

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARING

Rezoning Application #R-2006-03 (R-30 to I-2) William W. Gregg, Applicant

Meeting Date: Wednesday, October 18, 2006

Attachments:

1. R-2006-03 Application (with partial attachments)
2. Staff Report
3. Site / Current Zoning Map
4. Vicinity / Current Zoning Map
5. R-30 District Text
6. I-2 District Text
7. Comparison of Permitted Uses by Zoning District
8. Current Land Use Map
9. Water and Sewer Master Plan Map
10. 2020 County Comprehensive Plan Future Land Use Map
11. Henderson County Industrial Study Recommendations Map
12. Floodplain Map
13. Aerial Photo Map
14. Photos of Study Area
15. Excerpt of Planning Board Minutes from August 15, 2006
16. Notice of Public Hearing

SUMMARY OF REQUEST:

Rezoning Application #R-2006-03, which was submitted on July 14, 2006, requests that the County rezone approximately 16.25 acres of land, located off Asheville Highway (US 25 North), from an R-30 (Low-Density Residential) zoning district to an I-2 (General Industrial) zoning district. The Subject Area appears to be parcel 9660-53-2152, which is owned by the applicant, William W. Gregg. The Applicant's Agent is Jesse D. Johnson.

The Henderson County Planning Board considered rezoning application #R-2006-03 at its regularly scheduled meeting on August 15, 2006. During that meeting, the Board voted 7 to 2 to send the Board of Commissioners a favorable recommendation for rezoning application #R-2006-03 to rezone the Subject Area from existing R-30 zoning district to an I-2 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 October 18, 2006, public hearing regarding rezoning application #R-2006-03 were published in the Hendersonville Times-News on September 27, 2006 and October 4, 2006. The Planning Department

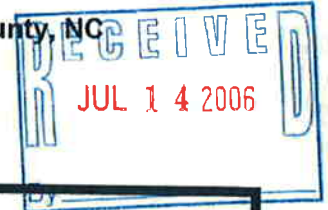
sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area and the applicants on October 4, 2006. Planning Staff posted signs advertising the hearing on the Subject Area on October 4, 2006.

COUNTY MANAGER'S RECOMMENDATION / BOARD ACTION REQUESTED:

Following the public hearing, Board action to approve, modify or deny rezoning application #R-2006-03 would be appropriate.

Application #: R-2006-03

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



1. PROPERTY OWNER INFORMATION

William W. Gregg
Property Owner Name

156 TERESA LANE
Mailing Address

HENDERSONVILLE NC 28792
City, State, Zip Code

(828) 891-6535 / 778-6656
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 17.4 AC

Parcel ID Number(s)* 966053215255

Current Zoning* R-30

Proposed Zoning* I-2

* 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.

William W. Gregg
Signature of Property Owner

14 July 06
Date

Staff Use Only

Previous request for same amendment? Yes No Action: NA

Date: NA

Application Received By: Matthew Cable

Date: 7/14/06

Non-refundable application fee: \$400.00

WILLIAM W. GREGG
31 Hunters Trail
Hendersonville, NC 28739
(828) 697-1883



July 12, 2006

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

Re: 156 Teresa Lane
Parcel ID: 00966053215255

Gentlemen:

The property referred to above is under a 'Contract to Purchase' with me as seller, to Jesse Johnson as buyer, with the condition of 'due diligence' in getting the proper zoning to conduct his business on that property.

Therefore, I hereby authorize Jesse Johnson to proceed on my behalf to pursue any and all processes and to pay all costs necessary to accomplish that zoning.

Your cooperation is greatly appreciated.

Sincerely,

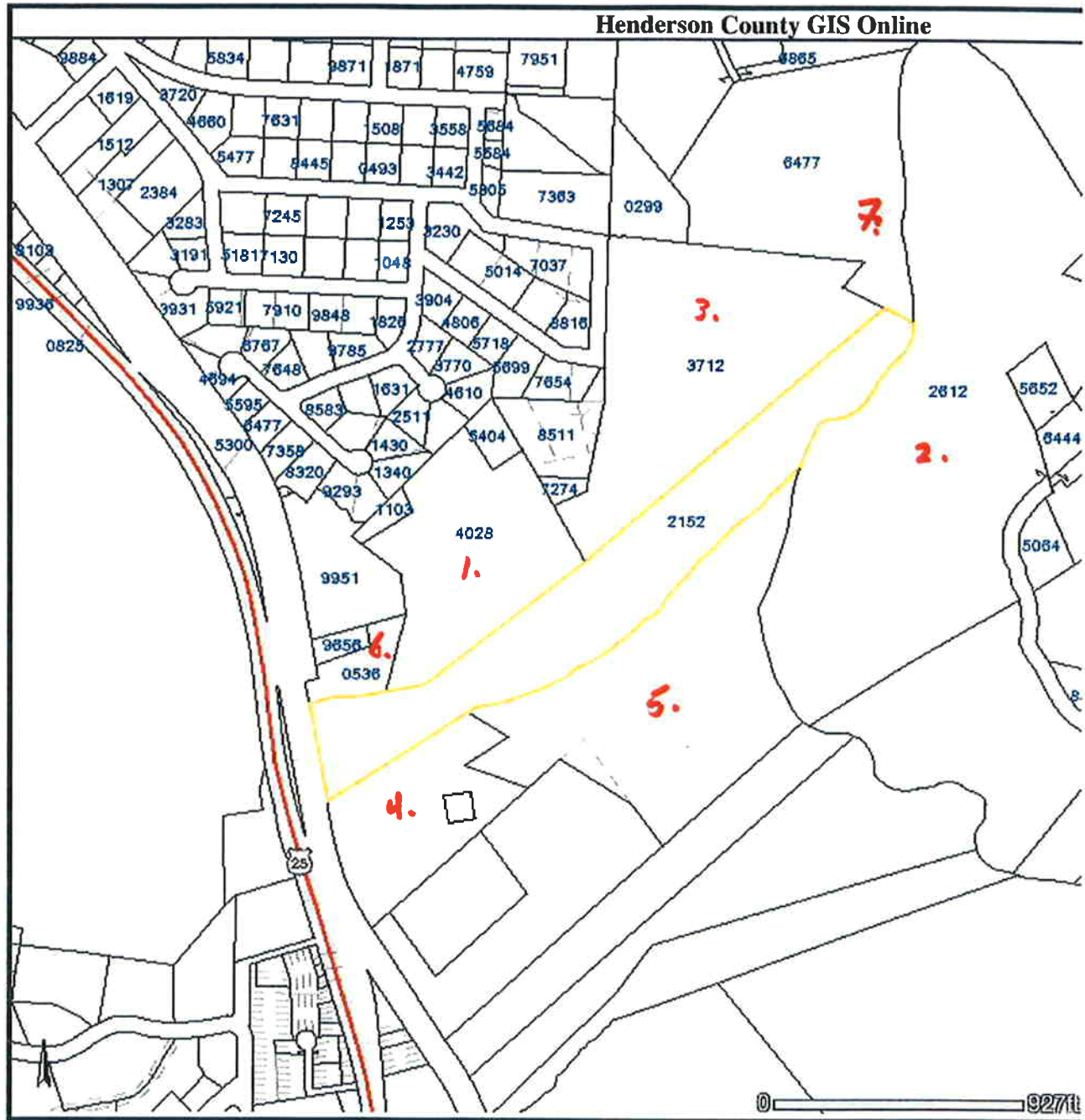

William W. Gregg
Owner

Henderson County Parcel Adjainer Search Results

Rec	1	2	3	4	5	6	7
PIN	9660434028	9660632612	9660533712	9660411989	9660521414	9660420536	9660546477
PID	0110817	9957721	9957732	9964504	1003540	9968448	9964690
Name_1	NEWMAN, HARRY W	CAPPS, JAKE LLOYD	MASON, ROBERT C	DENSKI, DAVID	CAROLINA MATERIAL HOLDINGS LLC	TURNER, RALPH O JR	SANDERSON, PERRY RAYMI
Name_2			MASON, NORMA C	DENSKI, CAROL L		TURNER, CONNIE HUNT	DAVIDSON, WANDA N
Prop_Desc	US25 NORTH OFF	SR1508 ON CAPPS ROAD	TR #01 NORMA C MASON PROP	US25 N OFF		TERESA LN	#02 PER SLD/3148
Map Sheet	9660.03	9660.04	9660.04	9660.18	9660.18	9660.03	9660.04
Nbr_Bldgs	3	0	1	0	1	0	0
Daterec	31-JAN-68	28-OCT-94	28-JUN-96	21-MAR-94	22-MAY-06	30-APR-01	10-SEP-99
Book/Page	455/177	856/157	SLD/2193	841/100	1274/732	1060/429	1000/408
Land_Value	NA Until January 2007	NA Until January 2007	NA Until January 2007	NA Until January 2007	NA Until January 2007	NA Until January 2007	NA Until January 2007
Bldg_Value	NA Until January 2007	NA Until January 2007	NA Until January 2007	NA Until January 2007	NA Until January 2007	NA Until January 2007	NA Until January 2007
Total_Val	NA Until January 2007	NA Until January 2007	NA Until January 2007	NA Until January 2007	NA Until January 2007	NA Until January 2007	NA Until January 2007
Nbhd_Desc	MOUNTAIN HOME	MOUNTAIN HOME	MOUNTAIN HOME	MOUNTAIN HOME	MOUNTAIN HOME	MOUNTAIN HOME	MOUNTAIN HOME
Subdivision							
Stamps	0	0	250	890	158	470	
Landuse	140	100	100	500	115	105	
Address 1	281 TERESA LN	288 CAPPS RD	186 N MASON WAY	PO BOX 272	PO BOX 547	896 SPICER COVE ROAD	209 NEWMAN DR
Address 2							
Address 3							
City	HENDERSONVILLE	HENDERSONVILLE	HENDERSONVILLE	BAT CAVE	MOUNTAIN HOME	HENDERSONVILLE	HENDERSONVILLE
State	NC	NC	NC	NC	NC	NC	NC
Postal Code	28792	28792	28792	28710	28758	28792	28792
Postal Code Ext							
Disclaimer	2006 Values NA	2006 Values NA	2006 Values NA	2006 Values NA	2006 Values NA	2006 Values NA	2006 Values NA
Acreage	9.61	38.69	16.36	5.48	16.62	1.36	13.06

[Click here to download this information as a text file](#)





Henderson County Planning Department Staff Report

**Rezoning Application #R-2006-03 (R-30 to I-2)
William W. Gregg, Applicant
Jesse D. Johnson, Agent**

1. Introduction

- 1.1. Applicant: William W. Gregg
- 1.2. Subject Area PIN: 00966053215255
- 1.3. Application Date: July 14, 2006
- 1.4. Request: Rezone 16.25 acres (approximately) composed of parcel 9660-53-2152 (hereafter the Subject Area) from an R-30 (Low-Density Residential) zoning district to an I-2 (General Industrial) zoning district. (See Attachment 3, Site/Current Zoning Map)
- 1.5. Subject Area Size: Approximately 16.25-acre tract of land.

