REQUEST FOR COMMITTEE ACTION

HENDERSON COUNTY TECHNICAL REVIEW COMMITEE

MEETING DATE: June 16, 2020

SUBJECT: Conditional Rezoning Application #R-2020-03-C SE Asphalt

PRESENTER: Matt Champion, Project Development Planner

ATTACHMENTS: 1.) Staff Report

2.) Site Plan

SUMMARY OF REQUEST:

Rezoning Application #R-2020-03-C was submitted on May 1, 2020 and requests that Henderson County conditionally rezone approximately 6.5 acres of land from Community Commercial (CC) zoning district to a Conditional District (CD-2020-03) to construct a new asphalt plant. The subject area is located on a portion of PIN: 9568-37-1990 along Spartanburg Hwy (US176). The property owner is DGP Holdings, LLC, the applicant is SE Asphalt-Jeff Shipman, and agent is Warren Sugg with Civil Design Concepts.

TECHNICAL REVIEW COMMITTEE ACTION REQUESTED:

Should the 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 conditional rezoning application, #R-2020-03-C, 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 Conditional Rezoning Application #R-2020-03-C (CC to CD)

Applicant(s): SE Asphalt-Jeff Shipman Owner(s): DGP Holdings, LLC (Warren Sugg, Agent)

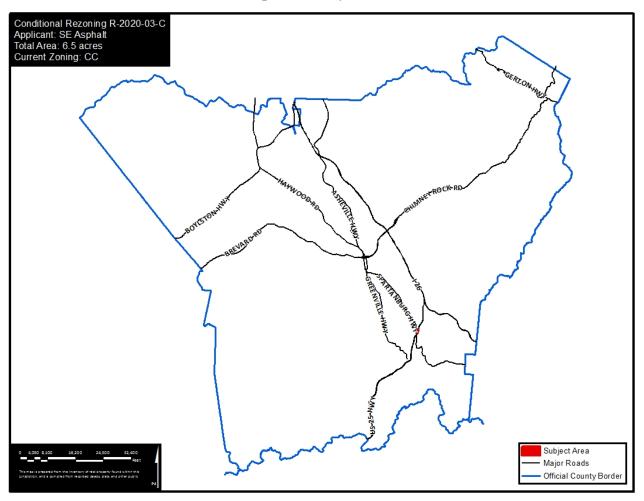
1.1. **Applicant:** SE Asphalt-Jeff Shipman

1.2. Agent: Warren Sugg, Civil Design Concepts

1.3. **PIN:** 9586-37-1990

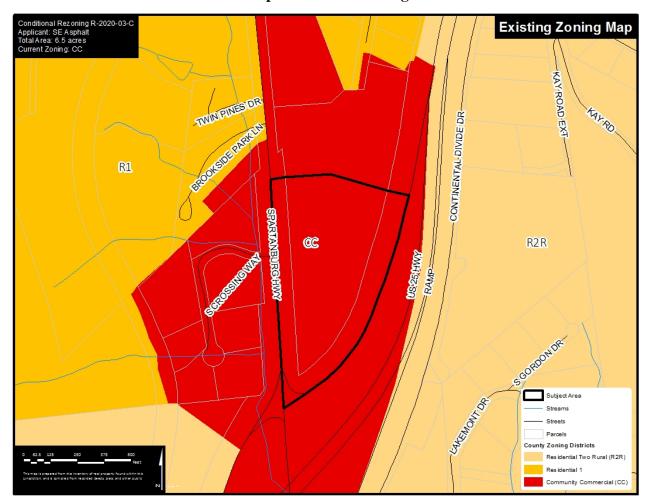
- 1.4. **Request:** Conditionally rezone a portion of the above PIN (hereafter the subject area) from a Community Commercial (CC) zoning district to a Conditional District (CD-2020-03) to construct a new asphalt plant.
- 1.5. **Size:** Total parcel area is approximately 11.9 acres. Subject area is approximately 6.5 acres. Remaining 5.4 acres not included in this application.
- 1.6. **Location:** The subject area is located on Spartanburg Hwy (US 176), adjacent to US Hwy 25 and the Exit 7 ramp off US Hwy 25.

