

REQUEST FOR COMMITTEE ACTION

HENDERSONCOUNTY TECHNICAL REVIEW COMMITTEE

MEETING DATE: November 18, 2015

SUBJECT: Rezoning Application #R-2015-04-C

PRESENTER: Kyle Guie, Planner

ATTACHMENTS: 1. Staff Report
2. Vicinity Map

SUMMARY OF REQUEST:

Rezoning Application #R-2015-04-C, which was initiated on September 1, 2015 at the request of applicant, Jeffrey Lemmons, who requests the County rezone approximately 2.91 acres of land (thereafter the "Subject Area") Residential One (R1) zoning district to an Industrial-Conditional District (I-CD) zoning district.

TECHNICAL REVIEW COMMITTEE ACTION REQUESTED:

Planning Staff requests the Technical Review Committee make a recommendation to the Board of Commissioners to approve, approve with modification or deny the zoning application (#R-2015-04-C) to rezone the Subject Area to an Industrial Conditional District (I-CD) zoning district. The TRC should discuss the staff provided options as noted in the staff report.

Suggested Motion:

I move that the TRC recommend the Board of Commissioners approve, approve with modification or deny rezoning application #R-2015-04-C to rezone the Subject Area to an Industrial Conditional District (I-CD) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan.

Henderson County Planning Department Staff Report

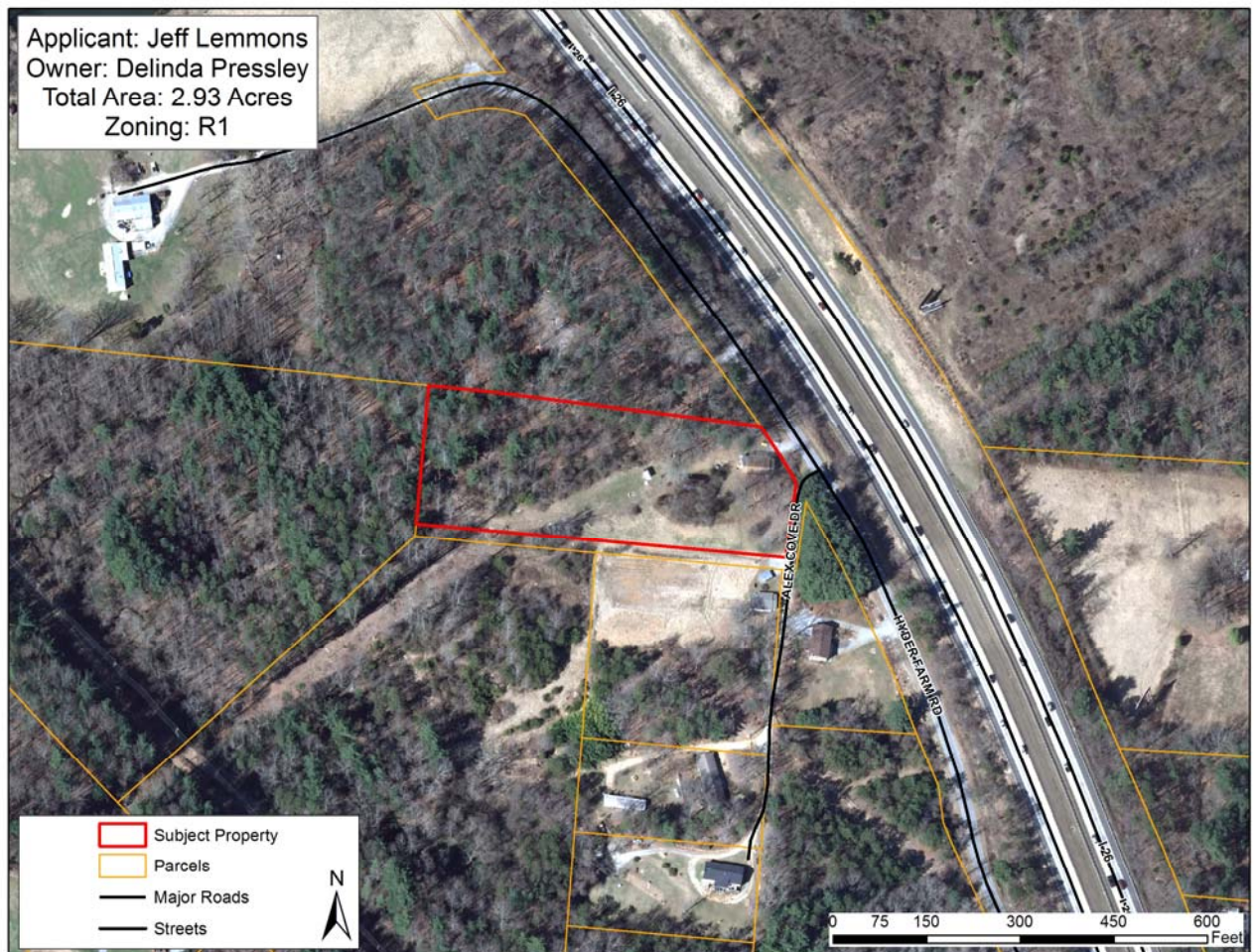
Rezoning Application #R-2015-04-C (R1 to I-CD)

