

# REQUEST FOR BOARD ACTION

## HENDERSON COUNTY PLANNING BOARD

**MEETING DATE:** August 17, 2017

**SUBJECT:** Rezoning Application #R-2017-04 Jones Property

**PRESENTER:** Stedman Smith, Planner

**ATTACHMENTS:** 1.) Staff Report  
2.) PowerPoint

### **SUMMARY OF REQUEST:**

Rezoning Application #R-2017-04, which was initiated on June 26, 2017 at the request of applicants and owners, Donald and Patricia Jones, who requests the County rezone approximately 19.96 acres of land (thereafter the “Subject Area”) from a Residential One (R1) zoning district to an Industrial (I) zoning district. The Subject Area is located off Crest Road.

The Technical Review Committee discussed this item at its meeting on July 18<sup>th</sup> and forwarded the request to the Planning Board for further discussion. The Planning Board reviewed the item at its meeting on July 20<sup>th</sup>. The item was tabled until the August meeting so further contact could be made with surrounding property owners and so that an issue of spot zoning could be clarified. Staff will provide an update to the Board at the meeting.

### **PLANNING BOARD ACTION REQUESTED:**

Staff requests the Planning Board make a recommendation to the Board of Commissioners to approve, approve with modification or deny the rezoning application (#R-2017-04) to rezone the Subject Area to an Industrial (I) zoning district.

### **Suggested Motion:**

I move that the Planning Board recommend the Board of Commissioners (approve, approve with modification or deny) rezoning application #R-2017-04 to rezone the Subject Area to an Industrial (I) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan.

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**Henderson County Planning Department Staff Report**

**Rezoning Application #R-2017-04 (R1 to I) Jones Property**

**Patricia Jones, Owner(s)**

**Donald N. Jones, Applicant/Agent(s)**

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**1. Rezoning Request**

1.1. **Applicant/Agent:** Donald N. Jones

1.1 **Property Owners:** Patricia Jones

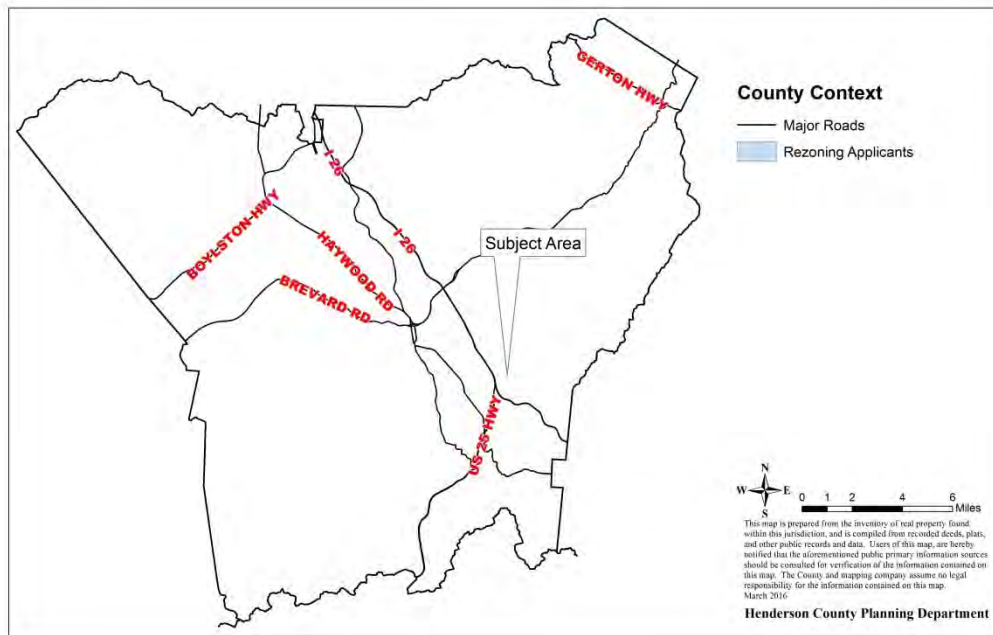
1.2. **PINs:** 9587688771

1.3. **Request:** Rezone Subject Area from a Residential One (R1) and to an Industrial (I) zoning district.

1.4. **Size:** Approximately 19.96 acres of land

1.5. **Location:** The Subject Area is 1 parcel located along Crest Rd. in East Flat Rock. Refer to Map A for a County Context map.

