

**Town of Blowing Rock**

**Planning Board**

**Agenda**

**Thursday, September 21, 2023**

**5:30 p.m.**

**Call to Order**

**Approval of Agenda**

**Approval of August 17, 2023 Minutes**

**Business**

- 1. Review and discussion of BRAAC Re-organization**

**Other Business**

**Adjournment**

**DRAFT**

**Planning & Zoning Board**

**Minutes**

**Thursday, August 17<sup>th</sup>, 2023**

**5:30 p.m.**

The Blowing Rock Planning and Zoning Board met on Thursday, August 17<sup>th</sup>, 2023 for their regularly scheduled meeting. Members present were Gregg Bergstrom, Tom Barrett, Bill McCarter, Chris Squires, Brooks Mayson, Lindsay McClanahan-Cook and Harrison Herbst. Staff Members present were Interim Planning Director Brian Johnson, Interim Town Manager Kevin Rothrock and Taylor Miller.

Chairman McCarter called the meeting to order at 5:34 p.m.

Chairman McCarter asked to amend the agenda to show the swearing in of Mr. Brooks Mayson.

Chairman McCarter asked if there was a motion to approve the amended agenda. *Mr. Tom Barrett made a motion, seconded by Mr. Chris Squires. **All members in favor.***

Taylor Miller swore in Mr. Brooks Mayson as a new member of the Blowing Rock Planning and Zoning Board.

Chairman McCarter asked if there was a motion to approve the May 18<sup>th</sup>, 2023 minutes. *Mr. Harrison Herbst made a motion to approve the minutes, seconded by Mrs. Lindsay McClanahan-Cook. **All members in favor.***

**1. Dumpster Screening Discussion**

Mr. Brian Johnson explained that he and Mr. Rothrock have had a couple things on their radar that they want to address and bring up to date in the ordinance. Dumpster screening is one of those things. They just wanted to have a discussion about it in today's meeting and then possibly bring a drafted ordinance back to the planning board next month.

Mr. Johnson said they've had some complaints on dumpsters, mainly about animals, specifically bears, getting into dumpsters that don't have proper screenings around them. He said they would need to take an inventory of what's out there and see what dumpsters don't have screening currently. He noted they've done this type of thing in the past with non-conforming signs. They would implement amortization and give a time frame of when they would need to be complying.

Lack of dumpster screening doesn't seem to be a huge problem, but complaints have been made. Mr. Johnson noted they would create a time frame that wouldn't burden the property owners. When they did the sign amortization, they gave a time frame of 5 years.

Mr. Harrison Herbst asked if this would be geared more towards commercial or residential. Mr. Johnson said it would most likely be commercial but would probably trickle to some multi-family properties.

Mr. Chris Squires asked if the focus is more of bringing everyone into compliance as opposed to changing the current standards. Mr. Johnson advised it is more about bringing properties into compliance to the current standards, not changing the standards.

Mr. Johnson noted they want to try and make sure properties are trying to screen the dumpsters but also pull them closer to the building or put them back behind the building, so they are out of sight and not as noticeable.

Mr. Bergstrom asked if Mr. Johnson had several dumpsters in town that aren't property screened.

Mr. Johnson said he did not have a current number on how many dumpsters would need to be brought into compliance. He said he didn't think there were hundreds, maybe 10 or 20. Some of the ones with dumpster screens may also need to maintain or update their current screens, which can be addressed through our maintenance ordinance.

He noted most of the properties we will see without screenings are the ones that have been around since before the ordinance and just haven't been addressed.

Mr. Johnson mentioned there was a dumpster at a local gas station where they were having issues with people bringing their personal trash and dropping it in their dumpsters. A screen could maybe help deter some of that.

Mr. Brooks Mayson stated that the only thing that has been amortized in the past has been signs. Mr. Johnson stated that was the only one he was aware of.

Mr. Brooks Mayson asked about smell. Mr. Johnson said he doesn't think the screenings will help cure the smell, but it might help contain it a bit. Mr. Mayson asked if the screenings as opposed to the changing of the container would help more. Mr. Johnson said he thinks the smell typically comes more from lack of maintenance of the dumpsters. Most of them have clean-out in them which would fall back onto the property owner to clean them out and maintain them.

