

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARING

Rezoning Application #R-2005-03
(O&I to R-10)

Blue Ridge Community College, Applicant
Jon Laughter, Applicant's Agent

Meeting Date: Tuesday, September 6, 2005

- Attachments:**
1. R-2005-03 Application (with partial attachments)
 2. Staff Report
 3. Site / Current Zoning Map
 4. Vicinity / Current Zoning Map
 5. Current Land Use Map
 6. 2020 County Comprehensive Plan Future Land Use Map
 7. O&I District Text
 8. R-10 District Text
 9. June 6, 2005 Memo from Henderson County Emergency Services
 10. Excerpt of Planning Board Minutes from June 21, 2005
 11. Excerpt of Planning Board Minutes from July 19, 2005
 12. Notice of Public Hearing

SUMMARY OF REQUEST:

Rezoning Application #R-2005-03, which was submitted on April 19, 2005, requests that the County rezone approximately 26.8 acres of land, located off College Drive (SR 1920), from an O & I (Office and Institutional) zoning district to an R-10 (High-Density Residential) zoning district. The Subject Area appears to be a portion of parcel 9588-02-0399 and parcel 9578-94-1074, both of which are owned by Blue Ridge Community College. The Applicant is Blue Ridge Community College, and the Applicant's Agent is Jon Laughter.

The Henderson County Planning Board first considered rezoning application #R-2005-03 at its regularly scheduled meeting on June 21, 2005. During that meeting, the Board voted 8 to 1 to postpone making a recommendation to the Board of Commissioners on the rezoning request until the regularly scheduled July meeting to allow Blue Ridge Community College the opportunity to provide the Board with any additional information that would inform the Board on its decision.

On July 19, 2005, the Planning Board, after hearing from various representatives of Blue Ridge Community College, voted 6 to 1 to send the Board of Commissioners a favorable recommendation on rezoning application #R-2005-03 to rezone the Subject Area from an O-I zoning district to an R-10 zoning district.

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 September 6, 2005, public hearing regarding rezoning application #R-2005-03 were published in the Hendersonville Times-News on August 17, 2005 and August 24, 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 August 25, 2005. Planning Staff posted signs advertising the hearing on the Subject Area on August 26, 2005.

COUNTY MANAGER'S RECOMMENDATION / BOARD ACTION REQUESTED:

Following the public hearing, Board action to approve, modify or deny rezoning application #R-2005-03 would be appropriate.

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

1. PROPERTY OWNER INFORMATION

Blue Ridge Community College
Property Owner Name
180 West Campus Drive
Mailing Address
Flat Rock, N.C. 28731
City, State, Zip Code
828-694-1716
Telephone Number(s)

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 26.8 Ac Parcel ID Number(s)* 9588-02-0399
Current Zoning* R-10 Proposed Zoning* Blue Ridge Comm College
9578-94-1074

* 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 Per BRCC

18 April 2005
Date

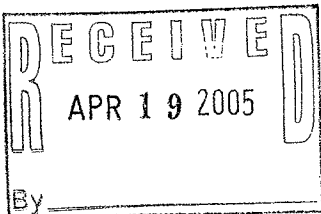
Staff Use Only

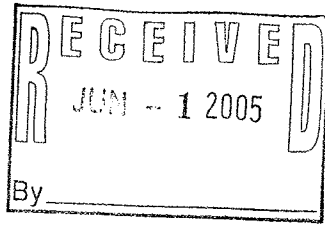
Previous request for same amendment? Yes No Action: NA

Application Received By: [Signature]

Date: NA
Date: 4-19-05

Non-refundable application fee: \$300.00





Office for Administrative Services

26 May 2005

Henderson County Planning Department
101 East Allen Street
Hendersonville, NC 28792

Re: R2005-03

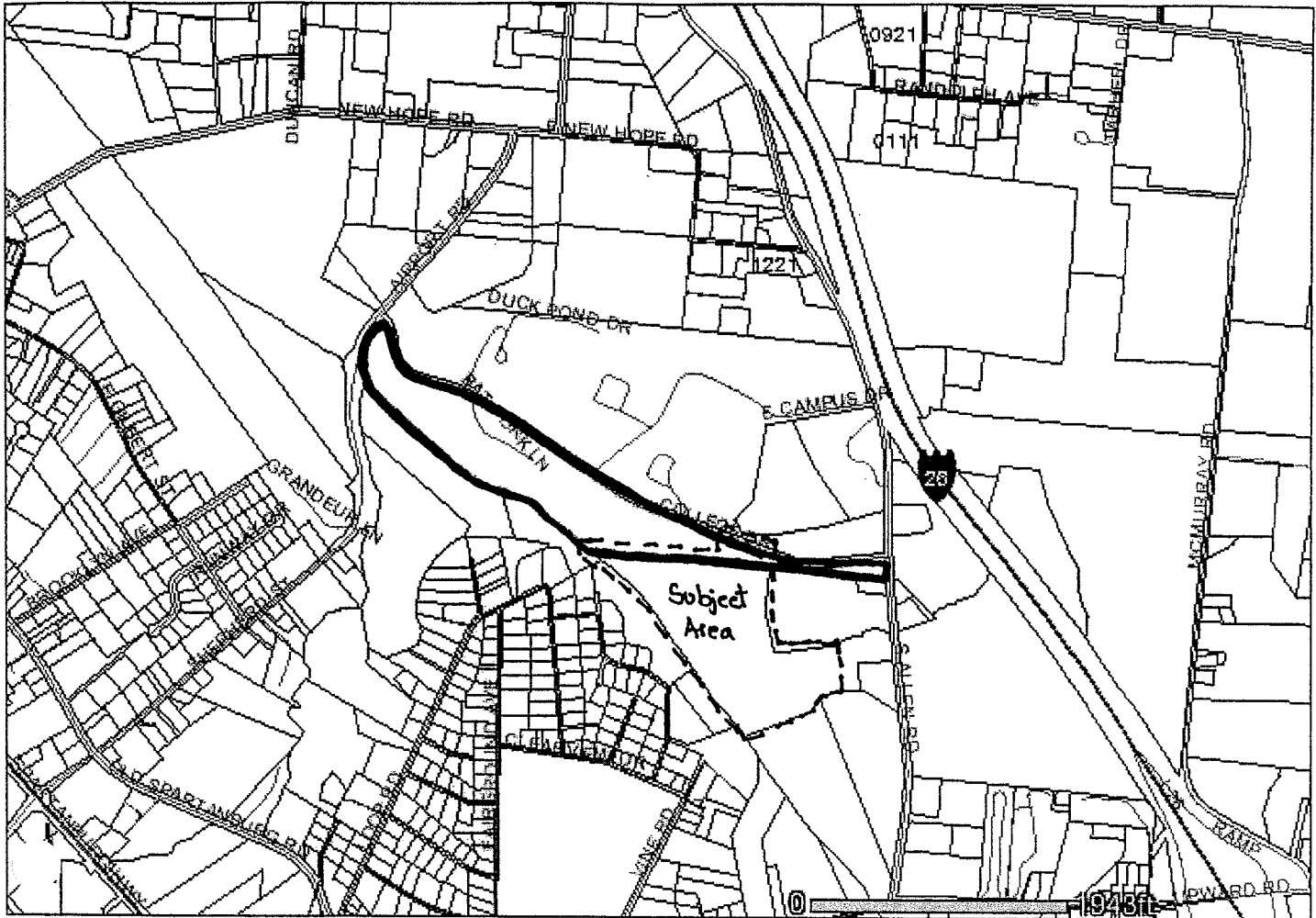
Dear Sirs:

Blue Ridge Community College appoints Jon Laughter to be our agent in the referenced rezoning request. He is authorized to act on our behalf concerning this application.

