

**Town of Boone
Planning Commission
Special Meeting
5:30 PM, Dec. 14, 2016
Council Chambers, 1500 Blowing Rock Road**

I. Call to Order

II. Adoption of Agenda

III. Approval of Minutes

September 19, 2016 Wellness District Workshop

September 26, 2016 Public Hearing

September 26, 2016 Planning Commission

IV. Case 20160735: Beverly Heights/VFW- General Use Zoning Map Amendment

Case 20160735 Beverly Heights/VFW NCD Application Information

Case 20160735 Beverly Heights/VFW NCD Staff Report

V. Case 20160734: Green Street - General Use Zoning Map Amendment

Case 20160734 Green Street Application Information

Case 20160734 Green Street Staff Report

VI. Case 20160566: Farm Bureau Insurance - Conditional District Zoning Map Amendment

Case 20160566 Farm Bureau Application Information

Case 20160566 Farm Bureau Applicant's Project Narrative

Case 20160566 Farm Bureau Site Plan Information

Case 20160566 Farm Bureau Applicant's Site Analysis

Case 20160566 Farm Bureau Building Elevations

Case 20160566 Farm Bureau Staff Report

VII. Case 20160742: Neighborhood Conservation District - UDO Text Amendment

Case 20160742 NCD Modification Application Information

Case 20160742 NCD Modification Staff Report

VIII. Case 20160751: Modifications to UDO Articles 15 and 16 - UDO Text Amendment

Case 20160751 Application Information

Case 20160751 Staff Report

Case 20160751 UDO Article 15 District Uses UDO Text Modifications

Case 20160751 UDO Article 16 District Standards UDO Text Modifications

Case 20160751 2009 Density Subcommittee Report

IX. Other Topics by Board Members or Staff

X. Adjournment

**TOWN OF BOONE
WELLNESS DISTRICT WORKSHOP
MONDAY, SEPTEMBER 19, 2016
5:30 P.M.**

COUNCIL MEMBERS PRESENT: Mayor Rennie Brantz, Mayor Pro-Tem Lynne Mason, Charlotte Mizelle, Jeannine Underdown Collins, Jennifer Teague, Loretta Clawson

PLANNING COMMISSION MEMBERS: Connor Boyle and Matthew Vincent

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

OTHERS PRESENT: Jim Byrne, Assistant Town Manager

CALL TO ORDER

Mayor Rennie Brantz welcomed everyone to the workshop at 5:33 p.m. and turned the workshop over to Mr. Bill Bailey, Director of the Planning and Inspections Department.

WELLNESS DISTRICT – DEVELOPMENT STANDARDS

Mr. Bailey noted that he would briefly review Article 17, Wellness District Standards draft standards (permanently attached) and answer questions on it. Mr. Bailey noted that if the Council would like to see a change to the draft standards a consensus vote of the Council would be satisfactory for the Staff to make the change.

Mr. Bailey noted that since this is a change to the ordinance, the review of the draft changes would be on the November 2016 public hearing agenda. Mr. Bailey said that Article 17 is adopted and it is being discussed at this workshop for possible amendments to it.

Mr. Bailey said that the original Article 17 is on the Town website but the proposed amendments to it will be put on the Town website in the morning after this workshop.

Mr. Bailey said that property owner letters had been sent out for everyone who owns property within the Wellness District. He noted that many of the property owners were at this workshop and he thanked all of them for attending.

Mr. Bailey explained that the changes that were made were to improve the language and make it in more alignment with the definitions in the code. He said he would elaborate on those changes during his presentation.

Mr. Bailey said the first change is in Article 17.02.03 District Use Requirements was to add “by right”. He noted that this change helps clarify the permitted uses in the medical district.

Mr. Bailey explained the changes to Article 17.04.02(1) Building Siting - Setbacks. He said the “public realm or public space” was removed. He explained that the “amenity zone or pedestrian zone whichever is the most restrictive” was added. Council Member Teague asked if the buildings would be on top of each other with this proposed change. Ms. Jane Shook, Planning Supervisor explained that there will be a requirement for a streetscape in the landscape section of the UDO. Mr. Bailey explained where the landscape buffer, sidewalk and pedestrian areas are located. Council Member Teague asked if, zero feet could put the building at the back of the sidewalk. Mr. Bailey said that the Staff would need direction on this at tonight’s workshop because the zero feet could put the building at the back of the sidewalk.

Mr. Bailey explained the change to Article 17.04.02(1) Building Siting - Setbacks, he said the change from walkway to sidewalk or similar public pathway was made for clarification purposes.

Mr. Bailey talked about the change to Article 17.04.03 (C1) Building Height, he explained that because there is more than equipment to consider, the language was changed to “mechanical equipment, elevators, stairs and building parapets are exempt from the height measurements”. He further explained that the building height is being described in stories.

Discussion ensued on possibly changing the number of stories. Mr. Bailey explained that the way the stories are limited is only four floors can be fronting the street. He said if the stories go higher they have to be stepped back from the front of the building to develop scale and a better pedestrian environment.

Council Member Clawson asked if the six stories can be built in the medical district. He added that in the future in terms of scale this text could be modified. He said all of the stories could be pushed back 50 percent away from the street.

Council Member Mizelle asked how tall the parapet can be that covers the elevators. Mr. Bailey said from three to five feet. Mr. Bailey clarified that the parapet is exempt from the building height measurements in the medical district only.

Mr. Bailey said the word “shall” was added for clarification to Article 17.05.01(B) Facades.

Mr. Bailey talked about the change to Article 17.05.01(C) Architectural Standards-Building Materials. He said they added “any façade” because we do not really have a major façade. He explained that a primary façade faces the main street and the secondary façade faces any street not facing the main street. He said from a maintenance perspective, they wanted to limit the use of wood as a decorative feature and keep with the feel of more substantial structures.

Ms. Shook said there should be discussion on the percentage required for the amount of rock, brick or stone that can be used as a building material. She noted that there was not a consensus of what this percentage should be. She said the percentage had been removed from the existing standards because there was not an agreement previously on what that standard should be. She said a percentage would need to be added back.

Mayor Pro-Tem Mason asked if the percentage would include timber frame work for a covered entry way. Mr. Bailey said yes.

Discussion ensued on defining a ratio for a building trim material requirement.

Mr. Bailey noted that ten percent is a low number for a percentage which is usually limited to things like corbels or eave overhangs. He noted that wood is not a green building material.

It was the consensus of the Council members to use 20 percent as a building trim material requirement.

A property owner in the Wellness District asked Mr. Bailey to give an example of how the 20 percent building trim material requirement will affect her building. Mr. Bailey said this is for new construction and substantial remodels. He said it does not require that anything be torn down and rebuilt to this standard. He further explained that if a property owner chooses to tear down their structure, they will be required to rebuild with the new standard.

Mr. Bailey confirmed that if an older building is upgraded by 50 percent of the full development cost, they would have to comply with the new standard. He noted that now the full development cost is the total value of the building and the land which makes it a harder burden to achieve. Mr. Shook noted that the repair and maintenance costs are not counted in this total.

Mr. Bailey read the four-tier system from the UDO and explained the requirements in each tier.

Mr. Tim Wilson asked about the setbacks for the small lots in the Wellness District. Ms. Shook said the interior setback is only to the degree of the building code for the fire separation. There is no traditional setback as in all the other districts. Mr. Bailey noted that because the lots are small, a developer may envision putting ten lots together. Mr. Bailey noted that the idea is to get as many medical buildings as close together as possible like a pod setup.

Mr. Wilson asked if there was a sidewalk plan for the medical district. Ms. Shook said this area is listed on the sidewalk priority list.

Ms. Shook noted that the majority of these properties that currently have offices on them are zoned O-I which have a max floor ratio of .34 but the Wellness District does not have a floor area ratio. She said there is a height limitation and other internal factors with the landscaping which includes 20 percent green on the site. She noted that this is a large deviation from development that would occur today.

A property owner in the audience said that for the owners that do not see the same vision of being in one building and they want to own their own space are given no choice but to leave the Wellness district. He further explained that if you want to build your own new space for a single practitioner where you can pull up to the front door of the building it is not allowed. Mr. Bailey said that he disagreed. Mr. Bailey said that he just explained that this can be done and there is nothing that prohibits it and that he only noted the limitations which are no more than six stories and building on 80 percent of the lot. Mr. Bailey also noted that several lots can be put together and one building built to handle several offices. Mr. Bailey said a building can be shrunk down and built on a smaller lot. Council Member Teague noted that the building must be two stories in the Wellness district.

Discussion ensued on adding the residential use back into the table. Mr. Bailey said that residential uses were taken out of the table in a compromise to get the standards adopted to allow the College of Health and Sciences project to be built with a caveat for all commercial uses to be on the ground floor.

Council Member Mizelle asked if someone can build a residential home in the Wellness District. Mr. Bailey said no the residential use was eliminated in 2014. It was noted that a building that looks like a house can be built as long as it meets the standards.

Council Member Clawson asked can you rent by the bedroom in the Wellness District. Mr. Bailey said in theory yes.

One of the doctors at this workshop asked if there were any estimated costs to live above the businesses. Mr. Bailey said there are too many variables for him to answer this question.

Mr. Rob Holton from Holton Management said he could see the Wellness district being more orientated toward the elderly.

Mr. Holton said he feels that you need the residential to drive the medical use on the first floor to make the numbers feasible to get the space that is wanted on the first floor. He said without the residential use it will not work in the same timeframe. Mr. Bailey agreed with Mr. Holton. Mr. Bailey said it was also a way to add in 24-hour security without additional police presence.

Mr. Bailey said the Staff have recommendations regarding adding the residential component back into the table.

Mr. Holton noted that the close proximity to the Greenway Trail increases walkability.

Council Member Mizelle asked Mr. Dayton Cole, Attorney for Appalachian State University asked how many students will be at the College of Health Sciences. Mr. Cole said he did not know and he added that the enrollment of the College of Health and Sciences has been the fastest growing. Council Member Mizelle said it might drive the number of beds.

Mr. Bailey said the residential component offers an opportunity for the people that work at the hospital to have a place to live while working there.

Council Member Mizelle said that she can see a potential for all types of housing in the Wellness district which include housing for the elderly and renting by the bed.

It was noted that the Wellness district is a major draw from other counties because of the medical services being offered there.

Ms. Shook said that for the property owners that are curious about their properties that they could call the Planning and Inspections Department and talk with the Staff regarding their specific properties and let the Staff explain how these standards could affect their properties.

A lady in the audience asked if the cost of medical or dental equipment is included with the cost of upgrading their building. Ms. Shook said usually equipment that is permanently affixed to the building is included in the cost but not equipment that is moved in and out of the building.

A doctor in the audience asked if x-ray equipment was included in the cost, he said his x-ray equipment is bolted to the floor and his flood insurance is tied to what he can move and what he cannot move. Ms. Shook said that property improvements that are located in a special flood hazard area are tracked completely differently to comply with FEMA requirements.

Mr. Bailey said when your property is located in a special flood hazard area, the property owner is subject to two sets of regulations and they both apply.

A doctor in the audience said he has two concerns with the proposed standards. He said that he does not see where his building will fit into the proposed standards regarding the parking in front with the building in the back, if he is forced into compliance with the renovating of this building. His other concern is if he was to sell one of his buildings would there be a grandfather clause for the buyer of the building.

Ms. Shook said in the first three tiers, the requirements are to the extent possible. She said it is not practical to say you have to pick up your building and move it to the street and put your parking behind your building. She said the status of the property goes with the property and not the property owner.

A lady in the audience asked about the painting of the buildings in the Wellness district. Ms. Shook explained that even today, if a building is repainted, it has to meet the color requirements of the ordinance.

Mr. Holton pointed out in Article 25 in the color section that the word "new" needs to be changed because it could lead a developer to think it means new construction. Mr. Bailey pointed out that this article is currently being reviewed for changes by the Community Appearance Commission and that word has already been corrected.

Mr. Johnson reviewed the field colors and noted that these colors will be somewhat affected by the decision that is made on the percentage that is tied to stone and brick.

Mr. Johnson said the Staff is proposing the use of neutral or subtle colors. He referred to a color chart in the handout (permanently attached) that included designer classic and permissible accent colors. He said a different color palette was selected for the accent colors and the accent colors are limited to ten percent. Ms. Shook pointed out that as originally adopted the colors that have the orange tab on them are the ones that perhaps should not be included in this series. She said upon review of the larger swatches, the Staff was not as confident that they should be

removed. She said the Staff would like direction on whether or not they should allow the colors as presented. She said if approved the slash marks can be removed from those particular colors.

Mr. Johnson said in Article 17.05(D) Architectural Standards – Building Color, they originally had a Sherwin Williams color palette that would be limited to ten percent. He said this does not include the corporate logos or signs. Mr. Johnson handed out a color chart containing Designer Classics Permissible Accent colors (permanently attached).

Mayor Pro-Tem Mason clarified that the colors do not have to be of this brand name. Ms. Shook agreed. It was noted that the paint colors can be purchased by other name brands, the Staff just needs to know the name of the color to review it.

It was the consensus of the Council members to use all colors.

Discussion ensued on that currently percentage of windows that will be required in the Wellness district. It was noted that there is a concern for windows in office buildings and patient privacy.

Mr. Bailey noted that currently the percentage of glass is 60 to 90 percent in a mixed use building. Mr. Bailey further explained that in a mixed-use environment the windows are to create a safe feeling for the pedestrian. He said it has been proven that a pedestrian feels safer if there are a lot of windows in the buildings.

Discussion ensued on the number of windows facing a primary façade or what could be seen as driving down the road. Mr. Bailey said by definition a primary façade faces a road. Council Member Teague said if the parking is on the back of the building this is where the entrance is going to be. She noted there will be patient rooms on the sidewalk on the front of the building. Ms. Shook asked Council Member Teague what percentage of windows the Council would be comfortable with on the building. Council Member Teague talked about her concern for patients being exposed to the sidewalk and the possibility of the public seeing drugs and other items through the windows.

Dr. Blair Warren, Dentist said the dental field needs natural light for color selection of teeth, therefore, the exam rooms should not be placed on the interior of the building. She asked about the restrictions for privacy glass. Ms. Shook said if there was a two-story building the spangled glass could be used to cover the transition from the first to second floor. Mr. Johnson said it is acceptable for the office windows to tint up to 30 percent.

Mr. Bailey read the building materials section of the ordinance regarding the percentage of windows that is acceptable.

Mr. Holton said to allow 40 percent would give some flexibility to the placement of the dental chair and equipment.

Council Member Teague said that 60 percent would be exposing the patient in the dental chair.

A doctor in the audience talked about the difference between a dental office and a medical office, he said his medical patients have to undress to have their hip or knee examined. He noted that the HIPPA laws require the privacy of patients.

It was the consensus of the Council members to use 40 percent to 90 percent for the amount of the windows.

Discussion ensued on the tinting of the windows. It was noted that the current standard is 30 percent. It was noted that different doctors have different requirements for windows. Mr. Holton pointed out that you can design around the use. Mr. Johnson said the windows have to be taken into account for any future unfits to prevent possible issues with tenants depending on their business.

Mr. Bailey read from Article 25.02.04 (C) of the UDO. He said there is no difference from the current standard to what is being proposed in this text regarding the window tinting.

Discussion ensued on the use of blinds over windows and the tinting of windows in the primary façade on the ground floor.

Ms. Shook said if a change was made to the percentage of tinting, the change would have to be made in the tint section and in Article 17.05.01 (E1). She noted that the language would have to be more clearly described in the tinting section.

Ms. Shook asked the Council what is the percentage that they would like to see for the window tinting on all of the facades. Council Member Teague said do you want all the windows tinted or not tinted. Council Member Teague suggested allowing tinted windows without mirrorization.

The medical doctor said that if he was building a new building the percentage of window tinting would not be as important to him as the percentage of glass he would have to use. He also said that he thought it would be a little unnerving to have mirrored glass on the primary facade.

Discussion ensued on the appropriate level of window tinting in the Wellness district.

It was the consensus of the Council to ask the Staff to research potential percentages and present those percentages at the November 2016 public hearing.

Mr. Bailey talked about the change in Article 17.05.01(H5) Architectural Standards - Facades that meter boxes shall not be located along the primary façade. He said if the meter boxes are located on a secondary façade screening is required.

Mr. Bailey talked about the change in Article 17.05.01(H7) Architectural Standards – Mechanical/Service Equipment & Solid Waste Enclosure Screening that all rooftop mechanical equipment should be screened from view from adjacent properties and adjacent right-of-way by use of parapet walls architecturally compatible and predominantly of the same material as the building. Mr. Bailey referred to the past discussion on the mechanical shed on top of the College of Health Sciences building and he said there was a building material change made to be architecturally compatible and predominantly of the same material as the building.

Mr. Bailey said the zero to ten feet buffer would prevent construction on top of the sidewalk.

Ms. Shook asked if the Council felt comfortable with seven and a half-foot or a ten feet buffer.

Council Member Mizelle asked if it would help to have a range of seven and one half feet to ten feet. Ms. Shook said the number would be the same in the whole district.

Ms. Shook said a sidewalk is required no matter the lot size.

Ms. Shook said that Article 17.06.03(D) Landscape Standard – Streetscape Standards is no longer needed with the changes made to the streetscape. She explained there are no landscape buffers or real requirements anymore for landscaping. She said there are minimum requirements for landscaping but your goal is to meet the 20 percent green on the lot.

It was the consensus of the Council to keep the seven and one half landscape area parallel to the sidewalk as proposed.

Mr. Bailey talked about the changes to Article 17.09.02 Signs, he said all signs must be presented in a comprehensive sign package and approved on a master plan for each development. Ms. Shook said if the signs need to be changed for a tenant, there is a requirement to modify the master plan. Mr. Bailey said this is especially important with multi-tenant buildings.

Council Member Teague asked Mr. Bailey about a recent Supreme Court decision regarding signage. Mr. Bailey said the decision deals with how we handle content. He said it stems from a case where a church had a temporary sign and they would keep moving it and leave it out longer than they were allowed. He said the jurisdiction that the sign was in had a set of regulations for churches and for real estate and for non-churches and the Supreme Court said this was illegal.

Mr. Bailey said that now the Staff is in the process of modifying the sign ordinance. He explained that several churches do not have a home location and they keep moving around and the Staff is trying to find a solution to this issue that works for everybody.

Mr. Johnson talked about a change to Article 17.10.01 Lighting. He said the ordinance still requires full cut-off fixtures. He said there are some questions on a cohesive design. He said the Community Appearance Commission recommends limiting the color of the fixture within the district to either black or silver for site lighting.

Mr. Johnson said that New River Light and Power has installed stock LED lights to meet the requirements of the ordinance and there is a small monthly fee that is charged to the property owners.

It was the consensus of the Council for the color black.

Discussion ensued on the mixed-use and the residential component.

Ms. Shook said the Staff would like to request a decision on the mixed use. She noted that the requirements are that the first floor have to be commercial, if a residential component is wanted.

Mr. Bailey explained that his research stated that there are appropriate places for the location of mixed use buildings and there are not so appropriate locations for mixed use buildings. Mr. Bailey said he found this to be true. He said it would not be beneficial to have residential on the street level in the Downtown area. He said it would be beneficial on the second floor in the Downtown area.

Ms. Shook said that Staff has pointed out that there are a lot of commercial projects that double dip on the commercial by using the first floor for their amenities that may be open to the public.

Ms. Shook noted that there is a separate category for retirement communities.

Discussion ensued on the residential areas located in the Wellness district. It was noted that the Birch Tree Apartments are located with the Wellness district.

Council Member Teague said it would be good to be able to redevelop some of the apartment complexes in the Wellness district for senior living.

Mr. Bailey said the Staff would prepare the draft language for discussion at a public hearing on mixed use.

Council Member Teague asked about the Parking standards in the Wellness district. Ms. Shook said that none of the standards were changed that were previously adopted.

Mr. Shook referred to Article 24 Parking. She said there are reductions for parking in these draft standards that are not in other parts of the ordinance. She noted that the reductions are located in Article 24 Parking and can be reviewed, if the Council was uncomfortable with them.

Mr. Bailey referred to Article 17.07.02 Vehicular Parking. He said there are exceptions and reductions in this section of the draft standards. He noted that there is a section laid out specifically for the university. He said the focus should be on the reductions. He said there is a section for parking structures.

Council Member Mizelle said she thinks that patients want the parking as close to their doctors' offices as much as possible more so than shopping Downtown or going out to eat. Mr. Bailey said that the proposed regulations allows parking around the building with the bulk of the parking being at the side or rear of the building.

Mr. Bailey said that the Staff talked extensively with a consultant from the hospital regarding parking. He made a good case for having parking around the building. He explained how a patient going to an outpatient surgery goes in the front door and leaves through back door or side. He further explained the circulation of patient flow at a medical building.

Council Member Teague asked if five spaces per 1,000 square feet is enough parking. Mr. Bailey noted that this is standard practice which is the maximum.

Mr. Shook said that the parking used to be three spaces per 1,000 square feet before we moved to maximums.

Council Member Teague said she understood why you would not require so many parking spaces on King Street because there is not a lot of public parking. She noted that in the Wellness district there is no parking. She questioned the parking standards and said does the parking need to be different in the Wellness district than the rest of the Town, when there is literally no public parking anywhere in the Wellness district.

Council Member Mizelle asked if the hospital parking deck can go any higher. Mr. Bailey said it is designed to go up one more floor which will accommodate the parking needs of the hospital and no one else.

Ms. Shook said that there might be proposed changes for Article 24 Parking at the next public hearing. She noted that the Council may want to review the allowable parking reductions. She also noted that there could be a parking reduction up to 40 percent. Mayor Pro-Tem Mason said we might want to limit the number of parking reductions. Mr. Bailey said there is a 20 percent maximum reduction in the current code.

Discussion ensued on switching from maximum to minimum parking in the Wellness district. Council Member Teague said we might want to consider specific parking standards for the Wellness district. Council Member Mizelle said we might want to limit the parking to one reduction since there is no on street parking in the Wellness district. Council Member Teague said to either limit it or increase the minimum parking or switch from maximum to minimum parking. Council Member Teague said the Wellness district should have its own parking standard. Council Member Mizelle said she thought we might want the parking reductions to not exceed ten percent or 15 percent total since there is no on street parking. Mr. Bailey reminded the Council members that the current maximum is 40 percent. Mr. Bailey told the Council members that they can build in a mechanism to require a parking study for the Wellness district. Council Member Teague said if we are just talking about the Wellness district that she would trust the medical doctors to build enough parking for their patients.

Discussion ensued on including the parking needs with the adding of the residential into the standards. Mr. Bailey explained that a developer may take into account that there will be residential on certain floors but he may not take into account outpatient services that treats patients in an assembly line fashion.

Ms. Shook asked about reviewing Article 24 Parking to see what possible revisions need to be made while the Council reviews potential parking reductions or if there would be different language needed to tighten up the parking standards.

Council Member Mizelle said that she knows there are separate parking regulations for senior developments. She noted that most of them would have at least one car. She asked if they have different parking regulations. Mr. Bailey said they have one space per unit and one space per unit for visitor parking. He said overall there are two spaces per unit allowed. Ms. Shook noted that this is the minimum standard.

Ms. Shook said the Staff would like to request a decision on the percentage of stone or brick. Mr. Johnson said the current percentage is 25 percent for stone or brick. It was the consensus of the Council to allow 35 percent for the primary façade and 25 percent for the secondary facade.

Council Member Mizelle asked if we might want to allow a different percentage for buildings that are on a rise above the road like the Modern Subaru business.

Mr. Bailey pointed out that the developer of Five Guys went vertical by bringing the stone up with the building which meets the requirements of the ordinance.

Mr. Bailey said in the Planning Retreat the Staff will be presenting the design guidelines that were proposed by the Community Appearance Commission. He said the Staff is tying in the scale and masking with the design guidelines and the information from the Boone 2030 Master Plan into the ordinance. Mr. Bailey said this will give a better picture of how we want things to look. He said the Staff will present different pictures for discussion. Mr. Bailey said that after all of this is presented everyone will actually be able to see and understand what they are going to get.

Council Member Mizelle said you will know, when you enter and leave the Wellness district.

Mayor Brantz asked Ms. Shook if there were other topics for discussion. Ms. Shook said the Staff would make the changes made at this workshop and submit them to Council at the next public hearing.

Ms. Shook asked the Council if they preferred to adopt the standards in one meeting and address the rezoning of areas of the Wellness district in another meeting or do it all in one meeting.

Council Member Teague noted that if they discuss both topics in one hearing that the community would only have to attend one hearing and not two hearings.

Council Member Clawson asked about the timeframe of these cases to be heard at a public hearing. Mr. Bailey said it would be on the Council's next agenda as requesting the cases to be

heard at the November 2016 public hearing. Mr. Bailey noted that the Staff would provide the Council with the amended text in a Staff report for their review, if they choose to do so.

Ms. Shook said that the Council can vote tonight to place the Article 17 Wellness District Standards as an agenda item on the November, 2016 public hearing.

Motion and Vote:

Mayor Pro-Tem Mason made a motion, seconded by Council Member Collins to move forward Article 17 Wellness District Standards as amended at this workshop to the November 2016 public hearing.

Vote:

Aye – All

Nay – None

The vote was unanimous.

Mr. Bailey noted that the request to send Article 17 Wellness District Standards to the November 2016 public hearing for discussion will not be on the next Council agenda since it was voted upon at this workshop.

Mr. Bailey explained the process of notifying the property owners because of the rezoning of the properties.

Mr. Bailey noted that Article 17 Wellness District Standards will not affect the university property owners but it will affect all the other property owners in the Wellness District.

Mr. Bailey also noted that because the College of Health Sciences is built, unless they expand their footprint the Town has no other authority with the university except use.

Ms. Shook indicated that the property owners can make an appointment with the Staff to discuss how the regulations will specifically affect their properties.

Mayor Brantz thanked the Staff for putting the workshop together for this evening. He also thanked the Council members and the members of the community for attending the workshop.

Adjournment

Mayor Brantz adjourned the workshop at 8:02 p.m.

Rennie Brantz, Mayor

Marlene Crosby, Board Secretary

**PUBLIC HEARING
MINUTES
MONDAY, SEPTEMBER 26, 2016
5:30 P.M.**

COUNCIL MEMBERS:	Mayor Rennie Brantz, Mayor Pro-Tem-Lynne Mason, Jeannine Underdown, Jennifer Teague and Charlotte Mizelle
PLANNING COMMISSION MEMBERS:	Chairperson Eric Woolridge, Vice-Chairperson Connor Boyle, Kate Hayes, Jeff Templeton, Adrian Thompson, Elizabeth Shay and Matthew Vincent
STAFF PRESENT:	Bill Bailey-Director of Planning and Inspections, Jane Shook-Planning Supervisor, and Marlene Crosby-Board Secretary
OTHERS PRESENT:	John Ward-Town Manager and Allison Meade-Town Attorney

CALL TO ORDER

Mayor Rennie Brantz called the hearing to order at 5:35 p.m.

CASE 20160497 HAMPTON PROPERTY CONDITIONAL DISTRICT ZONING MAP AMENDMENT & CASE 20160499 HAMPTON PROPERTY GENERAL USE ZONING MAP AMENDMENT: Mr. Scott Porter with Hampton Property LLC has filed Zoning Map Amendment Petitions for a 3.679 acre property located at the end of Stratford Lane (Watauga County PIN: 2920-09-6084-000). The first petition is to rezone a 2.85 acre portion of the property from R-A Residential Agriculture and R-3 Multi-Family Residential to Conditional District R-2 Two-Family Residential for a 20 lot subdivision for Use 1.01 Single-family Dwelling and Use 1.06 Duplex; the second request is to rezone the remaining 1.04 acres of the property (located near Bub Teems Road) from R-A Residential Agriculture and R-3 Multi-Family Residential to B3 General Business.

Mr. Bill Bailey, Director of Planning and Inspections explained why these cases are being heard again. He explained the difference in the conditional district zoning map amendment and the general use zoning map amendment.

Mr. Jason Gaston of Valor Engineering said he on behalf of Mr. Scott Porter of Hampton Properties he would present the revision to the rezoning request for the two cases. He handed out a revised site plan and a copy of a list of names from the neighborhood meeting that was held on July 7, 2016 for these cases (permanently attached). He noted that none of the property owners were opposed to the rezoning of the two properties. He said some of the property owners that were at the neighborhood meeting are in the audience at this hearing.

Mr. Gaston said the cases that he is presenting tonight are a modification to an already approved single-family and two-family development known as Hampton Estates. He said the developer is proposing a continuation of a small market rate development. He said the rezoning request does not involve student housing, mixed use or retail.

Mr. Gaston said that as he presents the two rezoning cases he thought everyone would be able to see why the cases are being presented at the same time. He said the reason the R2 portion is a conditional

district zoning map amendment is because it will be limited to single-family and two-family dwellings only. He said this is important because if it was a general use; R-2 manufactured homes and several other types of buildings could go in that use.

Mr. Gaston said he would go through the red lined comments that are shown in the Staff report and point out the differences on the revised plan.

Mr. Gaston talked about the original plan of the Hampton Estates development. He said the portion of the property that he is presenting is the plus or minus 3.61-acre property located at the end of Stratford Lane. He said this property was originally slated for a three story condo building with an associated parking area for 18 dwelling units and three duplexes for a total of 24 dwelling units.

Mr. Gaston explained that the developer is proposing 19 lots or dwelling units. He said when this was first presented, it could have been 20 duplexes. He said that was not the case. He said to do a duplex unit or two family unit; the lots have to be combined. He confirmed that 19 dwelling lots would be the maximum and further explained that they could be five two-family dwellings and nine single-family units.

Mr. Gaston explained that to build a two-family dwelling unit that two lots would have to be combined because the lots are 18 feet wide.

Mr. Gaston referred on the map to a location of three duplexes, he said they were never a part of Hampton Estates.

Mr. Gaston talked about the new revised site plan and referred to page C-1 of the site plan found in the handout. He noted that the R2 are for duplexes and single-family dwellings only with no manufactured homes. He said the 19 lots exclude the POA lots that are shown on the site plan. He said the dwellings will be a for sale product. He said the proposed dwelling units fit better in this area than the condo project that has lost its vesting.

Mr. Gaston referred to page seven of the revised site plan. He said the condo project was proposed in the R3 zoning district. He further explained that the proposed change of the R3 and RA to B3 is to help with future redevelopment in the B3 zoning district parcel located on the corner of Hwy 421 and Bub Teems Road.

Mr. Gaston explained the differences in the Staff report and what he explained on the revised site plan. He noted that the property owners at the neighborhood meeting were in agreement with the revised site plan that was presented at this meeting.

Mr. Gaston talked about a memo that was reviewed by the architectural committee at Hampton Estates. He said they had already seen the memo regarding the product proposed by the developer. The memo also said that the developer has approved a product similar to this for construction.

Mr. Gaston talked about the concern for parking. He referred to the last two pages of the 11 x 17 revised site plan. He said that two cars fit in front of a single-family dwelling unit. He further explained that they can get the two-family dwelling unit parking spaces in front of the dwelling units because they can combine the lots.

Mr. Gaston referred to page six of the Staff report and he said he failed to exclude the right-of-way for

the road. He referred to second sheet of the revised site plan and he said the area of the right-of-way has been excluded. He said he offset that with the original zoning request for the B3 which was about one acre and it has now been reduced to about .9 of an acre so now more land has been used so in the conditional R2 still has 19 lots and 19 dwelling units.

Mr. Gaston talked about the concern for the POA. He said the developer has not addressed this topic yet, he thinks it will be addressed during the zoning permitting process. He referred all questions toward the developer on this topic.

Mr. Gaston referred to page seven in the Staff report, Section 16.11 Architecturally Integrated Subdivision Information Table above. He said that the table has been revised to meet the requirements of the UDO.

Mr. Gaston said the latest intensity calculations for floor area ratios are only applicable to the two-family or duplex dwelling units. He said they would be limited to actual floor area ratios that are required for R2, two-family dwelling units. He said if a duplex is built on average the square footage would be about 1,600 square feet.

Mr. Gaston talked about the concern for Storm water. He said these types of comments from Staff are usually addressed in the zoning permitting process.

Mr. Gaston talked about the concern for landscaping. He referred to page CDR-4 of the revised site plan. He said the street yards on Hartley street and the extension they are doing to Stratford Lane have been updated with shrubs and trees. He noted that there are two street yards and they are shown on the revised site plan.

Mr. Gaston noted on page eight of the Staff report regarding the Fire Department comments that the NFP manuals require 120 feet for "T" hammerhead turns. He said Mr. Mike Teague, Fire Marshal was willing to let the length of the drive go from 120 to 90 feet because of the nature of the single-family and two-family dwelling units. Mr. Gaston explained that this change is noted on the revised site plan as of September 20, 2016.

Mr. Gaston said the developer wanted to keep the width of the road at 20 feet and Mr. Teague agreed to it.

Mr. Gaston said that Mr. Teague talked about an additional fire hydrant. Mr. Gaston noted that there is a fire hydrant on the revised site plans.

Council Member Mizelle asked if there was existing water and sewer connections. Mr. Gaston explained that water and sewer connections are already in place and these connections dead end at the existing fire hydrant.

Council Member Mizelle asked if the mowing of the lawns would be included in the POA agreement. Mr. Porter said it could be a part of the POA association. Mr. Porter said that currently for Hampton Estates the lawns are maintained by the individual home owner.

In summary, Mr. Gaston reiterated that the proposed dwellings are a small market rate product. He said the current proposal is better slated than the original condo unit development. He said that he would hope that the Council and Planning Commission would consider this proposed request for the rezoning of

these two zoning districts.

Mayor Brantz opened the floor for questions from the Council and Planning Commission.

Mayor Pro-Tem Mason asked Mr. Gaston how does the proposed request connect to what is already existing. Mr. Gaston said at the end of Stratford Lane is about where the property connects. He said the street starts near a two-family dwelling unit foundation was not completed.

Council Member Mizelle asked Mr. Gaston about the hammerhead turn around because of the topography. He said yes and a cul-de-sac would take up so much more space. Mr. Gaston said since Mr. Teague was willing to work with the developer on the size of the road. It helped out the grading of the property tremendously.

Council Member Mizelle asked Mr. Gaston about each parking space being 17 and one half feet x 8 feet which are compact sized spaces. He said that each parking space will go from the edge of the sidewalk to where the building setback begins. He also noted that the parking spaces can be bigger. He noted that for this type of use the parking space size seems to be efficient.

Mayor Brantz asked about the timeframe for construction on this project. Mr. Gaston said he felt confident that it could start in the spring of 2017.

Mayor Pro-Tem Mason asked Mr. Gaston where the visitors would park. He said that this was an ongoing question and he believed that parking would be discussed later as another agenda item at this public hearing. He said there is no formal visitor parking. He said it is common for visitors to park on this street and between lot lines for this type of development.

Mayor Pro-Tem Mason asked if there was a POA regulation that said no parking on the street. Mr. Gaston referred this question to the attorney representing the developer.

Mr. Don Watson, Attorney for the developer talked about the rules of the POA agreement, he said the POA would help pay for the road maintenance. Mr. Watson noted that there has been no complaints from the property owners regarding the POA agreement at Hampton Estates. He further noted that the proposed site plan shows the areas of the POA 1, POA 2 and POA 3. He said the POA 1 is a continuation of the existing recreation area with the development. He indicated that POA 2 could possibly be used for overflow parking. He noted that in POA 3 that at the end of the hammer head turn, this area would be green space because of the steep topography.

Mr. Watson further noted that there has been a great effort to address the concerns of the neighbors.

Mr. Porter said that there is an area that they might be able to clear the trees from and provide some parking spaces for visitor parking spaces.

Mayor Brantz asked what will it cost to build the single-family dwelling units. Mr. Porter said the least that he can spend and still have a market response to the dwelling units. Mr. Porter said his plan is to build a model home on an existing lot in Hampton Estates and gather market feedback from it and try to determine what it will cost to build them.

Council Member Mizelle asked if the dwelling units will be stick built or modular units. Mr. Porter said as

it stands right now they will be stick built but they could be modular.

Mayor Brantz asked how many came to the neighborhood meeting (list permanently attached). Mr. Porter said he thought there were about nine or ten property owners that attended the meeting. He said that six of them signed the signed up sheet and the other property owners abstained from signing the sheet. They had the opportunity to oppose the proposed project and they did not oppose it.

Vice-Chairperson Boyle asked Mr. Gaston about the slope. Mr. Gaston said the slope on the north side is 2:1 and on the cut-side the slope is 1.5 to 1.0 which is the maximum allowed for fill. He said any amount of the 1.5 to 1.0 requires an engineers' approval. Vice-Chairperson Boyle asked if a 3:1 ratio could be on the fill. Mr. Gaston said no and a 2:1 slope is common.

Vice-Chairperson Boyle asked if the individual homeowners would be responsible for their own storm water. Mr. Gaston said the new ordinance requires the single-family homeowners to provide their own storm water management. He said there is already in place an existing storm water system that included in the previous condo development. He said that storm water system was oversized for that development. He said at this time he has not looked into the storm water management reports on record. He said a portion of the lots and the road will drain to this existing storm water system. He said calculations need to be made for this particular drainage. He said for the remainder of the lots they could do an elongated swell to pick up the water behind these lots. He pointed out on the map the possible locations for the swell. He said it would probably be either a master water retention area or individual water retention areas for these lots.

Mr. Bailey said that single-family homeowners were always required to provide storm water information; but they were not required to show the storm water information when applying for their permits. Mr. Bailey further explained the reason that the ordinance changed was when the homeowners were calling in for final inspections for their Certificate of Occupancy and they had no way to capture their storm water. The homeowners were having to go back after their grading was complete and provide storm water retention. Mr. Bailey said the Staff needs to see what is existing and what is proposed and how are they capturing the storm water. Mr. Bailey said it is a better idea to capture the storm water in a subdivision in all one area because it helps to better manage the lots.

Mr. Gaston explained how they would provide the storm water into a master storm water facility for lots 11 through 19. He said for the longer lots, they would need their individual storm water retention areas.

Discussion ensued on storm water retention.

Vice-Chairperson Boyle talked about the elongated swell and the distance the water has to flow before it reaches the retention pond.

Mr. Gaston said he has found that doing a small bio retention cell is the most cost effective way to do an individual retention unit. He said this type of retention unit is easy to build and can be hidden by a 6' x 8' flower garden and easily maintained over a swell type storm water retention unit.

Vice-Chairperson Boyle asked Mr. Gaston if they will use a porous type pavement on the parking lots.

Mr. Ward said the Town appreciates the developer having the self-initiated neighborhood meeting.

There were no public speakers for these cases.

Mayor Brantz closed this public hearing.

CASE 20160136 ARTICLE 24 PARKING - REVISIONS:

Revisions to UDO Article 24 Parking including modifications for parking structure.

Mr. Bailey presented this case as outlined in the meeting packet. He said these revisions were in part to address Council's concerns regarding minimum parking. He said that the current ordinance has minimum parking for some uses and maximum parking for other uses.

Mr. Bailey pointed out that Table 24.01 has been revised. He noted that there were previously two tables, one was for bicycle parking and one for public vehicle parking. He said these two tables have been combined into one table. He said the uses have changed significantly. He said to make it easier to read, he combined the uses as they are found in the ordinance. He explained how the groups are broken out in the new table and the underlined wording is the revised text.

Ms. Allison Meade, Town Attorney explained that the reason for the revisions to parking was to add minimum parking to multi-family developments.

Ms. Meade noted that she felt that there are changes that have been made that neither she nor Mr. Bailey have had an opportunity to review. She noted that she had incorporated changes she had heard from the public regarding the parking.

Ms. Meade talked about addressing the parking requirements that are in Article 15, 16 and 24 of the Unified Development Ordinance while making revisions to parking.

Ms. Meade suggested discussing the multi-family minimum parking requirements at this hearing and she would be able to prepare that proposed language for the November 2016 public hearing.

Discussion ensued on the percentage for the multi-family parking requirements.

Mayor Pro-Tem Mason suggested 75 percent for the multi-family parking requirements.

Ms. Meade explained that using a 1.25 percent for the one bedroom units may result in an excess of parking. She noted that in the past that one space for one bedroom units has resulted in an excess of parking. She suggested going to 70 percent or 75 percent per bed for the multi-family parking requirements. She noted there could be a problem with these lowered percentages in the family orientated areas, if there are two bedrooms there could be too many spaces. She also talked about having some flexibility in the requirements or allowing a parking incentive so developers could go to the Planning Staff and provide strong evidence where the maximum or minimum parking does not work for their

development. She also suggested the possibly of adding a direct parking allowance for affordable housing developments.

Council Member Teague said she has spoken to a lot of people about parking. She said one suggestion for parking that she heard was to build a parking deck outside the Town with transportation back into Town and use the 75 percent parking requirement. She asked does the proposed 75 percent parking requirement still allow for the parking deck to be located outside of the Town or does the parking have to be located at the development.

Ms. Meade said there are other provisions to allow satellite and shared parking. She said she believed this would be allowed and talked about distance requirements. She said right now the distance requirement is one-quarter of a mile.

Mayor Pro-Tem Mason said that she saw satellite parking working better for commuters. She noted that very often people prefer their vehicles be parked where they are living. She said that the people that live elsewhere park their vehicles in Town on the weekends.

Council Member Teague said she supports a minimum standard and she further talked about how we do not live near an airport or public transit like buses. She talked about the Boone 2030 Plan and having a walkable community in the Downtown area and she said it makes for a lesser need to provide parking in the Downtown area.

Mr. Bailey talked about parking concerns and he said that in the upcoming Planning Retreat there will be a lot of discussion on the Boone 2030 Plan and the scale of buildings. He noted that there could be discussion on the parking concerns because parking goes along with the building scale discussion. He suggested putting this topic on the upcoming Planning Retreat agenda.

Discussion ensued on possibly changing the distance requirements. Mr. Bailey said a quarter mile is internationally known as walking distance for commuters. He said one-half mile is recognized as for people that walk from a neighborhood to a shopping center. He said the Boone 2030 Plan is set up for a one-half mile distance.

Mr. Bailey told the Council that he would like to ask for more guidance on what they would like to see in Article 25 Parking. Ms. Meade suggested increasing the distance, if the satellite parking is not a parking structure because there is good reason to encourage parking garages over surface lots.

Mayor Brantz asked what percentage other communities are using. Mr. Bailey said he has seen a range of 68 to 72 percent and 70 percent would be right in the middle of those percentages.

Discussion ensued on the number of bedroom units. Mr. Ward suggested to incentivize the one and two-bedroom units, when the calculations are being factored in to encourage those that you do want to see. He said that he had heard that more one and two-bedroom units are wanted for future re-use. He said

this would help to not encourage the four-bedroom family units. He said this could be used to embed an incentive to where you can get the smaller number of units that the Council has been asking for.

Council Member Mizelle said she would like to see particularly around student housing the 70 percent for one bedroom units.

Mayor Pro-Tem Mason pointed out that it is hard to differentiate between multi-family housing and student housing.

Mayor Pro-Tem Mason talked about the low income housing tax project not being for student housing. She said this may put a minimum standard or unnecessary burden on something that we really want for the community where parking is going to be less.

Council Member Teague said that she felt that 1.25 spaces for a one bedroom is a lot in a more walkable community. She said that she feels that people will definitely bring their cars into Town and there needs to be an appropriate location for them so they are easily accessible but not in the center of the Town.

Council Member Teague asked the Planning Commission members what they thought about the proposed parking regulations.

Planning Commission Member Templeton said there used to be a minimum parking requirement and then a maximum requirement. He said now the requirements are somewhere in the middle. He said that he felt that parking regulations cannot be thought of as an isolated regulation. He said you have to think about setbacks, tree preservation and retaining walls and other things at the same time, when talking about parking regulations and development. He said the history of the Council has been to focus on one certain thing and not think about the consequences of what happens, when a retaining wall regulation works against a tree preservation regulation. He said that he felt a lot of thought needs to go into any changes made to the proposed regulations. He referred to what Mayor Pro-Tem Mason pointed out about creating regulations that might hurt a low income development because of the parking regulations. He agreed that parking is an issue and that it would not be resolved at this hearing.

Planning Commission Member Boyle said in the Downtown area he tends to under park to promote walkability.

Planning Commission Chairperson Woolridge said why does these changes need to be made. He said it would help the Planning Commission to see documents on why the changes need to be made which would help with providing guidance on proposing changes to the parking regulations. He continued to say that he cares about architectural type things in the Downtown area but he does not care as much about parking in the Downtown area. He told the Council that he would like to know the facts behind why they care about parking in the Downtown area.

Planning Commission Chairperson Woolridge said that he did not want the limited space in the Downtown area to be turned into surface parking lots or a lot of parking decks. He noted that he feels that the parking regulations need to be carefully decided upon. He said the parking decks need to be public decks with a high tax value placed on them per acre for our Downtown residential areas in general. He said when you lower the uses, you start to lower the tax value per acre.

Planning Commission Chairperson Woolridge said he was glad there is going to be a Planning Retreat and he feels there needs to be a policy re-calibration done at the retreat.

Mayor Pro-Tem Mason said that she is an advocate of walking and biking. She said she would like to think that these can be improved. She said as the university grows the Town has a challenge to make sure there are beds for every person. She said what is the university going to do as well as the Town to provide parking for the students who come to Town with a vehicle. She said there is a limited supply of parking in the Town. She said the reason the Downtown parking meters are in operation on Saturdays is because there is a tendency for what she assumes is primarily students keeping their cars closer to where they live so they can come and go. She said there has been preliminary discussions on the parking meters being used on Sundays. She further talked about trying to revitalize the Downtown area and people wanting parking so they can come Downtown. She also noted that she is an advocate of shared parking as well.

Planning Commission Chairperson Woolridge said that maybe using the parking meters is a way to make it difficult for students to have cars in the Downtown area, if they live Downtown. He asked is it appropriate to demand a certain amount of parking from a developer. He said he felt that we should de-centivize a student having a vehicle.

Council Member Teague asked Planning Commission Chairperson Woolridge his opinion for providing parking decks outside the Town and requiring the residential parking inside the Town along with providing transportation into Town. She talked about the developer being responsible for providing the parking for the development. Planning Commission Chairperson Woolridge said that he did not feel that this was a reasonable way to go about parking. He also said there are a lot of issues with providing this type of parking. He said some of those ideas were discussed during the River Walk project. He said he would have to give this topic more thought.

Planning Commission Member Templeton said that this model seems to be working for the universities because the university that his son attends does not have parking at his dorm. He said he did not know why it would not work for the apartment houses in Boone. He said we cannot look at Davidson, North Carolina and other Towns that topographical issues like Boone to model parking regulations.

Planning Commission Member Templeton said you cannot afford to put parking on a million dollar lot. He said it works to put the apartment building in the Town and the parking on the outside of Town works.

Mr. Bailey said he learned in his research on parking that Downtown parking is treated differently than other areas of a Town. He said he refined his research to Towns that are similar to college Towns and less

than 25, 000 in population to figure out the best alternatives for parking. He said it seems to work better for everyone, if there is very little centralized parking spaces. He said that two parking structures would probably accommodate the permanent residents in the Town and not the visitors coming into Town. He said when the people who park out of Town, the parking should be structured like we have discussed at this hearing.

Ms. Meade said that there has not been concerns with commercial minimums in the past. She said that developers have produced the amount of parking that they need for their development. She suggested that we just address the actual parking concerns.

Ms. Meade said that on behalf of Council, they have shown concerns for not having enough parking spaces in multi-family areas in the B-1 zoning district.

Council Member Mizelle said the concerns she has heard is about multi-family housing parking. She said that the people have said that they have stopped going Downtown because there is a lack of parking spaces for them to park. She said the complaints are that they do not want to have lunch or dinner in Downtown because the parking is too difficult.

Planning Commission Chairperson Woolridge and Council Member Mizelle agreed that parking has been easier Downtown since the parking meters were installed.

Planning Commission Chairperson Woolridge talked about housing driving the retail in the Downtown area and the driving market that supports the Downtown businesses. He talked about how he felt about the Rivers Walk project being denied, he said he felt it was a mistake for the reasons listed by Council.

Council Member Teague said it bothers her that the Council votes in opposition on what the Planning Commission votes on cases. She said that she feels all of the Council respects all the time and energy that is put into the cases by the Planning Commission. She referred to the Rivers Walk project and she said that the people that spoke on this project at the hearing were not the only people that the Council heard from on that case. She said there were multiple reasons that she voted against the said project. Council Member Teague talked about people from the senior center who cannot walk the distance to go out to eat.

Planning Commission Chairperson Woolridge said he feels that the Council and the Planning Commission need to agree on policy that will work for everyone; and he said that we need to look at all of the implications in the process. He said he supports protecting our neighborhoods but we need to push back some of the things that the community is telling us because there are other factors to weigh in.

Mayor Pro-Tem Mason talked about the Rivers Walk project. She said multiple angry landlords contacted her saying they did not want to enter into parking contracts. She said that there needs to be a parking resolution made that does not hurt the Downtown area that we are trying to revitalize.

Mayor Pro-Tem Mason said that she feels that there needs to be discussion on the Boone 2030 Plan and possibly having more education on it and look at the scale of the some of the projects that are problematic to some in our community.

Planning Commission Member Templeton said if projects like the Rivers Walk project does not get approved where are the 360 students going to live? He said if the students cannot live inside the Town and their water and sewer is not approved, they are going to live in our neighborhoods.

Council Member Teague talked about people thinking the Council did not approve Rivers Walk because they were opposed to tall buildings. She said to keep in mind that this Council did approve the Marketplace project which is a tall building which includes more apartments Downtown. She said it also has with it the opportunity for parking that came with the total project.

Planning Commission Chairperson Woolridge said that the Marketplace project was a unique project. Mayor Pro-Tem Mason said it was the example of how a planned development should work. She also added that a PD project needs to offer above and beyond what current zoning would allow.

Ms. Meade said it is occurring to her that everyone is thinking the students are causing the parking jams in the Downtown area. She said she would like to know the elementary basis of what is causing it. She said as a Downtown resident that she is finding it to be the tourists that are taking up all of the parking. She said that she has not noticed the students to be causing the parking problems. She said she sees students on the streets at 5 p.m. She said if there was evidence that it is the students causing the parking problems, one solution would be to raise the parking meters rate per hour.

Discussion ensued on raising the parking meter rates. Mayor Pro-Tem Mason said on Sunday mornings before the tourists get out; the parking spaces are occupied in the Downtown area. She added that once the parking spaces are taken in the morning, they keep their parking spot for the duration of the day. Ms. Meade said there needs to be discussion on how to address this parking issue and it may nor may not be through the UDO.

Council Member Teague said that every project does not have to have an much parking as the Marketplace project; but every project needs to be put together as well as it was.

Planning Commission Member Woolridge and Council Member Mizelle thought the Rivers Walk project was a good project. Planning Commission Member Woolridge said the commission was able to get the developer to build the greenway to the end of the property and they worked on the plaza and the architectural features of the building.

Planning Commission Member Woolridge said he heard that the Council thought their recommendations were rubber stamped. Mayor Pro-Tem Mason said that she did not know who would have made that comment.

Council Member Mizelle said that she preferred that the student housing be located around the edge of the university to keep down the traffic flow. She said even though she was a descending vote from Council on the University Overlook project, she still felt it was a good PD project.

Mayor Pro-Tem Mason said she likes the idea of shared parking. She said there was a time when you could feel comfortable that the State Farm parking lot could be used. She said the students could be bussed to the university and walk or bike the rest of the time. She said she has learned that the State Farm lot is now full. She said that she felt that the university needs to be part of the conversation regarding parking.

Mr. Bailey said that the university is looking at the Peacock lot to build a parking structure or other areas that might be better fitted for a parking structure.

Council Member Mizelle asked if the Raley lot was in a floodplain and are they allowed to build a parking structure on it. Mr. Bailey said part of this building is in a floodplain and they are allowed to build on it. She also asked if the State Farm lot was in a floodplain. Mr. Bailey said yes.

Council Member Teague talked about the University Overlook development that was approved by Council. She noted that it had significant parking for 24 apartments which is higher than we have seen before. Council Member Collins said there was a concern for the retail parking for this project. Council Member Mizelle wanted to remove the recreational space and add two parking spaces because there were no spaces for retail or visitor parking.

Council Member Mizelle talked about the concerns she heard from Mr. Weaver on the Rivers Walk project regarding the change from young professionals to student housing and that the development could be sold to the university and become dorms. She said just the mention of this concerns blew the project out of proportion for many people. It was noted that if the university purchases the development, the Town loses its tax base.

Mayor Brantz suggested the Council ask Staff to work on percentages for parking. Mayor Pro-Tem Mason suggested using 70 percent per bed to help with the one-bedroom units. Ms. Meade asked the Council if they were comfortable with the 70 percent per bed no matter the mix of units.

Ms. Meade suggested not discussing maximums until there has been discussion on Articles 15 and 16.

Ms. Meade said if the concern is more about access parking than there being as much greenspace as possible; she said these are things that should be discussed when they review lot intensity. She said on the other hand, if you do not want as much surface lot a maximum parking requirement should be considered.

Mr. Bailey said that if you set the number at 70 percent then visitor parking will be the next challenge that will have to be addressed. He said if you set 70 percent as the minimum and no maximum, there will be

parking lots available to rent to other people. He said this is alright, if this is what the Council wants. Mr. Bailey said what is in the table is an adequate range for housing and visitor parking.

Mr. Bailey talked about other Towns that do not have parking at their universities, he said he would email the Council that information. He said that he would not recommend this to the Council.

Mr. Bailey said that 70 percent is a good number for parking. Mr. Bailey said that he did not try to penalize people for having additional parking spaces.

Mayor Pro-Tem Mason asked if you can put in the regulations a requirement for visitor parking. Ms. Meade said the 70 percent includes visitor parking.

Council Member Mizelle talked about her concern for some of the parking spaces being rented. She feels that there should be some designated visitor parking spaces.

It was the consensus of the Council to discuss the possibly of having maximum parking requirements, when the lot intensity is discussed. The Council was comfortable not making more changes to the parking regulations until the November 2016 public hearing.

It was the consensus of the Council to discuss parking regulations, building scale, mixed-use, loading zones and lot intensity requirements at the 2016 Planning Retreat.

Council Member Mizelle said the Council has heard from several large lot owners regarding parking.

Discussion ensued on the other committees that will be notified of the discussions on these topics. Mr. Bailey said that the other committees outside of the normal public will be notified of these discussions.

Mr. Jason Gaston, Engineer said he had a different outlook on parking from being an engineer. He said he was glad to hear that multi-family housing is driving the parking discussion.

Mr. Gaston asked how many R-3 zoning district projects have come through the size of the Standard at Boone or Rivers Walk or Marketplace. He said a lot of his clients have talked about Article 15.10 putting pressure on them as a developer provide housing requirements. He said it would be good to have residential development without the need for the commercial component. He talked about the floor area ratio or building footprint available for high density in the B-3 or B-1. He said in the R-3 you do not have that requirement but you are still attached to floor area ratio only. He said in his opinion an engineer moving away from the R-3 development which has been the least developed areas in the last several years and it should be the most sought after areas to develop. He said this will force less density. He said we need less random picnic tables and parking. He said we need high density and multi-family residential to take the strain off the B-1 and B-3 parcels.

Ms. Meade asked Mr. Gaston his opinion on the .7 suggestion for the parking regulations. He said when he heard that he felt it alleviated the 1.25 number. He said the .7 is reasonable and he has seen this in other university towns. He said it will also facilitate more development in the R-3.

It was the consensus of the Council for Mr. Gaston to attend the November Planning Retreat to answer questions on parking.

ADJOURNMENT

Mayor Brantz adjourned the public hearing at 7:27 p.m.

Rennie Brantz, Mayor

Marlene Crosby, Board Secretary

**PLANNING COMMISSION
MEETING MINUTES
MONDAY, SEPTEMBER 26, 2016
(Immediately following the Public Hearing)**

PLANNING COMMISSION MEMBERS:	Chairperson Eric Woolridge, Vice-Chairperson Connor Boyle, Jeff Templeton, Kate Hayes, Matt Vincent, Elizabeth Shay and Adrian Thompson
PLANNING STAFF:	Bill Bailey-Director of Planning and Inspections, Jane Shook-Planning Supervisor and Marlene Crosby-Board Secretary

Chairperson Woolridge called the meeting to order at 7:36 p.m.

Discussion ensued on possibly modifying the agenda. Chairperson Woolridge suggested not modifying the agenda in order to leave the agenda items open for discussion.

Adoption of Agenda

Member Vincent made a motion, seconded by Vice-Chairperson Boyle to accept the agenda as presented.

Vote:

Aye – All

Nay - None

The motion passes.

Approval of Minutes

Vice-Chairperson Boyle made a motion, seconded by Member Thompson to accept the August 22, 2016 Public Hearing minutes as presented.

Vote:

Aye – All

Nay - None

The motion passes.

Member Thompson made a motion, seconded by Member Hayes to accept the August 22, 2016 Planning Commission meeting minutes as presented.

Vote:

Aye – All

Nay - None

The motion passes.

Vice-Chairperson Boyle made a motion, seconded by Member Thompson to accept the September 12, 2016 Special Planning Commission meeting minutes as presented.

Vote:

Aye – All

Nay - None

The motion passes.

Case 20160497 Hampton Property Conditional District Zoning Map Amendment & Case 20160499 Hampton Property General Use Zoning Map Amendment - Mr. Scott Porter with Hampton Property LLC has filed Zoning Map Amendment Petitions for a 3.679 acre property located at the end of Stratford Lane (Watauga County PIN: 2920-09-6084-000). The first petition is to rezone a 2.85 acre portion of the property from R-A Residential Agriculture and R-3 Multi-Family Residential to Conditional District R-2 Two-Family Residential for a 20 lot subdivision for Use 1.01 Single-family Dwelling and Use 1.06 Duplex; the second request is to rezone the remaining 1.04 acres of the property (located near Bub Teems Road) from R-A Residential Agriculture and R-3 Multi-Family Residential to B3 General Business.

Mr. Bill Bailey, Director of Planning and Inspections explained to the Planning Commission members that they can discuss both cases as one case; but the recommendations should be made separately for each case. He also said there will be some discussion on possible changes to the conditional district case staff recommendations, when making recommendations for this case.

Chairperson Woolridge asked Mr. Bailey to outline the staff conditions for the Planning Commission members. Mr. Bailey said that the Staff recommended six conditions located on page six of the Staff report with the following changes: In condition one, the received date changed from July 29, 2016 to September 20, 2016, condition four was removed, condition five was removed and in condition six the applicant has to meet the requirements of the UDO but in the information submitted, it is not clear where the right-of-way is located. Ms. Jane Shook, Planning Supervisor said the Staff needs to make sure there is information submitted that meets the parking requirements outside of the right-of-way. Mr. Bailey confirmed that the Staff recommends keeping condition six for the conditional district case.

Ms. Shook reminded the Planning Commission members to ask the applicant, if they are willing to accept the proposed changes to the recommended Staff conditions. The applicant Mr. Scott Porter agreed to the proposed changes to the Staff conditions.

Chairperson Woolridge asked the Planning Commission members for their comments on these two cases.

Vice-Chairperson Boyle said the proposed development is a refreshing type of single-family development that is proposing to provide storm water retention for the project.

Chairperson Woolridge asked Mr. Bailey to breakdown the difference in the two cases for this property.

Mr. Bailey explained that Case 20160499 Hampton Properties General Use zoning map amendment is rezoning a parcel to the B-3 zoning district. He said the only thing that can be considered is the zoning change appropriate for all the uses that are allowed in the B-3 zoning district.

Ms. Shook explained that Case 20160497 Hampton Properties Conditional District zoning map amendment is a site specific development plan.

The following motions and votes are for Case 20160499 Hampton Properties General Use Zoning Map Amendment.

First Motion and Vote:

Chairperson Woolridge made a motion, seconded by Vice-Chairperson Boyle that the proposed amendment to the Town's zoning map is consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to this application because the property is located adjacent to a major highway corridor and adjacent to other similar B-3 zoned properties.

Vote:

Aye – All

Nay – None

The motion passes.

