

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARING

**Rezoning Application #R-2007-03
(I-1 to C-4)**

**Walter M. Rowland, Jr., Applicant
B.L. Hyder, Applicant's Agent**

MEETING DATE: Wednesday, May 16, 2007

ATTACHMENTS:

1. Staff Report
2. Notice of Public Hearing
3. Letter Support for Expanded Area Rezoning from Mr. Scott Jarvis, Expanded Subject Area Property Owner
4. Excerpt of Planning Board Minutes from March 15, 2007
5. Photos of Subject Area and Expanded Subject Area

SUMMARY OF REQUEST:

Rezoning Application #R-2007-03, which was submitted on February 14, 2007, requests that the County rezone approximately 2.41 acres of land, located off Naples Road (SR 1534), from an I-1 (Light Industrial) zoning district to a C-4 (Highway Commercial) zoning district. The Subject Area appears to be parcels 9651-77-5124 and 9651-77-3029, which are owned by the Applicant, Walter M. Rowland Jr. The Applicant's Agent is B.L. Hyder.

The Henderson County Planning Board considered rezoning application #R-2007-03 at its regularly scheduled meeting on March 15, 2007. During that meeting, the Board voted 7 to 0 to send the Board of Commissioners a favorable recommendation for rezoning application #R-2007-03 to rezone the Subject Area from existing I-1 zoning district to a C-4 zoning district. The Planning Board recommended that the rezoning also include all eight (8) adjacent parcels owned by Mr. Scott Jarvis which appears to be parcels 9651-77-1206, 9651-76-2953, 9651-77-3029, 9651-77-3278, 9651-67-9533, 9651-76-0981, 9651-67-8212, 9651-67-5473, 9651-77-5124 and 6951-66-8998 ("Expanded Subject Area").

PUBLIC NOTICE:

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 May 16, 2007, public hearing regarding rezoning application #R-2007-03 were published in the Hendersonville Times-News on April 25, 2007 and May 2, 2007. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area and Expanded Subject Area and the applicant on May 2, 2007, and posted signs advertising the hearing on the Subject Area and Expanded Subject Area on May 2, 2007.

BOARD ACTION REQUESTED:

Planning Staff does not support the application to rezone the Subject Area from an I-1 zoning district to a C-4 zoning district. Staff also does not support the rezoning of the Expanded Subject Area from I-1 to C-4 zoning.

Suggested Motion:

I move that the Board deny rezoning application #R-2007-03 to rezone the Subject Area from an I-1 (Light Industrial) zoning district to a C-4 (Highway Commercial) zoning district as recommended by the Planning Staff report in accordance with the recommendations of the US 25 North Zoning Study and Industrial Study;

And

I further move that the Board not rezone the Expanded Subject Area from I-1 to C-4 as recommended by the Planning Board.

Henderson County Planning Department Staff Report

Rezoning Application #R-2007-03 (I-1 to C-4)

