

**PUBLIC HEARING MINUTES
MONDAY, AUGUST 26, 2019, 6:00 P.M.
TOWN COUNCIL CHAMBERS**

COUNCIL MEMBERS: Rennie Brantz-Mayor, Loretta Clawson-Mayor Pro-Tem, Marshall Ashcraft, Sam Furgiuele, Connie Ulmer, and Lynne Mason

PLANNING COMMISSION MEMBERS: Elizabeth Shay-Chairperson, Eric Plaag-Vice Chairman, Frank Venio, Chris Behrend, and James Hedrick

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Marty Little-Senior Planner, Brian Johnson-Urban Design Specialist, and Brenda Henson-Board Secretary

OTHERS PRESENT: John Ward-Town Manager and Allison Meade-Town Attorney

Call To Order

Mayor Brantz called the Town Council to order at 6:01 p.m.

Chairperson Shay called the Planning Commission to order at 6:01 p.m.

Approval of Public Hearing Minutes by Town Council & Planning Commission

Mayor Pro Tem Clawson made a motion to approve the April 29, 2019 Public Hearing minutes as correct. The motion was seconded by Council Member Mason.

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

Commission Member Behrend made a motion to approve the April 29, 2019 Public Hearing minutes as correct. The motion was seconded by Commission Member Hedrick.

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

Case PL02654-060619 East King Street Hotel – Conditional District Zoning Map Amendment

Dan Norman with North Star Villages, LLC has applied for a Conditional District Zoning Map Amendment to construct a four-story, 107-room hotel located at the corner of East King Street and Hillside Drive. Four properties are currently split-zoned B3 General Business and R3 Multi-family residential, and two properties are wholly zoned R3 Multiple-family residential. The proposed zoning district for all six properties (Parcel IDs: 2910-18-8163-000, 2910-18-9020-000, 2910-18-9036-000, 2910-28-0036-000, 2910-28-1022-000, and 2910-27-1827-000) is Conditional District B3 General Business, and the proposed use is Use 3.08 Hotel.

Marty Little presented the request as it was outlined in the meeting packet. Council Member Furgiuele noted the staff report indicated this project was turned down by the Board of Adjustment but did not give the reason why, nor did it state how the Conditional District proposal was different from the Special Use Permit request. Mr. Little replied that he was not at the Board of Adjustment meeting. Council Member Furgiuele stated he did not see any mitigation for transitional zones outlined in the packet. Mr. Little deferred to the applicant for presentation of that information. Council Member Furgiuele referred to the neighborhood meeting that was mentioned in the packet and asked Mr. Little if he knew what changes were made to the plans as a result of that meeting. Mr. Little replied there was not an access to the property from Hillside Drive and as a result of the neighborhood meeting a right-in, left-out onto Hillside Drive was added. Council Member Furgiuele stated he thought there could only be one driveway access

in the Corridor Overlay District, and the plans made it appear that they would be using Hillside Drive as a second entrance to the development. Mr. Little explained that the entrance on the far left of the property would be an entrance for emergency vehicles only. Council Member Furguele stated there would then be three entrances. Council Member Mason asked if the entrance from Hillside Drive was required. Mr. Little replied that Corridor District standards preferred to have the only access from Hillside Drive, but the standards did allow Staff the ability to find that access from secondary roads to be unreasonable, and allow an entrance onto East King Street if NCDOT felt it was necessary. Council Member Mason stated Council had been reviewing a variety of parcels for possible rezoning and asked Mr. Little what direction Council had discussed for these parcels. Mr. Little stated, as he recalled, Council had wanted to have the five parcels fronting East King Street be zoned B3, with the Ramsey tract on Hillside Drive being rezoned from R3 to R1, unless the project wanted to seek Conditional District approval.

Council Member Furguele asked what standards existed in the UDO for hotels. Mr. Little replied there were no standards in the UDO for hotels specifically. Council Member Furguele asked how they would distinguish a dormitory from a hotel. Mr. Little stated they would be distinguished by definition. He added that in order to be used for multi-family the requirements of UDO Section 15.10 would have to be met. Council Member Furguele asked what the Planning policy was behind having 1.25 parking spaces per room. Mr. Little replied that he was unsure what the policy was behind that and noted that the Ordinance required 1.25 parking spaces per hotel room unless a parking analysis was completed that showed 1.25 spaces would be excessive. Council Member Furguele asked that if the standard was met there would be 134 spaces. Mr. Little stated that was correct.

Vice Chairman Plaag asked for clarification on the height relative to the setback, noting his understanding was that the 56' height proposed would be sufficiently set back from the 20' setback line, so that for each foot back from that line they would accrue an additional foot in building height. Mr. Little stated that was correct and noted the entire structure would need to be set back an additional one foot to gain an additional foot in height. Vice Chairman Plaag asked if the fire pit area was considered part of the structure for purposes of setbacks. Mr. Little stated the fire pit was not considered part of the structure. Vice Chairman Plaag stated that NCDOT did not require a traffic study and asked what the plan was for the extra 27 cars entering and exiting the site during peak hours. Mr. Little noted there was a Transportation Technical Memorandum on packet page 48 that was submitted even though the project did not trigger a Traffic Impact Analysis from the Town or DOT.

