

MINUTES
Town of Blowing Rock
Board of Commissioners
May 10, 2005

The Town of Blowing Rock Board of Commissioners met in regular session on Tuesday, May 10, 2005 at 7:00 p.m. Present were Mayor J.B. Lawrence, Commissioners Bobby Ball, Keith Tester, Terry Lentz, Rita Wiseman, and David Wray. Others in attendance were Town Manager Scott Hildebran, Doug Chapman of McGill Associates, Planning Director Kevin Rothrock, Public Works Director Johnny Lentz, Town Attorney Allen Moseley, Police Chief Owen Tolbert, Building Inspector John Warren, Landscape Specialist Perry Davis, Parks & Recreation Director Jennifer Gore, and Town Clerk Sharon Greene.

CALL TO ORDER

Mayor Lawrence called the meeting to order and welcomed new Parks & Recreation Director Jennifer Gore.

APPROVAL OF MINUTES

Commissioner Ball moved the minutes for the meeting held on April 12, 2005 be accepted as presented, seconded by Commissioner Lentz. All members were in favor.

PUBLIC HEARINGS

1. CUP #2005-05 Sledgehammer Charlie's Restaurant

Mayor Lawrence opened the Public Hearing. Sworn to speak on this issue were Planning Director Kevin Rothrock, Chuck Luddeke, Michael Trew, Eric Thomley and Larry Fountain.

Mr. Rothrock presented a request from Chuck Luddeke of Harvest Moon Enterprises for a conditional use permit to renovate the former Pizza Hut building located at 8146 Valley Boulevard. Mr. Luddeke was proposing to add cultured stone to the building base, a new gabled entrance on the building front, and a new deck on the north side of the building.

Mr. Rothrock reported the existing parking lot would be used, but a few changes were proposed. A four (4)-foot wide landscape buffer would be installed between the subject property and the former Pearl China building. A five-foot sidewalk would be added across the front of the building leading to a new building entrance. A deck would be added for outside dining on the north side of the building, which would eliminate two (2) existing parking spaces. The deck would seat approximately 24 customers and would require six additional parking spaces.

A five-foot sidewalk would be required along Valley Boulevard when the road was widened or when sidewalks were built in the area.

There are currently six compact parking spaces, but these will be re-striped into standard spaces. The project with proposed changes would require 32 parking spaces. Thirty spaces are proposed, not including seven (7) existing spaces located in the NCODT right-of-way. Mr. Luddeke was requesting a waiver of two (2) spaces with the justification that seven additional spaces are currently available until the widening project starts.

On April 21st the Planning Board met and made the following recommendations regarding the proposed project. The applicant should be required to connect the public sidewalk adjacent to Hwy. 321 By-pass to the sidewalk in front of the building and also be allowed to stain the existing roof to a natural wood color with staff approval.

Commissioner Tester was concerned with the vegetation in the rear of the building. He inquired if it would be adequate. Mr. Rothrock stated he had visited the site and felt the vegetation was adequate according to town standards

Commissioner Tester asked Town Attorney Allen Moseley about a "Letter of Credit" and what would happen, should the business sell. Mr. Moseley advised the "Letter of Credit" would transfer with the title of the property. He also stated the owner of the property would need to sign the conditional use permit.

Another item addressed was the sidewalk on Valley Boulevard. Commissioner Lentz felt

it would be best if the applicant was required to install the sidewalk now, instead of waiting for the road widening because of the cost savings. The State would be required to redo the sidewalk once Valley Boulevard was widened.

Commissioner Wray was concerned with the proposed outside deck. He felt it should state in the CUP that the deck could not be occupied after 11:00 p.m.

Mr. Larry Fountain, representing Kings Ransom Homeowner's Association, approached Council with several concerns. The first, being the thickness of the vegetation in the rear of the property. He stated that town staff had a different interpretation regarding the adequacy of the vegetation. Mr. Fountain asked Council to require more landscaping between the two properties. He also requested Council to address potential problems regarding noise and lighting during business hours due to the properties close proximity.

The applicant, Mr. Chuck Luddeke, stated he felt the proposed changes would only enhance the property and he was willing to work with the Town and adjacent property owners to find solutions for their concerns.

Commissioner Wray emphasized that approximately eight (8) trees could be added to an open space between the two properties, which would help with shielding the view as well as a sound barrier.

Another issue of concern was parking and the request to waive two (2) spaces. The applicant requested that two (2) spaces be waived due to the proposed deck addition. Commissioner Tester stated he was not comfortable with waiving any parking on Valley Boulevard. He stated with the shortage of parking in the village already, that Council should monitor this closely so the same would not happen on Valley Boulevard. Commissioner Tester inquired if seating capacity should be changed due to the request. Planning Director Rothrock stated that the town's parking requirements were not generated on seating capacity, but on square footage of the building.

Also discussed, were five parking spaces on the property located in the state right-of-way. Since these spaces were in the right-of-way, some members of Council did not feel the applicant should be able to utilize them. They stated, when the road was widened the spaces would probably be taken, making it hard for town staff to go back and enforce this at a later date.

The applicant felt he was being penalized for something that would, more than likely, be happening several years in the future. He felt the five (5) extra spaces should go with the conditional use permit for the property until the road was widened.

Commissioner Lentz stated if a new business was being built on this property the five spaces in question would not be allowed. He stated this area would be required green space. Mr. Lentz was in agreement with Commissioner Tester regarding this issue.

