

Planning and Zoning Board

Minutes

Thursday, May 20, 2004

The Blowing Rock Planning and Zoning Board met on Thursday, May 20, 2004. Chairman West called the meeting to order at 7:00 p.m. Members present were Ron Mace, Dennis Quinn, Albert Yount, Jim Steele, Doug Drury, Cobb Milner, and George Snyder. Staff members present were Scott Hildebran, Town Manager, Kevin Rothrock, Planning Director, Marion Rothrock, Town Engineer, Chris Hudson, Planning Intern, and Sherrie Pitts, Administrative Assistant.

Mr. Snyder made a motion to approve the minutes as submitted, seconded by Mr. Quinn. All were in favor of the motion.

Items of Business

Hanna @ Village Café - Conditional Use Permit #2003-09

Mr. Kevin Rothrock, Planning Director, presented the staff report information to the board in reference to CUP 2003-09. The request is to construct a two-story, three-level, multi-use building on the existing Sunset Café property. The basement and main level of the building will be retail or office. The second floor will be multi-family. The applicant is asking for a Special Intensity Allocation, as the proposed project will be increasing their net impervious area of the site by 54%. The parking required for this project is 21 standard spaces; the applicant is proposing to provide eight (8) spaces and requesting a waiver of 13 spaces. All parking provided is proposed on Laurel Lane behind the Last Straw building.

Mr. Yount, board member, asked who would be parking behind Last Straw building. Mr. K. Rothrock, Planning Director, said it would be tenants and employees. Chairman West asked if parking would be reserved for these tenants at all times. Mr. K. Rothrock said it would be. Mr. Quinn, board member, asked if any other business had parking available that was not adjacent to the building. Mr. K. Rothrock said that a few businesses had such a parking arrangement.

Mr. Bill Dixon, architect, speaking on behalf of the Hannas discussed the building plans. The Hanna Trust has purchased the Snips property to help with parking for this and the Laurel Lane project. The Hannas plan to move the Hanna House. The storm water retention plan would improve some of the problems on several of the properties.

Mr. Drury, board member, asked how the walled alley would be beneficial to Kilwins. Mr. Dixon advised the walled alley would allow people to sit and enjoy drinks or eat ice cream.

Michael Trew, engineer for the Hanna project, spoke to the board about the plans. Mr. Drury asked Mr. Trew to describe the stormwater plan. Mr. Trew described the system on a site plan.

Chairman West asked if this would be the tallest building on this side of town. Mr. K. Rothrock advised it was not, although it would be the tallest within this block. Mr. Dixon advised the height would be 29.4 feet.

Mr. Yount asked about the drainage pipes. Mr. Trew stated the pipe size would be 18 or 24 inches. Mr. Yount said he thought the drain system could cause problems for businesses and people living below the end of the drain.

Chairman West asked how would the construction be handled around the sidewalk area with the work being below and close to the sidewalk. Mr. Dixon advised the building would have storage and crawl space on the sidewalk side. There would be a wooden fence, not chain link, installed for protection of the public and to help prevent vandalism.

Mr. Drury asked how long the project was expected to take for completion. Mr. Dixon said 8-12 months. Chairman West asked if they were looking at a possible 2 years. Mr. Dixon stated that it was possible. Mr. Snyder, board member, asked if the project was a lot larger than the Sunset project. Mr. Dixon said that it would be about the same size.

Chairman West asked about the 1-foot encroachment shown on the site map. Mr. Dixon stated they hoped to stay away from the 1-foot encroachment.

Chairman West opened the floor for questions or comments from the public.

Mr. Wayne Green spoke in reference to the variance on parking. He said that the Town Code doesn't work. There is high density and low density, with downtown being high density. He did some research and found 10 permits issued between 1999 and 2002 requesting variances of about 150 parking spaces.

Mr. Keith Tester spoke in reference to the water retention plan.

Ms. Ginny Stevens spoke and was concerned about the mass of the building. She was also concerned that all construction will have to be from Main Street because there is no access from the rear of the property. This will be during the busy season causing traffic problems.

Mr. Bryan Summers spoke and stated it is a beautiful building but he was concerned about the storm water channeled to the ditch behind Homestead Inn.

Mr. Ron Oberle spoke and was concerned about the bulk of the building. He also was concerned about parking problems. Other apartment tenants park on Main Street and leaves their vehicle for long periods of time. He is afraid this will happen here as well, regardless of Laurel Lane parking.

With no further questions or comments from the public, Chairman West closed the floor.

Mr. John Hanna spoke on behalf of the project as a part of the Hanna Trust. He advised that they wanted to work with the Town to create something nice. He would like to address most of the concerns here. The Hanna Trust had purchased the Snips property and they did plan to move the Hanna house possibly back onto this property.

