

## **REQUEST FOR BOARD ACTION**

### **HENDERSONCOUNTY BOARD OF COMMISSIONERS**

**MEETING DATE:** Monday August 5, 2019

**SUBJECT:** Set Public Hearing for Conditional Rezoning Application #R-2019-03-C,  
Blue Ridge Gemstone Mine Educational Park

**PRESENTER:** Eric Warren, Planner

**ATTACHMENTS:** 1. Current Aerial Map  
2. Site Plan

#### **SUMMARY OF REQUEST:**

Rezoning request R-2019-03-C was initiated on May 13, 2019 by Meyer Banz. The application requests Henderson County to rezone approximately 5.82 acres from Residential Two Rural (R2R) to Local Commercial Condition District (LC-CD). The acreage is contained in one parcel (PIN: 9588-07-2064). The property owners are Philip & Ann Botnick.

The applicant is proposing a Gem Mining and Educational Park facility with a 6,336 sqft. Office/showroom and two recreational gem mining flumes. The attached site plan shows the building, parking lot, walking trails, flumes, and other amenities proposed. Conditional rezonings allow for the Board of Commissioners to place conditions on the property to address community concerns and make the proposed development compatible with adjacent uses.

The Technical Review Committee (TRC) reviewed the application on July 2, 2019 and forward the rezoning request to the Planning Board with conditions listed in the staff report.

The Planning Board reviewed the rezoning request at its July 18, 2019 meeting. At that meeting the Planning Board recommended conditions addressing hours of operation, buffering, dumpster location, acknowledgment of farmland protection, lighting mitigation, and concerns for adjacent property owner. After discussion, a motion to forward a favorable recommendation with conditions was passed with a 6-1 vote. The applicant is in the process of revising the site plan to show the conditions mentioned at Planning Board.

