

## **REQUEST FOR BOARD ACTION**

### **HENDERSONCOUNTY BOARD OF COMMISSIONERS**

**MEETING DATE:** Tuesday September 3, 2019

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

**PRESENTER:** Eric Warren, Planner

**ATTACHMENTS:**

1. Staff Report
2. Site Plan
3. Certification of Notice of Public Hearing
4. Resolution of Consistency
5. Staff Power Point Slides
6. Applicant Power Point Slides

#### **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 Conditional 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 attached site plan has been revised to show the conditions mentioned at the Planning Board meeting.

**PUBLIC NOTICE:**

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §42A-303 and §42A-346 (C) of the Henderson County Land Development Code and State Law, notice of the September 3, 2019 public hearing regarding rezoning application #R-2019-03-C was published in the Hendersonville Lightning on August 21<sup>st</sup> and August 28<sup>th</sup>. The Planning Department sent notices of the hearing via first class mail to the owners of properties within 400 feet of the Subject Area on August 19, 2019 and posted signs advertising the hearing on August 20, 2019.

**BOARD ACTION REQUESTED:**

Before taking action on the rezoning request, the Board of Commissioners must hold a public hearing. A suggested motion is provided.

**Suggested Motion:**

I move that the Board (approve or deny) conditional rezoning application #R-2019-03-C to rezone the Subject Area to a Local Commercial Conditional District (LC-CD) based on the recommendations of the Henderson County Comprehensive Plan, and with any conditions stated in the staff report or as discussed by the Board, and;

I move that the Board approve the attached resolution regarding the consistency with the CCP.

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**Henderson County Planning Department Staff Report**  
**Conditional Rezoning Application #R-2019-03-C (R2R to LC-CD)**

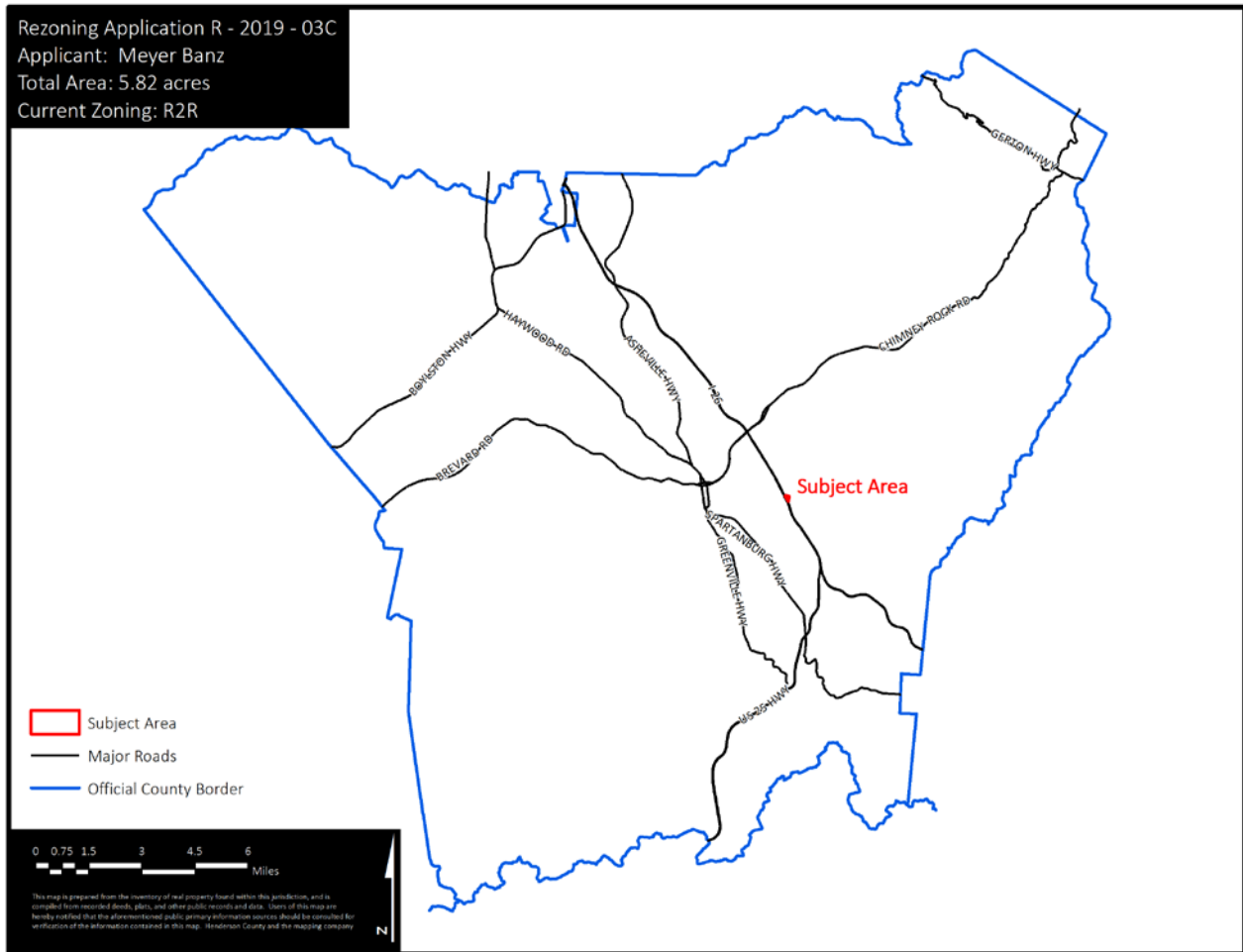
**Owner: Philip Botnick**  
**Applicant: Meyer Banz**

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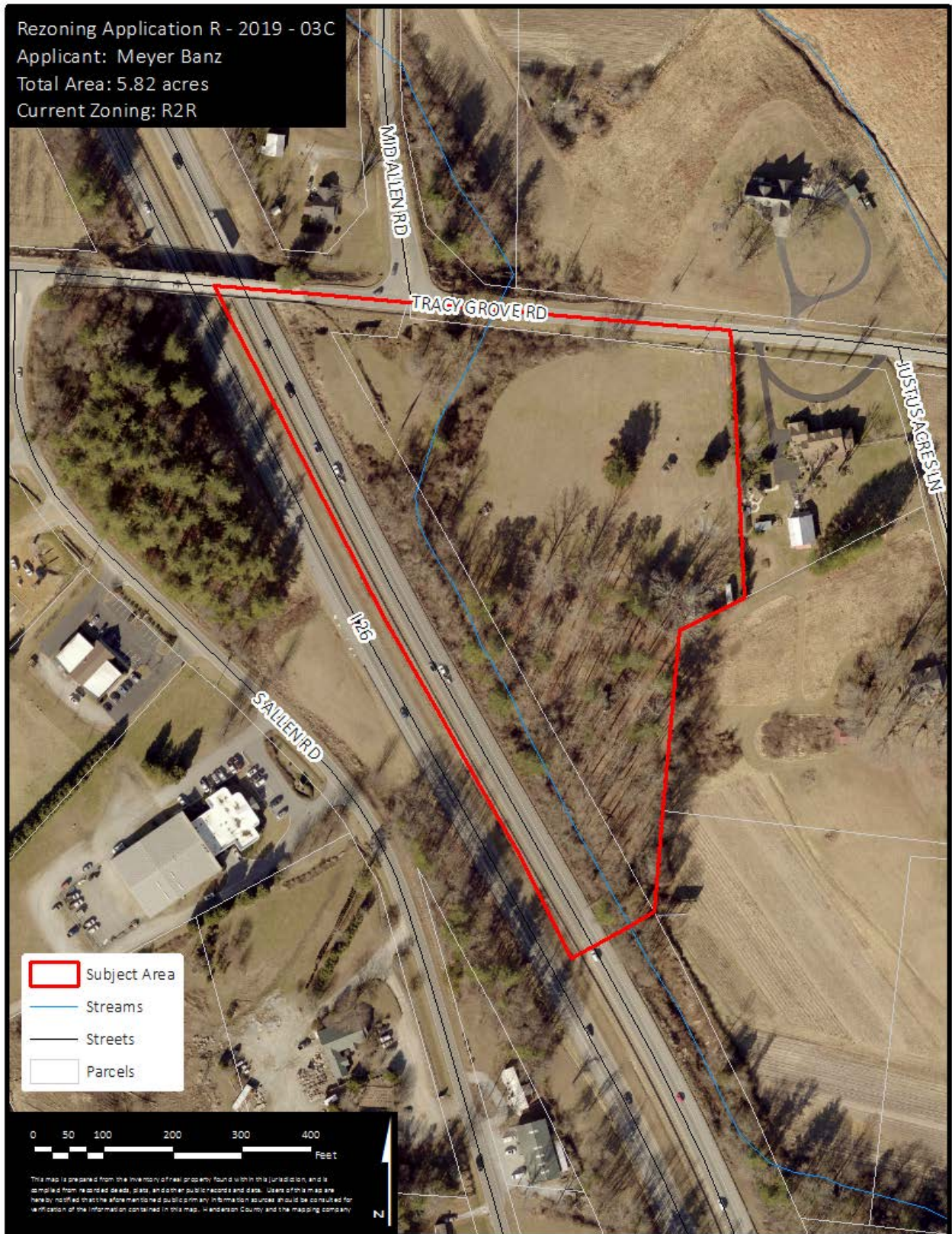
**1. Rezoning Request**

