

**PUBLIC HEARING MINUTES
MONDAY, JANUARY 24, 2022, 6:00 PM
VIA WEBEX SOFTWARE**

COUNCIL MEMBERS: Mayor Tim Futrelle, Mayor Pro-Tem Edie Tugman, Todd Carter, Dalton George, and Becca Nenow

PLANNING COMMISSION MEMBERS: Elizabeth Shay-Chair, Eric Plaag-Vice-Chair, Chris Behrend, John Tippet, Frank Venno, and Smith Warren

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Jessica Mitchell-Long Range/Special Projects Planner, Mike James-Senior Planner, and Brenda Henson-Board Secretary

OTHER TOWN STAFF AND REPRESENTATIVES PRESENT: John Ward-Town Manager, Todd Moody-Public Works Deputy Director, and Allison Meade-Town Attorney

OTHER ATTENDEES/PARTICIPANTS VIA WEBEX: Evan Warren, Robert Rhyne, Stephen Barker, Walter Fields, Shirley Ray, Thomas Mannino, Chelsea Garrett, Dan Godwin, JC Feimster, Todd Brown, and Andrew Thorp

Call to Order

Mayor Futrelle called the Town Council to order at 6:06 p.m. Chair Shay called the Planning Commission to order at 6:06 p.m. for the Public Hearing/Planning Commission meeting held via WebEx.

Moment of Silence

A moment of silence was observed.

Public Hearing

Mr. Ward explained that the purpose of a joint public hearing was to allow both the Town Council and Planning Commission members to hear the same presentation, information, and comments regarding cases being considered. He noted that all members were able to ask questions but no votes were taken at the public hearing. At the conclusion of the Public Hearing, Town Council would adjourn and the Planning Commission would continue the meeting to discuss and make recommendations on the cases heard at the Public Hearing. Those recommendations would be forwarded to Town Council for their final decision at their next Council meeting.

Approval of Meeting Minutes

Vice-Chair Plaag suggested a change to the November 22, 2021 Public Hearing minutes. He noted a typographical error on page 2, fourth paragraph, third sentence and felt the sentence should read, "Ms. Meade stated that a housing inspector has the power to cause a structure to be vacated if it was occupied but deemed unsafe."

Council Member George made a motion to approve the November 22, 2021 Public Hearing minutes as amended. The motion was seconded by Council Member Nenow.

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

Vice-Chair Plaag made a motion to approve the November 22, 2021 Public Hearing minutes as amended. The motion was seconded by Commission Member Warren.

Vote: Aye – All

Nay – None
The motion passed.

General Guidelines

Ms. Shook provided a brief explanation of the general guidelines for each case presented at the Public Hearing.

Case PL05186-100821 Wynstone Townhomes – Conditional District Zoning Map Amendment

Catellus Group, LLC is requesting a Conditional District Zoning Map Amendment to rezone property located at the eastern corner of US 421 South and Yosef Drive (Watauga County PIN: 2911-80-5166-000) from B-3 General Business to Conditional District R-3 Multiple-Family Residential with a site-specific plan for Use 1.10 - Townhouse (> 100 bedrooms). The applicant is proposing a 49-unit townhome development with 122 bedrooms and accompanying amenities on a new private street to be accessed from Yosef Drive.

Ms. Jane Shook explained that Conditional Districts were different from General Use Districts because they allowed conditions to be placed on the permit, intended to make the development more desirable. She stated that a site-specific plan provided more certainty as to what would be developed on the property.

Ms. Allison Meade added that a Conditional District approval allowed for a 2-year vesting period, so the applicant had a legal right to proceed with the approved plan if they proceeded within two years.

Mr. Mike James outlined the request as it was presented in the meeting packet. He stated that the 49 townhomes would be individually owned homes on individual lots. Mr. James noted that this development would typically be required to install a sidewalk along Hwy 421, but they had agreed to pay a fee in-lieu of a sidewalk and give an easement for the Town's greenway instead. He stated that Mountaineer Village Apartments were located behind the subject property, and the Industrial Park bordered part of the rear and east of the property. Mr. James added that a new private street was proposed to access the development from Yosef Drive and all the homes would front the private street. He stated that an apartment development would be required to orient towards Hwy 421, but because these were individual homes on individual lots, that requirement did not apply. Mr. James noted that each home would have two parking spaces; one as a driveway and one as a garage.

Mr. James explained that as part of the Conditional District process, the applicant was required to hold a neighborhood meeting with property owners within 300' (feet) of the development. He noted that the applicant held a neighborhood meeting and the attendance was low. Mr. James stated that the applicant provided a letter indicating they did not trigger any of the five points that would necessitate a Traffic Impact Analysis (TIA), and due to the size of the development staff did not require a TIA.

Vice-Chair Plaag noted that the application listed the property as being zoned B2 while the staff report and presentation indicated the property was zoned B3. Mr. James replied that the property was currently zoned B3 and not B2. Vice-Chair Plaag asked if an R4 district allowed for townhomes with over 100 bedrooms. Mr. James believed that was correct. Vice-Chair Plaag asked if the occupancy limit in an R4 district was no more than two unrelated individuals. Ms. Shook responded that Vice-Chair Plaag was correct, but noted that these dwelling units were already restricted to no more than two unrelated individuals.

