

REQUEST FOR BOARD ACTION

HENDERSONCOUNTY BOARD OF COMMISSIONERS

MEETING DATE: December 2, 2019

SUBJECT: Public Hearing for Conditional Rezoning Application #R-2019-05-C, Sirocco, Residential One (R1) to Regional Commercial Conditional District (RC-CD)

PRESENTER: Matt Champion, Project Development Planner

ATTACHMENTS:

1. Staff Report
2. Site/Master Plan
3. Certification of Public Hearing Notification
4. Resolution of Consistency
5. Planning Staff PowerPoint Presentation

SUMMARY OF REQUEST:

Conditional Rezoning Application #R-2019-05-C, revised on October 1st, requests that the County conditionally rezone approximately 7.77 acres of land from Residential One (R1) to Regional Commercial Conditional District (RC-CD). The acreage consists of a portion of the parcel (PIN: 9652-86-3577) located at the intersection of Howard Gap Road and Jackson Road in the Fletcher area. The property owner is Sirocco Properties, LLC.

The applicant is proposing an outdoor storage use with a new 10,000 square foot covered storage area on the existing infrastructure left intact after a temporary use permit for the Duke Energy laydown yard. The attached site plan shows that the area being considered for rezoning is only the gravel area enclosed by a security fence.

The Technical Review Committee (TRC) reviewed the application on October 15, 2019 and forward the rezoning request to the Planning Board with conditions listed in the staff report.

The Planning Board reviewed this application on October 24, 2019 and voted 7-0 to send forth a favorable recommendation for approval with the following conditions:

- 10' maximum low eave height on covered storage area
- B1 buffer along Jackson Rd.

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 December 2, 2019 public hearing regarding conditional rezoning application #R-2019-05-C was published in the Hendersonville Lightning on November 20th and November 27th. 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 November 18, 2019 and posted signs advertising the hearing on November 18, 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, approve with conditions, or deny) conditional rezoning application #R-2019-05-C to rezone the Subject Area to an Regional Commercial Conditional District (RC-CD) based on the recommendations of the Henderson County Comprehensive Plan, and with any conditions stated in the staff report or additional conditions as discussed, and;

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

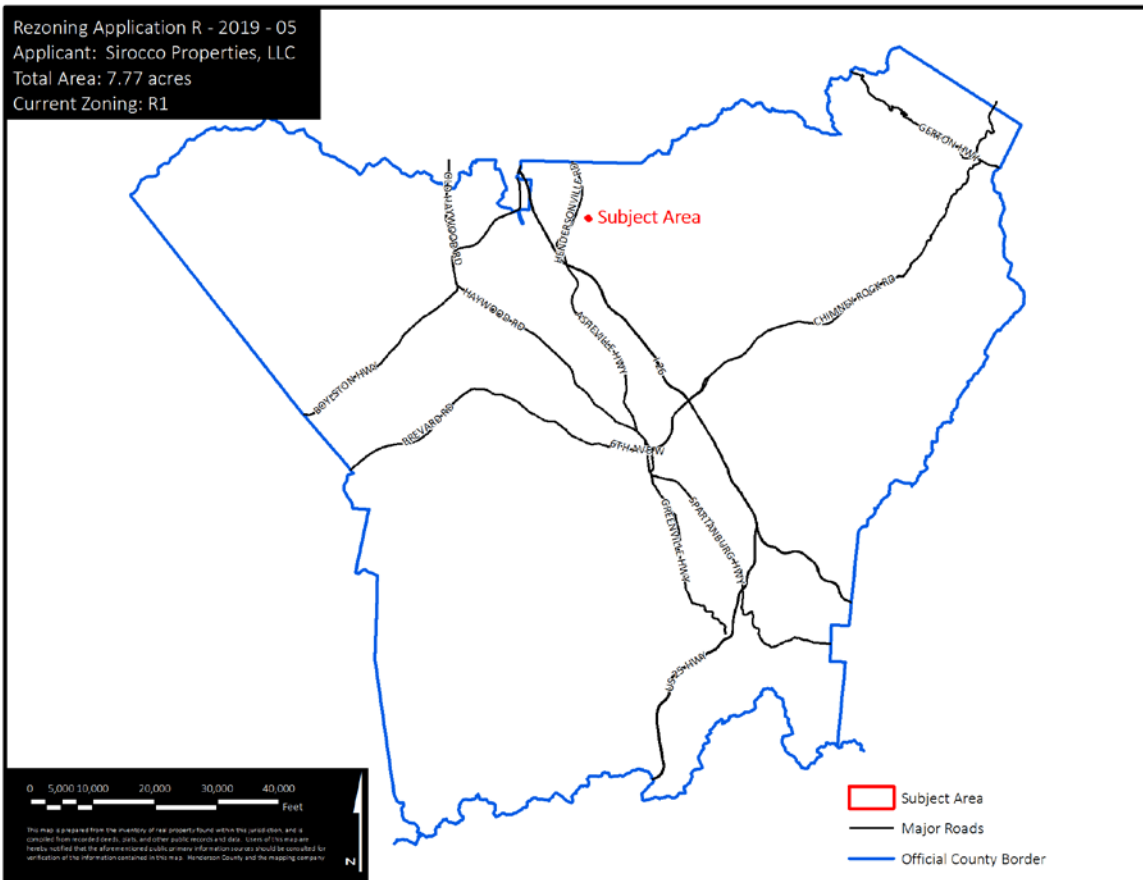
Henderson County Planning Department Staff Report
Conditional Rezoning Application #R-2019-05-C (R1 to RC-CD)

Owner/ Applicant: Sirocco Properties, LLC

1. Rezoning Request

- 1.1. **Owner:** Sirocco Properties, LLC
- 1.2. **Applicant:** Sirocco Properties, LLC
- 1.3. **PIN:** A portion of 9652-86-3577
- 1.4. **Request:** Rezone subject area from a Residential One (R1) zoning district to a Regional Commercial Conditional District (RC-CD).
- 1.5. **Size:** Approximately 7.77 (this is a portion of PIN: 9652-86-3577)
- 1.6. **Location:** The subject is located at the intersection of Howard Gap Road (SR1006) and Jackson Road (SR1539).

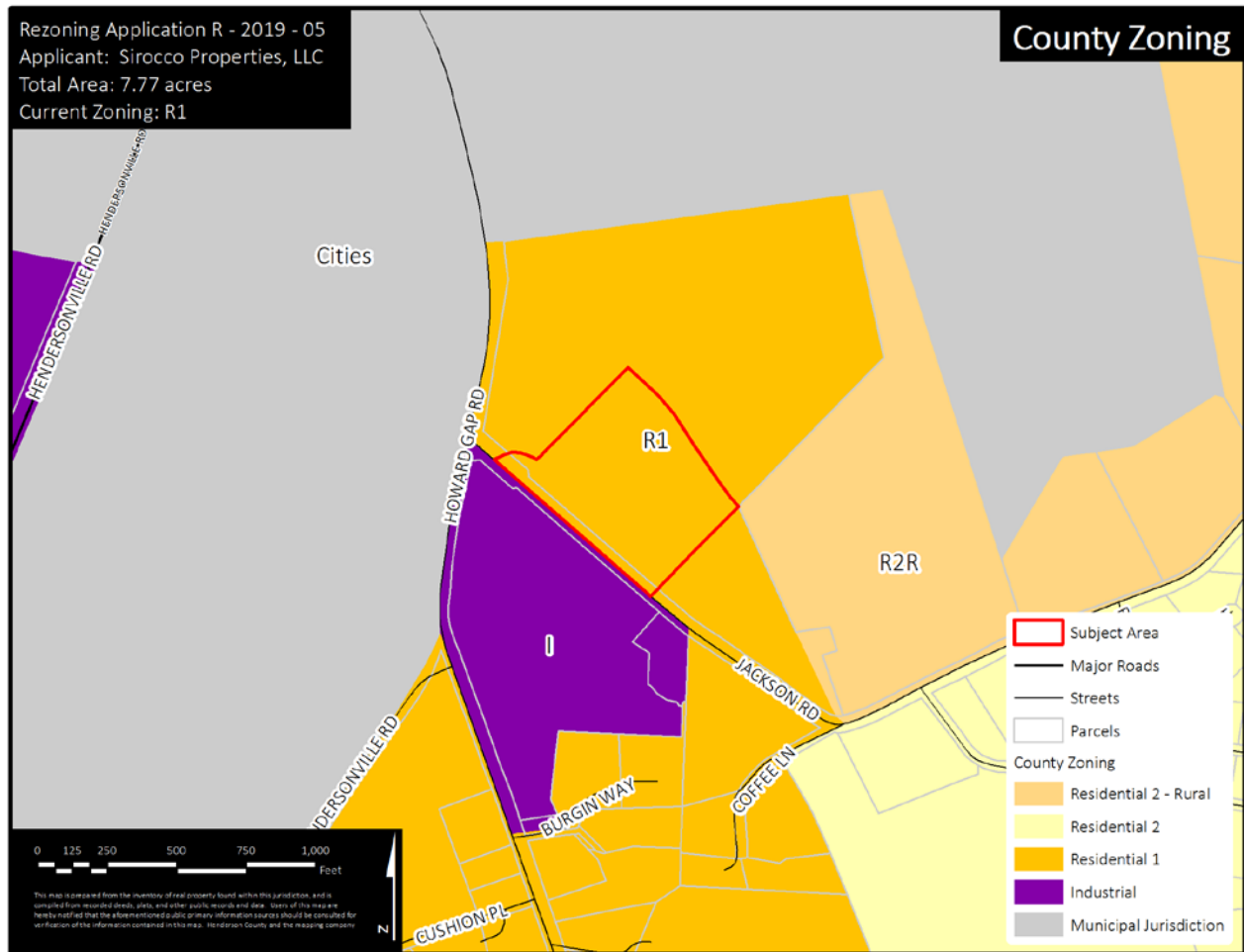
Map A: County Context



Map B: Aerial Image



Map C: Current Zoning



2. Current Zoning

2.1. **Application of Current Zoning:** The subject area is currently zoned Residential One (R1). R1 is a medium to high density residential zone.

