

MINUTES

Blowing Rock Board of Commissioners

March 14, 2006

The Town of Blowing Rock Board of Commissioners met in regular session on Tuesday, March 14, 2006. The meeting began at 6:00 p.m. Members present were Mayor J.B. Lawrence, Commissioners Bobby Ball, Terry Lentz, Rita Wiseman and Tommy Klutz. Absent was Commissioner Keith Tester. Others attending were Town Manager Scott Hildebran, Town Engineer Doug Chapman, Public Works Director Johnny Lentz, Planning Director Kevin Rothrock, Building Inspector Jesse Horner, Emergency Services Director Kent Graham, Parks & Recreation Director Jennifer Gore, Police Chief Owen Tolbert and Deputy Town Clerk Sonya Long. Sitting in for Town Attorney Allen Moseley was attorney, Claude Smith.

Call to Order

Mayor Lawrence called the meeting to order and welcomed the assembled citizens.

Approval of Minutes

Commissioner Wiseman a motion to approve the minutes as presented for the meetings held on February 13, 14, and 15, 2006, seconded by Commissioner Ball. Motion was unanimously approved.

PUBLIC HEARINGS

1. CUP #2005-14 – Leo Balestrieri – Cheeseburger with a Side of Paradise

Mayor Lawrence asked those wishing to speak during the public hearing to be sworn in by the clerk. Planning Director Kevin Rothrock, Charlie Clement, project attorney, project architect Bill Dixon, Susie Greene, and Annie Whatley were duly sworn.

Planning Director Kevin Rothrock presented a request from Mr. Leo Balestrieri for a conditional use permit for additions and renovations to the former Cheeseburger in Paradise restaurant at 120 Yonahlossee Road (Hwy 221). The subject property is zoned CB, Central Business and is located in the WS-IV-PA water supply watershed. The property is further identified by Watauga County PINs 2807-98-1850-000 and 2807-98-0716-000.

The previous owner of the property was issued a conditional use permit in April of 1990 for a restaurant, bar, and grill. The conditional use permit was amended on June 14, 1994 to maintain the restaurant use and convert the residential rental cottages into commercial retail shops.

Mr. Rothrock stated the project is a major renovation of the former Cheeseburgers in Paradise restaurant. A 757 square foot addition is planned on the east side of the restaurant for a second level entrance and new dining. The exterior of the restaurant will be upgraded. The 2 houses on the property will remain as office and retail space as previously used. The old storage barn to the west of the restaurant building along Hwy 221 will be removed.

Mr. Rothrock explained the proposed changes to the number of seats. A new deck is proposed to accommodate 12 tables (48 seats). The existing patio will continue to be used for outdoor dining with 4 tables (16 seats). The existing porch adjacent to Highway 221 will continue to be used for outdoor dining with 4 tables (16 seats). The applicant is proposing a total of 80 outdoor seats. The plans submitted showing the existing restaurant indicate 102 outdoor seats. Mr. Rothrock stated that this would appear as if the applicant is substantially reducing the number of outdoor seats with the proposed plans. At the Planning Board meeting in February, questions arose about the number of outdoor seats that were shown as pre-existing. At the time of the Planning Board meeting, staff was not aware that a conditional use permit existed for the use of this property. It should be noted that the original conditional use permit and subsequent amendment did not specify or authorize outdoor dining. Mr. Rothrock pointed out the business license application (dated May 10, 1990) from the former owner (Patrick Hennessey) made reference to 50 seats for the restaurant. Since a conditional use permit currently existed for this property, the number of permitted outdoor seats, if any, and other conditions imposed with the original permit such as required parking, would be applicable for the continued use of this property under that permit. The number of seats allowed inside the restaurant would be determined by the North Carolina Building Code.

