

**Draft**

**Planning and Zoning Board**

**Minutes**

**Thursday, February 15, 2018**

**5:30 p.m.**

The Blowing Rock Planning and Zoning Board met on Thursday, February 15, 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, Wes Carter, Genie Starnes and George Ellis. Natalie Bovino was absent. Staff members present were Town Manager Ed Evans, 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. Hubble 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. There were none. *Mr. Ellis made a motion to approve the minutes. The motion was seconded by Mr. Hubble.* **All members were in favor of the motion.**

**1. Solid Waste Ordinance Amendment**

Mr. Rothrock gave the staff report. Town Council has asked the Planning Board to review and consider some amendments to the solid waste regulations in the Town Code. These amendments include specific times for residents to have solid waste/recycling containers available for pick up and removal of containers and guidelines for container enclosures.

Ms. Hartley asked Mr. Rothrock if there have been complaints about garbage cans being left on the roads. Mr. Rothrock confirmed and added that cans are left by the road for several days. He added that complaints about too much trash piling up and containers being put out prior to collection day have been received.

Ms. Hartley asked how these complaints are handled. Mr. Rothrock said the Utility Billing Coordinator contacts offenders.

Ms. Starnes asked how this is policed. Mr. Rothrock said through neighbor complaints and Public Works employees.

Mr. Carter asked if the Town plans to make garbage bins match the recycling bins. Mr. Rothrock said no.

Mr. Papa asked about weekend-only residents. Mr. Rothrock said they use the trash the bins. Chairman Harwood asked if trash must be in bins. Mr. Rothrock said this requirement is in the existing ordinance. Chairman Harwood asked if we need to mandate that bags be placed in containers. Mr. Rothrock said that this is mandated in the existing ordinance.

Mr. Hubble noted that some enclosure bins do not match the proposed language and asked if these would be in violation. Ms. Starnes asked if these would be grandfathered. Mr. Rothrock said yes, unless they are too close to the road. Mr. Hubble asked to include this language. Mr. Evans said Beech Mountain's ordinance does not allow repairing grandfathered bins.

Mr. Carter asked if we want to not allow bins. Mr. Rothrock said he doesn't think so. Chairman Harwood noted that some folks are not able to roll-out or carry bins. Mr. Hubble noted that this addresses Mr. Papa's concern with weekenders.

Ms. Starnes asked if this is passed how citizens will be notified. Mr. Evans said via the Town newsletter, in one water bill and on the Town website.

Mr. Evans said that the Beech Mountain ordinance does not allow trash to be put out prior to the day of pick-up.

Ms. Hartley asked who determines if enclosure bins meet requirements. Mr. Rothrock said the Public Works Director. Mr. Evans noted that Beech Mountain had specific size requirements for the enclosures. Mr. Hubble asked if the specific size requirements will be in the ordinance.

Chairman Harwood suggested adding language regarding the upkeep of the enclosure. Mr. Evans suggested 'must be kept in proper repair'.

The Board discussed the times that the cans must be placed on the street for collection. The Board also discussed where the cans be placed for collection.

Chairman Harwood suggested adding the following to the proposed ordinance:

1. Language regarding maintenance and upkeep of bin enclosures
2. Cans are not to be placed for collection before 6:00 pm on the night before pick-up, and no later than 7:00 am on the day of pick-up.
3. Allow existing bin enclosures to be grandfathered.

*Mr. Ellis made a motion to approve the ordinance as amended, seconded by Ms. Starnes. **All members were in favor of the motion.***

## **2. Discussion – Short Term Rental Ordinance**

Mr. Rothrock gave the staff report. He said that the Town Council has asked the Planning Board to look at the current Land Use Code as it applies to short-term rentals. The Council wants the Board to look at refining the ordinance and at implementing a permitting process for short-term rentals. Mr. Rothrock said that the TDA will be using STR Helper to find short-term rentals.

Mr. Hubble asked if there are regulations or permits governing short-term rentals now. Mr. Rothrock said there is a definition and these are regulated in the Permissible Use Table. He added that it is not referred to as short-term rental; that it is referred to as Tourist Home currently. Mr. Hubble said he had been looking at this issue in Colorado and Texas and is thinking that we need a more comprehensive ordinance. Mr. Rothrock agreed and said that's why we are here.

