

Draft

Planning and Zoning Board

Minutes

Thursday, July 17, 2014

5:30 p.m.

The Blowing Rock Planning and Zoning Board met on Thursday, July 17, 2014 for their regularly scheduled meeting. Chairman West called the meeting to order at 5:30 pm. Members present were David Harwood, Lisa Stripling, Alice Roess, Wes Carter, Genie Starnes, Rich Scheurer and Natalie Bovino. Member David Laughter was absent. Staff members present were Town Manager Scott Fogleman, Planning Director Kevin Rothrock and Administrative Assistant Tammy Bentley.

Chairman West asked if there were any changes to the minutes. There were none. *Ms. Roess made a motion to approve the minutes. The motion was seconded by Ms. Stripling. All members were in favor of the motion.*

Mr. Harwood recognized Ms. Bentley's efforts with the minutes.

The Board discussed receiving the meeting packets electronically.

Ms. Roess made a motion to receive the packets electronically, seconded by Mr. Scheurer. All members were in favor of the motion.

Mr. Rothrock requested that the agenda be re-ordered to hear Sandwich Boards first.

Ms. Starnes made a motion to re-order the agenda and hear Sandwich Boards first, seconded by Ms. Stripling. All members were in favor of the motion.

Draft Ordinance – Sandwich Boards and Outdoor Displays

Mr. Rothrock gave the staff report. He said that the Zoning subcommittee had met and initially decided not to recommend sandwich boards signs. He added that he and the Zoning subcommittee met with several merchants at Third Space Coffee Bar, located in the lower level of the Hanna building on Main Street, earlier in the day. As a result of the meeting the subcommittee felt that sandwich boards could be allowed with strict enforcement of a 4 to 5' open sidewalk clearance, and limitations of 4 square feet and 4 feet in height. Mr. Rothrock showed the Board a sign provided by Jason Campbell, owner of Third Space Coffee Bar. He noted that the sign was within the 4 square foot limitation, but was about 42 inches high.

Ms. Starnes said that based on the meeting she felt that some businesses need the additional signage, but that the signs need to be uniform. Mr. Harwood also felt that some businesses needed the signs but did not think the signs had to be uniform.

Mr. Scheurer said that Third Space owner Jason Campbell's data on how having a sandwich board sign affected his business helped him gain insight on the impact of such signage but there needs to be guidelines for implementation.

Ms. Roess said that she thought the frame of the signs should be one color and that color should be a Town approved color.

The Board discussed the issues of tying the sandwich boards to outdoor displays and lack of sidewalk clearance in some locations.

Mr. Rothrock said that temporary signage choices are very limited and that approved sandwich boards must be in keeping with the character of Blowing Rock. He added that Mr. Campbell's sign fits the guideline.

Ms. Roess asked if the signs must be a certain distance from the building. Mr. Rothrock said that the signs cannot block entries or exits and that a 5' sidewalk clearance must be maintained in front and on each side of the sign. Ms. Roess asked about liability. Mr. Rothrock said that was not addressed at the June meeting, but we can't prevent everything. He added that he does not want people to step off the sidewalk because of signs.

Chairman West opened the meeting to public comment.

Mr. Campbell, owner of Third Space and Bald Guy Brew said that when he removed the sandwich board at Third Space his business declined by 50% and that having a sandwich board sign is a matter of livelihood for him. He added that he would comply, and he thinks that other merchants would also comply with what the Board decides. He thanked the Board for the meeting at Third Space earlier that day.

Mr. Mark Crumpler, owner of The Brass Exchange and Windwood Antiques, said that he was not in favor of sandwich boards, but he is more in favor now. He added that he thinks the sample sign is great and asked if the ordinance could be written for a one-year trial period, so it could be re-visited.

Chairman West asked Mr. Rothrock if a one-year trial period would be possible. Mr. Rothrock said that it could be tough to pull back after the trial period.

Ms. Sherri Furman, owner of Take Heart, wanted to publicly thank the Board for the meeting held earlier. She added that the merchants felt like they were heard.

Ms. Tammy Jolly, owner of Rustic, said that chalkboards were lots of maintenance and that black dry erase boards were waterproof and could be used in all weather. She added that she appreciates the chance to be heard.

Chairman West suggested that the merchants contact Town Council members with their comments and suggestions.

Mr. Crumpler asked if the 4 or 5' clearance would apply to outdoor displays also. Mr. Rothrock said that outdoor displays would be addressed later and that he thinks the clearance should be all along Main Street.

Ms. Jolly asked when the Town Council hearing will be held. Chairman West responded that the next meeting is August 12, 2014.

Mr. Crumpler commented that the ordinance needs to be written to prevent someone with 10 feet of sidewalk from having display up to the clearance point. Mr. Rothrock said that he thinks it will be within 2 feet of the building.

Chairman West closed the public comment period.

The Board discussed how to word the ordinance for businesses that have yard or courtyard frontage. Mr. Rothrock said the ordinance could state that if the sandwich board is on the sidewalk it must be within 2 feet of the building. Chairman West said that it could be written that there must be 5' clearance from the sign and the curb.

Mr. Harwood made a motion to allow one non-illuminated sandwich board per business with these criteria.

1. Black background limited to 4 square feet
2. The frame will be wood, painted in a Town approved color
3. The sign shall not exceed 42 inches in height from ground level
4. If the sign is on a public sidewalk the sandwich board must not be displayed overnight

Ms. Stripling said the ordinance needed to include the 5' clearance requirement and that the sign can be displayed only during business hours.

Ms. Bovino said that dry erase colors can be neon and she wants to guard against neon colors. Mr. Carter agreed with Ms. Bovino and suggested the ordinance allow chalkboard signs only.

