

Planning and Zoning Board

Minutes

Thursday, August 23, 2018

5:30 p.m.

The Blowing Rock Planning and Zoning Board met on Thursday, August 23, 2018 for their regularly scheduled meeting. Chairman Harwood called the meeting to order at 5:30 p.m. Members present were Joe Papa, Kim Hartley, Mike Page, Wes Carter, Harrison Herbst and Pete Gherini. Members Genie Starnes and Don Hubble were absent. Staff members present were Planning Director Kevin Rothrock, and Planning & Zoning Support Specialist Tammy Bentley.

Chairman Harwood asked if there were any changes to the agenda. *Mr. Page made a motion to accept the agenda order, seconded by Mr. Gherini. All members were in favor of the motion.*

Chairman Harwood asked if there were any changes to the May 17, 2018 meeting minutes. Mr. Gherini noted that his name was omitted from the 'members present list' and asked for this to be corrected. *Mr. Page made a motion to approve the minutes as amended, seconded by Mr. Herbst. All members were in favor of the motion.*

1. Sign Ordinance – Review and consideration of new draft sign ordinance

Mr. Rothrock gave the staff report. He advised the Board that Benchmark Planning assisted in rewriting the sign ordinance. He added that Vagn Hansen, with Benchmark, could not attend this meeting. Mr. Rothrock advised that Mr. Hansen was in the process of rewriting Concord's sign ordinance when the Supreme Court decision in Reed v. Town of Gilbert was announced. The Court decided that sign ordinances should be enforced as content neutral. Mr. Rothrock advised that the draft sign ordinance is recommended by the sub-committee.

Mr. Rothrock directed the Board's attention to page 17-9, Section 16-17.10.6(b) and (d), noting that it is content neutral; that the type of sign is not specified. He also pointed out the increased number of temporary signs permitted during elections.

Ms. Hartley asked who is responsible if there are more than 5 signs per street frontage. Mr. Rothrock advised it is the property owner's responsibility. Mr. Rothrock noted that the Board can increase or decrease the number of signs. Ms. Hartley said the BP is a hub for signs during elections and there are usually more than 5 signs. Mr. Rothrock said that according to the draft ordinance 10 signs would be allowed at the BP, 5 per street frontage.

Chairman Harwood noted that previously there was a time limit on temporary signs and now there is no time limit. Chairman asked if temporary signs would be allowed 24/7/365. Mr. Rothrock said that the current ordinance allows unlimited political signs during a limited time frame. He advised that this section is written in this way to be content neutral.

Ms. Hartley asked how 'built-by' signs are handled. Mr. Rothrock said that one sign-maximum 4 square feet per lot is allowed for single family homes. Signs for developments can be larger.

Mr. Gherini asked how aggressive enforcement has been. Mr. Rothrock asked for which signs. Mr. Gherini said political signs. Mr. Rothrock said that we do not aggressively remove signs and that political signs in DOT right-of-way are protected.

Mr. Page asked if signage on Main Street is selectively enforced. Ms. Bentley advised that all Main Street and Sunset Drive merchants received letters today indicating which types of signage is allowed and which types violate the sign ordinance.

Chairman Harwood said he spent a couple of hours reviewing the draft ordinance and commended the subcommittee on a good job. He proposed the following changes to the draft ordinance:

- 17.3 (a) Add 'attraction' after 'Rock'
- 17.4.12 Change or eliminate 'Arts Committee'
- 17.5.7(a) Should 'Town Administrator' be changed

Mr. Rothrock said that Town Administrator could be changed to Zoning Administrator.

Mr. Gherini, in referencing 17.5.3, asked where one would find the wind zone information. Mr. Rothrock said this information is in the NC Building Code. Mr. Gherini also asked about maintenance of signs (17.5.4) and noted that the growth around the Rustique sign had recently been trimmed. He also asked about the fee schedule. Mr. Rothrock advised that the fee schedule is listed in the Town budget and that the fees for signs are listed in the budget and on the sign permit application.

Chairman Harwood asked about off-premise signs. Ms. Hartley asked if these should be included. Mr. Carter said that off-premise sign information was removed due to content neutrality. Mr. Rothrock said that if allowed, these signs could be no larger than 4 square feet and be placed with the property owner's approval.

Mr. Carter said that temporary signs should have a time limit. The Board discussed the definition of temporary.

Mr. Page asked if real estate signs are allowed. Mr. Rothrock said yes and they are covered in the draft ordinance. Mr. Rothrock added that real estate directional signs are allowed, with a maximum of 1 per property and be placed with the property owner's approval.

The Board discussed off-premise signs, signage on vacant property, temporary sign time limit, and the number of temporary signs allowed per property. Mr. Page said that the subcommittee thought that 5 signs per property was a good number and that they struggled on how to comply with content neutrality.

Mr. Page asked the definition of a registered vehicle (17.4.7) and if sandwich boards (17.3) would no longer be allowed for special events like the Rotary Auction. Mr. Rothrock advised that events approved and/or sanctioned by the Town can use sandwich board signs. Mr. Page also asked if the Town kiosks are excluded in Section 17.3.18, and if so, should language be added to include the kiosks. Ms. Bentley suggested adding 'This prohibition shall not apply to signs erected or placed by the Town of Blowing Rock.'

