

**TOWN OF BOONE
PLANNING COMMISSION
August 13, 2012 at 6 PM
Meeting Minutes**

Members Present: Chairperson Bunk Spann, Vice-Chairperson Eric Woolridge, Greg Simmons, Robert Cherry, Susan McCracken, Cameron Lippard, Donald Dotson and Jay Vincent

Staff Present: Mr. Bill Bailey-Director of Planning and Inspections, Jane Shook-Planner, Christy Turner-Planner and Marlene Crosby-Board Secretary

CALL TO ORDER

Chairperson Spann called the Planning Commission meeting to order at 5:59 PM. The Planning and Inspections staff handed out an article from a local paper titled "With New Apartment Complexes and ASU Enrollment Growth Slowing, The Rental Market *Party is Over.*"

ADOPTION OF AGENDA

Chairperson Spann said that the Planning and Inspections staff requested a change of order to the meeting agenda. The request was to move item six to item three on the agenda.

Upon a motion by Member Dotson, seconded by Member McCracken the agenda was approved with the modification listed above.

**Vote: Aye – All
Nay- None**

The motion carries.

APPROVAL OF MINUTES

Chairperson Spann asked for a motion to approve the July 9, 2012 Special Public Hearing meeting minutes. Member McCracken pointed out that Mr. Michael O'Conner's last name was spelled O'Connor and this was noted as a correction.

Upon a motion made by Vice-Chairperson Woolridge, seconded by Member Lippard the July 9, 2012 Special Public Hearing meeting minutes were approved with correction listed above.

**Vote: Aye – All
Nay- None**

The motion carries.

Chairperson Spann asked for a motion to approve the July 9, 2012 Planning Commission meeting minutes. Member Simmons noted a spelling change on page four in the first full paragraph to change a last name from Mr. Michael O'Conner to Mr. Michael O'Connor. Member Lippard noted a name change on page four in the first full paragraph to change Member Cameron to Member Lippard. Chairperson Spann asked if an abstention is a yes vote and should it be shown as a yes vote. Mr. Bailey said it should be shown as an abstention and it is counted as an affirmation vote.

Member McCracken noted that the word recused and her name should be added to page five of the meeting minutes under the voting section.

Upon a motion by Member Lippard, seconded by Vice-Chairperson Woolridge the July 9, 2012 Planning Commission meeting minutes were approved with the corrections listed above.

**Vote: Aye – All
Nay- None**

The motion carries.

CASE 20120435 The Town of Boone has filed a General Use District Map amendment for nineteen (19) properties located along North Ridge Circle to rezone the properties from R-3 Multiple Family Residential to R-1 Single-Family Residential (Watauga County PINs: 2911412986000, 2911318943000, 2911410934000, 2911413844000, 2911410874000, 2911414723000, 2911319702000, 2911411714000, 2911411656000, 2911319574000, 2911410462000, 2911416444000, 2911412571000, 2911413453000, 2911415621000, 2911327250000, 2911329420000, 2911421099000, 2911326487000).

There were no comments by the Planning Commission members or staff on this case.

First motion and vote: Planning Commission Vice-Chair Wooldridge made a motion, seconded by Planning Commission Member Simmons, that the proposed amendment to the Town’s zoning map is consistent with the Town’s comprehensive plan and other applicable adopted plans of the Town which relate to the application because the proposed amendment supports low density development that is convenient to retail as prescribed in the Boone 2030 Land Use Plan.

**Vote: Aye-All
Nay-None**

The motion carries.

Second motion and vote: Planning Commission Member Simmons made a motion, seconded by Planning Commission Vice-Chair Wooldridge, that the Planning Commission recommends approval for the following reasons: In addition to the reason stated in the first motion [above], this request gives the Town a rare opportunity to apply and grow the single-family zoning base and it appropriately changes the zoning to reflect the areas current use.

**Vote: Aye-All
Nay-None**

The motion carries.

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

Ms. Jane Shook, Planner said that the staff had no further comment and noted a revised staff report was on the table for the Planning Commission for the review. She noted that the revisions were limited to the Table of Permissible Uses.

Member Simmons asked the staff if anything in terms of the existing ordinance had changed related to the B-1 zoning district since this case was previously heard by the Planning Commission. Ms. Shook said that this property abuts an R-1 zoning district and that would more than likely trigger a Special Use Permit due to transitional zones. Member Lippard asked if the parking changes that were talked about in the quarterly public hearing were not valid. Mr. Bailey indicated that the parking requirements had not changed.

