

## Planning and Zoning Board

### Minutes

Thursday, February 16, 2006

7:00 p.m.

The Blowing Rock Planning and Zoning Board met on Thursday, February 16, 2006 for their regular scheduled meeting. Chairman Jim West called the meeting to order at 7:00 p.m. members present were Ron Mace, Cullie Tarleton, Nelda Miller, Jim Steele, Sue Sweeting and Albert Yount. Member Dennis Quinn was absent. Staff members present were Kevin Rothrock, Planning Director, Doug Chapman from McGill Associates and Sherrie Pitts Administrative Assistant,

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

### Hanna Family Trust @ Sunset Cafe Conditional Use Permit # 2006-02

Mr. Rothrock read the staff report to the board in reference to the CUP #2006-02. The request is to build a two-story, three level, mixed-use building at the former Sunset Cafe' located at 1107 Main Street. The subject property is zoned Central Business. The basement level and main level will each have 1772 square feet of office or retail space. The upper floor, also 1772 square feet, will contain a one-bedroom apartment and a two-bedroom apartment. The project will be built on 0.095 acres. Waivers requested are; to reduce the green space percentage in front of the building from 75% to 55%, to reduce the satellite parking lot buffer width from 16 feet to 6 and 7 feet, and to allow a Special Intensity Allocation of 68% net impervious.

Mr. Rothrock stated that, before questions of staff, he would like for the applicant to address the Board.

Mr. Toni DiSanti, attorney representing the Hanna Family trust, advised that the building proposed is the same as approved in September with the exception of the building being moved back into the property. This will allow a pedestrian courtyard area in front. The satellite parking lot off Laurel Lane does meet the requirements; however, the buffer does not.

Mr. Yount, board member, asked why they decided to set the building back on the property.

Mr. DiSanti stated that the setback was to accommodate the storm water detention system.

Michael Trew, with Municipal Engineering, commented that moving the building forward two feet would not cause a problem with the storm water system design.

The three parking spaces for the tenants would be marked and 19 would be open for public use. If a 16 foot buffer is used this would eliminate at least two parking spaces. There was some discussion on buffers.

Rich Roten, with Municipal Engineering, commented that on the south side of the parking area they had a handicap space. He also stated that the buffer is 16 feet on the southeast corner of the parking lot and on the southwest corner it is only seven feet.

Mr. Tarleton, board member, questioned if in the earlier CUP the two maple trees at the back of the lot were to remain. Mr. Dixon stated that by pushing the building back the trees were lost.

Chairman West asked for confirmation that the storm water and sewer systems would both be on a pump system. Doug Chapman, McGill Associates, explained that calculations have not been presented, but, it is presumable that the pipes should handle the water. Mr. Chapman explained that all the water caught on the roof would be channeled down into the system and pumped to the Main Street drain, water falling on the ground would be caught in a catch basin and pumped to the front of the building and into the system. This should be an improvement.

Chairman West questioned Mr. Chapman about the sewer pump station. Mr. Chapman commented that the issues are covered in the code.

Mr. Yount asked if the upgrade in the storm water line was at the Town's expense or the Applicant's. Mr. Chapman stated that it was the Applicant's. Mr. Dixon explained that there is no storm water detention on Main Street at this time for approximately 200 feet to a catch basin. From this point a 12-inch pipe will be replaced with an 18-inch pipe to handle the additional water.

Mr. Tarleton, board member, asked about a timeline for construction and the impact and disruption of the tourist season. Mr. Dixon said that if the CUP is approved in March, the street work should be accomplished by May before the tourist season starts. The Snips area will serve as a construction/storage area as well as workers' parking.

With no further questions of staff or the applicants, Chairman West opened the floor for public comment. The floor closed with no comments from the public.

Mr. Steele commented that he was concerned about the time line and whether the street work could be accomplished within the given time. Second, what impact to the neighbors is there by moving the building.

*Mr. Steele made a motion to grant the CUP request with the addendum to move the building forward three feet and strongly encourage the owners to replace the trees in the rear of the building. Mr. Tarleton seconded the motion.*

Mr. Tarleton asked Mr. Rothrock to respond to the difference in three feet verses two feet, staff recommended two feet and the motion was for three feet. Mr. Rothrock explained the differences in moving two or three feet and how it would affect the area and stated that any tree of size would not be practical.

Mr. DiSanti commented that from the engineer's standpoint they can work with two feet but not three feet as it moves into the detention area at the front of the building.

