

**SUMMER QUARTERLY PUBLIC HEARING  
MEETING MINUTES  
MONDAY, AUGUST 3, 2009  
7:00 P.M.**

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**Boone Town Council:** Mayor Loretta Clawson, Mayor Pro-Tem Lynne Mason, Janet Pepin and Stephen Phillips

**Boone Area Planning Commission:** Chairperson Bunk Spann, Donald Dotson, Mary “Bo” Bolick, Shawna Rhyne, Brett Scantlin, Jay Vincent, Kimberly Marland, Sarah Huffstetler, Terence Milstead, Eric Woolridge and Caroline Poteat

**Boone Town Staff:** Greg Young-Town Manager, Jim Byrne-Interim Director of Development Services, David Graham-Development Coordinator, Jane Shook – Planner, Sam Furguele-Town Attorney and Marlene Crosby-Board Secretary

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Mayor Loretta Clawson opened the Summer Quarterly Public Hearing at 7:06 PM.

**CASE 20090340 CHARLES MICHAEL - REZONING**

Mr. David Graham, Development Coordinator, presented the case as outlined in the meeting packet. Mr. Charles Michael explained the reasons that he would like for this property to be rezoned. Discussion ensued on traffic flow and egress on Delmar Street. Mr. Michael said that this same property had come before the Town of Boone before for a B-3 rezoning classification and at that time the rezoning request met the Comprehensive Plan and Unified Development requirements for Commercial Land Use. Member Milstead asked if the vacant lot next to the proposed lot is included in the rezoning request. Mr. Michael said the vacant lot is included in his request. Member Milstead asked if there had been any telephone inquiries as a result of the zoning signs posted on the property. Mr. Graham said there had been no phone calls regarding the situation. Mayor Pro Tem Mason asked Mr. Michael if he had considered a Conditional Zoning District option that is available for the proposed property. Mr. Michael said he had not considered it. Discussion ensued on what uses are allowed in the B-3 zoning district. Mr. Graham outlined the uses for the board.

Mr. Greg Simmons who resides on Delmar Street, spoke in opposition to the reclassifying from Zoning District R-1 to Zoning District B-2. Discussion ensued on traffic ingress and egress on Delmar Street and the realignment of Hwy 194 and Hwy 421. Mr. Simmons asked if a traffic study had been done for this area. Mr. Simmons spoke about the potential for development on the one-acre lot that could impact the neighborhood, if it is rezoned to the B-2 Zoning District.

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

**CASE 20090350 KIET AND LEI PHAN - REZONING**

Ms. Jane Shook, Planner, presented the case as outlined in the meeting packet. Discussion ensued on the density of this neighborhood. Member Woolridge asked if there had been any phone calls regarding this proposed property. Ms. Shook said that she had received one call for this case from Anna Ward who is a resident of the area.

Ms. Janeene Ross, real estate broker from *All About Real Estate* presented this case for Mr. and Mrs. Lei and Kiet Phan. Ms. Ross manages Mr. and Mrs. Phan’s rental property. Ms. Ross found nine out of twelve property owners in favor of this zoning district from R-1 to R-3. Please find attached a packet of information distributed by Ms. Ross that contains nine notarized documents from the property owners that are in favor of this proposed change.

Ms. Anna Ward spoke in opposition of this zoning district change. Ms. Ward lives at the end of Whitener Drive on Caleb’s Crossing. She has worked for the university for thirteen years and is able to walk to work. Ms. Ward voiced her concern saying that she had purchased a home three years ago in an R-1 Zoning District because she wanted to live in an R-1 zoning district. She has had issues with trash, traffic, parking and noise already on this street. She said if this Zoning

District is changed to an R-3 these problems could be exacerbated. Discussion ensued on multiple occupancy rentals in an R-1 Zoning District on Whitener Drive. Mr. Jim Byrne, Interim Planning Director, told the board that he would have Development Services Staff investigate the issue next day. Council Member Pepin asked the Development Services Staff, if this area has the potential of becoming an R-3 Zoning District and what are the uses in an R-3 Zoning Classification. Ms. Shook outlined the general uses for the R-3 Zoning Classification.

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

**CASE 20090347 ADMINISTRATOR - TEXT AMENDMENT**

Mr. David Graham, Development Coordinator, presented this case as outlined in the meeting packet.

There were no speakers for this case.

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

**CASE 20090344 ACCESSORY APARTMENTS – TEXT AMENDMENT**

Mr. David Graham, Development Coordinator, presented this case as outlined in the meeting packet.

There were no speakers for this case.

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

**CASE 20090346 MANUFACTURED HOME PARKS – TEXT AMENDMENT**

Mr. David Graham, Development Coordinator presented this case as outlined in the meeting packet. Mr. Graham commented that the Fire Department is not in support of reducing the fire separation requirement for this type of home.

There were no speakers for this case.

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

**CASE 20090345 ARTICLE XXI AMENDMENT PROCESS – TEXT AMENDMENT**

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

There were no speakers for this case.

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

**CASE 20090343 ADMINISTRATIVE MECHANISMS – TEXT AMENDMENT**

Ms. Jane Shook presented this case as outlined in the meeting packet. Ms. Shook distributed a supplement document for Case 20090343 Administrative Mechanisms regarding Sections 24, 32, 39 and 47 (see attached). Discussion ensued regarding Page 6 of the staff report, Article III, Section 25 Powers and Duties of the Planning Commission [b] Limitations on Powers of the Planning Commission [4]. The Planning Commission may not create committees, sub-committees, advisory groups or working groups, by whatever name denominated, without the explicit approval of the Council.

Planning Commission Chairperson Bunk Spann raised issue with Item Four due to his concern of decreasing the potential efficiency of the Planning Commission to complete the Town Council priorities. Discussion ensued regarding the lack of Development Services Staff to support the Planning Commission and sub-committees that might be formed from the Planning Commission. There was further discussion regarding the various boards getting approval from Town Council to form sub-committees. Discussion ensued regarding open meeting law of an official or non-official meeting. Mr. Sam Furgiuele, Town Attorney told the board that in order to have a sub-

committee meeting there must first be approval from Town Council a newspaper ad must be created and meeting minutes must be taken. Discussion ensued regarding how the Planning Commission can complete the Town Council priorities for this year completed. Council Member Phillips said he would like for the Town Council to support to the Planning Commission so that it can complete their Town Council priorities for this year. Mr. Jim Byrne said that the Development Services Staff has not been available to support the Planning Commission because employees have been working on the Town Council priorities and the Urban Forestry Management Plan.

Ms. Shook pointed out a change on Page Six of the staff report: item seven, line three, the Article four and eight should be four and thirteen.

There were no speakers for this case.

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

**CASE 20090405 PROJECTING THEATER MARQUEES – TEXT AMENDMENT**

Ms. Jane Shook presented this case as outlined in the meeting packet. Ms. Shook pointed out in the staff report on Page Five, [6]: A projecting theater marquee may be illuminated but shall not include flashing, blinking, scrolling or intermittent lights. Ms. Shook said this is specifically allowed for theatres.

There were no speakers for this case.

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

**ADJOURNMENT**

Mayor Clawson adjourned this public hearing at 9:05 PM.

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Loretta Clawson, Mayor

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Marlene Crosby, Board Secretary