

**TOWN COUNCIL AND PLANNING COMMISSION
PUBLIC HEARING MINUTES
MONDAY, MAY 29, 2024, 6:00 PM
1500 BLOWING ROCK ROAD AND VIA WEBEX SOFTWARE**

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

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

HISTORIC PRESERVATION COMMISSION MEMBERS PRESENT: Vardell Smyth-Chair, Bettie Bond-Vice-Chair, Krystal Carter, Hannah Williams, and Jerry Williamson (all members participated via WebEx from the Planning and Inspections Conference Room)

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

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

Call to Order

Mayor Futrelle called the Town Council to order at 6:00 p.m. Chair Tait called the Planning Commission to order at 6:01 p.m. Chair Smyth called the Historic Preservation Commission to order at 6:01 p.m. The meeting was held in the Town Council Chambers at 1500 Blowing Rock Road and via WebEx.

Moment of Silence

A moment of silence was observed.

Approval of Meeting Minutes

Council Member Plaag moved to approve the March 25, 2024, April 3, 2024, and April 22, 2024, Public Hearing minutes. Council Member Roseman seconded the motion.

Vote: Aye – 5
Nay – None

The motion passed.

Chair Tait moved to approve the March 25, 2024, April 3, 2024, and April 22, 2024, Public Hearing minutes. Vice-Chair Veno seconded the motion.

Vote: Aye – 5
Nay – None

The motion passed.

PUBLIC HEARING

Mayor Futrelle reviewed the guidelines for public hearings. He noted that there were a lot of members of the public to speak and advised that each speaker would have three minutes to present their comments.

Cases A24-0107, A24-0109, and A24-0110 Rivers Property – Local Historic Landmark

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

Council Member Plaag disclosed that he used to be the Chair of the Historic Preservation Commission, had helped former HPC intern Ellie McCorkle, and had done a lot of the work on this proposal. Ms. Meade stated that she did not feel that Council Member Plaag had a conflict that would cause him not to participate as a Council member on this request.

Jessica Mitchell, Advanced Planning Specialist, presented the request as outlined in the meeting packet. She noted that the three parcels to be designated encompassed the parcel with the house and garage, with the interior being excluded, the drive leading to the house and garage, the Daniel Boone Monument and Rivers Park, the land along the ridgeline to the north/northwest of the house, the area known as Rachel's meadow, and the North Carolina State champion sugar maple tree named Baby.

There was no public comment on this case.

Council Member Roseman asked how the Town would be prevented from using the property if it was designated. Ms. Meade replied that the Local Historic Landmark designation would not change the Town's use of the property. She noted that certain deed restrictions were already in place on the property, and the Town had and would continue to respect those. Additionally, anything that would change the exterior or significantly change the landscape or hardscape of the property would be subject to review under the Landmark standards.

With nothing further, Mayor Futrelle closed the public hearing for this case at 6:21 p.m.

Case A23-0634 Horton Hotel – Local Historic Landmark

SPA Properties I, LLC, has filed a Local Historic Landmark Application to designate the property at 611 West King Street (Watauga County PIN: 2900-88-3953-000), commonly known as the Horton Hotel, as a local historic landmark.

Council Member Plaag disclosed that his client was the applicant for this request, and he would be recusing himself from Town Council for this case to make a presentation on his client's behalf.

Mike James, Commercial Zoning Administrator, presented the request as outlined in the meeting packet and introduced Paul Passina, one of the owners of the Horton Hotel.

Dr. Eric Plaag with Carolina Historical Consulting, LLC, stated that this building's architecture was strikingly sophisticated compared to other commercial buildings that preceded it. The period of significance included in the designation was a single year (1929), denoting its association with Horton before Horton's loss of the building following the 1929 stock market crash. Dr. Plaag provided a brief history of Horton's life and a timeline of his businesses in early Boone. He noted that Horton was an early proponent of the major commercial and residential building campaign from 1919 to 1929 in Boone that completely transformed Boone's downtown.

Dr. Plaag stated that the H.W. Horton building retained its general integrity of design, workmanship, and materials through the existing architectural elements, such as the original masonry and masonry patterns, the original wagon wheel medallions, the stunted battlements, the truncated shed roof of Terracotta tiles, the stepped back brick parapet, and the original existing freeze plate that still bore Horton's name. He noted that the adverse impact of the rooftop addition, which was visible from a distance at higher elevations, was mitigated by the fact that it was set back from the north parapet. Dr. Plaag stated that the surviving features of the building continued to convey integrity of feeling.

There was no public comment on this case.

With nothing further, Mayor Futrelle closed the public hearing for this case at 6:35 p.m.

HPC Chair Smyth adjourned the Historic Preservation Commission at 6:35 p.m.

Case A24-0269 Nolt – General Use Zoning Map Amendment

In conjunction with a request for voluntary annexation, the Town of Boone has initiated the zoning of property at 1585 and 1587 US Highway 421 North, owned by Todd and Jessica Nolt. The zoning districts that are to be considered include R1 Single-Family Residential, R1S Small Home Residential, R1A Single-Family Residential with Accessory Dwelling, R2 Two-Family Residential, or R3 Multiple-Family Residential along with the Corridor District overlay.

Mr. James presented the request as outlined in the meeting packet. He noted that there would be non-conformities regardless of the zoning classification applied because the property contained two single-family homes, setback requirements were not met, and the structures were only nine feet apart.