Walter M. Rowland, Applicant

B.L. Hyder, Agent

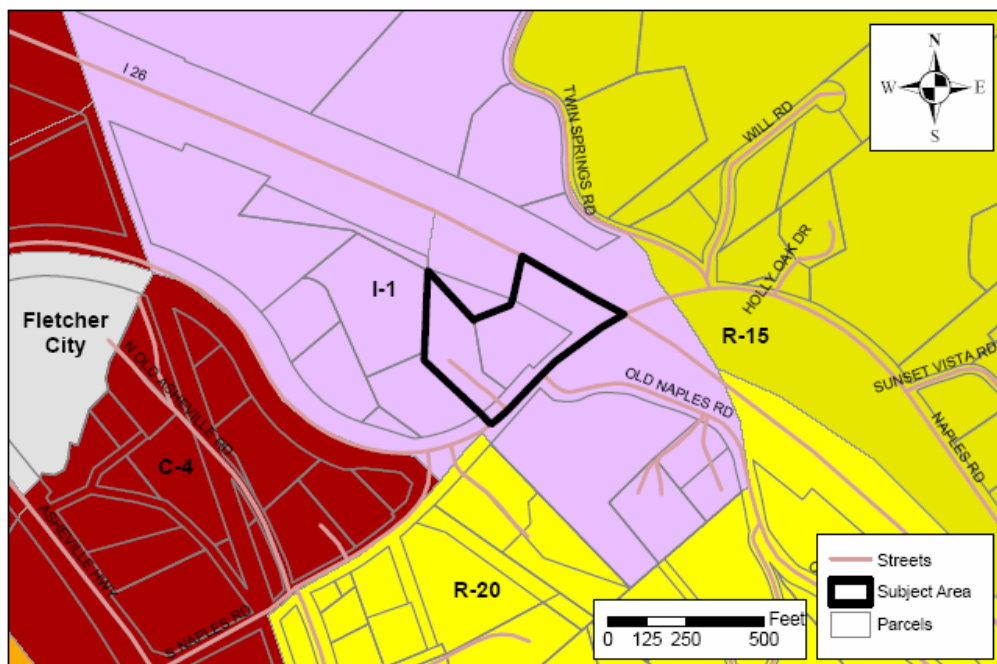
1. Rezoning Request

- 1.1. **Date of Application:** February 14, 2007
- 1.2. **Property Owner/Applicant:** Walter M. Rowland
- 1.3. **Applicant’s Agent:** B.L. Hyder
- 1.4. **Request:** Rezone Subject Area from an I-1 (Light Industrial) zoning district to a C-4 (Highway Commercial) zoning district.
- 1.5. **Subject Area**
 - 1.5.1. **PIN:** 9651-77-5124 (easternmost parcel) & 9651-77-3029 (westernmost parcel)
 - 1.5.2. **Size:** Approximately 2.41-acre tract of land (composed of a 1.15 acre parcel (9651-77-5124) and a 1.26 acre parcel (9651-77-3029)).
 - 1.5.3. **Location:** Intersection of Naples Road (SR 1534) and Interstate 26.

2. Current Zoning

- 2.1. **Application of Current Zoning:** The Subject Area is currently zoned I-1 (Light Industrial), which was applied on May 9, 2005, as part of the US Highway 25 North Zoning Study (See Map A).

Map A: Current Zoning



2.2. **Adjacent Zoning:** The I-1 (Light Industrial) zoning district completely surrounds the Subject Area. To the west is a C-4 (Highway Commercial) zoning district, to the north and east is an R-15 (Medium-Density) zoning district, and to the south is an R-20 (Low-Density Residential) zoning district (See Map A).

2.3. **District Comparison:**

2.3.1. **I-1 Light Industrial Zoning District:** *Please note that there is no purpose statement for the I-1 Light Industrial Zoning District.* I-1 is a light industrial zoning district permitting most light industrial uses and some commercial uses, but excluding all residential uses. Permitted uses include: retail businesses, offices, personal service businesses, tire recapping, automobile sales/service, gas stations, warehouses/mini-storage and junkyards, among other uses. Special uses include group 5 communication towers and motor sports facilities. 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 (HCZO §200-24, Pg. 57).

2.3.2. **C-4 Highway Commercial Zoning District:** *“This district is designed primarily to encourage the development of recognizable, attractive groupings of facilities to serve persons traveling by automobile and local residents. Since these areas are generally located on the major highways, they are subject to the public view. They should provide an appropriate appearance and ample parking and be designed to minimize traffic congestion.”*(HCZO §200-22). C-4 is a highway commercial zoning district permitting, by right, commercial uses at various scales. Permitted uses include: retail business, offices, hospitals/clinics, libraries/schools, churches, restaurants, automobile sales/services, miniature golf courses, hotels, mini-storage facilities and communication towers, among other uses. Conditional uses include shopping centers, junkyards and recreational vehicle parks. Special uses include group 5 communication towers, motor sports facilities, and adult establishments. 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). A maximum height of 40 feet for applies to structures (HCZO §200-22, Pg. 50).

3. **Current Uses of Subject Area and Adjacent Properties**

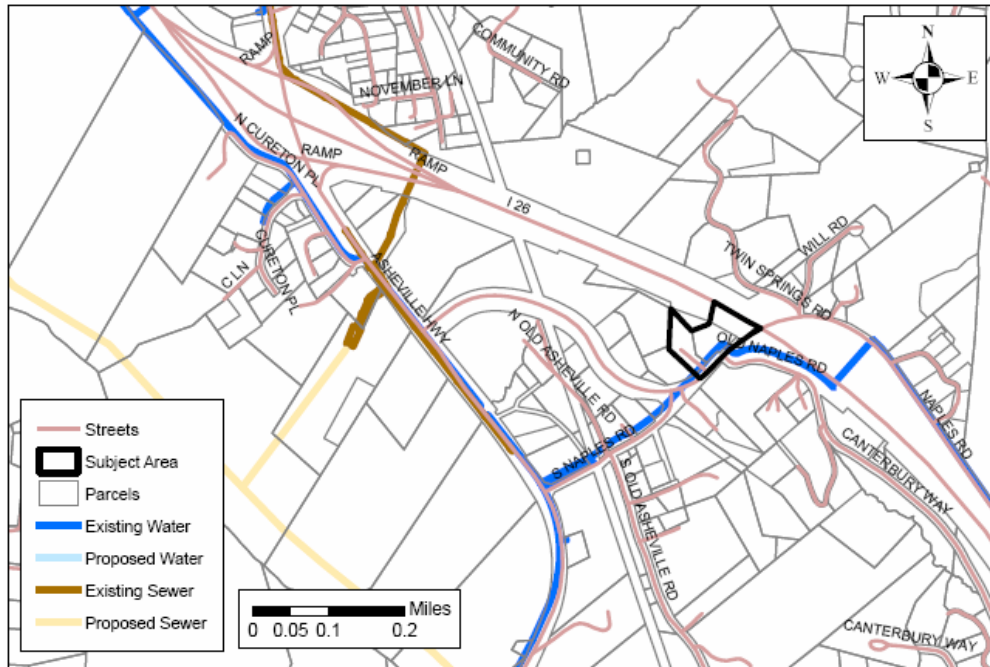
3.1. **Subject Area Uses:** The Subject Area currently contains what appears to be a foundation. At the time of application each of the two parcels of the Subject Area contained single-family residential structures and standard residential accessory structures.