Second Motion and Vote:

Chairperson Woolridge, seconded by Vice-Chairperson Boyle moved to approve the proposed amendment to the Town's zoning map and believe that the rezoning is reasonable and in the best interest because it makes reasonable use of said property and does not negatively impact any adjacent properties, it will encourage B-2 land uses in accordance with adopted plans. The rezoning specifically promotes Comprehensive Plan policy, Economic Development 2.1.1D: Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.

Vote: Aye – All

Nay – None

The motion passes.

The following motions and votes are for Case 20160497 Hampton Property Conditional District Zoning Map Amendment.

First Motion and Vote:

Vice-Chairperson Boyle made a motion that the proposed amendment to the Town's zoning map is consistent with the Town's Comprehensive Plan and other applicable adopted plans of the Town which relate to this application because it is in agreement with the Comprehensive Plan Update, Section 1.2 Growth Strategy Map, it is located in a primary growth area that is already in place and can be provided services most cost effectively, it is located in an area where primary growth is encouraged. The property is located in the G-1 sector within the Framework Plan as defined in the Boone 2030 Land Use Plan. This sector includes existing low-density residential neighborhoods that are not appropriate for redevelopment. It also includes lands that are not proximate to thoroughfares and are not projected to be high growth areas due to limited access to transportation networks and utilities.

Member Hayes suggested a friendly amendment that the proposed development is in alignment with the 2006 Comprehensive Plan Update Section 2.3.2 E: Community Character: 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. Vice-Chairperson Boyle accepted the friendly amendment.

The motion was seconded by Commission Member Templeton.

Vote:

Aye – All

Nay – None

The motion passes.

Mr. Bailey reminded the Planning Commission members to consider in this motion and vote the Staff conditions and other conditions that they would like to recommend for this project.

Ms. Shook noted that the applicant submitted a plan revision and it was reviewed by the Assistant Fire Chief Mr. Mike Teague. Mr. Teague was in agreement with the revisions to change from 120 to 90 feet and he is requiring an additional fire hydrant at the top of the grade change. Ms. Shook noted that a fire hydrant is being required at the end of Stratford Lane for utility purposes. Ms. Shook confirmed that Staff is not suggesting the fire hydrant as a condition, she wanted this information to be put on record regarding the need for the additional fire hydrant.

Second Motion and Vote:

Vice-Chairperson Boyle, seconded by Member Thompson moved to approve the proposed amendment to the Town's zoning map and believe approval is reasonable and in the public interest because it provides workforce housing, it is in alignment with the existing character of the neighborhood, it is in alignment with the 2006 Comprehensive Plan Update and Sector G1 of the Boone 2030 Land Use Plan; and approval is subject to the include the amended Staff conditions as follows:

1. Where there is a conflict between the application information and the plans (dated September 20, 2016), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations concerning the proposed project made by the applicant or its (his or her) representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.
3. The application shall submit the necessary applications, plans, details and specifications which meet the requirements of the Town Code, UDO, Building code and any other applicable plans for review and approval necessary to issue Zoning and Building Permits.
4. The applicant shall demonstrate that each lot meets the minimum parking space requirements. Each lot shall provide parking spaces outside of the street right-of-way which meet UDO requirements.
5. The applicant shall add a fire hydrant at the top of the grade change.

Vote:

Aye – All

Nay – None

The motion passes.

Member Vincent asked why conditions four and five were removed from the Staff recommendations. Ms. Shook explained when the Staff Report was based on the information originally submitted. She said the applicant submitted modifications to this case which resolved those issues.

It was noted that the applicant, Mr. Scott Porter agreed to include the additional fire hydrant as a condition as required by the fire marshal.

Case 20160421 Article 25 Parking – Revisions – Revisions to UDO Article 24 Parking including modifications for parking structure.

There was no discussion on this case.

Motion and Vote:

Member Templeton made a motion, seconded by Member Vincent to table the discussion on revisions to Case 20160421 Article 24 Parking.

Vote:

Aye – All

Nay – None

The motion passes.

Chairperson Woolridge asked Members Hayes, Shay and Thompson to give a brief history of their work experience prior to joining the Planning Commission.

ADJOURNMENT

Chairperson Woolridge made a motion to adjourn the meeting at 8:10 p.m., seconded by Member Templeton.

Vote:

Aye – All

Nay – None

The motion passes.

Eric Woolridge, Chairperson

Marlene Crosby, Board Secretary

Zoning/Planning Permit Application

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

PERMIT IS FOR (CHOOSE ONE):

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

A. CONTACT INFORMATION

Applicant: Town of Boone Company: _____
Address: PO Drawer 192, Boone, North Carolina 28607
Phone Number: 828-268-6200 Email Address: _____
Property Owner: Varies (See Staff Report) Company: _____
Address: _____
Phone Number: _____ Email Address: _____

B. PROPERTY INFORMATION

Watauga County Parcel Identification Number(s): Varies (See Staff Report)
Address/Location: Varies (See Staff Report)
Project Name: Beverly Heights Avenue/VFW Dr. General Use Zoning Map Amendment (NCD Overlay)

C. PERMIT SUBCATEGORIES

Additional Forms Needed

Zoning Permits

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

Board of Adjustment Hearings

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

Planning/Other

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

D. DETAILED DESCRIPTION OF PROJECT

On November 19, 2015 Council approved a request to initiate a zoning map amendment to create a Neighborhood Conservation District overlay in the neighborhood around Beverly Heights Avenue, Berkley Avenue, Sheridan Avenue, Olancho Avenue, Telescope Peak Avenue, VFW Drive and Shady Lane

E. PROJECT MANAGER DESIGNATION

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

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

F. DESIGN PROFESSIONAL INFORMATION**Engineer:**

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

Architect:

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

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

Town of Boone**Applicant¹ (Print)****Jane Shook****Applicant Signature****11/02/2016****Date****NA****Property Owner (Print)****NA****Property Owner Signature****NA****Date****Official Use Only**

Project File Name:

Beverly Height Avenue/VFW Dr. General Use Zoning Map Amendment (NCD)

Permit Number:

20160735

Project Name/Number:

Date:

November 2, 2016

Fee:

NA

Receipt Number:

NA

Method of Payment:

NA

Paid By:

NA

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

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

General Use Zoning Map Amendment

Project Data Form

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

Official Use Only

Project Name/Number:
Bev. Heights Ave. & VFW General Use Zoning Map Amend
(NCD)
Permit Name/Number:
20160735

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

A. ADDITIONAL APPLICATION INFORMATION

Hearing Date Requested¹: November 28, 2016

B. DEVELOPMENT INFORMATION

Existing Zoning District(s): R1 Single-Family Residential Proposed Zoning District(s): Neighborhood Conservation District
Existing Land Use(s): Single-Family Dwellings
Adjacent Land Use(s): N: Single-family dwellings, driving range E: Single-family dwellings
W: Commercial (office & restaurant) S: Commercial, Single-family dwellings

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

If yes, describe: _____

Total Land Area: NA

C. DOCUMENTS REQUIRED FOR SUBMITTAL

- ☐ Application Fee
☐ Deed(s) of all property included in the request
☐ ~~A written metes & bounds legal description with accompanying survey map is required for a request that would rezone only a portion of a tax parcel or requests for multiple zoning districts~~

D. PROPERTY OWNER SIGNATURE:

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

NA
Property Owner (Print)

NA
Property Owner Signature

NA
Date

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

Official Use Only

Public Hearing Meeting Date: November 28, 2016

PC Meeting Date: November 28, 2016

TC Meeting Date: December 15, 2016

Date of APO Mailed Notification: November 4, 2016

Date of Posted Notification: November 4, 2016

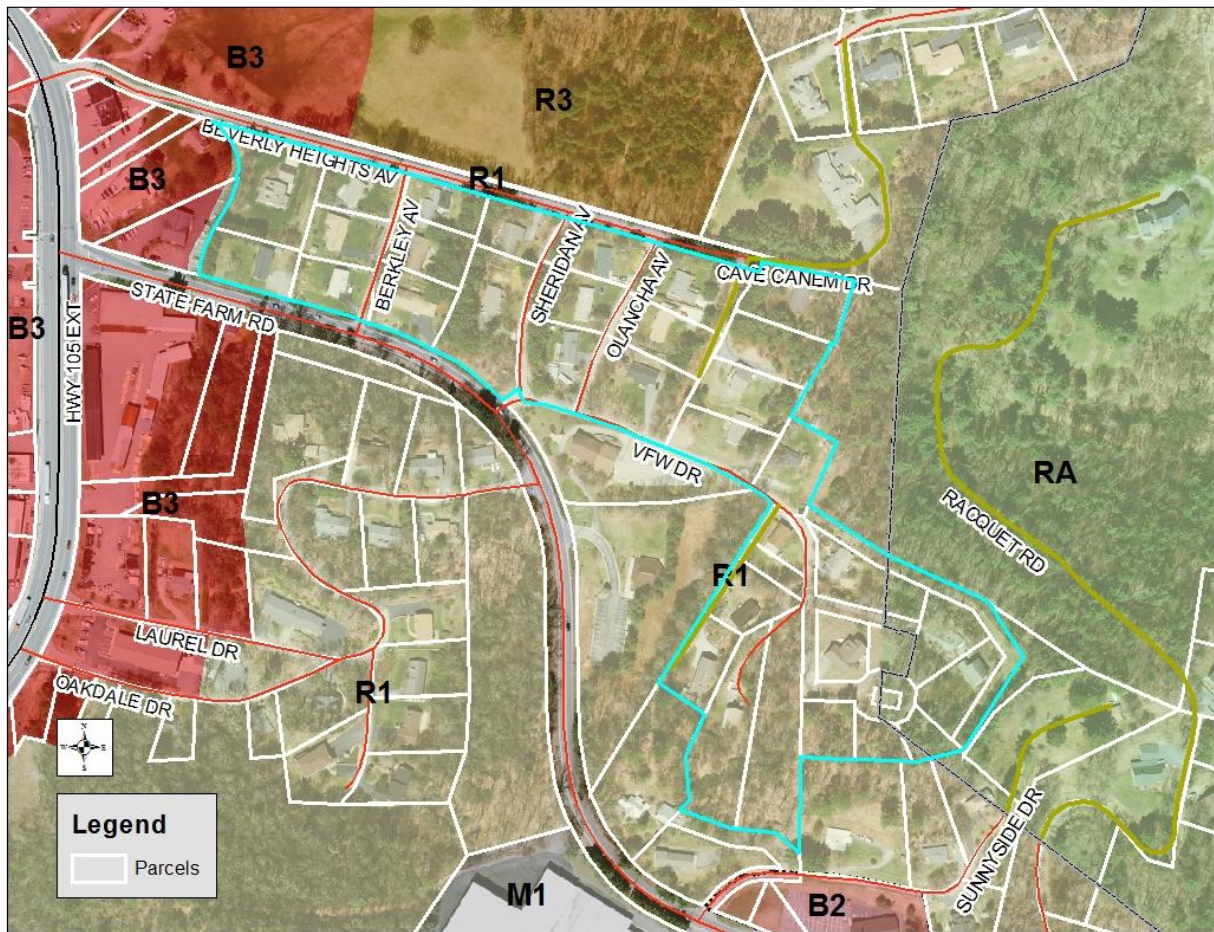
Project Approved: ☐ Yes ☐ No

Date Order Recorded: _____

Order Recordation Information: Book: _____ Page: _____
S:\FORMS\Forms_2015\GeneralUseZoningMapAmendmentProjectDataForm_062015.doc

Communication: Case 20160735 Beverly Heights/VFW NCD Application Information (Case 20160735: Beverly Heights/VFW- General Use

STAFF REPORT
PUBLIC HEARING
NOVEMBER 28, 2016
CASE 20160735 BEVERLY HEIGHTS AVE/VFW DR NCD ZONING MAP AMENDMENT



Request

At the request of neighbors, the Town of Boone has initiated a General Use Zoning Map Amendment to apply a "Neighborhood Conservation Overlay District" to 35 properties in the neighborhood off of Beverly Heights Avenue and VFW Drive. Neighborhood Conservation District requirements are intended to ensure that **rental** property owners, managers, and tenants share responsibilities to obey town codes and ordinances adopted to protect property values and to stabilize and maintain a low-density living environment suitable for family life. The establishment of a Neighborhood Conservation District does not change the existing zoning classification of properties within the District, but would impose additional requirements applicable to **rental property only**. Neighborhood Conservation District requirements can be found in Section 14.09 in the Town's Unified Development Ordinance.

The following properties are included in the request (see map above):

	Parcel ID	Address		Parcel ID	Address
1	2910443876000	299 VFW DR	19	2910447879000	Vacant
2	2910455604000	Vacant	20	2910456234000	229 VFW DR
3	2910454162000	135 SHADY LN	21	2910366043000	190 BEVERLY HEIGHTS
4	2910455237000	218 VFW DR	22	2910357957000	143 BERKLEY AVE
5	2910455200000	Vacant	23	2910453064000	169 SHADY LN
6	2910451743000	139 OLANCHA AVE	24	2910451883000	155 OLANCHA AVE
7	2910448945000	247 VFW DR	25	2910457018000	Vacant
8	2910458039000	Vacant	26	2910456027000	253 VFW DR
9	2910358864000	130 BERKLEY AVE	27	2910453607000	140 OLANCHA AVE
10	2910455452000	205 VFW DR	28	2910359781000	127 SHERIDAN AVE
11	2910450827000	151 SHERIDAN AVE	29	2910357864000	113 BERKLEY AVE
12	2910451602000	121 OLANCHA AVE	30	2910357819000	129 BERKLEY AVE
13	2910358714000	225 STATE FARM RD	31	2910455754000	388 BEVERLY HEIGHTS
14	2910452566000	149 VFW DR	32	2910355899000	169 STATE FARM RD
15	2910454438000	187 VFW DR	33	2910454566000	139 TELESCOPE PEAK AVE
16	2910453768000	156 OLANCHA AVE	34	2910358972000	144 BERKLEY AVE
17	2910445991000	Vacant	35	2910444876000	Vacant
18	2910446889000	Vacant			

History

11-19-2015: Council approved a request made by Cathy LaMarre to place the properties in the Beverly Heights Ave/VFW Drive area in a Neighborhood Conservation District Overlay. The limits of the district in the request were described as: include all or portion of Beverly Heights Ave, Berkley Ave, Sheridan Ave, Olanca Ave, Telescope Peak Ave, VFW Drive and Shady Lane.

Analysis

Existing UDO Requirements for Neighborhood Conservation District (Section 14.09):

- 14.09.01** Neighborhood Conservation Districts are established as overlay districts to stabilize and maintain a suitable low-density living environment for family life.
- 14.09.02** The following Neighborhood Conservation Districts are hereby established:

- A. Blanwood Drive:** The limits of the district are depicted on the Neighborhood Conservation District overlay zoning map and include all or portions of Oak Street, Windy Drive, Horn in the West Drive and Skyview Drive.
- B. Forrest Hills Drive:** The limits of the district are depicted on the Neighborhood Conservation District overlay zoning map.
- C. Grand Boulevard:** The limits of the district are depicted on the Neighborhood Conservation District overlay zoning map and include all or portions of Grand Boulevard, Orchard Street and Iris Lane.
- D. Grandview Heights:** The limits of the district are depicted on the Neighborhood Conservation District overlay zoning map and include all or portions of West Grandview Heights, Russell Drive and Poplar Grove Road.
- E. Stadium Drive:** The limits of the district are depicted on the Neighborhood Conservation District overlay zoning map and include all or portions of Hemlock Drive, Ferncliff Road, Tanglewood, Hawthorne Lane, Hope Drive, and Spring Street.
- F. Queen Street:** The limits of the district are depicted on the Neighborhood Conservation District overlay zoning map and include all or portions of Queen Street, Gladys Street and Charles Street.

14.09.03 The requirements of all rental property within Neighborhood Conservation Districts shall be as follows:

- A.** All tenants of rental property must complete and file a Residential Parking Registration Form with the Administrator. Tenants must provide personal identification, vehicle registration, and proof of residency within a designated Neighborhood Conservation District.
- B.** Tenants meeting eligibility requirements will be issued parking stickers for their vehicle(s) for the appropriate neighborhood district which must be permanently attached to eligible vehicles. Annual renewal and nominal fees are required.
- C.** No more than two unrelated persons per dwelling unit will be issued parking stickers.
- D.** Owners of rental property residing more than fifty (50) miles from Boone must designate in writing a local managing agent residing within Watauga County that will be responsible for all matters concerning occupancy of such rental property, and must provide the Administrator with the agent's name, address and telephone number.
- E.** Owners or local managing agents of rental property must notify tenants of applicable Neighborhood Conservation District requirements.

Note: Staff is requesting that the text be amended as proposed in Case 201607541, which will change how NCD's are referenced in the UDO. The purpose of the proposed text change would allow Council to create additional NCD's without amending the UDO.

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

Comprehensive Plan Policies**2.1 THE ECONOMY**

2.1.1 Economic Development

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

2.3.3 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.

Certification of Notification by Mail

I, Marlene Crosby, certify that individual notices meeting the requirements of Article 9, Subsection 9.03.03(B)(2) of the Town of Boone UDO were placed in the mail (first class) on November 4, 2016.

Marlene Crosby, Administrative Support
Specialist

Certification of Posting

I, Brian Johnson, 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 4, 2016.

Brian Johnson, Urban Design Specialist

Direction

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.

PLANNING BOARD REPORT

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

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

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

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

TOWN COUNCIL ACTION

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

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

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

Zoning/Planning Permit Application

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

PERMIT IS FOR (CHOOSE ONE):

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

A. CONTACT INFORMATION

Applicant: Town of Boone Company: _____
Address: PO Drawer 192, Boone, North Carolina 28607
Phone Number: 828-268-6200 Email Address: _____
Property Owner: Varies (See Staff Report) Company: _____
Address: _____
Phone Number: _____ Email Address: _____

B. PROPERTY INFORMATION

Watauga County Parcel Identification Number(s): Varies (See Staff Report)
Address/Location: Varies (See Staff Report)
Project Name: Green St. General Use Zoning Map Amendment (R2 to R1A; NCD Overlay)

C. PERMIT SUBCATEGORIES

Additional Forms Needed

Zoning Permits

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

Board of Adjustment Hearings

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

Planning/Other

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

D. DETAILED DESCRIPTION OF PROJECT

On September 15, 2016 Council approved a request to initiate a rezoning of the properties on Green Street zoned R2 Two-Family Dwelling to R1A Single Family Dwelling with Accessory Apartment

E. PROJECT MANAGER DESIGNATION

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

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

F. DESIGN PROFESSIONAL INFORMATION**Engineer:**

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

Architect:

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

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

Town of Boone**Applicant¹ (Print)****Jane Shook****Applicant Signature****11/02/2016****Date****NA****Property Owner (Print)****NA****Property Owner Signature****NA****Date****Official Use Only**

Project File Name:

Green Street General Use Zoning Map Amendment (R2 to R1A; NCD Overlay)

Permit Number:

20160737

Project Name/Number:

Date:

November 2, 2016

Fee:

NA

Receipt Number:

NA

Method of Payment:

NA

Paid By:

NA

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

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

General Use Zoning Map Amendment

Project Data Form

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

Official Use Only

Project Name/Number:
Green St. General Use Zoning Map Amend (R2 to R1A & NCD)
Permit Name/Number:
20160734

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

A. ADDITIONAL APPLICATION INFORMATION

Hearing Date Requested¹: November 28, 2016

B. DEVELOPMENT INFORMATION

Existing Zoning District(s): R2 Two-Family Residential Proposed Zoning District(s): R1A Single-Family with
Accessory Apartment;
Neighborhood Conservation
District

Existing Land Use(s): Single-Family Dwellings; Duplexes; Multi-Family Dwelling

Adjacent Land Use(s): N: Single-family dwellings, single-family
dwellings with accessory apartments E: Multi-family Dwellings

W: Single-family dwelling, Bed & Breakfast, S: Commercial, Multi-family dwellings,
single-family dwellings

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

If yes, describe: _____

Total Land Area: NA

C. DOCUMENTS REQUIRED FOR SUBMITTAL

- ☐ Application Fee
- ☐ Deed(s) of all property included in the request
- ☐ A written metes & bounds legal description with accompanying survey map is required for a request that would rezone only a portion of a tax parcel or requests for multiple zoning districts

D. PROPERTY OWNER SIGNATURE:

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

NA
Property Owner (Print)

NA
Property Owner Signature

NA
Date

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

Official Use Only

Public Hearing Meeting Date: November 28, 2016

PC Meeting Date: November 28, 2016

TC Meeting Date: December 15, 2016

Date of APO Mailed Notification: November 4, 2016

Date of Posted Notification: November 4, 2016

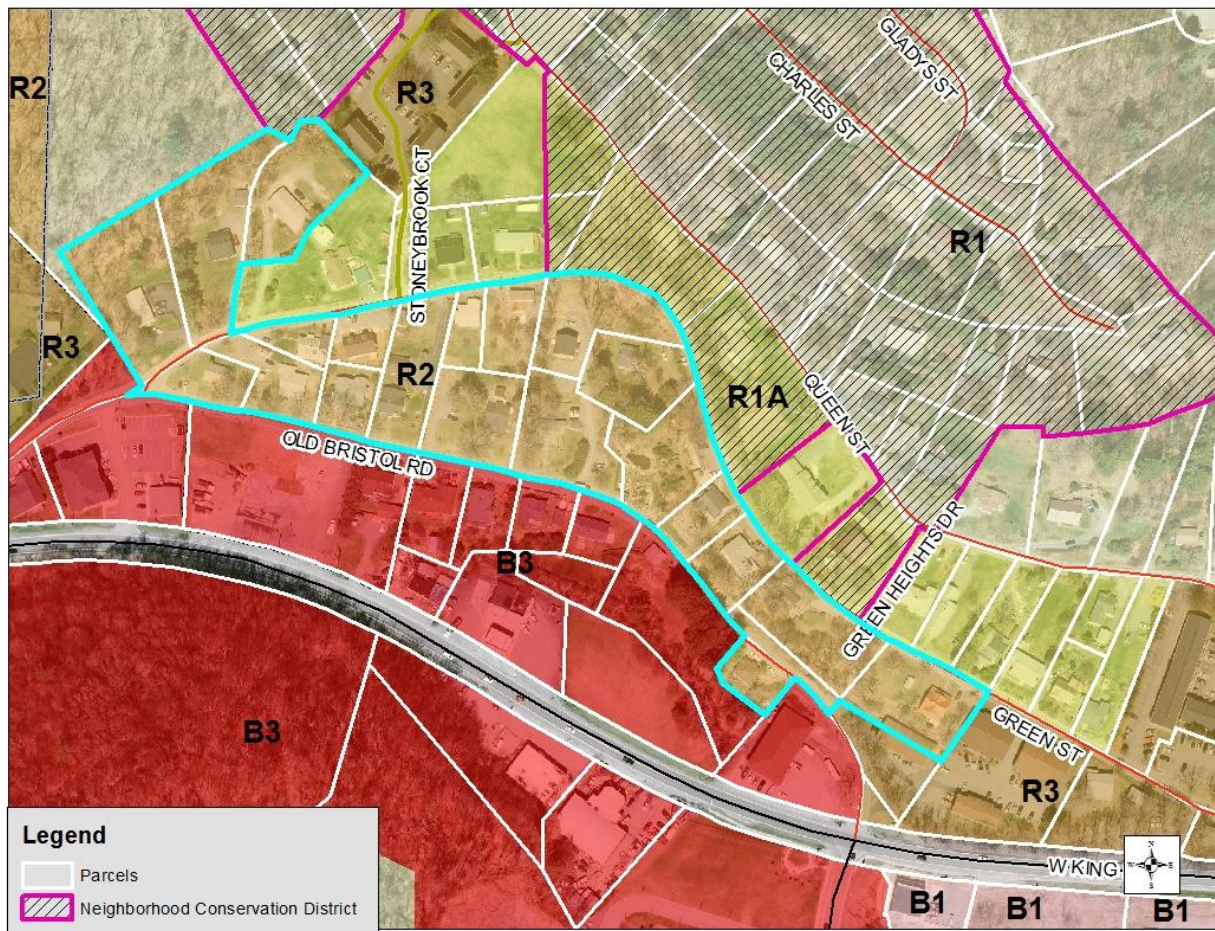
Project Approved: ☐ Yes ☐ No

Date Order Recorded: _____

Order Recordation Information: Book: _____ Page: _____
S:\FORMS\Forms_2015\GeneralUseZoningMapAmendmentProjectDataForm_062015.doc

Communication: Case 20160734 Green Street Application Information (Case 20160734: Green Street - General Use Zoning Map Amendment)

STAFF REPORT
PUBLIC HEARING
NOVEMBER 28, 2016
CASE 20160734 GREEN STREET (R2 TO R1A AND NCD) ZONING MAP AMENDMENT



Request

At the request of neighbors, the Town of Boone has initiated a General Use Zoning Map Amendment to rezone 22 properties located along Green Street and Old Bristol Road from “R2 Two-Family Residential” to “R1A Single Family with Accessory Apartment” and “Neighborhood Conservation Overlay District (NCD)”.

Note: Neighborhood Conservation District requirements are intended to ensure that **rental** property owners, managers, and tenants share responsibilities to obey town codes and ordinances adopted to protect property values and to stabilize and maintain a low-density living environment suitable for family life. The establishment of a Neighborhood Conservation District does not change the existing zoning classification of properties within the District, but would impose additional requirements applicable to **rental property only**. Neighborhood Conservation District requirements can be found in Section 14.09 in the Town’s Unified Development Ordinance.

The following properties are included in the request (see map above):

	Parcel ID	Address		Parcel ID	Address
1.	2901600334000	293 GREEN ST	12.	2901505884000	425 GREEN ST
2.	2901509299000	Vacant	13.	2901601284000	245 GREEN ST
3.	2901509414000	311 GREEN ST	14.	2901509237000	165 OLD BRISTOL RD
4.	2901500833000	528 GREEN ST	15.	2901502731000	505 GREEN ST
5.	2901507762000	357 GREEN ST	16.	2901512050000	504 GREEN ST
6.	2901504824000	475 GREEN ST	17.	2901502767000	485 GREEN ST
7.	2901504712000	292 OLD BRISTOL RD	18.	2901505626000	262 OLD BRISTOL RD
8.	2901501923000	508 GREEN ST	19.	2901504716000	304 OLD BRISTOL RD
9.	2901505810000	441 GREEN ST	20.	2901501722000	342 OLD BRISTOL RD
10.	2901508571000	325 GREEN ST	21.	2901507710000	246 OLD BRISTOL RD
11.	2901508529000	Vacant (Accessory Structures)	22.	2901507857000	236 OLD BRISTOL RD

History

09-15-2016: Council approved a request made by Diane Blanks to rezone the R2 portion of Green Street to R1A. In addition, Council also directed the properties to be subject to the Neighborhood Conservation District Overlay.

Analysis

Current Zoning:

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

Proposed Zoning:

R1A Single-Family Residential with Accessory Dwelling Unit: 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.

Neighborhood Conservation District Overlay: Neighborhood Conservation Districts are established as overlay districts to stabilize and maintain a suitable low-density living environment for family life.

