

STAFF REPORT

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

FROM: Kevin Rothrock, Planning Director

SUBJECT: CUP 2015-02 Moody Building Renovation - Amendment

APPLICANT: RWL 1, LLC

DATE: June 14, 2016

REQUEST

RWL 1, LLC requesting an amendment to the conditional use permit that was approved in 2015 to convert the old Moody Furniture building to a restaurant/retail establishment. The subject properties will be a combination of 125 Sunset Drive, 127 Sunset Drive and 153 Sunset Drive. The properties are zoned CB, Central Business and are located in the WS-IV-PA water supply watershed. The properties are further identified by Watauga County PINs 2807-98-3020-000 and 2807-98-3068-000.

The Applicant, Mr. Bob Lovern is planning to scale down the size of the project and preserve more of the existing front of the building.

SITE PLAN

Setbacks

The applicable street setback along Sunset Drive is 15 feet, and the side and rear setback is 5 feet. The front of the existing building, including the porch, currently encroaches into the street setback. The front porch will remain in its current footprint but the new decks on each side of the building will encroach into the 15 foot street setback by approximately four feet. A setback waiver will be needed to approve the proposed encroachment.

Building Layout

A kitchen will be added behind the proposed terrace on the east side of the building. An addition is also planned for the west side of the building designed for new bathrooms. This addition will have a separate entrance to Sunset Drive. There will also be a new deck on the west side and north side of the building.

Parking/Access

Based on the proposed uses, the building square footage and any parking credits calculated on previous property uses, 7 parking spaces are required for this project. Restaurant use was used to calculate the parking. If retail is the ultimate use of the property, the parking will be more than sufficient to meet the Land Use Code.

The applicant is proposing 20 parking spaces, one (1) being an ADA van-accessible space. The applicant is reserving parking spaces for off-site apartments and off-site retail within the excess spaces in the parking lot.

The parking lot access will be from Sunset Drive and is currently shown with a two-way driveway. Staff is recommending a one-way driveway entering in from Sunset and exiting the property out the back of the parking lot into the Maple Street parking lot. This will avoid site distance issues exiting onto Sunset Drive.

Utilities/Storm Water

Any lighting for the site will be provided by the coach light standard common to other projects in Town.

Storm water will be collected in the parking lot and directed to underground detention system designed to meet Town Code standards. The drainage from storm events will be detained and released to a new drainage system in Sunset Drive that will be installed from the parking lot, down Sunset Drive to the Maple Street intersection. Despite the plan designs showing 4x6 landscape timbers, any storm water in the parking lot must be conveyed to drainage structures by curb and gutter.

Landscaping

The Code requires a four (4) foot buffer between the site and the adjacent properties and shade trees in and around the parking lot perimeter. The original landscape plan is attached for review.

A four-foot buffer waiver along the western property line was approved with the original CUP. The revised site/landscape plan still requires the approved waiver, but some minor landscaping will be possible between the walkway and the western property line.

Architectural

The applicant proposes to use materials that are complimentary to the Moody building including a hardi plank siding board with a 12 inch profile to closely match the existing siding. The applicant is also attempting to match the metal roofing as close as possible with a new metal roof since the current roof is leaking.

The enclosed plans show an uncovered outdoor dining terrace on the east side of the building.

WAIVERS REQUESTED

The applicant is requesting a waiver of four (4) feet of the street setback along Sunset Drive to allow the addition of a dining terrace and access deck.

ATTACHMENTS

1. Draft CUP amendment
2. Moody CUP Amendment Plans May 2016
3. Moody CUP Original Approved Plans

NORTH CAROLINA

WATAUGA COUNTY

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

On the date listed below, the Board of Commissioners of the Town of Blowing Rock met to review and consider a request to amend the Conditional Use Permit that was previously approved for the Moody Building Renovation project. The original Conditional Use Permit was approved on October 13, 2015.

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: June 14, 2016

Having heard all of the evidence and arguments presented at the above-referenced meeting, the Town Council finds that the application for CUP amendment 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 ____) and architectural plans (dated ____) 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 11 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. This encroachment is less than the previous waiver approved with the original plans. 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. 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.
 5. 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 20 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) excess parking spaces on site.

6. The site landscaping shall be installed consistent with a revised landscape plan that matches the revised site 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.

7. 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 the original Conditional Use Permit and this amendment.

8. 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.

9. 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.

10. Except as expressly modified herein, all other terms and conditions of the original Conditional Use Permit approved by the Board of Commissioners for the Moody Building Renovations on October 13, 2015, and recorded at Book of Records 1846, Page 334 of the Watauga County Public Registry shall remain unchanged.

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.

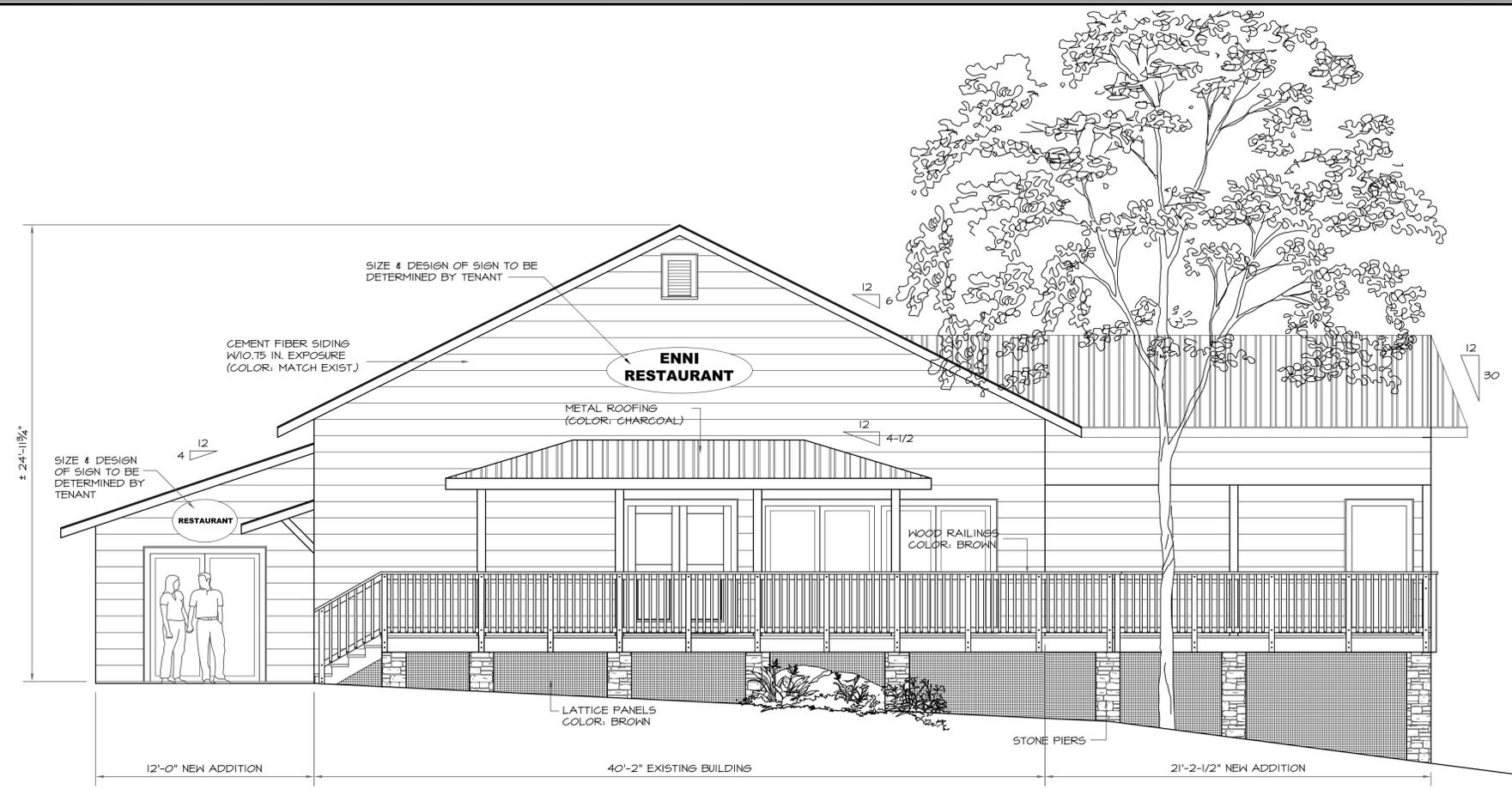
WITNESS my hand and official seal, this the _____ day of _____, 2015.