3.2. **Adjacent Area Uses:** Surrounding area uses include undeveloped lands and single-family residential uses to the west, industrial uses to the north (including Oxilife, Inc. and Saluda Mountain Products, Inc.), commercial uses to the east (including WNC Home Oxygen and A Self-Storage Depot and U-Haul), and single-family residential uses to the south.

4. Water and Sewer

4.1. **Availability:** Public water appears to be available to the Subject Area, provided by the City of Hendersonville. Public sewer is not currently available and, according to the Water and Sewer Master Plan, is not proposed to be extended to the Subject Area. The nearest existing sewer line is approximately 1300 feet (0.25 miles) from the Subject Area (See Map B).

Map B: Water and Sewer



5. Transportation and Access

5.1. **Frontage:** The Subject Area has approximately 400 feet (0.07 miles) of road frontage along Naples Road (SR 1543) and approximately 220 (0.04 miles) of frontage (not suitable for access) along Interstate 26.

5.2. **Transportation:** Table 1, below, provides Annual Average Daily Traffic Counts for Interstate 26, US Highway 25 North, and Naples Road (SR 1534).

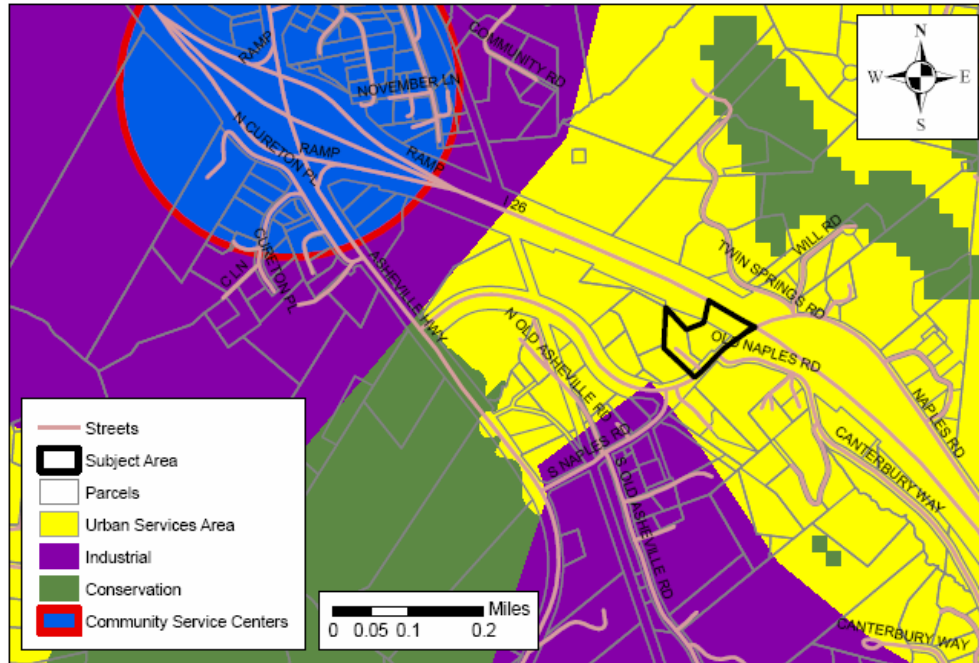
Table A. Annual Average Daily Traffic Count				
Road	2002	2003	2004	2005
Interstate 26	-	-	48,000	50,000
US Highway 25 North	15,000	20,000	19,000	-
Naples Rd (SR 1534)	4,400	-	5,100	-

5.3. **The NCDOT 2007-2013 State Transportation Improvement Program (STIP):** The Transportation Improvement Program, within the vicinity of the Subject Area, includes the widening of Interstate 26 between NC 225 to NC 280 to multi-lanes (Project Number I-4400). No improvements are scheduled for Naples Road (SR 1534).

6. The Henderson County, North Carolina 2020 Comprehensive Plan (CCP)

- 6.1. 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 Map C).

Map C: 2020 County Comprehensive Plan Future Land Use Map



- 6.2. The CCP also states that, “the USA will contain considerable commercial development at a mixture of scales,” and further, “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” (2020 CCP, Pg. 129).
- 6.3. The CCP also states that, “the 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).
- 6.4. The CCP Future Land Use Map (See Map C) does not place the Subject Area in an “Industrial” or “Community Service Center” area. The CCP does not specifically identify which type of use (high-density residential, commercial or industrial) may be the most suitable for the Subject Area.

