

**Draft**

**Planning and Zoning Board**

**Minutes**

**Thursday, April 20, 2017**

**5:30 p.m.**

The Blowing Rock Planning and Zoning Board met on Thursday, April 20, 2017 for their regularly scheduled meeting. Chairman Harwood called the meeting to order at 5:30 pm. Members present were Joe Papa, Kim Hartley, Don Hubble, Mike Page, Wes Carter and George Ellis. Members absent were Natalie Bovino and Genie Starnes. Staff members present were Planning Director Kevin Rothrock, Planning & Zoning Support Specialist Tammy Bentley and Town Engineer Doug Chapman.

Chairman Harwood recognized Lisa Stripling for her service to the Planning Board.

Chairman Harwood asked if there were any changes to the agenda. There were none. *Mr. Ellis made a motion to accept the agenda order, seconded by Mr. Page. **All members were in favor of the motion.***

Chairman Harwood asked if there were any changes to the February 16, 2017 meeting minutes. There were none. *Mr. Page made a motion to approve the minutes. The motion was seconded by Mr. Ellis. **All members were in favor of the motion.***

New board member Don Hubble was installed.

Chairman Harwood asked if there were nominations for Chairman and Vice-Chair. Mr. Page suggested keeping the current slate. Chairman Harwood and Mr. Carter agreed. **All members were in favor.**

Chairman Harwood asked the Board members on which subcommittees they wished to serve. The Board agreed the following subcommittee roster:

Planning Subcommittee

Mr. Hubble  
Ms. Hartley  
Mr. Papa  
Mr. Ellis

Zoning Subcommittee

Chairman Harwood  
Mr. Page  
Mr. Carter  
Ms. Starnes

## 1. **Conditional Rezoning (CB to CZ-CB, Central Business) – Morningside Townhomes**

Mr. Rothrock gave the staff report and Powerpoint presentation. Coldwell Banker Commercial MECA is requesting a conditional rezoning of the former Cheeseburgers in Paradise property from CB, Central Business to Conditional Zoning - Central Business (CZ-CB). The 0.905 acre property is located at 159 and 167 Rainey Street and 116 Morningside Drive. The Applicant is proposing to demolish 2 residential structures and construct 16 townhome units. The property is further identified by Watauga County PINs 2807-98-0826-000, 2807-98-1850-000, and 2807-98-0716-000. The Central Business zoning district allows up to 5 units per acre for multi-family uses. The Applicant is requesting a residential density of up to 17.7 units per acre for a total of 16 units for the project. Allowing 17.7 units per acre would require a waiver of the residential density requirements in Section 16-12.2.3 of the Land Use Code. The 2014 Comprehensive Plan supports an increase in residential density of at least 8 units per acre in the most intensive residential zoning district.

The Applicant is also requesting to use the property for short-term rental. This use is allowed in Central Business.

Mr. Rothrock, in responding to Chairman Harwood's emailed questions, said the Town should not incur any expenses for the project. Mr. Rothrock added that Rainey Street is very wide and that the lower part of Morningside Drive would be widened to 18 feet; it is currently a bit less than that now. He said that removing trees and shrubs would greatly improve the site triangle at Morningside Drive and Rainey Street. Mr. Rothrock also said that all buildings exceed the height limit if measured from the sidewalk, but if measured from the finished grade all buildings are between 30 and 37 feet. Mr. Rothrock said that no noise abatement for HVAC units is required. He added that the density is a point for discussion.

Mr. Ellis asked Mr. Rothrock the width of the Rainey Street at Morningside Drive. Mr. Rothrock responded close to 20 feet and that around the easterly corner the width is 17 feet.

Mr. Hubble asked if the screening requirements are satisfied. Mr. Rothrock said that the property is surrounded by 3 streets and screening would be required on the back side only. He added that in the Central Business zoning district that buffer width can be reduced by half.

Ms. Hartley asked the number of parking spaces on site. Mr. Rothrock responded 32. Ms. Hartley responded 2 per unit, which Mr. Rothrock confirmed. Mr. Rothrock added that the plans show some garages at 13 to 14 feet deep, which is shallow. Mr. Ellis asked the size of the parking spaces. Mr. Rothrock said 13' wide by 19' feet deep for the surface spaces.

