

REQUEST FOR COMMITTEE ACTION

HENDERSON COUNTY TECHNICAL REVIEW COMMITTEE

MEETING DATE: October 15, 2019

SUBJECT: Conditional Rezoning Application #R-2019-05-C Sirocco Properties, LLC

PRESENTER: Eric Warren, Planner

ATTACHMENTS: 1.) Staff Report

SUMMARY OF REQUEST:

Rezoning Application #R-2019-05-C, revised from standard rezoning with recommendation from the Planning Board, requests that the County conditionally rezone approximately 7.77 acres of land from Residential One to Industrial zoning district. The acreage consists of a portion of the parcel (PIN: 9652-86-3577) located at the intersection of Howard Gap Road and Jackson Road in the Fletcher area. The property owner is Sirocco Properties, LLC.

TECHNICAL REVIEW COMMITTEE ACTION REQUESTED:

Should the conditional rezoning application meet the technical standards laid out in the Henderson County Land Development Code, the appropriate action by the Technical Review Committee would be to forward the application on to the Planning Board for further review.

Suggested Motion:

I move that the TRC forward the rezoning application, #R-2019-05, to the Planning Board for further review pending it meets the technical requirements defined in the Henderson County Land Development Code and any conditions discussed.

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

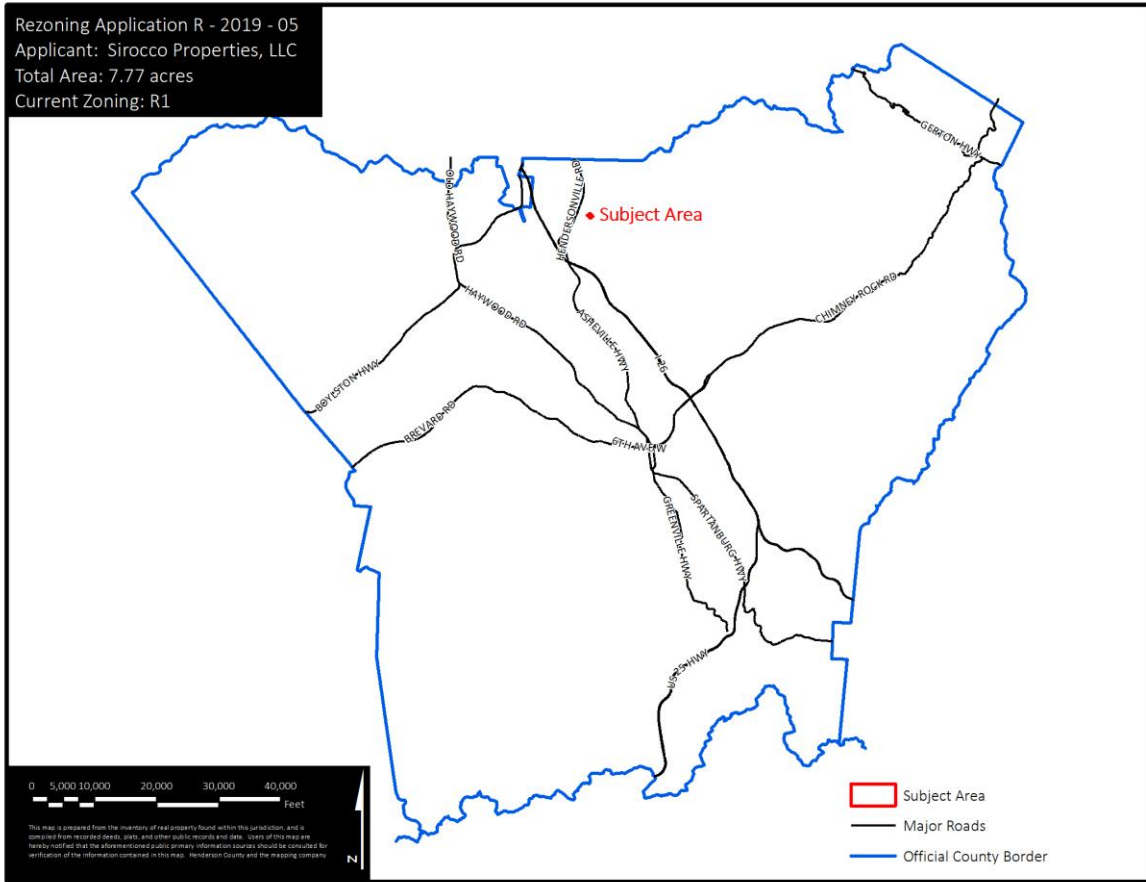
Owner/ Applicant: Sirocco Properties, LLC