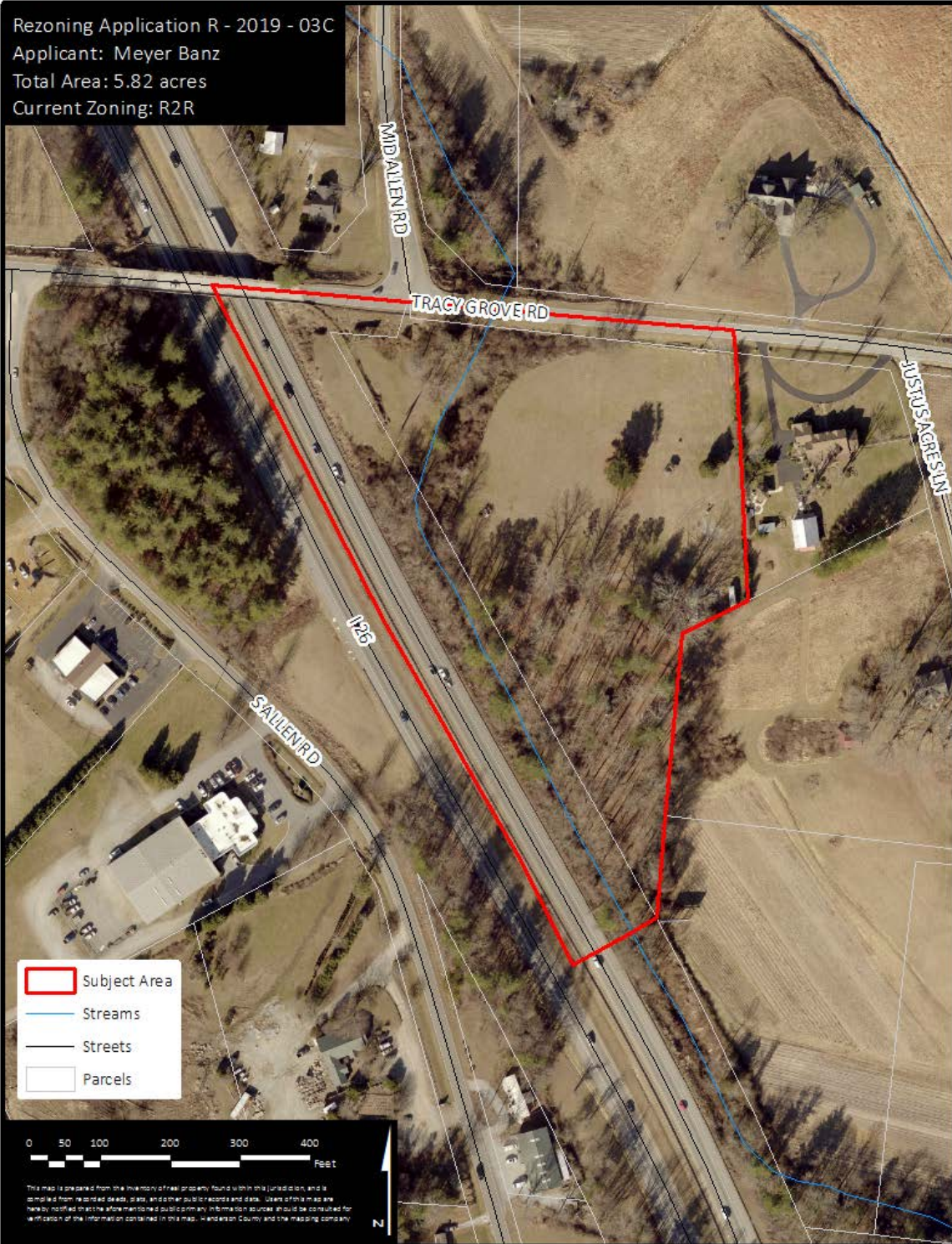
#### **BOARD ACTION REQUESTED:**

Before taking action on the rezoning request, the Board of Commissioners must hold a public hearing. Planning Staff recommends that the Board of Commissioners schedule the public hearing.

#### **Suggested Motion:**

I move that the Board schedule a public hearing for conditional rezoning application #R-2019-03-C, Blue Ridge Gemstone Mine Educational Park for Tuesday, September 3, 2019, at 5:30 PM.

Rezoning Application R - 2019 - 03C  
Applicant: Meyer Banz  
Total Area: 5.82 acres  
Current Zoning: R2R



STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

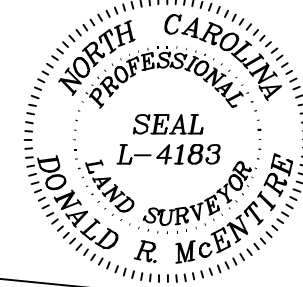
I, \_\_\_\_\_, Review Officer of Henderson County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer \_\_\_\_\_

Date: \_\_\_\_\_

I, Donald R. McEntire, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Deed Book 783, Page 29); that the boundaries not surveyed are clearly indicated as drawn from information found in Book \_\_\_\_\_, Page \_\_\_\_\_; that the ratio of precision as calculated is 1:10000; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my hand and seal this \_\_\_\_\_ 2nd day of \_\_\_\_\_ May \_\_\_\_\_ A.D. 2019.

Signature \_\_\_\_\_  
Land Surveyor  
Licensure Number L-4183



Judy P. McCracken  
2015E/250  
1420/534  
PIN: 9588075099  
ZONED: R2R

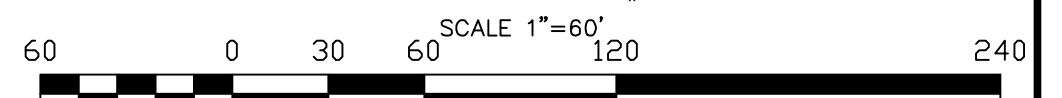
W. Dale Lappin  
and wife  
Julia J. Lappin  
750/473  
PIN: 9588066703  
ZONED: R2R

Julia J. Lappin  
and husband  
W. Dale Lappin  
797/591  
PIN: 9588065355  
ZONED: R2R

Revised May 24, 2019 to show commercial setbacks.

**BOUNDARY SURVEY FOR  
DREAMING TREE, LLC.**

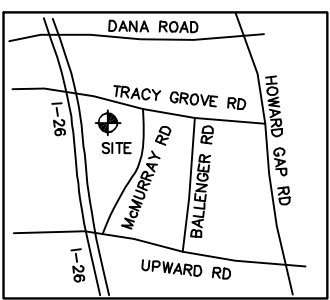
DEED BOOK 783 PAGE 29  
TAX PIN: 9588072064  
REID: 9945584  
ZONED: R2R TAX DISTRICT: BLUE RIDGE FIRE  
BLUE RIDGE TOWNSHIP HENDERSON COUNTY, NC  
FIELD: EM,TW,JM MAP: D. McENTIRE  
DATE: MAY 2, 2019 MAP#: 19-0942



DONALD McENTIRE SURVEYING  
108 ISHAM DRIVE  
RUTHERFORDTON, NC 28139  
PHONE: (828) 287-0439  
EMAIL: dmcentire@bellsouth.net