Council Member Furguele felt the numbers in the transportation memo seemed a little fishy but noted he was not a traffic engineer. He stated some of the trip numbers and times seemed inconsistent with his experiences of staying at hotels and he did not believe the information contained in the report. Council Member Furguele asked if the Town made any attempt to have a traffic analysis done themselves. Mr. Little replied that Public Works staff reviewed the project and did not have any comments. Council Member Furguele asked if the Town hired an independent engineer to evaluate and Mr. Little stated they did not. Vice Chairman Plaag asked if it was within the Planning Department's normal policies to trigger a Town-hired traffic study on areas within Town that are known to be problematic. Mr. Little replied that it was not.

Chelsea Garrett, attorney for the applicant, introduced those present on their project team. Ms. Garrett introduced Dan Norman and Tom Odai as the principals of North Star Villages, Mike Trew with Municipal Engineering, Bill Dixon with Appalachian Architecture, Randy Goddard a transportation engineer with the Design Resource Group, Alan Reick an appraiser with T.B. Harris Jr. & Associates, and Ron Cultlip a landscape architect. Ms. Garrett stated that the proposed hotel would be an appropriate use for this location and would combine the six properties into one use versus possibly having four different uses along the major corridor. She noted there were two community meetings held, one on June 25 with the sign-up sheet contained in the packet and one on August 7 with a sign-up sheet that was very similar and

could be provided if needed. Ms. Garrett stated the second meeting was held to discuss the changes that were incorporated into the plan based upon the suggestions at the first neighborhood meeting. Ms. Garrett noted that the letters sent out for the neighborhood meeting expanded beyond the 200' transitional zone to 300'.

Ms. Garrett noted that the orientation of the building had originally been located closer to Hillside Drive but had been moved down to the west side of the property as far as possible. She also stated the swimming pool had been removed.

Ms. Garrett asked Bill Dixon to address the differences in the project from the initial design after the neighborhood meeting. Mr. Dixon stated he was not at the first neighborhood meeting but thought the overall reaction to the initial design was not very good, noting, from an architect's perspective, it looked like a bad hospital from the 60's. He stated he redesigned the front façade to have some offsets to break up the flat exterior, and he incorporated stone. Ms. Garrett asked Mr. Dixon if he made the building footprint narrower and he replied that the footprint did get smaller due to the offsets.

Mayor Brantz asked if there was a landscaping plan. Ms. Garrett stated there was and that the presentation would address it later.

Council Member Furgiuele asked if the entrance to the hotel faced the parking lot and not King Street. Ms. Garrett stated that was correct, noting the driveway entrance off of King Street took residents to a porte-cochere on the side of the building facing Hillside Drive.

Ms. Meade asked for the length of the building as it faces King Street and how it would compare to the larger building of The Standard. Mr. Dixon replied that the building was about 200' long and would be about 1/3 the size of The Standard. He stated the building would be shorter and set back farther from the street.

Council Member Furgiuele asked if the roofs would be higher than the maximum allowed. Mr. Dixon stated that no areas of the building would be above the maximum height allowed at the mean average grade along the street. Council Member Furgiuele asked if they would be higher than 56'. Mr. Dixon replied that the building would be 61' at its highest points and that would be including parapets.

Vice Chairman Plaag stated that the terrace area and fire pit were not shown on the elevations and asked if that area would be elevated. Mr. Dixon replied that he was unsure. Mike Trew responded that the terrace area and fire pit would be at the same elevation as the finished floor and below grade from the sidewalk. Vice Chairman Plaag questioned the spa that was to be on the roof. Mr. Dixon explained that the hotel chain required a pool or a spa, which would probably be a 4-person hot tub. He stated it would be for guests only, have controlled hours, and screened with planters. Vice Chairman Plaag asked if the spa would be outside. Mr. Dixon replied that was correct. Ms. Garrett asked, if installed, would the spa area be accessible only by key fob with the lock on the door shutting off at a certain hour. Mr. Dixon stated that was correct.

Council Member Mason asked Mr. Dixon to restate the length of the building. He replied that it was 200' and some change. Mr. Trew stated he scaled the length at roughly 213'.

Council Member Furgiuele asked if all of the changes from the neighborhood meeting had been presented and Ms. Garrett replied that they had not. She stated that would be largely what Mr. Trew would be speaking to.

Mike Trew with Municipal Engineering stated his firm developed the site and grading plan for this project. Council Member Furgiuele asked if there was steep slope on the back of the property. Mr. Trew replied there was no steep slope there that he was aware of. Council Member Furgiuele asked if fill would be required in order to create parking. Mr. Trew stated there would be about 13-17' of fill on the west side

of the property. Council Member Furgiuele asked how that would be retained. Mr. Trew stated it would be mechanically stabilized earth, meaning a living wall. Council Member Furgiuele asked if it would be a solid wall or stepped. Mr. Trew replied it would be stepped with planting areas. Council Member Furgiuele asked where the drainage for the wall would be. Mr. Trew stated it would be behind the wall and it would drain down to a collection pipe that would take it down to Greasy Corner. Mr. Trew noted there was a 24" culvert that ran right through the middle of this property that they would be rerouting because it was in the way and it was also antiquated. Council Member Furgiuele asked how they would reroute the culvert if they did not own the property all of the way to Greasy Corner. Mr. Trew explained that there was a junction on the west of the subject property that they could tie to. Council Member Furgiuele asked if this would be a satisfactory drain. Mr. Trew replied that it would. Council Member Furgiuele asked if there had been an analysis of that. Mr. Trew stated there had not. Council Member Furgiuele asked Mr. Trew how he knew the culvert would be sufficient if there had been no analysis. Mr. Trew explained that the Town's UDO required them to not discharge any more water than was currently being discharged off of the site and they are bound by that. He noted that DOT maintained the first section of the pipe or storm drainage system and they had a permanent drainage easement. Mr. Trew stated they planned to tie onto the end of DOT's structure and route the pipe around behind the back of the hotel and connect it back to where it currently goes off of the property. Mr. Trew noted there was also an old 6" and 8" clay sewer line that ran through the property and they would be rerouting that to the back of the property at the suggestion of the Town's Public Works Department. He explained there had been problems with the sewer line and other properties were tied into it so this would help alleviate those problems. Council Member Furgiuele asked where the culvert pipe currently discharged. Mr. Trew replied that it currently discharged underneath Laurelwood Apartments and he thought it stayed underground all of the way to Greasy Corner. Council Member Furgiuele noted there was flooding that occurred in front of Bill's Garage on King Street. Mr. Trew stated that was on a different drainage system that came from the Cherry Drive area.