Chairperson Spann asked the staff how far away is the R-1 zoning district from this property. Ms. Shook said the R-1 zoning district is located immediately adjacent to this property. Ms. Shook explained the process of transitional zones and how they affect different types of developments.

Upon a motion from Member Dotson, seconded by Member McCracken a public hearing was opened to hear additional testimony.

**Vote: Aye- 5(Cherry, Dotson, Lippard, McCracken, Spann)
Nay- 3 (Simmons, Vincent, Woolridge)**

The motion carries.

Mr. Skip Greene from Greene Construction came to the podium. Mr. Greene talked about the steep slope on this property not being addressed at the previous meeting and about the ordinance requirements for retaining walls. Mr. Greene said this property is too steep and it is impractical for a parking lot. Mr. Bailey said this property is quite steep. Member Lippard asked Mr. Bailey if it was correct what Mr. Greene said about the grading and the retaining walls. Chairperson Spann said if there were engineered plans a parking lot could be put on the property. Mr. Bailey said that a parking garage could be built on this property.

Upon a motion by Member Lippard, seconded by Member Dotson the public hearing was closed.

**Vote: Aye – All
Nay- None**

The motion carries.

First motion and vote: Planning Commission Member McCracken made a motion, seconded by Planning Commission Member Vincent, that the proposed amendment to the Town's zoning map is consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to the application because, the request is supported by two statements/goals of the 2006 Comprehensive Plan, 2.1.1 D- *"Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas"* and 2.1.5 C- *"A variety of mutually compatible and supportive mixed uses shall be encouraged in the downtown area"*.

**Vote: Aye-7 (Cherry, Dotson, McCracken, Simmons, Spann, Woolridge, Vincent)
Nay-1 (Lippard)**

The motion carries.

Second motion and vote: Planning Commission Member McCracken made a motion, seconded by Planning Commission Member Dotson that the Planning Commission recommend approval for the following reasons: that the request aligns the properties with other properties in the B-1 downtown district; because the request conforms with Comprehensive Plan Policy 2.3 – *"Properly planned, mixed use developments that promote efficient provision of public services shall be encouraged within the Urban Growth Area"*; and in relation to the Boone 2030 Land Use Plan: this is an area proposed for

greater density and infill and moves the Town towards a more walk able non-sprawling pattern related to downtown, and extending B-1 to Hardin Street is specifically mentioned.

**Vote: Aye-7 (Cherry, Dotson, McCracken, Simmons, Spann, Woolridge, Vincent)
Nay-1 (Lippard)**

The motion carries.

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

Ms. Shook said that the staff had nothing new to add to this case. Member McCracken noted that both of these properties were given conditional zoning permits, when they were first built. Member McCracken asked if it is common to rezone a property after the fact. Ms. Shook said at the time the development was permitted it was permitted as a conditional use rezoning which is similar to a conditional district rezoning that is used today and the current request is a rezoning change from Conditional Use B-3 to General Use B-3. Ms. Shook noted that the existing ordinance is more restrictive today than the original conditions. Ms. Shook said previously it was partially zoned R-3 and B-3. Member Cherry asked about the eight conditions on this case. Ms. Shook said that all of the conditions have been met which is a requirement of the ordinance. Member Simmons confirmed that both the Holiday Inn and the Lowes Home Center are under the same conditional agreement. Ms. Shook said that is correct. Vice-Chairperson Woolridge talked about the concept of the request being to create an out parcel. Member Simmons said that he is all for taking existing excess parking and creating jobs from it.

First motion and vote: Planning Commission Member Lippard made a motion, seconded by Planning Commission Vice-Chair Woolridge, that the proposed amendment to the Town's zoning map is consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to this application because the request will allow an appropriate reuse of excessive parking in the B-3 business corridor on Blowing Rock Road in Boone, North Carolina.

**Vote: Aye-All
Nay-None**

The motion carries.

Second motion and vote: Planning Commission Member Lippard made a motion, seconded by Planning Commission Vice-Chair Woolridge that the Planning Commission recommend approval for the following reasons: for the reasons stated in the first motion [above]; because it creates flexibility for further subdivision of the property and creating an infill parcel in alignment with the B3 zoning district; encourages commercial development on the B3 corridor; and will help discourage new strip development on isolated single lots along the street.

**Vote: Aye-All
Nay-None**

The motion carries.

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

Planning Commission Chair Spann asked the Commissioners if they had any questions or comments on the case. Planning Commission Member McCracken indicated she had a couple of questions on the Traffic Impact Analysis, including how the study is done and how the recommendations are made. Mr. Bailey responded that Staff could provide general answers but that the Traffic Consultant who prepared the report could provide detailed answers if the public hearing were re-opened.

