

REQUEST FOR BOARD REVIEW

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: July 19, 2023

SUBJECT: Public Hearing for Conditional Rezoning Application #R-2023-07-C
OurCo Minor Subdivision, Estate Residential (R-40) to Conditional
District (CD-2023-07)

PRESENTER: Liz Hanson, Planner

ATTACHMENTS:

- 1.) Staff Report
- 2.) Neighborhood Compatibility Report
- 3.) Application
- 4.) Master Plan
- 5.) Photos from Applicant
- 6.) Certification of Public Hearing Notification
- 7.) Resolution of Consistency
- 8.) PowerPoint Handouts

SUMMARY OF REQUEST:

Rezoning Application R-2023-07-C was initiated on May 24, 2023, and requests that the County conditionally rezone approximately 1.62 acres of land from the Estate Residential (R-40) zoning district to a Conditional District (CD-2023-07). The project contains all of PIN: 9577-27-0660 that has direct access to Greenville Highway. The property is owned by OurCo Construction Company LLC, who is also the applicant.

The applicant is proposing to develop a 5-lot minor subdivision for 5 single-family residential dwellings. Conditional rezonings allows for the Board of Commissioners to place conditions on the property to address community concerns and make the proposed development compatible with adjacent uses. As required by the LDC, a neighbor compatibility meeting was held on Wednesday, June 14, 2023, in the King Street Meeting Room. A copy of the meeting report was provided to the Planning Board at its June meeting.

The Technical Review Committee (TRC) reviewed the application on June 6, 2023, and made a motion to forward the application to the Planning Board with conditions as discussed. A copy of the conditions required by the TRC are listed in the staff report.

The Planning Board reviewed the conditional rezoning request at its June 15, 2023, meeting.

PUBLIC NOTICE:

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §42-303 and §42-346 (C) of the Henderson County Land Development Code and State Law, notice of the June 5, 2023, public hearing regarding rezoning application #R-2023-07-C was published in the Hendersonville Lightning on July 5th and July 12th. 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 June 30, 2023, and posted signs advertising the hearing on June 28, 2023.

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 modifications, or deny) rezoning application #R-2023-07-C to rezone the Subject Area to a Conditional District (CD-2023-07) based on the recommendations of the Henderson County Comprehensive Plan, and with any conditions stated in the staff and master plan report and additional conditions as discussed, and;

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



STAFF REPORT

HENDERSON COUNTY PLANNING DEPARTMENT

100 North King Street | Hendersonville, NC 28792 | (828) 697-4819

Prepared by:

Liz Hanson, Planner I

CASE

R-2023-07-C

**TECHNICAL REVIEW COMMITTEE
MEETING DATE**

June 6, 2023

PROPERTY OWNER

OurCo Construction LLC

PROPERTY LOCATION/ADDRESS

1621 Greenville Highway, Hendersonville
Township

AGENT/APPLICANT

OurCo Construction LLC

PIN

9577-27-0660

SUMMARY OF REQUEST

A rezoning of a portion of the above PIN
(hereafter the subject area) from **Estate Residential
(R-40)** to **Conditional District (CD-2023-07)**.

Existing Zoning

Estate Residential (R-40)

Existing Land Use

Single-Family

Site Improvements

Minor Subdivision - 5 Single Family Residence(s)

Request Acreage

1.62 Acres

ADJACENT ZONING**North**

Estate Residential (R-40)

East

Residential One (R1)

South

Estate Residential (R-40)

West

Estate Residential (R-40)