Current Use (s): Single-Family Dwelling Unit, Duplex or Single-Family with Accessory Apartment

15.07 Table of Principal Uses

Use #	Specific Use	Zoning Districts		Reference
		R2	R1A	
1.0 Household Living				
1.01	Single-Family Dwelling	P	P	
1.02	Manufactured Home “Class A”	L		15.08
1.03	Manufactured Home “Class B”			15.08
1.04	Manufactured Home “Class C”			
1.05	Manufactured Home Park			15.09
1.06	Duplex (one duplex building per lot)	P		
1.07	Duplex (more than one duplex building per lot)			15.10
1.08	Townhouse (up to 30 bedrooms)			15.10
1.09	Townhouse (31-100 bedrooms)			15.10
1.10	Townhouse (> 100 bedrooms)			15.10
1.11	Multi-Family Dwelling (up to 30 bedrooms)			15.10
1.12	Multi-Family Dwelling (31-100 bedrooms)			15.10
1.13	Multi-Family Dwelling (> 100 bedrooms)			15.10
1.14	Multi-Family Dwelling in Mixed Use (up to 30 bedrooms)			15.11
1.15	Multi-Family Dwelling in Mixed Use (31-100 bedrooms)			15.11
1.16	Multi-Family Dwelling in Mixed Use (> 100 bedrooms)			15.11
2.0 Group Living				
2.01	Family Care Home	L	L	15.13
2.02	Family Care Institutions			15.14
2.03	Halfway House, Category 1			15.14
2.04	Halfway House, Category 2			15.14
2.05	Nursing Care Home	L	L	15.14
2.06	Nursing Care Institution			15.14
2.07	Skilled Nursing Facility			15.14
2.08	Retirement Community, Category 1	L		15.15
2.09	Retirement Community, Category 2			15.15
2.10	Residence Hall, Category 1			15.15
2.11	Residence Hall, Category 2			15.15
2.12	Residence Hall, Category 3			15.15
2.13	Fraternity or Sorority Dwelling			15.16
2.14	Boarding House			15.17
3.0 Transient Living				
3.01	Home for Survivors of Domestic Violence	L	L	15.18
3.02	Shelter for Homeless, Category 1			15.19
3.03	Shelter for Homeless, Category 2			15.19
3.04	Bed and Breakfast, Category 1	L ^{T50}	S ^{T50}	15.20
3.05	Bed and Breakfast, Category 2	L		15.20
3.06	Vacation Rental			15.21
3.07	Motel			
3.08	Hotel			
4.0 Institutional Uses				
4.01	Airport/Landing Strip			15.22
4.02	Heliport			15.22
4.03	Funeral Home Establishment			
4.04	Cemetery	P	P	

Use #	Specific Use	Zoning Districts		Reference
		R2	R1A	
4.05	Post Office			
4.06	Post Office, Distribution			
4.07	Animal Sanctuary			
5.0 Government Uses				
5.01	Government Cultural Facility			
5.02	Government Neighborhood Cultural Facility, Indoor Activity Only	S	S	
5.03	Government Neighborhood Cultural Facility, Includes Outdoor Activity			
5.04	Recreation Facility, Category 1			
5.05	Recreation Facility, Category 2	P	P	
5.06	Recreation Facility, Category 3	S	S	
5.07	Event Venue, Category 1			
5.08	Event Venue, Category 2			
5.09	Event Venue, Category 3			
5.10	Landfill			
5.11	Solid Waste Processing			
5.12	Police Substation	P	P	
5.13	Utility Facility, Town	L	L	15.23
5.14	Utility Facility, Government, Neighborhood	L	L	15.23
5.15	Utility Facility, Government, Regional			15.23
5.16	Government Facility			
6.0 Non-Government Utility Facility				
6.01	Utility Facility, Neighborhood	L	L	15.23
6.02	Utility Facility, Regional			15.23
7.0 Telecommunications				
7.01	Antenna Collocation on Existing Wireless Support Structure not requiring additional accessory equipment	P	P	
7.02	Antenna Collocation on Existing Wireless Support Structure requiring additional accessory equipment	L	L	15.24
7.03	Building Mounted Antenna not requiring additional accessory equipment	L	L	15.24
7.04	Building Mounted Antenna requiring additional accessory equipment			15.24
7.05	Antenna Collocation on Electrical Transmission Towers			15.24
7.06	Other Antenna			15.24
7.07	Wireless Support Structure which meets district height requirements	S	S	15.24
7.08	Stealth Wireless Facility which exceeds district height requirements	S	S	15.24
7.09	Wireless Support Structure which does not meet district height requirements up to and including 120'			15.24
7.10	Other Tower that exceeds 120' in height			15.24
7.11	Emergency Response Communication Antenna	P	P	
8.0 Assembly				
8.01	Religious Assembly, Category 1	P		P
8.02	Religious Assembly, Category 2	pT125		pT125
8.03	Religious Assembly, Category 3			
8.04	Club/Lodge, Category 1			
8.05	Club/Lodge Which Does Not Serve Alcohol			
9.0 Education				
9.01	Appalachian State University			
9.02	Caldwell Community College and Technical Institute			
9.03	Other Public Colleges and Universities			
9.04	Private Colleges and Universities			
9.05	Trade School			
9.06	High School			
9.07	Elementary School			

Use #	Specific Use	Zoning Districts		Reference
		R2	R1A	
9.08	Boarding School			
9.09	All other Educational Facilities			
10.0 Daycare				
10.01	Child Daycare, Large			15.25
10.02	Child Daycare Center			15.25
10.03	Adult Daycare, Large			15.25
10.04	Adult Daycare Center			15.25
10.05	All Other Daycare			
11.0 General Sales and Service				
11.01	Kennel			15.26
11.02	Veterinary Office/Hospital with Outdoor Kennels			15.26
11.03	Veterinary Office/Hospital without Outdoor Kennels			
11.04	Financial Institution ≤ 5,000 ft ²			
11.05	Financial Institution > 5,000 ft ²			
11.06	Restaurant ≤ 2,500 ft ² open to the public during 10 pm – 6 am			
11.07	Other Restaurants ≤ 2,500 ft ²			
11.08	Restaurant > 2,500 ft ² open to the public during 10 pm – 6 am			
11.09	Other Restaurants > 2,500 ft ²			
11.10	Bar			
11.11	ABC Store			
11.12	Personal Service Establishment open to the public during 10 pm – 6 am			
11.13	Other Personal Service Establishments			
11.14	Retail Store up to 5,000 ft ²			
11.15	Retail Store more than 5,000 but less than 25,000 ft ²			
11.16	Retail Store 25,000 ft ² and greater			15.27
11.17	Shopping Center/Mall			15.28
11.18	Business or Professional Office open to the public during 10 pm–6 am			
11.19	Other Business or Professional Office			
11.20	Medical Office, Category 1			
11.21	Medical Office, Category 2			
11.22	Medical Office, Category 3			
11.23	Medical Office, Category 4			
11.24	Hospital			
11.25	Medical Emergency Response			
11.26	Open Air Market, Recurring			15.29
11.27	Vehicle Sales and Service			15.30
11.28	Equipment Sales and Service			15.31
11.29	Moped Sales and Service			
11.30	Boat or Marine Craft Sales and Service			15.32
11.31	Impound Lot/Towing Service			15.33
11.32	Gas Station			
11.33	Car Wash			
11.34	Seasonal Retail Activities and Amusements			
12.0 Recreation				
12.01	Indoor Shooting Range			15.34
12.02	Outdoor Shooting Range			
12.03	Indoor Theater			
12.04	Outdoor Theater			
12.05	Event Venue, Category 1			
12.06	Event Venue, Category 2			
12.07	Event Venue, Category 3			
12.08	Campground and Recreational Vehicle Park			15.35

Use #	Specific Use	Zoning Districts		Reference
		R2	R1A	
12.09	Coliseum			
12.10	Recreation Facility, Category 1			
12.11	Recreation Facility, Category 2			
12.12	Recreation Facility, Category 3			
13.0 Agriculture				
13.01	Garden, Community	L	L	15.36
13.02	Garden, Residential	L	L	15.37
13.03	Agricultural Operation Excluding Livestock			
13.04	Agricultural Operation Including Livestock			
13.05	Swine Farm			
13.06	Confined Animal Feeding Operation (CAFO)			
13.07	Custom Slaughterhouse			
13.08	Other Slaughterhouse			
13.09	Forestry	L	L	15.38
14.0 Manufacturing				
14.01	Microbrewery			15.39
14.02	Brewpub			15.39
14.03	Brewery/Distillery			15.40
14.04	Brewery/Distillery, Other			15.41
14.05	Winery Associated with a Vineyard			15.42
14.06	Winery			15.42
14.07	Winery, Other			
14.08	Extraction of Earth Materials			
14.09	Machine/Welding Shop			15.44
14.10	Manufacturing, Other			15.45
15.0 Parking				
15.01	Parking Lot			15.46
15.02	Parking Structure			15.47
15.03	Park and Ride Lots			15.46
16.0 Storage				
16.01	Mini-Storage			15.48
16.02	Outdoor Storage			15.49
16.03	Warehouse			
16.04	Fuel Storage Facility			
16.05	Chemical Storage Facility			
17.0 Transportation				
17.01	Passenger Terminals			
17.02	Trucking or freight terminal $\leq 10,000 \text{ ft}^2$			
17.03	Trucking or freight terminal $> 10,000 \text{ ft}^2$			
18.0 Waste Related Uses				
18.01	Recycling Drop-off Station			15.49
18.02	Recycling and Salvage			15.49
18.03	Junkyard			
18.04	Private Landfill			
19.0 Particular Activities which pose Particular Concerns about Public Health				
19.01	Electronic and Internet Gaming			15.50
19.02	Adult Establishments			15.51

15.07.01 Table of Accessory Uses

Use #	Accessory Uses	Zoning Districts		Reference
		R2	R1A	
A-1	Secondary Suite	L	L	15.52
A-2	Home Occupation	L	L	15.53
A-3	Accessory Dwelling Unit	L	L	15.54
A-4	Drive-Through			15.55
A-5	Outdoor Display			15.56
A-6	Outdoor Storage			15.57
A-7	Outdoor Dining			15.58
A-8	Automated Teller Machine (ATM)			
A-9	Automated Teller Machine (ATM), Freestanding			15.59
A-10	Produce Stand			15.60
A-11	Poultry	L	L	15.61
A-12	Livestock, Small	L	L	15.62
A-13	Livestock, Large			15.63
A-14	Bees	L	L	15.64
A-15	Garden, Residential	L	L	15.65
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	15.66
A-21	Caretaker's residence			15.67
A-22	Vehicular Gate	L	L	15.68
A-23	Vehicle Washing Station			
A-24	Chemical Storage Facility			
A-25	Open Air Market, Accessory	L	L	15.29
A-26	Daycare, Small	P	P	

15.07.03 Table of Temporary Uses

Use #	Temporary Uses	Zoning Districts		Reference
		R2	R1A	
T-1	Temporary Care Provider Dwelling	L		15.69
T-2	Temporary Construction or Repair Dwelling	L	L	15.69
T-3	Temporary Construction Trailer	L	L	15.69
T-4	Temporary Mobile Medical Unit			15.69
T-5	Temporary Classroom			15.69
T-6	Temporary Portable Storage Containers			15.69
T-7	Temporary Staging			15.69
T-8	Temporary Non-Fixed Site Event Venue			15.69
T-9	Carrier on Wheels (COW)	L	L	15.69
T-10	Yard Sales	L	L	15.69
T-11	Itinerant Merchant/Peddler	L	L	15.69
T-12	Open Air Market, Temporary			15.29

Intensity:

Building Height: Subject to other provisions of Section 16.08, building height limitations are as follows:

Zone	Height Limitation (Feet)
R1, <u>R1A</u> , RR, <u>R2</u> , R4, RA	35

16.01.02 Intensity Table

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Maximum Floor Area Ratio (FAR)	Minimum Open Space Ratio (OSR)	Minimum Livability Space Ratio (LSR)	Minimum Recreation Space Ratio (RSR)	Setbacks	
								Street	Interior
R2	6,000 sq. ft.	70 ft.	56 ft.	.283	.74	.48	.042	20 ft.	13 ft.
R1A	8,000 sq. ft.	70 ft.	56 ft.	.162	.77	.53	.032	20 ft.	14 ft.

Existing UDO Requirements for Neighborhood Conservation District Overlays (Section 14.09):

14.09.01 Neighborhood Conservation Districts are established as overlay districts to stabilize and maintain a suitable low-density living environment for family life.

14.09.02 The following Neighborhood Conservation Districts are hereby established:

- A. Blanwood Drive:** The limits of the district are depicted on the Neighborhood Conservation District overlay zoning map and include all or portions of Oak Street, Windy Drive, Horn in the West Drive and Skyview Drive.
- B. Forrest Hills Drive:** The limits of the district are depicted on the Neighborhood Conservation District overlay zoning map.
- C. Grand Boulevard:** The limits of the district are depicted on the Neighborhood Conservation District overlay zoning map and include all or portions of Grand Boulevard, Orchard Street and Iris Lane.
- D. Grandview Heights:** The limits of the district are depicted on the Neighborhood Conservation District overlay zoning map and include all or portions of West Grandview Heights, Russell Drive and Poplar Grove Road.
- E. Stadium Drive:** The limits of the district are depicted on the Neighborhood Conservation District overlay zoning map and include all or portions of Hemlock Drive, Ferncliff Road, Tanglewood, Hawthorne Lane, Hope Drive, and Spring Street.
- F. Queen Street:** The limits of the district are depicted on the Neighborhood Conservation District overlay zoning map and include all or portions of Queen Street, Gladys Street and Charles Street.

14.09.03 The requirements of all rental property within Neighborhood Conservation Districts shall be as follows:

- A.** All tenants of rental property must complete and file a Residential Parking Registration Form with the Administrator. Tenants must provide personal identification, vehicle registration, and proof of residency within a designated Neighborhood Conservation District.
- B.** Tenants meeting eligibility requirements will be issued parking stickers for their vehicle(s) for the appropriate neighborhood district which must be permanently attached to eligible vehicles. Annual renewal and nominal fees are required.
- C.** No more than two unrelated persons per dwelling unit will be issued parking stickers.
- D.** Owners of rental property residing more than fifty (50) miles from Boone must designate in writing a local managing agent residing within Watauga County that will be responsible

for all matters concerning occupancy of such rental property, and must provide the Administrator with the agent's name, address and telephone number.

- E. Owners or local managing agents of rental property must notify tenants of applicable Neighborhood Conservation District requirements.

Note: Staff is requesting that the text be amended as proposed in Case 201607541, which will change how NCD's are referenced in the UDO. The purpose of the proposed text change would allow Council to create additional NCD's without amending the UDO.

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

Comprehensive Plan Policies

2.1 THE ECONOMY

2.1.1 Economic Development

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

2.3.3 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.

BOONE 2030 LAND USE PLAN

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

These properties are located within two sectors as shown on the Framework Map in the Boone 2030 Land Use Plan. These sectors include the G-1 Low Density/Primarily Residential sector and the G-2 Urban Neighborhoods sector.

The G-1 sector (light yellow on the map) is intended for relatively low density residential development. This sector includes existing low-density residential neighborhoods that are not appropriate for redevelopment. It also includes lands that are not proximate to thoroughfares and are not projected to be high growth areas due to limited access to transportation networks and utilities. Appropriate development typically consists of cluster developments such as conservation subdivisions, or low-density residential development on relatively large lots. For Boone, this sector is generally located away from planned neighborhood or regional centers and close to heavily encumbered O-1 or O-2 land.

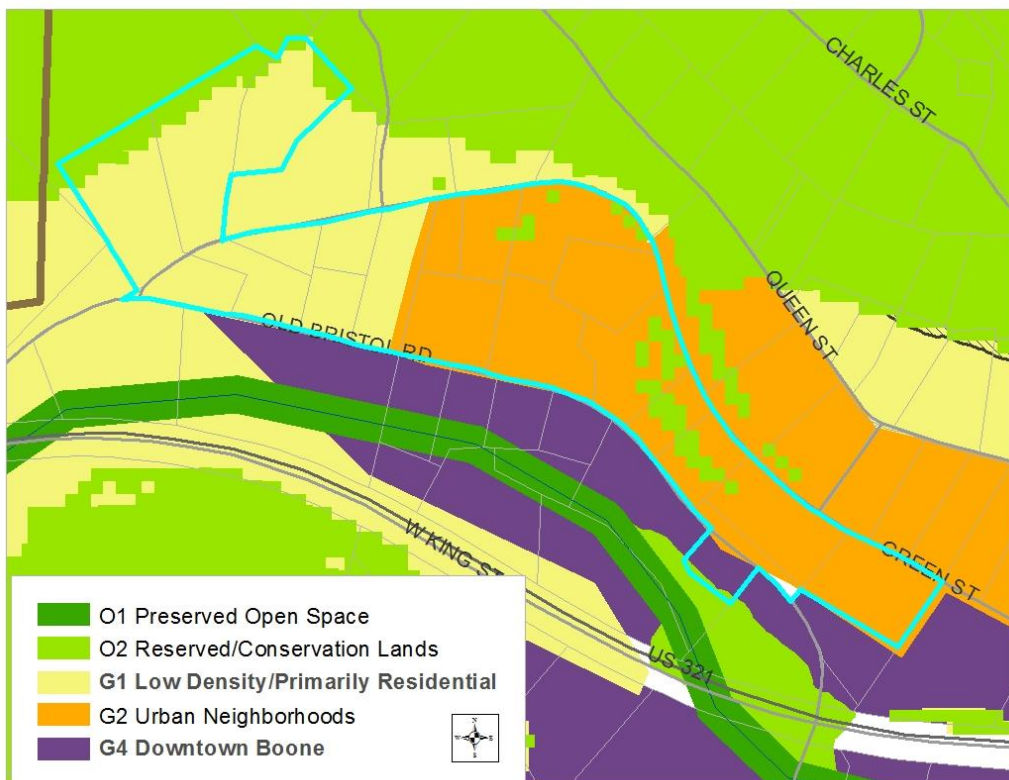
Appropriate Land Uses/Development Types:

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

The G-2 sector contains denser, mixed-use development at the scale of neighborhood centers, indicated by 1/4 mile circles (equivalent to a 5-minute walk), and suburban, residential development at the scale of walkable “traditional neighborhoods” shown in orange. This type of residential development creates an identifiable center organized around a small public square or green, often with some civic facilities or a building such as a church or a small store. Local, slow-speed streets form a connected network, with larger collector streets. Paths form pedestrian connections linking sidewalks to internal parks and preserved open space along the boundaries of the neighborhood. G-2 lands are typically close to thoroughfares and at key cross-road locations. For Boone, the G-2 sector specifically includes areas that are already developed with neighborhood-serving retail and service uses or at key cross-roads where future development of this type is likely to occur, such as around the intersection of NC 105 and Poplar Grove Road, or the intersection of Boone Heights Drive and State Farm Road. The G-2 designation is also used in areas where a mixture of higher density residential types (e.g., small lot single family houses, townhomes, apartment or condominium buildings, or mixed-use buildings) are already occurring or would be appropriate to transition between higher intensity commercial uses and existing lower density neighborhoods, and take advantage of proximity to existing centers of commerce, education, or employment such as the university, downtown, the hospital, the industrial park, and the Hardin Park Elementary School/NC 194 corridor.

Appropriate Land Uses/Development Types:

- Traditional neighborhood developments,
- single-family and multifamily residential,
- Neighborhood mixed-use centers,
- neighborhood-scale commercial uses,
- Civic uses,
- light industrial uses



Certification of Notification by Mail

I, Marlene Crosby, certify that individual notices meeting the requirements of Article 9, Subsection 9.03.03(B)(2) of the Town of Boone UDO were placed in the mail (first class) on November 4, 2016.

Marlene Crosby, Administrative Support Specialist

Certification of Posting

I, Brian Johnson, 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 4, 2016.

Brian Johnson, Urban Design Specialist

Direction

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.

PLANNING BOARD REPORT

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

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

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

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

TOWN COUNCIL ACTION

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

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

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

Note: The properties that were included in this request adjoin the existing "Queen Street NCD". Additionally, there are several properties along Green Street which already are zoned R1A but were not included in the Queen Street NCD. Staff is asking for direction from Council on whether or not to place a NCD overlay on these properties since they create "holes" within the NCD.

Zoning/Planning Permit Application

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

PERM. FOR (CHOOSE ONE):

- ☐ Single Family or Duplex (Residential)
☐ Commercial
☐ Board of Adjustment Hearing (other than Appeals)
☐ Planning/Other 20160566

A. CONTACT INFORMATION

Applicant: HUNTER COFFEY Company: COFFEY ARCHITECTURE
Address: 8857 HIGHWAY 105 SOUTH SUITE 2
Phone Number: 828.963.7639 Email Address: hunter@hpcarch.com
Property Owner: WATAUGA COUNTY FARM BUREAU, INC. Company: FARM BUREAU INSURANCE
Address: 135 STATE FARM RD.
Phone Number: Email Address:

B. PROPERTY INFORMATION

Watauga County Parcel Identification Number(s): 2910355832000/2910353886000
Address/Location: 135 & 169 STATE FARM RD.
Project Name: FARM BUREAU INSURANCE

C. PERMIT SUBCATEGORIES

Additional Forms Needed

Zoning Permits

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

Board of Adjustment Hearings

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

Planning/Other

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

D. DETAILED DESCRIPTION OF PROJECT

REF. Attached Project Narrative

E. PROJECT MANAGER DESIGNATION

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

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

F. DESIGN PROFESSIONAL INFORMATION**Engineer:**

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

Architect:

Name: HUNTER COFFEY Company: # COFFEY ARCHITECTURE
 Address: 8857 Highway 105 S Suite #2 License #: 52137
 Phone Number: 828.963.7639 Email Address: hunter@hpcarch.com

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

HUNTER P. COFFEY [Signature] 08-26-16
 Applicant¹ (Print) Applicant Signature Date

Property Owner (Print)

Property Owner Signature

Date

Official Use Only

Project File Name:

Farm Bureau Insurance - CD Zoning Map Amendment

Permit Number:

Project Name/Number:

20160566

Date:

08-26-16

Fee:

\$500.00

Receipt Number:

151455

Method of Payment:

✓ #1400

Paid By:

Hunter Paul Coffey
Architecture

S:\FORMS\Forms_2015\ZoningPermitApplication_052015.doc

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

Conditional District Map Amendment

Project Data Form

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

Official Use Only

Project Name/Number:

Farm Bureau Insurance - CD Zoning Map Amendment

Permit Name/Number:

20160566

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

A. ADDITIONAL APPLICATION INFORMATION

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

Hearing Date Requested¹: 10.24.2016

B. DEVELOPMENT INFORMATION

Project Name: FARM BUREAU INSURANCE

Project Description: SURVEY, PROJECT NARRATIVE, PLANS/ELEVATIONS,
See sheet G1.1 ZONING/CODE ANALYSIS DOCUMENT, TRAFFIC IMPACT ANALYSIS

Existing Zoning District(s): R-1 Proposed Zoning District(s): B-3

Existing Land Use(s): SINGLE FAMILY RESIDENTIAL 1.01 Proposed Land Use(s)²: PROFESSIONAL OFFICE 11.19

Adjacent Land Use(s): N: SINGLE FAMILY RESIDENCE E: SINGLE FAMILY RESIDENCE

W: COMMERCIAL: RESTAURANT S: STATE FARM RD.

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

If yes, describe: _____

Are any variances being requested with this project?³ ☐ Yes ☒ No

If yes, describe: _____

(EXIST. R-1) 14,386 SF + 26,046 SF (EXIST. B-3) + RIGHTS OF WAY
Total Land Area: = 44,352 SF (TOTAL)

REF. ATTACHED QUITCLAIM(S)

Total Disturbed Area: 20,271 SF

Number of Proposed Phases: 1

Describe Phasing (if proposed): N/A

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

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

C. DOCUMENTS REQUIRED FOR SUBMITTAL

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

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

² Please see UDO Article 15 for specific details on permissible uses

³ Each request for a Variance must be submitted on a separate Zoning Permit Application along with the appropriate fee

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

D. PROPERTY OWNER SIGNATURE:

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

Property Owner (Print)

Property Owner Signature

Date

Official Use Only

Public Hearing Meeting Date: 09-26-2016

PC Meeting Date: 09-26-2016

TC Meeting Date: 10-20-2016

Date of APO Mailed Notification: _____

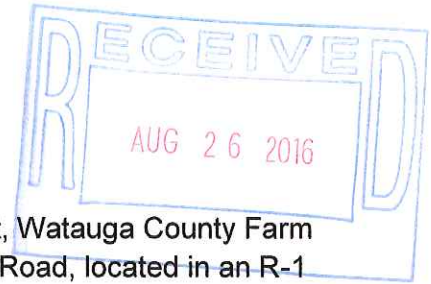
Date of Posted Notification: _____

Project Approved: ☐ Yes ☐ No

Date Order Recorded: _____

Order Recordation Information: Book: _____ Page: _____

Watauga County Farm Bureau, Inc. -
Conditional District Map Amendment -
Project Narrative



Currently located at 135 State Farm Road, in an B-3 zoning district, Watauga County Farm Bureau Inc. has acquired the adjacent property at 169 State Farm Road, located in an R-1 zoning district. The business intends to remove its current office building and the existing residential structure on the adjacent property, recombine the two parcels, and construct a new office building, described herein, on the recombined property. Because a Professional Office is not permitted in an R-1 zoning district, Farm Bureau seeks a conditional district map amendment from zoning district R-1 to B-3 for the property at 169 State Farm Road.

In an effort to create a development regionally appropriate, site sensitive, and pursuant to the considerations outlined in the Town of Boone Comprehensive and 2030 Plans, the project design addresses the following:

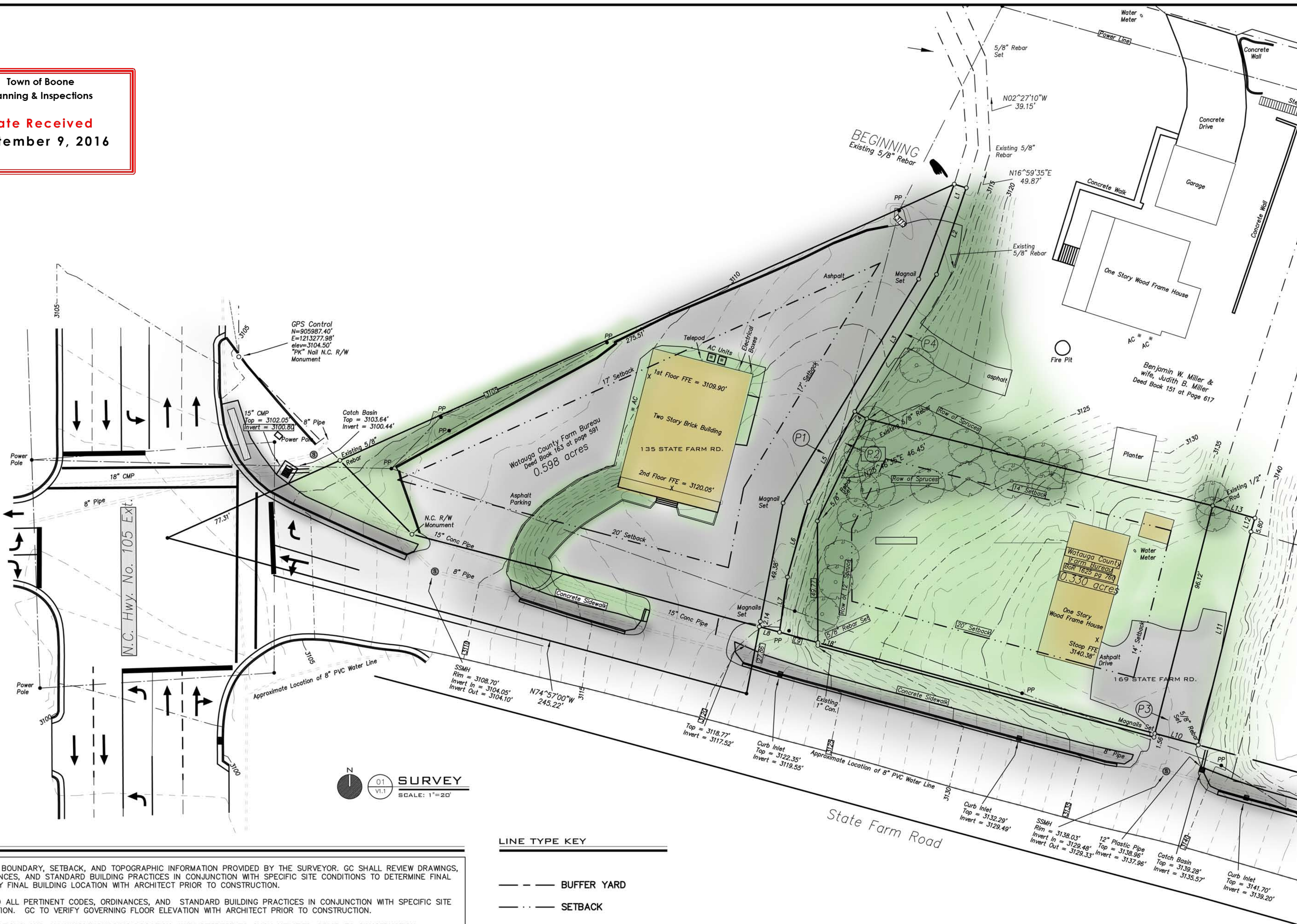
- **Vehicular Traffic -**
A traffic impact analysis of the new development (see attached), requested by the Town of Boone Public Works department and commissioned by Farm Bureau, suggests the new development will have no adverse affect on vehicular traffic in the area. In addition, the new development improves traffic flow by relocating the existing driveway, at 135 State Farm Road, further from the intersection with the Highway 105 Extension and affirms the existing flow by, effectively, maintaining the current access on the 169 State Farm Road parcel.
- **Development Density -**
A single, new facility, designed to mitigate the transition from residential to commercial scale development and meeting all open space requirements for the B-3 zoning district, will replace two existing structures.
- **Neighborhood Compatibility-**
The vast majority of the business of the new facility, inherently non-disruptive in nature, will be carried out during weekday, daylight hours, which will be compatible with the existing residential neighborhood. In addition, a fence and landscaping, designed in accordance with the Town of Boone Unified Development Ordinance, will serve as a buffer between the new development and the adjacent residential properties.
- **Development Quality and Aesthetics -**
The new development will replace aging, existing structures and be composed of regionally inspired architectural forms, features, and materials.
- **Urban Pattern -**
The nature of the new development is in keeping with the trend toward commercial and institutional development along the State Farm Road corridor.

FARM BUREAU INSURANCE

169 STATE FARM ROAD, BOONE, NORTH CAROLINA

Town of Boone
Planning & Inspections

Date Received
September 9, 2016



THE DRAWING AND DESIGN DEPICTED HEREIN ARE THE PROPERTY OF HUNTER PAUL COFFEY ARCHITECTURE, PLLC AND MAY NOT BE USED, REPRODUCED, EMULATED OR REFERENCED WITHOUT THE WRITTEN CONSENT OF HUNTER PAUL COFFEY ARCHITECTURE, PLLC

© COPYRIGHT 2015

SITE NOTES

- BUILDING LOCATION IS SCHEMATIC AND BASED ON BOUNDARY, SETBACK, AND TOPOGRAPHIC INFORMATION PROVIDED BY THE SURVEYOR. GC SHALL REVIEW DRAWINGS, SPECIFICATIONS, AND ALL PERTINENT CODES, ORDINANCES, AND STANDARD BUILDING PRACTICES IN CONJUNCTION WITH SPECIFIC SITE CONDITIONS TO DETERMINE FINAL BUILDING LOCATION. GC TO FIELD STAKE AND VERIFY FINAL BUILDING LOCATION WITH ARCHITECT PRIOR TO CONSTRUCTION.
- GC SHALL REVIEW DRAWINGS, SPECIFICATIONS, AND ALL PERTINENT CODES, ORDINANCES, AND STANDARD BUILDING PRACTICES IN CONJUNCTION WITH SPECIFIC SITE CONDITIONS TO DETERMINE GOVERNING FLOOR ELEVATION. GC TO VERIFY GOVERNING FLOOR ELEVATION WITH ARCHITECT PRIOR TO CONSTRUCTION.
- GC TO VERIFY WITH ARCHITECT FINAL UTILITY LOCATIONS AND ALLOWABLE BUILDING LOCATION, WITH RESPECT TO SUCH UTILITIES, PRIOR TO CONSTRUCTION.
- DRAIN LOW AREAS TO DAYLIGHT
- U.N.O. ALL TREES WITHIN LIMITS OF CONSTRUCTION BOUNDARY TO BE REMOVED. ALL OTHER TREES ARE TO REMAIN. GC TO MARK TREES ON-SITE, AS REQUIRED BY TOWN OF BOONE.

