

## Planning and Zoning Board

### Minutes

Wednesday, June 26, 2019

5:30 p.m.

The Blowing Rock Planning and Zoning Board met on Wednesday, June 26, 2019 for their regularly scheduled meeting. Chairman Harwood called the meeting to order at 5:35 pm. Members present were Joe Papa, Don Hubble, Mike Page, Pete Gherini, Kim Hartley, Sam Glover and Harrison Herbst. Wes Carter was absent. Staff members present were Planning Director Kevin Rothrock and Planning and Zoning Support Specialist Tammy Bentley.

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

Chairman Harwood asked if there were any changes to the May 16, 2019 meeting minutes. There were none. *Mr. Hubble made a motion to approve the minutes, seconded by Mr. Herbst. All members were in favor of the motion.*

#### Conditional Use Permit 2019 – 02 Moody Building

Mr. Rothrock gave the staff report from the May 16, 2019 meeting and updated Powerpoint presentation. Mr. Rothrock noted that this is the same project that was presented last month, except the parking plan has been revised to eliminate access to the Maple Street lot; that this area will be used as the dumpster site. Mr. Rothrock advised the site plan also shows that 3 public parking spaces along Sunset Drive will be lost. Chairman Harwood asked Mr. Rothrock if he concurs with 3 public spaces being lost. Mr. Rothrock said yes.

Mr. Rothrock said Mr. Lovern will provide tenant parking in this lot for his properties at 1053 and 1077 Main Street. Mr. Rothrock said while there is a net loss of 3 public spaces providing parking for the other properties helps to offset that.

Mr. Rothrock said he does not want a re-hash of the May meeting, but he does want to point out the parking changes. Mr. Rothrock also suggested adding a footpath beside the dumpster site to allow access to Sunset Drive from the Maple Street parking lot.

Any lighting for the site will be provided by the coach light standard common to other projects in Town. Storm water will be collected in the parking lot and directed to an underground detention system designed to meet Town Code standards. The drainage from storm events will be detained and released to a new drainage system in Sunset Drive that will be installed from the parking lot to Sunset Drive.

Chairman Harwood advised that this is a continuation of the May 2019 meeting, as the request was tabled, and noted the only difference is the parking plan. Chairman Harwood said the Board can vote to reopen the public comment.

*Mr. Hubble made a motion to reopen the public comment, seconded by Mr. Page. **All members were in favor of the motion.***

Chairman Harwood asked if there were any questions for the staff.

Mr. Page asked if an entrance/exit onto Sunset Drive is a matter of right and, if so, he thinks the loss of 3 public spaces is reasonable. Mr. Rothrock agreed.

The Board discussed the proposed parking plan.

Mr. Gherini asked Mr. Rothrock if he had consulted Interim Chief Police Aaron Miller on the proposed parking plan. Mr. Rothrock confirmed, adding that Interim Chief Miller said the plan seems reasonable and that 3 spaces need to be eliminated to provide adequate sight distance to leave the driveway.

Ms. Hartley asked there could be a right-turn only exit onto Sunset Drive. Mr. Rothrock said yes.

Mr. Bob Lovern, Applicant, addressed the Board. Mr. Lovern apologized for behaving poorly and wasting the Board's time at the May meeting. Mr. Lovern said he feels he is benefiting the parking situation adding that he bought this parcel in part to ensure that he had parking for this and his other Main Street properties. Mr. Lovern said that he understands the importance of parking. Mr. Lovern told Ms. Hartley that he likes the right-turn only idea.

Chairman Harwood opened the meeting to public comment.

Dr. James Brown, owner of the vacant lot next to the old Capel Rug building, addressed the Board. Dr. Brown said he thinks a detrimental mistake is being made. He said ingress should be via the 15' easement on the west side of the building. Dr. Brown said the sidewalk is too high and should be subject to a setback and that this height will cause drainage issues. Dr. Brown said he has access to his property via Sunset, but he will be asking for access to that property from Main Street when it is developed. Dr. Brown said he would like to see a setback for the sidewalk due to the detriment to him, the Town and the Applicant. Dr. Brown thanked the Board for listening.

