

## Planning and Zoning Board

### Work Session Minutes

Thursday, August 21, 2003

5:30 p.m.

The Blowing Rock Planning and Zoning Board met early for the regular scheduled meeting on Thursday, August 21, 2003. The purpose of starting the meeting early was to discuss the Town Center District. Chairperson Susie Greene called the meeting to order at 5:30 p.m. Members present were Dennis Quinn, Paul Peterson, Cobb Milner, Bill Parker, Ron Oberle, Jim West, George Snyder, Albert Yount, and Ron Mace. Staff present was Scott Hildebran, Town Manager, Kevin Rothrock, Planning Director, Marion Rothrock, Town Engineer, and Administrative Assistant, Sonya Long.

#### Town Center District Discussion

Chairman Greene explained that the Board would hear the public's comments first and then the Board would discuss the recommendations from the Town Council.

Mr. Ralph Glaser, resident, stated the Board should consider the importance of alleys and off street parking. Mr. Glaser walked through the alleys in Blowing Rock on July 29<sup>th</sup> to count cars and counted 134 cars that weekend in the alleys, mostly employee cars. Again on two other occasions, there were approximately between 138 and 238 cars. Mr. Glaser questioned what would happen to those cars if alleys were no longer permitted? He pointed out that if alleys were no longer considered, how would garbage be collected by those businesses with dumpsters.

Mr. Quinn suggested that if someone wants to redevelop their lot and currently has parking spaces, they should be required to provide at least the same number of parking spaces.

The Board proceeded with reviewing the recommendations from Town Council.

#### Two Districts and allow to build back to existing footprint:

Mr. Peterson stated his opinion would be the original recommendation of two districts with the East side having a 5-foot setback for redevelopment or development. Mr. Oberle agreed.

**With some further discussion, Mr. Oberle recommended one district and any development or redevelopment be allowed to build back to the footprint or 15/15 if they choose not to build back to the footprint with a 10 foot minimum setback. Board agreed.**

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40-foot maximum building height with 2-story minimum. **Board recommended a 30 foot maximum height at grade with a 2 story maximum.**

Preserve trees and green spaces. **Board agreed.**

75% of the required open space shall be plated green space. **Board recommended changing to 60%.**

Preserve existing retaining walls. **Board agreed but added, "If removed or replaced, the wall must be built back to replicate the original wall."**

Staggered height and setback regulation. **The Board deleted this item.**

All flexibility for buildings to move forward, but limit to a minimum setback of 10 feet. **Board recommended changing to 10 feet as the minimum.**

More than a 3-foot side setback. **Board recommended 3 feet.**

Display of merchandise to be prohibited in green space. **Board agreed.**

Preservation of existing grades. **Board added "at sidewalk."**

Specify tree planting and green space requirements. **Board agreed.**

On lots larger than one (1) acre, require larger side and rear setbacks, maybe 15 feet. **The Board agreed to delete this item.**

The Board discussed alleyways and parking in the back of the buildings. They added the following recommendation:

**Encourage alleys behind developments to connect with the conditional use permit process.**

The regular scheduled meeting began at 7:10 p.m.

*Mr. Oberle made a motion to approve the minutes from the June 19, 2003 meeting, seconded by Mr. Snyder. All were in favor.*

### **Draft Noise Ordinance**

Mr. Rothrock explained the different draft noise ordinances submitted by staff.

Mr. West suggested deleting "or at any time or place" since the ordinance specified 11 p.m. to 7 a.m. Mr. Oberle stated it was a totally different meaning. Mr. West asked that the wording be placed somewhere else or re-worded.

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Mr. Owen Tolbert, Blowing Rock Police Chief reported on sound level meters. He stated the department had them at one point but did not use them. Chief Tolbert checked with other Police Departments to see if meters were being used. According to the departments he contacted, they are no longer using meters because they are not reliable. Chief Tolbert reported each officer would need to be certified in using the meters. Currently the

Officers use their own determination when responding to a noise complaint and it seems to be working. The Officer will give a warning the first time and a ticket next time if he has to go back to the same location. Chief Tolbert suggested the following changes; increasing the fines, \$500 fine for a second offence at the same location, and a time limit if warned or ticketed.

