

REQUEST FOR BOARD ACTION

HENDERSON COUNTY PLANNING BOARD

- MEETING DATE:** January 19, 2012
- SUBJECT:** Rezoning Application #R-2011-04
- PRESENTER:** Parker Sloan, Planner
- ATTACHMENTS:**
1. Staff Report
 2. Aerial Photo Map
 3. Industrial (I) District Text
 4. Residential One (R1) District Text
 5. PowerPoint Handouts
 6. Photos of Project Site

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)

Planning staff posted the property giving notice of the Planning Board meeting on January 9, 2012. The Planning Board has 45 days from its first consideration of a rezoning application to make a recommendation to the Board of Commissioners. Thus, the deadline for a Planning Board recommendation to the Board of Commissioners regarding this application is Friday, March 2, 2012. If no recommendation is made by March 2, 2012, the application proceeds to the Board of Commissioners with an automatic favorable recommendation. Upon request of the Planning Board, the Applicant may choose to grant a 45-day extension, at which time the deadline for a Planning Board recommendation would become Monday, April 16, 2012.

Planning Board action to recommend that the Board of Commissioners approve, approve with modifications, table, or deny rezoning action #R-2011-04 would be appropriate.

Suggested Motion:

I move the Board recommend approval of rezoning application #R-2011-04 to rezone the Subject Area from an Residential One (R1) zoning district to a Industrial (I) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan.

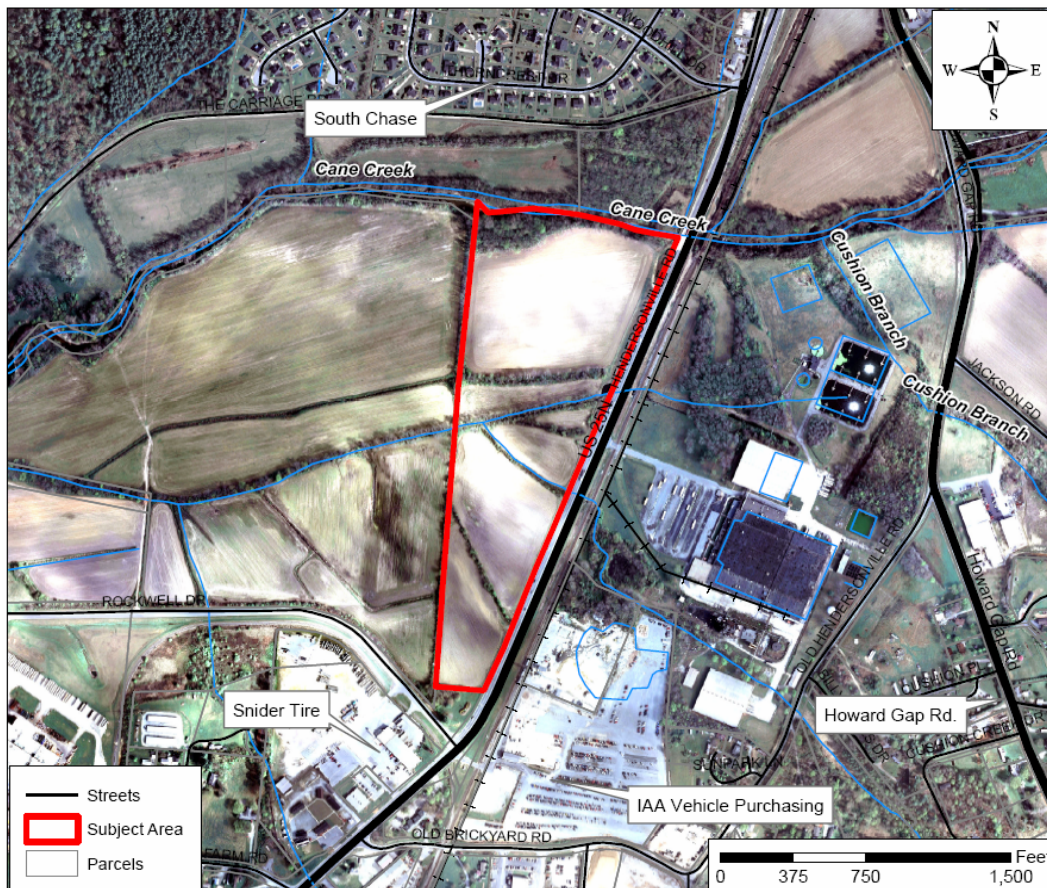
Henderson County Planning Department Staff Report

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).

