

DEPARTMENT OF PLANNING & DEVELOPMENT

PLANNING STAFF REPORT
REZONING CASE # RZ1511-1

STAFF PROJECT CONTACT: Jordan McMillen



EXPLANATION OF THE REQUEST

This is a request to amend the zoning map and to rezone 3 parcels from Low Density Residential (R-30) to Agricultural Residential (A-R).

OWNER/APPLICANT

OWNER PARCEL 0201 02015 & 0201 02027:

Edward F. & Donna Spain
456 Spring Valley Road
Henderson, NC 27537

OWNER PARCEL 0201 02016:

Alexander S. Lombard, III & Ronda Lombard Moore
c/o Lombard & Associates
1825 Park Avenue, 9th Floor Suite
New York, NY 10035

APPLICANT

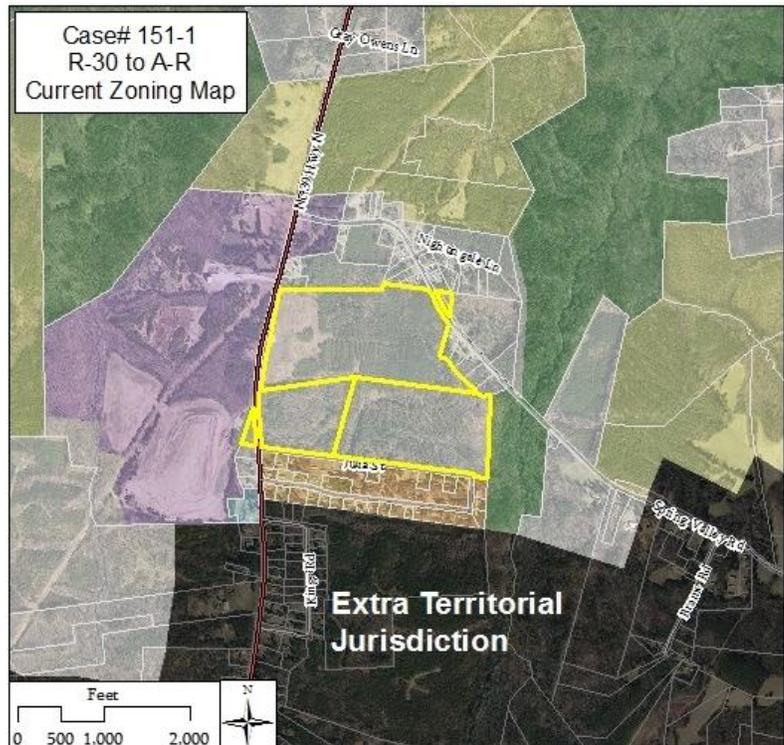
Spring Valley Farm 2, LLC
c/o Beth Trahos, Smith, Moore Leatherwood LLP
P.O. Box 27525
Asheville, NC 28801

PROPERTY INFORMATION

LOCATION: Spring Valley Road/NC 39 North; more specifically identified as tax parcels 02015 02015, 0201 02016, and 0201 02027.

EXISTING LAND USE: The parcels are currently zoned R-30 and are currently wooded and vacant.

SURROUNDING LAND USE: The surrounding land use is mixed as it extends outward from the Extra Territorial Jurisdiction. The County landfill and transfer station is located to the west and is zoned Light Industrial, a mobile home park and housing community is located directly to the south and is a mix of R-M-H-C and R-20 with R-30 located directly to the north of the property. The properties are in close proximity to the Corps. of Engineer land which is zoned Open Space (OS) to the east.



SIZE: The parcels are all over 10 acres with parcel 0201 02015 totaling 53.88 acres (see plat book W718 attached), parcel 0201 02016 totaling 21.5 acres (see plat book U680 attached), parcel 0201 02027 totaling 38.39 acres (see plat book Y381 attached).

ZONING HISTORY: For the most part all parcels in this area are zoned as they were since countywide zoning was established in November 2011. The exception to that is a few parcels that were removed from the mobile home park and sold as individual lots along Julia Street (From R-M-H-C to R-20).

IMPACTS

This rezoning changes the allowable uses of the property from being residential in character to allowing uses compatible with rural, agriculture areas. The following uses which are not currently permitted in R-30 zoning would be permitted with the change to AR zoning: kennels. The following uses which are not currently permitted in R-30 would be permitted with a conditional use permit in the AR zoning: junkyards, recycling & storage, cell towers, shooting ranges, and solar energy systems. Overall the lot standards, setbacks and density requirements are similar between R-30 and AR. This rezoning appears to have minimal if any impacts on traffic, schools, or fire/EMS related impacts.