- 1.1. **Owner:** Philip Botnick
- 1.2. **Applicant:** Meyer Banz
- 1.3. **PIN:** 9588-07-2064
- 1.4. **Request:** Rezone subject area from a Residential Two Rural (R2R) zoning district to a Local Commercial Conditional (LC-CD) zoning district.
- 1.5. **Size:** Approximately 5.82 acres
- 1.6. **Location:** The subject is located on Tracy Grove Rd. (SR 1793) and adjacent to I-26.

**Map A: County Context**

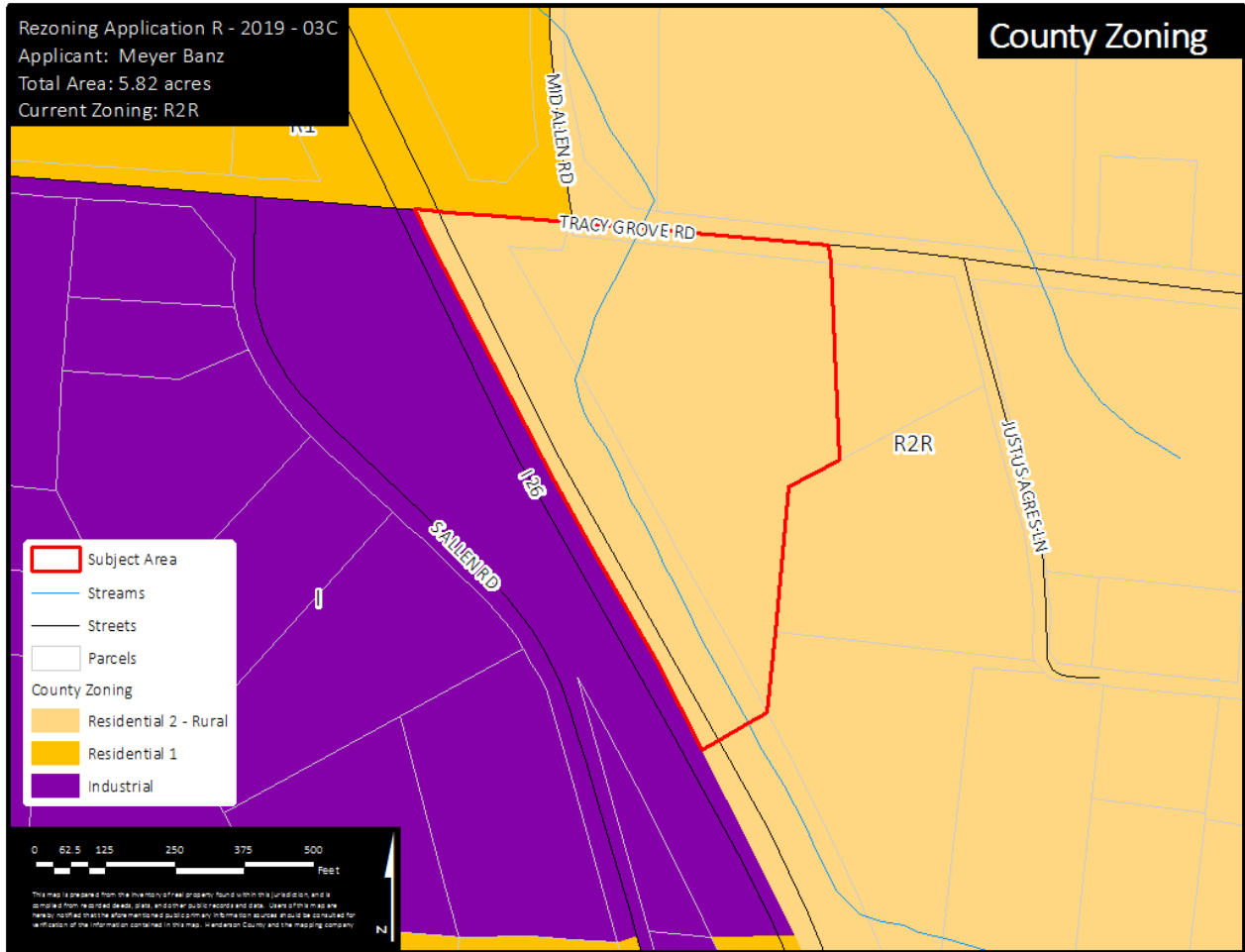


Map B: Aerial Image





### Map C: Current Zoning



## 2. Current Zoning

2.1. **Application of Current Zoning:** The subject area is currently zoned Residential Two Rural (R2R). R2R is primarily a residential zoning district allowing some recreational, educational and institutional, and some other light uses, but does not allow the retail trade proposed in this rezoning request.

2.2. **Adjacent Zoning:** The subject area is adjacent to Residential Two Rural (R2R) to the north and east, Residential One (R1) and Industrial (I) are adjacent to the west and south.

### 2.3. **District Comparison:**

2.3.1. **Residential Two Rural Zoning District (R2R):** The purpose of Residential Two Rural (R2R) District is to foster orderly growth where the *principal use* of land is residential. The intent of this district is to allow for low to medium density *residential development* and rural commercial and light industrial development consistent with the recommendations of the *Comprehensive Plan*. This general *use district* is typically meant to be utilized in areas designated as Transitional (RTA) in the *Comprehensive Plan* (LDC §42 – 29).

2.3.2. **Local Commercial Zoning District (LC):** The purpose of the Local Commercial (LC) District is to foster orderly growth where the *principal use* of land is commercial and residential. The intent of this district is to allow for *commercial development* consistent with the recommendations of the *Comprehensive Plan*. In accordance with the *Comprehensive Plan*, the district will allow for and provide *commercial* and *residential development* that: (1) includes a variety of retail sales and services, public and private administrations, offices and all other *uses* done primarily for sale or profit on a local or *neighborhood* scale; (2) is directed largely to Community Service Centers as defined in the *Comprehensive Plan*; (3) is compatible with adjacent development and the surrounding community; and (4) will minimize congestion and sprawl. This general *use district* is meant to be utilized in all service areas. (LDC §42 – 23).

