PUBLIC HEARING MINUTES
MONDAY, AUGUST 22, 2022, 6:00 PM
VIA WEBEX SOFTWARE

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

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

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Christy Turner-Senior Planner, Brandon Wise-Environmental Planner, Jessica Mitchell-Long Range/Special Projects Planner, and Brenda Henson-Board Secretary

OTHER TOWN STAFF AND REPRESENTATIVES PRESENT: Amy Davis-Interim Town Manager, Allison Meade-Town Attorney, and Rick Miller-Public Works Director

OTHER ATTENDEES/PARTICIPANTS VIA WEBEX: Alan Crees, Bill Dixon, JC Feimster, Chelsea Garrett, Deron Geouque, Harold Tilley, and Maggie Tilley

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Call to Order

Mayor Pro Tem Tugman called the Town Council to order at 6:05 p.m. She noted that Mayor Futtrelle was unable to attend this meeting. Chair Shay called the Planning Commission to order at 6:05 p.m. for the Public Hearing/Planning Commission meeting held via WebEx.

Moment of Silence

A moment of silence was observed.

Approval of Meeting Minutes

Vice-Chair Plaag wished to make the following corrections to the July 25, 2022, Public Hearing minutes:

- Page 3 of the minutes, last paragraph – remove the word *initial.*
- Page 5 of the minutes, second paragraph, third sentence – change the word *on* to *one.*

Council Member Nenow made a motion to approve the July 25, 2022, Public Hearing minutes as amended. The motion was seconded by Mayor Pro Tem Tugman.

Vote: Aye – All
Nay – None

The motion passed.

Vice-Chair Plaag made a motion to approve the July 25, 2022, Public Hearing minutes as amended. The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed.

PUBLIC HEARING

Ms. Shook reviewed the guidelines for each case presented at the public hearing.

Case PL05865-070822 Watauga County Parking Deck – Conditional District Zoning Map Amendment

Watauga County has filed a Conditional District Zoning Map Amendment Application to rezone 136 N. Water Street (Watauga County Parking Lot) from B1DC, Downtown Core to Conditional District B1DC, Downtown Core for a site-specific approval for Use 15.02, Parking Structure.

Vice-Chair Plaag stated he would be recusing himself from this case because he had participated in quasi-judicial action on this project as a member of the Historic Preservation Commission.

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

Ms. Chelsea Garrett, attorney for Watauga County, stated that plans for this project were presented to the Historic Preservation Commission on July 12, July 26, and August 12. During this time, the project underwent a series of revisions to incorporate HPC's suggested changes. Ms. Garrett noted that the proposed parking deck would be located one block from downtown Boone, providing walkable access to downtown. She explained that 2/3 of the parking deck would be for county employee parking during the workday. The deck would be available for free public parking on evenings and weekends.

Mr. Bill Dixon, the architect for the project, noted there would be two sets of entry/exit stairs, heavy landscaping, and benches in the seating area. He stated they would try to save the Japanese maple tree on the property. Mr. Dixon added that they would like to revise the existing 6-7 feet tall retaining wall at the corner of Water Street and Queen Street. Modifying the wall would allow them to create a softer entrance onto Queen Street from Water Street. Mr. Dixon stated that the exterior would be brick with brick pilasters, which would be in keeping with the downtown look. He noted that the lower level windows would provide some ventilation but would have to be supplemented by mechanical ventilation to meet the building code. Mr. Dixon stated that the lower level would also be sprinkled, and a 5' sidewalk would be installed along Queen Street.

Ms. Garrett stated that the building height would be about the same as the My Pho building on King Street. She asked Mr. Dixon to speak about the building setbacks. Mr. Dixon stated that along Water Street, the building would be setback 11 feet from the back of the sidewalk, and the stair tower from the intersection would be about 35 feet from the back of the sidewalk. Mr. Dixon noted that the UDO would allow them to build up to the property line in the downtown district. The setbacks they proposed were based on the building requirements and the size.