Vice-Chair Plaag stated that the letter in the meeting packet that described the neighborhood meeting indicated that NCDOT would not authorize a traffic signal at Yosef Drive and Hwy 421. He asked if there was any documentation from DOT regarding this issue. Mr. James replied that he did not have any documentation from DOT. He noted that DOT had reviewed the project and they did not present any

questions or concerns to staff. Mr. James stated that he did not speak specifically with Mr. Fisher from DOT about a signal at Yosef Drive and Hwy 421.

Chair Shay asked if the greenway would run along the street or it would be farther back on the property. Mr. James replied that there would be no sidewalk along Hwy 421. He stated there would be an easement for the greenway and the greenway would run along Hwy 421, a few feet back from where a sidewalk would have been. Chair Shay asked if it was correct that the greenway would function as the sidewalk and Mr. James agreed. Chair Shay asked if there would be any opportunity for a pedestrian-initiated crossing at Yosef Drive. Mr. James replied that he had not discussed that specific situation with DOT.

Chelsea Garrett, attorney for the applicant, introduced Stephen Barker, a principal with Catellus Group and developer of the townhomes; Walter Fields, a consultant assisting with code review; and Tom Mannino from McGill Engineering. Ms. Garrett stated there were currently multi-family projects nearby the subject property and only one property being used as a single-family residence. She stated there were few townhomes in Boone and felt this development would be attractive for single families. Ms. Garrett asked Mr. Mannino to speak about the project.

Mr. Mannino stated that the 49 units would be comprised of two and three bedroom units. The maximum building height of the 3-story units would be 50'. He noted that all of the homes would have either a drive-in basement or a walkout basement depending on the grade. Mr. Mannino stated that the typical size for internal units would be 22' wide and 24' wide for external units. The units would be roughly 40' deep, with some units extending up to 60' deep. Mr. Mannino noted that rear yards would be approximately 10 to 12' wide, and some retaining walls would be used to step the side down to the road. He stated that the private street would be two 10' lanes, with a 2' curb and gutter, and a 5' sidewalk on each side. Mr. Mannino noted that each unit would have two dedicated parking spaces, and there would be 12 additional parking spaces at the amenity area. The amenity area would also contain a picnic pavilion and mailbox kiosk. Mr. Mannino stated that the retaining walls would not exceed 8'. He noted that they analyzed different traffic criteria for sight distance, trip counts, and coordination, and DOT essentially said it looked good. Mr. Mannino stated they had an extensive landscape plan that would buffer the neighborhood and significantly improve the visual impact of the property. He noted there were some large, existing trees on the site that would be removed and replaced. Mr. Mannino stated they were proposing a 45' right-of-way, except for at the 50' entrance on Yosef Drive.

Mr. John Ward asked if the sidewalk along Yosef Drive would be extended to what would be the greenway, and Mr. Mannino agreed that the sidewalk would. Mr. Ward wished to clarify that the fee in-lieu of a sidewalk would be for the installation of the greenway along Hwy 421. Mr. Ward noted that the Town had DOT approval to create a trail from Brookshire Road to Grove Street, which would connect with the Town's sidewalk system at Hwy 194. He asked Mr. Mannino if there had been any coordination with DOT on the potential layout of the greenway at the subject property. Mr. Mannino stated that there had not been. Mr. Ward stated that since the layout of the greenway was unknown he felt it was important to remain flexible in that area, so that some setback could be provided. He suggested having landscaping on both sides of the greenway, if DOT would approve, for safety purposes. Mr. Mannino stated he would coordinate with DOT to maneuver the landscaping, if possible.

Ms. Meade requested that she be involved in drafting the language for any condition related to the landscape buffer and the greenway easement, in an effort to ensure sufficient flexibilities were built in for the placement of the greenway away from the edge of the road. Ms. Garrett agreed that Ms. Meade would be included in the drafting of that language.

Commission Member Behrend asked if it was correct that the houses along Hwy 421 would be rear facing to the street. Mr. Mannino stated that was correct, but noted that the landscape buffer would be dense with a mix of tall trees, medium-sized trees, small bushes, and shrubs.

Vice-Chair Plaag felt that installing 49 new residences should create an opportunity for discussion with DOT regarding a signal at Yosef Drive to help slow traffic down. He also suggested requesting a coordinated walk signal and a school zone sign before the signal at Industrial Park Drive. Mr. Ward replied that he had had several discussions with DOT, and he believed they would determine that a signal at Yosef did not meet standards, due to the proximity to other signals. He also expressed concern about the safety of having a marked crosswalk at Industrial Park Drive that would go across the street to nothing. Mr. Ward stated that the Town needed to look at the intersections approaching the high school and focus on providing connectivity and walkability.

Mr. Ward suggested the possibility of facing the houses along Hwy 421 towards the street to not look at the back of the houses.

