**Town of Boone**
**Public Hearing**
**6:00 PM, May. 29, 2024**
**Town Council Chambers**
**1500 Blowing Rock Road**

**The public may attend the meeting in-person or online via WebEx, a video conferencing software. To participate using WebEx, either online or by phone, please email Planning and Inspections at planning@townofboone.net or call 828-268-6960, and you will be provided with an email invitation to the meeting. All requests for an invitation must be submitted no later than one hour before the meeting is scheduled to begin.**

## I. Call to Order of Town Council & Planning Commission

## II. Moment of Silence

## III. Approval of Meeting Minutes

March 25, 2024 Public Hearing Meeting Minutes

April 3, 2024 Special Public Hearing Meeting Minutes

April 22, 2024 Special Public Hearing Meeting Minutes

**Public Hearing - Guidelines for Each Case on the Agenda**

- ***A. Presentation of Case by Staff/Applicant***
- ***B. Discussion/Questions by Town Council and Planning Commission***
- ***C. Public Comment***
- ***D. Discussion/Questions by Town Council and Planning Commission***

## IV. Cases A24-0107, -0109, -0110 Rivers Property Local Historic Landmark

Cases A24-01017, -0109, and -0110 Exhibit 1: Applicaiton

Cases A24-01017, -0109, and -0110 Exhibit 2: Designation Report

Cases A24-01017, -0109, and -0110 Exhibit 3: Staff Report

Cases A24-01017, -0109, and -0110 Exhibit 4: Meeting Minutes Excerpts

Cases A24-01017, -0109, and -0110 Exhibit 5: SHPO Review Letter

**V. Case A23-0634 Horton Hotel Local Historic Landmark**

Case A23-0634 Exhibit 1: Application

Case A23-0634 Exhibit 2: Designation Report

Case A24-0634 Exhibit 3: Staff Report

Case A23-0634 Exhibit 4: Meeting Minutes Excerpts

Case A23-0634 Exhibit 5: SHPO Review Letter

**VI. Case A24-0269 Nolt General Use Zoning Map Amendment**

Case A24-0269 Exhibit 1: Application

Case A24-0269 Exhibit 2: Staff Report

**VII. Case A24-0273 Rich General Use Zoning Map Amendment**

Case A24-0273 Exhibit 1: Application

Case A24-0273 Exhibit 2: Staff Report

**VIII. Case A24-0264 Mediation & Restorative Justice Center, 504 Green Street, Conditional District Zoning Map Amendment**

Case A24-0264 Exhibit 1: Application

Case A24-0264 Exhibit 2: Deed

Case A24-0264 Exhibit 3: Site Plan and Project Narrative

Case A24-0264 Exhibit 4: Neighborhood Meeting Information

Case A24-0264 Exhibit 5: Staff Report

**IX. Case A24-0265 Mediation & Resotative Justice Center, 209 Sunset Drive, Conditional District Zoning Map Amendment**

Case A24-0265 Exhibit 1: Application

Case A24-0264 Exhibit 2: Deed

Case A24-0264 Exhibit 3: Site Plan and Project Narrative

Case A24-0264 Exhibit 4: Neighborhood Meeting Information

Case A24-0264 Exhibit 5: Staff Report

**X. Adjournment of Town Council**

**Planning Commission**

**XI. Approval of Meeting Minutes**

April 3, 2024 Special Planning Commisison Meeting Minutes

April 5, 2024 Special Planning Commission Meeting Minutes

April 25, 2024 Special Planning Commission Meeting Minutes

**XII. Discussion of Cases Heard at the Public Hearing**

**XIII. Other Matters**

**XIV. Adjournment**

**TOWN COUNCIL AND PLANNING COMMISSION**
**PUBLIC HEARING MINUTES**
**MONDAY, MARCH 25, 2024, 6:00 PM**
**1500 BLOWING ROCK ROAD AND VIA WEBEX SOFTWARE**

**COUNCIL MEMBERS PRESENT:** Mayor Tim Futrelle, Todd Carter, Eric Plaag (via WebEx), Virginia Roseman, and Edie Tugman

**PLANNING COMMISSION MEMBERS PRESENT:** Adrian Tait-Chair, Frank Veno-Vice-Chair, Chris Behrend (via WebEx), Scott Boyd, and Smith Warren (via WebEx)

**PLANNING STAFF PRESENT:** Jane Shook-Director of Planning and Inspections, Stacey Miller-Deputy Director/Chief Building Inspector, Mike James-Commercial Zoning Administrator, Jessica Mitchell-Advanced Planning Specialist (via WebEx), Brandon Wise-Environmental Specialist, and Brenda Henson-Board Secretary

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

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**Call to Order**

Mayor Futrelle called the Town Council to order at 6:01 p.m. Chair Tait called the Planning Commission to order at 6:01 p.m. The meeting was held in the Town Council Chambers at 1500 Blowing Rock Road, as well as via WebEx.

**Moment of Silence**

A moment of silence was observed.

**Approval of Meeting Minutes**

Approval of meeting minutes was delayed until a later time.

**PUBLIC HEARING**

**Case A23-0624 Skyline Communication Building – Conditional District Zoning Map Amendment**

Skyline Telephone Membership Corporation has submitted a Conditional District Zoning Map Amendment petition to amend the existing 2007 Conditional District Zoning designation on property on West Hilltop Drive to construct a 144 square foot equipment shelter to add use 6.01, Utility Facility, Neighborhood to the existing Conditional District approval.

Mr. Mike James, Commercial Zoning Administrator for the Town of Boone, stated that this was a request to modify the High School's original Conditional District approval to allow Skyline Membership Corporation to build a small utility building on the property.

Eric Holt, an engineer with Skyline, explained that the building would be a 9' x 16' prefabricated concrete telecommunications shelter that would be located on the High School property at the end of West Hilltop Drive. He stated that they would run fiber optic cables into the building and install electronic equipment to provide service to the neighboring communities.

Council Member Plaag referred to UDO Section 9.09.02(E) regarding the community meeting that indicated the summary report of the community meeting was supposed to include all concerns expressed by attendees and commitments made by the petitioner. He stated he had expressed concern in the past



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that applicants were not providing all of the required information. Council Member Plaag noted that the applicant for this case only provided, with regard to what were apparently several questions that were asked at the community meeting and via email, that all of their questions were answered. He stated that this did not substantively address what was required by the Ordinance. Council Member Plaag asked Mr. James if he had any insight as to what questions were asked and answered, noting that the other two cases on tonight's agenda provided a blow-by-blow account of exactly what was asked, exactly how it was answered, and the specifics about the concerns that were raised by members of the community. Mr. James replied that he did not have any further insight. He stated that he had not spoken to anyone or received any written comments from anyone.

Mr. Holt stated that there were two attendees at the community meeting, which was very brief. He noted that there were four or five questions about the purpose of the building, what the building would look like, how often their technicians would be going in and out of the building, and what type of service that would be provided from that location. Council Member Plaag asked if there were any promises or agreements made with members of the public as part of answering those questions. Mr. Holt replied that he did not make any promises or agreements, he just answered their questions to the best of his ability.

Council Member Roseman asked if there would be any type of radiation that would be produced from the building. Mr. Holt replied that there absolutely would not be any harmful emissions. He stated that this was not a wireless facility, just a location to store electronic equipment that would allow homes and businesses to have a fiber optic connection.

Council Member Roseman noted that there would be approximately 10 visits per day to this location. Mr. Holt replied that that number was an estimate and would depend on how many requests they received from people wanting service. He stated after the initial rush of people signing up for service that number would likely drop to three or four visits a day.

Vice-Chair Veno asked who owned the property. Mr. Holt explained that the equipment shelter would be located on the Watauga High School site and the property was owned by Watauga County.

Mayor Futrelle invited public comment for this case.

Mr. James Milner stated he owned a business and his residence on the side of town. He noted that Skyline/Skybest had been working on this project for several years to provide much-needed fiber connectivity to this side of town. Mr. Milner stated that this was an economic development project that was good for so many constituents, residents, and businesses on this side of town, and they had been waiting for this telecommunication device to expand to the area.

Council Member Plaag stated that the building appeared to be a conglomerate stone, textured panel-type building. He asked if any appearance standards would apply to this project. Mr. James replied that two of the sides were only 9 feet and the community appearance standards did not apply under 10 feet. He stated that the two long walls would be screened so less than 30% would be visible. Mr. James explained that the community appearance standards did not have to be met because the vegetation would screen at least 70% of the walls that would otherwise be required to meet appearance standards.

With nothing further, Mayor Futrelle closed the public hearing for this case at 6:24 p.m.

**Case A24-0026 Bill Dixon – Conditional District Zoning Map Amendment**

Bill Dixon and Cristal Cox Neaves have submitted a Conditional District Zoning Map Amendment petition to rezone property on 110-150 Austin Lane from R1A Single-Family Residential with Accessory Dwelling to R3 Multiple-Family Residential with a site-specific plan for Use 3.06 Vacation Rental in 2 of the 3 dwelling units.



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Council Member Plaag wished to disclose that Mr. Bill Dixon was a client of his on a historical matter involving this property. However, he had not been involved with the issue at hand and believed he could proceed without any bias in this case.

Mr. James stated that the parcel contained the main house and two small accessory dwelling units that the applicant would like to make vacation rentals in the two smaller units. Mr. James added that the three-acre property was currently non-conforming.

Ms. Chelsea Garrett, attorney for the applicant, stated that Ms. Cristal Neaves had been using the property for short-term rentals for approximately 7 years and that was not a new use on the property. She asked that the unique nature of the property in terms of the fact that there were three units on three acres be taken into consideration and noted that neighbors had sent in several letters of support. Ms. Jane Shook, Director of Boone Planning & Inspections, indicated that she had provided copies of the letters to Town Council and Planning Commission members digitally as well as distributed five paper copies of the letters for them to view at the hearing.

Ms. Garrett asked Mr. James why the property was considered non-conforming. Mr. James explained that the UDO only allowed one accessory dwelling unit per parcel, not two. He stated that there were no single-family residential zoning districts that would allow three residential structures, so the only appropriate use would be multi-family. Ms. Garrett asked if the guest house, which was connected to the main house by a breezeway, was considered an accessory dwelling unit that could be used as a homestay rental. Mr. James replied that a legal accessory dwelling could be used as a homestay whether it was attached or detached. Ms. Garrett noted that there was also a small historic cabin on the property, which was a separate single-family dwelling. She asked if, under current zoning, the property owner would be able to obtain a permit to use the cabin as an accessory dwelling unit homestay. Mr. James replied that only one accessory dwelling unit was allowed by the Ordinance, so only one of the accessory structures could obtain a permit to operate as a homestay.

Mr. Bill Dixon stated that he and his wife Cristal Neaves lived at 110 Austin Lane. He noted that he purchased the property in 1993 from the South family and the house had its 100-year birthday in January. Mr. Dixon noted that there were originally two cabins on the property on the west side of the creek that were taken out by the 1940 flood. He stated that the South family took the logs and rebuilt the same cabins as one dogtrot cabin on the east side of the creek. In the 1950's, the South's built a garage apartment for their future son-in-law. Mr. Dixon noted that all of the structures had been on the property for a minimum of 30 years before zoning was established in Boone. He added that the property was three 3 acres, had a creek running down the middle, and had a cliff and a mountain to the west. Mr. Dixon showed a survey and photos of the property.

Mr. Dixon stated that he rented the cabin and the guest house for 14 years as long-term rentals to graduate students and people working for Mast Store, but predominantly to college kids. He added that from a maintenance point of view, the long-term rentals were much more challenging to maintain than the two short-term rentals. Mr. Dixon explained that there would be kids sleeping in their tree house, TVs in the backyard, and couches on the porches. After Town Council adopted the short-term rental text in December 2021, they submitted applications to the Town in July 2022 to legally operate the two short-term rentals. Ultimately, Mr. Dixon said, that led them to request a conditional district zoning because they had tried every other legal method and this was the only option they had to try to maintain the use of their property in the way that they had been using it.

Ms. Cristal Neaves stated she had lived at 110 Austin Lane for 24 years and for many of those years they were busy raising 4 kids. She added that they had to do lots of repairs after long-term leases were up. Ms. Neaves stated that she had always had a dream of owning a small business and being an Airbnb host



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for the past seven years had afforded her that opportunity. She noted that she had a lot of returning guests, from ASU parents to retired couples. Ms. Neaves stated that the garage apartment and the cabin had one bedroom each so there were usually only two people per unit. She added that the guest house had a futon couch so she had allowed people to have one small child stay. Ms. Neaves stated that her guests oftentimes volunteer at the Humane Society or the Farm Café and she provides them with literature regarding local businesses. She noted that she cleaned the units after every booking, she was always there when there were guests, and she had received no complaints from their neighbors. Ms. Neaves added that the rental income helped with maintenance costs.

Ms. Garrett asked Ms. Neaves if she had any desire to expand the property to add more bedrooms. Ms. Neaves replied that she did not want to expand. Ms. Garrett asked Ms. Neaves if she would be willing to have that as a condition of approval and she stated that she would. Ms. Garrett asked if the Airbnb contract contained restrictions regarding gatherings and parties. Ms. Neaves explained that you could choose that option and she had chosen to have no parties. Ms. Garrett noted that a homestay required the homeowner to be present. Ms. Neaves stated she would be present for stays in both units. Ms. Garrett asked if the patio at the back of the house was large enough to accommodate a crowd. Ms. Neaves replied that it was not. Ms. Garrett asked if there was lighting on the property. Ms. Neaves stated that there were solar safety lights near the stairs to the guest house, but no floodlights, bright lights, or motion lights.

Council Member Roseman stated that her daughter and Ms. Neaves' daughter were good friends and she had been to the house many times. She added that had met some of their long-term renters and did not realize they were now doing short-term rentals.

Council Member Carter asked if there had been any consideration of faculty, teachers, firefighters, or police officers who were struggling to find housing instead of short-term rentals. Mr. Dixon replied that they had done long-term rentals for 14 years and the units were really for one or two people because the guest house was 750 square feet and the cabin was 650 square feet.

Council Member Tugman stated that Town Council's number one priority was maintaining and expanding housing and short-term rentals removed units from the general housing stock. She added that she could appreciate the financial benefits of having a small business that had two rental properties, but the hospital, school system, fire department, and police department were not able to hire people because they could not afford to live in Town. Council Member Tugman stated that they had to do something to preserve and create housing stock and short-term rentals did not expand housing stock, they contracted it.

Council Member Plaag noted that there was a text amendment on tonight's agenda that would essentially eliminate the ability to have short-term rentals in the R3. He stated that it was odd to him to consider during the same meeting a case that requested approval for short-term rental in an R3 and then hear a case that requested short-term rentals not be allowed in an R3. Ms. Shook explained that Mr. Dixon's request for a Conditional District Zoning Map Amendment was submitted before Town Council requested the proposed text amendment. How to handle any non-conformities in the R3 would be discussed during the text amendment case. Council Member Plaag stated that a bed & breakfast category 1 was allowed in an R1A district and asked if the subject property would qualify. Ms. Shook replied that the bed & breakfast category 1 allowed up to three bedrooms all within a single structure, subject to a special use permit. She noted that the subject property contained what could be three separate single-family dwellings and the ordinance would classify three or more dwellings on a lot as multi-family. Ms. Shook stated that while the use met the definition of multi-family, it did not feel like a multi-family use.



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Council Member Plaag asked if the property owner had eliminated their ability to use the property for long-term rentals when they started using it for short-term rentals. Council Member Plaag also asked if the property was rezoned to Conditional District R3 and Town Council decided to eliminate homestays from the R3, could the property owner resume long-term rentals. Ms. Shook replied that the property was non-conforming and how it would be allowed to be used would depend on how Town Council chose to handle non-conformities under the short-term rental text amendment.

Vice-Chair Veno stated that he was in favor of people being able to make a living doing short-term rentals and providing that kind of amenity for tourists. However, he stated he did agree with Council Member Tugman's comments. Vice-Chair Veno asked if there could be a condition that the property reverted to its original zoning if it was ever sold.

Commission Member Behrend stated she did not understand what would happen if this request was approved and the text amendment was approved.

Ms. Garrett stated that a Conditional District was specific to a property. Ms. Shook added that under the proposed text amendment the Town Council would have to decide how any approved R3 homestay would be affected.

Council Member Tugman asked if it was correct that the zoning approval would remain even if the property was sold. Ms. Shook stated that was correct. Council Member Tugman asked if this would be considered spot zoning. Ms. Meade replied that it would not.

Council Member Plaag asked if UDO requirements for the underlying zoning classification had to be met in a Conditional District. Ms. Shook replied that the requirements would have to be met to the greatest extent possible.

Ms. Garrett stated that the applicant was willing to do whatever was necessary to continue using the property for short-term rentals. She noted that not all units were reasonable for long-term use. Ms. Garrett added that the applicant had met and exceeded all of the requirements for homestay rentals. She stated it felt like the property owners were being punished because of the timing of their request. Ms. Garrett noted that only one neighbor had expressed that they were not in favor of this request.

Ms. Meade stated that a condition based on ownership of the property would not be lawful. She suggested that an expiration date might be possible.

Ms. Garrett stated that the current property owners were not interested in putting the property on the market and trying to sell it with short-term rental income potential, which would drive housing prices up. She noted that the cabin had low ceilings, low doors that you had to duck to go under, no insulation, and there was no dishwasher in either unit. Ms. Garrett stated that the units were not as attractive for long-term use as they were for short-term use. She added that the property could not be subdivided as single-family lots because setback requirements could not be met. Ms. Shook confirmed that setback requirements could not be met and would require variances from the Board of Adjustment.

Mayor Futrelle invited public comment for this case.

Mr. Gregory Reck stated he had lived in Watauga County for 52 years with 25 of those being at 234 North Water Street. He noted that the rental business on Austin Lane was a stone's throw away from his property and it had not been disruptive to the community. Mr. Reck stated that the short-term rentals had added to the community, noting that guests would sometimes stay for a month or six weeks because they enjoyed the area. He stated that eliminating short-term rentals was not the solution to the housing crisis. Mr. Reck suggested that the Town needed to pay more attention to outside money purchasing



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homes for rental properties and renting to unrelated students. He stated that the Town had an inability to enforce occupancy restrictions, which was a much more significant problem.

Ms. Peggy Laine did not speak.

Ms. Amanda Calloway stated there was one house between her property and the subject property. She noted that the guests had been enjoyable and were better than student renters.

Ms. Meredith Macon did not speak.

Ms. Katie Mack stated she was concerned with the practice of short-term rentals at the expense of providing housing for Town employees and other professionals on a long-term basis. She noted that neither North Street nor Junaluska Road had a sidewalk or lighting and it was dangerous for the guests of the short-term rentals to walk there.

Council Member Carter stated he was concerned that the main housing focus seemed to be students, families with children, or vacationers. He noted that there was a large amount of single professionals who lived in this community that could not afford a place to live. Council Member Carter added that some of those people lived in 500-square-foot apartments with no dishwasher. He stated that he found it to be a little offensive that single professionals were not even presented as a part of the community housing need. Council Member Carter noted that there were many solutions for the housing crisis and one solution should not be thrown out just because it would not solve the problem by itself.

Council Member Plaag stated that it was mentioned that the subject property was sometimes rented for a month or more, which by UDO definition was a long-term rental. He added that he knew a lot of people who worked in Boone who would love to be able to rent a place like the two structures on Austin Lane on a long-term basis. Council Member Plaag agreed with Council Member Carter that it would take a combination of solutions to begin making a difference in the housing crisis.

Council Member Roseman stated she was offended by the aggressiveness of Ms. Garrett's presentation. She noted that Mr. Dixon and Ms. Neaves were stellar people in the community who had done outstanding community work. Council Member Roseman stated that she felt the garage apartment could be considered a homestay and the cabin could be a long-term rental. She added that homestay rentals were a practical source of income to help property owners provide for their families.

Council Member Tugman noted that the Watauga Community Housing Trust had purchased a piece of property on North Street that would contain a 540-square-foot one-bedroom, one-bathroom house and people were lining up to try to qualify to buy it.

Commission Member Boyd stated he recognized the unique and historic aspects of the subject property and that it was a perfect setting for short-term rentals. However, he also understood there was a housing crisis.

Vice-Chair Veno stated he was not convinced that this request would not cause others to come forward wanting to do the same thing. He added that he disagreed that short-term rentals were not part of the problem affecting the housing crisis. Vice-Chair Veno asked if the garage apartment could operate as a homestay rental and the cabin as a vacation rental. Mr. James replied that any legal accessory dwelling unit could be used as a homestay rental in most zoning districts, whether it was attached or detached. However, only one accessory dwelling unit was allowed per parcel. Vice-Chair Veno asked if there could be a sunset clause. Ms. Meade replied that she would be more comfortable researching that, but she thought it could be possible. She stated that it could also be possible that either unit could be used as a homestay, but not both.

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Council Member Plaag asked about an architecturally integrated subdivision. Ms. Shook stated that she was unsure if an architecturally integrated subdivision would work for this property, nor was she sure what it would bring to this particular case.

Chair Tait stated that the applicant seemed so close to meeting the requirements of the Ordinance. He felt that some conditions could allow the property owner to continue using the property as it had been being used.

With nothing further, Mayor Futrelle closed the public hearing for this case at 8:16 p.m. and called a break in the meeting from 8:17 p.m. until 8:28 p.m.

**Case A24-0085 The Villas at South Fork – Conditional District Zoning Map Amendment**

Wynnefield Forward, LLC has submitted a Conditional District Zoning Map Amendment application to rezone property on Chestnut Drive and New Market Boulevard (Watauga County PINs: 2910-39-9335-000, 2910-39-9610-000, 2910-49-2369-000) from R1 Single-Family Residential and B3 General Business to R5 55+ Housing with a site-specific plan for Use 1.17 Adult Living Community.

Ms. Shook introduced the case and noted the neighborhood meeting information, parking analysis, project narrative, assessment, site plans, elevations, and potential project renderings were included in the meeting packet.

Craig Stone, representing Wynnefield Forward, LLC stated that his company specialized in workforce and affordable housing and did not develop student housing. He noted that Wynnefield was a family-run company that had been in business for 52 years in Jamestown, North Carolina. Mr. Stone stated that they currently had 12 communities under construction and 16 that were getting ready to come into construction.

Mr. Stone stated they were requesting no more than 60 units with a mix of one and two-bedroom apartments. He added that this would be a $15,000,000 investment in the community for workforce and affordable housing for people aged 55 and older. Mr. Stone stated that his company had built about 30 of this particular type of community over the last 8-10 years. He noted that they were the developer, the builder, and the managing agent. Mr. Stone stated he would personally sign a 30-year agreement to restrict this community to this use for the life of the property.

Mr. Stone explained that the construction materials would be brick and fiber cement plank and there would be broken roof lines.

Council Member Tugman asked if the building would be three stories from the Chestnut Drive side. Mr. Stone replied that the building would be three stories from Chestnut Drive and four stories from the new Pinnacle Storage facility/King Street side.

Council Member Roseman stated that the renderings looked good but suggested that having the building be one story lower would be more appealing. Mr. Stone replied that to meet ADA and elevation requirements the back side of the property would require a terraced retaining wall to lower the grade.

Council Member Plaag asked about the proposed entrance on Chestnut Drive. Mr. Stone stated that the Chestnut Drive entrance was for emergency fire access only and would possibly be blocked by knockdown bollards. He noted that the main entrance would be on New Market Boulevard. Ms. Shook added that the Fire Department requested emergency access from Chestnut Drive in case they could not access the property from the New Market Boulevard entrance. She stated that the applicant had proposed a geo-grid entrance. Ms. Shook suggested that grass pavers could be installed so that fire trucks could drive over them.

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Commission Member Boyd asked Mr. Stone if they had found that their residents were current community members, were external, or a combination of both. Mr. Stone explained that affordable housing meant that no more than 30% of a person's income went toward housing. He stated that they generally had 1,500-2,000 applicants by the time the doors were opened so residency would be a combination of locals and non-locals.

Commission Member Behrend asked what the requirements were to become a resident. Mr. Stone replied that applicants would have to go through a credit and criminal background check, meet the income range requirements, and there would be a rent range of as low as $400 up to $1,025, maybe higher.

Council Member Plaag noted that the Town of Boone had carbon reduction goals as part of its Climate Action Plan. He asked Mr. Stone if they had considered installing rooftop solar. Mr. Stone stated that rooftop solar made it difficult to maintain affordability for the project. However, they planned to use the Energy Star program.

Council Member Roseman asked Mr. Stone how they chose the age limit of 55. Mr. Stone replied that it was either a family community or a 55+ independent living community and this particular location seemed more fitting for the 55+ community. He stated that they had spent the last 2 years with different organizations in the community trying to locate areas for affordable housing. Mr. Stone added that this parcel had access to local amenities that lent itself more toward independent elderly living than a family community. Council Member Roseman asked if there would be common living space. Mr. Stone replied that there would be 6-10 site amenities including a computer station, a gathering space, and a counseling space.

Vice-Chair Veno asked if these would be rental units. Mr. Stone stated that they would be rentals. Vice-Chair Veno asked what the anticipated turnover of the units would be. Mr. Stone replied that a lot of their turnover was from tenants passing away or moving to managed care facilities.

Mayor Futrelle invited public comment for this case.

Ms. Carol Norris stated she had lived in Boone for 55 years and there was a real need for senior housing. She noted that there was nothing available for retirees or people who wanted to downsize. Ms. Norris stated that it was a shame that people who had lived in Boone for many years, raised their children, paid taxes, and supported the community had no option but to leave Boone when they could no longer stay in their homes. She urged the Town Council and Planning Commission to support the development of an adult living community on Chestnut Drive and any other senior housing developments that might come to them in the future.

Ms. Carolyn Ward of 253 Chestnut Drive spoke on behalf of residents of Farthing Street and Chestnut Drive who were in opposition to the proposed development. She stated that since she and her husband purchased their home in June 2010 there had been many changes on their street. Ms. Ward noted that many of the homes, including hers, were rentals and they had slowly been purchased and renovated. She stated that they all took care of their homes, most of which were single-story homes built in the 1940s, ’50s, ’60s, and ’70s. Ms. Ward stated that their neighborhood dates back to 1938 and was known as the H.J. Hardin Estate. She noted that the entire neighborhood, and the property in question, were contained within the original borders of the property. Ms. Ward presented a copy of the deed and plat maps. She added that deed restrictions stated that lots fronting on Highway 421 may be used for business or residential purposes, but if any lot fronting on Highway 421 was used for residential purposes, the main dwelling should consist of not less than four rooms of standard construction. Lots that did not front on Highway 421 should be used for residential purposes only and the main dwelling should not consist of less than 4 rooms of standard construction. Ms. Ward stated that a four-story, 60-unit apartment building was not one of the intended uses in the deed restrictions for this neighborhood. Ms. Ward stated that



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their neighborhood was next to a busy highway and commercial development with very little buffers. She noted that no one denied the need for increased housing supply or senior housing, but this was not the right location for this type of development. Ms. Ward stated that the development was wildly incompatible with the surrounding community and structures and was not in character with the rest of the neighborhood.

Ms. Virginia Williams of 231 Chestnut Drive stated that they purchased their home in 2012 as a retirement home to be near their grandchildren. She noted that they made a sizeable investment in the property to extensively remodel the house and she was concerned that the proposed development would adversely affect their property value. Ms. Williams stated she would have a view of the garbage collection area from her home and added that a four-story building was not anyone's idea of a beautiful view from a mountain town neighborhood. She added that if this apartment was allowed to be built it would represent an egregious breach of trust on the part of the Town.

Ms. Crystal Cheek of 211 Chestnut Drive stated she purchased her property 18 years ago. She wanted the subject property, when developed, to be developed with single-family homes. Ms. Cheek said she did not want to see a four-story building from her one-story home.

Ms. Kellie Reed-Ashcraft, Facilitator of the Watauga Housing Council, presented the following housing statistics for Watauga County:

- 37% of households in Watauga County are cost-burdened.
- The poverty rate in Watauga County is 25%.
- 28% of Watauga County's population is over 55.
- 46% of Watauga County's population makes less than $45,000
- $1,140 is fair market rent in Watauga County

Ms. Reed-Ashcraft stated that the Housing Council supported the proposed development with conditions that would address the neighboring community's concerns such as planting tall trees as a buffer, requiring some type of barrier at the entrance for emergency vehicles, and securing the guarantees that the property would remain for senior housing and never become student housing.

Ms. Peggy Laine stated she was not speaking for or against the project. She noted that she could see both sides.

Ms. Nancy Williamson did not speak.

Ms. Donna Lillian of 338 Chestnut Drive stated she had lived there since 2010 and was privileged to live in the neighborhood. She noted that her property was at the intersection of Chestnut Drive and Castle Heights so she would only see the roof of the development. Ms. Lillian stated that she was in favor of the proposal, adding that she did not think it would ruin the neighborhood, just change it. She expressed that there was a drastic need for housing and she would welcome those 60 people into the neighborhood. Ms. Lillian noted that after the neighborhood meeting, she came away feeling as though the proposal was responsible and community-minded and the developers tried to address the very real concerns of the neighbors.

Mr. Darrell Hobbs did not speak.

Mr. James Milner stated he felt the label of affordable, workforce housing was in direct conflict with the request for rezoning the property to 55+ because most of the people in need of workforce or affordable housing were under the age of 55. He noted that if the property were developed in a true single-family manner, the price point would not be affordable. Mr. Milner stated that this was the right project in the wrong location.



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Ms. Katie Mack stated that she was 81 years old and would probably have to leave Boone when she got too old to care for her property. She expressed the need to maintain the elderly population in town.

Ms. Diane Blanks asked what would stop this development from filling up with people from out of state who wanted to retire to the North Carolina mountains.

Ms. Camille Zimmerman stated she grew up in Boone and her mother lived at 275 Chestnut Drive. She echoed the concerns of the neighborhood and encouraged everyone to go look at the neighborhood to see how close the site was to nearby homes.

Ms. Sally Treadwell stated she did not live on Chestnut Drive but felt the garbage enclosure was ugly and although the renderings were pretty, trees often died. She suggested there be stringent conditions for landscaping if the project was approved.

Mr. Chris Laine stated he had owned property on Castle Heights since 1998 and had traveled Chestnut Drive many times. He said that the project was geographically challenged and could present an access challenge for the elderly.

Ms. Carolyn Ward stated that no one in the neighborhood was opposed to senior housing; it was just not consistent with their neighborhood.

Mr. Stone addressed Ms. Blanks' question regarding out-of-state residents. He stated that they were not allowed to restrict residency based on address. However, there would be a local application process.

Council Member Carter asked what the landscaping requirements would be for this project. Mr. Wise replied that a 25' buffer to properties directly adjacent and a 10' street yard buffer would be required. He added that UDO Section 31.12.03 outlined the requirements for maintenance of the landscaping.

Ms. Virginia Williams stated she lived right across the street from the subject property. She noted that the emergency access was a wide area where no buffer would be provided for the neighbors.

Ms. Meade asked Ms. Shook if it was correct that the zoning classification of R55+ Housing meant that only people who were 55 and older could live in that district unless, through the public hearing process, a rezoning was granted by the Town Council. Ms. Shook stated that was correct.

Ms. Meade suggested that any possible conditions should be discussed between the Council, Planning Commission, and the applicant during the public hearing.

Council Member Plaag noted that the solid waste and recycling enclosure was located right next to Chestnut Drive and asked if that could be moved closer to the building in the northeast corner of the parking lot. Ms. Shook replied that an alternate location would depend on whether or not the truck could get in and out to service the containers. Mr. Stone added that he was unsure about the feasibility of another location, but if they were unable to relocate the enclosure he would be willing to install additional plantings to help buffer the enclosure.

Council Member Plaag asked Mr. Stone if he had considered cottage-style housing instead of a single-monolithic 3-4-story building. Mr. Stone replied that a cottage-style concept would net approximately 10 units whereas the multi-family-style concept would net 54-56 units. He stated that cottage housing would not be financially feasible.

Ms. Liz Mason stated she owned the property at 280 Chestnut Drive. She asked that there be consideration of a condition if approved, that the largest landscape buffer possible be installed to help protect the neighborhood.

Council Member Roseman asked if someone who lived in one of the units would be allowed to house their grandchild. Mr. Stone replied that the answer would predominately be no, but there could be some



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instances where it would be allowed under the fair housing law. Council Member Roseman asked why there would be some two-bedroom units. Mr. Stone stated that the two-bedroom units were usually rented first, sometimes by singles, sometimes by couples, and were often used for storage.

Council Member Roseman asked if there would be a sidewalk on Chestnut Drive. Ms. Shook stated that sidewalks would be required on the property along Chestnut Drive and New Market Boulevard.

Council Member Tugman noted that there had been 2 proposals for the development of this property; one for a subdivision and another for a minor subdivision. She asked if the problem with those requests was that the density could not be created with the infrastructure required to build the necessary houses to be affordable, even for the developer. Ms. Shook replied that a subdivision was approved, but she could not answer why the applicant did not move forward. In general, Ms. Shook stated that people find the cost of stormwater, sidewalks, and water and sewer extensions to be cost-prohibitive.

Council Member Tugman asked how the 300' transitional zone would affect this property. Ms. Shook explained that the use had a transitional zone of 300', meaning that if any portion of the development was within 300' of a protected district, which it was, then the applicant was expected to mitigate, not eliminate, the particular predictable negative effects listed in the staff report. Ms. Shook added that the applicant could either demonstrate to the permit issuing authority that the Ordinance requirements were sufficient, or they could propose mitigation.

Council Member Tugman stated she found it interesting that of the 42 people who were notified of the public neighborhood meeting, 17 of the residents did not live here and 11 of the properties were commercial or rental. Council Member Tugman asked if other properties in town were developable for this type of project. Mr. Stone replied that they had not found any other properties in their two-year search and noted that this property met the criteria for this development.

Mr. Milner stated that the minor subdivision that was proposed on the site was for a total of 9 lots with one of those lots to be a common area. He added that this site was well suited for an R1S-type of development.

Vice-Chair Veno asked if any trees on the property would be saved. Ms. Shook stated that the applicant intended to save as much vegetation as possible but the final grading plan would determine the extent of what could remain.

Chair Tait asked what the difference was between the 25' landscape buffer and the 10' street yard and if there could be a hybrid approach that would offer a bit of a visual buffer. Mr. Wise stated that the buffer and the street yard served different purposes. He explained that the street yard required one large tree every 30' and one shrub every 3'. Street yards were not meant to be the buffer between neighborhood houses but were meant to beautify the road. Mr. Wise explained that the 25' landscape buffer required 15 evergreen trees in 100' and five large and five small deciduous trees along every 100' creating a more opaque buffer meant to block lower-density uses from higher-density uses. Chair Tait suggested that more trees in the street yard than what was required but not as many as the 25' buffer would be a good compromise to offer a better buffer for the neighborhood while still looking pretty.

Council Member Roseman asked if the retaining walls and garbage enclosure walls could be a less obtrusive color. Mr. Stone replied that the retaining walls would be stained a brown color. He added that he had no problem with additional landscape buffering requirements along Chestnut Drive.

Chair Tait noted that the garbage enclosure was 4' below grade at its backside so there would be a 4' tall wall at the back of that garbage enclosure. He stated that additional landscaping around the enclosures could provide a reasonable screen. Mr. Stone stated that he would not have a problem with additional landscaping for the solid waste enclosure.



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With nothing further, Mayor Futrelle closed the public hearing for this case at 10:40 p.m.

Ms. Shook noted that there were three more cases to be heard at the Public Hearing and Planning Commission would still need to meet to make recommendations on all six cases. She asked if the Town Council and Planning Commission members would like to schedule a special Public Hearing to continue this meeting. She noted that a special Public Hearing was already scheduled for April 22, 2024. Commission Member Behrend stated that she would be unable to attend the April 22 meeting. After some discussion, it was decided that a special Public Hearing would be scheduled on Wednesday, April 3, 2024, at 6:00 p.m. in Town Council Chambers and via WebEx to hear the three remaining cases with a Planning Commission meeting to directly follow the hearing for recommendations to be made on the six cases on the agenda.

Ms. Shook noted that the regular May Public Hearing fell on a holiday and would need to be rescheduled.

**Adjournment of Town Council and Planning Commission**

Council Member Tugman made a motion to adjourn the Town Council at 10:50 p.m. The motion was seconded by Council Member Carter.

**Vote:** Aye – 5
Nay – None

The motion passed.

Commission Member Behrend made a motion to adjourn the Planning Commission at 10:51 p.m. The motion was seconded by Vice-Chair Veno.

**Vote:** Aye – 5
Nay – None

The motion passed.

_____ _____

**Tim Futrelle, Mayor** **Brenda Henson, Board Secretary**

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**Adrian Tait, Planning Commission Chair**

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**TOWN COUNCIL AND PLANNING COMMISSION**
**SPECIAL PUBLIC HEARING MINUTES**
**WEDNESDAY, APRIL 3, 2024, 6:00 PM**
**1500 BLOWING ROCK ROAD AND VIA WEBEX SOFTWARE**

**COUNCIL MEMBERS PRESENT:** Mayor Tim Futrelle, Mayor Pro Tem Dalton George, Todd Carter, Eric Plaag, and Edie Tugman

**PLANNING COMMISSION MEMBERS PRESENT:** Adrian Tait-Chair, Frank Veno-Vice-Chair, Chris Behrend (via WebEx), and Scott Boyd (via WebEx)

**PLANNING STAFF PRESENT:** Jane Shook-Director of Planning and Inspections, Mike James-Commercial Zoning Administrator, Jessica Mitchell-Long-Range Planner (via WebEx), Brandon Wise-Environmental Specialist, and Brenda Henson-Board Secretary

**OTHER TOWN STAFF/REPRESENTATIVES PRESENT:** Allison Meade-Town Attorney, and Justin Stines-Deputy Public Works Director

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**Call to Order**

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

**Moment of Silence**

A moment of silence was observed.

**CONTINUATION OF PUBLIC HEARING**

**Case A24-0072 Short-Term Rentals – UDO Text Amendment**

Modify language in the UDO limiting the zoning districts where Use 3.06 Vacation Rental is allowed and to no longer allow accessory dwelling units to be used as Use 3.07 Homestay Rental.

Ms. Jane Shook, Director of Planning & Inspections for the Town of Boone, presented the case as outlined in the meeting packet. She noted that the amendment proposed that homestay rentals should not be allowed in a separate accessory structure. Modifications to the definitions for homestay and vacation rentals were proposed, and the removal of vacation rentals in the RA and R3 zoning districts was proposed. Ms. Shook stated that these changes could create non-conformities, and the Council and Commission would have to decide how those should be handled.

Council Member Plaag asked Ms. Shook to explain the difference between homestay and vacation rentals. Ms. Shook stated that a vacation rental was a whole house rental with no property owner or representative on site. In contrast, a homestay rental was the rental of up to two rooms with the property owner or representative on site.

Council Member Tugman asked if a homestay rental could have an accessory dwelling unit. Ms. Shook replied that current regulations allowed ADUs to be used as homestay rentals. She noted that some Council members had expressed interest in not allowing separate ADUs to be used as homestay rentals. Ms. Shook stated there was concern that homestay rentals would take away housing for long-term residents. However, the income from homestay rentals helped homeowners pay their mortgages.



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Ms. Allison Meade, Town Attorney, stated that the prior Town Council thought that two bedrooms were two bedrooms, whether they were in the house, a basement apartment, a semi-attached garage, a detached garage, or an accessory unit out back in the shed.

Council Member Carter expressed concern that someone would build a two-bedroom ADU for the purpose of homestay rentals. He added that he was not in favor of vacation rentals Downtown. He did not want to see a plethora of ADUs being built as a money-making scheme when the Town was trying to promote habitable places for long-term rentals.

Mayor Pro Tem George stated he was in favor of removing vacation rentals from the R3.

Council Member Plaag noted that the Use Table allowed a category 1 bed & breakfast, which was basically a business with multiple bedrooms, in areas where homestay rentals were also allowed. He stated that it seemed strange to restrict homestay rentals but still allow a bed & breakfast use when the only distinction between them was that a meal was provided. He added that the meal was not defined, so it could be a microwaveable sausage and cheese biscuit. Council Member Plaag stated that there might be a compromise where vacation rentals were removed from the residential districts while at the same time expanding the ability to do a homestay rental.

Ms. Meade noted that the RA zoning district had allowed vacation rentals for years. Ms. Shook added that there were currently no permitted vacation rentals in the RA. However, as of February 1, 2024, there were 10 in the R3.

Council Member Tugman asked about the options for non-conformities. Ms. Shook explained that the most commonly used option was allowing anyone with a valid permit to continue the use as long as they did not cease operation and followed the non-conforming use requirements. The other option was to bring the uses into compliance within a certain time period.

Ms. Meade stated she would be more comfortable with grandfathering in the normal way. She noted that there was good case law precedent regarding sunsetting that gave her pause about how successfully the sunset could be defended. Ms. Meade stated that she had some discomfort with the lack of clarity in the language regarding homestay rentals being allowed only in the principal structure or in any separate structure.

Council Member Carter asked how the Town enforced an issue where a home was being used illegally as a homestay rental. Ms. Shook replied that it was sometimes difficult to know what happened inside homes that were not permitted as homestay rentals. She stated that ads for short-term rentals usually indicated very clearly what was being offered, and Host Compliance monitored that advertising.

There was no public comment on this case.

Council Member Plaag suggested that larger lots could allow more than one ADU. He stated that he had heard from people who indicated the only reason they were able to stay in Boone was because of the income they were getting from their homestay rental. Council Member Plaag noted that he did not want to magnify the problem by taking away that income tool and driving more people away who were currently in the town's workforce.

Council Member Plaag stated that vacation rentals had no owner on site, and people were buying up properties to do vacation rentals because it was a money maker. He felt that vacation rentals were the low-hanging fruit that could be more easily addressed in the short term. Council Member Plaag suggested that the homestay rental requirements not be amended at this time and be revisited in a year to see how they were working.



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Vice-Chair Veno stated that ADUs were the perfect place for a professor or a working person to get an affordable room.

Council Member Carter supported the sunsetting of non-conforming vacation rentals. Council Member Tugman agreed it was fair to pick a time for vacation rentals to revert to long-term rentals. Ms. Meade suggested a sunset time of seven years. Mayor Pro Tem George stated he was not sure that all short-term vacation rentals would be suitable for long-term rentals.

Ms. Meade suggested that the existing non-conforming vacation rentals be allowed to continue until they either did not renew their permit or violated the requirements. She stated that grandfathering would decrease the likelihood of litigation.

Chair Tait agreed that sunsetting could involve more risks and felt that grandfathering the 10 or so non-conformities would allow the property owners to maximize their investment.

Council Member Carter asked if grandfathering would end if the property were sold. Ms. Shook replied that grandfathering would transfer with the property. Council Member Carter stated that he wanted the grandfathering to end when the property was sold. Ms. Meade responded that state zoning laws did not allow grandfathering to end upon new ownership. Council Member Carter stated that addressing the housing crisis took many small steps, and he could not support allowing the existing non-conforming properties to continue in perpetuity.

Chair Tait did not have a problem allowing homestays in ADUs, whether inside the main home or in a separate structure. He noted that ADUs could be part of the housing solution. Council Member Carter agreed that ADUs help pay mortgages.

Council Member Plaag stated that some units might be lost to vacationers doing homestay rentals, but he was willing to compromise and see how things went. If a cascade of ADUs were being converted to homestay rentals, he would feel a lot differently at that point. Council Member Plaag suggested allowing more than one ADU on large lots in the R1 in the future. He expressed that he supported allowing up to two bedrooms on a property to be used as homestays, regardless of the configuration.

Ms. Shook noted that minor language revisions would be necessary, such as changing guestrooms to bedrooms and changing the mention of one month to 30 days.

With nothing further, Mayor Futrelle closed the public hearing for this case at 7:30 p.m.

**Case A24-0073 RR Residential Rehabilitation – UDO Text Amendment**

Modify language in the Town of Boone Unified Development Ordinance to rename the RR Residential Rehabilitation zoning district to CN Compact Neighborhood Residential. Modifications include revising the district description and the intensity standards associated with the district to be in alignment with the only existing RR-zoned area within the town. Revising the name and district description will now open this district as an option for future rezoning requests.

Ms. Shook presented the case as outlined in the meeting packet. She noted that 43 properties were currently zoned RR. Ms. Shook reiterated that this was not a rezoning of property but a change in the zoning classification name and description to bring it up to date. She noted that CN Compact Neighborhood Residential was a zoning classification used in other areas.

Ms. Shook referred to Section 14.08.03 and noted that there were some suggested changes to the intensity standards that would be more reflective of the current RR properties. She stated that these changes would correct some, but not all, of the non-conformities in the RR-zoned area of Junaluska.



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Council Member Carter stated that he was okay with changing CN Compact Neighborhood Residential if it had been used in other jurisdictions.

Council Member Tugman asked if property owners would have to come into compliance with the proposed intensity standards if they renovated their houses. Ms. Shook replied that they would be considered legal non-conforming so they would not have to come into compliance, but they would not be allowed to extend any non-conformity.

Chair Tait asked if each RR-zoned property owner had to be notified of this change. Ms. Shook stated this was not a rezoning, so the property owners did not have to be notified. Chair Tait asked if merging the RR and the R1S was possible because they were similar. Ms. Shook replied that that process would be a rezoning. She added that there were limitations on the house size in the R1S that might not be compatible with the existing area.

Ms. Meade noted that all of the other residential zoning districts started with an R. She suggested that the CN be named RCN to be in keeping with the other districts. Ms. Shook agreed. Ms. Meade referred to Section 14.08.03(E)(2)(a) that read *Whenever a lot in a CN district has a common boundary line with a lot in a different zoning district, the interior setback requirement applicable to that boundary of the CN lot shall be the interior setback required for the adjacent lot. By way of illustration, if the CN lot shares a common boundary with a lot zoned so as to require a 14-foot interior setback, the CN lot would be required to have a 14-foot interior setback along its common boundary with that different-zoned lot.* Ms. Meade stated that it seemed a bit unfair that other properties in the district could build to their full potential, but a lot that bordered a different zoning district would have a more stringent setback requirement. Ms. Shook replied that this was proposed language for consideration.

Council Member Plaag asked if other neighborhoods in town could qualify for the RCN zoning designation. Ms. Shook stated that it could be an option.

Council Member Tugman noted that three-story homes were allowed in this zoning district. Ms. Shook replied that this district had no maximum height limitation in feet, just in stories. Council Member Tugman stated there was no differentiation between a three-story home sitting in a neighborhood of one-story homes. Ms. Shook replied that none of the residential zoning districts addressed that issue. Council Member Tugman stated that having a column in a neighborhood of single-level homes looked horrible.

Council Member Carter asked if reducing the interior setback to 10' would create additional housing. Ms. Shook thought it would allow a little bit of extra wiggle room when constructing, noting that it would provide six extra feet of buildable area.

Mayor Futrelle invited public comment.

Ms. Peggy Laine stated she had lived in Watauga County for 40 years. She noted that she owned and rented several properties in Boone at reasonable rates. Ms. Laine presented the Commission and Council members with some books about Junaluska. She asked members to consider the community and how their decisions would affect the residents. Ms. Laine stated that she was a member of the Junaluska Heritage Association and the Watauga Community Housing Trust. She asked if the proposed text amendment would protect the neighborhood and provide affordable housing. Ms. Laine suggested that the JHA, the Housing Trust, and WAMY be involved in decisions regarding the Junaluska neighborhood.

Ms. Roberta Jackson, president of the Junaluska Heritage Association, stated she was upset about the three-story home that was being built on North Street. She noted that the house was right across the street from their mural, it was a monstrosity, and it took away from their heritage.



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Ms. Diane Blanks stated she was a member of the Junaluska Heritage Association and lived in a 600-square-foot house on Green Street. She noted that Junaluska was one of the oldest black communities in Western North Carolina, and their neighborhood needed to be protected. She stated that the neighborhood consisted of mostly one-story homes, and the new three-story home partially blocked the mural. Ms. Blanks added that this height should not be allowed in a mostly one-story neighborhood.

Ms. Katie Mack stated that the newer zoning title would provide respect for the historic nature of the community's appearance. She noted that the property owner of the new three-story house had gotten the most bang for his buck on his small lot. Ms. Mack said that most of the lots in the RR were quite small and were perfect for some of the housing shortages if whoever owned them was willing to turn them into affordable housing. She stated that the old segregated school constructed across from the Mennonite Church was currently a duplex, and they had hoped to see it become a cultural center. Ms. Mack noted that many things in that neighborhood would get lost if the Town Council did not provide some protection.

Council Member Plaag asked what the square footage and height limitations were in the R1S. Ms. Shook stated there was a 5,000 square foot limit, a 35' minimum lot width, 28 feet of street frontage, and a maximum building footprint with 800 square feet exclusive of as decks, porches, or steps and allowed a basement or attic story of no more than 400 square feet. The street setbacks were 20' with an interior setback of 7', however, if the property bordered a property outside of the zoning district, they would have to meet whatever the adjacent property's setback was.

Council Member Plaag stated he was okay to allow a larger footprint if there was a height limitation. Ms. Meade noted that a new text amendment would need to be brought forward because this extent of change was not advertised with this text amendment. She added that State law did not allow the Town to regulate the exterior appearance of single-family homes.

Mayor Pro Tem George stated that renaming the district made sense and suggested that height could be considered later.

Council Member Carter agreed that height was not before the Council and Commission in this request and could be amended later.

Council Member Plaag stated he was okay with moving forward with this request but asked that a text amendment for height requirements be brought forward soon.

Mayor Futrelle asked if there was consensus of the Council and Commission to rename the district RCN and require a 10' interior setback for every RCN zoned property. There was consensus.

With nothing further, Mayor Futrelle closed the public hearing for this case at 8:29 p.m.

Mayor Futrelle called a break in the meeting from 8:29 p.m. until 8:45 p.m.

**Case A24-0095 Flag Lots & Architecturally Integrated Subdivisions – UDO Text Amendment**

Modify language in the Town of Boone Unified Development Ordinance to allow "flag lots" in certain circumstances and to revise and modernize related standards for architecturally integrated (cluster) subdivisions.

Mr. Shook presented the case as it was outlined in the meeting packet. She directed the Council and Commission members to the flag lot options shown in the staff report. Option A showed the creation of a flag lot with an easement, with the residual lot maintaining ownership. Option B showed the creation of a flag lot where the owner of the residual lot transferred the pole section to the flag lot.

Ms. Shook stated that there was some scope creep into architecturally integrated subdivisions, which were generally called cluster subdivisions. She noted that the term cluster subdivision was simpler and



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suggested that architecturally integrated subdivisions be changed to cluster subdivisions. Ms. Shook stated that she coordinated with Public Works and the Fire Department to ensure that any newly created lots created under the flag lot or the cluster subdivision could be adequately and safely served based on the North Carolina fire prevention code and other operational standards.

Ms. Shook stated that flag lots could be restricted to single-family dwellings due to the limited access, noting that the Fire Department had concerns about creating additional density. She added that the Fire Department would require a 12' wide driveway to the flag lot to accommodate their equipment. The maximum length of the driveway would be 150' with an allowance, under certain circumstances and on a case-by-case basis, to be up to 200'. Ms. Shook noted that she had provided options in the meeting packet regarding building height.

Ms. Meade asked if the driveway had to be a 12' wide asphalt driveway. Ms. Shook replied that the driveway had to be 12' wide but it did not have to be asphalt. However, if the driveway was located on a steep slope, a surface that would not wash into the street could be required.

Council Member Plaag asked if there could be a requirement in the deed or easement regarding driveway maintenance. Ms. Meade replied that a driveway maintenance agreement could be required.

Council Member Plaag asked if it would be reasonable to say that the height of the building on the flag lot could not exceed the height of the building in front of it. Ms. Shook stated that it could be challenging because of varying roof pitches. She noted that single-family construction did not require the same sort of grading plans as commercial dwellings so there were no contours to show final grade. Ms. Shook stated that most residential zoning districts had a maximum 3-story height so someone who was not on a flag lot could build a 3-story home but someone who was on a flag lot might not be able to. Council Member Plaag asked if the underlying zoning requirements, in terms of minimum lot size, would determine whether or not a flag lot could be created. Ms. Shook replied that was correct.

Mayor Futrelle invited public comment on this case.

Mr. Benjamin Loomis stated he worked for Sunvolt Electric and was the board chair of the Watauga Community Housing Trust. Mr. Loomis thanked the staff for preparing this amendment and the Town Council for considering it.

Council Member Plaag asked if there had been any public feedback expressing concern about flag lots. Ms. Shook replied that there had not. He stated that if this amendment passed it would be important as a town government to do some press about flag lots to let the public know that this was a way to help provide additional housing stock in the community.

With nothing further, Mayor Futrelle closed the public hearing for this case at 9:12 p.m.

**Approval of Meeting Minutes**

Council Member Carter made a motion to approve the January 22, 2024, Public Hearing minutes as written. The motion was seconded by Council Member Tugman.

**Vote:** Aye – 5
Nay – None

The motion passed.

Vice-Chair Veno made a motion to approve the January 22, 2024, Public Hearing minutes as written. The motion was seconded by Commission Member Behrend.

Vote: Aye – 4
Nay – None



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The motion passed.

**Adjournment of Town Council**

Mayor Pro Tem George made a motion to adjourn the Town Council at 9:13 p.m. The motion was seconded by Council Member Tugman.

**Vote:** Aye – 5
Nay – None

The motion passed.

_____ _____

**Tim Futrelle, Mayor** **Brenda Henson, Board Secretary**

_____

**Adrian Tait, Planning Commission Chair**

**PLANNING COMMISSION MEETING**

There was a break in the meeting from 9:13 p.m. until 9:19 p.m.

**Public Comment**

There was no public comment.

Chair Tait suggested that the cases be reordered on the agenda as follows:

- Case A24-0085 The Villas at South Fork
- Case A23-0624 Skyline Communication Building
- Case A24-0072 Short-Term Rentals
- Case A24-0026 Bill Dixon
- Case A24-0073 RR Residential Rehabilitation
- Case A24-0095 Flag Lots

Commission members agreed to the amended agenda.

**Case A24-0085 The Villas at South Fork – Conditional District Zoning Map Amendment**

Wynnefield Forward, LLC has submitted a Conditional District Zoning Map Amendment application to rezone property on Chestnut Drive and New Market Boulevard (Watauga County PINs: 2910-39-9335-000, 2910-39-9610-000, 2910-49-2369-000) from R1 Single-Family Residential and B3 General Business to R5 55+ Housing with a site-specific plan for Use 1.17 Adult Living Community.

Commission Member Boyd stated he supported the development because it would effectively offer affordable housing for the elderly and was needed in town.

Vice-Chair Veno stated he was in favor of the project. He felt that the applicant had demonstrated compliance and a willingness to work with the community to address some of their concerns. Vice-Chair Veno stated that the proposed development would offer affordable housing in this area in a way that single-family homes could not. He noted that there were several large commercial properties at the entrance to the neighborhood. Vice-Chair Veno stated that the rent for the units seemed reasonable.



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Commission Member Behrend stated she was in favor of the project. She added that she liked offering affordable housing units for people over 55. Commission Member Behrend noted that she would like bigger trees along Chestnut Drive to better buffer the neighbors. She also would like to have the garbage area moved and screened. Commission Member Behrend stated that this development could allow residents to stay in Boone instead of moving away when they became elderly.

Ms. Shook noted that Mr. Davis Ray with Wynnefield Forward, LLC, was in attendance virtually so that conditions could be agreed to by the applicant. She stated that she had spoken with Mr. Ray, and he had agreed to install a Type C buffer along Chestnut Drive and place the emergency entrance on a diagonal, which the Fire Department also agreed was an acceptable change.

Chair Tait stated he supported the proposal. He noted that steps had been taken to mitigate negative impacts, and he felt that the distance the building would be from Chestnut Drive would help more than people realized. Chair Tait suggested that the applicant leave as much of the existing vegetation along Chestnut Drive as possible, which could help with the buffer requirement.

Mr. Ray stated he was amenable to the suggested buffer requirements and would preserve as much existing vegetation as possible. He noted that he would add to the buffer on Chestnut Drive and change the emergency entrance's access to a 45-degree angle.

Chair Tait asked about the location of the solid waste enclosure. Mr. Ray replied that they would pull it away from the residences as much as possible, depending on the turning radium for the collection trucks.

Chair Tait asked if a condition could be made to set the maximum number of units at 60. Mr. Ray agreed to the condition and added that the number of units could decrease to 54 or 56.

Chair Tait suggested a condition requiring the use of Energy Star 2 throughout the project. Mr. Ray stated that everything from the unit to its components would be Energy Star-rated.

There was a discussion about relocating the solid waste enclosure. The applicant agreed to install additional landscaping to screen the enclosure and its elevation, so Commission members agreed that the enclosure would not have to be relocated.

Ms. Shook provided the following list of conditions that had been suggested:

- Install a Type C buffer along Chestnut Drive
- Install the emergency entrance on Chestnut Drive at a 45-degree angle
- Preserve as much existing vegetation as possible
- The maximum number of units shall not exceed 60
- Construction must meet Energy Star certification requirements

Mr. Ray agreed to all of the suggested conditions.

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

Comprehensive Plan Policy 2.3.1 Community Appearance

A. Measures to improve the effectiveness of grading, landscaping and buffering standards for new and existing developments shall be encouraged.

B. The significance of street trees in providing visual relief, summer cooling, improved air quality and livability shall be recognized through public policies and actions to encourage their planting and maintenance.



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Comprehensive Plan Policy 2.3.3 Housing & Neighborhoods

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

B. Street system designs which discourage through traffic on purely local streets while allowing for free circulation within the neighborhood shall be encouraged.

E. Factors in determining preferred locations for high density residential development shall include: close proximity to the university, employment or shopping centers; access to major thoroughfares and the transit system; the availability of public services and facilities; and compatibility with adjacent land uses.

F. The affordable housing needs of area residents, particularly elderly and low to moderate income residents, shall be recognized in Town policies and actions regarding residential development.

The motion was seconded by Commission Member Behrend, who wished to amend the motion to include the following conditions:

1. Where there is a conflict between the application information and the plans (dated received on March 15, 2024), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations concerning the proposed development made by the applicant or its (his or her) representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.
3. The applicant shall submit the necessary applications, plans, details and specifications which meet the requirements of the Town Code, UDO, Building Code and any other applicable codes for review and approval necessary to issue Zoning and Building Permits.
4. Install a Type C buffer along Chestnut Drive.
5. Install the emergency entrance on Chestnut Drive at a 45-degree angle.
6. Preserve as much existing vegetation as possible.
7. The maximum number of units shall not exceed 60.
8. Construction must meet Energy Star certification requirements.

Commission Member Boyd accepted the amendment.

**Vote:** Aye – 4
Nay – None

The motion passed.

**Second Motion and Vote:** Commission Member Boyd made a motion that the Planning Commission recommends approval of Ordinance A24-0085 within Exhibit A with the listed conditions and believes approval is reasonable and in the public interest because it ensures an increase of affordable housing, particularly for the elderly and the included conditions minimize the impacts for the surrounding residents. The motion was seconded by Commission Member Behrend.

**Vote:** Aye – 4
Nay – None

The motion passed.



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**Case A23-0624 Skyline Communication Building – Conditional District Zoning Map Amendment**

Skyline Telephone Membership Corporation has submitted a Conditional District Zoning Map Amendment petition to amend the existing 2007 Conditional District Zoning designation on property on West Hilltop Drive to construct a 144 square foot equipment shelter to add use 6.01, Utility Facility, Neighborhood to the existing Conditional District approval.

Vice-Chair Veno stated that this project was needed to support technology in the area. He added that where the building would be located would not disturb anyone. All Commission members agreed and supported the project.

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

Comprehensive Plan Policy 2.1.1 Economic Development

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

Comprehensive Plan Policy 2.1.2 Commercial Development

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.

The motion was seconded by Commission Member Boyd.

**Vote:** Aye – 4
Nay – None

The motion passed.

**Second Motion and Vote:** Vice-Chair Veno made a motion that the Planning Commission recommends approval of Ordinance A23-0624 within Exhibit A and believes approval is reasonable and in the public interest because the facility would help expand the current internet connectivity, which is needed in certain areas of the Town and County. The motion was seconded by Commission Member Behrend.

**Vote:** Aye – 4
Nay – None

The motion passed. The following conditions shall apply:

1. Where there is a conflict between the application information and the plans (dated received on December 13, 2023), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations concerning the proposed development made by the applicant or its (his or her) representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.
3. The applicant shall submit the necessary applications, plans, details and specifications which meet the requirements of the Town Code, UDO, Building Code and any other applicable codes for review and approval necessary to issue Zoning and Building Permits.

**Case A24-0072 Short-Term Rentals – UDO Text Amendment**

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Modify language in the UDO limiting the zoning districts where Use 3.06 Vacation Rental is allowed and to no longer allow accessory dwelling units to be used as Use 3.07 Homestay Rental.

Ms. Shook provided a summary of the discussion during the Public Hearing. She stated there seemed to be an agreement to accept the proposed changes to the vacation rental text, which would remove vacation rentals from the RA and R3 zoning districts. However, further discussion was needed regarding how to handle non-conformities. Ms. Shook stated that there seemed to be interest in allowing homestay rentals in accessory dwelling units that were separate from the main dwelling as well as in the main dwelling. She noted in the definition of a homestay rental that the period of less than one month should be changed to the period of 30 days, and the reference to guest rooms should be changed to bedrooms.

Commission Member Behrend agreed with removing vacation rentals from the RA and R3 zoning districts. She added that she was also okay with leaving the homestay regulations as they were and reevaluating them in a year.

Chair Tait agreed with Commission Member Behrend.

Vice-Chair Veno stated he was willing to revisit homestay rentals at a later date and that he wished the whole short-term rental thing had never happened.

Commission Member Boyd stated that revisiting the homestay rentals in a year was a good compromise.

Ms. Shook asked Commission members to address the issue of non-conformities and whether the 10 or so properties currently operating with a permit in the R3 should be grandfathered or sunset.

Commission Member Behrend suggested a sunset date, noting she did not like the idea that grandfathering would stay with the property perpetually.

Chair Tait noted the concern of legal action from owners who had invested a lot of money into their rental units. He stated that of the 10 units that were currently non-conforming, some might fall out of compliance or not renew their permit, so they would no longer be grandfathered. Chair Tait noted that the risk of legal action with grandfathering would be less.

Commission Member Behrend stated she was comfortable with that. Vice-Chair Veno agreed.

Chair Tait recapped the recommendations as follows:

- Do not accept the proposed changes to homestay rentals.
- Approve language to eliminate vacation rentals from the RA and R3 zoning districts, and allow legal non-conforming vacation rentals in the RA and R3 zoning districts to continue to operate so long as the annual short-term rental permit (1) has not been revoked in accordance with Subsection 15.10.18 and (2) the annual permit has been successfully renewed prior to the permits expiration.
- Ensure term guest room is correctly used.
- Change one month to 30 days.

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

Comprehensive Plan Policy 2.1.1 Economic Development



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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.

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.

Comprehensive Plan Policy 2.3.2 Community Character

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

The motion was seconded by Commission Member Behrend.

**Vote:** Aye – 4
Nay – None

The motion passed.

**Second Motion and Vote:** Chair Tait made a motion that the Planning Commission recommends approval of Ordinance A24-0072 within Exhibit A and believes approval is reasonable and in the public interest because it maintains an opportunity for existing owners who reside at the properties to continue renting their properties for short-term rentals and stems the opportunity for outside owners to take advantage of purchasing properties and removing them from the housing market in the area. The motion was seconded by Commission Member Behrend.

1. Do not accept the proposed changes to homestay rentals.
2. Approve language to eliminate vacation rentals from the RA and R3 zoning districts, and allow legal non-conforming vacation rentals in the RA and R3 zoning districts to continue to operate so long as the annual short-term rental permit (1) has not been revoked in accordance with Subsection 15.10.18 and (2) the annual permit has been successfully renewed prior to the permits expiration.
3. Ensure term guest room is correctly used.
4. Change one month to 30 days.

**Vote:** Aye – 4
Nay – None

The motion passed.

**Case A24-0026 Bill Dixon – Conditional District Zoning Map Amendment**

Bill Dixon and Cristal Cox Neaves have submitted a Conditional District Zoning Map Amendment petition to rezone property on 110-150 Austin Lane from R1A Single-Family Residential with Accessory Dwelling to R3 Multiple-Family Residential with a site-specific plan for Use 3.06 Vacation Rental in 2 of the 3 dwelling units.

Chair Tait asked if Mr. Dixon's request would still be needed if the Town Council approved the changes to the short-term rental text. Ms. Shook suggested that the Planning Commission make a recommendation regarding Mr. Dixon's request and apply conditions if approval was recommended. She noted that, based upon the Council's decision regarding the short-term rental changes, Mr. Dixon could withdraw his application if he wanted to.

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

Comprehensive Plan Policy 2.3.3 Housing & Neighborhoods

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

Chair Tait wished to amend the motion to add:

Comprehensive Plan Policy 2.3.2 Community Character

C. Wise development of the tourism potential of the area's architectural, historic, scenic and natural resources shall be encouraged.

Vice-Chair Veno wished to amend the motion to add:

Comprehensive Plan Policy 2.3.2 Community Character

B. Multiple and appropriate adaptive reuse of historic resources shall be encouraged.

Commission Member Behrend accepted the amendments. The motion was seconded by Vice-Chair Veno.

**Vote:** Aye – 4
Nay – None

The motion passed.

**Second Motion and Vote:** Commission Member Behrend made a motion that the Planning Commission recommends approval of Ordinance A24-0026 within Exhibit A and believes approval is reasonable and in the public interest because this whole unit is compliant with the neighborhood and it is a very historic part of that neighborhood. The motion was seconded by Vice-Chair Veno.

**Vote:** Aye – 4
Nay – None

The motion passed. The following conditions shall apply:

1. Where there is a conflict between the application information and the plans (dated received on January 10, 2024), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations concerning the proposed development made by the applicant or its (his or her) representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.
3. The applicant shall submit the necessary applications, plans, details and specifications which meet the requirements of the Town Code, UDO, Building Code and any other applicable codes for review and approval necessary to issue Zoning and Building Permits.

Due to the hour, a special Planning Commission meeting was scheduled for Friday, April 5, 2024, at 10:00 a.m. via WebEx to make recommendations on Case A24-0073 RR Residential Rehabilitation, Case A24-0095 Flag Lots, and consider the January 22, 2024 Planning Commission meeting minutes.

Commission Member Behrend stated she could not attend the April 22, 2024, Public Hearing/Planning Commission meeting.



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**Other Matters**

Ms. Shook stated that the second round of community engagement for the Comprehensive Plan update had been scheduled as a three-day event from Monday, April 29, 2024, through Wednesday, May 1, 2024. She noted that the first two days would be dedicated to the four small area plans and would conclude on May 1 with a summary meeting beginning at 6:00 p.m. at Hardin Park School. Ms. Shook encouraged Planning Commission members to attend.

**Adjournment of Planning Commission**

Vice-Chair Veno made a motion to adjourn the meeting at 11:07 p.m. Commission Member Behrend seconded the motion.

**Vote:** Aye – 4
Nay – None

The motion passed.

_____ _____

**Adrian Tait, Planning Commission Chair** **Brenda Henson, Board Secretary**

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**TOWN COUNCIL AND PLANNING COMMISSION**
**SPECIAL PUBLIC HEARING MINUTES**
**MONDAY, APRIL 22, 2024, 6:00 PM**
**1500 BLOWING ROCK ROAD AND VIA WEBEX SOFTWARE**

**COUNCIL MEMBERS PRESENT:** Mayor Tim Futrelle, Mayor Pro Tem Dalton George, Eric Plaag, Virginia Roseman, and Edie Tugman

**PLANNING COMMISSION MEMBERS PRESENT:** Adrian Tait-Chair, Frank Veno-Vice-Chair (via WebEx), and Smith Warren (via WebEx)

**PLANNING STAFF PRESENT:** Jane Shook-Director of Planning and Inspections, Mike James-Commercial Zoning Administrator (via WebEx), Jessica Mitchell-Advanced Planning Specialist, Brandon Wise-Environmental Specialist (via WebEx), and Brenda Henson-Board Secretary (via WebEx)

**OTHER TOWN STAFF/REPRESENTATIVES PRESENT:** Allison Meade-Town Attorney

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**Call to Order**

Mayor Futrelle called the Town Council to order at 6:01 p.m., and Chair Tait called the Planning Commission to order at 6:01 p.m. The meeting was held in the Town Council Chambers at 1500 Blowing Rock Road and via WebEx.

**Moment of Silence**

A moment of silence was observed.

**PUBLIC HEARING**

**Case A24-0242 RR Building Height – UDO Text Amendment**

Town of Boone Unified Development Ordinance text amendment to modify the maximum building height in the Residential Rehabilitation zoning district.

Case A24-0242 (this case) is a companion text amendment to Case A24-0073 RR to Compact Neighborhood. Case A24-0073 was heard at the March public hearing, and the Planning Commission made a recommendation of approval with recommendations. Case A24-0073 is scheduled to be heard by Town Council on May 8, 2024. During the public hearing for this case, it was agreed that an amendment to modify the building height for the district was needed and that it should be sent to the April 22, 2024 special public hearing.

Ms. Jane Shook, Director of Planning & Inspections for the Town of Boone, presented the case as it was outlined in the meeting packet. She directed Council and Commission members to page 4 of the meeting packet that contained a summary of the number of stories of structures located in the RR zoning district according to Watauga County tax information. There were 16 one-story single-family homes, seven 1-story single-family homes with a basement, one 3-story single-family home, one 1-story two-family home with a basement, one 1.5-story two-family home with a basement, and one 1-story religious assembly with a bell tower.

Ms. Shook provided the revised definitions of attic story and basement story and the new definition of story as shown on packet page 9.



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Council Member Plaag asked why the phrase 'with an attic story or a basement' was removed from the Height Table under R1S. Ms. Shook replied that the standards were referenced in Subsection 14.06.03(F), as noted in the Table so the extra wording was removed. Council Member Plaag noted that in the preservation world, an attic story was referred to as a half story. Ms. Meade stated that the term attic story came from the North Carolina Building Code.

Council Member Tugman asked what constituted a basement. Ms. Shook replied that when more than 50% of a portion of a building was below grade it would be considered a basement. Council Member Tugman asked what the new house on North Street would be considered. Ms. Shook responded that the house would be considered a 3-story house, which was currently allowed in residential zoning districts. Council Member Tugman stated that the house was incongruous with the area and the neighborhood was upset.

Ms. Meade noted that per the NC Residential Building Code an attic story includes any story situated wholly or partly in the roof, so designated, arranged, or built as to be used for storage or habitation. If an attic that is accessible by a fixed stairway has a 7' clear height for greater than 50% of the floor area of the story below, then the space shall be considered a story. Council Member Plaag asked that this definition be used in the proposed text.

Council Member Tugman asked if the text could include a height limit in feet instead of stories. Ms. Meade stated that defining the basement and attic stories effectively created a cap on building height.

Ms. Shook reminded everyone that the proposed text was for the RR zoning district only.

Council Member Plaag stated that he was okay with the proposed language but would like to add a height limitation such as the maximum height to the peak of the roof line could not exceed 20' above the average grade for the lower story not including the basement. Ms. Shook replied that a requirement of this type would create the need for homeowners to submit grading plans showing contours and elevations, which would be an added expense to the homeowners. She suggested using the language proposed by the Planning Commission for flag lots that took the median of the adjacent properties and allowed new construction to be one full story above the median of the houses around it. This could also be changed to an attic story instead of a full story.

Mayor Futrelle invited public comment on this case.

Ms. Katie Mack stated she lived in Junaluska and was on the Junaluska Heritage Association. She expressed concern with the narrow streets that did not have sidewalks in her neighborhood. Ms. Mack noted that the new 3-story home on North Street obscured the mural and the Mennonite Church. She stated that it was looming and out of character with the neighborhood. Ms. Mack added that the need for affordable housing could cause more tall buildings to be built.

Ms. Peggy Laine stated she was confused by the discussion. She asked why the Junaluska neighborhood was not zoned R1 so it would have the same regulations as other single-family neighborhoods. Ms. Laine stated that what happened in the Junaluska neighborhood should not happen in any neighborhood.

Ms. Diane Blanks stated she agreed with the comments of Ms. Mack and Ms. Laine. She added that the neighborhood was upset by the inappropriate tower of a house that was built in their neighborhood. Ms. Blanks stated that the Town could do better by a community that had been there for 160 years.

Council Member Plaag asked Ms. Shook to explain why the RR district was being renamed. Ms. Shook stated that the Residential Rehabilitation district description needed to be updated because it no longer reflected the character of the district. She noted that the Junaluska neighborhood was a very specific neighborhood with smaller homes on smaller lots that did not meet the standards of the R1 single-family



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zoning district. Ms. Shook stated that the building height in the residentially zoned districts had been the same since at least 2004, or longer. She added that the whole idea behind the changes to the building height in the RR was to strengthen the standards within this area to provide more protection.

Ms. Shook asked if there was consensus to move forward with applying a mean height of other houses in the district to determine the maximum height of any new construction. Council Member Plaag stated that he supported the suggestion. Other Council members agreed.

With nothing further, Mayor Futrelle closed the public hearing for this case at 7:03 p.m.

**Case A24-0070 Transitional Zone/Neighborhood Protection – UDO Text Amendment**

Modify the current transitional zone process requiring board approval (if a transitional zone was triggered) to create administrative standards that apply to all projects adjacent to protected residential areas. The intent of the amendment is to create, revise, and strengthen neighborhood protection provisions within the Unified Development Ordinance (UDO) to ensure compatibility between development intensities and to improve effectiveness and clarity in the application of standards.

Ms. Shook presented the case as it was outlined in the meeting packet. She noted that the transitional zone text was originally adopted in 2010. The Board of Adjustment had heard 38 Special Use Permit requests with transitional zone mitigation, with only one denial. The Planning Commission and Town Council had heard 23 Conditional District Zoning Map Amendments with transitional zone mitigation, with four denials. Ms. Shook stated that the denials were not necessarily related to transitional zone mitigation.

Ms. Shook noted that this text amendment would remove all references to the transitional zone from the UDO and Neighborhood Protection standards would be incorporated. Section 4.07.03 would require applicants who received a zoning permit for any principal use allowed by right on a parcel that was adjacent to a residentially zoned property to post notice of the permit approval at the main access point of the proposed development with language that coincided with North Carolina General Statute 160D-403(b). Ms. Shook stated that the notice must be posted ten days before the commencement of construction to provide neighbors with notice of the construction.

Ms. Shook referred to Section 14.03.07(D)(1) and (2) regarding maximum building heights of structures on non-residential zoned or R3 zoned properties, noting they could not exceed the maximum height set forth for the adjoining residentially zoned property unless they met an additional setback of 1.5' for each foot in height above that maximum height.

Ms. Shook stated that landscaping requirements for the U1 University District would change, requiring the University to comply with the Town's landscaping standards as noted in Section 14.29.05. Additionally, a change was proposed for drive-through facilities to require that they be designed so that menu boards and order windows were no located on any side of the building that faced an adjacent residentially zoned property. As shown in the meeting packet, parking and landscaping standards for Neighborhood Protection areas were created and Article 31 Landscape Standards was revised to be easier to read.

Ms. Shook noted that the staff was not able to complete all of the changes suggested by Town Council to the Table of Principal, Accessory, and Temporary Uses. The additional changes would be presented at a future public hearing. Ms. Shook stated that the Table of Principal Uses had been revised to reflect the replacement of transitional zones with new requirements, such as a Conditional District approval.

There was no public comment on this case.

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Council Member Plaag stated that he, Mayor Pro Tem George, and Ms. Shook met multiple times to go through the Table of Principal Uses. He noted that making some of the uses acquire Conditional District approval provided a legislative process to hammer out some of the concerns brought up in the community about things like drive-throughs, car washes, and gas stations. Council Member Plaag stated that the perception was that Council was approving these projects so it made sense to have Council approve them. He added that a lot of the Town's corridors were in a small area planning vision so this amendment would give Town Council some flexibility to help shape the appearance of those corridors.

Ms. Meade cautioned Town Council members that they may inadvertently politicize decisions that were being currently made by staff, or the Board of Adjustment under quasi-judicial or mandatory standards, by having so many uses go through the Conditional District process. Ms. Meade added that she understood that Council felt they were the best place to weigh the public benefits and interest, however she noted the amount of time this could take when their schedules were already extremely full.

Council Member Plaag asked if Conditional District approvals had to meet UDO requirements. Ms. Shook replied that they did. Council Member Plaag stated that the CD process versus the Special Use Permit process gave Town Council the ability to negotiate conditions on projects they felt might have an adverse impact on adjoining neighborhoods or uses, with the project still having to meet UDO requirements. Ms. Meade replied that she was speaking about projects as of right versus CD. Council Member Plaag stated that once the Town got mass and scale more accurately reflected in the ordinance they could revisit the Table and reassess what could be allowed as of right.

Council Member Roseman expressed concern that Town Council would be taking on work that they already had a Board to do. Ms. Shook stated that this text amendment could change how Council functioned. She noted that an applicant would need to know the date of their hearing with Council and Planning Commission and the date of the Council meeting for the final decision. Adjacent property owners would also need this information. Ms. Shook suggested that map amendments could be heard one month and text amendments the next month. She noted that this would mean that Council would meet with the Planning Commission every month.

Council Member Tugman stated that the intention in making this shift was to eliminate the complication of the transitional zones and the confusion they created, to expand protections to neighborhoods, and address issues with development that nobody wanted to see.

Council Member Roseman stated that they would need to be careful when considering cases so they did not set a precedent. Ms. Meade responded that no case, whether it was before the Board of Adjustment or Town Council, was a precedent for another. She stated that the law needed to be applied and interpreted consistently and each case was a unique case.

With nothing further, Mayor Futrelle closed the public hearing for this case at 8:01 p.m.

**Case PL05640-040822 Lighting – UDO Text Amendment**

Modify UDO Article 25 Community Appearance Standards to reflect lighting industry changes and lighting design best practices. In conjunction with the Community Appearance Commission evaluating current Community Appearance Standards, Planning Staff has evaluated the current lighting standards by meeting with lighting design professionals, dark sky advocates, and local energy providers to discuss current lighting practices and areas of improvement.

Mr. Jessica Mitchell, Advanced Planning Specialist, presented the case as it was outlined in the meeting packet. She noted that the text was originally presented to Council last May and was discussed at the May and July 2023 public hearings. In September the text was discussed by Town Council to provide staff with further direction regarding nonconformity and sunsetting. Ms. Mitchell referred to Section



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7.05.02(C) which highlighted an area for discussion that stated *When used, compliance "to the extent practicable" shall exclude any item in which the cost of compliance exceeds ?% of the project cost.*

Ms. Meade stated that renovation costs could cause an owner to rethink doing a project if the cost triggered a tier that required even more costly modifications to be done. She added that the phrase "to the extent practicable" put the staff in an impossible position to enforce.

There was a discussion regarding the cost of lighting changes. Ms. Shook noted that lighting was very expensive, especially if poles had to be replaced. It was suggested that pole heights be placed as a Tier 4 requirement.

Mayor Pro Tem George stated that there was a lot of light pollution and he would like to sunset Kelvins.

