

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

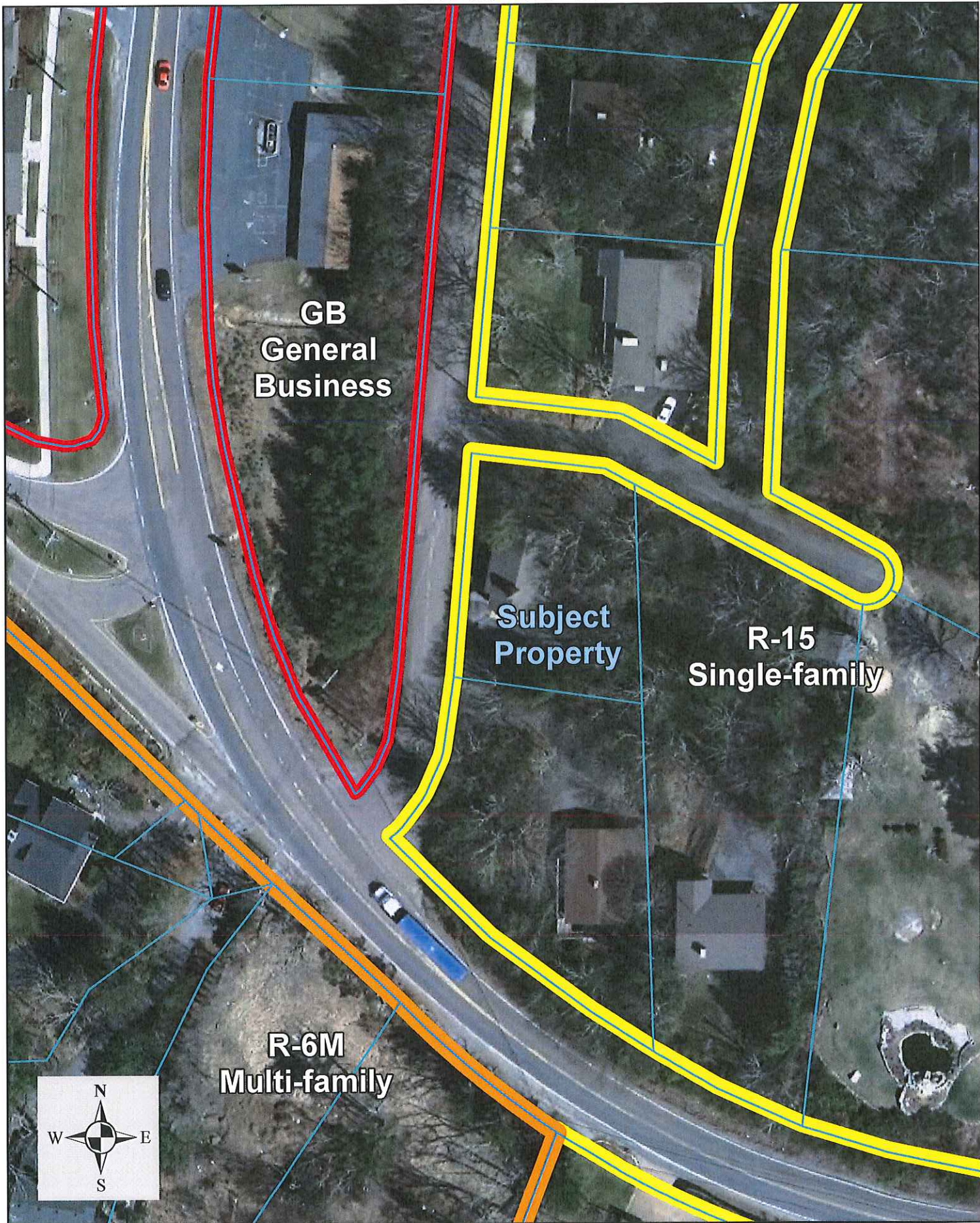


Exhibit A

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).

