TO:	Mayor J.B. Lawrence and the Blowing Rock Town Council
FROM:	Kevin Rothrock, Planning Director
SUBJECT:	CZ 2016-01 Conditional Rezoning from R-15 to CB
APPLICANT:	Nelson Storie for Storie's Carpet
DATE:	May 4, 2016

REQUEST

Nelson Storie is requesting a conditional rezoning of his property from R-15, single-family to CZ-CB, Conditional Zoning - Central Business. The 0.30 acre property is located at 1516 Main Street and has been a retail floor covering business since 1967. The property is further identified by Watauga County PIN 2807-85-5546-000.

Mr. Storie proposes to restrict uses of the building to either a retail floor covering business and/or large appliance sales, and/or furniture sales with low volume traffic generation. These uses are very similar to the businesses that have been in operation at this location for 49 years.
If approved, the only uses allowed are those that are specifically included in the conditional rezoning approval. A zoning permit issued by staff will ensure compliance with the Conditional Zoning District limitations.

A retail floor covering business is currently in operation at this location.

The applicant is proposing the following restrictions and conditions:

1. Commercial activities to be located within the building.
2. Normal business operations between 7 AM and 7 PM only.
3. No deliveries will block the street.
4. Sign not to exceed 20 square feet.
5. Sign constructed of individual block letters.
6. Allowed uses: retail appliance sales, furniture sales, floor covering sales/installation
7. The antenna and tower located behind the building will be removed.
8. Any dead or dying trees on the property will be removed.
9. Any trash or debris on site will be removed.
10. Dumpster, if any, will be enclosed.

Staff recommends the following additional conditions:

1. Construction of ADA compliant ramp for the front door access.
2. Adjust gutter drains as needed for functionality.

SITE PLAN

Parking/Access

Based on the current use, twenty-one (21) parking spaces are required. There are currently 16 designated parking spaces on site.

Architectural

The applicant is not proposing any architectural changes to the building.

NEIGHBORHOOD MEETING

A neighborhood meeting was held at Town Hall on March 24, 2015 at 5:30. Three (3) members of the public attended the meeting. Several concerns were expressed during the meeting, including the debris behind the building, the two-radio antennae tower and the existing trees on the rear of the building. Mr. Storie indicated that he will remove the debris behind the building and replace the dying/dead trees. Mr. Storie also agreed to remove the antennae tower.

PLANNING BOARD RECOMMENDATION

At the April 21, 2016 meeting, the Planning Board made a recommendation to approve the rezoning with the following additional conditions:

1. The parking lot to be sealed and parking spaces striped within 90 days of approval.
2. Store hours "open to the public" between 8:00 AM and 7:00 PM.
3. No deliveries until 8:00 AM.

APPLICANT RESPONSE

After the Planning Board recommendations were finalized, the Applicant has since responded to staff with the following conditions related to hours of operation:

1. Store hours to be 7:00 AM to 7:00 PM.
2. No tractor trailer deliveries before 8:00 AM.
3. Store to be advertised as open after 8:00 AM.
4. If customer comes in between 7:00 AM and 8:00 AM, would like to be able to serve that customer.

ATTACHMENTS

1. Draft Rezoning Ordinance
2. Survey
3. Photos of the existing building and site
4. Letter from Nelson Storie
5. Letters from neighbors

ORDINANCE NO. 2016-__

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF BLOWING ROCK; CREATING THE STORIE'S CARPET PROPERTY CONDITIONAL ZONING DISTRICT (CZ-CB)

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. Nelson Storie, the Official Zoning Map of the Town of Blowing Rock is hereby amended to create the Storie's Carpet Property Conditional Zoning District (CZ-CB) 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:

- 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-CB, Conditional Zoning-Central Business. Said property is also identified on Watauga County PIN 2807-85-5546-000.

Section Four. The Storie's Carpet 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 Storie's Carpet 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, Storie's Carpet 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, made a part thereof, shall run with the land and shall be binding on Storie's Carpet Service Inc., its 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) Hours of operation and/or delivery hours.

