

**Town of Boone
Planning Commission
Special Meeting
7:00 PM, Nov. 30, 2023
WebEx, WebEx**

This meeting is being held remotely/virtually using WebEx, a video conferencing software. To attend using WebEx, either online or by phone, please email the Planning and Inspections Department at planning@townofboone.net or call 828-268-6960, and you will be provided with an email invitation to the meeting. All requests for an invitation must be submitted no later than one hour before the meeting is scheduled to begin.

I. Call to Order

II. Approval of Planning Commission Meeting Minutes

September 25, 2023 Planning Commission Meeting Minutes

October 9, 2023 Special Planning Commission Meeting

III. November 27, 2023 Public Hearing Information

Draft November 27, 2023 Meeting Minutes (Not for Approval) - *Add-On*

Written Public Comment Received Prior to November 27, 2023 Public Hearing

IV. Cases A23-0449 & A23-0450 CasaRock LLC, - General Use Zoning Map Amendment

Cases A23-0449 & A23-0450 CasaRock LLC - Application

Cases A23-0449 & A23-0450 CasaRock LLC - Staff Report

V. Case A23-0451 Catherine Folk - General Use Zoning Map Amendment

Case A23-0451 Folk - Application

Case A23-0451 Folk - Staff Report

VI. Case A23-0462 Warren & Ruby Boyette - General Use Zoning Map Amendment

Case A23-0462 Boyette - Application

Case A23-0462 Boyette - Staff Report

VII. Case A23-0149 Faculty Street Townhomes - Conditional District Zoning Map Amendment

Case A23-0149 Faculty Street Townhomes - Application

Case A23-0149 Faculty Street Townhomes - Neighborhood Meeting Record

Case A23-0149 Faculty Street Townhomes - Revised Site Plans

Case A23-0149 Faculty Street Townhomes - Revised Building Elevations

Case A23-0149 Faculty Street Townhomes - Revised Floor Plans

Case A23-0149 Faculty Street Townhomes - Staff Report

VIII. Case A23-0317 Bryan Pleasants - General Use Zoning Map Amendment

Case A23-0317 Pleasants - Application

Case A23-0317 Pleasants - Staff Report

IX. Case A23-0428 George & William Greene - General Use Zoning Map Amendment

Case A23-0428 Greene - Application

Case A23-0428 Greene - Staff Report

X. Other Matters

XI. Adjournment of Planning Commission

**TOWN COUNCIL AND PLANNING COMMISSION
PUBLIC HEARING MINUTES
MONDAY, SEPTEMBER 25, 2023, 6:00 PM
1500 BLOWING ROCK ROAD AND VIA WEBEX SOFTWARE**

COUNCIL MEMBERS PRESENT: Mayor Tim Futrelle, Mayor Pro Tem Edie Tugman, Todd Carter (joined at 6:11 p.m.), Dalton George, Becca Nenow, and Virginia Roseman

PLANNING COMMISSION MEMBERS PRESENT: Eric Plaag-Vice Chair, Chris Behrend, Adrian Tait, Frank Veno, and Smith Warren

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Mike James-Senior Planner, Christy Turner-Senior Planner, Brandon Wise-Environmental Planner, and Brenda Henson-Board Secretary

OTHER TOWN STAFF/REPRESENTATIVES PRESENT: Amy Davis-Town Manager, Allison Meade-Town Attorney, and Todd Moody-Public Works Director

Call to Order

Mayor Futrelle called the Town Council to order at 6:07 p.m. Vice Chair Plaag called the Planning Commission to order at 6:07 p.m. The meeting was held in the Town Council Chambers at 1500 Blowing Rock Road, as well as via WebEx.

Moment of Silence

A moment of silence was observed.

Approval of Meeting Minutes

Council Member Roseman made a motion to approve the July 24, 2023, Public Hearing minutes as written. The motion was seconded by Mayor Pro Tem Tugman.

Vote: Aye – 4
Nay – None
Absent – 1 (Carter)

The motion passed.

Commission Member Behrend made a motion to approve the July 24, 2023, Public Hearing minutes as written. The motion was seconded by Commission Member Tait.

Vote: Aye – 5
Nay – None

The motion passed.

PUBLIC HEARING

Ms. Jane Shook, Director of the Town of Boone Planning & Inspections Department, provided a brief explanation of the guidelines for public hearings.

Council Member Carter joined the meeting via WebEx at 6:11 p.m.

Case A23-0003 Andrea Brown – General Use Zoning Map Amendment

Andrea K Finney, formerly Andrea Brown, has submitted a General Use Zoning Map Amendment application to rezone a parcel located off of Bub Teems Road (Watauga County PIN: 2920-09-6177-000) from R3 Multiple-Family Residential and RA Residential/Agricultural to B3 General Business.

Mr. Mike James, Senior Planner with the Town of Boone Planning & Inspections Department, presented the request as it was outlined in the meeting packet. He stated that the rezoning of the subject property to B3 would place it in the same zoning district as the surrounding properties owned by Ms. Finney.

Ms. Chelsea Garrett, attorney for Ms. Finney, explained that the property was purchased years ago by Jim and Andrea Brown. When the Browns divorced in 2010, Ms. Brown, now Ms. Finney, became the sole property owner. Ms. Garrett stated that the subject property was supposed to have been a road but was never developed as such. She noted that adjacent property owners, Jason Gaston, Scott Porter, and the Miller heirs had implied rights-of-way to the property for use of the road.

Ms. Finney further explained that when she and Mr. Brown purchased the property they did not know about the proposed road and the rights-of-way that were attached to the property. She stated that this information was only recently discovered when she began trying to sell the property. Ms. Finney noted that all of the property owners having an implied right-of-way had been contacted and they had all agreed to abandon their right-of-way to the road.

Ms. Garrett noted that there was an R1 zoned property across Bub Teems Road. She asked Ms. Finney if she had spoken to that property owner. Ms. Finney replied that she had not spoken with them. Ms. Garrett asked Ms. Finney how much road frontage there was on the subject property. Ms. Finney stated that there was about 22' of road frontage on Bub Teems Road.

Ms. Garrett stated that due to the lot width, no R3 or RA uses could be built on the lot. She added that, if rezoned, any use in the B3 would require a Special Use Permit due to the transitional zone.

Ms. Garrett called Mike Boone to speak. Mr. Boone stated he owned property across the street and would like to move his Magic Cycles business to that property. He did not think anyone would want to live in a house on Ms. Finney's residential property and thought it would be more beneficial for it to be zoned B3.

Ms. Garrett noted that she had spoken with Jason Gaston who owned the neighboring property containing the newly built apartment buildings called The Collection. She stated that Mr. Gaston was supportive of abandoning the implied right-of-way.

Ms. Shook wished to clarify Ms. Garrett's statement that any use in the B3 would require additional review. She explained that there were some uses in the Table of Permissible Uses that were allowed by right in the B3 and would not require additional review by either Town Council or the Board of Adjustment.

Mayor Pro Tem Tugman asked if easements for the road were still in place. Ms. Garrett replied that Ms. Katie Walker, an attorney who performed the title search, found that there were only implied rights-of-way and not deeded rights-of-way. She noted again that all of the affected property owners had agreed to disclaim any right to use the roadway.

Council Member Roseman stated that when the hotel came before the Town Council she was supportive of the request, and she was supportive of this request. However, she wondered if there could be a condition to require legal documentation showing that all of the affected property owners had relinquished their rights to the road. Ms. Shook reminded everyone that this was a request for a General Use Zoning Map Amendment and conditions could not be attached to the approval. Council Member Roseman understood and stated that she was supportive of the request to rezone the property to B3.

Ms. Garrett stated that rights-of-way could not be affected by zoning.

Vice Chair Plaag stated that parts of the property were located in flood zones. He asked how that would affect possible development. Mr. James replied that there were no development restrictions in the 500-year floodplain and development in the 100-year floodplain would require the buildings to be elevated. Vice Chair Plaag expressed concern about putting in fill dirt to elevate the property and how this would affect stormwater runoff.

Mr. Brandon Wise, Environmental Planner with the Town of Boone Planning & Inspections Department, stated that, based on his preliminary review, any building would have to be elevated about 2'. He added that pre and post-stormwater would have to be captured. Mr. Wise stated that new development in the 100-year floodplain would require an elevation certificate or new development could be built on portions of the property that were not located within the 100-year floodplain. Mr. Wise also concurred that these regulations would have to be met whether the project was allowed by right or allowed subject to a hearing.

Vice Chair Plaag asked about any current non-conformities. Mr. James replied that the lot currently did not meet the minimum lot size, lot width, or street frontage requirements for its zoning classifications. He noted that if the lot was rezoned to B3 it would still be non-conforming, but the non-conformity would be reduced.

Ms. Garrett asked if it was correct that the flood regulations would apply no matter what the property was zoned. Mr. James stated that was correct.

There was no public comment and no further questions.

Mayor Futrelle closed the public hearing for this case at 6:50 p.m.

Case A23-0149 Faculty Street Townhomes – Conditional District Zoning Map Amendment

A&R Mountain Properties, LLC has requested a Conditional District Zoning Map Amendment for property located on Faculty Street (Watauga County PIN: 2910-14-4592-000) to construct 12 townhomes with a site-specific development plan for Use 15.03 (Townhouse).

Ms. Christy Turner, Senior Planner, presented the request as it was outlined in the meeting packet.

Ms. Shook wished to make a clarification in the Staff Report on page 94 of the meeting packet. The last sentence on that page indicated that the proposed development was not within 125' of a protected residential zoning district so the transitional zone mitigation was not required. Ms. Shook stated this was an error by staff, noting that the property did trigger transitional zone mitigation requirements.

Mr. Tyler Moffatt, attorney for the applicant, introduced Mr. Todd Rice and Mr. Bill Aceto as members of A&R Mountain Properties, LLC.

Mr. Rice stated he had been in real estate for 19 years and both he and Mr. Aceto lived locally. He noted that due to high costs, the townhomes would be market-rate housing. Mr. Rice stated that all landscaping requirements would be met, the development would be accessed from Faculty Street, and this location provided the ability to walk, bike, or ride the bus. He stated that the former 2030 Plan encouraged building up instead of out, noting that the townhomes would be 40' in height and contain ground-level parking with two stories above. Mr. Rice stated that businesses struggled to have enough workers, which could be a result of a lack of housing in Boone.

Mr. Jesse Hanlin with Blue Ridge Engineering stated that the photometric plan met the foot candle requirements. He noted that full cut-off fixtures would be used to reduce any spillover of light. Mr. Hanlin stated that elevation changes were not taken into consideration in the lighting plan.

Mr. Moffatt stated that because the project triggered transitional zone requirements, they would be addressing those concerns. He presented a color rendering of the buildings that was not included in the meeting packet nor provided to staff prior to the meeting. Mr. Moffatt stated that traffic would not enter from or exit into the neighborhood. He also noted that the project did not trigger a traffic impact analysis.

Council Member Roseman stated that someone who worked at a restaurant could not afford market rate homes. She added that she appreciated the developer's effort to keep the traffic out of the neighborhood by only having access to the property from Faculty Street.

Council Member Nenow asked how far it was from the back of the buildings to the property line. Mr. Hanlin replied that it was a minimum of 25.5' to the property line, including the retaining walls at the shortest distance.

Mayor Pro Tem Tugman expressed concern with 40' high buildings being up against the neighborhood.

Mr. Moffatt presented a rendering depicting the building height in relation to the grade at the property line. This rendering was not contained in the meeting packet nor provided to staff prior to the meeting. Mayor Futrelle asked that all information presented during the public hearing be provided to staff so it could be distributed to board members and the public.

Council Member Nenow asked about the fine the property owners received for cutting trees on the property. Mr. Aceto explained that they cut some underbrush and cut in a small access path for the chipper. In this process, they cut some trees that were too large and received a fine from the Town, which they paid.

Mr. Brent Davis, the architect for the project, stated there would be six 1-bedroom units and six 2-bedroom units. He outlined the floor plan for each level. Mr. Davis stated that it would be 27' from the patio level to the ridge of the buildings. He noted that behind the buildings there would be a 4' retaining wall, a 4' slope, then another 4' retaining wall with a 6' wooden fence on the top. Mr. Davis added that the exterior of the buildings would meet all of the feature schedules for appearance.

Council Member Roseman offered, for purposes of scale, that Jerry Butler's apartment building on Faculty Street had a parking garage with two stories above.

Mayor Pro Tem Tugman asked about the installation of a sidewalk along Faculty Street. Ms. Shook replied that a 5' sidewalk was required for the development. However, this area was being considered by the Great Trails State Plan for a 10' wide multi-modal path so Public Works would prefer that the property owner pay a fee-in-lieu of building the 5' sidewalk. Mr. Todd Moody, Public Works Director, added that a feasibility study was being conducted that would affect Faculty Street, but the study would not be completed until 2024. Mr. Hanlin noted that the development did have the space for a 10' path.

Mr. Moffatt stated that the property owners would be willing to pay a fee-in-lieu of the sidewalk.

Vice Chair Plaag stated that renting by the bedroom caused Boone's market rate to be high. He asked if the property owners would be willing to accept a condition that the townhomes would be rented by the unit instead of by the bedroom. Mr. Aceto replied that he would be willing to accept that as a condition. He stated that adding more housing stock would eventually lower costs.

Vice Chair Plaag asked Mr. Aceto if he would be willing to accept a condition that the townhomes not be marketed as student rentals. Mr. Aceto stated that they were unsure if the townhomes would be for rent or sale, but he would be willing to accept a condition that the units would not be marketed exclusively as student rentals.

Vice Chair Plaag asked if it was correct that one car per unit would be in the garage and one car would be outside. Mr. Aceto stated that was correct.

Vice Chair Plaag referred to the neighborhood meeting. He stated that the board meeting packet provided the questions that were asked at the neighborhood meeting but not the answers or any commitments by the property owners. Mr. Moffatt replied that the neighborhood meeting was recorded and that recording could be provided if necessary. He added that no commitments were made because they did not have the full plans for the project at the time of the neighborhood meeting.

Mayor Futrelle invited public comment.

Mr. Martin Root of 214 Wintergreen Lane stated he was concerned about the number of trees that would be removed from the property as the owners would be clear-cutting the parcel. Mr. Root noted that Boone was a Tree City USA and asked if trees were still important to the Town Council. He also expressed concern that the parcel contained slopes greater than 30%. Mr. Root stated that the UDO required a three-year waiting period for development after deforesting property. He felt there would be more benefit for long-term residency if the townhomes were sold instead of rented. Mr. Root noted that he lived directly above the subject property and was most concerned about the trees and the quality of life for the residents in the neighborhood.

Timothy Harris of 349 Highland Avenue stated his main concern was about slope development. He added that the soil on the slope was being held together by the root system of the trees. Mr. Harris noted that he was concerned with the stability of his property due to the disturbance of the slope.

Shirley Harris of 349 Highland Avenue stated she never imagined this kind of density being placed on this postage stamp-sized property.

Emily Stallings of 390 Highland Avenue felt this development was all about money. She stated that the increased traffic from the development on Faculty Street would cause people to use Highland Avenue.

Davis Hankins of 365 Highland Avenue stated he had the longest contiguous property line shared with the subject property. He expressed concern with the integrity of their homes due to the cutting of the slope and indicated that he did not feel this was a good development for their neighborhood.

Susan Owen of 195 Wintergreen Lane stated that the proposed development was a win-lose. She showed photos she had taken from the property of the current view and the potential view after the development of the townhomes. Ms. Owen noted that there would be 24 cars on the property. She stated she did not see any ADA features in place. Ms. Owen pointed out that the development would start 14' above Faculty Street. She stated that the trees to be planted along the back property line would be 8' tall and 10' apart. She noted there was a need for housing in Boone and she hoped this could be made into a win-win development instead of a win-lose for the neighborhood.

Nicole Schoychid of 365 Faculty Street stated she owned the duplex next door. She expressed concern about parking, access, and construction hours.

Council Member Nenow stated she was concerned with slope stability. Mr. Moffatt replied that a geologist would have to complete a study for the project. Ms. Shook explained that slope steepness could require a geologist or a geotechnical engineer to evaluate. She noted that this information was required during the zoning compliance process. Mr. Wise added that a geologist conducted a study and based upon that study a geotechnical engineer might be required.

Council Member Nenow stated that putting up retaining walls so buildings could be built did not provide a quality of life in Boone.

Council Member Roseman noted that the statement that more housing stock made lower prices fell flat to her because she had not seen that happen yet. She did feel that townhomes were what Boone needed.

Mr. Aceto stated that townhomes were less student-oriented. He added that 40% of development costs were due to regulations.

Commission Member Veno what the ramifications were of requesting a Conditional District Zoning Map Amendment. Ms. Shook explained that a Conditional District provided a site-specific development plan along with a potential zoning change. In this instance, she noted that the property was already zoned R3 and that would not be changing.

Commission Member Tait asked if the property owners would be willing to plant larger trees along the back property line. Mr. Aceto replied that he would be open to installing larger trees or different types of trees.

Commission Member Tait asked if the property owner would be willing to have only owner-occupied units. Ms. Allison Meade, Town Attorney, stated that was not permitted under North Carolina law.

Mr. Hanlin stated that the landscape plan indicated there would be 10 trees in every 100'.

Ms. Shook wished to clarify that the property owner was committing to additional plant material, change in species, and increase in size and spacing. Mr. Aceto replied that was correct.

Vice Chair Plaag referred to the requirement of on-site property management or an owner's association and asked why the property management would be located within 500' of the property at 899 Blowing Rock Road and not on-site as required. Ms. Shook replied that a 24-hour, on-call property management could serve as on-site management.

Vice Chair Plaag asked if the staff had done an analysis of the livability ratio. Ms. Turner stated that the staff relied on the design professional to make sure livability ratios were met. Ms. Shook added that the design professional provided sealed plans. Vice Chair Plaag asked about the configuration of the livability space. Ms. Shook replied that there was a livability space ration of .50 for the development. Of that 50%, 50% could include landscaping and buffer areas.

Vice Chair Plaag noted there were stairs to each front door and asked about handicap accessibility. Mr. Davis replied that there were no interior ADA requirements for less than 20 units. Mr. Hanlin stated that final grading plans were not complete and ADA compliance would be addressed at that time.

Vice Chair Plaag asked where the dumpsters would be located. Ms. Shook replied that there would be individual rollouts. Mr. Aceto added that the individual containers would be stored in each unit and be serviced by Republic Services.

Vice Chair Plaag asked if the Fire Department had reviewed the plans for driveway access. Ms. Turner and Shook confirmed that they had reviewed the plan.

Mayor Futrelle called a break in the hearing from 8:56 p.m. until 9:09 p.m.

In closing, Mr. Moffatt stated that noise would be addressed by the natural topography, lighting was below the required foot candles at the property line, traffic from the development would access Faculty Street, and the buildings were attractive. Mr. Moffatt noted that they would increase the tree height and install additional landscaping. He added that any development would require tree removal.

Planning Commission Vice-Chair Plaag asked for clarification on the tree removal limitations. Ms. Shook clarified that the limitations on the issuance of permits was limited to forestry activities which required a permit from the state and this property was not engaging in forestry activity.

Vice Chair Plaag asked if there would be any problems regarding the underground stormwater detention given the fact that the 100-year floodplain came up to the front of the property. Mr. Wise replied that the stormwater facility would need to be designed correctly.

With nothing further, Mayor Futrelle closed the public hearing for this case at 9:18 p.m.

Case A23-0185 WVS Investments LLC – General Use Zoning Map Amendment

The Town of Boone has initiated the zoning of portions of two properties owned by WVS Investments, LLC located on Fieldstream Drive to R1 Single-Family Residential (Watauga County PINs: 2911-51-7897-000 and 2911-51-8715-000).

Mr. Mike James, Senior Planner, presented the request as it was outlined in the meeting packet. He stated that the two properties were currently going through the annexation process. Mr. James noted that portions of both properties were already located inside Town limits and those portions were zoned R1. The property owner has requested that the remainder of the properties be zoned R1.

Mr. David Welsh, a member of WVS Investments, LLC, stated he bought the two lots in Fieldstream and was requesting annexation of the remainder of the lots so they could receive Town water & sewer services. He added that he planned to sell the properties so someone could build one home.

Mayor Pro Tem Tugman stated that the application indicated the requested zoning was B3. Ms. Shook explained that the staff generated the application and that was an error made by staff.

Mayor Futrelle invited public comment.

Ms. Leslie Perry stated she had lived on Fieldstream Drive for 37 years and was supportive of the properties being zoned R1.

Mr. Ronnie Marsh of 144 Rivendell Court stated that Fieldstream had a POA. He noted that Fieldstream Drive was a private road and asked how water & sewer would be extended to the lots. Mr. Marsh stated that there was a stream on the property and trees that were a buffer to the neighboring R3 property. Mr. Marsh also stated that the POA would like for any new house built in Fieldstream to be at least 2,100 square feet to be in keeping with the rest of the neighborhood.

Ms. Shook reminded everyone that this was a General Use Zoning Map Amendment of two separate parcels and no conditions could be placed on the approval.

Mr. Welsh stated that he had Mr. Mike Wilson look at the property and Mr. Wilson indicated a culvert would need to be installed for the stream. Mr. Welsh noted that the property was 400' from existing water & sewer lines so no easements would be needed. He stated that whoever built on the properties would have to meet POA requirements.

Commission Member Tait asked who had to pay for the extension of the water & sewer lines. Mr. James replied that the property owner would have to pay for the extension.

Vice Chair Plaag asked if the zoning of this property to R1 would create any non-conformities. Mr. James stated it would not create any non-conformities that he was aware of.

With nothing further, Mayor Futrelle closed the public hearing for this case at 9:33 p.m.

Adjournment of Town Council

Council Member Roseman made a motion to adjourn the Town Council at 9:33 p.m. The motion was seconded by Mayor Pro Tem Tugman.

Vote: Aye – All

Nay – None
The motion passed.

Tim Futrelle, Mayor

Brenda Henson, Board Secretary

Eric Plaag, Planning Commission Vice Chair

Continuation of Planning Commission Meeting

Vice Chair Plaag called a break in the Planning Commission meeting from 9:33 p.m. until 9:35 p.m.

Public Comment

There was no public comment.

Approval of Planning Commission Meeting Minutes

Commission Member Behrend made a motion to approve the July 24, 2023, Planning Commission meeting minutes as written. Commission Member Warren seconded the motion.

Vote: Aye – 5
Nay – None

The motion passed.

Due to the time, there was discussion on how to proceed. It was decided that the Commission would consider the first and third cases at this meeting and would table the second case. A special Planning Commission meeting was scheduled for Monday, October 9, 2023, at 6:00 p.m. via WebEx to consider Case A23-0149 Faculty Street Townhomes.

Case A23-0185 WVS Investments LLC – General Use Zoning Map Amendment

The Town of Boone has initiated the zoning of portions of two properties owned by WVS Investments, LLC located on Fieldstream Drive to R1 Single-Family Residential (Watauga County PINs: 2911-51-7897-000 and 2911-51-8715-000).

Commission Members Tait and Veno felt the request was straightforward and they were supportive of zoning the properties R1.

First Motion and Vote: Vice Chair Plaag made a motion that the proposed amendment to the Town's zoning map is consistent with the Town's comprehensive plan and any other adopted plans of the Town that are applicable because the amendment is consistent with:

Comprehensive Plan Policy 2.2.2 Utilities

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

Comprehensive Plan Policy 2.3.2 Community

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.

Comprehensive Plan Policy 2.3.3 Housing and Neighborhoods

A. The protection and rehabilitation of viable neighborhoods shall be encouraged to ensure their continued existence as a major housing source and as a reflection of the area’s image as an attractive, highly livable community.

H. The overall housing unity density for proposed infill residential development or redevelopment should be compatible with the average density of existing areas.

The motion was seconded by Commission Member Warren.

Vote: Aye – 5
Nay – None

The motion passed.

Second Motion and Vote: Vice Chair Plaag made a motion that the Planning Commission recommends approval of Ordinance A23-0183 and believes approval is reasonable and in the public interest because rezoning to R1 conforms with the zoning of other parcels adjacent that are within the Town of Boone already and that type of zoning would The motion was seconded by Commission Member Behrend.

Vote: Aye – 5
Nay – None

The motion passed.

Case A23-0149 Faculty Street Townhomes – Conditional District Zoning Map Amendment

A&R Mountain Properties, LLC has requested a Conditional District Zoning Map Amendment for property located on Faculty Street (Watauga County PIN: 2910-14-4592-000) to construct 12 townhomes with a site-specific development plan for Use 15.03 (Townhouse).

This case was tabled. A special Planning Commission meeting was scheduled for Monday, October 9, 2023, at 6:00 p.m. via WebEx to consider Case A23-0149 Faculty Street Townhomes.

Case A23-0003 Andrea Brown – General Use Zoning Map Amendment

Andrea K Finney has submitted a General Use Zoning Map Amendment application to rezone a parcel located off of Bub Teems Road (Watauga County PIN: 2920-09-6177-000) from R3 Multiple-Family Residential and RA Residential/Agricultural to B3 General Business.

Commission Member Behrend stated that changing the zoning of this property to B3 would make it consistent with the surrounding zoning.

Commission Member Tait stated that zoning this property B3 would enable the property to be developed by merging this parcel with a larger parcel.

Commission Member Tait stated that rezoning the property to B3 would make the property less non-conforming.

First Motion and Vote: Commission Member Tait made a motion that the proposed amendment to the Town’s zoning map is consistent with the Town's comprehensive plan and any other adopted plans of the Town that are applicable because the amendment is consistent with:

Comprehensive Plan Policy 2.1.2 Commercial Development

C. Community/Commercial Centers shall be located adjacent to a major street and contain or be adjacent to other appropriate community facilities.

F. Commercial uses may be encouraged to develop by consolidation and expansion of existing commercially zoned property, only when such consolidation and expansion does not encroach upon a viable residential area.

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

Vice Chair Plaag wished to amend the motion to add:

Comprehensive Plan Policy 2.2.2 Utilities

C. The Town shall employ incentives to encourage a concentration of intense urban type development with the Urban Growth Area.

Commission Member Tait accepted the amendment.

Commission Member Veno wished to amend the motion to add:

Comprehensive Plan Policy 2.1.1 Economic Development

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

Commission Member Tait accepted the amendment.

The motion was seconded by Commission Member Behrend.

Vote: Aye – 5
Nay – None

The motion passed.

Second Motion and Vote: Commission Member Behrend made a motion that the Planning Commission recommends approval of Ordinance A23-0003 and believes approval is reasonable and in the public interest because the rezoning makes the parcel consistent with surrounding parcels. The motion was seconded by Commission Member Tait.

Vote: Aye – 5
Nay – None

The motion passed.

Comprehensive Plan Update

Ms. Shook stated that the Town had hired a consultant, Quantum, to help with the Comprehensive Plan Update. A soft kick-off with the consultant has been scheduled for October 23rd and October 24th at the Planning and Inspections Office. Ms. Shook noted that there would be two session times (3 p.m. and 4 p.m.) on October 23 that would be dedicated to the Planning Commission. She stated that the goal was to have half of the Planning Commission members attend the 3 p.m. session and the other half attend the 4 p.m. session. Ms. Shook stated she would email Commission members regarding their availability.

Discussion of Chair and Vice Chair Appointments

Vice Chair Plaag noted that the Chair of the Planning Commission, Elizabeth Shay, had resigned. He also noted that he would be moving to the Town Council in December so the Commission was in need of a Chair and a Vice Chair.

Ms. Shook noted that the board application was contained in the meeting packet. She stated that if anyone was interested in applying for either position they would need to send their application to staff to be included in the next Planning Commission meeting packet for their recommendations.

Other Matters

There were no other matters.

Adjournment of Planning Commission

Commission Member Tait made a motion to adjourn the meeting at 10:24 p.m. Commission Member Behrend seconded the motion.

Vote: Aye – 5
Nay – None

The motion passed.

Eric Plaag, Planning Commission Vice Chair

Brenda Henson, Board Secretary

**SPECIAL PLANNING COMMISSION MEETING MINUTES
MONDAY, OCTOBER 9, 2023, 6:00 PM
VIA WEBEX**

PLANNING COMMISSION MEMBERS PRESENT: Eric Plaag-Vice-Chair, Chris Behrend, Adrian Tait, and Frank Venio

TOWN STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Christy Turner-Senior Planner, Michael James-Senior Planner, Brandon Wise – Environmental Specialist, and Justin Stines – Deputy Public Works Director

Call to Order

Vice Chair Plaag called the special Planning Commission meeting, held via WebEx, to order at 6:02 p.m.

Public Comment

There was no public comment.

Case A23-0149 Faculty Street Townhomes – Conditional District Zoning Map Amendment

A&R Mountain Properties, LLC has requested a Conditional District Zoning Map Amendment for property located on Faculty Street (Watauga County PIN: 2910-14-4592-000) to construct 12 townhomes with a site-specific development plan for Use 15.03 (Townhouse).

Vice-Chair Plaag asked Staff if there were any updates since the public hearing. Ms. Shook asked Ms. Turner and Mr. Tyler Moffatt, attorney for the applicant, if there were any updates that they wanted to share, as she was aware that the applicant had met with Staff.

Mr. Moffatt indicated that based upon the comments and concerns heard at the Public Hearing that the applicant would be requesting a continuance in order to make some modifications to the plans and then return back for a second public hearing before the Planning Commission and the Town Council. He noted that if possible that the applicants were interested in hearing any additional concerns that the Planning Commission might have so that they may have the opportunity to address them into the applicant's discussion and ultimately their revised plan submission. He continued to note that briefly that the applicant was considering the following changes: reducing the building footprint from 12 units to 10 units, changing the project to a "for sale" product, modify the landscape plan, opens space and parking.

Vice-Chair Plaag asked Ms. Shook what the procedure would be in this instance as it appeared to be a withdrawal. Ms. Shook noted that it wasn't technically a withdrawal that the UDO Subsection 9.02.04 allowed modification of the application in response to concerns and issues raised at the hearing. She further noted, that based Mr. Moffatt's summary of the changes, the applicant's would be required to resubmit new plans as the changes would be too extensive for Council to perceive the impact of the changes.

Ms. Shook noted to Mr. Moffatt that the Planning Commission could discuss the issues that they had with the existing plan but that would not mean that they are giving approval if any of those changes are made on the revised plan. Mr. Moffatt indicated that he understood and that the applicant did not expect that because they understood the plans would be modified and subject to a second public hearing.

Vice-Chair Plaag noted that if there were no objections from the Commission then he would be willing to entertain a discussion that addresses concerns on the plans that had been submitted so long as the Commission did not explore any of the proposed changes. He indicated that the applicant would need to agree that the Commission would not be bound by any conclusions or opinions that the Commission may express to the present plans and that everything is up for reconsideration when revised plans are

submitted for the second public hearing. Mr. Moffatt indicated the applicant understood and appreciated the Commission's time.

Vice-Chair Plaag noted to the Commission members that they could begin discussion and noted that he thought it would be fair to remind themselves of concerns and conditions discussed at the public hearing. He asked the Commission members if they had anything that they would like to start with.

Commission Member Veno indicated that while looking over his notes from the hearing, that he though listening to the neighbors was important and that there is concern over the buffers in the back and that the development would expose the back of a development that he doesn't not think is attractive. He indicated that issue would need to be mitigated. Commission Member Veno then indicated that he though the footprint of the development was too large for the parcel of property even though the town has approved the transitions and setback. He then asked what occupancy would be allowed in the R3 noted a concern with the units being rental.

Ms. Shook noted that the townhouse use would restrict the occupancy to no more than two unrelated. She noted that she wanted to clarify that while Staff does verify setbacks, height, and intensity standards, they do not make a conclusion on transitional zones. She noted it was up to the applicant to demonstrate to the board whether the UDO standards where sufficient or that additional measures were needed to mitigate a concern. She also noted that the town could not regulate ownership. She reminded the Commission that Commission Member Tait had suggested exploring a condition at the public hearing regarding owner-occupancy and that Ms. Meade, the Town's attorney, had indicated that she would look into it.

Commission Member Tait noted he agreed with Commission Member's Veno's comments. He noted that he had reviewed the landscape plan and noted that he noted the applicant had challenges with the amount and type of plant material that could be placed on the buffer between the residential properties due to the retaining wall and wondered if it would be possible that with the adjoining property owner's agreement if the applicant could plant additional material on the adjoin properties to help increase the planting zone. He indicated he didn't know the feasibility of the suggestion. Vice-Chair Plaag indicated that while he appreciates the spirit in which the suggestion had been made, that he would be troubled by the idea of shifting the burden to the adjoining property owners to address the problem. Vice-Chair Plaag asked if any of the other Commission members had and thoughts on the suggestion. Commission Member Veno thought it could be a good idea but that there were several different neighbors who may not all agree.

Commission Member Behrend noted that her biggest concerns were getting rid of the big trees, and was hoping that the applicant could put in larger trees to help replace them but understands that there may be an issue with the retaining wall. She noted how the tree loss would have an impact on the neighborhood.

Vice-Chair Plaag asked Staff how the planting at the front of the property would be impacted by the installation of a greenway. Ms. Shook noted that the greenway would be 10' from the back of curb and that the applicant would still be required to provide a street yard in addition to the greenway. She noted that Mr. Justin Stines, with Public Works was available for any specific questions. Mr. Stines indicated the future path would be ten feet behind the back of curb and that the town would request a fifteen-foot easement, most likely including the retaining wall, for maintenance of the path.

Vice-Chair Plaag indicated that he would like to have it on record that the applicant had agree to a condition to not rent the units by the bedroom and that they had agreed to a condition to not market the units exclusively to students or as student living. He asked if there was any objection to Mr. Moffatt on

his recollection of the conditions. Mr. Moffatt indicated there was no objection and noted the applicant had agreed to those conditions.

Vice-Chair Plaag called on Mr. Devin Staley, the applicant's engineer. Mr. Staley noted that the front retaining wall would increase height to accommodate the ten foot greenway and noted that he thought the wall would most likely be six to eight feet tall. He noted that the five-foot sidewalk would require a four-foot or small retaining wall. Discussion ensued as the wall height in relation to the greenway and the parking lot. Mr. Staley noted the greenway would be at back of curb at street level and then the retaining wall would be behind the greenway with the parking lot area at the top of the wall. Vice-Chair Plaag asked if there would be a safety fence at the top of the wall and asked Ms. Shook if the UDO allowed that. Ms. Shook indicated that it would be allowed. Vice-Chair Plaag indicated that he would hope that this would be on any revised plans that came back.

Discussion ensued if there would still be room for plant material at the street. Mr. Staley indicated that there would be approximately 10-11 feet between the back of curb for the parking lot and the retaining wall next to the greenway. Mr. Brandon Wise indicated that should be sufficient to meet the requirements of the UDO.

Vice-Chair Plaag then noted that he had concerns with the proposed parking plan. He noted there was very little room and that since the cars would be stacked that there could be a lot of people backing out to let someone out and he wondered if that was a good idea. Commission Member Veno noted that he had the same concerns because there wasn't a lot of wiggle room in the proposed plans but that if it was a for sale project that it may be a case of buyer beware. Discussion ensued as to how sometimes in these cases that the residents and their guests try to find other places to park because of the limited parking and at this location there is no other possibility for additional parking.

Discussion ensued regarding the grade of the driveway. Ms. Shook noted that typically the grade is reviewed when a grading plan had been submitted as it was in this case but Staff would pass on the concerns over driveway grade to the Fire Department when the revised plans were submitted.

Vice-Chair noted that he had a concern that in cases where a neighborhood meeting was required that the information required to be submitted wasn't complete. He noted that in this case the questions asked were provided but no response from the applicant had been provided. Vice-Chair indicated that it wasn't a true summary. Ms. Shook noted that staff had heard his concern about this issue and had taken note of it. She indicated that she hadn't been aware of any prior issues but indicated staff was now aware and had taken note.

Discussion then ensued as to the requirement in UDO Subsection 15.03.03(C) regarding the livability space requirements for the units and for the development. Vice-Chair Plaag indicated he had concerns about the dedicated outdoor space for the ground floor units. Ms. Shook indicated that the applicant may need to show on the plans how this standard is clearly met when they come back with revised plans.

Discussion ensued as to the how the solid waste would be collected. The applicant's confirmed that the service provider would enter the site to empty the roll-outs. Vice-Chair Plaag indicated that he would like to see the applicant offer a condition on this commitment if the proposal came back.

Discussion ensued as to the height of the front wall and concern that it would exceed the maximum height allowed in the setback. Ms. Shook noted that she would need to look into it.

Discussion then ensued as the development's compliance with ADA. The applicant's architect noted that internally each unit in the development did not have to be ADA accessible due to the number of units and that the units themselves would only have a small stair to access at the parking level. Ms. Shook indicated that Staff could look into what the building code requires when the plans were resubmitted.

Vice-Chair Plaag made a motion, seconded by Commission Member Behrend, to table making a recommendation on the current proposal given that the applicant has informed the Town that a new set of plans will be submitted with a request for a second public hearing.

Vote: Aye-All
Nay-None

The motion passed.

Chair and Vice Chair Consideration

Vice-Chair noted that Commission Members Veno and Tait has submitted applications for the Chair and Vice-Chair position. Both Commission Members Veno and Tait indicated that they would be interested in serving in either position. After brief discussion, Commission Member Behrend made a motion, seconded by Commission Member Veno, to recommend Commission Member Tait as Chair.

Vote: Aye-All
Nay-None

The motion passed.

Vice-Chair Plaag made a motion, seconded by Commission Member Behrend, to recommend Commission Member Veno as Vice-Chair.

Vote: Aye-All
Nay-None

The motion passed.

Adjournment

Commission Member Tait made a motion to adjourn the meeting at 7:17 p.m. Commission Member Veno seconded the motion.

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

Eric Plaag, Planning Commission Vice Chair

Jane Shook, Director

**TOWN COUNCIL AND PLANNING COMMISSION
PUBLIC HEARING MINUTES
MONDAY, NOVEMBER 27, 2023, 6:00 PM
1500 BLOWING ROCK ROAD AND VIA WEBEX SOFTWARE**

COUNCIL MEMBERS PRESENT: Mayor Tim Futrelle, Mayor Pro Tem Edie Tugman, Todd Carter (joined via WebEx at 7:07 p.m.), Dalton George, Becca Nenow, and Virginia Roseman

PLANNING COMMISSION MEMBERS PRESENT: Eric Plaag-Vice Chair, Adrian Tait, Frank Venno, and Smith Warren (via WebEx)

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Mike James-Commercial Zoning Administrator, Christy Turner-Residential Zoning Administrator, Brandon Wise-Environmental Specialist, and Brenda Henson-Board Secretary

OTHER TOWN STAFF/REPRESENTATIVES PRESENT: Amy Davis-Town Manager (via WebEx), Allison Meade-Town Attorney, Todd Moody-Public Works Director, and Justin Stines-Deputy Public Works Director

Call to Order

Mayor Futrelle called the Town Council to order at 6:00 p.m. Vice Chair Plaag called the Planning Commission to order at 6:00 p.m. The meeting was held in the Town Council Chambers at 1500 Blowing Rock Road, as well as via WebEx.

Moment of Silence

A moment of silence was observed.

Approval of Meeting Minutes

Council Member George made a motion to approve the September 25, 2023, Public Hearing minutes as written. The motion was seconded by Council Member Roseman.

Vote: Aye – 5
Nay – None

The motion passed.

Commission Member Venno made a motion to approve the September 25, 2023, Public Hearing minutes as written. The motion was seconded by Commission Member Tait.

Vote: Aye – 4
Nay – None

The motion passed.

PUBLIC HEARING

Ms. Jane Shook, Director of the Town of Boone Planning & Inspections Department, provided a brief explanation of the guidelines for public hearings.

Case A23-0449 and A23-0450 CasaRock, LLC – General Use Zoning Map Amendment

The Town of Boone has initiated the zoning of two properties owned by CasaRock, LLC at 112 Paul Critcher Drive to R1 Single-Family Residential (Watauga County PINs: 2920-30-7460-000 and 2920-30-9457-000).

Zoning of the properties coincides with the request from the property owner for annexation of the parcels into the Town of Boone's corporate limits.

Mr. Mike James, Commercial Zoning Administrator with the Town of Boone, presented the case as it was outlined in the meeting packet.

Ms. Allison Meade, Town Attorney, stated that the application listed the requested zoning as B3, not R1. Mr. James explained that staff had prepared the application as part of the annexation, and the B3 shown on the application was a typographical error.

Council Member George asked why the property owner was seeking annexation. Mr. James replied that there were some issues with their well, so they were seeking annexation in order to receive Town water service. He noted that there would be no sewer service at this location. Mr. James stated that there was another property on Paul Critcher Drive that had previously been annexed into the Town that had water service, but no Town sewer service.

Council Member Tugman stated she thought that the Comprehensive Plan did not recommend extending services to rural areas. Council Member Roseman replied that the resource was already there in the area, so she was inclined to accept the property into the Town limits with the R1 zoning.

Mr. Todd Moody, Public Works Director, stated there was a 12" water line on Deerfield Road and a 6" water line on Paul Critcher Drive. However, there was no sewer line in this area.

There was no public comment on this case.

Vice Chair Plaag agreed with Council Member Tugman that the language in the Comprehensive Plan was clear that it was not acceptable to extend Town services to rural areas. He suggested that the updated Comprehensive Plan include language to address this type of situation.

With nothing further, Mayor Futrelle closed the public hearing for this case at 6:30 p.m.

Case A23-0451 Catherine Folk – General Use Zoning Map Amendment

The Town of Boone has initiated the zoning of 372 Junaluska Road (Watauga County PIN: 2901-81-2705-000) to either R1 Single-Family Residential or R1A Single-Family Residential with Accessory Dwelling and Viewshed Protection overlay. Zoning of the property coincides with the request from the property owner for annexation of the parcel into the Town of Boone's corporate limits.

Mr. James presented the case as it was outlined in the meeting packet. He stated that the subject property was subject to a contiguous annexation and the request was to zone the property either R1 or R1A.

Council Member George stated he would likely lean toward an R1A zoning to be more consistent with the surrounding zoning, so as to avoid any spot zoning.

Council Member Roseman stated she hoped other property owners in the Junaluska neighborhood would want to have their properties annexed into the Town as well.

Ms. Jane Shook, Director of the Town of Boone Planning & Inspections, noted that there were some R1 zoned properties further up Junaluska Road.

Ms. Meade stated she was not really concerned with spot zoning on this property, but it did seem more consistent to apply an R1A zoning.

Vice Chair Plaag noted that he and Commission Member Tait both lived in this neighborhood. He stated that when their properties were annexed into the Town, they were told these properties could not be zoned as R1A and had to be zoned as R1.

There was no public comment on this case.

Council Member Tugman asked if the property owner wanted to build an accessory dwelling, would that be allowed by right under the R1A zoning. Mr. James replied that it would be allowed by right, but would have limitations.

With nothing further, Mayor Futrelle closed the public hearing for this case at 6:37 p.m.

Case A23-0462 Warren and Ruby Boyette – General Use Zoning Map Amendment

The Town of Boone has initiated the zoning of portions of a property owned by Warren and Ruby Boyette located on Queen Street to R1 Single-Family Residential (Watauga County PIN: 2901-51-8665-000). Zoning of the property coincides with the request from the property owner for annexation of the portion of the parcel that is located outside of the town's corporate limits.

Ms. Christy Turner, Residential Zoning Administrator for the Town of Boone, presented the case as it was outlined in the meeting packet. She noted that the request was to zone the property as R1 with a Viewshed Protection Overlay.

Ms. Meade asked why the property owners wished to annex this property into the Town. Ms. Turner responded that they needed to annex in order to receive Town water and sewer services. Ms. Meade asked if it was correct that a portion of the subject property was located inside the Town limits and a portion was located in Watauga County's jurisdiction. Ms. Turner stated that was correct.

Commission Member Tait asked if services were approximate to the property. Ms. Turner replied that they were already located in the area.

Vice Chair Plaag asked if there would be any water pressure issues to this property. Mr. Moody responded that water pressure should not be a problem because the property was adjacent to a Town water tank. He stated that the property owner would pay to have approximately 100 feet of sewer line installed in order to service the property.

Vice Chair Plaag asked if it was correct that the currently unzoned portion of the property was zoned as RA when it was within the ETJ. Ms. Turner replied that was correct.

There was no public comment on this case.

With nothing further, Mayor Futrelle closed the public hearing for this case at 6:41 p.m.

Case A23-0149 Faculty Street Townhomes – Conditional District Zoning Map Amendment

A&R Mountain Properties, LLC has submitted a Conditional District Zoning Map Amendment application to rezone a parcel located on Faculty Street (Watauga County PIN: 2910-14-4592-000) from R3 Multiple-Family Residential to Conditional District R3 Multiple-Family Residential with a site-specific development plan to construct ten (10) townhomes (Use 1.08 Townhouse up to 30 bedrooms).

Mr. James noted this was a continuance of this case for a Conditional District R3 zoning. He stated that the plan had changed from the previously requested twelve (12) townhomes to ten (10) 2 bedroom townhomes on individual lots. Mr. James added that though the grading and landscaping plans were not originally included in the board packet for this meeting the packet had been updated with the plans and had been set out to board members this afternoon.

Mr. Tyler Moffatt, attorney for the applicant, introduced Mr. Todd Rice and Mr. Bill Aceto as members of A&R Mountain Properties, LLC. He also introduced Mr. Brent Davis, the architect for the project, and Mr. Devin Staley, the engineer for the project.

Mr. Moffatt stated that the reduction of units allowed an increase in greenspace of approximately 900 square feet. He explained that the previous plan was for a townhome-style apartment building, while the revised plan was for true townhomes on individual parcels. Mr. Moffatt stated this would be a for-sale product and with a property owners' association. He noted they had added a 10-foot greenway easement along Faculty Street and that had caused some changes to be made with the retaining walls throughout the property. Mr. Moffatt indicated that the other change in the plans was the increase of the rear landscape buffer. He also noted that the townhomes would be accessed solely from Faculty Street and not through the neighborhood streets behind the property. He noted that the real issues here were to address noise, light, and other negative impacts in the transitional zone.

Mr. Devin Staley with Blue Ridge Engineering stated that the reduction of units created one additional parking space; the retaining wall heights had increased in order to accommodate the installation of the proposed multi-use greenway path due to the steepness of the property; that the landscape material had not changed because they had concerns about the additional plant material with the wall. Mr. Staley added that the finished floor elevation now had each building stepping up one foot in elevation.

Mr. Brent Davis with Brent Davis Architecture stated that the building footprint was reduced under the revised plan, but the exterior finishes would remain the same.

Mayor Pro Tem Tugman asked if the parking spaces being stacked would allow for adequate turning on the site. Mr. Staley replied that the 22-foot drive aisle was unchanged from the previous plan and that each unit had some additional space within the driveway.

Council Member Roseman asked if there would be greenspace in the front and back of each unit. Mr. Moffatt stated that the development would be a zero-lot line development with the greenspace designated as common area and each townhome lot would include the patio area. Council Member Roseman stated that if she lived there she would want to have a dedicated yard space. Mr. Bill Aceto, one of the property owners, stated that they had an open mind regarding lot line placement.

Mayor Pro Tem Tugman asked Ms. Meade if the POA could stipulate that the townhomes could not be rented. Ms. Meade replied that the POA could stipulate that no short-term rentals would be allowed, but they could not stipulate that no long-term rentals would be allowed.

Council Member Nenow asked if any of the existing trees could be left on the site. Mr. Staley stated that there might be a few trees that could be saved at the top northern corner, but they would be unsafe from the wind without the surrounding trees. Council Member Nenow asked about the purchase price of each unit. Mr. Moffatt stated that the price would depend on construction costs and market rates. Council Member Nenow asked where the nearest AppalCART stop was located. Mr. Aceto replied that the nearest stop was located on Blowing Rock Road.

Commission Member Veno asked if the units would be joined together structurally. Mr. Aceto stated that they would have shared walls.

Council Member Carter joined the meeting via WebEx at 7:07 p.m.

Vice Chair Plaag asked about the height of the retaining walls. Mr. Staley stated that the first wall would be 8 feet high and the second wall would be 7.5 feet high. Vice Chair Plaag stated he was concerned with vehicles or people going over the retaining wall. He asked if the property owner would accept a condition that some type of safety railing or fencing be installed at the top of the retaining wall. Mr. Staley agreed that a safety barrier would be necessary. Mr. Aceto agreed to the condition, noting he was concerned with safety.

Mayor Pro Tem Tugman asked Mr. Aceto if he would agree not to market the project as student housing. Mr. Aceto replied that the properties would be marketed individually and not as student housing.

Vice Chair Plaag asked Mr. Aceto if he would be willing to place privacy fences at each unit boundaries in order to allow for individual greenspace at each unit. Mr. Aceto agreed to install privacy fences. Mr. Moffatt noted that the restrictive covenants could be written so that the greenspace would be exclusive to each unit as limited common space, but would then be maintained by the property owner's association so that the fences would be maintained.