Council Member Tugman asked if the staff had a recommendation they believed would be the most appropriate for the property. Mr. James replied that the staff did not typically make recommendations. He noted that the property was zoned R3 when it was in the ETJ, and several properties around it were zoned R3. He pointed out that no zoning classification allowed two single-family homes of roughly the same size on the same parcel. Mr. James stated that the interior setback requirement for all of the zones under consideration was either 13 or 14 feet, and this parcel had setbacks well below that requirement on the eastern side.

Mr. James noted that the property next door was owned by the applicant and used as his primary residence. He stated that one of the homes was occupied by four renters, and the other was occupied by three, which was not allowed in every zone. Mr. James added that the back of the property was quite steep, making the development of any additional structures prohibitively expensive. He stated that given the uniqueness of the property and the two structures on it, an R3 zoning designation might be an appropriate consideration.

Council Member Plaag asked if the original purpose of the annexation request was to get access to town water and sewer. Mr. James replied that it was, and more specifically it was for sewer due to a rapidly deteriorating septic system.

Council Member Plaag asked how many dwelling units were in each building. Mr. James replied that they were both single-family homes, so four people lived in one single-dwelling unit, and three lived in the other. Council Member Plaag asked if zoning the property as R1S would create more non-conformities. Mr. James stated that was correct. Council Member Plaag noted that an R3 zoning could invite any uses and intensities listed in the Table of Principal Uses. He stated that an R2 zoning was essentially a two-family situation. He suggested that the two separate structures might act as a two-family situation even though they did not share a common wall.

Todd Nolt, the property owner and applicant, verified that he was trying to obtain Town water and sewer due to a rapidly declining septic system. He added that he was not really aiming to annex into the Town, but that was the process of receiving the services. Mr. Nolt stated that he had no intention of doing anything different with the property.

Council Member Roseman agreed with Council Member Plaag regarding the R2 zoning. She expressed concern about what the property could become if it were zoned R3 and sold. Council Member Roseman stated that the town needed to strive to protect the availability of homes for people in this community.

Council Member Carter asked if the subject property could be a flag lot. Mr. James replied that he did not analyze the property as a potential flag lot. Jane Shook, Director of Planning & Inspections, added that the second dwelling unit on the property would not meet the interior setback requirements for a flag lot.

Ms. Shook stated that this request was due to a hardship connection, which was covered in Town Code 50.29. As part of the hardship allowance to connect to the Town's water and sewer, the code stated that no change in the use of the property was planned or anticipated. She noted that the applicant had indicated there was no anticipated change of the use or occupancy. Ms. Shook added that occupancy could not be grandfathered. She asked Ms. Meade what that would mean for this applicant. Ms. Meade replied that there were two separate, difficult questions here. One was the treatment of the current occupancy and whether or not that comes in as a legal non-conformity. The second was the suggestion that the use would be locked in under Chapter 50, Hardship Connection. Ms. Meade stated that she believed that section gave the Town the right to terminate service if the use was subsequently expanded. She further believed that the Hardship Connection code was written more about a property not annexed but outside of the Town limits. Ms. Meade stated that a property that was annexed would be subject to the usual UDO rules and treated like any other property in the Town limits and could change use in conformity with the requirements of the UDO.

Ms. Shook noted that UDO Subsection 14.04.03 indicated the number or identity of occupants in a dwelling, whether consisting of family or unrelated individuals, did not constitute a use and could not create a legal non-conformity. Ms. Meade wondered if the situation differed when a property was annexed. She stated that Ms. Shook did not think it was the case that occupancy should be treated differently for an annexed property, and if the occupancy rules did apply, they would need to make clear to the applicant what that would mean for his rentals.

Mayor Pro Tem George stated that he, too, had concerns about the occupancy and felt that an R3 zoning might be better suited to this property. He thought that other zoning classifications might displace renters. He added that there was R3 zoning all around this property. Mayor Pro Tem George stated that they often talked about Boone being limited in its ability to grow, and the only way to do it was through voluntary annexation.

Ms. Meade stated that some part of that spirit had her more concerned about prohibiting occupancy non-conformities when they came through annexation instead of what would apply through normal UDO channels. She indicated she could research this further and see if there might be discretion for the Council to permit this property to come into Town with the existing occupancy non-conformities and allow them to stand regardless of the chosen zoning district.

Council Member Plaag asked if the current occupancy would be conforming if the property were zoned R3. Mr. James replied that was correct. Council Member Plaag stated that his reason for bringing up the R2 was not to express an objection to R3 but to try to figure out what this property would be most like in terms of the Town's existing zoning classifications. He added that he shared Council Roseman's concerns about the possibility of a four-story, twelve-unit apartment building going up. Still, he also heard that the property was zoned R3 when it was in the ETJ, and there was no problem with that then. Council Member Plaag also agreed with Mayor Pro Tem George's concern about removing beds given the current housing crisis. He stated that the property had existed effectively as an R3 property for decades, so he would support the R3 zoning that the applicant originally requested.

Council Member Roseman stated that she stood by her desire to have the property zoned R2 with grandfathering so that this applicant could continue using it as he had been. She felt that this would give the Town more control if the property owner wanted to change the use in the future.

Council Member Tugman asked if it was correct that there would still be a non-conformity if the property were zoned R3. Mr. James replied that was correct.

Mr. Nolt thanked Public Works for their work and stated they were an outstanding group. He also thanked Mr. James for helping him walk through this process.

