

**Draft**

**Planning and Zoning Board**

**Minutes**

**Thursday, March 21, 2019**

**5:30 p.m.**

The Blowing Rock Planning and Zoning Board met on Thursday, March 21, 2019 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, Wes Carter, Pete Gherini and Harrison Herbst. 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. *Chairman Harwood made a motion to move item #3, Selection of Subcommittees, to Other Business, seconded by Mr. Hubble. All members were in favor of the motion.*

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

Chairman Harwood thanked Ms. Genie Starnes for her service to the Board. New Board member, Sam Glover, was sworn to the Board.

Chairman Harwood asked if there were any nominations for Chair and Vice-Chair. *Mr. Page made a motion to nominate the current slate of officers for another term. Chairman Harwood and Mr. Carter agreed to serve. Mr. Herbst seconded the motion. All members were in favor of the motion.*

**Conditional Use Permit 2019 – 01 Rainey Lodge**

Mr. Carter asked to be recused as his son owns property contiguous to the subject property. *Mr. Hubble made a motion to grant Mr. Carter's request to recuse, seconded by Mr. Gherini. All members were in favor of the motion.*

Mr. Rothrock gave the staff report and PowerPoint presentation. Grand Dakota Development, LLC is requesting a conditional use permit to construct a 40-room hotel with restaurant, bar and surface parking. The property is located at 159 & 167 Rainey Street, but is also located off Hwy 221 and Morningside Drive. The property is zoned CB, Central Business. Most of the subject property is in the WS-IV-PA water supply watershed. The property is further identified by Watauga County PINs 2807-98-0716-000, 2807-98-1850-000 and 2807-98-0826-000.

The proposed project meets the setback standards, building height and parking requirement of 53 spaces. Primary access for the project is through a driveway cut on

Morningside Drive as well as Rainey Street. The site topography prohibits direct access to Highway 221.

Although not required, the Applicant has recommended signage at the driveways restricting right turns from the parking area to minimize hotel traffic from traveling East on Rainey and North on Morningside.

Storm water will be collected and detained in a detention system under the parking area. From the detention system, the storm water will be directed to a new drainage system in Hwy 221. An existing sewer line is routed through the property. A new public sewer line will be redirected through the site to Morningside Drive.

The Applicant is providing public sidewalk on Morningside Drive and Rainey Street. The Town is constructing sidewalk along Hwy 221 with the Sidewalk to Bass Lake project. Staff recommends the Applicant pay for the portion of sidewalk along the portion of their property that fronts Hwy 221.

The proposed landscape plan appears to meet the Land Use Code requirements for street trees, buffers/screening and parking lot shading. The buffer along the east side of the property is required to be a 4-foot wide broken screen. An 8-foot wide semi-opaque buffer is required along each street yard. An extensive detailed landscape plan will be reviewed with the submission of construction drawings.

A dumpster for the hotel is situated in the northeast corner of the parking lot. All screening requirements will be met. A 12' x 55' loading zone is provided on the east side of the parking area for hotels deliveries.

Mr. Hubble asked how food purveyors and others will access the loading zone. Mr. Rothrock said via the side street. Mr. Hubble asked if deliveries will be made in 40' trucks. Mr. Rothrock said probably not; the trucks will be smaller. Mr. Papa said he thinks delivery trucks will park on Highway 221 and hand-truck supplies to the site. Mr. Rothrock said no, deliveries will enter from Morningside Drive or Rainey Street.

Ms. Chelsea Garrett, attorney for the applicant, introduced herself and the development team: Mr. Stephen Barker, Developer, Mr. Walter Fields, Planner, Mr. Stephen Overcash, Architect and Mr. Kevin Caldwell, Engineer. Ms. Garrett said she was glad the model is available for preview adding that landscaping elements have been added to it since the community meeting. Ms. Garrett noted that this site had a restaurant previously, Cheeseburgers in Paradise, and that the parking along Highway 221 serves as overflow parking. Ms. Garrett said the previous townhome project needed several waivers, but this project does not; that they designed this project to meet all code standards. Ms. Garrett said that past studies have indicated a need for high-end hotel rooms in Blowing Rock. She added that this meets that need, including a restaurant, is walkable to Main Street and would be an asset to Blowing Rock.