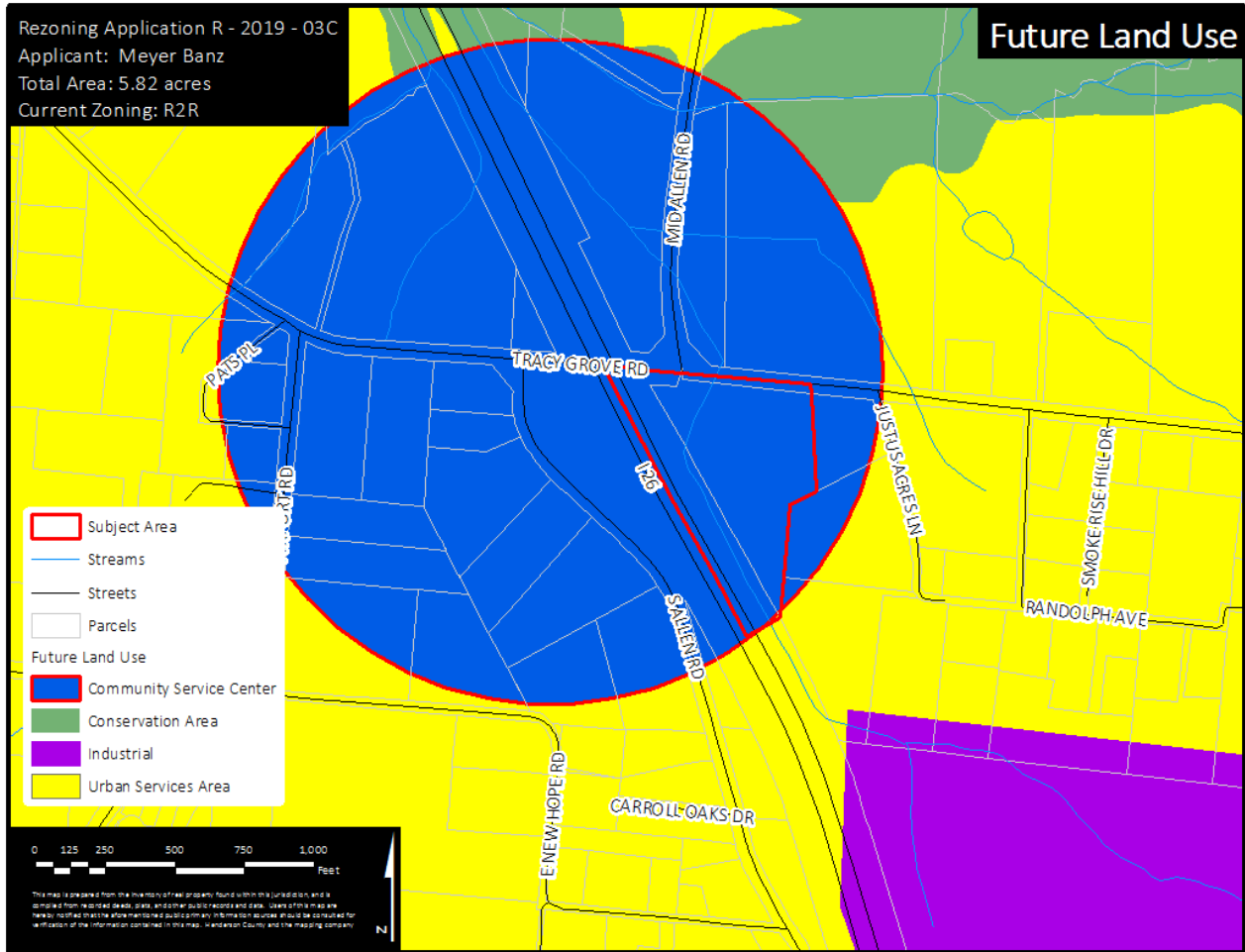
2.3.3. **Conditional Zoning District:** Conditional Zoning Districts provide an optional rezoning choice where the *owner* of property proposes to rezone property and, to carry out the purposes of the *Comprehensive Plan*, proposes to impose special limitations and conditions on the *use* of the property proposed for rezoning.

An application for conditional zoning must include a *site plan*, drawn to scale, and supporting information and text that specifies the actual *use* or *uses* intended for the property and any rules, regulations and conditions that, in addition to all predetermined requirements, will govern the development and *use* of the property.

In approving a Conditional Zoning District, the Planning Board may recommend, and the Board of Commissioners may request that reasonable and appropriate conditions be attached to the approval.

If approved, the Conditional Zoning District, would only allow the use proposed in the attached site plan.

**Map D: County Comprehensive Plan Future Land Use Map**



**3. The Henderson County Comprehensive Plan (CCP)**

3.1. The CCP Future Land Use Map identifies the subject area as being in **Community Service Center (CSC)**. (CCP, Pgs. 138-140). (See Map D).

3.1.1. **Community Service Center:** *Community Service Centers* are intended to be intensive, efficient, defined concentrations of mixed services that meet the needs of the surrounding community and defined service areas. *Community Service Centers* are appropriate for a mixture of commercial uses scaled to the service area in question; residential uses of varying densities depending upon available services; and *Community Facilities* such as schools, parks, community centers, and other similar *Community Facilities*. The mixture and intensity of land uses contained within *Community Service Centers* are intended to be appropriate within the context of the surrounding community and intended service area. *Community Service Centers* should also be properly controlled by appropriate aesthetic standards, access management standards, and other appropriate development control measures. (CCP, Pg. 138)

3.1.1.1. **Local Commercial** areas are located within defined **Community Service Centers**. They serve small market areas and are intended to be located within the residential neighborhoods that they serve. They contain a

range of commercial uses that can be safely intermixed with residential uses. They are pedestrian- friendly areas that typically generate low traffic volumes and can be located along minor residential streets. Public utilities are strongly encouraged but not necessarily required. The range of uses permitted within a Local Commercial area should be compatible with available utilities and infrastructure. They include a variety of retail sales and services, public and private administrations, offices and all other uses done primarily for sale or profit on a local or neighborhood scale. They should be compatible with adjacent development and the surrounding community and should minimize congestion and sprawl. (CCP, Pg. 139)

**4. Current Uses of Subject Area and Adjacent Properties**

- 4.1. **Subject Area Uses:** The subject area was previously approved for use as an RV Park in 1991. There is a manufactured home on the property, and two non-conforming signs (an on-premise sign as well as a billboard).
- 4.2. **Adjacent Area Uses:** There are residential, agricultural, and vacant land uses surrounding the subject area. The subject area is also adjacent to Interstate 26.
- 4.3. **Proposed Use:** The applicant proposes a 6,336 sq. ft building for an office/retail showroom with walking trails, educational exhibits, picnic area, and outdoor recirculating gem mining flumes. There will be one on-premise sign and the attached *site plan* includes space and amenities to accommodate school field trip groups.