USE OF LAND

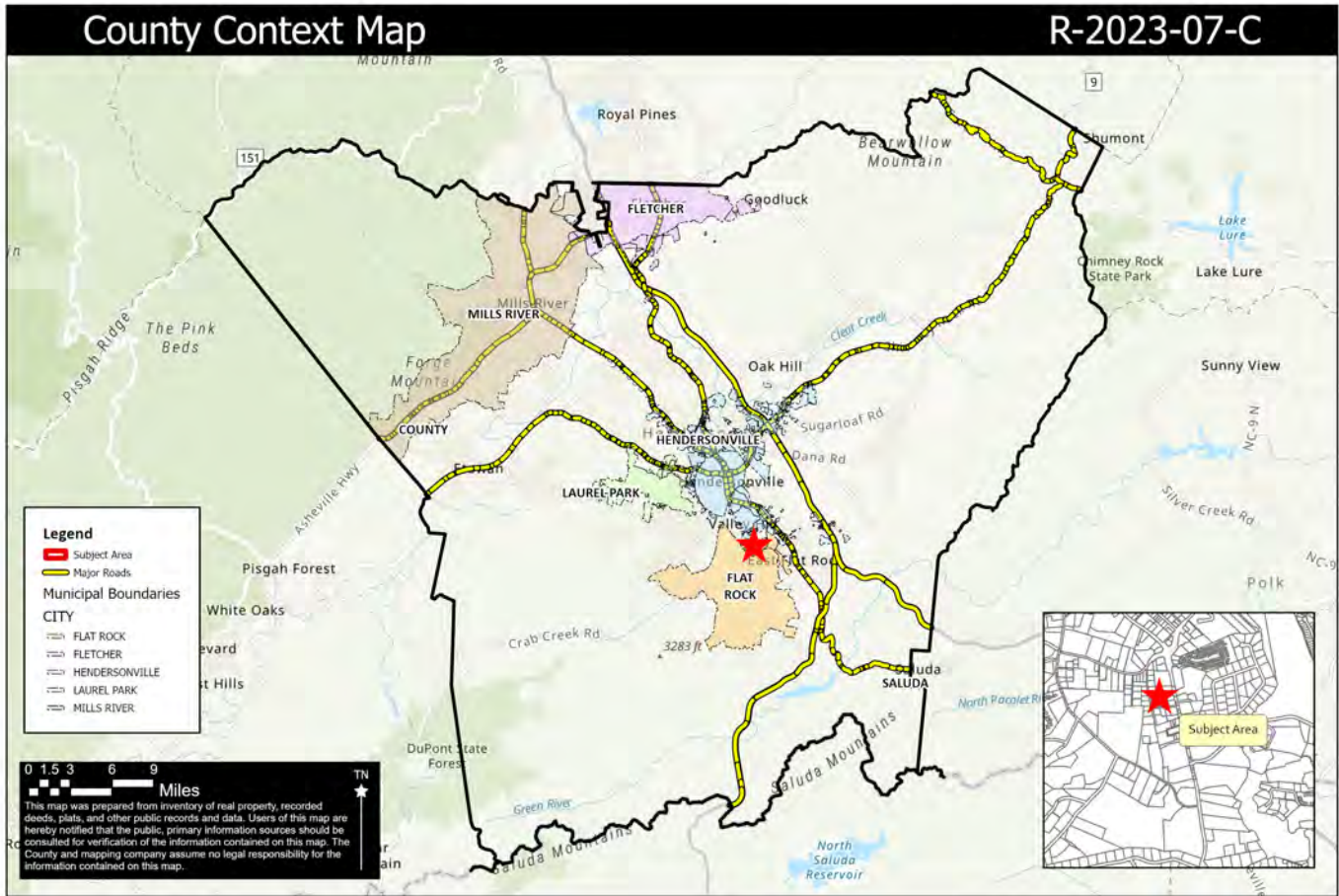
Single Family Residence

Residential/Vacant Land

Single Family Residence

Single Family Residence

Map A. County Context



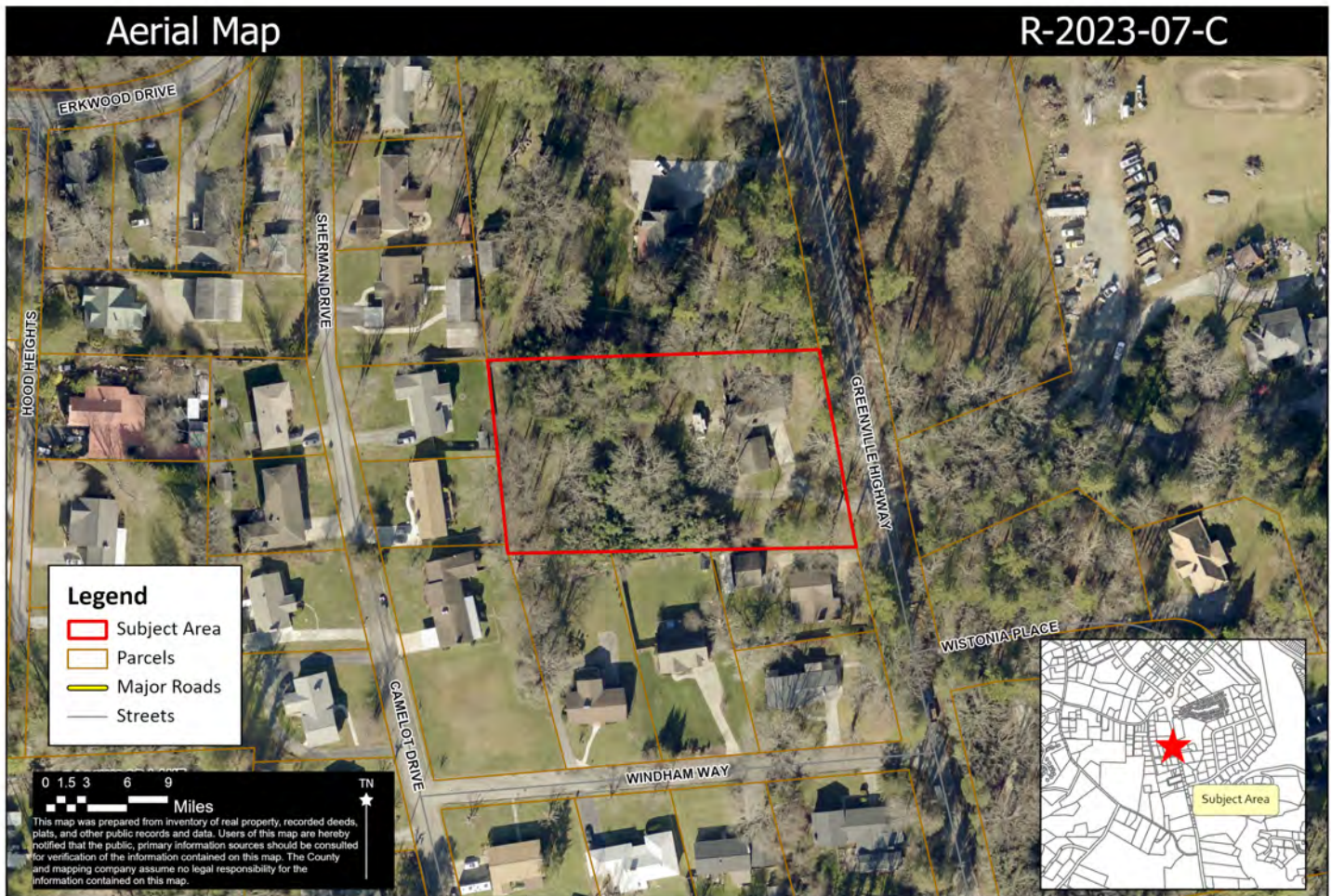
Applicant: OurCo Construction LLC
Total Surveyed Area: 1.62 Acres
Current Zoning: Estate Residential (R-40)



BACKGROUND:

The applicant and current property owner, Eric Oursler of OurCo Construction Company LLC, is seeking to rezone one parcel from Estate Residential; (R-40) to a Conditional District (CD-2023-07). The subject area is approximately 1.62 acres. The attached Master Plan is proposing a five-lot subdivision for single-family residential dwellings, accessed by a Private Driveway Easement with a cul-de-sac. The site currently contains one existing single-family residential dwelling, which the applicant plans to remove from the property.