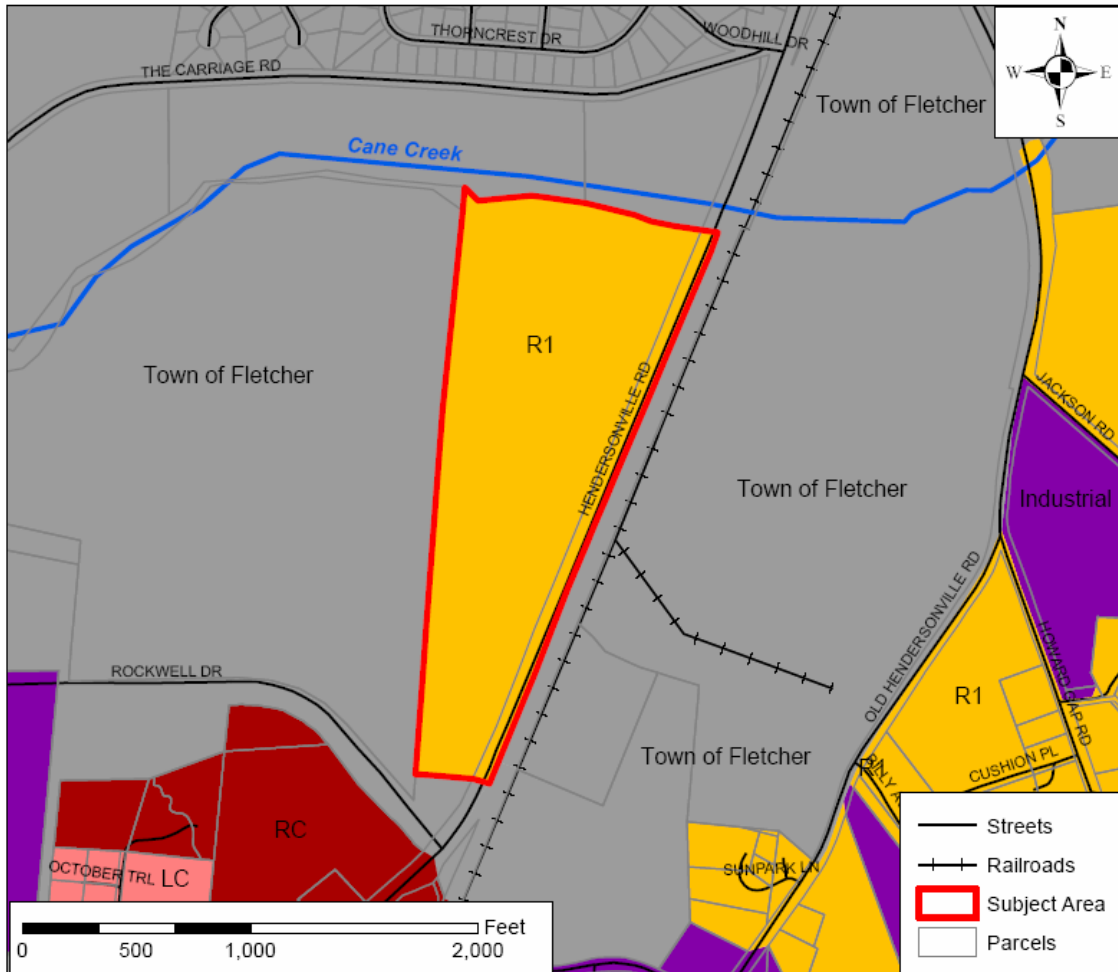
Map A: Aerial Photo



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.