David R. Jones Architecture
 Phone No. (828) 264-6689
 Fax No. (828) 264-6690
 E-mail: jones@drjonesarch.com

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

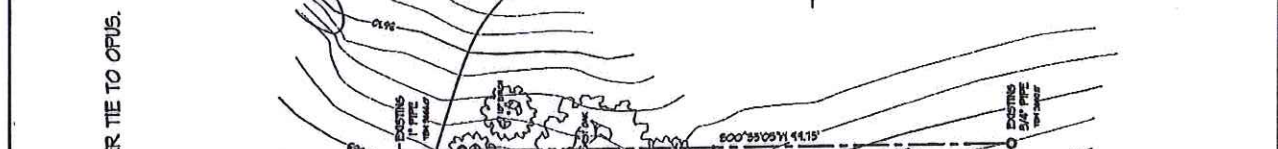
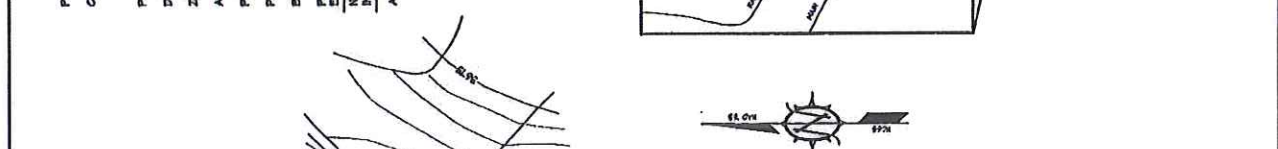
Wes Carter
 Building Renovation For:
 114 Skyland View Drive
 Blowing Rock, North Carolina 28605

SP-1
 SHEET: 1 OF 1
 DATE: 04/23/2004
 PROJECT: 200404

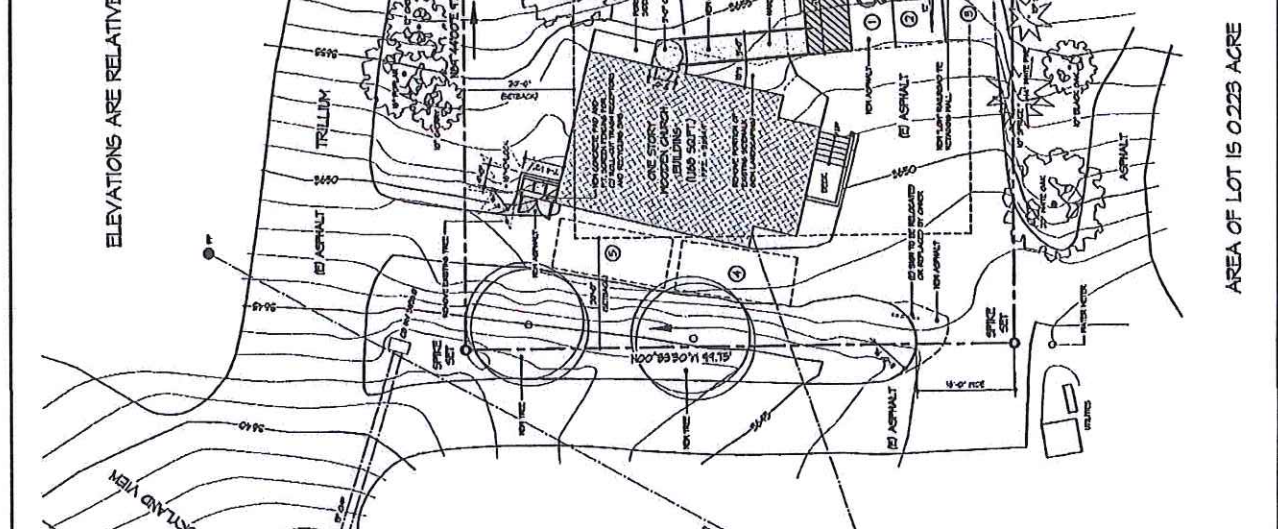
PK NUMBER: 201023646000
 CURRENT OWNER: WESLEY CARTER
 P.O. BOX 1044
 BLOWING ROCK, NC 28605

PROXIMATE ADDRESS: 114 SKYLAND VIEW DR.
 ZONING: R-5 (CURRENT) PROPOSED: 6B
 ZONING, R-5 (CURRENT) PROPOSED: 6B
 ACRES: 2.25 ACRES (710.00 SQ. FT.)
 PROPOSED USE CLASSIFICATION: 3100 (11 SPACE / 400 65FT)
 PROPOSED PARKING SPACES: 5 (11 VAN ACCESSIBLE) REQUIRED: 9 (11 VAN ACCESSIBLE)
 BUILDING FOOTPRINT: 1100 SQ.FT.

PROPOSED IMPROVEMENTS SQ. FT.
 CONCRETE IMPROVEMENTS SQ. FT. ■ 4,650.04 SQ. FT.
 ASPHALT IMPROVEMENTS SQ. FT. ■ 4,492.61 SQ. FT.
 TOTAL IMPROVEMENTS SQ. FT. ■ 9,142.65 SQ. FT.
 IMPROVEMENTS AREA TURNED INTO LANDSCAPUS ■ 157.29 SQ. FT. (CREDIT)
 ADDITIONAL PROPOSED IMPROVEMENTS SQ. FT. ■ 50.41 SQ. FT.



