

## **Planning and Zoning Board**

### **Minutes**

**Thursday, November 19, 2009**

**7:00 p.m.**

The Blowing Rock Planning and Zoning Board met on Thursday, November 19, 2009 for their regular scheduled meeting. Chairman West called the meeting to order at 7:00 p.m. Members present were Debbie di Santi, Greg Grana, Ada Webster, Nelda Miller, Sue Sweeting, Web Alexander and Brenda Fairbetter. Staff members present were Planning Director Kevin Rothrock and Administrative Assistant Sherrie Pitts.

Ms. di Santi stated that there had been a lengthy discussion about rezoning and the Town Center District that was not represented in the draft minutes, and requested that on page three paragraph six she would like a statement adding that St. Mary's Episcopal Church should be included in the Town Center given its historical relevance to Blowing Rock. The Historic Downtown sign is posted just before the church on the south end of Main Street, town parking spaces are in front of the property and the 50 year plus annual Tour of Homes is an institution in Blowing Rock.

*Ms. di Santi made a motion to approve the minutes with the above amendment. The motion was seconded by Mr. Alexander. All members were in favor of the motion.*

Chairman West formally thanked board member Jim Steele for his service on the Planning Board and to the Town of Blowing Rock. He advised the audience and the Board that Mr. Steele had been elected to serve on the Town Council and therefore was leaving the Planning Board.

### **Items of Business**

#### **Rezoning #2009-01 Thomas Property from O-I to CB**

Mr. Rothrock gave the staff report to the board in reference to a rezoning request of the Thomas property at 132 Park Avenue. Ms. Jane Deavers is requesting to change the zoning from O-I, Office-Institutional to CB, Central Business. The proposed CB zoning is designed to accommodate a wide variety of commercial activities (particularly pedestrian-oriented) including hotels, retail, restaurants, offices, churches, libraries, movie theaters, gas sales and dry cleaners.

Mr. Rothrock explained all possible allowable uses must be considered and not one particular use. A rezoning based on a condition of a particular use being allowed or mandated is considered contract zoning and is illegal in North Carolina.

According to NC General Statutes, the Planning Board must consider the policies of the Comprehensive Plan when providing a recommendation on a rezoning. The Planning Board must have a written statement that it either followed or did not follow the policies of the Comprehensive Plan and the rationale for the Board's decision.

With no questions of Staff the floor was opened to the applicant

Ms. Jane Deavers, applicant, introduced herself and explained her dress shop business. She discussed the value and location of her current business in Banner Elk and how they had created and established a core business in a shopping center that had been in need of re-establishment. Ms Deavers was requesting the zoning change in a location that would complement the town.

She explained that she had many Blowing Rock clients and would like a shop here to bring her merchandise closer to the customers.

Ms. di Santi asked if the store would be open year round. Ms. Deavers advised that they planned to and her other store had been for the last four years.

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

Resident Jo Ellen Gibbons spoke in favor of Ms. Deavers' store. She said that she drives to Banner Elk to shop and would like to see a local shop. She commented that she meets other friends from Blowing Rock shopping there as well.

Resident Marianne Hall remarked that the north end of town loses out on foot traffic. Most people think shopping stops at Sunset Drive. She read letters from business owners on Main Street that were concurring with the zoning change request. Ms. Hall stated that as a patron of this shop as well as a local business owner she would like to see this business come to Blowing Rock.

David Baskin, on behalf of Louise Caruso property owner of 154, 156, 174, and 176 Park Avenue, explained that Ms. Caruso was not in favor of the zoning change. She is concerned about the variety of business types the zoning change could allow.

Rita Davis, president of the Chamber of Commerce, handed out information on the HyettPalma study and had some discussion in regard to the study information. She pointed out the economic impact the shop could have for the area. Ms. Davis talked about retail recruitment of new businesses.

Chairman West asked about retail recruitment and if this property had been identified for location. He also asked if the recruitment was Chamber committee work.

Ms. Davis advised that HyettPalma had given the Chamber of Commerce directive with studying and recruiting retail businesses. The property did fit the profile of location for shopping and walk-ability.

