

**Zoning Map Amendment Petition
General Use District**

Planning & Inspections Department
1510 Blowing Rock Road
Boone, North Carolina 28607
Phone (828) 268-6960 • Fax (828) 268-6961
www.townofboone.net



(Holiday Inn Express of Boone)

PETITIONS WILL ONLY BE ACCEPTED AFTER SCHEDULED APPOINTMENTS

I. I (We) SHORE RESORT Management LLC
Lowe's Home Centers, Inc. and Innkeepers of Boone, Inc.

OWNER(S) of 1855 1/2 Blowing Rock Road, Asheville, NC 28607
(Lowe's): 1943 STREET ADDRESS, CITY, STATE, AND ZIP CODE

334 656-4423 do hereby petition to amend the Zoning Map of the Town of Boone;
TELEPHONE NUMBER

II. By reclassifying from Zoning District CU B-3 to Zoning District B-3

III. The property is located on Blowing Rock Road
and having frontage(s) along bordering streets as follows:

Longview Drive, Furman Lane

IV. Containing 16.91 Acres or less and being Watauga County Parcel
Identification Number(s):
2910-61-0930000 & 2911-71-7671000

V. I (We) understand this is a petition for general use district zoning and I (we) may
not refer, either in this petition or at any hearing related to said petition, to any
use intended for the case site nor to any specific details concerning the
development of said site.

Gary E. Wyatt
Senior Vice President

Property Owner's Signature(s) x [Signature]
x [Signature]

INFORMATION TO BE SUBMITTED WITH PETITION

- Certificate of Ownership** showing the name of owner(s) of each lot. = (attached)
- Legal Description** of land requested for rezoning, typed on a separate page. If property being rezoned consists of two or more lots each having a separate description, then those descriptions must be combined into one description of the perimeter of all the property. This is normally found in the property deed as a metes and bounds description or is referred to in the deed as a recorded plat. If the deed refers to a recorded plat, a copy of that recorded plat must be attached. (Copies of deeds and recorded plats may be obtained from the Watauga County Register of Deeds Office). = (recorded plat attached)
- Fee** (checks payable to the Town of Boone) in the amount of \$300.00. = (enclosed)

VI. If petition is executed by property owner, but an attorney /agent will handle public speaking, etc. please indicate below the name, address and telephone of such person: (803) 792-5146 c/o Columbia Development

Edward Mann / Meredith Jewell 1945 St. Julian Place Columbia, SC 29204

→ meredith@columbiadevelopment.com

VII. THE PLANNING STAFF WILL POST THE PROPERTY AND PLACE THE REQUIRED LEGAL NOTICES.

OFFICIAL USE ONLY

Date Application Received:

7-3-12

The owners of property adjacent to the property described above have been notified by First Class mail on:

7-16-12

Meeting Dates :

Quarterly Public Hearing: 8-6-12

Planning Commission: 8-13-12

Town Council: 8-21-12 / 8-23-12

Date Fee Paid:	Amount Paid:	Staff Initials:	Case Number:	Receipt No:
7-3-12	\$ 300.00	BH	20120394	#190179 CK#1787

I hereby certify this application is complete and accepted. Carolina Retail Partners LLC

Jane Shook
Staff Signature

July 17, 2012
Date

Jane Shook - Zoning Map Amendment Petition *REVISIONS*

From: Meredith Jewell <meredith@columbiadevelopment.com>
To: Jane Shook <Jane.Shook@townofboone.net>
Date: 7/3/2012 10:14 AM
Subject: Zoning Map Amendment Petition *REVISIONS*

Jane,

Could you please accept this e-mail as official notification & request to modify two sections of our Zoning Map Amendment Petition for the Lowe's Home Centers & Innkeepers of Boone?

CHANGES:

1. **Under Section 1 (Owners):** Please change ***Asheville*** (in the address line) to replace with **Boone**; and
2. **Under Section 4 (Parcel Identification Numbers):** Please delete the second Parcel ID Number listed and ***only keep the following Parcel ID #: 2910-61-0930000***

Thank you so much for your help with this, and we look forward to working with you on this rezone & subdivision process.

Happy 4th to you!