Vice Chairman Plaag questioned the storm drainage pipe and asked if the sharp angle in it would cause a clog. Mr. Trew replied that there was a risk of debris clogging any storm drainage pipe and would be a matter of maintenance. Vice Chairman Plaag asked if that maintenance would be the responsibility of the Town or the property owner. Mr. Trew stated it would be the responsibility of the property owner.

Council Member Furgiuele asked where the water got detained. Mr. Trew stated there were several detention systems planned as well as a rain garden. Council Member Furgiuele asked if there had been any consideration for using some type of permeable surface. Mr. Trew stated some would be used at the emergency entrance but it was not included in the rest of the design because it was not very practical in the mountains due to the soils that do not absorb water as well. Council Member Furgiuele asked about permeable concrete. Mr. Trew replied that it had not proven itself yet.

Mayor Brantz asked if there would be any green features. Mr. Trew stated they had gone above and beyond on the landscaping. He noted the rain garden, the permeable emergency exit for the Fire Department, and the underground detention basins that would create cooler water upon release.

Mr. Trew stated that the neighborhood meeting was very informative and felt the biggest concern of the neighbors was the look of the hotel. He noted that Ms. Little did request a fence at her property. Ms. Garrett stated that the fence was required by the UDO to be located in a certain place but if the Town would approve it to be placed in an alternate location they could accommodate the wishes of the neighbor to have it located where she preferred it to be.

Mr. Trew noted there was currently a white pine buffer and they would preserve as many of those trees as possible. He stated that headlights from cars entering the hotel and onto Hillside Drive would shine into the bank due to the topography. Mr. Trew stated that the dumpster location had changed and they

would be the second pick-up for trash, which would be after 8:00 a.m. Vice Chairman Plaag asked Mr. Trew if they would be willing to accept a condition regarding the trash pick-up time and he relayed that they would accept that condition.

Ms. Garrett asked if it was correct that IONCON was hired to do the lighting plan. Mr. Trew replied that was correct. He stated there was nothing special about the lighting plan, noting all of the site lighting would be down lighting and per UDO requirements. Ms. Garrett noted that none of the surrounding residential properties were below grade of the hotel.

Ms. Garrett asked if the primary entrance to the hotel off of King Street was a slight slope down. Mr. Trew replied that it was, noting the finished floor was about 4' below the road grade and there would be a small retaining wall between the bank and the parking lot along King Street. Mr. Trew stated there was a slight slope down when you turn onto Hillside Drive then a slight slope back up. He noted the parking lot would mimic that slope, which was about a 5% grade. Vice Chairman Plaag asked if that 5% grade in the parking lot would cause headlights to shine up into the houses. Ms. Garrett replied that it would not, noting the headlights should still shine into the bank. Mr. Trew stated they would be willing to create an 8' tall fence instead of a 6' tall fence if necessary.

Ms. Garrett asked if they would be adding a sidewalk along Hillside Drive. Mr. Trew replied that they would.

Council Member Furgiuele asked where else there would be retaining walls. Mr. Trew stated there would be a retaining wall in the front of the property that would be no higher than 4' below grade. He noted there would also be the mechanically stabilized earth wall on the west side of the property as well as a retaining wall along the pedestrian way on the west side leading to the sidewalk on King Street.

Vice Chairman Plaag asked how many of the 107 guest parking spaces would be handicap spaces. Mr. Trew replied there would be 5 handicap parking spaces. Vice Chairman Plaag noted there would be 102 regular guest spaces but if the hotel was full of regular guests, and no guests with handicaps, where would 107 regular guest cars park when there were only 102 regular spaces. Mr. Trew stated he did not know and felt that would be more of an operational question to be addressed by the owners. Mr. Trew stated he knew that the requirement of this hotel chain and several others was a one-to-one ratio of parking spaces to guest rooms, but he did not know if that included the handicap spaces. He noted an architect was consulted who designed hotels and that architect stated it was standard to have a one-to-one ratio of parking and felt it was sufficient for hotels.

Council Member Furgiuele asked about the number of staff for the hotel. Dan Norman replied there would be a manager and a maintenance manager overnight and housekeeping staff would come in around 9:00 or 10:00 a.m. after many of the guests have left, so there would be parking available for staff at that time. Council Member Furgiuele asked if the hotel would serve continental breakfast. Mr. Norman replied there would be a small breakfast area.

Ms. Garrett asked if it was correct that there was no conference or meeting space proposed. Mr. Trew stated that was correct.

Vice Chairman Plaag asked how they planned to handle students who wanted to park in their lot during the day. Mr. Trew deferred that question to the developer.