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

Mr. Gherini asked Mr. Rothrock to address Dr. Brown's comments. Mr. Rothrock said no setback is required from a sidewalk and that a proposed catch basin will take care of any residual run-off. Mr. Rothrock told the Board that, in his opinion, the setback and drainage are not issues.

Mr. Page said the proposed project seems to fit the code. Mr. Page added it's too bad that Dr. Brown and the Applicant cannot come to some agreement, but that is not the purview of this Board to decide. Mr. Rothrock agreed.

Mr. Hubble asked if a variance was needed for the setback. Mr. Rothrock said yes, on the front of the building. Mr. Hubble asked Mr. Rothrock about the parking. Mr. Rothrock said the benefit is gaining 24 parking spaces that do not exist now.

Mr. Hubble made a motion to recommend to Town Council as presented, seconded by Mr. Glover.

Mr. Papa asked about designating tenant parking in the lot. Mr. Rothrock said that is up to the Applicant, but there would be 4 to 6 spaces for tenant parking. Mr. Hubble asked if the use could change to require more parking. Mr. Rothrock said the plan requires the highest parking of restaurant use.

Chairman Harwood said he thinks Mr. Lovern is an excellent corporate citizen and he appreciates this. He added that he likes the project and that it checks lots of comprehensive plan boxes. Chairman Harwood thanked Mr. Lovern for his tenacity.

Chairman Harwood asked for a vote on the Mr. Hubble's motion. **All members were in favor of the motion.**

### **CZ 2019 – 01 Conditional Rezoning from R-15 to CZ -R6M, with STR Overlay**

Mr. Rothrock gave the staff report and Powerpoint presentation. Lisa Harris, Paul Armbruster, Patsy Ebert, and Andrew Allison are requesting a conditional rezoning of their three properties from R-15, Single-family to CZ-R-6M, Multi-family with a Short-term Overlay District. The properties are located at 8860, 8866, and 8874 Valley Blvd, and are further identified by Caldwell County PINs 2817-23-4253-000, 2817-23-5249-000, and 2817-23-6244-000. Mr. Rothrock said the location of these properties and the adjoining properties makes this situation unique.

The Applicants are requesting the rezoning to allow short-term rental at their residences. The conditions of the rezoning would limit the property to single-family uses only, prohibiting duplex or multi-family construction. Any short-term rentals would be compliant with the Town Land Use Code and the STR permit application. The Applicant has provided conditions and stipulations for short-term rentals that would be conditions of the rezoning if approved.

Mr. Hubble asked the location of the other properties involved. Mr. Rothrock said the northernmost house, the fifth house, wanted to sign on. The house just to the south, the fourth house, which has since been demolished, did not initially want to be part of the request. Mr. Rothrock said the fourth property now wants to be included, but the request was too late. Mr. Rothrock said he did not include the fifth house, as the properties need to be contiguous. Mr. Hubble asked why not wait until all houses are included. Mr. Rothrock said the application was ready and the agenda set.

Ms. Hartley said the only short-term overlay district in effect now is the Royal Oak Condominiums. Mr. Rothrock confirmed. Mr. Glover said this is unique due to the location. Mr. Rothrock confirmed. Mr. Hubble asked if there have been any other such requests. Mr. Rothrock confirmed that an overlay district was requested for new townhomes on Ransom Street. Mr. Hubble asked if the was request was turned down. Mr. Rothrock said yes, primarily due to neighborhood feedback and comments. Chairman Harwood said it also was perceived as spot zoning.

Ms. Lisa Harris, of 8866 Valley Boulevard, told the Board that they feel like they are good citizens of the town, want to continue renting their high-end property and they take care of the property. Mr. Paul Armbruster also of 8866 Valley Boulevard said they built the house to

fit in with the surrounding houses. Mr. Armbruster said they are not trying to make waves. Ms. Harris said they repurposed some of the materials in the original house.

Chairman Harwood opened the public comment.

