

DRAFT

**Town of Blowing Rock
Town Council Regular Meeting
May 12, 2015**

The Town of Blowing Rock Town Council met in regular session on Tuesday, May 12, 2015 at 6:00 p.m. The meeting took place at Town Hall located at 1036 Main Street, Blowing Rock. Present were Mayor J.B. Lawrence, Council members Albert Yount, Dan Phillips, Sue Sweeting, Doug Matheson and Ray Pickett. Others in attendance were Town Manager Scott Fogleman, Town Attorney Allen Moseley, Town Engineer Doug Chapman, Planning Director Kevin Rothrock, Building Inspector John Warren, Police Chief Tony Jones, Finance Officer Nicole Norman, Public Works & Utilities Director Mike Wilcox, Parks & Recreation Director Jennifer Brown, Fire Chief Kent Graham, Planning Intern Maddie Shelton and Town Clerk Sharon Greene.

CALL TO ORDER

Mayor Lawrence called the meeting to order at 6:00 p.m. and welcomed everyone.

MOMENT OF SILENCE

Council Member Matheson asked for a moment of silence in honor of two Town of Blowing Rock employees who had recently passed, Police Officer Timothy Allen Hunt and Fire Fighter Travis Jake Gryder.

APPROVAL OF MINUTES

Council Member Sweeting made a motion to approve the minutes for the April 14, 2015 meeting, as written, seconded by Council Member Pickett. Unanimously approved.

SPECIAL RECOGNITIONS AND REPORTS

A monthly update regarding the Hwy 321 Widening Project was given by Mr. Kipp Turner of Maymead Construction. He began by saying that work continued on the 18- inch sewer line installation and tie-in near the Hess Station. According to Mr. Turner, the work would be completed soon and the barrels would be removed from the traffic lane.

Mr. Turner stated the relocation of sewer lines on Cliff Lane would be needed because the existing lines were located where the guardrail was planned. The Town would receive notification as to when that work would begin.

Mr. Turner advised that NCDOT had worked on the signal synchronization at Tanger Outlets and the new 321 Business Intersection to help with the traffic flow.

Also, work is almost completed on Wall #19 across from the Blowing Rock Golf Course and retaining wall work would begin near Fairway Villas. Mr. Turner stated that retaining wall construction near Canyons Restaurant would also be completed soon.

According to Mr. Turner, a representative from NCDOT had visited businesses on Valley Boulevard regarding their driveway access and excavation work had begun across from the Broyhill Furniture Showroom.

Council Member Matheson inquired if Mr. Turner had received more information regarding the lack of a turn lane returning to Town and suggested the turn lane leading to Food Lion being removed. Mr. Turner commented that Mr. Doug Eller of NCDOT had looked into this issue and there were various reasons this could not be done, one reason being site distance.

Council Member Phillips asked Mr. Turner how many employees were currently working on the project and if he had the authority to call in as many people as needed. Mr. Turner explained that he was the project manager and the number of people working on the project depended on the area of activity and which subcontractors were needed at that time.

Council Member Phillips also expressed the need for a left turn signal entering Sunset Drive to help with traffic flow in that area. Mr. Turner stated he would relay the request to the appropriate person with NCDOT.

Council Member Pickett asked about the timeline for the project. Mr. Turner stated the Hwy 321 business section of the project should be completed the summer of 2016.

Mr. Turner then reviewed several milestones for the upcoming year. Mayor Lawrence thanked Mr. Turner for his monthly update.

CONSENT AGENDA

Town Manager Fogleman presented the following consent agenda items:

1. Resolution Agreement Regarding Collection of Occupancy Taxes From Online Travel Companies

A resolution has been prepared between various Online Travel Companies to begin remitting occupancy taxes due to Watauga County and the Towns of Banner Elk, Beech Mountain, Seven Devils, and Blowing Rock for the time period beginning after April 20, 2015. **Resolution Agreement – Attachment A**

2. Recognition of Additional Donations for the American Legion Building Renovation Project

The Blowing Rock Community Foundation initially contributed \$5,000 for the project, and subsequently another \$10,000 was contributed by the Foundation in support of the project. Albert Yount has also contributed \$11,543 for the kitchen renovation in memory of his late wife. These funding sources are being recommended for official recognition and appropriation to the project to fund additional siding on the rear of the building, paving to support storm water flows, kitchen renovation, and other minor changes identified as the project nears completion.

3. Painting the Old Fire Rescue Building

To help protect the exterior and improve the overall appearance of the former Fire Rescue Building located on the corner of Park Avenue and Wallingford Street, staff recommends contracting to paint the building. This will include the side facing the American Legion Building, the back facing the tennis courts, and the molding around the overhead doors on the front. Sales tax revenue this fiscal year are trending better than budget, and it is recommended that \$3,500 of that revenue be recognized and appropriated to Maintenance/Repair Governmental Buildings. The goal is to have this painted by the time the American Legion Building Renovation is complete at the end of May.

4. Budget Ordinance Amendments to Account for Various Items

Consistent with actions at previous Council meetings and the financial impacts of those included on this agenda, the related budget ordinance amendments have been prepared. In addition, capital project closeout budget adjustments associated with the final audit from fiscal year 2014 are included.

Council Member Pickett made a motion to approve all Consent Agenda items as presented, seconded by Council Member Phillips. Unanimously approved. **Budget Amendment Ordinance # 2015 _____ - Attachment B**

DISCUSSION AGENDA

1. Conditional Rezoning From Single Family to General Business CZ #2015-01

Planning Director Kevin Rothrock presented a request from Wes and Angela “Renee” Carter for a conditional rezoning of their property located at 114 Skyland View Drive from R-15, single-family to CZ-GB, Conditional Zoning – General Business.

Planning Director Rothrock stated that Mr. & Mrs. Carter were proposing to restrict uses of the building to: 1) single-family home; 2) home occupations; and 3) office with associated sales.

If approved, the only uses allowed are those that are specifically included in the conditional rezoning approval. Any substantial changes to the plans shall follow procedures of the review and approval, specified by Section 16-9.6 of the Land Use Code, which requires either the Planning Board and/or Town Council to approve the changes. A zoning permit issued by the Planning staff will ensure compliance with the Conditional Zoning District requirements/limitations.

The applicant is proposing the following restrictions:

1. Operations designed to attract little customer or client traffic.
2. Majority of dollar volume not done with walk-in trade.
3. Commercial activities to be located within the building.
4. Normal business operations between 7 a.m. and 7 p.m. only.
5. Deliveries during normal business hours only.
6. No deliveries by tractor-trailer.
7. Long-term residential rental only (28 days or more).
8. The sign for the property will not exceed 24 square feet (recommended by the Planning Board).

Planning Director Rothrock reviewed the site plan, architectural changes, landscaping, etc., for the project. He also stated that a neighborhood meeting was held at Town Hall

on March 26, 2015 with fourteen (14) people in attendance. Several concerns were discussed at that time and the applicant had reduced the list of proposed uses for the property to help with those concerns.

During the Planning Board meeting held on April 16, 2015, a recommendation for approval of the rezoning request from R-15 to Conditional General Business was made. Mr. Rothrock advised that an adjoining property owner had expressed some concerns prior to the Planning Board meeting; however, they attended the meeting and were not opposed to the project. In addition to the conditions proposed by the applicant, the Planning Board recommended the signage for the property be limited to 24 square feet.

Council Member Phillips asked if the property were to be sold would the zoning stay the same. Planning Director Rothrock stated that it would.

Council Member Sweeting questioned the parking requirements for the property and asked Planning Director Rothrock to better define "home occupational". He stated a home occupation would have minimal traffic such as accountant, art studio, beauty parlor, etc.

Applicant Renee Carter was present to speak regarding the request. Mrs. Carter stated that she and her husband had purchased the property in 2013 with intentions of being good neighbors and with expectations of finding the best use of the property. She stated they had also waited until the Town's Comprehensive Plan update had been completed, per Town staff's request, before making this decision.

Mrs. Carter expressed that she and her husband Wes had met with Mr. and Mrs. Sigmon to discuss any concerns they had and Mr. and Mrs. Sigmon were no longer opposed to the project.

Mrs. Carter expressed that she and her husband wished to maintain the integrity of the existing building and the surrounding landscaping. Mrs. Carter advised the property was now within 16 feet from Valley Boulevard whereas before the widening began, the property was 100 feet from the highway. Mrs. Carter also stated the barrier of vegetation between their property and the adjoining Weant property would remain.

Mrs. Carter explained since this property was the first to go through the Town's Conditional Zoning process, a neighborhood meeting was held on March 26th, followed by the Planning Board meeting in April and a decision was made to ask that this property be used as residential, home occupation or small home office. While the property had never been used as residential, only as a church, Mrs. Carter explained that they wished for the residential option to remain; however the property would not be used as a short-term rental.

Council Member Matheson asked if Mr. and Mrs. Carter had spoken with all the neighbors and if so, how did they feel about the proposed use of the property. Mrs. Carter stated they had spoken with all the neighbors and with the exception of a few concerns; the residents nearby were not opposed to the project. Mrs. Carter stated she thought it was the fear of change taking place, the change of appearance of the property and wanting to make sure that they (the Carters) would follow through with their plans as presented were the main concerns.

With no further discussion, a motion was made by Council Member Pickett to close the public hearing, seconded by Council Member Matheson. Unanimously approved.

Council Member Pickett then made a motion to approve the request as presented, seconded by Council Member Phillips. Unanimously approved, **CZ Ordinance #2015__**
From Single-Family to General Business #2015-01 – Attachment C

DISCUSSION AGENDA

1. Foggy Rock Restaurant Minor Amendment CUP #2010-03

Planning Director Rothrock stated that Burt Myers, owner of the Foggy Rock Restaurant was requesting a minor amendment to the conditional use permit issued for the restaurant to enclose and add a shed roof to the existing deck. The enclosure would match the recent improvements that were made with weathered oak barn siding and metal roofing. The enclosure would not require additional parking based on the size and the number of seats on the existing deck.

Council Member Sweeting inquired about the two tables located in front of the building in addition to the seating on the deck where the proposed changes were to take place. She asked if additional parking would be needed for the tables located in front. She thought adequate parking for the two tables needed to be a condition of this CUP change. Mr. Myers explained that normally the front area was for people to sit while waiting to get into the restaurant; however he had extra parking spaces due to changes that were made in the parking area of his property due to a dumpster being moved.

Without further discussion, Council Member Phillips made a motion to approve the request as presented, seconded by Council Member Pickett. Unanimously approved.
Foggy Rock Restaurant Minor Amendment CUP #2010-03 – Attachment D

2. Bid Award and Appropriation for Storm Water Repair at Intersection of Sunset and Cornish

Town Engineer Doug Chapman explained that on April 30, 2015, three (3) bids were received for replacement of culverts at the intersection of Sunset Drive and Cornish Road, along with related roadway repairs. M&M Construction of Banner Elk, Inc. was the lowest bidder with a bid in the amount of \$21,625. Mr. Chapman then explained the improvements that would be made to include the removal of several failing culverts, and installation of new ones, surface stabilization, etc.

Mayor Pro-tem Yount asked if the Lorry Mulhern property was included in the improvements. Mr. Chapman explained work included near that property would be permitted separately and completed in the near future. With no further comments, Council Member Pickett made a motion to accept the bid in the amount of \$21,625 with an additional \$10,000 for related adjacent work totaling \$31,625 with M&M Construction Inc. as presented, seconded by Council Member Sweeting. Unanimously approved.

3. Presentation of the Recommended Budget for Fiscal Year 2016

Town Manager Fogleman presented the Recommended Budget for Fiscal year 2016 in accordance with the Local Government Budget and Fiscal Control Act. He advised the recommended budget totaled \$13,660,372 and there were three (3) scheduled budget work session the following week. A public hearing would then be held at the next Council meeting on June 9, 2015 beginning at 6:00 p.m.

Town Manager Fogleman explained the layout of the recommended budget and the key driving forces. Town Manager Fogleman reviewed the major issues that impacted the budget such as the General Obligation Bond Referendum that was voted on and approved in 2014. He also reviewed the tax base summary stating that in 2014, due to it being a tax revaluation year, the Town's tax base had decreased by 4.5 percent which warranted a tax rate increase. This year the tax base had increased by approximately 1.2 percent.

According to Town Manager Fogleman, another key driver of the budget was the Town's population. He explained Blowing Rock was located in two counties and in 1991 the population for Caldwell County had been 44 people and was now 108. In 1991 Watauga County's population had been 1,267 and was now 1,285. He further explained the spending dollars had doubled over that period; however, spending power had not kept up with the rate of inflation.

