

**QUARTERLY PUBLIC HEARING
MEETING MINUTES MONDAY,
AUGUST 6, 2012
7:00 P.M.**

Boone Town Council: Mayor Loretta Clawson, Lynne Mason, Andy Ball and Allan Scherlen

Boone Area Planning Commission: Chairperson Bunk Spann, Vice-Chairperson Eric Woolridge, Greg Simmons, Cameron Lippard, Brett Scantlin, Jeff Templeton, Donald Dotson and Jay Vincent

Planning Staff: Bill Bailey-Planning Director, Jane Shook-Planner and Marlene Crosby-Board Secretary

Others: Greg Young-Town Manager

Mayor Loretta Clawson opened the meeting at 7:03 p.m.

CASE 20120378 FIRST BAPTIST CHURCH BOARD OF TRUST, FIRST BAPTIST CHURCH AND HOSPITALITY HOUSE OF THE BOONE AREA have filed a General Use Map Amendment to rezone property located at 316 and 302 W. King Street (Watauga County PIN's: 2900988507000, 2900988562000, and 2900989402000) from B-2 Neighborhood Business to B-1 Central Business.

Ms. Jane Shook, Planner presented the case as outlined in the meeting packet. Ms. Shook noted an error on page five of the staff report under **Use 10.00 Storage and Parking** and **Use 10.100 Automobile parking garages or parking lots not located on a lot on which there is another principal use to which the parking lot is related** the B-1 zoning column should be populated with a Z and the B-2 zoning column should be populated with a S.

Mr. George Perry Greene, Jr. known better in the community as Skip Greene came to the podium to present this case. Mr. Greene said that he is a member of the First Baptist Church and he said that it would better fit the churches purposes, if this property was zoned B-1. Mr. Greene said that a lot of Unified Development Ordinances changes have occurred since this property was previously presented to the Town Council. Mr. Greene noted a code change to parking requirements. Mr. Greene said the location of this property is an extension of the Downtown area and because it is a transitional area, it would be a better fit for the community, if it were zoned B-1.

Planning Commission Chairperson Bunk Spann asked Mr. Greene if there were any changes since this case was presented in the past to the Town Council. Mr. Greene said that no changes have been made to the rezoning request and all the property owners are the same.

Mr. Rob Angle, Chairman of the Board of the Boone Hospitality House came to the podium to present this case. Mr. Angle said that he was at this meeting on behalf of the Boone Area Hospitality House in conjunction with the First Baptist Church to request that the zoning of this property be changed from a B-2 to a B-1 zoning district. Mr. Angle said that there is an existing house on the Hospitality House property and they have looked at for a possibility of renovating it and it was determined to be not worthy of renovation and it should be torn down. Mr. Angle said that there are currently no plans to redevelop on this property. Mr. Angle said that the rezoning of this property would make it more consistent with the Boone 2030 Plan. Mr. Angle said that he had rather see the property rezoned before working any redevelopment plans or trying to sell the property. Mr. Angle said that when it is redeveloped as a B-1, it would be in conformity with the Boone 2030 Plan and the 2006 Comprehensive Plan. Mr. Angle closed his presentation by saying it would benefit the Hospitality House and the Town of Boone, if this property was rezoned from a B-2 zoning district to a B-1 zoning district.

First speaker was Ms. Marsha Turner and she lives in a private residence on the west side of the church at 215 Wallace Circle. Ms. Turner said she is concerned about what goes on the property whether it is rezoned or not. Ms. Turner said she is not against the rezoning. Council Member

Ball asked Ms. Turner how a high-density commercial structure would affect Wallace Circle. Ms. Turner said she is concerned about the access of traffic whether it is off King Street or Wallace Circle. Ms. Turner said that Wallace Circle is not designed to handle much traffic and there is one turn on Wallace Circle that is one way, therefore, it would not make sense to have more cars on Wallace Circle unless something was done to widen Wallace Circle. Planning Commission Member Jeff Templeton asked Ms. Turner if the coffee shop business next to her property posed any problems. Ms. Turner said there were problems with people cutting behind the coffee shop and through her property. Ms. Turner said that that she has put up a fence with vegetation and the coffee shop put up a gate to help reduce this issue.