Ms. Garrett asked Ron Cutlip, the landscape architect for the project, to speak about the landscaping. Mr. Cutlip stated there would be 1, 2, and 3' mounds or berms, and boulders would be used to create a more natural feel. He noted he would be on site during the grading of the property in order to ensure the protection of the trees and to try and keep the root systems safe.

Mayor Brantz asked what kind of maintenance would be necessary for the landscaping. Mr. Cutlip replied that he could recommend people to maintain the site so it still looked good for years to come. He stated he would not cut down any trees to install the fence.

Ms. Garrett asked Randy Goddard to speak about traffic. Mr. Goddard stated he was a professional engineer in the state of North Carolina and had been practicing traffic engineering for almost 32 years, and that a lot of the traffic studies he had done had been for hotel land uses. Ms. Garrett asked Mr. Goddard if he had visited the site. Mr. Goddard replied that he visited the site on July 5, 2019. He noted that neither the Town, nor NCDOT, required a Traffic Impact Analysis, but they decided to go above and beyond and did a Transportation Technical Memo, which was a reduced version of a study. Mr. Goddard stated they used the Trip Generation Manual, which was the national standard, to calculate trip numbers using to highest intensity hotel category and that number was 782 trips per 24-hour period. Mr. Goddard noted they did evaluate the access on Hillside Drive. He stated that the Hillside driveway would serve those who might have missed the primary entrance and there would be signage noting indicating the right-in, left-out pattern. Ms. Garrett asked about sight distance at the primary exit and Mr. Goddard replied that the sight distance far exceeded NCDOT's sight distance requirements.

Vice Chairman Plaag asked what the basis was for peak hour calculations. Mr. Goddard replied that the studies assume there would be full occupancy of a hotel when calculating peak hour trips.

Council Member Furguele expressed concern with traffic. He noted in his personal experience there was not an even distribution of people exiting hotels during business hours. Council Member Furguele felt a peak number of 27 cars exiting did not make sense. Mr. Goddard stated that the number would have one car leaving every two minutes in a one-hour peak period. Council Member Furguele stated his bigger concern was the prediction that only 20% of exiting traffic would go onto Hillside Drive. As designed, it looked like Hillside Drive was the exit road for the parking lot and there was no information regarding the level of service at the intersection of Hillside Drive and King Street. Council Member Furguele asked how they could make a determination of the impact to the protected neighborhood regarding traffic when there was no information available. Mr. Goddard replied that would be engineering judgement and felt most people would use the same access point to exit as they did to enter. Mr. Goddard noted that even if 50% of the cars exited onto Hillside he did not feel the level of service would change for that intersection. Council Member Furguele stated there was zero information about the number of cars that exit from the protected neighborhood. Ms. Garrett replied that they would have some of the neighbors speak to Council Member Furguele's concerns, as they use the roads and had personal knowledge of the roads.

Council Member Mason asked if it was possible to not have an entrance or exit on Hillside Drive, or if it was required, how would the left-out, right-in turns be ensured. Ms. Garrett stated she would like to have Mr. Trew address those questions. Council Member Mason stated she heard the comment about using the Hillside Drive entrance if the primary entrance was missed but noted there were U-turns that could be utilized on King Street.

Vice Chairman Plaag noted that there had been a lot of focus on the number of cars exiting during the peak hours and asked if it was correct that there would be 55 vehicles within the peak hour that would be either entering or exiting the driveway. Mr. Goddard replied that was correct for the in's and the outs.

Council Member Ulmer asked if the traffic flow would be different at a 107 room hotel in a larger town. Mr. Goddard replied that the same trip generation numbers would be used in other towns but might be adjusted based on proximity to public transit systems however, the base number would be the same.

Ms. Meade asked if it was correct that the trip generation numbers were based on maximum occupancy. Mr. Goddard stated that was correct. Ms. Meade asked if the ITE Manual took into consideration whether or not a hotel housed a conference facility. Mr. Goddard replied there were different hotel categories

that took different hotel land uses into consideration and he used the category with the highest impact to generate the trip numbers.

Ms. Garrett asked Council Member Ulmer if her suggestion was that a smaller size hotel should go in a smaller size town. Council Member Ulmer indicated that was correct. She stated that the street where a hotel was located or the activities of the town would have an impact on the traffic flow. Ms. Garrett noted that the property owners chose this site, in part, due to the walkability to Downtown.

Vice Chairman Plaag expressed concern that the hotel parking lot would be a magnet for students due to its proximity to the university. Mr. Norman replied that they would issue parking tags for the hotel guests. Vice Chairman Plaag questioned the enforcement mechanism. Mr. Norman stated management would check the cars for the parking tag and would have vehicles towed. Council Member Furguele asked where management would park on days when the hotel was at full capacity. Mr. Norman stated they would arrange for third party parking for their employees, especially during events like home football games.

Ms. Garrett asked Mr. Norman if they would provide maps of the Downtown to the guests to promote walkability. Mr. Norman replied that they would and felt that their proximity to Downtown would be part of their draw. He noted they would not have a meeting room and would not be serving alcohol, so some of the things that are experienced at the Courtyard Marriott will not be experienced at his location.

Council Member Furguele asked Mr. Norman if he would consider having no entrance off of Hillside Drive. Mr. Norman felt it was very important to have that entrance because if people do miss the primary entrance, they will try to go up into the neighborhood and he would like to avoid that happening.