Vice Chair Plaag asked about handicap accessibility into the units. Mr. Davis replied that there were no steps from the garages into the units.

At 7:16 p.m., Mayor Futrelle invited public comment.

Ms. Susan Owen stated she had lived in this neighborhood for 39 years and she was extremely worried about this development. She pointed out that the redesign changed the number of bedrooms from 18 to 20. Ms. Owen stated that this was a cookie-cutter design and it was not intended to be built on a steep slope. She noted that all of the trees on the subject property would be cut down. Ms. Owen stated that deforestation was addressed in the UDO and required a three-year waiting period before any development of the property. She noted that a 4-foot wide landscape area was proposed between the retaining walls and trees could not be planted in that space because the roots would compromise the retaining walls. Ms. Owen stated that the development was on a steep slope that needed to be evaluated by a geotechnical engineer. She added that no handicap-accessible parking space was provided and she questioned where the trash rollouts and recycling bins would be located when placed for pickup on Faculty Street. Ms. Owen questioned whether the slope of the driveway would be accessible for fire trucks. She noted that, according to the staff report, the greenway path would satisfy the recreation space requirement. Ms. Owen stated that families with small children would not utilize a greenway beside a roadway as a recreation space. She added that it could be years before that greenway was built.

Ms. Emily Stallings stated she had lived on Highland Avenue since 1943 and it had become a cut-through street, which would only worsen with the addition of ten townhouses on Faculty Street. Ms. Stallings noted that she echoed the statements and sentiments of Ms. Owen and she was against the project.

Lynn White stated she came to Boone in 1961 and had lived on Wintergreen Lane since 1972. Since that time, she stated that the character of the area and the quality of life in her neighborhood had changed. Ms. White expressed concern with increased lighting, noise, and traffic from the proposed development. She suggested that the proposed development was more about the money than the people.

Mr. Tim Harris of Highland Avenue noted that Ms. Owens had covered many of his concerns but wanted to add the revised plan caused the building to be about 27 feet shorter, but the depth was essentially the same. He stated that the project was still too big for the lot.

Ms. Shirley Harris asked if the differences in the revised plan really make a difference. She also expressed concern about what would happen to her property once the trees were removed.

Mr. Davis Hankins of Highland Avenue stated he was concerned with the removal of bedrock from the property, property values, and the quality of life in the neighborhood. He stated that the revised plan did not offer any change in the distance of the development from the adjacent R1 properties.

Ms. Stephanie Hankins stated that this development would not provide any affordable housing. She stated that she was concerned about the foundation of her home and was opposed to cutting down all of the trees on the property. She urged Council to deny the request.

Ms. Bertie Bragg stated that she was a lifelong resident of Boone and the project did not look financially friendly. She did not feel that she would be able to afford one of the units.

Ms. Katherine Logan stated she was concerned that the units would be sold to parents of students and it would be naïve to think that the project would not be student-based.

Mayor Futrelle closed the public comment portion of this case.

Council Member George asked if lights on the site would be on all night. Mr. Staley replied that there was generally some type of security lighting that would be on all night. He noted that this property would sit lower than the adjacent R1 property and any lighting would utilize full cut-off fixtures. Council Member George asked about the geotechnical evaluation and bedrock removal. Mr. Staley replied that any retaining walls over 5 feet had to be engineered and quality tested as well as any cut or fill that would have to be addressed in the field.

Council Member George noted both his appreciation for the public that had shown up to speak and to the applicant for reworking the plan. He noted that he had a high-level concern that if the Town was always in fear that every housing development would be student housing then no housing would be able to get constructed.

Council Member Roseman stated that she did not believe the townhomes would be affordable. However, she thought townhomes were a very good way to get more housing in Town. She noted that greenspace was limited in Boone and the Town needed to be thoughtful with development. Council Member Roseman agreed that Highland Avenue was a cut-through street and stated that it needed to be looked at for improvements to make the area safer.

Mayor Pro Tem Tugman asked if it was correct that there would be 27.5 feet of stair-stepped retaining walls on this site. Mr. Staley stated that was correct, with a contributing factor being the greenway. Mayor Pro Tem Tugman asked if the driveway would be steep. Mr. Staley replied that the driveway would not be steep and would be at an 11% grade. Mayor Pro Tem Tugman noted that a townhouse project was significantly less impactful than other types of development that could be located on this site.

Council Member Nenow stated that development could be reduced by providing only one parking space per unit and having two stories of livable space. This would also help cut costs. Council Member Nenow stated that cutting into the slope and removing all of the trees did not seem sustainable.

Council Member Carter stated he was also concerned with the retaining walls and asked when the geotech report would be done. Ms. Shook explained that the geotechnical evaluation and report typically would come after board approval during the zoning compliance phase, which was when the applicant submitted full plans and details for the construction of the development. This would include a site-specific analysis, including slope stability. Ms. Shook stated that if the report concluded that the project could not be built as proposed, then the project could not be built, regardless of board approval.

Mr. Moffatt stated that the trash and recycling would be picked up on-site and would not be placed on the street.

Council Member Roseman asked about deforestation. Ms. Shook explained that deforestation was a forestry activity that had to be permitted by the State. She stated that this site was not a deforestation site and that the deforestation regulations in the UDO would not apply in this case. Ms. Shook added that the UDO did prevent speculative grading, meaning lots could not be cleared without an approved development plan.

Mayor Pro Tem Tugman asked if there was bedrock on the site. From the audience, Mr. Hankins stated there was bedrock on the site and he could send proof to the staff. Mr. Staley stated that, if approved,

borings would be taken to test the soils as part of the geotechnical report. Mayor Pro Tem Tugman noted that, if approved, the Town Council would have no control over who lived at this development.

Ms. Meade noted that North Carolina state law prohibited the Town Council from regulating ownership.

Council Member Roseman noted that, as a comparative example, King Street Flats had retaining walls behind that building with homes built at the top of them.

Vice Chair Plaag stated that the retaining walls were a sticking point for him, citing The Cottages of Boone and the cracks in their very high retaining walls.

Commission Member Veno asked why a greenway would be installed along Faculty Street instead of a sidewalk. Ms. Shook replied that the multi-use greenway path was part of the state adopted Great State Trails plan and that the feasibility study for the path was underway. Ms. Meade added that the applicant was accommodating the greenway by installing the retaining walls with this project that the Town would have to install anyway.

Mayor Pro Tem Tugman stated that she did not feel that the Town should have to bear the burden of housing 12,000-14,000 students without assistance and partnership from the University. Vice Chair Plaag agreed that ASU should be held accountable for its part in the housing crisis.

Discussion ensued as to the solid waste/recycling for the development. Mr. Moffett indicated that the applicant had worked with a company who would be coming up into the site to collect the solid waste and recycling and that the bins would not be set out on Faculty Street or along the multi-use path.

Discussion ensued between Council and the Planning Commission on the possible conditions for the Planning Commission to subsequently consider:

1. The applicant shall place security fencing along the top of each retaining walls system.
2. The applicant will not advertise/market the as investment properties or student housing.
3. The applicant will construct privacy fences in the rear of the buildings to delineate each dwellings backyard/patio space. Each space is to incorporate the area immediately behind each dwelling unit.

With nothing further, Mayor Futrelle closed the public hearing for this case at 8:50 p.m.

Mayor Futrelle called a break in the hearing from 8:51 p.m. until 9:01 p.m.

Case A23-0317 Bryan Pleasants – General Use Zoning Map Amendment

Bryan Pleasants has submitted a General Use Zoning Map Amendment application to rezone a parcel of property located on Delmar Street (Watauga County PIN: 2910-68-9812-000) from R1 Single-Family Residential to R1S Small Home Residential.

Mr. James presented the request as it was outlined in the meeting packet. He pointed out the following errors in the meeting packet:

1. On the third page of the staff report, the property to the east of the subject property should be listed as zoned Conditional District R2 instead of just R2.
2. The second paragraph of the Ordinance contains information copied and pasted from a different case and will be corrected prior to any final action.

There being no objection, Commission Member Tait recused himself from this case stating he had worked with the applicant to prepare visuals for the property and went and joined the audience.

Mr. Bryan Pleasants stated he had general concept plans to present. Ms. Meade explained that this rezoning request was a general use rezoning and conceptual plans could not be considered.

Mr. Pleasants stated that he had met with the neighborhood to apprise them of his plans. Mr. Pleasants noted that he found this property when he worked for New River Surveyors. He stated that he now owned his own electrical contracting company and lived in Raleigh. Mr. Pleasants said his intent was to maintain ownership of the houses to be built on the property and rent them.

Council Member Roseman questioned the maximum number of houses that could be placed on the property if it were zoned R1S. Ms. Meade suggested there could be up to five houses. Mr. James stated that was correct.

Council Member Tugman asked if it was correct that an R1S zoning district required 35 feet of road frontage. Ms. Shook stated that was correct. However, if an architecturally integrated subdivision was created, the required 35-feet of road frontage might not be necessary because an architecturally integrated subdivision would allow more flexibility in the layout.

Council Member Carter stated he rented in this neighborhood and felt the subject property was well suited for R1S zoning because it would increase the housing stock and density.

Vice Chair Plaag noted that the existing house on the property would be non-conforming under an R1S zoning. He asked if there were any other non-conformities. Mr. James replied that there were none known.

At 9:22 p.m., Mayor Futrelle invited public comment. Ms. Shook noted that several public comments had been submitted via email. Mayor Futrelle stated that those comments would be added to the meeting minutes.

Don and Phyllis Thrasher stated they had lived in this neighborhood for 45 years and were concerned about the proposed rezoning changing the character of the existing family-oriented nature of the neighborhood. Ms. Thrasher expressed concerns with the potential for five additional driveways; increased water run-off, noise, traffic, decreased property values, and safety. Ms. Thrasher stated she would not be opposed to one or two more houses, but not five.

Jasmine Shoshanna stated she lived next to the creek and there was flooding in the area. She stated that more impervious surface would create more flooding. Ms. Shoshana noted that there would never be enough housing and emphasized a need for ASU to cut back on enrollment because she thought that was part of the problem.

Dave Dancy stated he was concerned with increased traffic and flooding. He noted that 100 cars went by his house between 2:30 and 5:00 p.m. Mr. Dancy added that the other R1S property on Delmar Street had a gravel driveway that had gravel washing out into the street when it rained.

Ingrid Hayes and John Doherty of Spruce Street stated they had lived there for one year. Mr. Doherty expressed concern with flooding and pollution and asked that the rezoning be denied. Ms. Hayes stated that if the property was rezoned it could create a domino effect, causing others to want to increase density on their property. Ms. Hayes asked for Council to preserve the existing neighborhood.

Katherine Logan of Daniel Boone Drive Extension stated she lived on the upper side of the creek. She stated that more houses would create a major change in the aesthetics of the neighborhood and increase flooding. Ms. Logan noted that traffic had already increased in the neighborhood due to the high school and the brewery. She asked if it was always about the money and did the Town not care about the neighborhoods and asked for the request to be denied.

Mr. Jim Lodin, who was signed up to speak was not present. An audience member said he was no longer present and that he was against the rezoning.

Matt Cain stated he had lived in the neighborhood for 13 years. He noted that it was difficult to find family housing. Mr. Cain stated that one-bedroom, one-bathroom houses were basically the same thing as an apartment. He cited increased traffic and flooding as concerns and felt that the rezoning would change the neighborhood and decrease the value of the existing homes.

Betsy Cain of 307 Delmar Street stated that rezoning the property would create six rental houses in a family-oriented neighborhood. She asked that the property remain zoned R1.

Stewart Bundy of Spruce Street stated he was not in favor of the rezoning.

Kyndy Boyle stated she had lived on Daniel Boone Drive Extension for 11 years and she was not in favor of the rezoning. She agreed that ASU should limit enrollment. Ms. Boyle expressed concern about increased traffic and flooding. She also stated that she was not notified of this rezoning request, except by her neighbors.

Mr. Rob Howard, a board member of the Watauga County Community Housing Trust stated he thought that small, cottage homes were exactly the type of development needed in Boone and it needed to happen in more places in Town. He noted that the R1S designation was highly underutilized within the Town. He noted that while he understood that people didn't want to see it in their backyards, the housing is needed throughout town.

Ms. Lori Resendiz stated she grew up at 264 Delmar Street and her parents still lived there. She noted that it was a safe, family neighborhood and she did not want that environment to change. Ms. Resendiz stated she was also concerned about flooding.

Mr. Alan Crees, indicated he was an engineer working with the applicant. He explained that the property could be redeveloped with three larger-sized homes that would create the same water run-off. He noted that the difference between the existing zoning and the proposed zoning was two houses. He stated that stormwater run-off is required to be released post-development at the same rate of run-off as pre-development. Mr. Crees added that an R1S zoning allowed less uses than an R1 zoning. He noted that a recent housing study indicated that there would be a housing gap in the next five years. Mr. Crees stated he felt this was an appropriate location for smaller homes.

Mr. David Brumfield stated he had lived at 321 Delmar Street for eight years and noted the rezoning would fundamentally change the neighborhood. He noted that Delmar Street was short and narrow and he asserted that the tiny homes would create more traffic with a possible addition of ten cars and be filled with college students. Mr. Brumfield urged the applicant to seek a middle ground, possibly through a Conditional District rezoning.

Ms. Shoshanna added that Mr. George Santucci, the Sustainability and Special Projects Manager for the Town of Boone, had applied for a grant to reroute the creek in that neighborhood, but it was denied.

Mayor Futrelle closed the public comment for this case.

Mayor Pro Tem Tugman asked if the subject property was located within a floodplain. Mr. James replied that it was not in a floodplain. Mr. Wise added that any stormwater run-off from the site would be required to be the same post-development as it was pre-development.

Mr. Pleasants stated that he did not want to increase any flooding issues in the area.

Mayor Pro Tem Tugman asked if the existing house on the property would have to meet the standards of the R1S zoning. Mr. James explained that the R1S standards would have to be met, however, the size of the house would be non-conforming as it currently exceeds the maximum size allowed within a R1S.

Vice Chair Plaag asked if it was correct that vacation rentals were not allowed in an R1S zoning district. Mr. James stated that was correct.

Council Member George asked Mr. Pleasants why he was pursuing an R1S zoning instead of developing under the existing R1 zoning. Mr. Pleasants replied that he had read about R1S zoning and felt it could work for this neighborhood. He added that he wanted to leave the property to his children.

Discussion ensued as to whether placing the housing on stilts would assist with flooding in the area. Mr. Wise noted that the property was not in the special flood hazard area and would not be required to be elevated and that the stilts would not change the amount of impervious surface.

Vice Chair Plaag suggested that the neighborhood consider and speak with staff about the possibility of becoming a Neighborhood Conservation District.

With nothing further, Mayor Futrelle closed the public hearing for this case at 10:33 p.m.

Commission Member Tait rejoined the meeting.

Ms. Shook stated that there was one more case to be heard at the Public Hearing and Planning Commission would still need to make recommendations on the cases. Due to the time, Ms. Shook asked Planning Commission members if they would like to schedule a special meeting sometime this week in order to forward their recommendations for the December 4 Town Council meeting. After some discussion of member availability, it was decided that the Planning Commission would hold a special meeting on Thursday, November 30, 2023, at 7:00 p.m. via WebEx to make recommendations on the cases heard at tonight's Public Hearing.

Case A23-0428 William and George Greene – General Use Zoning Map Amendment

William Greene and George Greene III have submitted a General Use Zoning Map Amendment application to rezone a parcel of property located between US 421 South and Wood Circle (Watauga County PIN: 2910-38-5215-000) from B3 General Business to R2 Two-Family Residential.

Mr. James presented the case as it was outlined in the meeting packet.

Mr. Alan Crees with Municipal Engineering spoke on behalf of Mark and Will Boyce. He noted that the Boyce's were under contract to purchase this property from the Greene's. Mr. Crees stated that the subject property was a remnant piece from the Hwy 421 widening project years ago. He explained that there were single-family, multi-family, and duplex uses near the property. Mr. Crees stated that the size and shape of the property did not lend itself to any commercial or multi-family use so it had sat vacant for years. He noted that Mr. Boyce would like to put a duplex on the property so they were requesting a downzoning from B3 to R2 in order to best utilize the lot. Mr. Crees stated that the property would be accessed from Hwy 421 and there was already a curb cut placed there by NCDOT.

Council Member Carter commended the applicants for their creative thinking and for coming up with a way to create some more housing stock in Town.

Council Member George agreed that this was a good use of the property that was not high density.

Commission Member Veno noted that cars accessing the property could create a safety issue on Hwy 421. Council Member Nenow stated that the access was at the three-lane so it might not be too bad.

Discussion ensued as to the Corridor District overlay requirements. Mr. James explained that if a single-family home was built on the property the access could be on Hwy 421 by right. However, if anything else, including a duplex, was built on the property the applicant would have to prove that they could not access the lot from Wood Circle.

Mayor Futrelle invited public comment for this case.

Mr. Dan Norman of Martin Real Estate stated, regarding the driveway access, that it was much harder to get in and out of Sak's Grill than it would be at this property.

Mayor Futrelle closed the public comment for this case.

With nothing further, Mayor Futrelle closed the public hearing for this case at 11:04 p.m.

Adjournment of Town Council

Council Member George made a motion to adjourn the Town Council at 11:05 p.m. The motion was seconded by Mayor Pro Tem Tugman.

Vote: Aye – 5
Nay – None

The motion passed.

Adjournment of Planning Commission

Vice Chair Plaag announced that there would be a special Planning Commission meeting on Thursday, November 30, 2023, at 7:00 p.m. via WebEx. Vice Chair Plaag adjourned the Planning Commission at 11:06 p.m.

Tim Futrelle, Mayor

Brenda Henson, Board Secretary

Eric Plaag, Planning Commission Vice Chair

From: <badgerboy@wilkes.net>
To: <planning@townofboone.net>
Date: 11/26/2023 4:03 PM
Subject: EXTERNAL EMAIL - Delmar rezoning

Please register my formal objection to the requested rezoning on Delmar. The proposed zoning would change the character of the neighborhood I live in, away from family neighborhood toward student/transient/rental housing. I hope to attend the meeting tomorrow night but just found about it today and may not be able to.

Thanks, Guy McGrane

246 Daniel Boone Drive Extension, Boone

Michael James - EXTERNAL EMAIL - Online Form Submittal: Planning & Inspections

From: <noreply@civicplus.com>
To: <Michael.james@townofboone.net>
Date: 11/27/2023 12:57 PM
Subject: EXTERNAL EMAIL - Online Form Submittal: Planning & Inspections

Planning & Inspections

Select the staff member you wish to contact:

Planning Administration	<i>Field not completed.</i>
Building Inspections	<i>Field not completed.</i>
Planning	Michael James, Commercial Zoning Administrator
Name	John Doherty
Email	dohertyje@aappstate.edu
Phone	828.719.7398
Contact Preference	Email
Message	RE: Rezoning Case A23-0317 Bryan Pleasants General Use Zoning Map Amendment

My name is John Doherty, my wife and I purchased our home at 150 Spruce Street in July of 2022. This is a substantial investment for us and our year-round home. We have worked hard to improve our property since the purchase and cleaned the accumulated trash and debris in the area adjacent to our property.

Our property shares a border with 255 Delmar Street and the proposed rezoning would impact us directly. When we purchased our home, the R1 zoning of the neighborhood was a major factor in our decision, and we did not consider the prospect of having five rental units wedged in on what should be a single-family lot directly behind our home.

While we appreciate that the Pleasants intend to be conscientious landlords, they do not actually live in the neighborhood, but rather in Wake Forest, NC. Therefore, they will not feel the impact of higher-density rental housing in their neighborhood or be impacted by the increased noise, traffic, and congestion imposed on the small residential street.

The zoning change is proposed to accommodate a business venture, and it will indelibly change the character of the neighborhood. If this zoning change is approved, the neighborhood will be pressured by rental construction of ever-increasing density, especially Delmar Street, which is just above the floodplain of Hardin Creek.

I urge you to please deny case A23-0317 for rezoning in our Boone neighborhood.

Email not displaying correctly? [View it in your browser.](#)

From: Matt Thrasher <boxofrain.mt@gmail.com>
To: <planning@townofboone.net>
Date: 11/27/2023 5:09 PM
Subject: EXTERNAL EMAIL - Re-Zoning Delmar ST
Attachments: Communication-3568.pdf

To Whom It May Concern,

Attached is the staff report for the re-zoning of 255 Delmar St. I have highlighted and added notes on my concerns with this property being re-zoned. The key areas of concern include added traffic (safety of the children in the neighborhood), water run-off in an area that is already having issues, and the possibility of the units being used as nightly rentals. Also, the proposed units do not blend into the area nor do they uphold the "High Country" feel of the neighborhood. The current zoning is appropriate to the neighborhood, for families. Please see the attached document with all areas highlighted and noted.

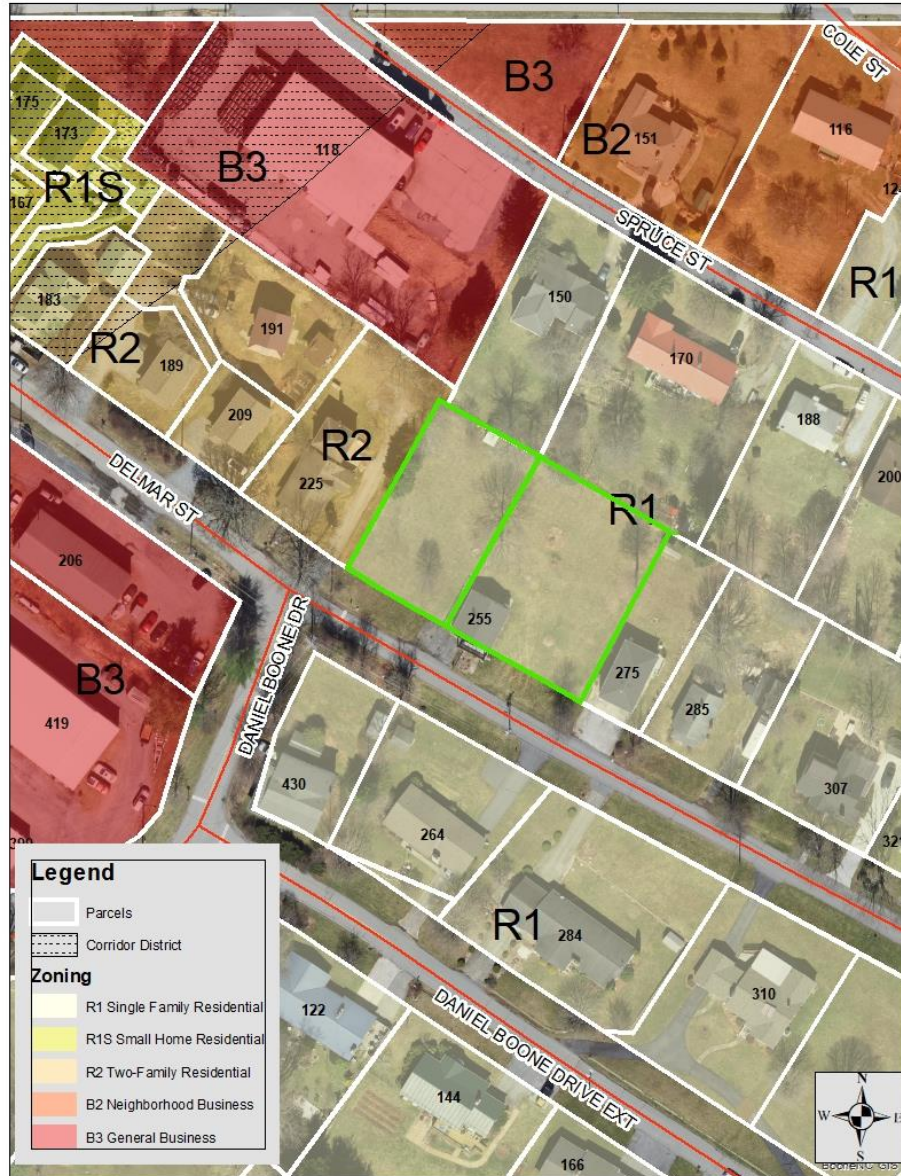
One correction I would like to address is that ALL housing on the second half of Delmar, Spuce, & Daniel Boone DR are single-family homes. Not mostly, ope the staff report.

Thanks for your time.

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Thanks, and have a good day,
Matt Thrasher
Box of Rain, INC
763 N Meridian RD
Kalispell, MT 59901
406-755-7246

Staff Report
November 27, 2023
Case A23-0317 Bryan Pleasants General Use Zoning Map Amendment



Request

Bryan J Pleasants has submitted a General Use Zoning Map Amendment petition to rezone 255 Delmar Street (Watauga County PIN: 2910-68-9812-000) from R1 Single-Family Residential to R1S Small Home Residential. The subject property is outlined in green on the map above.

Staff note: A recombination plat has been recorded recently combining the two parcels. The combined parcel was given a new PIN which will be used throughout this report. Town/County GIS records have not updated subsequently.

History

No prior rezoning actions found.

Ultimate Issue Before Council on Amendments

Pursuant to UDO Subsection 9.07, in deciding whether to adopt a proposed amendment to this Ordinance, the central issue before the Council is whether the proposed amendment advances the public health, safety, or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the Mayor and be excluded. In particular, when considering proposed general use map amendments:

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

Parcel Information

Property Owners Information:	Bryan Jeffrey Pleasants
Watauga County PIN:	2910-68-9812-000
Address:	255 Delmar Street
Use:	Single-Family Residential
Size:	0.631 acres
Jurisdiction:	Town of Boone
Access:	Delmar Street (Town)
Corridor District:	No
Viewshed:	No
Watershed:	No
SFHA:	No
Steep Slope:	No
Very Steep Slope:	No
Vesting:	N/A
Current Zoning:	<u>R1 Single-Family Residential</u>
Proposed Zoning:	R1S Small Home Residential

Analysis of Adjacent Zoning

	Adjacent Zoning	Adjacent Land Use
North	R1 Single-Family Residential	Single-Family Dwellings

West	R1 Single-Family Residential	Single-Family Dwelling (also owned by applicant)
South	R1 Single-Family Residential	Single-Family Dwellings
East	R2 Two-Family Residential	Duplex

Below are excerpts from UDO Article 14 and Appendix B regarding the districts, uses, intensity and height for the B3 General Business and R2 Two-Family Residential Districts and the applicable overlay district.

Excerpt of ARTICLE 14 ZONING DISTRICTS

...

R1 Single-Family Residential District

- 14.05.01** The R1 Single Family Residential District is established to provide a low-density living area consisting only of single-family dwelling units and other related uses necessary for a sound neighborhood. The regulations for this district are designed to stabilize and encourage a comfortable, healthy, safe, aesthetically pleasing and pleasant living environment for family life that promotes peaceful quiet enjoyment sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.

R1S Small Home Residential District

- 14.06.01** The R1S Small Home Residential District is established to provide a medium density living area consisting of detached single-family dwellings at a higher density than other residential zoning districts. The regulations for this district are intended to maintain the essential character of traditional single-family neighborhoods while allowing new single-family dwellings at a higher density, which also may serve as a transition to higher density residential and nonresidential districts.

Zoning District Analysis

APPENDIX B COMPARATIVE TABLES

Use #	Specific Use	R1	R1S	Reference
Allowable Principal Uses				
1.0 Household Living				
1.01	Single-Family Dwelling	P	P	
2.0 Group Living				
2.01	Family Care Home	L	L	15.06
3.0 Transient Living				
3.01	Home for Survivors of Domestic Violence	L		15.11
3.07	Homestay Rental	L	L	15.05
4.0 Institutional				
4.04	Cemetery	P	L	
5.0 Government Uses				
5.02	Government Neighborhood Cultural Facility, Indoor Activity Only	S		
5.05	Recreation Facility, Category 2	P		
5.06	Recreation Facility, Category 3	S		
5.12	Police Substation	P		
5.13	Utility Facility, Town	L	L	15.16
5.14	Utility Facility, Government, Neighborhood	L	L	15.16
6.0 Non-Government Utility Facility				
6.01	Utility Facility, Neighborhood	L	L	15.16
7.0 Wireless Communication				
7.01	Small Wireless Collocation	L	L	15.18
7.02	Wireless Facility Collocation on Existing Wireless Support Structure or Utility Pole	L	L	15.17
7.03	Stealth Wireless Facility Attached to Existing Building or Structure	L	L	15.17
7.05	Non-stealth Wireless Facility Collocation on Electrical Transmission Towers	L	L	15.17
7.06	Stealth Wireless Support Structure	S/L	S/L	15.17
7.08	Emergency Response Communication Antenna	P	P	
8.0 Assembly				
8.01	Religious Assembly, Category 1	P		
8.02	Religious Assembly, Category 2	pT125		
13.0 Agriculture				
13.01	Garden, Community	L	L	15.30
13.02	Garden, Residential	L	L	15.30
13.09	Forestry	L	L	15.31
Allowable Accessory Uses				
A-1	Secondary suite	L		15.45
A-2	Home occupation	L	L	15.46

Use #	Specific Use	R1	R1S	Reference
A-11	Poultry	L		15.54
A-12	Livestock, small	L		15.55
A-14	Bees	L	L	15.57
A-15	Garden, residential	L	L	15.58
A-16	Satellite receiving antennas less than 1 meter in diameter	P	P	
A-20	Swimming pools, spas, and hot tubs	L	L	15.59
A-22	Vehicular Gate	L	L	15.61
A-25	Open air market, accessory	L		15.22
A-26	Daycare, small	P	P	
A-28	Solar Energy System	L	L	15.64
A-29	Electric-Vehicle Charging Station	L	L	15.65
Allowable Temporary Uses				
T-1	Temporary family health care structure	L	L	15.62
T-2	Temporary construction or repair dwelling	L	L	15.62
T-3	Temporary construction trailer	L	L	15.62
T-6	Temporary portable storage containers	L	L	15.62
T-9	Carrier on wheels (COW)	L	L	15.62
T-10	Yard sales	L	L	15.62
T-11	Itinerant merchant/peddler	L	L	15.62

Excerpt of B1.04 Complete Intensity Table

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Minimum Livability Space Ratio* (LSR)	Minimum Setbacks	
					Street	Interior
Residential Zoning Districts						
R1	8,000 sq. ft.	70 ft.	56 ft.	.53	20 ft.	14 ft.
R1S	5,000 sq. ft.	35 ft.	28 ft.	NA, Refer to UDO 14.06.03(D)	20 ft.	7 ft (Refer to UDO 14.06.03(E)2.

Excerpt of B1.05 Complete Building Height Table

Zone	Height Limitation
R1	3 stories
R1S	1 story with an attic or basement/25'; Refer to UDO 14.06.03(F)

Excerpt of B1.06 Complete Occupancy Table

Occupancy Regulation	Zoning District
One family or up to 2 unrelated	R1 Single-Family Residential R1S Small Home Residential

Occupancy Regulation	Zoning District
Note: a dwelling occupied by a family (but not unrelated persons) may also have one (1) roomer.	

Staff Analysis:

Delmar Street is a subcollector street approximately 1,300 feet (about a quarter mile) long. The western end (nearest 421 and Old 421) is commercially developed. The street quickly transitions to residential with the last half of the street consisting **mostly of single-family dwellings**. The street ends at the Watauga High School property. Parallel streets Spruce Street and Daniel Boone Drive/Daniel Boone Drive Extension have **similar characteristics**. **The last half of the street consists of single-family dwellings. Not "mostly".**

The R1S zoning designation is one of the Town's newest zones. Currently there is only 1 development in the Town zoned R1S – 163 through 175 Delmar Street, approximately 300 feet from the subject property.

The R1S zoning allows for smaller lots with smaller dwellings thus more dense development than the R1.

Staff Note: *The proposed zoning change will create a small non-conformity as the existing house on the property is 1,494 square feet (per County tax records). The maximum house size permitted in R1S is 1,200 square feet with an 800 square foot footprint.*

CONFORMITY TO ADOPTED PLANS**COMPREHENSIVE PLAN UPDATE****1.1 Overall Objectives for the Boone Comprehensive Plan (p. 15):**

The following objectives, which have not been listed in any particular order of importance, are deliberately broad in scope and less specific than either a policy statement or an implementation action. **This would take away from the natural beauty**

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. **The artist renderings of the proposed structures do not conform to the community appearance.**

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. **While this area is in city limits, it does have a nice country feel, currently.**

Environmental Quality: Address and monitor growth factors and activities that contribute to water, air, light, and noise pollution. **With the proposed # of dwellings, the water run-off from the structures and driveways will increase the already stressed watershed in the area. Look at Morningside DR.**

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. **Increased traffic on roads used by children/youth.**

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. Concern of House fires spreading with units that close together.

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

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

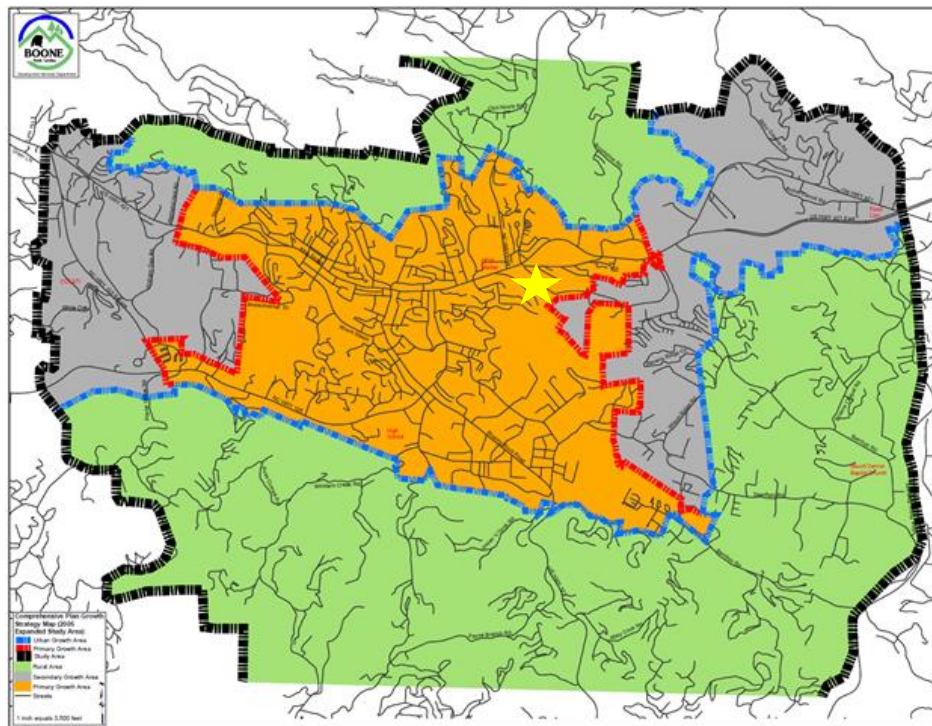
Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

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

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

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

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



The property is located within the Primary Growth area. The Primary Growth Area is that portion of the urban growth area where urban level or facilities are already in place or can be provided most cost effectively. This is the area where near term growth and development is to be especially encouraged.

The Secondary Growth Area is that portion of the urban growth area where urban level services can be provided, but on a lower priority basis than in the primary growth area.

Additionally, for comparison, the Rural Area is that portion of the planning study area that is influenced by urban area growth forces, but within which urban level development should be strongly discouraged.

An increase of 5-10 autos on Delmar St

Urban level services and associated development densities should not be planned for this area, except in case by case evaluations of major economic development projects.

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

2.1 Economy

...

2.1.1 Economic Development

- A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy.
- D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.
- K. Boone shall identify and provide services consistent with the needs of the area's growing retiree population.

...

2.2.2 Utilities

- A. Extensions of water and/or sewer services that could result in scattered, non-directed development and costly provision of other urban services shall be prohibited.
- B. Water and sewer services shall be concentrated within the limits of a geographically defined Urban Growth Area. The Primary Growth Area shall receive first priority for the provision or enhancement of water and sewer services.
- C. The Town shall employ incentives to encourage a concentration of intense urban type development within the Urban Growth Area.

...

2.2.5 Environmental Health

- C. Development activities in the 100-year floodplain or near lakes or streams shall be carefully controlled. If development must occur, low intensity uses such as open space, recreation and adequately buffered agricultural or forestry activities shall be preferred.
- D. Runoff and drainage from development activities shall be of a quality and quantity as near to natural conditions as possible, with special emphasis given to critical watershed areas.

...

2.3 THE COMMUNITY

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

2.3.2 Community Character

- A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area.
- 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.
- D. Innovative and flexible land planning and development practices shall be encouraged to create livable developments which better safeguard land, water, energy and historic resources.
- D.1 Continue to evaluate opportunities in the zoning ordinance for flexibly designed and located single-family and multi-family residential developments.
- G. Compact, full service neighborhoods, offering opportunities for living, working, shopping, and gathering places, shall be encouraged in newly planned developments, as well as for redeveloping areas
- H. The overall housing unit density for proposed infill residential development or redevelopment should be compatible with the average density of existing areas.

...

Certificate of Mailing

I, Brenda Henson, certify that individual notices meeting the requirements of Article 9 of the Town of Boone UDO were placed in the mail (first class) on November 3, 2023.

/s/ Brenda Henson

Brenda Henson, Administrative Support /Permit Technician

Certification of Posting

I, Darrell Pulliam, certify that the subject property was posted as required in Article 9, Subsection 9.03.03(B)(2) of the Town of Boone UDO on November 2, 2023.

/s/ Darrell Pulliam

Darrell Pulliam, Code Compliance Official

PLANNING BOARD REPORT/RECOMMENDATIONS

Per NCGS 160D-604(b), subsequent to initial adoption of a zoning regulation, all proposed amendments to the zoning regulation or zoning map shall be submitted to the Planning Commission for review and comment. If no written report is received from the Planning Commission within 30 days of referral of the amendment to that board, the Town Council may act on the amendment without the Planning Commission report. The Town Council is not bound by the recommendations, if any, of the Planning Commission. Per NCGS 160D-604(d), when conducting a review of proposed zoning text or map, the Planning Commission shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Commission shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the Planning Commission, but a comment by the Planning Commission that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

Vote 1: The proposed amendment to the Town's zoning map ☐is OR ☒is not consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because:

Note 1

Vote 2: The Planning Commission recommends ☐approval OR ☐denial of Ordinance A23-0317 within Exhibit A and believes ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

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

Note 2: briefly explain why, factors may include (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

TOWN COUNCIL ACTION -- Adoption of Ordinance

Per NCGS 160D-605, when adopting or rejecting any zoning text or map amendment, the Town Council shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the governing board that at the time of action on the amendment the governing board was aware of and considered the planning board's recommendations and any relevant portions of an adopted comprehensive plan. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently.

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

Note 1

Vote 2: The Town Council ☐approves OR ☐denies Ordinance A23-0317 within Exhibit A and believes ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

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

Note 2: briefly explain why, factors may include (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

Exhibit A

Ordinance A23-0317

WHEREAS, pursuant to N.C. Gen. Stat. §160D-601, the Town may amend its zoning map after giving proper public notice and holding a public hearing; and

WHEREAS, the Planning Commission and Town Council has received the request to amend the Official Zoning Map of the Town of Boone, North Carolina to rezone the property below from R3 Multiple Family Residential to R1 Single-Family Residential with a site-specific development plan for Use 1.01 Single Family Dwelling and the development of a 15-lot architecturally integrated major subdivision:

Address	Watauga Co. PIN	Property Owner	Proposed Zoning
255 Delmar Street	2910-68-9812-000	Bryan Jeffrey Pleasants	R1S Small Home Residential

WHEREAS, the Boone Town Council held a duly-noticed public hearing November 27, 2023 with respect to this rezoning request; and

WHEREAS, the Boone Town Council has taken into full consideration any information offered at the public hearing; and

WHEREAS, this Town Council has reviewed the written recommendations of the Town of Boone Planning Commission; and

NOW, THEREFORE, BE IT RESOLVED as follows:

- SECTION 1.** The Boone Town Council hereby approves and adopts the modifications to the Town Zoning Map as set forth herein.
- SECTION 2.** All provisions of any Town ordinance in conflict with this ordinance are hereby repealed to the extent of such conflict.
- SECTION 3.** This Ordinance shall be effective immediately upon its adoption by Town Council.

Adopted this the 4th day of December, 2023.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon, Town Clerk

General Use Zoning Map Amendment Application

Town of Boone Planning & Inspections Department

680 W. King Street, Suite C ♦ Boone, North Carolina 28607

Phone (828) 268-6960 ♦ Fax (828) 268-6961 ♦ Email: planning@townofboone.net ♦ www.townofboone.net



A. Required to be Submitted at Time of Application

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

Failure to provide the info required on this application may delay the review and scheduling of the requested hearing.

- ☐ Property Owner Authorization for all property included in the request. See [Section D](#).
- ☐ Deed(s) of all property to be included in the request,
- ☐ Both a digital and a hard copy of a written metes and bound legal description with accompanying survey map for a request that would rezone only a portion of a tax parcel or requests for multiple zoning districts.
- ☐ Permit Fee (See Planning & Inspections Fee Schedule)

Each application is allowed two (2) reviews. The 1st review of the submitted information and a 2nd review if revisions or supplemental information is required based upon the 1st review. Each subsequent review after the 2nd review will be charged at 50% of the original fees charged for the application. These fees shall be paid at the time of resubmittal.

B. Property Information

Street Address:

112 Paul Critcher Rd, Boone NC 28607

Watauga County Parcel Identification Number:

2920-30-7460-000 & 2920-30-9457-000

Existing Zoning District(s): N/A

Proposed Zoning District(s): B3, General Business

Adjacent Land Uses: N: Single-family Residential

E: Single-family Residential

S: Single-family Residential

W: Single-family Residential

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

If yes, describe:

Total Land Area: .51 acres combined

C. Property Owner Information

Name:

CasaRock, LLC

Complete Mailing Address (Street, City, Zip):

478 Whipoorwill Ln, Boone, NC 28607

Phone Number:

828-386-5821

Email Address:

Gayle.dobson@pace-sci.com

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

D. Applicant Signature and Property Owner Authorization

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

NA-Request processed in conjunction with property owner's request for annexation of property

Property Owner (Print)

Property Owner (Signature)

Date

Official Use Only				
Permit Name:				
Permit Number:				
Date:	Fee:	Receipt Number:	Method of Payment: ☐ Cash ☐ Check Number: _____	Paid By:

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: 11/27/2022

PC Meeting Date: 11/27/2022

TC Meeting Date: _____

Date of APO Mailed Notification: _____

Date of Posted Notification: _____

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

S:\FORMS\PI_Forms_Current\Planning Forms\GenUseZMapAmend_07012019.docx



Staff Report
November 27, 2023
Case A23-0449 CasaRock, LLC – General Use Zoning Map Amendment

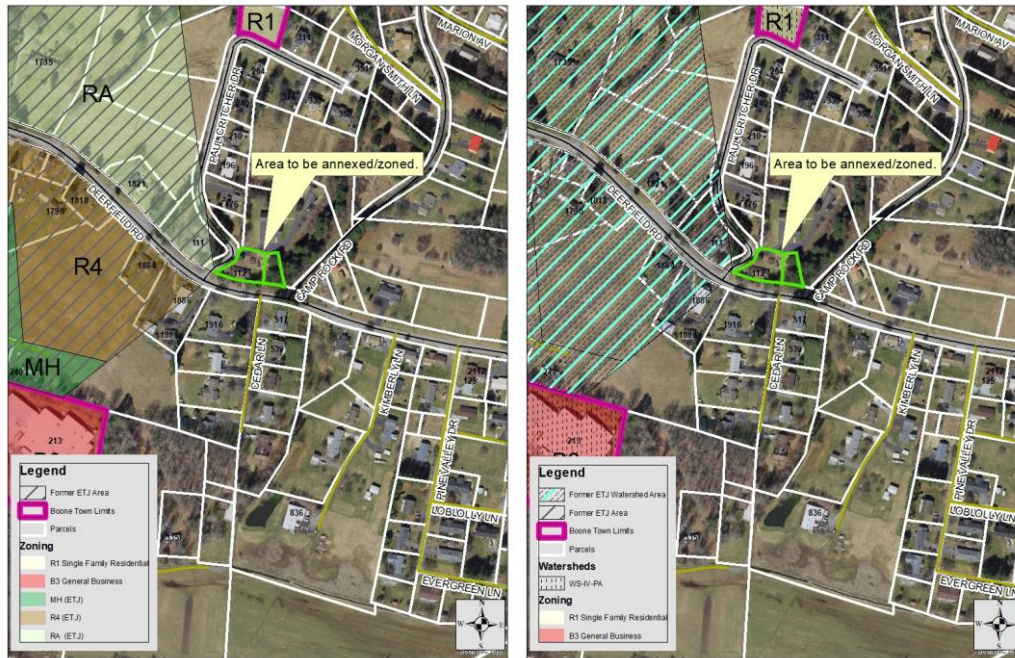


REQUEST

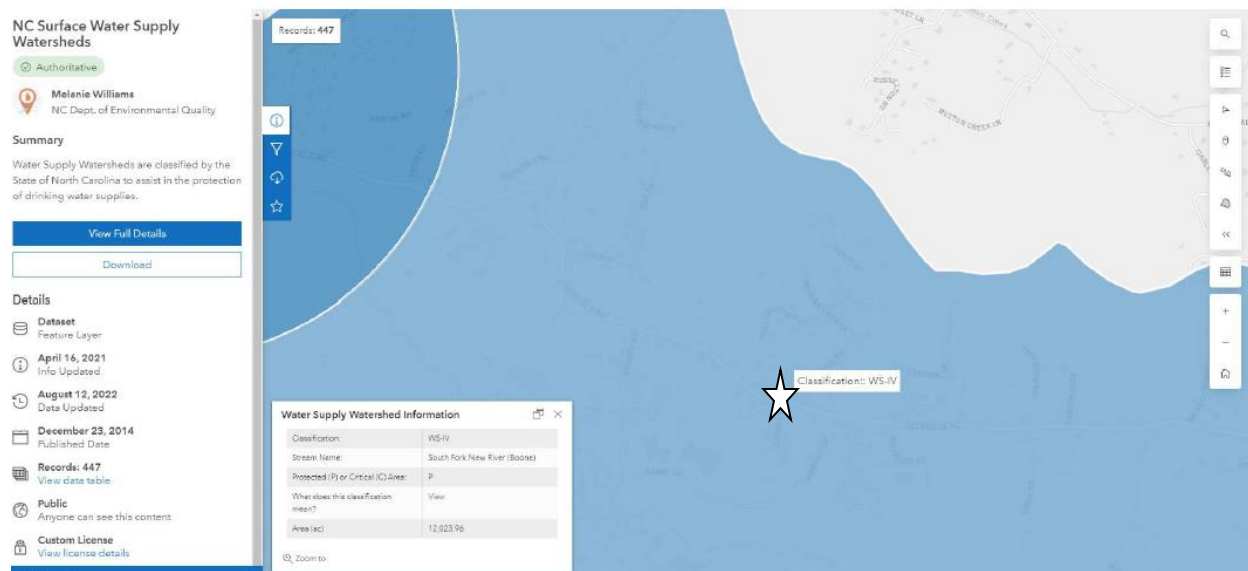
The Town of Boone has initiated the zoning of property at and near 112 Paul Critcher Road (Watauga County PINs 2920-30-7460-000 and 2920-30-9457-000) owned by CasaRock LLC. Zoning is to coincide with the property owner's voluntary annexation of the property. By direction of Town Council during the consideration of the annexation petition, the zoning of the property to be considered is: R1 Single-Family Residential with WS-IV PA Watershed Overlay.

HISTORY

1-10-2017 The Town of Boone lost the authority to exercise powers of the extraterritorial jurisdiction. The subject property was just outside the eastern edge of the former Boone ETJ. Maps of the former ETJ area just west of the subject property is shown below.



The parcel also falls within Watershed WS-IV PA. See the information from the NC Surface Water Supply Watersheds map below.



2019 273 Paul Critcher Road (located approximately 700 feet away on the same street) was previously annexed by the Town in 2019 and zoned R-1 Single-family Residential with WS-IV PA Watershed Overlay, the same zoning requested by the applicant in this case.

Ultimate Issue Before Council on Amendments

Pursuant to UDO Subsection 9.07, in deciding whether to adopt a proposed amendment to this Ordinance, the central issue before the Council is whether the proposed amendment advances the public health, safety, or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the Mayor and be excluded. In particular, when considering proposed general use map amendments:

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

ZONING ANALYSIS OF ANNEXATION AREA

Petitioner:	CasaRock LLC	CasaRock LLC
Address:	112 Paul Critcher Road	TBD
Watauga County PIN:	2920-30-7460-000 and	2920-30-9457-000
Use:	Single-Family Residential/Vacant	Vacant
Size:	.28 acres	.22 acres
Jurisdiction:	Watauga County	Watauga County
Access:	Paul Critcher Road (DOT) Deerfield Road (DOT)	Paul Critcher Road (DOT) Deerfield Road (DOT)
Viewshed:	No	No
Watershed:	Yes, WS-IV PA	Yes, WS-IV PA
SFHA:	No	No
Steep Slope:	Yes	Yes
Very Steep Slope:	No	No
Existing Zoning:	No Zoning	No Zoning
Previous Zoning:	None	None
Requested Zoning:	R1 Single-family Residential with WS-IV PA Watershed Overlay	R1 Single-family Residential with WS-IV PA Watershed Overlay
Vesting:	NA	NA

Analysis of Adjacent Zoning

	Adjacent Zoning	Adjacent Land Use (Watauga Co. Tax Data)
North	Unzoned – Watauga County	Single-family Residential, Two-Family Residential
West	Unzoned – Watauga County	Single-family Residential
South	Unzoned – Watauga County	Single-family Residential
East	Unzoned – Watauga County	Single-family Residential

Below are excerpts from UDO Article 4 regarding the districts, uses, intensity and height for the R1 Single-family Residential District.

