

**MINUTES - JOINT PUBLIC HEARING
BOONE TOWN COUNCIL &
BOONE AREA PLANNING COMMISSION
THURSDAY, MAY 31, 2007 7 P.M.
WATAUGA HIGH SCHOOL AUDITORIUM
400 HIGHSCHOOL DRIVE, BOONE, NC**

Boone Town Council: Mayor Loretta Clawson, Lynne Mason-Mayor Pro-Tem, Bunk Spann, Dempsey Wilcox, Janet Pepin

Boone Area Planning Commission: Charlie Walker, Shawna Rhyne, Eric Woolridge, Liz Aycock, Gayle Turner, Stephen Phillips

Boone Town Staff: Greg Young-Town Manager, Freida Van Allen-Town Clerk, Kimberly Tester-Deputy Town Clerk, John Spear-Development Services Director, Rick Miller-Public Utilities Director, Greg Miller-Street Superintendent, Sam Furgiuele-Town Attorney

Mayor Loretta Clawson called to begin presentation of the staff report for Case 20070229, Watauga High School Conditional Zoning Request, at 7:27 p.m. Mr. Spear presented the following report, particularly emphasizing access and transportation issues:

STAFF REPORT
Special Public Hearing
May 31, 2007

CASE # **20070229**
Staff: **John E. Spear, AICP, Development Services Director**
Petitioner: **Watauga County**

REQUEST

Watauga County is requesting Conditional Office & Institutional (CDO-I) and Conditional General Business (CDB-3) zoning district approval for construction of the new Watauga High School designed for 1,600 students including associated athletic facilities and a future 80,000 square foot Indoor Community Recreational Center. The County has requested a 5 year zoning vested right due to the time required for planning, funding, and constructing the Indoor Recreational Center.

ANALYSIS OF REPORT

Site Information

The property consists of 92 acres which has been acquired by the county and combined forming one tax parcel. The land is generally south of East King Street. A significant portion of the land (58.6 acres) is currently located outside of the Town's corporate limits. The County is currently engaged in the process of voluntarily annexing this portion. The parcel is currently bisected by Daniel Boone Drive Extension which has prompted a request by the county to close a portion of this street. The County is also requesting to close a portion of Hill Top Drive to facilitate access to East King Street.

Zoning History

There are a number of current zoning classifications applied to the overall 92 acres. Land area which is currently outside of the Town limits is zoned R/A. Land area within the corporate limits along and north of Daniel Boone Drive Extension is zoned R-1 and land just south of East King Street is zoned B-2.

Land Use

This property has previously been used for agricultural purposes with the exception of five residential structures which were acquired along with the balance of the property. Adjacent uses are as follows:

*North: Mount Lawn Cemetery (across East King) & multi-family residential
East: Residential subdivisions & Boone Waste Water Treatment facility
South: Vacant: recreation and greenway facilities*

West: Residential subdivisions

Access and Transportation

1) Proposed improvements to the existing roadway network are summarized and described in the Traffic Impact Study for Watauga High School prepared by Kimley-Horn and Associates, Inc. dated April, 2007. This analysis summarizes existing conditions, 2010 background and build-out conditions and 2030 background and build-out conditions. Two scenarios were evaluated by the traffic engineers for accommodation of high school traffic. Briefly summarized, Scenario I includes a break in East King Street with a cul-de-sac at the mid-point with the eastern portion diverted into the school. Under this scenario, school traffic would utilize only the eastern section of East King Street to enter the site. All ingress and egress of high school traffic would be directed through one East King Street intersection with US 421. Scenario II considers no break in East King Street and allows ingress and egress of school traffic at both existing East King Street intersections with US 421. Scenario II was the selected alternative and the plans were developed following the Scenario II recommendations for improvements in intersection lane geometry for both US 421 intersections and the intersection of East King Street and the proposed school access driveway. These recommendations include (from Kimley-Horn Page 42):

At the intersection of US 421 and East King Street/Grove Street:

- \$ Construct a northbound left-turn lane with a minimum of 450 feet of storage.*
- \$ Construct an eastbound right-turn lane with a minimum of 100 feet of storage.*

At the intersection of US 421 and East King Street/Industrial Boulevard:

- \$ Install a traffic signal upon meeting applicable MUTCD warrants.*
- \$ Construct a northbound right-turn lane with a minimum of 100 feet of storage.*

At the intersection of East King Street and proposed School access:

- \$ Construct a dedicated north-bound left-turn lane exit lane.*
- \$ Construct a dedicated north-bound right-turn lane exit lane.*
- \$ Construct an eastbound right-turn lane with a minimum of 100 feet of storage.*
- \$ Construct a westbound left-turn lane with a minimum of 150 feet of storage.*
- \$ Installation of a traffic signal upon meeting applicable MUTCD warrants.*

No commitments were submitted to have these improvements implemented. No additional roadway improvements are recommended for the 2030 horizon year beyond those to be constructed as a part of NCDOT Project U-4020.

2) Traffic from east of the proposed road closures is to be diverted to Cecil Miller Road where it will enter onto East King Street. No analysis of this intersection was completed. East King Street in this area will be significantly impacted by high school traffic. Improvements to this intersection may be required.