Council Member Furguele asked Mr. Norman if he did some type of market study before he decided to move forward with this project and he replied that he did. Council Member Furguele asked Mr. Norman if he was aware of the hotel that was proposed to be built at the corner of Water Street and King Street and, if so, did it have any impact on what he anticipated his demand would be. Mr. Norman replied that all hotels had an impact on demand. Ms. Garrett asked if Mr. Norman felt the other proposed hotel would impact his negatively. Mr. Norman stated he did not.

Ms. Garrett asked Mr. Trew to speak about the Hillside Drive entrance. Mr. Trew explained that before the neighborhood meeting they had proposed only an exit onto Hillside Drive and no entrance. He noted that one of the neighbors brought up the thought that people might miss the primary entrance and turn up Hillside looking for a way to get into the hotel and would end up driving into the neighborhood. Mr. Trew stated that was when they added the right-in. He stated the left-out onto Hillside Drive came about because of the porte-cochere and the possibility of tour buses. They felt it would be easier for buses to get out of the parking lot at Hillside Drive. Mr. Trew stated this project was located in the Corridor District and according to the UDO, when there was access to a side street, that side street was supposed to be used exclusively and not have a connection to the thoroughfare street. Mr. Trew stated they had several meetings with Staff and Staff did not want the main entrance to be on Hillside Drive. Council Member Furguele asked where the buses would park. Mr. Trew replied that he did not know.

Mr. Trew stated there had been discussion about traffic impacts and noted that the existing use of the property was student parking. He noted there were 70 some spaces being used and felt that currently had an impact on traffic.

Ms. Garrett asked Mr. Trew to address the lane design on Hillside Drive. Mr. Trew stated the entrance would be curbed and narrowed to deter right turns onto Hillside Drive and striping could be done if necessary. He felt however, that if someone wanted to take a right onto Hillside Drive, they would take a right onto Hillside Drive regardless. Mr. Trew stated he did not feel this use would create more traffic onto Hillside Drive than any other use would. Council Member Furguele stated he was concerned with

traffic stacking upon Hillside Drive. Mr. Trew stated he passed by Hillside Drive every morning on his way to work and it was rare that he ever saw a car coming out of Hillside Drive.

Council Member Mason stated there had been a concern that someone could build a hotel to be long-term housing for students. Ms. Meade noted that they were seeking approval for a hotel and hotels were defined in the UDO as providing lodging for travelers and other paying guests with occupancy by transients rather than by residents. Ms. Meade stated if this became a long-term residence it would be illegal.

Vice Chairman Plaag stated for 14 years he traveled to Massachusetts to see his son and he stayed at a residence inn where they put him in the same room every time and across the hall was a lady who had lived there for four years. He stated this was a Marriott that had long-term rates. Vice Chairman Plaag stated that, while the UDO may have a rule, he was unsure of the enforcement mechanism. Ms. Meade felt this could be remedied with a condition on the approval and if added, while there were gaps in enforcement, there was no doubt in her mind that the Town could enforce this issue.

Commission Member Behrend noted that hotels were sometimes used to house students when their apartments were not ready. Ms. Meade added that hotels were also used by people like the Red Cross to temporarily house those who had been displaced and felt that things like that would happen from time to time but would not be considered part of the primary business model for the hotel. Mr. Norman replied that this would be a hotel and would be conditioned as such. He noted that each room would have a microwave and refrigerator. Mr. Norman stated there would be nightly rates that were not for long term stays. Ms. Garrett asked if there would be long-term pricing options and Mr. Norman replied that there would not.

Parking enforcement and towing were discussed. Mr. Trew felt towing would be a reasonable way to help control parking violations. Mr. Norman stated he would have video security outside.

Council Member Furgiuele asked why the Board of Adjustment turned down the height and setback variances. Mr. Trew explained that they sought a variance to encroach into the front building setback by 12" and a variance to allow four stories in the primary height district. He stated these variances were requested due to the permanent drainage easement held by NCDOT and both variances were denied by the Board of Adjustment. Council Member Furgiuele asked how many rooms were going to be in the hotel when the proposal was presented to the Board of Adjustment. Mr. Norman replied that there were 99 rooms presented at that time. Mr. Trew noted that national hotel chains had minimum requirements and the only way those requirements could be met was to request four stories.

Mayor Brantz called a break in the meeting from 8:36 p.m. until 8:46 p.m.

Ms. Garrett asked Allan Reich, a certified appraiser with T.B. Harris Jr. & Associates, to speak. She noted he did an impact study of many of the hotels in the area and the houses nearby. Ms. Garrett provided copies of the study, noting Mr. Reich would provide a summary. She stated that, while this analysis was not required, the developer thought it might help address any property value concerns neighbors might have. Mr. Reich stated he was the owner of T.B. Harris Jr. & Associates and they did commercial real estate appraisals and consulting. He explained that the impact study compared the value of residential housing adjacent to other hotels in the Boone area as well as housing that was not adjacent. Mr. Reich stated there was not sufficient sales data so they looked at assessed values. The study found there would be no negative impact to the residential properties surrounding the proposed hotel. Ms. Garrett asked which hotels were included in the study. Mr. Reich replied that the study included the Courtyard Marriott, Comfort Suites, Hampton Inn, and Thomas Hall. He noted there was also a study done on an 8 story high-rise in Charlotte that had million dollar homes adjacent and when some of the homes sold they were sold with no decrease in value.

Council Member Furguele asked if it was correct that the Council's consideration was not the effect of property values for the surrounding neighborhood but what was in the best interest of the Town. Ms. Meade replied that was correct and noted Ms. Garrett had indicated the information was being offered to the extent it might be relevant to public safety, health, or welfare which were basic rezoning concerns. With respect to transitional zones, Ms. Meade stated there was no specific concerns at issue about whether there would be an increase or decrease in property values.

