Quarterly Public Hearing
SPRING
May 11, 2006
Meeting Minutes

Town Council in attendance:	Mayor Clawson, Bunk Spann, Rennie Brantz, Dempsey Wilcox, Lynne Mason, Janet Pepin,
Planning Commission in attendance:	Pat Vines, Gayle Turner, Mary RutMcRae, Charlie Walker, Matt Robinson, Gregory Reck, Shawna Rhyne and Mary "Bo" Bolick
Staff in attendance:	John Spear-Development Services Director, Marlene Crosby-Board Secretary
Others in attendance:	Greg Young-Town Manager, and Sam Furgiuele-Town Attorney

Mayor Clawson welcomed everyone to the Spring Quarter Public Hearing. She called the meeting to order at 7:00 pm. Mayor Clawson announced at the meeting that the first Case on the agenda has been withdrawn. Mayor Clawson moved to Case 20060211 Watauga County Board of Education due to the number of people in the room.

Case 20060211
The Watauga County Board of Education General Use district request to rezone portions of the Watauga High School Campus and surrounding property from R-3, Multi-family Residential to B-3, General Business.

Mayor Clawson asked Mr. Spear to review the staff analysis specific to this case. Mr. Spear outlined the case and uses of each zone classification. Mayor Clawson asked both the Town Council members and the Planning Commission members if they had questions regarding this case. Member Bunk Spann asked what type of zoning is in this area relative to the comprehensive plan. Spear replied noting this property is located within an urban growth area boundary. The R-3 portions of the property are all located within the primary growth area. There are 12 acres of land that are owned by the school board that are shown along the southern side which are located outside the Boone city limits and are located in the rural area. These 12 acres are not subject to this zoning change request. Mr. Spear further outlined that in the meeting packet there is a comparison of the zoning classifications and definitions of both the R-3 & B-3 zoning districts. Also in the report is a comparison of the permitted uses which are allowed within each district. The report shows a contrast between the R-3 & B-3 districts. As this is a general use district request, the central issue is whether or not the proposed zoning classification advances public health, safety and welfare. Spear noted this property is adjacent to numerous B-3 zoned properties to the North and East along the Highway 105 corridor. The existing land uses along this corridor are retail, restaurant and hotel and others that are generally associated with the B-3 zoning district classification. The requested B-3 zoning classification would be consistent with adjacent zoning and existing land use. The requested B-3 zoned areas are within the primary growth area where intense urban development is encouraged. This request is supported by the policies of the Comprehensive Plan. Member Bunk Spann asked Mr. Spear to explain what is in the R-1 zoned area and Mr. Spear said that the land is vacant. Member Mary Ruth McRae asked for clarification on a map stating that the areas outside the map are not subject to the zoning request. Mr. Spear said that was correct. Member Gayle Turner asked for clarification on the location of the watershed on the map.

Mr. Paul Miller, Attorney for the Board of Education came forward and explained how the rezoning request of the Watauga County Board of Education came to be. A committee was formed that consisted of parents and others from other schools in the county. There were key communicators appointed by the committee. After many public hearings the key communicators recommended the county that either a new high school would be built on the existing site or on the new property site. The board of Education adopted these recommendations and then began

to study the possibly of doing something on the current site. A study was done to see what the estimated costs would be to build a high school in either location. To build on the current site would cost around $35 Million. To build a new school on the new site in the existing parking lot was around $43- $48 Million. Both of these options presented some very serious problems. One problem was building while keeping the school operating. Another problem was parking. It would cost a lot more money to build onto the existing site. The Board of Education and the County Commissioners have met several times. As a result of their meetings, they believe the best course of action is to build a new school on a new site. This will cost more money because property will have to be purchased and the recreation and athletic fields will have to be rebuilt. The selling of the current site will generate sufficient funds to purchase property and rebuilt the recreation and athletic fields with money left over to be put into the actual building. Paul Miller said that he believed that the current high school site is more marketable if it is on a B-3 rather than an R-3. He believes that this request is supported by the Town of Boone Comprehensive Plan. The high school is located in the town's primary growth area. This zoning change will encourage a concentration of intense urban type development within this primary growth area which is supported by the town's policy 3.5. The high school location will support a regional commercial center on this site because it is located at an intersection of two or more major streets. This site includes two major parcels that are owned by Watauga County that are all ready zoned B-3 join two intersections that have existing stop lights. This site is located along a major highway 105 which supports commercial use and it supports the town's policy 5.6. This expansion of this commercial zone will encroach upon any residential area which is supported by the town's policy 5.8. This site is large enough to allow the development of a mix-use development that will promote efficient provision of public services.