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. This rezoning ordinance

removes the non-conforming status of the subject property and makes the property conforming to the conditional zoning classification of CZ-CB, Conditional Zoning-Central Business.

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 _____, 2016.

_____
Mayor

ATTEST:

_____
Town Clerk

RZ 2016-01 Storie's Carpet Rezoning
R-15 to CZ-CB

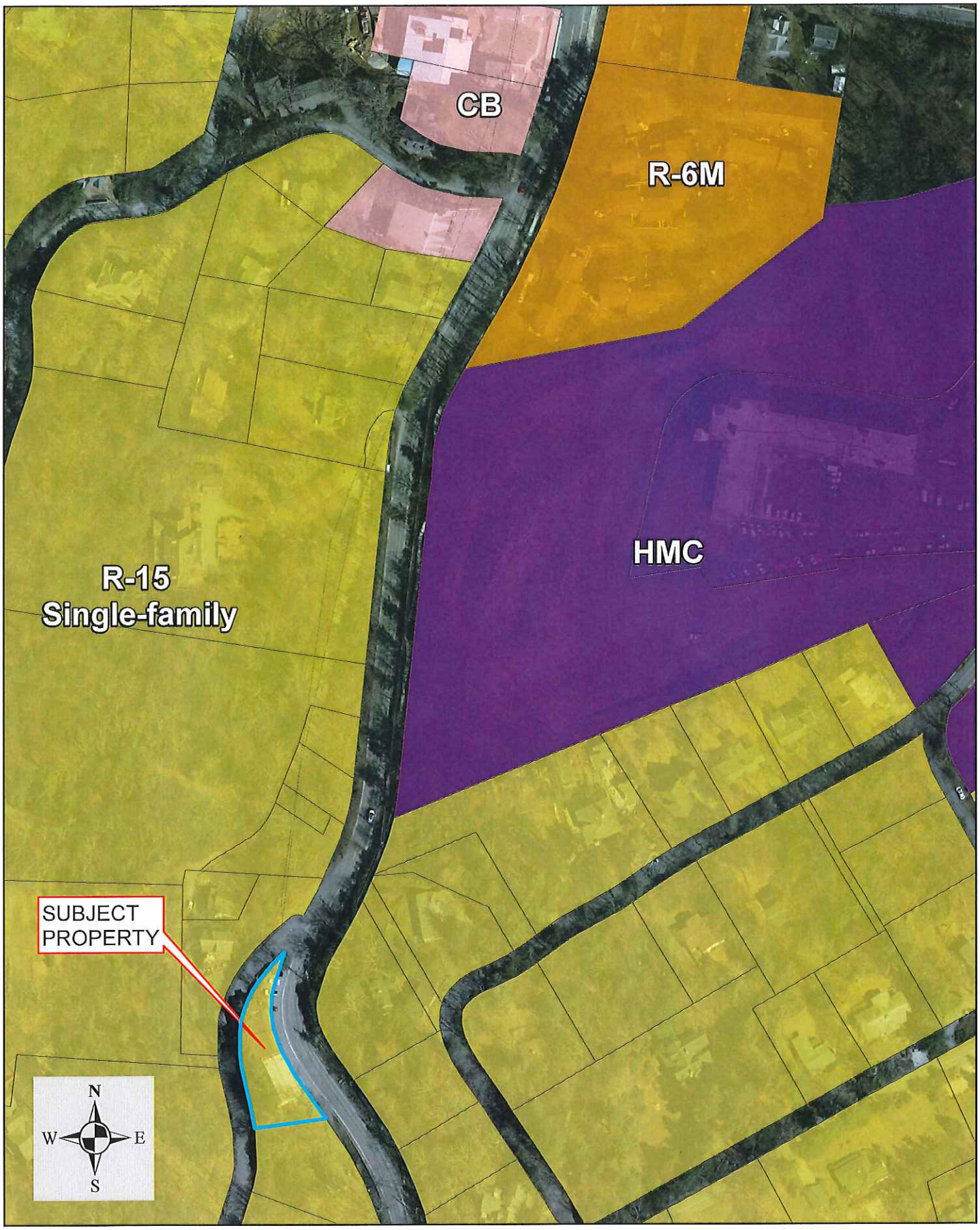


EXHIBIT A

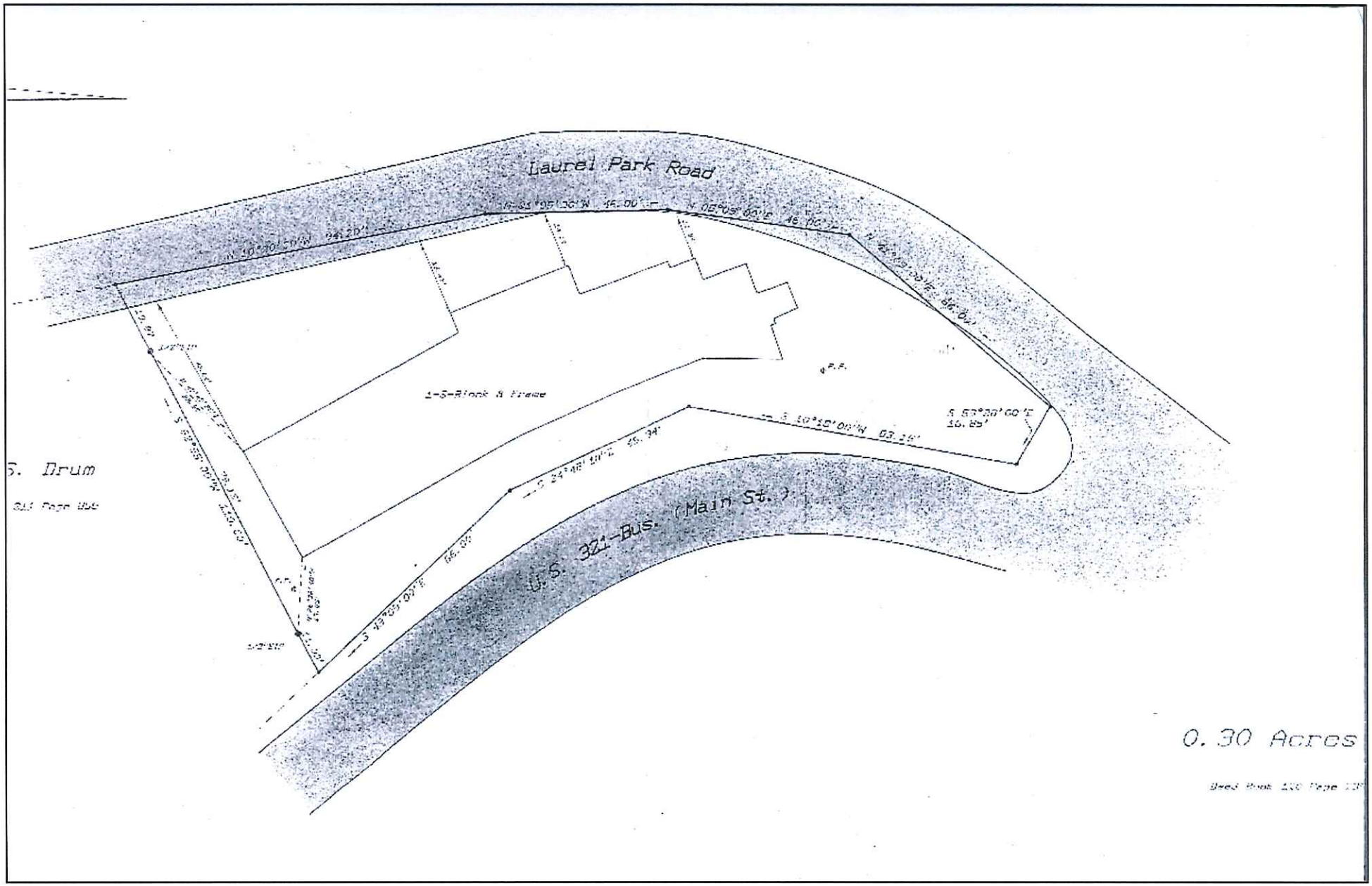
Exhibit B

Storie's Carpet Conditional Zoning District
Conditional Zoning - General Business, CZ-GB
PIN 2807-85-5546-000