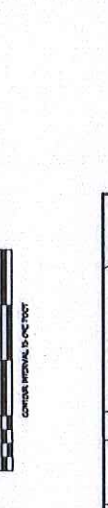
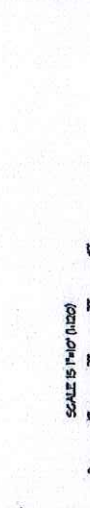
ELEVATIONS ARE RELATIVE TO NAVD 88 AS PER TIE TO OPUS.



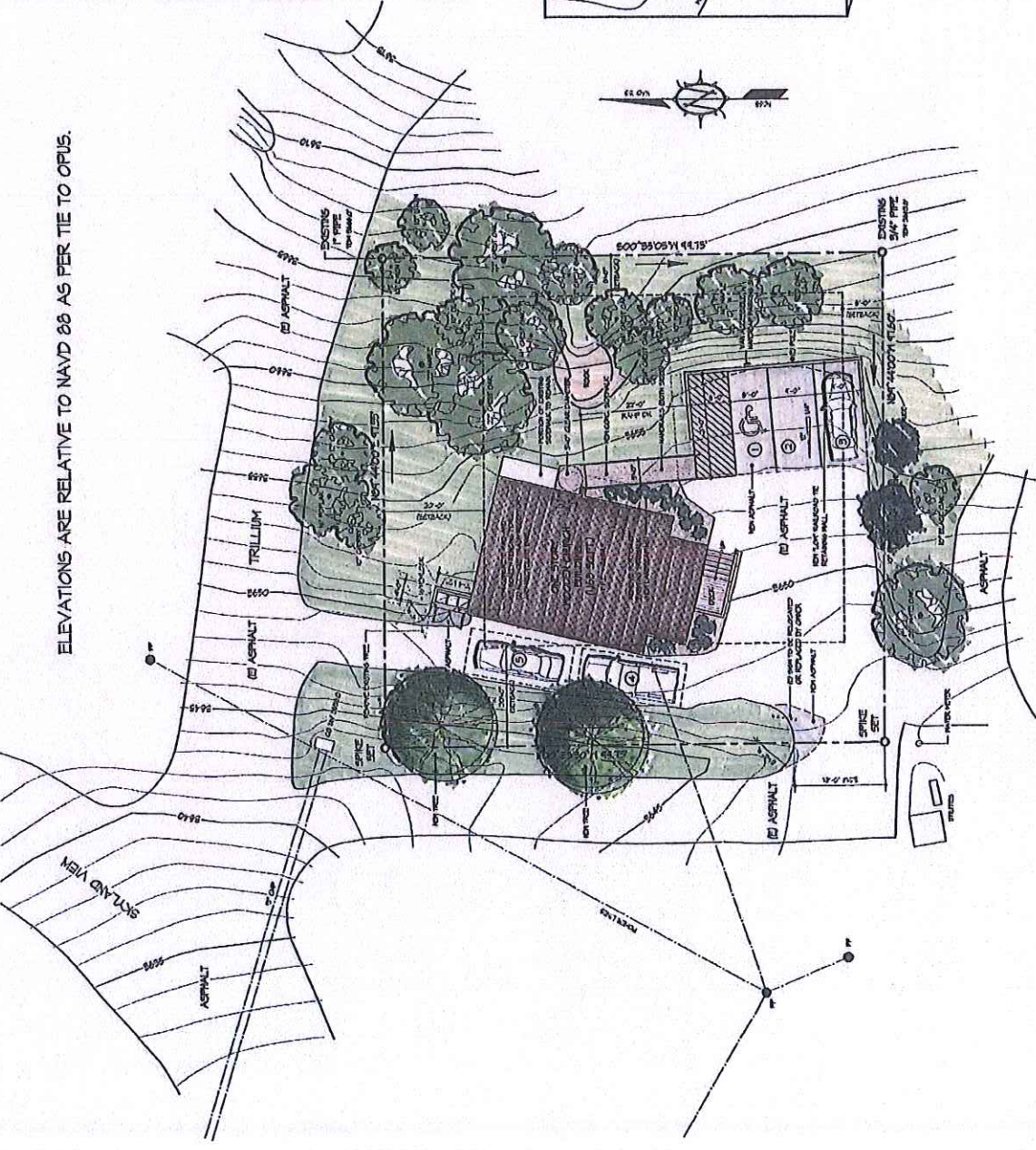
AREA OF LOT IS 0.225 ACRE

Sheet Number	SP-1
Scale	1" = 20'-0"
Date	10/15/2014
Project Number	2014-04
Client	Wes Carter
Address	114 Skyland View Drive, Blowing Rock, NC 28605
Architect	David R. Jones Architecture
Phone	(828) 264-6689
Fax	(828) 264-6690
Email	d.r.jones@drjonesarch.com

