

# REQUEST FOR COMMITTEE ACTION

## HENDERSON COUNTY PLANNING BOARD

**MEETING DATE:** October 24, 2019

**SUBJECT:** Conditional Rezoning Application #R-2019-05-C Sirocco Properties, LLC

**PRESENTER:** Eric Warren, Planner

**ATTACHMENTS:** 1.) Staff Report

### **SUMMARY OF REQUEST:**

Rezoning Application #R-2019-05-C, revised on October 1, requests that the County conditionally rezone approximately 7.77 acres of land from Residential One to Industrial zoning district. The acreage consists of a portion of the parcel (PIN: 9652-86-3577) located at the intersection of Howard Gap Road and Jackson Road in the Fletcher area. The property owner is Sirocco Properties, LLC.

The Technical Review Committee reviewed the rezoning request on October 15, 2019. The TRC has forwarded to the Planning Board for further review.

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

Staff requests the Planning Board make a recommendation to the Board of Commissioners on rezoning application (#R-2019-05-C) for approximately 7.77 acres from Residential One Zoning District (R1) to Regional Commercial Conditional District (RC-CD).

### **Suggested Motion:**

I move that the Planning Board forward rezoning application #R-2019-05- C with a (favorable or unfavorable) recommendation for approval with all conditions shown in the staff report or discussed by the Planning Board.

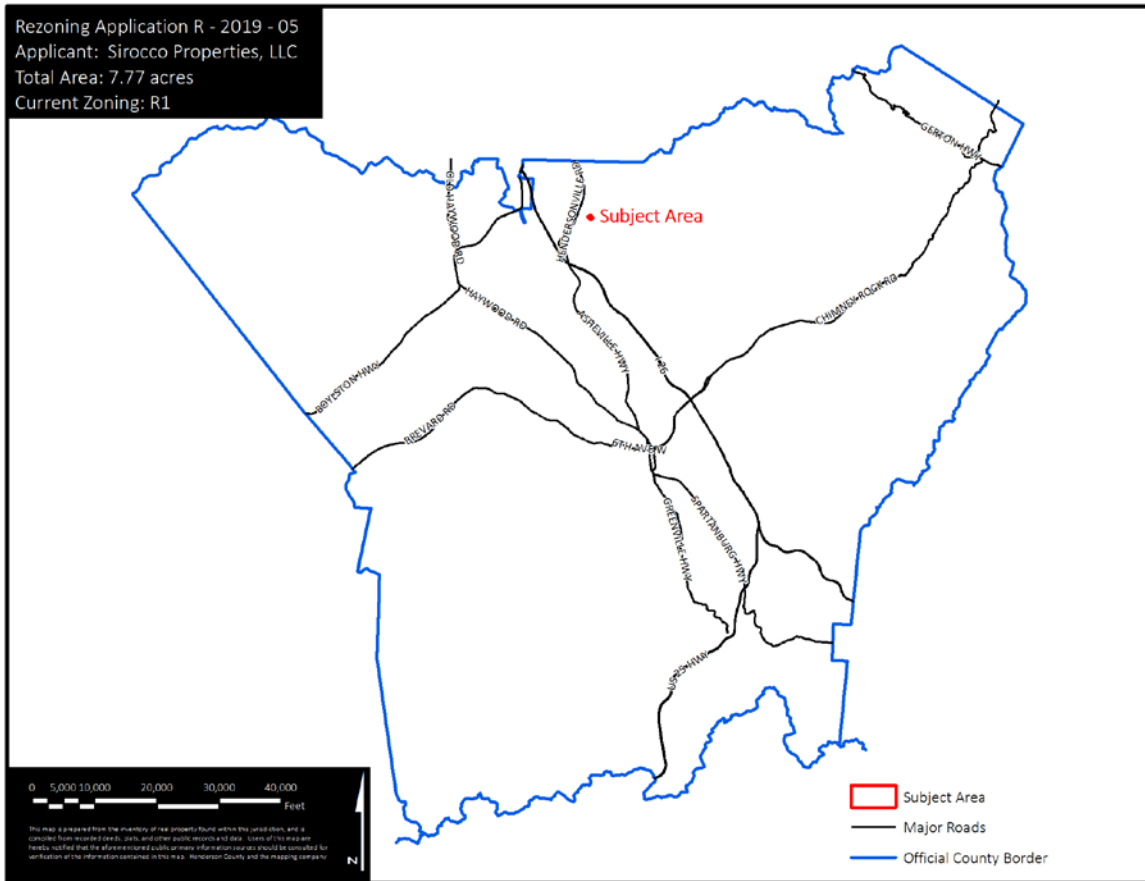
**Henderson County Planning Department Staff Report  
Rezoning Application #R-2019-05 – C (R1 to RC-CD)**

