TOWN COUNCIL AND PLANNING COMMISSION
PUBLIC HEARING MINUTES
MONDAY, MARCH 27, 2023, 6:00 PM
VIA WEBEX SOFTWARE

COUNCIL MEMBERS PRESENT: Mayor Tim Futrelle, Dalton George, Becca Nenow, and Virginia Roseman

PLANNING COMMISSION MEMBERS PRESENT: Elizabeth Shay-Chair, Eric Plaag-Vice-Chair, Chris Behrend, Scott Boyd, John Tippett, Frank Veno, and Smith Warren

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Stacey Miller-Deputy Director of Planning & Inspections & Chief Building Inspector, Christy Turner-Senior Planner, Mike James-Senior Planner, and Brenda Henson-Board Secretary

OTHER TOWN STAFF AND REPRESENTATIVES PRESENT: Allison Meade-Town Attorney, Rick Miller-Public Works Director, Justin Stines-Facilities Maintenance Superintendent

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Call to Order

Mayor Futrelle called the Town Council to order at 6:04 p.m. Chair Shay called the Planning Commission to order at 6:05 p.m.

Moment of Silence

A moment of silence was observed.

Approval of Meeting Minutes

Council Member George made a motion to approve the January 23, 2023, Public Hearing minutes as written. The motion was seconded by Council Member Nenow.

Vote: Aye – 3
Nay – None
Absent – 2 (Tugman, Carter)

The motion passed.

Vice-Chair Plaag made a motion to approve the January 23, 2023, Public Hearing minutes as written. The motion was seconded by Commission Member Behrend.

Vote: Aye-7
Nay – None

The motion passed.

Public Hearing Guidelines

Ms. Jane Shook, the Director of Planning & Inspections, explained the guidelines for each case presented at the public hearing.

PUBLIC HEARING

Case PL06365-122822 Cole, Robert – General Use Zoning Map Amendment

Robert Cole has submitted a General Use Zoning Map Amendment application to request that 190 Chestnut Drive (Watauga County PIN: 2910-39-8092-000) be rezoned from R1 Single Family Residential to R3 Multiple-Family Residential.

Ms. Christy Turner, Senior Planner with the Town of Boone Planning & Inspections Department, presented the request as it was outlined in the meeting packet.

Ms. Allison Meade, Town Attorney, noted that his request was for a general rezoning of the property, not a conditional rezoning for a specific use. When considering this request, she reminded everyone that they would need to look at all of the possible uses allowed in an R3 zoning district. Ms. Meade cautioned against placing any consideration on any representations of use presented by the applicant because this was not a site-specific request.

Mr. Rob Cole, the applicant and property owner, stated that he would like to have 3-4 unrelated people in the house at 190 Chestnut Drive. He noted that Town staff advised him to apply for an R3 zoning to get the occupancy he sought. Mr. Cole stated that the house had two driveways and a garage. He added that the house should have a maximum of four cars and that parking on the site was sufficient.

Mr. Cole stated that the house was located next to the new storage facility, the new access road, and near the new Sheetz. He said Chestnut Drive would provide a natural barrier between his property and the neighboring R1 properties.

Mr. Cole referenced two letters of opposition submitted by Virginia Williams and Bob and Linda Carlough. He stated they were concerned with increased traffic and noted that he thought their concerns were most likely about the increased traffic from the new commercial development adjacent to his property. Mr. Cole contended that allowing one or two more occupants in his house would not significantly increase traffic in the neighborhood.

Mr. Cole noted that a 2021 housing needs assessment found 100% occupancy of rental units in the area. He stated that the study recommended increased housing density. Mr. Cole added that the Town considered that the benefits of the storage facility and Sheetz outweighed any negative impacts, and he asked for the same consideration.

Ms. Meade asked if the property was 7,400 square feet. Ms. Turner replied that was correct. Ms. Meade asked what the required minimum lot size was for properties zoned R3. Ms. Turner stated they were required to be 20,000 square feet. Ms. Meade asked if there were any other requirements of R3 zoning that the subject property did not meet, such as street frontage or lot width. Ms. Shook felt that might be difficult to know without a survey of the property. Ms. Turner noted that a quick measurement on GIS indicated those requirements were met.

