

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARING

Rezoning Application # R-04-05
(I-2 to R-10)

Hollabrook Farms, Inc., Applicant
William M. Alexander, Jr., Applicant's Agent

Meeting Date: Wednesday, March 9, 2005

- Attachments:**
1. R-04-05 Application (with partial attachments)
 2. Staff Report
 3. Site / Current Zoning Map
 4. Site / Proposed US 25 North Zoning Map
 5. Vicinity / Current Zoning Map
 6. Vicinity / Proposed US 25 North Zoning Map
 7. Current Land Use Map
 8. 2020 County Comprehensive Plan Future Land Use Map
 9. "Committee of 100" Recommended Industrial Development Zones Map
 10. I-2 District Text
 11. R-10 District Text
 12. Excerpt of Planning Board Minutes from September 25, 2001 for Previous Rezoning Application #R-03-01 (2001)
 13. Excerpt of Board of Commissioners Minutes from November 5, 2001 from Public Hearing on Previous Rezoning Application #R-03-01 (2001)
 14. Photos of the Subject Area
 15. Excerpt of Planning Board Minutes from January 18, 2005
 16. Notice of Public Hearing

SUMMARY OF REQUEST:

Rezoning application #R-04-05, which was submitted on December 20, 2004, requests that the County rezone a 106.57-acre (approximate) parcel of land (PIN 00964290513855), located off Butler Bridge Road (SR 1345), from an I-2 (General Industrial) zoning district to an R-10 (High-Density Residential) zoning district. The applicant is Hollabrook Farms, and the applicant's agent is William M. Alexander, Jr.

The Henderson County Planning Board first considered rezoning application #R-04-05 at its regularly scheduled meeting on Tuesday, January 18, 2005, at which time the Board took the following actions:

1. Voted three to three (3-3) on a motion to send the Board of Commissioners an unfavorable recommendation on rezoning the Subject Area to an R-10 district. Motion failed.
2. Voted four to two (4-2) on a motion to send the Board of Commissioners a favorable recommendation on rezoning the Subject Area to an R-10 district. Motion passed.

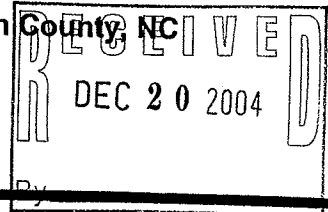
Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with Section 200-76 of the Henderson County Zoning Ordinance and State Law, notices of the March 9, 2005, public hearing regarding rezoning application #R-04-05 were published in the Hendersonville Times-News on February 23, 2005 and March 2, 2005. The Planning Department sent notices of the hearing via first class mail to the applicants and owners of properties adjacent to the Subject Area on February 25, 2005. Planning Staff posted signs advertising the hearing on the Subject Area on February 25, 2005.

COUNTY MANAGER'S RECOMMENDATION / BOARD ACTION REQUESTED:

Following the public hearing, Board action to approve, modify or deny rezoning application #R-04-05 would be appropriate.

Application #: R-04-05

Application to Amend the Official Zoning Map of Henderson County, NC
REZONING



1. PROPERTY OWNER INFORMATION

HOLLABROOK FARMS
Property Owner Name
P.O. BOX 1193
Mailing Address
SENECA, SC 29679-1193
City, State, Zip Code
864-886-0479
Telephone Number(s)
C/O WILLIAM M. ALEXANDER, JR., ATTORNEY
559 NORTH JUSTICE STREET
HENDERSONVILLE, NC 28739
82697-6022

Note:
The property owner must file applications for zoning map amendments. If owners of multiple parcels are requesting rezoning, one owner should sign the application and attach statements or other documents showing support for the application with signatures from the other owners. Include property owner names and mailing addresses as well as parcel identification numbers (PINs).

2. SUBJECT PROPERTY INFORMATION

Attach a description of the property for which rezoning is being proposed. Such description may be in the form of a property survey, a legal description or a legible copy of a Henderson County cadastral or composite tax map which shows the proposed zoning district boundary changes.

Size of Area to be Rezoned 106.57 ACRES Parcel ID Number(s)* 9945922
Current Zoning* I-2 Proposed Zoning* R-10

* If additional space is needed, attach a list of the PINs, the current zoning and the proposed zoning for each parcel proposed for rezoning.

3. ADJACENT PROPERTY INFORMATION

Attach a list of property owner names, mailing addresses and parcel ID numbers for parcels abutting the property proposed for rezoning.

I certify that the information contained in this application is true and accurate to the best of my knowledge.

[Signature]
Signature of Property Owner
JOHN S. HOLLAMON, JR.

12/20/04
Date

[Signature]
WILLIAM M. ALEXANDER, JR., Attorney
Staff Use Only

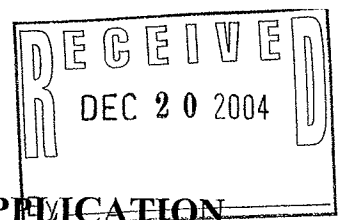
* Refer to file #R-03-01

Previous request for same amendment? Yes No Action: _____
Application Received By: [Signature]
Pd. w/ check # 1986 \$ 300.00

Date: _____
Date: 12/20/04

Non-refundable application fee: \$300.00

New PIN 00964290513855



**SUPPLEMENTAL INFORMATION AS TO REZONING APPLICATION
OF
HOLLABROOK FARMS (HOLLY HILL TRACT)**

Hollabrook Farms is a North Carolina General Partnership having as its partners John S. Hollamon, Jr. and Myra Hollamon Wood. Hollabrook Farms is the owner of a tract of real property, on Butler Bridge Road and to the east of the French Broad River, known to the family as Holly Hill. The property, as encompassed in Henderson County Tax Parcel No. 9945922 consisted of 216.18 acres. Recently, however, the flood plain portion of this farm was sold to a local individual, leaving approximately 106.57 acres of high ground. It is this remaining parcel that is the subject of this rezoning application.

Current Zoning and Nature of Application

The subject tract is currently subject to Henderson County Zoning and is zoned I-2: Heavy Industrial. By this application the owner seeks rezoning of the property to R-10: High Density Residential.

This property was unzoned until May 16, 2001, when it was zoned Open Use by the commissioners. In 2002, Hollabrook Farms applied to rezone the property, as well as the balance of the original tract, to the I-2 designation. This application was favorably received, and the property was rezoned I-2 2002.

The Hollamon family now seeks to remove the property from industrial application and return it to a residential purpose. They believe, as will be set out further herein, that zoning of this tract as an R-10: High Density Residential, will accomplish the highest and best use for the property, be consistent with the changing needs of the county in this area, and will be consistent with the Comprehensive Land Use Plan adopted by the county.

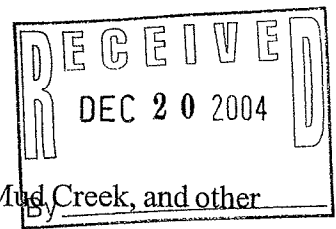
The Hollamon's have tried, unsuccessfully, to market this property as an industrial site for almost three years. Due to a variety of factors, including increased availability of other industrial sites and a declining industrial economy, the highest and best use of the property now appears to be in residential application. The current zoning prohibits residential use, thus the necessity of this application. The applicant respectfully requests the Planning Board, and ultimately the County Commissioners, to act on this application as quickly and expeditiously as possible.

Current Conditions:

Location:

* The subject tract is located on the South side of Butler Bridge Road, between the French Broad River and the Town of Fletcher. The western boundary of the property is separated from the French Broad by 109.61 acres of bottom land recently sold by applicant to Mr. Boyd Hyder.

* The basic location of the property is illustrated on that USGS Topo map attached as Exhibit A.



- * An aerial photo of the subject tract, as it lays in relation to the French Broad, Mud Creek, and other properties, is attached as Exhibit B.
- * The property is directly across Butler Bridge Road from Taproot Dairy, operated by the family of S.E. Johnston.
- * The property is approximately .75 miles from the closest boundary of the Glen Marlowe Elementary School, which lays in the Town of Mills River.
- * The municipal boundary of the Town of Mills River is less than one-half mile away.
- * The municipal boundary of the Town of Fletcher is less than one-half mile away.

Adjacent Property Zoning:

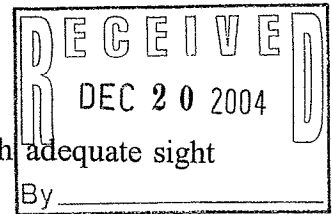
- * The property which lays to the North of the subject tract, across Butler Bridge Road, is currently zoned I-2: Heavy Industrial. The parcel laying between the subject tract and the French Broad River and Mud Creek is also zoned I-2, though applicant believes that owner will soon apply for rezoning of that tract.
- * All other adjoining properties are currently zoned Open Use.
- * All properties laying to the East and South of the Holly Hill tract are the subject of a new proposed zoning ordinance resulting from the US Highway 25 North Zoning Study. If that plan is adopted, the adjacent property to the east and a small portion to the North would become zoned R-15.

Current Use and Adjacent Land Uses:

- * The subject property is currently used for agricultural purposes, including growing of crops and pasturing of dairy cattle. The owner leases the property to neighbors for this purpose. This use conforms to I-2 designation, and would also be allowed in the proposed R-10 zoning.
- * Virtually all of the adjoining properties are currently used for a combination of agricultural and residential purposes.

Topography:

- * The property is at an elevation of approximately 2100 feet above sea level. There is approximately 120 feet of elevation difference from the highest point to the lowest point.
- * The property is comprised of gentle rolling hills, all above the flood plain. Applicant estimates that no single natural grade on the property exceeds a gradient slope of ten percent (10%). There are no known natural rock outcroppings on the property.



* The property has two separate areas of frontage on Butler Bridge Road, with adequate sight distance to permit safe ingress and egress from a residential subdivision.

Facilities and Utilities/ Infrastructure:

* The property fronts on Butler Bridge Road for more than 839 feet, a paved road maintained by the State of North Carolina.

* Electricity is currently provided to the property by Duke Power Co., which utility has a takedown station from high tension lines approximately one-half mile away.

* Public water is available to the property from the current high pressure water main operated by the ABWA. This will be accessed by use of easements already of public record.

* Public sewer service will soon be available to the property by virtue of the installation on the West side of the French Broad River of the new "Cane Creek" Water and Sewer District (CCWSD) line.

* The property is less than one mile from Glen Marlowe Elementary School. The property is within seven miles of all other levels of primary schools.

* The property lies within .75 miles of the Fletcher interchange for Interstate Highway I-26.

* The property lies within four miles of Park Ridge Hospital.

Environmental Condition and Flora/Fauna:

* There are no known hazardous wastes present on the subject tract.

* There are no known protected species of Flora or Fauna on the premises.

* There are no known protected wetlands on the premises.

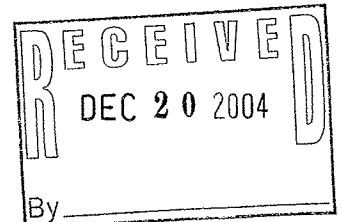
Rail Service:

* The property does not have direct rail service, though those facilities are available approximately 1.25 miles to the East.

Air Service:

* The property is located approximately 1.25 miles to the south of the Asheville Regional Airport.

* The location of the property is supportive of the Comprehensive Land Use Plan goal of concentrating growth in the Airport/ Highway 25 corridor.



Natural Gas:

* Natural Gas is available to the property from Public Service Commission of North Carolina.

APPLICATION WITHIN COMPREHENSIVE PLAN

The Henderson County Comprehensive Land Use Plan adopted July 6, 2004, recognizes the need to direct growth, particularly in the area of housing, to areas currently serviced by sewer and water infrastructure and to areas that could effectively and efficiently be serviced by sewer and water infrastructure in the future. That plan further recognizes the need to steer development away from steeply sloping areas. The Comprehensive Plan further emphasizes that intense residential development should occur within the urban core of the county. The Urban Services Area (USA) was designed as the most appropriate area of the county for intense or high density residential development as well as the center of commercial and industrial development. The subject property lies within the core of the USA and as such the proposed R-10 use lends itself in all respects to accomplishment of the purposes set forth in the Comprehensive Plan. This will be detailed on a much more explicit basis in presentation of this application to the Planning Board and the Commissioners.

Respectfully submitted this the 20th day of December, 2004.

LAW OFFICES OF WILLIAM M. ALEXANDER, JR., PLLC

BY: 
WILLIAM M. ALEXANDER, JR.

Agent and Attorney to Hollabrook Farms
559 North Justice Street
Hendersonville, NC 28739
Telephone: (828) 697-6022
Fax: (828) 697-1699

Send To Printer

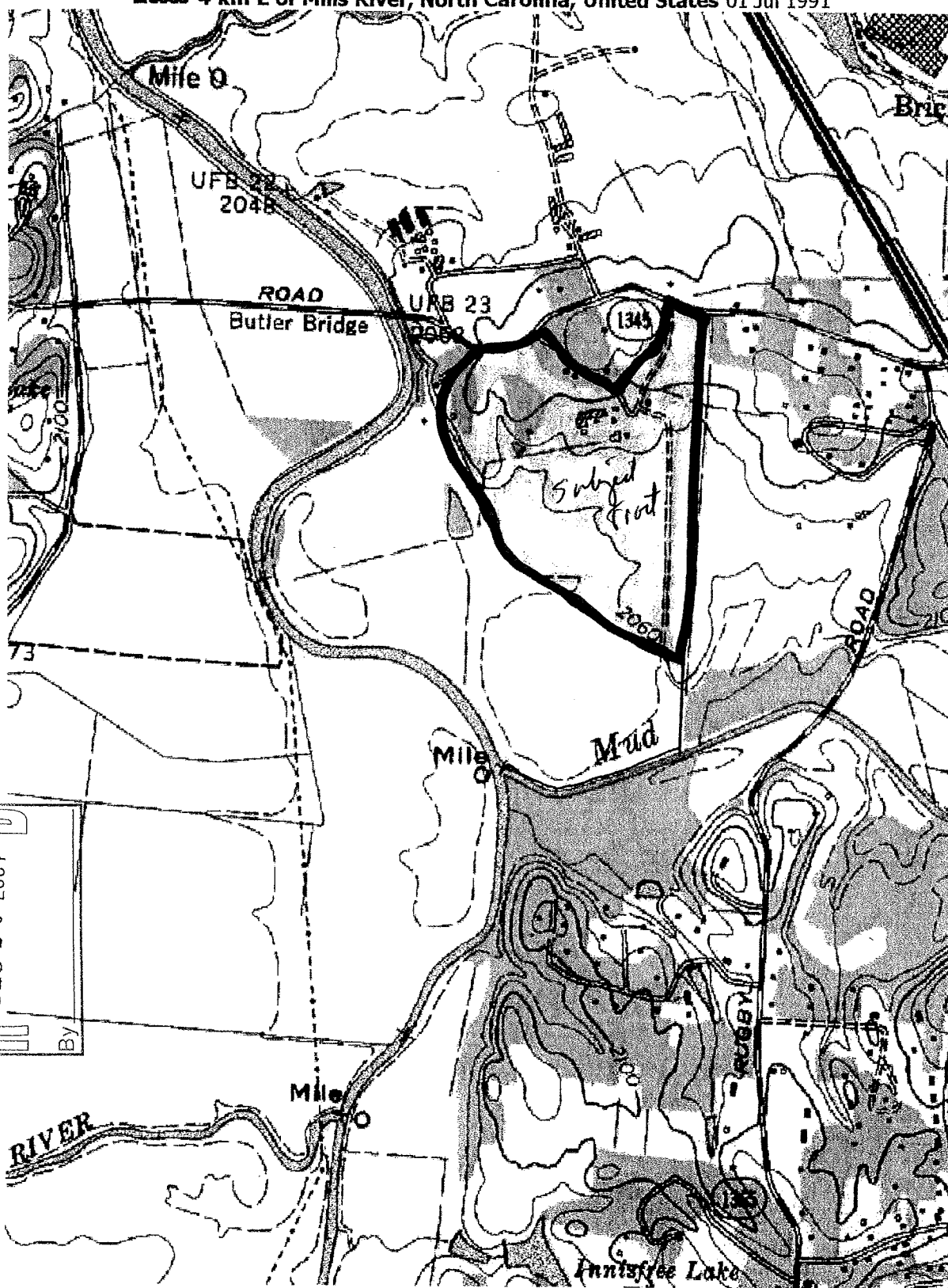
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Show Grid Lines