**Owner/ Applicant: Sirocco Properties, LLC**

**1. Rezoning Request**

- 1.1. **Owner:** Sirocco Properties, LLC
- 1.2. **Applicant:** Sirocco Properties, LLC
- 1.3. **PIN:** a portion of 9652-86-3577
- 1.4. **Request:** Rezone subject area from a Residential One (R1) zoning district to a Regional Commercial Conditional District (CC-CD).
- 1.5. **Size:** Approximately 7.77 (this is a portion of PIN: 9652-86-3577)
- 1.6. **Location:** The subject is located at the intersection of Howard Gap Road (SR1006) and Jackson Road (SR1539).

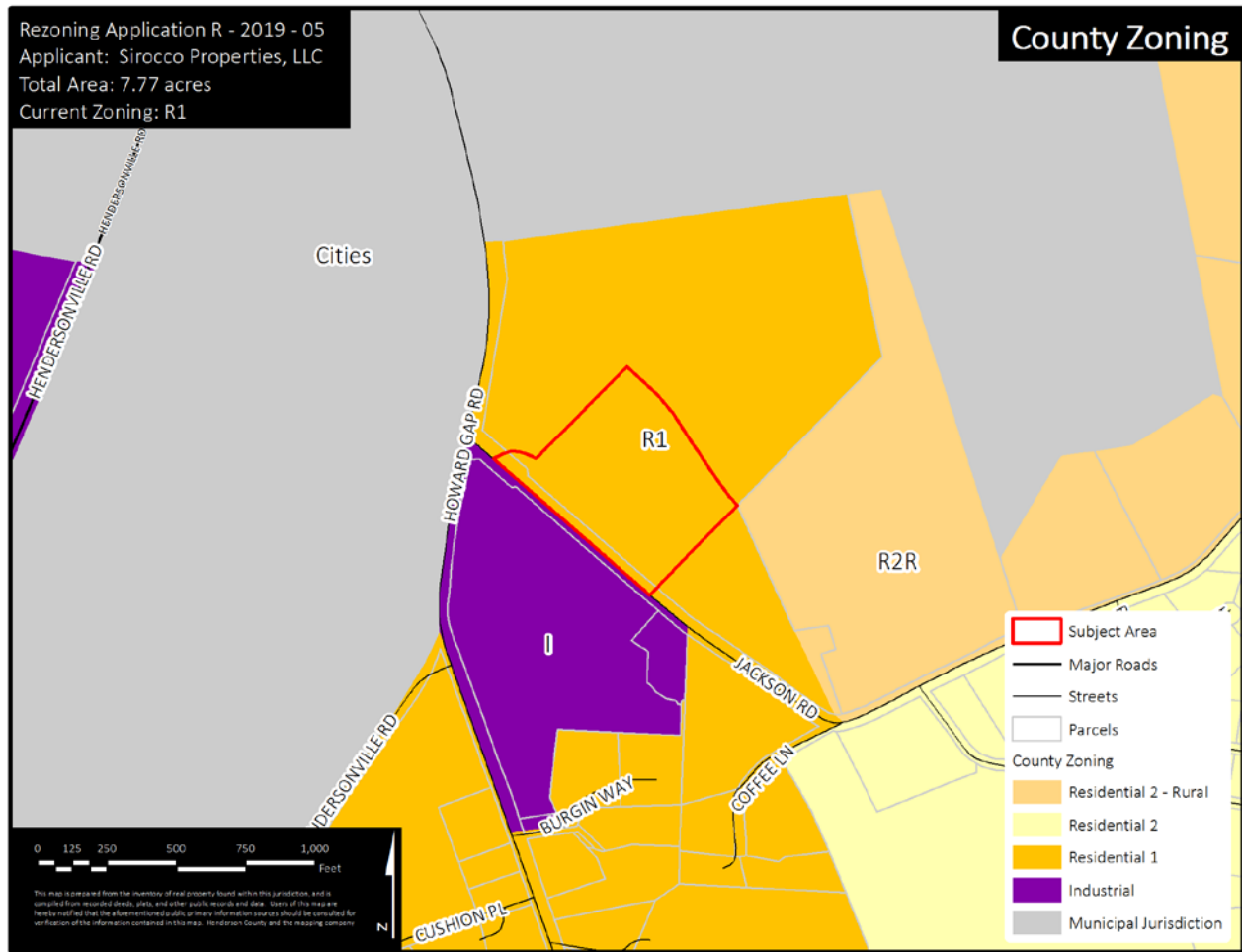
**Map A: County Context**



Map B: Aerial Image



**Map C: Current Zoning**



**2. Current Zoning**

2.1. **Application of Current Zoning:** The subject area is currently zoned Residential One (R1). R1 is a medium to high density residential zone.

2.2. **Adjacent Zoning:** The subject area is adjacent to Residential Two Rural (R2R) to the east and south, Residential One (R1) and Industrial (I) are adjacent to the south. The subject area borders the Town of Fletcher’s Manufacturing District (M-1) on the West and General Commercial District (C-1) on the North, see map D.

