

## **Planning and Zoning Board**

### **Minutes**

**Thursday, November 21, 2013**

**5:30 p.m.**

The Blowing Rock Planning and Zoning Board met on Thursday, November 21, 2013 for their regular scheduled meeting. Chairman Jim West called the meeting to order at 5:30 p.m. Members present were David Laughter, Ray Pickett, David Harwood, Natalie Bovino and Alice Roess. Members Lisa Stripling, Doug Pegram and Debbie di Santi were absent. Staff members present were Town Manager Scott Fogleman, Planning Director Kevin Rothrock and Administrative Assistant Tammy Bentley. Chairman West asked if there were any changes to the minutes. Chairman West asked that “Ms. Laughter” be changed to “Mr. Laughter” in the fourth paragraph on page 1.

Mr. Harwood commended Ms. Bentley on the minutes. Chairman West also commended her and said that changes to the minutes were rare.

*Ms. Roess made a motion to approve the minutes as changed. The motion was seconded by Mr. Laughter. All members were in favor of the motion.*

### **CUP 2013 – 04 Amendment to Pssghetti’s Restaurant (CUP No. 2004-04)**

Mr. Rothrock gave the staff report. Blowing Rock Real Property, LLC is requesting a change to the existing conditional use permit to subdivide the upper 2.7 acres from the 5.2 acre former Pssghetti’s Restaurant for future residential home site. The subject property is located at 7179 Valley Boulevard and is zoned General Business.

Chairman West asked if there were questions for the Staff. Mr. Harwood asked how the upper 2.7 acres would be accessed. Mr. Rothrock responded through the restaurant parking lot or through the neighboring property off Hughes Road. Mr. Harwood asked if access through Hillwinds would be possible. Mr. Laughter said probably not. Mr. Harwood asked what the front lot line set-back would be. Mr. Rothrock said 30 feet. He added that there are possibly two home sites but that Mr. Triplett of Blowing Rock Real Property, LLC, has plans for one site only.

Ms. Roess asked if the applicant is thinking of dividing the upper tract. Mr. Rothrock said no.

Chairman West asked how access through the parking lot impacts the impervious area. Mr. Rothrock said that there is still plenty of property left over to satisfy that requirement. Chairman

West noted that the site plan appears to have 30 parking spaces. Mr. Rothrock said there are actually 28 total and that the restaurant has ample parking.

Chairman West asked if the applicant would like to speak. Mr. Jim Triplett addressed the Board. He said that he intends to reopen the restaurant and feels that it is appropriate to address subdividing the property now. He said that Mr. Rothrock covered most everything with his presentation.

Chairman West asked Mr. Triplett if he had any further thoughts on access. Mr. Triplett said that about the only way to access it is through the parking lot, that he has no right to enter through the neighboring property. He also said that he wants one nice home site and prefers that to two marginal home sites.

Mr. Triplett introduced his partner, Mr. Rob Dyer, who will operate the restaurant. Ms. Roess asked Mr. Dyer if the restaurant name would change. He responded yes and that he is open to suggestions.

Chairman West opened the meeting to public comment.

There were no public comments.

*Mr. Harwood made a motion to approve the request as presented. The motion was seconded by Mr. Laughter. All members were in favor of the motion.*

### **Ordinance Amendment to Land Use Code – Sign Ordinance – Holiday Lighting**

Mr. Rothrock gave the staff report. Section 16-17.3.13 states that holiday lighting is allowed from November 15 through January 15. He said that in his 12 years with the Town, the holiday lighting has been allowed through Winterfest, or until the end of January. He said the Chamber and merchants had asked to continue through February and now would like to extend through the end of March. Mr. Rothrock noted that section 16-17.8.11 would also need to be amended.

Chairman West said that comments at the Retail Strategy meeting addressed avoiding the blue/white LED type lights and keeping the more traditional white holiday lights. He then asked what color white would be acceptable.

Mr. Pickett said the preferred color is like the street lights – a soft glow.

Chairman West said that the Town Council had granted continued use through February, but the code had not been amended. Mr. Rothrock concurred and said this amendment will clean up the ordinance. The purpose is to make the Town more festive throughout the winter season.

Chairman West clarified that this affects private property and not Town owned properties.

Mr. Pickett said that perhaps the word “holiday” should be eliminated from the ordinance. Mr. Rothrock said that “holiday” should not be eliminated as it signified the beginning of the

traditional Christmas holiday season. Mr. Pickett asked if a time limit should be set for colored lights and after that time only white lights would be allowed.

Mr. Harwood asked when Winterfest is over. Mr. Rothrock answered by the end of January.

Mr. Harwood asked why the end of March. Mr. Laughter asked if this affects both exterior and interior lights. Mr. Rothrock said that this would not affect the interior lights and the March end date is to partner with the ski season.

Chairman West noted that the March date would follow closely to Daylight Savings Time.

Ms. Roess said she had no issue with the date, but wanted to clarify “white”. Mr. Rothrock said that there are some colored lights now; color is not mentioned in the ordinance. Mr. Pickett suggested that colored lights be allowed through the first of the year, then the lights would be need to be white.