Map A: County Context



Map B: Aerial





Map C: Current Zoning

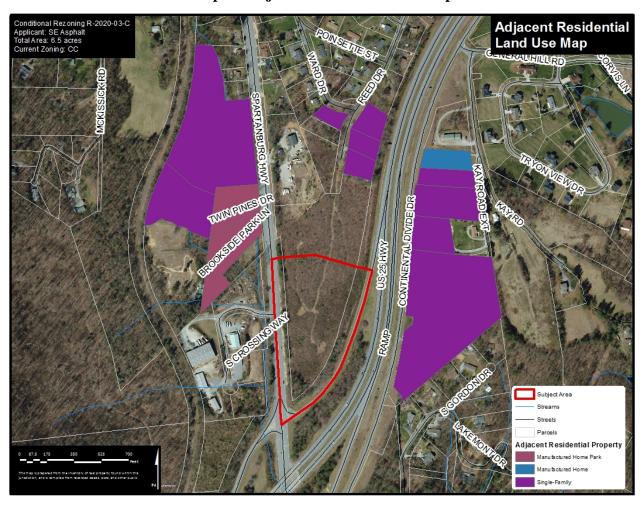
2. Current Zoning

2.1. **Application of Current Zoning:** The subject area is currently zoned Community Commercial (CC). Property to the east of the subject area is zoned Residential Two Rural (R2R). Property to the north, west, and south is zoned Residential One (R1) and Community Commercial (CC). (See Map C)

2.2. District Comparison:

2.2.1. Community Commercial (CC): "The purpose of the Community Commercial District (CC) is to foster orderly growth where the *principal use* of land is commercial. 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 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 the local and community level; (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 areas designated as Transitional (RTA) or Urban (USA) in the Comprehensive Plan." Maximum floor area in Community Commercial is 80,000sq ft (LDC §42-34).

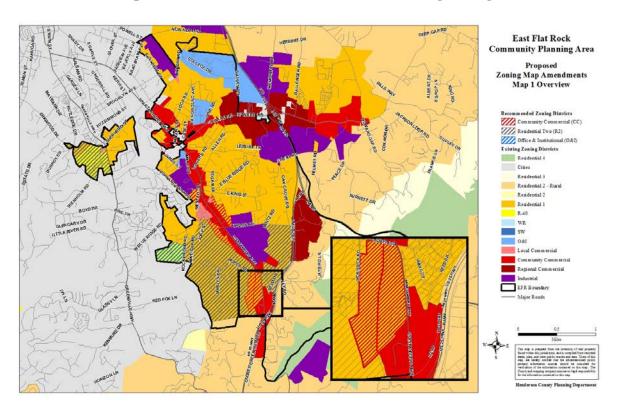
2.2.1. Conditional District (CD): "Conditional Zoning Districts are created for the purpose of providing an optional rezoning choice where the owner of property proposes to rezone property and, in order to, among other reasons, carry out the purposes of the Comprehensive Plan, proposes to impose special 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.



Map D: Adjacent Residential Use Map

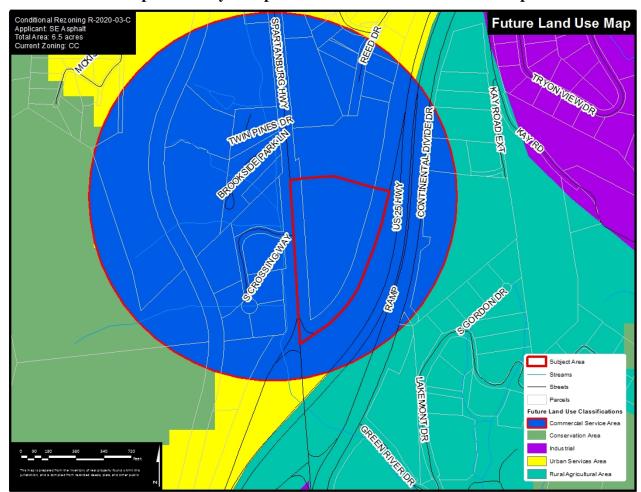
3. <u>Current Uses of Subject Area and Adjacent Properties</u>

- 3.1. **Subject Area Uses:** The subject area is currently vacant and heavily forested.
- 3.2. **Adjacent Area Uses:** The surrounding properties include a variety of uses. To the southwest and northwest, adjacent uses are primarily commercial consisting of the South Crossing Business Park and an automotive repair business for large commercial vehicles. To the southwest, northeast, and east, the adjacent uses are primarily residential containing the Brookside Manufactured Home Park, single-family stick-built structures, and manufactured homes. (See Map D).