With nothing further, Mayor Futrelle closed the public hearing for this case at 6:57 p.m.

Case A24-0273 Rich – General Use Zoning Map Amendment

In conjunction with a request for voluntary annexation, the Town of Boone has initiated the zoning of properties at 389 Eastview Dr. (Watauga County PINs: 2901-91-6572-000 & 2901-91-4666-000) owned by the Priscilla Rich Living Trust to R1-A Single-Family Residential with Accessory Dwelling along with the Viewshed Protection District overlay.

Brandon Wise, Deputy Director, presented the request as outlined in the meeting packet.

Council Member Plaag asked how the water would get to this parcel because there was a significant elevation where the water line was located in the curve on Junaluska Road. The property owner, Priscilla Rich, replied that she owned the vacant parcel to the left of the parcel containing her house, the water line was run across the vacant lot from Tall Timber Trail, and a booster pump was installed.

With nothing further, Mayor Futrelle closed the public hearing for this case at 7:00 p.m. and called a break from 7:01 p.m. until 7:15 p.m.

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

Mediation & Restorative Justice Center has submitted a Conditional District Zoning Map Amendment to rezone property located at 504 Green Street (Watauga County PIN: 2901-51-2050-000) from R1A (Single-Family Residential with Accessory Unit) to OI (Office Institutional) with a site-specific plan to develop a Use 2.04 Residential Re-Entry Facility Category 2 (currently referred to in the UDO as Halfway House Category 2).

Mr. James presented the request as outlined in the meeting packet.

Mollie Bolick with Homestead Recovery gave a PowerPoint presentation explaining the background and function of the program. She stated that recovery housing was for people in the action and maintenance stage of their recovery, not for transient living or crisis stabilization. She added that by the time a person made it to recovery housing, a lot of effort had gone into their recovery. Ms. Bolick noted that recovery housing provided a substance-free, safe, structured, and healthy living environment for people in recovery from substance use disorders that promoted their recovery, wellness, and reintegration into the community.

Ms. Bolick stated that there were currently no recovery housing programs in Watauga County, so all residents had to go elsewhere to access this type of recovery support. She noted that since August 2022, they had placed 176 people in recovery housing or residential treatment outside Watauga County. Currently, they have 38 clients living in recovery housing or residential treatment in other areas of the state. She stated that in 2023, they had logged over 20,000 miles transporting clients to recovery support services, a painful reminder of the lengths many people must go to access recovery services in rural Appalachia. Ms. Bolick noted that recovery housing had been identified as a critical need by various local community action groups, including the Watauga Housing Council, Watauga Community Justice Coalition, High Country Reentry Collaborative, Watauga Community Mental Health Project, and the Stakeholder Group.

Ms. Bolick stated that their recovery homes would be structured and supportive home living environments guided by program policies and procedures that utilized best practices and experience from similar successful recovery residences, including but not limited to a thorough admissions policy, application and interview process, security and oversight, including security cameras on the exterior of the property and staff to oversee operations, a good neighbor policy to promote cohesive neighborhood dynamics and intentionality in preserving existing neighborhood norms, shared living agreements to support healthy boundaries, accountability, and relationships within the home, alcohol, and other drug testing to further promote a substance-free environment, curfew and quiet hours to promote healthy routines, structure, and to minimize disturbances to others, and a no visitors policy to protect the peace and privacy of residents and the neighbors. She stated that a housing coordinator would oversee all operations, and they intended to establish a live-in senior resident for each home that assisted the housing coordinator with the day-to-day responsibilities of the house. She added that the program was designed in phases, from the most accountability at phase one to the least restrictive at phase three. As residents practiced continued growth and accountability to prepare them for successful independent living, they would be reviewed for promotions through the program monthly. Ms. Bolick stated that through all phases, the residents were expected to develop an individualized recovery case plan with staff and be actively working towards their recovery and wellness goals, remain free of alcohol and other drugs, including cannabis products, abide by all program policies, pay service program fees to contribute to their living costs, actively, regularly, and continuously participate in the recovery process, and live an active lifestyle through employment, attending school, volunteering, and other activities that support their upward mobility.

Ms. Bolick stated that as part of their commitment to support and retain local community members, admissions priority would be given to Watauga County residents for these two homes. Residents must be in recovery from a substance use disorder, be substance-free at the time of acceptance and moving in, and consent to a background check that did not produce anything concerning that might cause them to be unsuccessful in a group living environment in a residential neighborhood. Ms. Bolick noted that residents must agree to reside and participate in the program for at least six months before acceptance. Still, they would be encouraged to stay for a year to ensure adequate time and support in the program and to reduce the number of people moving in and out of the home.

Ms. Bolick stated that they recognized there was a lot of stigma and fear around recovery and recovery services, so they tried to have meaningful conversations with people because all people's feelings were valid and deserved to be heard. She added that everyone had a reasonable expectation of feeling comfortable in their home.

Ms. Bolick stated that this project was selected to receive funding by the Watauga County Commissioners through an application process for Watauga County opioid settlement dollars. She added that this funding was being channeled directly back into the community to repair the harm caused by the over-prescribing and false marketing of prescription opioids and would allow them to invest more into the project versus many recovery housing programs that were established based on the revenue of resident program fees.

