

## Planning and Zoning Board

### Minutes

Thursday, April 19, 2018

5:30 p.m.

The Blowing Rock Planning and Zoning Board met on Thursday, April 19, 2018 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, Genie Starnes and George Ellis. Staff members present were Planning Director Kevin Rothrock, and Planning & Zoning Support Specialist Tammy Bentley.

Chairman Harwood recognized Mr. Ellis for his service to the Planning Board.

Chairman Harwood asked if there were any changes to the agenda. There were none. *Ms. Starnes 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 15, 2018 meeting minutes. There were none. *Ms. Starnes made a motion to approve the minutes. The motion was seconded by Mr. Page. All members were in favor of the motion.*

New board members Pier 'Pete' Gherini, Jr. and Harrison Herbst were installed.

Chairman Harwood asked if there were nominations for Chairman and Vice-Chair. Ms. Starnes nominated Chairman Harwood as Chair, seconded by Ms. Hartley. Chairman Harwood nominated Mr. Carter as Vice-Chair, seconded by Mr. Page. Chairman Harwood and Mr. Carter agreed. Mr. Hubble made a motion to close the nominations, seconded by Ms. Starnes. **All members were in favor of closing the nominations.** Chairman asked for a vote on the slate. **All members were in favor of the motion.**

#### 1. **Conditional Rezoning (TC to CZ-TC, Town Center) – 1150 Main Street**

Mr. Rothrock gave the staff report and Powerpoint presentation. Cardinal West Building Company, LLC is requesting a conditional rezoning of the former Blowing Rock Realty property from Town Center to Conditional Zoning – Town Center (CZ-TC). The 0.337-acre property is located at 1150 Main Street. The Applicant is proposing to demolish the former Blowing Rock Realty building and construct 2 retail spaces and 6 condominium and/or townhome units. The property is further identified by Watauga County PIN 2807-87-9410-000.

The Town Center zoning district allows up to 5 units per acre for multi-family uses. The

Applicant is requesting a residential density of up to 17.8 units per acre (0.337 ac on site) for a total of 6 units for the project. Allowing 17.8 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. Town Center and the downtown area would be comparable areas of the most intensive residential zoning including R-6M, GB, and CB.

The Applicant has also revised the rezoning application to have the option to convert a portion of the planned retail area to a restaurant. If a restaurant is added, any additional required parking for building square footage or outdoor seating must be provided by satellite parking or payment into the parking fund.

The applicable street setbacks for Town Center is 15 feet and is measured from the back of the existing/proposed sidewalk along each street.

- Half of the proposed building front is in compliance with the 15-foot setback, while the other half encroaches into the setback. The ordinance allows for the buildings to be offset and encroach into the setback no closer than 10 feet to provide visual depth.
- Along Pine Street, the proposed buildings meet the required 15-foot setback, but a covered pergola extends into the setback and will be about 5 feet from the back of the sidewalk. Since the pergola is supported by posts to the ground, a setback waiver will be needed to approve the design as submitted.
- All other side and rear setbacks are being met.

The maximum building height is 30 feet from the finished sidewalk elevations. The proposed building height is shown at 34 feet above the sidewalk elevation. The increase in roof height is partially due to the 6/12 roof slope requirements. The proposed building height is comparable to the adjacent Village Shoppes buildings and the Town Tavern.

There have been several proposed building designs with various materials shown at the neighborhood meeting, to the Blowing Rock Historical Society, and other groups. The design chosen received 33% of the favorable votes from the Blowing Rock Historical Society. All of the designs have elements of the mountain resort style materials found in many commercial and residential structures in Blowing Rock. The materials include a dark gray taupe metal roof, sage green cedar shingles, burgundy window trim and architectural stone veneer.

The Blowing Rock Realty building is credited with 9 parking spaces based on the existing square footage. The proposed project requires 19 parking spaces, 12 for the residential units and 7 for the retail space. With the credit of 9 spaces, 10 parking spaces are required and the applicant is providing 10 spaces in the parking garage.

If a different use is allowed for the retail portion in the future that would require more parking, the applicant would have to secure satellite parking or pay into the parking fund at the prevailing rate.