Mayor Clawson opened up the floor for questions by Council Members or Planning Commission Members.

Planning Commission Vice-Chairperson Eric Woolridge asked Mr. Bill Bailey, Director of Planning and Inspections to review the changes that Mr. Skip Greene had talked about regarding this case. Mr. Bailey said that one change was the addition of transitional zones that will play heavily into any application and in this case the said property is abutting an R-1 zoning district. Mr. Bailey said he was not sure what Mr. Greene was referring to in regards to parking. Mr. Bailey said there have been some changes to parking but they did not affect this particular area.

Planning Commission Member Greg Simmons said that parking as a principle use by right is still allowable in the B-1 zoning district. Mr. Bailey said yes.

Planning Commission Member Jeff Templeton said at the previous time when this case came before the Town Council, he was not a Planning Commission member. Planning Commission Member Templeton noted that the Planning Commission voted 9 -1 to pass this request. Planning Commission Member Templeton asked Mayor Clawson about her vote to deny this request. Mayor Clawson said that parking was one of the reasons for denial at that time. Planning Commission Member Templeton confirmed that Mayor Clawson's concern was that this property might become a parking lot. Mayor Clawson said yes. Council Member Andy Ball noted that some other reasons for previously denying this request were buffering between residential zones and higher density uses like in the B-1 zoning district. Council Member Ball said that the Town Council wanted to see more modifications before this property came before them again.

With no further questions, Mayor Clawson closed the public hearing for this case.

CASE 20120394 Gary Wyatt on behalf of Lowes Home Center Inc. and Joe Bagett on behalf of Innkeepers of Boone Inc./Shore Resort Management, LLC have filed a General Use District Map amendment to rezone property at 1855 and 1943 Blowing Rock Road (Watauga County PIN: 2910610930000) from Conditional Use General Business to B-3 General Business.

Ms. Jane Shook presented this case as outlined in the meeting packet. Ms. Shook talked about the history of this property as outlined under analysis on page one of the staff report for this case. Ms. Shook said that by rezoning this property to a General Business B-3 zoning district the applicant would not have to go through the public hearing process each time they wanted to make a modification to the site. Ms. Shook said the applicant would have to meet the current ordinance standards which are more restrictive than when they received their original approval. Ms. Shook noted that in a Conditional District Zoning District new development would have to have a site specific development plan. Ms. Shook said that the applicants are present at this meeting, if anyone has questions on this case.

Mr. David Brandes, Professional Engineer at Genesis Consulting Group in Columbia, South Carolina came to the podium to present this case. Mr. Brandes said that Ms. Meredith Jewell from Columbia Development in Columbia, South Carolina was present at this meeting.

Mr. Brandes said that his company has been working with Lowes Home Centers, Inc. throughout the southeast to identify excess properties that are no longer needed for their business model and this property fell into that category because of the excess parking. Mr. Brandes said that by requesting a rezoning to a General Business B-3 zoning district, this gives more flexibility to the site. Mr. Brandes said that they are going to stay within the footprint of the parking lot and will

not be disturbing the trees or any of the water retention areas or areas that are not currently paved. Mr. Brandes said they are contemplating general retail use for this site although they do not have a tenant signed up but they do have some tenants identified. Mr. Brandes said that this property is located in a primary growth area as identified on the Growth Strategy Map. Mr. Brandes said that this is a good in-fill project and they expect growth in this area. Mr. Brandes said that the rezoning of this property is consistent with all the adopted plans of the Town.

Planning Commission Member Jeff Templeton asked Mr. Brandes what his idea of an in-fill project would be. Mr. Brandes said it would be within the footprint of Lowes Home Center parking lot.

Mayor Clawson asked if there were any questions. Planning Commission Member Donald Dotson asked if Lowes Home Center, Inc. would continue to own the property. Mr. Brandes said no. Ms. Shook reminded the Town Council and the Planning Commission members that any specific development mentioned should not be considered because the request is for General Use B-3.