Mr. Page noted that some units could have 3 bedrooms and asked if additional parking would be required. Mr. Rothrock confirmed and added that the code requires ½ parking space for each additional bedroom.

Mr. Carter asked if one parking space blocked by another space is considered two spaces. Mr. Rothrock said yes, but it is not very convenient. Mr. Carter asked if any portion of the driveway could be considered a parking space. Mr. Rothrock responded that for houses, we do not count parking spaces, but that this is different. He added that, yes, a driveway can count as parking spaces for houses.

Mr. Papa asked if the garages be counted as parking if they do not meet the depth size. Mr. Rothrock said probably not.

Mr. Page said the code does not allow vehicles to extend into public right-of-way; do the Rainey Street spaces extend into the right-of-way. Mr. Rothrock confirmed that all spaces on Rainey extend into the right-of-way. Mr. Page noted that a variance would be required for this parking as well.

Mr. Rob Pressley, applicant, addressed the Board. Mr. Pressley thanked the Town staff for their assistance. He also thanked the Planning Board for their time and efforts and added that he had served on a Planning Board. Mr. Pressley also conveyed his appreciation and love for Blowing Rock. He has been visiting since his childhood. Mr. Pressley said he decided to pursue this development because it can be a good example of urban infill development. He added there is a large demand for housing that is 'part of the town'. Mr. Pressley said he is leasing the Hanna apartment and realized that living in downtown with an urban feel was really what he wants. He added that much time and thought has been put into this project and this project was designed specifically for this site. Mr. Pressley added that the Speckled Trout upfit and this development will bring life to this area of Blowing Rock. Mr. Pressley said that a site bordered by three streets has advantages and drawbacks. He added that he wants to address density and height.

Mr. Pressley presented project renderings to the Board and audience. He noted that they had to elevate the front of the property to get the proper interior access slope. He added they wanted to minimize the length of wall and decided to add a lower level to the 2 units fronting 221. This lower level can be a den, but will not be marketed as a bedroom; each unit will have 2 bedrooms and 2 ½ baths. He added that the two units that have interior access, but front Rainey Street, are the same floorplan.

Mr. Pressley said that each unit has 2 parking spaces, including the garages, for a total of 32 spaces. He said that he will re-work the depth of the 13' deep garage to accommodate a standard car. Mr. Pressley said that the portion of Rainey Street that is proposed for parking is 'no man's land' and he is not sure who owns it, but he thinks it is unused right-of-way.

Mr. Pressley said the building setback is much further than requested; that the monumental staircase wall and patio are within one foot of the setback. He added that if the wall were less than 4' in height this would not be an issue.

Mr. Pressley, in referencing the density, said they could have 8 double-sized units, but that would cost more money and the units would exceed their target asking price of \$500,000 to just under \$800,000. He noted that only 4 units are close to \$800,000. Mr. Pressley pointed out some existing projects that have than 17 units per acre. He added density should relate to the land size.

Mr. Pressley said the landscape budget is through the roof, and there will be street trees. He added the wall budget is also through the roof.

Mr. Pressley said urban planning incorporates a softer transition from commercial to residential and that is the goal of this project. He also noted the sidewalk along Morningside is at a 20% slope, which is not very walkable, but they have included it in the project. He said there is no sidewalk on the upper section of Morningside or Rainey Street; they opted for curb and gutter.

Mr. Pressley said he anticipates that most units will have one car, and that 75% of the units would be second homes and not full-time residents. He noted the units are spacious, but they have compact living areas and he doesn't envision more than 4 people occupying the units. Mr. Pressley said any guests visiting or staying in a unit with both parking spaces occupied would overflow into unoccupied units parking spaces and public lots.

Mr. Pressley said building height changes with zoning district, and the code dictates that building height must be measured from Highway 221 although there are no entrances from Highway 221. Mr. Pressley said the true height of most of the units is 35' to 37' measured from the front doors of the units.

Jason Gaston with Valor Engineering address the Board. He said the goal of the site triangle at Rainey Street and Morningside Drive is maneuvering safely. He said the storm water system is designed to push all water from the site into the site and will be contained onsite.

