

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: Monday, March 5, 2012

SUBJECT: Public Hearing for Rezoning Application #R-2011-04

PRESENTER: Parker Sloan, Planner

ATTACHMENTS:

1. Staff Report
2. Aerial Photo Map
3. Notice of Public Hearing
4. Certification of Notification of Public Hearing
5. Power Point Slides

SUMMARY OF REQUEST:

Rezoning Application #R-2011-04, which was submitted on December 5, 2011, requests the County rezone a 38.6 acre tract. The applicant requests a rezoning from a Residential One (R1) zoning district to an Industrial (I) zoning district. The subject area is owned by Sirocco Properties LLC. (PIN: 9652-55-3637)

The Henderson County Planning Board considered rezoning application #R-2011-04 at its regularly scheduled meeting on January 19, 2012. During that meeting, the Planning Board voted unanimously to send forward a favorable recommendation on rezoning application #R-2011-04 to rezone the Subject Area to Industrial (I).

PUBLIC NOTICE:

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §200A-314(C) and §200A-337(B) of the Henderson County Land Development Code and State Law, notices of the March 5, 2012, public hearing regarding rezoning application #R-2011-04 were published in the Hendersonville Tribune on February 9, 2012 and February 16, 2012. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area and the subject area property owner on February 13, 2012 and posted signs advertising the hearing on the Subject Area on February 16, 2012.

BOARD ACTION REQUESTED:

After holding the required hearing, Planning Staff recommends that the Board of Commissioners approve the application to rezone the Subject Area to an Industrial (I) zoning district.

Suggested Motion:

I move that the Board approve rezoning application #R-2011-04 to rezone the Subject Area to an Industrial (I) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan.

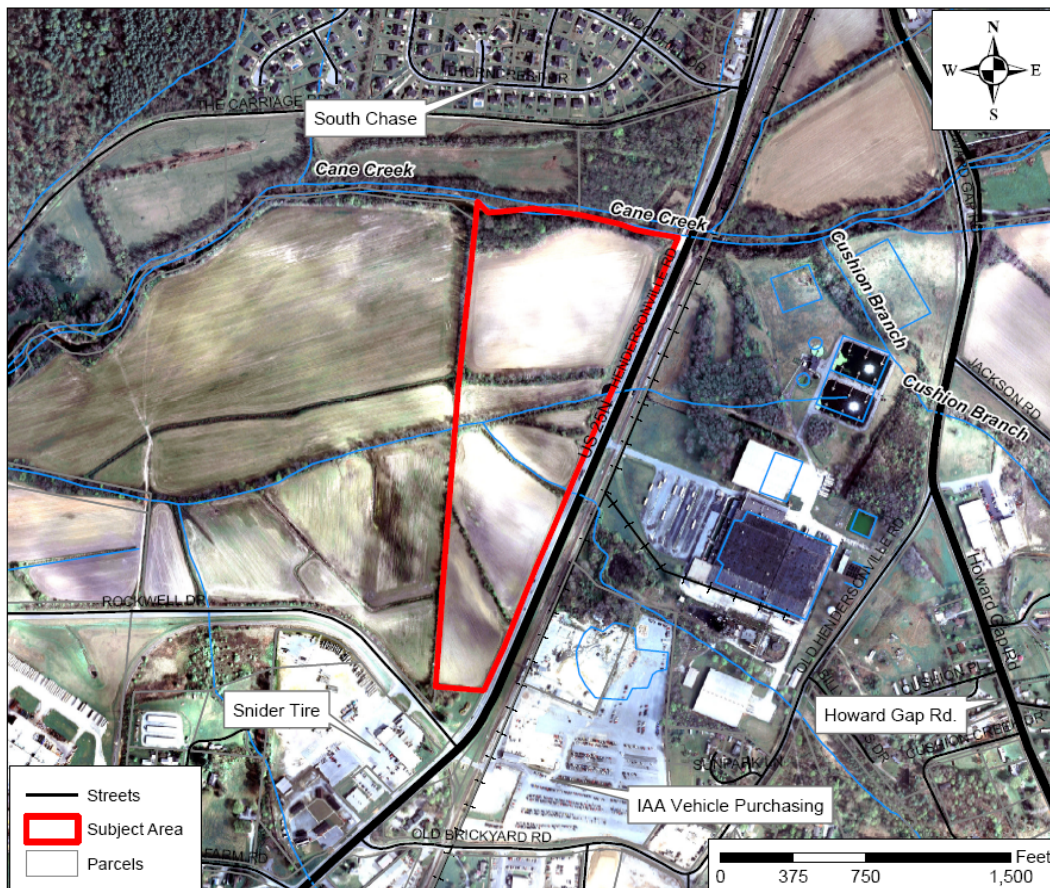
Henderson County Planning Department Staff Report

Rezoning Application #R-2011-04 Sirocco Properties LLC, Owner

1. Rezoning Request

- 1.1. **Applicant:** Sirocco Properties LLC, Owner
- 1.2. **Request:** Rezone a parcel from Residential One (R1) to Industrial (I)
- 1.3. **PIN:** 9652-55-3637
- 1.4. **Size:** Total of 38.6 acres to be rezoned.
- 1.5. **Location:** The subject area is located along US highway 25 North (Hendersonville Road), approximately 1,000 feet from the intersection of Old Brickyard Road (SR 1537) and US highway 25 North (Hendersonville Road).

