

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARING

Rezoning Application #R-2007-01 (T-15 to I-2)
Matthew W. Dyer, Applicant & Property Owner

Meeting Date: Monday, May 7, 2007

Attachments:

1. Staff Report
2. Aerial Photo Map
3. Excerpt of Planning Board Minutes from March 15, 2007
4. Notice of Public Hearing

SUMMARY OF REQUEST:

Rezoning Application #R-2007-01, which was submitted on February 14, 2007, requests that the County rezone approximately 4.87 acres of land (PIN 9652-73-0943), located off Naples Road (SR 1534), from a T-15 (Medium-Density Residential with Manufactured Homes) zoning district to an I-2 (General Industrial) zoning district. The applicant and owner is Matthew W. Dyer.

The Henderson County Planning Board considered rezoning application #R-2007-01 at its regularly scheduled meeting on March 15, 2007. During that meeting, the Board voted 8 to 0 to send the Board of Commissioners a favorable recommendation to rezone the Subject Area from an existing T-15 zoning district to an I-2 zoning district.

PUBLIC NOTICE:

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with Section 200-76 of the Henderson County Zoning Ordinance and State Law, notices of the May 7, 2007, public hearing regarding rezoning application #R-2007-01 were published in the Hendersonville Times-News on April 18, 2007 and April 25, 2007. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area and the applicant on April 26, 2007, and posted signs advertising the hearing on the Subject Area on April 26, 2007.

BOARD ACTION REQUESTED:

Planning Staff recommends that the Board approve the application to rezone the Subject Area from a T-15 zoning district to an I-2 zoning district.

Suggested Motion:

I move that the Board approve rezoning application #R-2007-01 to rezone the Subject Area from a T-15 (Medium-Density Residential) zoning district to an I-2 (General Industrial) zoning district as recommended by the Planning Staff report and in accordance with the recommendations of the County Comprehensive Plan.

Henderson County Planning Department Staff Report

Rezoning Application #R-2007-01 (T-15 to I-2) Matthew Dyer, Applicant & Property Owner

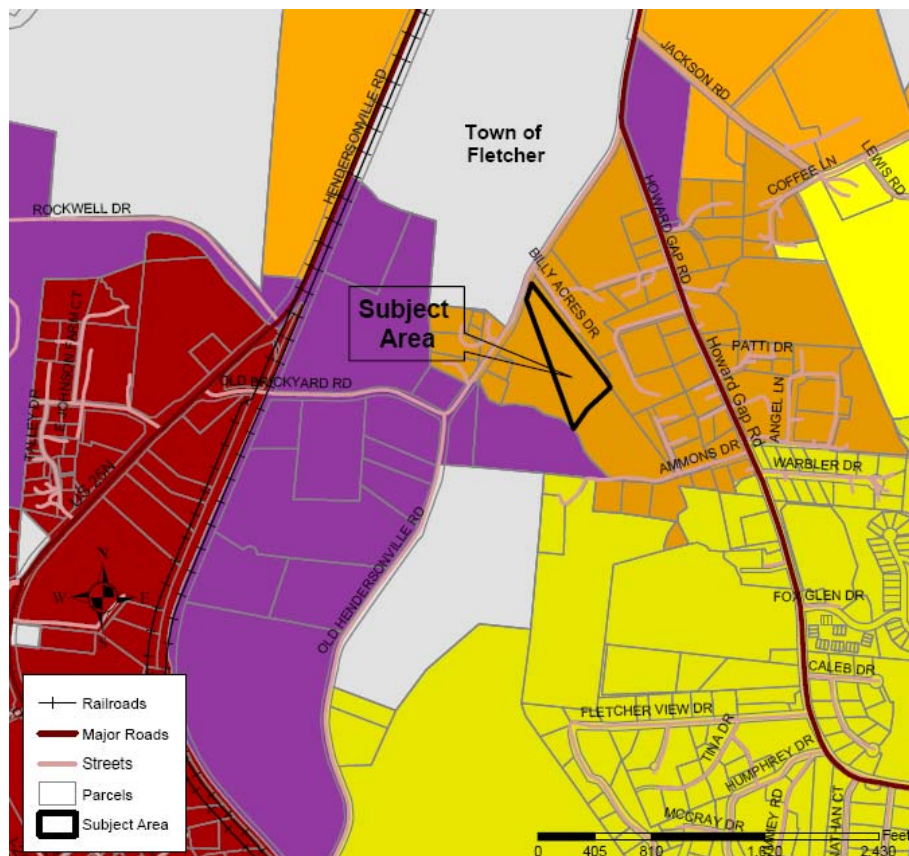
1. Rezoning Request

- 1.1. **Date of Application:** February 14, 2007
- 1.2. **Property Owner/Applicant:** Matthew Dyer
- 1.3. **Request:** Rezone Subject Area from a T-15 (Medium-Density Residential with Manufactured Homes) zoning district to an I-2 (General Industrial) zoning district.
- 1.4. **Subject Area**
 - 1.4.1. **PIN:** 9652-73-0943
 - 1.4.2. **Size:** Approximately 4.87-acre tract of land.
 - 1.4.3. **Location:** Old Hendersonville Road

2. Current Zoning

- 2.1. **Application of Current Zoning:** The Subject Area is currently zoned T-15 (Medium-Density Residential with Manufactured Homes), which was applied on May 9, 2005, as part of the US Highway 25 North Zoning Study (See Map A).

