

Draft

Planning and Zoning Board

Minutes

Thursday, December 17, 2015

5:30 p.m.

The Blowing Rock Planning and Zoning Board met on Thursday, December 17, 2015 for their regularly scheduled meeting. Chairman Harwood called the meeting to order at 5:30 pm. Members present were David Laughter, Lisa Stripling, Genie Starnes, Kim Hartley, Wes Carter and Joe Papa. Member Natalie Bovino was absent. Staff members present were Town Manager Scott Fogleman, Town Engineer Doug Chapman, Planning Director Kevin Rothrock and Planning and Zoning Support Specialist Tammy Bentley.

Chairman Harwood asked if there any changes to the agenda. There were none. *Mr. Carter made a motion to approve the agenda, seconded by Ms. Starnes. All members were in favor of the motion.*

Chairman Harwood asked if there were any changes to the November 19, 2015 meeting minutes. There were none. *Ms. Hartley made a motion to approve the minutes, seconded by Mr. Laughter. All members were in favor of the motion.*

CUP 2009-01 Holiday Inn Express – Amendment to CUP

Mr. Rothrock reviewed the staff report and Powerpoint presentation. Milan, Inc is requesting to amend its conditional use permit to construct a limited access driveway onto Ransom Street from the existing parking lot. The request is due to the widening of Highway 321 which has altered access to the site. The subject property is zoned GB, General Business and is further identified by Watauga County PIN 2817-04-9891-000.

Mr. Rothrock then gave the history of this project. A conditional use permit was approved in 1985 for construction of a Ramada Inn on the site with the stipulation that there be no ingress or egress allowed onto Ransom Street. A new conditional use permit was issued in 2009 for construction of a porte cochere and other improvements at the Holiday Inn Express (formerly the Ramada Inn). This permit was issued with the attached condition that if the Holiday Inn were to request a future driveway connection on Ransom Street that the request must be reviewed and approved by the Planning Board and Town Council.

On November 9, 2015 a zoning permit was issued to Holiday Inn Express for a driveway connection to Ransom Street. This permit was issued in error as it was counter to the existing conditional use permits for the property. This zoning permit was rescinded on November 18, 2015. On December 1, 2015 the applicant applied for this amendment request. On December 2, 2015 Holiday Inn Express representatives met with several neighbors and Town staff to discuss potential options for a driveway connection on Ransom Street. Some items identified included the current situation causing vehicles to have to turn in neighbors' driveways and Grove Way. As a result of this meeting the applicant amended the plan to have a right-only entrance from Ransom Street into the parking lot.

Mr. Rothrock also reviewed the information from the Blowing Rock Police Department regarding an informal vehicle speed survey of Ransom Street. The Police Department had two radars positioned off Highway 321 just beyond the proposed connection and on Sunset Drive just south of the First Baptist Church. The results of the survey were that 85% of vehicles were under or no more than 5 mph over the posted speed limit of 20 mph.

Chairman Harwood asked if there were questions for staff.

Chairman Harwood asked the duration of the Police Department speed survey. Mr. Rothrock said over the last few weeks.

Mr. Carter asked if the applicant had discussed using the grass area for ingress. Mr. Rothrock said no as the applicant does not own that property. Mr. Carter asked if the properties on either side of Ransom Street zoned General Business could have ingress and egress off Ransom Street. Someone in the audience shouted that one property was not zoned General Business, but was single family residential. Mr. Rothrock said he would confirm the zoning.

Mr. Carter noted that he was unable to effect a u-turn from the southbound lane of Highway 321 onto the northbound lane at the Holiday Inn and Outback and added that he was sharing this information so it can be investigated further.

Chairman Harwood asked Mr. Rothrock how Ransom Street was classified. Mr. Rothrock said as a sub-collector street per Town Code. Chairman Harwood asked him to define a sub-collector street. Mr. Rothrock read the definition from the Town Code.

Ms. Stripling asked if the speed survey was done in season. Mr. Rothrock said it was just over the last two weeks.

Mr. Tony diSanti, attorney for Ms. Rupal Patel, principal for Milan Inc, addressed the Board. He told the Board that he was on the Town Council in 1985 when the original request was heard. Mr. diSanti recalled that the previous businesses along this section of Highway 321

had access to Ransom Street. He said that the applicant is requesting this due to the limited ability to turn left into the property as a result of the widening of Highway 321 and that they are trying to reach a reasonable accommodation with the residents of Ransom Street.

Mr. diSanti introduced Ms. Chelsea Garrett as a partner in his law firm representing the applicant.

Mr. Jason Gaston of Valor Engineering, engineer for the project, addressed the Board. He said that there would be twin do not enter signs at the base of the entrance. He added that it would be very hard to turn left onto Ransom Street due to the curb alignment and the fact that they would be turning into oncoming traffic. Mr. Gaston said that additional plantings would be installed to shield the closest neighbors.

Ms. Starnes asked if they had considered using wheel spikes to discourage vehicular traffic from using the entrance as an exit. Mr. Gaston said they had not.