7. The US Highway 25 North Zoning Study

- 7.1. The Subject Area lies within the area defined by the US Highway 25 North Zoning Study (Priority 1 Planning Area within the community-based planning framework (CCP Appendix I, Map 33). The US Highway 25 north zoning Study (US 25 N Study) recommended the I-1 (Light-Industrial) zoning district be applied to the Subject Area.
- 7.2. The US 25 N Study states that, “An I-1 Light Industrial district is recommended along I-26 in the area of Twin Springs Road, Naples Road and Old Naples Road. I-1 is recommended in this area based primarily upon existing uses, including: A Self-Storage

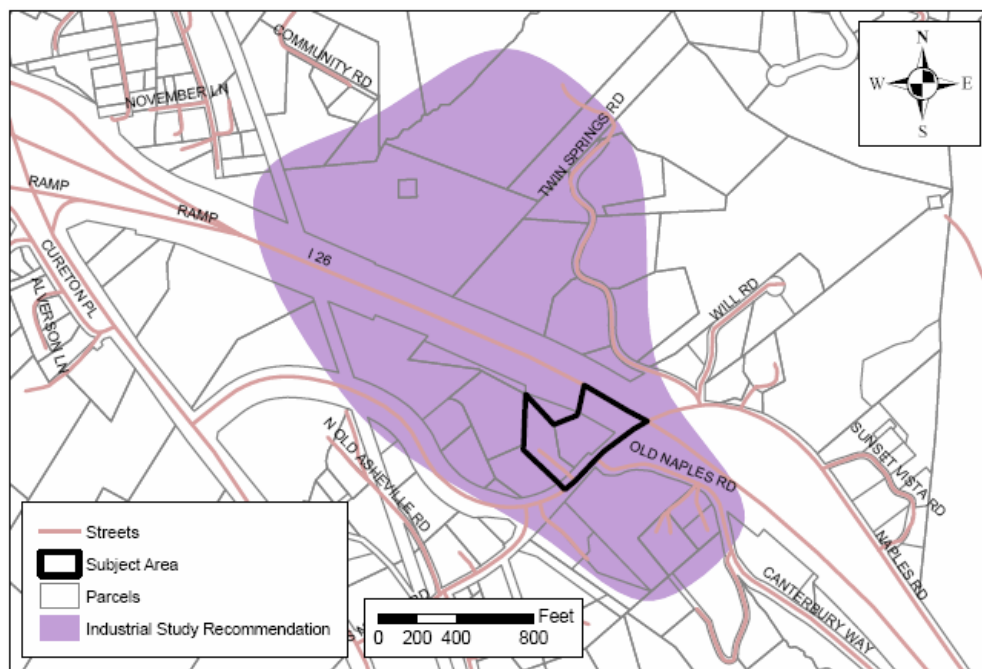
Depot, ISS Co. Manufacturing and Machining, WAEN PAX-TV, and Oxilife, Inc.” (US 25 N Zoning Study, Pg. 21).

- 7.3. The US 25 N Study also states that, “Recommendations for commercial zoning in northern portions of the Study Area are generally concentrated along US Highway 25 North, at or near the interchange with I-26. Commercial zoning districts in this area were placed in relation to existing commercial land uses and property suitable for expansion of such development. C-4 Highway Commercial was recommended in this area to create a regional scale commercial node at this key intersection with I-26” (US 25 N Study, Pg. 22).
- 7.4. 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 that Study.

8. The Draft Henderson County Industrial Study

- 8.1. The CCP 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). The Draft Henderson County Industrial Study (Industrial Study) is a result of this CCP recommendation. The Planning Board reviewed and unanimously (a vote of 8 to 0) provided a favorable recommendation on the Draft Industrial Study at its January 17, 2006 meeting. The Board of Commissioners has not yet reviewed/approved/implemented the Industrial Study.
- 8.2. According to the Industrial Study, the Subject Area is recommended for industrial use (See Map D). The Industrial Study states that, “numerous industrial areas in the northern portion of the County have been expanded to reflect the actions previously taken by the Board of Commissioners to rezone parcels within the US Highway 25 North Zoning Study Area for industrial use” (Draft Industrial Study, Pg. 3).

