

REQUEST FOR BOARD ACTION

HENDERSON COUNTY PLANNING BOARD

MEETING DATE: June 15, 2023

SUBJECT: Rezoning Application R-2023-07-C OurCo Construction LLC

PRESENTER: Liz Hanson, Planner

ATTACHMENTS: 1.) Staff Report
2.) Application
2.) Major Site Plan
3.) 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 will be held on Wednesday, June 14, 2023, in the King Street Meeting Room. A copy of the meeting report will be 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.

BOARD ACTION REQUESTED:

The Planning Board has 45 days from its first consideration to provide a recommendation to the Board of Commissioners or the request is forward with a favorable recommendation unless otherwise agreed upon by the applicant. Staff requests the Planning Board make a recommendation to the Board of Commissioners to approve, approve with modification or deny the conditional rezoning application (#R-2023-07-C) to rezone the Subject Area to a Conditional District (CD-2023-07).

Suggested Motion:

I move that the Planning Board recommend the Board of Commissioners (approve, approve with conditions or deny) conditional 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.



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

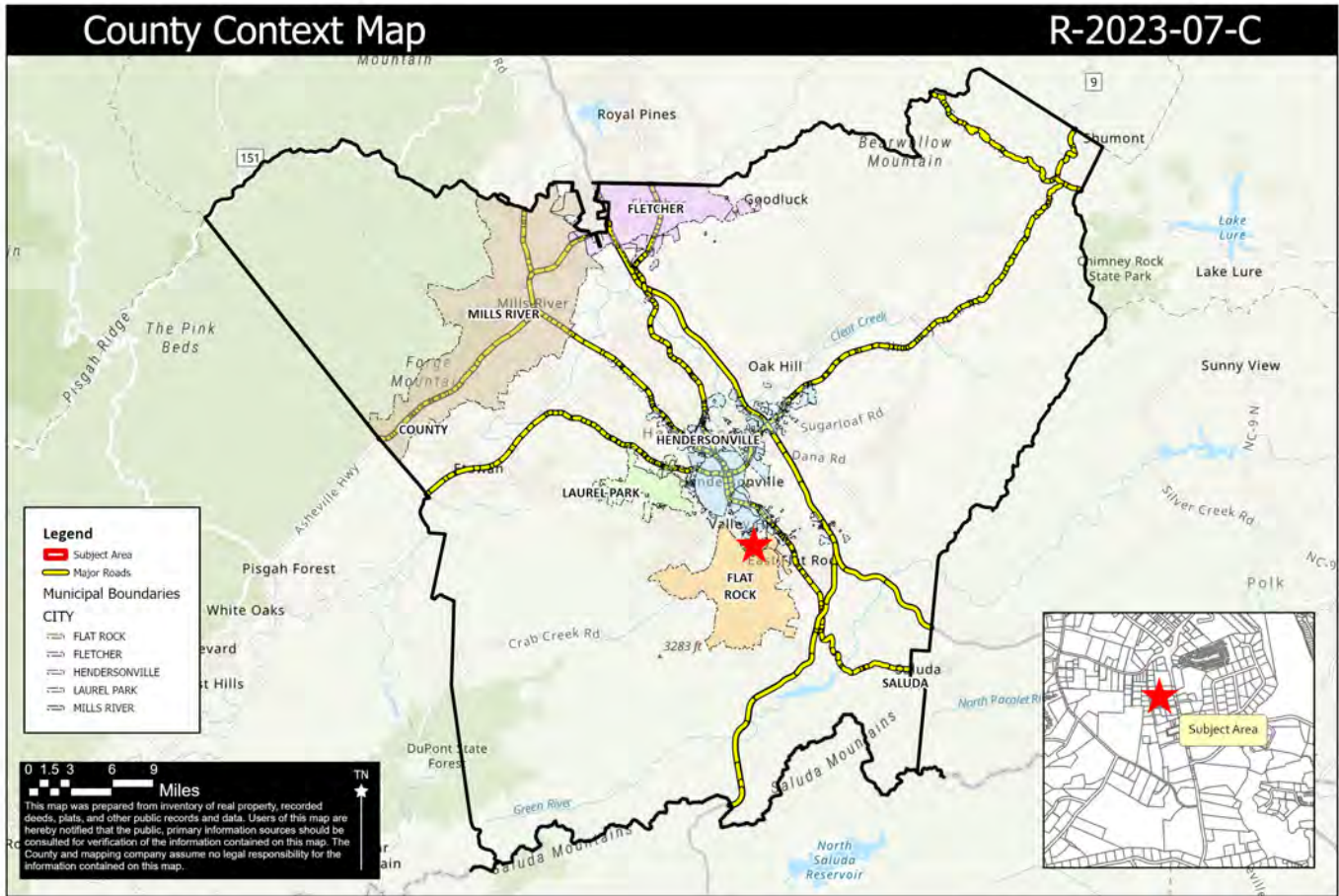
Single Family Residence

Residential/Vacant Land

Single Family Residence

Single Family Residence

Map A. County Context



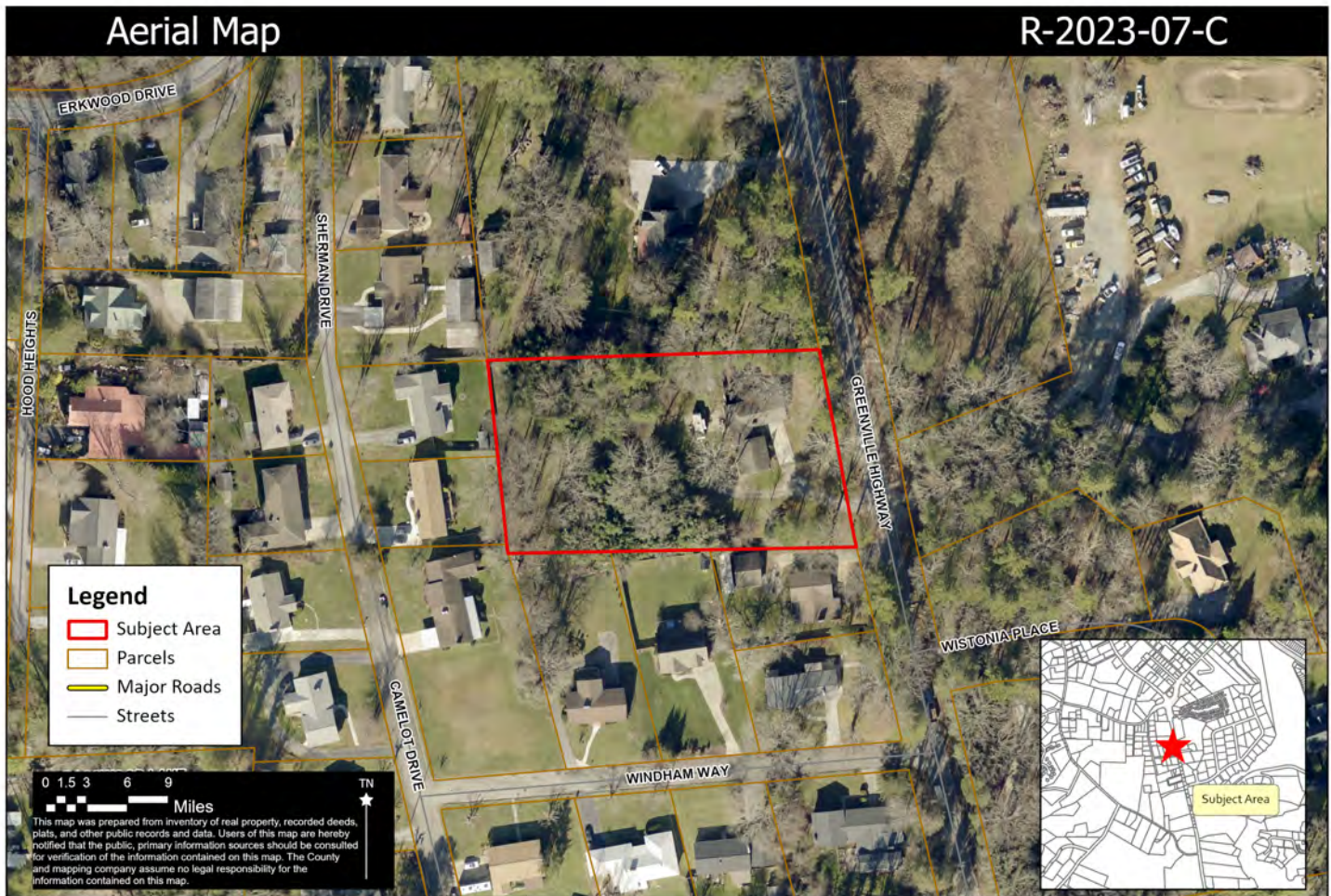
Applicant: OurCo Construction LLC
 Total Surveyed Area: 1.62 Acres
 Current Zoning: Estate Residential (R-40)