Map A: Current Zoning



- 2.2. **Adjacent Zoning:** The Subject Area is surrounding by T-15 (Medium-Density Residential with Manufactured Homes) zoning including a portion of an I-2 (General Industrial) zoning district that touches the bottom portion of the Subject Area to southwest. Land adjacent to the Subject Area to the north across Old Hendersonville Road was recently annexed into the Town of Fletcher and zoned a Fletcher M-1 (Manufacturing/Industrial) zoning district. (See Map A)
- 2.3. District Comparison:
- 2.3.1. **T-15 Medium-Density Residential with Manufactured Homes Zoning District:** *“This district is intended to be a medium-density neighborhood consisting of single-family, two-family, limited multifamily and manufactured home residences. It is expected that public water facilities will be generally available to each lot, providing a healthful environment although the residential development may be dependent upon individual septic tank systems for sewage disposal.”* T-15 is a medium-density residential zoning district allowing no commercial activities by right. Single-family and two-family residential dwellings, garage apartments, and manufactured homes (on individual lots with permanent foundations) are permitted by right. Other permitted uses include: churches, church cemeteries, certain signs, transformer and public utility stations, customary accessory buildings (including private garages, noncommercial greenhouses, and workshops), schools, civic and cultural buildings, family care homes, and certain communication towers. Medical Institutional Care Developments (MICDs) are permitted as a special use; and camps, bed-and-breakfast inns, libraries, customary incidental home occupations, and manufactured home parks are permitted as a conditional use. The standard lot size is a minimum of 15,000 square feet (.34 acres), with a minimum lot size per dwelling unit of 7,500 square feet for buildings with two or more dwelling units. Setbacks are as follows: 75 feet from the centerline of major streets; 50 feet from the centerline of all others streets; and 15 feet from the side and rear property lines. The maximum building height is 35 feet for principal structures (HCZO § 200-20).
- 2.3.2. **I-2 General Industrial Zoning District:** *Please note that there is no purpose statement for the I-2 Light Industrial Zoning District.* I-2 is a general industrial zoning district permitting most heavy industrial uses and some commercial uses, but excluding all residential uses. Permitted uses include: agriculture, amusement parks, fairs/carnival grounds, civic and cultural buildings, cemeteries, businesses (automobile service, branch banks, offices, etc.), tire recapping/retreading, automobile sales, gasoline service stations, manufactured home display areas, airports, junkyards, storage plants and tanks, truck terminals, warehouses, certain signs, and sawmills among other uses. Conditional uses include mining and extraction operations. Special uses include motor sports facilities, adult establishments and group five (5) communication towers. Setbacks are as follows: 75 feet from the centerline of major streets; 60 feet from the centerline of all other streets; and side and rear setbacks equivalent to the side yard requirements of the contiguous district(s). There is no maximum building height for principal structures. Where this district abuts a lot in a residential district, there shall be provided and maintained along said property line a continuous visual buffer strip (HCZO § 200 24).

2.3.3. Fletcher M-1 (Manufacturing/Industrial) zoning district: “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. Setbacks are as follows: 10 feet in front and rear; and side setbacks 0 feet/5 feet and 15 feet from R-1, R-2, R-3 zoning districts and pre-existing residential uses. A maximum height of 3 stories.

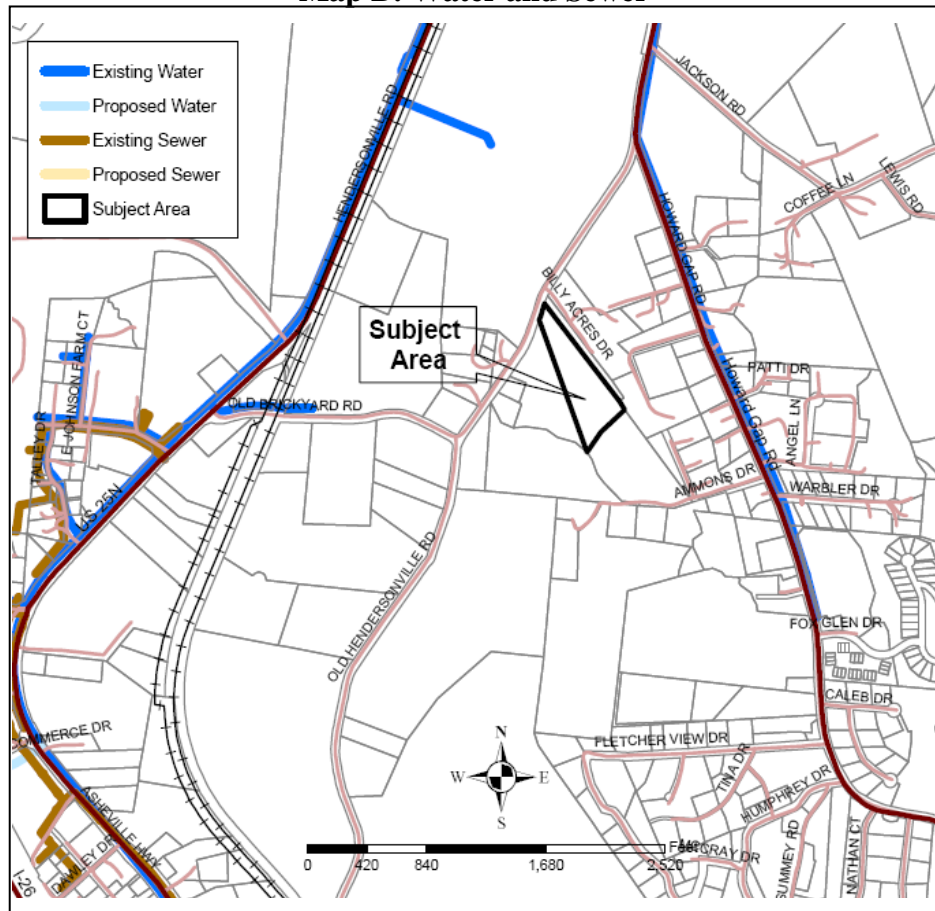
3. Current Uses of Subject Area and Adjacent Properties

- 3.1. **Subject Area Uses:** The Subject Area appears to be vacant according to the Henderson County tax records.
- 3.2. **Adjacent Area Uses:** Surrounding area uses include agricultural and single-family residential uses to the south and west (including a manufactured home park and Brickton Baptist Church to the east of the Subject Area), and industrial uses to the north and east (including Owen Manufacturing (formerly Cranston Printing), Carolina Pipe Supply, Guaranteed Supply Company, Ryder, and Stone Truck Parts).