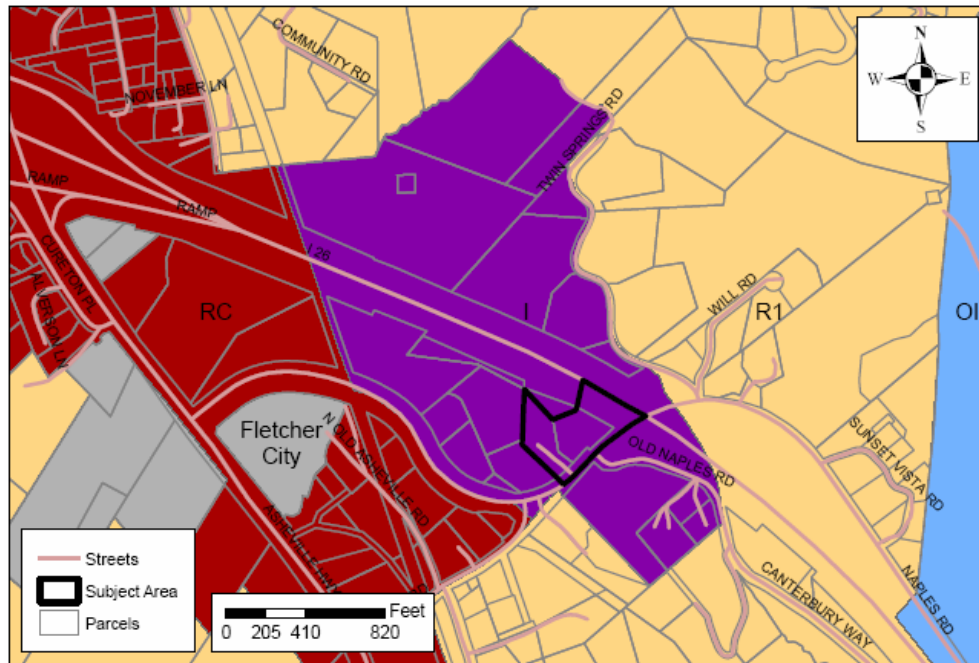
Map D: Industrial Study Recommendations



9. The Draft Land Development Code

- 9.1. The Draft Land Development Code Zoning Map identifies the Subject Area as transitioning to an I (Industrial) zoning district. Properties to the south of the Subject Area, which are currently zoned C-4 (Highway Commercial) are identified as transitioning to an RC (Regional Commercial) zoning district (See Map E).
- 9.2. The Subject Area, were it to remain I-1 (Light Industrial) would transition to the I (Industrial) zoning district. Were the Subject Area to be rezoned to C-4 (Highway Commercial) it would transition to the RC (Regional Commercial) zoning district.

Map E: Draft Land Development Code Zoning Map



9.3. Draft Land Development Code District Comparison:

9.3.1. **I Industrial Zoning District:** *“The purpose of the Industrial District (I) is to foster orderly growth where the principal use of land is a mixture of industrial and heavy commercial. The intent of this district is to allow for industrial and heavy commercial development consistent with the recommendations of the Comprehensive Plan. In accordance with the Comprehensive Plan, the district will allow for and provide industrial and heavy commercial development that: (1) is compatible with adjacent development and the surrounding community; (2) will minimize conflict between land uses; and (3) is sensitive to its impact on surrounding land uses and the environment (natural and man-made)” (Draft LDC §200A-36).*

9.3.2. **RC Regional Commercial Zoning District:** *“The purpose of the Regional Commercial District (RC) is to foster orderly growth where the principal use of land is commercial. The intent of this district is to allow for commercial development consistent with the recommendations of the Comprehensive Plan. In accordance with the Comprehensive Plan, the district will allow for and provide commercial development that: (1) includes a variety of retail sales and services, public and private administrations, offices and all other uses done primarily for sale or profit on the local, community, and regional level; (2) is directed largely*

to defined Community Service Centers as defined in the Comprehensive Plan; (3) is compatible with adjacent development and the surrounding community; and (4) will minimize congestion and sprawl. This general use district is meant to be utilized in areas designated as Urban in the Comprehensive Plan” (Draft LDC §200A-34).

10. Staff Comments

Staff’s position at this time, under the guidelines of current plans, policies and studies, is it does not support the rezoning of the property to be zoned for commercial uses. This based on the following:

10.1. The 2020CCP: The text and map of the 2020 CCP suggest that the Subject Area would be suitable for high-density residential, commercial or industrial development. The CCP Future Land Use Map (See Staff Report Pg. 4, Map C) does not place the Subject Area in an “Industrial” or “Community Service Center” area. The CCP does not specifically identify which type of use (high-density residential, commercial or industrial) may be the most suitable for the Subject Area.

10.2. Comparison of Districts:

10.2.1. Applying C-4 zoning to the Subject Area would limit the number of industrial uses and increase the number of commercial uses permitted. Height limitations would apply under the C-4 zoning district where they do not apply under the I-1 zoning district. Setbacks would remain unchanged.

10.2.2. Applying C-4 zoning could have similar impacts on public services (water, sewer, roads, emergency services, and schools) as would I-1 zoning, dependent upon the scale of development and/or type of use proposed under either district.

10.3. The US Highway 25 North Zoning Study and Henderson County Industrial Study:

10.3.1. Both the US Highway 25 North Zoning Study and Henderson County Industrial Study, which are intended to be extension of the 2020 CCP, recommend an industrial classification for the Subject Area and those parcels immediately adjacent to and surrounding the Subject Area. This application is based on existing uses (US 25 N Study) and site suitability (Industrial Study).

