

**AN ORDINANCE TO AMEND THE
OFFICIAL ZONING MAP OF THE
TOWN OF MILLS RIVER, NORTH CAROLINA
IN ACCORDANCE WITH R-24-04**

WHEREAS, the Town Council for the Town of Mills River enacted the Zoning Ordinance for the Town of Mills River, effective March 1, 2004, including the Official Zoning Map for the Town of Mills River; and,

WHEREAS, the owner(s) appointed agent of all certain real property have applied pursuant to Chapter 154, Subchapter 154.196 of the Zoning Ordinance to amend the Official Zoning Map to rezone their real property from Mills River Neighborhood Commercial (MR-NC) to Mills River Light Industrial (MR-LI), and voluntarily consent to their rezoning request; and,

WHEREAS, said real property is described as approximately 2 acres with an address of 315 Banner Farm Road, and is currently owned by the Johnson family who have appointed Patrick Pierce of Selwyn Property Group to seek the rezoning as stated in an executed agreement for purchase and sale of the property dated September 13, 2024. The Henderson County Registry PIN# is identified as 9631719520; and,

WHEREAS, notice of the proposed rezoning has been duly published and all subject property owners and adjoining property owners have been notified as required by Section 154.199 of the Zoning Ordinance and N.C.G.S. 160D-602; and,

WHEREAS, a public meeting was held by the Town of Mills River Planning Board on November 12, 2024 and the Planning Board voted unanimously to recommend approval of the rezoning request and submitted a Statement of Consistency that rezoning R-24-04 is consistent with the Making Mills River 2040 Comprehensive Plan and Future Land Use Vision Map; and,

WHEREAS, the Town Council held a public hearing on January 23, 2025 as required by N.C.G.S. 160D-601 to hear the request, and gave the public an opportunity to be heard; and,

WHEREAS, the Town Council concur with the Planning Board's consistency findings and have approved a statement of reasonableness and a statement of consistency and briefly explained why Council considers the action taken to be reasonable and in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MILLS RIVER:

THAT, the Official Zoning Map of the Town of Mills River, North Carolina hereby shall be and is amended to rezone the property identified as PIN 9631719520 of the Henderson County

Registry from Mills River Neighborhood Commercial (MR-NC) to Mills River Light Industrial (MR-LI). The Official Zoning Map of the Town of Mills River as amended herein shall be available in the office of the Town of Mills River from and after the effective date of this Ordinance.

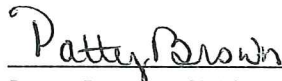
This ordinance and the amendment to the Official Zoning Map of the Town of Mills River shall take effect and be in full force and effect on the date of adoption and thereafter.

ADOPTED AND PASSED by the Town Council of the Town of Mills River, this 23rd day of January, 2025 and becoming effective on January 24th, 2025 at 12:01 A.M.



Shanon Gonce
Mayor

ATTEST:



Patty Brown, CMC, NCCMC
Deputy Town Clerk



**TOWN COUNCIL STATEMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
R-24-04**

Pursuant to NCGS §160D-605(a), when adopting or rejecting any zoning text or map amendment, the governing board shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan.

The Mills River Town Council finds the proposed zoning map amendment is consistent with the following elements of the Town's *Making Mills River 2040 Comprehensive Plan* and Future Land Use Vision Map.

Making Mills River 2040 Comprehensive Plan, Element One – Land Use; Element 4 – Community Facilities & Services; Element 6 – Infrastructure & Economic Development.

OBJECTIVE 1.6: Land Designated for Specific Uses

POLICY 1.6.2: Maintain zoning districts and associated use requirements that maintain land availability for the attraction and accommodation of commercial and industrial uses.

OBJECTIVE 4.3: Expanded Tax Base and Long-Term Fiscal Responsibility

POLICY 4.3.1: Promote development that expands the tax base and assists in sustaining the financial position of the Town.

POLICY 4.3.4: Establish and maintain zoning categories and land available for development that will ensure the long-term fiscal health of the Town.

OBJECTIVE 6.2: Adequate Capacity to Support Job Development

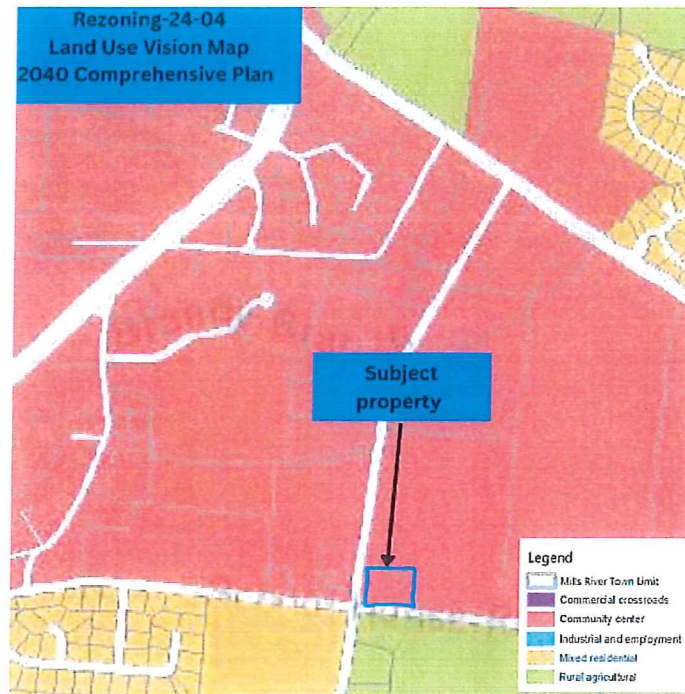
POLICY 6.2.1: Consider the availability and capacity of land to support job development in land development review and policy formation.

