

Planning and Zoning Board

Minutes

Thursday, May 18, 2006

7:00 p.m.

The Blowing Rock Planning and Zoning Board met on Thursday, May 18, 2006 for their regular scheduled meeting. Chairperson Jim West called the meeting to order at 7:00 p.m. Members present were Ron Mace, Nelda Miller, Cullie Tarleton, Albert Yount, Jim Steele, Sue Sweeting, Web Alexander and Dennis Quinn. Staff members present were Kevin Rothrock, Planning Director, Doug Chapman, McGill Associates, and Sonya Long, Deputy Town Clerk.

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

Towns at Green Hill – Conditional Use Permit # 2006-03

Mr. Rothrock read the staff report to the Board in reference to the Conditional Use Permit # 2006-03. Mr. Jason Tucker, representing TNT Distributing, Inc., requests a conditional use permit to build four (4) duplex buildings (8 units) along Highway 321 across from the Green Park Inn. The driveway for the development would be private and connect to Pinnacle Avenue. The subject property is zoned R-10D, and is located within the Green Park Historic District. The property is also in the WS-IV-PA water supply watershed. The applicant originally proposed to build five (5) duplex buildings which exceeded the impervious limits for the watershed.

Mr. Rothrock stated some concern had been raised from adjoining property owners that the driveway connection to Pinnacle Avenue cannot be approved because the development would be accessed through single-family zoning. The staff's recommendation was to provide access to the property from Pinnacle Avenue instead of Highway 321 for traffic safety reasons, steep slopes and access as a result of the pending 321 widening project. He pointed out the letters the Board received in their packets and letters submitted before the meeting.

Mr. Rothrock explained the waivers that were being requested. The applicant would like to reduce the side and rear landscape buffers from 16 feet to 8 feet due to the placement of the buildings and parking lot. They also requested the sidewalk construction be deferred until after the Highway 321 widening project is complete with money or bond deposited into a fund prior to construction.

Mr. Rothrock reported on the addendum to the Staff Report. He felt it would be important to the Board to know the zoning history of the property and what had been proposed by previous owners. Mr. Rothrock pointed out that staff had requested the change in the access to the development. With the documents that North Carolina Department of Transportation had provided the Town regarding the widening and meetings with the Blowing Rock Historical Society, everyone agreed to keep road cuts along that portion of Highway 321 to a minimum.

Mr. Quinn brought up questions about the history of the property and if the buildings could be shifted to allow the required 16 foot landscape buffer. Mr. Rothrock explained the proposed buildings were close enough to Highway 321 and by shifting them it would put them further into the right-of-way.

The Board discussed what the Historical District restrictions and regulations were and how it would pertain to the proposed development. Mr. Rothrock explained it could dictate what materials, design and architecture on any new development in that area, but those issues were already addressed in the Land Use Code.

Mr. Quinn asked for clarification on the staff's decision on the entrance to the development. Mr. Rothrock stated the developers own the land that the private road is going through and they have a right to use it for the road. Mr. Rothrock also showed the Board pictures he had taken showing sight distance east and west on Pinnacle Avenue. Mr. Yount stated he had spoken to one of the engineers in the Department Transportation office in Boone. They said that access would not be denied and could be considered. Mr. Rothrock stated that would be correct and the Town could not prohibit the access to Highway 321 but staff made the recommendation to have the road access off Pinnacle Avenue.

Mr. Tony DiSanti, attorney for the developers, was present on behalf of the applicant. Mr. DiSanti stated the property was in compliance for the proposed use. Regarding the access off of Pinnacle Avenue, that was a recommendation from the Planning staff and the applicant complied. The request for a waiver in the 16 foot vegetative buffer is due to the visitor parking spaces but the applicant would still provide an 8 foot buffer. Mr. DiSanti pointed out that the Town's Comprehensive Plan called for reviewing the Town standards to allow more town homes and to encourage such development.

Mr. Ron Oberle, property owner off Pinnacle Avenue, stated the only problem he had with the proposed development was the access onto Pinnacle Avenue, everything else meet the Land Use Code. Mr. Oberle stated the Town was assuming that Highway 321 would be widened. He also stated the Land Use Code required a cul-

de-sac and the developers were not proposing one. The proposed road was over 400 feet long and by the Land Use Code, would be considered a private road which the Town does not allow. Mr. Oberle pointed out several other items that did not meet the Land Use Code as he interpreted it.

