

**TOWN COUNCIL AND PLANNING COMMISSION
PUBLIC HEARING MINUTES
MONDAY, NOVEMBER 27, 2023, 6:00 PM
1500 BLOWING ROCK ROAD AND VIA WEBEX SOFTWARE**

COUNCIL MEMBERS PRESENT: Mayor Tim Futrelle, Mayor Pro Tem Edie Tugman, Todd Carter (joined via WebEx at 7:07 p.m.), Dalton George, Becca Nenow, and Virginia Roseman

PLANNING COMMISSION MEMBERS PRESENT: Eric Plaag-Vice Chair, Adrian Tait, Frank Venio, and Smith Warren (via WebEx)

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Mike James-Commercial Zoning Administrator, Christy Turner-Residential Zoning Administrator, Brandon Wise-Environmental Specialist, and Brenda Henson-Board Secretary

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

Call to Order

Mayor Futrelle called the Town Council to order at 6:00 p.m. Vice Chair Plaag called the Planning Commission to order at 6:00 p.m. The meeting was held in the Town Council Chambers at 1500 Blowing Rock Road, as well as via WebEx.

Moment of Silence

A moment of silence was observed.

Approval of Meeting Minutes

Council Member George made a motion to approve the September 25, 2023, Public Hearing minutes as written. The motion was seconded by Council Member Roseman.

Vote: Aye – 5
Nay – None

The motion passed.

Commission Member Venio made a motion to approve the September 25, 2023, Public Hearing minutes as written. The motion was seconded by Commission Member Tait.

Vote: Aye – 4
Nay – None

The motion passed.

PUBLIC HEARING

Ms. Jane Shook, Director of the Town of Boone Planning & Inspections Department, provided a brief explanation of the guidelines for public hearings.

Case A23-0449 and A23-0450 CasaRock, LLC – General Use Zoning Map Amendment

The Town of Boone has initiated the zoning of two properties owned by CasaRock, LLC at 112 Paul Critcher Drive to R1 Single-Family Residential (Watauga County PINs: 2920-30-7460-000 and 2920-30-9457-000).

Zoning of the properties coincides with the request from the property owner for annexation of the parcels into the Town of Boone's corporate limits.

Mr. Mike James, Commercial Zoning Administrator with the Town of Boone, presented the case as it was outlined in the meeting packet.

Ms. Allison Meade, Town Attorney, stated that the application listed the requested zoning as B3, not R1. Mr. James explained that staff had prepared the application as part of the annexation, and the B3 shown on the application was a typographical error.

Council Member George asked why the property owner was seeking annexation. Mr. James replied that there were some issues with their well, so they were seeking annexation in order to receive Town water service. He noted that there would be no sewer service at this location. Mr. James stated that there was another property on Paul Critcher Drive that had previously been annexed into the Town that had water service, but no Town sewer service.

Council Member Tugman stated she thought that the Comprehensive Plan did not recommend extending services to rural areas. Council Member Roseman replied that the resource was already there in the area, so she was inclined to accept the property into the Town limits with the R1 zoning.

Mr. Todd Moody, Public Works Director, stated there was a 12" water line on Deerfield Road and a 6" water line on Paul Critcher Drive. However, there was no sewer line in this area.

There was no public comment on this case.

Vice Chair Plaag agreed with Council Member Tugman that the language in the Comprehensive Plan was clear that it was not acceptable to extend Town services to rural areas. He suggested that the updated Comprehensive Plan include language to address this type of situation.

With nothing further, Mayor Futrelle closed the public hearing for this case at 6:30 p.m.

Case A23-0451 Catherine Folk – General Use Zoning Map Amendment

The Town of Boone has initiated the zoning of 372 Junaluska Road (Watauga County PIN: 2901-81-2705-000) to either R1 Single-Family Residential or R1A Single-Family Residential with Accessory Dwelling and Viewshed Protection overlay. Zoning of the property coincides with the request from the property owner for annexation of the parcel into the Town of Boone's corporate limits.

Mr. James presented the case as it was outlined in the meeting packet. He stated that the subject property was subject to a contiguous annexation and the request was to zone the property either R1 or R1A.

Council Member George stated he would likely lean toward an R1A zoning to be more consistent with the surrounding zoning, so as to avoid any spot zoning.

