

REQUEST FOR BOARD ACTION
HENDERSON COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: September 5, 2023
SUBJECT: Conditions for R-2023-07-C
PRESENTER: Charles Russell Burrell
ATTACHMENT(S): Proposed conditions

SUMMARY OF REQUEST:

This is the conditional rezoning matter heard by the Board on July 19, 2023.

The attached conditions have been approved by the applicant, and are consistent with the Board's statements at the hearing. Condition 1 is an attempt to give specificity to the Board's statements in the event the City of Hendersonville refuses sewer connection in the absence of a request for annexation by the property owner.

BOARD ACTION REQUESTED:

Approval of the conditions.

If the Board is so inclined, the following motion is suggested:

I move that the Board approve the statement of conditions for rezoning R-2023-07-C.

Conditional Rezoning Application R-2023-07-C Conditions for Approval

Applicant: **Ourco Construction Company LLC**
Property: **Henderson County GIS PIN 9577-27-0660**

The Board of Commissioners of Henderson County have determined to grant the rezoning applied for in the above-referenced matter, on the conditions set out in this document.

The following conditions are in addition to and intended to supplement and amend the application for Conditional Rezoning submitted by the Applicant, the proposed site plan and the Henderson County Land Development Code (herein “Henderson County LDC”). In case of any conflict between this document, the LDC, and the site plan, the final approved site plan will control, then these Conditions, then the application filed. To the extent that any specification or development standard has been omitted from or is not addressed in the site plan or this document, the presumption is that the standard or specification in the LDC shall apply.

The conditions are as follows:

1. The Developer must facilitate and bear the costs of extending public sewer to the property, to serve all lots in the subdivision. The Developer can accomplish this by one of the following methods: (1) Applying to the City of Hendersonville for an extension of the City’s public system and in said application not requesting annexation (“Developer Request”); (2) Obtaining the cooperation of the County pursuant to the Mud Creek Interlocal Agreement dated December 20, 2000 (“MCIA”) to have the County request the City to construct a service line pursuant to Section 5.03 of said agreement. The County shall properly make such request within 14 days of a written request from Developer to take such action. In the event the City denies the County’s request, the County may within 60 days commence the extension or construction of the line pursuant to the MCIA in accordance with City specifications as stated in Section 5.03(a) at Developer’s expense. The County shall include Developer on all written communications with the City. Pursuant to the MCIA, the County can turn over the ownership of the newly constructed line built to City specification to the City; or (3) In the event that the City conditions extension approval on being annexed into the City and the County fails to act in the affirmative within the 14 day period provided in (2) above or fails to otherwise timely commence or complete construction after a 30-day notice to cure of such issue is given by Developer, then Developer may agree with the City on any terms for public sewer extension, including annexation..

2. The Developer must cause the site plan to be modified to show a building setback on all sides of the (original) parcel to be subdivided under the provisions of this rezoning not facing Greenville Highway (N.C. Highway 225) of at least fifteen feet (15’). All structures to be located on the lots created as a result of this rezoning must in fact be set back in accordance with this requirement. Setbacks between lots created in the subdivision as shown on the originally submitted site plan are not affected by this provision.

3. The Developer must create (or maintain, as the case may be) a conifer tree buffer within the setback modified in 2., above, with at least seven (7) foot tall trees placed at twelve (12) foot intervals, using either existing trees located within the setback or newly planted trees.

Adopted by the Henderson County Board of Commissioners, the 19th day of July, subject to the agreement of the Applicant, and executed on behalf of the Board the date shown below:

HENDERSON COUNTY BOARD OF COMMISSIONERS

By: _____
REBECCA McCALL, Chair

Attest:

_____ Date: _____
Clerk to the Board of Commissioners

Ourco Construction Company LLC, the applicant in the above matter, consent to the conditions stated above.

OURCO CONSTRUCTION COMPANY LLC

By: _____
ERIC OURSLER, Manager