Delinda Pressley, Owner(s)
Jeff Lemmons, Applicant

1. Rezoning Request

- 1.1. **Applicant:** Jeff Lemmons
- 1.2. **Property Owner:** Delinda Pressley
- 1.3. **PIN:** 9660834648
- 1.4. **Request:** Rezone subject area from a Residential One (R1) zoning district to Industrial Conditional District (I-CD) zoning district.
- 1.5. **Size:** Approximately 2.93 acres of land.
- 1.6. **Location:** The subject area is located at 619 Hyder Farm Road just west of Interstate 26

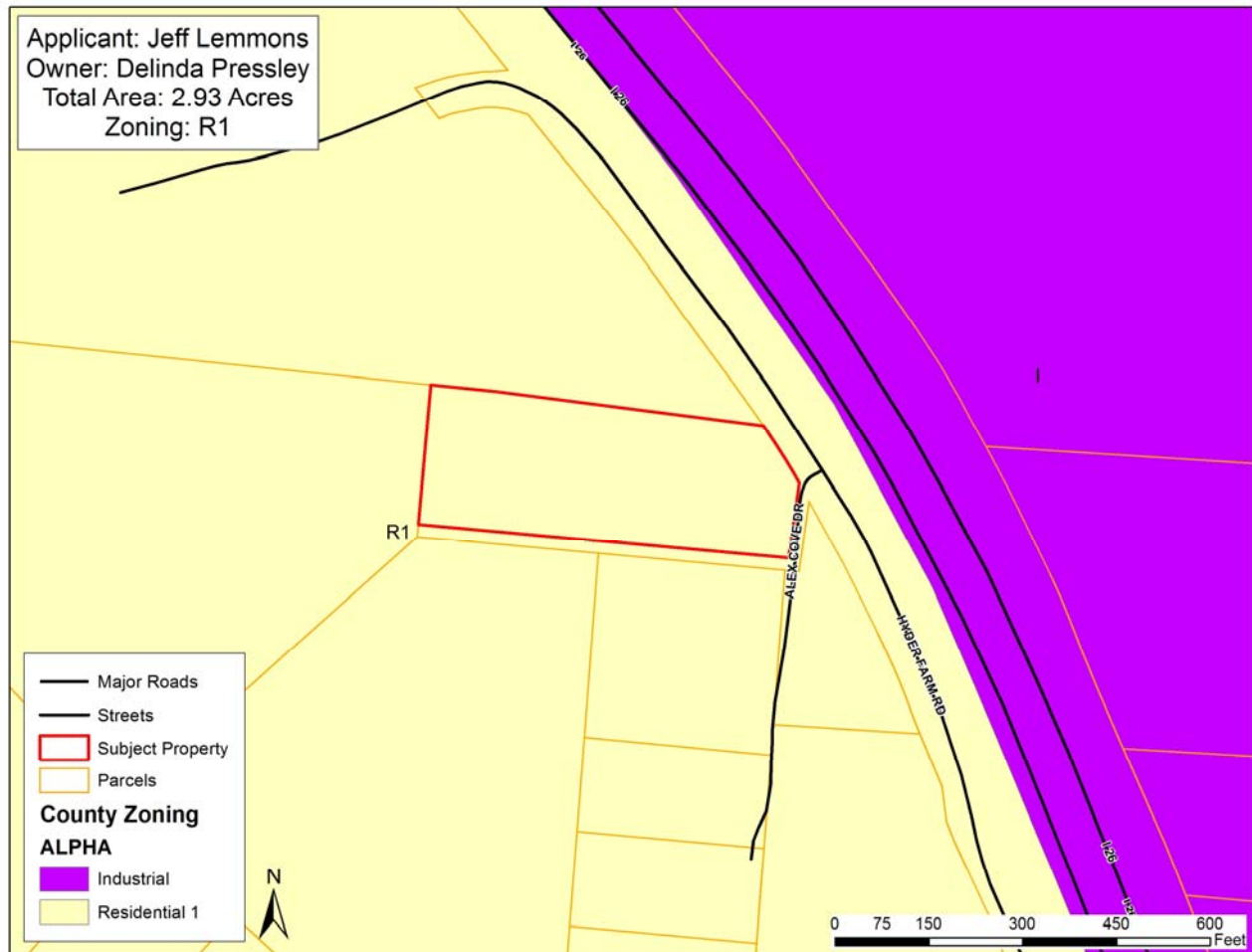
Map A: Aerial Photo



2. Current Zoning

2.1. **Application of Current Zoning:** The subject area was zoned Residential One (R1) on September 19, 2007 with the adoption of the Land Development Code. (See Map B). Prior to this date, the subject area was zoned Open Use (OU).