Mr. Tarleton said he was concerned about the traffic problem. Mr. Rothrock advised he had received a construction logistics plan for staff review, but had not been able to review in time for the Planning Board to receive a copy.

Mr. Rothrock discussed the buffer issues. With the applicant owning the bordering Stone Pillar property it has been discussed about possibly moving the lot line at the Stone Pillar to accommodate the buffer.

With no other questions, Chairman West restated the motion for clarity:

#1 the request that building is to be moved forward two feet to allow sidewalk and green space expansion behind the building.

#2 to reduce the green space from 75% to 55% as adjusted by moving the building forward two feet.

#3 to allow a reduction in the satellite parking buffer from 16 feet to six and seven feet, and

#4 to allow a Special Intensity Allocation of 68% net impervious.

Mr. Steele and Mr. Tarleton agreed. **The motion was called all members voted in favor of the motion.**

### **Gaines Kiker Conditional Use Permit #2006-04**

Mr. Rothrock read the staff report to the board in reference to the CUP #2006-04. The request is to build a two-story, mixed use building on a vacant lot on Morris Street. The subject property is zoned Central Business The main level of the proposed building will be a silversmith shop and gallery. The second level will have a two-bedroom apartment. The applicant is also requesting the option to allow occasional short-term rental of the second level apartment. The street setback in Central Business zone is 15 feet. The Proposed building setback is 15 feet from the back of the public sidewalk. The building overhang encroaches 1.5 feet into the setback. The Land Use Code allows encroachment into the street setback to a minimum of 10 feet from the sidewalk, provided that no more than 50% of the building encroaches into the required open space. Mr. Rothrock commented that the front overhang is 18 inches into the setback, which does not meet offset conditions. This would have to be a waiver. The proposed project requires eight parking spaces. The applicant can only provide five spaces on site behind the building. The applicant is requesting a waiver of three spaces based on the proposed use of the main level that is oriented toward walk-in-trade. The applicant requests that a ratio of 1 space per 400 square feet be allowed for the workshop and gallery. This would reduce the required parking to five spaces total. The site plan indicates compliance with the landscape/buffer standard.

Waivers requested are:

#1 to move the building toward Morris Street to 10 feet from the back of the sidewalk.

#2 to move the building 2-3 feet toward the alley on the West side to avoid the existing water/sewer/storm utility lines under the proposed building.

3# to reduce the required parking from 8 spaces to 5 spaces.

Chairman West advised that the meeting would continue with the presentation from the Applicant.

Mr. Tom Wilson, contractor, architect and engineer, for the project commented that moving the building forward 10 feet is an architectural request because from Main Street the building would be more visible. The building in front, the Brass Exchange, on Main Street is on the lot line.

Mr. Gaines Kiker, Applicant, said that looking at the space per use in the Land Use Code he wanted to request a low volume use one space per 400 square feet instead of per 200 square feet.

Mr. Wilson commented that moving the building forward would help the green space at the back of the building, which is the front of the apartment.

Ms. Sweeting, board member, asked for a definition for the short-term rental request.

Mr. Kiker stated that possibly on occasion it might be rented, but that it would not be turned over to a rental agency. Mr. Joe Kiker and Mrs. Sylvia Kiker confirmed that they did not plan to rent the apartment, but did want to keep the option to be allowed to do so.

Mr. Wilson talked about the water/sewer/storm utility lines.

Mr. Chapman, Town Engineer, commented on the lines and added that the sewer line probably needed a manhole added and an easement procured for maintenance access.

Chairman West, asked of the Town Engineer how close would too close be to the lines. Mr. Chapman stated that it would be good if the building was at least 3 to 4 feet off the line.

With no other questions of staff or the applicants, Chairman West opened the floor to the public.

Mr. Wayne Green had comments on the parking issue, and, the request from the applicant for low-density evaluation on parking.

Mr. Bernie Keele, neighboring property owner, complimented the building plans and stated that he was in favor of the structure. Mr. Keele remarked that the only concern would be wherever the lines are located an easement be provided to assure repairs could be made.

Mr. Bryan Summers, neighboring property owner, added that he would like to see a building on the lot. He would like the building to remain set back 15 feet; closer to the road would block his building. Mr. Summers also asked how delivery trucks would be dropping off supplies and picking up products. During construction how will material be delivered.

Mr. Kiker advised that deliveries for his business would not be large trucks. His supplies would be in small packaging a delivery vehicle could easily enter and leave through their drive.