2.2. **Adjacent Zoning:** The subject area is adjacent to Residential Two Rural (R2R) to the east and south, Residential One (R1) and Industrial (I) are adjacent to the south. The subject area borders the Town of Fletcher’s Manufacturing District (M-1) on the West and General Commercial District (C-1) on the North, see map D.

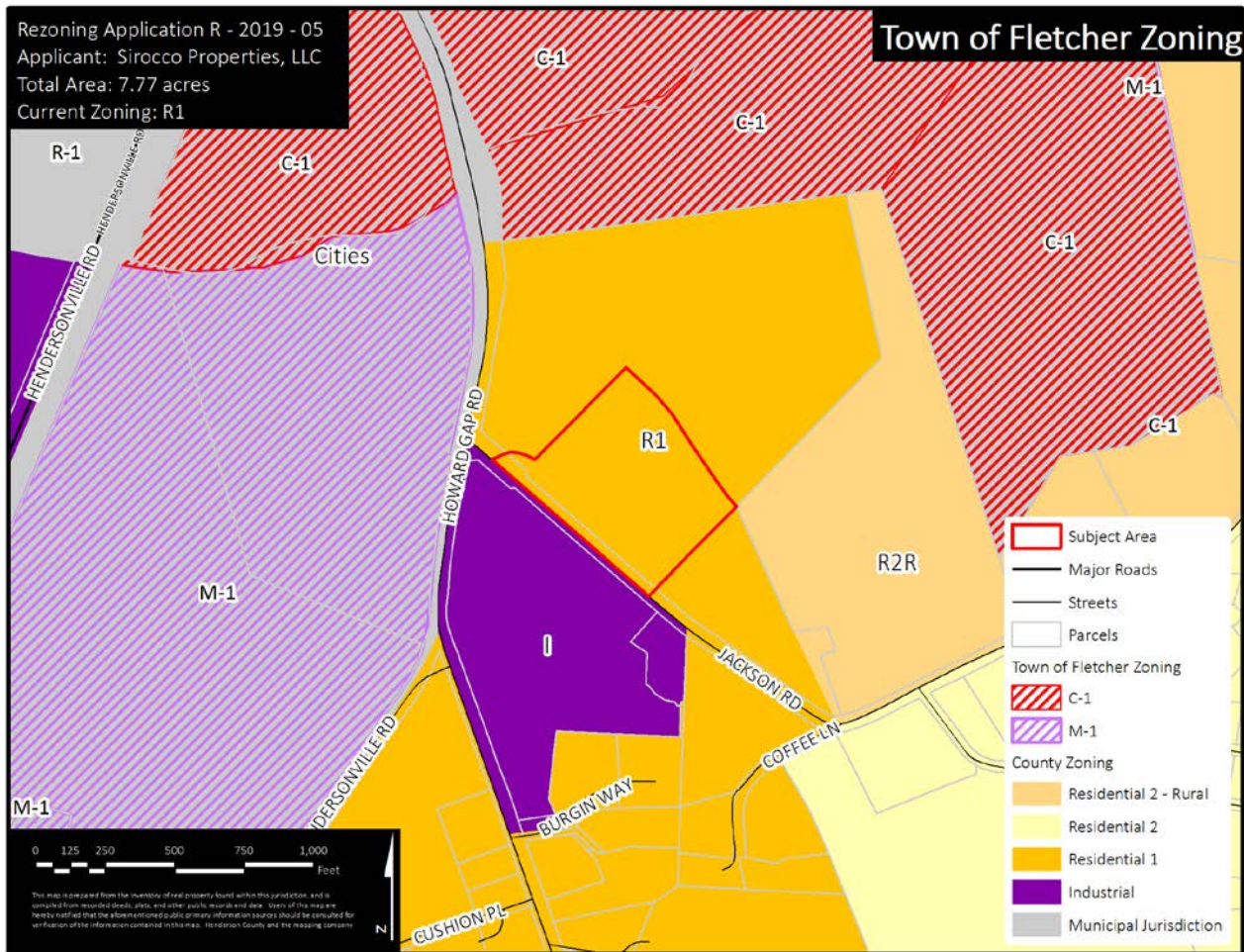
2.3. **District Comparison:**

2.3.1. **Residential One Zoning District (R1):** The purpose of Residential District One (R1) is to foster orderly growth where the principal use of land is residential. The intent of this district is to allow for medium to high-density residential development consistent with the recommendations of the Comprehensive Plan. This general use district is typically meant to be utilized in areas designated as Urban (USA) in the Comprehensive Plan. (LDC §42 – 27).

2.3.2. **Regional Commercial Conditional District (RC-CD):** Conditional Zoning Districts are zoning districts in which the development and use of the property is subject to predetermined Chapter standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to each individual development project. For each General Use Zoning District, there is a corresponding Conditional Zoning District (CD) which corresponds to each of the districts authorized. (LDC §42 – 45)

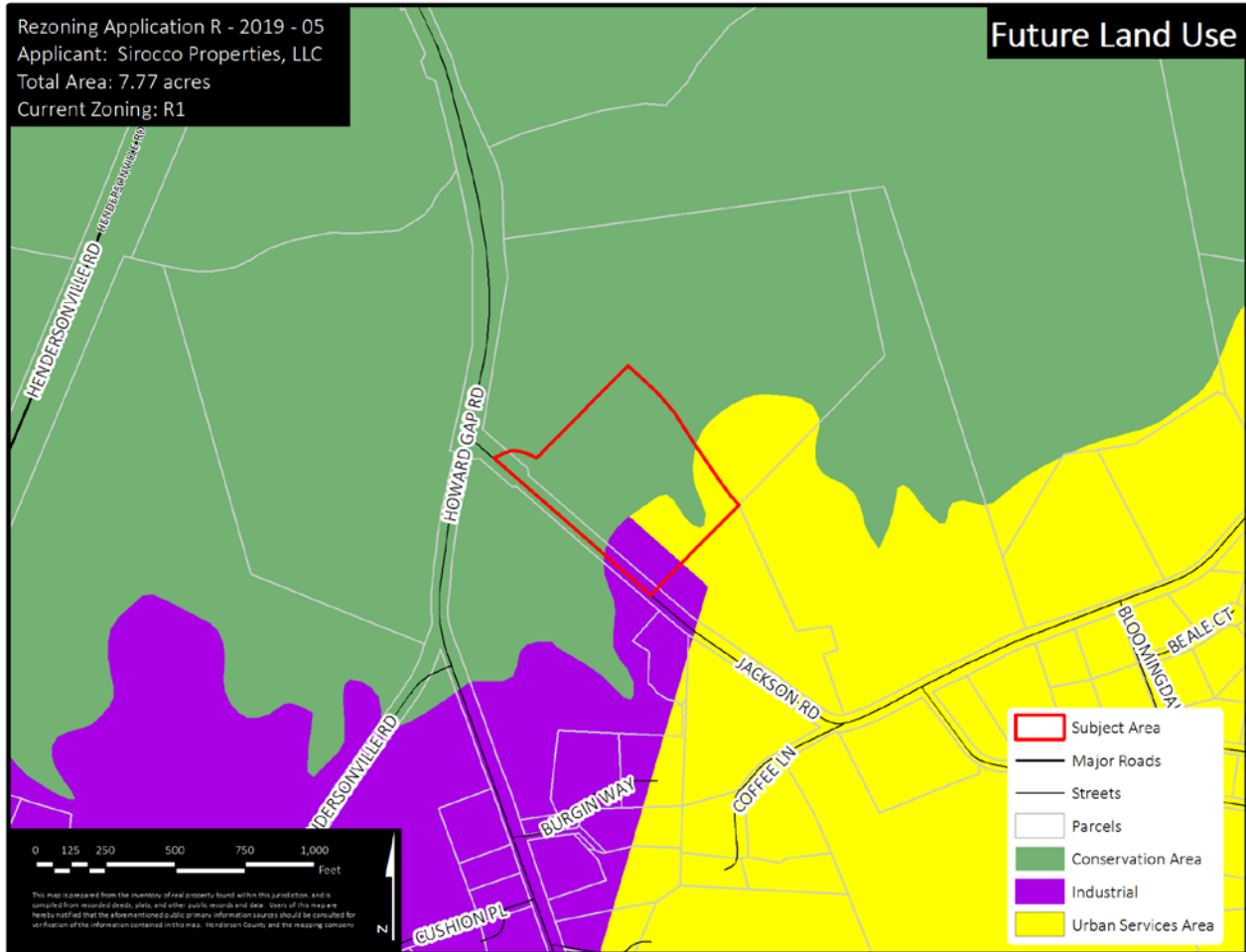
2.3.2.1. The use permitted in the conditional district is limited to those shown on the submitted site plan attached to the application. The use may have appropriate and reasonable conditions placed on it if agreed to by the Board of Commissioners and the Property Owner.

