

**WINTER QUARTERLY PUBLIC HEARING
MEETING MINUTES
MONDAY, FEBRUARY 2, 2009
7:00 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, Donald Dotson, Mary "Bo" Bolick and Caylen Beaty

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

Mayor Loretta Clawson opened the Winter Quarterly Public Hearing at 7:02 PM and asked Mr. John Spear, Director of Development Services to come to the podium to present the following cases:

CASE 20080389 PARKING REQUIREMENTS

The Boone Town Councils request to amend the Unified Development Ordinance as an interim measure to promote Smart Growth principles. The proposed text reduces the number of parking spaces required for residential and commercial development.

Mr. Spear presented this case as outlined in the meeting packet. Mr. Spear said that this topic has been discussed by the Town Council, Planning Commission and the Development Services Staff has worked with the Town Attorney to draft new language.

Discussion ensued on the Automobile Parking Requirements in the Downtown area. Mr. Spear said that parking requirements are based on the land use of a property. Discussion ensued on the Residential parking in the Downtown area and how owners of Residential rental property should provide some type of parking for their tenants. Mr. Spear said the Parking Sub-Committee researched and received feedback on private, public and on-street parking. Mr. Spear said that this proposed text addresses private parking. Discussion ensued on traffic patterns and traffic congestion in the Downtown area. Mr. Spear referred to Page eight of the meeting packet stating there are provisions that reduce the number of parking spaces for Multi-family Housing Projects in walkable areas. Discussion ensued on how the parking is determined when no Land Use is listed in Section 346 [e]. Mr. Spear said whenever this is the case; he determines the parking by a most similar land use. Mr. Sam Furgiuele, Town Attorney referred to Page six of the packet under Section 346 [d] stating an Engineer can access the actual demand for parking for the type of proposed use. Discussion ensued on the peak demand of parking spaces and how they are determined for a type of proposed use. Discussion ensued on how the maximum parking spaces are determined for a type of proposed use. Mr. Spear said that actual observations have been done to determine the land uses with a great deal of accuracy, regardless of location. Discussion ensued on what other communities are doing in regards to their Downtown parking. Discussion ensued on the possibility of creating recourse for business owners who feel that the minimum parking requirements are too high or the maximum parking requirements are too low. Discussion ensued on new development and the minimum and maximum parking requirements. Mr. Spear said that in commercial use the proposed text provides the maximum number of spaces and the minimum number of spaces is not quantified. Discussion ensued on shared parking for separate uses and reductions for uses near transit stops.

There were no speakers for this case.

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

CASE 20090001 STEBBINS PROPERTIES, LLC

Stebbins Properties, LLC request to amend the Unified Development Ordinance in order to remove a portion of land from the designated Water Supply Watershed. This undeveloped two-acre property is located on Deck Hill Road adjacent to the Town of Boone Water Treatment Plant.

Mr. Spear presented this case as outlined in the meeting packet. Discussion ensued on the drainage basins on either side of the ridgeline. It was confirmed that the zoning of this proposed property is R-A. It was confirmed that some of the uses allowed for this proposed property is agricultural and residential uses. Mr. Spear went over Exhibits B, C and D and answered questions regarding the meaning of the green, pink and blue lines of the provided maps and what they represent. Council Member Pepin asked if Mr. Rick Miller, Director of Public Utilities and Engineering for the Town of Boone was involved in this case. Mr. Spear said that he had not involved the utility department but would contact Rick before the next meeting. Council Member Phillips asked what other organizations would review this request. Mr. Spear noted that the Environmental Management Commission would evaluate the information before a Watershed Review Board before the Town could amend the boundary. Council Member Pepin said that she like to see the Public Utilities Department involved in this since it would affect their department.

There were no speakers for this case.

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

CASE 20090006 QUEEN STREET NEIGHBORHOOD CONSERVATION DISTRICT

The Boone Town Councils request to amend Section 159 of the Unified Development Ordinance to establish a new Queen Street Neighborhood Conservation District. The proposed amendment would establish requirements for **rental** properties in the Queen Street, Gladys Street and Charles Street neighborhoods. The extent of the affected area is shown on the proposed Queen Street Neighborhood Conservation District Map, available for inspection in the Boone Planning Department.