Ms. Shirley Ray asked if it was correct that the greenway would be used as the sidewalk. Mr. Ward explained that the greenway would be installed by the Town, and the specifics have not been determined. He stated the greenway would likely be a 10' wide concrete or asphalt path. Ms. Meade added that the standard concrete sidewalk would be installed along Yosef Drive, and a greenway path would be installed along Hwy 421. Ms. Ray asked if the greenway would be considered the required recreational space, and Mr. Mannino replied that it would not. He noted that the pavilion area would provide a large, open greenspace for gatherings and for children to play.

Council Member Carter stated he lived near the high school, and the signal at Industrial Park Drive never changed unless a vehicle approached the light from Industrial Park. He agreed it would be dangerous to have a crosswalk without a safe, proper area on the other side of the street.

Council Member Tugman asked why they would consider changing the zoning from B3 to R3, where there was already a large student-housing complex, an industrial complex, and signal and pedestrian access issues. Ms. Shook replied that the availability of land for multi-family projects and the desire for different types of housing were contributing factors. Mr. Ward noted the growth of this area and the possibility of having a greenway connection to one of the county's largest parks.

Vice-Chair Plaag stated that the townhomes had the option for elevators, and expressed concern that families or young professionals might not be able to afford them. He asked if the development was supposed to be luxury townhomes or would middle class people be able to afford them. Mr. Steve Barker replied that the townhomes were configured to be more family-oriented and were about 2,200 sq. ft. He stated that the elevators were intended to be a convenience to the elderly or for taking things up or down between floors. Mr. Barker added that they were not promoting every unit have an elevator. As far as the pricing of the units, he stated they would be mid- to upper-range in pricing.

Council Member Carter felt that the town needed housing that young faculty members or firemen could afford. He noted that 22% of homes in Watauga County were second homes and unoccupied most of the time. Council Member Carter stated that the town did not need more second homes or more student housing. He noted that this property was located on the main entrance into town, and he did not want to see people's backyards because they are often used to store junk. Mr. Barker replied that the property, as it existed, was not very attractive. He stated there would be a great deal of landscaping installed to provide a buffer. Mr. Barker also noted there would be a homeowner's association that would restrict unsightly storage in the backyards. Ms. Garrett suggested the possibility of fencing to help with the buffer. Council Member Carter stated he would like something that was aesthetically pleasing along the corridor. Ms. Garrett felt the landscaping and restrictive covenants would alleviate any possibility of a poor appearance.

Ms. Garrett asked Mr. Mannino for the distance from the curb to the back of the units. Mr. Mannino replied that it was approximately 32'.

Commission Member Veno noted there was no rendering of the development in the meeting packet, so there was no visual of what the development would look like. Mr. Barker stated that they did not have renderings prepared for this project yet.

Ms. Garrett noted that each unit would have a one-car garage and the driveway would allow for one or two more cars. She stated there would be no on-street parking, other than for temporary loading or unloading. Ms. Garrett added that the restrictive covenants would contain language to prevent on-street parking.

Council Member George asked about the feasibility of a Traffic Impact Analysis (TIA). Mr. Mannino explained that the typical criteria to trigger a TIA by the DOT, as the requirement is 1,500 trips and this site is projected to generate 337 trips. He stated that DOT did not want a TIA and all of the Town's criteria were met as far as sight distance, distance from the existing thoroughfare, and peak trips. Ms. Shook asked if the request for a TIA would be solely for the purpose of supporting the possibility of signalization. Council Member George stated that was part of his intention with the request. He added that Yosef Drive was a road that many people relied on and the need for signaling might be proposed in a TIA.

Vice-Chair Plag expressed concern with the idea of fencing the back yards along Hwy 421, and the possibility that they could become areas for graffiti, not be uniform, or not be well maintained. He suggested the possibility of having the private street loop around the back of the houses along 421, which would move them a little farther away from the main highway. Mr. Barker replied that they had spent 6 to 8 months going through every possible configuration imaginable for the site, and the proposed configuration was the best layout for the property. He felt it would be an effort in futility to go back and try to redesign the layout at this point. Ms. Garrett added that a lot of issues could be addressed in the restrictive covenants.

Mr. Barker stated he would be willing to consider building some landscape berms that were higher than the greenway area to cause the landscaping to be higher.

Ms. Shook explained that North Carolina General Statutes 160D limited a jurisdiction on what they could regulate regarding design elements for single-family/townhome developments and orientation was considered a design element.

Council Member Tugman asked if it was true that the Comprehensive Plan preferred developments to face inward to develop a sense of community. Ms. Shook was unsure but stated she would look in the Plan.

Commission Member Warren asked if there would be a dumpster or individual trash bins.

Council Member Carter stated he, similar to Commission Member Veno, would like to see a rendering of the project. Mr. Mannino shared a rendering of a townhome project that they had developed in another town in order to provide a visual of something similar.