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USGS 4 km E of Mills River, North Carolina, United States 01 Jul 1991



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EXHIBIT

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Image courtesy of the U.S. Geological Survey
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Attachment 1

Send To Printer

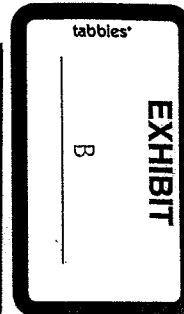
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USGS 4 km NE of Mills River, North Carolina, United States 19 Mar 1994



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Henderson County Planning Department Staff Report

Rezoning Application #R-04-05 (I-2 to R-10) Hollabrook Farms, Applicant William M. Alexander, Jr., Agent

1. Introduction

- 1.1. Applicant: Hollabrook Farms
- 1.2. Applicant's Agent: William M. Alexander, Jr.
- 1.3. Subject Parcel PIN #: 00964290513855
- 1.4. Application Date: December 20, 2004
- 1.5. Request: Rezone a 106.57-acre (approximate) parcel of land from an I-2 (General Industrial) zoning district to a R-10 (High-Density Residentail) zoning district. Please see Attachment 3: Site / Current Zoning Map)
- 1.6. Subject Area Size: Approximately 106.57 acres (hereafter the Subject Parcel/Property or Subject Area)

2. Location

- 2.1. Please See Attachment 5: Vicinity / Current Zoning Map
- 2.2. The Subject Area is located off Butler Bridge Road (SR 1345) less than 200 feet (approximate) east from where Butler Bridge Road crosses the French Broad River and the Town of Mills River municipal limits. The Subject Area is also located approximately one-half (1/2) a mile from the jurisdiction of the Town of Fletcher.
- 2.3. The Subject Area is located approximately four-tenths (0.4) of a mile west of the intersection of Butler Bridge Road and I-26.
- 2.4. Two portions of the Subject Area front Butler Bridge Road, totaling approximately 929 feet of road frontage.
- 2.5. The southwest portion of the Subject Area is located within 100-year floodplain, and although the Subject Area is not located within a water supply watershed, it is within a mile of the WS-III and WS-II Critical Area Water Supply Watersheds (Refer to Attachment 5: Vicinity / Current Zoning Map).

2.6. The Subject Area is also located within one (1) mile of Glenn Marlow Elementary School, and approximately two (2) miles from the Asheville Regional Airport.

3. Current Zoning

3.1. Please See Attachment 7: Current Land Use Map

3.2. The Subject Area is currently zoned I-2, which was applied on November 5, 2001 as a result of a rezoning application submitted by Hollabrook Farms, requesting a change to the parcel's prior Open Use (OU) zoning (#R-03-01, Refer to Section 6-Previous Rezoning Request). It should be noted that the parcel that was the subject of rezoning application #R-03-01 contained 222+ acres and has since then been subdivided.

3.3. **Adjacent Zoning:**

3.3.1. With the exception of ten parcels to the north of the Subject Area that are zoned OU (Open Use), the Subject Area is surrounded on the north, south, and west by a County I-2 zoning district.

3.3.2. The Subject Area is also bordered to the east by an OU zoning district.

3.3.1.1. It should be noted that land in the OU zoning district, to the east and north of the Subject Area, is part of the US Highway 25 North Zoning Study and is recommended by the Planning Board to be zoned R-15 (Medium-Density Residential), RC (Rural Conservation), and C-4 (Highway Commercial) (Refer to Attachments 4 & 6: Site / Proposed US 25 North Zoning Map and Vicinity / Proposed US 25 North Zoning Map).

3.3.3. The Subject Area is also located in close proximity to the Town of Mills River. The Town of Mills River zoning in the vicinity of the Subject Area includes an MR-Light Industrial district along Butler Bridge Road, and an MR-30 Residential district surrounding the MR-Light Industrial district.

3.3.3.1. The Mills River MR-Light Industrial district is intended to, "provide a place for the location of industrial and other uses that would be incompatible with general business areas. It is intended to permit, in this district, any use that is not inherently obnoxious to urban and rural areas because of noise, odor, smoke, light, vibration, dust or the use or storage of dangerous chemicals and/or materials" (Mills River Zoning Ordinance No. 00015, § 200-22). Dimensional requirements are: minimum lot size of one acre and building(s) footprint shall cover no more than 50% of the total lot area, minimum mean lot width of 200 feet, 75 foot setback from major streets and 60 foot setback from all other streets, 20 foot setback in rear yard, 15 foot setback in side yard, and a maximum building height of 50 feet.

3.3.3.2. The Mills River MR-30 Residential district is, "intended to be a quiet neighborhood consisting of single-family residences" (Mills River Zoning Ordinance No. 00015, § 200-14). Dimensional requirements are: minimum lot area and lot area per dwelling is 30,000 square feet, 75 feet from major streets and 60 feet from all other streets, 30 feet in rear and side yards, and a maximum building height of 50 feet.

3.4. Comparison of Districts:

3.4.1. Please See Attachments 10 & 11: District Text Descriptions

3.4.2. **The County I-2 General Industrial District:** Please note there is no purpose statement for the I-2 district in the zoning ordinance.

3.4.3. I-2 is a general industrial zoning district allowing most types of heavy industrial uses including some commercial uses. Residential uses are not permitted. Mining and extraction operations are allowed with a conditional use permit, while motor sports facilities, adult establishments, and group five (5) communication towers are allowed with a special use permit. Setbacks are as follows: 75 feet from the centerline of major streets and 60 feet from the centerline of all other streets; and the side and rear setbacks are the same as the side yard requirements to which the district is contiguous (some exceptions apply). There is no maximum building height for principal structures. Where this district abuts a lot in a residential district, there shall be provided and maintained along said property line a continuous visual buffer strip, and said strip shall be planted and maintained in a neat and growing condition (Henderson County Zoning Ordinance [HCZO] § 200-24).

3.4.4. **The County R-10 High-Density Residential District Purpose Statement:** *"This district is intended to be a high-density neighborhood consisting of single-family and two-family residences and small multifamily residences. It is expected that public water facilities and public sewage facilities will be available to each lot, providing a healthful environment"* (HCZO § 200-17).

3.4.5. R-10 is a high density residential zoning district that allows by right single-family and two-family residential dwellings, and apartments, provided that they be no larger than a four-family dwelling on a single lot, including garage apartments (one per lot). Site-built and modular residential units are permitted by right, while manufactured homes are not. Churches, church cemeteries, certain signs, transformer and public utility stations, customary accessory buildings (including private garages, noncommercial greenhouses, and workshops), schools, civic and cultural buildings, family care homes, and communication towers are allowed by right with standards. Planned Unit Developments (PUD's), R-A Residential Apartment Developments, R-O Residential Open Space Developments, and Medical Institutional Care Developments (MICD) are permitted with a Special Use Permit, and camps, bed-and-breakfast inns, libraries,

customary incidental home occupations, and non-church cemeteries are permitted with a Conditional Use Permit. The standard lot size is a minimum of 10,000 square feet (0.22 acres), with a minimum lot size per dwelling unit of 5,000 square feet for buildings with two or more family dwellings. Setbacks are as follows: 75 feet from the centerline of major streets and 50 feet from the centerline of all others; 10 feet from the side and rear property lines; and a maximum building height of 35 feet for principal structures (some exceptions apply).

4. Subject Area Uses and Adjacent Uses

- 4.1. Please see Attachment 7: Current Land Use Map
- 4.2. The Subject Area is currently utilized for agricultural purposes.
- 4.3. Looking at the surrounding area, most uses within the vicinity of the Subject Area are either residential or agricultural in nature. Directly across Butler Bridge Road is Taproot Dairy, a large agricultural venture. To the north, south and west of the Subject Area, most uses are agricultural with a few residential uses scattered throughout. The Glens of Aberdeen, a 109-unit subdivision with a mixture of housing types, is across Butler Bridge Road at the intersection of Butler Bridge and Jeffress Roads. Further down Butler Bridge Road (about 1 mile) is Glenn Marlow Elementary School. Just across the street from the school is Regal Knolls, a residential subdivision with approximately 21 lots. The majority of properties, in the vicinity of the Subject Area, have low-density residential uses, however just east of the Subject Area are the intersections of Butler Bridge Road and US Highway 25 and the US Highway 25 and I-26, where there is a considerable amount of heavy commercial and light industrial development. Uses there range from mobile home sales, a flea market and a trucking company, to general retail establishments intermixed with a variety of residential uses, including several manufactured home parks.

5. Utilities / Infrastructure

- 5.1. **Sewer / Water:** The Cane Creek Water and Sewer District has an existing public sewer line within a mile west of the Subject Area that serves the Glenn Marlow Elementary School, and the new Mills River interceptor line will soon be available, but connections to this line from the Subject Property would require crossing the French Broad River. In addition, the Regional Water Authority has a main water line at the intersection of Jeffress Road and Butler Bridge Road that could also be utilized by crossing the French Broad River, and a City of Hendersonville water line is fourth-tenths (0.4) of a mile east of the Subject Area near North Rugby Road.
- 5.2. **Natural Gas:** The Subject Area is not located in the service area for natural gas supply lines.
- 5.3. **Transportation:**
 - 5.3.1. The 2003 Annual Average Daily Traffic Count for Butler Bridge Road (SR 1345) in the vicinity of the Subject Area was 4,300 vehicles per day.

- 5.3.2. By comparison, the 2001 Annual Average Daily Traffic Count for Butler Bridge Road (SR 1345) in the vicinity of the Subject Area was 3,900 vehicles per day.
- 5.3.3. See Section 7.1 regarding NCDOT plans for the area.

6. Previous Rezoning Request:

On August 24, 2001, Hollabrook Farms submitted an application (#R-03-01) requesting that the County rezone approximately 222.31 acres of land located on the south side of Butler Bridge Road, between the points where Butler Bridge Road crosses the French Broad River and crosses I-26, from an OU zoning district to an I-2 zoning district. Note - A portion of rezoning application #R-03-01 included the Subject Area of rezoning application #R-04-05.

On September 25, 2001, the Planning Board voted unanimously to recommend to the Board of Commissioners that the Subject Parcel be rezoned to I-2. This was based on the following: there was no objection from adjacent property owners, the I-2 zoning district would not adversely affect the residential character of the neighborhood, and due to the location of the floodplain, the Subject Property was more suitable for agricultural or industrial uses (Refer to Attachment 12: Excerpt of Planning Board Minutes from September 25, 2001 for Previous Rezoning Application #R-03-01 (2001)).

On November 5, 2001, the Board of Commissioners held a public hearing and voted to approve rezoning application #R-03-01 as submitted (Refer to Attachment 13: Excerpt of Board of Commissioner Minutes from November 5, 2001 from Public Hearing on Previous Rezoning Application #R-03-01 (2001)).

7. Relevant Policies, Plans and Actions

7.1. NCDOT Transportation Improvement Plan:

- 7.1.1. The 2004-2010 Transportation Improvement Plan (TIP) project to widen US Highway 25 to five lanes is currently underway (Project No. R-2214). The Henderson County Board of Commissioners and the Henderson County Transportation Advisory Committee recommendations to NCDOT for the 2006-2012 Draft TIP recommend for Project No. I-4400 to widen I-26 from the US 25 connector to NC 280 from four lanes to six lanes, and state that the widening of I-26 to six lanes will help relieve excessive traffic on local roads and keep interstate traffic off local roads.
- 7.1.2. No improvements are scheduled for North Rugby Road at this time.

7.2. Mills River/Fletcher Land Use Study:

- 7.2.1. The Subject Area lies within the area defined by the Mills River / Fletcher Area Land Use Study. Fairly specific recommendations were made in this plan with regards to

future uses. It was specifically noted in the Study that the Subject Area was marketed by Advantage West as a possible industrial location, and the Study itself recommends that the Subject Area be used for industrial purposes, except for the area that lies within the 100-Year flood zone which, it recommends, should be reserved for open space uses such as agriculture, forestry, horticulture, etc. The Henderson County Planning Board approved the Study, and voted to send a favorable recommendation to the Board of Commissioners. On March 21, 2001, the Mills River / Fletcher Area Land Use Study was presented to the Board of Commissioners.

7.3. 2020 Henderson County Comprehensive Plan (2020 CCP):

7.3.1. See Attachment 8: 2020 County Comprehensive Plan Future Land Use Map

7.3.2. The 2020 CCP's Future Land Use Map identifies the Subject Area as being located in the Urban Services Area (2020 CCP, Pg. 128 & Appendix 1, Map 24).

7.3.2.1. The 2020 CCP states that, "The Urban Services Area (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" (2020 CCP, Pg. 129).

7.3.2.2. The 2020 CCP also states that, "wide ranges of residential densities will exist. Over the long term, land use regulations and policies should favor higher density development, consistent with natural constraints and the availability of urban services. At the same time, policies and regulations should protect existing less-intensely developed communities" (2020 CCP, Pg. 120).