Vice-Chair Plaag asked Mr. Cole if it was correct that he purchased the subject property after the storage facility had been approved. Mr. Cole stated that was correct. Vice-Chair Plaag asked Mr. Cole if he was aware that the storage facility would be constructed on the neighboring property when he purchased 190 Chestnut Drive. Mr. Cole replied that he was aware of the construction of the storage facility.

Council Member George felt it was unfortunate that a storage facility would be next to the house. He asked Mr. Cole if he was aware of cottage zoning or conditional district zoning that might have worked for this property. Ms. Turner stated that she discussed conditional district zoning with Mr. Cole, but he did not want to go that route. Mr. Cole added that he was not building anything, so he thought he did not need a conditional district with a site-specific development plan. Ms. Turner explained that the use of the property would be the same, there would just be an increase in occupancy. She stated that if Mr. Cole had requested a conditional district zoning, he would still have to get a variance to allow the increased occupancy. Ms. Shook wished to clarify that zoning the property to R3 as a general use rezoning would allow the occupancy Mr. Cole was seeking, and no variances would be required.

Ms. Meade noted that a conditional district would be more limited because it would be for a specific use. She added that the property did not meet UDO requirements for lot size in an R3. Ms. Shook stated that other rezoning requests had been approved without meeting all of the requirements of the zoning district.

At 6:36 p.m. Mayor Futrelle asked for public comment.

Ms. Carolyn Ward of 253 Chestnut Drive spoke against the rezoning request. She stated she had lived in the neighborhood since 2010. Ms. Ward said that most of the homes in the neighborhood were owner-occupied, and it was hard for working-class families to afford homes in town. She noted that Mr. Cole's house was currently occupied by two girls. Ms. Ward expressed concern about increased traffic and noise. She stated it was okay for the house at 190 Chestnut Drive to be a rental house but felt it should be a rental house for families and remain zoned R1. Ms. Ward thought the rezoning of this property could set a precedent, and other property owners would want to rezone their property. She was upset that she did not get invited to the neighborhood meeting held by Sheetz. Ms. Ward noted that her property was approximately 400 feet from the Sheetz property.

Ms. Linda Carlough of 111 Maple Drive spoke against the rezoning request. She stated she lived across the street from 190 Chestnut Drive and agreed with Ms. Ward's comments. Ms. Carlough said she was also concerned with increased traffic and felt they were losing the neighborhood feel. She was unhappy with the new storage facility and Sheetz. Ms. Carlough also worried about setting a precedent.

Council Member Roseman noted that the house had three bedrooms, and it seemed like Mr. Cole wanted a third person for the third bedroom.

Vice-Chair Plaag stated he was concerned about the repeated threats to R1 neighborhoods. He said he knew people who worked in Boone but could not afford to live in Boone. Vice-Chair Plaag felt that rezoning an R1 property to R3 would be an invitation to convert a single-family residence to student housing. He noted that the property did not meet R3 standards, and he was adamantly opposed to this rezoning.

Council Member George stated that the Town needed neighborhood preservation. He felt that Town Council needed to discuss ways to better inform people who would potentially be impacted by development.

Commission Member Veno stated he was confused by the fact that the applicant was applying for an R3 zoning but did not meet the minimum lot size required for R3 zoning. Ms. Shook noted that not all projects meet all requirements of the zoning district. She added that there could be no new development on this property if it was zoned R3.

Commission Member Tippett asked if rezoning this property would be considered spot zoning due to the fact that there were no other R3-zoned properties in the area. Ms. Meade replied that it could be an issue; however, it was not necessarily illegal. She stated that if there were good reasons and justification for why this property should be zoned R3, it could be lawful. Ms. Meade added that the rezoning could be challenged by the neighbors.

Vice-Chair Plaag asked if the property could be sold to the storage facility so they could increase their footprint. Ms. Shook replied that the storage facility could only use the property for the uses allowed in that property's zoning district.

Mayor Futrelle believed that neighborhoods in Town were in bad shape, and they needed to ensure that they were maintained and safe. He stated that he did not begrudge anyone for using their property adequately. Mayor Futrelle expressed concern that allowing one R1 property to rezone as R3 could cause other R1 properties to want to do the same.

Council Member Roseman stated she lived closed enough to King Street that she could see the businesses and traffic, but it did not bother her. She noted that she chose to live where she did, and she loved her house.