Town Manager Fogleman reviewed proposed changes to the recommended budget in more detail and extended his gratitude to all the Department Director Team for their hard work on the budget.

Mayor Lawrence announced that the budget work sessions scheduled for the following week were open to the public if anyone wished to attend.

SPEAKERS FROM THE FLOOR

Mr. Lee Dunston a resident at 1922 Main Street spoke regarding the Hwy 321 Widening Project. He strongly urged Council to become more proactive regarding the completion of the project and felt the widening project was a scandal and appeared to be a moonscape. Mr. Dunston further stated that he thought the project would take 2-3 more years to complete and that Council needed to deal with NCDOT in a more oppositional way instead of working in a cooperative manner.

Mr. Dunston commented the rock-facing near Cliff Dwellers Inn was a major issue that needed to be dealt with and that NCDOT was treating that area like it was the “big dig in Boston.” He felt the contractors needed to work at night, weekends, etc., whatever it took to complete the work. He also stressed that Council needed to go to Raleigh to speak with NCDOT representatives and suggested that Council get copies of all the subcontractor contracts and review them thoroughly. Mr. Dunston stated the widening project was damaging Blowing Rock permanently by making it an “ugly moonscape” and again encouraged Council to deal with it more aggressively.

Council Member Phillips stated that he agreed with Mr. Dunston’s comments. On Council’s behalf, Mayor Lawrence thanked Mr. Dunston for his comments.

ADJOURN

There being no further business to discuss, the meeting was adjourned at 7:40 p.m.

MAYOR _____ ATTEST _____

J.B. Lawrence Sharon Greene, Town Clerk

ATTACHMENTS (05-12-15)

[Resolution Agreement – Attachment A](#)

SEE BELOW

[Budget Amendment Ordinance # 2015 - Attachment B](#)

SEE BELOW

[CZ Ordinance #2015 From Single-Family to General Business #2015-01 Attachment C](#)

SEE BELOW

[Foggy Rock Restaurant Minor Amendment CUP #2010-03 – Attachment D](#)

SEE BELOW

RESOLUTION AGREEMENT

This Resolution Agreement (“Agreement”) is entered into by and between Orbitz, LLC, Trip Network, Inc., TVL LP (f/k/a Travelocity.com LP), Expedia, Inc., Hotels.com L.P., and Hotwire, Inc. (individually “OTC” and collectively “OTCs”), and the County of Watauga and towns of Banner Elk, Beech Mountain, Blowing Rock and Seven Devils (collectively “the Taxing Jurisdictions”), effective the 20th day of April 2015.

WHEREAS, the OTCs contend that amendments to N.C. Gen. Stat. §§ 105-164.4(a)(3), 153A-155(c), and 160A-215(c) enacted by Session Law 2010-31, § 31.6 (“the Amendments”) are unconstitutional under the United States Constitution and the North Carolina Constitution and in violation of the federal Internet Tax Freedom Act, as amended;

WHEREAS, the Taxing Jurisdictions contend that the Amendments are lawful and that they have the right to collect occupancy taxes under the terms of the Amendments;

WHEREAS, the parties desire to resolve their dispute without litigation;

WHEREAS, the parties further desire to resolve all past potential occupancy tax liability of the OTCs since 1 January 2011 to the Taxing Jurisdictions and to adopt a mutually agreeable reporting and remittance methodology on a prospective basis; and

WHEREAS, the parties desire to enter into this Agreement to accomplish the above.

NOW IT IS HEREBY DETERMINED AND AGREED:

1. This Agreement will resolve the OTCs’ dispute with the Taxing Jurisdictions regarding the Amendments and all past potential occupancy tax liability to the Taxing Jurisdictions for occupancy of accommodations facilitated by any OTC commencing between 1 January 2011 and 20 April 2015 and for occupancy of accommodations facilitated by any OTC commencing thereafter pursuant to reservations made between 1 January 2011 and 20 April 2015.
2. The Taxing Jurisdictions acknowledge that this Agreement contains Tax Information, as defined in N.C. Gen. Stat. § 105-259, and its provisions are therefore subject to the disclosure prohibitions of N.C. Gen. Stat. § 105-259, N.C. Gen. Stat. § 153A-148.1, and N.C. Gen. Stat. § 132-1.1.
3. Registering for occupancy tax purposes or payment of occupancy tax does not constitute a concession that the OTCs are engaging in business within any locality in North Carolina or a concession that the OTCs are subject to any other tax or license in North Carolina.

4. For occupancy of accommodations facilitated by any OTC pursuant to reservations made on or after April 20, 2015 that are subject to the occupancy tax of any of the Taxing Jurisdictions (“Watauga County/City Occupancy Taxes”), as last amended prior to the date of this Agreement, each OTC will remit Watauga County/City Occupancy Taxes on the gross receipts derived from such rentals, as defined in N.C. Gen. Stat. § 105-164.4(a)(3), as last amended. Each OTC will report and remit all such Watauga County/City Occupancy Taxes through the following methods, at the option of each OTC:

- (i) Accommodation Provider Remit: All Watauga County/City Occupancy Taxes will be reported and remitted to the providers of the accommodations in accordance with N.C. Gen. Stat. § 153A-155(c) and N.C. Gen. Stat. § 105-164.4(a)(3), as last amended.

- (ii) Partial Direct Remit: All Watauga County/City Occupancy Taxes will be partially reported and remitted to the providers of the accommodations for further remittance to the Taxing Jurisdictions and partially reported and remitted directly to the Taxing Jurisdictions. Specifically, the portion of the Watauga County/City Occupancy Taxes not reported and remitted to the providers of the accommodations in accordance with N.C. Gen. Stat. § 153A-155(c) and N.C. Gen. Stat. § 105-164.4(a)(3), as last amended prior to the date of this Agreement, must be reported and remitted directly by the OTC to the Taxing Jurisdictions.

- (iii) Full Direct Remit: All Watauga County/City Occupancy Taxes not reported and remitted to the providers of the accommodations in accordance with N.C. Gen. Stat. § 153A-155(c) and N.C. Gen. Stat. § 105-164.4(a)(3), as last amended prior to the date of this Agreement, will be directly remitted by the OTC to the Taxing Jurisdictions.

- (iv) Each OTC will give advance notice to the Taxing Jurisdictions of its selected option(s) in each instance.

- (v) If registering for occupancy tax purposes or paying occupancy tax, each OTC will use its best efforts to do so by May 20, 2015.

5. The Taxing Jurisdictions will not issue any assessments to any OTC for Watauga County/City Occupancy Taxes for occupancy of accommodations facilitated by any OTC commencing between 1 January 2011 and 20 April 2015 or for occupancy of accommodations facilitated by any OTC commencing thereafter pursuant to reservations made between 1 January 2011 and 20 April 2015.
6. The OTCs agree that the Taxing Jurisdictions have the authority and jurisdiction to audit for purposes of Watauga County/City Occupancy Taxes. Upon request, each OTC will provide to the Taxing Jurisdictions data and documents, or reasonable access to records, for audit purposes.

7. The parties acknowledge that each side takes a different view of the facts and law related to the matters encompassed by this Agreement. The parties agree that this Agreement is based on the parties' desire to compromise their disputes and is not an indication that either side has expressed agreement with the other side's view of the facts or law. This Agreement does not constitute a concession, agreement or admission by any of the parties as to the correctness or applicability of any legal or factual contention by any other party.
8. The parties agree that the Agreement is for the benefit of, and an agreement expressly between, the parties hereto. This Agreement may only be amended by written agreement by all parties hereto. Any such amendment shall be attached hereto. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.
9. This Agreement shall be governed by the laws of North Carolina. Each party has cooperated in the drafting and preparation of this Agreement, and it shall be construed according to the plain meaning of its language and not for or against any party.
10. By signing this Agreement, all parties certify that they have read and agreed to all the terms hereof and that they have authority to enter into this Agreement.
11. This Agreement (including each of the rights and obligations set forth herein) shall be binding upon, and inure to the benefit of, the respective present or former, successor, direct or indirect family members, parents, subsidiaries, affiliates, agents, representatives, officials, insurers, employees, officers, directors and shareholders of the undersigned parties. Additionally, any reference in this Agreement to any of the parties shall be a reference to the present or former, successor, direct or indirect, family members, parents, subsidiaries, affiliates, agents, legal representatives, insurers, employees, officers, directors, and shareholders of those entities.
12. Each of the Taxing Jurisdictions and each OTC acknowledge that they: (a) have consulted with legal counsel about the Agreement; (b) they are entering into the Agreement voluntarily and with an understanding that each of the Taxing Jurisdictions is releasing all of its claims for Watauga County/City Occupancy Taxes against the OTCs for occupancy of accommodations commencing between 1 January 2011 and 20 April 2015 and for occupancy of accommodations commencing thereafter pursuant to reservations made between 1 January 2011 and 20 April 2015; (c) they have the authority to enter into this Agreement; (d) no other persons or entities have or have had any interest in any claims that are now being released; and (e) they have not sold, transferred, or assigned their claims to any other person or entity prior to entering into this Agreement.

ORBITZ, LLC

By: _____

Print name: _____

Title: _____

Date: _____

TRIP NETWORK, INC.

By: _____

Print name: _____

Title: _____

Date: _____

TVL LP (f/k/a TRAVELOCITY.COM, LP)

By: General Partner, Travelocity.com LLC

By: _____

Print name: _____

Title: _____

Date: _____

EXPEDIA, INC.

By: _____

Print name: _____

Title: _____

Date: _____

HOTELS.COM L.P.

By: _____

Print name: _____

Title: _____

Date: _____

HOTWIRE, INC.

By: _____

Print name: _____

Title: _____

Date: _____

COUNTY OF WATAUGA

By: _____

Print name: _____

Title: _____

Date: _____

TOWN OF BANNER ELK

By: _____

Print name: _____

Title: _____

Date: _____

TOWN OF BEECH MOUNTAIN

By: _____

Print name: _____

Title: _____

Date: _____

TOWN OF BLOWING ROCK

By: _____

Print name: _____

Title: _____

Date: _____

TOWN OF SEVEN DEVILS

By: _____

Print name: _____

Title: _____

Date: _____

Date _____

Stacy C. Eggers, IV
Eggers, Eggers, Eggers, & Eggers, PLLC
Post Office Box 248
Boone, NC 28607

Re: *Resolution Agreement*

Dear Ms. Eggers:

Contemporaneously with this letter, TVL LP (f/k/a Travelocity.com L.P.) (“Travelocity”) and County of Watauga and towns of Banner Elk, Beech Mountain, Blowing Rock and Seven Devils (collectively “the Taxing Jurisdictions”) are entering into a Resolution Agreement. In furtherance of that Resolution Agreement, Travelocity and the Taxing Jurisdictions specifically acknowledge and agree as follows.

1. Travelocity represents that effective August 22, 2013, Travelocity and Expedia entered into a long-term agreement providing that transactions on Travelocity’s United States and Canadian websites will be facilitated by Expedia, and Expedia assumed responsibility for any state and local sales tax and hotel occupancy tax due on such transactions. Expedia began facilitating transactions on the Travelocity websites on November 1, 2013 and by January 6, 2014, approximately 99% of all stand-alone and package hotel reservations booked through Travelocity-branded United States websites were facilitated through Expedia’s platform..
2. Travelocity represents that effective March 1, 2014, Travelocity sold the assets and contracts of its “Travelocity Partner Network” business to Orbitz Worldwide. The Travelocity Partner Network was a division of Travelocity that provided private-label, online travel booking technology to major airlines, banks and credit card companies, Internet content and service providers, travel agencies, and convention and visitors’ bureaus.
3. Travelocity represents that as a result of both events, beginning June 1, 2014, Travelocity is no longer the merchant of record, and will no longer collect any amounts from travelers, for hotel reservations facilitated through any of its U.S. websites.

NOW IT IS HEREBY DETERMINED AND AGREED: Travelocity will have no obligation to report and remit Watauga County/City Occupancy Taxes pursuant to the terms of the Resolution Agreement unless, and only to the extent, Travelocity is merchant of record on a traveler’s credit card for occupancy of accommodations facilitated pursuant to reservations made on or after April 20, 2015, that are subject to the Watauga County/City Occupancy Taxes.

