

**QUARTERLY PUBLIC HEARING
MEETING MINUTES
MONDAY, August 1, 2011
7:00 P.M.**

Boone Town Council: Mayor Loretta Clawson, Mayor Pro-Tem Lynne Mason, Andy Ball, Rennie Brantz, Jamie Leigh, and Stephen Phillips

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

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

Others: Greg Young-Town Manager, Blake Brown-Director of Public Works

Mayor Loretta Clawson called the meeting to order at 7:03 p.m. Mayor Clawson noted that the Town of Boone had received a valid protest petition for the first case. Mayor Clawson asked Ms. Shook to present the first case.

CASE 20110120 – ORCHARD AT PARK STREET

Hackett Properties has filed a Zoning Map Amendment Petition for Conditional District Zoning for property located at 232 Park Street (2901-71-1410-000). The request is to rezone the property of 20.457 acres from R-4 Two Family/Mobile Home District to Conditional District R-3 Multiple Family for a site specific development plan for a multi-family development (use 1.330) containing 48 townhomes with 144 bedrooms within 4 buildings. In addition, the proposed development triggers the requirements for Transitional Zones in accordance with Town of Boone Unified Development Ordinance Section 198.

Ms. Jane Shook presented the case as outlined in the meeting packet.

Ms. Chelsea Garrett came to the podium and stated that she was representing Mr. Barry Hackett of Hackett Properties.

Mr. Hackett came to the podium to present his proposed project. Mr. Hackett handed out copies of examples of past projects that Hackett Properties have completed which included town homes and apartments. Mr. Hackett showed renderings of the proposed project to be located at 232 Park Street. He talked about the need for affordable housing in the Boone area and he is proposing affordable housing with this proposed project. He talked about the square footage of the town homes, the pricing of the units, the natural tree buffering and reducing the storm water runoff.

Mr. Hackett talked about the meeting at Mr. Bill Martin's house located at 346 Park Street. At this meeting the neighbors, Council Member Leigh believes he said only Beth Darnell, Roger Darnell, Ann Kiefert and the Martins were there, not nearly all the "neighbors." gathered to voice their concerns for this proposed project. Mr. Hackett said that he had addressed the concerns mentioned at this meeting. The concerns were increased traffic impact, light pollution and noise pollution. He added that Hackett Properties will add a 2-5' berm and landscape buffering to reduce the light and noise pollution. He talked about widening of Park Street and making the proposed project a gated community. He said that Hackett Properties will install a video surveillance and electronic monitoring system where the property manager and property owners' association can monitor the development remotely. The Police Department and Fire Department would have access to the gate code.

Mr. Hackett outlined the following conditions for this project.

1. The widening and striping of Park Street.
2. The adding of a Landscape Buffer.
3. The adding of a gate approved by the Police and Fire Departments.
4. The northern ten acres being placed into a natural conservatory.

Mr. Dave Richmond from McGill and Associates in Hickory, North Carolina talked about the planting of evergreens along the top of the berm on the western boundary. He said that these plantings should be enough screening to block the headlights for that area and they have a proposed landscaping plan for the project.

Mayor Clawson opened the floor for any questions from the Council Members or Planning Commission Members. Council Member Leigh confirmed that the large plan on the easel had been revised and was