Ms. Garrett asked Carol Norris, who lives on Woodland Drive, to speak. Ms. Norris stated she lived two blocks up from the proposed hotel. She stated she appreciated Council Member Furguele's comments about traffic on Hillside Drive but noted there were maybe five people who drive to work, not students who walk to the university, that exit on Hillside Drive so she felt that traffic stacking up to exit Hillside Drive would not be an issue.

Mayor Brantz opened the floor for public comment at 8:58 p.m.

The first speaker was Carol Norris. She stated she was quite distressed when the hotel was first proposed but after several meetings with Dan Norman and his team she felt they had bent over backwards to listen to the neighbors and accommodate their concerns. Ms. Norris stated that this hotel, as presented, was the best choice of any other options that could locate on the property and asked that Council vote in favor of the request.

The second speaker was John Tippet of 255 Woodland Drive who stated he was speaking on behalf of several neighbors. Mr. Tippet stated he was not opposed to appropriate commercial development on King Street. He noted the traffic analysis indicated there would be 782 trips per day and stated there were 14 children under the age of 10 in his neighborhood with no sidewalks on any of their streets. Mr. Tippet stated the neighborhood streets had a low volume of traffic with children and walkers. He expressed concern that Google Maps would take traffic through the neighborhood to areas on the other side of town and felt the project would create more traffic on their streets. Mr. Tippet suggested that Staff contact the navigation apps and ask them to give direction for traffic to stay on the major highways. He also suggested that signage be posted on Hillside Drive that it was not a through street, there be an investigation of additional speed humps, and the hotel staff be trained to tell guests to stay on the main streets.

Council Member Furguele stated that Google Maps was interactive and may take someone through the neighborhood. He suggested the possibility of making Hillside Drive a one-way street so traffic would exit only.

The third speaker was Ted Hagaman, Jr. who was representing Trailway Laundry. Mr. Hagaman stated they also received several offers to purchase the property for student housing but felt a hotel would be an ideal use for the property and would provide a good tax base. He noted that the Trailway Laundry property owners still lived in Watauga County and wanted to be proud of the site. Mr. Hagaman asked that Council approve the project and felt it would be a benefit to the town.

Council Member Furguele asked if the property was a Brownfield site. Mr. Hagaman replied that the property had been through all State procedures and had been cleared by the State.

The fourth speaker was Joe Mathis. He stated he had owned property at the corner of Hillside Drive and Windy drive since 1985. Mr. Mathis stated he liked the development but had concerns about traffic and the rezoning of the property because it reduced his buffer and affected the tenants of his duplex.

Steve Rigell signed up but did not speak.

The fifth speaker was Henry Knoll. He stated he had owned an apartment at 147 Hillside Drive since 1986 and he had no complaints and saw no issues with the project.

The sixth speaker was Alex McAllister of 272 Woodland Drive. Mr. McAllister expressed concern with traffic on Hillside Drive. He noted the road was narrow and difficult to navigate and was unsure about a curbed exit. Mr. McAllister suggested a traffic study be done.

The seventh speaker was Geoff Graham. He stated he was the co-owner of one of the tracts being considered for the hotel development and also owned a piece of property on Windy Drive. Mr. Graham echoed what Mr. Hagaman said noting he felt the project would be a nice addition to Boone. He stated he was pleased with Mr. Norman's response to the neighbor's concerns.

Linda Rigell signed up but did not speak.

David Thompson signed up but did not speak.

The eighth speaker was Tasse Little of 255 Windy Drive. She stated she was the adjoining neighbor to the subject property. Ms. Little noted that the hotel team had been very receptive to her concerns regarding lighting, landscaping, and fencing. She stated they would be keeping as many large pine trees as possible. Ms. Little felt the car headlights would not be a problem and offered her support for the project.

The ninth speaker was Ed Stamey. Mr. Stamey felt this project was the best thing the town could get and stated that, as for traffic, Boone was a traffic jam anywhere you went.

The tenth speaker was Jamey Russell of 171 Woodland Drive. Mr. Russell noted the neighborhood streets were narrow with blind turns and hills and, while he did not have any problems with the proposed use, he would be supportive of a traffic study.

Mr. Stamey suggested, if Hillside Drive was not a desirable entrance, another entrance could be made onto King Street at the top of the property.

Ms. Garrett stated the topography and characteristics of the tracts should be taken into consideration with regards to transitional zone requirements. She explained that the project would sit below grade, the 5% grade on the parking lot would not cause headlights to shine into neighboring homes, there would be berms and landscaping installed, dumpster pickup would be the second pickup, and a fence could be installed to help protect Mr. Mathis' property if he wanted. Ms. Garrett stated they would accept a condition that a Traffic Impact Analysis be done for Hillside Drive with the approval being contingent on the levels being good. She noted the hotel use would involve people who do not know Boone and do not know about cutting through neighborhoods.