STAFF COMMENTS

The rezoning request as presented would change the property's zoning from R-30 to A-R. 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.

In reviewing this request the following should be considered prior to giving a favorable recommendation:

- A. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
- B. There is convincing demonstration that all uses permitted under the proposed zone classification would be in the general public interest and not merely in the interest of an individual or small group.
- C. There is convincing demonstration that all uses permitted under the proposed zone classification would be appropriate in the area included in the proposed change. (When a new zone designation is assigned, any use permitted in the zone is allowable, so long as it meets zone requirements, and not merely uses which applicants state that they intend to make of the property involved.)
- D. There is convincing demonstration that the character of the neighborhood will not be materially or adversely affected by any use permitted in the proposed change.
- E. The proposed change is in accord with the County Land Use Plan and sound planning principles.

In reviewing the request, it is evident that the parcels currently serve as a transition from the R15 zoning within the ETJ, to the R-20 zoning along Julia Street to the Agricultural Residential zoning to the north of Spring Valley Road. Even though the R-30 would provide a more seamless buffer, the general character of the area is rural and agricultural particularly with the landfill and transfer station located to the west and with the current uses of the parcels to be rezoned. Additionally, it is a goal of the land use plan to "promote, expand, and diversify the economic base [...] while protecting important natural resources." It is also a goal of the plan to "conserve, protect, and encourage the wise and prudent use of natural and cultural resources." It is believed that the balance between these two goals can be achieved with the rezoning from R-30 to A-R. Of particular importance will be the design of any proposed development as well as adequate setbacks from the 3 roads that are adjacent to the property. Through the use of adequate buffers, development can be concentrated to reduce any negative visual impacts.

As a result of this it is reasonable to consider this request for approval.

Attachments: Rezoning Application, Submitted Brief in Support of Rezoning Application, Aerial Zoning View Map, Recorded Property Surveys



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	

*Rec'd
9/16/15*

Property Owner Information

Property Owner: Edward F. Spain, Donna C. Spain
 Mailing Address: 456 Spring Valley Road
 City: Henderson State: NC Zip Code: 27537
 Phone #: (252) 438 - 4257 Fax #: () -
 E-mail Address: _____

Applicant Information

Applicant: Spring Valley Farm 2, LLC
 Mailing Address: c/o Beth Trahos, Smith Moore Leatherwood LLP, P.O. Box 27525
 City: Raleigh State: NC Zip Code: 27611
 Phone #: (919) 755 - 8760 Fax #: (919) 838 - 3167
 E-mail Address: beth.trahos@smithmoorelaw.com

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

Property Address: Spring Valley Road
 Tax Map Number: 0201 PIN (parcel identification #): 0201 02027
 Existing Zoning: R-30 Proposed Zoning: AR
 Acreage: 38.389 Road Frontage: _____
 Existing Use: _____

Deed Reference

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



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City: Henderson State: NC Zip Code: 27537

Phone #: () - Fax #: () -

E-mail Address: _____

Applicant Information

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City: Raleigh State: NC Zip Code: 27611

Phone #: (919) 755 - 8760 Fax #: (919) 838 - 3167

E-mail Address: beth.trahos@smithmoorelaw.com

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

Property Address: Spring Valley Road

Tax Map Number: 0201 PIN (parcel identification #): 0201 02015

Existing Zoning: R-30 Proposed Zoning: AR

Acreage: 53.84 Road Frontage: _____

Existing Use: _____

Deed Reference

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



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Ph: (252) 738-2080
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For Administrative Use Only:

Case #	
Fee Paid	
PB Date	
BOC Date	

Property Owner Information

Property Owner: Alexander S. Lombard, III; Ronda Lombard Moore

Mailing Address: c/o Lombard & Associates, 1825 Park Ave., 9th Floor Suite

City: New York State: NY Zip Code: 10035

Phone #: () - Fax #: () -

E-mail Address: _____

Applicant Information

Applicant: Spring Valley Farm 2, LLC

Mailing Address: c/o Beth Trahos, Smith Moore Leatherwood LLP, P.O. Box 27525

City: Raleigh State: NC Zip Code: 27611

Phone #: (919) 755 - 8760 Fax #: (919) 838 - 3167

E-mail Address: beth.trahos@smithmoorelaw.com

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

Property Address: NC Highway 39 N

Tax Map Number: 0201 PIN (parcel identification #): 0201 02016

Existing Zoning: R-30 Proposed Zoning: AR

Acreage: 17.38 Road Frontage: _____

Existing Use: _____

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:*

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

Please see the attached brief.