not the same one we had in our packet. Council Member Brantz asked Mr. Hackett to talk about the widening of Park Street. Discussion ensued by Mayor Pro-Tem Mason asked Mr. Hackett what market he was going to target to sell the homes. Mr. Hackett said he is targeting to young families and parents of students. Mayor Clawson asked if there were a total of four buildings. Mr. Hackett said yes. Council Member Leigh confirmed that the master bedroom was no different in size from the other bedrooms and I believe that Mr. Hackett agreed that statement was true. Mr. Hackett said the master bedrooms have Jacuzzi tubs. Council Member Stephens asked about the easements for the road widening. Mr. Blake Brown, Director of Public Works commented that the right of way on Park Street is 30 feet for the most part. Mr. Hackett said one of the conditions on the purchase of the property was for him to install sidewalks. Mr. Brown said there are some limitations on the sidewalks but that it likely could be done, but would not be easy. Council Member Leigh confirmed that he was not proposing deed restrictions to prevent rentals and he confirmed that he was not. Mr. Hackett said there is a proposed homeowner's association and there is a proposed hiking trail. Planning Commission Chairperson Spann asked if the nature conservatory is irrevocable. Mr. Hackett said yes. Council Member Leigh asked what makes these proposed units a townhome because she observed that they look like apartment buildings. Mr. Hackett said that they are actually condos, not townhomes. Mayor Pro-Tem Mason asked about the extension of the road to the rear of the development. Mr. Hackett said that Cathy Kosterman wants the road extended so she can build a home in the future and because of this request, the road will have also to be gated and locked. Mr. Hackett said that Mr. and Mrs. Roger and Beth Darnell and Ann Kiefert were present at the meeting held at Mr. Bill Martin's house and they stated concerns for the traffic, noise and light pollution. Council Member Ball asked about the short-term and long-term bicycle parking. Mr. Dave Richmond said that their bicycle plan does meet the requirements of the UDO. Council Member Phillips confirmed that there are no balconies and there are interior breezeways. Planning Commission Member Lippard asked about the types of people that would live there and why have a gated community. Mr. Hackett said the gated community gives the feel of security to the homeowners. Council Member Brantz asked about the management and maintenance. Mr. Hackett said he has not interviewed for these positions yet, however, this is the next step in the process. Council Member Leigh noted that Mr. Hackett is only proposing that the condos may be "affordable" to the initial buyer but, even if that is true, they may not retain that character once they are on the rental market and out of his control.

The first speaker on this case was Michael Teague, Fireman for the Town of Boone. Mr. Teague lives at 142 Dotson Drive. Mr. Teague said that he was not contacted about the meeting to discuss concerns at Mr. Bill Martin's house. Mr. Teague is opposed to the zoning district change for this project. He does support a project that fits within the R-4 zoning district at this location. Mr. Teague gave a list of concerns for this proposed project. The first concern was there is only one way in and one way out of this project location and there is no other way to relief the traffic congestion, the Park Street infrastructure does not meet fire code, 20 feet is needed for an access road, there are no sidewalks and students currently walk in the street, water and sewer lines being replaced to his home, the icy roads in Winter cause cars to park in the street and it is difficult for snow removal and fire, police and ambulances to service people in need, the affordability of housing is a one- time purchase.

The second speaker on this case was Nancy Teague. She is opposed to this proposed project because of the light pollution.

The third speaker on this case was Ann Kiefert. She lives at 366 Park Street. She is opposed to this proposed project because of the increased traffic. She talked about this proposed project and how it will change her quiet neighborhood. Ms. Kiefert handed out four pictures on Park Street with a full page written document called "*Changing the Character of the Neighborhood*" that shows what the neighborhood looks like at this time (permanent file).

The fourth speaker was Grace Bowling. She lives at 366 Park Street. She is opposed to this proposed project. She is concerned about safety.

The fifth speaker was Roger Darnell. He lives at 367 Park Street. He is opposed to this proposed project. He talked about the Town of Boone's pedestrian plan and about the accidents on Park Street and most of them are not reported. He said that Park Street is not safe now and winter weather only makes it worse. He said that even without the increased traffic flow it is unsafe for pedestrians. Mr. Darnell said that Mr. Hackett unfairly represented the "neighbor" meeting he attended. He went to find out information and was not prepared, at that time, to work out conditions that might be acceptable to him because he had not had time to process what he had just learned. He also said that his understanding was that the berm being proposed by Mr. Hackett would be much bigger than the 2-5 feet presented at the hearing.

The sixth speaker was Beth Darnell. She lives at 367 Park Street. She is opposed to this proposed project. She is concerned with the safety of the children on Park Street.

The seventh speaker was Chuck Bowling. He lives at 366 Park Street. He is opposed to this proposed project because of the unsafe road for the children.

The eighth speaker was David Teague. He lives at 233 Park Street. He is opposed to this proposed project because of the unsafe road.

The ninth speaker was Danny McCaulley, Jr. He lives at 431 Queen Street. He is concerned with the increased traffic at the intersection of Queen Street and Park Street and pedestrian travel.

The tenth speaker was Helen Dotson. She lives at 123 Dotson Drive and on the corner of Park Street and Dotson Drive. She is opposed to this proposed project because of a concern with the water.

The eleventh speaker was Joan Dotson. She lives at 123 Dotson Drive and she is opposed to the proposed project because she says it will destroy the neighborhood.