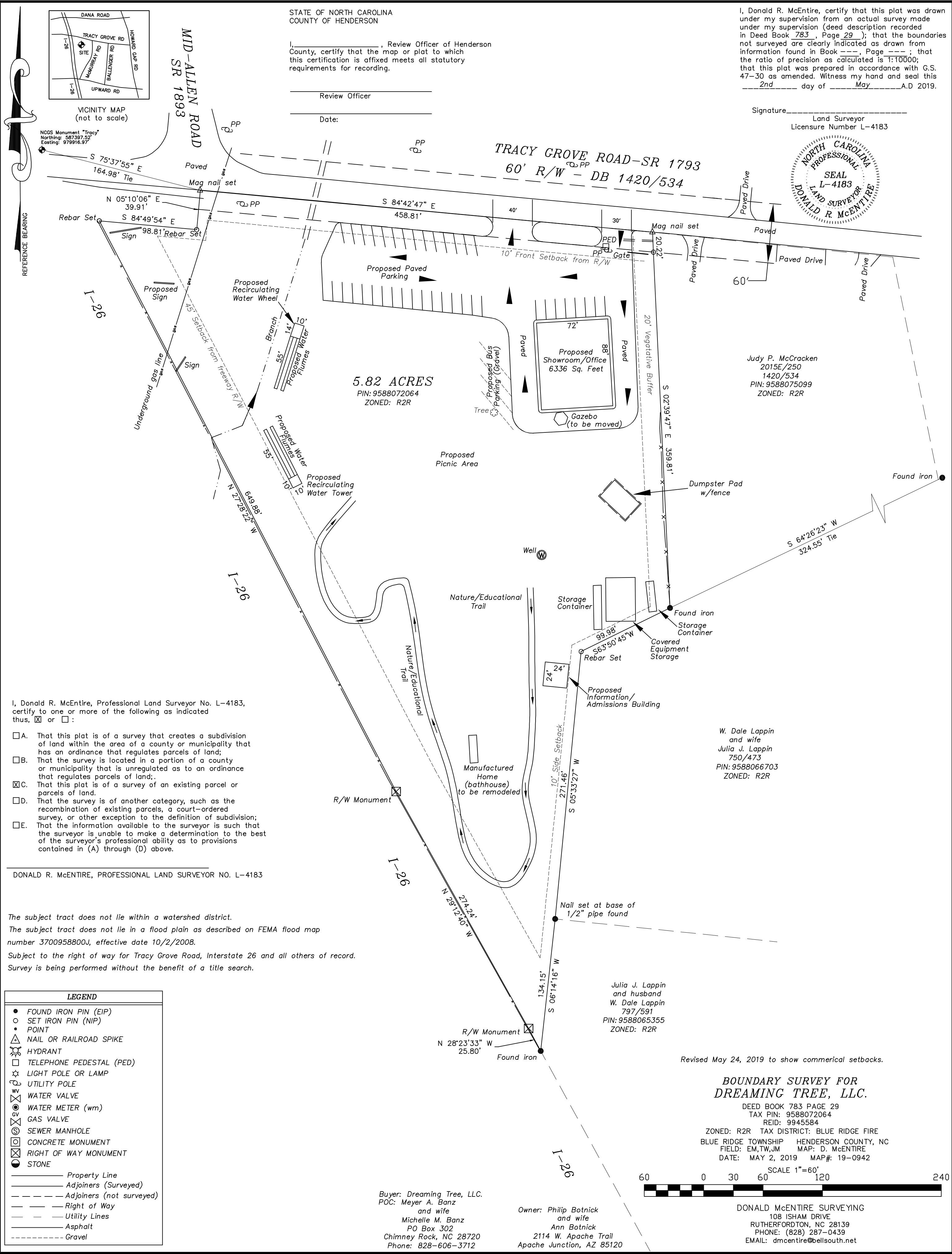
Buyer: Dreaming Tree, LLC.  
POC: Meyer A. Banz  
and wife  
Michelle M. Banz  
PO Box 302  
Chimney Rock, NC 28720  
Phone: 828-606-3712

Owner: Philip Botnick  
and wife  
Ann Botnick  
2114 W. Apache Trail  
Apache Junction, AZ 85120



VICINITY MAP  
(not to scale)

NCCS Monument "Tracy"  
Northing: 587387.52  
Easting: 979916.97



I, Donald R. McEntire, Professional Land Surveyor No. L-4183, certify to one or more of the following as indicated thus,  or :

- A. That this plat is of a survey that creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
- B. That the survey is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;
- C. That this plat is of a survey of an existing parcel or parcels of land.
- D. That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision;
- E. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in (A) through (D) above.

DONALD R. McENTIRE, PROFESSIONAL LAND SURVEYOR NO. L-4183

The subject tract does not lie within a watershed district.  
The subject tract does not lie in a flood plain as described on FEMA flood map number 3700958800J, effective date 10/2/2008.  
Subject to the right of way for Tracy Grove Road, Interstate 26 and all others of record.  
Survey is being performed without the benefit of a title search.

LEGEND	
●	FOUND IRON PIN (EIP)
○	SET IRON PIN (NIP)
•	POINT
▲	NAIL OR RAILROAD SPIKE
⊕	HYDRANT
□	TELEPHONE PEDESTAL (PED)
☆	LIGHT POLE OR LAMP
⊙	UTILITY POLE
⊗	WATER VALVE
⊘	WATER METER (wm)
⊙	GAS VALVE
⊗	SEWER MANHOLE
⊘	CONCRETE MONUMENT
⊗	RIGHT OF WAY MONUMENT
●	STONE
—	Property Line
- - -	Adjoiners (Surveyed)
- - - -	Adjoiners (not surveyed)
— — —	Right of Way
— — — —	Utility Lines
— — — —	Asphalt
- - - - -	Gravel