Regarding parking for the proposed project, the conditional use permit amendment approved in 1994 for the restaurant and retail uses, required 22 parking spaces. Twenty-five (25) parking spaces, including spaces along Highway 221, were shown on a site plan in the former conditional use permit file. The applicant proposes to repave and re-stripe the existing parking lot off Rainey Street providing 16 parking spaces. To meet NCDOT recommendations and recommendations by staff, Mr. Rothrock explained that the applicant is proposing to remove the 4 existing parking spaces along Highway 221. These spaces were partially within the NCDOT right-of-way, and posed a traffic safety problem as they required people to back out into on-coming traffic. The area will be landscaped with an access to the building from a new public sidewalk. The 16 existing parking spaces off Rainey Street would serve the existing restaurant, office, and retail building. The building addition would require 8 new parking spaces.

Mr. Rothrock pointed out to the Board that the 2nd set of plans submitted for the project showed an 18-space parking lot on the former Sid Greene property to the west of the restaurant. If the parking lot is built, the parking spaces would cover the proposed building addition and up to 40 outdoor seats. He also reviewed what zoning was adjacent to the proposed project and the existing setbacks. No additions or building square footage was proposed in the setback area, but the roof is proposed to be modified to meet the current design standards. Also, the overall project will result in a reduction in the existing impervious area.

Mr. Rothrock reviewed the requested waivers. The following waivers were; to increase the building height to 31 feet from the 30-foot maximum in order to construct a roof more in character with the commercial design standards; reduction in the required parking from 56 spaces to the net increase of 6 spaces, and make a payment to the Parking Fund in lieu of the 6 spaces; landscape a portion of the right-of-way along Rainey Street, and include that area as part of the required 8-foot wide street yard. Mr. Rothrock pointed out that the six (6) spaces referred to in the waiver request was in error.

Mr. Rothrock reviewed the recommendations made by the Planning Board at their meeting in February. He explained that at the time of the meeting, neither Planning Board nor staff was aware that a conditional use permit existed for the property. He also pointed out the parking calculations provided to Planning Board were incorrectly calculated by staff, and were calculated based on conflicting information provided by the Architect.

The Board discussed the parking calculations further. Mr. Rothrock explained the seating was calculated on the square footage of the building. Mayor Lawrence questioned giving up the four (4) parking spaces along Highway 221. Mr. Rothrock explained that was staff's and Department of Transportations recommendation. By removing those parking spaces, cars would not have to back out onto a major road with little visibility.

Mr. Rothrock stated that the previous conditional use permits did not authorize outdoor seating. Therefore, they would have had to apply to Town Council to get an amendment to have outdoor seating. Commissioner Lentz stated the plans in their packets showed 58 seats inside the building. The only outdoor seats he remembered were the seats on the downstairs deck and on the rock patio. This was violating the conditional use permit for that property.

Mr. Charlie Clement, the applicant's attorney, introduced himself. He had several questions for Mr. Rothrock. He stated that the original conditional use permit had never been recorded. Therefore, anyone buying the proposed business and property would not know that a conditional use permit existed. Mr. Clement also pointed out that the plans dated 1990, showed seven (7) parking spaces in which the applicant was not receiving credit for. Mr. Rothrock explained the conditional use permit and plans submitted in 1994 had been recorded. Mr. Clement said the applicant was receiving credit for the four (4) parking spaces in seating, but they would prefer the credit in parking spaces. Mr. Rothrock stated at the Planning Board meeting, there was testimony from one of the Board members that the number of seats shown as existing outdoor seats couldn't be true.

Town Attorney Smith asked Mr. Rothrock if the July 15, 1994 conditional use permit amendment had been recorded. Mr. Rothrock stated yes. Mr. Smith then asked Mr. Rothrock if when the former owners made application for an amendment was the original conditional use permit was referred to in that amendment? Mr. Rothrock responded yes. Mr. Smith asked Mr. Rothrock to explain to the Board why the additional parking spaces being required are needed for the addition to the restaurant. Mr. Rothrock stated the building was non-conforming and it didn't meet the parking code. He also explained that responsible conditions can be put on the applicant for the changes he has made and if the changes made increase the value by 50%.

