



Town of Blowing Rock

Date: Tuesday, September 14, 2021, 6:00 p.m.

Location: 1036 Main Street, Blowing Rock, NC 28605

Agenda

<i>Item</i>		<i>Present & Participants</i>
I.	CALL TO ORDER – ROLL CALL FOR ATTENDANCE	Mayor Charles Sellers
II.	PLEDGE OF ALLEGIANCE	Mayor Charles Sellers
III.	SPECIAL ITEM 1. Virginia Powell – Resignation APPROVAL OF MINUTES – By Roll Call 1. August 10, 2021 – Regular Meeting Minutes 2. August 24, 2021 – Special Meeting REGULAR AGENDA ADOPTION	Mayor & Council Mayor & Council Mayor & Council Mayor & Council
IV.	PUBLIC COMMENTS	
VI.	PUBLIC HEARING: 1. Green Hill Estates Subdivision	Planning Director Kevin Rothrock
V.	REGULAR AGENDA: 1. 140 Sunset LLC 2. COVID Discussion	Planning Director Kevin Rothrock Mayor and Council
VI.	OFFICIALS REPORTS & COMMENTS: 1. Mayor 2. Council Members 3. Town Attorney 4. Town Manager	
VII.	CLOSED SESSION – pursuant to NCGS 143-318.11. (a)(5) Discussion of potential property acquisition.	

VIII.	ADJOURNMENT/RECESS... <i>Mayor Charles Sellers entertains a motion and second to adjourn or recess the meeting.</i>	

Staff Report – Special Agenda Item – Action Requested

To: Mayor Charlie Sellers and the Blowing Rock Town Council

From: Shane Fox, Town Manager

Subject: Virginia Powell's Council Seat

Date: September 14, 2021

Request: Mrs. Virginia Powell publicly announced her resignation from her position as Town Council Member at the Special Called Meeting held on Tuesday September 7, 2021, effective at 5pm on Friday September 10, 2021. Mrs. Powell has now rescinded her public resignation as of 12:26pm on Friday September 10, 2021, via an email to the full elected body. Per our Town Attorney, Allen Mosely, the Town Council is requested to take action by vote to accept or deny the rescinding of Mrs. Powell's resignation. Action must be taken prior to any formal action being taken on the regular meeting's agenda.

Attachments: None

Draft
MINUTES
Town of Blowing Rock
Town Council Meeting
August 10, 2021

The Town of Blowing Rock Town Council met for their regular monthly meeting on Tuesday, August 10, 2021, at 6:00 p.m. The meeting took place at Town Hall located at 1036 Main Street Blowing Rock, NC. Present were Mayor Charlie Sellers, Mayor Pro-Tem Sue Sweeting and Council Members Albert Yount, David Harwood, Doug Matheson, Virginia Powell, Town Manager Shane Fox, Town Attorney Allen Moseley, Town Engineer Doug Chapman, Fire Chief Kent Graham, Parks and Recreation Director Jennifer Brown, Police Chief Aaron Miller, Planning Director Kevin Rothrock, Public Works Director Matt Blackburn, Finance Officer Nicole Norman and Town Clerk Hilari Hubner who recorded the minutes.

CALL TO ORDER

Mayor Sellers called the meeting to order at 6:00 p.m. and welcomed everyone. Mayor Sellers verified attendance via roll call.

THE PLEDGE OF ALLEGIANCE

MINUTE APPROVAL

Mayor Pro-Tem Sweeting made a motion to approve the regular session minutes from July 10, 2021, seconded by Council Member Powell. Unanimously approved.

REGULAR AGENDA ADOPTION

Mayor Sellers advised Council would like to remove the Good Neighbor Day off Consent Agenda and instructed Manager Fox and Parks and Recreation Director Jennifer Brown to handle coordinating the event. Council Member Yount made a motion to approve the agenda with the removal of Good Neighbor Day from Consent, seconded by Mayor Pro-Tem Sweeting. Unanimously approved.

CONSENT AGENDA

1. ABC Travel Policy

In accordance with North Carolina General Statute 18B-700 (g2), the ABC Store must have a personnel travel policy in place. The travel policy must be approved by the board's appointing authority annually. Since the Town of Blowing Rock is the appointing authority for the ABC Board, it is necessary for the Blowing Rock Town Council to approve the policy. Also, as result of the Town of Blowing Rock travel policy may be used. The ABC Board has requested the Town of Blowing Rock of Commissioners approve this policy for their use.

2. Loan Finance Approval

BIDS and financing bid approval for FY 2021-22 Capital Equipment. **Loan Finance Approval Attachment - A**

3. Budget Amendment - #2021-07

Budget Amendment to account for various items. **Budget Amendment - #2021-07**

Council Member Matheson made a motion to approve consent agenda as presented, seconded by Mayor Pro-Tem Sweeting. Unanimously approved.

SPEAKERS FROM THE FLOOR

Tim Gupton – 235 Meadow Lane reviewed observations for the future of West Main Street and encouraged Council to direct the Planning Board to continue the sub-committee work.
– **Letter to the Planning Board - Attachment C**

Evenlight Eagles - 612 Ransom Street spoke with concerns about a mask requirement being implemented in Town limits. Ms. Eagles advised she felt it would be a violation peoples medical and religious freedoms.

SPECIAL RECOGNITION

TDA Executive Director Tracy Brown presented a resolution to Butch and Gina Triplett and Jim and Peggy Houston, owners of Woodlands BBQ for their 40 years of Business to the Town of Blowing Rock. Mr. Brown congratulated them on their upcoming retirement as well. **Woodlands Resolutions #2021-08 – Attachment D**

PUBLIC HEARING

1. Coffee Shop SUP Request

Planning Director Kevin Rothrock stated Viking Properties is requesting a Special Use Permit to construct a drive-thru coffee shop on the former Cambria car lot property at 7855 Valley Blvd. The property is zoned GB, General Business and is located in the WS-IV water supply watershed. The proposed site is a redevelopment of the former Cambria car lot, moped shop, and psychic palm reader. The small building will be removed, and a new 504 square foot building will be constructed for drive through and walk-up service. Employees will be the only ones in the building as it is designed for coffee service, equipment and storage only. The applicant is providing eight (8) parking spaces with one being ADA accessible. Only five (5) spaces are required. For the drive through, five (5) spaces in the queue line are required by Town Code and at least six (6) are provided around the building. Storm water detention is required due to the increased impervious area of just over 1000 square feet. However, the site has so many underground utilities and obstructions that providing storm water detention is difficult. The Applicant is requesting a waiver of the storm water detention requirements otherwise required by the Land Use Code. Access to the property will be through two (2) existing driveways – one on Hwy 321 and one on Sunset. These driveways will allow for two-way traffic. Access to Maple Road will be eliminated. A small landscape wall will be installed with a landscape buffer to surround the east side of the property. NCDOT has recently approved the driveway permit application. The building will be one level but will have a second level façade above the front service area. The design includes lap siding, Eldorado stone, and a gray metal roof. The applicant requests

waiver of the storm water detention requirement due to the small increase in impervious area of sq feet. At their May 20, 2021 meeting, the Planning Board recommended approval of the Special Use Permit with the following waivers and conditions:

- That the requested storm water detention waiver be approved.
- That the Applicant incorporate any conditions related to the NCDOT driveway review process.
- That the driveway access onto Sunset Drive be moved away from the Hwy 321 intersection as far up the site as possible.

Council Member Powell and Mayor Pro-Tem Sweeting expressed concern with water runoff issues. Water detention options and water run-off was discussed at length.

Mayor Pro-Tem Sweeting felt there were too many parking spaces which would add to impervious.

Council Member Powell stated she was in favor of the parking spaces because it would help keep traffic off of Hwy 321.

The applicant John Medley stated this location was a very challenging spot to build on and a lot of work had gone into planning a design that would fit on the property. Mr. Medley advised the main reason for the parking space request was to help with the traffic flow on Hwy 321. He explained he had done a lot of research to how the flow of traffic works in these types of coffee shops and has tried to incorporate them into the design. Mr. Medley further explained he would love to help more in water detention, but there are so many utility lines located on this property making that a difficult task. He and his designers have done everything they could do. Mr. Medley stated he didn't feel they were making more impervious areas, but instead would be beautifying that corner of Hwy 321.

Council Member Harwood asked about stacking of cars.

Patrick Warren Engineer for the project stated he felt if DOT didn't feel this project was safe they wouldn't have issued the driveway permit. Mr. Warren further stated some signage could be added to let customers know to go around the building to park and prevent cars from stacking up on Hwy 321.

Mr. Medley commented the plan in addition to drive thru service would be to have a walk up window and "runners" serving patrons similar to what Chick-Fil-A does. He further commented they would be serving coffee, beverages and pastries only.

Council Member Harwood further asked what DOT's number was to consider it stacking. Mr. Rothrock advised seven (7) was DOT's number, but the applicant's number was five (5).

After further discussion, Council Member Matheson made a motion to close the Public Hearing, seconded by Council Member Harwood.

Mayor Pro-Tem Sweeting made a motion to approve the SUP for Viking Properties with the conditions the Planning Board recommended. In addition the expectation is stacking will not occur but if it does it will be considered a violation of the SUP and will be revisited if stacking occurs on Hwy 321. Further would like only beverages and pastries to be served as outlined by the applicant. Seconded by Council Member Matheson. For the motion: Mayor Pro-Tem Sweeting, Council Members Matheson, Harwood and Powell. Against the motion: Council Member Yount. Motion approved.