7.3.3. The Future Land Use Map and the "Committee of 100" Recommended Industrial Development Zones Map also identifies the Subject Area as being suitable for industrial development (2020 CCP, Pg. 128 & Appendix 1, Map 8 and Map 24).

7.3.3.1. The 2020 CCP states that, "most defined industrial areas should lie within the Urban Service Area," and "should be segregated from other uses with the exception of Regional Commercial uses" (2020 CCP, Pg. 136). The plan also states that, "it is intended that the Countywide Industrial / Commercial Zoning Study and Community Plans will further refine the location, extent, and intensity of future industrial areas" (2020 CCP, Pg. 136).

7.3.3.1.1. According to the CCP implementation schedule adopted by the Board of Commissioners in July of 2004, the Countywide Industrial / Commercial Zoning Study was scheduled to be completed in FY 2004-2005 (2020 CCP, Pg. 148). Please note that with the February 16, 2005 approval of its 2005 Strategic Plan, the Board of Commissioners decided to take a different approach to the CCP

implementation item regarding such study (See Section 10 of this report for more information).

- 7.3.3.1.2. The Subject Area is identified as being in a Priority 2 Planning Area, the NC 191 South/Mills River East Planning Area, within the community-based planning framework (CCP, Appendix I, Map 33). The CCP assigns highest priority to areas within the USA where it is anticipated that extensive growth will occur (2020 CCP, Pg. 144 and Figure CP.2). According to the CCP implementation schedule adopted in July of 2004, the community plan for the area containing the Subject Area was scheduled to be completed in FY 2005-2006 (2020 CCP, Pg. 155). However, the Board of Commissioners, in approving its 2005 Strategic Plan on February 16, 2005, decided that it should amend the CCP implementation schedule as it relates to the small area plans (See Section 10 of this report for more information).
- 7.3.3.2. The former Committee of 100 (now the Partnership for Economic Development) of the Greater Hendersonville Chamber of Commerce presented its recommendations regarding sites for future industrial development and associated zoning for a 10-15 year time frame to the Henderson County Board of Commissioners on October 17, 2001. The Subject Area is one of several in the immediate vicinity that the Committee of 100 identified as an industrial zone (Please see Attachment 9: "Committee of 100" Recommended Industrial Development Zones). The 2020 CCP states, "the proposed industrial zones include both properties currently occupied by industry, and sites that are being marketed for new industrial development, as well as other areas that meet certain criteria that are important to attracting new industry" (2020 CCP, Pg. 49). The criteria used to identify these sites include cost of land and availability of reasonably large tracts of land (20-50 acres), availability of infrastructure, site development constraints, and local community constraints (2020 CCP, Pg. 1).
- 7.3.4. The Future Land Use Map identifies a portion of the Subject Area being identified for conservation (2020 CCP, Pg. 128 & Appendix 1, Map 24).
 - 7.3.4.1. The conservation category includes, "land areas that are intended to remain largely in their natural state, with only limited development," and these areas, "should be targeted for protection through regulations and incentives" (2020 CCP, Pg. 134). Two characteristics of conservation lands are areas managed for agricultural or forestry land uses and sensitive natural areas such as floodplains.

7.3.4.2. In addition, the 2020 CCP Public Parks, Recreations Sites, and Proposed Greenways Map show a proposed greenway bordering the southern portion of the Subject Area (2020 CCP, Map 16).

8. Staff Comments and Recommendations

- 8.1. Staff's position is it supports industrial development on the Subject Area under the guidelines of current County plans, policies, and studies. This is based on the following:
- 8.1.1. Both the text and map of the 2020 CCP identify the Subject Area as being located in the Urban Services Area (USA) and suitable for industrial development, with a portion of the Subject Area being identified for conservation.
 - 8.1.2. The former Committee of 100 recommended that the area in the vicinity of the Subject Area, including the Subject Area itself, be zoned for industrial development.
 - 8.1.3. An existing industrial zoning district surrounds three sides of the Subject Area. The presence of existing industrial districts and the potential of future industrial development would offer little protection, except for any required vegetated buffering, to an R-10 residential district.
 - 8.1.4. I-2 zoning was applied to the Subject Area on November 5, 2001, at the request of the current property owner, and was supported by Planning Staff, the Planning Board, and the Board of Commissioners.
 - 8.1.4.1. Staff has identified no plans or policies, changes in existing conditions, or overriding community interest that would justify granting the proposed rezoning. Although, it should be noted that the Planning Board recommended in the US Highway 25 North Zoning Study for the adjacent property to be medium-density residential. In addition, the Applicant's agent has indicated in the application materials and in remarks to the Planning Board, that the Applicant has marketed the Subject Area as an industrial site for three (3) years without success.
 - 8.1.4.2. It is generally incumbent upon the Applicant to demonstrate an overriding justification for approving a given rezoning application. The Applicant's agent, in the application materials and in remarks to the Planning Board on January 18, 2005 (see Attachment 15), presented justifications for the proposed rezoning and is expected to do so at the public hearing.
 - 8.1.5. The R-10 district text states that, "it is expected that public water facilities and public sewage facilities will be available to each lot, providing a healthful environment." Although water and sewer are available at or near the Subject Area, making it desirable for high-density, residential development, accessing public sewer would require crossing the French Broad River by attaching a line to the bridge on Butler

Bridge Road. The Henderson County Zoning Ordinance would not require the applicant to connect to public utilities.

8.1.6. The location of the Subject Area to US Highway 25, I-26, and the proximity to the Asheville Regional Airport makes it suitable to support industrial development.

8.2. The Board must ask the following question, "Should the Subject Area and the surrounding area still be identified for industrial development?" It was Staff's position at the Planning Board level of review that until the Countywide Industrial / Commercial Zoning Study and the NC 191 South/Mills River East Small Area Plan (both as recommended by the CCP) are completed the answer to this question was unknown. The R-10 zoning district may be suitable for this location, but current County plans do not support it at this time (See also Section 10 of this report).

9. Planning Board Recommendations

9.1. The Henderson County Planning Board first considered rezoning application #R-04-05 at its regularly scheduled meeting on Tuesday, January 18, 2005, at which time the Board took the following actions:

- 9.1.1. Voted three to three (3-3) on a motion to send the Board of Commissioners an unfavorable recommendation on rezoning the Subject Area to a R-10 district. This was based on the recommendations that Staff submitted in their report to the Planning Board, the need for industrial uses, the former Committee of 100's recommendation for the Subject Area, and that high-density residential development would significantly impact the area for potential industrial development. Motion failed.
- 9.1.2. Voted four to two (4-2) on a motion to send the Board of Commissioners a favorable recommendation on rezoning the Subject Area to a R-10 district. This was based on the following; the Applicant's agent indicated that the property owners have tried to market the site for industrial development without success. Motion passed.
- 9.1.3. Please see Attachment 15: Excerpt of Planning Board Minutes from January 18, 2005, for more information.

10. 2005 Henderson County Strategic Plan

On February 16, 2005, the Board of Commissioners approved its 2005 Strategic Plan. The Strategic Plan is a two-year "work plan" for the Board and County Staff. It describes goals the Board wants to meet, strategies that will be undertaken to meet the goals and specific action steps to implement the strategies. The Strategic Plan also identifies responsible parties, timeframes and resources needed for implementation.

As noted in Section 7.3.3.1.1 and 7.3.3.1.2 of this report, the Board of Commissioners' adoption of the 2005 Strategic Plan resulted in some changes in the Board's intentions regarding certain implementation items in the CCP, some of which affect rezoning application #R-04-05. For example, rather than include an action step in the Strategic Plan to complete a Countywide Commercial/Industrial Study in Fiscal Year 2004-2005, as called for in the CCP implementation schedule adopted July 6, 2004, the Board of Commissioners established two action steps (Henderson County 2005 Strategic Plan, Pg. 8, Strategy 1.1) to implement CCP Recommendation E-01 (Support the development of the industrial sector of the economy by implementing the recommendation of the Lockwood Greene Study), as follows:

1. Work with the Partnership for Economic Development and other entities to implement elements of the Lockwood Greene Study. [E-01-A] (FY 05-06, Ongoing)
 - a. Increase the supply of prepared industrial sites and buildings, and make them available on a cost competitive basis. (Ongoing)
2. Identify appropriate land to preserve for future industrial development.
 - a. Work with the Partnership for Economic Development to establish criteria to be used in identifying parcels appropriate for industrial development. (Feb 05)
 - b. Gather GIS data representing each of the criteria. (Mar 05)
 - c. Develop GIS model to do countywide, parcel-based analysis to locate parcels meeting all the criteria. (Mar 05)
 - d. Compare parcels identified through modeling with the "Committee of 100 Recommended Industrial Zones Map" (Map 8 in the CCP) and revise as necessary. (Apr 05)
 - e. Initiate processes to amend the CCP and the Official Zoning Map of Henderson County as needed to protect sites for industrial development. (May 05)
 - f. Incorporate land regulation tools in the new Land Development Code to further protect identified parcels. (Dec 05)

The Action Steps in the Strategic Plan suggest that the Countywide Commercial/Industrial Study recommended by the CCP is being replaced, in the near term, by an industrial zoning study. This would not alter Staff's recommendation, however, that the Subject Area be maintained as an industrial zone, unless the industrial zoning study, when completed, recommended otherwise.

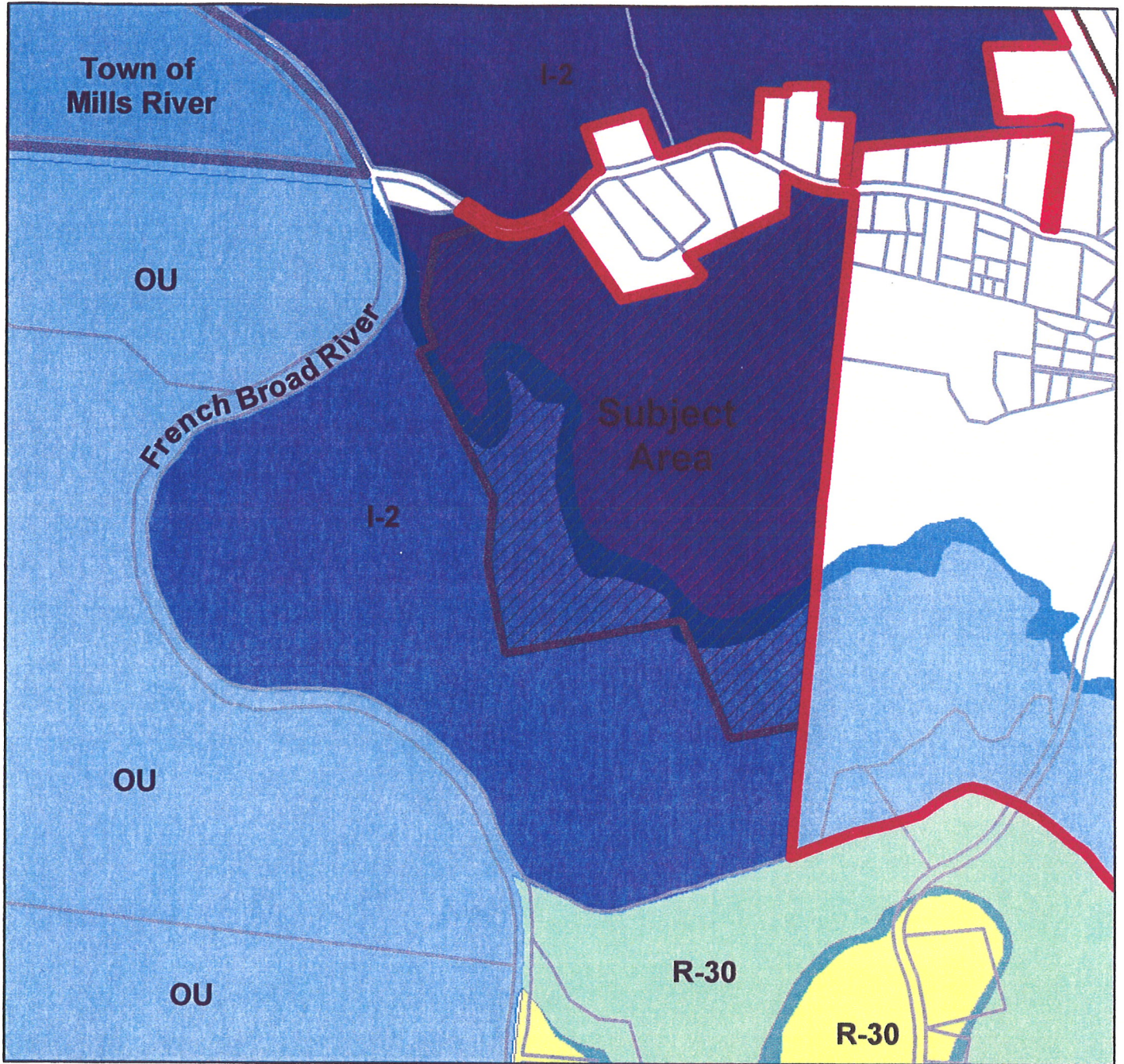
In addition, the 2005 Strategic Plan (Henderson County 2005 Strategic Plan, Pg. 13, Strategy 1.23) provides for an action step that would alter the implementation schedule in the CCP regarding the community planning process, as follows:

Strategy 1.23: Begin community planning process. [CCP, Section 4, Implementation Steps]






Action Steps:

1. Amend CCP Implementation Schedule in order to accommodate for the completion of the Land Development Code. (Mar 05)
2. Begin the NC 191 South/Mills River East small area plan. (FY 05-06)
3. Begin the Etowah/Horseshoe/Mills River South small area plan. (FY 05-06)
4. Begin the East Flat Rock/Upward Road small area plan. (FY 05-06)
5. Begin the Howard Gap Road small area plan. (FY 06-07)

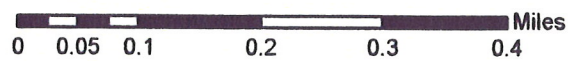
According to the Strategic Plan, the small area plan affecting the Subject Area (NC 191 South/Mills River East) would not begin until Fiscal Year 2005-2006 (compared to the proposed completion date for such plan of FY 2004-2005 in the CCP adopted July 6, 2004).