Mr. Johnson noted that wind is a big issue with the dumpsters and a screen could help fix that.

Mrs. Lindsay McClanahan asked if this would be retroactive for any projects that have already been approved by the council. Mr. Johnson said it would be.

Mr. Bergstrom asked if dumpsters had to be registered when they're put in so we know exactly where they are.

Mr. Johnson said that he thinks there will just be a lot of site visits to figure out where the dumpsters are and which ones don't have screenings.

## **2. Discussion of setback requirements based on topography.**

Mr. Brian Johnson directed the board members to page 23-5 of the ordinance. Specifically, Section 16-12.4.7. Our setback distances vary for different zones but the section we will be focusing on is the one that allows a North Carolina Surveyor to calculate the drop off of a lot and grant up to a 5-foot relief of the setback. For every 2 feet that the property drops off, there can be a 1-foot reduction of the setback up to 5 feet. This process can only be done by a North Carolina Surveyor according to the current ordinance, but the staff feels that they could do this easily without a surveyor. It's becoming more difficult to contact a surveyor who has the time or is willing to come do this when the staff could easily do the calculation and grant the reduction based on the lot topography.

Mr. Johnson noted that this is usually only used on residential properties. Changing the ordinance would give the staff the flexibility to help property owners who are trying to build on a difficult lot. There are two ways we can do this. One is by taking the average distance from the street of the houses on either side of the property and using that to help reduce the setback. The other is the way that includes the surveyor.

Member Chris Squires wanted to verify whether this applies to only residential or residential and commercial. Mr. Johnson clarified that every zone would be subject to this except Central Business and Town Center. Mr. Johnson mentioned that most of these setback reduction requests are for residential properties as opposed to commercial properties.

Ultimately, the change to the ordinance would consist of striking the "North Carolina Surveyor" from Section 16-4.7.1 and Section 16-4.7.2.

Member Lindsay McClanahan asked how much this change would affect the staff's workload. Mr. Johnson said it would not affect it by much. We only see a couple of these requests a year.

Member Chris Squires advised that he was not comfortable with this change for commercial properties. He acknowledged that it would be fine for single-family residential properties but not commercial or multi-family.

Mr. Rothrock mentioned that the intent of the sections being discussed was meant for residential properties and that this setback reduction request has never been used for commercial property. He acknowledged that we could add some clarifying language in the ordinance per Mr. Squires request for it.

Mr. Johnson advised they would write up a draft for an ordinance to bring back for review.

Chairman McCarter asked if there was a motion to adjourn. *Motion made by Harrison Herbst, seconded by Mr. Tom Barrett.*

The meeting was adjourned at 6:11 p.m.

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Chairman Bill McCarter

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Taylor Miller  
Planning & Zoning Support Specialist

## **Section 16-3.6 Public Land and Recreation Appearance Commission.**

**16-3.6.1 Membership and Vacancies.** There shall be an public land appearance and recreation advisory commission (herein after referred to as "Commission") consisting of ~~five (5)~~ nine (9) members, all of whom shall be citizens and residents of the planning and zoning jurisdiction of the town. Members shall be appointed by the board of commissioners for a term of three (3) years. Vacancies occurring for reasons other than the expiration of terms shall be filled as they occur for the period of the unexpired term. It is desirable that at least one member be ~~a member~~ of a design professional, and at least one member have a background in recreation, coaching, or sports administration.

**16-3.6.1.1** Members may be removed from the commission by the mayor for due cause. Attendance at the meetings of the commission and performance of the duties of members shall be considered a prerequisite for continued membership on the commission.

**16-3.6.1.2** Members of the commission shall serve without pay, but may be reimbursed for actual expenses incident to the performance of their duties within the limits of funds available to the commission.

**16-3.6.2 Organization, Rules, Meetings and Records.** Within thirty days after its appointment, the public land appearance and recreation advisory commission shall meet and elect a chair, and vice-chair. It may create and fill such other offices as it may determine. The term of each officer shall be one year. They may be re-elected. The commission shall adopt rules for the transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings and recommendations, which records shall be open to the public. The commission shall meet as needed. All of its meetings shall be open to the public. For the purpose of taking any official action authorized or required by this article, there shall be present a quorum ~~of three~~ five (3 5) members.