Meredith W. Jewell
Columbia Development
1845 St. Julian Place · Columbia · SC · 29204
direct · 803.454.0602 | office · 803.782.5666
mobile · 803.360.4467 | fax · 803.782.0056
meredith@columbiadevelopment.com



**STAFF REPORT – SECTION 379[F] REPORT
 AUGUST 2012 QUARTERLY PUBLIC HEARING
 AUGUST 6, 2012**



**CASE 20120394 LOWES HOMES CENTER INC. AND
 INNKEEPERS OF BOONE INC./SHORE RESORT MANAGEMENT LLC REZONING**

Request

Gary Wyatt on behalf of Lowes Home Center Inc. and Joe Bagett on behalf of Innkeepers of Boone Inc./Shore Resort Management LLC have filed a General Use District Map amendment for property located at 1855 and 1943 Blowing Rock Road (Watauga County PIN:2910610930000). The request is to rezone the property from Conditional Use General Business (CUB3) to B-3 General Business (B3).

ANALYSIS

History

03-25-1999: (Case Numbers: 9903RZ and 9901CU) Town Council approved a Conditional Use Rezoning and Permit for a home improvement center (Lowes Home Improvement). The property was rezoned from B-3 General Business and R-3 Multiple-Family Residential.

- Exhibit 1: Conditional Use Rezoning/Permit

07-20-1999: (Case Numbers: 9908RZ and 9903CU) Town Council approved a modification to the Conditional Use Rezoning and Permit previously approved in March 1999. The modification included the addition of a hotel/motel (Holiday Inn).

- Exhibit 2: Conditional Use Rezoning/Permit

Land Use and Zoning

The property is currently developed with a Lowes Home Center (Use 2.4 Large Scale Retail) and a Holiday Inn Express (Use 1.530 Hotel). The property is zoned Conditional District B-3 General Business and is subject to the Corridor District and Special Flood Hazard overlays.

Land Use and Zoning of Adjacent Properties		
	Land Use (based on tax information)	Zoning
North	Recreation, Office, Multi-Family	B-3 General Business, O/I Office Institutional, R-3 Multiple-Family
East	Multi-Family, Office, Emergency Service Operation	B-3 General Business, O/I Office Institutional, R-3 Multiple-Family
South	Retail, Restaurant, Office, Bank	B-3 General Business
West	Restaurant, Retail, Office, Recreation	B-3 General Business



Permissible Uses

Article X, Section 165 contains the Table of Permissible Uses, which should be read in conjunction with the definition of terms set forth in Article II, Section 15. Because the request is for “general use” rezoning, please review the following table for the types of uses permissible in the zoning district (B-3).

Uses Description	B-3
1.0 RESIDENTIAL	
1.100 Single-Family Residences	
1.110 Single-family detached, one dwelling unit per lot.	
1.111 Site built or modular structures	Z
1.112 Class "A" mobile home	Z
1.113 Class "B" mobile home	
1.120 Single-family detached, more than one dwelling unit per lot	
1.121 Site built and modular structures	
1.122 Class A or B mobile homes (manufactured home park)	
1.200 Two-family Residences	
1.210 Single family residence with accessory apartment	Z
1.220 Duplex	Z
1.300 Multi-Family Residences*	
1.310 Multi-family conversion*	

Uses Description	B-3
1.320 Multi-family town homes*	
1.330 Multi-family apartments*	
1.400 Home emphasizing special services, treatment or supervision	
1.410 Family Care Home	Z
1.420 Nursing Care Home	Z
1.430 Home for Survivors of Domestic Violence	Z
1.500 Miscellaneous, rooms for rent situations	
1.510 Rooming houses, boarding houses	Z
1.520 Tourist homes and other temporary rooms renting by the day or week	Z
1.530 Hotels, motels and other similar businesses or institutions providing overnight accommodations	Z
1.540 Fraternity or sorority dwellings	
1.550 Bed and Breakfast Establishments	
1.600 Home Occupations	Z
1.700 Planned residential developments	
2.0 SALES AND RENTAL OF GOODS, MERCHANDISE AND EQUIPMENT	
2.100 Commercial Retail	
2.110 No storage or display of goods outside fully enclosed building	Z
2.120 Storage or display of goods outside fully enclosed building allowed	Z
2.200 Commercial Wholesale	
2.210 No storage or display of goods outside fully enclosed building	ZS
2.220 Storage or display of goods outside fully enclosed building allowed	ZS
2.300 Convenience stores	Z
2.400 Large Scale Retail	S
3.0 OFFICE, CLERICAL, RESEARCH AND SERVICES NOT PRIMARILY RELATED TO GOODS OR MERCHANDISE	
3.100 All operations conducted entirely within fully enclosed building	
3.110 Operations designed to attract and serve customers and clients on the premises, such as the offices of attorneys, physicians, other professions, insurance and stock brokers, travel agents, government office buildings, etc.	Z

