

Draft

Planning and Zoning Board

Minutes

Thursday, December 20, 2018

5:30 p.m.

The Blowing Rock Planning and Zoning Board met on Thursday, December 20, 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 and Harrison Herbst. Members Genie Starnes and Pete Gherini 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. There were none. *Mr. Hubble made a motion to accept the agenda order, seconded by Ms. Hartley. All members were in favor of the motion.*

Chairman Harwood asked if there were any changes to the September 20, 2018 meeting minutes. There were none. *Mr. Herbst made a motion to approve the minutes, seconded by Mr. Page. All members were in favor of the motion.*

1. Conditional Use Permit 2018-01 - The Speckled Trout

Chairman Harwood recused himself due to an ongoing professional relationship with the applicant. Mr. Carter became Acting Chair.

Mr. Rothrock gave the PowerPoint presentation and staff report. The Speckled Trout, LLC is requesting a conditional use permit to locate and display an antique wine cask at the front of the building in the outdoor seating area. The property is located at 922 Main Street at the intersection of Hwy 221. The property is zoned CB, Central Business. The subject property is in the WS-IV-PA water supply watershed and is further identified by Watauga County PIN 2807-98-2723-000. Mr. Rothrock advised that the Speckled Trout has made significant modifications to the building and property over the past year, including complete interior and exterior upfits. Most noticeably, the parking along Main Street and Highway 221 was eliminated and replaced with outdoor seating, buffeted by iron fencing for safety. The Town and applicants worked in tandem on this project in anticipation of the planned sidewalk from Main Street to Bass Lake. The applicants also purchased the gravel lot to the north of the building for dedicated parking for the restaurant.

The antique cask, from France, was gifted to the applicant. The applicant would like for it to serve as a signature feature of the business and an iconic image and photo opportunity.

Mr. Page asked Mr. Rothrock if the cask is considered a sign. Mr. Rothrock said no, adding that it is more of an iconic feature of the property. Mr. Page asked if it is a structure. Mr. Rothrock said he thinks of it as more of a structure than a sign. Mr. Page said that if it is not a sign, then more information is required on the application. Mr. Rothrock advised if it is part of the structure it would have to meet the setbacks. Mr. Page asked how this relates to BRAAC. Mr. Rothrock said he does not think it is under their purview; that this is a Conditional Use Permit for the Planning Board and Town Council's consideration.

Mr. Carter asked if it is not a sign, then what is it and what is covered in the planning rules. Mr. Rothrock said he thinks it is Commercial Design per Article 21 in the Land Use Code. Mr. Rothrock advised that this article provides proper standards that, in his opinion, apply to this cask. Mr. Page commented that this would seem to require specific information on the structure as part of the application. Mr. Rothrock said he did not understand to what Mr. Page was referring. Mr. Page said the structure size must be defined, compatibility with surrounding properties per the 2014 Comprehensive Plan. Mr. Page read this section of the 2014 Comprehensive Plan and said that the size of structures – height, bulk, area – should be included in the application.

Mr. Papa asked what the foundation is. Mr. Rothrock said there is no foundation; that the cask is mounted on a steel base which is attached to the railing. Mr. Page asked if it should be certified indicating it meets the wind zone. Mr. Rothrock said an engineer's opinion/determination that the installation meets the wind zone can be required.

The Board discussed the specifics of a structure, design elements and role BRAAC has in these requests.

Mr. Hubble said isn't a conditional use permit set-up for this exact thing. Mr. Rothrock confirmed, adding there is no change of use or addition to the existing building; the applicant just wants to add this feature. Mr. Carter said if determining how to define the cask is difficult, then why is a conditional use permit required. Mr. Rothrock said he would not approve this administratively adding there needs to be an approval process.

Mr. Carter asked what if this were a statue. Mr. Page referenced the Daingerfield statue at Edgewood Cottage. Mr. Rothrock said this was approved by BRAAC, and the Town Council and a building permit was issued for the installation.

Mr. Hubble asked if the cask is required to be removed, then will the red phone booth at Six Pence also be required to be removed. Mr. Page asked if the phone booth was approved. Mr. Rothrock advised that the phone booth was in place before he was employed with the Town. Mr. Hubble asked if a building permit was issued for the fisherman on the patio at Savannah's Oyster House. Mr. Rothrock said no, that it is not large enough to warrant a building permit.

Mr. Carter asked why a conditional use permit is required. Mr. Rothrock replied that the change is significant enough to require an approval process and the only options are sign permit, zoning permit, or conditional use permit.

Mr. Hubble asked if there had been any complaints about the cask. Mr. Rothrock confirmed. Mr. Hubble asked if there had been questions about the cask. Mr. Rothrock said there had been more questions than complaints.

Mr. Carter said he had read the sign ordinance and he thinks this is a sign. Mr. Rothrock said the same could be said for the snow cat at the App Ski Mountain Welcome Center, and it was determined not to be a sign. Mr. Page said the snow cat was tied to the beginning of the ski mountain, and the cask does not have a similar historical significance to the building. Mr. Page added that he thinks this is a sign and needs to be permitted as such.