3. What factors justify the proposed amendment?

Please see the attached brief.

Property Owners Signature

Donna C Spain
Edward Spain

Please sign in blue or black ink

Date

7-24-15
7-24-15

Applicants' Signature

Please sign in blue or black ink

Date

7/31/15



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:*

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

Please see the attached brief.

3. What factors justify the proposed amendment?
Please see the attached brief.

Property Owners Signature

[Handwritten Signature]
Please sign in blue or black ink

Date 8/14/15

Applicants' Signature

Please sign in blue or black ink _____ Date _____

STATE OF NORTH CAROLINA
VANCE COUNTY

BEFORE THE VANCE COUNTY
PLANNING BOARD

IN RE: Spring Valley Farm 2, LLC (“**Petitioner**”) Proposed Rezoning from R-30 to AR of property on NC Highway 39, Vance County PIN Numbers 0201 02015, 0201 02027, and 0201 02016 (collectively, the “**Property**”)

**BRIEF IN SUPPORT OF
REZONING APPLICATION**

NOW COMES THE PETITIONER, by and through counsel of record, and respectfully requests approval of its rezoning petition. In support of this request, Petitioner provides the following information as part of the rezoning application’s Statement of Justification:

I. Introduction

Petitioner proposes to rezone the Property from R30 to AR. Zoning in the area is diverse. Surrounding and nearby properties are zoned Light Industrial, AR, R20, R30, OI, and OS.

II. Statement in Support of Application

1. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.

The Property has similar characteristics to the neighboring properties zoned AR and Light Industrial. The proposed AR zoning would provide for a transition from the Light Industrial zoning to R30 and R20 properties. Further, the Property’s physical characteristics are ideal for the uses permitted in the AR zoning district.

2. There is convincing demonstration that all uses permitted under the proposed zone classification would be in the general public interest and not merely in the interest of an individual or small group.

All uses permitted within the zoning district are appropriate on the subject property. The property is located on Spring Valley Road immediately across from the landfill. Given the intense nature of the landfill use, a transitional zoning district such as AR would be appropriate on the subject property. The proposed rezoning serves the public interest in that it provides such a transition to protect future homes and other sensitive land uses.

3. There is convincing demonstration that all uses permitted under the proposed zone classification would be appropriate in the area included in the proposed change.

The land uses permitted within the AR zoning district are substantially similar to the land uses permitted in the R-30 zoning district. Uses allowed within both zoning districts range from

homes, schools, churches, and public recreation facilities to campgrounds, commercial lodging (hotels and motels), and machine and welding shops. More intense uses permitted within the AR zoning district require a conditional use permit to ensure that they are compatible with the surrounding land uses.

4. There is convincing demonstration that the character of the neighborhood will not be materially or adversely affected by any use permitted in the proposed change.

Surrounding properties are being utilized as homes, farms, and a landfill. The AR zoning district continues this same land use pattern, and the land uses permitted within the district are consistent with the rural land use pattern and development along state highways in the area today.