Planning Commission Member Cherry indicated that he lived approximately 1/3 of a mile from the proposed project and asked if needed to recuse himself from the case even though he thought the key was financial impact. Planning Commission Chair Spann asked Planning Commission Member Cherry if he would have any financial impact if the project would be approved or not. Planning Commission Member Cherry indicated that he would not. Planning Commission Chair Spann responded to Planning Commission Member Cherry that it would be inappropriate to recuse himself in that case. Mr. Bailey noted that it would not be inappropriate to recuse yourself if your mind was already made up. Planning Commission Member Cherry indicated that he had not made up his mind on the case.

Planning Commission Member McCracken made a motion, seconded by Planning Commission Vice-Chair Woolridge, to re-open the public hearing.

**Vote: Aye-5 (Cherry, Dotson, McCracken, Spann, Woolridge)
Nay-3 (Lippard, Simmons, Vincent)**

The motion carries.

Discussion ensued regarding the Traffic Impact Analysis. Planning Commission Member McCracken noted that she had a concern with the Jefferson Road and Perkinsville Drive area because it has become an end-cut-through area and asked Mr. Amenya how he determined the types of recommendations that were presented.

Mr. Clement asked Ms. McCracken if she had a copy of the Traffic Impact Analysis report. Planning Commission Chair Spann noted that the Planning Commission had the transportation summary but not the full report. Mr. Clement noted that the study was intentionally conducted at a time when the schools were in session and the traffic flow was worse than it is now.

Frank Amenya with Davenport Transportation Consultants introduced himself. Mr. Amenya gave an explanation as to the methodology behind the Traffic Impact Analysis report and how the recommendations were developed.

Planning Commission Member McCracken asked Staff if there were long terms plans for improvement for Jefferson Road because of the congestion. Mr. Bailey noted that Jefferson Road was a NC DOT maintained street and that he was aware of sidewalk improvements that were planned for the area. He noted that Mr. Amenya had used the no-build model for the Traffic Impact Analysis which looks at the area as if no improvements would be made to the transportation system which is a more accurate model than trying to predict if there were going to be improvements. Discussion ensued on possible sidewalk improvements on Jefferson Road in the area of Hardin Park School.

Planning Commission Member McCracken asked about AppalCart. Mr. Clement noted that they would be paying by bedroom.

Planning Commission Member McCracken asked about bike lanes. Planning Commission Member Lippard questions why the project is being marketed as student friendly and accessible to campus but that sidewalk or widened lanes for cycling are not provided to get to the students to New Market Center, retail stores or ASU. Mr. Trew noted that Planning Commission Member Lippard was correct that sidewalks were not provided along Perkinsville Drive but sidewalks were provided along Clawson Street to Perkinsville Drive. Mr. Trew indicated that he had met with Blake Brown [Town of Boone Public Works Director] and that Mr. Brown had indicated that the Town would be putting a sidewalk in on Grove Street in the near future and that would give the students a pedestrian access from the development to 421 which has sidewalks, which then would provide a pedestrian way all the way to campus.

Mr. Bailey asked Mr. Trew to state his name. Mr. Trew stated his name as Michael Trew with Municipal Engineering for the record.

Planning Commission Member McCracken asked Mr. Trew if Mr. Brown had indicated if there would be any widening of Perkinsville Drive. Mr. Trew noted that item was not discussed.

Planning Commission Vice-Chair Woolridge asked if the developer would commit to putting in a sidewalk on Perkinsville Drive. Mr. Trew indicated he would have to ask the developer and have look to see if there was adequate right-of-way. Planning Commission Chair Spann asked Mr. Trew to ask the developer if he would be willing to modify his plan to incorporate that request. Mr. Forde indicated that the problem he had with committing to putting in a sidewalk to the intersection of Jefferson Road on Perkinsville Drive would be, though he is financially capable, is there enough right-of way and what is the grade. Planning Commission Vice-Chair Woolridge asked Mr. Trew if he was aware of the sidewalk fee-in-lieu for the Town. Mr. Trew indicated that he thought it was either approximately \$31 or \$52 depending on curb and gutter. Planning Commission Vice-Chair Woolridge asked if the developer would be willing to pay the fee-in-lieu for the length to put towards sidewalks on Perkinsville Drive. Mr. Forde indicated that he would be willing to put up \$31 a foot toward a sidewalk on Perkinsville Drive (from the development's entrance to the intersection of Jefferson Road). Planning Commission Chair Spann asked

Mr. Forde if understood that by his statement that if approved that this could be a condition that could be added to his approval. Mr. Forde indicated he understood. Mr. Bailey noted that the fee-in-lieu amount for the Town was actually approximately \$52. Mr. Forde indicated that he would be willing to add that as a condition as the \$52 price.