Ms. Garrett asked Mr. Alan Crees, engineer for the project, to speak about the stormwater detention system. Mr. Crees stated that there was a considerable amount of impervious surface on the site already with the two parking areas that were currently there. He noted that the proposed project would add about 4,200 square feet of impervious area. Mr. Crees explained that they would be required to install a stormwater detention system to compensate for the additional impervious area. The system would be designed so that no post-construction runoff from the site would not be any more than the current runoff.

Ms. Garrett asked if it was correct that the existing impervious area was 23,983 square feet. Mr. Crees replied that was correct. Ms. Garrett noted that the increased impervious area was a 17.65% increase. She asked Mr. Crees what kind of drainage system or runoff detention was currently in place and did it work. Mr. Crees replied that a catch basin in the corner of the upper parking lot went to some other catch basins on the southern property line in the parking area down below. All of that then tied into a 36-inch pipe that was DOT's main culvert that ran down the middle of Water Street. Mr. Crees stated that this project's plan would be to capture all the water from the site. He felt there would be a slight reduction in the amount of water going out into the street. Ms. Garrett asked if there was currently anything in place that slowed the flow of water. Mr. Crees replied that there was no system currently in place. He explained that the proposed stormwater detention system would be located within the landscaping area. Mr. Crees added that there would not be a pond or anything above ground because of limited room and the grade.

He stated there would be underground pipes that could hold the volume of water and then release it slowly.

Ms. Garrett asked Mr. Crees if the minimum UDO requirements for stormwater detention were being met. Mr. Crees explained that they would be adding impervious area and, after some complicated calculations regarding the volume of water, they were proposing to increase the volume of detention by 25% over what was required.

Ms. Garrett asked Mr. Crees if he met with Mr. Harold Tilly and DOT regarding existing water issues and the flow along King Street. Mr. Crees replied that he did attend a meeting with Mr. Tilley and DOT to look at Mr. Tilley's situation with stormwater. He stated that a section of DOT pipe in front of Mr. Tilley's building was undersized. Mr. Crees explained that all of the pipe from the top of Water Street down to King Street was 36 inches. However, there was a 25-foot section under King Street that was about 20 inches in diameter. Mr. Crees stated that this smaller diameter pipe restricted the flow during large storms, that resulted in water coming out of a catch basin in front of Mr. Tilley's building. Mr. Crees noted that the 36-inch pipe ran under Mr. Tilley's building. He stated that the DOT representative was going to speak with their hydraulics unit to run some numbers and see if it was warranted to come out and upsize the 20-inch section of pipe to 36 inches.

Commission Member Behrend asked if the second floor of the parking deck was open or covered. Ms. Garrett replied that the UDO required the cars on the second floor to be screened so there would be no headlight glare. A 42-inch high wall would be placed around the second floor, but there would be no roof. Commission Member Behrend felt that if there had been a roof on the second floor, it would have been a good place to put solar panels.

Mayor Pro Tem Tugman asked if the sidewalk on the Queen Street side of the building would abut the building so that there would not be any space between the sidewalk and the brick exterior of the building. Ms. Garrett explained that they proposed to have the sidewalk end at the side of the brick building, assuming that the existing rock retaining wall would be removed.

At 6:43 p.m. Mayor Pro Tem Tugman invited public comment.

Ms. Maggie Tilley stated that she and her husband, Harold, owned the property adjacent to the proposed parking deck. She expressed concerns about stormwater management. Ms. Tilley read UDO Section 21.03(A)(1) regarding Drainage and Stormwater Management Performance Standards. During the neighborhood meeting, she noted that Alan Crees shared that the parking deck would add 4,200 square feet of impervious surface in excess of the previous building and lot. Ms. Tilley felt that was a pretty considerable amount. She requested that a stormwater management plan, based on Section 21.03(A)(1), be completed that would address the impacts of the additional 4,200 square feet of impervious area to the existing infrastructure while being mindful of the impact on Boone Creek, as well. Ms. Tilley stated that planning for the future should include a solid, properly functioning infrastructure for a thriving business community.

