

## STAFF REPORT

TO: Mayor J.B. Lawrence and the Blowing Rock Town Council

FROM: Kevin Rothrock, Planning Director

SUBJECT: CUP 2015-04 Moody Building Renovation - parking

APPLICANT: RWL 1, LLC

DATE: December 8, 2015

On October 13, 2015 Town Council approved a conditional use permit for RWL 1, LLC to renovate and to convert the old Moody Furniture building on Sunset Drive to a restaurant/retail establishment.

Condition No. 6 requires the applicant to reserve two (2) parking spaces in the new parking lot as “public spaces” as a result of two (2) public spaces being lost on Sunset Drive due to the proposed driveway access to the site. This condition was not specifically discussed during the Planning Board or Town Council meetings but calculations for the required seven (7) parking spaces for the project included the two (2) spaces lost from Sunset Drive. The new parking lot will provide 21 new parking spaces, 14 more spaces than required by Code.

Prior to the Council meeting, applicant Bob Lovern and I discussed condition No. 6 when the CUP document was drafted. Mr. Lovern did not agree with having to reserve the two (2) public spaces on site as he felt that sufficient parking was being provided for the project. Also, the parking lot would provide additional parking for off-site retail shop employees and apartment tenants. During the public hearing, the reservation of two (2) public spaces required by condition No. 6 was not discussed. The draft conditional use permit presented to Council during the public hearing was the document of record and is the official document that is being submitted for signatures and recordation.

Mr. Lovern would like to request that Town Council consider removal of condition No. 6 from the conditional use permit prior to his authorization and signature. If approved, condition No. 7 will need some adjustment as well.

### ATTACHMENTS

1. Draft revised CUP 2015-04 (highlighted)

Attachment F

Moody Building Renovation

CUP No. 2015-04

NORTH CAROLINA

WATAUGA COUNTY

**TOWN OF BLOWING ROCK CONDITIONAL USE PERMIT**  
**Moody Building Renovation**  
**CUP No. 2015-04**

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

Applicant: RWL 1, LLC

Project Name: Moody Building Renovation

Property Location: 125 Sunset Drive

Tax Parcel No.: 2807-98-3020-000 and 2807-98-3068-000

Property Owners of Record: RWL 1, LLC

Proposed Use of Property: Restaurant and Retail mixed-use with outdoor dining

Current Zoning Classification of Property: CB, Central Business

Meeting Date: October 13, 2015

Having heard all of the evidence and arguments presented at the above-referenced meeting, the Town Council 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 site/grading plans (dated 9/1/15) and architectural plans (dated 8/30/15) submitted and approved by the Town Council, 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 Conditional 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. Consistent with Section 16-4.10.3 of the Land Use Ordinance, the Town Council 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 2014 Comprehensive Plan Update, and any other duly adopted plans of the Town.

3. The Applicant has made a request to reduce the street setback on Sunset Drive from 15 feet to 7 feet from the back of the existing sidewalk in order to construct a full public entry access and extend the existing deck to meet the NC Building Code. The Town Council hereby approves the street setback waiver based on approval of the following findings of fact:

The setback waiver as proposed;

- a. Will not materially endanger the public health or safety in that it will, as proposed, provide access that meets the NC Building Code;
- b. Will not substantially injure the value of adjoining or abutting property,
- c. Will be in harmony with the area in which it is to be located, as other nearby buildings along Sunset Drive are currently closer than the 15-foot setback;
- d. Will be in general conformity with the 2014 Comprehensive Plan Update or other plan officially adopted by the Board; and
- e. Will be in substantial conformity with the intent of the regulations contained in this Article, as the building will provide code-compliant access to a building that has existed for several decades in its current condition.

4. Any rooftop mechanical and electrical equipment shall be screened from the view of streets and adjacent property. This may include “in the field” building alterations that will screen certain rooftop equipment and apparatus which dimensions are currently unknown. Any other ground-mounted HVAC must be reasonably shielded from adjacent properties by landscaping. Any propane tanks greater than 120 gallons shall be buried.

5. Access to the site will be provided through a new driveway cut on Sunset Drive. This driveway will be one-way only from Sunset into the site and vehicles will exit through the rear of the property and through the Maple Street public parking lot.

~~6. Two parking spaces will be lost on Sunset Drive as a result of the proposed site access driveway. Two (2) parking spaces within the proposed site parking area shall be reserved as public spaces.~~

7. Based on the proposed uses, the building square footage and any parking credits calculated on previous property uses, seven (7) parking spaces are required for this project. There are seven (7) parking spaces required for this project. The Applicant is considering reservation of up to six (6) spaces for off-site parking needs. The Applicant is proposing 21 parking spaces in the new parking area with one (1) being an ADA van-accessible space. With the seven (7) required parking spaces, ~~two (2) reserved parking spaces~~, and up to six (6) spaces reserved for off-site needs, there would be up to ~~six (6) eight (8)~~ excess parking spaces on site.

8. The garbage and recycling area and related screening shall meet the Land Use Code requirements and shall be coordinated with the Public Works Director for compliance.

9. 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.

10. Exterior lighting for the site shall use the same coach-style lights that have been selected as the lighting standard for the Town.

11. The Applicant shall be responsible for reconstruction of the existing sidewalk along Sunset Drive and shall add curb and gutter as necessary and as recommended by the Town Engineer in coordination with plans for streetscape improvements along Sunset Drive.

12. All new utilities on site shall be underground, including the electrical service lines.

13. Water and sewer availability fees shall be calculated upon submittal of a building permit application. Any increase in applicable fees from the previous use shall be paid prior to issuance of a building permit.

14. The site landscaping shall be installed consistent with the approved landscape plan or otherwise consistent with the landscape standards in the Land Use Code. Consistent with Section 16-22.9 of the Land Use Ordinance, the Town Council hereby waives the 4-foot landscape buffer along the western property line from the rear parking lot to the front of the

building. By approving the landscape waiver, the Town Council acknowledges the limited space to install both a 4-foot wide buffer and an access sidewalk within this area.

15. 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.

16. Full design plans for storm water detention shall be submitted to and approved by the Town Engineer prior to commencement of land-disturbing activities. The storm water detention must collect parking lot and building drainage and ultimately convey it to a public storm system in Sunset Drive. The Applicant is responsible for all costs and installation of storm water drainage improvements and connections in Sunset Drive.

17. Prior to construction, a plat shall be submitted, reviewed, approved, and recorded that combines the two (2) lots of the subject site into one (1) property.

18. 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 Conditional Use Permit.

19. 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.

20. 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 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)

Owner/Applicant:

RWL 1, LLC

By: \_\_\_\_\_ (SEAL)  
Robert W. Lovern, Member-Manager

STATE OF NORTH CAROLINA

COUNTY OF WATAUGA

I, a Notary Public of said County and State, do hereby certify that Sharon H. Greene came before me and acknowledged that she is Town Clerk of the Town of Blowing Rock and that by authority duly given and as the act of the Corporation the foregoing instrument was signed in its name by its Mayor and sealed with its corporate seal, and attested by its Town Clerk.

WITNESS my hand and official seal this, the \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary Public

My commission expires:

\_\_\_\_\_

NOTARIAL SEAL:

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_ a notary public of said County and State, do hereby certify that Robert W. Lovern personally appeared before me this day and acknowledged the foregoing instrument was signed and sealed in his name as Member-Manager of RWL 1, LLC.

WITNESS my hand and official seal, this the \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary Public

My commission expires:

\_\_\_\_\_

NOTARIAL SEAL: