

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

- Meeting Date:** November 19, 2008
- Subject:** Public Hearing for Rezoning R-2008-11
- Attachments:**
1. Staff Report
 2. Aerial Photo Map
 3. Residential One District Text
 4. Industrial District Text
 5. Table of Permitted Uses
 6. Subject Area Photos
 7. Excerpt of Planning Board Minutes
 8. Powerpoint Presentation
 9. Certification of Notice Requirements

Summary of Request:

Rezoning Application #R-2008-11, which was submitted on July 11, 2008, requests that the County rezone approximately 4.54 acres of land from an R1 (Residential One) zoning district to an I (Industrial) zoning district. The Subject Area fronts Old Hendersonville Road (SR 1536) at approximately 2,150 feet (.41 miles) south of its intersection with Old Brickyard Road (SR 1537) and is comprised of two (2) tracts currently owned by BTD-Asheville, LLC (PINs 9652516225 & 9652516447). The Technical Review Committee reviewed and sent forward a favorable recommendation on the rezoning on its September 2nd meeting.

The Henderson County Planning Board considered rezoning application #R-2008-11 at its regularly scheduled meeting on September 18, 2008. During the meeting, the Planning Board voted unanimously to send forward a favorable recommendation on rezoning application #R-2008-11 to rezone the Subject Area from a R1 (Residential One) zoning district to an I (Industrial) zoning district.

Public Notice:

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with Section 200A-314 of the Henderson County Land Development Code and State Law, notices of the November 19, 2008, public hearing regarding rezoning application #R-2008-11 were published in the Hendersonville Times-News on November 8, 2008 and November 15, 2008. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area and the applicant on November 5, 2008 and posted signs advertising the hearing on the Subject Area on November 5, 2008 (see Attachment 6 for Certification of Notice Requirements).

Board Action Requested:

Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the subject area from R1 (Residential One) to I (Industrial) which is consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.

Suggested Motion:

I move that the Henderson County Board of Commissioners approve rezoning application #R-2008-11 to rezone the Subject Area from an R1 (Residential One) zoning district to an I (Industrial) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan.

Henderson County Planning Department Staff Report

**Rezoning Application #R-2008-11 (R1 to I)
BTD-Asheville, LLC, Owner & Applicant
Richard A. Kort, Agent**

1. Rezoning Request

- 1.1. **Date of Application:** July 11, 2008
- 1.2. **Property Owner/Applicant:** BTD-Asheville, LLC
- 1.3. **Agent:** Richard A. Kort
- 1.4. **Request:** Rezone the Subject Area, comprised of two (2) adjacent parcels from a R1 (Residential One) zoning district to an I (Industrial) zoning district.
- 1.5. **Subject Area:** (See Map A)

Map A: Map of Subject Area



1.6.1 **PINs:** 9652-51-6225 & 9652-51-6447

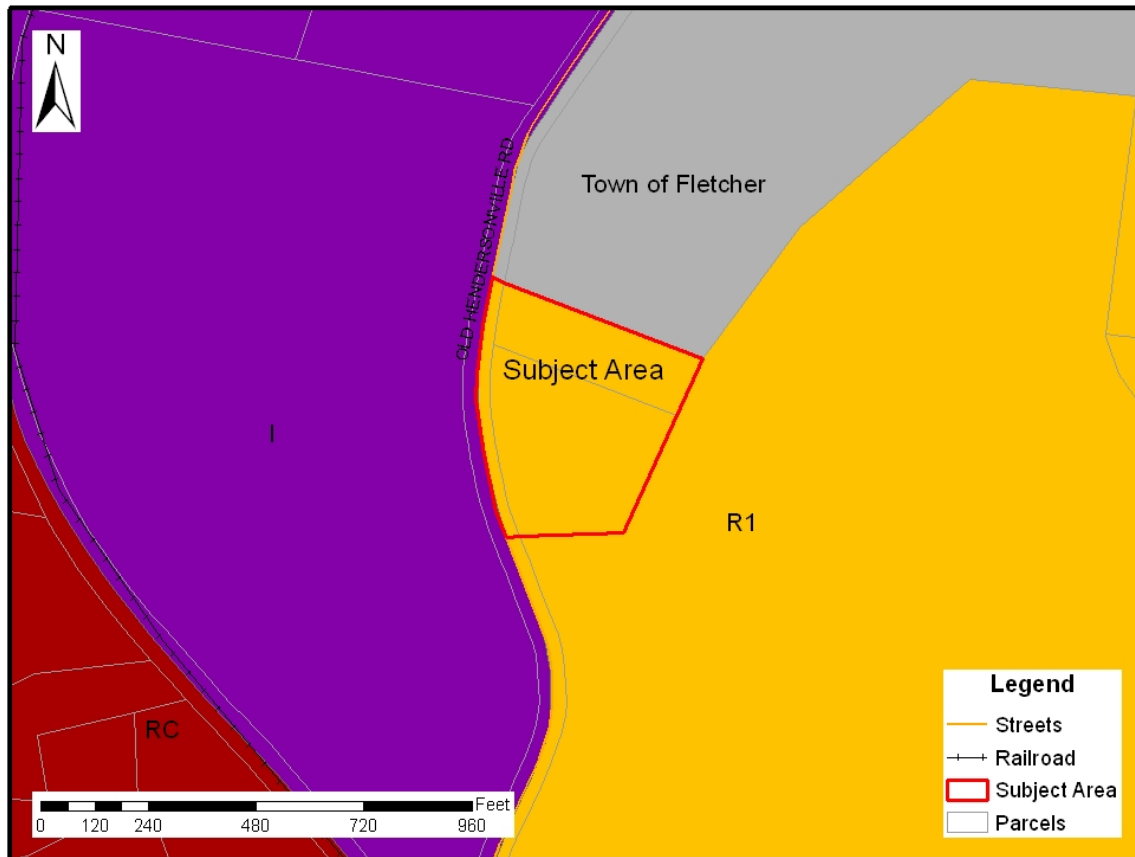
1.6.2 **Size:** Approximately 4.54 acres of land. Tract 1 (9652-51-6225) is 3.0 acres and Tract 2 (9652-51-6447) is 1.54 acres.