With nothing further, Mayor Futrelle closed the public hearing for this case at 7:04 p.m.

Case PL06330-120922 Spring Hill Suites – Conditional District Zoning Map Amendment

Mansa Hospitality Boone, LLC has submitted a Conditional District Zoning Map Amendment application to rezone four parcels of property located at and near the intersection of US 421 South and Bub Teems Road (Watauga County PINs: 2920-09-6331-000, 2920-09-7251-000, 2920-09-6177-000 and 2920-09-7187-000) from B3 General Business and RA Residential/Agricultural to B3 General Business with a site-specific plan to develop a 104-room hotel (Use 3.10 – Hotel Large).

Mr. Mike James, Senior Planner with the Town of Boone Planning & Inspections Department, presented the request as it was outlined in the meeting packet. He noted that there were four parcels, one of which was split-zoned as R3 and RA. This request, if approved, would rezone the split-zoned property to B3 and allow for the development of a 104-room hotel.

Mr. Jay Shah with Mansa Hospitality Boone, LLC stated there would be no conference center or business center in the hotel. He noted that the development would have been allowed by right if the middle parcel had been zoned B3. Mr. Shah stated that the development would be at a higher elevation than Hwy 421 and Bub Teems Road. He felt that the hotel would create a positive economic impact and increase employment in Town.

Mr. James stated that the property was located in the Corridor District, but the applicant had requested an entrance onto Hwy 421 instead of Bub Teems Road. He noted that this information was contained in the traffic impact analysis located in the meeting packet.

Council Member George asked about impacts on any streams or the river. Mr. Brandon Wise, Environmental Planner with the Town of Boone Planning & Inspections Department, replied that there was a stream on the property that was piped though there was a portion of the stream was daylighted. Council Member George stated that East Boone was the only area for the Town to grow. He asked Council members to make sure this type of development was what they wanted to see along this major corridor.

Vice-Chair Plaag noted that about 1/3 of the site was located in the 500-year floodplain and a smaller portion was located in the 100-year floodplain. He asked how flooding would be mitigated. Mr. Wise replied that the building would be located outside of the 100-year floodplain. He noted that the plans indicated there would be an underground storage system that would contain any new runoff. Vice-Chair Plaag asked if the building would be elevated. Mr. Kory Hedrick with K2 Engineering replied that the building would be elevated.

Vice-Chair Plaag stated that there seemed to be a discrepancy in the data points in the parking and traffic analysis. He noted that the parking study was done in late January, on a day when the high temperature was 50 degrees. Chair Plaag did not feel that this was a true reflection of a peak demand period. Additionally, the study showed that between eight o'clock and 10 o'clock in the morning, there was an increase of 28 vehicles entering the parking lot on Saturday, yet the traffic study suggested that during the am peak, there would be an average of 25 vehicles entering. Vice-Chair Plaag stated that these types of issues caused him to worry about the validity of traffic and parking analyses. Mr. Shah replied that the study was done in January because of the timing of their application submission and the hearing. He added that there was no foul play or ill intention with the timing of the study or the temperature of the day.

Chair Shay noted that a level of service for pedestrians was not included in the traffic study. Ms. Shook replied that the UDO did not require a pedestrian survey. Chair Shay felt a pedestrian survey was important in this area. Mr. James added that sidewalks were proposed on King Street and Bub Teems Road along the applicant's property lines. Ms. Shook asked if the sidewalk on King Street would connect with the sidewalk at the new apartment complex currently under construction. Mr. James stated that there was a parcel in between the two properties so the sidewalk would not connect.

Council Member Roseman asked why there was a sliver of R3-zoned property in between the B3-zoned properties. Ms. Shook explained that a portion of the property was rezoned when it belonged to Hampton Estates.

Vice-Chair Plaag referenced a letter that was submitted by Ms. Fulk and Ms. Kindley that indicated they were neighboring property owners. He stated that their letter indicated their property was split-zoned as B3 and RA. Mr. James replied that he had found no record of their parcel being zoned anything other than B3.