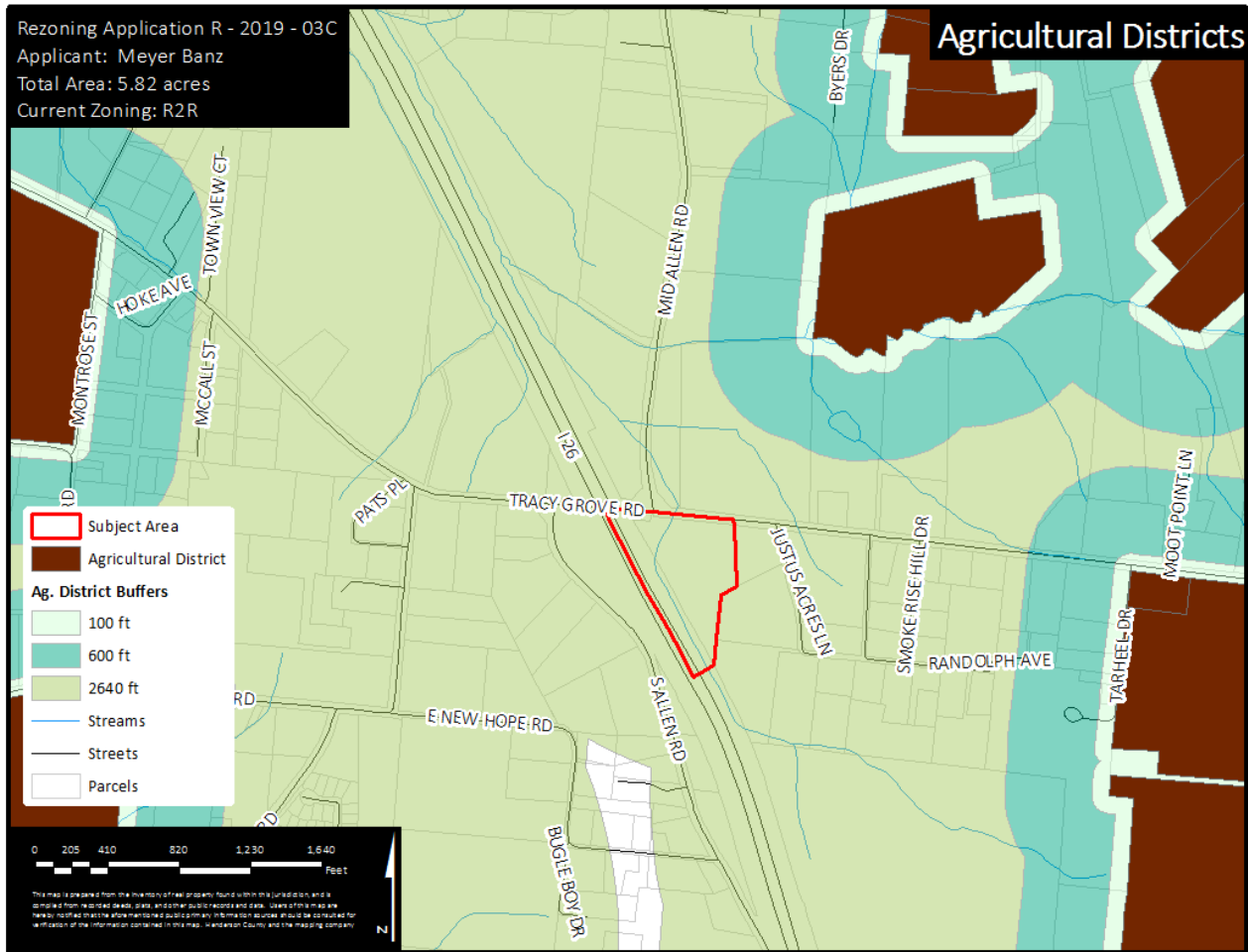
**5. Site Plan Features:**

- 6,336 sq. foot showroom/office
- Covered storage building on existing concrete pad
- 2 covered recirculating water flumes
- Manufactured home remodeled into restroom building
- 34 parking spaces (6 Handicapped Accessible)
- Separate one-way entrance and exit
- Bus parking area
- On-premise sign
- Picnic area
- Existing non-conforming off-premise sign (billboard) to remain
- Nature/Educational Trail
- 3 structures to be Enclosed or Pavilions
- Trail exhibits and mining art

**6. Water and Sewer:** The subject is or will be served by individual water and waste water systems permitted through the Environmental Health Department.



### Map E: Agricultural District Map



#### 7. Agricultural Districts:

7.1. The subject area is within the ½ mile buffer from an Agricultural District. Agricultural Districts are provided increased protection from nuisance suits from properties that are within ½ mile of the district.

#### 8. Staff Comments

- 8.1. **The CCP:** The CCP Future Land Use Map (See Map D) places the Subject Area in the Community Service Center. The text and map of the CCP suggest that Local Commercial would be suitable for the subject area within the Community Service Center.
- 8.2. **Comparison of Districts:** The existing Residential Two Rural (R2R) district does not allow for the proposed retail sales and services. The requested Local Commercial Conditional District (LC-CD) would allow the 6,336 sq. ft. retail building as shown on the site plan.
- 8.3. **Conditional Zoning Districts:** Conditional Zoning Districts are created to provide an optional rezoning choice where the *owner* of property proposes to rezone property and, to carry out the purposes of the *Comprehensive Plan*, proposes to impose special limitations and conditions on the *use* of the property proposed for rezoning (LDC §42-45).

- 8.4. **Traffic Impact:** Sample of similar uses from the Institute of Transportation Engineers Trip Generation Manual indicates that this use would generally generate no more than a maximum of 100 trips daily on average.
- 8.5. **Site Plan:** The conditional rezoning request requires a site-specific plan for the proposed development. (See Attached Site Plan)

**9. Conditions under the LDC**

- 9.1. **Buffering Condition:** A B1 buffer (20 feet in width) is required for new commercial uses where adjacent to residential zones.
- 9.2. **Perennial Stream Buffer:** All *built-upon areas* shall be at a minimum of 30 feet landward of all perennial and intermittent surface waters.
- 9.3. **Parking Requirements:** For commercial use one (1) space per each 500 square feet of gross floor area.
- 9.4. **Lighting:** Adequate lighting shall be placed in areas used for vehicular/pedestrian access including, but not limited to; stairs, sidewalks, crosswalks, intersections, or changes in grade. Lighting mitigation required, and lighting should be shielded from neighboring property and roads.

**10. Technical Review Committee Recommendations**

- 10.1. **Pre-existing Off-Site Signage:** The property currently contains 1 off-premise sign (billboard) along I-26. The Board may require the removal of this sign or allow it to remain under the pre-existing use standards in the LDC.
- 10.2. **On-Premise Signage:** The TRC stated that only one on-premise sign for the proposed use would be allowed with a maximum area of 200 sq. ft. and maximum height of 18 ft. The property currently contains 1 on premise sign that should be removed, and this should be noted on a revised site plan with the location of the new on-premise sign shown. The existing on-premise sign may be utilized in place of the new on-premise sign.
- 10.3. **Waste Water System:** The applicant needs a pre-existing waste water system permit from the Henderson County Environmental Health and any required upgrades to the current system as determined.
- 10.4. **Existing Well:** The applicant may be required to obtain a permit for a public water supply from the State and should work closely with Environmental Health to determine if this is required.
- 10.5. **Sedimentation and Erosion Control:** An erosion control permit is required if more than 1 acre is disturbed.
- 10.6. **Storm Water Management:** A storm water permit is required as this is a redevelopment project.
- 10.7. **NCDOT Driveway Permit:** The applicant must obtain a driveway permit through NCDOT if required.
- 10.8. **ADA Requirements:** Per the NC building codes, ADA accessible parking is required at least 200 ft from the entrance to buildings and the trail and bathrooms must meet ADA standards.

**11. Planning Board Recommended Conditions**

11.1.**Hours of Operation:** The Planning Board recommends limiting hours of operation from 9:00am to 6:00 pm as a condition of approval.

11.2.**Street Trees:** Street trees shall be placed adjacent to Tracy Grove Rd. to improve aesthetics and street buffering. Street trees shall be placed following NCDOT guidelines for sight triangles for public roads.

11.3.**Farmland Protection:** Applicant shall sign an acknowledgment of nearby farmland and farm operations and will waive rights to any nuisance complaints for agricultural uses.

11.4.**Dumpster Relocation:** The dumpster shall be moved away from the eastern property line that his shared by Judy McCracken.

11.5.**Lighting Mitigation:** Lighting mitigation shall be installed in accordance with county code to ensure that lighting on the subject area does not project onto adjacent properties.

11.6.**Adjacent Neighbor Protection:** Applicant shall provide proper protections to adjacent owner, Judy McCracken, from any adverse effects of the proposed use.

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

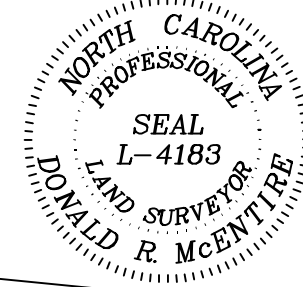
I, \_\_\_\_\_, Review Officer of Henderson County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

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

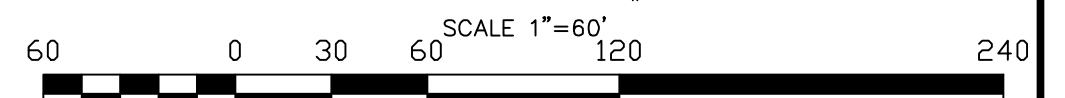
Julia J. Lappin  
and husband  
W. Dale Lappin  
797/591  
PIN: 9588065355  
ZONED: R2R

Revised May 24, 2019 to show commercial setbacks.