Map B. Aerial



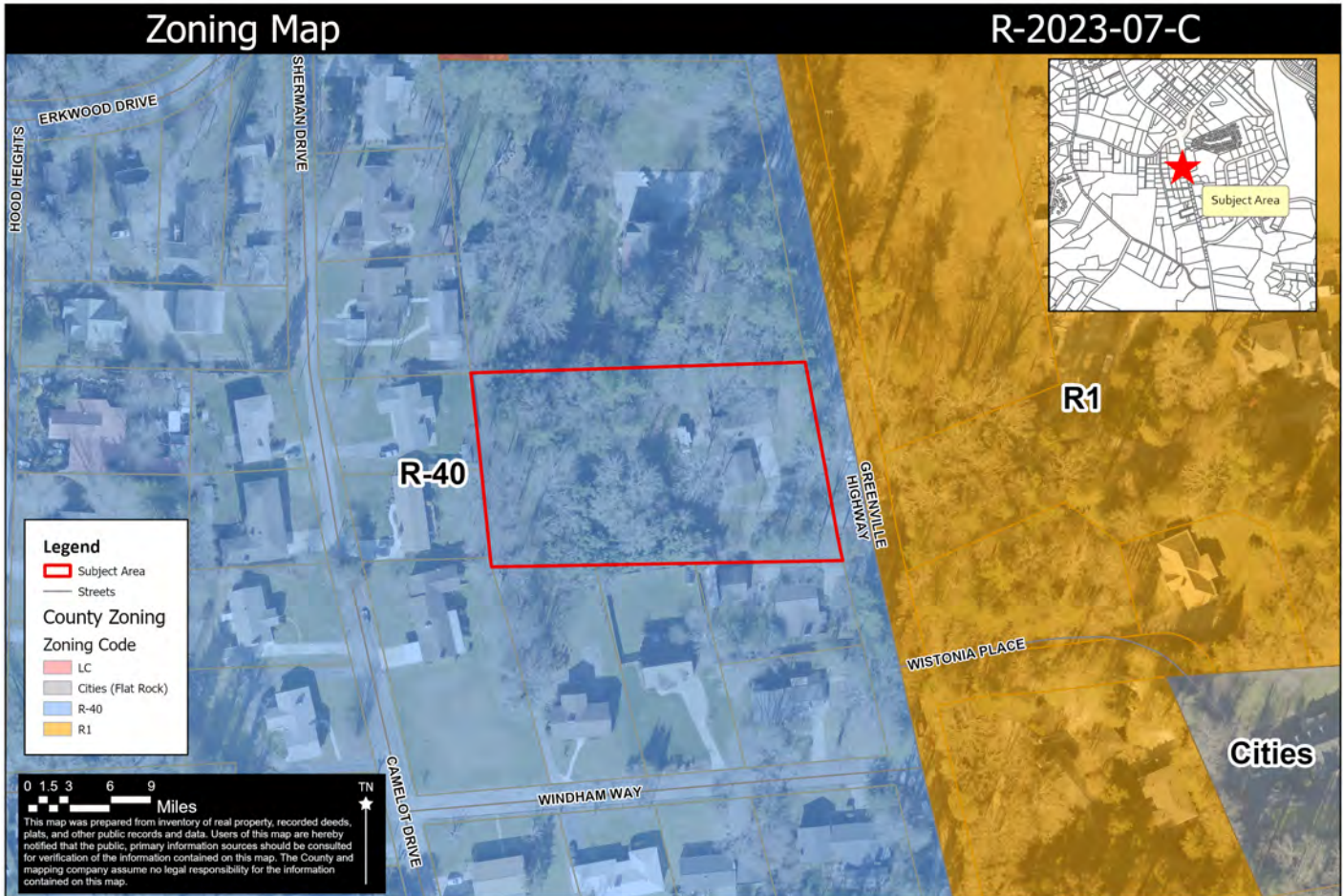
Applicant: OurCo Construction LLC
Total Surveyed Area: 1.62 Acres
Current Zoning: Estate Residential (R-40)



SUBJECT AREA & ADJACENT PROPERTIES:

The site currently contains one existing single-family residential dwelling, which the applicant plans to remove from the property prior to development. The properties to the North, South, and West of the subject area contain single-family residential dwellings. These properties are all zoned Estate Residential (R-40) currently and prior to the adoption of the current Land Development Code (LDC). The property to the West, across Greenville Highway, contains a single-family residential dwelling and vacant land. This property and adjacent properties are zoned Residential One (R-1).

Map C. Current Zoning



Applicant: OurCo Construction LLC
 Total Surveyed Area: 1.62 Acres
 Current Zoning: Estate Residential (R-40)



District Comparison:

Estate Residential (R-40): The Estate Residential District (R-40) is established to maintain the zoning in place prior to the adoption of this Chapter 42. This district is established as a district in which the principal use of the land is for low-density residential use. This district is also intended to be a quiet, low-density neighborhood consisting of single-family residences. The R-40 District shall not be extended from the locations designated on the Official Zoning Map, nor shall new R-40 District areas be designated except where initiated by the Board of Commissioners or Planning Board (LDC §42-37).

Conditional District (CD): “Conditional Zoning Districts are created for the purpose of providing an optional rezoning choice where the owner of property proposes to rezone property and, in order to, among other reasons, carry out the purposes of the Comprehensive Plan, proposes to impose special limitations and conditions on the use of the property proposed for rezoning” (Chapter 42, Land Development Code §42-45). Conditions may be imposed in the furtherance of the purpose of the LDC and the recommendations of the County Comprehensive Plan.

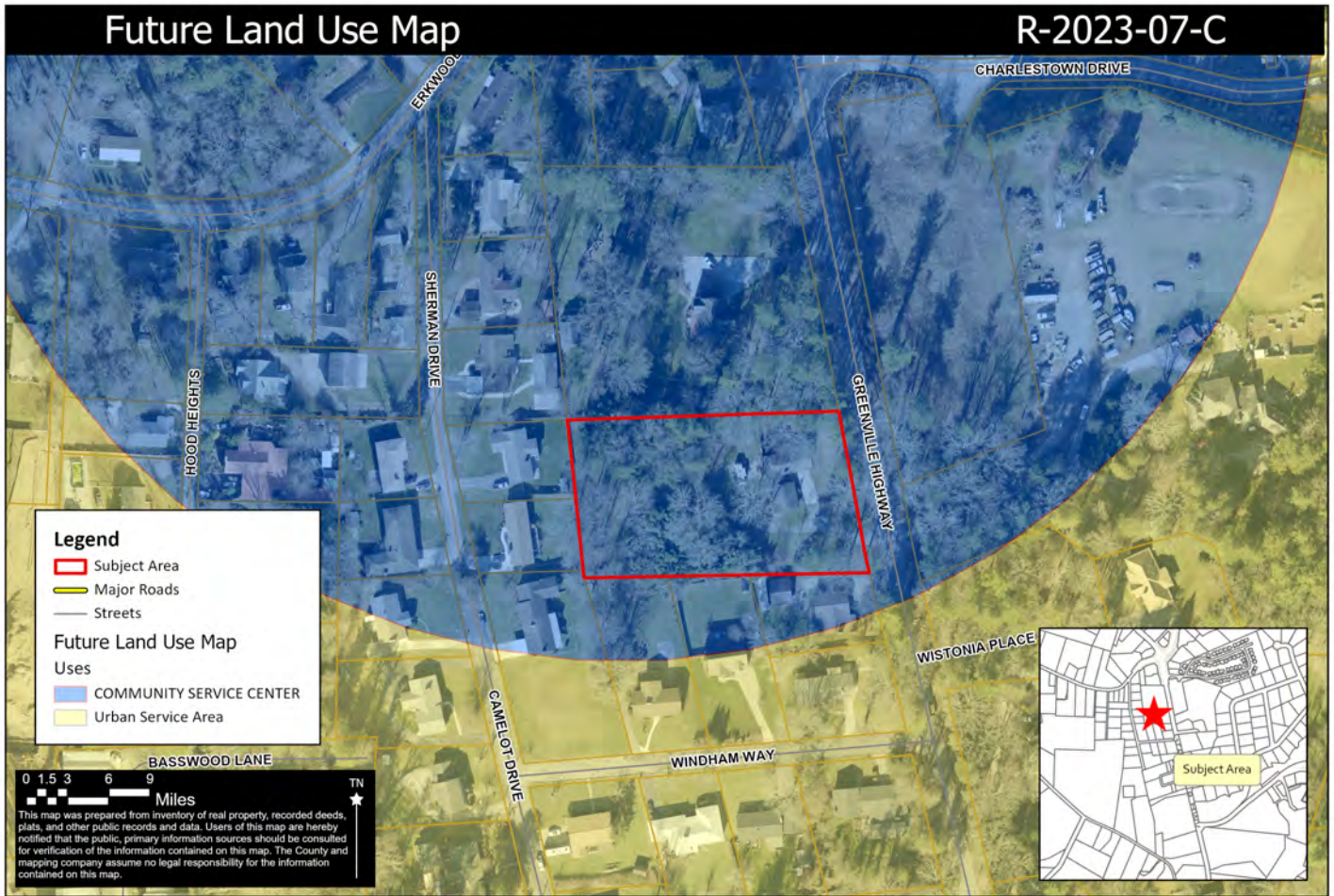
Comparison of Districts: The Estate Residential (R-40) district principle land use is low-density residential (40,000 sqft minimum lot size) and is intended to ensure that residential development not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at a sufficiently low density to provide a healthful environment. The Estate Residential (R-40) district also allows for certain non-residential uses by-right (LDC §42-37). The corresponding Conditional District (CD) applies to instances where certain types of zoning districts would be inappropriate at certain locations in the absence of special conditions. Some land uses are of a nature or scale that may have significant impacts on both the immediately surrounding area and the entire community, which cannot be predetermined or controlled by general district standards. There are also circumstances in which a general use district designation allowing such a use by right would not be appropriate for a particular property though the use could, if properly planned, be appropriate for the property consistent with the objectives of these regulations, the adopted Comprehensive Plan, and adopted district. The review process established in this section provides for the accommodation of such uses by a reclassification of property into a conditional zoning district, subject to specific conditions, which ensure compatibility of the use with the use and enjoyment of neighboring properties.