Mr. Fields said he was part of the townhome team and that project required a zoning change and other waivers. Mr. Fields said this use is allowed in this zoning district. Mr. Fields advised that the site is not flat and a challenge when meeting code requirements. Mr. Fields said that placing the building in the center allows for parking on the property edge and for greater building height. Mr. Fields said that all parking and loading is on-site, with one wing of the building elevated to allow for parking beneath. Mr. Fields said that food purveyors

use different size deliver trucks and the establishment can stipulate the size. Mr. Fields added that they had worked hard to address the concerns surfaced at the community meeting.

Mr. Fields said the model is to scale horizontally and vertically and that the final finish colors will be Town approved. Mr. Fields said that the retaining walls and landscaping, which will be Town approved, was changed due to concerns at the community meeting.

Mr. Fields said they had commissioned a full traffic study, which is not required, and as a result turning restrictions were added to the plans. The new plans indicate no right turns onto Rainey Street or Morningside will be allowed. Mr. Fields said the traffic engineer could not attend this meeting adding that Mr. Rothrock had the study.

Ms. Garrett said the combination of walls and landscaping will comply with Town code. Ms. Garrett said a neighbor had concerns with the line of site along Highway 221 and Morningside Drive. Ms. Garrett said the retaining walls are several feet off Highway 221. Mr. Fields said they would not build in the site distance triangle.

Chairman Harwood said the broken screening should be type B. Mr. Rothrock said it is semi-opaque along Rainey and Morningside, and is type C, broken screening along Speckled Trout.

Chairman Harwood said his setback height measurement for the building was 73 feet. Mr. Rothrock said it is actually 58 feet to the overhang.

Mr. Gherini asked how the pad would be created. Mr. Caldwell said cut and fill along Speckled Trout. Mr. Gherini asked if fill would be created from the site. Mr. Caldwell said yes. Mr. Herbst asked if there would be any fill on the right side of the site. Mr. Caldwell said there would be some fill there.

Chairman Harwood asked if the final exterior finish selections would be available for the Town Council. Mr. Overcash said yes and that the finishes will meet Town code. Mr. Rothrock asked what the exterior finishes would be. Mr. Overcash said natural stone, shakes, and painted wood siding.

Mr. Hubble asked if the traffic study included traffic counts. Mr. Rothrock said yes during the Thanksgiving parade. Mr. Hubble asked if the Board should ask for more such studies. Chairman Harwood said this is not required.

Chairman Harwood asked Mr. Overcash about the roof pitch. Mr. Overcash said it absolutely meets the minimum slope.

Chairman Harwood asked if the stone would be natural or cultured. Mr. Rothrock said cultured. The Board discussed whether the stone must be natural, or if cultured is allowed. Mr. Rothrock advised that the code language 'or other equivalent material' allows for cultured stone. Chairman Harwood asked if this must be approved by the Planning Board and Town Council. Mr. Rothrock confirmed. Mr. Page asked if there is a problem if natural stone must be used. Mr. Fields said no, that they are here to comply with the code.

The meeting was opened to public comment.

An unidentified man asked the width of Morningside Drive and if any improvements are planned on the west side of Morningside.

Ms. June Turner, of 132 Rainey Street, expressed concern with food deliveries, stating that trucks can't make the curve on Rainey Street. Ms. Turner said she is concerned with the location of the dumpster adding that she does not want to look at a dumpster. Ms. Turner also said she was concerned with an entrance to the site being in the curve on Rainey Street. Mr. Rothrock pointed out that the entrance is to the west of the curve. Mr. Turner said her property has been in her family for 100 years and they really need to watch out for the curve.