Excerpt of ARTICLE 14 ZONING DISTRICTS

...

14.05 R-1 General Business District

14.05.01 The R1 Single Family Residential District is established to provide a low-density living area consisting only of single-family dwelling units and other related uses necessary for a sound neighborhood. The regulations for this district are designed to stabilize and encourage a comfortable, healthy, safe, aesthetically pleasing and pleasant living environment for family life that promotes peaceful quiet enjoyment sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.

14.05.02 R1 Permissible Uses

Use #	Specific Use	R1	Reference
Allowable Principal Uses			
1.0 Household Living			
1.01	Single-Family Dwelling	P	
2.0 Group Living			
2.01	Family Care Home	L	15.06
3.0 Transient Living			
3.01	Home for Survivors of Domestic Violence	L	15.11
3.07	Homestay Rental	L	15.05
4.0 Institutional			
4.04	Cemetery	P	
5.0 Government Uses			
5.02	Government Neighborhood Cultural Facility, Indoor Activity Only	S	
5.05	Recreation Facility, Category 2	P	
5.06	Recreation Facility, Category 3	S	
5.12	Police Substation	P	

Use #	Specific Use	R1	Reference
5.13	Utility Facility, Town	L	15.16
5.14	Utility Facility, Government, Neighborhood	L	15.16
6.0 Non-Government Utility Facility			
6.01	Utility Facility, Neighborhood	L	15.16
7.0 Wireless Communication			
7.01	Small Wireless Collocation	L	15.18
7.02	Wireless Facility Collocation on Existing Wireless Support Structure or Utility Pole	L	15.17
7.03	Stealth Wireless Facility Attached to Existing Building or Structure	L	15.17
7.05	Non-stealth Wireless Facility Collocation on Electrical Transmission Towers	L	15.17
7.06	Stealth Wireless Support Structure	S/L	15.17
7.08	Emergency Response Communication Antenna	P	
8.0 Assembly			
8.01	Religious Assembly, Category 1	P	
8.02	Religious Assembly, Category 2	pT125	
13.0 Agriculture			
13.01	Garden, Community	L	15.30
13.02	Garden, Residential	L	15.30
13.09	Forestry	L	15.31
Allowable Accessory Uses			
A-1	Secondary suite	L	15.45
A-2	Home occupation	L	15.46
A-11	Poultry	L	15.54
A-12	Livestock, small	L	15.55
A-14	Bees	L	15.57
A-15	Garden, residential	L	15.58
A-16	Satellite receiving antennas less than 1 meter in diameter	P	
A-20	Swimming pools, spas, and hot tubs	L	15.59
A-22	Vehicular Gate	L	15.61
A-25	Open air market, accessory	L	15.22
A-26	Daycare, small	P	
A-28	Solar Energy System	L	15.64
A-29	Electric-Vehicle Charging Station	L	15.65
Allowable Temporary Uses			
T-1	Temporary family health care structure	L	15.62
T-2	Temporary construction or repair dwelling	L	15.62
T-3	Temporary construction trailer	L	15.62
T-6	Temporary portable storage containers	L	15.62

Use #	Specific Use	R1	Reference
T-9	Carrier on wheels (COW)	L	15.62
T-10	Yard sales	L	15.62
T-11	Itinerant merchant/peddler	L	15.62

14.05.03 R1 Development Standards

- A. Minimum Gross Land Area: 8,000 square feet (see Subsection 14.03.02)
- B. Minimum Lot Width: 70 feet (see Subsection 14.03.03)
- C. Minimum Street Frontage: 56 feet (see Subsection 14.03.04)
- D. Minimum Livability Space Ratio: .53 (see Subsection 14.03.05)
- E. Minimum Setbacks (see Subsection 14.03.06)
 - 1. Street: 20 feet
 - 2. Interior: 14 feet
- F. Maximum Building Height: 3 stories (see Subsection 14.03.07)

14.05.04 Occupancy: One (1) family or up to two (2) unrelated persons (see Section 14.04). A dwelling occupied by a family (but not by unrelated persons) may also have one (1) roomer.

...

ANNEXATION/ZONING PROCESS EXPLANATION

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

Date	Annexation	Zoning
October 11, 2023	Step 1 Presentation of Petition: The first step of the annexation process occurred at the regular October 2023 Town Council meeting, where the annexation petition and Certificate of Sufficiency was presented and Council approved a resolution scheduling a date for a public hearing on annexation for December 2023 and sent the case to be considered for zoning at the November 27, 2023 Public Hearing.	
November 27, 2023		Step 1 Zoning Public Hearing: Cases to zone properties placed on the public hearing agenda for the zoning of the property. Step 2 Zoning (PC Meeting): Planning Commission makes recommendation of the zoning of the parcel following the public hearing. This recommendation is forwarded to the next Town Council meeting.
December 4, 2023	Step 2 Annexation Public Hearing: The second step of the annexation process would be an annexation public hearing during the first part of the Council meeting. Step 3 Council Vote on Annexation: Subsequent to the annexation public hearing and after the decision on the zoning of the properties, Council will vote on the Annexation Ordinance. The annexation ordinance can be made effective immediately, June 30, 2023 or June 30, 2024.	Step 3 Council Vote on Zoning: Prior to the vote on Annexation, Council votes on the zoning of the property.

2006 COMPREHENSIVE PLAN ANALYSIS

1.1 OVERALL OBJECTIVES FOR THE BOONE COMPREHENSIVE PLAN (p. 15):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

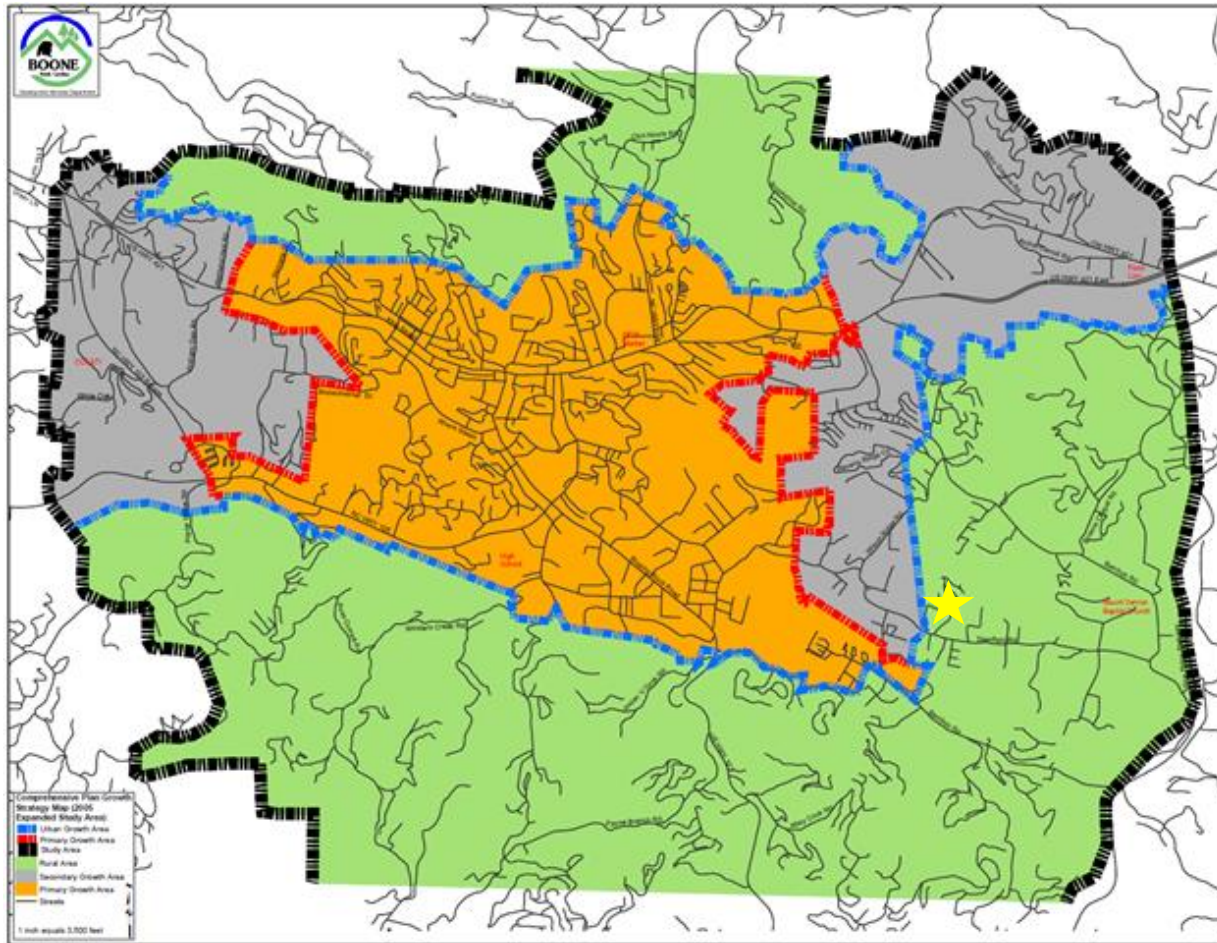
Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

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

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

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

1.2 GROWTH STRATEGY MAP (p. 17):



The properties are located within the rural area – adjacent to the secondary growth area.

The Primary Growth Area is that portion of the urban growth area where urban level or facilities are already in place or can be provided most cost effectively. This is the area where near term growth and development is to be especially encouraged.

The Secondary Growth Area is that portion of the urban growth area where urban level services can be provided, but on a lower priority basis than in the primary growth area.

Additionally, for comparison, the Rural Area is that portion of the planning study area that is influenced by urban area growth forces, but within which urban level development should be strongly discouraged. Urban level services and associated development densities should not be planned for this area, except in case by case evaluations of major economic development projects.

Staff has reviewed land use and comprehensive plan policies, and listed those policies and actions which in staff's opinion have a bearing on the request. Council should review these policies carefully. Each member may make his or her own interpretation as to the relevance of each and which carry the most weight.

2.1 Economy (page 21)

2.1.1 Economic Development

- A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy.

2.2 Infrastructure

2.2.2 Utilities (page 49)

- A. Extensions of water and/or sewer services that could result in scattered, non-directed development and costly provision of other urban services shall be prohibited.
- B. Water and sewer services shall be concentrated within the limits of a geographically defined Urban Growth Area. The Primary Growth Area shall receive first priority for the provision or enhancement of water and sewer services.

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

- C. The Town shall consider the highest level of participation in the cost of providing water and sewer services within the Primary Growth Area with the next highest level of participation considered for the Secondary Growth Area.
- D. Water and sewer services shall not be extended to properties in the Rural Area (outside the Urban Growth Area). Exceptions to this policy may include the provision of services to other local governments, cooperative agreements on major economic development initiatives, and extensions needed to address imminent public health problems or related environmental hazards.

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

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

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

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

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

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

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

...

2.3 Community

2.3.2 Community Character (page 75)

- A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area.
- E. New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone’s original community character as a High Country small town.

2.3.3 Housing & Neighborhoods (page 79)

- A. The protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source and as a reflection of the area’s image as an attractive, highly livable community.
- H. The overall housing unit density for proposed infill residential development or redevelopment should be compatible with the average density of existing areas.

Certificate of Mailing

I, Brenda Henson, certify that individual notices meeting the requirements of Article 9 of the Town of Boone UDO were placed in the mail (first class) on November 3, 2023.

/s/ Brenda Henson

Brenda Henson, Administrative Support Specialist

Certification of Posting

I, Brandon Wise, certify that the subject property was posted as required in Article 9, Subsection 9.03.03(B)(2) of the Town of Boone UDO on November 3, 2023.

/s/ Brandon Wise

Brandon Wise, Environmental Planner

PLANNING BOARD REPORT/RECOMMENDATIONS

Per NCGS 160D-604(b), subsequent to initial adoption of a zoning regulation, all proposed amendments to the zoning regulation or zoning map shall be submitted to the Planning Commission for review and comment. If no written report is received from the Planning Commission within 30 days of referral of the amendment to that board, the Town Council may act on the amendment without the Planning Commission report. The Town Council is not bound by the recommendations, if any, of the Planning Commission. Per NCGS 160D-604(d), when conducting a review of proposed zoning text or map, the Planning Commission shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Commission shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the Planning Commission, but a comment by the Planning Commission that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

Vote 1: The proposed amendment to the Town’s zoning map ☐is OR ☐is not consistent with the Town’s comprehensive plan and any other adopted plan(s) of the Town that are applicable because:

Note 1

Vote 2: The Planning Commission recommends ☐approval OR ☐denial of Ordinance # A23-0449 within Exhibit A and believes ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

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

Note 2: briefly explain why, factors may include (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

TOWN COUNCIL ACTION – Adoption of Ordinance

Per NCGS 160D-605, when adopting or rejecting any zoning text or map amendment, the Town Council shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the governing board that at the time of action on the amendment the governing board was aware of and considered the planning board's recommendations and any relevant portions of an adopted comprehensive plan.

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

Note 1

Vote 2: The Town Council ☐approves OR ☐denies Ordinance # A23-0449 within Exhibit A and believes ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

Note 1: describe elements of controlling land use plans and how the amendment is or is not consistent. Town Council members may reference the comprehensive plan policies in the Planning Commission's recommendations, or use the other comprehensive plan policies as the Council member see relevant and pertinent to the case.

Note 2: briefly explain why, factors may include (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

Exhibit A**Ordinance A23-0449**

WHEREAS, pursuant to N.C. Gen. Stat. §160D-601, the Town may amend its zoning map after giving proper public notice and holding a public hearing; and

WHEREAS, the Planning Commission and Town Council has received the request to amend the Official Zoning Map of the Town of Boone, North Carolina to zone the property below:

Address	Watauga Co. PIN	Property Owner	Proposed Zoning
112 Paul Critcher Rd	2920-30-7460-000 and	CasaRock LLC	R1 Single-Family Residential
And vacant adjoining lot	2920-30-9457-000		

WHEREAS, the Boone Town Council held a duly-noticed public hearing November 27, 2023 with respect to this rezoning request; and

WHEREAS, the Boone Town Council has taken into full consideration any information offered at the public hearing; and

WHEREAS, this Town Council has reviewed the written recommendations of the Town of Boone Planning Commission; and

NOW, THEREFORE, BE IT RESOLVED as follows:

SECTION 1. The Boone Town Council hereby approves and adopts the modifications to the Town Zoning Map as set forth herein.

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

SECTION 3. This Ordinance shall be effective immediately upon its adoption by Town Council.

Adopted this 4th day of December, 2023

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon, Town Clerk

General Use Zoning Map Amendment Application

Town of Boone Planning & Inspections Department

680 W. King Street, Suite C ♦ Boone, North Carolina 28607

Phone (828) 268-6960 ♦ Fax (828) 268-6961 ♦ Email: planning@townofboone.net ♦ www.townofboone.net



A. Required to be Submitted at Time of Application

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

Failure to provide the info required on this application may delay the review and scheduling of the requested hearing.

- ☐ Property Owner Authorization for all property included in the request. See [Section D](#).
- ☐ Deed(s) of all property to be included in the request,
- ☐ Both a digital and a hard copy of a written metes and bound legal description with accompanying survey map for a request that would rezone only a portion of a tax parcel or requests for multiple zoning districts.
- ☐ Permit Fee (See Planning & Inspections Fee Schedule)

Each application is allowed two (2) reviews. The 1st review of the submitted information and a 2nd review if revisions or supplemental information is required based upon the 1st review. Each subsequent review after the 2nd review will be charged at 50% of the original fees charged for the application. These fees shall be paid at the time of resubmittal.

B. Property Information

Street Address:

372 Junaluska Rd, Boone NC 28607

Watauga County Parcel Identification Number:

2901-81-2705-000

Existing Zoning District(s): N/A

Proposed Zoning District(s): R1, Single-Family or R1A Single-Family with Accessory Unit

Adjacent Land Uses: N: Single-family Residential

E: Single-family Residential

S: Single-family Residential

W: Single-family Residential

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

If yes, describe:

Total Land Area: .46 acres

C. Property Owner Information

Name:

Catherine C Folk

Complete Mailing Address (Street, City, Zip):

372 Junaluska Rd, Boone, NC 28607

Phone Number:

828-264-8686

Email Address:

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

D. Applicant Signature and Property Owner Authorization

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

NA-Request processed in conjunction with property owner's request for annexation of property

Property Owner (Print)

Property Owner (Signature)

Date

Official Use Only				
Permit Name:				
Permit Number:				
Date:	Fee:	Receipt Number:	Method of Payment: ☐ Cash ☐ Check Number: _____	Paid By:

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: 11/27/2022

PC Meeting Date: 11/27/2022

TC Meeting Date: _____

Date of APO Mailed Notification: _____

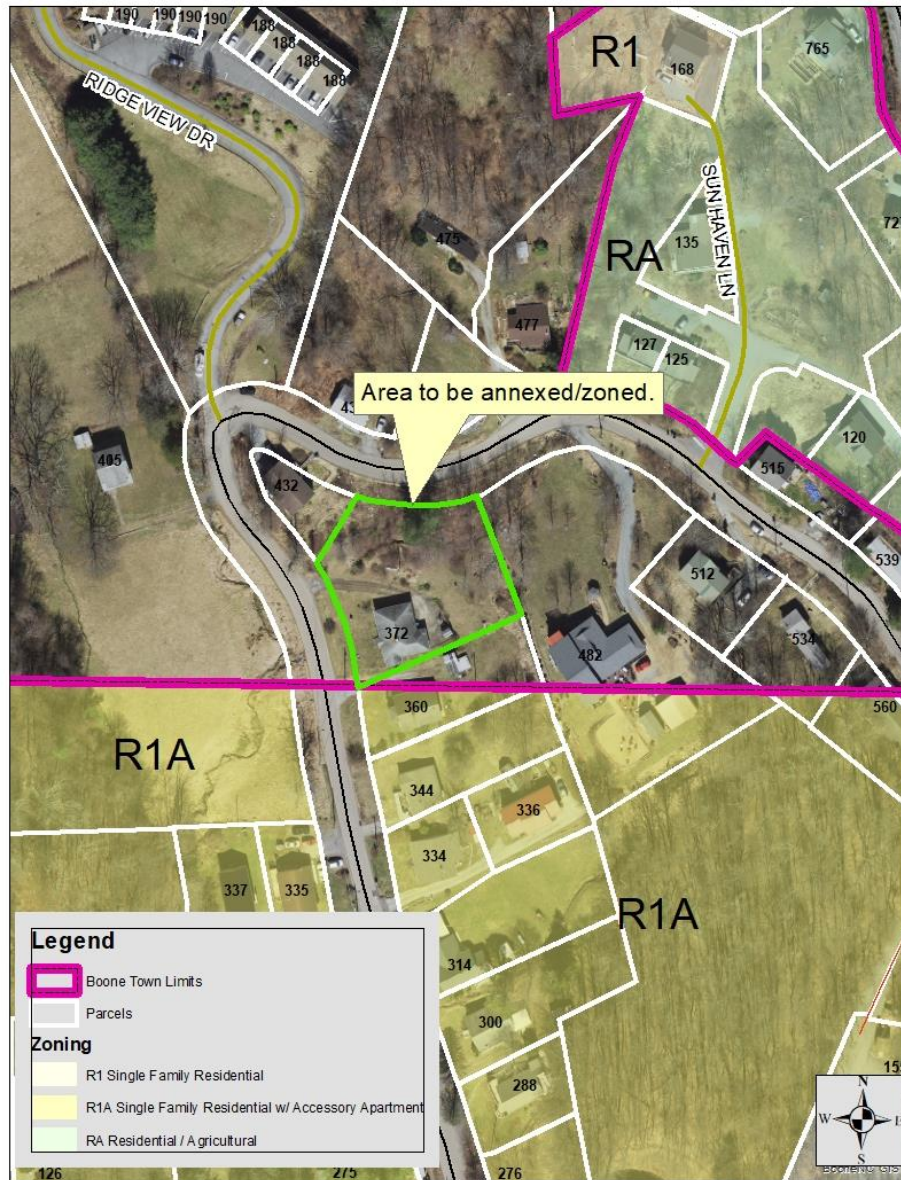
Date of Posted Notification: _____

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

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Communication: Case A23-0451 Folk - Application (Case A23-0451 Catherine Folk - General Use Zoning Map Amendment)

STAFF REPORT
NOVEMBER 27, 2023
CASE A23-0451 CATHERINE FOLK – GENERAL USE ZONING MAP AMENDMENT



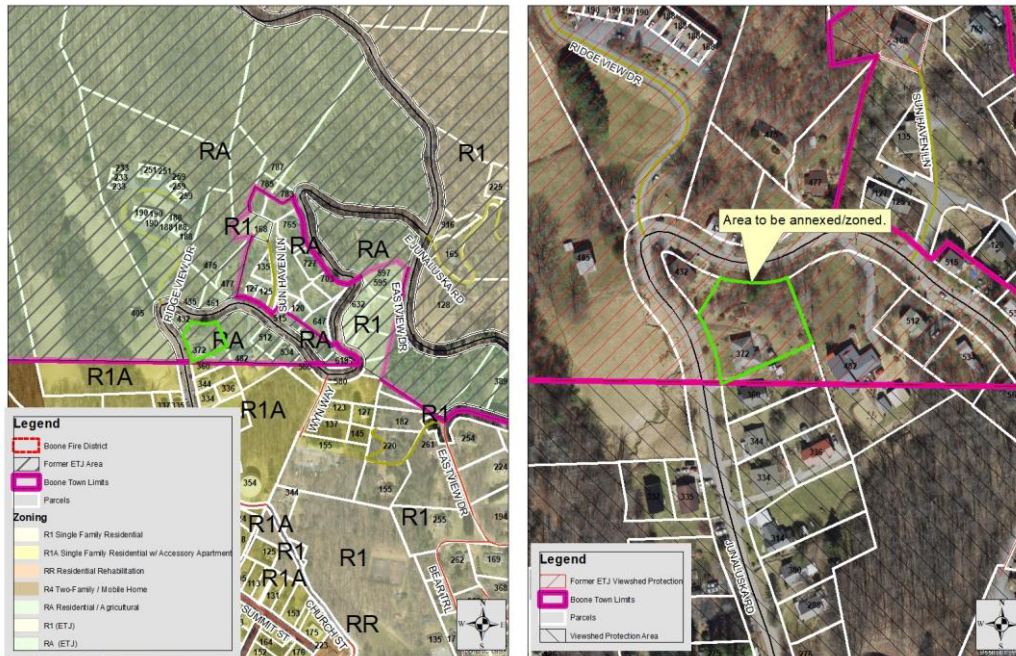
REQUEST

The Town of Boone has initiated the zoning 372 Junaluska Road (Watauga County PIN 2901-81-2705-000) owned by Catherine Folk. Zoning is to coincide with the property owner's voluntary annexation of the property. By direction of Town Council during the consideration of the annexation petition, the zoning of the property to be considered is: R1 Single-Family Residential or R1A Single Family with Accessory Dwelling and Viewshed Protection overlay.

Staff note: This property does not contain an accessory dwelling unit. The applicant has indicated they would be satisfied with R1 zoning. R1A was also advertised as a possible outcome since all the properties on that portion of Junaluska Road that are within Town limits are zoned R1A.

HISTORY

1-10-2017 The Town of Boone lost the authority to exercise powers of the extraterritorial jurisdiction. The portion of each parcel to be annexed was previously located within the Town of Boone ETJ. Subject parcel was zoned RA, Residential/Agricultural and Viewshed Protection overlay as shown on the maps below.

**Ultimate Issue Before Council on Amendments**

Pursuant to UDO Subsection 9.07, in deciding whether to adopt a proposed amendment to this Ordinance, the central issue before the Council is whether the proposed amendment advances the public health, safety, or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the Mayor and be excluded. In particular, when considering proposed general use map amendments:

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

ZONING ANALYSIS OF ANNEXATION AREA

Petitioner	Catherine C Folk
Address	372 Junaluska Road
Watauga County PIN	2901-81-2705-000
Use	Single-Family Residential
Size	0.45 acres (entire parcel to be annexed)
Jurisdiction	Watauga County
Access	Junaluska Drive (Town)
Viewshed	Yes (Former ETJ)
Watershed	No
SFHA	No
Steep Slope	Yes
Very Steep Slope	No
Existing Zoning	No Zoning
Previous Zoning	RA Residential/Agricultural (in former ETJ)
Requested Zoning	R1 Single-family Residential or R1A Single-family Residential w/Accessory Dwelling
Vesting	No

Analysis of Adjacent Zoning

	Adjacent Zoning	Adjacent Land Use
North	Unzoned – Watauga County	Single-family Residential, 2 Family Residential
West	Unzoned – Watauga County R1A Single-family Residential w/Accessory Unit	Single-family Residential
South	Unzoned – Watauga County R1A Single-family Residential w/Accessory Unit	Single-family Residential
East	Unzoned – Watauga County R1A Single-family Residential w/Accessory Unit	Single-family Residential

Below are excerpts from UDO Article 4 and Appendix B regarding the districts, uses, intensity and height for the R1 Single-family Residential District, R1A Single-family Residential with Accessory Dwelling, and Viewshed Protection District overlay.

Excerpt of ARTICLE 14 ZONING DISTRICTS

...

14.42 Viewshed

The Viewshed Protection District is established as an overlay district intended to protect the scenic beauty and natural environment of Boone's hillside areas vital to preservation of a high quality of life

and continued economic development by minimizing the visual impact of building construction and land disturbing activities.

...

14.05 R-1 General Business District

14.05.01 The R1 Single Family Residential District is established to provide a low-density living area consisting only of single-family dwelling units and other related uses necessary for a sound neighborhood. The regulations for this district are designed to stabilize and encourage a comfortable, healthy, safe, aesthetically pleasing and pleasant living environment for family life that promotes peaceful quiet enjoyment sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.

14.07.01 The R1A Single-Family Residential with Accessory Dwelling District is established to provide a low-density living area consisting of single-family dwellings with or without subordinate, accessory dwellings. The regulations for this district are intended to maintain the essential character of a single-family neighborhood but allow for the establishment of accessory dwellings which are clearly subordinate to the single-family dwelling. The regulations for this district are designed 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....

...

Excerpts of B1.01 Complete Table of Principal Uses, B1.02 Complete Table of Accessory Uses, B1.03 Complete Table of Temporary Uses

Use #	Specific Use	R1	R1A	Reference
Allowable Principal Uses				
1.0 Household Living				
1.01	Single-Family Dwelling	P	P	
2.0 Group Living				
2.01	Family Care Home	L	L	15.06
3.0 Transient Living				
3.01	Home for Survivors of Domestic Violence		L	15.11
3.04	Bed and Breakfast, Category 1		ST ⁵⁰	15.13
3.07	Homestay Rental	L	L	15.05
4.0 Institutional				
4.04	Cemetery	P	P	
5.0 Government Uses				
5.02	Government Neighborhood Cultural Facility, Indoor Activity Only	S	S	
5.05	Recreation Facility, Category 2	P	P	

Use #	Specific Use	R1	R1A	Reference
5.06	Recreation Facility, Category 3	S	S	
5.12	Police Substation	P	P	
5.13	Utility Facility, Town	L	L	15.16
5.14	Utility Facility, Government, Neighborhood	L	L	15.16
6.0 Non-Government				
6.01	Utility Facility, Neighborhood	L	L	15.16
7.0 Wireless Communication				
7.01	Small Wireless Collocation	L	L	15.18
7.02	Wireless Facility Collocation on Existing Wireless Support Structure or Utility Pole	L	L	15.17
7.03	Stealth Wireless Facility Attached to Existing Building or Structure	L	L	15.17
7.05	Non-stealth Wireless Facility Collocation on Electrical Transmission Towers	L	L	15.17
7.06	Stealth Wireless Support Structure	S/L	S/L	15.17
7.08	Emergency Response Communication Antenna	P	P	
8.0 Assembly				
8.01	Religious Assembly, Category 1	P	P	
8.02	Religious Assembly, Category 2	pT125	pT125	
13.0 Agriculture				
13.01	Garden, Community	L	L	15.29
13.02	Garden, Residential	L	L	15.30
13.09	Forestry	L	L	15.31
Allowable Accessory Uses				
A-1	Secondary suite	L	L	15.45
A-2	Home occupation	L	L	15.46
A-3	Accessory dwelling unit		L	15.47
A-4	Drive-through			15.48
A-5	Outdoor display			15.49
A-6	Outdoor storage			15.50
A-7	Outdoor dining			15.51
A-8	Automated teller machine (ATM)			
A-9	Automated teller machine (ATM), freestanding			15.52
A-10	Produce stand			15.53
A-11	Poultry	L	L	15.54
A-12	Livestock, small	L	L	15.55
A-13	Livestock, large			15.56
A-14	Bees	L	L	15.57
A-15	Garden, residential	L	L	15.58

Use #	Specific Use	R1	R1A		Reference
A-16	Satellite receiving antennas less than 1 meter in diameter	P	P		
A-17	Satellite receiving antennas less than 2 meters in diameter				
A-18	Satellite receiving antennas 2 meters and greater in diameter				
A-19	Helistop				
A-20	Swimming pools, spas, and hot tubs	L	L		15.59
A-21	Caretaker's residence				15.60
A-22	Vehicular gate	L	L		15.61
A-23	Vehicle washing station				
A-24	Chemical storage facility				
A-25	Open air market, accessory	L	L		15.22
A-26	Daycare, small	P	P		
A-28	Solar Energy System	L	L		15.64
A-29	Electric-Vehicle Charging Station	L	L		15.65
Allowable Temporary Uses					
T-1	Temporary care provider dwelling	L	L		15.62
T-2	Temporary construction or repair dwelling	L	L		15.62
T-3	Temporary construction trailer	L	L		15.62
T-6	Temporary portable storage containers	L	L		15.62
T-9	Carrier on wheels (cow)	L	L		15.62
T-10	Yard sales	L	L		15.62
T-11	Itinerant merchant/peddler	L	L		15.62

Excerpt of B1.04 Complete Intensity Table

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Minimum Livability Space Ratio* (LSR)	Minimum Setbacks	
					Street	Interior
R1	8,000 sq. ft.	70 ft.	56 ft.	.53	20 ft.	14 ft.
R1A	8,000 sq. ft.	70 ft.	56 ft.	.53	20 ft.	14 ft.

Excerpt of B1.05 Complete Building Height Table

Zone	Height Limitation
R1, R1A, RR, R2, R4, RA	3 stories

Excerpt of B1.06 Complete Occupancy Table

Occupancy Regulation	Zoning District
One family or up to 2 unrelated Note: a dwelling occupied by a family (but not unrelated persons) may also have one (1) roomer.	1. R1 Single-Family Residential
	2. R1S Small Home Residential
	3. R1A Single-Family Residential with Accessory Dwelling
	4. RR Residential Rehabilitation
	5. R2 Two-Family Residential
	6. R4 Two-Family Residential/Manufactured Housing
	7. R5 55+ Housing Residential
	8. RA Residential Agriculture
	9. MH Manufactured Housing
	10. B1 Downtown Interface
	11. B1 Downtown Core
	12. B2 Neighborhood Business
	13. O/I Office Institutional
	14. E2 Educational

ANNEXATION PROCESS EXPLANATION

The combined annexation and zoning process involves three steps. The zoning of the property being annexed into the Town corporate limits occurs in a separate but concurrent process. Both annexation and zoning require separate public hearings. Staff has detailed the steps in which these processes would occur below.

Date	Annexation	Zoning
October 11, 2023	Step 1 Presentation of Petition: The first step of the annexation process occurred at the October 2023 regular Town Council meeting, where the annexation petition and Certificate of Sufficiency was presented and Council approved a resolution scheduling a date for a public hearing on annexation for December 2023 and sent the case to be considered for zoning at the November 27, 2023 Public Hearing.	
November 27, 2023		Step 1 Zoning Public Hearing: Cases to zone properties placed on the public hearing agenda for the zoning of the property. Step 2 Zoning (PC Meeting): Planning Commission makes recommendation of the zoning of the parcel following the public hearing. This recommendation is forwarded to the next Town Council meeting.
December 4, 2023	Step 2 Annexation Public Hearing: The second step of the annexation process would be an annexation public hearing during the first part of the Council meeting. Step 3 Council Vote on Annexation: Subsequent to the annexation public hearing and after the decision on the zoning of the properties, Council will vote on the Annexation Ordinance. The annexation ordinance can be made effective immediately, June 30, 2023 or June 30, 2024.	Step 3 Council Vote on Zoning: Prior to the vote on Annexation, Council votes on the zoning of the property.

2006 COMPREHENSIVE PLAN ANALYSIS**1.1 OVERALL OBJECTIVES FOR THE BOONE COMPREHENSIVE PLAN (p. 15):**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

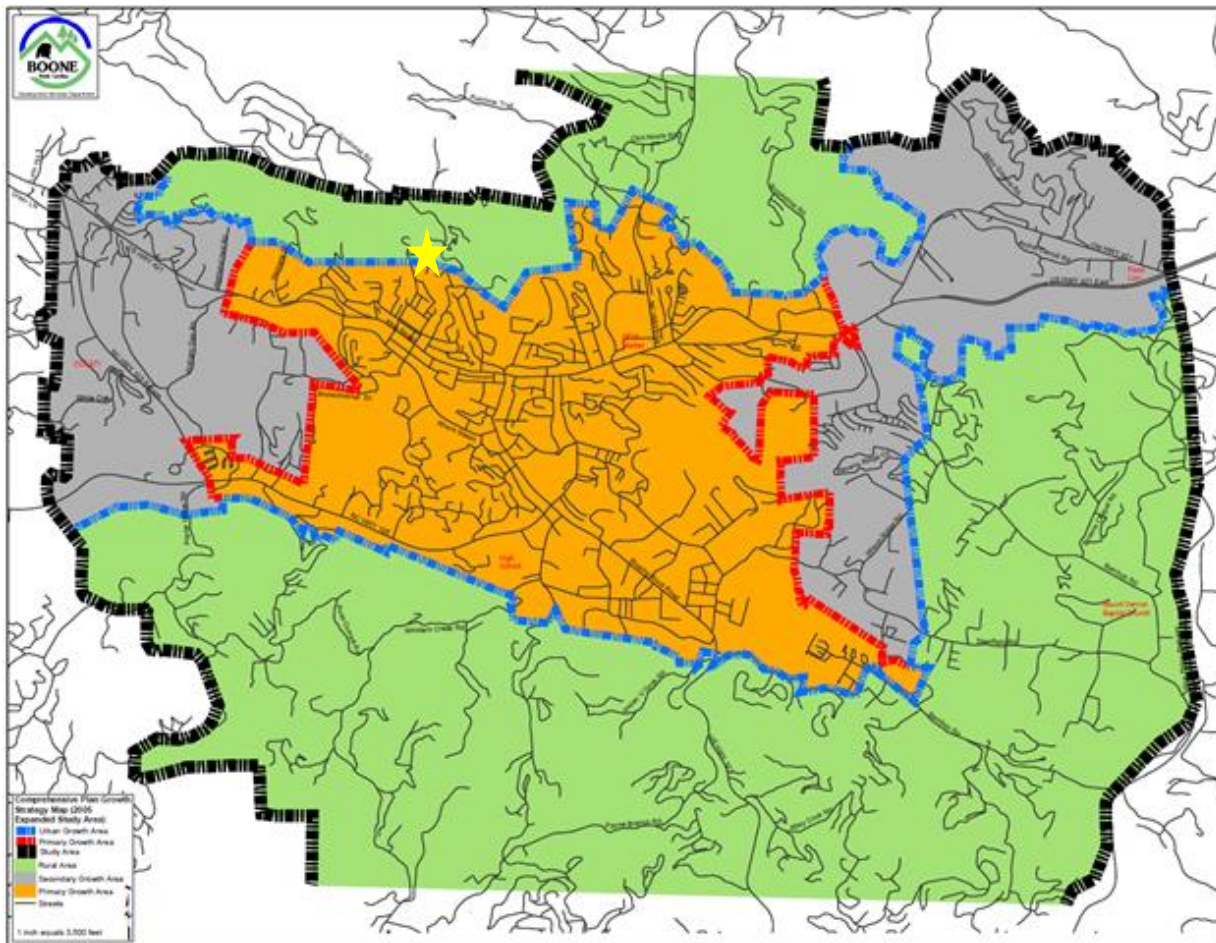
Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

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

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

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

1.2 GROWTH STRATEGY MAP (p. 17):



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

The Primary Growth Area is that portion of the urban growth area where urban level or facilities are already in place or can be provided most cost effectively. This is the area where near term growth and development is to be especially encouraged.

The Secondary Growth Area is that portion of the urban growth area where urban level services can be provided, but on a lower priority basis than in the primary growth area.

Additionally, for comparison, the Rural Area is that portion of the planning study area that is influenced by urban area growth forces, but within which urban level development should be strongly discouraged. Urban level services and associated development densities should not be planned for this area, except in case by case evaluations of major economic development projects.

Staff has reviewed land use and comprehensive plan policies, and listed those policies and actions which in staff's opinion have a bearing on the request. Council should review these policies carefully. Each member may make his or her own interpretation as to the relevance of each and which carry the most weight.

2.1 Economy (page 21)

2.1.1 Economic Development

- A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy.

2.2 Infrastructure

2.2.2 Utilities (page 49)

- A. Extensions of water and/or sewer services that could result in scattered, non-directed development and costly provision of other urban services shall be prohibited.
- B. Water and sewer services shall be concentrated within the limits of a geographically defined Urban Growth Area. The Primary Growth Area shall receive first priority for the provision or enhancement of water and sewer services.
 - B.1 Continue to monitor water consumption at the Boone Water Treatment Plan with an eye toward planning for expansion of the facility when appropriate.
- C. The Town shall consider the highest level of participation in the cost of providing water and sewer services within the Primary Growth Area with the next highest level of participation considered for the Secondary Growth Area.
- D. Water and sewer services shall not be extended to properties in the Rural Area (outside the Urban Growth Area). Exceptions to this policy may include the provision of services to other local governments, cooperative agreements on major economic development initiatives, and extensions needed to address imminent public health problems or related environmental hazards.
 - D.1 Establish revised written water and sewer service extension policies consistent with the designated growth area on the Growth Strategy Map of this plan. Coordinate with the County in assessing water and sewer needs in the areas of the county that are already facing significant development pressures, and that are supportive of an organized, planned growth strategy.
- E. The Town shall employ incentives to encourage a concentration of intense urban type development within the Urban Growth Area.
 - E.1 Establish an incentive program to encourage development within the Urban Growth Area.
- F. Area-wide cooperation and support shall be sought in bringing in alternative utility services to the Boone Area.
 - F.1 Consider the establishment of an "Alternate Energy Commission" to address this and other energy issues on an on-going basis.
- G. Long range planning for a possible stormwater collection and treatment system shall be supported, including the development of financial and regulatory strategies.
 - G.1 Prepare a community-wide stormwater management strategy to address the future implementation of NPDES Phase II program requirements.

...

2.3 Community

2.3.2 Community Character (page 75)

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

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

2.3.3 Housing & Neighborhoods (page 79)

- A. The protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community.
- H. The overall housing unit density for proposed infill residential development or redevelopment should be compatible with the average density of existing areas.

Certificate of Mailing

I, Brenda Henson, certify that individual notices meeting the requirements of Article 9 of the Town of Boone UDO were placed in the mail (first class) on November 3, 2023.

/s/ Brenda Henson

Brenda Henson, Administrative Support/Permit Technician

Certification of Posting

I, Darrell Pulliam, certify that the subject property was posted as required in Article 9, Subsection 9.03.03(B)(2) of the Town of Boone UDO on November 3, 2023.

/s/ Darrell Pulliam

Darrell Pulliam, Code Compliance Officer

PLANNING BOARD REPORT/RECOMMENDATIONS

Per NCGS 160D-604(b), subsequent to initial adoption of a zoning regulation, all proposed amendments to the zoning regulation or zoning map shall be submitted to the Planning Commission for review and comment. If no written report is received from the Planning Commission within 30 days of referral of the amendment to that board, the Town Council may act on the amendment without the Planning Commission report. The Town Council is not bound by the recommendations, if any, of the Planning Commission. Per NCGS 160D-604(d), when conducting a review of proposed zoning text or map, the Planning Commission shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Commission shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the Planning Commission, but a comment by the Planning Commission that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

Vote 1: The proposed amendment to the Town's zoning map ☐ **is** OR ☐ **is not** consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because:

Note 1

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

Vote 2: The Planning Commission recommends ☐ **approval** OR ☐ **denial** of Ordinance # A23-0451 within Exhibit A and believes ☐ **approval** OR ☐ **denial** is reasonable and in the public interest because:

Note 2

Note 2: briefly explain why, factors may include (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

TOWN COUNCIL ACTION – Adoption of Ordinance

Per NCGS 160D-605, when adopting or rejecting any zoning text or map amendment, the Town Council shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the governing board that at the time of action on the amendment the governing board was aware of and considered the planning board's recommendations and any relevant portions of an adopted comprehensive plan.

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

Note 1

Vote 2: The Town Council ☐approves OR ☐denies Ordinance # A23-0451 within Exhibit A and believes ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

Note 1: describe elements of controlling land use plans and how the amendment is or is not consistent. Town Council members may reference the comprehensive plan policies in the Planning Commission's recommendations, or use the other comprehensive plan policies as the Council member see relevant and pertinent to the case.

Note 2: briefly explain why, factors may include (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

Exhibit A**Ordinance A23-0451**

WHEREAS, pursuant to N.C. Gen. Stat. §160D-601, the Town may amend its zoning map after giving proper public notice and holding a public hearing; and

WHEREAS, the Planning Commission has received the request to amend the Official Zoning Map of the Town of Boone, North Carolina to zone portions of the parcel identified herein:

Address	Watauga Co. PIN	Property Owner	Proposed Zoning
372 Junaluska Rd	2901-81-2705-000	Catherine C Folk	R1 Single-Family Residential or R1A Single-Family Residential with Accessory Dwelling With Viewshed Protection Overlay

WHEREAS, the Boone Town Council held a duly-noticed public hearing November 27, 2023 with respect to this rezoning request; and

WHEREAS, the Boone Town Council has taken into full consideration any information offered at the public hearing; and

WHEREAS, this Town Council has reviewed the written recommendations of the Town of Boone Planning Commission; and

NOW, THEREFORE, BE IT RESOLVED as follows:

- SECTION 1.** The Boone Town Council hereby approves and adopts the modifications to the Town Zoning Map as set forth herein.
- SECTION 2.** All provisions of any Town ordinance in conflict with this ordinance are hereby repealed to the extent of such conflict.
- SECTION 3.** This Ordinance shall be effective immediately upon its adoption by Town Council.

Adopted this the 4th day of December, 2023.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon, Town Clerk

General Use Zoning Map Amendment Application

Town of Boone Planning & Inspections Department

680 W. King Street, Suite C ♦ Boone, North Carolina 28607

Phone (828) 268-6960 ♦ Fax (828) 268-6961 ♦ Email: planning@townofboone.net ♦ www.townofboone.net



A. Required to be Submitted at Time of Application

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

Failure to provide the info required on this application may delay the review and scheduling of the requested hearing.

- ☐ Property Owner Authorization for all property included in the request. See [Section D](#).
- ☐ Deed(s) of all property to be included in the request,
- ☐ Both a digital and a hard copy of a written metes and bound legal description with accompanying survey map for a request that would rezone only a portion of a tax parcel or requests for multiple zoning districts.
- ☐ Permit Fee (See Planning & Inspections Fee Schedule)

Each application is allowed two (2) reviews. The 1st review of the submitted information and a 2nd review if revisions or supplemental information is required based upon the 1st review. Each subsequent review after the 2nd review will be charged at 50% of the original fees charged for the application. These fees shall be paid at the time of resubmittal.

B. Property Information

Street Address:

Queen Street (TBD)

Watauga County Parcel Identification Number:

2901-51-8665-000

Existing Zoning District(s): R1

Proposed Zoning District(s): R1

Adjacent Land Uses: N: Vacant Land

E: Vacant Land

S: Single Family Residential

W: Single Family Residential

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

If yes, describe: N/A

Total Land Area: .33 Acres

C. Property Owner Information

Name:

Warren and Ruby Boyette

Complete Mailing Address (Street, City, Zip):

P.O. Box 1142 Wendell, NC 27591

Phone Number:

919-889-6285

Email Address:

N/A

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

D. Applicant Signature and Property Owner Authorization

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

NA-Request processed in conjunction with the property owner's request for annexation of property

Property Owner (Print)

Property Owner (Signature)

Date

Official Use Only				
Permit Name:				
Permit Number:				
Date:	Fee:	Receipt Number:	Method of Payment: ☐ Cash ☐ Check Number: _____	Paid By:

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: _____

PC Meeting Date: _____

TC Meeting Date: _____

Date of APO Mailed Notification: _____

Date of Posted Notification: _____

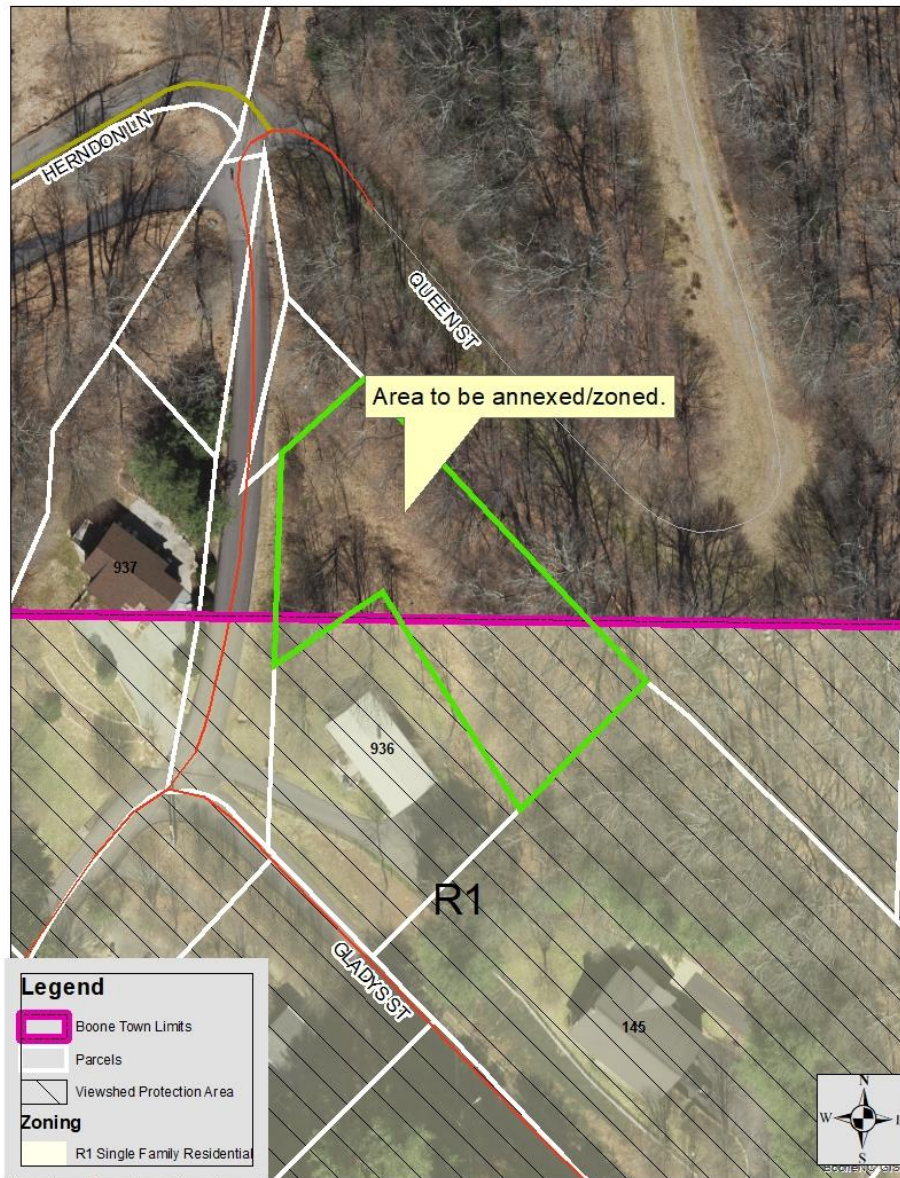
Request Approved: ☐ Yes ☐ No If yes, date request sent to GIS: _____

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Communication: Case A23-0462 Boyette - Application (Case A23-0462 Warren & Ruby Boyette - General Use Zoning Map Amendment)

Staff Report
November 27, 2023

Case A23-0120 Boyette, Warren & Ruby – General Use Zoning Map Amendment

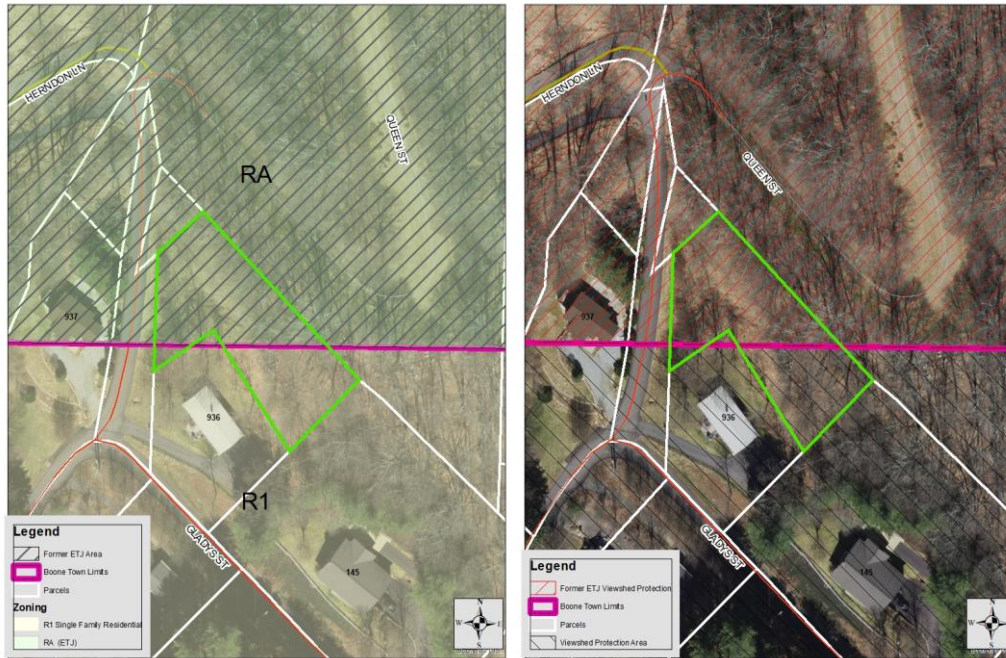


REQUEST

The Town of Boone has initiated the zoning of property on Queen Street (Watauga County PIN: 2901-51-8665-000) owned by Warren and Ruby Boyette to R1 Single-Family Residential. Zoning is to coincide with the property owner's voluntary annexation of the property. By direction of Town Council during the consideration of the annexation petition, the zoning of the property to be considered is: R1 Single-Family Residential and Viewshed Protection overlay.