1. Rezoning Request

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

Map A: County Context

Staff Report for Rezoning #R-2019-05C

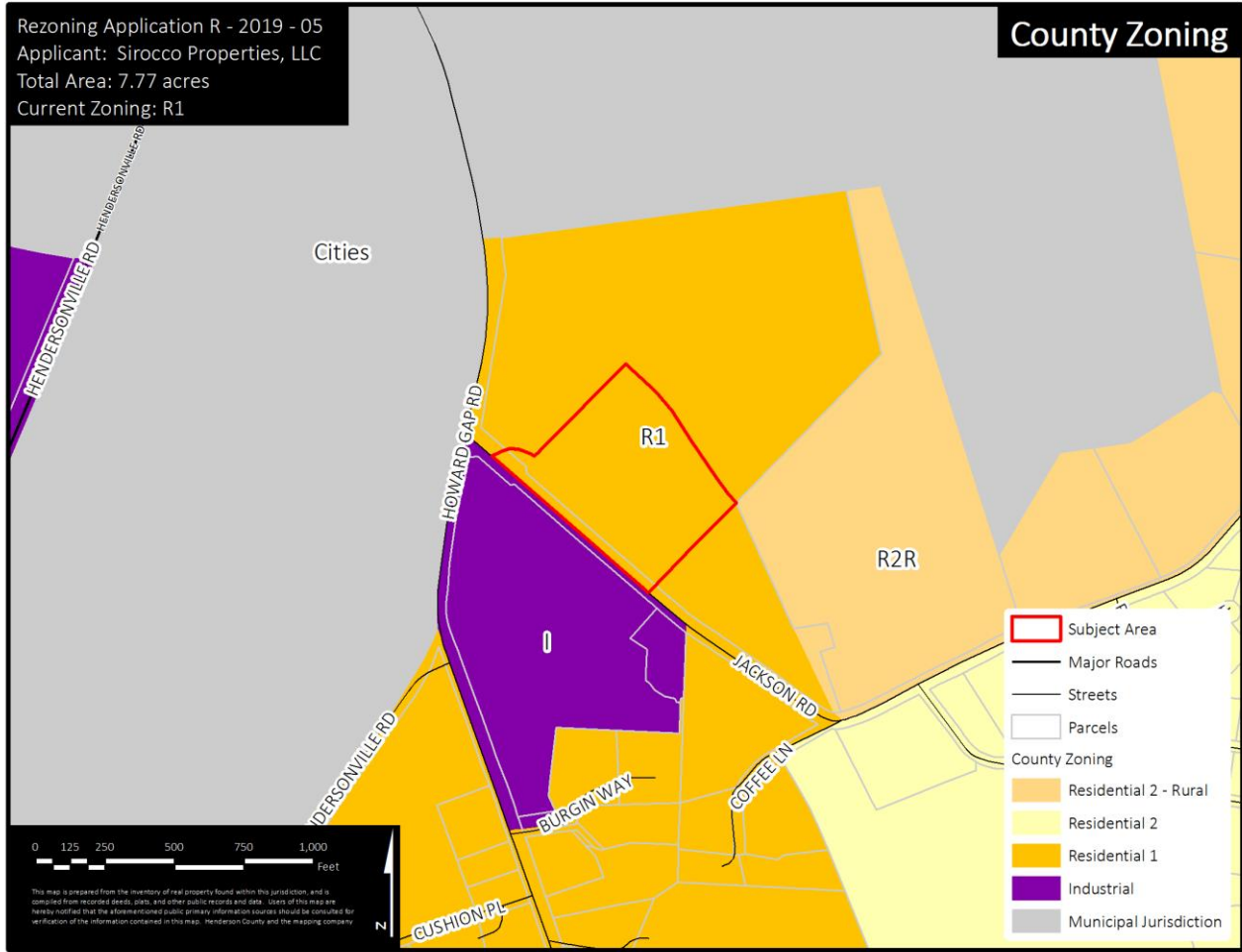


Map B: Aerial Image

Rezoning Application R - 2019 - 05 - C
Applicant: Sirocco Properties, LLC
Total Area: 7.77 acres
Current Zoning: R1