Mr. Larry Lawrence, of Morningside Drive, asked if the entrance on Morningside is across from Shady Lane. Mr. Lawrence said there is a house under construction on Morningside which will also increase traffic.

Mr. Marshall Sealey, of 268 Norwood Circle, was asked by the Blowing Rock Civic Association (BRCA) to make comments on the project. Mr. Sealey distributed a document to the Board members, staff, and applicant. Mr. Sealey said the dates on the plans were inconsistent; that he did not know which plans were the most recent. Mr. Sealey also said the plans are clearly marked as 'preliminary-not for construction' and said that the Board should not be permitting projects with preliminary construction plans. Ms. Garrett said this is not the building permitting process. Mr. Rothrock said that in 18 years he has never had a fully finished set of plans submitted for this process. Mr. Sealey said to Mr. Rothrock that it is his responsibility to ensure that all plans comply before projects are permitted. Mr. Rothrock confirmed. Mr. Sealey said he was hoping to preview the plans prior to the meeting. Chairman Harwood asked Mr. Sealey to please address the Board. Mr. Sealey told the Board that BRCA likes what they see, but the package is incomplete. Mr. Hubble said that BRCA had made an inconsistent representation on another project. Mr. Sealey disagreed. Mr. Page asked Mr. Sealey what additional information is suggested. Mr. Sealey said that is in the document he distributed. Mr. Page said the Board had not had time to look it over. Mr. Page said the project meets the code and that Mr. Rothrock will ensure that the final project and all plans meet code. Mr. Sealey said he had years of construction experience and noted that there is no scale on the building elevations.

Mr. Sealey noted that the landscaping is in process and that there is no parking included for employees or extra guests attending receptions or other functions. Mr. Sealey asked if the building height is measured off Morningside or 221. Mr. Rothrock said from grade at the building entrance. Mr. Sealey said neighbors are concerned with traffic and asked if it is appropriate to have NCDOT look at the study. He concluded by saying that BRCA is not opposed to the project, but they feel that more information is needed.

Mr. Hubble asked if BRCA is not opposed why are they in seeming opposition. Mr. Hubble said this satisfies the code, but BRCA wants more information.

Mr. Page asked Mr. Rothrock if he would make sure that the project meets all codes. Mr. Rothrock confirmed adding that this is done through the plan review process.

Ms. Anna Miller, of 671 Morningside Drive, said traffic does back up in July and asked how the no right turns will be enforced. Ms. Miller also said she is concerned that delivery trucks will park on Morningside Drive and wants delivery restrictions to be legal and enforceable. Ms. Miller asked Mr. Barker if he will be operating the hotel and restaurant and if the

promises made today will transfer to new owners. Ms. Miller added that many residents are concerned about increased traffic and that the study was not done at the right time of year.

Mr. Lee Rocamora, of Laurel Park Road, read code Section 16-12.2.1 regarding open space and green space. Mr. Rocamora said this section indicates a minimum 75% green space, between the back of the sidewalk and the building, is required.

Ms. Lorry Mulhern, of White Pine Road, asked the definition of a high-end hotel; is it room size, room price. Ms. Mulhern asked if the corner units (with no bathrooms on the plans) would be 2 bedrooms which would require additional parking. She also said she did not know if it is possible to demand that certain size delivery trucks be used and asked how they will navigate the turns to access the site.

Mr. Mark Crumpler, 30-year resident of 215 Morningside Drive, said that he is also speaking for the Johnsons and Brownings. Mr. Crumpler said that ingress and egress can be dangerous. Mr. Crumpler said when town is busy it can take 5 minutes to get onto 221 from Morningside. Mr. Crumpler also questioned parking for employees. Mr. Crumpler said he is opposed to the project due to property values and the impact on an already dangerous traffic situation.

Mr. Rocamora asked Mr. Rothrock to confirm that the building fronts Morningside and not 221. Mr. Rothrock confirmed. Mr. Crumpler said that an entrance off 221 would eliminate a lot of problems.