PLAN NUMBER: 20140226-0000
 CLIENT OWNER: WESLEY CARTER
 114 SKYLAND VIEW DR.
 BLOWING ROCK, NC 28605
 PRIMARY ADDRESS: 114 SKYLAND VIEW DR.
 DEED BOOK / PAGE: 1701 / 326
 ZONING: R-45 (RESIDENT) PROPOSED: 6B
 ACRES: 0.223 ACRES (KTR026 SQ. FT.)
 PROPOSED USE CLASSIFICATION: 3120 (8 SPACE / 400 GS.F)
 PROPOSED PARKING SPACES: 5 (8 VAN ACCESSIBLE) REQUIRED: 9 (8 VAN ACCESSIBLE)
 BUILDING FOOTPRINT: 1180 SQ.FT.
 PROPOSED INTERVIEWS SQ. FT.: 4,662.04 SQ. FT.
 EXISTING INTERVIEWS SQ. FT.: 4,495.61 SQ. FT.
 NEW INTERVIEWS SQ. FT.: 166.43 SQ. FT.
 INTERVIEWS AREA TURNED INTO LANDSCAPING: - 126.37 SQ. FT. (CREDIT)
 ADDITIONAL PROPOSED INTERVIEWS SQ. FT.: 30.41 SQ. FT.



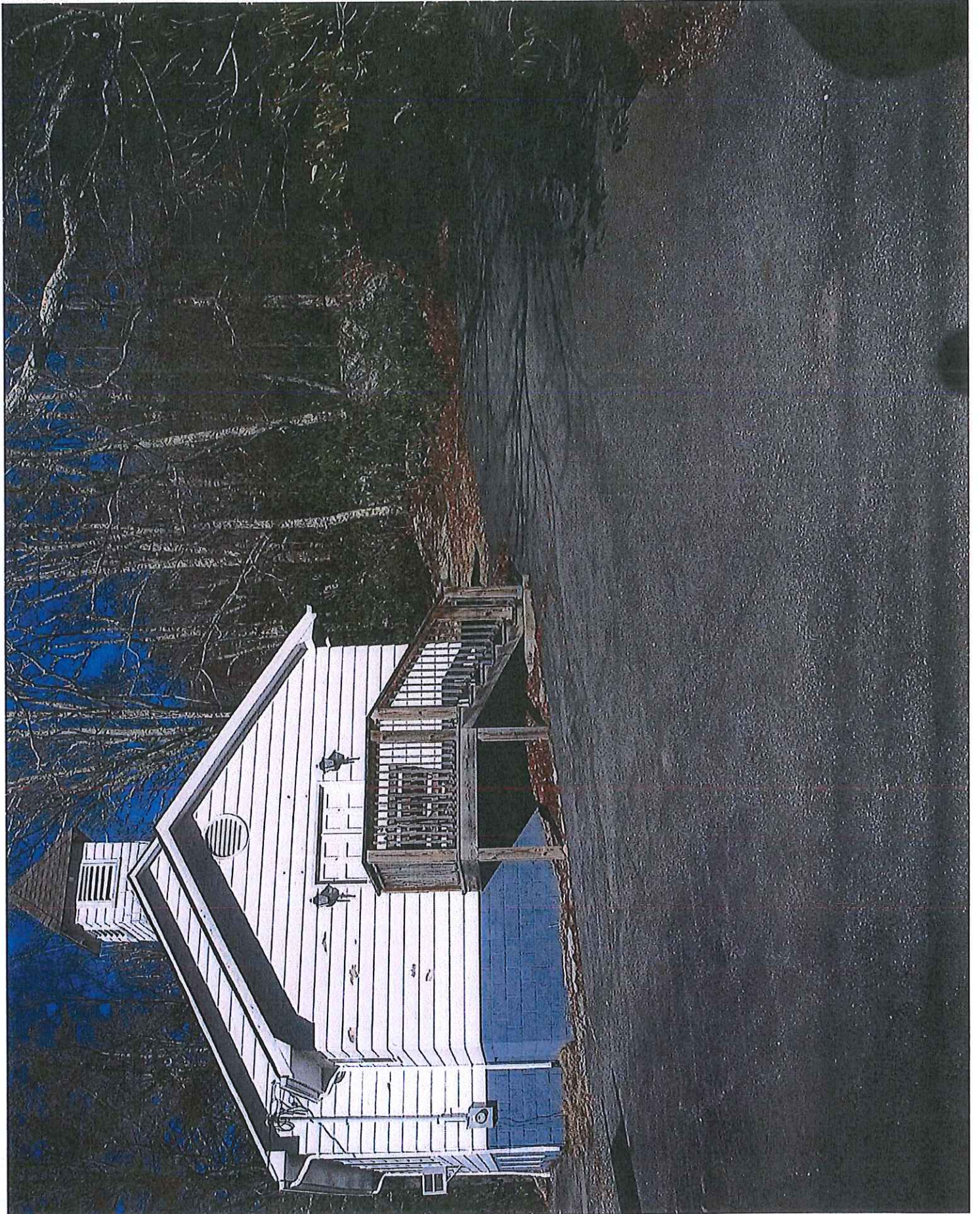
TOPOGRAPHIC SURVEY OF 1/4 ACRES AND VEHICULAR
 DEED BOOK 1701 PAGE 326
 FOR
WES AND RENEE CARTER
 TOWN OF BLOWING ROCK - BLOWING ROCK TOWNSHIP
 HAYNES COUNTY - NORTH CAROLINA
 FEBRUARY 12, 2014