Chairman West opened discussion to board members.

Mr. Drury stated a large concern he has is Village Café business will be most impacted right at the building site. The building plans did not match the other buildings surrounding the area. The roof is pitched, while all others are flat. Mr. Steele explained the Town did not want any more flat roofs, and the pitch does fit the new code.

Mr. Yount stated the water problem could be worked on, but he did not think the design would take care of the water problems. The parking is a problem that has to be addressed. Mr. Yount asked if the construction traffic could be worked out.

Mr. Mace, board member, stated his concerns about the parking variance. We have three CUPs all requesting a parking variance.

Mr. Yount stated the architect is complying, everything is within the rules. Something to think about is the parking.

Chairman West stated we have to review the watershed variance request that is also a formal part of this request. Any comments we have need to be addressed. Mr. Yount asked if there was any consensus this water drainage is being put into the New River watershed. Mr. Trew advised they have checked into the watershed ordinance. It requires a collection box with a slow rate release so as not to cause erosion. Chairman West asked if the proposed stormwater detention plan was adequate to handle current rates of runoff. Mr. M. Rothrock, town engineer, advised yes. Mr. Mace stated all retention he had seen was a concrete box with gravel. Mr. Trew said that would be similar to this system.

Mr. Quinn made a motion to look at the Hanna project without the residential component in order to eliminate the residential parking problem and to lower the height of the building; grant the watershed special intensity allocation request, as long as they work with the town engineer and their engineer on the stormwater issues.

Mr. Drury seconded the motion. Board members in favor of the motion were: Chairman West, Ron Mace, Dennis Quinn, Jim Steele, Doug Drury, Cobb Milner, and George Snyder. Albert Yount was opposed to motion.

The motion carried.

Chairman West advised there would be a 10-minute recess after the next case.

Storie Street Grill - Conditional Use Permit Amendment #2004-02

Mr. Kevin Rothrock presented the staff report information to the board in reference to CUP 2004-02. The request is to construct a deck on the rear of the restaurant. The deck would be 960 square feet and would accommodate 32 outdoor seats. The applicant is requesting a waiver of the additional 8 parking spaces required.

Mr. Snyder, board member, asked if leased off-site parking was a possibility. Mr. K. Rothrock advised it was possible. Chairman West asked about the status of the parking deck on Chestnut Street. Ms. Stevens said architects are working on plans.

Randy Jones, architect, discussed the site plan for the deck, additional seating, storage area, noting that the parking had been kept, it would be located under the deck.

Mr. Bernie Keele, applicant/owner of Storie Street Grill, spoke and answered questions about the proposed addition.

Mr. Yount, board member, asked if Mr. Keele had any thoughts about closing in the porch at a later date. Mr. Keele advised he had no plan to do so.

Chairman West opened the floor for questions or comments from the public.

Mr. Bryan Summers said he thought this was a positive project and that it would improve the back of the building. He did not think the parking was a major issue because a lot of the patrons to the grill were walk-in anyway. His concern was a fire hydrant that had been put on the corner of the lot had been removed. Mr. Keele explained there is a fire hydrant across Main Street in front of Blowing Rock Realty.

With no further questions or comments from the public Chairman West closed the floor.

Mr. Yount made a motion to approve plans as presented. Motion seconded by Mr. Steele.

All were in Favor. The motion carried.

Megantry Enterprises - Conditional Use Permit #2004-03

Mr. Kevin Rothrock presented the staff report information to the board in reference to CUP 2004-03. The request is to construct a two-story, multi-use building on Morris Street. The first floor is proposed as retail space. The second floor will be two one-bedroom condominiums. The applicant is asking for a setback waiver of one foot from both side property lines and a waiver of two parking spaces.

Mr. Quinn, board member, asked if two of the three parking spaces were for residential use and the third one for a retail shop. Mr. K. Rothrock said that was correct. Mr. Mace stated it looks like six or eight parking spaces were being removed on this site. Mr. K. Rothrock stated they were not permanently with the property. Chairman West said the retailers were leasing the spaces currently used for parking. There was nothing permanently tied to the property.

Mr. Yount, board member, asked if it would be a hardship if the one-foot variance was not granted on the setback. Mr. K. Rothrock said it is up to the applicant to prove a hardship exists.

Mr. Bob Menees, applicant/owner of Morris Street property, stated he would like to address a couple of issues and answer questions. The 18-inch roof overhang looked better, on one side of the building is an alley on the other side is open green space. Mr. Menees said they would use trees as recommended. We would like to change standard 6.5-foot door to an 8-foot door.