Ms. Bolick explained that the owners of 504 Green Street and 208 Sunset Drive offered to rent these homes to them for recovery housing because of a deep connection to addiction and recovery. Because of that, they chose to call their recovery housing project The Homeplace. Ms. Bolick stated that David and Rachel Sanders owned the Green Street property, and they lost a family member to addiction. By offering their property, they hoped that people would have more opportunities than their brother did and fewer people in Boone would be forced to leave their support systems in pursuit of recovery. In his memory, they plan to name this home the Shannon House.

Ms. Bolick noted that the Sunset Drive property was owned by Georgia and Eugene Potter, the mother and stepfather of their peer support specialist, Pam Greer. She stated that in 2012, Pam was sentenced to 63 months in prison for drug-related offenses. When she was released, Pam went to halfway housing in Asheville, and her mother, Georgia, drove two hours to see her.

Ms. Bolick stated that the 2800 square foot home at 504 Green Street was currently zoned R1A single-family residential with an accessory dwelling. She noted that it had five bedrooms, three bathrooms, and mature trees and shrubs in a large backyard. Ms. Bolick added that the property had been used mainly as a student rental since being owned by David and Rachel Sanders. She stated that they proposed to rezone the property as OI to allow a halfway house with six or more people. This location would be the men's home. Ms. Bolick stated that the property was adjoined by R1, R1A, and R3 zoned properties. She anticipated a reduction in noise in the Green Street neighborhood from the use of the property as a recovery residence because a group of students previously rented the residence, and the noise level was consistent with the congregate living of young college men and their visitors. Ms. Bolick explained that house rules and policies would help reduce noise, such as quiet hours from 10 p.m. to 6 a.m. Sunday through Thursday and 11 p.m. to 6 a.m. on Friday and Saturday, curfew in phase one from 8 p.m. to 8 a.m., phase two from 9 p.m. to 8 a.m., phase three from 10 p.m. to 8 a.m. unless otherwise approved by staff for employment, continuing education, or recovery support groups, zero tolerance policy for alcohol and other substance use, and a no visitor policy.

Ms. Bolick anticipated a reduction in light pollution from this property in the Green Street neighborhood because of the curfew and the no-visitor policy, and most of their residents would use public transportation. This would also reduce traffic in the neighborhood. She noted that the property was located in a neighborhood conservation district, so residents would be required to comply with all district ordinances, including acquiring parking stickers if a resident had a vehicle.

Ms. Bolick stated they would hold weekly house meetings with staff and the residents. They would implement and enforce house policies including, among others, no visitors, lights out at specified times, quiet hours, random alcohol and other substance screening and room checks, and a requirement to report any violations of another resident. She added that they would install outside security cameras to provide additional safety, accountability, and supervision by a housing coordinator, and they anticipated having a senior resident living on the property to oversee additional house operations and policies within six months of operation. Ms. Bolick noted that the existing construction, including materials, parking, and lighting, appeared to comply with the Article 25 Community Appearance Standards. She asked that the property be allowed to be kept in its current condition to preserve its residential appearance so it blended in with the existing homes and overall atmosphere of the neighborhood. Ms. Bolick stated that the Town staff suggested adding the following landscaping to bring the property into compliance with the landscaping standards for OI zoning: additional shrubs where possible along the creek bank, between the property and the adjoining short-term rental, and additional evergreen shrubs if needed for privacy along the chain link fence bordering the property and the adjoining yellow house.

Ms. Bolick noted that on January 17, they received a list of 43 property owners within 300 feet of the home from Planning and Inspections. Neighborhood meeting notices were mailed to the property owner's tax addresses on that document on February 20 by Caitlin Carter. On April 4, they held the Green Street neighborhood meeting at the Farm Cafe at 6 p.m. No one from the neighborhood was in attendance. Their staff stayed until approximately 6:20 p.m. and then left for the evening. Ms. Bolick stated that their application was submitted on April 17, and since that time, the Town of Boone updated their UDO to move recovery housing from OI Office Institutional Halfway Housing 1 and 2 to R3 Multiple-Family Residential and created a new residential classification for this use on May 22. She added that, while they felt R3 zoning more closely represented their residential project, it was their understanding

from conversations with Planning and Inspections that they were not eligible to pursue this zoning with the same application since the changes to the UDO were made after their application was submitted.

Ms. Bolick noted that during the review of their application, the town informed them that they would be required to install a fire suppression system. They contacted Century Fire Protection on May 22 and were quoted a price of \$16,125 to install the sprinkler system.

Devin Lyall, Executive Director of Wilkes Recovery Revolution, stated they had a similar recovery-based organization out of Wilkes County. She noted they had concerned and fearful neighbors who later apologized and even bought their residents Christmas gifts. Ms. Lyall stated that the recovery housing did not decrease surrounding property values.

David Sanders, the owner of 504 Green Street, stated that he contacted Ms. Bolick about using the property as recovery housing. He noted that according to the Journal of the American Medical Association, there were over 321,000 children without parents from the opioid epidemic. On January 29, 2021, Shannon Green, his wife's brother, passed away and lost his battle with addiction. Mr. Sanders stated that Mr. Green went to recovery housing, and the closest bed was 5 hours away. This took him away from his family and community. Mr. Sanders felt that recovery housing could help save a life or bring one more day to someone in need.

Council Member Plaag stated that he lived in Columbia, SC, for ten years, four of which were in an expensive, historic neighborhood across from a recovery house with 12-18 people living there. He noted that there were never disruptive people on the street, crimes, inappropriate behavior, drunkenness, or people getting high.