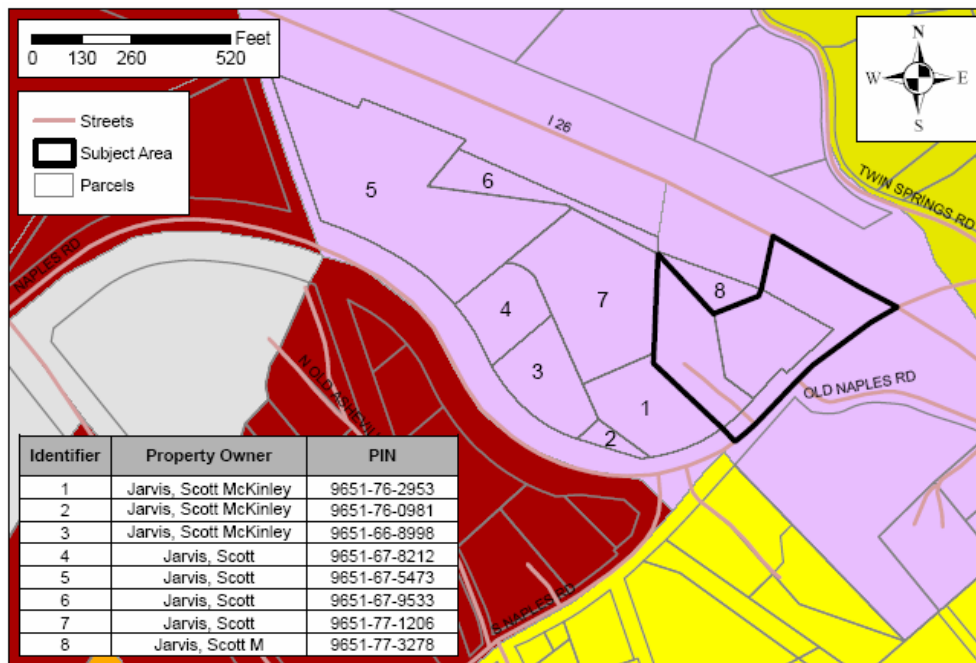
10.3.2. The US Highway 25 North Zoning Study does recommend C-4 (Highway Commercial) zoning for those properties to the south of the Subject Area. According to the Zoning Study, the application of this district in these areas is related largely to the proximity of these parcels to the intersection of Interstate 26 and US Highway 25 North.

10.4. Spot Zoning: Applying C-4 zoning to the Subject Area may result in “Spot Zoning.” Spot zoning is a zoning ordinance or amendment (rezoning) that singles out and reclassifies a relatively small area of land owned by a single person and surrounded by a much larger area uniformly zoned, so as to relieve the small tract from restrictions to which the rest of the area is subjected. Applying C-4 zoning to the Subject Area would leave the parcels completely surrounded by an I-1 (Light Industrial) zoning district.

11. Staff Recommendations

- 11.1. Staff has identified no plans or policies, changes in existing conditions, undue hardship to the Applicant, or overriding community interest that would justify supporting the proposed rezoning. Staff supports the recommendations of the US Highway 25 North Zoning Study and Industrial Study and also recognizes a spot zoning concern were the Subject Area to be rezoned.
- 11.2. Should the Board of Commissioners wish to approve the rezoning request, Staff suggests, at minimum, that the Board consider including parcels to the southwest of the Subject Area (See Map F) which would make the Subject Area part of a larger, contiguous C-4 (Highway Commercial) zoning district. The owner of the adjacent properties, Mr. Scott Jarvis, indicated in a letter to the Planning Board dated March 7, 2007, that he supported the rezoning of his property from I-1 to C-4 (See Attachment 3, Letter from Mr. Jarvis). Expanding the Subject Area would alleviate spot zoning concerns but would not reflect the recommendations of the US Highway 25 North Zoning Study or Industrial Study. Staff does not support the rezoning of the Expanded Subject Area (See Map G, Expanded Subject Area) as recommended by the Planning Board.

Map F: Current Zoning Map with Adjacent Owners



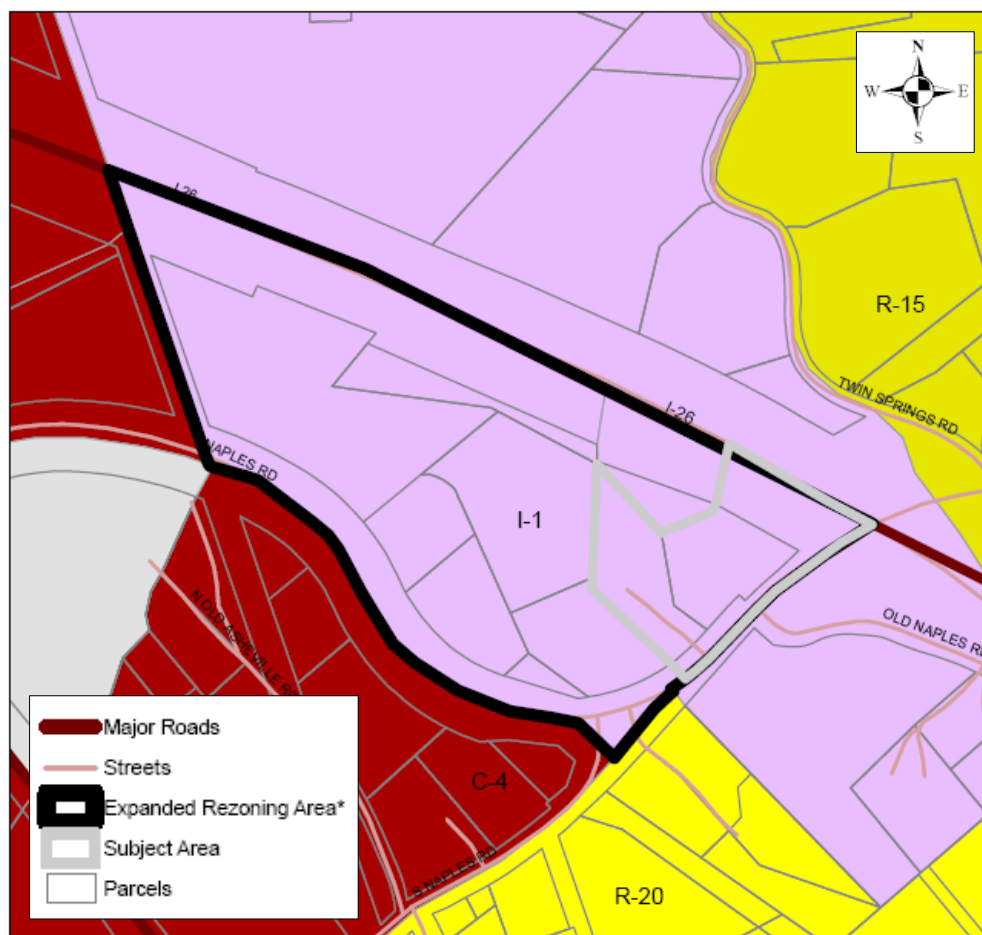
- 11.2.1. It is generally incumbent upon the Applicant to demonstrate an overriding justification for approving a given rezoning application. Staff encourages the Applicant to present any information that would inform the County’s consideration of the proposed rezoning. Staff requests the Applicant not discuss any specific use being considered for the property. The Board of Commissioners cannot consider any specific proposed use for the property and must only consider the range of possible uses when reviewing and making recommendations on the rezoning request.