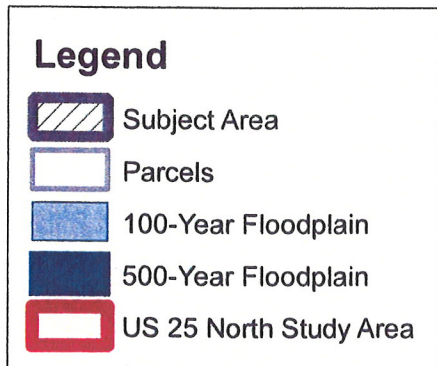
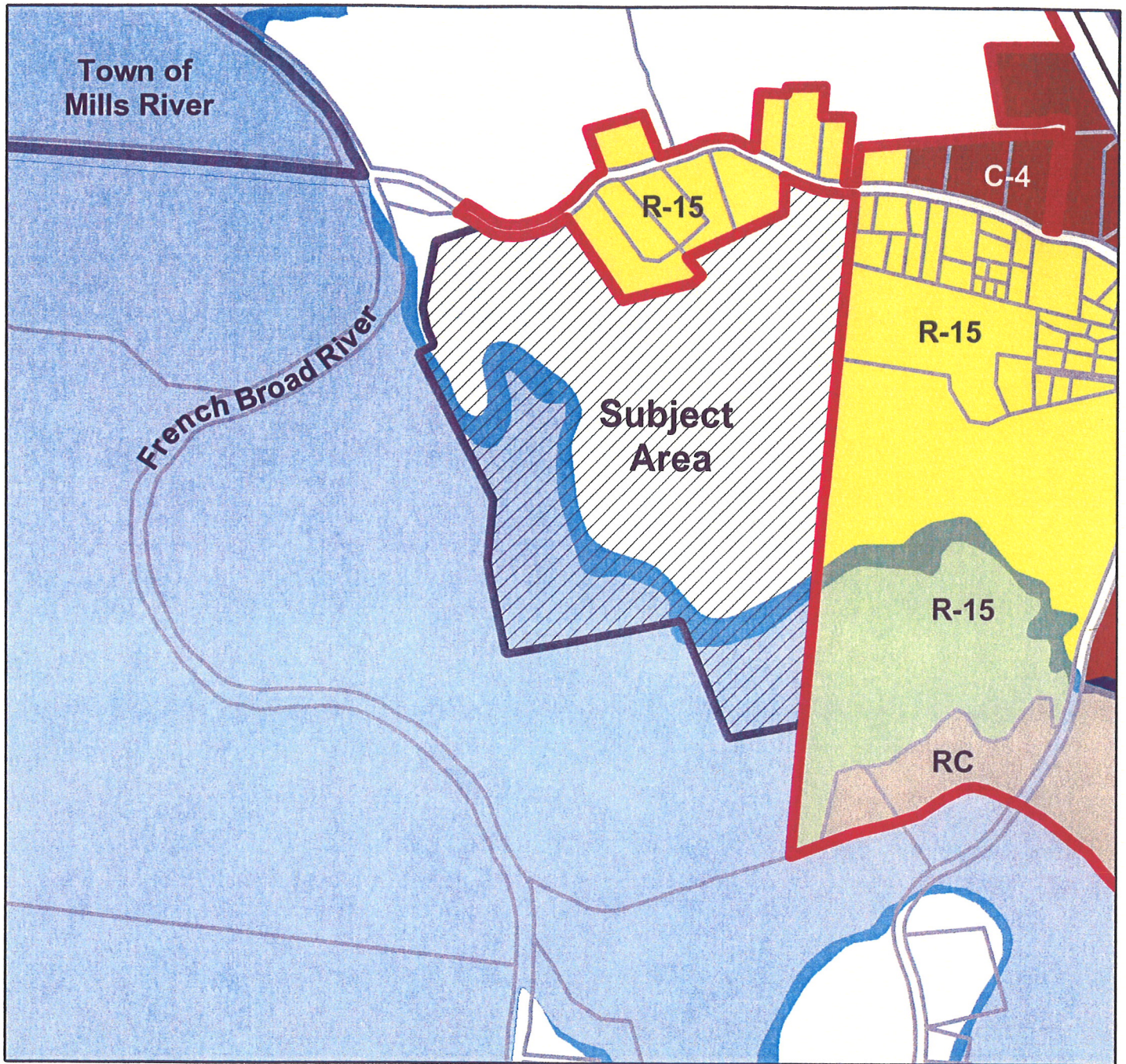


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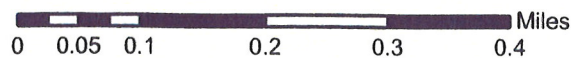
-  Subject Area
-  Parcels
-  100-Year Floodplain
-  500-Year Floodplain
-  US 25 North Study Area

**Rezoning Application
#R-04-05
Hollabrook Farms, Applicant
William M. Alexander, Jr.,
Applicant's Agent**

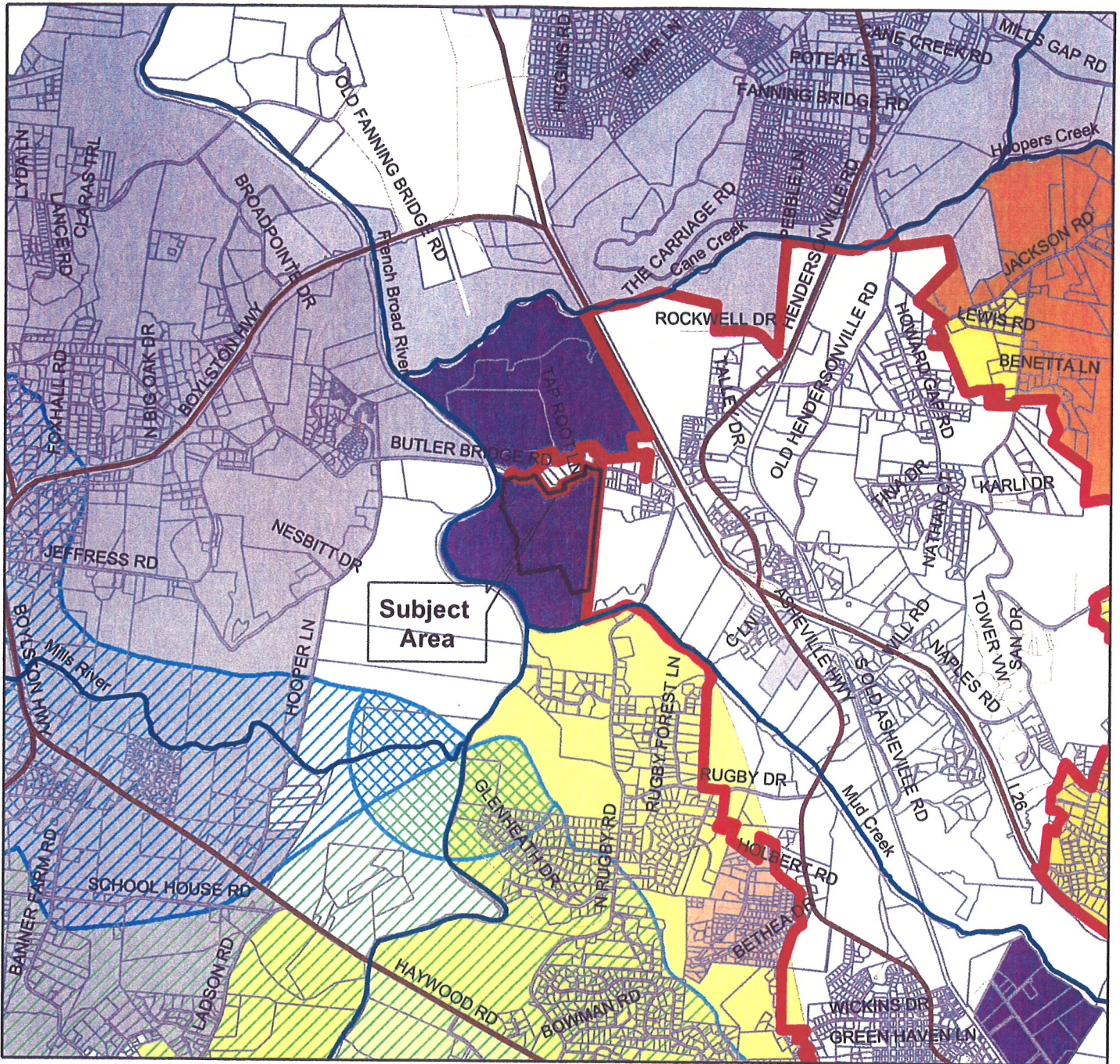




**Rezoning Application
#R-04-05
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Applicant's Agent**



Vicinity / Current Zoning Map

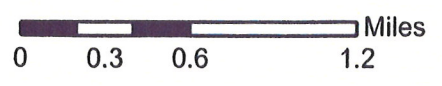


Subject Area

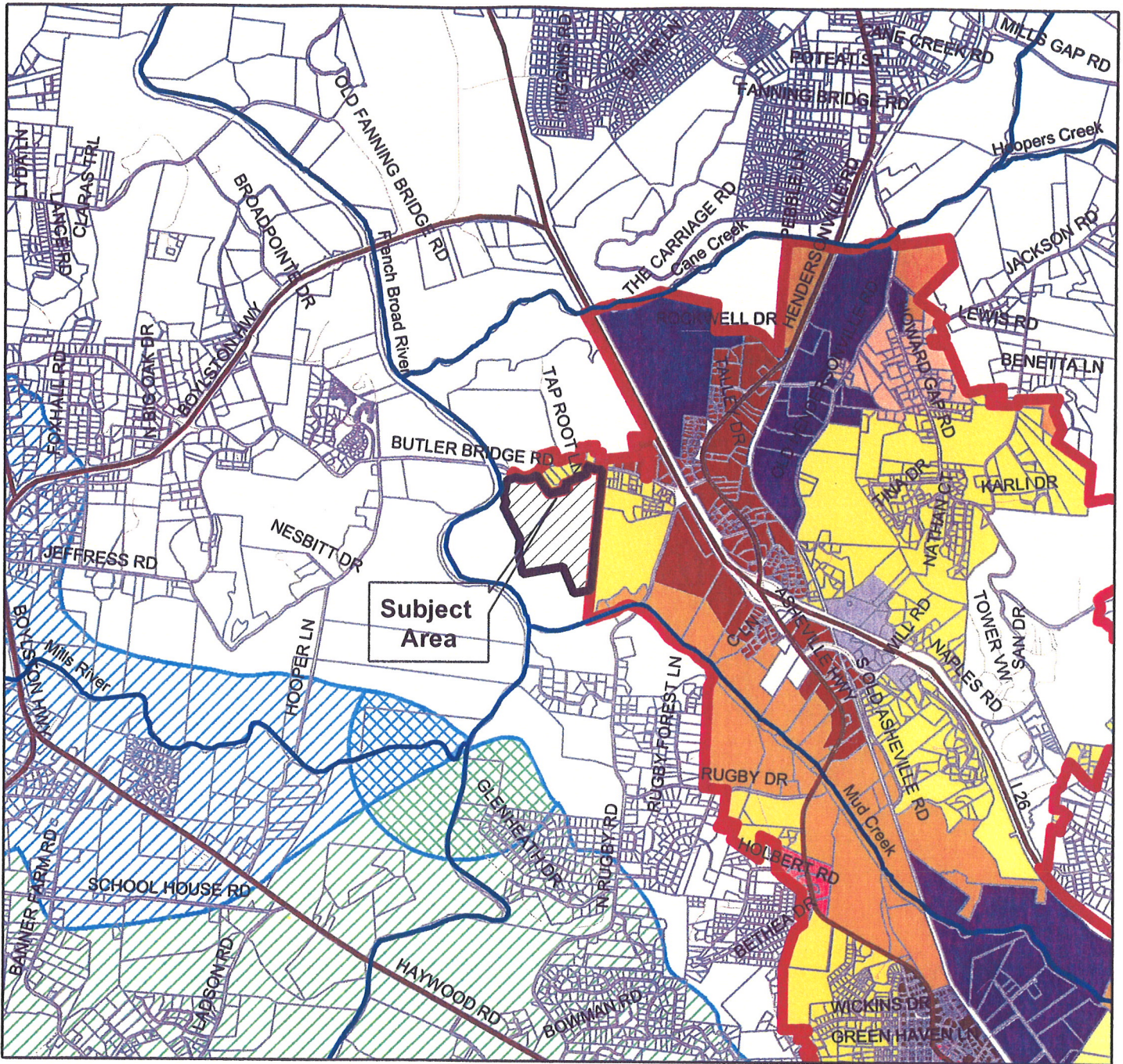
Legend

| | | | | | |
|--|------------------------|--|------|--|---------------------|
| | Subject Area | | R-40 | | I-2 |
| | Parcels | | R-30 | | OPEN USE |
| | US 25 North Study Area | | R-20 | | FLETCHER CITY |
| | Streets | | R-15 | | HENDERSONVILLE CITY |
| | Rivers & Streams | | T-15 | | MILLS RIVER |
| | WS III | | RC | | |
| | WS III CA | | C-2 | | |
| | WS IV | | C-2P | | |
| | WS IV CA | | C-4 | | |
| | | | I-1 | | |

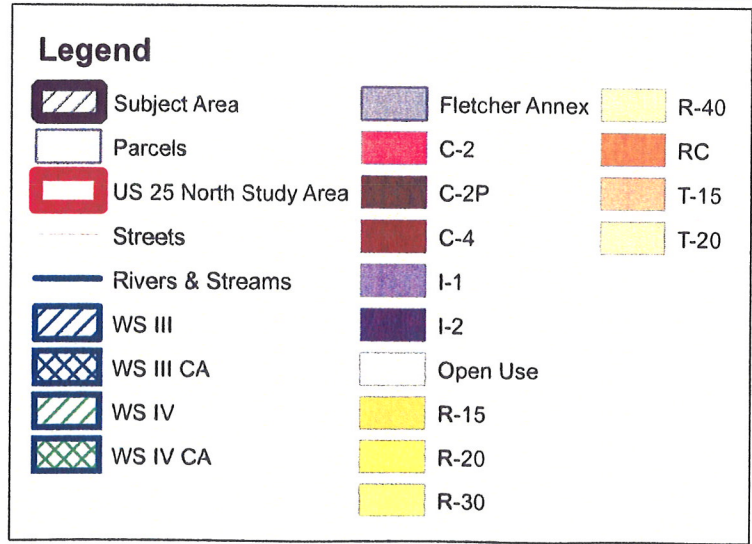
Rezoning Application
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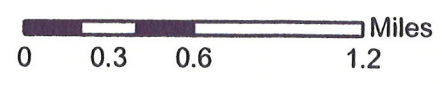
Vicinity / Proposed US 25 North Zoning Map