2. Planning Ordinance Changes

Planning and Inspections Director Kevin Rothrock stated one of the recommendations of the 321 Vision Study was to examine regulations for psychics, tattoo parlors, and arcades. There was some consensus that there should be regulations on placement of these types of land uses or even to prohibit them entirely from the Town of Blowing Rock jurisdiction.

Mr. Rothrock shared the draft language in Ordinance 2021-09 that would prohibit psychics/palm readers from the jurisdiction as well as tattoo parlors and body piercing studios. The draft ordinance also limits arcades as an accessory use in the GB, General Business zoning district as a Special Use. At the July meeting, Planning Board made a recommendation to approve the draft ordinance as presented.

Council Member Matheson made a motion to approve Ordinance 2021-09 as presented, seconded by Council Member Yount. Unanimously approved.

BUSINESS MATTERS

1. Road Failure – Valley View Road

Town Manager Shane Fox advised Public Works Director Matt Blackburn requested to approve necessary funds to repair a road culvert failure that has occurred on Valley View Road. The failure is due to the structure failure of an existing road culvert. Town Engineer Doug Chapman and Mr. Blackburn obtained several quotes for repairs at the location and will provide a presentation to review the results of those quotes, and present an overflow of the problem area, the requested solution/repair and answer any questions.

Town Engineer Doug Chapman explained the plan to repair the slope failure on Valley View Road. Mr. Chapman stated the road would be closed approximately two (2) weeks for repair. Four (4) contractors were solicited for bids, the lowest bid was from J.W. Hampton with a cost of \$60,770. Mr. Chapman stated he felt good about the bids as the highest bid was \$99,000 and the lowest \$66,770.

After brief discussion. Mayor Pro-Tem Sweeting made a motion to approve, seconded by Council Member Yount. Unanimously approved.

2. Town Council Meetings – Time Length Limit

Manager Fox stated the Mayor as well as several Council Members have requested to adopt a Town Policy to establish a time in which to conclude a regular Town Council meeting. Currently the Blowing Rock Town Council meets every second Tuesday at 6:00 p.m. with no time limit to conclude the regular Council meeting. Other municipalities have adopted policies limited the time length of meetings and establishing guidelines to follow in the event of a time expiration. In order to adopt a town policy, a meeting conclude time needs to be established. Secondly, at what time to no longer start an item for discussion and/or action. Thirdly, in the event a meeting is concluded due to the expiration of time, to continue the agenda for action.

Council discussed briefly. Council Member Yount made a motion for the last agenda action item to begin no later that 9:00 a.m., for the meeting to end no later that 10:00 p.m. and continue to the next meeting or at a special meeting if determined by the Council, seconded by Council Member Harwood. Unanimously approved.

3. COVID Discussion -

Jennifer Greene Watauga County Health Department Director gave an update the current stats of COVID cases in the county.

Council discussed a few options including following suit with the Town of Boone to put a State of Emergency back in place, a mask mandate for public buildings and a vaccination incentive for employees.

Mayor Pro-Tem Sweeting made a motion to issue a State of Emergency effective August 11, 2021 at 5:00 p.m. requiring masks in all public buildings, masks are strongly recommended in Town Limits for retail/restaurants and when isolation and social distancing cannot be practiced, put the employee incentive in place to start the vaccination process by August 24th and fully vaccinated to be eligible for \$150 or three (3) days off. Seconded by Council Member Matheson.

Council Member Powell advised she felt this was all too premature. After further discussion the motion stood. For the motion: Mayor Pro-Tem Sweeting, Council Members Matheson, Harwood and Yount. Against the motion: Council Member Powell.

OFFICIALS REPORTS & COMMENTS

- Mayor Sellers – Thanked Blowing Rock Fire and Rescue for their rescue with the fall over Glen Burney Falls over the weekend. Stated there were also two (2) other medical related emergencies at the same time putting even more emphasis on the county's need to get a full-time ambulance service in Blowing Rock. State of the Town moved to September 23rd
- Council Member Yount – None
- Council Member Harwood – Parks Committee update; new member Ethan Dotson, met and laid out the next four meetings, evaluated all four (4) parks looking at repairs, maintenance, mission statement, wish list and then to establish a strategic plan.
- Mayor Pro-Tem Sweeting – None

- Council Member Matheson – Asked Council to look out for two House Bill’s both set to be voted on Tuesday. One regarding Billboard relocation and the other Short Term Rentals, both of which would take away local control. He urged Council Members to reach out to Representative Pickett.
- Council Member Powell – Asked for the status of the building at the laydown yard. Public Works Director Matt Blackburn advised work should begin in the next two weeks.
- Town Attorney Allen Moseley – None
- Manager Shane Fox – TDA numbers up \$509,000 or 50% over last year, ABC Store up \$80,000 or 40% over last year. Audit process has begun, Greenhill traffic study is expected any day. A draft will be ready for Council any day and the study will be on the Agenda for September.

EXECUTIVE SESSION

None

ADJOURNMENT

Mayor Pro-Tem Sweeting made a motion to adjourn at 9:20 p.m., seconded by Council Member Powell. Unanimously approved.

MAYOR _____
Charlie Sellers

ATTEST _____
Hilari Hubner, Town Clerk

Attachments

- Loan Finance Approval – Attachment A**
- Budget Amendment #2021-07 - Attachment B**
- Citizen Letter – Attachment C**
- Woodlands Resolution #2021-08 – Attachment D**
- Coffee Shop SUP Request– Attachment E**
- Planning Board Ordinance Changes #2021-09 – Attachment F**
- Budget Amendment #2021-10– Attachment G**
- State of Emergency Declaration – Attachment H**

Draft
MINUTES
Town of Blowing Rock
Town Council Meeting
August 24, 2021

The Town of Blowing Rock Town Council met for an emergency meeting on Tuesday, August 24, 2021, at 5:00 p.m. The purpose of the meeting was to approve resolutions related the Memorial Park PARTF Project. The meeting took place at Town Hall located at 1036 Main Street Blowing Rock, NC. Present were Mayor Charlie Sellers, Mayor Pro-Tem Sue Sweeting and Council Members Albert Yount, David Harwood, Doug Matheson, Virginia Powell, Town Manager Shane Fox, Police Chief Aaron Miller, Parks and Recreation Director Jennifer Brown and Town Clerk Hilari Hubner who recorded the minutes.

Mayor Sellers advised for the record he was opposed to holding this emergency meeting as he felt it was too short of notice for the public to be able to attend the meeting. He felt this is an important situation that affects everyone, and Council works for the citizens and giving a 48 hour notices gives people more of an opportunity to attend the meeting to be able to speak their mind.

Council met to discuss the influx of COVID cases due to the Delta Variant of the virus and options for restrictions inside the Town limits.

Mayor Pro-Tem Sweeting made a motion to in-act a mandatory mask mandate for the city limits of Blowing Rock beginning Friday August 27th at 5:00 p.m. with a two week “grace period” to educate the public and began enforcement on Friday September 10th at 5:00 p.m. The motion also included a detailed state of emergency declaration to be posted at Town Hall as well as sent to the Town’s “Sunshine” list. The motion was seconded by Council Member Matheson. Unanimously approved. **State of Emergency Declaration – Attachment A**

Council discussed employee vaccination and weekly COVID testing. Council Member Matheson made a motion to continue the employee insensitive of \$150 or three (3) days off for fully vaccinated. Seconded by Council Member Matheson. Mayor Sellers called a special meeting to be held on September 7, 2021, at 5:00 p.m. to discuss COVID.

ADJOURNMENT

There being no further business to discuss, Mayor Pro-Tem Sweeting made a motion to adjourn at 6:45 p.m., seconded by Council Member Powell.

MAYOR _____
Charlie Sellers

ATTEST _____
Hilari Hubner, Town Clerk

Attachments

State of Emergency Declaration – Attachment A

TO: Mayor Charlie Sellers and the Blowing Rock Town Council
FROM: Kevin Rothrock, Planning Director
SUBJECT: SUP 2021-04 Green Hill Estates Subdivision
APPLICANT: Herbert Townsend
DATE: September 9, 2021

REQUEST

Herbert Townsend is requesting a Special Use Permit for a 10-lot single-family subdivision off Green Hill Rd in the ETJ. The 6.54-acre subject property is zoned R-A, residential-agricultural and is located in the WS-IV water supply watershed. A new private road off Green Hill Road with cul-de-sac will provide access to the lots. The property is outside of Town limits and will utilize wells and septic systems for the homes sites. The property is further identified by Watauga County PINs 2817-68-9612-000, and 2817-68-9789-000.

SITE PLAN

The subject property is a 6.54-acre tract off Green Hill Road that is part meadow and part woods. With the property located in the water supply watershed the minimum lot size is ½ acre. Each proposed lot meets the minimum size requirement and minimum lot width of 100 feet.

Street trees will be planted or retained every 30 feet on center along the road within the right-of-way.

Private Road

Each lot will front on the proposed private road. Maintenance of the road will be the responsibility of the homeowner’s association.

The Land Use Code has a limit on cul-de-sac roads of 550 feet in length unless no other practical alternative exists. The proposed road is 653 feet in length to the center of the cul-de-sac. Given the steep topography at the end of the proposed road and the property owner not having access beyond the subject property to connect to other public or private roads, there doesn’t appear to be any other practicable alternative but to provide a cul-de-sac street at the proposed length of 653 feet to serve all lots.

Storm Water Management

Storm water detention is proposed for the increased run off from the proposed road. Details are not finalized on the design of the detention but most likely will be above ground basins along the edge of the road. A berm is proposed to carry run off from lots 8 and 9 to the ditch along Green Hill Road.