1.6.3 **Location:** The Subject Area is along Old Hendersonville Rd (SR 1536) approximately 2,150 feet (.41 miles) south of its intersection with Old Brickyard Rd (SR 1537).

2. Current Zoning

2.1. **Application of Current Zoning:** The Subject Area is currently zoned R1 (Residential One), which was applied on September 19, 2007, as a result of the adoption of Chapter 200A, Land Development Code and its official Zoning Map (See Map B).

Map B: Current Zoning



2.2. **Adjacent Zoning:** The Subject Area is adjacent to an R1 (Residential One) zoning district to the south and east and adjacent to an I (Industrial) zoning district to the west, across Old Hendersonville Rd (SR 1536). The Subject Area borders the Town of Fletcher's C-1 (General Commercial) zoning district to the north (See Map B).

2.3. **Previous Zoning:** The Subject Area was previously zoned R-15 (Medium-Density Residential) by the US Hwy 25 North Zoning Study, prior to LDC adoption on September 19, 2007.

2.4. **District Comparison:**

2.4.1. **R1 Residential District One:** *"The purpose of Residential District One (R1) is to foster orderly growth where the principal use of land is residential. The intent of this district is to allow for medium to high density residential development consistent with the recommendation of the Comprehensive plan. This general uses is typically meant to be utilized in areas designated as*

Urban in the Comprehensive Plan” (Chapter 200A, Land Development Code §200A-27). R1 (Residential District One) requires 10 foot side and rear setbacks, a maximum building height of 40 feet, and a standard density of four (4) units per acre (maximum sixteen (16) units per acre) (LDC §200A-27).

- 2.4.2. **I (Industrial 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 lands uses; and (3) is sensitive to its impact on surrounding land uses and the environment (natural and man-made)”* (Chapter 200A, Land Development Code §200A-36). The Industrial District requires 20 foot side and rear setbacks, a maximum building height of 72 feet for principal structures, maximum impervious surface of 80 percent, and an unlimited maximum floor area.

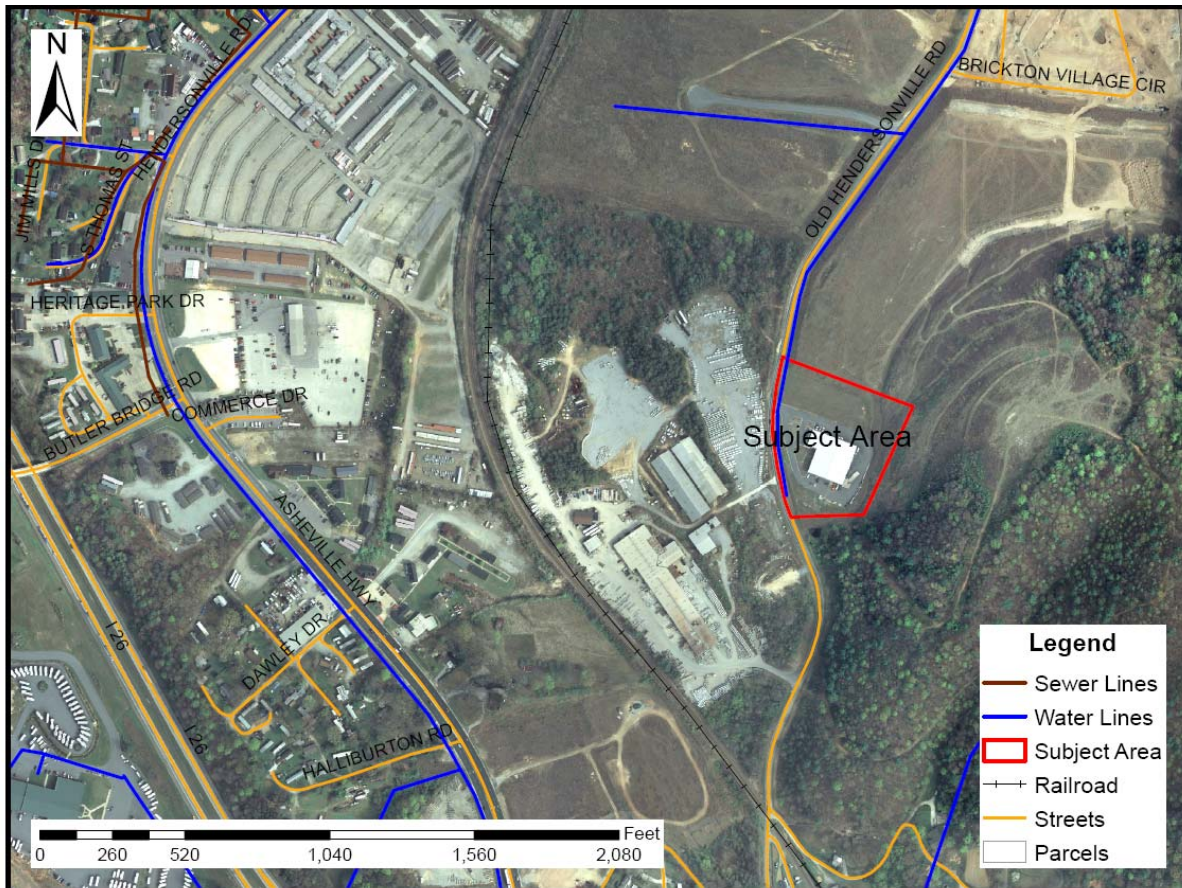
3. Current Uses of Subject Area and Adjacent Properties