The storm water runoff from the site will be conveyed to an onsite detention system and released to Pine Street. Sewer will be connected to Pine Street. All electrical service will be provided underground.

Garbage collection will be through roll-out containers on the north side of the building and coordinated pick-up in the alley at the adjacent Village Shops.

All of the trees on site, including the large pines along Main Street will be removed. 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.

### ***Applicant Proposed Conditions***

1. Density – Density to be modified to allow 6 residential units for the project. Since the project is in the Town Center (urban core) it is thought that a higher density is warranted. (Based on lot acreage, 0.337, and current ordinance maximum of 5 units per acre, only two residential units would be allowed.)
2. Height – To accommodate a full level of both commercial and residential uses with a peaked roof meeting the Town's 6/12 slope requirements, it is requested that the ridge line of Building A be allowed to be 34' (4' above the 30' maximum allowed.) The peak of the roof at the adjacent Village Shoppes appears to be almost 40' high and the Town Tavern approximately 32' high.
3. Parking – Although the proposed development can provide more than half the required parking onsite, the project will need to utilize the option of paying into the parking fund for the remaining required parking.
4. Green/Open Space – In spirit with the Town's new streetscape, the project would like to create more pedestrian space and therefore request a reduction of the required greenspace. (Planters will be raised 18" to 20" to provide seating and brick pavers added that match the Town's streetscape.)
5. Encroachment Agreement – There is a recorded easement for both water and sewer service from Village Shoppes across the subject property. Once the location is confirmed it is requested that we work with The Village Shoppes and Town personnel to locate in an appropriate area that does not impede the proposed development.
6. Trellises – The proposed trellis along Pine Street, the roof overhangs at entries and the two balconies facing Main Street are transitional elements between the busy streets and the businesses inside. These features reduce the scale from the big outdoors to a more intimate pedestrian friendly level and offer screening from the sun and some protection from the weather. Section 16-21.4.4 of the Ordinance encourages the use of these architectural elements.

A neighborhood meeting was held at Town Hall on February 27, 2018. Approximately 30-35 neighbors and other citizens attended the meeting. The Applicant shared with the group their vision for the property, and the historical nature of the property.

Chairman Harwood asked Mr. Rothrock how a restaurant would impact the parking. Mr. Rothrock said that if one side of the retail was a restaurant with one outdoor, 4 or 6-top table, 2 satellite spaces would be required. Mr. Papa asked if this is for one-half of the

retail space. Mr. Rothrock confirmed and said that if both retail spaces were restaurant use that 4 satellite spaces would be required.

Chairman Harwood inquired about the encroachment agreement. Mr. Rothrock deferred to the applicant.

Mr. Page asked if the engineering is in place for the storm water detention. Mr. Rothrock deferred to the applicant.

Mr. Papa asked if the building is on any historic list. Mr. Rothrock said no.

Mr. Herbst asked for confirmation that payment into the parking fund does not provide additional parking. Mr. Rothrock confirmed and added that these funds help pay down the debt on the parking decks and maintenance of public parking.

Mr. Carter asked how far the proposed building is encroaching onto Main Street. Mr. Rothrock said 2 feet. One section has a 13' setback, the other has a 17' setback. Mr. Rothrock said the ordinance allows this without a waiver. He added that only the back of the roofline exceeds the height limit, then the roofline drops in height. Mr. Carter said he asked because the ordinance reads that the building height changes as the setback changes. Mr. Rothrock said the higher roof is further back from Main Street.

Mr. Hubble asked how close the satellite parking had to be to the site. Mr. Rothrock said 600 feet. Mr. Hubble asked if there was any parking available within 600 feet. Mr. Rothrock said he did not know.

Mr. Carter asked Mr. Rothrock if he was misreading the setback encroachment. Mr. Rothrock said he may be. Mr. Carter said that he wants to be sure that the applicant's conditions are in agreement with the ordinance, if approved. Mr. Bill Dixon, Architect, said that Mr. Carter is correct and the height would be 28 feet.

Mr. Steve Hetherington, applicant, addressed the Board. He said that this process has been a great experience and that he wants to project to feel like it 'grew' here.