Council Member Furguele asked if the applicant would be agreeable to design the stormwater to a 100-year storm. Mr. Trew explained that when you design to a higher storm you have a bigger capacity that can carry more water but the detention is not designed for a smaller storm so they pass right through and do not get detained. He did not think designing for a larger storm would result in less flooding. Council Member Furguele stated there was a problem with flooding in town that was getting worse. He noted the hotel project would add more impervious surface and felt that every project changed things. Mr. Trew agreed that there was more run-off with increased development. He noted the Town had been proactive in requiring stormwater detention and suggested that the Town hire an engineering firm to come up with some long range solutions to stormwater town-wide rather than asking individual developments to design larger systems. Council Member Furguele replied that the Town did have an engineering firm looking at stormwater and that process was very slow and costly. He noted the Town was looking to increase stormwater standards in the UDO and to approve a project now that might not meet revised standards in a year did not make any sense. Council Member Furguele asked when the hotel project would be built. Mr. Trew felt the project could be started in the spring. Council Member Furguele asked if the new standards were in place before the project was permitted if they would accept a condition to revise their

plans and build the stormwater to the new standards. Mr. Trew felt that would be a decision for Mr. Norman to make.

Ms. Meade pointed out that, according to the procedures, if an applicant felt they needed more time to answer they could ask for that additional time to consider the proposed condition. Mr. Trew asked if they could step outside for 5-10 minutes to discuss the ramifications of the condition.

Council Member Furguele asked if it was correct that the applicant would not agree to eliminating the entrance on Hillside Drive and have only the one entrance/exit on King Street, aside from the emergency entrance. Vice Chairman Plaag asked if the emergency entrance could be used and the first entrance instead. Ms. Shook replied that only one driveway was allowed on King Street without seeking a variance.

Vice Chairman Plaag asked if the applicant would consider extending the fence line they proposed to go all of the way to Hillside Drive to afford Mr. Mathis the same protection as Ms. Little. Vice Chairman Plaag also asked if the applicant would be opposed to the Town making Hillside Drive a one-way street as an exit only. Mayor Pro Tem Clawson replied that the neighbors would likely be opposed.

Council Member Mason suggested signage at Hillside Drive indicating there was no hotel access on the street if it was determined that there could be no entrance and exit on Hillside Drive. Vice Chairman Plaag wondered if Council Member Mason's suggestion would buy the hotel a few more parking spaces. Mr. Trew replied they did consider that and his initial guess would be that they would not gain parking spaces.

At 10:03 p.m. Mayor Brantz excused the hotel team to discuss the issues and conditions posed. Members agreed to table this case and proceed to the next agenda items until the hotel team returned to the hearing.

Case PL02928-080519 Ward – General Use Zoning Map Amendment

The Town of Boone has initiated a General Use Zoning Map Amendment to rezone property owned by Mr. John A. Ward III, located at 282 Daniel Boone Drive Extension from CD-OI Conditional District Office Institutional to R1 Single-Family Residential. Originally, the property was included in the Watauga High School Conditional District Zoning Map Amendment (Case 20070229).

Mr. Little presented the request it was outlined in the meeting packet.

Vice Chairman Plaag asked why the property was zoned OI to begin with. Mr. Ward explained that the property containing a single family home was part of the High School property and the entire property was zoned OI. Later the County decided to sell that piece of property but the zoning had never been changed.

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 10:05 p.m.

Case PL02632-060519 Section 4.16 Modification of Permits – UDO Text Amendment

Amend UDO Article 4 Permits, Section 4.16 Modification of Permits to clarify the process for changes made to a project after a permit has been issued.

Ms. Shook presented the request as it was outlined in the meeting packet. She noted that insignificant, minor, and major modifications were being struck from the text because they were difficult for Staff to determine. Ms. Shook stated that the proposed text would include only minor modifications to be approved at Staff level and all other modifications being approved by the original permit issuing authority.

Council Member Furguele expressed concern with changing the word *discernible* to *substantial* and felt those terms were very different. He thought the terminology *discernible negative impact* should be the language used.

Vice Chairman Plaag asked if the word *minor* was defined anywhere else in the UDO other than in Section 4.16.02. Ms. Shook replied that the only definition was provided in Section 4.16.02. Vice Chairman Plaag stated he agreed with Council Member Furguele's concern.

Ms. Meade stated that the word *discernible* mean perceptible and put Staff in an impossible position because any change was perceptible.

Council Member Furguele stated he did not think *discernible* was an impossible standard and noted it was the current standard in the UDO. He stated there was not a question of whether or not someone could get a modification but a question of whether the neighboring property owners and the public have an opportunity to weigh in.

Council Member Ashcraft agreed with Ms. Meade and felt *discernible* would be like measuring the unmeasurable. He stated they needed to trust Staff more than that and rely on them to make good judgments. Council Member Furguele replied that the Town currently had a remarkable Planning Staff but stated the reputation of Planning Staff was that they had approved things in the past behind closed doors and that had created suspicion of the Town and the perception that the Town did not care about neighborhoods. He stated he believed and had been told by developers that changes had been made at a Staff level without any public input and violations of the Ordinance were made at a Staff level.

Council Member Ashcraft felt the use of the word *discernible* would take away Staff's discretion to exercise professional judgement. Vice Chairman Plaag asked Council Member Ashcraft if he would feel more comfortable with the use of a different word such as *material* or *demonstrable*. Council Member Ashcraft replied he would be okay with something that would provide a little more leeway than *discernible*.

Commission Member Behrend asked why *substantial negative impact* was not suitable. Council Member Ashcraft felt the word *substantial* could potentially give too much leeway and almost contradicted how the Ordinance defined *minor*.

Council Member Furguele stated he agreed with going to two standards but noted he was concerned that, with two standards, the public would not have an opportunity to weigh in. He explained that changes that Staff thought might not be a big deal might be a big deal to neighbors. Council Member Furguele felt that Staff should still have the ability to allow changes but those changes should only be internal changes that would not discernibly impact neighboring property.