Mr. Spear presented this case as outlined in the meeting packet. Discussion ensued on drafting more language to hold absentee landlords more accountable for their tenant's behavior. Mr. Spear said it could be studied by the Development Services Staff. Mr. Spear said there are current requirements that the absentee landlord must follow.

There were eight speakers for this case.

The first speaker was Chris Ryder and he lives at 166 Gladys Street. He voiced his experience of living at this location and how he has seen an increase in crime. He has been a resident of Boone since 1968 and lived in the general area since 1976. Mr. Ryder is in support of this New Neighborhood Conservation District.

The second speaker was Gail York and she owns a rental property at 282 Charles Street. She has owned rental property at this location for eight years. She currently has adequate parking at this location. She is opposed to this New Neighborhood Conservation District because she feels like it is punishing the responsible home owners.

The third speaker was Janice Koppenhaver and she lives at 212 Charles Street. She supports the New Neighborhood Conservation District.

The fourth speaker was Maran Sigmon and he lives at 145 Gladys Street. He is the one that brought the petition to the Town Council for this case. He started a Crime Watch program for this area. He bought his house at this location four and one-half years ago. He supports the New Neighborhood Conservation District.

The fifth speaker was Keva Sigmon and she lives with her husband, Maran Sigmon at 145 Gladys Street. She has lived in this area for twenty-five years in the same house. She voiced her concerns for safety in this area. She supports the New Neighborhood Conservation District.

The sixth speaker was Tom Gooley. He lives at 169 Gladys Street. He said putting restrictions on property owners is discrimination by requiring renters to have parking stickers not require the property owners to have parking stickers. He does not support the New Neighborhood Conservation District.

The seventh speaker was Jon Kwiatkowski. He said it would make it easier for Zoning Officials

to monitor the violators. He is in support of the New Neighborhood Conservation District.

The eighth speaker was Jean Borhman. She lives at 1144 Hunting Hills Lane. She read a prepared document that she provided for the meeting. The information from her document outlined her concerns of the constitutionality of Section 159 of the Unified Development Ordinance in regards to this case.

Discussion ensued on the cost of parking stickers. Mr. Spear said there is currently no charge for the parking stickers. There has in the past been a discussion on charging for parking stickers but a fee was not established. Discussion ensued on the length of the Neighborhood Conservation District Applications and how many violators there are in a year. Mr. Furgiuele said that the parking stickers are a tool to help the Development Services Department monitor parking in the appropriate areas. Discussion ensued on what triggers a violation. Mr. Spear said it depends on the circumstances.

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

CASE 20090007 SIDEWALK STANDARDS

The Boone Town Councils request to amend Article XIV of the Unified Development Ordinance to re-establish guidelines for requiring sidewalks and a payment in lieu of sidewalk construction.

Mr. Spear presented this case as outlined in the meeting packet. Discussion ensued on who determines the use of the funds. Mayor Pro Tem Mason said that the proposed *Sidewalk Priorization Map* will be adopted by Town Council and can be amended as needed. It will guide the decisions as to where the Town should put money collected for the payment in lieu. Discussion ensued on the width of the sidewalks being a five-foot minimum. Discussion ensued on how the fee-in-lieu is determined. Mr. Spear said it would depend on current market value of material costs. Mr. Spear said that the Town of Boone would establish and publish the rate periodically. Council Member Phillips showed concern of the cost to be paid by the property owner for sidewalk installation. Mr. Furgiuele took this opportunity to bring to the attention of the Town Council and Planning Commission that the return of funds, if they are expendable in five years, must come from the same sidewalk fund as where the development occurred. Mr. Furgiuele suggested that the sidewalk maps be reviewed to see how the district lines have been drawn before the Town Council and Planning Commission take action on this subject.

There were no speakers on this case.

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

CLOSED SESSION FOR BOONE TOWN COUNCIL

At 8:58 PM, Mayor Clawson announced that the Closed Session has been cancelled.

Loretta Clawson, Mayor

Marlene Crosby, Admn. Support Specialist