HISTORY

1-10-2017: Town of Boone lost authority to exercise powers of extraterritorial jurisdiction. The subject property was previously zoned RA Residential/Agricultural and Viewshed Protection District. See maps below.

**Ultimate Issue Before Council on Amendments**

Pursuant to UDO Subsection 9.07, in deciding whether to adopt a proposed amendment to this Ordinance, the central issue before the Council is whether the proposed amendment advances the public health, safety, or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the Mayor and be excluded. In particular, when considering proposed general use map amendments:

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

ZONING ANALYSIS OF ANNEXATION AREA

Petitioner: Warren and Ruby Boyette
Address: TBD Queen Street
Watauga Co. PIN: 2901-51-8665-000
Use: Vacant
Size: .195 acres
Jurisdiction: Watauga County
Access: Queen Street
Viewshed: Yes
Watershed: No
SFHA: No
Steep Slope: Yes
Very Steep Slope: Yes
Existing Zoning: Not zoned
Previous Zoning: RA Residential/Agricultural (when property was located in ETJ)
Requested Zoning: R1 Single-Family Residential
Vesting: NA

Analysis of Adjacent Zoning

	Adjacent Zoning	Adjacent Land Use (Watauga Co. Tax Data)
North	Unzoned (Watauga County Jurisdiction)	Vacant
East	Unzoned (Watauga County Jurisdiction)	Vacant
South	R1 Single Family Residential	Single-Family Residential
West	Unzoned (Watauga County Jurisdiction)/ R1 Single Family Residential	Single-Family Residential

Below are excerpts from UDO Article 4 regarding the districts, uses, intensity and height for the R1 Single-family Residential District and the Viewshed Protection District.

Excerpt of ARTICLE 14 ZONING DISTRICTS

...

14.42 Viewshed

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

...

14.05 R-1 General Business District

14.05.01 The R1 Single Family Residential District is established to provide a low-density living area consisting only of single-family dwelling units and other related uses necessary for a sound

neighborhood. The regulations for this district are designed to stabilize and encourage a comfortable, healthy, safe, aesthetically pleasing and pleasant living environment for family life that promotes peaceful quiet enjoyment sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.

14.05.02 R1 Permissible Uses

Use #	Specific Use	R1	Reference
Allowable Principal Uses			
1.0 Household Living			
1.01	Single-Family Dwelling	P	
2.0 Group Living			
2.01	Family Care Home	L	15.06
3.0 Transient Living			
3.01	Home for Survivors of Domestic Violence	L	15.11
3.07	Homestay Rental	L	15.05
4.0 Institutional			
4.04	Cemetery	P	
5.0 Government Uses			
5.02	Government Neighborhood Cultural Facility, Indoor Activity Only	S	
5.05	Recreation Facility, Category 2	P	
5.06	Recreation Facility, Category 3	S	
5.12	Police Substation	P	
5.13	Utility Facility, Town	L	15.16
5.14	Utility Facility, Government, Neighborhood	L	15.16
6.0 Non-Government Utility Facility			
6.01	Utility Facility, Neighborhood	L	15.16
7.0 Wireless Communication			
7.01	Small Wireless Collocation	L	15.18
7.02	Wireless Facility Collocation on Existing Wireless Support Structure or Utility Pole	L	15.17
7.03	Stealth Wireless Facility Attached to Existing Building or Structure	L	15.17
7.05	Non-stealth Wireless Facility Collocation on Electrical Transmission Towers	L	15.17
7.06	Stealth Wireless Support Structure	S/L	15.17
7.08	Emergency Response Communication Antenna	P	
8.0 Assembly			
8.01	Religious Assembly, Category 1	P	
8.02	Religious Assembly, Category 2	PT125	
13.0 Agriculture			
13.01	Garden, Community	L	15.30
13.02	Garden, Residential	L	15.30
13.09	Forestry	L	15.31
Allowable Accessory Uses			
A-1	Secondary suite	L	15.45
A-2	Home occupation	L	15.46

Use #	Specific Use	R1	Reference
A-11	Poultry	L	15.54
A-12	Livestock, small	L	15.55
A-14	Bees	L	15.57
A-15	Garden, residential	L	15.58
A-16	Satellite receiving antennas less than 1 meter in diameter	P	
A-20	Swimming pools, spas, and hot tubs	L	15.59
A-22	Vehicular Gate	L	15.61
A-25	Open air market, accessory	L	15.22
A-26	Daycare, small	P	
A-28	Solar Energy System	L	15.64
A-29	Electric-Vehicle Charging Station	L	15.65
Allowable Temporary Uses			
T-1	Temporary family health care structure	L	15.62
T-2	Temporary construction or repair dwelling	L	15.62
T-3	Temporary construction trailer	L	15.62
T-6	Temporary portable storage containers	L	15.62
T-9	Carrier on wheels (COW)	L	15.62
T-10	Yard sales	L	15.62
T-11	Itinerant merchant/peddler	L	15.62

14.05.03 R1 Development Standards

A. Minimum Gross Land Area: 8,000 square feet (see Subsection 14.03.02)

B. Minimum Lot Width: 70 feet (see Subsection 14.03.03)

C. Minimum Street Frontage: 56 feet (see Subsection 14.03.04)

D. Minimum Livability Space Ratio: .53 (see Subsection 14.03.05)

E. Minimum Setbacks (see Subsection 14.03.06)

1. Street: 20 feet
2. Interior: 14 feet

F. Maximum Building Height: 3 stories (see Subsection 14.03.07)

14.05.04 Occupancy: One (1) family or up to two (2) unrelated persons (see Section 14.04). A dwelling occupied by a family (but not by unrelated persons) may also have one (1) roomer.

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ANNEXATION/ZONING PROCESS EXPLANATION

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

Date	Annexation	Zoning
October 11, 2023	Step 1 Presentation of Petition: The first step of the annexation process occurred at the October 2023 regular Town Council meeting, where the annexation petition and Certificate of Sufficiency was presented and Council approved a resolution scheduling a date for a public hearing on annexation for December 2023 and sent the case to be considered for zoning at the November 27, 2023 Public Hearing.	
November 27, 2023		Step 1 Zoning Public Hearing: Cases to zone properties placed on the public hearing agenda for the zoning of the property. Step 2 Zoning (PC Meeting): Planning Commission makes recommendation of the zoning of the parcel following the public hearing. This recommendation is forwarded to the next Town Council meeting.
December 4, 2023	Step 2 Annexation Public Hearing: The second step of the annexation process would be an annexation public hearing during the first part of the Council meeting. Step 3 Council Vote on Annexation: Subsequent to the annexation public hearing and after the decision on the zoning of the properties, Council will vote on the Annexation Ordinance. The annexation ordinance can be made effective immediately, June 30, 2023 or June 30, 2024.	Step 3 Council Vote on Zoning: Prior to the vote on Annexation, Council votes on the zoning of the property.

2006 COMPREHENSIVE PLAN ANALYSIS

1.1 OVERALL OBJECTIVES FOR THE BOONE COMPREHENSIVE PLAN (p. 15):

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

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

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

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

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

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

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

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

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

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

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

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

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

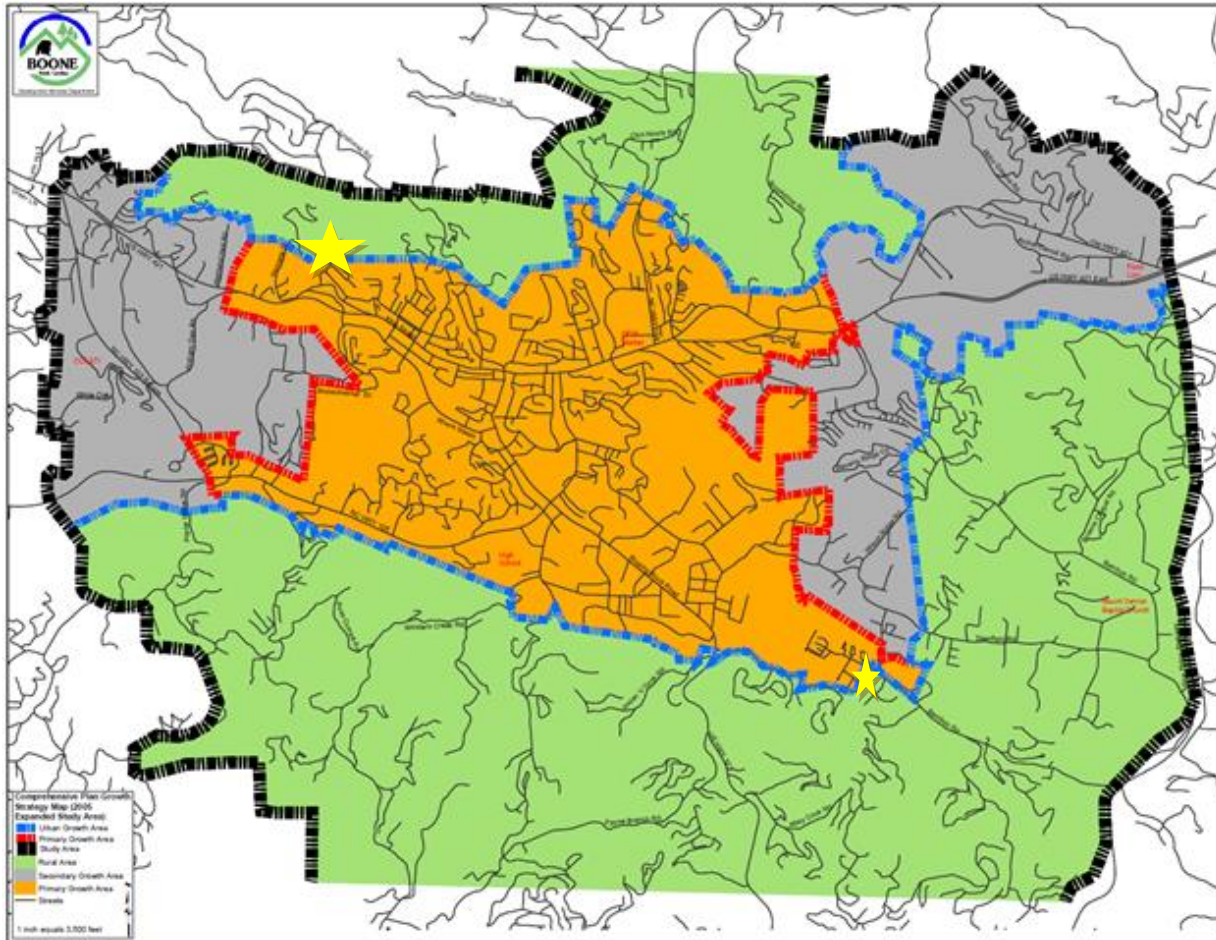
University: Emphasize cooperative planning among the Town, County, and University.

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

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

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

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

1.2 GROWTH STRATEGY MAP (p. 17):

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

The Primary Growth Area is that portion of the urban growth area where urban level or facilities are already in place or can be provided most cost effectively. This is the area where near term growth and development is to be especially encouraged.

The Secondary Growth Area is that portion of the urban growth area where urban level services can be provided, but on a lower priority basis than in the primary growth area.

The Rural Area is that portion of the planning study area that is influenced by urban area growth forces, but within which urban level development should be strongly discouraged. Urban level services and associated development densities should not be planned for this area, except in case by case evaluations of major economic development projects.

Staff has reviewed land use and comprehensive plan policies, and listed those policies and actions which in staff's opinion have a bearing on the request. Council and the Planning Commission should review

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

2.1 Economy (page 21)

2.1.1 Economic Development

- A.** The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy.

2.2 Infrastructure

2.2.2 Utilities (page 49)

- A.** Extensions of water and/or sewer services that could result in scattered, non-directed development and costly provision of other urban services shall be prohibited.
- B.** Water and sewer services shall be concentrated within the limits of a geographically defined Urban Growth Area. The Primary Growth Area shall receive first priority for the provision or enhancement of water and sewer services.

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

- C.** The Town shall consider the highest level of participation in the cost of providing water and sewer services within the Primary Growth Area with the next highest level of participation considered for the Secondary Growth Area.
- D.** Water and sewer services shall not be extended to properties in the Rural Area (outside the Urban Growth Area). Exceptions to this policy may include the provision of services to other local governments, cooperative agreements on major economic development initiatives, and extensions needed to address imminent public health problems or related environmental hazards.

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

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

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

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

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

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

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

...

2.3 Community

2.3.2 Community Character (page 75)

- A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area.
- E. New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone’s original community character as a High Country small town.

2.3.3 Housing & Neighborhoods (page 79)

- A. The protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source and as a reflection of the area’s image as an attractive, highly livable community.
- H. The overall housing unit density for proposed infill residential development or redevelopment should be compatible with the average density of existing areas.

...

Certificate of Mailing

I, Brenda Henson, certify that individual notices meeting the requirements of Article 9 of the Town of Boone UDO were placed in the mail (first class) on November 3, 2023.

/s/ Brenda Henson

Brenda Henson, Administrative Support/Permit Technician

Certification of Posting

I, Darrell Pulliam, certify that the subject property was posted as required in Article 9, Subsection 9.03.03(B)(2) of the Town of Boone UDO on November 3, 2023.

/s/ Darrell Pulliam

Darrell Pulliam, Code Compliance Officer

PLANNING BOARD REPORT/RECOMMENDATIONS

Per NCGS 160D-604(b), subsequent to initial adoption of a zoning regulation, all proposed amendments to the zoning regulation or zoning map shall be submitted to the Planning Commission for review and comment. If no written report is received from the Planning Commission within 30 days of referral of the amendment to that board, the Town Council may act on the amendment without the Planning Commission report. The Town Council is not bound by the recommendations, if any, of the Planning Commission. Per NCGS 160D-604(d), when conducting a review of proposed zoning text or map, the Planning Commission shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Commission shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the Planning Commission, but a comment by the Planning Commission that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

Vote 1: The proposed amendment to the Town’s zoning map ☐is OR ☐is not consistent with the Town’s comprehensive plan and any other adopted plan(s) of the Town that are applicable because:

Note 1

Vote 2: The Planning Commission recommends ☐approval OR ☐denial of Ordinance A23-0120 within in Exhibit A and believes ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

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

Note 2: briefly explain why, factors may include (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

TOWN COUNCIL ACTION - Adoption of Ordinance

Per NCGS 160D-605, when adopting or rejecting any zoning text or map amendment, the Town Council shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the governing board that at the time of action on the amendment the governing board was aware of and considered the planning board's recommendations and any relevant portions of an adopted comprehensive plan. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently.

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

Note 1

Vote 2: The Town Council ☐approves OR ☐denies Ordinance A23-0120 within Exhibit A and believes ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

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

Note 2: briefly explain why, factors may include (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

Exhibit A

Ordinance A23-0120

WHEREAS, pursuant to N.C. Gen. Stat. §160D-601, the Town may amend its zoning map after giving proper public notice and holding a public hearing; and

WHEREAS, the Planning Commission and Town Council has received the request to amend the Official Zoning Map of the Town of Boone, North Carolina to zone the property below:

Address	Watauga Co. PIN	Property Owner	Proposed Zoning
TBD (Queen Street)	2901-51-8665-000	Warren and Ruby Boyette	R1 Single-Family Residential Viewshed

WHEREAS, the Boone Town Council held a duly-noticed public hearing November 27, 2023 with respect to this rezoning request; and

WHEREAS, the Boone Town Council has taken into full consideration any information offered at the public hearing; and

WHEREAS, this Town Council has reviewed the written recommendations of the Town of Boone Planning Commission; and

NOW, THEREFORE, BE IT RESOLVED as follows:

SECTION 1. The Boone Town Council hereby approves and adopts the modifications to the Town Zoning Map as set forth herein.

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

SECTION 3. This Ordinance shall be effective immediately upon its adoption by Town Council.

Adopted this the 4th day of December, 2023.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon, Town Clerk

Amended Conditional District Zoning Map Amendment Application

Town of Boone Planning & Inspections Department
680 W. King Street, Suite C ♦ Boone, North Carolina 28607

Phone (828) 268-6960 ♦ Fax (828) 268-6961 ♦ Email: planning@townofboone.net ♦ www.townofboone.net



A. Required to be Submitted at Time of Application (check all that apply)

Note: A pre-application meeting is required prior to application submittal.

Failure to provide the information required on this application may delay the review and scheduling of the requested hearing.

- ☐ Digital copies of all paper submittal documents (may be emailed to planning@townofboone.net)
- ☐ 6 paper copies of complete site plans meeting the requirements of Town of Boone Unified Development Ordinance (UDO) Appendix A (max. size 30" x 42")
- ☐ Deed(s) of all property to be included in the request
- ☐ Both a digital and a hard copy of a written metes and bound legal description with accompanying survey map for a request that would rezone only a portion of a tax parcel or requests for multiple zoning districts.
- ☐ Property Owner Authorization. If you are not the property owner, you will need to provide documentation of property owner authorization to apply for this permit.
- ☐ Permit Fee (See Planning & Inspections Fee Schedule). Each application is allowed two (2) reviews. The 1st review of the submitted information and a 2nd review if revisions or supplemental information is required based upon the 1st review. Each subsequent review after the 2nd review will be charged at 50% of the original fees charged for the application. These fees shall be paid at the time of resubmittal.

B. Requested Hearing – See latest published Meeting Schedule for dates

Date of requested hearing: November 27, 2023

C. Property Information (Project Location)

Street Address: TBD Faculty Street Watauga County Parcel Identification Number(s): 2910-14-4592-000

D. Property Owner Information

Name:

A & R Mountain Properties, LLC

Complete Mailing Address (Street, City, Zip):

P.O. Box 2201, Boone, NC 28607

Phone Number:

828-773-9491

Email Address:

trice@brrri.net

E. Applicant Information

Name:

A & R Mountain Properties, LLC

Company:

A & R Mountain Properties, LLC

Complete Mailing Address (Street, City, Zip):

P.O. Box 2201, Boone, NC 28607

Phone Number:

828-773-9491

Email Address:

trice@brrri.net

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

F. Detailed Description of Project

Seeking conditional district rezoning from R3 to CDZ R3 with site specific approval of a townhouse project consisting of 10 two bedroom townhouses

G. Project Cost

Project Cost:

\$ 3,578,000

H. Development InformationIs the development subject to a previous Special Use Permit? ☐ Yes ☐ No ☒ Unknown

If yes, please describe: _____

Are there any other variances granted that impact the property? ☐ Yes ☐ No ☒ Unknown

If yes, please describe: _____

Are there any other variances requested with this development? ☐ Yes ☒ No

If yes, please describe: _____

I. District/Use Information

Existing Zoning District:

R3

Proposed Zoning District(s):

CZD R3

Existing Land Use(s):

Vacant

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

15.03

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

Building Footprint Square Footage:	Current: <u>None</u>	Proposed: <u>See attachment</u>
Total Building Square Footage (all floors):	Current: <u>None</u>	Proposed: <u>See attachment</u>
Number of Stories	Current: <u>None</u>	Proposed: <u>See attachment</u>
Building Height:	Current: <u>None</u>	Proposed: <u>See attachment</u>
Number of Units:	Current: <u>None</u>	Proposed: <u>See attachment</u>
Number of Bedrooms:	Current: <u>None</u>	Proposed: <u>See attachment</u>

K. Environmental InformationTotal Land Area : 0.69 ☐ Sq. Feet or ☒ AcresDisturbed Area: 0.69 ☐ Sq. Feet or ☒ AcresViewshed: Is development occurring within the Viewshed Protection District? ☐ Yes ☒ No ☐ UnknownIs development occurring on slopes in excess of 30%? ☒ Yes ☐ No ☐ Unknown

Slope:

Is development occurring on slopes in excess of 50%? ☐ Yes ☒ No ☐ UnknownIs the property located within a designated Water Supply Watershed Area? ☐ Yes ☒ No ☐ Unknown

Watershed:

If yes, please select: ☐ WS-II-CA ☐ WS-IV-PA ☐ WS-IV-CAStream/River: Is there a stream or river on or near the property? ☒ Yes ☐ No Boone Creek is 60+/- feet from property lineSFHA: Is the property located within the Special Flood Hazard Area? ☒ Yes ☐ No ☐ Unknown

100 year flood plain encroaches 0.4 foot onto property line

Impervious Area: What is the existing impervious area in the development? 0 ☒ sq. feet ☐ acres
 What is the proposed impervious area in the development? 17,285 ☒ sq. feet ☐ acres

L. Design Professional Information

Designer is an: ☒ Architect ☒ Engineer ☐ Owner ☐ Other: See Supplement
 Name: Brent Davis Company: Brent Davis Architecture, Inc.
 Complete Mailing Address (Street, City, Zip):
 189 Sally Street, Boone, NC 28607
 Phone Number: 828-265-4848 Email Address: bda.arch@yahoo.com

Additional Designer Information: If additional designers are involved beyond the 1 listed, please provide additional info on a separate sheet.

M. Brownfields Agreement Notification

- Does the applicant have or is the applicant planning to enter into a Brownfields Agreement with the NC Brownfields Program? ☐ Yes ☒ No (If yes, please answer question #2 below.)
- Anticipated date for the first year of partial exclusion of property taxes:

N. Applicant Signature and Property Owner Authorization

I hereby certify that I am authorized to submit this application; that all information is correct and complete; and all work will comply with all applicable State and local laws, ordinances, and regulations. I will ensure that the Planning and Inspections Department is notified of any changes in the approved plans and specifications for the project permitted herein.

A & R Mountain Properties, LLC Applicant (Print)	By: <u>Todd A. Rice</u> Name/Title: Todd Rice, Manager Applicant (Signature)	10 / 30 / 2023 Date
A & R Mountain Properties, LLC Property Owner (Print)	By: <u>Todd A. Rice</u> Name/Title: Todd Rice, Manager Property Owner (Signature)	10 / 30 / 2023 Date

Supplement To Conditional District Zoning Map Amendment Application

Section J Site Information

Buildings 100

Building Footprint Square Footage	3,400
Total Building Square Footage (all floors)	9,610
Number of Stories	3
Building Height	40'
Number of Units	5
Number of Bedrooms	5 two-bedroom units

Buildings 200

Building Footprint Square Footage	3,400
Total Building Square Footage (all floors)	9,610
Number of Stories	3
Building Height	40'
Number of Units	5
Number of Bedrooms	5 two-bedroom units

Section L Design Professional Information

Engineer

Name	Devin Staley
Company	Blue Ridge Engineering PLLC
Complete Mailing Address	924 Main Street, Suite 200 North Wilkesboro, NC 28659
Phone Number	336-838-2500
Email Address	devin@ridge.blue

Official Use Only

Permit Name:				
Permit Number:				
Date:	Fee:	Receipt Number:	Method of Payment: ☐ Cash ☐ Check Number: _____	Paid By:

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: _____

PC Meeting Date: _____

TC Meeting Date: _____

Date of APO Mailed Notification: _____

Date of Posted Notification: _____

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

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Title	Amended CDZ Application
File name	Application - Amended.pdf
Document ID	44198e7091dbb0c2b3f351264bc0fea769ce7614
Audit trail date format	MM / DD / YYYY
Status	● Signed

Document History



SENT

10 / 30 / 2023

10:58:05 UTC-4

Sent for signature to Todd Rice (trice@brii.net) from
tyler@moffattandmoffatt.com
IP: 47.46.216.82



VIEWED

10 / 30 / 2023

11:03:42 UTC-4

Viewed by Todd Rice (trice@brii.net)
IP: 69.77.154.180



SIGNED

10 / 30 / 2023

11:04:22 UTC-4

Signed by Todd Rice (trice@brii.net)
IP: 69.77.154.180



COMPLETED

10 / 30 / 2023

11:04:22 UTC-4

The document has been completed.

**AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN
SHEET AND ISSUES/RESPONSES**

THE AFFIANT, having been first duly sworn now deposes and says:

1. That I am William P. Aceto, and I am over the age of 18 years and competent to make this Affidavit and that I have personal knowledge of the facts set out in this Affidavit.

2. That I am a Manager of A & R Mountain Properties, LLC ("Applicant").

3. That Applicant intends to submit a Conditional District Zoning Map Amendment Application to the Town of Boone.

4. Applicant conducted a Neighborhood Meeting in accordance with Town of Boone Unified Development Ordinance ("UDO") Section 9.09.02 ("Neighborhood Meeting").

5. That Applicant caused notices of the Neighborhood Meeting to be mailed to property owners within 300' of the proposed development at least 25 days prior to the meeting in accordance with UDO Subsection 1.13.02, and to the Town of Boone Planning & Inspection Department.

6. The Neighborhood Meeting was conducted in-person and telephonically on July 29, 2023, at 5:30 P.M. to 7:00 P.M.

7. A true and accurate copy of the Neighborhood Meeting notice mailing list is attached hereto as Exhibit 1 and is hereby expressly incorporated into this Affidavit as if the contents thereof were expressly set forth herein in this Affidavit.

8. A true and accurate copy of the Neighborhood Meeting notice is attached hereto as Exhibit 2 and is hereby expressly incorporated into this Affidavit as if the contents thereof were expressly set forth herein in this Affidavit.

9. A true and accurate copy of the Neighborhood Meeting sign-in sheet is attached hereto as Exhibit 3 and is hereby expressly incorporated into this Affidavit as if the contents thereof were expressly set forth herein in this Affidavit.

10. A true and accurate copy of the Neighborhood Meeting summary report is attached hereto as Exhibit 4 and is hereby expressly incorporated into this Affidavit as if the contents thereof were expressly set forth herein in this Affidavit.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK, SIGNATURE PAGE
TO FOLLOW]

I declare under penalty of perjury that the foregoing is true and correct. This the 28th day of July, 2023.

FURTHER THE AFFIANT SAYETH NOT.



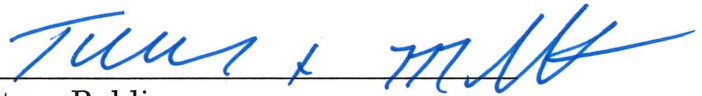
William P. Aceto

State of North Carolina

County of Watauga

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: William P. Aceto.

Date: 7-28-23



Notary Public

My commission expires: 9-21-25



2910146890000
850 BLOWING ROCK ROAD (NC) OWNER LP
P.O. BOX 130339
CARLSBAD, CA 92013

2910138946000
BOONE HOSPITALITY ASSOC II LLC
PO BOX 339
LAURINBURG, NC 28353

2910142595000
CALHOUN, LIAM CLYDE
331 HIGHLAND AVE
BOONE, NC 28607

2910240410000
GREENE, DENNIS L
PO BOX 1331
BOONE, NC 28607

2910143520000
HARRIS, TIMOTHY B AND SHIRLEY D
349 HIGHLAND AVE
BOONE, NC 28607

2910149661000
MCDONALDS REAL ESTATE COMPANY
P O BOX 182571
COLUMBUS, OH 43218

2910143822000
MORETZ, REBA (LIFE ESTATE),MORETZ, JOHN B
643 POPLAR HILL DR
BOONE, NC 28607

2910146386000
OSCAR INVESTORS MANAGEMENT CORP
200 WINTERGREEN LN
BOONE, NC 28607

2910142618000
PEARL LTD INC
123 OCEAN BLVD W
HOLDEN BEACH, NC 28462-5024

2910145358000
ROOT, MARTIN MENZO,ROOT, CONSTANCE LILLIAN
214 WINTERGREEN LN
BOONE, NC 28607

2910144592000
A & R MOUNTAIN PROPERTIES, LLC
P O BOX 2201
BOONE, NC 28607

2910142972000
BUTLER, JERRY L,BUTLER, PHYLLIS
470 EAGLE DR
BOONE, NC 28607

2910049841000, 2910140661000
FARTHING, CAROLYN HAYES
107 HILLANDALE DR
BOONE, NC 28607

2910144329000
HANKINS, CHARLES D
365 HIGHLAND AVE
BOONE, NC 28607

2910144102000
JONES, ROBERT S,JONES, RUTH BROOKS
215 WINTERGREEN LANE
BOONE, NC 28607

2910142662000, 2910142736000, 2910143790000
MORETZ, REBA (LIFE ESTATE),MORETZ, JOHN B
643 POPLAR HILL DR
BOONE, NC 28607

2910144614000
MOUNTAINLIGHT MANAGEMENT, LLC
172 MUSTARD FIELD RD
BOONE, NC 28607

2910145008000
OWEN, SUSAN PRESTON
PO BOX 155
VILAS, NC 28692

2910141429000
PEDIGO, JULIA ANN
318 HIGHLAND AVE
BOONE, NC 28607-4612

2910141381000, 2910142028000
STALLINGS, ANDREW H AND EMILY B
PO BOX 111
BOONE, NC 28607



2910148136000, 2910147222000
WHITE, JOAN LYNN
170 WINTERGREEN LANE
BOONE, NC 28607



Exhibit 6

June 30, 2023

Re: Neighborhood Meeting; Faculty Street Conditional District Rezoning Request

Dear Neighbor,

You are invited to attend a public information meeting on July 27, 2023 to discuss the proposed rezoning located on Faculty Street as shown on the attached map. You are getting this notice because you are within the 300' notification boundary for our proposed development. This meeting will be held in-person at 895 Blowing Rock Rd, Boone, NC 28607 (the office of Boone High Country Rentals) from 5:30pm-7:00pm, and you can join in anytime in that window. Call-in directions are contained on the following page. Please note that you have the option to join in-person, or you can join by calling in on your telephone.

The applicant and developer for the rezoning is A & R Mountain Properties, LLC. The purpose of this meeting is to allow us to explain the proposed development and to allow you, as the residents of the neighborhood, to express your concerns about the proposed development on Faculty Street, as shown on the attached map.

As a reminder, these parcels are currently located within the Town of Boone limits. These parcels are currently zoned R-3. Our proposal is to rezone the property to a R3-CZ designation to allow for residential townhouses consisting of 6 two-bedroom units and 6 one-bedroom units to be developed on the property.

If you have questions or are unable to attend the meeting, please reach out to us. Our contact information is below.

We look forward to speaking with you on Thursday, July 27, 2023.

Thank you,

A & R Mountain Properties, LLC

Bill Aceto

P. 828-773-7753

E. billaceto@gmail.com

Todd Rice

P. 828-773-9491

E. ricetodda@gmail.com

How to Participate in-Person:

- Please arrive at 895 Blowing Rock Rd, Boone, NC 28607 anytime between 5:30 P.M. and 7:00 P.M on July 27, 2023.
- Parking is available on site and there is overflow parking available immediately next door at 915 Blowing Rock Rd., Boone, NC 28607.
- Enter the double doors on the first floor, and a receptionist will be present to show you to the conference room.
- Please note: this meeting will be recorded.

How to Participate by Phone:

- Dial the following number: 844-875-7777
- Enter the following information when prompted:
 - Access Code is: 6836699
- Once the meeting has started and attendance has been taken, all participants will be muted to allow for presentation by the meeting host.
- Please note: this meeting will be recorded.
- If you have difficulty connecting or have technical difficulties during the meeting, you can reach out to Bill at billaceto@gmail.com or by calling 828-773-7753.

Town of Boone GIS

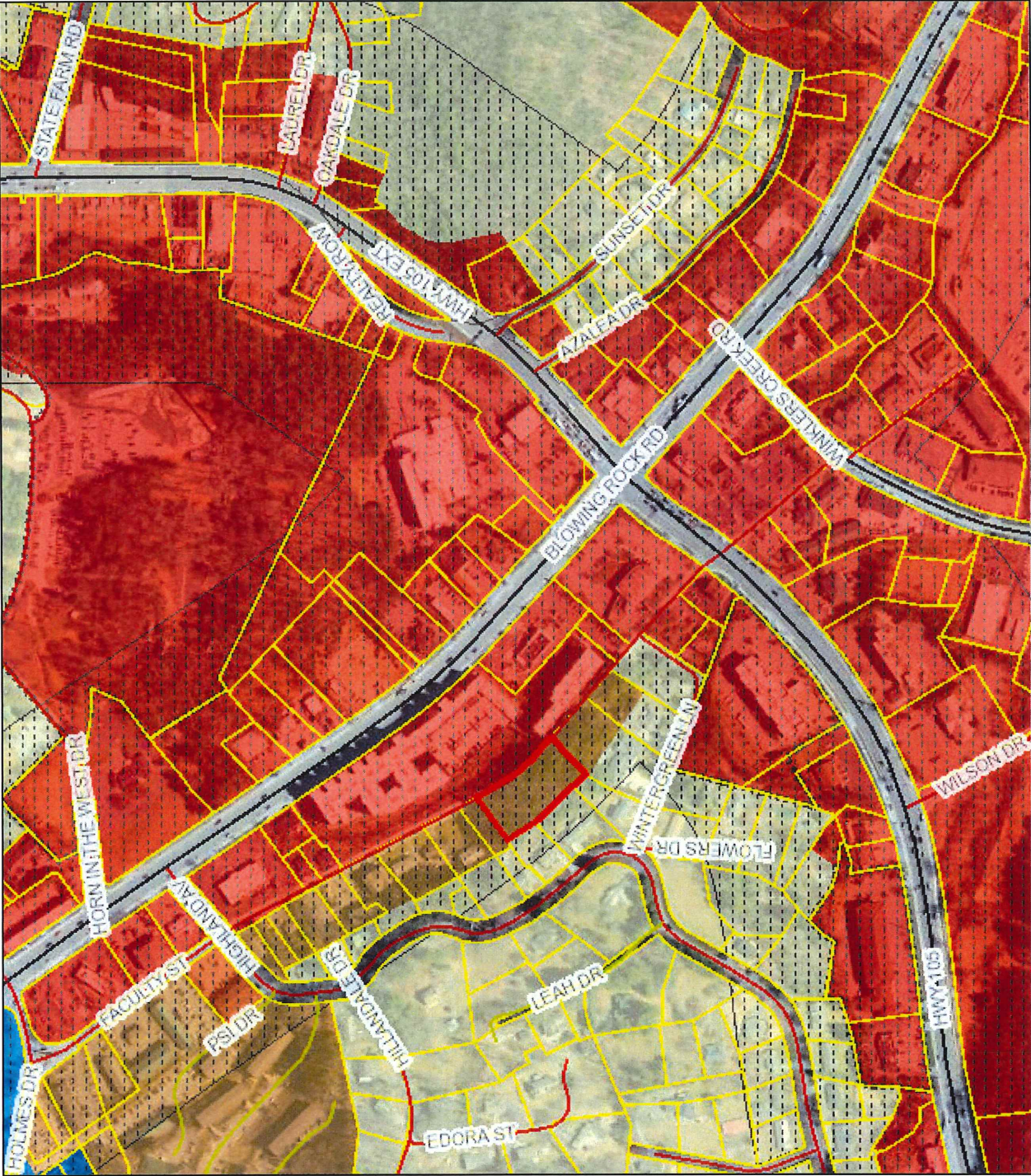
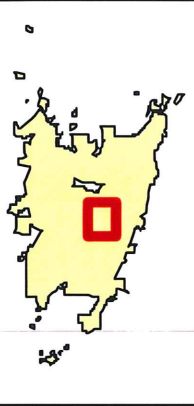
Watauga County Tax Information

Parcel ID: 2910-14-4592-000
Tax District: C02 Land Use: C00
Ownership Information:
A & R MOUNTAIN PROPERTIES, LLC
P O BOX 2201
BOONE, NC 28607
Property Information:

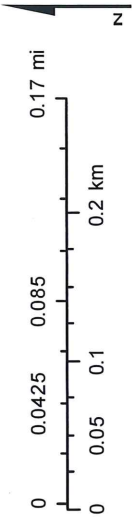
FACULTY STREET
Building Value: \$0
Land Value: \$313,900
Total Value: \$313,900

Town of Boone Information

Zoning District: Town Limits
Zoning: R3 Multiple-Family Residential
Conditional Use: N/A
Conditional: N/A
Corridor District: Yes
Watershed: N/A
Flood Zone: Yes
View Shed Protection Area: N/A
Municipal Service District: N/A
Primary Fire District: N/A
Neighborhood Conservation District: N/A
Downtown Boone Local Historic District: N/A



1 inch = 425 feet



Disclaimer:
This map is based on the Watauga County Tax Parcel Map. All layers have been modified to this base. This is a thematic map for general planning purposes only. This map is subject to quarterly updates and revisions.



June 28, 2023

NEIGHBORHOOD MEETING SIGN-IN/ATTENDANCE SHEET

Meeting Address:	895 Blowing Rock Rd, Boone, NC 28607		
Date of Meeting:	July 27, 2023		
Time of Meeting:	5:30 P.M.		
Property Owner(s):	A & R Mountain Properties, LLC		
Applicant:	A & R Mountain Properties, LLC		



Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only. For phone participants, applicant will request your information during the call.

	Name/Organization	Address	Phone	Email	Email Update Requested (y/n)
	Shirley Harris	349 Highland Ave.	828-262-1067	shirleyharris@charter.net	
1.	TIMOTHY HARRIS	349 HIGHLAND AVE.	828-262-1067	timharris3@charter.net	No
2.	DAVIS HANKINS	365 Highland Avenue	(704) 953-1624	davis.hankins@gmail.com	
3.	Emily Stallings	340 Highland 110 Brown DR	N/A	N/A	
4.	Mike Burleson	195 Wintergreen Ln.	828 773 5511	n/a	Yes
5.	Susan Owen	195 Wintergreen Lane	828 268-4268	SPARKLINGANVIL@GMAIL.COM	Yes
6.	Mark Russ	195 Wintergreen Ln	828 964 8878	MARKIRUSS@YAHOO.COM	Y
7.					

8.	Reba Moritz				
9.	Brenda Speckmann				
10.	Nicole Schoychid				
11.	Lynn White				
12.					
13.					
14.					
15.					
16.					
17.					
18.					

19.					
20.					
21.					
22.					
23.					
24.					
25.					
26.					
27.					
28.					
29.					

Account Information

Date: July 27, 2023 4:01:39 PM
 Dial-in number:  (844) 875-7777
 Access code: 6836699
 Account: #s28169145 (Maria Norris)

Audio

Caller	Service Type	Start Time	End Time	Duration
(828) 262-4646 - BLUE RIDGE PROF Host	 	4:01:39 PM	5:25:04 PM	84m
(828) 458-6722 - ASHLEY TATE	 	4:32:16 PM	4:40:32 PM	9m
(828) 773-1577 - MARIA NORRIS	 	4:33:11 PM	4:33:50 PM	1m
(828) 773-1577 - MARIA NORRIS	 	4:41:08 PM	5:25:06 PM	44m

Number of attendees: 4
 Toll free minutes: 138m

Note: All times in Central Time

Thank you for choosing FreeConferenceCall.com, the most recognized conferencing brand on the planet. Enjoy the conference? Refer A Friend today.

If you have any questions, please call our Customer Service Department at (844) 844-1322 or email us at support@freeconferencecall.com.

FreeConferenceCall.com

PO Box 41069 Long Beach, CA 90853

Tel: (844) 844-1322

Fax: (562) 432-5250

SUMMARY REPORT OF NEIGHBORHOOD MEETING

Meeting Address:	895 Blowing Rock Rd, Boone, NC 28607
Date of Meeting:	July 27, 2023
Time of Meeting:	5:30 P.M.
Property Owner(s):	A & R Mountain Properties, LLC
Applicant:	A & R Mountain Properties, LLC



Below is a summary of the meeting:

1. Introduction by Todd Rice
2. Presentation by Todd Rice (copy of presentation enclosed)
3. Questions from attendees

Below is a summary of the questions/comments/concerns from attendees at the Neighborhood Meeting.

	Question/Comment/Concern
1.	Why are you seeking CZ R3 as opposed to leaving the property as R3?
2.	What are the density requirements for this specific property?
3.	Are you putting a in a fence?
4.	What are the landscape buffer requirements?
5.	How many feet are the between the rear of building and property line?
6.	Can you clarify why the Town fined you for removing the trees/underbrush?
7.	What is the size of the lot?
8.	What is the size of the building?
9.	Where is entrance door?
10.	How many feet from rear patios and retaining wall?
11.	Is the building in a flood plain?
12.	Has geotechnical study been completed?
13.	How tall are the retaining walls?

14.	Suggested landscaping on neighborhood side of fence
15.	Why is the retaining wall terraced?
16.	What is in the open space between 2 structures?
17.	Where is the lighting on the neighborhood side?
18.	How will trash pickup be handled?
19.	How many people are living in all units total?
20.	Is this student housing?
21.	Is this rental housing?
22.	Are you going to specify the number of occupants?
23.	Will they rent by the bedroom or the unit?
24.	Is this on the applecart route?
25.	What is the vehicular entrance or exit?
26.	Will this entrance meet fire safety requirements?
27.	Are you going to obtain a traffic study?
28.	How far above the Faculty street level is the garage level?
29.	How high is the top of the level building on the neighborhood side?
30.	Where are the stairwells?
31.	Construction timeline?
32.	Stick built or modular?
33.	How would you excavate the site?
34.	Are there restrictions on construction date and time?
35.	Why did you not build more closer to Faculty Street?
36.	I am concerned about losing neighborhoods

37.	Can you put a driveway right next to the neighbors property?
38.	Is there a set back requirement for driveways from neighboring property?
39.	Expressed concerns about the landscape buffer creating enough screening between the 2 properties
40.	How will you control parties?
41.	Can you evict tenants if they are creating too much noise?
42.	Who takes care of the landscaping?
43.	Will there be visitor parking spaces?
44.	Max of 24 parking spaces?
45.	When will your submission to the Town be available?
46.	How many feet is the building from foundation to roof?
47.	Are you going to put up a pole up at the site to see the impact on the viewshed?
48.	How close is retaining wall from neighboring property owner?
49.	Overall concerns include, buffers, landscaping, lighting, trash, density, geological soundness of hill, noise, and traffic

EXHIBIT 4

(Cont.)

Proposed Faculty Street Residential Townhome Project



Contacts

Owner- A&R Mountain Properties

Todd Rice - trice@brri.net - (828) 773-9491

Architect- Davis & Taft Architecture, P.A.

Brent Davis - (828) 265-4848

Engineer- Blue Ridge Engineering

Devin Staley - (336) 838-2500

Contractor- TBD

Site Map

Town of Boone GIS

Watauga County Tax Information

Parcel ID: 2910-14-4592-000

Tax District: C02 Land Use: C00

Ownership Information:

A & R MOUNTAIN PROPERTIES, LLC
P O BOX 2201

BOONE, NC 28607

Property Information:

FACULTY STREET

Building Value: \$0

Land Value: \$313,900

Total Value: \$313,900

Town of Boone Information

Zoning District: Town Limits

Zoning: R3 Multiple-Family Residential

Conditional Use: N/A

Conditional: N/A

Corridor District: Yes

Watershed: N/A

Flood Zone: Yes

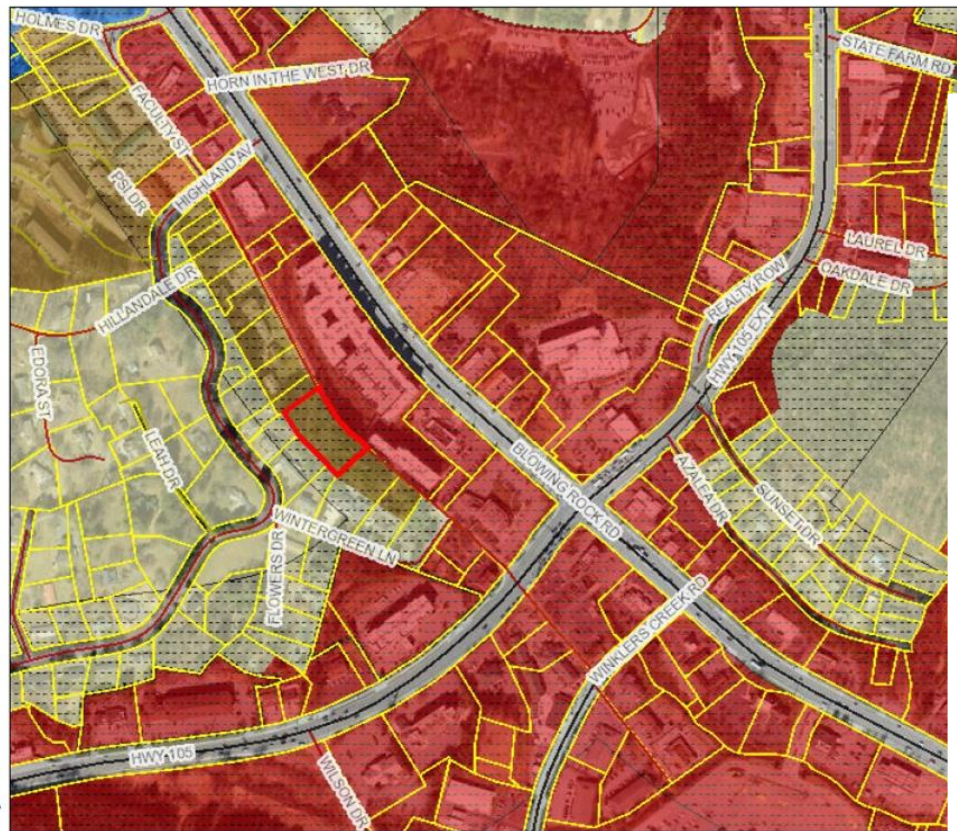
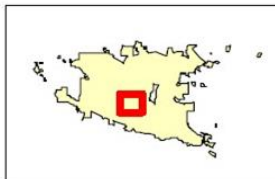
View Shed Protection Area: N/A

Municipal Service District: N/A

Primary Fire District: N/A

Neighborhood Conservation District: N/A

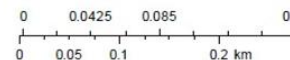
Downtown Boone Local Historic District: N/A



Disclaimer:

This map is based on the Watauga County Tax Parcel Map. All layers have been modified to this base. This is a thematic map for general planning purposes only. This map is subject to quarterly updates and revisions.