Chairman Harwood asked if there would be any Holiday Inn signage on Ransom Street. Mr. Gaston said that there is proposed a small non-illuminated sign, about 4 to 5 square feet. He added that this would be a typical enter/exit size sign.

Mr. Carter asked how people will know to use Ransom Street. Mr. Gaston said they are doing that now. Ms. Starnes asked Mr. Gaston to confirm if people are driving through the grass to access the parking lot. Mr. Gaston confirmed.

Mr. Papa said to Mr. diSanti that Outback Steakhouse has been granted a right-of-way through the median and said if the applicant can get the same, that their problem is solved.

Mr. Carter asked if the properties that did not have a left turn were compensated by NCDOT. Ms. Patel said they were not compensated.

Mr. Rothrock confirmed that both properties fronting Highway 321 on either side of Ransom Street are zoned General Business.

Chairman Harwood opened the meeting to public comment.

Mr. Bob Burroughs of 166 Kings Drive said that there are currently 2 sets of tracks from the parking lot onto Ransom Street and added that people will do what they want and if they want to exit on Ransom Street then they will. Mr. Burroughs added that Ransom Street has no curb or gutter, no sidewalks and is poorly lit. He said he is very much opposed to this idea and that traffic will increase. He asked Mr. Rothrock if there were designated left turns located from Ransom Street to Tanger Outlets. Mr. Rothrock confirmed. Mr. Burroughs then asked for a show of hands from those in the audience opposed to this request. Many

hands were raised. He ended by saying that Highway 321 is a very poorly designed highway and this will create a problem as traffic is already using Ransom Street.

Ms. Priscilla McCrorie of 880 Ransom Street told the Board that she was born in Boone and has been visiting Blowing Rock for 72 years. She said she objects to these modifications due to the poor lighting and narrowness of Ransom Street. Ms. McCrorie said that Ransom Street would no longer be safe for her 2 children and 9 grandchildren to use beyond Mr. Huckabee's house. She added that this would decrease the property values and that business access should never be allowed from this residential street as this creates a public safety issue. She urged the applicant to look at other options.

Mr. Pete Gherini of 173 Grove Way said that he attended the neighborhood meeting with Milan and the engineer. He said that we need ideas about traffic flows and counts. He added that the commercial properties on the corner may want access from Ransom Street too.

Ms. Debbie Wysor of 848 Ransom Street told the Board that she was at the meeting thirty years ago. She said that Ransom Street is a substandard road and that it is the oldest road in Blowing Rock. She said the grade onto 321 is so high that facing large vehicles during snowy and icy conditions would be dangerous. She urged the Board members not to do this if they love and want to preserve Blowing Rock.

Mr. Robert Wysor also of 848 Ransom Street read a letter from Sarah Boyd who owns property on Ransom Street. He said that tour buses cannot turn around, that there is much pedestrian traffic on Ransom Street and that people will exit onto Ransom Street from the proposed entrance. Mr. Wysor asked if a traffic count must be done before issuing a CUP. Chairman Harwood said no. Mr. Wysor asked Chairman Harwood if a traffic study had been done. Chairman Harwood told him one had not been presented. Mr. Wysor said that Ransom Street is very dangerous now and that this would make it worse.

Mr. Rothrock explained the scope of the speed study done by the PD. Mr. Wysor asked when it was done. Mr. Rothrock said over the last 3 weeks. Chairman Harwood asked the speed limit on Ransom Street. Mr. Rothrock replied 20 mph.

Mr. Robby Ray of Kings Ransom asked the average width of residential streets in town. Mr. Rothrock said there is no way to provide that figure, but Town Code requires 18 feet of pavement with shoulder and a ditch. Mr. Rothrock said he had measured Ransom Street from the proposed entrance towards the highway and it varied from 19 to 21 feet. Mr. Ray said that the width varied along Ransom Street and the road is currently too narrow and is a hazard. He added that he jogs there and must get off the road due to traffic and that Ransom Street is one of the flattest roads in town and this is why there is so much pedestrian use.

Mr. Jack Sims of 177 Grove Way agreed with the previous speakers regarding the safety issues. He added that when Highway 321 is finished a lot of traffic will be pushed onto Ransom Street. He also said that northbound traffic will have issues turning left and that over this past summer many cars were lost on Ransom Street trying to find the Holiday Inn.

Mr. David Huckabee of 891 Ransom Street said that he is totally opposed to this request and if this is allowed where will it stop; that the two corner properties will want access onto Ransom Street. He agreed that the 321 widening will make Ransom Street busier and wondered how anyone could even think of having commercial traffic dump onto a residential street.

Mike Quinto, resident of Ransom Street, said that the 1985 and 2009 CUPs indicate that Ransom Street is off limits. He said that in order to overturn those CUPs that attention needs to be paid to traffic counts and use and that the residents and pedestrians should be protected by the Town sticking to past decisions. He asked what type of infra-structure a sub-collector street would have. Mr. Rothrock said a sub-collector street is mainly for residential streets designed for 200 to 800 vehicles per day. Mr. Quinto added that Ransom Street doesn't need any more traffic and that the problem is Hwy 321. He said that DOT needed to fix the problem and that the applicant should try that route.