Mr. Harold Tilley stated that the stormwater problem began at the top of Water Street at Bill Dixon's driveway. He explained that the 36-inch culvert ran to a junction box outside the county's rock building on Water Street, and there was no manhole in that junction box so that it could be cleaned out. Mr. Tilley stated that the water then turned left and went along the My Pho building property line and then went under his building. He noted that the pipe was a concrete culvert that came to a drain at the front door of Appalachian Management and then went to another junction box with a 36-inch culvert in the middle of the sidewalk on King Street. It was 20 inches out into the middle of the street from that junction box. Mr. Tilley noted that not only water but trash and debris come down the mountain through this culvert. He stated that the Town of Boone nor the State of North Carolina had done anything to keep the culverts clean. Mr. Tilley noted that he paid his staff to go down in the culverts to clean out the construction debris, leaves, sticks, logs, and even a dog house that came from where it entered the culvert at Mr. Dixon's driveway. Mr. Tilley stated that debris would come to the 20-inch culvert and could not go any further, so the water would back up. He noted that when the junction box was originally put in the sidewalk, the Town of Boone would not allow him to put a manhole in the box so that he could keep it clean. Since then, the water had backed up to the point that the state put in a manhole and cover. However, Mr. Tilley stated it was still up to him to keep it clean. Mr. Tilley noted that the pipe on the other side of King Street was a 48-inch pipe. He asked that no action be taken on this request until there was a stormwater plan in place that would work.

Mr. Crees stated that the pipe was not on the county's property at all. He added that the pipe ran down the street, under Mr. Tilley's building, and back into the street. Mr. Crees stated they would have to produce a stormwater plan for this project and meet all UDO requirements. He felt that the proposed development would not aggravate the water situation, but would improve it. Mr. Crees stated he would hate to see this project held hostage for a town-wide or DOT problem.

Ms. Garrett explained that there was no disagreement between the county and the Tilley's. She felt that the stormwater issue would require collaboration between the interested and affected parties, the Town of Boone and the County, to put some pressure on DOT. Ms. Garrett stated this was an existing problem. She noted they would be eliminating additional runoff that could be created by the additional 4,200 square feet by increasing their detention.

Chair Shay asked if the water runoff and debris problems would remain regardless of this construction. Ms. Turner replied that she believed they would. Ms. Turner noted that the county would handle the pre and post-runoff, but the original issue would still exist. Ms. Turner stated that Water Street was a DOT road and believed they were aware of the issues. Chair Shay asked if there were any possible design treatments for the culverts, like screens or meshes, that could cut down on debris. Mr. Brandon Wise, the Environmental Planner for Town of Boone Planning & Inspections, replied that what was existing would not be changed by what was proposed. He stated that during this meeting was the first time he had heard that they were looking at increasing detention by 25%. Mr. Wise noted that screens and meshes required regular maintenance and could cause even more back up of debris.

Ms. Garrett asked if the answer to the problem would be to increase the pipe size. Mr. Wise replied that this was a combination of DOT pipes and private property pipes. Then the pipe did daylight into town jurisdiction down on Howard Street. He noted that increasing the pipe size would probably help some of the flow.

Mr. Wise stated he met with Mr. Tilley and DOT and felt the easiest answer right now would be to make pipe sizes match. He noted it would be up to DOT to do the full hydraulic analysis to determine the correct pipe size.

Chair Shay noted that it was mentioned there had been several design revisions. She stated she was curious about the character of those revisions. Ms. Garrett replied that the actual structure itself, the walls, the height, had stayed the same. She stated that there had been changes made to the window openings, the stone pilasters, and the faux chimneys.