The Board discussed the issues with the 13' deep garages and the other issues with using part of the right-of-way on Rainey Street for parking, and if there was any way to not use this area for parking. Mr. Pressley said the elevation on Rainey is good and the other option would be on-street parking. Mr. Clay, with Coldwell Banker Commercial MECA, said that some work could be done to Rainey Street at their expense, including moving the right-of-way to the other side of the street and realigning the street. He added there is a manhole in Rainey Street that needs to be updated. In addition, there is a sewer line that crosses the property, but there is no easement for the sewer line. He said the sewer line would be moved and an easement granted for the relocated line. Mr. Pressley added the east side of the property is very steep and covered in hardwoods.

Mr. Carter asked how they arrived at 16 units. Mr. Pressley said the uniqueness of the site, aligning the project with Speckled Trout and wanting to stay around \$300 per square foot resulted in 16 units.

Mr. Hubble noted that 7 waivers are requested and the density is driven by the applicant's financial parameters. Mr. Hubble added that several of the waiver requests could be resolved by reducing the project to 14 units. Mr. Pressley said they looked at deleting 2 units, but if 2 units are deleted, then the remaining units would increase in size. He added 2 things must happen; that the project is good for Blowing Rock and that it makes financial sense.

Mr. Clay said that the project creates a \$7,000,000 tax base and the property manager will take care of rolling out and replacing the garbage bins so they are not sitting out all the time. He added they have tried to be forward thinking and practical.

Mr. Page asked how the HVAC units will be handled. Mr. Pressley said the four larger townhomes will have two units and any outside equipment will be screened per code.

Mr. Page asked if recycling will be handled in the same manner as the garbage.

Ms. Hartley asked, considering the parking situation, if short-term rentals will be allowed. Mr. Pressley said that had not been discussed much and he does not plan to rent his. He said he thinks this will be an HOA issue, but the property is not intended to be a rental property. Ms. Hartley said she sees the possibility and demand for short-term rental which will lead to traffic and trash issues. Mr. Pressley said the trash would be taken care of. Ms. Hartley commented on the shortage of parking and density of the project. Mr. Pressley said he is hearing a request to reduce the density. Ms. Hartley said she would like further discussion on these issues. Mr. Pressley agreed.

Mr. Carter said short-term rentals are allowed in the existing zoning, but the applicant is changing the zoning, which may not allow short-term rentals. Mr. Pressley said the requested zoning will allow short-term rentals. Mr. Carter said short-term rentals are not a definite right since they are requesting variances. He added that current zoning allows 4 units per acre and this request is a 400% increase. Mr. Carter noted the other variances requested and percentage differences in what is allowed. He did note that this is a beautiful project.

Mr. Carter said the variance requests seem excessive. Mr. Pressley said that without any explanations it does seem excessive, but to look at each individual request as a goal to have a better project. Mr. Pressley added that 5 units per acre would look like a suburban downtown. Mr. Carter asked if they would be willing to cut out 2 units to fix the Rainey Street parking. Mr. Pressley said that he would have to cut 3 units to fix Rainey Street. Mr. Carter asked if he was not willing to do that. Mr. Pressley responded that he could not.

Chairman Harwood opened the meeting to public comment.

Mr. Pete Gherini, full-time resident of Blowing Rock, said traffic was not discussed and encouraged the Planning Board and Town Council to revisit this. He added this is a great job and great project, but parking and traffic are concerns.

Mr. Tom Lucido, 266 Morningside Drive, said the he knows all the issues, but the size of the buildings has not been discussed. He said the buildings along Morningside are 3 stories. Mr. Pressley said all buildings along Morningside and Rainey are 2 stories; that they are the same height. Mr. Lucido asked Mr. Rothrock if there is a requirement for green space. Mr. Rothrock said no. Mr. Lucido said the size is intense and he agrees with Mr. Hubble that this is a density issue.

Mr. Lucido asked Mr. Rothrock the setback between the sidewalk and back porch. Mr. Rothrock said 15 feet. Mr. Lucido asked how emergency vehicles will access the site and if there is only one way in and one way out of the development. Mr. Clay said the fire department could use Highway 221 to access the buildings in the event of a fire. Mr. Lucido added he loves the rendering, but this is not right for the community.

Mr. Bill James, of Birch Drive, said he has lived here 11 years and that he is surprised at the size of the project on this small lot. He said the 13' deep garages are an issue and that using the right-of-way on Rainey Street for parking is asking too much. He said access and egress should be contained on site; that this is too dense and it is not quality growth. Mr. James added granting the requested waivers will set a precedent.