Emily Brinker and Erica Brinker, applicants, addressed the Board. Ms. Emily Brinker said their husbands' grandfather bought a farm in Blowing Rock in the fifties and they had enjoyed Blowing Rock as tourists when they became part of the Brinker family. They purchased property near the family farm for their own vacations five years ago, but moved here permanently four years ago. Emily told the Board they lived across the street from David Bartlett, then owner of the Speckled Trout business and they began to discuss the possibility of rehabbing the restaurant. Ms. Emily Brinker said David decided to retire and they jumped at the chance to have a spot on Main Street and be part of the Blowing Rock community. She added they began the building permitting process in January, 2017 and opened the newly remodeled Speckled Trout in May, 2017.

Ms. Erica Brinker told the Board that they worked early on to define their business values. They use locally sourced food and drink, and engaged local artists for the restaurant décor, adding that several local artists' works are on display and available for purchase at the restaurant. Ms. Erica Brinker said that the cask was added as a decorative element and to add interest to the site. She apologized for not getting the necessary permission prior to moving the cask to the site. She told the Board they are willing to work with Mr. Rothrock on the placement of the cask. She noted that most shops on Main Street have these elements. She concedes that it is really big, but that is what makes it so awesome, and that the materials in the barrel align with their business and help to define it. She quoted Article 21, section 21.6 of the Land Use Code and said they believe the cask complies with this section.

Mr. Carter wondered about setting precedent with other businesses. Ms. Emily Brinker said they are not intending for it to be a sign and doesn't want it as a logo, adding that they had worked very hard on their current sign and logo. She noted that the cask is big, but they have more store front than most businesses in town. She said the dimensions are 72" by 72". She said they would provide an engineer's letter regarding the wind zone.

Mr. Hubble said he wonders if the Planning Board should find reasons to do things as opposed to not to do things.

Mr. Page said if this is a Conditional Use Permit, then the Board must find what they are departing from. He added that one concern is the bulk and impact of the cask and that it is not necessarily in keeping with the 2014 Comprehensive Plan in that it is a large and impactful structure.

Mr. Hubble noted if scale is not defined then it is subjective. Mr. Page concurred.

Mr. Rothrock said this does not fit into a standard box; that we have 3 processes. The first two processes are Zoning and Sign permits, which are approved by staff. Process 3 is a conditional use permit, which must be submitted to the Planning Board, on an advisory level, and approved or disapproved by the Town Council. Mr. Rothrock said there is one other approval process, a Conditional Zoning, which is a rezoning request. Mr. Rothrock added that if this is a sign, it is hard to see that it identifies the Speckled Trout, but as a feature it goes with the business. He added that his assessment is a conditional use permit is the only way for permit consideration. Mr. Rothrock noted that a structure is anything constructed or erected. Mr. Rothrock said that dumpster pads and screening, and fencing are structures. Mr. Rothrock advised that conditional use permits are used when the request does not fit the other two processes. Mr. Rothrock said he would not approve this administratively given the controversial nature of the request.

Mr. Carter asked if size is defined in the Land Use Code. Mr. Rothrock said no, that scale is subjective and that if this is a sign, it is too big.

Ms. Emily Brinker said the ugly utility pole with the antennae on it are cropped out of the south facing PowerPoint slide, which puts a better perspective on the size and location of the cask. She added that while the piece is large, they do have a lot of building. Ms. Erica Brinker said that she thinks moving the cask back towards the building would lessen the impact.

Mr. Carter opened the public comment period.

Mr. Mark Crumpler, of 215 Morningside Drive, owner of Windwood Antiques and the Brass Exchange addressed the Board. He said hats off to these folks for turning this restaurant around, adding that they bought the lot next door for parking. Mr. Crumpler said that in his travels in France, England and Belgium that he has never seen a barrel with such eye appeal, adding it is an amazing piece and it reminds him of the iconic Route 66 with many similar, unique landmarks. Mr. Crumpler said the barrel does not have loud colors, it is very muted and who would not want to have a photo taken in front of it. Mr. Crumpler said if the barrel were half the size, it would not have the impact. Mr. Crumpler said he thinks the applicants have done an excellent job in rehabbing the corner and that he is glad to see young folks becoming business owners in Blowing Rock.

Acting Chairman Carter closed the public comment period.

Mr. Hubble asked if there is a way to advance to Town Council with the concern regarding the measurements or additional information. Mr. Page noted that if the Planning Board is negative or positive, the request can go on to the Town Council.

Mr. Rothrock said they have two choices. They can deny the request or recommend approval with conditions. He suggested adding a building permit as a condition and moving the cask back to meet the front setback.

Mr. Hubble asked if the building permit covers the setback requirements. Mr. Rothrock said no, that both conditions need to be included.

Ms. Hartley said she wished the utility pole was in the image; that she understands the current placement helps to hide that.

Mr. Harrison Herbst said he had no problem with the cask if it is moved back from the street. Mr. Don Hubble concurred with Mr. Herbst, adding that a building permit be required. Mr. Page asked if the cask is moved closer to the building will it exceed the roof line of the building. Ms. Emily Brinker said it will not.