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.

Adjacent Zoning: Estate Residential (R-40) zoning is found to the North, South, and West of the subject area. Residential One (R1) zoning is found to the East of the subject area.

East Flat Rock Community Plan: On July 6, 2004, the Henderson County Board of Commissioners adopted the County Comprehensive Plan (CCP). The CCP recommended a detailed study of specific communities within Henderson County. The community planning areas were prioritized based on anticipated growth and relation to the Growth Management Strategy (established by the Comprehensive Plan). On May 7, 2018, the Board of Commissioners adopted the East Flat Rock Community Plan. The East Flat Rock Community Plan outlined goals related to natural and cultural resources, agriculture, housing, community facilities and public services, transportation, economic development, land use and development, and community character and design (EFR Community Plan, p. IV). The subject area is contained within the boundary of the EFR Community Plan and was recommended to be rezoned from Estate Residential (R-40) to Residential Two (R2). The subject area was zoned Estate Residential (R-40) prior to the adoption of the Land Development Code in September of 2007.

Map D: County Comprehensive Plan Future Land Use Map



Applicant: OurCo Construction LLC
 Total Surveyed Area: 1.62 Acres
 Current Zoning: Estate Residential (R-40)



County Comprehensive Plan (CCP) Compatibility

The CCP Future Land Use Map identifies the subject area as being in the **Community Service Center and Urban Service Area**.

Community Service Center: The CCP Future Land Use Map shows the subject area located in the Community Services Center. The CCP states, "Land use policies and regulations will encourage moderate to low - density residential development that is consistent with a rural setting, with more dense residential development around defined Community Service Centers. Community Service Centers are located at key nodes / intersections and traditional locations and within predefined zoning districts whose standards and configuration are in keeping with the surrounding community and which minimize congestion and sprawl (see definition below)." (CCP p.133 #5)

Urban Service Area (USA): The CCP shows the subject area is within the Urban Service Area (USA) for Growth Management Strategy. The CCP states, "Wide ranges of residential densities will exist. Over the long term, land use regulations and policies should favor higher density development, consistent with natural constraints and the availability of urban services. " (CCP p.133 #3)

Map E: Growth Management Strategy Map



Applicant: OurCo Construction LLC
Total Surveyed Area: 1.62 Acres
Current Zoning: Estate Residential (R-40)



Growth Management Strategy Compatibility: The CCP shows the subject area located in the Urban Services Area for Growth Management Strategy. The CCP states, "Wide ranges of residential densities will exist. Over the long term, land use regulations and policies should favor higher density development, consistent with natural constraints and the availability of urban services." (CCP p. 133 #3).

Map F: Utilities Map



Applicant: OurCo Construction LLC
Total Surveyed Area: 1.62 Acres
Current Zoning: Estate Residential (R-40)



Water & Sewer

The subject area is currently connected to City of Hendersonville public water. The applicant is proposing individual septic systems to serve future structures.

Existing Roads & Easements

The subject area has access from and frontage along Greenville Highway (NC Highway 225). Greenville Highway is classified as a Thoroughfare and is a 45' Public Right-of-Way.

Proposed Conditional District (CD-2023-07) Development

As part of the rezoning application, the applicant has submitted a master plan of the proposed development. The applicant is proposing to use the site for a minor subdivision comprised of 5 lots for 5 single-family residential dwellings. The Conditional District allows the Board of Commissioners to place conditions or restrictions on the property that binds this specific development and location. Below is an overview of the proposed development.

- Minor Subdivision
 - 5 total lots (0.29 acres to 0.35 acres each including ROW)
 - 10' side setback
 - 10' rear setback
 - 15' private ROW setback
 - 35' public ROW setback (Greenville Hwy)
- 30' Private Driveway Easement
 - Single entrance served by a 30' rad. cul-de-sac at the rear of the property

Traffic Impact Analysis (TIA)

No TIA was required by the proposed conditional district.

Neighborhood Compatibility Meeting

A neighborhood compatibility was held on June 14, 2023 at 2:00 PM in the King Street Meeting Room. A summary of the NCM will be attached as part of the application by Planning Board.

Technical Review Committee (TRC) Recommendations

The Technical Review Committee (TRC) reviewed zoning map amendment application at their June 6, 2023 meeting and voted to move forward to the Planning Board.

Planning Board Recommendations

The Planning Board reviewed the case at their June 15, 2023 meeting.

Board of Commissioners Public Hearing

The Board of Commissioners will hear the case at their July 19, 2023.



Neighborhood Compatibility Meeting
Conditional Zoning Request #R-2023-07-C (Greenville Hwy)
June 15, 2023, at 2:00 p.m.
King Street Meeting Room located at 100 N. King Street, Hendersonville, NC

Letters about the meeting were mailed to property owners within 400 feet of the boundary of the proposed development. Both County staff and the applicant(s) were present at the meeting. There were approximately fifteen neighboring property owners present at the meeting.

Ms. Autumn Radcliff opened the meeting and provided a welcome and introductions. She stated that the purpose of the meeting is for nearby neighbors to learn about the proposed project and ask questions of the applicant prior to formal review by the Planning Board and Board of Commissioners (BOC). She stated that the applicant would give an overview of the proposed project and then there would be an opportunity for attendees to ask questions about the proposed development.