TVL LP (f/k/a TRAVELOCITY.COM LP)
By: General Partner, Travelocity.com LLC

By: _____
Scott Roberts, Associate General Counsel

COUNTY OF WATAUGA

By: _____

Print name: _____

Title: _____

Date: _____

TOWN OF BANNER ELK

By: _____

Print name: _____

Title: _____

Date: _____

TOWN OF BEECH MOUNTAIN

By: _____

Print name: _____

Title: _____

Date: _____

TOWN OF BLOWING ROCK

By: _____

Print name: _____

Title: _____

Date: _____

TOWN OF SEVEN DEVILS

By: _____

Print name: _____

Title: _____

Date: _____



TOWN OF BLOWING ROCK

1036 Main Street • Post Office Box 47 • Blowing Rock, NC 28605

To: Scott Fogleman, Mayor Lawrence, and Members of Town Council
From: Nicole Norman, Finance Officer
Subject: Budget Amendment Ordinance to Account for Various Items
(Ordinance #2015-##a)
Date: May 12, 2015

Enclosed please find a Budget Amendment Ordinance for the fiscal year 2014-2015 for your consideration.

Section 1 (General Fund) allocates a portion of the expected increase in sales tax revenue (\$3,000) towards painting the former Fire/Rescue building on Park Avenue.

Section 2 (General Capital Projects Fund) accounts for the following:

-Allocates funds and appliances donated from Albert Yount (\$9,000 cash; \$2,543 in appliances) and the Community Foundation (\$10,000) towards the American Legion renovation project kitchen and project related change orders.

-Allocates General Obligation Bond Proceeds towards Memorial Park Entrance Improvements (\$34,880) and Sunset/Cornish Rd. drainage improvements (\$31,625) and (\$8,000) General Fund Balance approved by Council at the November 11, 2014.

-Allocates additional loan proceeds (\$75,435 General Capital Fund) towards the Public Works Warehouse construction following official bid acceptance.

Section 3 (Water/Sewer Capital Fund) allocates additional loan proceeds (\$425,145 Water/Sewer Capital Fund) towards the Public Works Warehouse construction following official bid acceptance.

Please let me know if you need further details on the proposed amendments.

**2014-2015 Fiscal Year
Budget Amendment Ordinance 2015-##**

Be it ordained by the Board of Commissioners of the Town of Blowing Rock, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2015:

Section 1. To amend the General Fund, the appropriations are to be changed as follows:

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
10-00-4260-015	Maint./Repair Buildings	\$ 9,000	\$ -	\$ 3,000	\$ 12,000
			<u>\$ -</u>	<u>\$ 3,000</u>	

This will result in a net increase of \$3,000 in the appropriations of the General Fund. To allocate the revenue for the above, the following revenue will be increased. This revenue has been or will be received.

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
10-00-3300-345	Sales Tax	\$ 1,180,177	\$ -	\$ 3,000	\$ 1,183,177
			<u>\$ -</u>	<u>\$ 3,000</u>	

Section 2. To amend the General Capital Projects Fund, the appropriations are to be changed as follows:

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
20-00-5000-583	Amer. Legion Bldg. Renov.- Kitchen	\$ -	\$ -	\$ 14,942	\$ 14,942
20-00-5000-581	Amer. Legion Bldg. Renov.- Construction	\$ 527,386	\$ -	\$ 6,601	\$ 533,987
20-80-7000-000	Memorial Park Entrance Improvements- Construction (G.O.)	\$ -	\$ -	\$ 34,880	\$ 34,880
20-20-7000-000	Sunset/Cornish Drainage Repairs- Construction (G.O.)	\$ -	\$ -	\$ 31,625	\$ 31,625
20-20-7000-001	Sunset/Cornish Drainage Repairs Engineering (G.O.)	\$ -	\$ -	\$ 8,000	\$ 8,000
20-60-5000-500	PW Site & Building Construction	\$ 1,200,000	\$ -	\$ 75,435	\$ 1,275,435
			<u>\$ -</u>	<u>\$ 171,483</u>	

This will result in a net increase of \$171,483 in the appropriations of the General Capital Projects Fund. To allocate the revenue for the above, the following revenue will be increased. This revenue has been or will be received.

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
20-00-3400-582	AL Building Non-Cash Contributions	\$ -	\$ -	\$ 2,543	\$ 2,543
20-00-3400-581	AL Building Renovation Donations	\$ 86,800	\$ -	\$ 19,000	\$ 105,800
20-00-3400-331	Transfer from General Fund	\$ 959,566	\$ -	\$ 8,000	\$ 967,566
20-80-3400-000	Parks & Recreation G.O. Bond Revenue	\$ -	\$ -	\$ 34,880	\$ 34,880
20-20-3400-000	Transportation G.O. Bond Revenue	\$ -	\$ -	\$ 31,625	\$ 31,625
20-60-3400-500	PW Facility Financing	\$ 1,200,000	\$ -	\$ 75,435	\$ 1,275,435
			<u>\$ -</u>	<u>\$ 171,483</u>	

Section 3. To amend the Water/Sewer Capital Projects Fund, the appropriations are to be changed as follows:

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
50-60-5000-500	PW Site & Building Construction- W/S	\$ -	\$ -	\$ 425,145	\$ 425,145
			<u>\$ -</u>	<u>\$ 425,145</u>	

This will result in a net increase of \$425,145 in the appropriations of the Water/Sewer Capital Projects Fund. To allocate the revenue for the above, the following revenue will be increased. This revenue has been or will be received.

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
50-60-3400-500	PW Facility Financing- W/S	\$ -	\$ -	\$ 425,145	\$ 425,145
			<u>\$ -</u>	<u>\$ 425,145</u>	

Section 4. Copies of this budget amendment shall be furnished to the Clerk to the Board of Commissioners and to the Finance Officer for their implementation.

Adopted this 12th day of May, 2015.

Attested by:

JB Lawrence, Mayor

Sharon Greene, Town Clerk



TOWN OF BLOWING ROCK

1036 Main Street • Post Office Box 47 • Blowing Rock, NC 28605

To: Scott Fogleman, Mayor Lawrence, and Members of Town Council
From: Nicole Norman, Finance Officer
Subject: Budget Amendment Ordinance to Account for Various Items
(Ordinance #2015-##b)
Date: May 12, 2015

Enclosed please find a Budget Amendment Ordinance for the fiscal year 2014-2015 for your consideration.

Section 1 (General Capital Projects Fund) closes out budget amounts for projects previously closed out by auditors to bring budget totals to actual.

Section 2 (Water/Sewer Capital Fund) closes out budget amounts for projects previously closed out by auditors to bring budget totals to actual.

Please let me know if you need further details on the proposed amendments.

**2014-2015 Fiscal Year
Budget Amendment Ordinance 2015-##**

Be it ordained by the Board of Commissioners of the Town of Blowing Rock, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2015:

Section 1. To amend the General Capital Projects Fund, the appropriations are to be changed as follows:

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
20-20-5000-200	Quail Hollow Dr.: Construction	\$ 66,600	\$ 66,600	\$ -	\$ -
20-20-5000-201	Quail Hollow Dr.: Survey, Design, Permitting	\$ 6,500	\$ 6,500	\$ -	\$ -
20-20-5000-202	Quail Hollow Dr.: Construction Admin.	\$ 5,000	\$ 5,000	\$ -	\$ -
20-80-5000-540	Horse Show	\$ 10,000	\$ 10,000	\$ -	\$ -
20-20-5000-520	Misc. Sidewalks	\$ 203,978	\$ 73,995	\$ -	\$ 129,983
20-20-5000-520	Misc. Sidewalks	\$ 129,983	\$ 60,139	\$ -	\$ 69,844
20-20-5000-521	Special Paving Reserve	\$ 126,286	\$ 124,034	\$ -	\$ 2,252
20-30-5000-550	Storm Water Projects	\$ 94,725	\$ 10,628	\$ -	\$ 84,097
20-80-5000-521	Pool Pavilion- Design/Construction	\$ 16,500	\$ 11,500	\$ -	\$ 5,000
20-00-5000-200	Capital Asset Purchase (PD)	\$ 28,000	\$ 28,000	\$ -	\$ -
20-20-5000-514	Streetscape Phase II- Contingency	\$ 2,466	\$ 2,466	\$ -	\$ -
20-20-5000-516	Streetscape Phase IV (a)- Construction	\$ 55,000	\$ 47,593	\$ -	\$ 7,407
20-00-5000-504	Land Purchase	\$ 29,225	\$ 29,225	\$ -	\$ -
			<u>\$ 475,680</u>	<u>\$ -</u>	

This will result in a net decrease of \$475,680 in the appropriations of the General Capital Projects Fund. To allocate the revenue for the above, the following revenue will be decreased.

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
20-00-3400-200	NC Dept. of Pub. Safety Quail Hollow	\$ 19,525.00	\$ 19,525	\$ -	\$ -
20-00-3400-201	FEMA: Quail Hollow Dr.	\$ 58,575	\$ 58,575	\$ -	\$ -
20-00-3400-331	Transfer from General Fund	\$ 959,566	\$ 10,000	\$ -	\$ 949,566
20-00-3400-331	Transfer from General Fund	\$ 949,566	\$ 73,995	\$ -	\$ 875,571
20-00-3400-333	Transfer from General Fund- 3.75 Cents	\$ 718,600	\$ 60,139	\$ -	\$ 658,461
20-00-3400-333	Transfer from General Fund- 3.75 Cents	\$ 1,200,000	\$ 124,034	\$ -	\$ 1,075,966
20-00-3400-333	Transfer from General Fund- 3.75 Cents	\$ 658,461	\$ 10,628	\$ -	\$ 647,833
20-00-3400-407	Pool Pavilion Donations	\$ 11,500	\$ 11,500	\$ -	\$ -
20-00-3400-331	Transfer from General Fund	\$ 875,571	\$ 28,000	\$ -	\$ 847,571
20-00-3400-331	Transfer from General Fund	\$ 847,571	\$ 2,466	\$ -	\$ 845,105
20-00-3400-331	Transfer from General Fund	\$ 845,105	\$ 47,593	\$ -	\$ 797,512
20-00-3400-333	Transfer from General Fund- 3.75 Cents	\$ 647,833	\$ 29,225	\$ -	\$ 618,608
			<u>\$ 475,680</u>	<u>\$ -</u>	

Section 2. To amend the Water/Sewer Capital Projects Fund, the appropriations are to be changed as follows:

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
50-91-5000-590	WWW Imp.- Phase II SRF Loan	\$ 409,000	\$ 409,000	\$ -	\$ -
50-91-5000-591	Arch./Engin. Fee- WWW Imp.- Phase II	\$ 100,500	\$ 100,500	\$ -	\$ -
50-91-5000-592	WWW Imp.- Phase II SRF Loan Closing Co:	\$ 11,010	\$ 11,010	\$ -	\$ -
50-91-5000-593	WWW Imp.- Phase II Construction Contin.	\$ 40,900	\$ 40,900	\$ -	\$ -
50-91-6008-050	Repair I&I in Collection System	\$ 189,743	\$ 101,957	\$ -	\$ 87,786
50-91-5000-545	Sewer Line Extensions	\$ 116,422	\$ 29,564	\$ -	\$ 86,858
50-91-5000-600	Water Field Projects	\$ 42,470	\$ 38,984	\$ -	\$ 3,486
			<u>\$ 731,915</u>	<u>\$ -</u>	

2014-2015 Fiscal Year
Budget Amendment Ordinance 2015-##

This will result in a net decrease of \$731,915 in the appropriations of the Water/Sewer Capital Projects Fund. To allocate the revenue for the above, the following revenue will be decreased.

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
50-91-3400-590	WWW Imp.- Phase II- SRF Loan Proceeds	\$ 550,400	\$ 550,400	\$ -	\$ -
50-91-3400-332	Transfer from Water/Sewer Fund	\$ 1,361,906	\$ 11,010	\$ -	\$ 1,350,896
50-91-3400-331	Transfer from General Fund	\$ 423,713	\$ 101,957	\$ -	\$ 321,756
50-91-3400-331	Transfer from General Fund	\$ 321,756	\$ 29,564	\$ -	\$ 292,192
50-91-3400-331	Transfer from General Fund	\$ 292,192	\$ 5,271	\$ -	\$ 286,921
50-91-3400-332	Transfer from Water/Sewer Fund	\$ 1,350,896	<u>\$ 33,712</u>	<u>\$ -</u>	\$ 1,317,184
			<u>\$ 731,915</u>	<u>\$ -</u>	

Section 3. Copies of this budget amendment shall be furnished to the Clerk to the Board of Commissioners and to the Finance Officer for their implementation.