Sincerely,

Edwin K. Bell
Dean for Administration

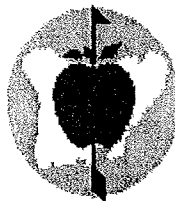
Henderson County Parcel Print Page



***WARNING: THIS IS NOT A SURVEY!

Date: 6/6/2005

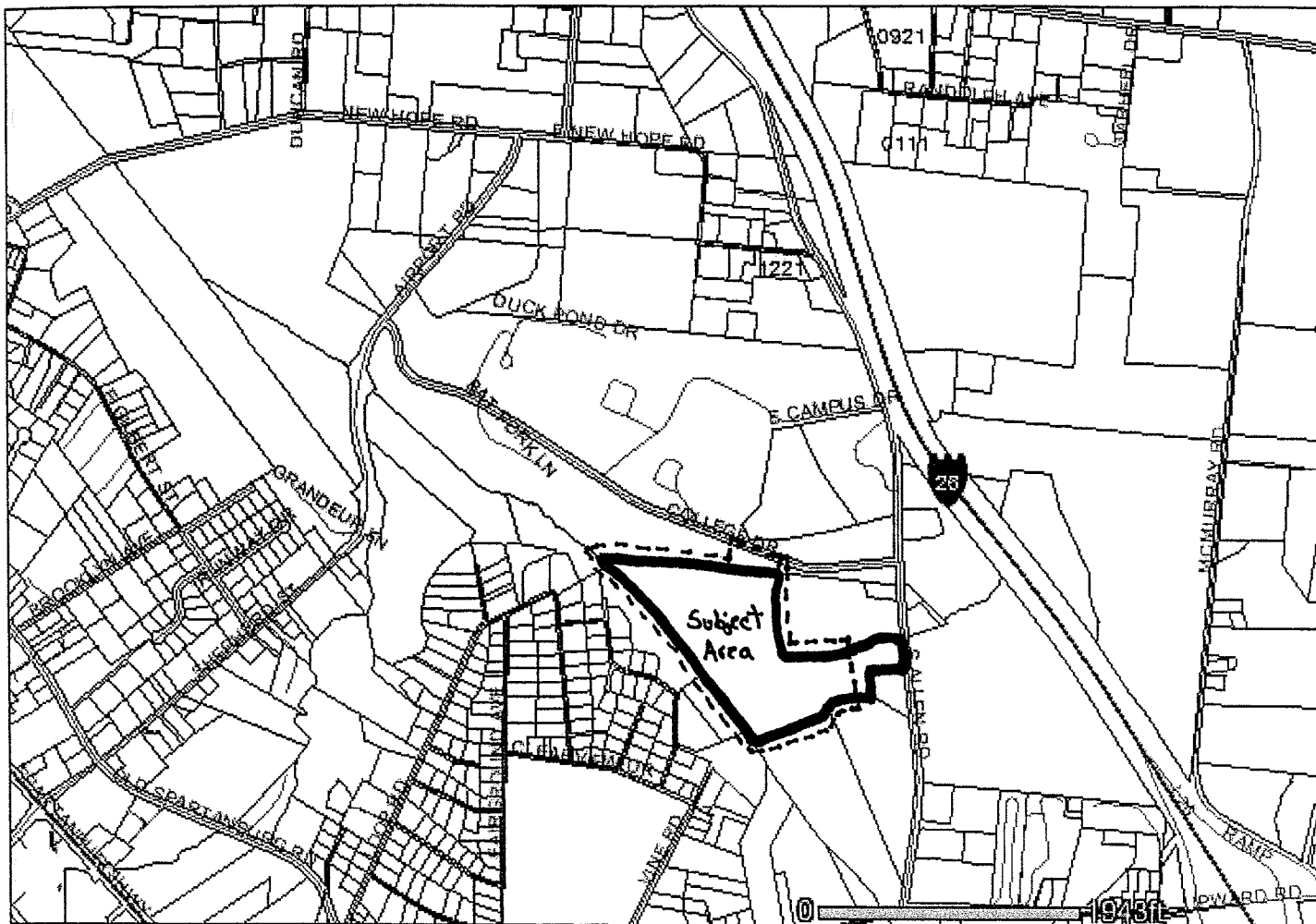
This map is prepared for the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The County and mapping company assume no legal responsibility for the information contained on this map.



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Rec	1
PIN	00957894107455
PID	
NAME_1	
NAME_2	
ADDRESS_1	
ADDRESS_2	
CITY	
ST	
ZIP	
PROP_DESC	
ACRES	0
MAP_SHEET	
NBR_BLDGS	0
DATEREC	
DB_PG	
LAND_VAL	0
BLDG_VAL	0
TOTAL_VAL	0
NBHD_DESC	
Subdivision	
SALE_PRICE	0
LANDUSE	

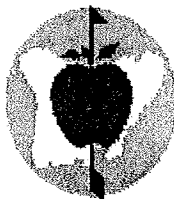
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Date: 6/6/2005

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Rec	1
PIN	00958802039955
PID	
NAME_1	
NAME_2	
ADDRESS_1	
ADDRESS_2	
CITY	
ST	
ZIP	
PROP_DESC	
ACRES	0
MAP_SHEET	
NBR_BLDGS	0
DATEREC	
DB_PG	
LAND_VAL	0
BLDG_VAL	0
TOTAL_VAL	0
NBHD_DESC	
Subdivision	
SALE_PRICE	0
LANDUSE	

Henderson County Parcel Adjoiner Search Results (Page 1)

Rec	1	2	3	4	5
PIN	957883421555	957892237855	958802570055	958812738255	958812161855
PID	111561	9939124	9963749	200696	9955303
NAME_1	BUDD, CHARLES A	ORR, WALTER EDWIN & DORIS	PARTNERS IN HEALTH COND O	HUDDGENS, E S	ARROWOOD, W J & WIFE
NAME_2	BUDD, JENNY S		HENDERSON COUNTY		
ADDRESS_1	520 LOOP ROAD	405 WAKEFIELD DR	511 SOUTH ALLEN ST	823 MCMURRAY ROAD	580 S. ALLEN ROAD
ADDRESS_2		LAKE VIEW EST			
CITY	HENDERSONVILLE	HENDERSONVILLE	FLAT ROCK	FLAT ROCK	FLAT ROCK
ST	NC	NC	NC	NC	NC
ZIP	28792	28792	28731	28731	28731
PROP_DESC	PATTON&BARKER	CLEARVIEW DRIVE ON	COMMON AREA	SR1746 ON ALLEN RD	SR1746 ON ALLEN RD
ACRES	3.51	5.4	9.82	49.05	0.83
MAP_SHEET	9578.16	9578.2	9588.03	9588.03	9588.03
NBR_BLDGS	0	0	0	1	1
DATEREC	8/28/1989	10/3/1980	4/26/1999	7/7/1961	10/27/1970
DB_PG	743/465	593/879	985/710	394/261	479/192
LAND_VAL	5000	34000	206200	287800	19500
BLDG_VAL	0	0	0	500	48100
TOTAL_VAL	5000	34000	206200	31500	67600
NBHD_DESC	EAST FLAT ROCK ZONED	EAST FLAT ROCK ZONED	EAST FLAT ROCK ZONED	BLUE RIDGE	EAST FLAT ROCK ZONED
Subdivision					
SALE_PRICE	0	0	0	0	0
LANDUSE	100	100	801	U110	110

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Henderson County Parcel Adjoiner Search Results (Page 2)

Rec	6	7	8	9	10	By
PIN	958802819455	957891598755	958801945355	958801532455	957891759755	
PID	116717	9939125	9936231	9936230	105124	
NAME_1	RICHARD J CANFIELD TRUST	BISHOP, JOHN CLARENCE	HEATHERLY, ANITA W	TAYLOR, E KENDALL	GLOVER, JEFF BOYD	
NAME_2	CANFIELD, RICHARD J		HEATHERLY, JAMES G	TAYLOR, JO ANN W		
ADDRESS_1	PO BOX 472	403 WAKEFIELD DRIVE	501 S ALLEN RD	684 DUNCAN RD	379 VINE RD	
ADDRESS_2						
CITY	EAST FLAT ROCK	HENDERSONVILLE	FLAT ROCK	FLAT ROCK	EAST FLAT ROCK	
ST	NC	NC	NC	NC	NC	
ZIP	28726-0472	28792	28731	28731	28726	
PROP_DESC	SR1746 ON ALLEN RD	CLEARVIEW DRIVE OFF	SR1746 ON ALLEN RD	SR1722 ON UPWARD RD	PATTON & BARKER	
ACRES	1.73	2.02	10.29	14.47	4	
MAP_SHEET	9588.03	9578.2	9588.03	9588.03	9578.2	
NBR_BLDGS	1	0	4	0	1	
DATEREC	8/21/2000	11/13/1989	7/6/1988	7/6/1988	7/3/1986	
DB_PG	1033/696	747/727	721/715	721/713	679/0889	
LAND_VAL	36300	5100	622500	101200	27700	
BLDG_VAL	361300	0	0	0	19700	
TOTAL_VAL	397600	5100	622500	19200	47400	
NBHD_DESC	EAST FLAT ROCK ZONED	EAST FLAT ROCK ZONED	UPWARD RDI26	EAST FLAT ROCK ZONED	EAST FLAT ROCK ZONED	
Subdivision			PARK PLACE RVP			
SALE_PRICE	0	0	0	0	0	
LANDUSE	501	100	140	U100	110	

Henderson County Parcel Adjoiner Search Results

Rec	1	2	3	4	5	6	7	8	9
PIN	957865337155	957894107455	958813304655	957883421555	958802039955	958802570055	958802884455	958812087155	957873677355
PID	9906868		9968268	111561		9963749	102435	9955304	
NAME_1	HODGES, ROBERT D		MOORE, HAROLD JACK AND MARIE E	BUDD, CHARLES A		PARTNERS IN HEALTH CONDO	HENDERSON CO /POLITICAL S/D	ARROWOOD, DA VID SCOTT	
NAME_2	HODGES, KATHLEEN C			BUDD, JENNY S		HENDERSON COUNTY	OE, NC	ARROWOOD, KIM HEDRICK	
ADDRESS_1	340 BALSAM RD		600 SOUTH ALLEN ROAD	520 LOOP ROAD		511 SOUTH ALLEN N ST	100 N KING ST	586 S ALLEN RD	
ADDRESS_2									
CITY	HENDERSONVILLE		FLAT ROCK	HENDERSONVILLE		FLAT ROCK	HENDERSONVILLE	FLAT ROCK	
ST	NC		NC	NC		NC	NC	NC	
ZIP	28792		28731	28792		28731	28792	28731-0000	
PROP_DESC	AIRPORT RD		SR1746 ON ALLEN ROAD	PATTON&BARKER		COMMON AREA	UPWARD ROAD	SR1746 ON ALLEN RD	
ACRES	44.05	0	9.54	3.51	0	9.82	0.55	0.35	0
MAP_SHEET	9578.02		9588.03	9578.16		9588.03	9588.03	9588.03	
NBR_BLDGS	1	0	1	0	0	0	0	1	0
DATEREC	2/22/1966		8/21/1968	8/28/1989		4/26/1999	4/26/1999	8/15/1995	
DB_PG	437/603		459/673	743/465		9857710	985708	876/117	
LAND_VAL	150800	0	69500	5000	0	206200	16100	13200	0
BLDG_VAL	82700	0	151400	0	0	0	0	90000	0
TOTAL_VAL	131800	0	220900	5000	0	206200	16100	103200	0
NBHD_DESC	BLUE RIDGE		EAST FLAT ROCK ZONED	EAST FLAT ROCK ZONED		EAST FLAT ROCK K ZONED	EAST FLAT ROCK K ZONED	EAST FLAT ROCK ZONED	
Subdivision									
SALE_PRICE	0	0	0	0	0	0	127000	0	0
LANDUSE	U110		110	100		801	801	110	