Map B: Current Zoning



2.2. **Adjacent Zoning:** The subject area is adjacent to Industrial (I) to the east. Residential One (R1) zoning district surrounds the subject area to the west, south, and north.

2.3. **District Comparison:**

2.3.1. **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 §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) 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).” (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)

3. Current Uses of Subject Area and Adjacent Properties

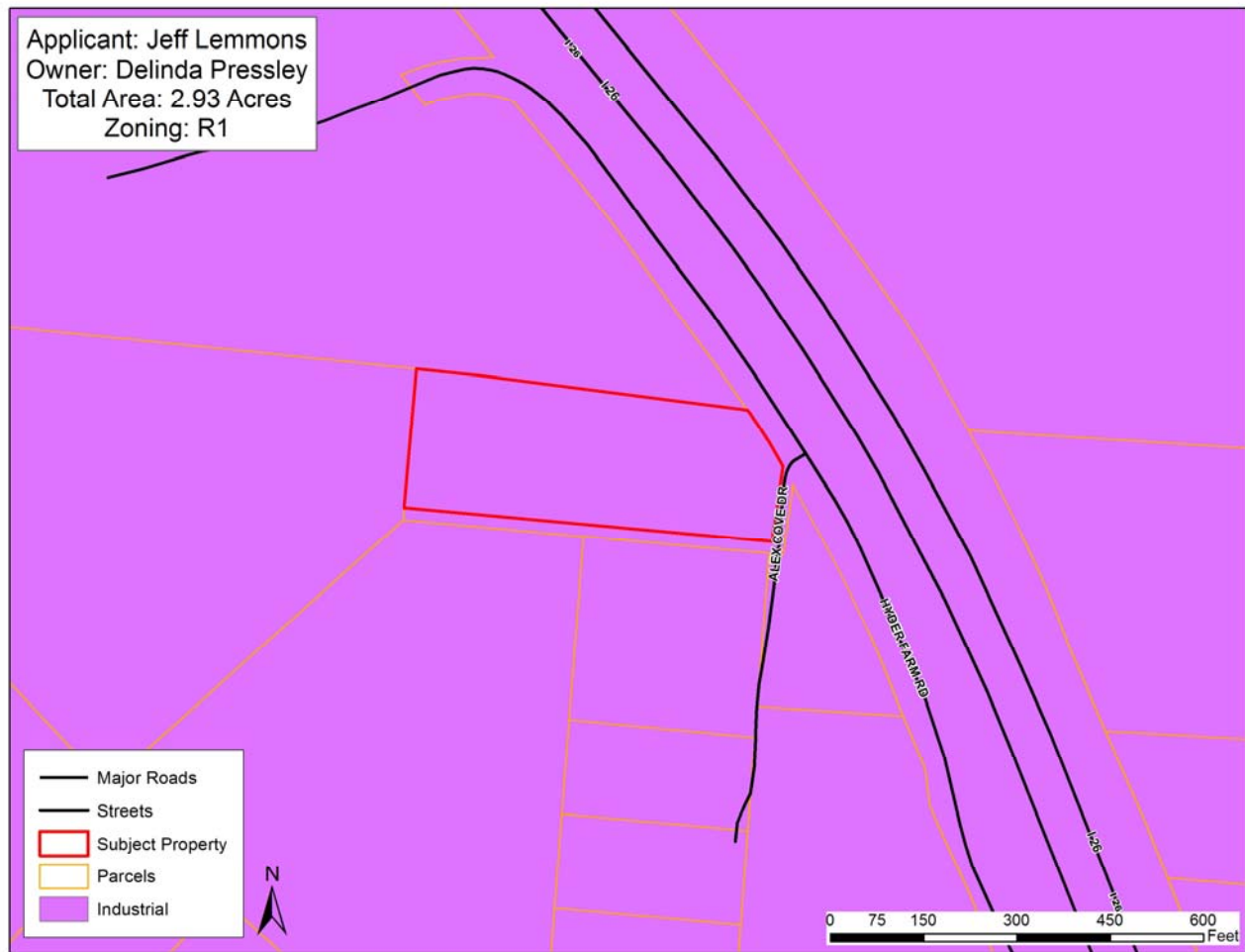
3.1. **Subject Area Uses:** The subject area is currently used for residential purposes.