Uses Description		B-3
3.120	Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use	Z
3.130	Office or clinics of physicians or dentists with not more than 10,000 square feet of gross floor area	Z
3.200 Operations conducted within or outside fully enclosed building		
3.210	Operations designed to attract and serve customers or clients on the premises	ZS
3.220	Operations designed to attract little or no customer or client traffic other than the employees of the entity operating the principal use	ZS
3.230	Banks with drive-in windows	Z
4.0 INDUSTRIAL USES		
4.100 Light Industrial Uses		
4.110	Majority of dollar volume of business done with walk-in trade	S
4.120	Majority of dollar volume of business not done with walk-in trade	S
4.200 Heavy Industrial Uses		
4.300 Warehouses		S
5.0 EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES		
5.100 Schools		
5.110	Elementary or secondary (including associated grounds and athletic and other facilities)	S
5.120	Trade or vocational schools	S
5.130	Colleges, universities, community colleges, (including associated facilities such as dormitories, office buildings, athletic fields, etc.)	
5.200 Churches, synagogues, and temples, (including associated residential structures for religious personnel and associated buildings but not including elementary school or secondary school building)		Z
5.300 Libraries, museums, art galleries, cultural centers, and similar uses (including associated educational and instructional activities)		Z
5.400 Social, fraternal clubs and lodges, union halls, and similar uses		ZS
6.0 RECREATION, AMUSEMENT, ENTERTAINMENT		
6.100 Activity conducted entirely within building or substantial structure		
6.110	Bowling alleys, skating rinks, indoor tennis and squash courts, billiard and pool halls, indoor athletic and exercise facilities and similar uses	Z
6.120	Movie theaters	Z

Uses Description	B-3
6.130 Coliseums, stadiums, and all other facilities listed in the 6.100 classification designed to seat or accommodate simultaneously more than 1,000 people	S
6.140 Indoor shooting range	S
6.200 Activity conducted primarily outside enclosed buildings or structures	
6.210 Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, etc., not constructed pursuant to a permit authorizing the construction of some residential development	S
6.220 Publicly owned and operated outdoor recreational facilities such as athletic fields, golf courses, tennis courts, swimming pools, parks, and playgrounds etc., not constructed pursuant to a permit authorizing the construction of another use such as a school	Z
6.230 Town owned and operated passive outdoor recreation facilities such as, neighborhood parks, greenways, pocket parks and similar facilities	Z
7.0 INSTITUTIONAL RESIDENCE OR CARE FACILITIES	
7.100 Hospital, clinic, other medical and mental health treatment facilities	Z
7.200 Nursing Care Institution and all other institutions which exceed the residency limits required for Use 1.400	Z
7.300 Shelter for Homeless	S
7.400 Halfway House	S
8.0 RESTAURANTS, BARS, NIGHT CLUBS	
8.100 No substantial carry-out or delivery service, no drive-in service, no service or consumption outside fully enclosed structure	Z
8.200 No substantial carry-out or delivery service, no drive-in service, service or consumption outside fully enclosed structure allowed	Z
8.300 Carry-out and delivery service, consumption outside fully enclosed structure allowed	Z
8.400 Carry-out and delivery service, drive-in service, service or consumption outside fully enclosed structure allowed	Z
9.0 MOTOR VEHICLE-RELATED SALES AND SERVICE OPERATIONS	
10.0 STORAGE AND PARKING	
10.100 Automobile parking garages or parking lots not located on a lot on which there is another principal use to which the parking lot is related	Z
10.200 Storage of goods not related to sale or use of those goods on the same lot where they are stored	
10.210 All storage within completely enclosed structures	Z
10.220 Storage inside or outside completely enclosed structures	S
10.300 Parking of vehicles or storage of equipment outside enclosed structures where vehicles or equipment are owned and used by the person making use of the lot	