Adopted this 12th day of May, 2015.

Attested by:

JB Lawrence, Mayor

Sharon Greene, Town Clerk

TO: Mayor J.B. Lawrence and the Blowing Rock Town Council
FROM: Kevin Rothrock, Planning Director
SUBJECT: CZ 2015-01 Conditional Rezoning from R-15 to GB
APPLICANT: Wes and Angela Carter
DATE: May 5, 2015

REQUEST

Wes and Angela Carter are requesting a conditional rezoning of their property from R-15, single-family to CZ-GB, Conditional Zoning - General Business. The 0.22 acre property is located at 114 Skyland View Drive and was formerly the Blowing Rock Church of God. The property is further identified by Watauga County PIN 2817-13-2664-000.

Mr. and Ms. Carter are proposing to restrict uses of the building to: 1) single-family home; 2) home occupations; and 3) office with associated sales.

If approved, the only uses allowed are those that are specifically included in the conditional rezoning approval. The site/landscape/utility plans and building plans submitted for the rezoning, if approved, become part of the rezoning ordinance. Any substantial changes to the plans shall follow the procedures of review and approval, specified by Section 16-9.6 of the Land Use Code, which requires either the Planning Board and/or Town Council to approve the changes. A zoning permit issued by Planning staff will ensure compliance with the Conditional Zoning District requirements/limitations.

The applicant is proposing the following restrictions:

1. Operations designed to attract little customer or client traffic
2. Majority of dollar volume not done with walk-in trade.
3. Commercial activities to be located within the building.
4. Normal business operations between 7 AM and 7 PM only.
5. Deliveries during normal business hours only.
6. No deliveries by tractor-trailer.
7. Long-term residential rental only (28 days or more).
8. The sign for the property will not exceed 24 square feet (recommended by Planning Board).

SITE PLAN

Parking/Access

Based on the most impactful proposed use, three (3) parking spaces are required. The applicant is proposing to provide five (5) spaces including one ADA van accessible space.

Architectural

The applicant proposes to add a covered entryway into the front of the building. Other minor exterior improvements are planned to update the building, including removal of the obsolete chimney. The applicant plans to repaint the building white but may change to another color consistent with the Land Use Code.

Storm Water

The site improvements will increase the impervious surfaces by 30 square feet. Therefore, no storm water detention is required. The storm water leaving the site will be directed to a NCDOT catch basin below the property driveway.

Landscaping

The landscape plan indicates two (2) new street/shade trees between the street and the building. Shrubbery will be added between the parking spaces and the building. Other landscape screening is existing on the site. All landscape materials shown on the plans will meet the Land Use Code standards for species and size.

NEIGHBORHOOD MEETING

A neighborhood meeting was held at Town Hall on March 26, 2015 at 5:00. Fourteen (14) members of the public attended the meeting. Several concerns were expressed during the meeting, including how deliveries would be made, manufacturing uses, decreased property values, the open-ended proposed uses, and additional traffic in the neighborhood. In response, the applicant has reduced the list of proposed uses and is proposing to prohibit tractor-trailer deliveries.

COMPREHENSIVE PLAN POLICIES

The following policies of the 2014 Comprehensive Plan Update were provided by the applicant in support of the rezoning. These policies are listed in the draft rezoning ordinance.

- V-1: Future development and redevelopment activity along Valley Blvd should reflect the established character of the Town.
- EDT-1.3: Develop an inventory of underutilized buildings in the community that may not be suitable for retail activities, but which have sufficient parking and access to accommodate professional office uses, and work with interested parties to market their availability for this use.
- EDT-2: Strengthen local businesses
- LC-5: Promote compatibility between new growth and existing development, with special emphasis on ensuring the compatibility of commercial and mixed-use development with established neighborhoods.
- LC-5.1: Utilize zoning and use transitions between higher intensity uses and lower intensity uses...

- LC-6.4: Encourage the use of the Conditional Zoning process to address situations where rezoning to an existing base zoning district would not be compatible with surrounding development in the absence of conditions tailored to the particular nature of the proposed use or development.
- HCR-1: Preserve and protect historical resources that contribute to Blowing Rock's unique character and sense of place.

PLANNING BOARD RECOMMENDATION

At their April 16th meeting, the Planning Board recommended approval of the rezoning request from R-15 to Conditional General Business. In addition to the conditions proposed by the applicant, the Planning Board recommended that signage for the property be limited to 24 square feet.

ATTACHMENTS

1. Draft rezoning ordinance
2. Site plan (SP-1)
3. Architectural elevations (A-1)
4. Photos of the existing building and site
5. Map of site
6. Letter from Wes and Angela Carter
7. Summary of 2014 Comprehensive Plan policies from applicant
8. Letter from Nancy and Stuart Sigmon
9. Letter from Frances Weant
10. List of neighborhood meeting attendees

ORDINANCE NO. 2015-__

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF BLOWING ROCK; CREATING THE CARTER PROPERTY CONDITIONAL ZONING DISTRICT (CZ-GB)

WHEREAS, the Town of Blowing Rock has the authority, pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, this Ordinance is consistent with NC General Statutes 160A-381, establishing conditional zoning districts in local zoning jurisdictions; and

WHEREAS, this Ordinance is consistent with the Town's 2014 Comprehensive Plan Update for the reasons set out herein; and

WHEREAS, the Town of Blowing Rock has reviewed the proposed ordinance and recommends its enactment by the Board of Commissioners

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE TOWN OF BLOWING ROCK, MEETING IN REGULAR SESSION AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, HEREBY ORDAINS THE FOLLOWING.

Section One. Upon petition of Mr. and Mrs. Carter, the Official Zoning Map of the Town of Blowing Rock is hereby amended to create the Carter Property Conditional Zoning District (CZ-TC) as more particularly set forth herein.

Section Two. This Ordinance is found to be consistent with the Town of Blowing Rock 2014 Comprehensive Plan Update, in particular with the following policies contained therein:

- V-1: Future development and redevelopment activity along Valley Blvd should reflect the established character of the Town.
- EDT-1.3: Develop an inventory of underutilized buildings in the community that may not be suitable for retail activities, but which have sufficient parking and access to accommodate professional office uses, and work with interested parties to market their availability for this use.
- EDT-2: Strengthen local businesses
- LC-5: Promote compatibility between new growth and existing development, with special emphasis on ensuring the compatibility of commercial and mixed-use development with established neighborhoods.

- LC-5.1: Utilize zoning and use transitions between higher intensity uses and lower intensity uses...
- LC-6.4: Encourage the use of the Conditional Zoning process to address situations where rezoning to an existing base zoning district would not be compatible with surrounding development in the absence of conditions tailored to the particular nature of the proposed use or development.
- HCR-1: Preserve and protect historical resources that contribute to Blowing Rock's unique character and sense of place.

Section Three. The zoning classification of that certain real property shown on the aerial photo map, attached hereto as Exhibit A and made a part hereof, is hereby changed from R-15, single-family to CZ-GB, Conditional General Business. Said property is also identified on Watauga County PIN 2817-13-2664-000.

Section Four. The Carter Property Conditional Zoning District is a conditional zoning district established pursuant to the Land Use Ordinance of the Town of Blowing Rock by means of authority granted by the North Carolina General Statutes. Future development and use of lands situated within the Carter Property Conditional Zoning District, and the processing of applications to develop and use such lands, shall comply with the conditions set forth on the document entitled, Carter Property Conditional Zoning District: List of Standards & Conditions, which is attached to this ordinance as **Exhibit B** and incorporated herein. The aforementioned List of Standards & Conditions, including the Master Plan (Site/landscape plan labelled as SP-1, and Architectural Plan labelled as A-1 dated January 26, 2015 – **Exhibit C**) made a part thereof, shall run with the land and shall be binding on Mr. Wes and Mrs. Angela Carter, his heirs and assigns.

Section Five. Pursuant to Section 16-9.6 of the Town of Blowing Rock Land Use Ordinance, the Master Plan replaces all conflicting development regulations set forth in the Land Development Standards, and such development regulations are varied to the extent they conflict with the Master Plan and List of Standards & Conditions. Any substantial change to the Master Plan as noted below shall be reviewed by the Planning Board and approved or denied by the Board of Commissioners as an amended conditional zoning district. The following changes to the CZ Master plan shall require approval by the Board of Commissioners:

- (a) Land area being added or removed from the conditional district.
- (b) Modification of special performance criteria, design standards, or other requirements specified by the enacting ordinance.
- (c) A change in land use or development type beyond that permitted by the approved master plan.
- (d) When there is introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.
- (e) When there is an increase in the total number of residential dwelling units originally authorized by the approved master plan.
- (f) When the total floor area of a commercial or industrial classification is increased more than 5 percent beyond the total floor area last approved by Board of Commissioners.

All other changes to the Master plan shall receive approval by the Administrator. However, if in the judgment of the Administrator, the requested changes alter the basic development concept of the Conditional Zoning District, the Administrator may require concurrent approval by the Board of Commissioners.

Section Six. Enactment of this Ordinance constitutes the approval of a site-specific development plan resulting in the establishment of a vested right, pursuant to N.C.G.S. 160A-385.1, to undertake and complete the development and use of the property under the terms and conditions specified in the Master Plan and the List of Standards & Conditions. Such vested right shall have a term of two years from the date of adoption of this Ordinance.

Section Seven. The Office of the Zoning Administrator is hereby authorized and directed to modify the Town's Official Zoning Map consistent with this Ordinance.

Section Eight. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

Section Nine. All ordinances or portions thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section Ten. This ordinance shall be in full force and effect from and after the date of adoption.

Adopted this ____ day of _____, 2015.

Mayor

ATTEST:

Town Clerk

RZ 2015-01 Carter Conditional Rezoning R-15 to CZ-GB

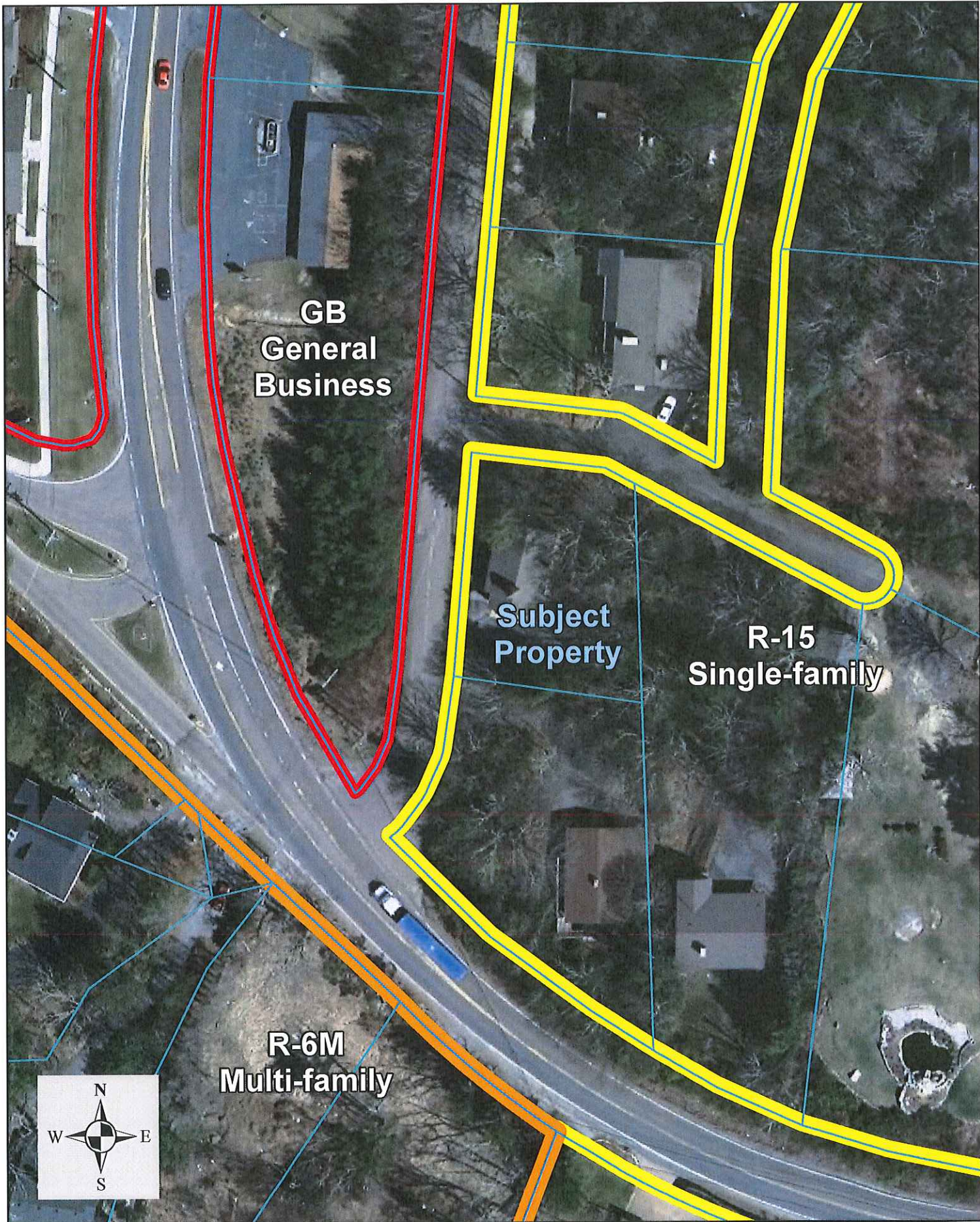


Exhibit A

Exhibit B

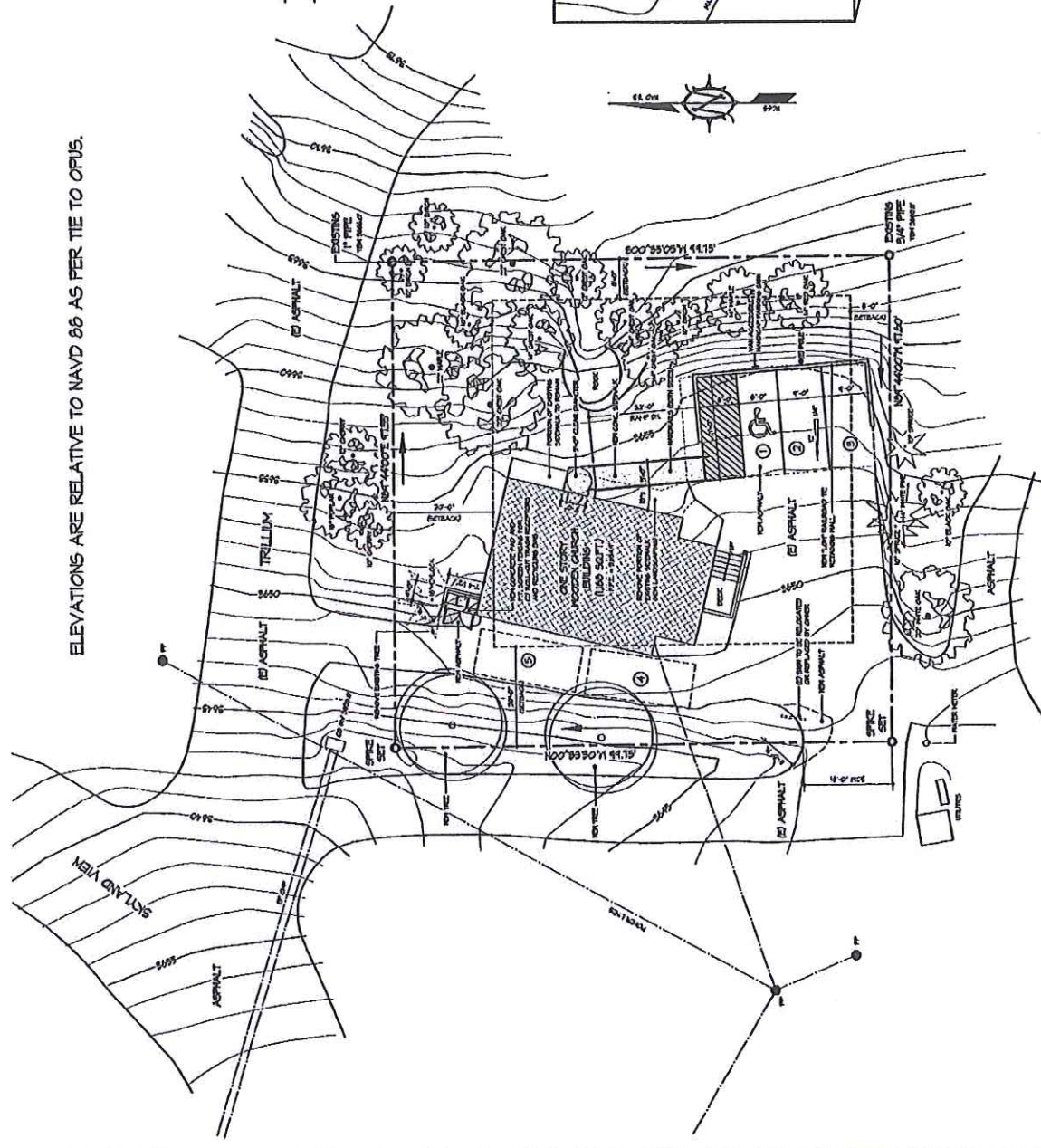
Wes and Angela Carter Conditional Zoning District
Conditional Zoning - General Business, CZ-GB
PIN 2817-13-2664-000

114 Skyland View Drive

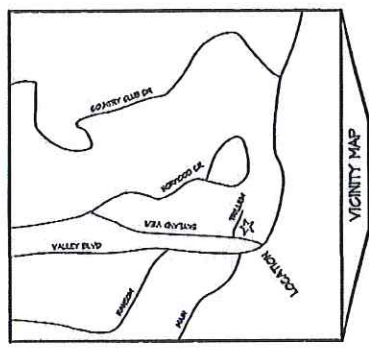
List of Standards & Conditions

1. Operations designed to attract little customer or client traffic
2. Majority of dollar volume not done with walk-in trade.
3. Commercial activities to be located within the building.
4. Normal business operations between 7 AM and 7 PM only.
5. Deliveries during normal business hours only.
6. No deliveries by tractor-trailer.
7. Long-term residential rental only (28 days or more).
8. The sign for the property will not exceed 24 square feet (recommended by Planning Board).

ELEVATIONS ARE RELATIVE TO NAVD 88 AS PER TIE TO OPUS.



PIN NUMBER: 2017022646000
 CURRENT OWNER: WESLEY CARTER
 P.O. BOX 1941
 BLOWING ROCK, NC 28605
 PRIMARY ADDRESS: 114 SKYLAND VIEW DR.
 TRED BOOK / PAGE: 179 / 236
 ZONING: R-5 (CURRENT) PROPOSED: 08
 ACRES: 2.29 ACRES (170,800 SQ. FT.)
 PROPOSED USE CLASSIFICATION: 3100 (11 SPACE / 400 65FT)
 PROPOSED PARKING SPACES: 5 (1 VAN ACCESSIBLE) REQUIRED: 9 (1 VAN ACCESSIBLE)
 BUILDING FOOTPRINT: 1140 SQ. FT.
 PROPOSED IMPERVIOUS SQ. FT.: 4,650.04 SQ. FT.
 EXISTING IMPERVIOUS SQ. FT.: 4,493.61 SQ. FT.
 NET IMPERVIOUS SQ. FT.: 157.29 SQ. FT.
 IMPERVIOUS AREA TIERED INTO LANDSCAPUS: 125.74 SQ. FT. (CREDIT)
 ADDITIONAL PROPOSED IMPERVIOUS SQ. FT.: 50.41 SQ. FT.



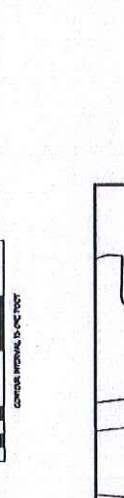
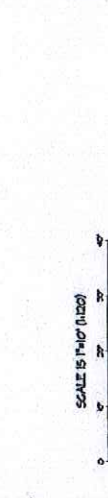
REPRESENTING PROPERTY OF 114 SKYLAND VIEW DRIVE
 TRED BOOK #46 PAGE 236
 FOR
WES AND RENEE CARTER
 10000 GARDEN ROAD, SUITE 100
 HARRIS COUNTY - NORTH CAROLINA
 DECEMBER 12, 2014

AREA OF LOT IS 0.228 ACRE

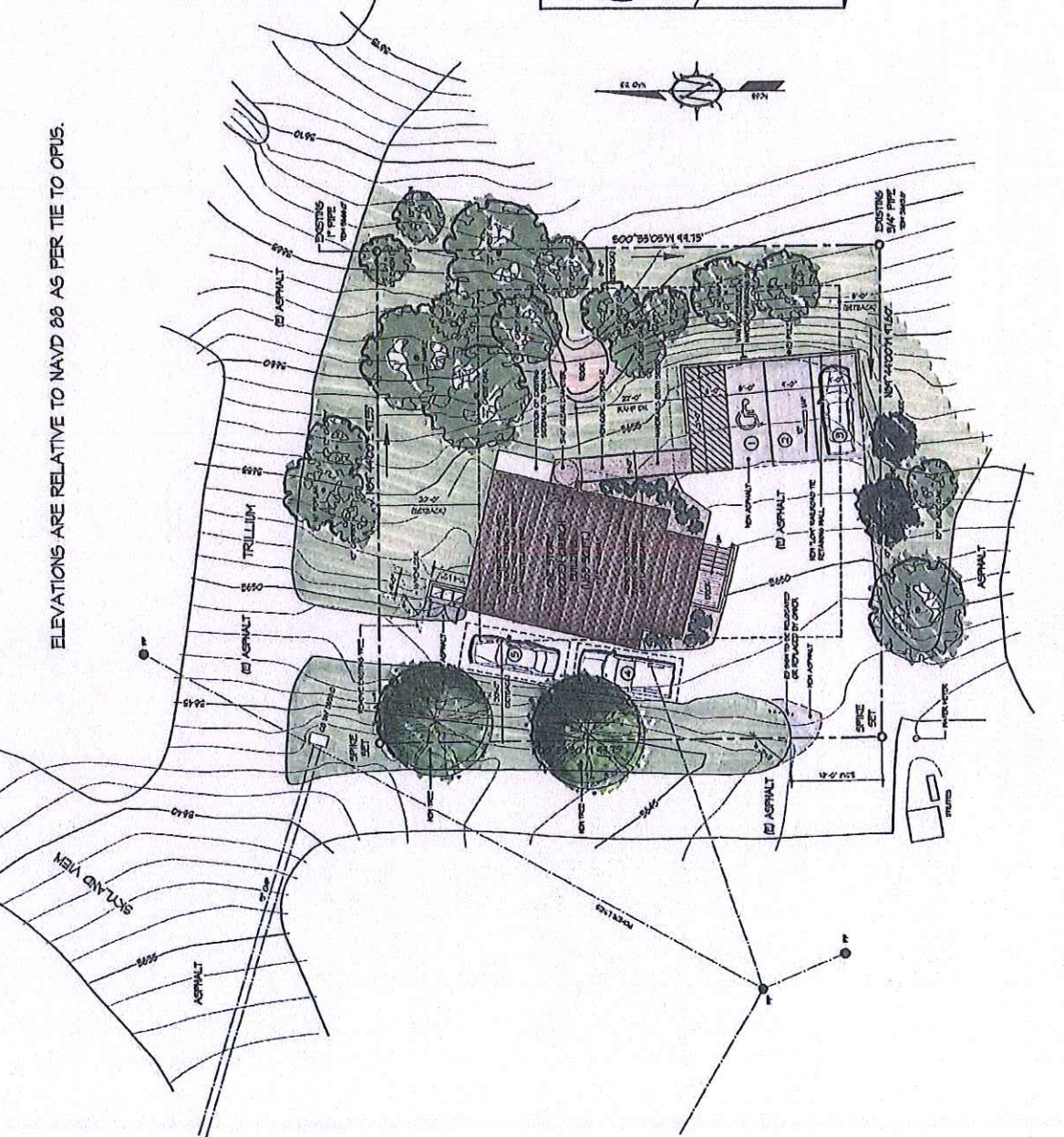
	David R. Jones Architecture Phone No. (828) 264-6689 Fax No. (828) 264-6699 E-mail: jonesdr@drjonesarch.com	0.228 AC DAVID R. JONES ARCHITECTURE 1800 Blowing Rock Road, Bank of America Post Office Box 1247 Blowing Rock, North Carolina 28607	Wes Carter Building Renovation For: 114 Skyland View Drive Blowing Rock, North Carolina 28605		Date: JAN 23, 2015 Time: 1:00 PM Sheet: 001 Project Number: 201404	SP-1 Sheet: 001
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Sheet	Number	Date	By
1	1	1-24-2004	DA
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-	-	-	-
-	-	-	-
-	-	-	-
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-	-	-	-
-	-	-	-
-	-	-	-

FILE NUMBER : 20120256-4000
 CURRENT OWNER : WESLEY CARTER
 114 SKYLAND VIEW DR.
 BLOWING ROCK, NC 28605
 PRIMARY ADDRESS : 114 SKYLAND VIEW DR.
 DEED BOOK / PAGE : 1781 / 236
 ZONING : R-45 (RESIDENT) PROPOSED : 6B
 ACRES : 2.23 ACRES (170,000 SQ. FT.)
 PROPOSED USE CLASSIFICATION : 3120 (1 SPACE / 400 GSF)
 PROPOSED PARKING SPACES : 5 (1 VAN ACCESSIBLE) REQUIRED : 9 (1 VAN ACCESSIBLE)
 BUILDING FOOTPRINT : 1100 SQ. FT.
 PROPOSED INTERVIEWS SQ. FT. : 4,650.04 SQ. FT.
 EXISTING INTERVIEWS SQ. FT. : 4,495.61 SQ. FT.
 NEW INTERVIEWS SQ. FT. : 157.43 SQ. FT.
 INTERVIEWS AREA TURNED INTO LANDSCAPING : - 125.77 SQ. FT. (GROSS)
 ADDITIONAL PROPOSED INTERVIEWS SQ. FT. : 30.41 SQ. FT.