Notary Public

My commission expires:

NOTARIAL SEAL:

**2016
Amended
Plans**



1 APPROVED SOUTH (SUNSET STREET) ELEVATION
SCALE: 1/4" = 1'-0"

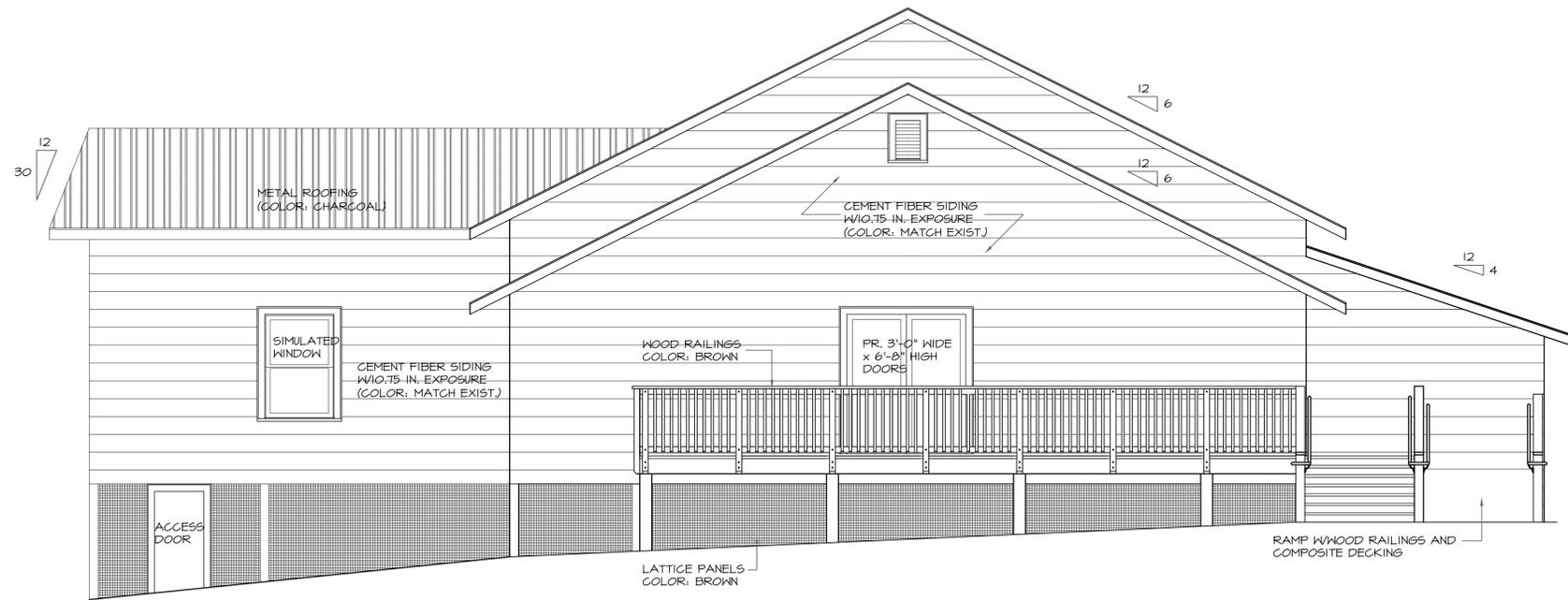


2 PROPOSED SOUTH (SUNSET STREET) ELEVATION
SCALE: 1/4" = 1'-0"

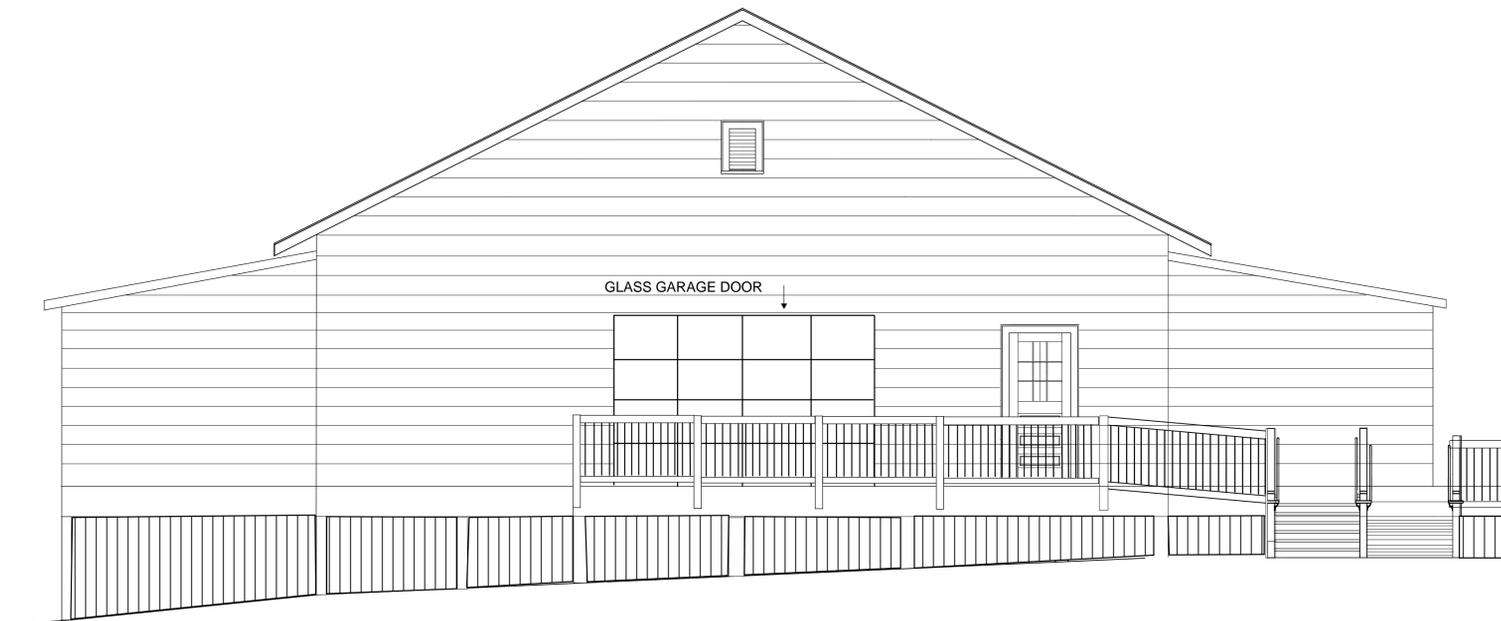
ALTERATIONS & ADDITIONS TO
THE MOODY BUILDING
125 SUNSET DRIVE
BLOWING ROCK, NORTH CAROLINA 28605