Uses Description	B-3
10.310 Parking or storage is more than a minor and incidental part of the overall use	Z
10.320 Parking or storage is a minor and incidental part of the overall use and is accessory to a principal use which is itself permitted within the zoning district on which the parking or storage is located.	Z
10.400 Parking of vehicles or storage of equipment outside enclosed structures where: (i) vehicles or equipment are owned and used by the person making use of lot, and (ii) parking or storage is more than a minor and incidental part of the overall use made of the lot	Z
11.0 SCRAP MATERIALS SALVAGE YARDS, JUNKYARDS, AUTOMOBILE GRAVEYARDS	
12.0 SERVICES AND ENTERPRISES RELATED TO ANIMALS	
12.100 Veterinarian	Z
12.200 Kennel	S
13.0 EMERGENCY SERVICE OPERATIONS	Z
14.0 AGRICULTURAL, SILVICULTURAL, MINING, QUARRYING OPERATIONS	
14.100 Agricultural operations, farming	
14.110 Excluding livestock	S
14.120 Including livestock	
14.200 Mining or quarrying operations, including on-site sales of products	
15.0 MISCELLANEOUS PUBLIC AND SEMI-PUBLIC FACILITIES	
15.100 Post Office	Z
15.200 Airport	S
15.300 Municipal Solid Waste Landfill	
16.0 DRY CLEANER, LAUNDROMAT	Z
17.0 UTILITY FACILITIES	
17.100 Neighborhood	S
17.200 Community or regional	S
18.0 TELECOMMUNICATION TOWERS AND RELATED STRUCTURES	
18.100 Transmitting and receiving towers under 50 feet tall	Z
18.200 Wireless telecommunication towers	S
18.300 Satellite receiving antennas less than one meter in diameter	Z
18.400 Satellite receiving antennas less than two meters in diameter	Z
19.0 OPEN AIR MARKETS AND HORTICULTURAL SALES	

Uses Description	B-3
19.100 Open air markets (farm and craft markets, flea markets, produce markets)	S
19.200 Horticultural sales with outdoor display	Z
19.300 Christmas tree farms	
20.0 FUNERAL HOME	Z
21.0 CEMETERY	Z
22.0 NURSERY SCHOOLS; DAY CARE CENTERS	Z
23.0 TEMPORARY USE	
23.100 Temporary Care Provider	Z
23.200 Temporary Construction or Repair Dwelling	Z
23.300 Temporary Construction Trailer	Z
23.400 Temporary Mobile Medical Unit	Z
24.0 TRANSPORTATION	
24.100 Bus Terminals	Z
24.200 Trucking or freight terminals	S
24.300 Local transit operations	S
25.0 COMMERCIAL GREENHOUSE OPERATIONS	
25.100 No on-premises sales	Z
25.200 On-premise sales permitted	Z
26.0 Certain Activities which pose Particular Concerns about Public Health, Safety or Welfare	
26.100 Electronic & Internet Gaming Use	S
27.0 GOVERNMENT USES	Z
28.0 SUBDIVISIONS	
28.100 Major	S
28.200 Minor	Z
29.0 COMBINATION USES	ZS
29.100 Section 179 Mixed Uses	ZS

*Note: Multi-family residential uses are only allowed as a permitted use in B-1, B-2, and B-3 when proposed as part of a multi-use development project in compliance with Article 9, Section 179 (see Use Category 28.1)

Intensity Regulations

Land Use Intensity Table

Per UDO, Article XII, Section 199, lots in the following zone shall comply with the intensity regulations indicated in the following Land Use Intensity table. Unless otherwise provided in the UDO, the land use intensity regulations for planned residential developments and architecturally integrated subdivisions shall apply to the development as a whole and not to individual parts thereof. Article XII, Section 199 contains the definitions for the terms used within the following table.

Zone	Min. Gross Land Area (sq. ft.)	Min. Lot Width (ft.)	Max. Floor Area Ratio (FAR)	Min. Open Space Ratio (OSR)	Min. Livability Space Ratio (LSR)	Min. Recreation Space Ratio (RSR)	Min. Street Setback (feet)	Min. Interior Setback (feet)
B-3*	5,000	50	.429	.71	.27	.062	20	17

*Multi-family uses in these districts are governed by Section 179.

Building Height Limitations

Subject to other provisions of UDO Section 207, building height limitations in the B-3 shall be as follows:

Zone	Height Limitation (Feet)
B-2	44 (primary) – 67 (secondary)

In the B-3 district the height limitation may range between the primary height limitation to the secondary height limitation (which is the maximum for the district), subject to the provision that for each foot the height of the structure exceeds the primary height limitation, the boundary lot setback applicable to the structure shall increase by one (1) foot. In no case shall the height of a structure exceed the secondary height limitation.

Access

The properties are currently accessed off of Blowing Rock Road (US Highway 321).