3.2. **Adjacent Area Uses:** The surrounding properties contain both residential and vacant uses. Residential uses are found on the northern, and southern edges of the subject area. Vacant use is found to the west of the subject area. Hyder Farm Road lies to the east of the subject property.

4. The Henderson County 2020 Comprehensive Plan (CCP)

4.1. The CCP Future Land Use Map identifies the subject area as being located in the Industrial area (2020 CCP, Pgs. 128, 129 & Appendix 1, Map 24). (See Map C).

4.1.1. **Industrial:** “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. Industrial areas depicted on Map # 24, Future Land Use Map are derived from existing industrial zoning districts, as well as from those area depicted upon Map # 8, “Committee of 100” Recommended Industrial Development Zones. 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).

Map C: 2020 County Comprehensive Plan Future Land Use Map

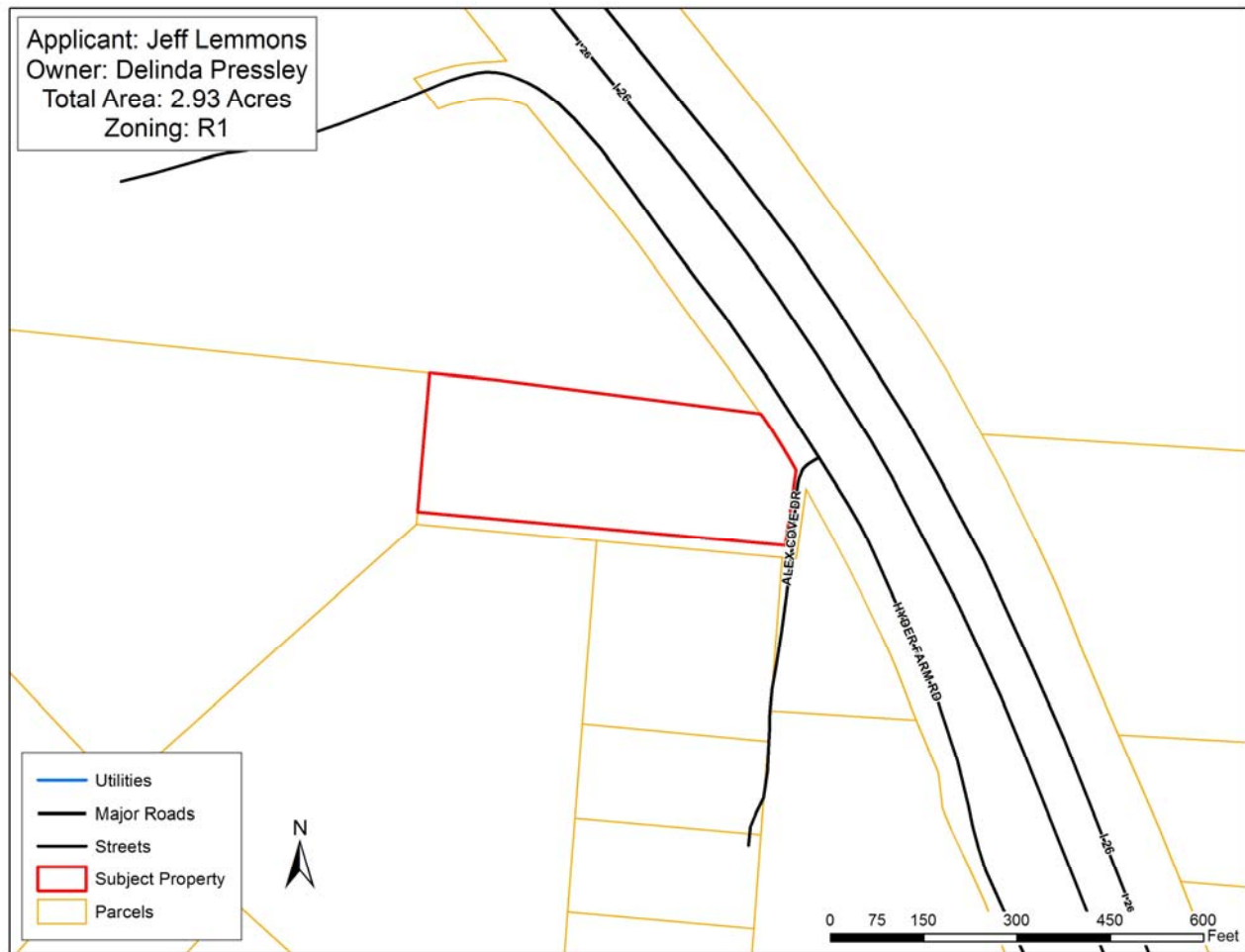
5.