Mr. Clement stated the amendment may refer to the original conditional use permit, but no one would be able to see what the original conditions were, just the modifications. He also stated that any new conditional use permit, the parking requirements would apply, but reality is that they couldn't provide parking. Mr. Rothrock stated it depends on the property. Mr. Clement asked the Board to take into consideration what the applicant paid for the property.

Mr. Clement went on to say requiring the applicant to use his adjoining piece of property for a parking lot, would devalue the property. He questioned the Parking Fund and when it began. Mr. Rothrock stated the fund began in August of 2005 and the Town had purchased property on the south end of town to be used for parking. Mr. Hildebran stated there was currently \$10,000 in the fund. Mr. Clement asked about waivers that had been given to other applicants in the past for parking. He specifically asked about Storie Street Grille. Mr. Rothrock stated Storie Street Grille had received a waiver of eight (8) parking spaces. Mr. Clement and Mr. Rothrock also discussed the smaller buildings on the site and what the uses and conditions would be.

In Mr. Clement's closing remarks he stated for the record that Mr. Balestrieri was not the applicant, it should be Tri-Bal Holdings, LLC. The applicant intends to change the appearance drastically. The restaurant would be a family type restaurant, much like the Cheesecake Factory in other towns. One of the smaller buildings will be an office for the owner; two of the other smaller buildings will be combined to be used for additional kitchen space for the restaurant. The uses for the remaining building have not yet been determined.

Mr. Bill Dixon with Appalachian Architecture spoke next. He explained that once into the renovation of the restaurant building, more had to be removed due to excessive rot. Addressing the seating and parking information, Mr. Dixon advised that he went on the information that was given to him by the previous owners. The old rock walls on the property would remain as well as the cottages. Changes to the building such as increasing the roof pitch, removing handrails and the awnings would keep with the Blowing Rock look. Mr. Dixon submitted photos that had been taken of the existing building.

Mr. Dixon stated the previous owner had sixteen (16) parking spaces in the Rainey Street parking lot. If the entire eight feet of landscaping buffer is required, two (2) parking spaces would have to be removed. If the applicant were allowed to landscape in the Town's right of way, the applicant agreed to build a sidewalk in that same area at his cost. Mr. Dixon presented to the Board a drawing that was not included on the plans given to the Board or to the Planning Board, for a covered porch. Mr. Rothrock stated he had been shown the drawing right before the meeting. The Board discussed the proposed building materials.

Ms. Susie Greene, resident on Green Street, spoke next. She explained with a new project comes parking issues, especially on that side of Blowing Rock. On most weekends people will park all along Highway 221 and Green Street. She pointed out that Rainey Street was one of the smallest streets in Blowing Rock. She asked the Board to consider the parking problems that exist in that area and the only public parking lot would be at the Blowing Rock Pool. Ms. Greene served on the Planning Board for several years and stated they required applicants to provide parking if they had the property, if the property was land locked, a waiver in parking was given.

Commissioner Lentz added that the parking spaces showing the spaces that existed did not meet the size requirements.

Ms. Vanessa Hennessey, previous owner of Cheeseburger in Paradise, stated in 1989 there were ten (10) tables and seven (7) parking spaces. Over the years, the restaurant was expanded along with the number of tables. The Town never approached them regarding the additional seating both indoor and outdoor so they continued with the use. Mr. Clement asked Ms. Hennessey about the seven (7) parking spaces along Highway 221. She stated their had always been seven (7) spaces there.

Mrs. Annie Whatley, owner of Village Café, spoke next and stated she was also concerned over cars parking along Highway 221 and how that may increase with more businesses in that one area.

Mr. Clement asked to make closing remarks. He explained that the Board was looking at the same plans as the Planning Board but the Planning Board did not know a conditional use permit existed. Mr. Clement asked the Board to consider not dedicating the vacant lot as a parking lot, grant the waivers as requested, the applicant provide six (6) additional parking spaces or pay \$60,000 to the Parking Fund.

