SPECIAL PLANNING COMMISSION MEETING MINUTES
MONDAY, OCTOBER 9, 2023, 6:00 PM
VIA WEBEX

PLANNING COMMISSION MEMBERS PRESENT: Eric Plaag-Vice-Chair, Chris Behrend, Adrian Tait, and Frank Veno

TOWN STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Christy Turner-Senior Planner, Michael James-Senior Planner, Brandon Wise – Environmental Specialist, and Justin Stines – Deputy Public Works Director

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Call to Order

Vice Chair Plaag called the special Planning Commission meeting, held via WebEx, to order at 6:02 p.m.

Public Comment

There was no public comment.

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

A&R Mountain Properties, LLC has requested a Conditional District Zoning Map Amendment for property located on Faculty Street (Watauga County PIN: 2910-14-4592-000) to construct 12 townhomes with a site-specific development plan for Use 15.03 (Townhouse).

Vice-Chair Plaag asked Staff if there were any updates since the public hearing. Ms. Shook asked Ms. Turner and Mr. Tyler Moffatt, attorney for the applicant, if there were any updates that they wanted to share, as she was aware that the applicant had met with Staff.

Mr. Moffatt indicated that based upon the comments and concerns heard at the Public Hearing that the applicant would be requesting a continuance in order to make some modifications to the plans and then return back for a second public hearing before the Planning Commission and the Town Council. He noted that if possible that the applicants were interested in hearing any additional concerns that the Planning Commission might have so that they may have the opportunity to address them into the applicant's discussion and ultimately their revised plan submission. He continued to note that briefly that the applicant was considering the following changes: reducing the building footprint from 12 units to 10 units, changing the project to a "for sale" product, modify the landscape plan, opens space and parking.

Vice-Chair Plaag asked Ms. Shook what the procedure would be in this instance as it appeared to be a withdrawal. Ms. Shook noted that it wasn't technically a withdrawal that the UDO Subsection 9.02.04 allowed modification of the application in response to concerns and issues raised at the hearing. She further noted, that based on Mr. Moffatt's summary of the changes, the applicants would be required to resubmit new plans as the changes would be too extensive for Council to perceive the impact of the changes.

Ms. Shook noted to Mr. Moffatt that the Planning Commission could discuss the issues that they had with the existing plan but that would not mean that are giving approval if any of those changes are made on the revised plan. Mr. Moffatt indicated that he understood and that the applicant did not expect that because they understood the plans would be modified and subject to a second public hearing.

Vice-Chair Plaag noted that if there were no objections from the Commission then he would be willing to entertain a discussion that addresses concerns on the plans that had been submitted so long as the Commission did not explore any of the proposed changes. He indicated that the applicant would need to agree that the Commission would not be bound by any conclusions or opinions that the Commission may express to the present plans and that everything is up for reconsideration when revised plans are submitted for the second public hearing. Mr. Moffatt indicated the applicant understood and appreciated the Commission's time.

Vice-Chair Plaag noted to the Commission members that they could begin discussion and noted that he thought it would be fair to remind themselves of concerns and conditions discussed at the public hearing. He asked the Commission members if they had anything that they would like to start with.

Commission Member Veno indicated that while looking over his notes from the hearing, that he thought listening to the neighbors was important and that there is concern over the buffers in the back and that the development would expose the back of a development that he does not think is attractive. He indicated that issue would need to be mitigated. Commission Member Veno then indicated that he thought the footprint of the development was too large for the parcel of property even though the town has approved the transitions and setback. He then asked what occupancy would be allowed in the R3 and noted a concern with the units being rental.

Ms. Shook noted that the townhouse use would restrict the occupancy to no more than two unrelated. She noted that she wanted to clarify that while Staff does verify setbacks, height, and intensity standards, they do not make a conclusion on transitional zones. She noted it was up to the applicant to demonstrate to the board whether the UDO standards where sufficient or that additional measures were needed to mitigate a concern. She also noted that the town could not regulate ownership. She reminded the Commission that Commission Member Tait had suggested exploring a condition at the public hearing regarding owner-occupancy and that Ms. Meade, the Town's attorney, had indicated that she would look into it.

Commission Member Tait noted he agreed with Commission Member's Veno's comments. He noted that he had reviewed the landscape plan and noted that he noted the applicant had challenges with the amount and type of plant material that could be placed on the buffer between the residential properties due to the retaining wall and wondered if it would be possible that with the adjoining property owner's agreement if the applicant could plant additional material on the adjoin properties to help increase the planting zone. He indicated he didn't know the feasibility of the suggestion. Vice-Chair Plaag indicated that while he appreciates the spirit in which the suggestion had been made, that he would be troubled by the idea of shifting the burden to the adjoining property owners to address the problem. Vice-Chair Plaag asked if any of the other Commission members had and thoughts on the suggestion. Commission Member Veno thought it could be a good idea but that there were several different neighbors who may not all agree.

Commission Member Behrend noted that her biggest concerns were getting rid of the big trees, and was hoping that the applicant could put in larger trees to help replace them but understands that there may be an issue with the retaining wall. She noted how the tree loss would have an impact on the neighborhood.