Mr. Pressley said his profits aren't driving the density; that the design is driving density.

Mr. Jeff Greene, of Rainey Street, said his house has been there for 125 years and his papaw made caskets for the town. He said the summer traffic is bad on Rainey Street, and he is concerned the street will need to be widened, or cars will have to back out onto Rainey. He said he does not see short-term rentals as an issue; that the price will preclude bad tenants. He added he does not know if additional bedrooms can be avoided and that he loves the project but doesn't want it to affect the traffic on Rainey Street or the life-long residents of Rainey Street.

Mr. John Aldridge said that he helped with the 2014 Comprehensive Plan and priorities were set for the Town. He said in-village residential is a recommendation of the plan. He reminded everyone that this could be a commercial use and asked Mr. Rothrock if there are density regulations for Central Business. Mr. Rothrock said yes; the same as for the R-6M zoning district. Mr. Aldridge also said adopting Conditional Zoning was also recommended in the 2014 plan to allow in-village residential. He asked what we mean by density; that 4 larger units could appear as dense as 16 units. He added he thinks this is a wonderful project, but there are issues to be worked out and the developer seems agreeable.

Mr. James noted that someone unloading their vehicle trunk, while standing in Rainey Street to do so, could create a safety issue.

Ms. Erin Dickson, of Morningside Drive, asked how this development would affect the snowplowing of Rainey and Morningside; this is a definite safety issue. She added her kids walk and bike on Morningside. She noted Mr. Pressley used the word 'product' seven times. She said the project is beautiful, but she is concerned about the size. She said traffic is bad in the summer, the street is narrow and not made for 2 cars. She

added that 'product' hit a nerve with her and this 'product' could disturb their piece of paradise.

Mr. Jim West of Chestnut Drive said his background is real estate development, and he served on this Planning Board. He complimented the Board on their deliberations. He said he looks at the edges of any plan. He said the Rainey Street edge is critically deficient; traffic, noise, and trash impact are issues. He said he likes the concept and transition from commercial to residential. He said all sidewalks need to be installed and that trees/shrubs are causing site issues. He added if the units were doubled in size, the parking and trips per day would be reduced. Chairman Harwood asked Mr. West how long he served on the Board. Mr. West said 18 years.

Ms. Susan Sweet, property owner on Green Street, said she loves the project, but Rainey Street seems to be an issue. She asked if the units along Rainey could be reduced to one bedroom, thereby requiring less parking.

Ms. Susie Green, of Green Street, said she was on the Planning Board for 13 years. She said they worked hard on making Blowing Rock accessible and lovely and her concern is with the project fitting into the environment. She said this has been a business in the past, but this project is simply too big for the space. She added that when Ridgeway Motel is full people park wherever they can. Mr. Rothrock noted that people will do that.

With no further public comment, *Mr. Papa made a motion to close the public comment, seconded by Mr. Carter. **All members were in favor of the motion.***

Mr. Rothrock told the Board that this is the fourth Conditional Zoning request and whether they are for or against the project the request can still proceed to Town Council. Mr. Rothrock added that there will be a draft ordinance with supporting documentation and that this document will change the zoning map and all conditions will become part of the zoning map. Chairman Harwood asked Mr. Rothrock if the Board's options are to vote for or against the request. Mr. Rothrock confirmed and added that they Board can suggest more conditions, approve as presented, or not recommend at all. Mr. Hubble asked Mr. Rothrock if the Board could ask that the density be changed. Mr. Rothrock confirmed and added that a Conditional Zoning does not have a set of rights as does a Conditional Use Permit. Mr. Hubble said that he thinks Mr. Pressley and his team should look at the project, since it is so dense, and the Board could vote on it later.

Mr. Rothrock said the plan will be changed to ensure that all garages are an adequate depth. He said that all parking spaces are larger than 13 feet; that unit 1 is 17 feet 6 inches from the face of the building to the edge of the pavement, unit 17 is 18.88 feet from the face of the building to the edge of the pavement, and all other spaces are least 20 feet in length. He said the middle of Rainey Street is 20' wide and that the street narrows in the curve. Mr. Rothrock said there is a recorded subdivision plat that shows a 40 foot right-of-way, but the road is not centered. He said that if all parking is inside the right-of-way the buildings would have to be moved closer to Highway 221. He added

that Staff does not think having a sidewalk along the 7 parking spaces on Rainey Street makes sense.