Commissioner Wiseman made a motion to close the Public Hearing, seconded by Commissioner Ball. All were in favor of the motion.

Commissioner Wiseman reviewed with Mr. Rothrock the procedure when someone is looking at a piece of property. Mr. Rothrock stated most developers will review the regulations with the Planning Staff before they purchase property. Mr. Clement added he researched the property and no documentation by the Town of Blowing Rock had been recorded such as a conditional use permit. Mr. Rothrock met with the applicant about minor changes he wanted to make to the building. He was required to get a building permit for the minor changes. Mr. Balestrieri had already purchased the property at that time. Mr. Rothrock was made aware of the conditional use permits by the Town attorney, Allen Moseley.

Mayor Lawrence suggested voting on each waiver separately and use the Finding of Facts when voting on the building height waiver.

The requested waiver was to increase the building height to 31 feet from the proposed sidewalk elevation. This would exceed the maximum of 30 feet but the applicant is trying to construct the roof to more closely meet the design standards with a 6:12 pitch.

- 1) Will not materially endanger the public health or safety; **Board unanimously voted True.**
- 2) Will not substantially injure the value of adjoining or abutting property; **Board unanimously voted True.**
- 3) Will be harmony with the area in which it is to be located; **Board unanimously voted True.**
- 4) Will be in general conformity with the Mater Plan or other plan officially adopted by the Board; **Board unanimously voted True.**
- 5) Will be in substantial conformity with the intent of the regulations contained in this Article; **Board unanimously voted True.**

By the Board voting true on all findings, the requested waiver passed.

Commissioner Klutz stated that with no accurate count of seats prior to the new applicant, he would like for the Board to accept the applicant's proposal of paying for the parking spaces that are to be waived. He also recommended leaving the spaces along Highway 221. Commissioner Wiseman commented that the Town had a good opportunity to clear up a very unsafe situation. By removing the spaces along Highway 221, the new landscaped area would enhance the property.

Mr. Smith reminded the Board that the Public Hearing had been closed. If the Board would like to open it back up, someone would need to make a motion.

Commissioner Wiseman made a motion to re-open the Public Hearing, seconded by Commissioner Ball. All were in favor of the motion.

After some discussion regarding the number of seats and parking spaces, Mayor Lawrence called for a 5 minute break at 7:45 p.m.

Mr. Clement brought before the Board a new recommendation. Mr. Balestrieri proposed to reduce the outdoor seating by 28, remove the four (4) parking spaces along Highway 221, keep the sixteen (16) parking spaces in the rear along Rainey Street, and pay \$100,000 to the parking fund. Commissioner Lentz questioned how many parking spaces were proposed per the square footage of the building. Mr. Rothrock stated thirteen (13) spaces for the outside and thirty-six (36) for the inside of the building. Commissioner Lentz determined by the square footage they would be required to have forty-nine (49) parking spaces and the applicant was proposing sixteen (16) and paying \$100,000 for the remainder. The Town Code states if a waiver is allowed in parking spaces, the applicant shall pay \$10,000 per space and a waiver of that fee is not allowed. Commissioner Wiseman agreed

and stated the Board would not be representing the Town of Blowing Rock if they allowed a variance in the amount per space. Mr. Clement suggested the Board could allow a waiver in the spaces required and not in the amount of money per space.

Mr. Leo Balestrieri asked to speak. He was advised that he would need to be sworn in. Mr. Balestrieri was duly sworn. He explained that from the beginning he had worked with the Building Department and the staff was hostile and prejudice. The proposal of giving up twenty-eight (28) seats and seven (7) parking spaces, paying \$100,000 was beyond what most applicants would do. Mr. Balestrieri stated at that point he was withdrawing his application. Mr. Clement suggested the withdrawal be conditional. The Board would not accept that.