Ms. Ruby Walters, 367 Ransom Street, said she had lived on Ransom Street for 61 years. She said that Ransom Street is dangerous and that pedestrians must go into the ditch to avoid traffic. She reminded the Board that Ransom Street is used as access for school traffic and asked that the Board please protect our town and Ransom Street.

Tommy Klutz, longtime resident of Ransom Street, said he had raised his children there and that traffic had always been an issue. He reiterated that there is lots of pedestrian traffic and he fears that someone will be run over on Ransom Street. He also said that this problem is a DOT problem and DOT wants this problem fixed at the residents' expense.

Mr. David Huckabee said when the zoning permit was inadvertently issued that Jason Gaston told him that the disturbed area would be returned to the original condition. He asked when that would be done. Chairman Harwood said that he could not answer that. Mr. Huckabee said that it needs to be put back.

*Mr. Papa made a motion to close the public comment period, seconded by Ms. Hartley. **All members were in favor of the motion.***

Ms. Chelsea Garrett, attorney representing the applicant, addressed the Board. She said that she agreed that this was a problem of DOT's making and that the applicant would not be here if not for the road construction. She noted that because of the new road that traffic

would increase on Ransom Street and that this request will decrease traffic on Ransom Street. She added that people will see Holiday Inn off Ransom Street and turn onto Ransom Street to access the hotel and that many neighbors are already seeing increased traffic in vehicles trying to access the hotel. She also said that she did not think that DOT could add another cut in the median due to their safety policy.

Mr. diSanti said that he understands the neighbors' concerns and he agrees with Justice Burroughs that the highway is poorly designed, but that the applicant did not design it. He said that during his tenure with the Town Council it was clear that DOTs concern with the widening of Highway 321 was getting people from Charlotte to Boone and that Blowing Rock was not their concern. He told the Board that from a legal standpoint their assessment is in considering the area from Highway 321 to the requested access off Ransom Street and not beyond that point. He added that this is a tough decision.

Chairman Harwood noted that the Planning Board is an advisory Board and makes recommendations to the Town Council. He also reminded everyone that the Board was here to consider the request at hand and not the design flaws of the widening of Highway 321.

Ms. Starnes asked if Outback was recently granted access. Mr. Carter said it was in the DOT plans from 2011. Ms. Starnes noted that if the left turn into Outback was always in the plans she did not think DOT would listen to a request for the same from Holiday Inn. She also said that her primary concern was that people will exit from the entrance onto Ransom Street and she did not think there was a way to prevent that.

Chairman Harwood asked Mr. Rothrock if he was at the neighborhood meeting. Mr. Rothrock confirmed. Chairman Harwood asked him how we got to this design. Mr. Rothrock said that Messrs. Sims, Gherini, and Huckabee were at the meeting and that Milan, Inc. originated the meeting and Jason Gaston spearheaded it. During the meeting it was clear that vehicles were already using driveways and Grove Way for turning around and that Mr. Gaston suggested an entrance only access to address the neighbors' concerns.

Chairman Harwood asked Mr. Rothrock if the properties fronting 321 were zoned GB in 1985. Mr. Rothrock did not know but he confirmed that the Holiday Inn property was zoned GB in 1985. He added that the other two properties have been zoned GB since at least 2001.

Ms. Stripling asked if either property could have access onto Ransom Street. Mr. Rothrock said that would be hard to say. Ms. Stripling asked if access onto Ransom Street from either property could be restricted. Mr. Rothrock noted that the Hampton property already has a driveway connection to Ransom Street.

Ms. Starnes asked if either property could have access from Ransom Street. Mr. Rothrock said there could be a right-in and a right out for either property onto 321. He added that a CUP had been approved for the property abutting the Holiday Inn property that had access onto Ransom Street.

Mr. Quinto asked for clarification in the language of the 1985 CUP. Chairman Harwood said the 1985 CUP was very definitive regarding no ingress/egress off Ransom Street. Chairman Harwood said the 2009 CUP noted the lack of a left turn into the hotel and an exit onto Ransom Street was proposed. He said that this has been approached twice and the issue is balancing the historic use of Ransom Street. Chairman Harwood said he agrees with Ms. Garrett in that traffic on Ransom Street will be worse without this access, but he is conflicted with the historic value and “promises” of past CUPs.

Mr. Carter said that he also feels the traffic will increase on Ransom Street and that this option is not necessarily the best option. He added that he thinks the applicant has time to pursue other options, including meeting with DOT.

Mr. Laughter said that we can't control access onto Ransom Street and that he is totally opposed unless the applicant can guarantee that people won't use the entrance as an exit.

*Ms. Starnes made a motion not to approve as presented and asked that the applicant explore additional options, seconded by Mr. Papa. **Members Harwood, Starnes, Papa, Carter, and Laughter were in favor of the motion. Members Hartley and Stripling abstained. Motion carried by majority vote.***

Other Business

There was no other business.

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

Chairman Harwood adjourned the meeting at 7:40 pm.

Chairman David Harwood

Tammy Bentley, Planning and Zoning
Support Specialist