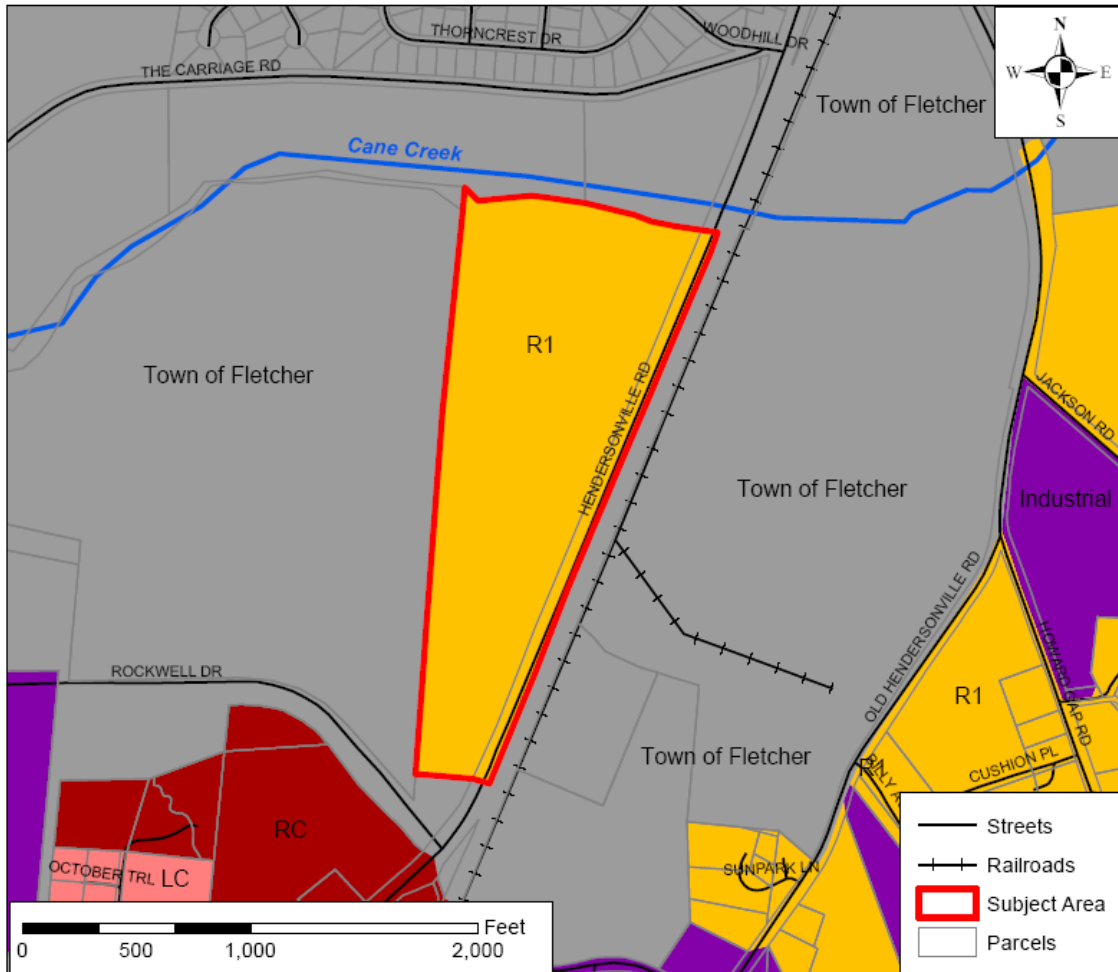
Map A: Aerial Photo



2. Current Zoning

2.1. **Application of Current Zoning:** The subject area was zoned Industrial on September 19, 2007 with the adoption of the Land Development Code.

Map B: Current Zoning



2.2. **Adjacent Zoning:** The subject area is adjacent to by Town of Fletcher R1, low density residential zoning, to the north and west. Land across the street, to the east of the subject area, is zoned Town of Fletcher M-1, manufacturing.

2.3. District Comparison:

2.3.1. **Town Of Fletcher M-1:** *“This district is primarily for general industrial land uses and a broader variety of operations, including manufacturing, processing, and assembling of parts and products and distribution of products at wholesale or retail. The standards established for general industrial areas are designed to promote sound, permanent industrial development.”* (Town of Fletcher Land Development Code)

The Town of Fletcher M-1 district requires a 10 foot front and rear setback and a 15 foot side setback from residential uses. Maximum building height is three (3) stories.

2.3.2. **Town of Fletcher R-1:** *“The Residential Districts are intended for primarily residential purposes. Particularly for the lower-density R-1 and R-2 Districts, these regulations are intended to protect existing single-family neighborhoods in Fletcher from incompatible land uses.”* (Town of Fletcher Land Development Code)

The Town of Fletcher R-1 requires a 20ft front setback, 15ft rear setback, 10ft side setback, and an allowable density of 2 residential units per acre.