12. Planning Board Recommendations

12.1. See Attachment 4, Excerpt of Planning Board Minutes from March 15, 2007.

12.2. The Henderson County Planning Board considered rezoning application #R-2007-03 at its regularly scheduled meeting on March 15, 2007. During that meeting, the Board voted 7 to 0 to send the Board of Commissioners a favorable recommendation for rezoning application #R-2007-03 to rezone the Subject Area from existing I-1 zoning district to a C-4 zoning district. The Planning Board recommended that the rezoning also include all eight (8) adjacent parcels owned by Mr. Scott Jarvis which appears to be parcels 9651-77-1206, 9651-76-2953, 9651-77-3029, 9651-77-3278, 9651-67-9533, 9651-76-0981, 9651-67-8212, 9651-67-5473, 9651-77-5124 and 6951-66-8998 (“Expanded Subject Area”) (See Map G, Expanded Subject Area).

Map G: Expanded Subject Area Recommended by the Planning Board



**NOTICE OF PUBLIC HEARING
ON PROPOSED ZONING MAP AMENDMENT
(Rezoning Application #R-2007-03)**

The Henderson County Board of Commissioners will hold a public hearing on an application (#R-2007-03) for a proposed amendment to the Official Zoning Map of Henderson County, North Carolina, that would rezone approximately 2.41 acres of land, located off Naples Road (SR 1534), from an I-1 (Light Industrial) zoning district to a C-4 (Highway Commercial) zoning district. The Subject Area appears to be parcels 9651-77-5124 and 9651-77-3029, which are owned by the Applicant, Walter M. Rowland Jr. The Applicant's Agent is B.L. Hyder.

The Board of Commissioners may also consider rezoning an additional 11.2 acres of land, located north and west of the Subject Area off Naples Road (SR 1534), from an I-1 (Light Industrial) zoning district to a C-4 (Highway Commercial) zoning district as recommended by the Henderson County Planning Board. This expansion of the Subject Area appears to be parcels 9651-77-1206, 9651-76-2953, 9651-77-3029, 9651-77-3278, 9651-67-9533, 9651-76-0981, 9651-67-8212, 9651-67-5473, 9651-77-5124 and 9651-66-8998, which are owned by Scott Jarvis.

The public hearing will be held on Wednesday, May 16, 2007, 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, 213 1st Avenue East Allen, 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, April 25, 2007 and Wednesday, May 2, 2007.

SCOTT H. JARVIS
Box 343
NAPLES, N.C. 28760

3-7-07
HENDERSON County PLANNING BOARD
100 N. KING STREET
HENDERSONVILLE, N.C. 28792

GENTLEMEN:

At this time I would like to request
REZONING of my property ON NAPLES Rd.
bordered by NAPLES RD. - "NORFOLK SOUTHERN R.R."
SOUTHERN Railroad -
INTERSTATE 26 and MR. WALTER ROLAND.

I REQUEST A ZONING CHANGE TO C-4
FROM THE PRESENT I-2.

RESPECTFULLY,



**EXCERPT FROM THE HENDERSON COUNTY PLANNING BOARD MINUTES
MARCH 15, 2007.**

Rezoning Application – (#R-2007-03) – Request to Rezone approximately 2.41 Acres located off Naples Road, from an I-1 (Light Industrial) Zoning District to a C-4 (Highway Commercial) Zoning District – Walter Rowland, Owner and Applicant, B.L. Hyder, Applicant’s Agent.

(Stacy Rhodes was recused because of his involvement with the surveying work on this project). Mr. Cable stated that on February 14, 2007 Walter M. Rowland, along with his agent, B.L. Hyder, submitted an application to rezone approximately 2.41 acres of land located off Naples Road, from an I-1 zoning district to a C-4 zoning district. The Subject Area is located at the intersection of I-26 and Naples Road; approximately ½ mile south of the intersection of I-26 and US Highway 25 North and is currently zoned I-1, which was applied on May 9, 2005, as part of the US Highway 25 North Zoning Study. He added that the Subject Area is surrounded by I-1 zoning. To the west is a C-4 district, to the north and east is an R-15 district, and to the south is an R-20 district.