3) In connection with the closing of Daniel Boone Drive Extension, the County is proposing to construct a new connector road from Daniel Boone Drive Extension to Hill Top Drive. This connector is proposed to initially be a gravel road until site paving operations take place. The plan as submitted does not show a right-of-way and there is no indication of intent to dedicate it to the Town. Drainage from this road is carried into the school system. Prior to the closing of Daniel Boone Drive Extension, this facility should be built to Town of Boone standards and dedicated to the town for ownership and maintenance.

4) Project U-4020 will widen US 421 to a multi-lane facility from the Grove Street/East King Street intersection west to the Hardin Street intersection. According to the analysis, construction for the project is currently scheduled to begin in 2008 with completion in 2011. Efforts are underway to accelerate the project schedule so that highway improvements are completed by the time the school is ready for occupancy. The submitted analysis makes an assumption that U-4020 will include realignment of Daniel Boone Drive with the intersection of US 421 and NC 194. The current plans for this project do not include this proposed alignment. Without this connection, the impacts on residents living in the area of Daniel Boone Drive, Daniel Boone Drive Extension, Morningside Drive, Owens Drive, and Delmar Street will be significantly different than presented.

5) The NCDOT Safe Routes to School Program (SRTS) facilitates the planning, development,

and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools. SRTS programs consider infrastructure enhancements to provide a safe physical environment for bicycling and walking. Planned improvements to East King Street should incorporate sidewalks and bike lanes pursuant to SRTS program goals. In addition, the proposed site design does too little to accommodate either pedestrian or bicycle connectivity to the immediately surrounding roadway network.

6) Another NCDOT highway project, the Daniel Boone Parkway Project U-2703, currently has four corridor alternative which have been locally selected and recommended for further study by NCDOT. As currently proposed, Corridor 1, Section C, is one of the four planned corridor alternatives and is routed directly through the center of this property. The Town and County need to agree upon the removal of Corridor 1, Section C from further consideration.

7) An emergency access gate is shown at the eastern property boundary onto Daniel Boone Drive Extension. Clarification should be provided as to the anticipated frequency of use and authorization for use of this gate.

Public Utilities Department

See review comments from Josh Eller, attached.

Fire Department

See review comments from Ronnie Marsh, attached.

Public Works

See review comments from Blake Brown, attached.

COMPLIANCE WITH UDO STANDARDS

Article IX - Zoning Districts

The site plan indicates the old Edministen house, located south of the proposed cul-de-sac planned for the end of Daniel Boone Drive, is on a newly created lot. The survey submitted does not reflect the creation of this lot. Clarification is needed as to whether this lot is to remain as currently zoned or be included in the conditional district request. In either event, the lot does not conform to the town's interior setback requirements.

Article X - Permissible Uses

Complies.

Article XII - Land Use Intensity

The future Indoor Recreation Center exceeds the height limit established in Section 207 [d] by almost twenty (20) feet.

Article XIII - Watershed Protection

Not Applicable.

Article XIV - Streets and Sidewalks

Staff is assuming that the cul-de-sacs at the proposed ends of both Daniel Boone Drive and Hill Top Drive, along with the connector street between Hill Top Drive and Daniel Boone Drive Extension, are intended to be public. The survey and site plans do not reflect this. An alternative cul-de-sac design (i.e. a small T-turn around) at the proposed end of Hill Top Drive is recommended. Alternatives to the standard bulb end design would require less land to construct, save historic and significant trees, and be less costly to build. A T-turn around is also desired at the end of Delmar Street. Bicycle storage and sidewalks are provided internal to the development but the design does not provide any sidewalks or bike lanes on the main entrance drive. Consideration should be given to provision of both. See further review comments from Blake Brown, Public Works Director and Brian Johnson, Urban Design Specialist.

Article XV - Utilities

All utilities are required to be underground. The site plans contain a note which acknowledges this requirement.

Article XVI - Grading and Erosion Control

The end of Daniel Boone Drive Extension where it will be closed is at an elevation of approximately 3150. The elevation of the high school adjacent to this new cul-de-sac is at 3172.

This is a fill of 22 feet at this location. The football field will be at an elevation of 3180 and placed on fill that has a toe of slope of 3:1, a fill of 72 feet. At the north end of the project south of Hill Top Drive there is a cut of 42 feet. The cut slopes are at a slope of 1.5H:1V. This is permitted with a site specific sub surface evaluation and report indicating this slope will be stable. Further, intermediate benches are not provided. The geotechnical analysis indicates these design features will be acceptable, which is consistent with the UDO. Retaining structures require post-construction certification. Erosion control is within the jurisdiction of the North Carolina Department of Environment and Natural Resources. Federal and State permits are required for work in or near streams and wetlands.

Article XVII - Part I - Floodplain Management

A portion of the site lies within the Town Floodway and Floodplain overlay districts. Subject to submittal of final design plans, it appears this concept is in conformity with the requirements of the UDO.

