

**MINUTES OF THE
Henderson County Technical Review Committee
February 1, 2011**

The Henderson County Technical Review Committee met for their regular meeting on February 1, 2011. The meeting took place in the King Street Board Room at 100 N. King Street, Hendersonville, NC. Members present were Anthony Starr, Chair; Toby Linville, Seth Swift, Natalie Berry, Rocky Hyder, Marcus Jones, and Tom Stauffer. Also present was Parker Sloan, Planner.

Mr. Starr asked for the approval of the January 18, 2011 minutes. Rocky Hyder made a motion to approve the minutes and all members voted in favor.

Rezoning Request # R2010-03 - Rezone Approximately 024 acres of Land - Located off of Howard Gap Road (US 176), from Residential One (R1) to an Industrial Conditional (I-CD) zoning district. - Billy Corn, Owner and Applicant, Jon Laughter, Surveyor. Presentation by Parker Sloan, Planner.

Mr. Sloan stated that Billy Corn, owner submitted rezoning application #R-2010-03 for the County to rezone approximately 2.42 acres of land, located off of Howard Gap Road (US 176), from Residential One (R1) to an Industrial Conditional (I-CD) zoning district. The subject area currently contains an automotive towing and storage facility and a single family residence. A rezoning is required for this business to be permissible. The property adjoins an adjacent Industrial zoning district to the west, which contains a mining operation. He noted that Conditional zoning districts are different from traditional zoning districts because they require a site plan for the proposed use(s) of the property and certain conditions or restrictions are placed on the property based on the proposed or allowable use(s). Mr. Sloan said that Staff supports the rezoning of the property to a Conditional Industrial zoning district based on the recommendations of the CCP and the adjacent Industrial zoning and suggests the conditions listed in the staff report be imposed on the subject area as follows:

1. The existing fenced area on the property shall be used for the temporary storage of vehicles associated with the property owner's automotive towing business. Other commercial or automotive related uses shall not be allowed.
2. Site Plan. Major Site Plan required in accordance with §200A-299.
3. Lighting. *Adequate lighting* shall be placed in areas used for vehicular/pedestrian access including, but not limited to: stairs, sidewalks, crosswalks, intersections, or changes in grade. *Lighting mitigation* required.
4. Dust Reduction. Unpaved *roads, travelways* and/or parking areas shall be treated to prevent dust from adverse affects to adjacent properties.
5. Outdoor Storage. Storage of more than four (4) *vehicles* on site for a period greater than 24 hours constitutes an *outdoor storage*.
6. The remaining portion of the Subject Area that contains an existing residential home shall remain zoned for residential uses.
7. Security. The operations of an automotive towing *use* shall be totally enclosed by: (1) a security fence at least eight (8) feet in height; (2) a wall at least eight (8) feet in height; or (3) a fireproof *building*. Entrances and exits should be secured and locked during non-operating hours.
8. Fencing. The existing fence does not meet the minimum screening requirements. Screen Class Three (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.
9. All required parking spaces must meet the design requirements of the Land Development Code. The proposed parking spaces shall comply with the landscape design standards and off-street parking provisions as outlined in the Land Development Code.

10. Any signs used on site must meet current standards of Article VII of the LDC.
11. If the applicant has plans for future expansion of the existing business, all potential modification or expansions should be noted on the site plan.

Mr. Starr stated that the applicant is currently using the project site as a parking area for his automotive towing business. This business is not allowed in R1, so therefore a rezoning is required for the business to be permissible. He said Conditional zoning districts are different from traditional zoning districts because they require a site plan for the proposed use(s) of the property and certain conditions or restrictions are placed on the property based on the proposed or allowable use(s). Conditional zoning district decisions are a legislative process subject to the same procedures as traditional zoning districts. He said if the applicant should change the use substantially, he would have to go back through the process in getting a traditional zoning or another conditional zoning or an amendment. He said conditional zoning districts are created for the purpose of providing an optional rezoning choice where the owner of property proposes to rezone property and, in order to, among other reasons, carry out the purposes of the Comprehensive Plan, proposes to impose special limitations and conditions on the use of the property proposed for rezoning. He said the reason why we are doing this type of zoning in this case, is because what the applicant is proposing is allowed in the industrial district, but is only allowed as a special use permit, which in normal circumstances he would have to apply for the rezoning and would not be able to state what he is doing to the property, which could cause some opposition because of the fear of the unknown. He said that if the proposal was successful, he would then have to go back to the Board of Adjustment and get a special use permit and hold another public hearing. This procedure we are proposes shortens the process and handles the uncertainty at the rezoning level.

Anthony Starr made a motion that the Committee recommend to the Henderson County Planning Board approval of rezoning application #R-2010-03 to rezone the portion of the subject area to an Industrial Conditional (I-CD) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan and the conditions in Staff's report.

The meeting adjourned at 2:30 p.m.

Anthony W. Starr, Chairman