2. Location

- 2.1. See Attachment 4, Vicinity/Current Zoning Map
- 2.2. The Subject Area is located off Asheville Highway (US 25 North), approximately 2,600 feet (0.50 miles) south of the intersection of Asheville Highway (US 25 N) and Baystone Drive/Brookside Camp Road (SR 1454/SR 1528). The Subject Area is located approximately 3,300 feet (0.625 miles) north of the intersection of Asheville Highway (US 25 N) and Berkeley Road (SR 1511).
- 2.3. The Subject Area does not have direct frontage along Asheville Highway (US 25 N) as Norfolk Southern Railway runs parallel to Asheville Highway (US 25 N) and separates the Subject Area from the road. The Subject Area has approximately 367 feet (0.07 miles) of frontage along Norfolk Southern Railway on the west.
- 2.4. The Subject Area is accessible by a twenty (20) foot right-of-way from Teresa Lane (not state maintained).

3. Current Zoning

- 3.1. See Attachment 3, Site/Current Zoning Map and Attachment 4, Vicinity/Current Zoning Map
- 3.2. The Subject Area is currently zoned R-30 (Low-Density Residential), which was applied on May 9, 2005, as part of the US Highway 25 North Zoning Study.

3.3. Adjacent Zoning:

- 3.3.1. The Subject Area is surrounded to the north and east by an R-30 (Low-Density Residential) zoning district and to the south and west by an I-2 (General Industrial) zoning district.
- 3.3.2. The Subject Area is located approximately:
 - 3.3.2.1. 700 feet (0.13 miles) south of an R-20 (Low-Density Residential) zoning district and 2300 feet (0.44 miles) southeast of an R-40 (Estate Residential) zoning district;
 - 3.3.2.2. 370 feet (0.07 miles) west of a T-20 (Low-Density Residential with Manufactured Homes Districts) zoning district;
 - 3.3.2.3. 230 feet (0.04 miles) north of an RC (Rural Conservation) zoning district;
 - 3.3.2.4. 155 feet (0.03 miles) east of a C-2 (Neighborhood Commercial) zoning district; and 730 feet (0.14 miles) east of an R-15 (Medium-Density Residential) zoning district.

3.4. Comparison of Districts:

- 3.4.1. See Attachments 5 and 6, District Text Descriptions, and Attachment 7, Comparison of Permitted Uses by District
- 3.4.2. **R-30 Low-Density Residential Zoning District**
 - 3.4.2.1. **R-30 Purpose Statement:** *“This district is intended to be a quiet, low-density neighborhood consisting of single-family residences”* (Henderson County Zoning Ordinance (HCZO) §200-14).
 - 3.4.2.2. R-30 is a low-density residential zoning district permitting single-family units, including site-built and modular residential units, but excluding manufactured residential units. Permitted uses include agriculture, family care homes, customary accessory buildings (noncommercial greenhouses, private garages and workshops), certain signs, schools, and transformer and public utility stations among other uses. Uses permitted with a Conditional Use Permit include bed-and-breakfast inns, home occupations, libraries, and parks/camps/tennis clubs/golf courses. Uses permitted with a Special Use Permit include Planned Unit Developments (PUDs), R-A Residential Apartment Developments, R-O Residential Open Space Developments, and Medical Institutional Care Developments (MICDs) among other uses. Lots must be a minimum of 30,000 square feet (0.69 acres). Setbacks are as follows: 75 feet from the centerline of major streets; 60 feet from the centerline of all other streets; and 30 feet from side and rear property lines. There is no maximum building height for principal structures (some exceptions apply (example: Planned Unit Developments)) (HCZO §200-14).

3.4.3. **I-2 General Industrial Zoning District**

3.4.3.1. **I-2 Purpose Statement:** *Please note that there is no purpose statement for the I-2 General Industrial Zoning District.*

3.4.3.2. I-2 is a general industrial zoning district permitting most heavy industrial uses and some commercial uses, but excluding all residential uses. Permitted uses include agriculture, amusement parks, fairs/carnival grounds, civic and cultural buildings, cemeteries, businesses (automobile service, branch banks, offices, etc.), tire recapping/retreading, automobile sales, gasoline service stations, manufactured home display areas, airports, junkyards, storage plants and tanks, truck terminals, warehouses, certain signs and sawmills, among other uses. Uses permitted with a Conditional Use Permit include mining and extraction operations. Uses permitted with a Special Use Permit include motor sports facilities, adult establishments and group five (5) communication towers. Setbacks are as follows: 75 feet from the centerline of major streets; 60 feet from the centerline of all other streets; and side and rear setbacks equivalent to the side yard requirements of the contiguous district(s). 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 (in a neat and growing condition) along said property line a continuous visual buffer strip (consisting of a planted strip at least ten (10) feet in width, composed of evergreen trees, spaced not more than twenty (20) feet apart and not less than one (1) row of dense shrubs, spaced not more than five (5) feet apart) (HCZO § 200 24).

4. **Subject Area Uses and Adjacent Uses**

4.1. See Attachment 8, Current Land Use Map

4.2. The Subject Area is currently developed with residential uses: a manufactured home, two (2) storage buildings of varied size, and a carport (See Attachment 14, Photos of Subject Area)

4.3. Adjacent and surrounding area uses include undeveloped lands, residential, community-cultural, commercial, industrial, and transportation-utility uses.

4.3.1. Undeveloped lands (meeting this criteria are lands which may be forested/agricultural or residential (where the acreage to dwelling unit ratio is at least ten (10) acres to each one (1) dwelling unit)) are located north, east, south and west of the Subject Area.

4.3.2. Residential uses adjacent to the Subject Area include a manufactured home park and single-family residential homes (manufactured and traditional), to the north. Farther north are single-family residential homes located in the Grimesdale neighborhood.

4.3.3. Community-cultural uses are located to the north and include Stoney Mountain Baptist Church and the North Carolina Department of Motor Vehicles, located at

the intersection of Asheville Highway (US 25 N) and Baystone Drive/Brookside Camp Road (SR 1454/SR 1528). South of the Subject Area, along Asheville Highway (US 25 N) is another community-cultural use, Balfour Education Center.

- 4.3.4. Commercial uses are found primarily along Asheville Highway (US 25 N). North of the Subject Area, at the intersection of Asheville Highway (US 25 N) and Baystone Drive/Brookside Camp Road (SR 1454/SR 1528), are commercial uses including: Enmark, Piney Mountain Orchards (produce stand), A-1 Small Engines, Quality Floor Service and Tarheel Lanes, among others. South of the Subject Area is Andrew's Enterprises (small engine and heater service/repair shop). Still further south, at the intersection of Asheville Highway (US 25 N) and Berkeley Road (SR 1511) are commercial uses including: Texaco, King's Auto Sales and North State Animal Hospital.
- 4.3.5. Industrial uses are located in the areas surrounding the Subject Area. Carolina Material Sales (an asphalt plant), is located adjacent to the Subject Area, to the south. Additional industrial uses include Berkeley Mills, to the south, and Bildon Inc., just north of the Subject Area.
- 4.3.6. Transportation-utility uses include a cell tower, located south of the Subject Area, on an adjacent property.

5. Utilities/Infrastructure

5.1. Sewer/Water:

- 5.1.1. See Attachment 9, Water and Sewer Master Plan Map
- 5.1.2. The western portion of the Subject Area is located within the City of Hendersonville Sewer and Water Service Area. The eastern portion of the Subject Area is located within the Cane Creek Water and Sewer District. The property does not appear to currently have access to sewer and water services; however, the nearest water and sewer lines are located just 150 feet (0.02 miles) west of the Subject Area, along Asheville Highway (US 25 N).

5.2. Transportation:

- 5.2.1. Annual Average Daily Traffic Counts for Asheville Highway (US 25 N), Baystone Drive/Brookside Camp Road (SR 1454/SR 1528), and Berkeley Road (SR 1511) are provided in Table 5.A., below.

Road	2001	2002	2003	2004
Asheville Highway (US 25 N)	23,000	26,000	20,000	19,000
Baystone Drive (SR 1454)	2,000	-	920	-
Brookside Camp Road (SR 1528)	4,600	-	4,800	-
Berkeley Road (SR 1511)	6,900	-	8,800	-

- 5.2.2. Asheville Highway (US 25 N) shows decline in annual average daily traffic count between 2002 and 2004. Brookside Camp Road (SR 1528) and Berkeley Road (SR 1511), in the vicinity of the Subject Area, show an increase in annual average daily traffic count between 2001 and 2003.
- 5.2.3. No Annual Average Daily Traffic Counts are available for Teresa Lane, by which the Subject Area is currently accessed, as this is not a state maintained road.
- 5.2.4. See Section 6.1 regarding NCDOT plans for the area.

6. Relevant Policies, Plans and Actions

6.1. The NCDOT 2006-2012 State Transportation Improvement Program (STIP):

- 6.1.1. The Transportation Improvement Program, within the vicinity of the Subject Area, includes the project to widen US Highway 25 to five lanes, north of the intersection of US Highway 25 and Baystone Drive/Brookside Camp Road (SR 1454/SR 1528) (Project Number R-2214 (currently underway)); the replacement of Bridge Number 21 on Brookside Camp Road (SR 1528) (Project Number B-3664 (recently completed)); and the replacement of Bridge Number 309 on Brookside Camp Road (SR 1528) (Project Number B-4988).
- 6.1.2. No improvements are scheduled for Berkeley Road (SR 1511) or Baystone Drive (SR 1454).