Discussion ensued on future pedestrian improvements planned for the area.

Planning Commission Member Simmons asked how easy and safely the developers are making it for the residents to cycle to campus. Mr. Trew indicated that he thought there would be a widened sidewalk that would allow cyclists at the end of Grove Street that would take the cyclists to the 421/Jefferson Road intersection where the bike lanes begin. Mr. Trew noted that the cyclists would have to cross over to Grove Street and ride down Grove Street to get to the widened sidewalk.

Planning Commission Vice-Chair Woolridge asked Mr. Trew to explain the landscape plan in the area adjacent to the Wickham Square Neighborhood. Mr. Trew indicates that the parking lot that is to be located in the area behind the Wickham Square Neighborhood is located thirty-eight feet away from the property line, and that all the significant trees that are in that area are to remain. Mr. Trew indicated that the developer is provided a ten foot landscape buffer which contains required shade trees between the parking lot and the adjacent properties and in addition is retaining all the existing trees in the buffer area. Mr. Trew indicated that in the previous public hearing the developer had offered to substitute the shade trees with evergreens so that there would be a buffer throughout the year. Mr. Trew also indicated that he spoke with New River Light and Power and that they do offer an alternate lighting source, which is still a full cut-off, but will extend four feet into the parking lot which would be further away from the resident's homes and has less spill over light. Planning Commission Vice-Chair Woolridge asked how high the fixture was from grade. Mr. Trew indicated that he thought they would be twenty to twenty-five feet above the parking surface. Planning Commission Member Simmons noted that they were twenty-five feet at the high school. Discussion ensued over the Town's lighting standards. Planning Commission Chair Spann asked Mr. Trew if they had determined how much spillover into the townhomes would there be or would they be able to direct most of the light into the parking lot. Mr. Bailey noted that code required that there be less than less than one foot candle at the property line. Planning Commission Chair Spann indicated that he asked because he believed the neighbors who are present at the meeting would want to know what to expect. Mr. Trew indicated they did not have a lighting plan at this time and that lighting plans were typically submitted during the permitting process. Planning Commission Member McCracken asked what type of lighting is on the property now. Mr. Trew indicated that the area under discussion is a meadow and contains no lighting.

Planning Commission Chair Spann asked Mr. Trew if the evergreens that would be planted in the landscape buffer would be tall enough to create a visual barrier between the townhomes and the parking lot. Mr. Trew indicated that the Town required them to be either eight or ten feet at the time of planting. Planning Commission Chair Spann asked if they needed to be taller and asked for them to keep that in mind. Mr. Trew noted he would be glad to. Mr. Trew noted that this project was to be phased and that the parking lot was to be constructed in phase 2. Mr. Trew noted that a condition could be added that the buffer could be constructed during phase 1 to give it extra time to grow.

Planning Commission Chair asked Mr. Forde if this was a condition he would be willing to accept. Mr. Ford agreed and indicated he would be willing to install a six or eight foot opaque fence at the same time and stagger the evergreens on either side of the fence. He noted that while they wanted to mitigate the light as much as possible that they also had a safety concern with providing adequate lighting within the parking lot.

Mr. Bailey noted that the clearer the condition the better it is for the applicant and Staff. Planning Commission Vice-Chair Woolridge suggested that the Commission listed to the neighbors present to see if there was anything the specifically wanted. Ms. Shook cautioned everyone that they needed to be sure they were on the same page because the developer had offered to “replace” and some people were perhaps thinking of a hedge and noted that she wanted everyone to fully understand what was being offered.

Planning Commission Chair Spann asked Mr. Trew if the developer had any contact with any of the neighbors. Mr. Trew indicated that there was some attempt at contact but was not aware of the results.

Jennifer Krause, a Wickham Square property owner spoke. Ms. Krause indicated that she had not attended the public hearing and questioned the grading and drainage on the parking lot area and noted a concern with drainage onto the Wickham Square property. Mr. Trew indicated that the property would not be graded to drain onto the Wickham Square property. Ms. Krause asked how far the parking lot would be from the property line. Mr. Trew indicated that the parking lot would be sixty feet wide and be approximately thirty-eight feet from the property line. Planning Commission Vice-Chair Woolridge asked Mr. Trew to point out the storm-water detention area at the end of the parking lot for the neighbors to see. Mr. Trew located the detention area on the maps set up in Council chambers. Ms. Krause asked about security for the project. Mr. Forde indicated that the company hired security from time to time as necessary and that the project would have a full-time manager and a full-time staff onsite. Planning Commission Spann asked Ms. Krause if she had any other concerns. Ms. Krause indicated that it was a great a green space, that she enjoyed to sit on her deck and enjoy her coffee and watch the deer and now it’s going to be paved and she feels like it lowers her property value in her opinion. Ms. Krause noted the she appreciated that the developer is willing to put trees and a hedge as buffer but to her it’s a loss.