**2.3. District Comparison:**

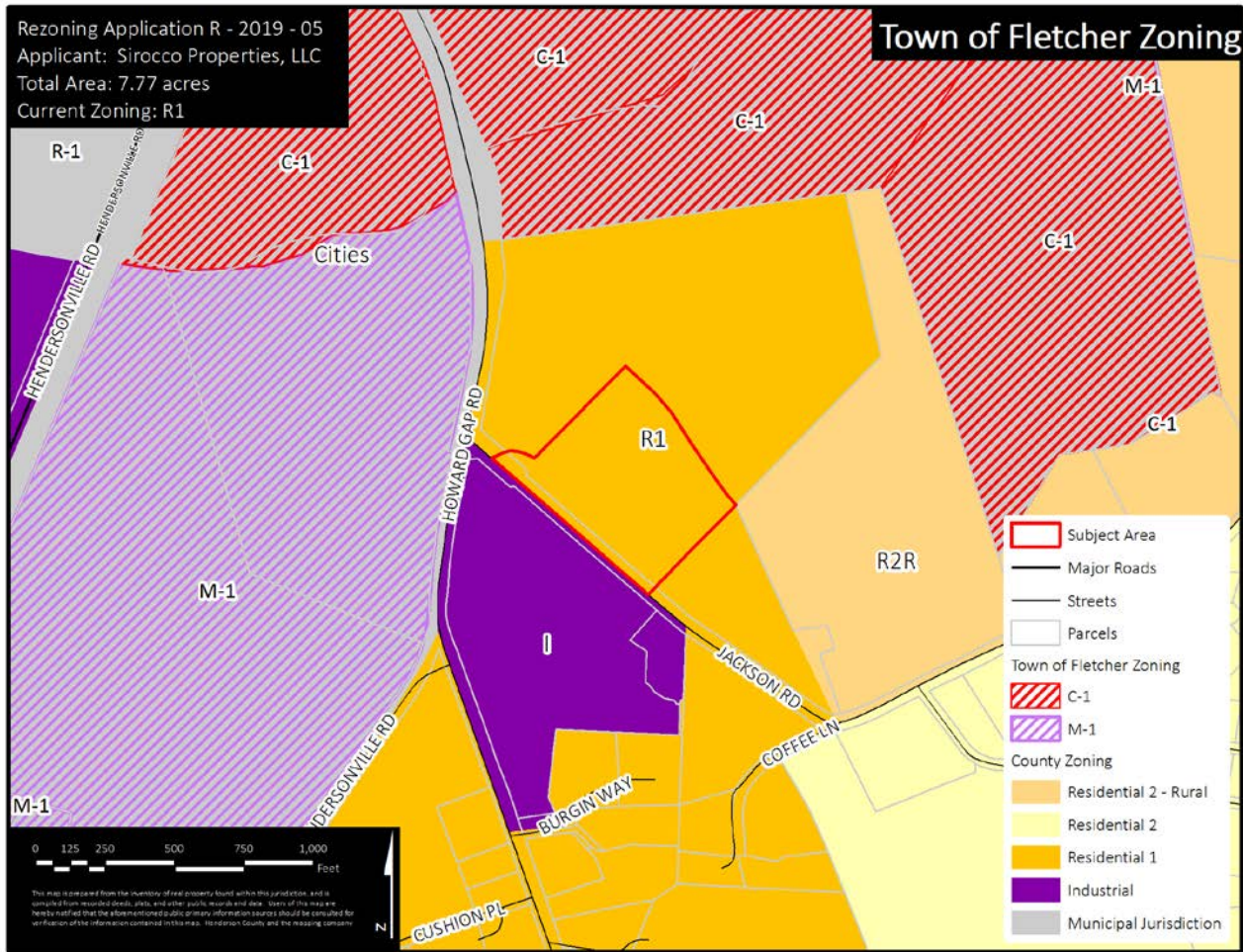
2.3.1. **Residential One Zoning District (R1):** The purpose of Residential District One (R1) is to foster orderly growth where the principal use of land is residential. The intent of this district is to allow for medium to high-density residential development consistent with the recommendations of the Comprehensive Plan. This general use district is typically meant to be utilized in areas designated as Urban (USA) in the Comprehensive Plan. (LDC §42 – 27).

2.3.2. **Regional Commercial Conditional District (RC-CD):** Conditional Zoning Districts are zoning districts in which the development and use of the property is

subject to predetermined Chapter standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to each individual development project. For each General Use Zoning District, there is a corresponding Conditional Zoning District (CD) which corresponds to each of the districts authorized. (LDC §42 – 45)