6.2. 2020 Henderson County Comprehensive Plan (CCP):

- 6.2.1. The CCP Future Land Use Map identifies the Subject Area as being located in the Urban Services Area (2020 CCP, Pg. 128, Pg. 129 & Appendix 1, Map 24). (See Attachment 10, 2020 County Comprehensive Plan Future Land Use Map)
 - 6.2.1.1. 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).
 - 6.2.1.2. The CCP states that, “the County’s economic development activities should be pursued within USA” (2020 CCP, Pg. 129).
 - 6.2.1.3. The CCP states that, “Sewer and water infrastructure investments should be focused within the USA first and foremost” (2020 CCP, Pg. 129).
 - 6.2.1.4. The CCP also states that, “Development within the USA should be accessible by roads which are developed to urban standards, with capacities to accommodate increasingly complex volumes of traffic” (2020 CCP, Pg. 129).
- 6.2.2. The CCP Future Land Use Map also identifies the Subject Area as being suitable for industrial development (2020 CCP, Pg. 129, Pg. 136, Pg. 148 & Appendix 1,

Map 8 and Map 24). (See Attachment 10, 2020 County Comprehensive Plan Future Land Use Map and Attachment 11, Henderson County Industrial Study Recommendations)

6.2.2.1. The CCP states that, “Industrial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community” (2020 CCP, Pg. 129).

6.2.2.1.1. 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.

6.2.2.2. 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 areas” (2020 CCP, Pg. 136).

6.2.2.2.1. 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).

6.2.2.2.1.1. The 2006 Henderson County Strategic Plan, adopted by the Board of Commissioners on February 6, 2006 (Henderson County 2006 Strategic Plan, Pg. 7, Strategy 1.1), supports the development of the industrial sector of the economy by implementing the recommendations of the Lockwood Greene Study [E-01]. (See Action Step 2, below)

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)

6.2.2.2.2. The Planning Board reviewed and unanimously (a vote of 8 to 0) provided a favorable recommendation on the Henderson County Industrial Study at its January 17, 2006 meeting. According to the draft of the Henderson County Industrial Study recommended by the Planning Board, the majority of the Subject Area is recommended for industrial use.

6.2.2.2.2.1. The draft Henderson County Industrial Study states, “As Henderson County continues to experience rapid population growth, and resulting development of land, it is essential that appropriate areas be reserved solely for industrial development to preserve and expand that component of Henderson County’s economy. Today, many of these prime sites are at risk of being developed for purposes other than industry” (Draft Henderson County Industrial Study, Pg. 1).

6.2.2.2.2.2. The draft Henderson County Industrial Study states, “Industrial designations are recommended to be removed from property recently rezoned for commercial and/or residential use in the northern portion of Henderson County in the area of the US Highway 25 North Zoning Study (Rezoning Action R-05-01) and Hollabrook Farms Rezoning (Rezoning Application R-04-05)” (Draft Henderson County Industrial Study, Pg. 3).

6.2.3. The Future Land Use Map identifies a portion of the Subject Area being appropriate for conservation (2020 CCP, Pg. 129, Pg. 134, & Appendix 1, Map 24). (See Attachment 10, 2020 County Comprehensive Plan Future Land Use Map and Attachment 12, Floodplain Map).

6.2.3.1. The CCP states that, “Land use planning should acknowledge the presence of sensitive natural areas such as floodplains, wetlands, areas of

excessively steep topography, and other natural and cultural assets, and should strive to protect these areas from development that would damage them or diminish their integrity” (2020 CCP, Pg. 129).

6.2.3.2. The CCP also states that conservation, “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). Conservation lands include areas managed for agriculture/forestry and floodplains, among other sensitive natural areas.

6.2.4. The Subject Area is identified as being in the Priority 1 Planning Area, the US Highway 25 North 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 completed in FY 2004-2005 (2020 CCP, Pg. 155). See section 6.3 regarding the US Highway 25 North Zoning Study.

6.3. US Highway 25 North Zoning Study:

6.3.1. The Subject Area lies within the area defined by the US Highway 25 North Zoning Study. As recommended by that Zoning Study, the R-30 (Low-Density Residential) zoning district was proposed and recommended for the Subject Area.

6.3.1.1. The 25 North Zoning Study states that, “R-30 is recommended for properties in the southeastern portion of the Study Area that are contained within, or adjacent to, flood-prone areas. R-30 best fits the existing use of the land in this area as a low-density single-family residential district. This district is intended to promote low-density, low intensity development, creating less impact on sensitive natural areas while preserving existing qualities of the land” (US 25 N Zoning Study, Pg. 33).

6.3.1.2. The 25 North Zoning Study states that, “RC is not recommended in this area because existing development is more consistent with R-30 standards” (US 25 N Zoning Study, Pg. 33).

6.3.1.3. The 25 North Zoning Study states that, “Recommendations of R-30 in this area are not consistent with the industrial recommendations from the Future Land Use Map, but do promote lower intensities of development in areas recommended for conservation. Existing residential development and the presence of flood-prone areas precluded an industrial recommendation in this area” (US 25 N Zoning Study, Pg. 33).

6.3.1.4. The 25 North Study also states that, “Existing I-2 industrial zoning is recommended to remain in areas around Bildon, Inc. and to the south on properties currently used for an extraction operation and communication tower. These are considered heavy industrial uses and would need to be located within an I-2 district to conform with zoning and to allow for future expansion. The recommendation of I-2 in this area is consistent

with the CCP's Future land Use Map." The Zoning Study further states, "This district does not extend into flood-prone areas of Mud Creek" (US 25 N Zoning Study, Pg. 31).

The Planning Board and the Planning Staff tried to recommend zoning districts that were appropriate for the existing uses predominant in the area, while also relying heavily upon development policies outlined within the County Comprehensive Plan (See Section 6.2 regarding the 2020 CCP).

On November 22, 2004, the Planning Board voted 7 to 1 to send the Board of Commissioners a favorable recommendation, with stated modifications, on the proposed US Highway 25 North Zoning Study.

On May 9, 2005, the Board of Commissioners rezoned the portion of the US Highway 25 North Zoning Study containing the Subject Area, based on the recommendations of the US Highway 25 North Zoning Study.

7. Staff Comments and Recommendations

7.1. Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the property to be zoned for industrial uses. This based on the following:

7.1.1. Both the text and map of the 2020 CCP identify the Subject Area as being suitable for industrial development. The recommendations of the US Highway 25 North Zoning Study and Henderson County Industrial Study are intended to further refine the 2020 CCP recommendations and result in rezoning of property.

7.1.1.1. Both the text and map of the 25 North Zoning Study recommended R-30 (Low-Density Residential) zoning be applied to the Subject Area as a result of the existing residential development and the presence of floodplain (Mud Creek) on the property. The property owners did not express opposition to the proposed zoning during the 25 North Zoning Study process.

7.1.1.2. Both the text and map of the Henderson County Industrial Study, completed after the 25 North Zoning Study, identify a majority of the Subject Area as being suitable for industrial development. The Industrial Study indicated that industrial designations were "recommended to be removed" from property recently rezoned for residential use in the 25 North Zoning Study area; however, the Industrial Study did not remove the industrial suitability recommendation from the Subject Area. It is possible the R-30 (Low-Density Residential) zoning district could be changed to an industrial district as a result of the implementation of the Industrial Study.

Staff's position is that the application of R-30 zoning to the Subject Area was intended to reflect the existing development of that area and presence of floodplain; however, the more recent Henderson County Industrial Study supports the Subject Area's suitability for industrial development.

- 7.1.2. Both the text and map of the 2020 CCP identify portions of the Subject Area parcels as being suitable for conservation. The US Highway 25 North Zoning Study did not recommend RC (Rural Conservation) zoning for the Subject Area because the existing development of the area was not consistent with this classification. The 25 North Zoning Study instead recommended applying R-30 (Low-Density Residential) zoning to these parcels in an effort to reflect the CCP recommendation regarding conservation. As indicated in the 25 North Zoning Study, the R-30 zoning district is intended to promote lower densities and intensities of development in the floodplain area.
- 7.1.3. Applying I-2 zoning to the Subject Area would make the property part of a larger contiguous I-2 district, as the Subject Area directly abuts I-2 zoning to the south and west. The existing I-2 district also connects to properties to the north of the Subject Area.
- 7.1.4. Applying I-2 zoning to the Subject Area would largely alter the range of uses permitted, the number of permitted lots, lot size requirements, and setback requirements. The Board must consider the range of uses, dimensional requirements, and densities for the existing zoning district compared to the proposed zoning district.
 - 7.1.4.1. I-2 and R-30 zoning only permit five (5) uses which are the same: agriculture, civic and cultural buildings, group 1 communication towers, group 2 communication towers, and group developments. I-2 zoning does not allow for residential uses of land while allowing for many intense nonresidential (commercial and industrial) uses of land. R-30 zoning primarily allows for residential uses and educational/institutional uses (See Attachment 7, Comparison of Permitted Uses by Zoning District).
 - 7.1.4.2. I-2 and R-30 zoning require the same front yard setbacks. I-2 side and rear yard setbacks vary, as they are equivalent to the requirements of the district to which it is contiguous. R-30 zoning requires a 30 foot side and rear yard setback.
 - 7.1.4.3. I-2 zoning has no minimum lot area standard while R-30 zoning requires a 30,000 square foot lot size.
 - 7.1.4.4. Neither I-2 nor R-30 zoning have a limit to building height; however, I-2 zoning requires an additional one-and-one-half (1½) foot yard requirement for each foot in height a building exceeds 40 feet.

Staff's position that the I-2 zoning district would allow for uses, lots, setbacks, and building heights which are in keeping with the character of the immediate vicinity, a largely industrial area. In the vicinity of the Subject Area, the R-30 district currently abuts the existing I-2 district. Adjacent properties with R-30 zoning are currently and will continue to be protected by the setback and buffer requirements of the I-2 zoning district.