Water and Sewer Utilities

With this property being in the ETJ, no water and sewer utilities are available so private wells and septic systems will be approved by the Watauga County Health Department. Ten (10) lots are proposed on the preliminary plat, but after septic permits are finalized the number of buildable lots may be reduced on the final plat.

PLANNING BOARD RECOMMENDATION

At their meeting on August 19, 2021, the Planning Board recommended approval of the subdivision with the following conditions:

1. A berm or ditch must be installed along the rear of lots 8 and 9.
2. The road length is limited to 500 feet.
3. That the final location and number of lots will be determined by the septic system evaluations.

ATTACHMENTS

1. Draft Special Use Permit
2. Aerial vicinity map
3. Site plan/preliminary plat
4. Road profile

NORTH CAROLINA

WATAUGA COUNTY

**TOWN OF BLOWING ROCK SPECIAL USE PERMIT
Green Hill Estates
SUP No. 2021-04**

On the date listed below, the Board of Commissioners of the Town of Blowing Rock met and held a public hearing to consider the following application:

Applicant: Herbert Townsend

Project Name: Green Hill Estates Subdivision

Property Location: Off Green Hill Road in ETJ

Tax Parcel No.: 2817-68-9612-000, and 2817-68-9789-000

Property Owners of Record: Herbert and Kathleen Townsend

Proposed Use of Property: Single-Family Subdivision (10 Lots) with a private road for access

Current Zoning Classification of Property: R-A, Residential-Agricultural

Meeting Date: September 14, 2021

Having heard all of the evidence and arguments presented at the above-referenced hearing, the Board finds that the application complies with all applicable requirements of the Code of Ordinances of the Town of Blowing Rock, and that, therefore, the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable conditions of the Land Use Code and the following additional conditions:

1. The Applicant shall complete the development of the subject property in accordance with the plans submitted and approved by this Board, which plans are dated September 9, 2021, except as amended by the following conditions. Where said plans are in conflict with the provisions of the Land Use Code, the provisions of the Land Use Code shall prevail, except as specifically provided herein. Copies of said plans are made a part hereof as if fully rewritten herein, and shall be maintained in the Special Use Permit file in the Town Clerk's office. Any deviations from or changes in the plans must be pointed out to the Administrator in writing and specific written approval must be obtained as provided in the Blowing Rock Land Use Code.
2. Upon satisfactory completion of the proposed road, storm water utilities, the Applicant shall submit a final plat for approval by the Planning Director, Public Works Director and Town Engineer. No lots may be sold without final plat approval by the Town and recordation at the Watauga County Register of Deeds.
3. The Applicant hereby requests a vested rights period of two years to begin construction of the subdivision road and related utilities. The vested right period will begin upon the date of Council approval (September 14, 2021) and will end within two (2) years of that date. If any permit extensions are necessary, the Applicant shall make application for such extensions prior to the permit expiration and according the requirements of Section 16-58 of the Land Use Code.

4. Consistent with Section 16-4.10.3 of the Land Use Ordinance, the Board of Commissioners finds:
 - a. The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare.
 - b. The use or development complies with all required regulations and standards of the Land Use Ordinance or with variances thereto, if any, and with all other applicable regulations.
 - c. The use or development is located, designed, and proposed to be operated so as to be compatible with the particular neighborhood in which it is to be located.
 - d. The use or development will not substantially injure the value of adjoining or abutting property.
 - e. The use or development conforms with the general plans for the physical development of the Town as embodied in this Ordinance, the Town of Blowing Rock Comprehensive Plan, and any other duly adopted plans of the Town.
5. The proposed road will connect directly to Green Hill Road and will be reviewed by NCDOT for connection. The road will be privately maintained but will meet the basic design standards and specifications for a public street. Road right-of-way will be 35 feet, street pavement will be 18 feet wide, and the maximum road grade will not exceed 15%. The cul-de-sac will be designed with a 70' paved diameter.
6. This property is located in the ETJ and not in the corporate Town limits. As such, public utilities are not available to this property. Water and sewer service for each lot will be administered by the Appalachian District Health through well and septic tanks.
7. In accordance with Section 16-263 of the Land Use Ordinance, the development must be constructed so that the surface waters from the development do not cause unreasonable damage to lower adjacent properties. The storm water management plan shall include the design of a system that will minimize the impact of storm water from the developed site onto lower adjacent properties not owned or controlled by the Applicant.

Prior to the commencement of any land disturbing activity associated with the construction of the proposed road, the Applicant shall submit to the Town Engineer and receive approval of a storm water management plan. The storm water management plan shall specifically address the handling of roof gutters and drainage pipes as well as the storm water flowing from driveways and impervious areas. The goal is to spread out the storm water from each proposed home as to not concentrate flow into single locations wherever possible. Storm water detention shall be required for the increased impervious resulting from the proposed road. In addition, a berm will be installed along the lower south side of lots # 8 and # 9 to direct any runoff to the existing ditch along Green Hill Road. The detention system and berm must be perpetually maintained by the Homeowner's Association.
7. All electric, phone, and cable utilities shall be placed underground. No building shall be constructed over any part of any utility easement.
8. In accordance with Section 16-316 of the Land Use Ordinance, the Applicant shall retain all existing trees that are 18 inches in diameter or more unless the retention of such trees would unreasonably burden the development. A site plan shall be submitted to the Administrator showing the location of all such existing trees. Before any such trees are removed, the Administrator shall be consulted and shall certify that the removal of the trees complies with the requirements of the Town Code.

9. The Applicant shall retain or plant sufficient trees along both sides of the proposed subdivision street to satisfy the standard contained in Section 16-315 of the Land Use Ordinance. That standard requires an average of one deciduous tree for every thirty feet of street frontage. (Each such tree shall be of a species that will have a trunk at least twelve inches in diameter when fully mature.) Any trees planted by the Applicant shall be consistent with the requirements of Appendix E10(C) of the Land Use Ordinance, shall be one of the maple or oak varieties listed therein, and shall have a minimum caliper of 3 inches (measured at 6 inches above grade.)
10. All subdivision signs and any non-standard street identification signs shall be approved by the Town staff.
11. A Property Owner's Association (POA) must be established in order to perpetually maintain all landscape buffers (if any), street trees, common/reserved areas, and storm water detention basins and drainage. The POA shall be established prior to final plat approval and recording.
12. The Applicant shall be responsible for the perpetual maintenance of all trees, plants, and landscaping required herein. Any dead, unhealthy, or missing vegetation, or any vegetation disfigured by severe pruning, shall be replaced with new vegetation.
13. With the approval of the attached plans, the Applicant proposes to construct a detention system for storm water management purposes. The design of the detention system shall comply with the Town's storm water management standards and shall contain a minimum storage volume for detention of 9,100 cubic feet per acre of impervious surface for the proposed street and curb and gutter. The Applicant shall locate the storm water detention system as shown on the attached plans.

The outfall pipe leaving the storm detention system shall be conveyed to the creek and NCDOT permanent drainage easement below through an improved stabilized channel or rip-rap/stone ditch. The design of this outfall conveyance shall be included on the final construction drawings.

14. Storm water from all roof drains below the proposed street that do not flow to the street drainage shall not be concentrated in one (1) location but shall be installed to dissipate and spread out away from the houses.
15. The storm water detention system as proposed shall be inspected by the Town Engineer every six months. The Property Owner's Association for the subdivision shall be responsible for paying the Town Engineer's inspection fees.
16. The Applicant shall have a soil erosion control plan approved by Watauga County and Blowing Rock prior to the commencement of any grading activities on the property. No work shall be permitted on the property until all erosion control measures have been installed, with the exception of specific work that may be required in order to complete the installation of the erosion control measures.
17. The following shall be additional requirements related to sedimentation, erosion, and storm water control:
 - a. A detailed order of work shall be approved by the Town Engineer as part of the erosion control plan.
 - b. Any disturbed area not receiving active work shall be stabilized within seven (7) days.
 - c. Storm water runoff from any existing development shall be controlled and directed so that the runoff that crosses any newly disturbed area is minimized. This shall be addressed in the erosion control plan.
 - d. The Applicant shall provide as much silt control as practical next to the disturbed area being worked. This control will be temporary in nature and may be moved every few days to a more suitable location.
 - e. The Applicant shall provide inspection, repair, and maintenance to the sedimentation, erosion, and storm water control facilities after each rainfall. Failure to comply with this requirement may result in the issuance of a stop work order.

- 18. Prior to the commencement of any earth disturbing activities or the issuance of any building permit, the Applicant shall provide the Town Attorney with a title opinion on the subject property that there are no easements, rights-of-way, restrictions, or any other matters of record that would prevent the Applicant from completing the project as proposed.
- 19. Before any building permit is issued, the Applicant shall submit a revised site plan, in such form as shall be required by the Zoning Officer, that incorporates the terms and conditions of this Special Use Permit. All utility easements shall be signed and recorded prior to final approval of the site and grading plan.
- 20. Failure to comply with any provision herein shall subject the Applicant to forfeiture of the Permit and a stop work order on any further construction.
- 21. The Applicant shall reimburse the Town for all required legal advertising and the cost of mailing notices to all adjoining property owners. Two site plan reviews are included in the basic permit fees. An additional amount of \$100.00 will be charged for each additional review of the same site plan. The review by the Town Engineer of the basic site plan is included in the basic permit fee structure. However, the Applicant shall reimburse the Town for the Engineer’s design or review of storm water management plans, water supply plans, erosion control plans, grading plans, or other detailed plans. The Applicant shall also reimburse the Town for all on-site inspections conducted by the Town Engineer.
- 22. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this Permit shall be void and of no effect.

IN WITNESS WHEREOF, the Town of Blowing Rock has caused this Permit to be issued in its name and the undersigned being property owner(s) and/or agent(s) of the property owner(s) does hereby accept this Special Use Permit, together with all of its conditions as binding upon them and their successors in interest.