Map C: Current Zoning



2. Current Zoning

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

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

2.3. **District Comparison:**

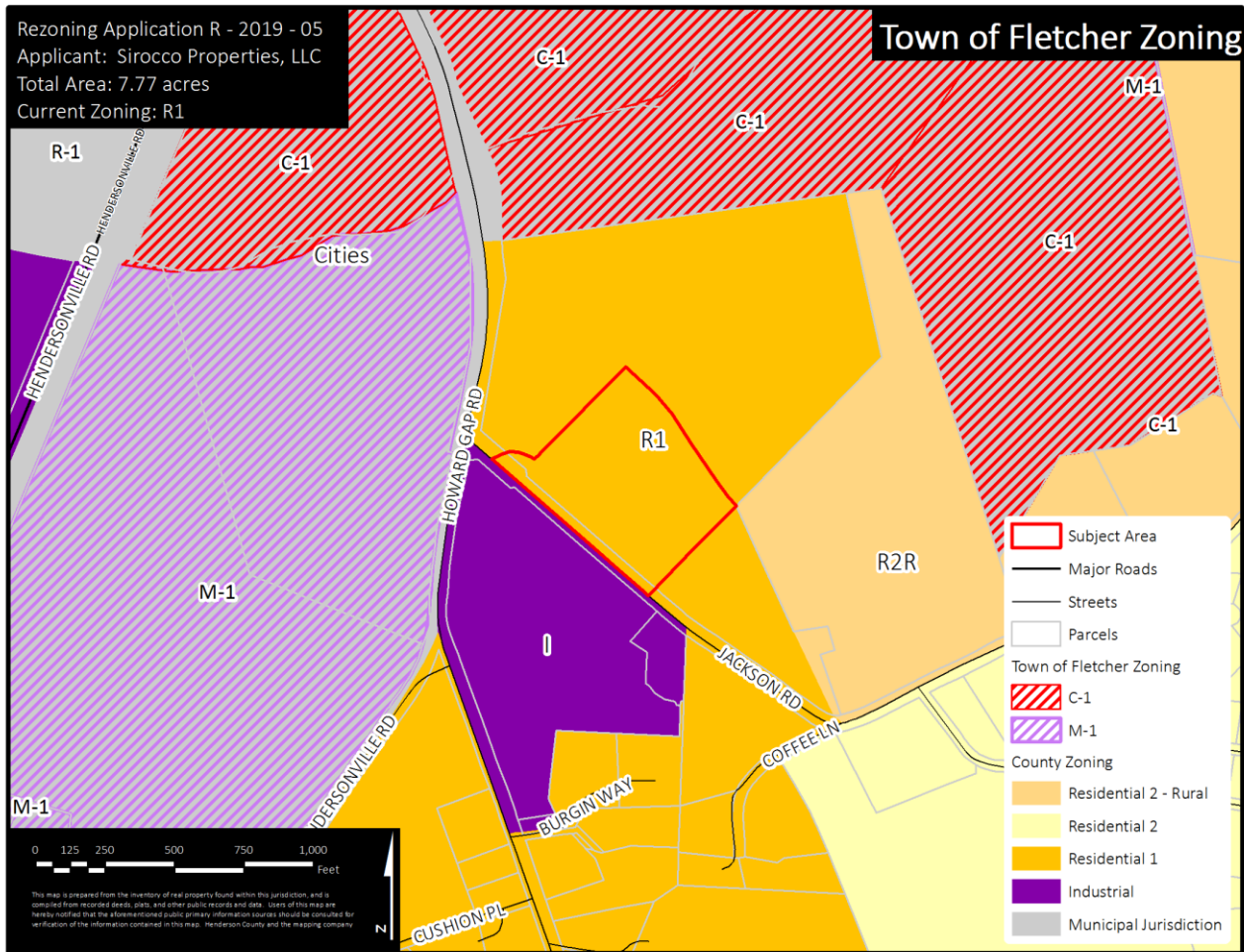
2.3.1. **Residential One Zoning District (R1):** The purpose of Residential District One (R1) is to foster orderly growth where the principal use of land is residential. The intent of this district is to allow for medium to high-density residential development consistent with the recommendations of the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

2.3.2. **Regional Commercial Conditional District (RC-CD):** Conditional Zoning Districts are zoning districts in which the development and use of the property is subject to predetermined Chapter standards and the rules, regulations, and

conditions imposed as part of the legislative decision creating the district and applying it to each individual development project. For each General Use Zoning District, there is a corresponding Conditional Zoning District (CD) which corresponds to each of the districts authorized. (LDC §42 – 45)

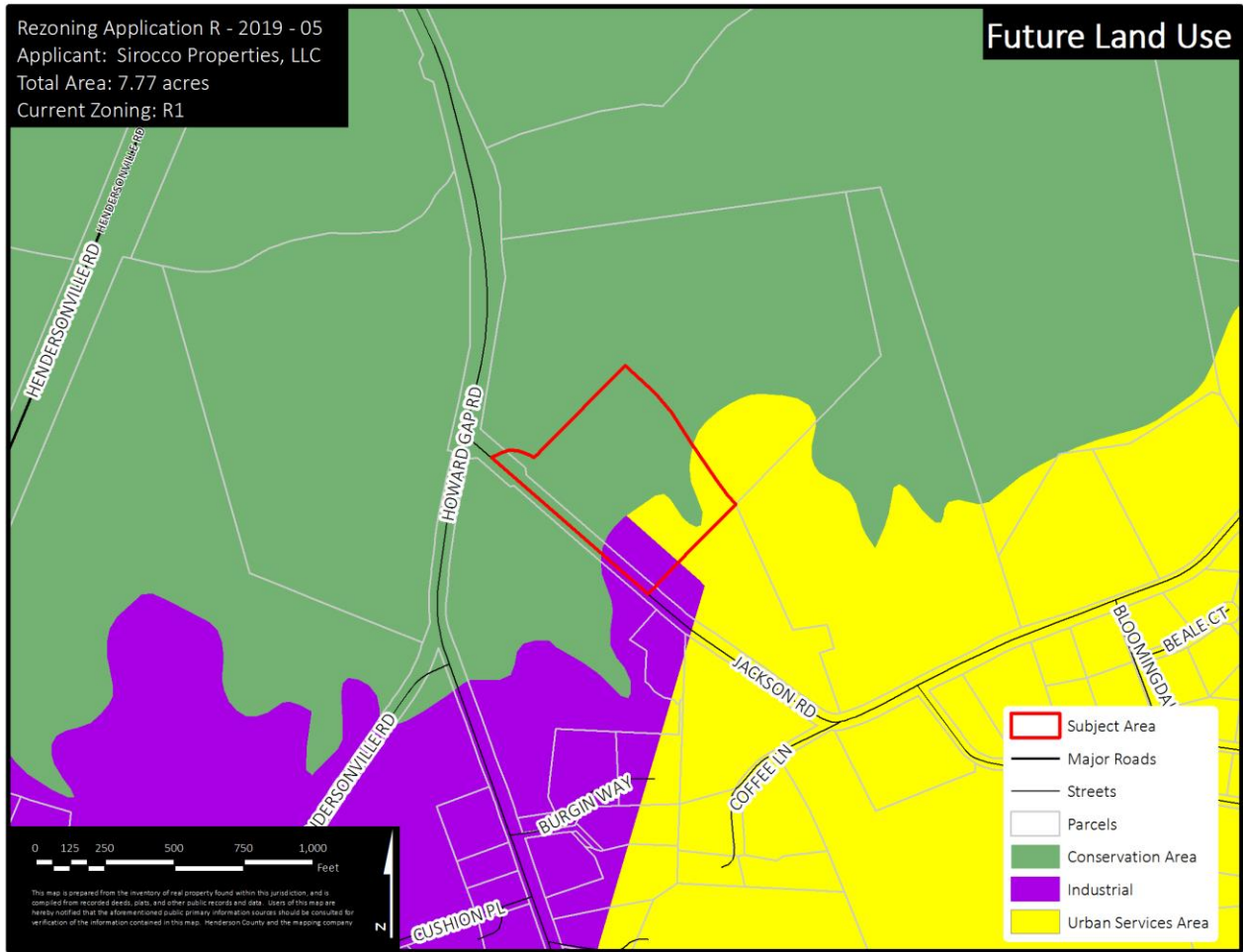
2.3.2.1. The use permitted in the conditional district is limited to those shown on the submitted site plan attached to the application. The use may have appropriate and reasonable conditions placed on it if agreed to by the Board of Commissioners and the Property Owner.