With no further questions, Mayor Clawson closed the public hearing for this case.

CASE 20120403 WAYNE CLAWSON, JOY CLAWSON, DANA CLAWSON, AND MILTON GREENE (ON BEHALF OF ANNA GREENE) have filed a Conditional District Map amendment to rezone approximately 22.29 acres of property (which includes the Clawson Mobile Home Park) located at and near 170 Clawson Street, 140 and 141 Marich Lane (Watauga County Pins: 2911610160000, 2911603647000, 2911602100000, 2911608808000). The request is to rezone all/portions of the properties from R-3 Multiple Family Residential and MH Manufacture Home Park to Conditional District R-3 Multiple Family with a site specific plan for a phased project for Use 1.330 Multi-Family Apartments (10 buildings with 266 units containing 546 bedrooms) with an extended vesting five years.

Ms. Jane Shook presented this case as outlined in the meeting packet. Ms. Shook pointed out that the property owners of the rezoning request for the Clawson and Greene property Multi-Family Development, Project No. B12002.1 requested that if their re-zoning application is approved by the Town of Boone Town Council that their vesting period be extended to five (5) years.

Ms. Shook pointed out that the applicant requests flexibility to pursue the option of retaining the 2.28 parcel along the alternate property line should the Conditional District Zoning be approved for the proposed development for the Greene family.

Ms. Shook pointed out that the applicant has listed several other things found in the packet that should be taken into consideration for this case as well as the conditional district and anything else not seen on the plans. Ms. Shook said that the applicants were present to answer questions.

Mayor Clawson opened the floor for the applicants to present their case.

Mr. Charlie Clement, Attorney at Law came to the podium. Mr. Clement said that he was not present at this meeting as an attorney, he was present to help shepherd this case through the process. Mr. Clement said he was at this meeting on behalf of Mega Builders, Inc. and the Clawson and Greene Family. Mr. Clement said the applicant wanted the zoning approval first, then, they would make their water request.

Mr. Clement introduced Mr. Frank Forde, Director of Development for Mega Builders. Mr. Forde came to the podium. Mr. Forde showed a 21 page PowerPoint Presentation entitled, "Clawson/Greene Multi-Family Development (permanently attached).

Mr. Forde said that Mega Builders has contracted to purchase a portion of the Clawson and Greene property. Mr. Forde showed the location of the properties on an ariel map and he also showed the location of the property that will be retained by the Clawson and Greene family. Mr. Forde said that regardless of this zoning approval the mobile home park will close in November 2012.

Mr. Forde said that the Greene's portion of the property is mostly vacant land. Mr. Forde went over the current zoning of the properties for the proposed project and gave the proposed number of buildings and student housing units, amount of acreage and the proposed density of 12 units per acre.

Mr. Forde talked about how the proposed site conforms to the policies and recommendations contained in the 2006 Comprehensive Plan Update per Section 2.3.3 Housing and Neighborhoods. Mr. Forde talked about four factors in his presentation regarding the proposed project. The first factor is the close proximity to the university, employment or shopping centers. The second factor is the access to major thoroughfares and the transit system. The third factor is the availability of public services and facilities. The fourth factor is the compatibility with adjacent land uses. Mr. Forde talked about how this proposed project is located in the Town of Boone Primary Growth Area. Mr. Forde said that it is clear that this proposed project is perfect for Mega Builders, Inc. to construct with the Town of Boone's approval. Mr. Forde gave the economic benefits and some statistics from a 2009 National Association of Homebuilders study concluded that the construction of 100 rental apartments in a typical metro area provide \$7.9 million dollars in local income, \$827,000 dollars in taxes and other revenue for local government and 122 additional local jobs. He said that specifically, the properties currently pay \$10.226 in yearly property taxes. He said after development the project will generate approximately \$185,000 in property taxes and approximately \$120,000 per year in water and sewer fees.

