

Draft

Planning and Zoning Board

Minutes

Thursday, July 21, 2005

The Blowing Rock Planning and Zoning Board met on Thursday, July 21, 2005. Chairman Jim West called the meeting to order at 7:00 p.m. Members present were Jim Steele, Dennis Quinn, Albert Yount, Doug Drury and Nelda Miller. Staff members present were Kevin Rothrock, Planning Director, Doug Chapman, Town Engineer and Sherrie Pitts, Administrative Assistant.

Mr. Steele made a motion to approve the minutes seconded by Mr. Drury. All were in favor of the motion.

Chetola Resort Major Amendment to "Ponds" PUD CUP #2005-09

Mr. Rothrock presented the staff report to the board in reference to the conditional use permit # 2005-09. The request is to subdivide and sell a .972 tract of land from the Planned Unit Development (PUD) to an adjacent single-family property owner. Mr. Tarbuton intends to have this .972 acre lot rezoned from R-6M, multi-family to R-15, single-family. The subject property is located along Waterside Drive and borders Moses Cone property.

The subject property is part of the Chetola "Ponds" PUD, which is about 80% complete. Originally, 13 condominium buildings were to be built within the Ponds development. There are three additional condominium buildings yet to be constructed under the approved conditional use permit.

The subject property, a .972 acre tract of land just below the "Blue Ridge" condo building, has the potential for being developed as a future three unit condo building if approved through an amended conditional use permit. This property is a tract of mostly wooded property adjacent to the Bass Lake dam and the Moses Cone Property. The property is also adjacent to Dr. and Mrs. Robert Reed who live in a single-family house at the end of Bass Lake Drive.

The primary reason for requesting an amendment to the approved conditional use permit is to remove the .972 acre tract from the 12.178 acre Chetola Ponds PUD development (the total size of the tract with the existing condo buildings is 15.583 acres). Based on calculations, Mr. Tarbutton would only be able to subdivide and sell a .783 acre tract from the 12.178 acre common area of the PUD, and still meet the density requirements of 5 units per acre in the R-6M zoning district.

There was discussion on the land and how the property size to be removed from the PUD was determined.

With no other questions Chairman West opened the floor to the Applicant.

Mr. Kent Tarbutton, applicant, commented that on the plans there was a building to go in that space but they decided to leave it as green space. Dr Reed has requested to buy it to keep the green space between his single-family home and the PUD. Mr. Tarbutton stated that he plans to put an open space restriction on the deed and he is for the Town putting the restriction of open space on the CUP amendment.

With no questions of applicant, Chairman West opened the floor to the public and closed with no questions.

*Mr. Drury made a motion to approve the amendment with the condition to preserve the .972 open space in perpetuity. Ms. Miller seconded the motion. Mr. Quinn questioned why restrict the whole property if only .20 acres is required for density. There was some discussion about the property restriction. **The motion passed with Chairman West, Mr. Steele, Mr. Yount, Mr. Drury and Ms. Miller in favor and Mr. Quinn against.***

Rezoning Chetola Resort "Ponds" PUD REZ #2005-01

Mr. Rothrock presented the staff report to the board in reference to the rezoning application # 2005-01. The request is to rezone a .972 acre tract currently part of the "Ponds" Planned Unit Development (PUD) zoned R-6M, multi-family to R-15, single-family. The property is located along Waterside Drive and borders Moses Cone property.

Mr. Tarbutton stated that he would sell the property if it were rezoned to R-15, single-family which is the same zoning designation for all three of Dr. Reed's adjacent properties. Mr. Tarbutton also stated that he would only sell the property with a deed restriction that nothing could be built on the property after it is sold.

The Planning Board should weigh the pros and cons of rezoning the property from R-6M, multi-family to R-15, single-family with no consideration of private deed restrictions. No conditions can be placed on the rezoning recommendation.

Mr. Quinn asked if the Town has a restriction and the Applicant has restrictions of perpetual open space why should the property be rezoned. Mr. Yount commented that it would put it in the same zoning as the rest of Dr. Reed's property.

With no questions of staff, Chairman West opened the floor to the applicant.

Mr. Tarbutton commented that rezoning the property from R-6M to R-15 would remove it from multi-family.