Map E: Overview of EFR Recommended Zoning Changes

- 3.3. East Flat Rock Community Plan: The Henderson County Board of Commissioners adopted the County Comprehensive Plan (CCP) on July 6, 2004. A principal recommendation of the CCP is the detailed study of individual communities within the County. The East Flat Rock (EFR) Community Plan is a community specific comprehensive plan that outlines future goals related to land use and development, community character and design, natural and cultural resources, agriculture, housing, community facilities and public services, transportation and economic development as it relates to the CCP. The Board of Commissioners by resolution took action on the EFR Community Plan on May 17, 2018. Within the EFR Community Plan were several recommended zoning changes. (See Map E). While the subject area is contained within the boundary of the EFR Community Plan, it was not recommended for any proposed zoning map amendments. The subject area has been zoned Community Commercial since the adoption of the Land Development Code in September of 2007.
 - 3.3.1. EFR Community Plan does recommend rezoning property along Spartanburg Hwy (US 176) from Residential One (R1) to Community Commercial (CC) within the vicinity of the subject area.



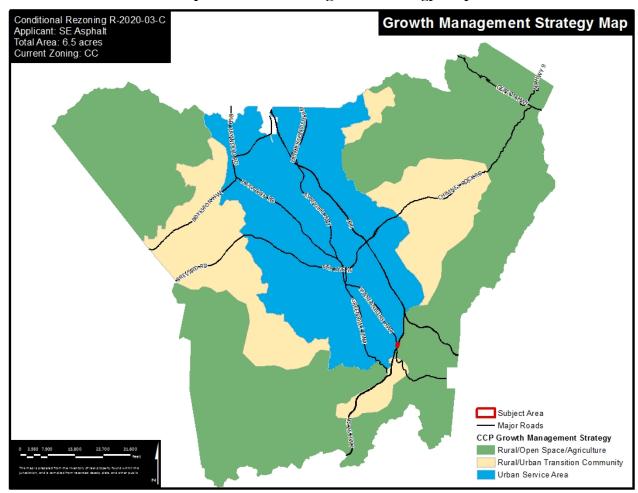
Map G: County Comprehensive Plan Future Land Use Map

4. The Henderson County Comprehensive Plan (CCP)

- 4.1. The CCP Future Land Use Map identifies the subject area as being in the **Community Service** Center (CSC) (CCP, Pgs. 138-140 & Appendix 1, Map 24). (See Map G).
 - 4.1.1. 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).
 - 4.1.1.1. Furthermore, **Community Service Centers** are located in unified development concentrations at intersections of selected thoroughfares and in central locations that are convenient to nearby residential

development so as to minimize problems associated with "strip" commercial development. CSC should be priority targets of investments for sewer and water, public transportation, greenways, other general road improvements, and other appropriate infrastructural improvements. (CCP, Pg. 138).

4.1.1.2. Community Commercial areas are located within defined Community Service Centers. Though still pedestrian friendly, they are larger center serving larger market areas and are situated at logical intersections along major roads. With proper project design, residential uses can also be included within Community Commercial areas. Public utilities are generally required. They should include a variety of retail sales and services, public and private administrations, offices and all other uses done primarily for sale or profit on the local and community level. They should be compatible with adjacent development and the surrounding community and should minimize congestion and sprawl. (CCP, Pg. 139).



Map H: Growth Management Strategy Map

4.1.3. **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.) (See Map H)



Map I: Water Availability Map

5. Water and Sewer

- 5.1. **Public Water:** The applicant is proposing connection to public water via the City of Hendersonville to serve the project. The applicant must provide a capacity letter as a condition.
- 5.2. **Public Sewer:** The applicant is proposing an individual septic system to serve the project.

6. **Buffering and Separation**

6.1. **Buffering:** The applicant is required to install a 30' B2 Buffer to all residential property or property zoned residential and a 20' B1 Buffer to all commercial property.

- 6.1.1. B2 Buffer includes: 2 large or 3 small deciduous trees per 100 linear feet or 5 large or 12 small evergreen trees per 100 linear feet.
- 6.1.2. B1 Buffer includes: 1 large or 2 small deciduous trees per 100 linear feet or 2 large or 6 small evergreen trees per 100 linear feet.
- 6.2. **Separation:** The applicant is required to setback 500' of an existing dwelling unit in addition to a site wide 100' perimeter setback.