LINE TYPE KEY

- BUFFER YARD
- SETBACK
- PROPERTY BOUNDARY
- RIGHT OF WAY

THE DRAWING AND DESIGN DEPICTED HEREIN ARE THE PROPERTY OF HUNTER PAUL COFFEY ARCHITECTURE, PLLC AND MAY NOT BE USED, REPRODUCED, EMULATED OR REFERENCED WITHOUT THE WRITTEN CONSENT OF HUNTER PAUL COFFEY ARCHITECTURE, PLLC

© COPYRIGHT 2015

FARM BUREAU INSURANCE
169 STATE FARM ROAD
BOONE, NORTH CAROLINA

PROJECT:

HUNTER PAUL
COFFEY
ARCHITECTURE
PLLC

SHEET:

V1.1

Packet Pg. 71

NOT FOR CONSTRUCTION

SURVEY & EXISTING CONDITIONS

Communication: Case 20160566 Farm Bureau Insurance - Conditional District Zoning Map Amendment

09/09/16

169 STATE FARM ROAD, BOONE, NORTH CAROLINA

Date Received
September 9, 2016

— U.N.O. ALL TREES WITHIN LIMITS OF CONSTRUCTION BOUNDARY TO BE REMOVED. ALL OTHER TREES ARE TO REMAIN. GC TO MARK TREES ON-SITE, AS REQUIRED BY TOWN OF BOONE.



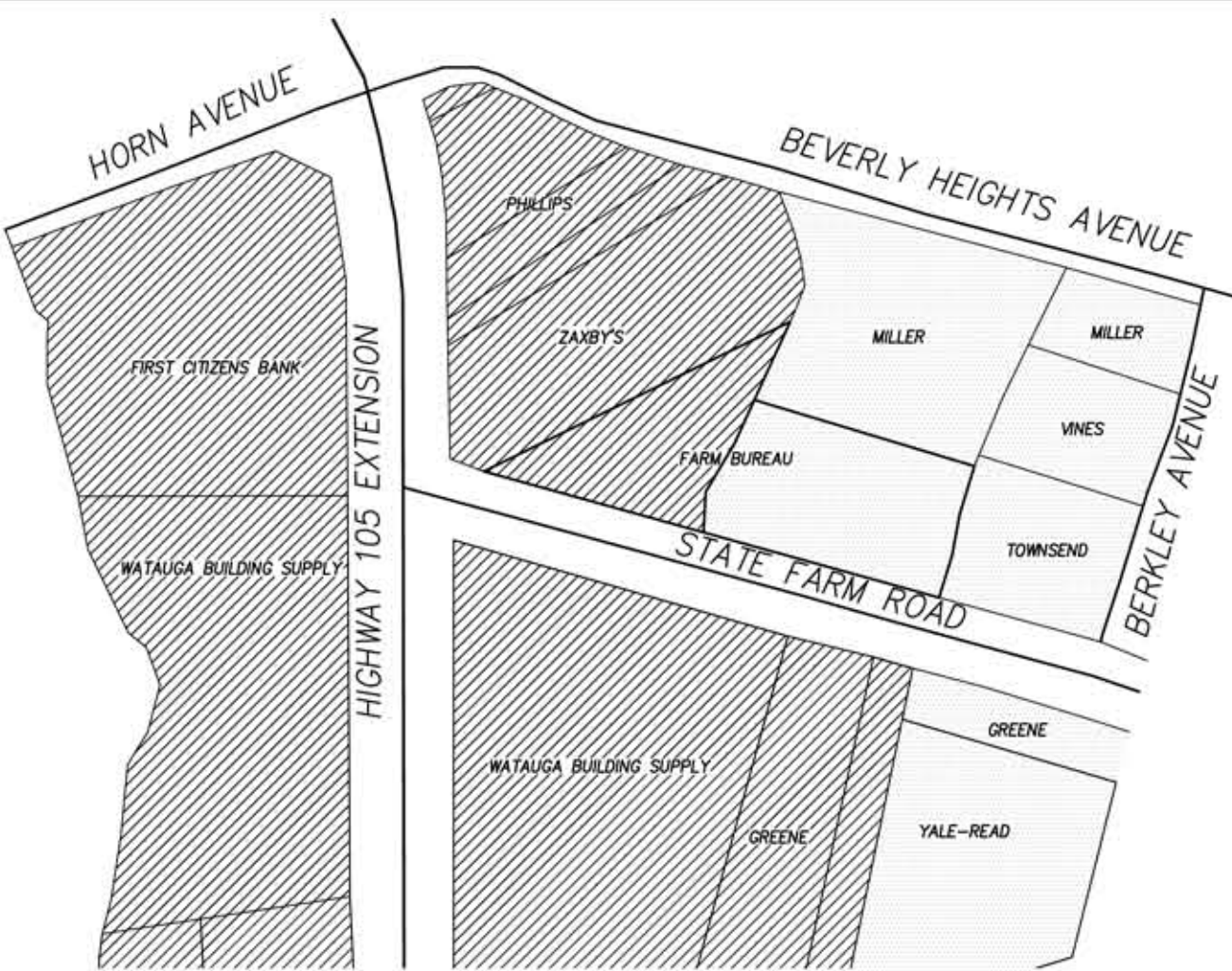
SHEET:	V1.1	OF:
--------	------	-----

FARM BUREAU INSURANCE

169 STATE FARM ROAD, BOONE, NORTH CAROLINA

Town of Boone
Planning & Inspections

Date Received
September 9, 2016



01 VICINITY MAP
G1.1
NOT TO SCALE



02 SITE PLAN OF PROPOSED PROJECT
G1.1
SCALE: 1"=20'

PLANT LEGEND

- EVERGREEN TREE
- LARGE DECIDUOUS TREE
- UDO DESIGNATED BUFFER YARD

LINE TYPE KEY

- BUFFER YARD
- SETBACK
- PROPERTY BOUNDARY
- RIGHT OF WAY

THE DRAWING AND DESIGN DEPICTED HEREIN ARE THE PROPERTY OF HUNTER PAUL COFFEY ARCHITECTURE, PLLC AND MAY NOT BE USED, REPRODUCED, EMULATED OR REFERENCED WITHOUT THE WRITTEN CONSENT OF HUNTER PAUL COFFEY ARCHITECTURE, PLLC

© COPYRIGHT 2015

NOT FOR CONSTRUCTION

THE DRAWING AND DESIGN DEPICTED HEREIN ARE THE PROPERTY OF HUNTER PAUL COFFEY ARCHITECTURE, PLLC. ANY MAY NOT BE USED, REPRODUCED, EMULATED OR REFERENCED WITHOUT THE WRITTEN CONSENT OF HUNTER PAUL COFFEY ARCHITECTURE, PLLC. © COPYRIGHT 2015.

FARM BUREAU INSURANCE
169 STATE FARM ROAD
BOONE, NORTH CAROLINA

DRAWING INDEX, NOTES, & SITE PLAN

HUNTER PAUL
COFFEY
ARCHITECTURE
PLLC

G1.1

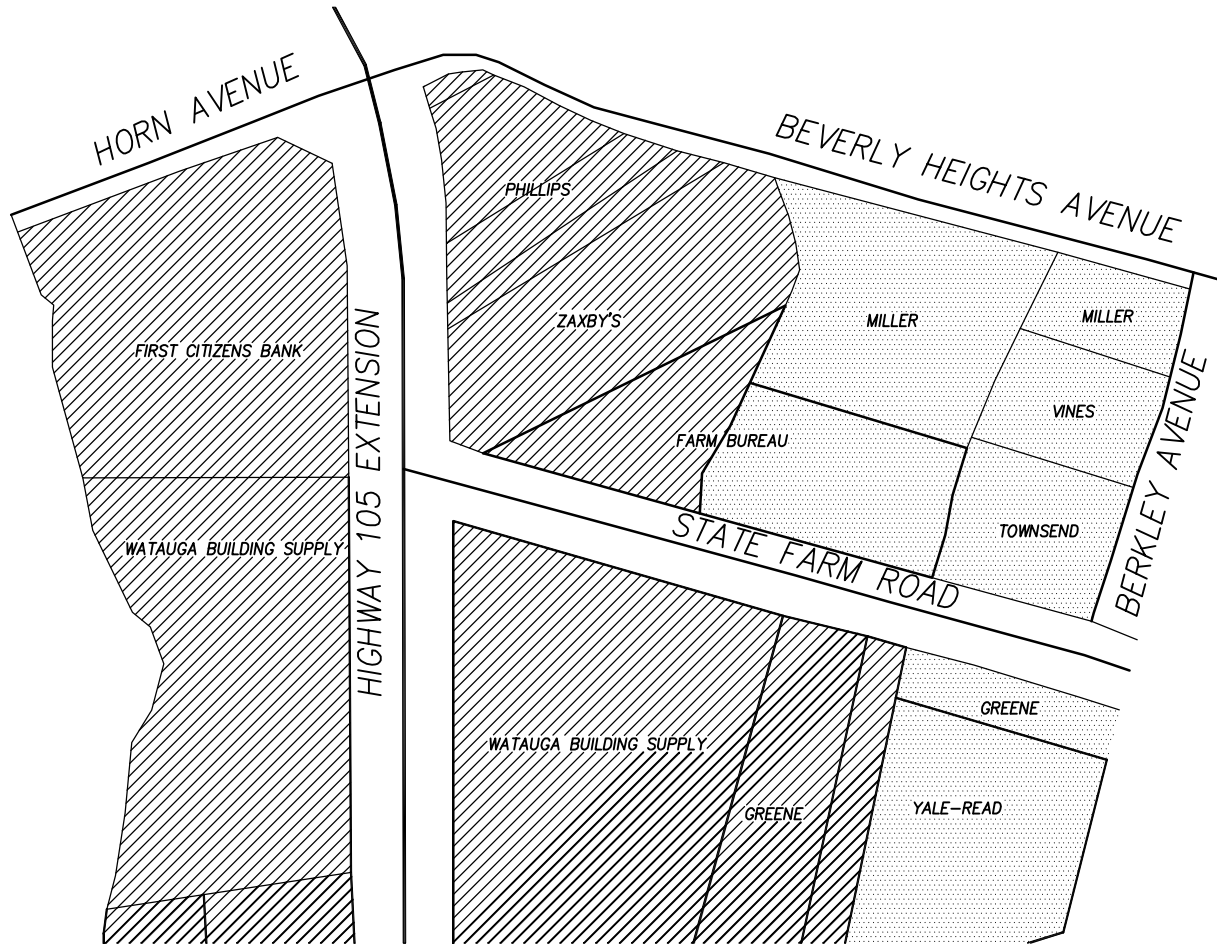
Packet Pg. 73

FARM BUREAU INSURANCE

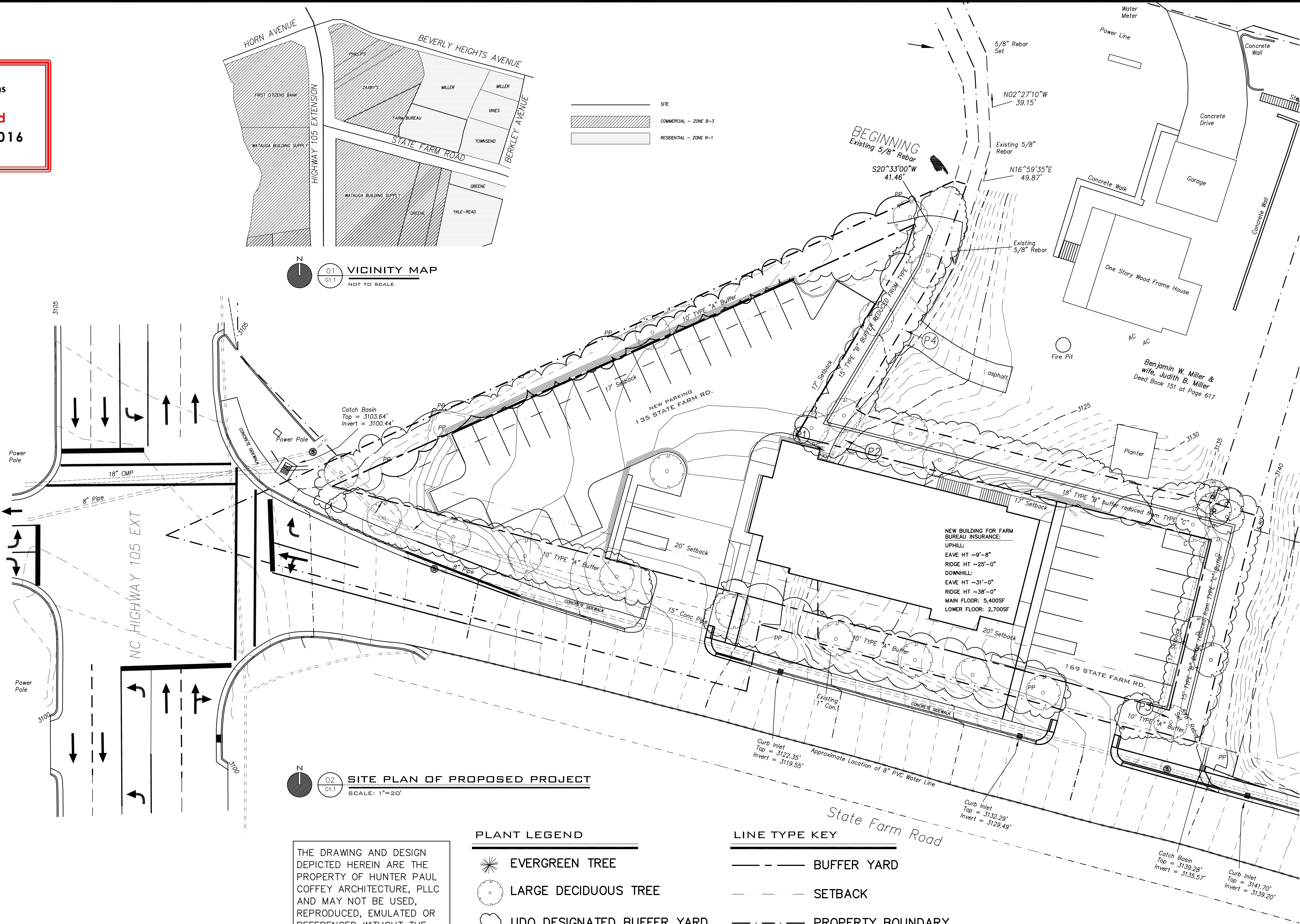
169 STATE FARM ROAD, BOONE, NORTH CAROLINA

Town of Boone
Planning & Inspections

Date Received
September 9, 2016



01 VICINITY MAP
G1.1
NOT TO SCALE



02 SITE PLAN OF PROPOSED PROJECT
G1.1
SCALE: 1"=20'

THE DRAWING AND DESIGN
DEPICTED HEREIN ARE THE
PROPERTY OF HUNTER PAUL
COFFEY ARCHITECTURE, PLLC
AND MAY NOT BE USED,
REPRODUCED, EMULATED OR
REFERENCED WITHOUT THE
WRITTEN CONSENT OF HUNTER
PAUL COFFEY ARCHITECTURE,
PLLC
© COPYRIGHT 2015

PLANT LEGEND

- EVERGREEN TREE
- LARGE DECIDUOUS TREE
- UDO DESIGNATED BUFFER YARD

LINE TYPE KEY

- BUFFER YARD
- SETBACK
- PROPERTY BOUNDARY
- RIGHT OF WAY

FARM BUREAU INSURANCE
169 STATE FARM ROAD
BOONE, NORTH CAROLINA

HUNTER PAUL
COFFEY ARCHITECTURE
PLLC
8857 HIGHWAY 105 SOUTH SUITE 2, BOONE, NORTH CAROLINA 28607
PH. 828.963.7639 FX. 828.963.7629

G1.1

SHEET

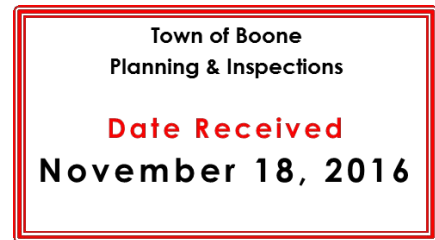
OF

DRAWING INDEX, NOTES, & SITE PLAN
PROJECT NO. 09.09.16
DATE: 09.09.16
DRAWN BY: [blank]
CHECKED BY: [blank]
PROJECT FILE: [blank]
CADD FILE: [blank]

THE DRAWING AND DESIGN DEPICTED
HEREIN ARE THE PROPERTY OF HUNTER
PAUL COFFEY ARCHITECTURE, PLLC AND
MAY NOT BE USED, REPRODUCED,
EMULATED OR REFERENCED WITHOUT THE
WRITTEN CONSENT OF HUNTER PAUL
COFFEY ARCHITECTURE, PLLC
© COPYRIGHT 2015

NOT FOR
CONSTRUCTION

Site Analysis and Programming- July 28, 2014
Farm Bureau Insurance
169 State Farm Rd. Boone, North Carolina



Zoning/Code Analysis

Project Name:

Farm Bureau Insurance New Facility

Project client:

Farm Bureau Insurance (AKA: Watauga County Farm Bureau, Inc.)
(828) 264.5270
Thad Taylor
Cell Phone: (828) 773.2857
Joey Clawson
Cell Phone: (828) 719.6395
E-mail: panoramictreefarm@yahoo.com

Project description:

Zoning Analysis and Site Assessment for a new ~8,000 SF 2-story office facility for Farm Bureau Insurance.

Project address:

135 / 169 State Farm Rd.
Boone, North Carolina, 28607

GIS Parcel ID: 2910355832000 (WCGIS)
2910-35-5832-000 (BGIS)
2910353886000 (WCGIS)

Code enforcement:

State:

-2012 North Carolina State Commercial Building Code (NCBC)

County:

- Watauga County GIS (WCGIS)
- Town of Boone Planning & Inspections (TOB)
- Town of Boone Unified Development Ordinance (UDO)
 - Christy Turner- UDO
 - Jane Shook- UDO
- Town of Boone Public Works (TOBPW)
 - Todd Moody- TOB
- Town of Boone Zoning Map (TSM)
- Boone Town Code (BTC)
- Boone Fire Marshal (BFM)
 - Mike Teague- BFM
- Town of Boone GIS (BGIS)

HUNTER PAUL COFFEY ARCHITECTURE, PLLC
8857 HIGHWAY 105 SOUTH SUITE 2 BOONE NC 28607
PHONE (828) 963-7639 FAX (828) 963-7629

Site Analysis and Programming- July 28, 2014
Farm Bureau Insurance
169 State Farm Rd. Boone, North Carolina

Tax Value:

Existing (B-3): \$315,000 (\$172,300 – building, \$142,700 – land) (WCGIS)

Year Built: 1977

Existing (R-1): \$160,500 (\$115,900 – building, \$44,600 – land) (WCGIS)

Year Built: 1964

Zoning District:

135 State Farm Rd. - Existing: B3 – General Business (Corridor District)

169 State Farm Rd. - Existing: R-1 – Single Family Residential (Corridor District)

New: 169 State Farm Rd. - B3 – General Business (Corridor District)

Permitted Uses:

Business or Professional Office (use 11.19 Table 15.07)

Single Family Residential (1.01 Table 15.07)

New: Business or Professional Office (use 11.19 Table 15.07)

Lot Area Requirements:

Actual Lot Area: 0.92 Acres Total; 0.33 Acres (new); 0.59 Acres (existing) (Survey by Appalachian PLS)

Required Minimum Lot Area: 5000 sq. ft. (0.11 Acres) (UDO Table 16.01.02)

Lot Coverage:

Proposed Building = 5,412 sf

Upper Parking Lot = 4,437 sf

Lower Parking Lot = 10,422 sf

Total Impervious Area = 20,271 sf

Lot Elevation:

~ 3,105' – 3,140' a.m.s.l. (Survey by Appalachian PLS&C)

Lot frontage:

Actual Lot Frontage: ~380' (Survey by Appalachian PLS&C)

Minimum Frontage = 40' (UDO Table 16.01.02)

Lot Width:

Actual Lot Width: ~95' (Survey by Appalachian PLS&C)

Minimum Width: 50' (UDO Table 16.01.02)

Maximum Floor Area Ratio:

HUNTER PAUL COFFEY ARCHITECTURE, PLLC
8857 HIGHWAY 105 SOUTH SUITE 2 BOONE NC 28607
PHONE (828) 963-7639 FAX (828) 963-7629

Site Analysis and Programming- July 28, 2014
Farm Bureau Insurance
169 State Farm Rd. Boone, North Carolina

0.429 Allowable FAR per (UDO Table 16.01.02)

Existing B-3 Lot =

Existing R-1 Lot =

0.183 Actual FAR = Total Building Area / Total Lot Area = 8,100 sf / 44,352 sf

0.183 < 0.429

UDO 16.01.01 C states "In the B3 Zoning District, a development may utilize the values in the Intensity Table or may substitute a maximum "Building Footprint" of thirty percent (30%) and an open space ratio of seventy percent (70%). All other regulations in the Intensity Table apply."

Min. Livability Space:

0.27 (UDO Table 16.01.02)

0.543 = Actual Livability Space = "Livability" Area / Total Land Area = 24,081 sf / 44,352 sf

Livability Space

The portion of total open space

including existing natural areas, lawns and other landscaped areas, walkways, paved terraces, sitting areas, outdoor recreational areas and the landscaped portion of street rights-of-way. Such space shall not include open space used for motorized vehicles.

Minimum Open Space Ratio:

0.71 (UDO Table 16.01.02)

0.865 = Actual Open Space Ratio = Open Space / Total Land Area = 38,361 sf / 44,352 sf

Min. Recreation Space:

0.062 (UDO Table 16.01.02)

As Per UDO Section 16.05.01:

Recreation space is only required for multifamily developments and manufactured home parks.

Flood Zone:

The property is not listed in a potential flood zone according to Boone GIS map. (BGIS)

Watershed Protection:

The property is not listed in a watershed protection area according to Watauga County GIS map. (WCGIS)

Stream Protection:

HUNTER PAUL COFFEY ARCHITECTURE, PLLC
8857 HIGHWAY 105 SOUTH SUITE 2 BOONE NC 28607
PHONE (828) 963-7639 FAX (828) 963-7629

Storm Water Detention:

UDO 21.03

UDO A3.05

Per discussion with Mike Trew on 08.22.16:

We will need to alleviate any excess runoff created from added impervious to the site.

i.e. - If we currently have a runoff value of 3fps and we have a proposed runoff of 4fps (based on the added impervious to the site) we would need to be able to detain the added 1fps of runoff. This can be mitigated via a detention pond at the lowest corner of the site or an ARCH system, which is an underground detention system that allows a certain amount of water to be held onsite and "let out" at a pre-determined rate.

Impervious Surface:

Proposed Building = 5,400 sf

Upper Parking Lot = 4,437 sf

Lower Parking Lot = 10,422 sf

Total Impervious Area = 20,271 sf

Building Setbacks:

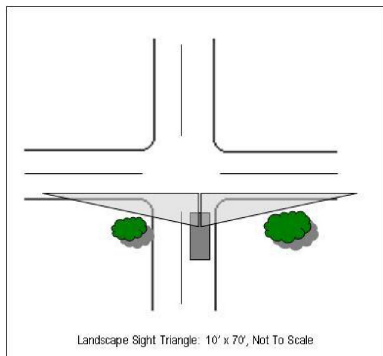
Street = 20 feet

Interior = 17 feet

Buffer Requirements:

Where the property line runs adjacent to an R-1 zone the buffer yard shall include dense evergreen vegetation in addition to the proposed fence and other required vegetation set forth by UDO article 31.

To ensure that landscape materials do not constitute a traffic hazard, a sight triangle 10 feet by 70 feet will be observed at all intersections of driveways/streets with adjacent streets (see diagram below).



(UDO 31.01.02)

Buffer Classification of Proposed Land Use: (UDO 31.04.01)
Classification III - 11.0 – General Sales and Service

Adjacent Properties:

- 190 Beverly Heights Drive – Residential R-1 (TOBGIS)
Classification I (UDO 31.04.01)
- 545 Hwy 105 Ext – Commercial- Restaurant (TOBGIS)
Classification III (UDO 31.04.01)
- 113 Berkley Ave – Residential R-1 (TOBGIS)
Classification I (UDO 31.04.01)

Buffer Requirements: (UDO 31.05.01)

Adjacent Public or Private Street (Both Class II and III)- 10 feet (see section 31.09)

Class III adjacent to Class I- Type C Screening

Class III adjacent to Class III- Type A Screening

Type A Screen (UDO 31.05.02) **Required width of Bufferyard = 10 feet**

Standard Screen, Type “A” is a screen composed of intermittent visual obstructions from the ground to a height of at least 20 feet. The standard screen is intended to create a separation of spaces without necessarily eliminating visual contact between the spaces.

Type B Screen (UDO 31.05.02) **Required width of Bufferyard = 15 feet**

Semi-Opaque Screen, Type “B” is intended to partially block the view between uses and to create a strong distinction of separation of spaces. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than 10 feet wide.

Type C Screen (UDO 31.05.02) **Required width of Bufferyard = 25 feet**

Opaque Screen, Type “C” is a screen that is opaque from the ground to a height of at least 6 feet, with intermittent visual obstructions from the opaque portion to a height of at least 20 feet. An opaque screen is intended to exclude completely all visual contact between uses and to create a strong spatial separation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the

portion of intermittent visual obstruction should not contain any completely unobstructed openings more than 10 feet wide.

The width of the buffer may be reduced with the use of a fence or wall. If an applicant plans to build a fence or wall, a "C" buffer classification reduces to a "B" buffer classification and a "B" buffer classification reduces to an "A" buffer classification. Fences and walls must meet the following standards (UDO 31.06.04)

- A. Fences or walls shall be constructed of wood, brick, stone, or other masonry, and be architecturally compatible with the proposed structure. A detailed drawing of the screen must be shown on the landscape plan and approved by the Administrator.
- B. Walls and fences shall be solid construction and opaque.
- C. Walls and fences shall be a minimum height of 6 feet.
- D. The wall or fence shall be located in the center of the buffer with vegetation planted on either side.

See UDO 31.06 for detailed Buffer and Screen Requirements

31.06.05 Loading Docks, Screening

Building Height Requirements:

44 feet (primary) 67 feet (secondary) (UDO 16.08.02)

Actual Proposed: ~38 feet

In the R3, B2 and B3 districts the height limitation may range between the primary height limitation in the table to the secondary height (which is the maximum for the district), subject to the provision that for each foot the height of the structure exceeds the primary height limitation, the boundary lot setback applicable to

the structure shall increase by 1 foot. In no case shall the height of a structure exceed the secondary height

limitation established in the table. (UDO 16.08.03)

Occupancy Classifications:

Business (B) Professional Offices; Business or Professional Office (use 11.19 Table 15.07)

Occupant Load Area:

B (Main Level): 5,400 SF (including stair)

B (Lower Level): 2,700 SF (not including stair)

Total= 8,100 SF

Occupant Load Calculation:

Business Areas: 100 SF Gross

Main Level: 5,400 / 100 = 54 occupants

Lower Level: 2,700 / 100 = 27 occupants

8,100 / 100 = 81 occupants

HUNTER PAUL COFFEY ARCHITECTURE, PLLC
8857 HIGHWAY 105 SOUTH SUITE 2 BOONE NC 28607
PHONE (828) 963-7639 FAX (828) 963-7629

Off-street parking:

B: 5 spaces / 1000 SF GFA (UDO 24.01.03)

Main Level: $5,400 / 200 = 27$ spaces

Lower Level: $2,700 / 100 = 14$ spaces

$8,100 / 200 = 41$ spaces

Our proposal defines 41 total spaces 15 in Parking Lot 1; 26 in Parking Lot 2)

Bicycle Parking: (UDO Article 24.09)

Per UDO Article 24.09, the proposed new construction must include a minimum of 3 covered (24.09.06) bicycle parking spaces (2 short-term, 1 long-term) at a distance no greater than the distance to a non-accessible parking space (24.09.05).

Compact Car Parking: (UDO 24.02.02)

In parking areas containing 10 or more parking spaces, a rectangular area of only 7'-6" in width by 15' in length, may be conspicuously designated as reserved for compact cars in the following situations:

A. Multi-family uses may provide up to 50% of the parking spaces for compact cars.

B. All other uses may provide up to 35% of the parking spaces for compact cars.

Accessible Parking Requirements: (NCBC 1106.1)

Where parking is provided, accessible parking spaces shall be provided in compliance with Table 1106.1

1-25 total parking spaces provided = minimum 1 accessible parking space

26-50 total parking spaces provided = minimum 2 accessible parking space

Note: For every six or fraction of six accessible parking spaces, at least one shall be a van-accessible parking space. (NCBC 1106.5)

Accessible Parking Space Location: (NCBC 1106.6)

Accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance. In parking facilities that do not serve a particular building, accessible parking spaces shall be located on the shortest route to an accessible pedestrian entrance to the parking facility. Where buildings have multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances.

Vehicular Surface Area Requirements (Buffers)

UDO 31.10

Site Analysis and Programming- July 28, 2014
Farm Bureau Insurance
169 State Farm Rd. Boone, North Carolina

Signage Regulations:

Corridor District: (UDO 14.08.04)

A. Allowed Access- permitted 1 driveway access

C. Corner Clearance- no driveway (except single family residential access) shall be allowed within 150 feet of the centerline of an intersecting street.