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Henderson County Planning Department Staff Report

Rezoning Application #R-2005-03 (O&I to R-10) Blue Ridge Community College, Applicant Jon Laughter, Applicant's Agent

1. Introduction

- 1.1. Applicant: Blue Ridge Community College
- 1.2. Applicant's Agent: Jon Laughter
- 1.3. Subject Area PIN's: 00958802039955 & 00957894107455
- 1.4. Application Date: April 19, 2005
- 1.5. Request: Rezone a 26.8-acre (approximate) portion of parcel 00958802039955 & parcel 00957894107455 (hereafter the Subject Area) from an O&I (Office and Institutional) zoning district to an R-10 (High-Density Residential) zoning district. Please see Attachment 3: Site / Current Zoning Map)
- 1.6. Subject Area Size: Approximately a 26.8-acre tract of land

2. Location

- 2.1. Please see Attachment 4: Vicinity / Current Zoning Map
- 2.2. The Subject Area is located in the southern portion of the Blue Ridge Community College property off College Drive (SR 1920), approximately 900 feet west of the intersection of College Drive and South Allen Road (SR 1756). The Subject Area is situated between the Herman Weisberg Training Center (used for fire, rescue and other emergency services training) located to the west, and the Elizabeth House and Pardee Care Center facilities, located to the east.
- 2.3. The Subject Area has approximately 240 feet of road frontage along College Drive.
- 2.4. The Subject Area is also located approximately three-tenths (0.3) of a mile west of I-26.

3. Current Zoning

- 3.1. Please see Attachment 5: Current Land Use Map

3.2. The Subject Area is currently zoned O&I, which was applied on October 1, 1990, as part of the East Flat Rock Phase I Land Use Plan.

3.3. Adjacent Zoning:

3.3.1. The Subject Area is surrounded on the north and east by an O&I zoning district, to the south by a C-4 (Highway Commercial) zoning district, and to the west by an R-20 (Low-Density Residential) zoning district.

3.4. Comparison of Districts:

3.4.1. Please see Attachments 7 & 8: District Text Descriptions

3.4.2. O&I Office and Institutional Zoning District

3.4.2.1. **O&I Office and Institutional Purpose Statement:** *"This district is intended to provide a compatible mixture of office, low-density residential, light commercial and institutional uses"* (Henderson County Zoning Ordinance [HCZO] § 200-26).

3.4.2.2. O&I is a mixed-use district that allows a variety of uses. These uses include: single-family dwellings (excluding manufactured homes), two-family dwellings, apartments (provided that they be no larger than a four-family dwelling on a single lot), 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, offices, governmental and civic uses, radio and television studios, travel agencies, family care homes, and Group 1, 2 & 4 communication towers (with restrictions). Conference centers; hospitals, nursing homes and other extended care facilities; and colleges, universities and vocational schools are allowed with a special use permit. Small retail businesses conducted within an enclosed space, funeral homes, restaurants, motion-picture theaters, parks, camps, tennis and racquet clubs, golf courses, convenience stores with gas pumps, customary incidental home occupations, bed-and-breakfast inns, clinics, and nursery and day-care facilities are allowed with a conditional use permit. The minimum lot area for new lots is 30,000 square feet. Setbacks are as follows: 75 feet from the centerline of major streets and 60 feet from the centerline of all other streets; and 30 feet from the side and rear property lines. There is no maximum building height for principal structures (some exceptions apply) (HCZO § 200-26).

3.4.3. R-10 High-Density Residential Zoning District

3.4.3.1. **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).

- 3.4.3.2. 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 certain 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's) 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 (.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. The maximum building height for principal structures is 35 feet (some exceptions apply) (HCZO § 200-17).

4. Subject Area Uses and Adjacent Uses

- 4.1. Please see Attachment 5: Current Land Use Map
- 4.2. The Subject Area is currently undeveloped.
- 4.3. Looking at the surrounding area, most uses within the vicinity of the Subject Area consist of residential, commercial, and institutional community and cultural uses. Residential uses are to the west and southwest of the Subject Area, as well as to the northeast, across College Drive and South Allen Road. Commercial uses can be found along Spartanburg Highway and Old Spartanburg Highway to the southwest of the Subject Area, and along Upward Road to the south of the Subject Area. Other non-residential uses include the Elizabeth House and Pardee Care Center to the east, and an office building for Four Seasons Hospice and Palliative Care which is also being built to the east. In addition, a wood products manufacturer and an RV park are located to the east and southeast. To the north of the Subject Area is Blue Ridge Community College. It is important to note that, looking westward, the Subject Area is located adjacent to the Herman Weisberg Training Center (which is used for fire, rescue and other emergency services training).

- 4.3.1. Please refer to Attachment 9: June 6, 2005 Memo from Henderson County Emergency Services.

5. Utilities / Infrastructure

5.1. Sewer / Water:

- 5.1.1. The Subject Area has access to City of Hendersonville public water and sewer lines.

5.2. Transportation:

- 5.2.1. The 2003 Annual Average Daily Traffic Count for Upward Road (SR 1783) in the vicinity of the Subject Area was 17,000 vehicles per day. By comparison, the 2002 Annual Average Daily Traffic Count for Upward Road in the vicinity of the Subject Area was 15,000 vehicles per day.
- 5.2.2. The 2002 Annual Average Daily Traffic Count for College Drive (SR 1920) in the vicinity of the Subject Area was 2,900 vehicles per day. By comparison, the 2001 Annual Average Daily Traffic Count for College Drive in the vicinity of the Subject Area was 3,400 vehicles per day.
- 5.2.3. See Section 6.1 regarding NCDOT plans for the area.

6. Relevant Policies, Plans and Actions

6.1. NCDOT Transportation Improvement Plan:

- 6.1.1. The 2004-2010 Transportation Improvement Plan (TIP) and the 2006-2012 Draft TIP, within the vicinity of the Subject Area, call for widening and improving Upward Road from US 176 (Spartanburg Highway) to Howard Gap Road (SR 1006).
- 6.1.2. No improvements are scheduled for College Drive or South Allen Road at this time.

6.2. East Flat Rock Area, Phase I Land Use Plan:

- 6.2.1. The Subject Area lies within the area defined by the East Flat Rock Area, Phase I Land Use Study. As recommended by that Land Use Study, a new zoning district (O&I, Office and Institutional) was proposed and recommended for inclusion in the Zoning Ordinance. The Planning Board and the Planning Staff tried to recommend a zoning district that was appropriate for the existing uses that were predominant in the area. As a result, the proposed O&I zoning district allowed greater flexibility for the use of one's property while preserving the character of the area.

On January 30, 1990, the Planning Board voted unanimously to send the Board of Commissioners a favorable recommendation, with stated modifications, on the proposed O&I zoning district and the East Flat Rock Area, Phase I Land Use Plan.

On October 1, 1990, the Board of Commissioners rezoned the East Flat Rock Area, Phase I, based on the recommendations of the East Flat Rock Area, Phase I Land

Use Plan, and amended the Henderson County Zoning Ordinance to include the O&I zoning district.

6.3. 2020 Henderson County Comprehensive Plan (CCP):

6.3.1. Please see Attachment 6: 2020 County Comprehensive Plan Future Land Use Map

6.3.2. The CCP Future Land Use Map identifies the Subject Area as being located in the Urban Services Area and containing an area identified for conservation (2020 CCP, Pg. 128 & Appendix 1, Map 24).

6.3.2.1. The CCP 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).

6.3.2.2. The CCP states that, "The Urban Services Area (USA) will contain considerable commercial development at a mixture of scales: local, community, and regional. All regional commercial development should be concentrated here. Commercial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community" (CCP, Pg. 129).

6.3.2.3. The 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).

6.3.2.4. The CCP also states that, "public schools should be developed within the USA whenever possible" (2020 CCP, Pg. 129).

6.3.2.5. 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.

6.3.2.5.1. It is important to note that the southern portion of the Subject Area appears to be located in the 100-year floodplain, which may account the conservation designation. With adoption of a Flood Damage Prevention Ordinance, this portion of the Subject Area could be affected.

- 6.3.3. The Future Land Use Map also identifies the Subject Area as being suitable for industrial development (2020 CCP, Pg. 128 & Appendix 1, Map 8 and Map 24).
- 6.3.3.1. The 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).
- 6.3.3.1.1. It should be noted that the industrial classification on the Future Land Use Map is based on recommendations from the former Committee of 100 (now the Partnership for Economic Development) of the Greater Hendersonville Chamber of Commerce which 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.
- 6.3.3.2. The CCP 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 area" (2020 CCP, Pg. 136).
- 6.3.3.2.1. According to the CCP implementation schedule adopted by the Board of Commissioners, the Countywide Industrial / Commercial Zoning Study is scheduled to be completed in FY 2004-2005 (2020 CCP, Pg. 148).
- 6.3.3.2.1.1. The 2005 Henderson County Strategic Plan, adopted by the Board of Commissioners on February 16, 2005, (Henderson County 2005 Strategic Plan, Pg. 8, Strategy 1.1) supports the development of the industrial sector of the economy by implementing the recommendations of the Lockwood Greene Study [E-01].