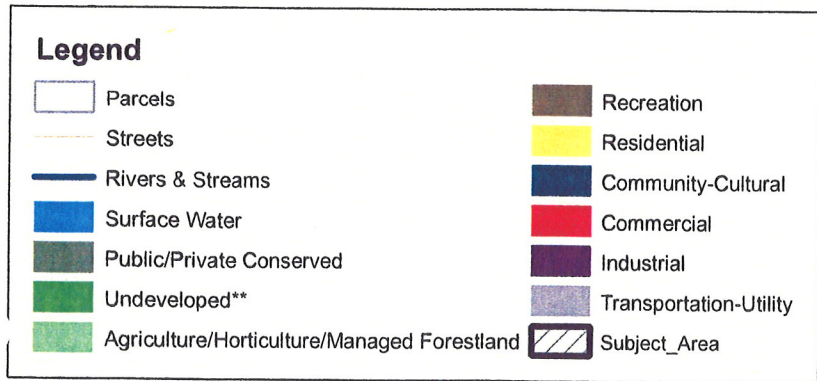
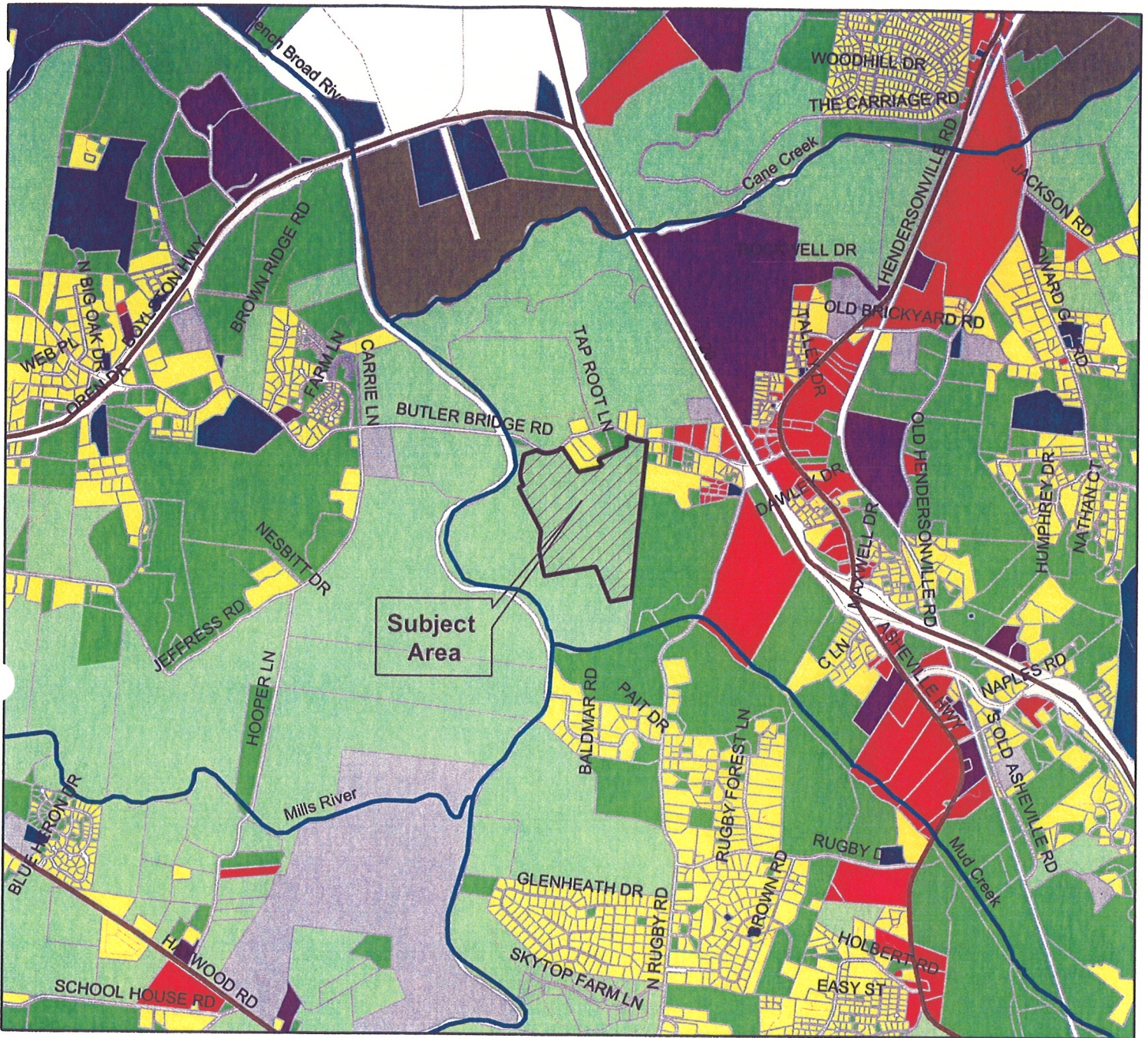


Subject Area



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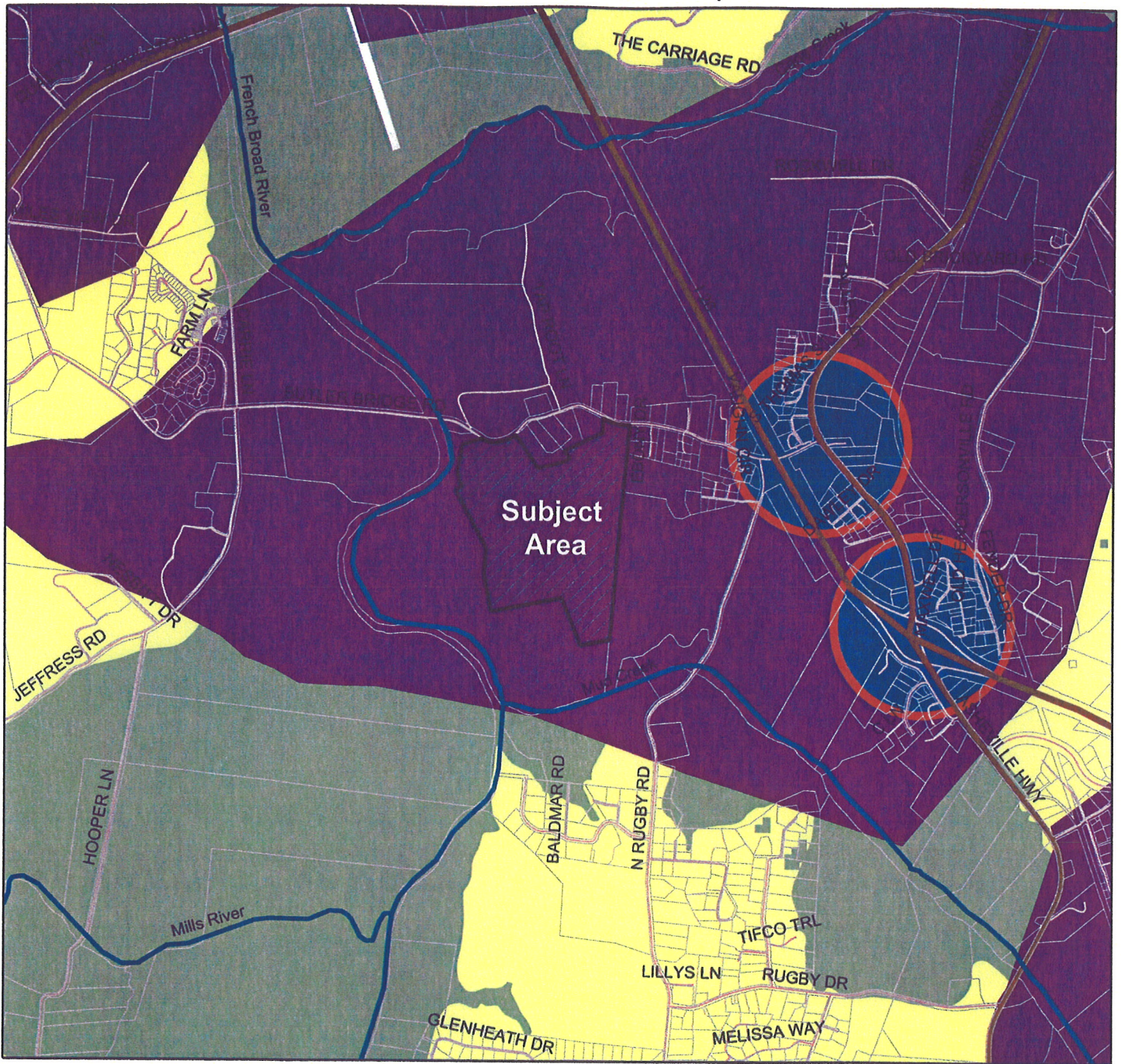
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


** May include forested as well as agricultural land. Any parcel containing residential development where the acreage to dwelling unit ratio is 10:1 or greater is classified as undeveloped.



2020 County Comprehensive Plan Future Land Use Map

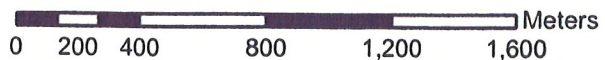


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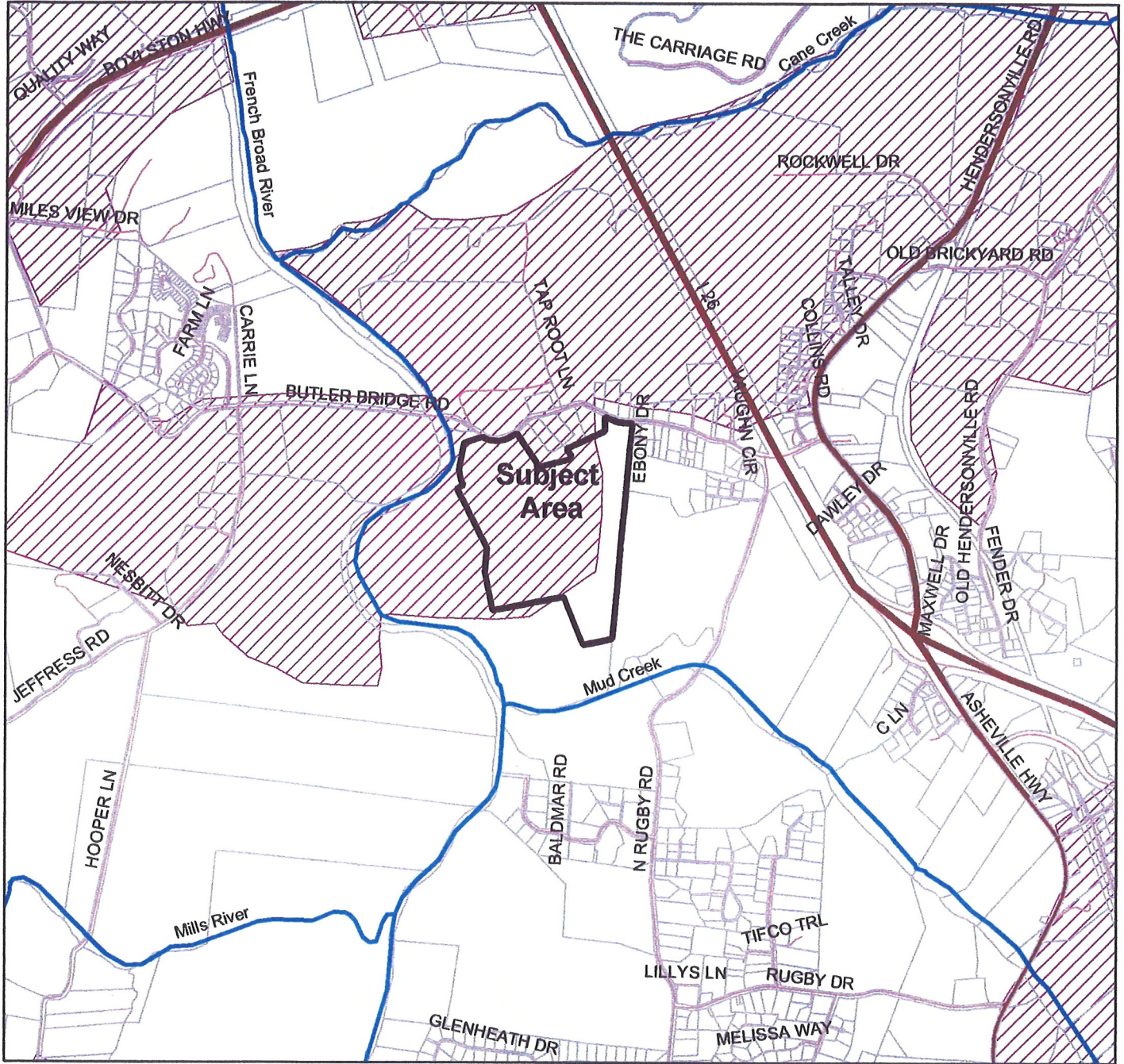
-  Streets
-  Subject Area
-  Parcels
-  Community Service Centers
-  Urban Services Area
-  Industrial
-  Conservation



**Rezoning Application
#R-04-05
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(Excerpt from Map 8 of the Henderson County 2020 Comprehensive Plan) "Committee of 100" Recommended Industrial Development Zones Map*

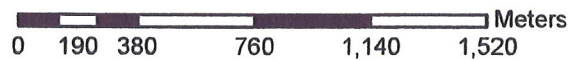


Legend

- Streets
- ▭ Subject Area
- Parcels
- ▨ Committee of 100 Recommendations



**Rezoning Application
#R-04-05
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Applicant's Agent**



* As Presented to the Board of Commissioners on 10-17-01

§ 200-24. I-2 General Industrial District.

A. Within the I-2 General Industrial District as shown on the Zoning Map, the following uses are permitted:

- (1) Any retail business customarily serving residential neighborhoods.
- (2) Business, medical, professional, public and financial offices, including branch banks.
- (3) Personal services, including barber shops and beauty shops, shoe and watch repair shops, laundromats and dry-cleaning pickup establishments.
- (4) Tire recapping and retreading.
- (5) Truck terminals.
- (6) Automobile sales and service.
- (7) Laundries.
- (8) Cemeteries, provided that there are no plots closer than 20 feet to any property line.
- (9) Gasoline service stations.
- (10) Outdoor advertising signs, which cannot be closer than 50 feet to any residential district.
- (11) Storage plants and tanks.
- (12) Warehouses.
- (13) [Amended 5-16-2001] Junkyards, provided that:
 - (a) The principal operations of a junkyard may only be conducted during the hours of 7:00 a.m. to 11:00 p.m.
 - (b) Full screening shall be required.
 - (c) Secure fencing shall be required.
 - (d) A minimum buffer of 50 feet as defined in § 200-32.1A shall be required.
 - (e) There shall be a minimum front yard, side yard, and rear yard setback of 75 feet.
 - (f) The junkyard shall be separated from any existing school by a minimum of 1/2 mile.
 - (g) The junkyard shall have a direct access road corridor, as defined in § 200-32.1A, having a minimum width of 45 feet, and a minimum travelway width of 20 feet.
 - (h) Fire protection shall be required.
 - (i) Adequate lighting shall be required.
 - (j) Parking requirements found in § 200-40 shall be met.