No.	Revision Date
1	08.06.2015
2	08.19.2015
3	08.30.2015
4	09.14.2015

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Project No: GA1501



1 APPROVED NORTH ELEVATION
SCALE: 1/4" = 1'-0"



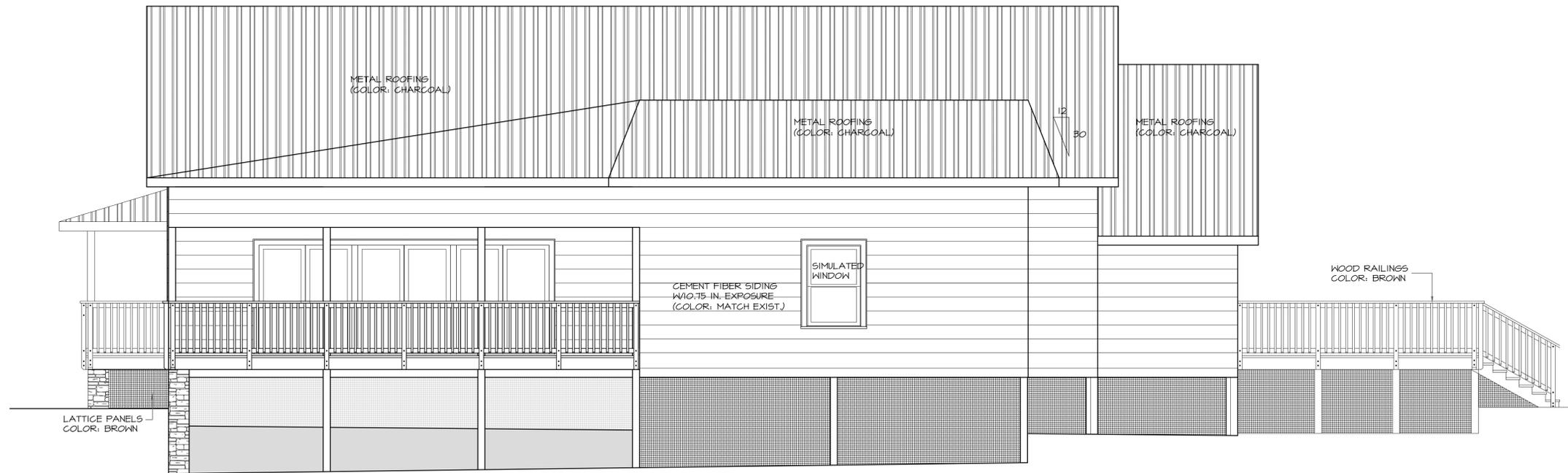
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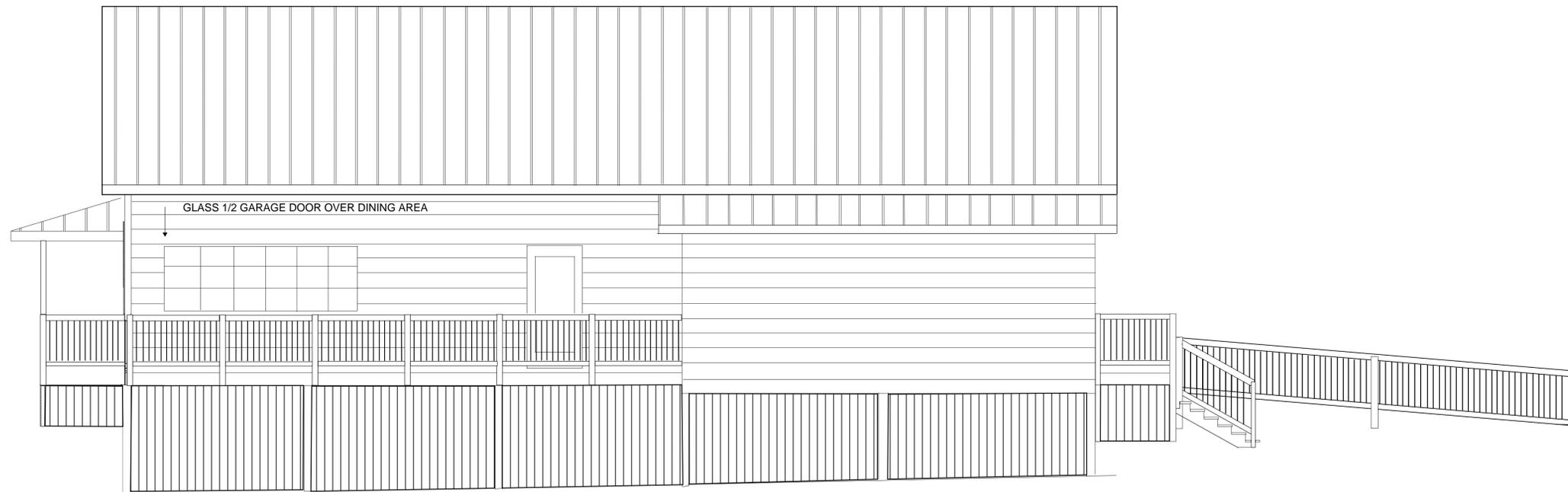
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1 APPROVED EAST ELEVATION
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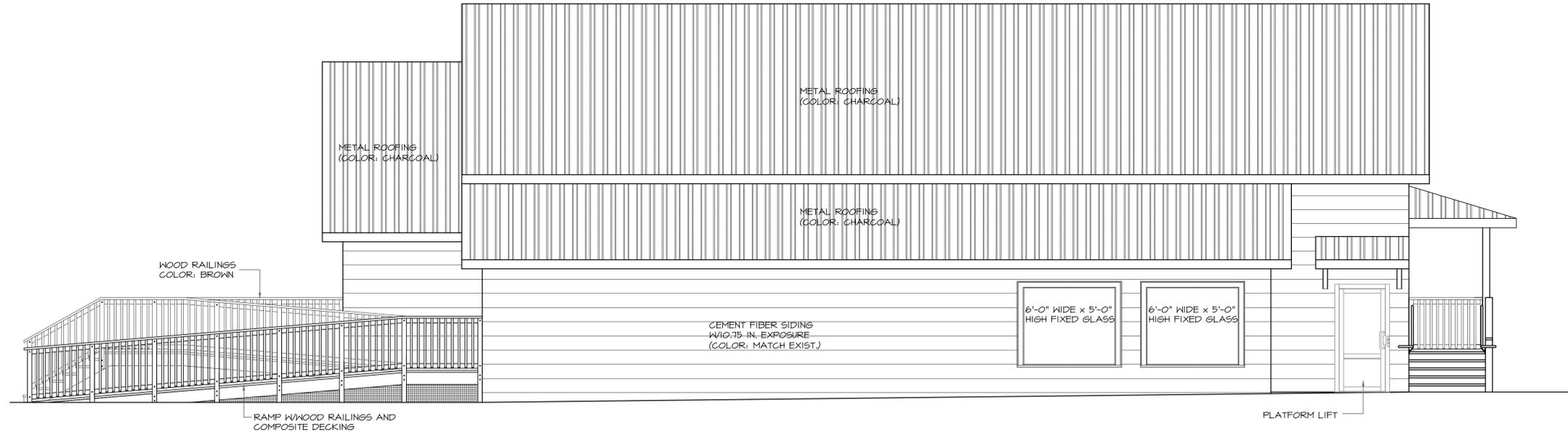
2 PROPOSED EAST ELEVATION
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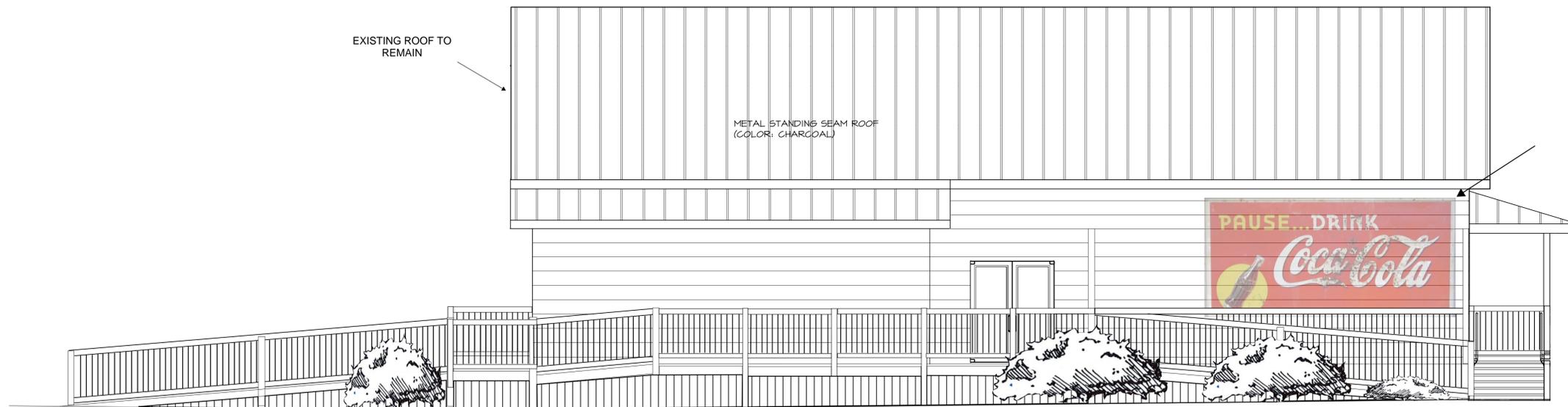
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1 APPROVED WEST ELEVATION
SCALE: 1/4" = 1'-0"



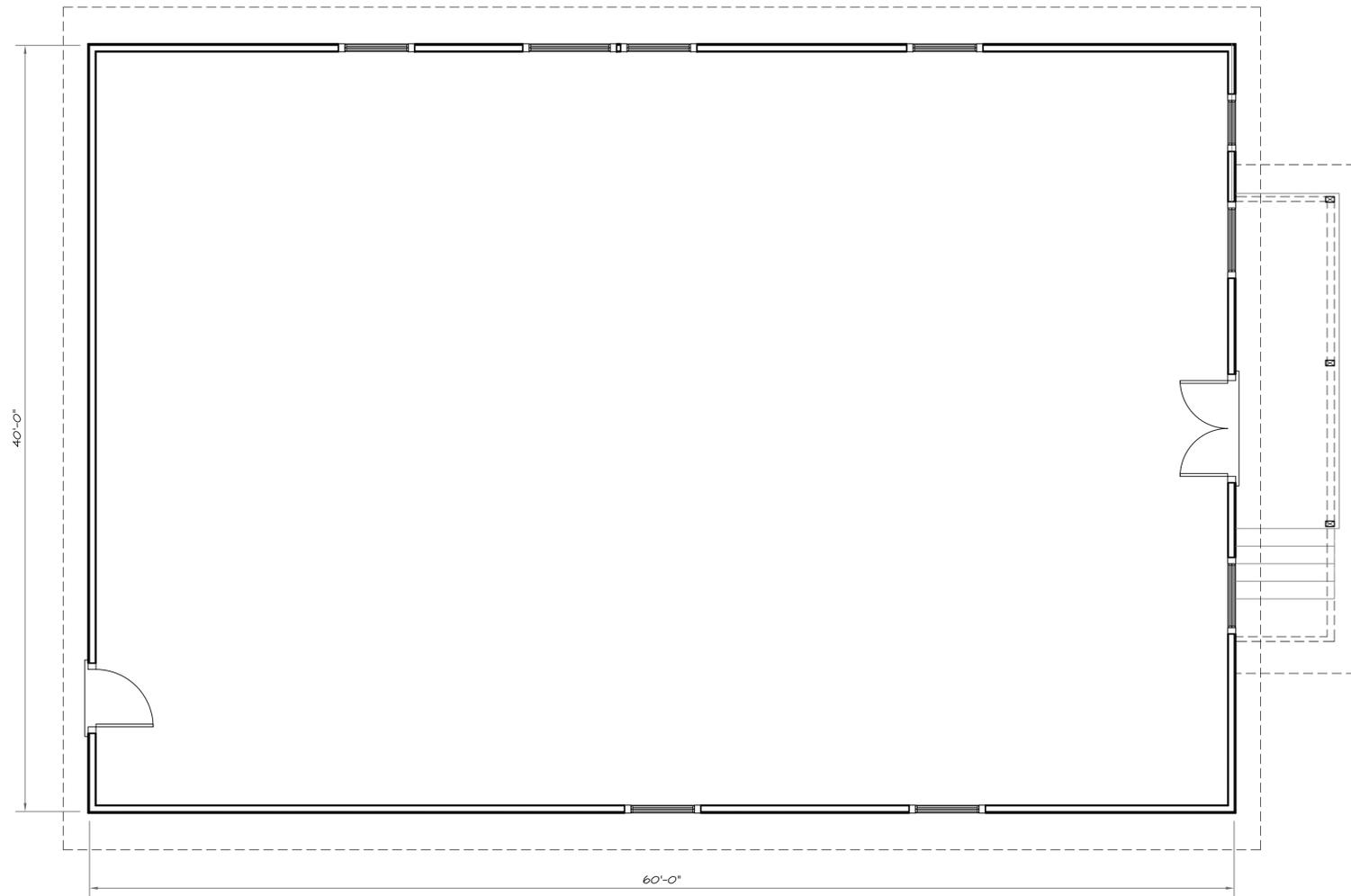
2 PROPOSED WEST ELEVATION
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1 PLAN OF EXISTING BUILDING
SCALE: 1/4" = 1'-0"



GREENE ARCHITECTURE
 POST OFFICE BOX 711, 131-2 MORRIS STREET
 BLOWING ROCK, NORTH CAROLINA 28605
 PHONE: 828-299-9192 FAX: 828-299-9193

ALTERATIONS & ADDITIONS TO
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 125 SUNSET DRIVE
 BLOWING ROCK, NORTH CAROLINA 28605