Council Member Nenow stated she did not have an overwhelming concern about the back of the houses and the backyards facing 421, but she had a concern that a firefighter would not be able to afford one of the units. Mr. Barker replied that most every community was in need of workforce housing and he felt affordable housing was a misnomer. He noted that this townhome development was designed for families and since the units were larger they would cost more than a 1,400-1,500 sq. ft. unit.

Ms. Shook referred to Council Member Tugman's question about orientation of homes in the Comprehensive Plan and noted she was unable to locate any specific reference to that topic.

Commission Member Veno felt it would be cumbersome for Mr. Barker to redesign the project. He stated if he was a person buying one of the units along 421, that he would not want the front of his house overlooking a major thoroughfare.

Mayor Futrelle stated that the developer did not have control over market value. He also stated that this development would be an addition to family housing, and he hoped there would be other developments that would cater to other housing needs in the future.

Mr. Ward suggested that the applicant reach out to AppalCART to discuss the possibility of an AppalCART stop on Yosef Drive. Mr. Mannino stated he would contact AppalCART.

Commission Member Veno suggested the possibility of a median on 421 to deter left-hand turns from Yosef Drive, if a signal was not warranted.

Mr. Mannino responded to Commission Member Warren's question regarding trash. He noted that trash pickup would be individual, per unit, and would be housed in the garage.

At 8:06 p.m. Mayor Futrelle invited public comment.

The first speaker was Ms. Shirley Ray. She asked if all of the townhomes would have a garage. Mr. Mannino replied that all units were proposed to have a garage. Ms. Ray stated there were two existing light poles shown on the site plan that were noted to be removed or relocated. She asked where the lights would be relocated to. Mr. Mannino stated that a photometric analysis had not been performed, so there was not a definitive re-location area at this time; however, the lighting plan would meet Town requirements.

Ms. Ray noted she owned property adjacent to Yosef Drive, and she believed safety would be a number one issue when it came to traffic control. She stated that the amount of traffic generated by Mountaineer Village Apartments combined with the traffic from Wynstone Townhomes would create a 21.12% increase in traffic flow. Ms. Ray encouraged the requirement of a Traffic Impact Analysis for the intersection of Yosef Drive and Hwy 421.

The next speaker was Dan Godwin. Mr. Godwin stated he did not wish to speak.

The last speaker was Bob Rhyne. Mr. Rhyne did not speak.

Vice-Chair Plaag asked if the applicant would be willing to pay for a TIA as a condition of approval. Mr. Barker replied that DOT was not going to put a light at Yosef Drive, so to conduct a traffic study would be superfluous. He stated that he could obtain something in writing from DOT, if necessary. Mr. Barker added that he would not spend additional money to prove something they already knew.

Ms. Ray stated that if a study was done and it determined a need for the traffic light, that would be good. She further stated that if the study determined there was no need for a traffic light, that would also be good because at least an effort had been made to determine the answer. Ms. Ray asked how much a Traffic Impact Analysis would cost. Mr. Barker replied that the last one he had done costed \$15,000. Ms. Shook suggested that some additional information from DOT could be obtained before the Town Council meeting. Mr. Ward added that the Town had the ability to request a signal review and modification due to changing environments in the area, and that provided similar information to a TIA.

Ms. Meade noted that under the UDO the administrator could require a Traffic Impact Analysis. She asked if the 49-unit complex even came close to meeting the parameters in the UDO that would require a TIA. Ms. Shook replied that it did not meet the parameters to require a TIA. Mr. James echoed Ms. Shook's reply that a TIA was not triggered.

Mr. Todd Moody confirmed that the project was not close to triggering a TIA. He stated that Public Works had had no concerns or complaints with the traffic on Yosef Drive.

Vice-Chair Plaag asked Mr. James if, in his analysis of the project, he only considered the impact of the proposed new street on Yosef Drive, or if he looked beyond that to the traffic outflow from Yosef Drive onto Hwy 421. He also asked Mr. James to clarify if he did nor did not have confirmation from DOT that

they were not interested in traffic signalization at Yosef Drive. Mr. James stated that he had casual conversations with DOT regarding the project, but he did not specifically ask them if they wanted a traffic study. Mr. James explained that he looked primarily at the impact on Yosef Drive.

Ms. Shook asked Mr. James if the DOT representative reviewed this project. Mr. James replied that Mr. Fisher with DOT did review the project, and his only comment was some concern with trees at the corner of 421 that may need to be removed for better sightlines.

Ms. Ray asked if there were any letters that had been sent in to be read into the record. Ms. Shook stated she had not received any letters. Ms. Ray noted that Judy South had emailed a letter to Ms. Shook on Friday. She asked if the letter could be accepted after the meeting. Ms. Meade replied that it could be accepted and considered by Town Council members, but at the same time Council members were not legally required to consider such a letter.

Ms. Shook provided the following as possible conditions that the applicant agreed to during the public hearing:

- Work with the Town attorney to craft language regarding the greenway and the easement
- Develop POA restrictions regarding fencing
- Provide a landscape berm along the greenway to elevate the landscaping

Vice-Chair Plaag added the condition that each unit would be responsible for its own trash and recycling.