TOPOGRAPHIC SURVEY OF 114 SKYLAND VIEW DRIVE
 DEED BOOK 1781 PAGE 236
 FOR
WES AND RENEE CARTER
 TOWN OF BLOWING ROCK - BLOWING ROCK TOWNSHIP
 YAMASKA COUNTY - NORTH CAROLINA
 FEBRUARY 12, 2004



ELEVATIONS ARE RELATIVE TO NAVD 88 AS PER TIE TO OPUS.

AREA OF LOT IS 0.223 ACRE

David R. Jones Architecture
 Phone No. (828) 264-6699
 Fax No. (828) 264-6690
 E-mail: djones@drjonesarch.com

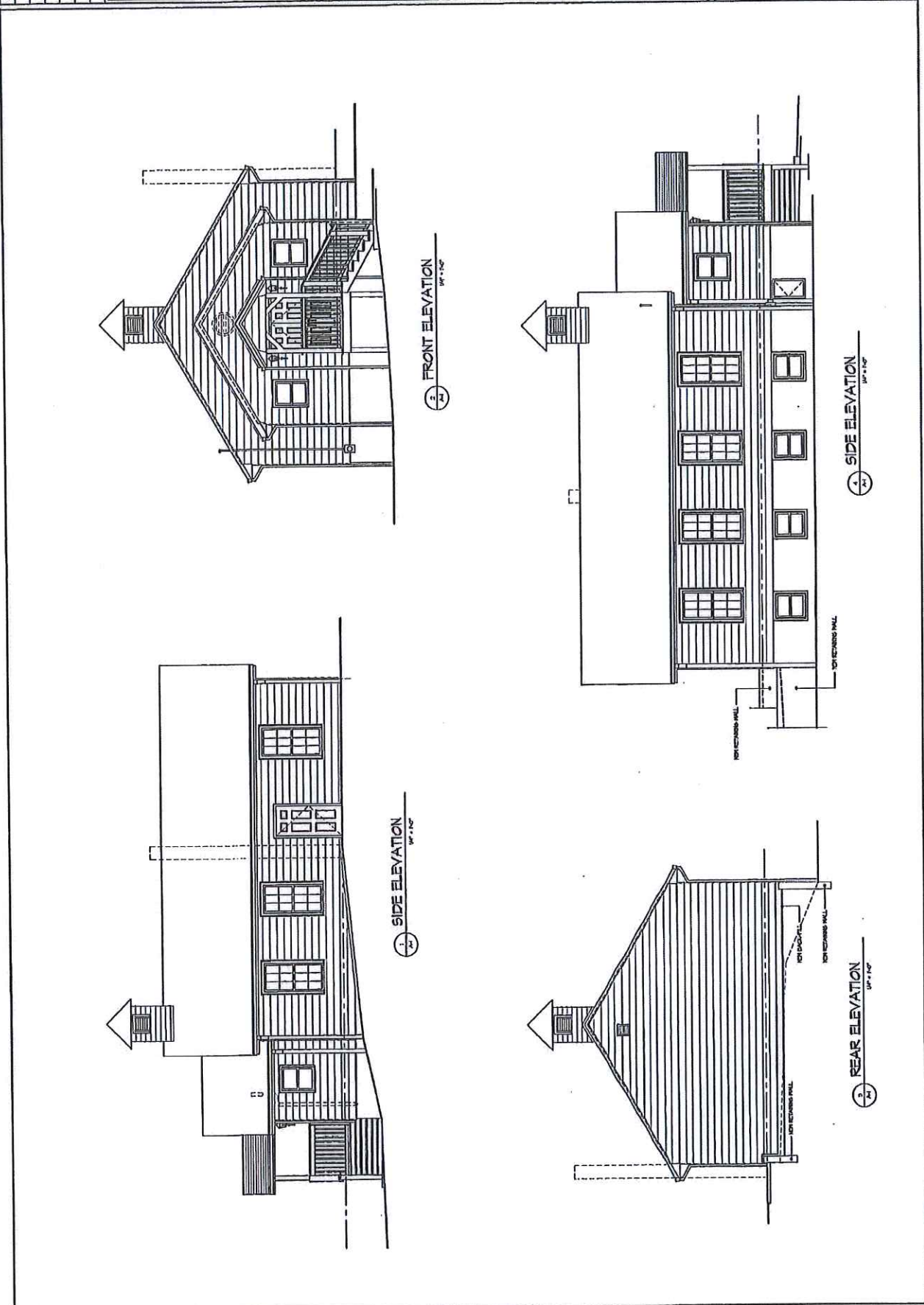
1800 Blowing Rock Road, Bank of America
 Post Office Box 1247
 Boone, North Carolina 28607

Wes Carter
 Building Renovation For:
 114 Skyland View Drive
 Blowing Rock, North Carolina 28605

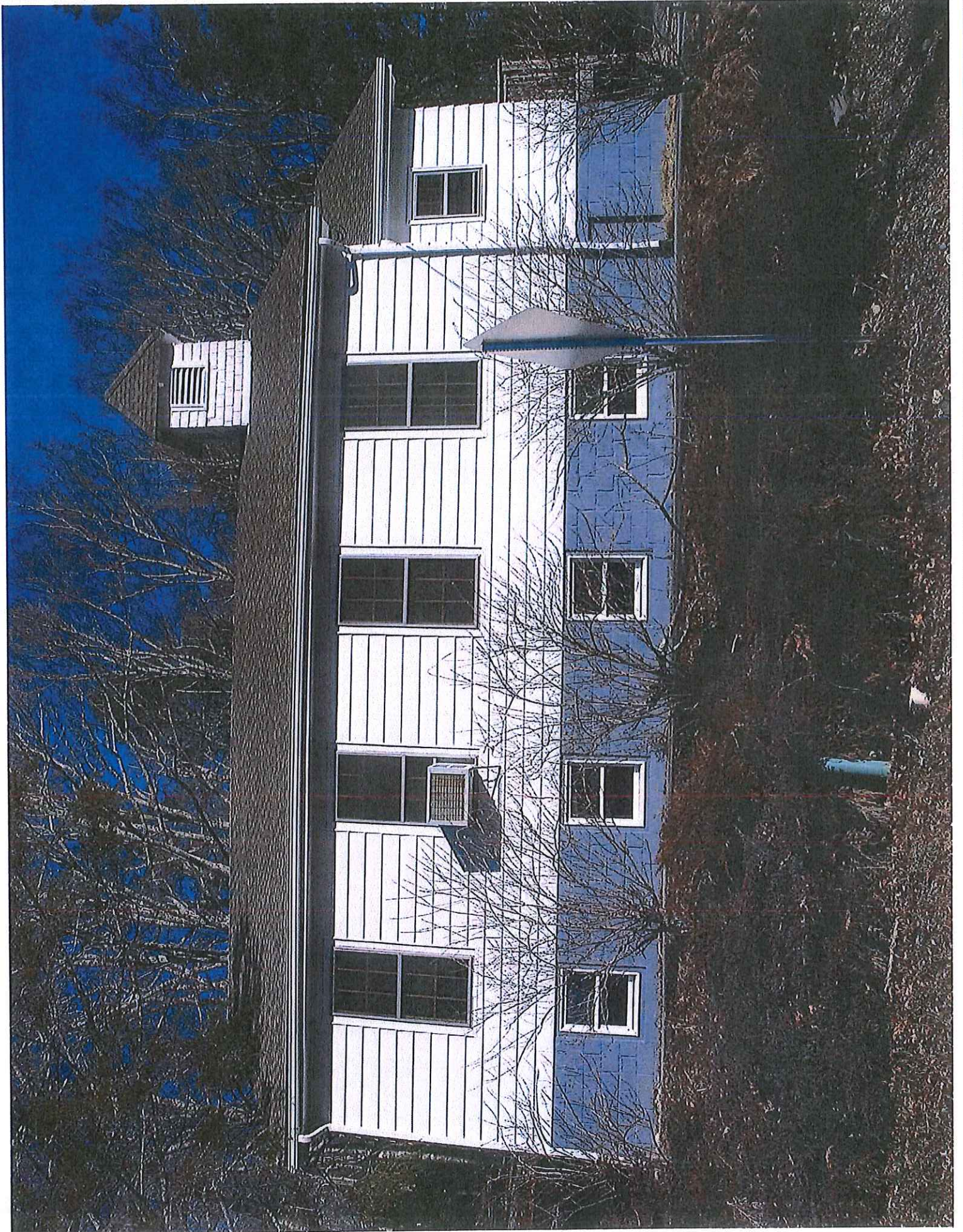
Project Number: 20120256-4000
 Date: 02/12/04
 Sheet: 1 of 1