Ms. Mitchell asked if it was correct that Tier 3 would be for all other requirements of Article 27 Lighting Standards, except for pole heights, pole heights would be placed in Tier 4, and there would be no percentage of the project cost in Section 7.05.02(C) in the text highlighted for discussion. There was consensus of Council and Commission members for these items.

Ms. Mitchell referred to Section 27.01.03(B)(2) which provided a sunset date of January 1, 2026, for non-compliant decorative lighting. Ms. Meade stated that any type of sunsetting raised the risk of litigation. She suggested, instead of sunsetting, that the lighting referred to in 27.01.03(B)(2) be placed as a Tier 1 requirement. Council members agreed.

Ms. Mitchell noted several other text changes, including revisions to the Outdoor Recreation Lighting. Council Member Plaag asked why the language was revised to say the outdoor recreational facility lighting shall not be at full intensity three hours after the event ends. He stated that seemed vague and suggested that the language specify that the lights either be turned off or require some percentage of whatever full intensity was. Ms. Shook stated that she had spoken with ASU about their stadium lighting and they were unable to dim them. However, they were looking at other possible options. Ms. Shook encouraged this as a topic for a Town/Gown discussion.

There was no public comment on this case.

With nothing further, Mayor Futrelle closed the public hearing for this case at 8:40 p.m.

**Adjournment of Town Council**

Council Member Roseman made a motion to adjourn the Town Council at 8:40 p.m. The motion was seconded by Council Member Tugman.

**Vote:** Aye – 4
Nay – None

The motion passed.

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**Tim Futrelle, Mayor** **Brenda Henson, Board Secretary**

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**Adrian Tait, Planning Commission Chair**



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**PLANNING COMMISSION MEETING**

Chair Tait called a break in the meeting from 8:40 p.m. until 8:43 p.m.

Due to the hour, Planning Commission members discussed dates to continue the Planning Commission meeting. A continuation meeting was scheduled for Thursday, April 25, 2024, at 2:30 p.m. via WebEx.

**Adjournment of Planning Commission**

Chair Tait made a motion to adjourn the meeting at 8:51 p.m. Vice-Chair Veno seconded the motion.

**Vote:** Aye – 3
Nay – None

The motion passed.

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**Adrian Tait, Planning Commission Chair** **Brenda Henson, Board Secretary**

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Exhibit 1

# Local Historic Landmark Application

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

## A. Required to be Submitted at Time of Application

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

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

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

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

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

Date of requested hearing: May 2024 Public Hearing/Planning Commission Meeting

## C. Property Information

Street Address: 150 Clay House Drive, Boone, NC 28607

Watauga County Parcel Identification Number: 2900-78-3934-000 (Parcel containing R.L. Clay (Rivers) House)

Existing Zoning District(s): B1DI – Downtown Interface

Total Land Area: 9.54 acres (2900-78-3934-000, 2900-69-9070-000, 2900-79-0308-000)

Are there any existing variances, or other site-specific approvals granted to the property? ☐Yes ☐No ☐Unknown

If yes, describe:

## D. Applicant Information

Name: Town of Boone

Complete Mailing Address (Street, City, Zip):

Phone Number: Email Address: planning@townofboone.net

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

## E. Property Owner Information

Name: Town of Boone

Complete Mailing Address (Street, City, Zip):

Phone Number: Email Address: planning@townofboone.net

## F. Landmark Information

Proposed Landmark Name: R.L. Clay (Rivers) House

Period of Significance: 1933-1940 Architectural Significance,
1945-1998 Association with Significant Person(s)

Provide a narrative, under separate cover, that describes how the proposed landmark meets the Town's criteria for Landmark Designation. Areas of importance shall include, but are not limited to:



Communication: Cases A24-01017, -0109, and -0110 Exhibit 1: Applicaiton (Cases A24-0107, -0109, -0110 Rivers Property Local Historic

See R.L. Clay (Rivers) House Local Landmark Designation Report for more information

Time-period of significance

Historic function or use

Significant events that occurred at, around, or resulted in the proposed landmark

Important persons associated with the proposed landmark

Detailed-description of the physical characteristics of the proposed landmark, including the architectural style and materials used

A list of significant exterior architectural features that should be protected

A detailed description of the property

Description of the current conditions of the proposed landmark and whether it has maintained its historical integrity in terms of location, design, materials, etc.

## G. Applicant Signature and Property Owner Authorization

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 /s/ Jessica Mitchell | Town of Boone /s/ Jessica Mitchell | 2/16/2024 |
|---|---|---|
| **Property Owner (Print)** | **Property Owner (Signature)** | **Date** |

| **Official Use Only** | | | | |
|---|---|---|---|---|
| Permit Name: R.L. Clay (Rivers) House – Local Historic Landmark Designation | | | | |
| Permit Number: A24-0107 | | | | |
| Date: | Fee: | Receipt Number: | Method of Payment: ☐ Cash ☐ Check Number:_____ | Paid By: |

Public Hearing Meeting Date: May 29, 2024

PC Meeting Date: May 29, 2024

TC Meeting Date: June 2024

Date of APO Mailed Notification: _____

Date of Posted Notification: _____

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



Communication: Cases A24-01017, -0109, and -0110 Exhibit 1: Applicaiton (Cases A24-0107, -0109, -0110 Rivers Property Local Historic

# Boone Historic Preservation Commission
# Local Landmark Designation Report

# R. L. Clay House
# (Rivers House)



Prepared by Ellie McCorkle
with assistance from the
Boone Historic Preservation Commission
July 2023, Final Draft,
February 2024, Final Revised

Communication: Cases A24-01017, -0109, and -0110 Exhibit 2: Designation Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic

# R. L. Clay House (WT0530)

## I. General Information

A. Common and Historical Property Names
   1. R. L. Clay House (Ca. 1933-1945)
   2. R. C. Rivers House (Ca. 1945-Present)

B. Physical Address or Location
   1. 150 Clay House Dr., Boone, NC 28607
      a. North (primary) elevation faces Rivers Street

C. Tax Parcel Identification Numbers (PIN)
   1. PIN: 2900-78-3934-000
   2. PIN: 2900-69-9070-000
   3. PIN: 2900-79-0308-000

D. Current Owner Name
   1. The current owner is the Town of Boone and has been since the donation of the house and related properties beginning in 1998. There was a life tenancy included with the house deed, but this person left the house permanently in 2011 and no longer survives. It has been uninhabited since and used for storage.

E. Current Owner Mailing Address(es)
   1. 567 West King Street, Boone, NC 28607

F. Appraised Value of the Property (2022)
   1. PIN 2900-78-3934-000: Total value $682,200. Land value is $55,300 and building value is $626,900.
   2. PIN 2900-69-9070-000: Land value is $821,100.
   3. PIN 2900-79-0308-000: Land value is $108,600.

G. Date of Construction
   1. House: Circa 1933
   2. Garage: Before 1940 (perhaps 1933)

H. Historical Significance
   1. Criterion B: Association with Significant Person(s), 1945-1998
   2. Criterion C: Architectural Significance, 1933-1940

I. Statement of Property Designation:
   1. The proposed boundaries of the designation follow the surveyed boundaries for all listed parcels: 2900-78-3934-000, 2900-69-9070-000, and 2900-79-0308-000. These parcels include the house, the garage (interior not included for the house and garage), a portion of the drive leading to the house and garage (Clay House Drive), the Daniel Boone Monument/Rivers Park, land along the ridgeline to the north and northwest of the house, “Rachel’s meadow,” and “Baby,” the North Carolina state champion sugar maple. See pages 8 and 9 for further information.

Communication: Cases A24-01017, -0109, and -0110 Exhibit 2: Designation Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic

*The original report drafted by Ellie McCorkle was substantially revised and edited into this final version by the following members of the Boone Historic Preservation Commission: Elizabeth Bond, Eric Plaag, James Sharp, Charles Watkins, and Riley Ziegler. January 2024 modifications were edited into this final version by the following members of the Boone Historic Preservation Commission: Elizabeth Bond, Vardell Smyth, Krystal Carter, and Jerry Williamson.*

*The 1950 cover image of the R. L. Clay House, taken from the northeast, is used courtesy of the Palmer Blair Collection, Digital Watauga Project.*

Communication: Cases A24-01017, -0109, and -0110 Exhibit 2: Designation Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic

## II. Brief Statement of Significance

The R. L. Clay House is proposed for designation as a local historic landmark due to its high level of local significance for its association with several members of the Rivers family who were influential in the history of the Town of Boone. Members of the Rivers family resided in and owned the home for more than 50 years as they operated and published the local newspaper, the *Watauga Democrat*. R. C. Rivers, Jr., ran the *Watauga Democrat* for 42 years, 30 years of that while residing in this home. Rachel Rivers-Coffey, the granddaughter of R. C. Rivers, Sr., and daughter of R. C. Rivers, Jr., was raised in the home before she took over the *Watauga Democrat* following her father's death in 1975 and continued to run the paper until 1994. She and her husband Paul Armfield Coffey donated the property to the Town of Boone in 1998.

The R. L. Clay House is also locally significant for its architecture. The one and a half-story R. L. Clay House with its subdued, Colonial Revival influences was constructed using native stone and completed circa 1933. Its use of native stone is an early local example of a popular trend that accelerated with the Works Progress Administration (WPA) funding of the construction of other Colonial Revival, native stone buildings during the mid to late 1930s. Also included as a contributing resource in this designation is the two-story, native stone garage to the southeast of the home, which was likely constructed simultaneous to the house and certainly before 1940. There is a prize sugar maple tree, "Baby," that straddles two of the parcels within the boundary to the northwest of the R. L. Clay House. At the northeast end of the boundary is Rivers Park, a stone monument area built in 2005 containing a reconstruction of historic Daniel Boone Monument that originally stood several hundred yards to the southeast. The parcels proposed for designation continue to provide historic context for the close relationship the Rivers family had to the town and community of Boone.

Three of seven legal parcels in this vicinity that are owned by the Town of Boone are proposed for designation, all three of which were associated with the Rivers family from at least the mid 1940s. The Town of Boone acquired all three parcels through donations by Rachel Rivers-Coffey and/or Paul Armfield Coffey. This is not all of the land once associated with the property, as some of the original Clay and Rivers holdings were either subdivided or sold off, then developed by private individuals and companies. The other four nearby parcels owned by the Town are either noncontiguous to the boundary parcels or not historically associated with the Rivers family.

## III. Architectural Description

The R. L. Clay House is a one and a half-story, side-gabled home with a native, cut stone exterior, and it features subdued, Colonial Revival influences. It is three bays wide and built to face north, toward present-day Rivers Street. The house sits perpendicular to another street historically known as South Water Street (recently renamed Burrell Street). Access to the property is via a long, circuitous driveway, known as Clay House Drive, located off of Moretz Drive to the southeast. The property retains a one and a half-story, two-bay garage that also features a native, cut stone exterior. This garage is located at the end of Clay House Drive and just southeast of the house. Walkways, outside stairwells, retaining walls, and curbing throughout the property are also of native, cut stone and are apparently part of the original

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landscaping plan. The roof of the house, until recently, was composed of asbestos shingles designed to resemble slate, but these were probably not original. These shingles were removed in 2015 and replaced with more traditional asphalt shingles.

The north (front) façade of the R. L. Clay House features an irregular, front-gabled porch entrance that is reached by stone steps with stone cheek walls. The entrance to the porch features a flat arch lintel with a gothic-style light above, and the interior of the porch includes a stone bench on the east side of the porch with two rectangular window openings on either side of the porch. Wood weatherboard was used for the interior porch ceiling. The main entrance features a twelve-light, wooden door that is protected by an aluminum screen door. This entrance, while intended as the front door to the home, is no longer used for interior access by the Town of Boone. Immediately to the east of the porch is a prominent, exterior chimney of native stone with alternating steps that narrow the chimney as it rises. There is a pale, stone diamond in the center of the chimney, an architectural detail that is continued throughout the design of the home, interior and exterior. The chimney includes a pronounced concrete cap with brick piers at its four corners. Further to the east of the chimney and porch on the first floor is a double set of six-over-six, double-hung sash windows with a wooden surround, aluminum storm windows, and stone sills. Beyond this to the east, the first floor of the north elevation opens to a square, interior porch with stone flooring and walls as well as a wooden weatherboard ceiling. This is all anchored to the footprint of the house by a stone column at the northeast corner of the porch.

The porch includes one wooden doorway along the interior south wall at the southwest corner of the porch, with another similar door at the same corner along the west wall of the porch. This west wall entrance is currently used as the main entrance by the Town of Boone. Both doors are covered with aluminum screen doors. To the north of the second door, still on the west wall of the porch, is a single, six-over-six, double-hung sash, wooden window with a wooden surround, a stone sill, and an aluminum storm window protecting it. A gothic light fixture hangs at the center of this interior porch space; some of the glass panels in this fixture are broken and missing.

Visible under each window grouping on the north elevation are two basement-level vents. The west side of the north elevation has a triple bay of six-over-six, double-hung sash, wooden windows with wooden surrounds and a stone sill. All three are covered with aluminum storm windows. The second floor of the north elevation features two projecting, symmetrically spaced, gabled dormers, each clad in weatherboard on their sides and what appear to be shingles on the gable fronts. This shingle material may be of asbestos that has since been painted. The dormers include prominent cornice returns with double sets of six-over-six, double-hung sash, wooden windows with wooden surrounds and aluminum storm windows over them. Small vents are visible just below the apexes of these dormer gables.

The first floor of the west elevation, reading from north to south, is primarily of native stone and includes a single, six-over-six, double-hung sash, wooden window with an aluminum storm window covering. A short distance to the south is an identical window. Near the center of the elevation, but offset slightly to the south, is a smaller, double window group of six-over-six, double-hung sash, wooden windows with a wooden surround, stone sill, and aluminum storm window coverings. A short distance to the south of this is a single window that is otherwise

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identical to those found in the double window grouping. Just above this window, the south end of the gable roofline abruptly evens out to accommodate an enclosed porch that includes another double set of windows identical to those at the center of the west elevation, with a small amount of the same asbestos shingle treatment visible between the tops of the windows and the roofline, while the bulkhead below the windows is parging over an unknown material (possibly concrete block). At ground level are three basement vents with stone lintels and stone window wells. The second floor of the west elevation includes a double set of the windows at an intermediate size between the small and large examples found elsewhere on the west elevation, but otherwise identical in their design and treatment. This set is centered underneath the west gable. The roofline of the west gable includes an aluminum, boxed soffit that sports an oddly shaped cornice return at the northwest corner of the house and at no other corner.

The south elevation of the house is irregularly shaped. Reading from west to east, the first floor of the south elevation is dominated by the three-season enclosed porch that runs nearly to the center of the back of the house. This porch continues the previously described, parged bulkhead treatment, with a centered, four-light door with an aluminum storm door over it; this door is flanked by double sets of windows like those found on the west elevation of this porch. For reasons that are not clear, the roofline of this porch steps down near its junction with a second-floor window, perhaps in an effort to not block that window. The east return wall of this rear porch repeats the asbestos shingling for a short distance below the roof slope, with the bulkhead treatment taking up the whole east return wall. At its base is a set of stone steps with a stone stairwell wall leading down to a basement door with an aluminum storm door. This door is not visible from the interior of the basement, indicating that it leads to a separate storage space under the home. Above this, along the main body of the house, is a double set of large, six-over-six, double-hung sash, wooden windows with a wooden surround, stone sill, and aluminum storm windows. Above this, the second floor of the main block of the house reads as a wide dormer. At its center is a medium-sized, double window grouping otherwise identical to those found elsewhere with a single window of similar size just to the west, over the stepped-down porch roof. A much smaller window, also otherwise identical, is visible to the east of this centered, double window group. This wide dormer features wooden weatherboard on the west and east sides of the dormer. A stone interior chimney rises from a high point of the south-facing roof at a junction with the west side of the south dormer, while another interior chimney rises from the east side of the south-facing roof, separated by a short distance from the south dormer.

Back at the first floor level is another projection at the southeast corner of the house, with a small, single, one-over-one, horizontal light, wooden window with a stone sill and aluminum storm window over it on the west elevation of this projection. A large, single window like most of the others on the house is centered on the south elevation of this southeast projection. Along this south elevation of the house about ten feet from the back of the house is a long, stone retaining wall that runs parallel with the house to a set of stone steps with a stone cheek wall and an iron railing just beyond the southwest corner of the house. This retaining wall continues a short distance, parallel with the west elevation of the house.

The first floor of the east elevation, moving from south to north, includes a large window like those found elsewhere, followed a short distance to the north by a large, double window group like those found elsewhere. A short distance to the north of this is a set of stone steps with stone

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cheek walls on each side and an iron railing along the top of the north cheek wall. This set of steps leads to the aforementioned open, interior porch at the northeast corner of the house. The second floor of the east elevation features a medium-sized, double set of windows identical to those on the west elevation, centered just below the gable. A boxed, aluminum soffit terminates in prominent cornice returns at both ends of the roofline. Leading away from the porch steps is a cut stone pathway, with the iron railing continuing along its length. This terminates at a step down to the asphalt driveway of Clay House Drive, which is itself bounded on its west and south sides by a low, stone retaining wall.

At the southeast end of this driveway is a detached, front-gabled, one and a half-story, two-car garage of cut stone. Its north elevation includes two symmetrically spaced, garage bay doors of vertical wood slats, with a large, six-over-six, double-hung sash, wooden window with wooden surround and stone lintel centered beneath the gable. The roofline includes an aluminum, boxed soffit that terminates in prominent cornice returns. The west and east walls of the garage are essentially featureless stone while the south elevation, which is built partially into the grade, includes a set of wooden steps rising to the upper level of the garage, which is accessed via a wooden door with a deep wooden surround. The roofline on this gable end also includes an aluminum, boxed soffit that terminates in prominent cornice returns.[1]

There is a low, creekstone retaining wall along the sloping edge of the north portion of the property, facing Rivers Street. The wall was likely more prominent when first constructed but has since been obscured by overgrowth and has partially collapsed. It appears to have been placed to aid in landscaping for the rhododendrons that grow along its top.

On the northeast corner of the larger parcel (2900-69-9070-000) being designated there is a monument and small park, Rivers Park, that is included in the proposed boundary. The monument feature, known as the Daniel Boone Monument (WT0567), is a stone obelisk with a pinnacle of either parged stone or concrete, capped by a rough stone finial; together, they stand approximately 25 feet tall. This monument is a replica of one built twice before and originally meant to denote where a cabin once stood that local legend alleges may have been inhabited seasonally by Daniel Boone in the late eighteenth century.[2] Commemorative tablets from the original monument are mounted within the base of the present iteration of the obelisk. Surrounding the monument is a native stone, circular wall, bisected by entries at the east and

[1] Almost the entirety of this architectural description is taken, with minor adjustments, from Eric W. Plaag, et al, "Comprehensive Architectural Survey of Downtown Boone, North Carolina," (Boone, NC, February 2021), 97-101, http://www.townofboone.net/DocumentCenter/View/1334/Comprehensive-Architectural-Survey-of-Downtown-Boone-North-Carolina-2021.

[2] The original version of this monument stood on the north side of the intersection of Stadium Drive and Rivers Street, near the present Daniel Boone and Dogs statue. This original version was composed of rough-cut, stone blocks with a pyramidal cap of concrete that tapered in a phallic, pyramidal spearpoint. In 1968, the monument was deconstructed and moved approximately 50 yards to the east to a point just northeast of the former location of Justice Hall dormitory, just southeast of Stadium Drive, where it was reconstructed in April 1969. This reconstruction used entirely different materials and was proportioned differently in terms of overall height and the proportions of its cap. This version was demolished in 1994. After rescuing the original engraved tablets from the original monument, the Town of Boone reconstructed the monument at Rivers Park in 2005. For more on this feature, see Plaag, "Comprehensive Architectural Survey," 101-02, from which much of the description in this note is taken.

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west ends. Portions of the south portion of the perimeter wall are stepped with the terrain, and all elements of the wall are capped by a concrete slab. Additional commemorative plaques are adhered to the south portion of the perimeter wall.

No significant archaeological features are known to be on the property at this time.

*Integrity*

The association between this property and the Rivers family is undivided and uninterrupted during the period of significance and more broadly during their lifetimes until the property was transferred to the Town of Boone for its protection in the late 1990s. The house and garage have never been moved and are still associated with much of the original acreage the Rivers family would have enjoyed while residing at the property. The design of both the residence and the garage is original and still retains the original features that make both buildings architecturally significant. The alteration of the south porch of the residence from an open to an enclosed porch appears to have occurred during the 1970s, and while the materials used for this porch do not match the stonework of the rest of the house, this is a relatively minor change to the tertiary elevation of the house, so the impact on material and design integrity is minimal. The exterior cladding materials of both the home and the garage are original and in good condition, and they continue to reflect the workmanship of the home's skilled mason, John L. Hickerson (see significance section). The roof was replaced recently on both the house and the garage, but the materials selected generally match the appearance of the original materials. The aluminum storm windows are not original to the home and are in fair condition; this reversible application serves to protect the original windows that are still in place. As far as setting, much of the property is still characterized by the thick forest that remains to the north and west of the home, and "Rachel's Meadow," a bowl-shaped feature to the west and southwest of the home, still retains its topography. Taken together, the landscape and building resources of the property continue to convey the historic feeling of the 1930s, when the home was first built, and the 1940s through the 1990s, when members of the Rivers family resided here. As the home, garage, and surrounding landscape have remained largely unchanged, excepting the south porch of the house, there is little that detracts from the integrity of the property and its building resources.

*Boundary Justification*

The proposed boundaries of the designation follow the surveyed boundaries for all listed parcels: 2900-78-3934-000, 2900-69-9070-000, and 2900-79-0308-000.[3] These parcels include the house, the garage, a portion of the drive leading to the house and garage (Clay House Drive), the Daniel Boone Monument/Rivers Park, land along the ridgeline to the north and northwest of the house, "Rachel's meadow," and "Baby," the North Carolina state champion sugar maple. The combined acreage for the boundary amounts to 9.54 acres of the original 13 to 15 acres associated with the home under the Rivers' ownership. While this does not include all of the property that was once associated with the Rivers family during the Rivers occupancy, it does include all pertinent

[3] Rachel Rivers-Coffey and Armfield Coffey to Town of Boone, 28 October 1998, Book of Record 480, Page 494; Rachel Rivers-Coffey and Armfield Coffey to Town of Boone, 28 October 1998, Book of Record 480, Page 496; and Armfield Coffey, personally and as Executor of the Estate of Rachel Rivers-Coffey, to Town of Boone, 26 January 2000, Book of Record 553, Page 297 (Tract III). All references are from the Watauga County Register of Deeds.

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buildings associated with the home and its human inhabitants, and the associated parcels are contiguous, making for an uninterrupted boundary. The proposed boundary parcels surrounding the home and garage provide context for understanding the use of the property by those who lived in the home during its historically significant periods in the mid-twentieth century.

The first of these parcels, 2900-78-3934-000, contains the R. L. Clay House, the garage, and part of Clay House Drive. It totals 0.26 acres. The second parcel, 2900-69-9070-000, is located to the northeast, north, west, and south of the house parcel and contains Rivers Park, the reconstructed Daniel Boone Monument, and what was once the horse pasture ("Rachel's Meadow") for the horses owned by Rachel Rivers-Coffey. It totals 8.15 acres. This parcel and/or the third parcel slightly to the northwest (2900-79-0308-000) contains "Baby," a champion sugar maple registered with the North Carolina Register of Big Trees.[4] This last parcel contains 1.13 acres.

In total, there were seven parcels historically associated with the Rivers family in this vicinity. The smaller parcel to the southeast (2900-78-3881-000) was donated to the Town of Boone by Paul Armfield Coffey in 2004. This parcel originally contained the small frame house that appears to have been the original R. L. Clay House that previously stood on the 1933 Clay House site but was moved in late 1932 to make way for construction of the newer stone residence.[5] This house was burned and then demolished by the Town of Boone on May 30, 2015, as part of a firefighting training exercise after attempts to sell or relocate the house failed.[6] Because the Rivers family did not control this parcel until 1984, it is not included in the designation boundary. Three other parcels (2900-69-6458-000, 2900-69-4353-000, and 2900-69-8483-000) to the west and northwest do not adjoin the parcels proposed for designation or were not originally part of the Rivers holdings; they are thus excluded from the proposed boundary.

## IV. Historical Background

*John L. Hickerson (ca. 1889-1938)*

Completed in 1933, the R. L. Clay House was the work of a prominent, Black stonemason and contractor, John L. Hickerson (ca. 1889-1938), a Yadkin County native who relocated to Boone about 1920. He was married to Sallie Shearer Hickerson and had no children. In October 1930, Hickerson and his wife took out a deed of trust along with two of his wife's family members on the lot at the northwest corner of present-day Church Street and North Street, although this property originally appears to have been purchased by the other three parties in 1924, without Hickerson's participation, suggesting that this was the Shearer residence where Hickerson lived

[4] Direct access to "Baby" is prohibited by the presence of a tall, aluminum, decorative fence around the base of the tree, and aerial GIS maps with parcel lines place the fenced area around the tree on both parcels (9070 and 0308).
[5] "Local Affairs," *Watauga Democrat*, 1 Jun 1933: 5.
[6] Josiah Clark, "'Nearly Once-in-a-Lifetime Opportunity" for Public to Watch House Burning Last Saturday," *High Country Press,* 1 June 2015, online, https://www.hcpress.com/front-page/boone-fire-department-burns-down-old-white-house-at-rivers-park-to-demonstrate-the-dangers-of-house-fires-in-a-nearly-once-in-a-lifetime-opportunity.html.



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with his wife and in-laws following their marriage.[7] Little else has been documented about Hickerson's private life.

Hickerson built the R. L. Clay House for Robert Luther "R. L." Clay (1889-1945) in 1933, and it's likely that his work also included the stone garage on the property, given that the stonework there closely resembles the stonework found on the house.[8] Hickerson was considered "renowned for his masonry work throughout Boone in the 1920s and 1930s."[9] A single-family dwelling built of native stone by a local, Black mason was not unusually notable in North Carolina at the time, as there were many non-White laborers engaged in the building trades throughout the state during the early twentieth century. Hickerson, however, is the only Black brick mason listed in the 1930 US Census for Watauga County, North Carolina, suggesting that he possessed a unique set of skills among his Black peers for that time period.[10] In particular, the local press noted Hickerson for the quality of his work and for leading his own team of laborers, indicating that he would have been in high demand by those who could afford to create such homes during the Great Depression.[11] In June 1934, a year after Hickerson completed the R. L. Clay House, "Mr. Ed Luttrell of Shulls Mills [was] erecting a nine-room stone dwelling…. J. L. Hickerson [was] taking care of the masonry." Hickerson also apparently teamed with a prolific local White contractor, Wiley Gordon "W. G." Hartzog (1885-1976), as the primary brick or stone mason on a number of local projects during the 1920s and 1930s.[12] Hickerson was also credited with completing the masonry work on "almost all the newer brick structures of the town," including the First Baptist Church auditorium (WT0611, 1936), the Rivers Printing Company Building (WT0585, 1937), the second Newland Hall dormitory on the Appalachian

[7] Etta Shearer and Lola Shearer, J. L. Hickerson and Sallie Hickerson, to John E. Brown and J. M. Hodges, 30 October 1930, Deed of Trust Book 39, Page 57; and A. E. South and Mae Bell South to Ella Shearer, Lola Shearer, and Sallie Shearer, 11 March 1924, Deed Book 31, Page 486. A frame house is visible at this location in a 1950 aerial image (Pal-Bla-02-002) by Palmer Blair but no longer stands today. This image is visible at http://digitalwatauga.org/items/show/6030.

[8] "Real Estate Trade Active: Many Building Projects," *Watauga Democrat*, 29 June 1933: 1; "Local Affairs," *Watauga Democrat*, 1 June 1933: 5; and "John Hickerson Dies on Sunday," *Watauga Democrat*, 13 October 1938: 1.

[9] Plaag, et al, "Comprehensive Architectural Survey," 50.

[10] See Ancestry.com, "Watauga County, North Carolina," *1930 United States Federal Census,* [database online], (Provo, UT: Ancestry.com Operations, Inc., 2002). The 1930 Census listed dozens of Black laborers in Watauga County, most described as being odd jobbers of farmers. There was also a large contingent of Black laborers from the Watauga County State Prison Farm who were apparently leased out as construction workers. None of these other individuals, however, appear to have possessed sufficient training and experience to have been labeled as a skilled mason.

[11] The most prominent White masons working in Watauga County during the 1930s were probably Earl, Clarence, and Leslie Lyons, three contractors with deep roots in Watauga County. See Eric Plaag, "Watauga County Historical Society Announces the Lyon Brothers as Next Inductees to the WCHS Hall of Fame," Watauga County Historical Society, 30 June 2022, online, https://www.wataugacountyhistoricalsociety.org/blog-1/2022/7/1/watauga-county-historical-society-announces-the-lyons-brothers-as-next-inductees-to-the-wchs-hall-of-fame. For an account of a laborer who worked for Hickerson, see "Leroy Kirkpatrick, Sr., 1910-1993," *Junaluska: Oral Histories of a Black Appalachian Community*, Edited by Susan E. Keefe, (Jefferson, NC: McFarland and Company, 2020), 68.

[12] "Much Building Now Going on in County," *Watauga Democrat*, 14 June 1934: 1.



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State Teachers College campus (masonry in 1938, completed in 1939), and the Appalachian Theatre (WT0609, 1938).[13]

*The R. L. Clay House in an Architectural Context*

The R. L. Clay House was built in 1933 of native stone, a material that was not readily available in Boone until after the arrival of the Linville River Railway in October 1918.[14] Before the mid-1930s, few private homes were constructed using native, cut stone, and the few stone buildings that did exist in Boone prior to 1933 tended to be constructed from stacked fieldstone in mortar or roughly cut fieldstone. Two such Boone buildings were the Advent Christian Church (WT0577, 1926), constructed from native graystone, and the original Linney Law Office (WT0587, 1923), featuring stacked "surface rock."[15] Institutional building schemes also occasionally incorporated stone construction, such as the 1928 project to build several cottages at the Grandfather Orphans Home in Banner Elk.[16] Another such project just outside Watauga County was a four-story, native stone hospital built in Banner Elk in 1930 by the same people who constructed stone buildings on the Lees McRae campus in 1926.[17] As a residential building material, however, native stone appears to have been used somewhat rarely in single-family dwellings before the mid 1930s. Among the few early examples were a handful of summer cottages built at Blowing Rock in 1913 and Ben Smith's bungalow built near Appalachian State Teachers College in 1927, better known as the Bushnell Cabin (WT0522). Another example was Dr. R. C. Ellis's summer home built on Orchard Street (WT0546) in 1927 by local contractor Will Hodges. Another such home was the Howard Miller House (WT0509) on Delmar Street, presumed to have been built about 1930. None of these examples rivals the R. L. Clay House in size or architectural sophistication.[18]

The construction of the stone residence for R. L. Clay in 1933, however, marked the beginning of a new and popular trend that continued throughout the middle and late 1930s. In the summer of 1934, for example, single-family, stone dwellings were being built in the Boone area for Professor J. A. Williams near the Appalachian State campus, R. T. Greer on Boone Trail

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[13] "David Horton," *Junaluska*, 107. B. G. Teams was the contractor on the Rivers Printing Company building, suggesting that Hickerson was subcontracted to lay the brick. See Plaag, et al, "Comprehensive Architectural Survey," 110-11; and "John Hickerson Dies on Sunday," *Watauga Democrat*, 13 October 1938: 1.

[14] For a history of the Linville River Railway, see John R. Waite, *The Blue Ridge Stemwinder,* (Johnson City, TN: Overmountain Press, 2003).

[15] The Advent Christian Church is frequently attributed incorrectly to 1920; it was actually completed in 1926. See "Advent Christian Church to Open," *Watauga Democrat*, 19 August 1926: 1. Regarding the Linney Law Office, see "Local Affairs, Town and County," *Watauga Democrat*, 6 December 1923: 5. For all survey-referenced properties, see the survey files listed by number, which are held by the NC State Historic Preservation Office in Asheville, NC.

[16] "Banner Elk News," *Watauga Democrat*, 19 July 1928: 1.

[17] "New Hospital at Banner Elk Is Near Completion," *Watauga Democrat*, 24 July 1930: 1.

[18] "Blowing Rock in Brief," *Watauga Democrat*, 1 May 1913: 2; and "The Tattler," *Watauga Democrat*, 7 July 1927: 5. Smith built the Bushnell Cabin using stone quarried from a mountain a short distance away on Highway 105; no mortar is visible in the stonework. Regarding the Ellis summer house, see "Local Affairs," *Watauga Democrat*, 4 August 1927: 4. The Ellises spent just one summer in the house after its completion, then routinely rented it out and stayed at the W. H. Gragg House on Gragg Street as boarders in subsequent summers. See "Local Affairs," *Watauga Democrat*, 10 July 1930: 5. Regarding the Howard Miller House, the property was actually sold by J. E. and Nannie Edmisten to Charles and Bettie Lou Wilfong in 1951 (Deed Book 70, Page 161), with no predecessor deed listed or found, long before Miller's ownership. Its construction date has not been independently verified.

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Highway (now US 421), Charles T. Zimmerman in Daniel Boone Park (224 Grand Blvd.), James E. Holshouser, Sr., (WT0544) in Daniel Boone Park, Owen Wilson on the western end of King Street, and H. L. Lyons near the Lovill House at the west end of Boone.[19] Of these, the Holshouser house is probably most analogous to sophistication and size to the R. L. Clay House and was built a year later. It features stone quarried from Shulls Mill; this stone is not cut to provide a flat finish, as at the R. L. Clay House, and instead features boulders that provide a distinctly different appearance. The house also includes unusual Gothic-style features.[20] Ernest Banner of Banner Elk is credited as the mason for this home.

Other stone homes quickly followed during the 1930s. The W. Ralph Winkler House (WT0515) on Blowing Rock Road also features stone masonry and is attributed to Midas Wheeler as stone mason in 1936. Unfortunately, numerous additions and alterations have destroyed the architectural integrity of this property. That same year, Wheeler was also reportedly the stone mason for the construction of the W. F. Miller House on Cherry Drive (WT0539). This home is smaller than the R. L. Clay House, and additions to the house in the late twentieth century have adversely impacted the integrity of the property. In 1937, Guy Hunt reportedly had his home built on Orchard Street (WT0547), with the masonry conjecturally attributed by the surveyor to the Lyons brothers. The Hunt house compares favorably with the R. L. Clay House but appears to postdate its construction. About 1938, yet another stone home with a rock garage was completed nearby for Herman W. Wilcox on present-day Wallace Circle (WT0548). Unfortunately, several late twentieth-century additions have marred the integrity of this property.

The popularity of stone construction in domestic architecture aligns with the introduction of the Works Progress Administration programs of the mid-1930s, which were designed to ease the effects of the Great Depression. In Boone and Watauga County, four schools of stone construction were completed using WPA funding in 1937 alone, and at least six other stone buildings were completed for the local community, county government, and the Appalachian State Teachers College in Boone in 1938 and 1939.[21] Stone buildings were perceived as especially desirable during this period because they were "not only durable but absolutely fire-proof."[22] Institutional buildings, such as the United States Post Office in downtown Boone (WT0049, 1939), the Courthouse Annex building on North Water Street (WT0607, 1939), various school buildings throughout Watauga County, and about a dozen single-family, faculty homes constructed at Appalachian State Teachers College (WT0529, ca. 1938-1940), less than a mile east of the R. L. Clay House, were of stone construction, indicating a ready supply and relatively easy access to the material in large quantities in the later 1930s after government programs allowed for massive mining of stone for buildings.[23] All of those faculty homes were moved or destroyed as the Appalachian State University rapidly expanded after 1967, decreasing

[19] "Much Building Now Going on in County," *Watauga Democrat,* 14 June 1934: 1; and "Work on Dwelling to Start," *Watauga Democrat*, 9 August 1934: 8. Midas Wheeler was the stone mason on the Zimmerman property.
[20] On construction of the Holshouser residence, see "Much Building Now Going on in County," *Watauga Democrat*, 14 June 1934: 1, 4.
[21] "Ellerbe Lauds School Projects," *Watauga Democrat*, 22 October 1936: 1; and "26,000 Allotted to Local College," *Watauga Democrat*, 24 February 1938: 1.
[22] "Lees-McRae Institute Opening at Banner Elk," *Watauga Democrat*, 16 September 1926: 1.
[23] "Faculty Homes are Completed," *Watauga Democrat*, 20 October 1938: 8. The homes were completed in stages from 1938 to 1940.

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or otherwise destroying their architectural integrity as significance representations of stone, domestic architecture at Boone during the Depression era.

Local lore has spread the belief that many of these stone buildings constructed from the early 1930s to 1940 were made using the stone moved to create the nearby Blue Ridge Parkway. Construction on the Parkway began in 1938, years after the construction of many of these buildings. Furthermore, the portion of the Blue Ridge Parkway nearby to Boone did not begin construction until after World War II and was not completed until the mid-1980s. Nevertheless, the mistaken belief that these stone homes were built using stone quarried from the construction of the historic scenic route persists.

The 2021 Downtown Boone Historic Resources Survey listed several native stone buildings, all of which were commercial buildings except for the R. L. Clay House. The Cook-Nichols Motor Company Building (WT0603), which eventually burned in 1996, and the Duncan Motor Company Building (WT0887) were both completed in 1940.[24] The Boone Bus Station (WT0612) was also a W. G. Hartzog project, but its native stone façade was completed in 1946. Following demolition of the entire building in 2011 after its acquisition by Appalachian State University, ASU officials promised to "rebuild" the façade as a curtain wall, allegedly using the original stones in a pattern that mimicked the original design and door and window openings. Close analysis, however, supports recent contentions that there is considerable doubt that the extant stones are the original stonework that comprised the façade of the original bus station.[25] Beyond these later examples of stone construction in Boone, native stone can also be seen in various appurtenant structures and landscape objects around downtown Boone, mostly in retaining walls, sheds, and steps that lead to house sites, many of which no longer stand.

*Additional Historic Context, R. L. Clay (1889-1945)*

Robert Luther "R. L." Clay, for whom the R. L. Clay House was originally built in 1933, was a native of Avery County, having moved to Watauga County after the Linville River Railway was built in the late 1910s.[26] He worked at the Shulls Mill station as an agent until he moved to Boone in the 1920s, where he remained working with the railway. The Clays did have a home in Boone before the native stone house was built, as there are reports of Mrs. Clay entertaining the Friday Afternoon Club in her home in May of 1931.[27] This original home was a simple, wood-frame farmhouse that was a commonplace type of residential construction in the early twentieth century in Boone. The first home was moved from the present R. L. Clay House site a short distance to the southeast in order to make space for the native stone building, possibly as part of an agreement between the Clays and Poly C. Wyke, who owned those lots. After a default by the Wykes, the former Clay house and the land surrounding its location were sold to Esther Boone, who was R. L. Clay's sister-in-law, in 1940.[28] Boone remained in that home for more than four

[24] Plaag, et al, "Comprehensive Architectural Survey," 165, 329.
[25] Plaag, et al, "Comprehensive Architectural Survey," 190-92.
[26] "Brief Illness Proves Fatal to R. Luther Clay," *Watauga Democrat*, 29 March 1945: 1.
[27] "Friday Afternoon Club with Mrs. R. L. Clay," *Watauga Democrat*, 21 May 1931: 5.
[28] Watauga Building and Loan Association to Esther Boone, 27 July 1940, Deed Book 52, Page 518.



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decades. The original Clay home was, unfortunately, destroyed by the Town of Boone in a fire exercise in 2015.[29]

In 1933, Clay, his wife Annie Stansbury Clay, and his daughters moved to Greensboro so Clay could work with the Internal Revenue Department, now known as the Internal Revenue Service (IRS). As this move happened, the stone house was being completed by a local Black brick mason and contractor, John L. Hickerson (ca. 1889-1938).[30] It is likely that Clay also had the separate, two-car garage built at about the same time to the southeast of the home, given that the stonework closely resembles that found on the house.[31] Rather than residing full-time in the new home at Boone, the Clays maintained the house as a summer and weekend residence for the family. Mrs. Clay would entertain in the home regularly while she and her daughters were in town, based on multiple *Watauga Democrat* articles regarding the Friday Afternoon Club during the 1930s and 1940s.[32] In 1943, Clay was promoted to the Field Division Chief in the Greensboro office of the IRS. When Clay was in residence in Boone, he was an active Free Mason and Shriner. He was a member of the Boone Methodist Church, where he served as the Sunday school superintendent for two years and as steward for many more. While in Greensboro, Clay was a member of the West Market Street Methodist Church.[33]

The promotion in 1943 appears to have influenced the Clay family's decision to abandon the house at Boone. In December 1944, Clay and his wife sold the house property and some of the surrounding land to Robert Campbell "R. C." Rivers, Jr. (1899-1975), and his wife Bonnie Jean Lewis Rivers (1910-1991).[34] Shortly thereafter, Clay died from complications following an operation to remove his appendix in 1945. He was survived by his wife and five daughters.[35]

*The R. L. Clay House in the Context of the R. C. Rivers, Jr., Family*

Robert Campbell Rivers, Sr. (1861-1933), was born in Tennessee and moved to Boone at some point before 1888, marrying Sarah Locke "Sallie" Jurney (1861-1924) in 1892. They had three children, R. C., Jr., being the eldest surviving son. In 1889, Rivers, Sr., purchased the *Watauga Democrat*, the local paper that had flopped after its first fall edition in 1888, from Joseph Spainhour and John S. Williams. Rivers initially had a noteworthy partner in this purchase—Daniel B. Dougherty—but Rivers bought out his partner later that year. Rivers continued to print the paper as the mouthpiece of the local Democratic Party and run the printing business until his death in 1933.[36] Following his death, the business passed to R. C. Rivers, Jr., via inheritance. R.

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[29] "Local Affairs," *Watauga Democrat*, 1 June 1933: 5; Plaag, et al, "Comprehensive Architectural Survey," 97; and Clark, "Nearly."

[30] "Brief Illness Proves Fatal to R. Luther Clay," *Watauga Democrat*, 29 March 1945: 1; and Plaag, et al, "Comprehensive Architectural Survey," 50.

[31] The garage is visible in a 1940 aerial image taken for the Department of Agriculture. This image is not yet published and available online but is held as part of the Watauga County Agricultural Extension Aerial Images Collection, Digital Watauga Project.

[32] For one example, see "Alice Stansbury Taylor Circle Holds Meeting," *Watauga Democrat*, 4 July 1935: 5.

[33] "Brief Illness Proves Fatal to R. Luther Clay," *Watauga Democrat*, 29 March 1945: 1.

[34] R. L. Clay and Annie S. Clay to R. C. Rivers and Bonnie Jean Rivers, 22 December 1944, Deed Book 58, Page 308.

[35] "Brief Illness Proves Fatal to R. Luther Clay," *Watauga Democrat*, 29 March 1945: 1.

[36] "History of the Watauga Democrat," *Watauga Democrat*, 3 January 2012, updated 11 August 2014, online, https://www.wataugademocrat.com/aboutus/history-of-the-watauga-democrat/article.

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C. Rivers, Jr., was responsible for the growth of the *Watauga Democrat* during the middle twentieth century, and he acquired both the *Blowing Rocket* and the *Avery Journal* during his tenure as editor and publisher, significantly expanding the influence of the Rivers Printing Company, Inc. Rivers, Jr., was also a member of the Board of Directors of Northwestern Bank of Boone, Vice President of the Watauga Savings and Loan, a member of the Board of Directors of the North Carolina Press Association, and director of the Journalism Foundation at UNC Chapel Hill. He was also a very influential political operative, serving as a delegate to the 1944, 1952, 1956, and 1960 National Democratic Conventions. Politically, he is probably best known as one of the "Dirty Dozen" who stood for the Democratic Party nomination of John F. Kennedy. Rivers' comments on the assassination of John F. Kennedy were published in the *Watauga Democrat* and entered into the *Congressional Record* by Senator Sam Ervin.[37]

Rivers, Jr., and his wife Bonnie Jean Rivers had four children in total: Lucinda Jane Rivers (1935-2017), two children born between 1939 and 1940 who were unnamed and did not survive infancy, and Rachel Ann Rivers (1943-1999). Having lived in the apartment above the brick Rivers Printing Company shop located at what is today 747 West King Street since its construction in 1937, the Rivers family realized in 1945 that they could relocate to the R. L. Clay House just down the street and still be close to the business.[38] Following their purchase of the Clay House, the Riverses also purchased surrounding land that significantly increased their holdings. In 1968, Rivers then used the Rivers Printing Company to purchase additional lands to the northwest and west of the property, presumably as a buffer to their existing property, since he immediately flipped the land to himself. Then, in 1984, Bonnie Jean Rivers secured the Esther Boone lands that lay to the southeast of the house.[39] Bonnie Jean Rivers continued to live in the R. L. Clay House following the death of her husband in 1975, and it is believed that she stayed live there until her death in 1991.[40]

From an early age, both Jane and Rachel Rivers showed a keen interest in journalism, but it was Rachel's interest that survived into adulthood. Born at the Hagaman Clinic on King Street in downtown Boone in 1943, Rachel—initially named Bobbie Jean Rivers—was an accomplished equestrian from a young age. She was frequently seen riding her pony Patsy along King Street, typically feeding the parking meter in front of the Rivers Printing Company building or elsewhere along her journeys after tying up Patsy to the meter. She began writing for the *Watauga Democrat* at the age of eleven and completed her high school education at Appalachian

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[37] "Publisher R. C. Rivers, Jr., Dies; End Brought to Unique Career," *Watauga Democrat*, 24 April 1975; and "Watauga Newspaperman Is Dead," *Winston-Salem Journal*, 24 April 1975: 21.

[38] "Hands Across the State," *Watauga Democrat*, 21 July 1938: 4.

[39] See R. L. Clay, et al, to R. C. Rivers and Bonnie Jean Rivers, 1 January 1945, Deed Book 59, Page 214; Lala Clay Rolfe and Shelley R. Rolfe to R. C. Rivers and Bonnie Jean Rivers, 21 February 1945, Deed Book 58, Page 406; Luther Moretz and Maggie Moretz to R. C. Rivers, Jr., and Bonnie Jean Rivers, 20 August 1945, Deed Book 60, Page 127; P. W. Moretz and Alice Moretz to R. C. Rivers and Bonnie Jean Rivers, 1 May 1947, Deed Book 63, Page 334; P. W. Moretz to R. C. Rivers and Bonnie Jean Rivers, 28 April 1948, Deed Book 67, Page 41; Joe Williams and Laura Ruth Williams to Rivers Printing Company, Inc., 14 April 1962, Deed Book 89, Page 437; Joe Williams and Laura Ruth Williams to Rivers Printing Company, Inc., 5 August 1968; Deed Book 103, Page 419; Rivers Printing Company, Inc., to R. C. Rivers, Jr., 26 November 1968, Deed Book 110, Page 17; Esther S. Boone to Eddie A. Caudill, 10 April 1984, Deed Book 246, Page 724; and Eddie A. Caudill and Shirley N. Caudill to Jean L. Rivers, 27 April 1984, Deed Book 246, Page 727.

[40] "Publisher R. C. Rivers, Jr., Dies; End Brought to Unique Career," *Watauga Democrat*, 24 April 1975.

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High School—now Chapell-Wilson Hall (WT0564)—before earning a journalism degree at the University of Missouri. Rachel returned to work for the *Watauga Democrat* full-time in 1965, serving as both a writer and a photographer. Shortly thereafter, she married Paul Armfield Coffey (1934-2007), whom she probably knew from growing up in Boone, but with whom she also worked at the *Democrat*, where Coffey served as a journalist and photographer. Rachel reportedly worked an average of 70 hours per week during this period, by which time the operations of the Rivers Printing Company included two other newspapers, the *Blowing Rocket* and the *Avery Journal.* She also published two novels in the 1970s: *A Horse Like Mr. Ragman* (1977) and *The City Man* (1978).[41]

Following the death of R. C. Rivers, Jr., in 1975, Rachel and Armfield inherited the *Watauga Democrat*, the Rivers Publishing Company, and the other papers under its banner. They continued to run the company for the next two decades, eventually selling it to the owners of the *Bristol Herald-Courier* in 1994. Rachel also served as president of the North Carolina Press Association in 1994 and 1995. Today, the various papers and other media operations are owned by Jones Media, who acquired those concerns in 2002, and the *Watauga Democrat* remains the oldest continually operating business in Watauga County.[42] Outside of her journalistic and writing pursuits, Rachel was also an influential and active participant in numerous cultural programs and initiatives in Boone and Watauga County. She helped found the Doc and Merle Watson Mountain Folk Art Museum in Cove Creek and the first Firefly Festival in Boone, served on the Watauga County Hospital Board and its Foundation Board, helped found the Watauga Humane Society, and was a prominent leader in her service with the boards of Historic Boone and the Watauga County Community Foundation. One of her most lasting contributions was her vigilant and persistent efforts to preserve the historically Black and White sections of the Boone Cemetery (WT0055). She and her husband also sponsored a professorship in creative writing at Appalachian State University shortly before her untimely death in 1999.

Following the death of her mother, Rachel Rivers-Coffey acquired most of the Rivers family land and held it for only a few years until she and her husband began conveying it to the Town of Boone in October 1998, along with the adjacent Esther Boone lands (not part of the designation boundary) acquired by Bonnie Jean Rivers in 1984 and bequeathed to Armfield Coffey in 1993.[43] As a condition of conveying these lands to the Town of Boone, Rachel and Armfield

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[41] Eric Plaag, "Watauga County Historical Society Announces Rachel Rivers-Coffey as Next Inductee to the WCHS Hall of Fame," 23 July 2022, Watauga County Historical Society, online, https://www.wataugacountyhistoricalsociety.org/blog-1/2022/7/23/watauga-county-historical-society-announces-rachel-rivers-coffey-as-next-inductee-to-the-wchs-hall-of-fame. See also "Publisher R. C. Rivers, Jr., Dies; End Brought to Unique Career," *Watauga Democrat*, 24 April 1975.

[42] "History of the Watauga Democrat," *Watauga Democrat*, 3 January 2012, updated 11 August 2014, online, https://www.wataugademocrat.com/aboutus/history-of-the-watauga-democrat/article; and Brad Hodges, "Former Newspaper Publisher Dies after Falling from Horse: Rachel Rivers-Coffey Was Long-Time County Civic Leader," *Watauga Democrat*, 25 August 1999.

[43] Executrix's Deed in Distribution, Rachel A. Rivers-Coffey to Rachel A. Rivers-Coffey and Jane Rivers Krida, 23 December 1993, Book of Records 272, Page 585; and Executrix's Deed in Distribution, Rachel A. Rivers-Coffey to Rachel A. Rivers-Coffey, 23 December 1993, Book of Record 272, Page 579. Rachel and Armfield briefly surrendered their interest in part of the land to Jane in 1993—see Rachel A. Rivers-Coffey and Paul Armfield Coffey to Janes Rivers Krida, 31 December 1993, Book of Record 273, Page 244. Jane then transferred the land to a trust in her name before selling (or donating) it to the Appalachian State University Foundation in 1997. ASU returned

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included a life estate to Rachel Rivers-Coffey and to Jim Butler, a family friend, during their lifetimes, as well as restrictions to the property and its future use by the Town of Boone. These restrictions read, "The Grantee may use said property only for the following purposes:… 1. Recreational purposes. 2. Green space 3. The Installation of utility lines; provided however, that all lines must be installed underground, and in such a way as to cause a minimum disturbance to the natural environment. 4. Flood mitigation. 5. A wildlife sanctuary. 6. Historical Purposes."[44] Jim Butler, who resided in the home at the time of its donation to the Town, passed away in 2011, leaving the home empty as it sits today.[45]

The R. L. Clay House is probably the best surviving resource with the highest degree of integrity in Watauga County associated with the Rivers family. The original Rivers "Old Home Place," located at the southeast corner of King Street and Water Street in downtown Boone, was demolished in 1959.[46] The Rivers Printing Company Building (WT0585) does still stand and was the workplace for R. C. Rivers, Jr., and Rachel Rivers-Coffey for several decades. Nevertheless, changes to the original windows (now metal, with different sash and light details) and dramatic changes to both the rear elevation and the interior of the building (where no signs of the original printing operations survive) have reduced the overall integrity of the Rivers Printing Company Building in comparison to the high level of integrity of the R. L. Clay House.

*Historical Significance*

The R. L. Clay House possesses special significance at the local level for its association with members of the Rivers family, specifically Robert Campbell "R. C." Rivers, Jr., and Rachel Rivers-Coffey, who were prominent figures in the publishing industry in Boone throughout the twentieth century. As consecutive editors and publishers of the *Watauga Democrat*, Boone's

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the land to Rachel in 1999. For this convoluted deed history, see Jane Rivers to Jane Rivers, Trustee of the Jane Rivers Living Trust Agreement, 13 December 1995, Book of Record 354, Page 410; Jane Rivers, Trustee of the Jane Rivers Living Trust Agreement to Appalachian State University Foundation, Inc., 17 December 1997, Book of Record 438, Page 124; and Appalachian State University Foundation, Inc., to Rachel Rivers-Coffey, 25 February 1999, Book of Record 507, Page 170. For the transfer of the house and garage parcel, as well as the parcel containing Rachel's Meadow, to the Town of Boone, see Rachel Rivers-Coffey and Armfield Coffey to Town of Boone, 28 October 1998, Book of Record 480, Page 494; and Rachel Rivers-Coffey and Armfield Coffey to Town of Boone, 28 October 1998, Book of Record 480, Page 496. For the parcel fronting on Poplar Grove Road, which Armfield conveyed to the Town after Rachel's death, see Armfield Coffey, personally and as Executor of the Estate of Rachel-Rivers Coffey, to the Town of Boone, 26 January 2000, Book of Record 553, Page 297. Armfield also acquired the old Esther Boone lands to the southeast of the house, which are not part of the designation boundary, in 1993, and he later donated these lands to the Town of Boone in 2004. See Rachel A. Rivers-Coffey, Executrix under the Last Will and Testament of Bonnie Jean L. Rivers, to Paul Armfield Coffey, 23 December 1993, Book of Record 272, Page 591; and Paul Armfield Coffey to Town of Boone, 12 March 2004, Book of Record 980, Page 689.

[44] Rachel Rivers-Coffey and Armfield Coffey to Town of Boone, 28 October 1998, Book of Record 480, Page 494. Similar language appears in the Esther Boone property conveyance to the Town, with the exception that the old Boone house could be torn down, and the lot could be used for "free, unmetered parking for park users." See Paul Armfield Coffey to Town of Boone, 12 March 2004, Book of Record 980, Page 689.

[45] Anna Oakes, "Boone to Consider Uses for Property Near Rivers Street," *Watauga Democrat*, 12 March 2012, online, https://www.wataugademocrat.com/news/boone-to-consider-uses-for-property-near-rivers-street/article_ca471d55-6394-58b2-8a82-d68129b847bb.html. This article includes an image showing the proximity of the Boone house to the property proposed for designation.

[46] Rob Rivers, "King Street," *Watauga Democrat*, 5 November 1959: 4.



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primary local newspaper since 1888, and owners of the Rivers Publishing Company for 61 years from 1933 to 1994, they dominated and controlled Boone's most significant news media outlet for generations. R. C. Rivers, Jr., was responsible for the growth of the Rivers Printing Company outside of Boone, with the acquisition of both the *Blowing Rocket* and the *Avery Journal* during his publishing tenure, and he transformed the *Watauga Democrat* from an eight-page weekly publication to one that averaged 40 pages twice per week at the time of his death. His principal residence from 1945 to 1975 was the R. L. Clay House. Following his death in 1975, his daughter Rachel—who was raised in the R. L. Clay House—took over at the *Watauga Democrat* as editor and publisher and continued to own and operate the Rivers Printing Company with her husband Armfield Coffey until 1994. Their donation of the house parcel and several parcels of surrounding land in 1998 and just after Rachel's death was critically important to the property's long-term, ongoing preservation.

Built in 1933, the R. L. Clay House also possesses special significance in architecture at the local level as an unusually early, domestic example of architecturally sophisticated, native stone construction in Boone. This masonry work was completed by John L. Hickerson (ca. 1889-1938), a prominent Black mason and contractor in Boone and Watauga County from about 1920 until his death in 1938. He remains the only documented Black mason in Watauga County working during that period. The R. L. Clay House and its nearby garage remain intact and largely unchanged since their construction in 1933. The integrity and sophistication of the masonry work are exemplary when compared to other stone structures from the period of significance in downtown Boone. While not part of this proposed designation, even the interior floor plan of the R. L. Clay House appears to be largely unchanged from its original design.

## V. Supporting Documentation

Appendix A: Digital Photography

Appendix B: Site Plan, Boundary Map, and Tax Map

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Communication: Cases A24-01017, -0109, and -0110 Exhibit 2: Designation Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic

## Appendix A: Digital Photography

All photographs were taken by Eric Plaag on July 25, 2023.

Communication: Cases A24-01017, -0109, and -0110 Exhibit 2: Designation Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic



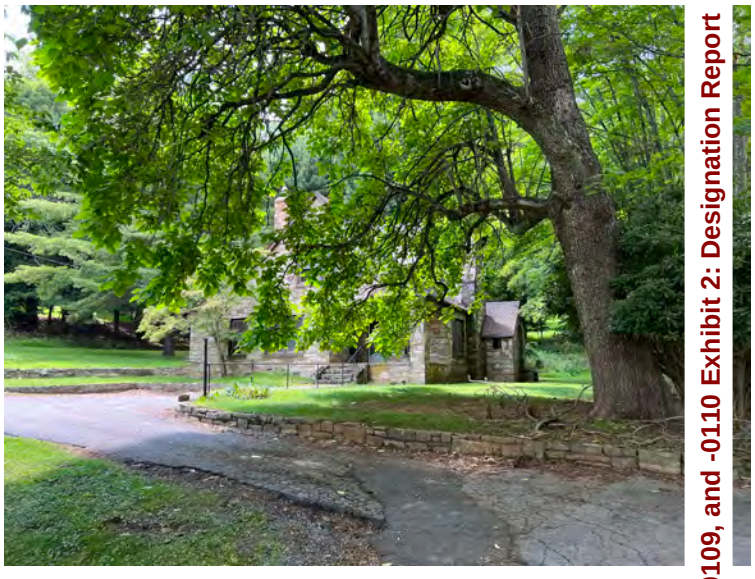
**NC_WataugaCounty_RLClayHouse_0001.JPG**
Clay House Drive, looking northwest



**NC_WataugaCounty_RLClayHouse_0002.JPG**
Moretz Drive, looking west toward Boone house site



**NC_WataugaCounty_RLClayHouse_0003.JPG**
Moretz Drive, looking north toward Rivers Park



**NC_WataugaCounty_RLClayHouse_0004.JPG**
R. L. Clay House, looking west from Clay House Drive

Communication: Cases A24-01017, -0109, and -0110 Exhibit 2: Designation Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic



**NC_WataugaCounty_RLClayHouse_0005.JPG**

R. L. Clay House and Garage, looking southwest from Clay House Drive



**NC_WataugaCounty_RLClayHouse_0006.JPG**

R. L. Clay House, looking west



**NC_WataugaCounty_RLClayHouse_0007.JPG**

R. L. Clay House and Garage, looking south



**NC_WataugaCounty_RLClayHouse_0008.JPG**

R. L. Clay House entrance detail, looking southwest

Communication: Cases A24-01017, -0109, and -0110 Exhibit 2: Designation Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic



**NC_WataugaCounty_RLClayHouse_0009.JPG**

R. L. Clay House entrance detail, looking south



**NC_WataugaCounty_RLClayHouse_0010.JPG**

R. L. Clay House entrance detail, looking southwest



**NC_WataugaCounty_RLClayHouse_0011.JPG**

R. L. Clay House, looking south



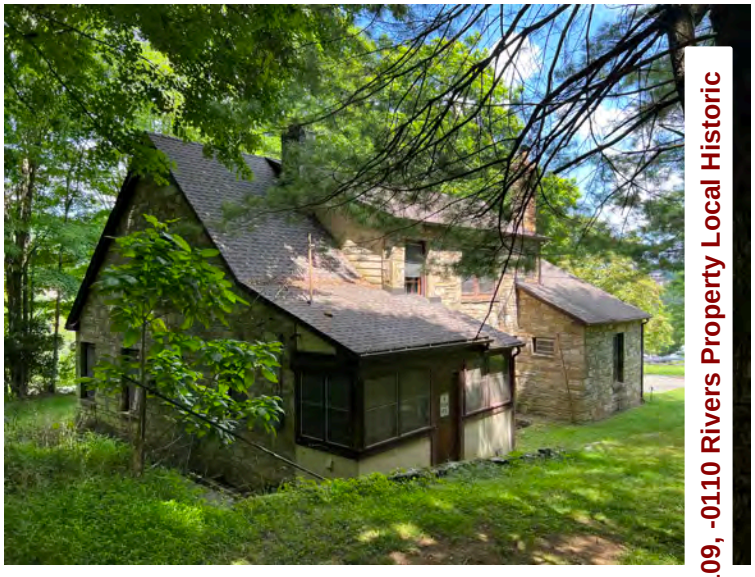
**NC_WataugaCounty_RLClayHouse_0012.JPG**

R. L. Clay House, looking south

Communication: Cases A24-01017, -0109, and -0110 Exhibit 2: Designation Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic



**NC_WataugaCounty_RLClayHouse_0013.JPG**
R. L. Clay House, looking southeast



**NC_WataugaCounty_RLClayHouse_0014.JPG**
R. L. Clay House, looking east



**NC_WataugaCounty_RLClayHouse_0015.JPG**
R. L. Clay House, looking east



**NC_WataugaCounty_RLClayHouse_0016.JPG**
R. L. Clay House, looking east

Communication: Cases A24-01017, -0109, and -0110 Exhibit 2: Designation Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic



**NC_WataugaCounty_RLClayHouse_0017.JPG**
R. L. Clay House, looking northeast



**NC_WataugaCounty_RLClayHouse_0018.JPG**
R. L. Clay House, looking north



**NC_WataugaCounty_RLClayHouse_0019.JPG**
R. L. Clay House, looking northeast



**NC_WataugaCounty_RLClayHouse_0020.JPG**
R. L. Clay House, looking north

Communication: Cases A24-01017, -0109, and -0110 Exhibit 2: Designation Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic



**NC_WataugaCounty_RLClayHouse_0021.JPG**

R. L. Clay House, looking north



**NC_WataugaCounty_RLClayHouse_0022.JPG**

R. L. Clay House, looking northwest



**NC_WataugaCounty_RLClayHouse_0023.JPG**

R. L. Clay House, looking northwest



**NC_WataugaCounty_RLClayHouse_0024.JPG**

R. L. Clay House, looking northwest

Communication: Cases A24-01017, -0109, and -0110 Exhibit 2: Designation Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic



**NC_WataugaCounty_RLClayHouse_0025.JPG**

R. L. Clay House, east porch detail, looking northwest



**NC_WataugaCounty_RLClayHouse_0026.JPG**

R. L. Clay House, east porch detail, looking northwest



**NC_WataugaCounty_RLClayHouse_0027.JPG**

R. L. Clay House, east porch walkway with Clay House Drive, looking southeast



**NC_WataugaCounty_RLClayHouse_0028.JPG**

R. L. Clay House, looking southwest

Communication: Cases A24-01017, -0109, and -0110 Exhibit 2: Designation Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic



**NC_WataugaCounty_RLClayHouse_0029.JPG**
R. L. Clay House Garage, looking southwest



**NC_WataugaCounty_RLClayHouse_0030.JPG**
R. L. Clay House Garage, looking south



**NC_WataugaCounty_RLClayHouse_0031.JPG**
R. L. Clay House Garage, looking southeast



**NC_WataugaCounty_RLClayHouse_0032.JPG**
R. L. Clay House Garage, looking east

Communication: Cases A24-01017, -0109, and -0110 Exhibit 2: Designation Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic



**NC_WataugaCounty_RLClayHouse_0033.JPG**

R. L. Clay House Garage, looking northeast



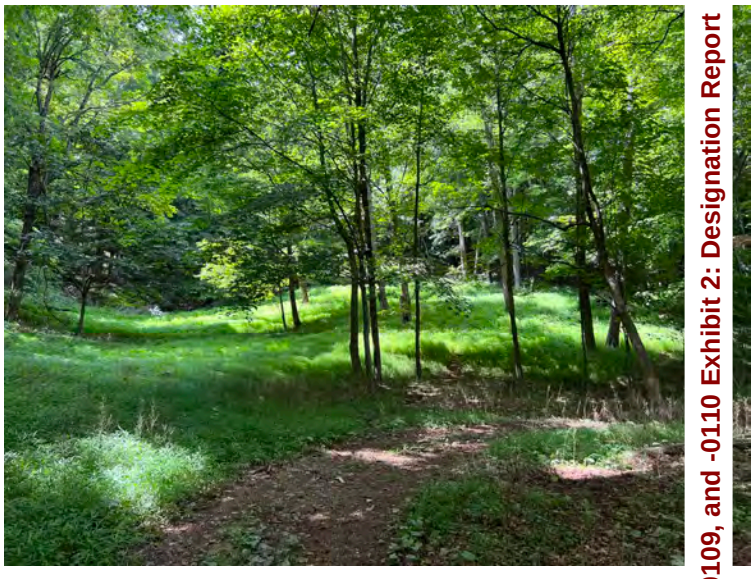
**NC_WataugaCounty_RLClayHouse_0034.JPG**

R. L. Clay House Garage, looking north



**NC_WataugaCounty_RLClayHouse_0035.JPG**

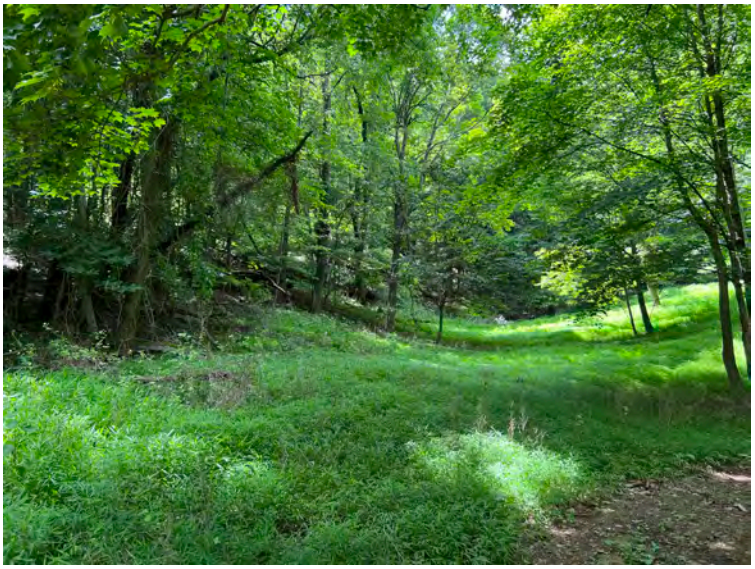
R. L. Clay House Garage, looking west



**NC_WataugaCounty_RLClayHouse_0036.JPG**

"Rachel's Meadow," looking northwest

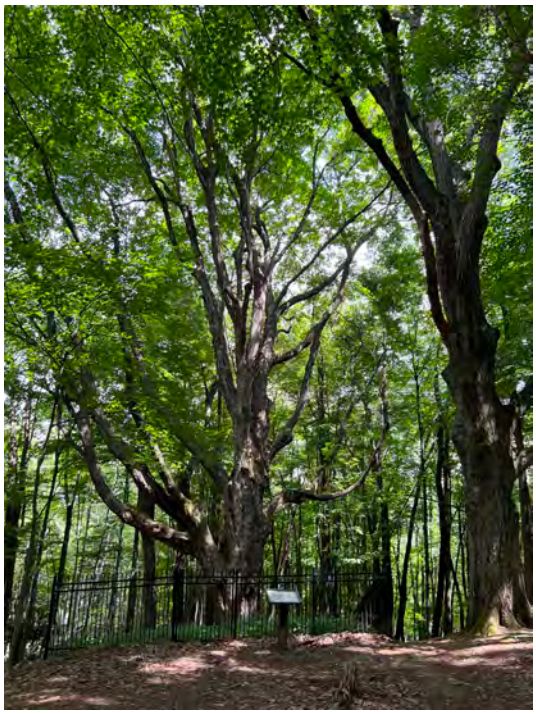
Communication: Cases A24-01017, -0109, and -0110 Exhibit 2: Designation Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic



**NC_WataugaCounty_RLClayHouse_0037.JPG**
"Rachel's Meadow," looking west



**NC_WataugaCounty_RLClayHouse_0038.JPG**
"Baby" with perimeter fence, looking northwest



**NC_WataugaCounty_RLClayHouse_0039.JPG**
"Baby" with perimeter fence, looking southeast




**NC_WataugaCounty_RLClayHouse_0040.JPG**
"Baby" interpretive signage, looking southeast

Communication: Cases A24-01017, -0109, and -0110 Exhibit 2: Designation Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic



**NC_WataugaCounty_RLClayHouse_0041.JPG**

Southwest side of "Baby" perimeter fence, looking southeast toward house site (not visible)



**NC_WataugaCounty_RLClayHouse_0042.JPG**

Daniel Boone Monument at Rivers Park, looking northwest



**NC_WataugaCounty_RLClayHouse_0043.JPG**

Daniel Boone Monument at Rivers Park, looking west



**NC_WataugaCounty_RLClayHouse_0044.JPG**

Northeast side of Rivers Park, looking northwest

Communication: Cases A24-01017, -0109, and -0110 Exhibit 2: Designation Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic



**NC_WataugaCounty_RLClayHouse_0045.JPG**

Daniel Boone Monument at Rivers Park, looking southeast

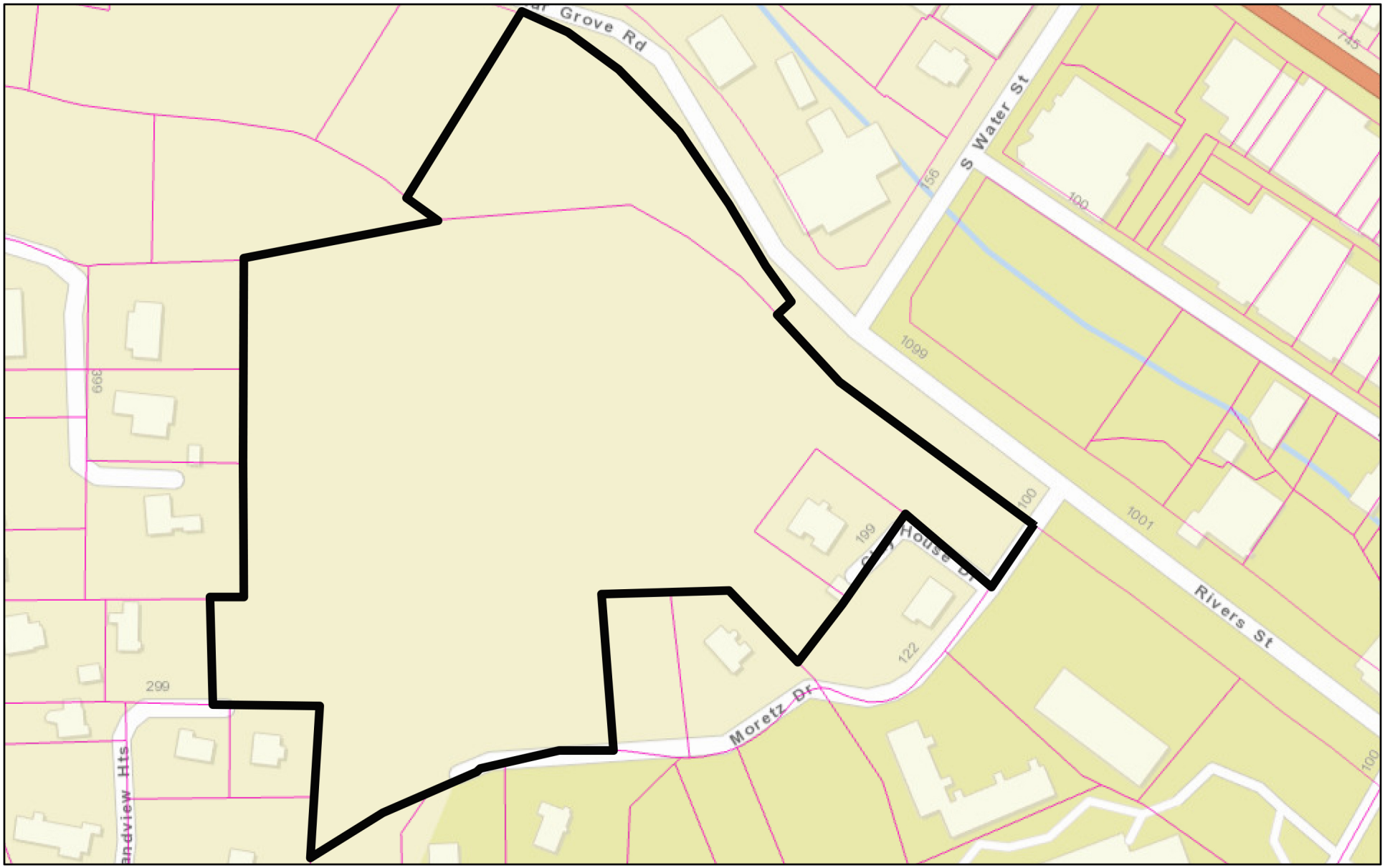


**NC_WataugaCounty_RLClayHouse_0046.JPG**

Daniel Boone Monument at Rivers Park, looking east

Communication: Cases A24-01017, -0109, and -0110 Exhibit 2: Designation Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic

# Local Historic Landmark Boundary Map




12/1/2023, 12:40:34 PM

Parcels

**Local Historic Landmark Boundary**

**WT0530 RL Clay House**
**150 Clay House Drive**
**Boone, Watauga County, NC**

**Map created by Eric Plaag**
**Carolina Historical Consulting, LLC**
**December 1, 2023**

N

1:2,257

0 0.01 0.03 0.06 mi

0 0.02 0.04 0.09 km

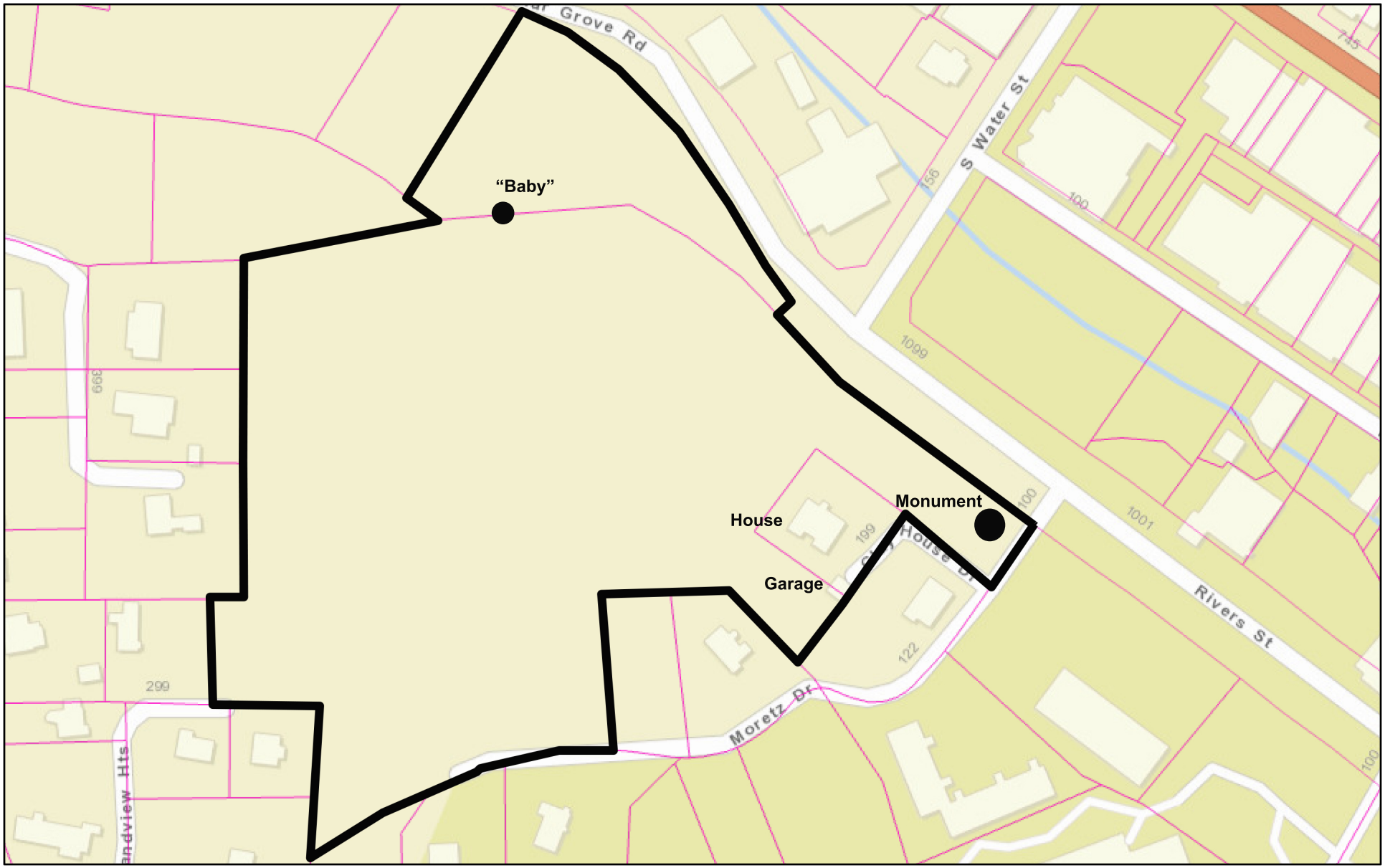
State of North Carolina DOT, Esri, HERE, Garmin, INCREMENT P, NGA, USGS, NC Center for Geographic Information and Analysis (NCCGIA), NC

North Carolina State His

State of North Carolina DOT, Esri, HERE, Garmin, INCREMENT P, NGA, USGS | NCCGIA, NC 911 Board | NC OneMap, NC Center for Geographic Information and Analysis, NC 911 Board | NC Center for Geographic Information and Analys

Communication: Cases A24-01017, -0109, and -0110 Exhibit 2: Designation Report (Cases A24-0107, -

# Local Historic Landmark Site Plan




12/1/2023, 12:40:34 PM

Parcels

**Local Historic Landmark Boundary**

**WT0530 RL Clay House**
**150 Clay House Drive**
**Boone, Watauga County, NC**

**Map created by Eric Plaag**
**Carolina Historical Consulting, LLC**
**December 1, 2023**

N

1:2,257

0 0.01 0.03 0.06 mi

0 0.02 0.04 0.09 km

State of North Carolina DOT, Esri, HERE, Garmin, INCREMENT P, NGA, USGS, NC Center for Geographic Information and Analysis (NCCGIA), NC

North Carolina State His

State of North Carolina DOT, Esri, HERE, Garmin, INCREMENT P, NGA, USGS | NCCGIA, NC 911 Board | NC OneMap, NC Center for Geographic Information and Analysis, NC 911 Board | NC Center for Geographic Information and Analys