- 7.1.5. Applying I-2 zoning to the Subject Area could largely impact public services. The Board must consider potential impacts including those to water, sewer, roads, emergency services, and schools.
 - 7.1.5.1. I-2 zoning is generally applied where public water and sewer facilities are available. Though water and sewer may be available to the Subject Area, making it more desirable for industrial development (the nearest water and sewer lines appear to be approximately 150 feet from the Subject Area), the Henderson County Zoning Ordinance would not require the applicant to connect to these facilities, nor can it be a condition of the rezoning request. The Board may consider the possibility of water and sewer services being extended, but cannot grant the rezoning based on the extension of water or sewer lines to the Subject Area as a condition.
 - 7.1.5.2. I-2 zoning would result in a potential increase in traffic on roads. The parcel currently contains one access point, a twenty (20) foot right of way located off of Teresa Lane, a gravel road which is not state maintained. Were the Subject Area developed under existing R-30 zoning an increase in traffic along Asheville Highway (US 25 N) and Teresa Lane would occur (provided the Subject Area is accessed by the existing right-of-way). Were the Subject Area developed under I-2 zoning an increase in traffic would occur; however it is difficult to anticipate the traffic increase due to the size of the tract and the variety of uses which are permitted by this district.
 - 7.1.5.3. I-2 zoning could result in impacts to emergency service provision which would differ from those were the Subject Area developed under R-30 zoning, largely due to the nature of the permitted uses in this districts. Developing under either district's requirements would produce similar concerns including: (1) the Subject Area's limited access (see 7.1.5.2 above), (2) the current access point's location predominantly within the floodplain; and (3) the resultant higher levels of impervious surface on the property as a result of development. The major point of difference is the types of uses and structures impacted by a flood event, and the individuals requiring emergency services during a flood event. Were the property developed under R-30 zoning, more dwelling units and residents could be placed at risk during a flood event. Were the property developed under I-2 zoning, nonresidential units and workers could be placed at risk during a flood. In either case the flood event may be more intense and frequent in the localized area as a result of the development.
 - 7.1.5.4. I-2 zoning would not result in increased dwellings on the Subject Area and therefore would not result in an increase in the number of school-aged persons residing on the Subject Area.
- 7.1.6. Staff should identify plans or policies, changes in existing conditions, undue hardship to the Applicant, or overriding community interest that would justify supporting the proposed rezoning. Staff's position is that the recommendations of

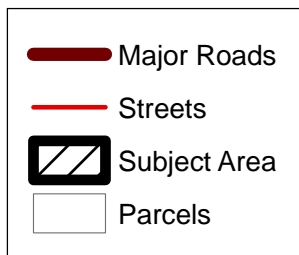
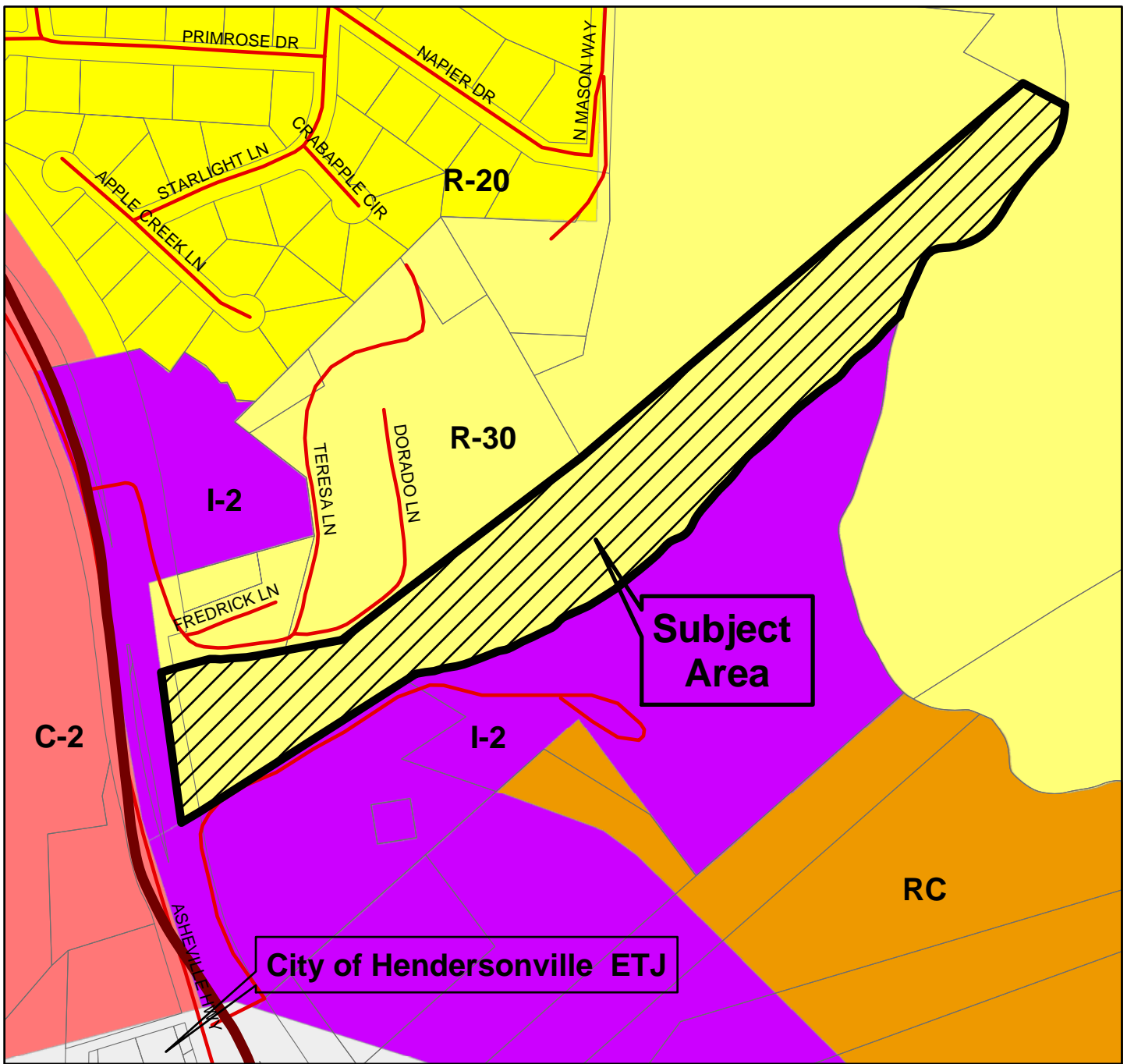
the 2020 CCP, recommendations of the Henderson County Industrial Study, conditions of the surrounding area and adjacent properties, and interest in preserving and expanding the industrial component of the County's economy (supported by the 2020 CPP, Henderson County 2006 Strategic Plan, and Henderson County Industrial Study) justify supporting the proposed rezoning.

7.1.6.1. 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.

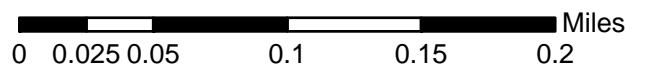
8. Planning Board Recommendations

- 8.1. See Attachment 15, Excerpt of Planning Board Minutes from August 15, 2006
- 8.2. The Henderson County Planning Board considered rezoning application #R-2006-03 at its regularly scheduled meeting on August 15, 2006. During that meeting, the Planning Board voted 7 to 2 to send the Board of Commissioners a favorable recommendation on rezoning application #R-2006-03 to rezone the Subject Area from an R-30 zoning district to an I-2 zoning district.

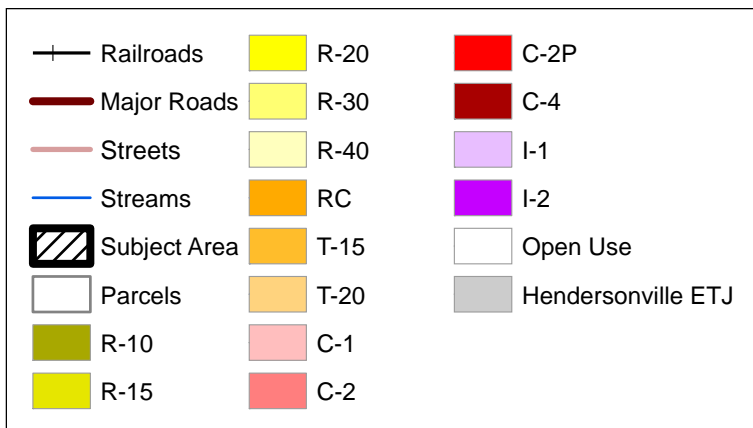
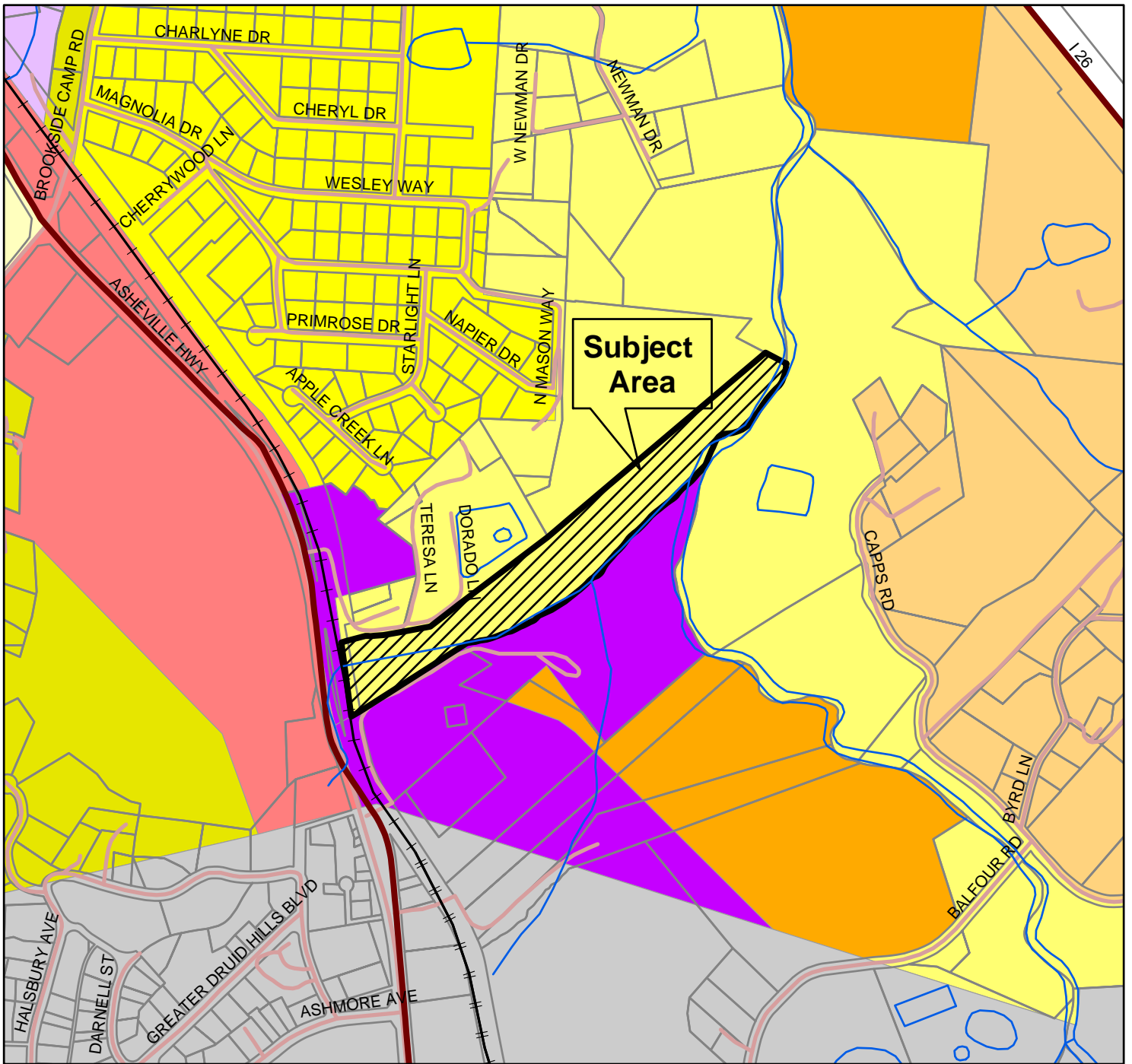
Site / Current Zoning Map