Council Member Plaag asked if this was going to be a treatment center. Ms. Bolick replied that it would not. She stated that this recovery housing was one of the last pieces of the process toward independent living. Council Member Plaag asked who might be excluded after a background check. Marisa Cornell, MRJC Executive Director, replied that anyone who might present a safety issue, such as a predator or violent person, would be excluded from the recovery house.

Council Member Plaag stated that a Category 2 halfway house allowed six or more residents. He noted that the house had five bedrooms and asked how the living arrangement would work. Ms. Bolick replied that they planned to have two residents per bedroom, with the fifth bedroom being for the live-in senior resident, making a total of nine occupants. Council Member Plaag stated that the senior resident was typically someone who had already done this type of living arrangement for six months or more. When this was a new recovery house, he asked how they would get this person with six months of experience living in this environment. Ms. Bolick replied that they would likely choose a resident of another Homestead house in the state to become the senior resident at the Green Street location.

Mayor Pro Tem George asked Mr. James to explain what a Conditional District was versus a General Use. Mr. James stated that a Conditional District was a site-specific approval that allowed only that particular use on that parcel. Additionally, conditions can be placed on the approval of the CD. If that use ceased, the property could not be used for anything else without approval from the Town Council for a change of the Conditional District zoning. A General Use would allow any use on the parcel that was listed in the UDO's Table of Principle Uses.

Council Member Plaag asked what zoning jurisdictions allowed recovery housing after the recent text amendment. Mr. James replied that they would be allowed in the R3, B1DC, and B1DI, but some could still require a Conditional District rezoning. Council Member Plaag asked if this request could be considered for an R3 zoning designation. Mr. James replied that the use was not allowed in the R3 at the time of application, nor was the request advertised with the R3 zoning option. Ms. Meade added that the

application could go forward as OI or R3 because the underlying use remained the same regardless of the zoning classification.

Council Member Roseman stated that she used to be a neighbor of the Hospitality House and thought they were great neighbors. However, she noted that she had more issues with student neighbors.

Council Member Carter applauded Ms. Bolick on her presentation and stated it was well thought out and detailed.

Commission Member Kight stated he lived on Green Street and owned adjacent property. He asked if he should be recused from this case. Ms. Meade noted that this was not a quasi-judicial hearing but suggested they ask the applicant if they objected to Commission Member Kight participating. Ms. Cornell stated they had no objections to Commission Member Kight participating in the case.

Mayor Futrelle invited public comment for this case at 8:29 p.m.

Jodi Hill of Stoneybrook Condos opposed the request. She noted that no property owner in Stoneybrook Condos received notice of the neighborhood meeting. Ms. Hill felt the proposed use did not conform to the Neighborhood Conservation District standards. She stated that this was a business use, and it was close to the university, a school, and a daycare.

Clair McCoy stated she grew up in this area, and her child was a recovering addict. She felt having this type of facility was important because it could change lives. Ms. McCoy supported the request.

Olive Burris stated that her uncle had been in and out of addiction. He went to a recovery house in 2020 and had been sober ever since. Ms. Burris supported the request.

Amy Fox stated that she owned property on Old Bristol Road and Green Street. She noted that she was not against recovery housing but was concerned about the increased occupancy. Ms. Fox stated that students currently occupied the house, and occupancy restrictions were in place.

Janice Koppenhaver of Charles Street expressed concern about the erosion of R1A in the neighborhood and the density that would be allowed on this property. She noted that under the current use and zoning, the town investigated student housing complaints. Ms. Koppenhaver stated that she did get the neighborhood meeting notice and felt the applicant's presentation offered them more information.

Diane Brown did not speak.

Jack Scruggs did not speak.

Nathan Miller stated he was an attorney representing a property owner in that neighborhood. He noted that he had represented addicts and others, but he did not believe that this use should be allowed in this location. Mr. Miller stated that the property did not meet street frontage requirements or the minimum road width of 20'. He added that the notice to property owners did not provide much information about the request. Mr. Miller felt this was a noble cause that needed a different location.

Jeremy McCauley of 505 Green Street stated that he did not get a notice of the neighborhood meeting. He felt there needed to be more information about the live-in senior resident and was also concerned about density.

Gregory Lewis spoke in favor of the request. He stated that he entered a recovery house 44 years ago in Wisconsin and left 90 days later drug and alcohol-free. Mr. Lewis noted that this house might not be ideally suited, but this kind of offer did not come along often. He felt that the request should be granted for the greater good of the community.

Daniel Gryder stated he had spoken to Ms. Cornell and had a good conversation. He acknowledged that there was a need but was opposed to the request. Mr. Gryder stated putting a halfway house in a residential neighborhood was a bad idea. He noted that he had attended the Comprehensive Plan meeting on April 19 and did not feel that this request met the vision discussed for Boone. Mr. Gryder stated that enforcing some of the policies presented at the Comp Plan meeting would be difficult if the property were rezoned.

Jill Holmes stated she owned a condo at Stoneybrook and was the president of the HOA. She added that she hoped something like this would come to Boone, but this was not the correct location. Ms. Holmes noted that she did not receive a neighborhood meeting notice. She stated that she was concerned with the density of the home and suggested that 3-5 people would be more appropriate.

Emily Fortunato, housing coordinator for Oasis, stated that many of their clients were also Homestead clients. She noted that a lack of recovery housing was a barrier to recovery and an injustice to the community. She asked that the Town Council vote in favor of this request.

