**PLANNING COMMISSION MEETING MINUTES**
**THURSDAY, AUGUST 29, 2019 AT 7:00 P.M.**
**IN TOWN COUNCIL CHAMBERS**

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

**PLANNING STAFF PRESENT:** Jane Shook-Director of Planning and Inspections, Marty Little-Senior Planner, and Brenda Henson-Board Secretary

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**CALL TO ORDER**

At 7:01 p.m. Chairperson Shay reconvened the meeting that was tabled at the August 26, 2019 Public Hearing/Planning Commission meeting.

**APPROVAL OF PLANNING COMMISSION MEETING MINUTES**

Commission Member Behrend made a motion, seconded by Commission Member Hedrick to approve the April 29, 2019 Planning Commission meeting minutes as written.

**Vote:** Aye – 4 (Shay, Behrend, Hedrick, Veno)
Nay – None
Abstain – 1 (Plaag)
**The motion passed.**

**CASE PL02654-060619 East King St 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, shown on the map above outlined in blue, is Conditional District B3 General Business, and the proposed use is Use 3.08 Hotel.

Vice Chairman Plaag began by saying it seemed clear from the residents that they were appreciative of the applicant listening to their concerns and addressing a lot of their issues. He stated he appreciated the applicant approaching the neighborhood concerns the way he did.

Commission Member Behrend added that she was impressed with the adjustments the applicant made for the community.

Commission Member Veno stated he listened to the testimony of the neighbors and noted the turnout to the neighborhood meetings was good. He felt the applicant was willing to help with the neighbor's concerns. Commission Member Veno noted that parking in Boone was a problem. He stated that the development would be providing the correct number of parking spaces required and felt that it would be the burden of the owner/manager to correct any issues that could arise with students parking in the hotel lot. Commission Member Veno suggested that the hotel issue parking stickers to display in guest's vehicles as well as hiring a local company to monitor and enforce parking in the hotel lot.

Vice Chairman Plaag expressed concern that 125 people would show up to park in 107 spaces and it would become a problem for nearby neighbors or businesses because the overflow would park on their property. He noted that students who currently park on the property are conditioned to park on the property and may continue to do so even after development. Vice Chairman Plaag felt the Commission needed to consider the ripple effect onto other property owners in the event that students park in the hotel lot or hotel guests bring more than one car. He suggested the hotel could rent off-site spaces or have on-call parking elsewhere during peak occupancy times.

Chairperson Shay stated she would prefer having something in place for spillover traffic during peak weekends versus overbuilding parking.

Vice Chairman Plaag asked if the Commission could get a list of the conditions suggested during the Public Hearing.

Mr. Little read the following list of possible conditions discussed at the Public Hearing:

1. Right in only with no exit on Hillside Drive in lieu of performing a traffic impact analysis.
2. A sign on the property at Hillside Drive that says No Thru-Street or similar language.
3. Increase on-site stormwater detention storage by 20%.
4. Extend fence along the southeast property line to Hillside Drive.
5. Enforce parking on-site.
6. Trash pickup shall occur after 8 a.m.
7. Limit spa access to comply with the Town of Boone's Noise Ordinance.

Commission Member Veno stated he was confused about the stormwater discussion.

Vice Chairman Plaag expressed concern about the condition suggested by Council Member Furgiuele to build the stormwater infrastructure to some unknown future regulation. He stated he was sympathetic to Council Member Furgiuele's concern about flooding but felt that doing things in isolation was not the way to solve the problem.

Commission Member Hedrick felt it was not fair to impose that kind of condition on one property owner when it was not a requirement of the UDO and no other property owners are being made to build oversized stormwater facilities.

Chairperson Shay noted that each of the subject parcels could develop a various number of uses by right and this could cause much more impact that one hotel.