4. Water and Sewer

- 4.1. **Availability:** Public water and sewer is not available to the Subject Area and, according to the Water and Sewer Master Plan, is not proposed to be extended to the Subject Area. The nearest existing water line is approximately 1,283 feet (0.24 miles) from the Subject Area, and the nearest existing sewer line is approximately 2,739 feet (0.5 miles) from the Subject Area. (See Map B)

Map B: Water and Sewer



5. Transportation and Access

- 5.1. **Frontage:** The Subject Area has approximately 143 feet of road frontage along Old Hendersonville Road, and is in close proximity to Old Brickyard Road, US 25 North, and Howard Gap Road.
- 5.2. **Transportation:** Table 1, below, provides Annual Average Daily Traffic Counts for Old Hendersonville Road, Asheville Highway (US 25 N), Howard Gap Road, and Old Brickyard Road.

| Table A. Annual Average Daily Traffic Count | |
|--|-------------------------|
| Road | 2004 Urban Count |
| Old Hendersonville Rd | 1,500 |
| Asheville Highway (US 25 N) | 17,000 |
| Howard Gap Rd | 5,300 |
| Old Brickyard Rd | 1,500 |

- 5.3. **The NCDOT Draft 2007-2013 State Transportation Improvement Program (STIP):** The Transportation Improvement Program, within the vicinity of the Subject Area, includes the widening of Interstate 26 between NC 225 to NC 280 to multi-lanes (Project Number I-4400). No improvements are scheduled for Old Hendersonville Road or Old Brickyard Road.

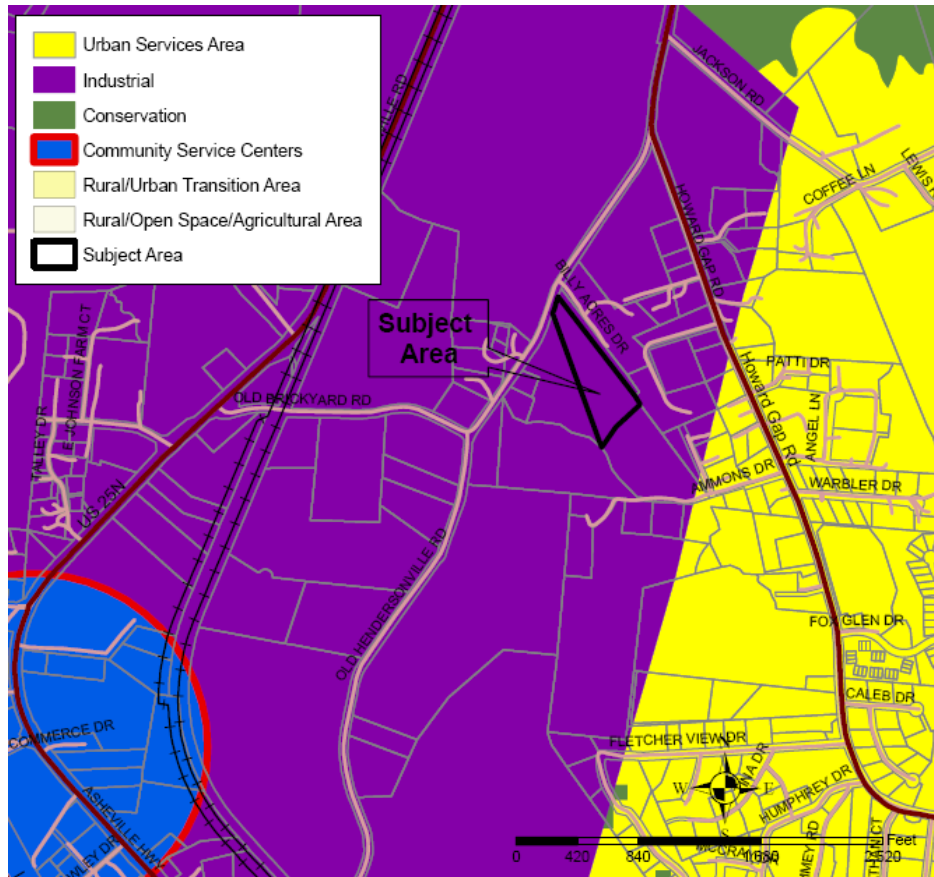
6. The US Highway 25 North Zoning Study

- 6.1. The Subject Area lies within the area defined by the US Highway 25 North Zoning Study (Priority 1 Planning Area within the community-based planning framework (CCP Appendix I, Map 33).
- 6.2. As recommended by that Zoning Study, the T-15 (Medium-Density Residential with Manufactured Homes) zoning district was proposed and recommended for the Subject Area. As per these recommendations, on May 9, 2005, the Board of Commissioners rezoned the portion of the US Highway 25 North Zoning Study containing the Subject Area from the OU zoning district to the T-15 zoning district.
- 6.3. The US 25 North Zoning Study states that the I-2 General Industrial zoning district is recommended in parts of the northern section of the US 25 North Study Area due to the following: existing industrial uses are located within an extensive area recommended as I-2 General Industrial zoning, some large parcels have been improved for industrial development and are currently being marketed for such purposes, there would be a significant amount of property reserved for industrial development with access to US 25 North and the Norfolk-Southern rail line, and parcels recommended as I-2 in this area currently have access to public water and sewer (US 25 N Zoning Study, Pg. 20).
- 6.3.1. The US 25 North Zoning Study did not recommend industrial on the Subject Area because the parcel did not currently have access to public water and sewer as surrounding recommended I-2 parcels.

7. The Henderson County, North Carolina 2020 Comprehensive Plan (CCP)

- 7.1. The CCP Future Land Use Map also identifies the Subject Area as being suitable for industrial development (2020 CCP, Pg. 129, Pg. 136, Pg. 148 & Appendix 1, Map 8 and Map 24). (See Map C)