Mr. Barker stated he would like to not be limited to the landscape berm, but would like to have that as an option and continue to explore other alternatives.

There was discussion regarding the possibility of a second public hearing. Ms. Garrett asked that her client be allowed to proceed to the Town Council meeting without a second public hearing. Ms. Shook stated she just wanted to make sure that Planning Commission members felt comfortable making a decision this evening with the information that had been provided. Vice-Chair Plaag felt that Planning Commission would be able to work through the issues and make recommendations to Town Council, even if they had to schedule a special meeting. Ms. Shook noted the deadline for the February Town Council meeting was on Friday January 28th, so if Planning Commission was unable to make recommendations this evening, it would be March before Town Council would make a final decision on the case.

Commission Member Behrend stated it was her understanding that no further dialogue with the applicant could take place in the Planning Commission meeting. Ms. Shook replied that the Ordinance changed to allow discussion with the applicant on potential conditions.

Chair Shay asked if the Planning Commission could request additional information if, in the course of their discussion, they thought of things they would like to know. Ms. Meade replied that the Planning Commission's subsequent interaction with the applicant would need to pertain to potential conditions. General inquiries for additional information should be requested during the public hearing.

Chair Shay asked if there was a breakdown of the 49 units by size. Mr. Barker replied that there would be 24 three bedroom units and 25 two bedroom units. Chair Shay asked if the two bedroom units were roughly the same size, and if the three bedroom units were roughly the same size. Mr. Mannino replied that the units vary in size. He noted that the two bedroom units were typically 22' wide by 35 or 40' deep.

Ms. Meade asked Ms. Shook to describe what types of things could be built by-right on the property under its current B3 zoning. Ms. Shook replied that there could be a multi-family mixed-use up to 100 bedrooms, a residential care facility, a kennel, offices, restaurants, or almost every commercial use allowed in the UDO.

With nothing further, Mayor Futrelle closed the public hearing for this case at 9:06 p.m.

Case PL05419-010622 Historic Preservation Commission Minor Work – UDO Text Amendment

Amend Article 8 Section 4, Statement of Conformity for Minor Work, and Appendix D, Downtown Boone Local Historic District Design Guidelines and Handbook to modify language related to “Minor Work” in the Downtown Historic District to (i) allow certain permanent signs to be approved administratively rather than by hearing before the Historic Preservation Commission, and (ii) correct inconsistent language regarding changes in roofing materials. Conforming amendments may also be made to other Articles.

Ms. Jessica Mitchell outlined the request as it was presented in the meeting packet.

Ms. Meade asked if the Historic Preservation Commission (HPC) had anything to do with the proposed text amendment. Ms. Mitchell explained that, at their December meeting, the HPC discussed changes that would allow signs to be considered minor work.

Ms. Meade asked Vice-Chair Plaag if he planned to consider this matter as a Planning Commission member. Vice-Chair Plaag asked Ms. Meade if she suggested a conflict with him considering the amendment as a Planning Commission member when he was also a member of the Historic Preservation Commission. Ms. Meade replied that it was somewhat unusual that someone at a committee level was involved in recommending language that would then be considered by a different board on which that same person sat. She felt it might be useful for Vice-Chair Plaag to recuse himself as a Planning Commission member, and speak to this request as a Historic Preservation Commission member. Vice-Chair Plaag stated that this issue was brought to the HPC by Planning staff because of concerns by staff. He further explained that staff concerns involved COA applications for signs going to the HPC for approval and consuming staff time when they could likely be handled at the staff level. Vice-Chair Plaag felt it was an odd request from Ms. Meade for him to recuse himself from this case. Ms. Meade explained her concern was that Vice-Chair Plaag would be taking action as a member of two different committees on the same subject. While she did not feel this was a strict legal conflict of interest, she felt it was an interesting and difficult situation. Vice-Chair Plaag expressed concern that he was not authorized to speak on behalf of the HPC at the Planning Commission meeting. He also expressed concern that the language presented was not the language that HPC recommended. Ms. Meade stated that she had made some changes to the HPC’s suggested language. Vice-Chair Plaag stated that if he recused himself from Planning Commission and was not authorized to speak on behalf of the HPC, he would be unable to participate in the conversation. Ms. Meade felt there was a difference between representing the HPC and explaining the text and reasoning behind the proposed language. Vice-Chair Plaag stated he would be happy to recuse himself from any deliberative discussion and voting.

Ms. Meade again noted that the proposed language contained some changes from what the Historic Preservation Commission proposed so that the language would be more easily interpreted by staff. She felt the language proposed by HPC was too vague and was not sufficiently specific for staff to interpret. Ms. Meade stated she was not completely satisfied with the proposed language and hoped that, through discussion, some more precise language could be developed.

Vice-Chair Plaag explained that almost as soon as the Historic District Overlay went into effect, there were several consultations with the HPC involving signs. Staff came to realize that, while the intention was good, the potential cost for the Certificate of Appropriateness process could cost more than the sign. Vice-Chair Plaag stated that staff felt allowing signs to be considered minor work and approvable at staff level would save time and money for both the Town and the applicant. He added that if someone proposed a sign that needed further review beyond the staff level, that application could be sent to the HPC for review.