With no further questions of the applicant Chairman West opened the floor to public comment and closed with no questions.

Mr. Quinn made a motion not rezone property. Mr. Steele seconded the motion. Mr. Drury stated that with Dr. Reed's property being R-15 why not rezone to put all property in the same zone.

Mr. Quinn, Mr. Steele and Chairman West voted for the motion and Mr. Drury, Ms. Miller and Mr. Yount voted against the motion. The motion failed

Some discussion followed on changing R-6M to R-15.

*Mr. Yount made a motion to rezone the subject property from R-6M to R-15. Mr. Drury seconded the motion. **Chairman West, Mr. Yount, Ms. Miller, Mr. Drury and voted for the motion. Mr. Quinn and Mr. Steele voted against the motion. The motion passed.***

Off-Street Parking Fund

Mr. Rothrock discussed the memorandum on off-street parking. Over the last few years, Council has discussed the possibility of setting up an off-street parking fund. After consulting with the UNC School of Government, the Town was advised that it needed a local act approved by the N.C. General Assembly to have the authorization to establish a parking fund. Senate Bill 442 was introduced this spring to the General Assembly to allow the Town of Blowing Rock to establish a parking fund to be used exclusively to organize, develop, enlarge, and maintain municipal off-street parking facilities. The bill also stated that the Town may set forth a fee schedule in its ordinances that would allow businesses and developers to contribute towards the parking fund based on the number of required spaces. The General Assembly ratified Senate Bill 442 on June 15, 2005.

A parking fund would be established to collect fees and payments to eventually be used to pay for parking lot and parking facility construction and improvements. A major source of fees could be collected from a developer or property owner that cannot provide spaces on his/her property. Due to the limited amount of land available in the downtown area, a developer may not be able to provide enough parking to satisfy the code requirements. A "payment in lieu of" provision would allow developers to pay into the parking fund for each space they cannot build. This fee would be established by estimating the land and

improvement costs of providing a paved parking space. This fee would be reviewed annually and included in the Town's fee schedule. Existing or future public parking facilities would satisfy parking for the development.

Staff recommends that the parking spaces for residential developments be required to provide on-site parking spaces or satellite spaces within 400 feet of the development, and that no payment in lieu of parking be allowed for residential dwelling units.

The Town Code and Land Use Ordinance should be amended to include specific language about an off-street parking fund.

*Mr. Yount made a motion to approve the parking fund ordinance as written. Mr. Drury seconded the motion. **All members voted in favor of the motion.***

Outside Dining Ordinance

Mr. Rothrock discussed the memorandum on outside dining. The Town has received requests to standardize the outdoor dining permit process – similar to what several other NC cities have done. The zoning subcommittee or other subcommittee should study outdoor dining concerns and recommend a comprehensive solution permitting this activity.

Mr. Drury commented that he would like to hear what the public has to say then send study to subcommittee. Mr. Yount stated that the meeting dates and times of the subcommittee should be made available to the public.

Mr. Rothrock remarked that the subcommittee should study other towns, then get input from restaurants and adjoining.

Chairman West made comments to the public about the process and review of issues and how the subcommittee would work.

Chairman West opened the floor for comment.

Mr. Dick Goosman, of Meadowbrook Inn, asked why was there a need for this regulation. He stated that he was concerned that outdoor dining and late night bar complaints would be combined.

Mr. Kent Tarbutton, of Chetola Resort, commented that opening the committee to public comment is a good thing.

Ms. Vicki McLean, of Meadowbrook Inn, stated that she hoped the board would revisit the Conditional Use Permit (CUP) language for outdoor dining, and look at the time span involved attaining a CUP.

*Mr. Quinn made a motion to send outdoor dining to subcommittee. Mr. Drury seconded the motion. **All members were in favor of the motion.***

Mr. Quinn requested a review on the Comprehensive Plan to see what had been listed for the year and what had been accomplished.

Chairman West commented that maybe they should appoint members to a committee to semi-annually review the Comprehensive Plan and bring a report to the full board.

*Mr. Drury made a motion to adjourn. Mr. Quinn seconded the motion. **All members were in favor.***

Adjourn

With no further business, the Planning Board adjourned at 8:30 P.M.

Jim West, Chair

Sherrie Pitts, Administrative Assistant