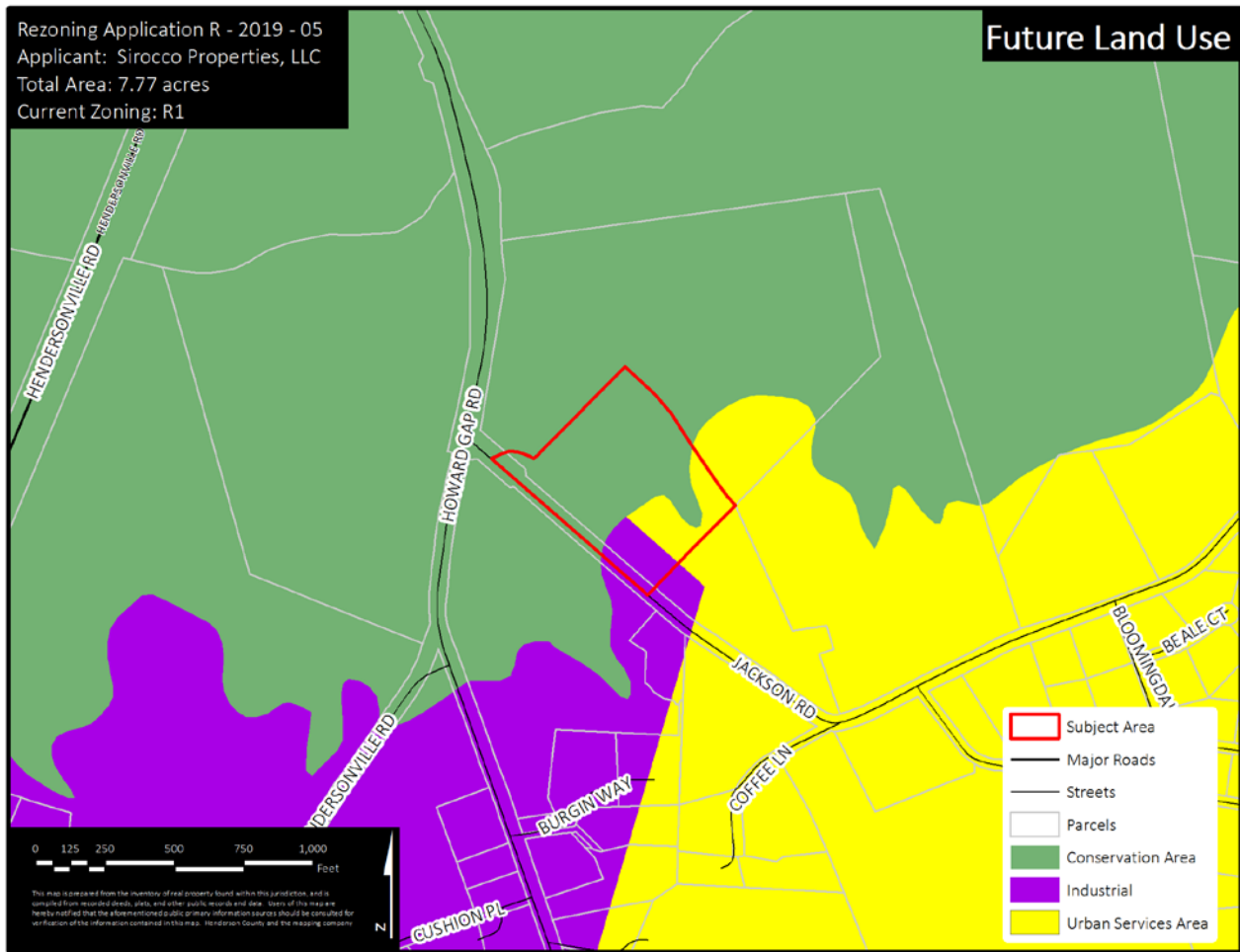
2.3.2.1. The use permitted in the conditional district is limited to those shown on the submitted site plan attached to the application. The use may have appropriate and reasonable conditions placed on it if agreed to by the Board of Commissioners and the Property Owner.

**Map D: Town of Fletcher Zoning**



3. **Town of Fletcher Zoning:** The subject area is adjacent to the Town of Fletcher’s incorporated limits. The adjacent zoning districts within the municipal jurisdiction are Manufacturing District (M-1) and General Commercial District (C-1). See Map D. The Town of Fletcher has been notified of the rezoning due to its close proximity to the subject area.