Mayor Lawrence stated the debate was over sixteen (16) parking spaces. The applicant had agreed to pay \$100,000 for ten (10) of those parking spaces. Commissioner Wiseman said she would agree with that proposal but that the applicant should be required to pay for all sixteen (16) equaling \$160,000. Mr. Clement asked that be reduced to \$130,000 for a credit of three (3) parking spaces. Commissioner Lentz stated the Parking Fund ordinance was adopted for a reason. The next conditional use permit to come before the Board would be treated the same way.

Commissioner Wiseman made a motion to close the public hearing. Motion was seconded by Commissioner Ball. All were in favor of the motion.

Commissioner Wiseman made a motion to accept conditional use permit #2005-14 as presented with the following changes:

A waiver of sixteen (16) parking spaces be allowed, but the applicant pay to the Parking Fund \$10,000 per spaces, equaling \$160,000; the waiver for the building height approved as voted in the findings, and all other conditions in the conditional use permit remain as written.

Commissioner Wiseman included in her motion the approval of the revised building entrance elevation that was submitted and the use of T1-11, but reminded the applicant they would be required to come back before the Town Council if they had other revisions to the plans. Commissioner Lentz seconded the motion.

Commissioner Wiseman asked for clarification that credit was given for the spaces along Highway 221. Mayor Lawrence clarified the number of outdoor seating was fifty-two (52), crediting five (5) spaces on Highway 221.

*In favor of the motion were Commissioner Ball, Commissioner Wiseman, and Commissioner Lentz. Against the motion was Commissioner Klutz. **The motion passed.***

2. CUP #2006-04 – Gaines Kiker – Gaines Kiker Designs

Mayor Lawrence asked those wishing to speak during the public hearing be sworn in by the clerk. Planning Director Kevin Rothrock, Gaines Kiker, applicant, Tom Wilson, G. L. Wilson Building Company, Doug Chapman, Town Engineer, and Johnny Lentz, Public Works Director were sworn in.

Mr. Rothrock introduced the staff report and stated Mr. Gaines Kiker had requested a conditional use permit to construct a two-story, mixed-use building on a vacant lot on Morris Street. The subject property is zoned CB, Central Business and is located in the WS-IV-PA water supply watershed. The property is further identified by Watauga County PIN 2807-97-2307-000 and is 0.114 acres.

The main level of the proposed building will be a silversmith shop/gallery and the second level will be a two-bedroom apartment. Mr. Kiker requested to be allowed to occasionally rent the apartment out on a short term basis.

Mr. Rothrock stated the applicant had requested three waivers for the proposed building. One would be to move the building toward Morris Street ten (10) feet from the back of the sidewalk; move the building 2-3 feet toward the alley on the west side to avoid the existing water/sewer utility lines under the proposed building and; reduce the required parking spaces from 8 to 5. He also pointed out the Draft Logistics Plan that was included in their packets. The plan showed how the contractors would handle working on site and around the school traffic.

At the February 16, 2006 Planning Board meeting, the Board made a recommendation to approve the conditional use permit application with the following conditions: a) All necessary easements be provided to the Town for the existing and proposed utilities, b) parking be reduced from 8 spaces to 5 spaces, c) allow the building to encroach 18” into the 15-foot setback, and d) the side setback along the western property line adjacent to the existing alley be reduced to two (2) feet to avoid the utilities on the eastern side of the property.

Commissioner Wiseman questioned whose responsibility it would be if the detention were to fail. Mr. Chapman explained the detention was built for both the proposed property and Storie Street Grille, but is located on the Storie Street Grille property. If something were to happen to the detention, the applicant would be responsible for upgrading the detention.

Mr. Kiker, the applicant, spoke next on the project. He stated he would like to have as much green space as possible. One way of doing that would be shifting the building towards Morris Street. This would allow 380 square feet of green space in front of the building and would allow an additional 5 feet of green space in the back of the building facing the Storie Street Grille outside dining. Mr. Kiker stated this would also fit in with the adjacent properties since they have an average setback of 5'4".