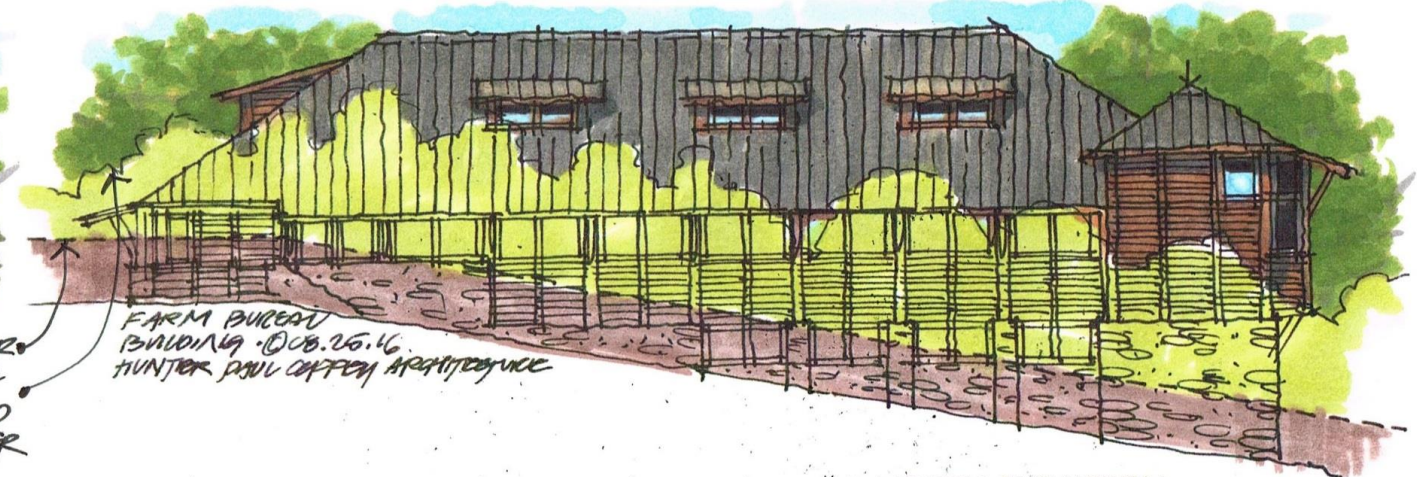
D. Driveway Spacing- the distance between any 2 drives shall be 150 feet on the protected thoroughfares. The driveway spacing requirement shall be measured along the right-of-way line from the centerline of the driveway.

Power Lines:

Any portion of any building or structure must be at least 7 feet 6 inches away from any major power line (per 09.17.15 phone conversation with Scott Eggers of New River Light and Power)



SOUTH ELEVATION
1/16" = 1'-0"



NORTH ELEVATION
1/16" = 1'-0"



EAST ELEVATION
1/16" = 1'-0"



WEST ELEVATION
1/16" = 1'-0"

FARM BUREAU INSURANCE

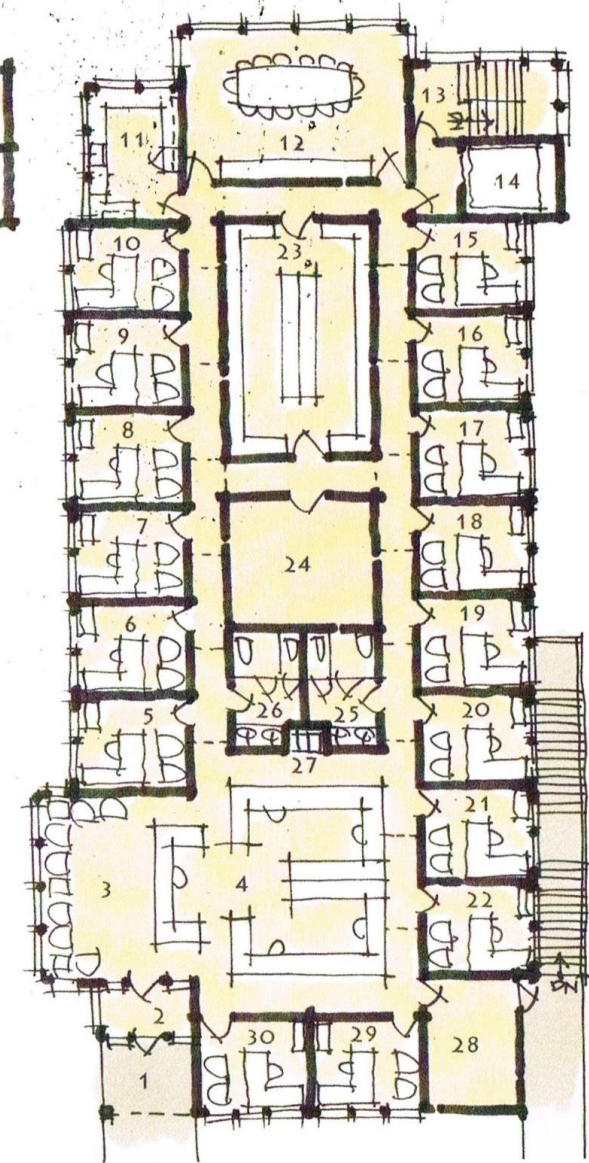
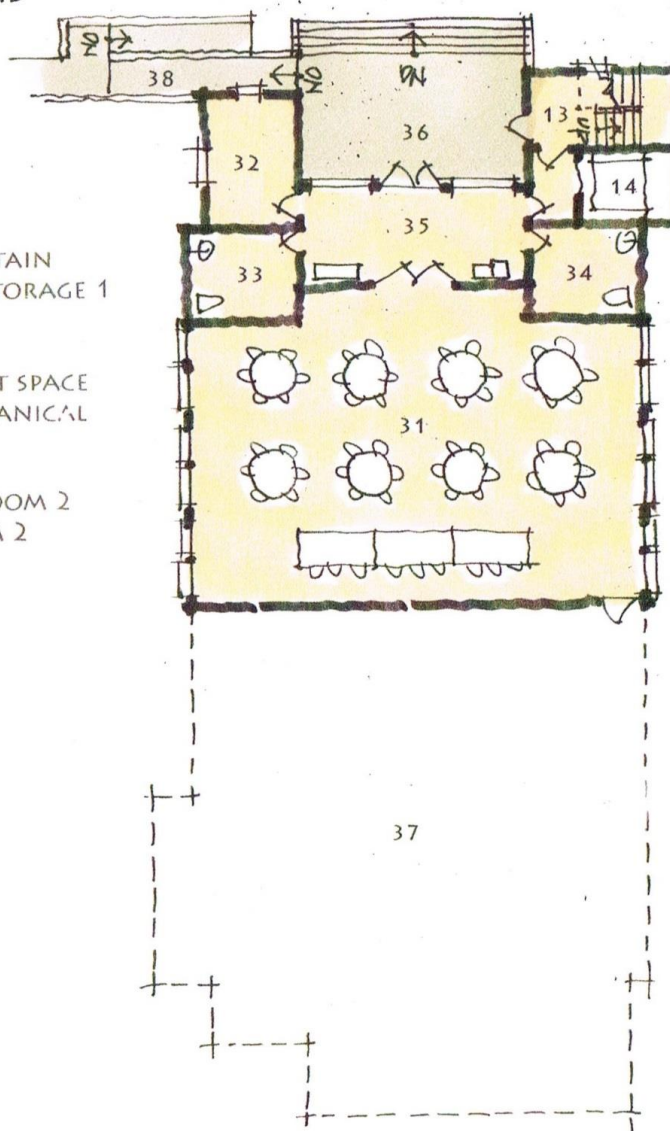
169 STATE FARM ROAD
BOONE, NC

LEGEND

- | | |
|------------------------|----------------------------|
| 1. COVERED ENTRY PORCH | 27. DRINKING FOUNTAIN |
| 2. VESTIBULE | 28. MECHANICAL / STORAGE 1 |
| 3. LOBBY | 29. OFFICE 15 |
| 4. CSR / RECEPTION | 30. OFFICE 16 |
| 5. OFFICE 1 | 31. BANQUET / EVENT SPACE |
| 6. OFFICE 2 | 32. STORAGE / MECHANICAL |
| 7. OFFICE 3 | 33. WOMEN'S RESTROOM 2 |
| 8. OFFICE 4 | 34. MEN'S RESTROOM 2 |
| 9. OFFICE 5 | 35. FOYER |
| 10. OFFICE 6 | 36. FRONT PORCH |
| 11. BREAK ROOM | 37. CRAWL SPACE |
| 12. CONFERENCE ROOM | 38. RAMP |
| 13. STAIRS | |
| 14. ELEVATOR | |
| 15. OFFICE 7 | |
| 16. OFFICE 8 | |
| 17. OFFICE 9 | |
| 18. OFFICE 10 | |
| 19. OFFICE 11 | |
| 20. OFFICE 12 | |
| 21. OFFICE 13 | |
| 22. OFFICE 14 | |
| 23. FILE ROOM | |
| 24. STORAGE | |
| 25. WOMEN'S RESTROOM 1 | |
| 26. MEN'S RESTROOM 1 | |

**HUNTER PAUL
COFFEY
ARCHITECTURE** PLLC

8857 HIGHWAY 105 SOUTH, SUITE 2
BOONE, NORTH CAROLINA 28607
PH 828.963.7639 FX 828.963.7629
WWW.HUNTERPAULCOFFEYARCHITECTURE.COM



THE DRAWINGS AND DESIGN DEPICTED HEREIN ARE THE SOLE PROPERTY OF HUNTER PAUL COFFEY ARCHITECTURE, PLLC AND SHALL NOT BE USED, REPRODUCED, EMULATED, OR REFERENCED WITHOUT THE WRITTEN CONSENT OF HUNTER PAUL COFFEY ARCHITECTURE, PLLC.
COPYRIGHT 08.26.16

**STAFF REPORT
FARM BUREAU CONDITIONAL DISTRICT ZONING MAP AMENDMENT
CASE 20160566**



Request

Hunter Coffey on behalf of Watauga County Farm Bureau Insurance has filed a Planning Permit Application for a Conditional District Zoning Map Amendment to rezone 135 and 169 State Farm Road from B3 General Business and R1 Single-Family Residential to Conditional District B3 General Business subject a site specific development plan for Use 11.19 Other Business or Professional Office.

Applicant Information

Petitioner Name/Position: Hunter Coffey
Petitioner Organization: Coffey Architecture
Petitioner Address: 8857 Highway 105 South, Suite 2, Boone, NC 28607
Petitioner Contact Phone: (828) 963-7639
Petitioner Email: hunter@hparch.com

Parcel Information

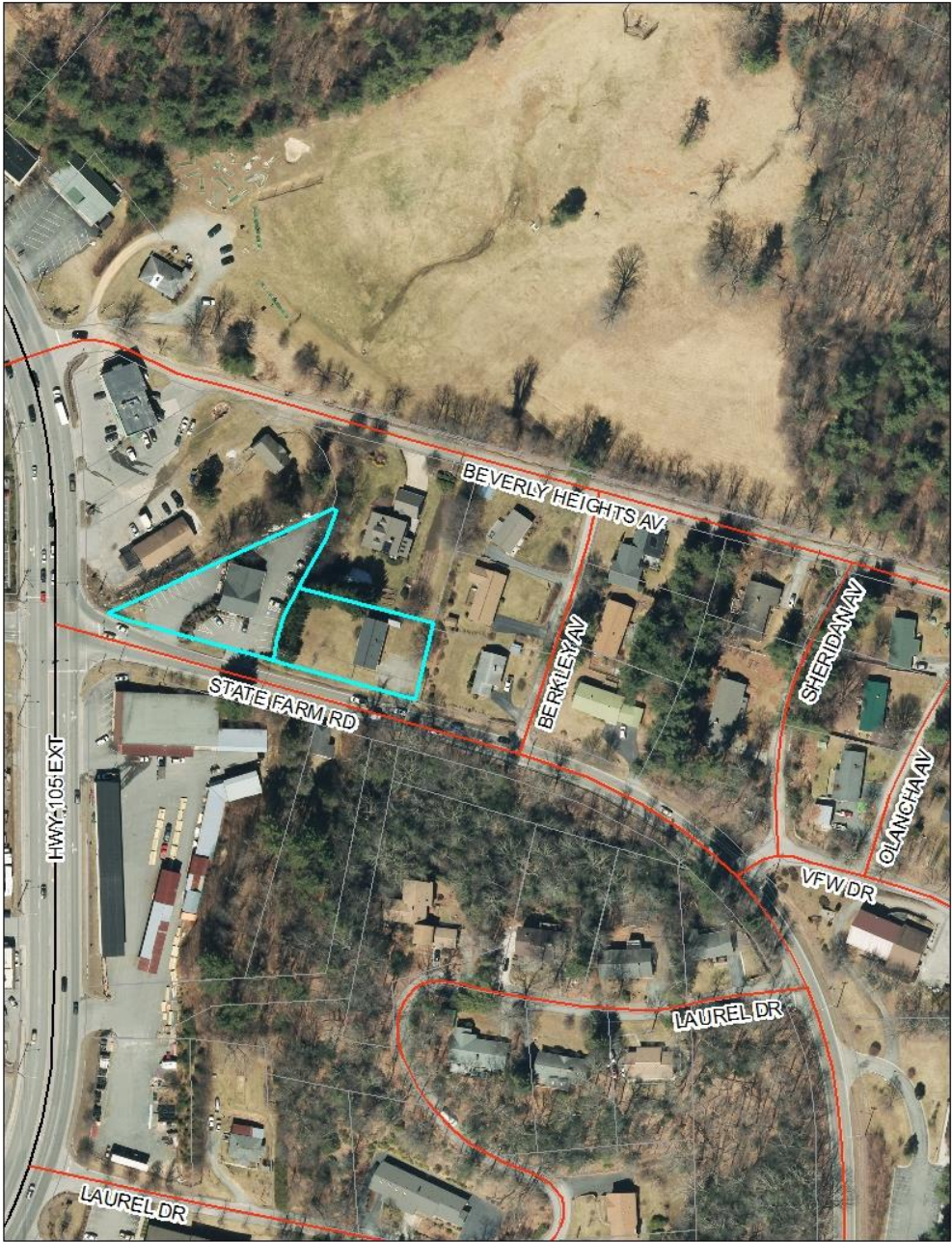
Addresses:	135 and 169 State Farm Road
Watauga County PINs:	2910354955000, 2910355899000
Property Owner:	Watauga County Farm Bureau Inc.
Total Lot size:	1.02 acres
Jurisdiction:	Town of Boone Corporate Limits
Access:	State Farm Road
Topography:	Approximate 36' change in elevation; Property slopes up from W to E
SFHA:	No
Watershed District:	No
Corridor District:	Yes
NCD:	No (Note: 169 State Farm Road is included in Case 20160735 Beverly Heights/VFW NCD).
Viewshed:	No
Transit Route:	Yes; State Farm and Orange Route @ Papa Johns (approximately 500' proposed from entrance)
Utilities:	Town water and sewer available per Ordinance 11-01
Current Zoning:	B3 General Business and R1 Single-Family Residential
Vesting:	2 years
2030 Plan Designations:	G2 Urban Neighborhood
Current Uses:	135 State Farm Road: Office; 169 State Farm Road: Single-Family Dwelling

Zoning & Use of Adjacent Properties

	Adjacent Zoning	Adjacent Land Use
North	B3 General Business & R1 Single Family Residential	Restaurant (Zaxby's), Single-Family Dwelling
East	R1 Single-Family Residential	Single-Family Dwelling
South	B3 General Business	Commercial (Watauga Building Supply), Single-Family Dwelling
West	B3 General Business	Restaurant (Zaxby's)

Impact Analysis

The proposed Farm Bureau Insurance office is located adjacent to both a redeveloping commercial corridor and a single-family neighborhood. Due to the proposed use (office) in close proximity of single-family dwelling units, Staff feels that the noise and visibility of the site will be the largest impacts to the single-family neighborhood. The applicant is proposing to construct a fence within the landscape buffer adjacent to the single-family neighborhood. Staff recommends enlarging the landscape buffer to the full 25' where possible and supplementing this buffer with evergreens to further mitigate any possible impacts. Additionally, Staff recommends the applicant explore the possibility of installing a 3-5' earthen berm within the buffer along the Townsend property to the east in addition to the fence.



Comparison Chart	
Standard	Farm Bureau Development
UDO Section 14.08 Corridor Overlay District Subsection 14.08(A), (C), (G)	In Compliance.
UDO Subsection 16.01.02 Intensity Table <u>B3 General Business</u> Minimum Gross Land Area: 5,000 sq. ft. Minimum Lot Width: 50 ft. Minimum Street Frontage: 40 ft. Maximum Floor Area Ratio: .429 Minimum Open Space: .71 Minimum Livability Space: .27	In Compliance. Minimum Gross Land Area: 40,075 sq. ft. Minimum Lot Width: 380 ft. Minimum Street Frontage: 380 ft. Maximum Floor Area Ratio: .183 Minimum Open Space: .865 Minimum Livability Space: .543
UDO Section 16.06 Building Setback Requirements Interior Setback: 17' Street Setback: 20'	In Compliance. Interior Setback: 17' Street Setback: 20'
UDO Section 16.08 Building Height Limitations Maximum Building Height = 44' (primary)	In Compliance. Maximum Building Height = 38'
UDO Section 24.01 Parking Spaces Required Use 11.19=5 spaces /1000 sq. ft. Gross Floor Area Maximum Spaces Allowed: 41	In Compliance. Number of Spaces Provided: 41
UDO Section 24.09 Bicycle Parking Required Short-Term Spaces = 2 Required Long-Term Spaces = 1	In Compliance. Per the applicant's analysis, 3 bicycle parking spaces will be provided on site.
UDO Article 25 Community Appearance Standards	The applicant has not demonstrated complete compliance with this requirement. Note: Though the project appears to meet the requirements of UDO Article 31 Community Appearance Standards, the applicant did not submit the detailed elevations and information necessary for Staff to confirm compliance. The applicant will have to submit detailed elevations demonstrating full compliance with UDO Article 31 during the zoning permit process.

Petitioner's Proposal

Proposed Zoning: Conditional District B3 General Business

Applicant Submitted Materials:

- | | |
|---|---------------------------------------|
| 1. Application | 2. Neighborhood Meeting documentation |
| 3. Building Elevations | 4. Site Plan |
| 5. Landscape Plan | 6. Project Narrative |
| 7. Site Analysis and Programming Document | 8. Deeds |
| 9. Traffic Impact Analysis | |

TRAFFIC IMPACT ANALYSIS: The applicant has submitted a Traffic Impact Analysis March 4, 2016 for this project. Below is an excerpt containing the summary and conclusion (Please note a full copy of the report can be seen at the Planning and Inspections Department or a copy of the report can be emailed upon request):

7.0 Summary and Conclusion

The existing Farm Bureau Insurance is to be upgraded to a larger facility on the northeast corner of NC 105 and State Farm Road in Boone, NC. As planned, this development will consist of expanding the existing Farm Bureau Insurance building to a two-story, approximately 5,300 SF site. Based on trip generation equations published in Trip Generation (Institute of Transportation Engineers, 9th Edition), this development has a trip generation potential of 58 daily net trips with 8 trips in the AM peak and 8 trips in the PM peak.

DAVENPORT was retained to determine the potential traffic impacts of this development and to identify transportation improvements that may be required to accommodate the impacts of the new development traffic. The following intersections were included in the study:

- NC 105 at State Farm Road (signalized)
- NC 105 at Beverly Heights Avenue / Horn Avenue (signalized)
- State Farm Road at Berkley Avenue (unsignalized)
- State Farm Road at VFW Drive (unsignalized)
- State Farm Road at Site Access 1 (unsignalized)
- State Farm Road at Site Access 2 (unsignalized)

Based on projected traffic volumes at the site access, no improvements are recommended. The proposed entrances along State Farm Road are expected to operate adequately with the lane configuration that is currently in place. The proposed site plan moves Site Access #1 further east from the signal at NC 105 and State Farm Road approximately 45 feet. Site Access #2 is also moved further east from the signal an additional 50 feet from the new Site Access #1 Location. With this new configuration, traffic levels of operation are anticipated to remain unchanged. It is recommended to design the new site accesses according to Town of Boone's driveway standards. Figure 9 illustrates the recommended improvements.

Additionally, DAVENPORT reviewed multimodal travel conditions within the area of the site. Existing transit facilities include the AppalCART bus routes (Pink, Orange and State Farm) and sidewalks along the east and west sides of NC 105 and northern side of State Farm Road. The use of these facilities are beneficial to pedestrians within the project vicinity and may be used as a means of travel to and from the site.

In conclusion, this study has determined the potential traffic impacts of this development and has identified transportation improvements that will be required to accommodate the impacts of both background traffic as well as proposed development traffic. The aforementioned improvements should all be constructed in accordance with Town of Boone standards.

Comments from P&I staff

Community Appearance and Landscape Standards (Urban Design Specialist)

Staff has reviewed the proposed preliminary plans for the Farm Bureau Insurance CD Zoning map Amendment with a received date of September 9, 2016 and offer the following comments:

1. The required buffer along the properties lines abutting the R-1 Single-Family Use properties requires a 25' opaque buffer. The project is proposing to use a buffer reduction down to a 15' Type B buffer with required privacy fence along the Northeast property lines which is allowed per UDO Section 31.06.04. Though this is

allowed per UDO requirements, staff feels the additional width and planting required in a 25' buffer would better protect the neighboring properties, especially since the upper property sits at a higher grade. Staff recommends enlarging the landscape buffer to the full 25' where possible and supplementing this buffer with evergreens to further mitigate any possible impacts. Additionally, Staff recommends the applicant explore the possibility of installing a 3-5' earthen berm within the buffer along the Townsend property to the east.

2. The root zone of an existing Oak tree located adjacent the East property line must be protected. The tree appears to be on the adjacent property. This may require revisions to the site plan
3. The root zone of two Maple trees located in the Northeast property corner must be preserved. It appears that one of the trees may be located on the adjacent property. This may require revisions to the site plan.
4. It is encouraged to have the existing large Spruce trees along the adjacent Miller property be assessed and retained. If healthy the trees are providing a fairly substantial buffer. It appears the some of the trees may be located on the Miller property and the proposed project property. This may require revisions to the site plan.
5. The proposed buffer along State Farm Road requires a 10' street yard buffer per UDO Section 31.09. The plan is proposing a 10' Type A Property line buffer. Though not required, it is encouraged to utilize some large evergreen trees within the street yard as long as there is no sight conflicts.
6. Though the project appears to meet the requirements of UDO Article 31 Community Appearance Standards, the applicant did not submit the detailed plans for Staff to confirm. The applicant will have to submit detailed elevations demonstrating full compliance with UDO Article 31 during the zoning permit process.

Grading/Erosion Control/Stormwater (Environmental Planner)

Staff has reviewed the proposed preliminary plans for the Farm Bureau Insurance CD Zoning map Amendment with a received date of September 9, 2016 and offer the following comments:

1. Though the project appears that it will be possible to meet the requirements of the UDO in regards to grading and stormwater, the applicant did not submit detailed plans for Staff to confirm. The applicant will have to submit detailed grading, erosion control and stormwater plans demonstrating full compliance with the UDO during the zoning permit process.

Comments from Other Departments & Outside Agencies

Public Works:

Services Division (Facilities Maintenance Superintendent)

The Public Services Department has reviewed the above referenced plan and has no comment at this time.

Utilities Division (Utility Services Technician)

The Public Utilities Division has conducted a plan review for the proposed project on 135/169 State Farm Rd; materials reviewed by this department are dated received 09/09/16 are approved with the following conditions.

1. Utilities must be clarified on future submittals.

Fire Department (Captain)

A review of the submitted building plan drawing was conducted. Following is the result of this review:

- Will this building have a sprinkler system? If so a hydrant will need to be within 100 ft of the FDC and the FDC placement must be approved by the fire department.
- Please provide a detailed drawing of both parking lot entrances that includes the grade of the turn into the parking lot as well as through the length of the parking lot.

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):

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

2.0 Policies for Growth and Development (Pp. 18-77)

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 Council and 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 thereby shaping their overall recommendation.

2.1 THE ECONOMY (p. 19)**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.
- B. New and expanding industries and businesses shall be encouraged which: 1) diversify the local economy, 2) train and use a skilled labor force and 3) increase area residents' incomes.
- C. The Town shall encourage the development of a well-balanced tourism trade as a primary element of the area's economic future. Investments in services, facilities, and proper growth management shall be employed in furtherance of this objective.
- D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.
- E. The Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area's physical and human resources.
- F. New firms and expanding businesses that complement the natural resources and beauty of the region shall be especially recruited and encouraged.
- G. The Town shall support the development of new business parks.
- H. The Town shall promote coordination of economic development resources with the appropriate institutions and agencies. Regional coordination and interaction among areas with a shared economic interest shall be encouraged.
 - H.1 Assist business recruitment and expansion efforts by providing demographic and market data and development information to potential developers and business prospects. Direct such interested parties, by referral through the Economic Development Director, to identified locations in the community.
 - H.2 Include economic development as a specific point of discussion by the recently created Community Council.
- I. Small business start-ups, expansions and spin-offs shall be encouraged. The presence of ASU and Caldwell Community College and Technical Institute shall be recognized as a necessary and important resource for area businesses.
- K. Boone shall identify and provide services consistent with the needs of the area's growing retiree population.
 - K.1 Support local agencies and institutions efforts in the development of programs and services providing for the needs of the 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.
 - A.1 Review and revise the Town's driveway and parking standards to minimize driveway cuts and require that adjacent parking lots be connected.
- 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 THE INFRASTRUCTURE (p. 37)**2.2.1 Transportation**

- A. Street patterns shall be designed so as to define the limits of the neighborhood, accentuate focal points and interesting vistas, allow convenient circulation within the neighborhood and provide multiple, alternative outlets from the area to adjoining neighborhoods and /or major streets. Particular attention shall be given to avoid designs that provide convenient "cut-through" traffic opportunities.
- B. Planned systems of pedestrian ways, bikeways, greenways, and similar facilities shall be encouraged as energy efficient and environmentally sound transportation alternatives. Site planning that incorporates secure bicycle storage at places of living, working or schooling, shopping, and gathering shall be required, where appropriate.
- I. Driveway cuts along major streets and roads shall be limited to allow these streets to serve primarily as safe traffic movement corridors or, alternatively, to maximize curb frontage for on-street parking.

2.2.2 Utilities

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

2.2.5 Environmental Quality

- 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 (p. 60)

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

2.3.1 Community Appearance

- 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.
- D. Sign policies and standards shall be periodically updated to enhance community identity and create a high quality business image.
 - D.1 Conduct a review of the Town's sign regulations with the goal to have a long term policy consistent with the appearance of the High Country, including greater use of ground signs and directory signs.

2.3.2 Community Character

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

2.3.3 Housing and Neighborhoods

- A. The protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community.
- C. Proposed residential development which would expose residents to harmful effects of incompatible development or to environmental hazards shall be prohibited.
- 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.

2.3.4 Public Involvement

- A. Public involvement shall be encouraged in decisions concerning land use and development by making the public aware of proposed developments at the earliest opportunity, as well as fostering communication among developers, the Town, the County, the University, and the general public.

BOONE 2030 LAND USE PLAN

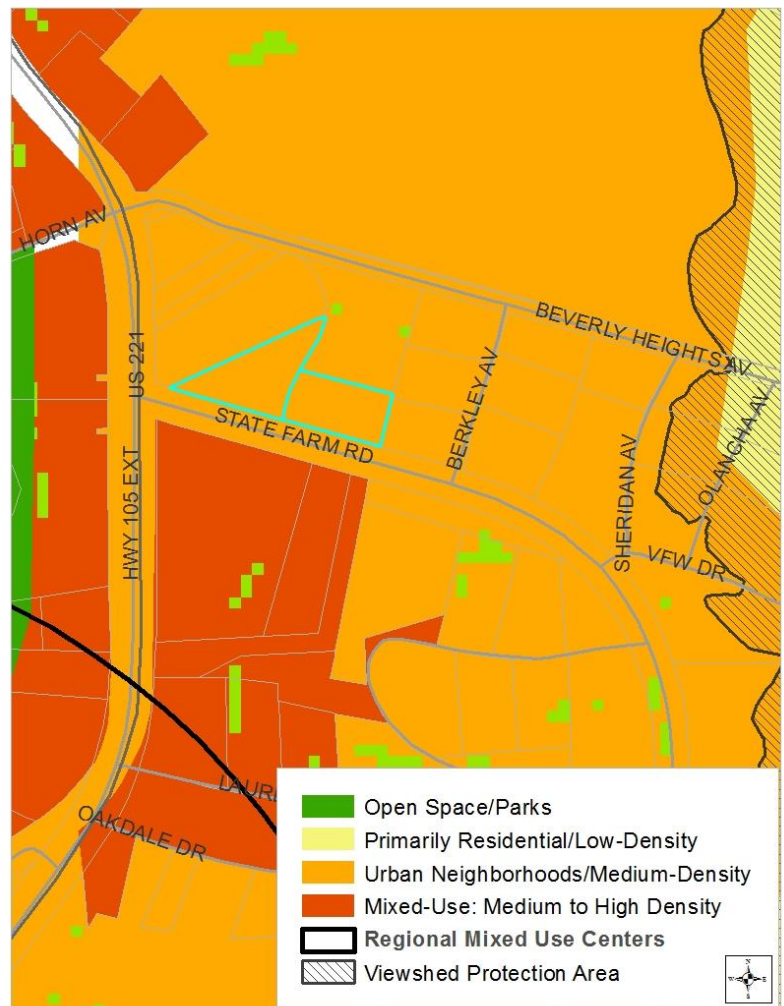
The 2030 Land Use Plan works together with the Town's Comprehensive Plan and other plans and programs to provide for the Town's long range growth. The Land Use Plan is a three-dimensional framework for the comprehensive plan and serves as the basis for all the facility and service needs of the Town. The Land Use Plan serves as the guiding vision and policy basis for determining the appropriateness of any development or redevelopment that is proposed for the Town's planning jurisdiction. This property is located in G-2 Urban Neighborhoods sector.

The G-2 sector contains denser, mixed-use development at the scale of neighborhood centers, indicated by 1/4 mile circles (equivalent to a 5-minute walk), and suburban, residential development at the scale of walkable "traditional neighborhoods" shown in orange. This type of residential development creates an identifiable center organized around a small public square or green, often with some civic facilities or a building such as a church or a small store. Local, slow-speed streets form a connected network, with larger collector streets. Paths form pedestrian connections linking sidewalks to internal parks and preserved open space along the boundaries of the neighborhood.

G-2 lands are typically close to thoroughfares and at key cross-road locations. For Boone, the G-2 sector specifically includes areas that are already developed with neighborhood-serving retail and service uses or at key cross-roads where future development of this type is likely to occur, such as around the intersection of NC 105 and Poplar Grove Road, or the intersection of Boone Heights Drive and State Farm Road. The G-2 designation is also used in areas where a mixture of higher density residential types (e.g., small lot single family houses, townhomes, apartment or condominium buildings, or mixed-use buildings) are already occurring or would be appropriate to transition between higher intensity commercial uses and existing lower density neighborhoods, and take advantage of proximity to existing centers of commerce, education, or employment such as the university, downtown, the hospital, the industrial park, and the Hardin Park Elementary School/NC 194 corridor.