Council Member Roseman stated she hoped other property owners in the Junaluska neighborhood would want to have their properties annexed into the Town as well.

Ms. Jane Shook, Director of the Town of Boone Planning & Inspections, noted that there were some R1 zoned properties further up Junaluska Road.

Ms. Meade stated she was not really concerned with spot zoning on this property, but it did seem more consistent to apply an R1A zoning.

Vice Chair Plaag noted that he and Commission Member Tait both lived in this neighborhood. He stated that when their properties were annexed into the Town, they were told these properties could not be zoned as R1A and had to be zoned as R1.

There was no public comment on this case.

Council Member Tugman asked if the property owner wanted to build an accessory dwelling, would that be allowed by right under the R1A zoning. Mr. James replied that it would be allowed by right, but would have limitations.

With nothing further, Mayor Futrelle closed the public hearing for this case at 6:37 p.m.

Case A23-0462 Warren and Ruby Boyette – General Use Zoning Map Amendment

The Town of Boone has initiated the zoning of portions of a property owned by Warren and Ruby Boyette located on Queen Street to R1 Single-Family Residential (Watauga County PIN: 2901-51-8665-000). Zoning of the property coincides with the request from the property owner for annexation of the portion of the parcel that is located outside of the town's corporate limits.

Ms. Christy Turner, Residential Zoning Administrator for the Town of Boone, presented the case as it was outlined in the meeting packet. She noted that the request was to zone the property as R1 with a Viewshed Protection Overlay.

Ms. Meade asked why the property owners wished to annex this property into the Town. Ms. Turner responded that they needed to annex in order to receive Town water and sewer services. Ms. Meade asked if it was correct that a portion of the subject property was located inside the Town limits and a portion was located in Watauga County's jurisdiction. Ms. Turner stated that was correct.

Commission Member Tait asked if services were approximate to the property. Ms. Turner replied that they were already located in the area.

Vice Chair Plaag asked if there would be any water pressure issues to this property. Mr. Moody responded that water pressure should not be a problem because the property was adjacent to a Town water tank. He stated that the property owner would pay to have approximately 100 feet of sewer line installed in order to service the property.

Vice Chair Plaag asked if it was correct that the currently unzoned portion of the property was zoned as RA when it was within the ETJ. Ms. Turner replied that was correct.

There was no public comment on this case.

With nothing further, Mayor Futrelle closed the public hearing for this case at 6:41 p.m.

Case A23-0149 Faculty Street Townhomes – Conditional District Zoning Map Amendment

A&R Mountain Properties, LLC has submitted a Conditional District Zoning Map Amendment application to rezone a parcel located on Faculty Street (Watauga County PIN: 2910-14-4592-000) from R3 Multiple-Family Residential to Conditional District R3 Multiple-Family Residential with a site-specific development plan to construct ten (10) townhomes (Use 1.08 Townhouse up to 30 bedrooms).

Mr. James noted this was a continuance of this case for a Conditional District R3 zoning. He stated that the plan had changed from the previously requested twelve (12) townhomes to ten (10) 2 bedroom townhomes on individual lots. Mr. James added that though the grading and landscaping plans were not originally included in the board packet for this meeting, the packet had been updated with the plans and had been sent out to board members this afternoon.

Mr. Tyler Moffatt, attorney for the applicant, introduced Mr. Todd Rice and Mr. Bill Aceto as members of A&R Mountain Properties, LLC. He also introduced Mr. Brent Davis, the architect for the project, and Mr. Devin Staley, the engineer for the project.

Mr. Moffatt stated that the reduction of units allowed an increase in greenspace of approximately 900 square feet. He explained that the previous plan was for a townhome-style apartment building, while the revised plan was for true townhomes on individual parcels. Mr. Moffatt stated this would be a for-sale product and with a property owners' association. He noted they had added a 10-foot greenway easement along Faculty Street and that had caused some changes to be made with the retaining walls throughout the property. Mr. Moffatt indicated that the other change in the plans was the increase of the rear landscape buffer. He also noted that the townhomes would be accessed solely from Faculty Street and not through the neighborhood streets behind the property. He noted that the real issues here were to address noise, light, and other negative impacts in the transitional zone.