*Mr. Herbst made a motion to recommend the Town Council approve as presented with the following conditions: the cask be moved towards the building to at least meet the 15 foot setback, based on the planned sidewalk, and that a building permit be required. Mr. Hubble seconded the motion. **Mr. Herbst, Mr. Hubble, Mr. Carter, Ms. Hartley and Mr. Papa were in favor of the motion. Mr. Page was opposed. Motion carried.***

Chairman Harwood returned to the meeting.

Other Business

Central Business and Town Center – Amendment of Development Standards in LU Code

Mr. Rothrock gave the staff report and PowerPoint presentation and reviewed the draft amendment with the Board. At the August 2018 Planning Board meeting an ad hoc subcommittee was formed to study the current development standards for Central Business and Town Center. The subcommittee was also asked to consider future development potential for the 321 Bypass and the standards that would govern that development.

Over the past several months, the subcommittee consisting of Pete Gherini, Mike Page, Wes Carter and David Harwood, met to discuss the downtown development standards. The group invited Sue Glenn as she had compiled substantial research on building heights and floor area ratios (FARS) in the downtown. The group walked Main Street to visually understand the existing conditions of building heights, setbacks, sidewalk width, mass, landscaping, design and more. The group was also toured the JW Tweeds building to see how the building contains 3 levels above grade. The walk proved to be beneficial to more closely understand the relationship of buildings along both sides of Main Street and to conclude that east and west Main Street have a different character.

Beyond the discussion of measurable standards (height, setback, etc.) staff introduced the idea of eliminating residential density in the CB and TC districts. The consensus is that if the building mass is controlled by height, setbacks and parking, why does it matter

how many residential units are in the building? If a hotel can be built under the same height/setback standards at 21-22 rooms per acre, why not a mixed use building with a residential density equal to that of a hotel?

Mr. Page noted that the height on page 11 is 35' and is 38' on page 6; that page 6 should be changed to 35'. Mr. Rothrock agreed.

Mr. Carter asked the height of the tallest building on the east side of Main Street. Mr. Rothrock advised that JW Tweeds, at 30' in height, is the tallest building.

Mr. Page asked for an example of an existing rock wall adjacent to the sidewalk. Mr. Rothrock said the Martin House and that the intent is to keep the historic walls. The Board discussed where and how this language affects property in the downtown.

Mr. Rothrock said this is an effort to simplify the language while allowing more flexibility and reducing the number of waivers requested.

Ms. Hartley asked the thoughts on setting buildings back 3' from the sidewalk. Chairman Harwood said that as buildings are rebuilt, some sidewalk can be gained and that some existing sidewalk is substandard.

Mr. Rothrock asked Chairman Harwood to explain how the 33' height was determined. Chairman Harwood said the height of each floor of a multi-story building was factored for the best interior design. Chairman Harwood also noted that the front of the building would need to be higher than the back of the building to ensure proper roof drainage. Chairman Harwood said that 33' is enough height, but it could be 35'. He added that he doesn't think a 35' height is needed.

Mr. Hubble applauded the task force and said he thinks 40' height is good and wondered if a lesser height would discourage development. Mr. Carter said 33' is more in line with existing structures and he does not think that a 40' height is appropriate. The Board discussed the height limitations and the difference between heights on the east and west sides of Main Street.

Mr. Page asked Ms. Glenn her thoughts on building height. Ms. Glenn said she thinks 35' would be ok and noted that the mezzanine in the JW Tweeds building is a substandard height and that the apartments on the top floor have 8' ceilings.

Mr. Carter asked if the height could be extended now. Mr. Rothrock confirmed.

Mr. Hubble asked why shade trees are required, adding that he thinks they take up valuable real estate. Mr. Rothrock advised to provide shade - the same reason they are in the park. Mr. Rothrock added this requirement is for the west side of Main Street only.

The Board discussed the proposed setback off the sidewalk in relation to the building height. Mr. Carter said he does not want to see an existing building adding height. Mr. Rothrock said that won't happen. Mr. Page suggested keeping a maximum building height of 30' in the absence of a 3' setback. Mr. Page suggested adding 'maximum building height is 30', but that may be increased to 35' if there is a 3' setback.'

Mr. Page asked what 8" dbh means. Mr. Rothrock responded that it means 8" diameter measured at breast height, which is a forestry term and breast height is defined at 4.5' above grade. Mr. Page asked if that should be defined. Mr. Rothrock advised that the definition is in the Land Use Code.

Mr. Hubble made a motion to approve the draft ordinance with the following amendment: maximum building height is 30', but that may be increased to 35' if there is a 3' setback.' Mr. Harrison seconded the motion. **All members were in favor of the motion.**

Ms. Glenn applauded the sub-committee adding that they have done a tremendous job.

New Business

Mr. Rothrock said that looking at future development along Valley Boulevard would be good for a consultant. He added that this would help ensure that a good set of ordinances were in place.

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 7:15 pm.

Chairman David Harwood

Tammy Bentley
Planning & Zoning Support Specialist