Mr. Wilson explained the proposed building would fit the site very well. The Town Land Use Code requires 8 parking spaces, but Mr. Kiker makes and sells his own jewelry and would not have the traffic or delivery trucks like other retail stores would. Mr. Wilson stated the applicant would pay for the parking spaces to be waived if required, but be allowed to pay those fees at the time they receive a Certificate of Occupancy.

The materials being proposed for the building would be hardy board and natural rock. Mr. Wilson stated the detention and utility lines were installed for the vacant lot at the time Storie Street Grille was being built. The property was one piece of land at that time. As far as he could tell, the system seemed to be working properly. The building had been originally planned to be built on top of the existing utility lines. Mr. Kiker requested to shift the building over 2 feet towards the west side of the property, reducing the side setback, but the Town Engineer requested 3 feet. Mr. Wilson explained with the 12 foot existing alley, a good buffer already existed. If the waiver was approved to shift the building, the Town would be given an easement for the utility lines.

Mr. Johnny Lentz stated the Town of Blowing Rock would not accept responsibility for the storm water detention. Mr. Kiker agreed he would be responsible for the piping on the proposed property. Mr. Wilson explained the easements from Bernie Keele, owner of Storie Street Grille, would still need to be verified. The easements would have to be corrected to include the 13 feet of detention that is located on the proposed property. One of the easements already allows for the access to the subject property. Mr. Kiker made arrangements with Mr. Keele to use the existing dumpster and existing propane tank for both properties.

Mr. Kiker added that the majority of the green space was shifted to the back since the lot was visible from all sides of the property. Mr. Wilson stated all work would be done on site and they would work around the school traffic on Morris Street. Commissioner Lentz commented on the Logistic Plan and the times construction could begin and end were wrong. Town Code requires construction not to begin until 7:00 a.m. Mr. Rothrock stated the applicant had been made aware of the correct times. Commissioner Lentz asked the construction crew to be aware of the close proximity of adjoining neighbors and businesses during construction.

Mr. Brian Summers, owner of the Hemlock Inn, asked he be sworn in to be able to comment on the project. Mr. Summers was duly sworn.

Mr. Summers stated this was the first project designed to fit the proposed property. He explained when Storie Street Grille came before Town Council and received a conditional use permit, the vacant lot in question was to be used for green space and has since then been graveled and used as a parking lot. He was opposed to moving the new building closer to Morris Street. This would obstruct the view of his motel. He asked the Town Council to at least require a 15 foot setback. Mr. Summers was concerned about where the Brass Exchange would unload once that area was built on and where the three dumpsters on that same property would be located. Mr. Kiker showed the Board a picture he had taken in which he held up a 21 foot pole to show that by shifting the building it would actually give more visibility of Mr. Summer's motel. He also measured the adjoining property owner's setbacks and they averaged 5.4 feet back from Morris Street. Mr. Summers pointed out that the Planning Board had the same recommendation that he had, recommending a 15 foot front setback.

Commissioner Lentz questioned the Town taking over the water and sewer lines on the property. Mr. Chapman stated when the lines were originally installed; the property was one piece and had since been divided. The Town would be responsible for repairing those lines if they were to fail, but the Town would need to be given an easement. Mr. Chapman also pointed out if the applicant were allowed to shift the building as requested, work on the existing lines could be done without much disturbance. The easement would need to be for the width available.

*Commissioner Wiseman made a motion to close the Public Hearing, seconded by Commissioner Ball. **All were in favor.***

The Board proceeded by taking each waiver requested and voting on them separately. Mayor Lawrence stated the Board would need to use the Finding of Facts when voting on setback waivers with a Conditional Use Permit. The first requested waiver was to move the building toward Morris Street 10 feet from the back of the sidewalk.