Water and Sewer

5.1. **Public Water:** No public water lines are found near subject area.

5.2. **Public Sewer:** No public sewer lines are found near the subject area.

Map D: Water and Sewer Map



6. Community Plan

- 6.1. **North Central Community Plan:** The subject property is within the North Central community plan area and the plan has not been completed.

7. Staff Comments

- 7.1. **The 2020 CCP:** The CCP Future Land Use Map (See Map C) places the Subject Area in the "Industrial" classification. 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 the Residential One (R1) zoning to the south, north, and west and Industrial (I) zoning across Route 26 to the east.
- 7.3. **Comparison of Districts:** The existing Residential One (R1) zoning district does not allow for industrial uses. Applying the Industrial (I-CD) zoning district will allow for industrial development.

8. Staff Recommendations

- 8.1. Staff's position at this time, under the guidelines of current plans, policies and studies, is to offer multiple options for this property.

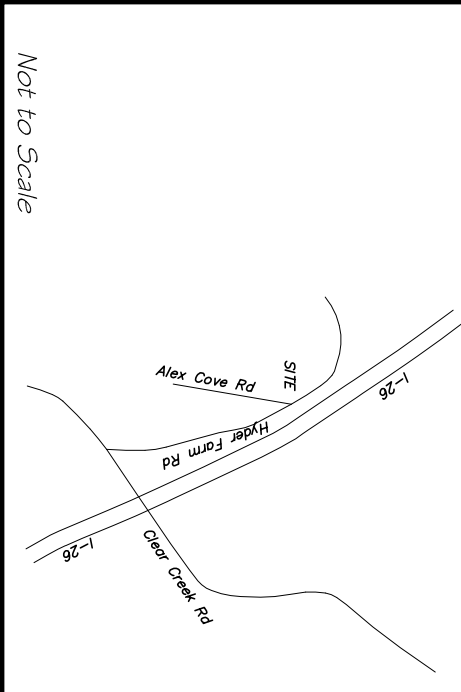
8.1.1. The subject area may be rezoned completely from Residential One (R1) to Industrial Conditional District (I-CD).

9. Technical Review Committee Recommendations

9.1. To Be Determined

10. Planning Board Recommendations

10.1. To Be Determined



PROJECT SUMMARY

OWNER:
DELINDA PRESSLEY
120 QUIET STREAM LANE
HENDERSONVILLE, NC 28791

DEVELOPER:
JEFF LEMMONS
11 ALFREN ROSE WAY
MILLS RIVER, NC 28759
828-275-2544

TOTAL PROJECT AREA: 2.93 ACRES
PROPOSED LOTS: 1

CURRENT ZONING:
RESIDENTIAL DISTRICT ONE (R1)

PROPOSED ZONING:
INDUSTRIAL (I)

PROPOSED DENSITY:
1 UNIT / 2.93 ACRES

BUILDING AREAS:
PROPOSED: 8,594 SF

INTERVIEWS SURFACE CALCULATIONS:
TOTAL AREA = 2.93 ACRES (127,807.54 SF)
PROPOSED INTERVIEWS SURFACES = 115,564 SF
PERCENT INTERVIEWS = 12.1 % (90 % ALLOWED)