2.3.3. **R1 Residential District One:** *“The purpose of Residential District One (R1) is to foster orderly growth where the principle 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”* (Chapter 200A, Land Development Code §200A-27).

R1 requires 10 foot side and rear setbacks, maximum height 40 feet, and a standard density of four (4) units per acre (maximum density of 16 units per acre).

2.3.4. **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%, and an unlimited maximum floor area.

3. Current Uses of Subject Area and Adjacent Properties

3.1. **Subject Area Uses:** The subject area parcel is currently vacant.

3.2. **Adjacent Area Uses:** The surrounding properties to the north and west are primarily vacant. A concrete company is located directly across the street of the subject area along US Highway 25. South of the project area across Rockwell Drive is Snider Tire company.

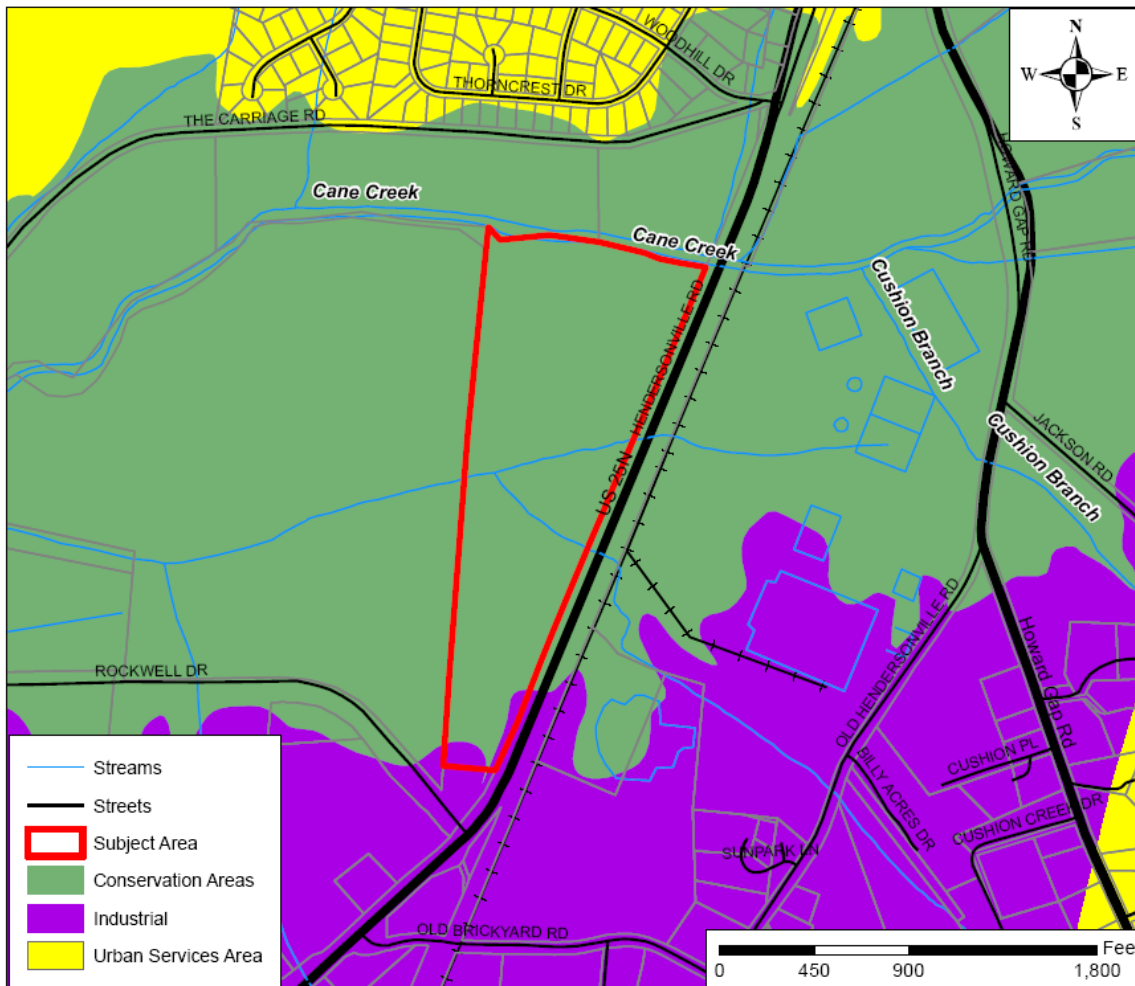
4. The Henderson County 2020 Comprehensive Plan (CCP)

The CCP Future Land Use Map identifies the subject area as being located in the Urban Services Area, Industrial Area, and Conservation Area (USA)(2020 CCP, Pgs. 128, 129 & Appendix 1, Map 24) (See Map C). The conservation area is applied to the subject area because of the flood plain and flood way associated with Cane Creek.

4.1. **Urban Services Area:** The CCP 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).