Commission Member Veno asked why Mr. Tilley was responsible for cleaning out the pipes. He also asked if the water runoff affected the integrity of the buildings. Commission Member Veno felt that expanding the size of the culverts would not solve the trash problem. He stated that a larger culvert would carry more trash. Mr. Wise replied that once a pipe was on your property and there was no easement, it became a private pipe that would be the responsibility of the property owner to maintain. Mr. Wise stated that increasing the pipe size would allow the pipe to carry more trash. Still, he felt the bigger problem was that pipes stopped up in areas the town did not have access to, such as under Mr. Tilley's building.

Commission Member Veno asked if there was a lighting plan. Ms. Turner stated that, during the hearing for the Historic Preservation's Certificate of Appropriateness, it was decided that the applicant would choose a design for their lighting fixtures and their photometric plan and come back to HPC for their approval. Mayor Pro Tem Tugman wished to clarify that if this request passed the Planning Commission, it would pass without a lighting plan. The Historic Preservation Commission would approve the lighting plan when the county decided what lighting they would like to install. Ms. Garrett replied that it was her understanding that the HPC would only be consulted on the lighting plan if staff felt there was an issue with the plan. Mayor Pro Tem Tugman asked if HPC would have the final approval of the lighting plan or if it would come back to Planning Commission and Town Council. Ms. Turner replied that the lighting plan would only go to the Historic Preservation Commission for their Certificate of Appropriateness.

Ms. Garrett explained that the lighting plan would just comply with the UDO if this property were not in a historic district. She stated that the HPC would not want to give them a Certificate of Appropriateness if they had awful lighting fixtures that did not mesh with the neighborhood. Ms. Garrett noted that they had identified an example that the HPC seemed to like. A formal photometric evaluation would determine how many would need to be installed. She stated the lights would not be higher than 12 feet. Ms. Garrett noted that the Queen Street lights were quite bright and illuminated most of the northern half of the parking deck.

Ms. Shook wished to clarify that the lighting plan was to be presented to staff and, unless there were an issue, staff would approve the plan. If there were an issue or concern, staff would send the lighting plan to HPC for review. Ms. Garrett replied that was her recollection.

Mr. Rick Miller, Town of Boone Public Works Director, stated he wanted to make sure the Council and the Planning Commission knew that removing the wall on Queen Street would require Town Council approval and that there would be cost associated with that removal. Commission Member Veno asked if the wall was on Town property and not on the development site. Mr. Miller stated that was correct.

Commission Member Veno asked if there had been any traffic research done for this project. Ms. Garrett replied that the parking would be consolidated to the parking deck, but there would be two entrances/exits so that both levels of the deck do not exit and enter in the same location. She felt that would help with traffic issues. Ms. Garrett added that most of the people coming to the parking deck area were already coming because they parked along Queen Street or other parking lots.

Mr. Deron Geouque agreed with Ms. Garrett. He added that he did not see a traffic issue, especially with two exits.

Commission Member Veno asked if there would be a gate that had to open up before people could get into the parking deck. He also asked if there would be a cost for parking. Ms. Garrett replied that there would not be a gate and no one had to pay.

Mayor Pro Tem Tugman asked if the parking deck would be available to jurors serving during the business week. Mr. Geouque stated that jurors would remain on Queen Street because most of the parking would be for staff. He felt that shifting staff parking over to the parking deck would free up the spaces around the courthouse for the citizens utilizing the courthouse facility. Mr. Geouque stated that he and Mr. Dixon were trying to devise ways to regulate and ensure that others did not take up the staff parking.

Adjournment of Town Council

Council Member Nenow made a motion to adjourn the Town Council at 7:25 p.m. The motion was seconded by Council Member Carter.

Vote: Aye – All
Nay – None

The motion passed.

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Edie Tugman, Mayor Pro Tem **Brenda Henson, Board Secretary**

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Elizabeth Shay, Planning Commission Chair

<u>Continuation of Planning Commission Meeting</u>

Chair Shay called for a break in the Planning Commission meeting from 7:25 p.m. until 7:33 p.m. Vice-Chair Plaag unrecused himself.