Action Step #2:

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 county-wide, 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 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)

6.3.3.2.1.2. Staff is currently working on the Henderson County Industrial Study, which will be presented to the Planning Board at its June 21, 2005 meeting. According to preliminary work on the Industrial Study, the area containing Blue Ridge Community College and the Subject Area are not recommended for Industrial uses.

6.3.4. The Subject Area is identified as being in a Priority 4 Planning Area, the East Flat Rock / Upward Road 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). The community plan for the area containing the Subject Area was scheduled to begin in FY 2006-2007 (2020 CCP, Pg. 155).

6.3.4.1. The 2005 Henderson County Strategic Plan, adopted by the Board of Commissioners on February 16, 2005, (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 that could affect the Subject Area (East Flat Rock/Upward Road) would begin in Fiscal Year 2005-2006 (compared to the proposed completion date for such plan of FY 2006-2007 in the CCP adopted July 6, 2004).

8. Staff Comments and Recommendations

8.1. Staff's position at this time, under the guidelines of current plans, policies, and studies, is it supports the East Flat Rock Area, Phase I Land Use Plan's recommendation for the Subject Area to be zoned for office and institutional uses. This 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. Although the CCP states, "wide ranges of residential densities will exist," it also states that, "public schools should be developed within the USA whenever possible."

8.1.1.1. The pending Industrial Study will help the County further refine the industrial land use recommendations in the CCP and will, eventually, lead to industrial sites being zoned industrial. It is possible that the industrial land use classification in the Blue Ridge Community College area could be changed to some other category as a result of the Industrial Study.

8.1.2. The Subject Area is located adjacent to Blue Ridge Community College, and current zoning allows for a wide range of uses that are usually found near colleges. The proposed R-10 zoning district would, primarily, only allow for residential uses.

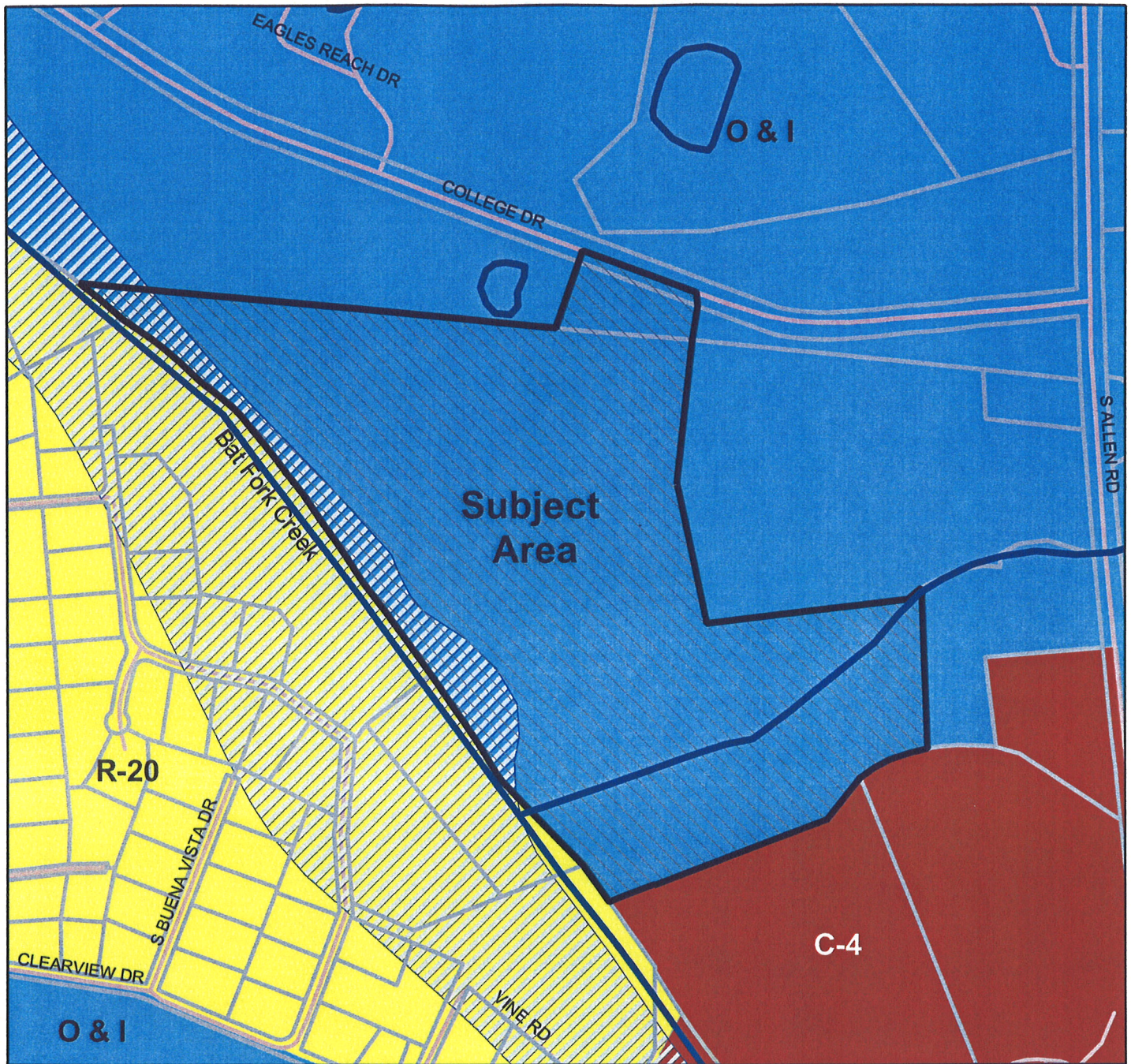
8.1.3. Based on comments from Henderson County Emergency Services, the Subject Area's close proximity to the existing Herman S. Wiseberg Training Center makes the Subject Area less desirable for R-10, High-Density Residential development. In addition, a small portion of the Subject Area appears to be located within the 100-year floodplain.

8.1.4. Staff has identified no plans or policies, changes in existing conditions, or overriding community interest that would justify granting the proposed rezoning.

8.1.4.1. It is generally incumbent upon the Applicant to demonstrate an overriding justification for approving a given rezoning application. The applicant demonstrated such justification at the Planning Board meeting (refer to Attachment 11: Excerpt of Planning Board Minutes from July 19, 2005).

9. Planning Board Recommendations

- 9.1. Please see Attachment 10 & 11: Excerpt of Planning Board Minutes from June 21, 2005 & July 19, 2005
- 9.2. The Henderson County Planning Board first considered rezoning application #R-2005-03 at its regularly scheduled meeting on June 21, 2005. During that meeting, the Board voted 8 to 1 to postpone making a recommendation to the Board of Commissioners on the rezoning request until the regularly scheduled July meeting to allow Blue Ridge Community College the opportunity to provide the Board with any additional information that would inform the Board on its decision. On July 19, 2005, the Planning Board, after hearing from various representatives of Blue Ridge Community College, voted 6 to 1 to send the Board of Commissioners a favorable recommendation on rezoning application #R-2005-03 to rezone the Subject Area from an O-I zoning district to an R-10 zoning district based on the following:
 - 9.2.1. Blue Ridge Community College stated that the land is not desirable for the college's facilities nor is the Subject Area part of the college's expansion plans.
 - 9.2.2. The Board felt that there have been many studies done of this property and found that it is more desirable for residential as opposed to office and institutional facilities based on the soil type and stability.



