MINUTES – SPECIAL PUBLIC HEARING
BOONE TOWN COUNCIL &
BOONE AREA PLANNING COMMISSION
THURSDAY, JANUARY 10, 2008 7 P.M.

Boone Town Council: Mayor Loretta Clawson, Lynne Mason-Mayor Pro-Tem, Janet Pepin, Stephen Phillips, Liz Aycock and Rennie Brantz

Boone Area Planning Commission: Chairperson Gregory Reck, Vice-Chairperson Mary Ruth McRae, Charlie Walker, Eric Woolridge, Gayle Turner, Mary Kate Wise, Caroline Poteat, Skip Greene, Bunk Spann and Patrick Heavner

Boone Town Staff: Greg Young-Town Manager, Sam Furgiuele-Town Attorney, John Spear-Director of Development Services and Marlene Crosby-Board Secretary

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Mayor Loretta Clawson opened the Special Public Hearing at 7:00 PM and asked Mr. John Spear, Director of Development Services, to come to the podium.

Mr. Spear made the following announcements:

1. *Sign Up sheets are located by the main entry. Those wishing to speak should sign in and the Mayor will take public comment in order.*

2. *There are two cases are on the agenda for tonight's hearing:*

The first case, #20070701, is a general use district map amendment request which deals with the issue of whether to change the zoning classification of property on the fringe of the university campus to U-1 to allow for campus expansion. The council shall not consider any representations made by the petitioner that if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted within the district. The council must always consider whether the entire range of uses permitted in the requested district classification is more appropriate than the range of uses in the existing classification.

Mr. Spear announced that a valid protest petition has been received for this case and that receipt of a valid petition requires a ¾ majority vote to pass the proposed amendment.

The second case, #20070702, is a zoning text amendment which deals with design standards that influence the character and impacts of university development specifically within the U-1 zoning district. As always, the central issue before the council when dealing with amendments to the ordinance is whether the proposed amendment advances public health, safety, and welfare.

CASE #20070701

Appalachian State University petition to change the zoning classification of property located east of College Street between Howard Street and Hamby Alley. The university is requesting U-1 (University District) zoning. The property is currently zoned R-3 (Multi-family Residential). Mr. Spear presented the case as outlined in the meeting packet. There were no questions from the Town Council or Planning Board for Mr. Spear. At this time, Mayor Clawson asked the petitioner who would be speaking on behalf of Appalachian State University. Mr. Jim Deal, Chairman of the Board of Trustees, came to the podium noting that he and other members of the university would be speaking. Mr. Deal read the first sentence in the Unified Development Ordinance pertaining to the definition of the U-1 zoning district. Mr. Deal said that this particular property was purchased for university expansion and that this property is in an area that is already institutional in nature. Mr. Deal commented that university owned property and facilities exist on two sides of this property. The remaining two sides are bordered by the Baptist Church parking lot, the Presbyterian Church and a single-family house. Mr. Deal said that the university feels like the best welfare for the community at large is to have the expansion occur in

an area that is allready utilized by the university. Mr. Deal said that the U-1 zone is the appropriate zone for this property and the best use of this property.

Mr. Dayton Cole, Attorney for Appalachian State University, spoke about several different pages of the Comprehensive Plan and how this location for the Reich College of Education would be an asset to the downtown business district. Some of the things Mr. Cole went over were comments made by Mr. Spear in the staff report for this case regarding cooperative planning between the town, county and the university. He said the university is committed to cooperating with the town staff and elected officials and Planning Commission members in future planning efforts. Mr. Cole stated that the staff report notes that the Comprehensive Plan fails to define the geographic limits of the downtown area. The context of other statements in the Comprehensive Plan suggests that the term "downtown" is not intended to encompass the property that is the subject of the rezoning petition. Mr. Cole reflected on page eight of the Comprehensive Plan regarding the downtown area as encompassing property occupied by merchants including the areas subject to property taxes surcharge for downtown development within the municipal service district. Mr. Cole said property subject to the petition cannot be logically characterized as part of the downtown area. In terms of proximity the property is closer to the existing campus than to the core business district. Mr. Cole repeated the fact that this is the most logical area for the university to develop due to the closeness to the university classroom buildings, library, student union and other university facilities and infrastructure. Mr. Cole noted that Comprehensive Plan page 34 does express concern that a variety of activities should be encouraged in the downtown area and also states the downtown should not be given over to one use more than another in order to remain a viable commercial district. Mr. Cole maintained the development of this property would enhance the commercial viability of the downtown proper and put more university employees, students and visitors within walking distance of the downtown area. He further stated that development of this property will bring a balance between the university and downtown area. Mr. Cole reflected further on Comprehensive Plan policies pertaining to housing and neighborhoods and noted the town and the university have grown up together for over a century and share a common legacy as an institution and community. In his opinion, the university has cooperated to make the Town of Boone a great place to learn, work and recreate. Mr. Cole then noted page 40 of the Comprehensive Plan mentions the role of the Appalcart in meeting local transportation demands by reducing automobile traffic congestion. Mr. Cole noted there is an existing Appalcart stop across from this property on College Street. Mr. Cole discussed guiding principles for Economic Development and the university's ability to attract students. Mr. Cole finished his comments by stating that taking all of this information into consideration proves that the university's request is in conformity with the Boone Comprehensive Plan. With no further comments from the applicant, Mayor Clawson called upon the first speaker.