### **16-3.6.3 Responsibilities and Duties**

(A) It shall be the responsibility and duty of the public land appearance and recreation advisory commission:

- (1) To initiate, promote and assist in the implementation of general community beautification in the town and its environs.
- (2) To seek to coordinate the activities of individuals, agencies and organizations, public and private, whose plans, activities, and programs bear upon the appearance of the town and its environs.
- (3) To provide leadership and guidance in matters of area community design and appearance to individuals and to public and private organizations and agencies.

(4) To make studies of the appearance characteristics and problems of the town and its environs, including surveys and inventories of an appropriate nature, and to recommend standards and policies of design for the town, any portion or neighborhood thereof, or any project to be undertaken.

(5) To prepare both general and specific plans for the improved appearance of the town.

(6) To make recommendations upon any permit or other item referred to the commission by the board of commissioners, planning board, board of adjustment, or administrator.

(7) To review proposed amendments and improvements to town parks, facilities, properties and rights-of-ways, and to provide recommendations related to the proposals.

(8) To take any other action authorized by this chapter or any other ordinance or resolution adopted by the board of commissioners.

(9) To serve as the Tree Board in conjunction with the Blowing Rock Landscaping Department to include the short- and long-range management of trees within public street rights-of-way, Town-owned property, and other public property in the Town.

(B) The following specific duties are hereby conferred upon the public land appearance and recreation advisory commission:

(1) To ask the proper officials of any public agencies of the state and its political subdivisions for plans for public buildings, facilities or projects to be located within the town.

(2) To review such plans as well as permit applications referred to the commission and make recommendations regarding appearance suitability to the appropriate agency or to the planning board, board of adjustment or board of commissioners. All plans shall be reviewed by the commission in a prompt and expeditious manner, and all recommendations of the commission with regard to any public project shall be made in writing. Copies shall be transmitted promptly to the appropriate town board and to the appropriate agency.

(3) To direct the attention of officials to the needed enforcement of any ordinance that may in any way affect the appearance of the town.

(4) To make recommendations related to the use of recreational facilities and public lands.

(5) To seek voluntary adherence to the standards and policies of its plans.

(6) To enter upon private land for the purpose of making examinations or surveys, with the consent and permission of the person in possession of such property.

(7) To promote public interest in and an understanding of its recommendations, studies and plans, and to that end to prepare, publish and distribute to the public such studies and reports as will, in the opinion of the commission, advance the cause of improved municipal appearance.

(8) To formulate and recommend to the town planning board and board of commissioners the adoption or amendment of ordinances regulating the use of property that will, in the opinion of the commission, serve to enhance the appearance of the town and its surrounding area.

(9) To act as the Tree Board and coordinate efforts with the Town Landscape Department to satisfy requirements of maintaining and expanding the Town's status as a Tree City, USA member.

(10) To be the lead civic organization coordinating and the chief sponsor of the annual Town Clean-up Week.

#### **16.3-6.4 Annual Report and Budget.**

(A) In conjunction with the submission of the budget request, the commission shall submit to the board of commissioners a progress report of its activities during the present fiscal year. A report of the entire fiscal year, July through June, shall be submitted to the board of commissioners no later than thirty days after the close of the fiscal year.

(B) The commission may present requests to the board of commissioners no later than April 1 of each year for the purpose of incorporating in the budget future recreation, beautification, preservation, restoration and landscaping projects to include establishment, maintenance and replacement of gardens. Anticipated revenues for the next fiscal year from non-city sources shall be indicated. The requests will be reviewed and, if approved, recommended for inclusion in the proposed budget.

**16.3-6.5 Receipt and Expenditure of Funds.** The commission may receive contributions from private agencies, foundations, organizations, individuals, the state or federal government or any other source, in addition to any sums appropriated for its use by the board of commissioners. It may accept and disburse these funds for any purpose within the scope of its authority as specified in this article. All sums appropriated by the board of commissioners to further the work and purposes of the commission are deemed to be for a public purpose.