Ms. Sue Glenn, Real Estate Broker since 1972 and tenant in the building from 1989 until 2013, gave to Board a brief history of the building. The house was built in 1887 by Odgen Edwards. It was used as a summer home until 1973 by various owners. In 1973 Guy and Marty Hill bought the property and used part of the house for their businesses, Lamp Post Antiques and Guy Hill Real Estate, and also lived in the house. In 1989 Ken and Faith Barnebey bought the property, which is now owned by their trust. The property has been on the market and unoccupied since 2013. Ms. Glenn said the house has no fine finishes indicating summer home intent and that the building is not structurally sound. Ms. Glenn has attempted to preserve the building, but the poor condition and cost to repair/renovate, and floorplan precluded preservation. Ms. Glenn said the present buyers offered to donate the building, but have had no takers. She added the huge pine trees along Main Street are in bad shape and need to be removed; they are a threat to the buildings across the street. She said that the highest and best use is mixed commercial/residential.

Ms. Glenn inventoried all downtown properties for size, density, building height, and shared the results with the Board. She said past issues with proposed developments were height and units per acre. This inventory includes all types of properties. The most dense property is 960 Main Street (formerly owned by Virginia Stacks), which has a density of 100 units per acre. Ms. Glenn said everyone wants to maintain the 'Blowing Rock flavor', but measures of that are flawed. She said the Village Shoppes have a building height of 35', Birchtree Condos are 35', BRAHM is 46.5', the Hanna Family building is 37.5 feet. She noted that these heights are all over the place. She said it is key to make the building fit the site and that the Conditional Zoning process offers lots of community involvement and input. Ms. Glenn said she had met onsite with many groups soliciting input and that these meetings resulted in the current renderings of the project.

Chairman Harwood said he appreciated all Ms. Glenn's work and that the data will be valuable not only for this project, but for addressing density issues in the future.

Mr. Mike Trew, Project Engineer, spoke. He said there is a sewer easement across the Barnebey property benefitting Village Shoppes, and that the applicant can move at their expense. He said the main building is commercial and transitions to residential over a parking deck and a separate residential building. He said the utility easement is shown between the two buildings. Mr. Trew said he worked with Public Works Director Mike Wilcox on trash pick-up. He added that the gravity sewer may need improving and they are working with the Town on storm water detention, which will be under the parking lot, and will confirm and submit calculations and plans.

Mr. Herbst asked if trees along the back lot line will be removed. Mr. Trew confirmed.

Mr. Page asked Mr. Rothrock if the structure behind this property is no longer there. Mr. Rothrock said it is not.

Mr. Carter asked if the electric will be underground. Mr. Rothrock confirmed.

Chairman Harwood asked what the setback was from the north property line. Mr. Trew said 5 feet. He also asked if this is the proposed location of the roll-out trash containers. Mr. Trew confirmed. Chairman Harwood asked the location of the mechanical units. Mr. Trew showed the location on the plans.

Chairman Harwood asked if roll-out bins will be used if a restaurant is located in the retail space. Mr. Trew said he thought so. Mr. Rothrock confirmed and said it will be similar to Mellow Mushroom.

Mr. Gherini asked Mr. Trew how any restaurant ventilation will be handled and how this will impact the residential units. Mr. Trew deferred to the architect, and added that this will be addressed in the final plans.

Mr. Carter asked how handicap parking is determined. Mr. Rothrock said it is determined based on the number of parking spaces required. Mr. Herbst asked if there are any public spaces available on the site. Mr. Trew said all parking in site is for

residential use. Mr. Herbst asked if commercial use will park elsewhere. Mr. Trew confirmed.

In clarifying the building height issue, Mr. Rothrock told the Board that for each foot of encroachment into the setback along Main Street, the building height needs to be reduced by one foot.

Mr. Bill Dixon, Architect for the project, said that he had worked on several projects in Blowing Rock including Mellow Mushroom, the Hanna Family building, and United Community Bank. He said had worked hard to make this one feel like Blowing Rock and kept the finish materials to no more than 3. Mr. Dixon said the renderings are very close to the projected finishes. He added that they had reduced the height of the middle of the main building from 34 feet to 31.5 feet.