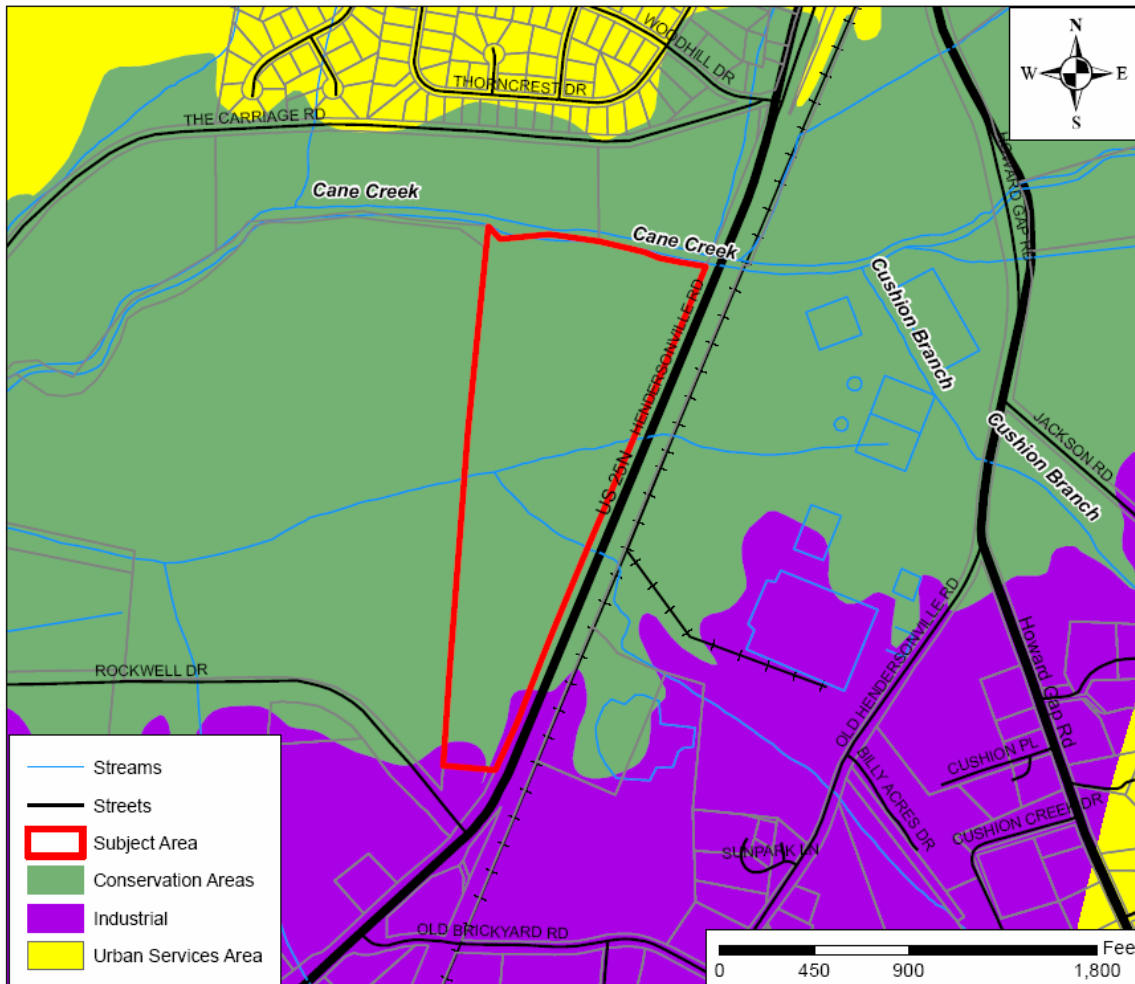
4. The Henderson County 2020 Comprehensive Plan (CCP)

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).