Map D: Town of Fletcher Zoning



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

Map E: County Comprehensive Plan Future Land Use Map



4. The Henderson County Comprehensive Plan (CCP)

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

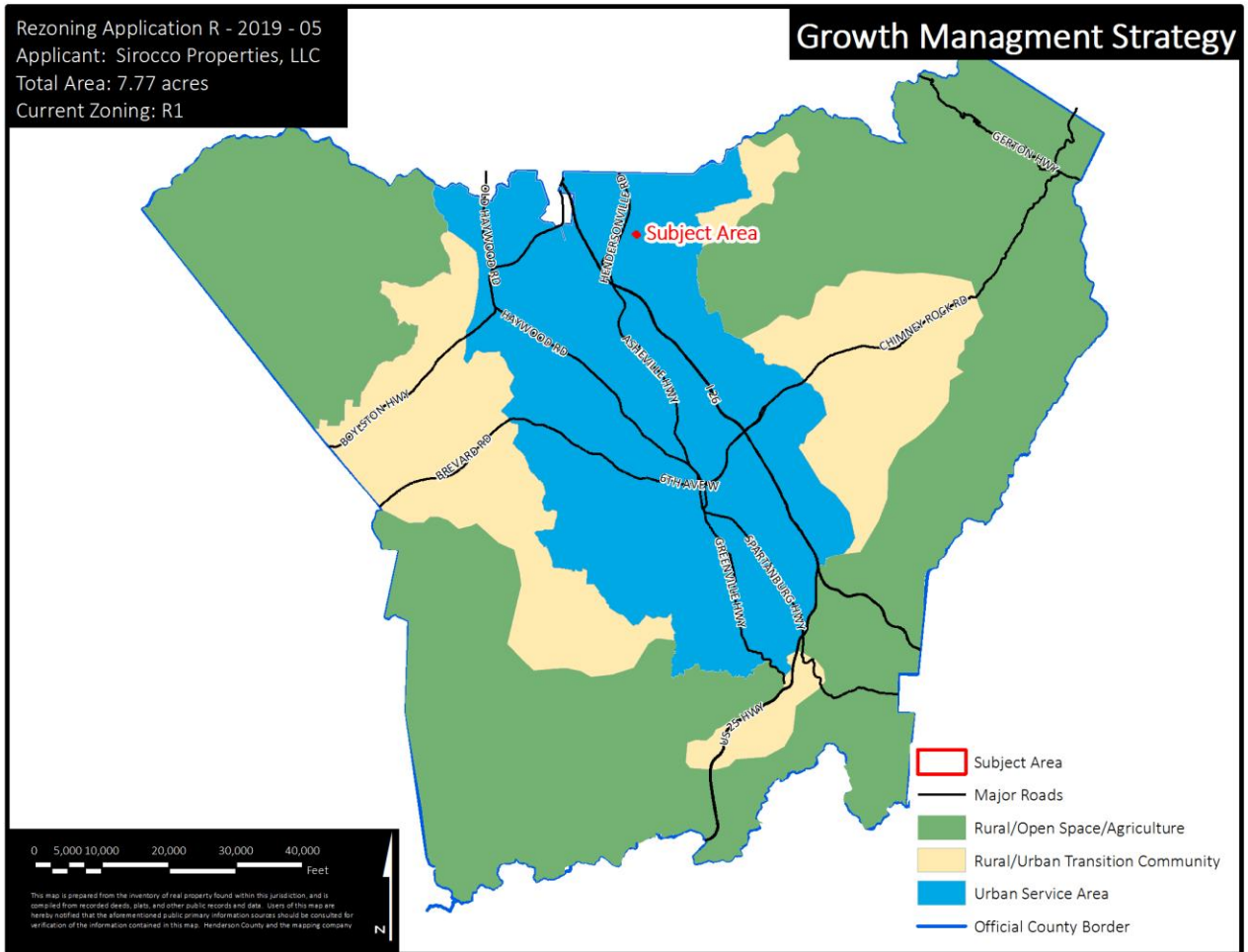
4.1.1. **Conservation:** “This category includes land areas that are intended to remain largely in their natural state, with only limited development. Such areas should be targeted for protection through regulations and incentives.” (CCP, Pg. 138)