Appropriate Land Uses/Development Types:

- Traditional neighborhood developments,
- single-family and multifamily residential,
- Neighborhood mixed-use centers,
- neighborhood-scale commercial uses,
- Civic uses,
- light industrial uses



REASONABLE BASIS FOR APPROVAL

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

The proposed rezoning encompasses approximately .92 acres in the State Farm Road area adjacent to both a redeveloping commercial corridor and a single-family neighborhood. Surrounding land uses include restaurant, retail, office and single-family dwelling units. Office uses are traditionally considered an appropriate transitional land use between residential properties and higher intensity commercial uses. Additionally, access to the existing single-family lot is from State Farm Road rather than the residential streets which serves all other lots in the neighborhood. Due to these factors, Staff feels this rezoning petition is a reasonable request.

Certification of Notification by Mail

I, Marlene Crosby, certify that individual notices meeting the requirements of Article 9, Subsection 9.03.03(B) (2) of the Town of Boone UDO were placed in the mail (first class) on November 4, 2016.

Marlene Crosby, Administrative Support Specialist

Certification of Posting

I, Brian Johnson, 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 4, 2016.

Brian Johnson, Urban Design Specialist

Staff Analysis and Recommendations

Based on the information provided by the applicant and the analysis contained herein, Staff finds this project, as proposed by the applicant, is generally compatible with the surrounding land uses.

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

1. Where there is a conflict between the application information and the plans (site plans and architectural plans bearing a received date of September 9), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations concerning the proposed project made by the applicant or its (his or her) representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.
3. Final plans and permit applications shall be submitted that are in compliance with the provisions of the UDO and other provisions of the Town Code.

PLANNING BOARD REPORT

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

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

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

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

TOWN COUNCIL ACTION

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

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

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

Zoning/Planning Permit Application

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

PERMIT IS FOR (CHOOSE ONE):

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

A. CONTACT INFORMATION

Applicant: Town of Boone Company: _____
Address: PO Drawer 192, Boone, NC 28607
Phone Number: _____ Email Address: _____
Property Owner: _____ Company: _____
Address: _____
Phone Number: _____ Email Address: _____

B. PROPERTY INFORMATION

Watauga County Parcel Identification Number(s): NA
Address/Location: NA
Project Name: NCD Modifications- UDO Text Amendment

C. PERMIT SUBCATEGORIES

Additional Forms Needed

Zoning Permits

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

Board of Adjustment Hearings

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

Planning/Other

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

D. DETAILED DESCRIPTION OF PROJECT

See Project Data Form

E. PROJECT MANAGER DESIGNATION

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

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

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

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

Architect: NA

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

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

Jane Shook, Planning Supervisor**Applicant¹ (Print)****Applicant Signature****11/2/2016****Date****NA****Property Owner (Print)****NA****Property Owner Signature****NA****Date****Official Use Only**

Project File Name:

NCD Modifications – UDO Text Amendment

Permit Number:

20160742

Project Name/Number:

NA

Date:	Fee:	Receipt Number:	Method of Payment:	Paid By:
November 2016	NA	NA	NA	NA

S:\FORMS\Forms_2015\ZoningPermitApplication_052015.doc

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

UDO Text Amendment Project Data Form

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

Official Use Only

Project Name/Number:

NCD Modifications- UDO Text Amendment

Permit Name/Number:

20160742

A. TEXT INFORMATION

Amendment is to:

Article(s): Article 14 Zoning Districts

Section(s): Section 14.09 Neighborhood Conservation Districts

Brief Description of Amendment (Attach Proposed Text):

See Reason for change below.

Reason for Change:

Request to amend Section 14.09 to change how NCD's are referenced in the UDO. The purpose of the proposed text change would allow Council to create additional NCD's without amending the UDO.

Official Use Only

Public Hearing Meeting Date: November 28, 2016

PC Meeting Date: November 28, 2016

TC Meeting Date: December 15, 2016

Text Approved: ☐ Yes ☐ No

Date UDO Updated: _____

S:\FORMS\Forms_2015\UDOTextAmendmentProjectDataForm_062015.doc

Communication: Case 20160742 NCD Modification Application Information (Case 20160742: Neighborhood Conservation District - UDO Text



STAFF REPORT
NOVEMBER 28, 2016
CASE 20160742 NCD MODIFICATIONS- UDO TEXT AMENDMENT

Request

Request to amend Section 14.09 to change how Neighborhood Conservations Districts are referenced in the UDO. The purpose of the proposed text change would allow Council to create additional NCD's without amending the UDO each time a zoning map amendment occurred.

ANALYSIS

The text below in ~~red strikethrough~~ is the text proposed to be deleted and the blue underline is the new text for consideration. Please note, text amendments will now contain the case number and effective date in italicized font at the end of the section in which the text was modified.

Section 14.09 Neighborhood Conservation Districts

14.09.01 Neighborhood Conservation Districts are established as overlay districts to stabilize and maintain a suitable low-density living environment for family life.

14.09.02 Neighborhood Conservation Districts shall be depicted on the Town's Zoning Map, which will be posted at the Town's Planning and Inspections Department and on the Town of Boone's website.

~~The following Neighborhood Conservation Districts are hereby established:~~

~~**A. Blanwood Drive:** The limits of the district are depicted on the Neighborhood Conservation District overlay zoning map and include all or portions of Oak Street, Windy Drive, Horn in the West Drive and Skyview Drive.~~

~~**B. Forrest Hills Drive:** The limits of the district are depicted on the Neighborhood Conservation District overlay zoning map.~~

~~**C. Grand Boulevard:** The limits of the district are depicted on the Neighborhood Conservation District overlay zoning map and include all or portions of Grand Boulevard, Orchard Street and Iris Lane.~~

~~**D. Grandview Heights:** The limits of the district are depicted on the Neighborhood Conservation District overlay zoning map and include all or portions of West Grandview Heights, Russell Drive and Poplar Grove Road.~~

~~**E. Stadium Drive:** The limits of the district are depicted on the Neighborhood Conservation District overlay zoning map and include all or portions of Hemlock Drive, Ferncliff Road, Tanglewood, Hawthorne Lane, Hope Drive, and Spring Street.~~

~~**F. Queen Street:** The limits of the district are depicted on the Neighborhood Conservation District overlay zoning map and include all or portions of Queen Street, Gladys Street and Charles Street.~~

14.09.03 The requirements of all rental property within Neighborhood Conservation Districts shall be as follows:

- A. All tenants of rental property must complete and file a Residential Parking Registration Form with the Administrator. Tenants must provide personal identification, vehicle registration, and proof of residency within a designated Neighborhood Conservation District.
- B. Tenants meeting eligibility requirements will be issued parking stickers for their vehicle(s) for the appropriate neighborhood district which must be permanently attached to eligible vehicles. Annual renewal and nominal fees are required.
- C. No more than two unrelated persons per dwelling unit will be issued parking stickers.
- D. Owners of rental property residing more than fifty (50) miles from Boone must designate in writing a local managing agent residing within Watauga County that will be responsible for all matters concerning occupancy of such rental property, and must provide the Administrator with the agent's name, address and telephone number.
- E. Owners or local managing agents of rental property must notify tenants of applicable Neighborhood Conservation District requirements.

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.

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

COMPREHENSIVE PLAN POLICIES

2.1 THE ECONOMY

2.1.1 Economic Development

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

E.1 Continue to look for ways to make development regulations and permit procedures more predictable and timely. Evaluate opportunities for administrative review and permit issuance for development projects which, due to their small size or relatively minor impacts, may not require review by a formal public commission or board.

PLANNING BOARD REPORT

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

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

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

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

TOWN COUNCIL ACTION

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

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

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

Zoning/Planning Permit Application

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

PERMIT IS FOR (CHOOSE ONE):

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

A. CONTACT INFORMATION

Applicant: Town of Boone Company: _____
Address: PO Drawer 192, Boone, North Carolina 28607
Phone Number: 828-268-6200 Email Address: _____
Property Owner: _____ Company: _____
Address: _____
Phone Number: _____ Email Address: _____

B. PROPERTY INFORMATION

Watauga County Parcel Identification Number(s): _____
Address/Location: _____
Project Name: Intensity and Use Modifications

C. PERMIT SUBCATEGORIES

Additional Forms Needed

Zoning Permits

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

Board of Adjustment Hearings

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

Planning/Other

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

D. DETAILED DESCRIPTION OF PROJECT

At the November 15, 2016 mid-year Planning Retreat, Council directed modifications to the UDO in regards to Use and Intensity.

E. PROJECT MANAGER DESIGNATION

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

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

F. DESIGN PROFESSIONAL INFORMATION**Engineer:**

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

Architect:

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

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

Town of Boone**Applicant¹ (Print)****Jane Shook****Applicant Signature****11/16/2016****Date****NA****Property Owner (Print)****NA****Property Owner Signature****NA****Date****Official Use Only**

Project File Name:

Intensity and Use Modifications-UDO Text Amendment

Permit Number:

20160751

Project Name/Number:

Date:

November 16, 2016

Fee:

NA

Receipt Number:

NA

Method of Payment:

NA

Paid By:

NA

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

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

UDO Text Amendment Project Data Form

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

Official Use Only

Project Name/Number:

Wellness District Modification- UDO Text Amendment

Permit Name/Number:

20160737

A. TEXT INFORMATION

Amendment is to:

Article(s): Article 15 District Uses; Article 16 District Standards; Article 34 Definitions

Section(s): _____

Brief Description of Amendment (Attach Proposed Text):

Modification of regulations related to use and intensity

Reason for Change:

Official Use Only

Public Hearing Meeting Date: November 28, 2016

PC Meeting Date: November 28, 2016

TC Meeting Date: December 15, 2016

Text Approved: ☐ Yes ☐ No

Date UDO Updated: _____

S:\FORMS\Forms_2015\UDOTextAmendmentProjectDataForm_062015.doc

Communication: Case 20160751 Application Information (Case 20160751: Modifications to UDO Articles 15 and 16 - UDO Text Amendment)



**STAFF REPORT
PUBLIC HEARING
CASE 20160751 INTENSITY AND USE MODIFICATIONS- UDO TEXT AMENDMENT**

REQUEST

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

ANALYSIS

See attached documentation

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.

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

COMPREHENSIVE PLAN POLICIES

2.1 THE ECONOMY

2.1.1 Economic Development

- E. The Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area's physical and human resources.
 - E.1 Continue to look for ways to make development regulations and permit procedures more predictable and timely. Evaluate opportunities for administrative review and permit issuance for development projects which, due to their small size or relatively minor impacts, may not require review by a formal public commission or board.

PLANNING BOARD REPORT

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

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

First motion and vote:

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

Second Motion and Vote:

The Planning Commission recommends ☐approval ☐denial for the following reasons:

TOWN COUNCIL ACTION

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

First motion and vote:

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

Second Motion and Vote:

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

MEMORANDUM

To: Planning Commission members

From: Allison M. Meade, Town Attorney

Re: Proposed changes to UDO Article 15

Date: November 18, 2016

Attached please find proposed changes to Article 15 in follow up to Town Council's planning retreat held November 15th. The changes and the intent behind them are described below:

- (1) *Recreation space*: this requirement has been removed from the intensity table in Article 16 (where it had populated the whole table despite applying only to manufactured home parks and multifamily), and placed in the district use-specific standards of Article 15. In addition, a single standard of 5% is established for all uses, whereas previously the requirement had ranged from 3.9% to 6.2%. The 5% standard was proposed by a Planning Commission "Density Subcommittee" in its proposal issued in 2009.
- (2) *Setbacks for multi-use multi-family buildings in the B-3*: This has been changed from a 0' setback to a 20' minimum setback. This reflects the consensus of Council members that the "hulking" effect of large buildings immediately on the sidewalk (*e.g.*, The Standard) is not appropriate for the B-3 district. For essentially the same reason, the prior prohibition on parking in front of such buildings has been deleted. [Note that the current 0' setback provision applies only to multi-use developments involving multi-family; all other uses are subject to the minimum 20' setback. This change simply puts the same requirements on multi-use multifamily as already are applied with other developments in the B-3.]
- (3) *Clarification of what counts as "commercial space" in a multi-use multi-family development*. These changes at 15.11.01(C) are intended to fulfill Council's intent in requiring "real" commercial space in multi-use buildings.

Council would appreciate the Planning Commission providing a recommendation on these proposed changes in time for the Council to act on them at its December 15, 2016 regular meeting.

In addition, Planning staff and I request that the Planning Commission consider taking up the following question and providing a recommendation prior to Council's January meeting, if possible:

In addition to applying the same 20' minimum setback to multifamily multi-use as is applied to other developments in the B-3 district, Council members indicated interest in requiring a 20-foot landscaped street yard for B-3 (and potentially B-2 and O/I) developments. This would require 20' of landscaped space between any street right-of-way and the building/parking areas of the development. Council's interest is in more greenery and a more "buffered" space between the street and buildings. In its proposal issued in 2009, the Planning Commission's Density Subcommittee proposed requiring 20' street yards in the B-2, B-3 and O/I, but also proposed decreasing interior setbacks. (The Subcommittee's

report is attached.) Currently, a 10' to 25' street yard is required in these zoning districts, and almost all developments go with the lowest (10') number. The required interior setbacks are 17'.

However, Planning staff are concerned that a 20' street yard, especially when combined with current interior setback requirements, may result in a great deal of difficulty for development of many parcels.

Accordingly, we ask that the Planning Commission (or a subcommittee) take up this issue and make a recommendation as to how, if at all, Council should consider changing the required street yards and/or interior setbacks applicable in the B-2, B-3 and O/I districts.

DISTRICT USE REQUIREMENTS

Manufactured Home Park

15.09.01 Plan Requirements: In addition to the other plan requirements of the Ordinance, an applicant for a Zoning Permit to establish a manufactured home park must submit a detailed plan which specifies the following:

- A.** Name of the manufactured home park (approval required by Fire Marshall)
- B.** Location and dimensions of every manufactured home space, including total number of spaces ; and
- C.** Location and dimensions of every street (street names required for approval by the Fire Marshall) and vehicle accommodation area; and
- D.** Recreation Space; and
- E.** Landscape buffers; and
- F.** Office location; and
- G.** Storage building(s) utilized by the park.

15.09.02 **General Requirements for the Manufactured Home Park**

- A.** There shall be at least one (1) entrance sign identifying the park which meets the requirements of Article 26.
- B.** There shall be a designated office which may be a manufactured home.
- C.** There shall be a designated space on the grounds for mail service for the residents of manufactured home park.
- D.** Storage buildings utilized by the park for materials and equipment must be located a minimum of twenty-five feet (25') from any residential unit within the park and a minimum of twenty-five (25') feet from any property line.
- E.** Streets:
 - 1. No individual manufactured home space may have direct vehicular access to a public street.
 - 2. Access to each manufactured home space must be provided by a private street constructed to the standards as set forth in Article 23.
 - 3. All streets in the manufactured home park intersecting another street shall have a stop sign that conforms to the NC Department of Transportation specifications.
 - 4. Each street shall have a permanent street sign installed with an approved (Fire Marshall approval required) designated name identifying each street.

F. Parking:

1. Two (2) off-street parking spaces must be provided within each manufactured home space.
2. Parking spaces shall be constructed to the standards as set forth in Article 24 Parking.
3. Off-street parking areas shall be at least four feet (4') away from any unit.
4. An applicant may utilize on-street parking if the private street within the manufactured home park is designed and constructed to accommodate on-street parking.
5. A combination of off-street and on-street parking is allowed.

G. All manufactured home spaces must be set back at least twenty-five feet (25') from all public right-of-ways and property lines.

H. Landscaping for the manufactured home park shall be provided in accordance with Article 31 Landscape Standards.

I. 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. A recreation area constructed in accordance with Section 16.05 is required in all manufactured home parks.~~

- ~~2.~~5. Recreation areas shall be maintained in a safe and sanitary manner.

J. Utilities:

1. All utilities must be installed underground in accordance with Article 22.

2. The source of the water supply system shall be the public water system.
 3. The source of the sewer system shall be the public sewer system.
 4. Solid waste and recycling enclosures shall be provided in accordance with Section 22.13.
- K.** The park operator must maintain a register containing a record of all occupants. The register must contain the following information:
1. Name, address, and space number of each occupant; and
 2. The date the manufactured home entered the park.
- L.** Recreational vehicles shall not be used for residential purposes.
- M.** Maintenance:
1. Grounds and buildings of the manufactured home park shall be kept free of debris, trash, and litter to prevent the infestation of rodents, flies, mosquitos, and other pests.
 2. Grounds within the manufactured home park, including manufactured home spaces, shall be maintained to prevent the growth of ragweed, poison ivy, poison oak and other weeds.
 3. Grounds within the manufactured home park shall have proper drainage to prevent the accumulation of water.

* * * *

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)

- 15.10.01** Applicable standards described in this Section are required for Uses 1.07-1.16 and apply to all of the following:
- A.** New construction, whether such construction constitutes a new development or an expansion of an existing development;
 - B.** Multi-family dwelling units created by a change in use of a portion or all of an existing development to multi-family use; and
 - C.** Renovation or replacement of a portion or all of an existing multi-family development when the costs of renovation or replacement trigger the requirements of Article 7 for compliance with this Ordinance.
- 15.10.02** This Section shall not apply to:
- A.** Multi-family dwelling units in mixed-use building(s) constructed pursuant to and in accordance with the requirements of Section 15.11,

- B.** Multi-family dwelling units in single use buildings within a mixed use project constructed pursuant to an in accordance with the requirements of Section 15.11, if:
1. The development is approved through a Conditional District B-1 General Business, B-2 Neighborhood Business, B3 General Business or PD rezoning process; and
 2. No phasing of construction is proposed or approved unless:
 - a. The commercial portions of the development will be constructed as part of the initial phase; or
 - b. All phases approved prior to the construction of the phase in which the commercial portions of the development are completed, together allow the construction of no more than one-third (1/3) the number of multi-family dwelling units which are approved for the development as a whole; or
 - c. The applicant provides adequate assurances in the form of financial commitments which will guarantee that all commercial portions of the development will be completed within the approved vesting period. For purposes of this alternative, by example only and not by way of exclusion, an irrevocable letter of credit from an appropriate financial institution in favor of the Town in a sufficient amount to cover 125% of the projected costs of construction, said projection sealed by a North Carolina licensed engineer, is considered such a guarantee.

(20150028-11192015)

15.10.03 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.
- 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 and be approved by the Community Appearance Commission. To the greatest extent practicable, parking shall be located behind or underneath proposed building(s).
- C.** The fee-in-lieu provisions contained in Section 23.08.05 shall not apply. All required sidewalks shall be installed.

D. 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.

E. On-site property management or an owners association shall be required.

F. Recreation space

1. A minimum of 5% of the parcel shall be provided as recreation space for residents.
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.
- ~~4.~~5. Recreation areas shall be maintained in a safe and sanitary manner.

15.10.04 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.
- 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.
- C.** The front entrance of each unit on the first floor must be at ground level to the greatest extent practicable.

15.10.05 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 and approved by the Community Appearance Commission.
- D.** Occupancy of each unit shall be limited to (2) two unrelated persons.

Multi-Family in Mixed Uses

15.11.01 Multi-family residential uses (Use 1.114, 1.115 and 1.116) are allowed in the B1, B2 and B3 zoning districts when the criteria in this Section are met.

- A.** For purposes of this Section, “commercial” shall include the following issues from Section 15.07 Table of Principal Uses: 3.07 Motel, 3.08 Hotel, 4.03 Funeral Home Establishment, 4.05 Post Office, 5.01 Government Cultural Facility, 5.02-5.03 Government Neighborhood Cultural Facility, 5.04-5.06 Recreation Facility, 5.07-5.09 Event Venue, 5.12 Police Substation, 5.16 Government Facility, 8.0 Assembly, 9.0 Education, 10.02 Child Daycare Center, 10.04 Adult Daycare Center, 10.5 All Other Daycare, 11.0 General Sales and Service, 12.0 Recreation, 14.0 Manufacturing, 16.01 Mini-Storage, 17.0 Transportation, and 19.0 Particular Activities which pose Particular Concerns about Public Health.

- B.** To the extent this Section conflicts with other Articles of this Ordinance, this Section shall control.

- ~~B.~~C.** “Commercial use” and “street level commercial land use” as referred to in this section 15.11 means only space in a building used or to be used for commercial uses unrelated to the residential use of the building or development. By way of clarification and not as a limitation, the following uses may not be counted as “commercial use”: amenities

operated entirely or in the main for residents (including but not limited to swimming pools, gyms, etc.); required recreation space; space used to operate and maintain the residential portion of the development, including leasing, management, and/or maintenance-related office space; and/or common areas of the residential units. Notwithstanding the foregoing, parking spaces in a parking structure may be counted as "street level commercial land use" where the parking is located in the interior of the building and all street frontage consists of non-parking commercial uses (e.g., retail, office, restaurant, etc.)

15.11.02 Multi-family residential uses, either as the result of new construction or conversion, are allowed in the Central Business District (B1) only if the projects in which they are included meet all the following criteria:

- A.** Each project shall provide primary street level commercial land uses (i.e. retail, office, restaurant) of at least fifty percent (50%) of the square footage of the footprint of each building on the primary street level. For developments located on lots which abut more than one public street in the Central Business District, each additional street level floor shall provide commercial uses of at least 30% of that level's square footage. For purposes of this Subsection, the "primary street" shall be determined according to the following order: King Street, Howard Street, Depot Street, all other streets. For example, if a project is located on a lot that abuts both King Street and Howard Street, King Street shall be considered the "primary street" while for a project which abuts Howard Street and Depot Street, Howard Street shall be considered the "primary street" and so on.
- B.** The entire frontage of the primary street level of the building abutting the street shall provide commercial uses. Required entrances for ingress and egress to secondary uses are permitted along said frontage so long as they are no larger than necessary to meet building code and safety requirements for ingress and egress. Commercial uses on the non-primary street level(s) shall front on the non-primary street.
- C.** The entire primary street level floor of the building shall be constructed to commercial standards in accordance with North Carolina Building Code Group A, B, E or M.
- D.** New projects shall be at least two floors above the primary street level.
- E.** Buildings facades shall be oriented to each public street and shall have a primary entrance door facing each abutting public sidewalk.
- F.** A minimum of 60% of primary public street level facing building facade shall be comprised of transparent, non-reflective windows and 30% of non-primary street level facing building facades shall be comprised of transparent, non-reflective windows.
- G.** Surface parking shall be located away from each public street to the extent possible, and if practical, to the rear of the principal building.

- H. Structured parking is permitted to the rear or interior of the building or below the street level floor.
- I. Building facades may be no further than 0'-0" from the established street setback line, except where necessary to provide landscaped courtyards, plazas, pocket parks, other pedestrian oriented amenities, or when there would be interference with public utilities.
- J. The minimum building footprint shall be 50% of the total gross square feet of the lot.
- K. Pedestrian weather protection such as awnings or canopies are encouraged along the public street but may be placed only in accordance with an encroachment agreement authorized by the Town Council.

15.11.03 Multi-family residential uses, either as the result of new construction or conversion, are allowed in the Neighborhood Business District (B2) only if the projects in which they are included meet all the following criteria:

- A. Each project shall provide street level commercial land uses (i.e. retail, office, restaurant) of at least 100% of the street-level floor square footage.
- B. Buildings facades shall be oriented to the public street and shall have a primary entrance door facing the public sidewalk.
- C. A minimum of 60% of the street facing street level building facade shall be comprised of transparent, non-reflective windows.

~~D. Surface parking shall be located to the side or most preferably to the rear, and in no case shall parking extend beyond the front building line.~~

~~E.D.~~ Structured parking is permitted but shall be located to the rear or below street level commercial uses.

~~F.E.~~ Building facades may be no further than 0'-0" from the street right-of-way line, except where necessary to preserve existing significant or historic trees, which shall be preserved, if practical, or to provide landscaped courtyards, landscaped greenspace, plazas, pocket parks, other pedestrian oriented amenities, in which case the maximum setback shall not exceed 20' or when there would be interference with public utilities.

~~G.F.~~ Interior setbacks for all mixed use buildings shall be 10'-0" except where abutting a residential zoning district in which case the interior setback shall equal the required interior setback in the abutting residential district.

~~H.G.~~ Pedestrian weather protection such as awnings or canopies are encouraged along the public street provided they do not encroach into the roadway, but if they invade the space above a Town sidewalk, may be placed only in accordance with an encroachment agreement authorized by the Town Council. Such awnings or canopies

count toward the recreation space requirements found in Section 16.05 of this Ordinance.

~~H.~~ H. All development shall comply with the landscape standards set forth in Article 31 except that Type “A” interior landscape buffers may be provided regardless of adjacent land use classifications.

15.11.04 Multi-family residential uses, either as the result of new construction or conversion, are allowed in the General Business District (B3) only if the projects in which they are included meet the following:

A. Multi-family uses wholly or partially on property zoned B3 General Business within the Corridor Districts.

1. Mixed Use Building(s):

- a. Each building shall fully consist of street level commercial uses (i.e. retail, office, and restaurant).
- b. A minimum of 60% of the street level building façade facing the Corridor shall be comprised of transparent, non-reflective windows.
- c. ~~Surface parking shall be located to the side or most preferably to the rear, and in no case shall parking extend beyond the front building line.~~ Structured parking is permitted but shall be located to the rear or in the interior of the building, or under street level commercial uses.
- d. ~~Building facades may be no further than 10’ from the street right-of-way line, except where necessary to preserve existing significant or historic trees which shall be preserved, if practical, or to provide landscaped courtyards, landscaped greenspace, plazas, pocket parks, other pedestrian-oriented amenities, in which case the maximum setback shall not exceed 20’ or there would be interference with public utilities, or the placement of stormwater facilities and no reasonable alternative to that placement exists.~~
- e. d. Interior setbacks for all mixed use buildings shall be a minimum of 10’ except where abutting a residential zoning district, in which case the interior setback shall at a minimum equal the required interior setback in the abutting residential district.
- f. ~~Pedestrian weather protection such as awnings or canopies are encouraged along the public street provided they do not encroach into the roadway, but if they invade the space above a Town sidewalk, may be placed only in accordance with an encroachment agreement authorized by the Town Council.~~

2. Single Use Building(s)

- a. Single use multi-family building(s) are only allowed as part of a mixed use project if approved through the Conditional District B3 General Business rezoning.
- b. A mixed use project shall meet the following criteria:
 - i. Each project shall fully consist of street level commercial uses (i.e. retail, office, and restaurant) of 100% of the street level gross floor area on every building which fronts a corridor protected by the Corridor District. In addition, at least 50% of the total gross floor area of all buildings located within the Corridor District shall fully consist of commercial uses. This requirement may be satisfied if the commercial floor area is distributed among buildings or within one building.
 - ii. The street level floor of all buildings within the Corridor District shall be built to commercial standards in accordance with North Carolina Building Code Group A, B, E, or M.
 - iii. A minimum of 60% of the street facing street level building façade of a building which fronts a protected corridor shall be comprised of transparent, non-reflective windows.
 - ~~iv. Surface parking shall be located to the side or most preferably to the rear, and in no case shall parking extend beyond the front building line.~~
 - ~~v.~~iv. Structured parking is permitted but shall be located to the rear or in the interior of the building, or below the commercial uses.
 - ~~vi. Building facades may be no further than 10' from the street right-of-way line, except where necessary to preserve existing significant or historic trees, which shall be preserved, if practical, or to provide landscaped courtyards, landscaped greenspace, plazas, pocket parks, other pedestrian oriented amenities, in which case the maximum setback shall not exceed 20' or there would be interference with public utilities, or the placement of stormwater facilities and no reasonable alternative to that placement exists.~~
 - ~~vii.~~v. Interior setbacks for all mixed use buildings shall be 10' except where abutting a residential zoning district in which case the interior setback shall equal the required interior setback in the abutting residential district.

~~Pedestrian weather protection such as awnings or canopies are encouraged along the public street provided they do not encroach into the roadway, but if they invade the space above a Town sidewalk, may be placed only in accordance with an encroachment agreement authorized by the Town Council.~~

B. Multi-Family Uses wholly or partially on Property Zoned B3 General Business Outside the Corridor District but Proximate to Major Streets.

1. For the purposes of this Section “major street” refers to collector and arterial streets.
2. “Proximate” shall mean any building wholly or partially within 200 feet of the centerline of a major street.
3. Mixed Use Building(s)
 - a. Mixed use building(s) shall meet the same requirements as described in Subsection 15.11.04(A)(1).
4. Single Use Building(s)
 - a. Single use multi-family building(s) are only allowed as part of a mixed use project.
 - b. A mixed use project shall meet the following criteria:
 - i. Each project shall consist of street level commercial uses (i.e. retail, office, and restaurant) of 100% of the street level gross floor area on every building which fronts a major street. In addition, at least 25% of the total gross floor area of all buildings wholly or partially located within 200 feet of the centerline of a major street shall consist of commercial uses. This requirement may be satisfied if the commercial floor area is distributed among buildings or within one building.
 - ii. For any floor containing a commercial use the entire floor shall be built to commercial standards in accordance with North Carolina Building Code Group A, B, E, or M.
 - iii. A minimum of 60% of the major street facing street level façade of a building containing commercial use(s) shall be comprised of transparent, non-reflective windows.
 - ~~iv. Surface parking shall be located to the side or most preferably to the rear, and in no case shall parking extend beyond the front building line.~~
 - ~~v.~~iv. Structured parking is permitted but shall be located to the rear or in the interior of the building, or below the commercial uses.
 - ~~vi. Building facades fronting the major street may be no further than 10' from the street right-of-way line, except where necessary to preserve existing significant or historic trees, which shall be preserved, if practical, or to provide landscaped courtyards, landscaped greenspace, plazas, pocket parks, other pedestrian-oriented amenities, in which case the maximum setback shall not exceed 20' or there would be interference with public~~

~~utilities, or the placement of stormwater facilities and no reasonable alternative to that placement exists.~~

~~vii.~~v. Interior setbacks shall be 10' except where abutting a residential zoning district in which case the interior setback shall equal the required interior setback in the abutting residential district.