The twelfth speaker was Beth Mings. She lives at 192 Cherrybrook Lane. She travels to visit friends on Park Street. She is opposed to this proposed project.

The thirteen speaker was Mike Curcio. He lives at 158 Dotson Drive. He is opposed to the proposed project. He is all right with new development in the current R-4 zoning district.

The fourteenth speaker was Kathleen Petermann. She lives at 242 Park Street. She is opposed to this proposed project. She said this type of proposed project would not be responsible developing.

The fifteenth speaker was Sydney Williams. She lives at 242 Park Street. She is opposed to this proposed project.

The sixteenth speaker was Chip Monroe. He lives at 310 Park Street. He said the road is unsafe for the children.

The seventeenth speaker was Charles Waterworth. He lives at 227 Ridgewood Drive. He is concerned with the increased traffic flow.

The eighteenth speaker was Katie Douse. She lives at 194 Park Street. She has been in one bicycle wreck at the intersection of Park Street and Queen Street. She is concerned with the increased traffic flow and she talked about the blind curve on Park Street.

The nineteenth speaker was Patrick Sullivan. He lives at 112 Dotson Drive. He is opposed to this proposed project.

The twentieth speaker was Ms. Laura Blalock. She lives at 112 Dotson Drive. She is opposed to this proposed project because Park Street is unsafe.

The twenty-first speaker was Mr. Bill Barber. He lives at 311 Ridgewood Drive. He was opposed to this proposed project because of the following concerns which are density, safety, increased traffic and noise pollution.

Ms. Chelsea Garrett came to the podium to say that the concerns about safety and increased traffic impact were addressed in the previous approved plan for 50 units. She said the proposed number of cars presented at this meeting is no different than on the previous approval for 50 units. She said that the sidewalk and ownership were previous conditions as well.

Mr. Hackett of Hackett Properties came to the podium to first apologize for offending anyone in the neighborhood of this proposed project regarding the value of their homes. Mr. Hackett clarified that he was speaking about the homes that border or physically touch his property at 232 Park Street.

Mr. Hackett also said that Hackett Properties would provide a sidewalk along Park Street.

Mr. Brent Bingham came to the podium to voice his concerns. He lives at 182 Park Street. He said that the rental house where he lives has unusual parking on the street.

Ms. Chelsea Garrett talked about the implementation of the conditions for this proposed project and indicated that Mr. Hackett would only provide a sidewalk on Park Street if it was "feasible." She said that Mr. Hackett will continue to talk to the neighbors to address their concerns.

There were no other speakers for this case.

Mayor Clawson closed this public hearing.

CASE 20110354 – HELEN YOUNT ESTATE ZONING

The Town of Boone has initiated a Zoning Map amendment to zone property currently in Watauga County's jurisdiction owned by the Helen Yount Estate in conjunction with the voluntary annexation of said property (Watauga County PINs: 2900-91-4847-000 and 2900-92-5257-000) located off of Temple Drive. The parcels currently contain portions located within the Town of Boone's corporate limits and are zoned R-3 Multiple-Family. The southern portion of parcel 2900-91-4847-000 is located within the Town of Boone Extraterritorial Jurisdiction and is zoned R-A Residential Agriculture and WS-II Watershed Areas Critical Area (WS-II-CA). Both parcels have portions located within the Viewshed. Staff has recommended that Council consider the following zoning districts for this case: Viewshed, WS-II-CA, R-3 Multiple Family and R-A Residential Agriculture.

Ms. Jane Shook presented the request as outlined in the meeting packet. She referred to page nine of the staff report for this case that refers to the Viewshed. She explained that this case was a town initiated step.

There were no speakers for this case.

Mayor Clawson closed this public hearing.

CASE 20110320 – MOUNTAINEER CROSSING CONDITION DISTRICT

Mountaineer Crossing LLC has filed a Zoning Map Amendment Petition for Conditional District Zoning for property owned by the Estate of Helen Yount (Watauga County PINs: 2900-91-4847-000 and 2900-92-5257-000) and Mountaineer Crossing LLC (140 High School Drive, Watauga County PIN: 2900-92-2628-000). This request is that the property be placed in Conditional District B-3 General Business, Conditional District R-3 Multiple-Family and Conditional District R-A Residential Agriculture. The site specific plan for the property indicates a single story commercial building (Use 2.0) and a four story mixed use-building in which the ground floor contains commercial uses and the upper floors contains multi-family (Combination Use 29.1000) within in the Conditional District B-3 General Business portion of the property. The project also contains two multi-family apartments (Use 1.330), one 3-story and one 4-story, within the Conditional District R-3 Multiple-Family portion of the project. The remaining undeveloped property has been requested to be placed in Conditional District R-A Residential Agriculture for passive recreation for the development along with a conservation easement. Portions of the property are located within the Viewshed. In addition, the proposed development triggers the requirements for Transitional Zones in accordance with Town of Boone Unified Development Ordinance Section 198.

