

Draft

Planning and Zoning Board

Minutes

Thursday, December 21, 2017

5:30 p.m.

The Blowing Rock Planning and Zoning Board met on Thursday, December 21, 2017 for their regularly scheduled meeting. Chairman Harwood called the meeting to order at 5:30 pm. Members present were Joe Papa, Don Hubble, Mike Page, Natalie Bovino, Wes Carter and George Ellis. Members Kim Hartley and Genie Starnes were absent. Staff members present were Zoning Administrator Kevin Rothrock and Planning & Zoning Support Specialist Tammy Bentley.

Chairman Harwood made a motion to change the order of the agenda by moving the Flagpole Ordinance Amendment to the first order of business. *Mr. Ellis seconded.* **All members were in favor of the motion.**

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

1. Ordinance Amendment – Flagpole Height

Mr. Rothrock gave the staff report. The current maximum height for flagpoles is 20' and the recommendation is to change that to 30'. He noted that the flagpole in front of Town Hall is 30'. Chairman Harwood said the flagpole at the Blowing Rock Art and History Museum is 20' and that height can present problems when displaying two flags.

Chairman Harwood opened the meeting to questions. Mr. David Rogers asked what precipitated this change. Mr. Rothrock said the Fire Department asked the maximum height of flagpoles. Mr. Jerry Miller asked if the pole would be illuminated at night. Chairman Harwood said if the flag(s) is flown at night, the pole must be illuminated.

Mr. Page made a motion to approve the ordinance as presented. The motion was seconded by Ms. Bovino. **All members were in favor of the motion.**

2. Conditional Rezoning 2017 – 03 CB to CZ-CB, Blowing Rock Townhomes.

Mr. Rothrock gave the staff report and Powerpoint presentation. Grand Dakota Development, LLC 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 12 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 13.3 units per acre for a total of 12 units for the project. Allowing 13.3 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. Central Business and the downtown area would be comparable areas of the most intensive residential zoning including R-6M, GB, CB, and Town Center. The Applicant is also requesting to use the property for short-term rental. This is an allowable use in Central Business.

The applicable street setbacks for Central Business is 15 feet and is measured from the back of the existing/proposed sidewalk along each street. All setbacks along Hwy 221 and Morningside Drive are being met with the proposed design. The buildings that face Rainey Street do not meet the setback from the proposed sidewalk on Rainey Street. By providing parking spaces on Rainey Street, the sidewalk is pushed into the site further thereby decreasing the applicable setback. The closest building, on the corner of Rainey and Morningside, is shown 11 feet from the back of the sidewalk and 22 feet from the edge of the existing street pavement.

As proposed all buildings exceed the building height limitations for Central Business. The maximum building height is 30 feet from the street/sidewalk elevations for buildings built less than 50 feet from the street. The proposed building heights are shown at 34.5 feet above the grade at the entrance which is comparable to the elevation of the sidewalk in front of each unit.

The project requires 30 parking spaces. Thirty-one (31) spaces are being provided. Twelve (12) spaces are provided in single-car garages in the townhome units. Twelve (12) additional spaces are provided in off-street driveways in front of each garage. Seven (7) additional parallel spaces are provided along Rainey Street.

A private road will provide vehicular access to the interior of the site and to all 12 of the unit driveways and garages. The road will connect to Morningside Drive and will be for two-way traffic.

The storm water runoff from the site will be conveyed to a drainage collection system under the paved driveway near the courtyard and will be released at an ordinance-prescribed rate into the drainage system along Hwy 221.

A public sewer line runs through the east side of the property. It has yet to be determined where the sewer will be routed to provide adequate access for the public works department. Those details will be worked out over the next few weeks as detailed construction drawings are being completed. The sewer plans will be approved by the public works department and town engineer and will have to meet Town Code standards. All electrical service will be provided underground.

Garbage collection will be provided by a private contractor to minimize roll-out containers being left on the street and due to the private road access for the interior building units.

A general landscape plan has been submitted for review. Once construction plans are finalized, a detailed landscape plan will be produced. All landscape materials shown on the final plans will meet the Land Use Code standards for species and size.