Mr. Cable reviewed the two districts and the uses that they allowed in each (I-1 and C-4). He said that the Subject Area is composed of two parcels, each parcel is currently developed with Residential uses include single-family residential homes located in the Naples community, east of the Subject Area. Commercial uses are located to the east of the Subject Area and include WNC Home Oxygen (located on Canterbury Way) and A Self-Storage Depot and U-Haul (located on Naples Road). Commercial uses are located to the south of the Subject Area, at the corner of US Highway 25 North and South Naples Road, and include Southern Showcase Housing, Advanced Alarm and Lock, Jake’s Driving Range, and a structure formerly housing Diamond Brand. In addition commercial uses are located at the intersection of US Highway 25 North and Naples Road, and include Shell/Bojangles/Stuckeys. Industrial uses are located north of the Subject Area and include Oxilife, Inc. and Saluda Mountain Products, Inc. (located off Twin Springs Road).

Staff’s position at this time, under the guidelines of current plans, policies and studies, is it does not support the rezoning of the property to be zoned for commercial uses. This based on the following:

1. The CCP suggests that the Subject Area would be suitable for high-density residential, commercial, or industrial development, but does not indicate which use may be most appropriate.
2. The US Highway 25 North Zoning Study, which resulted in the current I-1 zoning, recommended this area as appropriate for industrial development.
3. The Industrial Study identified the Subject Area as suitable for industrial development as well. These studies are intended to be extensions of, and further refine recommendations made by the CCP.
4. Spot Zoning is also a concern. Rezoning the Subject Area would result in these parcels being completely surrounded by an I-1 zoning district.

Mr. Cable stated that Staff has identified no 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 it supports the recommendations of the US Highway 25 North Zoning Study and Industrial Study and recognizes a spot zoning concern were the Subject Area to be rezoned. Mr. Cable stated that, should the Planning Board wish to recommend approval for the rezoning request, staff suggests that it consider including parcels to

the southwest of the Subject Area (at minimum 2 Parcels owned by Mr. Scott Jarvis) in order to alleviate spot zoning concerns. This would not, however, be in keeping with the recommendations of the US 25 N Study or Industrial Study. Mr. Cable stated that Staff had spoken with Scott Jarvis, but he had not determined how he felt about his parcels being rezoned at the time. Mr. Cable added that Mr. Jarvis might have some input to provide to the Board members.

He 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.

Mr. Boyd Hyder, agent for the applicant stated that the reason for the zoning change from I-1 to C-4 is that the proposed project for the site would be more compatible for highway commercial as it is more visible to the existing Naples Road. He added that because of the terrain and non-accessibility to the interstate, this site would not be suitable for industrial use.

Mr. Scott Jarvis, owner of parcels 8 adjacent parcels southwest of the subject area, stated that he feels that C-4 highway commercial would be more suitable than the I-1, light industrial zoning that is presently on his property because it would have more visibility and that it is bordered by two roads. He submitted a letter indicating that he would request changes to be made for his parcels from I-1 to C-4 in order to alleviate spot zoning concerns.

Gary Griffin made a motion to recommend to the Board of Commissioners that request R2007-03 of approximately 2.41 acres of land located off Naples Road, owned by Walter Rowland Jr. be rezoned from I-1 to C-4 and that the rezoning also include all 8 of Mr. Scott Jarvis's parcels because it is more suitable for the land and would alleviate spot zoning concerns. Tommy Laughter seconded the motion and all members voted in favor.

Chairman Pearce made a motion to recommend to the Board of Commissioners significant changes to the Draft Land Development Code. These changes were as follows:

- Commercial uses are allowed in the industrial zoning district. Specific uses were not discussed but they recognized that there are some commercial uses that could be compatible with industrial uses.
- The opinion of the Planning Board is that there is a need for a fourth residential/rural zoning district. The proposed district, R-4, would be for an average density of 1 dwelling unit per 5 acres. Also, the Board suggested that areas within and near public lands such as the Pisgah National Forest, Dupont State Forest, the Green River Gamelands and land with extremely steep slopes and key watershed areas should be given this R-4 zoning classification.

Mike Cooper seconded the motion and all members voted in favor.



1. View of Subject Area looking north. At the time of application the site contained single-family residential structures and standard residential accessory structures. The site has been cleared and graded and contains what appears to be some sort of foundation.



2. View of Subject Area looking northeast, toward Interstate 26, which runs along the northern boundary of parcel 9651-77-5124.



3. View of adjacent property to the south of the Subject Area, owned by Mr. Scott Jarvis, and considered as part of the “Expanded Subject Area”.



4. View of Expanded Subject Area from Naples Road. The Expanded Subject Area is bordered by Naples Road to the south and I-26 to the north. .



5. View of Expanded Subject Area from an access drive located off Naples Road, looking south toward Norfolk Southern Railroad.



6. View of existing residential structure within Expanded Subject Area, east from the access drive to the property.