Mr. Forde talked about why here, why now and why Mega Builders, Inc. Mr. Forde went over the reasons to build at this location and how now is the right time for re-commitment to responsible growth and economic development in the Town of Boone. Mr. Forde said that Mega Builders has a proven track record of quality, responsible development in Boone. Mr. Forde said that Mega Builders is the Town of Boone's number one generator of tax revenue and they have proven to be a good citizen, a good partner and they hope they can continue their positive relationship.

Mr. Forde went over how this project is compatible with the Boone 2030 Land Use Plan and Unified Development Ordinance and 2006 Comprehensive Plan Update.

Council Member Lynne Mason asked that a copy of the Clawson and Greene Multi-Family Development Presentation be submitted as a part of the record.

Planning Commission Chairperson Bunk Spann asked Mr. Forde to elaborate on Phase II of this project and how it goes into the northern part of the property into the Viewshed. Mr. Clement suggested that the engineer for this project answer that question, when he comes to the podium.

Mr. Clement introduced Mr. Wayne Clawson who came to the podium to present this case. Mr. Clawson talked about the location of the property being close to the university and churches and that it is in the town limits and an already high density area.

Mr. Wayne Clawson and Mr. Clement handed out nine documents to the Town Council members and Planning Commission members and the Planning and Inspections staff (permanently attached). The nine documents were a letter from James and William Goodnight, Agreement for Relocation Assistance, Notice to all Mobile Home Owners from Wayne and Dana Clawson dated April 3, 2012, Official Closing Notice to NCHFA, per NCGS 42-15 to the North Carolina Housing Finance Agency from Mr. Wayne Clawson dated April 3, 2012, Clawson Mobile Home Park/W and D Rentals, LLC, Monthly Rental Contract and four sample invoices from W and D Rentals, LLC dated April 10, May 9, June 6 and July 8, 2012 containing the notice that the mobile home park was closing on October 4, 2012. Mr. Clement went over the documents and explained what they were to the Town Council and Planning Commission members. Mr. Clement noted the amount of \$4,000 to be paid to each tenant for them to move their mobile homes to another location which is contingent on the sale of the property.

Mr. Clement said that the Clawson Mobile Home Park has been in existence for over 50 years and that Mr. Dana Clawson is ill and the family decided that it was no longer going to be a mobile home park. Mr. Clement said that there are presently 37 mobile homes in the park and out of this number 54 percent are rented out to part-time residents and 17 mobile homes are full-time residents.

Mr. Clement introduced Mr. Michael Trew, Professional Engineer from Municipal Engineering. Mr. Trew came to the podium and explained that his firm has created a comprehensive site plan, grading plan and landscape plan that meets the requirements of the current ordinance. Mr. Trew pointed out that the orientations of the buildings do not face the primary public way and that this project would have to be reviewed by the Community Appearance Commission as a condition of approval. The primary public way has been determined to be Clawson Street. Mr. Trew pointed out that there is in a steep slope area to the rear of the project. Mr. Trew said that the applicant is willing to make as a condition of approval the hiring of a Geo Technical Engineer to deal with this steep slope issue as a requirement of the ordinance.

Mr. Trew talked about the five-road intersection and reducing it to a four-road intersection per the recommendations of Davenport Engineering. Mr. Trew said that Mr. Frank Amenya will give a presentation of these recommendations from the traffic study. Mr. Clement said the traffic study was done when the university was in session and the Highway 421 widening project was still re-routing traffic.

Mr. Clement read the letter from Mr. James and William Goodnight. The Goodnight Brothers stated in their letter that they encourage the requested zoning change for the property.

Mr. Clement introduced Mr. Frank Amenya, Professional Engineer from Davenport Transportation Consultants. Mr. Amenya said that he contacted the Planning and Inspections staff and the North Carolina Department of Transportation before doing the traffic study. Mr. Amenya said that in the traffic study they looked at the intersections of Highway 421 and Jefferson Road, Highway 421 and Perkinsville Drive and Perkinsville Drive and Jefferson Road. Mr. Amenya talked about cut through traffic and high speed travel on Perkinsville Drive. Mr. Amenya said it was recommended to have a four-way stop at the intersection of Grove Street and and Meadow Hill Drive and Perkinsville Drive. Mr. Amenya talked about stop light progressions on Highway 421. It was recommended to have sidewalks all the way to Grove Street. It was recommended that there be a connection from Grove Street to Highway 421.