Sylvia Kiker explained that she and her husband would be living in the apartment. Mrs. Kiker commented that she worked with Gaines and was a metalsmith. She spoke in reference to the parking issues and stated that truly 1-2 spaces are enough for this business. It is low volume and we do not have a lot of traffic. Gaines has regular customers that come specifically to see him. Looking at the green space we would like it to be appealing to Storie Street Grill, Main Street and Morris Street

Mr. Wayne Green commented that using high volume verses low volume for a new business to come in would be a change in use and would require a conditional use permit.

Mr. Tom Wilson stated that in reference to construction they would be able to keep material and vehicles on site.

Chairman West closed public comment.

The Board discussed Finding of Facts for the waivers requested:

#1 Move the building to 10 feet from the back of the sidewalk.

1. Will not materially endanger public health or safety. All members voted in favor.

2. Will not substantially injure the value of adjoining/abutting property. Mr. Yount and Mr.

Steele abstained, Mr. Mace and Mr. Tarleton voted in favor, Chairman West, Ms. Miller and

Ms. Sweeting voted against.

3. Will be in harmony with the area in which it is to be located. All members voted in favor

4. Will be in general conformity with the intent of the regulations contained in this article. Mr.

Yount and Ms. Sweeting voted against. Chairman West, Mr. Steele, Ms. Miller, Mr. Tarleton and Mr. Mace voted in favor.

5. Will be in substantial conformity with the intent of the regulations contained in this article.

Mr. Yount and Ms. Sweeting voted against. Chairman West, Mr. Steele, Ms. Miller, Mr. Tarleton and Mr. Mace voted in favor.

**The waiver was not recommended for approval.**

#2 Move the building toward the Alley.

1. Will not materially endanger public health of safety. All members voted in favor.
2. Will not substantially injure the value of adjoining/abutting property. Mr. Yount abstained. Chairman West, Ms. Sweeting, Mr. Steele, Ms. Miller, Mr. Tarleton and Mr. Mace voted in Favor.
3. Will not substantially injure the value of adjoining/abutting property. All members voted in favor
4. Will be in general conformity with the intent of the regulations contained in this article. All members voted in favor.
5. Will be in substantial conformity with the intent of the regulations contained in this article. All members voted in favor.

**The waiver was not recommended for approval.**

#3 The overhang encroachment into the setback.

1. Will not materially endanger public health of safety. All members voted in favor.
2. Will not substantially injure the value of adjoining/abutting property. Mr. Mace abstained. Chairman West, Ms. Sweeting, Mr. Steele, Ms. Miller, Mr. Tarleton and Mr. Yount voted in favor.
3. Will not substantially injure the value of adjoining/abutting property. All members voted in favor.

4. Will be in general conformity with the intent of the regulations contained in this article. Mr. Yount and Ms. Sweeting voted against. Chairman West, Mr. Steele, Ms. Miller, Mr. Tarleton and Mr. Mace voted in favor.
5. Will be in substantial conformity with the intent of the regulations contained in this article. Mr. Yount and Ms. Sweeting voted against. Chairman West, Mr. Steele, Ms. Miller, Mr. Tarleton and Mr. Mace voted in favor.

*Mr. Tarleton made a motion to approve the CUP with a maximum of three feet building movement to the west, to allow the 18 inch overhang, to grant the parking waiver and add if the use of the building changes the waiver shall become null and void. Mr. Mace seconded the motion. Members in favor Chairman West, Mr. Steele, Ms. Miller Mr. Tarleton and Mr. Mace. Opposed were Mr. Yount and Ms. Sweeting. **The motion passed five to two.***

### **Cheeseburger In Paradise Restaurant CUP #2005-14**

Mr. Rothrock gave the staff report to the board in reference to CUP #2005-14. Mr. Leo Balestrieri is requesting a conditional use permit for additions and renovations at the former Cheeseburgers in Paradise restaurant at 120 Yonahlossee Rd. (Hwy 221). The subject property is zoned Central Business. The project is a major renovation of the former restaurant. An addition is planned on the east side of the restaurant for a second level entrance and new dining. A new deck is proposed to accommodate 12 tables or 48 seats. The existing patio will continue to be used for outdoor dining with 4 tables. The two houses on the property will remain office and retail spaces as previously used. The old storage barn to the west of the restaurant building will be removed. The exterior of the restaurant will be upgraded with the following changes, shakes in the gable ends of the roof facing Hwy 221, new paint, new architectural shingles, new fabric awnings, new windows and a new parapet wall to hide rooftop equipment. The street setback in the Central Business zoning district is 15 feet. At its closest point the existing building encroaches into the right of way on Hwy 221. No additions or building square footage is proposed in the setback area, but the roof will be modified to meet design standards. Waivers requested are:

#1 to increase the building height to 31 feet from 30-foot maximum in order to construct a roof more in character with the commercial design standards.