**Communication: Cases A24-01017, -0109, and -0110 Exhibit 2: Designation Report (Cases A24-0107, -**

**PARID: 2900699070000**
**BOONE TOWN OF,**

**Parcel**

| | |
|---|---|
| ParID | |
| Tax Year | |
| SITUS Addess | |
| City, State, Zip | |
| Unit # | |
| Unit Description | |
| NBHD | |
| Class | |
| Land Use Code | |
| Living Units | |
| CAMA Acres | |
| Zoning | |
| Map # | |

**Jan 1 Values**

| | |
|---|---|
| Land Value. | 821,100 |
| Building Value | 0 |
| ========== | ======== |
| Appraisal Total | 821,100 |
| Exemptions or Exclusions | 821,100 |
| Land Deferred Value | |
| | ======== |
| Taxable Total | 0 |

**Owner Mailing**

| | |
|---|---|
| Tax Year | 2023 |
| Sequence Number | 0 |
| Owner Number | 1161496 |
| Owner | BOONE TOWN OF |
| Mailing Address | 567 W KING ST |
| City, State, Zip | BOONE NC 28607 |

**Legal Description**

| | |
|---|---|
| Township | 05 - BOONE |
| City Code | |
| Jurisdiction (Tax Code District) | MS1 - MUNICIPAL SERVICE DIST |
| Unit Desc | |
| Unit # | |
| Book | 480 |
| Page | 496 |
| Legal Desc 1 | RIVERS HOME |
| Deeded Acres | 8.15 |

Communication: Cases A24-01017, -0109, and -0110 Exhibit 2: Designation Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic

| Sale Date | Book | Page | Sale Price | Grantor | Grantee |
|---|---|---|---|---|---|
| 29-OCT-98 | 480 | 496 | | 0 | |

Communication: Cases A24-01017, -0109, and -0110 Exhibit 2: Designation Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic

# Watauga County Auditor




December 1, 2023

1:4,442

0 0.04 0.07 0.15 mi

0 0.05 0.1 0.2 km

**R. L. Clay House (WT0530), Boone, Watauga County, North Carolina**
**Tax Map for Parcel 2900-69-9070-000**

Communication: Cases A24-01017, -0109, and -0110 Exhibit 2: Designation Report (Cases A24-0107, -

**PARID: 2900783934000**
**BOONE TOWN OF,** **150 CLAY HOUSE DR**

**Parcel**

| | |
|---|---|
| ParID | |
| Tax Year | |
| SITUS Addess | |
| City, State, Zip | |
| Unit # | |
| Unit Description | |
| NBHD | |
| Class | |
| Land Use Code | |
| Living Units | |
| CAMA Acres | |
| Zoning | |
| Map # | |

**Jan 1 Values**

| | |
|---|---|
| Land Value. | 55,300 |
| Building Value | 626,900 |
| ========== | ======== |
| Appraisal Total | 682,200 |
| Exemptions or Exclusions | 682,200 |
| Land Deferred Value | |
| | ======== |
| Taxable Total | 0 |

**Owner Mailing**

| | |
|---|---|
| Tax Year | 2023 |
| Sequence Number | 0 |
| Owner Number | 1161496 |
| Owner | BOONE TOWN OF |
| Mailing Address | 567 W KING ST |
| City, State, Zip | BOONE NC 28607 |

**Legal Description**

| | |
|---|---|
| Township | 05 - BOONE |
| City Code | |
| Jurisdiction (Tax Code District) | MS1 - MUNICIPAL SERVICE DIST |
| Unit Desc | |
| Unit # | |
| Book | |
| Page | |
| Legal Desc 1 | RIVERS HOME |
| Deeded Acres | 0.26 |

Communication: Cases A24-01017, -0109, and -0110 Exhibit 2: Designation Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic

| Sale Date | Book | Page | Sale Price | Grantor | Grantee |
|---|---|---|---|---|---|
| 29-OCT-98 | 480 | 494 | 0 | COFFEY, RACHEL RIVERS AND ARMFIELD | JIM BUTLER LIFE ESTATE |

Communication: Cases A24-01017, -0109, and -0110 Exhibit 2: Designation Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic

# Watauga County Auditor




December 1, 2023

1:1,026

0 0.01 0.01 0.03 mi

0 0.01 0.03 0.05 km

**R. L. Clay House (WT0530), Boone, Watauga County, North Carolina**
**Tax Map for Parcel 2900-78-3934-000**

Communication: Cases A24-01017, -0109, and -0110 Exhibit 2: Designation Report (Cases A24-0107, -

**PARID: 2900790308000**
**BOONE TOWN OF,**

**Parcel**

| | |
|---|---|
| ParID | |
| Tax Year | |
| SITUS Addess | |
| City, State, Zip | |
| Unit # | |
| Unit Description | |
| NBHD | |
| Class | |
| Land Use Code | |
| Living Units | |
| CAMA Acres | |
| Zoning | |
| Map # | |

**Jan 1 Values**

| | |
|---|---|
| Land Value. | 108,600 |
| Building Value | 0 |
| ========== | ======== |
| Appraisal Total | 108,600 |
| Exemptions or Exclusions | 108,600 |
| Land Deferred Value | |
| | ======== |
| Taxable Total | 0 |

**Owner Mailing**

| | |
|---|---|
| Tax Year | 2023 |
| Sequence Number | 0 |
| Owner Number | 1161496 |
| Owner | BOONE TOWN OF |
| Mailing Address | 567 W KING ST |
| City, State, Zip | BOONE NC 28607 |

**Legal Description**

| | |
|---|---|
| Township | 05 - BOONE |
| City Code | |
| Jurisdiction (Tax Code District) | C02 - BOONE |
| Unit Desc | |
| Unit # | |
| Book | 553 |
| Page | 297 |
| Legal Desc 1 | LOTS 167-173\R F GREENE SUB |
| Deeded Acres | 1.13 |

Communication: Cases A24-01017, -0109, and -0110 Exhibit 2: Designation Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic

| Sale Date | Book | Page | Sale Price | Grantor | Grantee |
|---|---|---|---|---|---|
| 26-JAN-00 | 553 | 297 | | 0 | |

Communication: Cases A24-01017, -0109, and -0110 Exhibit 2: Designation Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic

# Watauga County Auditor




December 1, 2023

1:2,123

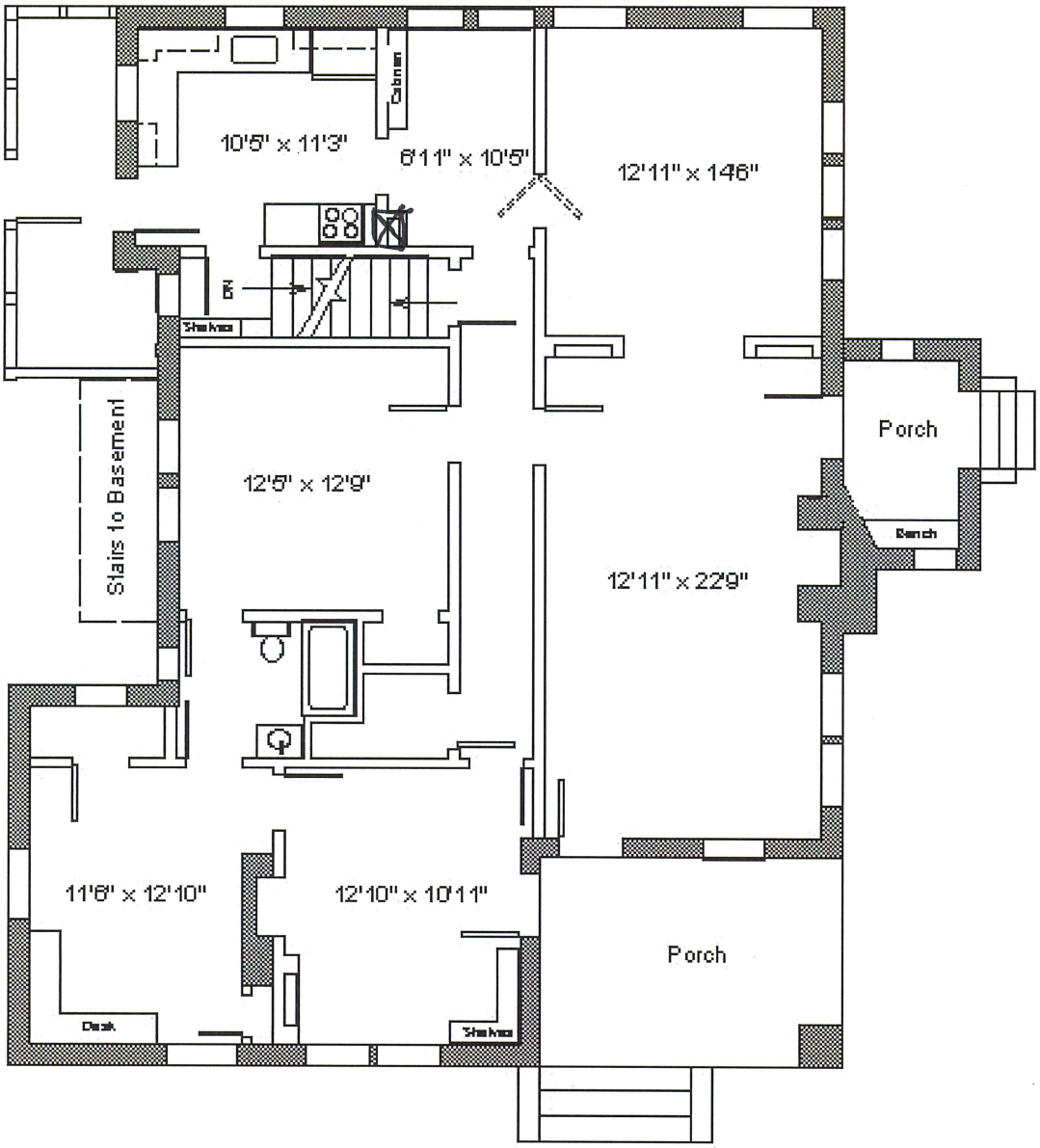
0 0.02 0.04 0.07 mi

0 0.03 0.06 0.11 km

**R. L. Clay House (WT0530), Boone, Watauga County, North Carolina**
**Tax Map for Parcel 2900-79-0308-000**

Communication: Cases A24-01017, -0109, and -0110 Exhibit 2: Designation Report (Cases A24-0107, -

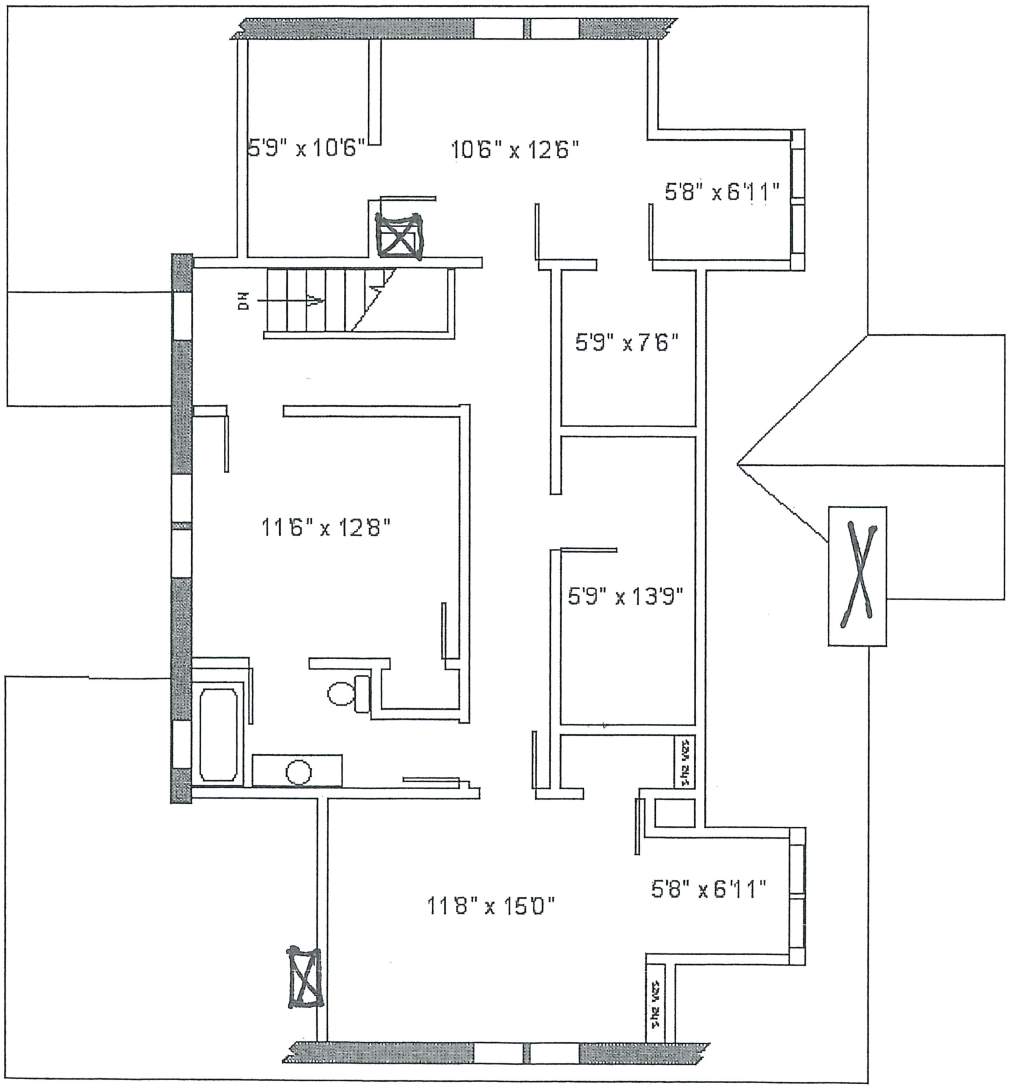
WT0530 R. L. Clay House
150 Clay House Dr.
Boone, Watauga County, NC




**RIVERS HOUSE**
1ST FLOOR
1/8" = 1'-0"
5-18-2017 FCM

Communication: Cases A24-01017, -0109, and -0110 Exhibit 2: Designation Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic

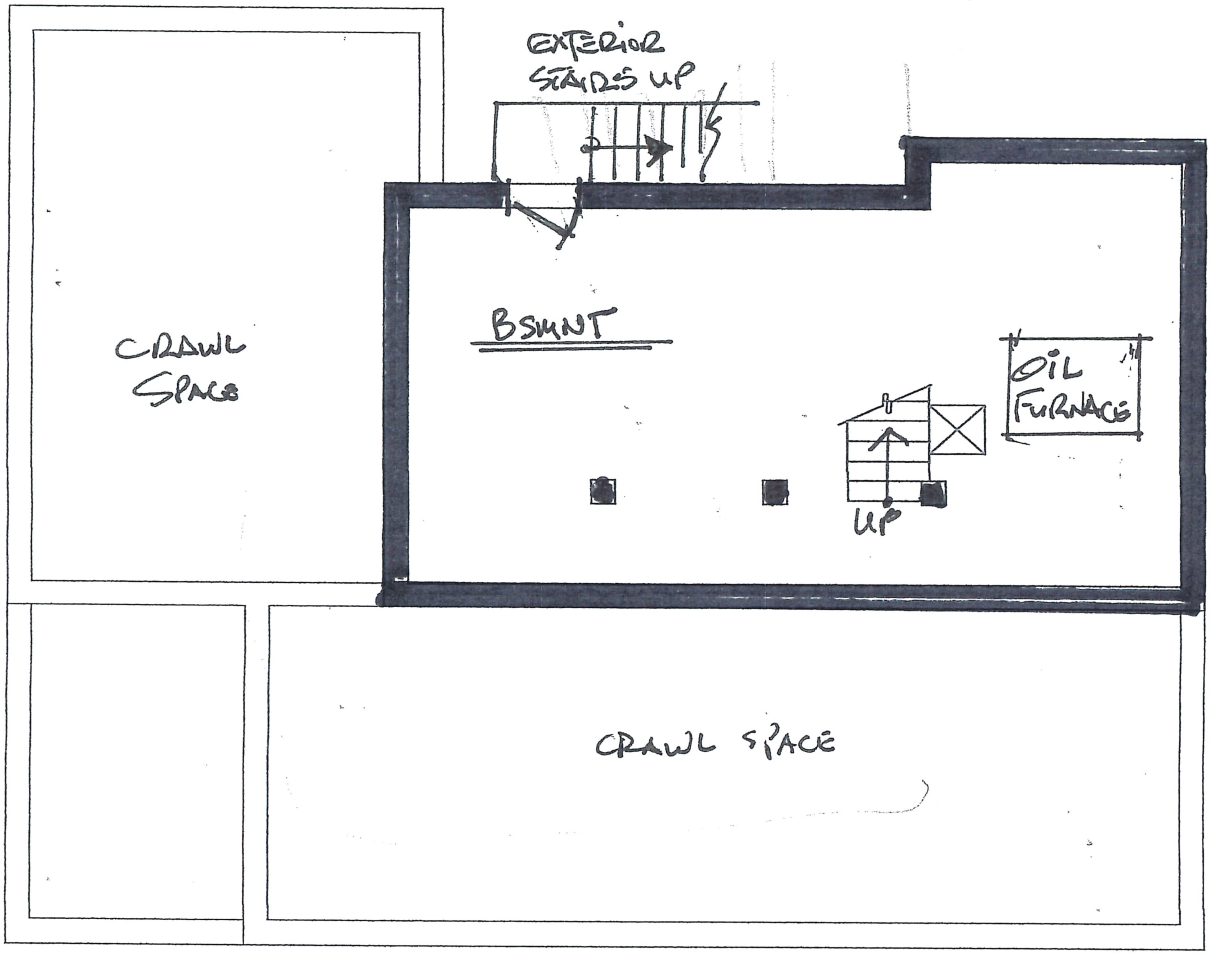
WT0530 R. L. Clay House
150 Clay House Dr.
Boone, Watauga County, NC




**RIVERS HOUSE**
2ND FLOOR
1/8" = 1'-0"
5-18-2017 FCM

Communication: Cases A24-01017, -0109, and -0110 Exhibit 2: Designation Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic

WT0530 R. L. Clay House
150 Clay House Dr.
Boone, Watauga County, NC

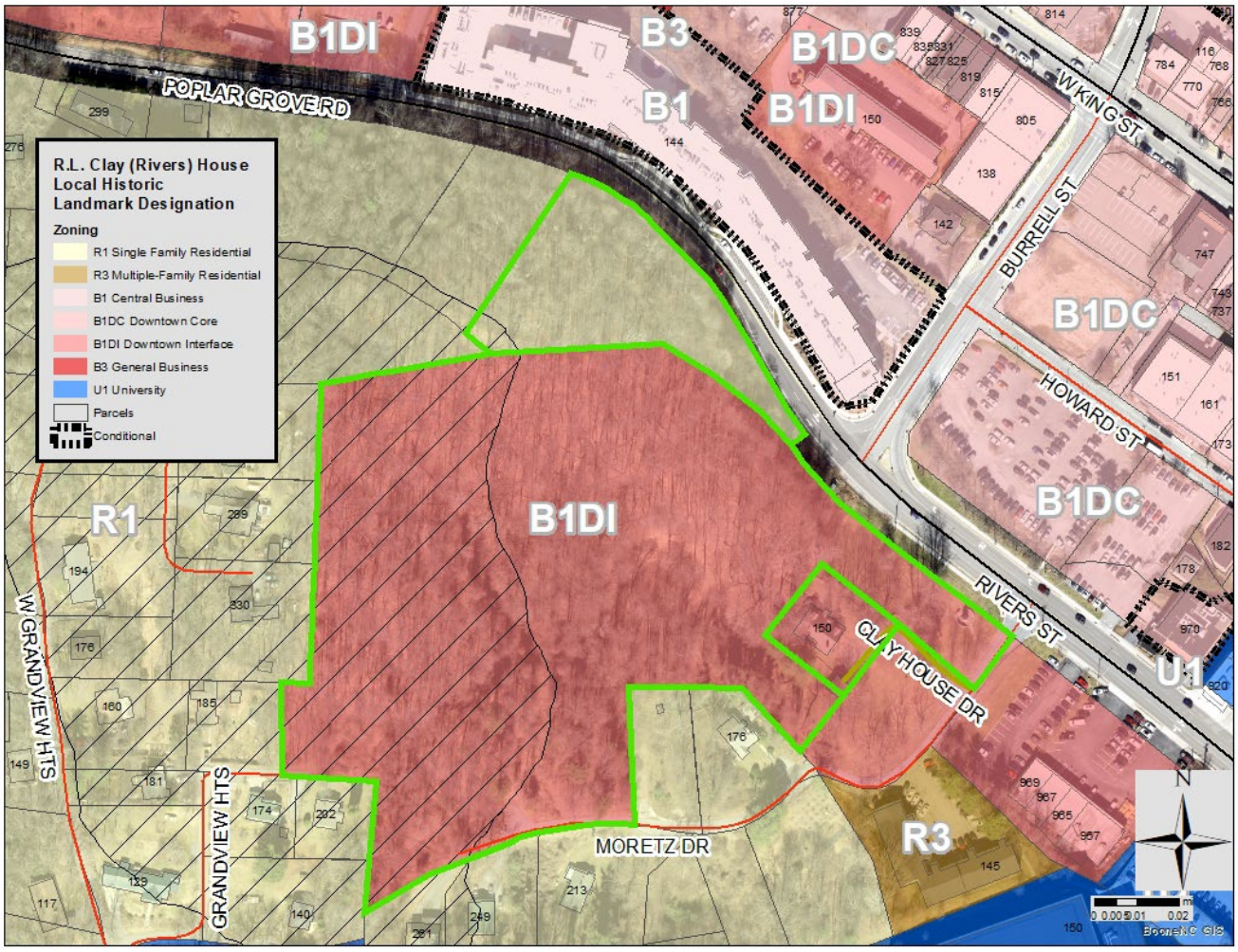


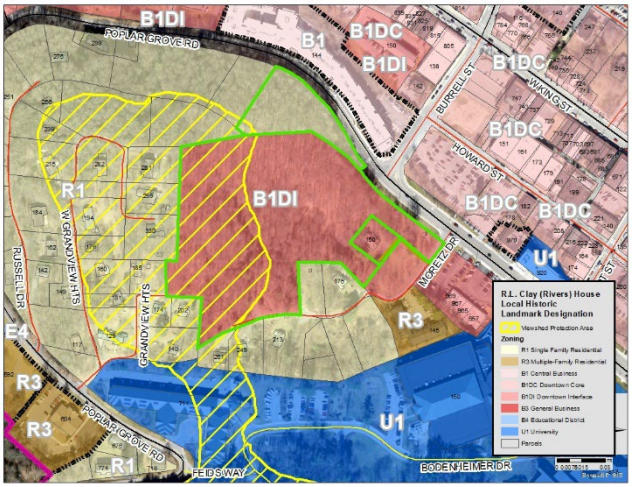

Appalachian Architecture, P.A.
703 W. King Street, Suite #201
Post Office Box 179
Boone, NC 28607

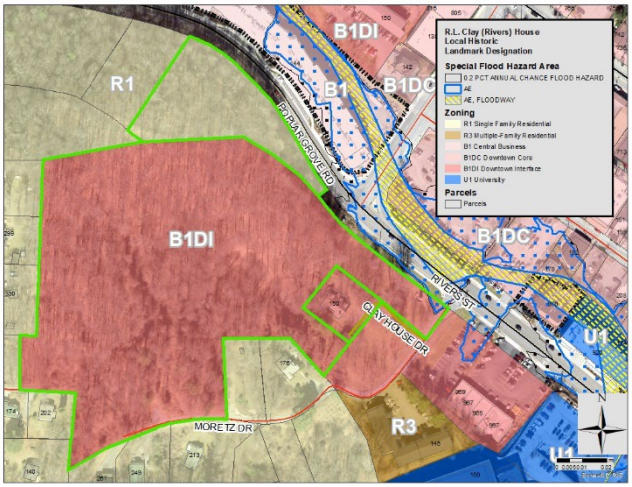
1/A-1 BASEMENT PLAN 03/10/21
1/8"=1'-0"

Communication: Cases A24-01017, -0109, and -0110 Exhibit 2: Designation Report (Cases A24-0107, -

**Staff Report**
**Public Hearing**
**May 29, 2024**
**Cases A24-0107, A24-0109, A24-0110 R.L. Clay (Rivers) House Local Historic Landmark Designation – 150 Clay House Dr. - General Use Zoning Map Amendment**




## Request

The Town of Boone has filed a Local Historic Landmark Application to designate the property at 150 Clay House Drive, (Watauga County PINs: 2900-78-3934-000, 2900-79-0308-000, 2900-69-9070-000) as a local historic

Communication: Cases A24-01017, -0109, and -0110 Exhibit 3: Staff Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic

landmark. The subject properties are outlined in green on the map above. Additional maps are included to show additional layers subject to the property (Watauga County PIN: 2900-69-9070-000) including the Viewshed Protection Area and the Special Flood Hazard Area, specifically the AE or 100-year floodplain.

Note: Historic landmark designation is processed as a general use zoning map amendment to the Town's official Zoning Map.

## History

| | |
|---|---|
| 10-21-2021 | Two of the three parcels for local historic landmark designation (Watauga County PINs: 2900-78-3934-000, 2900-69-9070-000) were was rezoned from R1 Single Family Residential to B1 Downtown Interface with the Unified Development Ordinance (UDO) text amendment for the B1 Downtown Expansion as part of Downtown Boone Local Historic District overlay. |
| 09-05-2023 | The Town of Boone Historic Preservation Commission (HPC) presented a final draft report on the R.L. Clay (Rivers) House properties, pending discussed revisions and submitting supporting documentation. (See Exhibit 2, Local Historic Landmark Designation Report, final revised report dated February 2024) The HPC made a motion for the Town Council to recommend approval of the report to send to the North Carolina State Historic Preservation Office (SHPO) for their review. (See Staff Report Exhibit 4, HPC Advisory meeting minutes excerpt, September 5, 2023) |
| 10-11-2023 | Town Council approved of the HPC's request for consideration of the report and approval for Staff to send the report to SHPO. |
| 12-04-2023 | Staff sent the designation report to the SHPO for comment pursuant to NC General Statute 160D-946. |
| 01-04-2024 | Staff received official written comment from the SHPO on the local historic landmark designation report. (See Staff Report Exhibit 5, Review Letter from SHPO and supporting documentation) |
| 02-06-2024 | The HPC discussed comments from the SHPO and made a motion to recommend designation of the R.L. Clay (Rivers) House as a local historic landmark and to begin the process for a public hearing and to modify the report as discussed following SHPO's comments. The HPC also discussed regulatory standards for this property, including for the standards to be the existing historic district (Downtown Boone Local Historic District) standards and the Secretary of the Interior's Standards for Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (otherwise referred to as the Secretary of the Interior's Standards for Rehabilitation). This decision is until such time as Staff includes landmark properties within Appendix D revisions. The ordinance is to contain this language in regards to applicable standards to the properties. (See Staff Report Exhibit 4, HPC Advisory meeting minutes excerpt, February 6, 2024). |

## Parcel Information

| **Case:** | Case A24-0107 | Case A24-0109 | Case A24-0110 |
|---|---|---|---|
| **Property Owners:** | Town of Boone | | |
| **Watauga County PIN:** | 2900-78-3934-000 | 2900-79-0308-000 | 2900-69-9070-000 |
| **Address:** | 150 Clay House Dr., Boone, NC, 28607 | | |

Communication: Cases A24-01017, -0109, and -0110 Exhibit 3: Staff Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic

| | | | |
|---|---|---|---|
| **Size:** | 0.26 acres | 1.13 acres | 8.15 acres |
| **Jurisdiction:** | Town of Boone | | |
| **Access:** | Rivers St, State Maintained<br>Moretz Dr, Town Maintained<br>Clay House Dr, Private | Poplar Grove Rd, State Maintained | Rivers St, State Maintained<br>Moretz Dr, Town Maintaine<br>Clay House Dr, Private |
| **Corridor District:** | No | | |
| **Viewshed:** | No | | Yes |
| **Watershed:** | No | | |
| **Special Flood Hazard:** | No | | Yes |
| **Steep Slope:** | No | Yes | |
| **Current Zoning:** | B1DI Downtown Interface | | |
| **Use:** | 5.16 Government Facility | Vacant | |

| | Adjacent Zoning | Adjacent Land Use |
|---|---|---|
| North | B1DI Downtown Interface; B1DC Downtown Core; B1 Central Business | Vacant; Parking Lot; Multi-Family Dwelling in Mixed Use |
| East | B1DI Downtown Interface; R1 Single Family Residential | Vacant; Single Family Home; Commercial Business |
| South | B1DI Downtown Interface; R1 Single Family Residential | Vacant; Single Family Homes |
| West | B1DI Downtown Interface; R1 Single Family Residential | Vacant; Single Family Homes |

## Planning Staff Analysis

The Town of Boone is requesting approval for Local Historic Landmark designation for the property. Pursuant to UDO Subsection 8.02.01 the Council may adopt, amend or repeal Ordinances designating one or more historic landmarks. No property shall be recommended for designation as a historic landmark unless it is deemed and found by the Historic Preservation Commission to be of special significance in terms of its historical, prehistorical, architectural, or cultural importance, and to possess integrity of design, setting, workmanship, materials, feeling and/or association.

Each property designated as a landmark shall be identified in the Ordinance, along with the name or names of the owner or owners of the property, those elements of the property that are integral to its historical, architectural, or prehistorical value, including the land area of the property so designated, and any other information the Council deems necessary. For each building, structure, site, area, or object so designated as a historic landmark, the Ordinance shall require that the waiting period set forth in this Article be observed prior to its demolition. For each designated landmark, the Council may also provide for a suitable sign on the property indicating that the property has been so designated, and if the owner consents, the sign shall be placed upon the property. Otherwise, the sign shall be placed on a nearby public right-of-way.

Designation of historic landmarks is also regulated by NC General Statutes 160D, Part 4 Historic Preservation. Specifically, 160D-946 sets forth the process for landmark designation as follows:

Communication: Cases A24-01017, -0109, and -0110 Exhibit 3: Staff Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic

| Requirement | R.L. Clay (Rivers) House Compliance |
|---|---|
| The Department of Cultural Resources, acting through the State Historic Preservation Officer, shall, upon request of the department or at the initiative of the preservation commission, be given an opportunity to review and comment upon the substance and effect of the designation of any landmark pursuant to this Part. Any comments shall be provided in writing. If the Department does not submit its comments or recommendation in connection with any designation within 30 days following receipt by the Department of the investigation and report of the preservation commission, the commission and any governing board shall be relieved of any responsibility to consider such comments. | 1. HPC reviewed and recommended approval of the original request for local historic landmark designation on September 5, 2023 (See Staff Report Exhibit 4, HPC Advisory meeting minutes).<br>2. Planning Staff sent the report to NC State Historic Preservation Office on December 4, 2023 for review & comment following Town Council approval on October 11, 2023.<br>3. Planning Staff received official comment from NC State Historic Preservation Office on January 4, 2024. (See Staff Report Exhibit 5, Review letter from SHPO and supporting documents) |
| The preservation commission and the governing board shall hold a joint legislative hearing or separate legislative hearings on the proposed regulation. Notice of the hearing shall be made as provided by G.S. 160D-601. [requirements for Public Hearing to amend Zoning Ordinance or Zoning Map]. | Public Hearing with the Historic Preservation Commission, the Planning Commission and Town Council scheduled for Wednesday, May 29, 2024.<br><br>PC expected to make recommendations on May 29, 2024 or a further date specified as decided at the hearing. |
| Following the hearings, the governing board may adopt the regulation as proposed, adopt the regulation with any amendments it deems necessary, or reject the proposed regulation. | To be scheduled for Council consideration in June 2024. |

## CERTIFICATE OF APPROPRIATENESS

From and after the designation of a landmark, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), nor above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished on such landmark or within such district until after an application for a Statement of Conformity (SOC) for minor work or a Certificate of Appropriateness (COA) for major work has been approved as detailed in UDO Article 8 Historic Preservation Procedures and Appendix D Downtown Boone Local Historic District Design Standards and Handbook.

## CONFORMITY TO ADOPTED PLANS

### COMPREHENSIVE PLAN UPDATE

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

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

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

Communication: Cases A24-01017, -0109, and -0110 Exhibit 3: Staff Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic

**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.

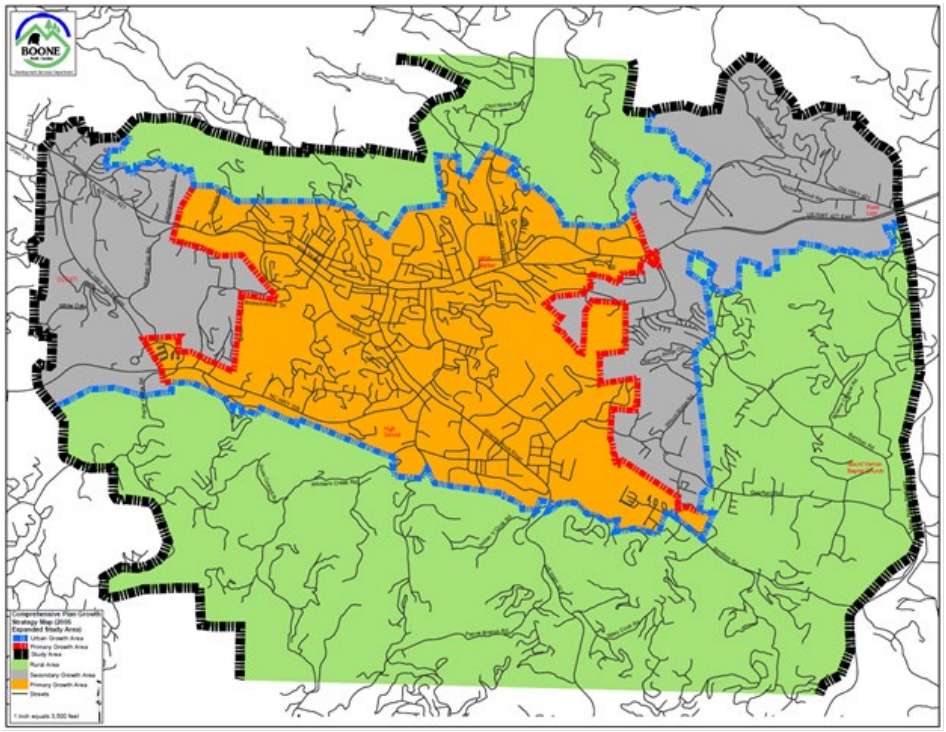
**Neighborhoods:** Ensure the livability of neighborhoods, especially through land use and traffic planning.

**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.

Communication: Cases A24-01017, -0109, and -0110 Exhibit 3: Staff Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic

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



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

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

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

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

**2.1 ECONOMY**

…

**2.1.1 Economic Development**

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

…

C. The Town shall encourage the development of a well-balanced tourism trade as a primary element of the area's economic future. Investments in services, facilities, and proper growth management shall be employed in furtherance of this objective.

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

…

Communication: Cases A24-01017, -0109, and -0110 Exhibit 3: Staff Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic

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

...

**2.1.5 Downtown**

A. A compatible design character for the downtown area, drawing upon the locality's original High Country small town features, shall be identified, reinforced and supported to put forth a quality image and sense of place.

…

B. The Town, in concert with the downtown property owners and merchants, shall encourage public and private efforts to develop and publicize adequate and appropriately designed off-street parking lots in the downtown area.

…

F. The maintenance and revitalization of downtown Boone, as well as planning for its future development, will reflect the realities and qualities befitting its geographical setting and function as a center of (1) commercial and service activities, (2) educational and cultural activities, events and (3) public services.

…

**2.2 INFRASTRUCTURE**

**…**

**2.2.3 Parks, Recreation and Open Space**

A. Future park development and open spaces shall be planned to provide for the rational and equitable distribution of recreation and open space opportunities within the planning area. Public facilities shall be provided to address the unmet needs of area residents lacking access to university or private recreational facilities.

**…**

**2.2.5 Environmental Health**

A. Development on ridgetops and excessive slopes shall be strongly discouraged. Where development is allowed, stringent performance standards shall be met.

…

**2.3 THE COMMUNITY**

**…**

**2.3.2 Community Character**

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

A.1 Conduct on-going assessments of critical locations in community deserving special attention by the zoning ordinance, in light of their high visibility, traffic impact, strategic location, or other unique features. Continue to encourage significant new public buildings and outdoor spaces to locate in these and other positions of visibility and strategic prominence. Encourage the private sector to do likewise.

A.2 Seek out locations of historical merit in the community, and prepare an action plan for their enhancement, rehabilitation, or relocation as may be necessary.

B. Multiple and appropriate adaptive reuse of historic resources shall be encouraged.

B.1 Amend development regulations to offer flexibility for restoration and active use of historic structures and other resources.

C. Wise development of the tourism potential of the area's architectural, historic, scenic and natural resources shall be encouraged.

C.1 Consider the placement of public art at appropriate locations in downtown, including murals.

Communication: Cases A24-01017, -0109, and -0110 Exhibit 3: Staff Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic

D. The destruction of significant architectural, historic, scenic, natural and archaeological resources in the planning area shall be discouraged.

D.1 Carefully scrutinize proposed road widening to ensure that such actions do not destroy community and neighborhood character.

D.2 Continue to support the Town's tree preservation standards. Evaluate the effectiveness of the tree regulations since their establishment and amend them as necessary.

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.

…

**2.3.4 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.

B. Neighborhood and special area planning shall be encouraged to foster public involvement in the production of closely tailored, action oriented special area plans and programs.

C. Specific functional plans and implementation tools shall be supported as part of the comprehensive planning program for the Town and County.

D. Special committees, advisory panels, educational forums, public workshops, leadership seminars, town meetings and media contacts shall be encouraged and fostered to enhance the effectiveness of citizen involvement in community planning and action.

## Certificate of Mailing

I, Jessica Mitchell, certify that individual notices meeting the requirements of Article 9 of the Town of Boone UDO were placed in the mail (first class) on May 7, 2024.

/s/ Jessica Mitchell

Jessica Mitchell, Advanced Planning Specialist

## Certification of Posting

I, Luis Aguilar, certify that the subject property was posted as required in Article 9, Subsection 9.03.03(B)(2) of the Town of Boone UDO on May 10, 2024.

/s/ Luis Aguilar

Luis Aguilar, Zoning Code Compliance Official

Communication: Cases A24-01017, -0109, and -0110 Exhibit 3: Staff Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic

## PLANNING COMMISSION RECOMMENDATIONS

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

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

*Note 1*

_____

_____

_____

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

**Vote 2:** The Planning Commission recommends ☐**approval** OR ☐**denial** of Cases A24-0107, A24-0109, A24-0110 and believes ☐**approval** OR ☐**denial** **to designate the properties as local historic landmarks** are reasonable and in the public interest because:

*Note 2*

_____

_____

_____

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

Communication: Cases A24-01017, -0109, and -0110 Exhibit 3: Staff Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic

## TOWN COUNCIL ACTION – Adoption of Ordinance

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

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

*Note 1*

_____

_____

_____

**Vote 2:** The Town Council ☐**approves** OR ☐**denies** the Ordinance Cases A24-0107, A24-0109, A24-0110 to the Town's Zoning map and believes ☐**approval** OR ☐**denial** **to designate the property as a local historic landmark** is reasonable and in the public interest because:

*Note 2*

_____

_____

_____

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

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

Communication: Cases A24-01017, -0109, and -0110 Exhibit 3: Staff Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic

**Ordinance Cases A24-0107, A24-0109, A24-0110**

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

WHEREAS, the Planning Commission has received the request to amend the Official Zoning Map of the Town of Boone, North Carolina to designate the parcel identified below as a Local Historic Landmark

| | |
|---|---|
| Address: | 150 Clay House Drive |
| Watauga County PIN: | 2900-78-3934-000, 2900-79-0308-000, 2900-69-9070-000 |
| Property Owner: | Town of Boone |

WHEREAS, the Town of Boone has created the Boone Historic Preservation Commission ("HPC") as a historic preservation commission having the authority to exercise, within the planning jurisdiction of the Town, all powers and duties conferred by Part 4 of Chapter 160D of the North Carolina General Statutes; and

WHEREAS, the HPC duly adopted (i) rules of procedure and (ii) principles and guidelines for the alteration, restoration, relocation, or demolition of properties designated as landmarks at its regular meeting held January 12, 2016; and

WHEREAS, the HPC issued a Landmark Historic Landmark Designation Report on September 5, 2022, recommending designation of the Property as a historic landmark; and

WHEREAS, as set forth in detail in the Landmark Designation Report, the HPC has determined that the Property is of special significance in terms of its historical and architectural importance, and possesses integrity of design, setting, workmanship, materials, feeling and association; and

WHEREAS, the Landmark Designation Report was submitted to the State Historic Preservation Office ("SHPO") of the North Carolina Department of Cultural Resources for review and comment; and

WHEREAS, the SHPO has reviewed the Landmark Designation Report and issued a letter of comment dated January 4, 2024, in which it noted that the Properties are significant for its association with several members of the Rivers family who were influential in the history of the Town of Boone and the R.L. Clay House is locally significant for its architecture with Colonial Revival influences using native stone; and

WHEREAS, the Boone Historic Preservation Commission held a duly-noticed public hearing on May 29, 2024, with respect to this ordinance and designation of the Property as a historic landmark as contemplated herein, and following said hearing voted to confirm its recommendation that the Town Council designate the Property as a historic landmark; and

WHEREAS, the Boone Town Council held a duly-noticed public hearing May 29, 2024 with respect to this ordinance and designation of the Property as a historic landmark as contemplated herein; and

WHEREAS, the Boone Town Council has taken into full consideration any information offered at the public hearing and the information contained in the HPC's Landmark Designation Report; and

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

WHEREAS, the Boone Town Council finds that the Property is of special historical, architectural, and cultural significance, and possesses integrity of design, setting, workmanship, materials, feeling and/or association, as described by the Brief Statement of Significance in the Local Historic Landmark Designation Report as:

The R. L. Clay House is proposed for designation as a local historic landmark due to its high level of local significance for its association with several members of the Rivers family who were influential in the history of the Town of Boone. Members of the Rivers family resided in and owned the home for more than 50 years as they operated and published the local newspaper, the Watauga Democrat. R. C. Rivers, Jr., ran the Watauga Democrat for 42 years, 30 years of that while residing in this home. Rachel Rivers-Coffey, the granddaughter of R. C. Rivers, Sr., and

Communication: Cases A24-01017, -0109, and -0110 Exhibit 3: Staff Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic

daughter of R. C. Rivers, Jr., was raised in the home before she took over the Watauga Democrat following her father's death in 1975 and continued to run the paper until 1994. She and her husband Paul Armfield Coffey donated the property to the Town of Boone in 1998.

The R. L. Clay House is also locally significant for its architecture. The one and a half-story R.L. Clay House with its subdued, Colonial Revival influences was constructed using native stone and completed circa 1933. Its use of native stone is an early local example of a popular trend that accelerated with the Works Progress Administration (WPA) funding of the construction of other Colonial Revival, native stone buildings during the mid to late 1930s. Also included as a contributing resource in this designation is the two-story, native stone garage to the southeast of the home, which was likely constructed simultaneous to the house and certainly before 1940. There is a prize sugar maple tree, "Baby," that straddles two of the parcels within the boundary to the northwest of the R. L. Clay House. At the northeast end of the boundary is Rivers Park, a stone monument area built in 2005 containing a reconstruction of historic Daniel Boone Monument that originally stood several hundred yards to the southeast. The parcels proposed for designation continue to provide historic context for the close relationship the Rivers family had to the town and community of Boone.

Three of seven legal parcels in this vicinity that are owned by the Town of Boone are proposed for designation, all three of which were associated with the Rivers family from at least the mid 1940s. The Town of Boone acquired all three parcels through donations by Rachel Rivers-Coffey and/or Paul Armfield Coffey. This is not all of the land once associated with the property, as some of the original Clay and Rivers holdings were either subdivided or sold off, then developed by private individuals and companies. The other four nearby parcels owned by the Town are either noncontiguous to the boundary parcels or not historically associated with the Rivers family.

WHEREAS, the Boone Town Council finds the Property's preservation should be encouraged and ensured,

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1: The Boone Town Council hereby designates the property at 150 Clay House Drive, Watauga County PIN: 2900-78-3934-000, 2900-79-0308-000, 2900-69-9070-000 (Cases A24-0107, A24-0109, A24-0110), known as "R.L. Clay (Rivers) House" as a Local Historic Landmark.

Section 2: A sign designating the R.L. Clay (Rivers) House may be placed on the property or in a nearby right of way designating the properties and Local Landmark Designations.

Section 3: The review process provided by Article 8 and Appendix D of the Town's Unified Development Ordinance ("UDO") shall be observed prior to demolition, alteration, rehabilitation, restoration, or removal of any exterior elements of the designated Property. As the period of significance of the R.L. Clay (Rivers) House is from 1933 to 1940 for its Architectural Significance and from 1945 to 1998 for its Association with Significant Person(s) and the period of significance for the historic district is 1918 to 1964, the guiding standards for the property, at the time of adoption, will be the existing district standards, UDO Appendix D, and broadly, the Secretary of the Interior's Standards for Rehabilitation & Guidelines For Rehabilitating Historic Buildings, until such time as the Boone Historic Preservation Commission writes standards for the individual landmark and those standards are officially approved.

Section 4: In the event relocation, demolition or destruction of the Property is authorized as provided by law, such action may be delayed up to 365 days as provided by Article 8 and Appendix D of the UDO and NC General Statutes 160A-400.14.

Section 5: This ordinance shall be effective as of the date of its adoption.

WHEREAS, in accordance with the procedures set forth in the Town of Boone Unified Development Ordinance, the Commission and Council met to consider the proposed amendment on May 29, 2024; and

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

Communication: Cases A24-01017, -0109, and -0110 Exhibit 3: Staff Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic

WHEREAS, in accordance with North Carolina General Statutes and with the provisions set forth in Article 9 of the Town of Boone Unified Development Ordinance, the Town of Boone duly advertised and held a public hearing to consider the proposed amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE BOONE TOWN COUNCIL THAT:

Adopted this the ___th day of _____, 2024.

_____

**The Honorable Tim Futrelle, Mayor**

**Attest:**

_____

**Nicole Harmon, Town Clerk**

Communication: Cases A24-01017, -0109, and -0110 Exhibit 3: Staff Report (Cases A24-0107, -0109, -0110 Rivers Property Local Historic

**TOWN OF BOONE**
**HISTORIC PRESERVATION COMMISSION**
**EXCERPT MEETING MINUTES**
**TUESDAY, SEPTEMBER 5, 2023, 3:00 PM**
**WEBEX VIDEO CONFERENCING**

**Historic Preservation Commission Members in Attendance:**
Chair Eric Plaag and Vice-Chair Bettie Bond

**Student Member:** Riley Ziegler

**Council Liaison:** Virginia Roseman

**Town Staff in Attendance:**
Jane Shook-Director of Planning & Inspections, Jessica Mitchell-Long-Range/Special Projects Planner, Christy Turner-Senior Planner, Marlene Crosby-Board Secretary, Lane Moody-Downtown Boone Development Coordinator, Mark Freed-Director of Cultural Resources

**Others in Attendance:** Susan Keefe and Roberta Jackson-Junaluska Heritage Association Members, Brenda Councill, Rebecca Triplett-Johnson, Jill Privott, Terry Harmon-Appalachian State University, Andrea Burns-Appalachian State University, and Jodie Feimster

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**R.L. CLAY (RIVERS) HOUSE LOCAL LANDMARK DESIGNATION REPORT**

Ms. Mitchell said at the August HPC Advisory meeting the HPC had discussed the final draft, and asked if the HPC were ready to send it to Town Council for their review. She said if it was approved, she would start the process to send it to the State Historic Preservation Office (SHPO) for their review. Chair Plaag said that he had not seen the new guidance on local landmark designation reports from the SHPO that Ms. Mitchell had shared with Student Member Ziegler for the Jones House local landmark designation report. He said that he would verify that the draft report meets the information in the new guidance.

Chair Plaag asked the HPC if they had specific feedback on this draft report and was it ready to be sent to the Town Council for their review. Vice-Chair Bond and Student Member Ziegler voiced no feedback, and they were in favor of sending the draft report to the Town Council for their review.

Student Member Ziegler asked Ms. Mitchell about the standards for the R.L. Clay (Rivers) House. Ms. Mitchell responded that the staff wanted to discuss further with the HPC about including landmark properties within Appendix D, as part of the Appendix D revisions.

Ms. Mitchell suggested that the HPC send the draft report the Town Council, let them know that the standards would be forthcoming in the future for the R.L. Clay Rivers House, and standards would be incorporated into the draft revisions of Appendix D.

**Motion and Vote:**
Student Member Ziegler made a motion, seconded by Vice-Chair Bond for Staff to present the draft R.L. Clay (Rivers) House Local Landmark Designation Report to Town Council with the recommendation that the draft report be sent to the State Historic Preservation Office (SHPO) for consideration. In addition, that Chair Plaag would review the draft report and make necessary organizational changes to it.

Communication: Cases A24-01017, -0109, and -0110 Exhibit 4: Meeting Minutes Excerpts (Cases A24-0107, -0109, -0110 Rivers Property Local

**Vote:**

Aye – All

Nay – None

**The motion passed.**

Vice-Chair Bond made a motion, seconded by Student Member Ziegler to approve Chair Plaag to speak at the October 2023 Town Council meeting on behalf of the Historic Preservation Commission to present the R.L. Clay (Rivers) House Local Landmark Designation Report.

**Vote:**

Aye – All

Nay- None

**The motion passed.**

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**TOWN OF BOONE**
**HISTORIC PRESERVATION COMMISSION**
**EXCERPT MEETING MINUTES**
**TUESDAY, FEBRUARY 6, 2024, 3:00 PM**
**PLANNING & INSPECTIONS DEPARTMENT & WEBEX VIDEO CONFERENCING**

**Historic Preservation Commission Members in Attendance:**
Vice-Chair Bettie Bond, Jerry Williamson, Krystal Carter, and Vardell Smyth

**Council Liaison:** Virginia Roseman

**Town Staff in Attendance:**
Jane Shook-Director of Planning & Inspections, Jessica Mitchell-Advanced Planning Specialist, Brenda Henson-Board Secretary and Marlene Crosby-Board Secretary

**Others in Attendance:** Allison Meade-Town Attorney, Riley Ziegler-Former Commission Member, Mark Freed-Director of Cultural Resources

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**UPDATE ON R.L. CLAY (RIVERS) HOUSE LOCAL LANDMARK DESIGNATION - SHPO**

Ms. Mitchell referred to packet pages 105 through 107 and explained the difference in the separate documents listed on the agenda. She noted an email from SHPO with updated information about the review letter regarding the proposed designation of the property, comments about the designation report for the HPC members to review, and the designation confirmation form for the property. She explained the meeting packet included the draft report that was sent to SHPO for their review and a flowchart from SHPO of the landmark designation process. She referred to packet page 154 and expounded on "The Basic Local Landmark Designation Process" flowchart that it is for the HPC to decide if the report establishes the property's historical significance. Further, the HPC is to decide whether to recommend or not recommend designation based on the SHPO's comments. She said that SHPO is suggesting some edits to the designation report, and she asked the HPC members to voice any differences they see from SHPO's comments on the report. She explained that the HPC considers the report to be fine as it is, and the HPC would want to recommend landmark designation; the motion would need to include that and why the HPC feels that way.

Communication: Cases A24-01017, -0109, and -0110 Exhibit 4: Meeting Minutes Excerpts (Cases A24-0107, -0109, -0110 Rivers Property Local

Ms. Mitchell contacted SHPO and asked for specific suggestions regarding their comments in the email, which included that the report needs a strong statement about all aspects of the property or landmarks. She added that their comments suggest being clearer about what is and isn't part of the designation of the property and if there are any specific interior features. She said that on report pages seven and eight, there is a section called Boundary Justification 115 and 116, and she thought this section covered the out parcels that were designated. She contacted Ms. Kristi Brantley at SHPO and discussed the information in the Boundary Justification section. She added that Ms. Brantley suggested that in considering future Commissions, to reference the information in the General Information section, which can be copied and pasted from the Boundary Justification section. Ms. Mitchell said the HPC members could discuss the best place to put the information for future reference of what is being designated, like the house, wall, garage, outbuilding, monument, and tree.

Ms. Mitchell referred to packet page 125, talked about a reference to the interior of the house, and read aloud the last sentence in paragraph two, “While no part of this proposed designation, even the interior floor plan of the R.L. Clay House appears to be largely unchanged from its original design.” She stated that the SHPO is suggesting that this sentence be made clearer and that the interior is not part of the designation of the property. She explained that the SHPO meant that in reference to a future Commission or Staff, they could interpret what this Commission indicated in the designation.

Commission Member Smyth asked if the property is designated or just the bounds of the property containing the specified items. He questioned if the designation limits what can be done with the property. Ms. Mitchell explained that once the property is designated, Appendix D standards would have to be considered for any proposed work on the property, and it would be subject to the Statement of Conformity or Certificate of Appropriateness processes for minor or major work to the property.

Council Liaison Roseman asked if Rachel's Meadow was being considered part of the designation, and Ms. Mitchell said it was part of the second parcel for designation. Council Liaison Roseman wondered if it would tie the Town's hands to do things on the property. Ms. Mitchell stated that it would restrict what was allowed in terms of what was allowed in the standards. She explained that for previous historic landmark properties, the HPC chose UDO Article 8 and Appendix D as the standards for the property. She briefly reminded the HPC of the previous conversation regarding Appendix D revisions to include landmark properties within the revised Appendix D. She said it would cause the Town to go through a process if they wanted to do things on the property. Further, she stated that the Commission needed to decide which standards to apply to this property with the landmark designation.

Ms. Mitchell explained to the HPC that their next steps would be to make a recommendation for the R.L. Clay (Rivers) House to be a local landmark designation. Then, Staff would prepare for a joint Public Hearing and Planning Commission meeting to consider historic landmark designations as a zoning map amendment to the property. Additionally, she added that the Secretary of the Interior’s Standards for Rehabilitation have also applied to landmark properties. Council Liaison Roseman asked about the proposal for this property; Ms. Mitchell responded that the property is not currently in the historic district,

Communication: Cases A24-01017, -0109, and -0110 Exhibit 4: Meeting Minutes Excerpts (Cases A24-0107, -0109, -0110 Rivers Property Local

but if it is designated as a local historic landmark with Appendix D standards applied, it would have to go through the process under the historic district standards.

Commission Member Smyth asked if the HPC has a role in reviewing Rachel's Meadow. Ms. Mitchell responded that the HPC would have to look at the property's period of significance. She added that if the property became a local landmark, the HPC would have to look at its integrity. Vice-Chair Bond stated that today she received a can of film from Phil McGuire that was labeled Downtown Boone 1938 that she would share with Digital Watauga. She added that it would be easy to work with the integrity of that property. She said the focus so far has been on the house. She asked why we call it the Clay House rather than the Rivers House. Ms. Mitchell stated some information in the early research named it the Clay House. Vice-Chair Bond was all right with the Clay House name, but she did not know anyone who would see that house as the Clay House.

Ms. Mitchell asked if the HPC was interested in modifying the report or leaving it as it is following the SHPO's comments. It was suggested to copy and paste from the Boundary Justification section two sentences that include the parcel numbers:

> The proposed boundaries of the designation follow the surveyed boundaries for all listed parcels: 2900-78-3934-000, 2900-69-9070-000, and 2900-79-0308-000.3 These parcels include the house, the garage, a portion of the drive leading to the house and garage (Clay House Drive), the Daniel Boone Monument/Rivers Park, land along the ridgeline to the north and northwest of the house, "Rachel's meadow," and "Baby," the North Carolina state champion sugar maple

Ms. Mitchell suggested adding this information to the General Information as item I. Statement of Property Designation, adding that the interior of the house and garage outbuilding is not included.

Ms. Mitchell stated that SHPO does not need to review the draft report again if the HPC members make changes because, after the public hearing and following Town Council approval, SHPO would see the final version of the report.

Ms. Mitchell reminded that they would need to make a motion to recommend or not recommend the designation of the property as a local historic landmark. She suggested that the HPC members discuss what standards would apply to the property. She reminded the HPC of what has been previously done for a local historic landmark property, UDO Article 8 and Appendix D, and then broadly used the Secretary of the Interior's Standards for Rehabilitation.

**Motion and Vote:**

Vice-Chair Bond made a motion, seconded by Commission Member Smyth, to recommend local historic landmark designation to begin the process for a public hearing, regarding the discussed standards for the property, and to agree to make the discussed changes following the comments from SHPO.

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

…

Communication: Cases A24-01017, -0109, and -0110 Exhibit 4: Meeting Minutes Excerpts (Cases A24-0107, -0109, -0110 Rivers Property Local

**STAFF UPDATES**

…

Ms. Mitchell stated that the HPC Chair Position and the H.W. Horton Building Local Landmark Designation action request were submitted to the Town Council agenda for next Wednesday. She reminded the HPC members that the action request for the H.W. Horton Building was for approval for Staff to send the designation report to SHPO. She reviewed the progress of the current local historic landmark projects: the Jones House Designation Report is still being reviewed by the HPC members before it can be sent to the Town Council for their consideration; SHPO has reviewed the R.L. Clay (Rivers) House Designation report; and the HPC members just recommended that it be sent to the public hearing process. She informed the HPC members that she had suggested at the Planning Retreat that one public hearing would be held for at least the H.W. Horton building and R.L. Clay (Rivers) House local historic landmark designation cases.

Communication: Cases A24-01017, -0109, and -0110 Exhibit 4: Meeting Minutes Excerpts (Cases A24-0107, -0109, -0110 Rivers Property Local

**North Carolina Department of Natural and Cultural Resources**
**State Historic Preservation Office**
Ramona M. Bartos, Administrator

Governor Roy Cooper
Secretary D. Reid Wilson

Office of Archives and History
Deputy Secretary Darin J. Waters, Ph.D.

January 4, 2024

Jessica Mitchell
Long Range/Special Projects Planner
Town of Boone, NC

Via email: Jessica.Mitchell@townofboone.net

RE: Proposed Designation of the **R. L. Clay House, 150 Clay House Dr., Boone, Watauga County.**

Dear Ms. Mitchell:

Thank you for the report we received on the proposed designation of the R. L. Clay House, 150 Clay House Dr., Boone, Watauga County. We have reviewed the report and offer the following comments in accordance with North Carolina General Statute 160D-946.

According to the report, the R. L. Clay House is of special local significance because of its association with the Rivers family, an influential family in the history of the Town of Boone. It is also of special local significance because of its architecture. The Colonial Revival influenced house was built circa 1933, using native stone.

We have shared recommendations with staff to include some additional information. With these minor additions we feel the report will provide the Boone Historic Preservation Commission and the Town Council adequate information to determine if the property has the requisite special significance for landmark designation.

Local landmark designation means the community recognizes the property is worthy of preservation because of its special significance to the local community. Any substantial changes in design, materials, and appearance of the property would be subject to the design review procedures of the preservation commission. The owner may receive an annual deferral of up to fifty percent of the property taxes for as long as the property is designated and retains significance and integrity. (N.C.G.S. 105-278 *et seq*.).

Thank you for the opportunity to comment on the report. Please note, our comments are advisory only and therefore, non-binding. Once the governing board has received a recommendation from the Boone Historic Preservation Commission, it should proceed in the same manner as would otherwise be required for an amendment to the zoning ordinance. Once the decision has been made, please return a completed copy of the enclosed form to our office.



Communication: Cases A24-01017, -0109, and -0110 Exhibit 5: SHPO Review Letter (Cases A24-0107, -0109, -0110 Rivers Property Local

This letter serves as our comments on the proposed designation of the R. L. Clay House. Please contact me at 919-814-6576 should you have any questions about our comments.

Sincerely,



Kristi Brantley
Local Preservation Commissions/CLG Coordinator

CC: Commission Chair

Enclosure

Communication: Cases A24-01017, -0109, and -0110 Exhibit 5: SHPO Review Letter (Cases A24-0107, -0109, -0110 Rivers Property Local

**Jessica Mitchell - R. L. Clay House - HPO Comments**

**From:** "Brantley, Kristi" <kristi.brantley@dncr.nc.gov>
**To:** Jessica Mitchell <Jessica.Mitchell@townofboone.net>
**Date:** 1/4/2024 4:57 PM
**Subject:** R. L. Clay House - HPO Comments
**Cc:** "Cathey, Jennifer" <jennifer.cathey@dncr.nc.gov>
**Attachments:** WT0530_HPO Comments.pdf; WT0530_ DESIGNATION CONFIRMATION.docx

Jessica,

Attached is a copy of a letter written in response to the proposed designation of the R. L. Clay House, 150 Clay House Dr., Boone, Watauga County. Please share a copy with your Commission Chair.

Also attached is a copy of the designation confirmation form for the property. If the ordinance is adopted to designate the property, please return a completed copy of the confirmation form to me with the date the ordinance was adopted.

I have copied Restoration Specialist Jennifer Cathey. Jennifer can offer technical advice regarding restoration and/or repairs. She can be reached at jennifer.cathey@dncr.nc.gov or 828-250-3113.

Architectural Survey Coordinator Beth King reviewed the report and offers the following comments:

> *The report needs a strong statement about what aspects of the property are landmarked, i.e., outbuilding, stone retaining walls and other features, specimen tree, Boone monument, etc. and also whether the interior of the house is part of the designation. The complexity of this property could be a headache for the commission in the future without a stronger statement about what is and isn't part of the designation.*

I just wanted to add to Beth's comments regarding a more specific statement of what is included in the designation: If the interior is included in the designation, NC GS § 160D-947(b) requires specific features and nature of commission's jurisdiction over those features be included in the ordinance:

> "*The landmark designation shall specify the interior features to be reviewed and the specific nature of the commission's jurisdiction over the interior*."

Thank you for the opportunity to review this report.

Best,
*Kristi*

***Please note:**
**As of 7/13/2023, my email address changed to kristi.brantley@dncr.nc.gov**

**Kristi Brantley**

Communication: Cases A24-01017, -0109, and -0110 Exhibit 5: SHPO Review Letter (Cases A24-0107, -0109, -0110 Rivers Property Local

CLG/Local Government Coordinator
NC State Historic Preservation Office
NC Dept. of Natural and Cultural Resources
Phone: (919) 814-6576
kristi.brantley@dncr.nc.gov

109 East Jones Street | 4617 Mail Service Center | Raleigh, NC 27699-4617

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Learn more @ nc.gov/covid19

**And don't forget your Ws!** **Wear. Wait. Wash.**
**WEAR** a face covering.
**WAIT** 6 feet apart from other people.
**WASH** your hands often.

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Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Communication: Cases A24-01017, -0109, and -0110 Exhibit 5: SHPO Review Letter (Cases A24-0107, -0109, -0110 Rivers Property Local

# Local Historic Landmark Application

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

Exhibit 1

## A. Required to be Submitted at Time of Application

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

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

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

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

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

Date of requested hearing: Jan 2, 2024 - 3pm

## C. Property Information

Street Address: 611 W King st; Boone, NC 28607 (Horton Hotel)

Watauga County Parcel Identification Number: 2900-88-3953-000

Existing Zoning District(s): B1DC Downtown Core

Total Land Area: 0.11 acres

Are there any existing variances, or other site-specific approvals granted to the property? ☐Yes ☒No ☐Unknown

If yes, describe:

## D. Applicant Information

Name: SPA Properties

Complete Mailing Address (Street, City, Zip): PO Box 12592; Charlotte, NC 28220

Phone Number: 941-773-8910

Email Address: info@spapropertygroup.com

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

## E. Property Owner Information

Name: SPA Properties

Complete Mailing Address (Street, City, Zip): PO Box 12592; Charlotte, NC 28220

Phone Number: 941-773-8910

Email Address: info@spapropertygroup.com

## F. Landmark Information

Proposed Landmark Name: The Horton Hotel

Period of Significance: 1929 - Present

Provide a narrative, under separate cover, that describes how the proposed landmark meets the Town's criteria for Landmark Designation. Areas of importance shall include, but are not limited to:



Communication: Case A23-0634 Exhibit 1: Application (Case A23-0634 Horton Hotel Local Historic Landmark)

Time-period of significance

Historic function or use

Significant events that occurred at, around, or resulted in the proposed landmark

Important persons associated with the proposed landmark

Detailed-description of the physical characteristics of the proposed landmark, including the architectural style and materials used

A list of significant exterior architectural features that should be protected

A detailed description of the property

Description of the current conditions of the proposed landmark and whether it has maintained its historical integrity in terms of location, design, materials, etc.

## G. Applicant Signature and Property Owner Authorization

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.

| Paul Pessina | | 12/18/2023 |
|---|---|---|
| **Property Owner (Print)** | **Property Owner (Signature)** | **Date** |

| Official Use Only | | | | |
|---|---|---|---|---|
| Permit Name: Horton Hotel - Local Historic Landmark | | | | |
| Permit Number: A23-0634 | | | | |
| Date: 12-18-23 | Fee: $375.00 | Receipt Number: 515321 | Method of Payment: ☐ Cash ☒ Check Number: 1329 | Paid By: Horton Hotel |

Public Hearing Meeting Date: _____

PC Meeting Date: _____

TC Meeting Date: _____

Date of APO Mailed Notification: _____

Date of Posted Notification: _____

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

S:\FORMS\PI_Forms_Current\Planning Forms\LocalHistoricLandmark_07012021.docx



Communication: Case A23-0634 Exhibit 1: Application (Case A23-0634 Horton Hotel Local Historic Landmark)

**BOONE HISTORIC PRESERVATION COMMISSION**
**Local Landmark Designation Report**

# H. W. Horton Building

**611 West King Street**
**Boone, North Carolina**



**Prepared by**
**Dr. Eric Plaag, Carolina Historical Consulting, LLC**
**FINAL Version, January 8, 2024**

Communication: Case A23-0634 Exhibit 2: Designation Report (Case A23-0634 Horton Hotel Local Historic Landmark)

Communication: Case A23-0634 Exhibit 2: Designation Report (Case A23-0634 Horton Hotel Local Historic Landmark)

**Cover image: H. W. Horton Building, circa 1937. Image courtesy of the Bobby Brendell Postcard Collection, Digital Watauga Project.**

## I. General Information

*A. Common and Historical Property Names*

H. W. Horton Building
Horton-Spainhour-Hodgson Building
Horton Hotel

*B. Physical Address or Location*

611 West King Street, Boone, NC 28607

*C. Tax Parcel Identification Number (PIN)*

2900-88-3953-000

*D. Current Owner(s) Name(s)*

SPA Properties I, LLC (24.78%)
SPA Properties-Greenbriar, LLC (25.136%)
SPA Properties-CLT 1, LLC (23.945%)
SPA Properties-CLT II, LLC (26.150%)

*E. Current Owner(s) Mailing Address(es)*

PO Box 12592, Charlotte, NC 28220

*F. Appraised Value of the Property*[1]

| | |
|---|---|
| Land Value: | $ 191,700 |
| Building Value: | 3,105,540 |
| TOTAL Value: | $ 3,297,240 |

[1] The term "appraised" is standard NC State Historic Preservation Commission (NC SHPO) language listed in their required formatting for local landmark designation reports, but the list figures do not reflect any formal appraisal by a licensed appraiser. These figures are assessed values pulled from Watauga County tax cards, as required by the NC SHPO.



Communication: Case A23-0634 Exhibit 2: Designation Report (Case A23-0634 Horton Hotel Local Historic Landmark)

## II. Abstract

The H. W. Horton Building retains special significance for its direct association with Henry Walter Horton (1873-1968), a prominent realtor and early cross-promoter of Boone and Florida tourism, who had the building constructed in 1929. Horton intended the building to be his high-style contribution to the ongoing Watch Boone Grow campaign, and it provided a striking increase in sophistication for downtown Boone architecture of the period. Horton lost ownership of the building later that same year, however, so the period of significance is a single year: 1929. While the building's architectural integrity is somewhat diminished by the removal of its Horton crest cartouche and prominent upper floor balconies, the alteration of its original storefront configuration early in the building's history, and the addition of a rooftop bar in recent years, the H. W. Horton Building is nevertheless the best surviving resource associated with H. W. Horton and retains excellent integrity for interpretation of Horton's profound influence on Boone's early twentieth-century economic development and transition from a sleepy, backcountry county seat to a major Appalachian tourism hub after World War I.

The proposed local historic landmark boundary follows the present boundaries of the parcel associated with the H. W. Horton Building and represents the land historically associated with the historic context for the property. No interior features are included for designation.

## III. Historical Background

*Henry Walter Horton (1873-1968)*

Born on July 4, 1873, in Watauga County, Henry Walter Horton, Sr. (often listed as H. W. Horton or H. Walter Horton in newspaper accounts), was the child of Nancy Rebecca Blair Horton (1835-1920) and William M. Horton (1828-1875), the seventh of eight children born to the couple.[2] Horton's ancestors were reportedly early members of the Three Forks Baptist Church, the first congregation at what became Boone, and H. W. Horton was the great grandson of Jordan Councill, Sr. (1769-1838), an early and prominent landowner at what became Boone in 1849. During his lifetime, Horton was fond of dressing in a military uniform that may have belonged to his first cousin, once removed, Colonel Jonathan "Jack" Horton, although Horton often claimed that the outfit belonged to his great grandfather, Nathan Horton, who was a Revolutionary War veteran.[3]

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[2] Ancestry.com, Watauga County, August 1968, *North Carolina, US, Death Certificates, 1909-1976* [database online], (Lehi, UT: Ancestry.com Operations, Inc., 2007); "Henry Walter Horton, Sr.," FindAGrave.com [database online], accessed 12 November 2023, available at https://www.findagrave.com/memorial/52209022/henry-walter-horton.

[3] On the Horton genealogy, see John Preston Arthur, *A History of Watauga County, North Carolina*, (Richmond: Everett Waddey, Co., 1915), 321-325. A picture of Colonel Jonathan Horton appears within this section of Arthur. For an article on Horton's relative's uniform, including multiple photographs, see Nixon Smiley, "The Good Old Days," *Miami Herald Sunday Magazine,* 12 May 1963: 6-7. Nathan Horton does indeed appear to have been a captain in the Second New Jersey Regiment (Western Battalion), but the uniform sported by H. W. Horton during the twentieth century does not appear to match the "Jersey Blues" that were the official uniform adopted by the state's militia during the Revolutionary War. These uniforms featured a blue coat with red lapels and red cuffs. A



Communication: Case A23-0634 Exhibit 2: Designation Report (Case A23-0634 Horton Hotel Local Historic Landmark)

Early in his adult life, H. W. Horton appears to have settled at North Wilkesboro, where he owned North Wilkesboro's first telephone scheme, the Horton Telephone Company, and later served as vice president of the Bank of North Wilkesboro.[4] Census records that might document Horton's residence in 1890 have not been found, but in the 1900 federal census, he was listed under the name "Walter H. Horton" as a boarder living in the James E. Finley residence in North Wilkesboro. His occupation was listed as "bank clerk."[5] Other sources indicate that he was "actively engaged in the real estate business in North Wilkesboro from the time that progressive town was started," about 1891.[6] That work, however, appears to have been accompanied by other endeavors, including a stint offering "a brand new line of clothing, hats, shoes, and gents' furnishing in the Blair building, North Wilkesboro" in 1897.[7] In 1900, Horton appears to have been a partner in the Gwyn and Horton insurance agency at North Wilkesboro.[8] Horton was also listed among the incorporators of the North Wilkesboro Building and Loan Association in 1903.[9] By 1906, he was working as an agent of the Michigan Mutual Life Insurance Company and later for the New York Fire Insurance Company, but by 1908, Horton was serving as secretary and treasurer of the Wilkes County Fair Association, which brought the first county fair to that community that year.[10] By 1909, he was serving as the secretary and treasurer of the Citizens Loan and Trust Company of North Wilkesboro. An early proponent of automobile travel and a delegate to the Asheville "Road Congress" in 1909, Horton predicted that towns like Winston-Salem and Charlotte would soon be connected to North Wilkesboro by "an automobile line."[11]

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color example can be found in Tim Abbott, "The Schenk Coat: A New Jersey Officer's Uniform and Uncovering the Story Behind It," *'Another Pair Not Fellows'; Adventures in Research and Reinterpreting the American Revolution,* website online, http://notfellows.blogspot.com/2015/03/the-schenk-coat-new-jersey-officers.html, accessed 4 December 2023. On Nathan Horton's service record, see "Horton, Nathan," Pension Number W.7779, New Jersey, US Revolutionary War Pensions, 1800-1900, National Archives, online at Fold3.com, https://www.fold3.com/image/24181587/horton-nathan-page-1-us-revolutionary-war-pensions-1800-1900, accessed 4 December 2023. Some local historians have quipped privately and anecdotally to the author that they believe the uniform worn by H. W. Horton either dated to the War of 1812 or was a fabrication, but there is no direct evidence for either claim. Detailed research into the uniform's origin is beyond the scope of this project.

[4] "Telephone Pioneer Dies at 95," *Winston-Salem Journal*, 30 August 1968: 3. Horton was listed as the manager of a telephone exchange at Wilkesboro, NC, in "Telephone Notice," *Chronicle,* 29 January 1902: 1. Horton is listed as the bookkeeper for the Bank of North Wilkesboro in "Gwyn and Horton, of Wilkesboro, State Agents for North Carolina," *News and Observer,* 24 August 1899: 158.

[5] Ancestry.com, District 0154, North Wilkesboro, Wilkes, North Carolina, *1900 United States Federal Census* [database online], (Lehi, UT: Ancestry.com Operations, Inc., 2004). Most of the 1890 federal census was destroyed in a fire, and records for North Carolina were among the lost records.

[6] North Wilkesboro was first incorporated in September 1891. See Town of North Wilkesboro, North Carolina, "History: The Beginning: In a Hurry," *North Wilkesboro, North Carolina*, online, available at https://www.north-wilkesboro.com/180/History, accessed 5 December 2023.

[7] "Local Dots," *Chronicle*, 17 March 1897: 1.

[8] "Take a Look," advertisement, *North Wilkesboro Hustler,* 21 September 1900: 8.

[9] "Incorporation Notice," *Chronicle,* 8 April 1903: 4.

[10] "Personal Paragraphs," *Commonwealth,* 12 April 1906: 3; "Settling Fire Loss," *Charlotte News,* 14 September 1907: 1.

[11] "The Wilkes County Fair Association," *Watauga* Democrat, 24 September 1908: 1; Blurb, *Watauga Democrat*, 21 October 1909: 2.

Communication: Case A23-0634 Exhibit 2: Designation Report (Case A23-0634 Horton Hotel Local Historic Landmark)

In 1910, Horton was living with his brother William's family at North Wilkesboro and working as a cashier, most likely in the Bank of North Wilkesboro.[12] Two years later, Horton served as the secretary of the Board of Trade, encouraging the extension of railroads into the mountains and greater connection between the mountain communities and the rest of the country.[13] In 1913, while still living in North Wilkesboro, Horton also secured the chairmanship of North Wilkesboro's chapter of the Boone Trail Highway Association, a regional initiative led by the Daughters of the American Revolution that focused on creating a graded highway that followed Daniel Boone's purported route over the mountains to Kentucky.[14] Horton is also credited with developing Kensington Heights at North Wilkesboro, described in 1922 as "the heart of the town…and now one of the most attractive parts of the town."[15] He married a Charlotte native, Charity Susan Usher, in Miami, Florida, in 1912, and the couple produced four children.[16] By 1917, the Hortons appear to have been spending at least part of the year in Miami, where Horton was also heavily involved in the real estate trade.[17] This splitting of time between Miami and North Carolina would be a pattern for the remainder of Horton's life and a major influence in his business pursuits, prompting Jack Bell of the *Miami Herald* to describe Horton as "one of the pioneers in Carolina's famed summer tourist industry."[18]

Horton announced plans to settle in Boone from North Wilkesboro in February 1919, intending to establish a Nash automobile dealership after accepting the local agency assignment at Boone, in addition to already having the Nash distribution rights in Wilkes, Ashe, and Alleghany Counties.[19] He located the new dealership in a transformed remnant of the Old Brick Row associated with the Critcher (formerly Coffey) Hotel, directly on King Street in the heart of Boone's downtown.[20] Out of the gate, Horton advocated in the local press for a concerted initiative to develop Boone's industry and to draw Floridians to the remote, mountain town. Responding to proposals for a county fair in Watauga, Horton wrote in the local paper, "South Florida is reaping a harvest that runs up into the millions and the leading stock in trade that they are selling is air. That is it, and Watauga has for the people who want to find a summer resort just as much as Florida has to offer those who want a winter playground." Probably the first individual to make this connection between the two destinations, Horton did not relent for the remainder of his life. His February 1919

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[12] Ancestry.com, "District 0173, North Wilkesboro, Wilkes, North Carolina," *1910 United States Federal Census* [database online], (Lehi, UT: Ancestry.com Operations, 2006).

[13] H. W. Horton, "Board of Trade Banquet," *Watauga Democrat*, 18 January 1912: 1.

[14] "Boone Trail Highway Association," *Watauga Democrat*, 13 November 1913: 1. Writing for the *Davie Record* that month, Horton emphasized the touristic possibilities from completing the Boone Trail Highway: "This highway would enable travel from the central and eastern sections of the State to go directly into the heart of the mountains for outings and vacations." Horton quoted in Randell Jones, *Trailing Daniel Boone,* (Winston-Salem, NC: Daniel Boone Footsteps, 2012), 85. Jones's book is an excellent account of this endeavor.

[15] "Real Estate Co Organized in Boone," *Watauga Democrat*, 17 August 1922: 2.

[16] "Social and Personal," *Charlotte Observer*, 23 December 1912: 5.

[17] "Real Estate Co Organized in Boone," *Watauga Democrat*, 17 August 1922: 2.

[18] Jack Bell, "The Town Crier," *Miami Herald,* 10 April 1956: 6.

[19] "H. W. Horton, Distributor for the 'Nash Six' to Locate in Boone," *Watauga Democrat*, 13 February 1919; "Nash Six," advertisement, *Watauga Democrat,* 13 February 1919: 4.

[20] See D. J. Cottrell and Texie Cottrell to H. W. Horton, October 7, 1918, Deed Book 22, Page 50, Watauga County Register of Deeds.