Map D: Town of Fletcher Zoning



3. **Town of Fletcher Zoning:** The subject area is adjacent to the Town of Fletcher’s incorporated limits. The adjacent zoning districts within the municipal jurisdiction are Manufacturing District (M–1) and General Commercial District (C–1). See Map D. The Town of Fletcher has been notified of the rezoning due to its close proximity to the subject area.

Map E: County Comprehensive Plan Future Land Use Map



4. The Henderson County Comprehensive Plan (CCP)

4.1. Future Land Use: The CCP Future Land Use Map identifies the subject area as being covered by the **Conservation, Urban Services Area, and Industrial** classifications. (CCP, Pgs. 138-140). (See Map E).

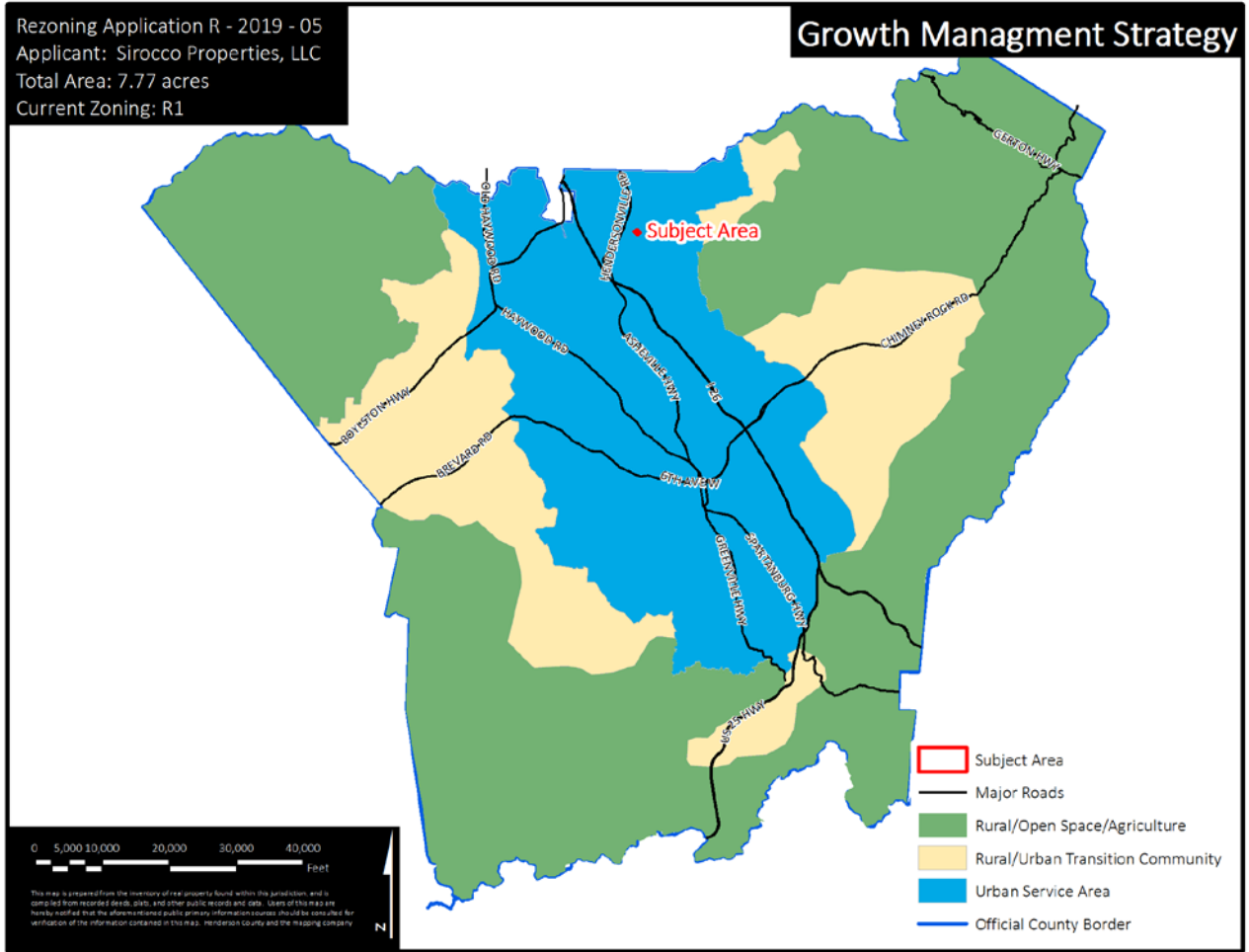
4.1.1. Conservation: “This category includes land areas that are intended to remain largely in their natural state, with only limited development. Such areas should be targeted for protection through regulations and incentives.” (CCP, Pg. 138)

4.1.2. Urban Services Area: “The USA will contain virtually all existing and future industrial development and will be the focus of future economic development activities. Industrial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community.” (CCP, Pg. 133)

4.1.3 Industrial: “Parcels containing facilities wherein raw or pre-processed resources, materials, substances, or components are mechanically, physically, chemically, or otherwise transformed into new products; waste materials are collected, treated, or disposed of; subsurface natural resources are extracted and/or processed; Livestock, cargo, merchandise, materials or hazardous substances are transferred, stored or warehoused for wholesale or other distribution; passengers or passenger

vehicles are collected or transferred; water, fuel, or electricity is produced, processed, stored, transferred or transmitted.” (CCP, Appendix IV pg. 12)

CCP Growth Management Strategy



4.2 **Growth Management Strategy:** The CCP shows the subject area located in the Urban Services area for Growth Management Strategy. The CCP states “The USA will contain considerable commercial development at a mixture of scales: Local, Community, and Regional, as defined below. In particular, all Regional Commercial development should be concentrated here. Commercial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community.” (CCP, pg. 133, #4.)

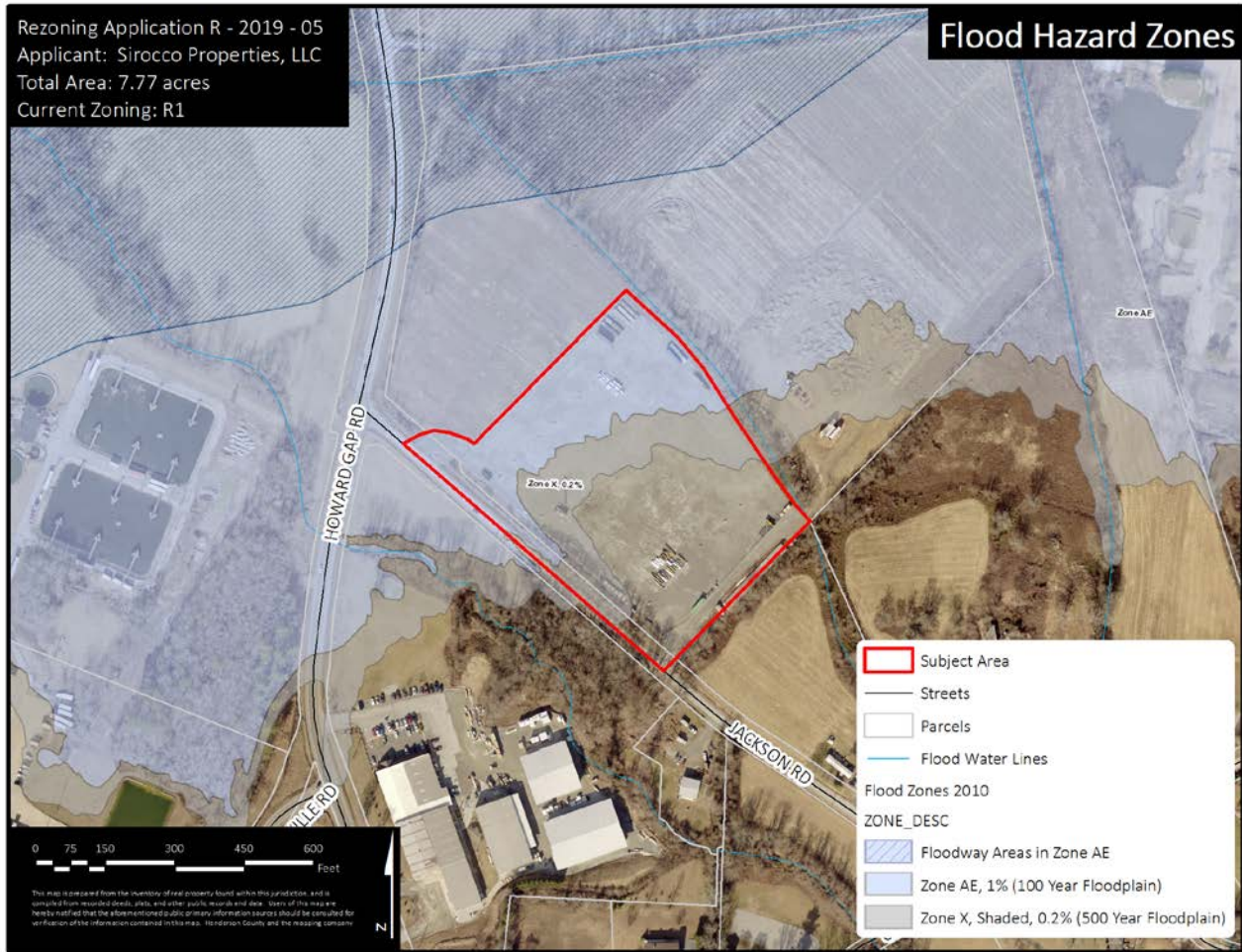
5. Current Uses of Subject Area and Adjacent Properties