TOWN OF BLOWING ROCK

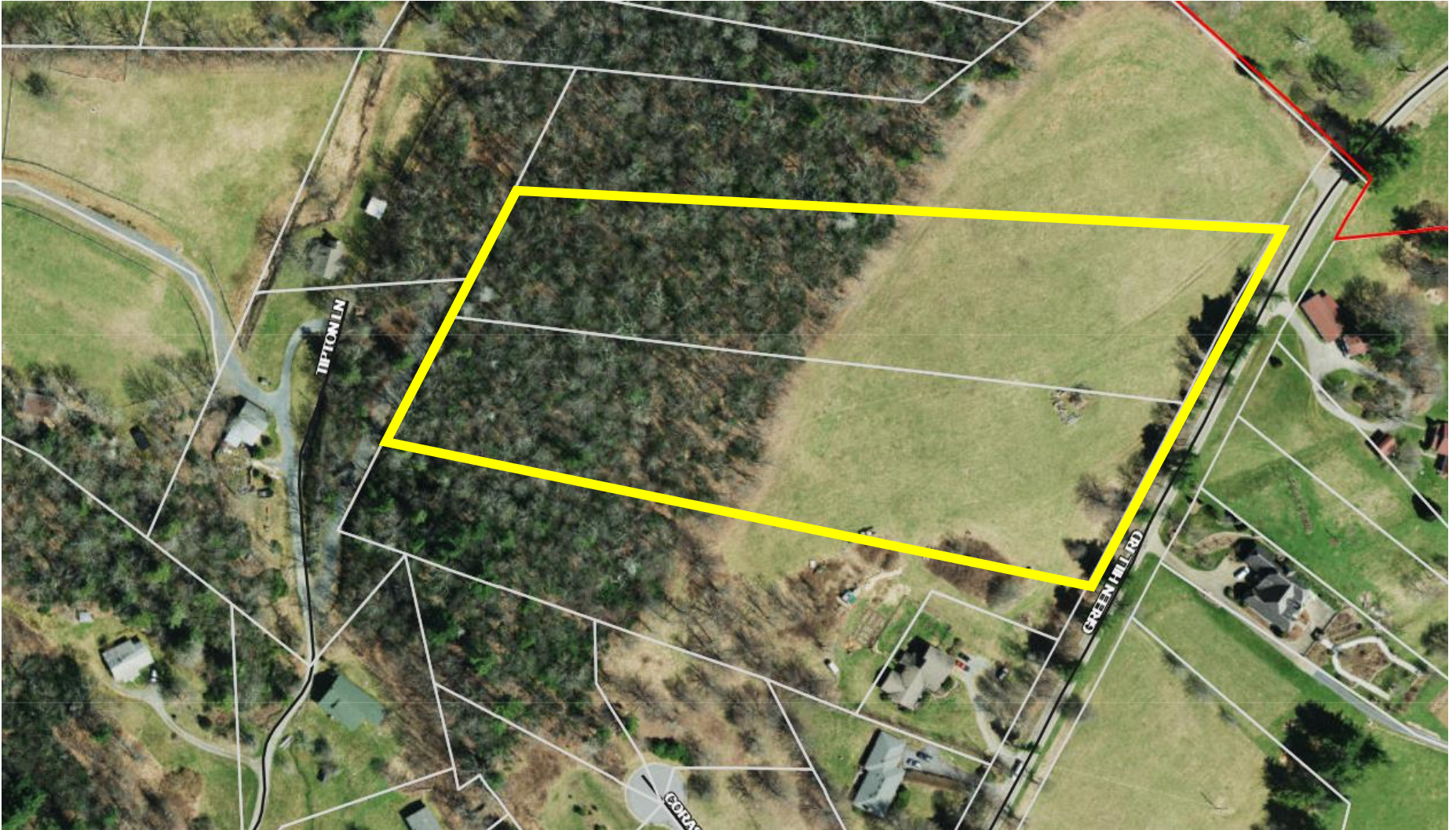
By: _____
 Charlie Sellers, Mayor

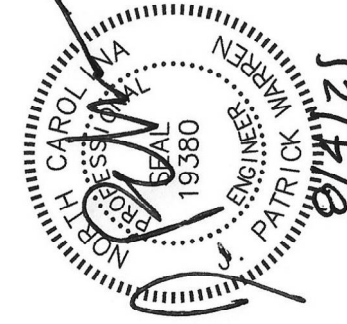
ATTEST: _____
 Hilari H. Hubner, Town Clerk

(CORPORATE SEAL)

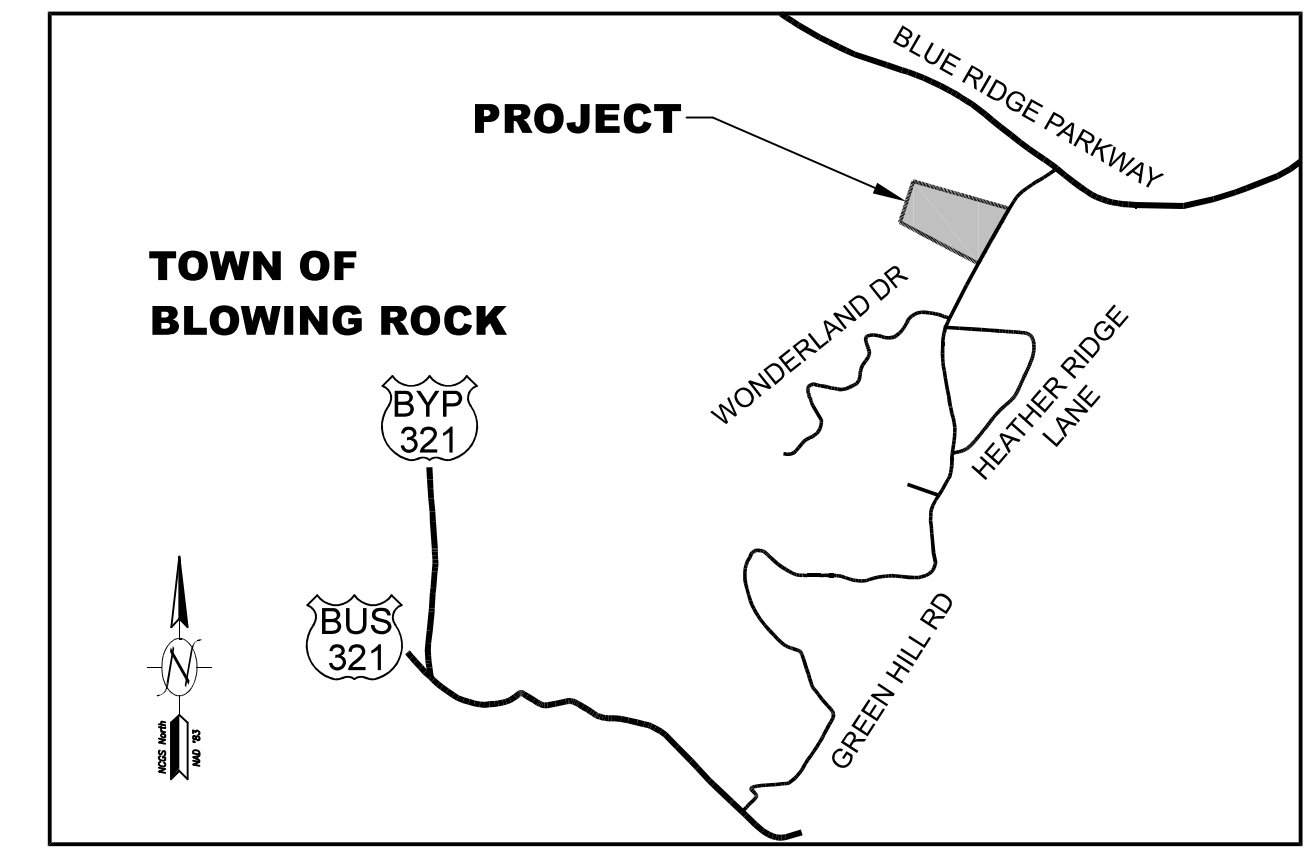
Green Hill Estates Subdivision

SUP 2021-04





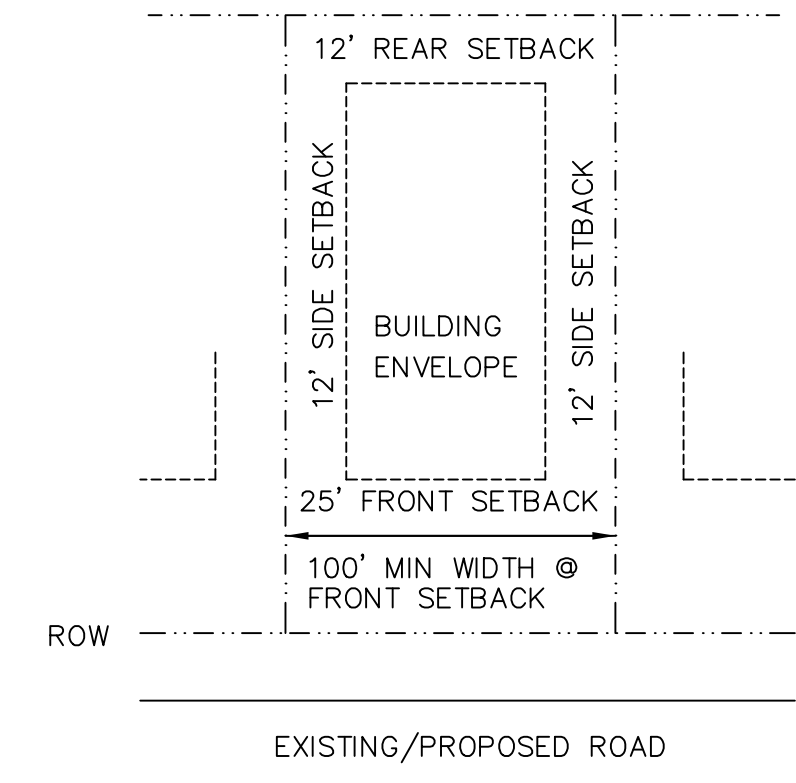
JUNE 2021
SCALE: 1" = 50'
DATE: _____
SCALE: _____
REVISIONS: _____