Mr. Ed Johnson and Ms. Ann Meade spoke next. They had the same concerns that Mr. Oberle had. They too are owners along Pinnacle Avenue. Mr. Johnson stated his main concern was how fire trucks would be able to get into the development and then be able to turn around to get out. They would have to back out.

Ms. Sue Glenn, listing agent for the property was present. She was also the agent that sold it to the former owner. When Dr. Terry owned it, he had proposed several units and had access to Pinnacle Avenue. Ms. Glenn also agreed that access from Highway 321 would be better.

Ms. Pam Skills, owner at 254 Pinnacle Avenue stated her property was across the street from the proposed development road. She measured Pinnacle Avenue and it was 17.5 feet wide, which does not allow two cars to pass safely. This development would affect 18 single family homes. Pedestrians use Pinnacle Avenue to walk and ride bikes, if you potentially add 24 more cars, this would become a safety issue especially with no sidewalks. She stated when construction starts; cars would not be able to use Pinnacle since the road is not wide enough for both the cars and construction trucks. She also had concern that some of the units may turn into rentals.

Mrs. Ginny Stevens was present representing Mariam Cannon Hayes. She stated that Mrs. Hayes has two mirrors at the end of her driveway to see traffic coming along Pinnacle Avenue, because the site visibility is so bad. Adding more traffic on this road would only increase this problem.

Several other neighbors spoke and had the same concerns; Linda Laughter, Roy West, Ann Meade, and George Holt.

Mr. DiSanti stated that the neighbors did not understand that the zoning on the property allowed this type of use and again reiterated that staff made the recommendation to access off of Pinnacle Avenue. He also pointed out that if they were to do single family homes, five (5) would be allowed.

With no further comments, the Public Hearing was closed at 8:23 p.m.

Ms. Sweeting stated the main issue was the access to the development. She stated Pinnacle Avenue had only one ditch along the road and could see that becoming an issue with cars passing. Ms. Sweeting agreed that the development is allowed in this zoning district but they had to come through single family. She suggested the

Board consider the access off of Highway 321 since two driveways already exist there. Mr. DiSanti reminded the Board the applicant had the property under contract and to have the applicant change the plans and resubmit would be very difficult to do.

Mr. Tarleton asked the engineer for the project questions regarding the access. Mr. Richard Franklin, project engineer, stated if the road was accessed off of Highway 321, the elevation would cause the road to be very steep and visibility would be poor. Chairman West asked for clarification on the private road issue. Mr. Rothrock explained the road would be a driveway, and would not be maintained by the Town, but they would be building the road to private road standards.

Mr. Quinn made a motion to recommend approval of the Conditional Use Permit with the following conditions; access to the development be required from Highway 321, the landscape buffer on the south side of the property be maintained no less than 16 feet wide, the sidewalk construction be allowed to be deferred until Highway 321 is widened, and the applicant submit to the Town a performance bond to cover the sidewalk costs. Motion was seconded by Ms. Sweeting. In favor of the motion were Ms. Sweeting, Mr. Quinn, Mr. Alexander, Mr. Yount, Chairman West, and Mrs. Miller. Opposed to the motion were Mr. Steele and Mr. Mace. The motion passed.

Pssghetti's – Major Amendment to Conditional Use Permit # 2004-04

Mr. Rothrock read the staff report to the Board in reference to Conditional Use Permit #2004-04. The request was for a major amendment to add a 26-space parking lot that serves the business. A majority of the lot is severely sloped. The restaurant will utilize the valet parking all ready in place for the parking lot expansion. The proposed parking lot will cause three (3) existing spaces to be eliminated. After construction, the parking lot for the restaurant will total 48 spaces. The applicant would also be required one (1) additional handicap space and plan to provide two (2) handicap spaces on the north side of the building. As the spaces are shown on the plans, they can not be approved due to one not meeting ADA standards. Regarding the landscaping requirements, staff will accept a conditional landscape plan to determine if the trees retained after site grading will satisfy the shading requirement. If not, additional trees must be planted which will result in some parking spaces being eliminated.