Gail Bedell, a Wickham Square property owner spoke. Ms. Bedell indicated that she had heard all the advantages of going from R-3 Multiple-Family to R-1 Single-Family during the Northridge Circle case and that what is happening with this case is exactly the opposite. She noted that you are taking a place that is dense with apartments and has some wonderful green areas for families and for homes and for particularly for the Wickham Square homes, and are going to flip that and make it highly dense. She noted a concern with traffic congestion. Ms. Bedell noted she understands why the Clawson’s would want to sell their property but the re-zoning business is where the Town has some responsibility to the neighbors who are in that neighborhood and are already zoned that way. Ms. Bedell indicated that she understood she was zoned multiple family but that their POA only allowed for single-family. Ms. Bedell questioned whether the Town really wanted to do this.

Rebecca Glaser, a Wickham Square property owner spoke. Ms. Glaser indicated she had missed the previous public hearing because she was away on business. Ms. Glaser indicated she was not happy about the request. Ms. Glaser indicated that the area was their backyard. Ms. Glaser indicated a concern with the additional vehicles in the area which she feels is already congested. Ms. Glaser indicated that she dogs that would go nuts when people who not part of the community were around. She noted that the existing community of Wickham Square and Field Stream up the road was a tight knit single family community. Ms. Glaser noted she had a concern with security. She noted that the area had been very safe to date. Ms. Glaser also noted a concern with the lighting. Ms. Glaser noted that the project will destroy the property values.

Mr. Clawson, noted on the map in Council Chambers, a spot where he had stood on his property and noted that he could not see any portion of Wickham Square and invited anyone to go and see where the top most apartment is going to be. Mr. Clawson questioned whether anyone had experienced people who would rather live by a trailer park. Mr. Clawson noted that in his experience, he has not, that he and his family have felt were looked down upon for many years for operating a trailer park. He indicated they had tried to operate in the best way they knew how. Mr. Clawson noted that the area to the far west was to be a parking lot and asked Staff to confirm that it was already zoned R-3. Ms. Shook confirmed that it was zoned R-3. Mr. Clawson asked if the neighbors would like if they were to put six mobile homes in there if they kept the mobile home park, and he understood that he couldn't because it's zoned R-3, but noted what more innocuous use could there be than a parking lot. Mr. Clawson noted that it would an overflow parking lot. Mr. Clawson noted that if he were in the neighbor's position he would feel the same way. He noted on the map that the apartments were away from the overflow parking lot.

Planning Commission Member Cherry asked when the traffic improvements listed in Table nine become reality. Ms. Shook that some of the recommendations were shown on the site plans and that Blake Brown had made a comment about the need for the developer to commit to the improvements and that one of Staff's conditions is for all of the summary comments to be addressed.

Discussion ensued on the details for the landscape buffer. Ms. Shook noted that with certain types of trees that height is measured to the top and the top is not always a full top but sometimes just a tip. Mr. Bailey noted how buffers with fences meet the code requirements. Planning Commission Vice-Chair Woolridge asked the neighbors if they would want any additional vegetation in the buffer to the east of the Wickham Square property and asked Mr. Trew to point the area out on the map. Mr. Trew noted that no disturbance was taking place in that area and that it was in the viewshed. The neighbors indicated from the audience that the area was steep. Planning Commission Vice-Chair Woolridge noted that he wanted to make sure everyone understood that there were no proposed improvements in that area and that everyone was satisfied with that.

Planning Commission McCracken asked Mr. Trew to show where the on the proposed development plans where the closest mobile home was to the top of the property. Mr. Forde approached the Planning Commission and showed a map.

Discussion ensued regarding the landscape buffer between the overflow parking lot and the Wickham Square properties. Mr. Forde recommended a six foot opaque fence with a row of five foot high evergreens staggered on center that would be planted prior to the occupancy of the first units. Planning Commission Chair Spann felt that five foot was too short. Mr. Forde agreed to a six foot tree. Mr. Forde committed to installing the buffer and fence during the first phase.

Planning Commission Member McCracken asked how many phases were planned. Mr. Ford replied two and described each. Planning Commission Member McCracken asked how he would determine to proceed with phase 2. Mr. Forde noted that if approved, they planned to proceed with phase two immediately after phase one.