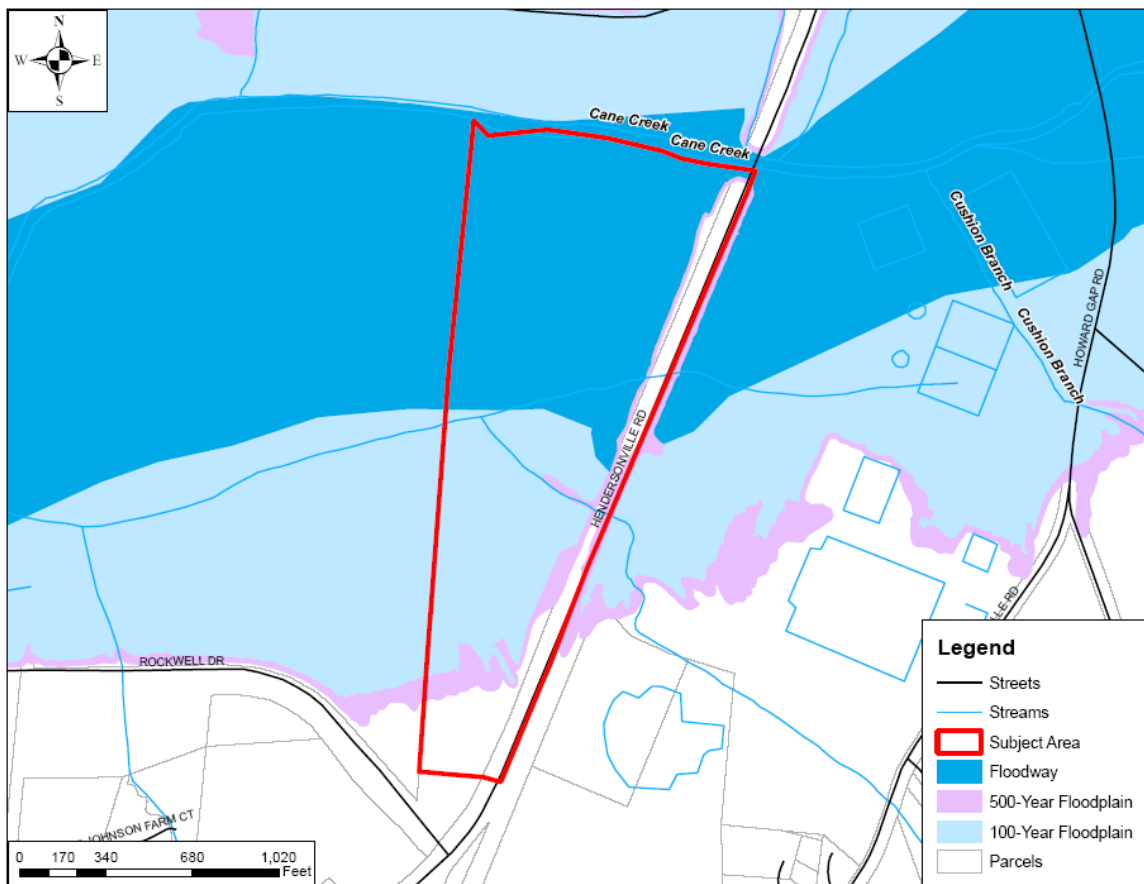
4.2. **Industrial Area:** The CCP states that, “most defined industrial areas should lie within the Urban Services Area, and in other areas on a very limited basis. Most industrial uses should be segregated from other uses with the exception of Regional Commercial uses” (2020 CCP, Pg. 136).