1516 Main Street

List of Standards & Conditions

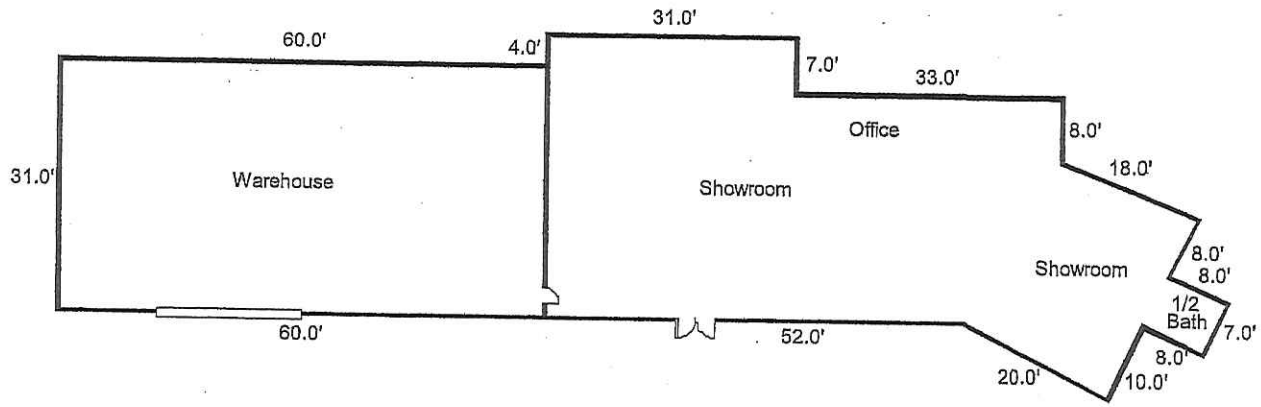
1. Commercial activities to be located within the building.
2. No outside display of merchandise.
3. Normal business operations between 7:00 AM and 7:00 PM only.
4. No deliveries will block the street.
5. No tractor-trailer deliveries before 8:00 AM.
6. Sign not to exceed 20 square feet.
7. Sign constructed of individual block letters.
8. Allowed uses: retail appliance sales, furniture sales, floor covering sales/installation.
9. The antenna and tower located behind the building will be removed.
10. Any dead or dying trees on the property will be removed.
11. Any trash or debris on site will be removed.
12. Dumpster, if any, will be enclosed.
13. Construction of ADA compliant ramp for the front door access.
14. Construction of an ADA van-accessible space.
15. Adjust gutter drains as needed for functionality.
16. Seal and stripe parking area within 90 days of rezoning approval.