Map C: 2020 County Comprehensive Plan Future Land Use Map

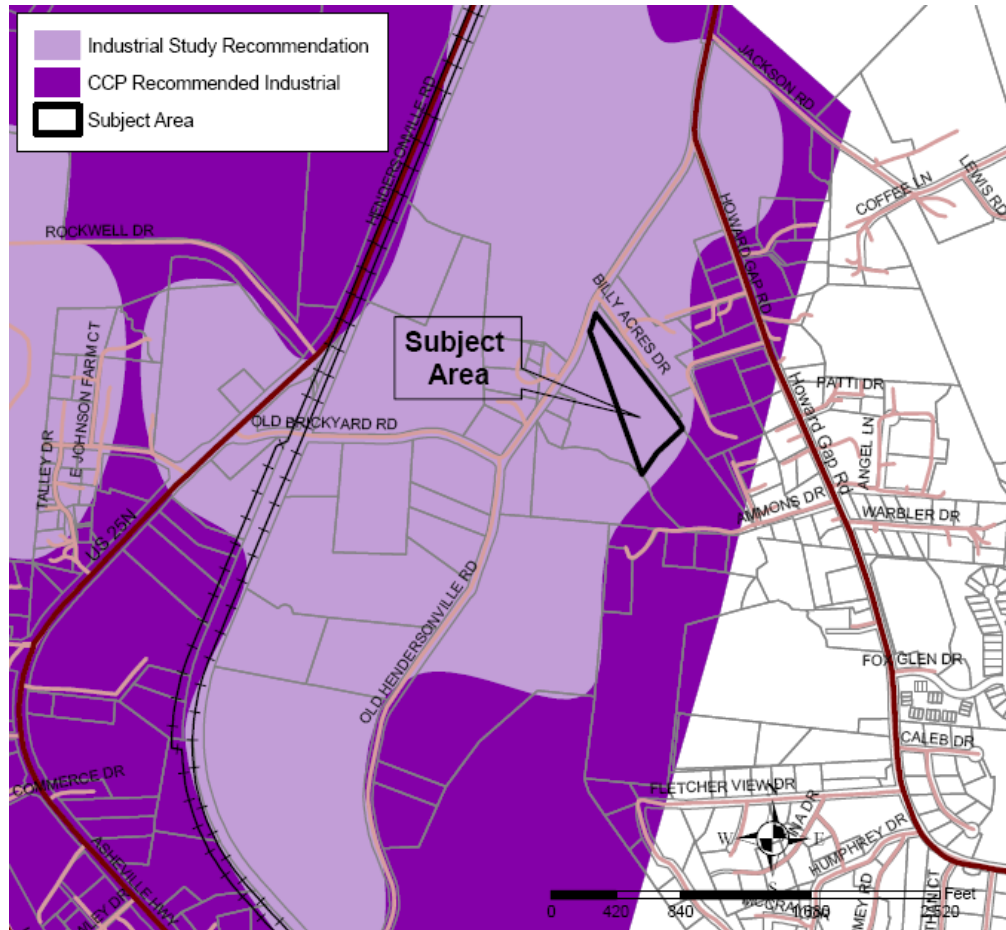


- 7.2. The CCP states that, “Industrial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community” (2020 CCP, Pg. 129).

8. The Draft Henderson County Industrial Study

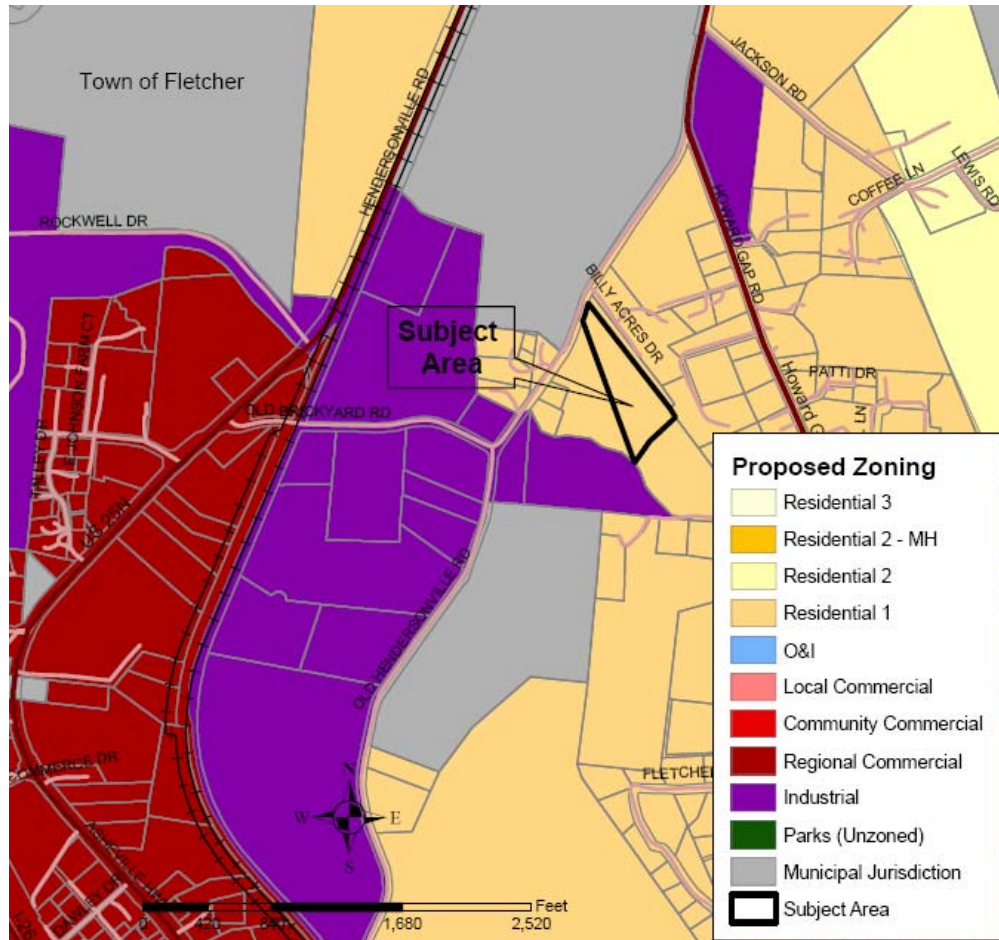
- 8.1. The CCP states that, “It is intended that the Countywide Industrial/Commercial Zoning Study and Community Plans will further refine the location, extent, and intensity of future industrial areas” (2020 CCP, Pg. 136). The Draft Henderson County Industrial Study (Industrial Study) is a result of the CCP recommendation. The Planning Board reviewed and unanimously (a vote of 8 to 0) provided a favorable recommendation on the Industrial Study at its January 17, 2006 meeting.
- 8.2. According to the Industrial Study, the Subject Area is recommended for industrial use (See Map D). The Industrial Study states that, “numerous industrial areas in the northern portion of the County have been expanded to reflect the actions previously taken by the Board of Commissioners to rezone parcels within the US Highway 25 North Zoning Study Area for industrial use. (Draft Henderson County Industrial Study, Pg. 3).