Mr. Devin Staley with Blue Ridge Engineering stated that the reduction of units created one additional parking space; the retaining wall heights had increased in order to accommodate the installation of the proposed multi-use greenway path due to the steepness of the property; that the landscape material had not changed because they had concerns about the additional plant material with the wall. Mr. Staley added that the finished floor elevation now had each building stepping up one foot in elevation.

Mr. Brent Davis with Brent Davis Architecture stated that the building footprint was reduced under the revised plan, but the exterior finishes would remain the same.

Mayor Pro Tem Tugman asked if the parking spaces being stacked would allow for adequate turning on the site. Mr. Staley replied that the 22-foot drive aisle was unchanged from the previous plan and that each unit had some additional space within the driveway.

Council Member Roseman asked if there would be greenspace in the front and back of each unit. Mr. Moffatt stated that the development would be a zero-lot line development with the greenspace designated as common area and each townhome lot would include the patio area. Council Member Roseman stated that if she lived there she would want to have a dedicated yard space. Mr. Bill Aceto, one of the property owners, stated that they had an open mind regarding lot line placement.

Mayor Pro Tem Tugman asked Ms. Meade if the POA could stipulate that the townhomes could not be rented. Ms. Meade replied that the POA could stipulate that no short-term rentals would be allowed, but they could not stipulate that no long-term rentals would be allowed.

Council Member Nenow asked if any of the existing trees could be left on the site. Mr. Staley stated that there might be a few trees that could be saved at the top northern corner, but they would be unsafe from the wind without the surrounding trees. Council Member Nenow asked about the purchase price of each unit. Mr. Moffatt stated that the price would depend on construction costs and market rates. Council Member Nenow asked where the nearest AppalCART stop was located. Mr. Aceto replied that the nearest stop was located on Blowing Rock Road.

Commission Member Veno asked if the units would be joined together structurally. Mr. Aceto stated that they would have shared walls.

Council Member Carter joined the meeting via WebEx at 7:07 p.m.

Vice Chair Plaag asked about the height of the retaining walls. Mr. Staley stated that the first wall would be 8 feet high and the second wall would be 7.5 feet high. Vice Chair Plaag stated he was concerned with vehicles or people going over the retaining wall. He asked if the property owner would accept a condition that some type of safety railing or fencing be installed at the top of the retaining wall. Mr. Staley agreed that a safety barrier would be necessary. Mr. Aceto agreed to the condition, noting he was concerned with safety.

Mayor Pro Tem Tugman asked Mr. Aceto if he would agree not to market the project as student housing. Mr. Aceto replied that the properties would be marketed individually and not as student housing.

Vice Chair Plaag asked Mr. Aceto if he would be willing to place privacy fences at each unit boundaries in order to allow for individual greenspace at each unit. Mr. Aceto agreed to install privacy fences. Mr. Moffatt noted that the restrictive covenants could be written so that the greenspace would be exclusive to each unit as limited common space, but would then be maintained by the property owner's association so that the fences would be maintained.

Vice Chair Plaag asked about handicap accessibility into the units. Mr. Davis replied that there were no steps from the garages into the units.

At 7:16 p.m., Mayor Futrelle invited public comment.

Ms. Susan Owen stated she had lived in this neighborhood for 39 years and she was extremely worried about this development. She pointed out that the redesign changed the number of bedrooms from 18 to 20. Ms. Owen stated that this was a cookie-cutter design and it was not intended to be built on a steep slope. She noted that all of the trees on the subject property would be cut down. Ms. Owen stated that deforestation was addressed in the UDO and required a three-year waiting period before any development of the property. She noted that a 4-foot wide landscape area was proposed between the retaining walls and trees could not be planted in that space because the roots would compromise the retaining walls. Ms. Owen stated that the development was on a steep slope that needed to be evaluated by a geotechnical engineer. She added that no handicap-accessible parking space was provided and she questioned where the trash rollouts and recycling bins would be located when placed for pickup on Faculty Street. Ms. Owen questioned whether the slope of the driveway would be accessible for fire trucks. She noted that, according to the staff report, the greenway path would satisfy the recreation space requirement. Ms. Owen stated that families with small children would not utilize a greenway beside a roadway as a recreation space. She added that it could be years before that greenway was built.