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

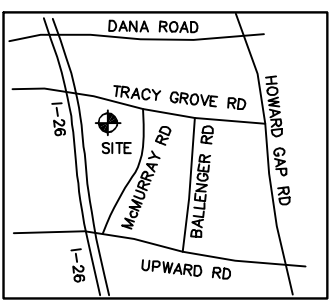
DEED BOOK 783 PAGE 29  
TAX PIN: 9588072064  
REID: 9945584  
ZONED: R2R TAX DISTRICT: BLUE RIDGE FIRE  
BLUE RIDGE TOWNSHIP HENDERSON COUNTY, NC  
FIELD: EM,TW,UM MAP: D. McENTIRE  
DATE: MAY 2, 2019 MAP#: 19-0942

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



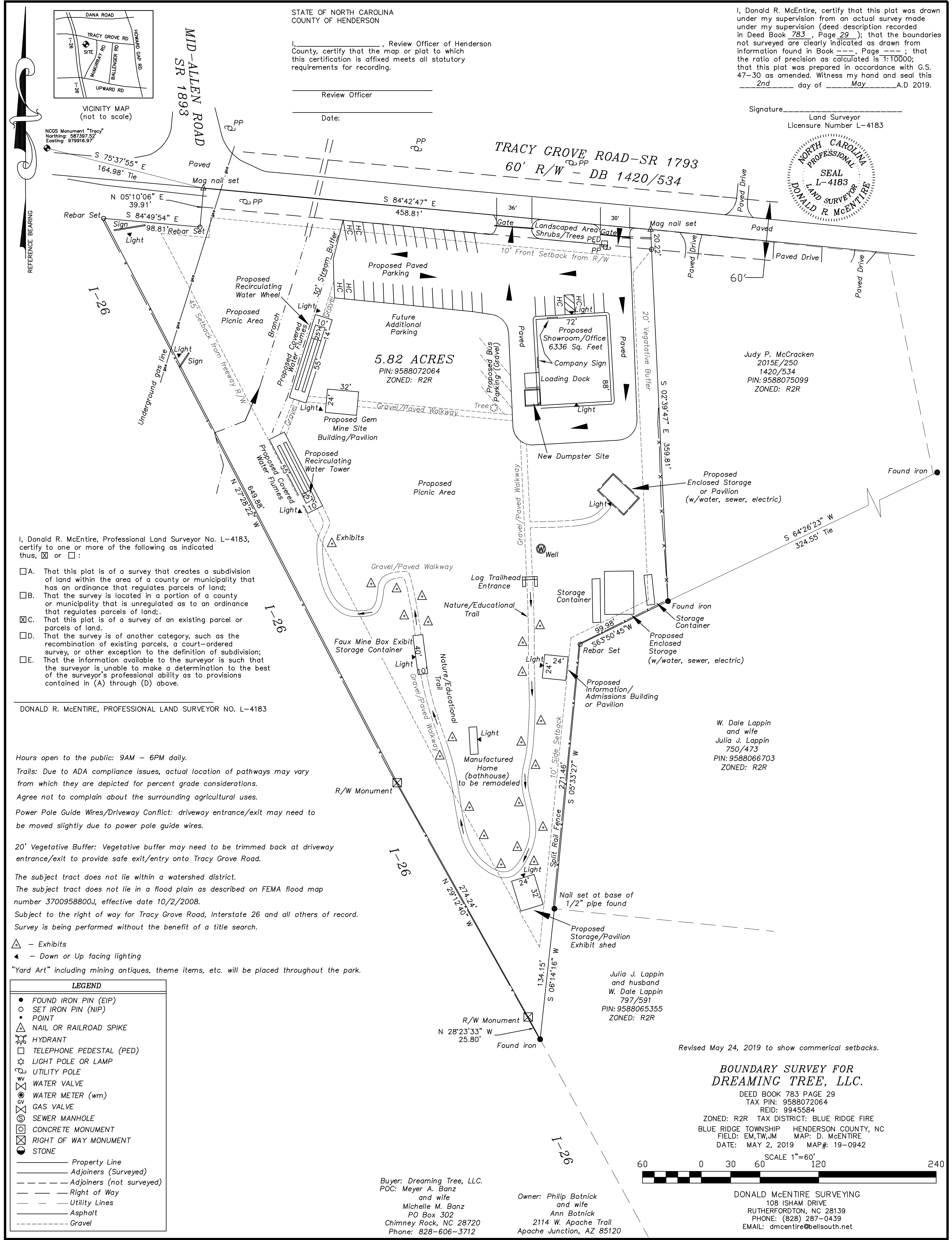
Buyer: Dreaming Tree, LLC.  
POC: Meyer A. Banz  
and wife  
Michelle M. Banz  
PO Box 302  
Chimney Rock, NC 28720  
Phone: 828-606-3712

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



VICINITY MAP  
(not to scale)

NCS 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

Hours open to the public: 9AM - 6PM daily.  
Trails: Due to ADA compliance issues, actual location of pathways may vary from which they are depicted for percent grade considerations.  
Agree not to complain about the surrounding agricultural uses.  
Power Pole Guide Wires/Driveway Conflict: driveway entrance/exit may need to be moved slightly due to power pole guide wires.  
20' Vegetative Buffer: Vegetative buffer may need to be trimmed back at driveway entrance/exit to provide safe exit/entry onto Tracy Grove Road.  
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.

- Exhibits
- Down or Up facing lighting

"Yard Art" including mining antiques, theme items, etc. will be placed throughout the park.


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

**Certification of Notice of Public Hearing**

In accordance with NCGS 153A-343 the Planning Department certifies notice of the September 3, 2019 hearing regarding Rezoning Application #R-2019-03-C were:

1. Submitted to the Hendersonville Lightning on August 13, 2019 to be published on August 21, 2019 and August 28, 2019 by Eric Warren;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on August 19, 2019 by Eric Warren;
3. Signs were posted on the Subject Area(s) on August 20, 2019 by Eric Warren.

The signatures herein below indicate that such notices were made as indicated herein above:

1.  \_\_\_\_\_

STATE OF   NORTH CAROLINA  

COUNTY OF   HENDERSON  

I, Toby Linville, a Notary Public, in and for the above County

and State, do hereby certify that

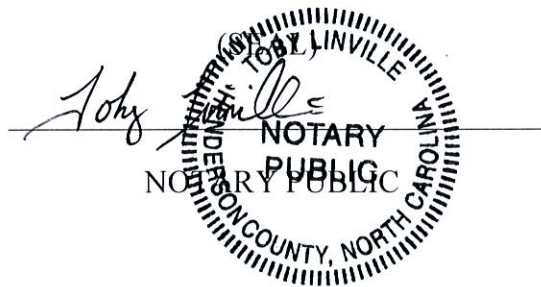
Eric Warren,

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 20th day of August, 20 19.

My commission expires:

5/25/21





## **RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN**

**WHEREAS**, pursuant to N.C. General Statute §153, Article 18, the Henderson County Board of Commissioners exercises regulations relating to development within the County's jurisdiction; and

**WHEREAS**, the Henderson County Board of Commissioners (Board) adopted the Land Development Code (LDC) on September 19, 2007 and has amended the LDC to address new and changing issues;

**WHEREAS**, the Board desires to update and revise the regulations of the LDC; and

**WHEREAS**, the Planning Department and Planning Board provided recommendations regarding the proposed zoning map amendment with case #R-2019-03-C; and

**WHEREAS**, pursuant to N.C. General Statute §153-323, the Planning Department provided the prescribed public notice and the Board held the required public hearing on September 3, 2019; and

**WHEREAS**, N.C. General Statute §153-341 requires the Board to adopt a statement of consistency with the County Comprehensive Plan (CCP); and

**NOW THEREFORE, BE IT RESOLVED** by the Henderson County Board of Commissioners as follows:

1. That the Board reviewed the proposed map amendment (#R-2019-03-C, Blue Ridge Gem Mine Educational Park) and finds that it is reasonable, in the public interest and it is consistent with the CCP and the Growth Management Strategy located therein; and
2. That the Board determines that the proposed map amendment provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County; and
3. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.



**THIS** the 3<sup>rd</sup> day of September, 2019.

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

**BY:** \_\_\_\_\_  
**GRADY HAWKINS, Chairman**

**ATTEST:**

\_\_\_\_\_  
**Teresa Wilson, Clerk to the Board**

**[COUNTY SEAL]**

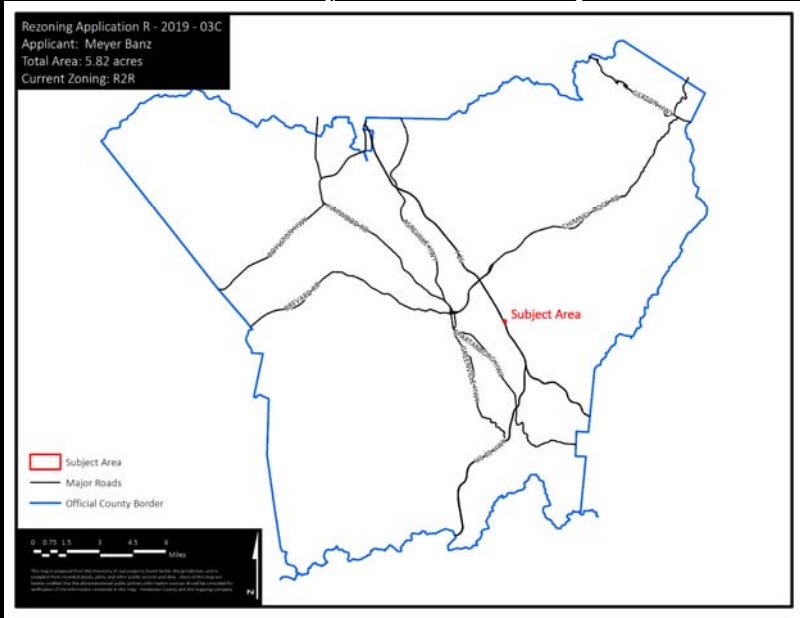
# Rezoning #R-2019-03C Blue Ridge Gem Mine Educational Park