- 1.1. **Subject Area Uses:** The subject area was recently being used as a “Lay Down Yard” by Duke Energy with a temporary use permit from Henderson County. That temporary use has ceased but the gravel lot and fencing is still in place. The remainder of the parcel will be used for agriculture which is a permitted use in all zones.
- 1.2. **Adjacent Area Uses:** The adjacent properties contain multiple uses. There are some residential uses to the east of the subject area. To the North of the subject area is adjacent to the Southern Tee golf course. To the South across Jackson Rd. the subject

area is adjacent to Jennings Building Supply. Across Howard Gap Rd. the subject area is adjacent a closed private waste water treatment facility.

- 6. **Water and Sewer:** The subject is not served by water or waste water systems at this time. City of Hendersonville water lines and Cane Creek Sewer District lines are in close proximity along Howard Gap Rd.

Map F: Flood Hazard Areas



- 7. **Flood Plain:** As seen in Map F, the subject area contains both 100-year and 500-year floodplains.
- 8. **Site Plan Features:**
 - Existing gravel parking area used for outdoor storage.
 - Proposed 10,000 square foot covered outdoor storage structure.
 - Existing perimeter security fence with gates.
 - Two entrances to property.

9. Staff Comments:

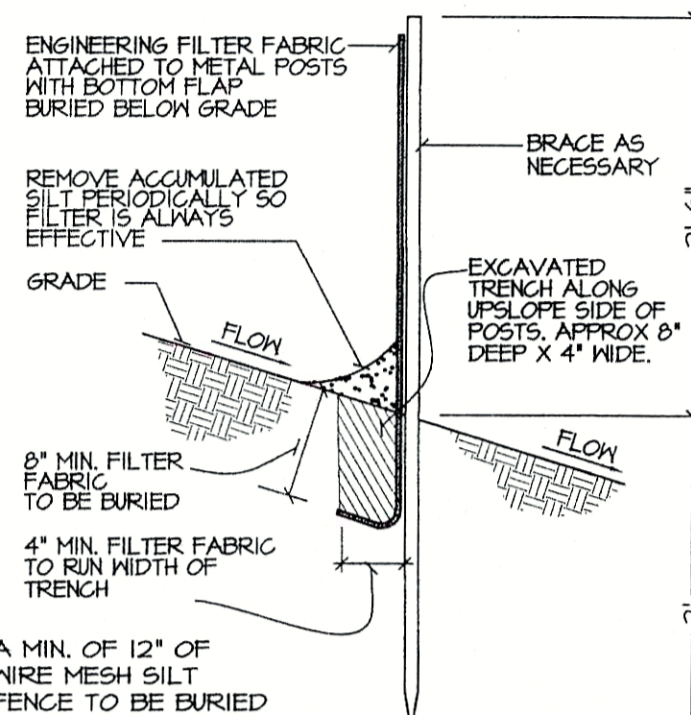
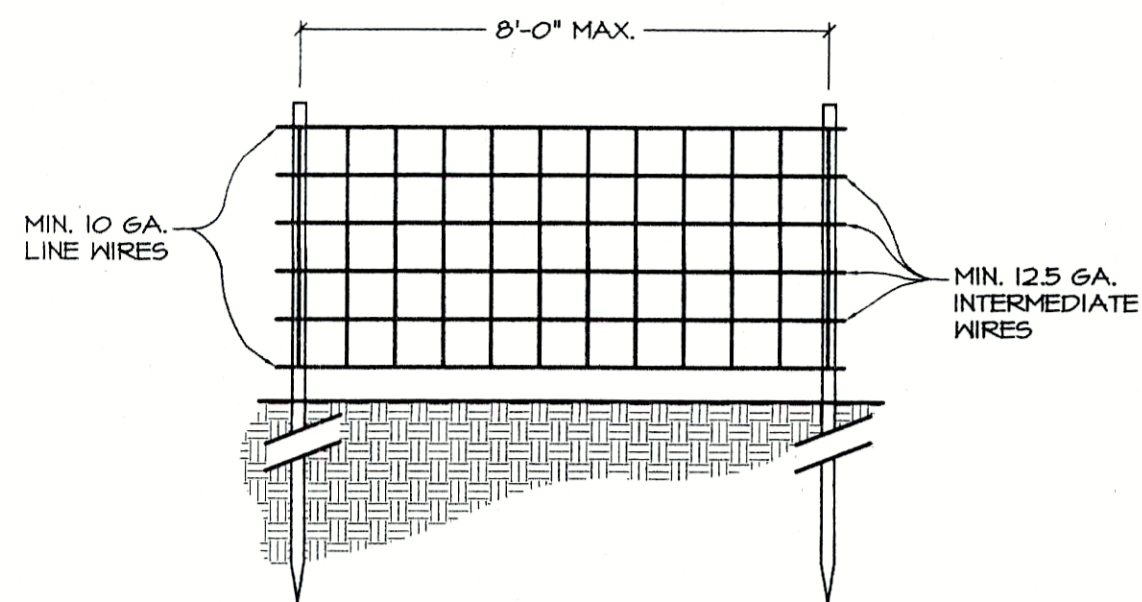
- 9.1. **CCP:** The CCP Future Land Use Map (See Map E) places the subject area in the Conservation, Urban Services Area, and Industrial future land use areas. The Growth Management Strategy in the CCP shows this area being in the Urban Services Area.
- 9.2. **Adjacent Zoning:** The subject area is adjacent to Residential One (R1), Residential Two Rural (R2R), Industrial (I), Town of Fletcher Manufacturing District (M-1), and Town of Fletcher General Commercial District (C-1).
- 9.3. **District Comparison:** Residential One (R1) zoning district is a medium to high density residential zone. Industrial (I) zoning district is an industrial and heavy commercial zone for development that: (1) is compatible with adjacent development and the surrounding community; (2) will minimize conflict between land uses; and (3) is sensitive to its impact on surrounding land uses and the environment (natural and man-made). The Industrial zoning district does not allow for any residential uses.
- 9.4. **Conditional Zoning Approval:** If a petition for conditional zoning is approved, the development and use of the property shall be governed by the existing Chapter requirements applicable to the district's category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the Official Zoning Map.

Only those uses and structures indicated in the approved petition and site plan shall be allowed on the subject property. A change of location of the structures may be authorized pursuant to §42-50 (Alterations to Approval). Changes to the site plan layout shall not increase the number of structures. (LDC §42-49)

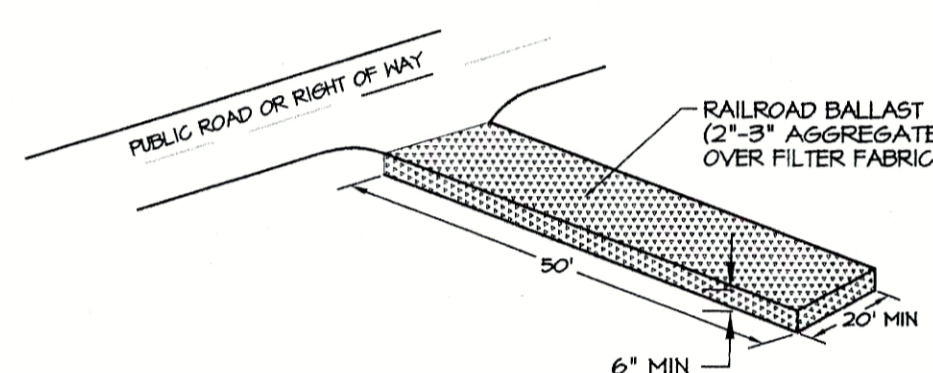
10. Recommended Conditions

- 10.1. **Screening:** Screen Class Three (3) or Four (4) shall be provided consistent with the requirements of §42-182. **Class 3:** A fence or wall constructed with a minimum height of six (6) feet, that is at least 75 percent opaque, where all spaces are evenly distributed, and with the finished side of the fence facing the adjacent property or road. Fences longer than 20 linear feet shall be landscaped with: a row of shrubs spaced a maximum of ten (10) feet apart, or a row of evergreen trees planted no more than 15 feet apart.
- 10.2. **Dust Reduction:** Unpaved roads, travelways and/or parking areas shall be treated to prevent dust from adverse effects to adjacent properties.
- 10.3. **Buffering:** a B1 buffer is required where no tree cover is present adjacent to residential uses. A B1 buffer is a 20-foot-wide vegetative buffer.
- 10.4. **NC DOT Driveway Permit:** An NC DOT driveway permit will be required for the change of use.
- 10.5. **Maximum Height:** 10' maximum height on covered storage area
- 10.6. **Buffering:** B1 buffer along Jackson Road.

