

Planning and Zoning Board Minutes

Thursday, April 19, 2007

7:00 p.m.

The Blowing Rock Planning and Zoning Board met on Thursday, April 19, 2007 for their regular scheduled meeting. Chairman West called the meeting to order at 7:00 p.m. Members present were Doug Drury, Ada Webster, Ron Mace, Nelda Miller, Albert Yount, Sue Sweeting, Web Alexander and Jim Steele. Staff members present were Planning Director Kevin Rothrock, Town Engineer Doug Chapman and Administrative Assistant Sherrie Pitts.

Installment of Board Members

Mr. Doug Drury and Mr. Jim Steele were sworn in.

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

Items of Business

CUP # 2007-07 Riopel SFR Addition

Mr. Rothrock gave the staff report to the board in reference to CUP # 2007-07. Appalachian Building Services is requesting a Conditional Use Permit to construct a dining room addition to a single-family residence at 173 Maple Street extension. The subject property is zoned Central Business and is within the primary fire district. The proposed addition meets the 15-foot street setback and the 5-foot side setbacks. A new bay window and new windows are also planned throughout the house. A covered porch and flagstone entry is proposed with hardi-shakes added to the roof gables.

Mr. Yount asked if the Town's engineer had checked the site. Mr. Chapman, Town engineer, commented that a site plan had not been provided and that he had not been to the site.

Mr. Rothrock commented that there was not a need for the Town's engineer to review the plans since the change is minimal and single-family homes are exempt from storm water regulation.

With no other questions of staff the floor was opened to the Applicant

Mr. Paul Convery of Appalachian Building Services explained the location and the construction planned.

With no questions or comments of the applicant the floor was opened to the public and closed with no comments.

Mr. Steele made a motion to accept the CUP as provided, seconded by Mr. Drury. All members were in favor of the motion.

Draft Ordinance to Prohibit Wind Energy Systems

Mr. Rothrock gave the staff report to the board. At the March meeting the Town Council made an extension to the wind energy system moratorium until July 2007. The wind energy subcommittee met on March 19th with Brent Summerville of the Western NC Renewable Energy Initiative. The subcommittee discussed a draft ordinance and how it would be effective in regulating, but not prohibiting, wind energy systems. A highlighted draft ordinance was sent out in the Planning Board packets for review and consideration.

Ms. Sweeting asked if it was possible that a cell tower could be attached to a wind energy device. Mr. Rothrock commented that if it is an antenna only, it could be possible to be attached, but would have to go before Town Council for approval.

Mr. Steele questioned the responsibility of the removal of wind devices if the use was discontinued or abandoned. Mr. Rothrock stated that responsibility is the property owners'. If not removed, fines would be \$100 per day along with civil action.

Ms. Webster was interested if any response was received from property owners in the R-A district. Mr. Rothrock commented that he had not received anything from property owners but Mr. Craig was in the audience and was a property owner in that zoning district.

Mr. Yount stated that he had issues with only allowing this in the R-A district when there could possibly be other large tracts of land elsewhere in the town limits. Ms. Webster commented that she had a problem with it only located on properties along the Blue Ridge Parkway.

Mr. Mace, as the ETJ representative, said that this was a tourist-based community and people come to see the natural beauty. He did not believe they would want to see windmills.

Mr. Drury made comments favoring green/wind energy.

Mr. Steele commented on the draft ordinance and that it does support wind energy favorably. In future years the Town can change, ban or increase the ordinance verbiage.

Mr. Alexander had comments in favor of the ordinance presented.

With no other comments or questions the floor was open to the public.

Ms. Karen Brown thanked the board for their deliberation and made comments in favor of wind energy.

Mr. James Craig said he thought the ordinance was a fair deal. He did not think the subject area should be enlarged or changed.

Mr. Drury made a motion to forward draft ordinance as presented. Ms. Sweeting seconded the motion.

Mr. Yount asked how the Parkway would be notified. Mr. Rothrock stated that when a conditional use permit was submitted that process would send notification to the Parkway office in Asheville.