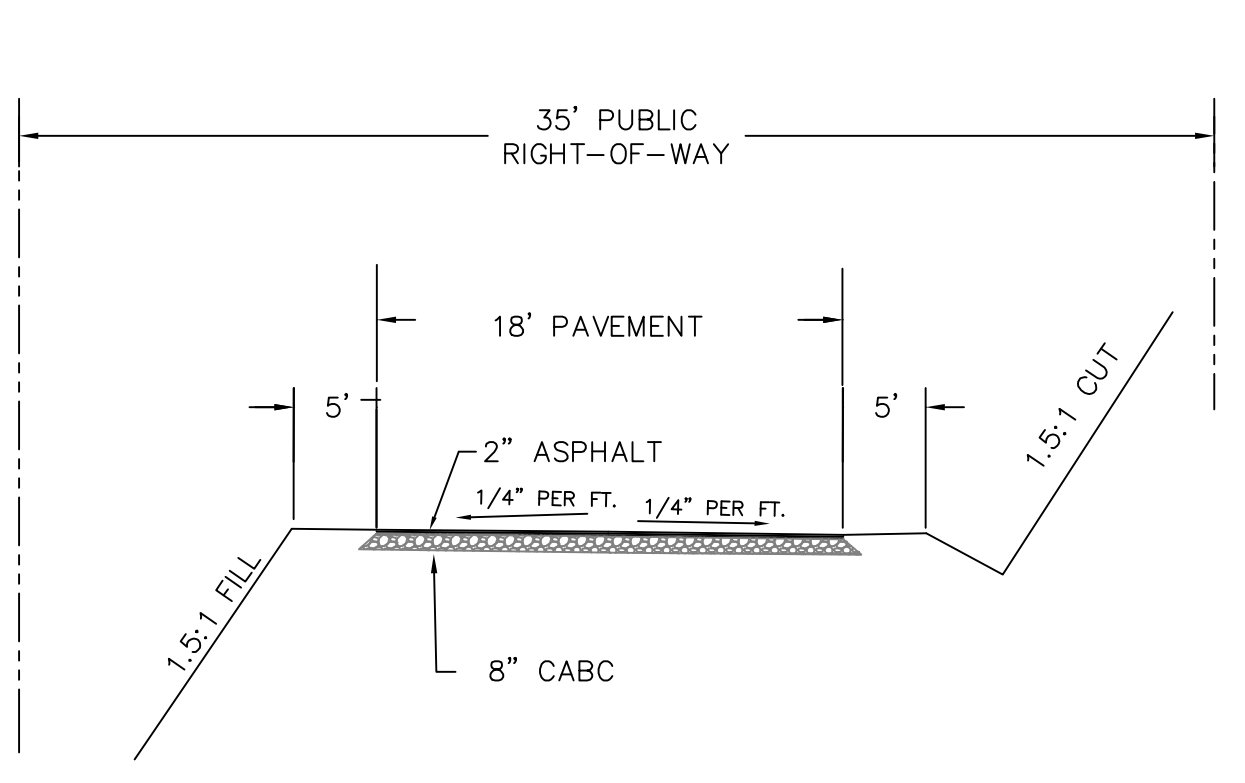
VICINITY MAP
NOT TO SCALE

LEGEND

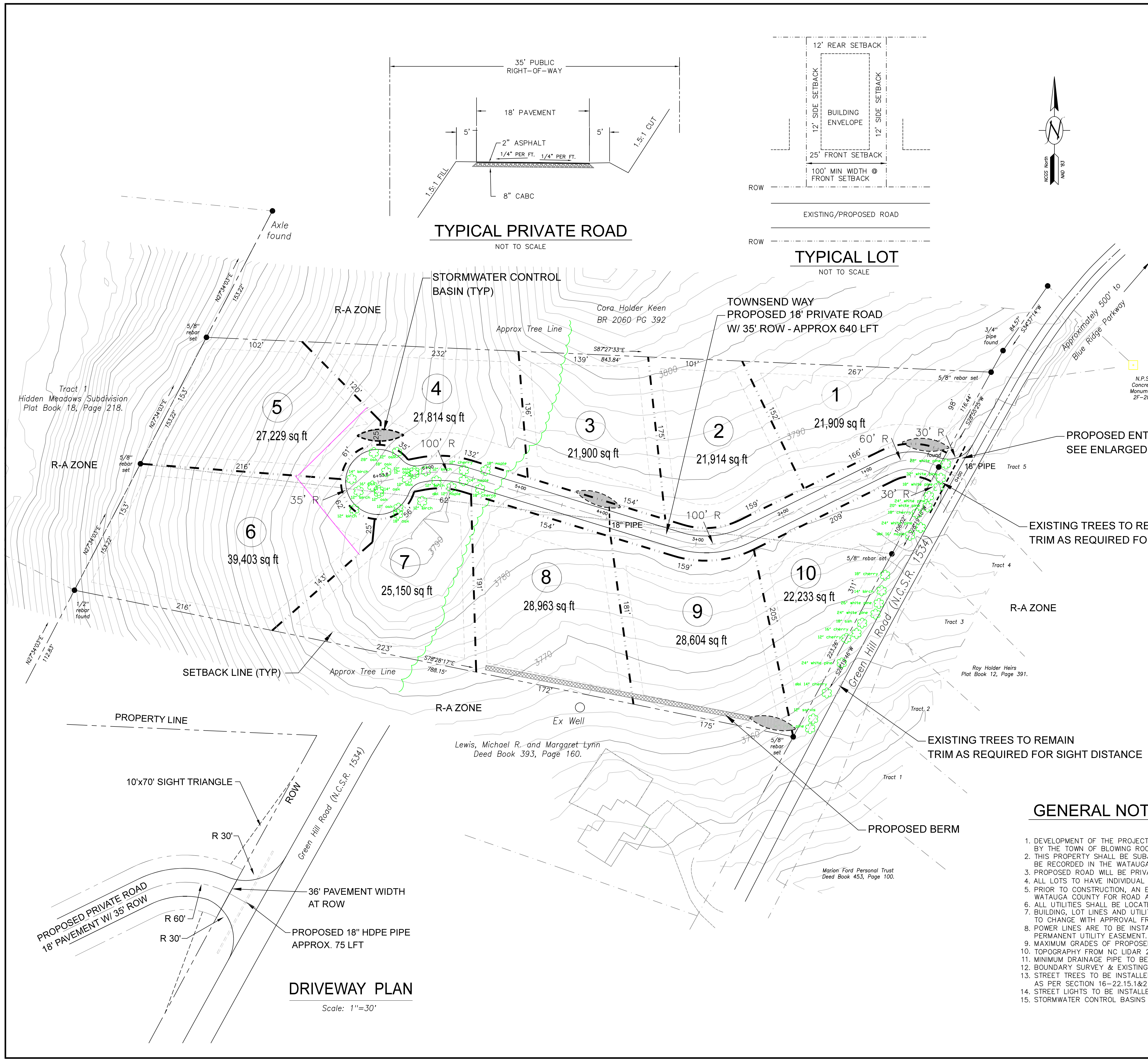
- PROPERTY LINE / ROW
- - - - - EXISTING CONTOUR
- ① PROPOSED LOT NUMBER
- - - - - PROPOSED LOT LINE



TYPICAL LOT
NOT TO SCALE



TYPICAL PRIVATE ROAD
NOT TO SCALE

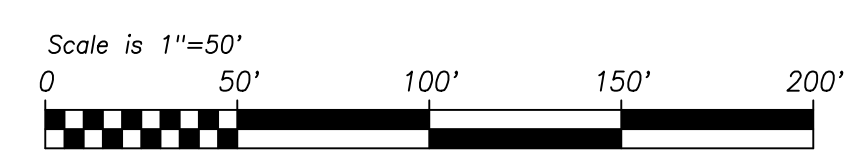


SITE INFORMATION :

1. OWNER – KATHLEEN C & HERBERT TOWNSEND
1464 POPLAR GROVE RD S
BOONE, NC 28607
2. APPLICANT – HERBERT TOWNSEND
1464 POPLAR GROVE RD S
BOONE, NC 28607
3. PARCEL ID – 2817689612000 & 2817689789000
4. TOTAL AREA = 6.54 AC
5. PROPOSED SINGLE FAMILY LOTS – 10
6. MINIMUM LOT SIZE – 21,780 SQ FT
7. PROPERTY IS ZONED R-A.