NOTE:
BRACE AS NECESSARY
REMOVE ACCUMULATED SILT PERIODICALLY
SO FILTER IS ALWAYS EFFECTIVE

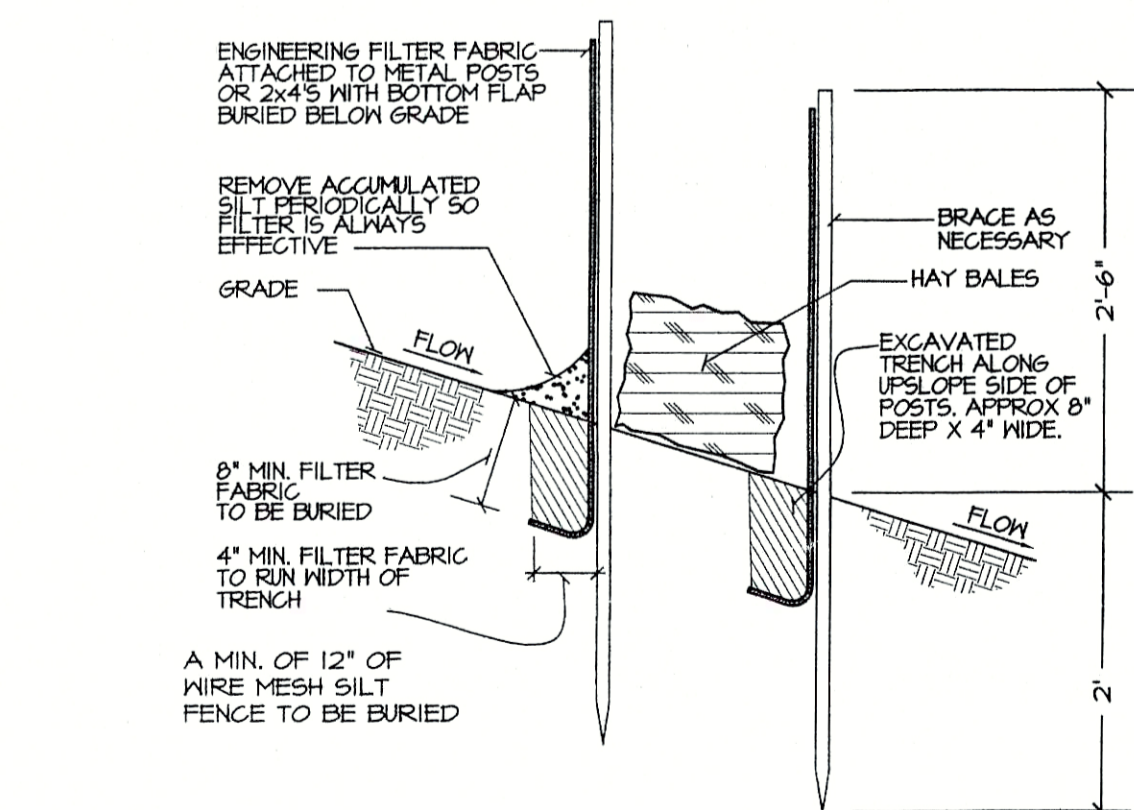
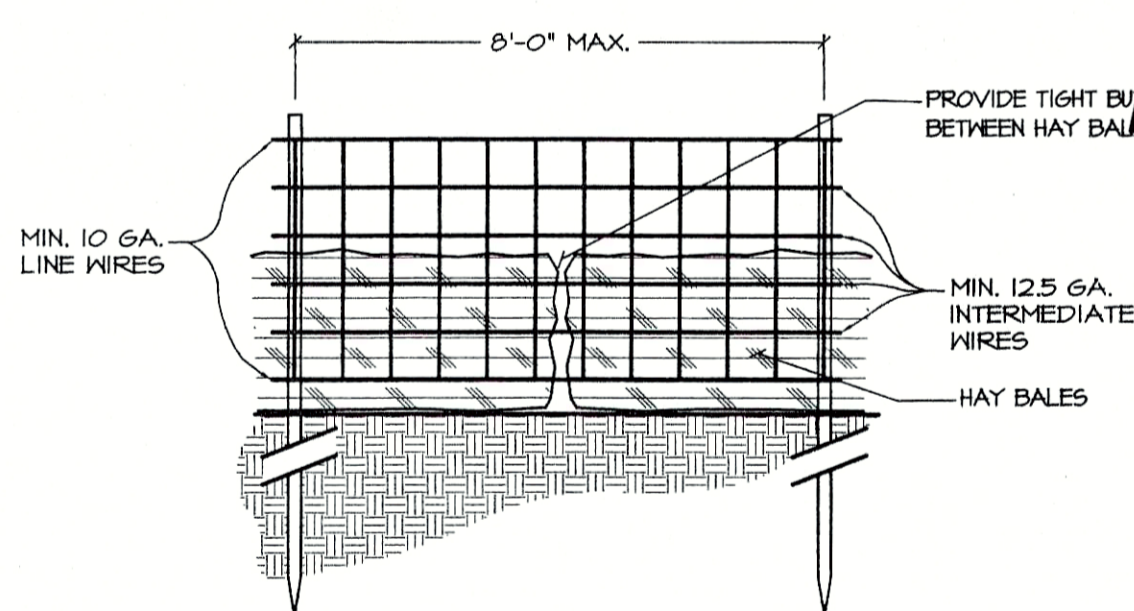


1 SILT FENCE
Not to Scale



2 MUD MAT DETAIL
Not to Scale

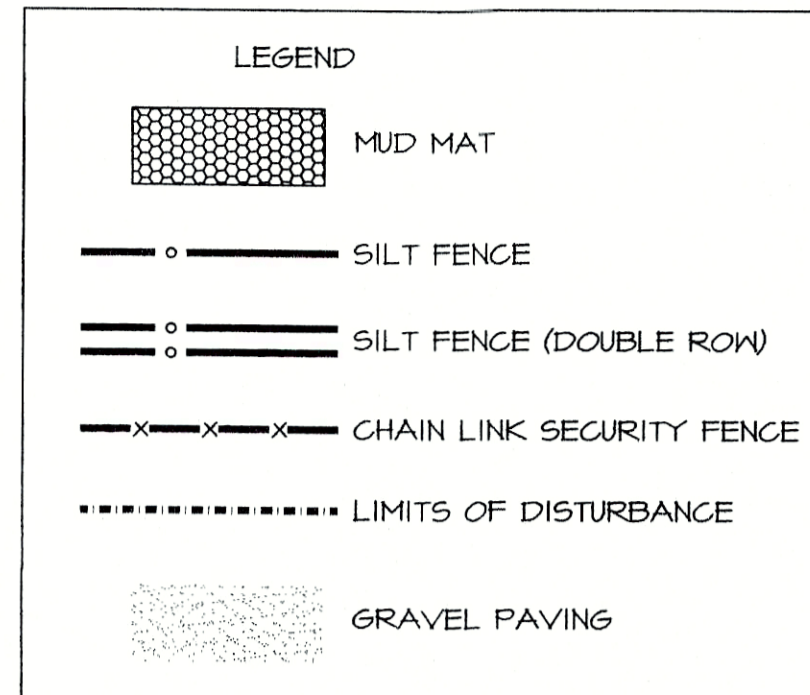
NOTE:
BRACE AS NECESSARY
REMOVE ACCUMULATED SILT PERIODICALLY
SO FILTER IS ALWAYS EFFECTIVE



3 DOUBLE SILT FENCE W/ HAY BALES
Not to Scale

TEMPORARY SEEDING SCHEDULE	
Seeding mixture:	Rate (lb/acre)
Species: Rye (gran)	120
Seeding dates:	
Mountains - Aug 15 - Dec 15	Coastal Plain and Piedmont - Aug 15 - Dec 30
Seeding mixture:	Rate (lb/acre)
Species: Ryegrass (gran)	120
Annual lespedeza (Kobe in Piedmont and Coastal Plain, Korean in Mountains)	50
Seeding dates:	
Mountains - Above 2500 ft. Feb. 15 - May 15	Below 2500 ft. Feb. 1 - May 1
Piedmont - Coastal Plain - Dec. 1 - April 15	
Seeding mixture:	Rate (lb/acre)
Species: German millet	40
Seeding dates:	
Mountains - May 15 - Aug 15	Piedmont - May 1 - Aug 15
Coastal Plain - April 15 - April 15	
Soil Amendments:	
In the Piedmont and Mountains, a small-stemmed sodgrass may be substituted at a rate of 50 lb/acre.	
Follow recommendation of soil tests or apply 2000 lb/acre ground agricultural limestone and 100 lb/acre 10-10-10 fertilizer.	
Mud: Apply 4000 lb/acre straw. Anchor straw by tacking with asphalt, netting, or 16 mesh anchoring tool. A disk with blades set nearly straight can be used as a mud anchoring tool.	
Maintenance: Reforest if growth is not fully adequate. Reforest, re-fertilize and mulch immediately following erosion or other damage.	
Notes: If application of seeding mixture is by hydroseeding, substitute wood cellulose fiber mulch @ 2000 lb/acre for grain straw mulch and asphalt tacking, tacking, raving or netting. Lime shall be blown onto slopes in dry form or mixed with water and applied in a slurry to be sprayed uniformly.	