1 inch = 425 feet



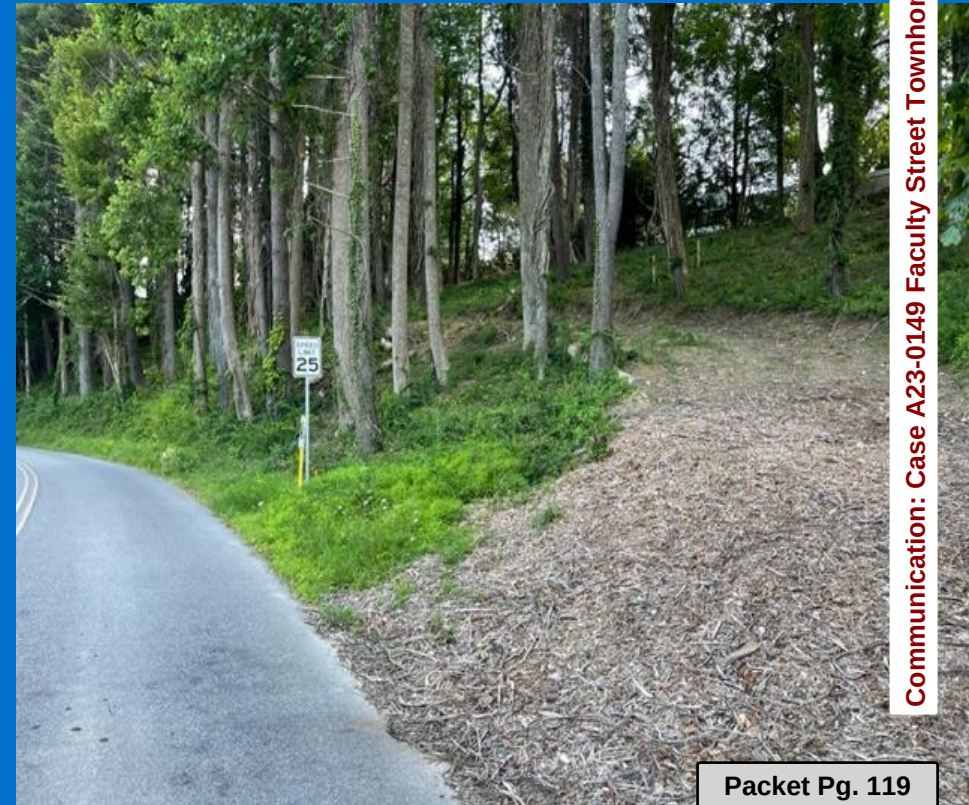
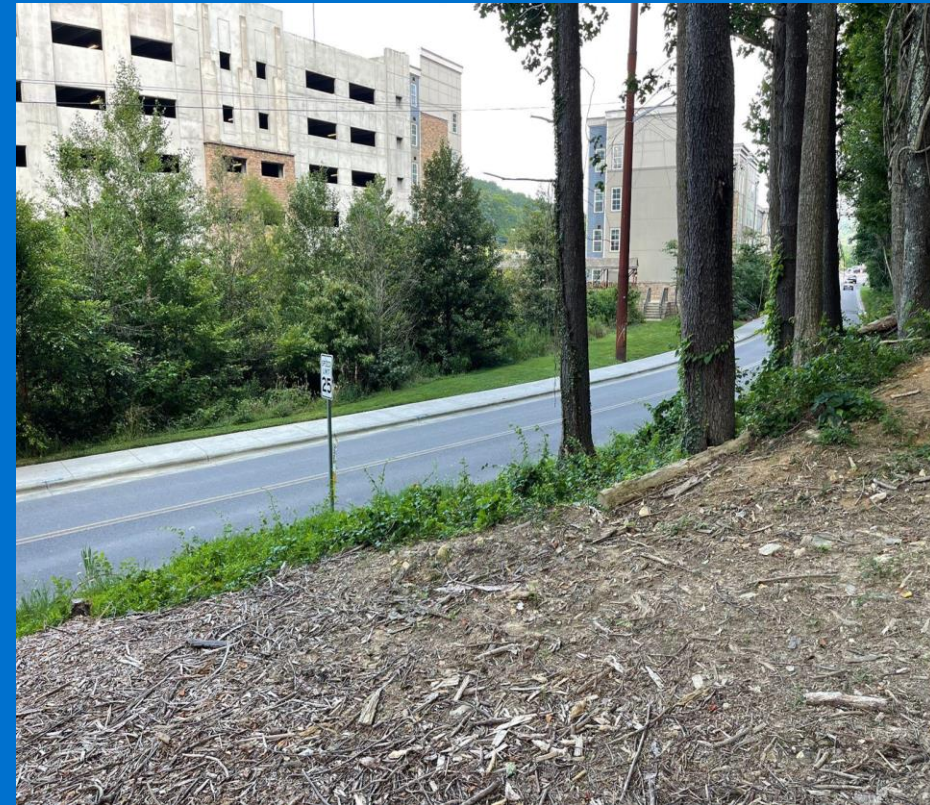
June 28, 2023



Packet Pg. 118

Communication: Case A23-0149 Faculty Street Townhomes -

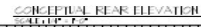
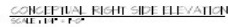
Current State of the Property



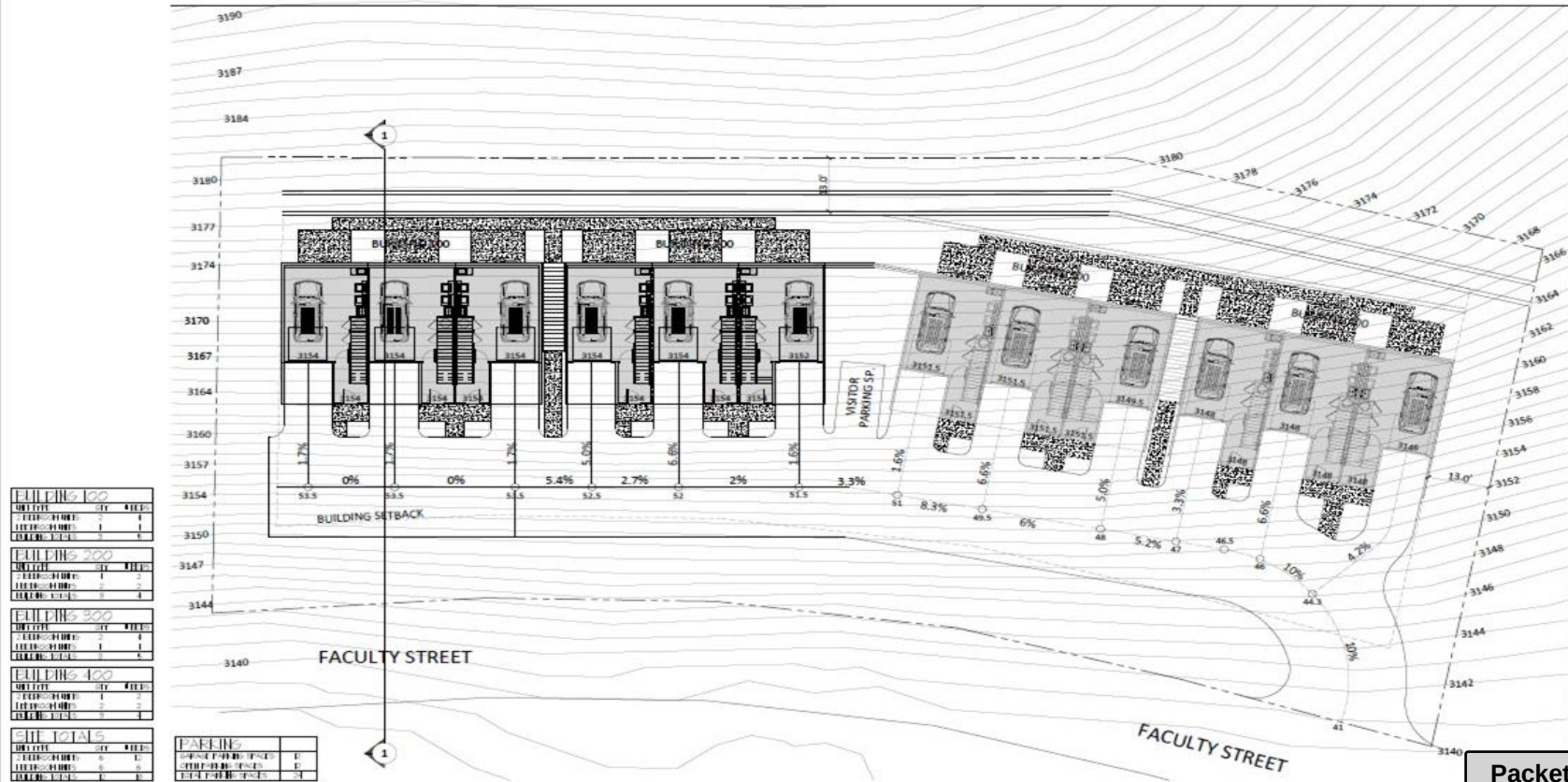
Proposed Use and Development

- 6 Two Bedroom Townhomes
- 6 One Bedroom Townhomes
- 24 Parking Spaces
- Seeking to modify the zoning from R3 to Conditional District R3 for a site specific development

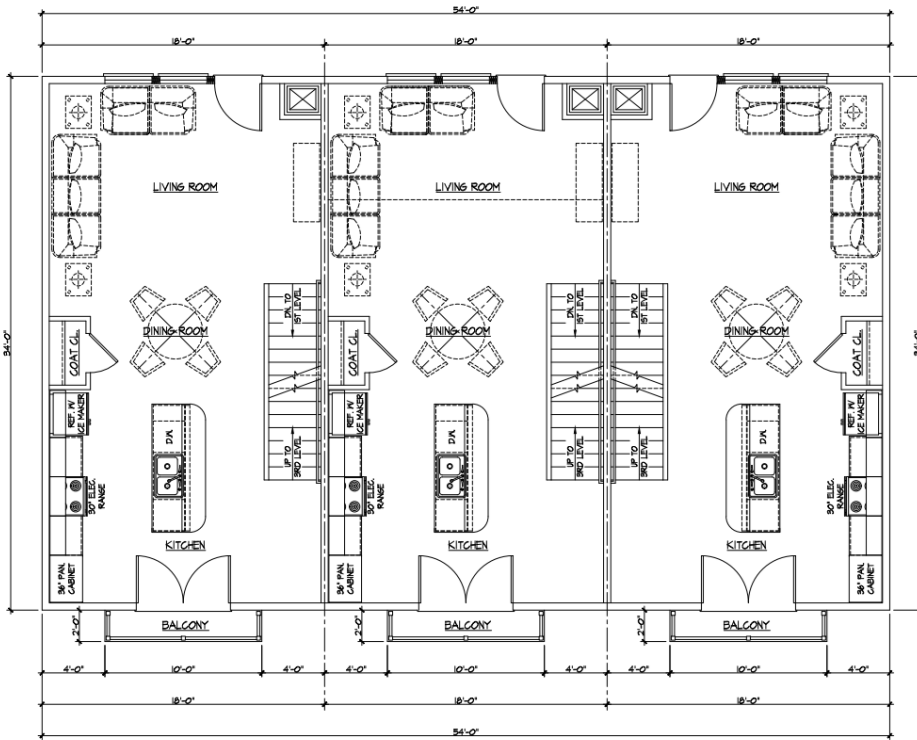
Communication: Case A23-0149 Faculty Street Townhomes -

Packet Pg. 122

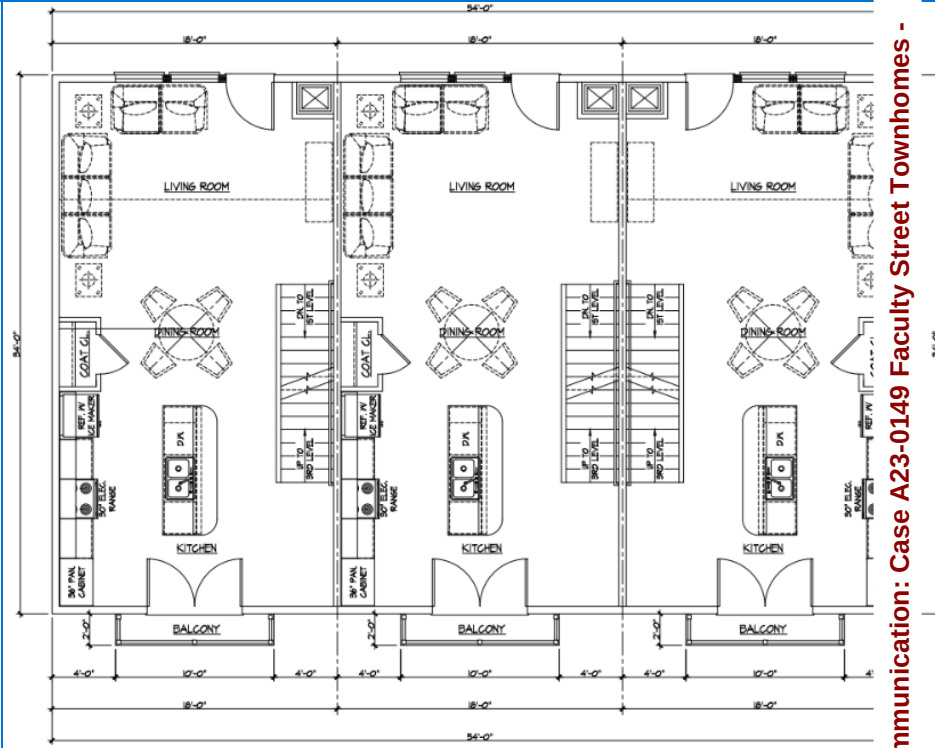
Proposed Parking



Proposed Floor Plans



CONCEPTUAL FLOOR PLAN - 2ND LEVEL
SCALE: 1/4" = 1'-0" (2) 2 BR UNITS, (1) 1 BR UNIT

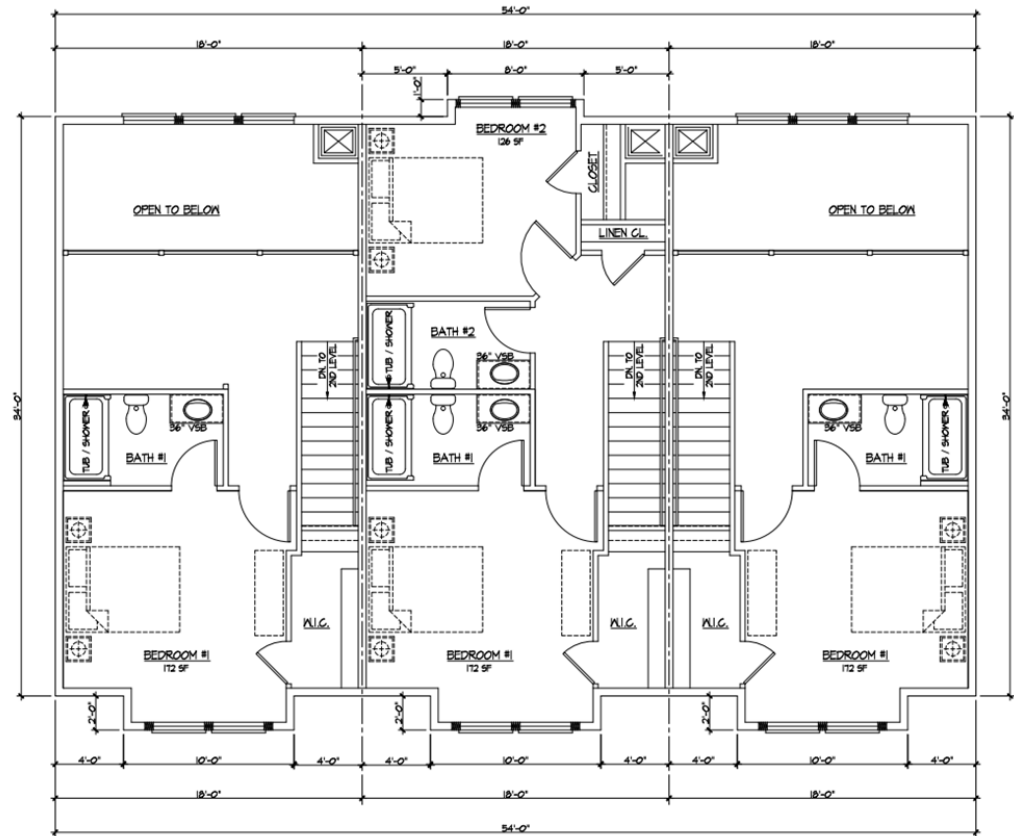


CONCEPTUAL FLOOR PLAN - 2ND LEVEL
SCALE: 1/4" = 1'-0" (2) 1 BR UNITS, (1) 2 BR UNIT

Proposed Floor Plans

AREA CALCULATIONS - 2 BEDROOM UNIT	
1ST LEVEL - HEATED	102 SF
2ND LEVEL - HEATED	612 SF
3RD LEVEL - HEATED	602 SF
TOTAL HEATED	1316 SF
1ST LEVEL - UNHEATED	405 SF
UNIT TOTAL	1,721 SF

AREA CALCULATIONS - 1 BEDROOM UNIT	
1ST LEVEL - HEATED	102 SF
2ND LEVEL - HEATED	602 SF
3RD LEVEL - HEATED	361 SF
TOTAL HEATED	1,071 SF
1ST LEVEL - UNHEATED	405 SF
UNIT TOTAL	1,476 SF

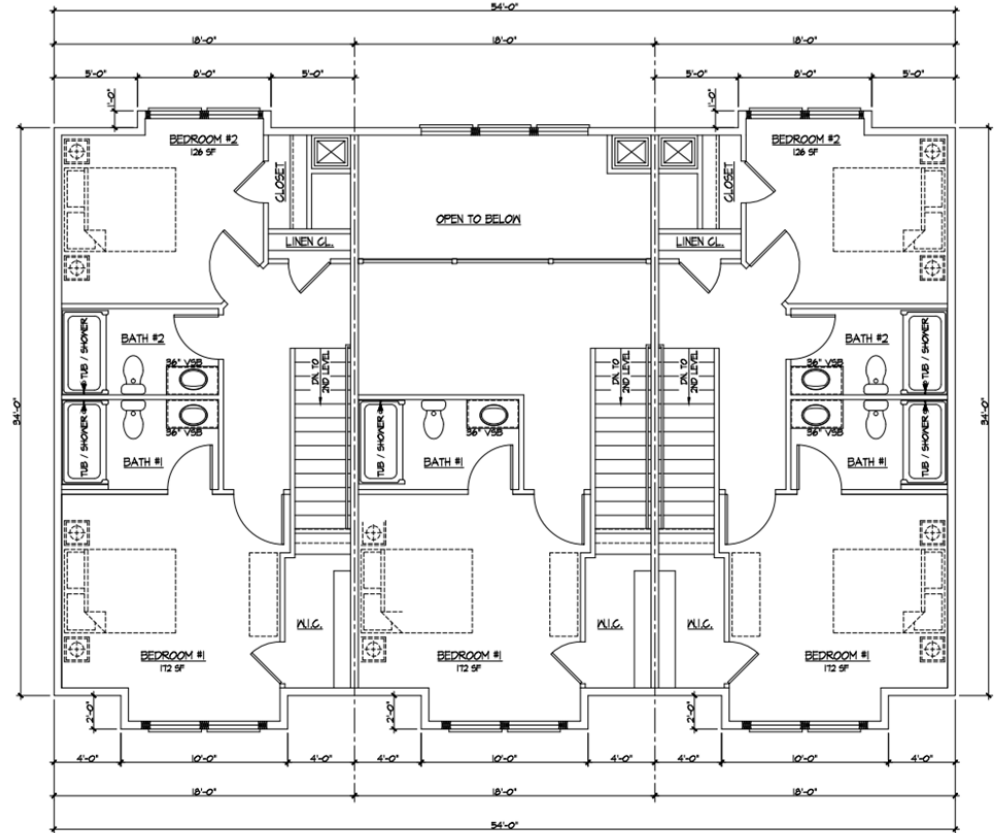


CONCEPTUAL FLOOR PLAN - 3RD LEVEL
SCALE: 1/4" = 1'-0"
(2) 1 BR UNITS, (1) 2 BR UNIT

Proposed Floor Plans

AREA CALCULATIONS - 2 BEDROOM UNIT	
1ST LEVEL - HEATED	102 SF
2ND LEVEL - HEATED	612 SF
3RD LEVEL - HEATED	602 SF
TOTAL HEATED	1,316 SF
1ST LEVEL - UNHEATED	405 SF
UNIT TOTAL	1,721 SF

AREA CALCULATIONS - 1 BEDROOM UNIT	
1ST LEVEL - HEATED	102 SF
2ND LEVEL - HEATED	602 SF
3RD LEVEL - HEATED	361 SF
TOTAL HEATED	1,071 SF
1ST LEVEL - UNHEATED	405 SF
UNIT TOTAL	1,476 SF

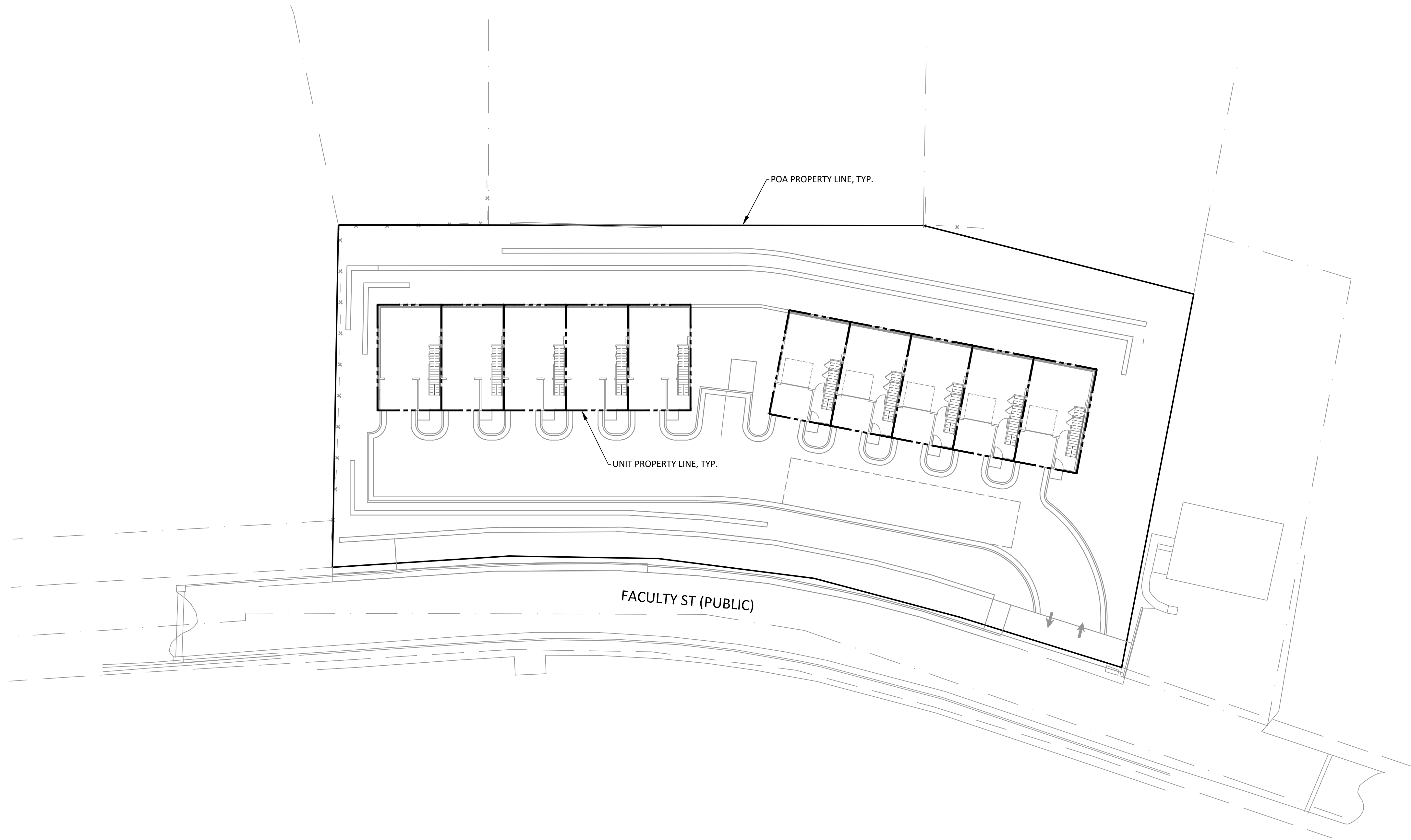
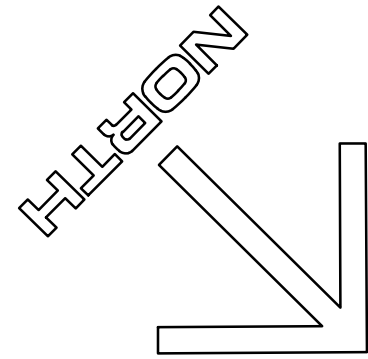


CONCEPTUAL FLOOR PLAN - 3RD LEVEL
SCALE: 1/4" = 1'-0"
(2) 2 BR UNITS, (1) 1 BR UNIT

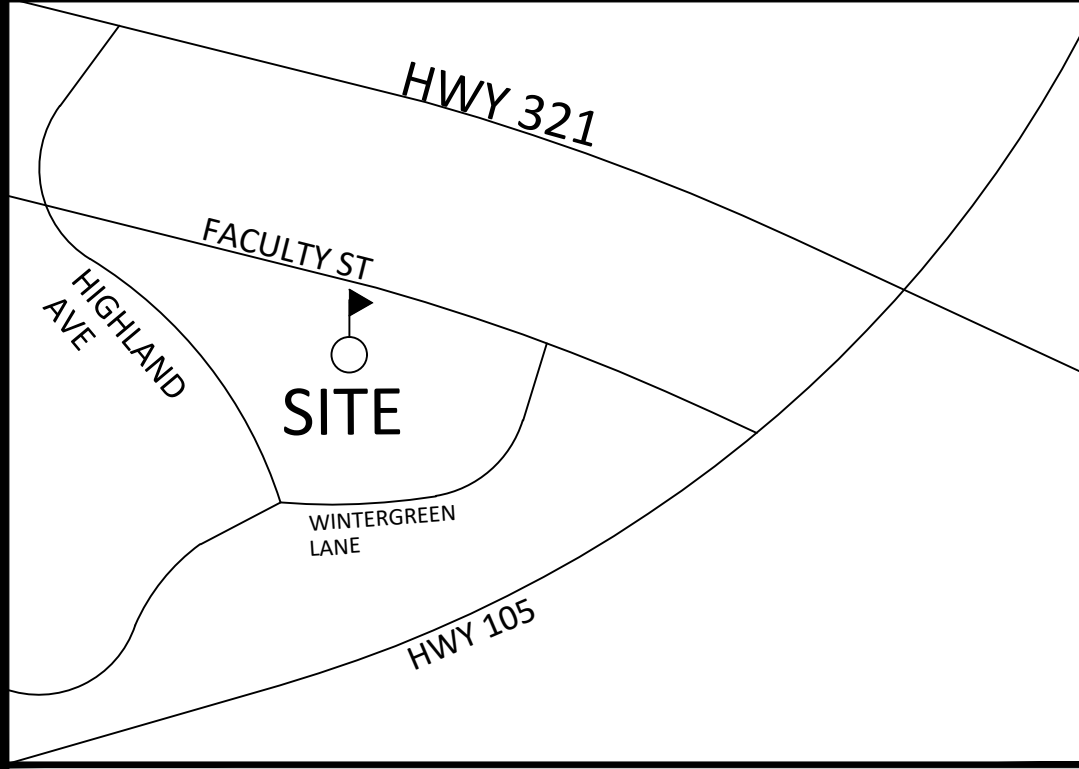
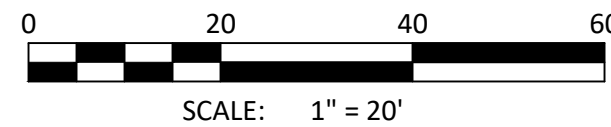
Questions

Thank You for Your Time





**PROGRESS DRAWINGS
FOR REVIEW ONLY
NOT FOR CONSTRUCTION**



VICINITY MAP

© COPYRIGHT 2023 BY BLUE RIDGE ENGINEERING PLLC, NC LICENSE #P-0205. ALL RIGHTS RESERVED. THIS PLAN MAY NOT BE RE-USED, SOLD, LOANED OR GIVEN TO OTHERS. REPRODUCTION OR PHOTOCOPYING OF THIS PLAN WITHOUT THE WRITTEN CONSENT OF BLUE RIDGE ENGINEERING PLLC IS PROHIBITED.			
ORIGINAL ISSUE DATE:	PROJECT #	DRAWN BY:	REVISIONS:
11/16/2023	22042	NLB	

PRELIMINARY
NOT FOR CONSTRUCTION



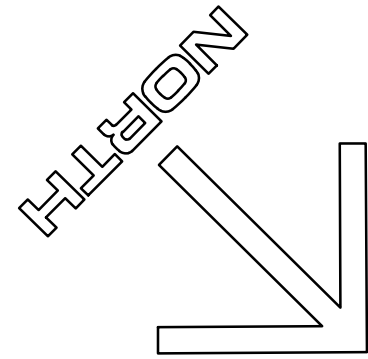
Blue Ridge Engineering PLLC
924 Main Street - Suite 200
North Wilkesboro, NC 28659
336.838.2500
www.ridge.blue
Firm #P-0205

Prepared for:

A & R MOUNTAIN PROPERTIES, LLC
2237 NC-105
Boone, NC 28607

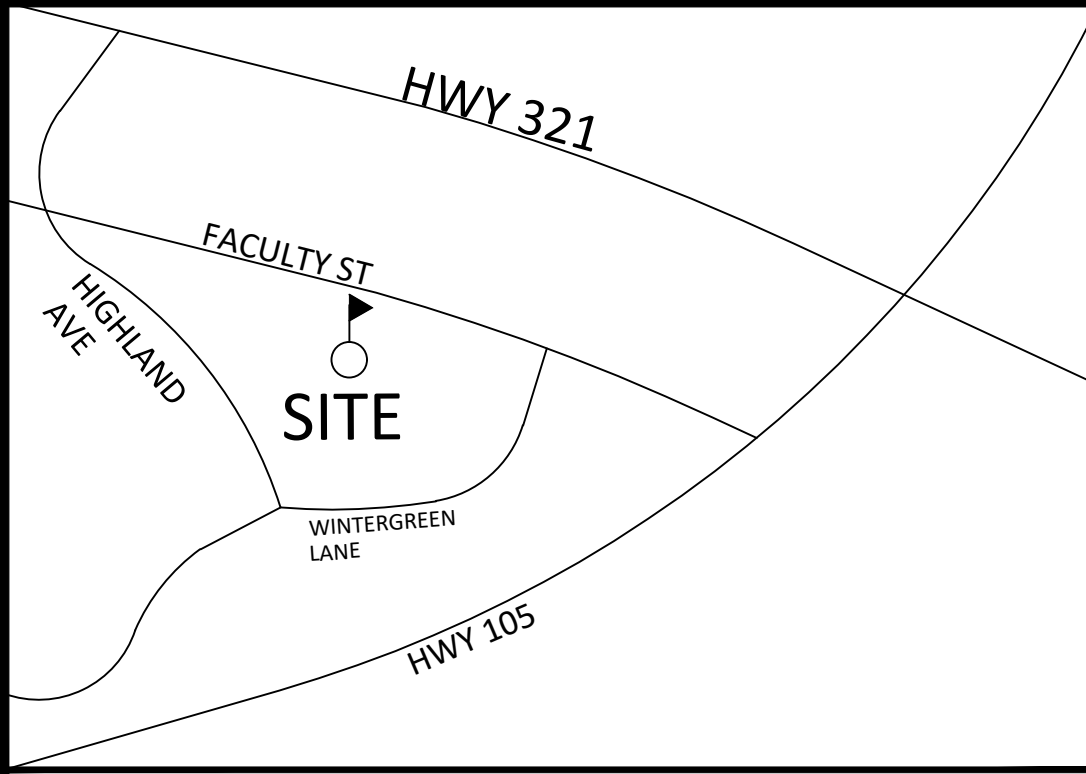
Lot Line Exhibit
Proposed Faculty Street Townhouses
Faculty Street
Boone, NC

SHEET
EX-1



SITE LAYOUT NOTES

1. THIS IS NOT A PROPERTY SURVEY. SEE SURVEY FOR BOUNDARY INFORMATION.
2. ALL WORK SHALL COMPLY WITH LOCAL ORDINANCES, NCDOT STANDARDS AND OWNER SPECIFICATIONS. ALL SIGNS AND PAVEMENT MARKINGS SHALL COMPLY WITH MUTCD STANDARD.
3. CONTRACTOR IS RESPONSIBLE FOR ALL SAFETY, METHODS, PROCEDURES AND SEQUENCES OF ITS OPERATIONS. CONTRACTOR SHALL PROVIDE ADEQUATE TRAFFIC CONTROL FOR ITS OPERATIONS IN COMPLIANCE WITH MUTCD AND NCDOT STANDARDS. CONTRACTOR SHALL NOTIFY NCDOT, OWNER, AND ENGINEER AT LEAST 72 HOURS IN ADVANCE OF ANY LANE CLOSURE OR TRAFFIC SHIFT.
4. ALL WORK IS SUBJECT TO INSPECTION OF THE OWNER, ENGINEER AND AUTHORITIES HAVING JURISDICTION. THE OWNER SHALL PAY FOR ALL QUALITY ASSURANCE TESTING REQUIRED. CONTRACTOR SHALL PROTECT THE WORK UNTIL SUCH TIME THAT THE PROJECT IS APPROVED AND OPENED TO TRAFFIC.
5. SUBGRADE SHALL BE ACCEPTED BY THE ENGINEER PRIOR TO PLACEMENT OF STONE BASE. CONTRACTOR SHALL PROVIDE A LOADED TRUCK FOR ALL PROOF-ROLLS REQUIRED.
6. STONE BASE SHALL BE ACCEPTED BY THE ENGINEER PRIOR TO ASPHALT PLACEMENT. CONTRACTOR SHALL PROVIDE A LOADED TRUCK FOR ALL PROOF-ROLLS REQUIRED.
7. PAVING CONTRACTOR SHALL PROVIDE A CERTIFIED ROADWAY QUALITY CONTROL TECHNICIAN WITH A NUCLEAR GAGE AT ALL TIMES ASPHALT IS BEING PLACED. IF REQUESTED, THE CONTRACTOR SHALL BE RESPONSIBLE FOR TAKING ASPHALT CORE SAMPLES FOR VERIFICATION OF COMPACTION AND THICKNESS.
8. SLOPES IN HANDICAP PARKING SPACES AND ACCESS AISLE AREAS SHALL NOT EXCEED 2% IN ANY DIRECTION INCLUDING THE DIAGONAL.
9. CONTRACTOR SHALL MAINTAIN AN APPROVED SET OF PLANS ON THE JOB SITE AT ALL TIMES.



VICINITY MAP

© COPYRIGHT 2023 BY BLUE RIDGE ENGINEERING PLLC, NC LICENSE #P-0205. ALL RIGHTS RESERVED. THIS PLAN MAY NOT BE RE-USED, SOLD, LOANED OR GIVEN TO OTHERS. REPRODUCTION OR PHOTOCOPYING OF THIS PLAN WITHOUT THE WRITTEN CONSENT OF BLUE RIDGE ENGINEERING PLLC IS PROHIBITED.
DRAWN BY: NIB
PROJECT # 22042
REVISIONS: A 09/12/2023 REVISION TO TWO BUILDINGS B 09/20/2023 SIGHT LINE PROFILE C 11/06/2023 TOWN COMMENTS D 11/16/2023 ADDED LOT LINES FOR UNITS
ORIGINAL ISSUE DATE: 10/18/2023

PRELIMINARY
NOT FOR CONSTRUCTION

SITE DATA

GENERAL	
LATITUDE	36°12'22" N
LONGITUDE	81°40'22" W
PIN	2910144592000
LOT AREA	0.69 AC.
ZONING	R-3 (MULTI-FAMILY RESIDENTIAL)
SETBACKS	
FRONT	20'
SIDE	13'
REAR	13'
PROPOSED USE	
TOWNHOUSES	
PARKING:	
REQUIRED	
TOWNHOUSES	2 SPACES PER UNIT PLUS 1 VISITOR SPACE
PROVIDED	
TOWNHOUSES	2 SPACES PER UNIT PLUS 2 VISITOR SPACES
RECREATIONAL AREA	
10' GREENWAY PROPOSED	
LIVABILITY SPACE	
REQUIRED	15,028 SF (50% OF TOTAL SITE AREA)
PROVIDED	
IMPERVIOUS	3,374 SF (11.2%)
PERVIOUS	12,811 SF (42.6%)
TOTAL	16,185 SF (53.8%)
IMPERVIOUS AREA	
EXISTING	0 SF
PROPOSED	18,290 SF (60.9%)

LEGEND



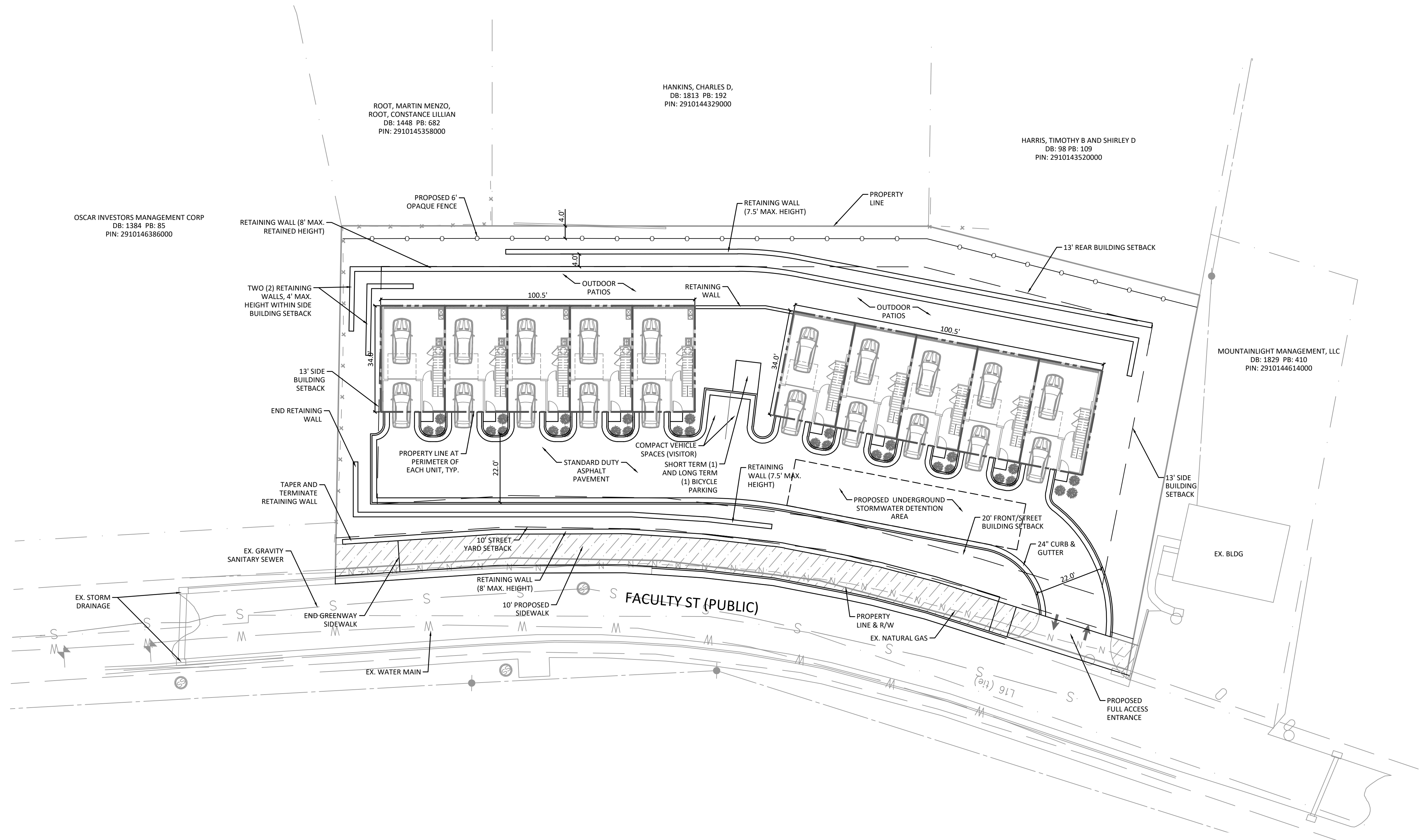
Blue Ridge Engineering PLLC
924 Main Street - Suite 200
North Wilkesboro, NC 28659
336.838.2500
www.ridge.blue
Firm #P-0205

Prepared for:
A & R MOUNTAIN PROPERTIES, LLC
2237 NC-105
Boone, NC 28607

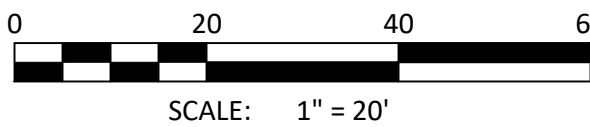
Site Layout Plan
Proposed Faculty Street Townhouses
Faculty Street
Boone, NC

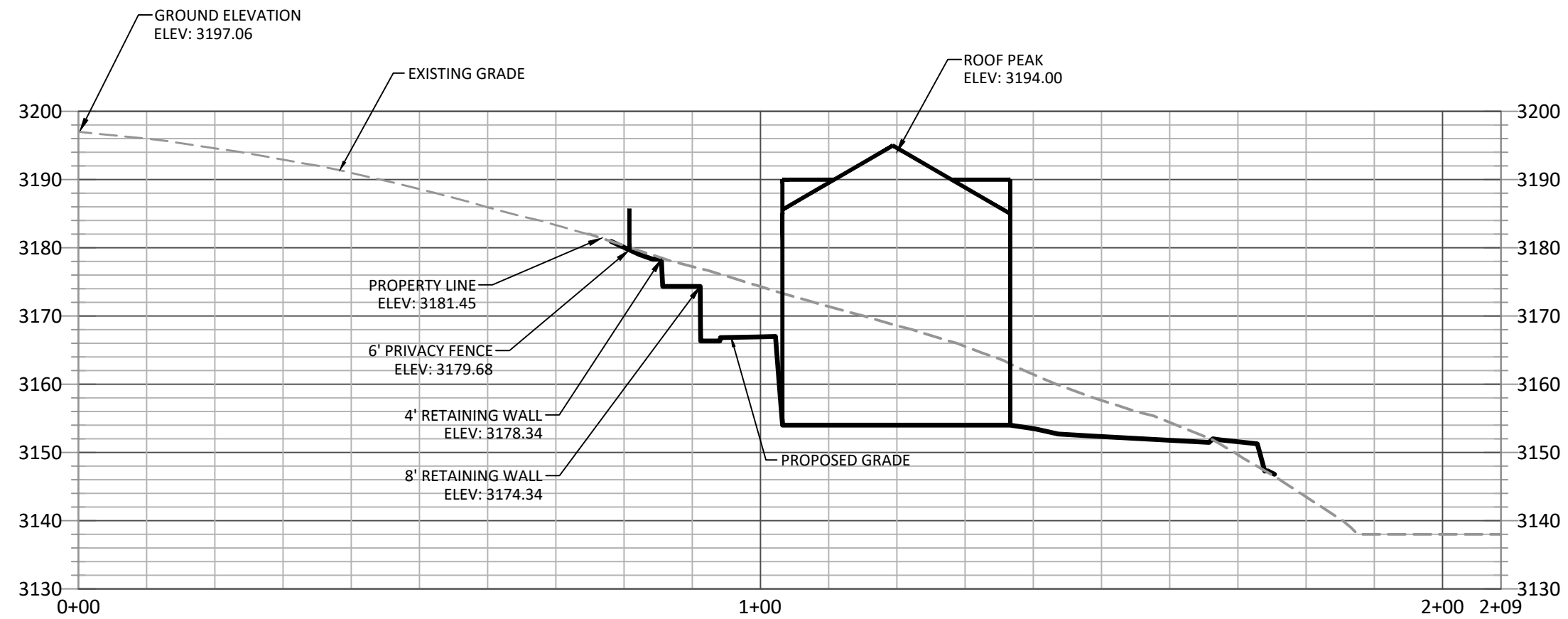
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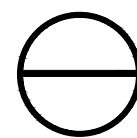
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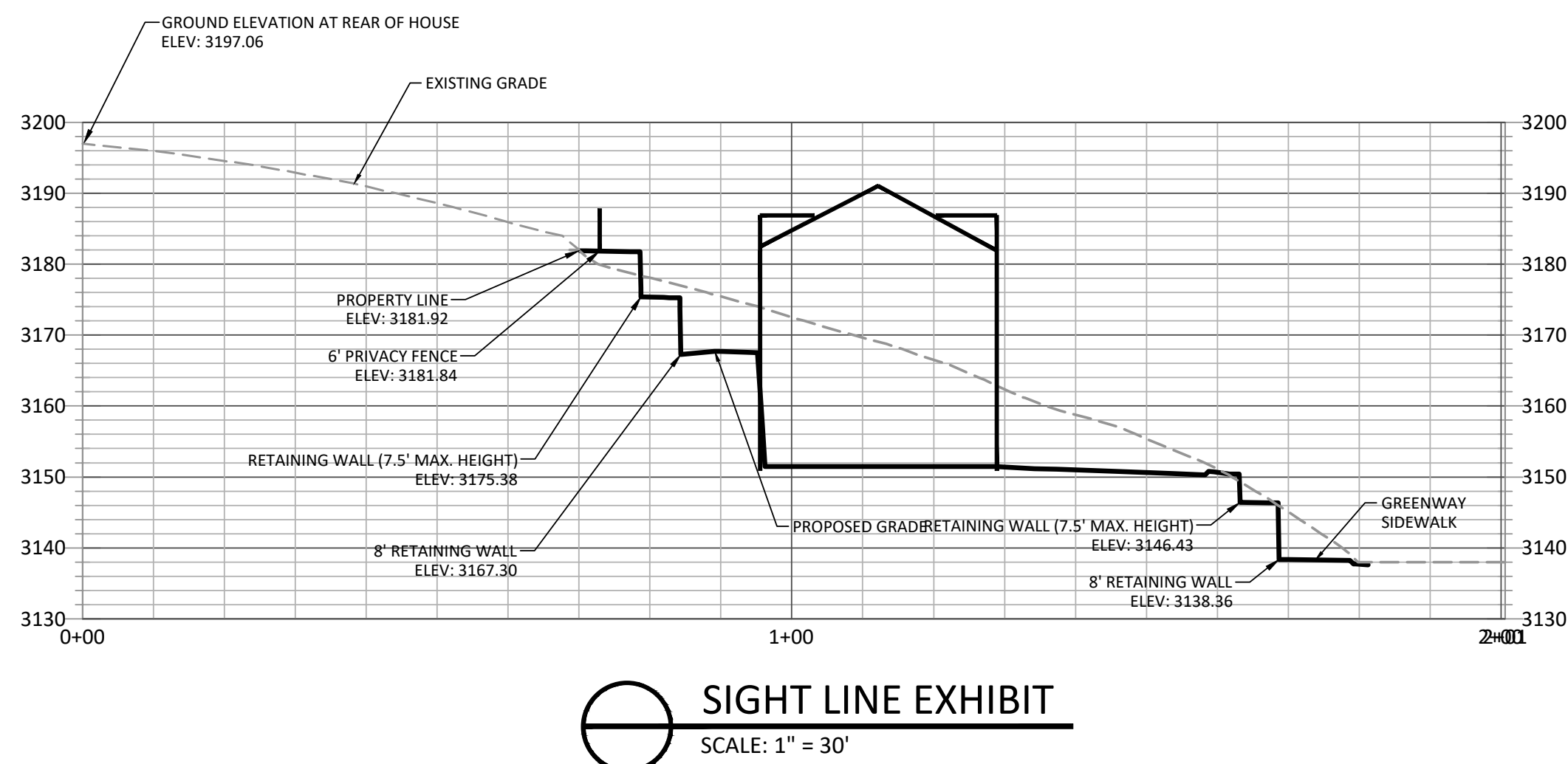
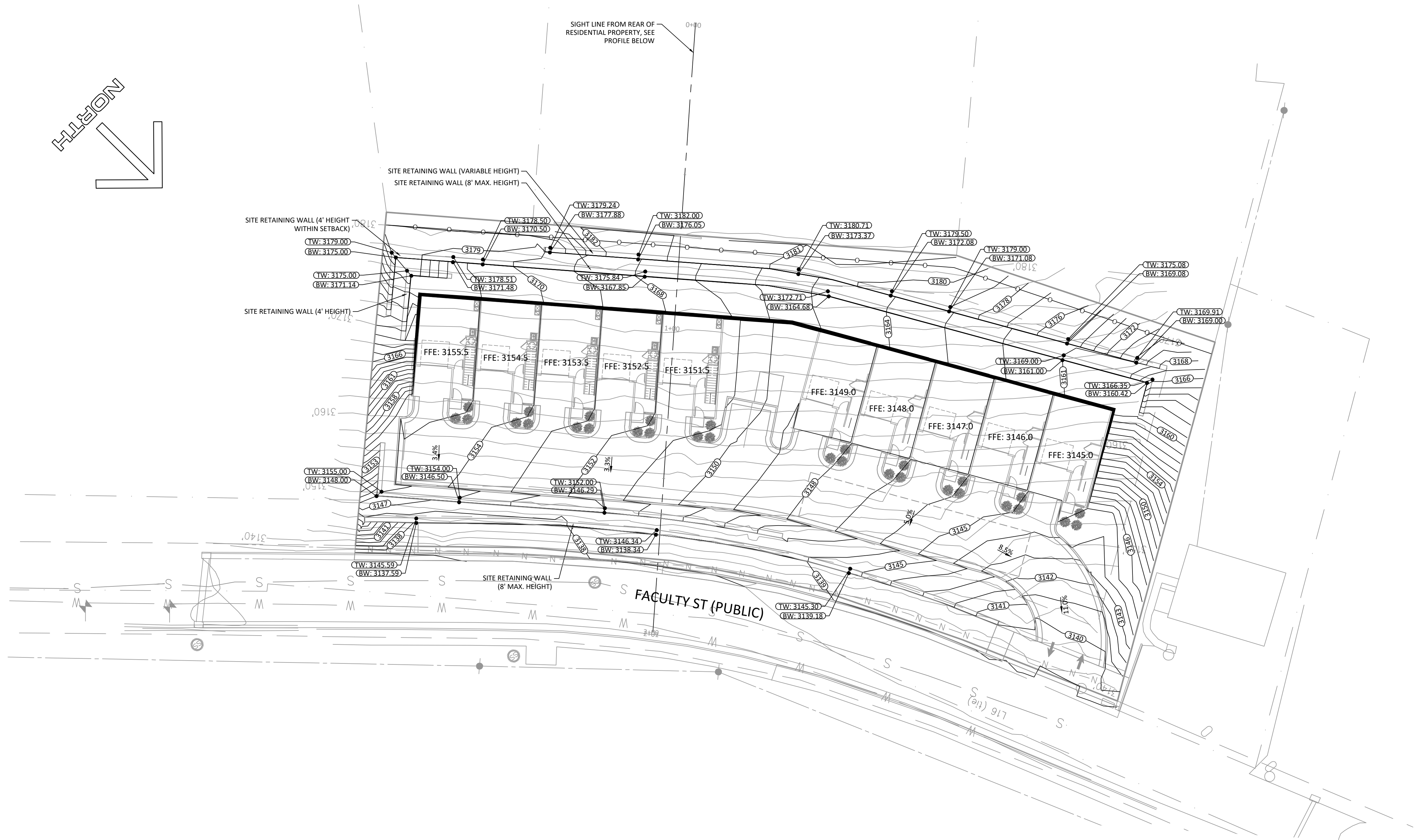