Mr. Harwood said that if a date is set that it needs to be enforced.

Ms. Roess asked how the color white could be clarified. Mr. Pickett said that holiday lights have ratings indicating the color white the lights are.

Chairman West said that “holiday” lighting means mini-lights as opposed to the “old-timey” big bulbs. Mr. Pickett asked if more clarification is needed.

Mr. Harwood said to keep the language simple and if the time period, color, or bulb size become issues, they can be addressed later.

Ms. Vicki McLean, owner of Meadowbrook Inn, spoke for the Chamber of Commerce. She said Charles Hardin and John Aldridge asked her to chair this committee. The committee’s purpose is to enhance Blowing Rock’s winter reputation thereby encouraging more visitors and to increase revenue for businesses so that Blowing Rock can be a vibrant, active community where businesses can thrive year-round. They would like for downtown Blowing Rock to magical and that lights make places magical. She said that these are the reasons that the Chamber and the committee are asking to extend the display of lights through the winter season.

Chairman West opened the public comment period.

Ms. Jenny Yates said that anytime it snows she comes downtown to see beautiful Blowing Rock.

Chairman West closed the public comment period.

*Mr. Pickett made a motion to adopt the amendment allowing holiday lights from November 15 until January 15 and white lights from January 16 through March 31. The motion was seconded by Mr. Laughter. **All members were in favor of the motion.***

## **Other Business**

Mr. Rothrock told the Board that Mr. Mitch Raymond of Green Life Construction had withdrawn the application for the Ridge at Blowing Rock. Mr. Rothrock said that the Town had the right to maintain Morningside Drive, because the Town has maintained the road for years, but that he did not know if the Town had any additional right-of-way. Mr. Rothrock contacted Mr. Allen Moseley, Town Attorney, regarding determining the right-of-way issue. Mr. Moseley said that any applicant would need to provide title insurance showing that they could make the connection off Morningside Drive.

Chairman West noted that many roads in town have not been accepted by the Town. Mr. Rothrock stated that the Town has just as much right to maintain roads that the Town has not accepted as to maintain roads that they have accepted. He added that new roads or existing private roads must meet the Town's standards before they will be accepted. Chairman West said that it would be helpful if we had a list of roads that had been formally accepted by the Town. Mr. Harwood noted that compiling a list would be a lot of work.

Mr. Rothrock said to avoid having these issues in the future that the applicant would have to involve an attorney earlier in the process.

Chairman West reiterated his request for a log or journal of roads that have been formally accepted by the Town. Mr. Harwood asked Mr. Rothrock if Hidden Waters is the only gravel public road. Mr. Rothrock confirmed.

Chairman West said that the Board needed to think about selecting a new Vice-Chair as Mr. Pickett would begin his Commissioner duties in December and also asked the Board to begin thinking about nominations for new Board members.

*Ms. Roess nominated Mr. Harwood as Vice-Chair, seconded by Mr. Laughter. All members were in favor of the motion.*

Chairman West asked the Board to have anyone interested in serving to send an email or letter to the Town Clerk and to let Mr. Rothrock know.

Mr. Harwood asked if there were any restrictions on a Town employee serving on the Planning Board. Mr. Rothrock said he did not know, but would check. Chairman West read the ordinance and said that it appears that a Town employee could serve.

Chairman West asked Staff to call Board members on the morning of each meeting to confirm that there would be a quorum for the meeting.

Ms. Jenny Yates asked Chairman West how to get on the Planning Board. He told her that members are appointed by the Town Council for 3 year terms, unless the appointment is for an unexpired term.

Mr. Rothrock informed that Board that the plans and permitting fees have been received for the new hospital and that there were 3 new homes permitted in 2012 and 8 new homes permitted to

date this year. He said that there may be an application submitted next spring on the 7 acre tract and that the Subway at Tanger is underway as is the temporary access for the shopping center. He reminded the Board that the next presentation for the Comprehensive Plan will be in January.

Mr. George Wilcox asked that the process is for public notice for Conditional Use Permits. Mr. Rothrock said that public notice was mailed to adjoining properties within 150 feet of the subject property 10 to 25 days before the hearing. The public notice must be posted in the paper and the property posted at least one week prior to the hearing. Mr. Rothrock said that the requirements would be the same for the tower on Green Hill Road. However, the initial informational notice about the tower was sent to properties within 4000 feet of the site.

Mr. Wilcox asked if an applicant for a Conditional Use Permit must disclose information. Chairman West said yes; the applicant must meet several requirements per the detailed list in the application form.

Mr. Rothrock added that public notice is also sent for Town Council hearings. Public notices are mailed to properties within the 150 foot buffer, the property is posted and the public notice is posted in the newspaper for the two consecutive weeks prior to the Town Council meeting.

*With no further business Ms. Roess made a motion to adjourn, seconded by Mr. Pickett. **All members were in favor of the motion.***

### **Adjourn**

With no further business the Planning Board adjourned at 7:00 p.m.

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Chairman West

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Tammy Bentley, Administrative Assistant