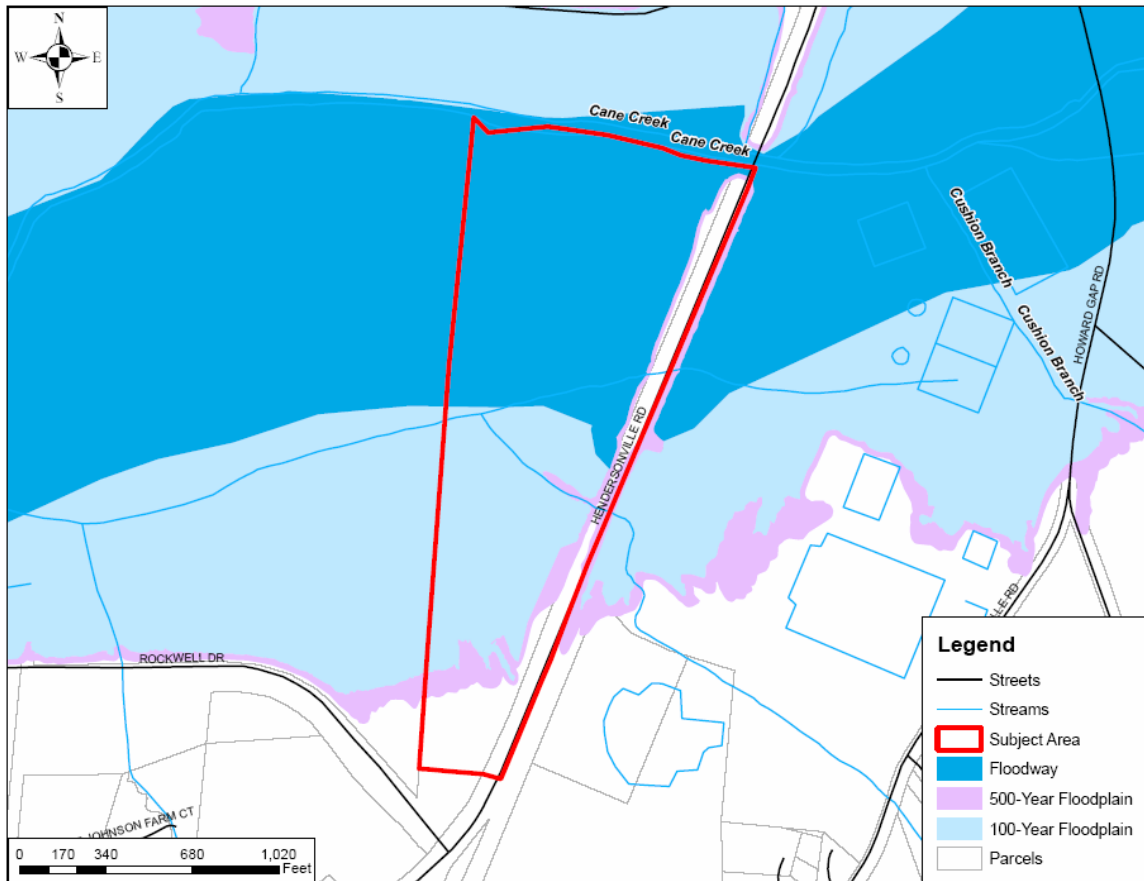
4.2. **Industrial Area:** The CCP states that, “most defined industrial areas should lie within the Urban Services Area, and in other areas on a very limited basis. Most industrial uses should be segregated from other uses with the exception of Regional Commercial uses” (2020 CCP, Pg. 136).

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).

