

# **Town of Blowing Rock**

## **Planning Board**

Agenda

Thursday October 17, 2019

5:30 p.m.

**Call to Order**

**Approval of Agenda**

**Approval of Minutes**

**Approval of Temporary Chair**

**Business**

**1. Conditional Rezoning 2019 – 02 (GB CZ-GB) – The Village on the Headwaters**

**Other Business**

**Adjournment**

**Draft**

**Planning and Zoning Board**

**Minutes**

**Thursday, July 18, 2019**

**5:30 p.m.**

The Blowing Rock Planning and Zoning Board met on Thursday, July 18, 2019 for their regularly scheduled meeting. Chairman Harwood called the meeting to order at 5:30 pm. Members present were Wes Carter, Don Hubble, Mike Page and Pete Gherini. Members Kim Hartley, Sam Glover, Joe Papa and Harrison Herbst were absent. Staff members present were Town Manager Shane Fox, Planning Director Kevin Rothrock and Planning and Zoning Support Specialist Tammy Bentley.

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

Chairman Harwood asked if there were any changes to the June 26, 2019 meeting minutes. There were none. *Mr. Hubble made a motion to approve the minutes, seconded by Mr. Page.* **All members were in favor of the motion.**

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

Mr. Rothrock gave the staff report and Powerpoint presentation. Lisa Harris, Paul Armbruster, Patsy Ebert, Cherry Point Properties, Dennis Dagenhardt and Andrew Allison are requesting a conditional rezoning of their five properties from R-15, Single-family to CZ-R-6M, Multi-family with a Short-term Overlay District. The properties are located at 8836, 8850, 8860, 8866, and 8874 Valley Blvd, and are further identified by Caldwell County PINs 2817-23-2226, 2817-23-3243, 2817-23-4253, 2817-23-5249-000, and 2817-23-6244-000. Mr. Rothrock said the location of these properties and the adjoining properties makes this situation unique.

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

At the June Planning Board meeting, only 4 of the properties (3 contiguous) had signed on to the rezoning application. Now all 5 contiguous properties are requesting conditional rezoning.

The Applicants have provided conditions and stipulations for short-term rentals that would be conditions of the rezoning if approved.

Mr. Hubble asked if the old application had been withdrawn. Mr. Rothrock said it had not been withdrawn, that the application has been amended to include all 5 properties. Mr. Rothrock advised that the Cherry Point Property did not sign onto the original application

but have now decided to join. Mr. Carter noted this does not replace the request heard last month; that this request is adding one property. Mr. Rothrock said two properties are being added, Cherry Point and Dagenhardt. Mr. Rothrock advised that the Dagenhardt property signed onto the original request, but Cherry Point did not. Mr. Rothrock advised that the Dagenhardt property was not included originally because it was not contiguous to the other 3 properties.

Mr. Paul Armbruster of 8866 Valley Boulevard said he is happy that everyone is on board and thinks this will be good for the neighborhood.

Mr. Hubble asked that the minutes reflect that the following.

1. The property below and to the south is not easily developed,
2. That commercial property lies to the east,
3. That NCDOT owns the property to the west, and
4. That these 5 properties front a four-lane highway.

Mr. Gherini asked the minutes reflect that the fact that at the June meeting Mr. Hubble and Mr. Page said this will not set a precedent; that each application stands on its own. Mr. Rothrock agreed, adding that these properties are uniquely located, and the applicant is imposing limitations on the requested use.

Mr. Carter asked why the property below is not easily developed. Mr. Rothrock said that it is extremely steep. Mr. Carter asked who the owner is. Mr. Rothrock advised Globe Land Company. Mr. Carter asked if there were any comments from neighbors. Mr. Rothrock said there were not. Mr. Hubble noted that none spoke against the request at the June meeting.

Chairman Harwood opened the public comment.

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

*Mr. Page made a motion to recommend to Town Council as presented. The Board discussed the motion.*

Mr. Carter said the property in question must be unique in order to make such a change and this property is absolutely unique. Chairman Harwood said he did not vote to approve last month because not all properties were included. Chairman Harwood thanked the applicant for their tenacity.

*Mr. Gherini reiterated Mr. Page's motion to recommend to Town Council as presented, seconded by Mr. Page. **All members were in favor of the motion.***

### **Other Business**

Mr. Gherini shared information from Mr. E.B. Springs regarding short-term rental legislation before the NC Legislature. Mr. Fox advised that both bills were withdrawn within committee. Mr. Fox said he thinks it will come back a third time.