Mr. Carter asked why the buildings are separate. Mr. Dixon said due to the location of the sewer easement.

Mr. Hubble complimented the design and said this is an improvement over what had been presented at the Neighborhood Meeting. He added that having this building instead of an empty building would be an upgrade to the Town.

Chairman Harwood asked if the trellis is intended for weather protection. Mr. Dixon said the purpose is to soften the scale of the project and to give people a respite from weather. He added that the landscaping along Main Street is intended as people area.

Ms. Hartley asked if the materials were natural stone or manufactured. Mr. Dixon said manufactured.

Mr. Carter asked the area between the back of the planters and the front of the shops. Mr. Dixon said this varies from 3 to 7 feet to create a dynamic space.

Mr. Carter asked if Town sidewalks are 5 feet wide. Mr. Rothrock said most of the sidewalks are. He added that he is not concerned with narrow walking areas. Chairman Harwood asked if sidewalks are regulated by Town Code. Mr. Rothrock confirmed. Chairman Harwood asked who would maintain the sidewalk. Mr. Rothrock said he thinks the applicant, as most of the sidewalk is located on their property, but he will confirm.

Mr. Carter asked if the planters must meet requirements. Mr. Dixon said yes, but they are asking for a waiver. Chairman Harwood asked if the sidewalk would have to align with the sidewalk to the west of the building. The Board discussed the applicants request for waivers for green space.

Chairman Harwood asked if the parking on Pine Street was being lost. Mr. Rothrock said no, and that two spaces would be gained. Mr. Carter asked for an explanation of how parking was being gained. Mr. Rothrock said that the area currently 'hashed off' at the lower end of the property will become parking spaces. Ms. Glenn said the proposed access is different from the current access.

Mr. Heatherington said there are no proposed tenants now, and they are covering all bases. He added that they are asking for waivers for a good flow and use of the Main Street area. Mr. Papa asked if there is a proposed restaurant. Mr. Heatherington said there is not, but he does not want to close any doors. He added that the total commercial space is 2200 square feet, but is yet to be configured. He thanked the Board for their time and consideration.

Ms. Sue Glenn distributed a letter from the Blowing Rock Civic Association (BRCA) indicating their approval of the project.

Chairman Harwood opened the meeting to public comment.

Mr. Dan Phillips told the Board that he is conflicted with this project; that he is pro-development, but also a history major. He said there are no agreements with the Village Shoppes for trash or encroachments. He said the Odgen Edwards house is on the NC Historic Records site. He said that the ordinance needs to be changed so the Town is not making up rules as they go.

Ms. Sue Glenn said she was perplexed by Mr. Phillip's comment that there was no agreement with Village Shoppes. She said the Village Shoppes property owners were the first group that they met with and they were fine with the encroachment. She added that the sewer line easement stipulates that Village Shoppes must pay for the sewer line relocation.

Mr. Carter asked what happens to the design if Village Shoppes does not agree to the encroachment. Mr. Trew and Mr. Dixon said Pine Street will be used.

Mr. Lee Rocamora said he is very concerned with the trees being removed and that Town code 16.22.15 prohibits removal of trees in the Central District. He added that there is no mention of replacement trees. Mr. Dixon said there will be 3 trees added to the planters. Mr. Rothrock said there is some limitations on the size of trees along Main Street due to the utility lines. Mr. Carter noted that the applicant is not asking for a waiver for the landscaping. Mr. Rocamora said the applicant is cutting trees that cannot be cut per the ordinance. Mr. Carter read the ordinance and noted that it says 'healthy trees shall be retained when possible'. He added that the ordinance does not read that the trees cannot be removed.

Mr. William Goodman said that the proposed density increase from 2 units to 6 units is very concerning. He added that granting leeway on height and other items is extremely out of line and that he can't believe that this is being considered.

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

Mr. Hubble noted that BRCA claims to be for or against projects. He said they were opposed to the Chetola and Morningside projects and that their letter regarding this project indicates that they have no problem with the height, density or setbacks for this project, but had issues with these exact issues on the Morningside project. He added that, with all due respect to Ms. Glenn, he disregards their letter.