Project Overview by the Applicant: OurCo Construction LLC, owner and applicant, is proposing a five-lot subdivision for five single-family residential dwellings, accessed by a Private Driveway Easement with a cul-de-sac. The site currently contains one existing single-family residential dwelling, which the applicant plans to remove from the property. The site is currently accessed from Greenville Highway. The subject area is currently connected to City of Hendersonville public water. The applicant is proposing individual septic systems to serve future structures

Questions and Answer Discussion: Below is a list of questions asked by the adjacent resident that attended the meeting followed by the applicant's response/explanation.

- 1. How many units are being built (families per unit)?** They are going to be single-family homes with a maximum of three-bedrooms, two and half bathrooms, due to septic.
- 2. How many trees are being taken down?** They are trying to save as many as they can, including but not limited to; two oaks trees, a row of pine trees along the north side of the property, and three trees in the rear of the property. They are planning to plant 10–12-foot conifers at the front of the property.
- 3. Have the lots already been approved for septic?** Yes, a private soil scientist has surveyed the property for an engineered septic system that is able to support the five homes. It was also determined that there is enough room for the repair fields for the septic systems. The final engineered plans for the septic have not been complete until the Conditional Rezoning is approved by the BOC. Mr. Chris Todd, Business and Community Development Director, explained the two ways a property owner can obtain a septic permit; either through the County Environmental Health Department, or through a privately hired certified engineer.
- 4. How did the soil perk with the amount of red clay in the area?** The soil on the subject area did perk for septic. The septic will be an engineered system at a two-foot depth.
- 5. What direction will all the homes be facing?** The homes will all be facing towards the Private Driveway Easement that the applicant is planning to construct through the center of the parcel, with a cul-de-sac at the rear.
- 6. What is going to be done about the stream that runs through the property – what are the setbacks required from it?** The applicant stated that there is no active stream on the property.
- 7. How is the flooding going to be addressed?** The applicant stated that there are no flooding issues on the property aside from water that runs from a neighboring property's catch basins, onto the subject area. Ms. Radcliff added that due to the size of the parcel, it is not required to have a

stormwater permit. She also stated that since there will be less than an acre of land disturbance, they are also not required to obtain an erosion control permit. The applicant is planning to use swales to direct flood water to the neighboring creek. Nothing will be dammed up, but the flood water will be slowed to prevent grass, soil, etc. from washing away.

- 8. What are the plans to address the neighboring water that runs onto the subject area?** The applicant stated that they cannot share what those plans are at this time.
- 9. How large are the lots going to be?** The lots will be approximately a third of an acre each. The average lot size of the surrounding parcels is roughly ¼ acre.
- 10.** There was a lot of back-and-forth discussion between the applicant and several citizens regarding the (potential) flooding on the subject area. The neighbors raised concerns regarding the slope of the land and the possibility of becoming inundated during high rain periods and potentially disrupting septic systems. The applicant stated that they are doing the drainage along with regrading so that all the water will run into a creek along the northern side of the property line. The applicant stated that they dug five feet into the ground, to see if there was a creek bed or stream, and it was determined that there was nothing there. Ms. Radcliff pulled up the USGS map of the property that did show a “blue line” on the subject area, but Staff stated that this could be due to a mapping or data error and would be looked into further. The map did not show the subject area within a floodplain, however.
- 11. What is being done about the traffic?** While no Traffic Impact Study is required for this application, the applicant stated that the number of additional vehicles would be low due to the number of houses.
- 12. Have you released designs/renderings of the homes?** The applicant stated that the homes have not been designed yet as they are semi-custom. The first home will most likely be constructed in the rear of the property, with additional homes to follow. The applicant hopes to stick to a timeline of 4 months. To show an example of the “style” of home potentially being built, the applicant requested to pull up a recently sold home located at 1292 Garden Lane.
- 13. Will the homes be on crawlspaces or a slab?** All the homes will be on a slab foundation.
- 14.** There was a concern regarding the removal of bamboo and soil not being properly investigated by County environmental departments. There was also a concern that the remaining tree roots would disrupt septic systems. Ms. Radcliff stated that the responsibility for determining where the septic systems are located, and the overall efficiency of the system falls on the private engineer. Mr. Todd also added that the County Environmental Health Department is not allowed to make changes to engineered plans once they receive them, per state law. The liability, should the system fail, falls on the engineer. Mr. Matt Champion added that complaints regarding the septic system can be directed to the County Environmental Health Department and that they do have to enforce public nuisance laws and public health laws.
- 15. Is there a chance that the East Flat Rock area would be connected to the city Sewer System?** Ms. Radcliff stated that there is more of a possibility for city sewer in the area around Spartanburg Highway. Mr. Champion also added that the city prefers to use gravity-fed water lines, which limits growth of sewer in that area.
- 16. Is the new road going to belong to the development?** Yes, the road will be a private road owned and maintained by either the homeowners or a Homeowners Association. Snow removal will also be the responsibility of the homeowners or HOA.
- 17.** There was a concern regarding the proposed setbacks being different than what R-40 currently allows. Ms. Radcliff stated that the setbacks are something the Planning Board and/or Board of Commissioners could consider. She also stated that the Board(s) could also look at the surrounding area’s setbacks for conformity.
- 18. Is there a time limit on how soon you have to develop?** No, as long as a Zoning Permit is active, and a Building Permit is pulled within six months there is no required timeline. The applicant also stated that their work crews do not use nail guns on Saturdays and do not work on Sundays. The applicants expressed their understanding of the construction noise etc. and stated that they plan to move as quickly as they can.
- 19. What is this Zoning District going to be classified as?** Mr. Todd explained that this property will essentially be its own Zoning District. If future property owners wanted to change the property, they would have to go through the entire process again.

The application will continue the formal review process the following day, June 15. The Planning Board will review the application at its June 15th, 2023, meeting and make a recommendation to the Board of Commissioners (BOC). The BOC will hold a public hearing before acting on the application. She stated that property owners within 400 ft of the project will receive a mailed notice of both the Planning Board and the BOC meetings. The public hearing will be advertised in the Hendersonville Lightning and the property will be posted. The BOC will have the approval authority of the application.

With no further comments or questions the meeting was concluded at 3:06 p.m.

**HENDERSON COUNTY
MAP AMENDMENT APPLICATION FORM**

GENERAL INFORMATION

Date of Application: 5/24/23

Previously Submitted (Circle One): Yes No

Date of Pre-Application Conference: 5/24/23

Type of Map Amendment (Circle One): Rezoning Conditional Zoning Special Mixed Use/Conditional

Site Plan Attached (Circle One): Yes No

PARCEL INFORMATION*

PIN: 9877270660 Deed Book/Page: _____ Tract Size (Acres): _____

Zoning District: _____ Fire District: _____ Watershed: _____ Floodplain: _____

Location of property to be developed: _____

*If subject area contains multiple PIN's please attach a list and the above parcel information for each tract or individual PIN.