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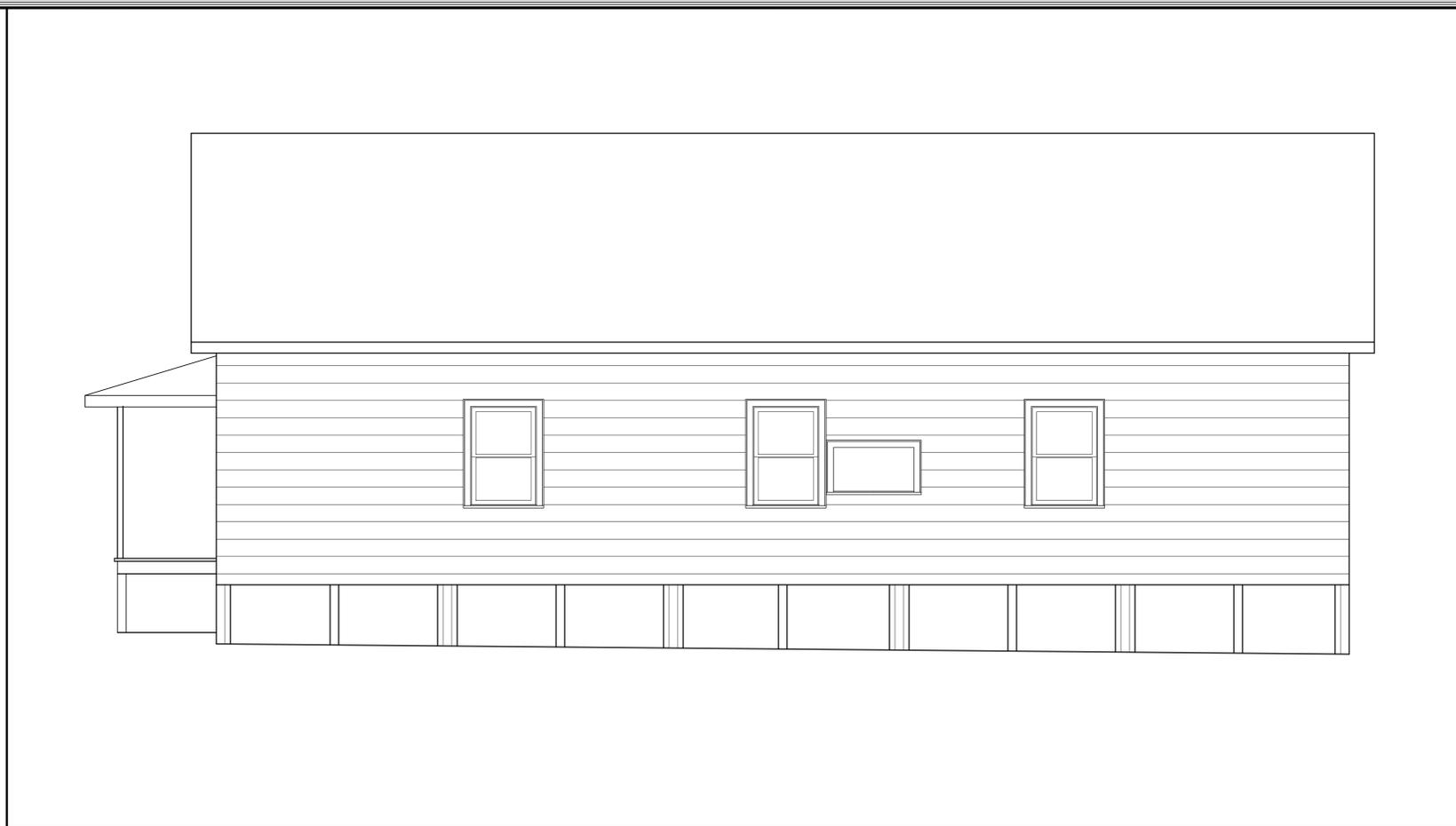
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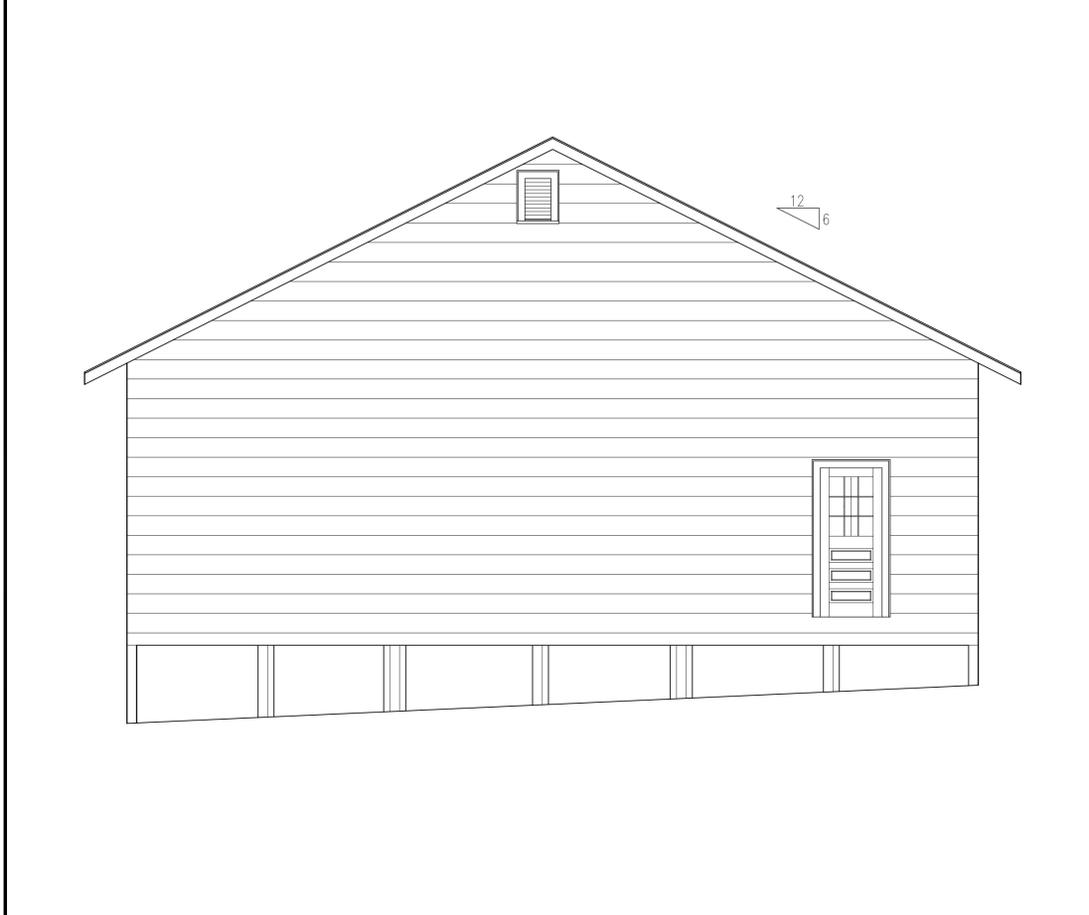
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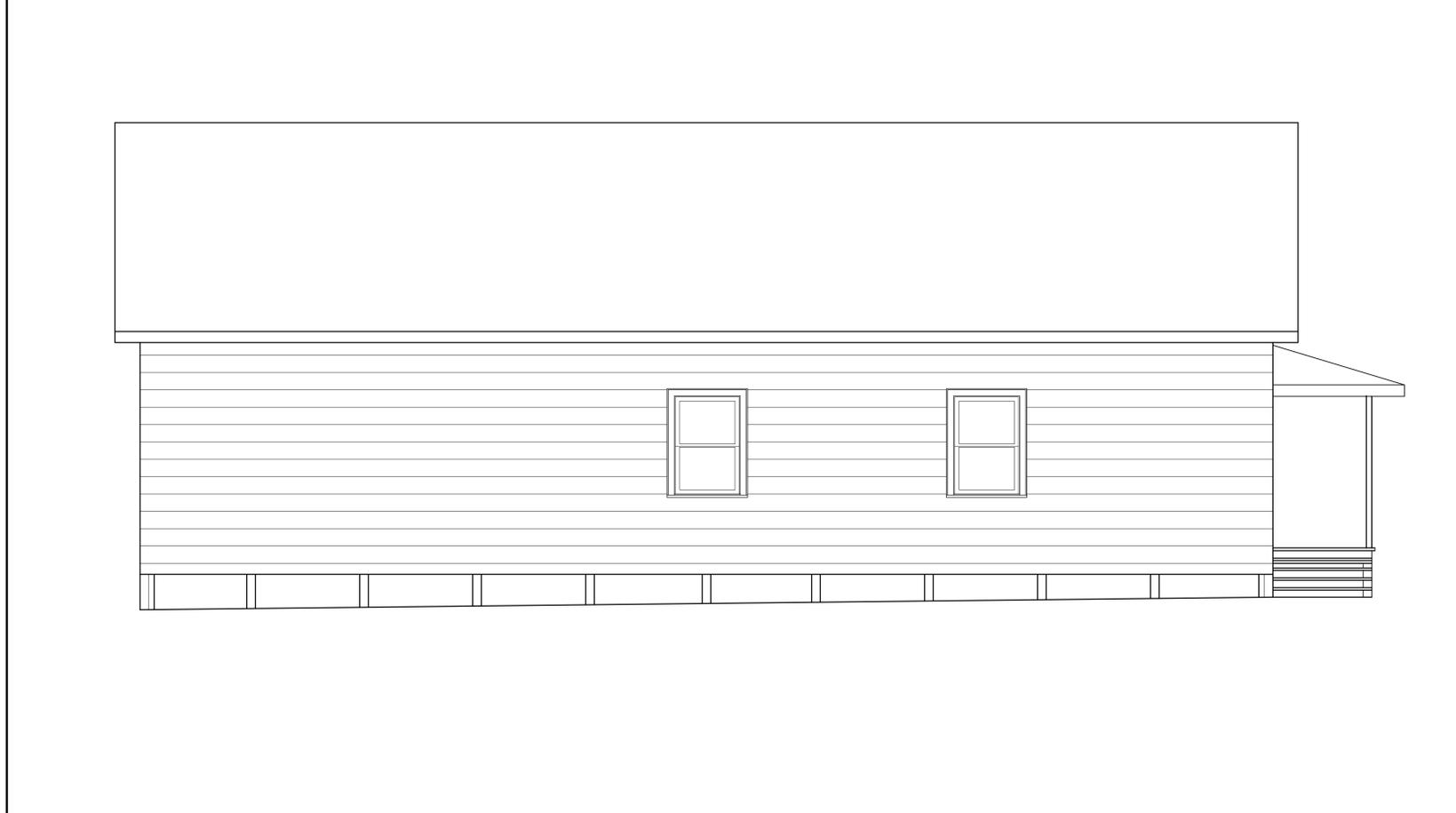
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3 EXISTING NORTH ELEVATION
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4 EXISTING WEST ELEVATION
SCALE: 1/4" = 1'-0"



