

**SUMMER QUARTERLY PUBLIC HEARING
THURSDAY, AUGUST 14, 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 Bunk Spann, Vice-Chairperson Mary Ruth McRae, Charlie Walker, Mary “Bo” Bolick, Shawna Rhyne, Sheri Baker, Eric Woolridge, Jesse Pipes and Brett Scantlin

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

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

CASE 20080304 JOSEPH SYKES

Joseph Sykes filed a Conditional District request to change the zoning classification of 351 Hilltop Drive from RA, Residential Agricultural to CDR-3, Conditional District Multi-Family Residential.

Mr. Spear presented the case as outlined in the meeting packet. Mr. Joseph Sykes had previously submitted a General Use District application that was denied by the Town Council in November of 2007. At that time, the Town Council suggested that Mr. Sykes in the future submit a Conditional Use Zoning Application. The property was annexed into the Town Limits in 1998. Prior to that time, it was located in the Boone ETJ and zoned R-A. The proposed zoning application request is consistent with zoning of adjacent properties that are also within the town limits particularly properties to the North. There have been a number of other multi-family projects recently completed in this area. This proposed property is not within a special flood hazard area, protected watershed or overlay district. This property already has a single-family dwelling on it. The approval of this request would allow Mr. Sykes to build a second single-family dwelling on this lot. The approval of this proposed single-family dwelling would create an opportunity for additional housing to be built without additional land cost.

Mr. Sykes came to the podium to answer questions on this case. Discussion ensued on occupancy of the dwelling units. The applicant stated that the current dwelling is being used as a rental unit. The proposed dwelling would also be used as a rental property. Discussion ensued on the right-of-way to this property and the amount of traffic that the use would generate. Council member Mason asked the applicant if he would be willing to limit occupancy of the dwellings to two unrelated persons. Mr. Sykes responded that he would not be interested in limiting the occupancy. Council member Philips asked if access could be from the property to the north to avoid additional traffic on the existing driveway. Mr. Sykes said that he could check into the possibility.

There were no speakers for this case. With no further comments by board members or staff, Mayor Clawson closed the public hearing.

CASE 20080397 APPALACHIAN STATE UNIVERSITY

Appalachian State University filed a request to change the zoning classification of two parcels of land adjoining the western campus boundary. The request is to change the zoning classification from R-1, Single-Family Residential to U-1, University District.

Mr. Spear presented the case as outlined in the meeting packet. The property is located west of the Broyhill Inn and Conference Center. There are two tracts of land amounting to approximately 15.4 acres. These parcels are currently vacant. Discussion ensued on the land uses permitted in the R-1 and the U-1 districts. Council Member Pepin noted that additional uses other than

colleges and universities were permitted in the U-1 district and that those uses were not currently permitted in the R-1 district.

Mr. Greg Lovins, Interim Vice-Chancellor of Business Affairs at Appalachian State University, came to the podium to present this case. Mr. Lovins stated that the university's goal is to create on campus housing for 40 percent of the undergraduate students. The university wants to take advantage of the location of this property and the current mass transit service that is available through the Appalcart. Mr. Lovins noted that the university supports Smart Growth principles in regards to provision of housing in close proximity to the university, development that can be adequately served with existing infrastructure, and walkable communities.

Mayor Clawson opened the floor for questions on this case. The Town Council and Planning Commission members voiced concerns for the potential traffic impact that may be generated by proposed development on this site, noting that the property is immediately adjacent to residential neighborhoods. Mr. Lovins responded by noting that traffic can be minimized by using AppalCart and that any access to the property is intended to be from Bodenheimer Drive. Planning Commission Chairman Bunk Spann asked Mr. Lovins how he would address the concerns from the community that were voiced at the forum held at the Broyhill Conference Center. Mr. Lovins said that some of the concerns of the community were increased traffic, stormwater runoff, wastewater management, light pollution and noise pollution. Mr. Lovins said the university is intending to address those concerns and that the university is attempting to ensure that their projects are all LEED Certified.

The first speaker was Matthew Mellow of 154 Pond Road. He noted that he and his wife are permanent residents of this area. Mr. Mellow said that he is in opposition to the proposed rezoning. Mr. Mellow said that the lighting in this area is all ready disruptive to adjacent neighborhoods. Mr. Mellow said that the university to date has not addressed the property owners' specific concerns about noise and light pollution. It is currently a very quiet area and is a great place to raise kids. He believes that the character of this neighborhood will potentially be degraded by additional university development. He noted that he moved to the Homespun Hills area specifically because of the quiet atmosphere to raise their children. Mr. Mellow noted that he has no level of trust that the university will address neighborhood concerns because they have ignored their concerns in the past.