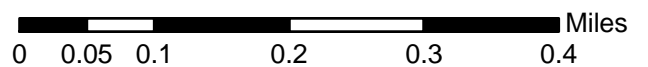
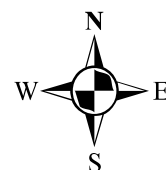
Rezoning Application
#R-2006-03
William W. Gregg, Applicant
Jesse D. Johnson, Agent



Vicinity / Current Zoning Map



Rezoning Application
#R-2006-03
William W. Gregg, Applicant
Jesse D. Johnson, Agent



§ 200-14. R-30 Low-Density Residential District.

This district is intended to be a quiet, low-density neighborhood consisting of single-family residences.

A. Within the R-30 Low-Density Residential District, the following uses are permitted:

- (1) Single-family dwellings, excluding manufactured homes.
- (2) 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.
- (3) 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.
- (4) Church bulletin boards not exceeding 12 square feet in area.
- (5) Signs not more than four feet square in area advertising the sale or rental of property on which they are located.
- (6) Transformer 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.
- (7) Customary accessory buildings, including private garages, noncommercial greenhouses and workshops.
- (8) Public schools having multiple curricula and private schools having curricula approximately the same as ordinarily given in public schools.

(9) [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.

(10) Group 1 communications towers and tower activities (as defined in and subject to the requirements in § 200-38.1). [Added 3-2-1998]

(11) Group 2 communications towers and tower activities (as defined in and subject to the requirements in § 200-38.1). [Added 3-2-1998]

(12) 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, permitted as as accessory uses in a residence.

(3) Libraries.

(4) Bed-and-breakfast inns. [Added 12-23-1992]

D. Dimensional requirements. Within the R-30 Low-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 (Family) Unit (sq. ft.)	Maximum Building Height (ft.)	Minimum Front Yard Setback From Center		Minimum Yards	
			Major1 (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.

§ 200-24. 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 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

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

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:

Minimum Front Yard Setback From Center Line of Street		Maximum Building Height	Minimum Yards Side Rear	
Major¹ (ft.)	All Others (ft.)	(ft.)	(ft.)	(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 11/2 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.
 - (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.

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.

- (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.

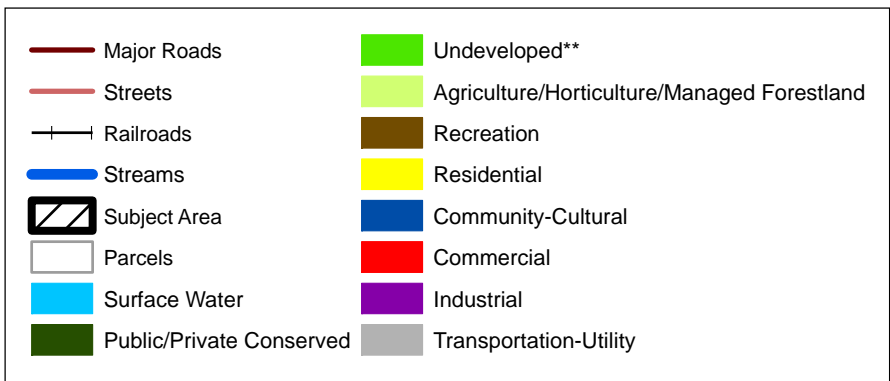
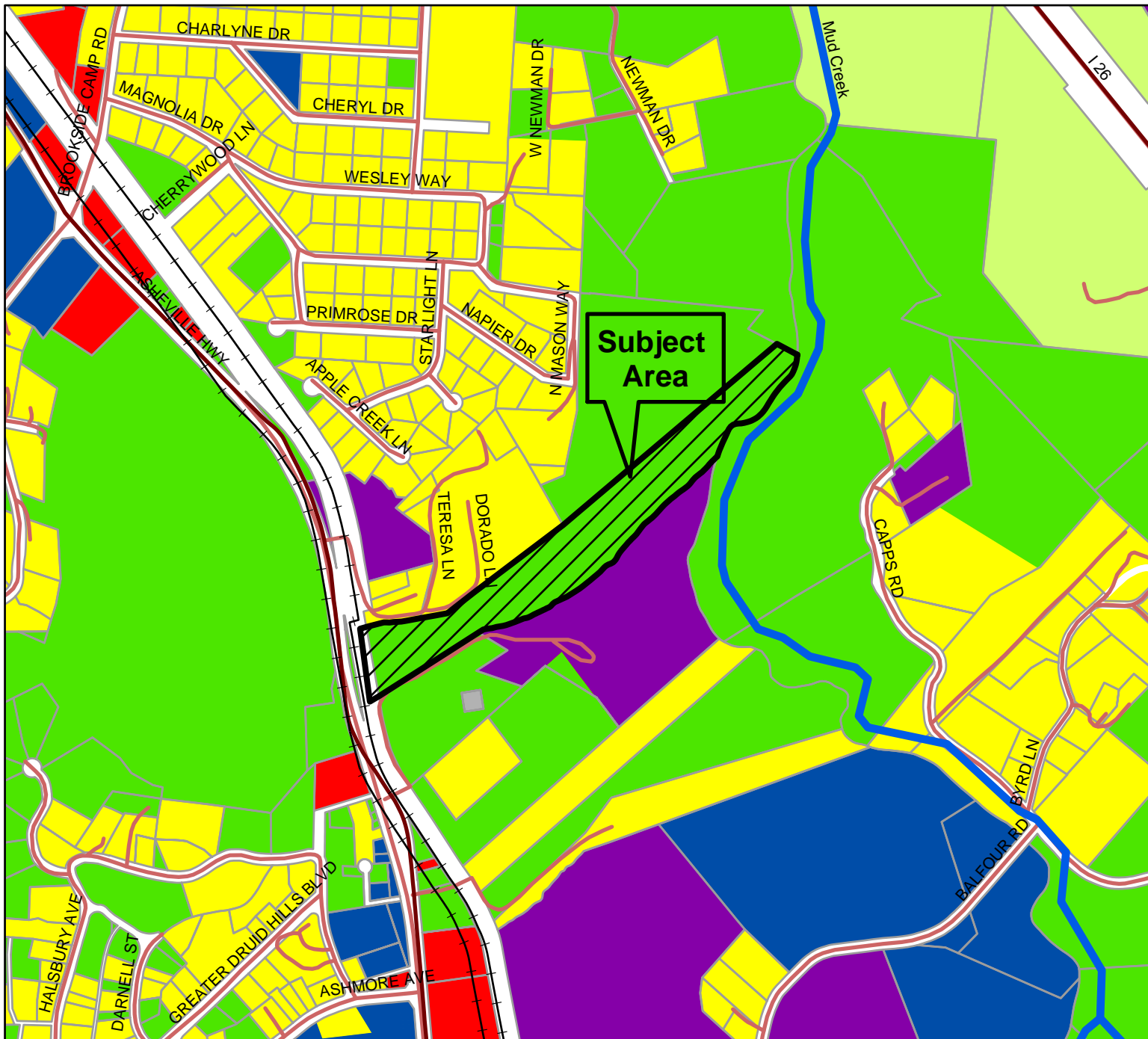
Table 1. Comparison of Permitted Uses by Zoning District		
Uses	R-30	I-2
Agricultural Uses		
Agriculture	P	P
Residential Uses		
Bed-and-Breakfast Inns	CU	-
Family Care Homes	P	-
Planned Unit Developments	SU	-
R-A Residential Apartments	SU	-
R-O Residential Open Spaces Developments	SU	-
Single-family Dwellings	P	-
Accessory Uses		
Home Occupations (Customary Incidental)	CU	-
Accessory Structures		
Customary Accessory Buildings (Noncommercial Greenhouses, Private Garages and Workshops)	P	-
Recreational Uses		
Parks, Camps, Tennis Racquet Clubs, Golf Courses	CU	-
Amusement Parks	-	P
Fairs and Carnival Grounds	-	P
Motor Sports Facilities	-	SU
Temporary Racing Events	-	P
Educational and Institutional Uses		
Church Cemeteries	P	-
Churches	P	-
Libraries	CU	-
Medical Institutional Care Development	SU	-
Schools (Public/Private) (Primary or Secondary, Not College)	P	-
Civic and Cultural Buildings (Auditoriums, Theaters, Museums, Art galleries, Symphony/concert halls, Historical societies)	P	P
Cemeteries	-	P
Business, Professional and Personal Service Uses		
Automobile Services	-	P
Branch Banks	-	P
Laundries	-	P
Offices: Business, Financial, Medical, Professional, and Public	-	P
Personal Services (Barber/Beautyshop, Dry-Cleaning Pickup, Laundromats, and Shoe/Watch Repair)	-	P
Tire Recapping and Retreading	-	P
Retail Trade Uses		
Adult Establishments	-	SU
Automobile Sales	-	P
Gasoline Service Stations	-	P
Manufactured Home Display Areas	-	P
Retail Businesses (Customarily serving residential neighborhoods and the transient public)	-	P

P = Permitted by Right; CU = Permitted with Conditional Use Permit; SU = Permitted with Special Use Permit