- 3.1. **Subject Area Uses:** Tract 1 (9652-51-6225) appears to be vacant but contains a one story metal building. The building appears to be currently unused but has been previously occupied by industrial operations. Tract 2 (9652-51-6447), the smaller parcel, is vacant. The Subject Area is surrounded by a locked, chain link fence topped with barb wire.
- 3.2. **Adjacent Area Uses:** Adjacent uses to the Subject Area include vacant lots to the north, south and east, and an industrial use (Southern Concrete Materials, Inc.) to the west. Surrounding the vacant lots on the north, east, and south are residential uses including Brickton Village to the north and manufactured housing to the south.

4. Water and Sewer

- 4.1. **Public Water:** Public water is available to both parcels of the Subject Area (See Map C).
- 4.2. **Public Sewer:** Public sewer does not appear to be located on the Subject Area. Public sewer appears to be 2,210 feet (.42 miles) west of the Subject Area (See Map C).

Map C: Water and Sewer



5. Transportation and Access

5.1. **Frontage:** The Subject Area has approximately 590 feet of road frontage along Old Hendersonville Road (SR 1536).

5.2. **Transportation:** Annual Average Daily Traffic Counts for Old Hendersonville Road (SR 1536) are available from 2002 (1,100 vehicles per day).

5.3. **The NCDOT Draft 2009-2015 State Transportation Improvement Program (STIP):** The Transportation Improvement Program, within the vicinity of the Subject Area, includes the widening of I-26 from US 25 to NC 280, project number I-4400. No improvements are scheduled for Old Hendersonville Road (SR 1536).

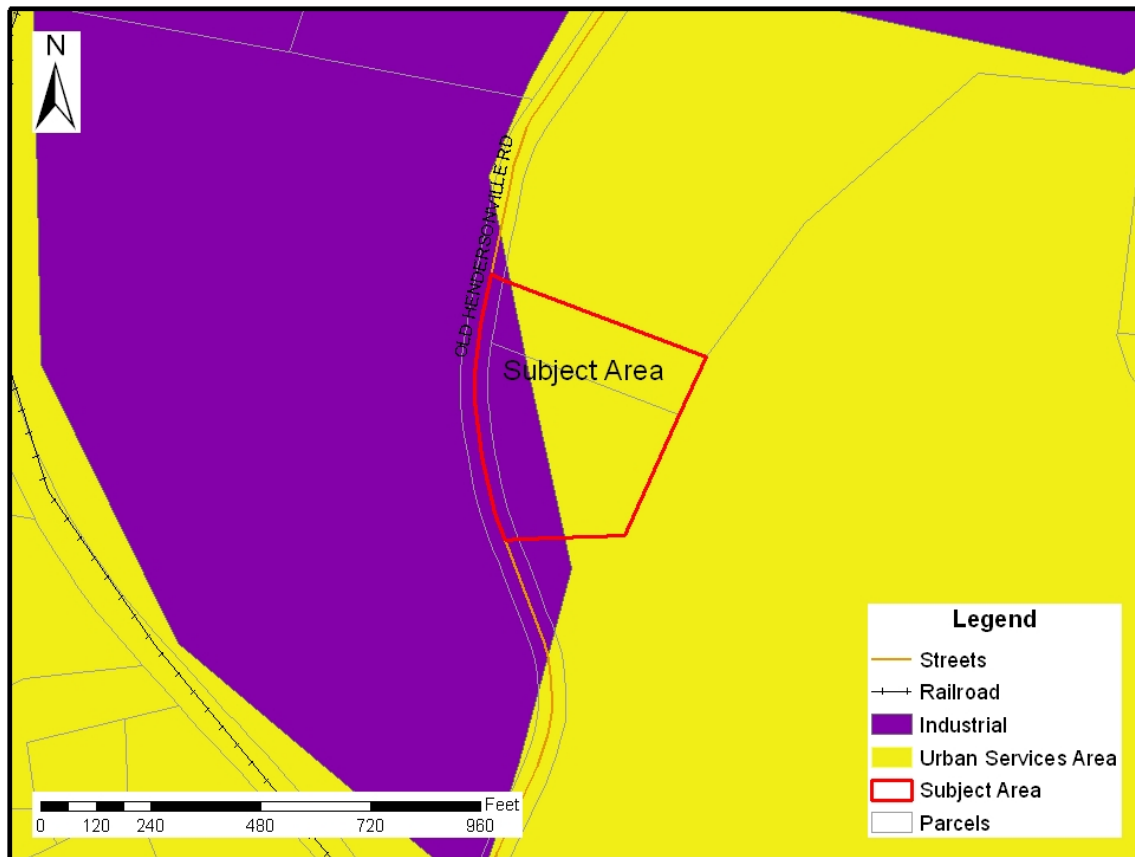
6. The Henderson County 2020 Comprehensive Plan (CCP)