PROCEDURE

Planning Commission Consideration of Proposed Amendments:

Per UDO Section 382, at its next meeting following the public hearing, the Planning Commission shall review the proposed amendment and shall submit a written recommendation to the Council. The Planning Commission shall specifically advise and comment on whether the proposed amendment is consistent with the Comprehensive Plan and any other officially adopted plans that are applicable and whether the Planning Commission recommends adoption of the proposed amendment. In its report to the Council, the Planning Commission may comment, as it deems appropriate, on any other matter related to the proposed amendment. Additional testimony not presented at the public hearing may be considered by the Planning Commission upon favorable vote of the majority of its members. No member of the Planning Commission shall participate in the discussion or vote on any recommendation

regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

Council Action on Amendments:

Per UDO Section 383, at any meeting following the receipt of the recommendation from the Planning Commission or after thirty (30) days following referral of the proposed amendment to the Planning Commission if the Planning Commission fails to make a recommendation, the Council may proceed with its consideration of the proposed amendment. The Council must take action, however, no later than sixty (60) days after the Planning Commission adopts a recommendation. 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 Council, and the Council is not bound by any other recommendation of the Planning Commission, including a recommendation that the proposed amendment be rejected. Additional testimony not presented at the public hearing may be considered by the Council upon favorable vote of the majority of its members present. Prior to adopting or rejecting any zoning amendment, the Council shall adopt a statement describing whether its action is consistent with the comprehensive plan and other officially adopted plan that is applicable and explaining why the Council considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. A Council member shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

In addition, per UDO Section 384, 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 minor map amendments:

- [1] The Council shall not consider any representations made by the petitioner that if the changed 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.
- [2] The Council shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.

CERTIFICATE OF MAILING

Per UDO Section 280 [d], with respect to map amendments, the Administrator shall mail written notice of the public hearing by first class mail to the owners as shown on the listings of the Watauga County Tax Administrator, of all properties whose zoning classification will be changed by the proposed amendment and owner of properties which any portion is within one hundred fifty (150) feet of the subject property. Each notice shall be deposited in the mail at least (10) but not more than twenty-five

(25) days prior to the date of the public hearing. The person mailing such notices shall certify to Council that fact, and such certificate shall be deemed conclusive in the absence of fraud. The certificate of mailing shall be included in the Administrator's Section 379 [f] report to the Council and Planning Commission.

Certificate of Mailing:

I, Jane Shook, certify that individual notices meeting the requirements of Article XXI, Section 380 of the Town of Boone UDO were placed in the mail (first class) on July 18, 2012.


Jane Shook, Planner

CONFORMITY TO ADOPTED PLANS

COMPREHENSIVE PLAN UPDATE

Growth Strategy Map

The subject property is located in the Primary Growth Area as identified on the Growth Strategy Map. 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.

COMPREHENSIVE PLAN POLICIES

2.1 THE ECONOMY

2.1.1 Economic Development

- A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most cost effective, long term component of an economic development strategy.
- D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.
- E. The Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area's physical and human resources.
- F. New firms and expanding businesses that complement the natural resources and beauty of the region shall be especially recruited and encouraged.

2.1.2 Commercial Development

- A. Uncontrolled strip development along the area's through streets shall be prohibited. The undesirable effects of existing strip development shall be reduced and/or reconfigured when redevelopment opportunities permit. New strip development on isolated single lots along through streets shall be discouraged.
- B. Commercial and Office Development shall be encouraged to locate in planned shopping centers, office parks and mixed use developments to stop the proliferation of strip development.
- C. Community/Commercial Centers shall be located adjacent to a major street and contain or be adjacent to other appropriate community facilities.

- D. Automobile Orientated Neighborhood and Convenience Commercial Centers shall be encouraged to locate on a collector street or secondary street at its intersection with a major street.
- F. Commercial uses may be encouraged to develop by consolidation and expansion of existing commercially zoned property, only when such consolidation and expansion does not encroach upon a viable residential area.
- G. Effective buffering and/or landscaping shall be provided where a large scale or automobile-orientated commercial or office use adjoins an existing or planned residential use.
- H. Encroachment of incompatibly scaled and designed commercial or office uses into viable existing or planned residential areas shall be prohibited.
- J. Highway Oriented Commercial uses shall be clustered along segments of major streets and contain land uses which are mutually compatible and reinforcing in use and design. Businesses shall be encouraged to coordinate their site designs with other nearby businesses. Design factors shall include, at a minimum, shared parking and street access, convenient pedestrian and vehicular movement, and consistent sign standards.