Mr. Hubble asked if this project impacts the sidewalk along Highway 221. Mr. Rothrock said no; that along 221 the right-of-way is as much as 18 feet off the pavement and the buildings are at least 20 feet off the pavement edge. Mr. Hubble asked about the setback off Morningside. Mr. Rothrock said 15 feet; the buildings along Morningside do not meet the setback. Mr. Hubble said that Mr. Pressley made a point in noting that some zoning is outdated and asked if the Board should do a study to look at the ordinances in conjunction with the 2014 Comprehensive Plan. Mr. Rothrock said that is a great idea. He added that there have been very few buildings constructed in downtown in the past several years.

Mr. Carter said he thinks there should be a sidewalk on Rainey and that a sidewalk will keep vehicles a bit off the road. He said he thinks the design is beautiful but it is too dense. He added there should be sidewalks along all streets and that all parking requirements must be met while eliminating parking along Rainey Street. He said he cannot recommend the project as presented.

Mr. Papa agrees with Mr. Carter and added there are too many conditions and waivers and that the Board is not worried with profit numbers. He added that the developers are very eloquent and honest, but he cannot recommend as presented.

Mr. Page agreed with Mr. Carter and Mr. Papa. He said the impact of the massive front along 221 is difficult and that a height waiver should be seriously considered.

Ms. Hartley asked Mr. Pressley to take what he had learned from the neighborhood meeting and this meeting and regroup to see if a happy medium can be achieved. She added that parking and density stop the process.

Mr. Carter said he is concerned with short-term rentals and said this is about community, not vacationers.

Mr. Carter said the 2014 Comprehensive Plan suggest 8 units per acre, but that he is comfortable with 13 units per acre.

Chairman Harwood said his background is in planning and economic development, and he is torn with this project. He said what had not been discussed much is the long term future and smart growth of Blowing Rock. He said we should look to other resort communities and their growth for examples. He said the project jibes with the Comprehensive Plan, that this property will be developed and that we have the opportunity to embrace development. He added there are lots of positives and lots of concerns and that the developer has done an excellent job.

Mr. Ellis said the rental issue is perplexing considering the how the internet now impacts that business. He added this project is massive and we should be looking at something lighter.



Mr. Papa made a motion to deny the request and ask the applicant to revisit.

Mr. Rothrock suggested that the Board table the request and ask for more information or changes to the plan. Mr. Hubble said he likes Mr. Rothrock's suggestion.

Mr. Papa said he is not good with 13 units and that this doesn't work for any Board members.

Mr. Papa withdrew his motion.

Mr. Carter asked Mr. Pressley if he planned to go before Town Council anyway. Mr. Pressley said he is happy to go back and have the request tabled. Chairman Harwood said he is not sure they can table the request. Mr. Rothrock said if the Board denies the request, the applicant can go before Town Council and if the Board tables the request the applicant can come back before the Planning Board.

Mr. Clay said he does not know what they will agree to and he would prefer some direction from the Board; he does not want to come back guessing what the Board will agree to. He added that he feels like they should negotiate with the Town Council, not the Planning Board.

Mr. Carter said he understands and is hearing that neighbors are willing to compromise, but he thinks that 3 units will need to be eliminated. Mr. Pressley said he did not know either; if they have 30 days that they may withdraw or come back to the Board.

*Mr. Page made a motion to table the request until the next meeting, and asked the applicant to revisit the project based on the concerns voiced at the neighborhood meeting and this meeting, seconded by Mr. Carter.*

The Board discussed the motion, the issues with the project and whether the Board could meet with the developer. Mr. Rothrock said that would need to be a public meeting. Mr. Pressley asked if meeting with a temporary subcommittee would work. Mr. Rothrock said he was not sure.

**All members were in favor of the motion.**

*Ms. Hartley made a motion to adjourn the meeting, seconded by Mr. Carter. **All members were in favor of the motion.***

Chairman Harwood adjourned the meeting at 8:45 pm.

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Chairman David Harwood

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Tammy Bentley  
Planning & Zoning Support Specialist