- (k) Loading requirements founds in § 200-41C shall be met.
- (l) Owners and operators of the junkyard shall be required to comply with all applicable laws governing the junkyard.^{EN}
- (14) Any industrial use, excluding those uses prohibited by § 200-24C. [Amended 5-16-2001]
- (15) Fairs, carnival grounds and amusement parks.
- (16) Manufactured home display areas. [Amended 12-15-1993]
- (17) Airports.
- (18) [Added 11-7-1983] Civic and cultural buildings, including auditoriums, theaters for the performing arts, museums, art galleries, symphony and concert halls and historical societies, provided that:
 - (a) The structures are placed not less than 50 feet from any property line.
 - (b) They are located with access to a street, as shall be determined by the Zoning Administrator.
 - (c) There is a planted buffer strip along the side and rear property lines, except where such lines run parallel and contiguous with streets, streambeds, lakes and railroad tracks.
 - (d) The facility is operated not for profit and satisfactory proof of the tax-exempt status of the organization is exhibited to the Zoning Administrator.
 - (e) One parking space is provided for each two seats in auditoriums, theaters and symphony and concert halls.
 - (f) One parking space for each 100 feet of gross floor space directed to patron use shall be provided for museums, art galleries and historical societies.
- (19) Group 1 communications towers and tower activities (as defined in and subject to the requirements in § 200-38.1). [Added 3-2-1998]
- (20) Group 2 communications towers and tower activities (as defined in and subject to the requirements in § 200-38.1). [Added 3-2-1998]
- (21) Group 3 communications towers and tower activities (as defined in and subject to the requirements in § 200-38.1). [Added 3-2-1998]
- B. Conditional uses. The following uses shall be permitted, subject to a finding by the Board of Adjustment that both the conditions in the definition of "conditional use" in § 200-7B and those conditions listed below will be met:
 - (1) [Amended 5-16-2001] Mining and extraction operations, provided that:
 - (a) Buffer strips shall be provided. Furthermore, all mine openings and quarries shall be enclosed

¹Editor's Note: See Ch. 109, Junkyards and Vehicle Graveyards.

by a cyclone-type fence not less than eight feet in height and located not less than 10 feet from the excavation edge.

- (b) Blasting operations shall be conducted only between the hours of 7:00 a.m. and 11:00 p.m. Furthermore, all blasting, drilling and other sources of noise, vibrations, flying debris and dust shall be conducted in such a way as to cause the minimum nuisance or hazard to adjacent or neighboring properties at any time.^{EN}
- C. Notwithstanding the foregoing, hazardous waste disposal facilities and/or radioactive waste disposal facilities shall not be permitted in this use district. [Amended 5-16-2001]
- D. Dimensional requirements. Within the I-2 General Industrial District as shown on the Zoning Map, the following dimensional requirements shall be complied with:

| Major ¹ (ft.) | Minimum Front Yard Setback From Center Line of Street | | Maximum Building Side (ft.) | Minimum Yards | |
|-----------------------------|--|------------------------|--|---------------|---------------|
| | All Others (ft.) | Height (ft.) | | Side (ft.) | Rear (ft.) |
| 75 | 60 | Unlimited ² | The same as the side yard requirements to which the district is contiguous. ² | | |

NOTES:

¹ Where the major street is more than two lanes, including parking lanes, setback requirements shall be measured and begin at a point on the pavement 12 feet from the edge of the paved street abutting the property in subject.

² An additional 1 1/2 feet of yard is required for each foot in building height over 40 feet.

- E. Where this district abuts a lot in a residential district, there shall be provided and maintained along said property line a continuous visual buffer strip, and said strip shall be planted and maintained in a neat and growing condition.
- F. Special uses.
 - (1) Group 5 communications towers and tower activities (as defined in and subject to the requirements of § 200-38.1). [Added 3-2-1998]
 - (2) [Added 5-16-2001] Motor sports facilities, provided that:
 - (a) Racing events may only be conducted during the hours of 7:00 a.m. to 11:00 p.m. Racing events may be conducted for a maximum of three consecutive days, a maximum of five days in any calendar week and a maximum of six hours per day.
 - (b) Secure fencing shall be required.
 - (c) A minimum one-hundred-foot buffer as defined in § 200-32.1A shall be required.

²Editor's Note: Former Subsection B(2), regarding other manufacturing uses, which followed this subsection, was repealed 5-16-2001. Former Subsection B(3), which provided for radio and television broadcast antennas as a conditional use, was repealed 3-2-1998.

- (d) A minimum setback (as defined in § 200-32.1A) of 500 feet for minor motor-sports facilities, and 1500 feet for major motor sports facilities, shall be required.
 - (e) Parking requirements found in § 200-40 shall be met.
 - (f) Loading requirements found in § 200-41C shall be met.
 - (g) At least one direct access road corridor as defined in § 200-32.1A, having a minimum width of 45 feet, and a minimum travelway width of 20 feet shall be required for all minor motor sports facilities. A minimum of two direct access road corridors, as defined in § 200-32.1A, having a minimum width of 45 feet, and a minimum travelway width of 20 feet, shall be required for all major motor sports facilities.
 - (h) Fire protection shall be required.
 - (i) Noise mitigation shall be required.
 - (j) Adequate lighting shall be required.
 - (k) A minimum separation of two miles from any health-care facility shall be required.
 - (l) Motor sports facilities shall be prohibited on protected mountain ridges.
 - (m) The owner or operator shall be required to meet the application requirements of § 200-38.3.
- (3) Adult establishments. [Added 5-16-2001]
- (a) Adult establishments shall be required to meet the following operational requirements:
 - [1] Adult establishments may only operate between the hours of 12:00 p.m. and 2:00 a.m.
 - [2] There shall be no more than one adult establishment business in the same building, structure or portion thereof. No other principal or accessory use may occupy the same building, structure, property or portion thereof with any adult establishment.
 - [3] The structure in which the adult establishment is located shall contain no sleeping quarters.
 - [4] If dancers are employed as a feature of the adult establishment, the performing area for such dancers shall be separated from patrons by at least 10 feet.
 - [5] If viewing booths are provided, such are to be designed so as to allow the person or occupants to be completely visible from a portion of the premises open and available to the public.
 - [6] No person shall be employed by the adult establishment if they are less than 18 years of age, nor shall any person be allowed on the premises if they are less than 18 years of age.
 - [7] No alcoholic beverages as defined by N.C.G.S. § 18B-101.4, or any successor statute, may be served, possessed or consumed on the premises.
 - [8] No adult establishment shall be disruptive of peace and good order. Convictions of three

or more criminal offenses, a material element of which occurred on the premises of the adult establishment, in any one-year period shall be grounds for revocation of the special use permit.

- [9] Ownership by or employment of a person with a criminal record that includes offenses reasonably related to the legal or illegal operation of adult establishments shall be grounds for revocation of the special use permit. Owners and/or operators of adult establishments shall be required to submit the names of all owners and employees to the Zoning Administrator upon approval of the special use permit, and quarterly thereafter.
- [10] Owners and operators of adult establishments shall be required to comply with all applicable laws with respect to the operation of the adult establishment
- (b) Full, opaque screening shall be required.
 - (c) Fencing shall not be required.
 - (d) A minimum ten-foot buffer, as defined in § 200-32.1A, shall be required.
 - (e) A minimum setback (as defined in § 200-32.1A) of 50 feet shall be required.
 - (f) Parking requirements found in § 200-40 shall be met.
 - (g) Loading requirements found in § 200-41A shall be met.
 - (h) At least one direct access road corridor, as defined in § 200-32.1A, having a minimum width of 45 feet, and a minimum travelway width of 20 feet, shall be required.
 - (i) Fire protection shall be required.
 - (j) Noise mitigation shall be required.
 - (k) Adequate outdoor lighting shall be required.
 - (l) A minimum separation of 1000 feet from any other adult business, residential dwelling unit, school, park, public library, religious institution, or any licensed day-care or child-care facility, shall be required.
 - (m) An adult establishment may be advertised by only one sign on the premises which is not greater than 70 square feet and which is illuminated by not more than one one-hundred-fifty-watt bulb. No printed material, video, photograph, written text other than the name of the establishment, live show, or other visual presentation format shall be visible from outside the walls of the establishment. Notwithstanding the Henderson County Noise Ordinance,^{EN} no live or recorded voices, music or sounds shall be heard from outside the walls of the establishment.
 - (n) Adult establishments are prohibited on a protected mountain ridge.
 - (o) Owners and/or operators shall be required to meet the application requirements of § 200-38.3 of this chapter.
-

§ 200-17. R-10 High-Density Residential District.

This district is intended to be a high-density neighborhood consisting of single-family and two-family residences and small multifamily residences. It is expected that public water facilities and public sewage facilities will be available to each lot, providing a healthful environment.

A. Within the R-10 High-Density Residential District, the following uses are permitted:

- (1) Single-family dwellings, excluding manufactured homes. [Amended 12-15-1993]
- (2) Two-family dwellings.
- (3) Apartments, provided that they be no larger than a four-family dwelling on a single lot; furthermore, provided that there be a planted buffer strip along the side and rear property lines, except where such lines run parallel and contiguous with streets, streambeds, lakes and railroad tracks.
- (4) Garage apartments (one per lot).
- (5) Churches, provided that:
 - (a) The structures are placed not less than 50 feet from all property line.
 - (b) They are located with access to a street, as shall be determined by the Zoning Administrator.
 - (c) There is a planted buffer strip along the side and rear property lines, except where such lines run parallel and contiguous with streets, streambeds, lakes and railroad tracks.
- (6) Church cemeteries on property contiguous to or adjacent to the principal church assembly building, provided that all plots shall be set back at least 20 feet from any property line.
- (7) Church bulletin boards not exceeding 12 square feet in area.
- (8) Signs not more than four feet square in area advertising the sale or rental or property on which they are located.
- (9) Transformers and public stations, provided that:
 - (a) Transformer stations:
 - [1] The structures are placed not less than 75 feet from any property line.
 - [2] The structures are enclosed by a woven-wire fence at least eight feet high.
 - [3] No vehicles or equipment is stored on the premises.
 - [4] There is an evergreen planted buffer strip along the side and rear property lines of residential zoned property.
 - (b) Public utility stations:
 - [1] The structures are located on sufficient land to meet all setback requirements of this chapter.

- [2] The stations are completely enclosed, either by a building or a wire fence at least eight feet high.
 - [3] There is an evergreen planted buffer strip along the side and rear property lines of residential zoned property.
- (10) Customary accessory buildings, including private garages, noncommercial greenhouses and workshops.
 - (11) Public schools having multiple curricula and private schools having curricula approximately the same as ordinarily given in public schools.
 - (12) [Added 11-7-1983] Civic and cultural buildings, including auditoriums, theaters for the performing arts, museums, art galleries, symphony and concert halls and historical societies, provided that:
 - (a) The structures are placed not less than 50 feet from any property line.
 - (b) They are located with access to a street, as shall be determined by the Zoning Administrator.
 - (c) There is a planted buffer strip along the side and rear property lines, except where such lines run parallel and contiguous with streets, streambeds, lakes and railroad tracks.
 - (d) The facility is operated not for profit and satisfactory proof of the tax-exempt status of the organization is exhibited to the Zoning Administrator.
 - (e) One parking space is provided for each two seats in auditoriums, theaters and symphony and concert halls.
 - (f) One parking space for each 100 feet of gross floor space directed to patron use shall be provided for museums, art galleries and historical societies.
 - (13) Group 1 communications towers and tower activities (as defined in and subject to the requirements in § 200-38.1). [Added 3-2-1998]
 - (14) Group 2 communications towers and tower activities (as defined in and subject to the requirements in § 200-38.1). [Added 3-2-1998]
 - (15) Family care homes, provided that no new family care home shall be located within a one-half-mile radius of an existing family care home. [Added 7-7-1998]
- B. Special uses. The following uses shall be permitted, subject to a finding by the Board of County Commissioners that both the conditions in the definition of "special use" in § 200-7B and those conditions listed below will be met:
- (1) Planned unit developments, subject to the conditions listed under § 200-33 of this chapter.
 - (2) R-O Residential Open Spaces Development, subject to the conditions listed under § 200-35 of this chapter.
 - (3) R-A Residential Apartment Development, subject to the conditions listed under § 200-36 of this chapter.

- (4) Medical, institutional care development, subject to conditions listed under § 200-37 of this chapter.
 - (5) Group 6 communications towers and tower activities (as defined in and subject to the requirements in § 200-38.1). [Added 3-2-1998]
- C. Conditional uses. The following uses shall be permitted, subject to a finding by the Board of Adjustment that both the conditions in the definition of "conditional use" in § 200-7B and those conditions listed below will be met:
- (1) Parks, camps, tennis and racquet clubs and golf courses. (Miniature golf courses and practice driving tees operated for commercial purposes are not allowed.)
 - (2) Customary incidental home occupations, including, but not limited to, dressmaking, cooking, baking, music instruction, the practice of such professions as insurance, medicine, artistry, architecture and accounting, shall be permitted as accessory uses in a residence.
 - (3) Libraries.
 - (4) Nonchurch-related cemeteries.
 - (5) Bed-and-breakfast inns. [Added 12-23-1992]
- D. Dimensional requirements. Within the R-10 High-Density Residential District as shown on the Zoning Map, the following dimensional requirements shall be complied with:

| Minimum Lot Area (sq. ft.) | Minimum Lot Area Per Dwelling Unit (sq. ft.) | Maximum Building Height (ft.) | Minimum Front Yard Setback | | |
|----------------------------|--|-------------------------------|---|------------------|-------------------------------|
| | | | From Center Line of Street Major ¹ (ft.) | All Others (ft.) | Minimum Yards Side Rear (ft.) |
| 10,000 | 10,000 (1 family) | 35 | 75 | 50 10 | 10 |
| | 5,000 (2 or more families) | | | | |

NOTES:

¹ Where the major street is more than two lanes, including parking lanes, setback requirements shall be measured and begin at a point on the pavement 12 feet from the edge of the paved street abutting the property in subject.