2.2 THE INFRASTRUCTURE

2.2.2 Utilities

- B. Water and sewer services shall be concentrated within the limits of a geographically defined Urban Growth Area. The Primary Growth Area shall receive first priority for the provision or enhancement of water and sewer services.
- E. The Town shall employ incentives to encourage a concentration of intense urban type development within the Urban Growth Area.

2.2.5 Environmental Quality

- C. Development activities in the 100 year floodplain or near lakes or streams shall be carefully controlled. If development must occur, low intensity uses such as open space, recreation and adequately buffered agricultural or forestry activities shall be preferred.

2.3 THE COMMUNITY

- A. Urban type development within the Urban Growth Area shall meet appropriate Town standards.
- B. Properly planned, mixed use developments that promote efficient provision of public services shall be encouraged within the Urban Growth Area.

2.3.1 Community Appearance

- C. The significance of major roadway entrances into Boone as measures of community image and quality shall be recognized through building placement, landscape, signage and other visual improvements. The Town, along with private property owners and developers, shall work to jointly improve the appearance and design of major street corridors.

2.3.2 Community Character

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

BOONE 2030 LAND USE PLAN

The Lowes/Holiday Inn property is located in two different sectors – O-2 Reserved/Conservation Lands and G-3 Mixed Use Centers/Corridors. A portion of the property is located within a regional center.

The Framework Plan

O-2 sector lands represent areas that are prime candidates for moving into the O-1 sector through conservation easements or other open space acquisition/protection measures such as Transfer of Development Rights. This sector, shown in medium green on the Framework Map, consists of lands that should be off-limits to development except occasional residential/rural buildings at very low densities. These areas may be legally developable based on current federal, state, and local regulations. However, they are areas that based on environmental and urban service factors (difficulty of providing of sewer/water service and roadways, for example) should be lightly developed or undeveloped, remaining in a rural or natural state. In large part, these areas correspond with locations identified for viewshed protection in the Town's current regulations. This zone also corresponds with areas in the Secondary Water Pressure Zone, defined as elevations above 3400 feet, which are difficult to efficiently serve with adequate public water pressure. For Boone, this sector also consists of:

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

Appropriate Land Uses/Development Types:

- Conservation areas
- Parks & greenways
- Agricultural and forestry uses
- Limited civic uses such as schools
- Very low-density residential development and clustered development (approximate net density: 1 dwelling unit per 10 gross acres)

Sector G-3, indicated in dark orange/red on the Framework Plan, is intended to apply along high-capacity regional thoroughfares at major transportation nodes, or along portions of highly-traveled corridors. G-3 land generally falls within areas for higher-intensity regional-serving development.

Care should be taken to limit the length of G-3 corridor developments to avoid the creation of lengthy, undifferentiated linear strip development. Attention to local geography and environmental conditions can assist in this definition, with special attention given to areas in O-1 and O-2 sectors along water courses. The full-range of community types and uses are appropriate in the G-3 sector, including:

- single-family and multifamily residential
- neighborhood-serving commercial uses (retail and office)
- civic uses
- traditional neighborhood developments
- neighborhood centers
- regional centers
- industrial districts

Regional Centers : Regional Centers are mixed-use activity centers with employment and commercial uses that attract people from beyond the immediate neighborhoods and from surrounding communities. These centers are appropriate for commercial and employment development as well as the area's highest density housing. The area of these centers is based on a 1/2 mile radius (a typical 10-minute walk)—the larger black circles on the map. Regional centers are envisioned for downtown Boone and the historic university core; around the hospital and the current high school site; and at the intersection of US 321 and NC 105; and around the intersection of US321 and Shadowline Drive. These centers will provide the highest concentrations of residential and employment in the Plan area.

PLANNING BOARD REPORT

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

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

PLANNING BOARD RECOMMENDATIONS

First motion and vote:

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

Second Motion and Vote:

The Planning Commission recommends approval denial for the following reasons:

This report reflects the recommendation of the Planning Board, this, the 13th day of August 2012.

Attest:

Planning Commission Chair

Planning and Inspections Staff Member

TOWN COUNCIL ACTION

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

ACTION TAKEN

First motion and vote:

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

Second Motion and Vote:

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

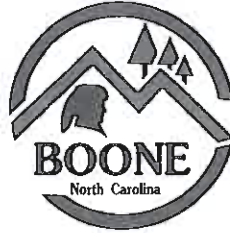
This report reflects the action of the Town Council, this, the ___th day of August 2012.