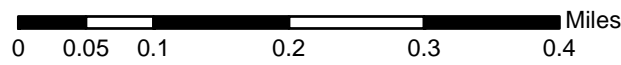
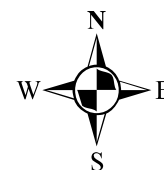
Table 1. Comparison of Permitted Uses by Zoning District		
Uses	R-30	I-2
Transportation, Warehousing and Utilities Uses		
Group 6 Communication Towers/Tower Activities	SU	-
Public Utility Stations	P	-
Transformer Stations	P	-
Group 1 Communication Towers/Tower Activities	P	P
Group 2 Communication Towers/Tower Activities	P	P
Airports	-	P
Group 3 Communication Towers/Tower Activities	-	P
Group 5 Communication Towers/Tower Activities	-	SU
Junkyards	-	P
Storage Plants and Tanks	-	P
Truck Terminals	-	P
Warehouses	-	P
Sign Uses		
Church Bulletin Boards	P	-
Signs (Sale/Rental of Property)	P	-
Outdoor Advertising Signs	-	P
Manufacturing and Industrial Uses		
Industrial Uses (Manufacturing, assembling, processing, fabricating, machining, warehousing, plants, factories, mills, materials handling, and blending of materials (oils, plastics, resins, or liquors)).	-	P
Mining and Extraction Operations	-	CU
Sawmills (More than two (2) acres in size)	-	P
Group Development Uses		
Group Developments	P	P

P = Permitted by Right; CU = Permitted with Conditional Use Permit; SU = Permitted with Special Use Permit

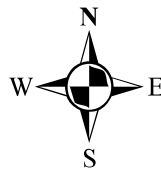
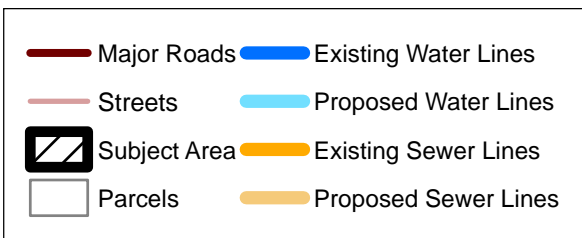
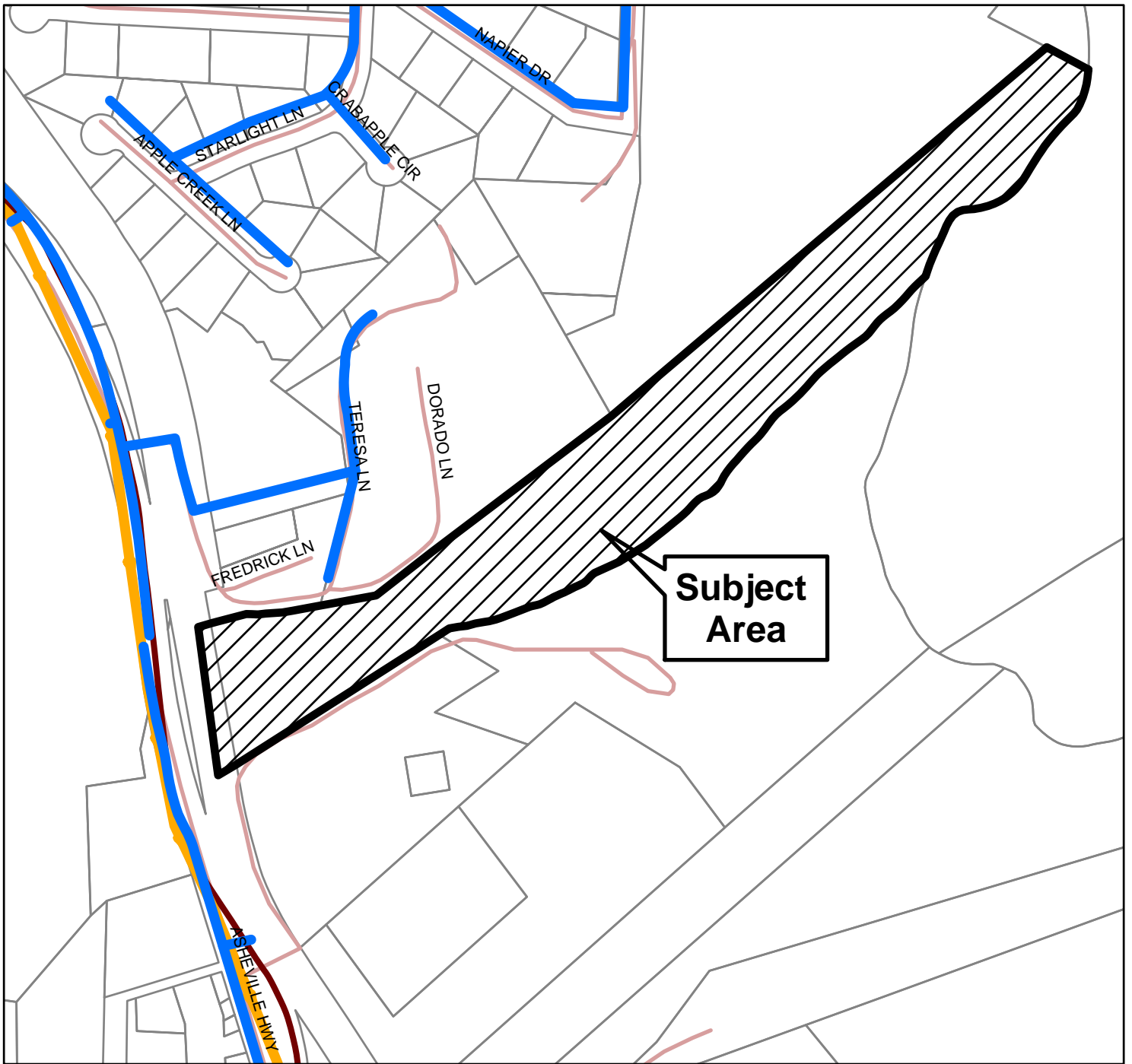
Current Land Use Map



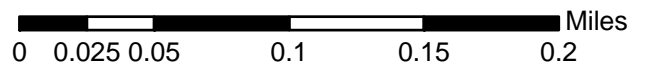
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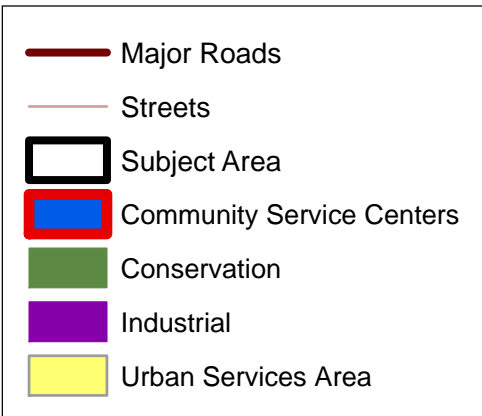
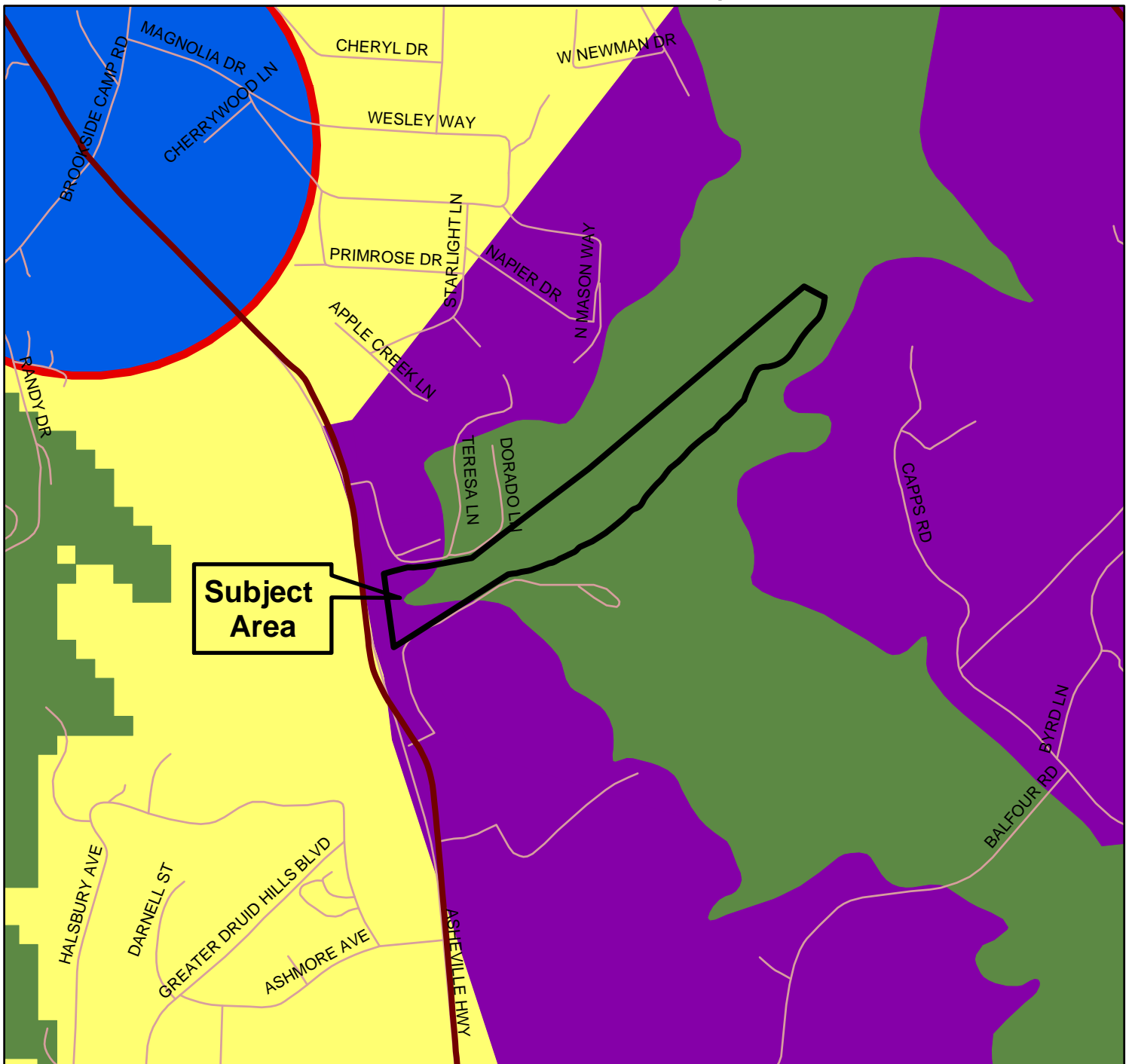
** May include forested as well as agricultural land. Any parcel containing residential development where the acreage to dwelling unit ratio is 10:1 or greater is classified as undeveloped.