The first speaker was Eris Dedmond. She stated that she has lived at 635 Howard Street since 1970. She is against the placement of the College of Education at the proposed location because the interior setback is 10 feet from her home. She stated that it is her belief the zoning rules are made to protect the citizens and should not be changed. She stated her concern about potential noise from a cooling tower and emergency generator. She is also concerned about the possible closure of Hamby Alley as proposed in a newspaper article. Finally, Mrs. Dedmond stated that she is concerned about damage to the foundation of her house which may result from excavation of the site. Mayor Clawson opened the floor for questions from the Town Council and the Planning Board Members.

Vice-Chairperson Mary Ruth McRae began by saying that she is concerned with the lack of traffic planning efforts in the Howard Street and downtown areas. She noted that it has been known for many years that an alternate route is needed to relieve congestion on King Street. There was thought to have been an agreement between the town and the university to improve Howard Street for this purpose, however, this has not happened. Vice-Chair McRae asked the university officials about the possibility of upgrading of Howard Street.

Mr. Deal said that at the last Board of Trustees meeting in December of 2007, they asked the Town of Boone to join with them in an overall traffic study plan for the whole community. Mr. Deal said that if this property is rezoned, he is in support of working jointly to create a better pedestrian environment in accordance with Boone's Comprehensive Plan. Discussion ensued on sidewalks provided in the area of the newly built Recreation Center. Discussion ensued on keeping the three streets beside this proposed property open during the construction of the Reich

College of Education. Mr. Deal said that the three streets can be kept open and the university has a plan for staging construction materials. He noted there no intention to close any of the streets during the construction period. Discussion ensued on the range of permissible uses in the U-1 zoning district and the current lack of student housing on campus. The university responded by noting plans being drawn for a 350-bed residence hall on campus.

Mr. Cole explained that the university does not have another place to build the Reich College of Education. He said the Board of Trustees set the priorities to purchase the proposed property. Mayor Pro Tem Lynne Mason voiced her concern about continued need for improved sidewalks and streets especially as uses change in this area.

With no further public testimony, Mayor Clawson closed this case.

CASE #20070702

Boone Town Council amendments to the Unified Development Ordinance to implement the University Growth Planning recommendations prepared by a joint delegation of the Boone Town Council, ASU Trustees, and their respective administrative staff members. Mr. Spear presented the case as outlined in the meeting packet.

Mayor Clawson opened the floor for questions from the Town Council and the Planning Board members. Mr. Stephen Phillips asked Mr. Spear to outline the definitions of the primary and secondary building heights. The primary limitation is the allowable height at the property line. If you provide additional setbacks, you can go higher to the limit of the secondary height. Discussion ensued on setbacks and retaining walls. Discussion ensued on setbacks adjacent to single-family zoning districts versus setbacks proposed for the R-3 zoning district.

The first speaker was Mr. Jim Deal who thanked the town council for their effort to address issues dealing with university growth. He talked about Smart Growth principles and discussed high density development. He said that by building higher, storm water runoff is reduced. He said there would be no coolers or air conditioning units near residential homes associated with new development in the U-1 district.

The second speaker was Mr. Gregory M. Lovins, Interim Vice Chancellor for Business Affairs. Mr. Lovins spoke about the benefits of building the College of Education at this proposed location and the input the university received from faculty, staff, advisory committee and students. In selecting the site for the project, the university looked at accessibility of utilities, parking, loss of viable buildings, topography, storm water management and good pedestrian walkways. Also, the university considered topics from the November 19, 2007 forum held at the Broyhill Inn and Conference Center. He noted the university's commitment to cooperate with the town in master planning efforts.

The third speaker was Scott Baker, Architect for the university. He showed the Town Council and the Planning Board members a potential elevation and site plan of the proposed Reich College of Education. He discussed added green space, equipment screened by trees and retaining wall, the reduction of the footprint to increase a setback on the side of the Dedmond family. There is no cooling tower in this drawing because there is no need for it. There will be three pieces of equipment which are an emergency generator, high voltage switch and a transformer and they will be recessed into the ground. The entrance will be on the side closest to the university.

The fourth speaker was Mr. Charlie Duke, Dean of the Reich College of Education. Mr. Duke gave an overview of Teacher Education and gave some statistics and goals of the College of Education. He gave the current status of the College of Education and explained how much the new building will help the university to further their programs. He supports the building of the new College of Education.

The fifth speaker was Pam Schram, Director of the Teaching Fellow Program. Ms. Schram talked about the reputation of the teaching program at the university. She supports the building of the new College of Education.

The sixth speaker was Mr. John Cooper, University Trustee and business owner in downtown Boone. Mr. Cooper said the proposed building of the College of Education at this location will

enhance the appearance of the King Street corridor and improve aesthetics and will give an overall positive impact for the downtown area.

The seventh speaker was Susan McCracken. She is a resident of downtown Boone and she worked at the university for 12 years. She voiced her concern regarding how Boone has changed over the last 20 years. She agrees that the Howard Street area needs improvement. She spoke about the town and the university having faith in each other. She spoke about her concern for interior setbacks. She encouraged the town and the university to consider this change to the Unified Development Ordinance.

The eighth speaker was Pat Sperry. She lived on Howard Street for 27 years near the proposed area for construction of the Reich College of Education. During that time this area was faculty housing. She voiced her concern for the sound problem from the university. She voiced her concern for large rats and drug dealings in this area.

Mr. Stephen Phillips asked if there were provisions for sidewalks and a safety pedestrian crossing in the architectural plans for this building. Mr. Greg Lovins said that it had been discussed. Ms. Pepin asked Mr. Baker how much of a deviation from your plans are from the general setback from a property line. Mr. Baker said that they have exceeded what is required and he explained the plan for the setback.

With no further public testimony, Mayor Clawson declared the public hearing adjourned at 9:07 p.m.

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Loretta Clawson, Mayor Marlene Crosby, Admn. Support Assistant