Mr. Clement talked about the rezoning change and the changing of the use for this property. Mr. Clement said that he has not nor his client or the presenters have communicated on this case that he knows of with the Town Council or Planning Commission members or the staff prior to the public hearing.

Mayor Clawson opened the floor for questions for the applicants.

Council Member Lynne Mason asked the Planning and Inspections staff for clarification purposes, if this case was a general use or a conditional district rezoning. Ms. Shook said it was a conditional district rezoning with a site specific plan. She also asked the applicant to confirm the number of units and bedrooms. The applicant confirmed 126 one bedroom units and 140 three bedroom units.

Council Member Ball asked if it was the intent of the owner to have an Onsite Management Plan. Mr. Forde said there will be a full-time manager, leasing agent and maintenance staff. Council Member Ball asked if the owner will support an Appalcart Route. Mr. Forde said there has been communication with Appalcart and the applicant is in agreement with what is needed by Appalcart.

Planning Commission Chairperson Spann asked the staff to elaborate on the Phase II property shown in the Viewshed. Ms. Shook said that no buildings are proposed for this area only some land disturbing activity. Ms. Shook explained what would be needed for the construction of Phase I and Phase II of this project.

Planning Commission Member Greg Simmons asked the staff about the sample date of the traffic study and if the staff had received an actual date for the traffic study. Mr. Amenya said the actual date of the traffic study was May 1, 2012. Mr. Bill Bailey, Director of Planning and Inspections clarified that the traffic study was done for a water hearing that was tabled and traffic study information was incorporated into this application and for this project. Mr. Bailey explained this is why the date was so far back in time. Council Member Ball said that the Town Council received a copy of that traffic study and did the Planning Commission receive a copy of

it. Mr. Bailey said that a copy of the traffic study has been available for people to see. Ms. Shook confirmed that the staff report contained the traffic study recommendations.

Mr. Clement confirmed that he does need to give copies of the Clawson and Greene Multi-Family Development PowerPoint Presentation to the Town Council and Planning Commission members. Mr. Clement confirmed that he does not need to give copies of the Traffic Study to the Town Council and Planning Commission members.

The first speaker was Gail Bedell who lives at 156 Wickham Square. She lives in a very close knit group of single-family townhomes. She was concerned with the volume of bedrooms and the volume of parking spaces. She did not want to look out of her window and see a parking lot full of cars coming and going at different times. She said the area where she lives is very quiet. She said she has no valid reason to refuse this request. She said it depends on your values. She said she would like to retire in her townhome. She said this is not the only thing people can do to sell their property. She said that zoning is supposed to protect everybody.

The second speaker was Mr. Chuck Billing who owns property at 379 Perkinsville Drive which is adjacent to the Winkler and Wilcox Apartment Complex. Mr. Billing said when the Winkler and Wilcox Apartment Complex was built there were multiple injury accidents on the cut through on Perkinsville Drive. Mr. Billing said that on a regular basis there were maybe 100 to 150 cars that would come out of this road. Mr. Billings said that in winter the cars could not make it up the hill and the road will be log jammed with cars backed up onto Perkinsville Drive. Mr. Billings explained different ways that he thought would be possible solutions for the traffic flow for this proposed project.

The third speaker was Katherine Anderson who lives at 136 Wickham Square. Ms. Anderson said that she is Ms. Gail Bedell's neighbor. She is opposed to the building of all of the apartment buildings. She plans on living there. She can already hear the noise from the existing student housing units. She believes that this type of proposed project reduces the value of her property. She is concerned with the traffic and accidents with the students. Council Member Ball asked Ms. Anderson about the noise pollution and if she was referring to the Clawson Mobile Home Park or the Perkinsville Drive Apartments. She said yes occasionally she can hear noise from the Perkinsville Drive Apartments. She hears noise from the student housing on the left as you go up the hill on Field Stream Drive. She was concerned with the potential for a lot of water and sewer problems with that many students at the proposed project.

