

Draft

Planning and Zoning Board

Minutes

Thursday, January 18, 2018

5:30 p.m.

The Blowing Rock Planning and Zoning Board met on Thursday, January 18, 2018 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, Kim Hartley, Genie Starnes and George Ellis. Members Wes Carter and Natalie Bovino were absent. Staff members present were Zoning Administrator Kevin Rothrock and Planning & Zoning Support Specialist Tammy Bentley.

Chairman Harwood asked if there were any changes to the agenda. There were none. *Mr. Page made a motion to approve the agenda. The motion was seconded by Ms. Starnes. All members were in favor of the motion.*

Chairman Harwood asked if there were any changes to the December 21, 2017 meeting minutes. Chairman Harwood asked that the minutes be amended to include the vote on Mr. Hubble's amended motion for Grand Dakota Development. *Mr. Papa made a motion to approve the minutes as amended. The motion was seconded by Mr. Hubble. All members were in favor of the motion.*

1. Conditional Use Permit 2018 – 01 The Cottages at Green Hill Subdivision – 8-lot Single Family Subdivision

Mr. Hubble asked to be recused from the proceeding as he is an adjacent property owner. **All members were in favor of the recusal.**

Mr. Rothrock gave the staff report and Powerpoint presentation. Green Hill 12, LLC is requesting a conditional use permit for an 8-lot single-family subdivision and a new public road. The 4.59 acre subject property lies off Green Hill Road just south of the intersection with Edge Hill Road. The property is zoned R-15, Single-family. The subject property is in the WS-IV-PA water supply watershed. The property is further identified by Watauga County PIN 2817-65-2741-000.

The subject property is wooded and slopes down from north to south with an average cross slope of 25.7%. This property is within the water supply watershed and the residential density for that area is two dwelling units per acre and no lot less than 15,000 sq. ft. Each lot meets the minimum size requirement and the overall density is compliant with the watershed standards.

A new subdivision street is proposed along the ridge of the property with a connection to Green Hill Road. The new road will serve all 8 lots with a total length of 606 feet to the center of the cul-de-sac. The road will be built to Town standards with a maximum grade of 15%, 18 feet of pavement, and 30-inch curb and gutter. The applicant intends to offer the road for public dedication upon completion and the Town will be responsible for street maintenance and snow removal.

Storm water detention is required due to the increased impervious areas being generated by the proposed road. The storm water drainage system will be designed to accept runoff from the proposed roadway and convey it through a detention system before releasing to a public right-of-way or natural drainage path. As shown on the preliminary plan, it appears that the storm water design will meet the Land Use Code standards.

The proposed subdivision requires street trees be planted or retained an average of every 30 feet on each side of the street. Exceptions for new tree plantings can be made where existing healthy shade trees are located within 50 feet of the road centerline.

A 6-foot wide walking/golf cart trail will be provided from the edge of the proposed street near lot 8 down to Fairway 12 Court. This trail will be maintained by the homeowner's association and will provide golf cart access to Town streets without having to use Green Hill Road.

A 6-inch water line with two (2) hydrants along the new street is proposed. The water line will also provide a connection loop from Green Hill Road to Fairway 12 Court.

The proposed sewer will be a low-pressure line connecting to the gravity sewer system in Fairway 12 Court. Each home will be connected to the system with a low pressure pump. Staff and the Town Engineer will approve water and sewer systems to meet the Town Code.

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

Chairman Harwood asked the curb radius where the proposed road meets Green Hill Road. Mr. Patrick Warren, Engineer, said it is between 15 and 20%. Chairman Harwood asked the Town standard for a turning radius. Mr. Warren said the curb stops at the right-of-way would be either 15 or 20%.

Mr. Page asked if the cul-de-sac is 35' to the edge of the pavement. Chairman Harwood said it is 35' to the base of the curb or to the pavement. Mr. Warren said that 35' of pavement is required by code.

Mr. Warren said that the width of the property is 61' at Green Hill Road, 18' of which will be paved. He added that the pavement can't extend beyond the property line.

Mr. Ellis asked the drop in elevation from Green Hill Road and if additional run-off on the properties below could be ruled out.

Mr. Jim Lester said that he and Bo Perry are partners in this project and that he developed Timber Creek and Firethorn. Mr. Lester said that there is a demand for smaller upscale homes around the Golf Course, and this will fill that demand. These would be 2500 to 3500 square foot homes in a community with a POA that will ensure that all yards and shrubs are maintained. He added that there will be an Architectural Review Committee, the target buyer is between 50 and 70 years old and many will be golfers. Mr. Lester said this will be an upscale neighborhood of which Blowing Rock will be proud.