Henderson County Planning Board Minutes September 25, 2001

Excerpt

Review of Application # R-03-01 to Rezone Approximately 222.31 Acres on Butler Bridge Road, East of the French Broad River – William M. Alexander, Jr., Agent for Hollabrook Farms, Inc., Applicant. Mr. Freeman stated that there has been a discussion to send this to a subcommittee and therefore he asked the Planning Board members what they would like to do. Chairman Pearce stated that most rezoning applications go to subcommittee for review. He stated that the Board has 45 days from today to make a recommendation to the Board of Commissioners on any rezoning applications and asked the Board members what their preference was. Mr. Carpenter stated that a number of the members were on the Subcommittee dealing with Mills River and a lot of this we have dealt with fairly recently and from that point of view, it is not anything that we haven't seen or known about. Mr. Alexander feels that the issues are fairly clear on the first rezoning application and would like the Board to consider this application. He feels that the other rezoning application (R-04-01) requires much discussion and would agree in sending it to a subcommittee for further study.

Mr. Freeman stated that the subject property is located on the south side of Butler Bridge Road between the points where Butler Bridge crosses the French Broad River and I-26. The applicants are requesting that the county rezone approximately 222.31 acres of land from Open Use District to I-2, General Industrial district. Mr. Freeman stated that the basic difference between I-2 and Open Use district would be that the Open Use District allows virtually everything with the exception of hazardous waste disposal facilities, radioactive waste disposal facilities and adult establishments. He stated that in comparison, I-2 District allows a wide array of commercial uses is allowed, in particular, just about every industrial use. Mr. Freeman said that the biggest concern that Staff has with this rezoning request is that well over half of the property, according to the latest floodway maps, is in the floodplain. He said that Staff's opinion is since we do not have any sort of flood ordinance or anyway to control development in the floodplain the real issue is the choice between the possibility of residential in the floodplain versus the ability to exclude residential through the choice of I-2. He said that Staff is choosing between industrial, guaranteed industrial or agriculture versus a whole range of things including agriculture/industrial plus residential in the floodplain. He feels that Staff's preference is that I-2 is a lower risk in the floodplain. He said the Mills River Land Use Study recommends industrial at that location, as well as the Henderson County Comprehensive Land Use Plan and Advantage West and we anticipate that the Committee of 100 will support industrial at that location through their forthcoming recommendations. Mr. Freeman suggested that the Planning Board consider developing and submitting to the Board of Commissioners a local Flood Hazard Prevention Ordinance and that he added, is supported by the Henderson County Fire Marshal and by recommendations in the Mills River/Fletcher area land use study. Mr. Carpenter asked whether the Planning Board has ever received instructions dealing with the implementation of a Flood Hazard Prevention Ordinance by the Board of Commissioners. Ms. Smith stated that it is on the list if priorities for Staff have been discussed with the County Manager. Mr. Carpenter stated that it had been discussed during some meetings of the Mills River/Fletcher Land Use Study and had been proposed as a countywide ordinance effort, but it has not been something that has been instructed to do as of yet. Mr. Freeman pointed out on a map regarding the proposed rezoning several areas of residential use that have the potential to be affected by any industrial use. Ms. Nesbitt asked what portion of this property actually floods. Mr. Freeman said according to FEMA, well over half has the potential for flooding and through conversations of people in the area, it has flooded from time to time. Ms. Nesbitt stated that what it states on the flood map and what really floods are two different things and not necessarily correct. Mr. Moyer stated that with respect to the development of the County's Comprehensive Plan, he does not know how a 10 to 15 year plan can be implemented without dealing with the floodway/floodplain issue. He said where

the County is going to have development, with the land the County has left and what land is in the floodway, unless that issue is addressed he feels that it will be a problem for the Comprehensive Land Plan. He encouraged that a Flood Hazard Ordinance will be put into place, which he feels is part of the planning process. Chairman Pearce stated that he agrees that it should be a part of the planning process but unfortunately the information the Board has now needs to be updated.

Mr. William Alexander stated that on the agenda it states *Hollabrook Farms, Inc.* but that it should be Hollabrook Farms Partnership. Mr. Alexander pointed out the area that the French Broad River runs on the subject property and where the confluence of the French Broad River and Mud Creek meet. He stated that this property was off the market as an industrial site because it was under contract with the City of Hendersonville as the site for the proposed new sewer treatment facility for the City of Hendersonville. He stated that at that time it was an ideal location because it was at the lowest point confluent to Mud Creek and the French Broad River. He said that when the City decided to not pick up its option on the property, because they had decided to repair their existing facility, then the Hollabrook Farms Partnership decided to market the subject property as an industrial site. Mr. Alexander pointed out the relation of the subject property to nearby industrial sites and its close proximity to I-26 as well as the new ABWA waterline location and the location of the new proposed Cane Creek sewer district line. Mr. Alexander stated that the property owner feels that this is one of the best industrial sites in the county, because of the topography of the land and that the land is slightly less than half in the flood zone. He mentioned that approximately 100 acres flood when the river comes out of its banks and that portion of the property is usable by industry for various uses that are not affected by flooding such as parking lots, and sewer treatment facilities. He stated that the Hollaman family has a retained easement to access utilities along the Butler Bridge side to allow provision of both water and sewer purpose to this property and for these reasons becomes an optimum property for development as an industrial site. He said the Board might question why with the current Open Use designation on the property, why would we seek a more restrictive zoning by going to a general industrial zoning classification rather than keeping it in Open Use. He said because the county is moving toward a comprehensive land plan and the Hollaman family feels that in the marketing of this property that the designation of this property as a heavy industry site will aid in the marketing and be within the comprehensive plan regulations as well as the Fletcher Flood plan. In conclusion, Mr. Alexander stated that the property owner want the certainty to be able to market this property for industrial use.

He stated he does not believe that there is any limitation by virtue of the access over Butler Bridge road, in fact, we believe the multi-faceted access to the property from different locations (off the NC 280 connector, off I-26, off Butler Bridge Road, off Jeffress Road) lends itself various approaches. He said with regard to Staff making a recommendation regarding Flood Hazard Ordinance, it is a good point that any industrial developer of property is going to be in a large degree is going to understand those issues and not likely to be damaged by any ignorance of floodplain issues and before they do any infilling they will need to find out whether they are in compliance with the Ordinance. Mr. Alexander requested that the Planning Board not make a recommendation for the Flood Hazard Ordinance in conjunction with the recommendation relative to the rezoning application as the implementation of this Ordinance is a countywide problem and should be addressed on a countywide basis and not to be tied specifically to this rezoning application. Mr. Allison agrees that Mills River area, in particular this subject property should be designated as industrial, but that the Flood Hazard Ordinance not be considered along with this rezoning recommendation. Chairman Pearce asked that each Board member carefully look over each zoning district (Open Use, I-1 and I-2) to compare what is allowed and not allowed in each district. Mr. Freeman stated that the biggest difference with the Open Use District and I-2 (Light Industrial) District would be residential. I-2 does not under any circumstance allow for any type of residential development. Chairman Pearce pointed out the items that are allowed in the I-2 District in comparison with the Open Use District. Mr. Wolff stated that this application means that the applicant is giving up all rights for any new additional residential use and that they are getting the right without a special use permit to do some of the uses indicated on the table provided in the agenda packet. Mr. Freeman stated that the primary benefit with regard to the applicant, in giving up those rights, is that they are protected from residential encroachment, so they are gaining

protection from nuisance suits. Mr. Wolff stated that he has talked with some property owners from the development *Glens of Aberdeen* about this subject property and they apparently have no objection and felt that it would not pose any adversely affect the residential character of that neighborhood. Ms. Nesbitt feels that there really is no other use for the subject property but agricultural or industrial use. Ms. Welbourn made a motion to send a favorable recommendation on the rezoning application R-03-01 on behalf of Hollabrook Farms Partnership to the Board of County Commissioners. Walter Carpenter seconded the motion and all members voted in favor.

**EXCERPT OF
NOVEMBER 5, 2001
BOARD OF COMMISSIONERS MINUTES**

**7:00 p.m. PUBLIC HEARING - Rezoning Application #R-03-01 (OU to I-2)
Hollabrook Farms, A Partnership, Applicant William Alexander, Agent**

Commissioner Hawkins made the motion for the Board to go into this public hearing. All voted in favor and the motion carried.

Josh Freeman explained that the Board of Commissioners had scheduled for this date a public hearing on an application by Hollabrook Farms, A Partnership, for a proposed amendment to the Official Zoning Map of Henderson County. The Applicants had submitted an application requesting that the County rezone approximately 222.31 acres from OU Open Use Zoning to an I-2 General Industrial district. The parcel proposed for rezoning is located on the southern side of Butler Bridge Road between the points where Butler Bridge crosses the French Broad River and where it intersects with I-26.

The Henderson County Planning Board reviewed the application at its meeting on Tuesday, September 25, 2001 and voted unanimously to send the Board of Commissioners a favorable recommendation on the application.

In accordance with Section 200-76 of the *Henderson County Zoning Ordinance* and State Law, a notice of public hearing was published in the October 24, 2001 edition of the *Hendersonville Times-News*, and again in the October 31, 2001 edition. The Planning Department sent notices of the hearing via first class mail to the applicants and the owners of property adjacent to and near the subject properties on Friday, October 26, 2001. On Monday, October 22, 2001, Planning Staff posted signs advertising the hearing on the subject property.

Josh Freeman explained that the biggest difference between OU and I-1 is how they treat residential uses. OU allows residential uses by right. I-2 does not allow any residential uses at all. Otherwise the range of allowable uses is virtually the same. All industrial uses allowed in I-2 are also allowed in OU. The primary difference among industrial uses is that heavier industrial uses are allowed by right in I-2 whereas OU requires conditional use permits, special use permits, or other site standards.

Planning Staff supports the recommendation of the Henderson County Planning Board. Staffs only concern was that approximately 50% of the property lies within the 100 year flood plain according to FEMA.

The subject property is located approximately 2 mile from the jurisdiction of the Town of Fletcher, nearest point to nearest point. The western and southern boundaries of the subject property are shown as potential greenway corridors on the most recent draft of the Apple Country Conceptual Greenway Plan, which is a part of the draft Greenways Master Plan. Advantage West has this property listed as an available industrial site in Western North Carolina. The Henderson County Comprehensive Land Use Plan recommends that this area be considered for industrial uses. The Committee of 100 of the Greater Hendersonville Chamber of Commerce has recognized this parcel as one of several in the

immediate vicinity that has been identified as an industrial zone. The subject property is approximately one mile from the Glen Marlow Elementary School.

Public Input

1. William Alexander, Jr. - Mr. Alexander is agent for the applicant. He stated that this use is consistent with the County Land Use Plan, stating that this is one of the few prime industrial sites on that side of Henderson County. The ABWA waterline is over on Jeffries Road and his clients have an easement over to that line from this property. The proposed sewerline extension is currently slated to come up through the Taproot Dairy bottoms on the other side of the river and it would be approx. 500 feet from the border of this property. Of the 222.31 acres, about 118 to 120 acres are high ground with the balance in the flood plain. He understands that currently there is not a flood plain protection ordinance. By restricting this property to general industrial use, it would probably lessen the risk to the public relative to the flood plain.

He mentioned that Myra Hollamon, one of their partners, was present at this meeting.

2. J. Michael Bobbitt, M.D., P.A. - Dr. Bobbitt asked that the Board consider forming a buffer zone next to the R-30 district. He distributed a one page typed hand-out relevant to this request. He felt that there should be a buffer zone between residential and industrial uses. He also spoke about the flood plain.

Upon questioning, Dr. Bobbitt stated that between the residential use and the industrial use would be his 50 acre piece of property (residential) plus a 30 foot wide Mud Creek. He felt there should be more buffering than just flood plain. About 2/3 of his 50 acre piece of property is in the flood plain.

Chairman Moyer mentioned that he received a phone call today from James Macomson, who lives at 310 Wooddale Drive. Mr. Macomson raised two concerns he asked Mr. Moyer to share with the Board:

- the need for a transition zone between residential (R-30) district and an I-2 district
- the amount of property in the flood plain and the possible consequence of filling that property

Chairman Moyer made the motion for the Board to go out of public hearing. All voted in favor and the motion carried.

Commissioner Hawkins discussed briefly the land use immediately adjacent to the approach end of the runway at the airport. He explained that the area where the vasilights run out and in a fan-like fashion for about one half to one mile is one of the most dangerous areas for airplane crashes around an airport. Currently it is all in agriculture use which is good. This piece of property is just outside that area and he felt it would be better utilized as an industrial area with a low number of people versus a high residential area

Following discussion, Chairman Moyer stated that he felt this was a prime industrial site. There had been no protection in this area until just a couple of months ago when the Board put Open Use Zoning in the area. He made the motion to approve the requested zoning change. All voted in favor and the motion carried.



Looking to the west along Butler Bridge Road at the Subject Area and a portion of the residential neighbors.



Looking at the most eastern portion of the Subject Area from Butler Bridge Road.



Looking at a southern portion of the Subject Area.



Looking west from the Subject Area to North Rugby Road.



Looking at the southern back of the Subject Area toward the floodplain.



Looking at a southwestern portion of the Subject Area.

**Henderson County Planning Board Minutes
January 18, 2005**

Excerpt

Zoning Map Amendment Application (#R-04-05) to Rezone Approximately 106.57 Acres Located off Butler Bridge Road, from an I-2 (General Industrial) Zoning District to an R-10 (High-Density Residential) Zoning District – William M. Alexander, Jr., Agent for Hollabrook Farms, Applicant.

Ms. Radcliff stated that on December 20, 2004, Hollabrook Farms submitted a rezoning application, # R-04-05, requesting that the County rezone a 106.57- acre approximate parcel of land, from an I-2, General Industrial, zoning district to an R-10, high-density residential, zoning district. She said that the parcel is located off Butler Bridge Road and is approximately less than 200 feet east from where Butler Bridge Road crosses the French Broad River and the Town of Mills River boundary. The subject area is also located ½ mile from the jurisdiction of the Town of Fletcher, 4/10 of a mile west of the intersection of Butler Bridge Road and I-26, within one mile of Glenn Marlow Elementary School and approximately two miles from the Asheville Regional Airport. Ms. Radcliff stated that the southwestern portion of the subject area is located within the 100-year floodplain, and this information is from the County's flood maps, which is outdated and therefore there is a possibility that the boundaries may be off somewhat.