Planning Commission Member Jeff Templeton asked Ms. Anderson what brought her to Boone. Ms. Anderson said she wanted to raise her children in Boone because of the Christian environment, culture and good schools.

The fourth speaker was Elizabeth Harris. Ms. Harris lives on Fourth Street in Clawson's Mobile Home Park. She said that Fourth Street was quiet. She said that she never heard noise from Yosef Drive. Ms. Harris noted that it has been a traumatic experience to have to move out of the mobile home park. Ms. Harris said that it has been a great help to some of her neighbors to be compensated with \$4,000, if the sale of the property goes through. Ms. Harris supports the rezoning of the property.

Mr. Clement responded to Ms. Gail Bedell's comments. Mr. Clement said that change is difficult and no one wants to be affected by change but it is inevitable. Mr. Clement clarified there is one student per bedroom. Mr. Clement said the trees are above where any grading will be done. Mr. Clement pointed out that Wickham Square is zoned multi-family as well.

Mr. Clement asked Mr. Frank Amenya if he wanted to respond to Mr. Chuck Billings comments. Mr. Amenya said that Mr. Billings mentioned a new connection to Highway 421. Mr. Amenya said that they would not want to do that because it would displace traffic into the multiple intersections. Mr. Amenya said he thought it was a bad idea to do this. Mr. Amenya said that NCDOT will not support it. Mr. Amenya said that now the traffic is routed on Grove Street, Perkinsville Drive and Jefferson Road because these are the routes that traffic can easily maneuver, especially, if you are headed Downtown.

Mr. Forde said that when they get to the re-alignment and the four-way stop comes into play there will be a speed bump and a stop sign on Perkinsville Drive going east and on the other side

there will be a speed bump and a stop sign. Mr. Forde further explained traffic improvements that would potentially eliminate Perkinsville Drive as a cut through road.

Mr. Wayne Clawson came to the podium. He said that he understood everyone's concerns and he showed everyone on the map the location of the proposed apartments and the area for the proposed overflow parking spaces. He talked about the offer to sell the property to different people for the same price.

Mr. Chuck Billing came to the podium to talk about an alternative to the traffic situation. Mr. Billing said that the cut through is already there. He said the number of accidents started the moment that the Winkler and Wilcox Apartment complex was built. Mr. Billings said the accidents is not from the traffic coming up but the traffic coming down from Highway 421 and it is college students driving too fast around the steep curve. Council Member Allan Scherlen asked Mr. Billings if he thought the stop sign and speed bump would help this situation. Mr. Billings said it would not help the Winkler and Wilcox Apartment people. Mr. Billings said if this traffic goes out to Highway 421 and there is high school traffic coming out, he said you have traffic flowing all one way or against each other. Mr. Billings said if the traffic goes out at Advance Auto, it will not impact the traffic.

Ms. Gail Bedell came to the podium to respond to Mr. Wayne Clawson's comment. Ms. Bedell said that her POA was approached and told that this property was for sale at the same price that Mr. Clawson was offering the property to Mega Builders, Inc. and Mr. Jim Frye and they could not afford it, although, they would have loved to have it. Ms. Bedell said that all she is asking for is to please do not change the zoning.

Ms. Elizabeth Harris came to the podium to talk about Perkinsville Drive and the exiting of the traffic from the proposed development. Ms. Harris asked if it would be possible to make Grove Street a dead end street and move that stop light to the end of Perkinsville Drive and Highway 421. Ms. Harris asked if the experts could review this idea.

Council Member Mason asked if the Traffic recommendations have been reviewed by Mr. Blake Brown, Director of the Public Works Department for the Town of Boone. Mr. Frank Amenya said yes he had spoken in detail with Mr. Brown on this topic.