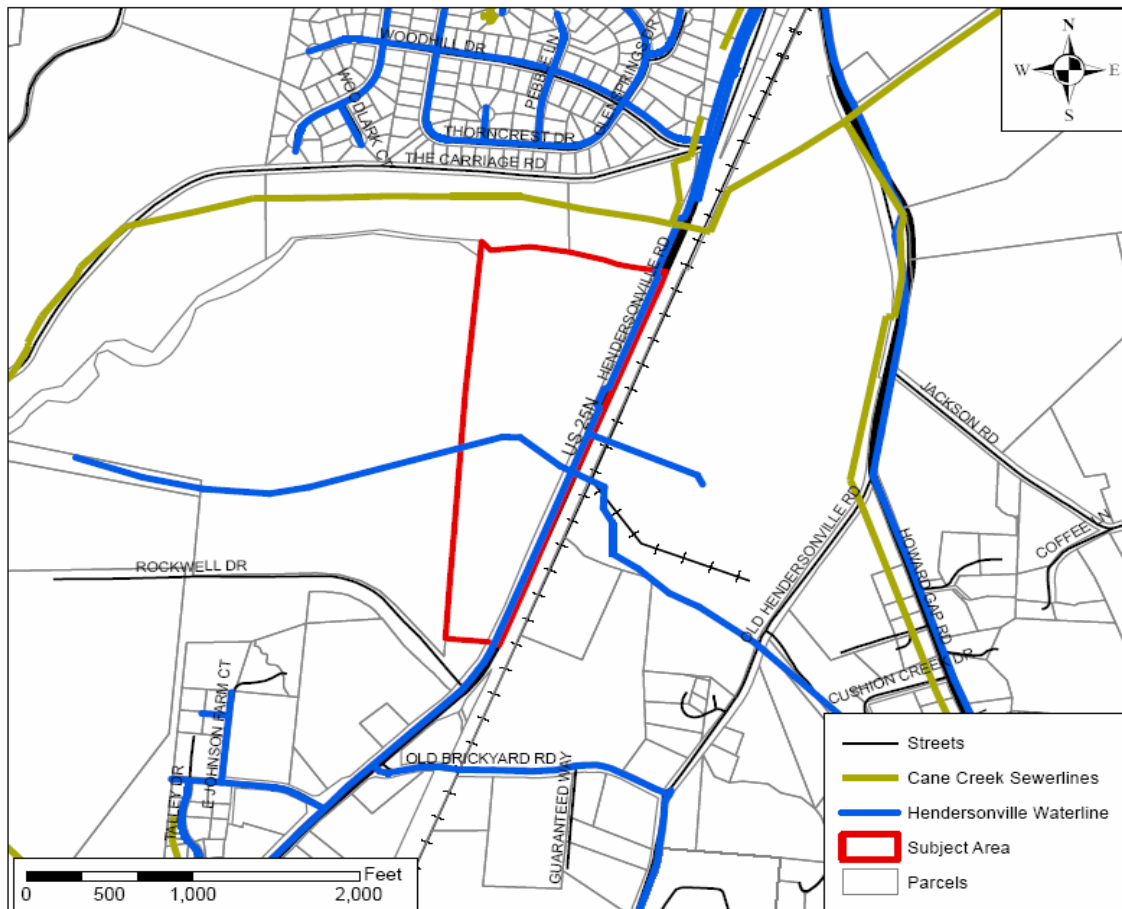
Map D: Floodplain Map



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**

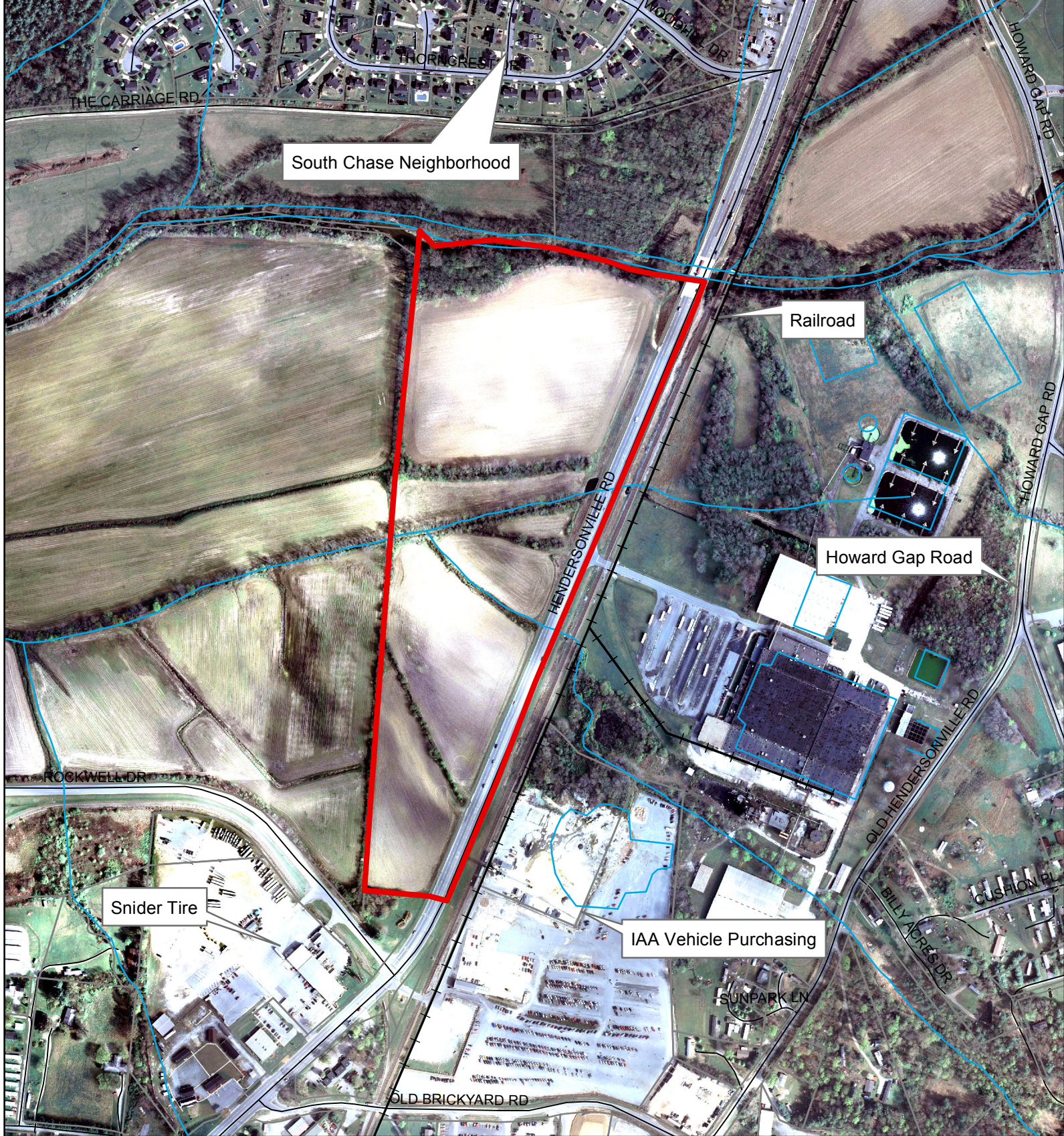
- 8.1. Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the Subject Area to Industrial consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.

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.TBD



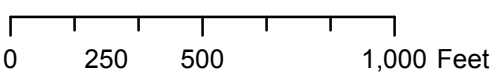
South Chase Neighborhood

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

§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-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) Intermediate	8	
		(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 (½) 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) Intermediate residential density shall be available when individual dwellings would be served by both: (1) a *municipal water supply system* and (2) a *sewage disposal system* (of the following types: municipal, approved public, or approved community) which meet the

 - (4) 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.
 - a. A total of at least five (5) units would be permitted by standard residential density, and

 - b. Such dwellings are generally served by both: (1) a *municipal water supply system* and (2) a *sewage disposal system* (of the following types: municipal, approved public, or approved community) which meet the requirements of the local or State authorities.

 - (5) 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.

 - (6) 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.