<u>Public Comment</u>

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

<u>Approval of Meeting Minutes</u>

Commission Member Warren made a motion to approve the July 25, 2022, Planning Commission meeting minutes. The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed.

<u>Case PL05865-070822 Watauga County Parking Deck – Conditional District Zoning Map Amendment</u>

Watauga County has filed a Conditional District Zoning Map Amendment Application to rezone 136 N. Water Street (Watauga County Parking Lot) from B1DC, Downtown Core to Conditional District B1DC, Downtown Core for a site-specific approval for Use 15.02, Parking Structure.

Vice-Chair Plaag recused himself from this case.

Commission Member Behrend expressed concern that there was not a larger percentage of public parking with this project. Ms. Shook replied that the applicant was not required to provide public parking. She did note that, as mentioned in the public hearing, other parking spaces would be vacated as a result of the parking deck.

Commission Member Warren asked if there was anything presented at the public hearing that addressed how the county would stop the public from parking in the staff spaces. Ms. Shook felt that the county would likely have a system for tracking parking in the parking deck because they indicated that was their intent.

Chair Shay stated she was in favor of more parking downtown that could increase activity downtown without a similar increase in the number of vehicles. She added that the water issue was troublesome. Chair Shay stated that it seemed to be operationally separate because it seemed as though the parking deck was supposed to add no new runoff and perhaps even reduce runoff. Yet, the water issue remained for other members of downtown. Chair Shay asked Ms. Shook what kind of stipulations for discussion they could consider given that these two issues were not entirely linked. Ms. Shook replied that any suggested condition would need to be related to the project itself. Planning Commission would need to get the applicant's feedback regarding their willingness to accept any conditions placed on the permit. She noted that the applicant committed during the public hearing to an increase in stormwater retention of 25% above what was required.

Commission Member Behrend asked if the Planning Commission would recommend to Town Council that the town lower the wall on Queen Street. Ms. Shook felt it could be suggested but noted that, ultimately, Council would be making the decision.

Commission Member Veno felt the water problem was the biggest issue that came up tonight. He agreed with Chair Shay that the water issue seemed to be a separate matter. Commission Member Veno stated he did not think the development would add to the current water issues. Commission Member Veno did not like the idea of putting conditions on the development to take care of a problem that already existed. Commission Member Veno stated he was confident that the Historic Preservation Commission would be able to ensure proper height and lighting for the downtown historic district.

Chair Shay felt that Planning Commission could make a friendly suggestion to Town Council to have town-wide discussions regarding stormwater management.

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

Comprehensive Plan Policy 1.1 Automobile Transportation

Maximize the efficiency of existing facilities, but not at the expense of town and neighborhood character ad livability. Build or expand transportation facilities and parking areas as needed, but with care. Work to reduce auto dependency, use, and congestion.

Comprehensive Plan Policy 1.1 Infrastructure

Engage in long range planning for water and sewer systems, stormwater runoff, natural gas, and other utility systems. Place overhead utilities underground whenever feasible.

Comprehensive Plan Policy 2.1.5 Downtown

B. The Town, in concert with the downtown property owners and merchants, shall encourage public and private efforts to develop and publicize adequate and appropriately designed off-street parking lots in the downtown area.

The motion was seconded by Commission Member Veno.

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

The motion passed.

Second Motion and Vote: Chair Shay made a motion that the Planning Commission recommends approval of the proposed amendment to the town's zoning map and believes approval to rezone the property Conditional District B1 Central Business is reasonable and in the public interest because the proposed structure addresses the need for parking as Boone manages high demand for access to the downtown district while honoring the spirit and letter of B1DC zoning. The motion was seconded by Commission Member Behrend.

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

The motion passed, and approval was recommended.

Vice-Chair Plaag unrecused himself. Discussion ensued regarding stormwater management.