The second speaker was Al Simmons. Mr. Simmons lives at 195 Flick Drive which is directly adjacent to the proposed property. Mr. Simmons noted that his home lies approximately 15 to 20 feet from the property line and is greatly concerned about the potential impact of development activities on his property. He noted that he bought his house four or five years ago because of the quiet atmosphere. He believes that allowing this zoning change would significantly affect both his property value and his quality of life. He said that due to the short notice of this zoning change, he has had no time to get legal representation. He is concerned that plans have not been presented and no specific land use has been proposed. He is concerned with the potential increase of traffic in an area that is already dangerous to travel. Finally, he noted his concern with the university rushing the rezoning process without developing specific plans for the area.

The third speaker was Dayton Cole, Attorney for Appalachian State University. Mr. Cole said that he signed up to answer any questions on this case.

The fourth speaker was Lynette Orbovich. She lives with her husband at 174 Pond Road. Ms. Orbovich explained in the past she was not notified when the university started construction on the baseball field. She and her husband work for the university. She said that she experienced a problem with stormwater runoff as a result of a road change on Bodenheimer Drive. She stated that the road was built up about 25 feet. She is concerned because her home is about 30 feet from the property line of the parcel being rezoned. She said that she does not know who to talk to regarding construction on the university campus. She mentioned the university having containers on Bodenheimer Dr. and that they were removed when the road was reconstructed. Currently the university has two containers at this location. She said that she would like to see improved communication between property owners and the university by knowing which department to contact for specific issues and who to follow up with. She noted that she loves where she lives and wants to maintain her quality of life and the value of her property.

The fifth speaker was Bill Dacchille. He lives at 1040 Poplar Grove Road. Mr. Dacchille noted that he is concerned about potential impact to the value of his property. He stated that he

supports university growth but expressed concern for the lack of a specific development plan for this proposed site.

The sixth speaker was Ray Miller. He lives at 173 Kalmia Lane. He noted that he works for the university. He stated that the forum given by the university was very helpful to him. He expressed concern for the stormwater runoff, impacts to his well, noise and light pollution issues that have not been addressed and the potential traffic impact to the community. He is concerned with the short notice he was given on the rezoning. He stated that he would like to have had an opportunity to gather with the other members of the community to discuss their issues. He made two suggestions for the university. The first suggestion was for the university to meet with the residents for further discussion. The second suggestion was if the Planning Board approves the rezoning, he wants someone representing the interest of the residents on an ongoing basis.

The seventh speaker was Kamera Lipperd. He lives at 417 Coffey Knob Rd. He works at the university. He owns property adjacent to the Cash property.

The eighth speaker was Gary Henson. He lives at 1353 Poplar Grove Rd. He and his wife live below Kalmia Acres. He stated that his family owned this property for many years. He expressed his concern for the disruption of the neighborhood. He noted that clearing and grading will increase the water runoff. He requested that further research be done before the approving of the rezoning of this property.

With no further comments by board members or staff, Mayor Clawson closed the public hearing on this case.

CASE 20080389 PARKING REQUIREMENTS

The Boone Area Planning Commission has filed a request to update the parking requirements in Article XIX of the Unified Development Ordinance. The proposed text encourages compact building design, promotes a more walk able community, supports a variety of transportation options, and helps to support redevelopment activities.

Mr. Spear presented this case as outlined in the meeting packet. Discussion ensued on bicycle parking and bicycle racks in the downtown area. Discussion ensued on apartment leases containing language on the use of parking facilities and using parking stickers to help control parking on private property. Discussion ensued on shared parking and parking in the downtown business district. Mr. Spear pointed to a recent ariel photograph depicting commercial development along Blowing Rock Road. Mr. Spear noted the significant amount of commercial property dedicated to parking lots and the fact that the majority of the parking spaces in those lots are empty.

The first speaker was Morgan Murray. Mr. Murray said that he is in favor of most of the proposed language for Parking Requirements. Council Member Aycock asked Mr. Murray to email his information and comments to both the Town Council and Planning Commission Members.

The second speaker was Jim West. He asked for clarification on whether the proposed text maintains the flexibility currently in the parking standards. Mr. Spear confirmed that Section 357 has not changed in regards to flexible administration.

The third speaker was Jim Hartley. Mr. Hartley talked about an idea for a parking structure beside Town Hall between King Street and Howard Street. He would like for this idea to be researched by the Town of Boone.

The fourth speaker was John Winkler. Mr. Winkler said that over ten years ago he approached the Town of Boone to discuss creating a plan for additional parking with other mixed use ideas for this same location beside Town Hall between King Street and Howard Street. He asked for this idea to be researched by the Town of Boone.

Discussion ensued on the reducing of parking spaces in the downtown business district.

The fifth speaker was Andrew Wade. He is the owner of a carwash under construction on Highway 105. He noted that his development was required to provide off-street parking and

noted that wants to see language written that clearly outlines the level of parking flexibility.

With no further comments by board members or staff, Mayor Clawson closed the public hearing on this case.