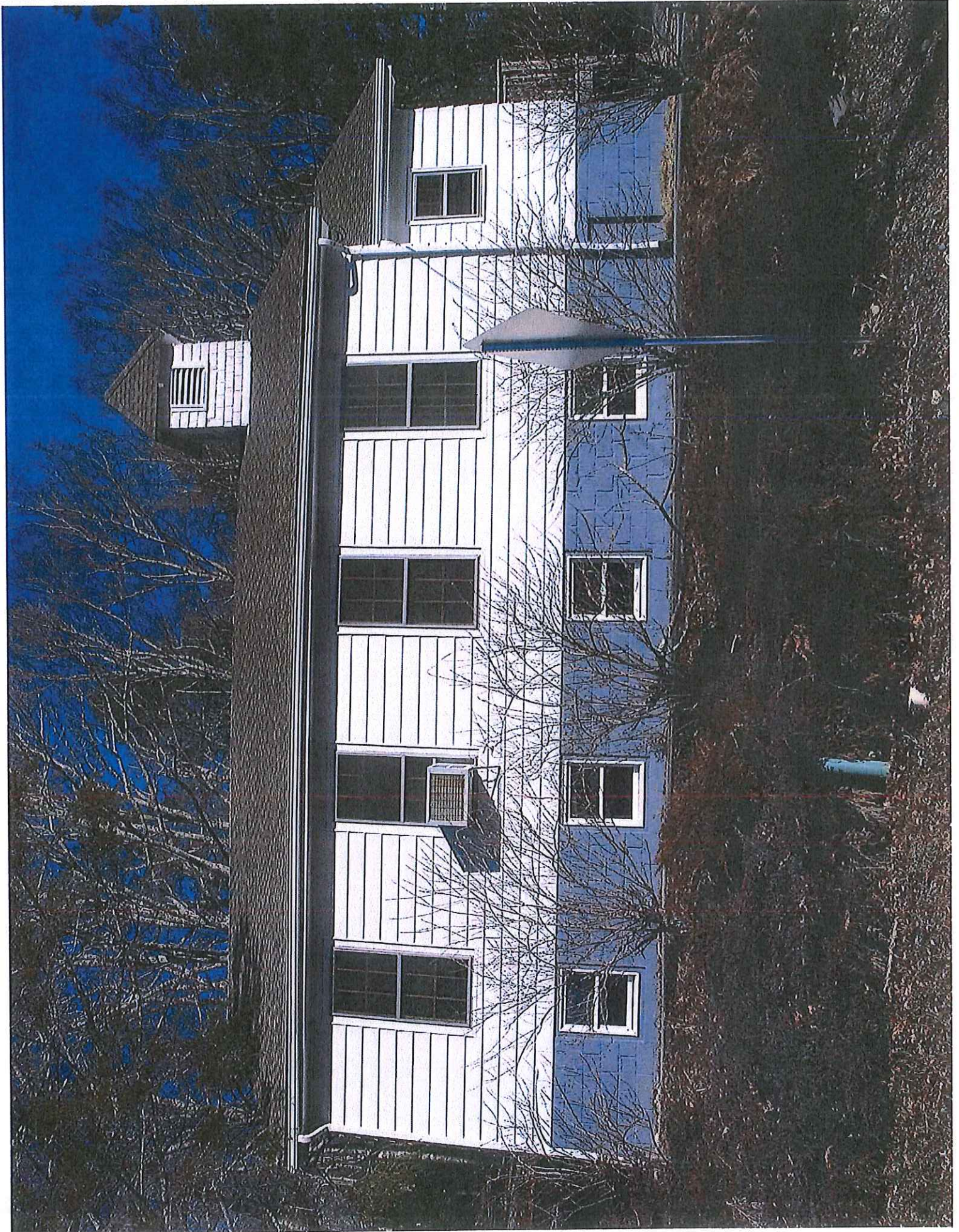


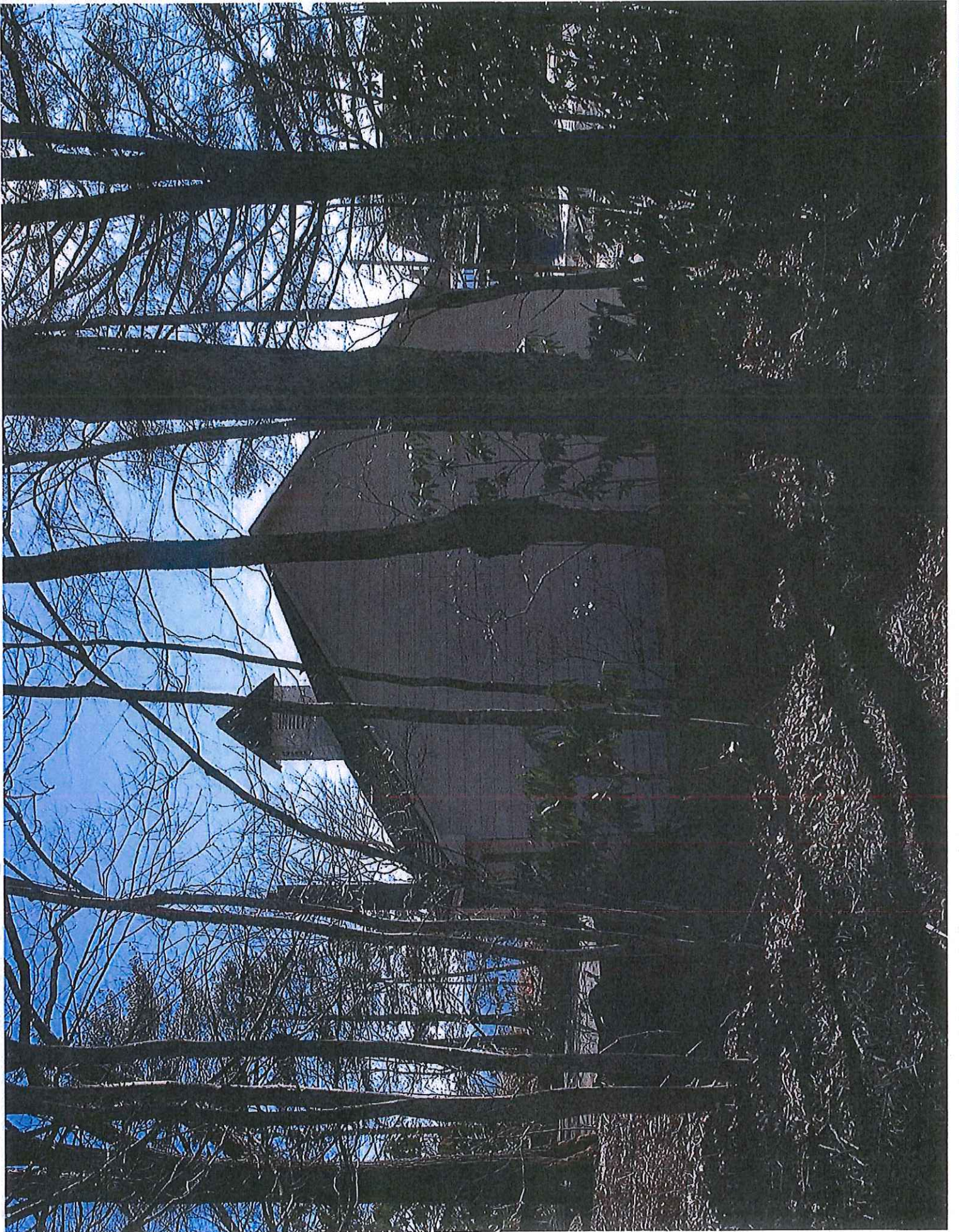
AREA OF LOT IS 0.223 ACRE

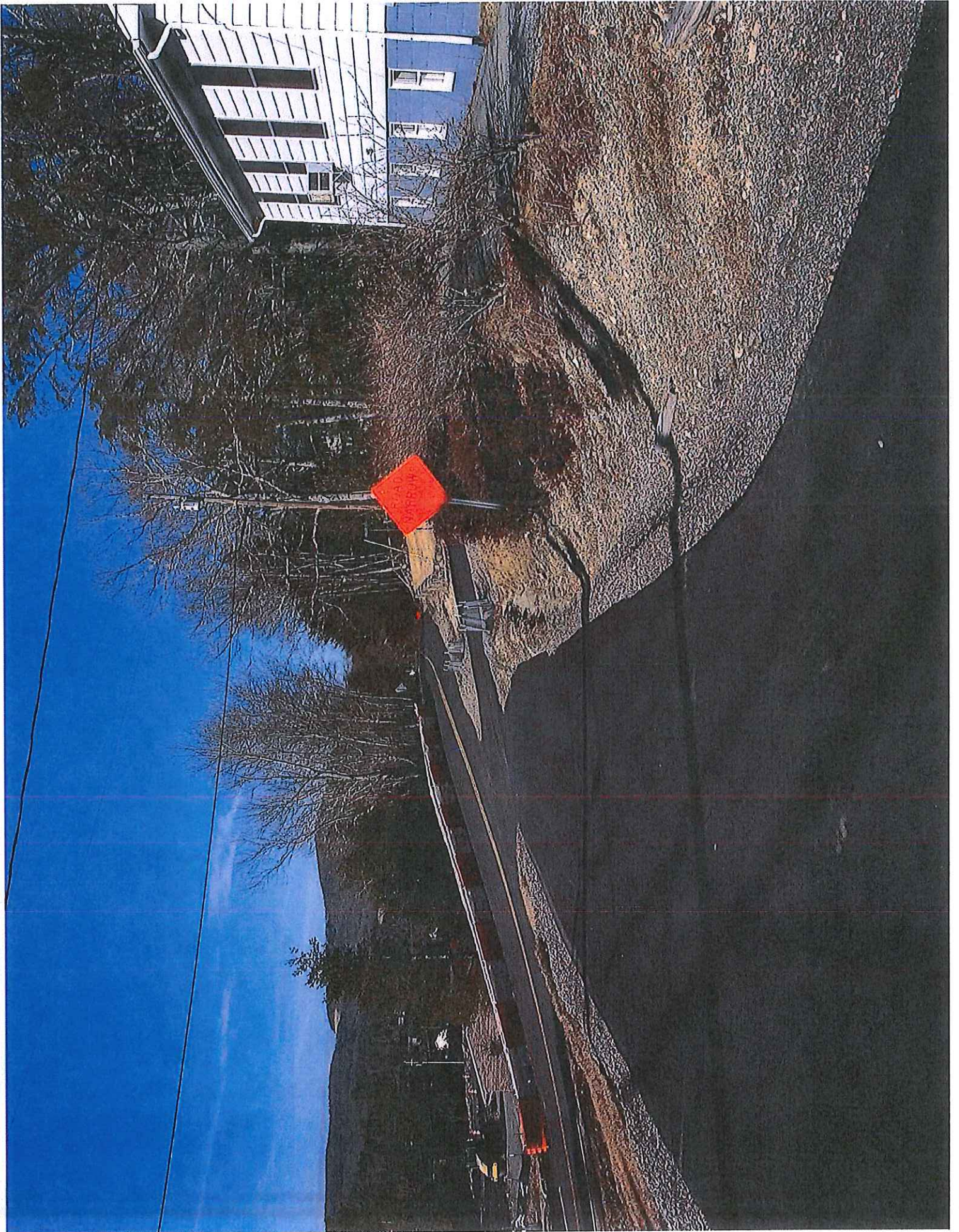
Building Renovation For:
Wes Carter
 114 Skyland View Drive
 Blowing Rock, North Carolina 28605

© 2014 BY
DAVID R. JONES
 ARCHITECTURE
 1800 Blowing Rock Road, Bank of America
 Post Office Box 1247
 Boone, North Carolina 28607
 Phone No. (828) 264-6689
 Fax No. (828) 264-6690
 E-mail: jonesd@drjonesarch.com