6.1. **Urban Services Area:** The CCP Future Land Use Map identifies the Subject Area as being located in the Urban Services Area (USA) (2020 CCP, Pgs. 128, 129 & Appendix 1, Map 24). A portion of the Subject Area is also identified as being suitable for industrial development (2020 CCP, Pgs. 129, 136 & 148 & Appendix 1, Map 8 & Map 24) (See Map D).

6.1.1. The CCP states that, "the County's economic development activities should be pursued within USA" (2020 CCP, Pg. 129).

- 6.1.2. 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).
- 6.1.3. The CCP states that, “most defined industrial areas should lie within the Urban Services Area, and in other areas on a very limited basis. Most industrial uses should be segregated from other uses with the exception of Regional Commercial uses” (2020 CCP, Pg. 136).

Map D: 2020 County Comprehensive Plan Future Land Use Map



7. Staff Comments

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

- 7.1. **The 2020 CCP:** The CCP Future Land Use Map (See Map D) places the subject area in the “Urban Services Area” classification. 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 also indicates that industrial may be suitable for the Subject Area as a portion falls within the industrial designation.
- 7.2. **Adjacent Zoning:** The Subject Area directly abuts an existing Industrial (I) zoning district to the west. If the Subject Area were to be rezoned to Industrial, this property would be a part of a larger contiguous Industrial zoning district.
- 7.3. **Comparison of Districts:** Applying Industrial (I) to the Subject Area will allow for industrial and heavy commercial uses. Residential uses will not be allowed.

8. Staff Recommendations

8.1. When reviewing rezoning requests Staff attempts to identify plans or policies, changes in existing conditions, undue hardship to the Applicant, or overriding community interest to justify supporting the proposed rezoning. Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the Subject Area to Industrial (I) consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.

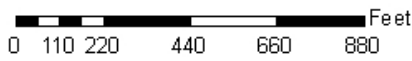
8.1.1. It is generally incumbent upon the Applicant to demonstrate an overriding justification for approving a given rezoning application. Staff encourages the Applicant to present any information that would inform the County's consideration of the proposed rezoning. Staff requests the Applicant not discuss any specific use being considered for the property. The Technical Review Committee, Planning Board, and 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.

9. Technical Review Committee Recommendations



9.1. The Henderson County Technical Review Committee considered rezoning application #R-2008-11 at its regularly scheduled meeting on September 2, 2008. During the meeting, the Technical Review Committee voted unanimously to send forward a favorable recommendation on rezoning application #R-2008-11 to rezone the Subject Area from an R1 (Residential One) zoning district to an I (Industrial) zoning district.

10. Planning Board Recommendations

10.1. The Henderson County Planning Board considered rezoning application #R-2008-11 at its regularly scheduled meeting on September 18, 2008. During the meeting, the Planning Board voted unanimously to send forward a favorable recommendation on rezoning application #R-2008-11 to rezone the Subject Area from a R1 (Residential One) zoning district to an I (Industrial) zoning district.



Legend

-  Streets
-  Railroad
-  Subject Area
-  Parcels

Rezoning Application
#R-2008-11
BTD-Asheville, LLC, Owner/Applicant

§200A-27. Residential District One (R1)

- A. **Purpose.** The purpose of Residential District One (R1) is to foster orderly growth where the *principal use* of land is residential. The intent of this district is to allow for medium to high density *residential development* consistent with the recommendations of the *Comprehensive Plan*. This general *use district* is typically meant to be utilized in areas designated as Urban in the *Comprehensive Plan*.
- B. **Density and Dimensional Requirements.** Each *use* allowed in this district shall, at a minimum, conform to the following requirements (in the case of a nonresidential *use* the *residential density* requirements shall not apply). In some cases a specific *use* may be required to meet the Supplemental Requirements as set forth in §200A-63 (Supplemental Requirements).