Map C: 2020 County Comprehensive Plan Future Land Use Map



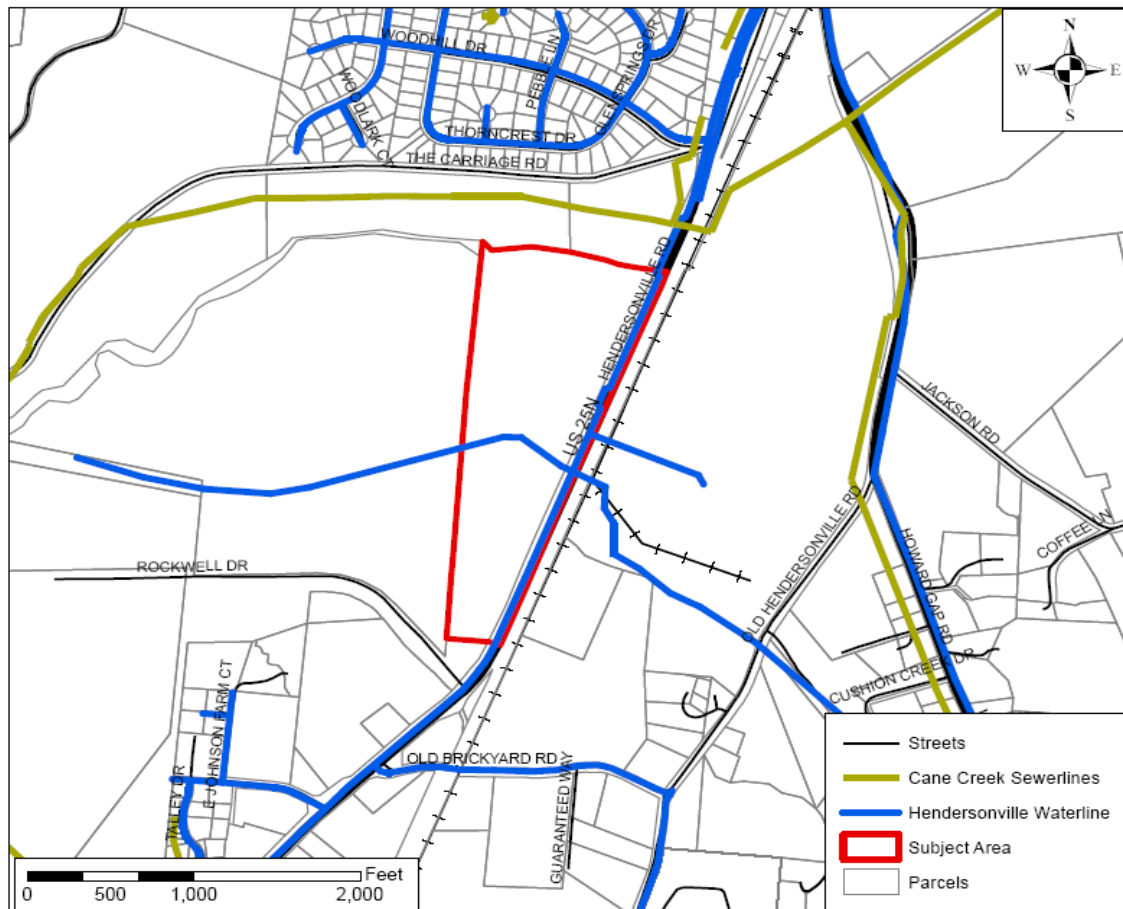
5. **Floodplain** The majority of the property is within the 1% special flood hazard area (100 year floodplain). A significant portion of the property is also within the floodway. The floodway overlaps the property at approximately 1000ft south from the bank of Cane Creek. About 22.2 acres of the subject area is within the floodway and about 33.7 acres is within the 1% special flood hazard area. (see map D).

Map D: Floodplain Map



6. **Water and Sewer**

- 6.1. **Public Water:** A City of Hendersonville water line abuts the property along US Highway 25 North. (See Map E).
- 6.2. **Public Sewer:** Public sewer provided by the Cane Creek Sewerage District is currently located just to the north of the Subject Area. The nearest sewer line crosses US Highway 25 North approximately 300 feet north of the Subject Area. (See Map E).

Map E: Water and Sewer Map

7. Staff Comments

- 7.1. **The 2020 CCP:** The CCP Future Land Use Map (See Map C) 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 indicates that the USA may be suitable for commercial development provided the development is in keeping with the surrounding community. The CCP also indicates that Industrial may be suitable for the area as the Subject Area falls within the specially designated industrial area in the USA.
- 7.2. **Adjacent Zoning:** The Subject Area is adjacent to Town of Fletcher M-1 and Mixed Use zoning across US Highway 25N.
- 7.3. **Comparison of Districts:** The existing R1 allows for residential uses. Applying Industrial zoning will eliminate the ability of residential uses to be constructed.
- 7.4. 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.

- 7.5. **Signage & Outdoor Advertising:** With the application of Industrial zoning all types of freestanding signs, including outdoor advertising signs, would be permitted within the subject area. Outdoor advertising signs shall be spaced so that such outdoor advertising sign is placed no closer to the next outdoor advertising sign or any existing adjacent residence than the minimum spacing distance required in the Land Development Code §200A-224 Table 7.1. It appears that the proposed rezoning would allow at least one (1) additional outdoor advertising sign (area billboard).