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

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

stored or warehoused for wholesale or other distribution; passengers or passenger vehicles are collected or transferred; water, fuel, or electricity is produced, processed, stored, transferred or transmitted.” (CCP, Appendix IV pg. 12)

CCP Growth Management Strategy



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

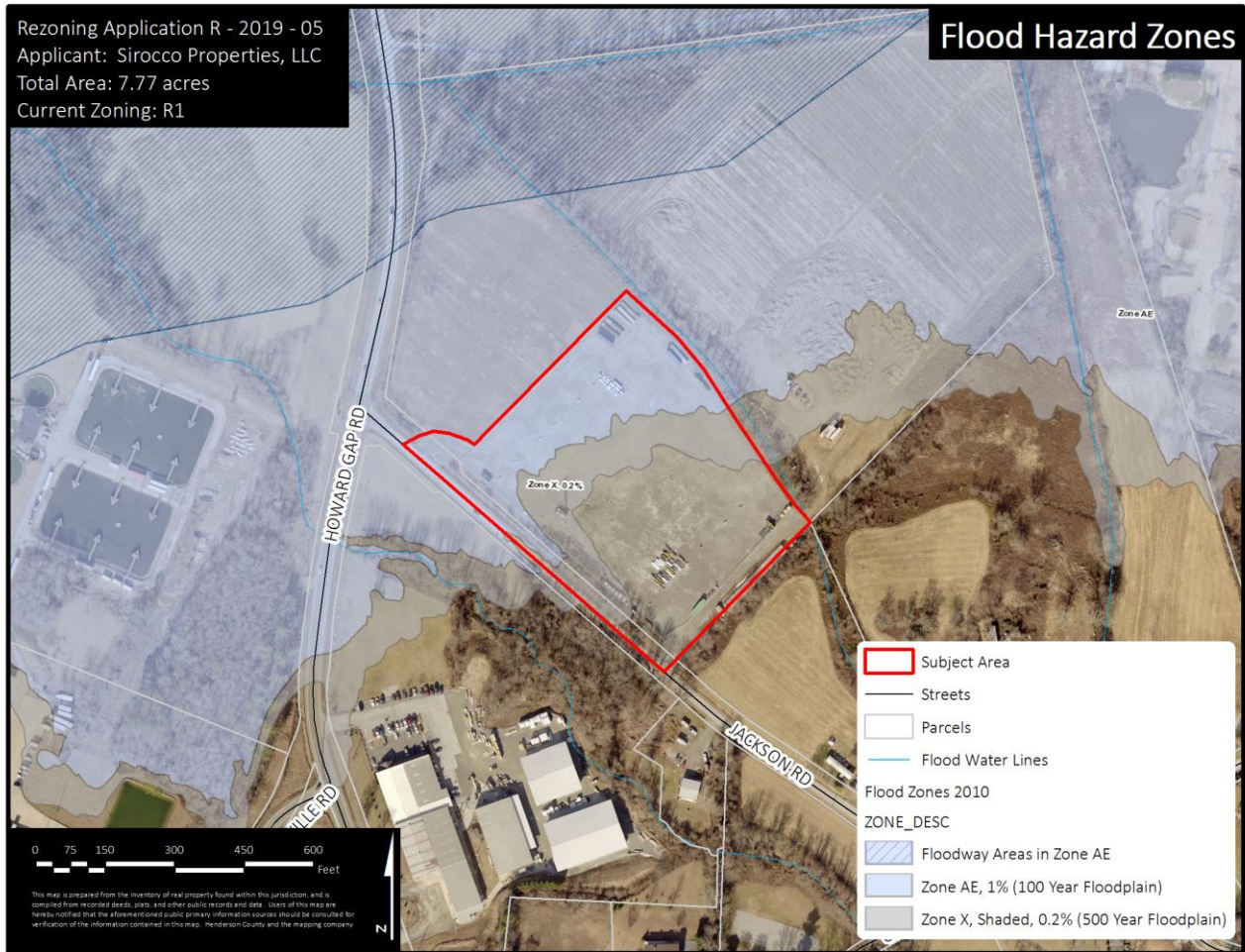
5. Current Uses of Subject Area and Adjacent Properties