### Map E: County Comprehensive Plan Future Land Use Map



#### 4. The Henderson County Comprehensive Plan (CCP)

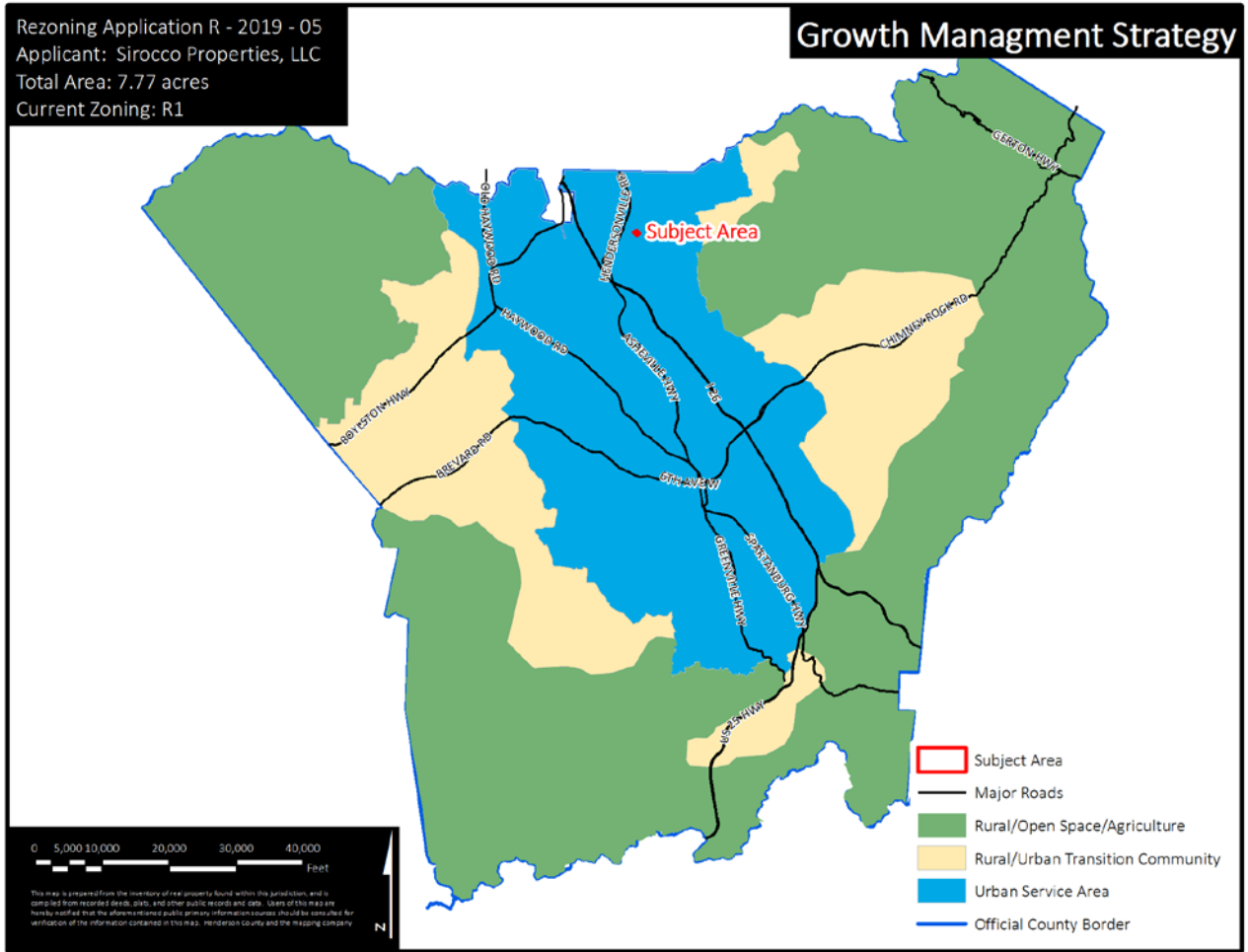
4.1. **Future Land Use:** The CCP Future Land Use Map identifies the subject area as being covered by the **Conservation, Urban Services Area, and Industrial** classifications. (CCP, Pgs. 138-140). (See Map E).

4.1.1. **Conservation:** “This category includes land areas that are intended to remain largely in their natural state, with only limited development. Such areas should be targeted for protection through regulations and incentives.” (CCP, Pg. 138)

4.1.2. **Urban Services Area:** “The USA will contain virtually all existing and future industrial development and will be the focus of future economic development activities. Industrial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community.” (CCP, Pg. 133)

4.1.3 **Industrial:** “Parcels containing facilities wherein raw or pre-processed resources, materials, substances, or components are mechanically, physically, chemically, or otherwise transformed into new products; waste materials are collected, treated, or disposed of; subsurface natural resources are extracted and/or processed; Livestock, cargo, merchandise, materials or hazardous substances are transferred, stored or warehoused for wholesale or other distribution; passengers or passenger vehicles are collected or transferred; water, fuel, or electricity is produced, processed, stored, transferred or transmitted.” (CCP, Appendix IV pg. 12)

