

Planning and Zoning Board

Minutes

Thursday, April 20, 2006

The Blowing Rock Planning and Zoning Board met on Thursday, April 20, 2006. Chairman Jim West called the meeting to order at 7:00 p.m. Members present were Ron Mace, Nelda Miller, Cullie Tarleton, Jim Steele, Albert Yount, Sue Sweeting and Web Alexander. Member Dennis Quinn was absent. Staff members present were Kevin Rothrock, Planning Director, Scott Hildebran, Town Manager, Shad Walters, Town Engineer and Sherrie Pitts, Administrative Assistant.

Mr. Steele made a motion to approve the minutes. Mr. Tarleton seconded the motion. All members voted in favor of the motion.

CUP 2003-07 Chetola Manor House – Major Amendment

Mr. Rothrock presented the staff report to the board in reference to CUP 2003-07. Mr. Kent Tarbutton is requesting a conditional use permit amendment to add a Pizza Hut Express to the existing kitchen facilities to the Manor House Restaurant. The Pizza Hut Express will require an 878 square foot addition to the west side of the restaurant. The subject property is zoned CB-PUD, Central Business-Planned Unit Development and is located within the WS-IV-PA water supply watershed. According to the franchise agreement, the planned Pizza Hut Express will be only for Chetola residents and guests of the hotel. Pizza delivery or carryout will not be available to the general public. The Chetola Manor House, recreation center and hotel require 153 parking spaces, according to the Land Use Code. This area currently has 174 spaces for a surplus of 21 spaces. The 878 square foot restaurant addition would require 9 additional spaces. Since there is a parking surplus of 21 spaces, no additional parking will be required.

Mr. Yount, board member, asked if a franchise agreement could be included in the verbiage of the CUP Amendment. Mr. Rothrock commented that it could be added to the amendment.

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

Mr. Kent Tarbutton, applicant, commented that he would be glad to give a copy of the franchise agreement to the board, but he would prefer this not be included in the amendment in case the space was not always used for pizza and could become just a kitchen expansion.

Mr. Steele, board member, inquired as to if the general public would be allowed to order and pick up food or not. Mr. Tarbutton stated that they would not be advertising, but the general public would be allowed to order and come through the gate to pick up pizza to take home.

Mr. Randy Jones, architect, commented on the roof screening for the hood.

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

Marie Winegartner, member of Chetola Lake POA, commented on signage and a logo on the window. Ms Winegartner asked if pickup was only through the dining room.

Mr. Tarbutton stated that there would be no sign or logo on the window, there would be a sign marking the parking space for pick up. The pick up location had changed it would be more convenient to have a window on the side.

With no other questions or comments the floor closed to the public.

Mr. Yount made a motion to approve the amendment as submitted. Ms. Sweeting seconded the motion. All members voted in favor of the motion.

CUP 1992-01 Martin House Properties

Mr. Rothrock presented the staff report to the board in reference to CUP 1992-01. Mr. Greg Clark, of Subway Restaurants, is requesting a conditional use permit major amendment to add a satellite Subway sandwich shop at the Martin House Properties. The subject property is zoned CB, Central Business. This request first was presented to the Town Council on April 11th as a minor amendment. At the meeting, the Town Council referred this application to the Planning Board for further review. The Town Council considered this request to be a major amendment. Some of the concerns with the application were:

1. The Table of Permissible Uses does not allow take-out only restaurants in the Central Business District. The Land Use Code would have to be amended to allow carryout and delivery service in the CB District.
2. If allowed in the CB District, the change from retail to restaurant is a major change in use group. A change in use triggers other requirements such as parking. In this case, the change in use would require one additional parking space.
3. Based on the application, at least two employees would be necessary for the sandwich shop. Does the parking need to be calculated based on the number of employees.
4. There are no public bathrooms available. Almost every food establishment in downtown has restroom facilities of some kind.

The proposed satellite Subway sandwich shop will be located in one of the vacant retail spaces (unit 3) adjacent to the Inspirations retail shop. The proposed space is 334 square feet and does not include any seating. The sandwich shop will be for walk-in customers for pick-up only. There are currently two concrete picnic tables located in the Martin House courtyard where customers could eat sandwiches. Mr. Clark stated that the restaurant will prepare sandwiches and salads on the premises, but the bread baking and food prep will be completed at the restaurant on 321. There are currently 17 parking spaces located behind the Martin House Property. Based on the Land Use Code, this appears to be less than the required number for the Martin House shops. Retail requires one space per 200 square feet. The Martin house and adjacent shops appear to be more than 3,400 square feet, therefore, any use that requires more parking than what is currently provided would be required to provide additional parking on-site, satellite parking, or payment into the Parking Fund. Staff does have concern that no public restroom facilities are available on the property. The NC Building Code and Watauga County Health Department do not require restroom facilities if no indoor seating is available. However, the staff does have a concern that food and drink are made available, but no restroom facilities. Similar to parking impacts, if the merchants do not provide restroom facilities, then it becomes an additional responsibility/burden of the Town.

Chairman West confirmed that this has been sent to Planning Board from Town Council. Carry out restaurants according to the Land Use Code is not a permitted use in Central Business. It is, however, in General Business. It is believed it would be a good change for CB District. This will go to the zoning subcommittee.

Mr. Yount made a motion to move this item to the zoning subcommittee. Mr. Alexander seconded the motion. All members voted in favor of the motion.

BRAAC proposal for a Fountain in Mayview Lake

Mr. Rothrock presented the staff report to the board. The Blowing Rock Appearance Advisory Commission (BRAAC) is proposing to install a fountain in Mayview Lake in Broyhill Park. The fountain will provide aesthetic and water quality benefits. BRAAC will be responsible for the cost of the fountain, installation and future maintenance. Since Mayview Lake is town property, this request has to be approved by the Planning Board and Town Council. Provided in the board packet is a letter from BRAAC's chairperson detailing the plans and pictures of preferred fountain designs with specs.

Mr. Mace, board member, questioned if the fountain would be lit.

With no questions of staff the floor was open to the applicant.

Ms. Jones, applicant, stated that the fountain could be lit, the lights could be on a timer or not lit at all. Ms. Jones advised that the lake was on one and a half acres and would require a two or three tier fountain. A 220 electric service would be required for the fountain located near the gazebo.

Mr. Steele asked if \$7,500 quoted was total cost except for electricity. Ms. Jones commented that the total package was \$7,113 with extra for an electrician if required.

Mr. Tarleton, board member, commented that he liked the aesthetic and aeration value. He had no preference on two or three tiers for the fountain.

Mr. Tarleton made a motion for approval of a fountain to Mayview Lake. Mr. Alexander seconded the motion. All members were in favor of the motion.

Mr. Tarleton stated a conflict to Board with the next item on the agenda. He was a member of the board to BRAHM

Mr. Yount made a motion to have Mr. Tarleton step down for this item. Ms. Sweeting seconded the motion. All members voted in favor of the motion.

BRAHM proposal for a Mural Painting on Capel Rug Building

Mr. Rothrock presented the staff report to the board. The Blowing Rock Art and History Museum (BRAHM) is requesting permission to allow the painting of a mural on the northwest building wall of the Capel Rug Building. The proposed mural will be 20'x 20' and will feature a mountain landscape along with Blowing Rock's artistic heritage. The proposed mural is in conjunction with BRAHM's summer project "Art and History in the Making". Provided in the board packet was a letter from Ms. Joann Mitchell which outlines the intention of BRAHM's summer project. Ms. Mitchell also provided pictures of the side of the Capel Rug building and examples of other murals from around North Carolina.

Mr. Alexander questioned if approved would this set precedence to allow others to create murals possibly not in preferred taste. Chairman West commented on a Charleston SC case of a mural in the court system that is not finished. He also made comment of other cases of the same nature.

With no questions of staff the floor was open to the applicant.

Ms. Joann Mitchell, Director of BRAHM, reported to the Board on how the idea of the mural came about. She also advised that they had talked with Capel Rug owners and adjacent property owners and everyone seemed positive about the idea. They have talked with several muralists about the project. Ms Mitchell established that the burden of cost and upkeep on the mural would be on BRAHM.

Mr. Ron Oberle, resident, recommended to the Board that they should research minutes from years ago when murals came up and the Board decided they did not want murals in the Town.

Ms. Sue Glenn, board member of BRAHM, discussed concepts of setting standards.

Mark Manus, ASU student, commented on looking at or setting specifics of plans before an artist creates a project that prompt lawsuits because an attempt to change the art.

Mr. Rothrock commented that it would be a good idea to look at measurements, relative to the building size.

Mr. Yount questioned if there was a critical time frame on this project. Ms. Mitchell advised that there was one. They would like to have the mural available this summer.

Mr. Alexander remarked that he liked the concept but is concerned about other request that may come in.

Ms. Sweeting made a motion to move this project forward to Town Council with the understanding that the scene depicts Blowing Rock and the Blowing Rock history with Mountain landscaping. Ms. Sweeting also proposed creating an Ad-hoc committee to look at setting policy for artwork and sculpture with a representative from BRAHM on the committee. Mr. Yount made a second to the motion.

Mr. Alexander, for the record, advised that his father was the president of BRAHM, but they are not in the same household and he has no financial interest in BRAHM.

All members voted in favor of the motion.

Chairman West called for members on the Ad-hoc committee; Mr. Tarleton, Ms. Sweeting and Chairman West complete the committee.

Other Business

Mr. Yount made a motion that advance public notice for zoning subcommittee dates be published. A time limit, maybe three minutes, is given to each person wishing to speak. Mr. Tarleton seconded the motion.

All members were in favor of the motion.

The zoning subcommittee includes Chairman West, Mr. Yount, Mr. Steele and Mr. Alexander.

The planning review subcommittee includes Chairman West, Mr. Tarleton, Ms. Sweeting and Ms. Miller.

Mr. Mace volunteered for public property review.

The Ad-hoc subcommittee includes Mr. Tarleton, Ms. Sweeting and Chairman West.

Mr. Rothrock had comments on Gideon Ridge Annexation.

Chairman West advised that he would entertain a motion to move or not move on annexation.

Mr. Tarleton stated that what was presented made perfect sense.

Chairman West asked if the Board wanted to make a resolution of interest. The consensus is to continue with the annexation plans.

Mr. Mace made a motion to adjourn. Mr. Steele seconded the motion. All members were in favor of the motion.

Adjourn

With no further business, the Planning Board adjourned at 8:56 P.M.

Jim West, Chair

Sherrie Pitts, Administrative Assistant