There were 21 public speakers for this case who were all in favor of the rezoning of the high school property. The names of the people are Marjory Holder, John Cooper, John Turner, Shelton Wilder, Ivan Roten, Al Wheeler, Matt Cooper, Paul Miller, Deborah Miller, Andy Reese, Jim Deal, Steve Goss, Keith Honeycutt, Michele Gibson, Mary Cavanaugh, Billy Winkler, Joseph Miller, Dave Robertson, Lowell Younce, Dan Mitten and Mark Logan. The public present are students, business owners, teachers and property owners. Member Spann asked if the property would be used for mix-used. Mr. Miller said that the businessmen that he had spoken to that were interested in the property are in support of using it for mix use.

Many of the reasons in support of the rezoning of the high school property that were mentioned are:

- it is consistent with the comprehensive plan and needs of the Town of Boone
- increase the tax base
- need new high school
- traffic control is all ready in place with the stop lights on Hwy 105
- driveways are all ready cut in property
- discourages strip mall development
- maximizes the property value
- creates opportunity for the Town of Boone

Mayor Clawson closed the public hearing for this case.

Case 20060192

Den Mac LLC Conditional District General Business (CB-3) zoning - Approval to permit a change of use of one building from a restaurant and dance hall (UDO Use 8.100) to retail and storage (UDO 2.111 and 10.210) and construction of a new building of approximately 20,000 square feet with associated site improvements. The applicant is also requesting vesting of the project for five (5) years. This project is located on the southwest corner of the intersection of Bamboo Road (NCSR 1514) and Brook Hollow Road (NCSR 1614).

Mr. Spear reviewed the staff report specific to this case located in the meeting packet.

Member Spann asked if there is all ready water and sewer on the site. Mr. Spear confirmed that there is water and sewer there. Member Brantz asked about the annexation of the property which was an original condition. Spear noted that the current property owner, Virgil Freeman, is aware of the requirement and will submit the appropriate paperwork to annex the property. Mr.

Freeman is comfortable with this condition. Member Spann asked for clarification on the traffic impact. Mr. Spear said that there will be less of a traffic impact with the proposed rezoning request. Member Wilcox asked about the water impact. Mr. Spear said there would be less of a water impact with this change. Mr. Virgil Freeman said that the Utilities department has confirmed that the water usage will be less. Member Pepin asked if there would be car washing with the use of car storage. Mr. Freeman said that he does not anticipate doing a lot of car washing; he does see them using some water. Member Brantz asked about the nursing care use and the government offices at this property. Mr. Freeman said that currently the McCloud Center is a tenant at this location as are the NC DOT Engineers and the Health and Human Services office of CDSA.

Mayor Clawson closed the public hearing on this case.

Case 20060210

C.C. Bear Development, Inc. Conditional District General Business (CB-3) zoning approval to permit construction of a combination use project consisting of office, retail, restaurant and residential uses. The total project will be 40,500 square feet. This project is proposed to be constructed in two phases and the applicant is requesting vesting for four (4) years. This project is located between NC 105 Extension and Horn in the West Drive south of King Street.

Mr. Spear reviewed the staff report specific to this case as located in the meeting packet.