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editorial went on to call for "a Bigger, Better Boone, and a Wide Awake Watauga," including a modern hospital developed through subscriptions.[21] In May 1919, the Hortons moved to Boone, living temporarily with his sister, Emma Moore, while they planned to construct a new home.[22] Horton wasted little time in making a name for himself in his new community, engaging in rampant boosterism and insisting that Boone must claim for itself the development initiatives that would make the community economically successful in the decades to come. After his arrival in Boone, Horton continued to promote the development of good roads, prompting the local paper to recall later, "Nobody had more to do with the promotion of the Boone Trail Highway than H. W. Horton, and his brother, Jont Horton…. Automobiles hadn't grown up [yet] when Mr. Horton and others were pushing the good roads program."[23] Indeed, Horton was the secretary of the Good Roads Commission of Watauga County in 1920, a position he had previously held with the Wilkes County Road Commission in 1918.[24]

When not visiting his "winter home" in Florida, Horton was also actively engaged in selling Maxwell and Nash vehicles at the Highway Motor Garage at Boone, located in the first H. W. Horton Building on the site of present building of that name, with the agency facing King Street and his nephew W. R. Winkler's garage and repair shop at the rear.[25] Horton's efforts to revolutionize Boone's economic significance did not end there, and he was a frequent leader in Boone's most important development initiatives of the twentieth century. Taking to the Charlotte press in 1919 to promote Boone as "the metropolis of western North Carolina" in his coverage of a major July Fourth parade honoring returned soldiers from World War I, Horton extolled Boone's virtues and its possibilities for development. While highlighting the large crowds of the parade, his comments also amplified the racial undertones often present in North Carolina press coverage and politics during the period, which no doubt resonated with many in his audience: "Between eight and ten thousand of the purest Anglo-Saxon blood to be found in the United States motored, wagoned, buggied, or walked to Boone, and by ten-thirty the town was crowded from one end to the other…. It was the greatest celebration the people of Watauga ever had, with not a sign of disorder of any kind, which so often mars the pleasure of such occasions." Horton was not afraid of shameless self-promotion, either, not only noting in this same account that the Nash Motor Car was involved in the parade, but also writing, "Boone…is enjoying a new sense of progress, as evidenced by the many substantial buildings that are going up. The new [railway] station is almost complete…and up on Main Street the Highway Motor Company of Boone and North Wilkesboro is building a garage and service station of brick 40 X 76

[21] H. W. Horton, "For a Bigger and Better Boone, and a Wide-Awake Watauga," *Watauga Democrat*, 27 February 1919: 2.
[22] "Local Affairs," *Watauga Democrat*, 29 May 1919: 3.
[23] Rob Rivers, "King Street," *Watauga Democrat,* 9 May 1957: 1.
[24] H. W. Horton, "Good Roads Mass Meeting," *Watauga Democrat,* 8 July 1920: 2; H. W. Horton, "Good Roads Progress in Wilkes," *Watauga Democrat*, 5 September 1918: 3.
[25] "Local Affairs," *Watauga Democrat,* 29 April 1920: 3; Rob Rivers, "King Street," *Watauga* Democrat, 21 November 1963: 4; and Rob Rivers, "King Street," *Watauga Democrat*, 5 September 1968: 4.

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feet…. Mr. H. W. Horton is getting material together for a bungalow on 'Pinetops' one mile south of Boone."[26]

By 1920, the Hortons were reporting their primary residence to Census authorities as being at Miami, Florida, despite Horton's substantial business interests in Boone, and their income was sufficient to employ a governess as a resident of their winter household.[27] Indeed, contemporary newspaper accounts indicate that the Hortons wintered in Florida to take advantage of opportunities there during the "tourist season," where Horton was described as also being in "the real estate business," but the family actually appears to have spent the bulk of the year in Boone, Census reports notwithstanding.[28] He frequently highlighted the advantages of both climates, while also noting the inherent business opportunities in attracting Floridians to Boone. "The Miami people like the western North Carolina mountains in summer, and many are telling me of their trips to Asheville and vicinity during the past year," Horton wrote in the local paper. "Boone and surrounding country can get them if she wants them."[29] Indeed, Horton spent much of his career leveraging Florida and Watauga County residents against one another, urging Floridians to buy Watauga County farms and Wataugans to buy vacation properties near the beach.[30] Newspaper accounts demonstrate that Horton was a major player as an auction agent for the Globe Reality and Auction Company, one of the primary real estate auction firms active in Boone during the 1920s.[31] He was also a partner with E. N. Hahn and J. H. Hardin in the short-lived Home Land and Investment Company at Boone in the early 1920s.[32] In addition to his real estate endeavors, Horton appears to have been engaged in the furnace trade, selling Caloric furnaces for new homes in the early 1920s, and in the building trades, selling graystone rock in 1926.[33] He was also engaged in selling off furniture, probably consisting

[26] "Mr. H. W. Horton Writes of County Celebration on July 4," *Watauga Democrat*, 10 July 1919: 1. The measurements of the Highway Motor Company match the first H. W. Horton Building on the site of the present building, suggesting that this business shared space with W. R. Winkler's garage operation. For an ad for the Highway Motor Company, see "Interesting Facts about Automobiles," *Watauga Democrat*, 25 September 1919: 2.
[27] Ancestry.com, "District 0032, Miami, Dade, Florida," *1920 United States Federal Census* [database online], (Provo, UT: Ancestry.com Operations, Inc., 2010).
[28] "Local Affairs," *Watauga Democrat,* 10 November 1921: 3; "Real Estate Co Organized in Boone," *Watauga Democrat*, 17 August 1922: 2. Regarding the complex arrangements Horton made when returning to Florida for the winter, see "Local Happenings," *Watauga Democrat*, 9 October 1924: 3.
[29] H. W. Horton, "Our Trip to Florida," *Watauga Democrat*, 23 November 1922: 1. Horton savvily promoted the capabilities of his Nash automobile in making the trip, no doubt helping his Nash dealership's sales at Boone.
[30] "Florida," advertisement, *Watauga Democrat*, 10 December 1925: 7; "Local Affairs," *Watauga Democrat*, 28 August 1947: 6. There are literally dozens of similar examples in the pages of the local paper over a five-decade period. Horton also served as the realtor on auction sales specifically designed to attract "summer home-seekers who would build estates here and for summer camp sites." See "Auction Sales" and related advertisement "Summer Homes-Camp Sites," *Watauga Democrat,*25 August 1927: 1, 5.
[31] "New River Farm at Auction," *Watauga Democrat*, 5 October 1922: 2.
[32] "Notice of Dissolution," *Watauga Democrat*, 16 November 1922: 4. On the organization of the firm, see "Real Estate Co Organized in Boone," *Watauga Democrat*, 17 August 1922: 2.
[33] "Local Affairs," *Watauga Democrat,* 28 September 1922: 3; "Build with Graystone Rock! Why?" advertisement, *Watauga Democrat*, 15 July 1926: 4.

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of the contents of Judge W. B. Councill's residence on King Street in the heart of downtown Boone, shortly before its demolition for the construction of the Daniel Boone Hotel.[34]

Locals recognized the power of Horton's apparently boundless energy for business. Horton served as a founding member and the president of the Boone Commercial Club from 1920 to 1922, when the club was pushing at Horton's insistence for "electric lights and power, better sanitation and health, new public school buildings, [an] express office, [and a] telegraph connection." The club boasted 137 members in 1921 and appears to have functioned like an early Chamber of Commerce. Other initiatives promoted under Horton's tenure included a host of factories and production facilities.[35] One of these was a fierce campaign for the establishment of a canning factory at Boone in 1920, which culminated in H. Neal Blair's factory on Boone Creek at the west end of Boone in 1923.[36] These efforts coincided with the Watch Boone Grow campaign, which reached its pinnacle from 1920 to 1925 with the completion of many of the major commercial block properties in downtown Boone that still stand to this day.[37] Under Horton's leadership, the club also appears to have pushed for anti-alcohol legislation and increased enforcement of intoxication statutes in the town, an initiative that led to Boone being a statutorily dry town well into the 1980s.[38] This was in keep with Horton's early commitment to temperance causes in the 1890s while living at North Wilkesboro.[39] Horton appears to have backed off of his involvement in local leadership about 1923, while still splitting his time between Miami and Boone, but regular notices appeared in the local paper each time he and his family would resume residence at Boone.[40] Horton's promotion of Boone, however, did not let up. In 1925, Horton was at the center of a "good will tour" of 55 Wilkesboro businessmen led throughout the Watauga region by automobile. The culminating dinner, held at the newly completed Daniel Boone Hotel, featured addresses by five key figures, including Horton. "One point of interest was brought out during the dinner," the local paper noted, "and that was that Florida people are

[34] "Household Goods Furniture," *Watauga Democrat*, 4 October 1923: 5. The sale took place at Judge Councill's residence.

[35] "Free Tickets to Chautauqua," *Watauga Democrat*, 21 July 1921: 3; "The Boone Commercial Club," *Watauga Democrat*, 19 May 1921: 3. For an early description of the club, see "The Boone Commercial Club Making Plans for Development in Boone and Watauga County," *Watauga Democrat*, 23 September 1920: 2. On the founding of the club, see "Commercial Club Organized at Boone," *Watauga Democrat*, 26 August 1920: 1. Horton also served on the Advertising Committee of the Commercial Club.

[36] "Canning Factory for Boone Being Agitated," *Watauga Democrat*, 29 July 1920: 2.

[37] For more on the Watch Boone Grow campaign, see Eric Plaag, "Comprehensive Architectural Survey of Downtown Boone, North Carolina, FINAL REPORT," February 2021, Boone Historic Preservation Commission, 33-51, online, available at http://www.townofboone.net/DocumentCenter/View/1334/Comprehensive-Architectural-Survey-of-Downtown-Boone-North-Carolina-2021.

[38] "Enthusiastic Club Meeting," *Watauga Democrat*, 28 July 1921: 2.

[39] "The 'Dry' at North Wilkesboro," *Chronicle,* 23 April 1896: 4. Horton was on the executive committee for the temperance group and served as its secretary. He also served as the secretary for the YMCA when it was established at North Wilkesboro in 1899. See "North Wilkesboro Hustler," *Union Republican,* 6 March 1899: 7.

[40] For example, see "Local Affairs," *Watauga Democrat*, 15 April 1926: 5. Horton's intention to continue splitting his time between Miami and Boone was revealed in 1923, when the local paper described his efforts to build a summer home for his family at Boone: "Mr. Horton spends the summers here and the winters in Miami, Florida, and is getting the work under way before leaving for the winter." See "Local Affairs," *Watauga Democrat*, 18 October 1923: 5.

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buying much real estate in the section around Boone, and that the northwest country bids fair to become one of the nation's summer playgrounds during the next ten years."[41] Horton soon resumed local leadership roles, as he was also a charter member of the Boone Civitan Club, founded in 1927, and made the motion at a community meeting in November 1926 for the formation of Boone's first volunteer fire department.[42] He also served on the committee appointed to develop the American Legion Park as a public park for Boone.[43]

In line with those business interests, Horton was also a Watauga delegate to the 1926 gathering in Wilkes County to push for completion and paving of the Boone Trail Highway.[44] Construction of the Horton's new residence at Boone, however, appears to have been delayed until 1925, with the Hortons renting various spaces in Boone, including the old Judge Councill home (originally Jordan Councill, Jr.'s house) in the years before 1925.[45] The Hortons' new home (WT0545, inappropriately identified as the Ala McGuire House) was unusual for its Florida-influenced, Spanish Colonial Revival architecture, and local tradition holds that Horton built the house to serve as a model home for the Florida vacation properties he was pushing to Boone and Watauga County residents during the 1920s. Such an arrangement would certainly seem to track with Horton's savvy cross-marketing brand. As Horton said during this period, "There are only two real places to live, one being Watauga, the other Miami."[46]

[41] "Wilkes Boosters Tour Northwest," *Watauga Democrat*, 27 August 1925: 1.
[42] Original Boone Civitans Are Guests at Ladies' Night Event," *Watauga Democrat*, 2 July 1964: C4; "Boone Soon to Have a Modern Volunteer Fire Department," *Watauga Democrat,* 18 November 1926: 1.
[43] "Boone C. of C. in Session Monday," *Watauga Democrat*, 22 April 1926: 1.
[44] "Great Gathering of Road Enthusiasts in Wilkes," *Watauga Democrat*, 30 September 1926: 1, 7.
[45] "Local Happenings," *Watauga Democrat*, 21 May 1925: 5; "Local Affairs," *Watauga Democrat*, 14 April 1921: 3. Horton began grading for the "summer home" in October 1923. See "Local Affairs," *Watauga Democrat*, 18 October 1923: 5. The Hortons' renting of the Judge Councill residence may explain why they were selling off the furniture in the home, perhaps with Councill family permission, as described above.
[46] "Back Home from Florida," *Watauga Democrat,* 28 June 1923: 5.



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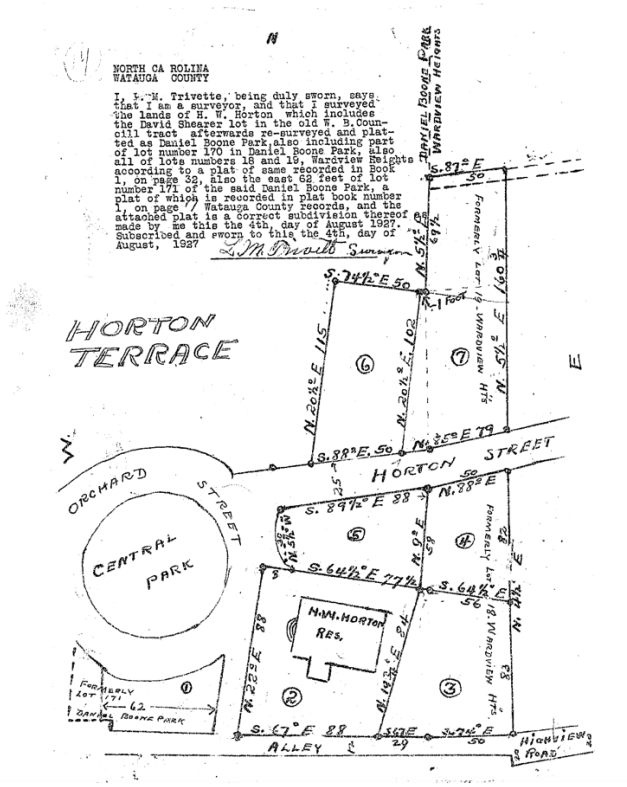


Plat for Horton Terrace, 1927, courtesy of Watauga County Register of Deeds. Horton Street is now part of Orchard Street.

In addition to his dealership concern with W. R. Winkler's garage in the same building, Horton continued to be a major figure in Boone's early real estate market, serving as the selling agent for Wardview Heights, a new, racially restricted subdivision near Boone's downtown created in June 1926. He also appears to have been the broker for dozens if not hundreds of properties during the 1920s, the vast majority of them residential or farm properties in Boone and the outlying parts of Watauga County. His ads typically promised that buyers would double their money, thus making the purchases "Worth the Price" even while taking on increasing debt—a foreshadowing of Horton's own looming difficulties.[47] Indeed, Horton ran newspaper advertisements as early as 1926 promoting his attempts to draw Floridians to Boone in droves. One such ad read, "Wanted: Listings on Land large or small tracts anywhere near Boone or Blowing Rock to offer my Florida prospects. H. W. Horton, 691 Seybold Bldg, Miami, Fla."[48] In 1927, Horton also developed a new subdivision, Horton Terrace, which was made up of pieces of Daniel Boone Park and Wardview Heights that were located adjacent to his own new residence on Orchard Street. As part of this project, Horton renamed an adjacent street as Horton Street and created "Central Park," a circular drive with generous green space, directly in front of his home, suggesting a

[47] "Wardview Heights," advertisement, 17 June 1926: 3; "Worth the Price," *Watauga Democrat*, 27 August 1925: 7; and "Worth the Price," *Watauga Democrat,* 1 July 1926: 8. Horton eventually re-appropriated the "Worth the Price" slogan in the 1940s. See "Worth the Price," advertisement, *Watauga Democrat,* 12 July 1945: 5.
[48] "Wanted," advertisement, *Watauga Democrat*, 11 February 1926: 5.



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triumphant promenade with his residence at its center.[49] Horton later sold the home on Horton Terrace to Roger McGuire in 1938.[50]

Horton's crowning achievement was his construction of the second H. W. Horton Building on King Street in the heart of Boone in 1929. Located on the site of his former garage property and designed to be the most upscale commercial property in Boone—both architecturally and in terms of its retail offerings—the building certainly brought a sophistication to downtown Boone not previously found in the early commercial architecture boom of the Watch Boone Grow period. Unfortunately, Horton's timing for this investment in the new H. W. Horton Building also could not have been worse, as he was already significantly overextended on debt. In October 1929, just as the building was completed, national stock markets imploded, signaling the beginning of the Great Depression, and the impact of that economic collapse left Horton even further in arrears on his ability to pay for the work on the new Building.[51] At first, in July 1929, Horton tried to work out a deal with local contractor Wiley G. Hartzog, proposing to have Hartzog pay off Horton's debts and provide a payment of $1,250 in cash to Horton in exchange for Hartzog's free and clear ownership of the property, but Hartzog does not appear to have agreed to the proposal.[52] By December, Horton had lost ownership of the building, the property having been sold at auction by Sheriff L. M. Farthing to A. W. Hodgson of Meat Camp for $16,105. Execution sales then followed to pay off the property's debt. As the local press explained, "The greater part of the money went to laborers and to firms in this section who furnished materials for the building, and who had never been paid due to the fact that the original owner of the building had failed to get sufficient loans to carry the project through."[53] In the years that followed, the building was accordingly sometimes referred to as the "Horton-Spainhour-Hodgson Building."[54]

Horton's financial difficulties extended to several of his other properties. In 1930, the mortgagee on three lots in Horton Terrace foreclosed on the Hortons and called for an auction sale of the property, while a separate home and lot in Mrs. Horton's name was auctioned for failure to pay town taxes.[55] Horton also lost his one-third interest in an important spring in downtown Boone.[56] Two years later, another mortgage holder sold off a fourth Horton Terrace lot on account of default.[57] Later that same year, Gordon Winkler sued the Hortons for payment of a tax lien Winkler held on three and a half lots, apparently

[49] For a plat of Horton Terrace, see "Horton Terrace," Plat Book 1, Page 14, Watauga County Register of Deeds.
[50] "Local Affairs," *Watauga Democrat*, 5 May 1938: 5.
[51] On the market crash as reported locally, see "Stock Prices Crash," *Watauga Democrat*, 31 October 1929: 1.
[52] This proposal is documented at H. W. Horton and Susan Horton to W. G. Hartzog, 20 July 1929, Deed Book 37, Page 442, Watauga County Register of Deeds.
[53] "New Horton Building Again Changes Hands," *Watauga Democrat*, 5 December 1929: 1; and "$12,000 Paid Out as Result of Execution," *Watauga Democrat*, 12 December 1929: 1.
[54] "Burgess Antique Shop," *Watauga Democrat,* 21 March 1940: 6.
[55] "Notice of Mortgagee's Sale," *Watauga Democrat*, 25 September 1930: 7; "Sale of Land for Town Tax," *Watauga Democrat*, 16 January 1930: 7.
[56] "Notice of Execution Sale," *Watauga Democrat*, 6 February 1930: 5.
[57] "Notice of Sale of Land," *Watauga Democrat*, 12 May 1932: 7.

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separate from the first four, in the Horton Terrace development.[58] Oddly, Horton reported as being a hatter in a Miami hat factory in the 1930 Census, perhaps reflecting his diminished economic circumstances in the midst of the Great Depression and his inability to leverage capital for real estate speculation.[59] Horton's finances eventually recovered, however, and he returned to land speculation and development in both Boone and Florida by the mid-1930s, as evinced by accounts in the local press. By 1936, Horton was also serving as the supervisor of clerical workers for the Works Progress Administration at Boone who were attempting to fill out vital statistics records for the area.[60]

An important example of Horton's second wave of speculation lay in Horton's visionary desire to lure tourists to Boone and the surrounding mountains once more, long before other area developers were even contemplating such possibilities during the spartan years of the Great Depression. As early as 1937, the "H. W. Horton Cabins" and "Horton's Camp" on Winkler's Creek were a popular vacation destination for visitors from off the mountain.[61] The following year, Horton added a nine-hole golf course to the facility.[62] Later described as the first of the tourist camps and courts that eventually became the popular form of lodging in Boone in the years immediately following World War II, the Winkler's Creek location also served as Horton's primary summer home in the Boone vicinity for decades to follow, perhaps explaining his decision to sell the Horton Terrace home in 1938.[63] These cabins were later used by various groups for retreats and other recreational purposes, or sold as vacation homes, often to Floridians.[64] His subsequent development, in partnership with W. J. Crutchfield, of the nearby Rocky Creek properties during the 1940s was only an extension of this appeal to Floridians and others to build mountain vacation homes. Many of these cabins remain extant on Winkler's Creek Road and Rocky Creek Road, and Horton continued to pitch remaining lots in the years immediately preceding his death.[65] These successful projects in turn led to other vacation land speculation by Horton

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[58] "Notice of Service," *Watauga Democrat*, 29 December 1932: 7.

[59] Ancestry.com, "District 0049, Miami, Dade, Florida," *1930 United States Federal Census* [database online], (Provo, UT: Ancestry.com Operations, Inc., 2002).

[60] "Vital Statistics Record Incomplete," *Watauga Democrat,* 21 May 1936: 1.

[61] "Local Visitors," *Watauga Democrat*, 5 August 1937: 1; and "Visit Horton Cabins," *Watauga Democrat,* 23 June 1938: 3. From the 1930s to the 1960s, frequent accounts in the *Watauga Democrat* documented off-mountain visitors by name who were staying at the cabins.

[62] "Golf Course Added at Winkler's Creek," *Watauga Democrat*, 1 September 1938: 4.

[63] Writing on Horton's death in 1968, Rob Rivers said, "Later Mr. Horton established one of the first tourist courts in this county along the waters of Winkler's Creek, when the places were known as 'tourist cabins'…. He [also] developed the Rocky Creek homesite area." See Rob Rivers, "King Street," *Watauga Democrat*, 5 September 1968: 4. Horton's residence at the site is documented by a frantic ad he published following the August 1940 flood, explaining that many valuable and historic items in his home had been washed away in the raging waters of Winkler's Creek. See "Lost," advertisement, *Watauga Democrat*, 29 August 1940: 8.

[64] "Newton MYF Seniors Have Meeting Here," *Watauga Democrat*, 3 October 1957: 10. For one such sale, see "Local Affairs," *Watauga Democrat*, 3 April 1947: 5.

[65] "News from Rocky Creek Section," *Watauga Democrat*, 16 July 1953: 6; "Rocky Creek News Items," *Watauga Democrat,* 20 August 1959: C1; and "Rocky Creek Development," *Watauga Democrat*, 25 July 1963: 7. This appears to have been the rural area just off Winkler's Creek Road and along Rocky Creek Road, where a number of earlier cabins and homes built during the 1960s are still extant. This location appears to be affirmed in Rob Rivers, "King Street," *Watauga Democrat*, 18 August 1955: 4, as well as in a plat for the "Horton-Crutchfield Vacation Camp Sites

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in the Doe Ridge vicinity.[66] In 1947, Horton also served as a major promoter for the development of Sky Ranch, a summer camp for handicapped children located in the Winkler's Creek vicinity.[67]

In the 1940 Census, Horton listed himself as a real estate salesman living primarily in Miami with his wife and two of his children.[68] Dozens of newspaper accounts, however, suggest that Horton was still splitting time between Miami and Boone, a pattern that may have adversely impacted his marriage. The Hortons divorced in 1940, and while they appear to have remained in contact for the rest of their lives, Horton's business and real estate presence in Boone continued to loom large; the local paper is filled with want ads for the rental and sale of various H. W. Horton-owned properties from the 1930s into the 1960s.[69] Indeed, Horton appears to have been a factor in an early, postwar housing crisis in Boone, when Appalachian State Teachers College faculty alerted the Chamber of Commerce that there was not sufficient housing for students and tourists in the coming decade; Horton's efforts to recruit Floridians were cited as a contributing part of the crisis.[70] Meanwhile, Horton also continued to recruit Wataugans to buy property in Florida as winter destinations.[71] By 1950, the Hortons remained divorced, with Walter living alone back in Watauga County, operating his tourist camp and continuing to speculate in real estate.[72]

on Winkler's Creek," November 1944, Plat Book 1, Page 75, Watauga County Register of Deeds. In full disclosure, the author of this report rented part of a modern house on lots 24, 25, and 26 of this development when he first moved to Boone in 2011 and is familiar with many of the buildings along the remote and rural Rocky Creek Road, as well as the scores of still undeveloped lots on this land.

[66] "For Sale," advertisement, *Watauga Democrat*, 25 June 1964: 7.

[67] "Sky Ranch is New Venture," *Watauga Democrat*, 2 October 1947: 1.

[68] Ancestry.com, "69-103A, Miami, Dade, Florida," *1940 United States Federal Census* [database online], (Provo, UT: Ancestry.com Operations, Inc., 2012).

[69] There are far too many such advertisements to list here. For representative samples, see four separate ads in *Watauga* Democrat, 23 August 1923: 5; four separate ads in sequence in "Want Ads," *Watauga Democrat,* 20 June 1946: 5; "Wanted," *Watauga Democrat*, 28 May 1953: 7. Record of the Hortons' divorce can be found at Ancestry.com, "H, 1940," *Florida, US, Divorce Index, 1927-2001* [database online], (Provo, UT: Ancestry.com Operations, Inc., 2005). For a copy of their Florida divorce decree, see "Final Decree," Susan Usher Horton v. H. W. Horton Sr., 8 May 1940, Deed Book 50, Page 263, Watauga County Register of Deeds.

[70] "Housing Short in City, C of C Is Reminded," *Watauga Democrat*, 6 May 1948: 1.

[71] "Buy Florida Homesites," *Watauga Democrat*, 15 March 1945: 1.

[72] Ancestry.com, "95-18, Other Places, Watauga, North Carolina," *1950 United States Federal Census* [database online], (Lehi, UT: Ancestry.com Operations, Inc., 2022). His wife Susan appears to have been living with two of her children in Miami during this time, where she listed herself as divorced. See Ancestry.com, "69-82, Miami, Dade, Florida," *1950 United States Federal Census* [database online], (Lehi, UT: Ancestry.com Operations, Inc., 2022).

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Henry Walter Horton in his relative's military uniform, 1949 Watauga County Centennial Parade. Image courtesy of the Historic Boone Collection, Digital Watauga Project.

Horton remained active in Watauga County real estate speculation well into the 1950s. In 1952, for example, he posted ads seeking local farmers to sell out their lands to "buyers who are coming to buy, improved or unimproved," many of them apparently clients from his Florida real estate business who came north to purchase some of Horton's Boone lots for summer homes.[73] But Horton also continued to dream big for Boone's future. Perhaps Horton's boldest proposal was his attempt to secure sufficient land to develop a ridge-top airport on Tater Hill, just north of Boone. Predicting that Boone and Blowing Rock would be "growed together" within 30 years, Horton persuaded Clyde Eggers, who owned much of the acreage, to give land for the proposal. Mrs. Claude Miller, commenting on the scheme in the local paper, quipped, "This guy needn't be so smart…. They'll probably do it, then all the Florida folk will flock up there to escape the Florida heat, come summer."[74] Present-day

[73] "Wanted," advertisement, *Watauga Democrat*, 22 May 1952: 8; "Local Affairs," *Watauga Democrat*, 28 May 1953: 5.

[74] Mrs. Claude Miller quoted in Rob Rivers, "King Street," *Watauga Democrat*, 9 May 1957: 4.



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Watauga residents would no doubt agree that both Horton and Miller were completely correct in their visions of the area's future.

By 1961, Horton judged himself no longer capable "to give proper attention to my property and affairs" and conveyed power of attorney to his son, Henry W. Horton, Jr.[75] Horton died at the age of 95 on August 29, 1968, at Blowing Rock Hospital from arteriosclerosis.[76] Upon his death, the editor of the *Watauga Democrat* summed up Horton's significance to the development and history of Boone:

> Mr. Horton had uncommonly progressive tendencies. For his last years he spent his summers in Boone and wintered in Florida, where he sold with great success the summertime charms of his native hill country. He was responsible for many Floridians taking up summer residence here. He sold real estate and in his active years was in the forefront of every movement calculated to add to the well-being of Boone and Watauga County.[77]

*The (Second) H. W. Horton Building, 1929*[78]

The first "H. W. Horton Building" on the site was a remnant of the Old Brick Row of the Coffey Hotel built about 1870 (later known as the Critcher Hotel). Horton purchased the property in 1918, accounting for 40.5 feet of street frontage on what was then known as Main Street, then leased part of the space to W. R. Winkler and Company for use as a garage. Following demolition of the first H. W. Horton Building in October 1928, Winkler moved his operations to the Watauga Motor Company Building (WT0605) on South Depot Street, and Horton made plans for construction of the new building.[79]

[75] "Power of Attorney," Henry W. Horton, Sr., to Henry W. Horton, Jr., 4 June 1961, Deed Book 86, Page 172, Watauga County Register of Deeds.

[76] Ancestry.com, Watauga County, August 1968, *North Carolina, US, Death Certificates, 1909-1976* [database online], (Lehi, UT: Ancestry.com Operations, Inc., 2007); "H. Walter Horton, Civic Leader, Dies at Age 95," *Watauga Democrat*, 5 September 1968: 3.

[77] Rob Rivers, "King Street," *Watauga Democrat*, 5 September 1968: 4.

[78] Portions of this history are gleaned from Eric Plaag, "Comprehensive Architectural Survey of Downtown Boone," 143-49.

[79] "Modern Building Replaces Garage," *Watauga Democrat,* 25 October 1928: 1. On Horton's 1918 purchase of the site, see D. J. Cottrell and Texie Cottrell to H. W. Horton, 7 October 1918, Deed Book 22, Page 50, Watauga County Register of Deeds. On Winkler's move, see "We Have Moved!" advertisement, *Watauga Democrat*, 15 November 1928: 3.



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The first H. W. Horton Building, located between the Qualls Block (left) and the Boone Drug Company Building (near right), circa 1923. Image courtesy of the Historic Boone Collection, Digital Watauga Project.

Completed in October 1929, the present H. W. Horton Building was noteworthy for having the highest first-floor interior ceiling of any building in Boone at 18 feet, a spacious 27' X 30' mezzanine in the large, first-floor retail space, and a prominent, limestone cartouche

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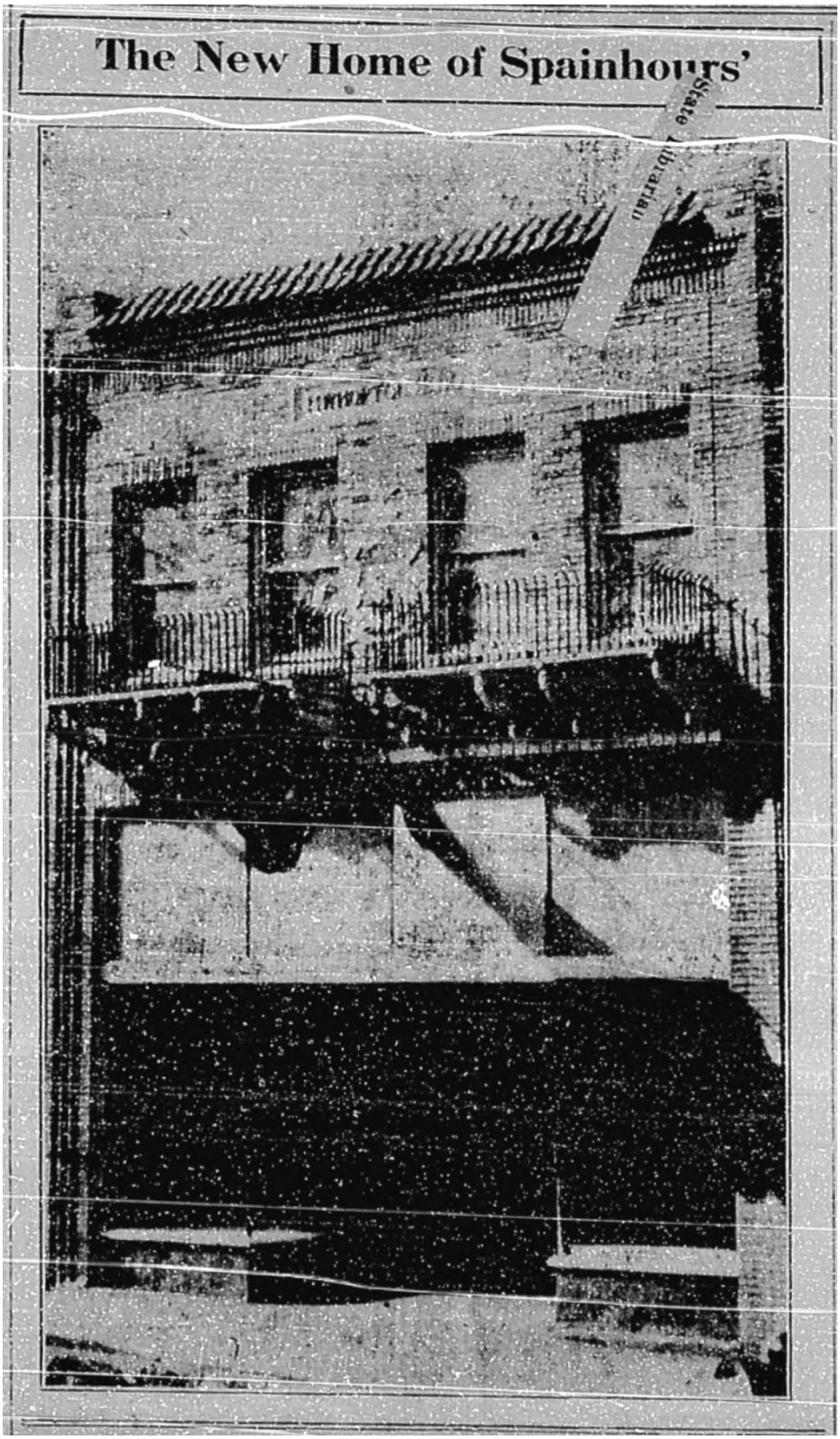


The new H. W. Horton Building as it appeared upon its opening in 1929. Image from the *Watauga Democrat,* May 9, 1929, courtesy of DigitalNC.org.

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displaying the Horton family crest.[80] Unusual to Boone's commercial architecture for its yellow brick and terracotta tile, the two-story building also featured a full basement as retail space. One of the first occupants was the Spainhour Department Store, which moved from the Jones Block (WT0591) across the street to the larger first-floor retail space with mezzanine offered by the Horton Building. Spainhours' already had a favorable reputation for their Wilkes County department store operations, and they expected that Boone offered "remarkable growth during the coming years," a bold prediction on the eve of the Great Depression.[81] The store featured "thoroughly modern" ready-to-wear, millinery, and shoe departments "usually found in towns twice the size of Boone."[82] The Rhodes-Day Company, a furniture business, occupied the basement level, apparently in cooperation with the Spainhours' operation. Local press extolled the building's many special features, including "finer and more elaborate fixtures, excellent daylight provisions, and the most modern type of show windows yet devised." The arrival of the updated space for Spainhours' was further described as finally providing Boone with "a thoroughly modern department store" when its grand opening occurred in May 1929.[83] Upper stories appear to have featured offices and apartments.[84]

Construction of the building was not without its challenges. In June 1929, for example, a fire "of unknown origin" broke out in the upper story of the building, causing minimal damage.[85] Oddly, Horton also only used 27 feet of the 40.5 feet of street frontage available following the demolition of his old property for construction of the second H. W. Horton Building. Prior to his decision to demolish the old Horton Building but apparently in contemplation of doing so, Horton sold twelve feet of street frontage and the entire south portion of his parcel to W. R. Winkler and A. E. Hamby in 1927.[86] A subsequent agreement just ten days later stipulated that second-floor access to any building constructed on Winkler and Hamby's parcel would be provided via a staircase in the west building built by Horton.[87] While it is unclear what Winkler and Hamby intended to do with the smaller parcel, they ultimately abandoned those plans, selling the lot to Winkler's brother Gordon

[80] Rob Rivers, "King Street," *Watauga Democrat*, 5 August 1965: 4; "Spainhours' New Store Building to Open Soon," *Watauga* Democrat, 14 March 1929: 1; and "Spainhours' to Formally Open Fine New Building Tomorrow 9 O'Clock," *Watauga Democrat*, 9 May 1929: 1. A contract specifying some of the appearance of the new building can be found at H. W. Horton to W. R. Spainhour, 29 September 1928, Deed Book 37, Page 398, Watauga County Register of Deeds. One odd provision was the inclusion of "from six to eight prism windows…placed along the East side of the building just over the shelves, approximately six feet long each and four feet high." These windows appear to have been covered over with the construction of the Perry and Winkler Building to the east in 1929.

[81] "Spainhours' New Store Building to Open Soon," *Watauga* Democrat, 14 March 1929: 1.

[82] "Spainhours' Almost Ready for Opening," *Watauga Democrat*, 2 May 1929: 1.

[83] "Spainhours' to Formally Open Fine New Building Tomorrow 9 O'Clock," *Watauga Democrat*, 9 May 1929: 1; "Spainhours' Declare Opening Successful," *Watauga Democrat*, 16 May 1929: 1.

[84] "Local Affairs," *Watauga Democrat*, 27 November 1930: 5; "Modern Building Replaces Garage," *Watauga Democrat*, 25 October 1928: 1.

[85] "Local Affairs," *Watauga Democrat,* 13 June 1929: 4.

[86] H. W. Horton and Susan Usher Horton to W. Ralph Winkler and A. E. Hamby, 2 July 1927, Deed Book 35, Page 250, Watauga County Register of Deeds.

[87] H. W. Horton with W. Ralph Winkler and A. E. Hamby, agreement, 12 July 1927, Deed Book 36, Page 383, Watauga County Register of Deeds.



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in 1928, shortly after Horton announced plans for his new building on the adjoining lot.[88] Gordon Winkler appears to have begun work on his building (WT0594 Perry and Winkler Building) about the same time as Horton, perhaps in cooperation with one another, and Winkler's first tenant, R. M. Greene's "The Music Store," occupied the first floor retail space about the same time that Spainhours' opened in Horton's building.[89]

As previously noted, shortly after the H. W. Horton Building was completed in October 1929, Horton lost control of the property in a lawsuit brought by contractors who remained unpaid after the building was complete, and Sheriff L. M. Farthing sold the building to A. W. Hodgson to raise revenue to satisfy the judgment in that case.[90] As a result, the building was often referred to as the Hodgson Building in deeds for decades thereafter. Spainhours', meanwhile, closed their store in Boone in 1939, with Burgess Antique Shop—later known as Burgess Furniture—taking over the space in March 1940.[91] In 1950, J. E. Joines bought out the Burgess Furniture Company and took over the retail space in the building.[92] Beginning in 1954, Bob Sime operated a radio and television repair shop in the basement of the building for an unknown period of time.[93] Joines sold his business in 1959 to O. M., R. C., and Dennis Greene, who then operated as Greene's Furniture out of the Edmisten Building (WT0883).[94] McClung's Five Cents to One Dollar Store took over the old Joines space in the building later that fall, remaining there until the following year, when W. W. Mac Company bought out McClung's and continued to operate under their own name in the space.[95]

W. W. Mac appears to have given up its tenancy sometime between 1963 and 1965, when Mix Mates became the first-floor tenant.[96] It's not clear how long Mix Mates remained in the building, but at the time of the 1988 architectural survey of Boone, Bash Riprocks was the tenant.[97] At some point in the mid-1990s, the building became known as the "Ad-Lib Building," when a tenant of that name appears to have occupied the first floor space. In 2004, the building was again renovated to a configuration for Art Walk, a consignment art dealer who occupied the first floor, mezzanine, and basement. This business closed in 2017 when the building was sold to Lovin Marketing Company for conversion to a boutique hotel. After extensive renovations, the Horton Hotel opened in the building in early 2019.

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[88] A. E. Hamby, Mildred Hamby, W. R. Winkler, and Effie Winkler to Gordon H. Winkler, 22 November 1928, Deed Book 38, Page 234, Watauga County Register of Deeds.
[89] "Removal Notice!" *Watauga Democrat*, 9 May 1929: 2.
[90] "New Horton Building Again Changes Hands," *Watauga Democrat*, 5 December 1929: 1; and "$12,000 Paid Out as Result of Execution," *Watauga Democrat*, 12 December 1929: 1. For the sale to Hodgson, see L. M. Farthing to A. W. Hodgson, Sheriff's Deed, 5 December 1929, Deed Book 37, Page 524, Watauga County Register of Deeds.
[91] "Spainhours Will Close Store Here," *Watauga Democrat*, 7 September 1939: 1; "Burgess Antique Shop," advertisement, *Watauga Democrat,* 21 March 1940: 6.
[92] "Joines owner Burgess Store," *Watauga Democrat,* 1 June 1950: 1.
[93] "Announcing," advertisement, *Watauga Democrat*, 10 June 1954: 12.
[94] "Joines Sells Boone Store," *Watauga Democrat*, 4 June 1959: 1.
[95] "New Stores Open Here," *Watauga Democrat*, 29 October 1959: 1; "McClung Sells Variety Store," *Watauga Democrat,* 3 November 1960: 1.
[96] Mix Mates photo, *Watauga Democrat*, 30 September 1965: C3.
[97] See WT0593 H. W. Horton Building, Survey File, North Carolina State Historic Preservation Office.



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With each of these shifts in tenants, particularly after the 1930s, the exterior, first-floor configuration appears to have been altered, as evinced in the selection of images that follows. By the early 1950s, for example, the original, iron balconies for the upper stories had been removed, and much of the Horton crest cartouche had been obliterated, leaving exposed holes from the removal of the balcony brackets. A cable-hung awning briefly appeared on the façade by 1960 until its removal by the late 1960s for a faux, gable-fronted storefront applique that covered (or destroyed) portions of the original storefront windows. With the 2004 renovations, all traces of the original window configurations of the first-floor storefront and mezzanine were completely removed. The addition of the rooftop bar with the property's renovation into the Horton Hotel further detracts from the architectural integrity of the building, given the high visibility of this addition from oblique angles on King Street and adjoining properties.

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H. W. Horton Building, circa 1937. Image courtesy of the Bobby Brendell Postcard Collection, Digital Watauga Project.

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The H. W. Horton Building, 1953. Image courtesy of the Palmer Blair Collection, Digital Watauga Project.

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The H. W. Horton Building, circa 1960. Image courtesy of the Jones House Collection, Digital Watauga Project.




The H. W. Horton Building with Mix Mates as tenant, circa 1966. Image courtesy of the Harland Ledford Collection, Digital Watauga Project.

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The H. W. Horton Building, circa 1994. Image courtesy of the Downtown Boone Development Association Collection, Digital Watauga Project.

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The H. W. Horton Building, November 2015. Image courtesy of Carolina Historical Consulting, LLC.

*Additional Context:*

Several sources, including a prior owner, have incorrectly reported in recent years that the current building was constructed in 1919 and had once served as a garage for Ford Model Ts.[98] In addition, the last prior owner of the building has repeatedly claimed in several widely distributed marketing items and publications that the building once housed a Studebaker dealership. No evidence of this latter claim has been found. The error may arise from the prior owner's possible attempts to align the location of the Buck Maddux Motor Company, a Studebaker dealership located at 533 West Main Street in 1950, with his building's address. Based on address numbers in the 1947 Sanborn Map, however, this street address was well west of the downtown area in the Alvin Cannon Building, believed to be the building most recently occupied by Galileo's Restaurant at the southeast corner of

[98] This earlier building should not be confused with another building further west known as the "Horton Building" in the 1890s. See "Notice Notice!" *Watauga Democrat*, 3 May 1894: 3.



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King Street and the Poplar Grove Connector, on land owned by Alvin Cannon at the time.[99] Maddux moved his dealership to a building at what was then 208 Howard Street (WT0875 Brendell's Garage Building #2) in 1952. Another possible source for the prior owner's confusion is that W. R. Winkler, who once had a garage on the site of the Horton Building prior to construction of the current H. W. Horton Building, operated a Buick and Studebaker dealership in the Sebastian Building (WT0878) on the west end of King Street beginning in 1939 until about 1943, but the address was typically listed simply as "Main Street" in ads during this period.[100] No other Studebaker dealership is known to have existed in downtown Boone between 1888 and 1963, the year Studebakers ceased production in the US.

## IV. Assessment

*Statement of Significance*

The H. W. Horton Building retains special significance, beyond its significance as a contributing building to the Downtown Boone Historic District, for its direct association with Henry Walter Horton (1873-1968), who had the building constructed in 1929. A prominent real estate salesman, entrepreneur, and visionary on rural economic development and the importance of tourism to economic growth for Boone as a rural mountain town, Horton arrived in Boone at precisely the right time. In concert with other business and civic leaders, Horton took a leading role as the president of the Boone Commercial Club, campaigning fiercely for the Good Roads initiative that followed World War I and playing a pivotal role in creating the improved highway between Boone and North Wilkesboro. Under Horton's leadership, the Watch Boone Grown campaign that began in 1919 flourished dramatically, leading to unprecedented commercial growth and transformation in downtown Boone from 1920 to 1925. Horton also played a key role in developing and promoting new residential subdivisions like Wardview Heights and Horton Terrace, both located adjacent to downtown Boone, and he was certainly one of Boone's most active realtors during the 1920s. Distinguishing Horton from his peers was his focus on bringing Floridians and others from off the mountain to Boone and Watauga County to purchase new properties, often as summer vacation homes—a trend that has had a profound influence on Boone's history and now stands as a major challenge for Boone's future. Similarly, Horton encouraged Boone residents to look to his properties in Florida as investment opportunities and escapes from the harsh winters of Boone, another social settlement pattern that remains central to the experiences of many families in the Boone area.

The H. W. Horton Building was intended as Horton's contribution to the ongoing but fading Watch Boone Grow campaign in 1929 and served as a striking improvement in

[99] On the construction of the Alvin Cannon service station, see "Construction Work to Start Soon on New Tobacco Warehouse," *Watauga Democrat*, 28 February 1946: 1; and "Grand Opening," advertisement, *Watauga Democrat*, June 27, 1946: 8. On the opening of the Buck Maddox Studebaker dealership, see "Maddux Motor Co. to Open Monday," *Watauga Democrat*, 16 November 1950: 1.

[100] "New Auto Showroom Is Opened Today," *Watauga Democrat,* 4 May 1939: 1.



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architectural sophistication for downtown Boone. Despite Horton's financial setbacks that cost him ownership of the building almost immediately after it was completed, it nevertheless has remained a longstanding symbol of Horton's influence on the Boone community, and the fact that the building still bears his name today, including in the frieze plate at the top of the primary elevation, is a testament to that legacy. Accordingly, the period of significance for the building is the single year of 1929, which aligns with the period of Horton's direct association with the building.

In the years that followed construction of the H. W. Horton Building, Horton remained active in real estate and other commercial development around Boone, most notably through his development of the Horton Tourist Camp and the Horton Cabins, reported to be one of the first (if not the first) "tourist court" type arrangements in the Boone vicinity.[101] Established by 1938, this tourism-based enterprise predated the vast majority of the more traditional tourist court operations that were developed almost entirely after World War II at Boone. His visionary calls for a regional airport near Boone in the early 1950s predicted Boone's future as a major, year-round escape destination for tourists (many of them still Floridians). In short, it is nearly impossible to imagine what Boone would have been like without the gargantuan influence of Horton's initiatives and visions for what Boone could—and ultimately would—one day be.

Other resources associated with Horton, such as his home on Horton Terrace from 1925 to 1938, have been dramatically altered numerous times and no longer convey a clear and direct association with Horton during his long period of influence on Boone's history. Indeed, this residence is more often associated with Ala McGuire rather than Horton, as evinced by past survey reports on the property that actually refer to the house solely as the Ala McGuire House.[102] Other resources, such as the camp and cabins on Winkler's Creek Road and Rocky Creek Road, which lie outside of Boone's town limits, have either seen dramatic changes, been demolished, or have seen so much modern development surrounding them that they no longer retain sufficient integrity to convey their association with Horton and his influence. At the Horton-Crutchfield Vacation Camp Sites on Rocky Creek Road, for example, remnants of the old road traces are still evident, as are some of the original cabins, but many other lots have been developed with modern residences in recent years, thus destroying the integrity of feeling and association between this land and Horton.[103] The simultaneous association of these resources with W. J. Crutchfield, Horton's partner in these ventures, only further blurs a clear association with Horton and his

[101] For more on the later history of tourist courts and motels in the Boone vicinity, see Eric Plaag, "Blue Ridge Tourist Court and Motel: Local Landmark Designation Report," 3 May 2021, online, http://www.townofboone.net/DocumentCenter/View/1569/Blue-Ridge-Tourist-Court-and-Motel-Local-Landmark-Designation-Report-PDF.

[102] For the Ala McGuire House survey, see "WT0545 Ala McGuire House," North Carolina State Historic Preservation Office Archives, Western Office, Asheville, NC. Major alterations to the house, according to the survey file, include the stuccoing of the entire house, the removal of a sunroom on the south side of the house, the enclosure of the front porch, and the addition of a carport, extended kitchen, and a bedroom on the north side of the house.

[103] As noted previously, the author of this report lived in part of a modern building on Lots 24, 25, and 26 of the Horton-Crutchfield Vacation Camp Sites from 2011 to 2013 and hiked the remnants of the old road traces as well as Rocky Creek Road on a nearly daily basis.



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individual significance to the Boone community. The H. W. Horton Building, in short, is the best surviving resource in Boone to convey Horton's profound importance to his community and its economic and touristic development.

*Architectural Description*[104]

Fortunately, the *Watauga Democrat* ran a photo of the building in its May 9, 1929, edition, so the building's original appearance is well-documented.[105] The building was the equivalent of three stories in height on its north elevation, with yellow, multi-toned brick on the north elevation arranged generally in a running bond pattern. The entire north elevation façade was framed in a quadruple-tier border composed of three stepped, outer bands of headers on the sides and rowlocks at the top of the façade, with an interior band of stacked stretchers on the sides and a soldier course at the top of the façade. Stunted battlements rose at the upper corners of the north elevation, with a truncated shed roof composed of terracotta tiles in between the battlements and covering the stepped-back, brick parapet at the top of the elevation. The roof of the building itself was flat.

Immediately below the border at the top of the elevation was a limestone frieze plate that read "H. W. Horton Bldg.," flanked on both sides with two slightly separated, limestone medallions portraying wagon wheels. This use of wagon wheels in a non-Winkler building is unusual in Boone but may have been a nod by Horton—who was Winkler's friend—to Winkler's past association with the property. Recently, some observers have noted a similarity between these wagon wheel medallions and early Rotary Club symbols, but there is no indication that either Winkler or Horton was a Rotary Club member in 1929, or that there was even an active Rotary Club branch in Boone before that date. Today, all of the above-described, defining features of the building still survive.

A large cartouche featuring the Horton family crest originally hung between the center two windows of the second floor, but this had seriously deteriorated by 1953 and was removed during renovations in 2004, leaving behind a residual outline of the feature. Immediately below the frieze band were the four symmetrically spaced, one-over-one, double-hung sash, wooden windows of the second floor, each with a rowlock sill and soldier course lintel. While these piercings are intact today, the windows appear to have been replaced with metal, one-over-one, fixed windows when a renovation of the building was completed in 2004.[106] Also present when the building was constructed in 1929 two large, iron-balustraded balconies immediately below the east and west pairs of the second-floor windows, each of which were in turn supported by four large, scrolled brackets, probably of limestone. This feature was still present in 1950, as seen in Clarence A. Price's footage of the *Echoes of the Blue Ridge* Parade but had disappeared by 1953, apparently to allow the installation of a Westinghouse Appliances neon sign in service to Joines Furniture

[104] Much of this architectural description mirrors that found in Eric Plaag, "Comprehensive Architectural Survey of Downtown Boone," 143-47. Minor updates have been made to correct previous errors, reflect recent discoveries about the building, or describe recent renovations.
[105] "The New Home of Spainhours'," *Watauga Democrat,* 9 May 1929: 1.
[106] *Mountain Times,* 5 November 2014.



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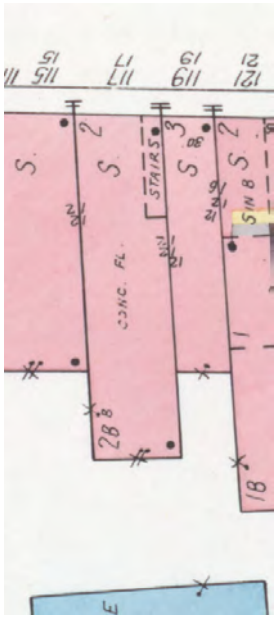
Company, the tenant at that time.[107] This change left the sockets where the bracket tabs joined the façade as voids in the brick. Since 2020, these voids have been filled with small, geometric designs, possibly constructed from wood, the intention being to eliminate water intrusion and create a more congruous appearance for the north elevation. In addition, a vertical, internally lit, metal blade sign advertising the Horton Hotel has been attached to the second-floor elevation between the east and west pairs of windows.




Detail crop from 1947 Sanborn Fire Insurance Map, Boone, North Carolina,
Sheet 2, showing the H. W. Horton Building as the slightly long building at center.
Image courtesy of the Library of Congress.

Immediately below the balcony level and above the storefront was a full course of wagon wheel medallions about the height of two courses of stringers. This defining architectural features also survives today. Below this was the massive storefront piercing, with a full soldier course serving as lintel to the storefront, which also remains intact. The original storefront configuration consisted of a wide and deep, recessed entry, probably with double doors, with flanking, plate glass, shop windows with low bulkheads that angled back out to the façade plane. On either side of the recessed entry at the façade plane was a large, plate glass, shop window with a low bulkhead. A retractable, fabric awning was located between this storefront entry and the enormous, spanning, four-light, clerestory window above the storefront. No exterior access to the second floor was evident. This configuration seems to have survived intact at least through the late 1930s, but by 1953, a new storefront was in place, apparently the result of renovations completed by Joines Furniture in 1950. While the original clerestory window was retained, the lower portion was in a new, wood frame and entirely flush with the façade plane. At the east end was a single door entry with a large transom, presumably providing access to the second floor, as

[107] While it is very difficult to make out, this can be seen at the 0:36 mark in Clarence A. Price Home Movies #12: 1950 Echoes of the Blue Ridge Parade, Cla-Pri-01-006, Digital Watauga Project, online, available at https://youtu.be/CbS83Wun7ss?si=8-SWEVQJFBzGwv-9&t=36.



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also indicated in the 1947 Sanborn Map of Boone. A large, plate glass window was immediately west of this doorway, followed by a central doorway to the first-floor store with a slightly smaller transom overhead. Another large, plate glass window was located just west of this.

As part of McClung's tenancy in 1959, a "complete renovation" was initiated, although details of this work are not known. A circa 1960 image from the Jones House Collection, Digital Watauga Project, shows a cable-hung, flat awning suspended from the front of the store, but details of the actual storefront configuration are difficult to discern; in general, the previous storefront entry with spanning clerestory window and recessed entrance appears to have been intact in 1960, along with the second-floor entry at the east end of the façade, although it appears that the entire configuration was framed in aluminum. At some point before 1965, another renovation was completed, which removed this cable-hung awning. Images of the store in the mid 1960s indicate that these renovations included the addition of a faux gabled awning over the storefront, the application of some sort of vertical siding that completely obscured the clerestory window, and alteration of the storefront itself back to a recessed, central, double-door entrance with narrow transom, flanked by aluminum-framed, plate glass windows angling out to the street. Additional aluminum-framed, plate glass windows were aligned with the façade plane on either side of the recessed entry, and an aluminum-framed, single-door, second-floor entrance with transom at the east end of the storefront. This same configuration survived at the time of the 1988 and 2002 surveys. In 2004, this first-floor, storefront configuration was entirely removed from the building, and a new, metal-framed, window wall system, seven lights wide by four lights tall, with a slightly recessed, central entrance, was installed. The building was sold in 2017 to Lovin Marketing Company, which made dramatic alterations to the interior of the building for conversion to a boutique hotel, now known as the Horton Hotel. Exterior changes to the north elevation were relatively minor, consisting primarily of the addition of a thick, boxed, cable-hung, metal awning over the main entrance, bearing the Horton Hotel name on all three sides. Far more significant was the addition of a roof-top bar feature, consisting of a one-story, common bond, multicolored brick kitchen area built around an elevator stack that protrudes above the kitchen height. The kitchen/bar area features a boxed, wooden soffit on three sides, while the fourth side and the elevator stack are coped in metal. A large wooden deck surrounds the bar area on three sides and includes a metal post and cable-strung balustrade with a wooden handrail.

Throughout much of the building's history, WT0594 to the east, which was built in 1929, has almost entirely obscured the east elevation, save for the upper portion of a small part at the rear (south) end of the building. This wall is clad in running bond, multicolored, red brick and is essentially featureless, save for the stepped parapet roofline that is coped in terracotta tile. Much of the west elevation is obscured by WT0849, although a small portion is visible above the latter's roofline, and this has been parged over, while the stepped parapet roofline is coped in terracotta tiles. A brick, exterior chimney with two different brick stocks rises along the west wall of the building at the rear of WT0849, terminating at the stepped parapet, but it appears that this chimney may have been in service to WT0849 and simply elongated with the second brick stock when this building was constructed. The lower portion of the remaining part of the west elevation is obscured by the addition to

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WT0849, but the upper portion is clad in multicolored, red brick that is arranged primarily in a running bond pattern, with occasional header courses that follow no pre-arranged ratio and often appear nonsensically placed. A small, octagonal window has been opened near the top of this section, presumably to provide additional light to the hotel room at that location, probably as part of the hotel renovations, as it does not appear in earlier survey images from 2015, although there was a small vent at that location at that time.

As for the south elevation, the lowest portion is typically obscured in images of the building from circa 1950 and circa 1960, although the second floor and mezzanine levels clearly offered symmetrically spaced, double window bays of one-over-one, double-hung sash, wooden windows. Today, these piercings on these levels are still intact, although they have been partially filled with concrete borders in order to accommodate metal replacement windows and doorways ill-suited to the original piercings. At the second-floor level, the west piercing has been converted to a single door with a narrow sidelight set to the east, while the east piercing appears to be two, side-by-side sashes that may be casements. This pattern is repeated in reverse on the mezzanine level, although the west piercing has one fixed light to the east and a disproportionate, one-over-one, fixed-light pattern to the west side of the piercing. The first-floor level offers a single door set to the west side within a piercing that has been partially filled with concrete, with an east piercing of metal casements within a concrete border. The basement level mirrors this piercing pattern except that the east window is a three-light, plate glass window within a metal frame surrounded by a concrete border. The doors on each level are reached by a massive, iron fire escape supported by iron posts that zigzags its way up to each floor. Simple iron balustrades are present along stairs and at each landing. An additional course of stairs and a landing were added to this fire escape in early 2018, thus providing access to the roof, where the prior owner later constructed the rooftop bar. Various mechanicals are also present at the basement level just to the south of the building itself.

*Statement of Archeological Potential*

The H. W. Horton building is closely related to the surrounding environment and landscape. Archaeological deposits, such as structural remains of unknown earlier structures that may have been on the parcel, are unlikely to be present, but debris that accumulated on the property during its use and other remains that may be present, could provide information valuable to the understanding and interpretation of the property. Therefore, archaeological remains may well be an important component of the significance of the H. W. Horton Building. At this time no investigation has been done to discover these remains, but it is possible that they exist, and this should be considered in any re-development of the property.

*Statement on Integrity*

The H. W. Horton Building retains general integrity of design, setting, workmanship, materials, feeling, and association. Regarding setting, the property remains in the center of the Downtown Boone Local Historic District and is flanked on either side by several commercial block buildings that are contributing resources to the district, and the H. W.

Communication: Case A23-0634 Exhibit 2: Designation Report (Case A23-0634 Horton Hotel Local Historic Landmark)

Horton Building itself is listed as "contributing to the character of the district based on historical significance related to events or individuals associated with the property." With regard to design, workmanship, and materials, the exterior of the H. W. Horton Building retains many of its original, character-defining materials, including original masonry and masonry patterns, the original wagon wheel medallions of the north elevation, the stunted battlements at the upper corners of the north elevation, as well as the truncated shed roof composed of terracotta tiles in between the battlements and the stepped-back, brick parapet at the top of the elevation. All of these elements help convey the property's architectural significance at the time of the building's construction as well as the high degree of workmanship involved in the design and articulation of that design as compared to the architecturally simplistic commercial block buildings constructed in downtown Boone prior to 1929. The removal of the Horton family crest cartouche and the upper floor balconies and supporting brackets, both of which occurred prior to 1953 and relatively early in the building's history, no doubt have an adverse impact on the integrity of design, workmanship, and materials, but the surviving elements nevertheless are sufficient to communicate the grandeur of this building in its original architectural context. The adverse impact of the addition of the rooftop bar, while initially jarring—particularly when viewed from the higher elevation of the Jones House lawn across the street—is nevertheless mitigated by the fact that the rooftop bar is set back from the north parapet and thus impossible to view when standing at sidewalk level directly in front of the building.

The building also retains clear integrity of association with the individual who provides the building's special significance—Henry Walter Horton—in part because of the retention of the frieze plate bearing Horton's name on the main elevation. Interpretive efforts throughout the interior of the building, including numerous historic images of H. W. Horton, further assist in maintaining this integrity of association, as well as the fact that the present owner's business bears Horton's name as the "Horton Hotel." Similarly, the H. W. Horton Building continues to convey integrity of feeling through the aesthetic and historic sense of the late 1920s that remains present in the building's architecture, particularly when considered in combination with the other 1920s-era buildings that surround the H. W. Horton Building and provide context for its interpretation.

*Boundary Justification*

The proposed local historic landmark boundary follows the present boundaries of the parcel associated with the H. W. Horton Building and represents the land historically associated with the historic context for the property.

Communication: Case A23-0634 Exhibit 2: Designation Report (Case A23-0634 Horton Hotel Local Historic Landmark)

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Communication: Case A23-0634 Exhibit 2: Designation Report (Case A23-0634 Horton Hotel Local Historic Landmark)

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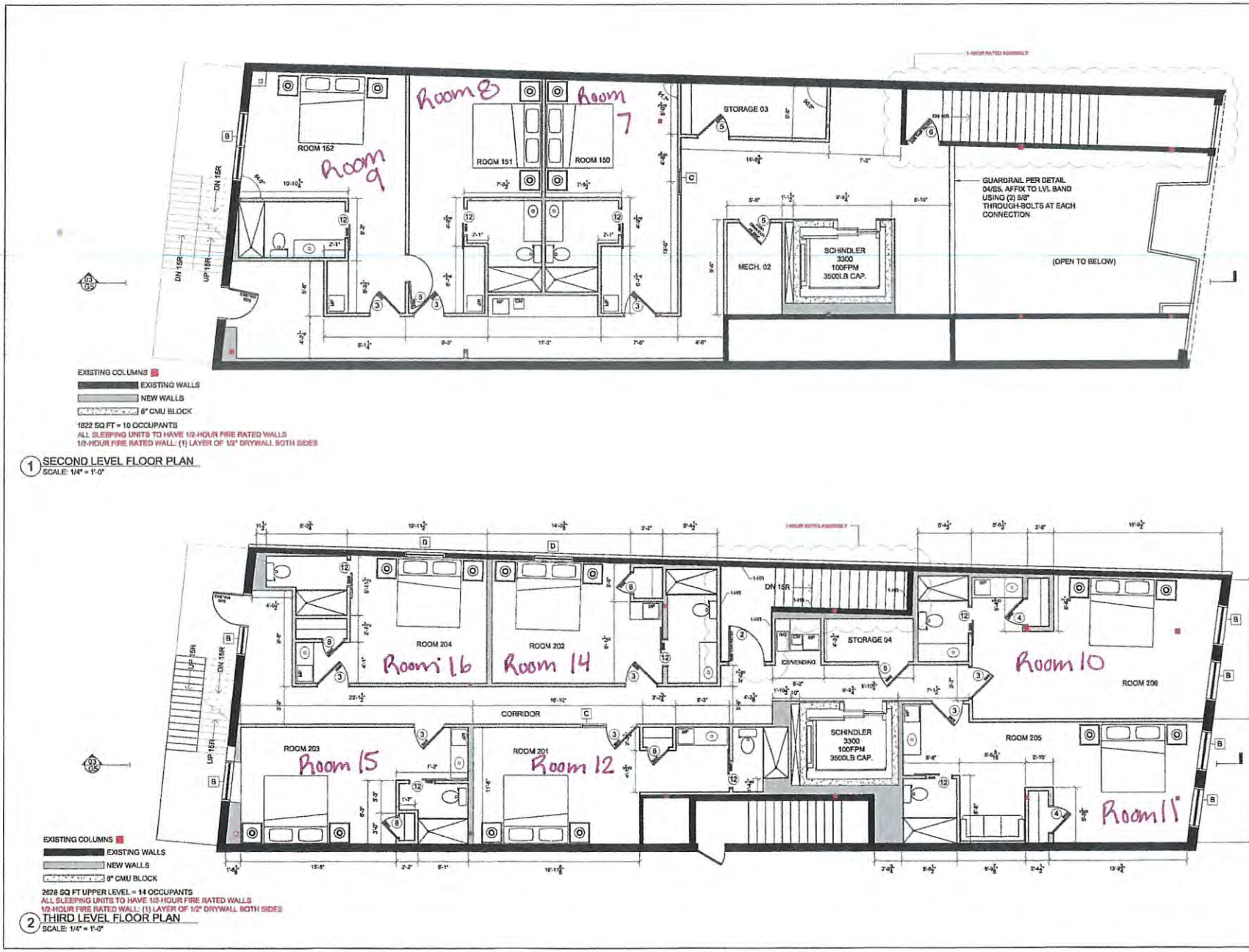
Communication: Case A23-0634 Exhibit 2: Designation Report (Case A23-0634 Horton Hotel Local Historic Landmark)

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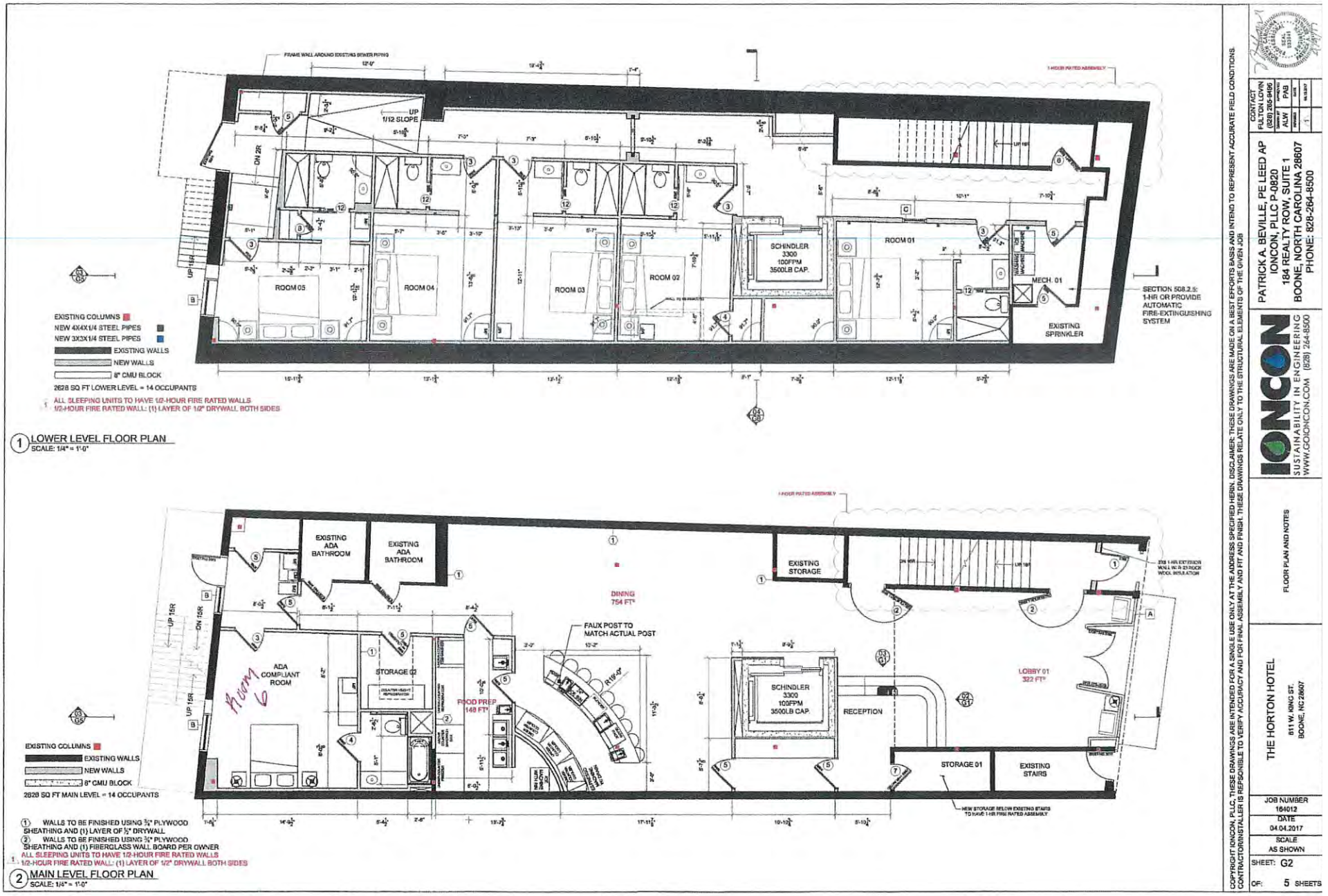
FLOOR PLANS

THE HORTON HOTEL
611 W. KING ST.
BOONE, NC 28607

JOB NUMBER 184012
DATE 04.04.2017
SCALE AS SHOWN
SHEET: G3
OF: 5 SHEETS

Communication: Case A23-0634 Exhibit 2: Designation Report (Case A23-0634 Horton Hotel Local




Communication: Case A23-0634 Exhibit 2: Designation Report (Case A23-0634 Horton Hotel Local



**1. NC_WataugaCounty_HWHortonBuilding_0001.JPG**

H. W. Horton Building context, looking southwest from Jones House lawn



**2. NC_WataugaCounty_HWHortonBuilding_0002..**

H. W. Horton Building context, looking southwest



**3. NC_WataugaCounty_HWHortonBuilding_0003.JPG**

H. W. Horton Building, looking southwest from Jones House lawn



**4. NC_WataugaCounty_HWHortonBuilding_0004..**

H. W. Horton Building, looking south from Jones House lawn

H. W. Horton Building
Boone, Watauga County, North Carolina
Images by Eric Plaag
September 11, 2023

Communication: Case A23-0634 Exhibit 2: Designation Report (Case A23-0634 Horton Hotel Local Historic Landmark)




**5. NC_WataugaCounty_HWHortonBuilding_0005.JPG**

H. W. Horton Building, north elevation, looking southeast




**6. NC_WataugaCounty_HWHortonBuilding_0006..**

H. W. Horton Building, north elevation, looking southwest




**7. NC_WataugaCounty_HWHortonBuilding_0007.JPG**

H. W. Horton Building, north entry detail, looking southeast




**8. NC_WataugaCounty_HWHortonBuilding_0008..**

H. W. Horton Building, upper facade detail, north elevation, looking southwest

H. W. Horton Building
Boone, Watauga County, North Carolina
Images by Eric Plaag
September 11, 2023

Communication: Case A23-0634 Exhibit 2: Designation Report (Case A23-0634 Horton Hotel Local Historic Landmark)



**9. NC_WataugaCounty_HWHortonBuilding_0009.JPG**

H. W. Horton Building, southwest oblique, looking northeast



**10. NC_WataugaCounty_HWHortonBuilding_0010.JPG**

H. W. Horton Building, south elevation, looking north



**11. NC_WataugaCounty_HWHortonBuilding_0011.JPG**

H. W. Horton Building, southeast oblique, looking northwest



**12. NC_WataugaCounty_HWHortonBuilding_0012.JPG**

H. W. Horton Building, rooftop deck rear, looking northwest

H. W. Horton Building
Boone, Watauga County, North Carolina
Images by Eric Plaag
September 11, 2023

Communication: Case A23-0634 Exhibit 2: Designation Report (Case A23-0634 Horton Hotel Local Historic Landmark)



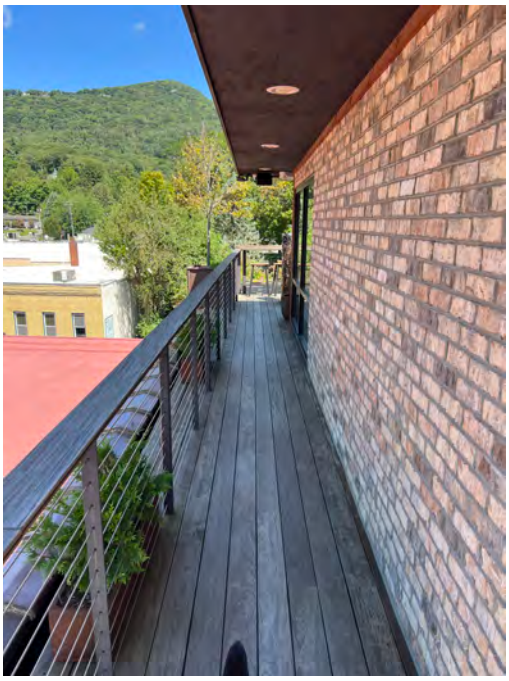
**13.**
**NC_WataugaCounty_HWHortonBuilding_0013.JPG**
H. W. Horton Building, rooftop deck rear, looking southeast



**14.**
**NC_WataugaCounty_HWHortonBuilding_0014.JPG**
H. W. Horton Building, rooftop deck rear, looking southwest



**15.**
**NC_WataugaCounty_HWHortonBuilding_0015.JPG**
H. W. Horton Building, rooftop deck rear, looking northeast



**16.**
**NC_WataugaCounty_HWHortonBuilding_0016.JPG**
H. W. Horton Building, rooftop deck, west elevation, looking nc

H. W. Horton Building
Boone, Watauga County, North Carolina
Images by Eric Plaag
September 11, 2023

Communication: Case A23-0634 Exhibit 2: Designation Report (Case A23-0634 Horton Hotel Local Historic Landmark)



**17. NC_WataugaCounty_HWHortonBuilding_0017.JPG**

H. W. Horton Building, rooftop deck, west elevation, looking south



**18. NC_WataugaCounty_HWHortonBuilding_0018.JPG**

H. W. Horton Building, rooftop deck, front, looking northeast



**19. NC_WataugaCounty_HWHortonBuilding_0019.JPG**

H. W. Horton Building, rooftop deck, front, looking southeast



**20. NC_WataugaCounty_HWHortonBuilding_0020.JPG**

H. W. Horton Building, rooftop deck, front, looking southwest

H. W. Horton Building
Boone, Watauga County, North Carolina
Images by Eric Plaag
September 11, 2023

Communication: Case A23-0634 Exhibit 2: Designation Report (Case A23-0634 Horton Hotel Local Historic Landmark)



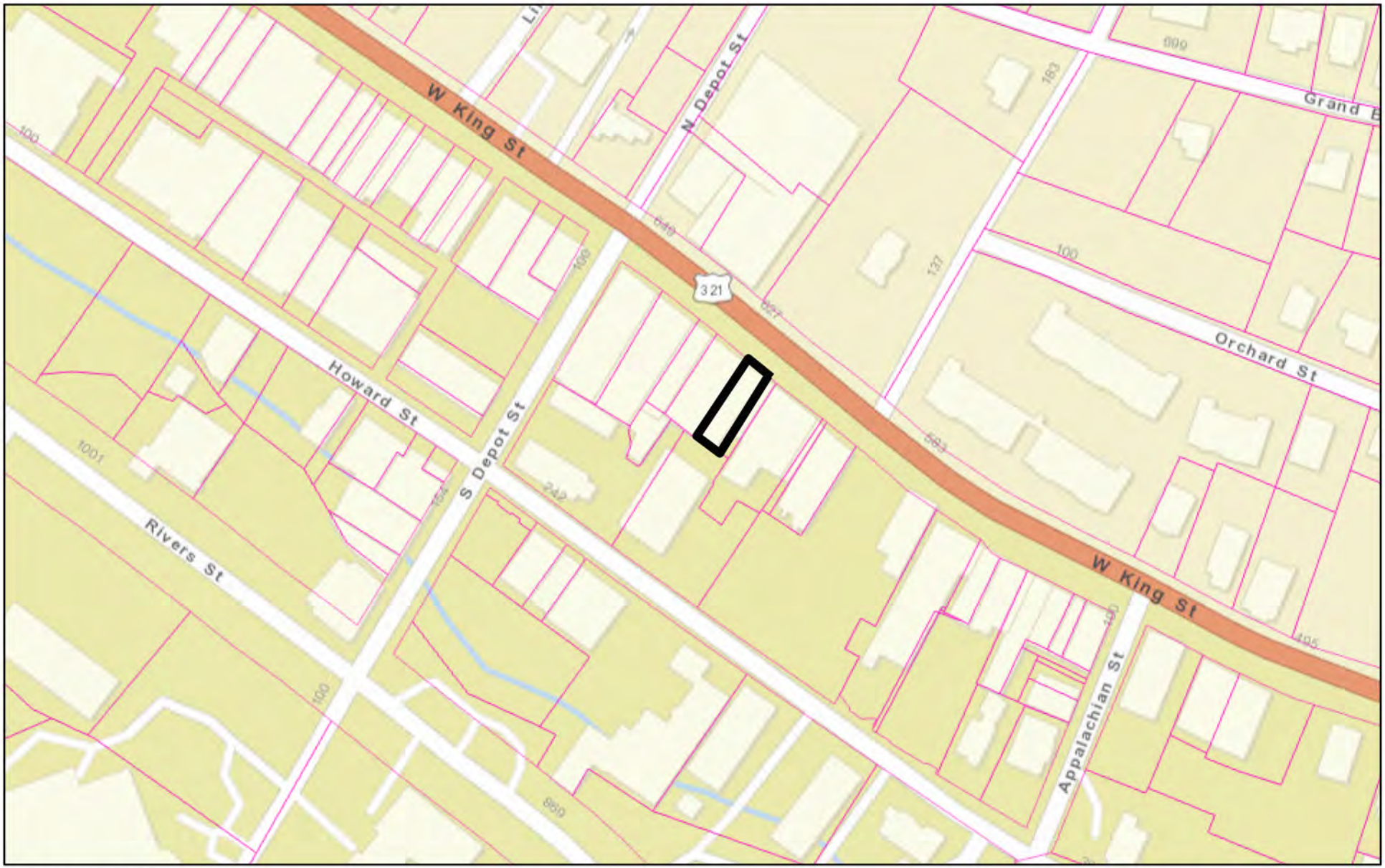
**21.**
**NC_WataugaCounty_HWHortonBuilding_0021.JPG**
H. W. Horton Building, rooftop deck, front, looking northwest

H. W. Horton Building
Boone, Watauga County, North Carolina
Images by Eric Plaag
September 11, 2023



Communication: Case A23-0634 Exhibit 2: Designation Report (Case A23-0634 Horton Hotel Local Historic Landmark)

# Local Historic Landmark Boundary Map & Site Plan




12/14/2023, 10:04:32 AM

Parcels

Local Historic Landmark Boundary

**WT0593 H. W. Horton Building**
**611 West King Street**
**Boone, Watauga County, NC**

**Map created by Eric Plaag**
**Carolina Historical Consulting, LLC**
**December 14, 2023**

N

1:2,257

0 0.01 0.03 0.06 mi

0 0.02 0.04 0.09 km

State of North Carolina DOT, Esri, HERE, Garmin, INCREMENT P, NGA, USGS, NC Center for Geographic Information and Analysis (NCCGIA), NC

North Carolina State His

State of North Carolina DOT, Esri, HERE, Garmin, INCREMENT P, NGA, USGS | NCCGIA, NC 911 Board | NC OneMap, NC Center for Geographic Information and Analysis, NC 911 Board | NC Center for Geographic Information and Analys

Communication: Case A23-0634 Exhibit 2: Designation Report (Case A23-0634 Horton Hotel Local

# Watauga County Auditor




December 13, 2023

H. W. Horton Building
Boone, Watauga County, North Carolina
Tax Map

1:1,272

0 0.01 0.02 0.04 mi

0 0.01 0.03 0.06 km

NOTE: Parcel lines are skewed from building location

Communication: Case A23-0634 Exhibit 2: Designation Report (Case A23-0634 Horton Hotel Local

**PARID: 2900883953000**
**SPA PROPERTIES I, LLC,** **611 KING ST W**

**Parcel**

| | |
|---|---|
| ParID | 2900883953000 |
| Tax Year | 2023 |
| SITUS Addess | 611 W KING ST |
| City, State, Zip | , NC , 28607 |
| Unit # | |
| Unit Description | |
| NBHD | 05C6 - DOWNTOWN BOONE BUSINESS |
| Class | CO - COMMERCIAL |
| Land Use Code | C71 - DOWNTOWN ROW TYPE |
| Living Units | 15 |
| CAMA Acres | .1 |
| Zoning | BOB1 - BOB1 |
| Map # | 2900-88-3953-000 |

**Jan 1 Values**

| | |
|---|---|
| Land Value. | 191,700 |
| Building Value | 3,105,540 |
| ========== | ======== |
| Appraisal Total | 3,297,240 |
| Exemptions or Exclusions | 0 |
| Land Deferred Value | |
| | ======== |
| Taxable Total | 3,297,240 |

**Owner Mailing**

| | |
|---|---|
| Tax Year | 2023 |
| Sequence Number | 0 |
| Owner Number | 1753698 |
| Owner | SPA PROPERTIES I, LLC |
| Mailing Address | P O BOX 12592 |
| City, State, Zip | CHARLOTTE NC 28220 |

**Legal Description**

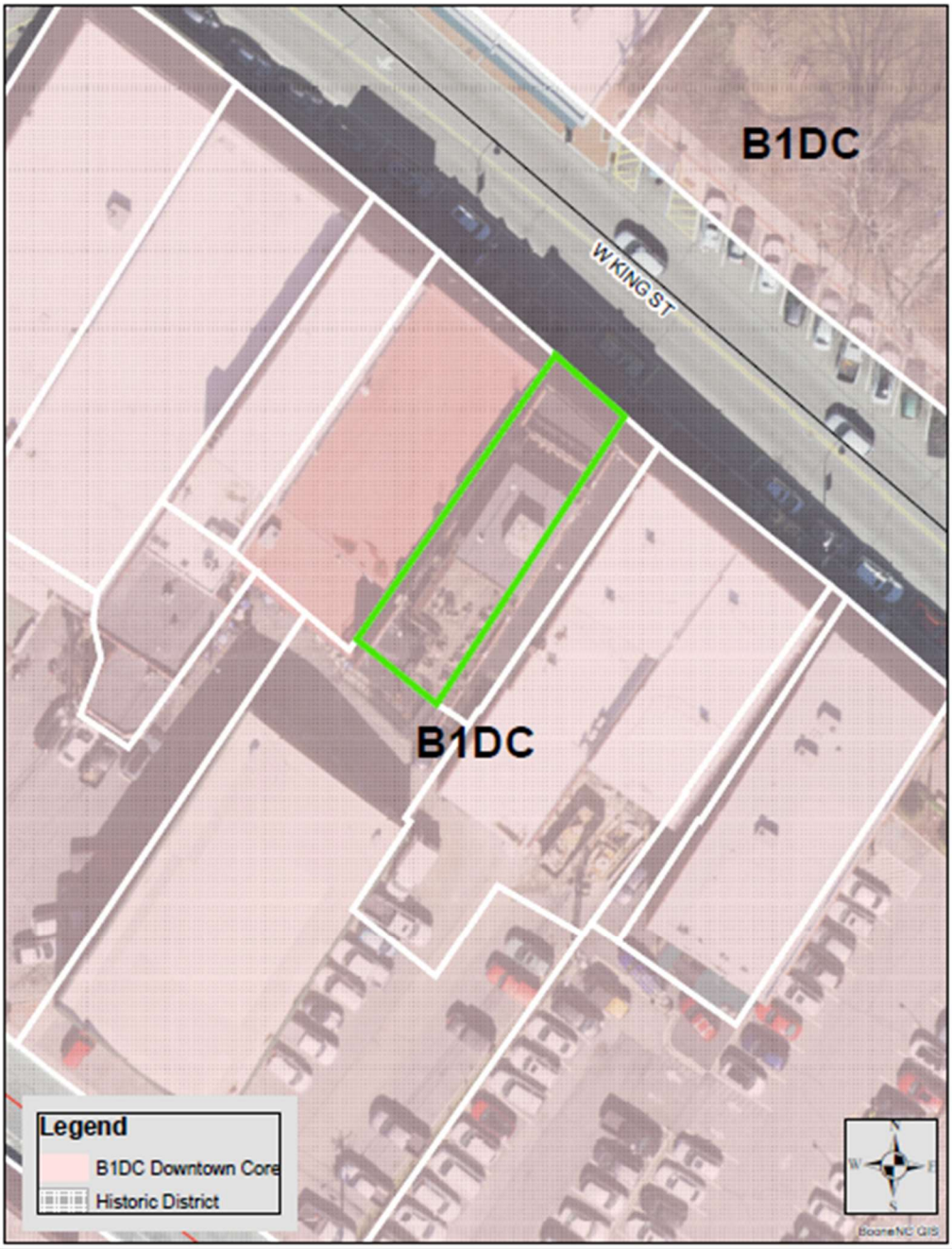
| | |
|---|---|
| Township | 05 - BOONE |
| City Code | |
| Jurisdiction (Tax Code District) | MS1 - MUNICIPAL SERVICE DIST |
| Unit Desc | |
| Unit # | |
| Book | |
| Page | |
| Legal Desc 1 | 611 W KING STREET |
| Deeded Acres | 0.00 |

Communication: Case A23-0634 Exhibit 2: Designation Report (Case A23-0634 Horton Hotel Local Historic Landmark)

| Sale Date | Book | Page | Sale Price | Grantor | Grantee |
|---|---|---|---|---|---|
| 20-AUG-21 | 2214 | 620 | 3,440,000 | LOVIN MARKETING CO | SPA PROPERTIES I, LLC |
| 07-JUL-17 | 1927 | 112 | 0 | STEC NO 16-4555, LLC | LOVIN MARKETING CO |
| 20-JAN-17 | 1901 | 162 | 1,200,000 | CANYON RIDGE, INC | STEC NO. 16-4555, LLC |
| 07-OCT-04 | 1014 | 284 | 0 | | STEC NO 16-4555, LLC |

Communication: Case A23-0634 Exhibit 2: Designation Report (Case A23-0634 Horton Hotel Local Historic Landmark)

**Staff Report**
**Public Hearing**
**May 29, 2024**
**Cases A23-0634 Horton Hotel Local Historic Landmark Designation – 611 West King Street - General Use Zoning Map Amendment**




## Request

SPA Properties I, LLC, has filed a Local Historic Landmark Application to designate the property at 611 West King Street (Watauga County PIN: 2900-88-3953-000), commonly known as the Horton Hotel, as a local historic landmark. The subject property is outlined in green on the map above.

