

Planning and Zoning Board

Minutes

Thursday, May 19th, 2022

6:30 p.m.

The Blowing Rock Planning and Zoning Board met on Thursday, May 19th, 2022, for their regularly scheduled meeting. Members present were Sam Hess, Bill McCarter, Chris Squires, Catherine Perry, Pete Page and Tom Barrett. Members absent were Sam Glover and Joe Papa. Staff members present were Zoning Officer Brian Johnson and Support Specialist Taylor Miller.

Chairman Bill McCarter called the meeting to order at 6:32 p.m.

Chairman McCarter asked if there was a motion to approve the agenda. *Member Barret made a motion to approve the minutes, seconded by Member Catherine Perry.* **All members in favor of the motion.**

Chairman McCarter asked if there was a motion to approve the April 21st, 2022, minutes. *Member Page made a motion to approve the minutes, seconded by Member Hess.* **All members were in favor of the motion.**

1. Discussion on Outdoor Dining/Downtown Parking

Zoning Officer Brian Johnson began by mentioning the meeting of the subcommittee last week to further discuss the topic and possible solutions to the outdoor dining and parking dilemma. He pointed out that the subcommittee and Planning Director Mr. Rothrock drafted an outline of some ideas for stipulations on the outdoor dining and parking requirements. Most of the revisions were made in Section 16-21.23 - Outdoor Dining. Below are the suggested new requirements for the section. The highlighted portions are the recommendations from Mr. Rothrock and subcommittee.

Section 16-21.23 Outdoor Dining

Outdoor dining is regulated by the following standards:

- 1) Outdoor dining is quantified by the number of seats/stools. As an example, an 8-foot picnic table seats 8 people, while a table 6 feet in length seats 6 people.
- 2) All outdoor dining floor/decking surfaces must meet ADA accessibility requirements in NC Building Code.
- 3) Ingress and Egress paths must meet the NC Building Code.

- 4) The number of outdoor seats combined with indoor seating is limited by the restroom fixture count as determined by the NC Building Code.
- 5) Barriers must be provided to protect the dining area from vehicular traffic. Barriers would include solid bollards not more than 4 feet apart with fencing or solid members between the bollards. Unstable protection fencing or posts/barriers/columns will not be acceptable. Outdoor dining areas shall be compatible and complimentary to the principal building in design and use of materials.
- 6) Outdoor dining areas shall not be allowed in designated parking lots.
- 7) Required landscaping and buffers shall not be removed to create outdoor dining areas.
- 8) The total number of outdoor dining seats is limited by the required parking standards in Article 20, Section 16-20.3. (below)

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| 8.100 | RESTAURANT <i>No carry-out or drive thru</i> | 1 space per (250) square feet of gross floor area |
| 8.200 8.300 | RESTAURANT <i>No carry-out or drive thru service outside allowed</i> | Same as 8.100 plus 1 space for every twelve (12) six (6) outside seats. No spaces required if eight four seats or less. If more than 40 outside seats, rate is 1 space per 8 4 seats . |

Tents to cover and/or enclose restaurant outdoor dining are permitted for special occasions only and not to exceed one week in duration. Not more than four (4) special occasions are permitted per calendar year. If longer terms are needed for covering of dining areas, restaurant owners are encouraged to construct permanent coverings/roofs that meet the applicable building setbacks, architectural standards in this Article, and the NC Building Code.

Member Squires mentioned that there was a discussion last meeting that on a nice day in Blowing Rock, some indoor seats can be moved outdoors. He wondered if there were any sort of code issues or enforcements issues. Mr. Johnson advised that it would be more of an enforcement issue – the restaurants still have to meet the safety and building requirements.

Chairman McCarter asked if restaurants could just add more bathrooms to their building in order to increase their fixture number. Mr. Johnson responded that it was definitely a possibility.

Member Sam Hess asked if there were any concerns or incidents when the enforcement on outdoor seating and parking was relaxed. No one present advised of any issues.

Member Hess expressed concern about financially burdening our local restaurants with a large fee for an outdoor table to provide an experience for guests. He is concerned about negative effects on not allowing restaurants to serve more guests in the town.

Chairman McCarter opened the floor to public comment.