Chairman Harwood asked if there were any questions for the staff.

Mr. Ellis asked the height on Rainey Street. Mr. Rothrock said 34' 6".

Chairman Harwood asked if the parallel parking spaces are public. Mr. Rothrock said he did not know and noted that they are in the right-of-way. Mr. Papa noted that the previous applicant needed a variance to use town property to satisfy the parking requirement and asked why this applicant does not need a variance. Mr. Rothrock said this is not a variance since the applicant can provide the spaces immediately adjacent to the project. The spaces just happen to be in the public right-of-way. Mr. Page said he thinks this is a variance and his concern is that the residents of Rainey Street will be delighted to have these 7 spaces. Mr. Page said he thinks the townhome owners will use these spaces instead of their garages. Mr. Rothrock noted that the applicant can pay into the parking fund and that these spaces are in the public right-of-way. Mr. Papa said there are 3 houses on Rainey Street with no parking and we must assume that they will use these spaces.

Mr. Hubble said the biggest problem is density and asked why the number of units is used as a metric and square footage is not. He said this is still far more density than allowed. He noted that there are only 2 developments with more density; Mr. Rothrock confirmed.

Mr. Page asked if the third house on Rainey had parking. Mr. Rothrock said no. Some people park on the vacant lot next to the subject property. Mr. Carter, whose son owns this property, confirmed this.

Chairman Harwood asked about the location of the HVAC units and the placement of the roll-out trash bins. Chairman Harwood also asked about the phasing for the project. Mr. Rothrock said these questions would be best asked of the applicant.

Mr. Page asked the height of the units from Highway 221. Mr. Rothrock deferred to the architect. Mr. Page asked the height of the buildings from grade along Highway 221. Mr. Rothrock deferred to the applicant.

Mr. Carter asked if any other person had utilized public parking without paying for it since the parking regulations were adopted. Mr. Rothrock said not that many buildings had been built in downtown other than BRAHM and the Hanna building. He said he could not think of this issue having arisen previously. Mr. Carter said this is the first time; Mr. Rothrock confirmed. Mr. Rothrock added that this is a unique site.

Mr. Carter asked the narrowest width of Rainey Street. Mr. Rothrock said 17 feet in the curve, and added that the rest of Rainey is close to town standard, with one small area 25' wide which provides an on-street parking space.

Mr. Jerry Miller said My Mountain Home on Valley Boulevard used public right-of-way towards their parking requirement. Mr. Rothrock confirmed, but noted that this property is not zoned Central Business.

Mr. Walter Fields spoke for the applicant. He said he had been working with developer Stephen Barker, architect Kevin Caldwell and engineer Thomas Wright on this project. Mr. Fields said they had looked at the previous application on this property and they had tried to address those concerns with this plan. He said the property slope impacts development costs and that the community envisioned this type use with the property being zoned Central Business. He added that this property had been a business use in the past. Mr. Fields said that the property fronting 3 streets presented challenges and they felt that access from Morningside Drive makes the most sense. He said that they number of units had been reduced by 25% and the square footage was reduced by 17%. He added that they had reduced the number of units fronting Rainey Street, that there is no traffic backing out onto Rainey Street and the garages are accessed from the interior of the development.

Mr. Fields said they are asking for 3 waivers. The addition of the 7 parallel parking spaces on Rainey 'shrinks' the site, necessitating a reduced setback along Rainey Street. Mr. Fields said these spaces will be public spaces; that they are creating public parking and meeting the parking requirement for the development. They are requesting a waiver on the density and building height. Mr. Fields said that a 40' roof height was more typical for residential structures in mountainous terrain. Mr. Fields added that they need some clarification on the 7 parking spaces to better understand the process.

Mr. Fields said there will be designated storage for the roll-out bins in the lower level of each unit. He said that Mr. Barker is working with the adjacent restaurant on an easement and he is also working with the Town on relocating the current public sewer line on the property.

Chairman Harwood asked the location of the HVAC units. Mr. Fields said all would be located inside the project.