Ms. Emily Stallings stated she had lived on Highland Avenue since 1943 and it had become a cut-through street, which would only worsen with the addition of ten townhouses on Faculty Street. Ms. Stallings noted that she echoed the statements and sentiments of Ms. Owen and she was against the project.

Lynn White stated she came to Boone in 1961 and had lived on Wintergreen Lane since 1972. Since that time, she stated that the character of the area and the quality of life in her neighborhood had changed. Ms. White expressed concern with increased lighting, noise, and traffic from the proposed development. She suggested that the proposed development was more about the money than the people.

Mr. Tim Harris of Highland Avenue noted that Ms. Owens had covered many of his concerns but wanted to add the revised plan caused the building to be about 27 feet shorter, but the depth was essentially the same. He stated that the project was still too big for the lot.

Ms. Shirley Harris asked if the differences in the revised plan really make a difference. She also expressed concern about what would happen to her property once the trees were removed.

Mr. Davis Hankins of Highland Avenue stated he was concerned with the removal of bedrock from the property, property values, and the quality of life in the neighborhood. He stated that the revised plan did not offer any change in the distance of the development from the adjacent R1 properties.

Ms. Stephanie Hankins stated that this development would not provide any affordable housing. She stated that she was concerned about the foundation of her home and was opposed to cutting down all of the trees on the property. She urged Council to deny the request.

Ms. Bertie Bragg stated that she was a lifelong resident of Boone and the project did not look financially friendly. She did not feel that she would be able to afford one of the units.

Ms. Katherine Logan stated she was concerned that the units would be sold to parents of students and it would be naïve to think that the project would not be student-based.

Mayor Futrelle closed the public comment portion of this case.

Council Member George asked if lights on the site would be on all night. Mr. Staley replied that there was generally some type of security lighting that would be on all night. He noted that this property would sit lower than the adjacent R1 property and any lighting would utilize full cut-off fixtures. Council Member George asked about the geotechnical evaluation and bedrock removal. Mr. Staley replied that any retaining walls over 5 feet had to be engineered and quality tested as well as any cut or fill that would have to be addressed in the field.

Council Member George noted both his appreciation for the public that had shown up to speak and to the applicant for reworking the plan. He noted that he had a high-level concern that if the Town was always in fear that every housing development would be student housing then no housing would be able to get constructed.

Council Member Roseman stated that she did not believe the townhomes would be affordable. However, she thought townhomes were a very good way to get more housing in Town. She noted that greenspace was limited in Boone and the Town needed to be thoughtful with development. Council Member Roseman agreed that Highland Avenue was a cut-through street and stated that it needed to be looked at for improvements to make the area safer.

Mayor Pro Tem Tugman asked if it was correct that there would be 27.5 feet of stair-stepped retaining walls on this site. Mr. Staley stated that was correct, with a contributing factor being the greenway. Mayor Pro Tem Tugman asked if the driveway would be steep. Mr. Staley replied that the driveway would not be steep and would be at an 11% grade. Mayor Pro Tem Tugman noted that a townhouse project was significantly less impactful than other types of development that could be located on this site.

Council Member Nenow stated that development could be reduced by providing only one parking space per unit and having two stories of livable space. This would also help cut costs. Council Member Nenow stated that cutting into the slope and removing all of the trees did not seem sustainable.

Council Member Carter stated he was also concerned with the retaining walls and asked when the geotech report would be done. Ms. Shook explained that the geotechnical evaluation and report typically would come after board approval during the zoning compliance phase, which was when the applicant submitted full plans and details for the construction of the development. This would include a site-specific analysis, including slope stability. Ms. Shook stated that if the report concluded that the project could not be built as proposed, then the project could not be built, regardless of board approval.

Mr. Moffatt stated that the trash and recycling would be picked up on-site and would not be placed on the street.

Council Member Roseman asked about deforestation. Ms. Shook explained that deforestation was a forestry activity that had to be permitted by the State. She stated that this site was not a deforestation site and that the deforestation regulations in the UDO would not apply in this case. Ms. Shook added that the UDO did prevent speculative grading, meaning lots could not be cleared without an approved development plan.

Mayor Pro Tem Tugman asked if there was bedrock on the site. From the audience, Mr. Hankins stated there was bedrock on the site and he could send proof to the staff. Mr. Staley stated that, if approved,

borings would be taken to test the soils as part of the geotechnical report. Mayor Pro Tem Tugman noted that, if approved, the Town Council would have no control over who lived at this development.

