

**SPECIAL PUBLIC HEARING  
MEETING MINUTES  
MONDAY, DECEMBER 7, 2009  
7:00 P.M.**

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

**Boone Area Planning Commission:** Chairperson Bunk Spann, Shawna Rhyne, Donald Dotson, Sarah Huffstetler, Kimberly Marland, Greg Simmons and Jay Vincent

**Planning Staff:** Jim Byrne-Interim Planning Director, Ricky Hurley-Planner, Marlene Crosby-Administrative Support Specialist

**Others:** Greg Young-Town Manager, Rick Miller-Director of Public Utilities and Sam Furguele-Town Attorney

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Mayor Loretta Clawson opened the Special Public Hearing at 7:00 p.m.

**CASE 20090644 BOONE EXCHANGE APARTMENTS, LLC – MAP AMENDMENT**

Mr. Ricky Hurley, Planner presented the case as outlined in the meeting packet. Mayor Clawson welcomed the applicants for this project. Mr. Matt Langston, Architect from Landworks Design Group in Charlotte, North Carolina came to the podium and outlined the purpose of the case at this hearing. Mr. Langston talked about the trout buffer being left undisturbed, parking expansion from 48 to 73 spaces, unit expansion from 12 to 18 units and he has worked with the Development Services staff to meet all required buffers and recreation requirements for this project.

Mayor Clawson opened the floor for questions from Town Council and the Planning Commission members. Mayor Pro-Tem Mason asked about the egress and ingress. Mr. Drew Taylor explained the access from Old Bristol Road from the current plans. Mr. Taylor said that he would entertain other suggestions on access into this project to increase safety. Discussion ensued on façade requirements, windows and the possible need for speed bumps. Discussion ensued on the need for a transportation study for safety measures. Mr. Ricky Hurley read the five criteria from the Unified Development Ordinance in Article 4-3; Section 64 [e] and Mr. Hurley said this project does not trip any of these five criteria. Council Member Stephen Phillips suggested for Mr. Taylor to come to the next Transportation Committee meeting to research another traffic avenue. Commissioner Greg Simmons asked if a Traffic Study was done on Phase I of this project. Mr. Taylor said no Traffic Study was done on Phase I. Mr. Taylor said he would work with the Development Services staff on the appropriate size of dumpster to use for this project. Discussion ensued on the current 48 bedrooms, 48 parking spaces and 48 registered vehicles. Mr. Langston told the board members what was presented to the Community Appearance Commission regarding this project.

There was one speaker for this case. Ms. Sally Reynolds and her daughter Ruth live at 485 Green Street. Ms. Reynolds requested to see the map of the construction and Mr. Taylor answered her questions on the project.

Mayor Clawson closed the public hearing on this case at 7:20 PM.

**CASE 20090645 POPLAR COVE OF BOONE, LLC CONDITIONAL DISTRICT ZONING – MAP AMENDMENT**

Mr. Ricky Hurley, Planner presented this case as outlined in the meeting packet. Mr. Hurley said that there is one valid protest petition.

Mr. John Winker, one of the property owners and Mr. Jason Gaston, Engineer presented this case. Mr. Winkler gave the history of this property saying he has been part owner of the property for 15 years. Mr. Winkler told the board members about the Special Use Permit being denied by the Boone Board of Adjustment on July 2, 2009 when the case was heard to allow a major Architecturally Integrated Subdivision consisting of 40 single family lots. Upon hearing

sworn testimony and evidence from both the applicant and other members of the public, the Board of Adjustment voted 6-1 to deny the Special Use Permit application.

Mr. Winker applied for the conditional district zoning request on October 26, 2009. Mr. Winker outlined his desire to create affordable housing in the Town of Boone. Mr. Winker said that the people in opposition to this project are concerned with the noise and traffic and the view from the homes in The Meadows. Mr. Winkler said that he would limit the occupancy to no more than two unrelated. Mr. Winkler explained the style and size of the Town Homes and said that he is leaving 60 percent of the acreage undisturbed as a conservation area. Council Member Leigh had some questions on the actual developed area versus the undeveloped area. Discussion ensued on the tree height, parking and sidewalks. Discussion ensued on the Transportation Impact Analysis completed by John Davenport Engineering, Inc. Commissioner Greg Simmons read from page 10, Table 4.2 Trip Generation for Proposed Development the correct amount of trips for a 24 Hour 2-Way Volume is 293 total site trips. Mayor Pro-Tem Mason asked how the property will be marketed for *Affordable Housing* only. She showed concern saying, if students move into the units, it will defeat the purpose. Council Member Pepin said there can be an owner occupant rule in the contract. Council Member Pepin stated that from her experience, it will be difficult to enforce. Mr. Winker said that this development would have a POA to manage it and it would have a security gate. Mr. Winkler said, if the units do not sell; he will have to rent them because it is approximately a \$3 ½ million dollar project. Mr. Jim Deal, Attorney for the applicant said, it is the developer's intention for this to be an R-1 zoning district and all the enforcement that goes with the R-1 zoning district. Mr. Deal said, if necessary the applicant will add occupancy restrictions to all units for both two and three bedrooms. Planning Commission Chairperson Spann asked the applicant, if he has spoken with the Development Services staff regarding the enforcement of occupancy and the applicant said that he had not. Mr. Gaston spoke with the staff mostly on site plan issues. Discussion ensued on the entering and exiting of the project onto Poplar Grove Road. Mr. Deal said he would work with Mr. Blake Brown, Director of Public Works on the traffic matters. They are working with the North Carolina Department of Transportation on sight distance specifically when coming from Hwy 105 into the property not having a left in. The applicant wants a left and right out of the development. Mayor Pro-Tem Mason asked Mr. Deal who he would convey a conservation easement to. Mr. Deal said he would like to convey it to the Town of Boone. He does not want to put the town in a negative position on it.