Mr. Carter asked if an arborist had determined the trees to be unhealthy. Ms. Glenn said that as of last year the trees were ok, but at the end of their life. Mr. Carter asked why remove them if they are healthy. Ms. Glenn said this is a condition that needs to be addressed. Mr. Carter said he is not opposed to removing the trees.

Ms. Hartley asked Mr. Rothrock to address Mr. Phillips assertion that the building is on an historic record. Mr. Rothrock did not have an answer. Ms. Glenn stated that being on a historic record or register is a very specific process and she was not aware of any properties in Blowing Rock being listed as such. Ms. Glenn said Mr. Phillips is correct in that the building is historic, but does not have special protection afforded it. Mr. Phillips said it is on the NC website; just search for it by name. Ms. Hartley asked Mr. Rothrock if the Town has additional responsibilities for properties on these records. Mr. Rothrock said no.

Mr. Hubble and Mr. Papa discussed this process and restated that they feel the zoning ordinances need to be amended (especially building height and unit density) to ensure that they are reasonable and so that developers do not have to ask for so many waivers for project approval. Mr. Rothrock said the Conditional Zoning process is available because ordinances aren't perfect.

Mr. Hubble noted that it has been discussed that the density metric is an incorrect one. Mr. Hubble suggested rather than having "units per acre"; that a better metric would be to have "residential square footage per acre." Mr. Heatherington agreed with that comment.

Mr. Page said this is very well presented and that he is looking at what code requires and what is best for the town, and this project is the highest and best use. He added that the Board is in something of a box with these requests. Mr. Page said the Morningside project should not prejudice this project; that we need to determine how to accommodate growth in town with the best use of the property. Mr. Page said he is in favor of the project.

Ms. Starnes asked how restaurant ventilation, if any, would be addressed. Mr. Dixon said it would be vented away from Main and Pine Streets.

Mr. Papa asked if each retail space would have restrooms. Mr. Dixon said they would be shared. Mr. Papa noted that restaurant use could change that.

Mr. Carter said he understands that parking can be a problem in Blowing Rock, but that is not an issue for him. He said that the trees need to be addressed and that he thinks the density is fine.

Ms. Starnes asked the intent of the residential units; will they be short-term rentals. Mr. Carter asked if they would be condos. Mr. Heatherington said his plan is to hold the units, but they may be sold.

Chairman Harwood thanked Mr. Phillips for researching the historic status, but that is beyond the scope of this Board and he trusts the staff will address it. He said there is more going on with the trees than the caliper and that it is unfair to compare this to the



Morningside project, that the two are not the same. He said he voted for the Morningside project, but it was not approved, that he is not a fan of units/acre density and hopes and encourages the Town Council to look at short-term rentals and density. Chairman Harwood said that tourism is the economic driver and he thinks this is exactly what the town needs.

Mr. Heatherington said he appreciates the Board's comments.

Mr. Carter asked for clarification on the front setback. Mr. Page said he understands that is not a requirement. Mr. Rothrock confirmed. Mr. Carter asked the developer his intent. Mr. Heatherington and Mr. Trew said they want to work with the Town.

Mr. Page made a motion to approve as presented, seconded by Mr. Herbst. **Chairman Harwood, Ms. Hartley, Ms. Starnes, Mr. Carter, Mr. Page, Mr. Gherini, and Mr. Herbst were in favor of the motion. Mr. Papa and Mr. Hubble opposed the motion. Motion passed.**

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  
Chairman Harwood

Zoning Subcommittee

Mr. Gherini  
Mr. Page  
Mr. Carter  
Ms. Starnes

Mr. Hubble asked if the Board should wait for direction from the Town Council to review the Land Use Code. Chairman Harwood said yes.

The Board discussed the need to revisit certain areas of the code.

Mr. Rothrock told the Board that density for residential dwelling units is based on the watershed, and is specifically limited based on sewer flow calculations and occupancy. He added there is no density in Central Business, except that it reflects what is allowed for R-6M.

Mr. Carter suggested that the Board investigate rules and regulations regarding mopeds since a moped shop is opening on Valley Boulevard.

*Mr. Papa 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 7:45 pm.

---

Chairman David Harwood

---

Tammy Bentley  
Planning & Zoning Support Specialist