Mr. Rothrock recommended to the Board that the applicant remove the handicap space in front of the building and add one beside the existing handicap space on the north side of the parking lot.

Mr. Quinn discussed the grade of the existing and proposed parking area. Mr. Rothrock stated the existing parking lot had a grade of 17% with the new one at 17.5%, but the new parking lot would be valet only with a stairway between the two parking lots for those that do not wish to use the valet service. He recommended putting a condition in the conditional use permit that would require valet parking only.

Mr. Tony DiSanti, attorney for Mr. Mongulezzi, owner of Pssagheti's, was present representing Mr. Mongulezzi. He stated that Mr. Mongulezzi acknowledges that the parking lots are very steep and was proposing valet parking only for that reason. Mr. Mike Trew, engineer for the project showed the Board a revised plan showing an additional handicap parking space beside the existing one, per Mr. Rothrock's recommendation. Mr. Trew pointed out to the Board the species, size and amount of vegetation the applicant was proposing to help hide the retaining walls. He also pointed out to the Board a scale drawing that showed how much of the retaining walls you would see from Highway 321. Due to the speed limit in that area and the placement of the building, most of the retaining walls would not be seen. Mr. Alexander recommended covering the walls with some type of rock. Mr. Trew stated they would be covered with the same rock that is on the building. Mr. DiSanti stated a gate would be installed to keep cars from going into the new parking area.

Mr. Alexander commented on outdoor seating and if it already existed. Mr. Rothrock stated that in the original conditional use permit, outdoor seating was not allowed because they did not have the required amount of parking. Now they could have outdoor seating since they can now provide the parking, if amended by the conditional use permit.

With no further comments, the public hearing was closed.

Mr. Tarleton made a motion to recommend approval of the major amendment to conditional use permit # 2004-04. Motion was seconded by Mr. Yount.

Chairman West recommended adding to the motion, the additional handicap parking space meet ADA regulations and the applicant remove the space that does not. Mr. Quinn recommended adding a requirement that the upper parking lot be for valet parking only. Mr. Tarleton agreed. Mr. DiSanti suggested to the Board to let that be an understanding with the applicant but not make it a restriction.

Chairman West read the motion as stated by Mr. Tarleton; Recommend approval of the conditional use permit with the plans submitted at the meeting and to eliminate the handicap parking space on the north side of the building, and adding one beside the existing space. All were in favor of this motion.

Amendment to Land Use Code

Mr. Rothrock reported that the subcommittee met on April 27, 2006 to discuss amendments to the Land Use Code pertaining to the use of exclusive carry-out restaurants in the Central Business District. The zoning subcommittee recommended definitions be adopted for restaurants and carry-out restaurants. The subcommittee also recommended amending the use table to allow exclusive carry-out restaurants in the Central Business. Parking would be governed by the parking standards currently established for this particular use.

Mr. Rothrock stated the definitions were as follows:

Restaurant – A place where meals or food products are prepared, served, and eaten.

Carry-out Restaurant – A place where meals or food products are prepared and served, to be eaten primarily off-premise.

Ms. Sweeting was concerned where employees would use the restroom if the carry-out restaurants were not required to have one. Mr. Rothrock stated most shopping centers where you would have a carry-out restaurant would have public facilities on premise. Chairman West stated he thought the Land Use Code required a restroom. Mr. Rothrock stated only if you have indoor seating are you required one. Ms. Sweeting recommended adding a condition that a restroom be required if the restaurant was a certain amount of feet from one on site. Mr. Quinn stated if the development is already established then the restaurant should not be required to provide a restroom.

Mr. Tarleton made a motion to adopt the amendment to the Land Use Code as submitted. The motion was seconded by Mr. Alexander. In favor of the motion were Chairman West, Mr. Tarleton, Mr. Yount, Mr. Steele, Ms. Miller, Mr. Mace and Mr. Quinn. Against the motion was Ms. Sweeting. Motion passed.

Adjourn

With no further business, Mr. Steele made a motion to adjourn at 10:00 p.m., seconded by Mr. Mace. All were in favor of the motion.

Chairman, Jim West

Administrative Assistant, Sonya Long