Laura Buck of Howard Street spoke on behalf of the Hunger and Health Coalition. She stated that addiction started in doctors' and dentists' offices, too, and asked that this request be approved.

Stephanie Critcher did not speak.

Courtney Hobbs did not speak.

Kate Brinko of Charles Street stated that her street had a bad history with zoning infractions. She expressed concern with density, noting that the same concern existed when the Stoneybrook Condos were built. Ms. Brinko stated that her son had an intellectual disability, so she felt for the people who needed this housing. She added that she was okay with this request but would like to have fewer people living in the home.

Trent and Molly Woodcock did not speak.

Ray Russell, Watauga County Commissioner, stated that the County allocated funds to this project from the opioid settlement program. He noted that his father became a drug addict as a result of a football injury and was able to conquer that addiction. Mr. Russell stated that recovery housing promoted prevention and provided life-saving and end-stage care for addicts who were mostly recovered. He asserted that people were not disposable.

Diane Blanks of Green Street stated they were trying to take back their neighborhood from commercial uses. She felt that neither an OI nor an R3 zoning designation was appropriate for this neighborhood. Ms. Blanks stated that approval of this request would cause a crack in the dam of a neighborhood they were trying to protect.

Melissa Shandor opposed this request. She felt it did not align with the Comprehensive Plan and was not in the best interest of the Town. Ms. Shandor noted that the property was located in a Neighborhood Conservation District. She stated that if the Town did not want ten college students living in the house, why would they want ten recovering addicts living in it? Ms. Shandor thought changing the name from halfway house to residential reentry was misleading. She stated that leaving the environment that caused the addiction was not always a bad thing. Ms. Shandor noted that property values would not increase, and as a real estate agent, she would be happy to find another location that would be more suitable.

Lena Shandor stated she was a freshman at ASU and lived at 157 Stoneybrook Court. She noted that housing for students was difficult to find in Town. Ms. Shandor stated that she was not against the goals associated with recovery housing, but she did not want a negative impact on the neighborhood. She

stated that she did not get a notice of the neighborhood meeting and felt the process was improperly handled.

Mike Tanner stated he was a member of the council for the Homestead Recovery Center, a family member of people whose lives had been profoundly affected by mental illness and substance abuse, and a retired pastor. He noted that he used to serve a parish made up mostly of people with serious mental illness and addiction issues struggling with recovery, and he thought they were the safest, best people he had ever lived with. Mr. Tanner stated that housing was important to a stable, healthy life for everyone. He added that the MRJC's proposal was about more than just safe housing and property values; it was about life and death. Mr. Tanner asked for the Town Council's full support and commitment to support the recovery homes' long-term success.

Council Member Plaag asked if the Lovill House was zoned R3. Mr. James replied that it was. Council Member Plaag asked if the Lovill House was in a Neighborhood Conservation District. Mr. James stated that it was not. Council Member Plaag asked if the Stoneybrook Condos were in a Neighborhood Conservation District. Mr. James replied that they were not. Council Member Plaag asked if anything prohibited the recovery housing use in a Neighborhood Conservation District. Mr. James stated that there was not. Council Member Plaag asked if the property would be removed from the NCD if it was rezoned to OI or R3. Mr. James stated that it would not. Ms. Shook reiterated that the Neighborhood Conservation District was an overlay and would remain in place.

Council Member Plaag asked the applicant if they would be willing to commit to having a senior resident with six months' experience present at the start date or have a staff member there until a senior resident could be established. Ms. Bolick replied that she could not make that commitment on behalf of the organization because she did not know who might fit that role at this time. However, they were willing to explore and consider conditions.

Mayor Pro Tem George asked if the staff could address Nathan Miller's comments regarding the property not meeting UDO requirements. Mr. James replied that there was an existing non-conformity for street frontage, whether the property was rezoned or not.

Council Member Tugman stated that this property was advertised as multi-family in 2017. She noted that occupancy and noise were issues in this neighborhood. Council Member Tugman asked how such matters would be enforced if the property was rezoned. Mr. James replied that occupancy was difficult to enforce because people often had visitors who stayed over for varying lengths of time. Ms. Meade added that noise issues would be enforced by the Police Department under the Town's noise ordinance.

Council Member Carter asked about the driveway width not meeting UDO standards. Mr. James replied that a complete project review would be performed under the zoning permit application submittal. If the driveway width did not meet UDO standards, it would be non-conforming.

Council Member Roseman asked if the 300' property owner notification included properties located outside of Town limits. Mr. James replied that notification included all properties within 300' of the subject property, whether in Town or the County. He noted that the 300' property owner list provided to the applicant included 43 property owners, with 24 of those being at Stoneybrook Condos.

Council Member Plaag asked if it was correct that the property owner list came from the County's tax records and if updates to the tax records were sometimes lagging. Mr. James replied that the addresses for the property owner list came from tax records. He added that for most APO mailings, several letters were usually returned undeliverable due to outdated addresses.

Council Member Plaag mentioned the width of the roadway and asked if various non-conformities did not need to be addressed because there was no triggering mechanism in what was proposed under this zoning

change. Mr. James replied that was correct. He noted that UDO Subsection 7.05.02 addressed the mechanism to trigger older properties to come up to code. Mr. James stated that as an applicant spent more money on a property, the property had to comply more with the UDO. He noted that this project would have minimal expense in installing the fire sprinkler and landscaping.