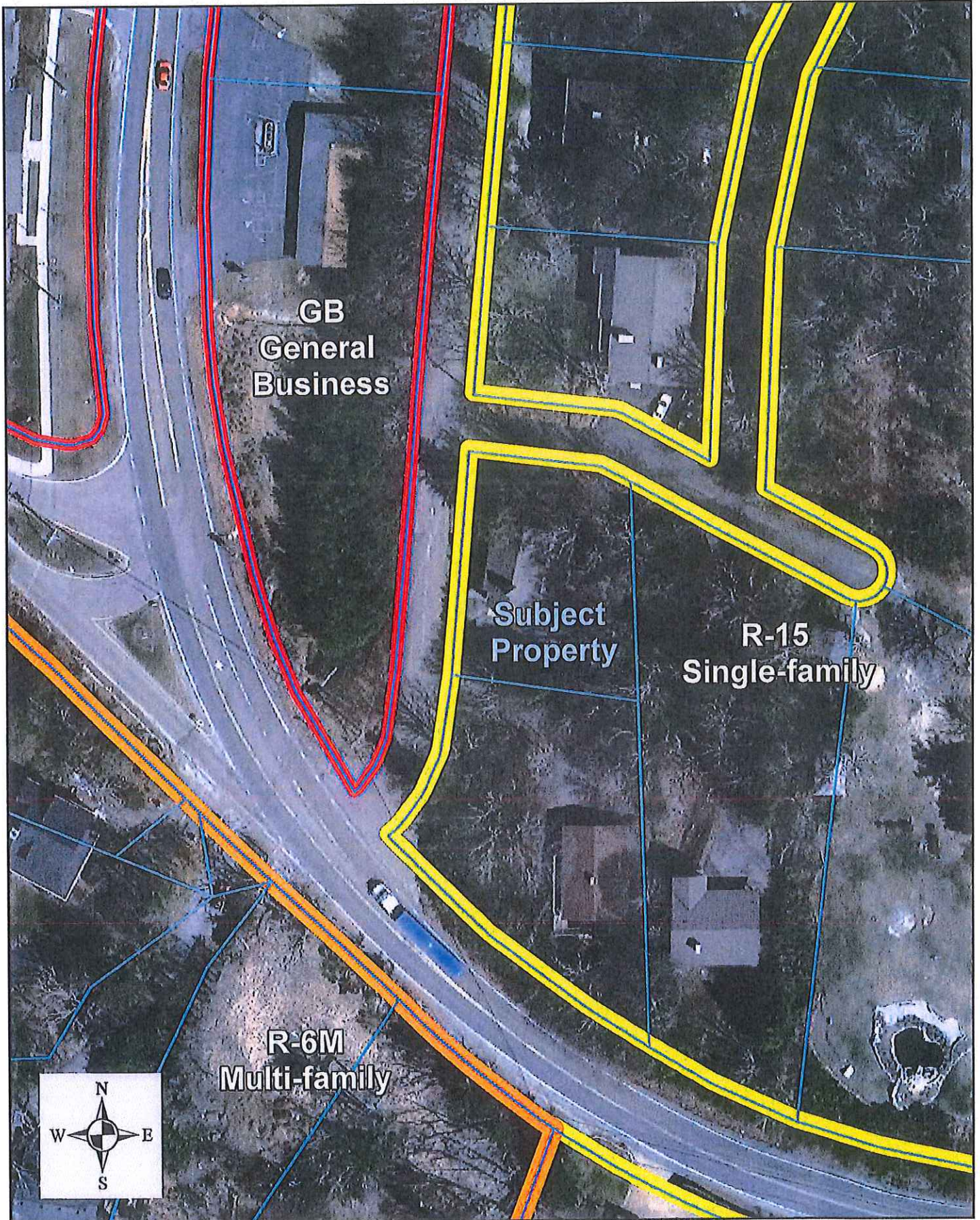








RZ 2015-01 Carter Conditional Rezoning R-15 to CZ-GB



May 4th, 2015

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

Blowing Rock Planning Department
1036 Main Street
Blowing Rock, NC

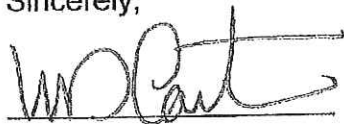
Attn: Kevin Rothrock
Re: 114 Skyland View Dr. Conditional Zoning Request

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.250@gmail.com
Nancy & Stuart Sigmon	220 Skyland View DR.	295-3930	sigmons.220@charter.net
DAVID LAUGHLIN	140 CLIFF LANE	295-0989	
JOE PAPA	8062 VALLEY BLVD	295-9548	
Judy Greenhill	116 Hilltop Way	345-0111	judy@judygreenhill.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@BlowingRockRoadEntertainers.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 -