REZONING REQUEST

Attached is:

_____ A description of the property in question sufficient to unequivocally describe and identify said property. Such description may take the form of a property survey, a legal description or a legible copy of a County cadastral or composite tax map clearly annotated with district lines which follow political boundaries, geographical features or property lines.

Current Zoning District: R-40 Requested Zoning District: CONDITIONAL DISTRICT

CONTACT INFORMATION

Property Owner:

Name: ORCO CONSTRUCTION Phone: 828 335 1519

Address: 2687 GREENVILLE Hwy 1059 City, State, and Zip: 28731

Applicant:

Name: SAME Phone: _____

Address: _____ City, State, and Zip: _____

Agent:

Name: ERIC OURSKER Phone: 828 335 1519

Address: _____ City, State, and Zip: _____

Agent Form (Circle One): Yes No

Plan Preparer:

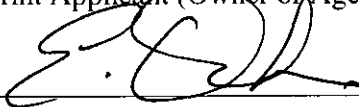
Name: _____ Phone: _____

Address: _____ City, State, and Zip: _____

Application No. _____

I certify that the information shown above is true and accurate and is in conformance with the Land Development regulations of Henderson County.

ERIC OURSLER
Print Applicant (Owner or Agent)


Signature Applicant (Owner or Agent)

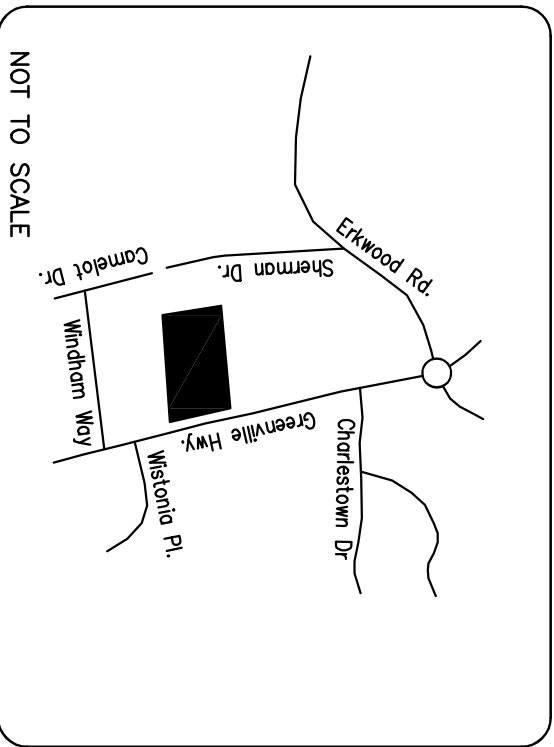
5/23/23
Date

County Use Only

Fee: \$ _____ Paid: _____ Method: _____ Received by: _____

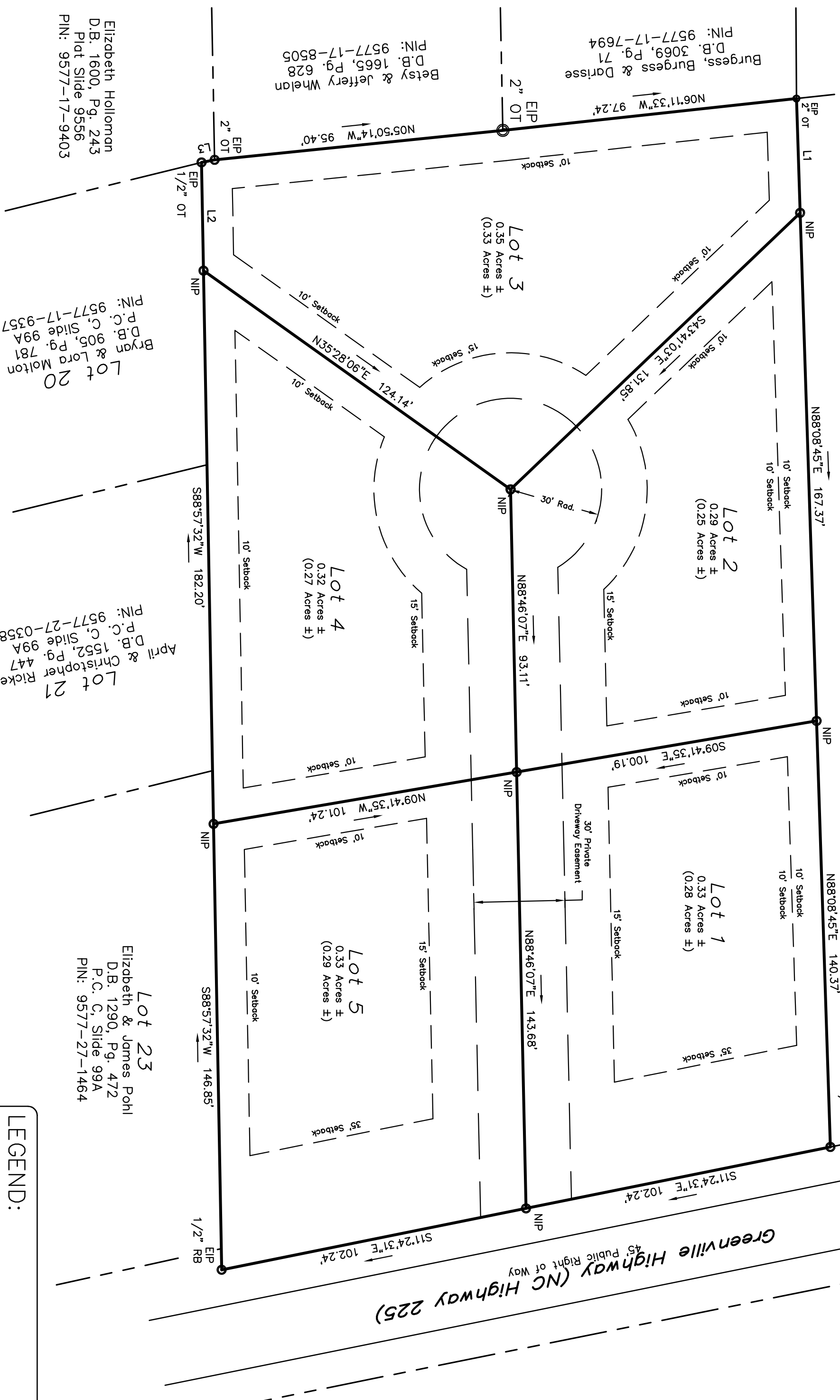
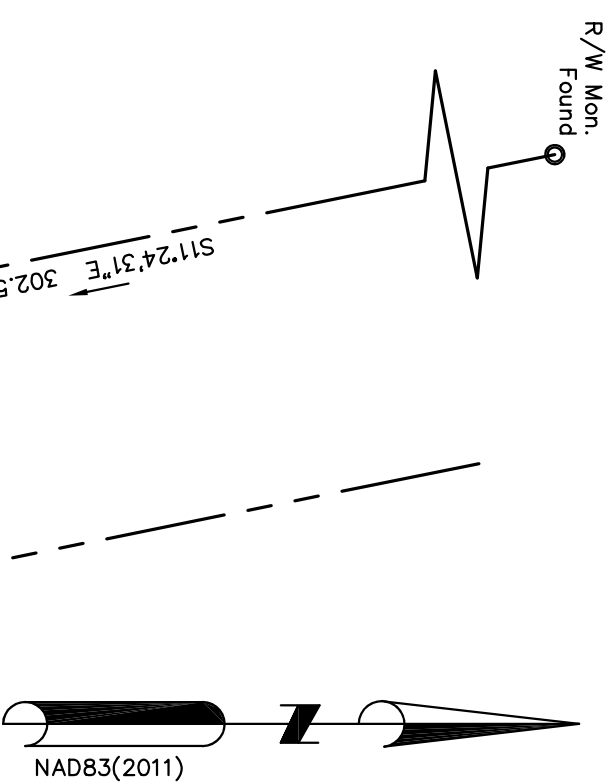
Community Planning Area: _____

Date Current Zoning Applied: _____



Location Map
NOT TO SCALE

Andre & Sheri Dubois
D.B. 1229, Pg. 414
PIN: 9577-27-0824



- NOTES:
- 1) The Basis of Bearings for this survey is NAD83(2011)
 - 2) Subject property is zoned R-1
- Setbacks:
Front: 15' (Local); 35' (Thoroughfare)
Side: 10'
Rear: 10'

LINE	BEARING	DISTANCE
L1	N88°08'45"E	37.66'
L2	S88°57'32"W	35.64'
L3	N11°06'56"W	4.39'

Elizabeth Holloman
D.B. 1600, Pg. 243
Plat Slide 9556
PIN: 9577-17-9403

Brya
& Lora Molton
D.B. 903, Pg. 781
Slide 99A
PIN: 9577-17-9357

April & Christopher Ricketts
D.B. 1552, Pg. 447
Slide 99A
PIN: 9577-27-0358

Lot 23
Elizabeth & James Pohl
D.B. 1290, Pg. 472
P.C. C, Slide 99A
PIN: 9577-27-1464

LEGEND:

○	NIP	NEW IRON PIN (5/8" REBAR)
●	EP	EXISTING IRON PIN
○	CP	CALCULATED POINT ONLY
○	○	POWER POLE
○	○	LIGHT POLE
○	○	WATER VALVE
○	○	GAS VALVE
○	○	WATER METER
○	○	FIRE HYDRANT
○	○	SANITARY SEWER MANHOLE
○	○	STORM DRAIN MANHOLE
○	○	CATCH BASIN
○	○	CLEANOUT
○	○	CURB INLET
○	○	TRANSFORMER
○	○	OVERHEAD POWER
○	○	FENCE LINE

I, Fulton V. Clinkscales, Jr., certify that this plat was drawn under my supervision from an actual survey made under my supervision (Deed description recorded in Book 3923, page 585, etc.) that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____ Page _____ that the ratio of precision as calculated is 1:10,000; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this 22nd day of May, 2023, A.D.

G.S. 47-30(0)(1)(c)(1) This survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new street or change an existing street.

Fulton V. Clinkscales, Jr.
L-2614

PRELIMINARY

FULTON V. CLINKSCALES, JR.
PROFESSIONAL LAND SURVEYOR
STATE OF NORTH CAROLINA
REG. NO. 11111

I, Fulton V. Clinkscales, Jr., Professional Land Surveyor, certify that the lot(s) created by this plat is (are) served and accessed by a recorded driveway easement shown here on. This easement may or may not meet the standards for roads serving subdivisions in the Henderson County Land Development Code. Neither the undersigned nor Henderson County certifies whether this easement meets such standards. This is the 22nd day of May, 2023.

Fulton V. Clinkscales, Jr., PLS No. L-2614

Subdivision Administrator _____ Date _____

I, _____ Subdivision Administrator for Henderson County certify that this plat plan has been Reviewed and approved as a Minor Subdivision in accordance with the Henderson County Subdivision Ordinance.

State of North Carolina
Henderson County

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 _____

Minor Subdivision
Ourco Construction Company LLC
(owner)
1621 Greenville Highway
Hendersonville Township
Henderson County
State of North Carolina

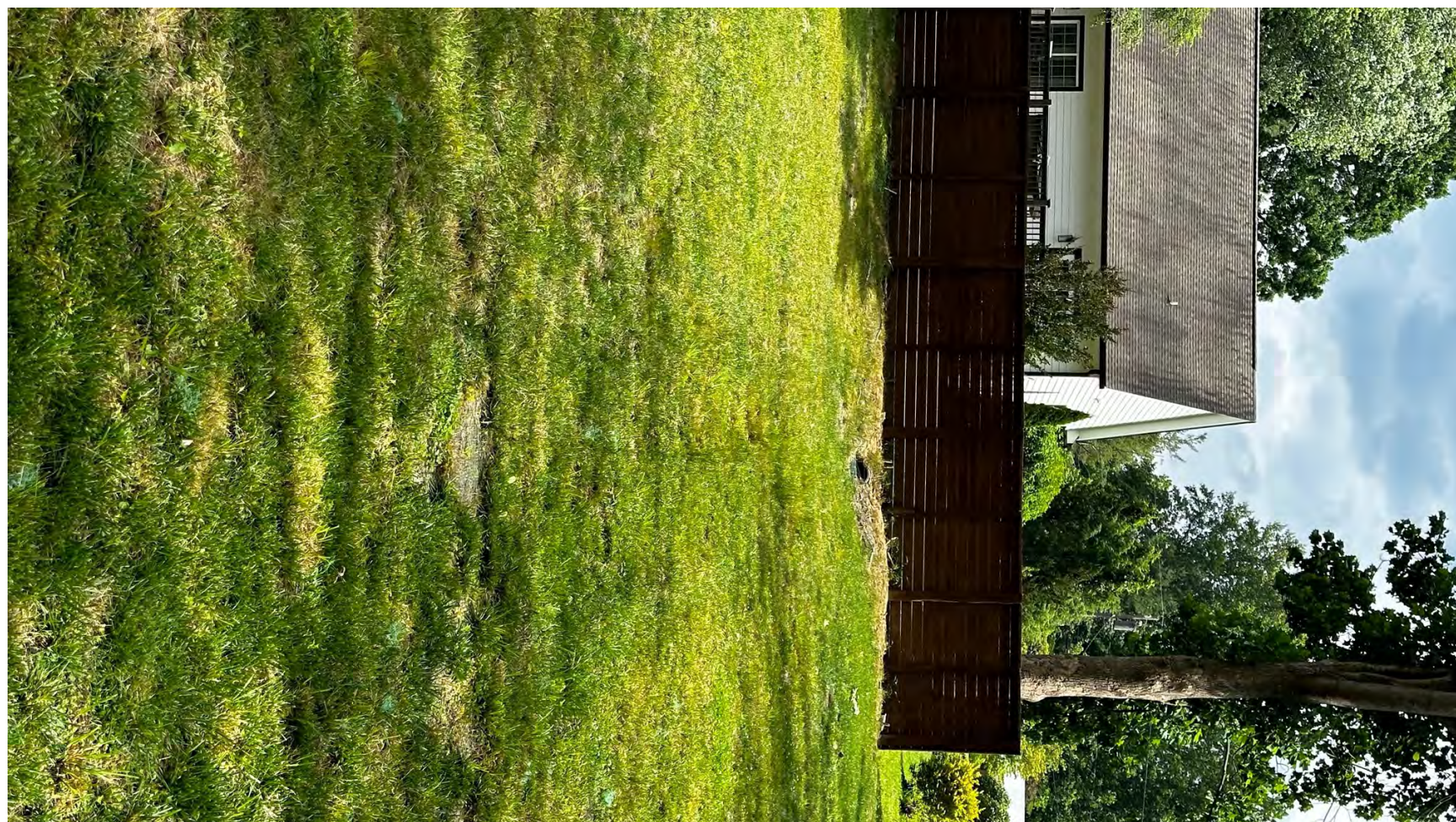
FREELAND - CLINKSCALES & ASSOCIATES, INC., of NC Engineers * Land Surveyors
201 2nd AVE. EAST
HENDERSONVILLE, N.C. 28792
(828) 697-6539
fco@ourcooutlook.com