Article XVII - Part II - Drainage and Stormwater Management

A schematic drainage system was presented with underground detention systems. Note that stormwater should discharge outside of designated trout stream buffers. Subject to submittal of final design plans, it appears this concept is in conformity with the requirements of the UDO. Post-construction storm water system certification will be required prior to final inspection.

Article XVIII - Signs

Not Applicable.

Article XIX - Parking

The plans indicate a total of 1146 parking spaces will be provided. The plans also indicates the Town Code requires 1026 parking spaces. Information has not been provided to allow staff to compare the presumed parking requirements with the number of spaces being provided. Requirements in the UDO for high school parking is based upon the number of classrooms and the requirements for indoor recreation centers is based upon the number of participants the facility is designed to accommodate.

Article XX - Landscape Standards

See attached review comments from Brian Johnson pertaining to tree preservation, screening, landscaping.

Article XXII - Appearance Standards

Based upon the information submitted thus far, the project appears to meet the requirements of this Article except for the proposed site lighting and a few retaining walls which exceed height limitations. The engineers are addressing the retaining wall heights. The lighting plans as submitted greatly exceed the maximum intensity allowed for sports grounds. Section 401 permits the Community Appearance Commission to approve alternates to the requirements of this article. The County has requested CAC review and the project is scheduled to appear before the Commission on May 24, 2007. See attached review comments from Brian Johnson pertaining to the site lighting.

CONFORMITY TO THE 2006 COMPREHENSIVE PLAN

Overall Objectives

Overriding objectives in the Comprehensive Plan “provide a compass, overall direction, and central thrust” to the effectiveness of the Plan. Objectives having a bearing on this request include:

Open Space

Integrate open space and greenways into the urban fabric of the Town. Preserve the countryside by discouraging suburban sprawl. Avoid development in floodplains, on ridgetops, and steep slopes.

Automobile Transportation

Maximize the efficiency of existing facilities, but not at the expense of town and neighborhood character and livability. Build or expand transportation facilities and parking areas as needed, but with care. Work to reduce auto dependency, use, and congestion.

Recreation

Strive for additional public recreation facilities, especially sports fields, greenways, and indoor recreation centers.

Neighborhoods

Ensure the livability of neighborhoods, especially through land use and traffic planning.

Growth Strategy Map/Urban Growth Area

This property is located within the boundaries of Boone's designated Urban Growth Area. About half of the land area is situated within the Primary Growth Area and half within the Secondary Growth Area. The Primary Growth Area is defined as the area where urban level services or facilities are already in place or can be provided most cost effectively. This is the area where near term growth and development is to be especially encouraged. It is within this area that the majority of the High School and Recreation Center construction and service provision is taking place. The Secondary Growth Area is defined as the portion of the urban growth area where urban level services can be provided, but on a lower priority basis than the primary growth area.

Policies

Comprehensive Plan Policies are designed to maintain a consistent and predictable direction for local government decisions affecting local growth and development. The following comprehensive plan policies are applicable to this request:

2.1 The Economy

2.1.1 Economic Development

J. Appropriate educational and training programs shall be encouraged to help local residents, especially those unemployed and underemployed, take advantage of business expansion and to develop new skills.

2.1.4 Agricultural and Rural Development

A. Farms and woodlands shall be recognized as an integral part of the planning area's open space system.

2.2 Infrastructure

2.2.1 Transportation

A. Street patterns shall be designed so as to define the limits of the neighborhood, accentuate focal points and interesting vistas, allow convenient circulation within the neighborhood and provide multiple, alternative outlets from the area to adjoining neighborhoods and/or major streets. Particular attention shall be given to avoid designs that provide convenient "cut-through" traffic opportunities.

B. Planned systems of pedestrian ways, bikeways, greenways, and similar facilities shall be encouraged as energy efficient and environmentally sound transportation alternatives. Site planning that incorporates secure bicycle storage at places of living, working or schooling, shopping, and gathering shall be required, where appropriate.

*C. The **Boone Thoroughfare Plan** shall be employed to promote a hierarchical, functional road network and to promote the proper arrangement of land patterns by controlling the location of streets and roads.*

D. Properly designed major street intersections containing right and left turn bays shall be encouraged where crosswalks and pedestrian traffic do not have first priority.

G. The operational success of the area's mass transit shall be enhanced through the encouragement of compact, transit sensitive development patterns. Site planning that incorporates transit stops and convenience clusters shall be required, where appropriate.

L. All future road construction within the Town shall be examined for bike and pedestrian feasibility. Wherever possible, compatible bike lanes and pedestrian walkways shall be implemented in conjunction with accompanying road construction.

2.2.2 Utilities

B. Water and sewer services shall be concentrated within the limits of a geographically defined Urban Growth Area. The Primary Growth Area shall receive first priority for the provision or enhancement of water and sewer services.

C. The Town shall consider the highest level of participation in the cost of providing water and

sewer services within the Primary Growth Area with the next highest level of participation considered for the Secondary Growth Area.

2.2.3 Parks, Recreation and Open Space

C. In determining future sites for park, recreation and open space facilities, multiple objectives for natural conservation, visual enhancement, promotion of cultural and historic preservation, watershed and flood prone area protection shall be considered.