Planning Commission Member Simmons asked Mr. Forde if he had any comments on an article from the Watauga Democrat published in May 2012 in which Vice-Chancellor for Student Development Cindy Wallace was quoted that private housing for students was maxed out. Mr. Forde indicated that he thought there was a real demand for student housing in this area and feels that this is one of the best markets in North Carolina and is convinced that the Town needs this product. Mr. Forde noted that affordable housing needs to be addressed and noted he felt the best way is to get students out of traditional housing stock and into the kind of developments he offers. He noted that he knows that there are people who feel that the market has reached its saturation point but he feels that they will be successful; he has been successful in the past and believes this project will be successful too.

Mr. Bailey noted that if the Planning Commission was going to accept a condition that deviates from the UDO to still tie as close to the UDO as possible to meet the minimum acceptable. Mr. Forde agreed, he noted that if they had previously agreed to something that did not meet the ordinance that they would meet the minimum ordinance requirements.

Planning Commission Vice-Chair Woolridge asked Staff for direction on handle to the buffer requirements between the overflow parking lot and the Wickham Square properties. Discussion ensued on how to minimize the impact on the neighborhood. Mr. Bailey noted that the Planning Commission was mixing the Type C and Type A buffer requirements together. He noted that the ten foot buffer was a Type A buffer. He noted that a Type C buffer was a twenty-five foot buffer. Ms. Shook noted that a Type C could be reduced to fifteen feet with an opaque fence. Planning Commission Chair Spann asked Mr. Forde if he would commit to a Type C buffer. Mr. Forde deferred to Mr. Trew. Mr. Trew indicated that a Type C buffer reduced to fifteen feet with an opaque fence would be acceptable. Mr. Bailey reminded them not to forget the evergreen material.

Planning Commission Chair Spann asked if there were any other comments or questions before the public hearing was closed.

Mr. Clawson noted that he wanted to say for those not at the public hearing that he had offered the sale of the property to the Wickham Square development for \$25,000 less than for what the contract they have on the property now and they were turned down.

Planning Commission Member McCracken made a motion, seconded by Planning Commission Member Lippard to close the public hearing.

**Vote: Aye-All
Nay-None**

The motion carries.

Planning Commission Member Cherry asked if mobile home parks mentioned in the Land Use Plan. Mr. Bailey noted that the Boone 2030 Land Use Plan discusses affordable housing and that mobile homes are considered a form of affordable housing. Mr. Bailey noted that there has been an uproar when mobile home parks in the past have closed because of affordable housing but also there has been an uproar when they have been built. Ms. Shook noted that she thought they would be treated as single-family and would probably be placed in the G1 and G2 sectors.

Planning Commission Chair Spann asked if there were any other comments or questions and hearing none noted he would be happy to hear a motion.

Planning Commission Member Simmons asked Staff to clarify the Framework Plan from the Boone 2030 Land Use Plan as it relates to the project. Ms. Shook described the different sectors as shown on the map attached to the staff report.

Planning Commission Member McCracken asked Staff if the property were already zoned R-3, since most of it is anyway, would it have to come for this rezoning approval. Ms. Shook indicated no and explained that the project would have to obtain a Special Use Permit. Discussion ensued on the differences between a Special Use Permit and a Conditional District rezoning.

Planning Commission Vice-Chair Woolridge noted that if you look at the Framework Plan that the G2 sector is called out to be a higher density urban area. He noted that personally he would like to see a more creative project that has different housing types. Planning Commission Member Simmons noted that since Planning Commission Vice-Chair Woolridge had made that statement of different housing types and since the developers is saying that this project is close to campus and he noted it depends on what your definition of close is, that he recalls other project with a mix of housing types closer to campus which failed to garner support and he found that very disappointing. Planning Commission Vice-Chair Woolridge noted that support was not withheld from the Planning Commission and Planning Commission Member Simmons agreed. Planning Commission Member Simmons noted that because projects that were directly adjacent to campus that might have a range of housing choices, not just apartments, fail to garner support, then the Town loses a marker to say what is close to campus.

Discussion ensued on what had been agreed to by the developers. Planning Commission Member McCracken asked about the agreement with AppalCart. Ms. Shook recommended that the Planning Commission not get into the details of the contract with AppalCart, just that the applicant be required to contract with AppalCart for services. Planning Commission Vice-Chair Woolridge noted Staff's recommendations, the Type C landscape buffer between the overflow parking lot and the Wickham

Square properties with evergreens, fee-in-lieu for sidewalk from the project's entrance along Perkinsville Drive to the intersection of Jefferson Road/Hwy 194, the AppalCart agreement to be included in any motion made.