8. Staff Recommendations

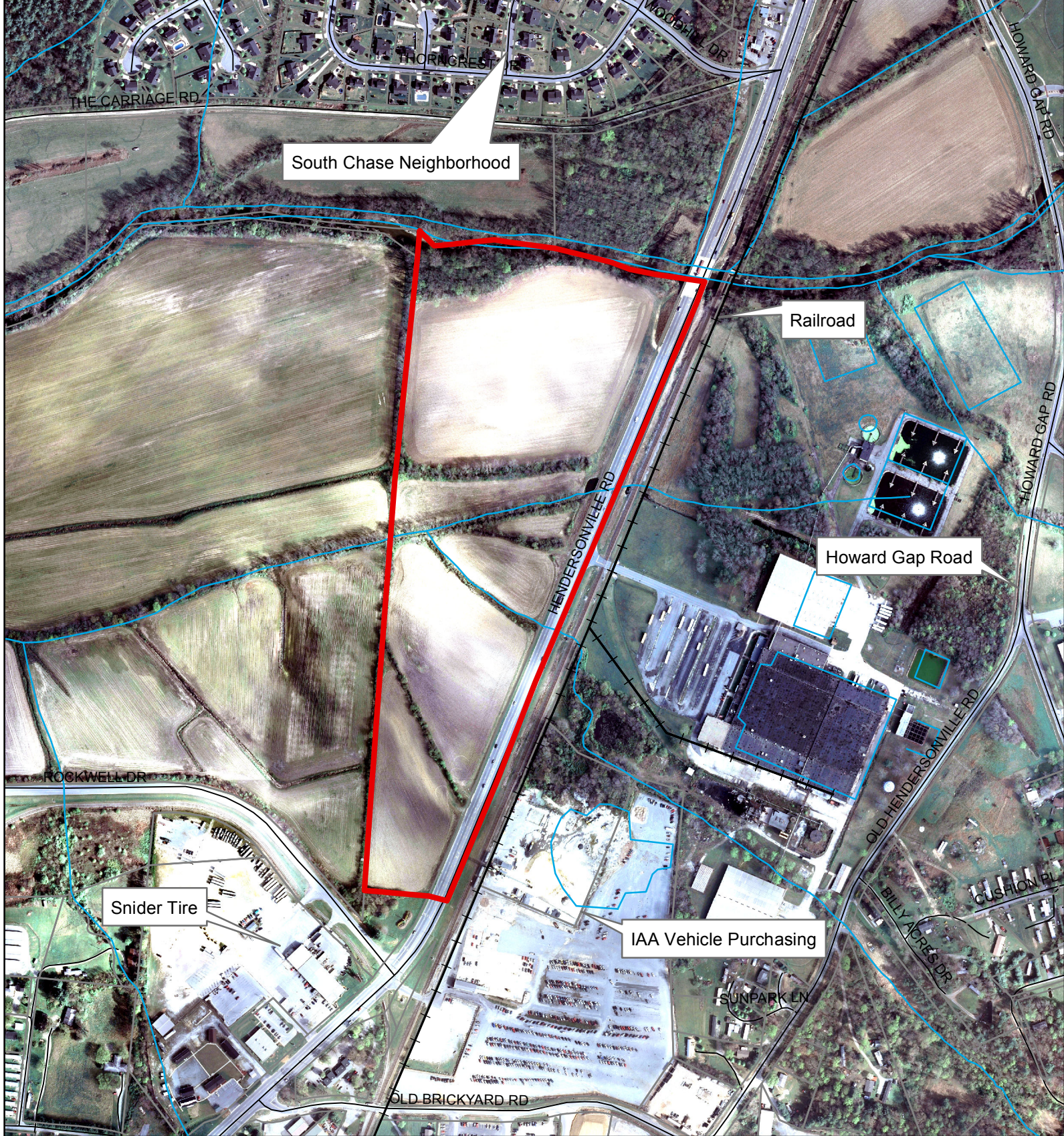
- 8.1. Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the Subject Area to Industrial consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.

9. Technical Review Committee Recommendations

- 9.1. The Henderson County Technical Review Committee considered rezoning application #R-2011-04 on January 3, 2012. During that meeting, the Technical Review Committee voted unanimously to send forward a favorable recommendation on rezoning application #R-2011-04 to rezone the Subject Area from a Residential One (R1) zoning district to an Industrial (I) zoning district.

10. Planning Board Recommendations

- 10.1. The Henderson County Planning Board considered rezoning application #R-2011-04 on January 19, 2012. During that meeting, the Planning Board voted unanimously to send forward a favorable recommendation on rezoning application #R-2011-04 to rezone the Subject Area from a Residential One (R1) zoning district to an Industrial (I) zoning district.



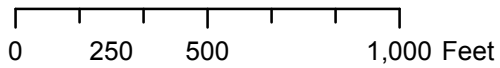
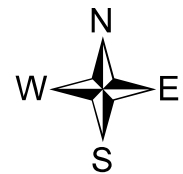
South Chase Neighborhood

Railroad

Howard Gap Road

Snider Tire

IAA Vehicle Purchasing



Legend

- Streets
- Streams
- + Railroad
- ▭ Subject Area
- ▭ Parcels

Rezoning Application
 R-2011-04
 Sirocco Properties LLC, owner

**NOTICE OF PUBLIC HEARING
ON PROPOSED ZONING MAP AMENDMENT
(Rezoning Requests #R-2011-04)**

The Henderson County Board of Commissioners will hold a public hearing for a proposed map amendment to the Official Zoning Map of Henderson County, North Carolina.

Rezoning Application #R-2011-04, which was submitted on December 5, 2011, requests the County rezone a 38.6 acre tract. The applicant requests a rezoning from a Residential One (R1) zoning district to an Industrial (I) zoning district. The subject area is owned by Sirocco Properties LLC. (PIN: 9652-55-3637)

The public hearing will be held on Monday, March 5, 2012, at 5:30 P.M., in the Board of Commissioners Meeting Room located in the Henderson County Historic Courthouse, at 1 Historic Courthouse Square, 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, 1 Historic Courthouse Square, Suite 1, 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, 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 www.hcplanning.org. For more information, call the Planning Department at (828) 697-4819.

Please note that after considering public hearing comments, the Board of Commissioners may discuss other options or make changes to the proposed amendments before taking final action. The Henderson County 2020 Comprehensive Plan will be updated and amended, as necessary, to reflect the action of the Board of Commissioners.