Council Member Mason asked Mr. Frank Forde to provide the Town of Boone with confirmation on how Mega Builders, Inc. provided the affordable housing apartments. Mr. Forde said he would send Council Member Mason a copy of the letter that was sent to the Town Manager and Town Attorney. Mr. Forde said that he attached to this letter a copy of a spreadsheet that contained the formula for the affordable housing apartments under the water and sewer code. He said that only 42 or 46 of the apartments were affordable under that definition.

Mr. Clement confirmed that he will not be able to present this case again at the Town Council meeting because the public hearing will be closed. Ms. Shook said that each board is able to reopen a public hearing to hear additional testimony.

Mayor Clawson opened the floor for questions of the Planning Commission.

Planning Commission Member Greg Simmons talked about accessing the property and referred to page four of the staff report under Transportation – Streets and Sidewalks. Planning Commission Member Simmons read the second and last sentence of this paragraph. He asked where is the developer in the process of obtaining right-of-way from the appropriate property owners. Mr. Clement said that there is a letter of intent in place that should answer this question. Mr. Clement said there are some things that have not been done because they did not want to spend the money on them until they knew the proposed project is approved by the Town of Boone. Mr. Wayne Clawson said that the right-of-way takes up part of his yard and the house that his mother live in and it is already in the contract between him and Mega Builders, Inc. Mr. Forde said that he feels that the driveway is taken care of for the right-of-way.

Planning Commission Member Jeff Templeton asked about the landscaping and if the code requires the screening or is the developer providing it. Mr. Bailey said that there is a requirement for landscaping for all uses.

Planning Commission Chairperson Bunk Spann asked if there was already landscaping in place for the auxiliary parking area. Mr. Bailey said that landscaping is shown that meets the code requirements. Planning Commission Chairperson Spann asked if it is sufficient to eliminate the view. Mr. Bailey said it would soften and add deciduous trees.

Mr. Bailey said that this proposed project is impacting a Transitional Zone and the applicant is required to address the noise, light and any other impacts that the Town Council deems applicable. Mr. Clement said that all of these impacts are addressed in the plans.

Council Member Ball asked what type and style of lighting is proposed for this development. Mr. Trew said there are extensive lighting plan requirements in the ordinance and they have not gone to that extent to create a lighting plan at this time and the plan will meet the requirement of the ordinance as far as the foot candles and type of lights. Mr. Trew said that with a rezoning request there are conditions that can be put on a project, if you do not feel that your ordinance is insufficient and if more or less lighting is needed, they are more than willing to comply with that as well. Mr. Bailey said that the applicant needs to demonstrate that the code is sufficient or they need to apply additional standards because this is the way the ordinance is written. Council Member Ball asked if the applicant should demonstrate now or at the Town Council meeting. Mr. Bailey said they would have to address it now during the public hearing. Mr. Bailey said that the way the ordinance is written, the applicant needs to go through the motions of demonstrating that the code is sufficient or insufficient.

Council Member Ball asked what style of lighting will be used. Mr. Trew said the lighting will be full cut off to minimize the disturbance of the adjoining properties.

Planning Commission Member Simmons gave a thought for consideration, he said when creating the lighting plans. He said that property owners living next door to parking lots really appreciate the full cut-off style of lighting.

Ms. Gail Bedell said that some type of screening is needed for the bright parking lot lights that are for safety. Mr. Trew said they would consider working with Mr. Brian Johnson, Urban Design Specialist in using evergreen trees instead of the deciduous trees. Mr. Trew explained the definition of full cut-off lights. Mr. Forde said that he would add opaque fencing, if necessary.

Mr. Bailey made sure that everyone is clear on getting all the information explained by the applicant. Mr. Bailey said that sometimes it is necessary to exceed the code.

Council Member Ball talked about two trees and a hedge on the proposed plans. Mr. Trew said the applicant is all right with the tree exchange. Mr. Trew said that in the meeting packet there is a page that talks about what the applicant is proposing to do to mitigate the impacts on this project. Mr. Trew said that the applicant did address the part about the transitional zone. Mr. Forde said that the parking lot is not part of a transitional zone. Ms. Shook said that if any part of the development is in the transitional zone, it opens up the whole project to having to meet those requirements. Ms. Shook said the applicant has to mitigate any impacts that come up during the project and she referred to Section 198 of the ordinance. Mr. Clement referred to the page in the packet named mitigation of Development in the Transitional Zone.