**Map A: County Context**



## Map B: Aerial Photo

Aerial Map



## 2. Current Zoning

2.1. **Application of Current Zoning:** The Subject Area is currently zoned as Residential One (R1).

2.2. **Adjacent Zoning:** The Subject Area is adjacent to Industrial (I) to the West, Community Commercial (CC) to the North, and Residential Two Rural (R2R) to the East, and South.

### 2.3. **District Comparison:**

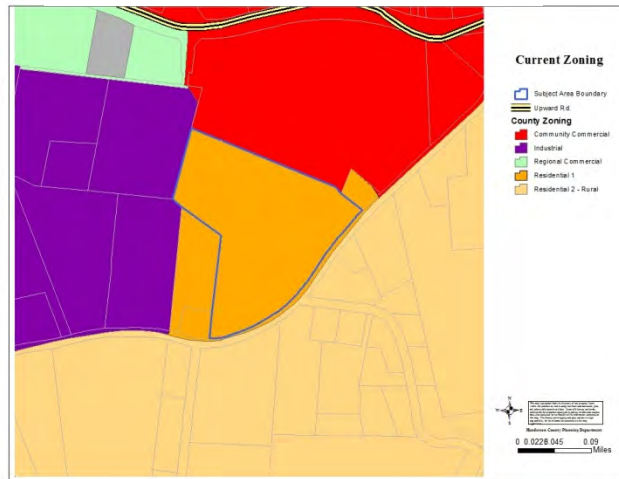
2.3.1. **Residential One (R1) District:** “The purpose of Residential District One (R1) is to foster orderly growth where the principle use of land is residential. The intent of this district is to allow for medium to high density residential development consistent with the recommendations of the Comprehensive 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 §42A-27). (1) 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).

2.3.2. **Industrial (I) 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).” (LDC §42A-36).

(1) Industrial (I) requires 20 foot side and rear setbacks; (2) establishes a maximum building height of 72 feet; (3) Provides an unlimited square feet maximum gross

floor area; (4) Maximum impervious surface area of 80% (Chapter 42, Land Development Code §42B-36)

**Map C: Current Zoning**



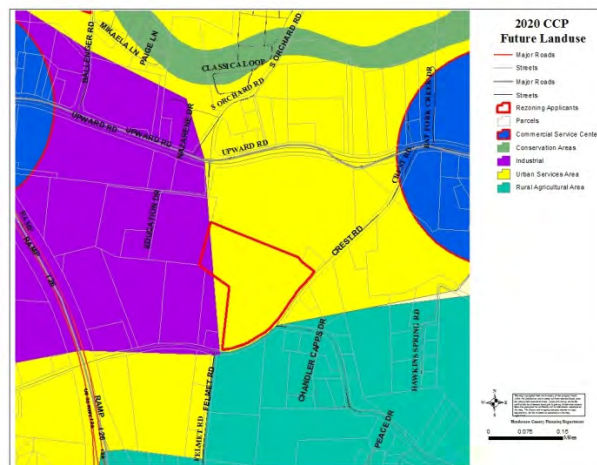
**3. Current Uses of Subject Area and Adjacent Properties**

- 3.1. **Subject Area Uses:** The Subject Area is primarily used for residential purposes.
- 3.2. **Adjacent Area Uses:** The surrounding properties contain primarily industrial, residential, institutional and commercial uses.

**4. The Henderson County 2020 Comprehensive Plan (CCP)**

- 4.1. The CCP Future Land Use Map identifies the Subject Area as being located mostly in Urban Services Areas and partly in the Industrial Areas. (2020 CCP, Pgs. 129 & Appendix 1, Map 24). (See Map D).

**Map D: 2020 County Comprehensive Plan Future Land Use Map**



- 4.1.1. **Industrial Area:** “See the Current Land Use Definition of Industrial, in Appendix IV, Glossary. 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. 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. 140).

- 4.1.2. **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).