Vice-Chair Plaag stated that the applicant proposed a left and right turn out of their parking lot onto Hwy 421. He asked if there were any other recently rezoned parcels located on a 45-mile-per-hour road in Town that was allowed, as part of a conditional district zoning approval, a left turn across what amounted to five lanes of traffic from that new development. Mr. James replied that he would have to research that because he did not know the answer. Vice-Chair Plaag asked if there was a right turn only, what sort of downstream consequences would there be for traffic flow and traffic patterns. Ms. Shook stated that The Collection Apartments, which was near the subject property, through a special use permit, had a full access driveway.

Ms. Shook asked Mr. James if DOT had reviewed the scope for the TIA. Mr. James replied that DOT had reviewed the TIA. He noted that he had spoken with and emailed Carson with DOT. Mr. James stated that DOT was fine with the left and right turn out of the parking lot onto Hwy 421.

Vice-Chair Plaag asked if there were any recommendations from DOT regarding access. Mr. James replied that DOT recommended a right-turn deceleration lane, which was included in the applicant's site plans.

Ms. Shook stated that the Town currently had no standards that would limit a parcel to only having a right-in and right-out. She added that DOT controlled access onto Hwy 421. Ms. Shook expressed concern about where traffic would turn around if there was a right-out only.

Council Member Roseman questioned the property lines that were shown. Ms. Meade felt there could be some difference in the survey that what was represented on GIS. Mr. James added that the four parcels would be combined into one parcel and that parcel would reflect what was presented in the survey shown in the meeting packet.

Vice-Chair Plaag asked if the subject property was in the primary growth area. Ms. Shook replied that it was.

At 7:46 p.m. Mayor Futrelle invited public comment.

Mr. Jeff Patton stated if traffic had to turn right out of the hotel, they would likely try to turn around in his driveway. He felt the plan that was presented was good. Mr. Patton expressed concern about the sidewalk on Bub Teems Road going to nowhere. He noted the 20-foot elevation difference from the hotel to Bub Teems Road and the proposed retaining wall. Mr. Patton asked how that would look from Bub Teems Road. Mr. Hedrick replied that there would be a slope to the first retaining wall, there would a landscaped area, then another retaining wall. Mr. Patton noted the proposed detention pond for storm drainage and asked if any upgrades would be done to ensure the water got to the New River. Mr. Hedrick replied that the proposed stormwater management system should limit the amount of water leaving the site to a pre-development rate so there would be no increased flow during specified rain events. He stated there were no anticipated downstream improvements.

Council Member Roseman asked if the proposed sidewalk along Bub Teems Road could be removed and instead placed down Hwy 421 toward the bridge. Ms. Shook replied that the UDO required that new developments install sidewalks along roads bordering their property. She stated that the Town could not require a property owner to install a sidewalk along property that they did not own. Ms. Shook noted that a multi-modal path was planned for the opposite side of the highway she noted that there had been conversations with NCDOT about including the side of the proposed development as well. She asked Mr. Miller, Director of Public Works if he could provide any clarification.

Mr. Rick Miller, Director of Public Works, stated that the multi-modal path planned for the opposite side of the highway was approved but the Town and NCDOT had only preliminary conversations about another multi-modal path on this side of the highway.

Council Member Roseman felt it would be more beneficial to have a sidewalk along Hwy 421 to safely get pedestrians to the Greenway and Brookshire Park. Vice-Chair Plaag noted that there were almost 25 homes in that area that had the potential to use the sidewalk along Bub Teems Road.

Mr. Miller stated that extending the sidewalk along Hwy 421 within the state right-of-way would have to be done through encroachment agreements with DOT. He noted that this would not involve a property owner so the Town would have to fill out paperwork. Mr. Miller stated it would take time but it could be done.

Ms. Meade asked the applicant if there were any franchise agreements that would prohibit the installation of the sidewalk farther on Hwy 421 in lieu of installing the sidewalk along Bub Teems Road. Mr. Paul Gage replied that he was not aware of any requirements through Marriott regarding sidewalk installation. He added that they had followed the ordinance requirements. Mr. Shah added that the municipality had the requirements for the sidewalks, not the franchise.

Vice-Chair Plaag stated it was approximately 190’ from Bub Teems Road to New River Hills. The proposed sidewalk along Bub Teems Road was approximately 380’. Vice-Chair Plaag suggested installing a small section of sidewalk up Bub Teems Road, then installing the remaining footage of sidewalk along Hwy 421 to New River Hills.