POLICY 6.2.2: Maintain zoning categories that allow for job-orientated uses.

OBJECTIVE 6.4: Diversified and Resilient Local Service Economy

POLICY 6.4.3: Identify land suitable for commercial development and maintain and adequate supply of developable land to support new investment.

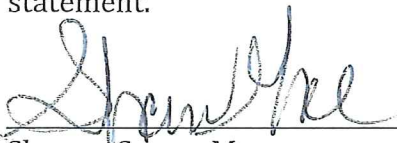
Mills River 2040 Comprehensive Plan, Land Use Vision Map, Community Center District



Community Center

This category is to promote a mix of uses to include commercial, residential, industrial, and agricultural. Residential types can include single family and multifamily development.

On January 23, 2025, the Town Council, by a 4/4 vote, approved this consistency statement.



Shanon Gonce, Mayor
Town of Mills River

**TOWN COUNCIL STATEMENT OF REASONABLENESS FOR REZONING
R-24-04**

Pursuant to NCGS §160D-605(b), when adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the governing board.

The Mills River Town Council finds the proposed zoning map amendment is reasonable and in the public interest because it is in alignment with the Town's Making Mills River 2040 Comprehensive Plan and Future Land Use Vision Map.

1. The size, physical conditions, and other attributes of the area proposed to be rezoned.
 - a. The subject property is 2 acres and has an existing single-family dwelling and accessory structures on it. The property is located at the northeast corner of the intersection of School House Road and Banner Farm Road.

2. Compatibility with comprehensive plan.
 - a. The rezoning request is consistent with the Making Mills River 2040 Comprehensive Plan Future Land Use Vision Map, which designates this property and all surrounding parcels as the Community Center future land use category. This land use category is meant to promote a mix of uses to include commercial, residential, industrial, and agricultural.
 - b. The rezoning request is consistent with Objective 1.6, Policy 1.6.2; Objective 4.3, Policy 4.3.1 and Policy 4.3.4; Objective 6.2, Policy 6.2.1 and Policy 6.2.2; and Objective 6.4, Policy 6.4.3 of the comprehensive plan
 - c. In lieu of the discrepancy between the types of desirable and acceptable uses between the land use vision map categories on page 30 and land uses by category chart on page 31 of the comprehensive plan, the permitted uses of the proposed zoning district is aligned with the definition of the "Community Center" future land use category on p. 30 of the comprehensive plan.

3. The benefits and detriments to the landowner, neighbors, and surrounding community.
 - a. The benefit to the applicant working on behalf of the current owner, is they will be able to incorporate this 2-acre property into their existing development plans for the adjacent 12 acres which is already zoned Light Industrial. The current landowner benefits by being able to sell their property to the applicant. The applicant will also not have to build an industrial building around an existing single-family residential property.
 - b. The detriment to the surrounding neighbors is if the property is rezoned to MR-LI this includes the possibility of the property being developed under additional uses that may or may not be considered unwanted by adjacent property owners. However, light industrial uses will ultimately impact this area, due to much of the land already being zoned Light Industrial.
 - c. The benefit to the community is the proposed rezoning may lead to a more cohesive light industrial development at this location, versus the previous development plans that had to work around the subject residential property. Additionally, incorporation of the corner 2-acre parcel into the development

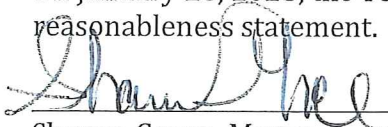
project will lead to additional transportation improvements for the community, as part of the Town's traffic impact analysis ordinance requirements.

4. The relationship between the proposed uses and the current uses of adjacent properties.
 - a. The subject property is a single-family residential property, that is no longer occupied.
 - b. All parcels immediately adjacent to the northern, southern, and eastern property lines of the subject property are zoned MR – LI and are currently vacant, undeveloped land. Flavor First produce packers, Norafin, and Bold Rock Cider are all existing light-industrial uses in the vicinity of the subject property.
 - c. The property is adjacent to Health Care for Pets Hospital, McDuffy Law Firm, PLLC, and a single-family dwelling located at 318 Banner Farm Road. All are in the MR – Neighborhood Commercial zoning district.
 - d. Mills River Elementary School is located diagonally across the intersection of School House Road and Banner Farm Road from the subject property and is zoned low-density residential (MR-30).

5. Why the rezoning is in the public interest.
 - a. The proposed rezoning is in the public interest because it respects the current landowners' rights to sell their property to a developer that will be able to maximize the potential of the property in a core area of Town with existing Light-Industrial zoning and land uses.
 - b. The proposed rezoning is in the public interest because it may add a warehousing / distribution business to Town, increasing economic growth.
 - c. The proposed rezoning is in alignment with adopted Town plans per the spirit and intent of the Community Center Future Land Use Map Category.
 - d. The proposed rezoning will allow the developer to put forth a "better" development plan that unifies land uses on this corner, versus building an industrial building around a residential property.
 - e. The proposed rezoning may lead to a development that results in significant transportation improvements to the surrounding area.

6. Any changed conditions warranting the rezoning.
 - a. None known.

On January 23, 2025, the Town Council, by a 4/4 vote, approved this rezoning reasonableness statement.



Shanon Gonce, Mayor
Town of Mills River

Rezoning-24-04 Proposed Zoning Map