Ms. Meade noted that North Carolina state law prohibited the Town Council from regulating ownership.

Council Member Roseman noted that, as a comparative example, King Street Flats had retaining walls behind that building with homes built at the top of them.

Vice Chair Plaag stated that the retaining walls were a sticking point for him, citing The Cottages of Boone and the cracks in their very high retaining walls.

Commission Member Veno asked why a greenway would be installed along Faculty Street instead of a sidewalk. Ms. Shook replied that the multi-use greenway path was part of the state adopted Great State Trails plan and that the feasibility study for the path was underway. Ms. Meade added that the applicant was accommodating the greenway by installing the retaining walls with this project that the Town would have to install anyway.

Mayor Pro Tem Tugman stated that she did not feel that the Town should have to bear the burden of housing 12,000-14,000 students without assistance and partnership from the University. Vice Chair Plaag agreed that ASU should be held accountable for its part in the housing crisis.

Discussion ensued as to the solid waste/recycling for the development. Mr. Moffett indicated that the applicant had worked with a company who would be coming up into the site to collect the solid waste and recycling and that the bins would not be set out on Faculty Street or along the multi-use path.

Discussion ensued between Council and the Planning Commission on the possible conditions for the Planning Commission to subsequently consider:

1. The applicant shall place security fencing along the top of each retaining walls system.
2. The applicant will not advertise/market the as investment properties or student housing.
3. The applicant will construct privacy fences in the rear of the buildings to delineate each dwellings backyard/patio space. Each space is to incorporate the area immediately behind each dwelling unit.

With nothing further, Mayor Futrelle closed the public hearing for this case at 8:50 p.m.

Mayor Futrelle called a break in the hearing from 8:51 p.m. until 9:01 p.m.

Case A23-0317 Bryan Pleasants – General Use Zoning Map Amendment

Bryan Pleasants has submitted a General Use Zoning Map Amendment application to rezone a parcel of property located on Delmar Street (Watauga County PIN: 2910-68-9812-000) from R1 Single-Family Residential to R1S Small Home Residential.

Mr. James presented the request as it was outlined in the meeting packet. He pointed out the following errors in the meeting packet:

1. On the third page of the staff report, the property to the east of the subject property should be listed as zoned Conditional District R2 instead of just R2.
2. The second paragraph of the Ordinance contains information copied and pasted from a different case and will be corrected prior to any final action.

There being no objection, Commission Member Tait recused himself from this case stating he had worked with the applicant to prepare visuals for the property and went and joined the audience.

Mr. Bryan Pleasants stated he had general concept plans to present. Ms. Meade explained that this rezoning request was a general use rezoning and conceptual plans could not be considered.

Mr. Pleasants stated that he had met with the neighborhood to apprise them of his plans. Mr. Pleasants noted that he found this property when he worked for New River Surveyors. He stated that he now owned his own electrical contracting company and lived in Raleigh. Mr. Pleasants said his intent was to maintain ownership of the houses to be built on the property and rent them.

Council Member Roseman questioned the maximum number of houses that could be placed on the property if it were zoned R1S. Ms. Meade suggested there could be up to five houses. Mr. James stated that was correct.

Council Member Tugman asked if it was correct that an R1S zoning district required 35 feet of road frontage. Ms. Shook stated that was correct. However, if an architecturally integrated subdivision was created, the required 35-feet of road frontage might not be necessary because an architecturally integrated subdivision would allow more flexibility in the layout.

Council Member Carter stated he rented in this neighborhood and felt the subject property was well suited for R1S zoning because it would increase the housing stock and density.

Vice Chair Plaag noted that the existing house on the property would be non-conforming under an R1S zoning. He asked if there were any other non-conformities. Mr. James replied that there were none known.

At 9:22 p.m., Mayor Futrelle invited public comment. Ms. Shook noted that several public comments had been submitted via email. Mayor Futrelle stated that those comments would be added to the meeting minutes.