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

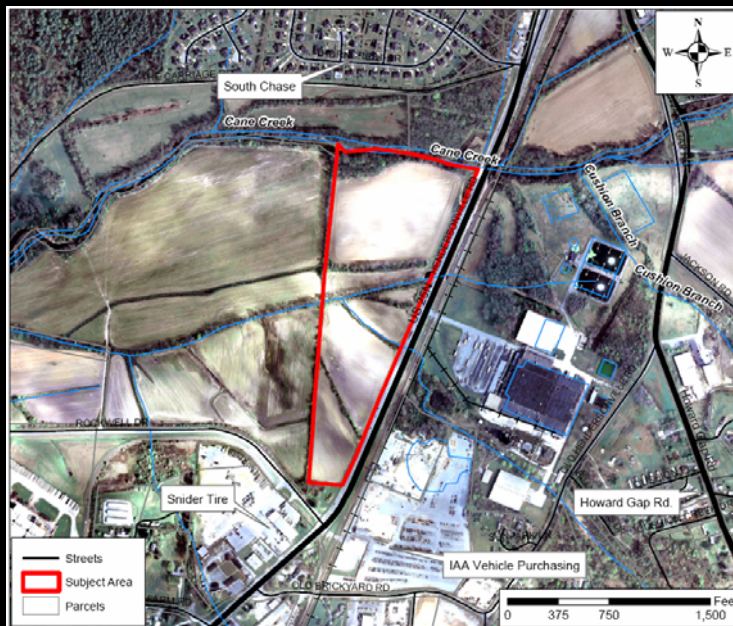


Henderson County Planning Board Meeting
January 19, 2012

Presented by: Parker Sloan, Planner

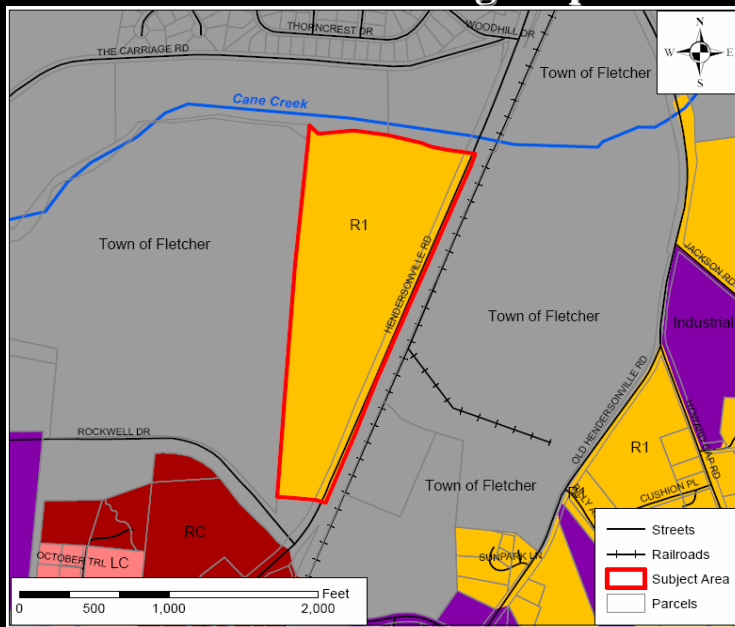
Henderson County Planning Department

Aerial Photo Map



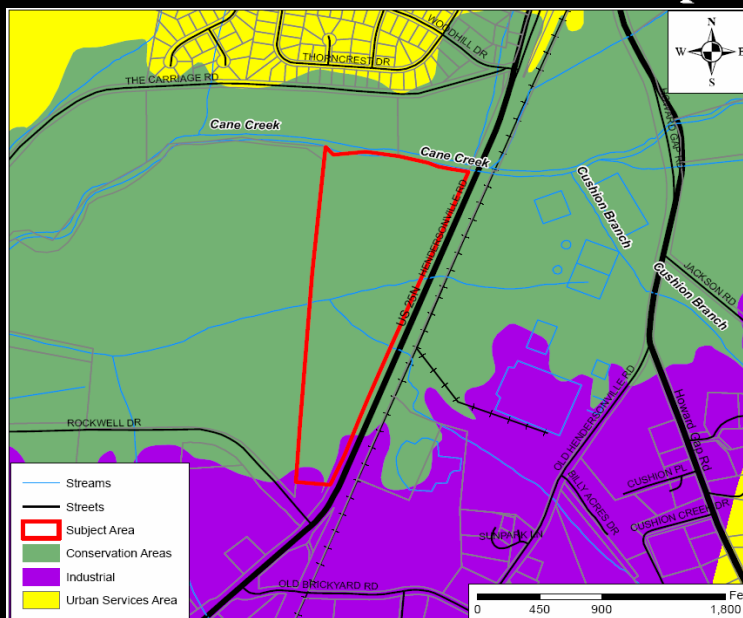
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Current Zoning Map