The last speaker was Vanessa Vannoy who came to the podium showing her concern for the type of buildings being built at this proposed site. She asked if any of the buildings would be for low-income housing or for the disabled people. Ms. Vannoy was informed that the proposed housing is primarily for student housing.

With no further questions, Mayor Clawson closed the public hearing for this case.

Mayor Clawson called for a ten-minute break at 9:05 PM. At 9:20 PM, Mayor Clawson reconvened the meeting.

CASE 20120435 The Town of Boone has filed a General Use District Map amendment for nineteen (19) properties located along North Ridge Circle to rezone the properties from R-3 Multiple Family Residential to R-1 Single-Family Residential (Watauga County PINs: 2911412986000, 2911318943000, 2911410934000, 2911413844000, 2911410874000,

2911414723000, 2911319702000, 2911411714000, 2911411656000, 2911319574000, 2911410462000, 2911416444000, 2911412571000, 2911413453000, 2911415621000, 2911327250000, 2911329420000, 2911421099000, 2911326487000).

Ms. Shook presented this case as outlined in the meeting packet. Ms. Shook said that Mr. Billy Combs was present for questions. There were no questions for this case.

There were no speakers for this case. With no further questions, Mayor Clawson closed the public hearing for this case.

CASE 20120396 modify language in the Unified Development Ordinance (UDO) regarding temporary classrooms.

Ms. Shook presented this case as outlined in the meeting packet. Ms. Shook said that this language had been recently revised and during the revision a use was left out that was recently permitted, the use being temporary classrooms. Ms. Shook said on page one and four of the staff report is where you will find the addition of this use. Planning Commission Member Templeton asked if the Watauga Medical Center temporary classrooms fit into this use. Mr. Bailey said yes they would fit this use. Planning Commission Member Templeton asked about landscaping and buffer requirements. Ms. Shook said when the Watauga Medical Center temporary classrooms were permitted there were no requirements for landscaping and buffering. Ms. Shook pointed out on page five of the staff report that the requirements have been added to the proposed language. Ms. Shook said the existing applicants will have to come back into the planning and inspections office to get a new permit because the temporary permits run out after one year. The new permit will be issued as long as the applicant complies with the new requirements.

With no further questions, Mayor Clawson closed the public hearing for this case.

CASE 2012097 modify language in the UDO to allow permanent off-premise signs in easements.

Ms. Christy Turner presented the case as outlined in the meeting packet with the proposed text found in the first two pages of the case file. Mr. Bailey added that the Department has experienced an increase in the number of projects proposed without street frontage where an indentifying sign may be placed such as the Capstone Development that has an easement to road frontage but current code requirements would make their proposed sign off-premise which is not allowed by current code language. Mr. Bailey said that the proposed text is a very narrow exception to off-premise signs.

Ms. Chelsea Garrett was in attendance to represent The Cottages of Capstone Development who would benefit from the text amendment. She used the directory sign for the Shoppes at Shadowline as an example that would also benefit from the text amendment if the Shoppes at Shadowline did not own the property all the way down to Blowing Rock Road. Ms. Garrett asked Mr. Bailey if the owners who obtain the easement are limited in their sign allowance in the proposed text amendment. Mr. Bailey responded that the off-premise sign would count as one of their total permitted signs. Ms. Garrett added that the text amendment has barriers that the property owner granting the easement and the property owners who receive the easement have to get through in order to qualify for the off-premise sign.

Mayor Clawson opened the floor for questions and comments on this case. With no further questions, Mayor Clawson closed the public hearing for this case.

ADJOURNMENT

With no further business, upon a motion by Council Member Mason, seconded by Council Member Ball, Mayor Clawson adjourned the public hearing at 9:35 p.m.