Map D: Henderson County Industrial Study Recommendations



9. The Draft Land Development Code

- 9.1. The Draft Land Development Code Zoning Map identifies the Subject Area as transitioning to an R1 (Residential District One) zoning district. Surrounding properties, which are currently zoned I-2 (General Industrial), are identified as transitioning to an I (Industrial) zoning district. (See Map E)
- 9.2. The Subject Area, were it to remain T-15 (Medium-Density Residential) would likely transition to the R1 (Residential District One) zoning district. Were the Subject Area to be rezoned to I-2 (General Industrial) it would likely transition to the I (Industrial) zoning district.

Map E: Draft Land Development Code Zoning Map**9.3. Draft Land Development Code Proposed District Comparison:**

- 9.3.1. R1 Residential One Zoning District:** *“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”* (Draft LDC §200A-27).
- 9.3.2. I Industrial 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)”* (Draft LDC §200A-36).

10. Staff Comments

Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the property to be zoned for industrial uses. This based on the following:

- 10.1. **The 2020 CCP:** The text and map of the 2020 CCP identify the Subject Area as being suitable for industrial development.
- 10.2. **The US Highway 25 North Zoning Study and Henderson County Industrial Study:**
 - 10.2.1. Both the US Highway 25 North Zoning Study and the Henderson County Industrial Study are intended to be an extension of the 2020 CCP and further refine the location, extent, and intensity of future industrial areas.
 - 10.2.2. The US Highway 25 North Zoning Study did not recommend I-2 (Industrial) zoning for the Subject Area due to the absence of public water and sewer; however public utilities are in close proximity to the subject parcel and serve surrounding industrial sites.
 - 10.2.3. The Henderson County Industrial Study, which took place after the US 25 North Zoning Study, supports the CCP's recommendation that the Subject Area and the surrounding property should be reserved for industrial uses.

11. Staff Recommendations

- 11.1. Staff supports the recommendations of the US Highway 25 North Zoning Study and Draft Industrial Study. Staff supports the recommendation that the Subject Area is in a prime industrial location and recognizes that although the Subject Area does not currently have access to public water and sewer, it is available nearby on surrounding industrial properties.
- 11.2. 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.

12. Planning Board Recommendations

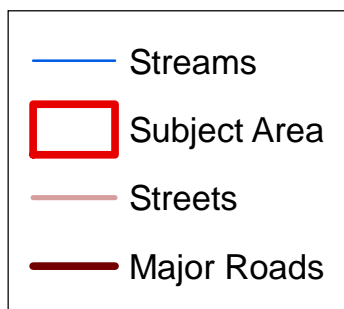
- 12.1. See Attachment 5, Excerpt of Planning Board Minutes from March 15, 2007
- 7.1. The Henderson County Planning Board considered rezoning application #R-2007-01 at its regularly scheduled meeting on March 15, 2007. During that meeting, the Planning Board voted 8 to 0 to send the Board of Commissioners a favorable recommendation on rezoning application #R-2007-01 to rezone the Subject Area from a T-15 zoning district to an I-2 zoning district.

Aerial Photo Map

Attachment 2



**Zoning Map Amendment
#R-2007-01, T-15 to I-2
Mr. Matthew W. Dyer, Property Owner**



0 440 880 1,760 2,640 Feet

HCPD 05-07-07

EXCERPT FROM THE HENDERSON COUNTY PLANNING BOARD MINUTES**MARCH 15, 2007**

Rezoning Application – (#R-2007-01) – Request to Rezone approximately 5 acres Located off Old Hendersonville Road, from a T-15 (Medium-Density Residential with Manufactured Homes) Zoning District to an I-2 (General Industrial) Zoning District – Matthew Dyer, Owner and Applicant.

Ms. Radcliff stated that on February 14, 2007 Matthew Dyer submitted an application to rezone approximately 4.87 acres of land located off Old Hendersonville Road, from a T-15 zoning district to an I-2 zoning district. The Subject Area is located approximately nine-tenths of a mile south of the intersection of Howard Gap Road and US Highway 25 North. It is currently zoned T-15, which was applied on May 9, 2005, as part of the US Highway 25 North Zoning Study and is surrounded by T-15 zoning. She stated that there is an I-2 zoning district which touches the bottom portion of the Subject Area to the southwest, land adjacent to the Subject Area to the north is within the Town of Fletcher's jurisdiction and is zoned Fletcher M-1 (Manufacturing/Industrial).

Ms. Radcliff reviewed the T-15 zoning district and the I-2 district and informed the Board members what uses were allowed in each district. She said that adjacent and surrounding area uses include agricultural and single-family residential uses to the south and west, including a manufactured home park. Industrial uses located to the north and east include Owen Manufacturing, Carolina Pipe Supply, and Stone Truck Parts among others.

Staff Comments and Recommendations

Ms. Radcliff stated that Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the property to be zoned for industrial uses. She stated that this recommendation is based on the following reasons:

1. The text and map of the 2020 CCP identify the Subject Area as being suitable for industrial development.
2. The US Highway 25 North Zoning Study did not recommend industrial zoning for the Subject Area due to the absence of public water and sewer; however the Henderson County Industrial Study, which took place after the US 25 North Zoning Study, supports the CCP recommendations that the Subject Area and surrounding property be reserved for industrial uses. Public water and sewer are also in proximity to the Subject Area and serve surrounding industrial sites.

She said 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.

Ms. Radcliff also stated that the parcel size is 4.87 acres; water distance is ¼ mile; sewer distance is ½ mile and the required sewer connection by the Henderson County Subdivision Ordinance is 2,500 feet maximum.

Chairman Pearce asked Board members whether they opposed this request for any reason, but all members were in agreement that they favored I-2 for this Subject Area. Tommy Laughter made a motion to send a favorable recommendation to the Board of Commissioners that rezoning application #R-2007-01 be zoned I-2 from T-15. Mike Cooper seconded the motion and all members voted in favor.

**NOTICE OF PUBLIC HEARING
ON PROPOSED ZONING MAP AMENDMENTS
(Rezoning Application #R-2007-01 and #R-2007-02)**

The Henderson County Board of Commissioners will hold a public hearing on two applications (#R-2007-01 and #R-2007-02) for proposed amendments to the Official Zoning Map of Henderson County, North Carolina. The proposed amendment for rezoning application #R-2007-01 would rezone approximately 4.87 acres of land located off Naples Road (SR 1534), from a T-15 (Medium-Density Residential with Manufactured Homes) zoning district to an I-2 (General Industrial) zoning district. The Subject Area consists of one parcel (9652730943) owned by the applicant, Matthew W. Dyer.