Table 2.1. R1 Density and Dimensional Requirements				
(1) <i>Residential Density</i> (units/acre)		(2) Standard	4	
		(3) Maximum	16	
(4) <i>Yard Setbacks</i> (feet)	<i>Front or Right-of-Way (ROW)</i>		<i>Local</i>	15
			<i>Collector</i>	20
			<i>Thoroughfare</i>	35
			<i>Boulevard</i>	50
			<i>Expressway</i>	60
			<i>Freeway</i>	90
			<i>Side</i>	10
			<i>Rear</i>	10
(5) Maximum Height (feet)			40	

(1) *Residential density* shall be calculated utilizing the entire acreage of a *tract* of land. Under this scenario, *residential density* shall be determined based on the following formula:

Lot size x allowable units per acre = permitted *dwelling units*

The following example assumes a 5 acre tract with an allowable density of 4 units/acre:

5 acres x 4 units per acre = **20 permitted dwelling units**

The maximum *residential density* for portions of the *tract* with a *slope* of 60 percent or greater (where such *slope* areas of the *tract* account for ten (10) percent or more of the *tract*) shall be one-half (1/2) the eligible density.

- (2) Standard *residential density* shall be applied:
 - a. On a *lot* existing at the time of the initial adoption of this Chapter, where there is not adequate area to comply with the applicable standard *residential density* requirement;
 - b. To single-family residential *uses*; and
 - c. To multifamily residential *uses* with fewer than five (5) units.

- (3) Maximum *residential density* shall be available to multifamily dwellings (including duplexes, triplexes, quadraplexes and multifamily dwellings with five (5) or more units). Provided such dwellings are generally served by public or private utility systems which meet the requirements of the Henderson County Department of Environmental Health or other governmental authorities having jurisdiction thereof.
- (4) Residential *accessory structures* shall be located in *side* or *rear yards* and shall be *setback* a minimum of ten (10) feet from any property line.
- (5) Maximum height may be exceeded in multifamily developments as detailed in §200A-63 (Supplemental Requirements) SR 1.6. (Dwelling, Multifamily, Five (5) or More Units), provided such developments do not exceed 50 feet in height.

§200A-36. Industrial District (I)

- A. **Purpose.** 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).
- B. **Density and Dimensional Requirements.** Each *use* allowed in this district shall at a minimum conform to the following requirements. In some cases a specific *use* may be required to meet the Supplemental Requirements as set forth in §200A-63 (Supplemental Requirements).

Table 2.10. I Density and Dimensional Requirements			
<i>Maximum Impervious Surface (%)</i>		80	
<i>Maximum Floor Area (sq ft)</i>		Unlimited	
<i>Yard Setbacks (feet)</i>	<i>Front or ROW</i>	<i>Local</i>	20
		<i>Collector</i>	30
		<i>Thoroughfare</i>	40
		<i>Boulevard</i>	50
		<i>Expressway</i>	50
		<i>Freeway</i>	60
	<i>Side</i>		20
	<i>Rear</i>		20
<i>Maximum Height (feet)</i>		72	

§200A-62. Table of Permitted and Special Uses

USE TYPE	GENERAL USE DISTRICT		
	P=Permitted; S=Special Use Permit		
	R1	I	SR
1. RESIDENTIAL USES			
<i>Assisted Living Residence</i>	S		1.1
<i>Bed and Breakfast Inn</i>	P		1.2
<i>Continuing Care Retirement Community</i>	S		1.3
<i>Dwelling, Duplex</i>	P		1.4
<i>Dwelling, Manufactured Home (multi-section)</i>			1.5
<i>Dwelling, Manufactured Home (singlewide)</i>			1.5
<i>Dwelling, Mobile Home</i>			1.5
<i>Dwelling, Multifamily, Five (5) or More Units</i>	S		1.6
<i>Dwelling, Quadraplex</i>	S		1.7
<i>Dwelling, Single Family Detached</i>	P		1.8
<i>Dwelling, Triplex</i>	P		1.9
<i>Family Care Home</i>	P		1.10
<i>Fraternity and/or Sorority House</i>	P		1.11
<i>Hospice Residential Care Facility</i>	S		1.12
<i>Manufactured Home Park</i>			1.13
<i>Nursing Home</i>	S		1.14
<i>Rooming and Boardinghouse</i>	S		1.15
2. ACCESSORY USES			
<i>Childcare Facility (as an accessory for a principal business)</i>		P	2.1
<i>Drive-Thru Window</i>			2.2
<i>Dwelling, Single-Family (as an accessory for a principal business)</i>			2.3
<i>Fuel Pumps</i>		P	2.4
<i>Home Occupation, Adult Day Care</i>	P		2.5
<i>Home Occupation, Childcare Facility</i>	P		2.6
<i>Home Occupation, General</i>	P		2.7
<i>Outdoor Storage ≤5000 sq ft</i>		P	2.8
<i>Outdoor Storage >5000 sq ft</i>		P	2.9
<i>Rural Family Occupation</i>			2.10
3. ACCESSORY STRUCTURES			
<i>Airport (Private Accessory)</i>		S	3.1
<i>Automatic Teller Machine</i>		P	3.2
<i>Boathouse, Private</i>	P		3.3
<i>Bulkhead</i>	P		3.4
<i>Carport</i>	P		-
<i>Dock/Pier</i>	P		3.5
<i>Dwelling, Accessory Residential</i>	P		3.6
<i>Garage, Residential</i>	P		-
<i>Gate and/or Guardhouse</i>	P	P	3.7
<i>Greenhouse</i>	P	P	3.8
<i>Heliport (Private Accessory)</i>	S	P	3.9