Henderson County Board of Commissioners  
September 3, 2019

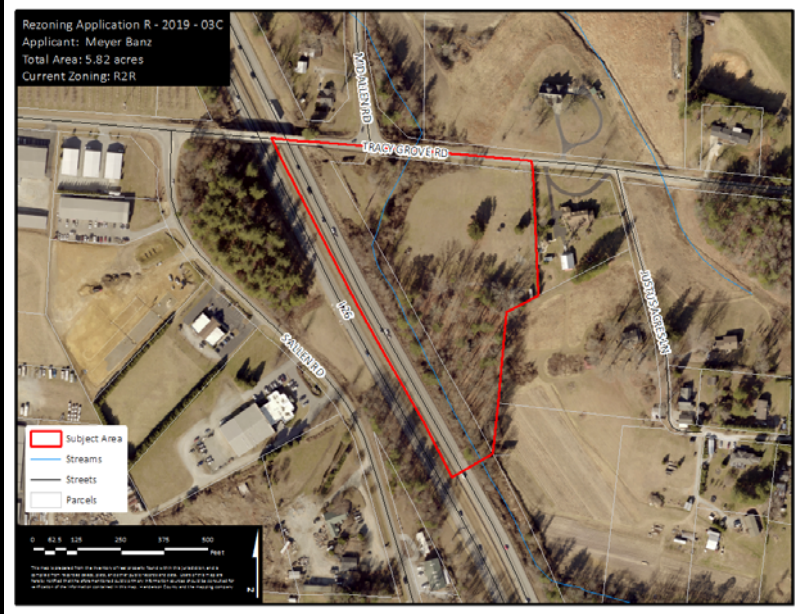
*Henderson County Planning Department*

## County Context Map



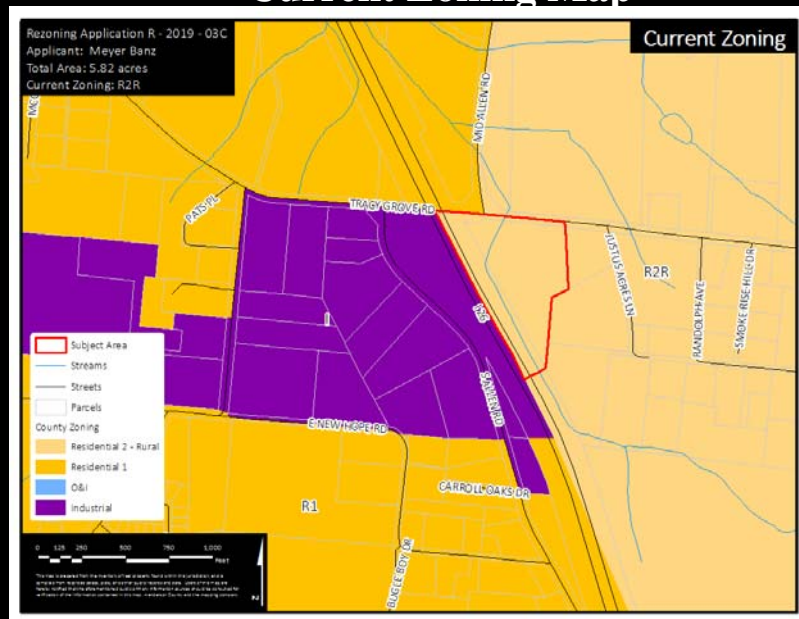
*Henderson County Planning Department*

# Aerial Map



Henderson County Planning Department

# Current Zoning Map



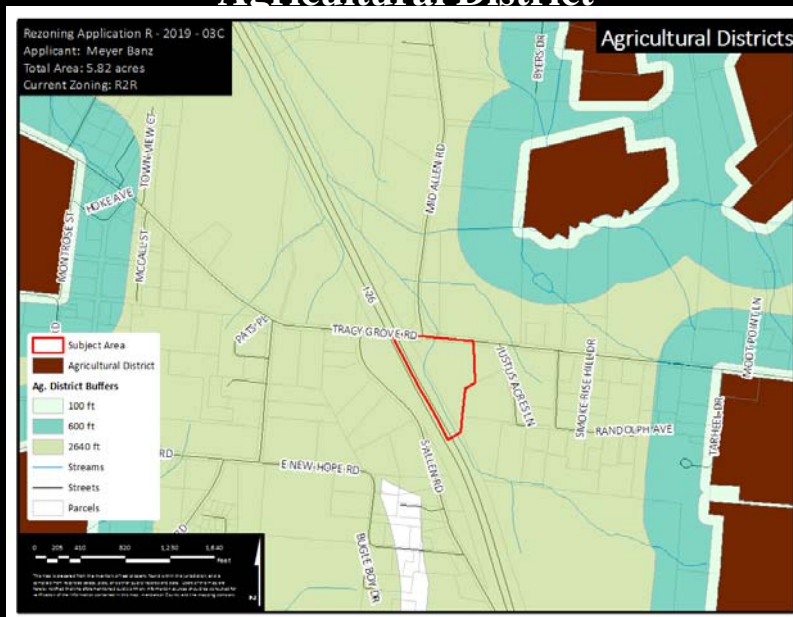
Henderson County Planning Department

# CCP Future Land Use Map



Henderson County Planning Department

# Agricultural District



Henderson County Planning Department







*Henderson County Planning Department*



*Henderson County Planning Department*





*Henderson County Planning Department*



*Henderson County Planning Department*



*Henderson County Planning Department*

## Recommended Conditions

- **Hours of Operation:** The Planning Board recommends limiting hours of operation from 9:00am to 6:00 pm as a condition of approval.
- **Street Trees:** Street trees shall be placed adjacent to Tracy Grove Rd. to improve aesthetics and street buffering. Street trees shall be placed following NCDOT guidelines for sight triangles for public roads.
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- **Adjacent Neighbor Protection:** Applicant shall provide proper protections to adjacent owner, Judy McCracken, from any adverse effects of the proposed use.

*Henderson County Planning Department*

**Rezoning #R-2019-03C**

# Questions



# BLUE RIDGE GEMSTONE MINE & EDUCATIONAL PARK

*A one of a kind, fun and educational experience  
for the people and visitors of the  
Hendersonville Community.*



## WHAT WE DO

- Geological Education
- Field Trips
- Gemstone Flume Mining
- Birthday Parties
- Retail Jewelry



## OUR HISTORY

- Chimney Rock Gemstone Mine #1 (est. 2003)
- Chimney Rock Gemstone Mine #2 (est. 2007)
- Greenville Gemstone Mine *in Downtown Greenville* (est. 2009)
- Greenville Gemstone Mine *at the Haywood Mall* (est. 2018)



Chimney Rock Gemstone Mine is rated **"#2 Thing to Do"** by TripAdvisor, in Chimney Rock, next to Chimney Rock State Park.

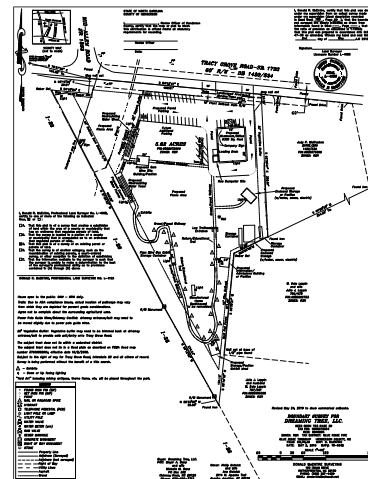
Gemstone mining is currently ranked the **"#1 thing to Do"** by TripAdvisor, in Hendersonville.