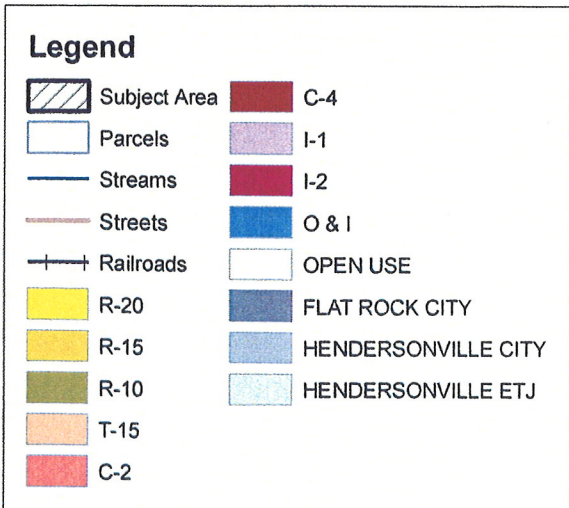
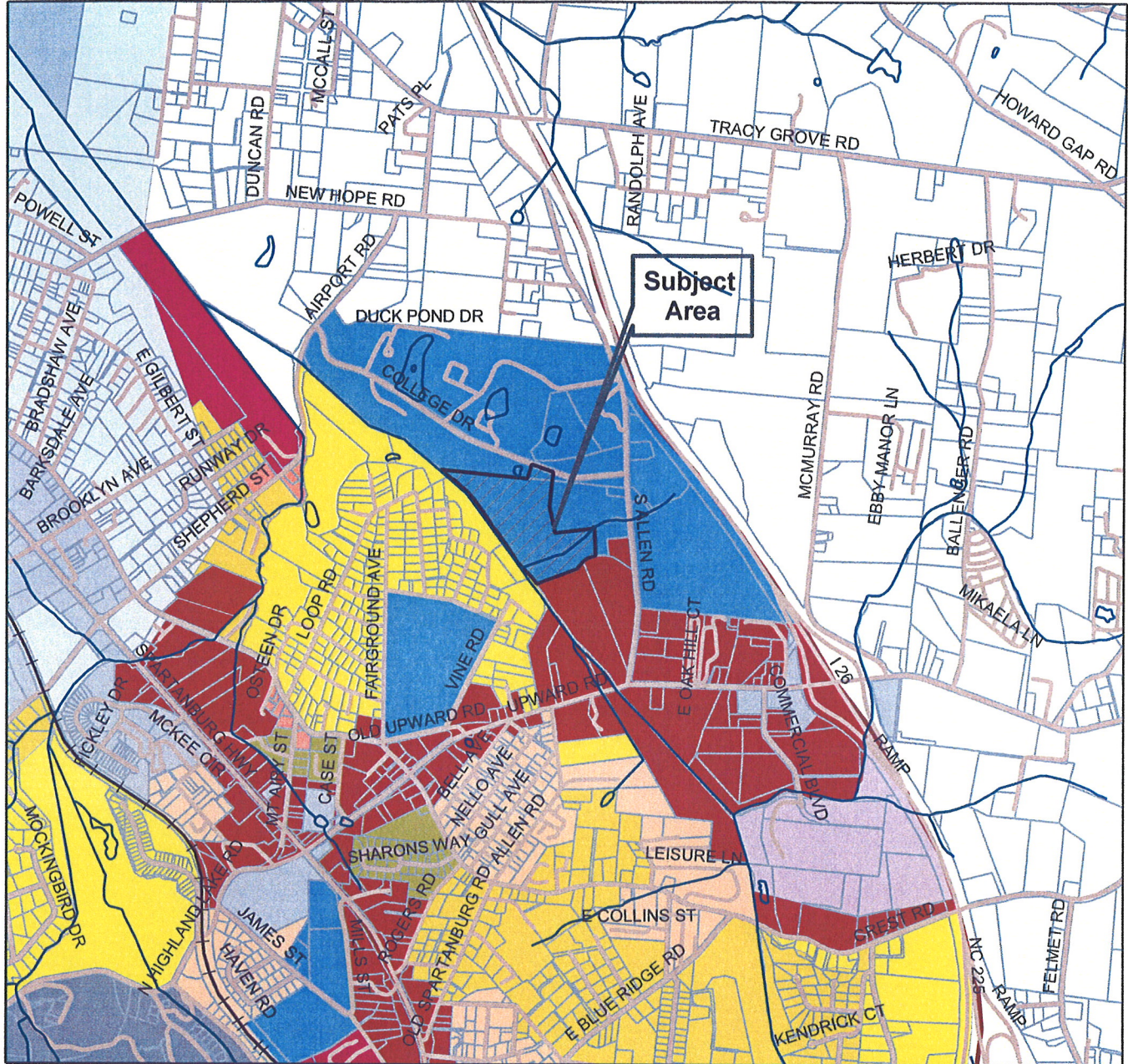
Legend

- Streets
- Streams
- Subject Area
- Parcels
- 100-Year Floodplain
- 500-Year Floodplain

**Rezoning Application
#R-2005-03
Blue Ridge Community College, Applicant
Jon Laughter,
Applicant's Agent**



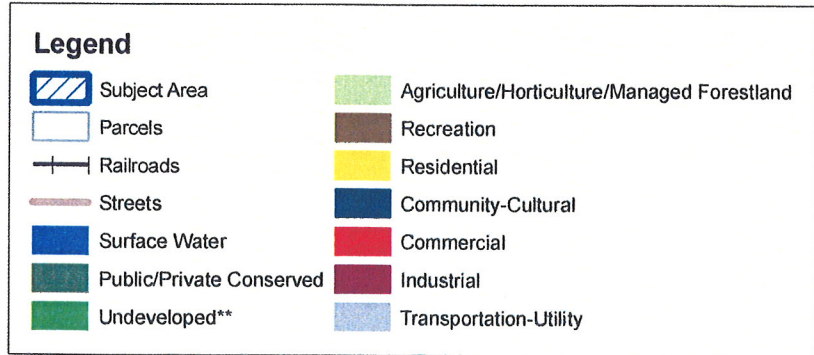
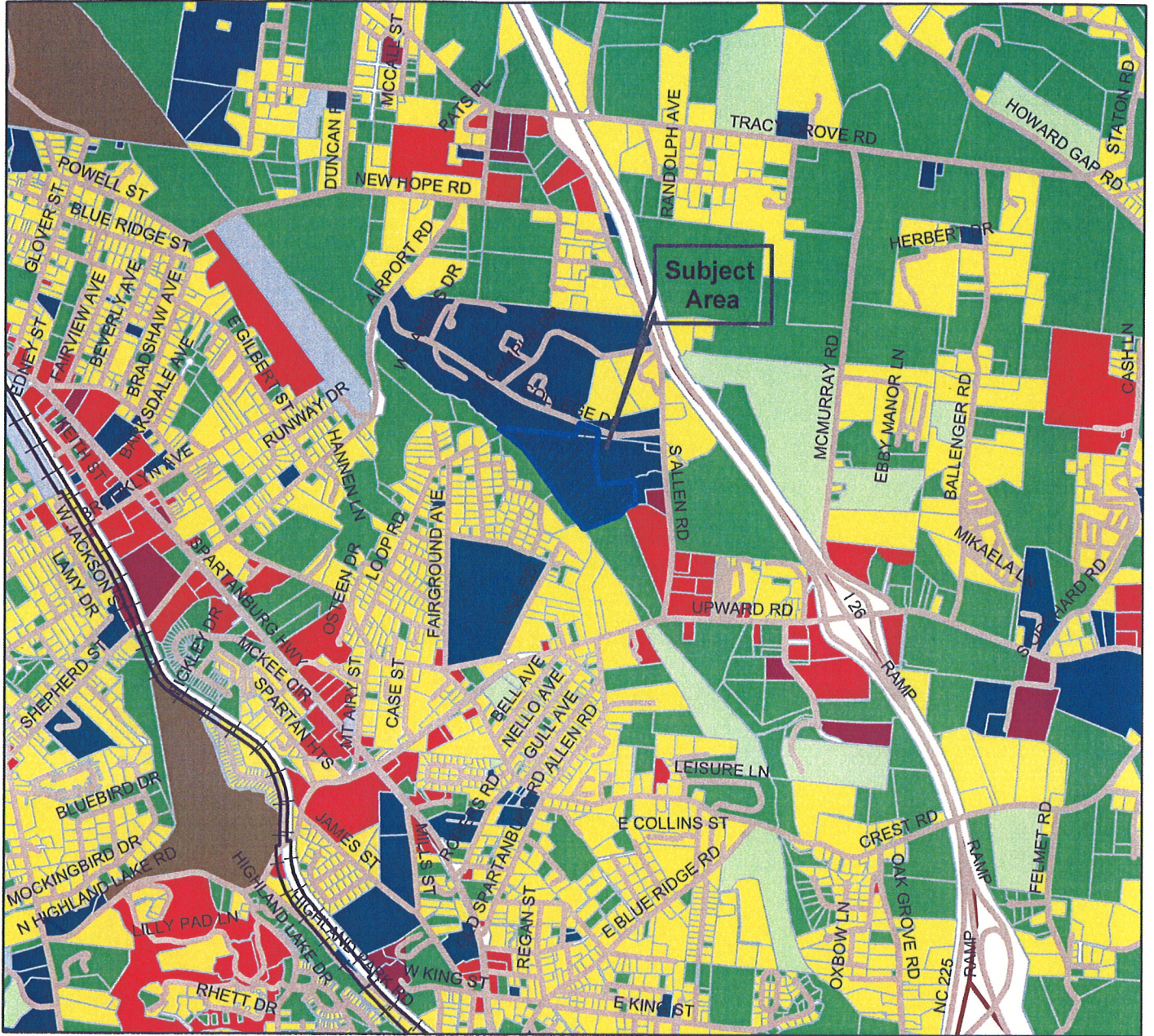
Vicinity / Current Zoning Map



Rezoning Application
#R-2005-03
Blue Ridge Community College, Applicant
Jon Laughter, Applicant's Agent