The proposed amendment for rezoning application #R-2007-02 would rezone approximately 0.37 acres of land, located off Upward Road (SR 1783), from a T-15 (Medium-Density Residential with Manufactured Homes) zoning district to a C-4 (Highway Commercial) zoning district. The Subject Area consists of one parcel (9578909195) owned by the applicant, Chris Kiefer. The Board of Commissioners may also consider rezoning two parcels owned by Doris McCrain and located across Upward Road from the Subject Area totaling 1.39 acres of land (9578908356 and 9578907354) from an R-20 zoning district to a C-4 zoning district as recommended by the Henderson County Planning Board.

The public hearing will be held on Monday, May 7, 2007, at 7:00 P.M, in the Board of Commissioners Meeting Room located in the Henderson County Administration Building, at 100 North King Street in Hendersonville, NC. The public is invited to attend and comment on the proposed amendment.

Written comments addressed to the Henderson County Board of Commissioners, 100 North King Street, Hendersonville, NC 28792, will be accepted prior to the hearing. Information about the proposed rezoning is available for review in the Henderson County Planning Department, 213 1st Avenue East, Hendersonville, NC, between the hours of 8:00 A.M and 4:30 P.M., Monday through Friday, or on the Henderson County Website at <http://www.henderson.lib.nc.us/county/planning/rezonings/main.html> For more information, call the Planning Department at (828) 697-4819 [TDD for the hearing impaired (828) 697-4580].

Please note that after considering public hearing comments, the Board of Commissioners may discuss other options or make changes to the proposed amendment before taking final action.

Elizabeth Corn
Clerk to the Board
Henderson County Board of Commissioners

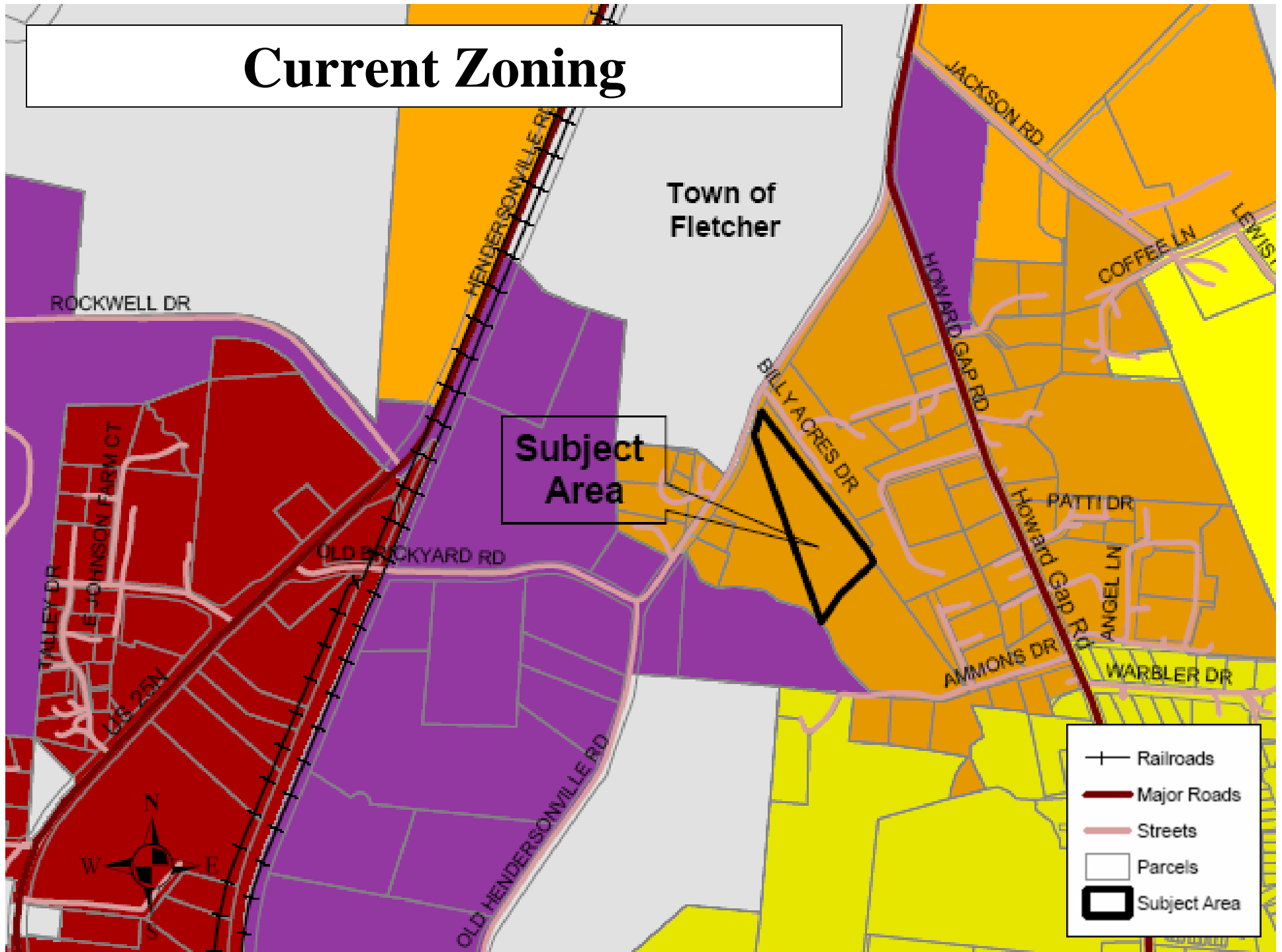
For publication in the Times News on Wednesday, April 18, 2007 and Wednesday, April 25, 2007.