SP-1
 Scale: 1" = 100'
 Project Number: 20120256-4000

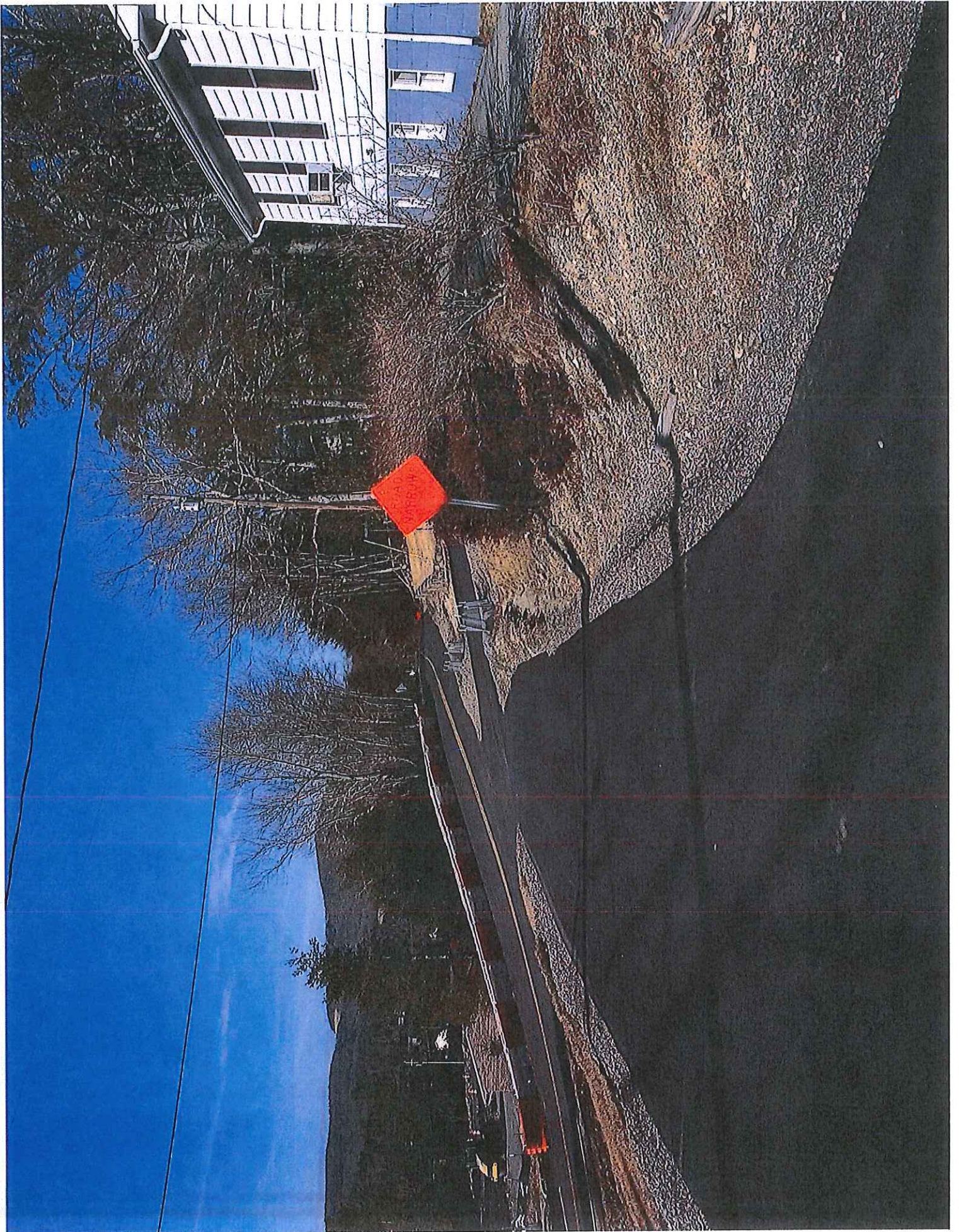
David R. Jones Architecture Phone No. (252) 264-6699 Fax No. (252) 264-6690 E-mail: jonesdr@bellsouth.net		1800 Blowing Rock Road, Bank of America Post Office Box 1247 Boone, North Carolina 28607		Building Renovation For : Wes Carter 114 Skyland Drive Blowing Rock, North Carolina 28605		© 2004 BY DAVID R. JONES ARCHITECTURE		7/23/04 114 SKYLAND DRIVE BLOWING ROCK, NC 28605		Date: 07/23/04 Scale: 1/8" = 1'-0" Sheet: 005 Project Number: 23004		Sheet: A-1 of 2 Sheets	
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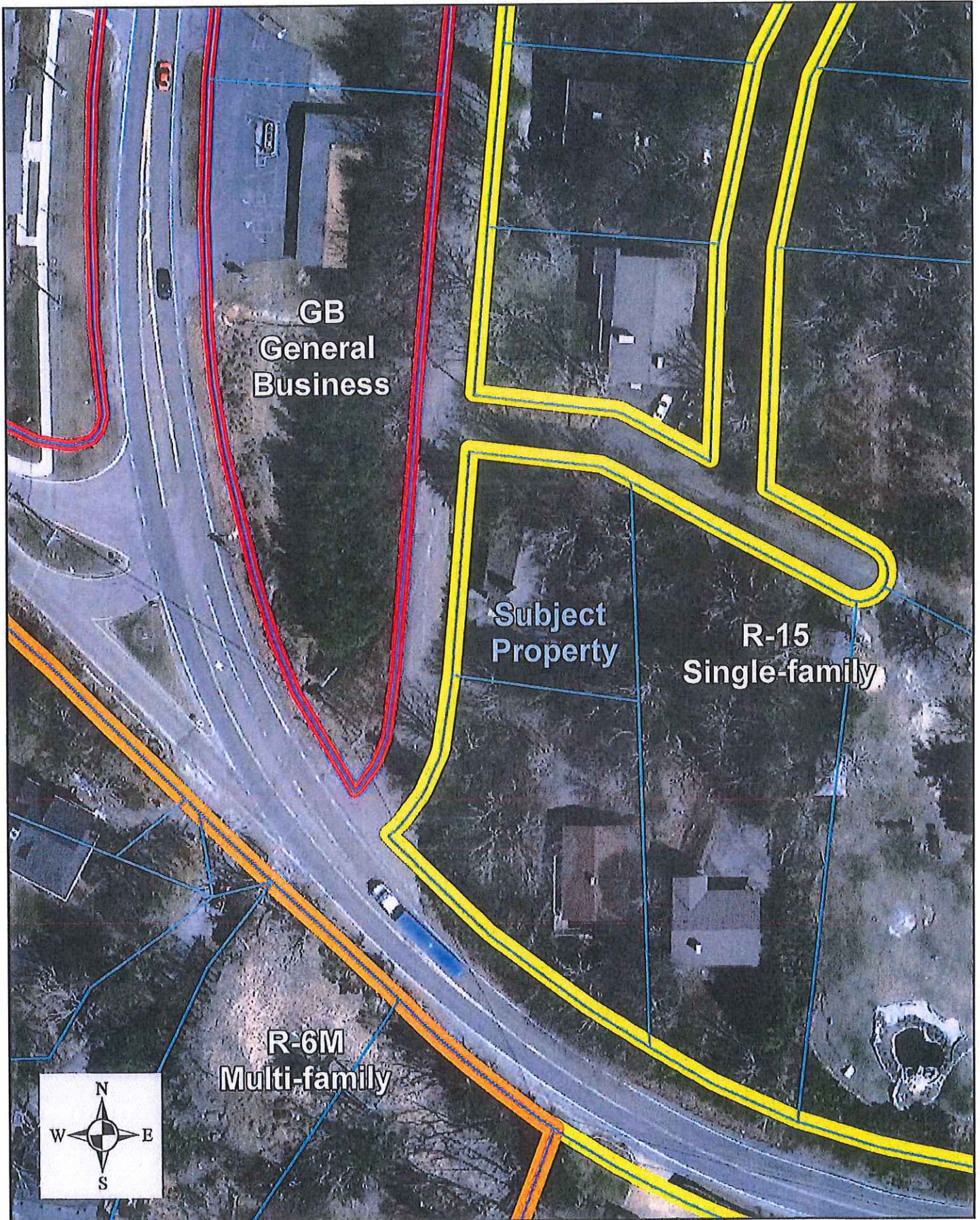








RZ 2015-01 Carter Conditional Rezoning R-15 to CZ-GB



May 4th, 2015

Wes & Angela Carter
773 Globe Road
Blowing Rock, NC 28605

Blowing Rock Planning Department
1036 Main Street
Blowing Rock, NC

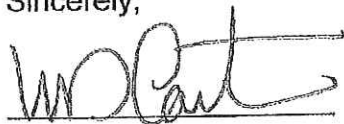
Attn: Kevin Rothrock
Re: 114 Skyland View Dr. Conditional Zoning Request

Dear Kevin,

We were pleased with the community turnout at the Neighborhood Meeting on March 26th, 2015. The comments and suggestions were beneficial and helped us better understand the needs and desires of our neighbors. Based on the community input, we adjusted our conditions for submission to the Planning Board. At the April 16th, 2015 Planning Board meeting, we presented our adjusted request and addressed questions from the board. The neighbors at the meeting were pleased that their concerns had been addressed, and were supportive of the proposed use of the property. The Planning Board made one recommendation to limit the size of the site sign to 24 sqft. We have changed our request again to meet this suggestion. Please see attached revised request for submission to the Town Council.

We look forward to presenting to the Town Council on May 12th, 2015 and continuing to participate in the public discussion. Please feel free to share these adjustments with the Planning Board Members, Council Members, and the larger community.

Sincerely,



Wes Carter



Angela Carter

Conditional Zoning District for 114 Skyland View Drive

Conditional Zoning General Business (CZGB) district including only the following permissible uses:

Single-family residence other than mobile homes; Home occupations.

Office with associated sales.

Restrictions:

1. Operations designed to attract little customer or client traffic.
2. Majority of dollar volume not done with walk-in trade.
3. Commercial activities to be located within the building.
4. Normal operations limited to between 7 AM and 7 PM.
5. Deliveries during normal working hours only.
6. No deliveries by tractor-trailer.
7. Long term residential rental only.
8. Site sign not to exceed 24 sqft.

Conditional Zoning District for 114 Skyland View Drive

Meeting the Blowing Rock Comprehensive Plan

- V-1** **GOAL:** Future development and redevelopment activity along Valley Boulevard should reflect the established character of the Town.
- SOLUTION:** Redevelop this church building into a new use, while maintaining this landmark's established architectural presence.
- EDT-1.3** **GOAL:** Develop an inventory of underutilized buildings in the community that may not be suitable for retail activities, but which have sufficient parking and access to accommodate professional office uses, and work with interested parties to market their availability for this use.
- SOLUTION:** The church building has been empty for years. It offers a great opportunity as a small office due to it: being adjacent to the new 4 lane highway, providing its own parking, having a new DOT road for access just before entering the neighborhood.
- EDT-2** **GOAL:** Strengthening local businesses
- SOLUTION:** Offering a highly visible location for expansion or relocation of a new or existing business.
- LC-5:** **GOAL:** Promote compatibility between new growth and existing development, with a special emphasis on ensuring the compatibility of commercial and mixed use development with established neighborhoods.
- SOLUTION:** Offer a small business location compatible with the established neighborhood.
- LC-5.1** **GOAL:** Utilize zoning and use transitions between higher intensity uses and lower intensity uses...
- SOLUTION:** Use the existing property as a small office to transition between General Business and Residential districts.
- LC-6.4** **GOAL:** Encourage the use of the Conditional Zoning process to address situations where rezoning to an existing base zoning district would not be compatible with surrounding development in the absence of conditions tailored to the particular nature of the proposed use or development.
- SOLUTION:** Unrestricted General Business zoning would not be appropriate for this location, but the new Conditional Zoning process allows us to shape this into a Zoning District that complements the neighborhood.
- HCR-1** **GOAL:** Preserve and protect historical resources that contribute to Blowing Rock's unique character and sense of place.
- SOLUTION:** This church building has been a notable landmark in the Town of Blowing Rock for more than half a century.

A neighborhood informational meeting will be held at Blowing Rock Town Hall on Thursday, March 26 at 5:00 PM for the following item(s):

2. Conditional Rezoning (R-15 to CZ-GB, General Business)- Wes and Angela Carter

Wes and Angela Carter are requesting a conditional rezoning of their property from R-15, single-family to CZ-GB, Conditional Zoning - General Business. The property is located at 114 Skyland View Drive and was formerly the Blowing Rock Church of God. Mr. and Ms. Carter are proposing to restrict use of the building to operations designed to attract little customer traffic similar an office use, and limits on normal business operation between 7 AM and 7 PM. The property is further identified by Watauga County PIN 2817-13-2664-000.

This meeting is for informational purposes and exchange of questions and concerns about the proposed conditional rezoning request. A Planning Board meeting will follow for public comment and a public hearing will be scheduled for Town Council review and consideration. Written comments may also be submitted to the Planning Board, PO Box 47, Blowing Rock, NC, 28605. Plans for the proposed development are available for public inspection at the Town Office during normal business hours; or questions may be directed to the Planning Director at (828) 295-5240.

The neighborhood meeting will be held at the Blowing Rock Town Hall, 1036 Main Street. The Town Hall is ADA accessible.

Kevin Rothrock, AICP
Planning Directors
Sent from my iPad

3/30/15

In response to the rezoning of said property, we feel this is not in the best interest of our neighborhood. We have no objection to another church in the current building or for tearing it down and building a nice home there in compliance to the SF home restriction. Thank you for letting us have our response to the rezoning.

Nancy & Stuart Sigmon
220 Skyland View Dr.
Blowing Rock, NC 28605

Sigmons220@charter.net

828-295-3930

March 25, 2015

Kevin Rothrock
Town of Blowing Rock
P.O. Box 47
Blowing Rock, N.C.

Dear Mr. Rothrock,

My property on Trillium Lane adjoins the Church of God Property.

I object to changing the residential zoning to conditional zoning - General Business because I don't think it is a good idea for business to encroach a residential area. It is not fair to the community.

Also, I am concerned about this bringing down the value of my property.

Another issue: All of us in the community are concerned about the placement of a stoplight to help enter and exit Skyland View Drive.