Emily Brinker, co-owner of The Speckled Trout took the podium. She mentioned that she went to council in order to ask them to suspend taking away all relaxed parameters. She wanted them to really analyze how to address the outdoor dining issue. She noted that all of the parameters being discussed are from 2006 and we need to take a step back and look at the town for what it is now. Sometimes people park in one spot in the morning or mid-afternoon and don't return to their vehicles until later in the evening or at night. That removes a space from a restaurant for public parking for an entire day and that should not fall on the backs of the restaurant owners. Brinker also pointed out that there should be some sort of subdivision between "outdoor dining" and sitting outside and enjoying a drink.

Jeff Walker, owner of The Blowing Rock Ale House agreed that "dining" is subjective. There is a difference between dining with food and then just having a drink outside without food. He believes that those things should be considered as separate entities.

Emily Brinker then brought up El Rincon and their outdoor dining situation. She said that any "blanket" rule could be detrimental to certain businesses. The town is small enough that maybe we could take into consideration each restaurant and look at them individually as opposed to one blanket rule.

Jeff Walker advised that it is difficult to explain to guests why they do not have more outdoor dining seating when they have the room for it. People want to eat outside and get frustrated when they can't, or the wait is too long. He mentioned that local restaurants are being held hostage by the \$15,000 price for an outdoor table. The money they would use to pay that would be put to far better use if they could use it for more restroom accommodations, safer outdoor dining areas, making the outdoor area more aesthetically pleasing to guests and for the town, etc. There would be better return for business owners if the money was able to be used somewhere other than the expense of a table.

Mr. Brinker, another co-owner of the Speckled Trout took to the podium. He advised that there has been two really good years of business for local restaurants. They asked Kevin if there were any detrimental effects of having relaxed enforcement of ordinances and he said no. He stated his opinion that the old rules are archaic and we can not make a jump decision on what to do. He believes that the parking and outdoor dining should no longer be tied to each other.

Director Kevin Rothrock arrived to the meeting at approximately 7:00 PM.

Chairman McCarter then referenced Parking Section 20.4.1 and asked if this section would help or hurt the issue.

Kevin Rothrock said the purpose of that section is to recognize that every parking space is not occupied by a patron necessarily.

Mr. Rothrock advised that the town needs a standard in order to keep things fair. He mentioned that the drafted ordinances were put together to try and provide some flexibility.

Mr. Brinker questioned the math behind the calculations in the ordinances.

Mr. Rothrock advised that the math is based off of a tipping point. We can't just throw out the ordinances out because there always needs to be some form of limitation in place in order to keep things from getting out of hand.

Mr. Rothrock then brought up the fixture numbers and whether or not restaurants are meeting the code requirements in regard to ratio of patrons to toilets.

Mr. Walker advised that he believes the fixture ratio allows for more outdoor seating in his establishment as opposed to the parking space and outdoor table requirements. He mentioned that he also believes that the parking and outdoor seating should not be directly related. The town is a walking town and now our patrons consist of many day trippers and week-enders who all manage to find a spot and show up at the restaurants regardless of the parking situation.

It was also brought up that the outdoor dining aspect of the town is very seasonal. Looking at outdoor dining restrictions as long-term would be a mistake. The occupancy for outdoor seating is very seasonally dependent as well as weather dependent.

Emily Brinker advised that the parking problems and the outdoor dining situation need to be addressed separately.

Member Sam Hess brought up that local restaurants are now being forced to make a decision. They either pay the fee for the outdoor dining they want and need to accommodate guests or they lose the ability to serve people outdoors as much as they need which would affect their growth as a local business. As a council, we would be holding them back if we are asking them to pay into a fund but not show them that it is helping out parking situation at all. The fund may be used for re-striping and re-paving but that is not improving the parking itself. If we are asking them to pay a large amount of money into this fund, we need to show them some sort of results.

Chairman McCarter mentioned making a motion for another subcommittee meeting. Member Sam Hess made a motion to set up another subcommittee meeting, seconded by Member Catherine Perry.

Chairman McCarter addressed the public local restaurant owners and asked that at the next meeting, they try to have some sort of solid ideas or suggestions for the planning board so they can try to formulate a plan or come up with better ordinance changes.

There was more debate on whether or not staying for a drink and sitting outside would be considered "dining" and if that should count towards their total numbers of outdoor seating. Some think that "dining" does not include drinking on it's own but constitutes eating and drinking together.

It was also brought up by Mr. Rothrock for the council to consider is that there are lot of towns don't require parking for businesses in the central business districts of town.

Chairman McCarter thanked everyone for their input and advised there was no other business or the meeting.

Chairman McCarter adjourned the meeting at 7:51 PM.

Chair Bill McCarter

Taylor Miller
Planning & Zoning Support Specialist