E. Provision of open space and recreational facilities shall be encouraged in private developments and through intergovernmental and public/private partnership.

F. The identification and appropriate development of a system of open space greenways within the planning area shall be encouraged for both recreational and alternative transportation purposes. The use of natural corridors such as streams, floodplains, and secondarily man-made corridors such as utility and transportation rights-of-way and easements shall be emphasized.

2.2.5 Environmental Quality

C. Development activities in the 100 year floodplain or near lake or streams shall be carefully controlled. If development must occur, low intensity uses such as open space, recreation and adequately buffered agricultural or forestry activities shall be preferred.

D. Runoff and drainage from development activities shall be of a quality and quantity as near to natural conditions as possible, with special emphasis given to critical watershed areas.

E. Development which preserves the natural features of the site, including existing topography, streams and significant trees and vegetation, shall be reflected in the Town's Development Standards.

K. The Town shall encourage and set an example which promotes water and energy conservation, and the reduction of waste generation at the source.

N. Industries and activities producing excessive noise, odor, air, water and light pollution, or other harmful impacts, shall not be permitted, unless such adverse impacts can be clearly overcome through effective mitigation.

2.3 The Community

A. Urban type development within the Urban Growth Area shall meet appropriate Town Standards.

2.3.2 Community Character

E. New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town.

2.3.3 Housing and Neighborhoods

A. The protection and rehabilitation of viable neighborhoods shall be encouraged in insure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community.

B. Street system designs which discourage through traffic on purely local streets while allowing for free circulation within the neighborhood shall be encouraged.

Reasonableness of Request

The request involves simulating zoning and development approval for the new Watauga High School and associated athletic facilities. The school is designed to accommodate 1,600 students. The project includes a future 80,000 square foot indoor Community Recreation Center. Numerous infrastructure improvements are planned to accommodate the needs of the development. The physical design incorporates the preservation of significant natural elements. The school board and county commissioners have worked to ensure the design meets the long term educational needs of the community while at the same time minimizing the impacts of such a large facility to area residents. If the Council approves the request, staff recommends the following conditions:

- 1. The project is approved subject to a zoning map amendment petition received from Watauga County and all accompanying civil, architectural, and electrical drawings and correspondence described on the letter to transmittal dated May 1, 2007. Minor modifications may be permitted in order to comply with the requirements of the UDO. Any commitments and representations concerning the proposed project made by the applicant or his representatives at the public hearing shall also become a condition of approval.*

2. *The Town Council provides that rights are vesting for a period of time not to exceed (5) years in accordance with UDO Section 79.*
3. *Final plans shall be submitted that are in compliance with the provisions of the UDO and other applicable provisions of Town, State and Federal Codes prior to final zoning approval.*
4. *NCDOT and Town of Boone driveway permits shall be obtained prior to final zoning approval.*
5. *All roadway improvements recommended by Kimley-Horn for Scenario II must be implemented for the intersection of US 421 and E. King Street/Grove Street; the intersection of US 421 and E. King Street /Industrial Boulevard; and the intersection of E. King Street and the proposed school access drive prior to issuance of certificates of occupancy. Refer to page 42 of the Traffic Impact Study for Watauga High School, received May 1, 2007.*
6. *A traffic signal shall be installed at the intersection of Cecil Miller Road and E. King Street/Industrial Boulevard and operated at a flashing mode until MUTCD warrants are met.*
7. *Further analysis of the traffic impact at the intersection of Cecil Miller Road and E. King Street shall be provided prior to final zoning approval.*
8. *Realignment of Daniel Boone Drive with the intersection of US 421 and NC 194 must be incorporated into the design of NCDOT Project U-4020-King Street Widening. A commitment from NCDOT shall be provided prior to final zoning approval.*
9. *Planned improvements to E. King Street shall include sidewalks and bike lanes in accordance with NDCOT Safe Routes to Schools (SRTS) program goals.*
10. *Opportunities for bicycle and pedestrian connectivity to adjoining neighborhoods shall be investigated. Viable opportunities for connectivity shall be incorporated into the final design plans prior to final zoning approval.*
11. *Proposed cul-de-sac design at the end Daniel Boone Drive Extension and Hill Top Drive must be constructed to Town standards and dedicated for public use.*
12. *An alternative cul-de-sac design at the proposed end of Hill Top Drive shall be investigated and utilized if determined by the Town to be viable.*
13. *The planned connector road from Hill Top Drive to Daniel Boone Drive Extension shall be built to Town standards and dedicated for public use prior to closing Daniel Boone Drive Extension*
14. *The proposed greenway trail connector shall be constructed to Town standards if the Town is to assume maintenance responsibilities.*
15. *The proposed Indoor Recreation Center must be located further than 100' from the adjoining R-1 zoning district or it may not exceed 35 feet in height.*
16. *The Community Appearance Commission must approve any deviations from the lighting standards prior to final zoning approval.*
17. *In order to permit removal of certain historic and significant trees in the areas of the Indoor Recreation Center, tennis court, and football field, the Town Council has determined that a redesign is not possible without reducing the intensity of development on the site.*