Mr. Hubble said he was not referring to the square footage for this project, but in looking at updating the Land Use Code.

Chairman Harwood asked if the retaining wall is 'stepped' along Highway 221. Mr. Caldwell said yes it is 'stepped'; that near Speckled Trout it is 6', then about 4' and that the first wall is 15' from the right-of-way. He said the second wall is another 10' and that the site elevation is 25' back and 10' up.

Chairman Harwood, referring to Mr. Page's earlier question, asked the building elevation along Highway 221. Mr. Caldwell said about 45' from Highway 221 to the top

of the roof. Mr. Page noted that this is a fairly massive structure. Mr. Wright said that they are trying to break up the scale and to make the site accessible to Highway 221. He added that he thinks that it is nicely textured and that the distance from Highway 221 is sufficient.

Mr. Hubble said this is a better use of the site than the previous proposal. He added that it is still too dense. Mr. Fields responded that they are trying to scale the development to the site and how the site fits into the community.

Mr. Carter said the zoning allows for 4 units per acre. Mr. Rothrock said it is 5. Mr. Carter said it is 4. Mr. Rothrock said we don't round down. Mr. Carter said this is tripling the amount of units allowed. Mr. Rothrock said residential density are a result of watershed restrictions. Mr. Carter said this is tripling the number of units and that the Comprehensive Plan suggests 8 per acre. Mr. Carter said his biggest concern is parking and that the developer has not shown him that the parking requirement can't be met on site. He added that this is a requirement for him before moving forward. Mr. Page said the Comprehensive Plan states 8 or more units per acre. Mr. Papa said 8 would work. Mr. Carter noted that less units could mean bigger units. Mr. Wright said that they are allowing for lots of good materials and breaking down the feeling of density.

Mr. Carter said the parking requirement can be met in more than one way; on site or off site; adding along their site. He noted that it makes more sense for the developer to provide parking close to the site where it will be used.

Mr. Ellis said that more money for better architecture is ok, but 10 years down the road, that may not come into play. Mr. Fields agreed and said that's why the Town has this process. He added that the Land Use Code and zoning ordinances provide a framework, but also allows for some flexibility in addressing site uniqueness.

The Board discussed the parking issue and the options available to the developer and to the Town.

Mr. Ellis asked if short-term rental was requested. Mr. Rothrock said it is permitted in Central Business.

Mr. Ellis asked about the trash bins. Mr. Fields said those would be stored in the units and not on the street.

Mr. Steven Barker, project developer, said he has owned this property for 5 or 6 years. He said that this is a unique site with steep topography. He said there is no way to meet all the ordinance requirements. Mr. Barker said he had many inquiries into the site, from a parking lot to a strip mall. He said that he doesn't think those would be good for the Town. He said that he is being asked where 1500 to 2200 square foot residential properties are available that are within walking distance to downtown, indicating a demand for in-fill residential development in downtown. Mr. Barker said the site is extremely expensive to develop, adding cost to each unit. Mr. Barker thanked the Board for their time and consideration.

Chairman Harwood opened the meeting to public comment.

Mr. Marshall Sealey spoke on behalf of the Blowing Rock Civic Association. He said that he and several other members of the BRCA met with Mr. Rothrock in November and they thought the project plans were impressive, but the density was too much and parking was a bigger issue than they realized. He said they are concerned about the height scale from Highway 221 and Rainey Street. He asked how this fits into an acre; is a 166% variance a slight change? He also said that the Board needs to look at precedent that could be set.

Mr. John Aldridge had 3 points for the Board. He said that the 2014 Comprehensive Plan suggested more density for these developments and that 4 units per acre is for a subdivision and not multi-family and there must be flexibility because each site is unique. He said Blowing Rock needs to decide if they want in-village residential. The Comprehensive Plan indicated yes, because these property owners take care of their property and support local businesses. In his second point he wanted the Board to consider alternative uses for this site. Mr. Aldridge said that commercial development could have much greater density, along with possible smells, traffic, etc. He added that 35' from the street with landscaping is not massive. His third point is that Blowing Rock is magical. If we want this we need to move forward. He said it may be possible to get all parking on the site, but at the expense of the quality of the units. He added that Blowing Rock already has a reputation of being anti-development, which is not a good reputation. He said we need to be flexible, thoughtful and move forward with this.