**Rezoning Application #R-2007-01
(T-15 to I-2)**

Matthew Dyer, Applicant

Current Zoning



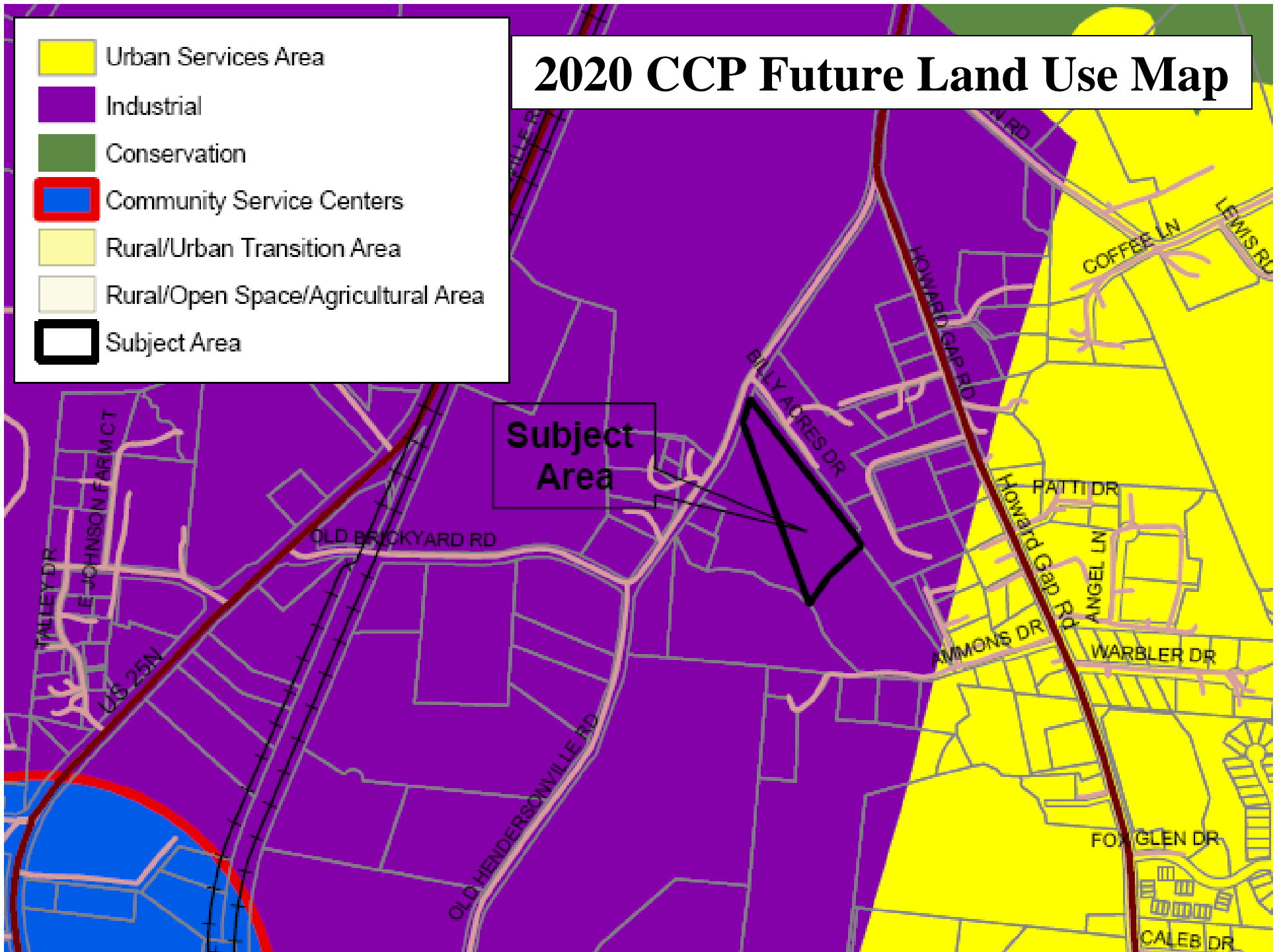
Aerial Photo Map

This aerial photograph map shows a residential neighborhood with various streets and a designated 'Subject Area'. The subject area is outlined in red and is located in the center-right portion of the map. It is bounded by Hendersonville Rd to the west, Fletcher View Dr to the south, and a red line to the east. The area contains several houses and a large, irregularly shaped lot. Other streets visible include Rockwell Dr, Coffee Ln, and Commerce Dr. The map also shows a large, dark, irregularly shaped area in the center, possibly a park or a large lot, and a large, light-colored, irregularly shaped area in the bottom left, possibly a parking lot or a large lot. The map is oriented with North at the top.

2020 CCP Future Land Use Map

- Urban Services Area
- Industrial
- Conservation
- Community Service Centers
- Rural/Urban Transition Area
- Rural/Open Space/Agricultural Area
- Subject Area