~~viii. Pedestrian weather protection such as awnings or canopies are encouraged along the public street provided they do not encroach into the roadway, but if they invade the space above a Town sidewalk, may be placed only in accordance with an encroachment agreement authorized by the Town Council.~~

- C. Multi-Family Uses wholly or partially on property zoned B3 General Business in all other areas.

Multi-family uses not part of a mixed use development may be allowed if an applicant demonstrates that within ¼ mile (1,320 feet) of the borders of the lot that is to be developed there exists commercial uses with gross floor area square footage equal to the gross floor area square footage of the proposed multi-family project. If this standard cannot be met then the proposed project must meet the requirements in Subsection 15.11.04(B) above.

- D. Recreation space shall be provided for multi-family developments in the B-3 district as provided at Section 15.10.03(F).

Use #	Specific Use	Zoning Districts																Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial					Education			
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	
15.0 Parking																		
15.01	Parking Lot									L	L		L		P			15.46
15.02	Parking Structure								L T125	L	L		L	L	P			15.47
15.03	Park and Ride Lots	L								L			L	L	P			15.46

15.07 Table of Principal Uses

MEMORANDUM

To: Planning Commission members

From: Allison M. Meade, Town Attorney

Re: *Proposed changes to UDO Article 16*

Date: November 18, 2016

Attached please find proposed changes to Article 16 in follow up to Town Council's planning retreat held November 15th. The changes and the intent behind them are described below:

- (1) *Simplification of intensity tables; removal of requirements related to Floor Area Ratio and "open space"; revised definition of "livability space"*: Removing the FAR and so-called "open space" requirements is intended to simplify the intensity requirements and focus on "livability space" as the real attribute of public value. "Open space" is essentially what is left over after livability space and building structures -- i.e, surface parking and other vehicular areas -- and actually discourages alternatives to surface parking lots such as parking structures. Council and Planning staff believe it is appropriate to focus on the amount of green space/recreation area and, upon ensuring that area is sufficient, allow flexibility as to how the remainder of a parcel's area is used.
- (2) *Recreation space requirements* – moved to Article 15 (see comments regarding that Article).
- (3) *Height limitations*: Height limitations per 16.08 have been changed to focus on the maximum number of stories, with height constituting a second limitation. Maximum heights in the B-1 district have been adjusted with the intent of allowing typical parapet-walled flat-roof construction to come within the height limitations.
- (4) *Exemptions from height limitations*. Changes at 16.08.08 are intended to exempt mechanical items that extend thorough a roof from the height limitations, and to provide flexibility so as to allow for appropriate recreational use of roof-tops. Such roof-top structures will have to be screened from view below by parapet walls and set back from roof edges.

DISTRICT STANDARDS

Schedule of Land Use Intensity Regulations

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

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

~~**B.** A site specific development plan consisting of no other use than one (1) "single family dwelling" is not subject to the maximum floor area ratio requirements but all other intensity rules apply.~~

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

~~**D.** In the B2 Zoning District, a development may utilize the values in the Intensity Table or may substitute a maximum "Building Footprint" of thirty percent (30%) and an open space ratio of seventy percent (70%). All other regulations in the Intensity Table apply.~~

~~**E.** In the B3 Zoning District, a development may utilize the values in the Intensity Table or may substitute a maximum "Building Footprint" of thirty percent (30%) and an open space ratio of seventy percent (70%). All other regulations in the Intensity Table apply.~~

(20150028-11192015)

16.01.02 Intensity Table

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Maximum Floor Area Ratio (FAR)	Minimum Open Space Ratio (OSR)	Minimum Livability Space Ratio* (LSR)	Minimum Recreation Space Ratio (RSR)	Minimum Setbacks	
								Street	Interior
Residential Zoning Districts									
RA No Public Water & Sewer Available	20,000 sq. ft.	100 ft.	80 ft.	.100	.80	.65	.025	20 ft.	18 ft.
RA Public Water Available	15,000 sq. ft.	80 ft.	64 ft.	.100	.80	.65	.025	20 ft.	18 ft.
RA Public Water & Sewer Available	10,000 sq. ft.	65 ft.	52 ft.	.100	.80	.65	.025	20 ft.	14 ft.
R1	8,000 sq. ft.	70 ft.	56 ft.	.162	.77	.53	.032	20 ft.	14 ft.
R1A	8,000 sq. ft.	70 ft.	56 ft.	.162	.77	.53	.032	20 ft.	14 ft.
RR	6,000 sq. ft.	70 ft.	56 ft.	.283	.74	.48	.042	20 ft.	13 ft.
R2	6,000 sq. ft.	70 ft.	56 ft.	.283	.74	.48	.042	20 ft.	13 ft.
R4	6,000 sq. ft.	70 ft.	56 ft.	.283	.74	.48	.042	20 ft.	13 ft.
R3	5,000 sq. ft.	80 ft.	64 ft.	.480	.72	.40	.062	20 ft.	13 ft.
MH	87,120 sq. ft.	None	56 ft.	.214	.76	.51	.039	20 ft.	20 ft.
Commercial/Industrial Zoning Districts									
OI	10,000 sq. ft.	100 ft.	80 ft.	.340	.71	.27	.032	20 ft.	17 ft.
B1	5,000 sq. ft.	15 ft.	12 ft.	None	None	None	None	Refer to Section 16.06.02	Refer to Section 16.06.04
B2	5,000 sq. ft.	50 ft.	40 ft.	.264	.76	.27	.049	20 ft.	17 ft.
B3	5,000 sq. ft.	50 ft.	40 ft.	.429	.71	.27	.062	20 ft.	17 ft.
M1	17,000 sq. ft.	80 ft.	64 ft.	.350	.65	.3	None	20 ft.	22 ft.
Educational Zoning Districts									
U1	None	None	None	.429	.71	.27	.039	Refer to Section 16.06.09	Refer to Section 16.06.08

(20140384-08212014)

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

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

~~A. However, the floor area permitted on that portion of the gross land area located within one district may be transferred to any portion of the lot's land area located in a district with a higher land use intensity ratio.~~

Gross Land Area

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

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

Minimum Lot Widths

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

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

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

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

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

Minimum Street Frontage Widths

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

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

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

~~Minimum Recreation Space~~

~~16.05.01 Recreation space is only required for multifamily developments and manufactured home parks.~~

~~16.05.02 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~~

~~D. In the B1 district, canopies are provided to cover the sidewalk.~~

~~16.05.03 The dedication of a greenway easement may be used to satisfy the requirements for recreational space.~~

~~16.05.04 Outdoor recreation area for common use should be located twenty feet (20') or more from any residential windows at the same general level.~~

Building Setback Requirements

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

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

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

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

1. Gas pumps and overhead canopies or roofs.

2. Fences running along lot boundary adjacent to public street rights-of-way if such fences exceed nine feet (9') in height and are substantially opaque.

3. Retaining walls which exceed four feet (4') in height.

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

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

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

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

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

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

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

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

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

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

- 16.06.07** Setback distances shall be measured from the property line or street right-of-way line to a point on the lot that is directly below the nearest extension of any part of the building that is substantially a part of the building itself and not a mere appendage to it (such as a flagpole, etc.).
- 16.06.08** In the U1 district, the minimum street setback of ten feet (10') shall apply only when development is proposed adjacent to Town maintained streets.
- 16.06.09** In the U1 district, the minimum interior setback shall be increased to fourteen feet (14') only when development is proposed adjacent to R1 zoned property. Additional setback provisions in Section 16.06.05 do not apply in the U1 district. The minimum interior setback is zero feet (0') only when development is proposed adjacent to B1 zoned property.

Accessory Structure Setback Requirements

- 16.07.01** All accessory structures shall meet the building street setback requirement of fifteen feet (15') from the street right-of-way line and seven feet (7') from any interior lot line.
- 16.07.02** No accessory structure may be further forward to the street setback than the front most point of the principal structure.
- 16.07.03** The maximum lot coverage of the accessory structure shall not exceed twenty percent (20%) of the lot.
- 16.07.04** An accessory structure must be clearly subordinate to the principal structure in all dimensional aspects.
- 16.07.05** An accessory structure shall not be located in an easement unless expressly allowed.

Building Height Limitations

- 16.08.01** For the purposes of this Section:

The height of a building shall be the vertical distance measured from the mean elevation of the finished grade to the highest point of the building.

~~A point of access to a roof shall be the top of any parapet wall or the lowest point of a roof's surface, whichever is greater.~~

"Stories" as used herein refers to the number of heated, habitable floors above grade. Where both stories and heights are listed in the table below at section 16.08.02, the building can have no more than the listed number of stories, and also may not exceed the specified height in feet. ~~Roofs with slopes greater than seventy five percent (75%) are regarded as walls.~~

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

Zone	Height Limitation (Feet)
R1, R1A, RR, R2, R4, RA	<u>3 stories/40'35;</u>

	<u>accessory structures may not exceed 25'</u>
R3	<u>3 stories/50'</u> (primary) 90' (secondary)
MH	35'
OI	<u>4 stories/67'</u>
B1	<u>3 stories/45'</u> on King St.; <u>4 stories/55'</u> otherwise
B2	<u>3 stories/35'</u> (primary) – <u>3 stories/40'</u> (secondary)
B3	<u>3 stories/45'</u> (primary) – <u>5 stories/67'</u> (secondary)
U1	Refer to Subsection 16.08.09
M1	67'

- 16.08.03** In the R3, B2 and B3 districts the height limitation may range between the primary height limitation in the table to the secondary height (which is the maximum for the district), subject to the provision that for each foot the height of the structure exceeds the primary height limitation, the boundary lot setback applicable to the structure shall increase by one (1) foot. In no case shall the height of a structure exceed the secondary height limitation established in the table.
- 16.08.04** In the B1 district the maximum building height shall be limited to forty-five feet (~~40'~~45'), as measured from the average elevation of the existing or proposed sidewalk along the primary street at the middle of the building elevation facing the street to the highest point of the building or structure. Where a property has street frontages on opposite sides the building height shall terminate at the midpoint of the lot with the same standard being applied to the opposite street frontage. Where a property does not border a primary street on any side, the maximum height shall be measured from the average finished ground elevation of the finished building. For the purpose of this Section, the following are considered primary streets: King Street, Queen Street, Howard Street, Rivers Street, Water Street, Depot Street, Appalachian Street, Grand Boulevard, Poplar Grove Road, Straight Street, Bent Street, Orchard Street, and Wallace Circle.
- 16.08.05** In all nonresidential zones and the R3 zone, all structures located within 100 feet of an R1 zoned property shall not exceed ~~thirty-five feet~~forty feet (~~35'~~40') in height.
- 16.08.06** Where a multi-unit or nonresidential structure has a height in excess of twenty feet (20') and adjoins a low density residential district, the structure shall meet an additional setback of one and one half feet (1 ½') for each foot in height above twenty feet (20').
- 16.08.07** If a structure is located at an elevation of 3000 feet above mean sea level and 500 feet above the valley floor, in no case shall the height of such structure exceed forty feet (40') above the mean natural grade.
- 16.08.08** The following features are ~~exempt from~~not included in calculating the height of a structure for purposes of applying the district height limitations set forth in Subsection 16.08.02, except that on a corner lot in any residential district no planting, structures, fence, wall or obstruction to vision more than three feet (3') in height measured from the street center

line shall be placed or maintained within the triangular area formed by the intersection street lines and a straight line connecting points on said street lines each of which is twenty-five feet (25') from the point of intersection.

- A. Chimneys, accessory radio or television antennas, flagpoles, monuments or solar collectors provided that such features do not exceed fifteen percent (15%) of the maximum height requirements.
- B. Church spires, belfries, cupolas, domes, smokestacks, windmills, or observation towers, provided such structures do not exceed in height the horizontal distance from the structure to the nearest property line.
- C. Utility transmission poles and cables.
- D. Elevator or other mechanical equipment and mechanical penthouses; provided, however, that such features must be screened from view by parapets and set-back from roof edges.
- ~~C.~~ E. Limited structures to enable recreational use of open rooftops; provided, however, that such features must be screened from view by parapets and set-back from roof edges and may be no more than 1/3 the area of the entire roof. As used in this provision, "structures" do not include areas that are simply decking to be used for standing or sitting.

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

- A. All buildings proposed within 100 feet of an R1, R1A, RR, R2, R4, or RA zoned property shall be limited to a maximum height of thirty-five feet (35').
- B. All buildings proposed within fifty feet (50') of an R3, OI, B1, B2, or B3 zoned property shall be limited to the maximum height allowed in the adjoining district. Additional height restrictions in Subsection 16.08.04 and 16.08.05 shall not apply in the U1 district.

16.08.10 Other than in the case of a single family residence, attic space that is not counted as habitable space when a development is approved may not ever subsequently be converted to habitable space.

Minimum Building Spacing

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

- A. The required spacing between buildings for any wall containing windows shall be the horizontal distance equal to the minimum interior setback applicable to the lot or

district in which it is located, plus one (1) additional foot for each foot the height of the building exceeds thirty-five feet (35').

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

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

Intensity Regulations for the U1 District

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

Architecturally Integrated Subdivisions

16.11.01 In an architecturally integrated subdivision, the applicant may create lots and construct buildings without regard to any minimum lot size, ~~maximum floor area ratio for single family residences (use 1.100)~~, lot width or setback restrictions except that:

- A. Lot boundary setback requirements shall apply where and to the extent that the subdivided tract abuts land that is not part of the subdivision, and
- B. Each lot must be of sufficient size and dimensions that it can support the structure proposed to be located on it, consistent with all other applicable requirements of this Ordinance.

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

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

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

Density On Lots Where Portion Dedicated to Town

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

Chapter 39 DEFINITIONS

Livability Space

~~The portion of total open space including existing natural~~ **Natural** areas, lawns and other landscaped areas, walkways, ~~paved~~ terraces, sitting areas, outdoor recreational areas and the ~~pervious~~ landscaped portion of street rights-of-way. ~~Such space shall not include open space used for motorized vehicles. Livability space does not include paved pedestrian sidewalks or vehicular areas. A maximum of one-third of the livability space required for a development may be impervious (e.g., paved terraces or sitting areas).~~

Open Space (using FAR)

~~The total gross land area not covered by buildings, including covered open areas with at least two (2) sides which are open and unobstructed fifty percent (50%) or more.~~

Open Space (using Building Footprint)

~~Space outside the building(s) footprint.~~

Recreation Space

~~The portion of total open space and livability space plus enclosed floor area, which is reserved and improved for the common recreational use of residents of multi-family developments.~~

**Draft: Density Subcommittee Proposal
for Planning Commission Review
December 7, 2009**

Background & Purpose

Our work has been in response to the Town Council's memo of Nov. 20, 2008, related to Case 20080389 "Density & Dimensional Requirements" presented at the Fall 2008 Quarterly Public Hearing. In reference to this case, the Town Council has expressed that, *"There was general agreement to the concepts presented on increasing the intensity regulations for the following zones: R3, O/I, B-1, B-2, B-3 and M-1. The Planning Commission should evaluate whether the following ratios are needed: Maximum Floor Area Ratio, Minimum Open Space Ratio, Minimum Livability Ratio, And Minimum Recreation Space Ratio. Attention needs to be given to see what if any can be combined or eliminated."* At the August 10th Planning Commission meeting, a Density Subcommittee was formed to examine these issues and make recommendations to the Town Council for modification to the Town's regulatory system related to height, setbacks, and density in the districts of interest.

Goals

- Encourage greater density and infill development where appropriate
- Facilitate site design and building form in accordance with Smart Growth principles
- Encourage mixed-use development
- Reduce sprawl
- Increase walkability
- Make the UDO's Schedule of Land Use Intensity Regulations more user-friendly

Proposed Changes

- Remove the Maximum Floor Area Ratio (FAR), and create a Maximum Building Footprint (BF) (see Proposed Intensity Table below)
 - B-1 and B-2: Minimum two-story building required
 - Other Districts: Removal of FAR permits the development of a two-story building
- Require maximum street setbacks and reduced interior setbacks
 - See new "Max/Min" in proposed chart above
 - Increase street yard from 10 to 20 ft. in B-2, B-3, O/I
- Require 70% of developed building frontage at street setback on all facing streets (i.e. corner lots)
- Change the name of Livability Space Ratio to Landscaping Space to make it more understandable
- Eliminate the Open Space Ratio (OSR). This area represents the balance of land after Building Footprint.
- Eliminating the Minimum Recreation Space Ratio (RSR)
 - Add recreation requirements to Section 204
 - All multi-family recreation space = 5%
 - Rather than provide recreation space, developer can provide "fee in lieu of"

Proposed Intensity Table

Zone	Min. Gross Land Area (GLA) (sq.ft.)	Min. Lot Width (ft.)	Max. Building Footprint % GLA (BF)	Number of Building Stories (NBS)	Min. Landscape Space % GLA (LS)	Street Setback (Min./Max.) (ft.)	Interior Setback (Min.) (ft.)
R-3	2000	30	50	-	25	20/-	5
O/I	5,000	50	50	-	25	0/0 ⁵	10
B-1	5,000	15	100	Min. 2	none	0/0 ¹	0 ¹
B-2	5,000	50	50	Min. 2	25	0/0 ⁵	10
B-3	5,000	50	50	-	25	0/0 ⁵	10
U-1 ²	none	none	25	-	25	10/- ³	10 ⁴
M-1	17,000	80	35	Max. 2	25	20/-	22

1 Refer to 205 [b] and [c]

2 Refer to 209 [a]

3 Refer to 205 [g]

4 Refer to 205 [h]

5 Proposed increase of street yard from 10 to 20 ft.

Supporting Documentation & References

Conformity to Adopted Plans

Boone 2030 Land Use Plan

1: Executive Summary

MARKET ASSESSMENT, page 3

The plan includes a qualitative market assessment. Key findings of the assessment include: The most important housing issues facing Boone and the region include: affording housing for working residents; affordable housing for low income residents & seniors; infill housing on vacant or underutilized sites; mixed-use buildings (residential over commercial).

SUMMARY OF PUBLIC INPUT: COMMUNITY PRIORITIES, page 4

The list below summarizes the major points made by the public during the plan process in the various venues for feedback: the kick-off meeting, the community survey, and the public workshop meetings. The list very much reinforces and corroborates the vision statement developed by the Advisory Committee.

- 6. Create attractive streetscapes and corridors
- 7. Encourage denser/pedestrian-friendly, mixed-use development
- 8. Facilitate infill/redevelopment

ACTION ITEMS, page 6 (excerpt from Table)

Pg	Project/Task Type	Project/Task	Implementing Agency	Coordinate With	Yr.
50	Policy & Ordinance Amendments	Encourage infill in developed areas with regulations and incentives.	Town of Boone	Landowners, developers	2009-2014
92	Policy & Ordinance Amendments; Studies & Plans	Evaluate various strategies to help maximize the use of existing parking facilities and help promote continued infill development downtown.	Town of Boone, ASU	Watauga County	2009-2014
93	Support, Assistance, Coordination	Promote mixed-use infill along King Street	Town of Boone	ASU	On-going
98-110	Support, Assistance, Coordination	Various development/redevelopment model sites which exemplify the principles of mixed-use, pedestrian-orientation, compact development/ infill, and conservation subdivision.	Landowners, developers	Town of Boone	On-going
117	Policy & Ordinance Amendments	Rewrite the UDO and revise the zoning map based on the Framework Plan.	Town of Boone	Developers, landowners, advocacy organizations	2009-2014

2: Civic Dialogue & Participation

VISION FOR BOONE IN 2030, page 28

Vibrant Downtown

- Urban neighborhood/downtown living, historic core that is surrounded by density
- Infill/Redevelopment
- Planning infill
- Old buildings redeveloped or torn down

Redevelopment/High Density Areas

- Context-sensitive heights; appropriate location for higher buildings: 5-6 stories, concentrated in/around: B1 & B3 districts; Howard St; ASU; Hardin Street; Blowing Rock Road; NC 105
- Density, density, density !!!! Especially close to downtown & university
- Give incentives for redevelopment/height

Revise the UDO

- Current UDO not development/redevelopment friendly
- Setbacks, parking requirements, height requirements make interconnectivity an issue along corridors
- Special zoning district for higher density/mixed-use (i.e., Old High School site)
- Until UDO is overhauled, very little can happen; Make UDO change recommendations ASAP
- Prioritize parcels for form improvement (form-based codes)

4: The Framework Plan

FRAMEWORK PLAN: METHODOLOGY, page 37 (excerpt from table)

Sector/Transect Zone Allocation for Boone:

T-6 Urban Core

General Character: Medium to high-density mixed use buildings, entertainment, civic and cultural uses. Attached buildings forming a continuous street wall; trees within the public right-of-way; highest pedestrian and transit activity

Building Placement: Shallow setbacks or none; buildings oriented to street, defining a street wall

Frontage Types: Stoops, shopfronts, and arcades

Typical Building Height: 2- to 4-story with a few taller buildings

5: Infrastructure and Sustainability

GREEN INFRASTRUCTURE, page 50 (last paragraph)

Encourage Infill in Developed Areas with Regulations and Incentives:

“In addition [NCWRC] encourage[s] ‘infill’ (new development in unused or underutilized land in existing urban areas) development in urbanized portions of the jurisdiction” as one of the most basic ways to protect and preserve more sensitive environmental features elsewhere. This Plan recommends that downtown and the Town’s existing commercial corridors are the most important infill areas for the Town because of the established utilities and infrastructure there, but also because these areas are the most accessible and most appropriate locations to develop in a mountain environment. The Town should develop guidelines and development incentives for infill development as part of updates of the Town’s policies and regulations. Incentives

might include tax rebates, streamlined permitting, density bonuses, and tax increment financing or other public participation for projects in key locations.”

7: Downtown Boone

SUGGESTED DOWNTOWN IMPROVEMENTS, page 87

Long Term Improvements

- Uniform look in downtown
- Lacking quaint charm of... Banner Elk, Blowing Rock, etc—apply concept to the streets as many shops are doing
- New investment and development in downtown
- Redevelopment of entire blocks (facilitate density)
- Planning & Inspections—need flexibility to minimize cost of rehab [goal to make it better than it is now]

Boone 2007 SmartGrowth Audit

Executive Summary (page 2, excerpts from Table)

Pg	Project/Task Type	Project/Task	Priority	Implementing Agency	Coordinate With (Project/Task Section)
22	Policy & Ordinance Amendments	Encourage Greater Density	2	Town of Boone	Develop Strategic Land Use Master Plan; Apply the Transect
25	Policy & Ordinance Amendments	Update Density & Height Requirements	2	Town of Boone	Apply the Transect; Use Form-Based Coding

Analysis by SmartGrowth Principle

2. TAKE ADVANTAGE OF COMPACT BUILDING DESIGN

OPPORTUNITIES/CHALLENGES (page 21)

Need for increased Building height/density

- “Increased density will be the only way to make this sustainable, but need to sell idea – one of the biggest obstacles”
- “Interest in density bonuses”
- “Land intensity ratios in the UDO are hindrance to Smart Growth because of height restrictions; 6-7 stories would be ideal”
- “Need to make downtown more vibrant and build up, but council scared of tweaking heights”
- “Need infill, go vertical”
- “ASU would like to look into building higher, but need to rezone to university zoning to not be subject to setbacks or height requirements.”
- “Secondary height requirement kills projects”

RECOMMENDATIONS (page 22)

ENCOURAGE GREATER DEVELOPMENT DENSITY

One of the greatest and most obvious opportunities for Boone—as pointed out by numerous stakeholders—given the high cost of land, the sensitive environmental conditions, and the

challenges of the High Country terrain is to use the most buildable land more efficiently by building more compactly and more vertically. Compact development can help Boone to achieve many of its other Smart Growth goals.

Higher-density development:

- Is a key element to creating walkable communities and providing more transportation options. (Walkable urbanism is said to become feasible at floor area ratios of 0.8. Typical auto-oriented suburban development has floor area ratios of 0.2 to 0.3. Outside of the B-1 district, Boone's Intensity Regulations allow *maximum* floor area ratios of 0.48.)
- Can also contribute to a wider range of housing choices and more affordable housing options. (Smart Growth Network,2005)

REDUCE SETBACK/DIMENSIONAL STANDARDS (page 24)

The current UDO's Schedule of Land Use Intensity Regulations represents a major obstacle to Smart Growth development in Boone and specifically compact development. With the exception of the B-1 standards, the requirements are overly complex, redundant, not context-sensitive or context-dependent, very suburban in orientation, and work against many of the environmental and Smart Growth goals that the community has articulated in its policy plans.

UPDATE DENSITY & HEIGHT REQUIREMENTS (page 25)

In addition to minimum lot sizes and minimum dimensional standards, Boone's UDO includes maximum Floor Area Ratios (FAR), and minimum ratios for Open Space, Livability Space, and Recreation Space which must be included on each lot, as well as maximum height limitations. The UDO's Schedule of Land Use Intensity Regulations also includes various restrictions on the mass and height of buildings. When combined with the relatively large minimum lot sizes, these regulations result in a land use pattern that is inefficient and not at all compact.

In general, the density and height requirements could be simplified and made more context-sensitive, based on a land use plan and the location in Town. For example, instead of FAR the Town should consider maximum heights and maximum pervious areas based on a development's location in a more urban or more rural context.

APPENDIX (page 102)

UDO ASSESSMENT

Promote SG?	Smart Growth Principle	Policy/Recommendation /Regulation	Commentary: Implementation? Consistency with Town programs, policies, regulations, decisions? Recommendations for Implementation.
N	2,3,4,5,6	Sec. 200 Schedule of Land Use Intensity Regulations	These standards represent a major obstacle to Smart Growth development in Boone. With the exception of the B-1 standards, the requirements are overly complex, redundant, not context sensitive or context dependent, very suburban in orientation, and work against many of the environmental and Smart Growth goals that the community is trying to achieve. Consider maximum densities vs. minimum gross land area Reduce minimum lot widths. Consider maximum heights and maximum pervious areas versus FAR.

			Minimum number of stories (or FARs) may be appropriate in some areas, including downtown. The ratios need to be simplified and made context-sensitive (e.g. rural, suburban, urban). Setbacks are too large in many cases for pedestrian-oriented development.
--	--	--	--

Boone 2006 Comprehensive Plan Update

Section 2.1.1 ECONOMIC DEVELOPMENT (page 21)

POLICIES & ACTIONS

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

D.1 Evaluate development regulations for amendments providing flexibility in the renovation and redevelopment of existing structures and sites.

Section 2.1.5 DOWNTOWN (page 34)

Residential Uses Downtown

The downtown is a logical area for higher density residential development: close to town services, bus lines, entertainment, and other urban services. In many instances, where residential development can be established over ground floor commercial uses, there are no land costs involved, thereby contributing to the affordability of these units. Further, the more pedestrian oriented the downtown area and the more residential areas convenient to the downtown area, the less traffic and parking demand will be generated by automobiles in the area.

POLICIES & ACTIONS (page 35)

C. A variety of mutually compatible and supportive mixed uses shall be encouraged in the downtown area.

C.1 Examine zoning ordinances and revise as necessary to encourage construction of buildings with residences over ground-floor businesses.

Outside Resources:

Consisting of documents and excerpts from model codes, ordinances, and plans dealing with land use impacts on individual communities or larger regions.

Model Development Code for Small Cities

www.oregon.gov/LCD/TGM/modelCode05.shtml

The code is designed with smaller communities in mind using a template format with suggested ranges listed in [] to be determined by a community which best fulfills its goals. One of many templates available for use or reference.

The Chattanooga Climate Action Plan

www.Chattanooga.gov/Final_CAP_adopted.pdf

Chattanooga, TN Climate Action Plan with highlighted sections relating to Smart Growth, Food, and Transportation. Begin reading at page 39-50 Regarding Healthy Communities

The Infill and Redevelopment Code Handbook

www.lcd.state.or.us/LCD/docs/publications/infilldevcode.pdf

A more lengthy and technical document with a template code that identifies common infill/redevelopment issues with a “Problem, Objective, and Strategy” format, and includes an appendix of samples of codes, worksheets, and principles.

Colorado Springs, CO – Types of Zone Districts

www.springsgov.com/Page.aspx?NAVID=1036

A general listing of zoning districts for the City of Colorado Springs, CO with minimum lots sizes, setbacks, widths, and coverage.

Creating Great Neighborhoods: Density in Your Community

www.lgc.org/freepub/docs/community_design/reports/density_manual.pdf

A short manual created by the Local Government Commission and EPA discussing benefits of density, several case studies, and design issues to consider.

Envision Utah Toolbox

Link to entire Toolbox-- http://www.envisionutah.org/eu_resources_toolboxes.html

Scroll to bottom of page for listing of chapters.

Envision Utah strives to address the enormous growth pressures facing the state in the next 40 years affecting quality of life for current and future residents.

Chapters of interest:

Chapter 2 Meeting Housing Needs

http://www.envisionutah.org/Urban%20Planning%20Tools%20for%20QG_ch2_1.pdf

Chapter 3 Making Our Community a Good Place to Walk

http://www.envisionutah.org/Urban%20Planning%20Tools%20for%20QG_ch3_1.pdf

Chapter 4 Reuse and Infill

http://www.envisionutah.org/Urban%20Planning%20Tools%20for%20QG_ch4_1.pdf

Chapter 8 Strategies for Walkable Commercial Development

http://www.envisionutah.org/Urban%20Planning%20Tools%20for%20QG_ch8_sup.pdf

Pages 1-7 and 24-end should be of particular interest.

EPA-Essential Smart Growth Fixes for Urban and Suburban Zoning Codes (Draft)

http://www.epa.gov/smartgrowth/pdf/2009_essential_fixes.pdf

Town of Davidson

<http://www.ci.davidson.nc.us/DocumentView.aspx?DID=1302>

Section 9

Town of Cornelius

<http://www.cornelius.org/landdevelopmentcode.html>

Chapter 4 (Pages 4-1 thru 4-4)

Chapter 5 (All of Sections 5.4, 5.5, 5.6, & 5.7)

Town of Huntersville

<http://www.huntersville.org/Planning%20Info/Z-Ord%2009-09.pdf>

Article 3 (.pdf pages 39-50)

Article 4 (begins at .pdf Page 97)