Mr. Harwood amended his motion to allow one non-illuminated sandwich board sign per business with these criteria.

1. Black chalkboard background
2. Background not to exceed 4 square feet
3. Sign frame must be wood, painted in a Town approved color
4. Sign height cannot exceed 42 inches from grade

5. If the sign is on a public sidewalk it cannot be displayed more than 3 feet from the building and must maintain a 5' clearance
6. Sign can be displayed during business hours

Ms. Stripling seconded the motion. All members were in favor of the motion.

Ms. Starnes made a motion to move the Noise Ordinance Discussion to second on the agenda, seconded by Ms. Stripling. All members were in favor of the motion.

Noise Ordinance Discussion

Mr. Rothrock gave the staff report. Staff is recommending a noise ordinance amendment that would establish decibel readings for amplified music and other activities. The Police Department has responded to repeated noise complaints recently and it is recommended that a specific decibel level be established to provide an objective, measurable standard to help determine when the noise ordinance is being violated. The allowable limit of 65 decibels measured 65 feet from the property line is proposed.

Mr. Tony Jones, Blowing Rock Chief of Police, joined the meeting. Mr. Fogleman said that he and Mr. Jones had struggled with an objective measureable amount of noise that is acceptable. The Town purchased a decibel meter and the music on the lawn event, which has generated complaints, was measured over a four week period. When the decibel reading was 70 several complaints were received; when the level was reduced to 65 the complaints were reduced to 1 and then to zero.

Chief Jones said that the ordinance as written is not enforceable and until clear guidance is received from the Town Council that only extreme violations will be addressed.

The Board discussed the difficulties of enforcing noise ordinances and if road and traffic noise would also be subject to the proposed ordinance. Mr. Fogleman said that the ordinance is aimed at trying confirm that the music is the source of the noise. Mr. Carter asked if someone on the sidewalk could complain. Mr. Fogleman responded yes if the decibel level exceeded 65. He added that the intent is for residences, but it could apply to sidewalks.

Mr. Carter asked if the 65 feet is from the property line or from the source. Ms. Bovino said she was concerned with the small study size. Mr. Fogleman said that the survey was admittedly small, but that music on the lawn is definitely in violation. Mr. Jones said that the current ordinance is written so that anyone can complain regardless of the noise level.

Chairman West closed the public comment period.

Mr. Carter said his only concern is that if someone complains from within 65' from the property line that they have no remedy. He added that he feels the 65' should begin at the complaint source and not the property line. Ms. Roess asked Chief Jones to explain the procedure when there is a valid noise complaint. Mr. Jones said that a citation would be issued. Ms. Roess asked if three is not a warning issued for the first violation. Chief Jones said that he always believed in

a warning first. Mr. Fogleman addressed Mr. Carter's concern saying that if someone closer than 65' complained, the responding officer would go 65' to measure the noise level.

Ms. Stripling asked if the direction that the music is facing had been factored in.

Mr. Harwood made a motion to approve the Noise Ordinance as presented, seconded by Ms. Roess.

The Board discussed the motion.

Mr. Carter reiterated his concern that the ordinance does not protect people close together. Chairman West asked for an example of "close together". Mr. Carter said it would allow people within 65' of each other to violate the ordinance. The Board and Staff discussed alternate wording for the ordinance.

Mr. Harwood rescinded his motion to approve the Noise Ordinance as presented. Ms. Roess agreed to take the motion off the table.

Chairman West suggested having the allowed decibel level change based on the time of day. Chairman West also suggested having a sunset provision so that the ordinance must be revisited within a certain time. Mr. Rothrock said he does not think that a sunset provision is necessary. Mr. Scheurer said the proposed ordinance is a good starting point.

Mr. Scheurer made a motion to approve the Noise Ordinance as presented, seconded by Ms. Roess. All members were in favor of the motion.

Chairman West called a 10 minute recess.

Chairman West called the meeting to order

Outdoor Displays

Mr. Rothrock gave the staff report. The Zoning subcommittee recommends that outdoor displays be allowed within 2' of the face of the building with 5' clearance on public sidewalks and limited to 4' in height, confined to the width of the building.

Mr. Scheurer asked if this would keep merchandise off the curb. Chairman West said yes. Mr. Scheurer asked how Rustic would be affected. Mr. Rothrock said that the striped area is public sidewalk. Chairman West asked if businesses at the Martin House could put merchandise in the yard. Ms. Roess asked if anything controlled display of mannequins. Mr. Rothrock said that the ordinance is geared towards display on public sidewalks and that mannequins could not exceed 4' in height.

Mr. Harwood suggested 3' from the front of the building and maximum height of 5 feet. Ms. Starnes asked if merchandise could be displayed on the curb. Mr. Rothrock said no.

Chairman West opened the public comment period.

Mr. Crumpler said he favors a 3' by 5' display area and he added that he appreciates the effort that the Planning Board has put into this. Ms. Jolly also thanked the Board for their efforts and noted that some town trashcans are more than 1 foot from the curb and this could make compliance harder for businesses near these trashcans. Mr. Rothrock said the Town would place the trashcans.

Mr. Carter asked where this ordinance would be included in the Town Code. Mr. Rothrock said likely in Commercial Design Standards with news racks, but it could also be included in the general ordinance section.

Chairman West closed the public comment period.

*Ms. Roess made a motion to approve outdoor displays within 3 feet of the building as long as 5 feet of sidewalk clearance could be maintained and limited to 5 feet in height and the width of the building. Ms. Stripling seconded the motion. **All member were in favor of the motion.***

Chairman West adjourned the meeting at 8:25 pm.

Chairman Jim West

Tammy Bentley, Administrative Assistant