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



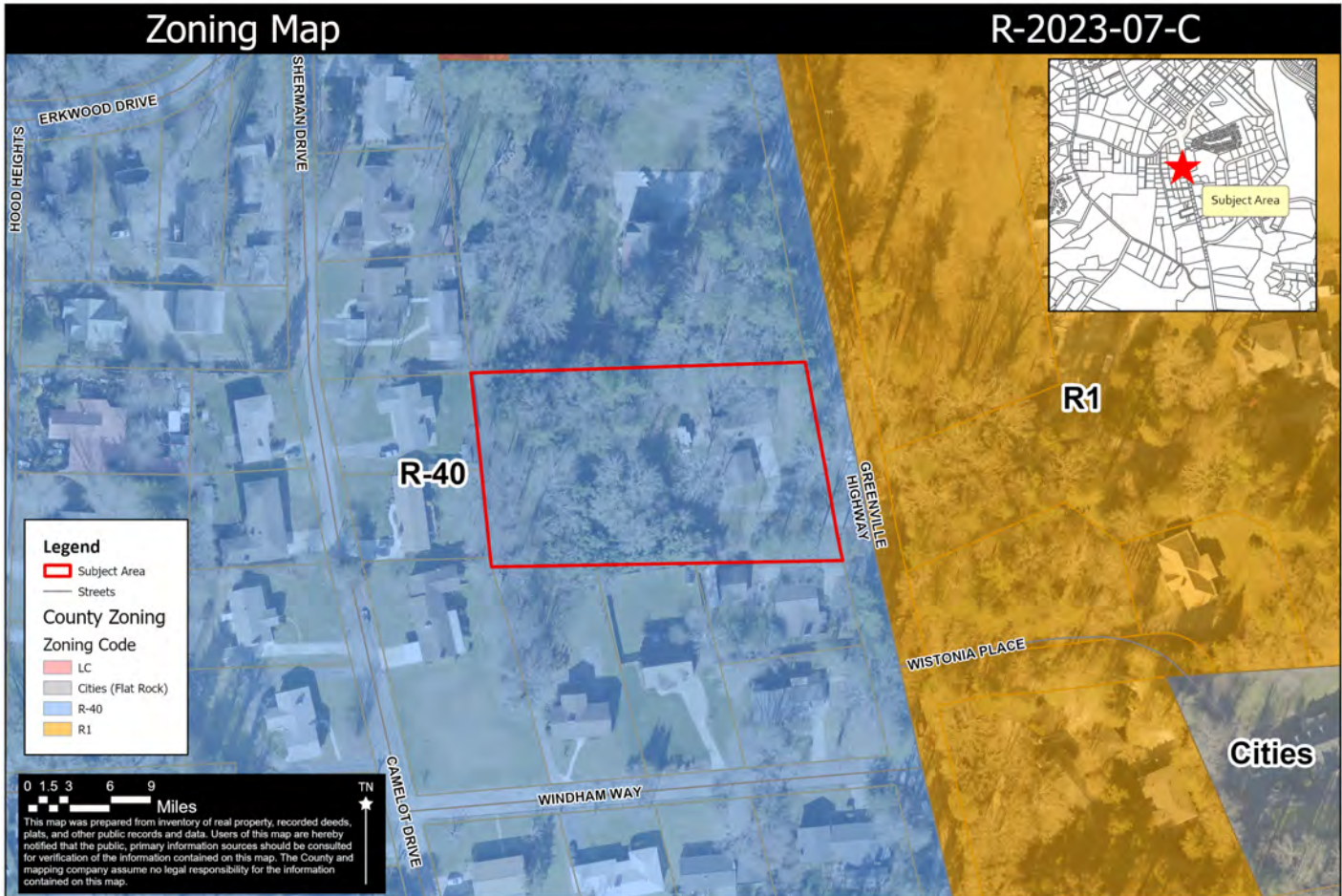
Applicant: OurCo Construction LLC
Total Surveyed Area: 1.62 Acres
Current Zoning: Estate Residential (R-40)