Vice-Chair Plaag stated he would like to make a historical comment about these culverts. He referred to the 1849 map of Boone, stating that there was a giant creek flowing down from what was now Water Street that originated way up on Rich Mountain. Vice-Chair Plaag stated that the culvert was the source of significant damage to downtown Boone in 1902, 1916, and 1940, as well as numerous other flooding events. He relayed that he was worried about this and had been for a number of years. Vice-Chair Plaag stated he had expressed his concerns when the Marketplace project was originally being considered. He noted that their plan called for the drainage that currently flowed across the Marketplace property to be redirected up King Street, down Burrell Street, and then down Howard Street toward the east using a series of 90 degree turns in the culverts. Vice-Chair Plaag felt this would only further exacerbate this problem.

Vice-Chair Plaag stated a great deal of surface water came down Water Street that flowed into those culverts, on top of whatever water was already being directed underground. He noted that John Ward, former Town Manager, worked hard on a solution with DOT before he left.

Ms. Shook stated that the Marketplace project was no longer proposing to change their pipe locations. She noted that the town did look, during the process of that project, at options. Ms. Shook explained that redirecting the outfall of all those culverts could have a negative impact on other property that would have to be considered.

Mr. Miller stated there were some drainage improvements on Howard Street where the three culverts crossed. However, once the pipe got to private or state property, it was out of the town's hands. Mr. Miller stated it would take an effort from everyone to fix drainage issues in this town.

Vice-Chair Plaag asked Mr. Miller if he had a sense of why DOT was unwilling to do anything about that pipe. Mr. Miller replied that it was likely cost, staffing, and materials. Mr. Wise added that DOT was aware of the issue. He stated that he had heard a lot about getting the town's stormwater in line, and while the town was working toward that, it was easier said than done. Mr. Wise relayed that there was a possibility that the town would be forced into stormwater action by the state. He noted that nothing could be fixed overnight but would be a long process.

Vice-Chair Plaag asked Mr. Wise if he knew the size of the pipe that crossed the Marketplace property. Mr. Wise replied that it was a 36-inch pipe until it got to the backside of the Ransom building, then it upgraded to a 48-inch pipe the rest of the way back.

Vice-Chair Plaag stated he would like to make a suggestion that Planning Commission recommend to Council that this stormwater concern be a top priority from a planning and infrastructure perspective. He added that this set of pipes and the fact that they downsize was a historic and current problem. Vice-Chair Plaag felt it might be helpful if Council asked Mr. Miller and Mr. Wise for a prioritized list of other places in town where similar kinds of issues existed that needed addressing in the near term.

Mr. Miller stated that he knew where the problems were in the town. He noted that many of the issues were on DOT or private property and, by law, he could not inspect those pipes. He indicated that he did have a list of town-owned properties but did not have a list of DOT and private property owner issues and damage.

Vice Chair Plaag made a motion to recommend that, in the near immediate term, now was probably the best possible opportunity while there was potentially going to be the ground open on the Marketplace site, and whatever work might occur at the parking deck was discussed tonight, to try to get the DOT on board with specifically addressing the 20-inch pipe that was in the middle of the right-of-way. More broadly, it would be valuable for the town, specifically for Town Council, to know where the other problem areas were located. The best way to do that would be to ask Mr. Miller and Mr. Wise to make a prioritized list of problem areas and what might be needed to address drainage issues throughout the town's jurisdiction. The motion was seconded by Commission Member Warren.

Vote: Aye – All
Nay – None

The motion passed.

<u>Other Matters</u>

Ms. Shook discussed the process so far on the update for a Comprehensive Plan. She noted that an RFQ was released today looking for a consultant. Ms. Shook stated she would let everyone know when a date for the kickoff meeting was chosen to discuss the Comprehensive Plan. She also noted there would be a full agenda for next month's public hearing.

<u>Adjournment of Planning Commission</u>

Commission Member Warren made a motion to adjourn the meeting at 8:20 p.m. The motion was seconded by Commission Member Behrend.

Vote: Aye – All
Nay – None

The motion passed.

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