Member Spann asked Mr. Spear to explain the one reason that the development services staff may not support with the current policy. The reason was concerning environmental issues in the wetland on the southern portion of this project the size of 1000 square feet or .025 acres. Before any zoning compliance certificates can be issued the Army Corp of Engineers will have to submit an approval to fill this area. It was the filling of this area that compelled the development services department to add this policy to the staff report. Member Spann asked about the cross parking agreement on Page 3 of the report. Mr. Spear said that this is to encourage adjoining buildings to link their parking lots. In this case, the agreement would be with Dr. Placentra. Chairperson Reck asked about the traffic impact. Mr. Spear said a traffic impact analysis has been done and it showed no negative impact. It was suggested by DOT to create an exit onto Horn in the West. This would also facilitate emergency vehicle access. Commissioner Robinson brought up the point that he is a patient there and it is almost impossible to exit Dr. Placentra's parking lot. Mr. Spear said that there is no negative impact regarding the exiting of this project.

Mr. John Grasinger, Owner and President of CC Development, Inc. approached podium and introduced the people working on this project. The names of the people on the project team are Alan Crees, Civil Engineer, Kelly Coffey, Architect and Bill Dickson, Architect. Mr. Grasinger outlined the reasons to support this project:

- preserve historical trees for the R-1 zone
- create mix use businesses
- designed storefront on front of building or display
- no traffic on road side
- put electrical boxes in breezeway of the building
- created parking behind the building
- easy access on two areas into back of property
- businesses on all four sides of building

Member Spann asked for clarification on accessing the parking. Commissioner Turner asked for clarification on the store access. Mr. Grasinger explained all the accesses and exits to this project using maps that he presented at the meeting. This plan calls for removal of Mrs. Alexander's home to create a green space. Member Spann asked if a rain garden potential was available in this space. Mr. Grasinger said the way this wetland lays there is no plan to develop there. Commissioner Robinson asked if project is approved how long will it take to complete. Mr. Grasinger said they would work as quickly as possible and that it is a difficult project due to the size. They intend to complete all the site work in Phase I. They hope to start by the end of the year of 2006 or possibly late fall. This site work included foundation and parking. The rough estimate is two and one-half years to complete the project. There will be condos on top of the building with two and three bedrooms with a bonus room. There will be four stories and will not look like a square box. The building will have a flat roof and it will be 46 feet high. There

was a water analysis done and Mr. Alan Crees will submit this item for the next Town Council agenda. The analysis stated that the water usage would be less than 7,000 gallons. Mr. Crees noted that the necessary paperwork has been submitted to the Army Corp of Engineers to allow the wetland encroachment.

Mayor Clawson closed the public hearing on this case.

At this time, Chairperson Reck moved from the Planning Commission Board position to speak as a public citizen regarding the next case.

Case 20060213

Watauga County Conditional District Central Business (CB-1) zoning approval to permit conversion of the building that previously housed the Watauga County Law Enforcement Center to a two level parking structure. This project is located on the northwest corner of the intersection of Water Street and Queen Street.

Mr. Spear reviewed the staff report specific to this case located in the meeting packet.

Mr. Bill Dixon, Architect outlined the reasons to support a parking lot in this area and he handed out two photographs taken of this location. The photograph showed both boards what would be left of the building in terms of height. Mr. Dixon pointed out that in the permitting of the court house addition they lost 12 spaces. This is when the county decided that the old jail location would be used for parking. Mr. Dixon's office was asked by the county to do a study of options as to what can be done with this location. Those options included tearing down the whole building to the surface creating 33 spaces versus a three-level parking deck which would have created about 100 spaces. In the foreseeable future, there is no proposal for a three-level parking deck. Mr. Dixon has lived at the end of Water Street for 15 years. For thirty years there have been problems with water on Water Street. It would be a good idea to tear down the walls and use the existing slab on the upper level and lower level. These new spaces will be dedicated to the court house employees and not used for public parking. He is in support of green space. The slab is strong enough to hold cars. There are 47 spaces proposed or less depending on the cleaning up of the lower level.

There were eight public speakers for this case. The speakers were Jim Deal, Bill Hutchins, Greg Reck, Sam Furgiuele, Brent Davis for Minnie Davis, Nell Redmond, Ed Midgett and Rocky Nelson.