Council Member Plaag stated there was concern about nine residents living in the house. He asked how there could be a set of occupancy standards that normally applied, then have uses that could not comply with those standards. Mr. James replied that when this application was submitted, this use was only allowed in the OI and was classified as a commercial use. He added that commercial uses did not have residential occupancy controls. Council Member Plaag stated that the subject property abutted the Stoneybrook Condos, and there was another R3 property down the street. He noted that he would be more supportive of an R3 zoning than an OI zoning.

Council Member Carter stated that if the property was rezoned to OI without a conditional use, it could be used for many different purposes. He noted that the applicant was asking for a use that kept the structure as a residential use where people would live. Council Member Carter stated he was glad the use was now allowed in the R3 because he did not see this use as business use. He felt that there would be less traffic impact on the neighborhood. Council Member Carter stated that he appreciated all the comments and concerns and thought the applicant was doing something the community desperately needed. He noted that with safeguards, provisions, and monitoring, the applicant would add to the neighborhood by installing security cameras and monitoring the site. Council Member Carter stated that whether the property was zoned OI or R3, it would still be a residential use in a residential neighborhood.

Mayor Futrelle stated that this proposal would help people better themselves.

Mayor Pro Tem George stated that this project was made possible by the opioid settlement, which the Town signed onto in hopes of receiving funds to better the lives of those needing help with addiction. He noted that there was over a 99 % occupancy rate in rentals across the county, so he felt that this use would not impact the ability to make use of rentals in a market like that.

Council Member Roseman stated that many communities were not using their opioid funding correctly. She thought that everyone should be proud of the way this community was trying to take care of the people in need.

Vice-Chair Veno felt bad that some people did not receive notice of the neighborhood meeting, but it seemed that the notification process was followed. He added that there could be a lack of understanding about the Town's zoning and how it worked. Vice-Chair Veno urged people to call the Planning Department because they were always receptive to answering questions.

Commission Member Kight asked if this parcel would be zoned R3 and then separately get a Conditional District use for the residential reentry or if it was all lumped together. Mr. James replied that the Conditional District request had to have an underlying zoning, so this request would be considered together, whether OI or R3 zoning was chosen.

Council Member Carter felt for the neighbors who did not receive the letter about the neighborhood meeting. He noted there was an opportunity for public comment at the public hearing and the Town Council meeting, which was a transparent process. Council Member Carter stated that there were no malfeasants on anyone's part to try to keep people from the process.

Ms. Bolick echoed that sentiment. She stated that they used the address list provided to them by the Town and would have liked to have the neighborhood come to the neighborhood meeting to discuss the project and any concerns they had. Ms. Bolick invited anyone to contact them regarding this project.

Council Member Tugman stated that Realtor.com advertised this home as a five-bedroom home, but she thought it might have only four bedrooms. Ms. Bolick replied that it could depend on someone's definition of a bedroom.

Chair Tait stated that this evening had been enlightening in terms of the community's needs and the reality of what these facilities bring. He noted there were a number of parcels in the Town zoned R3 that might be appropriate for this type of use and suggested that the town consider ways to enable further development of this type of facility.

Vice-Chair Veno asked what occupancy would be allowed if the property was zoned R3. Mayor Pro Tem George replied that under the Conditional District, it would be up to the Planning Commission and Town Council to decide the occupancy limit. He noted that the applicant requested nine occupants.

With nothing further, Mayor Futrelle closed the public hearing for this case at 10:04 p.m. and called a break until 10:17 p.m.

Case A24-0265 Mediation & Restorative Justice Center, 209 Sunset Drive – Conditional District Zoning Map Amendment

Mediation & Restorative Justice Center has submitted a Conditional District Zoning Map Amendment to rezone property located at 209 Sunset Drive (Watauga County PIN: 2910-34-1380) from R1 (Single-Family Residential) to OI (Office Institutional) with a site-specific plan to develop Use 2.03 Residential Re-Entry Category 1 (currently referred to in the UDO as Halfway House Category 1).

Mr. James presented the request as outlined in the meeting packet. He referred to UDO Section 14.04 Residential Occupancy Controls, which stated that except for authorized group living, residential occupancy was limited in Town.

Ms. Bolick stated that the Sunset Drive house, owned by Georgia and Eugene Potter, had three bedrooms and 1.5 bathrooms. She noted they were requesting a Category 1 with six people or less; this would be the women's house, and it would be called The Homeplace. Ms. Bolick stated that the house was currently unoccupied, so there would be an increase in noise, light, and traffic from the proposed use. She noted that the same rules of regular weekly meetings, no visitors, quiet time, curfew, zero tolerance, and an on-site senior resident would apply to this property as they did on the Green Street property. Ms. Bolick noted that they wanted to maintain the residential look of the house. She said they would install a sprinkler system for \$12,000, landscaping, and security cameras. Ms. Bolick noted that on March 7, the list of addresses of adjacent property owners within 300' was received from the Town, and Crystal Trivette mailed the neighborhood meeting notice that same day. The neighborhood meeting was held on April 3 at the Farm Café at 6 p.m., and nine people were in attendance. Materials were presented, questions were answered, and the meeting lasted 2.5 hours.

Georgia Potter, the property owner, stated she had lived in Watauga County all her life and had owned this property since 1985 or 1986. She said that her daughter Pam had gotten into addiction, and she thought the town had a responsibility to help their residents who were overcoming their addictions. Ms. Potter felt that a house provided a better environment for rehabilitation.