Ms. Shook asked the Planning Commission to consider the request of the applicant's for the five year vesting and for the alternate property line for the creation of a 2.8 acre parcel for the Greene family. Discussion ensued on the alternate property line for the Greene's. Ms. Shook noted that the division could only occur if a variance was granted from the Board of Adjustment because the lot would have no street frontage.

Planning Commission Vice-Chair Woolridge made a motion, seconded by Planning Commission Member Vincent that the proposed amendment to the Town's zoning map is consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to this application because this tract is identified as part of the G2 growth sector in the Boone 2030 Land Use Plan which calls for high density development close to commercial and retail uses and the developer has committed fund toward improving that connection with funds for sidewalk improvements. This development is also sandwiched between two dense apartment complexes and to the extent possible/feasible has tried to buffer and protect the one adjacent single family neighborhood.

Vote: Aye: 5 (Dotson, McCracken, Spann, Woolridge, Vincent)

Nay: 3 (Cherry, Lippard, Simmons)

The motion carries.

Second motion and vote: Planning Commission Vice-Chair Woolridge made a motion, seconded by Planning Commission Member Vincent that the Planning Commission recommend approval because of the reasons stated in the first motion and subject to the following conditions:

1. A Type C Buffer with an opaque fence enhanced with additional evergreen trees will be installed between the overflow parking lot area and the Wickham Square properties in prior to the occupancy of the building in phase 1.
2. A sidewalk fee-in-lieu will be paid to the Town of Boone for the distance between Clawson Street and Jefferson Road (Hwy 194).
3. The development shall maintain an agreement with AppalCart for services.
4. 5 Year vesting for the development be granted.
5. The 2.8 parcel is to be left in the Conditional District site specific approval if a variance is approved. Any modifications to the parcel should be presented as a modification.
6. The applicant shall commit to all recommendations as presented in the Transportation Impact Analysis Clawson/Greene Multi-Family Development Boone, NC" prepared for Mega Builders dated 05/03/2012.

7. Where there is a conflict between the application information (received date of July 6, 2012) and the plans (received date of July 25, 2012) and all other supplemental information, the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
8. Any commitments and representations concerning the proposed project made by the applicant or its (his or her) representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.
9. Final plans shall be submitted that are in compliance with the provisions of the UDO and other provisions of the Town Code.
10. All concerns as listed in the "Review Comments" as listed in the Staff Report will be satisfied. ***[below]***

Planning:

1. The project will need to comply with UDO Article XVI, Section 285 Steep Slope, which requires the applicant to obtain investigation(s) by a licensed geologist and /or licensed engineer before allowing the development to proceed.
2. Per UDO Article XXII, Section 393 [a][1] the primary façade and main building entry shall face the primary public way. The residential buildings do not meet this requirement. The Community Appearance Commission (CAC) may approve a redesign based upon conditions as listed in Section 393.
3. As noted in the applicant's request "Alternate Property Line for Retention of 2.8 acre Parcel for Greene Family" a variance will be required for the lack of street frontage on the lot. Since this is a site specific approval the vesting for the construction of a single-family home would run with the vesting given to the project. If the home is not vested within that time frame, a modification of the Conditional District Zoning will be required. If the applicant wishes to remove the property from the request, and a variance has been granted, a modified property description should be provided.

Public Works

1. A Town of Boone driveway permit will be required prior to the issuance of a Zoning Permit.
2. Please indicate on the final plans whether the revised street will be private or public.
3. In regards to the transportation improvements needed - The developer will need to commit to the improvements which are described in the "Transportation Impact Analysis Clawson/Greene Multi-Family Development Boone, NC" prepared for Mega Builders dated 05/03/2012. These improvements will need to be coordinated with the Town of Boone Public Works Department.

4. If street revisions are approved to be public, the Town of Boone will not accept dedication until after all phases are complete.

Public Utilities

The Public Utilities Department has conducted a site plan review for the proposed project located on Clawson Street. The plans reviewed by this department are dated 7/25/12 and cannot be approved due to the following.

1. Boone Town Council action may be required for this project. Please contact Ms. Elisa Phillips at 828-268-6250 for water allocation,

Pending Boone Town Council Action, the following items must be addressed:

1. The applicant will be required to provide and separate/individual water meter for each unit.
2. Utility plans with profiles and standard details must be submitted for review and/or approval.
3. The water and sanitary sewer mains extensions must be permitted by the appropriate state agencies.