Mr. David Sweet said he agrees with Mr. Aldridge. He said this group has addressed the concerns presented by the previous plan and that he thinks that plan would have been approved if it included 7 parking spaces on Rainey Street. He also thinks this should be approved and if the Town doesn't want this type of development, we need to make that evident. Mr. Sweet said if we keep changing the goal post, developers will get the message and not come back. He added that this is a good project and deserves serious consideration.

*Mr. Hubble made a motion to close the public comment. The motion was seconded by Mr. Page. **All members were in favor of the motion.***

Mr. Ellis asked that the emails that Staff received be read. Chairman Harwood said that was not necessary; that the emails are part of the packet and available for public review.

Mr. Hubble made a motion to approve the request as presented for the Town Council. The motion was seconded by Chairman Harwood.

Mr. Carter said there are lots of uses for this site and that the applicant had done a good job in addressing the previous issues. Mr. Carter said that density isn't the only concern. He said that the density and height are ok, but that he does have an issue with short-term rentals. He said this use will increase traffic and trash. He added that this creates people density, not building density.

Mr. Hubble asked what happens if this is a motel. Mr. Carter said that was a great idea. Mr. Hubble pointed out that a motel is short-term rental. Mr. Carter agrees, but added that it would meet the zoning requirements. Mr. Carter said the applicant does not have a right to have short-term rentals as they are creating a brand new zone. Mr. Carter added that the applicant had addressed his concerns with the parking on Rainey Street to his satisfaction.

Chairman Harwood clarified that as presented, short-term rental is allowed. Mr. Carter said he could approve it without short-term rental.

Mr. Hubble amended his motion to approve without short-term rentals.

Mr. Ellis said this is not short-term rental, but very short-term rental and that 12 units is still a stretch.

Mr. Rothrock said that in the Conditional Rezoning process, the Board cannot impose conditions with which the applicant does not agree. Mr. Carter said they are not telling the applicant what to do. Mr. Rothrock said the applicant must agree to conditions 'imposed' by the Board. He added that the applicant will have a POA/HOA to enforce short-term rentals and other conditions. Mr. Carter said the Board is just recommending to the Town Council and they can decide.

Mr. Papa said he doesn't want to give away town parking.

Chairman Harwood confirmed with Mr. Rothrock that the applicant must agree to the condition that eliminates an underlying right. Mr. Hubble asked if the Planning Board is prohibited from making the recommendation to the Town Council. Mr. Rothrock said they can, but the Town Council decides. Mr. Rothrock added that he thinks making the recommendation is ok, as the Planning Board is a recommending body.

Mr. Carter said he thinks short-term rentals makes property less valuable, not more valuable.

Mr. Page said that short-term rental should not be restricted in downtown. He said he disagrees with Mr. Carter regarding short-term rental devaluing property, and that he doesn't think this should be a part of the recommendation.

*The Board voted on the amended motion, to recommend as presented, but denying short-term rental use. **The Board voted 3 in favor and 4 against. The motion did not pass.***

Mr. Page said the parking was a 'killer' for him. Mr. Papa agreed. Mr. Rothrock said that the project requires 30 parking spaces and has 31 including the Rainey Street parking. He added that the benefit of these 7 spaces to the Town offsets the requirement to have all parking being on site.

Ms. Bovino said she has density issues; that she would like to see less than 8 units and a project with less quantity and more quality.

Mr. Hubble said that he want the Planning Board to put forth the effort to review the current Land Use Code.

*Mr. Page made a motion to adjourn the meeting, seconded by Mr. Ellis. **All members were in favor of the motion.***

Chairman Harwood adjourned the meeting at 7:40 pm.

Chairman David Harwood

Tammy Bentley
Planning & Zoning Support Specialist