7. Supplemental Requirement 10.1 for Asphalt Plant

- (1) Site Plan. Major Site Plan required in accordance with §42-331 (Major Site Plan Review).
- (2) 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.
- (3) Dust Reduction. Unpaved *roads*, *travelways* and/or parking areas shall be treated to prevent dust from adverse effects to adjacent properties.
- (4) Separation. An asphalt plant shall not be constructed or newly located within:
- a. One-half (½) mile of an existing *school*, *library*, day care facility, healthcare facility and/or *religious institution*; and
- b. Five hundred (500) feet of an existing *dwelling unit* (located in a *residential zoning district* and not located on the same property as the *use*).
- (5) Perimeter Setback. One hundred (100) feet.
- (6) Security. The operations of an *asphalt plant* shall be totally enclosed by: (1) a security fence or wall at least eight (8) feet in height; or (2) a fireproof *building*. Entrances and exits should be secured and locked during non-operating hours.

8. Proposed Conditional District (CD-2020-03) Development

- 8.1. **Proposed Use:** The applicant is proposing to use the site for a new asphalt drum plant. 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 development.
 - 350 Square Foot Steel Control Building
 - Raw Materials Storage Area
 - Heavy Duty Asphalt Pad and Driveway
 - Loading Zone
 - Three Parking Spaces for Employees
 - 2 Acres of Impervious Surfaces on Total Tract (17%)
 - 1.8 Acres of Impervious Surfaces on Project Parcel (28%)
 - Accessed off Spartanburg Hwy (US 176)

9. Neighborhood Compatibility Meeting

- 9.1. A neighborhood compatibility meeting is scheduled for Monday, June 8, 2020 at 1:00 PM in the King Street Meeting Room. Invitations were sent to property owners within 400 feet of the subject area's boundary.
- 9.2. A report of this meeting will be forwarded to the Planning Board and Board of Commissioners.

10. Staff Comments

- 10.1. **The CCP:** The CCP Future Land Use Map (See Map G) places the subject area in Community Service Center classification.
- 10.2. **Comparison of Districts:** The existing Community Commercial (CC) zoning district allows for primarily commercial development with a maximum gross floor area of 80,000 sq ft. 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.
- 10.3. **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.
 - 10.3.1. 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)

11. Technical Review Committee (TRC) Recommendations

11.1. The TRC will discuss this application on Tuesday, June 16, 2020.

12. Planning Board Recommendations

12.1. The Planning Board will discuss this application on Thursday, June 18, 2020.

13. Recommended Conditions from the LDC, TRC, and Planning Board

13.1. All conditions discussed are attached to the staff report.

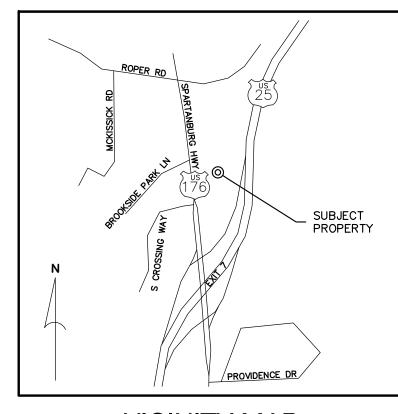
HENDERSON COUNTY ASPHALT PLANT

HENDERSON COUNTY, NORTH CAROLINA

PREPARED FOR:

SE ASPHALT 2997 SPARTANBURG HWY EAST FLAT ROCK, NC 28726 JEFF SHIPMAN (828) 693-0230

	INDEX OF SHEETS
Sheet No.	Title
C000	COVER
C101	EXISTING CONDITIONS AND DEMOLITION PLAN
C201	SITE PLAN
C301	ROUGH GRADING EROSION CONTROL AND STORM DRAINAGE PLAN
C601	UTILITY PLAN



VICINITY MAP





OWNER/DEVELOPER:
CONTACT:

SE ASPHALT 2997 SPARTANBURG HWY EAST FLAT ROCK, NC 28726 JEFF SHIPMAN (828) 693—0230

CIVIL ENGINEER:

168 PATTON AVENUE ASHEVILLE, NC 28801 WARREN SUGG, P.E. (828) 252-5388

HENDERSON COU

DRAWN BY: SDB
CDC PROJECT NO.: 22019
HC PERMIT NO. N/A

SHEET

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