Don and Phyllis Thrasher stated they had lived in this neighborhood for 45 years and were concerned about the proposed rezoning changing the character of the existing family-oriented nature of the neighborhood. Ms. Thrasher expressed concerns with the potential for five additional driveways; increased water run-off, noise, traffic, decreased property values, and safety. Ms. Thrasher stated she would not be opposed to one or two more houses, but not five.

Jasmine Shoshanna stated she lived next to the creek and there was flooding in the area. She stated that more impervious surface would create more flooding. Ms. Shoshana noted that there would never be enough housing and emphasized a need for ASU to cut back on enrollment because she thought that was part of the problem.

Dave Dancy stated he was concerned with increased traffic and flooding. He noted that 100 cars went by his house between 2:30 and 5:00 p.m. Mr. Dancy added that the other R1S property on Delmar Street had a gravel driveway that had gravel washing out into the street when it rained.

Ingrid Hayes and John Doherty of Spruce Street stated they had lived there for one year. Mr. Doherty expressed concern with flooding and pollution and asked that the rezoning be denied. Ms. Hayes stated that if the property was rezoned it could create a domino effect, causing others to want to increase density on their property. Ms. Hayes asked for Council to preserve the existing neighborhood.

Katherine Logan of Daniel Boone Drive Extension stated she lived on the upper side of the creek. She stated that more houses would create a major change in the aesthetics of the neighborhood and increase flooding. Ms. Logan noted that traffic had already increased in the neighborhood due to the high school and the brewery. She asked if it was always about the money and did the Town not care about the neighborhoods and asked for the request to be denied.

Mr. Jim Lodin, who was signed up to speak was not present. An audience member said he was no longer present and that he was against the rezoning.

Matt Cain stated he had lived in the neighborhood for 13 years. He noted that it was difficult to find family housing. Mr. Cain stated that one-bedroom, one-bathroom houses were basically the same thing as an apartment. He cited increased traffic and flooding as concerns and felt that the rezoning would change the neighborhood and decrease the value of the existing homes.

Betsy Cain of 307 Delmar Street stated that rezoning the property would create six rental houses in a family-oriented neighborhood. She asked that the property remain zoned R1.

Stewart Bundy of Spruce Street stated he was not in favor of the rezoning.

Kyndy Boyle stated she had lived on Daniel Boone Drive Extension for 11 years and she was not in favor of the rezoning. She agreed that ASU should limit enrollment. Ms. Boyle expressed concern about increased traffic and flooding. She also stated that she was not notified of this rezoning request, except by her neighbors.

Mr. Rob Howard, a board member of the Watauga County Community Housing Trust stated he thought that small, cottage homes were exactly the type of development needed in Boone and it needed to happen in more places in Town. He noted that the R1S designation was highly underutilized within the Town. He noted that while he understood that people didn't want to see it in their backyards, the housing is needed throughout town.

Ms. Lori Resendiz stated she grew up at 264 Delmar Street and her parents still lived there. She noted that it was a safe, family neighborhood and she did not want that environment to change. Ms. Resendiz stated she was also concerned about flooding.

Mr. Alan Crees, indicated he was an engineer working with the applicant. He explained that the property could be redeveloped with three larger-sized homes that would create the same water run-off. He noted that the difference between the existing zoning and the proposed zoning was two houses. He stated that stormwater run-off is required to be released post-development at the same rate of run-off as pre-development. Mr. Crees added that an R1S zoning allowed less uses than an R1 zoning. He noted that a recent housing study indicated that there would be a housing gap in the next five years. Mr. Crees stated he felt this was an appropriate location for smaller homes.

Mr. David Brumfield stated he had lived at 321 Delmar Street for eight years and noted the rezoning would fundamentally change the neighborhood. He noted that Delmar Street was short and narrow and he asserted that the tiny homes would create more traffic with a possible addition of ten cars and be filled with college students. Mr. Brumfield urged the applicant to seek a middle ground, possibly through a Conditional District rezoning.

Ms. Shoshanna added that Mr. George Santucci, the Sustainability and Special Projects Manager for the Town of Boone, had applied for a grant to reroute the creek in that neighborhood, but it was denied.

Mayor Futrelle closed the public comment for this case.

Mayor Pro Tem Tugman asked if the subject property was located within a floodplain. Mr. James replied that it was not in a floodplain. Mr. Wise added that any stormwater run-off from the site would be required to be the same post-development as it was pre-development.