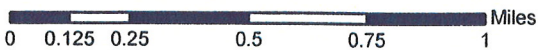
Current Land Use Map



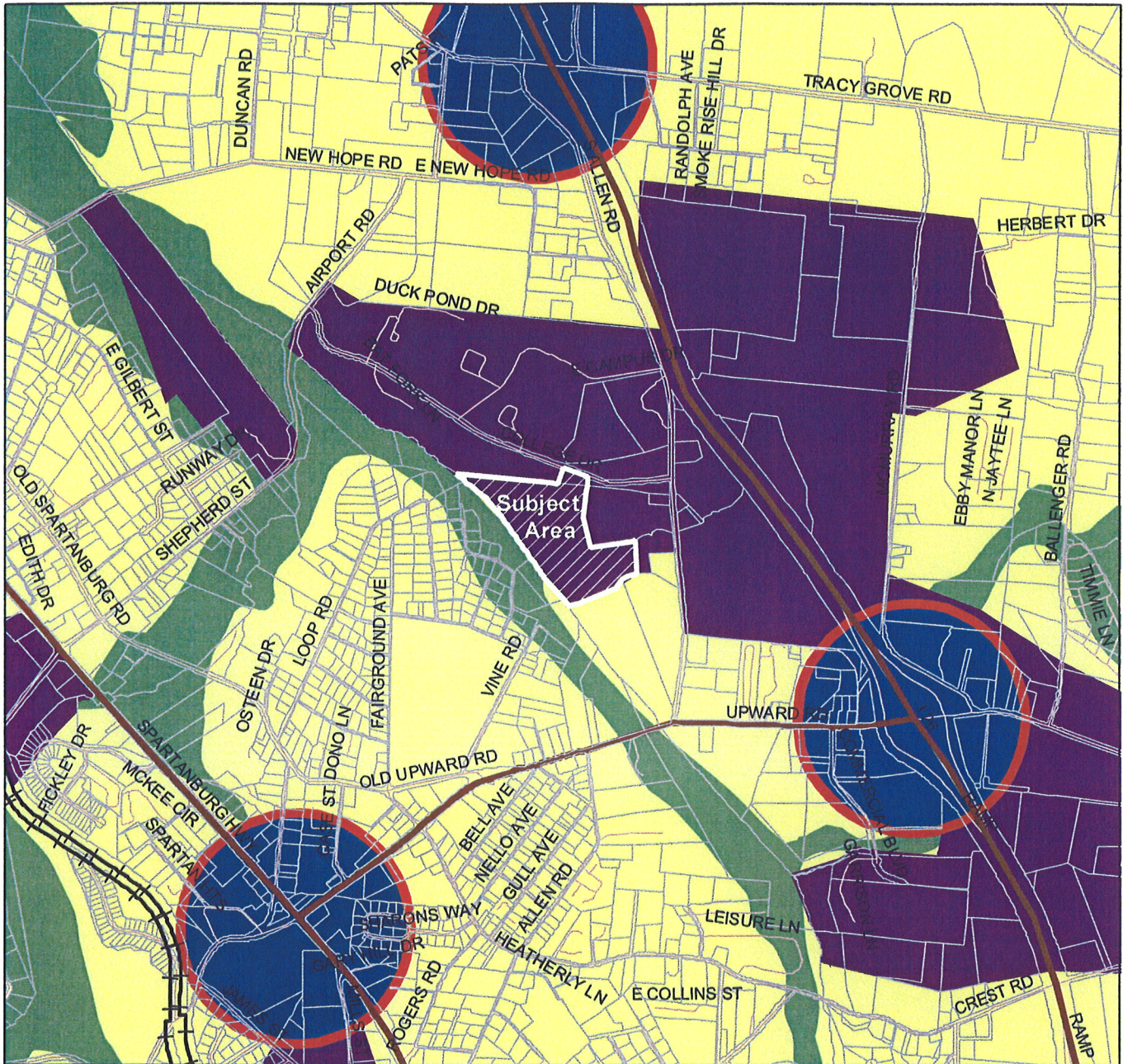
**Rezoning Application
#R-2005-03
Blue Ridge Community College, Applicant
Jon Laughter, Applicant's Agent**



** 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



Legend

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

**Rezoning Application
#R-2005-03
Blue Ridge Community College, Applicant
Jon Laughter, Applicant's Agent**



§ 200-26. O&I Office and Institutional District. [Added 10-1-1990; amended 12-23-1992; 2-16-1994; 5-6-1996]

This district is intended to provide a compatible mixture of office, low-density residential, light commercial and institutional uses.

A. Within the O&I District, the following uses are permitted:

- (1) Single-family dwellings, excluding manufactured homes.
- (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) Churches, 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.
- (5) 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.
- (6) Church bulletin boards not exceeding 12 square feet in area.
- (7) Signs not more than four feet square in area advertising the sale or rental of property on which they are located.
- (8) Transformer and public utility 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.
- (9) Customary accessory buildings, including private garages, noncommercial greenhouses and workshops.

- (10) Public elementary and secondary schools having multiple curricula and private elementary and secondary schools having curricula approximately the same as ordinarily given in public schools.
 - (11) 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.
 - (12) Offices: business, professional, financial, medical, real estate sales and studios.
 - (13) Governmental and civic: branch post office, branch library, fire station and community buildings.
 - (14) Radio and television studios.
 - (15) Travel agencies.
 - (16) Group 1 communications towers and tower activities (as defined in and subject to the requirements in § 200-38.1). [Added 3-2-1998]
 - (17) Group 2 communications towers and tower activities (as defined in and subject to the requirements in § 200-38.1). [Added 3-2-1998]
 - (18) Group 4 communications towers and tower activities (as defined in and subject to the requirements in § 200-38.1). [Added 3-2-1998]
 - (19) 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 use shall be permitted, subject to a finding by the Board of County Commissioners that both the conditions listed in the definition of "special use" in § 200-7B and those conditions listed below will be met:
- (1) Conference centers, provided that:
 - (a) The structures are placed not less than 100 feet from any property line.
 - (b) Parking space requirements shall comply with the conditions in § 200-40, Off-street parking. Off-street parking spaces shall be provided for each of the individual support facility uses.
 - (2) Hospitals, nursing homes and other extended care facilities as defined in § 200-7B, provided that:
 - (a) The structures are placed not less than 100 feet from any property line.

- (b) Parking areas are located not less than 30 feet from any property line.
 - (c) Parking space requirements shall comply with the conditions in § 200-40, Off-street parking.
 - (3) Colleges, universities and vocational schools for post-secondary school education and training (not including heavy equipment training schools).
- 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) Small retail businesses conducted within an enclosed space, including, but not limited to, bookstore, florist shop, shoe store, pharmacy, hobby shop, gift shop, antique shop, barbershop, bakery, music store, jewelry store, sporting goods store, beauty parlor, dry-cleaning shop, toy store, tobacco shop, film processing store, printing shop and video rental store.
 - (2) Funeral homes.
 - (3) Restaurants.
 - (4) Motion-picture theaters (indoor).
 - (5) Parks, camps, tennis and racquet clubs and golf courses. (Miniature-type golf courses and stand-alone practice driving tees which are not part of a golf course and which are operated for commercial purposes are not allowed.)
 - (6) Convenience store with gas pumps.
 - (7) Customary incidental home occupations.
 - (8) Bed-and-breakfast inns.
 - (9) Clinics.
 - (10) Nursery and day-care facilities.
- D. Dimensional requirements. Within the O&I Office and Institutional District as shown on the Zoning Map, the following dimensional requirements shall be complied with (unless otherwise specified):

Minimum Lot Area (sq. ft.)	Minimum Lot Area Per Dwelling		Minimum Front Yard Setback From Center Line of Street		Minimum Yards	
	(Family) Unit (sq. ft.)	Maximum Building Height (ft.)	Major ¹ (ft.)	All Others (ft.)	Side (ft.)	Rear (ft.)
30,000	30,000	Unlimited	75	60	30	30

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.

§ 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 Side (ft.)	Rear
10,000	10,000 (1 family) 5,000 (2 or more families)	35	75	50 10	10	

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
EMERGENCY MANAGEMENT**

**101 E. Allen Street
Hendersonville, NC 28792**

Phone: 828.697.4728

Fax: 828.697.4533

MEMORANDUM

TO: Autumn Radcliff, Planner

FROM: Rocky Hyder, Emergency Services

DATE: June 6, 2005

SUBJECT: Comments for Rezoning Application #R-2005-03

Thank you for the opportunity to comment on the above referenced rezoning application in the College Drive area next to the emergency training center.

As noted, the subject area is adjacent to the Herman Weisberg Training Center. There are several activities conducted at the training center of which prospective neighbors should be apprised. Some of these activities include: live fire training which generates significant smoke, odor and noise; rescue training which includes noise; small explosions and gunfire associated with law enforcement special operations training; and apparatus testing & certification which includes noise for an extended period (2 hours). Most training sessions are conducted during the hours of 6:00 pm to 11:00 pm in which the training center is fully illuminated. These activities are required for emergency service personnel to maintain their respective professional certifications, therefore a reduction in activity or change in operating hours is highly unlikely. There are also regional and statewide training events sponsored at the Weisberg Training Center which normally include a large number of participants over the course of two to three days (typically Friday through Sunday). The Henderson County Fire & Rescue Association has invested over 1 million dollars in the Weisberg Training Center and desires to continue full utilization of this facility.

If you have any questions you may contact me at 697-4728.

cc: Fire & Rescue Association, Fire & Rescue Advisory Committee

**HENDERSON COUNTY
PLANNING BOARD MINUTES
June 21, 2005**

Excerpt

The Henderson County Planning Board met on June 21, 2005 for its regular meeting at 7:00 p.m. in the Board Room of the Land Development Building, 101 East Allen Street, Hendersonville, NC. Board members present were Tedd Pearce, Chairman; Mike Cooper, Vice-Chairman; Tommy Laughter, Jonathan Parce, Renee Kumor, Paul Patterson, Stacy Rhodes, Gary Griffin, and Mark Williams. Others present included Karen C. Smith, Planning Director; Lori Sand, Project Manager; Autumn Radcliff, Planner; Matt Card, Planner; Anthony Prinz, Planner; Kathleen Scanlan, Secretary; and C. Russell Burrell, County Attorney.