## OUR VISION FOR HENDERSON COUNTY

This property would enable us to accommodate school field trips and groups more efficiently, as it would be a geological educational park that brings a unique experience to students, teachers, seniors, and the disabled of Henderson County and surrounding areas.

### BLUE RIDGE GEMSTONE MINE IS COMPRISED OF:

- Educational Nature Trail
- Various Prospector Exhibits **(20)**
  - These exhibits aim to inform and educate guests on geological formations, paleontology and archeology.
- Water Tower/Wheel
- Covered Flume Mining
  - (Gem Mining Décor: Mining crates/antiques, equipment/tools from the era)
- Group Picnic Area/ Picnic Tables/Umbrellas
- Retail Store/ Offices/ Public Restrooms
- Log outbuildings





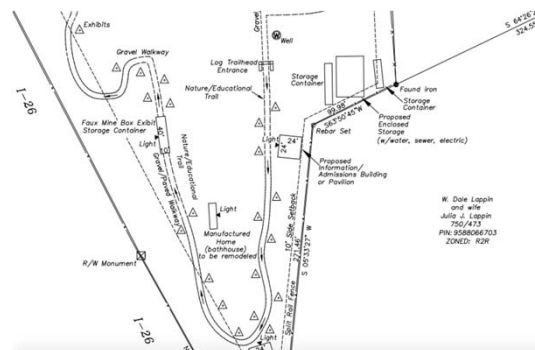
## OUR VISION FOR HENDERSON COUNTY: NATURE TRAIL FEATURING 20 EDUCATIONAL EXHIBITS

- Minerals
- Rock Cycle
- Igneous Rocks
- Sedimentary Rocks
- Metamorphic Rocks
- Rocks by Geography
- Gems & Precious Stones
- Crystal Points
- Geodes
- Volcanoes
- Mining Equipment
- Fossils
- Bugs
- Dinosaur Replica
- Meteor/Meteorites
- Cave Formation
- Ocean Discovery
- Petrified Wood
- Fluorescent Rocks
- Rock Tumbling



## OUR VISION FOR HENDERSON COUNTY: NATURE TRAIL FEATURING 20 EDUCATIONAL EXHIBITS

The Educational Nature Trail will be a handicap and senior friendly accessible walkway that guides the public from the parking area to the educational park, through the exhibits and picnic areas, then down to the gemstone mining flumes and the creek, and lastly, back to the retail showroom/parking area for an all inclusive adventure.

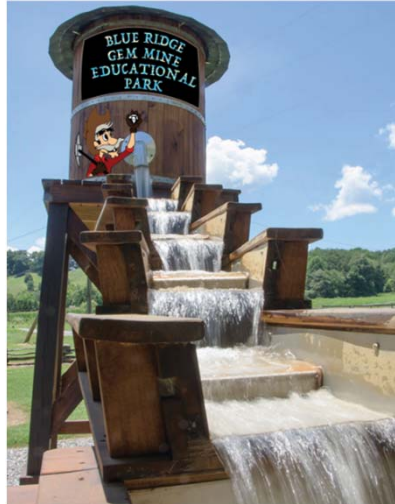




## OUR VISION FOR HENDERSON COUNTY: WATER TOWER & WHEEL

These are examples of the authentic, antique mining equipment we will have at the park. The photos show the water tower and wheel.

*We will not be taking water from the creek or be putting any water into the creek. The water re-circulates.*



## OUR VISION FOR HENDERSON COUNTY: COVERED GEMSTONE FLUME MINING

We plan to create and provide guests with one of the most beautiful on-site, covered flume mines in the area. Guests will be able to be a prospector for the day and sift for gems. Recirculating water flumes allow the public to learn about rocks, their origins and compositions without digging and caving.

On site staff will identify, classify and categorize the rocks for students, teachers and all guests who explore the park.



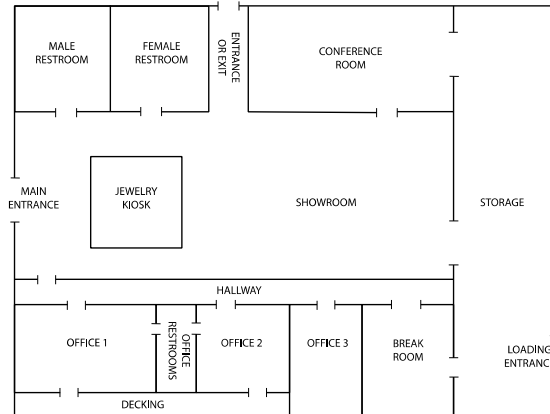
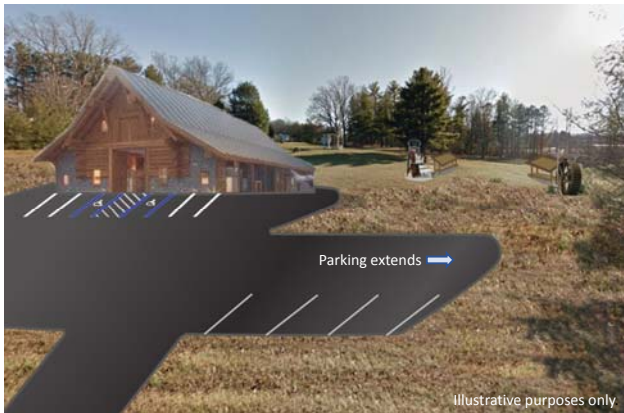
## OUR VISION FOR HENDERSON COUNTY: GROUP PICNIC AREA

Throughout the center of the park there will be designated areas where groups can sit for lunch, can be taught lessons or work on their exhibit activity guides.



## OUR VISION FOR HENDERSON COUNTY: RETAIL/OFFICE BUILDING/GEMSTONE MINE

Built from logs, wood, stone, and other natural elements, the structure will house restrooms, offices for staff, and a retail showroom for our guests. This building will match with the storage structures on property. This structure should blend nicely with the landscape.



## FITTING IN WITH THE SURROUNDING AREA



Mr. Newman's Old Timey Truck



Ms. McCracken's Barn



Mr. Newman's Barn/Shed



Mr. & Ms. Lappin's Barn



BRGM Proposed Site  
(Illustrative Purposes Only)

## ADJACENT COMMERCIAL PROPERTIES WITHIN 500 FT

Gilbert's Plumbing



John Ross Landscape & Construction



Cooper Construction



Upwards Dental



Storage Facility



Retail Plaza



Precision Comfort Services



Zack's Automotive

## 2020 COMPREHENSIVE PLAN

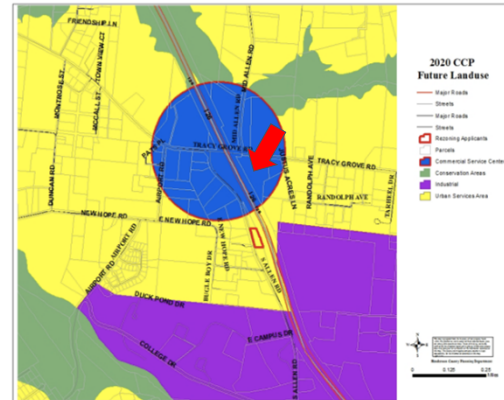
In the *2020 Comprehensive Plan for Henderson County* (est. 2004), 818 Tracy Grove Rd., Flat Rock, NC, is listed as a **commercial service center**.

The entire property is included in the area of “commercial service center.” For the past 15 years, this site has been planned to be zoned as local commercial.

In the planning staff comments of our plan, it states:

- “The CCP Future Land Use Map places the subject area in the Community Service Center. The TEXT and the MAP suggest that Local Commercial would be suitable for the subject area.”
- “The range of uses permitted within a Local Commercial area...include a variety of retail sales and services, public & private administration...”