PERMANENT SEEDING SCHEDULE (GRASED AREAS UP TO 3:1 SLOPE)	
Seeding mixture:	Rate (lb/acre)
Species: Tall fescue blend (equal parts of KY-31 & Rebel 2)	200-250
Seeding dates:	
Best:	Possible:
Below 2500 ft. Aug. 15 - Sept. 1	July 25 - Sept. 15
Mar. 1 - Apr. 1	Mar. 1 - May 10
Above 2500 ft. July 25 - Aug. 15	July 15 - Aug. 30
Mar. 20 - Apr. 20	Mar. 5 - May 15
Soil Amendments:	
Apply lime and fertilizer according to soil tests, or apply 4000 lb/acre ground agricultural limestone and 1200 lb/acre 10-10-10 fertilizer.	
Mud: Apply 3000-4000 lb/acre grain straw or equivalent cover of another suitable mulch. Anchor mulch by tacking with asphalt, raving or netting or by rolling and watering.	
Maintenance: The bunch-type habit of tall fescue restricts its spread into damaged areas. Reforest bare spots in the fall. Reforest annually in late winter and again in fall. Reforest, fertilize, and mulch damaged areas immediately.	
Notes: If application of seeding mixture is by hydroseeding, substitute wood cellulose fiber mulch @ 2000 lb/acre for grain straw mulch and asphalt tacking, tacking, raving or netting. Lime shall be blown onto slopes in dry form or mixed with water and applied in a slurry to be sprayed uniformly.	



PROJECT SUMMARY

PIN NUMBER:
4652-06-5538

PROJECT ADDRESS:
25 Jackson Road
Fletcher, NC 28752

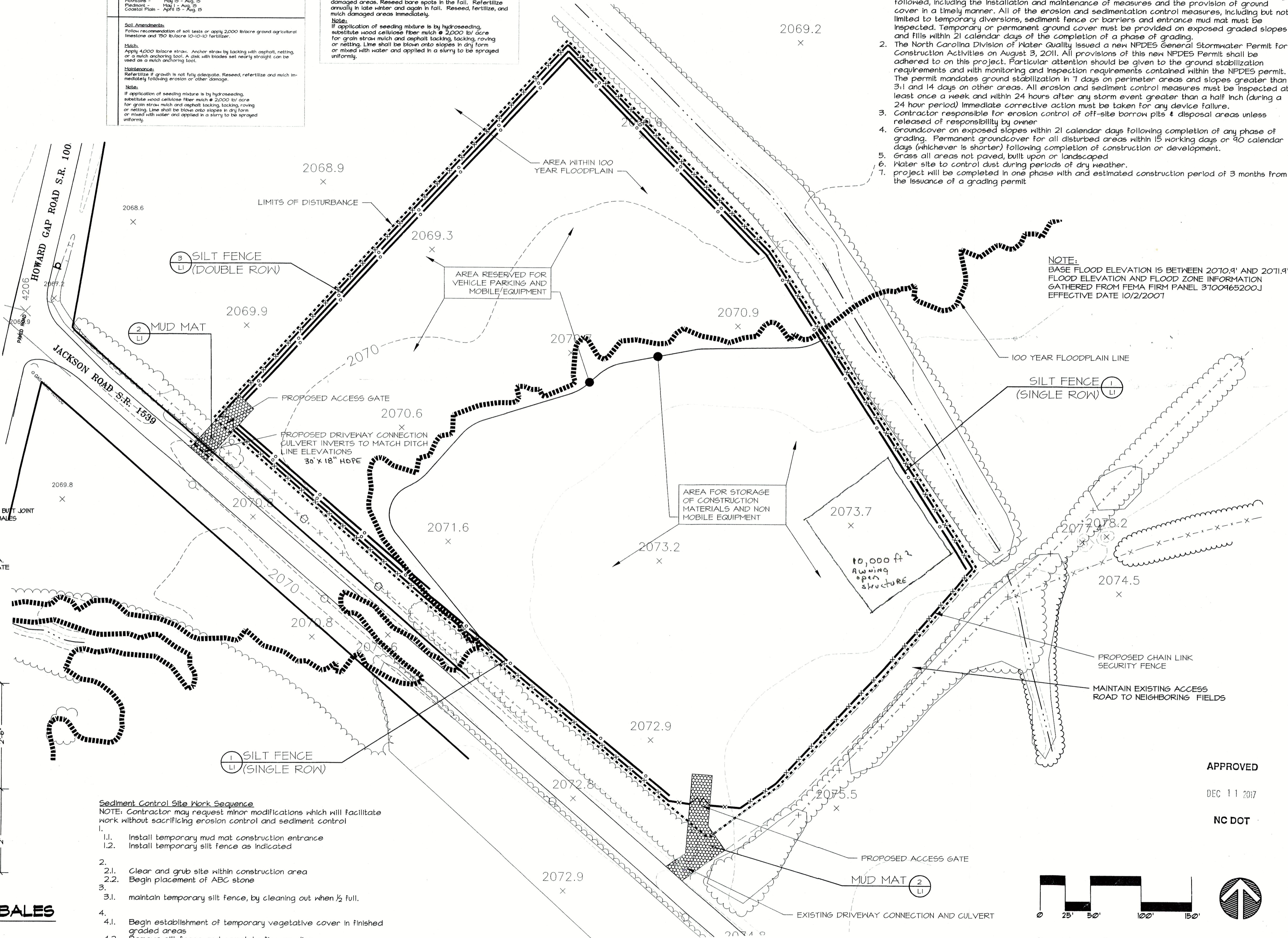
PROJECT INFORMATION:
Total size = 30.44 AC +/-
Disturbed Area = 7.00 AC +/-

OWNER / CONTACT:
SROGCO PROPERTIES LP
PO BOX 188
Fletcher, NC 28752
Charles D Owen IV

LANDSCAPE ARCHITECT:
Mr. Clay Mooney
Design Associates
1245 Hendersonville Rd.
Asheville, NC 28803
(828) 271-7410 / 271-7413 fax

VICINITY MAP

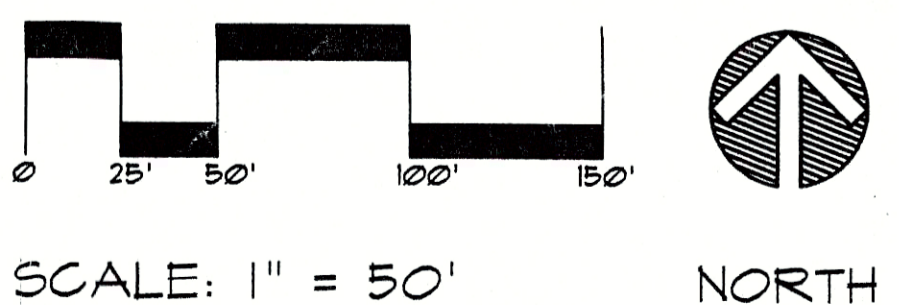
- Notes:**
- Effective October 1, 2010, persons conducting land-disturbing activities larger than one acre must inspect their project after each phase of the project, and document the inspection in writing. The financially responsible party, landowner or their agent may conduct the inspection. The purpose is to make sure that the approved erosion and sedimentation control plan is being followed, including the installation and maintenance of measures and the provision of ground cover in a timely manner. All of the erosion and sedimentation control measures, including but not limited to temporary diversions, sediment fence or barriers and entrance mud mat must be inspected. Temporary or permanent ground cover must be provided on exposed graded slopes and fills within 21 calendar days of the completion of a phase of grading.
 - The North Carolina Division of Water Quality issued a new NPDES General Stormwater Permit for Construction Activities on August 3, 2011. All provisions of this new NPDES Permit shall be adhered to on this project. Particular attention should be given to the ground stabilization requirements and with monitoring and inspection requirements contained within the NPDES permit. The permit mandates ground stabilization in 7 days on perimeter areas and slopes greater than 3:1 and 14 days on other areas. All erosion and sediment control measures must be inspected at least once a week and within 24 hours after any storm event greater than a half inch (during a 24 hour period) immediate corrective action must be taken for any device failure.
 - Contractor responsible for erosion control of off-site borrow pits & disposal areas unless released of responsibility by owner.
 - Groundcover on exposed slopes within 21 calendar days following completion of any phase of grading. Permanent groundcover for all disturbed areas within 15 working days or 90 calendar days (whichever is shorter) following completion of construction or development.
 - Grass all areas not paved, built upon or landscaped.
 - Water site to control dust during periods of dry weather.
 - Project will be completed in one phase with an estimated construction period of 3 months from the issuance of a grading permit.