Mr. Drury, board member, asked if guttering is proposed around the entire building. Mr. Menees advised it would be around the entire building.

Mr. Steele, board member, asked if it would create a hardship to cut back one foot on both sides of the building. Mr. Menees stated it is possible to cut back one foot and redesign. The building size is 38.5 feet wide plus the overhang. Mr. Yount noted that the building is not in violation but rather the overhang. Mr. Menees agreed.

Chairman West opened the floor for questions or comments from the public.

Mr. Wayne Green stated the drip line is considered the building. The applicant could meet the code by cutting the overhang one-foot on each side.

Mr. Bryan Summers said this is the third time we have talked about this particular property. He is opposed to it. The variance is for two parking spaces but actually nine parking spaces would be eliminated. Five-foot is the required setback space and as an adjoining property owner five-foot is what Mr. Summers would expect. Another concern is whether Storie Street is a street. Mr. Summers said that it would be so difficult to get out of the garage and they will eventually become storage space.

With no further questions or comments from the public Chairman West closed the floor.

Mr. Drury stated he was concerned about the density behind Storie Street Grill and access to the parking. He asked if it was a driveway. Mr. Rothrock stated he did not know what it was. Chairman West recognized Wayne Green to answer the last question. Mr. Green stated the property is a ten-foot wide alley, which used to go all the way through to Morris Street.

Mr. Quinn made a motion to accept the project as proposed including the options of eight-foot doors, treated bark in accordance with the building code, and alternate window designs. Mr. Yount seconded the motion. All were in favor. The motion carried.

Other Business

Landscape plan for Woodlawn Cemetery

Mr. Rothrock said the Blowing Rock Appearance Advisory Commission (BRAAC) had plans to landscape the entrance to the Blowing Rock Cemetery. BRAAC requested to bring the plan before the Planning Board for review and comments or suggestions.

Linda Campbell, representative for BRAAC, noted that several years ago Woodlawn was put on a list to improve the landscaping at the cemetery entrance. They recently found out the property entrance belongs to the Blue Ridge Parkway, rather than the Town of Blowing Rock. BRAAC is in dialog with parkway personnel. They want to outline the property coming into the cemetery to make it a more peaceful entrance.

Chairman West stated that there is not a requirement to come before the board. BRAAC had come before the board for a recommendation.

Mr. Milner made a motion to accept a resolution in support of the landscape plan. Mr. Steele seconded the motion. All were in favor. The motion carried.

Discussion of Comprehensive Plan/Action Plan

Mr. Rothrock handed out the Comprehensive Plan, and gave a general summary on content of the plan and progress of the action plan.

Chairman West discussed subcommittees and referred to the handout for board members to look over for discussion in the next meeting.

Extension and Enlargement of Nonconforming Situations

Mr. Rothrock discussed Section 16-124 (e) of the Land Use Code. This section specifically pertains to the enlargement or replacement of nonconforming structures used for single-family purposes. In Blowing Rock, this section has been interpreted liberally, and has allowed structures that encroached into the setback to be enlarged along the nonconforming line as long as the encroachment is not made worse. The interpretation also allowed a second floor to be added above a lower floor that encroached into the setback. A strict interpretation would allow enlargement or replacement of nonconforming structures as long as no new or additional nonconformities are built. If strict interpretation is used in the future, this subsection should be clarified and amended.

Chairman West stated as interpreted now if you built along setback lines you could continue the building along the setback line or build up as far as code would allow. If this provision were to be done away with perhaps the whole section would be removed.

Mr. Hildebran, Town Manager, spoke to the board and gave an example of a nonconforming use. If a deck is built without a permit, but causes no problem for neighbors so it goes unreported. Subsequently the owner adds a 2-story addition on top of the deck. The new addition does cause a problem for surrounding property owners.

Ms. Virginia Hopkins spoke to the board in reference to nonconforming issues. A neighbor building an addition has encroached into her property. She did not believe the addition had been inspected.

Mr. Wayne Green stated inspections are done here, and that there are more inspections done here than in a lot of other areas. People are required to show site plans when they apply for a building permit.

Chairman West stated that these are not unimportant issues but the board needed to address the ordinance presented.

Mr. Drury made a motion to send this section back to the subcommittee; Mr. Steele seconded the motion. All were in favor. The motion carried.

Mr. Yount stated when the architectural review committee was abolished he thought it was sent to Town Council instead of the Planning Board.

Chairman West requested a review and discussion of the watershed act for the next meeting.

Mr. Milner made motion to adjourn. Mr. Drury seconded the motion. All were in favor.

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Adjourn

With no further business, the Planning Board adjourned at 10:25 P.M.

Jim West, Chair Sherrie Pitts, Administrative Assistant