Mr. Gherini asked Mr. Fox if he and the Town Attorney will look at ramifications of any enacted legislation. Mr. Fox said they would. Mr. Carter asked Mr. Fox if the Town has an opinion. Mr. Fox advised that the Town wants no new legislation and wants to amend

ordinances without a grandfather clause. Mr. Fox added that the passing a budget is holding everything up now in Raleigh.

Chairman Harwood thanked Mr. Fox for the update.

The Board discussed occupancy tax, the remittance thereof and how best to ensure taxes due are remitted.

Mr. Hubble asked when the Planning Board will receive formal recommendations from the ad hoc committee. Mr. Rothrock said he did not think there is anything in the Planning Board's purview. Mr. Gherini confirmed. Mr. Rothrock advised that the focus is on Valley Boulevard, adding the committee is looking for direction and looking into hiring an urban planner.

Mr. Gherini asked for an update on 1150 Main Street. Mr. Rothrock said the building permit application has been received and he is working with the engineer on the site plan and running the sewer up Pine Street. Mr. Rothrock added that the building permit application is for the front building only.

Mr. Gherini asked for an update on Rainey Lodge. Mr. Rothrock advised the letter of decision was issued within two weeks of the Town Council decision. Mr. Rothrock said he anticipates an appeal.

Mr. Hubble asked for an update on the Bass Lake sidewalk. Mr. Rothrock advised we are trying to track down an easement and when that is done, we will contact NCDOT. He added that we are also working with the Middle Fork Greenway and had met with them this week. Mr. Rothrock said they hope to start next year.

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

Chairman Harwood adjourned the meeting at 6:10 p.m.

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Chairman David Harwood

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Tammy Bentley  
Planning & Zoning Support Specialist

## **Blowing Rock Planning Board**

### **STAFF REPORT**

**Project:** CZ 2019-02 Conditional Rezoning from GB to CZ-GB  
**Meeting Date:** October 17, 2019  
**Applicant:** Headwaters of the New River, LLC  
**Staff:** Kevin Rothrock, Planning Director

### **REQUEST**

The Headwaters of the New River, LLC is requesting a conditional rezoning of the former New River Inn property from General Business to Conditional Zoning – General Business (CZ-GB). The 4.926-acre property is located at 6875 Valley Boulevard. The Applicant is proposing to renovate the former New River Inn office building for use as 4 Forty Four's office building and construct several residential cottages and treehouses. The property is further identified by Watauga County PINs 2818-31-4831-000.

#### ***General***

The Applicant is seeking the conditional rezoning to make use of the former New River Inn property by reconstructing and adding to the existing office building along Hwy 321, future construction of another office building, and the construction of up to 10 residential units – both cottages and treehouses.

The Applicant is requesting a 5-year vested rights period upon approval of the rezoning application to allow phasing of the development in response to capital investment and market conditions.

#### ***Setbacks***

The setback on Hwy 321 is 20 feet from the right-of-way and the side/rear setbacks on the property is 8 feet. The proposed project meets all setback requirements.

#### ***Floodway/Stream Impacts***

The existing office building is located partially in the 100-year floodway. All new construction will not expand the current footprint and will not add to the floodway encroachment. A flood study and/or certification will be required to verify the new construction will meet the Town's floodplain ordinance.

#### ***Architectural Design***

All building materials as proposed on the office building, cottages and treehouses are consistent with the commercial design standards and colors in the Land Use Ordinance. The proposed office building is designed with a photovoltaic solar panel system on the south facing roof. This system will provide 100% of the daily power needs of the office.

### ***Access***

Access to the site will be from the current driveway entrance of Hwy 321. The alignment will be shifted slightly to improve connection to the bridge. There is an existing south bound left turn lane for traffic approaching from Boone and the Blue Ridge Parkway. Access to the remainder of the property will be across the existing bridge/culvert and will follow the existing road to the proposed cottages and treehouses. The existing grade on the first hill is approximately 20% and the Applicant is proposing adjusting the road grade to not more than 15% to meet Town Code.

### ***Parking***

The proposed uses in the initial phases of the project require 38 parking spaces and there are 44 spaces proposed. The future office building requires at least 5 spaces and there is room on the site to provide up to 6 additional spaces when this construction is pursued.

