

Planning and Zoning Board

Minutes

Thursday, July 16, 2009

7:00 p.m.

The Blowing Rock Planning and Zoning Board met on Thursday, July 16, 2009 for their regular scheduled meeting. Chairman West called the meeting to order at 7:00 p.m. Members present were Debbie di Santi, Brenda Fairbetter, Ada Webster, Greg Grana, Nelda Miller, Sue Sweeting, Web Alexander and Jim Steele. Staff members present were Planning Director Kevin Rothrock, Town Manager Scott Hildebran and Administrative Assistant Sherrie Pitts.

Mr. Grana made a motion to approve minutes as presented. The motion was seconded by Ms. Sweeting. All members were in favor of the motion.

Items of Business

Consideration of Noise Ordinance Amendment

Mr. Rothrock gave the staff report to the board in reference to the Noise Ordinance – Outdoor dining. He stated that at the June Retail Strategy Steering Committee meeting Mr. P.W. Glidewell of Glidewell's restaurant made a request of the group to support amending the noise ordinance to allow outdoor service and consumption after 10:00 PM. After some discussion, the group recommended that any change in outdoor dining hours be limited to the Central Business District. The group also recommended the request be forwarded to Council which was done in late June. The Council forwarded the request to the Planning Board for initial discussion and debate of the issues. A copy of Mr. Glidewell's request including excerpts from the HyettPalma retail study and a copy of the current noise ordinance language dealing with outdoor dining was included in the Board packets.

Ms. Sweeting asked if a letter of notification went to neighboring properties. Mr. Rothrock commented that this item is not location specific it included all of the downtown area and individual notification was not required. Notice was given in the paper, on the Town's website and posted in Town Hall and the Planning and Inspection office.

With no other questions the floor was opened to the Applicant.

Mr. P.W. Glidewell, owner of Glidewell's restaurant, spoke about the restaurant and had some discussion points:

- They constantly get requests to sit on the patio after 10 PM and anger customers when they are not allowed
- The HyettPalma group and their study also encouraged later hours for after theater dining
- If allowed to extend service hours the business would still have to follow the noise ordinance
- The restaurant had partnered with the Hayes Center to sell dinner packages, but they get complaints that after the show customers can't sit outside to eat

Mr. Glidewell is requesting a repeal of the outdoor dining time.

Mr. Steele asked how many tables were outside. Mr. Glidewell stated 65 seats in 4-top tables. Mr. Steele wanted to know if Mr. Glidewell had talked to other restaurants that had outdoor dining and thoughts they might have on this issue. Mr. Glidewell stated that he had talked with Jimmy Crippen of Crippen's Inn, Larry Imeson of the Blowing Rock Grille and the Beach brothers of Twigs restaurant. They were all in favor of the change.

Ms. di Santi inquired what the normal hours of operation were. Mr. Glidewell advised Monday through Thursday they were open until 10 PM, Friday, Saturday and Sunday last call is at 12 AM and the restaurant is closed by 12:30 AM.

Mr. Alexander wanted to know what the ratio of food to alcohol was after 10 PM. Mr. Glidewell responded that depending on the food item and wine pricing he would judge 70/30.

Chairman West clarified that the request is not just late night for theater night but every night.

Mr. Glidewell confirmed that it was for every night.

Mr. Alexander questioned if there was live music outside. Mr. Glidewell said no but there is one speaker with jazz playing. The sound does not extend beyond the property.

With no other question of the applicant the floor was opened to the public.

Mr. Tony di Santi, resident, had comments about the issue and approves of the request. Mr. di Santi commented about being a board member in the 1980's and how ordinances have changed and how this time requirement discourages outdoor dining. He also mentioned the HyattPalma study and that was a factor for tourists coming into town.

Mr. Steele asked the Police Chief Eric Brown about noise complaints and how often the police department received noise calls at night. Chief Brown responded that the department had received approximately 30 – 40 calls total last year throughout the town.

Mr. Steele wanted to know if information was available on noise downtown specifically. Chief Brown advised that it could be provided.

Ms. Sweeting made a motion to amend Town Code Section 5-1.1 to change 10 PM to 12 AM and in the paragraph body change text from between the hours of 10 PM and 7 AM to between the hours of 12 midnight and 7 AM. Mr. Alexander seconded the motion.

Mr. Steele commented that he would like a study of residents within a block of the dining; second he had concerns amending the outside dining time to 12:00 AM. He also had concerns and thought caution should be used in the downtown area where business and residential both were present. Before sending legislature to Council he would like to hear from residents and businesses.

Ms. Sweeting responded about the time change using theater patrons as an example; leaving a show around 10:00 pm getting to a restaurant and finishing with the last meal being around 11:00 pm. As for residents there was notification of the Planning Board meeting published and the Town Council meeting will also be published.

Ms. di Santi commented that the motion was well stated and she agreed with the 12:00 time. Mr. Alexander and Chairman West also agreed with the 12:00 time.

Mr. Rothrock confirmed the motion was for town wide 12:00 AM. Ms. Sweeting advised she was not limiting to the Central Business District.

With no other questions or comments the board voted.

*For the motion Ms. di Santi, Ms. Fairbetter, Ms. Webster, Mr. Grana, Ms. Miller, Chairman West, Ms. Sweeting and Mr. Alexander. Mr. Steele was against the motion. **Motion passes.***

Nonconforming Situations

Mr. Rothrock gave the staff report to the board. In September 2004, Section 16-124 of the Land Use Code was amended to prohibit extensions of nonconforming situations, including those on single-family uses. It was staff's understanding that the amended ordinance prohibited nonconforming decks from being modified into porches and porches into building enclosures.

Mr. Rothrock reported that recently the Board of Adjustment made an interpretation that Section 16-124 did not prohibit modifying an existing nonconforming porch to an enclosed space, based on what was written in the text. As such, staff along with the assistance of Mike Egan prepared a revision to Section 16-124 (A) that prohibits expansion of nonconforming situations or modifying the form of nonconforming structures. Pending discussion by the Planning Board, staff recommends this draft ordinance be adopted to clearly establish that nonconformities cannot be expanded. Staff has spoken with majority of the members of Town Council involved in the process in 2004 and they concur with staff's interpretation. Enclosed in the board packets are copies of current ordinance and proposed revisions to Section 16-124.

With no question or comment for staff the floor was opened to the public.

Mr. Tony di Santi stated that he was opposed to staff's recommendation to amend the ordinance. He explained the BOA case mentioned above that created this request for the ordinance change. Mr. di Santi passed photos to the board showing before and after pictures. He discussed the wording of the ordinance and advised the board should study it well before deciding on changes.

Mr. Rothrock explained the reason for this ordinance discussion is that a problem was found in wording and it is before the board to address and correct the issue.

Chairman West commented that without the explanatory note he did not believe it addresses the issue.

There was some discussion on the 2004 ordinance change.

With no question or comment the floor was closed.

*Ms. Sweeting motioned to refer nonconforming situations to the zoning subcommittee. Mr. Alexander seconded the motion. **All members were in favor.***

Single-family Conditional Use Permits

Mr. Rothrock gave the staff report to the board in reference to permitting single-family residences in Central Business. In 2005 the Land Use Code was amended to require that single-family projects in the Central Business meet the design standards and materials for commercial buildings

and to require that a conditional use permit be obtained. To date, one single-family conditional use permit has been issued in the Central Business District. Staff recommends that single-family projects continue to meet the commercial design standards but require only a zoning permit for an administrative approval process. This would be a quicker and less expensive process for the applicant but still maintains the intent of the code change in 2005 requiring the commercial materials and design standards be applied to all buildings in the Central Business. Enclosed in board packets is a draft ordinance.

With no questions or comments for staff the floor was open to the public and closed with no comment.

Ms. Sweeting made a motion to approve as presented. Ms. di Santi seconded the motion. All members were in favor of the motion.

3-hour Downtown Parking

Mr. Rothrock gave the staff report to the board in reference to extending 2-hour parking to 3-hour parking in downtown. The draft ordinance was consistent with the recommendations of the HyettPalma Downtown Retail Strategy, the Downtown Parking Management Study, and Town Council. The attached draft ordinance for Chapter 6 of the Town Code would extend 2-hour parking on Sunset Drive, Main Street and Pine Street to 3-hour parking. The draft ordinance adds Pine Street to the list and removes the exclusion for legal holidays.

Mr. Grana asked why Park Avenue was not included in the “hourly parking” restrictions.

Mr. Hildebran, Town Manager, advised that historically Park Avenue was residential home owners parking on the street.

Mr. Grana stated that he believes Park Avenue should be included in the 3-hour parking.

Mr. Hildebran advised the board should table Park Avenue until the parking is complete on Wallingford Street.

Mr. Grana made a complaint of the diagonal parking on Park Avenue stating when large vehicles park in those spaces they are in the travel lane of the road.

Ms. Sweeting commented that every day this week vehicles have been parked in the yellow striped areas at the Blowing Rock Market.

With no other questions or comments of staff the floor was opened to the public and closed without comments.

Ms. di Santi made a motion to approve as presented. Mr. Alexander seconded the motion. All members were in favor.

Loading Zones

Mr. Rothrock gave the staff report to the board in reference to loading zones and delivery in Downtown. The planning subcommittee at their work session in June recommended the following course of action with respect to loading zones and deliveries in the downtown. The recommendations were included in the board packets.

Mr. Grana commented about subcommittee recommendation in discussions he thought it was consensus of the subcommittee that loading zones also needed to be located at Pine Street and Park Avenue.

Ms. Sweeting stated that the draft states “as set forth in Appendix A”. We have been unable to locate an Appendix A. Therefore we need to create and list loading zones in an Appendix A.

There was some discussion of loading zones on Main Street.

Ms. Sweeting said the loading zone at Laurel Lane is marked as loading. The striped areas at the Blowing Rock Market on Main Street are not for loading, they are for no parking. She questioned if the area on Main Street at the museum was actually a designated loading zone.

Chief Eric Brown confirmed that at one time the spot at the museum was considered a loading zone. He commented that he could not confirm if it was truly a designated loading zoned, but it has been and is currently used as one.

Mr. Rothrock said that he understood the subcommittee did not want to change the ordinance but just enforce what was already in place.

Ms. Sweeting made a motion to table this issue. A list of designated marked locations and signage needs to be completed including a list of loading zones.

Mr. Grana stated that he thought the subcommittee was to look for alterative locations for loading.

*Mr. Grana seconded the motion. **All members were in favor of the motion.***

Discussion Town Center District

Mr. Rothrock discussed the Town Center District. A site map was enclosed in the board packets.

Ms. di Santi asked why the BRAHM building and the Parking Facility was not included in the Central Business zoning.

Mr. Rothrock explained that the property had been rezoned to Office Institutional several years ago. The museum best fits in the O-I zoning district. He also recommended this item be forwarded to the zoning subcommittee.

With no other questions or comments *Ms. di Santi made a motion to adjourn. Ms. Sweeting seconded the motion. **All members were in favor.***

Adjourn

With no further business the Planning Board adjourned at 9:15 PM.

Jim West, Chairman

Sherrie Pitts, Administrative Assistant