Ms. Meade asked what would be between the sidewalk and the retaining wall along Bub Teems Road. Mr. Hedrick replied that most of this area was in the DOT right-of-way and would be grass.

With nothing further, Mayor Futrelle closed the public hearing for this case at 8:08 p.m.

Ms. Shook noted that though she and Ms. Meade had worked on the revisions to the sign text but they were not ready for Planning Commission to discuss the revisions at tonight’s meeting and noted that the Planning Commission would make a decision at their meeting on when to continue discussion.

<u>Adjournment of Town Council</u>

Council Member Roseman made a motion to adjourn the Town Council at 8:09 p.m. The motion was seconded by Council Member George.

Vote: Aye – All
Nay – None

The motion passed.

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

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Elizabeth Shay, Planning Commission Chair

Continuation of Planning Commission Meeting

Chair Shay called a break in the meeting from 8:10 p.m. until 8:17 p.m.

Public Comment

There was no additional public comment made.

Approval of Planning Commission Meeting Minutes

Vice-Chair Plaag made a motion to approve the January 23, 2023, Planning Commission meeting minutes as written. Commission Member Behrend seconded the motion.

Vote: Aye – All
Nay – None

The motion passed.

Case PL06365-122822 Cole, Robert – General Use Zoning Map Amendment

Robert Cole has submitted a General Use Zoning Map Amendment application to request that 190 Chestnut Drive (Watauga County PIN: 2910-39-8092-000) be rezoned from R1 Single Family Residential to R3 Multiple-Family Residential.

Ms. Turner reminded Commission members that they would need to consider all possible uses allowed in an R3 zoning district when considering this request.

Commission Member Tippett noted that while adding one more car on the property would not have a big impact on traffic he noted he had concerns that the property did not meet the minimum lot size required in an R3 zoning district and was concern about spot zoning. He said he was opposed to this request, and noted that the owner could still rent the house under the R1 guidelines.

Chair Shay stated the rules about unrelated people living together seemed to work at cross purposes with the desire to have more housing. She noted that unrelated people could be perfectly lovely neighbors and related people were not always the best neighbors. Chair Shay added that this application seemed to be the wrong tool for the problem. She stated that the parcel being 7,000 square feet instead of the minimum lot size of 20,000 square feet was a problem. Chair Shay noted that general rezoning requests could not be considered as the specific uses described by the property owner.

Commission Member Veno stated he was opposed to this request because it could set a precedent.

Vice-Chair Plaag felt he had made his position on this particular case clear during the public hearing. He stated that Mr. Cole purchased this property after the approval of the proposed storage facility that would be right next to this house. He also knew that there were discussions about what would happen on the parcel opposite the new cut-through road and that there would be a new cut-through road. Vice-Chair Plaag stated that both the Planning Commission and the Town Council needed to make R1 neighborhoods their top priority.

Commission Member Warren agreed with all of the concerns that had been raised.

Ms. Shook wished to provide some clarification regarding the notification to the neighbors during the Sheetz project. She explained that the ordinance required a 150-foot notification to adjacent property owners when a special use permit was requested. Ms. Shook stated that the Sheetz project did not require a neighborhood meeting but the applicant decided to hold one as a courtesy. She noted that the applicant notified property owners within 150 feet of their property, just as the Town did. Ms. Shook added that state law only required adjoining property owner notification, so the Town went above and beyond with a minimum 150-foot notification. Ms. Shook stated she would have a discussion with Town Council regarding the Town's process for property owner notification.

Chair Shay asked why Mr. Cole was guided toward a General Use Zoning Map Amendment. Ms. Turner replied that she had provided Mr. Cole with his options and explained the Conditional District Zoning Map Amendment process, but he chose to seek a general rezoning.

First Motion and Vote: Vice-Chair Plaag made a motion that the proposed amendment to the Town's zoning map is not consistent with the Town's comprehensive plan and any other adopted plans of the Town that are applicable because approval would violate the following portions of the Comprehensive Plan:

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.

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

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

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

The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed.

Second Motion and Vote: Vice-Chair Plaag made a motion that the Planning Commission recommends denial of the proposed ordinance and believes denial is reasonable and in the public interest because the proposed zoning change would result in a zoning classification on a lot that does not meet the requirements of that zoning classification. The proposed zoning reclassification would endanger the stability and viability of the existing R1 neighborhood surrounding the subject parcel. The motion was seconded by Commission Member Behrend.