Vice-Chair Plaag asked Staff how the planting at the front of the property would be impacted by the installation of a greenway. Ms. Shook noted that the greenway would be 10' from the back of curb and that the applicant would still be required to provide a street yard in addition to the greenway. She noted that Mr. Justin Stines, with Public Works was available for any specific questions. Mr. Stines indicated the future path would be ten feet behind the back of curb and that the town would request a fifteen-foot easement, most likely including the retaining wall, for maintenance of the path.

Vice-Chair Plaag indicated that he would like to have it on record that the applicant had agreed to a condition to not rent the units by the bedroom and that they had agreed to a condition to not market the units exclusively to students or as student living. He asked if there was any objection from Mr. Moffatt on his recollection of the conditions. Mr. Moffatt indicated there was no objection and noted the applicant had agreed to those conditions.

Vice-Chair Plaag called on Mr. Devin Staley, the applicant's engineer. Mr. Staley noted that the front retaining wall would increase height to accommodate the ten foot greenway and noted that he thought the wall would most likely be six to eight feet tall. He noted that the five-foot sidewalk would require a four-foot or small retaining wall. Discussion ensued as to the wall height in relation to the greenway and the parking lot. Mr. Staley noted the greenway would be at back of curb at street level and then the retaining wall would be behind the greenway with the parking lot area at the top of the wall. Vice-Chair Plaag asked if there would be a safety fence at the top of the wall and asked Ms. Shook if the UDO allowed that. Ms. Shook indicated that it would be allowed. Vice-Chair Plaag indicated that he would hope that this would be on any revised plans that came back.

Discussion ensued if there would still be room for plant material at the street. Mr. Stalely indicated that there would be approximately 10-11 feet between the back of curb for the parking lot and the retaining wall next to the greenway. Mr. Brandon Wise indicated that should be sufficient to meet the requirements of the UDO.

Vice-Chair Plaag then noted that he had concerns with the proposed parking plan. He noted there was very little room and that since the cars would be stacked that there could be a lot of people backing out to let someone out and he wondered if that was a good idea. Commission Member Veno noted that he had the same concerns because there wasn't a lot of wiggle room in the proposed plans but that if it was a for sale project that it may be a case of buyer beware. Discussion ensued as to how sometimes in these cases that the residents and their guests try to find other places to park because of the limited parking and at this location there is no other possibility for additional parking.

Discussion ensued regarding the grade of the driveway. Ms. Shook noted that typically the grade is reviewed when a grading plan had been submitted as it was in this case but Staff would pass on the concerns over driveway grade to the Fire Department when the revised plans were submitted.

Vice-Chair Plaag noted that he had a concern that in cases where a neighborhood meeting was required that the information required to be submitted wasn't complete. He noted that in this case the questions asked were provided but no response from the applicant had been provided. Vice-Chair indicated that it wasn't a true summary. Ms. Shook noted that staff had heard his concern about this issue and had taken note of it. She indicated that she hadn't been aware of any prior issues but indicated staff was now aware and had taken note.

Discussion then ensued as to the requirement in UDO Subsection 15.03.03(C) regarding the livability space requirements for the units and for the development. Vice-Chair Plaag indicated he had concerns about the dedicated outdoor space for the ground floor units. Ms. Shook indicated that the applicant may need to show on the plans how this standard is clearly met when they come back with revised plans.

Discussion ensued as to how the solid waste would be collected. The applicants confirmed that the service provider would enter the site to empty the roll-outs. Vice-Chair Plaag indicated that he would like to see the applicant offer a condition on this commitment if the proposal came back.

Discussion ensued as to the height of the front wall and concern that it would exceed the maximum height allowed in the setback. Ms. Shook noted that she would need to look into it.

Discussion then ensued as to the development's compliance with ADA. The applicant's architect noted that internally each unit in the development did not have to be ADA accessible due to the number of units and that the units themselves would only have a small stair to access at the parking level. Ms. Shook indicated that Staff could look into what the building code requires when the plans were resubmitted.

Vice-Chair Plaag made a motion, seconded by Commission Member Behrend, to table making a recommendation on the current proposal given that the applicant has informed the Town that a new set of plans will be submitted with a request for a second public hearing.

Vote: Aye-All
Nay-None

The motion passed.

Chair and Vice Chair Consideration

Vice-Chair noted that Commission Members Veno and Tait has submitted applications for the Chair and Vice-Chair position. Both Commission Members Veno and Tait indicated that they would be interested in serving in either position. After brief discussion, Commission Member Behrend made a motion, seconded by Commission Member Veno, to recommend Commission Member Tait as Chair.

Vote: Aye-All
Nay-None

The motion passed.

Vice-Chair Plaag made a motion, seconded by Commission Member Behrend, to recommend Commission Member Veno as Vice-Chair.

Vote: Aye-All
Nay-None

The motion passed.

Adjournment

Commission Member Tait made a motion to adjourn the meeting at 7:17 p.m. Commission Member Veno seconded the motion.

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

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Eric Plaag, Planning Commission Vice Chair **Jane Shook, Director**