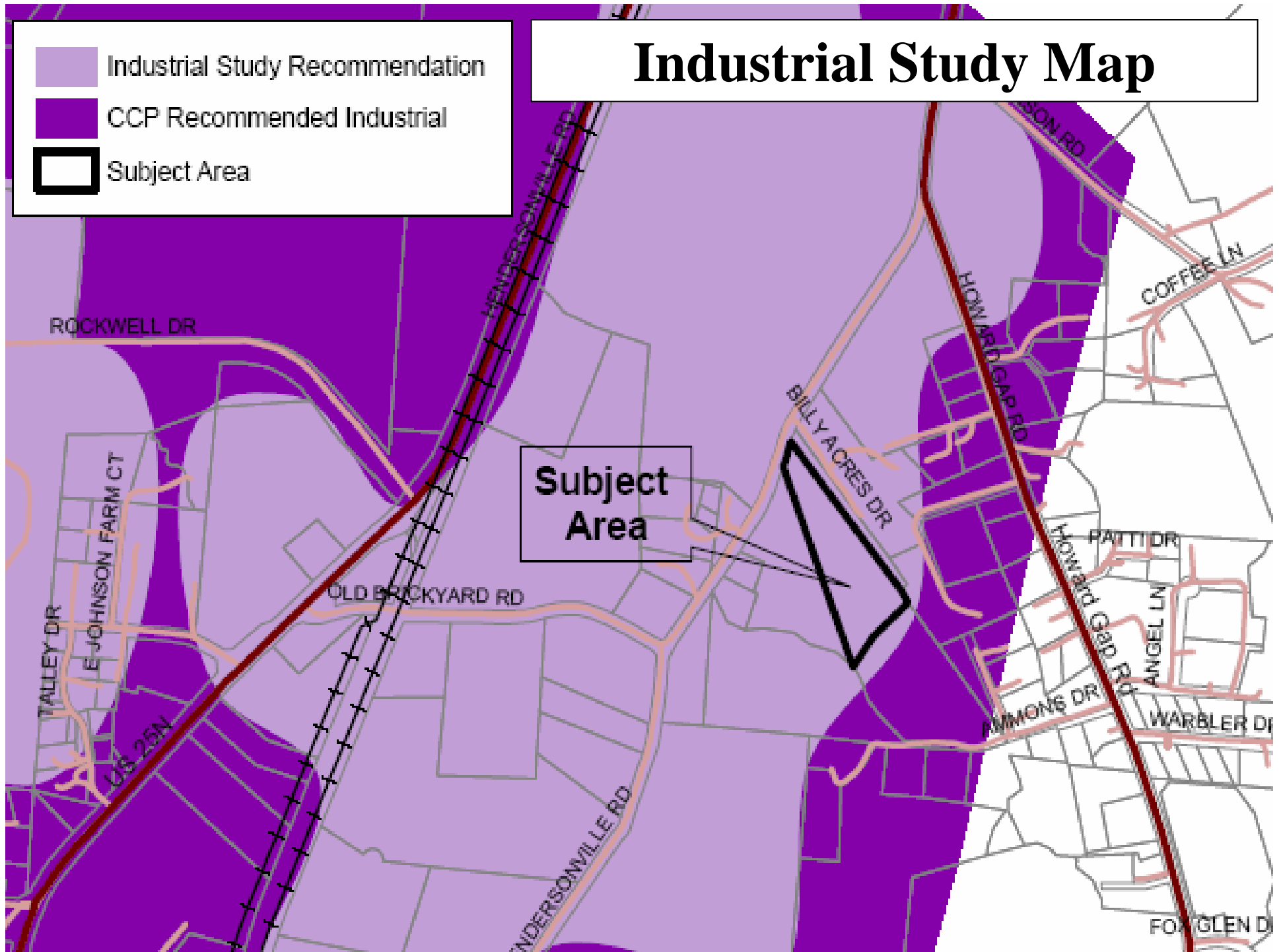
Subject
Area



Industrial Study Map

- Industrial Study Recommendation
- CCP Recommended Industrial
- Subject Area

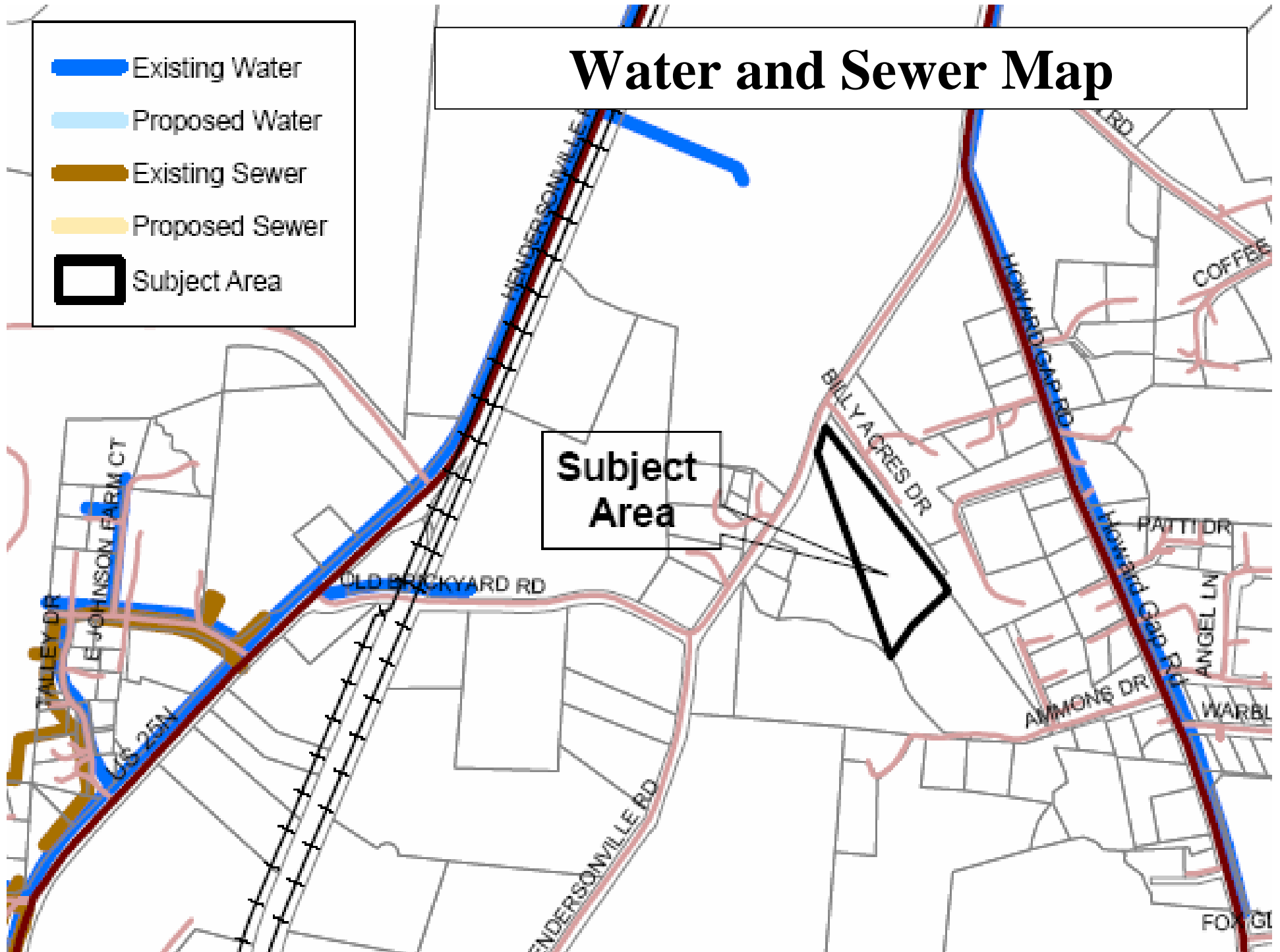
Subject
Area



Water and Sewer Map

- Existing Water
- Proposed Water
- Existing Sewer
- Proposed Sewer
- Subject Area

Subject Area



Draft LDC Zoning Map

Subject
Area

Proposed Zoning

- Residential 3
- Residential 2 - MH
- Residential 2
- Residential 1
- O&I
- Local Commercial
- Community Commercial
- Regional Commercial
- Industrial
- Parks (Unzoned)
- Municipal Jurisdiction
- Subject Area

