

**FALL
QUARTERLY PUBLIC HEARING
THURSDAY, NOVEMBER 13, 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, Mary "Bo" Bolick, Shawna Rhyne, Eric Woolridge, Jesse Pipes, Brett Scantlin, Gayle Turner, Chad Gryder, Caroline Poteat, Donald Dotson, and Caylen Beaty

Boone Town Staff: Greg Young-Town Manager, John Spear-Director of Development Services, and Brenda Henson-Administrative Specialist

Other: Greg Young-Town Manager

Mayor Loretta Clawson opened the Fall Quarterly Public Hearing at 7:03 PM and asked Mr. John Spear, Director of Development Services to come to the podium to present the following cases:

CASE 20080621 APPALACHIAN STATE UNIVERSITY

Appalachian State University has filed a request to change the zoning classification of property located at 186 South Depot Street from B-1, Central Business District to U-1, University District.

Mr. Spear presented the case as outlined in the meeting packet and introduced Greg Lovins with ASU. Council Member Brantz asked if there were plans to renovate or tear down the building. Mr. Lovins stated they plan to renovate the existing building and add a 2 story building above the adjacent parking lot. Mayor Clawson asked if some parking could be left on the lot for public parking and Mr. Lovins replied that they would be happy to leave the gate open at night. Commission Vice-Chairperson McRae asked if ASU had pursued the idea of preserving or registering the building for historical value. Mr. Lovins stated that idea had not been pursued. Commission Chairperson Spann questioned stormwater plans. Mr. Lovins explained that the university planned to install a tank to store rainwater for reuse in the building.

Dayton Cole with ASU spoke in favor of the proposed zoning change, stating he felt it would enhance the downtown as well as bring more people into the downtown area.

Glenda Treadway spoke in favor of this request, stating the building would provide a link between the community and the students and faculty who would be using the facility. The integrity of the outside stone structure of the building will be maintained.

Brittany Weiveris, a student in the communications department, spoke in favor of this request. She relayed the passion that students have for their chosen broadcasting field and noted how helpful this building would be to the furtherance and their goals.

Brendan Croghan, a student in the communications department and manager of ASU's radio station, also spoke in favor of this request.

Jon Wood, a student in the communications department and news director of ASU's radio station, noted there is an overflow of students in the communications department and stated the need for this building in order to offer more and better opportunities for the students.

Dan Hill with ASU stated his excitement for the proposed broadcasting studio and the opportunities it would offer to the students.

Patrick Beville, Vice-Chairman of the Kraut Creek Committee, stated that the committee recently did a restoration project on the creek on this property that was very successful. He noted that the university was a valuable partner in the project by reducing some paved area, reducing the number of parking spaces, and providing financial and human resources. The Kraut

Creek Committee feels confident that the university will not do anything to disrupt the creek or the restoration project and therefore endorses the rezoning request.

With no further comments by board members or staff, Mayor Clawson closed the public hearing on this case at 7:35 p.m.

CASE 20080165 COURTYARD by MARRIOTT

Boone Five, LLC has filed a request to change the zoning classification of property located on NC Highway 105 across from Hampton Inn. The request is to change the zoning from split B-3, General Business and R-1, Single-Family Residential to CDB-3, Conditional District General Business. Approval of the request would permit the construction of a 100- unit Courtyard by Marriott.

Mr. Spear presented the case as outlined in the meeting packet. He noted that a valid protest petition was submitted on this case. Mr. Spear explained that the receipt of a valid protest petition would require the case to receive a 3/4 majority vote by Town Council in order to approve the rezoning request.

Damon Mallatere, one of the developers of the project, reviewed the request. He noted that the plans had changed considerably from the previous plans developed three years ago primarily to address the neighborhood concerns. There would be decreased grading into the site so there would be less land disturbance near the neighborhood. In order to have the increased buffer between the development and the neighborhood, significant retaining walls, at a cost of approximately \$500,000 will be required. The buffer area atop the retaining walls will be sufficiently landscaped and planted.

Commission Member Woolridge asked if the site would be graded down flat to the highway and Mr. Mallatere replied that the site would slope up, which helps them with visibility and traffic noise, and allows them to still retain the increased buffer area and reduce the amount of grading.

Commission Member Dotson asked how many new jobs would be generated. Mr. Mallatere anticipated approximately 35 employees.

Mr. Mallatere noted that he was also part owner of the Super 8 Motel and because of its age there is a possibility of converting it to student housing.

Mr. Mallatere stated that they were proposing a flat roof option to reduce building height and that all lighting would be contained on the site. He also noted that this would be a full service hotel with a restaurant and bar, serving breakfast and dinner. Mr. Mallatere explained that they would have a 40 year lease with the option to purchase and in order to make this project financially feasible they would need to have at least 100 rooms.

Bill Dixon, architect for the project, stated that the developers were trying to protect the neighborhood as well as meeting the UDO requirements. Based on neighborhood concerns, lighting will be contained on the site, a flat roof has been proposed, the height of the building has been lowered by 3-6 feet with the possibility of having it lowered by 10 feet, larger trees than required by the UDO will be planted, and a 10 foot berm will be built along Wintergreen Lane.

Commission Member Woolridge questioned the sidewalk and expressed his desire to see a small landscape buffer between the street and the sidewalk. Mr. Dixon stated that this would be a DOT decision.