Mr. Pleasants stated that he did not want to increase any flooding issues in the area.

Mayor Pro Tem Tugman asked if the existing house on the property would have to meet the standards of the R1S zoning. Mr. James explained that the R1S standards would have to be met, however, the size of the house would be non-conforming as it currently exceeds the maximum size allowed within a R1S.

Vice Chair Plaag asked if it was correct that vacation rentals were not allowed in an R1S zoning district. Mr. James stated that was correct.

Council Member George asked Mr. Pleasants why he was pursuing an R1S zoning instead of developing under the existing R1 zoning. Mr. Pleasants replied that he had read about R1S zoning and felt it could work for this neighborhood. He added that he wanted to leave the property to his children.

Discussion ensued as to whether placing the housing on stilts would assist with flooding in the area. Mr. Wise noted that the property was not in the special flood hazard area and would not be required to be elevated and that the stilts would not change the amount of impervious surface.

Vice Chair Plaag suggested that the neighborhood consider and speak with staff about the possibility of becoming a Neighborhood Conservation District.

With nothing further, Mayor Futrelle closed the public hearing for this case at 10:33 p.m.

Commission Member Tait rejoined the meeting.

Ms. Shook stated that there was one more case to be heard at the Public Hearing and Planning Commission would still need to make recommendations on the cases. Due to the time, Ms. Shook asked Planning Commission members if they would like to schedule a special meeting sometime this week in order to forward their recommendations for the December 4 Town Council meeting. After some discussion of member availability, it was decided that the Planning Commission would hold a special meeting on Thursday, November 30, 2023, at 7:00 p.m. via WebEx to make recommendations on the cases heard at tonight's Public Hearing.

Case A23-0428 William and George Greene – General Use Zoning Map Amendment

William Greene and George Greene III have submitted a General Use Zoning Map Amendment application to rezone a parcel of property located between US 421 South and Wood Circle (Watauga County PIN: 2910-38-5215-000) from B3 General Business to R2 Two-Family Residential.

Mr. James presented the case as it was outlined in the meeting packet.

Mr. Alan Crees with Municipal Engineering spoke on behalf of Mark and Will Boyce. He noted that the Boyce's were under contract to purchase this property from the Greene's. Mr. Crees stated that the subject property was a remnant piece from the Hwy 421 widening project years ago. He explained that there were single-family, multi-family, and duplex uses near the property. Mr. Crees stated that the size and shape of the property did not lend itself to any commercial or multi-family use so it had sat vacant for years. He noted that Mr. Boyce would like to put a duplex on the property so they were requesting a downzoning from B3 to R2 in order to best utilize the lot. Mr. Crees stated that the property would be accessed from Hwy 421 and there was already a curb cut placed there by NCDOT.

Council Member Carter commended the applicants for their creative thinking and for coming up with a way to create some more housing stock in Town.

Council Member George agreed that this was a good use of the property that was not high density.

Commission Member Veno noted that cars accessing the property could create a safety issue on Hwy 421. Council Member Nenow stated that the access was at the three-lane so it might not be too bad.

Discussion ensued as to the Corridor District overlay requirements. Mr. James explained that if a single-family home was built on the property the access could be on Hwy 421 by right. However, if anything else, including a duplex, was built on the property the applicant would have to prove that they could not access the lot from Wood Circle.

Mayor Futrelle invited public comment for this case.

Mr. Dan Norman of Martin Real Estate stated, regarding the driveway access, that it was much harder to get in and out of Sak's Grill than it would be at this property.

Mayor Futrelle closed the public comment for this case.

With nothing further, Mayor Futrelle closed the public hearing for this case at 11:04 p.m.

Adjournment of Town Council

Council Member George made a motion to adjourn the Town Council at 11:05 p.m. The motion was seconded by Mayor Pro Tem Tugman.

Vote: Aye – 5
Nay – None

The motion passed.

Adjournment of Planning Commission

Vice Chair Plaag announced that there would be a special Planning Commission meeting on Thursday, November 30, 2023, at 7:00 p.m. via WebEx. Vice Chair Plaag adjourned the Planning Commission at 11:06 p.m.

Tim Futrelle, Mayor

Brenda Henson, Board Secretary

Eric Plaag, Planning Commission Vice Chair