In response to a question regarding the proposed recreation facility, Mr. Spear stated that because of the facility's proximity to an R-1 single-family neighborhood, either the building must be relocated to stand 100 feet from the neighborhood, or the height of the building must be reduced to 35 feet. Mayor Clawson questioned the issue of site lighting. Mr. Spear stated that plans submitted for lighting exceed the maximum intensity allowed for outdoor sports facilities. He explained that the Community Appearance Commission has the authority to approve alternate plans to meet the requirements of this section. Furthermore, Mr. Spear stated that a certain level of lighting is required by the North Carolina High School Athletic Association to host conference and playoff events. Council member Spann asked about the lighting in relation to the tennis courts. Mr. Spear stated that the plan design for the tennis courts shows a significant amount of fill which would put the tennis courts 40 feet about the street level. He stated that the lights atop the poles at the tennis court area will be elevated 60 feet above the street level.

Jennifer Sisak, sFL&a Architects, presented a power-point presentation (**copy permanently on file at Boone Town Hall**) detailing the layout of the site including the main building, parking lot areas, athletic fields, and the proposed indoor recreation center. Ms. Sisak stated that a concern of the neighborhood residents about maintaining convenient access to the Greenway Trail and that the wetlands along the southern border of the property are an issue with respect to

connecting with the Greenway. Jonathan Guy, a traffic engineer from Kimley-Horn Associates, stated that he is working closely with NCDOT to coordinate the new high school project with the construction of Project U-4020. Kevin Brock, a lighting engineer from Reese, Norland & McElrath, Inc., stated that meeting the requirements of both the Town standards and those of the NCHSAA for outdoor athletic fields was challenging. He stated that he feels confident that a compromise can be achieved with both standards to minimize the glare on surrounding residential neighbors.

Jim Deal, chairman of the Watauga County Board of Commissioners, told of the number of hours and work involved in designing this new facility to anticipate the concerns of the surrounding neighbors and to construct a state-of-the-art learning facility. He stated that the need for a community recreation center has been under consideration for years but that finding an amount of land suitable for the purpose has so far frustrated any efforts to achieve this need. Mr. Deal agreed that access to the Greenway Trail is an important issue but pointed out the decision to use school property for this purpose must be made by the school board due to safety concerns for the students. Commissioner Winston Kinsey echoed Mr. Deal's comments regarding the need for a community recreation center.

Mayor Clawson recessed the public hearing for a ten-minute break at 8:15 p.m. Council reconvened at 8:26 p.m. at which time Commissioner Turner left the meeting.

Mayor Clawson declared the public hearing open at 8:27 p.m. The first speaker was Kay Taylor. Ms. Taylor requested that the 2.6 acres between Spruce Street and Delmar Street remain zoned R-1 residential.

Ms. Kay Taylor presented the following proxy statement from Ms. Kat Hodges, a neighborhood resident for 60 years:

"I love my neighborhood. And I am upset about the development of the land on the fringe of our R-1 residential area because I have property for sale. I feel like it will be disadvantageous to the area with the increased traffic, recreational lighting pollution, run-off water from paved surfaces and particularly the addition of the proposed elevated tennis courts. To me, property in the neighborhood will be de-valued as potential buyers will be concerned with the impact of the construction and subsequent changes that are projected in the near future. I am very concerned as we all are very concerned."

Ms. Kay Taylor then presented the following proxy statement from Ms. Belle Holman, a neighborhood resident for 45 years:

"I wouldn't mind the school if they did it the way they ought to. The important thing is all that water comin' down from the tennis courts right into my garden and basement. Landslides too! I'd say a lot of people will move away from here on the count of what they're gonna do here. It's a shame and a disgrace that they are messin' up our neighborhood."

Ms. Phyllis Thrasher, who has lived on Delmar Street for 28 years, stated that although she is excited about the new high school, she is concerned about the negative impact of rezoning the 2.6-acre portion. She asked that the Council leave that portion zoned for residential use and listed the negative effects as the elevation of the tennis court area, light pollution, the loss of trees, and the loss of potential residential housing sites.

Mr. Donald Thrasher stated his main concerns are noise and light pollution from the site.

Ms. Nancy Bargerstock of 321 Delmar Street stated that she has lived at this residence for six years. She stated that many of her neighbors who are elderly could not attend the public hearings and asked the Council to respect the wishes of the elderly in the neighborhood by leaving the 2.6 acre portion of the project zoned residential. Ms. Bargerstock pointed out that the 2.6 acres would be out of harmony with the neighborhood if rezoned.

Ms. Nancy Bargerstock presented the following proxy statement from Ms. Nell Johnson:

"We strongly oppose them making a street beside our house. That drive leads into our basement garage. But I will not speak, as I have a hearing problem. I hear, but do not understand, due to

constant ringing in ears (tinnitus). I'm also against a tennis court behind Delmar Street.”