Chairman Harwood asked if abandoned signs are subject to removal.

Mr. Page asked about the number of blueprints/plans required in 17.6 c and about the materials in 17.6.4. Mr. Rothrock suggested removing 'plywood' from 17.6.4.

Mr. Page asked, in reference to Section 17.3.13, what does 'white lighting' mean and suggested adding strings. Mr. Rothrock suggested adding 'strings of' before 'decorative'.

Mr. Carter asked if only the Town can have electronic signage. Mr. Rothrock confirmed and added that there is other signage that only the Town can use. Mr. Rothrock asked Mr. Carter if he was comfortable allowing everyone to have electronic signs. Mr. Carter replied no, but that he is uncomfortable with only the Town being able to have these signs. Mr. Carter added that he thinks the electronic kiosk on Main Street is ugly and does not fit. Mr. Page said that he disagrees and thinks the sign is a public service. Mr. Carter said he wants to grandfather the existing kiosks, but allow no more.

Mr. Rothrock said he could get back to the Board on off-premise signs.

Mr. Carter said he could not approve the ordinance due to no time limitation for temporary signs and only the Town being able to have electronic signs.

Mr. Page made a motion to forward the ordinance with these amendments to the Town Council:

- Section 17.3 a) Add 'attraction' after the Blowing Rock
- Section 17.3.13 Add 'strings of' before decorative
- Section 17.3.18 Add 'This prohibition shall not apply to signs erected or placed by the Town of Blowing' as the last sentence
- Section 17.4.9 Remove 'of a' after approval
- Section 17.4.12 Change Arts Committee to BRAAC
- Section 17.5.7 a) Change Town Administrator to Zoning Administrator
- Section 17.6.4 Remove 'plywood,'

Seconded by Mr. Papa. Mr. Page, Mr. Papa, Chairman Harwood, Mr. Gherini, Ms. Hartley, and Mr. Herbst were in favor of the motion. Mr. Carter was opposed. Motion carried.

2. Discussion – Central Business/Town Center Dimensional Standards

Mr. Rothrock told the Board that this is a big zoning-related assignment. Mr. Carter asked what is precipitating this. Mr. Rothrock said that requests that have come before the Board in this district have struggled with density and building height. He said there are different rules for east and west Main Street and that the current language is confusing. Mr. Rothrock advised that the goal is to clarify the language and application to the two zoning districts in downtown. Mr. Rothrock added that we need to look at downtown with regard to residential density. Mr. Rothrock noted that commercial design standards have been changed previously, specifically allowing metal roofs.

Mr. Gherini said that he wants the committee to look at the 321 corridor. Mr. Rothrock asked his specific concerns. Mr. Gherini said that there are lots of potential sites and money out there. Mr. Page agreed.

Chairman Harwood asked if this should be the undertaking of the standing zoning subcommittee or an ad hoc committee. The Board decided on an ad hoc committee comprised of Chairman Harwood, Mr. Carter, Mr. Page and Mr. Gherini.

Ms. Sue Glenn addressed the Board. She said she just participated in the conditional zoning request for 1150 Main Street; that the process worked exceptionally well and is tailored to allowing shared input. Ms. Glenn said she had done much research on existing density and heights in downtown and noted that each Board member should have a copy of her research. Ms. Glenn added that building height, building mass, residential units per acre and parking need to be addressed. Mr. Page asked Ms. Glenn if she will serve on the committee. She said she would certainly help.

Mr. Gherini asked for an update on the 1150 Main Street project. Ms. Glenn advised that after approval by the Council, the plans were sent for final drawings. She said the due diligence date is 9/10/18 and that the closing is scheduled in early October. She advised that the developer hopes to break ground before winter. Mr. Rothrock told Ms. Glenn that he will include her in emails for the ad hoc subcommittee.

Mr. Page asked about the zoning of the Chestnut Drive Properties. Mr. Rothrock said they are zoned HMC because these properties' use was related to the hospital. Mr. Rothrock added that duplexes are allowed in the HMC zoning district with a zoning permit, therefore making the process administrative. Mr. Page asked if the trees had to be replaced. Mr. Rothrock said there is a landscaping plan, but it would not be possible to replace trees in the parking or building footprints.

Mr. Page asked if the Inn on Cornish is coming along. Mr. Rothrock said that it is coming along; that there had been some issues with water on the front and back sides. He added that the depth on the back side is 14' for the foundation.

Mr. Rothrock informed the Board that a neighborhood meeting is scheduled for Tuesday, September 4, 2018, at the Parks and Recreation Center, for a conditional zoning request for 134 Sunflower Lane from R-10S to CZ-CB. The owner/applicant wants to be able to use the property for short-term rentals. Mr. Rothrock also informed the Board that 3 appeals have been received contesting written final notice of violation of short-term rentals. Mr. Rothrock noted that the Board of Adjustment will hear these appeals.

Mr. Page asked about the newly enacted trash can ordinance and if there is an approved plan for enclosure structures. Mr. Rothrock said there is no 'approved plan', that each enclosure structure must meet the design specifications outlined in the ordinance and be approved.

*Mr. Gherini 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 7:05 pm.

Chairman David Harwood

Tammy Bentley
Planning & Zoning Support Specialist