Map D: 2020 County Comprehensive Plan Future Land Use Map

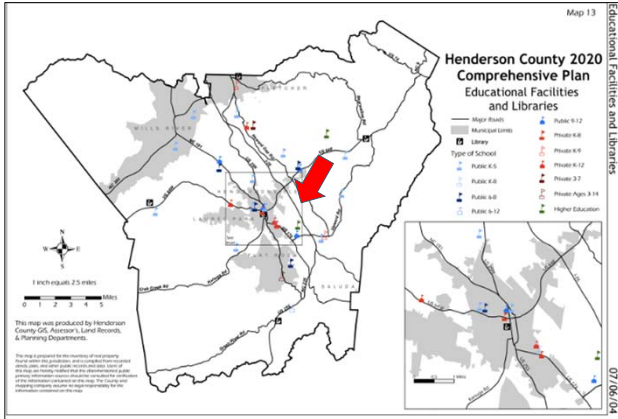


## 2020 COMPREHENSIVE PLAN KEY PRINCIPLES OF GROWTH

- **High Quality of Life**
  - A hands on approach to learning
  - Quality of life is in direct ratio to more opportunities in the education system
- **Balanced, Sustainable Growth**
  - The County Comprehensive Plan suggests that Local Commercial would be suitable for future land use in this area
- **Sustaining our Heritage, Culture, and Tradition**
  - Preserving traditions of gemstone mining in the WNC region of the “gemstone mine capital of the world”
- **Economic Sustainability**
  - Creating 10-14 jobs
- **Fiscal Sustainability**
  - \$2,500 to \$7,500 property tax revenue
  - \$15,000 to \$25,000 sales tax revenue
- **Environmental Sustainability**
  - Eco-friendly
  - Recycle water
  - Preserve natural woodlands
- **Accessibility, Efficiency, and Equity in the Provision of Services, Facilities, and Resources**
  - Working to be ADA compliant
  - All inclusive safe environment for recreation & education
- **Regional Coordination and Collaboration / Community Based Planning**
  - Work hand and hand with schools and educational institutions in county



# 2020 COMPREHENSIVE PLAN: EDUCATION IN HENDERSON COUNTY



- The 818 Tracy Grove Rd. property is centrally located nearby to many of the county's educational facilities and county schools making educational opportunities at Blue Ridge Gemstone Mine very possible.

# COMMERCIAL PROPERTIES NEIGHBORING RESIDENTIAL PROPERTIES IN HENDERSON COUNTY

Dollar General



St. Paul's Vineyard



Convenience Store



AAA Storage



Horizon A/C



Burntshirt Vineyard

## COMMERCIAL PROPERTIES NEIGHBORING RESIDENTIAL PROPERTIES IN HENDERSON COUNTY CONTINUED

Grandad's Apples



Elijah Mountain Gemstone Mine



Apple Valley Animal Hospital



Apple Country Realty



FLEX Fitness



Appalachian Ridge Cidery

## MORE EASILY ATTAINABLE PROJECTS UNDER R2R ZONING

Manufactured Home Park



Outdoor Storage Units



Campground



RV Parks

Kennel



Temporary Circus



Manufacturing Warehouse (up to 10,000 sq ft)

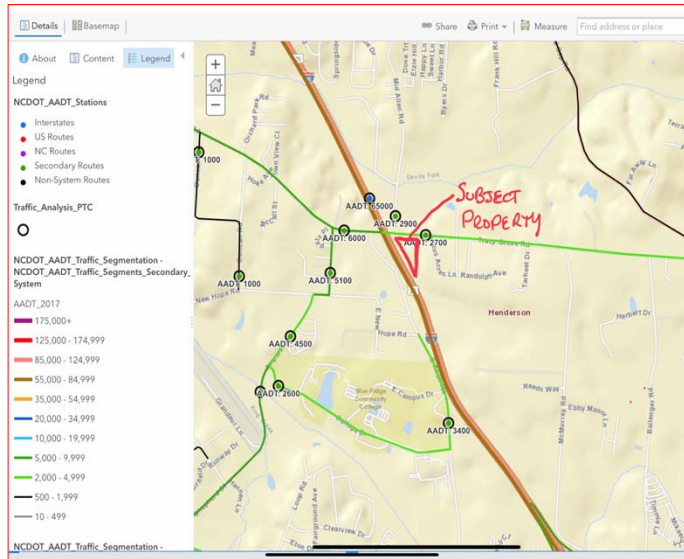


Waste Collection & Transfer Facility



# TRAFFIC ON TRACY GROVE ROAD

- In our section of Tracy Grove Road, we see an estimated 2,700 cars per day. Across the Tracy Grove bridge, car counts are more than double that number at 6,000 cars per day without any reported traffic problems.
- We have 33 parking spaces. If we fill up the parking lot 1.5 times in an entire day, that would bring the total average number of cars in our area of Tracy Grove Road from 2,700 to 2,750, increasing traffic 1.85%, which is literally unnoticeable.
- According to DOT Engineer, Carl Owenby, our project would not require a traffic study. A traffic study is not required to take place unless businesses see 1,000 or more cars per day.



# LETTERS FROM EDUCATORS IN HENDERSON COUNTY

**HENDERSON COUNTY PUBLIC SCHOOLS**  
 414 Fourth Avenue West, Hendersonville, NC 28739-4261  
 Dr. Caldwell, Superintendent

**Board of Public Education:**  
 Amy Lynn Holt, Chairperson  
 Mary Louise Corn, Vice Chairperson  
 Michael Absher  
 Dot Case  
 Blair Craven  
 Jay Eggle  
 Rick Wood

July 16, 2019

Mr. and Mrs. Banz  
 Hendersonville, NC

Dear Mr. and Mrs. Banz,

It was a pleasure to meet with you yesterday and hear about your plans for the Blue Ridge Gemstone Mine Educational Park. As Superintendent of the local public schools, it is always encouraging to hear of additional extra-curricular educational opportunities for the children of Henderson County. I imagine that if your plans come to fruition, many families from our community as well as tourists to our area will take advantage of the opportunity to mine for gemstones while learning about geology.

Thank you for being proactive in sharing a potential educational destination with me while you are still in the planning stages. It was a pleasure meeting with you and personally, I wish you the best of luck in your endeavors.

Sincerely,  
  
 Hardy "Bo" Caldwell  
 Superintendent

Andrea Staton  
 1707 Terry's Gap Road  
 Hendersonville, NC 28792

To whom it may concern,

I have become aware that Matt and Michelle Banz have proposed plans to build a gem mining educational park in our area. As an educator in Henderson County, the prospect of having an educational center located so close to several schools is very exciting. There is a huge need for this type of center to be made available to the students of Henderson County. No other facility in our area offers the type of learning experiences that they are proposing. Research has shown that it is increasingly important to provide authentic experiences for all students, but especially the students who come from our lowest socio-economy situations. I would ask that great consideration be given to their proposal to make this educational resource happen. Our youngest citizens deserve this type of educational experience.

Sincerely,  
 Andrea Staton, M.Ed

July 17, 2019

To Whom It May Concern:

My name is Rick Hilliard and I am a science teacher at North Henderson High School. I am writing this letter at the request of Matt and Michelle Banz, regarding their request to have land rezoned, so they can open a "Gem Mine / Educational Center."

I have known Matt & Michelle for over six years and know them to be outstanding business leaders and individuals within the community. Their gem mine, in Chimney Rock, is an awesome place for children and provides them a hands-on learning activity. As Michelle explained the proposed new Gem Mine / Education Center to me, it sounds like it would be a positive addition to the community and provide additional educational opportunities for school children. For these reasons, I support the Banz in their endeavor to open a new "Gem Mine and Educational Center."

Sincerely,  
 Rick Hilliard

## CONDITIONS: CONDITIONAL RE-ZONING

In collaboration with the Henderson County Planning Department and the surrounding property owners we have agreed to the following conditions:

- 20 foot vegetative buffer from property line with adjacent homeowner
- 30 foot setback from the stream that runs parallel with the edge of the property
- 45 foot buffer from I-26
- Hourly Operations only between 9 AM & 6 PM
- The addition of manicured street trees plants, bushes, mulch, etc. along the front entrance as a buffer at Tracy Grove Road to enhance its curb appeal and blend in seamlessly with the neighborhood.
- Moving the proposed dumpster away from nearby home
- Shielding all outdoor lighting
- Acknowledgement of agricultural community

## OUR FINAL THOUGHTS

Blue Ridge Gemstone Mine Educational Park will be a fun and educational experience for parents, children, students and all who visit. From the showroom to the nature trail of exhibits to the gemstone mining flumes, children and adults alike will feel the ambience of an 1800s Gemstone Mining Village as they are educated about the aspects of gem mining, rocks, minerals and fossils through their experience. This is the first geological park in the area that is all inclusive and is designed to have full access for handicap, special-needs and the senior community. This one-of-a-kind attraction will be a true “gem” for the Henderson County community and Western North Carolina.

Thank you for your time and consideration!