Mr. Patrick Warren, responding to Mr. Ellis, said that the elevation at Green Hill Road is 3780' and there is approximately a 10' drop. He added that the water now runs into the ditch on the other side of Green Hill Road. Mr. Warren said they don't have additional shots to determine if there would be additional run-off, but that he anticipates that water will continue to 'sheet-over' to the other side of Green Hill Road.

Chairman Harwood opened the meeting to public comment.

Mr. Hubble addressed the Board. He said that he has owned the largest adjoining tract for 19 years. Mr. Hubble said he chose this location because of the dead end road and it being buffered from the road. Mr. Hubble said he is not opposed to the project and that Jim Lester builds quality projects. Mr. Hubble said his only objection is that the proposed cart path on Lot 8 must extend over private property. Mr. Hubble said he can't understand a need for a cart path at that point; that they will have to access Green Hill Road anyway. Mr. Hubble said the golf course can't be accessed without running along Fairway 11 and 12 Court, and that the best access is off the cul-de-sac. Mr. Hubble said he will not approve access across his property and he will recommend the same to other Fairway Court property owners; that he is on the HOA for Fairway Court. Mr. Hubble said that his cart path is at the end of Lot 6, and heavy rains cause run-off down his path. Mr. Hubble said that storm water control is very important. He added that he thinks this project is well laid out, but he is opposed to the cart path.

Mr. Rick Parsons, a 20 year resident of Green Hill Road, said that he is not opposed to responsible development, but that the Town must look at the traffic impact on Green Hill Road. Mr. Parsons said that speeding is a serious problem on Green Hill Road and that anything that adds traffic will exacerbate this problem. He said that he is not opposed, but the existing problem on Green Hill Road must be addressed.

Mr. Paul Peterson, past member of the Planning Board and resident of Fairway Court, said there is a buffer strip on Fairway 12 Court and the applicant will not be able to cross it to access Fairway Court for the cart path.

Chairman Harwood asked Mr. Peterson if there is any valid legal access on Fairway Court. Mr. Peterson said yes, next to the Miller house at number 12. Mr. Peterson said that a few years ago the Country Club reviewed the number of accesses to the golf course and he thinks that additional access must be approved by the Country Club Board of Directors. He added that there are several places on Fairway Court that have access to the course, but these are private property. Chairman Harwood asked if access by the Miller property is over the buffer. Mr. Peterson said no; that the buffer is along Green Hill Road.

Mr. Lester distributed letters and copies of deeds to the Board members and Mr. Peterson. He read the letter from his surveyor stating that, in the surveyor's opinion based on recorded deeds and plats, that the cart path does not cross Mr. Hubble's property or interfere with his lot. Mr. Lester said this path was chosen because it is the right-of-way for utilities and will be graded after the utilities are in; making for a good cart path. He added that they want to be good neighbors and not infringe on others rights.

Mr. Hubble said that he had no objection to the utilities as proposed. He said that the first plat referenced in Mr. Lester's handout did not include the 25' piece and that the path is alongside or very close to his property. He added that he thinks there is a 2' buffer and asked why access is needed here as this is a 'path to nowhere.' Mr. Hubble said he thinks this is a good project and expects good neighbors, but that the Club must approve access to the course.

Mr. Everett Walker, Green Hill property owner of 28 years, said that speeding on Green Hill Road is out of control; that cars speed by his house at 60 mph. Mr. Walker said he totally supports the project and he doesn't think the size will make the speeding worse – that, if anything, this will give the Town some clout to address the speeding issue. He said that he thinks it is a great idea to keep golf carts off Green Hill Road and is favor of the cart path.

Mr. Hubble said that only Country Club members can use carts on the course, and the Club enforces that.

Mr. Ellis asked where the 25 and 35 mph speed limits are. Mr. Walker said about 25' past Edge Hill is where it decreases to 25 mph, but that this doesn't matter as people have consistently broken the speed limit for many, many years. He added that speeding is a Town-wide issue and he is afraid to stop at 4 way stops for fear of being rear-ended.

Mr. Ken Brown, resident of Edge Hill, said that he supports the development and thinks it will be an asset to the neighborhood. He added that speeding on Green Hill Road is a problem.