Mr. Jim Deal pointed out that as county commissioner and as the applicant that he is open to any ideas in regards to this space. He noted that parking is an enormous problem in this location. There are now three operating court rooms running full time. There are enormous public complaints from citizens of the town and the county about no parking at the court house. The county is paying the town $10,000 a year to lease parking. He is in support of a one level parking area.

Mr. Bill Hutchins has owned the adjacent R-1 lot from the old jail. He said that he would have protested if his APO letter had been written differently to say two-level parking structure versus a two-level parking lot. He suggested that the county trade this building location to the town of Boone for what is currently a parking lot on Queen Street.

Mr. Greg Reck agrees that the parking lot would be an improvement over the jail. He also pointed out that there is inefficient parking use on Queen and Water streets. For nine straight days, he made 17 trips along Queen Street beginning May 1st to survey the two parking lots. The one on the south side is controlled by the county and the one on the north side is controlled by the town. During these 17 drive bys which occurred between 8:05am and 4:30pm. The county lot had an average use of 48 ½ percent and it was 51 ½ percent vacant. The town lot had an average use of 30 percent and it was 70 percent vacant. This study does not count the 70 or so spaces that the county pays the town for along Queen Street. Mr. Reck suggested that the parking need is not as severe as it has been presented in this meeting based upon this data. Mr. Reck wanted to point out the encroachment on the neighborhoods that this parking deck would cause. The three houses and two lots on Water Street where he lives are important buffers between the downtown area and a very important residential neighborhood. He thinks the construction of a parking area there will decrease the value of this buffer.

Mr. Sam Furgiuele agrees with Mr. Reck in regards to the inefficient parking on Queen Street. He lives at 169 Gragg Street. He would like to see a green space created at this location. He would like to have seen the property purchased next to the court house before it was purchased by someone else to be used for parking. People were all ready parking there and it seemed like a natural parking area.
Mr. Brent Davis spoke for his mother, Minnie Davis. They own the property at 109 Gragg Street. They are hoping that the green space will be increased and all landscaping around the building will be kept as much as possible with this change. There is a concern for lighting. Mr. Dickson said that for security reasons lighting will be provided.

Ms. Nell Redmond stated that the property was too small for the jail and it is too small for the parking. She mentioned a concern for water running through this area. The water used to run all the way to Howard Street and it would flood her building each time.

Mr. Ed Midgett and his wife have lived at 212 Water Street for the past 20 years. They are concerned about parking and green space. They would like to see the parking be available to the public so when he and surrounding neighbors have visiting family and friends there is no where for them to park. They would like to see speed bumps installed to reduce speeds and create a safer environment for small children which he and several neighbors have.

Mr. Rocky Nelson explained that the plan is to take the building down to the first level slab. He made this clarification for Mr. Bill Hutchins. This project will save the county $25,000 per year, plus free up 70 spaces leased by the county.

Mr. Jim Deal also said that if this parking area could be used for the court house and annex and administrative building. Public parking spaces could be made available. He currently leases five spaces. He is open to all ideas presented to the county commissioners from the Town Council and Planning Commission Board.

Mr. Bill Hutchins is in support of Ms. Nell Redmond's statement that this location is too small for a parking deck. He thinks instead of putting the money into a parking deck where the location is too small, they should put in a park and build the parking deck where there is more room.

Commissioner Vines suggested that this area be created for public parking because trying to park at the court house is very difficult. Mr. Deal said that was the initial thought to make it public parking. Then, they looked at the increased traffic into and out of the garage in this area. Mr. Deal says he just wants to know what will work the best for everybody. The best solution might be that half would be public and half would be private parking.

Chairperson Reck said no matter how the parking deck decision turns out, it is severely important to look at the Queen Street parking lot. By his count, it has 142 spaces and in his two-week survey it averaged 52 cars. When is this lot ever going to be maximally used? Mr. Deal said when parking meters went up price wise, the utilization went down.

Mayor Clawson closed the public hearing on this case.

ADJOURNMENT

Mayor Clawson adjourned the meeting at 9:45 pm.

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Loretta Clawson, Mayor

Marlene Crosby, Board Secretary