Discussion ensued on the density change from the proposed project. Mr. Winker gave the square footage of the homes and explained the town is encouraging of cluster building of homes.

The first speaker was Mr. Barney Hodgson, local real estate agent for over thirty years. Mr. Hodgson lives with his wife at 290 The Meadows and he is strongly opposed to the development of this project. Mr. Hodgson said that he will be able to see the roofs of the proposed homes and there are no natural buffers. He talked about the denial in July of this year of the previous Special Use Permit for a similar project at this same location because it would not be compatible with the existing neighborhoods. Another reason, he gave for his opposition is fear of the single-family homes becoming student housing. Mr. Hodgson gave the Town Council Members and the Planning Commission Members additional copies of protest petition signatures and a copy was given to the board secretary. Mr. Hodgson said there are a number of residents present and there are a number of residents that were not able to attend this meeting for various reasons. Mr. Hodgson read a prepared document at the meeting representing the thoughts of those not able to attend this meeting and who are in opposition to this project. Some of the reasons that the residents are in opposition are the reduction of property values, noise from the homeowners of the development, occupancy complaints, increased traffic on Poplar Grove Road from another student housing project recently approved at the intersection of Hwy 105 and Poplar Grove Road, barking dogs noise, danger from pit bulls or other aggressive animals and the effect on the Appalachian State University day care.

Mr. Ricky Hurley, Planner read from Page 41-2 the Boone 2020 Plan to address questions on density within the G-1 Sector to Council Member Leigh. Mr. Hurley referred to page CDZ-1 of the site plan.

The second speaker was Chris Turner who lives with her husband in The Meadows. She was concerned with the townhouses being sold and rented. She also had traffic concerns on Poplar Grove Road. She noted that she can hear from her home cars crashing on the road near Kalmia

Acres. She is concerned about parking, noise, the ASU Daycare center being close by. The third speaker was Denise Poe and she lives at 326 The Meadows. She had concerns of people parking on the sides of the road during inclement weather, the clearing of trees and the entering and exiting from Poplar Grove Road.

Mayor Clawson called for a short break at 8:17 PM.

The fourth speaker was Tom Adams and his wife Mary live at 334 The Meadows. He thinks a security gate will be a positive and will deter students from living there. Planning Commission Chairperson Spann asked if the security gate will have a security guard. Mr. Adams said a security guard would be there part of the time.

The fifth speaker was Tony Hayes who lives with his wife at 224 The Meadows. He said his property is more affected than the others living in The Meadows. He recently cut down some of his trees. He does want to protect his property and wants it left the way it currently is now.

The sixth speaker was Sandra Hayes the wife of Tony Hayes. She asked the board members to not grant the zoning change for this project. She gave some history of the Grandview Heights Neighborhood Conservation District and how it became this type of district. She read from a letter the intent and purpose of a Neighborhood Conservation District. She said if this zoning change is approved, it will reduce property values. She is concerned with the light and noise pollution, increased traffic and students. She is concerned with reduced property values. She asked the board members to respectfully not vote special privileges and uphold the intended spirit and purpose of the original zoning, as well, as preserving and protecting our neighborhoods and the special quality of life that they afford us.

The seventh speaker was Hiram Lewis lives at Grandview Heights. He is concerned with the traffic patterns on the Poplar Grove Road and the increase in density.

The eighth speaker was Harold McKinney. He prefers development under the current zoning district and he wants to protect the current zoning of the proposed property. He noted the problems that would be caused, if this turns into student housing.

The ninth speaker was Marcia Carloch. She lives at 215 W. Grandview Heights. She is concerned with noise and light pollution, student housing and traffic concerns. She is concerned about not having a stop light at Poplar Grove Road and Hwy 105. Mayor Pro-Tem Mason said that the stop light at this location has been addressed and it is a North Carolina Department of Transportation issue and not an issue for the town or county. Council Member Phillips said safety enhancements on Hwy 105 is one of the two top priorities for the Town of Boone on Transportation issues.

The tenth speaker was Cathy McKinney is the wife of Harold McKinney. They live at 209 The Meadows and their property is not directly impacted by the proposed project. She is in opposition to the project mostly concerned with the density. She is concerned with the traffic and the safety of the children. She is concerned with the cost of having a security guard defeating the purpose of encouraging affordable housing. She asked the board members to uphold the spirit of the R-1 zoning district and to deny this request.

Mayor Clawson closed the public hearing on this case at 8:52 PM.

### **ADJOURNMENT**

With no further business, Mayor Clawson adjourned the special public hearing at 8:53 p.m.

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Mayor Loretta Clawson

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Marlene Crosby, Admn. Support Specialist