Commission Chairperson Spann stated that Council and Planning Commission members all received information from Lynn White outlining her concerns with the project from the neighborhood perspective (**see attached**). Commission Chairperson Spann asked that each of the nine items be addressed and Mr. Mallatere did so as follows:

1. The height of the hotel will not exceed three stories from the N.C. Hwy 105 street level.
No, this cannot be done, but will go with the flat roof option.
2. The establishment of a complete “closure” of the large unsightly gap across from 148 Wintergreen Lane. This destruction of the natural earthen buffer was caused by an

UNAUTHORIZED roadway access to the B-3 tract of land. The closure will require a 20-foot tall earthen berm with aesthetically-pleasing vegetation planted on it, including a 10-foot tall cedar hedge along the entire ridge of the berm, spaced as to create a “solid” vegetated buffer. **No, this cannot be done.**

3. No further cutting of any trees currently located within the wooded area of the R-1 tract of land adjacent to Wintergreen Lane and the Owen property boundary. (This was a recommendation also made by Town of Boone arborist, Brian Johnson, on April 23, 2007). **Yes.**
4. No further grading of land within the current wooded area of the R-1 tract adjacent to Wintergreen Land and the Owen property boundary. This will retain a natural wooded earthen buffer between the neighborhood and the commercial development. **Yes.**
5. The planting of a 10-foot tall cedar hedge, spaced to create a “solid” vegetated buffer, located just beyond the south edge of the current wooded area described in Nos. 3 and 4, and connecting with the hedge described in No. 2. **Yes, with Brian Johnson’s approval.**
6. Removal of all dead trees and brush from the wooded area. **Yes.**
7. Parking will be provided only underground and at the front of the hotel, with none behind the structure. **No.**
8. There will be no “sports bar” established within the hotel. **Yes.**
9. No intense lighting will be erected behind the hotel, nor will such light be directed toward the residential neighborhood. Only one security light will be erected at the rear of the hotel, unless more are required by the franchise. **Yes.**

Mr. Mallatere stated he would like to have a decision on this request as presented and did not wish to have it tabled, whether the vote would be for or against.

Lynn White, who lives at 170 Wintergreen Lane, expressed her concern with the proposed project. She felt that a 4-story hotel would have a negative impact on her neighborhood and that the proposed landscaping and earthen berm would not sufficiently buffer the neighborhood from the proposed development. Ms. White felt that anything more than 3 stories would not be acceptable for the neighborhood.

Eloise Berry, who lives at 148 Wintergreen Lane, felt that her privacy and quality of living would be jeopardized because hotel guests would be able to look into her windows. She asked that the neighborhood be considered in the decision making process.

Bob Schlagel, who lives on Highland Avenue adjoining Wintergreen Lane, read a letter from his neighbor Shirley Harris who expressed concern for the impact on the neighborhood. Mr. Schlagel stated his agreement with Ms. White’s comments and concerns.

Susan Owen, who lives at 195 Wintergreen Lane, felt there should be a win, win situation somewhere. She stated she has been speaking with Mr. Dixon regarding reducing the height of the building and some progress has been made with the change to a flat roof. Ms. Owen presented a rendering depicting the view of the proposed hotel from her property. She felt that if the height could be lower several more feet that she would be happier about the project. Ms. Owen noted that hotels were usually fairly quiet and would be better than some of the other allowable uses.

Alan White, who lives at 170 Wintergreen Lane, spoke against the project stating it would severely impact the Wintergreen neighborhood. He urged that no more than 3 stories should be allowed and the buffer between the project and Wintergreen Lane should be higher than proposed in order to provide more shielding for the neighbors. Mr. White questioned the height of the proposed berm as shown on the engineering plans.

Jeff Collins, one of the property owners and owner of a neighboring business, stated that the

proposed 4-story building would not be any higher than the original 3-story building that was proposed three years ago. He also noted that if the retaining wall was extended into the gap at Wintergreen Lane, it would not allow sufficient room for plantings to grow, where the earthen berm would. Mr. Collins invited anyone who wished to look at the site to contact him and he would meet them with maps and drawings.

Greg Parsons, one of the property owners, felt that instead of commercial zoning encroaching into a residential area, a review of the zoning map actually shows that it is the residential zoning district that is encroaching into commercial area.

Judith Phoenix expressed concern that the project had changed so significantly from the previous proposal of three years ago and was concerned with the impact on the Wintergreen neighborhood. She felt that 3 stories would be acceptable, but 4 stories was not smart growth.

Neil Shepherd, engineer and surveyor for the project, wished to clarify that the original berm that was removed several years ago was approximately at an elevation of 3170 and the proposed plan shows a restored elevation of the berm to 3171.

With no further comments by board members or staff, Mayor Clawson closed the public hearing at 9:47 p.m.

CLOSED SESSION FOR BOONE TOWN COUNCIL

At this time, upon a motion by Council Member Brantz, seconded by Council Member Aycock, Town Council entered into closed session at 9:47 p.m., pursuant to NCGS 143-318.11a)6).

VOTE: Aye-All
 Nay-None

Council exited Closed Session at 10:20 p.m. Council adjourned at 10:20 p.m.

Loretta Clawson, Mayor

Brenda Henson, Admn. Support Specialist