Note: Historic landmark designation is processed as a general use zoning map amendment to the Town's official Zoning Map.

Communication: Case A24-0634 Exhibit 3: Staff Report (Case A23-0634 Horton Hotel Local Historic Landmark)

## History

| | |
|---|---|
| 10-21-2021 | The parcel for local historic landmark designation (Watauga County PIN: 2900-88-3953-000) was rezoned from B1 Downtown Business to B1 Downtown Core with the Unified Development Ordinance (UDO) text amendment for the B1 Downtown Expansion as part of Downtown Boone Local Historic District overlay. |
| 01-02-2024 | The Town of Boone Historic Preservation Commission (HPC) was presented a final draft report from the applicant on the subject property, pending discussed revisions and submitting supporting documentation. (See Exhibit 2, Local Historic Landmark Designation Report, final report dated January 2024) The HPC made a motion for the Town Council to recommend approval of the report to send to the North Carolina State Historic Preservation Office (SHPO) for their review. (See Staff Report Exhibit 4, HPC Advisory meeting minutes excerpt, January 4, 2024) |
| 02-14-2024 | Town Council approved the HPC's request for consideration of the report and approval for Staff to send the report to SHPO. |
| 02-20-2024 | Staff sent the designation report to the SHPO for comment pursuant to NC General Statute 160D-946. |
| 03-22-2024 | Staff received official written comment from the SHPO on the local historic landmark designation report. (See Staff Report Exhibit 5, Review Letter from SHPO and supporting documentation) |
| 04-09-2024 | The HPC discussed comments from the SHPO and made a motion to recommend designation of the H.W. Horton Building as a local historic landmark and to begin the process for a public hearing and to modify the report as discussed following SHPO's comments. The HPC also discussed regulatory standards for this property, including for the standards to be the existing historic district (Downtown Boone Local Historic District) standards and the Secretary of the Interior's Standards for Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (otherwise referred to as the Secretary of the Interior's Standards for Rehabilitation). This decision is until such time as Staff includes landmark properties within Appendix D revisions. The ordinance is to contain this language in regards to applicable standards to the properties. (See Staff Report Exhibit 4, HPC Advisory draft meeting minutes excerpt, April 9, 2024) |

## Parcel Information

| | |
|---|---|
| **Property Owner:** | SPA Properties LLC |
| **Watauga County PIN:** | 2900-88-3953-000 |
| **Address:** | 611 West King Street |
| **Size:** | 2803 square feet |
| **Jurisdiction:** | Town of Boone |
| **Access:** | West King Street |
| **Corridor District:** | No |
| **Viewshed:** | No |
| **Watershed:** | No |
| **SFHA:** | No |
| **Steep Slope:** | No |
| **Current Zoning:** | B1DC with and Local Historic District Overlay |

Communication: Case A24-0634 Exhibit 3: Staff Report (Case A23-0634 Horton Hotel Local Historic Landmark)

**Use:** 3.09 Hotel, Small

| | Adjacent Zoning | Adjacent Land Use |
|---|---|---|
| North | B1DC Downtown Core | Government Use (Jones House) |
| East | B1DC Downtown Core | Retail |
| South | B1DC Downtown Core | Offices |
| West | B1DC Downtown Core | Retail/Restaurant |

## Planning Staff Analysis

The Town of Boone is requesting approval for Local Historic Landmark designation for the property. Pursuant to UDO Subsection 8.02.01 the Council may adopt, amend or repeal Ordinances designating one or more historic landmarks. No property shall be recommended for designation as a historic landmark unless it is deemed and found by the Historic Preservation Commission to be of special significance in terms of its historical, prehistorical, architectural, or cultural importance, and to possess integrity of design, setting, workmanship, materials, feeling and/or association.

Each property designated as a landmark shall be identified in the Ordinance, along with the name or names of the owner or owners of the property, those elements of the property that are integral to its historical, architectural, or prehistorical value, including the land area of the property so designated, and any other information the Council deems necessary. For each building, structure, site, area, or object so designated as a historic landmark, the Ordinance shall require that the waiting period set forth in this Article be observed prior to its demolition. For each designated landmark, the Council may also provide for a suitable sign on the property indicating that the property has been so designated, and if the owner consents, the sign shall be placed upon the property. Otherwise, the sign shall be placed on a nearby public right-of-way.

Designation of historic landmarks is also regulated by NC General Statutes 160D, Part 4 Historic Preservation. Specifically, 160D-946 sets forth the process for landmark designation as follows:

| Requirement | H.W. Horton Building Compliance |
|---|---|
| The Department of Cultural Resources, acting through the State Historic Preservation Officer, shall, upon request of the department or at the initiative of the preservation commission, be given an opportunity to review and comment upon the substance and effect of the designation of any landmark pursuant to this Part. Any comments shall be provided in writing. If the Department does not submit its comments or recommendation in connection with any designation within 30 days following receipt by the Department of the investigation and report of the preservation commission, the commission and any governing board shall be relieved of any responsibility to consider such comments. | 1. HPC reviewed and recommended approval of the original request for local historic landmark designation on January 2, 2024 (See Staff Report Exhibit 4, HPC Advisory meeting minutes).<br>2. Planning Staff sent the report to NC State Historic Preservation Office on February 20, 2024 for review & comment following Town Council approval on February 16, 2024.<br>3. Planning Staff received official comment from NC State Historic Preservation Office on March 22, 2024. (See Staff Report Exhibit 5, Review letter from SHPO and supporting documents) |

Communication: Case A24-0634 Exhibit 3: Staff Report (Case A23-0634 Horton Hotel Local Historic Landmark)

| | |
|---|---|
| The preservation commission and the governing board shall hold a joint legislative hearing or separate legislative hearings on the proposed regulation. Notice of the hearing shall be made as provided by G.S. 160D-601. [requirements for Public Hearing to amend Zoning Ordinance or Zoning Map]. | Public Hearing with the Historic Preservation Commission, the Planning Commission and Town Council scheduled for Wednesday, May 29, 2024.<br><br>PC expected to make recommendations on May 29, 2024 or a further date specified as decided at the hearing. |
| Following the hearings, the governing board may adopt the regulation as proposed, adopt the regulation with any amendments it deems necessary, or reject the proposed regulation. | To be scheduled for Council consideration in June 2024. |

## CERTIFICATE OF APPROPRIATENESS

From and after the designation of a landmark, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), nor above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished on such landmark or within such district until after an application for a Statement of Conformity (SOC) for minor work or a Certificate of Appropriateness (COA) for major work has been approved as detailed in UDO Article 8 Historic Preservation Procedures and Appendix D Downtown Boone Local Historic District Design Standards and Handbook.

## 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.

Communication: Case A24-0634 Exhibit 3: Staff Report (Case A23-0634 Horton Hotel Local Historic Landmark)

**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.

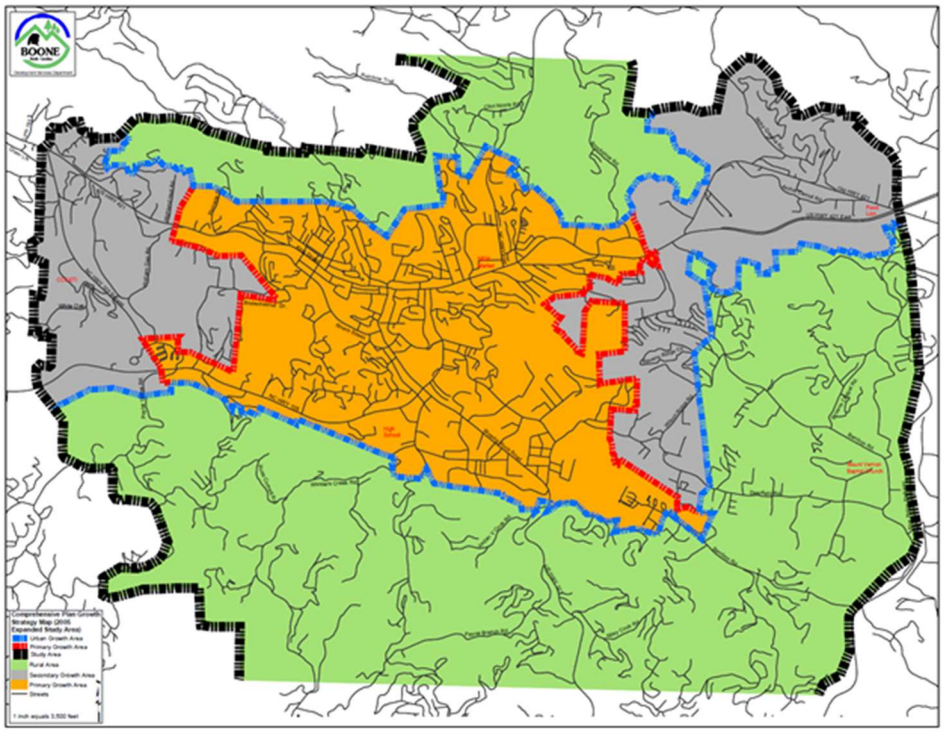
**Recreation:** Strive for additional public recreation facilities, especially sports fields, greenways and indoor recreation centers.

**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.

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



Communication: Case A24-0634 Exhibit 3: Staff Report (Case A23-0634 Horton Hotel Local Historic Landmark)

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

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

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

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

**2.1 ECONOMY**

…

**2.1.1 Economic Development**

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

…

C. The Town shall encourage the development of a well-balanced tourism trade as a primary element of the area's economic future. Investments in services, facilities, and proper growth management shall be employed in furtherance of this objective.

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

…

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

...

**2.1.5 Downtown**

A. A compatible design character for the downtown area, drawing upon the locality's original High Country small town features, shall be identified, reinforced and supported to put forth a quality image and sense of place.

…

B. The Town, in concert with the downtown property owners and merchants, shall encourage public and private efforts to develop and publicize adequate and appropriately designed off-street parking lots in the downtown area.

…

F. The maintenance and revitalization of downtown Boone, as well as planning for its future development, will reflect the realities and qualities befitting its geographical setting and function as a center of (1) commercial and service activities, (2) educational and cultural activities, events and (3) public services.

…

**2.3 THE COMMUNITY**

**…**

**2.3.2 Community Character**

Communication: Case A24-0634 Exhibit 3: Staff Report (Case A23-0634 Horton Hotel Local Historic Landmark)

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

A.1 Conduct on-going assessments of critical locations in community deserving special attention by the zoning ordinance, in light of their high visibility, traffic impact, strategic location, or other unique features. Continue to encourage significant new public buildings and outdoor spaces to locate in these and other positions of visibility and strategic prominence. Encourage the private sector to do likewise.

A.2 Seek out locations of historical merit in the community, and prepare an action plan for their enhancement, rehabilitation, or relocation as may be necessary.

B. Multiple and appropriate adaptive reuse of historic resources shall be encouraged.

B.1 Amend development regulations to offer flexibility for restoration and active use of historic structures and other resources.

C. Wise development of the tourism potential of the area's architectural, historic, scenic and natural resources shall be encouraged.

C.1 Consider the placement of public art at appropriate locations in downtown, including murals.

D. The destruction of significant architectural, historic, scenic, natural and archaeological resources in the planning area shall be discouraged.

D.1 Carefully scrutinize proposed road widening to ensure that such actions do not destroy community and neighborhood character.

D.2 Continue to support the Town's tree preservation standards. Evaluate the effectiveness of the tree regulations since their establishment and amend them as necessary.

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.

…

**2.3.4 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.

B. Neighborhood and special area planning shall be encouraged to foster public involvement in the production of closely tailored, action oriented special area plans and programs.

C. Specific functional plans and implementation tools shall be supported as part of the comprehensive planning program for the Town and County.

D. Special committees, advisory panels, educational forums, public workshops, leadership seminars, town meetings and media contacts shall be encouraged and fostered to enhance the effectiveness of citizen involvement in community planning and action.

## Certificate of Mailing

I, Brenda Henson, certify that individual notices meeting the requirements of Article 9 of the Town of Boone UDO were placed in the mail (first class) on May 10, 2024.

/s/ Brenda Henson

Brenda Henson, Administrative Coordinator

Communication: Case A24-0634 Exhibit 3: Staff Report (Case A23-0634 Horton Hotel Local Historic Landmark)

## Certification of Posting

I, Darrell Pulliam, certify that the subject property was posted as required in Article 9, Subsection 9.03.03(B)(2) of the Town of Boone UDO on May 10, 2024.

/s/ Darrell Pulliam

Darrell Pulliam, Code Compliance Officer

Communication: Case A24-0634 Exhibit 3: Staff Report (Case A23-0634 Horton Hotel Local Historic Landmark)

## PLANNING COMMISSION RECOMMENDATIONS

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

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

*Note 1*

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

**Vote 2:** The Planning Commission recommends ☐**approval** OR ☐**denial** of Case A23-0634 and believes ☐**approval** OR ☐**denial** **to designate the properties as local historic landmarks** are reasonable and in the public interest because:

*Note 2*

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

Communication: Case A24-0634 Exhibit 3: Staff Report (Case A23-0634 Horton Hotel Local Historic Landmark)

## TOWN COUNCIL ACTION – Adoption of Ordinance

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

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

*Note 1*

_____

_____

_____

**Vote 2:** The Town Council ☐**approves** OR ☐**denies** the Ordinance Case A23-0634 to the Town's Zoning map and believes ☐**approval** OR ☐**denial** **to designate the property as a local historic landmark** is reasonable and in the public interest because:

*Note 2*

_____

_____

_____

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

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

Communication: Case A24-0634 Exhibit 3: Staff Report (Case A23-0634 Horton Hotel Local Historic Landmark)

**Ordinance Case A23-0634**

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

WHEREAS, the Planning Commission has received the request to amend the Official Zoning Map of the Town of Boone, North Carolina to designate the parcel identified below as a Local Historic Landmark

| | |
|---|---|
| Address: | 611 West King Street |
| Watauga County PIN: | 2900-88-3853-000 |
| Property Owner: | SPA Properties I, LLC |

WHEREAS, the Town of Boone has created the Boone Historic Preservation Commission ("HPC") as a historic preservation commission having the authority to exercise, within the planning jurisdiction of the Town, all powers and duties conferred by Part 4 of Chapter 160D of the North Carolina General Statutes; and

WHEREAS, the HPC duly adopted (i) rules of procedure and (ii) principles and guidelines for the alteration, restoration, relocation, or demolition of properties designated as landmarks at its regular meeting held January 12, 2016; and

WHEREAS, the HPC issued a Landmark Historic Landmark Designation Report on January 2, 2024, recommending designation of the Property as a historic landmark; and

WHEREAS, as set forth in detail in the Landmark Designation Report, the HPC has determined that the Property is of special significance in terms of its historical and architectural importance, and possesses integrity of design, setting, workmanship, materials, feeling and association; and

WHEREAS, the Landmark Designation Report was submitted to the State Historic Preservation Office ("SHPO") of the North Carolina Department of Cultural Resources for review and comment; and

WHEREAS, the SHPO has reviewed the Landmark Designation Report and issued a letter of comment dated March 22, 2024, in which it noted that the Properties are significant for its association with several members of the Rivers family who were influential in the history of the Town of Boone and the H.W Horton Building (Horton Hotel) is locally significant for its architecture with Colonial Revival influences using native stone; and

WHEREAS, the Boone Historic Preservation Commission held a duly-noticed public hearing on May 29, 2024, with respect to this ordinance and designation of the Property as a historic landmark as contemplated herein, and following said hearing voted to confirm its recommendation that the Town Council designate the Property as a historic landmark; and

WHEREAS, the Boone Town Council held a duly-noticed public hearing May 29, 2024 with respect to this ordinance and designation of the Property as a historic landmark as contemplated herein; and

WHEREAS, the Boone Town Council has taken into full consideration any information offered at the public hearing and the information contained in the HPC's Landmark Designation Report; and

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

WHEREAS, the Boone Town Council finds that the Property is of special historical, architectural, and cultural significance, and possesses integrity of design, setting, workmanship, materials, feeling and/or association, as described by the Brief Statement of Significance in the Local Historic Landmark Designation Report as:

The H. W. Horton Building retains special significance for its direct association with Henry Walter Horton (1873-1968), a prominent realtor and early cross-promoter of Boone and Florida tourism, who had the building constructed in 1929. Horton intended the building to be his high-style contribution to the ongoing Watch Boone Grow campaign, and it provided a striking increase in sophistication for downtown Boone architecture of the period. Horton lost ownership of the building later that same year, however, so the

Communication: Case A24-0634 Exhibit 3: Staff Report (Case A23-0634 Horton Hotel Local Historic Landmark)

period of significance is a single year: 1929. While the building's architectural integrity is somewhat diminished by the removal of its Horton crest cartouche and prominent upper floor balconies, the alteration of its original storefront configuration early in the building's history, and the addition of a rooftop bar in recent years, the H. W. Horton Building is nevertheless the best surviving resource associated with H. W. Horton and retains excellent integrity for interpretation of Horton's profound influence on Boone's early twentieth-century economic development and transition from a sleepy, backcountry county seat to a major Appalachian tourism hub after World War I.

The proposed local historic landmark boundary follows the present boundaries of the parcel associated with the H. W. Horton Building and represents the land historically associated with the historic context for the property. No interior features are included for designation.

WHEREAS, the Boone Town Council finds the Property's preservation should be encouraged and ensured,

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1: The Boone Town Council hereby designates the property at 611 West King Street, Watauga County PIN: 2900-88-3953-000 (Case A23-0634), known as "H.W. Horton Building (Horton Hotel)" as a Local Historic Landmark.

Section 2: A sign designating the H.W. Horton Building (Horton Hotel) may be placed on the property or in a nearby right of way designating the properties and Local Landmark Designations.

Section 3: The review process provided by Article 8 and Appendix D of the Town's Unified Development Ordinance ("UDO") shall be observed prior to demolition, alteration, rehabilitation, restoration, or removal of any exterior elements of the designated Property. As the period of significance of the H.W. Horton Building (Horton Hotel) is a single year, 1929, for its Association with Significant Person(s) and the period of significance for the historic district is 1918 to 1964, the guiding standards for the property, at the time of adoption, will be the existing district standards, UDO Appendix D, and broadly, the Secretary of the Interior's Standards for Rehabilitation & Guidelines For Rehabilitating Historic Buildings, until such time as the Boone Historic Preservation Commission writes standards for the individual landmark and those standards are officially approved.

Section 4: In the event relocation, demolition or destruction of the Property is authorized as provided by law, such action may be delayed up to 365 days as provided by Article 8 and Appendix D of the UDO and NC General Statutes 160A-400.14.

Section 5: This ordinance shall be effective as of the date of its adoption.

WHEREAS, in accordance with the procedures set forth in the Town of Boone Unified Development Ordinance, the Commission and Council met to consider the proposed amendment on May 29, 2024; and

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

WHEREAS, in accordance with North Carolina General Statutes and with the provisions set forth in Article 9 of the Town of Boone Unified Development Ordinance, the Town of Boone duly advertised and held a public hearing to consider the proposed amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE BOONE TOWN COUNCIL THAT:

Adopted this the ___th day of _____, 2024.

Communication: Case A24-0634 Exhibit 3: Staff Report (Case A23-0634 Horton Hotel Local Historic Landmark)

**The Honorable Tim Futrelle, Mayor**

**Attest:**

**Nicole Harmon, Town Clerk**

Communication: Case A24-0634 Exhibit 3: Staff Report (Case A23-0634 Horton Hotel Local Historic Landmark)

**TOWN OF BOONE**
**HISTORIC PRESERVATION COMMISSION**
**EXCERPT MEETING MINUTES**
**JANUARY 2, 2024, 3:00 p.m.**
**Planning & Inspections Department & WebEx Video Conferencing**

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**Historic Preservation Commission Members in Attendance:**
Vice-Chair Bettie Bond, Krystal Carter, and Vardell Smyth

**Council Liaison:** Virginia Roseman

**Town Staff in Attendance:**
Jessica Mitchell-Advanced Planning Specialist, Mike James-Commercial Zoning Administrator, and Marlene Crosby-Board Secretary

**Others in Attendance:** Eric Plaag-Carolina Historical Consulting, LLC, Paul Pessina-SPA Properties Group, Mr. Mark Freed-Director of Cultural Resources, Jodie Feimster, and Luke Barber-Watauga Democrat

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**H.W. HORTON BUILDING LOCAL HISTORIC LANDMARK DESIGNATION**

Dr. Eric Plaag from Carolina Historical Consulting, LLC, explained the history of this topic as outlined in the meeting packet and with a presentation shared during the meeting. Dr. Plaag's presentation included the history of Henry Walter Horton, the period of significance being the year 1929, architectural elements of the building, and Horton's impact on the area. After the presentation detailing the history as included in the local landmark designation report, he asked the HPC if they had any questions regarding the proposed designation. The HPC members agreed that the designation report was well-written and found the content interesting and informative.

Dr. Plaag opened the floor for questions from the HPC. Vice-Chair Bond asked Dr. Plaag if the canning factory he mentioned in the report referred to the kraut factory. Dr. Plaag replied that the North State Canning Company came into Boone in 1923, and Commission Member Smyth noted that it was the kraut factory. Vice-Chair Bond pointed out that this factory gave Kraut Creek its name, and Dr. Plaag said yes.

Vice-Chair Bond asked Dr. Plaag if the house Mr. Horton had built on Orchard Street was Ala McGuire's house, and Dr. Plaag replied yes. Dr. Plaag noted that Ms. McGuire had lived much longer than Mr. Horton had lived at that location. He stated that the surveys from the 1980's called that house the Ala McGuire house. He pointed out that because the house was not known as the H.W. Horton house, it speaks to how local people saw it as Ada McGuire's house and how she was significant to Boone's history. Vice-Chair Bond said this information adds to the historical survey of the Grand Boulevard area.

Chair Plaag pointed out three minor changes that he needed to make to the designation report, and they are as follows:

- 1. Based on the discontent expressed by an appraiser in the community regarding the words "appraised value" in the table on packet page 21, these words are used by the State Historic Preservation Office (SHPO). He explained it is the "assessed value," a footnote would be added



Communication: Case A23-0634 Exhibit 4: Meeting Minutes Excerpts (Case A23-0634 Horton Hotel Local Historic Landmark)

that indicates this is the SHPO language with no objection from the Commission. It is the assessed value," according to the tax card.

- 2. On packet page 22, in the opening statement, clarification to the sentence that the period of significance is the single-year 1929.
- 3. On packet page 23 and the third line modify that begins with “Census records that might document Horton’s residence in 1890 and 1900…” to include reference of finding information in the 1900 Census under Walter Horton in North Wilkesboro.

In reference to the third suggested change, Dr. Plaag explained that generally, 1890 Census records are not available for some states because there was a fire that destroyed those records, and there would not be Census records on Henry Walter Horton for that year.

Ms. Mitchell explained to the HPC that if they agreed with this proposal for an application for a local landmark designation, they would need to make a recommendation, including a motion and vote, to start the designation process for Staff to present it to Town Council. She added that subsequently, Town Council would consider giving Staff the ability to send the designation report to SHPO to begin the 30-day review.

**Motion and Vote:**
Commission Member Smyth made a motion, seconded by Commission Member Carter, to approve the H.W. Horton Building Local Historic Designation report and recommend that it be presented to the Town Council for approval and further processing of the report.

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

Dr. Plaag asked Mr. Pessina if he had any questions regarding the process. Mr. Pessina confirmed that the HPC’s recommendation would send the report to the Town Council for approval. He continued then the designation report would go to the SHPO to begin their review process and then to the Town Council again for a final vote of approval.

Dr. Plaag stated that because he is a Town Council member, he would recuse himself from the Town Council review of this proposal, which might occur at the February 2023 Town Council meeting. He said this would include the initial vote and any other subsequent votes that might arise regarding this designation report. He told Mr. Pessina that he would present the proposal for the designation report to the Town Council on his behalf.

Commission Member Smyth asked Mr. Pessina if he had planned to pursue a state or federal designation. Mr. Pessina said his company had not yet considered other designations as they were thinking of this first step of the local landmark designation process.

Ms. Mitchell pointed out that she and Mr. Mike James, the Commercial Zoning Administrator, would be the Staff members to forward this project to Town Council.



Communication: Case A23-0634 Exhibit 4: Meeting Minutes Excerpts (Case A23-0634 Horton Hotel Local Historic Landmark)

**TOWN OF BOONE**
**HISTORIC PRESERVATION COMMISSION**
**EXCERPT DRAFT MEETING MINUTES**
**APRIL 9, 2024, 3:00 p.m.**
**Planning & Inspections Department & WebEx Video Conferencing**

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**Historic Preservation Commission Members in Attendance:** Vardell Smyth-Chair, Krystal Carter, and Hannah Williams

**Council Liaison:** Virginia Roseman (joined via WebEx at 3:10 p.m.)

**Town Staff in Attendance:** Jessica Mitchell-Advanced Planning Specialist and Brenda Henson-Board Secretary

**Others in Attendance:** Eric Plaag

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**H.W. Horton Building Local Historic Landmark Designation Update**

Ms. Mitchell referred to packet page 27 which contained comments from SHPO regarding the proposed designation of the H.W. Horton Building. She stated that the building would be eligible for a 50% tax deferral but would not be eligible for the National Historic Registry. Ms. Mitchell informed the Commission that they would need to decide whether or not they wanted to make a recommendation to Town Council to proceed with a local historic landmark designation for this property. If a local historic landmark designation was recommended and accepted by Town Council, the request would then go to a Public Hearing and Planning Commission meeting. Ms. Mitchell reminded Commission members that they would need to consider what standards should be attached to the designation.

Chair Smyth asked if the property would get a tax deferral every year. Dr. Plaag replied that the deferral was yearly unless the property undid all of the things that made it worth designating, in which case it would have to repay five years of deferred taxes.

Dr. Plaag stated he had been researching and preparing historic designation requests for 20 years and had prepared at least two dozen National Register properties. He noted that preservation was not a science; it was an art. Dr. Plaag strongly disagreed with Beth King's provision in the second paragraph of her response. He referenced Article 32 of the National Register Bulletin, Number 9, which stated that each property associated with someone important should be compared with other properties associated with that individual to identify those resources that were good representatives of the person's historic contributions. He stated his report outlined that this building was one of several surviving resources that, in spite of the loss of some of its integrity, was still the best example of a property that was readily recognizable as being associated with Horton that retained the highest degree of integrity compared to other buildings associated with Horton. Dr. Plaag pointed out that Horton's name was on the building, and it was still recognizable.

Ms. Mitchell mentioned Article 8, Appendix D, and the Secretary of Interior's Standards for Commission members to consider as standards for the property. Dr. Plaag noted that only the rehabilitation portion of the SOI Standards should be referenced in a local historic landmark designation.

**Motion and Vote:**

Commission Member Carter made a motion, seconded by Commission Member Williams to recommend approval of the H.W. Horton Building as a local historic landmark applying standards from UDO Article 8,



Communication: Case A23-0634 Exhibit 4: Meeting Minutes Excerpts (Case A23-0634 Horton Hotel Local Historic Landmark)

Appendix D, and the Secretary of Interior's Standards for Rehabilitation and to move forward with the public hearing process

**Vote:** Aye – All
Nay – None

**The motion passed.**

Ms. Mitchell noted that this case would be presented at the May public hearing.

Communication: Case A23-0634 Exhibit 4: Meeting Minutes Excerpts (Case A23-0634 Horton Hotel Local Historic Landmark)

**North Carolina Department of Natural and Cultural Resources**
**State Historic Preservation Office**
Ramona M. Bartos, Administrator

Governor Roy Cooper
Secretary D. Reid Wilson

Office of Archives and History
Deputy Secretary Darin J. Waters, Ph.D.

March 21, 2024

Jessica Mitchell
Long Range/Special Projects Planner
Town of Boone, NC

Via email: Jessica.Mitchell@townofboone.net

RE: Proposed Designation of the **H. W. Horton Building, 611 West King St., Boone, Watauga County.**

Dear Ms. Mitchell:

Thank you for the report we received on the proposed designation of the H. W. Horton Building, 611 West King St., Boone, Watauga County. We have reviewed the report and offer the following comments in accordance with North Carolina General Statute 160D-946.

According to the report, the H. W. Horton Building is of special local significance because of its association with Henry Walter Horton, a prominent figure who influenced tourism and economic development in Boone in the early twentieth century. The H. W. Horton Building was built in 1929.

We have shared our concerns with staff regarding the building's loss of integrity. We feel the report provides a thorough history and gives the Boone Historic Preservation Commission and the Town Council adequate information to determine if the property has the requisite special significance for landmark designation.

Local landmark designation means the community recognizes the property is worthy of preservation because of its special significance to the local community. Any substantial changes in design, materials, and appearance of the property would be subject to the design review procedures of the preservation commission. The owner may receive an annual deferral of up to fifty percent of the property taxes for as long as the property is designated and retains significance and integrity. (N.C.G.S. 105-278 *et seq*.).

Thank you for the opportunity to comment on the report. Please note, our comments are advisory only and therefore, non-binding. Once the governing board has received a recommendation from the Boone Historic Preservation Commission, it should proceed in the same manner as would otherwise be required for an amendment to the zoning ordinance. Once the decision has been made, please return a completed copy of the enclosed form to our office.



Communication: Case A23-0634 Exhibit 5: SHPO Review Letter (Case A23-0634 Horton Hotel Local Historic Landmark)

This letter serves as our comments on the proposed designation of the H. W. Horton Building. Please contact me at 919-814-6576 should you have any questions about our comments.

Sincerely,



Kristi Brantley
Local Preservation Commissions/CLG Coordinator

CC: Commission Chair

Enclosure

Communication: Case A23-0634 Exhibit 5: SHPO Review Letter (Case A23-0634 Horton Hotel Local Historic Landmark)

**Jessica Mitchell - H. W. Horton Building -HPO comments**

**From:** "Brantley, Kristi" <kristi.brantley@dncr.nc.gov>
**To:** Jessica Mitchell <Jessica.Mitchell@townofboone.net>
**Date:** 3/21/2024 6:26 PM
**Subject:** H. W. Horton Building -HPO comments
**Cc:** "Cathey, Jennifer" <jennifer.cathey@dncr.nc.gov>
**Attachments:** WT0593_HPO Comments_Horton Bldg.pdf; WT0593_REQUEST FOR DESIGNATION CONFIRMATION.docx

Jessica,

Attached is a copy of a letter written in response to the proposed designation of the **H. W. Horton Building, 611 West King St., Boone, Watauga County**. Please share a copy with your Commission Chair.

Also attached is a copy of the designation confirmation form for the property. If the ordinance is adopted to designate the property, please return a completed copy of the confirmation form to me with the date the ordinance was adopted.

I have copied Restoration Specialist Jennifer Cathey. Jennifer can offer technical advice regarding restoration and/or repairs. She can be reached at jennifer.cathey@dncr.nc.gov or 828-250-3113.

Architectural Survey Coordinator Beth King reviewed the report and offers the following comments:

> *I have reviewed the local designation report for the Horton Building in Boone. The report provides a thorough history of Henry Walter Horton's contributions to the development of Boone and rests the building's claim to special significance on its association with Horton, who appears to have made a significant contribution to the development of Boone's local and tourism-based economy. Because Horton constructed the building in 1929 and also lost ownership of the building in 1929, the report identifies 1929 as the period of significance.*
>
> *I find that the landmark report contains the information needed to come to a decision about its appropriateness for local designation. I also note that because the building has lost integrity to its identified period of significance (1929), in a National Register context, it would not be eligible according to the argument outlined in the local designation report. Subsequent alterations to the primary elevation of the building and its overall height, including the removal of the Horton crest cartouche and upper-floor balconies, the altered first-floor storefront, the loss of original windows, and the addition of a large and highly visible rooftop bar, mean that the building does not retain integrity to the period of time in which Horton designed it.*

Thank you for the opportunity to review this report.

Best,
*Kristi*

***Please note:**
**As of 7/13/2023, my email address changed to kristi.brantley@dncr.nc.gov**

Communication: Case A23-0634 Exhibit 5: SHPO Review Letter (Case A23-0634 Horton Hotel Local Historic Landmark)

**Kristi Brantley**
CLG/Local Government Coordinator
NC State Historic Preservation Office
NC Dept. of Natural and Cultural Resources
Phone: (919) 814-6576
kristi.brantley@dncr.nc.gov

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#StayStrongNC
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**And don't forget your Ws! Wear. Wait. Wash.**
**WEAR** a face covering.
**WAIT** 6 feet apart from other people.
**WASH** your hands often.

---

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Communication: Case A23-0634 Exhibit 5: SHPO Review Letter (Case A23-0634 Horton Hotel Local Historic Landmark)

**Jessica Mitchell - updated info**

**From:** "Brantley, Kristi" <kristi.brantley@dncr.nc.gov>
**To:** Jessica Mitchell <Jessica.Mitchell@townofboone.net>
**Date:** 3/22/2024 8:42 AM
**Subject:** updated info
**Cc:** "King, Elizabeth C" <Elizabeth.King@dncr.nc.gov>, "Sullivan, Meghan W" <...

Jessica,

After sending comments for the Horton Building to you yesterday, I received the following comments from Deputy State Archaeologist Dylan Clark:

> *Thank you for the opportunity to review the Local Designation Report for the H.W. Horton Building (WT0593), located at 611 W. King Street in Boone. No archaeological sites have been recorded previously at this location, and while material culture associated with the 1929 occupation of the building may be present below the structure and the surrounding impervious surfaces, it is unlikely that the archaeological context remains intact due to disturbance from subsequent construction. As a result, I do not expect that intact archaeological resources associated with the period of significance that can provide additional information relevant to understanding and interpreting the property's history would be present. Therefore, I do not recommend a statement of archaeological potential for this property.*

Also, our Restoration Branch has reconfigured territories and Watauga County is now being served by Restoration Specialist Meghan Sullivan (copied). Meghan is our Homeowner Tax Credit Program Coordinator and can also offer technical advice regarding restoration and/or repairs. She can be reached at meghan.sullivan@dncr.nc.gov or 919-814-6574.
Please let me know if you have any questions.

Have a good weekend!
*Kristi*

***Please note:**
**As of 7/13/2023, my email address changed to kristi.brantley@dncr.nc.gov**

**Kristi Brantley**
CLG/Local Government Coordinator
NC State Historic Preservation Office
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---

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Communication: Case A23-0634 Exhibit 5: SHPO Review Letter (Case A23-0634 Horton Hotel Local Historic Landmark)

Exhibit 1

# General Use Zoning Map Amendment Application

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

## A. Required to be Submitted at Time of Application

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

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

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

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

## B. Property Information

Street Address: 1585/1587 US Highway 421 North, Boone NC 28607

Watauga County Parcel Identification Number: **2901-30-6294-000**

Existing Zoning District(s): Unzoned

Proposed Zoning District(s): R2 or R3

Adjacent Land Uses: N: Multi-family residential E: Single-family residential

S: Single-family residential W: Single-family residential

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

If yes, describe:

Total Land Area: 0.62 Acres

## C. Property Owner Information

Name: Todd & Jessica Nolt

Complete Mailing Address (Street, City, Zip): PO Box 3654, Boone NC 28607

Phone Number: 828-773-1899

Email Address: nolttodd@gmail.com

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

## D. Applicant Signature and Property Owner Authorization

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

**Initiated by Town Staff in conjunction with Annexation request**

| **Property Owner (Print)** | **Property Owner (Signature)** | **Date** |
|---|---|---|

Communication: Case A24-0269 Exhibit 1: Application (Case A24-0269 Nolt General Use Zoning Map Amendment)

| Official Use Only | | | | |
|---|---|---|---|---|
| Permit Name: | | | | |
| Permit Number: | | | | |
| Date: | Fee: | Receipt Number: | Method of Payment:<br>☐ Cash<br>☐ Check<br>Number:_____ | Paid By: |

**Official Use Only - Hearing/Decision Information**

Public Hearing Meeting Date: 05/29/2024

PC Meeting Date: 05/29/2024

TC Meeting Date: 06/14/2024 or 06/28/2024

Date of APO Mailed Notification: _____

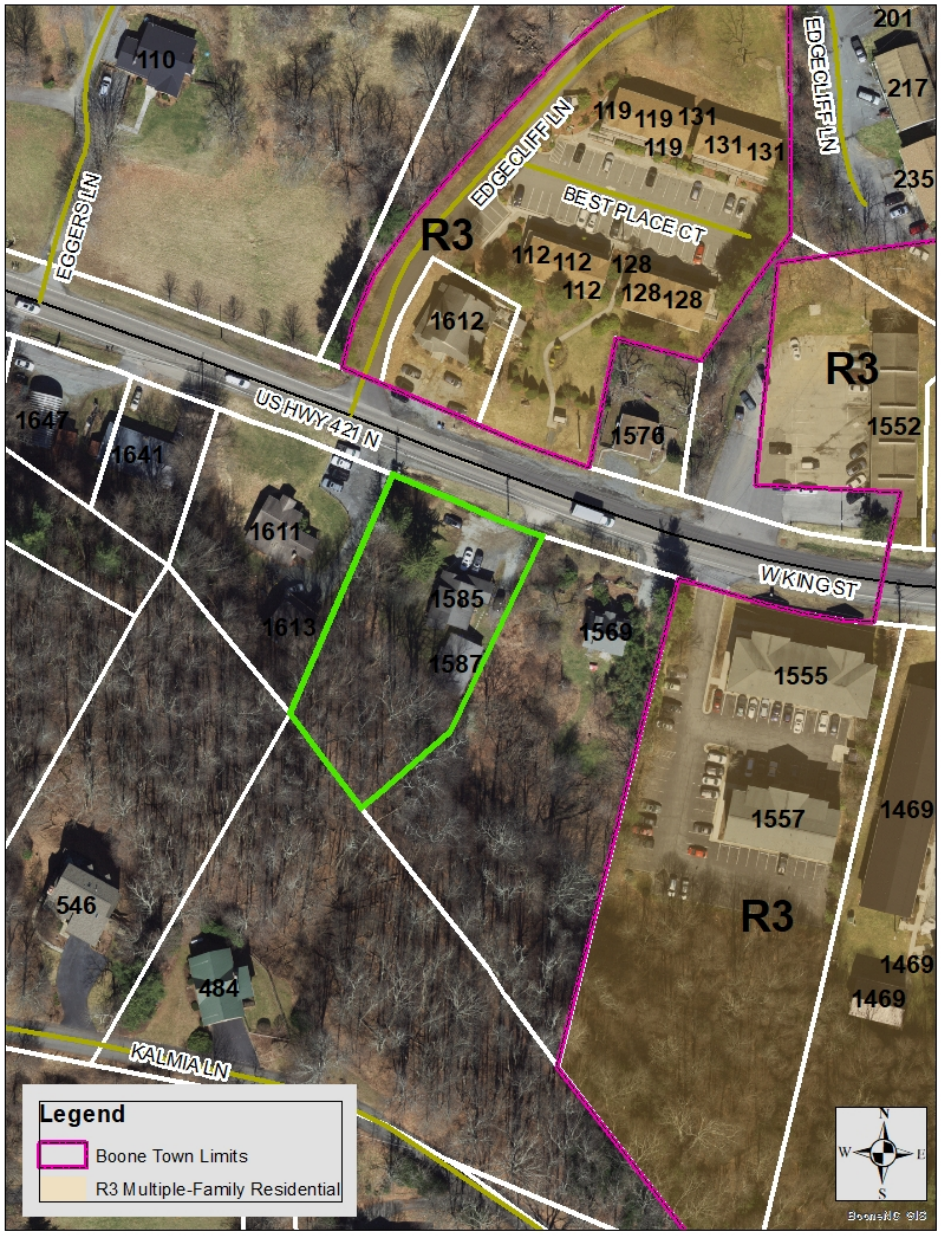
Date of Posted Notification: _____

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

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

Communication: Case A24-0269 Exhibit 1: Application (Case A24-0269 NoIt General Use Zoning Map Amendment)

**Staff Report**
**May 29, 2024**
**Case A24-0269 Todd Nolt – General Use Zoning Map Amendment**



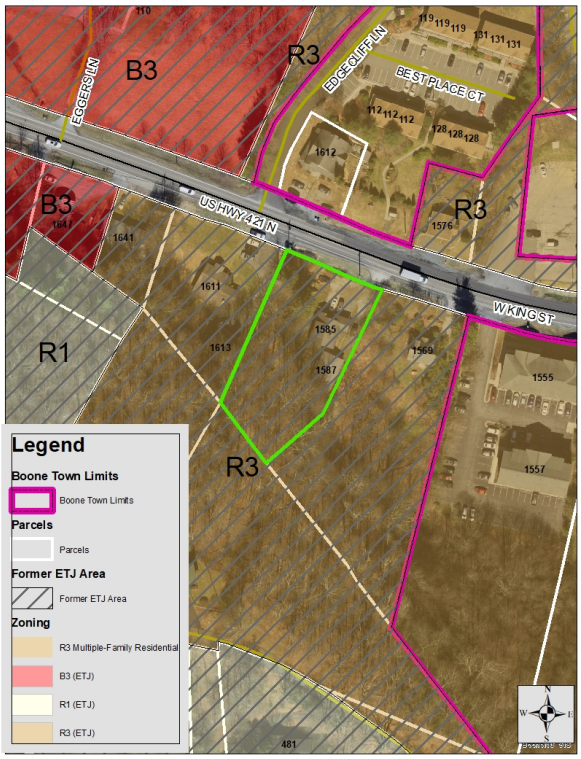

## Request

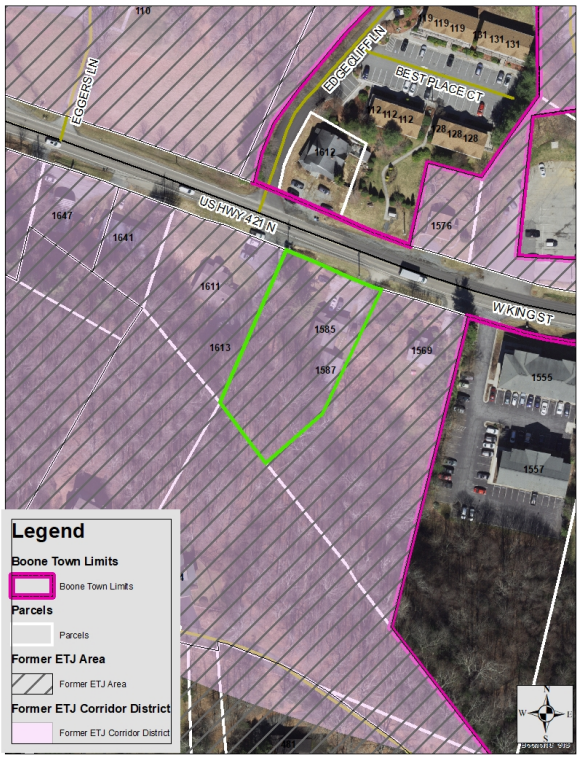
In conjunction with a request for voluntary annexation, the Town of Boone has initiated the zoning of property at 1585 and 1587 US Highway 421 North owned by Todd and Jessica Nolt. The zoning districts that are to be considered include R1 Single-Family Residential, R1S Small Home Residential, R1A Single-Family Residential with Accessory Dwelling, R2 Two-Family Residential, or R3 Multiple-Family Residential along with the Corridor District overlay.

Communication: Case A24-0269 Exhibit 2: Staff Report (Case A24-0269 Nolt General Use Zoning Map Amendment)

## HISTORY

1-10-2017 Prior to January 1, 2017, this parcel was located in the town's extraterritorial jurisdictions (ETJ) and was zoned R3 Multiple-Family and Corridor District Overlay. As of January 1, 2017, the Town of Boone lost the authority to exercise powers of the extraterritorial jurisdiction.




Communication: Case A24-0269 Exhibit 2: Staff Report (Case A24-0269 Nolt General Use Zoning Map Amendment)

## Parcel Information

| | |
|---|---|
| **Property Owner:** | Todd and Jessica Nolt |
| **Address:** | 1585-1587 US 421 North |
| **Watauga County PIN:** | 2901-30-6294-000 |
| **Use:** | 2 single-family residences |
| **Size:** | 0.62 acres (entire parcel to be annexed) |
| **Jurisdiction:** | Watauga County |
| **Access:** | US 421 North (DOT) |
| **Viewshed:** | No |
| **Watershed:** | No |
| **SFHA:** | No |
| **Steep Slope:** | Yes |
| **Very Steep Slope:** | No |
| **Existing Zoning:** | None |
| **Previous Zoning (ETJ):** | R3 Multiple-family Residential |
| **Applicant Requested Zoning:** | R3 Multiple-family Residential or R2 Two-family Residential With Corridor District overlay |
| **Zoning Districts To Be Considered:** | R1 Single-family Residential<br>R1A Single-family Residential with Accessory Dwelling<br>R1S Small Home Residential<br>R2 Two-family Residential<br>R3 Multiple-family Residential<br>With Corridor District overlay |

## Ultimate Issue Before Council on Amendments

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

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

**B.** The Council shall only consider the impact of the proposed change on the public at large.

Communication: Case A24-0269 Exhibit 2: Staff Report (Case A24-0269 Nolt General Use Zoning Map Amendment)

## ZONING ANALYSIS

**Analysis of Adjacent Zoning**

| | Adjacent Zoning | Adjacent Land Use (Watauga Co. Tax Data) |
|---|---|---|
| North | R3 Multi-Family Residential | Multi-family Residential (Best Place); Single-family dwelling |
| West | Unzoned – Watauga County | Two Single-family dwellings |
| South | Unzoned – Watauga County | Single-family dwelling |
| East | Unzoned – Watauga County | Single-family dwelling |

Below are excerpts from UDO Article 14 Zoning District Regulations and UDO Appendix B Comparative Tables regarding the districts, uses, intensity and height for the the zoning districts being considered.

**Excerpt of ARTICLE 14 ZONING DISTRICTS**

…

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

**…**

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

**…**

**14.07.01** The R1A Single-Family Residential with Accessory Dwelling District is established to provide a low-density living area consisting of single-family dwellings with or without subordinate, accessory dwellings. The regulations for this district are intended to maintain the essential character of a single-family neighborhood but allow for the establishment of accessory dwellings which are clearly subordinate to the single-family dwelling. The regulations for this district are designed to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.

**…**

Communication: Case A24-0269 Exhibit 2: Staff Report (Case A24-0269 Nolt General Use Zoning Map Amendment)

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

**…**

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

**…**

**B1.01 Excerpt of Table of Principal Uses**

| Use # | Specific Use | Zoning Districts | | | | | Reference |
|---|---|---|---|---|---|---|---|
| | | Low Density | | Medium-High Density | | | |
| | | R1 | R1A | R1S | R2 | R3 | |
| **1.0 Household Living** | | | | | | | |
| 1.01 | Single-Family Dwelling | P | P | P | P | | |
| 1.02 | Manufactured Home “Class A” | | | | L | | 15.01 |
| 1.03 | Manufactured Home “Class B” | | | | | | 15.01 |
| 1.04 | Manufactured Home “Class C” | | | | | | |
| 1.05 | Manufactured Home Park | | | | | | 15.02 |
| 1.06 | Duplex (one duplex building per lot) | | | | P | P | |
| 1.07 | Duplex (more than one duplex building per lot) | | | | | L | 15.03 |
| 1.08 | Townhouse (up to 30 bedrooms) | | | | | $L^{T50}$ | 15.03 |
| 1.09 | Townhouse (31-100 bedrooms) | | | | | $L^{T75}$ | 15.03 |
| 1.10 | Townhouse (> 100 bedrooms) | | | | | $L^{125}$ | 15.03 |
| 1.11 | Multi-Family Dwelling (up to 30 bedrooms) | | | | | $L^{T125}$ | 15.03 |
| 1.12 | Multi-Family Dwelling (31-100 bedrooms) | | | | | $L^{T200}$ | 15.03 |
| 1.13 | Multi-Family Dwelling (> 100 bedrooms) | | | | | $L^{T300}$ | 15.03 |
| 1.14 | Multi-Family Dwelling in Mixed Use (up to 30 bedrooms) | | | | | | 15.04 |
| 1.15 | Multi-Family Dwelling in Mixed Use (31-100 bedrooms) | | | | | | 15.04 |
| 1.16 | Multi-Family Dwelling in Mixed Use (> 100 bedrooms) | | | | | | 15.04 |
| 1.17 | Adult Living Community | | | | | $P^{T300}$ | |
| **2.0 Group Living** | | | | | | | |
| 2.01 | Family Care Home | L | L | L | L | L | 15.06 |
| 2.02 | Family Care Institutions | | | | | | 15.07 |
| 2.03 | Halfway House, Category 1 | | | | | | 15.07 |
| 2.04 | Halfway House, Category 2 | | | | | | 15.07 |
| 2.05 | Residential Care Facility | | | | | | |

Communication: Case A24-0269 Exhibit 2: Staff Report (Case A24-0269 Nolt General Use Zoning Map Amendment)

| Use # | Specific Use | Zoning Districts | | | | | Reference |
|---|---|---|---|---|---|---|---|
| | | Low Density | | Medium-High Density | | | |
| | | R1 | R1A | R1S | R2 | R3 | |
| 2.06 | Fraternity or Sorority Dwelling | | | | | S[T300] | 15.09 |
| 2.07 | Boarding House | | | | | L | 15.10 |
| **3.0 Transient Living** | | | | | | | |
| 3.01 | Home for Survivors of Domestic Violence | L | L | | L | | 15.11 |
| 3.02 | Shelter for Homeless, Category 1 | | | | | L[T50] | 15.12 |
| 3.03 | Shelter for Homeless, Category 2 | | | | | L[T300] | 15.12 |
| 3.04 | Bed and Breakfast, Category 1 | S[T50] | S[T50] | | L[T50] | | 15.13 |
| 3.05 | Bed and Breakfast, Category 2 | | | | L | | 15.13 |
| 3.06 | Vacation Rental | | | | | | 15.14 |
| 3.07 | Homestay Rental | L | L | L | L | L | 15.05 |
| 3.08 | Motel | | | | | | |
| 3.09 | Hotel, Small | | | | | | |
| 3.10 | Hotel, Large | | | | | | |
| 3.11 | Hotel, extended stay | | | | | | |
| **4.0 Institutional** | | | | | | | |
| 4.01 | Airport/Landing Strip | | | | | | 15.15 |
| 4.02 | Heliport | | | | | | |
| 4.03 | Funeral Home Establishment | | | | | | |
| 4.04 | Cemetery | P | P | | P | P | |
| 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 | | S | | |
| 5.03 | Government Neighborhood Cultural Facility, Includes Outdoor Activity | | | | | | |
| 5.04 | Recreation Facility, Category 1 | | | | | P | |
| 5.05 | Recreation Facility, Category 2 | P | P | | P | | |
| 5.06 | Recreation Facility, Category 3 | S | S | | S | P | |
| 5.07 | Event Venue, Category 1 | | | | | P | |
| 5.08 | Event Venue, Category 2 | | | | | S | |
| 5.09 | Event Venue, Category 3 | | | | | | |
| 5.10 | Landfill | | | | | | |
| 5.11 | Solid Waste Processing | | | | | | |
| 5.12 | Police Substation | P | P | | P | | |
| 5.13 | Utility Facility, Town | L | L | L | L | | 15.16 |
| 5.14 | Utility Facility, Government, Neighborhood | L | L | L | L | P | 15.16 |
| 5.15 | Utility Facility, Government, Regional | | | | | L | 15.16 |

Communication: Case A24-0269 Exhibit 2: Staff Report (Case A24-0269 Nolt General Use Zoning Map Amendment)

| Use # | Specific Use | Zoning Districts | | | | | Reference |
|---|---|---|---|---|---|---|---|
| | | Low Density | | Medium-High Density | | | |
| | | R1 | R1A | R1S | R2 | R3 | |
| 5.16 | Government Facility | | | | | L | |
| **6.0 Non-Government Utility Facility** | | | | | | | |
| 6.01 | Utility Facility, Neighborhood | L | L | L | L | L | 15.16 |
| 6.02 | Utility Facility, Regional | | | | | | 15.16 |
| **7.0 Wireless Communication** | | | | | | | |
| 7.01 | Small Wireless Collocation | L | L | L | L | L | 15.18 |
| 7.02 | Wireless Facility Collocation on Existing Wireless Support Structure or Utility Pole | L | L | L | L | L | 15.17 |
| 7.03 | Stealth Wireless Facility Attached to Existing Building or Structure | L | L | L | L | L | 15.17 |
| 7.04 | Non-stealth Wireless Facility Attached to Existing Building or Structure | | | | | | 15.17 |
| 7.05 | Non-stealth Wireless Facility Collocation on Electrical Transmission Towers | L | L | L | L | L | 15.17 |
| 7.06 | Stealth Wireless Support Structure | S/L | S/L | S/L | L | L | 15.17 |
| 7.07 | Non-stealth Wireless Support Structure | | | | | L | 15.17 |
| 7.08 | Emergency Response Communication Antenna | P | P | P | P | P | |
| **8.0 Assembly** | | | | | | | |
| 8.01 | Religious Assembly, Category 1 | P | P | | P | P | |
| 8.02 | Religious Assembly, Category 2 | P[T125] | P[T125] | | P[T125] | P[T125] | |
| 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 | Public colleges and universities | | | | | | |
| 9.02 | Private colleges and universities | | | | | | |
| 9.03 | Trade school | | | | | | |
| 9.04 | High school | | | | | | |
| 9.05 | Elementary school | | | | | | |
| 9.06 | Boarding school | | | | | | |
| 9.07 | College- or university-operated community enterprise | | | | | | 15.63 |
| 9.08 | College- or university-operated child daycare center | | | | | | 15.19 |
| **10.0 Daycare** | | | | | | | |
| 10.01 | Child Daycare, Large | | | | | L | 15.19 |
| 10.02 | Child Daycare Center | | | | | | 15.19 |
| 10.03 | Adult Daycare, Large | | | | | L | 15.19 |
| 10.04 | Adult Daycare Center | | | | | | 15.19 |
| 10.05 | All Other Daycare | | | | | | |
| **11.0 General Sales and Service** | | | | | | | |
| 11.01 | Kennel | | | | | | 15.20 |
| 11.02 | Veterinary Office/Hospital with Outdoor Kennels | | | | | | 15.20 |

Communication: Case A24-0269 Exhibit 2: Staff Report (Case A24-0269 Nolt General Use Zoning Map Amendment)

| Use # | Specific Use | Zoning Districts | | | | | Reference |
|---|---|---|---|---|---|---|---|
| | | Low Density | | Medium-High Density | | | |
| | | R1 | R1A | R1S | R2 | R3 | |
| 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 | Restaurant ≤ 3,500 ft$^2$ open to the public during 10 pm-6 am | | | | | | |
| 11.11 | Other Restaurants ≤ 3,500 ft$^2$ | | | | | | |
| 11.12 | Bar | | | | | | |
| 11.13 | ABC Store | | | | | | |
| 11.14 | Personal Service Establishment open to the public during 10 pm-6 am | | | | | | |
| 11.15 | Other Personal Service Establishments | | | | | | |
| 11.16 | Retail Store up to 5,000 ft$^2$ | | | | | | |
| 11.17 | Retail Store more than 5,000 but less than 25,000 ft$^2$ | | | | | | |
| 11.18 | Retail Store 25,000 ft$^2$ and greater | | | | | | 15.21 |
| 11.19 | Reserved | | | | | | |
| 11.20 | Business or Professional Office open to the public during 10 pm - am | | | | | | |
| 11.21 | Other Business or Professional Office | | | | | | |
| 11.22 | Medical Office, Category 1 | | | | | | |
| 11.23 | Medical Office, Category 2 | | | | | | |
| 11.24 | Medical Office, Category 3 | | | | | | |
| 11.25 | Medical Office, Category 4 | | | | | | |
| 11.26 | Hospital | | | | | | |
| 11.27 | Medical Emergency Response | | | | | | |
| 11.28 | Open Air Market, Recurring | | | | | | 15.22 |
| 11.29 | Vehicle Sales and Service | | | | | | 15.23 |
| 11.30 | Equipment Sales and Service | | | | | | 15.24 |
| 11.31 | Moped Sales and Service | | | | | | |
| 11.32 | Boat or Marine Craft Sales and Service | | | | | | 15.25 |
| 11.33 | Impound Lot/Towing Service | | | | | | 15.26 |
| 11.34 | Gas Station | | | | | | |
| 11.35 | Car Wash | | | | | | |
| 11.36 | Seasonal Retail Activities and Amusements | | | | | | |
| 11.37 | Electric-Vehicle Charging Station | | | | | | 15.65 |
| **12.0 Recreation & Entertainment Uses** | | | | | | | |
| 12.01 | Indoor Shooting Range | | | | | | 15.27 |
| 12.02 | Outdoor Shooting Range | | | | | | |

Communication: Case A24-0269 Exhibit 2: Staff Report (Case A24-0269 Nolt General Use Zoning Map Amendment)

| Use # | Specific Use | Zoning Districts | | | | | Reference |
|---|---|---|---|---|---|---|---|
| | | Low Density | | Medium-High Density | | | |
| | | R1 | R1A | R1S | R2 | R3 | |
| 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 | | | | | | 15.28 |
| 12.09 | Coliseum | | | | | | |
| 12.10 | Recreation Facility, Category 1 | | | | | | |
| 12.11 | Recreation Facility, Category 2 | | | | | | |
| 12.12 | Recreation Facility, Category 3 | | | | | | |
| 12.13 | Racetrack | | | | | | |
| **13.0 Agriculture** | | | | | | | |
| 13.01 | Garden, Community | L | L | L | L | | 15.29 |
| 13.02 | Garden, Residential | L | L | L | L | | 15.30 |
| 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 | L | L | L | 15.31 |
| **14.0 Manufacturing** | | | | | | | |
| 14.01 | Microbrewery | | | | | | 15.32 |
| 14.02 | Brewpub | | | | | | 15.32 |
| 14.03 | Brewery/Distillery | | | | | | 15.33 |
| 14.04 | Brewery/Distillery, Other | | | | | | 15.34 |
| 14.05 | Winery Associated with a Vineyard | | | | | | 15.35 |
| 14.06 | Winery | | | | | | 15.35 |
| 14.07 | Winery, Other | | | | | | |
| 14.08 | Extraction of Earth Materials | | | | | | |
| 14.09 | Machine/Welding Shop | | | | | | 15.37 |
| 14.10 | Manufacturing, Other | | | | | | 15.38 |
| **15.0 Parking** | | | | | | | |
| 15.01 | Parking Lot | | | | | | 15.39 |
| 15.02 | Parking Structure | | | | | $L^{T125}$ | 15.40 |
| 15.03 | Park and Ride Lots | | | | | | 15.39 |
| **16.0 Storage** | | | | | | | |
| 16.01 | Self-Storage Facilities | | | | | | 15.41 |

Communication: Case A24-0269 Exhibit 2: Staff Report (Case A24-0269 Nolt General Use Zoning Map Amendment)

| Use # | Specific Use | Zoning Districts | | | | | Reference |
|---|---|---|---|---|---|---|---|
| | | Low Density | | Medium-High Density | | | |
| | | R1 | R1A | R1S | R2 | R3 | |
| 16.02 | Outdoor Storage | | | | | | 15.42 |
| 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 ≤ 10,000 ft$^2$ | | | | | | |
| 17.03 | Trucking or freight terminal > 10,000 ft$^2$ | | | | | | |
| **18.0 Waste Related Uses** | | | | | | | |
| 18.01 | Recycling Drop-off Station | | | | | | 15.42 |
| 18.02 | Recycling and Salvage | | | | | | 15.42 |
| 18.03 | Junkyard | | | | | | |
| 18.04 | Private Landfill | | | | | | |
| **19.0 Particular Activities Which Pose Particular Concern About Public Health** | | | | | | | |
| 19.01 | Electronic and Internet Gaming | | | | | | 15.43 |
| 19.02 | Adult Establishments | | | | | | 15.44 |

**B1.02 Excerpt of Table of Accessory Uses**

| Use # | Accessory Use | Zoning Districts | | | | | Reference |
|---|---|---|---|---|---|---|---|
| | | Low Density | | Medium-High Density | | | |
| | | R1 | R1A | R1S | R2 | R3 | |
| A-1 | Secondary suite | L | L | L | L | L | 15.45 |
| A-2 | Home occupation | L | L | L | L | L | 15.46 |
| A-3 | Accessory dwelling unit | | L | | L | L | 15.47 |
| A-4 | Drive-through | | | | | | 15.48 |
| A-5 | Outdoor display | | | | | | 15.49 |
| A-6 | Outdoor storage | | | | | | 15.50 |
| A-7 | Outdoor dining | | | | | | 15.51 |
| A-8 | Automated teller machine (ATM) | | | | | | |
| A-9 | Automated teller machine (ATM), freestanding | | | | | L | 15.52 |
| A-10 | Produce stand | | | | | | 15.53 |
| A-11 | Poultry | L | L | | L | L | 15.54 |
| A-12 | Livestock, small | L | L | | L | L | 15.55 |
| A-13 | Livestock, large | | | | | | 15.56 |
| A-14 | Bees | L | L | L | L | L | 15.57 |
| A-15 | Garden, residential | L | L | L | L | L | 15.58 |
| A-16 | Satellite receiving antennas less than 1 meter in diameter | P | P | P | P | P | |
| A-17 | Satellite receiving antennas less than 2 meters in diameter | | | | | | |
| A-18 | Satellite receiving antennas 2 meters and greater in diameter | | | | | | |

Communication: Case A24-0269 Exhibit 2: Staff Report (Case A24-0269 Nolt General Use Zoning Map Amendment)

| Use # | Accessory Use | Zoning Districts | | | | | Reference |
|---|---|---|---|---|---|---|---|
| | | Low Density | | Medium-High Density | | | |
| | | R1 | R1A | R1S | R2 | R3 | |
| A-19 | Helistop | | | | | | |
| A-20 | Swimming pools, spas, and hot tubs | L | L | L | L | L | 15.59 |
| A-21 | Caretaker's residence | | | | | | 15.60 |
| A-22 | Vehicular gate | L | L | L | L | L | 15.61 |
| A-23 | Vehicle washing station | | | | | P | |
| A-24 | Chemical storage facility | | | | | | |
| A-25 | Open air market, accessory | L | L | | L | L | 15.22 |
| A-26 | Daycare, small | P | P | P | P | P | |
| A-27 | Limited structure to enable recreational use of open rooftops | | | | | $L^{T300}$ | 14.03.07(G)<br>14.19.06(H)(8)(d) |
| A-28 | Solar Energy System | L | L | L | L | L | 15.64 |
| A-29 | Electric-Vehicle Charging Station | L | L | L | L | L | 15.65 |

**Excerpt B1.02 Table of Temporary Uses**

| Use # | Temporary Use | Zoning Districts | | | | | Reference |
|---|---|---|---|---|---|---|---|
| | | Low Density | | Medium-High Density | | | |
| | | R1 | R1A | R1S | R2 | R3 | |
| T-1 | Temporary family care structure | L | | L | L | L | 15.62 |
| T-2 | Temporary construction or repair dwelling | L | L | L | L | L | 15.62 |
| T-3 | Temporary construction trailer | L | L | L | L | L | 15.62 |
| T-4 | Temporary mobile medical unit | | | | | | 15.62 |
| T-5 | Temporary classroom | | | | | | 15.62 |
| T-6 | Temporary portable storage containers | L | L | L | L | L | 15.62 |
| T-7 | Temporary staging | | | | | | 15.62 |
| T-8 | Temporary non-fixed site event venue | | | | | | 15.62 |
| T-9 | Carrier on wheels (cow) | L | L | L | L | L | 15.62 |
| T-10 | Yard sales | L | L | L | L | L | 15.62 |
| T-11 | Itinerant merchant/peddler | L | L | L | L | L | 15.62 |
| T-12 | Open air market, temporary | | | | | | 15.62 |
| T-13 | Temporary Use 9.01 Public Colleges and Universities | | | | | | 15.62 |

Communication: Case A24-0269 Exhibit 2: Staff Report (Case A24-0269 Nolt General Use Zoning Map Amendment)

**Excerpt of B1.04 Complete Intensity Table**

| Zoning District | Minimum Gross Land Area | Minimum Lot Width | Minimum Street Frontage | Minimum Livability Space Ratio* (LSR) | Minimum Setbacks | |
|---|---|---|---|---|---|---|
| | | | | | Street | Interior |
| Residential Zoning Districts | | | | | | |
| R1 | 8,000 sq. ft. | 70 ft. | 56 ft. | .53 | 20 ft. | 14 ft. |
| R1S | 5,000 sq. ft. | 35 ft. | 28 ft. | NA, Refer to UDO Subsection 14.06.03(D) | 20' | 7', Refer to Subsection 14.06.03(E)(2) |
| R1A | 8,000 sq. ft. | 70 ft. | 56 ft. | .53 | 20 ft. | 14 ft. |
| R2 | 6,000 sq. ft. | 70 ft. | 56 ft. | .48 | 20 ft. | 13 ft. |
| R3 | 20,000 sq. ft. | 80 ft. | 64 ft. | .40 | 20 ft. | 13 ft. |

**Excerpt of B1.05 Complete Building Height Table**

| Zone | Height Limitation |
|---|---|
| **R1, R1A**, RR, **R2**, R4, RA | 3 stories |
| **R1S** | 1 story with an attic story or a basement/25'; Refer to Subsection 14.06.03(F) |
| **R3** | 3 stories |

**Excerpt of B1.06 Complete Occupancy Table**

| Occupancy Regulation | Zoning District |
|---|---|
| One family or up to 2 unrelated<br><br>Note: a dwelling occupied by a family (but not unrelated persons) may also have one (1) roomer. | **R1 Single-Family Residential**<br>**R1S Small Home Residential**<br>**R1A Single-Family Residential with Accessory Dwelling**<br>RR Residential Rehabilitation<br>**R2 Two-Family Residential**<br>R4 Two-Family Residential/Manufactured Housing<br>R5 55+ Housing Residential<br>RA Residential Agriculture<br>MH Manufactured Housing<br>B1 Downtown Interface<br>B1 Downtown Core<br>B2 Neighborhood Business<br>O/I Office Institutional |

Communication: Case A24-0269 Exhibit 2: Staff Report (Case A24-0269 Nolt General Use Zoning Map Amendment)

| Occupancy Regulation | Zoning District |
|---|---|
| | E2 Educational |
| One family or up to 4 unrelated<br><br>Note: a dwelling occupied by a family (but not unrelated persons) may also have one (1) roomer. | **R3 Multiple-Family**<br>B3 General Business<br>M1 Manufacturing |

**Staff Analysis:**

US Highway 421 North serves as a main entrance way to Boone from the west. The subject property consists of 2 single-family dwellings. There is currently no permissible use in the UDO Table of Permissible Uses for 2 single-family dwellings of roughly equal size on the same parcel. (The definition of multi-family dwelling includes three or more units.) Therefore, the subject property, if annexed, will constitute a non-conforming use regardless of the zoning district designated by Council.

In addition, there are two non-conforming situations – the interior setbacks on the eastern side of the property are well below the required 13 or 14 feet and the two structures are only approximately 9 feet apart – substantially less than required by UDO 14.03.08.

## 2006 Comprehensive Plan Analysis

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

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

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

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

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

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

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

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

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

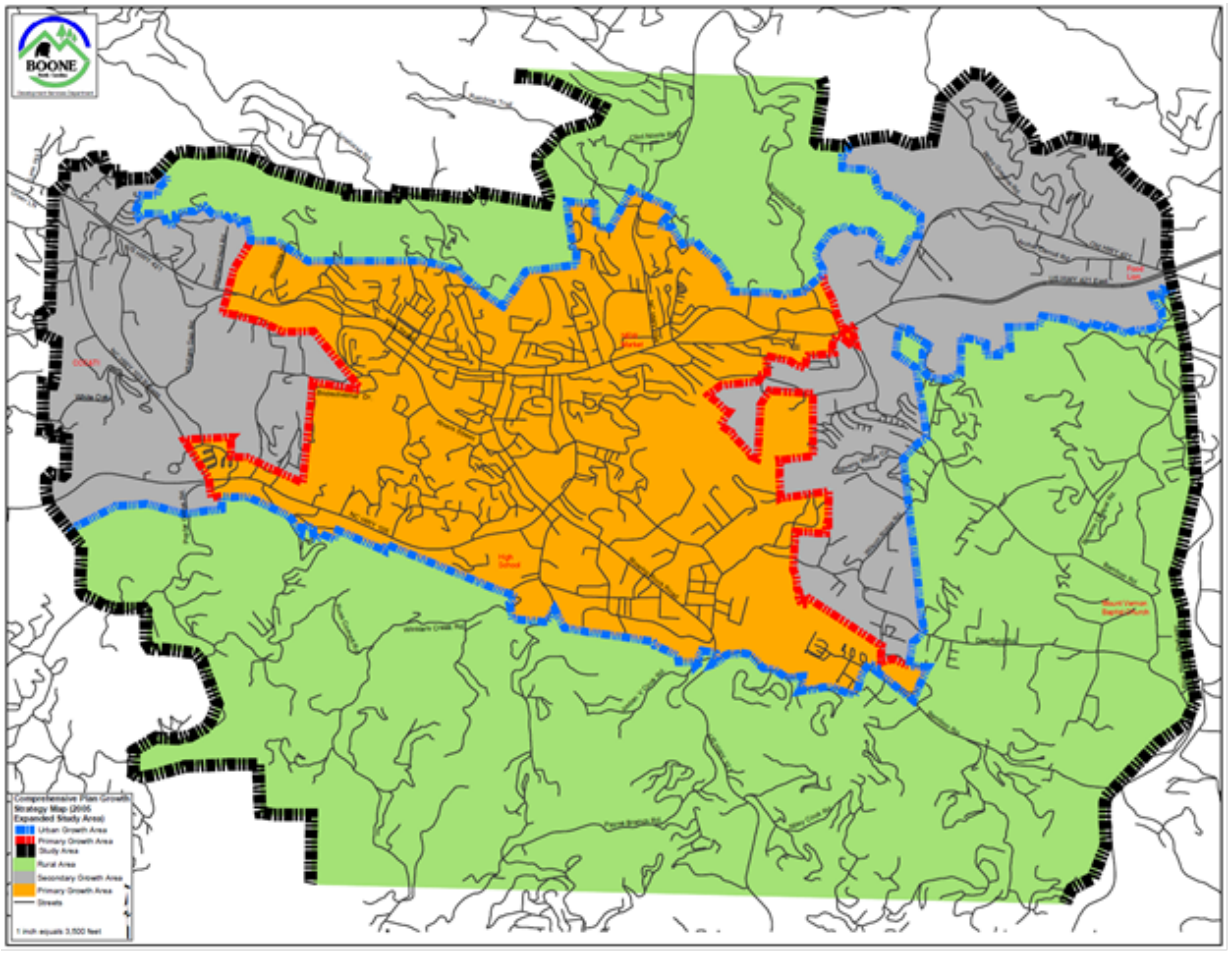
**Infrastructure:** Engage in long range planning for water and sewer systems, stormwater runoff, natural gas, and other utility systems. Place overhead utilities underground whenever feasible.

Communication: Case A24-0269 Exhibit 2: Staff Report (Case A24-0269 Nolt General Use Zoning Map Amendment)

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

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

**1.2 GROWTH STRATEGY MAP (p. 17):**




The property lies along the corporate limits line and is located within the Rural Area adjacent to the Primary Growth area .

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

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

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

Communication: Case A24-0269 Exhibit 2: Staff Report (Case A24-0269 Nolt General Use Zoning Map Amendment)

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

**2.2 Infrastructure**

**2.2.2 Utilities (page 49)**

**A.** Extensions of water and/or sewer services that could result in scattered, non-directed development and costly provision of other urban services shall be prohibited.

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

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

**C.** The Town shall consider the highest level of participation in the cost of providing water and sewer services within the Primary Growth Area with the next highest level of participation considered for the Secondary Growth Area.

**D.** Water and sewer services shall not be extended to properties in the Rural Area (outside the Urban Growth Area). Exceptions to this policy may include the provision of services to other local governments, cooperative agreements on major economic development initiatives, and extensions needed to address imminent public health problems or related environmental hazards.