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

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

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

Map F: Flood Hazard Areas



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

9. **Staff Comments:**

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

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

10. Staff Recommended Conditions

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

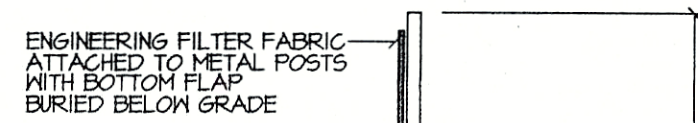
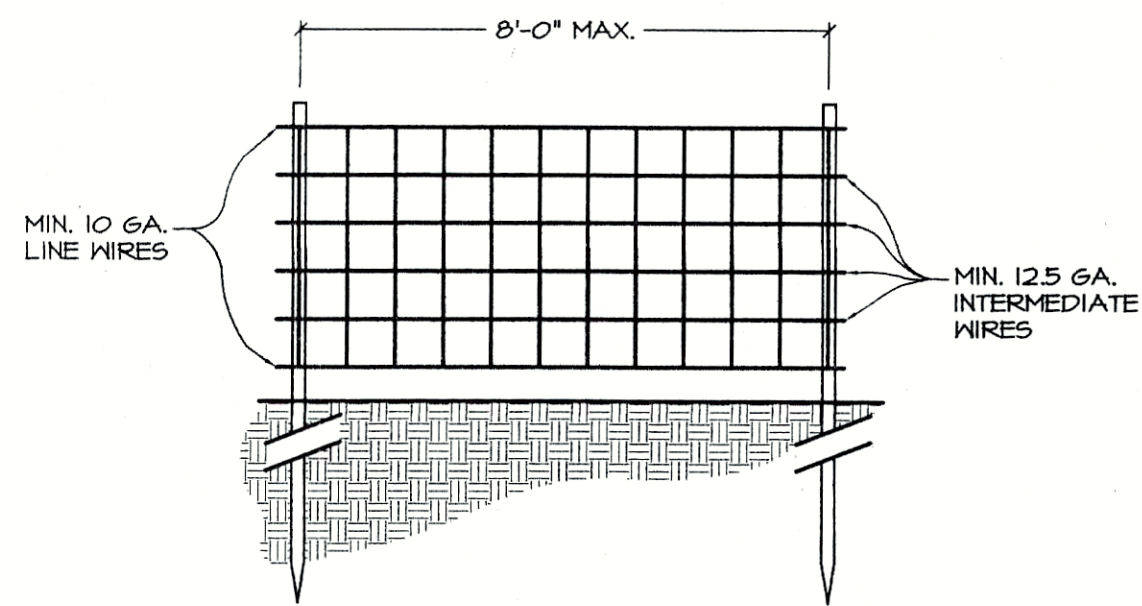
11. Technical Review Committee Recommendations

- 11.1. The TRC will review this application at its October 15, 2019 meeting.

12. Planning Board

- 12.1. The Planning Board will review this application at its October 24, 2019 meeting.