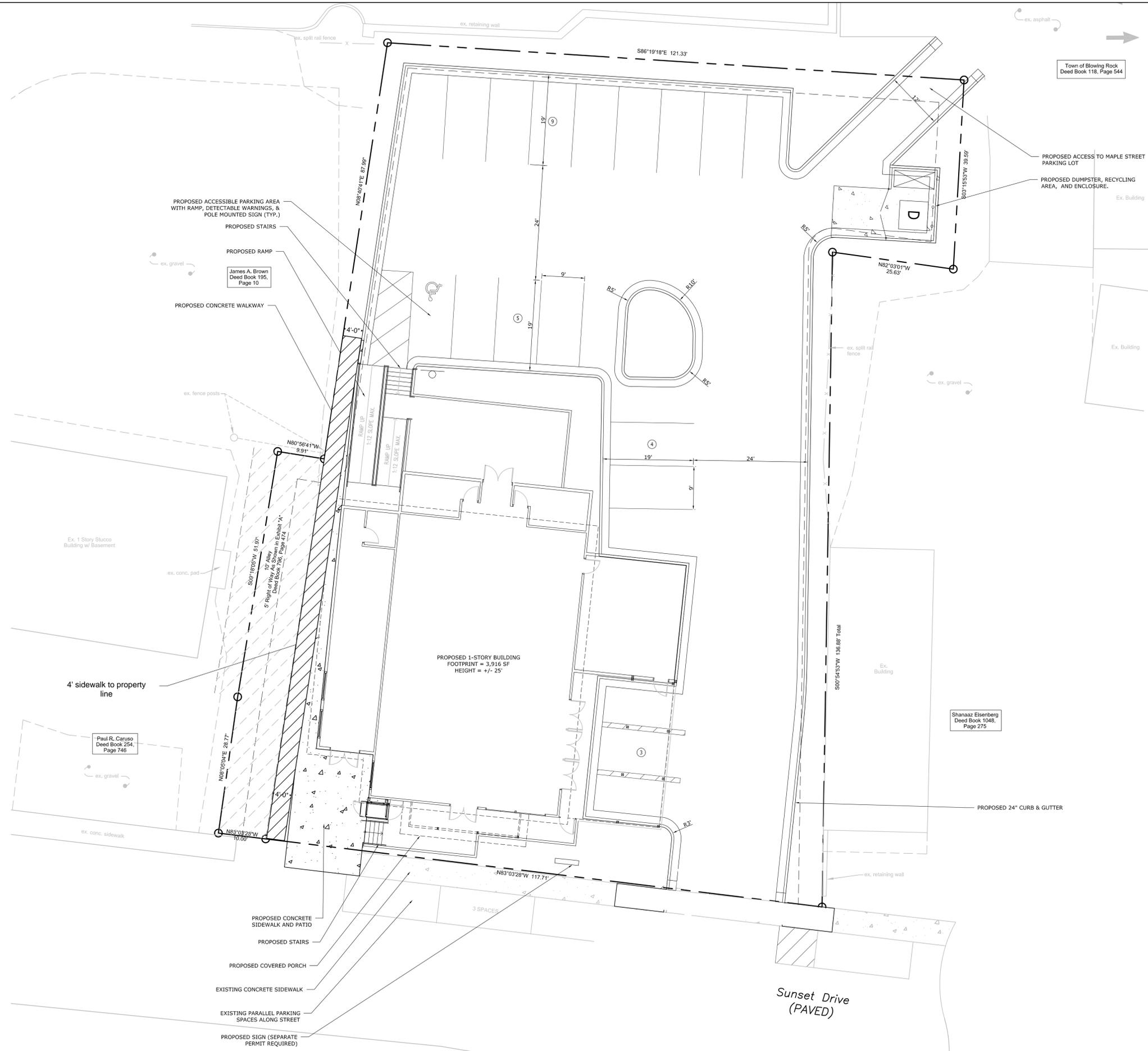
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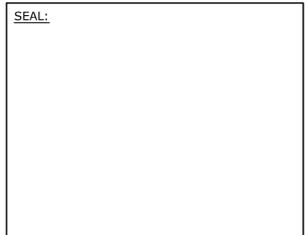
Project No: GA1501



PROJECT:
Moody Furniture Building
A Commercial Development

ADDRESS:
 Sunset Drive in Blowing Rock, NC

DEVELOPER:
Bob Lovern
 629 Idlewyld Drive
 Fort Lauderdale, FL



CUP APPROVED SITE PLAN

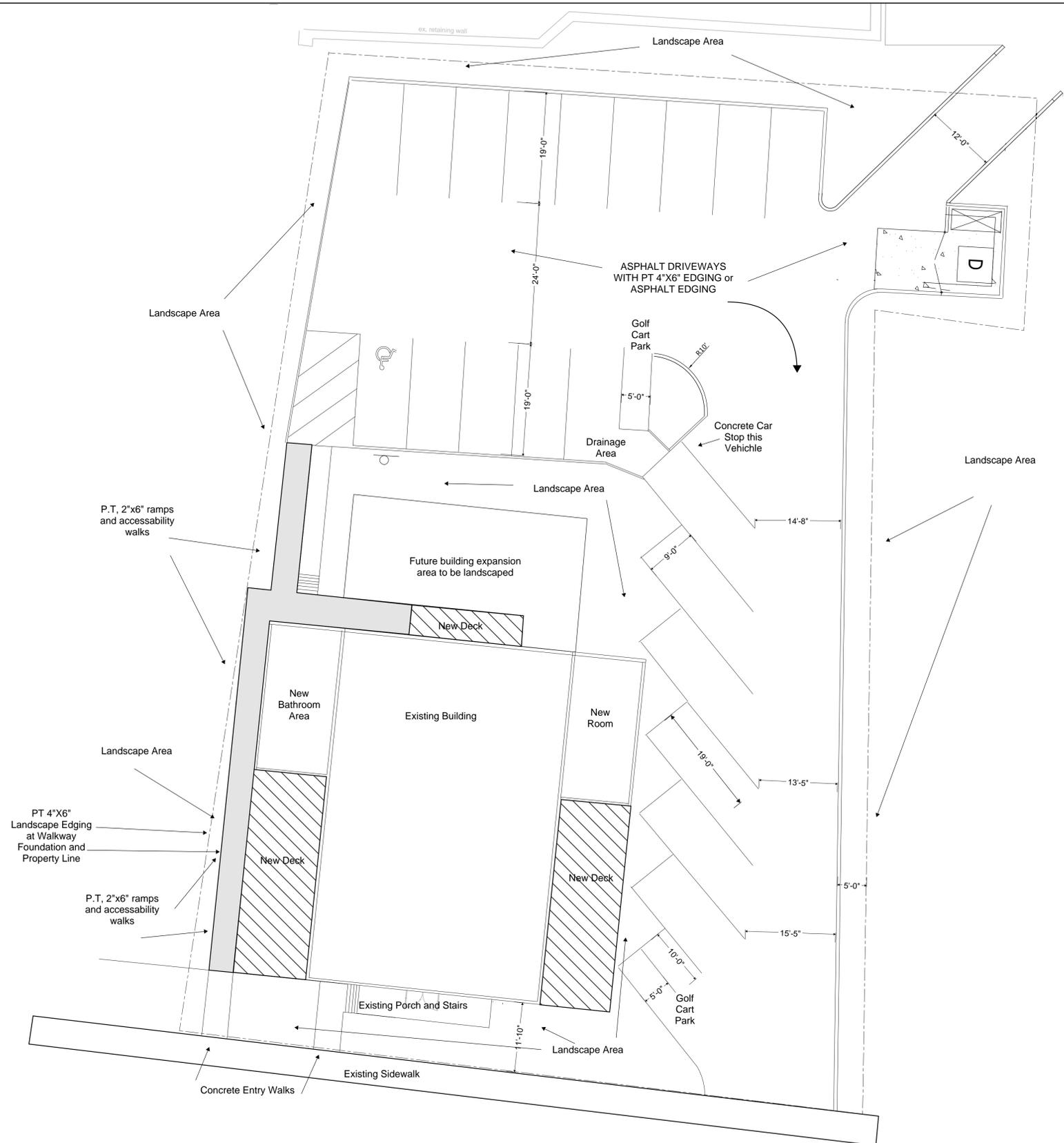
REVISIONS	DATE

PROJECT MANAGER: _____
DRAWING BY: _____
JURISDICTION: TOWN OF BLOWING ROCK
DATE: _____
SHEET TITLE: _____

SITE PLAN

SHEET NUMBER: _____

SCALE: 1" = 10'
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 SCALE IN FEET



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Moody Furniture Building
A Commercial Development

ADDRESS:
 Sunset Drive in Blowing Rock, NC

DEVELOPER:
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 Fort Lauderdale, FL

SEAL:

SEAL:

CUP PROPOSED SITE PLAN

REVISIONS	DATE

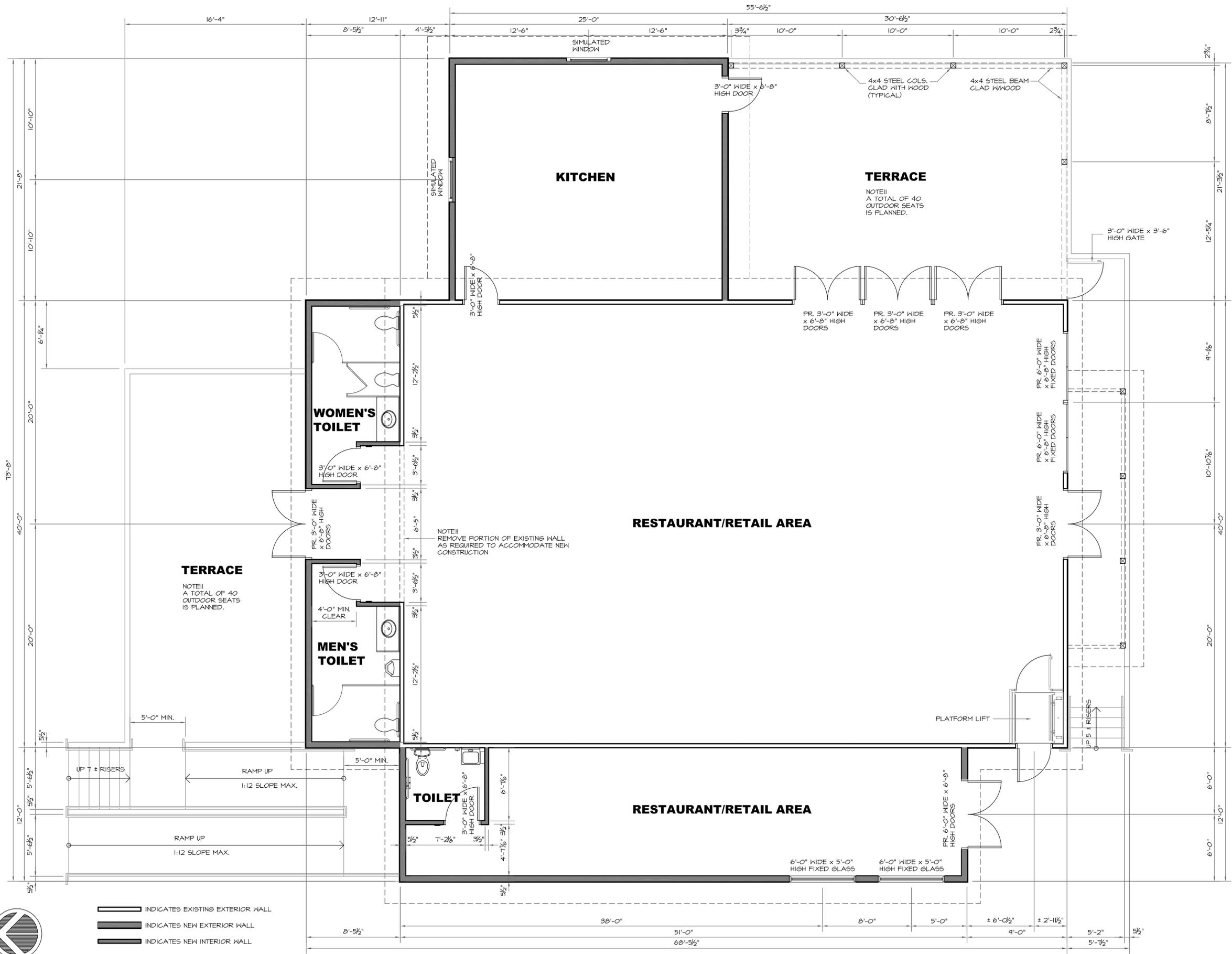
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SITE PLAN

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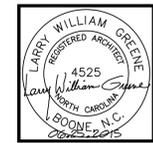


2015
Original
Approved
Plans



- INDICATES EXISTING EXTERIOR WALL
- INDICATES NEW EXTERIOR WALL
- INDICATES NEW INTERIOR WALL

1 PROPOSED FLOOR PLAN
SCALE: 1/2" = 1'-0"

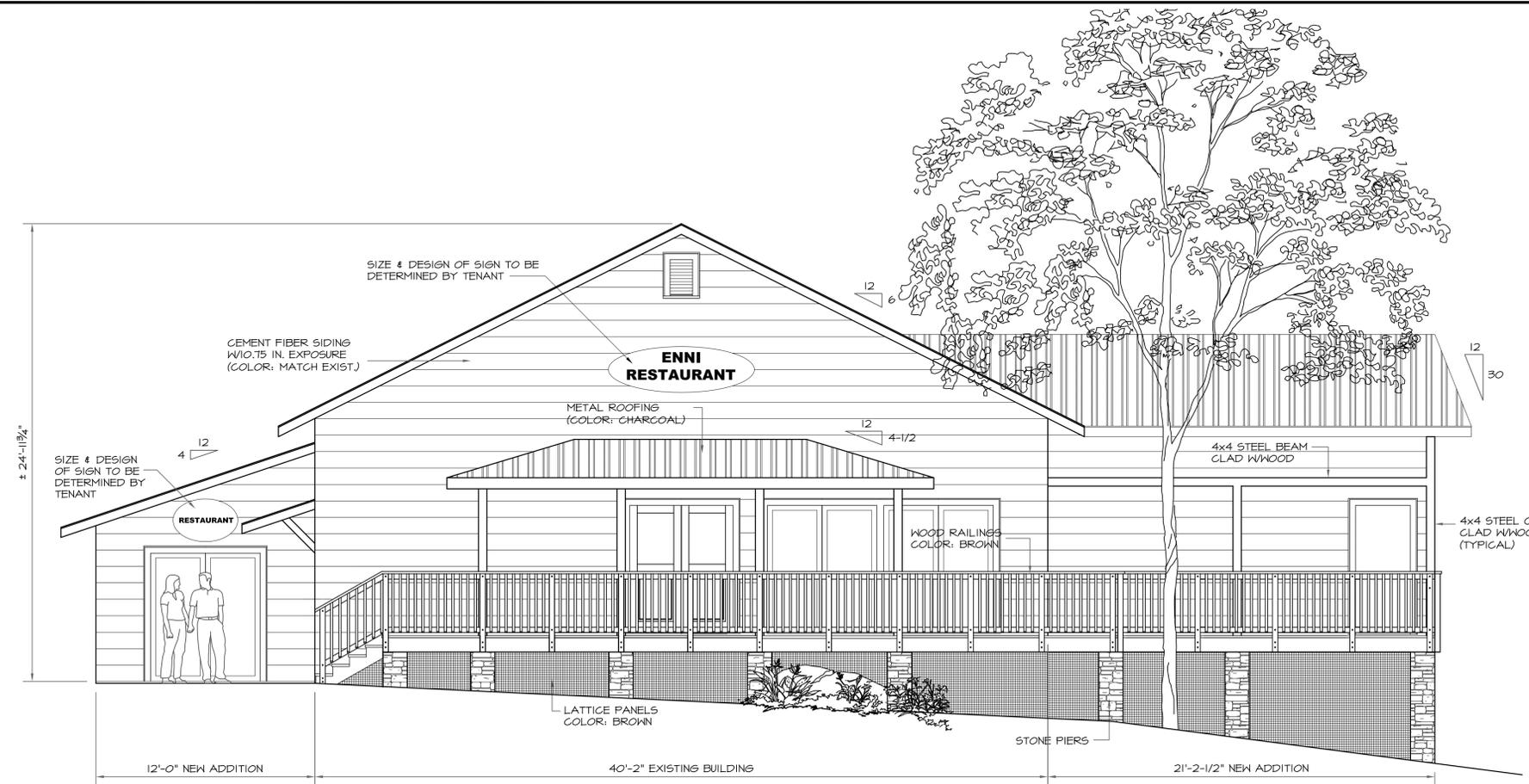


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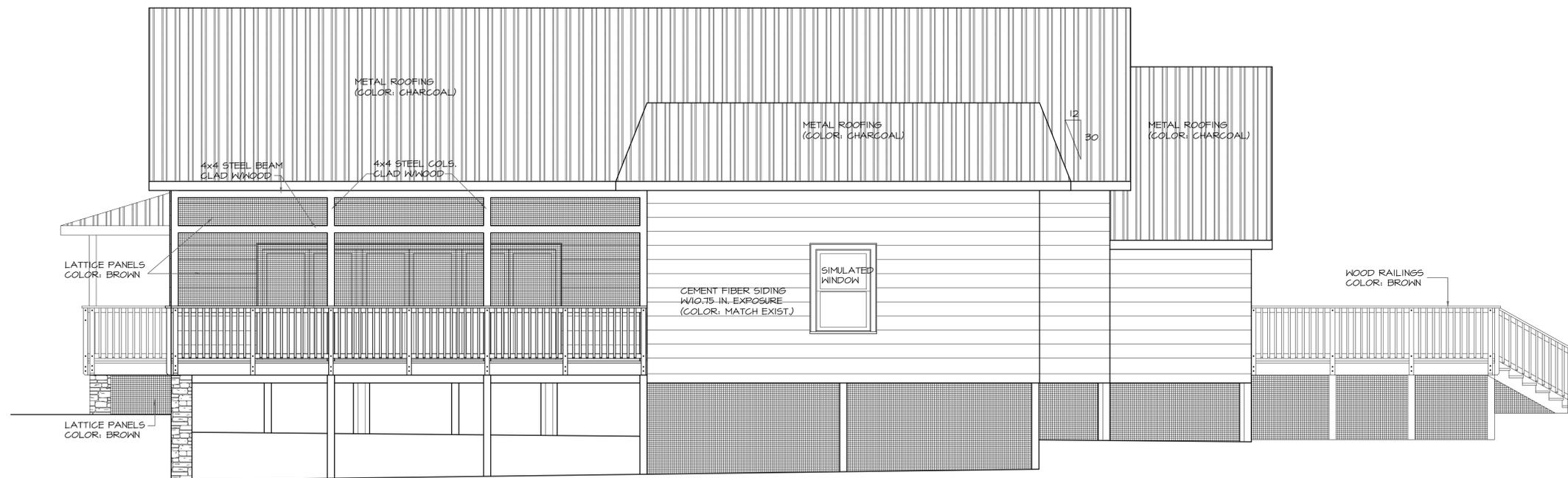
ALTERATIONS & ADDITIONS TO
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2	08.06.2015
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1 PROPOSED SOUTH (SUNSET STREET) ELEVATION
SCALE: 1/4" = 1'-0"