USE TYPE	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit		
	R1	I	SR
Loading Bay		P	-
<i>Outdoor Sale Display Areas</i>			3.10
Parking Garage		P	3.11
<i>Planned Seasonal Agricultural Worker Development</i>	P	P	3.12
<i>Produce Stand, Accessory</i>	P	P	3.13
Satellite Dish	P	P	-
Storage Shed	P	P	3.14
<i>Swimming Pool, Spa, Hot Tub, Residential</i>	P		-
<i>Wastewater Treatment Plant, Small Accessory</i>	P	P	3.15
4. RECREATIONAL USES			
<i>Amusement Park</i>		S	4.1
<i>Athletic Field, Non-commercial</i>	P		4.2
<i>Camp</i>	S		4.3
<i>Campground</i>			4.4
Coin Operated Amusements			4.5
<i>Common Area Recreation and Service Facilities</i>	P		4.6
<i>Golf Course and/or Country Club</i>	P		4.7
<i>Governmental Recreational Facilities</i>	P		4.8
<i>Indoor Recreational Facilities (Bowling Alley, Skating Rink, Bingo Games, Indoor Miniature Race Tracks)</i>			4.9
Marina			4.10
Miniature Golf Course or Driving Tees/Ranges (operated for commercial purposes)	S		4.11
<i>Motor Sports Facility, Major</i>		S	4.12
<i>Motor Sports Facility, Minor</i>		S	4.13
<i>Motor Sports Facility, Recreational</i>		S	4.14
<i>Outdoor Recreational Facilities</i>	S	S	4.15
<i>Park</i>	P	S	4.16
Physical Fitness Center	S	S	4.17
<i>Recreational Vehicle Park</i>			4.18
Riding Stables			4.19
<i>School (Sports Instructional)</i>			4.20
<i>Shooting Ranges, Indoor</i>		S	4.21
<i>Shooting Ranges, Outdoor</i>		S	4.22
<i>Sporting and Recreational Facilities</i>	S	S	4.23
<i>Swim and Tennis Club</i>	P		4.24
5. EDUCATIONAL AND INSTITUTIONAL USES			
<i>Adult Day Care Facility</i>	P		5.1
<i>Ambulance Services</i>	P	S	5.2
Cemetery/Mausoleum/Columbarium (excluding crematoriums)	P	S	5.3
<i>Childcare Facility</i>	P	S	5.4
<i>Club/Lodge</i>	P	S	5.5
College or University			5.6
<i>Community Club</i>	P		5.7

USE TYPE	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit		
	R1	I	SR
Correctional Facilities		S	5.8
<i>Fire and Rescue Station</i>	P	P	5.9
Funeral Home or Crematorium			5.10
Government Offices		S	5.11
Homeless Shelter			5.12
Hospital			5.13
Museum/Library/Archive	S		5.14
<i>Place of Assembly, Large</i>		S	5.15
<i>Place of Assembly, Small</i>		S	5.16
<i>Police Station</i>	S	P	5.17
<i>Religious Institution</i>	P	S	5.18
<i>School (Home)</i>	P		-
<i>School (Public/Private/Charter)</i>	P		5.19
<i>Youth Center</i>	S		5.20
6. BUSINESS, PROFESSIONAL, AND PERSONAL SERVICES			
<i>Animal Shelter</i>			6.1
<i>Automobile and Equipment Service</i>		S	6.2
Automotive Towing		S	6.3
<i>Broadcasting and Communications Facilities</i>		S	6.4
Car Wash			6.5
Exterminating and Pest Control Services		S	6.6
<i>Kennel</i>			6.7
Motel/Hotel			6.8
Office: Business, Professional and Public			6.9
<i>School (Technical, Trade and Business)</i>		S	6.10
Theater, Drive-In			6.11
Tire Recapping		S	6.12
<i>Urgent Care Clinic</i>			6.13
7. RETAIL TRADE			
<i>Adult Book and Retail Merchandise Store</i>		S	7.1
<i>Adult Theatre and Live Entertainment</i>		S	7.2
Cinema Complex			7.3
Convenience Store		S	7.4
<i>Entertainment Complex</i>			7.5
<i>Flea Market</i>			7.6
<i>Fuel Oil Distribution and Sales</i>		S	7.7
<i>Landscaping Materials Sales and Storage</i>		S	7.8
Manufactured/Mobile Home Sales		S	7.9
Motor Vehicle Sales or Leasing			7.10
<i>Open Air Market</i>			7.11
Parking Garage or Lot (requiring payment)		S	7.12
<i>Produce Stand</i>			7.13
Retail Sales and Services $\leq 50,000$ sq ft (of gross floor area)			7.14