REF. PLAT SLIDE 14210
REF. DEED BOOK 3923/595
TAX MAP 9577-27-0660
PARTY CHIEF IEC
DRAWN IEC
DATE May 22, 2023
DWG. NO. H43129

R/S: F. V. CLINKSCALES, JR., P.E.
NO. L-2614 Firm No. C-1562

SCALE: 1" = 30'

0 30 60



Certification of Notice of Public Hearing

In accordance with NCGS 160D-343 the Planning Department certifies notice of the July 19, 2023 hearing regarding Rezoning Application #R-2023-7-C were:

1. Submitted to the Hendersonville Lightning on June 30, 2023, to be published on July 5, 2023, and July 12, 2023, by Liz Hanson;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on June 30, 2023, by Liz Hanson;
3. Sent, via first class mail, to the property owner on June 30, 2023, by Liz Hanson; and
4. Signs were posted on the Subject Area(s) on June 28, 2023, by Liz Hanson.

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

1. Liz Hanson

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

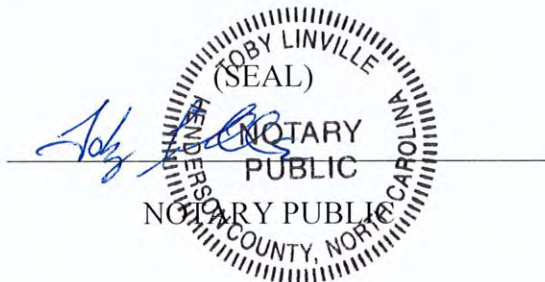
Liz Hanson

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 30th day of June, 2023.

My commission expires:

6/29/26





BOARD OF COMMISSIONER ENACTMENT 2023- 07-C

RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN

WHEREAS, pursuant to N.C. General Statute §160D, Article 1, 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-2023-07-C; and

WHEREAS, pursuant to N.C. General Statute §160D-601, the Planning Director provided the prescribed public notice and the Board held the required public hearing on July 19, 2023; and

WHEREAS, N.C. General Statute §160D-605 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-2023-07-C, OurCo Construction LLC) 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 19th day of July 2023.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
Rebecca McCall, Chairman

ATTEST:

Denisa Lauffer, Clerk to the Board

[COUNTY SEAL]

Rezoning

#R-2023-07-C

OurCo Minor Subdivision

Board of Commissioners – July 19, 2023

Henderson County Planning Department

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Public Hearing Notice

- A legal advertisement was published in the Hendersonville Lightning on July 5th and July 12th, 2023
- Signs were posted on the property on June 28th, 2023
- Notices of the hearing were sent to property owners within 400 feet of the subject area on June 30th, 2023

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Conditional Districts

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

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Application Summary

- Conditional Rezoning Request: R-2023-07-C
- Owner: OurCo Construction LLC
- Applicant: OurCo Construction LLC
- Property Location: 1621 Greenville Highway
 - PIN: 9557-27-0660
- Conditionally rezone from Estate Residential (R-40) Zoning District to a Conditional District (CD-2023-07)
- Approximately 1.62 Acres

Henderson County Planning Department

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Applicant: OurCo Construction LLC
 Total Surveyed Area: 1.62 Acres
 Current Zoning: Estate Residential (R-40)



Henderson County Planning Department

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Applicant: OurCo Construction LLC
 Total Surveyed Area: 1.62 Acres
 Current Zoning: Estate Residential (R-40)



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Applicant: OurCo Construction LLC
 Total Surveyed Area: 1.62 Acres
 Current Zoning: Estate Residential (R-40)



Henderson County Planning Department

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Applicant: OurCo Construction LLC
 Total Surveyed Area: 1.62 Acres
 Current Zoning: Estate Residential (R-40)



Henderson County Planning Department

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Applicant: OurCo Construction LLC
 Total Surveyed Area: 1.62 Acres
 Current Zoning: Estate Residential (R-40)



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Applicant: OurCo Construction LLC
 Total Surveyed Area: 1.62 Acres
 Current Zoning: Estate Residential (R-40)



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Project Summary

- **Minor Subdivision**
 - 5 total lots (0.29 acres to 0.35 acres each including ROW)
 - 10' side setback
 - 10' rear setback
 - 15' private ROW setback
 - 35' public ROW setback (Greenville Hwy)
- **30' Private Driveway Easement**
 - Single entrance off Greenville Hwy, served by a 30' rad. cul-de-sac at the rear of the property
- **Additional**
 - Engineered septic system
 - Landscaped/vegetative buffer

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Conditional Rezoning

Conditions required by the LDC and additional conditions recommended for consideration and requests made by the TRC and Planning Board are found in the attached List of Conditions.

Henderson County Planning Department

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Questions

Rezoning #R-2023-07-C
OurCo Minor Subdivision



Henderson County Planning Department

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