Vote: Aye – All

Nay – None

The motion passed.

<u>Case PL06330-120922 Spring Hill Suites – Conditional District Zoning Map Amendment</u>

Mansa Hospitality Boone, LLC has submitted a Conditional District Zoning Map Amendment application to rezone four parcels of property located at and near the intersection of US 421 South and Bub Teems Road (Watauga County PINs: 2920-09-6331-000, 2920-09-7251-000, 2920-09-6177-000 and 2920-09-7187-000) from B3 General Business and RA Residential/Agricultural to B3 General Business with a site-specific plan to develop a 104-room hotel (Use 3.10 – Hotel Large).

Vie-Chair Plaag noted that two motorcycle parking spaces were required but the current site plan did not show those spaces. He stated that the staff report said compliance would be finalized during the zoning permit process, and asked what that comment meant. Mr. James explained that the required motorcycle parking spaces would have to be added to the plan during the zoning permit process. Vice-Chair Plaag asked if they would need to make that a condition of approval. Mr. James replied that it would not need to be a condition of approval because all applicable UDO requirements would have to be met to issue a zoning permit.

Commission Member Behrend thought the project looked good and felt it made sense to change the zoning from R3 and RA to B3.

Commission Member Veno agreed that it was a good project. He noted that a lot of time, effort, and money had gone into planning this project. Commission Member Veno asked why the applicant had not taken care of the rezoning issue before all of the project preparation was done. Ms. Shook replied that requesting a site-specific development plan provided more assurances than a general rezoning. Additionally, the current property owner did not own all four parcels previously.

Commission Member Tippett asked if there was a fund that the Town budgeted for sidewalk installation or if there were matching fund requirements with DOT. Mr. Miller replied that Public Works was usually allocated between $15,000 and $25,000 for sidewalk construction throughout the year. He stated that DOT only participated if the project was approved through the STIP (State Transportation Improvement Program) plan process. Mr. Miller noted that the multi-modal path planned for the north side of Hwy 421 was one of those projects. He stated that the Town had set aside money for the last five years totaling $100,000 to go toward this project. The proposed path would extend from Grove Street to the Brookshire property. Mr. Miller noted that the Town's portion of the construction cost was 20%, or $500,000. He stated that if they were to build a sidewalk on the opposite side of the highway, they would have to use the funds that were allocated to them or request money from the general fund through a budget amendment.

Commission Member Tippett stated he was reluctant to do any trade-offs. He said he supported the project with the conditions but was reluctant to shorten the sidewalk on Bub Teems Road. Commission Member Tippett also recognized the benefit of a sidewalk along Hwy 421 that would offer safer access to the Greenway.

Vice-Chair Plaag stated he would like to see a condition, if the arrangements could be made with DOT to secure permission through the right-of-way on Highway 421 between Bub Teems Road and New River Hills Road, that a sidewalk be installed that would create a direct path over to the Greenway access on New River Hills Road. This would allow hotel guests to walk down to New River Hills Road, go onto the underpass, and go over to Brookshire Park or the brewery. Vice-Chair Plaag felt that a portion of the sidewalk could also be installed on Bub Teems Road.

Vice-Chair Plaag expressed concern that allowing left-hand turns onto Hwy 421 would be hazardous. He noted that the speed limit was 45 miles per hour and the traffic lights were not close enough to the property to slow cars down. Vice-Chair Plaag asked if the cycling of the traffic lights could be changed so that they turn red more often. Mr. Miller replied that the Town could approach DOT about that possibility, but noted that DOT's main concern was keeping the traffic moving, not pedestrian safety. He stated that the traffic impact analysis did not have anything derogatory in it. Mr. Miller noted that the TIA was completed by an engineer and in order to question that engineer, the Town would have to hire an engineer to verify all the information in the TIA was correct. He added that an engineer would usually agree with another engineer. Vice-Chair Plaag stated it was really a matter of traffic safety because turning left on a busy highway would create a lot of near misses or accidents.

Vice-Chair Plaag stated that generally speaking, he was satisfied with the answers the applicant gave to his questions and he was supportive of the project with the condition of the possible sidewalk installation change.