**CCP Growth Management Strategy**



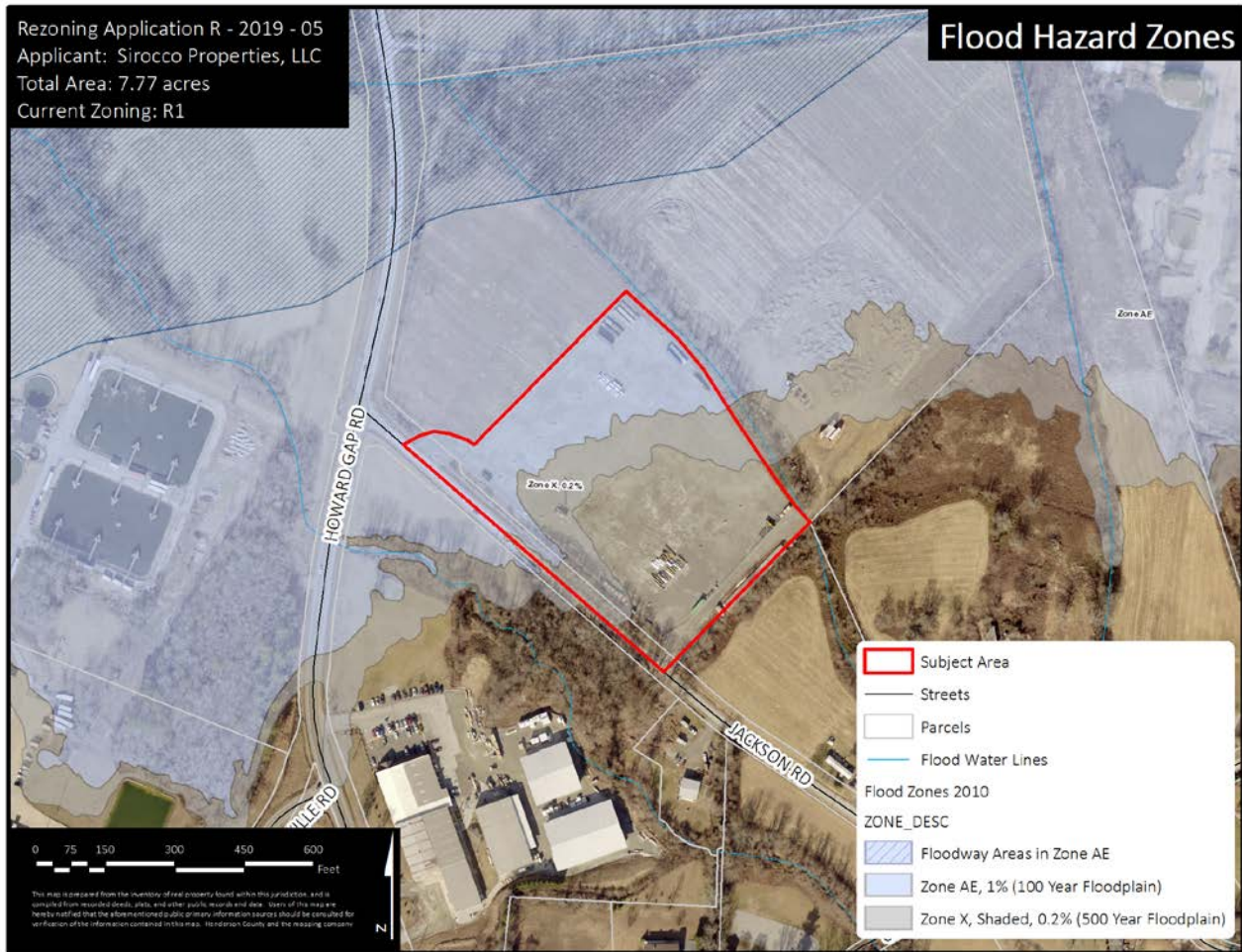
4.2 **Growth Management Strategy:** The CCP shows the subject area located in the Urban Services area for Growth Management Strategy. The CCP states “The USA will contain considerable commercial development at a mixture of scales: Local, Community, and Regional, as defined below. In particular, all Regional 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.” (CCP, pg. 133, #4.)