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.

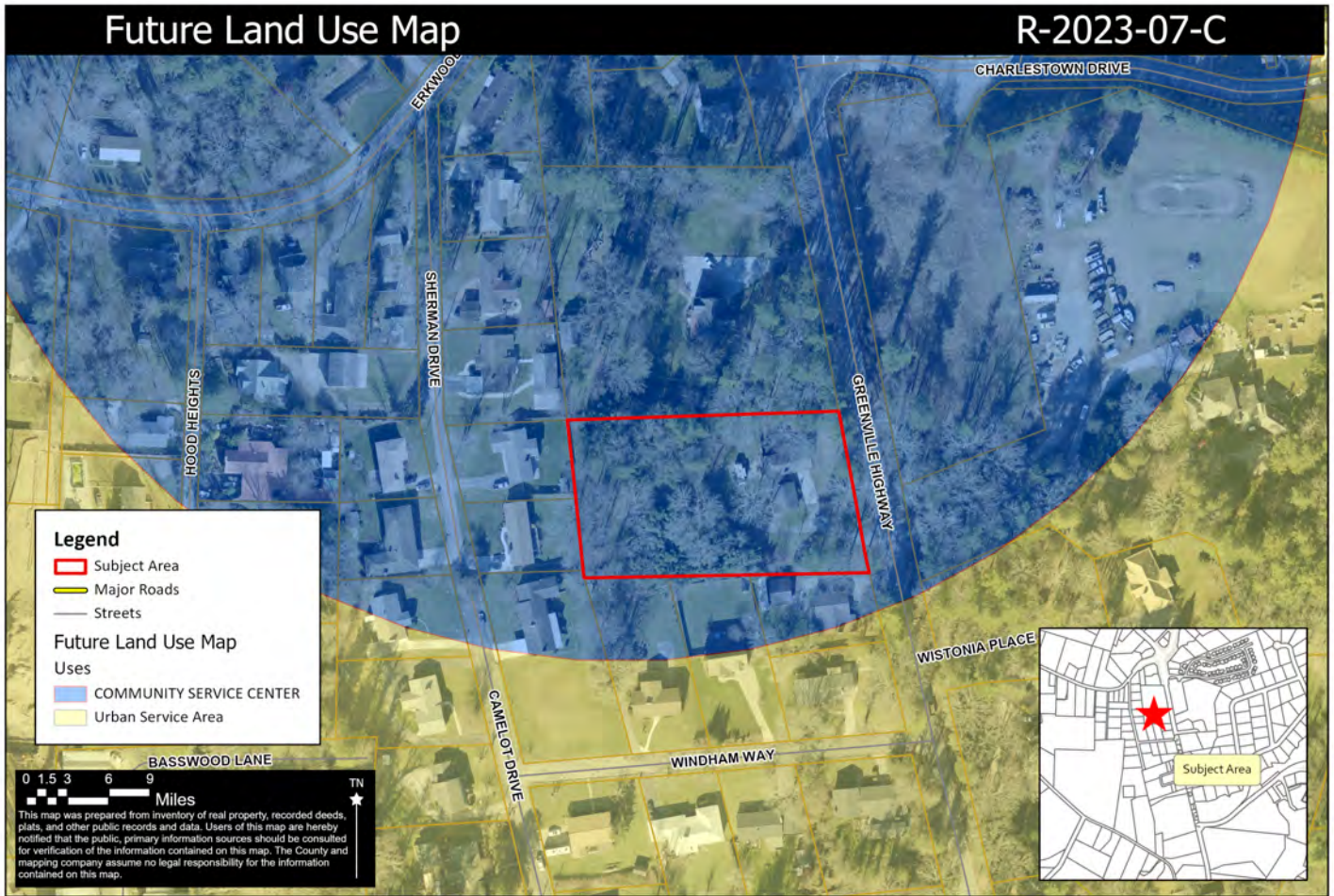
Comparison of Districts: The Estate Residential (R-40) district principle land use is low-density residential (40,000 sqft minimum lot size) and is intended to ensure that residential development not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur 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 will hear the case at their June 15, 2023 meeting.