Chief Tolbert reported he had researched the issue of tractor-trailers using jake brakes. Determining if they were needed or not was almost impossible and it was his understanding jake breaks are part of the overall braking system for the trucks. He suggested having the Town Attorney look into how the department would enforce it. According to Mr. Milner, jake breaks are an option added to the trucks.

Mr. Quinn recommended a sub committee be formed to look at this issue further due to the unanswered questions and research that still needed to be done.

Ms. Linda Jerger, resident in Pinnacle Woods Condo's, had come before Town Council before concerned over the noise from jake breaks and restaurants. She suggested putting up signs on both sides of town to let people know that excessive noise is prohibited. Mr. Lowell Thomas suggested increasing the hours that excessive noise is prohibited.

Mr. Jack Horner, resident on Laurel Drive spoke. He reported that he had on going issues with Willmont Apartments located on Wallingford Street. These apartments attract low-income residents that work late night shifts. The Police Department has been called many times about loud music, parties, etc. Mr. Horner stated that if the fines were not increased, people would continue to abuse the system. He also suggested fining the owner of the building and not just the occupant.

Mr. Doug Beach, owner of Twigs Restaurant, stated he had on going issues with the Brookside Inn, which adjoins Mr. Beach's property. He explained he had been working with the Police Department and the Brookside Inn in coming up with some kind of resolution. Mr. Beach stated he was booking smaller bands and trying to keep the volume down in and out of the restaurant as much as possible. He suggested if further research was going to be done that the business owners have some input along with residents. Mr. Beach stated that the current \$100.00 fine is a lot of income from one night and makes a difference to the owner. The Town should consider making excessive noise a misdemeanor if someone is given a ticket.

*Mr. Peterson made a motion to table this item and to form a committee to look further into this issue, seconded by Mr. Oberle. All were in favor of the motion.*

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Chairman Greene asked that anyone interested in serving on the committee should sign up. Mr. Yount, Mr. Mace and Mr. Milner volunteered from the Board. Chairman Greene asked that Chief Tolbert and Mr. Rothrock also serve on the committee.

**Conditional Use Permit #2003-03 – The Cottages at Mayview**

Mr. Rothrock reported that Mr. Mark Whitley was requesting a conditional use permit for a major cluster subdivision consisting of 16 lots. In order to comply with the Town Land Use Code, the applicant must provide usable open space for the lot size reduction. The 7.318 tract is located between Laurel Lane, Cone Road, and the Town's shop access road just below the Horse Show grounds and zoned R-15. Each lot is at least 10,000 square feet in area, while the open space is proposed at 77,250 square feet which is more than required. A new public street will connect Laurel Lane and Shop Road.

Mr. David Stevens, one of the developers, stated the land once was owned by his great –grandfather and had been tied up into an estate. He explained the developers were trying to create a subdivision that would fit into Blowing Rock. Mr. Stevens stated that Benji Thomas and the other partners were present to answer any questions.

There was some discussion over upgrading Shop Road. Mr. Marion Rothrock stated that the applicant's would be required to upgrade Shop Road to Town standards.

Chairman Greene questioned the detention ponds located in the wetlands. Mr. Rothrock stated that currently they are proposed in the wetlands but the applicant's were proposing more open space than required. Chairman Greene stated listing the basins as part of the green space shouldn't be allowed. Mr. Thomas stated that the basins took up about  $\frac{3}{4}$  of an acre and they were over  $\frac{3}{4}$  of an acre in the open space requirement.

Mr. Yount reported he had spoken with the Army Corps about permits that would be required of the subdivision due to the wetlands. They were aware of the project and would be very involved.

Mr. George Suddreth, adjoining property owner, stated that he was not opposed to the development but wanted to make the developers aware of the noise from the Horse Show grounds and the Town shop. He asked that the applicants be required to screen the proposed detention pond located next to his property. The developers stated they would agree to screen Mr. Suddreth's property from the pond.

Mr. Beach, who lives in the neighborhood spoke about traffic concerns. He stated that Laurel Lane already had many safety issues and with the addition of 16 lots, those would only increase.

He suggested adding a cul de sac on the Laurel Lane end which would require cars to exit on Cone Road. The site distance coming out onto Laurel Lane would not be as good as Cone Road. Mr. Beach stated the Board should not just look at the wetlands as open space but as usable space. In this case the open space is not usable. Mr. Zac Tate, who also lives in the neighborhood, had the same concerns as Mr. Beach. Mr. Thomas reported that although there were wetlands in the open space, a majority of the open space was wooded and could be used.