Vice-Chair Plaag expressed concern with the lack of description for permanent signs on non-contributing buildings. He suggested under 8.04.02(G) adding after the Unified Development Ordinance the wording

“and adopted Design Standards for the district or landmark.” Vice-Chair Plaag stated that, with respect to both non-contributing and contributing buildings, the sign should be composed of materials that were historically documented in the district and be of a size, scale, massing, and lighting design that were historic to the building.

Vice-Chair Plaag noted that a contributing building would need to have a sign that was historic to that building, while a non-contributing building would need to have a sign that was historic to the district.

Ms. Shook stated that this text amendment would allow staff to approve most signs through a Statement of Conformity versus all signs having to go to the Historic Preservation Commission for a Certificate of Appropriateness. She noted that this was a brand new undertaking and there would be some growing pains and likely some additional changes along the way.

Ms. Shook noted that no one had signed up to speak regarding this case.

Council Member Veno asked if this case should be tabled. Ms. Shook recommended that Planning Commission move forward with some suggested language modifications this evening because this was an important item.

With no public comment, Mayor Futrelle closed the public hearing for this case at 9:39 p.m.

Adjournment of Town Council

Council Member Tugman made a motion to adjourn the Town Council at 9:39 p.m. The motion was seconded by Council Member Carter.

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

Tim Futrelle, Mayor

Brenda Henson, Board Secretary

Elizabeth Shay, Planning Commission Chair

Continuation of Planning Commission Meeting

Chair Shay called a break in the meeting from 9:39 p.m. until 9:47 p.m.

Public Comment

Ms. Shook noted that no one had signed up to speak under public comment.

Approval of Meeting Minutes

Vice-Chair Plaag made a motion to approve the November 22, 2021 Planning Commission meeting minutes. The motion was seconded by Commission Member Tippet.

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

Case PL05186-100821 Wynstone Townhomes – Conditional District Zoning Map Amendment

Catellus Group, LLC is requesting a Conditional District Zoning Map Amendment to rezone property located at the eastern corner of US 421 South and Yosef Drive (Watauga County PIN: 2911-80-5166-000) from B-3 General Business to Conditional District R-3 Multiple-Family Residential with a site-specific plan for Use 1.10 - Townhouse (> 100 bedrooms). The applicant is proposing a 49-unit townhome development with 122 bedrooms and accompanying amenities on a new private street to be accessed from Yosef Drive.

Commission Member Veno asked Ms. Shook to go over the list of possible conditions that were discussed during the Public Hearing.

Ms. Shook provided the following list of possible conditions:

- Applicant shall work with the Town attorney prior to the Town Council meeting to craft exact language for the greenway easement.
- Restrictive covenants shall be developed that address aesthetics for the backs of the townhomes along Hwy 421, parking on the street, and landscaping.
- A Traffic Impact Analysis was encouraged
- Individual solid waste and recycling shall be the responsibility of each unit.

Vice-Chair Plaag stated that his suggestion of bringing the private street below the homes along 421 would eliminate the problem of the back of the houses being shown, and would allow common area to be placed so that it would be more accessible to all of the residents. However, the applicant was not interested in reconfiguring the development. Vice-Chair Plaag applauded the fact that the developer would be installing additional vegetation to help screen the back of the homes from the road. He expressed concern about the fencing along 421, and noted he was unclear whether or not those homes had yards. Vice-Chair Plaag suggested that the restrictive covenants should include language that the yards to the rear of the townhomes that faced Hwy 421 could not be fenced.

Commission Member Behrend stated she liked the idea of not having fencing, as well as the idea of landscaping at the greenway.

Chair Shay stated she was all for housing in Boone, but expressed concern about attracting second home owners due to the location and the fact that the development would be a little higher end.

Commission Member Veno stated there did not appear to be much of a back yard but more like a small strip of greenspace. Ms. Shook noted that every unit would have an outdoor space behind the unit that ranged the width of the unit.

Ms. Shook referred to the suggestion of no fencing and asked if that would apply to the entire development or if some types of non-opaque fencing would be allowed. Vice-Chair Plaag stated he would modify his suggestion of no fencing to state that no chain-link fence, stockade-type fence, or any fully opaque fence would be allowed. He added that the fencing would need to be done uniformly and be attractive. Vice-Chair Plaag also felt that the fencing should be the responsibility of the POA.

Commission Member Warren asked if there would be a break in the landscaping and possible fencing along 421 for the residents to access the greenway. Ms. Shook replied that there would be a retaining wall that would prohibit direct access for units 22 through 36. However, if there was not a fence installed, she felt that residents would likely be able to walk from their backyards to the greenway.

Vice-Chair Plaag asked if the applicant would be willing to accept a condition that if a fence was installed behind units 22 through 36, it be installed within the common area, not be chain-link or opaque, and it should be decorative.