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



REMOVE ACCUMULATED SILT PERIODICALLY SO FILTER IS ALWAYS EFFECTIVE



8" MIN. FILTER FABRIC TO BE BURIED

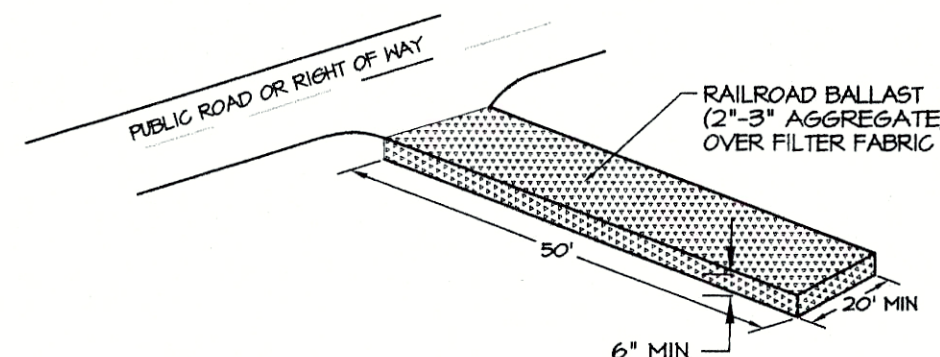


4" MIN. FILTER FABRIC TO RUN WIDTH OF TRENCH

A MIN. OF 12" OF WIRE MESH SILT FENCE TO BE BURIED

1 SILT FENCE

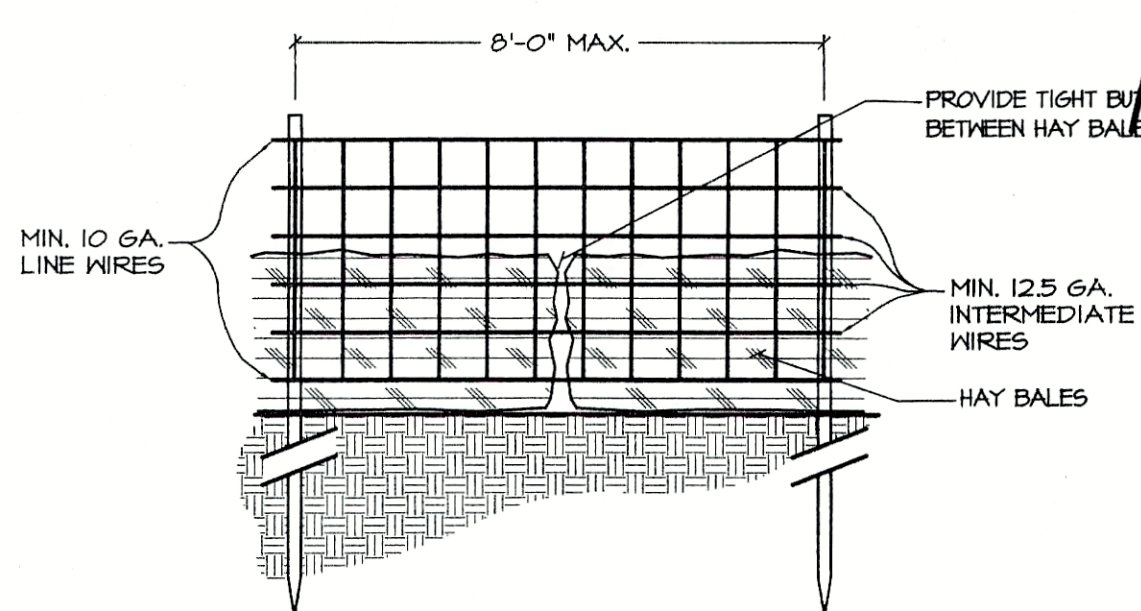
Not to Scale



2 MUD MAT DETAIL

Not to Scale

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



REMOVE ACCUMULATED SILT PERIODICALLY SO FILTER IS ALWAYS EFFECTIVE



8" MIN. FILTER FABRIC TO BE BURIED



4" MIN. FILTER FABRIC TO RUN WIDTH OF TRENCH

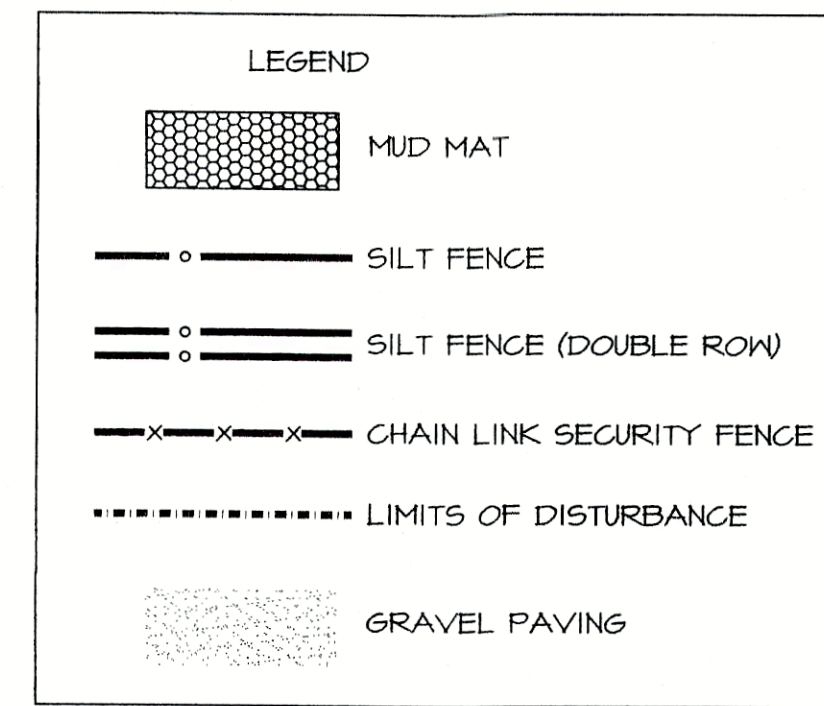
A MIN. OF 12" OF WIRE MESH SILT FENCE TO BE BURIED

3 DOUBLE SILT FENCE W/ HAY BALES

Not to Scale

TEMPORARY SEEDING SCHEDULE	
Seeding mixture:	Rate (lb/acre)
Species: Rye (grain)	120
Seeding dates:	
Mountains - Aug. 15 - Dec. 15	Coastal Plain and Piedmont - Aug. 15 - Dec. 30
Seeding mixture:	Rate (lb/acre)
Species: Ryegrass (grain)	120
Annual lespedeza (Kobe in Piedmont and Coastal Plain, Korean in Mountains)	50
Seeding dates:	
Mountains - Above 2500 ft. Feb. 15 - May 15	Below 2500 ft. Feb. 1 - May 1
Piedmont - Coastal Plain - Dec. 1 - April 15	
Seeding mixture:	Rate (lb/acre)
Species: German millet	40
Seeding dates:	
In the Piedmont and Mountains, a small-stemmed sudangrass may be substituted at a rate of 50 lb/acre.	
Soil Amendments:	
Apply lime and fertilizer according to soil tests, or apply 4,000 lb/acre ground agricultural limestone and 1200 lb/acre 10-10-10 fertilizer.	
Apply 3,000-4,000 lb/acre grain straw or equivalent cover of another suitable mulch. Anchor straw by tacking with asphalt, raving or netting, or by rolling and watering.	
Maintenance:	
The bunch-type habit of tall fescue restricts its spread into damaged areas. Re-seed bare spots in the fall. Re-fertilize annually in late winter and again in fall. Re-seed, fertilize, and mulch damaged areas immediately.	
Notes:	
If application of seeding mixture is by hydroseeding, substitute wood cellulose fiber mulch @ 2,000 lb/acre for grain straw mulch and asphalt tacking, raving or netting. Lime shall be blown onto slopes in dry form or mixed with water and applied in a slurry to be sprayed uniformly.	