Sincerely,

Frances W. Went
3700 Taylor Glen Lane # 170
Concord, N.C. 28027

Conditional Zoning Neighborhood Meeting

Wes and Angela Carter - March 26, 2015

Name	Address	Phone	Email
JIM STEELE	932 SUNSET DR	295-6540	
PANDY JONES	1800 Blowing Rock W. Boone	264-6689	jonesia@delkath.net
Wes & Renee Carter	773 Globe Rd, Blowing Rock	295-6361	wcarter.2010@gmail.com
Nancy & Stuart Sigmon	220 Skyland View DR.	295-3930	sigmons220@charter.net
DAVID LAUGHLIN	140 CLIFF LANE	295-0989	
JOE PAPA	8062 VALLEY BLVD	295-9548	
Judy Greenhill	116 Hilltop Way	345-0111	judy@gedygreenhill.com
Liz McShane	119 Main Street		
Ray Pickett	788 Main St.	773-5459	raybrin@gmail.com
Tom Gentry	240 BLUE TOP WAY	295-2644	
JERRY STARKES	204 HILL TOP WAY	773-6650	Jerry@BlowingRockRoadEntertainment.com
SCOTT FOGLEMAN	1036 MAJOR ST. Blowing Rock, NC 28605	(828) 295-5200	MANAGER@TOWNOFBLWINGROCK.COM
Sue Sweeting	624 Chestnut DR	828-406-9326	(I have) ROCK.COM
Genie Starks	204 Hilltop Way	295-3248	(You name -

TO: Mayor J.B. Lawrence and the Blowing Rock Town Council
FROM: Kevin Rothrock, Planning Director
SUBJECT: CUP 2010-03 Foggy Rock Restaurant – minor amendment
APPLICANT: Burt Myers
DATE: May 5, 2015

REQUEST

Mr. Bert Myers is requesting a minor amendment to the conditional use permit issued for Foggy Rock restaurant to enclose and add a shed roof to the existing deck. The enclosure will match the recent improvements on the restaurant with weathered oak barn siding and metal roofing. The enclosure will not require any additional parking based on the size and the number of seats on the existing deck.

Section 16-4.17.1 of the Land Use Ordinance allows minor design modifications to be approved by Town Council without a formal application or public hearing. The proposed deck enclosure meets this section of the ordinance in that it has no substantial impact on neighboring properties or the general public.

Enclosed are photos of the finished front of the restaurant building, and a photo of the current south side of the building where the deck enclosure is planned. Also attached is a sketch of the proposed enclosure provided by the applicant.

ATTACHMENTS

1. Recorded CUP 2010-03 amendment
2. Photos of existing restaurant
3. Sketch of proposed deck enclosure

NORTH CAROLINA

WATAUGA COUNTY

**MAJOR AMENDMENT
TO TOWN OF BLOWING ROCK CONDITIONAL USE PERMIT
Foggy Rock Restaurant
CUP No. 2010-03
(Amendment to CUP No. 2007-08)**

On the date listed below, the Board of Commissioners of the Town of Blowing Rock considered the following application for a proposed major amendment to the Conditional Use Permit that was previously approved for the Holli's Biscuits Restaurant (CUP No. 2007-08), approved on September 11, 2007, and recorded at Book of Records 1335, Page 761 of the Watauga County Public Registry.

Applicant: Burt Myers

Project Name: Foggy Rock Restaurant

Property Location: 8180 Valley Blvd

Tax Parcel No.: 2817-05-9999-000

Property Owners of Record: 8180 Valley Blvd, LLC.

Proposed Use of Property: Restaurant

Current Zoning Classification of Property: GB, General Business

Meeting Date: September 14, 2010

Having heard all of the evidence and arguments presented at the above-referenced meeting, 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. Based on the parking provided, no more than 12 outdoor seats may be used on the existing deck. Any modifications to the deck to bring into compliance with the NC Building Code must be completed prior to use.

- 2: Any rooftop mechanical and electrical equipment shall be screened from the view of streets and adjacent property. Any other ground-mounted HVAC must be reasonably shielded from adjacent properties by landscaping. The existing propane tank shall be painted, buried, or screened with landscaping and perpetually maintained.

- 3. The Land Use Ordinance requires a total of 33 parking spaces for the proposed project. The Applicant will provide at least 33 spaces on site, including 2 handicap-accessible spaces.
- 4. The restaurant is bound by the restrictions of the Town Code and noise ordinance regarding service and/or consumption of food or beverages outside a fully enclosed structure. In addition, no amplified live outdoor music shall be permitted on site.
- 5. 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.
- 6. All sidewalk requirements required through CUP 2007-08 have been completed.
- 7. The dumpster screening shall be painted to match the building materials. Shrubbery shall be added around the sides of the screening to soften the appearance.
- 8. The Applicant is required to comply with the Town Code recycling ordinance and to properly dispose of recyclables.
- 9. Based on the available parking, the basement of the restaurant building may be used for storage and equipment areas only.
- 10. 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.
- 11. 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. All conditions of the original conditional use permit (CUP 2007-08) shall remain in effect, except as amended herein.

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 Conditional Use Permit, together with all of its conditions as binding upon them and their successors in interest.

TOWN OF BLOWING ROCK

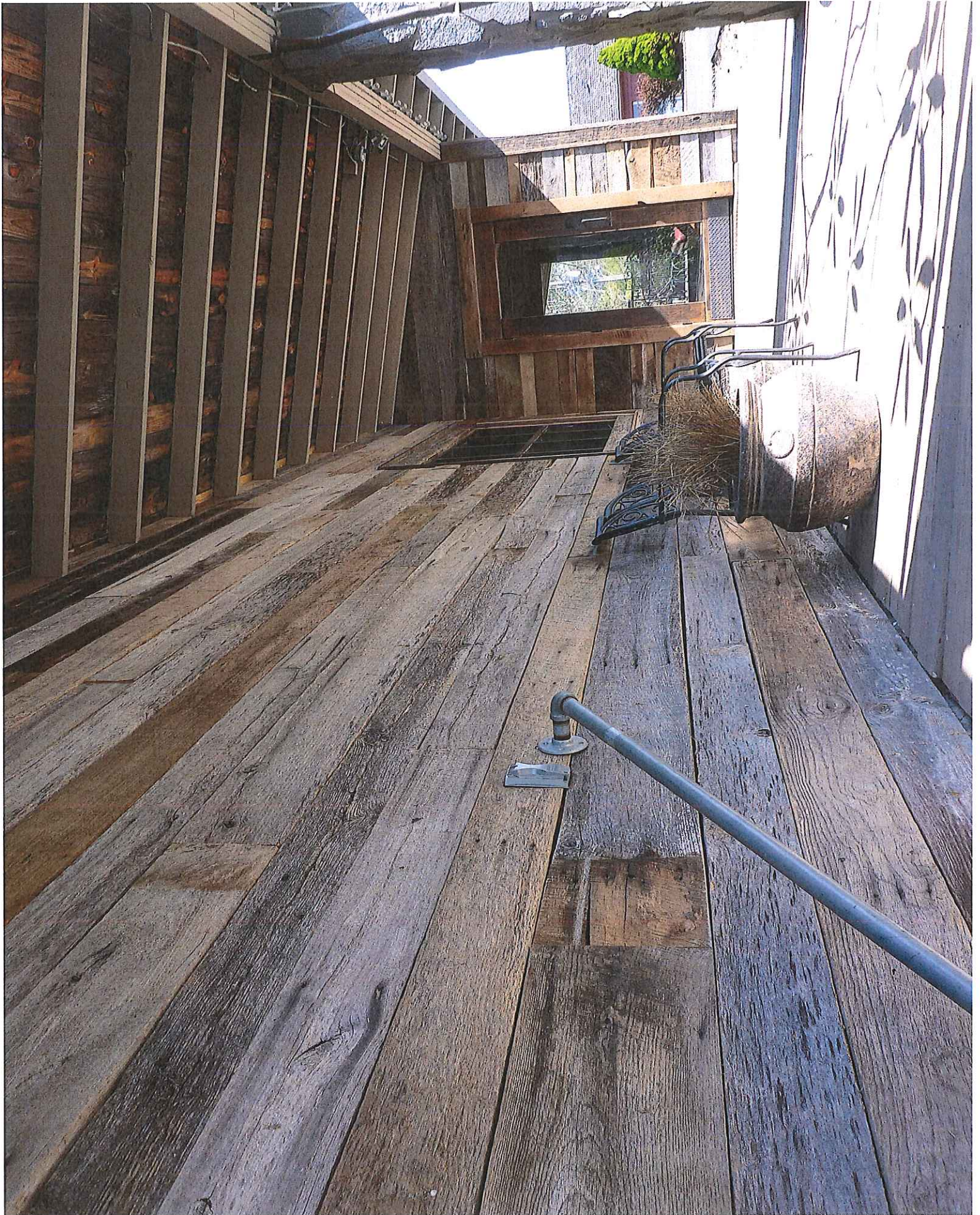
By: _____
 J.B. Lawrence, Mayor

ATTEST: _____
 Sharon H. Greene, Town Clerk

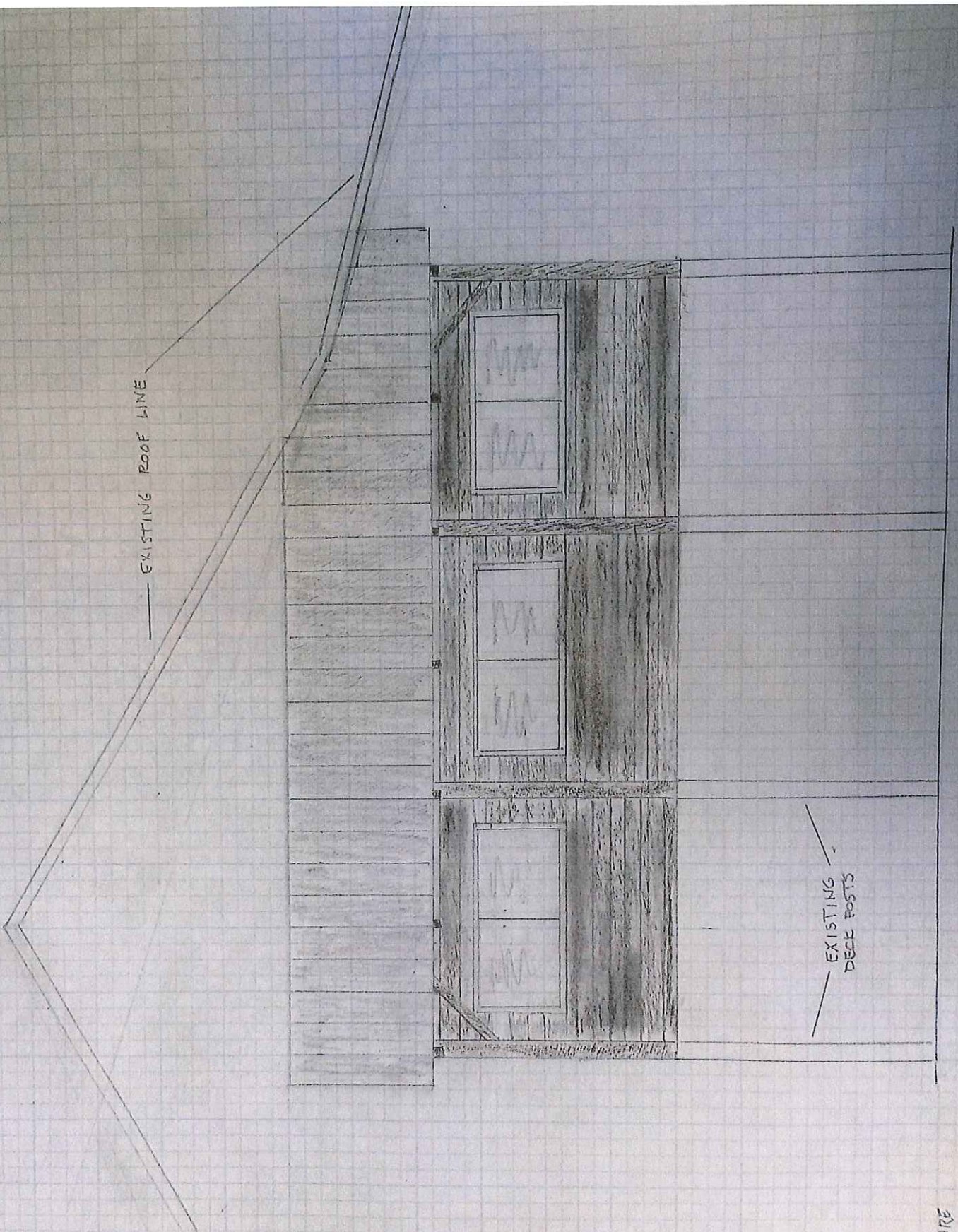
(CORPORATE SEAL)











EXISTING ROOF LINE

EXISTING DECK POSTS

PROPOSED DECK ENCLOSURE
FOGGY ROCK ENTRY
GREY BARNWOOD SIDING