NOTE:
BASE FLOOD ELEVATION IS BETWEEN 2070.4' AND 2071.4'
FLOOD ELEVATION AND FLOOD ZONE INFORMATION
GATHERED FROM FEMA FIRM PANEL 3700465200J
EFFECTIVE DATE 10/2/2007

- Sediment Control Site Work Sequence**
- NOTE: Contractor may request minor modifications which will facilitate work without sacrificing erosion control and sediment control
- 1.1. Install temporary mud mat construction entrance
 - 1.2. Install temporary silt fence as indicated
 - 2.1. Clear and grub site within construction area
 - 2.2. Begin placement of ABC stone
 - 3.1. maintain temporary silt fence, by cleaning out when 1/2 full.
 - 4.1. Begin establishment of temporary vegetative cover in finished graded areas
 - 4.2. Remove silt fence and complete fine grading
 - 4.3. Complete permanent vegetative cover.

APPROVED
DEC 11 2017
NC DOT



1293 Hendersonville Road
Suite 21
Asheville, NC 28803
828-277-7410
Fax: 828-277-7413

DESIGN ASSOCIATES
LANDSCAPE ARCHITECTS & LAND PLANNERS



Duke Energy Temporary Parking & Storage Lot
25 Jackson Road
Fletcher, NC

Erosion Control Plan

REVISIONS:

11-6-17	REVISED
12-6-17	REVISED

L1
10-13-17

Certification of Notice of Public Hearing

In accordance with NCGS 153A-343 the Planning Department certifies notice of the December 2, 2019 hearing regarding Rezoning Application #R-2019-05-C were:

1. Submitted to the Hendersonville Lightning on November 13, 2019 to be published on November 20, 2019 and November 27, 2019 by Matt Champion;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on November 18, 2019 by Matt Champion;
3. Sent, via first class mail, to the property owner on November 18, 2019 by Matt Champion; and
4. Signs were posted on the Subject Area(s) on November 18, 2019 by Matt Champion.

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

1. *Matt Champion*

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

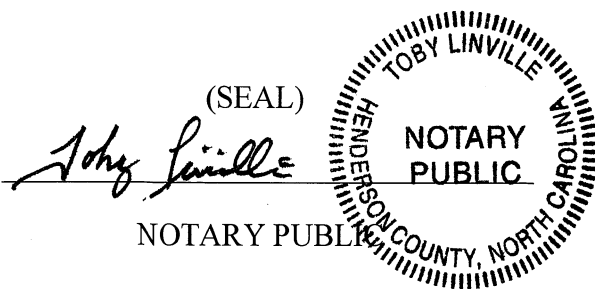
 Matt Champion ,

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 18 day of November, 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 Director and Planning Board provided recommendations regarding the proposed zoning map amendment with case #R-2019-05-C; and

WHEREAS, pursuant to N.C. General Statute §153-323, the Planning Director provided the prescribed public notice and the Board held the required public hearing on December 2, 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-2019-05-C, Sirocco) 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 2nd day of December, 2019.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
GRADY HAWKINS, Chairman

ATTEST:

Teresa Wilson, Clerk to the Board

[COUNTY SEAL]

Conditional Rezoning #R-2019-05-C Sirocco



Board of Commissioners
December 2, 2019

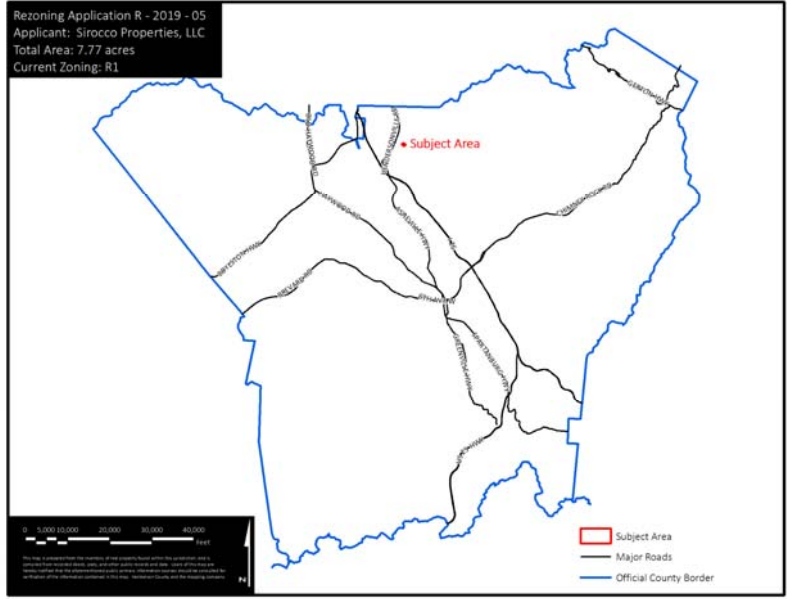
Henderson County Planning Department

Public Hearing Notice

- Legal Ad was published in the Hendersonville Lightning on November 20th and November 27th
- The property was posted on November 18th
- Letters were mailed to property owners within 400 feet of the Subject Area on November 18th