PERMANENT SEEDING SCHEDULE (GRASED AREAS UP TO 3:1 SLOPE)	
Seeding mixture:	Rate (lb/acre)
Species: Tall fescue blend (equal parts of KY-31 & Rebel 2)	200-250
Seeding dates:	
Best:	Possible:
Below 2500 ft. Aug. 15 - Sept. 1	July 25 - Sept. 15
Mar. 1 - Apr. 1	Mar. 1 - May 10
Above 2500 ft. July 25 - Aug. 15	July 15 - Aug. 30
Mar. 20 - Apr. 20	Mar. 5 - May 15
Soil Amendments:	
Apply lime and fertilizer according to soil tests, or apply 4,000 lb/acre ground agricultural limestone and 1200 lb/acre 10-10-10 fertilizer.	
Apply 3,000-4,000 lb/acre grain straw or equivalent cover of another suitable mulch. Anchor straw by tacking with asphalt, raving or netting, or by rolling and watering.	
Maintenance:	
The bunch-type habit of tall fescue restricts its spread into damaged areas. Re-seed bare spots in the fall. Re-fertilize annually in late winter and again in fall. Re-seed, fertilize, and mulch damaged areas immediately.	
Notes:	
If application of seeding mixture is by hydroseeding, substitute wood cellulose fiber mulch @ 2,000 lb/acre for grain straw mulch and asphalt tacking, raving or netting. Lime shall be blown onto slopes in dry form or mixed with water and applied in a slurry to be sprayed uniformly.	



PROJECT SUMMARY

PIN NUMBER:
4652-06-5538

PROJECT ADDRESS:
25 Jackson Road
Fletcher, NC 28752

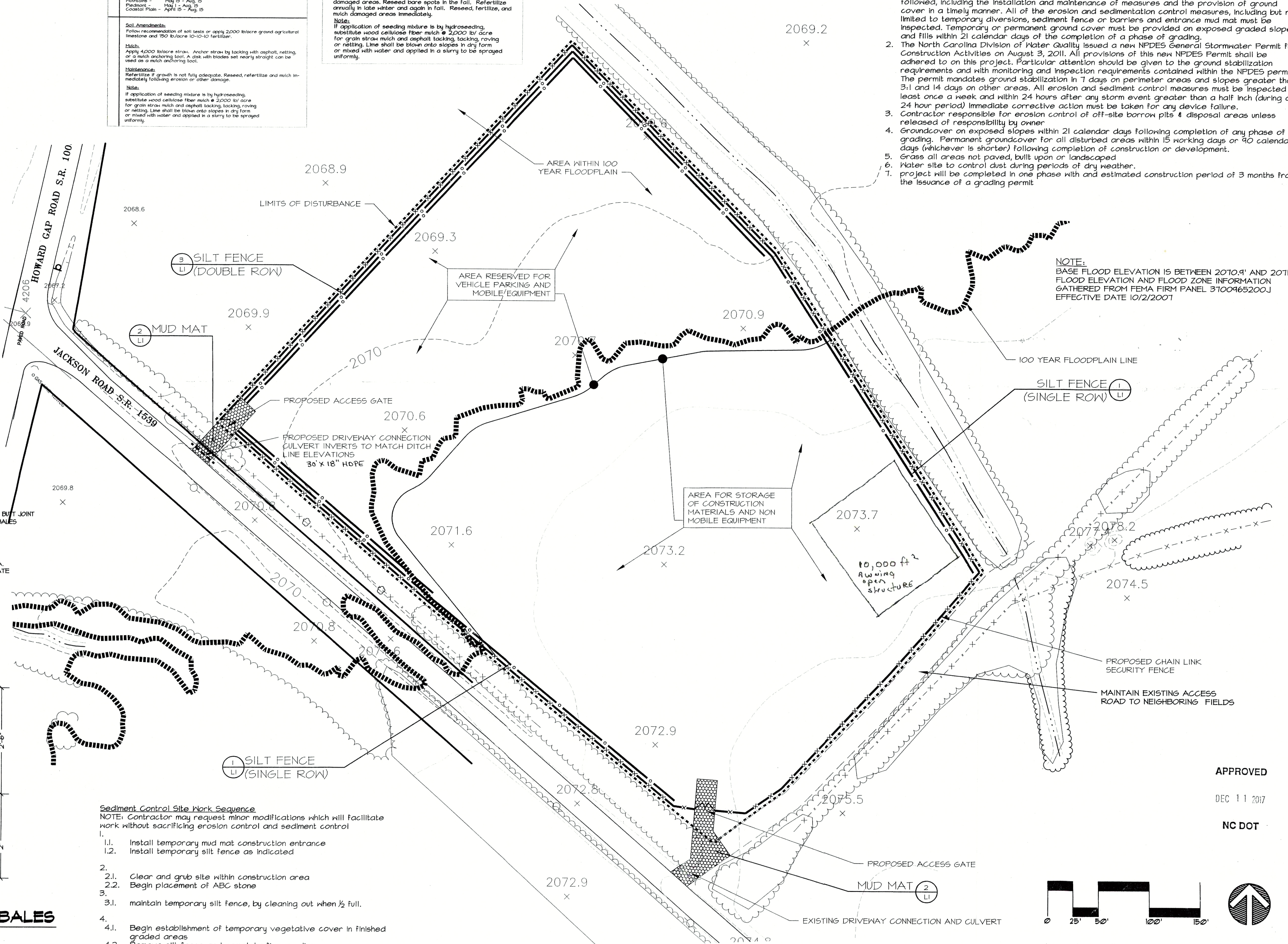
PROJECT INFORMATION:
Total size = 30.44 AC +/-
Disturbed Area = 7.00 AC +/-

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

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

VICINITY MAP

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



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

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

APPROVED
DEC 11 2017
NC DOT

SCALE: 1" = 50'

NORTH

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

DESIGN ASSOCIATES
LANDSCAPE ARCHITECTS & LAND PLANNERS

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

Erosion Control Plan

REVISIONS:
11-6-17 REVISED
12-6-17 REVISED

L1
10-13-17