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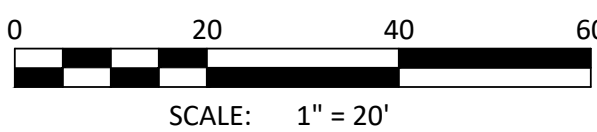
 **SIGHT LINE EXHIBIT**
SCALE: 1" = 30'



CLEARING AND GRADING NOTES

1. GRADING SHALL NOT PROCEED UNTIL APPROPRIATE EROSION AND SEDIMENT CONTROL MEASURES HAVE BEEN INSTALLED.
2. LAND DISTURBING ACTIVITIES SHALL NOT COMMENCE UNTIL APPROVAL TO DO SO HAS BEEN RECEIVED BY GOVERNING AUTHORITIES AND SEDIMENT CONTROL MEASURES HAVE BEEN INSTALLED. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING OR VERIFYING THAT ALL ASSOCIATED PERMITS AND APPROVALS HAVE BEEN OBTAINED FOR THIS WORK. NO WORK SHALL BE PERFORMED OUTSIDE THE DISTURBED LIMITS SHOWN ON THIS PLAN. CONTRACTOR SHALL COMPLY WITH ALL FEDERAL, STATE AND LOCAL ORDINANCES. CONTRACTOR IS RESPONSIBLE FOR ALL NESHAP NOTIFICATIONS REQUIRED. ALL SUCH NOTIFICATIONS SHALL BE MADE AT LEAST TWO WEEKS PRIOR TO ANY DEMOLITION WORK.
3. ALL ASPHALT, TREES, STUMPS, BRUSH, ROOTS, STRUCTURES, WALLS, FOUNDATIONS, CURBS, TANKS, BARRELS, FLOOR SLABS, CONCRETE, METAL, SEPTIC TANKS, FENCING, SIGNS, POLES, TRASH, OTHER DEBRIS, AND UNSUITABLE FILL MATERIAL SHALL BE PROPERLY DISPOSED OF OFF-SITE. ALL PAVEMENT AND CONCRETE EDGES SHALL BE SAWCUT. ALL CONCRETE SHALL BE REMOVED/REPLACED TO THE NEAREST JOINT. STORM DRAINAGE BOXES, GRATES AND PIPE TO BE REMOVED MAY BE REUSED IF FOUND TO BE SUITABLE BY THE ENGINEER, UNLESS OTHERWISE NOTED.
4. CERTAIN TREES WITHIN 10 FEET OF THE TOP OF ANY CUT SLOPE MAY BE REQUIRED TO BE REMOVED AT THE DISCRETION OF THE ENGINEER. CERTAIN TREES WITHIN 5 FEET OF THE CLEARING LIMITS SHOWN ON THE DRAWINGS MAY BE REQUIRED TO BE REMOVED AT THE DISCRETION OF THE ENGINEER.
5. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL SAFETY, METHODS, MEANS, PROCEDURES AND SEQUENCES OF ITS OPERATIONS. CONTRACTOR SHALL PROVIDE ADEQUATE TRAFFIC CONTROL FOR ITS OPERATIONS. CONTRACTOR SHALL INSTALL ABUNDANT ORANGE SAFETY FENCING ON THE PROJECT TO PREVENT OTHERS FROM ENTERING THE WORK AREA. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING SAFETY FENCING AS NECESSARY FOR THE DURATION OF THE PROJECT.
6. THE LOCATION OF UTILITIES SHOWN ON THE PLANS SHALL BE CONSIDERED APPROXIMATE. ALL UTILITIES MAY NOT BE SHOWN. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE EXISTENCE AND ACTUAL LOCATION OF ALL EXISTING UTILITY LINES WHETHER SHOWN ON THE PLANS OR NOT. CONTRACTOR SHALL CONTACT ULOCO. CONTRACTOR SHALL NOTIFY ALL UTILITY COMPANIES HAVING UNDERGROUND UTILITIES ON SITE OR WITHIN RIGHT-OF-WAY PRIOR TO EXCAVATION. UTILITY ADJUSTMENTS AND/OR REMOVAL/RELOCATION IS INCLUDED IN THE SCOPE OF WORK. CONTRACTOR IS RESPONSIBLE FOR WORK ASSOCIATED WITH MAINTAINING/REPAIRING UTILITY SERVICES AS NECESSARY.
7. ALL FILL PLACED SHALL PASS A PROOF-ROLL TEST BEFORE AND AFTER INSTALLATION OF STONE BASE, SLABS OR PAVEMENTS. SUBGRADE SHALL BE ACCEPTED BY THE ENGINEER PRIOR TO PLACEMENT OF STONE BASE. STONE BASE SHALL BE INSPECTED AND ACCEPTED BY THE ENGINEER PRIOR TO PLACEMENT OF ASPHALT. CONTRACTOR SHALL PROVIDE A LOADED TRUCK FOR ALL PROOF-ROLLS REQUIRED.
8. ALL WORK IS SUBJECT TO INSPECTION OF THE OWNER, ENGINEER AND AUTHORITIES HAVING JURISDICTION. THE OWNER SHALL PAY FOR ALL QUALITY ASSURANCE TESTING REQUIRED.
9. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY APPROVALS, PERMITS, ETC. AND FOR PROPER DISPOSAL OF ANY MATERIAL REMOVED FROM THE SITE.
10. EXISTING DRAINAGE PATTERNS SHALL BE MAINTAINED UNLESS OTHERWISE SHOWN ON THE PLANS. ALL AREAS OF THE SITE SHALL BE SHAPED TO DRAIN TO EROSION CONTROL DEVICES.
11. THE CONTRACTOR SHALL KEEP ALL STREETS AND ROADWAYS CLEAN. THIS SHALL BE ACCOMPLISHED BY STREET SWEEPING AND WASHING AS NECESSARY ON A DAILY BASIS.
12. ALL FILL SHALL BE PLACED AND COMPACTED IN ACCORDANCE WITH THE GEOTECHNICAL REPORT PREPARED FOR THIS PROJECT. DRYING OR WETTING OF FILL MATERIAL MAY BE REQUIRED TO COMPLY WITH MOISTURE LIMITS SPECIFIED. IF NO GEOTECHNICAL STUDY HAS BEEN PERFORMED, ALL EARTHWORK PLACED SHALL BE WITHIN 5% OF OPTIMUM MOISTURE AND COMPACTED TO AT LEAST 95% OF THE STANDARD PROCTOR.
13. THE CONTRACTOR SHALL SMOOTH AND BLEND IN ALL GRADE TRANSITIONS AND PROVIDE POSITIVE DRAINAGE AROUND ALL BUILDINGS. THE TOP OF SLOPE FOR ALL CUT SLOPES SHALL BE ROUNDED. THE FINAL GRADE OF ALL CUT SLOPES SHALL BE SCARIFIED AND TRACKED AS NECESSARY FOR ESTABLISHMENT OF GROUND COVER. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IF ANY CLARIFICATION IS NEEDED CONCERNING THE INTENT OF THE DRAWINGS, INCLUDING SPOT GRADES, CONTOUR LINES, BREAK POINTS, DRAINAGE PATTERNS, ETC. THE CONTRACTOR SHALL DRAG AND RAKE THE ENTIRE SITE AND LEAVE THE ENTIRE SITE IN A CLEAN, NEAT, SMOOTH CONDITIONS SUITABLE FOR MOWING.
14. SLOPES IN ADA PARKING SPACES AND ACCESS AISLES SHALL NOT EXCEED 2% IN ANY DIRECTION INCLUDING THE DIAGONAL.
15. THIS PROJECT MAY INCLUDE MATERIAL TO BE IMPORTED/EXPORTED TO/FROM THIS SITE. CONTRACTOR SHALL BE RESPONSIBLE FOR PERMITTING AND APPROVALS REQUIRED FOR ANY OFF-SITE BORROW AREAS OR WASTE AREAS.
16. CONTRACTOR SHALL MAINTAIN A STAMPED APPROVED SET OF PLANS ON THE JOB SITE AT ALL TIMES.

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DRAWN BY:	NLB	PROJECT #	22042
ORIGINAL ISSUE DATE:	10/18/2023	REVISIONS:	REVISION TO TWO BUILDINGS SIGHT LINE PROFILE TOWN COMMENTS
REVISIONS:	09/12/2023 09/20/2023 11/06/2023		

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Firm #P-0205

Prepared for:
A & R MOUNTAIN PROPERTIES, LLC
2237 NC-105
Boone, NC 28607

Grading Plan
Proposed Faculty Street Townhouses
Faculty Street
Boone, NC

SHEET
C-6



PLANTINGS

<u>TYPE "A" BUFFERYARD</u>	
REQUIRED	20 PLANTINGS PER 100 LF
TREES	
EVERGREEN	2 (3/100 LF)
LG DECIDUOUS	1 (1/100 LF)
SM DECIDUOUS	2 (2/100 LF)
SHRUBS	12 (14/100 LF)

PROVIDED	
SE PERIMETER	77 LF @ 4.5 LF/PLANTING (17)
TREES	
EVERGREEN	2
LG DECIDUOUS	1
SM DECIDUOUS	2
SHRUBS	12

NORTH PERIMETER TREES	86 LF @ 5 LF/PLANTING (17)
EVERGREEN	2
LG DECIDUOUS	1
SM DECIDUOUS	2
SHRUBS	12

TYPE "B" BUFFERYARD	
REQUIRED TREES	30 PLANTINGS PER 100 LF
EVERGREEN	28 (10/100 LF)
LG DECIDUOUS	8 (3/100 LF)
SM DECIDUOUS	6 (2/100 LF)
SHRUBS	41 (15/100 LF)

PROVIDED	
SW PERIMETER TREES	276 LF @ 3.3 LF/PLANTING (83)
EVERGREEN	28
LG DECIDUOUS	8
SM DECIDUOUS	6
SHRUBS	41

<u>RETAINING WALL</u>	
REQUIRED	30 PLANTINGS PER 100 LF
SHRUBS	53 (25/100 LF)
SM DECIDUOUS TREES	11 (5/100 LF)

PROVIDED	210 LF @ 3.18 LF/PLANTING (66)
SHRUBS	54
SM DECIDUOUS TREES	12

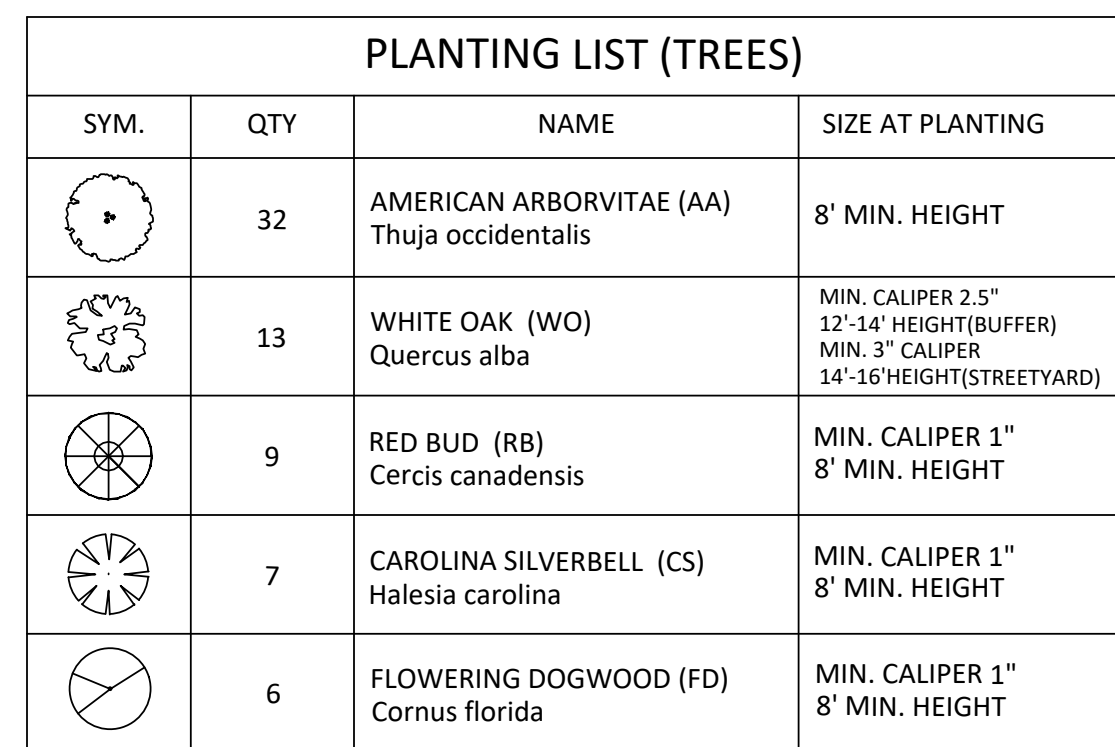
<u>STREET YARD REQUIRED</u>	1 TREE PER 30' STREET FRONTAGE
LG TREES	1 18" SHRUB/3 LF
24" SHRUBS	7
	73

PROVIDED	
LG TREES	3*
24" SHRUBS	52*

*CODE REQUIREMENT NOT MET DUE TO GREENWAY OCCUPYING MAJORITY OF STREET YARD SPACE

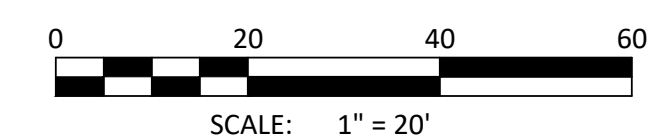
LANDSCAPING NOTES

1. ALL TREES, SHRUBS, AND PLANTS SHALL CONFORM TO ACCEPTED STANDARDS ESTABLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN.
2. ALL PLANTING BEDS SHALL RECEIVE 4" OF DOUBLE-GROUND HARDWOOD BARK MULCH. ALL AREAS OTHER THAN PLANT BEDS SHALL BE SODDED OR SEEDED AS SPECIFIED.
3. ALL TREES IN LAWN AREAS SHALL RECEIVE 8" DIAMETER MULCH RING, 4" DEPTH.
4. ALL ROOT BALLS REMOVED FROM CONTAINERS SHALL BE SCARIFIED PRIOR TO PLANTING AND BACKFILLING. ALL PLANTS SHALL BE SOAKED WITH WATER IMMEDIATELY AFTER PLANTING. AN 4" DIAMETER MULCH RING (MIN. 4" DEPTH) SHALL BE INSTALLED AROUND ALL TREES.
5. LOCATIONS OF UTILITIES SHOWN ARE BASED ON EVIDENCE OBSERVED AT THE TIME OF SURVEY. OTHER UTILITIES MAY EXIST THAT ARE NOT SHOWN. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE EXISTENCE AND ACTUAL LOCATION OF ALL EXISTING UTILITY LINES, AND TO PROTECT THESE LINES DURING CONSTRUCTION.
6. CONTRACTOR SHALL MAINTAIN AND GUARANTEE ALL PLANTINGS FOR ONE YEAR AFTER INSTALLATION AND SHALL REPLACE PLANTINGS AS NECESSARY.
7. TREES AND SHRUBS TO BE TRANSPLANTED SHALL BE TRANSPLANTED AS SOON AS POSSIBLE AFTER CONSTRUCTION BEGINS. CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVAL, STORAGE, WATERING, PLANTING, AND MAINTENANCE OF EXISTING TREES AND SHRUBS TO BE TRANSPLANTED.



PLANTING LIST (SHRUBS)			
SYM.	QTY	NAME	SIZE AT PLANTING
	40	INKBERRY (IB) Ilex glabra	24" MIN. HEIGHT
	31	MOUNTAIN LAUREL (ML) Kalmia latifolia	24" MIN. HEIGHT
	39	LITTLE LIME HYDRANGEA (LL) hydrangea' paniculata 'Jane'	18" MIN. HEIGHT
	32	KURUME AZALEA (KA) Azalea obtusum	18" MIN. HEIGHT
	34	R. CATAWBA (RC) Rhododendron catawbiense	24" MIN. HEIGHT

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ORIGINAL ISSUE DATE:	PROJECT #	DRAWN BY:
10/18/2023	22042	NLB

PROJECT #	22042
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ORIGINAL ISSUE DATE:	10/18/2023	PROJECT #	22042
REVISIONS: 1 09/12/2023 REVISION TO TWO BUILDINGS 2 09/20/2023 SIGHT LINE PROFILE 3 11/06/2023 TOWN COMMENTS			

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Blue Ridge Engineering PLLC

Blue Ridge Engineering
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336.838.2500
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Firm #P-0205



Prepared for:

A & R MOUNTAIN PROPERTIES, LLC

2237 NC-105
toone, NC 28607

Landscape Planting Plan

Proposed Faculty Street Townhouses

Faculty Street
Boone, NC

SHEET

C-9

Communication: Case A23-0149 Faculty Street Townhomes - Revised Site Plans (Case A23-0149 Faculty Street Townhomes - Conditional District Zoning Map Amendment)

PRELIMINARY - NOT FOR CONSTRUCTION

COMMERCIAL APPEARANCE REQUIREMENTS - FRONT ELEVATION

PLAN = 20'-0" LIN. DIM. (PER UNIT)		
FEATURE TYPE	LOCATION	NO. OF FEATURES
1. BUILDING OFFSETS - MIN. 4'	PLAN	2
2. MATERIAL CHANGE	PLAN	1
3. WINDOWS - MIN. 2'-8" x 3'-4"	PLAN	1
4. COVERED GARAGE ENTRY	PLAN	1
PLAN FEATURE TYPES - 2 REQ'D.		5 - TOTAL (4 REQ'D)

ELEVATION = ± 33'-0" ELEV. HT. (MEASURED FROM GRADE TO BOTTOM OF ROOF)	
FEATURE TYPE	LOCATION
1. WINDOWS / FULL GL. DOOR - MIN. 2'-8" x 3'-4"	ELEVATION
2. BUILDING OFFSETS - MIN. 4'	ELEVATION
3. BALCONY	ELEVATION
4. CANTILEVERED DORMER	ELEVATION
5. MATERIAL CHANGE	ELEVATION
6. DECORATIVE WOOD BRACKETS	ELEVATION
ELEVATION FEATURE TYPES - 4 REQUIRED	
4 REQ'D.	

ROOF = ± 400 SF ROOF AREA (PER UNIT)	
FEATURE TYPE	LOCATION
1. OPPOSING ROOF LINES	ROOF
2. OFFSET / STEP IN ROOF LINE	ROOF
ELEVATION FEATURE TYPES - 1 REQUIRED	

WINDOW CALCULATIONS (10% GLASS FOR STREET FACING ELEVATION)	
20'-0" (LENGTH) x 10% = 2'-0" GLASS REQUIRED PER UNIT: ± 11' GLASS PROVIDED INCLUDING GARAGE DOORS, 16' GLASS PROVIDED IN WINDOWS	

EACH DWELLING UNIT MEETS THE STANDARDS OF SECTION 15.03.05, PARAGRAPHS A, B, AND C.

AREA CALCULATIONS - 2 BEDROOM UNIT	
1ST LEVEL - HEATED	104 SF
2ND LEVEL - HEATED	680 SF
3RD LEVEL - HEATED	680 SF
TOTAL HEATED	1,472 SF
1ST LEVEL - UNHEATED	450 SF
UNIT TOTAL	1,922 SF

BUILDING 100 - 5 UNITS	
GROSS FLOOR AREA	9,610 SF

BUILDING 200 - 5 UNITS	
GROSS FLOOR AREA	9,610 SF

BUILDING FOOTPRINT	
	3,400 SF



CONCEPTUAL FRONT ELEVATION - BUILDING 100 AND BUILDING 200
SCALE : 1/4" = 1'-0"

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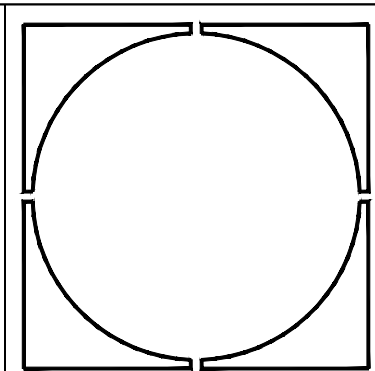
DEVELOPER:

FACULTY STREET
APARTMENTS
BOONE
NORTH CAROLINA

DATE	JOB NO. :	
3/20/23	CONCEPTUAL DESIGN	
7/14/23	CONCEPTUAL DESIGN	
8/9/23	C.D.R. SUBMITTAL	
8/30/23	REVISED CONCEPTUAL DESIGN	
9/13/23	REVISED C.D.R. SUBMITTAL	
10/27/23	REVISED C.D.R. SUBMITTAL	

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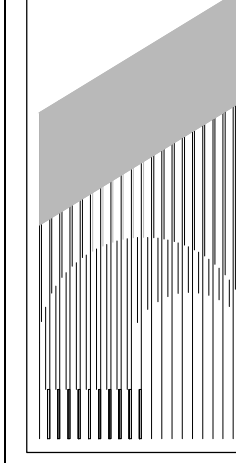
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DEVELOPER:

FACULTY STREET
APARTMENTS
BOONE
NORTH CAROLINA

DATE	JOB NO.	CONCEPTUAL DESIGN
3/20/23	CONCEPTUAL DESIGN	
7/14/23	CONCEPTUAL DESIGN	
8/9/23	C.D.R. SUBMITTAL	
8/30/23	REVISED CONCEPTUAL DESIGN	
9/13/23	REVISED C.D.R. SUBMITTAL	
10/27/23	REVISED C.D.R. SUBMITTAL	



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SHEET
A2.1

Communication: Case A23-0149 Faculty Street Townhomes - Revised Building Elevations (Case A23-0149 Faculty Street Townhomes - Conditional District Zoning Map Amendment)

COMMERCIAL APPEARANCE REQUIREMENTS - REAR ELEVATION

PLAN = 20'-0" LIN. DIM. (PER UNIT)		
FEATURE TYPE	LOCATION	NO. OF FEATURES
1. PILASTERS	PLAN	1
2. WINDOWS - MIN. 2'-8" x 3'-4"	PLAN	3
PLAN FEATURE TYPES - 2 REQ'D.		4 - TOTAL (4 REQ'D)

ELEVATION = ± 18'-2" ELEV. HT. (MEASURED FROM GRADE TO BOTTOM OF ROOF)	
FEATURE TYPE	LOCATION
1. WINDOWS / FULL GL. DOOR - MIN. 2'-8" x 3'-4"	ELEVATION
2. CANTILEVERED DORMER	ELEVATION
3. MATERIAL CHANGE	ELEVATION
ELEVATION FEATURE TYPES - 3 REQUIRED	
3 REQ'D.	

ROOF = ± 400 SF ROOF AREA (PER UNIT)	
FEATURE TYPE	LOCATION
1. OPPOSING ROOF LINES	ROOF
2. OFFSET / STEP IN ROOF LINE	ROOF
ELEVATION FEATURE TYPES - 1 REQUIRED	

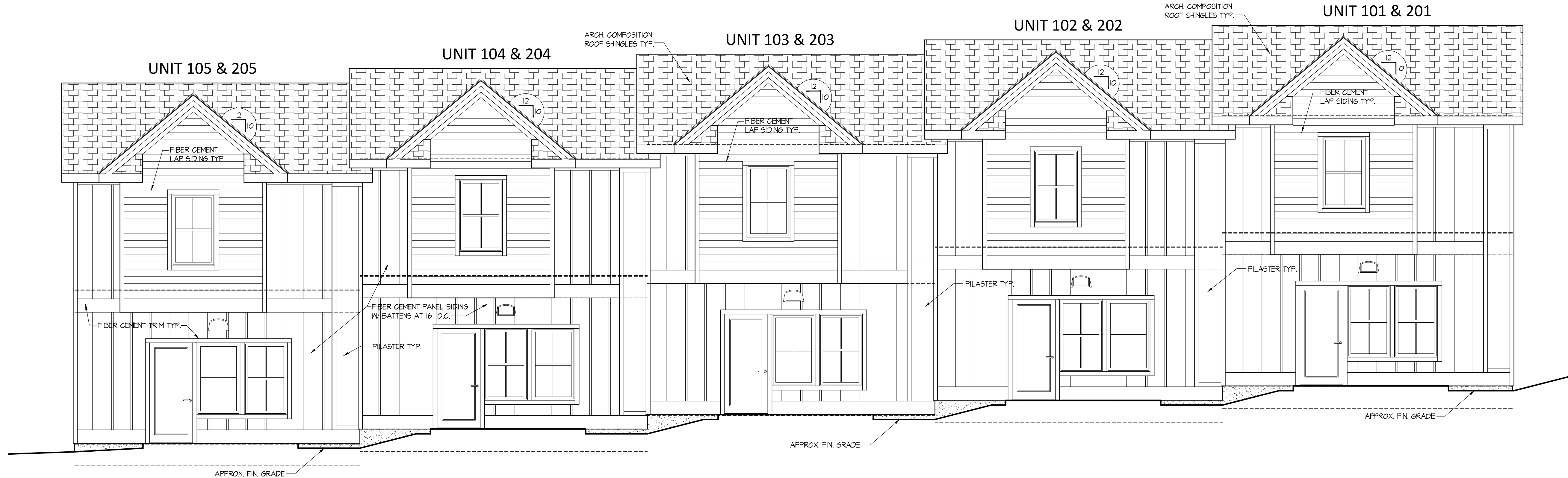
EACH DWELLING UNIT MEETS THE STANDARDS
OF SECTION 15.03.05, PARAGRAPHS A, B, AND C.

AREA CALCULATIONS - 2 BEDROOM UNIT	
1ST LEVEL - HEATED	109 SF
2ND LEVEL - HEATED	680 SF
3RD LEVEL - HEATED	683 SF
TOTAL HEATED	1,472 SF
1ST LEVEL - UNHEATED	450 SF
UNIT TOTAL	1,922 SF

BUILDING 100 - 5 UNITS	
GROSS FLOOR AREA	9,610 SF

BUILDING 200 - 5 UNITS	
GROSS FLOOR AREA	9,610 SF

BUILDING FOOTPRINT	3,400 SF
--------------------	----------



CONCEPTUAL REAR ELEVATION - BUILDING 100 AND BUILDING 200
SCALE : 1/4" = 1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION

COMMERCIAL APPEARANCE REQUIREMENTS - RIGHT SIDE ELEVATION

PLAN = 34'-0" LIN. DIM.		
FEATURE TYPE	LOCATION	NO. OF FEATURES
1. PILASTERS	PLAN	2
2. MATERIAL CHANGE	PLAN	1
3. WINDOWS - MIN. 2'-8" x 3'-4"	PLAN	1
PLAN FEATURE TYPES - 2 REQ'D.		4 - TOTAL (4 REQ'D)

ELEVATION = ± 33'-0" ELEV. HT. (MEASURED FROM GRADE TO BOTTOM OF ROOF)	
FEATURE TYPE	LOCATION
1. WINDOWS - MIN. 2'-8" x 3'-4"	ELEVATION
2. MATERIAL CHANGE	ELEVATION
3. PILASTERS	ELEVATION
4. DECORATIVE WOOD BRACKETS	ELEVATION
ELEVATION FEATURE TYPES - 4 REQUIRED	
4 REQ'D.	

ROOF = ± 1200 SF ROOF AREA	
FEATURE TYPE	LOCATION
1. ROOF RETURN EYEBROW	ROOF
ELEVATION FEATURE TYPES - 1 REQUIRED	

EACH DWELLING UNIT MEETS THE STANDARDS OF SECTION 15.03.05, PARAGRAPHS A, B, AND C.

COMMERCIAL APPEARANCE REQUIREMENTS - LEFT SIDE ELEVATION

PLAN = 34'-0" LIN. DIM.		
FEATURE TYPE	LOCATION	NO. OF FEATURES
1. PILASTERS	PLAN	2
2. MATERIAL CHANGE	PLAN	1
3. WINDOWS - MIN. 2'-8" x 3'-4"	PLAN	1
PLAN FEATURE TYPES - 2 REQ'D.		4 - TOTAL (4 REQ'D)

ELEVATION = ± 27'-2" ELEV. HT. (MEASURED FROM AVG. GRADE TO BOTTOM OF ROOF)	
FEATURE TYPE	LOCATION
1. WINDOWS - MIN. 2'-8" x 3'-4"	ELEVATION
2. MATERIAL CHANGE	ELEVATION
3. PILASTERS	ELEVATION
ELEVATION FEATURE TYPES - 3 REQUIRED	
3 REQ'D.	

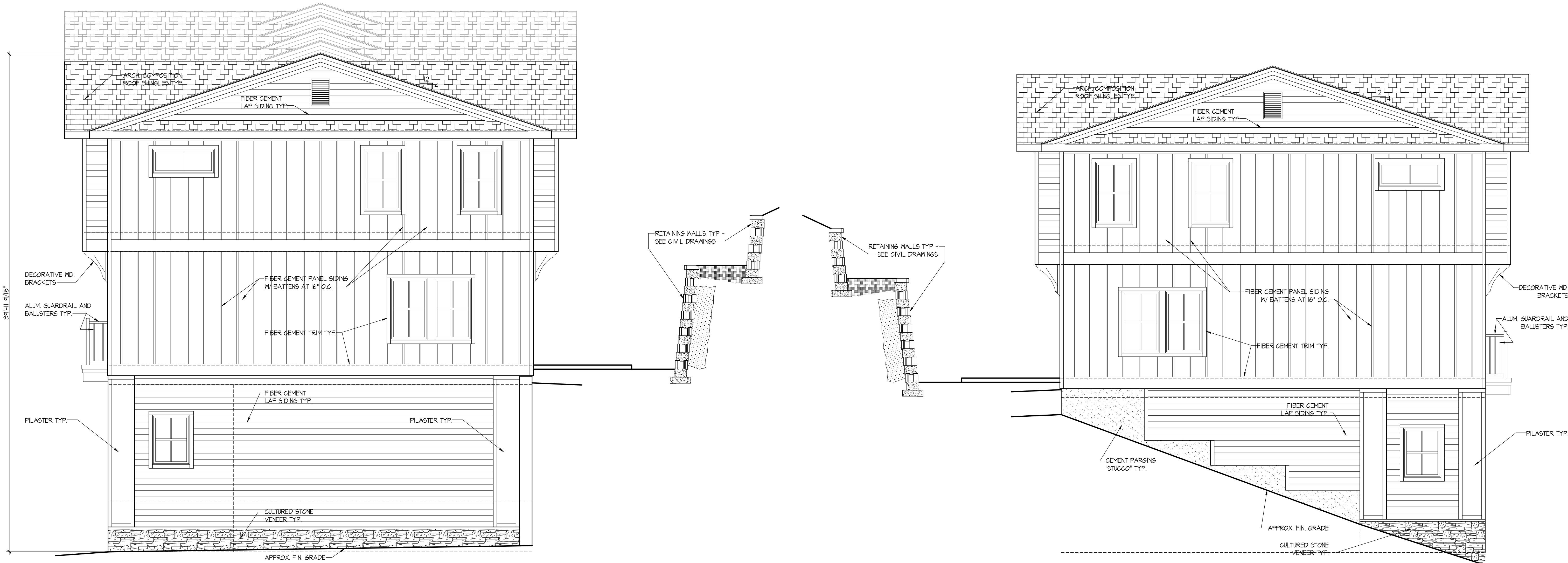
ROOF = ± 1200 SF ROOF AREA	
FEATURE TYPE	LOCATION
1. ROOF RETURN EYEBROW	ROOF
ELEVATION FEATURE TYPES - 1 REQUIRED	

AREA CALCULATIONS - 2 BEDROOM UNIT	
1ST LEVEL - HEATED	109 SF
2ND LEVEL - HEATED	680 SF
3RD LEVEL - HEATED	683 SF
TOTAL HEATED	1,472 SF
1ST LEVEL - UNHEATED	450 SF
UNIT TOTAL	1,922 SF

BUILDING 100 - 5 UNITS	
GROSS FLOOR AREA	9,610 SF

BUILDING 200 - 5 UNITS	
GROSS FLOOR AREA	9,610 SF

BUILDING FOOTPRINT	3,400 SF
--------------------	----------



CONCEPTUAL RIGHT SIDE ELEVATION - BUILDING 100
CONCEPTUAL LEFT SIDE ELEVATION - BUILDING 200
SCALE : 1/4" = 1'-0"

CONCEPTUAL LEFT SIDE ELEVATION - BUILDING 100
CONCEPTUAL RIGHT SIDE ELEVATION - BUILDING 200
SCALE : 1/4" = 1'-0"

PRELIMINARY
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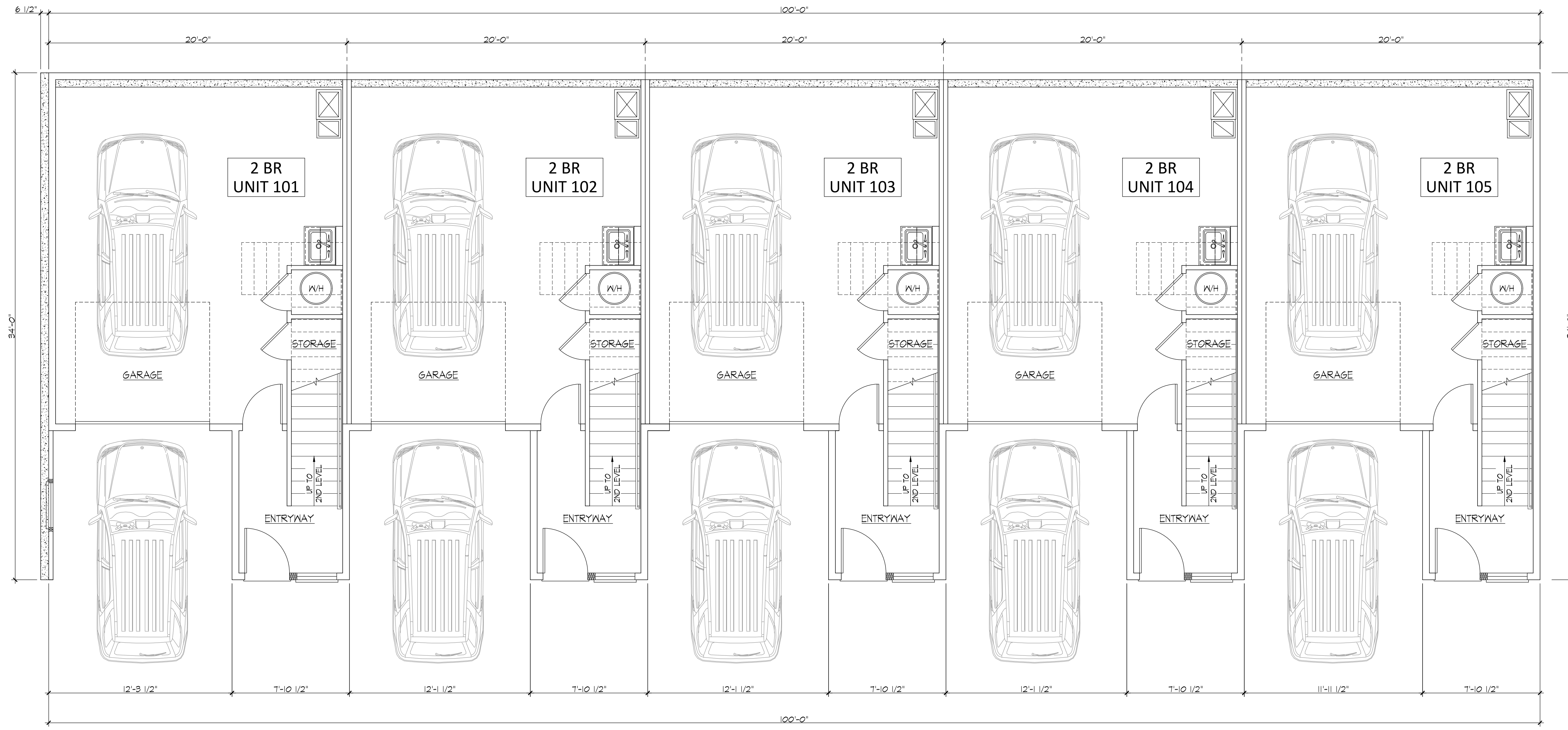
DEVELOPER:

FACULTY STREET
APARTMENTS
BOONE
NORTH CAROLINA

DATE	JOB NO. :	
3/20/23	CONCEPTUAL DESIGN	
7/14/23	CONCEPTUAL DESIGN	
8/9/23	C.D.R. SUBMITTAL	
8/30/23	REVISED CONCEPTUAL DESIGN	
9/13/23	REVISED C.D.R. SUBMITTAL	
10/27/23	REVISED C.D.R. SUBMITTAL	

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BOONE, NORTH CAROLINA

SHEET
A2.2

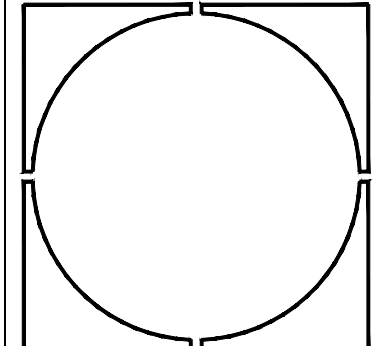


AREA CALCULATIONS - 2 BEDROOM UNIT	
1ST LEVEL - HEATED	109 SF
2ND LEVEL - HEATED	680 SF
3RD LEVEL - HEATED	683 SF
TOTAL HEATED	1,472 SF
1ST LEVEL - UNHEATED	450 SF
UNIT TOTAL	1,922 SF

BUILDING 100 & 200 CONCEPTUAL FLOOR PLAN - 1ST LEVEL
SCALE : 1/4" = 1'-0"

BUILDING 100 - 5 UNITS	
GROSS FLOOR AREA	9,610 SF
BUILDING 200 - 5 UNITS	
GROSS FLOOR AREA	9,610 SF
BUILDING FOOTPRINT	
	3,400 SF

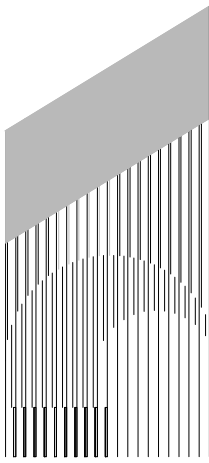
PRELIMINARY
NOT FOR CONSTRUCTION



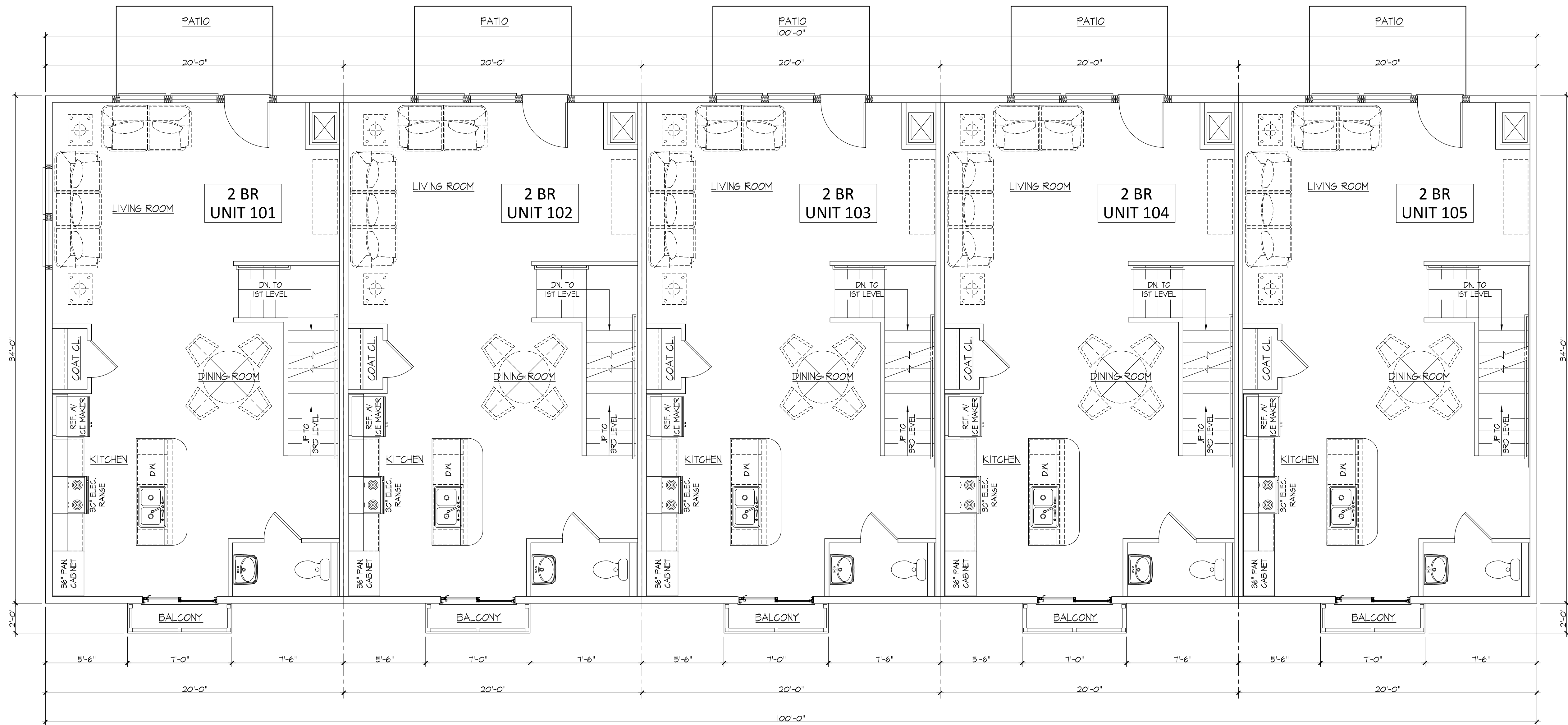
DEVELOPER:

FACULTY STREET
TOWNHOMES
BOONE
NORTH CAROLINA

DATE	JOB NO. :
3/20/23	CONCEPTUAL DESIGN
7/14/23	CONCEPTUAL DESIGN
8/9/23	C.D.R. SUBMITTAL
8/30/23	REVISED CONCEPTUAL DESIGN
9/13/23	REVISED C.D.R. SUBMITTAL
10/27/23	REVISED C.D.R. SUBMITTAL

BRENT DAVIS ARCHITECTURE, INC.
BOONE, NORTH CAROLINA

SHEET
A1.0



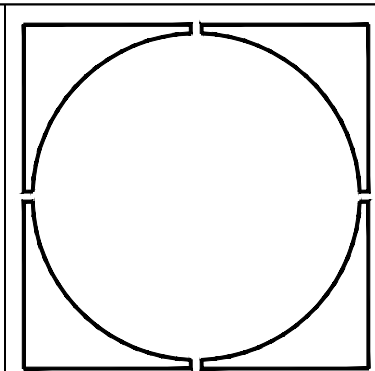
AREA CALCULATIONS - 2 BEDROOM UNIT	
1ST LEVEL - HEATED	109 SF
2ND LEVEL - HEATED	680 SF
3RD LEVEL - HEATED	683 SF
TOTAL HEATED	1,472 SF
1ST LEVEL - UNHEATED	450 SF
UNIT TOTAL	1,922 SF

BUILDING 100 - 5 UNITS	
GROSS FLOOR AREA	9,610 SF

BUILDING 200 - 5 UNITS	
GROSS FLOOR AREA	9,610 SF

BUILDING FOOTPRINT	
	3,400 SF

BUILDING 100 & 200 CONCEPTUAL FLOOR PLAN - 2ND LEVEL
SCALE : 1/4" = 1'-0"



DEVELOPER:

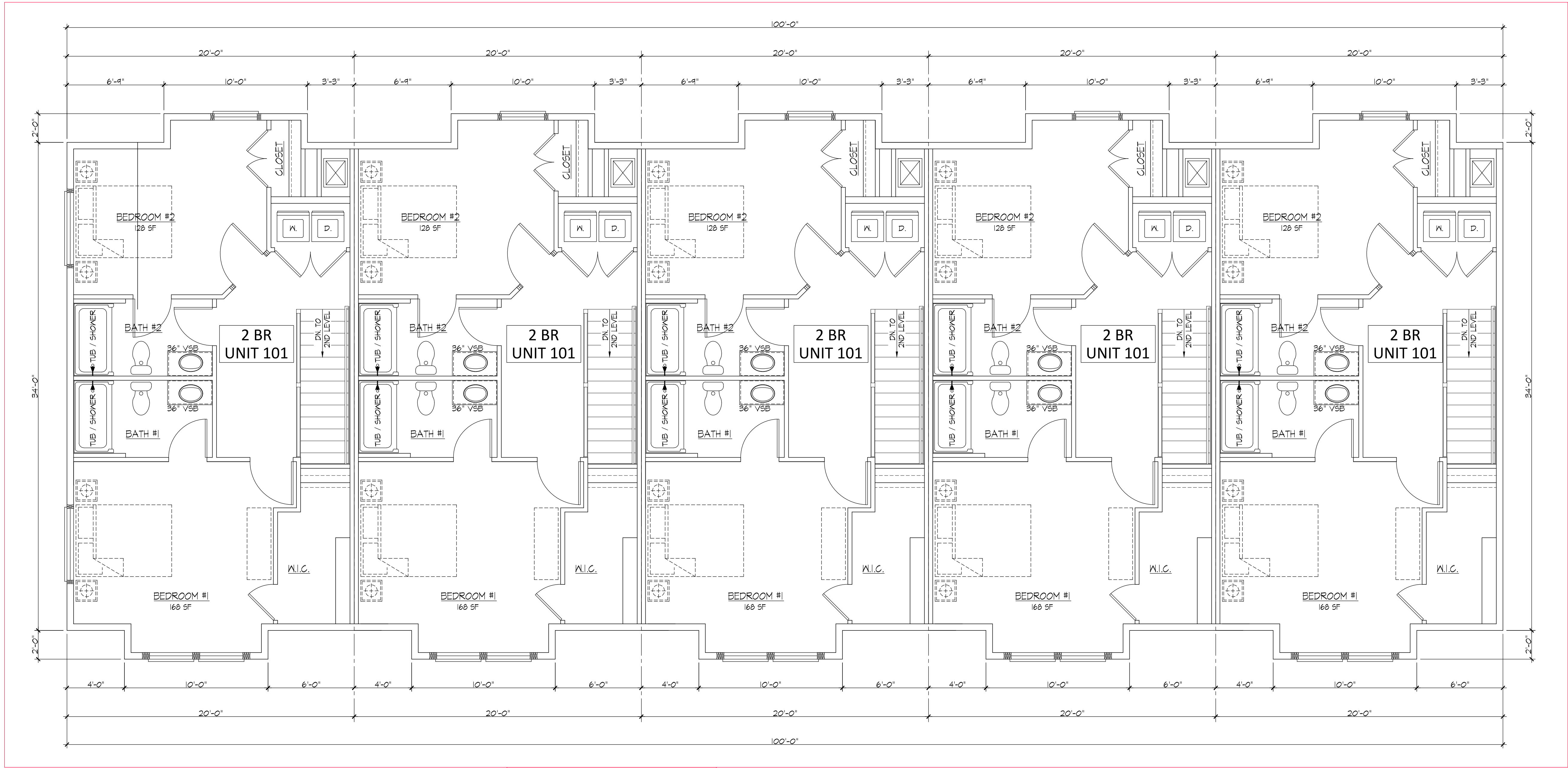
FACULTY STREET
TOWNHOMES
BOONE
NORTH CAROLINA

DATE	JOB NO. :
3/20/23	CONCEPTUAL DESIGN
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8/30/23	REVISED CONCEPTUAL DESIGN
9/13/23	REVISED C.D.R. SUBMITTAL
10/27/23	REVISED C.D.R. SUBMITTAL

