

Planning and Zoning Board

Minutes

Thursday, August 21, 2014

5:30 p.m.

The Blowing Rock Planning and Zoning Board met on Thursday, August 21, 2014 for their regularly scheduled meeting. Chairman West called the meeting to order at 5:30 pm. Members present were David Harwood, Lisa Stripling, David Laughter, Alice Roess, Wes Carter, Genie Starnes, Rich Scheurer and Natalie Bovino. Staff members present were Planning Director Kevin Rothrock and Administrative Assistant Tammy Bentley.

Chairman West asked if there were any changes to the minutes. Ms. Stripling asked that “sidewalk” be added before “clearance” on pages 3 and 4. Ms. Starnes asked that “three” be changed to “there” in the last sentence at the on page 4. *Ms. Roess made a motion to approve the minutes as amended. The motion was seconded by Ms. Stripling. All members were in favor of the motion.*

Draft Ordinance – Conditional Zoning Districts

Mr. Rothrock gave the staff report. In 2011, the Planning Board reviewed a draft ordinance that would establish the process of conditional zoning districts in the Land Use Ordinance. The Town Council has asked the Planning Board to reconsider this approach. Mr. Vagn Hansen with Benchmark CMR, Inc., gave a presentation on conditional zoning. Mr. Hansen told the Board that this process could propose additional restrictions on property and that the Town Council could also impose additional restrictions reasonably related to the impact of the request and agreed to by the applicant. Mr. Hansen added that a conditional zoning request would have the same “flow” as a conditional use permit, but that the conditional zoning would allow prior discussion of the request and unsworn, opinion based testimony from neighbors and other interested parties. He added that some the benefits of conditional zoning are:

- Allows for negotiations
- Opinions are considered
- Retains the basic characteristics of conditional use districts
- Eliminates the potential for due process issues with dual Planning Board and Town Council hearings

Mr. Carter asked Mr. Hansen if this process would create districts for each situation. Mr. Hansen responded yes, that each property has a unique identifier.

Chairman West asked how conditional zoning districts would be shown on the Zoning Map. Mr. Rothrock said that the conditional districts on the map could be highlighted and referenced in the legend.

Mr. Carter asked if conditional zoning would change the zoning. Mr. Rothrock said that in some cases yes, and some cases would apply to the existing zoning.

Mr. Rothrock asked Mr. Hansen if conditional zoning runs with the land. Mr. Hansen confirmed that this is true for both conditional use permits and conditional zoning. He added that conditional zoning runs with the property with the caveat that Town Council can rescind the conditional zoning district if the development is not commenced within 12 months.

Mr. Laughter asked Mr. Hansen if a conditional zoning was approved for a property and that property was sold three years later, could the new owner then ask for the property to be re-zoned. Mr. Hansen confirmed. Mr. Laughter asked Mr. Rothrock if this was true with a conditional use permit. Mr. Rothrock said no.

Mr. Rothrock told the Board that it can be hard for them make site visits, absorb the information in packets, staff reports and the public hearing in a conditional use permit request. The conditional zoning process allows Planning Board members to talk with neighbors for issues and opinions and that this further frees the Planning Board and Town Council to see different perspectives prior to the public hearing. Ms. Starnes noted that this could shorten the process.

Mr. Hansen noted that the conditional use permit is an adversarial process and that the conditional zoning process is a very collaborative process.

Mr. Laughter asked Mr. Rothrock if Boone uses this process. Mr. Rothrock confirmed. Mr. Hansen added that Burke County also uses this process.

Mr. Harwood asked the advantages or disadvantages with eliminating conditional use permits. Mr. Rothrock said that competent evidence and expert opinions of professionals, i.e. Appraisers and Engineers are advantages of the conditional use permit process.

Mr. Carter asked what was the consensus when this was first proposed. Mr. Rothrock said that the Town Council was concerned with the potential for “backroom deals”.

Mr. Hansen said that general use zoning was great for existing developments, but not for new developments and that the ability to compromise and take suggestions usually gets better results.

Ms. Roess asked if conditional zoning had any bearing on any pending use requests. Mr. Rothrock said no, that conditional zoning would be a way to find solutions to make development fit. Chairman West noted that this may net more quality proposals.

Ms. Roess left the meeting at 6:15pm due to a scheduling conflict.

Chairman West said that applicants can be burdened with considerable expense for site plans. He specifically said that identifying every tree is very costly and asked what are we trying to identify and protect.

Mr. Carter asked what the tree requirements in the conditional use permit are. Mr. Rothrock said that in the Central Business district any healthy tree over 8” in diameter must be retained if possible. Chairman West said the conditional zoning requirements should parallel what we have now. Mr. Rothrock said that the language could be changed to be clearer in what is being asked in the second sentence in Section 3 (a).

Chairman West said that this section needs to be clearer. Mr. Hansen said not to make this process harder than the conditional use process.

The Board discussed the standards of the ordinance versus conditional zoning districts. Mr. Rothrock referred the Board to the last sentence in Section 16-9.6 for clarification.

Chairman West reiterated that he was concerned with the process cost and asked how conditional zoning districts could be applied to single family uses. Mr. Hansen said that this could be applied to single family uses, but that was very unlikely.

Chairman West asked how Section 3 is different from the current conditional use permit process and if the tree requirement varied with the zoning districts.

Mr. Scheurer asked if there were any other objections, besides backroom deals, when the Town Council considered this process before. Chairman West indicated that the process was a big learning curve. Mr. Scheurer added that this tool could allow for the best use of the hospital property on Chestnut.

Mr. Carter asked if this is the same ordinance as presented before. Mr. Rothrock said that this ordinance was updated to reflect changes in the code.

Mr. Rothrock responded to Chairman West that the application process is in the code and that it could refer to the existing ordinance and that the Administrator’s role was to ensure that the submitted applications were complete.

Chairman West asked if the 12 month time limit was reasonable. Mr. Rothrock said that the applicant would automatically receive 2 years with a site plan specific to the property, per state law. Chairman West asked if conditional zoning could be used without site specific plans. Mr. Rothrock said yes, but the 12 month time limit would apply.

The Board discussed the time limit. The Board suggested adding the following wording to the first sentence in Section (4) after “district” *or obtain an approved site specific development plan.*

Mr. Laughter made a motion to send the draft ordinance to Town Council as amended, seconded by Ms. Bovino. All members were in favor of the motion.

Other Business

Chairman West asked Mr. Hansen about the Comprehensive Plan priorities and what is next in the process. Mr. Rothrock said that the Town Council is big on the Top Ten list. Mr. Hansen said that the Board should look at the Top Ten list and determine their role in each and recommending to the Town Council. He added that the Board should use a process that they are familiar and comfortable with. Chairman West said there should be a Short Term, Intermediate and Long Term grid.

Mr. Carter asked to have the list in some form for the next meeting.

Mr. Laughter made a motion to adjourn the meeting, seconded by Mr. Carter. All members were in favor of the motion.

Chairman West adjourned the meeting at 7:15 pm.

Chairman Jim West

Tammy Bentley, Administrative Assistant