GENERAL NOTES :

1. DEVELOPMENT OF THE PROJECT SHALL BE AS INDICATED HEREON AND AS REQUIRED BY THE TOWN OF BLOWING ROCK.
2. THIS PROPERTY SHALL BE SUBJECT TO RESTRICTIVE COVENANTS AND DECLARATIONS WHICH WILL BE RECORDED IN THE WATAUGA COUNTY REGISTER OF DEEDS PRIOR TO FILING OF FINAL PLAT.
3. PROPOSED ROAD WILL BE PRIVATE AND MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION.
4. ALL LOTS TO HAVE INDIVIDUAL OR SHARED WELLS & INDIVIDUAL SEPTIC FIELDS FOR WATER & SEWER SERVICE.
5. PRIOR TO CONSTRUCTION, AN EROSION CONTROL PLAN WILL BE SUBMITTED AND APPROVED BY WATAUGA COUNTY FOR ROAD AND UTILITY CONSTRUCTION.
6. ALL UTILITIES SHALL BE LOCATED UNDERGROUND.
7. BUILDING, LOT LINES AND UTILITY LOCATIONS ARE APPROXIMATE AT THIS TIME. THE LOCATIONS ARE SUBJECT TO CHANGE WITH APPROVAL FROM THE TOWN OF BLOWING ROCK AND THE ENGINEER.
8. POWER LINES ARE TO BE INSTALLED IN STREET RIGHT-OF-WAY OR PERMANENT UTILITY EASEMENT. PERMANENT UTILITY EASEMENT.
9. MAXIMUM GRADES OF PROPOSED ROAD SHALL BE 10 %.
10. TOPOGRAPHY FROM NC LIDAR 2' CONTOURS.
11. MINIMUM DRAINAGE PIPE TO BE 18" DIAMETER.
12. BOUNDARY SURVEY & EXISTING TREE LOCATIONS PROVIDED BY NEW RIVER SURVEYORS, PA.
13. STREET TREES TO BE INSTALLED AT 30' OC ON BOTH SIDES OF UNLESS EXISTING TREES ARE PRESERVED AS PER SECTION 16-22.15.1&2 OF TOWN OF BLOWING ROCK UDO.
14. STREET LIGHTS TO BE INSTALLED AS PER TOWN OF BLOWING ROCK.
15. STORMWATER CONTROL BASINS TO BE MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION.



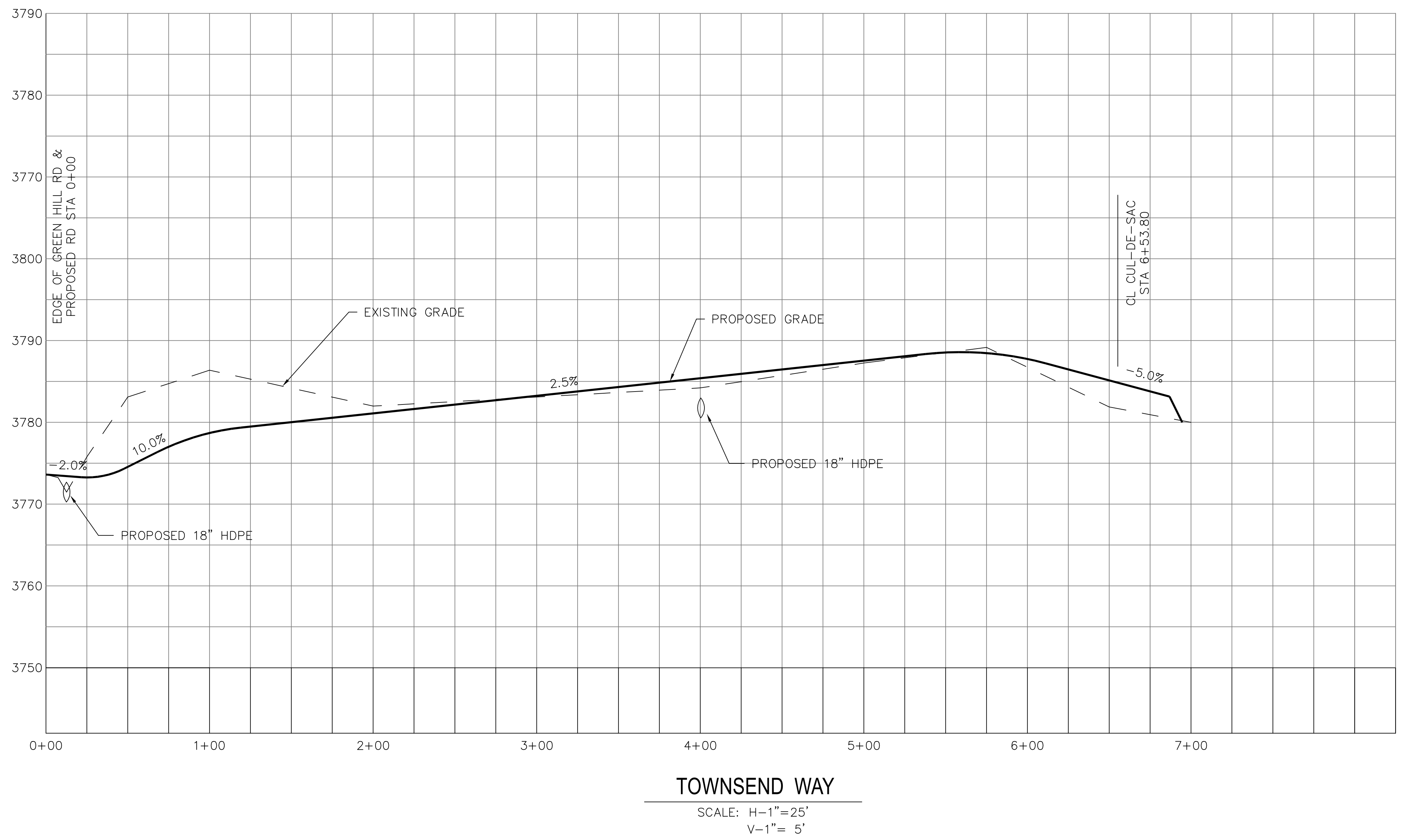


PROPOSED SUBDIVISION
FOR
TOWNSEND SUBDIVISION
BLOWING ROCK, NORTH CAROLINA

DATE: JUNE 2021
SCALE: AS NOTED

ROAD PROFILE

SHEET
C2



DRAFT

Planning and Zoning Board

Minutes

Thursday, August 19, 2021

5:30 p.m.

The Blowing Rock Planning and Zoning Board met on Thursday, August 19, 2021, for their regularly scheduled meeting. Members present were Joe Papa, Harrison Herbst, Bill McCarter and Sam Hess. Chairman Gherini called the meeting to order at 5:35 p.m. Members Sam Glover, Mike Page and Pete Page were absent. Staff members present were Town Manager Shane Fox, Planning Director Kevin Rothrock, Planning and Zoning Support Specialist Tammy Bentley and Town Engineer Doug Chapman.

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

Chairman Gherini asked if there were any changes to the July 22, 2021, minutes. *Mr. Hess made a motion to approve the minutes, seconded by Mr. McCarter. All members were in favor of the motion.*

1. SUP 2021-04 Green Hill Estates Subdivision

Mr. Rothrock gave the staff report and Powerpoint presentation. Herbert Townsend is requesting a Special Use Permit for a 10-lot single-family subdivision off Green Hill Rd in the ETJ. The 6.54-acre subject property is zoned R-A, residential-agricultural and is located in the WS-IV water supply watershed. A new private road off Green Hill Road with cul-de-sac will provide access to the lots. The property is outside of Town limits and will utilize wells and septic systems for the homes sites. The property is further identified by Watauga County PINs 2817-68-9612-000, and 2817-68-9789-000.

The subject property is a 6.54-acre tract off Green Hill Road that is part meadow and part woods. With the property located in the water supply watershed the minimum lot size is ½ acre. Each proposed lot meets the minimum size requirement and minimum lot width of 100 feet.

Street trees will be planted or retained every 30 feet on center along the road within the right-of-way.

Each lot will front on the proposed private road. Maintenance of the road will be the responsibility of the homeowner's association.

The Land Use Code has a limit on cul-de-sac roads of 550 feet in length unless no other practical alternative exists. The proposed road is 653 feet in length to the center of the cul-de-sac. Given the steep topography at the end of the proposed road and the property owner not having access beyond the subject property to connect to other public or private roads, there doesn't appear to be any other practicable alternative but to provide a cul-de-sac street at the proposed length of 653 feet to serve all lots.

Storm water detention is proposed for the increased run off from the proposed road. Details are not finalized on the design of the detention but most likely will be above ground basins along the edge of the road.

With this property being in the ETJ, no water and sewer utilities are available so private wells and septic systems will be approved by the Watauga County Health Department. Ten (10) lots are proposed on the preliminary plat, but after septic permits are finalized the number of buildable lots may be reduced on the final plat.

Chairman Gherini asked the Board if they had any questions. Mr. Papa asked if the water will be a community source. Mr. Rothrock said shared/private wells. Chairman Gherini asked about design continuity of the homes. Mr. Rothrock explained that we can't control that. Chairman Gherini asked if the road met Fire Department requirements and if there will be a hydrant. Mr. Warren said the road meets the Land Use Code. Mr. Rothrock said there will be no hydrant as town water is not available. Mr. Hess confirmed the setbacks with Mr. Rothrock. Mr. McCarter noted that the well location on lot 8 could be affected by the existing well on the adjacent property. Mr. Warren confirmed. Chairman Gherini asked when the health department will approve the septic systems. Mr. Warren said if a soil scientist is used, that the health department would not be involved with the septic systems, but still be involved with the placement of the wells. Mr. Hess asked, due to the topography of lots 8 and 9, if the drainage onto the adjacent property has been addressed. Mr. Warren said there is a small ditch to Green Hill Road and more analysis is needed to see if that ditch needs to be improved. Mr. Papa asked who made the decision on adequate drainage. Mr. Warren said it will be based on his calculations and McGill's acceptance of those calculations.

Chairman Gherini read a letter from Ms. Ruth Winslow and asked that it be made part of the record.

