

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

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

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

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

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

Call to Order

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

Moment of Silence

A moment of silence was observed.

Approval of Meeting Minutes

Approval of meeting minutes was delayed until a later time.

PUBLIC HEARING

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

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

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

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

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

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

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

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

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

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

Mayor Futrelle invited public comment for this case.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mayor Futrelle invited public comment for this case.

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

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

Ms. Peggy Laine did not speak.

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

Ms. Meredith Macon did not speak.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mayor Futrelle invited public comment for this case.

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

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

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

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

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

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

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

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

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

Ms. Nancy Williamson did not speak.

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

Mr. Darrell Hobbs did not speak.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Adjournment of Town Council and Planning Commission

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

Vote: Aye – 5
Nay – None

The motion passed.

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

Vote: Aye – 5
Nay – None

The motion passed.

Tim Futrelle, Mayor

Brenda Henson, Board Secretary

Adrian Tait, Planning Commission Chair