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

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

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

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

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

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

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

…

Communication: Case A24-0269 Exhibit 2: Staff Report (Case A24-0269 Nolt General Use Zoning Map Amendment)

**2.3 Community**

**2.3.3 Housing & Neighborhoods (page 79)**

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

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

## Annexation/Zoning Process

Annexation is a three-step process and the zoning of the property being annexed into the corporate limits occurs in a separate but concurrent process. Both of the processes require separate public hearings. Staff has detailed the steps in which both of these processes would occur below.

| Date | Annexation | Zoning |
|---|---|---|
| May 8, 2024 | **Step 1 Presentation of Petition:** The first step of the annexation process includes the presentation of the annexation petition and Certificate of Sufficiency at a Council meeting. At that time Council will be asked to approve a resolution scheduling a date for an annexation public hearing, identify possible zoning for the property. This starts the concurrent zoning process identified in the column to the right. | |
| May 29, 2024 | | **Step 1 Zoning Public Hearing:** Cases to zone properties placed on the public hearing agenda for the zoning of the property.<br><br>**Step 2 Zoning (PC Meeting):** Planning Commission makes recommendation of the zoning of the parcel following the public hearing. This recommendation is forwarded to the next Town Council meeting. |
| June 26, 2024 | **Step 2 Annexation Public Hearing:** The second step of the annexation process would be an annexation public hearing during the first part of the Council meeting.<br><br>**Step 3 Council Vote on Annexation**: Subsequent to the annexation public hearing | **Step 3 Council Vote on Zoning:** Prior to the vote on Annexation, Council votes on the zoning of the property. |

Communication: Case A24-0269 Exhibit 2: Staff Report (Case A24-0269 Nolt General Use Zoning Map Amendment)

| | | |
|---|---|---|
| | and after the decision on the zoning of the properties, Council will vote on the Annexation Ordinance. The annexation ordinance can be made effective immediately, June 30, 2023 or June 30, 2024. | |

## PLANNING BOARD REPORT/RECOMMENDATIONS

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

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

*Note 1*

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

**Vote 2:** The Planning Commission recommends ☐**approval** OR ☐**denial** of Ordinance #A24-0269 within Exhibit A and believes ☐**approval** OR ☐**denial** is reasonable and in the public interest because:

*Note 2*

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

Communication: Case A24-0269 Exhibit 2: Staff Report (Case A24-0269 Nolt General Use Zoning Map Amendment)

## TOWN COUNCIL ACTION -- Adoption of Ordinance

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

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

*Note 1*

_____

_____

_____

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

**Vote 2:** The Town Council ☐**approves** OR ☐**denies** Ordinance #A24-0269 within Exhibit A and believes ☐**approval** OR ☐**denial** is reasonable and in the public interest because:

*Note 2*

_____

_____

_____

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

Communication: Case A24-0269 Exhibit 2: Staff Report (Case A24-0269 Nolt General Use Zoning Map Amendment)

## Exhibit A

**Ordinance# A24-0269**

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

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

| | |
|---|---|
| **Address:** | **1585/1587 US 421 North** |
| **Watauga County PINs:** | **2901-30-6264-000** |
| **Property Owner:** | **Todd & Jessica Nolt** |
| **Zoning:** | **TBD** |
| | **Corridor District Overlay** |

WHEREAS, the Boone Town Council held a duly-noticed public hearing May 29, 2024 with respect to this rezoning request; and

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

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

NOW, THEREFORE, BE IT RESOLVED as follows:

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

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

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

Adopted this 26th day of June, 2024

**The Honorable Tim Futrelle, Mayor**

**Attest:**

**Nicole Harmon, Town Clerk**

Communication: Case A24-0269 Exhibit 2: Staff Report (Case A24-0269 Nolt General Use Zoning Map Amendment)

# General Use Zoning Map Amendment Application

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

## A. Required to be Submitted at Time of Application

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

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

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

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

## B. Property Information

Street Address: 389 Eastview Dr.

Watauga County Parcel Identification Number: **2901-91-6527-000 & 2901-91-4666-000**

Existing Zoning District(s): N/A

Proposed Zoning District(s): R1, **R1-A**, & RA

Adjacent Land Uses: N: Single Family Residential, 1.01 E: Single Family Residential, 1.01

S: Single Family Residential, 1.01 W: Vacant

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

If yes, describe:

Total Land Area: 1.67 Acres

## C. Property Owner Information

Name: Priscilla Ann Rich Revocable Living Trust / Priscilla Ann Rich (Trustee)

Complete Mailing Address (Street, City, Zip): 389 Eastview Dr. Boone, NC 28607

Phone Number: 828-263-9169

Email Address: Priscillarich@bellsouth.net

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

## D. Applicant Signature and Property Owner Authorization

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

| **Property Owner (Print)** | **Property Owner (Signature)** | **Date** |
|---|---|---|

Communication: Case A24-0273 Exhibit 1: Application (Case A24-0273 Rich General Use Zoning Map Amendment)

| Official Use Only | | | | |
|---|---|---|---|---|
| Permit Name:<br>Rich, Priscilla-General Use Rezoning | | | | |
| Permit Number:<br>24-0273 | | | | |
| Date:<br><br>April 23, 2024 | Fee:<br><br>N/A | Receipt Number:<br>N/A | Method of Payment:<br>☐ Cash<br>☐ Check<br>Number:_____ | Paid By:<br><br>N/A |

**Official Use Only - Hearing/Decision Information**

Public Hearing Meeting Date: _____

PC Meeting Date: _____

TC Meeting Date: _____

Date of APO Mailed Notification: _____

Date of Posted Notification: _____

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

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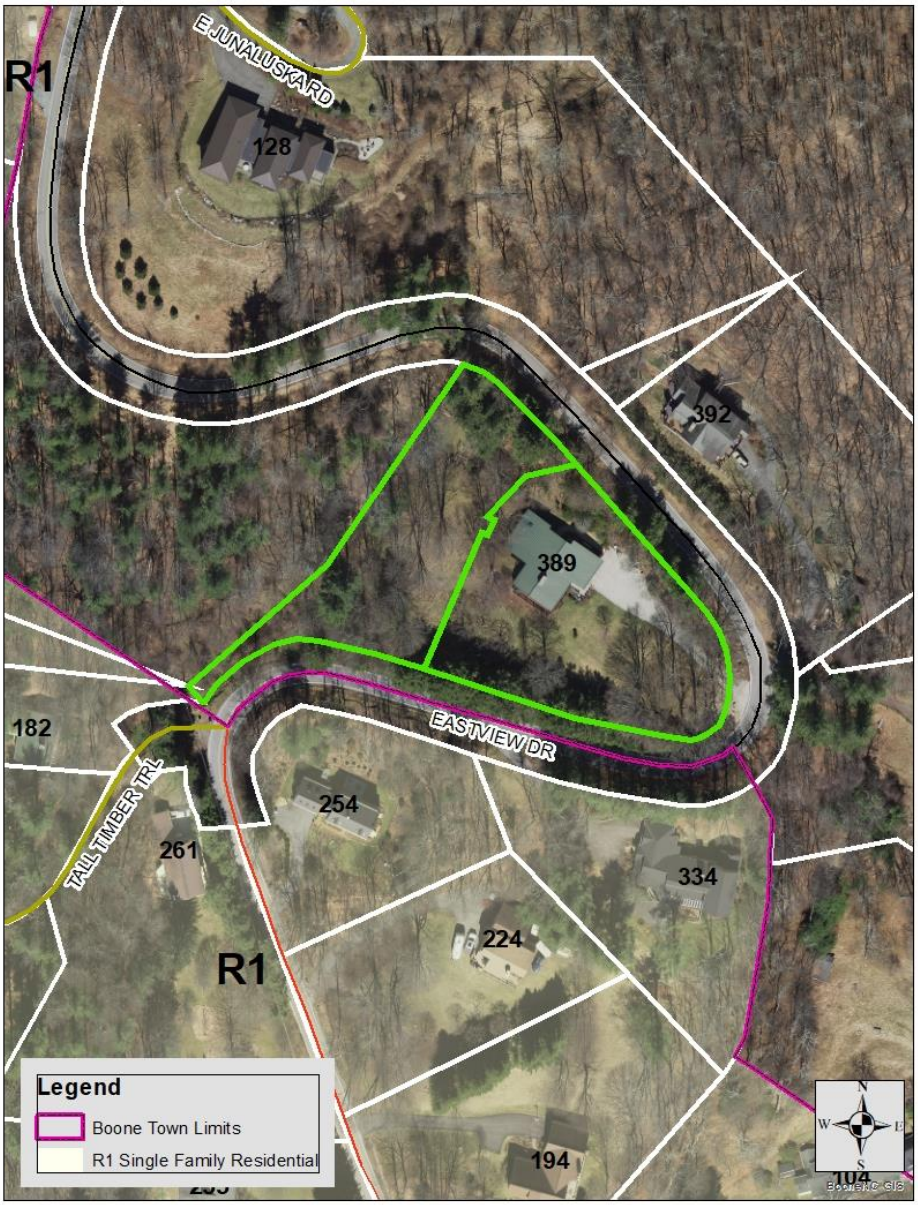
Communication: Case A24-0273 Exhibit 1: Application (Case A24-0273 Rich General Use Zoning Map Amendment)

**Staff Report**
**May 29, 2024**
**Case A24-0273 Rich – General Use Zoning Map Amendment**



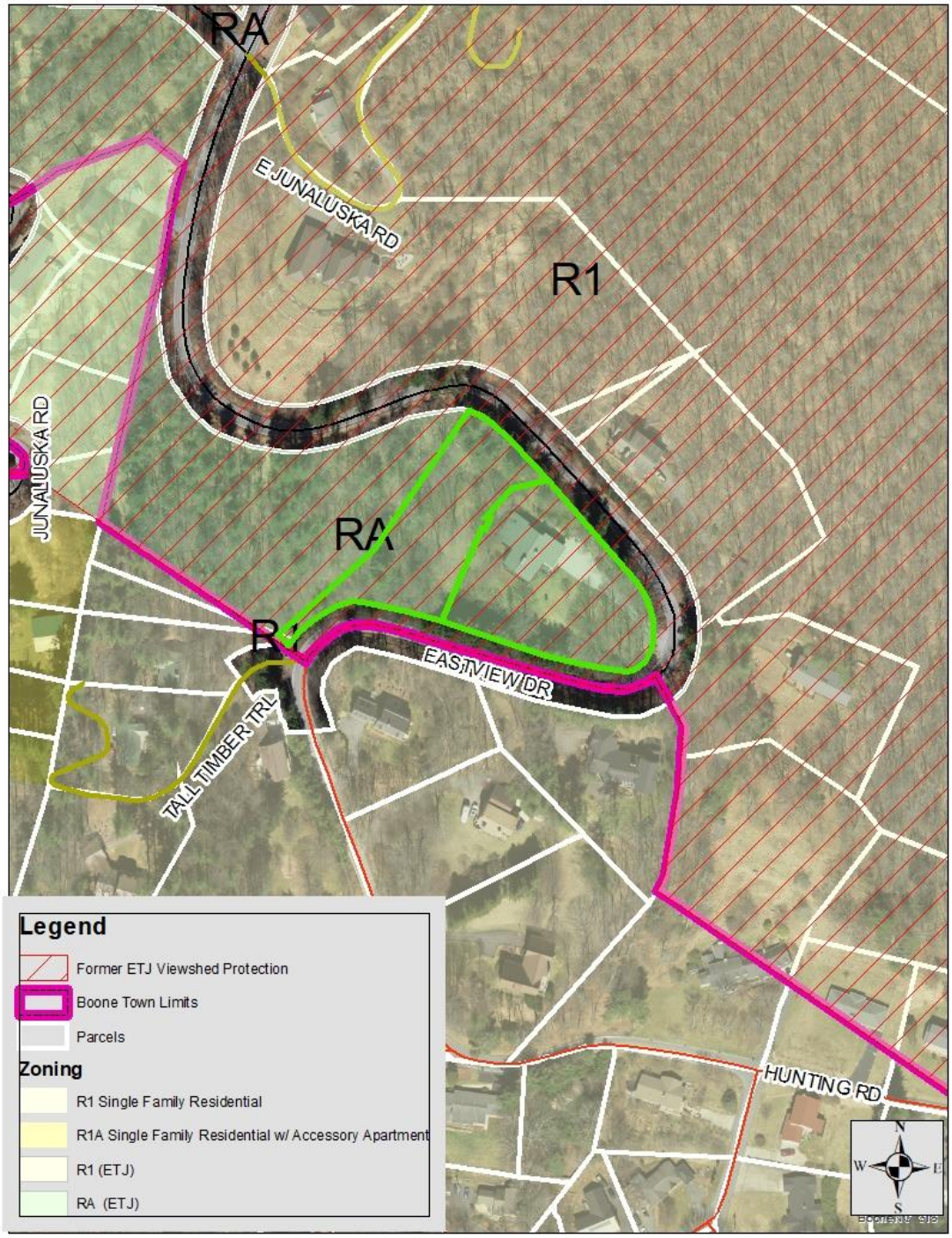

## Request

In conjunction with a request for voluntary annexation, the Town of Boone has initiated the zoning of properties at 389 Eastview Dr. (Watauga County PINs: 2901-91-6572-000 & 2901-91-4666-000) owned by the Priscilla Rich Living Trust to R1-A Single-Family Residential with Accessory Dwelling along with the Viewshed Protection District overlay.

Communication: Case A24-0273 Exhibit 2: Staff Report (Case A24-0273 Rich General Use Zoning Map Amendment)

## HISTORY

1-10-2017 Prior to January 1, 2017, this parcel was located in the town's extraterritorial jurisdictions (ETJ) and was zoned RA, Viewshed Protection District. The Town of Boone lost the authority to exercise powers of the extraterritorial jurisdiction. As of January 1, 2017, the Town of Boone lost the authority to exercise powers of the extraterritorial jurisdiction.




Communication: Case A24-0273 Exhibit 2: Staff Report (Case A24-0273 Rich General Use Zoning Map Amendment)

## Parcel information

| | |
|---|---|
| **Property Owner:** | Priscilla Rich |
| **Address:** | 389 Eastview Drive/No Address Assigned Yet |
| **Watauga County PINs:** | 2901-91-6527-000 & 2901-91-4666-000 |
| **Use:** | Single Family Home & Vacant |
| **Size:** | .945 acre & .722 acre (1.667 acres) |
| **Jurisdiction:** | Watauga County |
| **Access:** | Eastview Drive (State Maintained) |
| **Viewshed:** | Yes |
| **Watershed:** | No |
| **SFHA:** | No |
| **Steep Slope:** | Yes |
| **Very Steep Slope:** | Yes |
| **Existing Zoning:** | None |
| **Previous Zoning (ETJ):** | RA Residential Agriculture |
| **Applicant Requested Zoning:** | R1A Single family Residential with Accessory Dwelling |
| **Zoning Districts to be Considered:** | R1A Single family Residential with Accessory Dwelling<br>Viewshed Protection Overlay |

## Ultimate issue Before Council on Amendments

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

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

**B.** The Council shall only consider the impact of the proposed change on the public at large.

## ZONING ANALYSIS

**Analysis of Adjacent Zoning**

| | Adjacent Zoning | Adjacent Land Use (Watauga Co. Tax Data) |
|---|---|---|
| North | Unzoned-Watauga County | Single-family dwelling |
| West | Unzoned – Watauga County | Vacant |
| South | R1-Single Family Residential | Single-family dwelling |
| East | Unzoned – Watauga County | Single-family dwelling |

Communication: Case A24-0273 Exhibit 2: Staff Report (Case A24-0273 Rich General Use Zoning Map Amendment)

Below are excerpts from UDO Article 14 Zoning District Regulations regarding the district, uses, intensity and height for the R1A Single-family with Accessory Dwelling Residential District.

**Excerpt of ARTICLE 14 ZONING DISTRICTS**

…

**14.05 R1A Single Family Residential with Accessory Dwelling**

**14.07.01** The R1A Single-Family Residential with Accessory Dwelling District is established to provide a low-density living area consisting of single-family dwellings with or without subordinate, accessory dwellings. The regulations for this district are intended to maintain the essential character of a single-family neighborhood but allow for the establishment of accessory dwellings which are clearly subordinate to the single-family dwelling. The regulations for this district are designed to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.

…

**14.07.02 R1A Permissible Uses**

| Use # | Specific Use | R1A | Reference |
|---|---|---|---|
| **Allowable Principal Uses** | | | |
| **1.0 Household Living** | | | |
| 1.01 | Single-Family Dwelling | P | |
| **2.0 Group Living** | | | |
| 2.01 | Family Care Home | L | 15.06 |
| **3.0 Transient Living** | | | |
| 3.01 | Home for Survivors of Domestic Violence | L | 15.11 |
| 3.04 | Bed and Breakfast, Category 1 | S[T50] | 15.13 |
| 3.07 | Homestay Rental | L | 15.05 |
| **4.0 Institutional** | | | |
| 4.04 | Cemetery | P | |
| **5.0 Government Uses** | | | |
| 5.02 | Government Neighborhood Cultural Facility, Indoor Activity Only | S | |
| 5.05 | Recreation Facility, Category 2 | P | |
| 5.06 | Recreation Facility, Category 3 | S | |
| 5.12 | Police Substation | P | |
| 5.13 | Utility Facility, Town | L | 15.16 |
| 5.14 | Utility Facility, Government, Neighborhood | L | 15.16 |
| **6.0 Non-Government** | | | |
| 6.01 | Utility Facility, Neighborhood | L | 15.16 |
| **7.0 Wireless Communication** | | | |
| 7.01 | Small Wireless Collocation | L | 15.18 |

Communication: Case A24-0273 Exhibit 2: Staff Report (Case A24-0273 Rich General Use Zoning Map Amendment)

| Use # | Specific Use | R1A | Reference |
|---|---|---|---|
| 7.02 | Wireless Facility Collocation on Existing Wireless Support Structure or Utility Pole | L | 15.17 |
| 7.03 | Stealth Wireless Facility Attached to Existing Building or Structure | L | 15.17 |
| 7.05 | Non-stealth Wireless Facility Collocation on Electrical Transmission Towers | L | 15.17 |
| 7.06 | Stealth Wireless Support Structure | S/L | 15.17 |
| 7.08 | Emergency Response Communication Antenna | P | |
| **8.0 Assembly** | | | |
| 8.01 | Religious Assembly, Category 1 | P | |
| 8.02 | Religious Assembly, Category 2 | P[T125] | |
| **13.0 Agriculture** | | | |
| 13.01 | Garden, Community | L | 15.29 |
| 13.02 | Garden, Residential | L | 15.30 |
| 13.09 | Forestry | L | 15.31 |
| **Allowable Accessory Uses** | | | |
| A-1 | Secondary suite | L | 15.45 |
| A-2 | Home occupation | L | 15.46 |
| A-3 | Accessory dwelling unit | L | 15.47 |
| A-4 | Drive-through | | 15.48 |
| A-5 | Outdoor display | | 15.49 |
| A-6 | Outdoor storage | | 15.50 |
| A-7 | Outdoor dining | | 15.51 |
| A-8 | Automated teller machine (ATM) | | |
| A-9 | Automated teller machine (ATM), freestanding | | 15.52 |
| A-10 | Produce stand | | 15.53 |
| A-11 | Poultry | L | 15.54 |
| A-12 | Livestock, small | L | 15.55 |
| A-13 | Livestock, large | | 15.56 |
| A-14 | Bees | L | 15.57 |
| A-15 | Garden, residential | L | 15.58 |
| A-16 | Satellite receiving antennas less than 1 meter in diameter | P | |
| A-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 | 15.59 |
| A-21 | Caretaker's residence | | 15.60 |
| A-22 | Vehicular gate | L | 15.61 |
| A-23 | Vehicle washing station | | |
| A-24 | Chemical storage facility | | |
| A-25 | Open air market, accessory | L | 15.22 |

Communication: Case A24-0273 Exhibit 2: Staff Report (Case A24-0273 Rich General Use Zoning Map Amendment)

| Use # | Specific Use | R1A | Reference |
|---|---|---|---|
| A-26 | Daycare, small | P | |
| A-28 | Solar Energy System | L | 15.64 |
| A-29 | Electric-Vehicle Charging Station | L | 15.65 |
| **Allowable Temporary Uses** | | | |
| T-1 | Temporary care provider dwelling | L | 15.62 |
| T-2 | Temporary construction or repair dwelling | L | 15.62 |
| T-3 | Temporary construction trailer | L | 15.62 |
| T-6 | Temporary portable storage containers | L | 15.62 |
| T-9 | Carrier on wheels (cow) | L | 15.62 |
| T-10 | Yard sales | L | 15.62 |
| T-11 | Itinerant merchant/peddler | L | 15.62 |

...

### B1.04 Complete Intensity Table

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

### Excerpt of B1.05 Complete Building Height Table

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

### Excerpt of B1.06 Complete Occupancy Table

| Occupancy Regulation | Zoning District |
|---|---|
| One family or up to 2 unrelated<br><br>Note: a dwelling occupied by a family (but not unrelated persons) may also have one (1) roomer. | R1 Single-Family Residential<br>R1S Small Home Residential<br>**R1A Single-Family Residential with Accessory Dwelling**<br>RR Residential Rehabilitation<br>R2 Two-Family Residential<br>R4 Two-Family Residential/Manufactured Housing<br>R5 55+ Housing Residential<br>RA Residential Agriculture |

Communication: Case A24-0273 Exhibit 2: Staff Report (Case A24-0273 Rich General Use Zoning Map Amendment)

| Occupancy Regulation | Zoning District |
|---|---|
| | MH Manufactured Housing<br>B1 Downtown Interface<br>B1 Downtown Core<br>B2 Neighborhood Business<br>O/I Office Institutional<br>E2 Educational |

**Staff Analysis:**
The parcels near the subject property that are within Town limits and outside the Town limits are single-family dwellings.

The subject property consists of a single-family dwelling with an accessory dwelling. The UDO defines accessory dwelling as a subordinate dwelling unit associated and located on the same lot as a single-family dwelling.

Therefore, the use of the property, if annexed, will by a conforming use with the R1A zoning.

## 2006 COMPREHENSIVE PLAN ANALYSIS

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

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

**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.

**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 portion of the property within the corporate limits is located within the Primary Growth area and the portion of the property located outside the corporate limits is located within the Secondary Growth Area.

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

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

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

Communication: Case A24-0273 Exhibit 2: Staff Report (Case A24-0273 Rich General Use Zoning Map Amendment)

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

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

**2.2 Infrastructure**

**2.2.2 Utilities (page 49)**

**A.** Extensions of water and/or sewer services that could result in scattered, non-directed development and costly provision of other urban services shall be prohibited.

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

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

**C.** The Town shall consider the highest level of participation in the cost of providing water and sewer services within the Primary Growth Area with the next highest level of participation considered for the Secondary Growth Area.

**D.** Water and sewer services shall not be extended to properties in the Rural Area (outside the Urban Growth Area). Exceptions to this policy may include the provision of services to other local governments, cooperative agreements on major economic development initiatives, and extensions needed to address imminent public health problems or related environmental hazards.

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

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

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

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

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

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

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

…

**2.3 Community**

**2.3.2 Community Character (page 75)**

Communication: Case A24-0273 Exhibit 2: Staff Report (Case A24-0273 Rich General Use Zoning Map Amendment)

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

**2.3.3 Housing & Neighborhoods (page 79)**

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

**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.

…

Communication: Case A24-0273 Exhibit 2: Staff Report (Case A24-0273 Rich General Use Zoning Map Amendment)

## Annexation/Zoning Process

Annexation is a three-step process. The zoning of the property being annexed into the Town corporate limits occurs in a separate but concurrent process. Both of the processes require separate public hearings. Staff has detailed the steps in which both of these processes would occur below.

| Date | Annexation | Zoning |
|---|---|---|
| May 8, 2024 | **Step 1 Presentation of Petition:** The first step of the annexation process occurred at the May 8, 2024 Town Council meeting, where the annexation petition and Certificate of Sufficiency was presented and Council approved a resolution scheduling a date for an annexation public hearing on June 26, 2024. | |
| May 29, 2024 | | **Step 1 Zoning (Public Hearing on Zoning):** Cases to zone properties placed on the May 29, 2024 public hearing agenda for the zoning of the property.<br><br>**Step 2 Zoning (PC Meeting):** Planning Commission makes recommendation of the zoning of the parcel to Town Council following the May 29, 2024 public hearing. |
| June 26, 2024 | **Step 2 Public Hearing on Annexation:** The second step of the annexation process would be an annexation public hearing during the first part of the Council meeting.<br><br>**Step 3 Council Vote on Annexation**: Subsequent to the public hearing on annexation (at the same meeting) be scheduled and after the decision on the zoning of the properties, Council will vote on the Annexation Ordinance. The annexation ordinance can be made effective immediately, June 26, 2024 or June 30, 2024. | **Step 3 Council Vote on Zoning:** Planning Commission recommendations will be forwarded to the June 26, 2024 Town Council meeting for Council decision on zoning of the properties. |

Communication: Case A24-0273 Exhibit 2: Staff Report (Case A24-0273 Rich General Use Zoning Map Amendment)

## PLANNING BOARD REPORT/RECOMMENDATIONS

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

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

*Note 1*

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

**Vote 2:** The Planning Commission recommends ☐**approval** OR ☐**denial** of Ordinance # A24-0273 within Exhibit A and believes ☐**approval** OR ☐**denial** is reasonable and in the public interest because:

*Note 2*

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

Communication: Case A24-0273 Exhibit 2: Staff Report (Case A24-0273 Rich General Use Zoning Map Amendment)

## TOWN COUNCIL ACTION - Adoption of Ordinance

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

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

*Note 1*

_____

_____

_____

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

**Vote 2:** The Town Council ☐**approves** OR ☐**denies** Ordinance# A24-0273 within Exhibit A and believes ☐**approval** OR ☐**denial** is reasonable and in the public interest because:

*Note 2*

_____

_____

_____

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

Communication: Case A24-0273 Exhibit 2: Staff Report (Case A24-0273 Rich General Use Zoning Map Amendment)

## Exhibit A

**Ordinance A24-0273**

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

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

| | |
|---|---|
| **Address:** | **389 Eastview Drive** |
| **Watauga County PINs:** | **2901-91-6527-000 and 2901-91-4666-000** |
| **Property Owner:** | **Priscilla Ann Rich Revocable Living Trust** |
| **Zoning:** | **R1A Single-family Residential with Accessory Dwelling** |
| | **Viewshed Protection Overlay** |

WHEREAS, the Boone Town Council held a duly-noticed public hearing May 29, 2024 with respect to this rezoning request; and

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

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

NOW, THEREFORE, BE IT RESOLVED as follows:

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

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

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

Adopted this 26th day of June, 2024.

**The Honorable Tim Futrelle, Mayor**

**Attest:**

**Nicole Harmon, Town Clerk**

Communication: Case A24-0273 Exhibit 2: Staff Report (Case A24-0273 Rich General Use Zoning Map Amendment)

# Conditional District Zoning Map Amendment Application

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

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

***Note: A pre-application meeting is required prior to application submittal.***
***Failure to provide the information required on this application may delay the review and scheduling of the requested hearing.***

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

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

Date of requested hearing: May 29, 2024

## C. Property Information (Project Location)

Street Address: 504 Green St.

Watauga County Parcel Identification Number(s): 2901512050000

## D. Property Owner Information

Name: David V. Sanders and Rachel M. Sanders

Complete Mailing Address (Street, City, Zip): 478 Windwood Lane, Boone NC 28607

Phone Number: 336 391 1973

Email Address: 828davidsanders@gmail.com

## E. Applicant Information

Name: Marisa G. Cornell

Company: The Mediation & Restorative Justice Cent.

Complete Mailing Address (Street, City, Zip): 133 N. Water St. Boone, NC 28607

Email Address: marisa.mrjc@gmail.com

Phone Number: 828.264.3040

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

## F. Detailed Description of Project

Residential Recovery Housing, which will entail use of property for sober, safe, and healthy living environment that promotes recovery, wellness and reintigration into the community.



Communication: Case A24-0264 Exhibit 1: Application (Case A24-0264 Mediation & Restorative Justice Center, 504 Green Street, Conditional

## G. Project Cost

Project Cost:

$ 0.00

## H. Development Information

Is the development subject to a previous Special Use Permit? ☐ Yes ☒ No ☐ Unknown

If yes, please describe:

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

If yes, please describe:

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

If yes, please describe:

## I. District/Use Information

Existing Zoning District: RIA

Proposed Zoning District(s): OI -OR- R3

Existing Land Use(s): R02- Residential 2 Family

Proposed Land Use(s) (Specific Use # from UDO Section 15.07 Required): 2.04 Halfway House Category 2 -OR- 2.07 Boarding House

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

| | | | | |
|---|---|---|---|---|
| Building Footprint Square Footage: | Current: | 1,416.50 | Proposed: | 1,416.50 |
| Total Building Square Footage (all floors): | Current: | 2,833 | Proposed: | 2,833 |
| Number of Stories | Current: | 2 | Proposed: | 2 |
| Building Height: | Current: | aprox. 20 ft | Proposed: | aprox. 20 ft |
| Number of Units: | Current: | 1 | Proposed: | 1 |
| Number of Bedrooms: | Current: | 5 | Proposed: | 5 |

## K. Environmental Information

Total Land Area : .412 ☐ Sq. Feet or ☒ Acres

Disturbed Area: _____ ☐ Sq. Feet or ☐ Acres

Viewshed: Is development occurring within the Viewshed Protection District? ☐ Yes ☒ No ☐ Unknown

Slope: Is development occurring on slopes in excess of 30%? ☐ Yes ☒ No ☐ Unknown

Is development occurring on slopes in excess of 50%? ☐ Yes ☒ No ☐ Unknown

Watershed: Is the property located within a designated Water Supply Watershed Area? ☐ Yes ☒ No ☐ Unknown

If yes, please select: ☐ WS-II-CA ☐ WS-IV-PA ☐ WS-IV-CA

Stream/River: Is there a stream or river on or near the property? ☒ Yes ☐ No

SFHA: Is the property located within the Special Flood Hazard Area? ☐ Yes ☒ No ☐ Unknown



Communication: Case A24-0264 Exhibit 1: Application (Case A24-0264 Mediation & Restorative Justice Center, 504 Green Street, Conditional

| | | | |
|---|---|---|---|
| Impervious Area: | What is the existing impervious area in the development? | 54.5 % | ☐sq. feet ☐ acres |
| | What is the proposed impervious area in the development? | 54.5 % | ☐sq. feet ☐ acres |

## L. Design Professional Information

Designer is an: ☐Architect ☐Engineer ☐Owner ☐Other: N/A

Name: Company:

Complete Mailing Address (Street, City, Zip):

Phone Number: Email Address:

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

## M. Brownfields Agreement Notification

1. Does the applicant have or is the applicant planning to enter into a Brownfields Agreement with the NC Brownfields Program? ☐ Yes ☐ No (If yes, please answer question #2 below.)

2. Anticipated date for the first year of partial exclusion of property taxes:

## N. Applicant Signature and Property Owner Authorization

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

| | | |
|---|---|---|
| MARISA CORNELL | MCornell | 4/9/24 |
| **Applicant (Print)** | **Applicant (Signature)** | **Date** |
| David Sanders | DSS | 4/9/2024 |
| **Property Owner (Print)** | **Property Owner (Signature)** | **Date** |

Communication: Case A24-0264 Exhibit 1: Application (Case A24-0264 Mediation & Restorative Justice Center, 504 Green Street, Conditional

| Official Use Only | | | | |
|---|---|---|---|---|
| Permit Name: | | | | |
| Permit Number: | | | | |
| Date: | Fee: | Receipt Number: | Method of Payment:<br>☐ Cash<br>☐ Check Number:_____ | Paid By: |

**Official Use Only - Hearing/Decision Information**

Public Hearing Meeting Date: _____

PC Meeting Date: _____

TC Meeting Date: _____

Date of APO Mailed Notification: _____

Date of Posted Notification: _____

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

S:\FORMS\PI_Forms_Current\Planning Forms\CDZMapAmend_10202020.docx

Communication: Case A24-0264 Exhibit 1: Application (Case A24-0264 Mediation & Restorative Justice Center, 504 Green Street, Conditional

FILED Amy J. Shook
Register of Deeds, Watauga Co, NC
Fee Amt: $26.00
NC Excise Tax: $537.00

Bk 1921 Pg 397 (3)
Recorded: 06/01/2017 at 02:20:21 PM
Doc No: 658750 Kind: DEED

658750

# NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: 537

Parcel Identifier No._____ Verified by _____ County on the ____ day of_____, 20__
By:_____

Mail/Box to: Grantee_____

This instrument was prepared by: Robert B. Angle, Jr._____

Brief description for the Index:_____

THIS DEED made this 26th day of May, 2017, by and between

| GRANTOR | GRANTEE |
|---|---|
| **Henry Roby Lesesne, Jr. and wife, Chastity R. Lesesne aka Chasity R. Lesesne**<br>**200 Sierra Vista**<br>**Boone, NC 28607** | **David V. Sanders and wife, Rachel M. Sanders**<br>**405 Upper Holiday Lane, Unit F225**<br>**Beech Mountain, NC 28604** |

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, parcel of land or condominium unit situated in the Boone Township, Watauga County, North Carolina and more particularly described as follows:

**See Exhibit A**

The property hereinabove described was acquired by Grantor by instrument recorded in Book 489, Page 633
All or a portion of the property herein conveyed __ includes or __ does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book , Page .



NC Bar Association Form No. 3 © Revised 7/2013
Printed by Agreement with the NC Bar Association

This standard form has been approved jointly by:
North Carolina Bar Association – NC Bar Form No. 3
North Carolina Association of Realtors, Inc. – Standard Form 3

Communication: Case A24-0264 Exhibit 2: Deed (Case A24-0264 Mediation & Restorative Justice Center, 504 Green Street, Conditional District

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Subject to any and all ad valorem taxes for the current year and subsequent years, easements and restrictions of record, and any local, county, state or federal laws, ordinances or regulations relating to zoning, environment, subdivision, occupancy, use, construction or development of the subject property, including existing violations of said laws, ordinances or regulations.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

(SEAL)
Henry Roby Lesesne, Jr.

(SEAL)
Chastity R. Lesesne
Aka Chasity R. Lesesne

State of North Carolina - County of Watauga

I, the undersigned Notary Public of the County and State aforesaid, certify that Henry Roby Lesesne, Jr., and wife Chastity R. Lesesne aka Chasity R. Lesesne personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 26 day of May, 2017.

My Commission Expires:_____
(Affix Seal)

ROBERT B. ANGLE JR. NOTARY PUBLIC WATAUGA COUNTY, NC My Comm. Expires January 13, 2022

Notary Public
Notary's Printed or Typed Name



NC Bar Association Form No. 3 © Revised 7/2013
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Bk 1921 Pg 399
Doc No: 658750 Kind: DEED

EXHIBIT "A"

being in Boone Township, Watauga County, North Carolina, more particularly described as follows:

Being all that tract of land containing 0.412 acres by coordinate geometry lying approximately 110 feet north of Green Street in the Town of Boone, North Carolina bounded by natural boundaries and/or lands owned by and/or in possession of persons as follows: on the west by Paul McKinley (Deed Book 203, Page 659) and Randal Marsh (Book of Records 157, Page 722), on the north by Stoneybrook Condos, on the east and south by Dr. Jaroslav Cerny (Book of Records 81, Page 281) and being more particularly described by courses and distances according to a survey performed June 1, 1992 by Municipal Engineering Services Company, P.A. under the direction and supervision of C. Neal Bare, RLS L-2425 as follows:

BEGINNING on an iron found in the center of a small spring branch, said iron being a corner in the northern boundary of the aforesaid Cerny property and the northwest corner of the 20' right-of-way, said iron also being in the eastern boundary line of the aforesaid McKinley property; thence along said eastern boundary and the eastern boundary of the aforesaid Marsh property and along the aforesaid branch the following four (4) courses and distances: (1) North 08 degrees 41 minutes 38 seconds East passing through a point at 84.21 feet 12.46 feet normal to the westernmost corner of the one story brick dwelling located on the herein described property, continuing 21.47 feet for a total distance of 105.68 feet to a chiseled X in a rock wall; (2) North 19 degrees 55 minutes 39 seconds East 39.23 feet to an iron rebar set; (3) North 58 degrees 46 minutes 41 seconds East 76.33 feet to an iron rebar set; and (4) North 36 degrees 18 minutes 41 seconds East 29.86 feet to an iron rebar set; thence leaving the branch and along the southern boundary of the aforesaid Stoneybrook Condos South 42 degrees 39 minutes 19 seconds East 104.21 feet to an iron rebar set; thence south 50 degrees 23 minutes 42 seconds West 108.45 feet to an iron found; thence South 44 degrees 58 minutes 40 seconds West passing through a point at 6.86 feet 8.74 feet normal to the southeast corner of the aforesaid dwelling, continuing 32.17 feet for a total distance of 39.03 feet to an iron found; thence South 66 degrees 14 minutes 45 seconds West passing through a point at 3.54 feet 9.16 feet normal to the southernmost corner of said dwelling, continuing 49.50 feet to a computed point at the northeast corner of the 20' right-of-way, continuing 25.37 feet for a total distance of 78.41 feet to the point of BEGINNING.

Also conveyed herewith is the twenty (20') foot right of way as described in deed from Francis McGuire and wife, Della Rae McGuire to Dennard M. McGuire and wife, Patricia A. McGuire dated March 21, 1972 and recorded in Deed Book 128 at page 298, Watauga County Public Registry, which right of way is incorporated herein by reference.

Communication: Case A24-0264 Exhibit 2: Deed (Case A24-0264 Mediation & Restorative Justice Center, 504 Green Street, Conditional District

# 504 Green St. Site Plan

Property Owner: David V. Sanders and Rachel M. Sanders
Applicant: The Mediation & Restorative Justice Center
Orientation: Site Plan oriented with north, up; south, down; eat, right; and west, left.

Town of Boone, N.C.




N

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

1:9,629
0 0.07 0.15 0.3 mi
0 0.13 0.25 0.5 km

April 12, 2024



Communication: Case A24-0264 Exhibit 3: Site Plan and Project Narrative (Case A24-0264 Mediation & Restorative Justice Center, 504 Green

Town of Boone, N.C.

504 Green St
measurements of building in relation to property line




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This is a thematic map for general planning purposes only.
This map is subject to quarterly updates and revisions.

1:573

0 0 0.01 0.02 mi

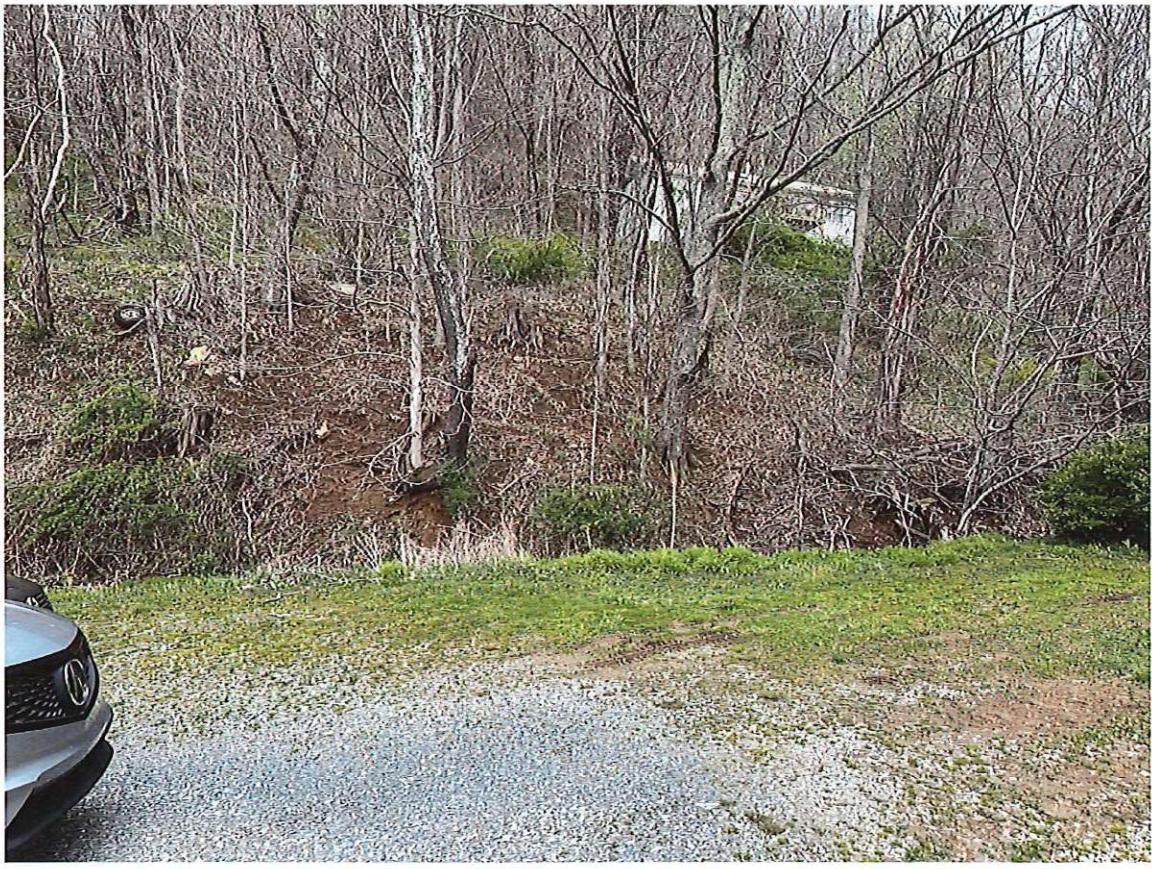
0 0.01 0.01 0.03 km

April 11, 2024

BOONE North Carolina

Terms and Explanations:
MRJC- The Mediation & Restorative Justice Center
HRC- Homestead Recovery Center, the peer-led programs of MRJC
The Homeplace- Recovery Housing Projects of HRC

## Site Survey & Landscape Descriptions



Northeast Facing Property Line:
Steep grade wooded bank and creek

Communication: Case A24-0264 Exhibit 3: Site Plan and Project Narrative (Case A24-0264 Mediation & Restorative Justice Center, 504 Green



North Facing Property Line and Back Yard:
Mature pine trees and chain-link fence adjoining to R3 Multi-Family Residence, Stoney Brook Apartments.

Communication: Case A24-0264 Exhibit 3: Site Plan and Project Narrative (Case A24-0264 Mediation & Restorative Justice Center, 504 Green



Upper East Facing Property Line Backyard:
Mature pine trees and chain-link fence adjoining to R3 Multi-Family Residence, Stoney Brook Apartments and R1A Residential w/ Accessory Apartment abandoned structure (east side).

Communication: Case A24-0264 Exhibit 3: Site Plan and Project Narrative (Case A24-0264 Mediation & Restorative Justice Center, 504 Green



East Facing Property Line:
Back deck of subject property. Bar area is to be removed before commencing use by HRC. Chain-link fence adjoining to R1A Residential w/ Accessory Apartment multi-structure property and adjoining abandoned structure.

Communication: Case A24-0264 Exhibit 3: Site Plan and Project Narrative (Case A24-0264 Mediation & Restorative Justice Center, 504 Green



Lower East Facing Property Line:
From front of property off the driveway. View is northeast. Chain-link fence adjoining to R1A Residential w/ Accessory Apartment, abandoned structure. Car shown in photograph is with abandoned property and has not been claimed or in use.

Communication: Case A24-0264 Exhibit 3: Site Plan and Project Narrative (Case A24-0264 Mediation & Restorative Justice Center, 504 Green



Lower South Facing Property Line toward Green Street Entry to Drive:
Chain-link fence adjoining to R1A Residential w/ Accessory Apartment, abandoned structure.
Note: mature shrubs along the boundary of the subject property.

Communication: Case A24-0264 Exhibit 3: Site Plan and Project Narrative (Case A24-0264 Mediation & Restorative Justice Center, 504 Green



Lower Section of Driveway/ Lower West Facing Property Line:
View is oriented west of subject property. Mature rhododendron and forsythia border the creekbank adjoining to R1A Residential w/ Accessory Apartment.

Communication: Case A24-0264 Exhibit 3: Site Plan and Project Narrative (Case A24-0264 Mediation & Restorative Justice Center, 504 Green

## Parking Plan



Parking Configuration for four vehicles

Town of Boone, N.C.




Disclaimer:
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All layers have been modified to this base.
This is a thematic map for general planning purposes only.
This map is subject to quarterly updates and revisions.

1:621

0 0.01 0.01 0.02 mi
0 0.01 0.01 0.01 km

April 11, 2024

Communication: Case A24-0264 Exhibit 3: Site Plan and Project Narrative (Case A24-0264 Mediation & Restorative Justice Center, 504 Green

## Neighborhood Impact

Noise

Anticipated Impact: We anticipate less noise in the Green St. neighborhood from this property under use as a recovery residence. The residence is currently rented by a group of ASU students and the noise level is consistent with the congregate living of young, college men and their visitors. The current tenants have constructed a "tiki bar" in the back yard that will be removed once HRC has use of the property to reinforce an alcohol and other substance free environment. There is also an outside fire pit that will be removed.

Noise Mitigation Factors: We anticipate a reduction in the level of noise in the Green St. neighborhood. To support a safe, productive and wellness-oriented environment and mitigate noise related to the subject property, HRC will implement and enforce House rules and policies (see Homeplace Policies Document) that will assist to reduce the level of noise. The Homeplace Policies Document includes, among others, Quiet Hours, Curfew, Zero Tolerance Policy for Alcohol and Other Substance Use, and No Visitor Policy.

- Quiet Hours: Quiet time will be from 10 p.m. to 6 a.m., Sunday-Thursday, and 11 p.m. to 6 a.m. on Friday and Saturday or as otherwise established by the HRC housing coordinator. Residents are not allowed outside during quiet time except in the case of an emergency. No television or gaming device may be used during quiet time. In addition, no loud music, noises, noxious odors, or other activities which are, or could be deemed, a nuisance to other residents or neighbors are permitted at any time. Headphones and earbuds are recommended. Each resident will be required to make reasonable accommodations for the welfare of other residents and neighbors.

- Curfew: Residents must comply with curfew established by the HRC housing coordinator through their case plan. Curfew varies depending on the program phase of the participant.

  Phase 1: 8pm - 8am, unless approved by staff
  Phase 2: 9pm - 8am, unless approved by staff
  Phase 3: 10pm - 8am, unless approved by staff

  Curfew exceptions are granted on an individual basis and may be considered for reasons that directly support a resident's Recovery Plan, as developed in collaboration with the resident and their case manager. Reasons for a curfew exception could include but are not limited to employment, continuing education, and recovery support groups.

- Zero Tolerance Policy for alcohol and other substance use:
  - A return to use, refusing to submit to a drug or alcohol test, or falsifying or attempting to falsify a drug or alcohol test. Misuse of prescribed or over-the-counter medications or other substances will be treated as a return to use and is grounds for dismissal from the program (Reasons for Immediate Dismissal document).

Communication: Case A24-0264 Exhibit 3: Site Plan and Project Narrative (Case A24-0264 Mediation & Restorative Justice Center, 504 Green

- No alcohol or other drugs (other than prescription and over-the-counter medications, in each case, approved by the HRC housing coordinator) are allowed on HRC Property. As noted, all prescription and non-prescription, over-the-counter medications must be approved by the HRC housing coordinator. In addition, the HRC housing coordinator is to be notified of any medication changes, including type and dosage. All medication should be stored in a lock box and be taken as prescribed. HRC reserves the right to conduct random medication counts with the resident present ( Other Homeplace Guidelines document).

- No Visitor Policy:
  - Visitors are not allowed on The Homeplace properties.

Light

Anticipated Impact: We anticipate less light pollution. ASU students currently occupying the residence have many vehicles present on a regular basis. In addition, visitors are permitted at any time. There is no requirement of a curfew or quiet time.

Light Mitigation Factors: We anticipate that most Homeplace residents will not have vehicles and will use public transportation and transportation provided by HRC for employment, recovery meetings, shopping and other appointments and needs. As a result, there will be fewer vehicles parked at the property, with no visitor vehicles at any time, and extremely limited vehicle use at night due to quiet hours and curfew. In addition, there will be fewer lights used during night-time due to quiet time policies and no visitor policies referenced in detail above.

Traffic

- Anticipated Impact: Decreased levels of traffic and vehicle use.

- Traffic Mitigation Factors: Use of the property as a recovery residence should not negatively impact traffic or traffic patterns or pedestrian activity in the area. As noted above, we anticipate that most Homeplace residents will not have vehicles and will use public transportation and transportation provided by HRC. There will be no visitor vehicles, and extremely limited vehicle use at night due to quiet time, curfew and no visitor policies referenced in detail above.
  - 504 Green Street is located in a Neighborhood Conservation District, residents will be required to comply with all ordinances applicable to the district, including parking stickers on any vehicles parked in the neighborhood.

Communication: Case A24-0264 Exhibit 3: Site Plan and Project Narrative (Case A24-0264 Mediation & Restorative Justice Center, 504 Green

## Limited Use Requirements

*15.07.02 A Family Care Institution, Halfway House Category 1 and Halfway House Category 2 shall provide adequate supervision in light of the number and needs of the residents and security concerns for the use.*

MRJC supervision and security will be addressed in a number of ways, including:

(i) regular, weekly house meeting with a staff member of HRC,
(ii) implementation and enforcement of house policies, including, among others, no visitors, lights out at specified times, and quiet hours, random alcohol and other substance screening and room checks, and requirement to report any violations of another resident,
(iii) installation of outside security cameras to provide additional safety and accountability,
(iv) supervision by the HRC housing coordinator, and
(v) MRJC anticipates having a senior resident to oversee additional house operations and Homeplace Policies within six months of operation.

*15.07.03 Without limiting the applicability of other Ordinance requirements, a Family Care Institution, Halfway House Category 1, and Halfway House Category 2 are subject to Article 25 Community Appearance Standards as well as Article 31 Landscape Standards.*

Article 25: Community Appearance Standards
Existing construction, including with respect to materials, parking, and lighting, appears to comply in all substantial respects with Article 25 Community Appearance Standards. It is anticipated that most residents will not have vehicles. Residents will utilize public transportation with HRC providing additional transportation for employment, recovery meetings, and other appointments as needed. MRJC requests that Town Council, in applying the Community Appearance Standards in regard to the 504 Green St property, permits such property to be kept in its current condition (i) to preserve its residential appearance and (ii) so that it blends in with existing homes in the neighborhood and the overall atmosphere and aesthetics of the Green St. neighborhood.

Communication: Case A24-0264 Exhibit 3: Site Plan and Project Narrative (Case A24-0264 Mediation & Restorative Justice Center, 504 Green

Article 31: Landscaping Standards

The 504 Green St. property's existing greenspace and buffer areas include mature trees and shrubs and much of the property is surrounded by natural water breaks, fencing and wooded areas. The adjoining property on the east side of 504 Green St is currently vacant and in disrepair.

On April 16th, 2024 the 504 Green St property was visited by the Town of Boone Landscape Specialist and the Town of Boone Environmental Specialist. Town of Boone employees suggested the following landscaping additions to the 504 Green St property to bring it in compliance with Article 31 Landscaping Standards for OI rezoning:

- Additional shrubs, where possible, along creekbank between the property and adjoining short term rental.
- Additional evergreen shrubs, if needed for privacy, along the chain link fence bordering the property and adjoining abandoned structure.

Communication: Case A24-0264 Exhibit 3: Site Plan and Project Narrative (Case A24-0264 Mediation & Restorative Justice Center, 504 Green

## Commitments

- To employ a full time housing coordinator to oversee The Homeplace operations.
- To provide an update by way of mailing or posting to our website (homesteadrecoverync.org) of Admission Policies, Expectations of Residents, Expectations of HRC, Homeplace Policies and to remain open to comment of interested neighbors.
- To enforce Homeplace Policies in a reasonable and appropriate manner, consistent with all HRC operations.
- HRC staff will remain accessible to residents, the neighborhood and the wider community.
- To install landscaping consistent with Town of Boone suggestions referenced in Article 31: Landscaping Standards

Communication: Case A24-0264 Exhibit 3: Site Plan and Project Narrative (Case A24-0264 Mediation & Restorative Justice Center, 504 Green

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

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

1. That I am Marisa Cornell, that I am over the age of eighteen years and competent to make this Affidavit, and that I have personal knowledge of the facts set out in this Affidavit.
2. I am Executive Director of the Mediation & Restorative Justice Center ("MRJC"), a North Carolina non-profit corporation.
3. MRJC, as applicant ("Applicant"), intends to submit a Conditional District Zoning Map Amendment Application to the Town of Boone relating to the property located at 504 Green Street (the "Subject Property").
4. Applicant conducted a neighborhood meeting ("Neighborhood Meeting") in accordance with Town of Boone Unified Development Ordinance ("UDO").
5. That Applicant caused notices of the Neighborhood Meeting to be mailed, regular mail, postage prepaid, to property owners within three hundred feet of the Subject Property.
6. The relevant property owners and addresses of such property owners were provided by Town of Boone Planning and Inspections.
7. A true and accurate copy of the Neighborhood Meeting notice mailing list is attached hereto as Exhibit 1 and is hereby expressly incorporated into this Affidavit as if the contents thereof were expressly set forth herein in this Affidavit.
8. A true and accurate copy of the Neighborhood Meeting notice is attached as Exhibit 2 and is hereby incorporated into this Affidavit as if the contents thereof were expressly set forth herein in this Affidavit.
9. A true and accurate copy of the Neighborhood Meeting sign-in sheet is attached hereto as Exhibit 3 and is hereby expressly incorporated into this Affidavit as if the contents were expressly set forth herein in this Affidavit.
10. The Neighborhood Meeting was conducted in person on April 4, 2024 at 6:00 p.m. No persons other than MRJC representatives made appearances for the Neighborhood Meeting, so the Neighborhood Meeting was adjourned at 6:30 p.m.
11. A true and correct copy of the materials available at the Neighborhood Meeting is attached as Exhibit 4 and is hereby incorporated into this Affidavit as if the contents thereof were expressly set forth herein in this Affidavit.

Communication: Case A24-0264 Exhibit 4: Neighborhood Meeting Information (Case A24-0264 Mediation & Restorative Justice Center, 504

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

Communication: Case A24-0264 Exhibit 4: Neighborhood Meeting Information (Case A24-0264 Mediation & Restorative Justice Center, 504

I declare under penalty of perjury that the foregoing is true and correct. This 9th day of April, 2024.

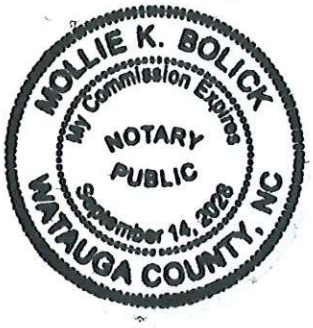
FURTHER AFFIANT SAYETH NOT:

Marisa Cornell

State of North Carolina
County of Watauga

I certify that Marisa Cornell personally appeared before me this day, acknowledging to me that she signed the foregoing Affidavit.

Date: 4/9/24
Notary Public: Mollie K. Bolick
My commission expires: 9/14/28
Notarial Seal:




Communication: Case A24-0264 Exhibit 4: Neighborhood Meeting Information (Case A24-0264 Mediation & Restorative Justice Center, 504

# Exhibit 1
## Neighborhood Notice Mailing List

Communication: Case A24-0264 Exhibit 4: Neighborhood Meeting Information (Case A24-0264 Mediation & Restorative Justice Center, 504

| ID | TXACCTNAME | TXADDRESS |
|---|---|---|
| 2901514143021 | BECK, HALL P JR | P O BOX 734 |
| 2901514143018 | CAMPBELL, LAURA A, TRUSTEE,NANCY D CAMPBELL FAMILY TRUST | 202 BUTTERCUP DR |
| 2901514143007 | CLEMENTS, CHARLES R AND KEVIN | 6004 N 1ST ST |
| 2901514143005 | HENSCHEL, LEONORE, TRUSTEE,THE JAMES AND LEONORE HENSCHEL REVOCABLE | 562 VILLAGE DR |
| 2901514143014 | HILL, RICHARD P,HILL, EMILY P | 2029 WADE HAMPTON CIR |
| 2901514143022 | HOLMES PROPERTIES LLC | P.O. BOX 653 |
| 2901514143019 | HOLMES PROPERTIES OF,THE HIGH COUNTRY, LLC | 409 TOM SHOOK RD |
| 2901514143012, 2901514143011 | HOLMES, PATRICK E,HOLMES, MARY JILL WILSON | 409 TOM SHOOK RD |
| 2901514143020 | HORINE, MARY SHERYL | 827 MARKET HILLS DR |
| 2901514143006, 2901514143016, 2 | KINGSWOOD INVESTMENTS, LLC | 875 MOUNT JEFFERSON ROAD, SUITE 1 |
| 2901514143017 | MCKENNY, NATALIE,MCKENNY, LAWRENCE J | 6625 SPEIGHT CIR |
| 2901514143013 | MERCER, JAMES F | 2307 HEATHERSHIRE LN |
| 2901514143004 | PAYNE, PHILLIP MARC,PAYNE, PAMELA LEWIS | PO BOX 606 |
| 2901514143015, 2901514143010 | PJZ PROPERTIES LLC | 19 N CAMEO DR |
| 2901514143002 | SGP PROPERTIES LLC | PO BOX 3528 |
| 2901514143008 | SHANDOR, MELISSA PARIZALE,SHANDOR, VICTOR DAVID | 114 PAMUNKEY TURN |
| 2901514143001, 2901514143003 | SPG PROPERTY GA, LLC | 355 INDUSTRIAL PARK DR |
| 2901514143023 | THIGPEN, MICHAEL ROY,THIGPEN, MELISSA | 2409 MARION ST |
| 2901514143024 | WOOTEN, JAMES W JR | PO BOX 576 |

| TXACCTNAME | TXADDRESS | TXCITYST | TXZIP |
|---|---|---|---|
| ASU TRAPPERS KEEP 1, LLC | P. O. BOX 3491 | TOPSAIL BEACH, NC | 28445 |
| BLACK, SAMUEL D JR | PO BOX 2736 | BOONE, NC | 28607 |
| BLUE HOUSE OF BOONE, LLC | PO BOX 123 | BOONE, NC | 28607 |
| CARROLL, DENISE A, TRUSTEE,DENISE A. CARROLL REVOCABLE LIVING TRUST | 544 ARCHIE CARROLL RD | BOONE, NC | 28607 |
| EIGHT TWELVE HOLDINGS LLC | 809 BREMERTON DR | GREENVILLE, NC | 27858 |
| FARRAR, DAVID G | 474 GREEN ST | BOONE, NC | 28607 |
| FOREMAN, JEFFREY R | 475 GREEN ST | BOONE, NC | 28607 |
| FOX, LEVERNE S JR | 151 INDIAN PAINTBRUSH DR | BANNER ELK, NC | 28604 |
| GRAGG, JAMES EBER | 441 GREEN ST | BOONE, NC | 28607 |
| GRAGG, JUDY ANN | 4705 NC HIGHWAY 194 N | BOONE, NC | 28607-7297 |
| GREEN STREET MOUNTAINEER MANAGEMENT, LLC | 116 ANDOVER PL | MOORESVILLE, NC | 28115 |
| HADAWAY, WILLIAM VICTOR JR | PO BOX 55 | WAVERLY, AL | 36879 |
| HOGG FAMILY, LLC | 431 COLONY DR | FAIRHOPE, AL | 36532 |
| J MAC DEVELOPERS, LLC | 196 SUGAR HOLLOW RD | FAIRVIEW, NC | 28730 |
| KIGHT, GARRETT TODD | 508 GREEN ST | BOONE, NC | 28607 |
| LOVILL HOUSE INN LLC | 20035 JETTON RD STE D | CORNELIUS, NC | 28031 |
| SANDERS, DAVID V,SANDERS, RACHEL M | 478 WINDWOOD LN | BOONE, NC | 28607 |
| SCHLEY, BRIAN T.,SCHLEY, JANE F. | 7701 LANCASTER HWY | WAXHAW, NC | 28173 |
| SCROGGS, GREGORY JAY | 1233 PENSACOLA LN | GRAYSON, GA | 30017 |
| SHERMAN, JAMES PATRICK | 859 QUEEN ST | BOONE, NC | 28607 |
| SMAIL, CAMERON | 196 SUGAR HOLLOW RD | FAIRVIEW, NC | 28730 |
| SNYDER, SAMUEL E | 3110 CAMPGROUND RD | GRANITE FALLS, NC | 28630-8561 |
| STONEYBROOK PROPERTY OWNERS ASSOCIATION,GLOVER, SANDRA J | 139 CHARLES STREET | BOONE, NC | 28607-3486 |
| TAZEWELL, RICHARD,TAZEWELL, ANNE | 102 WEBB DR | CARRBORO, NC | 27510 |

Exhibit 2
Neighborhood Meeting Notice

Communication: Case A24-0264 Exhibit 4: Neighborhood Meeting Information (Case A24-0264 Mediation & Restorative Justice Center, 504

HOMESTEAD RECOVERY CENTER

MEDIATION & RESTORATIVE JUSTICE CENTER · SINCE 1993 ·

Dear (insert name),

We are writing to share that Homestead Recovery Center, the peer-led project of The Mediation & Restorative Justice Center (for us, peer-led means that Homestead is staffed and operated by people in recovery, for people in recovery) intends to file an application for rezoning of the property located at 504 Green Street for the purpose of Recovery Housing. To be eligible to participate in this long-term (i.e. one year or more) housing program participants must be in sustained recovery, invested in community living, and a good fit for the home and neighborhood environment.

We often see our clients, whose families have called Watauga County home for generations, unable to live in their hometown due to the lack of recovery housing. We believe this lack of resources is actively eroding the culture of our area by removing our people and their stories. If more people had the opportunity to recover, heal, and thrive in Watauga County, they would serve as larger examples that recovery is possible and does happen in Appalachia. In addition, instead of their skills and abilities as productive citizens being redirected to other more resource-rich communities, Watauga County would be better equipped to retain the collective resilience and heritage of our community.

In connection with the application for rezoning, we invite you to attend a neighborhood informational meeting to discuss our planned use of the property and the manner in which the home will be operated. We intend this to be both an information-sharing and information-gathering opportunity to build community partnership and so that we can ensure that the character of the neighborhood is not altered. At the meeting, we hope to hear constructive feedback, questions, and any concerns, and will work to address any concerns and remain in communication with you.

The neighborhood meeting will take place on Thursday, April 4th, at 6 pm at F.A.R.M Cafe' located at 617 West King St. Boone, NC 28607.

If you are unable to attend the meeting, but have any questions, please contact Bob Baker at housing@homesteadrecoverync.org, and provide your contact information,

Communication: Case A24-0264 Exhibit 4: Neighborhood Meeting Information (Case A24-0264 Mediation & Restorative Justice Center, 504

including your telephone number. We will reach out to you in order to set up a time to discuss any questions and concerns you may have.

We look forward to seeing you on the 4th,

Sincerely,

Recovery Housing Planning Team
Homestead Recovery Center
2554 Hwy 105 Boone, NC 28607
828-355-9943 (center)
828-544-2175 (fax)
www.homesteadrecoverync.org
**Powered by The Mediation & Restorative Justice Center**

Communication: Case A24-0264 Exhibit 4: Neighborhood Meeting Information (Case A24-0264 Mediation & Restorative Justice Center, 504

# Exhibit 3
# Neighborhood Meeting Sign-In Sheet

Communication: Case A24-0264 Exhibit 4: Neighborhood Meeting Information (Case A24-0264 Mediation & Restorative Justice Center, 504

4/04 Green St.

# Recovery Housing Town Meeting Sign-In

| Name | Address |
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Communication: Case A24-0264 Exhibit 4: Neighborhood Meeting Information (Case A24-0264 Mediation & Restorative Justice Center, 504

Exhibit 4
MRJC Neighborhood Meeting Presentation Materials Including Attendee Package

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# Myths & Facts

- "Drug use is common in recovery housing."
  - Recovery Housing is sober housing. If a resident returns to use, they must exit the program.
- "Residents can use drugs and alcohol outside of the home."
  - Residents will be regularly screened for drug and alcohol use.
- "Recovery houses are unstructured and not well regulated/maintained."
  - The Homeplace will be a highly structured and accountability focused environment governed by policies and procedures with supervision by HRC staff.
- "Residents of recovery housing are largely transient."
  - Residents will agree to live at and participate in the Homeplace program for at least 6 months, we recommend a full year.
- "Residents of recovery housing just have to stay sober. Otherwise, they can do whatever they want."
  - Residents will remain sober, work a recovery case plan, and be required to participate in employment, school, and/or other civic engagement.
- "Recovery housing brings "crime" to the neighborhood."
  - Participating in, or having knowledge of illegal activity without reporting it, will result in dismissal.
- "It's free to live in recovery housing."
  - Residents will pay monthly program fees.

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# Admissions Policy

- The applicant must be at least [eighteen] years of age.
- The applicant must have submitted an application with true and accurate information.
- Applicants must complete an eligibility screening
- Priority will be given to applicants who are current or previous residents of Watauga County
- The applicant must be willing to commit to at least six months (180 days) in our recovery housing program. However, our recommendation is that residents remain in the program for at least one year.
- The applicant must consider themselves to have an alcohol or substance use disorder and is seeking a residential recovery environment.
- The applicant must be free of alcohol and other drugs at the time of acceptance to the program and upon moving into The Homeplace.
- Must not be experiencing active withdrawal.
- Must develop a case plan with staff and actively be working to complete their individual recovery goals. This may include but is not limited to: weekly case management sessions, support groups, medication management, general healthcare, employment and education.
- Any psychological or medical conditions that would interfere with a group living environment in which self-care, adherence to policies, and obtaining and maintaining employment, attending school, or participating in a volunteer role in the community, must be managed with a treatment plan at the time of application.
- The applicant must submit to a background check.
- The applicant will comply with any Health Department recommended health testing (may include, but is not limited to, HIV, syphilis, TB, and/or Hep C).

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# LISTED BELOW ARE EXPECTATIONS OF RESIDENTS:

## WE EXPECT EACH RESIDENT TO:

- Remain free of alcohol and other drugs, this includes but is not limited to alcohol, cannabis products, synthetic drugs, kratom, etc.
- Actively, regularly, and continuously participate in their recovery process, as determined by progress within their individualized case plans (see Minimum Case Plan Standard document).
- Attend weekly house meetings.
- Live cooperatively with other residents, neighbors, and the greater community.
- Respect the rights and property of others.
- Maintain mandatory minimum cleanliness standards
- Complete required house chores.
- Live an active lifestyle through employment, attending school, or volunteer service and engaging in other healthy activities for upward mobility.
- Strive daily to be the best person they can be.
- Agree to personal property inspection at any time by designated HRC staff to ensure safety, security and adherence to Homeplace policies.
- Abide by all Homeplace and HRC Policies.
- Show commitment to maintaining the recovery environment of the house by:
  - Holding housemates accountable to shared living agreements
  - Disclosing immediately any persons (residents, staff, interns, or volunteers) that you witness or have knowledge of violating any of the above guidelines.

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# Homeplace Housing Rules and Policies (the "HRC Policies")

HRC, in its discretion, has the right to modify the Homeplace Policies, including adding additional rules and policies, at any time. Such modified Homeplace Policies are effective at the time they are provided to a resident. Each resident is required to acknowledge in writing receipt of the modified Homestead Policies. Failure to acknowledge receipt of the HRC Policies shall be treated as a violation of a Zero Tolerance HRC Policy. HRC Policies shall also include instructions and directions given by the HRC housing coordinator or other HRC staff, which may be verbal.

Violation of any Zero Tolerance Policy shall result in termination of the housing arrangement with the noncomplying resident. In the event of termination, the resident is required to immediately vacate the residence. In addition, HRC staff may enforce the HRC Policies in such other manner as it determines, which may include, by way of example, earlier curfew, assignment of additional chores and responsibilities for care and maintenance of the HRC Property (defined below), direction to attend additional meetings, direction to meet with the resident's sponsor, and an undertaking to make appropriate amends, which may include letters of apology to any aggrieved party, and direction to meet with other HRC staff, including the Center Director.

HRC recognizes that return to use may be a part of the recovery journey. In the case of return to use , where the housing arrangement is terminated and the resident desires to continue other peer-support services with HRC the HRC housing coordinator will direct the former resident to their HRC case manager, if one has been assigned, or one of HRC's other peer support specialists.

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## B. Other Homeplace Guidelines

1. Each resident is expected to maintain minimum cleanliness requirements (see Minimum Cleanliness document).
2. Smoking and vaping is permitted only in designated areas. No smoking,vaping, burning candles or incense is permitted in the house.
3. Toxic, flammable, explosive and or otherwise dangerous materials are not permitted on the property.
4. No animals are allowed in the residence.
5. Residents are not permitted to enter each other's bedrooms.
6. Routine chores will be assigned by The Homeplace Housing Coordinator to each resident related to care and maintenance of the residence, common areas, and surrounding property. Chores may not be traded with other residents.
7. No loud music, noises, noxious odors, or other activities are allowed which are, or could be deemed, a nuisance to other residents or neighbors. Headphones and earbuds are recommended. Each resident shall make reasonable accommodations for other residents and neighbors.
8. Respect for the rights and properties of others is expected. This includes but is not limited to:
    a. Other than with the consent of the HRC housing coordinator, no personal property (including cash,vehicles, etc.) of another may be loaned or borrowed.
    b. Respect those who hold different opinions or lifestyles than the resident
    c. Refrain from derogatory statements regarding another's race, ethnicity, religion, political views, gender, or sexual preferences
    d. Refrain from threats or intimidation through words or actions
9. If a resident breaks, destroys, or damages any HRC Property, additional costs may be assessed to the resident.

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or blinds may be installed without HRC housing coordinator consent.

21. Vehicles must be parked in designated spaces. No resident may operate a vehicle without being properly licensed and insured.
22. Each resident shall have responsibility for their property. HRC shall have no responsibility to a resident for loss or damage to such resident's property.
23. Each resident is responsible for supplying their own food. Space will be assigned to each resident to store their food.
24. Any citations, civil complaints, or criminal complaints issued to a resident must be immediately reported to the HRC housing coordinator.
25. Residents may use the residence address to receive mail. Mailing address is: [ _____ ]. When a resident moves out, HRC will not hold mail for pickup. It is the responsibility of the departing resident to provide others with notice of change of address.
26. Residents must be willing to comply with recommended medical treatment and public health guidance, particularly when applicable to group living and/or communicable disease.
27. For residents that require transportation, requests must abide by the Transportation Policy.

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NARR
National Alliance for Recovery Residences

## NARR CODE OF ETHICS

Operators and staff of residences certified as meeting NARR standards shall value and respect each resident and put each individual's recovery strengths and needs at the forefront of all decision making. To meet this obligation, we adhere to the following principles:

1. Assess each potential resident's strengths and needs, and determine whether the level of support available within the residence is appropriate. Provide assistance to the residents with appropriate referrals.
2. Value diversity and non-discrimination.
3. Provide a safe, homelike environment that meets NARR Standards.
4. Maintain an alcohol- and illicit-drug-free environment.
5. Honor individuals' rights to choose their recovery paths within the parameters defined by the residence organization.
6. Protect the privacy, confidentiality and personal rights of each resident.
7. Provide consistent and uniformly applied rules.
8. Provide for the health, safety and welfare of each resident.
9. Address each resident fairly in all situations.
10. Encourage residents to sustain relationships with professionals, recovery support service providers and allies.
11. Take appropriate action to stop intimidation, bullying, sexual harassment and/or otherwise threatening behavior of residents, staff and visitors within the residence.
12. Take appropriate action to stop retribution, intimidation, or any negative consequences that could occur as the result of a grievance or complaint.
13. Provide consistent, fair practices for drug testing that promote the residents' recovery and the health and safety of the recovery environment.
14. Provide an environment in which each resident's recovery needs are the primary factors in all decision making.
15. Promote the residence with marketing or advertising that is supported by accurate, open and honest claims.
16. Decline taking a primary role in the recovery plans of relatives, close friends, and/or business acquaintances.
17. Sustain transparency in operational and financial decisions.
18. Maintain clear personal and professional boundaries.
19. Operate within the residence's scope of service and within professional training and credentials.
20. Maintain an environment that promotes the peace and safety of the surrounding neighborhood and the community at large.



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# NARR Standard 3.0
## Introduction

NARR was founded in 2011 by a group of organizations and individuals with vast experience in recovery housing from across the country. From the beginning, NARR has been committed to developing and maintaining a national standard for all levels of recovery housing. The term "recovery residence" denotes safe and healthy residential environments in which skills vital for sustaining recovery are learned and practiced in a home-like setting, based on Social Model principles. The Social Model is fundamental to all levels of recovery residences. Social Model philosophy promotes norms that reinforce healthy living skills and associated values, attitudes, and connection with self and community for sustaining recovery. NARR Standard 3.0 operationalizes the Social Model across four Domains, 10 Principles, 31 Standards and their individual rules. The Standard is tailored to each of NARR's four levels.

## Outline of the Standard

***Domain 1 Administrative Operations***
Principle A. Operate with integrity: Standards 1-4
Principle B. Uphold residents' rights: Standards 5 and 6
Principle C. Create a culture of empowerment where residents engage in governance and leadership:Standards 7 and 8
Principle D. Develop staff abilities to apply the Social Model: Standards 9-13

***Domain 2 Physical Environment***
Principle E. Provide a home-like environment: Standards 14 and 15
Principle F. Promote a safe and healthy environment: Standards 16-19

***Domain 3 Recovery Support***
Principle G. Facilitate active recovery and recovery community engagement: Standards 20-25
Principle H. Model prosocial behaviors and relationship enhancement skills: Standard 26
Principle I. Cultivate the resident's sense of belonging and responsibility for community: Standards 27-29

***Domain 4 Good Neighbor***
Principle J. Be a good neighbor: Standards 30 and 31

***Scan below to read the full text***

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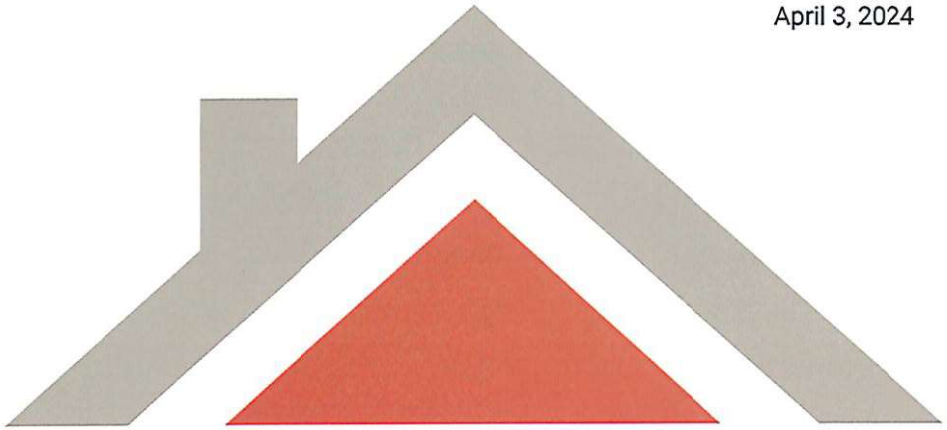
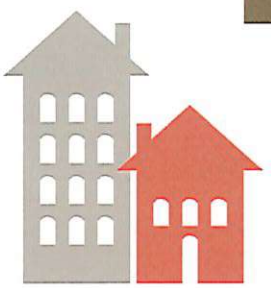
# Neighborhood Meeting

April 3, 2024



## Agenda






## Introductions

*Name*

*What is your connection to the Neighborhood or Community?*

*What do you hope to leave with after tonight's meeting?*



## Who we are

MEDIATION & RESTORATIVE JUSTICE CENTER · SINCE 1993 ·

501(c)(3) Non- Profit Organization

Established 1993

Our Principles: Restorative Justice, Trauma-Informed Care, & Harm Reduction

Our Mission: To increase the peace, productivity, and safety in our community through restorative practices.

# HOMESTEAD RECOVERY CENTER

Recovery on the Inside | Watauga County LEAD Law Enforcement Assisted Diversion | Peer Services | Est. 2023 Reentry Service Station | recovery court advocate | Embedded Case Worker | Recovery Housing

*Homestead's mission is to be a unified voice and access point for peer led recovery in Watauga County through welcoming, inclusive and supportive spaces where all community members can participate in recovery.*

*Homestead's vision is a recovery oriented community where all people can improve their health and wellness, live a self-directed life, and strive to reach their full potential.*

*Values: Compassion, Hope, Support*

## What we do in the community

Developed services to meet the needs of people in recovery across people's entire journey from the beginning to long term support we all need.

Recovery Housing is a new project aimed to support people in the maintenance stage of recovery to help them transition back into the community.

## In Your Packet

In your packet you will find:

- Information on the non-profit organization
- Draft Policies & Procedures for The Homeplace
- National Alliance for Recovery Residences Core Principles of Housing Standards & Code of Ethics
- Myths & Facts Handout



## Neighborhood Project: The Homeplace

Currently developing a men's and women's property

Recovery Housing: Sober, safe and healthy living environments that promote recovery, wellness and reintegration.

Assists individuals in building a foundation to help them transition to independent living with the support to live a meaningful life.

Resident priority given to Watauga residents



## Neighborhood Project: The Homeplace

4-8 people estimated at Green St.

Residents pay program fees to participate, are provided recovery support through HRC and transportation if needed.

Work through program levels towards independence

Ongoing requirements including

- Employment or school
- Recovery Plan
- Contributing to home upkeep and maintenance



## Housing Coordinator

Geof Gatti,
Recovery Housing Coordinator

# Recovery Housing Standards

Recovery residences are guided by the NARR standards that established best practices for maintaining the safety and health of the residents, the local neighborhood, and the larger community. NARR standards address safety from an administrative, operational, property, and good neighbors perspective.

NARR Code of Ethics

NARR Levels of Recovery Residences

NARR Standards and Certification

NARR
National Alliance for Recovery Residences
Community • Standards • Ethics • Education

| NARR National Association of Recovery Residences | | RECOVERY RESIDENCE LEVELS OF SUPPORT | | | |
|---|---|---|---|---|---|
| | | LEVEL I Peer-Run | LEVEL II Monitored | LEVEL III Supervised | LEVEL IV Service Provider |
| STANDARDS CRITERIA | ADMINISTRATION | • Democratically run<br>• Manual or P& P | • House manager or senior resident<br>• Policy and Procedures | • Organizational hierarchy<br>• Administrative oversight for service providers<br>• Policy and Procedures<br>• Licensing varies from state to state | • Overseen organizational hierarchy<br>• Clinical and administrative supervision<br>• Policy and Procedures<br>• Licensing varies from state to state |
| | SERVICES | • Drug Screening<br>• House meetings<br>• Self help meetings encouraged | • House rules provide structure<br>• Peer run groups<br>• Drug Screening<br>• House meetings<br>• Involvement in self help and/or treatment services | • Life skill development emphasis<br>• Clinical services utilized in outside community<br>• Service hours provided in house | • Clinical services and programming are provided in house<br>• Life skill development |
| | RESIDENCE | • Generally single family residences | • Primarily single family residences<br>• Possibly apartments or other dwelling types | • Varies – all types of residential settings | • All types – often a step down phase within care continuum of a treatment center<br>• May be a more institutional in environment |
| | STAFF | • No paid positions within the residence<br>• Perhaps an overseeing officer | • At least 1 compensated position | • Facility manager<br>• Certified staff or case managers | • Credentialed staff |

# What is Recovery Housing?

| Common Misconceptions | The Homeplace Policies |
|---|---|
| 1. Drug use is common in recovery housing.<br>2. Residents can use drugs and alcohol outside of the home.<br>3. Recovery houses are unstructured and not well regulated/maintained.<br>4. Residents of recovery housing are largely transient.<br>5. Residents of recovery housing just have to stay sober. Otherwise, they can do whatever they want.<br>6. Recovery housing brings "crime" to the neighborhood.<br>7. It's free to live in recovery housing. | 1. Recovery Housing is sober housing. If a resident returns to use, they must exit the program.<br>2. Residents will be regularly screened for drug and alcohol use.<br>3. The Homeplace will be a highly structured and accountability focused environment governed by policies and procedures with supervision by HRC staff.<br>4. Residents will agree to live at and participate in the Homeplace program for at least 6 months, we recommend a full year.<br>5. Residents will remain sober, work a recovery case plan, and be recuired to participate in employment, school, and/or other civic engagement.<br>6. Participating in, or having knowledge of illegal activity without reporting it, will result in dismissal.<br>7. Residents will pay monthly program fees. |

## Data



**1 in 4**

25.9% people over the age of 12 used illicit drugs in the last year.