Board of Commissioners Public Hearing

The Board of Commissioners will hear the case following the Planning Board.

**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:

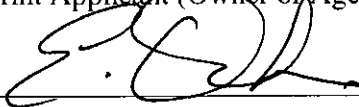
Name: _____ Phone: _____

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)

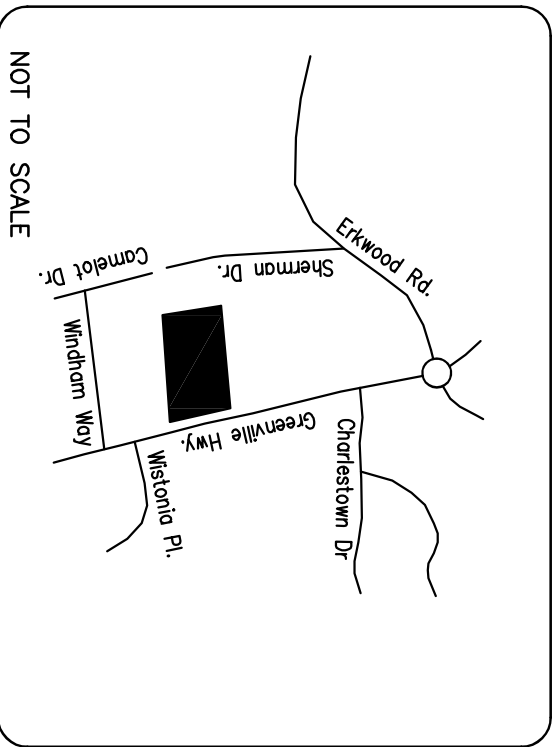
5/23/23
Date