Mr. Tim Gupton, representing the Blowing Rock Civic Association, said their concerns are ensuring the lots are no smaller than ½ acre. Mr. Gupton added that increased traffic and stormwater management need to be considered.

Ms. Lynn Rutter, 1925 Green Hill Road, said she is concerned with her well being affected and increased runoff onto her property. Ms. Rutter said this will destroy a beautiful property which is very close to the Blue Ridge Parkway.

Mr. Robert Lee Warren said he is leasing a home from Ms. Cora Holder Keen with the possibility of purchasing a home and property from her. Mr. Warren said that he hopes Mr. Townsend's houses that are comparable to those existing.

Ms. Cora Holder Keen, 1978 Green Hill Road, said she is concerned that the construction noise will last for years, that the new houses will block views, and that the view will be into other homes. Ms. Keen asked that the number of houses to be built be greatly reduced.

Mr. Mark Nunes, 1807 Green Hill Road, said he has a deep sense of place for this part of Blowing Rock and noted three concerns. Mr. Nunes said the runoff from Green Hill Road to Wonderland will increase, that the length of the road is 20% greater than allowed by code, and that this large development will have no fire hydrant access.

Mr. Allen Yates, Mr. Townsend's real estate agent, said that he has helped him in the design and construction of his homes. Mr. Yates said he is a top-shelf builder, his homes sell well and that his last home was 3,400 square feet and sold for more than \$800,000. Mr. Yates said the placement of the wells and septic systems will determine the number of lots.

Mr. Ron Swift, husband of the youngest Holder daughter, expressed concerns with drainage, lack of curb and gutter on the road, and approval of the septic systems.

Mr. David Trahan, 594 Green Hill Woods, said he is concerned with the size and quality of the homes, asking if there will be restrictive covenants in place.

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

Mr. Hess asked Mr. Warren about the number of lots. Mr. Warren said the number of lots will be determined by the soil scientists. He added that this will also indicate the size of each house. Mr. Warren said they must do a study on the Green Hill Road ditch per McGill which will include the houses. Mr. Warren added that there may be less than 10 lots, but no more than 10.

Mr. Rothrock explained that developers seek approval for projects before going to the expense of getting septic and well approval. Mr. Rothrock said that once the request is approved by the Town Council the applicant can really go to work and that no lots can be sold until the final plat is approved and recorded.

Mr. Hess asked if the Board is unable to approve 10 lots. Mr. Rothrock said no; that the request is for 10 lots, but there could be fewer lots based on the soil tests.

Mr. Rothrock suggested reopening the public comment period.

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

Chairman Gherini asked Mr. Chapman how the applicant can control some runoff. Mr. Chapman explained that part of his job is to make sure the proposal can be reasonably built and that his 15 years experience shows him where to look for stormwater issues. Mr. Chapman said there is some runoff across the field that may increase with home construction. Mr. Chapman said he was asked to evaluate stormwater down Green Hill Road. He said the Land Use Code does not require stormwater management for this project and property owners must accept water from upstream. Mr. Chapman said there is never a perfect stormwater solution in Blowing Rock, but the impact can be lessened. Chairman Gherini asked about curb and gutter along the subdivision road. Mr. Chapman said curb and gutter doesn't decrease flow, that it generally increases as more runoff is created. Mr. McCarter asked if the road would direct some water to Green Hill Road. Mr. Chapman said that some would be directed to Green Hill Road. Mr. Rothrock asked if it is reasonable to say that lots 8 and 9 will direct to Green Hill Road. Mr. Chapman yes, reasonable. Mr. Hess asked

who neighbors would contact about drainage on Green Hill Road. Mr. Chapman said it is a DOT road, but in Blowing Rock people call the Town and not DOT. Mr. Chapman said when the properties are developed the gutters can be spread out to mitigate drainage issues.

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

Mr. Papa said 10 homes is too many that the Board needs to limit the number of homes and not wait for the septic permits. Mr. Hess asked how the Board would arrive at a number. Mr. Papa said to cut the number in half. Mr. Hess asked Mr. Rothrock if 5 one acre lots are approved can those be subdivided in the future. Mr. Rothrock said that the number of lots approved is the number. Mr. Rothrock said it meets the Land Use Code. Mr. Papa said not with the road length extension. Mr. Rothrock asked Mr. Warren if they could access 10 lots with a 500-foot road. Mr. Patrick confirmed. Mr. Rothrock advised the Board not to get outside the ordinance. Chairman Gherini said to Mr. McCarter that the Board must have a basis for putting restrictions in place. Mr. Herbst said that acre lots seems to be overreach. Chairman Gherini said he understands and agrees with the comments, but the Board must be careful of getting outside the Land Use Code. Mr. Rothrock said recommendations must be specific and tie to the Land Use Code or Comprehensive Plan. Mr. Rothrock said the Council can take advisement on conditions, ignore conditions or strike conditions.

Mr. McCarter made a motion to approve request with the following conditions for consideration by the Town Council, seconded by Mr. Herbst.

Conditions:

A berm or ditch must be installed along the rear of lots 8 and 9.

Road length is limited to 500 feet.

Acknowledge that the location and number of lots will be determined by the septic system evaluations.

Chairman Gherini asked each member their vote. Mr. Papa was against. Mr. Hess, Mr. McCarter, Mr. Herbst and Chairman Gherini voted for.

Mr. Hess, Mr. McCarter, Chairman Gherini and Mr. Herbst were in favor of the motion. Mr. Papa voted against the motion. Motion passed.

Other Business

Chairman asked if the Town needs to give constituents more lead time per David Roger's opinion piece in the Blowing Rocket. Mr. Papa said that he didn't care what Mr. Roger thinks. Mr. McCarter said Mr. Rothrock's hands are tied in that the statutory time frame is not less than, but not more than 25 days to send public notice to properties within 150 feet of the subject properties.

Mr. Rothrock said the subcommittee will meet again for the downtown density review. Mr. Rothrock said that there are plans for the previous Tanner building on Valley Boulevard. The plans are for the parking lot that serves the building.

Chairman Gherini asked for an update on Rainey Lodge. Mr. Rothrock said they are in the process of finalizing and moving ahead.

*Having no further business Mr. Hess made a motion to adjourn, seconded by Mr. Herbst. **All members were in favor of the motion.***

Chairman Gherini adjourned the meeting at 7:00 p.m.

Chairman Gherini

Tammy Bentley
Planning & Zoning Support Specialist

TO: Mayor Charlie Sellers and the Blowing Rock Town Council

FROM: Kevin Rothrock, Planning Director

SUBJECT: 140 Sunset Drive – former Moody Furniture Showroom

APPLICANT: 140 Sunset, LLC (Owner)

DATE: September 9, 2021

REQUEST

140 Sunset, LLC is requesting a special consideration for parking at their proposed renovation project at 140 Sunset Drive, the former Moody Furniture Showroom building.

Through a zoning permit application, the Owner is planning to keep the lower level as a retail space and convert the upstairs to two (2) apartments with two bedrooms in each. The Owner plans to use these apartments for short-term rental, therefore requiring four (4) parking spaces according to the Land Use Code.

There are three (3) existing spaces in front of the building that the applicant plans to remove and use as a courtyard/common area to be used by the tenants and the general public. This would allow the Town to gain two (2) parallel public spaces in front of the building and prevent cars from pulling across the public sidewalk and avoid backing out into traffic and pedestrians.

The Owner is requesting the Town Council support the proposed change in the parking arrangement in front of the building in exchange for a credit for the three (3) existing spaces lost towards the Land Use Code parking requirement for the proposed short-term rental use. The Owner would still provide one (1) new parking space for the short-term rental use.

ATTACHMENTS

1. Letter from Owner (Appendix A)
2. Aerial vicinity map
3. Site plan
4. Sketch of proposed building front

Appendix A

140 Sunset, LLC ("Owner") has recently purchased the existing building at 140 Sunset Drive in Blowing Rock. As discussed with the Department of Planning and Zoning, Owner is undertaking a full renovation of the existing building to bring the building up to modern standards and generally improve the aesthetics of what has been a neglected retail building in recent years. As part of this renovation, Owner is premising that the ground floor will remain commercial retail space available for lease to downtown business partners. The second floor of the building will be converted into two residential apartments with two bedrooms each which will be available for short-term rental ("STR") which is allowed in the Central Business District under existing statutes.