#2 to reduce 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.

#3 to landscape a portion of the Rainey Street right-of-way and include those areas as part of the required 8-foot wide street yard.

Chairman West advised that the meeting would continue with the presentation from the Applicant.



Bill Dixon, Appalachian Architecture, explained the plans for the Cheeseburger building renovation, parking lot and green space.

Mr. Leo Balestrieri, applicant, had comments on the Cheeseburger building and proposed renovations. He also commented on the parking issues and that he was removing the parking on Hwy 221 in the Department of Transportation right of way. There was some discussion about the seating and number of parking spaces.

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

Harry and June Herring Turner, neighboring property owners, spoke Ms. Turner gave background of the restaurant property and prior owners. She discussed over the last few years how the garbage and vermin had created problems on their property and neighboring properties. The Turners were concerned about the parking lot and how employees and customers had parked on the bank of their property in the past damaging the grass and flowers. They stated that they would like to see Rainey Street become one way to possibly help with traffic and the parking lot problems.

Mark Crumpler, neighboring property owner, mentioned how in the summer people would park on the road edge all the way to the intersection making it visually extremely difficult to get onto Hwy 221. He also commented on traffic problems on Rainey Street. Mr. Crumpler asked how paying into a parking fund that would create parking on the south end of town would help business on the north end. Mr. Rothrock advised that paying into the parking fund was an option.

Mr. Balestrieri stated that he wanted to be in harmony with the Town. He commented that he was putting a lot of money into repair and to improve the building.

With no further questions Chairman West closed public comment.

The Board discussed Finding of Facts for the waivers requested:

#1 Waiver to increase the building height.

1. Will not materially endanger public health or safety. All members voted in favor.
2. Will not substantially injure the value of adjoining/abutting property. Mr. Yount abstained. Chairman West, Ms. Sweeting, Mr. Steele, Ms. Miller, Mr. Tarleton and Mr. Mace voted in favor.

3. Will not substantially injure the value of adjoining/abutting property. All members voted in favor.
4. Will be in general conformity with the intent of the regulations contained in this article. Mr. Yount voted against. Ms. Sweeting abstained. Chairman West, Mr. Steele, Ms. Miller, Mr. Tarleton and Mr. Mace voted in favor.
5. Will be substantial conformity with the intent of the regulations contained in this article. Mr. Yount and Mr. Steele voted against. Chairman West, Ms. Sweeting, Ms. Miller, Mr. Tarleton and Mr. Mace voted in favor.

**The waiver was recommended for approval.**

Mr. Steele stated that he was concerned about the increase in seating and the number of parking spaces offered.

*Ms. Sweeting made a motion to accept the CUP, accept the waiver for the building height and the landscape area for Rainey Street with no recommendation on parking. Mr. Steele seconded the motion.*

*Mr. Tarleton made a substitute motion to grant all three waivers. Mr. Mace seconded the motion. In favor of the motion Chairman West, Mr. Yount, Ms. Miller, Mr. Tarleton, Mr. Mace. Ms. Sweeting and Mr. Steele voted against the motion. **The motion passed five to two.***

### **Big Box Ordinance**

Mr. Rothrock read the staff report to the board on the Big Box Ordinance. Since the January Planning Board meeting, the zoning subcommittee met and finished the draft ordinance on large-scale retail developments or “big box” buildings. The recommendations are summarized in an attached draft ordinance that would be placed in Section 16-302.18 of Article XVIII(B) – Commercial Design Standards. The existing Section 16-302.18 Enforcement and Remedies would be moved to Section 16-302.19. The zoning subcommittee agreed that the draft ordinance would provide 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 allow 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.

Mr. Tarleton stated that the subcommittee had approved of this ordinance unanimously.

*Ms. Sweeting made a motion to approve the Big Box Ordinance and forward the recommendation to Town Council.. Mr. Tarleton seconded the motion. **All members voted in favor of the motion.***

**Adjourn**

With no further business *Mr. Tarleton made a motion to adjourn. Ms Sweeting seconded the motion. **All members were in favor of the motion.***

The board adjourned at 10:37.

---

Jim West, Chairman

---

Sherrie Pitts, Administrative Assistant