Mr. Walter Fields replied that they would be willing to accept a condition for no chain-link or stockade fence, but was hesitant about not allowing any type of opaque fence because some fences were very ornamental and attractive. He stated that, if they did anything at all with fencing, it would be in concert with the architectural style of the buildings. Mr. Fields added that they would be happy to put restrictions on the specific things for fencing that would still give them the ability to make the decision to put up a fence or not put up a fence as the design evolved. Vice-Chair Plaag stated he was okay with that. He added that his goal was to eliminate variegated fencing.

Vice-Chair Plaag stated he assumed the homes would have back decks, but he was unsure because no elevations were presented. He asked that language be included in the restrictive covenants to cover things such as hanging laundry on the back deck. Ms. Garrett replied that would not be a problem to include in the covenants.

Chair Shay stated she was in favor of not overly restricting things that families with children would do. She expressed concern about sanitizing the neighborhood so that families with children and toys and towels would not feel welcome there. Chair Shay also expressed concern that this type of development would be available to only a small slice of potential homeowners given the size and price of the units.

Commission Member Tippettt agreed that this particular development did not address some of the target housing needs because it did not appear to be cheap, but it would provide housing. He stated he liked the connectivity and landscaping this project offered.

Commission Member Warren stated that while this development did not appear to be affordable housing, it also did not appear to be student housing. He hoped that this project could lead to affordable or workforce housing in the future.

Ms. Shook summarized the suggested condition regarding fencing to state that any fencing behind units 22 through 36 must be constructed with consistent materials and may not be constructed with chain-link or stockade-type fencing. She stated she was unsure what type of language to propose regarding Vice-Chair Plaag's concern with unsightly appearances in the back deck or yard areas. Vice-Chair Plaag felt that Ms. Garrett would be able to craft appropriate language to cover that in the restrictive covenants. Ms. Shook replied that, even if no specific wording was drafted at this meeting, there would need to be enough language to provide intent to Town Council. Vice-Chair Plaag suggested language that stated Ms. Garrett would draft restrictive covenant language that addressed common exterior, public-facing nuisances, and appearance issues typically associated with townhome developments such as laundry or unsightly personal items.

Vice-Chair Plaag noted that, based on discussion in the Public Hearing, the Town had the ability to have constructive conversation with DOT about areas of concern with regards to intersection safety. DOT could then perform a study of the area of concern to see if any safety measures such as signals or crosswalks would be warranted. He suggested, instead of requiring the applicant to get a TIA, that Town Council allow Mr. Ward to have a conversation with DOT that could possibly have a more constructive outcome. Mr. Ward replied that, if the project was approved, he would speak with DOT. He also suggested that the applicant speak with AppalCART about the feasibility of a stop or a shelter. Vice-Chair Plaag stated he would support a condition that the applicant speak with AppalCART about a stop.

Ms. Shook noted that, because of its size, this development did not trigger the requirement for an AppalCART stop. She explained that there was a monthly fee charged by AppalCART to developments for stops. Mr. Ward replied that he would like for the applicant to check with AppalCART to see what the possibilities were or were not. Vice-Chair Plaag suggested that the developer commit to a certain dollar amount to go toward creating an AppalCART stop or shelter and any fees above that dollar amount would be the responsibility of the POA.

Ms. Garrett stated they were willing to investigate an AppalCART stop and suggested that they could dedicate an area for an AppalCART stop. Vice-Chair Plaag felt it would be acceptable to set aside an easement in case an AppalCART shelter could be placed on the property.

Ms. Shook reviewed the suggested conditions as follows:

- Wording for the dedication of the greenway be worked out between the applicant and the Town attorney
- The applicant's attorney will draft restrictive covenants that would regulate fencing behind units 22-36 so they be consistent and not constructed with chain-link or stockade-type materials
- The applicant shall investigate with AppalCART the possibility of the installation of an AppalCART stop for the development and preserve a space through an easement or other legal means for that stop

Vice-Chair Plaag added that, while this was not a condition, it was recommended that Mr. Ward pursue discussions with DOT regarding any possible improvements to the area.

First Motion and Vote: Commission Member Warren 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 1.2 Growth Strategy Map

The property is located within the Primary Growth area.

Comprehensive Plan Policy 2.3 The Community

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

Comprehensive Plan Policy 2.3.3 Housing & Neighborhoods

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

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

Approval is subject to the following conditions:

1. Wording for the dedicated greenway shall be worked out between the applicant and the Town attorney.
2. The applicant's attorney will draft restrictive covenants that would regulate fencing behind units 22-36 so they are constructed using consistent materials and not constructed with chain-link or stockade-type materials, as well as language that addressed common exterior, public-facing nuisances and appearance issues typically associated with townhome developments such as laundry or unsightly personal items.
3. The applicant shall investigate with AppalCART the possibility of the installation of an AppalCART stop for the development and preserve a space, through an easement or other legal means, for that stop.
4. Recommend that the Town Manager's office pursue discussions with DOT regarding any possible improvements to the area such as signalization or crosswalks for pedestrian improvement.