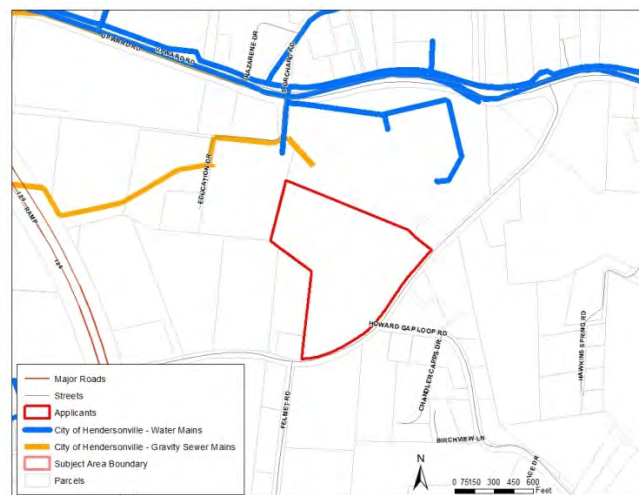
**5. The Dana Community Plan**

- 5.1. The Subject Area falls within the boundaries of the Dana Community Plan. This plan states that, “The Planning Area is strategically located along Interstate-26, surrounding one (1) of only three (3) interchanges in the County, and offering one of the County’s most interconnected local road networks. Finally, the Planning Area contains a more diversified workforce than occurs in other areas of the County. This diversity makes the Planning Area more attractive to a variety of businesses as the economy continues to evolve.” (Dana Community Plan, Pg. 46)

**6. Water and Sewer**

- 6.1. **Public Water:** City of Hendersonville’s records show that there is access for water connection adjacent to the Subject Area.
- 6.2. **Public Sewer:** City of Hendersonville records shows that sewer access is available near the Subject Area.

**Map E: Water and Sewer Map**



**7. Staff Comments**

- 7.1. **The 2020 CCP:** The CCP Future Land Use Map (See Map D) places parts of the Subject Area in the Urban Services and Industrial Area classifications. The text and map of the 2020 CCP suggest that the Subject Area would be suitable for industrial development.
- 7.2. **Adjacent Zoning:** The Subject Area is adjacent to Industrial (I) to the West, Residential Two Rural (R2R) to the South and East, and Community Commercial (CC) to the North.
- 7.3. **Comparison of Districts:** The existing Residential 1 (R1) and Industrial (I) zoning districts are compatible with new industrial development. Applying the Industrial (I) zoning district will allow for future industrial development.
- 7.4. **Spot Zoning:** The surrounding properties are zoned Residential 1. Concerns were brought up that this could be an issue of spot zoning. After discussion with the County Attorney, it was determined that the surrounding properties could stay Residential 1 if they chose to, and the surrounding property would not constitute a spot zoning. However, the option was given to surrounding property owners to be included in this rezoning request to be rezoned industrial or Residential Two Rural, both property owners declined any action to rezone their property at this time.

**8. Technical Review Committee Recommendation**

- 8.1. The TRC reviewed the application at its meeting on July 18<sup>th</sup>, 2017 and sent it forth to the Planning Board for further review to address the issue of spot zoning.

**9. Planning Board Recommendation**

- 9.1. The Planning Board reviewed the application at its meeting on July 20<sup>th</sup>, 2017. The Planning Board voted to table the item until the August 17<sup>th</sup> meeting so further contact could be made with adjoining property owners and the issue of spot zoning could be researched and clarified.

