and ice in included motorcycle parking spaces. Motorcycle parking facilities must have a firm surface capable of supporting the weight supported by the stand of the heaviest of models of motorcycle.~~

