

MINUTES
Town of Blowing Rock

Board of Commissioners Meeting

June 8, 2004

The Town of Blowing Rock Board of Commissioners met in regular session on Tuesday, June 8, 2004 at 7:00 pm. Members present were Mayor J.B. Lawrence, Commissioners Keith Tester, Terry Lentz, Rita Wiseman, and David Wray. Commissioner Bobby Ball was out of town and could not attend. Town Manager Scott Hildebran, Planning Director Kevin Rothrock, Public Works Director Johnny Lentz, Police Chief Owen Tolbert, Town Attorney Allen Moseley, Parks & Recreation Director Jamie Saitta, Planning & Zoning Intern Chris Hudson, and Assistant Town Clerk Sharon Greene were also present.

CALL TO ORDER:

Mayor Lawrence called the meeting to order at 7:00 p.m.

APPROVAL OF MINUTES:

Mayor Lawrence entertained a motion for approval of the minutes for May 11, 2004, May 12, 2004 and May 25, 2004. A motion was made by Commissioner Wiseman, seconded by Commissioner Lentz, with all members in favor to approve the minutes.

PUBLIC HEARINGS:

CUP 2003-09 HANNA FAMILY TRUST @ SUNSET CAFÉ

Mayor Lawrence asked those that wished to speak at this public hearing to be sworn in by the clerk. Carol Aldridge, Bill Dixon, Michael True, John Hanna, and Planning Director Kevin Rothrock were sworn in. Annie and Andy Whatley, owners of the adjacent Village Café, were also sworn in upon their arrival.

Planning Director Kevin Rothrock presented the applicant's request and Planning Board recommendations to Council. He stated that Bill Dixon, an architect for the Hanna Family Trust, proposed to build a two-story, three-level, multi-use building on the existing Sunset Café property. The basement and main level of the building would be retail or office. The second floor would be multi-family. The property is located at 1107 Main Street and is zoning CB, Central Business.

Mr. Bill Dixon gave further details about the project and what was proposed. He answered questions the Council had concerning setbacks, parking, storm water detention, building design, especially the slope of the roof and how it needed to blend in with the adjoining buildings on this side of the street. The impact of construction in the middle of town during this project was also a concern, as was the preservation of trees.

Mr. John Hanna, representing the Hanna Family Trust, answered questions the Council had concerning parking. Mr. Hanna told Council that his family purchased what was formally know as "Snip's" across the street. With this purchase and the property known as the "Old Hanna House," there would be adequate off-site parking for the proposed project.

Commissioner Wiseman wanted to hear from adjoining property owners that would be affected by this project and if they had any concerns. The Whatleys spoke in favor of the project, but did voice concerns about the preservation of the trees.

Commissioner Tester was concerned with the stormwater run-off. He felt that putting more stormwater into the stormwater drain would only magnify an existing problem. He felt the 12-inch stormwater drain was not adequate to handle any more run-off. Commissioner Tester had concerns on the effect this might have on property owners on Garden Circle and Morris Street where the Town stormwater system is located.

Commissioner Tester also was concerned about parking for this project. He felt the Town needed a legal commitment binding the off-site parking across the street with the project.

Commissioner Wiseman made a motion that the Public Hearing be closed, seconded by Commissioner Tester. All members were in favor of the motion.

After further discussion regarding this project, a motion was made by Commissioner Tester that CUP 2003-09 be tabled until the applicant provides the following items:

- 1. A storm water management plan with approval by the town's consulting engineers.**
- 2. Provides a legal document regarding the off-site parking.**
- 3. A construction plan approved by the town department heads.**
- 4. Provides a realistic solution to salvaging the Maple trees behind the building.**
- 5. Substitutes a flat roof for the proposed, pitched roof at no greater than 5 feet above the existing roof of Kilwin's.**

This motion was seconded by Commissioner Lentz. All members were in favor of the motion.

CUP 2004-02 STORIE STREET GRILL (amendment to CUP 1999-01)

Planning Director Kevin Rothrock presented Council with a request from Mr. Bernie Keele owner of Storie Street Grill for an amendment to Conditional Use Permit #1999-01 to construct a deck on the rear of the restaurant. The deck will be 960 square feet and would accommodate 32 outdoor seats. This property is located at 1167 Main Street and is zoned CB Central Business.

Due to a conflict of interest, Commissioner Lentz asked that he be excused, Mayor Lawrence granted his request. Mayor Lawrence also asked that anyone wishing to speak during this public hearing to be sworn in by the clerk. Mr. Keele and Randy Jones of Jones Architecture were sworn in at this time.

Randy Jones, representing Mr. Keele, gave a presentation of the proposed project. He spoke of the plans for the addition and the type of materials that would be used. He stated the proposed deck would be built flush with the side of the existing building and would be built over the existing parking lot. The storm water detention was already provided for this site in an underground detention system.

In regard to parking for the proposed deck addition, a waiver was requested due to lack of space for any additional parking.

Commissioner Tester made a motion to close the Public Hearing with a second by Commissioner Wray. All members were in favor.

A motion was then made by Commissioner Tester to approve the plan as presented, seconded by Commissioner Wray. All members were in favor.

Conditional Use Permit 2004-02 as Attachment "A"

Commissioner Lentz returned to the meeting.