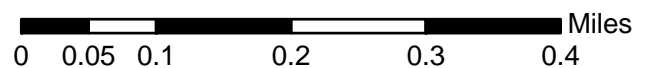
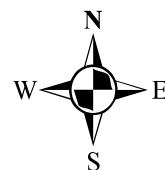
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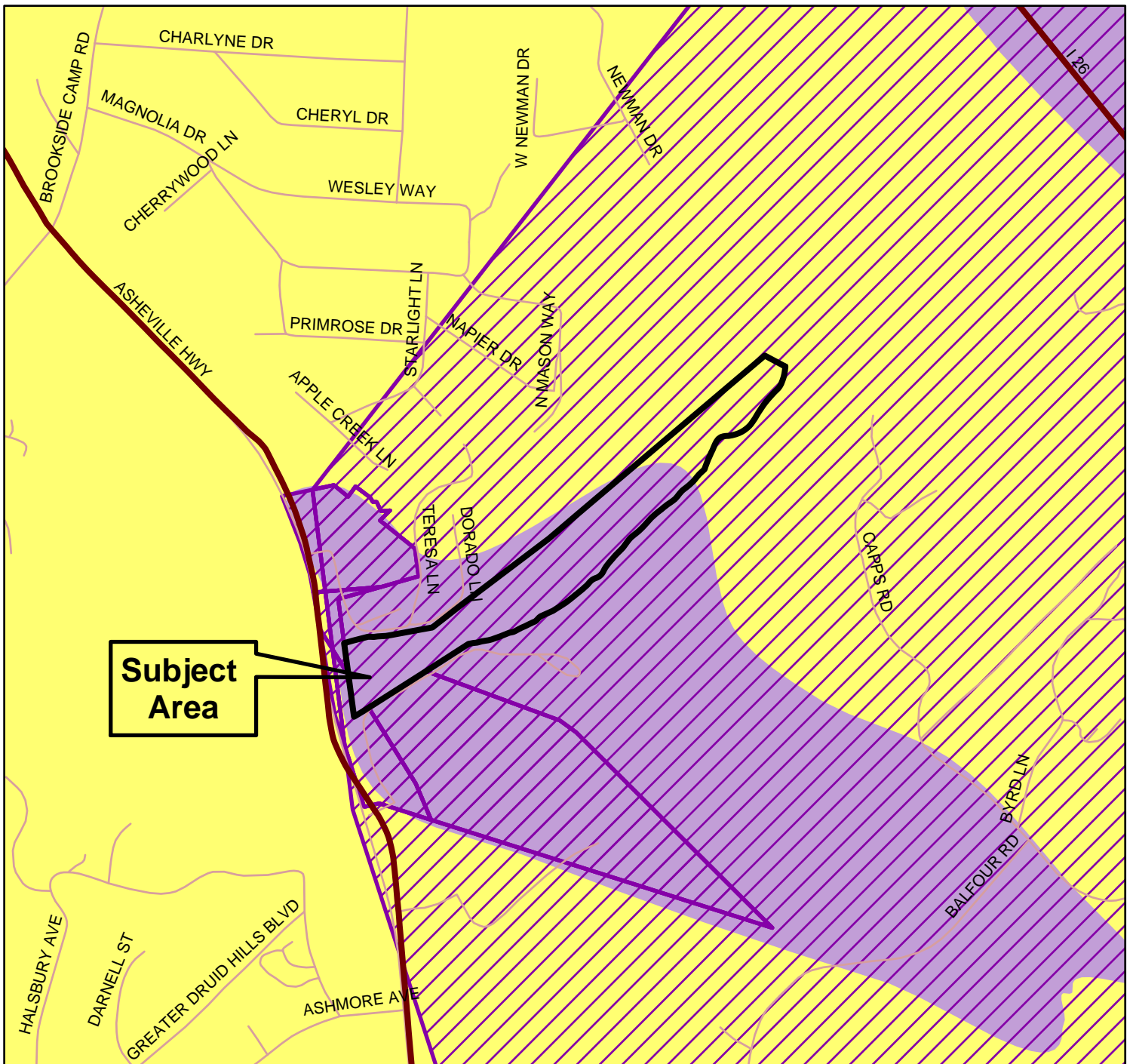
2020 County Comprehensive Plan Future Land Use Map



**Rezoning Application
#R-2006-03
William W. Gregg, Applicant
Jesse D. Johnson, Agent**



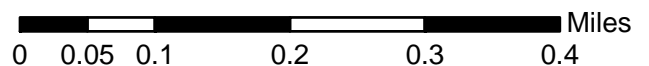
Henderson County Industrial Study Recommendations Map

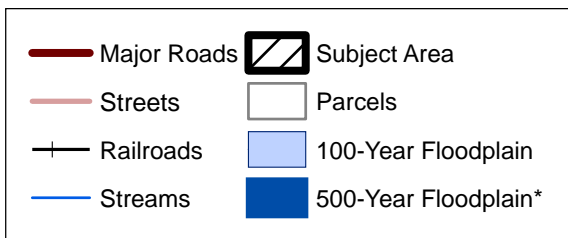
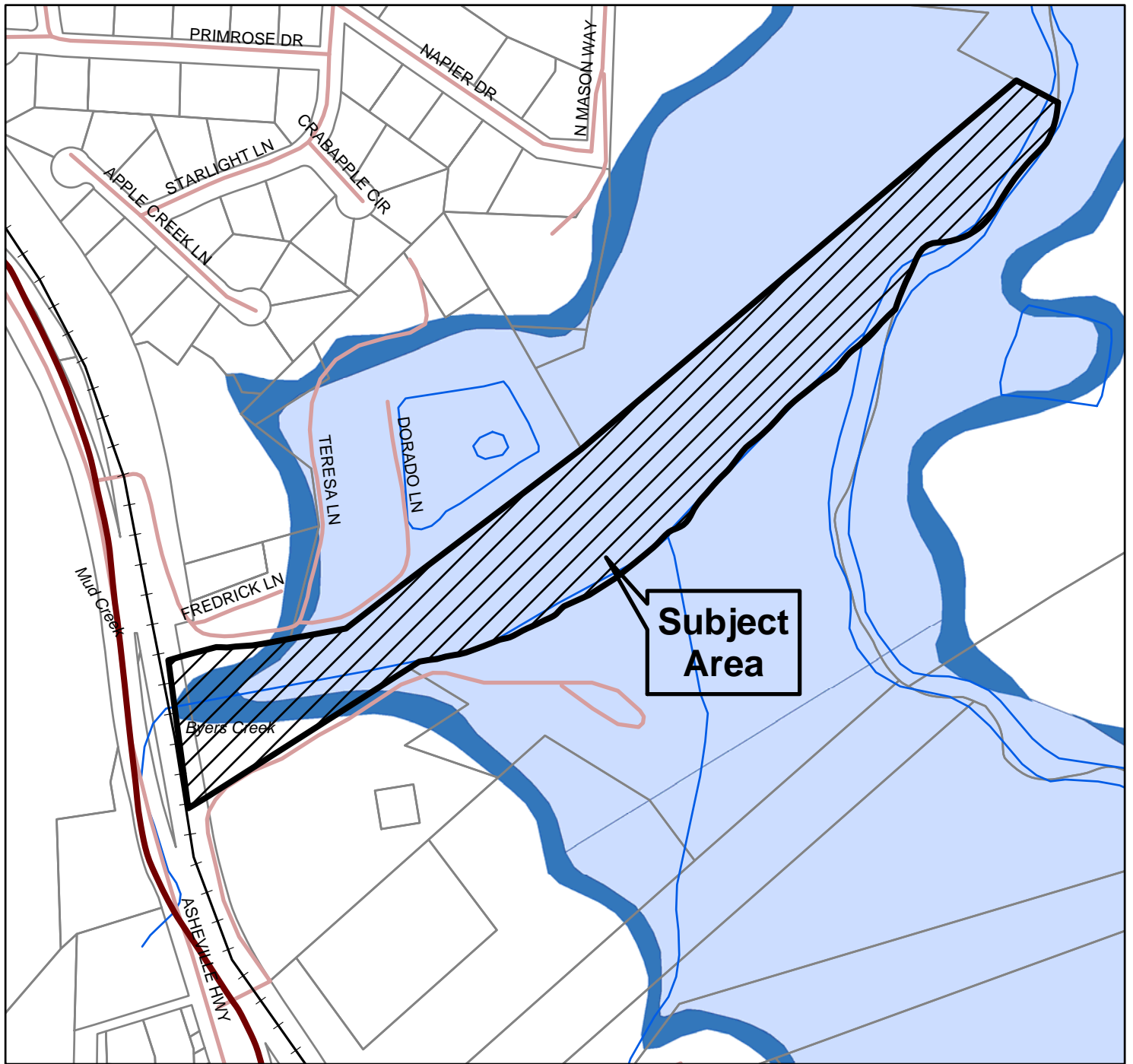