Mr. Peterson said that when Colonel Hallmark was Mayor, he contacted him and made it clear that the Town wanted to assume maintenance of the road for the Powell Bill. Mayor Hallmark said that the Town was aware that the cul-de-sac did not meet Town code, but that was not an issue. Mr. Peterson said they argued over the buffer. Mr. Peterson put the issue of allowing access over the buffer strip to the property owners,

and they decided against. Mr. Peterson said that when Mr. Hubble acquired lots 1 & 2 the 20' right-of-way shown on the plat was included in the sale. Mr. Peterson said the plat for his property shows the 25' road deeded to Mr. Hubble and also shows the buffer. Mr. Peterson said that he proposed to Mayor Hallmark that the utilities (electric, water, sewer) be placed in the buffer. Mr. Peterson added that he doesn't think the POA will allow carts to cross the buffer and that he will continue to oppose cart path access across the buffer.

Mr. Papa asked if the cart path could be changed to another location on the property. Mr. Peterson said that would have to be discussed with the Country Club for permission. Mr. Hubble and Mr. Peterson propose that the path be between lots 4 and 5. Currently the path is along lot 8, a location to which they are both opposed.

Mr. Papa asked Mr. Lester if there is a problem with moving the cart path. Mr. Warren said they want to use the one by lot 8 due to the placement of the utilities there; that the path would be graded. Mr. Warren said the grade at lots 4 and 5 is 26%, making path placement there difficult. Mr. Warren said the path will be created once utilities are installed and the path will be flatter. He added the storm water will follow Town Code.

Ms. Hartley asked if Fairway Court is a public Town street. Mr. Rothrock confirmed. Chairman Harwood asked how much is public. Mr. Rothrock said the Town maintains up to Mr. Hubble's driveway. He added that there is no cul-de-sac installed as shown on the Town GIS map.

Mr. Lester said he thinks they have access to Fairway Court, per his surveyor adding that he has faith in the surveyor.

*Ms. Starnes made a motion to close public comment, seconded by Ms. Hartley. **All members were in favor of the motion.***

Mr. Papa said his only issue is the cart path. Mr. Page concurred. He added that they could recommend approval and let the cart path issue be determined by lawyers later.

Mr. Page made a motion to recommend as presented.

Mr. Rothrock said the applicant must prove they can use the buffer and access road and must provide a title opinion. He added that the project could move forward without the path access being determined.

Ms. Starnes seconded Mr. Page's motion.

Chairman Harwood said that he is unclear about the path. He added that he thinks this is a good project using a difficult site. He asked if staff or the Town have an opinion on this. Mr. Rothrock said he did not, but he had spoken to Town Attorney, Allen Moseley. Mr. Moseley said that the applicant must provide opinion of title before they can place the cart path across the buffer. Mr. Rothrock said the path cart is not crucial, but the

utilities are. Chairman Harwood asked Mr. Hubble if placement of the utilities is an issue. Mr. Hubble said placement of the utilities is not a problem.

Chairman Harwood said the Board can approve, and let the Town Council decide, or the Board could re-visit the request so this issue is settled. He also said the Board could recommend without the path. Mr. Page said the path is not the Board's issue, that this is a legal issue between property owners.

Mr. Ellis said this is also a marketing issue that the developer must solve. He added that he likes the project; it is good for the town.

Chairman Harwood asked Mr. Page if he would be ok with amending his motion to include that the path location needs further attention. Ms. Starnes asked if the Council can be made aware of it when it is presented. Mr. Page said this preceeding and the letter from the surveyor will daylight this issue.

*The Board voted on Mr. Page's motion to recommend as presented, which was seconded by Ms. Starnes. **All members were in favor of the motion, except Chairman Harwood. Motion carried 6 to 1.***

*Mr. Page made a motion to recommend that Town Council study and take some action regarding the speeding issue. Mr. Ellis seconded. **All members were in favor of the motion.***

Mr. Hubble returned to the meeting.

Other Business

Mr. Rothrock said Benchmark Planning is helping with the sign ordinance; that they had helped with the 2014 Comprehensive Plan.

Mr. Hubble reiterated that he thinks the Land Use Code needs attention. Mr. Rothrock said there were changes recommended at the retreat.

Chairman Harwood said he sent an email to the Town Council before the retreat stating that the Planning Board could help in any way, including researching and looking at items and asking for a 'laundry' list for the Planning Board to address.

Ms. Starnes said that speeding on Highway 321 is a nightmare and asked Mr. Rothrock if this issue should be taken up with the Blowing Rock Police Department. Mr. Rothrock said the Police Department and the NC Highway Patrol both monitor this. Mr. Hubble said that he does not think the Planning Board is responsible for taking this to the Town Council. Mr. Page said that is correct, but his motion was in response to the issue raised during this meeting.

Ms. Hartley asked when Highway 321 will be more scenic. Mr. Rothrock said the landscaping should be installed over the next year.

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

Chairman Harwood adjourned the meeting at 6:50 pm.

Chairman David Harwood

Tammy Bentley
Planning & Zoning Support Specialist