2 PROPOSED EAST ELEVATION
SCALE: 1/4" = 1'-0"



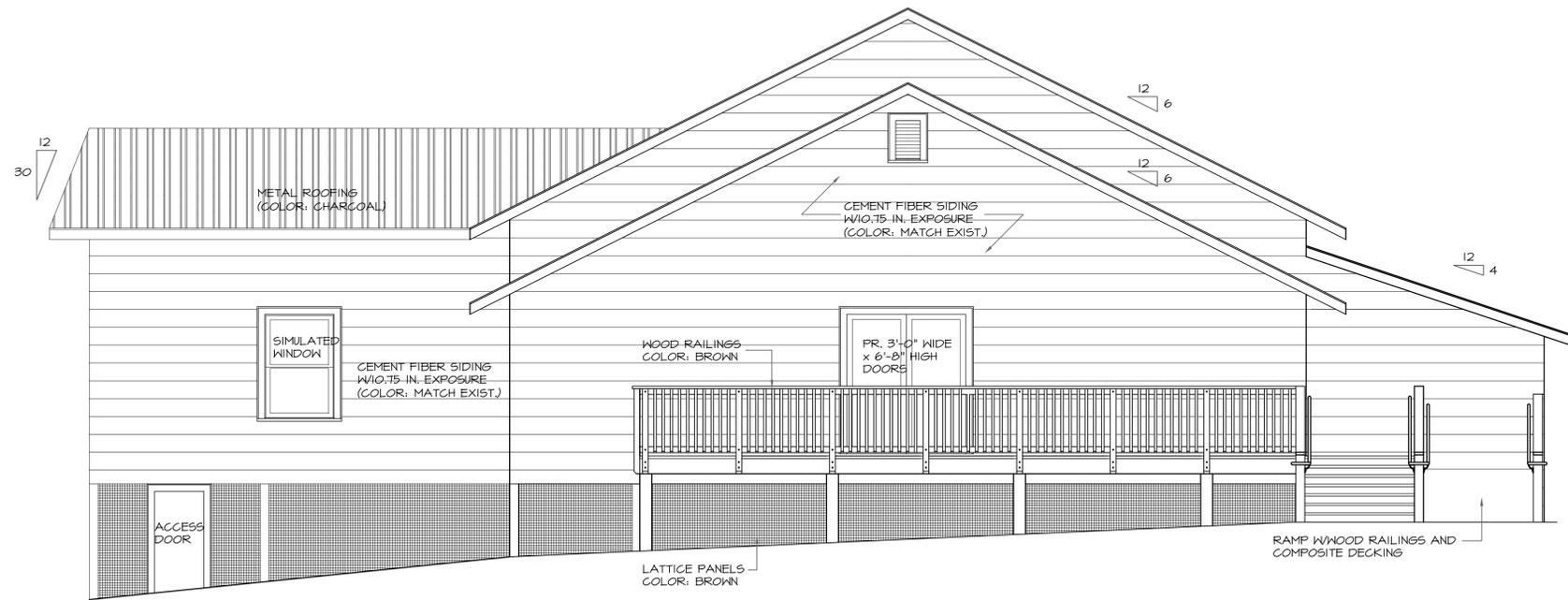
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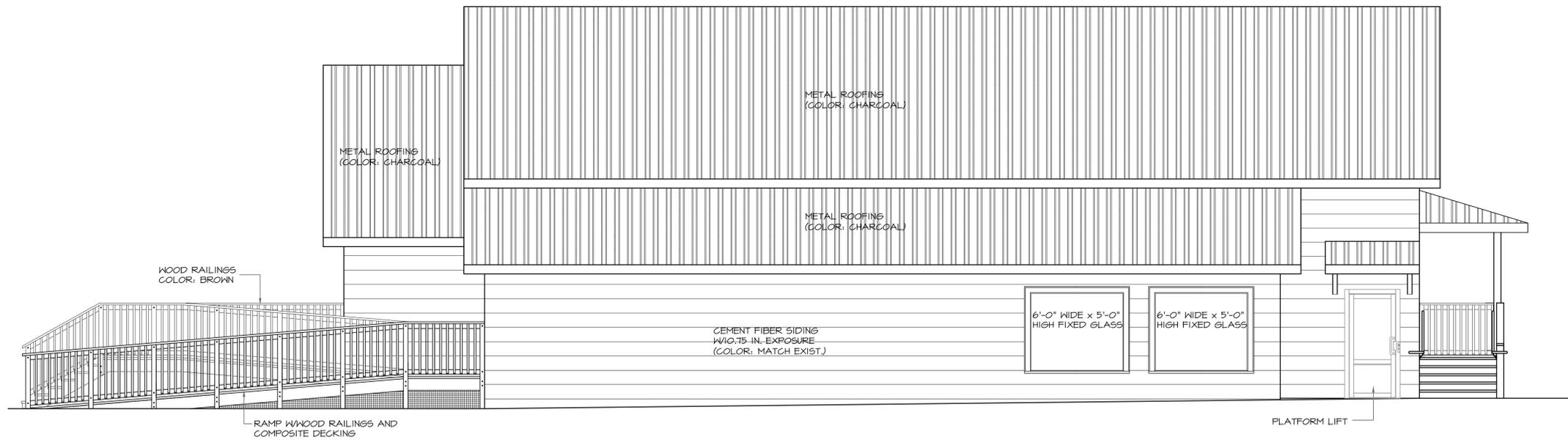
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1 PROPOSED NORTH ELEVATION
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2 PROPOSED WEST ELEVATION
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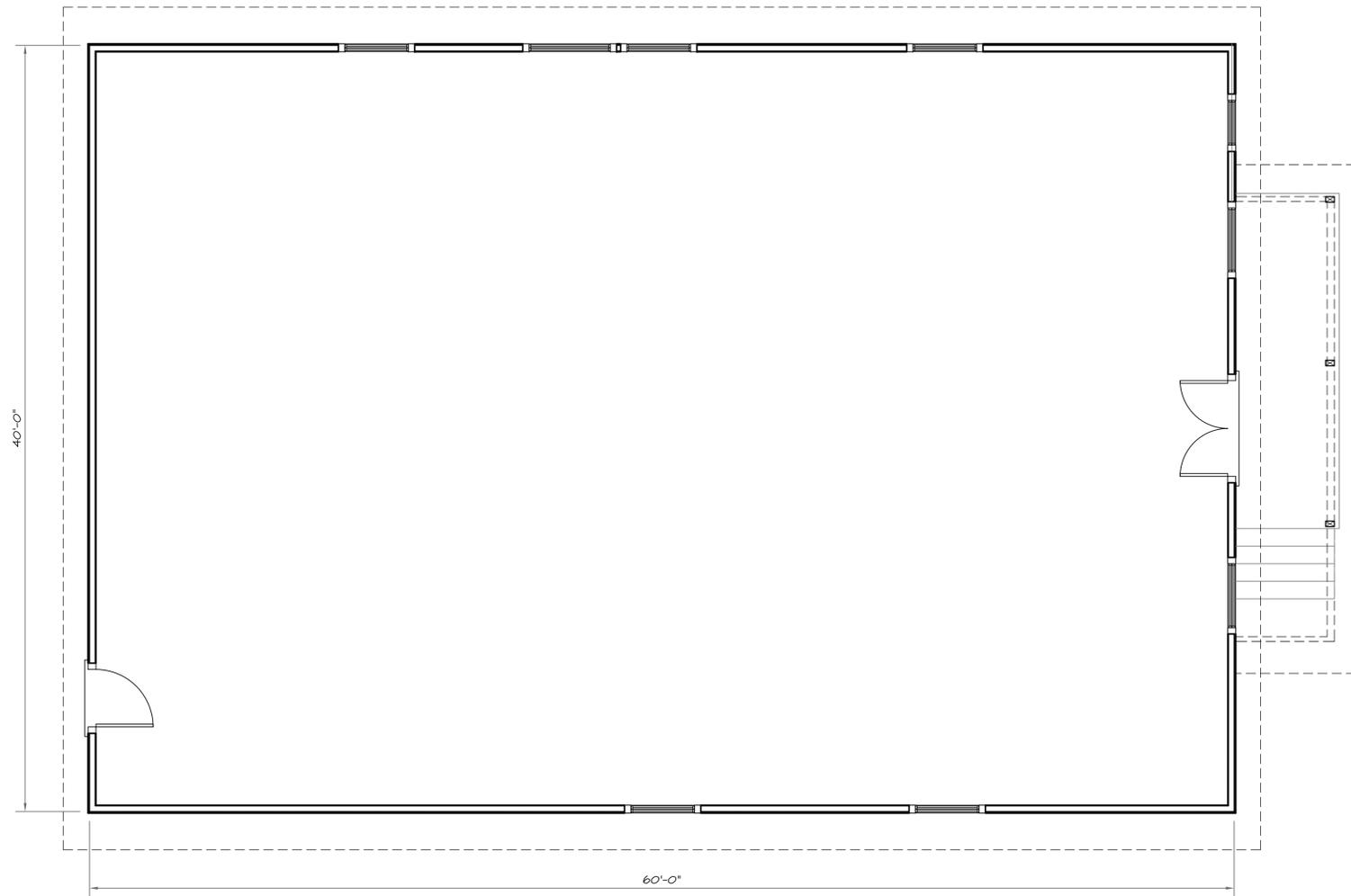
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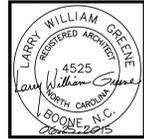
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1 PLAN OF EXISTING BUILDING
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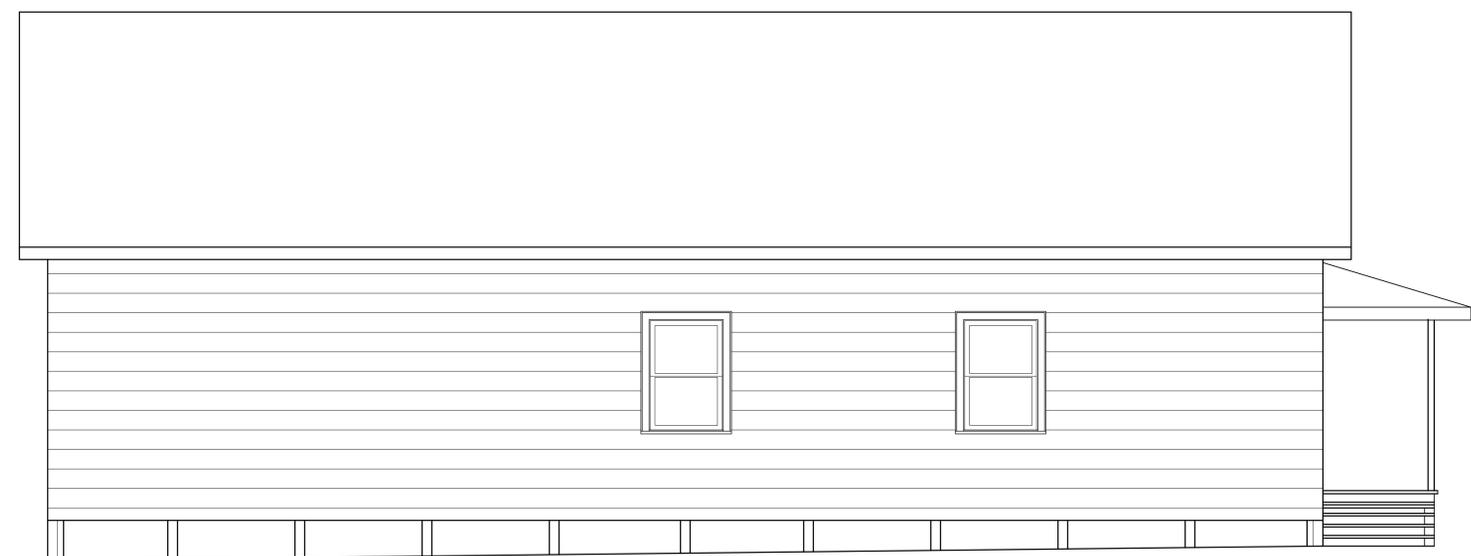
1 EXISTING SOUTH (SUNSET STREET) ELEVATION
SCALE: 1/4" = 1'-0"