Rezoning Application #R-2005-03 - Request Approximately 26.8 acres of Land Located off College Drive from O & I (Office and Institutional) Zoning District to R-10 (High-Density Residential) Zoning District – Jon Laughter, Agent for Blue Ridge Community College. Ms. Radcliff said on April 19, 2005, Mr. Laughter, agent for Blue Ridge Community College submitted an application to rezone approximately 26.8 acres of land located off College Drive, from an O & I (Office and Institutional) zoning district to an R-10 (High-Density Residential) zoning district. The subject area appears to be a portion of two parcels both of which are owned by Blue Ridge Community College. She stated that in talking with the Land Records Department the information which has not been updated on their system, shows one of the parcels includes not only the fireman's training center (Herman Weisberg Training Center) but also the entire Blue Ridge Community campus. She said that it is her understanding that a good portion of the parcel is going to be subdivided, if it is rezoned and this was unclear in the agenda packet. Ms. Radcliff said that there are just two parcels, one parcel covers all of the Blue Ridge Community College and crosses over College Drive and takes in the part where the fireman's training center is located to the west, and the other parcel is below that. The subject area is a small portion of the first parcel, as mentioned above, and the majority of it is the other parcel.

Ms. Radcliff said that the subject area is situated between the Herman Weisberg Training Center located to the west, and the Elizabeth House and Pardee Care Center facilities located to the east. The subject area is currently zoned O & I (Office and Institutional), which were applied on October 1, 1990 as part of the East Flat Rock Phase I Land Use Plan. She mentioned that the subject area is surrounded on the north and east by an O & I zoning district, to the south by a C-4 (Highway Commercial) zoning district, and to the west by an R-20 (Low-Density Residential) zoning district. Ms. Radcliff stated that the O & I (Office and Institutional) zoning district is intended to provide a compatible mixture of office, low-density residential, light commercial and institutional uses. The R-10 (High-Density) Residential District, which is the proposed district for the subject area 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. She stated that currently the subject area is undeveloped and most of the uses within the subject area consist of residential, commercial and institutional uses. Non-residential uses include the Elizabeth House and Pardee Care Center to the east, including an office building for Four Seasons Hospice and Palliative Care, which are also being built to the east. She said in addition, a wood products manufacturer and an RV park are located to the east and southeast. To the north of the subject area is Blue Ridge Community College. She said it is important to note that looking westward, the subject area is located adjacent to the training center and noted that there is a comment regarding this from Rocky Hyder, Henderson County Emergency Management. The subject area has access to City of Hendersonville public water and sewerlines. Ms. Radcliff stated that Staff's position at this time, under the guidelines of current plans, policies and studies is it supports the East Flat Rock Area, Phase I Land Use Plan's recommendation for the subject area to be zoned for office and institutional uses and this is based upon the following: 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. Although the CCP states, "wide ranges of residential densities will exist," it also states that, "public schools would be developed within the USA whenever possible." Ms. Radcliff stated that the pending Industrial Study will help the County further refine the industrial land use recommendations in the CCP and will, eventually, lead to industrial sites being zoned industrial. It is possible that the industrial land use classification in the Blue Ridge

Community College area could be changed to some other category as a result of the Industrial Study. She stated that the subject area is located adjacent to Blue Ridge Community College, and current zoning allows for a wide range of uses that are usually found near colleges. The proposed R-10 zoning district would, primarily, only allow for residential uses. Based on comments from Henderson County Emergency Services, the subject area's close proximity to the existing Herman S. Wiseberg Training Center makes the subject area less desirable for R-10, High-Density Residential development. In addition, a small portion of the subject area appears to be located within the 100-year floodplain. 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. She said it is generally incumbent upon the applicant to demonstrate an overriding justification for approving a given rezoning application. Staff encourages the applicant to present any information that would inform the County's consideration of the proposed rezoning.

Ms. Radcliff reminded the Board it has 45 days from its first consideration of a rezoning application to make a recommendation to the Board of Commissioners. Thus, the deadline for a Planning Board recommendation to the Board of Commissioners regarding this application is Thursday, August 4, 2005. If no recommendation is made by August 4, 2005, then the application proceeds to the Board of Commissioners with an automatic favorable recommendation. She added that upon request of the Planning Board, the applicant may choose to grant a 45-day extension, at which time the deadline for a Planning Board recommendation would become Monday, September 19, 2005. Mr. Patterson inquired whether the acreage is defined by metes and bounds? Ms. Radcliff referred this question to Mr. Laughter. She said she does have a site plan showing the acreage, which will eventually be subdivided. Mr. Laughter said that it is 26.8 acres that the school had the opportunity to sell. He said that they have a buyer. It has not been surveyed. He said that neither the prospective buyers or the school wanted to pay for a survey until it is zoned, as they do not know whether they could use the property or not, but the school has the opportunity to sell and the buyer has walked the property and knows all of the conditions out there and would like to use the property as residential. He reiterated that the water and sewer is there n that location. He said that there is a flood hazard issue next to the creek. He said that the buyer is aware that the training center s there. He added that he heard that the school is going to put a museum out there regarding firefighting. He said that the residential units will be geared mainly for retirees. Chairman Pearce asked whether the residential units will be single-family structures or multi-family unit structures. Mr. Laughter stated that there will be a mix of both types. Chairman Pearce added that Mr. Laughter does not have to answer these questions. Chairman Pearce stated that since it is incumbent upon the requester to justify why we should change, what do you feel has changed on the conditions that would make this R-10 more appropriate for this land than O & I? Mr. Laughter said they he can see advantages to having housing for retirees and for the school. Ms. Kumor said knowing that neighbors can get upset about a lot of things, how do you address the issue of the fire training facility being there and the information we received from Rocky Hyder suggesting the frequent use of that facility and also the hours and noise factor. Is that going to be something that everybody will need to acknowledge and not harass the firefighters or the Community College about having it withdrawn? Mr. Laughter said that although there might be some problems with developing residentially in that area, the developer has experience in this type of development and is fully aware of the surroundings. Chairman Pearce said that there is some reason for concern. He said that making a plat or deed requirement on the property regarding notice about the Herman S. Wiseberg Training Center can not be made because that would be considered contract zoning, but it could be a condition, if a Conditional Use Permit were requested at a subsequent date for approval of whatever they propose for the 26.8 acres. Chairman Pearce asked, does O & I allow residential, would Staff mind explaining the residential comparisons between R-10 and O & I? Ms. Radcliff stated that both R-10 and O & I allow for single-family dwellings including manufactured homes and two family dwellings including apartments provided that they be no larger than a four-family dwelling on a single lot. Chairman Pearce asked, "Would a large parcel be considered a single lot, or can they break that up into several smaller lots?" Ms. Radcliff said that even if it remains O & I, they could still subdivide the parcel into smaller lots. She said that you could make a subdivision there, but the big difference would be that the O & I requires a minimum lot area of 30,000 square feet, where the R-10 district requires 10,000 square feet, so obviously you would get more homes in the R-10 District. Chairman Pearce asked, "If you are building four-plexes, would the 30,000 square feet still apply or would that be 30,000 square feet per unit?" Ms. Radcliff said that it would be a little different. Ms. Radcliff said that with O & I the maximum lot area per dwelling per family unit would be 30,000 square feet. She said that if you wanted to build an apartment, you would need more square footage. She said that with R-10 there is the original 10,000 square feet, which is for the first family unit, then every unit after that would require 5,000

square feet. She added that the setbacks in R-10 are much smaller than the O & I District. She said that the big difference between the two is that R-10 allows for PUDs with a Special Use Permit.

Mr. Parce asked for an explanation of the wording found in Staff's recommendation regarding demonstrating an overriding justification for approving a given rezoning application. Ms. Radcliff said that if there had been a recent small area plan near this subject parcel or if there was community interest regarding this parcel as far as a group of neighbors or the whole community that came in and made a rezoning request not for just the applicant's area, but for the whole area that this would be an example of a justification. She basically any significant change in this area. Mr. Rhodes asked if there has been any negative feedback regarding this request? Ms. Radcliff said no, but adjacent property owners are not notified until there is a public hearing, as this is not a common practice until it reaches the Board of Commissioners level. Ms. Kumor said that she feels it is a strange piece of property and if the deal should not go through, what would the County's recourse be? Chairman Pearce said that the applicant would have to come back in a year, because they can't come back before then. Ms. Radcliff stated that the parcel would be split-zoned. Mr. Patterson said that in looking at the site, there is some questionable soil on the parcel, but it would be easier to handle with residential units instead of a large building. Mr. Cooper said that he doesn't feel that a large commercial building would go on this property in the future. Chairman Pearce said that generally the Staff's recommendation meets the general intent of the Zoning Ordinance and how rezoning applications should be looked at. He said that really there is no change, but feels that there is a serious problem with the emergency training facility nearby so therefore there are a few reasons why it should not be residential, even though residential is allowed in O & I district.

Chairman Pearce said that in its favor, it does have water and sewer, which would solve some of the problems for building residential units, but he feels a general tendency is to turn this down, because basically nothing has changed to make the O & I zoning incorrect. Mr. Cooper doesn't feel that any type of commercial would be conducive because of the type of soil and the cost involved, but that residential is a little more suitable because of a less-heavy structure. Chairman Pearce made a motion to recommend denial for Rezoning Application # R-05-03 to the Board of Commissioners. Board members discussed the possibility of forwarding it to a subcommittee. After some further discussion among Board members, they decided that the main reason to deny this application is the statement given in the Staff report that states: "that there has not been any plans or policies, changes in existing conditions, undue hardship to the applicant, or overriding community interest that would justify granting the proposed zoning. It is generally incumbent upon the applicant to demonstrate an overriding justification for approving a given rezoning application." Tommy Laughter seconded the motion.