County Use Only

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

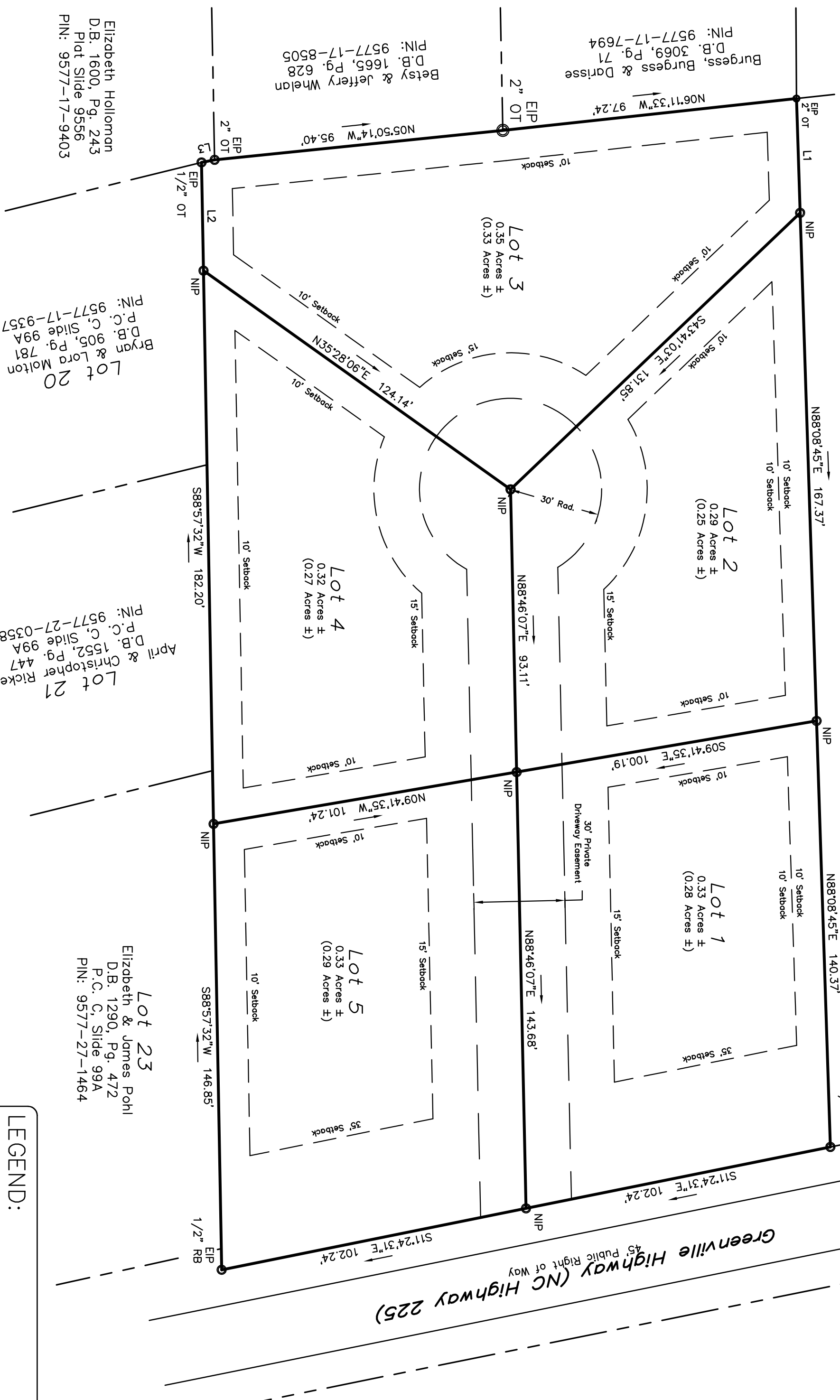
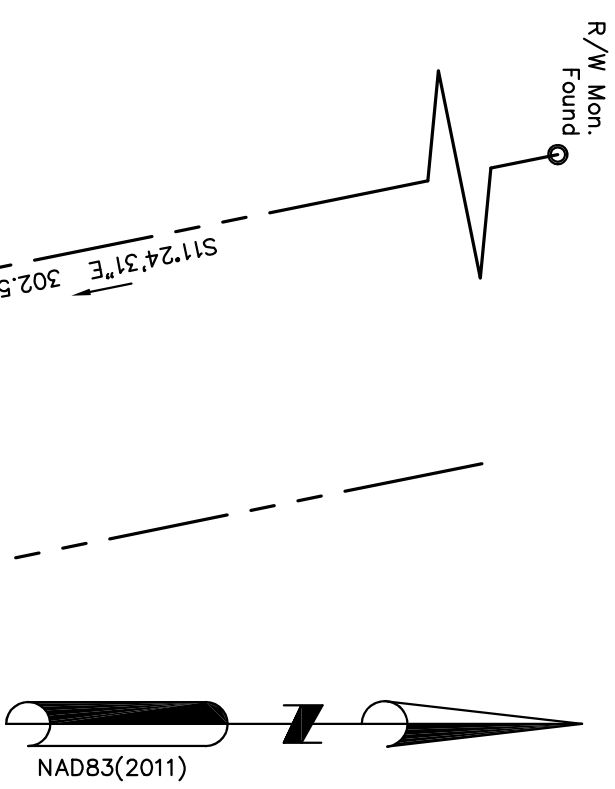
Community Planning Area: _____

Date Current Zoning Applied: _____



Location Map

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'
- 3) Acreage within parenthesis excludes road rights of way.