- 1) Will not materially endanger the public health or safety; **Board unanimously voted True.**
- 2) Will not substantially injure the value of adjoining or abutting property; **Board unanimously voted True.**
- 3) Will be harmony with the area in which it is to be located; **Board unanimously voted True.**
- 4) Will be in general conformity with the Mater Plan or other plan officially adopted by the Board; **Board unanimously voted False.**

With the Board voting false on the last finding, the requested waiver was denied.

The next requested waiver was to move the building 3 feet toward the alley on the west side to avoid the existing water/sewer/storm utility lines under the proposed building.

- 1) Will not materially endanger the public health or safety; ***Board unanimously voted True.***
- 2) Will not substantially injure the value of adjoining or abutting property; ***Board unanimously voted True.***
- 3) Will be harmony with the area in which it is to be located; ***Board unanimously voted True.***
- 4) Will be in general conformity with the Mater Plan or other plan officially adopted by the Board; ***Board unanimously voted True.***
- 5) Will be in substantial conformity with the intent of the regulations contained in this Article; ***Board unanimously voted True.***

By the Board voting true on all findings, the requested waiver passed.

The next waiver to be voted on was to allow the proposed building to encroach 18” into the 15-foot street setback.

- 1) Will not materially endanger the public health or safety; ***Board unanimously voted True.***
- 2) Will not substantially injure the value of adjoining or abutting property; ***Board unanimously voted True.***
- 3) Will be harmony with the area in which it is to be located; ***Board unanimously voted True.***
- 4) Will be in general conformity with the Mater Plan or other plan officially adopted by the Board; ***Board unanimously voted True.***
- 5) Will be in substantial conformity with the intent of the regulations contained in this Article; ***Board unanimously voted True.***

By the Board voting true on all findings, the requested waiver passed.

Commissioner Wiseman made a motion to approve conditional use permit #2006-04 including the waivers previously voted on, require the applicant to provide five (5) parking spaces and pay \$30,000 to the parking fund for a waiver of three (3) parking spaces, all prior to the applicant receiving a Certificate of Occupancy, seconded by Commissioner Ball. Commissioner Lentz asked to add to the motion the Town accept the water and sewer lines at Morris Street, with an easement to the Town for the lines on the property. Commissioner Lentz also clarified that the Town would not be responsible for the lines on the applicant's property, but would make repairs to the lines if necessary. Commissioner Wiseman and Ball agreed to the change in the motion.

With no further comments, all were in favor of the motion.

Business

1. Blowing Rock Garden Club Sculpture

Mr. Hildebran stated the Board had received a letter in their packets from the Blowing Rock Garden Club requesting support for the acceptance and placement of a sculpture in front of Memorial Park in the right side Main Street planting area.

Mr. Alex Hallmark designed a, 13"x19"x29"x31" - 30" tall, bonded bronze sculpture that depicts a lady working in the garden, to be representative of all current and future volunteers. A model of the proposed sculpture has been available for viewing at Town Hall since early February.

Ann Rhyne, BRGC President, was present to answer questions from the Board. She stated the sculpture would enhance the garden area and was a great example of their many volunteers.

*With no questions from the audience or the Board, Commissioner Lentz made a motion to approve the placement of the sculpture in the flower garden in front of Blowing Rock Memorial Park. The motion was seconded by Commissioner Ball. **All were in favor of the motion.***

2. Ordinance #2006-02 – Big Box Development Regulations

Mr. Rothrock reported that in December 2005, the Town Council asked the Planning Board to continue to study regulations for large-scale retail developments or “big box” buildings, to focus on green space and maximum floor area standards, and to consider a maintenance bond rather than demotion bond. Since the January Planning Board meeting, the zoning subcommittee met and developed a draft ordinance for large-scale retail developments or “big box” buildings.