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

- 1.1. **Subject Area Uses:** The subject area was recently being used as a “Lay Down Yard” by Duke Energy with a temporary use permit from Henderson County. That temporary use has ceased but the gravel lot and fencing is still in place. The remainder of the parcel will be used for agriculture which is a permitted use in all zones.
- 1.2. **Adjacent Area Uses:** The adjacent properties contain multiple uses. There are some residential uses to the east of the subject area. To the North of the subject area is adjacent to the Southern Tee golf course. To the South across Jackson Rd. the subject area is adjacent to Jennings Building Supply. Across Howard Gap Rd. the subject area is adjacent a closed private waste water treatment facility.

6. **Water and Sewer:** The subject is not served by water or waste water systems at this time. City of Hendersonville water lines and Cane Creek Sewer District lines are in close proximity along Howard Gap Rd.

**Map F: Flood Hazard Areas**



7. **Flood Plain:** As seen in Map F, the subject area contains both 100-year and 500-year floodplains.
8. **Site Plan Features:**
  - Existing gravel parking area used for outdoor storage.
  - Proposed 10,000 square foot covered outdoor storage structure.
  - Existing perimeter security fence with gates.
  - Two entrances to property.
9. **Staff Comments:**
  - 9.1. **CCP:** The CCP Future Land Use Map (See Map E) places the subject area in the Conservation, Urban Services Area, and Industrial future land use areas. The Growth Management Strategy in the CCP shows this area being in the Urban Services Area.
  - 9.2. **Adjacent Zoning:** The subject area is adjacent to Residential One (R1), Residential Two Rural (R2R), Industrial (I), Town of Fletcher Manufacturing District (M-1), and Town of Fletcher General Commercial District (C-1).



- 9.3. **District Comparison:** Residential One (R1) zoning district is a medium to high density residential zone. Industrial (I) zoning district is an industrial and heavy commercial zone for 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). The Industrial zoning district does not allow for any residential uses.
- 9.4. **Conditional Zoning Approval:** If a petition for conditional zoning is approved, the development and use of the property shall be governed by the existing Chapter requirements applicable to the district's category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the Official Zoning Map.

Only those uses and structures indicated in the approved petition and site plan shall be allowed on the subject property. A change of location of the structures may be authorized pursuant to §42-50 (Alterations to Approval). Changes to the site plan layout shall not increase the number of structures. (LDC §42-49)

## **10. Staff Recommended Conditions**

- 10.1. **Screening:** Screen Class Three (3) or Four (4) shall be provided consistent with the requirements of §42-182. **Class 3:** A fence or wall constructed with a minimum height of six (6) feet, that is at least 75 percent opaque, where all spaces are evenly distributed, and with the finished side of the fence facing the adjacent property or road. Fences longer than 20 linear feet shall be landscaped with: a row of shrubs spaced a maximum of ten (10) feet apart, or a row of evergreen trees planted no more than 15 feet apart.
- 10.2. **Dust Reduction:** Unpaved roads, travelways and/or parking areas shall be treated to prevent dust from adversely affecting adjacent properties.
- 10.3. **Buffering:** a B1 buffer is required where no tree cover is present adjacent to residential uses. A B1 buffer is a 20 foot wide vegetative buffer.

## **11. Technical Review Committee Recommendations**

- 11.1. **NCDOT Driveway Permit:** An NC DOT driveway permit will need to be filed for the change of use.

## **12. Planning Board**

- 12.1. The Planning Board will review this application at its October 24, 2019 meeting.