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(c)(1)(c)(i) 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

Review Officer _____ Date _____

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

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@ourco.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

Rezoning #R-2023-07-C

Planning Board – June 15, 2023

Henderson County Planning Department

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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

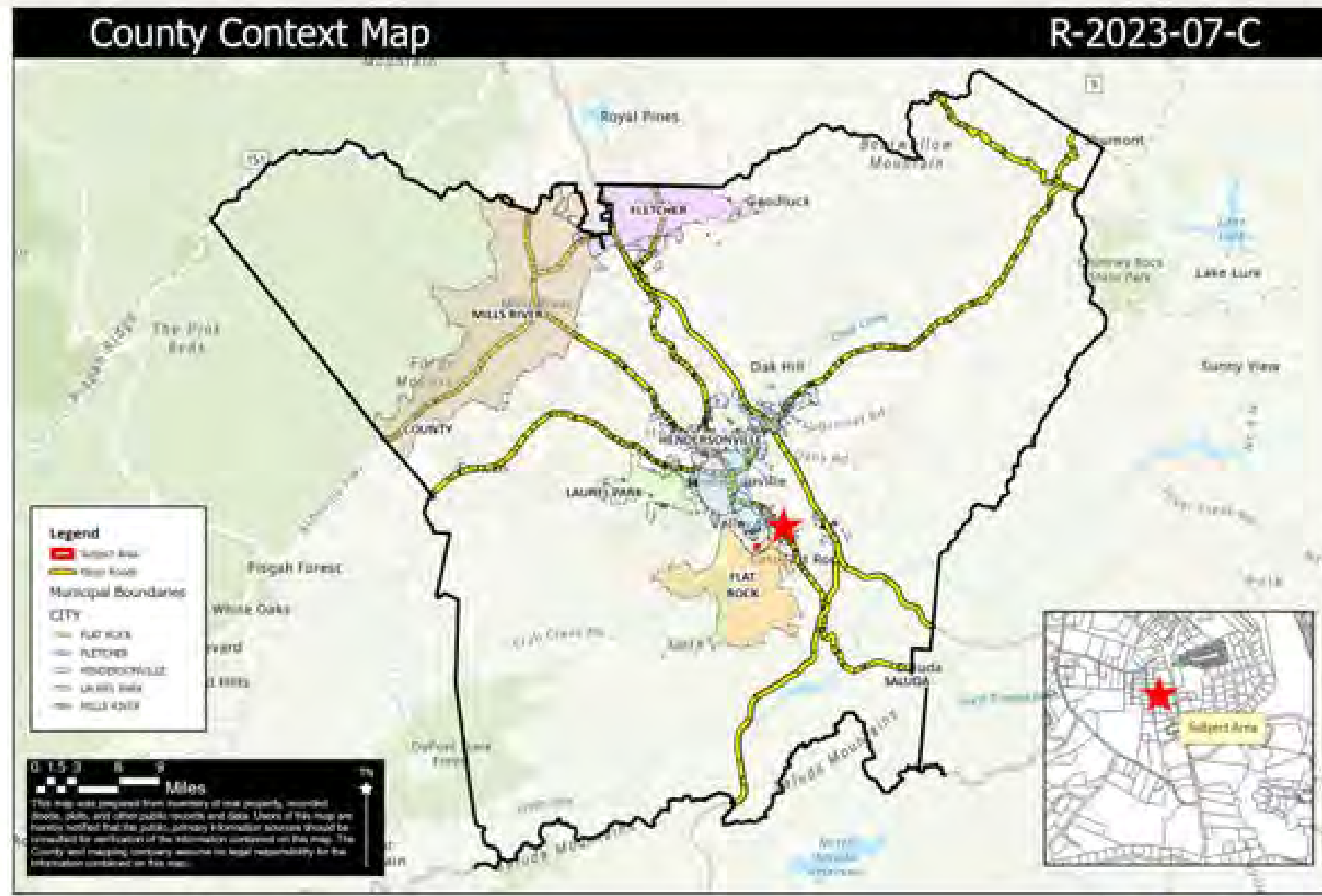
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Project Summary

- 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 served by a 30' rad. cul-de-sac at the rear of the property

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)



Henderson County Planning Department

6



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



Henderson County Planning Department

7



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



Henderson County Planning Department

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Growth Management Strategy Map