5. Where there is a conflict between the application information and the plans (dated January 4, 2022) the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
6. Any commitments and representations concerning the proposed project made by the applicant or its (his or her) representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.
7. 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 plans for review and approval necessary to issue Zoning and Building Permits.

The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed.

Second Motion and Vote: Commission Member Warren made a motion that the Planning Commission recommends approval of Ordinance PL05186-100821 and believes approval is reasonable and in the public interest because this development allows for the expansion of the Town’s housing stock with minimal impacts due to its proximity to other similar housing developments. The motion was seconded by Commission Member Tippet. Vice-Chair Plaag wished to amend the motion to add that the project dovetailed nicely with ongoing projects to expand the greenway and connect non-vehicle transportation corridors from the east edge of Boone to downtown. Commission Members Warren and Tippet accepted the amendment.

Vote: Aye – All
Nay – None

The motion passed.

Case PL05419-010622 Historic Preservation Commission Minor Work – UDO Text Amendment

Amend Article 8 Section 4, Statement of Conformity for Minor Work, and Appendix D, Downtown Boone Local Historic District Design Guidelines and Handbook to modify language related to “Minor Work” in the Downtown Historic District to (i) allow certain permanent signs to be approved administratively rather than by hearing before the Historic Preservation Commission, and (ii) correct inconsistent language regarding changes in roofing materials. Conforming amendments may also be made to other Articles.

Vice-Chair Plaag recused himself from this case.

Based upon the discussion during Public Hearing, Commission members agreed to the following language:

- G.** Signs as permitted under Article 26 of the Unified Development Ordinance and adopted Design Standards for a district or landmark:
 1. Temporary signs and/or approved historic house markers
 2. Permanent signs on non-contributing buildings shall be historically appropriate to the period of significance for the district or landmark. The sign shall be of appropriate size, massing, and lighting design relative to the period of significance of the district or landmark
 3. Permanent signs on contributing buildings shall be historically appropriate to the period of significance of the building. The sign shall be of appropriate size,

massing, and lighting design relative to the period of significance to the building and shall not harm, damage, or destroy historic materials or features

- I. Removal of synthetic siding where original siding exists underneath
- J. Installation of new doors, door frames, and associated door sills in tertiary AVCs when new materials are compatible with the original in terms of size, design, and material

This language would transition over to Appendix D, but would only reference the district and not the landmark because Appendix D contained District Design Standards.

Examples of Minor Work include:

- Installation of mechanical systems, air conditioning units, vents, and related equipment in secondary and tertiary AVCs that does not involve alteration to the building
- Installation of patios and sidewalks in secondary and tertiary AVCs
- Change of roofing materials with like materials on flat or low-slope roofs not visible from the street
- Fence installation in secondary and tertiary AVCs
- Installation of skylights within tertiary AVCs
- Installation of storm windows and doors where divided mullions of storm windows and doors align with windows and doors behind
- Signs as permitted under Article 26 of the Unified Development Ordinance and adopted Design Standards for a district:
 - Temporary signs and/or approved historic house markers
 - Permanent signs on non-contributing buildings shall be historically appropriate to the period of significance for the district. The sign shall be of appropriate size, massing, and lighting design relative to the period of significance of the district
 - Permanent signs on contributing buildings shall be historically appropriate to the period of significance of the building. The sign shall be of appropriate size, massing, and lighting design relative to the period of significance to the building and shall not harm, damage, or destroy historic materials or features
- Removal of synthetic siding where original siding exists underneath
- Installation of new doors, door frames, and associated door sills in tertiary AVCs when new materials are compatible with the original in terms of size, design, and material.

First Motion and Vote: Commission Member Tippet made a motion that the proposed amendment to the Town's zoning ordinance, with the revisions discussed, 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

- 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.
- 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.

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

Comprehensive Plan Policy 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.

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.
- C. Wise development of the tourism potential of the area's architectural, historic, scenic and natural resources shall be encouraged.
- D. The destruction of significant architectural, historic, scenic, natural and archaeological resources in the planning area shall be discouraged.
- E. New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town.

The motion was seconded by Commission Member Warren.

Vote: Aye – All
Nay – None
Recused – 1 (Plaag)

The motion passed.

Second Motion and Vote: Commission Member Tippettt made a motion that the Planning Commission recommends approval of Ordinance PL05419-010622 and believes approval is reasonable and in the public interest because the Town desires to modify, clarify, and streamline certain requirements within the Unified Development Ordinance related to work undertaken in designated historic districts. The motion was seconded by Commission Member Warren. Chair Shay wished to amend the motion to add that the proposed amendment preserves staff resources. Commission Members Tippettt and Warren accepted the amendment.

Vote: Aye – All
Nay – None
Recused – 1 (Plaag)

The motion passed.

Other Matters

There were no other matters

Adjournment of Planning Commission

Commission Member Warren made a motion to adjourn the meeting at 11:24 p.m. The motion was seconded by Vice-Chair Plaag.

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

Elizabeth Shay, Planning Commission Chair

Brenda Henson, Board Secretary