Ms. Nancy Bargerstock then presented the following proxy statement from Ms. Cecil Smith, a neighborhood resident for 38 years and wife of the late Jimmy Smith:

“I support the building of a new facility for our children, but not at the cost of ruining our residential neighborhood. I love my neighborhood. Specifically, some issues concern me. 1) The proposed tennis court lighting could be a big problem for the residents in that it will affect the quality of life in the area. 2) My biggest concern, however, involves the use of fill dirt to buildup proposed tennis courts. They will bring disastrous consequences to our neighborhood with landslides and runoff flooding. We have serious issues with run-off already in this part of town, thanks to the paved surfaces of the New Market Center that drain into the creek at the bottom of our valley. A decade ago, \$1 million was allocated to remove several houses along Morningside Drive that were consistently flooded during rainstorms. Seems to me that there has got to be a better solution than to cram elevated tennis courts into our area. Please may this disaster NOT BE ALLOWED TO HAPPEN!”

Joseph Cazier of 144 Daniel Boone Drive Extension, voiced his concern with the tennis courts being located in an area that is adjacent to a residential neighborhood. Mr. Cazier stated he would like to see the 2.6 acres retain residential zoning.

Mr. Joseph Cazier presented the following proxy statement from Ms. Ruth Cook, a neighborhood resident for 56 years:

“I understand that the children of the county need a better school. But regarding the change the school will bring to our precious neighborhood - I don't like it at all! I am concerned about the heavy traffic the school will bring to this side of town. This increase will slow down public services such as ambulance, police, fire company to the residents of the area as well as inconvenience them. My 90 year-old mother, Mrs. Raymond Wilson, and I own four properties in the neighborhood (238, 266, 270, and 290 Daniel Boone Drive). We are concerned that this R-1 neighborhood is dying out. We have seen it over and over. Mature trees are taken down and never replaced. Pavement is added and major flooding occurs. I urge the Town Council to work for us to save the neighborhood with the MOST LIMITED changes possible.”

Gina Cazier of 144 Daniel Boone Drive Extension voiced her concern with the location of the proposed tennis courts and light pollution.

Ben Logan of 264 Daniel Boone Drive Extension stated that, although he supports a plan for a new high school, he opposes the zoning change to the 2.6 acres where the tennis courts are proposed. He stated he would welcome the challenge to build affordable homes on the 2.6 acres. He explained that the County could provide housing for incoming teachers until they could advance up the payscale and afford other housing. Mr. Logan suggested building tennis courts and an indoor recreation center in the Brookshire Park for use by the high school. In regard to the issue of Greenway access, he offered the idea of using property owned by the Town on Morningside Drive for a park and access to the Greenway Trail. Furthermore, he offered to donate land he owns at the end of Morningside Drive to the Town to be cleared and paved for a parking area. Mr. Logan then suggested that a paved path could be made along the Town's sewer right-of-way to the existing Greenway Trail. He requested that in return the Town could name the donated land after the Logan family.

Ms. Rebecca Saunders stated that she is in support of the project and advocates the rezoning of the 2.6 acre area to accommodate the proposed tennis courts.

Mr. Greg Simmons of 321 Delmar Street read the following statement into the record:

“I rise tonight to express concern over this rezoning request. I actually rise to oppose specific aspects of the request, but since the entire sit is under consideration as a whole, I suppose it is not possible to object in part.

“First, I'd like to thank the County and School officials for opting to pursue to the conditional district zoning process in this matter. This process does afford citizens and local residents the right and responsibility to voice their concerns or opposition, and work with their representatives

on the Town Council to see these concerns addressed. That is, of course, as it should be. But before I address my concerns, I did want to express my appreciation to the County and School officials on the procedural path they have chosen to address the zoning of the new high school site-specifically, through the conditional district zoning process. Secondly, I sincerely hope that other interested parties do not view those who speak tonight as a group of hostile residents who hate their children and are seeking to deny them a new school. Nothing could be further from the truth and that, of course, is certainly not the case. Everyone, including the residents of our area, understand that a new high school is an incredibly pressing need and building one will be a great thing for the students of Watauga County, some of whom our residents will eventually teach at ASU. None of us oppose that, and we are happy to support it with our tax dollars. We do, however, have the right and responsibility to protect our long-established neighborhood as the process moves forward, such as with this rezoning request before you tonight, and we will indeed seek to oppose actions taken on behalf of the new school that we view as damaging to the neighborhood in which we live.

“My concerns as a resident of this area relate specifically to the 2.6 acres that was acquired by the County in March. With the purchase of this acreage, the school property’s footprint extended westward between Delmar and Spruce Streets, encroaching into our neighborhood on the eastern side. As a result, the school property now abuts more single-family homes than it did previously.