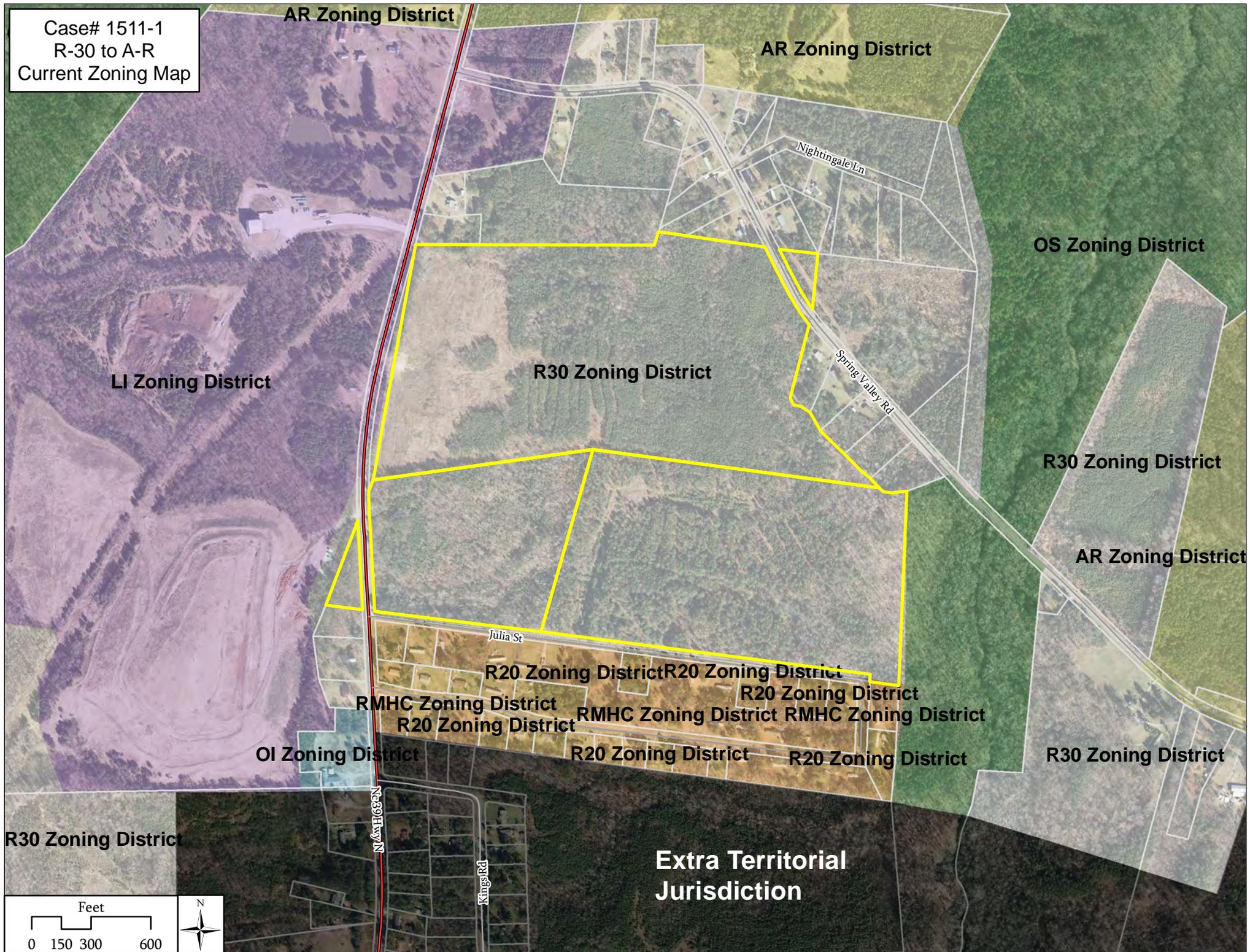
5. The proposed change is in accord with the County Land Use Plan and sound planning principles.

In addition, the Vance County Land Use Plan states as its goal to “promote, expand, and diversify the economic base in Vance County to maximize the use of human resources while protecting important natural features and community values.” The goal’s objective is to “encourage industrial and commercial development to increase the tax base and job supply in development communities or areas.” The proposed rezoning would bring three contiguous tracts that are across the street from a landfill property into a low-impact, transitional zoning.