Melissa Monday, Homestead Recovery Court Advocate, stated that she was completely broken by addiction seven years ago and considered suicide. She noted that she got into a halfway house in Gastonia and was later able to attend college. Ms. Monday felt that people should not wait until the issue got worse but should work together to solve the problem.

Council Member Carter asked if the fire suppression system was still required for the Category 1 house. Mr. James replied that it was, per the North Carolina Building and Fire Codes.

Mayor Futrelle invited public comment for this case.

Laura Coffey stated her family was one of the first families in Blowing Rock. In December 2017, as a 31-year-old single mom, she drank herself into deep despair. She detoxed for ten days at Grace Hospital in Asheville, then went to Black Mountain. Ms. Coffey stated she would have chosen somewhere closer to home if there had been a place. She added that recovery required support.

Mariah Cox stated she moved to Watauga County six years ago because her partner was an addict, and she had hoped that moving would break his cycle. It did not, and he was currently in prison. Ms. Cox felt that if Watauga County had offered her partner somewhere to get help, his outcome might have been different.

Sean Morris from the Hospitality House spoke in support of the request. He stated that substance abusers for those in recovery. Mr. Morris added that if substance abuse was in our town, then recovery needed to be.

Kelly Reid-Ashcraft, with the Watauga Housing Council, stated that there was a housing crisis in Watauga County. She noted that the Watauga Housing Council supported both rezoning requests because they furthered the Housing Council's mission to increase quality housing.

Ashley Wirth of the NC Substance Abuse Team spoke in favor of both rezoning requests. She stated that people needed housing tailored to their treatment needs. Ms. Wirth added that discrimination due to a disability was against the law. She noted that she started using drugs as a teenager to cope with family issues, and she later married an abuser and drug trafficker. Ms. Wirth added that the Town needed to look out for those who lived there, not absentee owners.

Tammy Kowalski did not speak.

Stephen Phillips stated he had two rental properties on Sunset Drive. He understood the need for recovery housing but felt this use should be in an R3-zoned area. Mr. Phillips stated that if this property was rezoned as R3, he might also seek to have his properties zoned R3.

Mary Rupp stated she owned rental properties at 155 Sunset Drive, 158 Sunset Drive, and 265 Azalea Drive. She noted that some of these properties housed small children. Ms. Rupp stated that the property at 209 Sunset Drive had an inaccessible driveway and it did not have adequate parking. She felt that the Sunset Drive area was a great location with good neighbors, and she rented to people with jobs. Ms. Rupp did not think three bedrooms and 1.5 bathrooms were suitable for six people.

Brent Bingham stated he owned 207 Sunset Drive and shared a driveway with the subject property. He noted that the driveway was steep, washed out constantly, and had little parking. Mr. Bingham stated that this drastic change of use was disappointing. He recognized the need but felt this was not an appropriate property for this use.

Anthony Love of 248 Sunset Drive noted that his property was across the street from the subject property, and he had lived there for 21 years. He stated that his mother continued to recover from addiction, and he was supportive of this request. Mr. Love recognized that his neighbors had concerns and felt there were things to work on, but he thought that good communication was helpful.

Diane Towsley of the Hunger and Health Coalition stated she supported the initiative. She noted that a recent health survey showed housing and mental health as the top concerns. Ms. Towsley felt this was a good location for the recovery housing.

Patrick Richardson of 233 Azalea Drive stated that he had been concerned about this request. He noted that he spoke with Ms. Bolick and received good feedback. Mr. Richardson felt the facility would provide much-needed benefits but could also present problems that would have to be worked through.

Council Member Plaag asked if the bedroom configuration would be two people per bedroom. Ms. Bolick stated that was correct.

Council Member Roseman asked Ms. Bolick if MRJC would maintain the driveway. Ms. Bolick replied that they had not considered the driveway an issue but were committed to keeping up the property. Council Member Roseman stated that the property always needed to be accessible. Ms. Potter added that this was a shared driveway with shared maintenance at the bottom of the driveway. She noted that seven cars could park at the property. Council Member Carter asked if the driveway had always washed out. Ms. Potter replied that the driveway did wash, noting that it was a reasonably steep gravel driveway. She added that she was country and never had problems getting in and out.

Council Member Tugman asked about the possibility of accessibility issues for emergency vehicles. Mr. Wise replied that the Fire Department would review the request and require no more than a 10% grade on the driveway. Council Member Plaag suggested paving the driveway.

With nothing further, Mayor Futrelle closed the public hearing for this case at 11:30 p.m.

Adjournment of Town Council

Council Member Plaag motioned to adjourn the Town Council at 11:33 p.m. Council Member Roseman seconded the motion.

Vote: Aye – 5
Nay – None

The motion passed.

Tim Futrelle, Mayor

Brenda Henson, Board Secretary

Adrian Tait, Planning Commission Chair

PLANNING COMMISSION

Due to the time, Planning Commission members wished to continue their meeting at a later date. After a brief discussion, a date was set of Wednesday, June 5, 2024, at 5:00 p.m. via WebEx was set to continue the meeting.

Adjournment of Planning Commission

Chair Tait made a motion to adjourn the meeting at 11:37 p.m. Commission Member Behrend seconded the motion.

Vote: Aye – 5
Nay – None

The motion passed.

Adrian Tait, Planning Commission Chair

Brenda Henson, Board Secretary