Subject Area

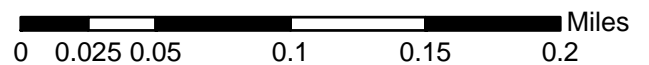


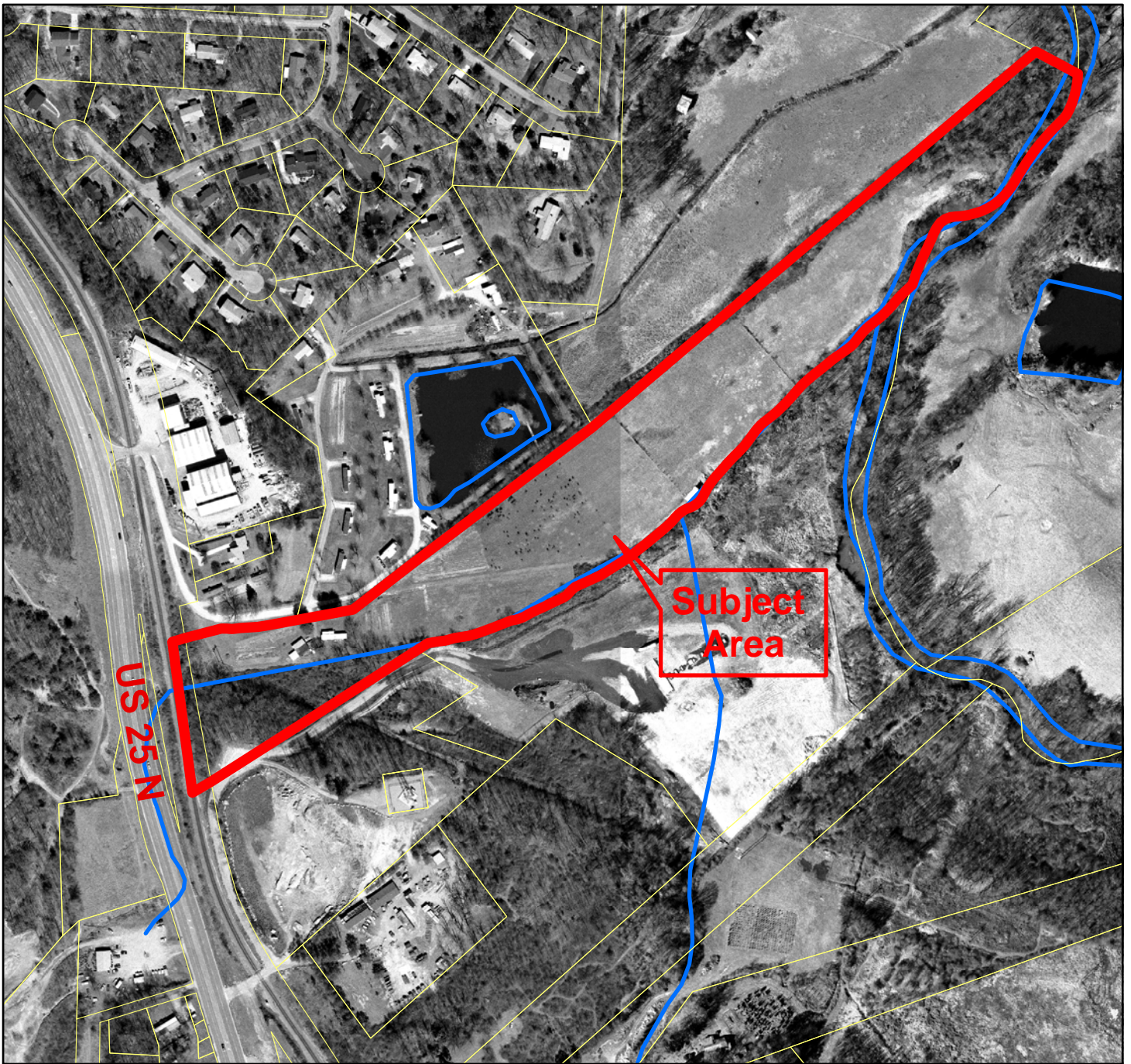
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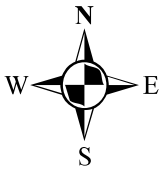


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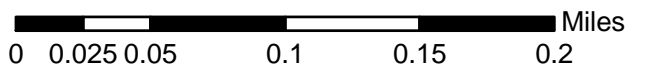




-  Official Blue Line Streams
-  Subject Area
-  Parcels



Rezoning Application
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1. View of Norfolk Southern Railway, which runs between Asheville Highway (US 25 N) and the Subject Area, looking west from Asheville Highway.



2. View of Norfolk Southern Railway, which runs between Asheville Highway (US 25 N) and the Subject Area, looking east from Teresa Lane.



3. View of existing structures (manufactured home and storage building) and point of access to the Subject Area property, looking south from Teresa Lane.



4. View of three (3) existing residential accessory structures, looking southeast from Teresa Lane.



5. View of an existing turnaround, portions of which appear to be located on the Subject Area parcel, looking north from a drive which runs parallel to the Subject Area along its southern boundary.



6. View of existing residential structure, looking north from the drive which runs parallel to the Subject Area along its southern boundary.

**EXCERPT FROM THE HENDERSON COUNTY PLANNING BOARD MINUTES
AUGUST 15, 2006.**

Rezoning Application – (#R-2006-03) – Request to Rezone approximately 16.25 Acres Located off Asheville Highway US 25 north), from an R-30 (Low-Density Residential) Zoning District to an I-2 (General Industrial) Zoning District – Jesse D. Johnson, Agent for William W. Gregg, Owner and Applicant.

Mr. Cooper asked whether there are any landowners present that are involved with this rezoning request. It was mentioned among some Board members that they feel notices should be sent out at this level because the homeowners are caught unaware once it gets to the Board of Commissioners.

Mr. Cable stated that the request is to rezone approximately 16.25 acres of land located off Asheville Highway, from an R-30 zoning district to an I-2 zoning district.

He said that Staff supports the rezoning request based on the 2020 CCP, the Industrial Study, the conditions of the surrounding area and the adjacent properties and the basic interest of preserving and expanding the industrial component of the County's economy.

Mr. Cable stated that the surrounding uses are some undeveloped lands. He said that there are some adjacent residential uses including a manufactured home park to the north and also some single-family lots. To the north, there are some industrial facilities such as Bildon, Inc. To the south are Berkley Mills and Carolina Material Sales as well as a cellular tower.

Ms. Kumor asked why Staff recommends Industrial in a floodplain and what response do you have to the impact it would have on the other neighbors?

Mr. Cable stated that Staff evaluated the request based on the Industrial Study, completed after the 25 North Zoning Study, which identifies a majority of the subject area as being suitable for industrial development, and the impact to emergency services. I-2 zoning could result in impacts to emergency service provision which would differ from those were the subject area developed under R-30 zoning, due to the nature of the permitted uses in this districts. Developing under either district would produce similar concerns including: the subject area's limited access, the current access point's location predominantly within the floodplain; and the resultant higher levels of impervious surface on the property as a result of development. Were the property developed under R-30 zoning, more dwelling units and residents could be placed at risk during a flood event. If the property developed under I-2 zoning, nonresidential units and workers could be placed at risk during a flood event.

Ms. Kumor stated if the residents around it do not find it preferable, why do you think that type of egregious insult to an R-30 neighborhood is something that is supported? Mr. Cable said he doesn't feel that it would be considered an insult because the I-2 zoning district currently exists in that area. Ms. Kumor said that the homeowners were insulted when it came in the first time. Mr. Cable said that the I-2 district does offer some protection to adjacent residential regarding buffering. Ms. Kumor said that she feels I-2 is the dirtiest district that you can have in a neighborhood, so you are suggesting that in a middle of an R-30 district, in a floodplain, we put what is the dirtiest we can do? Mr. Starr clarified that it will not be in the middle of an R-30 District, but contiguous to an existing industrial district. He said Staff had discussed at length the fact that the Industrial Study recommended it. Ms. Kumor wanted justification that a long narrow strip is an important industrial asset to our community. Mr. Starr said that they had discussed at length that a good portion of the property is in the floodplain and that the potential for loss of life, if there were a significant flood, would be less if the property was occupied by a non-residential use as opposed to residential uses. Ms. Kumor brought up the fact of filling the land and raising

the level of water. Mr. Starr stated that the County does have limits on that in the Flood Damage Prevention Ordinance and the proposed developers would have to sign an engineering certification that it will not impact the area. Ms. Kumor said that she feels that it is the least restrictive – it is the most egregious insult on R-30 property to put an I-2 district in the middle of R-30 property. She added that the other I-2 district is much higher as it has been filled and raised the water level to all of that property in a flood. She added that it is in the middle of a floodplain and none of the neighbors are here to defend it and Staff is recommending it. Mr. Cooper said that the narrow strip you referred to is made up of sixteen and a quarter acres and there is another industrial strip nearby.

Mr. Starr stated that anything that is built will have to be built above the base elevation. So even though they will build in an area that is in the 100-year floodplain, it will have to be built one or two feet above the base level, based on the current maps. If that changes with the new elevation maps that will come out in the next couple of years, then that is retroactively applied to this property and would have to meet the new base elevations, if they haven't already constructed something.

Mark Williams said that the Flood Ordinance does provide protection and has no problem with the rezoning request. He added that he agrees with Staff's recommendation.

Ms. Kumor made a motion to recommend denial of Staff recommendation on the rezoning request # R-2006-03 to the Board of Commissioners. Gary Griffin seconded the motion. Mark Williams added that he does not feel it is in the middle of a residential area because this proposed subject property already adjoins an I-2 district and feels it is an extension as to what is already there.

Mr. Cooper asked the applicant to come before the Board and speak on this issue.

Jesse Johnson, applicant, said he actually agrees with the floodplain issue. He showed the areas that are buildable on his land and stated that there are restrictions on how much fill he could put on the land and in what areas. Mr. Cable stated that the Floodplain Ordinance has restrictions as to what the base flood elevation is in the area.

The motion of Ms. Kumor's was repeated and Gary Griffin seconded the motion. Mike Cooper, Mark Williams, John Antrim, Stacy Rhodes, Jonathan Parce and Tommy Laughter were opposed of the motion. Renee Kumor and Gary Griffin were in favor of the motion. The motion did not carry.

Mark Williams made a motion to send a favorable recommendation to the Board of Commissioners on rezoning request # R-2006-03 and John Antrim seconded the motion. Mike Cooper, Tommy Laughter, Jonathan Parce, Stacy Rhodes, John Antrim and Mark Williams voted in favor. Renee Kumor and Gary Griffin voted against the motion. The motion carried six to two in favor.

**NOTICE OF PUBLIC HEARING
ON PROPOSED ZONING MAP AMENDMENT
(Rezoning Application #R-2006-03)**

The Henderson County Board of Commissioners will hold a public hearing on an application (#R-2006-03) for a proposed amendment to the Official Zoning Map of Henderson County, North Carolina, that would rezone approximately 16.25 acres of land, located off Asheville Highway (US 25 North), from an R-30 (Low-Density Residential) zoning district to an I-2 (General Industrial) zoning district. The Subject Area appears to be parcel 9660-53-2152, which is owned by the applicant, William W. Gregg. The Applicant's Agent is Jesse D. Johnson.

The public hearing will be held on Wednesday, October 18, 2006, at 11:00 A.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

For publication in the Times News on Wednesday, September 27, 2006 and Wednesday, October 4, 2006.