PARKING CALCULATIONS:
1 SPACE PER 4,000 SF OF BUILDING REQUIRED
6,250 SF OF PROPOSED BUILDING
2 SPACES REQUIRED (5 SPACES PROPOSED)

EXTERIOR LIGHTING:
WALL MOUNTED, LIGHT MITIGATION COMPLIANT

INDIVIDUAL WATER (ON SITE)
INDIVIDUAL SEWER (ON SITE)
MOUNTAIN HOME FIRE DISTRICT

Preliminary Drawing
- For Review Purposes Only -

Being all of the Property as Described in
Deed Book 1521, Page 541

Map of Major Site Plan for:

Jeff Lemmons
Jeff Lemmons
11 Alpen Rose Way
Mills River, NC 28759

- Owners -
Delinda Pressley
Deed Book 1521, Page 541

Pin: 9660-83-4648

Hendersonville Township Henderson County, NC



ASSOCIATED LAND SURVEYORS
& PLANNERS PC

P.O. BOX 578 • HORSE SHOE, NC 28742
(828) 880-3507 NC BUSINESS LICENSE NO. C-2774
SCALE: 1 inch = 30 Feet DATE: September 28, 2015
APP NO: S-15-275 DRAWN BY: CSB

GRID NORTH
NAD 83

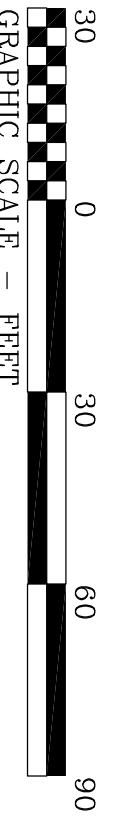
TERRY
DEED BOOK 618, PAGE 309
PIN: 9660-84-1271
ZONED R1

JUSTICE
DEED BOOK 448, PAGE 281
PIN: 9660-71-6621
ZONED R1

GABRIEL
DEED BOOK 448, PAGE 283
PIN: 9660-71-6621
ZONED R1

SE7054N
DEED BOOK 142, PAGE 289
PIN: 9660-83-5358
ZONED R1

FREEMAN
DEED BOOK 644
PIN: 9660-83-7569
ZONED R1



Building setbacks as per Henderson County Industrial (I) Zoning:
Front: 20'
Side: 20'
Rear: 20'
Maximum Building Height: 72'

- Notes:
1. Property is subject to all easements, restrictions and right of ways of record.
 2. The locations of underground utilities are based on above-ground structures and record drawings provided to the surveyor. Locations of underground utilities/structures may vary from locations shown hereon. Additional buried utilities/structures may be encountered.
 3. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate title search may disclose.
 4. The certification of survey and plat was prepared for the entity named in the title block hereon and does not extend to any other entity, unless recertified by the professional land surveyor.
 5. All miscellaneous survey related materials, including but not limited to, project plans, deed and ROW research, maps, field notes and data, survey reports, record title report, calculations, working drawings, estimates, and other materials acquired and/or prepared by the surveyor as instruments of service shall remain the property of the surveyor and assigns.
 6. This drawing is not valid unless the original signature and stamp are attached. Any reproduction or variance to this survey by electronic or any other means are not to be considered issued by the professional surveyor.
 7. Contours are shown at 2' intervals. Topographic survey not performed at this time; contours taken from Lidar.
 8. All Areas are by Coordinate Computation.

Proposed 30' Landscape Buffer
to meet requirements of B2 Buffer.
2 Large Deciduous Trees per 100 Linear Ft.
as required.
Proposed Limited Clearing on Site to
preserve existing woodland and dense foliage.

Existing 20' Right of Way
as per D.B. 448, Pg. 281

Alex Cove Rd.
1/2 Right of Way
as per D.B. 448, Pg. 281

Hyder Farm Rd.
5/8' EIS
Right of Way as Maintained
per NC DOT

5/8' EIS
0.8 Below
Ground

ROW Monument
Round

- Legend:
- ECN = Existing Concrete Monument
 - EIP = Existing Iron Pipe
 - EIS = Existing Iron Stake
 - IPS = Iron Pipe Set
 - ROW = Umarkd Point
 - P/P = Right of Way
 - P/P = Power Pole
 - Tree = Proposed Large Deciduous Tree
 - Circle with dot = Existing Tree to Remain (Typical Tree Protection)