Ms. Shook presented this case as outlined in the meeting packet.

Mr. Jason Gaston from Valor Engineering presented an overview of the request for this proposed project. He referred to Section 179 of the Unified Development Ordinance and Page 42 of the Boone 2030 Plan. Mr. Gaston said that this proposed project has been presented before the water committee and was approved by the Community Appearance Commission with conditions. Mr. Gaston said that he has adjusted the building to get it out of the Viewshed.

Chairperson Bunk Spann asked about the three conditions approved by the Community Appearance Commission and how the aesthetics are being addressed. Mr. Gaston said that nine of the 15 acres will be put into a nature conservancy.

Discussion ensued on the traffic and parking lots. Member Simmons asked how the tenants and shoppers will get to the Appalcart. Mr. Gaston said currently there is not an Appalcart stop at this location. They would have to walk roughly one-quarter of a mile to the Studio West crosswalk to catch the Appalcart buses. Mr. Gaston said the traffic impact analysis reported 300 trips per day from this location. Mayor Pro-Tem Mason asked if NCDOT have plans to add a stop light at the old high school entrance. Mr. Blake Brown, Director of Public Works said that within one year a bus stop would be added East Bound on Hwy 105. Council Member Brantz asked about their storm water plan. Mr. Gaston said it is underground and there is no plan for above ground. Mr. Bailey said that the Community Appearance Commission made it a condition for them to screen the parking lot. Discussion ensued on a left turn lane for a bus stop off Hwy 105. Mr. Gaston talked about the grading plan.

Planning Commission Chairperson Spann asked Mr. Gaston to go through all of the conditions on page two of the staff report. Mr. Gaston said that the retaining walls are now four feet. Ms. Shook read the requirements for the conditions from the Unified Development Ordinance.

Mr. Gaston explained the short-term and long-term bicycle parking. He talked about the five loading spaces and he would provide an investigation for Mr. Brian Johnson. He said a GeoTech Engineer will engineer the slope. Mr. Gaston reviewed the Community Appearance Commission conditions for the landscape buffer, dumpster location and three feet separation between car doors to the dumpster doors. Mr. Gaston apologized that the Planning and Inspections staff had not seen these revisions.

Planning Commission Member Dotson asked who decides about the undeveloped conservation easement. Mr. Gaston said it is a restricted deed development with plus or minus nine acres.

Planning Commission Member Woolridge asked about the size of the parking spaces. Mr. Gaston said they would be 8" x 15" and 9" x 15". He also asked what conditions the Community Appearance Commission approved. Mr. Gaston said a monument entrance, two spaces moved to the back of building. Mr. Gaston clarified the 20 foot elevation.

Planning Commission Member Scantlin asked how a 53 foot tractor trailer can negotiated such a small area of space.

The first speakers were Malinda Wilcox, her husband Frank Wilcox and their daughter Brenda Ervin. They live at 118 Torrence Circle NW in Lenoir, North Carolina. They are not against the zoning district change for this project. They were concerned with the encroachment of debris onto their side of their property which came from trees being cut by the surveyor. They were concerned about the abatement and 15 foot setback and the washing away of their embankment. Planning Commission Chairperson Spann asked if their concerns had been adequately addressed. Mr. Frank Wilcox said no they have not been adequately addressed but they could talk about it.

The second speaker was surveyor, Donald McNeil. Mr. McNeil said that field crews did work very close to the property line and they did make debris fall over the property line.

The third speaker was JoAnne Hartley, she is the owner of the project and she supports it.

Mayor Clawson closed this public hearing.

ADJOURNMENT

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

Mayor, Loretta Clawson

Milton "Bunk" Spann, Chairperson
Planning Commission

Marlene Crosby, Board Secretary