### ***Storm Water***

The storm water runoff from the site will be conveyed to an onsite detention system and released to the New River, consistent with the Land Use Ordinance.

### ***Utilities***

A sewer pump station will be installed adjacent to the office building and will be pumped under the road to the force main on the west side of 321. Main lines on the project site will be public except for individual residential connections.

All electrical service lines will be provided underground.

### ***Garbage Collection***

Garbage collection will be through roll-out containers and will be picked up by a private service or Town crews.

### ***Greenway Connection***

The Applicant is committed to providing and gifting an easement for the Middle Fork Greenway across the property.

### ***Landscaping***

A detailed landscape plan will be submitted for construction drawings. Tree removal on the property will be minimized as the proposed treehouses will be built on posts to reduce grading impacts.

### ***Applicant Proposed Conditions***

1. 5-year vested right to commence all phases of the project.
2. Ability to mix the number of cottages and treehouses on the site to meet market demands.
3. Ability to alter the location of the residential uses as long as the fire apparatus distance requirements are met.
4. Use of the proposed photovoltaic solar system on the southern roof of the office building.

## **ATTACHMENTS**

1. Site and architectural plan package (dropped off or picked up)
2. Letter dated October 7, 2019 from 4 Forty Four President, Kevin Troyer



October 7, 2019

Mr. Kevin Rothrock  
Planning Director  
Town of Blowing Rock  
PO Box 47  
Blowing Rock, NC 28605

RE: The Village on the Headwaters  
Conditional Zoning - Requested Conditions

Dear Mr. Rothrock:

With respect to the aforementioned project, the applicant, The Headwaters of the New River, LLC, requests the following four conditions to be applied to the application and become a part of the ordinance:

1. **Vested Right Period:** In accordance with NCGS 160A-3851.1(d)(2), the applicant is requesting a vested right of five (5) years. This condition is in response to the size and phasing of the development, level of investment, and anticipated market conditions.
2. **Mixture of Residential Units:** The application contains the following mix of residential units:
  - a. One 1-bedroom cottage Requires 1.5 parking spaces
  - b. Three 2-bedroom cottages Requires 6 parking spaces
  - c. Three 1-bedroom treehouses Requires 4.5 parking spaces
  - d. Three 2-bedroom treehouses Requires 6 parking spaces

Number of units = 10

Number of parking spaces required = 21 (includes 3 spaces to satisfy the requirement of 1 space per 4 units)

As market conditions evolve and end user desires are determined, conditions may warrant a change in the mix of cottage to treehouses and further, the mix of 1-bedroom units versus 2-bedroom units. The applicant requests the right to change this mix during the vested right period as long as the number of units does not exceed ten and/or the number of parking spaces required does not exceed the amount actually provided. Such a change shall be accommodated administratively by the Planning Director.

3. **Placement of Residential Units:** The application indicates the location and orientation of each residential unit. As the development evolves it may be necessary to modify the location and orientation of treehouses and cottages. Factors that may necessitate the relocation of units include, but not limited to, topography, subterranean conditions, specimen tree locations and viewsheds. The applicant requests the right to change the location of the residential units to accommodate these conditions. The Town of Blowing Rock has prescribed that all portions of the residential units' first floor exterior walls should be within 200 feet, or less, from the point of



access of the fire apparatus [fire truck]. This distance is measured along the path of travel. Any relocation of cottages and/or treehouses will continue to adhere to this distance requirement. Such a change in location and/or orientation shall be accommodated administratively by the Planning Director.

4. **Photovoltaic system on the office building:** A photovoltaic system employs solar modules, each comprising a number of solar cells, which generate electrical power. The applicant desires to use clean energy where applicable in this development. The south facing roof plane of the office building is ideal for the placement of solar panels. It is anticipated that this roof plane will provide sufficient square footage for panels that will generate 100% of the daytime power requirements for the office building. Currently, the Blowing Rock Town Code limits roof plane coverage to 20%. The applicant requests the right to utilize 100% of the south facing roof plane for photovoltaic panels as a condition of the ordinance.

Thank you for your attention to these requests. Should you have questions or need clarification, please contact David Harwood at Sketchline Architecture, PLLC. David can be reached at (828) 729-3290.

Sincerely,



Kevin Troyer  
President & CEO