R-2023-07-C



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



Henderson County Planning Department

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Utilities Map

R-2023-07-C

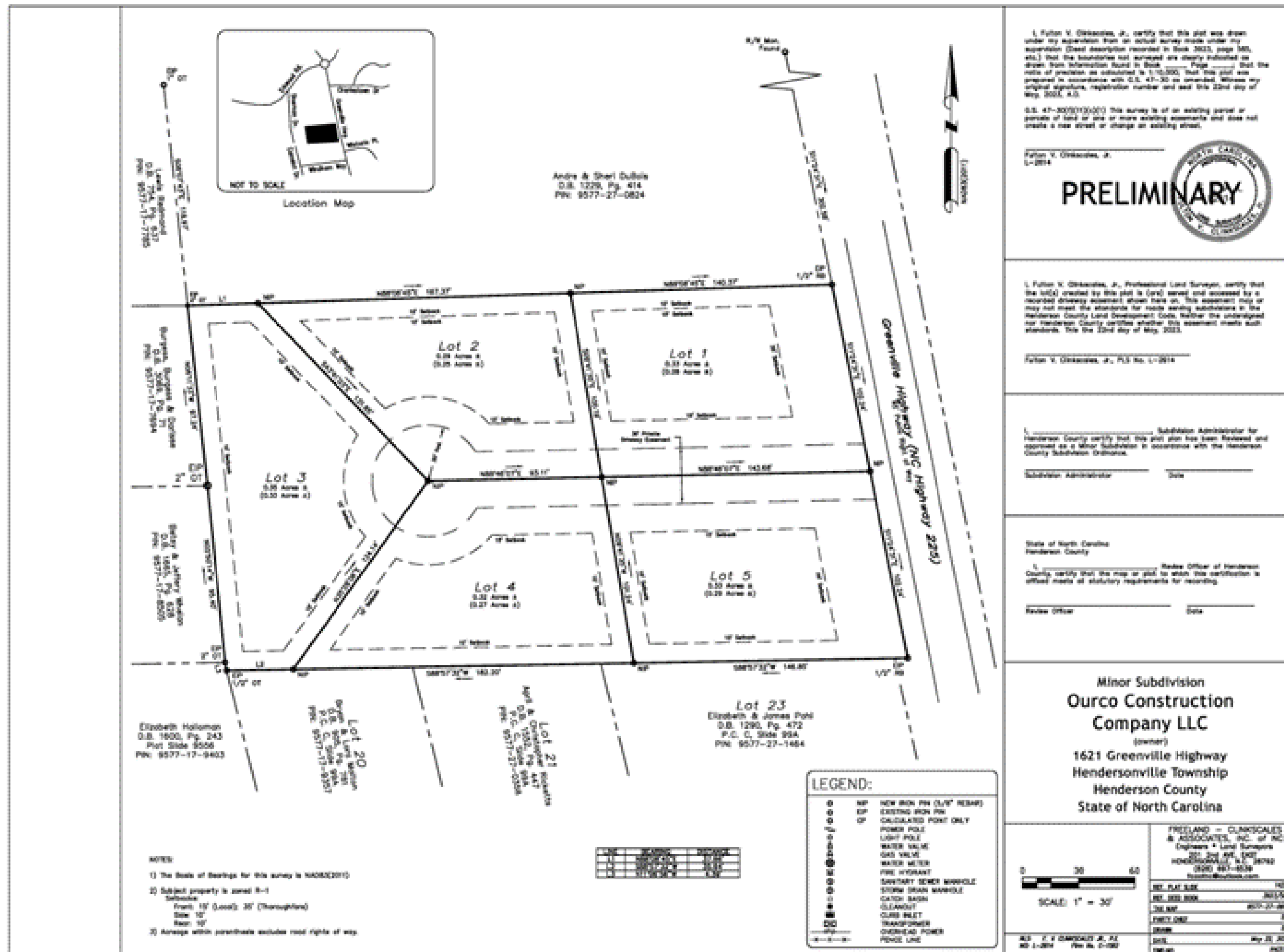


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 Current Zoning: Estate Residential (R-40)



Henderson County Planning Department

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Next Steps

Board of Commissioners: Public Hearing will be set at a later date. The County Clerk will submit official notification when the hearing is announced.

Questions

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



Henderson County Planning Department