Vice Chairman Plaag replied that he was not swayed by that type of argument but noted he was somewhat swayed by the neighbor's feelings that this project would not sufficiently impact them. Vice Chairman Plaag stated he was on the fence on how he felt about this project. He stated he had lived close to hotels before and knew what it was like. Vice Chairman Plaag asked if there had been any complaints from neighbors about the Courtyard by Marriott since it was built. Ms. Shook replied that she did not recall any complaints after the hotel was constructed.

Commission Member Behrend felt this was a fairly good project for the area. She stated she was happy with the entrance only from Hillside and agreed with Chairperson Shay about not overbuilding parking.

Commission Member Veno asked if this request was for a map amendment. Ms. Shook replied that this request was for approval of a rezoning of property and approval of a site specific development plan.

**First Motion and Vote:** Chairperson Shay made a motion, seconded by Commission Member Veno, that the proposed amendment to the Town's zoning map is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because the proposed amendment is consistent with Comprehensive Plan Policy 2.1(C) The Town shall encourage the development of a well-balance tourism trade as a primary element of the area's economic future. Investments in services, facilities, and proper growth management shall be employed in furtherance of this objective and; Comprehensive Plan Policy 2.1(D) Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas. Commission Member Behrend wished to amend the motion to add Comprehensive Plan Policy

2.1(A) The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy and; Comprehensive Plan Policy 2.1.2(C) Community/Commercial Centers shall be located adjacent to a major street and contain or be adjacent to other appropriate community facilities. Chairperson Shay and Commission Member Veno accepted the amendment.

**Vote:** Aye – 4 (Shay, Veno, Behrend, Hedrick)
Nay – 1 (Plaag)
**The motion passed.**

**Second Motion and Vote:** Chairperson Shay made a motion, seconded by Commission Member Behrend, that the Planning Commission recommends approval of the proposed amendment to the Town's zoning map with the conditions agreed to by the applicant at the Public Hearing as follows:

1. Right in only with no exit on Hillside Drive in lieu of performing a traffic impact analysis.
2. A sign on the property at Hillside Drive that says No Thru-Street or similar language.
3. Increase on-site stormwater detention storage by 20%.
4. Extend fence along the southeast property line to Hillside Drive.
5. Enforce parking on-site.
6. Trash pickup shall occur after 8 a.m.
7. Limit spa access to comply with the Town of Boone's Noise Ordinance.

and believes approval is reasonable and in the public interest because the applicant has taken steps to protect the surrounding neighborhood and the proposed project is consistent with other development in the area. In addition, Planning Commission recommends Council and the applicant consider the following condition:

8. The applicant shall make arrangements to accommodate overflow parking during peak periods in order to limit impact on the surrounding neighborhood with spillover parking effects.

**Vote:** Aye – 4 (Shay, Veno, Behrend, Hedrick)
Nay – 1 (Plaag)
**The motion passed.**

Ms. Shook explained for members of the audience that the next step for this case would be that Planning Commission's recommendations will be forwarded to Town Council who will consider the recommendations at their regular meeting in September on either September 17 or 19, 2019. She urged the public to check on the Town's website for the exact date and time once the meeting agendas were posted.

**CASE PL02928-080519 John 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 and shown in yellow on the map above, 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 explained the request. He noted that since the sale of the property by Watauga County it has been used as a single family dwelling.

Vice Chairman Plaag stated his understanding from the Public Hearing was that this property was one of the old Edmisten Farm homes and it was included in the parcel purchased by Watauga County for the construction of the high school. He felt the rezoning of the property from O/I to R1 would match the adjacent R1 zoned properties.

Commission Member Veno asked how this change would benefit the property owner. Mr. Little replied that single family homes were not currently allowed in an O/I zoning district so changing the zoning to R1 would bring the property into conformity with the UDO. Ms. Shook added that the property in question was accessed from Daniel Boone Drive Extension and is not accessed from the high school property. Vice Chairman Plaag stated his recollection was that this property was substantially below the grade of the high school property.

Chairperson Shay asked if there had been any commentary from the neighborhood regarding the request. Mr. Little replied that staff always gets a little commentary whenever people see the zoning signs on properties but as soon as they heard that the property was requesting to be zoned single family there were no other comments.