*In favor of the motion; Jim Steele, Web Alexander, Sue Sweeting, Jim West, Albert Yount, Nelda Miller and Doug Drury. Against the motion were Ron Mace and Ada Webster. **The motion passed.***

Magazine and Newspaper Stands

Mr. Rothrock gave the staff report to the board in reference to the regulation of newspaper and magazine racks. The Planning Board received in their packets two draft ordinances for review. One ordinance regulates the placement of newsracks on public sidewalks in downtown. The draft language would be placed in Chapter 7 of the Town Code. The second ordinance would be included in Article XVIII (B) – Commercial Design of the Land Use Ordinance to regulate placement of newsracks on private property in the downtown. Both ordinances require the units to be manufactured black or painted black and maintained by the owner. At this time only one location was found suitable for placement on the public sidewalk. That location is along the building wall between Wachovia and Vincent Properties where several newsracks exist now. Other locations may be available in the future and can be evaluated for compliance. Mr. Rothrock recommended that any ordinance provide a grace period of several months to retrofit any existing units to the new standards and for noncompliant units to be removed.

The Board discussed locations and unified colors of racks. Mr. Steele stated that a reasonable time frame for compliance should be set. With no other comments or questions the floor was open to the public.

Mr. Brad Gross of The Real Estate Book commented that he would like to read the draft ordinance. He was under the assumption from prior meetings that there would be three or four locations for the news/magazine racks. Mr. Gross stated that to cut the business district down to one location would seriously hurt circulation. Commenting on the color change he said it would take time for organizational approval and manufacture of the colored boxes.

Mr. Drury asked how feasible it would be to place magazines inside shops. Mr. Gross advised that they do use some shops, but most boxes are filled at night when most shops are closed. Plus most of the shops are small and would not want to use up their sales space with magazines.

Ms. Karen Brown, of the Homes and Land book, spoke and agreed with Mr. Gross. She was concerned with the painting of the racks and reduction in numbers of racks. Ms. Brown asked the board to look into more options for rack placement.

Mr. Rothrock commented that this only applies to the downtown district.

The Board discussed locations, priority slots, colors and possibly lotteries for slots.

Mr. Gross explained the lotteries for newspaper slots in large cities.

Chairman West stated that there should be clear intentions, allow people to see the draft ordinance and comment on it, or send it back to subcommittee.

Mr. Rothrock advised the Board if they were not confident with the draft they could allow comment or send it back to subcommittee.

Mr. Drury commented that he had no problem with the verbiage of the draft ordinance.

Chairman West talked about the number of racks available and the type of priority that would be used to fill the spaces.

Mr. Alexander mentioned that a reasonable amount of time, at least six months, should be given to allow all vendors to meet the design standard requirements.

Mr. Steele stated that all the required design standards; location, size and color should be met in the six month required time. All boxes that are not in the correct public locations must be removed immediately.

Mr. Steele made a motion to approve for study for one month and to hear comments from interested parties and to return to Planning Board next month. Mr. Yount seconded the motion.

Mr. Alexander requested to continue looking for other possible public locations to install racks. **All members voted in favor of the motion.**

Landscape Ordinance Revisions

Mr. Rothrock stated that after several meetings of the tree ordinance subcommittee and other interested citizens, the draft of the tree and landscape ordinance in the Planning Board packet has been through multiple revisions. Hopefully this version of the draft ordinance is ready for review and approval with minor modifications. Mr. Mace pointed out inconsistency with 302.09 and 316.01.

With no other questions or comments the floor was open to the public.

Ms. Virginia Jones, representing BRAAC, advised she had some concern about policing of trees and how trees are taken down before it is noticed. BRAAC will take an initiative to help educate the public. There was some discussion with the board about fines. Mr. Rothrock advised he would get clarification on penalties and fines from the School of Government on how the money is used.

With no other questions or comments the floor was closed.

Mr. Alexander made a motion to approve the landscape ordinance with the changes in 302.09 and 316.01 to make them correspond. 316-F add pruning, E-5 omit # 9. Mr. Yount seconded the motion. All members voted in favor.

Adjourn

Ms. Sweeting made a motion to adjourn. Mr. Yount seconded the motion. All members were in favor of the motion.

With no further business the Planning Board adjourned at 9:40 PM.

Jim West, Chairman

Sherrie Pitts, Administrative Assistant