Attest:

Loretta Clawson, Mayor

Kim Brown, Town Clerk

Town of Boone



99 MAY 18 AM 3:07

BY: *Albra Sethridge*
DEPUTY
WATAUGA COUNTY, NC

EXHIBIT 1

171817

CONDITIONAL USE REZONING AND PERMIT GRANTED

On the dates listed below, the Town Council and Planning Commission for the Town of Boone met and held a public hearing to consider the following application:

APPLICANT: **Lowe's Home Improvement Center** CASE NUMBER: **9903RZ and 9901CU**

PROPERTY LOCATION: **1855 Blowing Rock Road**

PARCEL IDENTIFICATION #: **2910-61-0928-000, 2910-62-5008-000, 2910-61-4678-000, 2910-61-4465-000, 2910-61-3339-000 and 2910-61-2675-000**

ZONING: FROM: **B-3, General Business and R-3, Multi-Family Residential**
 TO: **CUB-3, Conditional Use, General Business**

MEETING DATES: **Quarterly Public Hearing - February 11, 1999 - public hearing**
 Planning Commission - February 15, 1999 - tabled
 Planning Commission - March 15, 1999 - recommendation
 Town Council - March 25, 1999 - approved

Having heard all of the evidence and arguments presented at the hearing, the Board finds that the application is complete, that the application complies with all the applicable requirements of the Boone Unified Development (UDO) for the development proposed, and that therefore the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the UDO and the following conditions:

1. All work around the Town Greenway shall be coordinated with the Town to prevent damage to the greenway facility.
2. All requirements of the Town UDO with regard to grading, storm water, soil erosion and flood hazard areas shall be met.
3. All utilities shall be underground.
4. As-built drawings shall be required prior to a certificate of occupancy being issued.
5. Due to the size of the site and the amount of impervious surface proposed, storm-water detention/retention shall be proposed.
6. The proposed stream relocation shall meet all federal, state and local requirements.

- 7. All requirements of the Town Fire, Utilities and Public Services Departments shall be met.
- 8. Traffic and Access study be approved by the Town Engineer and implemented as required.

This Conditional Use Rezoning, as authorized by the Town Council, shall be perpetually binding upon the property included in such rezoning unless subsequently changed or amended by the Town Council as provided for in the Town Unified Development Ordinance.

Velma Burnley
Velma Burnley, Mayor

Mary Ruth McRae
Mary Ruth McRae, Chair, Planning Commission

Judy D. Ferguson
Judy D. Ferguson, Administrative Support Assistant

NORTH CAROLINA
WATAUGA COUNTY

I, **Freida VanAllen**, a Notary Public of **Watauga County, North Carolina**, certify that **Velma Burnley, Mayor, Town of Boone**, personally appeared before me and acknowledged, on behalf of the **Town Council**, the due execution of the foregoing instrument.

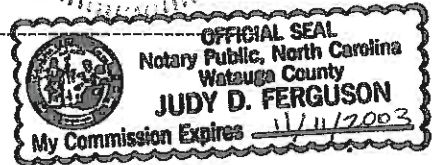
Witness my hand and official seal, this the 9th day of April, 1999.

Freida VanAllen
NOTARY PUBLIC



My commission expires: APRIL 22, 2002

NORTH CAROLINA
WATAUGA COUNTY

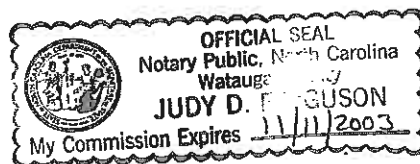


I, **Judy Ferguson**, a Notary Public of **Watauga County, North Carolina**, certify that **Mary Ruth McRae, Chair, Planning Commission**, personally appeared before me and acknowledged, on behalf of the **Town of Boone Planning Commission**, the due execution of the foregoing instrument.

Witness my hand and official seal, this the 17th day of May, 1999.

Judy D. Ferguson
NOTARY PUBLIC

(OFFICIAL SEAL)



My commission expires: November 11, 2003

**NORTH CAROLINA
WATAUGA COUNTY**

The foregoing certificate of Judy D. Ferguson and Freida VanAllen, Watauga County, NC,
Notary Public, is certified to be correct. This instrument was presented for registration and recorded in the
office in Book 512, Page 557.

This 18th day of May, 1999, at 3:07 o'clock p.m.