Fire Department

1. Post indicator valve (PIV) shall be installed for fire protection shut-off. FDC shall be shown on final plans for apparatus hook-ups.
2. Street names are not included. These shall conform to the requirements of the Town for contrasting similarity. Also, the main structure address number height shall be 8" of contrasting color to building and location to be determined by Boone Fire. Unit numbers shall be submitted to Town GIS for departmental approval.

**Vote: Aye: 5 (Dotson, McCracken, Spann, Woolridge, Vincent)
Nay: 3 (Cherry, Lippard, Simmons)**

The motion carries.

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

There were no staff comments or discussion by the commission members on this case.

First motion and vote: Planning Commission Member McCracken made a motion, seconded by Planning Commission Member Dotson, that the proposed amendment to the Town's zoning ordinance is consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to this application because the request is aligned with existing ordinance which regulates temporary structures.

**Vote: Aye-All
Nay-None**

The motion carries.

Second motion and vote: Planning Commission Member McCracken made a motion, seconded by Planning Commission Member Lippard, that the Planning Commission recommends approval because the amendment is aligned with other regulations for temporary structures and corrects an existing oversight and is modeled in a way that will easily fit in with the temporary uses.

**Vote: Aye-All
Nay-None**

The motion carries.

CASE 20120397 modify language in the UDO to allow permanent off-premise signs in easements.

Chairperson Spann asked if the staff had more input on this case. Ms. Christy Turner said that this text amendment change came about because of the new development called The Cottages of Boone. Ms. Turner said The Cottages of Boone were put in a situation where they were not able to put up a sign for their development because they do not have road frontage for their sign. Ms. Turner said there have been some other situations where this text amendment change would help other businesses, emergency personnel and visitors for the multi-family units. Member Vincent confirmed the reason for this request. Ms. Turner talked about the amount of signage that can be put up within an easement on a property.

Member Dotson asked Ms. Turner if the person requesting this sign would have to rent the sign space from the person who owns the easement space. Ms. Turner said it depends on how the easement language is written and if she doesn't understand the easement language, she has to get a written statement from an attorney explaining the easement language. Mr. Bailey said that an easement has to specifically allow them to have a sign. It is putting the property owner on notice that he is penalized for having this sign put on his property. Ms. Turner said this easement arrangement has to be for the duration of the development. The easement cannot be taken away from the development as soon as they put up their sign. It was pointed out by staff that this entrance for The Cottages of Boone is their only access into their development. Ms. Turner also pointed that there was another stipulation regarding contiguous roads but they cannot actually use them.

Member Simmons referred to the fourth limitation found on page two of the staff report. Member Simmons talked about the limitation on the number of signs allowed. Member Simmons talked about the limitation to prevent sign brokers on their little lots or putting signs up from anyone who would bring them. Ms. Turner said that two signs are usually allowed unless you have a corner lot. One directional sign is allowed, if they are an established unified business. Mr. Bailey talked about the easement and how it reduces the amount of signage for a development. Member McCracken asked if this particular sign would be on Hwy 105. Mr. Bailey said this sign would be on Poplar Grove Road and The Cottages of Boone are located above the Templeton's property on Hwy 105. Mr. Bailey said The Cottages of Boone do not have access to Hwy 105. Member McCracken asked if the location of the sign caused a safety issue. Mr. Bailey said no. Mr. Bailey talked about the sign standards for the different sizes of developments. Ms. Turner said that the ordinance allows a 30 square foot sign and the proposed sign size is 20 square feet. Mr. Bailey explained that in the proposed text amendment change, it places limitations on the size of the sign.

First motion and vote: Planning Commission Member Simmons made a motion, seconded by Planning Commission Member McCracken, that the proposed amendment to the Town's zoning ordinance is consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to this application because this text change would potentially assist with the recognition of

remote location for residents, business patrons, and emergency personnel in emergency situations and perhaps ultimately reduce the overall signage require in the Town.

**Vote: Aye-All
Nay-None**

The motion carries.

Second motion and vote: Planning Commission Member Lippard made a motion, seconded by Planning Commission Member Dotson, that the Planning Commission recommend approval and believe approval is reasonable and in the public interest because of the reasons stated in the first motion [above] and because Staff has tied the amendment to existing regulations related to the placement, number and size of signs.

**Vote: Aye-All
Nay-None**

The motion carries.

OTHER MATTERS BY BOARD MEMBERS OR STAFF

There were no other matters to be discussed at this meeting.

ADJOURNMENT

Chairperson Spann adjourned the meeting at 8:45 PM.

Milton "Bunk" Spann, Chairperson

Marlene Crosby, Board Secretary