Jon Laughter asked if the Board could delay the decision on this until the Board could talk to some of the directors at the Community College on what their thinking is. Chairman Pearce said that this was the College's opportunity to present evidence with regard to the information regarding what is going to be done and what the concerns were. He stated that if the Board wants to delay this request, he said he would withdraw the motion and Mr. Tommy Laughter withdrew his second on the motion. Ms. Radcliff said that the Board can table this request until the next Planning Board meeting and not make a recommendation nor send it to a subcommittee to allow Mr. Laughter to bring forward more information. Chairman Pearce said that specifically, to demonstrate an overriding justification for approving this rezoning application. Chairman Pearce said that the Board will table this request until the next regularly scheduled Planning Board meeting (July 19) for the reason previously discussed. Jonathan Parce made a motion to table the request and Stacy Rhodes seconded the motion. Jonathan Parce, Stacy Rhodes, Tedd Pearce, Mike Cooper, Mark Williams, Gary Griffin, Renee Kumor and Tommy Laughter were in favor of the motion. Paul Patterson opposed the motion. The motion carried.

**HENDERSON COUNTY
PLANNING BOARD MINUTES
July 19, 2005**

Excerpt

The Henderson County Planning Board met on July 19, 2005 for its regular meeting at 7:00 p.m. in the Board Room of the Land Development Building, 101 East Allen Street, Hendersonville, NC. Board members present were Tedd Pearce, Chairman; Mike Cooper, Vice-Chairman; Renee Kumor, Paul Patterson, Stacy Rhodes, Gary Griffin, and Mark Williams. Others present included Karen C. Smith, Planning Director; Autumn Radcliff, Planner; Matt Card, Planner; Kathleen Scanlan, Secretary; and C. Russell Burrell, County Attorney. Board members Tommy Laughter and Jonathan Parce were absent.

Rezoning Application #R-2005-03 - Request Approximately 26.8 acres of Land Located off College Drive from O & I (Office and Institutional) Zoning District to R-10 (High-Density Residential) Zoning District – Jon Laughter, Agent for Blue Ridge Community College. Ms. Radcliff stated to recap the rezoning request, the application was submitted on April 19, 2005 to request that the County rezone approximately 26.8 acres of land, located off College Drive, which is currently part of Blue Ridge Community College from an O & I (Office and Institutional) zoning district to an R-10 (High-Density Residential) zoning district. She stated that the Planning Board first considered rezoning application R-2005-03 at its regularly scheduled meeting on June 21, 2005. During that meeting, the Board voted 8 to 1 to postpone making a recommendation to the Board of Commissioners on the rezoning request until the regularly scheduled July meeting to allow Blue Ridge Community College the opportunity to provide the Board with any additional information that would inform the Board on its decision. She also stated that according to the Zoning Ordinance, the Planning Board has 45 days from its first consideration of a rezoning application to make a recommendation to the Board of Commissioners. She stated that the deadline for a Planning Board recommendation to the Board of Commissioners regarding this application is Thursday, August 4, 2005 and if no recommendation is made by August 4, 2005, then the application proceeds to the Board of Commissioners with an automatic favorable recommendation unless the applicant agrees to an extension. Ms. Radcliff reminded the Board members that Staff's position is it supports the East Flat Rock Area, Phase 1 Land Use Plan's recommendation for the subject area to be zoned for office and institutional uses.

Mr. Jon Laughter, agent for Blue Ridge Community College stated that they are requesting to rezone the property from an O & I to an R-10 residential zoning district. He stated that there were questions from last month's meeting regarding a hardship and the fire training grounds being in close proximity. Chairman Pearce asked whether any circumstances have changed to make this property less desirable for office and institutional and more desirable for residential? He feels that with the surrounding extensions to the community college and the fire training school there, it has become less prone to be acceptable to change it to residential and the Board needs to have more evidence to show that the Board is wrong in its thinking.

Mr. David Sink, President of Blue Ridge Community College said that the piece of property that we are asking to rezone is outlined on a map he showed to the Planning Board members, which is currently zoned O & I and is requesting R-10. He also indicated adjacent properties to the subject property, which are the college and the fire-training center and reviewed some other parcels of property near the school. Mr. Sink stated that this subject property that the College is in agreement to sell is an investment that is headed by Ron Stevens and the reason for the change to an R-10 residential district is because the developers are planning on putting in a creative retirement center. Mr. Sink stated that this is what he has seen that is consistent across the country of creative retirement centers being built in connection with a local college campus. He said that once the

buildings are put up there is a continual relationship between the college and the residents, such as using the college for enrichment classes, wellness and physical education, going to concerts and other outdoor activities. He said that this is consistent with what we see in Raleigh/Durham/Chapel Hill area working with developers working with UNC-Chapel Hill and Duke University. He said the original one came out of Ethica, New York, where Cornell University is located, and is teamed with a group similar to what Ron Stevens is heading for a creative retirement center. Mr. Sink stated that they wish to zone it to R-10 so that the College can complete the sale to Ron Stevens and his group. The college is made up of Board of Trustees, approximately 14 people, who are either appointed by the Board of Commissioners, Transylvania County Commissioners, the School Board and the Governor. He said that all of the Trustees of the College have voted in favor of this venture. He said that our venture is selling this property to Ron Stevens and then to take the money from this sale and purchase the farm, which is on the other side of College Drive for expansion to the College. He stated that the Commissioners have given the College the go-ahead to take the money that we would gain for selling this property to campus quarters and then purchasing the farm off College Drive. Mr. Sink stated they reviewed Staff's comments and the discussion with the concern over the fire training center regarding creating a situation that would be less desirable to be reclassified to R-10. He said that they have had conversations with the future owners of this subject property, and they are in agreement with the fire training people to put up a fire training museum as well as high technology classrooms and office spaces for the college staff that would be altering the fire training center. He noted that Pardee Hospital has a nursing home and an adult daycare center and hospice has two acres of land that the college gave them for building Elizabeth House. Elizabeth House and Pardee Hospital facilities have been at their current locations for several years and there never has been any complaints regarding any kind of training that comes out of the fire training center that would make this property that we are requesting to be rezoned undesirable for high-density residential. Mr. Sink stated that they really do not find this a problem in their request. He said that given the changing demographics of Henderson County, creating a creative retirement center, marketed to people from ages 55 through 75 years old that are still very active and very independent in their living and wanting to have their retirement not only active but filled with cultural opportunities in working with the college, this is a natural way to move into this type of development in Henderson County. Mark Williams asked, "If this property is suitable for housing, would it be someday suitable for student housing?" Mr. Sink stated that it would be, but our type of college is not a residential college, we are a commuter-type college. Our college is designed to bring education to the back door of the citizens of North Carolina. Our objective is to keep cost down so that students can live at home for one or two years and commute short distances. Mike Cooper felt that this property is more desirable for residential housing than college structures, which are much more heavier structures.

Ms. Smith reminded the Board not to consider a specific use for this property. If the Board decides to make a recommendation, the Board needs to make the decision based on solid reasons and not specific uses. Mr. Cooper feels that if it is not desirable to expand college facilities at this subject property, then it becomes useless. Ms. Kumor said that if just becomes taxable property. Chairman Pearce stated that he feels the use of the fire training center would increase over time and the Board needs to determine whether the Board would typically recommend a residential district adjacent to a fire training center. Chairman Pearce quoted from a memorandum from the Fire Marshal, which states that most training sessions are conducted during 6:00 p.m. to 11:00 p.m. Mr. Sink stated that these are classroom trainings that are being held. He stated that the actual fire training he has never seen done. Mr. Sink mentioned the regional and statewide training events indicated in Mr. Hyder's memo, is the Fire College Training which they use the parking lot at the College in fire truck training. Mr. Williams stated that it is logical to him regarding changing the zoning if there is some justification in terms of the usability of the property in terms of the soils and such, he feels it is justified to rezone this property as residential. Ms. Kumor was wanting to know if Mr. Stephens has asked the developer, how does he address the issue of the fire tower and the training area?

Mr. Ron Stephens stated that he is well aware of the fire training facilities and stated that they plan on jointly building a fire museum with the group that is putting up the creative retirement center, and part of the structure will be a clubhouse. He said that part of their meeting facilities will be in there including a catering kitchen, small fitness areas and they also plan on building a classroom for the college for the fire training people. Mr. Stephens stated that they are fully aware of the fire training and will be part of their operation. Paul Patterson stated that his only concern with this project is that it is within the floodplain area and will need to comply with the requirements.

Mr. Cooper made a motion for a favorable recommendation for rezoning request # R-2005-03 to rezone land located off College Drive from an O & I to an R-10 zoning district because the College stated that the land is not desirable for their facilities because there have been many studies done of this property and found that it is more desirable for residential as opposed to Office and Institutional facilities. Mark Williams seconded the motion. Tedd Pearce, Mike Cooper, Mark Williams, Stacy Rhodes, Renee Kumor and Gary Griffin voted in favor. Paul Patterson opposed the motion. The motion carried 6 to 1.

**NOTICE OF PUBLIC HEARING
ON PROPOSED ZONING MAP AMENDMENT
(Rezoning Application # R-2005-03)**

The Henderson County Board of Commissioners will hold a public hearing on an application (#R-2005-03) for a proposed amendment to the Official Zoning Map of Henderson County, North Carolina, that would rezone approximately 26.8 acres of land, located off College Drive (SR 1920), from an O & I (Office and Institutional) zoning district to an R-10 (High-Density Residential) zoning district. The Subject Area appears to be a portion of parcel 9588-02-0399 and parcel 9578-94-1074, both of which are owned by the applicant, Blue Ridge Community College.

The public hearing will be held on Tuesday, September 6, 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