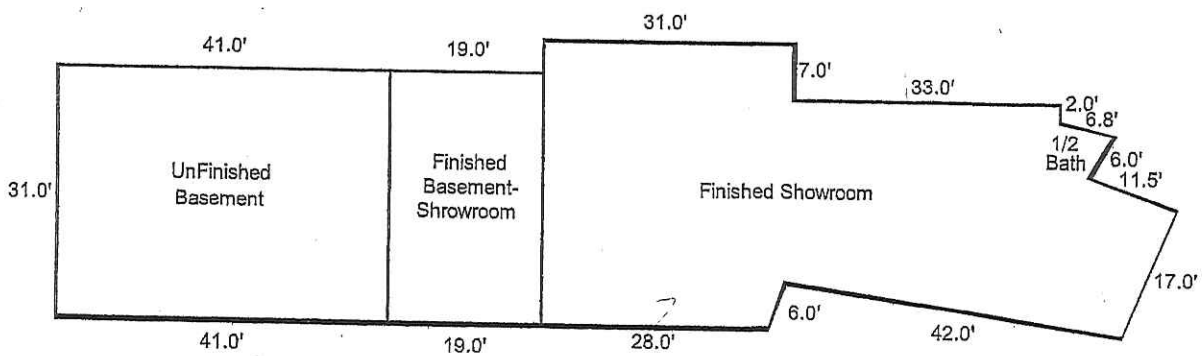

Laurel Park Road
1-S-Block & Frame
U.S. 321-Bus. (Main St.)
S. Drum
0.30 Acres

Building Sketch

Borrower	Stories Carpet Service				
Property Address	1516 S. Main Street				
City	Blowing Rock	County	Watauga	State NC	Zip Code 28605
Client	Nelson Storie				

Main Level





STORIE'S
SERVICE

BLOWING ROCK
FLOORS & INTERIORS

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SERVICE

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FLOORS & INTERIORS

STORIE'S
SERVICE

STORIE'S
SERVICE

February 18, 2016

Town of Blowing Rock
Planning and Inspections
PO Box 47
Blowing Rock, NC 28605

To: Kevin Rothrock, Planning Director

I am requesting a rezoning of my property located at 1516 South Main Street from R15 Single-Family to CZ-CB Conditional Zoning-Central Business. I leased this property in 1967 and 1968 for my business. I bought the land and building on September 9,1969. November 29,1972, I applied for a building permit and it was granted and I added on a 3600 sq. ft. addition. This was finished in the spring of 1973. In October of 1977, I applied for and received a building permit and also was granted a variance of the setback requirement for one part of the addition. This addition and remodeling brought the building to the size it is now. It is one of the largest retail commercial buildings in Blowing Rock. It has 4,262 sq. ft. on the street level and 3,986 sq. ft. on the lower level for a total of 8,248 sq. ft. The building is 140 feet long and 35 feet wide at the deepest point. It has approximately 15 parking spaces and can park 2 trucks and a forklift inside. It has 6,105 sq. ft. of asphalt pavement. It was built and designed to be commercial business property. There has been a business located on this property for more than 68 years. It has been a retail floor covering business for the last 49 years. This business has brought in customers from a very large area of the state. This has helped the other businesses in Blowing Rock and has employed many local residents over the years. I want to see this continue if possible. I don't know why or when it was zoned R15 Single-Family because I was not notified. In order to maintain, keep improving the appearance, and continue to have a business located here, I am asking for help to put this property in the zoning of CZ-CB Conditional Zoning-Central Business.

Thanks for Your Help,

Nelson L. Storie

Nelson L. Storie

Kevin Rothrock

From: Tammy Bentley
Sent: Tuesday, April 12, 2016 12:51 PM
To: Kevin Rothrock
Subject: FW: Public Notice
Attachments: PUBLIC NOTICE - Storie CZ -PB 4-16.pdf; ATT00001.htm

From: W A Heath Jr [mailto:waheath@heathpartners.com]
Sent: Tuesday, April 12, 2016 11:44 AM
To: Tammy Bentley <planning@townofblowingrocknc.gov>
Subject: Fwd: Public Notice

Thanks, Tammy, for sending the Public Notice about the April 21st meeting shown below.

Rezoning for this property is just not a good long-term idea for the Town of Blowing Rock and the Laurel Park neighborhood, even though all reports are that Mr. Storie is a fine fellow. His proposed revision makes it even less attractive. If a further increase in delivery and retail traffic comes to his small site (0.36 acre) on the big curve, it will be a mess (and dangerous), not to mention the consequences of possibly having a retailer there who is not as good a neighbor as Mr. Storie has been. A flourishing flooring, furniture, and appliance business should be located elsewhere. This proposed zoning change could forever (negatively) change the character of Laurel Park.