BRENT DAVIS ARCHITECTURE, INC.
BOONE, NORTH CAROLINA

SHEET
A1.1

PRELIMINARY
NOT FOR CONSTRUCTION



AREA CALCULATIONS - 2 BEDROOM UNIT	
1ST LEVEL - HEATED	109 SF
2ND LEVEL - HEATED	680 SF
3RD LEVEL - HEATED	683 SF
TOTAL HEATED	1,472 SF
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UNIT TOTAL	1,922 SF

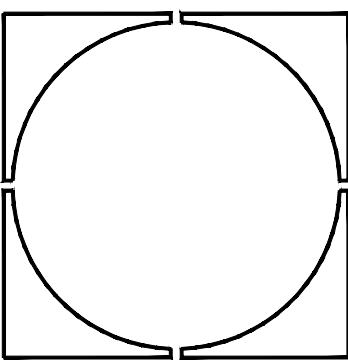
BUILDING 100 - 5 UNITS	
GROSS FLOOR AREA	9,610 SF

BUILDING 200 - 5 UNITS	
GROSS FLOOR AREA	9,610 SF

BUILDING FOOTPRINT	3,400 SF
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BUILDING 100 & 200 CONCEPTUAL FLOOR PLAN - 3RD LEVEL
SCALE : 1/4" = 1'-0"

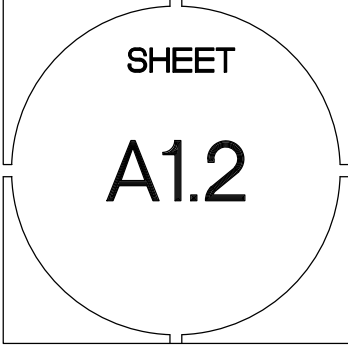
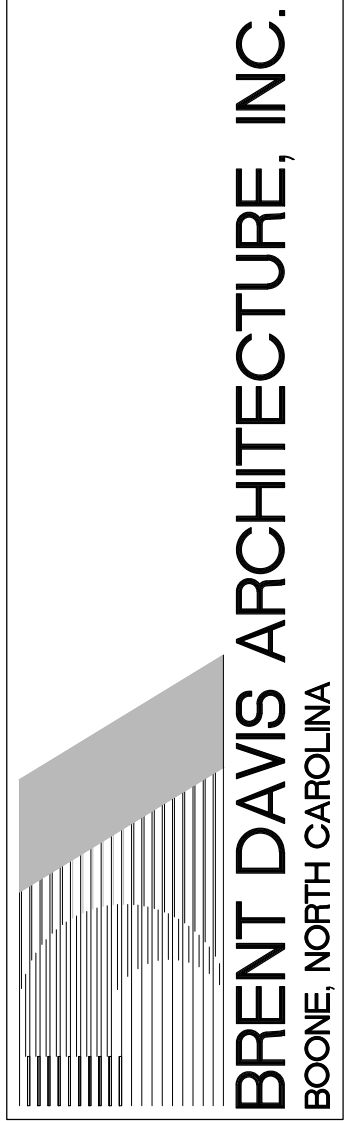
PRELIMINARY
NOT FOR CONSTRUCTION



DEVELOPER:

FACULTY STREET
TOWNHOMES
BOONE
NORTH CAROLINA

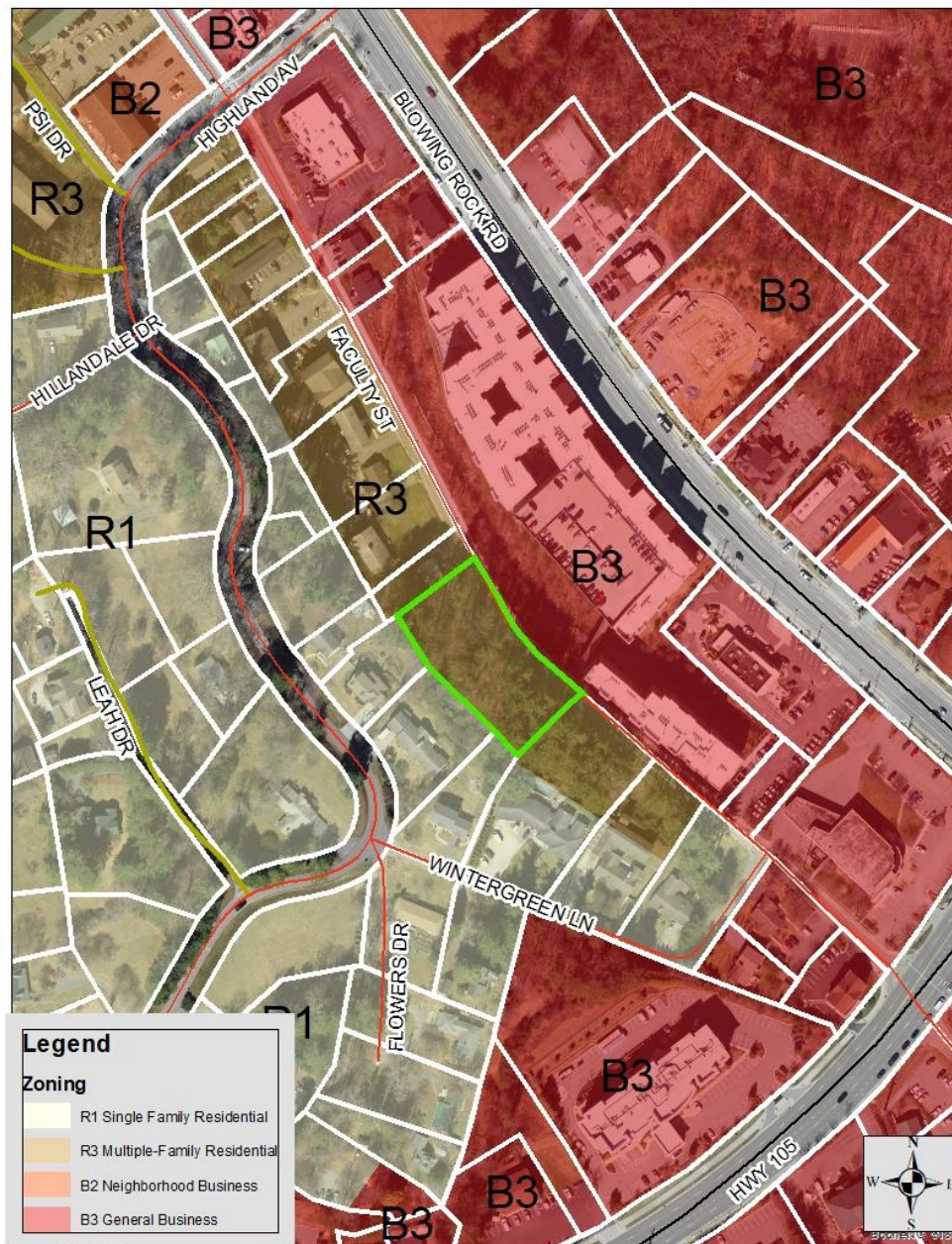
DATE	JOB NO. :
3/20/23	CONCEPTUAL DESIGN
7/14/23	CONCEPTUAL DESIGN
8/9/23	C.D.R. SUBMITTAL
8/30/23	REVISED CONCEPTUAL DESIGN
9/13/23	REVISED C.D.R. SUBMITTAL
10/27/23	REVISED C.D.R. SUBMITTAL





Staff Report
September 27, 2023

Case A23-0149-Faculty Street Townhomes Conditional District Zoning Map Amendment



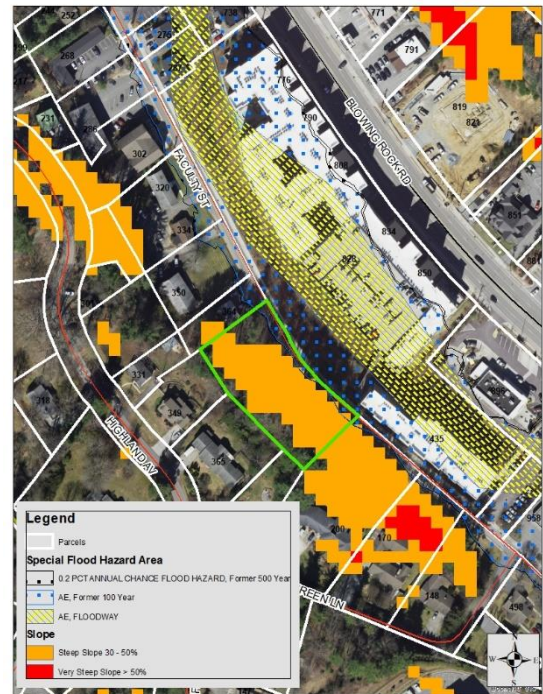
Request

A & R Mountain Properties has submitted a Conditional District Zoning Map Amendment petition to rezone property on Faculty Street from R3 Multiple-Family to Conditional District R3 Multiple-Family with a site specific plan for Use 1.08 (Townhouse, up to 30 bedrooms). The development as proposed has triggered the 50 foot transitional zone associated with the use (see page for more information on transitional zones).

Staff Note: Please note the applicants have revised their application as heard at the September 2023 Public Hearing. Originally, the applicant had proposed a plan with 12 dwelling units (18 bedrooms) and now are proposing 10 units with 20 bedrooms. Other changes made to the plan will be described throughout this report where applicable.

Parcel Information

Address: (TBD) Faculty Street
Property Owner: A&R Mountain Properties, LLC
Watauga County PIN: 2910-14-4592-000
Lot size (total): .69 Acres
Jurisdiction: Town of Boone
Access: Faculty Street (Town maintained)
SFHA: Yes
Watershed District: No
Corridor District: Yes
NCD: No
Viewshed: No
Steep Slope: Yes
Very Steep Slope: No
Transitional Zone: Yes
Current Zoning: R3 Multiple-Family Residential



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

Current Use: Vacant

Proposed Use: Use 1.08 Townhouse (up to 30 bedrooms)

Townhouse: A building containing, intended or used solely for one dwelling unit on its own lot, with an individual private entrance and where three or more buildings are joined side-by-side ("a row"), with no dwelling unit located above or below another dwelling unit, and each building having exposed front and rear walls for access, light and ventilation. A Townhouse development may contain multiple rows.

Zoning & Use of Adjacent Properties		
	Adjacent Zoning	Adjacent Land Use
North	B3 General Business	Mixed-use, Multi-family residential
East	R3 Multi-family Residential/R1 Single-family Residential	Single-family Dwelling
South	R1 Single-family Residential	Single-family Dwelling
West	R3 Multi-family Residential	Single-family Dwellings

Procedural Analysis:

Pursuant to UDO Subsection 14.01.02(C) a Conditional District (CD) is a zoning district in which the use and development of a property pursuant to a site-specific development plan is approved through the legislative process pursuant to Article 9 of this Ordinance. A CD utilizes a proposed general use zoning district, is limited to the authorized uses and development standards mandated within that district, and may be subjected to conditions that make the development more desirable.

A site-specific vesting plan is defined in UDO Article 34 as “A plan submitted to a local government in which the applicant requests vesting in accordance with Section 4.13, describing with reasonable certainty on the plan the type and intensity of use for a specific parcel or parcels of property. The plan may be in the form of, but not be limited to, any of the following plans or approvals: a subdivision plat, a preliminary or general development plan, a special use permit, a conditional district zoning plan. The plan shall include the approximate boundaries of the site; significant topographical and other natural features affecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways.”

See below for details on the applicant’s compliance with the Conditional District procedural requirement for a neighborhood meeting as set forth in UDO Subsection 9.09.02 and the development’s overall compliance with UDO standards specific to the development:

Compliance with UDO Subsection 9.09.02 Neighborhood Meeting:

- A. The applicant shall conduct a neighborhood meeting prior to the submission of the application for a Conditional District Zoning Map Amendment. This meeting will allow the applicant to explain the proposed development and to be informed of the concerns of the neighborhood and surrounding property owners.
- B. A meeting notice must be mailed to property owners within 300’ of the development at least 25 days prior to the meeting in accordance with Subsection 1.13.02 herein. A copy of the notice shall also be provided to the Planning Department. The notice shall contain a summary of the proposed development, the applicants contact information, the date, time, and location of the meeting.
- C. The meeting must be held at an accessible and convenient location and time in light of available options. Upon coordination through the Planning Department, the meeting may be held at Town Council Chambers if that location is available.

- D. At the meeting, the petitioner, at a minimum, shall present all the following information:
1. Contact information of the parties involved in the ownership, design, and development of the property;
 2. The location of the property and general information on the current conditions of the site;
 3. Proposed use(s) and site development;
 4. Any preliminary plans or renderings, if available; and
- E. The applicant shall provide the Administrator with a summary report of the meeting which includes a list of all attendees and details the meeting including all concerns expressed by attendees and commitments made by the petitioner. This report shall be included in the staff report.

Staff Note: The applicant held a neighborhood meeting on July 27, 2023. A recap of the meeting along with the certification of mailing to the affected property owners is included in the board packet. Please see information in board packet.

Zoning Analysis

R3 Intensity Standards:

Standard	Proposed	Compliance
Minimum Gross Land Area: 20,000 sq. ft.	30056.4 sq. ft. (.69 acres)	Yes
Minimum Lot Width: 80 feet	190 feet	Yes
Minimum Street Frontage: 64 feet	190 feet	Yes
Minimum Livability Space: .40	.538	Yes
Interior Setback: 13'	Varies	Yes
Street Setback: 20'	20'	Yes
Maximum Building Height: 3 Stories*	3 stories/40'	Yes

Staff Note: Use 1.08 is subject to the supplemental requirements set forth in UDO Section 15.03. Pursuant to UDO Subsection 15.03.04 which states the maximum building height shall be three (3) stories of occupied space, and in no case shall the building exceed fifty feet (50') in total height including the roof or the maximum in the particular zoning district, whichever is less. However, both this standard and the 3-story maximum is limited by UDO Subsection 14.03.07 which restricts all structures in the R3 zoning district within 100 feet of an R1 zoned property to 40' in height. As proposed, the applicant has demonstrated compliance with both the story and height limitations set forth in the UDO.

Parking:

Required	Proposed	Compliance
Automobile Space – 2 per unit	22	Yes
Bicycle, Short-Term – 1 spaces	1	Yes
Bicycle, Long-Term – 3 spaces	3	Yes
Motorcycle – Exempt	NA	Yes

Staff Note: The applicant is providing 2 spaces per dwelling unit and 2 visitor spaces.

Sidewalks: Pursuant to UDO Subsection 23.08.01(B), sidewalks shall be required for all new multi-family residential development.

Town Staff believes it is important to note that recently NCDOT has begun a feasibility study along this corridor and along this side of the street for a 10' wide multi-use path. Expected completion date for the study is due in 2024.

UDO Subsection 23.08.04 states that when, with respect to a development parcel, a public greenway or other alternative walkway (for purposes of this section, "greenway") has been identified in a duly adopted government alternative transportation plan or other duly-adopted plan, or where a proposed public greenway will connect to an existing greenway or to a planned greenway that is expected with reasonable certainty to be constructed within the next five years or that is approved and funded by the North Carolina Department of Transportation, the following shall be required as applicable:

1. The permit-issuing authority may allow or require the installation of a public greenway instead of sidewalk. A request to install a public greenway shall be supported by a site plan depicting the location and dimensions of the greenway, a description of the method of construction, and any other information deemed necessary by the Administrator.
2. If a public greenway is to be constructed upon the development parcel at the expense of the town or another third party, instead of constructing the greenway the developer shall pay fee-in-lieu of construction as provided at 23.08.05(D).

Staff Note: Please see information on the NC Great Trails State plan adopted by NC in 2022.

3. If a public greenway is already in place on the development parcel, the developer shall not be required to install the section of sidewalk that otherwise would be required to be installed along the same boundary or boundaries of the parcel.

The applicant has agreed to both grade the area and provide the Town with an easement to accommodate the future multi-use path/greenway.

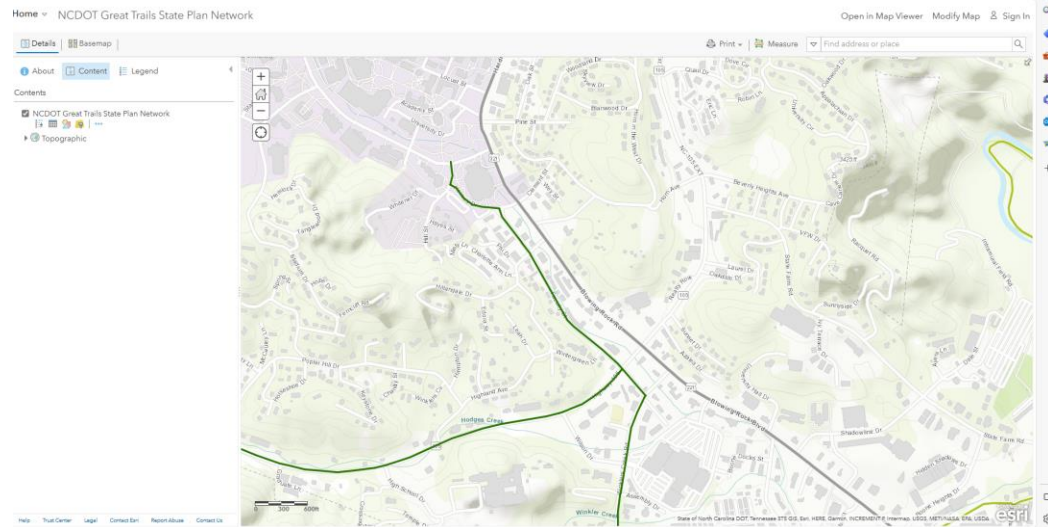
Staff Note: In order to accommodate the Town's requests, a retaining wall system that would normally exceed the wall height allowed both in the setback and within 5 feet of a sidewalk/greenway is needed. Staff has determined that no variance will be required.

The Town-requested 10-foot greenway easement is part of the Town's implementation of the Great Trails State Plan. The Great Trails State Plan draws upon existing plans and new recommendations to identify a network of shared-use paths and trails that connect every county in North Carolina, with a focus on connections between population centers and North Carolina State Parks.

The primary outcome of the plan was to develop a statewide trail map coupled with an action-oriented network plan and 5-year implementation strategy.

The Great Trails State Plan was created by the N.C. Department of Transportation's Integrated Mobility Division, in coordination with the NCDOT Transportation Planning Division and North Carolina State Parks.

An executive summary of the plan can be found at [great-trails-summary.pdf \(ncdot.gov\)](https://www.ncdot.gov/great-trails/great-trails-summary.pdf). A map on the NCDOT Great Trails State website shows the proposed portion of the greenway to run along Faculty Street in front of the subject parcel.



Use Compliance

Compliance with limited use requirements in UDO Subsection 15.03: 1.07 Duplex; 1.08-1.10 Townhouse; 1.11-1.13 Multi-Family Dwelling; 1.14-1.16 Multi-Family Dwelling In Mixed Use (unless specifically excluded)

NOTE: Pursuant to UDO Subsection 1.28 and consistent with State law, building design elements refers exterior building color; type or style of exterior cladding material; style or materials of roof structures or porches; exterior nonstructural architectural ornamentation; location or architectural styling of windows and doors, including garage doors; the number and types of rooms; and the interior layout of rooms. The phrase "building design elements" does not include any of the following: (i) the height, bulk, orientation, or location of a structure on a zoning lot, (ii) the use of buffering or screening to minimize visual impacts, to mitigate the impacts of light and noise, or to protect the privacy of neighbors, or (iii) regulations adopted pursuant to this Article governing the permitted uses of land or structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings.

Any regulation relating to building design elements adopted under the UDO may not be applied to any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings except under limited circumstances.

Since individually-owned townhomes on individual lots are considered one-family dwellings under North Carolina Residential Code, some of the standards in Section 15.03 will not apply. Staff will note where this situation occurs.

Pursuant to UDO Subsection 15.03.03, each new multi-family development shall meet the following standards:

- A.** A townhouse style design and a mixture of unit configuration and sizes per development shall be encouraged. No one type of dwelling units, as defined by the number of bedrooms, shall comprise more than 50% of the total units.

Staff Note: Staff Note: The applicant is proposing a townhouse use. The configuration of bedrooms is considered within the building design elements exclusion and cannot be regulated for the proposed use.

- B.** Parking shall be limited to a maximum of two (2) spaces per unit and a clearly designated parking area for visitors.

1. The square footage of the parking designated for visitors may not exceed ten percent (10%) of the total parking area. A minimum of twenty-five percent (25%) of units shall have a garage or carport.
2. If freestanding, garages and carports shall be architecturally integrated with the development. To the greatest extent practicable, parking shall be located behind or underneath proposed building(s).

Staff Note: Each townhome unit will have the required 2 off-street parking spaces within a garage and parking area. Two visitor spaces have been provided. (This is an increase from 1 in the originally presented plan.)

- C.** A livability space ratio of .50 must be met for the development. Fifty percent (50%) of the required livability space shall be designated to a defined area exclusively for the use of ground floor units. This space must consist of a common yard with accompanying private outdoor space for each ground level unit, or individual yards contiguous with the unit served. Either configuration must provide direct access from all ground floor units. The remaining livability space shall be designated for the use of the development as a whole as recreation space and shall be located so as to provide for direct auditory, visual, and physical access from the dwelling units served.

Staff Note: The applicant has indicated that they are in compliance with this requirement with a livability space of .538 (53.8% or 16,185 sq. ft). Additionally, each unit is considered a ground floor unit and will have access to the common areas within the development. (The proposed livability space is now approximately 1,000 square feet larger than in the plan that was originally presented).

- D.** On-site property management or an owner's association shall be required.

Staff Note: As part of the subdivision process for the townhouse use, the applicant will be required to create a property owners association.

- E.** Recreation space:

1. A minimum of 5% of the parcel shall be provided as recreation space for residents of the park.
2. In general, required recreation space shall have a least dimension of twenty-five feet (25), an average dimension of fifty feet (50'), and a minimum area of 2,500 square feet. Smaller dimensions are acceptable if:

- a. Less than 2500 square feet of recreation area is required, or
 - b. The recreation area is a suitably improved roof area or enclosed floor area, or
 - c. The anticipated needs of the residents require smaller facilities, such as tot lots or shuffle board courts, or
- 3. The dedication of a greenway easement may be used to satisfy the requirements for recreational space.
 - 4. Outdoor recreation area for common use should be located twenty feet (20') or more from any residential windows at the same general level.
 - 5. Recreation areas shall be maintained in a safe and sanitary manner.

Staff Note: Pursuant to UDO Subsection 15.03.03(E)(3) the dedication of the greenway/multi-use path easement satisfies the recreation requirement for the use .

Pursuant to UDO Subsection 15.03.04, each residential building shall meet the following standards:

- A. The maximum building height shall be three (3) stories of occupied space, and in no case shall the building exceed fifty feet (50') in total height including the roof or the maximum in the particular zoning district, whichever is less.

Staff Note: Applicant has met this requirement. Buildings are 40' in height and 3 stories.

B. Roof Requirements:

- 1. If a pitched roof is proposed, the pitched roof area may be used as attic or storage space.
- 2. If a flat roof is proposed, fifty percent (50%) of the roof area must be used as livability space.

Staff Note: The applicant is proposing to use pitched roofs.

- C. The front entrance of each unit on the first floor must be at ground level to the greatest extent practicable.

Staff Note: Please see applicant's elevations There are stairs to each front door due to topography. Each front entrance is at ground level to the extent possible.

Pursuant to UDO Subsection 15.03.05, each dwelling unit shall meet the following standards:

- A. The bedroom to bathroom ratio of each unit within the development shall be limited as follows:
 - 1. Efficiency unit and one (1) bedroom unit: one (1) bathroom.
 - 2. Two (2) bedroom unit: one (1) or two (2) bathrooms, with no less than one bathroom with common access.
 - 3. Three (3) bedroom unit: Two (2) bathrooms with no less than one (1) bathroom with common access.
 - 4. Four (4) or more bedroom unit: Three (3) bathrooms with no less than two (2) bathrooms with common access from a hall.

- B. In every unit with two (2) or more bedrooms, a designated master suite must be included and shall be at least twenty-five percent (25%) larger than every other bedroom and not less than 144 square feet excluding closet space.
- C. Dedicated storage space of at least fifty square feet (50 ft²) per unit must be provided for units without garages. Any storage space which is not within or attached to the building containing the units served by the space must be architecturally integrated with the development.
- D. Occupancy of each unit shall be limited to (2) two unrelated persons.

Staff Note: Items A through C, are considered within the building design elements exclusion and cannot be regulated for the proposed use.

Transitional Zone: Pursuant to UDO Subsections 9.09.05 and 6.02.02, transitional zones are established for the purpose of creating special protections for residents of protected districts from the potential adverse impacts of certain potentially incompatible nearby development, based upon the legislative finding that the general requirements of this ordinance have not been sufficient to protect the residents of such protected districts from the adverse consequences of such developments and that the variety of circumstances which may need to be ameliorated in the face of such development are not amenable to a “one size fits all” approach.

Per UDO 6.02.02 F and G -- In addition to all other requirements of this ordinance which pertain to the proposed lighting, and the size of setbacks, in order to meet the requirements of this Section, the applicant must produce substantial competent and credible evidence demonstrating that the planned development will effectively and to the greatest degree reasonably possible, mitigate the impacts of the proposed development upon the protected district, including but not limited to:

- a. noise impacts;
- b. light impacts; and
- c. any other predictable negative effect, including but not limited to:
 - i. negative visual effects;
 - ii. negative traffic effects; and
 - iii. negative health effects.

Because of the variable topography and characteristics of particular tracts of land within the Town’s zoning jurisdiction, the solutions incorporated into the development plan by the applicant must be tailored to specifically address the characteristics of the particular location in relation to the protected district. Only if an applicant can demonstrate by clear and convincing evidence that the normal requirements of the ordinance are themselves sufficient to protect the protected district may the application be approved without additional measures being incorporated into the site -specific development plan.

ANALYSIS BY OTHER TOWN STAFF

Environmental Planner (Brandon Wise, 828-268-6960) - Approved

Public Works:

Utilities Division (Robbie Jones, Utility Services Technician)

Approved.

Services Division (Justin Stines, Deputy Public Works Director)

Previous comments from original applicant submission:

A feasibility study is underway by the Town to determine the possibility of a 10-foot-wide path in this area. The path would need a 15-20 feet easement from the back of the curb, depending on the study outcome. The applicant would be required to pay fee-in-lieu rather than construct the path or a sidewalk.

Fire Department (Amy Flieg, Fire Marshal)

This project will not require sprinklers. More details on the driveway slope will be required during the zoning review process.

CONFORMITY TO ADOPTED PLANS**COMPREHENSIVE PLAN UPDATE****1.1 Overall Objectives for the Boone Comprehensive Plan (p. 15):**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

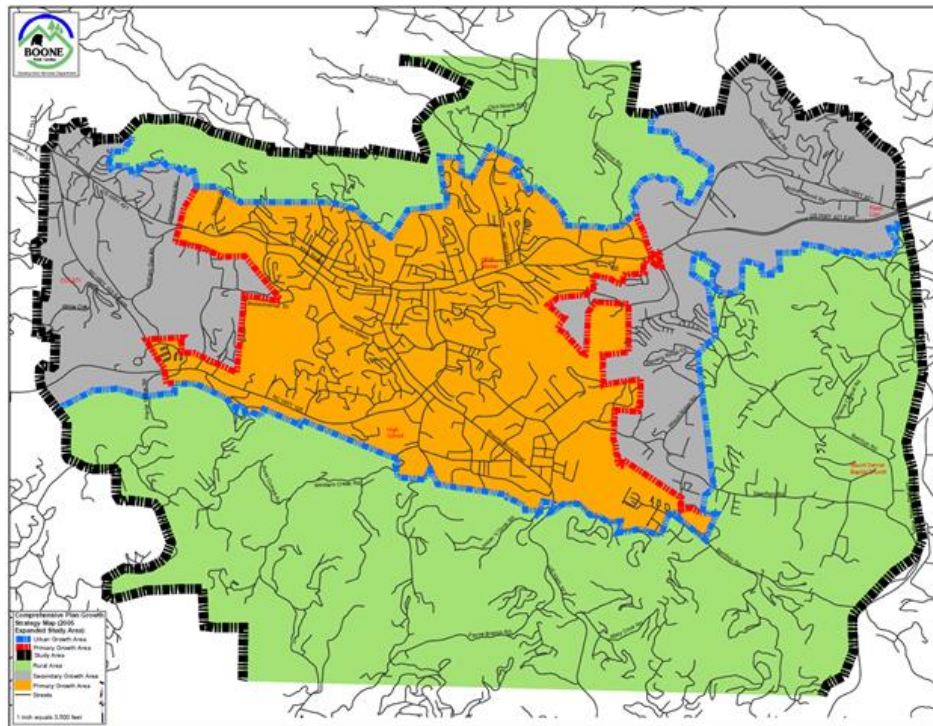
Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

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

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

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

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



The property is located within the Primary Growth area. The Primary Growth Area is that portion of the urban growth area where urban level or facilities are already in place or can be provided most cost effectively. This is the area where near term growth and development is to be especially encouraged.

The Secondary Growth Area is that portion of the urban growth area where urban level services can be provided, but on a lower priority basis than in the primary growth area.

Additionally, for comparison, the Rural Area is that portion of the planning study area that is influenced by urban area growth forces, but within which urban level development should be strongly discouraged.

Urban level services and associated development densities should not be planned for this area, except in case by case evaluations of major economic development projects.

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

2.1 Economy

...

2.1.1 Economic Development

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

...

2.3 THE COMMUNITY

- A. Urban type development within the Urban Growth Area shall meet appropriate Town standards.
- B. Properly planned, mixed use developments that promote efficient provision of public services shall be encouraged within the Urban Growth Area.
- C.

2.3.1 Community Appearance

- A. Measures to improve the effectiveness of grading, landscaping and buffering standards for new and existing developments shall be encouraged.
- B. The significance of street trees in providing visual relief, summer cooling, improved air quality and livability shall be recognized through public policies and actions to encourage their planting and maintenance.
- C. The significance of major roadway entrances into Boone as measures of community image and quality shall be recognized through building placement, landscape, signage and other visual improvements. The Town, along with private property owners and developers, shall work to jointly improve the appearance and design of major street corridors.

2.3.2 Community Character

- A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area.
- B. Multiple and appropriate adaptive reuse of historic resources shall be encouraged.
- C. Wise development of the tourism potential of the area's architectural, historic, scenic and natural resources shall be encouraged.
- D. The destruction of significant architectural, historic, scenic, natural and archaeological resources in the planning area shall be discouraged.

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

2.3.3 Housing & Neighborhoods

- A. The protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community.
- B. Street system designs which discourage through traffic on purely local streets while allowing for free circulation within the neighborhood shall be encouraged.
- C. Proposed residential development which would expose residents to harmful effects of incompatible development or to environmental hazards shall be prohibited.
- D. Innovative and flexible land planning and development practices shall be encouraged to create livable developments which better safeguard land, water, energy and historic resources.
- E. Factors in determining preferred locations for high density residential development shall include: close proximity to the university, employment or shopping centers; access to major thoroughfares and the transit system; the availability of public services and facilities; and compatibility with adjacent land uses.
- F. The affordable housing needs of area residents, particularly elderly and low to moderate income residents, shall be recognized in Town policies and actions regarding residential development.
- G. Compact, full service neighborhoods, offering opportunities for living, working, shopping, and gathering places, shall be encouraged in newly planned developments, as well as for redeveloping areas.
- H. The overall housing unit density for proposed infill residential development or redevelopment should be compatible with the average density of existing areas.

...

Certificate of Mailing

I, Brenda Henson, certify that individual notices meeting the requirements of Article 9 of the Town of Boone UDO were placed in the mail (first class) on November 3, 2023.

/s/ Brenda Henson

Brenda Henson, Administrative Support Specialist

Certification of Posting

I, Brandon Wise, certify that the subject property was posted as required in Article 9, Subsection 9.03.03(B)(2) of the Town of Boone UDO on November 3, 2023.

/s/ Brandon Wise

Brandon Wise, Environmental Planner

Conclusion

The following conditions are automatically included and a part of any approval.

1. Where there is a conflict between the application information and the plans (dated received on September 13, 2023), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations concerning the proposed development made by the applicant or its (his or her) representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.
3. The applicant shall submit the necessary applications, plans, details and specifications which meet the requirements of the Town Code, UDO, Building Code and any other applicable codes for review and approval necessary to issue Zoning and Building Permits.

Any other conditions agreed upon by the applicant and Town Council:

1. Potential condition on sidewalk/greenway path
2. Any other conditions agreed upon ...

Planning Commission Recommendations

Per NCGS 160D-604(b), subsequent to initial adoption of a zoning regulation, all proposed amendments to the zoning regulation or zoning map shall be submitted to the Planning Commission for review and comment. If no written report is received from the Planning Commission within 30 days of referral of the amendment to that board, the Town Council may act on the amendment without the Planning Commission report. The Town Council is not bound by the recommendations, if any, of the Planning Commission. Per NCGS 160D-604(d), when conducting a review of proposed zoning text or map, the Planning Commission shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Commission shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the Planning Commission, but a comment by the Planning Commission that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

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

Note 1

Vote 2: The Planning Commission recommends ☐approval OR ☐denial of Ordinance A23-0149 within Exhibit A and believes ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

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

Note 2: briefly explain why, factors may include (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

TOWN COUNCIL ACTION - Adoption of Ordinance

Per NCGS 160D-605, when adopting or rejecting any zoning text or map amendment, the Town Council shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the governing board that at the time of action on the amendment the governing board was aware of and considered the planning board's recommendations and any relevant portions of an adopted comprehensive plan. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently.

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

Note 1

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

Vote 2: The Town Council ☐approves OR ☐denies and believes ☐approval OR ☐denial of Ordinance A23-0149 in Exhibit A is reasonable and in the public interest because:

Note 2

Note 2: briefly explain why, factors may include (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

Exhibit A**Ordinance A23-0149**

WHEREAS, pursuant to N.C. Gen. Stat. §160D-601, the Town may amend its zoning map after giving proper public notice and holding a public hearing; and

WHEREAS, the Planning Commission and Town Council has received the request to amend the Official Zoning Map of the Town of Boone, North Carolina to rezone the property below from R3 Multi-family Residential District to R3 Multi-family Residential with a site-specific development plan for Use 1.08 (Townhomes).

Addresses: (TBD) Faculty Street

Watauga County PINs: 2910-14-4592-000

Property Owner: A&R Mountain Properties, LLC

WHEREAS, the Boone Town Council held a duly-noticed public hearing November 27, 2023 with respect to this rezoning request; and

WHEREAS, the Boone Town Council has taken into full consideration any information offered at the public hearing; and

WHEREAS, this Town Council has reviewed the written recommendations of the Town of Boone Planning Commission; and

NOW, THEREFORE, BE IT RESOLVED as follows:

SECTION 1. The Boone Town Council hereby approves and adopts the modifications to the Town Zoning Map as set forth herein.

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

SECTION 3. This Ordinance shall be effective immediately upon its adoption by Town Council.

Adopted this the 4th day of December, 2023.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon, Town Clerk

General Use Zoning Map Amendment Application

Town of Boone Planning & Inspections Department

680 W. King Street, Suite C ♦ Boone, North Carolina 28607

Phone (828) 268-6960 ♦ Fax (828) 268-6961 ♦ Email: planning@townofboone.net ♦ www.townofboone.net



A. Required to be Submitted at Time of Application

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

Failure to provide the info required on this application may delay the review and scheduling of the requested hearing.

- ☒ Property Owner Authorization for all property included in the request. See [Section D](#).
- ☒ Deed(s) of all property to be included in the request,
- ☒ Both a digital and a hard copy of a written metes and bound legal description with accompanying survey map for a request that would rezone only a portion of a tax parcel or requests for multiple zoning districts.
- ☒ Permit Fee (See Planning & Inspections Fee Schedule)

Each application is allowed two (2) reviews. The 1st review of the submitted information and a 2nd review if revisions or supplemental information is required based upon the 1st review. Each subsequent review after the 2nd review will be charged at 50% of the original fees charged for the application. These fees shall be paid at the time of resubmittal.

B. Property Information

Street Address:

255 Delmar St. Boone NC 28607

Watauga County Parcel Identification Number:

2910688784000

Existing Zoning District(s):

R1

Proposed Zoning District(s):

Adjacent Land Uses:

N:

R1

E:

R1

S:

R1

W:

R2

Are there any existing variances or special use permits granted to the property?

☐ Yes ☒ No ☐ Unknown

If yes, describe:

Total Land Area:

.631

C. Property Owner Information

Name:

Bryan J Pleasants

Complete Mailing Address (Street, City, Zip):

819 Brookside Dr Raleigh NC 27604

Phone Number:

919-618-0256

Email Address:

bryanpleasants@gmail.com

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

D. Applicant Signature and Property Owner Authorization

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

Bryan J Pleasants
Property Owner (Print)

Property Owner (Signature)

9/11/2023
Date

Official Use Only				
Permit Name: Pleasant, Bryan - General Use Zoning Map Amendment				
Permit Number: A23-0317				
Date: 09-08-23	Fee: \$765 ⁰⁰	Receipt Number: 076330	Method of Payment: ☐ Cash ☒ Check Number: 1144	Paid By: Bryan J. Pleasants

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: 11-27-2023

PC Meeting Date: 11-27-2023

TC Meeting Date: _____

Date of APO Mailed Notification: _____

Date of Posted Notification: _____

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

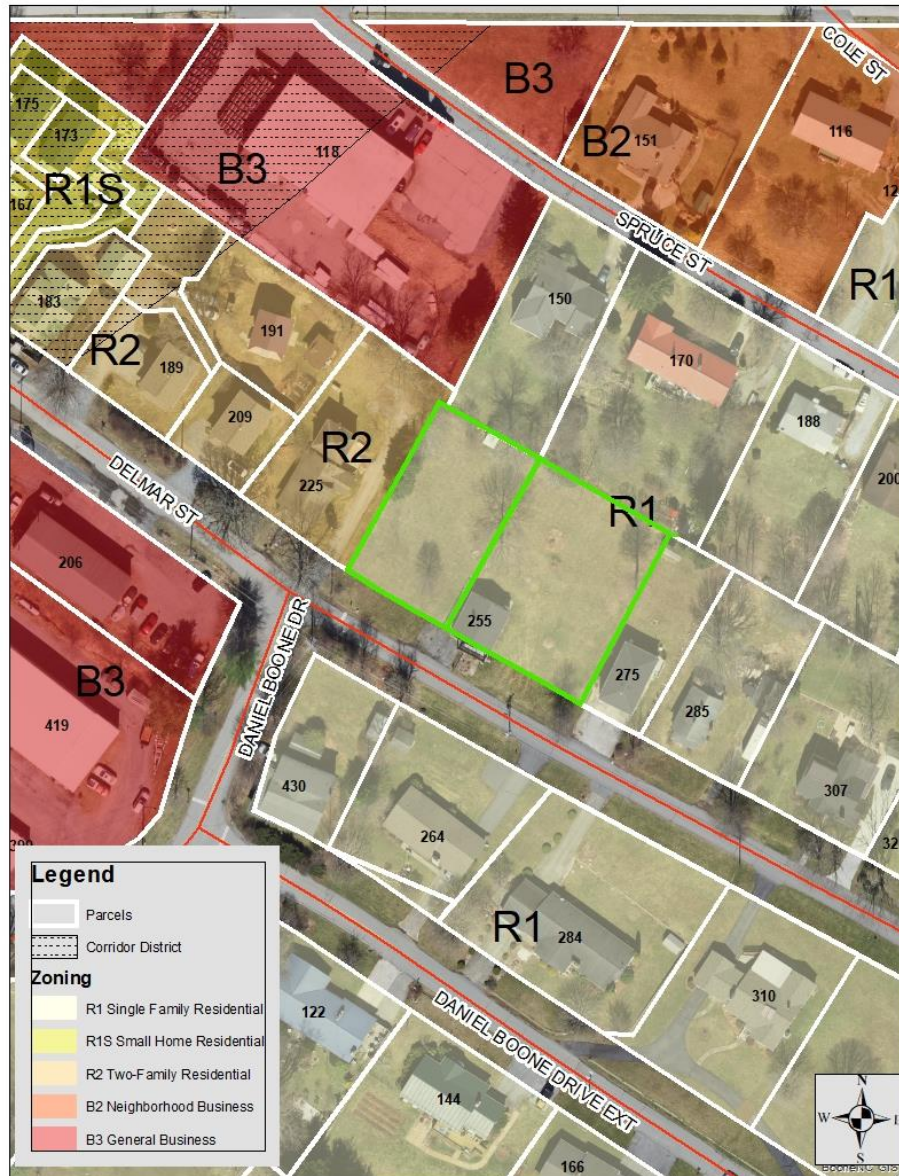
S:\FORMS\PI_Forms_Current\Planning Forms\GenUseZMapAmend_07012019.docx

Communication: Case A23-0317 Pleasants - Application (Case A23-0317 Bryan Pleasants - General Use Zoning Map Amendment)

This Staff Report has been modified since the public hearing on November 27, 2023 to correct errors within report. All changes are highlighted in green.



Staff Report
November 27, 2023
Case A23-0317 Bryan Pleasants General Use Zoning Map Amendment



Request

Bryan J Pleasants has submitted a General Use Zoning Map Amendment petition to rezone 255 Delmar Street (Watauga County PIN: 2910-68-9812-000) from R1 Single-Family Residential to R1S Small Home Residential. The subject property is outlined in green on the map above.

Staff note: A recombination plat has been recorded recently combining the two parcels. The combined parcel was given a new PIN which will be used throughout this report. Town/County GIS records have not updated subsequently.

History

No prior rezoning actions found.

Ultimate Issue Before Council on Amendments

Pursuant to UDO Subsection 9.07, in deciding whether to adopt a proposed amendment to this Ordinance, the central issue before the Council is whether the proposed amendment advances the public health, safety, or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the Mayor and be excluded. In particular, when considering proposed general use map amendments:

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

Parcel Information

Property Owners Information: Bryan Jeffrey Pleasants
Watauga County PIN: 2910-68-9812-000
Address: 255 Delmar Street
Use: Single-Family Residential
Size: 0.631 acres
Jurisdiction: Town of Boone
Access: Delmar Street (Town)
Corridor District: No
Viewshed: No
Watershed: No
SFHA: No
Steep Slope: No
Very Steep Slope: No
Vesting: N/A
Current Zoning: R1 Single-Family Residential
Proposed Zoning: R1S Small Home Residential

Analysis of Adjacent Zoning

	Adjacent Zoning	Adjacent Land Use
North	R1 Single-Family Residential	Single-Family Dwellings

West	R1 Single-Family Residential	Single-Family Dwelling (also owned by applicant)
South	R1 Single-Family Residential	Single-Family Dwellings
East	Conditional District R2 Two-Family Residential	Duplex

Below are excerpts from UDO Article 14 and Appendix B regarding the districts, uses, intensity and height for the B3 General Business and R2 Two-Family Residential Districts and the applicable overlay district.

Excerpt of ARTICLE 14 ZONING DISTRICTS

...

R1 Single-Family Residential District

- 14.05.01** The R1 Single Family Residential District is established to provide a low-density living area consisting only of single-family dwelling units and other related uses necessary for a sound neighborhood. The regulations for this district are designed to stabilize and encourage a comfortable, healthy, safe, aesthetically pleasing and pleasant living environment for family life that promotes peaceful quiet enjoyment sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.

R1S Small Home Residential District

- 14.06.01** The R1S Small Home Residential District is established to provide a medium density living area consisting of detached single-family dwellings at a higher density than other residential zoning districts. The regulations for this district are intended to maintain the essential character of traditional single-family neighborhoods while allowing new single-family dwellings at a higher density, which also may serve as a transition to higher density residential and nonresidential districts.

Zoning District Analysis

APPENDIX B COMPARATIVE TABLES

Use #	Specific Use	R1	R1S	Reference
Allowable Principal Uses				
1.0 Household Living				
1.01	Single-Family Dwelling	P	P	
2.0 Group Living				
2.01	Family Care Home	L	L	15.06
3.0 Transient Living				
3.01	Home for Survivors of Domestic Violence	L		15.11
3.07	Homestay Rental	L	L	15.05
4.0 Institutional				
4.04	Cemetery	P	L	
5.0 Government Uses				
5.02	Government Neighborhood Cultural Facility, Indoor Activity Only	S		
5.05	Recreation Facility, Category 2	P		
5.06	Recreation Facility, Category 3	S		
5.12	Police Substation	P		
5.13	Utility Facility, Town	L	L	15.16
5.14	Utility Facility, Government, Neighborhood	L	L	15.16
6.0 Non-Government Utility Facility				
6.01	Utility Facility, Neighborhood	L	L	15.16
7.0 Wireless Communication				
7.01	Small Wireless Collocation	L	L	15.18
7.02	Wireless Facility Collocation on Existing Wireless Support Structure or Utility Pole	L	L	15.17
7.03	Stealth Wireless Facility Attached to Existing Building or Structure	L	L	15.17
7.05	Non-stealth Wireless Facility Collocation on Electrical Transmission Towers	L	L	15.17
7.06	Stealth Wireless Support Structure	S/L	S/L	15.17
7.08	Emergency Response Communication Antenna	P	P	
8.0 Assembly				
8.01	Religious Assembly, Category 1	P		
8.02	Religious Assembly, Category 2	pT125		
13.0 Agriculture				
13.01	Garden, Community	L	L	15.30
13.02	Garden, Residential	L	L	15.30
13.09	Forestry	L	L	15.31
Allowable Accessory Uses				
A-1	Secondary suite	L		15.45
A-2	Home occupation	L	L	15.46

Use #	Specific Use	R1	R1S	Reference
A-11	Poultry	L		15.54
A-12	Livestock, small	L		15.55
A-14	Bees	L	L	15.57
A-15	Garden, residential	L	L	15.58
A-16	Satellite receiving antennas less than 1 meter in diameter	P	P	
A-20	Swimming pools, spas, and hot tubs	L	L	15.59
A-22	Vehicular Gate	L	L	15.61
A-25	Open air market, accessory	L		15.22
A-26	Daycare, small	P	P	
A-28	Solar Energy System	L	L	15.64
A-29	Electric-Vehicle Charging Station	L	L	15.65
Allowable Temporary Uses				
T-1	Temporary family health care structure	L	L	15.62
T-2	Temporary construction or repair dwelling	L	L	15.62
T-3	Temporary construction trailer	L	L	15.62
T-6	Temporary portable storage containers	L	L	15.62
T-9	Carrier on wheels (COW)	L	L	15.62
T-10	Yard sales	L	L	15.62
T-11	Itinerant merchant/peddler	L	L	15.62

Excerpt of B1.04 Complete Intensity Table

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Minimum Livability Space Ratio* (LSR)	Minimum Setbacks	
					Street	Interior
Residential Zoning Districts						
R1	8,000 sq. ft.	70 ft.	56 ft.	.53	20 ft.	14 ft.
R1S	5,000 sq. ft.	35 ft.	28 ft.	NA, Refer to UDO 14.06.03(D)	20 ft.	7 ft (Refer to UDO 14.06.03(E)2.