Ms. Mulhern urged the Planning Board to nail down the delivery truck scenario.

*Mr. Gherini made a motion to close the public comment, seconded by Mr. Herbst. **All members were in favor of the motion.***

Mr. Fields spoke to the concerns surfaced during public comment. He said the scope of the traffic study was approved by the Town and NCDOT. Mr. Fields said no floorplans have been submitted and he is not sure from where this information came. Mr. Fields said the size of and price of the rooms is not yet known. In responding to Mr. Sealey's comments Mr. Fields said all information is on file in the Planning and Inspections Department. Mr. Fields added that no one submits 75 to 95% complete plans at this point; it's no good to approve renderings that can't be constructed. Regarding the truck, Mr. Fields said there is room for a small tractor-trailer to turn around on the site and that it is big enough for a fire truck, which is a code requirement.

Chairman Harwood asked the width of Morningside Drive. Mr. Rothrock said it is from 18 to 20 feet of pavement and added that Rainey Street is fairly wide but narrows at the curve. Chairman Harwood asked if all of Morningside should be 20 feet wide. Mr. Rothrock advised that most residential streets have 18 feet in pavement width. Mr. Rothrock said the curb and gutter may affect the width. Mr. Caldwell said they can consider a minimum paved surface width.

Mr. Page spoke to Mr. Rocamora's comment and stated that he reads the ordinance as not applying to this property, that it applies to properties on Main Street and buildings close to the sidewalk. The Board discussed the setback from each street and which street is considered the primary street, in determining the amount of green space required. Mr.

Rothrock said this section does not apply as the building is setback 40 feet. Ms. Garrett said that meeting this requirement would be impossible, and it is non-sensical to require so much green space. Ms. Garrett said the code is meant to be read in context.

The Board discussed this section and the applicability to this project. Mr. Rothrock said that this is not the intent of this section of the code, that this is intended for properties on Main Street. Chairman Harwood said he would refer to Mr. Rothrock's determination.

Mr. Hubble asked if it is in the Planning Board's purview to initiate action for the Town Council's consideration, referencing some issues with this project. Chairman Harwood read the ordinance defining the Planning Board's duties and said they can absolutely take that on. He added that their role now is to evaluate this project with the codes in place.

Mr. Glover asked how the primary entrance is determined. Mr. Fields said entry can be from any street, but that the primary entrance is where people check-in. Mr. Fields said the entrance is driven by the operating plan for the hotel. Mr. Fields said there are no meeting rooms or banquet halls in the hotel. Mr. Glover noted there could be small parties or events there. Mr. Glover asked who will be operating the hotel in the future.

Mr. Barker addressed concerns raised during the public comment. Mr. Barker said he appreciated the staff and Board's time and effort. Mr. Barker advised that it is very difficult to make this site work. Mr. Barker said that a professional management company will take over operations of the hotel and restaurant. Mr. Barker advised that it would be dangerous to have an entrance from 221, adding that NCDOT would probably not allow it due to the proximity to the intersection of Main Street and 221. Mr. Barker said they are trying to make the site safer by eliminating the parking along 221.

Ms. Garrett said NCDOT will not allow driveways to be too close together. She added that the side is a pedestrian entrance. Mr. Barker said the front is a walkable area and added that having a walkable area on 221 is safer for pedestrians.

Mr. Gherini asked Mr. Rothrock if the existing sewer system can handle this project. Mr. Rothrock confirmed. Mr. Gherini asked Mr. Fields the number of hotel rooms. Mr. Fields said that is a level of detail not yet available. Mr. Gherini asked the final value of the project. Mr. Rothrock said he did not know. Mr. Barker said there is significant cost in the site improvements alone and added that he does not have a final number yet.

The Board discussed requiring a performance bond to ensure completion. Mr. Rothrock advised a public improvement bond and site restoration bond could be required if the project was started and then was not finished.