“To provide some history about this area: The 2.6-acre former Greene property was comprised of 10 parcels or lots on the plat of our neighborhood, and zoned R-1 as you know. According to my best knowledge, they have always been zoned R-1 and intended for single-family residential use as part of our neighborhood since zoning was adopted by the Town of Boone. These 10 lots, or 2.6 acres, were purchased by the County, according to press reports, for the price of \$80 thousand dollars per acre (for a total cost of \$208,000 or an average of \$20,800 dollars for each of the ten parcels). Most disturbingly for us, this acreage comprises approximately 50% of the formerly available R-1 single family home sites between Delmar and Spruce. What we are talking about here are 10 wooded residential lots that lie very well, inside the town limits, with access to city water and sewer. It is very unfortunate, if only for our tax base, that these lots were never made available for residential development before this time-given our current housing shortage. But, ours is a free market, and the County certainly had every right to purchase these lots, as did the seller to offer it for sale. They purchased it, however, knowing full well that it was situated quite literally in the middle of a residential area, with single-family homes to the north, west, and south. However, I still do not understand, even at this late date, why they felt necessary to purchase it, and I would point out the Town Council is under no obligation to agree to rezoning it, given that it encroaches into a residential area and has existing single-family homes on three sides of it. I’ve looked on the County GIS system at the zoning and the listed current land use of the parcels directly adjacent to the former Greene property. Excluding the 90+ acres new school site itself, the parcels surrounding these 2.6 acres are 100% currently listed as “single family residential” use, and (likewise excluding the 90+ acres new school site) 92% of the surrounding parcels are currently zoned R-1. None of this is surprising given the fact that this is a long-established residential area. Please not that this is not true of the 90+ acre site at large, and it brings into focus the exceptional problem it creates for us when this 2.6 acres was acquired for use related to the high school, rather than the use for which it was originally zoned. I’d like to point out that I have heard no resident ever express a concern about the rezoning of the ‘original’ site—that is, the site as it existed before the additional acreage between Spruce and Delmar was acquired. And that remains the case today.

“Our town has long-range planning policies in place to protect and rehabilitate existing single-family neighborhoods. These policies are affirmed in our UDO and in our town’s comprehensive plan. Protecting established neighborhoods within the town limits is a priority many of described as a central one in your last campaigns for office. Our residents now look to you to take action on that pledge, and preserve a significant portion of our neighborhood that is now at risk of being lost to residential development forever. Housing within the city limits is already practically non-existent or outrageously expensive, and sacrificing these potential residential lots that are enclosed within our existing neighborhood concerns me greatly, and it is something I oppose.

“Since I mentioned an earlier version of the site plan, you’ll recall that the site plan from January 2007 had the tennis courts contained within the border of the former Miller property, integrated within the site proper, situated just north of the bus parking lot and the school building itself. It respected the existing natural buffer created by these 2.6 acres at the eastern end of Delmar and

Spruce, and it received support from the residents I talked to. Then sometime along in March, residents on Delmar and Spruce Street started seeing surveyors show up in our yards, with little stakes and ribbons appearing, and we gathered what information we could from the surveyors, since there had yet to be a public information session for local residents.

“I want very much to believe the school wishes to be a good neighbor, but by the time residents received our first information and input session from County and School officials on May 3, we were very sad to see that the original site had been expanded, and now encroached into the neighborhood from the eastern side, and tennis courts were to be sited there. That is where we are today. I called Development Services today and found out that the plan attached to this zoning request was filed with the Town on May 1, two days before the first public input session that we were offered on the evening of May 3 at 6pm. Four business days later, on May 8th, it was voted on and accepted unanimously by both the County Commissioners and the Board of Education. Now, we understand that a project this big is a moving target, and by its nature very difficult to pin down until near the end of the design cycle, but I think it is fair to say that residents, in our neighborhood anyway, did not feel informed or included in the process. Now in all the public meetings we hear that they want to be a good neighbor and that resident’s input was considered during the design process. The former may be true, but the latter, in our view, is not. I am still unclear as to why the extra land was required, and I’ve been to the meetings that were offered to the residents. I urge Council members to press aggressively for an answer to this question, and if you discover one, press aggressively for the logic behind it.

“Again, our concern is that if the plan is approved as, this 2.6 acres will be lost to residential use forever.

“I have heard on occasion that the attempt to provide sufficient parking might be the motivator here. If parking requirements are the stated reason for the County acquiring this 2.6 acres in our neighborhood, this is a non-starter. The “future recreation center” (for which they have submitted no final design or plan) has somehow been estimated to require 471 parking spaces—based on 1 space for 3 occupants present at the rec center. The high school has been estimated to require 555 spaces (5 spaces for classroom, with 111 classrooms). So according to the Town’s parking requirements in the UDO (which some have argued are already quite liberal), the site requires 1026 parking spaces. The current plan has 1146—that’s 120 spaces over and above what the already-generous UDO requires. Also, the amount of parking spaces increased significantly from earlier plans to this one, and no statement was provided to Development Services in the application addressing how the parking requirements that exceed the UDO were decided. Did anyone consider leaving the tennis where they were to start with, and staying with a slightly smaller recreation center? I am concerned if we are willing to allow encroachment into an established neighborhood for the sake of a recreation center that isn’t fully designed yet.