Wanda C. Scott

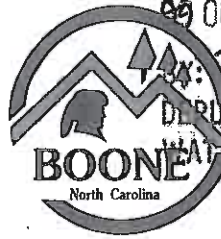
REGISTER OF DEEDS

BY: Albina Etheridge Deputy

Return to: Town of Boone
Planning & Inspections
1510 Blowing Rock Road
Boone, NC 28607

FILED
WANDA C. SCOTT, CLERK
BOOK 0539 PG 345

Town of Boone



OCT 19 PM 3:59

Barbara Payne
DEPUTY

WATAUGA COUNTY, NC

EXHIBIT 2

119472

TOWN OF BOONE

CONDITIONAL USE REZONING AND PERMIT GRANTED

On the dates listed below, the Town Council and Planning Commission for the Town of Boone met and held a public hearing to consider the following application:

APPLICANT: **Lowe's Home Centers, Inc.**

CASE NUMBER: **9908RZ & 9903CU**

PROPERTY LOCATION: **US Hwy. 321 & Longvue Drive at Furman Lane**

PARCEL IDENTIFICATION # **2910-62-5008-000 & 2910-61-4678-000**

ZONING: FROM: **R-3, Multi-Family Residential & B-3, General Business**

TO: **CU-B3, Conditional Use, General Business**

MEETING DATES: **May 13, 1999 - Quarterly Public Hearing**
May 17, 1999 - Planning Commission - review
July 19, 1999 - Planning Commission - recommendation
July 20, 1999 - Town Council - 2nd Public Hearing, review and approval

Having heard all of the evidence and arguments presented at the hearing, the Council finds that the application is complete, that the application complies with all the applicable requirements of the Boone Zoning Ordinance for the development proposed, and that therefore the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Zoning Ordinance and the following conditions:

1. All work around the Town Greenway shall be coordinated with the Town to prevent damage to the greenway facility. Access point(s) shall be coordinated.
2. All requirements of the Town UDO with regard to grading, storm water, soil erosion and flood hazard areas shall be met.
3. All utilities shall be underground.
4. As-built drawings shall be required prior to a certificate of occupancy being issued.

- 5. Due to the size of the site and the amount of impervious surface proposed, storm-water detention/retention shall be proposed.
- 6. The proposed stream relocation shall meet all federal, state and local requirements.
- 7. All requirements of the Town Fire, Utilities and Public Services Departments shall be met.
- 8. The driveway between Lowe's and the Holiday Inn is shown as a full access driveway. The Town reserves the right to restrict left turn exits from the driveway should traffic safety problems arise.
- 9. Sidewalks shall be provided along US 321. If adequate right-of-way and or property is available, they shall also be provided along Furman Drive. Crosswalk(s) shall be pursued with NCDOT for safe pedestrian access across US 321.

This Rezoning and Conditional Use Permit, as authorized by the Town Council, shall be perpetually binding upon the property included in such rezoning unless subsequently changed or amended by the Town Council as provided for in the Town Zoning Ordinance.

Velma Burnley
Velma Burnley, Mayor

Jan W. Lamm
Jan Lamm, Chairman, Planning Commission

Kimberly S. Tesler
Kimberly S. Tesler, Admin. Support Assistant

NORTH CAROLINA
WATAUGA COUNTY

I, **Freida VanAllen**, a Notary Public of **Watauga County, North Carolina**, certify that **Velma Burnley, Mayor, Town of Boone**, personally appeared before me and acknowledged, on behalf of **the Town Council**, the due execution of the foregoing instrument.

Witness my hand and official seal, this the 3rd Day of September 1999.

Freida Van Allen
NOTARY PUBLIC



My commission expires: APRIL 22, 2002

NORTH CAROLINA
WATAUGA COUNTY

I, **Kimberly S. Tester**, a Notary Public of **Watauga County, North Carolina**, certify that **Jan Lamm, Acting Chair, Planning Commission**, personally appeared before me and acknowledged, on behalf of **the Town of Boone Planning Commission**, the due execution of the foregoing instrument.

Witness my hand and official seal, this the 18th Day of October, 1999.



Kimberly S. Tester
NOTARY PUBLIC

My commission expires: October 27, 2003

NORTH CAROLINA
WATAUGA COUNTY

The foregoing certificate of Freida Van Allen & Kimberly S. Tester, Watauga County, NC,
^{Notaries} ~~Notary~~ Public, is certified to be correct. This instrument was presented for registration and recorded in the
office in Book ^{are} 539, Page 345.

This 19th Day of October, 1999, at 3:59 O'clock P.M.

Wanda C. Scott
REGISTER OF DEEDS
BY: Barbara Payne Deputy