The Board discussed how the building height is determined and if the 50% door/window ratio applies to all sides of the building or just to the side fronting Morningside Drive. Mr. Rothrock said he thinks the ratio applies to the entire building, adding there is a stairwell that fronts Rainey Street. Chairman Harwood asked Mr. Overcash if he was aware of the 50% ratio. Mr. Overcash said no, adding that he understands the purpose is to engage people on the street. Chairman Harwood said he understands that this building is 50 feet from the street. Mr. Rothrock said the intent is to not have a building with a blank wall that fronts on Main Street.

Mr. Page said to Mr. Sealey that many issues were discussed, but not all solved. He said the BRCA document will be passed along to Town Council.

Mr. Hubble suggest tabling the project until the BRCA document could be studied. Mr. Page said the Council could be asked to take it under advisement. Mr. Gherini said to Mr. Sealey that the document contained good information, but it is unfair to drop a 20-page document onto the Board members with 5 minutes to read it. Mr. Gherini added that the pages should be numbered. Mr. Sealey agreed, saying he just received the document at noon today and he presented it as it was received. Mr. Page said Mr. Rothrock can speak to some issues in the document, but here is not time to do that now.

Mr. Hubble asked if the project, as presented, meets all codes. Chairman Harwood said no, that the screening should be 'B' and not 'C'. Mr. Rothrock said he does think it meets code as presented. Ms. Garrett said the landscaping plans can be corrected to reflect the correct screening requirements.

The Board and applicant discussed the 50% door/window ratio. Chairman Harwood said he was fine with the appearance as presented. The consensus was to have an average of 50% door/window ratio if possible, considering building code limitations.

Chairman Harwood asked if the open space/green space was resolved. Mr. Rothrock said yes. Mr. Glover asked if the additional outdoor space is included in the required parking. Mr. Rothrock confirmed.

Chairman Harwood said he was a fan of the townhome project proposed for this site and felt it would have a lesser impact than this project. He added it is interesting how we got here and that this project can be built by right. He thanked Mr. Barker for continuing to come back and trying to improve the Town, adding he appreciates his continued efforts.

*Mr. Page made a motion to approve and forward to Town Council as presented, with the proviso that the applicant comply with the screening and 50% door/window ratio requirements. Mr. Hubble seconded the motion.*

The Board discussed the motion. Mr. Rothrock suggested the Board could recommend with conditions.

With no more discussion, Chairman Harwood asked the Board to vote on Mr. Page's motion. **All members were in favor of the motion.**

Mr. Carter returned to his seat on the Board.

### **Other Business**

The Board discussed their role and responsibility in reviewing Town ordinances and recommending changes to the Town Council. Mr. Hubble noted that the Planning Board has a responsibility to initiate action. Chairman Harwood concurred. Mr. Page noted that the Town Council doesn't always follow their recommendation. Mr. Hubble said he does not appreciate the Planning Board being circumvented by an ad-hoc committee.

Chairman Harwood said the Board could ask for representation on the ad-hoc committee proposed by the Town Council.

Mr. Hubble made a motion to have a Planning Board member on the ad-hoc committee appointed by the Town Council, seconded by Mr. Carter. **All members were in favor of the motion.**

**Subcommittee Selection**

Planning Subcommittee

Don Hubble  
Kim Hartley  
Joe Papa  
David Harwood

Zoning Subcommittee

Pete Gherini  
Mike Page  
Wes Carter  
Sam Glover

Mr. Hubble made a motion to approve the subcommittee selections, seconded by Mr. Carter. **All members were in favor of the motion.**

Mr. Gherini asked to distribute a letter from attorneys representing BRCA. Mr. Rothrock said he had responded to the letter and an updated Land Use Code was posted on the Town's website two days prior. No members asked to see the letter.

**All members were in favor of the adjourning the meeting.**

Chairman Harwood adjourned the meeting at 8:15 pm.

\_\_\_\_\_  
Chairman David Harwood

\_\_\_\_\_  
Tammy Bentley  
Planning & Zoning Support Specialist