# Rezoning #R-2017-04 Jones Property



Henderson County Planning Board  
August 17, 2017

*Henderson County Planning Department*

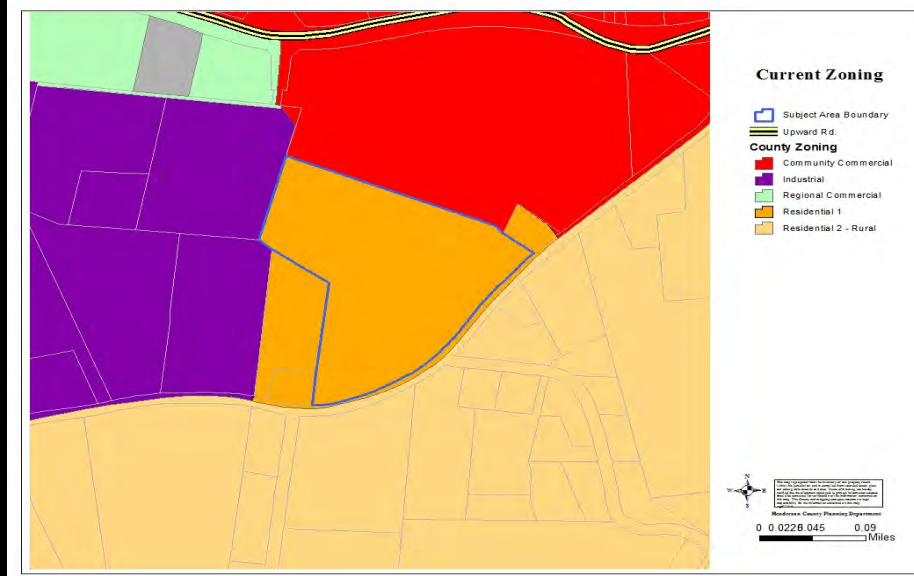
Aerial Map



# Aerial Photo Map

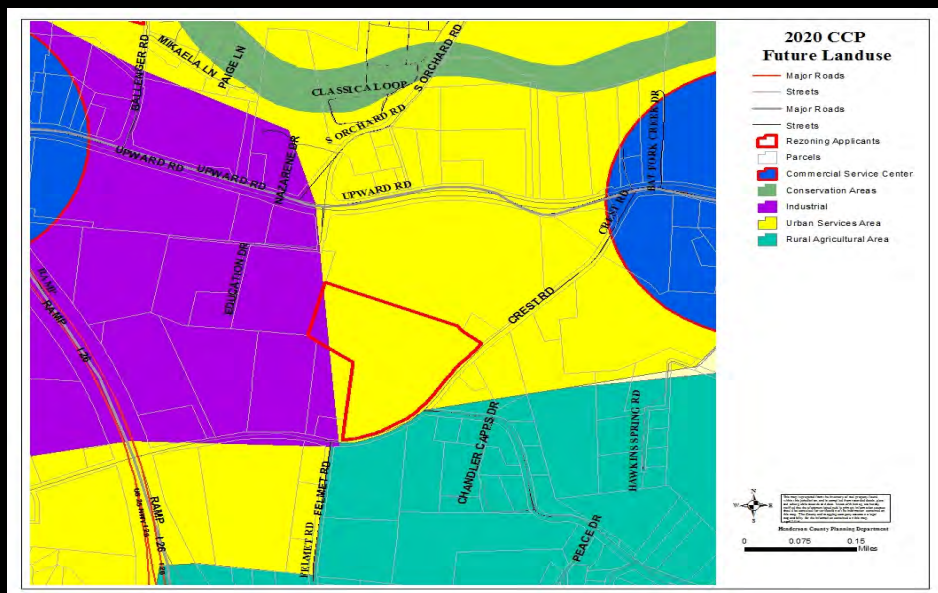
*Henderson County Planning Department*

# Current Zoning Map



Henderson County Planning Department

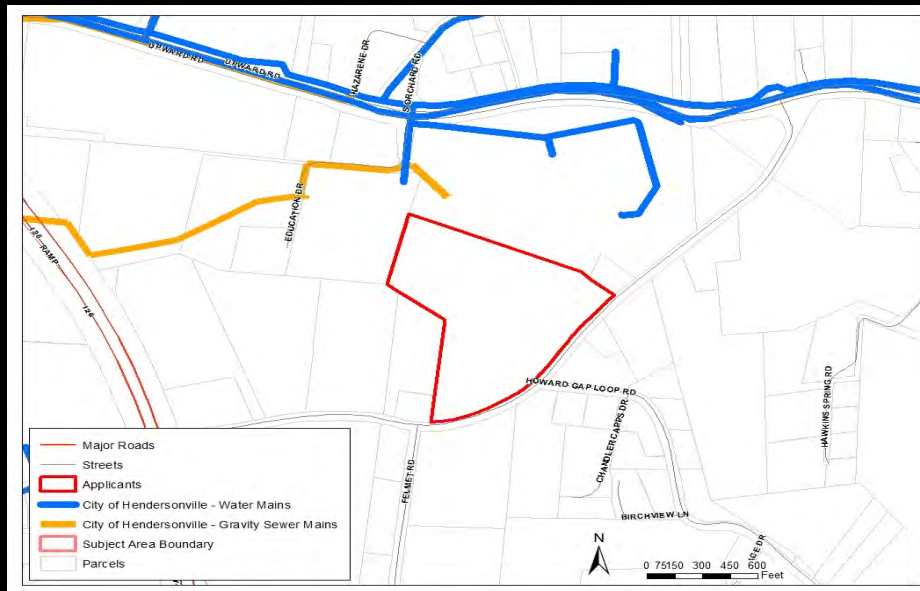
# 2020 CCP Future Land Use Map



Henderson County Planning Department



## Public Utilities



Henderson County Planning Department

## Rezoning #R-2017-04

# Questions