The draft ordinance provides an effective tool for regulating large-scale retail developments. The floor area ratio (FAR) and landscape requirements will reduce the mass of large-scale buildings. The traffic analyses will provide detailed examination of the vehicular movements surrounding a new development, and will help maintain safety standards for thoroughfares and adjacent neighborhoods. Pedestrian amenities will provide a means for local residents to walk to retail centers and help reduce the dependence on automobiles. Finally, a maintenance bond will require developers to keep up the properties’ appearance. The Planning Board recommended approval of the draft ordinance as presented to the Board.

Mr. Dick Goosman, owner of the Meadowbrook Inn, was present to speak. He was concerned that “Big Box” was not defined and places like the Meadowbrook Inn would fall into the Big Box category. Mr. Goosman asked that a better definition be included in the ordinance and to better define the section for maintenance as to what would be covered under a bond. Mr. Hildebran clarified that the ordinance stated the intent was for retail. Mr. Rothrock added that the Land Use Code, under the Use Table, had motels/hotels separate from retail.

*Commissioner Wiseman made a motion to close the Public Hearing, seconded by Commissioner Ball. **All were in favor.***

*Commissioner Lentz made a motion to adopt the draft ordinance as presented and to specify this ordinance pertain to the Principle Use Category 2.000, Sales and Rental of Goods, Merchandise and Equipment. Seconded by Commissioner Ball. **All were in favor of the motion.***

3. Blowing Rock Chamber of Commerce, Cruise-in, Jam-in Event Request

Mr. Hildebran reported that Mr. Charles Hardin, Executive Director of the Blowing Rock Chamber of Commerce, submitted a request for approval to hold a Cruise-in/Jam-in Event in downtown Blowing Rock. The proposed dates are Fridays from 6:00-9:00 p.m. - May 19, June 23, July 28, August 18, September 15, and October 20, 2006. The proposed event is a result of a request to develop more tourism-related events on weekdays.

Cars will be supplied primarily by High Country Classics and additional invitees include Mountain City, TN and North Wilkesboro, NC car clubs. Also, bands will be scheduled to play in the gazebo area of Memorial Park.

Cars will be parked along Park Avenue and would require the closing of the street similar to the Art in the Park and EmergencyFest events. The clubs have insurance and the event is free to the public.

Mr. Hildbran stated conditions attached to the agreement for the Chambers request include the Chamber of Commerce must notify all affected properties of the scheduled event and any temporary displacement of parking, and the Chamber must coordinate the event with the Police, Emergency Services and Parks and Recreation Departments.

Commissioner Lentz expressed his concern regarding the number of events that already take place in that area which may be an inconvenience to the residents. Commissioner Ball agreed with Commissioner Lentz.

Mr. Summers, member of the Chamber of Commerce commented on this event. He stated he was part of the committee that organizes this event. He pointed out that the Chamber of Commerce goes to everyone along Wallingford Street and Park Avenue to inform them of the dates of the Cruise-in. The residents sign off on a form that they are aware of the event. Mr. Summers added this was not a money making event for the Chamber of Commerce but an event requested by the car clubs in the area. He also stated they would have no problem relocating to the lower American Legion lot.

Commissioner Klutz asked questions regarding complaints from last years Cruise-in. Mr. Summers reported the Chamber of Commerce received no complaints from the residents along Wallingford Street or Park Avenue.

Commissioner Lentz stated he did not have a problem with the Cruise-in as long as Park Avenue was not closed off. Commissioner Ball pointed out the letter from the Blowing Rock Chamber of Commerce in which it stated that Park Avenue would be closed off.

*Commissioner Lentz made a motion to approve the request by the Blowing Rock Chamber of Commerce to hold a Cruise-in on the dates listed in the letter but change the location to the lower American Legion parking lot. The motion was seconded by Commissioner Wiseman. **All were in favor of the motion.***

Other

The Board wished Jennifer Gore, Recreation Director, well on her upcoming marriage.

Adjourn

*With no further business, Commissioner Wiseman made a motion to adjourn at 9:51 p.m., seconded by Commissioner Ball. **All were in favor of the motion.***