Terry Wilson
Clerk to the Board
Henderson County Board of Commissioners

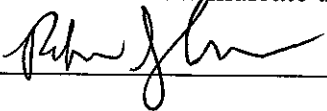
For publication in the Hendersonville Tribune on Thursday, February 9th, 2012 and Thursday, February 16, 2012.

Certification of Notice of Public Hearing

In accordance with NCGS 153A-343 the Planning Department certifies notice of the March 5, 2012 hearing regarding Rezoning Application #R-2011-04 were:

1. Submitted to the Hendersonville Tribune on February 7, 2012 to be published on February 9, 2012 and February 16, 2012 by Parker Sloan;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area on February 13, 2012 by Parker Sloan;
3. Sent, via first class mail, to the property owners on February 13, 2012 by Parker Sloan; and
4. Posted on the Subject Area on February 16, 2012 by Parker Sloan.

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

1. 
2. _____

STATE OF NC

COUNTY OF Henderson

I, Brenda L. Miller, a Notary Public, in and for the above County and State, do hereby certify that Parker Sloan,
_____, and _____

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

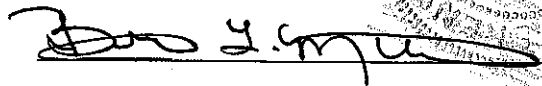
_____ of the foregoing instrument.

WITNESS my hand and notarial seal, this the 16 day of February 2012.

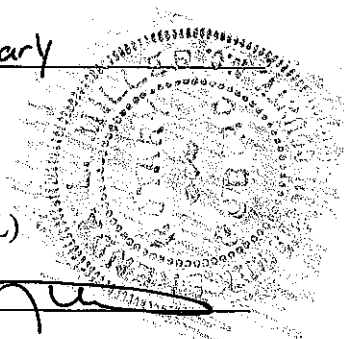
My commission expires:

March 27, 2015

(SEAL)