III. Conclusion

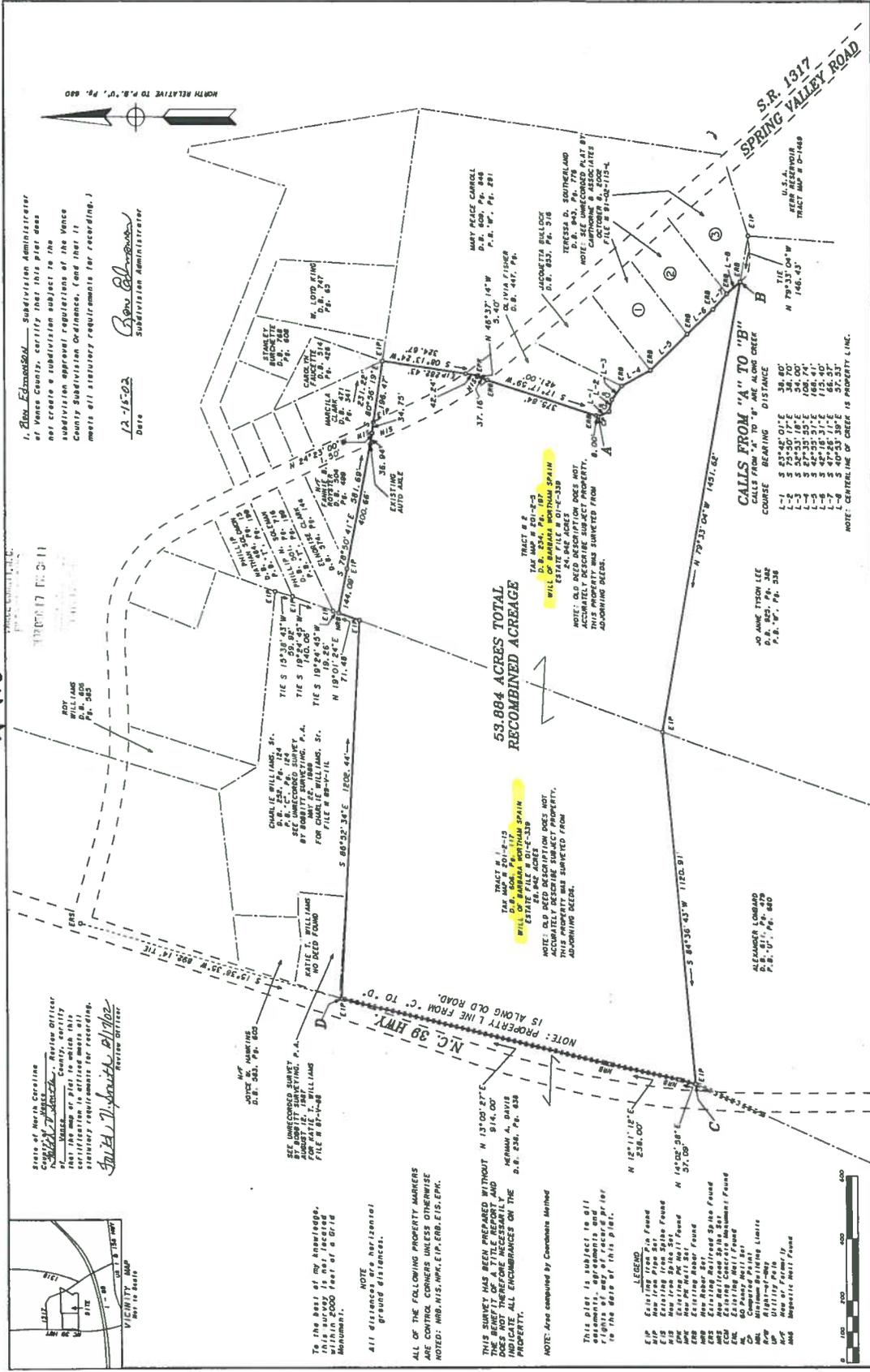
The proposed zoning is consistent with the rural land use pattern in the area today. We respectfully request approval of the proposed AR zoning.

Case# 1511-1
R-30 to A-R
Current Zoning Map



W-71B

W-71B



1. Edwards Subdivision Administrator
 of Vance County, certifies that this plat does
 not create a subdivision subject to the
 subdivision approval regulations of the Vance
 County Subdivision Ordinance, (and that it
 meets all statutory requirements for recording.)

Date 12-15-02
Edwards
 Subdivision Administrator

STATE OF NORTH CAROLINA
 COUNTY OF VANCE
 DEPARTMENT OF REVENUE
 TAX MAP # 201-2-9-B-15

STATE OF NORTH CAROLINA
 COUNTY OF VANCE
 DEPARTMENT OF REVENUE
 TAX MAP # 201-2-9-B-15

LEGEND
 EIP Existing Iron Pipe Found
 NIP Non-Iron Pipe Found
 SIF Non-Iron Spike Found
 AIF Non-Iron Nail Found
 RIF Existing Rebar Found
 SIF Existing Railroad Spike Found
 SIF Existing Stake Found
 SIF Existing Nail Found
 SIF Existing Building Limits
 SIF Existing Utility Poles
 SIF Existing Well Poles
 SIF Existing Well Poles

53.864 ACRES TOTAL
 RECOMBINED ACREAGE

NOTE: DISTANCES ARE HORIZONTAL
 GROUND DISTANCES.