CUP 2004-03 MEGANTRY ENTERPRISES RETAIL/CONDOS

Planning Director Kevin Rothrock presented Council with information regarding a Conditional Use Permit request from Megantry Enterprises, LLC, to build a two-story, multi-use building on Morris Street. The first floor of the building would be retail space. The second floor would be two (2) one-bedroom condominiums. The property is located across from Watership Downs and is zoned CB Central Business.

Mayor Lawrence directed anyone wishing to speak to be sworn in by the clerk. Mr. Robert Menees and Mr. Brian Summers of the Hemlock Inn were sworn in.

The Central Business zoning district has a 10-foot setback on side streets. The proposed building would be built 11 feet from a new 5-foot public sidewalk.

Also in this zoning district, side and rear setbacks are five (5) feet. The proposed building meets the rear setback. On both sides, the proposed building is proposed at four (4) feet from the property line. According to the Land Use Ordinance, the roof overhang is considered part of the structure. Mr. Menees requested a setback waiver of one- (1) feet from both sides of the property lines.

After Mr. Menees' presentation, Commissioner Lentz spoke of his dissatisfaction concerning the plans that were submitted for the project. He felt the applicant should have more detailed plans drawn by an architect or engineer.

Commissioner Tester spoke of his concern about the storm water detention. Even though the storm water detention is provided for this site in an underground detention system installed a few years ago in conjunction with another project, Council felt this was inadequate.

Also discussed was the water and sewer lines being under the proposed building and how that would be dealt with if a problem evolved.

An adjoining property owner, Mr. Brian Summers, owner of the Hemlock Inn, also spoke of his concerns with the proposed building. He stated that after doing a property history study, this property had never had anything built on it. He also stated this was the location of the first municipal water supply for the town. A large natural spring is located on this property. Mr. Summers stated there was a run-off problem there now, and constructing the proposed building would only create further problems.

Mr. Summers also had concerns regarding the lot being subdivided and made into an impervious area. He felt since this was done, it had created a run-off problem on Morris Street.

Access to this property during construction of the proposed project was also an issue of concern. Commissioner Tester also felt there could be a problem if the project was built and residents of the property would have to cut across the 12-foot alley across the Storie Street sidewalk on Main Street. He felt this would be a public safety issue.

After discussion, Commissioner Wiseman motioned the Public Hearing be closed, seconded by Commissioner Wray. All members were in favor. Commissioner Tester made a motion that this request be tabled until the following issues could be resolved.

1. Detailed plans by an architect or engineer submitted.

2. Meeting all setback requirements, and keep overhang at 18"

- 3. Address storm water problems with adjacent properties, and how storm water will be handled as it reaches the subject property.**
- 4. Consider changing sewer/water line under the proposed building. Is it currently encased? What happens if it fails? Should it be moved to the side setback area?**
- 5. Check out the presence of springs on proposed lot.**
- 6. Applicant should be specific with designs and materials.**
- 7. Commercial only.**
- 8. Deal with impervious area and bring back to original condition was before being made into a gravel parking lot.**
- 9. Present a defined construction schedule.**

Commissioner Tester's motion was seconded by Commissioner Wiseman. All members, with the exception of Commissioner Wray were in favor. The motion carried four to one.

At this time, Mayor Lawrence called for a short break. Upon reconvening, Mayor Lawrence welcomed Andy Lovingood and Joel Storrow from McGill & Associates, the town's new engineering firm.

FY 2004-05 BUDGET

Town Manager Scott Hildebran presented Council with a summary of changes made to the 2004-05 budget.

Mayor Lawrence opened a Public Hearing on FY 2004-05 Budget.

Jennifer Herman from the Oasis Program requested \$4,000 from the Town of Blowing Rock for funding of their program.

With no others wishing to speak, a motion was made by Commissioner Wiseman to close the Public Hearing, seconded by Commissioner Tester. All members were in favor.

Commissioner Wiseman made another motion to approve the 2004-05 Budget as presented, seconded by Commissioner Lentz. All members were in unanimous favor.

Ordinance 2004-09 as Attachment "B"

Commissioner Wiseman thanked Town Manager Hildebran and department heads for all the hard work they put into the budget preparation.

Town Manager Hildebran thanked all department heads and their staff members for their help in the budget preparation.

NEW BUSINESS:

BRAAC LANDSCAPE PLAN FOR WOODLAWN CEMETERY

Linda Campbell, a member of Blowing Rock Appearance Advisory Commission (BRAAC) presented Council with plans to landscape the entrance to Woodlawn Cemetery. BRAAC was seeking approval from the Council to move forward with their project. With the entrance to the cemetery being owned by the National Park Service, BRAAC will need approval from them before starting work on the project.

Commissioner Lentz entertained a motion to accept the Landscape Plan, seconded by Commissioner Wray. All members unanimously approved.

DEPARTMENTAL REPORTS:

An update was given on EmergencyFest, which will be held June 26, 2004.

Town Manager Hildebran asked for endorsement from the Council regarding the new Flexible Spending Service Plan being offered to eligible town employees

Commissioner Wray made a motion to endorse the new plan with a second from Commissioner Wiseman. All members were in favor.

An update was given on the new pumps being installed at the Water Treatment Plant.

Mayor Lawrence thanked Marion Rothrock, Town Engineer for his many years of service since this would be the last meeting Mr. Rothrock would be required to attend.

There being no further business to discuss the meeting was adjourned at 10:00 p.m.

MAYOR _____

J.B. Lawrence

Sharon Greene, Assistant Town Clerk