A motion was made by Commissioner Wiseman to close the Public Hearing at 7:40 p.m., seconded by Commissioner Wray. Unanimously approved.

Commissioner Tester entertained a motion to accept Conditional Use Permit #2005-05 with the following conditions:

1. The buffer behind the building must be either a new opaque buffer or town staff must insure existing vegetation is equivalent.
2. The sidewalk and the connector in front of the building should be installed at this time, instead of later, which would eliminate the need for a performance bond.
3. The number of seats shall be limited to four (4) tables, sixteen (16) seats on the out-side deck, unless applicant can acquire two (2) more parking spaces.
4. No activity allowed on the outside deck after 11:00 p.m.

A second to the motion was received from Commissioner Ball. Mayor Lawrence called for further discussion on this matter. Commissioner Wray stated, he agreed with the applicant regarding the five spaces that could not be utilized due to the future road widening. He felt the applicant should be allowed to use the spaces until the road-widening project commenced. Commissioner Tester stated he disagreed with this suggestion. He felt it would create a situation that could not be enforced. He felt the Town should act on the assumption the road was already in place. Commissioner Tester stated the Town spent many hours working with NCDOT in developing the "Parkway" effect that was desired by the Town when the road was widened. Commissioner Lentz agreed with Mr. Tester.

With no further discussion, motion carried 4-1 with Commissioner Wray dissenting.

CUP #2005-05 Attached as Exhibit A

1. CUP #2005-07 – Underwood Property Fill Site

Mayor Lawrence asked anyone wishing to speak regarding this matter, be sworn by the Clerk. The applicant, Mr. Carl Underwood was duly sworn.

Planning Director Kevin Rothrock presented a request from Mr. Underwood for a conditional use permit to remove an existing house and fill the property with 5700 cubic yards of fill dirt. This property is located on the corner of Possum Hollow Road and Valley Boulevard.

During the process, the 30-foot stream buffer would remain undisturbed between the two stream culverts on the south end of the property. The fill dirt would be deposited in lifts to insure proper soil compaction for any future building projects on the site. The entire site would be stabilized with grass and six (6) street trees will be installed along Hwy. 321 right-of-way.

At the April 21st meeting of the Planning and Zoning Board, a recommendation was made to approve the conditional use permit with the following conditions.

1. That the site be seeded and stabilized within 15 working days after land-disturbing activity.
2. That the applicant, pursue Army Corps approval to culvert the entire stream on the subject property so the entire site can be filled.

Commissioner Lentz inquired of Mr. Underwood, if he read and agreed with the conditions. Mr. Underwood stated he had.

A motion was made by Commissioner Wiseman to close the public hearing, seconded by Commissioner Lentz. All members were in agreement.

Commissioner Wray made a motion to accept the conditional use permit as presented, seconded by Commissioner Lentz. The motion was unanimously approved.

CUP #2005-07 Attached at Exhibit B

NEW BUSINESS

1. Tax Releases/Refunds

Town Manager Scott Hildebran presented Council with a tax release/refund report from Tax Collector Sharon Greene for their consideration and approval.

Commissioner Lentz made a motion to approve the following refunds/releases as submitted by the Tax Collector, seconded by Commissioner Wiseman. All members were in favor.

Refund No. 101 - McCall \$2,107.78	Release No. 102 – Webster \$105.95
Release No 103 - Collier \$ \$ 284.97	Release No. 104 - Hyett \$ 98.17
Refund No. 105 - LCI \$1,496.40	Refund No. 106 - LCI \$ 933.36
Refund No. 107 - LCI \$ 529.67	Refund No. 108 - LCI \$ 443.52
Refund No. 109 - LCI \$ 379.49	Release No. 110 - LCI \$ 36.46

Tax Collector Release/Refund Report Attached as Exhibit C

DEPARTMENTAL REPORTS

1. FY 2005-06 Budget Presentation

Town Manager Hildebran presented Council with the proposed FY 2005-06 Budget for their review. The FY 2005-06 Recommended Budget, which included the General Fund and Water/Sewer Fund, totals \$5,119,695, and is based upon an estimated real property valuation of \$787,000,000 and an estimated motor vehicle valuation of \$17,250,000. The proposed budget has a tax rate set at \$0.295 per \$100 valuation, which is the current tax rate. Commercial Solid Waste fees are scheduled to increase to offset a proposed Watauga County Landfill Tipping Fee increase from \$42 to \$45 per ton. Water and Sewer fees and all other fees and charges are proposed to remain unchanged. Mr. Hildebran also stated that budget work sessions had been scheduled for May 17th from 4:00-6:00 p.m. and May 24th from 4:00-6:00 p.m.

Town Manager Hildebran commended the town staff on their hard work during the budget preparation.

FY 2005-2006 Budget Attached as "Exhibit G"

2. Engineer's Report and Department Head Reports for Informational Purposes

Town Manager Hildebran informed Council the Green Hill sewer project would begin on June 1st with expectations of being finished by November 1, 2005.

He also advised that NCDOT had postponed the paving of Goforth Road until next year due to a shortage of NCDOT funds.

Mayor Lawrence asked staff to visit Outback Steakhouse on Valley Boulevard and see about the vegetation that was missing in the required buffer.

ADJOURNMENT

There being no further business to discuss, Mayor Lawrence adjourned the meeting at 8:00 p.m.

MAYOR _____

J.B. Lawrence

Attest _____

Sharon H. Greene, Town Clerk