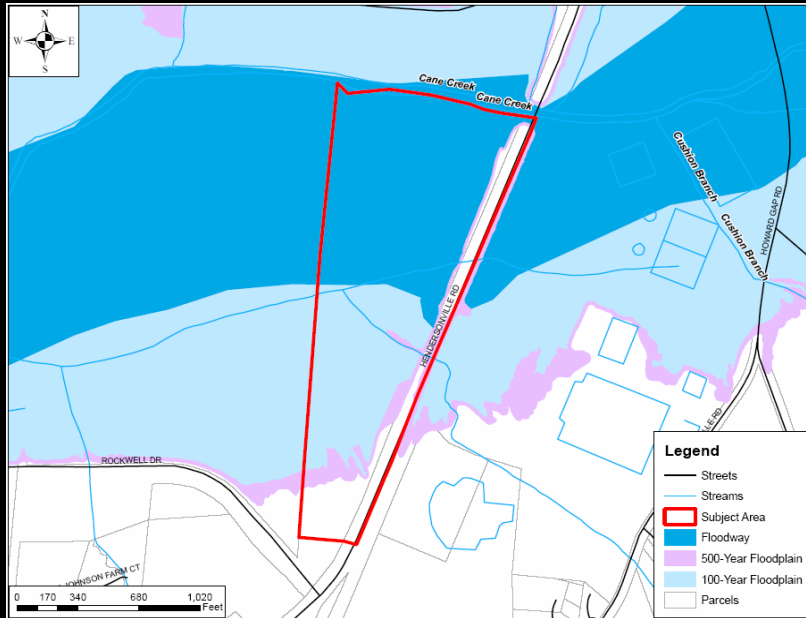
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2020 CCP Future Land Use Map



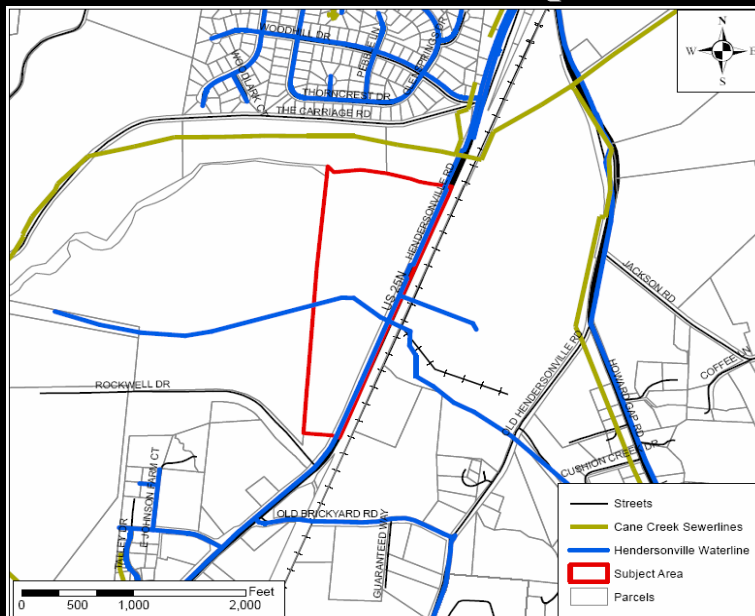
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Floodplain Map



Henderson County Planning Department

Water/Sewer Map



Henderson County Planning Department

Rezoning #R-2011-04

Questions





View of Subject Area from the north east corner looking south.



View of subject area from US Highway 25 N. looking west.



View of Subject Area looking north from the south east corner.



View of Subject Area looking north along US highway 25 N.