Commission Member Veno asked if the speed limit in that area could be reduced from 45 miles per hour to 35 miles per hour. Mr. Miller replied that the ordinance required this type of request to come from Town Council in the form of a resolution. He stated that if the procedural steps were followed, that request could be submitted to DOT for their consideration. Mr. Miller noted that they could only request a change inside Town limits.

Commission Member Behrend stated there was a middle lane at the proposed driveway. She noted that some people were very good at using the lane and some were not.

Ms. Shook reminded Commission members that any conditions would need to be accepted by the applicant.

Vice-Chair Plaag asked if there would be a consensus of Commission members to ask the Town Council to do a resolution to DOT requesting the speed limit be reduced to 35 miles per hour from the Toyota dealership to the Nissan dealership if the project was approved. There was a consensus of Commission members.

Ms. Shook asked Mr. Shah if he would accept a condition, if it could be worked out, to split the distance of the sidewalk between a portion of Bub Teems Road and Hwy 421 to New River Hills Road. Mr. Shah replied that he thought he could get his group to agree to a linear foot to linear foot swap as long as it was okay with the Town and DOT.

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

Comprehensive Plan Policy 2.1.1 Economic Development

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

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

Comprehensive Plan Policy 2.2.5 Environmental Health

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

D. Runoff and drainage from development activities shall be of a quality and quantity as near to natural conditions as possible, with special emphasis given to critical watershed areas.

Comprehensive Plan Policy 2.3 The Community

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

The motion was seconded by Commission Member Tippett.

Vote: Aye – All
Nay – None

The motion passed.

Second Motion and Vote: Commission Member Veno made a motion that the Planning Commission recommends approval of Ordinance PL06330-120922 and believes approval is reasonable and in the public interest because the company has presented a well-thought-out plan and well-engineered plan that is consistent with the Town's standards. Vice-Chair Plaag wished to amend the motion to add the condition that if NCDOT approval can be secured that the statutorily required sidewalk installment along Bub Teems Road will be instead split in a linear foot for linear foot swap to include a portion of Bub Teems Road and the portion of UD 421 between Bub Teems Road and New River Hills Road.

Mr. James asked if a time limit could be placed on DOT's approval so that this condition could be enforced. Ms. Shook noted that encroachment agreements had to be applied for with their driveway permit, so she suggested that this might be an appropriate time to request approval from DOT for the sidewalk. Vice-Chair Plaag suggested a suitable time limit that would allow for appropriate back and forth with DOT without delaying the construction's progress. He added that if the change to the sidewalk placement was not allowed or easements could not be secured, the applicant would be required to install sidewalks as originally required by the UDO.

Vice-Chair Plaag asked that the staff conditions also be applied to the approval. Commission Member Veno accepted the suggested amendments to his motion. The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed.

Motion and Vote: Vice-Chair Plaag made a motion that if the Town Council chooses to approve this project, they simultaneously to their approval also prepare a resolution to request of DOT that the speed limit from the Toyota dealership on US 421 to the Nissan dealership on US 421 be reduced from 45 miles per hour to 35 miles per hour in both directions. The motion was seconded by Commission Member Veno.

Vote: Aye – All
Nay – None

The motion passed.

Other Matters

Ms. Shook noted that she and Ms. Meade were still working on the text revisions for temporary signs. She asked that a special meeting be scheduled for Planning Commission to discuss and make recommendations on the revised sign text. Ms. Shook stated that this meeting would be in lieu of the regular Planning Commission meeting scheduled for April 24. After some discussion, a special Planning Commission meeting was scheduled for Monday, April 17, 2023, at 6:00 p.m. via WebEx.

Chair Shay stated that her term on the Planning Commission would end on June 30, 2023, and she would not be seeking reappointment.

Ms. Shook noted that the terms for Commission Members Tippett and Boyd would also expire on June 30, 2023.

Commission Member Behrend asked how long Planning Commission would be having virtual meetings. Discussion ensued and it was concluded that the majority of Commission members preferred virtual meetings.

Adjournment of Planning Commission

Commission Member Behrend made a motion to adjourn the meeting at 9:28 p.m. Vice-Chair Plaag seconded the motion.

Vote: Aye – All
Nay – None

The motion passed.

______________________________________ ______________________________________

Elizabeth Shay, Planning Commission Chair **Brenda Henson, Board Secretary**