ALL OF THE FOLLOWING PROPERTY MARKERS
 ARE CONTROL CORNERS UNLESS OTHERWISE
 NOTED: N.H.S., N.P., E.I.P., E.R.B., E.I.S., E.P.K.

THIS SURVEY WAS BEING PREPARED WITHOUT THE ASSISTANCE OF A PROFESSIONAL SURVEYOR AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.

NOTE: ALSO COMPARED BY COMMENTS METHOD

THIS PLAT IS SUBJECT TO ALL
 EASEMENTS, AGREEMENTS AND
 RIGHTS OF WAY OF RECORD PRIOR
 TO THE DATE OF THIS PLAT.

NOTE: OLD DEED DESCRIPTION DOES NOT ACCURATELY DESCRIBE SUBJECT PROPERTY. ADJOINING DEEDS.

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08113 RECOMBINATION SURVEY FOR
EDWARD FRANK SPADY
 OWNER - EDWARD FRANK SPADY
 HENDERSON TOWNSHIP
 VANCE COUNTY, NORTH CAROLINA
 SCALE 1" = 200' DECEMBER 9, 2002
 FILE # 91-02-094-L
 TAX MAP # 201-2-9-B-15

CAWTHORNE & ASSOCIATES
 Professional Land Surveyors, P.A.
 P. O. Box 1558 822 Dabney Drive
 Henderson, North Carolina 27536
 Phone # 252-492-0041 Fax # 252-492-2846



I certify that this survey is of a
 survey, or other acquisition to the
 property, and that the same is
 correct and true to the best of
 my knowledge and belief.

Robert C. Cawthorne
 Robert C. Cawthorne, P.L.S.

Robert C. Cawthorne, P.L.S.
 License No. 1391

21-680

BARBARA W. SPAIN
D. B. 506-PG.17
REF. 234-PG.157

BARBARA W. SPAIN
D. B. 218-PG.183
279-PG.253
260-PG.444
279-PG.302

THOMAS TAYLOR BOOK, PG. 103

E. J. TYSON
D. B. 584-PG. 655

①
18.21 AC. TOTAL
- 0.38 AC. ROAD
17.83 AC. TOTAL

D.M.D. COMPUTATION

REFERENCES:

D.B. 64, PG. 479
D.B. 13, PG. 28

HERMAN DAVIS
D. B. 238-PG.638

E. J. TYSON
D.B. 584-PG.665

TO THE BEST OF MY KNOWLEDGE
THIS SURVEY IS NOT WITHIN 2000
FEET OF A GRID MONUMENT.

THIS PLAT IS SUBJECT TO ALL
RIGHTS OF WAY OF RECORD
PRIOR TO THE DATE OF THIS
PLAT.

LEGEND

- NEW IRON PIPE
- RIGHT OF WAY
- CENTER LINE
- PROPERTY LINE



VICINITY MAP

STATE OF NORTH CAROLINA, VANCE COUNTY
 The foregoing certificate of *Charlotte G. Cantor*
Notary Public, Vance County, N.C.
 is hereby certified to be correct. This certificate was prepared by me
 and recorded in this office on this *11* day of *October*, 19*87*.
 This is the day of *Recording*. *188* *584*-*655* *2*
 BY *E. J. Tyson*
 CLERK OF SUPERIOR COURT
 SUPERIOR COURT - VANCE COUNTY REGISTER OF DEEDS

Mallice G. Cantor, Notary Public, Vance County, North Carolina, hereby certifies that the within and foregoing plat was prepared by me and recorded in this office on this *11* day of *October*, 19*87*.
 I, *Charlotte G. Cantor*, Notary Public, Vance County, North Carolina, hereby certify that the within and foregoing plat was prepared by me and recorded in this office on this *11* day of *October*, 19*87*.
 My commission expires *3-21-92*.
Charlotte G. Cantor
 NOTARY PUBLIC



CANTORNE AND ASSOCIATES
 REGISTERED LAND SURVEYORS, P.A.
 HENDERSON, N.C. 27534
 SURVEY FOR
 ALEXANDER LOMBARD
 N. C. 39
 VANCE COUNTY, NORTH CAROLINA
 SCALE 1" = 100' OCTOBER 23, 1987

091 87-2134