USE TYPE	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit		
	R1	I	SR
Retail Sales and Services >50,000 ≤100,000 sq ft (of gross floor area)			7.15
Retail Sales and Services >100,000 ≤150,000 sq ft (of gross floor area)			7.16
Retail Sales and Services >150,000 sq ft (of gross floor area)			7.17
<i>Shopping Mall</i>			7.18
Truck Stop		S	7.19
8. WHOLESALE TRADE			
<i>Wholesale Trade</i>		S	8.1
9. TRANSPORTATION, WAREHOUSING AND UTILITIES			
<i>Airport (Private)</i>		S	9.1
<i>Airport (Public)</i>		S	9.2
<i>Communication Facilities, Category 1</i>	P	P	9.3
<i>Communication Facilities, Category 2</i>	P	P	9.3
<i>Communication Facilities, Category 3</i>		S	9.3
Hazardous Waste Disposal Facilities		S	9.4
<i>Land Clearing Debris and Inert Debris Storage or Disposal</i>		S	9.5
<i>Rail Transportation Facilities and Support Activities</i>		P	9.6
Self-Storage Warehousing			9.7
Septic Tank and Related Services		S	9.8
Solid Waste Combustors and Incinerators		S	9.9
<i>Transit and Ground Passenger Transportation</i>		S	9.10
<i>Truck Terminals</i>		P	9.11
<i>Utility Substation</i>	P	P	9.12
<i>Warehousing and Storage (Excluding Warehousing of Hazardous Substances)</i>		P	9.13
<i>Waste Collection and Transfer Facility (Hazardous)</i>		S	9.14
<i>Waste Collection and Transfer Facility (Non-hazardous)</i>	S	S	9.15
<i>Wastewater Treatment Plant</i>	S	P	9.16
Water Treatment Plant	S	P	9.17
10. MANUFACTURING & INDUSTRIAL USES			
<i>Asphalt Plant</i>		S	10.1
Battery Manufacturing Facility		S	10.2
<i>Chip Mill</i>		S	10.3
Concrete Batch Plant		S	10.4
<i>Junkyard</i>		S	10.5
<i>Landfill, Public or Private</i>		S	10.6
<i>Machining and Assembly Operations ≤10,000 sq ft (of gross floor area)</i>		P	10.7
<i>Machining and Assembly Operations >10,000 sq ft (of gross floor area)</i>		P	10.7
<i>Manufacturing and Production Operations ≤10,000 sq ft (of gross floor area)</i>		P	10.8
<i>Manufacturing and Production Operations >10,000 sq ft (of gross floor area)</i>		P	10.8
<i>Materials Recovery Facilities (Recycling)</i>		P	10.9
<i>Mining and Extraction Operations</i>		S	10.10

USE TYPE	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit		
	R1	I	SR
<i>Packaging and Labeling Services</i>		P	10.11
Pesticide, Fertilizer and Other Agricultural Chemical Manufacturing		S	10.12
<i>Product Processing and Storage Facilities</i>		P	10.13
<i>Recycling Centers, Drop-Off Facilities</i>	P	P	10.14
<i>Research and Development Operations (Hazardous or Biological Materials)</i>		P	10.15
<i>Research and Development Operations (Non-hazardous)</i>		P	10.16
<i>Sawmill</i>		P	10.17
Slaughterhouse		P	10.18
Truck Wash		P	10.19
11. TEMPORARY USES			
Christmas Tree Lot Sales	P		11.1
Circuses, Carnivals, Fairs, Religious Services (or similar types of events)		P	11.2
<i>Model Home Sales Office, Temporary</i>	P		11.3
Movie Production	P	P	-
<i>Yard Sale</i>	P		11.4
12. TEMPORARY STRUCTURES			
<i>Portable Storage Container</i>		P	12.1
<i>Produce Stand, Temporary</i>	P	P	12.2
Temporary Construction Project Buildings	P	P	12.3
Tent Sale		P	12.4
13. AGRICULTURAL USES			
<i>Agriculture</i>	P	P	-
Food Manufacturing	P	P	-
<i>Forestry</i>	P	P	-
<i>Forestry Support Services</i>	P	P	-
Veterinary Services (livestock)	P	P	-

Subject Area Photos

View of adjacent industrial to the west



View of vacant tract to the north



View of structure on Tract 1 looking east from Old Hendersonville Rd



View of Tract 2 looking south from vacant tract



**HENDERSON COUNTY
PLANNING BOARD MINUTES
September 18, 2008**

OLD BUSINESS:

Rezoning Application # R-2008-11 – Request to Rezone Approximately 4.54 Acres of Land from R-1 (Residential One) Zoning District to an I (Industrial) Zoning District – Fronting on Old Hendersonville Road, Approximately 2,150 Feet South of its Intersection with Old Brickyard Road and is Comprised of Two Tracts Currently Owned by BTD-Asheville, LLC – Richard A. Kort, Agent for Owner. Presentation by Alexis Baker. Ms. Baker reviewed the rezoning request, which concerns 4.54 acres of land located on Old Hendersonville Road south of its intersection with Old Brickyard Road from an R1 (Residential 1) zoning district to an I (Industrial) zoning district. The property is comprised of two tracts currently owned by BTD-Asheville, LLC. Ms. Baker also indicated that the adjacent zoning to the south and east of the subject area is R1 (Residential 1) and to the west is Industrial zoning. It also borders Fletcher's C-1 (General Commercial) zoning district to the north. Ms. Baker stated that adjacent uses to the subject area include vacant lots to the north, south, and east, and an industrial use to the west, which is Southern Concrete Materials, Inc. Surrounding the vacant lots on the north, east and south are residential uses including Brickton Village to the north and manufactured housing to the south. Ms. Baker in her communications with the Town of Fletcher found no objection to this request. She added that public water is available to both parcels of the subject area but public sewer does not appear to be located on the site, but is 2,210 feet west of the subject area. Ms. Baker stated that Staff's position is that it supports the rezoning of the subject area to Industrial, which is consistent with the recommendations of the Henderson County Comprehensive Plan. She also mentioned that the Technical Review Committee reviewed this at their meeting on September 2, 2008 and had no objections to the rezoning request.

Mr. Richard Kort, agent for the project stated that when his client obtained the property in 2003, it was for the purpose of building a structure that was on the building and was built for industrial purposes. It was designed specifically to utilize the services of Southern Concrete across the street, so there is good infrastructure to support active industrial use. He stated that the property was vacated sometime in June and is presently marketed for lease and sale. He said it is the hopeful intention that you will grant the rezoning request and that the Board of Commissioners will also grant the request, and that the zoning of industrial use will help turn the building to active use. All members had no objection to the rezoning request and therefore Chairman Pearce made a motion that the Planning Board recommend to the Board of Commissioners approval of rezoning application R-2008-11, to rezone the subject area from an R-1 (Residential One) zoning district to an I (Industrial) zoning district based on the recommendation of the Henderson County 2020 Comprehensive Plan. Jonathan Parce seconded the motion and all members voted in favor.

Rezoning Application
R-2008-11
Applicant: BTD-Asheville, LLC
Agent: Richard A. Kort

VIDEO TO BE SHOWN



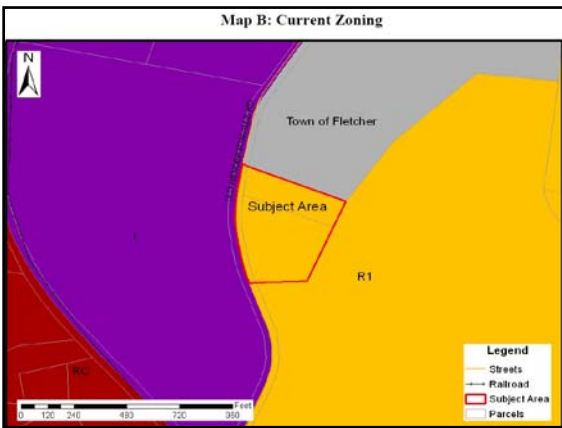


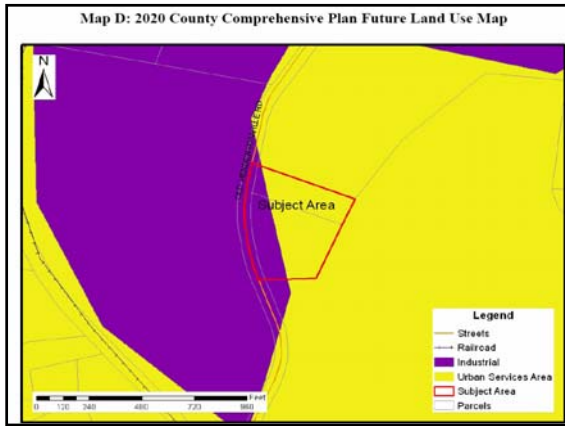












Certification of Notice of Public Hearing

In accordance with NCGS 153A-343 the Planning Department certifies notices of the November 19, 2008 hearing regarding Rezoning #R-2008-011, as Amended, were:

1. Submitted to the Hendersonville Times-News on November 4, 2008 to be published on November 8, 2008 and November 15, 2008 by Alexis Baker;
2. Sent, via first class mail, to the property owners and owners of properties adjacent to the Subject Area on November 5, 2008 by Alexis Baker; and
3. Posted on the Subject Area on November 5, 2008 by Alexis Baker.

The signatures herein below indicate that such notices were made as indicated herein above:

1. Alexis Baker
2. _____

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

Kathleen R. Scanlan, a Notary Public, in and for the above County and State, do hereby certify that Alexis Baker, and

personally appeared before me this day and acknowledged the due execution by

Alexis Baker of the foregoing instrument.

WITNESS my hand and notarial seal, this the 6th day of NOVEMBER, 2008.

My commission expires:

10-24-2010

(SEAL)

Kathleen R. Scanlan

NOTARY PUBLIC