**1 in 6**

17.6% people over the age of 12 had a Substance Use Disorder (SUD) in the last year.

**7 in 10**

72.2% adults who have ever had a substance use challenge consider themselves to be recovering or in recovery.

**0**

There are zero Recovery Housing programs in Watauga County.

## Community Identified Need

- Watauga Housing Council
- Watauga Community Justice Coalition
- Watauga Community Mental Health Project
- High Country Reentry Collaborative
- 2019 Sequential Intercept Map Priority
- Recovery Housing is one of the priorities for NC's Opioid Settlement State Action Plan. This project was selected by Watauga County to receive these funds. This money is restitution paid by pharmaceutical companies and pharmacies to be reinvested in our communities after decades of harm caused by over-prescribing and false marketing of prescription opioids.

## Successful Examples in NC

- Phases, Wilkesboro NC
- Caldwell House, Lenoir NC
- Launch Pad, Wilmington NC
- Hope After Dope, Warrensville, NC



## Timeline

- Rezoning application/approval May 2024
- Begin home improvements June 2024
- Begin accepting resident applications August 2024

Have you known anyone affected by addiction?

What are the strengths of your neighborhood?

What are your priorities for the neighborhood?

Questions?

Exhibit 5
Neighborhood Meeting Summary Report

No attendees present at the meeting. MRJC received no outside communication from property owners.

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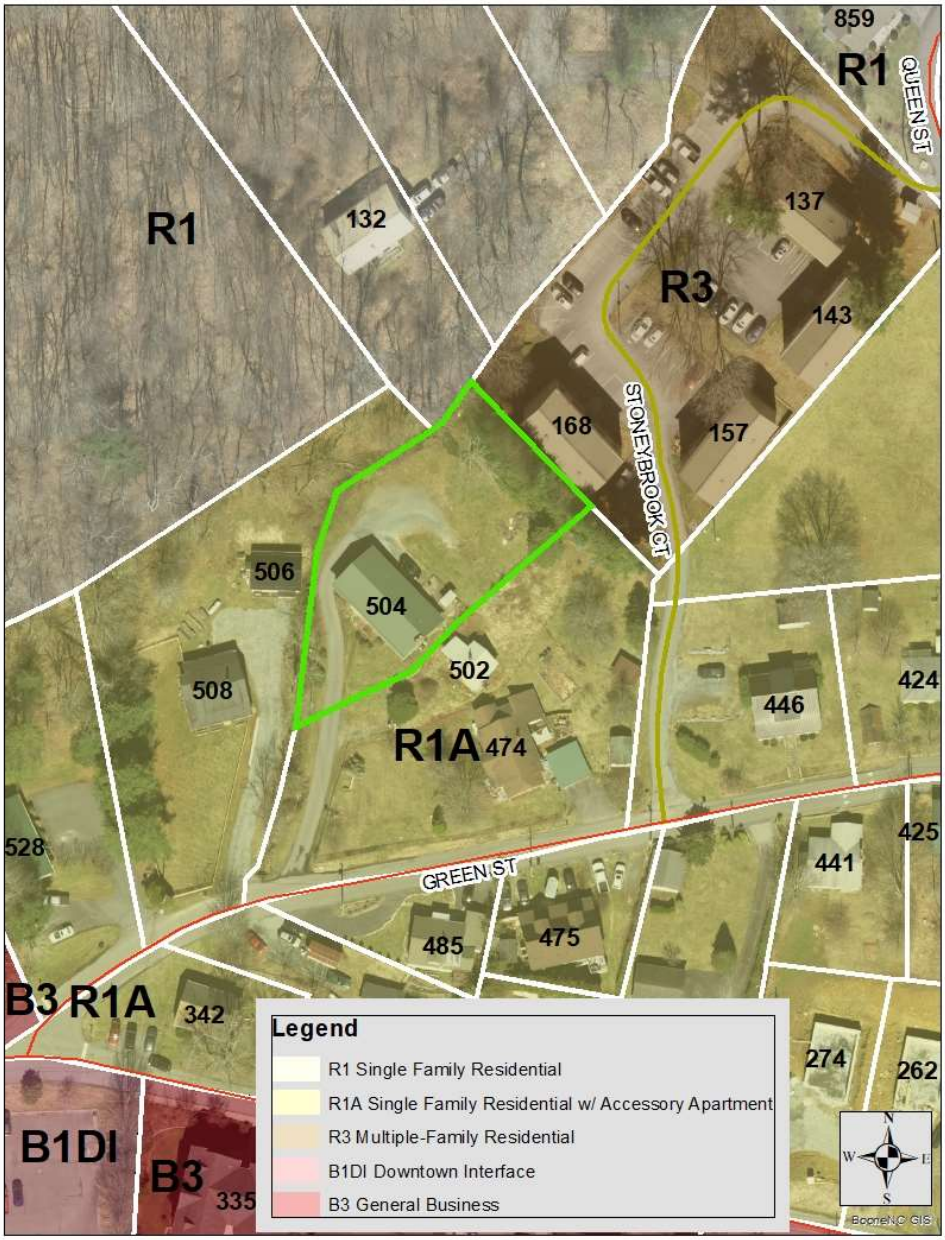
Exhibit 5

**Staff Report**
**May 29, 2024**
**Case A24-0264 – Mediation & Restorative Justice Center (MRJC) Conditional District Zoning Map Amendment**




## Request

Mediation & Restorative Justice Center has submitted a Conditional District Zoning Map Amendment to rezone property located at 504 Green Street (Watauga County PIN: 2901-51-2050-000) from R1A (Single-Family Residential with Accessory Unit) to OI (Office Institutional) with a site-specific plan to develop a Use 2.04 Residential Re-Entry Facility Category 2 (currently referred to in the UDO as Halfway House Category 2). The subject property is outlined in green on the map above.

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*Staff Note: A case was heard at the April 22, 2024 Public Hearing (Case A24-0070) which, in addition to many other text changes, would rename this proposed use (2.03) from the current Halfway House Category 1 to Residential Re-Entry Category 1 if the proposed ordinance language is approved. This renaming of the use may occur before the Conditional District Zoning Map Amendment process for this applicant is completed. The proposed new use name Residential Re-Entry Category 1 will be used for the duration of the report.*

## Parcel Information

| | |
|---|---|
| **Address:** | **504 Green Street** |
| **Property Owner:** | David V Sanders and Rachel M Sanders |
| **Watauga County PIN:** | 2901-51-2050-000 |
| **Lot size:** | 0.412 Acres |
| **Jurisdiction:** | Town of Boone |
| **Access:** | Green Street (Town maintained) |
| **SFHA:** | No |
| **Watershed District:** | No |
| **Corridor District:** | Yes |
| **NCD:** | Yes. The property is located within the Queen Street NCD. |
| **Viewshed:** | No |
| **Steep Slope:** | Yes. A small portion on the north side of the parcel has steep slope; however, no disturbance is proposed. |
| **Very Steep Slope:** | No |
| **Transitional Zone:** | Yes |
| **Current Zoning:** | R1A (Single-Family Residential with Accessory Unit)<br>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. |
| **Proposed Zoning:** | OI Office/Institutional District<br>The OI Office/Institutional District is established to provide a zoning district which promotes the development of moderately intensive office and institutional uses which are oriented toward the provision of services versus the sale of products. Appropriate small-scale residential uses are allowed in this |

Communication: Case A24-0264 Exhibit 5: Staff Report (Case A24-0264 Mediation & Restorative Justice Center, 504 Green Street, Conditional

district to the point they support allowable office and institutional uses. The regulations for this district are intended to create a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses.

**Current Use:** Use 1.01 Single-Family Dwelling

**Proposed Use:** 2.04 Residential Re-Entry Category 2

A facility in which more than six (6) persons temporarily reside, where each of the residents is in transition from in-patient treatment for alcoholism or drug abuse or from incarceration back into the community.

| Zoning & Use of Adjacent Properties | | |
|---|---|---|
| | **Adjacent Zoning** | **Adjacent Land Use** |
| North | R1A Single-Family Residential with Accessory Unit<br>R3 Multi-Family Residential | Single-Family Dwelling*<br>Condominiums |
| East | R1A Single-Family Residential with Accessory Unit | Single-Family Dwelling* |
| South | R1A Single-Family Residential with Accessory Unit | Single-Family Dwelling* |
| West | R1A Single-Family Residential with Accessory Unit | Single-Family Dwelling* |

*Note: Staff has not determined which, if any, of the adjoining parcels do contain accessory units.

## Procedural Analysis:

Pursuant to UDO Subsection 14.01.02(C) a Conditional District (CD) is a zoning district in which the use and development of a property pursuant to a site-specific development plan is approved through the legislative process pursuant to Article 9 of this Ordinance. A CD utilizes a proposed general use zoning district, is limited to the authorized uses and development standards mandated within that district and may be subjected to conditions that make the development more desirable.

A site-specific vesting plan is defined in UDO Article 34 as "A plan submitted to a local government in which the applicant requests vesting in accordance with Section 4.13, describing with reasonable certainty on the plan the type and intensity of use for a specific parcel or parcels of property. The plan may be in the form of, but not be limited to, any of the following plans or approvals: a subdivision plat, a preliminary or general development plan, a special use permit, a conditional district zoning plan. The plan shall include the approximate boundaries of the site; significant topographical and other natural features affecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways."

See below for details on the applicant's compliance with the Conditional District procedural requirement for a neighborhood meeting as set forth in UDO Subsection 9.09.02 and the development's overall compliance with UDO standards specific to the development:

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**Compliance with UDO Subsection 9.09.02 Neighborhood Meeting:**

A. The applicant shall conduct a neighborhood meeting prior to the submission of the application for a Conditional District Zoning Map Amendment. This meeting will allow the applicant to explain the proposed development and to be informed of the concerns of the neighborhood and surrounding property owners.

B. A meeting notice must be mailed to property owners within 300' of the development at least 25 days prior to the meeting in accordance with Subsection 1.13.02 herein. A copy of the notice shall also be provided to the Planning Department. The notice shall contain a summary of the proposed development, the applicants contact information, the date, time, and location of the meeting.

C. The meeting must be held at an accessible and convenient location and time in light of available options. Upon coordination through the Planning Department, the meeting may be held at Town Council Chambers if that location is available.

D. At the meeting, the petitioner, at a minimum, shall present all the following information:

1. Contact information of the parties involved in the ownership, design, and development of the property;
2. The location of the property and general information on the current conditions of the site;
3. Proposed use(s) and site development;
4. Any preliminary plans or renderings, if available; and

E. The applicant shall provide the Administrator with a summary report of the meeting which includes a list of all attendees and details the meeting including all concerns expressed by attendees and commitments made by the petitioner. This report shall be included in the staff report.

*Staff Note: The applicant held a neighborhood meeting on April 4, 2024. A recap of the meeting along with the certification of mailing to the property owners is included in the board packet as Exhibit 4.*

## Zoning Analysis

**OI Intensity Standards:**

| Standard | Proposed | Compliance |
|---|---|---|
| Minimum Gross Land Area: 10,000 sq. ft. | .412 acres (approximately 17,946 sq. ft) | Yes |
| Minimum Lot Width: 100 feet | 108 feet | Yes |
| Minimum Street Frontage: 80 feet | None | No |
| Minimum Livability Space: .40 | .538 | Yes |
| Interior Setback: 13' | Varies | Yes |
| Street Setback: 20' | N/A (No street frontage) | Yes |
| Maximum Building Height: 4 Stories/67' | 1 story | Yes |

**Parking:**

Communication: Case A24-0264 Exhibit 5: Staff Report (Case A24-0264 Mediation & Restorative Justice Center, 504 Green Street, Conditional

| Required | Proposed | Compliance |
|---|---|---|
| Automobile Space – minimum of 1 space/4 beds | 3 | Yes |
| Bicycle, Short-Term – not required | 0 | Yes |
| Bicycle, Long-Term – 1 space/5 employees | 0 | Yes |
| Motorcycle – not required | 0 | Yes |

**Staff Analysis:**

Green Street is a collector street approximately 2,200 feet long running from West King Street (US 421 North) west to Old Bristol Road. The street contains mostly multi-family residential developments at each end and single-family dwellings (some with accessory units) in the interior portion.

## Use Compliance

**Compliance with limited use requirements in UDO Section 15.07 Residential Reentry**

Pursuant to UDO Section 15.07 each Residential Re-Entry facility shall meet the following standards:

**15.07.02** A Family Care Institution, Halfway House Category 1 and Halfway House Category 2 shall provide adequate supervision in light of the number and needs of the residents and security concerns for the use.

*Staff Note: The applicant is not proposing any staff at the facility. Supervision will be provided from the organization's offices on Highway 105.*

**15.07.03** Without limiting the applicability of other Ordinance requirements, a Family Care Institution, Halfway House Category 1, Halfway House Category 2 are subject to Article 25 Community Appearance Standards as well as Article 31 Landscape Standards.

*Staff Note: No development is proposed so the development does not trigger UDO 7.05.02 non-conformity tiers. The applicants will be required to add a sprinkler system but the costs are proposed to be below the Tier 1 threshold for compliance.*

**Transitional Zone**: Pursuant to UDO Subsections 9.09.05 and 6.02.02, transitional zones are established for the purpose of creating special protections for residents of protected districts from the potential adverse impacts of certain potentially incompatible nearby development, based upon the legislative finding that the general requirements of this ordinance have not been sufficient to protect the residents of such protected districts from the adverse consequences of such developments and that the variety of circumstances which may need to be ameliorated in the face of such development are not amenable to a "one size fits all" approach.

**Per UDO 6.02.02 F and G** -- In addition to all other requirements of this ordinance which pertain to the proposed lighting, and the size of setbacks, in order to meet the requirements of this Section, the applicant must produce substantial competent and credible evidence demonstrating that the planned development

Communication: Case A24-0264 Exhibit 5: Staff Report (Case A24-0264 Mediation & Restorative Justice Center, 504 Green Street, Conditional

will effectively and to the greatest degree reasonably possible, mitigate the impacts of the proposed development upon the protected district, including but not limited to:

a. noise impacts;

b. light impacts; and

c. any other predictable negative effect, including but not limited to:

i. negative visual effects;

ii. negative traffic effects; and

iii. negative health effects.

Because of the variable topography and characteristics of particular tracts of land within the Town's zoning jurisdiction, the solutions incorporated into the development plan by the applicant must be tailored to specifically address the characteristics of the particular location in relation to the protected district. Only if an applicant can demonstrate by clear and convincing evidence that the normal requirements of the ordinance are themselves sufficient to protect the protected district may the application be approved without additional measures being incorporated into the site -specific development plan.

*Staff Note: The previously mentioned UDO Text Amendment A24-0070, if adopted, eliminates the transitional zones as defined above. Town Council is scheduled to vote on this case on May 22, 2024 – after the posting of the information for this case.*

## ANALYSIS BY OTHER TOWN STAFF

**Public Works:**

**Utilities Division (Robbie Jones, Utility Services Technician)**

Approved.

**Services Division (Justin Stines, Deputy Public Works Director)**

Approved.

**Fire Department (Amy Flieg, Fire Marshal)**

Approved subject to adding fire suppression.

## CONFORMITY TO ADOPTED PLANS

### COMPREHENSIVE PLAN UPDATE

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

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

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

Communication: Case A24-0264 Exhibit 5: Staff Report (Case A24-0264 Mediation & Restorative Justice Center, 504 Green Street, Conditional

**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.

**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.

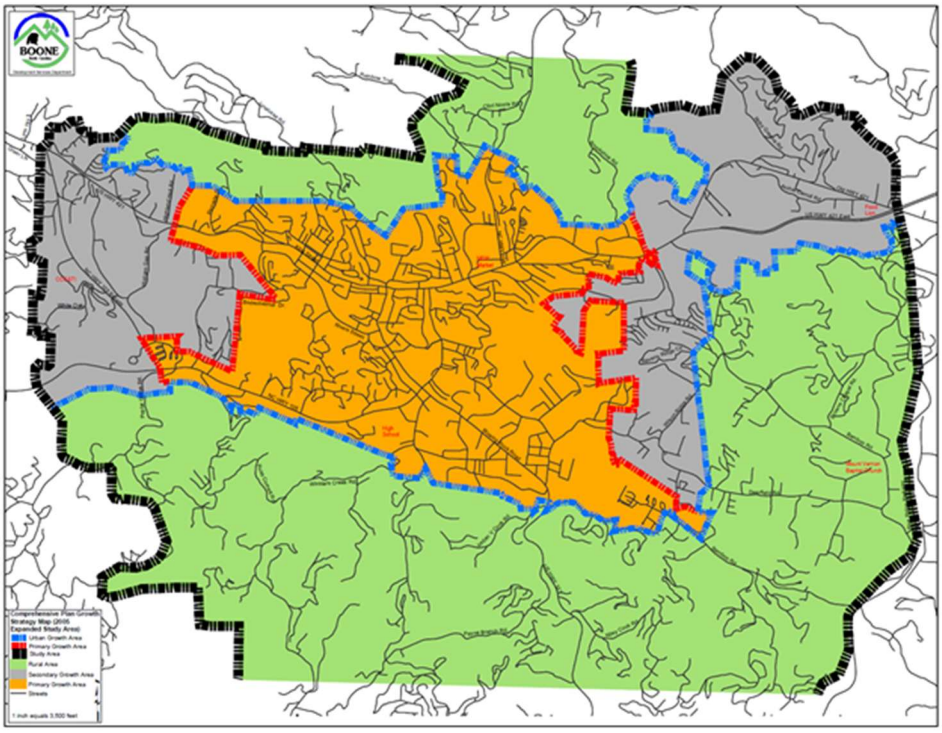
**Public Safety:** Maintain a high level of policing and fire protection and plan the expansion of public safety services to coincide with projected population increases and identified needs.

**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.

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

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

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



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

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

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

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

**2.1 Economy**

…

**2.1.1 Economic Development**

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

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

...

**2.1.2 Commercial Development**

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.

**2.3 THE COMMUNITY**

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

**2.3.1 Community Appearance**

A. Measures to improve the effectiveness of grading, landscaping and buffering standards for new and existing developments shall be encouraged.

B. The significance of street trees in providing visual relief, summer cooling, improved air quality and livability shall be recognized through public policies and actions to encourage their planting and maintenance.

**2.3.2 Community Character**

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

C. Wise development of the tourism potential of the area's architectural, historic, scenic and natural resources shall be encouraged.

D. The destruction of significant architectural, historic, scenic, natural and archaeological resources in the planning area shall be discouraged.

E. New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and

Communication: Case A24-0264 Exhibit 5: Staff Report (Case A24-0264 Mediation & Restorative Justice Center, 504 Green Street, Conditional

supportive, whenever possible, of Boone's original community character as a High Country small town.

**2.3.3 Housing & Neighborhoods**

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

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.

…

## Certificate of Mailing

I, Brenda Henson, certify that individual notices meeting the requirements of Article 9 of the Town of Boone UDO were placed in the mail (first class) on May 9, 2024.

/s/ Brenda Henson

Brenda Henson, Administrative Support Specialist

## Certification of Posting

I, Brandon Wise, certify that the subject property was posted as required in Article 9, Subsection 9.03.03(B)(2) of the Town of Boone UDO on May 10, 2024.

/s/ Brandon Wise

Brandon Wise, Deputy Planning Director

## Conclusion

The following conditions are automatically included and a part of any approval.

1. Where there is a conflict between the application information and the plans (dated received on April 16, 2024), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations concerning the proposed development made by the applicant or its (his or her) representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.
3. The applicant shall submit the necessary applications, plans, details and specifications which meet the requirements of the Town Code, UDO, Building Code and any other applicable codes for review and approval necessary to issue Zoning and Building Permits.

Any other conditions agreed upon by the applicant and Town Council:

1. Any other conditions agreed upon …

Communication: Case A24-0264 Exhibit 5: Staff Report (Case A24-0264 Mediation & Restorative Justice Center, 504 Green Street, Conditional

## Planning Commission Recommendations

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

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

*Note 1*

_____

_____

_____

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

**Vote 2:** The Planning Commission recommends ☐**approval** OR ☐**denial** of Ordinance #A24-0264 within Exhibit A and believes ☐**approval** OR ☐**denial** is reasonable and in the public interest because:

*Note 2*

_____

_____

_____

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

Communication: Case A24-0264 Exhibit 5: Staff Report (Case A24-0264 Mediation & Restorative Justice Center, 504 Green Street, Conditional

## TOWN COUNCIL ACTION - Adoption of Ordinance

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

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

*Note 1*

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

**Vote 2:** The Town Council ☐**approves** OR ☐**denies** and believes ☐**approval** OR ☐**denial** of Ordinance #A24-0264 in Exhibit A is reasonable and in the public interest because:

*Note 2*

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

Communication: Case A24-0264 Exhibit 5: Staff Report (Case A24-0264 Mediation & Restorative Justice Center, 504 Green Street, Conditional

**Exhibit A**

**Ordinance A24-0264**

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

WHEREAS, the Planning Commission and Town Council has received the request to amend the Official Zoning Map of the Town of Boone, North Carolina to rezone the property below from R1A Single-Family Residential with Accessory Unit to OI Office Institutional with a site-specific development plan for Use 2.04 (Residential Reentry Category 2.)

| | |
|---|---|
| Addresses: | 504 Green Street |
| Watauga County PIN: | 2901-51-2050-000 |
| Property Owner: | David & Rachel Sanders |

WHEREAS, the Boone Town Council held a duly-noticed public hearing May 29, 2024 with respect to this rezoning request; and

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

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

NOW, THEREFORE, BE IT RESOLVED as follows:

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

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

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

Adopted this the 26th day of June, 2024.

**The Honorable Tim Futrelle, Mayor**

**Attest:**

**Nicole Harmon-Church, Town Clerk**

Communication: Case A24-0264 Exhibit 5: Staff Report (Case A24-0264 Mediation & Restorative Justice Center, 504 Green Street, Conditional

Exhibit 1

# Conditional District Zoning Map Amendment Application

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

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

***Note: A pre-application meeting is required prior to application submittal.***
***Failure to provide the information required on this application may delay the review and scheduling of the requested hearing.***

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

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

Date of requested hearing: May 29, 2024

## C. Property Information (Project Location)

Street Address: 209 sunset Dr.

Watauga County Parcel Identification Number(s): 2910341380000

## D. Property Owner Information

Name: Eugene Potter and Georgia T. Potter

Complete Mailing Address (Street, City, Zip): 202 Ella's way, Zionville NC 28698

Phone Number: 828 964 1163

Email Address: gapotter@skybest.com

## E. Applicant Information

Name: MARISA CORNELL

Company: MEDIATION AND RESTORATIVE JUSTICE C

Complete Mailing Address (Street, City, Zip): 133 N. WATER ST., STE B, BOONE NC 28607

Phone Number: 828 264-3040

Email Address: marisa.mrjc@gmail.com

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

## F. Detailed Description of Project

RESIDENTIAL RECOVERY HOUSE, WHICH WILL ENTAIL USE OF HOUSE FOR A SOBER, SAFE, AND HEALTHY LIVING ENVIRONMENT THAT PROMOTES RECOVERY, WELLNESS, AND REINTEGRATION INTO THE COMMUNITY.



Communication: Case A24-0265 Exhibit 1: Application (Case A24-0265 Mediation & Resotative Justice Center, 209 Sunset Drive, Conditional

## G. Project Cost

Project Cost:

$ 0.00

## H. Development Information

Is the development subject to a previous Special Use Permit? ☐ Yes ☒ No ☐ Unknown

If yes, please describe:

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

If yes, please describe:

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

If yes, please describe:

## I. District/Use Information

Existing Zoning District: R1

Proposed Zoning District(s): O1 - OR - R3

Existing Land Use(s): R01 - Residential 1 Family

Proposed Land Use(s) (Specific Use # from UDO Section 15.07 Required): 2.03 Halfway House Category 1 - OR 2.07 Boarding Hou

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

| | | | | |
|---|---|---|---|---|
| Building Footprint Square Footage: | Current: | 836 | Proposed: | 836 |
| Total Building Square Footage (all floors): | Current: | 1672 | Proposed: | 1672 |
| Number of Stories | Current: | 2 | Proposed: | 2 |
| Building Height: | Current: | 22 ft | Proposed: | 22 ft |
| Number of Units: | Current: | 1 | Proposed: | 1 |
| Number of Bedrooms: | Current: | 3 | Proposed: | 3 |

## K. Environmental Information

Total Land Area : .25 ☐ Sq. Feet or ☒ Acres

Disturbed Area: ☐ Sq. Feet or ☐ Acres

Viewshed: Is development occurring within the Viewshed Protection District? ☐ Yes ☒ No ☐ Unknown

Slope: Is development occurring on slopes in excess of 30%? ☐ Yes ☒ No ☐ Unknown

Is development occurring on slopes in excess of 50%? ☐ Yes ☒ No ☐ Unknown

Watershed: Is the property located within a designated Water Supply Watershed Area? ☐ Yes ☒ No ☐ Unknown

If yes, please select: ☐ WS-II-CA ☐ WS-IV-PA ☐ WS-IV-CA

Stream/River: Is there a stream or river on or near the property? ☐ Yes ☒ No

SFHA: Is the property located within the Special Flood Hazard Area? ☐ Yes ☒ No ☐ Unknown



Communication: Case A24-0265 Exhibit 1: Application (Case A24-0265 Mediation & Resotative Justice Center, 209 Sunset Drive, Conditional

Impervious Area:

What is the existing impervious area in the development? 28.5 % ☐sq. feet ☐ acres

What is the proposed impervious area in the development? 28.5 % ☐sq. feet ☐ acres

## L. Design Professional Information

Designer is an: ☐Architect ☐Engineer ☐Owner ☐Other: _____

Name: Company:

Complete Mailing Address (Street, City, Zip):

Phone Number: Email Address:

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

## M. Brownfields Agreement Notification

1. Does the applicant have or is the applicant planning to enter into a Brownfields Agreement with the NC Brownfields Program? ☐ Yes ☒ No (If yes, please answer question #2 below.)

2. Anticipated date for the first year of partial exclusion of property taxes: _____

## N. Applicant Signature and Property Owner Authorization

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

| | | |
|---|---|---|
| MARISA CORNELL | Marisa Cornell | 4/9/24 |
| **Applicant (Print)** | **Applicant (Signature)** | **Date** |
| Georgia T. Potter | g t potter | 4-16-24 |
| H. Eugene Potter | H. Eugene Potter | 4-16-24 |
| **Property Owner (Print)** | **Property Owner (Signature)** | **Date** |

Communication: Case A24-0265 Exhibit 1: Application (Case A24-0265 Mediation & Resotative Justice Center, 209 Sunset Drive, Conditional

| Official Use Only | | | | |
|---|---|---|---|---|
| Permit Name: | | | | |
| Permit Number: | | | | |
| Date: | Fee: | Receipt Number: | Method of Payment:<br>☐ Cash<br>☐ Check Number:_____ | Paid By: |

**Official Use Only - Hearing/Decision Information**

Public Hearing Meeting Date: _____

PC Meeting Date: _____

TC Meeting Date: _____

Date of APO Mailed Notification: _____

Date of Posted Notification: _____

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

S:\FORMS\PI_Forms_Current\Planning Forms\CDZMapAmend_10202020.docx

Communication: Case A24-0265 Exhibit 1: Application (Case A24-0265 Mediation & Resotative Justice Center, 209 Sunset Drive, Conditional

Exhibit 2

BK 0292 PG 040

FILED
WANDA C. SCOTT
REGISTER OF DEEDS
94 JUN 17 PM 1:33
BY: [signature]
DEPUTY
WATAUGA COUNTY, NC

Excise Tax -0-

Recording Time, Book and Page

Tax Lot No. ..... Parcel Identifier No. .....

Verified by ..... County on the ..... day of ....., 19.....

by .....

Mail after recording to Stephen R. Berndt PO Box 415 Boone, NC 28607

This instrument was prepared by Stephen R. Berndt, Attorney at Law

Brief description for the Index: Being a 0.184 acre tract

# NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 13 day of June, 19 94, by and between

| GRANTOR | GRANTEE |
|---|---|
| Georgia T. Potter f/n/a Georgia T. Corum and husband H. Eugene Potter | H. Eugene Potter and wife, Georgia T. Potter |

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of ....., New River Township, Watauga County, North Carolina and more particularly described as follows:

Being a 0.184 acre tract and as more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

The purpose of this conveyance is to create a tenancy by the entireties.

TAX INFORMATION
RECORDED
6-17-94
Tax Supervisor

N. C. Bar Assoc. Form No. 3 © 1976, Revised © 1977 -- Lawyers Publishing Co., Inc., Box 177, Yadkinville, N. C. 27055
Printed by Agreement with the N. C. Bar Assoc.

Communication: Case A24-0264 Exhibit 2: Deed (Case A24-0265 Mediation & Resotative Justice Center, 209 Sunset Drive, Conditional District

The property hereinabove described was acquired by Grantor by instrument recorded in .....

..Records..Book..44..at.....Page..897,...Watauga..County....NC Public Registry.....

A map showing the above described property is recorded in Plat Book .....1..... page.....74.....

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

1. 1994 ad valorem taxes
2. Deed of Trust recorded at Book of Records 44 at Page 900, Watauga County, NC Public Registry.
3. Maintenance agreement for right of way as recorded in Book of Records 44 at Page 897, Watauga County, NC Public Registry

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

.....(Corporate Name)

By: .....

.....President

ATTEST:

.....Secretary (Corporate Seal)

USE BLACK INK ONLY

Georgia T. Potter (SEAL)
Georgia T. Potter f/n/a Georgia T. Corum

.....(SEAL)

H. Eugene Potter (SEAL)
H. Eugene Potter

.....(SEAL)

SEAL-STAMP PAMELA S. WILLIS NOTARY PUBLIC WATAUGA COUNTY, NC

Use Black Ink

NORTH CAROLINA, .....County.

I, a Notary Public of the County and State aforesaid, certify that Georgia T. Potter and H. Eugene Potter Grantor,

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 13 day of June, 19 94.

My commission expires: 5-10-99 Pamela S. Willis Notary Public

SEAL-STAMP

Use Black Ink

NORTH CAROLINA, .....County.

I, a Notary Public of the County and State aforesaid, certify that .....,

personally came before me this day and acknowledged that ____ he is ..... Secretary of .....a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its ..... President, sealed with its corporate seal and attested by ..... as its ..... Secretary.

Witness my hand and official stamp or seal, this .....day of ....., 19.....

My commission expires: ..... Notary Public

NORTH CAROLINA, WATAUGA COUNTY

The foregoing Certificate(s) of Pamela S. Willis, Notary Public, Watauga County, NC

.....

.....

.....

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

Wanda C. Scott REGISTER OF DEEDS FOR Watauga COUNTY

By Rita Dunn Deputy/~~Assistant~~ - Register of Deeds

N. C. Bar Assoc. Form No. 3 © 1976, Revised © 1977 — James Williams & Co., Inc., Box 127, Yorkville, N. C. 27055
Printed by Agreement with the N. C. Bar Assoc. — 1981

Communication: Case A24-0264 Exhibit 2: Deed (Case A24-0265 Mediation & Resotative Justice Center, 209 Sunset Drive, Conditional District

BK 0292 PG 042

EXHIBIT "A"

NEW RIVER TOWNSHIP
TOWN OF BOONE

WATAUGA COUNTY
NORTH CAROLINA

A 0.184 acre tract lying and being in the Town of Boone on the North side of Sunset Drive at a point approximately 450' East of Highway 105 Ext.; bounded by Charles Ulrey, Randolph Phillips, Laurel Lane and Sunset Drive; being a portion of Lot 9 A and B, 10 A and B Block C of the Daniel Boon Cabin Colony Subdivision as recorded in Plat Book 1, at Page 74 and being more particularly described as follows:

BEGINNING on an iron found at the Northeast corner of Lot 9B and the Nortwest corner of Laurel Lane an unconstructed street (located North 45° 01' West 20.00 feet from another iron found corner to Lot 8A), thence from the BEGINNING and along the West side of Laurel Lane South 34° 38' West 101.85 feet to an iron set a new corner (located North 34° 38' East 57.15 feet from an iron found); thence with a new line North 14° 28' West 67.44 feet to an iron set; thence North 44° 14' West 55.00 feet to an iron set in fence in the Ulrey line (located North 40° 09' East 89.64 feet from an iron found); thence with the Ulrey line North 40° 09' East 71.57 feet to an iron set in the Phillips line corner to Lots 11B and 10A; thence with the Phillips line South 41° 32' East 101.00 feet to the point and place of BEGINNING....containing 0.184 of an acre by DMD as surveyed and shown on Plat No. 86062 dated April 6, 1986 by Hencle J. Matheson RLS L-2561.

There is also conveyed herein a 20 foot right of way easement leading from Sunset Drive to the above described tract as follows: Beginning on an iron found on the North side of Sunset Drive the Southeast corner of Lot 9B and the Southwest corner to Laurel Lane (located North 41° 11' West 19.84 feet from an iron found); thence from the Beginning and along the East side of a 20 foot right of way leading to the above described tract North 34° 38' East 57.15 feet to an iron set (located South 34° 38' West 101.85 feet from an iron found.

The above described right of way is a non-exclusive right of way for the purpose of ingress, regress and egress.

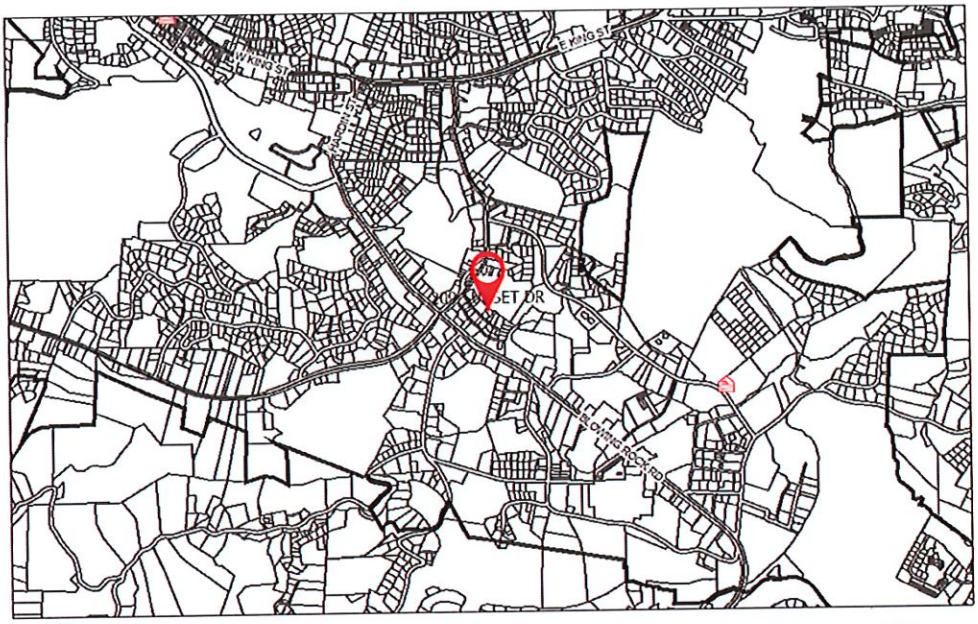
The conveyance is subject to a road maintenance agreement as recorded in that certain deed recorded in Book of Records 44, at Page 897 Watauga County North Carolina Public Registry.

Communication: Case A24-0264 Exhibit 2: Deed (Case A24-0265 Mediation & Resotative Justice Center, 209 Sunset Drive, Conditional District

# 209 Sunset Dr Site Plan

Property Owner: Georgia T. Potter & Eugene Potter
Applicant: The Mediation & Restorative Justice Center

Town of Boone, N.C.

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

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0 0.15 0.3 0.6 mi
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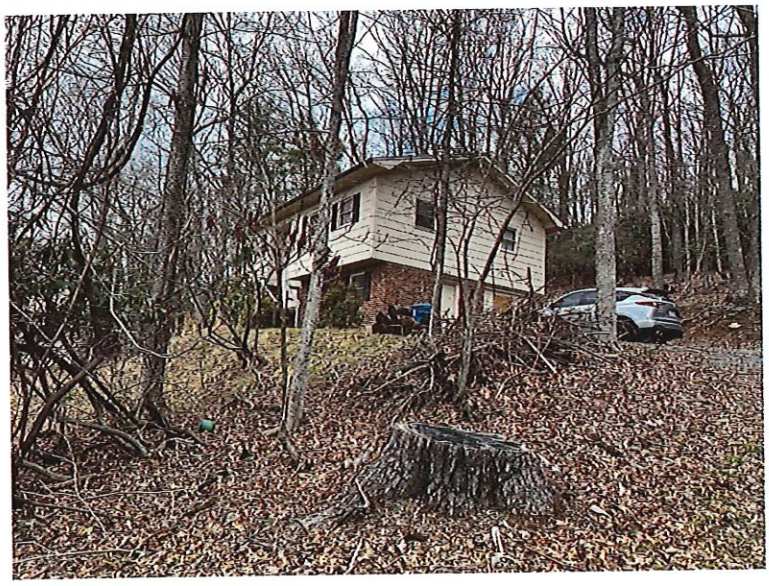
April 12, 2024



Communication: Case A24-0264 Exhibit 3: Site Plan and Project Narrative (Case A24-0265 Mediation & Resotative Justice Center, 209 Sunset

Town of Boone, N.C.

209 Sunset
measurements of building in relation to property line




**Disclaimer:**
This map is based on the Watauga County Tax Parcel Map.
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1:475

0 0 0.01 0.02 mi

0 0.01 0.01 0.02 km

April 11, 2024

BOONE North Carolina

## Site Survey & Landscape Descriptions



North East Facing Property Line with bordering wooded area and mature rhododendrons

Communication: Case A24-0264 Exhibit 3: Site Plan and Project Narrative (Case A24-0265 Mediation & Resotative Justice Center, 209 Sunset



## Site Survey & Landscape Descriptions



North East Facing Property Line with bordering wooded area and mature rhododendrons

Communication: Case A24-0264 Exhibit 3: Site Plan and Project Narrative (Case A24-0265 Mediation & Resotative Justice Center, 209 Sunset



West Facing Property Line with steep downward slope to neighboring house

Communication: Case A24-0264 Exhibit 3: Site Plan and Project Narrative (Case A24-0265 Mediation & Resotative Justice Center, 209 Sunset



South East Facing Property Line showing driveway to Sunset and parking area for residence.

Communication: Case A24-0264 Exhibit 3: Site Plan and Project Narrative (Case A24-0265 Mediation & Resotative Justice Center, 209 Sunset



South West Facing Property Line

## Parking Plan

The gravel parking area on the west side of the property will accommodate two[three] vehicles. MRJC will commit to limit residents to having, in the aggregate, no more than [two][three] vehicles.



Town of Boone, N.C.




Disclaimer:
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All layers have been modified to this base.
This is a thematic map for general planning purposes only.
This map is subject to quarterly updates and revisions.

1:621

0 0.01 0.01 0.02 mi
0 0.01 0.01 0.03 km

April 11, 2024

Communication: Case A24-0264 Exhibit 3: Site Plan and Project Narrative (Case A24-0265 Mediation & Resotative Justice Center, 209 Sunset

## Neighborhood Impact

Noise

Anticipated Impact: 209 Sunset Drive has been sitting vacant for much of the last decade. Because of its current vacant status, we do anticipate an increase to the level of noise consistent with typical residential occupancy.

Noise Mitigation Factors: While we do not anticipate an increase to the level of noise beyond a reasonable expectation of typical residential occupancy, HRC will implement and enforce house rules and policies (see Homeplace Policies Document) that will assist to minimize the level of noise. The Homeplace Policies Document includes, among others, Quiet Hours, Curfew, Zero Tolerance Policy for Alcohol and Other Substance Use and No Visitor Policy.

- Quiet Hours: Quiet time will be from 10 p.m. to 6 a.m., Sunday-Thursday, and 11 p.m. to 6 a.m. on Friday and Saturday or as otherwise established by the HRC housing coordinator. Residents are not allowed outside during quiet time except in the case of an emergency. No television or gaming device may be used during quiet time. In addition, no loud music, noises, noxious odors, or other activities which are, or could be deemed, a nuisance to other residents or neighbors are permitted at any time. Headphones and earbuds are recommended. Each resident will be required to make reasonable accommodations for the welfare of other residents and neighbors.

- Curfew: Residents must comply with curfew established by the HRC housing coordinator through their case plan. Curfew varies depending on the program phase of the participant.

  Phase 1: 8pm - 8am, unless approved by staff
  Phase 2: 9pm - 8am, unless approved by staff
  Phase 3: 10pm - 8am, unless approved by staff

  Curfew exceptions are granted on an individual basis and may be considered for reasons that directly support a resident's Recovery Plan, as developed in collaboration with the resident and their case manager. Reasons for a curfew exception could include but are not limited to employment, continuing education, and recovery support groups.

- Zero Tolerance Policy for alcohol and other substance use:
  - A return to use, refusing to submit to a drug or alcohol test, or falsifying or attempting to falsify a drug or alcohol test. Misuse of prescribed or over-the-counter medications or other substances will be treated as a return to use and is grounds for dismissal from the program (Reasons for Immediate Dismissal document).

  - No alcohol or other drugs (other than prescription and over-the-counter medications, in each case, approved by the HRC housing coordinator) are allowed on HRC Property. As noted, all prescription and non-prescription, over-the-counter medications must be approved by the HRC housing coordinator. In addition, the HRC housing coordinator is to be notified of any medication changes, including type and dosage. All medication should be stored in a lock box and be taken as prescribed. HRC reserves the right to conduct random

Communication: Case A24-0264 Exhibit 3: Site Plan and Project Narrative (Case A24-0265 Mediation & Resotative Justice Center, 209 Sunset

medication counts with the resident present ( Other Homeplace Guidelines document).

- No Visitor Policy:
  - Visitors are not allowed on The Homeplace properties.

Light

Anticipated Impact: 209 Sunset Drive has been sitting vacant for much of the last decade. Because of its current vacant status, we do anticipate an increase to the amount of light consistent with typical residential occupancy.

Light Mitigation Factors: We anticipate that most Homeplace residents will not have vehicles and will use public transportation and transportation provided by HRC for employment, recovery meetings, shopping and other appointments and needs. As a result, there will be fewer vehicles parked at the property, with no visitor vehicles at any time, and extremely limited vehicle use at night due to quiet hours and curfew. In addition, there will be limited lighting used during night-time due to quiet time policies and no visitor policies referenced in detail above.

Traffic

- Anticipated Impact: 209 Sunset Drive has been sitting vacant for much of the last decade. Because of its current vacant status, we do anticipate an increase in traffic consistent with typical residential occupancy.

- Traffic Mitigation Factors: Use of the property as a recovery residence should not negatively impact traffic or traffic patterns or pedestrian activity in the area. As noted above, we anticipate that most Homeplace residents will not have vehicles and will use public transportation and transportation provided by HRC. There will be no visitor vehicles, and extremely limited vehicle use at night due to quiet time, curfew and no visitor policies referenced in detail above.

Communication: Case A24-0264 Exhibit 3: Site Plan and Project Narrative (Case A24-0265 Mediation & Resotative Justice Center, 209 Sunset

## Limited Use Requirements

*15.07.02 A Family Care Institution, Halfway House Category 1 and Halfway House Category 2 shall provide adequate supervision in light of the number and needs of the residents and security concerns for the use.*

MRJC supervision and security will be addressed in a number of ways, including:

(i) regular, weekly house meeting with a staff member of HRC,
(ii) implementation and enforcement of house policies, including, among others, no visitors, lights out at specified times, and quiet hours, random alcohol and other substance screening and room checks, and requirement to report any violations of another resident,
(iii) installation of outside security cameras to provide additional safety and accountability,
(iv) supervision by the HRC housing coordinator, and
(v) MRJC anticipates having a senior resident to oversee additional house operations and Homeplace Policies within six months of operation.

*15.07.03 Without limiting the applicability of other Ordinance requirements, a Family Care Institution, Halfway House Category 1, and Halfway House Category 2 are subject to Article 25 Community Appearance Standards as well as Article 31 Landscape Standards.*

Article 25: Community Appearance Standards
Existing construction, including with respect to materials, parking, and lighting, appears to comply in all substantial respects with Article 25 Community Appearance Standards. It is anticipated that most residents will not have vehicles. Residents will utilize public transportation with HRC providing additional transportation for employment, recovery meetings, and other appointments as needed. MRJC requests that Town Council, in applying the Community Appearance Standards in regard to the 209 Sunset Dr. property, permits such property to be kept in its current condition (i) to preserve its residential appearance and (ii) so that it blends in with existing homes in the neighborhood and the overall atmosphere and aesthetics of the Sunset Dr. neighborhood.

Communication: Case A24-0264 Exhibit 3: Site Plan and Project Narrative (Case A24-0265 Mediation & Resotative Justice Center, 209 Sunset

Article 31: Landscaping Standards

The 209 Sunset Dr. property's existing greenspace and buffer areas include mature trees and wooded areas. On April 16th, 2024 the 209 Sunset Dr. property was visited by the Town of Boone Landscape Specialist and the Town of Boone Environmental Specialist. Town of Boone employees suggested the following landscaping additions to the 209 Sunset Dr. property to bring it in compliance with Article 31 Landscaping Standards for OI rezoning:

- Evergreen hedge along the northwest and southwest property line adjoining two R1 residential properties

Communication: Case A24-0264 Exhibit 3: Site Plan and Project Narrative (Case A24-0265 Mediation & Resotative Justice Center, 209 Sunset

## Commitments

- To employ a full time housing coordinator to oversee The Homeplace operations.
- To provide an update by way of mailing or posting to our website (homesteadrecoverync.org) of Admission Policies, Expectations of Residents, Expectations of HRC, Homeplace Policies and to remain open to comment of interested neighbors.
- To enforce Homeplace Policies in a reasonable and appropriate manner, consistent with all HRC operations.
- HRC staff will remain accessible to residents, the neighborhood and the wider community.
- To install landscaping consistent with Town of Boone suggestions referenced in Article 31: Landscaping Standards

Communication: Case A24-0264 Exhibit 3: Site Plan and Project Narrative (Case A24-0265 Mediation & Resotative Justice Center, 209 Sunset

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

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

1. That I am Marisa Cornell, that I am over the age of eighteen years and competent to make this Affidavit, and that I have personal knowledge of the facts set out in this Affidavit.
2. I am Executive Director of the Mediation & Restorative Justice Center ("MRJC"), a North Carolina non-profit corporation.
3. MRJC, as applicant ("Applicant"), intends to submit a Conditional District Zoning Map Amendment Application to the Town of Boone relating to the property located at 209 Sunset Drive (the "Subject Property").
4. Applicant conducted a neighborhood meeting ("Neighborhood Meeting") in accordance with Town of Boone Unified Development Ordinance ("UDO").
5. That Applicant caused notices of the Neighborhood Meeting to be mailed, regular mail, postage prepaid, to property owners within three hundred feet of the Subject Property.
6. The relevant property owners and addresses of such property owners were provided by Town of Boone Planning and Inspections.
7. A true and accurate copy of the Neighborhood Meeting notice mailing list is attached hereto as Exhibit 1 and is hereby expressly incorporated into this Affidavit as if the contents thereof were expressly set forth herein in this Affidavit.
8. A true and accurate copy of the Neighborhood Meeting notice is attached as Exhibit 2 and is hereby incorporated into this Affidavit as if the contents thereof were expressly set forth herein in this Affidavit.
9. A true and accurate copy of the Neighborhood Meeting sign-in sheet is attached hereto as Exhibit 3 and is hereby expressly incorporated into this Affidavit as if the contents were expressly set forth herein in this Affidavit.
10. The Neighborhood Meeting was conducted in person on April 3, 2024 from 6:00 p.m. until 8:00 p.m.
11. A true and correct copy of the materials used and provided in the presentation by MRJC representatives at the Neighborhood Meeting is attached as Exhibit 4 and is hereby incorporated into this Affidavit as if the contents thereof were expressly set forth herein in this Affidavit.
12. A true and accurate copy of the Neighborhood Meeting summary report is attached hereto as Exhibit 5 and is hereby incorporated into this Affidavit as if the contents thereof were expressly set forth herein in this Affidavit.

Communication: Case A24-0264 Exhibit 4: Neighborhood Meeting Information (Case A24-0265 Mediation & Resotative Justice Center, 209

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

Communication: Case A24-0264 Exhibit 4: Neighborhood Meeting Information (Case A24-0265 Mediation & Resotative Justice Center, 209

I declare under penalty of perjury that the foregoing is true and correct. This 9th day of April, 2024.

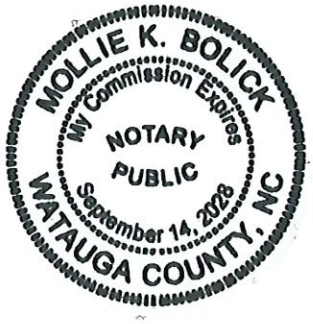
FURTHER AFFIANT SAYETH NOT:

Marisa Cornell

State of North Carolina
County of Watauga

I certify that Marisa Cornell personally appeared before me this day, acknowledging to me that she signed the foregoing Affidavit.

Date: 4/9/24
Notary Public: Mollie K. Bolick
My commission expires: 9/14/28
Notarial Seal:




Communication: Case A24-0264 Exhibit 4: Neighborhood Meeting Information (Case A24-0265 Mediation & Resotative Justice Center, 209

# Exhibit 1
# Neighborhood Notice Mailing List

Communication: Case A24-0264 Exhibit 4: Neighborhood Meeting Information (Case A24-0265 Mediation & Resotative Justice Center, 209

| PARCELID | PROPADDRES | TXACCTNAME | TXADDRESS | TXADDRESS2 | TXCITYST | TXZIP |
|---|---|---|---|---|---|---|
| 2910-24-8007-000 | 1069 BLOWING ROCK RD | BEST IN BOONE, LLC | 1069 BLOWING ROCK RD | | BOONE, NC | 28607 |
| 2910-24-8277-000 | 170 SUNSET DR | WRIGHT, MARY LYNN | 170 SUNSET DR | | BOONE, NC | 28607 |
| 2910-24-8309-000 | 144 SUNSET DR | PHILLIPS GROUP PROPERTIES LTD PTNRP | PO BOX 3528 | | BOONE, NC | 28607-0828 |
| 2910-24-8334-000 | 158 SUNSET DR | RUPP PROPERTIES LLC | 325 POPLAR SUMMIT | | BOONE, NC | 28607 |
| 2910-24-9055-000 | 1093 BLOWING ROCK RD | SVC ABS LLC | TWO NEWTON PLACE | 255 WASHINGTON STREET | NEWTON, MA | 02458 |
| 2910-24-9149-000 | 183 AZALEA DR | PHILLIPS, CHARLES D, LIFE ESTATE | 183 AZALEA DR | | BOONE, NC | 28607 |
| 2910-24-9655-000 | 131 SUNSET DR | TEMPLETON, MARK | 170 MEADOWVIEW DR STE B | | BOONE, NC | 28607 |
| 2910-33-0855-000 | 1141 BLOWING ROCK RD | AUTOBELL CAR WASH INC | C/O C A HOWARD II | 1521 E. THIRD STREET | CHARLOTTE, NC | 28204-2613 |
| 2910-33-1937-000 | 233 AZALEA DR | RICHARDSON, ROBERT LEE,RICHARDSON, PATRICK JOSEPH | 233 AZALEA DR | | BOONE, NC | 28607-6219 |
| 2910-33-2858-000 | 265 AZALEA DR | RUPP PROPERTIES LLC | 2408 HWY 105 | | BOONE, NC | 28607 |
| 2910-33-2965-000 | 262 SUNSET DR | GIVINS, THOMAS LEE | 885 CALHOUN RD | | WEST JEFFERSON, NC | 28694 |
| 2910-33-3923-000 | 270 SUNSET DR | PERKINS, MARCELLA | 270 SUNSET DR | | BOONE, NC | 28607-4998 |
| 2910-33-4912-000 | 286 SUNSET DR | CRIST, WILLIAM BRYAN,CRIST, KELSEY KARINA | 286 SUNSET DR | | BOONE, NC | 28607 |
| 2910-34-0078-000 | 215 AZALEA DR | NI, TONGWU,NI, MIAO | 285 SKYS WAY | | VILAS, NC | 28692 |
| 2910-34-0113-000 | 206 SUNSET DR | PHILLIPS, CHARLES D, LIFE ESTATE | 183 AZALEA DR | | BOONE, NC | 28607 |
| 2910-34-0365-000 | 185 SUNSET DR | COLVIN, JOHN R.,MCKAY, MARY HEATHER | 432 JUNALUSKA RD | | BOONE, NC | 28607 |
| 2910-34-0518-000 | | RUPP PROPERTIES, LLC | 325 POPLAR SUMMIT | | BOONE, NC | 28607 |
| 2910-34-0543-000 | 155 SUNSET DR | RUPP PROPERTIES, LLC | 325 POPLAR SUMMIT | | BOONE, NC | 28607 |
| 2910-34-1082-000 | 248 SUNSET DR | LOVE, ANTHONY | 248 SUNSET DR | | BOONE, NC | 28607 |
| 2910-34-1223-000 | 207 SUNSET DR | BINGHAM, BRENT ALEX | 566 LAUREL FORK ROAD | | VILAS, NC | 28692 |
| 2910-34-1380-000 | 209 SUNSET DR | POTTER, H EUGENE,POTTER, GEORGIA T | 202 ELLA'S WAY | | ZIONVILLE, NC | 28698 |
| 2910-34-2176-000 | 241 SUNSET DR | EVERETT, ROBINSON O JR | 8 CHANCERY PL | | DURHAM, NC | 27707 |
| 2910-34-2222-000 | 227 SUNSET DR | CREMALDI, ANNA | 227 SUNSET DR | | BOONE, NC | 28607 |
| 2910-34-3140-000 | 261 SUNSET DR | WARD, JAMES GRAYSON JR | 261 SUNSET DR | | BOONE, NC | 28607 |
| 2910-34-4082-000 | 285 SUNSET DR | PK PROPERTIES NC, LLC | P O BOX 3555 | | BOONE, NC | 28607 |
| 2910-34-4525-000 | | ANNA W PHILLIPS EXEMPT TRUST | PO BOX 3528 | | BOONE, NC | 28607 |
| 2910-34-5018-000 | 287 SUNSET DR | VESTAL, STACI WALLACE | 287 SUNSET DR | | BOONE, NC | 28607 |

Exhibit 2
Neighborhood Meeting Notice

Communication: Case A24-0264 Exhibit 4: Neighborhood Meeting Information (Case A24-0265 Mediation & Resotative Justice Center, 209

HOMESTEAD RECOVERY CENTER

· SINCE 1993 · MEDIATION & RESTORATIVE JUSTICE CENTER

March 7th, 2024

Dear ,

We are writing to share that Homestead Recovery Center, the peer-led project of The Mediation & Restorative Justice Center (for us, peer-led means that Homestead is staffed and operated by people in recovery, for people in recovery) intends to file an application for rezoning of the property located at 209 Sunset Drive for the purpose of Recovery Housing. To be eligible to participate in this long-term (i.e. one year or more) housing program participants must be in sustained recovery, invested in community living, and a good fit for the home and neighborhood environment.

We often see our clients, whose families have called Watauga County home for generations, unable to live in their hometown due to the lack of recovery housing. We believe this lack of resources is actively eroding the culture of our area by removing our people and their stories. If more people had the opportunity to recover, heal, and thrive in Watauga County, they would serve as larger examples that recovery is possible and does happen in Appalachia. In addition, instead of their skills and abilities as productive citizens being redirected to other more resource-rich communities, Watauga County would be better equipped to retain the collective resilience and heritage of our community.

In connection with the application for rezoning, we invite you to attend a neighborhood informational meeting to discuss our planned use of the property and the manner in which the home will be operated. We intend this to be both an information sharing and information gathering opportunity to build community partnership and so that we can ensure that the character of the neighborhood is not altered. At the meeting, we hope to hear constructive feedback, questions, and any concerns, and will work to address any concerns and remain in communication with you.

The neighborhood meeting will take place on Wednesday, April 3rd, at 6:00 at F.A.R.M Cafe' located at 617 West King St. Boone, NC 28607.

Communication: Case A24-0264 Exhibit 4: Neighborhood Meeting Information (Case A24-0265 Mediation & Resotative Justice Center, 209

If you are unable to attend the meeting, but have any questions, please contact Bob Baker at housing@homesteadrecoverync.org, and provide your contact information, including your telephone number. We will reach out to you in order to set up a time to discuss any questions and concerns you may have.

We look forward to seeing you on the 3rd,

Sincerely,

Recovery Housing Planning Team
Homestead Recovery Center
2554 Hwy 105 Boone, NC 28607
828-355-9943 (center)
828-544-2175 (fax)
www.homesteadrecoverync.org
**Powered by The Mediation & Restorative Justice Center**

Communication: Case A24-0264 Exhibit 4: Neighborhood Meeting Information (Case A24-0265 Mediation & Resotative Justice Center, 209

Exhibit 3
Neighborhood Meeting Sign-In Sheet

Communication: Case A24-0264 Exhibit 4: Neighborhood Meeting Information (Case A24-0265 Mediation & Resotative Justice Center, 209

4/03 Sunset DR.

## Recovery Housing Town Meeting Sign-In

| Name | Address |
|---|---|
| James Ward | 261 SUNSET DR BOONE NC |
| Berkeley Brown | 262 Sunset |
| GEORgia Potter | 209 Sunset Dr. Boone NC |
| Stephen phyllips | 144 Sunset Dr. |
| Patrick richardson | 233 Azalea |
| Jennifer · Anthony Love | 248 Sunset Dr. |
| Debbie Reese | 261 Sunset |
| Manny Phillips | 183 Azalea, Boone NC |
| Heather McKAY | 185 SUNSET DR |
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Communication: Case A24-0264 Exhibit 4: Neighborhood Meeting Information (Case A24-0265 Mediation & Resotative Justice Center, 209

Exhibit 4
MRJC Neighborhood Meeting Presentation Materials Including Attendee Package

Communication: Case A24-0264 Exhibit 4: Neighborhood Meeting Information (Case A24-0265 Mediation & Resotative Justice Center, 209




Communication: Case A24-0264 Exhibit 4: Neighborhood Meeting Information (Case A24-0265 Mediation & Resotative Justice Center, 209

# Myths & Facts

- "Drug use is common in recovery housing."
  - Recovery Housing is sober housing. If a resident returns to use, they must exit the program.
- "Residents can use drugs and alcohol outside of the home."
  - Residents will be regularly screened for drug and alcohol use.
- "Recovery houses are unstructured and not well regulated/maintained."
  - The Homeplace will be a highly structured and accountability focused environment governed by policies and procedures with supervision by HRC staff.
- "Residents of recovery housing are largely transient."
  - Residents will agree to live at and participate in the Homeplace program for at least 6 months, we recommend a full year.
- "Residents of recovery housing just have to stay sober. Otherwise, they can do whatever they want."
  - Residents will remain sober, work a recovery case plan, and be required to participate in employment, school, and/or other civic engagement.
- "Recovery housing brings "crime" to the neighborhood."
  - Participating in, or having knowledge of illegal activity without reporting it, will result in dismissal.
- "It's free to live in recovery housing."
  - Residents will pay monthly program fees.

Communication: Case A24-0264 Exhibit 4: Neighborhood Meeting Information (Case A24-0265 Mediation & Resotative Justice Center, 209

# Admissions Policy

- The applicant must be at least [eighteen] years of age.
- The applicant must have submitted an application with true and accurate information.
- Applicants must complete an eligibility screening
- Priority will be given to applicants who are current or previous residents of Watauga County
- The applicant must be willing to commit to at least six months (180 days) in our recovery housing program. However, our recommendation is that residents remain in the program for at least one year.
- The applicant must consider themselves to have an alcohol or substance use disorder and is seeking a residential recovery environment.
- The applicant must be free of alcohol and other drugs at the time of acceptance to the program and upon moving into The Homeplace.
- Must not be experiencing active withdrawal.
- Must develop a case plan with staff and actively be working to complete their individual recovery goals. This may include but is not limited to: weekly case management sessions, support groups, medication management, general healthcare, employment and education.
- Any psychological or medical conditions that would interfere with a group living environment in which self-care, adherence to policies, and obtaining and maintaining employment, attending school, or participating in a volunteer role in the community, must be managed with a treatment plan at the time of application.
- The applicant must submit to a background check.
- The applicant will comply with any Health Department recommended health testing (may include, but is not limited to, HIV, syphilis, TB, and/or Hep C).

Communication: Case A24-0264 Exhibit 4: Neighborhood Meeting Information (Case A24-0265 Mediation & Resotative Justice Center, 209

# Listed below are expectations of residents:

## We expect each resident to:

- Remain free of alcohol and other drugs, this includes but is not limited to alcohol, cannabis products, synthetic drugs, kratom, etc.
- Actively, regularly, and continuously participate in their recovery process, as determined by progress within their individualized case plans (see Minimum Case Plan Standard document).
- Attend weekly house meetings.
- Live cooperatively with other residents, neighbors, and the greater community.
- Respect the rights and property of others.
- Maintain mandatory minimum cleanliness standards
- Complete required house chores.
- Live an active lifestyle through employment, attending school, or volunteer service and engaging in other healthy activities for upward mobility.
- Strive daily to be the best person they can be.
- Agree to personal property inspection at any time by designated HRC staff to ensure safety, security and adherence to Homeplace policies.
- Abide by all Homeplace and HRC Policies.
- Show commitment to maintaining the recovery environment of the house by:
  - Holding housemates accountable to shared living agreements
  - Disclosing immediately any persons (residents, staff, interns, or volunteers) that you witness or have knowledge of violating any of the above guidelines.

Communication: Case A24-0264 Exhibit 4: Neighborhood Meeting Information (Case A24-0265 Mediation & Resotative Justice Center, 209

# Homeplace Housing Rules and Policies (the "HRC Policies")

HRC, in its discretion, has the right to modify the Homeplace Policies, including adding additional rules and policies, at any time. Such modified Homeplace Policies are effective at the time they are provided to a resident. Each resident is required to acknowledge in writing receipt of the modified Homestead Policies. Failure to acknowledge receipt of the HRC Policies shall be treated as a violation of a Zero Tolerance HRC Policy. HRC Policies shall also include instructions and directions given by the HRC housing coordinator or other HRC staff, which may be verbal.

Violation of any Zero Tolerance Policy shall result in termination of the housing arrangement with the noncomplying resident. In the event of termination, the resident is required to immediately vacate the residence. In addition, HRC staff may enforce the HRC Policies in such other manner as it determines, which may include, by way of example, earlier curfew, assignment of additional chores and responsibilities for care and maintenance of the HRC Property (defined below), direction to attend additional meetings, direction to meet with the resident's sponsor, and an undertaking to make appropriate amends, which may include letters of apology to any aggrieved party, and direction to meet with other HRC staff, including the Center Director.

HRC recognizes that return to use may be a part of the recovery journey. In the case of return to use , where the housing arrangement is terminated and the resident desires to continue other peer-support services with HRC the HRC housing coordinator will direct the former resident to their HRC case manager, if one has been assigned, or one of HRC's other peer support specialists.

Communication: Case A24-0264 Exhibit 4: Neighborhood Meeting Information (Case A24-0265 Mediation & Resotative Justice Center, 209

## B. Other Homeplace Guidelines

1. Each resident is expected to maintain minimum cleanliness requirements (see Minimum Cleanliness document).
2. Smoking and vaping is permitted only in designated areas. No smoking,vaping, burning candles or incense is permitted in the house.
3. Toxic, flammable, explosive and or otherwise dangerous materials are not permitted on the property.
4. No animals are allowed in the residence.
5. Residents are not permitted to enter each other's bedrooms.
6. Routine chores will be assigned by The Homeplace Housing Coordinator to each resident related to care and maintenance of the residence, common areas, and surrounding property. Chores may not be traded with other residents.
7. No loud music, noises, noxious odors, or other activities are allowed which are, or could be deemed, a nuisance to other residents or neighbors. Headphones and earbuds are recommended. Each resident shall make reasonable accommodations for other residents and neighbors.
8. Respect for the rights and properties of others is expected. This includes but is not limited to:
    a. Other than with the consent of the HRC housing coordinator, no personal property (including cash,vehicles, etc.) of another may be loaned or borrowed.
    b. Respect those who hold different opinions or lifestyles than the resident
    c. Refrain from derogatory statements regarding another's race, ethnicity, religion, political views, gender, or sexual preferences
    d. Refrain from threats or intimidation through words or actions
9. If a resident breaks, destroys, or damages any HRC Property, additional costs may be assessed to the resident.

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or blinds may be installed without HRC housing coordinator consent.

21. Vehicles must be parked in designated spaces. No resident may operate a vehicle without being properly licensed and insured.
22. Each resident shall have responsibility for their property. HRC shall have no responsibility to a resident for loss or damage to such resident's property.
23. Each resident is responsible for supplying their own food. Space will be assigned to each resident to store their food.
24. Any citations, civil complaints, or criminal complaints issued to a resident must be immediately reported to the HRC housing coordinator.
25. Residents may use the residence address to receive mail. Mailing address is: [ _____ ]. When a resident moves out, HRC will not hold mail for pickup. It is the responsibility of the departing resident to provide others with notice of change of address.
26. Residents must be willing to comply with recommended medical treatment and public health guidance, particularly when applicable to group living and/or communicable disease.
27. For residents that require transportation, requests must abide by the Transportation Policy.

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NARR
National Alliance for Recovery Residences

## NARR CODE OF ETHICS

Operators and staff of residences certified as meeting NARR standards shall value and respect each resident and put each individual's recovery strengths and needs at the forefront of all decision making. To meet this obligation, we adhere to the following principles:

1. Assess each potential resident's strengths and needs, and determine whether the level of support available within the residence is appropriate. Provide assistance to the residents with appropriate referrals.
2. Value diversity and non-discrimination.
3. Provide a safe, homelike environment that meets NARR Standards.
4. Maintain an alcohol- and illicit-drug-free environment.
5. Honor individuals' rights to choose their recovery paths within the parameters defined by the residence organization.
6. Protect the privacy, confidentiality and personal rights of each resident.
7. Provide consistent and uniformly applied rules.
8. Provide for the health, safety and welfare of each resident.
9. Address each resident fairly in all situations.
10. Encourage residents to sustain relationships with professionals, recovery support service providers and allies.
11. Take appropriate action to stop intimidation, bullying, sexual harassment and/or otherwise threatening behavior of residents, staff and visitors within the residence.
12. Take appropriate action to stop retribution, intimidation, or any negative consequences that could occur as the result of a grievance or complaint.
13. Provide consistent, fair practices for drug testing that promote the residents' recovery and the health and safety of the recovery environment.
14. Provide an environment in which each resident's recovery needs are the primary factors in all decision making.
15. Promote the residence with marketing or advertising that is supported by accurate, open and honest claims.
16. Decline taking a primary role in the recovery plans of relatives, close friends, and/or business acquaintances.
17. Sustain transparency in operational and financial decisions.
18. Maintain clear personal and professional boundaries.
19. Operate within the residence's scope of service and within professional training and credentials.
20. Maintain an environment that promotes the peace and safety of the surrounding neighborhood and the community at large.



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# NARR Standard 3.0
## Introduction

NARR was founded in 2011 by a group of organizations and individuals with vast experience in recovery housing from across the country. From the beginning, NARR has been committed to developing and maintaining a national standard for all levels of recovery housing. The term "recovery residence" denotes safe and healthy residential environments in which skills vital for sustaining recovery are learned and practiced in a home-like setting, based on Social Model principles. The Social Model is fundamental to all levels of recovery residences. Social Model philosophy promotes norms that reinforce healthy living skills and associated values, attitudes, and connection with self and community for sustaining recovery. NARR Standard 3.0 operationalizes the Social Model across four Domains, 10 Principles, 31 Standards and their individual rules. The Standard is tailored to each of NARR's four levels.

## Outline of the Standard

***Domain 1 Administrative Operations***
Principle A. Operate with integrity: Standards 1-4
Principle B. Uphold residents' rights: Standards 5 and 6
Principle C. Create a culture of empowerment where residents engage in governance and leadership:Standards 7 and 8
Principle D. Develop staff abilities to apply the Social Model: Standards 9-13

***Domain 2 Physical Environment***
Principle E. Provide a home-like environment: Standards 14 and 15
Principle F. Promote a safe and healthy environment: Standards 16-19

***Domain 3 Recovery Support***
Principle G. Facilitate active recovery and recovery community engagement: Standards 20-25
Principle H. Model prosocial behaviors and relationship enhancement skills: Standard 26
Principle I. Cultivate the resident's sense of belonging and responsibility for community: Standards 27-29

***Domain 4 Good Neighbor***
Principle J. Be a good neighbor: Standards 30 and 31

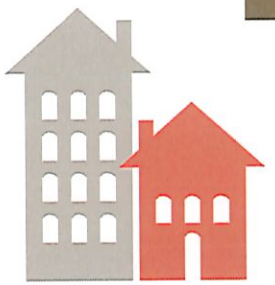
***Scan below to read the full text***

Communication: Case A24-0264 Exhibit 4: Neighborhood Meeting Information (Case A24-0265 Mediation & Resotative Justice Center, 209

# Neighborhood Meeting

April 3, 2024

## Agenda



1. Introductions
2. Who We Are
3. What We Do in the Community
4. Neighborhood Project
5. Myths & Successful Examples
6. Data
7. Forum & Questions

## Introductions

*Name*

*What is your connection to the Neighborhood or Community?*

*What do you hope to leave with after tonight's meeting?*



## Who we are

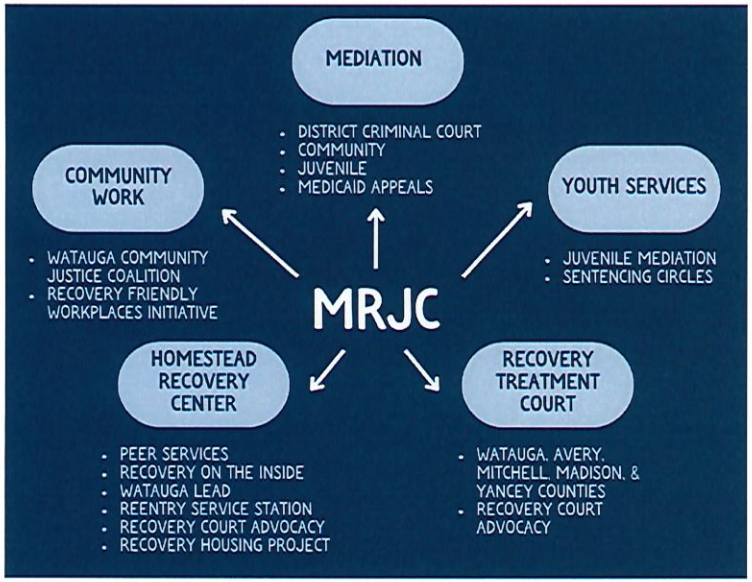
MEDIATION & RESTORATIVE JUSTICE CENTER · SINCE 1993 ·

501(c)(3) Non- Profit Organization

Established 1993

Our Principles: Restorative Justice, Trauma-Informed Care, & Harm Reduction

Our Mission: To increase the peace, productivity, and safety in our community through restorative practices.




# HOMESTEAD RECOVERY CENTER

Recovery on the Inside | Watauga County LEAD Law Enforcement Assisted Diversion | Peer Services | Est. 2023 Reentry Service Station | recovery court advocate | Embedded Case Worker | Recovery Housing

*Homestead's mission is to be a unified voice and access point for peer led recovery in Watauga County through welcoming, inclusive and supportive spaces where all community members can participate in recovery.*

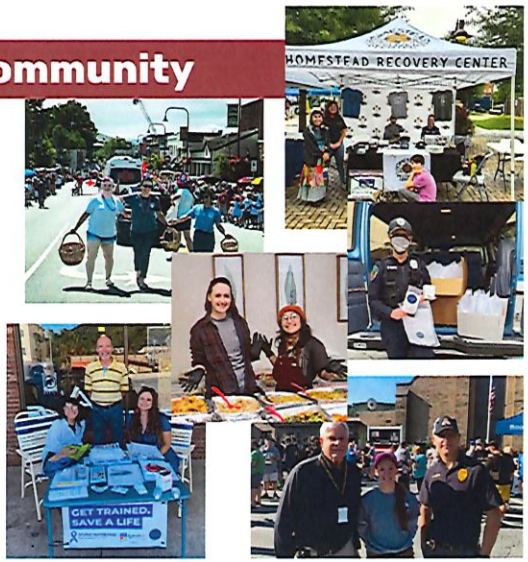
*Homestead's vision is a recovery oriented community where all people can improve their health and wellness, live a self-directed life, and strive to reach their full potential.*

*Values: Compassion, Hope, Support*

## What we do in the community

Developed services to meet the needs of people in recovery across people's entire journey from the beginning to long term support we all need.

Recovery Housing is a new project aimed to support people in the maintenance stage of recovery to help them transition back into the community.



## In Your Packet

In your packet you will find:

- Information on the non-profit organization
- Draft Policies & Procedures for The Homeplace
- National Alliance for Recovery Residences Core Principles of Housing Standards & Code of Ethics
- Myths & Facts Handout



## Neighborhood Project: The Homeplace

Currently developing a men's and women's property

Recovery Housing: Sober, safe and healthy living environments that promote recovery, wellness and reintegration.

Assists individuals in building a foundation to help them transition to independent living with the support to live a meaningful life.

Resident priority given to Watauga residents



## Neighborhood Project: The Homeplace

4-8 people estimated at Green St.

Residents pay program fees to participate, are provided recovery support through HRC and transportation if needed.

Work through program levels towards independence

Ongoing requirements including

- Employment or school
- Recovery Plan
- Contributing to home upkeep and maintenance



## Housing Coordinator

Geof Gatti,
Recovery Housing Coordinator



## Recovery Housing Standards

Recovery residences are guided by the NARR standards that established best practices for maintaining the safety and health of the residents, the local neighborhood, and the larger community. NARR standards address safety from an administrative, operational, property, and good neighbors perspective.

NARR Code of Ethics

NARR Levels of Recovery Residences

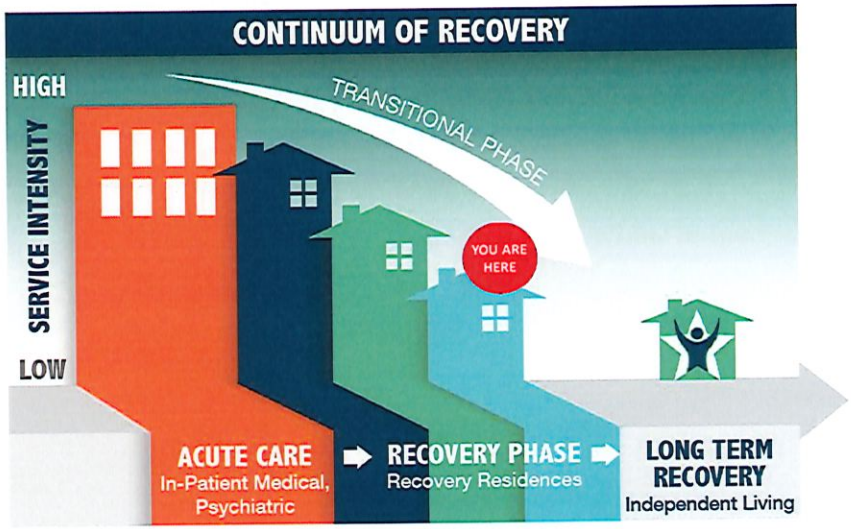
NARR Standards and Certification

NARR
National Alliance for Recovery Residences
Community • Standards • Ethics • Education

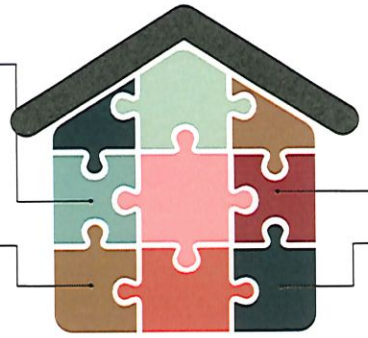
| NARR National Association of Recovery Residences | RECOVERY RESIDENCE LEVELS OF SUPPORT | | | |
|---|---|---|---|---|
| STANDARDS CRITERIA | LEVEL I Peer-Run | LEVEL II Monitored | LEVEL III Supervised | LEVEL IV Service Provider |
| ADMINISTRATION | • Democratically run<br>• Manual or P& P | • House manager or senior resident<br>• Policy and Procedures | • Organizational hierarchy<br>• Administrative oversight for service providers<br>• Policy and Procedures<br>• Licensing varies from state to state | • Overseen organizational hierarchy<br>• Clinical and administrative supervision<br>• Policy and Procedures<br>• Licensing varies from state to state |
| SERVICES | • Drug Screening<br>• House meetings<br>• Self help meetings encouraged | • House rules provide structure<br>• Peer run groups<br>• Drug Screening<br>• House meetings<br>• Involvement in self help and/or treatment services | • Life skill development emphasis<br>• Clinical services utilized in outside community<br>• Service hours provided in house | • Clinical services and programming are provided in house<br>• Life skill development |
| RESIDENCE | • Generally single family residences | • Primarily single family residences<br>• Possibly apartments or other dwelling types | • Varies – all types of residential settings | • All types – often a step down phase within care continuum of a treatment center<br>• May be a more institutional in environment |
| STAFF | • No paid positions within the residence<br>• Perhaps an overseeing officer | • At least 1 compensated position | • Facility manager<br>• Certified staff or case managers | • Credentialed staff |

## What is Recovery Housing?

| Common Misconceptions | The Homeplace Policies |
|---|---|
| 1. Drug use is common in recovery housing.<br>2. Residents can use drugs and alcohol outside of the home.<br>3. Recovery houses are unstructured and not well regulated/maintained.<br>4. Residents of recovery housing are largely transient.<br>5. Residents of recovery housing just have to stay sober. Otherwise, they can do whatever they want.<br>6. Recovery housing brings "crime" to the neighborhood.<br>7. [illegible]'s free to live in recovery housing. | 1. Recovery Housing is sober housing. If a resident returns to use, they must exit the program.<br>2. Residents will be regularly screened for drug and alcohol use.<br>3. The Homeplace will be a highly structured and accountability focused environment governed by policies and procedures with supervision by HRC staff.<br>4. Residents will agree to live at and participate in the Homeplace program for at least 6 months, we recommend a full year.<br>5. Residents will remain sober, work a recovery case plan, and be required to participate in employment, school, and/or other civic engagement.<br>6. Participating in, or having knowledge of illegal activity without reporting it, will result in dismissal.<br>7. Residents will pay monthly program fees. |



## Data



**1 in 4**

25.9% people over the age of 12 used illicit drugs in the last year.