Mr. Rothrock said that there is no permit required, and that he thinks a permit process needs to be established. He added that this will not be resolved tonight and suggested that a sub-committee be formed to address this. He added that the permit should include inspections performed by the Building Inspector to ensure compliance.

Mr. Ellis said that he does not think there is sufficient staff to handle the additional workload. Mr. Rothrock assured Mr. Ellis that the staff will be able to handle the additional workload.

The Board discussed where short-term rentals are currently allowed, how the permitting process should work, and if there should be a set limit for short-term rentals within the Town.

Mr. Page said his concern is not the districts which allow short-term rentals, but short-term rentals in districts in which it is not allowed. Mr. Page added that short-term rentals are governed by State Statute, that he is a minimalist on permitting short-term rentals and there he does not want to overburden staff or folks who have been doing this for years.

Mr. Ellis asked how many houses would need inspection and if the Town would have liability in the event of a fire. Mr. Rothrock said that there might be 100 houses, that the Building Inspector can perform 10 inspections per day. He added that we are not expanding the short-term rental market, but that we are narrowing it by requiring a permit.

Mr. Page asked how many complaints are received in areas where short-term rentals are allowed. Mr. Rothrock said very, very few. Mr. Page asked how many complaints are received in areas where short-term rentals are not allowed. Mr. Rothrock said 10 or less per year.

Mr. Page asked if complaints are handled in a straight-forward manner. Mr. Rothrock confirmed.

Mr. Page asked Chairman Harwood how to defer this to a sub-committee. Chairman Harwood said he would like to defer and asked Mr. Rothrock what is the expected result. Mr. Rothrock said a new ordinance.

Mr. Hubble said he would like to get public input on this. The Board discussed ways to elicit input from the public, including real estate professionals.

*Mr. Hubble made a motion to form a sub-committee to address the current Land Use Code and draft a new ordinance for Short-Term Rentals.*

Chairman Harwood suggested giving this to the Zoning Sub-committee. Mr. Rothrock said that they are tasked with amending the Sign Ordinance and that we need a special sub-committee for this.

Mr. Page, Mr. Hubble and Mr. Papa volunteered to serve on this sub-committee.

*Mr. Carter seconded Mr. Hubble's motion. **All members were in favor of the motion.***

### **Other Business**

Mr. Rothrock informed the Board of the Conditional Zoning request for the old Blowing Rock Realty building at 1150 Main Street. The applicant is proposing 2 retail and 6 residential condos on the site. He added that a neighborhood meeting is scheduled on 2/27/18 at 5:30 pm at Town Hall.

Mr. Papa said he thinks they need clarity on building heights. He asked where the height is measured from, and added that he thinks they missed to boat on the proposed Morningside project and the new condos being built on Chestnut Drive.

Mr. Rothrock said in Central Business the height is measured from the sidewalk, if the roof is less than 50 feet from the back of the sidewalk. Mr. Rothrock said the difficulty with the Morningside site is the slope and that the property is fronted by 3 streets. He added that the height in Central Business is designed for Main Street and Sunset Drive. He added that he thinks the height in the Central Business/Town Center zoning districts does not work well for the Morningside site.

Mr. Rothrock said that in the R-6M zoning district all the roof heights are measured at the grade at the main level; 35' to the top of the roof. Mr. Papa asked if this was existing or as built. Mr. Rothrock said designed and built.

The Board discussed the retaining wall at the condo project on Chestnut Drive.

Mr. Ellis said it would help if plans presented were to scale. Mr. Papa agreed. Mr. Hubble said that this also applies to the opposition; that the rendering of the Morningside project they presented at the Town Council meeting was an unfair representation. Mr. Hubble added that he appreciates the Planning Board members who attend the Town Council meetings.

The Board discussed the requirements for parking spaces, traffic impact of proposed projects and whether having short-term rentals in residential properties changes that property to a commercial property. Mr. Page said the State Statute is clear that short-term rental use is residential and not commercial.

In referring to the Morningside project, Mr. Hubble said to Mr. Papa that the developer listened to his concern about offsite parking and had moved all the parking onsite at the Town Council meeting presentation.

The Board discussed when a project should come before the Planning Board a second time. Mr. Rothrock said there are some guidelines for that but these more geared to Conditional Use Permits.

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

Chairman Harwood adjourned the meeting at 7:00 pm.

---

Chairman David Harwood

---

Tammy Bentley  
Planning & Zoning Support Specialist