Excerpt of B1.05 Complete Building Height Table

Zone	Height Limitation
R1	3 stories
R1S	1 story with an attic or basement/25'; Refer to UDO 14.06.03(F)

Excerpt of B1.06 Complete Occupancy Table

Occupancy Regulation	Zoning District
One family or up to 2 unrelated	R1 Single-Family Residential R1S Small Home Residential

Occupancy Regulation	Zoning District
Note: a dwelling occupied by a family (but not unrelated persons) may also have one (1) roomer.	

Staff Analysis:

Delmar Street is a subcollector street approximately 1,300 feet (about a quarter mile) long. The western end (nearest 421 and Old 421) is commercially developed. The street quickly transitions to residential with the last half of the street consisting mostly of single-family dwellings. The street ends at the Watauga High School property. Parallel streets Spruce Street and Daniel Boone Drive/Daniel Boone Drive Extension have similar characteristics.

The R1S zoning designation is one of the Town's newest zones. Currently there is only 1 development in the Town zoned R1S – 163 through 175 Delmar Street, approximately 300 feet from the subject property.

The R1S zoning allows for smaller lots with smaller dwellings thus more dense development than the R1.

Staff Note: *The proposed zoning change will create a small non-conformity as the existing house on the property is 1,494 square feet (per County tax records). The maximum house size permitted in R1S is 1,200 square feet with an 800 square foot footprint.*

CONFORMITY TO ADOPTED PLANS**COMPREHENSIVE PLAN UPDATE****1.1 Overall Objectives for the Boone Comprehensive Plan (p. 15):**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

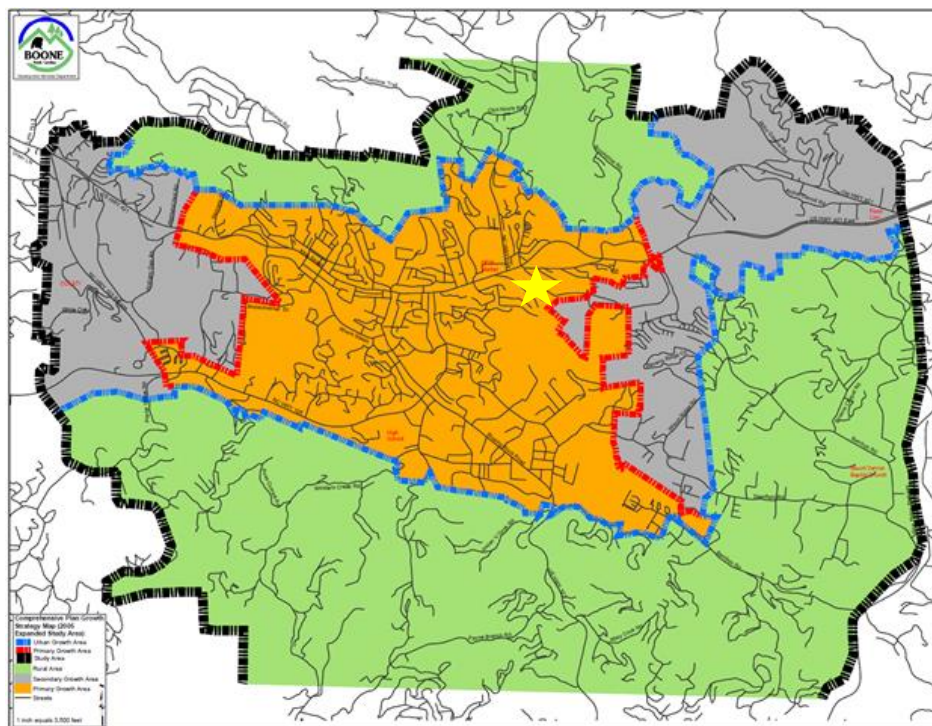
Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

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

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

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

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



The property is located within the Primary Growth area. The Primary Growth Area is that portion of the urban growth area where urban level or facilities are already in place or can be provided most cost effectively. This is the area where near term growth and development is to be especially encouraged.

The Secondary Growth Area is that portion of the urban growth area where urban level services can be provided, but on a lower priority basis than in the primary growth area.

Additionally, for comparison, the Rural Area is that portion of the planning study area that is influenced by urban area growth forces, but within which urban level development should be strongly discouraged.

Urban level services and associated development densities should not be planned for this area, except in case by case evaluations of major economic development projects.

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

2.1 Economy

...

2.1.1 Economic Development

- A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy.
- D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.
- K. Boone shall identify and provide services consistent with the needs of the area's growing retiree population.

...

2.2.2 Utilities

- A. Extensions of water and/or sewer services that could result in scattered, non-directed development and costly provision of other urban services shall be prohibited.
- B. Water and sewer services shall be concentrated within the limits of a geographically defined Urban Growth Area. The Primary Growth Area shall receive first priority for the provision or enhancement of water and sewer services.
- C. The Town shall employ incentives to encourage a concentration of intense urban type development within the Urban Growth Area.

...

2.2.5 Environmental Health

- C. Development activities in the 100-year floodplain or near lakes or streams shall be carefully controlled. If development must occur, low intensity uses such as open space, recreation and adequately buffered agricultural or forestry activities shall be preferred.
- D. Runoff and drainage from development activities shall be of a quality and quantity as near to natural conditions as possible, with special emphasis given to critical watershed areas.

...

2.3 THE COMMUNITY

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

2.3.2 Community Character

- A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area.
- 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.
- D. Innovative and flexible land planning and development practices shall be encouraged to create livable developments which better safeguard land, water, energy and historic resources.
- D.1 Continue to evaluate opportunities in the zoning ordinance for flexibly designed and located single-family and multi-family residential developments.
- G. Compact, full service neighborhoods, offering opportunities for living, working, shopping, and gathering places, shall be encouraged in newly planned developments, as well as for redeveloping areas
- H. The overall housing unit density for proposed infill residential development or redevelopment should be compatible with the average density of existing areas.

...

Certificate of Mailing

I, Brenda Henson, certify that individual notices meeting the requirements of Article 9 of the Town of Boone UDO were placed in the mail (first class) on November 3, 2023.

/s/ Brenda Henson

Brenda Henson, Administrative Support /Permit Technician

Certification of Posting

I, Darrell Pulliam, certify that the subject property was posted as required in Article 9, Subsection 9.03.03(B)(2) of the Town of Boone UDO on November 2, 2023.

/s/ Darrell Pulliam

Darrell Pulliam, Code Compliance Official

PLANNING BOARD REPORT/RECOMMENDATIONS

Per NCGS 160D-604(b), subsequent to initial adoption of a zoning regulation, all proposed amendments to the zoning regulation or zoning map shall be submitted to the Planning Commission for review and comment. If no written report is received from the Planning Commission within 30 days of referral of the amendment to that board, the Town Council may act on the amendment without the Planning Commission report. The Town Council is not bound by the recommendations, if any, of the Planning Commission. Per NCGS 160D-604(d), when conducting a review of proposed zoning text or map, the Planning Commission shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Commission shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the Planning Commission, but a comment by the Planning Commission that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

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

Note 1

Vote 2: The Planning Commission recommends ☐approval OR ☐denial of Ordinance A23-0317 within Exhibit A and believes ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

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

Note 2: briefly explain why, factors may include (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

TOWN COUNCIL ACTION -- Adoption of Ordinance

Per NCGS 160D-605, when adopting or rejecting any zoning text or map amendment, the Town Council shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the governing board that at the time of action on the amendment the governing board was aware of and considered the planning board's recommendations and any relevant portions of an adopted comprehensive plan. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently.

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

Note 1

Vote 2: The Town Council ☐approves OR ☐denies Ordinance A23-0317 within Exhibit A and believes ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

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

Note 2: briefly explain why, factors may include (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

Exhibit A

Ordinance A23-0317

WHEREAS, pursuant to N.C. Gen. Stat. §160D-601, the Town may amend its zoning map after giving proper public notice and holding a public hearing; and

WHEREAS, the Planning Commission and Town Council has received the request to amend the Official Zoning Map of the Town of Boone, North Carolina to rezone the property below from R1 Single-Family Residential to R1S Small Home Residential:

Address	Watauga Co. PIN	Property Owner	Proposed Zoning
255 Delmar Street	2910-68-9812-000	Bryan Jeffrey Pleasants	R1S Small Home Residential

WHEREAS, the Boone Town Council held a duly-noticed public hearing November 27, 2023 with respect to this rezoning request; and

WHEREAS, the Boone Town Council has taken into full consideration any information offered at the public hearing; and

WHEREAS, this Town Council has reviewed the written recommendations of the Town of Boone Planning Commission; and

NOW, THEREFORE, BE IT RESOLVED as follows:

- SECTION 1.** The Boone Town Council hereby approves and adopts the modifications to the Town Zoning Map as set forth herein.
- SECTION 2.** All provisions of any Town ordinance in conflict with this ordinance are hereby repealed to the extent of such conflict.
- SECTION 3.** This Ordinance shall be effective immediately upon its adoption by Town Council.

Adopted this the 4th day of December, 2023.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon, Town Clerk

General Use Zoning Map Amendment Application

Town of Boone Planning & Inspections Department

680 W. King Street, Suite C • Boone, North Carolina 28607

Phone (828) 268-6960 • Fax (828) 268-6961 • Email: planning@townofboone.net • www.townofboone.net



A. Required to be Submitted at Time of Application

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

- ✓ Failure to provide the info required on this application may delay the review and scheduling of the requested hearing.
- ✓ Property Owner Authorization for all property included in the request. See [Section D](#).
- ✓ Deed(s) of all property to be included in the request,
- ✓ Both a digital and a hard copy of a written metes and bound legal description with accompanying survey map for a request that would rezone only a portion of a tax parcel or requests for multiple zoning districts.
- ✓ Permit Fee (See Planning & Inspections Fee Schedule)

Each application is allowed two (2) reviews. The 1st review of the submitted information and a 2nd review if revisions or supplemental information is required based upon the 1st review. Each subsequent review after the 2nd review will be charged at 50% of the original fees charged for the application. These fees shall be paid at the time of resubmittal.

B. Property Information

Street Address:

578 E. King Street Boone, NC 28607

Watauga County Parcel Identification Number:

2910-38-5215-000

Existing Zoning District(s): B3 - General Business

Proposed Zoning District(s): R2 - Two-Family Residential

Adjacent Land Uses: N: Commercial

E: Single Family

S: Multi-Family

W: Single Family

Are there any existing variances or special use permits granted to the property?

☐ Yes ☐ No ☒ Unknown

If yes, describe:

Total Land Area: 0.50 Acres

C. Property Owner Information

Name:

George Calvin Greene, III & William Len Greene

Complete Mailing Address (Street, City, Zip):

7139 Bell Manor Cove Memphis, TN 38138

Phone Number:

(901) 497-0591

Email Address:

wgreene4@comcast.net

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

D. Applicant Signature and Property Owner Authorization

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

George Calvin Greene, III

William Len Greene

Property Owner (Print)

George Calvin Greene III

William Len Greene

Property Owner (Signature)

10/2/23

10/2/23

Date

Official Use Only				
Permit Name: <u>Greene, George + William - GUZMA</u>				
Permit Number: <u>A23-0428</u>				
Date: <u>10-11-23</u>	Fee: \$ <u>750.00</u> <u>15.00</u>	Receipt Number: <u>076396</u> <u>076397</u>	Method of Payment: ☐ Cash <u>2495</u> ☒ Check <u>3395</u> Number: _____	Paid By: <u>Wellspring Carolin Inva</u> <u>Alan Cree</u>

\$ 765.00

Official Use Only - Hearing/Decision Information

Public Hearing Meeting Date: _____

PC Meeting Date: _____

TC Meeting Date: _____

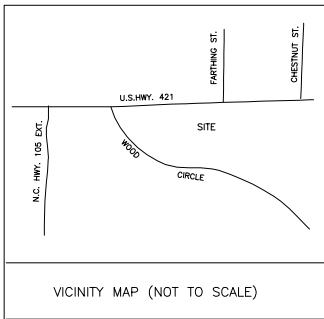
Date of APO Mailed Notification: _____

Date of Posted Notification: _____

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

S:\FORMS\PI_Forms_Current\Planning Forms\GenUseZMapAmend_07012019.doc

Communication: Case A23-0428 Greene - Application (Case A23-0428 George & William Greene - General Use Zoning Map Amendment)



- LEGEND
- EIP = EXISTING IRON PIPE
 - EIR = EXISTING IRON ROD
 - NIP = NEW IRON PIPE SET
 - NIR = NEW IRON ROD SET
 - O = COMPUTED POINT
 - = LINES SURVEYED
 - - - = LINES NOT SURVEYED
 - POB = POINT OF BEGINNING
 - PP = UTILITY POLE
 - R/W = RIGHT-OF-WAY
 - X = FENCE
 - CMP = CORRUGATED METAL PIPE

- I, Ralph E. Daughtry, Professional Land Surveyor, L-4155 certify to one or more of the following as indicated thus: X ☒
- ☐ a. That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.
 - ☐ b. That the survey is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land.
 - ☒ c. Any one of the following:
 - ☒ 1. That the survey is of an existing parcel or parcels of land and does not create a new street or change an existing street;
 - ☐ 2. That the survey is of an existing building or other structure, or natural feature, such as a watercourse; or
 - ☐ 3. That the survey is a control survey.
 - ☐ d. That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision.
 - ☐ e. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in (a) through (d) above.

RALPH E. DAUGHTRY, PROFESSIONAL LAND SURVEYOR L-4155

I, Ralph E. Daughtry, Jr., certify that this map was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 435, Page 1052); that the boundaries not surveyed are clearly indicated as drawn from information found in Book 435, Page 1052; that the ratio of precision as calculated is 1:10,000; that this plat was prepared in accordance with G.S. 47-30 and (21 NCAC 56.1600) as amended witness my original signature, license number and seal this 3rd day of JUNE, A.D. 2013

Seal or Stamp

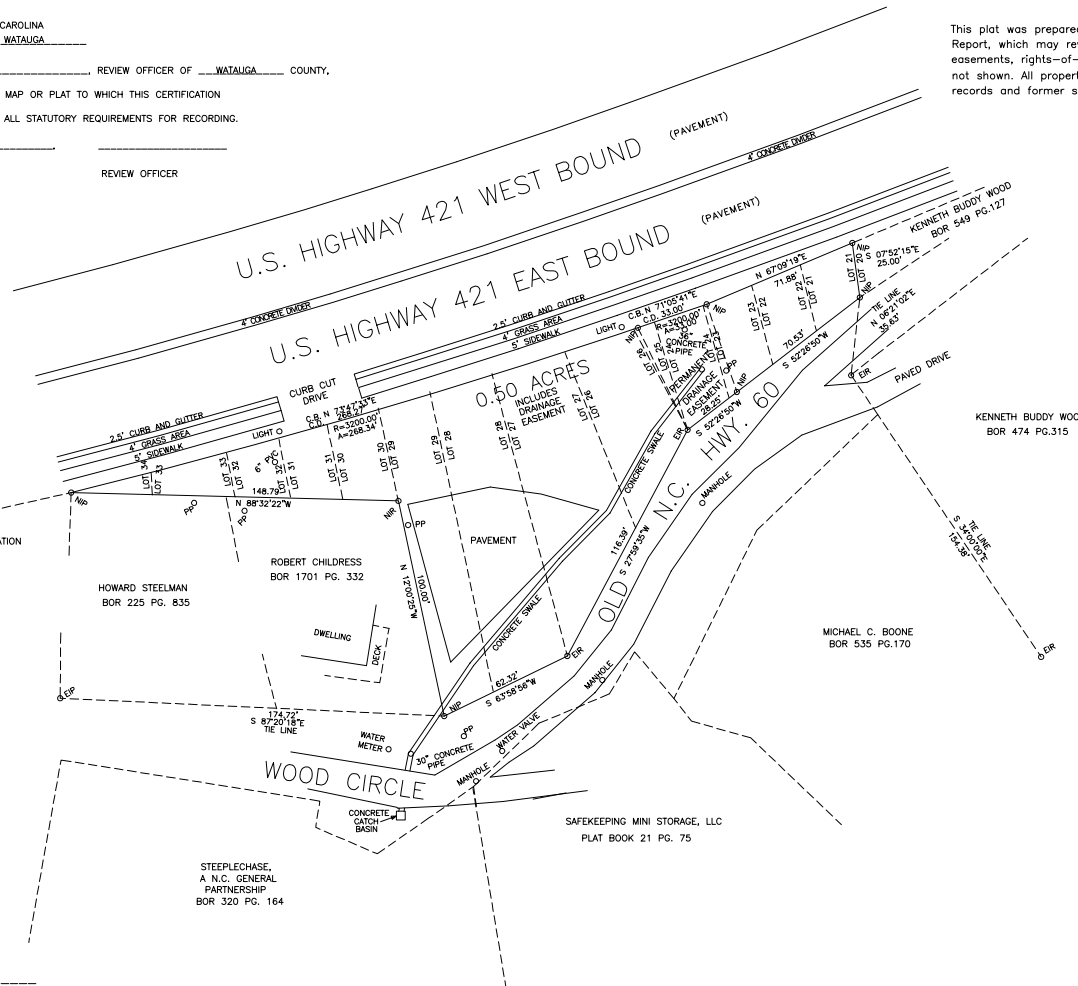
Surveyor, PLS, No. L-4155



STATE OF NORTH CAROLINA
COUNTY OF WATAUGA

I, _____, REVIEW OFFICER OF WATAUGA COUNTY,
CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION
IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

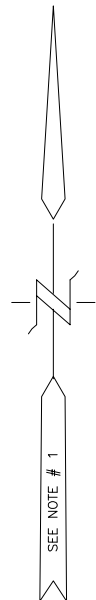
DATE: _____ REVIEW OFFICER



NOTES

- BEARINGS RELATIVE TO N.C.G.S. NAD "83" PER A SURVEY BY RUSSELL C. SHAW P.L.S. L-2899 TRACT "C" RECORDED IN BOOK 535 PAGE 170
- AREA COMPUTED BY COORDINATE GEOMETRY
- DEED REFERENCE: A PORTION OF DEED BOOK 76 PAGE 32, BOOK 1436 PAGE 664 AND BOOK 1502 PAGE 167
- PLAT REFERENCE: A PORTION OF PLAT BOOK 1 PAGE 89 (H. J. HARDIN ESTATE)
- THE RIGHT-OF-WAY LINE WAS ESTABLISHED BY RIGHT-OF-WAY PLANS PROJECT-U-4020 WBS: 35015.21 WATAUGA COUNTY PARCEL NO. 045 NO RIGHT-OF-WAY MONUMENTS HAVE BEEN SET AS OF THIS DATE
- PERMANENT DRAINAGE EASEMENT RECORDED IN BOOK 1502 PAGE 170
- BY GRAPHIC DETERMINATION THE SUBJECT PROPERTY IS LOCATED WITHIN FLOOD ZONE "X" AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN PER THE FLOOD INSURANCE RATE MAP "FIRM" PANEL 2910 MAP NUMBER 3710291000J DATED DECEMBER 3, 2009
- ACCORDING TO THE TOWN OF BOONE ZONING MAP THE SUBJECT PROPERTY IS LOCATED WITHIN COORDINATOR DISTRICT B-3 (GENERAL BUSINESS)

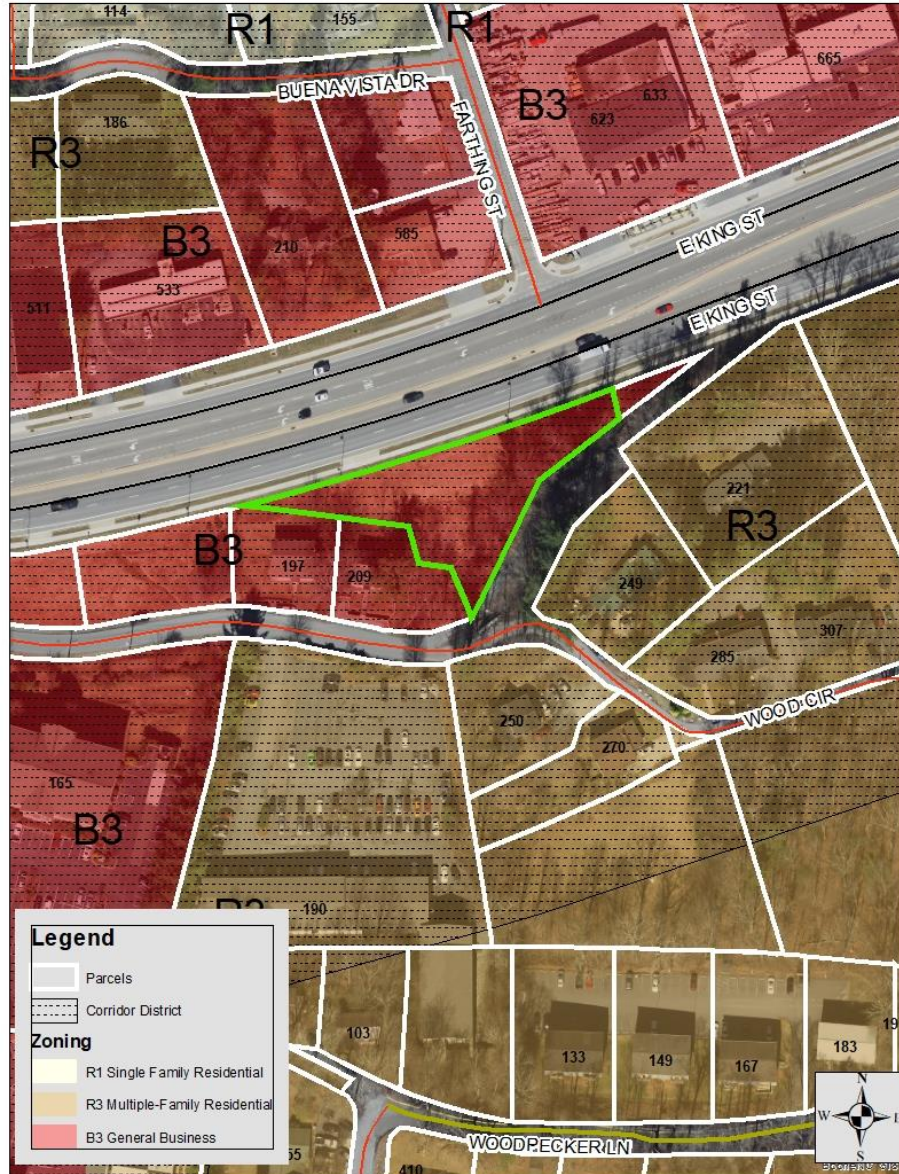
This plat was prepared without the benefit of a Title Report, which may reveal additional conveyances, easements, rights-of-way, or building restriction lines not shown. All property owners were taken from current tax records and former surveys when available.



TITLE: BOUNDARY SURVEY PREPARED FOR		
CLIENT: RICHARD T. GREEN, GEORGE C. GREEN III & WILLIAM L. GREEN		
TOWNSHIP NEW RIVER	COUNTY WATAUGA	STATE NORTH CAROLINA
DATE: JUNE 3, 2013		SCALE: 1" = 40'
RALPH E. DAUGHTRY LAND SURVEYING 2043 TYNECASTLE HIGHWAY UNIT 2 BANNER ELK, NORTH CAROLINA 28604 PHONE: 828-898-5591		
GRAPHIC SCALE - FEET		
MAP # D13052		



Staff Report
November 27, 2023
Case A23-0428 Greene, George & William General Use Zoning Map Amendment



Request

William Greene and Calvin (George) Greene III have submitted a General Use Zoning Map Amendment petition to rezone a parcel of property between US 421 South and Wood Circle (Watauga County PIN: 2910-38-5215-000) from B3 General Business to R2 Two-Family Residential.

History

No prior zoning history has been located.

Ultimate Issue Before Council on Amendments

Pursuant to UDO Subsection 9.07, in deciding whether to adopt a proposed amendment to this Ordinance, the central issue before the Council is whether the proposed amendment advances the public health, safety, or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the Mayor and be excluded. In particular, when considering proposed general use map amendments:

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

Zoning Analysis

Property Owners Information:	William Greene & Calvin Greene III
Watauga County PIN:	2910-38-5215
Address:	TBD
Use:	Vacant
Size:	0.500 acres
Jurisdiction:	Town of Boone
Access:	Wood Circle/US 421
Corridor District:	Yes
Viewshed:	No
Watershed:	No
SFHA:	No
Steep Slope:	Yes
Very Steep Slope:	No
Vesting:	N/A
Current Zoning:	B3 General Business with Corridor District Overlay
Proposed Zoning:	R2 Two-Family Residential with Corridor Overlay District

Analysis of Adjacent Zoning

	Adjacent Zoning	Adjacent Land Use
North	B3 General Business	Multi-Family Residential Other Business/Professional Office
West	B3 General Business	Single-Family Residential
South	R3 Multi-Family Residential	Single-Family Residential Duplex
East	R3 Multi-Family Residential	Single-Family Residential

Below are excerpts from UDO Article 14 and Appendix B regarding the districts, uses, intensity and height for the B3 General Business and R2 Two-Family Residential Districts and the applicable overlay district.

Excerpt of ARTICLE 14 ZONING DISTRICTS

...

B3 General Business

- 14.21.01** The B3 General Business District is primarily intended to accommodate a wide range of office, restaurant, retail, service, and multi-family residential uses in a mixed-use environment. The regulations for this district are intended to create a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses.

R2 Two-Family Residential District

- 14.09.01** 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 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.

Corridor Overlay District

- 14.40.01** The corridor districts are established overlay district intended to protect the main thoroughfares through Town.

APPENDIX B COMPARATIVE TABLES**Excerpt of B1.01****Complete Table of Principal Uses**

Use #	Specific Use	Zoning Districts		Reference
		Medium to High Density Residential	Commercial /Industrial	
		R2	B3	
1.0 Household Living				
1.01	Single-Family Dwelling	P		
1.02	Manufactured Home “Class A”	L		15.01
1.03	Manufactured Home “Class B”			15.01
1.04	Manufactured Home “Class C”			
1.05	Manufactured Home Park			15.02
1.06	Duplex (one duplex building per lot)	P		
1.07	Duplex (more than one duplex building per lot)			15.03
1.08	Townhouse (up to 30 bedrooms)			15.03
1.09	Townhouse (31-100 bedrooms)			15.03
1.1	Townhouse (> 100 bedrooms)			15.03
1.11	Multi-Family Dwelling (up to 30 bedrooms)			15.03
1.12	Multi-Family Dwelling (31-100 bedrooms)			15.03
1.13	Multi-Family Dwelling (> 100 bedrooms)			15.03
1.14	Multi-Family Dwelling in Mixed Use (up to 30 bedrooms)		L	15.04
1.15	Multi-Family Dwelling in Mixed Use (31-100 bedrooms)		L ^{T125}	15.04
1.16	Multi-Family Dwelling in Mixed Use (> 100 bedrooms)		L ^{T200}	15.04
1.17	Adult Living Community			
2.0 Group Living				
2.01	Family Care Home	L		15.06
2.02	Family Care Institutions			15.07
2.03	Halfway House, Category 1			15.07
2.04	Halfway House, Category 2			15.07
2.05	Residential Care Facility		p ^{T300}	
2.06	Fraternity or Sorority Dwelling			15.09
2.07	Boarding House		L	15.1
3.0 Transient Living				
3.01	Home for Survivors of Domestic Violence	L		15.11
3.02	Shelter for Homeless, Category 1		L ^{T50}	15.12
3.03	Shelter for Homeless, Category 2		L ^{T300}	15.12

3.04	Bed and Breakfast, Category 1	L ^{T50}		15.13
3.05	Bed and Breakfast, Category 2	L	L ^{T125}	15.13
3.06	Vacation Rental		L ^{T75}	15.14
3.07	Homestay Rental	L	L	15.05
3.08	Motel		p ^{T300}	
3.09	Hotel, Small		P	
3.1	Hotel, Large		p ^{T200}	
3.11	Hotel, extended stay		p ^{T300}	
4.0 Institutional				
4.01	Airport/Landing Strip			15.15
4.02	Heliport			
4.03	Funeral Home Establishment		P	
4.04	Cemetery	P	P	
4.05	Post Office		P	
4.06	Post Office, Distribution			
4.07	Animal Sanctuary			
5.0 Government Uses				
5.01	Government Cultural Facility		P	
5.02	Government Neighborhood Cultural Facility, Indoor Activity Only	S	P	
5.03	Government Neighborhood Cultural Facility, Includes Outdoor Activity		P	
5.04	Recreation Facility, Category 1		P	
5.05	Recreation Facility, Category 2	P	P	
5.06	Recreation Facility, Category 3	S	p ^{T50}	
5.07	Event Venue, Category 1		P	
5.08	Event Venue, Category 2		P	
5.09	Event Venue, Category 3		p ^{T50}	
5.1	Landfill			
5.11	Solid Waste Processing			
5.12	Police Substation	P	P	
5.13	Utility Facility, Town	L	L	15.16
5.14	Utility Facility, Government, Neighborhood	L	L	15.16
5.15	Utility Facility, Government, Regional		L ^{T300}	15.16
5.16	Government Facility		P	
6.0 Non-Government Utility Facility				
6.01	Utility Facility, Neighborhood	L	L	15.16
6.02	Utility Facility, Regional		L ^{T300}	15.16
7.0 Wireless Communication				
7.01	Small Wireless Collocation	L	L	15.18

7.02	Wireless Facility Collocation on Existing Wireless Support Structure or Utility Pole	L	L	15.17
7.03	Stealth Wireless Facility Attached to Existing Building or Structure	L	L	15.17
7.04	Non-stealth Wireless Facility Attached to Existing Building or Structure			15.17
7.05	Non-stealth Wireless Facility Collocation on Electrical Transmission Towers	L	L	15.17
7.06	Stealth Wireless Support Structure	L	L	15.17
7.07	Non-stealth Wireless Support Structure		L	15.17
7.08	Emergency Response Communication Antenna	P	P	
8.0 Assembly				
8.01	Religious Assembly, Category 1	P	P	
8.02	Religious Assembly, Category 2	pT125	P	
8.03	Religious Assembly, Category 3		pT200	
8.04	Club/Lodge, Category 1		p T75	
8.05	Club/Lodge Which Does Not Serve Alcohol		P	
9.0 Education				
9.01	Public colleges and universities			
9.02	Private colleges and universities			
9.03	Trade school			
9.04	High school			
9.05	Elementary school			
9.06	Boarding school			
9.07	College- or university-operated community enterprise			15.63
9.08	College- or university-operated child daycare center			15.19
10.0 Daycare				
10.01	Child Daycare, Large		L	15.19
10.02	Child Daycare Center		L	15.19
10.03	Adult Daycare, Large		L	15.19
10.04	Adult Daycare Center		L	15.19
10.05	All Other Daycare			
11.0 General Sales and Service				
11.01	Kennel		L ^{T125}	15.2
11.02	Veterinary Office/Hospital with Outdoor Kennels		L ^{T125}	15.2
11.03	Veterinary Office/Hospital without Outdoor Kennels		P	
11.04	Financial Institution ≤ 5,000 ft ²		P	
11.05	Financial Institution > 5,000 ft ²		P	

11.06	Restaurant ≤ 2,500 ft ² open to the public during 10 pm – 6 am		p T75	
11.07	Other Restaurants ≤ 2,500 ft ²		P	
11.08	Restaurant > 2,500 ft ² open to the public during 10 pm – 6 am		pT200	
11.09	Other Restaurants > 2,500 ft ²		pT125	
11.1	Restaurant ≤ 3,500 ft ² open to the public during 10 pm-6 am			
11.11	Other Restaurants ≤ 3,500 ft ²			
11.12	Bar			
11.13	ABC Store		P	
11.14	Personal Service Establishment open to the public during 10 pm-6 am		pT75	
11.15	Other Personal Service Establishments		P	
11.16	Retail Store up to 5,000 ft ²		P	
11.17	Retail Store more than 5,000 but less than 25,000 ft ²		pT200	
11.18	Retail Store 25,000 ft ² and greater		L T300	15.21
11.19	Reserved			
11.2	Business or Professional Office open to the public during 10 pm - am		pT75	
11.21	Other Business or Professional Office		P	
11.22	Medical Office, Category 1		pT300	
11.23	Medical Office, Category 2		pT125	
11.24	Medical Office, Category 3		pT125	
11.25	Medical Office, Category 4		P	
11.26	Hospital			
11.27	Medical Emergency Response		pT300	
11.28	Open Air Market, Recurring		L T75	15.22
11.29	Vehicle Sales and Service		L T75	15.23
11.3	Equipment Sales and Service		L T125	15.24
11.31	Moped Sales and Service		P	
11.32	Boat or Marine Craft Sales and Service		L T75	15.25
11.33	Impound Lot/Towing Service		L T125	15.26
11.34	Gas Station		pT125	
11.35	Car Wash		pT125	
11.36	Seasonal Retail Activities and Amusements		P	
11.37	Electric-Vehicle Charging Station		L	15.65
12.0 Recreation & Entertainment Uses				
12.01	Indoor Shooting Range		L T75	15.27
12.02	Outdoor Shooting Range			
12.03	Indoor Theater		P	

12.04	Outdoor Theater		pT125	
12.05	Event Venue, Category 1		P	
12.06	Event Venue, Category 2		pT125	
12.07	Event Venue, Category 3		pT200	
12.08	Campground and Recreational Vehicle Park		L ^{T200}	15.28
12.09	Coliseum		S ^{T300}	
12.1	Recreation Facility, Category 1		P	
12.11	Recreation Facility, Category 2		p ^{T50}	
12.12	Recreation Facility, Category 3		pT200	
12.13	Racetrack			
13.0 Agriculture				
13.01	Garden, Community	L	L	15.29
13.02	Garden, Residential	L	L	15.3
13.03	Agricultural Operation Excluding Livestock			
13.04	Agricultural Operation Including Livestock			
13.05	Swine Farm			
13.06	Confined Animal Feeding Operation (CAFO)			
13.07	Custom Slaughterhouse			
13.08	Other Slaughterhouse			
13.09	Forestry	L	L	15.31
14.0 Manufacturing				
14.01	Microbrewery		L ^{T125}	15.32
14.02	Brewpub		L ^{T125}	15.32
14.03	Brewery/Distillery		L ^{T125}	15.33
14.04	Brewery/Distillery, Other			15.34
14.05	Winery Associated with a Vineyard			15.35
14.06	Winery		L ^{T125}	15.35
14.07	Winery, Other			
14.08	Extraction of Earth Materials			
14.09	Machine/Welding Shop		L ^{T200}	15.37
14.1	Manufacturing, Other			15.38
15.0 Parking				
15.01	Parking Lot		L	15.39
15.02	Parking Structure		L	15.4
15.03	Park and Ride Lots		L	15.39
16.0 Storage				
16.01	Self-Storage Facilities		L ^{T75}	15.41
16.02	Outdoor Storage			15.42
16.03	Warehouse			
16.04	Fuel Storage Facility		p ^{T300}	

16.05	Chemical Storage Facility			
17.0 Transportation				
17.01	Passenger Terminals		pT200	
17.02	Trucking or freight terminal ≤ 10,000 ft ²		pT125	
17.03	Trucking or freight terminal > 10,000 ft ²			
18.0 Waste Related Uses				
18.01	Recycling Drop-off Station			15.42
18.02	Recycling and Salvage			15.42
18.03	Junkyard			
18.04	Private Landfill			
19.0 Particular Activities Which Pose Particular Concern About Public Health				
19.01	Electronic and Internet Gaming		S	15.43
19.02	Adult Establishments		S	15.44

Excerpt of B1.02 Complete Table of Accessory Uses

Use #	Accessory Use	Zoning Districts		Reference
		Medium to High Density Residential	Commercial /Industrial	
		R2	B3	
A-1	Secondary suite	L	L	15.45
A-2	Home occupation	L	L	15.46
A-3	Accessory dwelling unit	L	L	15.47
A-4	Drive-through		L	15.48
A-5	Outdoor display		L	15.49
A-6	Outdoor storage		L	15.5
A-7	Outdoor dining		L	15.51
A-8	Automated teller machine (ATM)		P	
A-9	Automated teller machine (ATM), freestanding		L	15.52
A-10	Produce stand			15.53
A-11	Poultry	L	L	15.54
A-12	Livestock, small	L	L	15.55
A-13	Livestock, large			15.56
A-14	Bees	L	L	15.57
A-15	Garden, residential	L	L	15.58
A-16	Satellite receiving antennas less than 1 meter in diameter	P	P	
A-17	Satellite receiving antennas less than 2 meters in diameter		P	

A-18	Satellite receiving antennas 2 meters and greater in diameter		S	
A-19	Helistop		S ^{T300}	
A-20	Swimming pools, spas, and hot tubs	L	L	15.59
A-21	Caretaker's residence		L	15.6
A-22	Vehicular gate	L	L	15.61
A-23	Vehicle washing station		P	
A-24	Chemical storage facility		P ^{T125}	
A-25	Open air market, accessory	L	L	15.22
A-26	Daycare, small	P	P	
A-27	Limited structure to enable recreational use of open rooftops		L ^{T300}	14.03.07(G) 14.19.06(H)(8)(d)
A-28	Solar Energy System	L	L	15.64
A-29	Electric-Vehicle Charging Station	L	L	15.65

Excerpt of B1.03 Complete Table of Temporary Uses

Use #	Temporary Use	Zoning Districts			Reference
		Medium to High Density Residential	Commercial /Industrial		
		R2	B3		
T-1	Temporary family care structure	L	L		15.62
T-2	Temporary construction or repair dwelling	L	L		15.62
T-3	Temporary construction trailer	L	L		15.62
T-4	Temporary mobile medical unit				15.62
T-5	Temporary classroom				15.62
T-6	Temporary portable storage containers	L	L		15.62
T-7	Temporary staging				15.62
T-8	Temporary non-fixed site event venue				15.62
T-9	Carrier on wheels (cow)	L	L		15.62
T-10	Yard sales	L	L		15.62
T-11	Itinerant merchant/peddler	L	L		15.62
T-12	Open air market, temporary		L		15.62
T-13	Temporary Use 9.01 Public Colleges and Universities				15.62

Excerpt of B1.04 Complete Intensity Table

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Minimum Livability Space Ratio* (LSR)	Minimum Setbacks	
					Street	Interior
Residential Zoning Districts						
R2	6,000 sq. ft.	70 ft.	56 ft.	.48	20 ft.	13 ft.
B3	5,000 sq. ft.	50 ft	40 ft.	.27	20 ft.	17 ft.

Excerpt of B1.05 Complete Building Height Table

Zone	Height Limitation
R2	3 stories
B3	3 stories/45' primary – 4 stories/56' secondary

Excerpt of B1.06 Complete Occupancy Table

Occupancy Regulation	Zoning District
One family or up to 2 unrelated Note: a dwelling occupied by a family (but not unrelated persons) may also have one (1) roomer.	R2 Two-Family Residential
One family or up to 4 unrelated Note: a dwelling occupied by a family (but not unrelated persons) may also have one (1) roomer.	B3 General Business

Staff Analysis:

When considering this zoning map amendment request, the impact(s) on the surrounding properties should be evaluated. The surrounding properties are primarily zoned B3 to the north and west and R3 to the south and east, but several non-conforming uses are present. The subject parcel abuts 421/East King Street, one of the major business corridors. The parcel also backs up to Wood Circle, a subcollector street approximately 1000 feet in length with no outlets. Wood Circle contains a mixture of all residential types (single-family, two-family and multi-family) and undeveloped parcels. The requested R2 zoning district has far fewer permissible uses than does the current B3 zoning district.

The subject property is located within the Corridor Overlay District. One of the permissible uses in the R2 zoning district is 1.01, Single-family Dwelling. UDO 14.40.03 specifically exempts single-family residences from the Corridor District requirements which would then allow a single-family use to have a driveway onto 421/East King Street. All other uses in both the B3 and R2 zoning districts would be subject to Corridor District stipulations.

The two adjoining parcels to the West are both zoned B3 although both are currently used as single-family dwellings. For illustrative purposes, should the owner(s) of those parcels desire to redevelop a commercial use on the parcel, the R2 zoning would place additional landscaping requirements on the future developers. Most commercial uses that abut R2-zoned residential properties are subject to Class B or Class C landscape buffers (which are wider and more vegetative than the standard Class A landscape buffer which would apply when most commercial uses abut a B3-zoned property).

CONFORMITY TO ADOPTED PLANS

COMPREHENSIVE PLAN UPDATE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

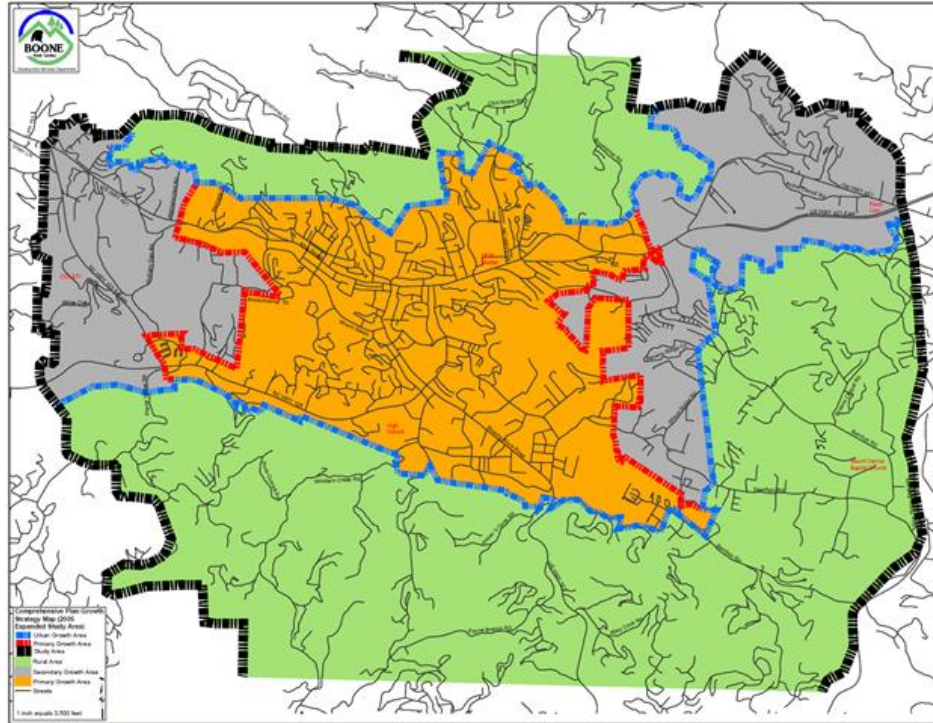
Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

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

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

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

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



The property is located within the Primary Growth area. The Primary Growth Area is that portion of the urban growth area where urban level or facilities are already in place or can be provided most cost effectively. This is the area where near term growth and development is to be especially encouraged.

The Secondary Growth Area is that portion of the urban growth area where urban level services can be provided, but on a lower priority basis than in the primary growth area.

Additionally, for comparison, the Rural Area is that portion of the planning study area that is influenced by urban area growth forces, but within which urban level development should be strongly discouraged. Urban level services and associated development densities should not be planned for this area, except in case by case evaluations of major economic development projects.

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

2.1 Economy

...

2.1.1 Economic Development

- A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy.

- C. The Town shall encourage the development of a well-balanced tourism trade as a primary element of the area's economic future. Investments in services, facilities, and proper growth management shall be employed in furtherance of this objective.
- D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.
- K. Boone shall identify and provide services consistent with the needs of the area's growing retiree population.

...

2.1.2 Commercial Development

- A. Uncontrolled strip development along the areas through streets shall be prohibited. The undesirable effects of existing strip development shall be reduced and/or reconfigured when redevelopment opportunities permit. New strip development on isolated single lots along through streets shall be discouraged.
- B. Commercial and Office Development shall be encouraged to locate in planned shopping centers, office parks and mixed use developments to stop the proliferation of strip development.
- C. Community/Commercial Centers shall be located adjacent to a major street and contain or be adjacent to other appropriate community facilities.
- D. Automobile Orientated Neighborhood and Convenience Commercial Centers shall be encouraged to locate on a collector street or secondary street at its intersection with a major street.
- E. Residentially scaled and designed neighborhood businesses may be a planned element of newly developed or redeveloped neighborhoods. They should be near other compatible facilities such as elementary schools and neighborhood parks.
- F. Commercial uses may be encouraged to develop by consolidation and expansion of existing commercially zoned property, only when such consolidation and expansion does not encroach upon a viable residential area.
- G. Effective buffering and/or landscaping shall be provided where a large scale or automobile-orientated commercial or office use adjoins an existing or planned residential use.
- H. Encroachment of incompatibly scaled and designed commercial or office uses into viable existing or planned residential areas shall be prohibited.
- I. Office and institutional development may be encouraged as a transitional land use between residential areas and higher intensity commercial activities.
- J. Highway Oriented Commercial uses shall be clustered along segments of major streets and contain land uses which are mutually compatible and reinforcing in use and design. Businesses shall be encouraged to coordinate their site designs with other nearby businesses. Design factors shall include, at a minimum, shared parking and street access, convenient pedestrian and vehicular movement, and consistent sign standards.

2.2.2 Utilities

- A. Extensions of water and/or sewer services that could result in scattered, non-directed development and costly provision of other urban services shall be prohibited.
- B. Water and sewer services shall be concentrated within the limits of a geographically defined Urban Growth Area. The Primary Growth Area shall receive first priority for the provision or enhancement of water and sewer services.
- C. The Town shall employ incentives to encourage a concentration of intense urban type development within the Urban Growth Area.

...

2.2.5 Environmental Health

- C. Development activities in the 100-year floodplain or near lakes or streams shall be carefully controlled. If development must occur, low intensity uses such as open space, recreation and adequately buffered agricultural or forestry activities shall be preferred.
- D. Runoff and drainage from development activities shall be of a quality and quantity as near to natural conditions as possible, with special emphasis given to critical watershed areas.

2.3 THE COMMUNITY

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

2.3.2 Community Character

- A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area.
- 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.
- H. The overall housing unit density for proposed infill residential development or redevelopment should be compatible with the average density of existing areas.

...

Certificate of Mailing

I, Brenda Henson, certify that individual notices meeting the requirements of Article 9 of the Town of Boone UDO were placed in the mail (first class) on November 3, 2023.

/s/ Brenda Henson

Brenda Henson, Administrative Support/Permit Technician

Certification of Posting

I, Darrell Pulliam, certify that the subject property was posted as required in Article 9, Subsection 9.03.03(B)(2) of the Town of Boone UDO on November 7, 2023.

/s/ Darrell Pulliam

Darrell Pulliam, Code Compliance Official

PLANNING BOARD REPORT/RECOMMENDATIONS

Per NCGS 160D-604(b), subsequent to initial adoption of a zoning regulation, all proposed amendments to the zoning regulation or zoning map shall be submitted to the Planning Commission for review and comment. If no written report is received from the Planning Commission within 30 days of referral of the amendment to that board, the Town Council may act on the amendment without the Planning Commission report. The Town Council is not bound by the recommendations, if any, of the Planning Commission. Per NCGS 160D-604(d), when conducting a review of proposed zoning text or map, the Planning Commission shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Commission shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the Planning Commission, but a comment by the Planning Commission that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

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

Note 1

Vote 2: The Planning Commission recommends ☐approval OR ☐denial of Ordinance A23-0428 within Exhibit A and believes ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

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

Note 2: briefly explain why, factors may include (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

TOWN COUNCIL ACTION -- Adoption of Ordinance

Per NCGS 160D-605, when adopting or rejecting any zoning text or map amendment, the Town Council shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the governing board that at the time of action on the amendment the governing board was aware of and considered the planning board's recommendations and any relevant portions of an adopted comprehensive plan. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently.

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

Note 1

Vote 2: The Town Council ☐approves OR ☐denies Ordinance A23-0428 withing in Exhibit A and believes ☐approval OR ☐denial is reasonable and in the public interest because:

Note 2

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

Note 2: briefly explain why, factors may include (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

Exhibit A**Ordinance A23-0428**

WHEREAS, pursuant to N.C. Gen. Stat. §160D-601, the Town may amend its zoning map after giving proper public notice and holding a public hearing; and

WHEREAS, the Planning Commission and Town Council has received the request to amend the Official Zoning Map of the Town of Boone, North Carolina to rezone the property below from B3 General Business with Corridor District Overlay to R2 Two-Family Residential with Corridor District Overlay:

Address	Watauga Co. PIN	Property Owner	Proposed Zoning
TBD	2910-38-5215-000	William Greene & Calvin Greene III	R2 Two-Family Residential

WHEREAS, the Boone Town Council held a duly-noticed public hearing September 25, 2023 with respect to this rezoning request; and

WHEREAS, the Boone Town Council has taken into full consideration any information offered at the public hearing; and

WHEREAS, this Town Council has reviewed the written recommendations of the Town of Boone Planning Commission; and

NOW, THEREFORE, BE IT RESOLVED as follows:

SECTION 1. The Boone Town Council hereby approves and adopts the modifications to the Town Zoning Map as set forth herein.

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

SECTION 3. This Ordinance shall be effective immediately upon its adoption by Town Council.

Adopted this the 4th day of December, 2023.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon, Town Clerk