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Mr. David Barlow, partner and the Mayor of Lenoir, stated he was glad to see Blowing Rock allow cluster subdivisions, it maintained more green area and open space. He explained a cul de sac had been proposed but the Town no longer allowed them.

Mr. Rothrock pointed out that the site distance coming out onto Laurel Lane should not be problem and that the last 25 feet of the development road was at a 5% grade.

Mr. West suggested that some combination of usable space should be required so trails could be incorporated. Mr. Quinn stated it should be left up to the POA of the development as long as they meet the Town's requirements.

*Mr. Peterson made a motion to recommend approval of the proposed development with the following recommendations; require the appropriate vegetative screening for detention pond including the pond adjoining Mr. Suddreths property, Shop Road must be brought up to Town standards by the applicants, and a Property Owners Association be established. The motion was seconded by Mr. Oberle. All were in favor of the motion.*

#### **Conditional Use Permit #2003-04 – Blowing Rock Country Club**

Mr. West, Mr. Snyder, Mr. Quinn and Mr. Peterson asked to be removed from discussion due to conflict of interest. The Board was in favor of the request.

Mr. Rothrock pointed out the pictures and plans of the existing clubhouse on the Board. Blowing Rock Country Club requested a Conditional Use Permit to renovate and construct an addition to the existing clubhouse and cart barn. A new vehicular access will be added in front of the putting green and pro shop. The property is located off Country Club Drive.

Mr. Rothrock explained that staff was not recommending additional parking requirements due the Country Club utilizing a valet parking scenario and the parking spaces that exist. All exterior materials will match the existing buildings.

Mr. Yount questioned if any of the existing streams would be moved and if the Army Corp would be involved. Mr. Rothrock stated they were not sure at this time, but if that were to happen, the Army Corp would be involved.

*Mr. Yount made a motion to recommend approval of the proposed plans, seconded by Mr. Oberle. All were in favor of the motion.*

#### **Conditional Use Permit #2003-05 – Blowing Rock Renovators**

Mr. Rothrock reported that Mr. Frank Mongelluzzi, owner and operator of Blowing Rock Renovators, requested a conditional use permit to make architectural changes to the front exterior of the old Goodwin Weavers building located on Cornish Road. This property is zoned General Business. Mr. Mongullizzi provided proposed elevations of the front of the building. The

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existing building has a combination of metal siding, vertical wood siding, and an old log structure on the side. They are proposing to change all the siding to wood, painted hunter green with a beige trim. The applicant also proposed new formal covered entryways.

Mr. Peterson questioned why this application has to come before the Planning Board. Mr. Rothrock stated the Town Council requested that all exterior changes of this type come before the Planning Board and Town Council.

Mr. Oberle recommended that the new siding be wrapped around the side of the log cabin so that you can not see the difference in materials. The Board did point out that the applicant had not submitted a sample of the new roofing material.

**Mr. Peterson made a motion to recommend approval of the proposed changes as submitted with the addition of wrapping the new siding around the log cabin or to have the option of leaving the log cabin portion (only) as is, and that all materials be presented to Town Council seconded by Mr. Oberle.**

The Board discussed if the Planning Board should look at materials and colors or if staff or Town Council should be making that decision.

### **Discussion on Message Boards**

Mr. Rothrock stated that the Board had look at this ordinance once before. This ordinance would allow message boards and information boards for restaurants and real estate agencies in the sign ordinance. Councilman Tester had originally requested the ordinance be added into the Commercial Design Standards. After reviewing that with Councilman Tester, it was best to include it in the Sign Code with an Appendix G added.

Chairman Greene complimented the staff and the Town on the new signs throughout the Town.

*Without much discussion, Mr. Peterson made a motion to forward the draft ordinance to Town Council as submitted, seconded by Mr. West. All were in favor of the motion.*

### **Draft Comprehensive Plan**

Chairman Greene suggested that this item be carried over to the next meeting due to the length of the agenda and the Board meeting earlier. The Board agreed.

### **Other Business**

Chairman Greene asked for a status report from the Tree Committee. Mr. Rothrock stated that the committee had meet three times and was proceeding very well. They had received a lot of good information from various sources.

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### **Adjourn**

With no further business, the Board adjourned at 9:12 p.m.

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Chairman Susie Greene

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Administrative Assistant

Sonya Long