Vice Chairman Plaag asked when the house was built. Mr. Little stated that the house was built in 1951 according to tax data.

Commission Member Behrend asked why this property was included in the high school zoning. Ms. Shook explained that the County purchased all of the property as part of the high school development. After the high school was completed the County was left with a house they did not need. Ms. Shook noted that single family homes were allowed in the O/I zoning district at the time of the high school zoning so it was not an issue then. She stated that the high school was a conditional district approval and whoever owned the house would have to seek rezoning to bring the home into compliance.

**First Motion and Vote:** Vice Chairman Plaag made a motion, seconded by Commission Member Hedrick, that the proposed amendment to the Town's zoning map is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because the proposed amendment is consistent with the overall objectives in Comprehensive Plan 1.1 Neighborhoods which states, Ensure the livability of neighborhoods, especially through land use and traffic planning; Comprehensive Plan Policy 2.3.2(A) The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning are and; Comprehensive Plan Policy 2.3.3(A) The protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community.

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

**Second Motion and Vote:** Vice Chairman Plaag made a motion, seconded by Commission Member Behrend, that the Planning Commission recommends approval of the proposed amendment to the Town's zoning map and believes approval is reasonable and in the public interest because this parcel, as it is currently defined, has historically always been a single family residence and was included in the conditional district plan for the high school simply because it was part of the property that was acquired to build the high school but in terms of its actual use it has always been a single family use and returning it to an appropriate zoning classification just makes sense.

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

**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.

Vice Chairman Plaag felt the main concern at the Public Hearing about this text was in 4.16.02 with the use of the word substantial versus discernible. He stated he had no issues with removing the word discernible but did have concerns about substituting it with the word substantial. Vice Chairman Plaag felt the word substantial meant something greater instead of lesser and seemed out of sorts with a minor modification. He noted that Council Member Ashcraft had suggested something like material or demonstrable and while he felt either of those were fine be would prefer the word material because it would likely be easier for staff to define. Vice Chairman Plaag stated his understanding of the proposed text amendment was that it would reduce three categories to two and get rid of the insignificant deviation text and essentially group it into the minor category. Ms. Shook stated that was correct.

Ms. Shook noted another term that was mentioned was the word measurable. She stated that definition of material included "important, essential, and relevant" and felt that the term material would work.

Prior to the motions, Ms. Shook mentioned that not all text amendments had relevant Comprehensive Plan policies to site but encouraged Commission members to make every attempt to consider Plan policies.

**First Motion and Vote:** Commission Member Behrend made a motion, seconded by Vice Chairman Plaag, that the proposed amendment to the Town's zoning ordinance is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable, with the wording change from substantial to material in Section 4.16.02, because the proposed text is consistent with Comprehensive Plan Policy 2.3.4(A) Public involvement shall be encouraged in decisions concerning land use and development by madding the public aware of proposed developments at the earliest opportunity, as well as fostering communication among developers, the Town, the County, the University, and the general public and; Comprehensive Plan Policy 2.3.4(C) Specific functional plans and implementation tools shall be supported as part of the comprehensive planning program for the Town and County.

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

**Second Motion and Vote:** Commission Member Behrend made a motion, seconded by Commission Member Veno, that the Planning Commission recommends approval of the proposed amendment, with the recommendation to change the wording from substantial to material in Section 4.16.02, to the Town's zoning ordinance and believes approval is reasonable and in the public interest because it will make the text consistent with other plans and will be more understandable.

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

**CASE PL02860-070119 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 explained that the Community Appearance Commission was suggesting changes to the B1 area. She noted that at the public hearing the scale and massing of hotel uses was discussed as well as the impact of a hotel use, including parking.

Vice Chairman Plaag noted Council Member Furgiuele's suggestion to change Section 1 to read *The following subsections of Articles 15 and 24 of the Boone UDO are hereby revised, with deletions and additions shown in red and blue respectively.* Ms. Shook noted that previously there were laws that required the repeal of a section and the adoption of a new one but noted this would be changing back to indicate modifications instead of repeal.