“As is clear from the current site plan, siting the tennis courts on this 2.6 acres will require clearcutting the 150 ft of mature existing buffer and historic trees between the school and our neighborhood, bringing in enough on-site fill to firmly build the area up 35-40 feet in height, installing the courts, lights on poles another minimum of 25 feet above that (according to most sports lighting manufacturer’s minimums), and providing a minimum of 50 foot/candles of light as required by NCHSAA standards. So that means lights, and the associated noise emanating from roughly 60 ft in the air over Delmar, around 75 ft over Daniel Boone, and so on down to the creek and across the valley over Morningside and Owens and residents are understandably concerned about that. We wonder why they have to be so high....especially since the County announced with pride that they will not have to use taxpayer’s money to have any dirt hauled off site. Perhaps that’s why the tennis courts are planned 40 feet up in the air over the valley, rather than any architectural or design reason? Was it cheaper to buy the 2.6 acres in our neighborhood, and simply use it as an on-site “soil dump” than it was to preserve our neighborhood by paying to haul off extra fill? Was this the original motivation behind acquiring that land after the fact? Regarding ADA compliance, wheelchair ramps could certainly be designed to allow handicapped access to courts that are situated a great deal lower than currently planned. However, regardless of the court’s design, lighting, etc., I’m opposed to giving up this 2.6 acres of our neighborhood, and it being used as a soil dump only adds insult to injury. It’s zoned R-1, it was planned as a neighborhood, and the Town Council should preserve it for the purpose of it was zoned: single family homes—not fill dirt. Did the parties involved not see that residents would contest this invasion, and that choosing this path might compromise the timeline of their project?

“Regarding traffic concerns, what conditions are associated with the rezoning that require the street improvements to be complete ahead of time? The high school will obviously bring MASSIVE amounts of traffic to Old E. King Street. We must have a signal intersection for Daniel Boone Drive directly opposite Hwy 194 so that we can get out of our neighborhood. The traffic study recommended this, but what assurance is there that DOT will complete it in a timely fashion?

“Regarding direct access to the Boone Greenway from our homes: Many of us especially newer, younger residents, bought homes in this area because of their direct access to the Greenway. In addition to being asked to give up a sizable chunk of our neighborhood, we have now also lost this direct access by foot or bicycle. We view this as a serious problem in that it diminishes the value of our properties and removes one of the most appealing features for which we chose them (and paid a premium) in the first place. “Direct access to the Greenway” always appears in the real estate listing. We seem to be constantly asked to compromise to benefit other constituencies; when will some of our concerns be addressed by compromise? Compromises that benefit one party only or no compromises at all, and our residents are growing a bit weary of giving up assets and amenities related to our neighborhood and receiving nothing in return.

“Lastly, I would like to add that opposing the rezoning of this 2.6 acres in our neighborhood is not the easiest option for our residents. If we decided to espouse the all-too-common “I’ve got mine” attitude, we should be happy to say, “Excellent! I have a great house on a dead-end street. Take that 2.6 acres past my house and sew it up with a tennis court and build a 15ft-high fence around it with no access from Spruce or Delmar. We’re guaranteed that we’ll never have any traffic past our house, and since the 2.6 acres are rezoned for the school, I’ll never have to engage in another zoning fight over it.” Instead, the residents from our area who spoke to you tonight have decided to ask you to oppose rezoning this 2.6 acres, with all that entails, and it represents a much more difficult path. If the Council preserves the existing R-1 zoning and single-family homes are eventually installed on these lots, it will indeed require Spruce and/or Delmar st. to be extended to access them. It will indeed bring more residential traffic past our existing homes, and perhaps more noise 24/7 than six tennis courts. If the County, when denied the use of the land for tennis courts, sells them off to a developer who decides to submit this action in informed manner, knowing that it may not be the most convenient or expedient solution. The fact remains, however, that the land is zoned R-1 and is surrounded by single-family homes. This 2.6 acres should be preserved for more single-family homes, and —*if we have integrity*— we should welcome them to our neighborhood.

“Thank you very much for the opportunity to speak to you tonight regarding this very important issue. Greg Simmons, 321 Delmar Street, Boone, NC.”

Ms. Anna Boyce Phillips voiced her excitement over the new high school project and stated that she feels that having the school and recreation center on the same site is the most cost effective option.

Ms. Mary Cavanaugh stated that she understands the concerns of the surrounding neighbors of the project, such as connection to the Greenway and the location of the tennis courts. She voiced her admiration for the spirit of cooperation shown by the neighbors concerning such a huge project located in their neighborhood. Ms. Cavanaugh voiced her desire to see bike lanes as part of the traffic changes for this project.

Mayor Clawson asked of Jennifer Sisak if the applicant is agreeable to acceptance of the 17 staff conditions as listed in the staff report. Ms. Sisak replied that there may some discussion regarding conditions five, seven, nine, and fifteen. Chairman Jim Deal explained that the requirement to commit the DOT to agreement with all of the traffic recommendations is unattainable. He stated that the County offices could request compliance but they do not have any control concerning tying in the DOT project with the new high school. Council member Wilcox stated he is satisfied with the intention of the County and School Board approaching the NCDOT with these requests and does not think this should be a requirement for approval.

Lowell Younce, Chairman of the Watauga County Board of Education, stated that this site is the best of all possible sites under consideration. He stated that the concerns of the surrounding residents to the project is and always has been of major concern to both the members of the County Commissioners and the School Board in regard to the planning and designing of this

project.

With no further public testimony, Mayor Clawson declared the public hearing adjourned at 9:45 p.m.

Deputy Clerk

Mayor