NOTARY PUBLIC



Rezoning #R-2011-04 Sirocco Properties, LLC Owner & Applicant

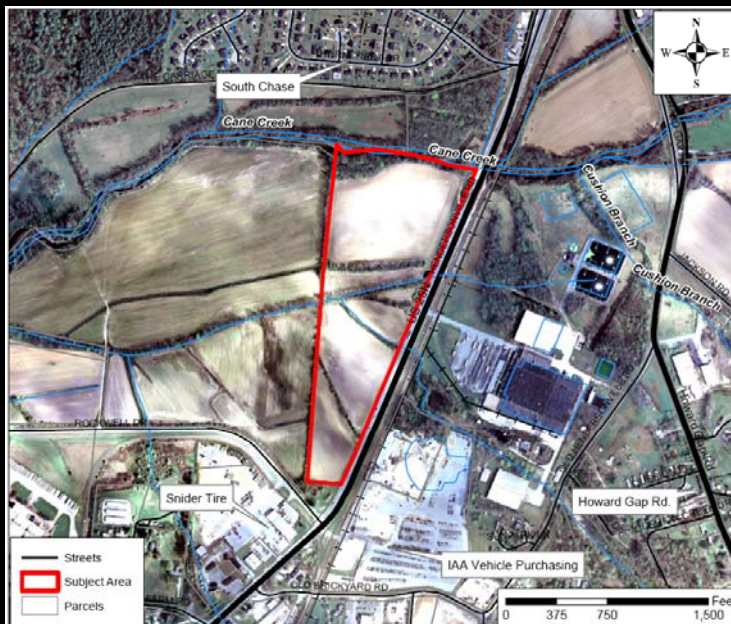


Henderson County Board of Commissioners Meeting
March 5, 2012

Presented by: Parker Sloan, Planner

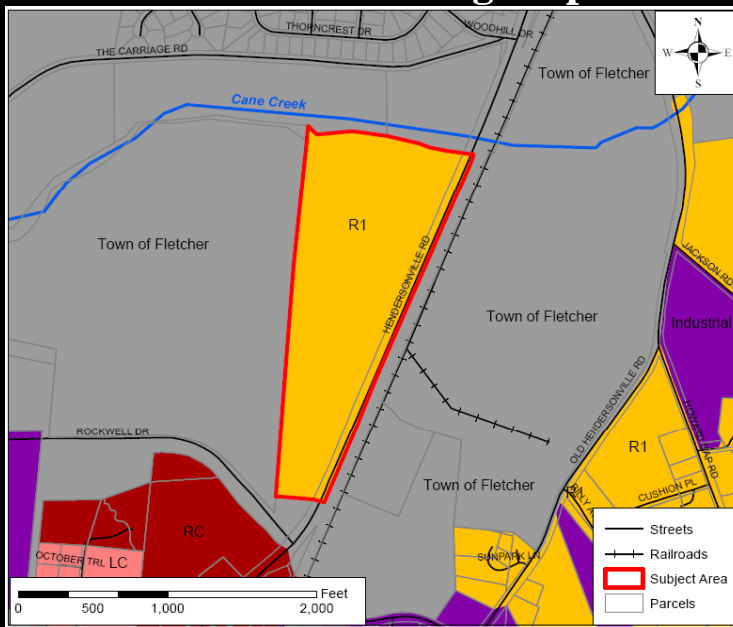
Henderson County Planning Department

Aerial Photo Map



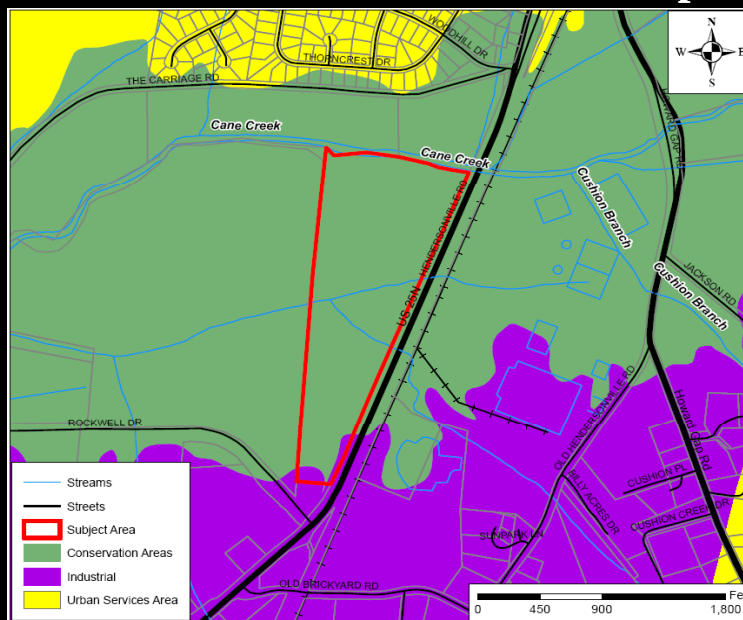
Henderson County Planning Department

Current Zoning Map



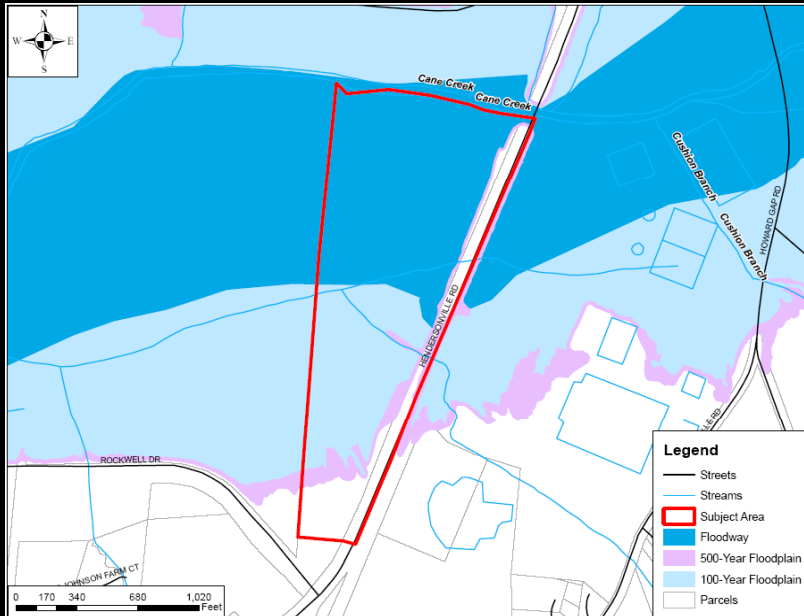
Henderson County Planning Department

2020 CCP Future Land Use Map



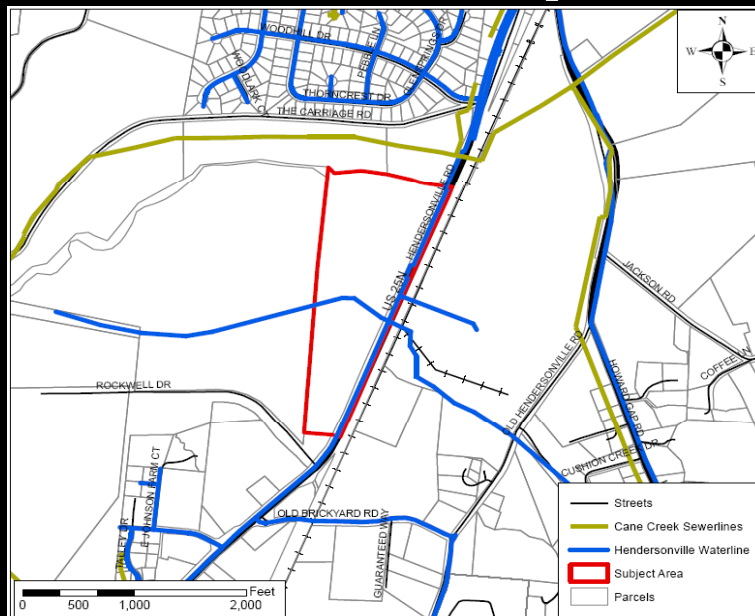
Henderson County Planning Department

Floodplain Map



Henderson County Planning Department

Water/Sewer Map



Henderson County Planning Department

Rezoning #R-2011-04

Questions