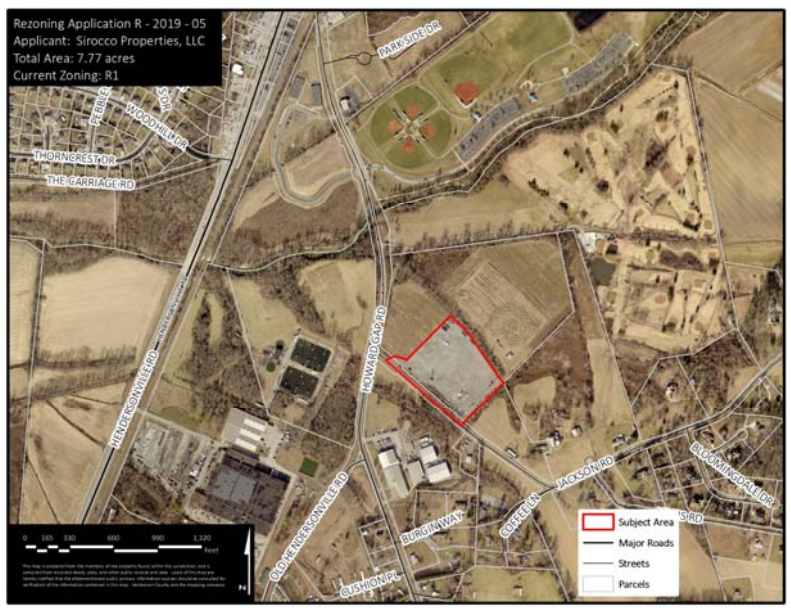
Henderson County Planning Department

County Context Map



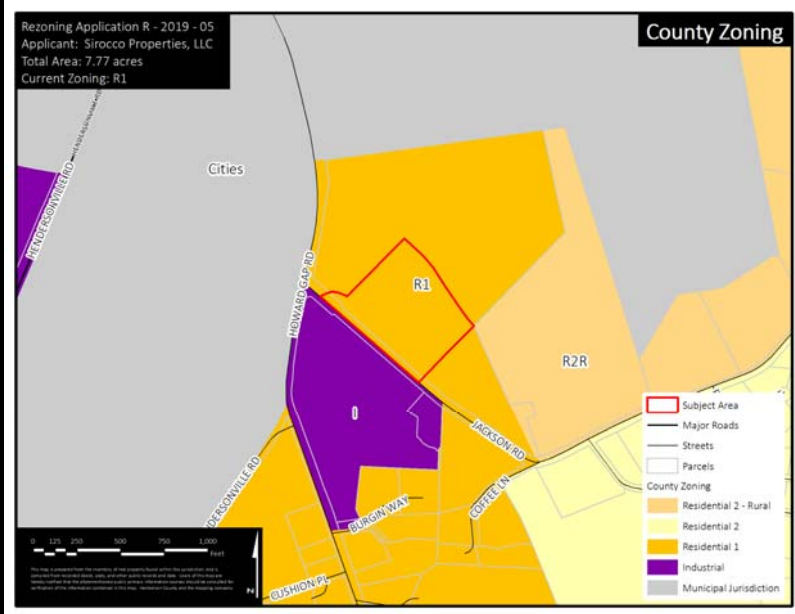
Henderson County Planning Department

Current Aerial Map



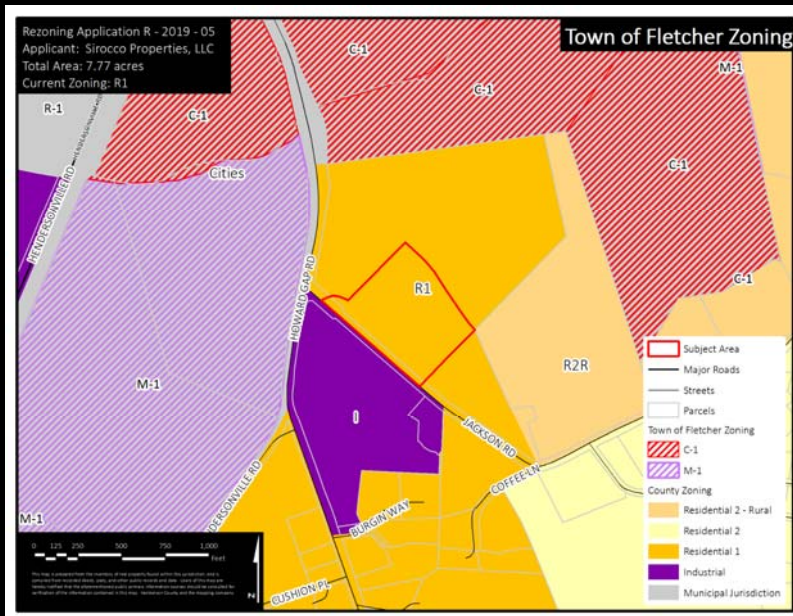
Henderson County Planning Department

Current Zoning Map



Henderson County Planning Department

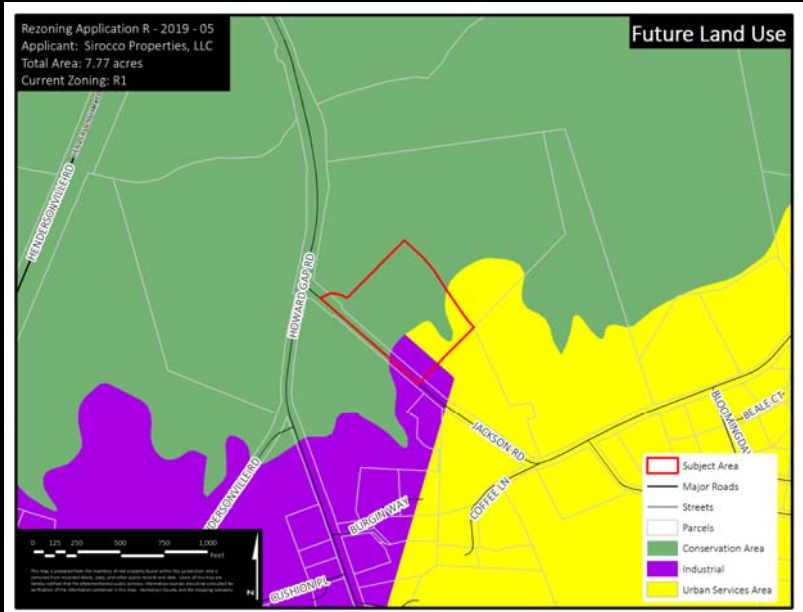
Town of Fletcher Zoning Map



Henderson County Planning Department

EW1

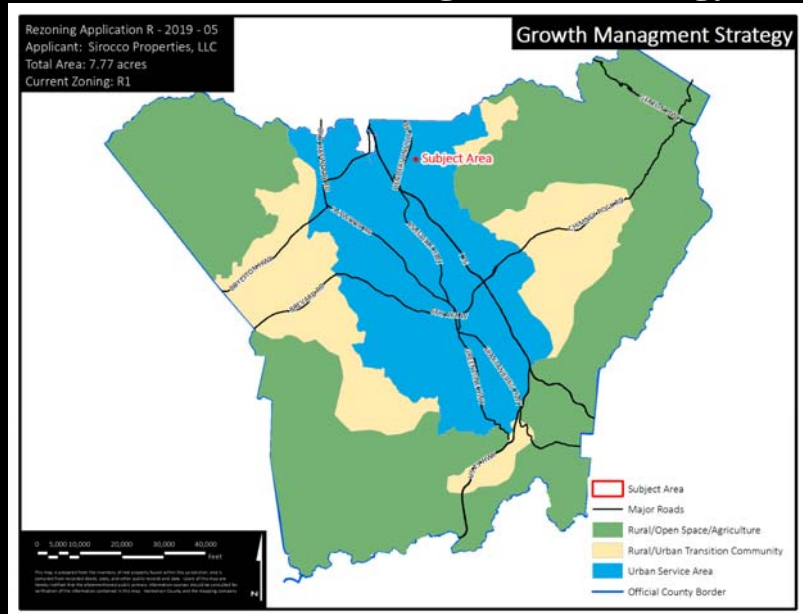
CCP Future Land Use Map



Henderson County Planning Department

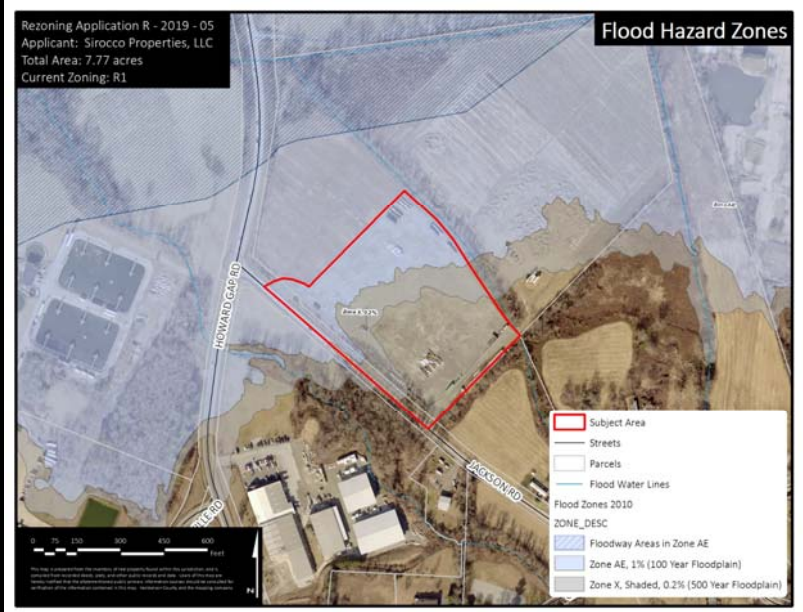
EW1

CCP Growth Management Strategy



Henderson County Planning Department

Flood Hazard Area Map



Henderson County Planning Department

Subject Area Photos



Henderson County Planning Department

Subject Area Photos



Henderson County Planning Department

Subject Area Photos



Henderson County Planning Department

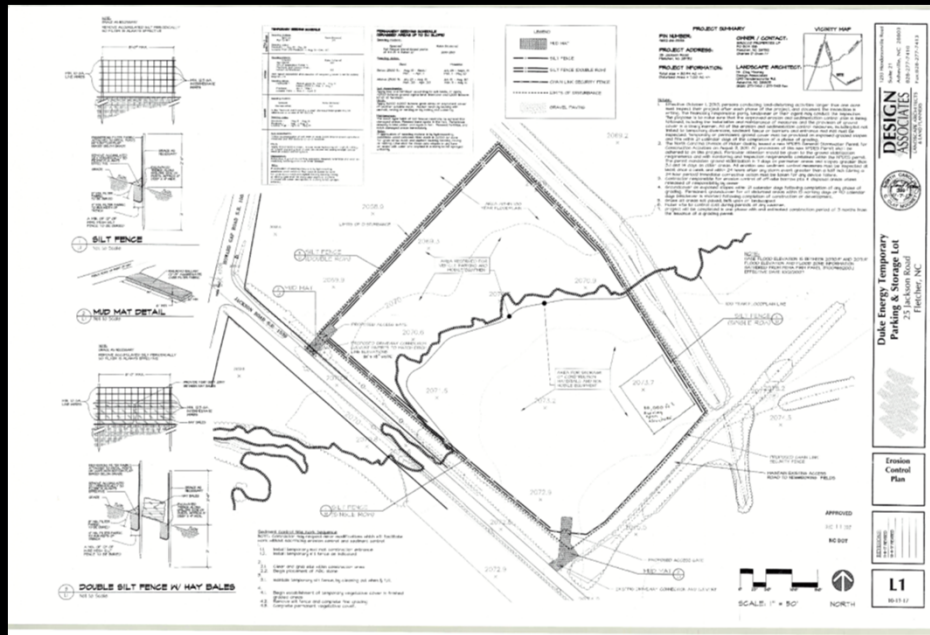
Subject Area Photos



Henderson County Planning Department



Henderson County Planning Department



Henderson County Planning Department

Conditional Rezoning's

Conditional rezoning's are:

- Legislative decisions
- Require a site specific plan (only what is on the plan is allowed)
- The BOC may require additional conditions of the development, provided the developer agrees to those conditions
- Process provides protection to adjacent properties

Henderson County Planning Department

Conditional Rezoning's

- Conditions required by the LDC are listed in the staff report
- Additional conditions recommended for consideration and requests made by the TRC and Planning Board are also listed in the staff report

Henderson County Planning Department

Conditional Rezoning #R-2019-05-C

Questions



Henderson County Planning Department