**1 in 6**

17.6% people over the age of 12 had a Substance Use Disorder (SUD) in the last year.

**7 in 10**

72.2% adults who have ever had a substance use challenge consider themselves to be recovering or in recovery.

**0**

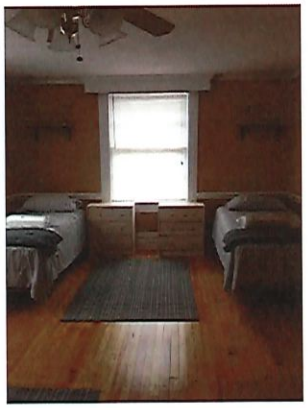
There are zero Recovery Housing programs in Watauga County.

## Community Identified Need

- Watauga Housing Council
- Watauga Community Justice Coalition
- Watauga Community Mental Health Project
- High Country Reentry Collaborative
- 2019 Sequential Intercept Map Priority
- Recovery Housing is one of the priorities for NC's Opioid Settlement State Action Plan. This project was selected by Watauga County to receive these funds. This money is restitution paid by pharmaceutical companies and pharmacies to be reinvested in our communities after decades of harm caused by over-prescribing and false marketing of prescription opioids.

## Successful Examples in NC

- Phases, Wilkesboro NC
- Caldwell House, Lenoir NC
- Launch Pad, Wilmington NC
- Hope After Dope, Warrensville, NC



## Timeline

- Rezoning application/approval May 2024
- Begin home improvements June 2024
- Begin accepting resident applications August 2024

Have you known anyone affected by addiction?

What are the strengths of your neighborhood?

What are your priorities for the neighborhood?

Questions?

# Exhibit 5
# Neighborhood Meeting Summary Report

I. Presentation:

A. Introduction-Marisa Cornell
B. Who We Are-Marisa Cornell
C. What We Do In the Community-Mollie Bolick
D. Neighborhood Project-Bob Baker
E. Myths and Successful Examples-Mackenzie Laney
F. Data-Mackenzie Laney

II. Questions/Comments/Issues *(abbreviated; in summary form). Responses provided during the Neighborhood Meeting by various MRJC/Homestead Recovery Center ("HRC") staff and volunteers, including Marisa Cornell, Mollie Bolick, Mackenzie Laney, Pam Greer, Katlynd Taylor, Melissa Monday, Crystal Trivette, Geof Gatti, Ken Connelly, and Bob Baker.*

A. How will policies be upheld? *Residents are required to report all violations. Failure to report may result in expulsion from the program. There will be a resident manager, who has progressed in his/her recovery, lives in the residence, and acts much like a resident assistant in a college dormitory to oversee policies. MRJC/HRC has already hired Geof Gatti as full-time housing coordinator. While Geof will not live in the residence, he will coordinate with the resident manager and MRJC/HRC staff regarding any violation of the policies.*

*B.* What happens if the resident manager is not available at the time of an incident? *Neighbors, other residents, and other persons may report any incident during daytime hours to MRJC/HRC. If the resident manager is not available after hours, MRJC/HRC will undertake to have a staff member available to receive calls. It is anticipated that the Executive Director/Center Director would be involved to resolve any major incident.*

C. What happens if a resident returns to use? *Such person would be required to leave the program.*

D. How are candidates selected for the program? *Through an application process, with priority given to Watauga residents. There will be background checks. Candidates will be interviewed to assess, among*



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*others, commitment to sobriety, mental and emotional stability, willingness to abide by policies, willingness to contribute to house chores and maintenance, and willingness to act as good neighbors.*

E. Will residents be screened for alcohol/drugs? *Residents will be screened prior to entry into the program, at the time of commencing residency, and throughout their stay- both scheduled and randomly. There will also be random room searches to ensure a safe environment.*

F. There was much discussion about the types of alcohol and drug tests and the efficacy of such tests. *MRJC/HRC are very familiar with best practices regarding alcohol and drug screening, and committed to on-going research and investigation, including with other community partners, other recovery residences, and medical providers. The intent is to use best practices in the method and types of alcohol and drug tests.*

G. There was much discussion about cameras and monitoring of cameras. *HRC currently uses at its Hwy 105 location some of the most advanced monitoring equipment available with storage for up to six months and intends to use similar or more advanced equipment in the recovery residency program.*

H. Will the cameras be monitored and/or reviewed twenty-four hours a day? *It is expected that the resident manager or other MRJC/HRC staff will monitor and review security cameras and related footage on a regular basis.*

I. There were several questions about physical safety and protection of neighbors and families. *MRJC/HRC reiterated its commitment to safety, its experience with alcohol and substance use disorder in its daytime and other programs, its excellent record and absence of harm in connection with current operations, and its discipline in setting boundaries and enforcing policies in connection with its current operations. As part of its selection process, MRJC/HRC will require background checks.*

J. There was discussion about the presence of people currently experiencing homelessness in the neighborhood. *The Subject Property is currently sitting vacant. MRJC/HRC commented that on prior visits to inspect the Subject Property, there was evidence that it had been broken into and entered on multiple occasions. Neighbors acknowledged that it would be positive to have the Subject Property occupied by recovery residents rather than sitting vacant.*

*K.* A concern was expressed that use as a recovery residence would lower property values. A New York Times article from March 24, 2013, was cited. *MRJC/HRC agreed to find and review the article and has since procured the article and reviewed it. The data, though out-of-date, found*

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*a reduction in home prices of approximately eight percent, seventeen percent in the case of opiate addiction. However, the article and statistical data were related to substance abuse treatment centers rather than recovery residences. The primary distinction is that the Subject Property is intended for residents who are well-past treatment of substance use disorder and further along in their recovery journey, living independently and communally in the Subject Property, with other residents, under the oversight of a resident manager, a housing coordinator and MRJC/HRC staff.*

*L.* A concern was expressed that MRJC/HRC did not have experience in running a recovery residence. *MRJC explained that many of the MRJC staff had experience living in recovery residences and actively serving as resident managers of recovery residences. In addition, the daytime operations of HRC involves establishing similar boundaries and implementation, oversight, and enforcement of policies as will be required for operation of the Subject Property as a recovery residence. MRJC/HRC assured the neighbors that the program has been well-researched and MRJC/HRC had consulted with several other recovery residences in North Carolina, the staff of which have similar educational backgrounds and experience as MRJC/HRC staff.*

*M.* How is the property intended to be rezoned and what is the effect of the rezoning. *MRJC explained that it is deferential to Town Council and the Town of Boone Attorney as to how to proceed with rezoning and explained that the rezoning sought may be (i) Office and Institutional-Halfway House or (ii) Multifamily, a definitional issue being that the intended use of the Subject Property does not fit squarely into the UDC definition of Halfway House, as residents may come from outside of incarceration or in patient treatment as set forth in the definition. In addition, MRJC explained that a legislative amendment could be sought to expand the classification of Halfway House to Multifamily or Business classification and then MRJC could seek rezoning in one of the expanded classifications. MRJC further explained that if the Subject Property is no longer used by MRJC/HRC as a recovery residence that MRJC/HRC would commit to the owners to cooperate to have the Subject Property rezoned back to its current zoning classification.*

*N.* Could the Subject Property be used by an organization other than MRJC/HRC as a recovery residence? *MRJC/HRC explained that the rezoning classification runs with the property and that the owner or another party contracting with the owner could use the Subject Property as a recovery residence. MRJC indicated that it would discuss with the*

Communication: Case A24-0264 Exhibit 4: Neighborhood Meeting Information (Case A24-0265 Mediation & Resotative Justice Center, 209

*owners that they agree not to further use or permit others to use the Subject Property as a recovery residence (where MRJC/HRC is not conducting the program) without further discussions with neighbors.*

*O.* A broad reference was made to spot zoning. *MRJC indicated that the issue was under consideration, but the expectation was that the use of the Subject Property would facilitate and improve the health, safety, and welfare of the community. MRJC explained, in particular, the fact that the Sunset Drive house is vacant encourages vandalism and results in deterioration of the Subject Property. In the case of the Green Street property, there are limited restrictions applicable to current Appalachian State student tenants. Policies for the recovery residence will be much more restrictive and will prohibit alcohol and drugs on the property and visitors at any time. Policies will also include a curfew and will restrict any activity that could be deemed a nuisance. Policies will require chores and regular maintenance of the premises. In short, the policies will require that the residents conduct themselves as good citizens and neighbors and keep the exterior and interior of the Subject Property in a clean and sightly manner. MRJC explained that the implementation and enforcement of the policies are expected to be an enhancement of the neighborhood and that residents are expected to, favorably and positively, contribute to the neighborhood.*

*P.* What is the length of stay? *MRJC indicated that residents will commit to participating in the program for no less than six months. However, it is MRJC's recommendation that residents stay for at least one year or longer (Until the resident is prepared to live independently).*

*Q.* What happens next? Will this be an on-going discussion? *MRJC/HRC explained the legal process and that the next required "meeting" would be a Public Hearing with Boone Town Council. MRJC/HRC encouraged all attendees to attend this hearing. MRJC/HRC committed to hand-delivering an additional letter with the date/time of this hearing and any updates regarding concerns/questions raised, and to being available via phone and email to any of the neighbors throughout this process and project.*

During the meeting, Georgia Potter, who owns the Subject Property, raised her family in the Subject Property, and has been a long time neighbor in the Sunset Drive area, made clear that she supports the program and use of the Subject Property as a recovery residence. At the conclusion of the meeting, many neighbors expressed their desire that the Subject Property be used as a recovery residence and that they would support the program. One neighbor and a person

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living outside the three-hundred-foot radius indicated they were not prepared to support the program in the current location of the Subject Property.

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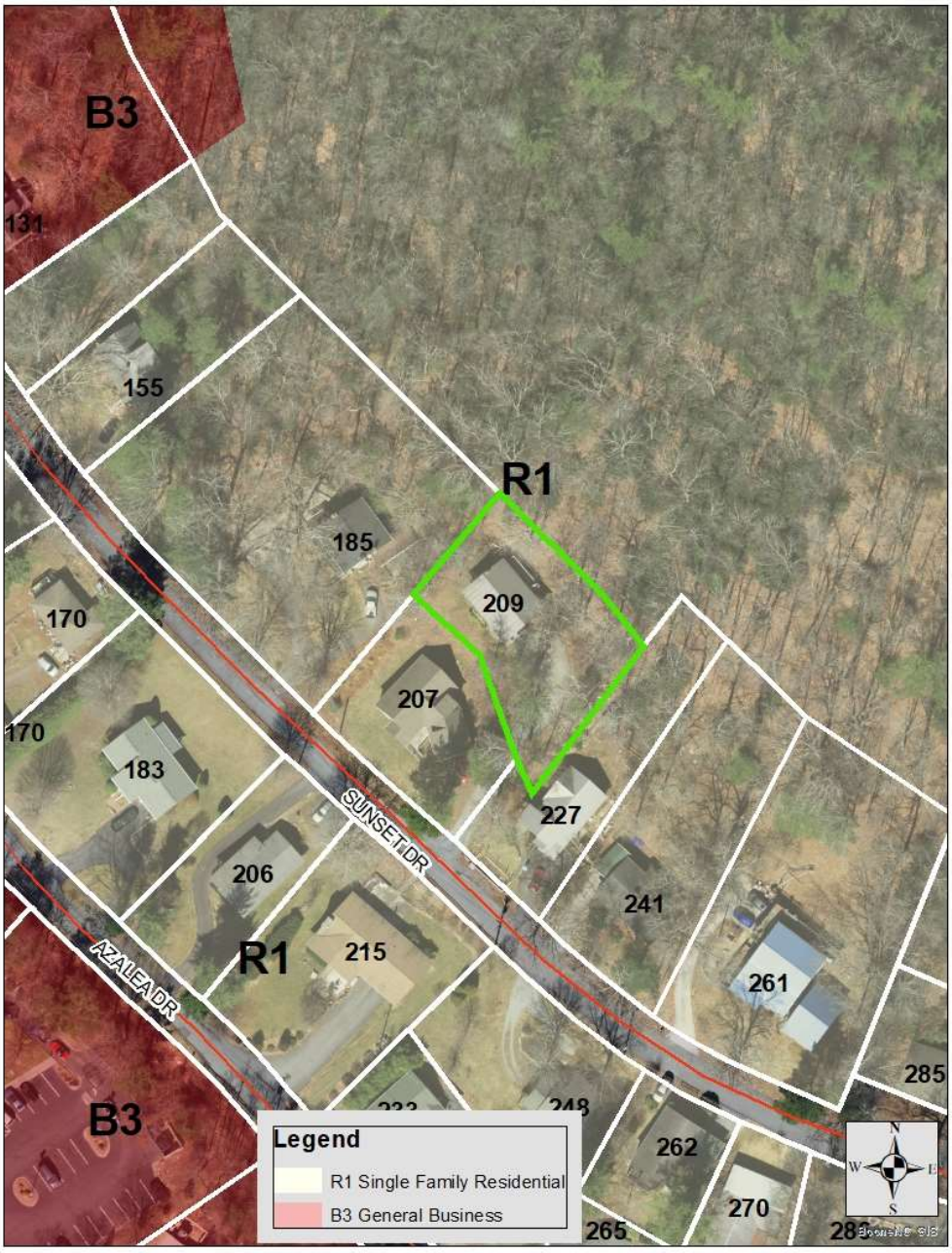
Exhibit 5

**Staff Report**
**May 29, 2024**
**Case A24-0265-209 Sunset Drive Conditional District Zoning Map Amendment**




## Request

Mediation & Restorative Justice Center has submitted a Conditional District Zoning Map Amendment to rezone property located at 209 Sunset Drive (Watauga County PIN: 2910-34-1380) from R1 (Single-Family Residential) to OI (Office Institutional) with a site-specific plan to develop Use 2.03 Residential Re-Entry Category 1 (currently referred to in the UDO as Halfway House Category 1). The subject property is outlined in green on the map above.

Communication: Case A24-0264 Exhibit 5: Staff Report (Case A24-0265 Mediation & Resotative Justice Center, 209 Sunset Drive, Conditional

*Staff Note: A case was heard at the April 22, 2024 Public Hearing (Case A24-0070) which, in addition to many other text changes, would rename this proposed use (2.03) from the current Halfway House Category 1 to Residential Re-Entry Category 1 if the proposed ordinance language is approved. This renaming of the use may occur before the Conditional District Zoning Map Amendment process for this applicant is completed. The proposed new use name Residential Re-Entry Category 1 will be used for the duration of the report.*

## Parcel Information

| | |
|---|---|
| **Address:** | **209 Sunset Drive** |
| **Property Owner:** | Eugene & Georgia Potter |
| **Watauga County PIN:** | 2910-34-1380-000 |
| **Lot size:** | 0.184 Acres (approximately 8015 sq ft) |
| **Jurisdiction:** | Town of Boone |
| **Access:** | Sunset Drive (Town maintained) |
| **SFHA:** | No |
| **Watershed District:** | No |
| **Corridor District:** | Yes |
| **NCD:** | No |
| **Viewshed:** | Yes, a small portion of the Northeast corner of the property is located within the Viewshed; however, no disturbance is proposed. |
| **Steep Slope:** | No |
| **Very Steep Slope:** | No |
| **Transitional Zone:** | No |
| **Current Zoning:** | R1 Single-Family Residential<br>The R1 Single Family Residential District is established to provide a low-density living area consisting only of single-family dwelling units and other related uses necessary for a sound neighborhood. The regulations for this district are designed to stabilize and encourage a comfortable, healthy, safe, aesthetically pleasing and pleasant living environment for family life that promotes peaceful quiet enjoyment sheltered from incompatible and disruptive activities that properly belong in nonresidential districts**.** |
| **Proposed Zoning:** | OI Office/Institutional District<br>The OI Office/Institutional District is established to provide a zoning district which promotes the development of moderately intensive office and institutional uses which are oriented toward the provision of services versus the sale of products. Appropriate small-scale residential uses are allowed in this district to the point they support allowable office and institutional uses. The regulations for this district are intended to create a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses**.** |

Communication: Case A24-0264 Exhibit 5: Staff Report (Case A24-0265 Mediation & Resotative Justice Center, 209 Sunset Drive, Conditional

**Current Use:** 1.01 Single-family dwelling

**Proposed Use:** 2.03 Residential Re-Entry, Category 1

A facility in which not more than six (6) persons at one time temporarily reside, where each of the residents is in transition from in-patient treatment for alcoholism or drug abuse or from incarceration back into the community.

| Zoning & Use of Adjacent Properties | | |
|---|---|---|
| | **Adjacent Zoning** | **Adjacent Land Use** |
| North | R1 Single-Family Residential | Undeveloped/Vacant |
| East | R1 Single-Family Residential | Single-family Dwelling |
| South | R1 Single-Family Residential | Single-family Dwelling |
| West | R1 Single-Family Residential | Single-family Dwelling |

## Procedural Analysis:

Pursuant to UDO Subsection 14.01.02(C) a Conditional District (CD) is a zoning district in which the use and development of a property pursuant to a site-specific development plan is approved through the legislative process pursuant to Article 9 of this Ordinance. A CD utilizes a proposed general use zoning district, is limited to the authorized uses and development standards mandated within that district and may be subjected to conditions that make the development more desirable.

A site-specific vesting plan is defined in UDO Article 34 as "A plan submitted to a local government in which the applicant requests vesting in accordance with Section 4.13, describing with reasonable certainty on the plan the type and intensity of use for a specific parcel or parcels of property. The plan may be in the form of, but not be limited to, any of the following plans or approvals: a subdivision plat, a preliminary or general development plan, a special use permit, a conditional district zoning plan. The plan shall include the approximate boundaries of the site; significant topographical and other natural features affecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways."

See below for details on the applicant's compliance with the Conditional District procedural requirement for a neighborhood meeting as set forth in UDO Subsection 9.09.02 and the development's overall compliance with UDO standards specific to the development:

**Compliance with UDO Subsection 9.09.02 Neighborhood Meeting:**

A. The applicant shall conduct a neighborhood meeting prior to the submission of the application for a Conditional District Zoning Map Amendment. This meeting will allow the applicant to explain the proposed development and to be informed of the concerns of the neighborhood and surrounding property owners.

B. A meeting notice must be mailed to property owners within 300' of the development at least 25 days prior to the meeting in accordance with Subsection 1.13.02 herein. A copy of the notice shall also be

Communication: Case A24-0264 Exhibit 5: Staff Report (Case A24-0265 Mediation & Resotative Justice Center, 209 Sunset Drive, Conditional

provided to the Planning Department. The notice shall contain a summary of the proposed development, the applicants contact information, the date, time, and location of the meeting.

C. The meeting must be held at an accessible and convenient location and time in light of available options. Upon coordination through the Planning Department, the meeting may be held at Town Council Chambers if that location is available.

D. At the meeting, the petitioner, at a minimum, shall present all the following information:

1. Contact information of the parties involved in the ownership, design, and development of the property;
2. The location of the property and general information on the current conditions of the site;
3. Proposed use(s) and site development;
4. Any preliminary plans or renderings, if available; and

E. The applicant shall provide the Administrator with a summary report of the meeting which includes a list of all attendees and details the meeting including all concerns expressed by attendees and commitments made by the petitioner. This report shall be included in the staff report.

*Staff Note: The applicant held a neighborhood meeting on April 3, 2024. A recap of the meeting along with the certification of mailing to the property owners is included in the board packet as Exhibit 4.*

## Zoning Analysis

**OI Intensity Standards:**

| Standard | Proposed | Compliance |
|---|---|---|
| Minimum Gross Land Area: 10,000 sq. ft. | Approx 8015 sq ft | No* |
| Minimum Lot Width: 100 feet | Varying widths | No* |
| Minimum Street Frontage: 80 feet | None | No* |
| Minimum Livability Space: .27 | .715 | Yes |
| Interior Setback: 17’ | Varies | Yes |
| Street Setback: 20’ | N/A | N/A |
| Maximum Building Height: 4 Stories/67’ | 1 story | Yes |

***** *Staff Note: The lot is non-conforming for OI. Since no development is proposed the application is proceeding as a legal-conformity.*

**Parking:**

| Required | Proposed | Compliance |
|---|---|---|
| Automobile Space – minimum of 1 space/4 beds | 2 | Yes |
| Bicycle, Short-Term – not required | 0 | Yes |
| Bicycle, Long-Term – 1 space/5 employees | 0 | Yes |
| Motorcycle – not required | 0 | Yes |

**Staff Analysis:**

Communication: Case A24-0264 Exhibit 5: Staff Report (Case A24-0265 Mediation & Resotative Justice Center, 209 Sunset Drive, Conditional

Sunset Drive is a local street approximately 1,000 feet long. The two parcels adjoining 105 Extension are zoned B3 although appear to be residential in use. The remainder of the parcels are zoned R1 and consist of single-family dwellings. The street ends with no outlet and the parcels at the end of the street adjoin commercially zoned parcels accessed from Blowing Rock Road and/or University Hall Drive.

## Use Compliance

**Compliance with limited use requirements in UDO Section 15.07 Residential Reentry**

Pursuant to UDO Section 15.07 each Residential Re-Entry facility shall meet the following standards:

**15.07.02** A Family Care Institution, Halfway House Category 1 and Halfway House Category 2 shall provide adequate supervision in light of the number and needs of the residents and security concerns for the use.

*Staff Note: The applicant is not proposing any staff at the facility. Supervision will be provided from the organization's offices on Highway 105.*

**15.07.03** Without limiting the applicability of other Ordinance requirements, a Family Care Institution, Halfway House Category 1, Halfway House Category 2 are subject to Article 25 Community Appearance Standards as well as Article 31 Landscape Standards.

*Staff Note: No development is proposed so the development does not trigger UDO 7.05.02 non-conformity tiers. The applicants will be required to add a sprinkler system but the costs are proposed to be below the Tier 1 threshold for compliance.*

## ANALYSIS BY OTHER TOWN STAFF

**Public Works:**

**Utilities Division (Robbie Jones, Utility Services Technician)**
Approved.

**Services Division (Justin Stines, Deputy Public Works Director)**
Approved.

**Fire Department (Amy Flieg, Fire Marshal)**
Approved subject to adding fire suppression.

## 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.

Communication: Case A24-0264 Exhibit 5: Staff Report (Case A24-0265 Mediation & Resotative Justice Center, 209 Sunset Drive, Conditional

**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.

**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.

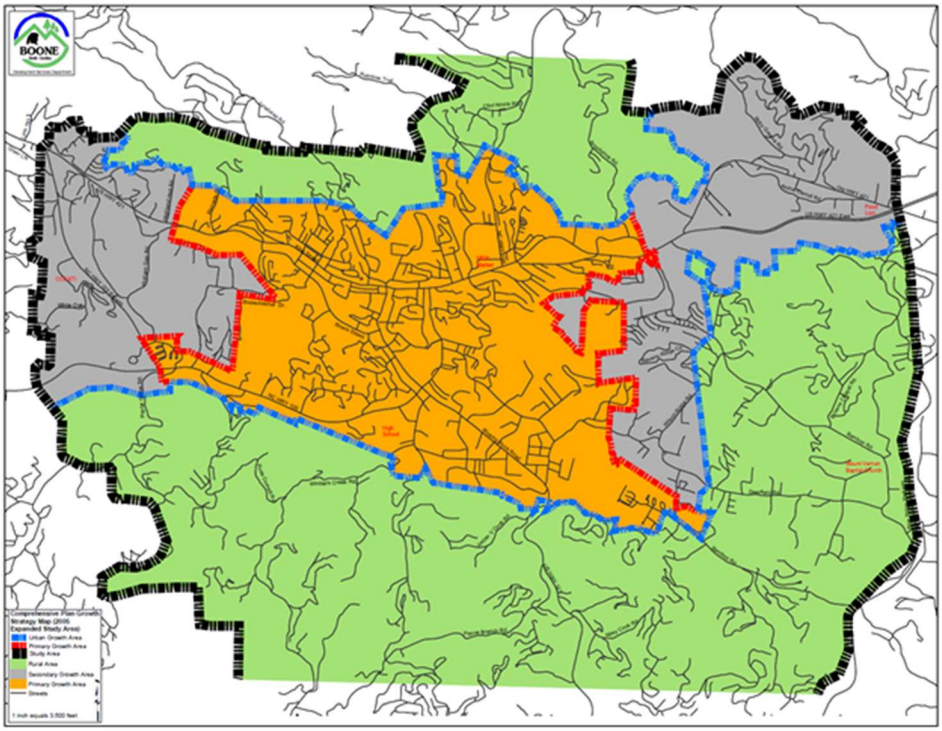
**Public Safety:** Maintain a high level of policing and fire protection and plan the expansion of public safety services to coincide with projected population increases and identified needs.

**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.

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

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

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



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

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

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

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

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

**2.1 Economy**

…

**2.1.1 Economic Development**

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

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

...

**2.1.2 Commercial Development**

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.

**2.3 THE COMMUNITY**

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

**2.3.1 Community Appearance**

A. Measures to improve the effectiveness of grading, landscaping and buffering standards for new and existing developments shall be encouraged.

B. The significance of street trees in providing visual relief, summer cooling, improved air quality and livability shall be recognized through public policies and actions to encourage their planting and maintenance.

**2.3.2 Community Character**

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

**2.3.3 Housing & Neighborhoods**

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

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.

Communication: Case A24-0264 Exhibit 5: Staff Report (Case A24-0265 Mediation & Resotative Justice Center, 209 Sunset Drive, Conditional

…

## Certificate of Mailing

I, Brenda Henson, certify that individual notices meeting the requirements of Article 9 of the Town of Boone UDO were placed in the mail (first class) on May 9, 2024.

/s/ Brenda Henson

Brenda Henson, Administrative Support Specialist

## Certification of Posting

I, Brandon Wise, certify that the subject property was posted as required in Article 9, Subsection 9.03.03(B)(2) of the Town of Boone UDO on May 9, 2024.

/s/ Luis Aguilar

Luis Aguilar, Code Compliance Officer

## Conclusion

The following conditions are automatically included and a part of any approval.

1. Where there is a conflict between the application information and the plans (dated received on April 16, 2024), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations concerning the proposed development made by the applicant or its (his or her) representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.
3. The applicant shall submit the necessary applications, plans, details and specifications which meet the requirements of the Town Code, UDO, Building Code and any other applicable codes for review and approval necessary to issue Zoning and Building Permits.

Any other conditions agreed upon by the applicant and Town Council:

1. Any other conditions agreed upon …

Communication: Case A24-0264 Exhibit 5: Staff Report (Case A24-0265 Mediation & Resotative Justice Center, 209 Sunset Drive, Conditional

## Planning Commission Recommendations

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

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

*Note 1*

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

**Vote 2:** The Planning Commission recommends ☐**approval** OR ☐**denial** of Ordinance #A24-0265 within Exhibit A and believes ☐**approval** OR ☐**denial** is reasonable and in the public interest because:

*Note 2*

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

Communication: Case A24-0264 Exhibit 5: Staff Report (Case A24-0265 Mediation & Resotative Justice Center, 209 Sunset Drive, Conditional

## TOWN COUNCIL ACTION - Adoption of Ordinance

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

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

*Note 1*

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

**Vote 2:** The Town Council ☐**approves** OR ☐**denies** and believes ☐**approval** OR ☐**denial** of Ordinance #A24-0265 in Exhibit A is reasonable and in the public interest because:

*Note 2*

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

Communication: Case A24-0264 Exhibit 5: Staff Report (Case A24-0265 Mediation & Resotative Justice Center, 209 Sunset Drive, Conditional

**Exhibit A**

**Ordinance A24-0265**

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

WHEREAS, the Planning Commission and Town Council has received the request to amend the Official Zoning Map of the Town of Boone, North Carolina to rezone the property below from R1 Single-Family Residential to OI Office Institutional with a site-specific development plan for Use 2.03 (Residential Reentry Category 1.)

| | |
|---|---|
| Addresses: | 209 Sunset Drive |
| Watauga County PIN: | 2910-34-1380-000 |
| Property Owner: | Eugene & Georgia Potter |

WHEREAS, the Boone Town Council held a duly-noticed public hearing May 29, 2024 with respect to this rezoning request; and

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

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

NOW, THEREFORE, BE IT RESOLVED as follows:

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

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

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

Adopted this the 26th day of June, 2024.

**The Honorable Tim Futrelle, Mayor**

**Attest:**

**Nicole Harmon-Church, Town Clerk**

Communication: Case A24-0264 Exhibit 5: Staff Report (Case A24-0265 Mediation & Resotative Justice Center, 209 Sunset Drive, Conditional

**TOWN COUNCIL AND PLANNING COMMISSION**
**SPECIAL PUBLIC HEARING MINUTES**
**WEDNESDAY, APRIL 3, 2024, 6:00 PM**
**1500 BLOWING ROCK ROAD AND VIA WEBEX SOFTWARE**

**COUNCIL MEMBERS PRESENT:** Mayor Tim Futrelle, Mayor Pro Tem Dalton George, Todd Carter, Eric Plaag, and Edie Tugman

**PLANNING COMMISSION MEMBERS PRESENT:** Adrian Tait-Chair, Frank Veno-Vice-Chair, Chris Behrend (via WebEx), and Scott Boyd (via WebEx)

**PLANNING STAFF PRESENT:** Jane Shook-Director of Planning and Inspections, Mike James-Commercial Zoning Administrator, Jessica Mitchell-Long-Range Planner (via WebEx), Brandon Wise-Environmental Specialist, and Brenda Henson-Board Secretary

**OTHER TOWN STAFF/REPRESENTATIVES PRESENT:** Allison Meade-Town Attorney, and Justin Stines-Deputy Public Works Director

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**Call to Order**

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

**Moment of Silence**

A moment of silence was observed.

**CONTINUATION OF PUBLIC HEARING**

**Case A24-0072 Short-Term Rentals – UDO Text Amendment**

Modify language in the UDO limiting the zoning districts where Use 3.06 Vacation Rental is allowed and to no longer allow accessory dwelling units to be used as Use 3.07 Homestay Rental.

Ms. Jane Shook, Director of Planning & Inspections for the Town of Boone, presented the case as outlined in the meeting packet. She noted that the amendment proposed that homestay rentals should not be allowed in a separate accessory structure. Modifications to the definitions for homestay and vacation rentals were proposed, and the removal of vacation rentals in the RA and R3 zoning districts was proposed. Ms. Shook stated that these changes could create non-conformities, and the Council and Commission would have to decide how those should be handled.

Council Member Plaag asked Ms. Shook to explain the difference between homestay and vacation rentals. Ms. Shook stated that a vacation rental was a whole house rental with no property owner or representative on site. In contrast, a homestay rental was the rental of up to two rooms with the property owner or representative on site.

Council Member Tugman asked if a homestay rental could have an accessory dwelling unit. Ms. Shook replied that current regulations allowed ADUs to be used as homestay rentals. She noted that some Council members had expressed interest in not allowing separate ADUs to be used as homestay rentals. Ms. Shook stated there was concern that homestay rentals would take away housing for long-term residents. However, the income from homestay rentals helped homeowners pay their mortgages.



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Ms. Allison Meade, Town Attorney, stated that the prior Town Council thought that two bedrooms were two bedrooms, whether they were in the house, a basement apartment, a semi-attached garage, a detached garage, or an accessory unit out back in the shed.

Council Member Carter expressed concern that someone would build a two-bedroom ADU for the purpose of homestay rentals. He added that he was not in favor of vacation rentals Downtown. He did not want to see a plethora of ADUs being built as a money-making scheme when the Town was trying to promote habitable places for long-term rentals.

Mayor Pro Tem George stated he was in favor of removing vacation rentals from the R3.

Council Member Plaag noted that the Use Table allowed a category 1 bed & breakfast, which was basically a business with multiple bedrooms, in areas where homestay rentals were also allowed. He stated that it seemed strange to restrict homestay rentals but still allow a bed & breakfast use when the only distinction between them was that a meal was provided. He added that the meal was not defined, so it could be a microwaveable sausage and cheese biscuit. Council Member Plaag stated that there might be a compromise where vacation rentals were removed from the residential districts while at the same time expanding the ability to do a homestay rental.

Ms. Meade noted that the RA zoning district had allowed vacation rentals for years. Ms. Shook added that there were currently no permitted vacation rentals in the RA. However, as of February 1, 2024, there were 10 in the R3.

Council Member Tugman asked about the options for non-conformities. Ms. Shook explained that the most commonly used option was allowing anyone with a valid permit to continue the use as long as they did not cease operation and followed the non-conforming use requirements. The other option was to bring the uses into compliance within a certain time period.

Ms. Meade stated she would be more comfortable with grandfathering in the normal way. She noted that there was good case law precedent regarding sunsetting that gave her pause about how successfully the sunset could be defended. Ms. Meade stated that she had some discomfort with the lack of clarity in the language regarding homestay rentals being allowed only in the principal structure or in any separate structure.

Council Member Carter asked how the Town enforced an issue where a home was being used illegally as a homestay rental. Ms. Shook replied that it was sometimes difficult to know what happened inside homes that were not permitted as homestay rentals. She stated that ads for short-term rentals usually indicated very clearly what was being offered, and Host Compliance monitored that advertising.

There was no public comment on this case.

Council Member Plaag suggested that larger lots could allow more than one ADU. He stated that he had heard from people who indicated the only reason they were able to stay in Boone was because of the income they were getting from their homestay rental. Council Member Plaag noted that he did not want to magnify the problem by taking away that income tool and driving more people away who were currently in the town's workforce.

Council Member Plaag stated that vacation rentals had no owner on site, and people were buying up properties to do vacation rentals because it was a money maker. He felt that vacation rentals were the low-hanging fruit that could be more easily addressed in the short term. Council Member Plaag suggested that the homestay rental requirements not be amended at this time and be revisited in a year to see how they were working.



DRAFT

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Vice-Chair Veno stated that ADUs were the perfect place for a professor or a working person to get an affordable room.

Council Member Carter supported the sunsetting of non-conforming vacation rentals. Council Member Tugman agreed it was fair to pick a time for vacation rentals to revert to long-term rentals. Ms. Meade suggested a sunset time of seven years. Mayor Pro Tem George stated he was not sure that all short-term vacation rentals would be suitable for long-term rentals.

Ms. Meade suggested that the existing non-conforming vacation rentals be allowed to continue until they either did not renew their permit or violated the requirements. She stated that grandfathering would decrease the likelihood of litigation.

Chair Tait agreed that sunsetting could involve more risks and felt that grandfathering the 10 or so non-conformities would allow the property owners to maximize their investment.

Council Member Carter asked if grandfathering would end if the property were sold. Ms. Shook replied that grandfathering would transfer with the property. Council Member Carter stated that he wanted the grandfathering to end when the property was sold. Ms. Meade responded that state zoning laws did not allow grandfathering to end upon new ownership. Council Member Carter stated that addressing the housing crisis took many small steps, and he could not support allowing the existing non-conforming properties to continue in perpetuity.

Chair Tait did not have a problem allowing homestays in ADUs, whether inside the main home or in a separate structure. He noted that ADUs could be part of the housing solution. Council Member Carter agreed that ADUs help pay mortgages.

Council Member Plaag stated that some units might be lost to vacationers doing homestay rentals, but he was willing to compromise and see how things went. If a cascade of ADUs were being converted to homestay rentals, he would feel a lot differently at that point. Council Member Plaag suggested allowing more than one ADU on large lots in the R1 in the future. He expressed that he supported allowing up to two bedrooms on a property to be used as homestays, regardless of the configuration.

Ms. Shook noted that minor language revisions would be necessary, such as changing guestrooms to bedrooms and changing the mention of one month to 30 days.

With nothing further, Mayor Futrelle closed the public hearing for this case at 7:30 p.m.

**Case A24-0073 RR Residential Rehabilitation – UDO Text Amendment**

Modify language in the Town of Boone Unified Development Ordinance to rename the RR Residential Rehabilitation zoning district to CN Compact Neighborhood Residential. Modifications include revising the district description and the intensity standards associated with the district to be in alignment with the only existing RR-zoned area within the town. Revising the name and district description will now open this district as an option for future rezoning requests.

Ms. Shook presented the case as outlined in the meeting packet. She noted that 43 properties were currently zoned RR. Ms. Shook reiterated that this was not a rezoning of property but a change in the zoning classification name and description to bring it up to date. She noted that CN Compact Neighborhood Residential was a zoning classification used in other areas.

Ms. Shook referred to Section 14.08.03 and noted that there were some suggested changes to the intensity standards that would be more reflective of the current RR properties. She stated that these changes would correct some, but not all, of the non-conformities in the RR-zoned area of Junaluska.



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Council Member Carter stated that he was okay with changing CN Compact Neighborhood Residential if it had been used in other jurisdictions.

Council Member Tugman asked if property owners would have to come into compliance with the proposed intensity standards if they renovated their houses. Ms. Shook replied that they would be considered legal non-conforming so they would not have to come into compliance, but they would not be allowed to extend any non-conformity.

Chair Tait asked if each RR-zoned property owner had to be notified of this change. Ms. Shook stated this was not a rezoning, so the property owners did not have to be notified. Chair Tait asked if merging the RR and the R1S was possible because they were similar. Ms. Shook replied that that process would be a rezoning. She added that there were limitations on the house size in the R1S that might not be compatible with the existing area.

Ms. Meade noted that all of the other residential zoning districts started with an R. She suggested that the CN be named RCN to be in keeping with the other districts. Ms. Shook agreed. Ms. Meade referred to Section 14.08.03(E)(2)(a) that read *Whenever a lot in a CN district has a common boundary line with a lot in a different zoning district, the interior setback requirement applicable to that boundary of the CN lot shall be the interior setback required for the adjacent lot. By way of illustration, if the CN lot shares a common boundary with a lot zoned so as to require a 14-foot interior setback, the CN lot would be required to have a 14-foot interior setback along its common boundary with that different-zoned lot.* Ms. Meade stated that it seemed a bit unfair that other properties in the district could build to their full potential, but a lot that bordered a different zoning district would have a more stringent setback requirement. Ms. Shook replied that this was proposed language for consideration.

Council Member Plaag asked if other neighborhoods in town could qualify for the RCN zoning designation. Ms. Shook stated that it could be an option.

Council Member Tugman noted that three-story homes were allowed in this zoning district. Ms. Shook replied that this district had no maximum height limitation in feet, just in stories. Council Member Tugman stated there was no differentiation between a three-story home sitting in a neighborhood of one-story homes. Ms. Shook replied that none of the residential zoning districts addressed that issue. Council Member Tugman stated that having a column in a neighborhood of single-level homes looked horrible.

Council Member Carter asked if reducing the interior setback to 10' would create additional housing. Ms. Shook thought it would allow a little bit of extra wiggle room when constructing, noting that it would provide six extra feet of buildable area.

Mayor Futrelle invited public comment.

Ms. Peggy Laine stated she had lived in Watauga County for 40 years. She noted that she owned and rented several properties in Boone at reasonable rates. Ms. Laine presented the Commission and Council members with some books about Junaluska. She asked members to consider the community and how their decisions would affect the residents. Ms. Laine stated that she was a member of the Junaluska Heritage Association and the Watauga Community Housing Trust. She asked if the proposed text amendment would protect the neighborhood and provide affordable housing. Ms. Laine suggested that the JHA, the Housing Trust, and WAMY be involved in decisions regarding the Junaluska neighborhood.

Ms. Roberta Jackson, president of the Junaluska Heritage Association, stated she was upset about the three-story home that was being built on North Street. She noted that the house was right across the street from their mural, it was a monstrosity, and it took away from their heritage.



DRAFT

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Ms. Diane Blanks stated she was a member of the Junaluska Heritage Association and lived in a 600-square-foot house on Green Street. She noted that Junaluska was one of the oldest black communities in Western North Carolina, and their neighborhood needed to be protected. She stated that the neighborhood consisted of mostly one-story homes, and the new three-story home partially blocked the mural. Ms. Blanks added that this height should not be allowed in a mostly one-story neighborhood.

Ms. Katie Mack stated that the newer zoning title would provide respect for the historic nature of the community's appearance. She noted that the property owner of the new three-story house had gotten the most bang for his buck on his small lot. Ms. Mack said that most of the lots in the RR were quite small and were perfect for some of the housing shortages if whoever owned them was willing to turn them into affordable housing. She stated that the old segregated school constructed across from the Mennonite Church was currently a duplex, and they had hoped to see it become a cultural center. Ms. Mack noted that many things in that neighborhood would get lost if the Town Council did not provide some protection.

Council Member Plaag asked what the square footage and height limitations were in the R1S. Ms. Shook stated there was a 5,000 square foot limit, a 35' minimum lot width, 28 feet of street frontage, and a maximum building footprint with 800 square feet exclusive of as decks, porches, or steps and allowed a basement or attic story of no more than 400 square feet. The street setbacks were 20' with an interior setback of 7', however, if the property bordered a property outside of the zoning district, they would have to meet whatever the adjacent property's setback was.

Council Member Plaag stated he was okay to allow a larger footprint if there was a height limitation. Ms. Meade noted that a new text amendment would need to be brought forward because this extent of change was not advertised with this text amendment. She added that State law did not allow the Town to regulate the exterior appearance of single-family homes.

Mayor Pro Tem George stated that renaming the district made sense and suggested that height could be considered later.

Council Member Carter agreed that height was not before the Council and Commission in this request and could be amended later.

Council Member Plaag stated he was okay with moving forward with this request but asked that a text amendment for height requirements be brought forward soon.

Mayor Futrelle asked if there was consensus of the Council and Commission to rename the district RCN and require a 10' interior setback for every RCN zoned property. There was consensus.

With nothing further, Mayor Futrelle closed the public hearing for this case at 8:29 p.m.

Mayor Futrelle called a break in the meeting from 8:29 p.m. until 8:45 p.m.

**Case A24-0095 Flag Lots & Architecturally Integrated Subdivisions – UDO Text Amendment**

Modify language in the Town of Boone Unified Development Ordinance to allow "flag lots" in certain circumstances and to revise and modernize related standards for architecturally integrated (cluster) subdivisions.

Mr. Shook presented the case as it was outlined in the meeting packet. She directed the Council and Commission members to the flag lot options shown in the staff report. Option A showed the creation of a flag lot with an easement, with the residual lot maintaining ownership. Option B showed the creation of a flag lot where the owner of the residual lot transferred the pole section to the flag lot.

Ms. Shook stated that there was some scope creep into architecturally integrated subdivisions, which were generally called cluster subdivisions. She noted that the term cluster subdivision was simpler and



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suggested that architecturally integrated subdivisions be changed to cluster subdivisions. Ms. Shook stated that she coordinated with Public Works and the Fire Department to ensure that any newly created lots created under the flag lot or the cluster subdivision could be adequately and safely served based on the North Carolina fire prevention code and other operational standards.

Ms. Shook stated that flag lots could be restricted to single-family dwellings due to the limited access, noting that the Fire Department had concerns about creating additional density. She added that the Fire Department would require a 12' wide driveway to the flag lot to accommodate their equipment. The maximum length of the driveway would be 150' with an allowance, under certain circumstances and on a case-by-case basis, to be up to 200'. Ms. Shook noted that she had provided options in the meeting packet regarding building height.

Ms. Meade asked if the driveway had to be a 12' wide asphalt driveway. Ms. Shook replied that the driveway had to be 12' wide but it did not have to be asphalt. However, if the driveway was located on a steep slope, a surface that would not wash into the street could be required.

Council Member Plaag asked if there could be a requirement in the deed or easement regarding driveway maintenance. Ms. Meade replied that a driveway maintenance agreement could be required.

Council Member Plaag asked if it would be reasonable to say that the height of the building on the flag lot could not exceed the height of the building in front of it. Ms. Shook stated that it could be challenging because of varying roof pitches. She noted that single-family construction did not require the same sort of grading plans as commercial dwellings so there were no contours to show final grade. Ms. Shook stated that most residential zoning districts had a maximum 3-story height so someone who was not on a flag lot could build a 3-story home but someone who was on a flag lot might not be able to. Council Member Plaag asked if the underlying zoning requirements, in terms of minimum lot size, would determine whether or not a flag lot could be created. Ms. Shook replied that was correct.

Mayor Futrelle invited public comment on this case.

Mr. Benjamin Loomis stated he worked for Sunvolt Electric and was the board chair of the Watauga Community Housing Trust. Mr. Loomis thanked the staff for preparing this amendment and the Town Council for considering it.

Council Member Plaag asked if there had been any public feedback expressing concern about flag lots. Ms. Shook replied that there had not. He stated that if this amendment passed it would be important as a town government to do some press about flag lots to let the public know that this was a way to help provide additional housing stock in the community.

With nothing further, Mayor Futrelle closed the public hearing for this case at 9:12 p.m.

**Approval of Meeting Minutes**

Council Member Carter made a motion to approve the January 22, 2024, Public Hearing minutes as written. The motion was seconded by Council Member Tugman.

**Vote:** Aye – 5
Nay – None

The motion passed.

Vice-Chair Veno made a motion to approve the January 22, 2024, Public Hearing minutes as written. The motion was seconded by Commission Member Behrend.

Vote: Aye – 4
Nay – None



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The motion passed.

**Adjournment of Town Council**

Mayor Pro Tem George made a motion to adjourn the Town Council at 9:13 p.m. The motion was seconded by Council Member Tugman.

**Vote:** Aye – 5
Nay – None

The motion passed.

_____ _____

**Tim Futrelle, Mayor** **Brenda Henson, Board Secretary**

_____

**Adrian Tait, Planning Commission Chair**

**PLANNING COMMISSION MEETING**

There was a break in the meeting from 9:13 p.m. until 9:19 p.m.

**Public Comment**

There was no public comment.

Chair Tait suggested that the cases be reordered on the agenda as follows:

- Case A24-0085 The Villas at South Fork
- Case A23-0624 Skyline Communication Building
- Case A24-0072 Short-Term Rentals
- Case A24-0026 Bill Dixon
- Case A24-0073 RR Residential Rehabilitation
- Case A24-0095 Flag Lots

Commission members agreed to the amended agenda.

**Case A24-0085 The Villas at South Fork – Conditional District Zoning Map Amendment**

Wynnefield Forward, LLC has submitted a Conditional District Zoning Map Amendment application to rezone property on Chestnut Drive and New Market Boulevard (Watauga County PINs: 2910-39-9335-000, 2910-39-9610-000, 2910-49-2369-000) from R1 Single-Family Residential and B3 General Business to R5 55+ Housing with a site-specific plan for Use 1.17 Adult Living Community.

Commission Member Boyd stated he supported the development because it would effectively offer affordable housing for the elderly and was needed in town.

Vice-Chair Veno stated he was in favor of the project. He felt that the applicant had demonstrated compliance and a willingness to work with the community to address some of their concerns. Vice-Chair Veno stated that the proposed development would offer affordable housing in this area in a way that single-family homes could not. He noted that there were several large commercial properties at the entrance to the neighborhood. Vice-Chair Veno stated that the rent for the units seemed reasonable.



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Commission Member Behrend stated she was in favor of the project. She added that she liked offering affordable housing units for people over 55. Commission Member Behrend noted that she would like bigger trees along Chestnut Drive to better buffer the neighbors. She also would like to have the garbage area moved and screened. Commission Member Behrend stated that this development could allow residents to stay in Boone instead of moving away when they became elderly.

Ms. Shook noted that Mr. Davis Ray with Wynnefield Forward, LLC, was in attendance virtually so that conditions could be agreed to by the applicant. She stated that she had spoken with Mr. Ray, and he had agreed to install a Type C buffer along Chestnut Drive and place the emergency entrance on a diagonal, which the Fire Department also agreed was an acceptable change.

Chair Tait stated he supported the proposal. He noted that steps had been taken to mitigate negative impacts, and he felt that the distance the building would be from Chestnut Drive would help more than people realized. Chair Tait suggested that the applicant leave as much of the existing vegetation along Chestnut Drive as possible, which could help with the buffer requirement.

Mr. Ray stated he was amenable to the suggested buffer requirements and would preserve as much existing vegetation as possible. He noted that he would add to the buffer on Chestnut Drive and change the emergency entrance's access to a 45-degree angle.

Chair Tait asked about the location of the solid waste enclosure. Mr. Ray replied that they would pull it away from the residences as much as possible, depending on the turning radium for the collection trucks.

Chair Tait asked if a condition could be made to set the maximum number of units at 60. Mr. Ray agreed to the condition and added that the number of units could decrease to 54 or 56.

Chair Tait suggested a condition requiring the use of Energy Star 2 throughout the project. Mr. Ray stated that everything from the unit to its components would be Energy Star-rated.

There was a discussion about relocating the solid waste enclosure. The applicant agreed to install additional landscaping to screen the enclosure and its elevation, so Commission members agreed that the enclosure would not have to be relocated.

Ms. Shook provided the following list of conditions that had been suggested:

- Install a Type C buffer along Chestnut Drive
- Install the emergency entrance on Chestnut Drive at a 45-degree angle
- Preserve as much existing vegetation as possible
- The maximum number of units shall not exceed 60
- Construction must meet Energy Star certification requirements

Mr. Ray agreed to all of the suggested conditions.

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

Comprehensive Plan Policy 2.3.1 Community Appearance

A. Measures to improve the effectiveness of grading, landscaping and buffering standards for new and existing developments shall be encouraged.

B. The significance of street trees in providing visual relief, summer cooling, improved air quality and livability shall be recognized through public policies and actions to encourage their planting and maintenance.



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Comprehensive Plan Policy 2.3.3 Housing & Neighborhoods

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

B. Street system designs which discourage through traffic on purely local streets while allowing for free circulation within the neighborhood shall be encouraged.

E. Factors in determining preferred locations for high density residential development shall include: close proximity to the university, employment or shopping centers; access to major thoroughfares and the transit system; the availability of public services and facilities; and compatibility with adjacent land uses.

F. The affordable housing needs of area residents, particularly elderly and low to moderate income residents, shall be recognized in Town policies and actions regarding residential development.

The motion was seconded by Commission Member Behrend, who wished to amend the motion to include the following conditions:

1. Where there is a conflict between the application information and the plans (dated received on March 15, 2024), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations concerning the proposed development made by the applicant or its (his or her) representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.
3. The applicant shall submit the necessary applications, plans, details and specifications which meet the requirements of the Town Code, UDO, Building Code and any other applicable codes for review and approval necessary to issue Zoning and Building Permits.
4. Install a Type C buffer along Chestnut Drive.
5. Install the emergency entrance on Chestnut Drive at a 45-degree angle.
6. Preserve as much existing vegetation as possible.
7. The maximum number of units shall not exceed 60.
8. Construction must meet Energy Star certification requirements.

Commission Member Boyd accepted the amendment.

**Vote:** Aye – 4
Nay – None

The motion passed.

**Second Motion and Vote:** Commission Member Boyd made a motion that the Planning Commission recommends approval of Ordinance A24-0085 within Exhibit A with the listed conditions and believes approval is reasonable and in the public interest because it ensures an increase of affordable housing, particularly for the elderly and the included conditions minimize the impacts for the surrounding residents. The motion was seconded by Commission Member Behrend.

**Vote:** Aye – 4
Nay – None

The motion passed.



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**Case A23-0624 Skyline Communication Building – Conditional District Zoning Map Amendment**

Skyline Telephone Membership Corporation has submitted a Conditional District Zoning Map Amendment petition to amend the existing 2007 Conditional District Zoning designation on property on West Hilltop Drive to construct a 144 square foot equipment shelter to add use 6.01, Utility Facility, Neighborhood to the existing Conditional District approval.

Vice-Chair Veno stated that this project was needed to support technology in the area. He added that where the building would be located would not disturb anyone. All Commission members agreed and supported the project.

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

Comprehensive Plan Policy 2.1.1 Economic Development

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

Comprehensive Plan Policy 2.1.2 Commercial Development

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.

The motion was seconded by Commission Member Boyd.

**Vote:** Aye – 4
Nay – None

The motion passed.

**Second Motion and Vote:** Vice-Chair Veno made a motion that the Planning Commission recommends approval of Ordinance A23-0624 within Exhibit A and believes approval is reasonable and in the public interest because the facility would help expand the current internet connectivity, which is needed in certain areas of the Town and County. The motion was seconded by Commission Member Behrend.

**Vote:** Aye – 4
Nay – None

The motion passed. The following conditions shall apply:

1. Where there is a conflict between the application information and the plans (dated received on December 13, 2023), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations concerning the proposed development made by the applicant or its (his or her) representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.
3. The applicant shall submit the necessary applications, plans, details and specifications which meet the requirements of the Town Code, UDO, Building Code and any other applicable codes for review and approval necessary to issue Zoning and Building Permits.

**Case A24-0072 Short-Term Rentals – UDO Text Amendment**

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Modify language in the UDO limiting the zoning districts where Use 3.06 Vacation Rental is allowed and to no longer allow accessory dwelling units to be used as Use 3.07 Homestay Rental.

Ms. Shook provided a summary of the discussion during the Public Hearing. She stated there seemed to be an agreement to accept the proposed changes to the vacation rental text, which would remove vacation rentals from the RA and R3 zoning districts. However, further discussion was needed regarding how to handle non-conformities. Ms. Shook stated that there seemed to be interest in allowing homestay rentals in accessory dwelling units that were separate from the main dwelling as well as in the main dwelling. She noted in the definition of a homestay rental that the period of less than one month should be changed to the period of 30 days, and the reference to guest rooms should be changed to bedrooms.

Commission Member Behrend agreed with removing vacation rentals from the RA and R3 zoning districts. She added that she was also okay with leaving the homestay regulations as they were and reevaluating them in a year.

Chair Tait agreed with Commission Member Behrend.

Vice-Chair Veno stated he was willing to revisit homestay rentals at a later date and that he wished the whole short-term rental thing had never happened.

Commission Member Boyd stated that revisiting the homestay rentals in a year was a good compromise.

Ms. Shook asked Commission members to address the issue of non-conformities and whether the 10 or so properties currently operating with a permit in the R3 should be grandfathered or sunset.

Commission Member Behrend suggested a sunset date, noting she did not like the idea that grandfathering would stay with the property perpetually.

Chair Tait noted the concern of legal action from owners who had invested a lot of money into their rental units. He stated that of the 10 units that were currently non-conforming, some might fall out of compliance or not renew their permit, so they would no longer be grandfathered. Chair Tait noted that the risk of legal action with grandfathering would be less.

Commission Member Behrend stated she was comfortable with that. Vice-Chair Veno agreed.

Chair Tait recapped the recommendations as follows:

- Do not accept the proposed changes to homestay rentals.
- Approve language to eliminate vacation rentals from the RA and R3 zoning districts, and allow legal non-conforming vacation rentals in the RA and R3 zoning districts to continue to operate so long as the annual short-term rental permit (1) has not been revoked in accordance with Subsection 15.10.18 and (2) the annual permit has been successfully renewed prior to the permits expiration.
- Ensure term guest room is correctly used.
- Change one month to 30 days.

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

Comprehensive Plan Policy 2.1.1 Economic Development



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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.

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.

Comprehensive Plan Policy 2.3.2 Community Character

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

The motion was seconded by Commission Member Behrend.

**Vote:** Aye – 4
Nay – None

The motion passed.

**Second Motion and Vote:** Chair Tait made a motion that the Planning Commission recommends approval of Ordinance A24-0072 within Exhibit A and believes approval is reasonable and in the public interest because it maintains an opportunity for existing owners who reside at the properties to continue renting their properties for short-term rentals and stems the opportunity for outside owners to take advantage of purchasing properties and removing them from the housing market in the area. The motion was seconded by Commission Member Behrend.

1. Do not accept the proposed changes to homestay rentals.
2. Approve language to eliminate vacation rentals from the RA and R3 zoning districts, and allow legal non-conforming vacation rentals in the RA and R3 zoning districts to continue to operate so long as the annual short-term rental permit (1) has not been revoked in accordance with Subsection 15.10.18 and (2) the annual permit has been successfully renewed prior to the permits expiration.
3. Ensure term guest room is correctly used.
4. Change one month to 30 days.

**Vote:** Aye – 4
Nay – None

The motion passed.

**Case A24-0026 Bill Dixon – Conditional District Zoning Map Amendment**

Bill Dixon and Cristal Cox Neaves have submitted a Conditional District Zoning Map Amendment petition to rezone property on 110-150 Austin Lane from R1A Single-Family Residential with Accessory Dwelling to R3 Multiple-Family Residential with a site-specific plan for Use 3.06 Vacation Rental in 2 of the 3 dwelling units.

Chair Tait asked if Mr. Dixon's request would still be needed if the Town Council approved the changes to the short-term rental text. Ms. Shook suggested that the Planning Commission make a recommendation regarding Mr. Dixon's request and apply conditions if approval was recommended. She noted that, based upon the Council's decision regarding the short-term rental changes, Mr. Dixon could withdraw his application if he wanted to.

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

Comprehensive Plan Policy 2.3.3 Housing & Neighborhoods

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

Chair Tait wished to amend the motion to add:

Comprehensive Plan Policy 2.3.2 Community Character

C. Wise development of the tourism potential of the area's architectural, historic, scenic and natural resources shall be encouraged.

Vice-Chair Veno wished to amend the motion to add:

Comprehensive Plan Policy 2.3.2 Community Character

B. Multiple and appropriate adaptive reuse of historic resources shall be encouraged.

Commission Member Behrend accepted the amendments. The motion was seconded by Vice-Chair Veno.

**Vote:** Aye – 4
Nay – None

The motion passed.

**Second Motion and Vote:** Commission Member Behrend made a motion that the Planning Commission recommends approval of Ordinance A24-0026 within Exhibit A and believes approval is reasonable and in the public interest because this whole unit is compliant with the neighborhood and it is a very historic part of that neighborhood. The motion was seconded by Vice-Chair Veno.

**Vote:** Aye – 4
Nay – None

The motion passed. The following conditions shall apply:

1. Where there is a conflict between the application information and the plans (dated received on January 10, 2024), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations concerning the proposed development made by the applicant or its (his or her) representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.
3. The applicant shall submit the necessary applications, plans, details and specifications which meet the requirements of the Town Code, UDO, Building Code and any other applicable codes for review and approval necessary to issue Zoning and Building Permits.

Due to the hour, a special Planning Commission meeting was scheduled for Friday, April 5, 2024, at 10:00 a.m. via WebEx to make recommendations on Case A24-0073 RR Residential Rehabilitation, Case A24-0095 Flag Lots, and consider the January 22, 2024 Planning Commission meeting minutes.

Commission Member Behrend stated she could not attend the April 22, 2024, Public Hearing/Planning Commission meeting.



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**Other Matters**

Ms. Shook stated that the second round of community engagement for the Comprehensive Plan update had been scheduled as a three-day event from Monday, April 29, 2024, through Wednesday, May 1, 2024. She noted that the first two days would be dedicated to the four small area plans and would conclude on May 1 with a summary meeting beginning at 6:00 p.m. at Hardin Park School. Ms. Shook encouraged Planning Commission members to attend.

**Adjournment of Planning Commission**

Vice-Chair Veno made a motion to adjourn the meeting at 11:07 p.m. Commission Member Behrend seconded the motion.

**Vote:** Aye – 4
Nay – None

The motion passed.

_____ _____

**Adrian Tait, Planning Commission Chair** **Brenda Henson, Board Secretary**

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**SPECIAL PLANNING COMMISSION**
**MEETING MINUTES**
**FRIDAY, APRIL 5, 2024, 10:00 AM**
**VIA WEBEX SOFTWARE**

**PLANNING COMMISSION MEMBERS PRESENT:** Adrian Tait-Chair, Frank Veno-Vice-Chair, Chris Behrend, and Scott Boyd

**PLANNING STAFF PRESENT:** Jane Shook-Director of Planning and Inspections, Brandon Wise-Environmental Specialist, and Brenda Henson-Board Secretary

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**Call to Order**

Chair Tait called the Planning Commission to order at 10:01 a.m. The meeting was held via WebEx.

**Approval of Meeting Minutes**

Commission Member Behrend made a motion to approve the January 22, 2024, Planning Commission meeting minutes as written. The motion was seconded by Vice-Chair Veno.

Vote: Aye – 4
Nay – None

The motion passed.

**CONTINUATION OF PLANNING COMMISSION MEETING**

**Case A24-0073 RR Residential Rehabilitation – UDO Text Amendment**

Modify language in the Town of Boone Unified Development Ordinance to rename the RR Residential Rehabilitation zoning district to CN Compact Neighborhood Residential. Modifications include revising the district description and the intensity standards associated with the district to be in alignment with the only existing RR zoned area within the town. Revising the name and district description will now open this district as an option for future rezoning requests.

Ms. Shook stated that this request would rename the RR zoning district and change some of the intensity standards for that district. She noted that Town Council members seemed to agree during the Public Hearing to change the district name to R-CN. Ms. Shook stated that Town Council also indicated they did not want to include 14.08.03(E)(2)(a) *Whenever a lot in a CN district has a common boundary line with a lot in a different zoning district, the interior setback requirement applicable to that boundary of the CN lot shall be the interior setback required for the adjacent lot. By way of illustration, if the CN lot shares a common boundary with a lot zoned so as to require a 14-foot interior setback, the CN lot would be required to have a 14-foot interior setback along its common boundary with that different-zoned lot.* Ms. Shook added that allowing every lot in this zoning district to have a 10' interior setback would ensure that each small lot was treated equally.

Vice-Chair Veno asked about the neighborhood concerns voiced at the Public Hearing. Ms. Shook replied that the concerns expressed by the neighborhood were different from what this text amendment addressed. She stated they were concerned about a new three-story, single-family home being built in their neighborhood. Ms. Shook explained that all the requirements for a single-family home had been met for that particular home based on the existing standards.

Commission Member Behrend stated that the proposed text amendment would bring some of the properties into compliance.



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Commission Member Boyd agreed with Commission Member Behrend and stated that the text amendment would be a positive change.

Chair Tait suggested that the district be named R1C so that it would be in keeping with all of the other residentially zoned districts in Town. He stated that he had compared the R1S text to the new R1C text and found them to be similar. Chair Tait noted that the minimum lot size for R1S was 5,000 square feet, while the lot size for R1C was 6,000 square feet. The minimum lot width was 35', and the minimum street frontage was 28' for both zoning districts. Chair Tait stated that the interior setback for R1S was 7', while the R1C had an interior setback of 10'. He suggested that the R1C interior setback be 7' to maximize the building footprint to hopefully reduce building height. Ms. Shook stated that she would not want to decrease the interior setback to 7' without a height limitation because it could allow a much bigger home to be constructed on a small lot. Ms. Shook noted that manufactured homes were allowed in the current RR zoning district.

Chair Tait stated that the minimum livability space for R1C was 27, but there was no requirement for R1S. Ms. Shook replied that a minimum livability space requirement in the R1C would limit someone from maximizing a lot with a house and no green space.

Chair Tait mentioned building height. He suggested considering the median building height of the surrounding properties adjacent to the lot in question and allowing new development to go one story above. Chair Tait stated that this method would allow for vertical growth while keeping the height relative to the surrounding houses. Ms. Shook agreed this could help ensure scale compatibility in an existing neighborhood. Still, she was unsure how this method would work if there was a new R1C property with no adjacent single-family homes. Ms. Shook noted that maximum heights would have to be considered under a future text amendment.

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

Comprehensive Plan Policy 2.3.2 Community Character

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

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

Comprehensive Plan Policy 2.3.3 Housing & Neighborhoods

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

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

D. Innovative and flexible land planning and development practices shall be encouraged to create livable developments which better safeguard land, water, energy and historic resources.

The motion was seconded by Commission Member Boyd.

Chair Tait wished to amend the motion to add:



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Comprehensive Plan Policy 2.3.4 Public Involvement

B. Neighborhood and special area planning shall be encouraged to foster public involvement in the production of closely tailored, action oriented special area plans and programs.

C. Specific functional plans and implementation tools shall be supported as part of the comprehensive planning program for the Town and County.

Vice-Chair Veno and Commission Member Boyd accepted the amendment.

**Vote:** Aye – 4
Nay – None

The motion passed.

**Second Motion and Vote:** Vice-Chair Veno made a motion that the Planning Commission recommends approval of Ordinance A24-0073 within Exhibit A and believes approval is reasonable and in the public interest because the modification of the language to the RR Residential Rehabilitation section of the ordinance dispenses with an antiquated zoning designation and allows the area more compatibility with new zoning requests. The motion was seconded by Commission Member Behrend. Vice-Chair Veno wished to amend his motion to include the recommendation that the zoning title be changed to R1C to be more compatible with the other zoning designations in the Town. He also added that the Planning Commission did not support the addition of 14.08.03(E)(2)(a) regarding interior setbacks. Commission Member Behrend accepted the amendments.

**Vote:** Aye – 4
Nay – None

The motion passed.

**Case A24-0095 Flag Lots & Architecturally Integrated Subdivisions – UDO Text Amendment**

Modify language in the Town of Boone Unified Development Ordinance to allow "flag lots" in certain circumstances and to revise and modernize related standards for architecturally integrated (cluster) subdivisions.

Ms. Shook reminded Commission members that a maintenance agreement may need to be included in any easement for shared driveway access.

Chair Tait referred to Section 14.03.06(B), which suggested that accessory dwellings should not be allowed on a flag lot. He stated that some flag lots could be large enough to support an ADU and suggested allowing them. Ms. Shook said that the Fire Department had some concerns with increased density and fire safety due to the closeness of structures. Chair Tait suggested that accessory dwelling units on flag lots be allowed in the R1A because that zoning district often had larger lot sizes. Vice-Chair Veno agreed with Chair Tait and added that allowing ADUs on flag lots in the R1A would provide more housing stock. Chair Tait stated that non-traditional housing was becoming more popular, and allowing flag lots opened the opportunity to develop more density.

Chair Tait referred to Section 14.03.06(H) regarding building height on flag lots. The proposed language stated that dwellings on flag lots could be one story greater than the tallest dwelling unit on lots immediately adjacent to the flag lot. Chair Tait suggested language that would allow one story greater than the median height of adjacent residential dwellings.

Vice-Chair Veno stated that the topography on flag lots might increase the need for retaining walls, which could be unsightly. Ms. Shook responded that the town was faced with extreme topography and that retaining walls might be necessary to meet building code requirements. She stated that the whole idea



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of the flag lot was allow the creation of additional lots where they could not be created before because there was no street frontage. Ms. Shook added that all other requirements of the underlying zoning district still had to be met.

In summary, Chair Tait stated that Planning Commission was recommending the following:

- Section 14.03.06(B) – Remove the highlighted section that would prohibit ADUs on flag lots.
- Section 14.03.06(H) – Revise the wording to allow dwellings on flag lots to be one story greater than the median height of adjacent residential dwellings.
- Require a maintenance agreement for shared driveway access when flag lots are created utilizing an easement.

Chair Tait suggested that Commission members discuss and agree on applicable Comprehensive Plan policies before voting. Commission members agreed and discussed policies that would apply to this request.

**First Motion and Vote:** Vie-Chair Veno made a motion that the proposed amendment to the Town's zoning ordinance is consistent with the Town's comprehensive plan and any other adopted plans of the Town that are applicable because the amendment is consistent with:

Comprehensive Plan Policy 2.3.2 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.

Comprehensive Plan Policy 2.3.3 Housing & Neighborhoods

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

D. Innovative and flexible land planning and development practices shall be encouraged to create livable developments which better safeguard land, water, energy and historic resources.

G. Compact, full service neighborhoods, offering opportunities for living, working, shopping, and gathering places, shall be encouraged in newly planned developments, as well as for redeveloping areas.

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

The motion was seconded by Commission Member Behrend.

**Vote:** Aye – 4
Nay – None

The motion passed.

**Second Motion and Vote:** Vice-Chair Veno made a motion that the Planning Commission recommends approval of Ordinance A24-0095 within Exhibit A and believes approval is reasonable and in the public interest because based on the Comprehensive Plan policies, the proposed changes in the language helps encourage the creation of more housing stock that is needed and it helps the Town by creating more tools necessary to support responsible development in residential areas. Planning Commission recommends the following:

- Section 14.03.06(B) – Remove the highlighted section that would prohibit ADUs on flag lots.



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- Section 14.03.06(H) – Revise the wording to allow dwellings on flag lots to be one story greater than the median height of adjacent residential dwellings.
- Require a maintenance agreement for shared driveway access when flag lots are created utilizing an easement.

The motion was seconded by Commission Member Behrend.

**Vote:** Aye – 4
Nay – None

The motion passed.

**Other Matters**

Ms. Shook noted that the regular Planning Commission meeting scheduled for Monday, April 22, 2024, had been changed to a Special Public Hearing/Planning Commission meeting. She stated that the regular May Public Hearing fell on a holiday and needed to be rescheduled. Alternate meeting dates were discussed. Planning Commission members indicated they could attend on May 20, 2024, or May 29, 2024, at 6:00 p.m. Ms. Shook stated she would present both dates to Town Council with May 20 as the preferred date.

**Adjournment of Planning Commission**

Commission Member Behrend made a motion to adjourn the meeting at 11:31 a.m. Vice-Chair Veno seconded the motion.

**Vote:** Aye – 4
Nay – None

The motion passed.

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**Adrian Tait, Planning Commission Chair** **Brenda Henson, Board Secretary**

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**SPECIAL PLANNING COMMISSION**
**MEETING MINUTES**
**THURSDAY, APRIL 25, 2024, 2:30 PM**
**VIA WEBEX SOFTWARE**

**PLANNING COMMISSION MEMBERS PRESENT:** Adrian Tait-Chair, Frank Veno-Vice-Chair, and Smith Warren

**PLANNING STAFF PRESENT:** Jane Shook-Director of Planning and Inspections, Mike James-Commercial Zoning Administrator, Jessica Mitchell-Advanced Planning Specialist, and Brenda Henson-Board Secretary

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**Call to Order**

Chair Tait called the Planning Commission to order at 2:33 p.m. The meeting was held via WebEx.

**CONTINUATION OF PLANNING COMMISSION MEETING**

**Case A24-0242 RR Building Height – UDO Text Amendment**

Town of Boone Unified Development Ordinance text amendment to modify the maximum building height in the Residential Rehabilitation zoning district.

Case A24-0242 (this case) is a companion text amendment to Case A24-0073 RR to Compact Neighborhood. Case A24-0073 was heard at the March public hearing, and the Planning Commission made a recommendation of approval with recommendations. Case A24-0073 is scheduled to be heard by Town Council on May 8, 2024. During the public hearing for this case, it was agreed that an amendment to modify the building height for the district was needed and that it should be sent to the April 22, 2024 special public hearing.

Ms. Shook stated that, during the public hearing, there was a suggestion to change the definition of an attic story to A*ny story situated wholly or partially in the roof so designed and arranged to be used for storage or habitation. An attic must be accessible by a fixed stairway that has a 7-foot clear height for greater than 50% of the floor area of the story below the space or it will be considered as a story and not an attic.* The definition of a story would be *The portion of a building between the upper surface of the floor and the upper surface of the floor above it.* The definition of a basement would be *That portion of a building where 50% or more of the total area is below grade.*

Ms. Shook stated that the discussion at the public hearing indicated the desire to allow the height to be an attic story above the median of the surrounding homes.

Ms. Shook asked Commission members if the attic story above the median of surrounding homes should be only for homes inside the RR zoning district or if it should include homes in other residential zoning districts. There was discussion and consensus that the median height should include surrounding homes in other residential districts.

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

Comprehensive Plan Policy 1.1 Overall Objectives for the Boone Comprehensive Plan

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.



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

Comprehensive Plan Policy 2.3.2 Community Character

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

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

Comprehensive Plan Policy 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.

D. Innovative and flexible land planning and development practices shall be encouraged to create livable developments which better safeguard land, water, energy and historic resources.

The motion was seconded by Chair Tait.

**Vote:** Aye – 3
Nay – None

The motion passed.

**Second Motion and Vote:** Chair Tait made a motion that the Planning Commission recommends approval of Ordinance A24-0242 within Exhibit A and believes approval is reasonable and in the public interest because the overall heights of new development and renovations within the RR neighborhood will help keep new construction fitting in with the existing historic neighborhood. The motion was seconded by Vice-Chair Veno.

**Vote:** Aye – 3
Nay – None

The motion passed.

**Case A24-0070 Transitional Zone/Neighborhood Protection – UDO Text Amendment**

Modify the current transitional zone process requiring board approval (if a transitional zone was triggered) to create administrative standards that apply to all projects adjacent to protected residential areas. The intent of the amendment is to create, revise, and strengthen neighborhood protection provisions within the Unified Development Ordinance (UDO) to ensure compatibility between development intensities and to improve effectiveness and clarity in the application of standards.

Ms. Shook stated that this text amendment would allow the Town to move away from transitional zones and instead incorporate neighborhood protection standards, as shown in Section 1.29 in the meeting packet. She referred to Section 4.07.03, which outlined that any property zoned non-residential or R3 that was adjacent to a residentially-zoned property and received a zoning permit for a use that was allowed by right would now be required to post their property for ten days with a notice that would allow neighbors to ask questions. Ms. Shook noted that the height limitations and setbacks had been modified. She stated that Article 31 had been completely redone and reorganized, as noted in the staff notes contained in the meeting packet. She noted the creation of a neighborhood protection buffer of 25' that could not be reduced, would not require a fence, and had additional evergreens and plant material in it.



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Ms. Shook stated there was a new Type D buffer that would go against uses such as animal sanctuaries or landfills to create the greatest buffer possible. Also, there was a new neighborhood protection street yard that increased the 10' street yard to 15' and required more evergreens.

Ms. Shook stated that there were changes to the Table of Principle Uses. She added that the restaurant/bar had been a regulated use based on alcohol consumption, and based on guidance from the ABC commission, the Town did not have the authority as a local government to regulate use based upon alcohol consumption. Ms. Shook stated that each jurisdiction had a vote on how they wanted to allow alcohol to be sold in their jurisdiction. Then it was up to the ABC Commission whether or not that person qualified for an ABC permit based upon what the jurisdiction voted for. She noted that the Town of Boone allowed mixed beverages, malt beverages, and wine.

Chair Tait pointed out that many of the uses in the Table had been amended to go to a Conditional District zoning process, which would require a public hearing, recommendations by the Planning Commission, and then a vote by Town Council. He stated that there was a comment at the public hearing that this could potentially put a great deal more workload on the Planning Commission and Town Council for the approval process of projects. Chair Tait noted that he initially had a little heartburn because he was hesitant to have everything go through a Conditional District process. However, the Town of Blowing Rock had every commercial project approved by Town Council, which gave them a lot of control over what was being built in their town. He added that this process could begin to allow the Town to craft, project by project, what they would like to see, and this would possibly allow some Conditional District approvals to become more by-right approvals.

Chair Tait asked if single-family residential development would have to post their property. Ms. Shook replied that the proposed text applied to non-residentially zoned and R3 property only.

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

Comprehensive Plan Policy 2.1.1 Economic Development

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 or relatively minor impacts, may not require review by a formal public commission or board.

The motion was seconded by Chair Tait.

**Vote:** Aye – 3
Nay – None

The motion passed.

**Second Motion and Vote:** Vice-Chair Veno made a motion that the Planning Commission recommends approval of Ordinance A24-0070 within Exhibit A and believes approval is reasonable and in the public interest because the new language takes out, especially in the area of landscaping, a lot of the redundancy of language and streamlines it to make it easier to follow and although eliminating transitional zones from the language may make it a little more difficult on Town Council and Planning Commission it will fine-tune the regulations that developers need to use and that will outweigh any of the negatives. The motion was seconded by Commission Member Warren. Chair Tait wished to amend the motion to include that the new language provides, through the legislative process, an opportunity to work more collaboratively and

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more creatively with developers to help craft projects the way the Town would like to see them developed. Vice-Chair Veno and Commission Member Warren accepted the amendment.

**Vote:** Aye – 3
Nay – None

The motion passed.

**Case PL05640-040822 Lighting – UDO Text Amendment**

Modify UDO Article 25 Community Appearance Standards to reflect lighting industry changes and lighting design best practices. In conjunction with the Community Appearance Commission evaluating current Community Appearance Standards, Planning Staff has evaluated the current lighting standards by meeting with lighting design professionals, dark sky advocates, and local energy providers to discuss current lighting practices and areas of improvement.

Ms. Mitchell reviewed the requested amendment and discussion at the public hearing. She noted that the following changes to the tiered system were suggested:

- Tier 1 should include language from the sunsetting provision for unshielded building-mounted tube lighting and Kelvin temperature.
- Tier 3 should include language regarding glare control and 35' pole height.
- Tier 4 should include language regarding all other requirements of Article 27 Lighting Standards.

Another suggested change was to remove 27.04.01(B) All outdoor recreational facility lighting, not including lighting for parking lots and pedestrian areas, shall not be at full intensity three hours after the event ends.

Ms. Shook stated that she thought the suggestion was to have Tier 3 include all other requirements of Article 27 except for pole height. Tier 4 would then have language regarding pole height. Chair Tait agreed with Ms. Shook about the suggested Tier 3 and Tier 4 requirements.

Ms. Shook added that the goal was to eventually bring unshielded lighting into compliance rather than sunsetting it and giving someone two years to comply.

Chair Tait stated that shielding was more important than color temperature in terms of glare control. He suggested that 27.01.03(B)(2) be removed. The language would be included in Tier 1 without a sunset date.

Vice-Chair Veno asked if this text amendment would address lighting in neighborhoods. Ms. Mitchell replied that this text was for commercial properties and did not address neighborhood utility pole lighting or security lighting.

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

Comprehensive Plan Policy 1.1 Overall Objectives for the Boone Comprehensive Plan

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

Comprehensive Plan Policy 2.1.1 Economic Development

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 or relatively minor impacts, may not require review by a formal public commission or board.



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A.1 Continue to evaluate and amend development regulations to help insure aesthetic quality in the area and preserve the natural beauty of the area.

The motion was seconded by Commission Member Warren.

**Vote:** Aye – 3
Nay – None

The motion passed.

**Second Motion and Vote:** Chair Tait made a motion that the Planning Commission recommends approval of Ordinance PL05640-040822 within Exhibit A, with amendments, and believes approval is reasonable and in the public interest because the continued improvement to lighting standards in the Town further enhances the overall quality of the Town's appearance and our dark skies. The motion was seconded by Vice-Chair Veno.

**Vote:** Aye – 3
Nay – None

The motion passed.

**Other Matters**

Ms. Shook reminded Commission members of the second round of community engagement for the Comprehensive Plan update, which was scheduled as a three-day event from Monday, April 29, 2024, through Wednesday, May 1, 2024.

**Adjournment of Planning Commission**

Chair Tait adjourned the meeting at 4:18 p.m.

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**Adrian Tait, Planning Commission Chair** **Brenda Henson, Board Secretary**

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