Resident Anne Smart of 161 Yonahlossee Road explained that her property backed up to this property. She stated that she objected to the zoning change but not the business wanting to go in the building. She was concerned about future businesses that could come in if the property was rezoned. She commented about a dumpster and water issues from a neighboring parking lot that she already contends with.

Ms. di Santi asked how long Ms. Smart had lived there and where the dumpster and water problem was coming from. Ms. Smart responded three years and referred to the Last Straw dumpster and parking area.

Steve Thomas, subject property owner, stated that he would like the zoning change. He mentioned the types of businesses allowed under the current zoning. He advised that he was looking for a

long term tenant and he was not interested in a night time traffic business. Mr. Thomas said he would be willing to contract to return zoning status to I-O if and when the clothing store would leave.

Mr. Rothrock explained that to make or accept a condition to restore zoning to the former classification was not legal.

Bill Hall, a member of the economic development committee with the Chamber, explained that the requested zoning change goes along with the economic development goals of the chamber and is in accordance with the HyettPalma study. Mr. Hall also commented that they had looked around the town of other locations for this business and had not found another compatible location. He commented that most of the surrounding properties were zoned for business.

Mr. Baskin wanted to know if there was a variance that would allow a specific business to go into this location. Chairman West advised a variance was not allowable.

Mr. Alexander wanted clarification that if this property was rezoned and the business proposed was to leave; a restaurant/bar that wanted to move in would have to go through the conditional use permit process. Mr. Rothrock advised that was correct.

Ms. Sweeting commented that an allowable business by the Land Use Code could not be disallowed, but applicable reasonable conditions could be put on any business proposing to use the location.

Ms. Hall remarked that the property used as short-term rental would probably create more noise, vehicles and trash than the shop that wants to go into the space.

Mr. John Aldridge, resident and chair of the Chamber economic development committee, discussed the Town Comprehensive Plan of 2004. He spoke about issues discussed during the meeting. He also commented that the current zoning was not residential and the buildings may not always be residential. Mr. Aldridge talked about economic development and how to improve the business district. He thanked the Board for listening to everyone and thinking about the balance between business and residential districts.

Mr. Alexander stated his opinion about the property use and possible uses. He commented that in looking at the building it did have the appearance of being a business shop of some type. He believes the proposal would be a good change. Mr. Alexander commented that this town is a tourist attraction and shops and restaurants are what is needed not more offices.

Ms. di Santi concurred with Mr. Alexander and said she would like to see central business expand. It is down Sunset Drive and Morris Street. She asked about the business hours. Ms. Deavers said they may vary a little but 10 am to 6 pm with 6 pm being the latest.

With no other comments or questions the floor was closed to the public.

Ms. Sweeting said that if the shop could come in under O-I she would agree with it, but to open the property to CB can be opening a big can of worms.

There was some discussion on the Comprehensive Plan of 2004 and the HyettPalma study.

*Ms. di Santi made a motion to approve the rezoning from O-I to CB. Mr. Alexander seconded the motion. In favor of the motion: Chairman West, Ms. di Santi, Ms. Webster, Mr. Alexander and Ms. Fairbetter. Opposed to the motion: Ms. Sweeting, Ms. Miller and Mr. Grana. Motion carried five to three.*

Mr. Rothrock advised the Board needed to present a statement addressing the Comprehensive Plan explaining the reason of the decision and summarize the motion. The Board concluded the following statement summarized their position on the rezoning recommendation:

Despite policy statement 1-C-1 of the Comprehensive Plan discouraging enlarging the business district, other factors weigh in to assist new business growth including policies 1-C-2, 1-C-3, 1-C-4, 1-C-6, and 1-D-3, which are in support of zoning change.

### **Other Business**

Mr. Rothrock advised there was not update on loading zones at this time. He also discussed task scheduling for 2010.

Mr. Grana stated that he would like to discuss mass of buildings for both commercial and residential.

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

### **Adjourn**

With no further business the Planning Board adjourned at 8:42 PM.

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Jim West, Chairman

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Sherrie Pitts, Administrative Assistant