

## DEPARTMENT OF PLANNING & DEVELOPMENT

### PLANNING STAFF REPORT

### REZONING CASE # RZ1409-1

STAFF PROJECT CONTACT: Jordan McMillen



## EXPLANATION OF THE REQUEST

This is a request to amend the zoning map and to rezone 1 parcel from Planned Manufactured Housing Community (R-M-H-C) to Agricultural Residential (A-R).

## OWNER/APPLICANT

**OWNER:** Frances Faye Wilson  
190 Water Front Drive  
Henderson, NC 27537

**Applicant:** FLS Energy, Inc.  
130 Roberts Street  
Asheville, NC 28801

## PROPERTY INFORMATION

**LOCATION:** 2041 Vicksboro Road; more specifically identified as tax parcel 0533 02001.

**EXISTING LAND USE:** The parcel is currently zoned R-H-M-C and was formerly Max's Mobile Home Park. The mobile homes were removed throughout the mid-2000's and there are currently two remaining structures on the property. An approximate 75 ft. by 75 ft. family cemetery is located 435 feet from Vicksboro Road.

**SURROUNDING LAND USE:** The surrounding land use is mixed, but R-30 and A-R zoning categories are mainly present. Farmington Subdivision (zoned R-30) lies directly to the east of subject property. Zoning category R-30 also abuts the northern boundary of subject property, while zoning category A-R borders the western and southern boundaries.

**SIZE:** The existing parcel is 50 acres, as shown as Tract 2 on attached survey (Recorded Plat Book C pg. 117).

**ZONING HISTORY:** All parcels in this area are zoned as they were since countywide zoning was established in November 2011.



## IMPACTS

This rezoning changes the allowable uses of the property from being strictly residential with related recreational, commercial and service facilities to uses compatible with rural, agriculture, and low-density residential development. As a result of this change from R-H-M-C to A-R the lot standards change. The setbacks for parcels zoned R-H-M-C are 50 feet which must include a vegetative buffer. Category A-R requires 50 feet in the front, 25 feet on the side, and 35 feet in the rear. Should this rezoning be approved, a

mobile home park would no longer be a permitted use on the property, but would require a conditional use. A rezoning to A-R does change the allowable uses; however a conditional use permit with public input would be required for those uses that may have greater impacts.

## STAFF COMMENTS

The rezoning request as presented would change the property's zoning from R-M-H-C to A-R. This request is being made as a first step to allow a large scale solar energy system (22.39 acres) to operate on the premises. If the rezoning is approved then the applicant will then proceed with the conditional use permit approval process with the Board of Adjustment. This is due to the fact that solar farms are not permitted within the A-R zoning category and are only permitted within the A-R zoning district with a conditional use permit.

In considering any rezoning request it is important to consider the overall impact that the new zoning category could have irrespective of any particular planned use in mind. From looking at the surrounding area and respective zoning categories, it is evident that the Agricultural Residential category dominates the zoning landscape. Zoning category R-30 is also scattered around with the presence of Farmington Subdivision directly to the east of the subject property and East View Farms farther to the northwest. Pounder Branch Mobile Home Park is located approximately a ¼ of a mile to the west of the subject property.

After reviewing the land use plan, this particular rezoning request is not located within any designated development areas and is located within an agricultural and low density residential setting. This rezoning request seemingly will align the property's zoning category and allowable uses with those surrounding it, while maintaining the rural character of the county. As such, it appears that the requested rezoning is consistent with the county land use plan.

**Attachments:** Rezoning Application, Aerial View Map, Survey Map, Site Plan



# Vance COUNTY

NORTH CAROLINA

## Rezoning Process

Vance County Planning & Development Department

156 Church Street, Suite 3  
Henderson, NC 27536  
Ph: (252) 738-2080  
Fax: (252) 738-2089

### For Administrative Use Only:

Case #	
Fee Paid	
PB Date	
BOC Date	

### Property Owner Information

Property Owner: Frances Faye Wilson  
Mailing Address: 190 Water Front Drive  
City: Henderson State: NC Zip Code: 27537  
Phone #: ( 252 ) 438 - 0197 Fax #: ( ) -  
E-mail Address: stingraymg@gmail.com

### Applicant Information

Applicant: FLS Energy, Inc. on behalf of Vicksburg Owner, LLC  
Mailing Address: 130 Roberts Street  
City: Asheville State: NC Zip Code: 28801  
Phone #: ( 828 ) 350 - 3993 Fax #: ( 828 ) 350 - 3997  
E-mail Address: greg@flsenergy.com

### Property Information *For multiple properties please attach an additional sheet.*

Property Address: Vicksboro Road (former Wilson mobile home park)  
Tax Map Number: \_\_\_\_\_ PIN (parcel identification #): 0533 02 001  
Existing Zoning: RMHC Proposed Zoning: AR  
Acreage: +/- 48 Road Frontage: +/- 600 feet  
Existing Use: Former mobile home park and unimproved wooded/grassy land

### Deed Reference

- ☐ Metes and bounds description attached
- ☐ Site plan/sketch of proposal attached



# Vance COUNTY

NORTH CAROLINA

## Rezoning Process

Vance County Planning & Development Department

### Statement of Justification

1. Would the amendment correct an error in the zoning map? ☒ NO ☐ YES: *Please explain below:*

The property was formerly improved with a more intense use, the Wilson mobile home park and was zoned RMHC to accommodate this former use.

2. Have conditions changed in the area to justify the requested amendment? ☐ NO ☒ YES: *Please explain below:*

Since the former closure of the mobile home park, low-impact, well planned solar projects have become a business that is growing in North Carolina. In keeping with best practices, and based on feedback from numerous local governments throughout the state, the siting of ground mounted solar, where properly buffered in A-R zones is in keeping with responsible land use.

3. What factors justify the proposed amendment?

FLS Energy is committed to best-in-class, well maintained solar energy projects that provide appropriate transitions between adjacent land uses in AR zones. The property is currently zoned RMHC and is not likely to be rebuilt with its former use. Ground mounted solar when developed by an experienced company such as FLS, serves the public purpose of diversifying the neighborhood's, and North Carolina's energy mix. The low impact and low traffic associated with solar facilities make it most reasonably place in AR zones. Best construction practices, including low-height, are then utilized to minimize the impact on the health, safety and welfare of adjacent property owners.

### Property Owners Signature

*Frances Lyle Wilson*  
*Please sign in blue or black ink*

Date *8-15-14*

### Applicants' Signature

*[Signature]*  
*Please sign in blue or black ink*

Date *8/13/14*



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NORTH CAROLINA

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### Property Owners Signature

[Signature]  
*Please sign in blue or black ink*

Date \_\_\_\_\_

### Applicants' Signature

Vicksburg Owner, LLC Date 8/13/14  
*Please sign in blue or black ink*

By: FLS 2014 B Manager, LLC, its Manager

By: FLS Energy, Inc., its Manager

By: [Signature]  
Dale Freudenberger, CEO



0 225 450 900 Feet

Map showing property boundaries, owner names, addresses, and zoning categories (R30 Zoning Category, RMHC Zoning Category, AR Zoning Category). The map includes a scale bar and a north arrow.