2 EXISTING EAST ELEVATION
SCALE: 1/4" = 1'-0"



3 EXISTING NORTH ELEVATION
SCALE: 1/4" = 1'-0"



4 EXISTING WEST ELEVATION
SCALE: 1/4" = 1'-0"



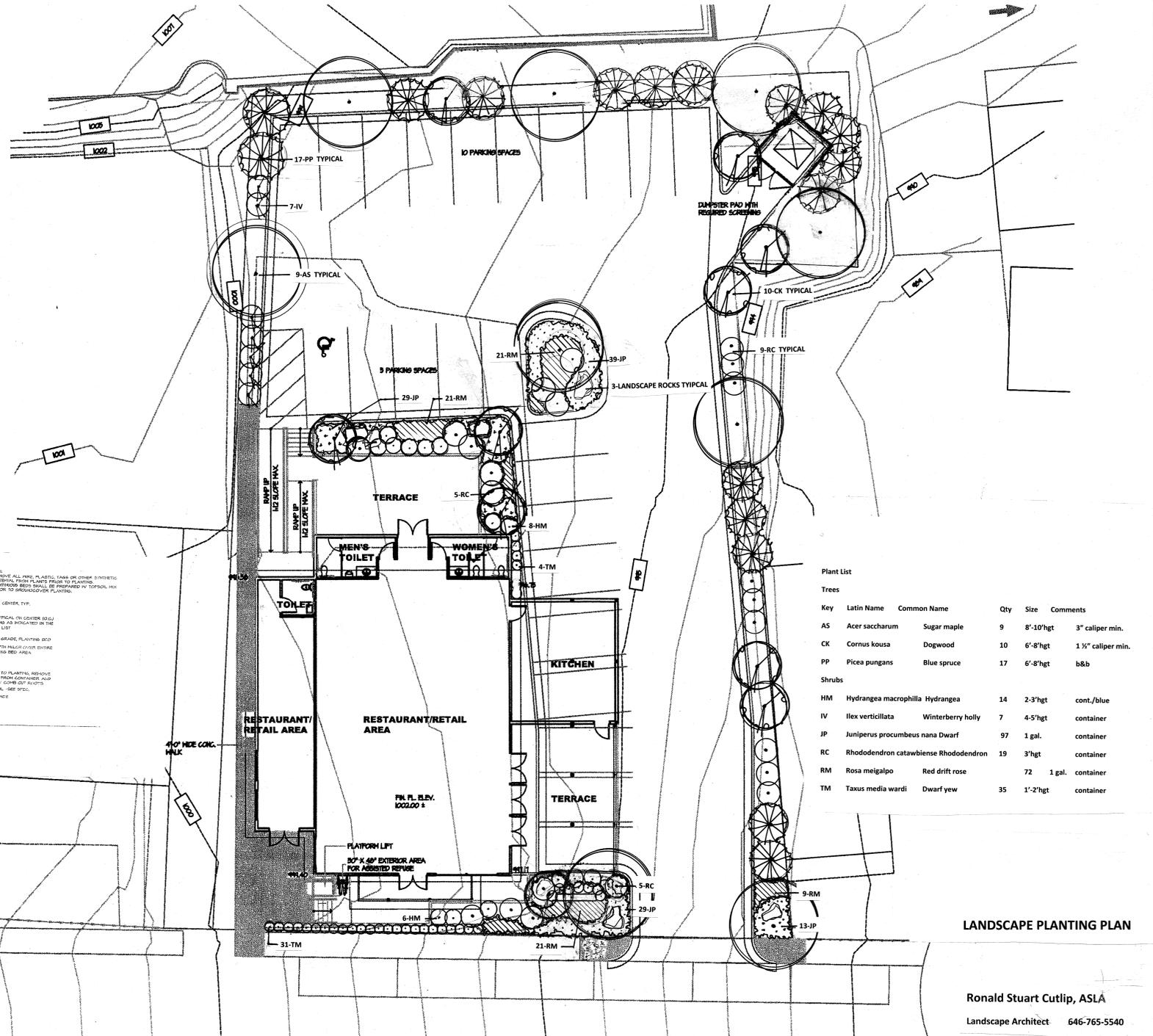
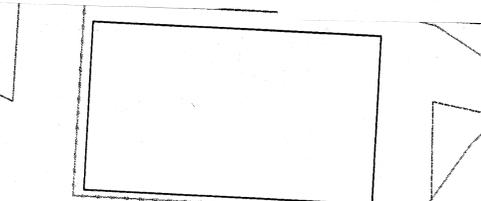
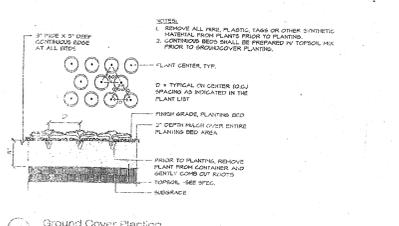
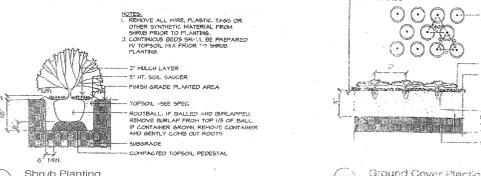
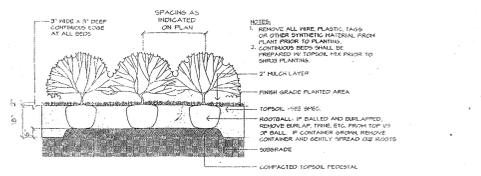
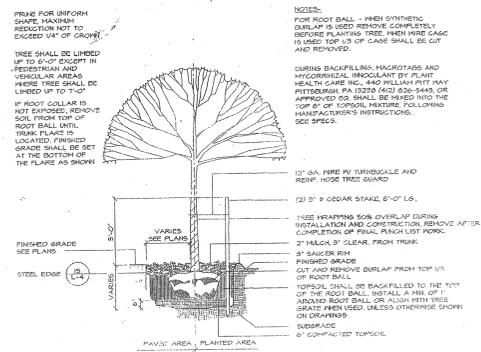
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 125 SUNSET DRIVE
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1		06.25.2015

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Plant List

Key	Latin Name	Common Name	Qty	Size	Comments
AS	Acer saccharum	Sugar maple	9	8'-10' hgt	3" caliper min.
CK	Cornus kousa	Dogwood	10	6'-8' hgt	1 1/2" caliper min.
PP	Picea pungens	Blue spruce	17	6'-8' hgt	b&b
Shrubs					
HM	Hydrangea macrophylla	Hydrangea	14	2-3' hgt	cont./blue
IV	Ilex verticillata	Winterberry holly	7	4-5' hgt	container
JP	Juniperus procumbens nana	Dwarf	97	1 gal.	container
RC	Rhododendron catawbiense	Rhododendron	19	3' hgt	container
RM	Rosa megalpa	Red drift rose	72	1 gal.	container
TM	Taxus media wardii	Dwarf yew	35	1'-2' hgt	container

1 SITE PLAN
SCALE: 1" = 10'-0"

LANDSCAPE PLANTING PLAN

Ronald Stuart Cutlip, ASLA
Landscape Architect 646-765-5540



GREENE ARCHITECTURE
POST OFFICE BOX 711, 1311-2 MORRIS STREET
BLowing ROCK, NORTH CAROLINA 28605
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ALTERATIONS & ADDITIONS TO
THE MOODY BUILDING
125 SUNSET DRIVE
BLowing ROCK, NORTH CAROLINA 28605

Rev.	06/28/2018
By	
Revision Date	

SD1.1
Project No. 04/18/18