Mr. Andrew Allison, of 8860 Valley Boulevard, said the demolished house was in limbo when Ms. Harris and Mr. Armbruster started this process. He added that there will be high-end tenants using the properties.

Ms. Hartley asked if the demolished house is on board. Mr. Rothrock said not originally, but they want to be included now. Mr. Rothrock said the Applicants have been very patient and he did not think it fair to delay their request.

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

The Board discussed adjoining properties and the zoning thereof. Mr. Page said he is concerned this can be construed as precedent setting and asked the minimum rental period is one week. Mr. Rothrock said a week minimum rental period is a condition proposed by the Applicants.

Mr. Page said he wants to be sure that the Board is consistent and strict with where short-term rentals are allowed given the angst regarding short-term rentals. Chairman Harwood noted that this request is possible because the adjacent property is zoned R-6M.

Mr. Hubble said the Board's decisions do not necessarily set precedent.

*Mr. Papa made a motion to recommend to Town Council as presented, seconded by Mr. Gherini. **All members except Chairman Harwood were in favor of the motion. Motion passed.***

Mr. Page asked if the other properties can be added for the Town Council meeting. Mr. Rothrock said he thinks not but will check with Allen Moseley.

### **Conditional Use Permit 2019 – 03 Cambria Car Lot – Amendment to CUP 1996 – 02**

Mr. Rothrock presented the staff report and Powerpoint presentation. Ron and Diane Cambria are requesting an amendment of their existing CUP to expand the potential uses of the property from vehicle sales to retail sales, office and restaurant. This property is zoned GB - General Business, located at 7855 Valley Boulevard and identified by Watauga County PIN 2817-17-3703-000. The original CUP, approved in 1996, allowed motor vehicle sales. The property, when occupied, had been used for this purpose. However, there is not currently a demand for this use.

The building is approximately 400 square feet, including a bathroom that was added in 2018 when the moped business was there. Access is via a driveway cut on Valley Boulevard and a small driveway at Maple Road. There are 9 parking spaces on site including an ADA van-accessible space added in 2018.

Mr. Hubble asked the property size. Ms. Cambria said .25 acres.

Mr. Page asked why the Planning Board is hearing this request. Mr. Rothrock advised the code requires it, adding that motor vehicle sales is the only allowed use. Mr. Page asked if this use is not allowed in General Business. Mr. Rothrock advised it is allowed, but the CUP limits the use to auto sales.

Chairman Harwood asked if the parking lot must be paved. Mr. Rothrock said no, but it can be paved. Mr. Page asked if there is an easement across the property. Mr. Rothrock confirmed it is for a stream. Mr. Rothrock asked Mr. Cambria if it still runs under the building. Mr. Cambria said he doesn't think so.

Mr. Cambria, Applicant, addressed the Board. He said they have owned for many years but now need to have other uses. Ms. Cambria said the CUP is limiting their ability to rent the space.

Mr. John Butler, of 145 Maple Road, said the moped business used Maple Road to train their customers on how to drive the mopeds, which blocked emergency vehicle access. Ms. Cambria said they were not aware of this, adding had they known, they would have spoken with the tenant and told them to stop.

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

*Mr. Hubble made a motion to recommend to Town Council as presented, seconded by Ms. Hartley. **All members were in favor of the motion.***

### **Other Business**

Mr. Hubble said the Board needs to look at all parking ordinances for the Town. Mr. Page asked if this is part of the code overview. Mr. Rothrock said partially, that it might flow over from the ad hoc committee. Mr. Gherini advised that the ad hoc is meeting on 7/1/19 and suggested the Board wait. Mr. Hubble said he will wait, and the Board can discuss address this later.

Ms. Bentley advised the Board that the Short-Term Rental permit applications were mailed last week.

Chairman Harwood asked that everyone keep Sheri Furman, owner of Take Heart, in their prayers, after her business on Main Street was gutted by a fire this afternoon.

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

Chairman Harwood adjourned the meeting at 6:50 p.m.

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Chairman David Harwood

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Tammy Bentley  
Planning & Zoning Support Specialist