CASE 2080390 DENSITY & DIMENSIONAL REQUIREMENTS

The Boone Area Planning Commission has filed a request is to update density and dimensional requirements in Article VII of the Unified Development Ordinance. The proposed text encourages compact building design, promotes a more walk able community, helps to preserve open space and critical environmental areas, and helps to support redevelopment activities.

Mr. Spear presented this case as outlined in the meeting packet. Mr. Spear pointed out that these are interim measures to promote Smart Growth principles as recommended by the Audit. Discussion ensued on reducing lot sizes in the R-3 and B-3 zoning districts. Mr. Spear noted that the staff reviewed average lot sizes in these districts and mentioned one example in the B-3 zoning district.

The first speaker was Jim West. Mr. West said that the current language would prevent the Holiday Inn Express, a five story building, from being built. Mr. West talked in favor of reducing lot widths and setbacks and stated that the landscape buffer requirements should also be reduced, especially between similar commercial uses. He passed out a handout that illustrated buffers on 100 foot wide commercial properties.

The second speaker was Damon Mallatere. Mr. Mallatere talked about the proposed Land Use Density in relation to the B-3 zoning district. He said that these proposed changes are a very big deal to the development community. He noted that the proposed language would allow additional guest rooms to be built and therefore reduce the costs per unit. He added that had this text been in place over the past several years, greater density hotel unit density would have already occurred and the land proposed to be used to add another hotel could have been used for other land uses.

Discussion ensued about proposed Section 207 [b] which allows increased height on a case by case review basis. Mr. Spear noted that this provides an opportunity to review and allow additional building height based on specific proposals in specified locations. This provides the opportunity to evaluate design based on the context of a given area.

Mr. Morgan Murray asked why the heights are proposed to be reduced when the town is trying to increase density in the downtown business district. Mr. Murray noted that he prefers the building height expressed in terms of stories rather than feet, but downtown property owners should be allowed to build higher.

With no further comments by board members or staff, Mayor Clawson closed the public hearing on this case.

CASE 20080399 SIGNS

The Community Appearance Commission has filed a request to update the sign requirements in Article XVIII of the Unified Development Ordinance. The proposed text provides Sidewalk signs in the Central Business District and replaces current Freestanding signs with new Ground Mounted signs with minimum appearance standards for both.

Mr. Spear presented this case as outlined in the meeting packet. Mr. Spear said that the downtown business owners wanted to use “sandwich board” signs. Mr. Spear referred to Page four of the staff report under Section 323 [f] [1] through [8]. Discussion ensued on sidewalk widths. Discussion ensued on exchanging freestanding signs for ground mounted signs per the Smart Growth recommendation. Discussion ensued on increasing the amount of square footage for signs in specific zoning districts. Mr. Spear said that the language needs to be modified in Section 329 [a] on canopies. Discussion ensued on external lights for signs, the language is proposing to not have them moving forward in the downtown business district. Mr. Spear said there is a seven year amortization period for signs made nonconforming. Discussion ensued on the colors of signs. Council Member Aycock supports business owners being able to use any color they want on their signs. Council Member Aycock asked the Planning Commission to

discuss at a future meeting the lighting of signs on the façade of buildings.

The first speaker was Jim West. He is generally in favor of ground mounted signs. He supports the ten feet requirement for Ground Mounted signs. He is concerned about landscaping requirements conflicting with the visibility of sign text.

The second speaker was Greg Young, Town Manager. He was concerned with sidewalk signs being a liability to the town. The town does not own the property where the sidewalks are located. The town only has an encroachment agreement for the sidewalks. The North Carolina Department of Transportation owns the right of way for the sidewalks. He raised a concern for the signs being in the way of snow plows in winter.

The third speaker was Morgan Murray. Mr. Murray raised a concern for the lighting of signs on facades of buildings and neon signs being used in the downtown business district.

Council Member Phillips asked about the length of time the “sandwich boards” can be displayed each day. Mr. Spear said that they can only be displayed during open business hours and must be taken in each night.

With no further comments by board members or staff, Mayor Clawson closed the public hearing on this case.

OTHER MATTERS BY BOARD MEMBERS OR STAFF

There were no other matters to discuss by board or staff. With no other business to discuss, the meeting was adjourned at 9:30 PM. At this time, the Town Council entered into closed session pursuant to NCGS 143-318.11a)6) in order to discuss personnel matters.

CLOSED SESSION FOR BOONE TOWN COUNCIL

On a motion by Council member Pepin, seconded by Council member Aycock, Council moved to exit Closed Session at 10:00 p.m.

VOTE: Aye-All
 Nay-None

ADJOURNMENT

On a motion by Council member Mason, seconded by Council member Brantz, Council moved to adjourn at 10:01 p.m.

VOTE: Aye-All
 Nay-None

Loretta Clawson, Mayor

Marlene Crosby, Admin. Support Assistant