I will not be able to attend the Planning and Zoning Board meeting on April 21st. Please read this email to the Board.

Thank you.

Andy Heath

<u>From my email to Kevin Rothrock of March 24, 2016</u>

Kevin,

Good talking with you last week. As I said, we have a house at 354 Laurel Park Road.

I don't personally know Mr. Storie, but he certainly has a the reputation of being a fine fellow. Regardless, his efforts are focused on creating immediate economic value for his own real estate rather than on what might be considered "good" for Laurel Park or, for that matter, the Town of Blowing Rock. Any store at that location which generated more business trips than the current store would be a detriment to Main Street and Laurel Park Road simply because of the increased business traffic, and especially so because of the curve.

His request also would guarantee into the future that this property could be used commercially. Unfortunately, no amount of conditional zoning can guarantee the site's compatibility with the Laurel Park neighborhood (one of Blowing Rock's finest treasures) if the individual actually using the property exhibits the wrong attitude.

The Property should remain R-15 for the good of the town regardless of the current grandfathered use.

Thank you.

Andy Heath

----Office----

W. A. Heath, Jr.
757 Providence Road
Charlotte, N. C. 28207

Mobile: 704-302-6878
Email: waheath@heathpartners.com

Begin forwarded message:

From: Tammy Bentley <planning@townofblowingrocknc.gov>
Subject: Public Notice
Date: April 12, 2016 at 10:52:01 AM EDT
To: "waheath@heathpartners.com" <waheath@heathpartners.com>

Mr. Heath

I have attached the public notice for Mr. Storie's conditional request.

Tammy Bentley, CZO
Planning and Zoning Support Specialist
Town of Blowing Rock
Planning & Inspections
PO Box 47
Blowing Rock, NC 28605
(828)295-5240

***Please note my new email address – planning@townofblowingrocknc.gov

Kevin Rothrock

From: Kathryn Heath <kheath@flynnheath.com>
Sent: Sunday, March 27, 2016 2:42 PM
To: Kevin Rothrock
Subject: Storie's Land

The Storie's land on Main Street needs to stay R15.

I have heard that Mr Storie is a nice gentleman and I am sure he wants to make a good return on his land however the amount of traffic and the sharp curve there is dangerous and a business there would hurt the value of our neighborhood. So for many reasons do not rezone this land.

Please take the long view on this land and do not rezone it.

Mrs. Rebecca I. Ford
578 Heyward Cir.
Marietta, GA 30064-1406
April 19, 2016

Mr. Scott Fogleman, Town Manager
1036 Main Street
PO Box 47
Blowing Rock, NC 28605

Dear Scott,

Thank you for taking the time to speak to me yesterday about Nelson Storie's Conditional Rezoning Request (R-15 to CZ-CB, Central Business) for the property at 1516 Main Street.

As you know, our family owns the property directly across the street & we object to this proposal for a several of specific reasons:

1) It will greatly increase the noise in a residential area as large trucks deliver furniture & appliances to and from the store location.

2) It will not, in fact, be "low volume traffic" if such an array of products are sold & warehoused there.

3) The parking lot on Main Street is very narrow & being situated near the curve, it is hazardous to drive in & out of. Southbound traffic (from Lenior) turning left into the parking lot frequently encounter fast moving tourist & local traffic coming northbound from the Town. Given the curve, it is difficult to avoid pulling in front of on-coming traffic.

4) Another problem is that the narrow parking lot is frequently used as a turn around spot which further complicates traffic flow & public safety.

5) We are unclear what restrictions, if any, are placed on days of the week it will be allowed to operate given the store's residential location.

Additionally, we have two questions about the appearance of the property:

1) Are there any architectural covenants that apply to this property to make it look more in-keeping with the residential properties that surround it?

2) Is the large antenna at the rear of the property permissible/in use? If not, does it have to remain?

Thank you for your time & attention in this matter.

Sincerely,

Rebecca Ford, DPOA for Fred A. Preddy, Jr.

Cc: Kevin Rothrock, Planning Director