Chairperson Shay stated she was having a hard time understanding the potential impacts. Ms. Shook explained that the text would not prohibit a hotel use in the B1, it would just require the use to obtain conditional district zoning approval and meet parking requirements.

Commission Member Behrend asked if this amendment would affect the hotel that was currently permitted. Ms. Shook replied she could not say whether it would or would not affect the development due to unknown issues that could arise with permits.

Vice Chairman Plaag asked if Planning & Inspections was directed by Town Council to address this issue. Ms. Shook stated this was directed by Town Council. Vice Chairman Plaag asked if it was correct that Town Council had already indicated a preference for making this change. Ms. Shook replied that was correct. Vice Chairman Plaag asked Ms. Shook to explain what could happen regarding parking under the current UDO text if a hotel were built in the B1. Ms. Shook explained that under current Ordinance requirements a hotel located in the B1 would not be required to provide any parking. Vice Chairman Plaag felt the lack of required parking for a hotel in the B1 urgently needed to be addressed.

Ms. Shook urged Planning Commission members to have discussions with Town Council during the Public Hearings in order to address any concerns they may have regarding any of the issues before them.

**First Motion and Vote:** Vice Chairman Plaag made a motion, seconded by Commission Member Behrend, that the proposed amendment to the Town's zoning ordinance is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable, with an amendment to Section 1 so that it reads *The following subsections of Articles 15 and 24 of the Boone UDO are hereby revised, with deletions and additions shown in red and blue respectively,* because the proposed text is consistent with the overall objectives in Comprehensive Plan 1.1 Automobile Transportation which states, Maximize the efficiency of existing facilities, but not at the expense of town and neighborhood character and livability. Build or expand transportation facilities and parking areas as needed, but with care; Comprehensive Plan Policy 2.1.2(F) Commercial uses may be encouraged to develop be consolidation and expansion of existing commercially zoned property, only when such consolidation and expansion does not encroach upon a viable residential area and; Comprehensive Plan Policy 2.1.5(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.

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

**Second Motion and Vote:** Vice Chairman Plaag made a motion, seconded by Commission Member Veno, that the Planning Commission recommends approval of the proposed amendment to the Town's zoning ordinance and believes approval is reasonable and in the public interest because the regulations as currently written would not require any parking for a proposed downtown hotel development and this would have an adverse impact on other business owners in the town and potentially on adjacent neighborhoods to downtown.

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

**OTHER MATTERS**

Ms. Shook distributed notebooks to each Planning Commission member containing materials related to potential rezoning that Town Council was considering including all reports given to Council on August 2, 2019.

Ms. Shook stressed that this information had not gone to Public Hearing and was for discussion only at this point. She noted that Council wanted Planning Commission members to have the information so they could be prepped in the event these changes moved forward. Ms. Shook asked that Commission members look over the information and an item for discussion would be placed on the next Planning Commission meeting agenda.

Commission Member Hedrick felt he might have a conflict of interest because one of the pieces of property in the materials was owned by his father. Ms. Shook stated they could address that at a later date but felt it would only be a conflict on the one parcel and not the entire subject.

Vice Chairman Plaag asked how this magnitude of rezoning would take place. Ms. Shook replied that they were considering that and felt there would likely be some type of public meetings as well as newspaper advertising. She noted that Town Council does have the authority to move forward without property owner consensus but the Council's goal is to have public input within the process. Ms. Shook added that no decision had been made regarding whether or not to consider the changes in whole or in part. She stated that Town Council would want to meet jointly with Planning Commission at some point to start going over the information.

Vice Chairman Plaag asked when additional board training might take place. Ms. Shook stated she would like to have the two vacant Commission member spots filled before proceeding with training and would update the Commission at the September meeting.

**ADJOURNMENT**

Vice Chairman Plaag made a motion, seconded by Commission Member Behrend, to adjourn the meeting at 8:46 p.m.

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

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