Mayor Pro Tem Clawson agreed with Council Member Furguele, noting that the voice of the people did not need to be removed from the process.

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 10:20 p.m.

Continuation of Case PL02654-060619 East King Street Hotel – Conditional District Zoning Map Amendment

Mayor Brantz reconvened the public hearing for the East King Street Hotel case at 10:20 p.m.

Ms. Garrett relayed a willingness by the applicant to have the Hillside Drive driveway be a one lane curved entrance only with no exit. She stated this would help alleviate concerns about traffic entering the neighborhood and could include arrows and standard "No thru-street" signage. Ms. Garrett offered this in lieu of the Traffic Impact Analysis for Hillside Drive because traffic would not be exiting from the hotel to create stacked cars.

Ms. Garrett addressed the suggested upgraded stormwater detention and stated it was a bit unnerving to agree with a potential huge unknown and extra costs of a redesign. She stated the applicant would be willing to comply with the standards in place at the time of application submittal with a 20% increase in storage.

Ms. Garrett stated the applicant would be willing to extend the fence along the property line all the way to Hillside Drive, as discussed.

Ms. Garrett noted that if the Town decided to change Hillside Drive to a one-way street, they would ask that the Hillside Drive access be allowed as an exit-only to help with traffic flow from the parking lot.

Ms. Meade asked Ms. Shook if there was enough certainty in the suggested stormwater condition that it would work from the Town's perspective. Ms. Shook stated her understanding of the condition was that they would comply with whatever regulations were in effect at the time they submit their zoning permit application. Ms. Garrett interjected that they would comply with the current standard at the time of permit submittal and increase that by 20% or if a new standard had been adopted by the time of application submittal they would comply with the new standard. Ms. Shook stated their approval would be tied to the Conditional District and they would have to comply with whatever standard was in place at the time of the CD approval. Ms. Meade asked if what they were really offering was to build the detention system 20% above the current standards for storage. Ms. Garrett replied that was correct.

Vice Chairman Plaag asked if they were still willing to agree to parking enforcement on site and Ms. Garrett replied that they were.

Council Member Furguele asked if they were still willing to condition the trash pick-up time and Ms. Garrett stated they were.

Ms. Shook asked if the whole stormwater system would be sized for 20% or just the storage areas. Mr. Trew replied that the 20% increase would be for the storage only. He stated he did not feel there was a big need to increase the size of the carrying system because the upsize would just cause the water to flow faster to the detention area. Ms. Shook stated she just wanted to make sure everything was sized appropriately to capture the increase. Mr. Trew noted that the water would still discharge at a 25-year storm rate, there would just be more storage.

Vice Chairman Plaag asked if the applicant would be willing to tie the spa hours to the Town's noise ordinance. Ms. Garrett replied that the applicant would be willing to do that.

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 10:30 p.m.

Case PL02860-071119 Hotels in the B1 Central Business Zoning District – UDO Text Amendment

Amend UDO Article 15 District Uses to only allow Use 3.08 Hotel in the B1 Central Business zoning district with Conditional District zoning and to amend UDO Section 24.01.04 to not except Use 3.08 Hotels in the B1 from compliance with the parking requirements of UDO Article 24.

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

Council Member Furguele asked if the proposed hotel on West King Street had obtained a permit. Ms. Shook replied that a zoning permit had been issued but not a building permit. Ms. Meade added that there was a current request for an extension of the zoning permit.

Council Member Furguele asked where the Town stood with the development of hotel standards. Ms. Shook replied that it was on Staff's list but it had not yet been addressed.

Council Member Furguele felt this text would be a great improvement and was needed for the Downtown.

With no further questions or public comment, Mayor Brantz closed the public hearing for this case at 10:36 p.m.

OTHER MATTERS

There were no other matters discussed at this hearing.

ADJOURNMENT OF TOWN COUNCIL

Mayor Pro-Tem Clawson made a motion for Town Council to adjourn. The motion was seconded by Council Member Ulmer. Council Member Furguele stated he thought there was supposed to be an item on the agenda after each case that allowed for discussion of the cases between Town Council and Planning Commission and asked that this formally be placed on the meeting agendas.

Vote: Aye – All

Nay – None

The motion passed and Town Council was adjourned at 10:39 p.m.

Rennie Brantz, Mayor

Brenda Henson, Board Secretary

Elizabeth Shay, Planning Commission Chairperson

Chairperson Shay called a break in the Planning Commission meeting from 10:40 p.m. until 10:46 p.m.

Approval of April 29, 2019 Planning Commission Meeting Minutes

It was the consensus of the Planning Commission to table the approval of the April 29, 2019 Planning Commission meeting minutes until the next meeting.

Due to the late hour, Commission members decided to call a special meeting on Thursday, August 29, 2019 at 7:00 p.m. to consider the items on their agenda.

Vice Chairman Plaag made a motion to table the Planning Commission agenda until Thursday, August 29, 2019 at 7:00 p.m. The motion was seconded by Commission Member Behrend. Ms. Shook added that the meeting would be held in Town Council Chambers, if it was available.

Vote: Aye – All

Nay – None

The motion passed.

ADJOURNMENT OF PLANNING COMMISSION

Commission Member Veno made a motion, seconded by Vice Chairman Plaag, to adjourn the meeting at 10:50 p.m.

Vote: Aye – All

Nay – None

The motion passed.

Elizabeth Shay, Planning Commission Chairperson

Brenda Henson, Board Secretary