

## **Planning and Zoning Board**

### **Minutes**

**Thursday, October 16, 2003**

**7:00 p.m.**

The Blowing Rock Planning and Zoning Board met on Thursday, October 16, 2003 for their regular scheduled meeting. Chairperson Susie Greene called the meeting to order at 7:00 p.m. Members present were Paul Peterson, George Synder, Dennis Quinn, Albert Yount, Jim West, and Cobb Milner. Members absent were Ron Oberle, and Ron Mace. Also present was Mr. Scott Hildebran, Town Manager, Marion Rothrock, Town Engineer, and Sonya Long, Administrative Assistant.

*Mr. West made a motion to approve the minutes as presented, seconded by Mr. Milner. All members were in favor of the motion.*

### **DPE Development – Conditional Use Permit #2003-06**

Mr. Hildebran was present on behalf of Mr. Rothrock. He reported that DPE Development is requesting a conditional use permit to build 24 two and three bedroom condominiums on the old Navelli's/New River Inn property. The development will be served by a new access road utilizing the existing curb cut on Highway 321. All units will be two and three stories with garage access facing the main road. The majority of the parking will be provided in the garages under the units. Mr. Hildebran explained that the applicant was asking for a waiver of the 16-foot undisturbed buffer along some portions of the property. He also pointed out that until the water moratorium was lifted the applicant would only be permitted to construct six (6) of the proposed units.

Mr. Doug Ehmann, the developer, was present. Mr. West asked about the natural trail. Mr. Ehmann stated the trail would be lined with 6 x 6 timbers and compacted pit gravel which would help with water runoff. Mr. Ehmann also stated the Home Owners Association would be required to maintain the trail.

Mr. Snyder questioned the proposed retaining walls and their height. Mr. Ehmann reported that the highest retaining wall was 27'. Mr. West pointed out that no fence along the retaining walls had been proposed and should be for safety. Mr. Ehmann stated that a natural fencing material would be used, but that he had not thought about needing a fence.

Mr. Ehmann reported they would be building one building at a time. Mr. West suggested making sure that a turn around be established as each building is being built so that garbage and fire trucks would have some where to turn around.

Chairman Greene had concerns over the amount of steps that might be required for the natural trail due to the topography of the land, whereas a sidewalk would not need steps.

Mr. Peterson pointed out that it didn't make sense to require the developer to install a sidewalk that led to nowhere. The through traffic would be limited since it was a dead end street, so owners would still have the option of using the street to walk.

*Mr. Peterson made a motion to forward the plans as presented to the Town Council and approval of the requested waiver of the 16-foot undisturbed vegetative buffer, seconded by Mr. Milner.*

In favor of the motion were Mr. Peterson and Mr. Milner. Opposed to the motion were Mr. West, Mr. Yount, Mr. Quinn, and Mr. Snyder. **The motion therefore was denied.**

*Mr. West made a motion to forward the plans as submitted to the Town Council with the following recommendations; before a Certificate of Occupancy is issued, a satisfactory turn around be required for each phase, all fences along the retaining walls be at a minimum 42" high and meet all codes with materials compatible with the buildings, landscaping plans to be modified to show landscaping at the bottom of the retaining walls, and as recommended by the developer a 6 x 6 treated lumber trail be accepted, seconded by Mr. Peterson.*

*Mr. Quinn asked that the motion be amended to include no partial construction be allowed. Chairperson Greene suggested including in the motion that the landscaping plan be specific to the size of the trees that are to be installed and eliminating the proposed natural trail.*

*Mr. West amended his motion to remove any references to the natural trail, the developer shall submit to staff a specific landscaping plan, and no partial construction be allowed, seconded by Mr. Peterson.* In favor of the motion were, Mr. Peterson, Mr. Snyder, Mr. Quinn, Mr. West and Mr. Milner. Against the motion was Mr. Yount. **Motion carried.**

### **Chetola Manor House Renovation – Conditional Use Permit #2003-07**

Mr. Hildebran reported to the Board Chetola's request. Chetola has proposed to renovate the existing Manor House by adding eight (8) guestrooms to be used as a bed and breakfast. The second floor is currently office space and the third floor is being used for storage.

Mr. Kent Tarbutton, owner of Chetola Resort, stated they would be using the same exterior materials currently used. The only changes are to the back of the Manor House. The new covered walkway will eliminate guest having to go outside to access the Manor House. Mr. Tarbutton stated they were trying to get the Manor House back to what it originally was.

*With no further discussion, Mr. West made a motion to recommend approval of the plans as submitted and forward to Town Council, seconded by Mr. Snyder. All were in favor.*

### **Draft Noise Ordinance**

Mr. Yount, chairperson for the committee, stated that after review of the last draft, they had made a change. They agreed to delete "C" in Section 5-2.01 Owner and Occupant Responsibility which deals with the rental agency becoming responsible and liable for violations.

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The Board discussed how the signs should read alerting traffic to the Noise Ordinance. **After some discussion, the Board agreed they should read as follows; "Vehicle Noise Laws Enforced" and should be placed at both ends of town.**

Mr. West suggested that in numbers two (2), four (4), and eleven (11) in Section 5-2 "Noises Expressly Prohibited, should all have the same times.

Mr. Yount stated the Board should also discuss Section 5-2.04 "Penalties and Remedies". One of the committee members did not agree with the outcome of this item.

Mr. Doug Beach, committee member, stated the violator should be given a civil penalty **or** a misdemeanor, not just a misdemeanor, it should be discretionary. Mr. Peterson agreed. The Board discussed changing "shall" to "may" in that item. Mr. Hildebran stated if the Board were to change that, the entire code would need to reflect that change. He did not see a problem with the change and stated that staff would follow up on changing the wording and submit the changes to the Board in the next few months.

**The Board agreed that in Section 5-2.04 "Penalties and Remedies, item (B) become (A), item (A) become (B), change "shall" to "may" and add also after may. They requested that the entire Town Code be changed to reflect the change of "shall" to "may."**

Another concern from Mr. Beach was the set time of 10:00 p.m. Mr. Beach commented that most music doesn't start until 10:00 p.m. and that during the summer time, customers come in later. He also stated that his business was in the General Business District and 10:00 p.m. was too early for that district. Mr. Yount stated the committee had changed it from 11:00 p.m. to 10:00 p.m. Chairperson Greene stated that the Board should also consider business like the Blowing Rock Country Club and Chetola when setting a time.

**The Board agreed to change all times back to 11:00 p.m. except on the first page of the draft ordinance under Section 5-1.01 "No Service or Consumption Outside Enclosed Structure After 10:00 p.m. They left that time at 10:00 p.m.**

**The Board also agreed to delete "between the hours of 10:00 p.m.-7:00 a.m. in Section 5-2-04 "Penalties and Remedies."**

*Mr. West made a motion to forward the draft ordinance with the changes made to Town Council, seconded by Mr. Quinn. All were in favor.*

### Other Business

Chairperson Greene asked for an update from the Tree Committee. Mr. Hildebran stated they had met several times and were gathering information from other communities.

With no further business the Board adjourned at 9:00 p.m.

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Chairperson, Susie Greene Sonya Long, Admin. Assistant