REQUEST FOR BOARD ACTION

HENDERSON COUNTY PLANNING BOARD

MEETING DATE: July 18, 2019

SUBJECT: Rezoning Application #R-2019-03C Blue Ridge Gem Mine

PRESENTER: Eric Warren, Planner

ATTACHMENTS: 1.) Staff Report

2.) Site Plan

3.) Applicant Information Packet

4.) PowerPoint Handout

SUMMARY OF REQUEST:

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

The application is submitted with an attached site plan showing the specific proposed use for the subject property. As a conditional rezoning application, if approved, the property may only be used as shown by the site plan and limited by any conditions attached by the TRC, Planning Board, and Board of Commissioners.

The Technical Review Committee reviewed the rezoning request on July 2, 2019. Conditions discussed at the TRC meeting have been attached to the staff report.

PLANNING BOARD ACTION REQUESTED:

Staff requests the Planning Board make a recommendation to the Board of Commissioners on rezoning application (#R-2019-03C) for approximately 5.82 acres from Residential Two Rural (R2R) to Local Commercial Conditional District (LC-CD).

Suggested Motion:

I move that the Planning Board forward rezoning application #R-2019-03C with a (favorable or unfavorable) recommendation and with any conditions discussed to be reviewed by the Board of Commissioners for approval.

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

Owner: Philip Botnick Applicant: Meyer Banz

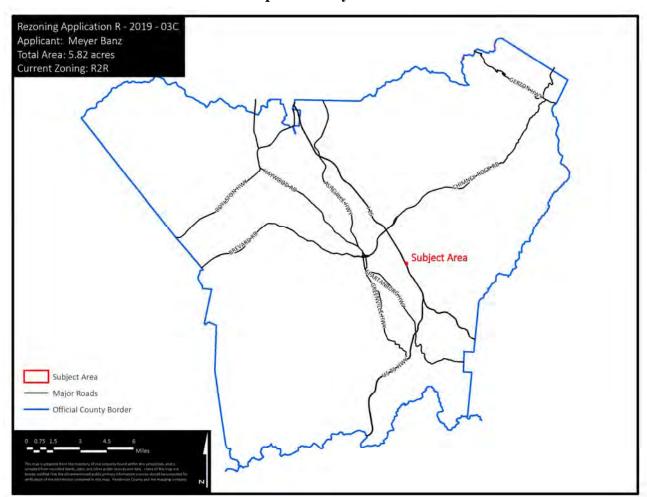
1. Rezoning Request

1.1. Owner: Philip Botnik1.2. Applicant: Meyer Banz1.3. 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

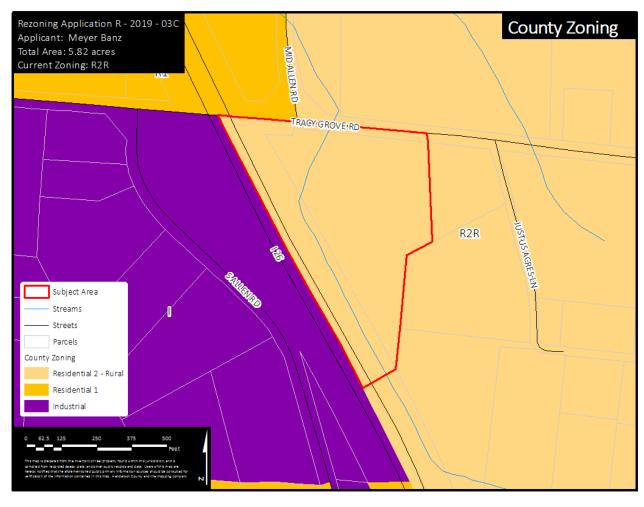
1.6. Location: The subject is located on Tracy Grove Rd. (SR 1793) and adjacent to I-26.



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

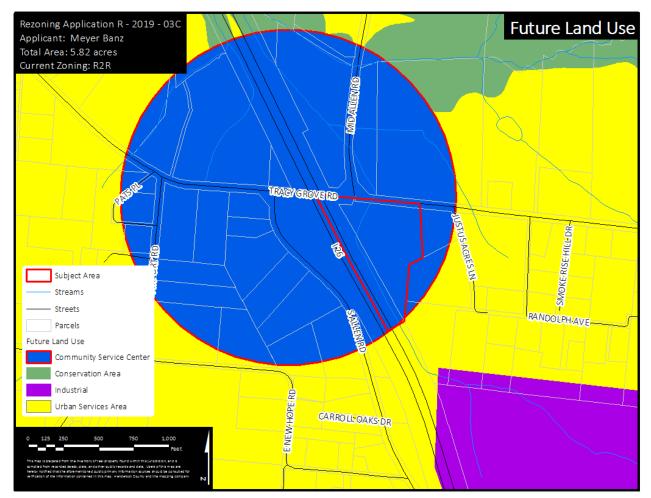
use district is typically meant to be utilized in areas designated as Transitional (RTA) in the Comprehensive Plan (LDC \$42 - 29).

- 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. <u>Local Commercial</u> areas are located within defined Community Service <u>Centers</u>. 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. <u>Site Plan Features:</u>

- 6,336 sq. foot showroom/office
- Covered storage building on existing concrete pad
- 2 recirculating water flumes
- Manufactured home remodeled into restroom building
- 33 parking spaces

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

7. Staff Comments

- 7.1. **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.
- 7.2. **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.
- 7.3. **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).
- 7.4. **Site Plan:** The conditional rezoning request requires a site-specific plan for the proposed development. (See Attached Site Plan)

8. Conditions under the LDC

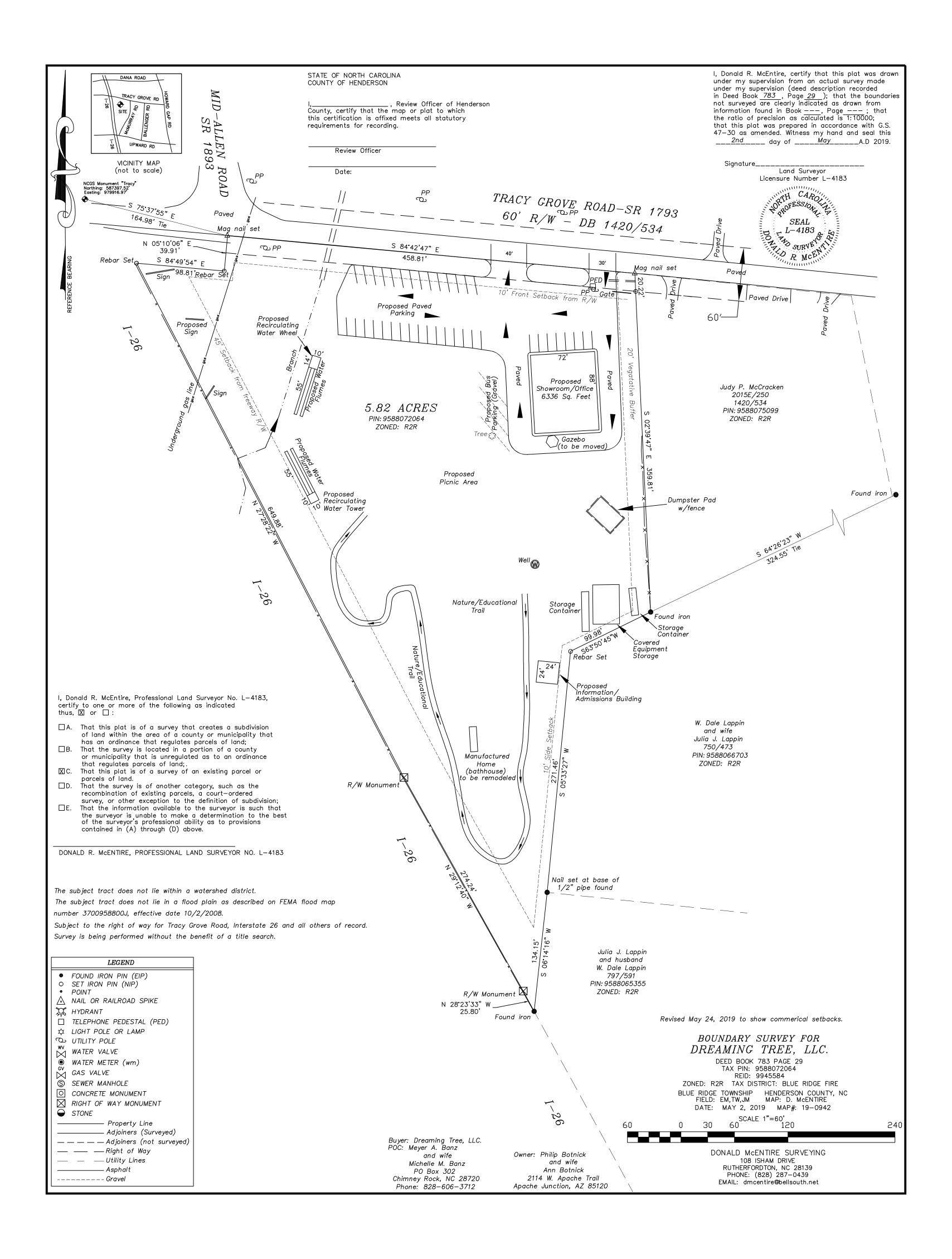
- 8.1. **Buffering Condition:** A B1 buffer (20 feet in width) is required for new commercial uses where adjacent to residential zones.
- 8.2. **Perennial Stream Buffer:** All *built-upon areas* shall be at a minimum of 30 feet landward of all perennial and intermittent surface waters.
- 8.3. **Parking Requirements:** For commercial use one (1) space per each 500 square feet of gross floor area.
- 8.4. **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.

9. Technical Review Committee Recommendations

- 9.1. **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.
- 9.2. **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.
- 9.3. **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.
- 9.4. **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.
- 9.5. **Sedimentation and Erosion Control:** An erosion control permit is required if more than 1 acre is disturbed.
- 9.6. **Storm Water Management:** A storm water permit is required as this is a redevelopment project.
- 9.7. **NCDOT Driveway Permit:** The applicant must obtain a driveway permit through NCDOT if required.
- 9.8. **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.
- 9.9. **Hours of Operation:** The applicant indicated that the hours of operation would be Monday to Sunday, seven days a week from 10:00 AM to 6:00 PM. The Board may require these hours of operation as a condition of approval.

10. Planning Board Recommendations

10.1.The Planning Board will review the application at its meeting on July 18, 2019.





BLUE RIDGE GEMSTONE MINE EDUCATIONAL PARK

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



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OUR BUSINESS CONCEPT

Blue Ridge Gemstone Mine Educational Park will be a geological educational fun park for students, teachers, seniors, and disabled people of Henderson County and all surrounding areas. We plan to bring an educational adventure combined with a favorite North Carolina past time of gemstone mining together for an unparalleled experience. Everyone will be able to explore our nature trail, receive lessons at all of our sixteen exhibits, and mine for gems as if they were at an authentic 1800s gemstone mining village. The village will also include picnic areas and a retail show room that is comprised of even more educational exhibits, jewelry, décor and more. Blue Ridge Gemstone Mine Educational Park will be a local attraction that brings a unique experience to the people and visitors of Western North Carolina.

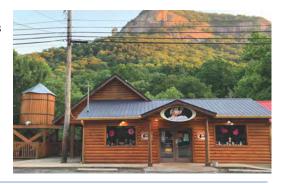
OUR HISTORY

Chimney Rock Gemstone Mine

In Spring 2003, Chimney Rock Gemstone Mine opened its doors at 397 Main Street in Chimney Rock Village.







Chimney Rock Gemstone Mine #2

In the Spring of 2007, Chimney Rock Gemstone Mine opened a second location in Chimney Rock Village at 374 Main Street to keep up with customer demands.







Greenville Gemstone Mine - Downtown, Main Street

In the Fall of 2009, the business expanded into Greenville, South Carolina. Greenville Gemstone Mine is open at 205 N. Main Street, Greenville SC.







Greenville Gemstone Mine - Haywood Mall

In the Fall of 2018, the Greenville Gemstone Mine opened a second location in the Haywood Mall.







WHAT WE DO

For nearly twenty years, Chimney Rock Gemstone Mine has been a pillar in the Chimney Rock and Lake Lure community. Chimney Rock Gemstone Mine is the 2nd most popular attraction in the area, with Chimney Rock State Park being #1 (tripadvisor.com). For ten years, Greenville Gemstone Mine, in Greenville, South Carolina, has been providing the same unique, fun and educational experience to "rock-hounds" of all ages and creating welcoming retail environments with an assortment of unique merchandise.

Gemstone Flume Mining

There are gemstone mining and discovery opportunities at all of our locations. Customers purchase different sized buckets filled with raw materials. After placing the raw material onto the screen/sifter, clean water reveals a variety of differing gemstones and crystals. This is a fun and educational activity for prospectors of all ages.



Geological Education

Our friendly and knowledgeable staff are trained to ensure a fun, yet informative experience for all of our miners. Staff members are present to assist with the mining process and guide miners on the stones they find. All specimens can be inspected to see what each "rock-hound" discovered! We also provide geological presentations about different types of rocks and minerals, gems, the rock cycle, fossils and rock history of the Carolinas!



Retail Jewelry

In our current retail locations, you will find the largest selections of Sterling Silver jewelry in Western North Carolina and the Upstate of South Carolina. We offer 100+ different gemstones in Sterling Silver jewelry at each of our locations. There is truly a piece of jewelry for anybody.



Field Trips

We host field trips for many surrounding schools, camps and various groups. We provide educational presentations to customers which allows for them to participate in a hands-on experience with rock specimens, minerals and fossils. After field trips, many schools have incorporated our materials into their curriculum.



Birthday Parties

We have a variety of birthday packages sure to please any "rock-hound" birthday boy or girl! Our friendly staff is on hand every step of the way to answer any questions customers may have and help them identify their finds.



CURRENT REVIEWS

Chimney Rock Gemstone Mine

Chimney Rock Gemstone Mine Manage This Listing

- Rated #2 thing to do in Chimney Rock, next to the Chimney Rock State Park.
- 4.5 Star Rating

***** "My favorite place in Chimney Rock – One of the best places for GEM mining in the mountains. They also have a shop with wonderful jewelry ranging from exquisite to simpler pieces that kids and teens love. Then there are the fossils, giant geodes, and other terrific gems. I can't get enough of this place." – Itower6869/tripadvisor.com

***** "Best Gem Mining experience ever! – We love to gem mine and have tried this in various locations throughout the southeast US – this was BY FAR our best experience...We purchased two of the family sized (\$30 each) and WOW. Each bucket had a HUGE gem/geode (larger than my fist) that would go for \$20 each upstairs. Lots of good sized gems as well...it was super clean and well maintained. The employees were super helpful and nice as well. Would definitely go back." – tarae180/tripadvisor.com

***** "We had a great time here. The staff is knowledgeable and helpful. We got a \$30 bucket and enjoyed every minute of sifting through to discover our treasures...we'll always remember acting like a couple kids as we pulled out each glistening gem." - G.Griffith/Google

***** "Great place for families, birthday parties, and really everyone! We had 10 kids from 3 families and decided to have a birthday party there...The kids age 3-10 all loved to sift through the dirt for gems but so did their parents and grandparents who all decided to get extra buckets of their own...We came away with some really cool rocks and had a lot of fun!" – A. Baron/Google

"My daughter and I have been in twice in less than a week to mine for gems and had a great time and amazing results...Five stars all day everyday." – P.Alzate/Facebook

CURRENT REVIEWS

Greenville Gemstone Mine

• Greenville Gemstone Mine has been recommended by multiple publications including the *Upstate Parent Magazine* and *Kidding Around Greenville*.

***** "Amazing store! Awesome environment. I could literally feel the energy shift as I entered the store. The staff was as sweet as they could be, they were very welcoming & knowledgable about their products. I purchased several different stones and pieces of jewelry. I will be back!" - J.Smith/Google

***** "So in love with this place! So many stunning pieces of jewelry arranged all by stone type and SO many different stones to choose from. I bought the perfect set of rings here. Great staff too! This place is a real gem!" - J. Morrison/Google

***** "Love love love this place...favorite part is buying a bucket and finding cool gems and rocks. But they also have tons of awesome fossils and jewelry for sale...anyone who is planning on being in the Greenville area should definitely add this GEM to their agenda!" - L.Collins/Google

"Took my 4 yr old son here for the first time the other night and he fell in love! I'm pretty sure this is his new favorite store! We went mining, purchased the "kiddie" bucket and found lots of rocks/stones. We will be going back. I highly recommend this for young kids to adults…beautiful store and a family fun activity." – K. Hatcher/Facebook

"We had our daughter's 10th birthday party here! The staff was very polite and accommodating. All of the kids had a great time! We will be back!" - R.Ann/Facebook

CURRENT GEMSTONE MINING IN HENDERSON COUNTY

Gemstone Mining is currently the #1 THING TO DO on TripAdvisor, in Hendersonville, North Carolina. https://www.tripadvisor.com/Attractions-g49206-Activities-Hendersonville North Carolina.html

• Gemstone Mining is the top activity in Hendersonville, and we hope to improve the gemstone mining experience for the community by creating this multi-purpose educational park for customers and prospectors alike. This educational park will mimic a gemstone mining village from the 1800s.

MINERAL & LAPIDARY MUSUEM of HENDERSONVILLE

The Mineral and Lapidary Museum is ranked #6 THING TO DO on TripAdvisor in Hendersonville, North Carolina. (https://www.tripadvisor.com/Attraction Review-g49206-d1540655-Reviews-Mineral Lapidary Museum-Hendersonville North Carolina.html) This is a place that customers can look at specimens to learn about geology and paleontology.

- North Carolina is a renowned state in the field of mining rocks and minerals.
- We hope to be a fun and informative environment where customers not only get to look and see specimens but participate in and learn through fun, hands-on activities.

BLUE RIDGE GEMSTONE MINE EDUCATIONAL PARK

Our Vision for Our Future in Henderson County

We envision a new and exciting evolution in our successful business in the 818 Tracy Grove Rd. property. This property would enable us to accommodate larger school field trips and groups more frequently, as it would give us the opportunity to bring unforgettable and educational experiences to these groups and daily customers. This will be a year-round educational village.



Below is a list of what the Blue Ridge Gemstone Mine Educational Park is comprised of:

- Retail Store/Offices/Public Restrooms
- Flume Mining (Gem Mining Décor- Mining Crates, Equipment, Tools from the era)
- Water Tower/Wheel
- Various Prospector Exhibits (15)
 - These exhibits aim to inform and educate customers on geological formations, paleontology and archeology.
- Nature Trail
- Group Picnic Area

Please see following pages for more information on the different components of our plan.



Retail Store

We picture the retail showroom at Blue Ridge Gemstone Mine to be similar to our other location's showrooms but allowing for ample space for accommodations for groups, students and teachers, and families to experience our park and learn about our unique products. Sterling Silver Jewelry, rock and crystal specimens, mineral specimens, fossils, and home décor will be available in the retail store.

Flume Mining

We plan to create and provide customers with one of the largest on-site flume mines in the area, allowing for WNC to highlight on the already high-rated family attraction. Customers will be able to be a prospector for the day and sift for gems. Recirculating water flumes allow for prospecting without digging and caving. The goal is for the public to learn about rocks, their origins and compositions.





Water Tower & Wheel

The Water Tower will be an authentic piece of the gem-mining experience for all miners. The Water Tower will sit near the beginning of one flume and the Water Wheel will be the originating piece of the contrasting flume.





Various Prospector Exhibits:

Customers who visit the exhibits will be provided with an Exhibit Activity Guide that will walk them through the educational park and ask them questions to enhance the informative experience.

Mineral Exhibit

We will teach customers the difference between rocks and minerals, that minerals are components of rocks and provide various examples of minerals.



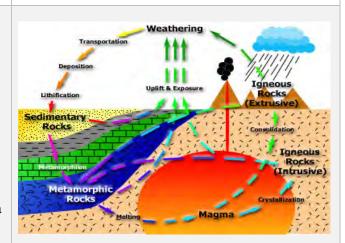
Rocks & The Rock Cycle Exhibit:

Igneous Exhibit,

Sedimentary Exhibit

& Metamorphic Rock Exhibit

We will demonstrate the Rock Cycle at this exhibit and discuss the differences between the Igneous, Sedimentary and Metamorphic Rocks. Each of these types of rocks will have a separate exhibit.



Gems & Precious Stones Exhibit

This exhibit will show how precious stones are not found solitary but found in various rocks and stones.



Crystal Point Exhibit

Customers will learn how crystals form depending on mineral's molecules and their alignment.



Geodes

In this exhibit, miners will be educated on what a geode is and witness the first cracking of their own historic geode! They will also come to understand how geodes form through the process of volcanic gas bubbles.



Fossils

This exhibit will show the two different types of fossils: trace fossils and body fossils. Customers will be able to dig to find their own fossils in this exhibit! Fossils that will be included could be but are not limited too:

- Dinosaur Bones
- Ammonites
- Orthoceras
- Megalodon Teeth
- Amber



Bugs

Customers will see and study various historic insects, butterflies and bugs in this exhibit.



Meteors & Meteorites

We will display and explain the assorted types of meteorites that have landed on earth from outer space.



Cave Formations

(Stalactites & Stalagmites)

In this exhibit, customers will get to see how the large underground chamber forms with stalactites and stalagmites.



Petrified Wood

This exhibit will focus on the fossilization of various trees and plants that transitioned from vegetation to stone.



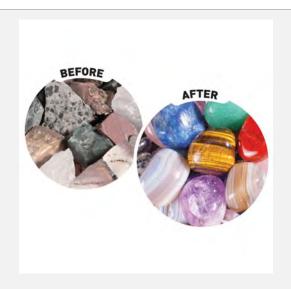
Fluorescent Rocks

Some rocks and minerals glow in vibrant colors when out under an ultraviolet light. This exhibit will explain this process and show how different some minerals appear under normal illumination and ultraviolet light!



Rock Tumbling

Customers will be able to witness and partake in activities for rock tumbling! Rock tumbling is the process of smoothing and polishing the rough surface of rocks.



Nature Trail

The Nature Trail will be a handicap 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.





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.





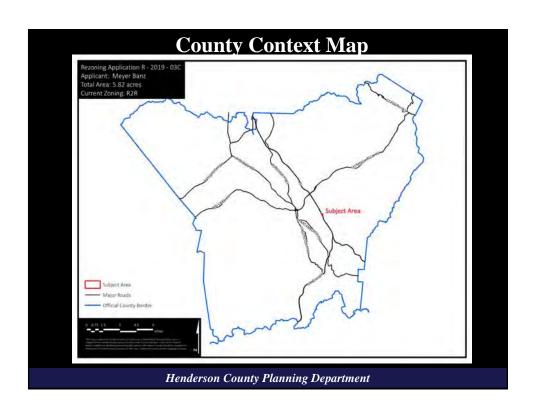
OUR FINAL THOUGHTS

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,

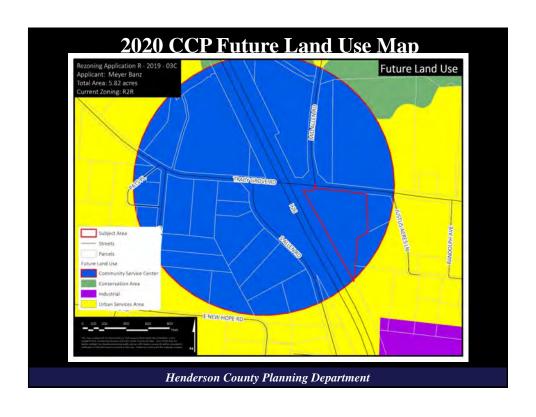
Matt & Michelle Banz

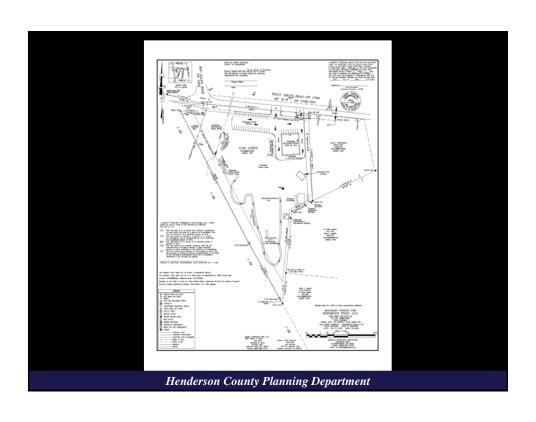














Henderson County Planning Department