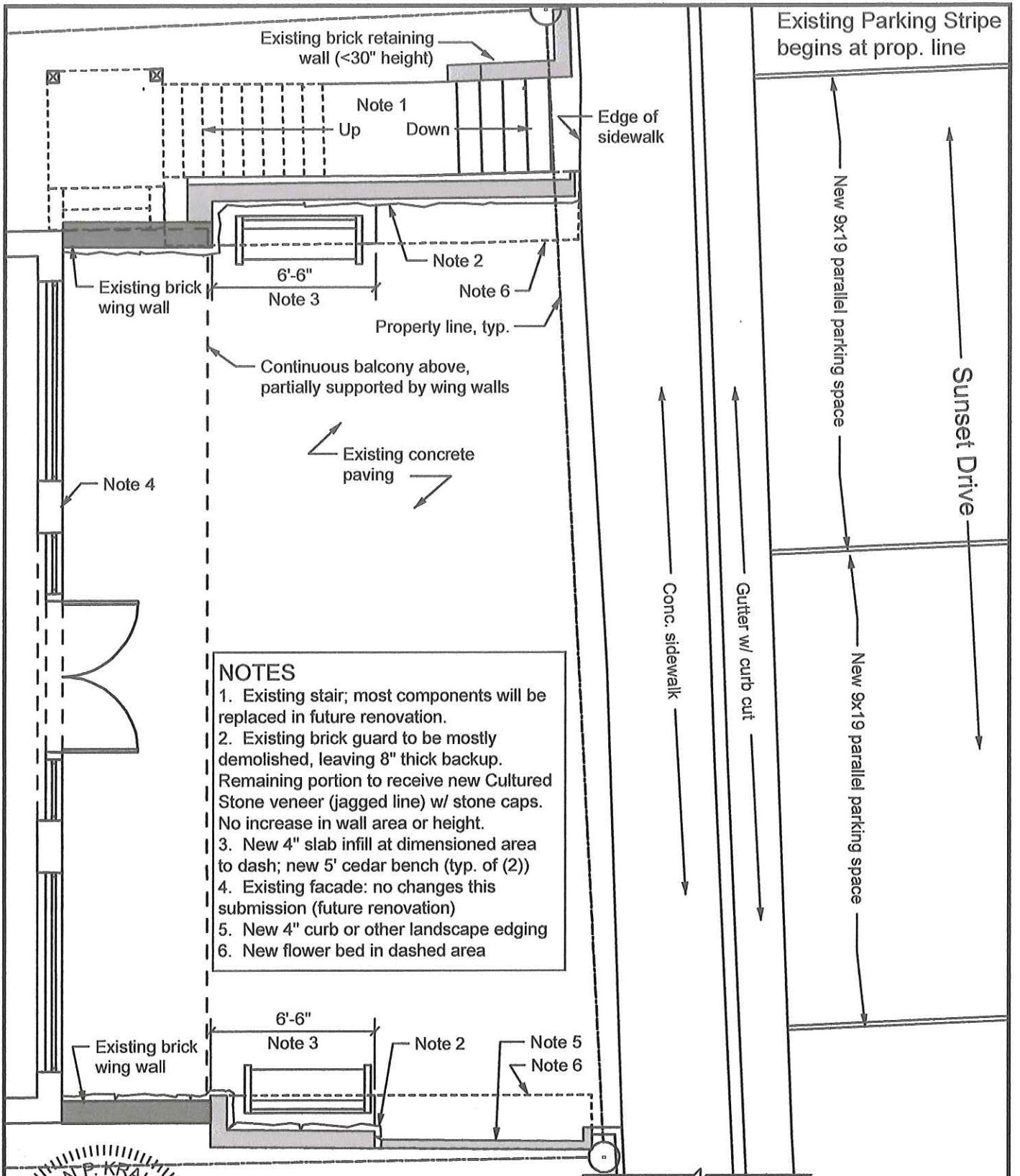
Under similar existing statutes, in order to host STR, Owner must provide parking for its intended renters within a designated distance of the premises. A parking space must be provided for each bedroom intended to be available for short-term rental. In this case, as Owner is intending to have four (4) bedrooms (two apartments with two bedrooms in each one) available for rent, four (4) parking spaces would be needed. There are currently at least three private parking spaces available in front of the existing building which could be designated as STR parking. The other required space could be provided on other premises sharing common ownership.

However, understanding that the existing parking is unique on Sunset Drive and poses undue danger to pedestrians given that sight lines are limited and parking cars must cross the sidewalk to access these spaces, Owner would like to replace the three (3) existing private parking spaces with a common area which will be available for use by the ground floor retail tenant at 140 Sunset Drive as well as the general public (see attached drawing at **Appendix B**).

As parking will no longer be available in this area, Town of Blowing Rock will be allowed to place on street parallel parking spaces on Sunset Drive in the area which was previously used to access the existing perpendicular parking spaces. Without any other changes to existing parking, this should provide the Town at least two additional on-street parking spaces.

In exchange for forgoing these private parking spaces which would normally be available to meet the statutory requirements for STR parking and thereby allowing the Town to clearly gain two additional public parking spaces, Owner would request that the Town credit Owner with three (3) parking spaces against this statutory requirement. For clarity, the intended use of the second floor as STR would normally require four (4) parking spaces to be available for use by renters. Upon the changes outlined herein, this statutory requirement would be reduced to one (1) parking spaces. It is not intended that any public parking spaces on Sunset Drive be designated for private use at any point under this agreement, but rather that the STR parking requirement simply be reduced.





NOTES

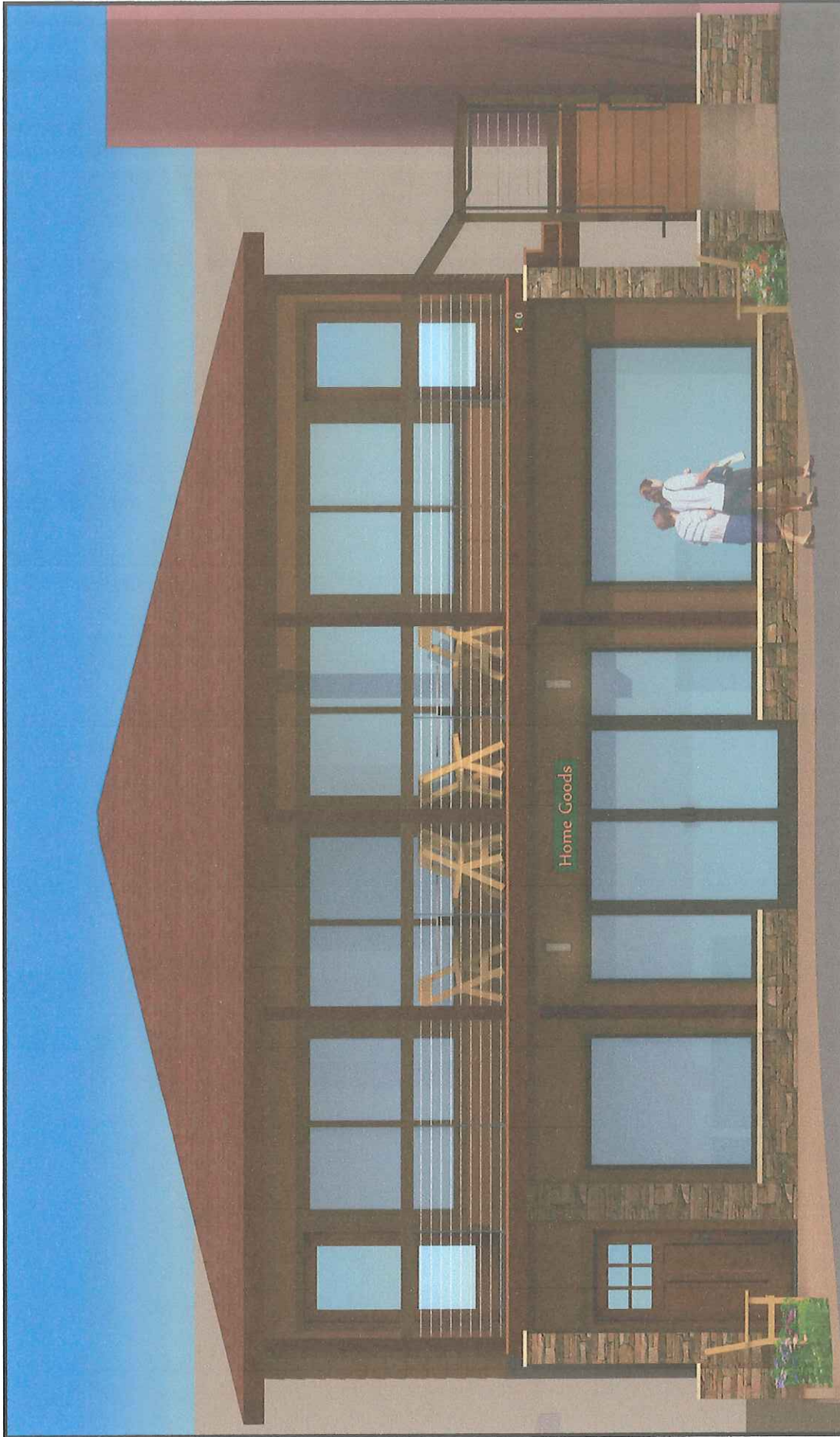
- Existing stair; most components will be replaced in future renovation.
- Existing brick guard to be mostly demolished, leaving 8" thick backup. Remaining portion to receive new Cultured Stone veneer (jagged line) w/ stone caps. No increase in wall area or height.
- New 4" slab infill at dimensioned area to dash; new 5' cedar bench (typ. of (2))
- Existing facade: no changes this submission (future renovation)
- New 4" curb or other landscape edging
- New flower bed in dashed area



Partial Plan at Sunset Drive, Scale: 3/16"=1'-0"
 Submitted for Town Council review
 Date: 09/01/21
 Parking Area Renovations for
 Wilco Sunset, LLC
 140 Sunset Drive, Blowing Rock, NC 28605

Sean P Krause Architect
 326 Hollifield Rd
 Blowing Rock, NC 28605
 828.295.7672 o
 828.457.9594 c

A1
 1 of 2



Proposed North Elevation, N.T.S.	Sean P Krause Architect
Submitted for Town Council review	326 Hollifield Rd
Date: 09/01/21	Blowing Rock, NC 28605
Parking Area Renovations for Wilco Sunset, LLC	828.295.7672 o
140 Sunset Drive, Blowing Rock, NC 28605	828.457.9594 c

A2
2 of 2

Staff Report – Regular Agenda Item

To: Mayor Charlie Sellers and the Blowing Rock Town Council

From: Shane Fox, Town Manager

Subject: COVID Update

Date: September 14, 2021

Request: To provide a COVID-19 update to Council and allow Council to discuss current restrictions and any additional restrictions or amendments.

Attachments: None