Ms. Radcliff stated that the subject area is currently zoned I-2, which was applied on November 5, 2001 as a result of a rezoning application submitted by Hollabrook Farms, requesting a change to the parcel's prior Open Use zoning. The parcel was the subject of rezoning application R-03-01, contained 222 plus acres and has since been subdivided. With the exception of the ten parcels to the north of the subject area that are zoned Open Use, the subject area is surrounded on the north, south, and west by a County I-2 zoning district. Ms. Radcliff said that the land to the east and north of the subject area is part of the US Highway 25 North Zoning Study and is recommended by the Planning Board to be zoned R-15, RC, and C-4. She said that in addition, it is also located in close proximity to the Town of Mills River. The Town of Mills River zoning in the vicinity of the subject area includes an MR-Light Industrial district along Butler Bridge Road and an MR-30 Residential district surrounding the MR-Light Industrial district.

Ms. Radcliff gave a brief summary of the I-2 General Industrial District and the R-10 High-Density Residential District, noting their differences as well as what is permitted and not permitted in the

two districts. She said that the subject area is currently utilized for agricultural purposes and most of the uses within the vicinity of the area are either residential or agricultural in nature, but east of the subject area at the intersection of Butler Bridge Road and US 25 and also US 25 and I-26, there is a considerable amount of heavy commercial and light industrial development. She said that within a mile west of the subject area, the Cane Creek Sewer District has an existing public sewer line that serves the Glenn Marlow Elementary School and the Regional Water Authority has a main water line located at the intersection of Jeffries Road and Butler Bridge Road. She stated that the subject area does not have access to the water line at the present time and it would need to be accessed across the French Broad River. Ms. Radcliff said that in addition, the new Mills River interceptor line (sewer) will soon be available but connections to this line from the subject property would require crossing the French Broad River also. In addition, the City of Hendersonville has a water line fourth-tenths of a mile east of the subject area near North Rugby Road.

Ms. Radcliff said that regarding the previous rezoning request, on August 24, 2001, Hollabrook Farms submitted an application requesting that the County rezone approximately 222.31 acres of land located on the south side of Butler Bridge Road, between the points where Butler Bridge Road crosses the French Broad River and crosses I-26, from an Open Use zoning district to an I-2 zoning district. She said that a portion of rezoning application # R-03-01 included the subject area of rezoning application # R-04-05. Ms. Radcliff showed on a map the entire area of the rezoning application at that time and said that the property has since been subdivided. She showed that the upper corner is the portion of this rezoning request and that the lower portion is an I-2 zoning district. She stated that on September 25, 2001, the Planning Board voted unanimously to recommend to the Board of Commissioners that the subject parcel be rezoned to I-2 based on the fact that there was no objection from adjacent property owners, that the I-2 zoning district would not adversely affect the residential character of the neighborhood, and due to the location of the floodplain, the subject parcel was more suitable for agricultural or industrial uses. She stated that on November 5, 2001, the Board of Commissioners held a public hearing and voted to approve rezoning application # R-03-01 as submitted.

Ms. Radcliff stated that the US Highway 25 North project to widen the highway to five lanes is currently underway. The Henderson County Board of Commissioners and the Henderson County Transportation Advisory Committee recommendations to NCDOT for the 2006-2012 draft TIP recommended for the widening of I-26 from the US 25 connector to NC 280 from four lanes to six lanes.

Ms. Radcliff said that the Mills River/Fletcher Land Use Study was approved by the Planning Board and it voted to send a favorable recommendation to the Board of Commissioners. The study was presented to the Board of Commissioners on March 21, 2001. She said that study shows the subject area lies within that study area and is identified as being marketed as a possible industrial location. The Study recommends that the area be used for industrial purposes.

Ms. Radcliff said that both the text and the map of the 2020 CCP identify the subject area as being located in the Urban Services Area and suitable for industrial development, with a portion of the subject area being identified for conservation. She also stated that the former Committee of 100 recommended that the area in the vicinity of the subject area, including the area itself, be zoned for industrial development. In addition, an existing industrial zoning district surrounds three sides of the subject area. The presence of existing industrial districts and the potential of future industrial development would offer little protection except for any required vegetated buffering, to an R-10 residential district. She said that I-2 zoning was applied to the subject area on November 5, 2001 at the request of the current property owner and was supported by Planning Staff, the Planning Board, and the Board of Commissioners. Ms. Radcliff said that Staff has identified no plans or policies, changes in existing conditions, undue hardship to the applicant or overriding community interest that would justify granting the proposed rezoning. Although, it should be noted that the Planning Board recommended in the US Highway 25 North Zoning Study for the adjacent property to be medium-density residential. She said it is generally incumbent upon the applicant to demonstrate an overriding justification for approving a given rezoning application and that Staff encourages the applicant to present any information that would inform the County's consideration of the proposed rezoning. The R-10 district text states that *it is expected that public water facilities and public sewage facilities will be available to each lot, providing a healthful environment.*" Although water and sewer are available at or near the subject area making it

desirable for high-density development, accessing public sewer would require having to cross the French Broad River by attaching a line at the bridge on Butler Bridge Road. The Henderson County Zoning Ordinance would not require the applicant to connect to these utilities. Ms. Radcliff said that the location of the subject area to US Highway 25, I-26, and the proximity to the Asheville Regional Airport makes it suitable to support industrial development.

Ms. Radcliff stated that the Board must ask the following question, "Should the subject area and the surrounding area still be identified for industrial development?" She said it should be pointed out that until the countywide industrial/commercial zoning study and the NC 191 South/Mills River East Small Area Plan are completed, which are expected to be completed within the next two years, the answer to this question is unknown.

Mr. Alexander reviewed the history of the property and said that it was originally purchased by John and Myra Hollamon in 1963 and was operated as a commercial dairy farm until 1995, when it was then discontinued as a dairy operation, due to the size of the operation and for economic reasons. He stated that the property was placed on the market in 1992 as a potential industrial site and continuously after 1995 it has been marketed as an industrial site and has been placed with a number of brokers as well as with the Chamber of Commerce. In the entire period of time up through today, there have been no offers from any potential industrial purchaser. Mr. Alexander stated that in 2001, in an effort when the County first zoned this property as Open Use, the Hollamon family, still anticipating an industrial application of the property, applied to the Planning Board and the Board of Commissioners for a rezoning to an I-2 zoning district. He said that it was felt at that time that the in-place zoning of the property as a heavy industrial site would help attract and assure potential purchasers to the property for industrial application. He said they had prepared the application in the summer of 2001, and by fall of 2001 the economic environment of the U.S. changed. He added that the Hollamon family continued marketing the property until recently, as an industrial site and has finally determined that the highest and best use for the property at the present time would be for high-density residential use.

Mr. Alexander stated that in the County's prior Land Use Plan, it showed that the proposed industrial areas included not only this property but over into the Town of Mills River to the west,

where the Hollamon family owns another industrial site, and essentially everything around the Town of Fletcher, Naples area and to the east and north of Fletcher and Naples. He said that although this future Land Use Plan identified this general area for industrial development, the Planning Board in its recommendations to the County Commissioners on the US 25 North corridor plan, recommended against industrial development on other properties that were previously identified as industrial within the proposed future Land Use map. He said he feels that this is an acknowledgement of existing land uses and many other planning factors. Mr. Alexander also pointed out on the US 25 North Zoning Map that surrounding the subject parcel is industrial zoning. Mr. Alexander pointed out that there have been a number of changes in the overall environment since the enactment of I-2 zoning on this property in 2001. The first is the change in the economic environment and the availability of proposed industrial would not be as important. Secondly, when the subject property in 2001 was first zoned I-2, the Tap Root property, which adjoins the subject property, was not zoned I-2, it was zoned Open Use and was zoned I-2 subsequent to the Hollabrook Farms initial application. Third, in 2001, there was the ABWA water main which was available down through the Mills River valley on the other side of the river and went right up to the property owned by the Hollamon family, but there was no sewer in place at that time or any assurance of sewer. Mr. Alexander said that at this point in time, we can safely assume that the sewer line is coming into being and is under construction in certain portions. The Cane Creek project (sewer line project) will give direct access of this property to the sewer line, but will involve running a force main for high density residential development across the French Broad River. He said the Hollamon family in anticipating that, when they sold their river bottoms on the other side of the river and also when they sold the floodplain portion that surrounds this subject area, they reserved easements in those instruments necessary to allow them to run lines to both the existing water and water main and the projected Cane Creek sewer line.

Mr. Alexander said that the portion that was sold from the original tract was approximately 109.61 acres and that is essentially the floodplain portion of the original ground. What the Hollamon family has retained is the high ground portion of the parcel. Mr. Alexander said that the one previous use of this particular tract that was proposed a number of years ago that would have classified it as industrial use was when the Hollamon family contracted to sell the entire parcel, both tracts, to the City of Hendersonville for a future public sewer treatment facility. He said that in

response to the reaction of the nearby neighbors regarding this, the City of Hendersonville elected to forego that opportunity and build onto its existing plant. He said that this is the only industrial application known to the Hollamon family in the last twenty years. He said according to the County's CCP, the entire subject parcel is located within the Urban Services Area as identified by the Board of Commissioners and is an appropriate area to concentrate high density residential development.

Mr. Alexander said that the Hollamon family has acknowledged for many years the ability of this property to be used for industrial and do not dispute the fact that it is a good use for the property. Mr. Alexander stated that most industries are concentrating near the Highway 280 corridor as it gives them visibility and access to a four or five lane road as compared to the subject parcel, which is located on a two-lane road. He said that in terms of marketing and meeting the needs of the County for heavy industrial sites, the Tap Root property across the road is better. He also said there is a need for affordable housing for the employees of those industries. (Mr. Alexander handed out a report from the Land-of-Sky Regional Council entitled *Regional Vision 2010*). Mr. Alexander said that the Regional Vision report acknowledges that to maintain the economic health of our community, it is critical that we attract industrial development to attract higher paying jobs. Mr. Alexander pointed out that the report states the need to, "*create greater supply of and improve access to affordable housing*" and he feels that is the most important justification and purpose for the rezoning application. He further mentioned that the subject land could provide badly needed affordable housing near potential industrial sites, a key recommendation of the Land-of-Sky Regional Council's report. He added that by the use of high-density housing, more land will be available for green space and rural conservation. In closing, Mr. Alexander asked for the Board's support on the rezoning request.

Mr. Cooper opened public input.

Scott Hamilton. Mr. Hamilton identified himself as the Executive Director of the Henderson County Partnership for Economic Development, which is the economic development division of the Greater Hendersonville Chamber and was formerly called "The Committee of 100." He, along with several Chamber of Commerce members present urged the Planning Board to keep industrial

zoning for the 106 acres because the County has limited sites to attract new industrial employers. He noted that housing and schools compete with industry for land. He also cited its gentle rolling topography and its close proximity and location to the Asheville Regional Airport, I-26 and gas, water and sewer infrastructure. He noted that the property across the street is Tap Root Dairy/Johnson Farm and it is zoned industrial. He said that changing the subject parcel to residential could adversely impact their marketing nearby property to an industry because the industry might look at the proximity to residential units that may be in and around an area as a liability. He said that this would also depend on the type of manufacturing that would come into the area. He spoke about manufacturing wages and the economic benefits of industry. He pointed out the industrial sites along Highway 280 and requested that the Partnership would like to see the subject property remain industrial, but he also understands and respects the property owner's request.

Mr. Cooper said that the Board could approach this in several ways. The Board could send forward a recommendation to the Board of Commissioners or the Board could send it to a subcommittee. Mr. Cooper asked Board members how they feel about the rezoning application and what the Board should do. Mr. Laughter said that he feels, like the former Committee of 100, that this area is in significant need of industrial uses. He said that high-density residential activity would significantly impact the other areas for other potential companies that may want to come into the area. Mr. Patterson said he feels that the Tap Root Dairy property might be a better site to develop for industrial use because of the sewer and water issue, but he does not feel it would be beneficial to send the request to a subcommittee. He was comfortable with voting on it. Mr. Parce, Mark Williams and Stacy Rhodes felt that they are prepared to vote on this issue. Mr. Patterson pointed out that affordable housing was brought up in this discussion, but he feels that there is no guarantee that there will be affordable housing there. He added that while studying the Comprehensive Plan, the members could not define what affordable housing is. He does not feel that a home costing \$ 150,000 is affordable housing, and therefore the Board can not and should not look at that aspect of the rezoning application.

Mr. Laughter made a motion to send an unfavorable recommendation on the rezoning application to the Board of Commissioners based on the recommendations that Staff submitted in their report to the Planning Board. Paul Patterson seconded the motion. Tommy Laughter, Paul Patterson and Mike Cooper voted in

favor of the motion. Mark Williams, Stacy Rhodes and Jonathan Parce voted against the motion. Because it was a 3 to 3 vote, the motion failed and Board members decided to make another motion. Jonathan Parce made a motion to send a favorable recommendation to the Board of Commissioners. Mark Williams seconded the motion. Mr. Parce said that his vote was based on the fact that the applicant submitted a good case for the rezoning request and that all around the area will be residential, and the area along the river is sold to another developer and he understands there will be a conservation easement. Mr. Cooper as well as Mr. Williams felt that the applicant has tried to market it for industrial development without success and understand the property owner's request to change. Jonathan Parce, Mark Williams, Stacy Rhodes and Mike Cooper voted in favor of the motion. Paul Patterson and Tommy Laughter voted against the motion. The motion carried 4 to 2.

**NOTICE OF PUBLIC HEARING
ON PROPOSED ZONING MAP AMENDMENT
(Rezoning Application # R-04-05)**

The Henderson County Board of Commissioners will hold a public hearing on an application for a proposed amendment to the Official Zoning Map of Henderson County, North Carolina that would rezone a 106.57-acre (approximate) parcel of land (PIN 00964290513855), located off Butler Bridge Road (SR 1345), from an I-2 (General Industrial) zoning district to an R-10 (High-Density Residential) zoning district. The applicant and owner of the subject property is Hollabrook Farms, and the applicant's agent is William M. Alexander, Jr.

The public hearing will be held on Wednesday, March 9, 2005, at 7:00 P.M, in the Board of Commissioners Meeting Room located in the Henderson County Administration Building, at 100 North King Street in Hendersonville, NC. The public is invited to attend and comment on the proposed amendment.

Written comments addressed to the Henderson County Board of Commissioners, 100 North King Street, Hendersonville, NC 28792, will be accepted prior to the hearing. Information about the proposed amendment is available for review in the Henderson County Planning Department, 101 East Allen Street, Hendersonville, NC, between the hours of 8:00 A.M and 4:30 P.M., Monday through Friday, or on the Henderson County Website at <http://www.henderson.lib.nc.us/county/planning/rezonings/main.html>
For more information, call the Planning Department at (828) 697-4819 [TDD for the hearing impaired (828) 697-4580].

Please note that after considering public hearing comments, the Board of Commissioners may discuss other options or make changes to the proposed amendment before taking final action.

Elizabeth Corn
Clerk to the Board
Henderson County Board of Commissioners

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