

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: Monday, December 7, 2015

SUBJECT: Public Hearing for Rezoning Application #R-2015-04-C Jeff Lemmons

PRESENTER: Kyle Guie, Planner

ATTACHMENTS:

1. Staff Report
2. Aerial Photo Map
3. Site plan
4. Notice of Public Hearing
5. Certification of Notification of Public Hearing
6. Resolution of Consistency with CCP
7. Power Point Slides

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 2.93 acres of land (hereafter the "Subject Area") from Residential One (R1) to Industrial Conditional District (I-CD) zoning district.

The Henderson County Planning Board considered rezoning application #R-2015-04-C at its regularly scheduled meeting on November 19, 2015. During that meeting, the Planning Board voted unanimously to send forward a favorable recommendation to rezone the Subject Area to an Industrial-Conditional District (I-CD) zoning district.

PUBLIC NOTICE:

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §42A-314(C) and §42A-337(B) of the Henderson County Land Development Code and State Law, notices of the December 7, 2015, public hearing regarding rezoning application #R-2015-04-C were published in the Hendersonville Tribune on November 26, 2015 and December 3, 2015. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area and the Subject Area property owner on November 20, 2015 and posted signs advertising the hearing on the Subject Area on November 20, 2015.

BOARD ACTION REQUESTED:

After holding the required hearing, Planning Staff recommends that the Board of Commissioners approve the application to rezone the Subject Area to an Industrial Conditional District (I-CD) zoning district. State law requires that the Board adopt a written statement of consistency with the County Comprehensive Plan (CCP). A draft resolution is provided.

Suggested Motion:

I move that the Board adopt the attached resolution regarding the consistency with the CCP.

I move that the Board adopt the proposed map amendment.

Henderson County Planning Department Staff Report

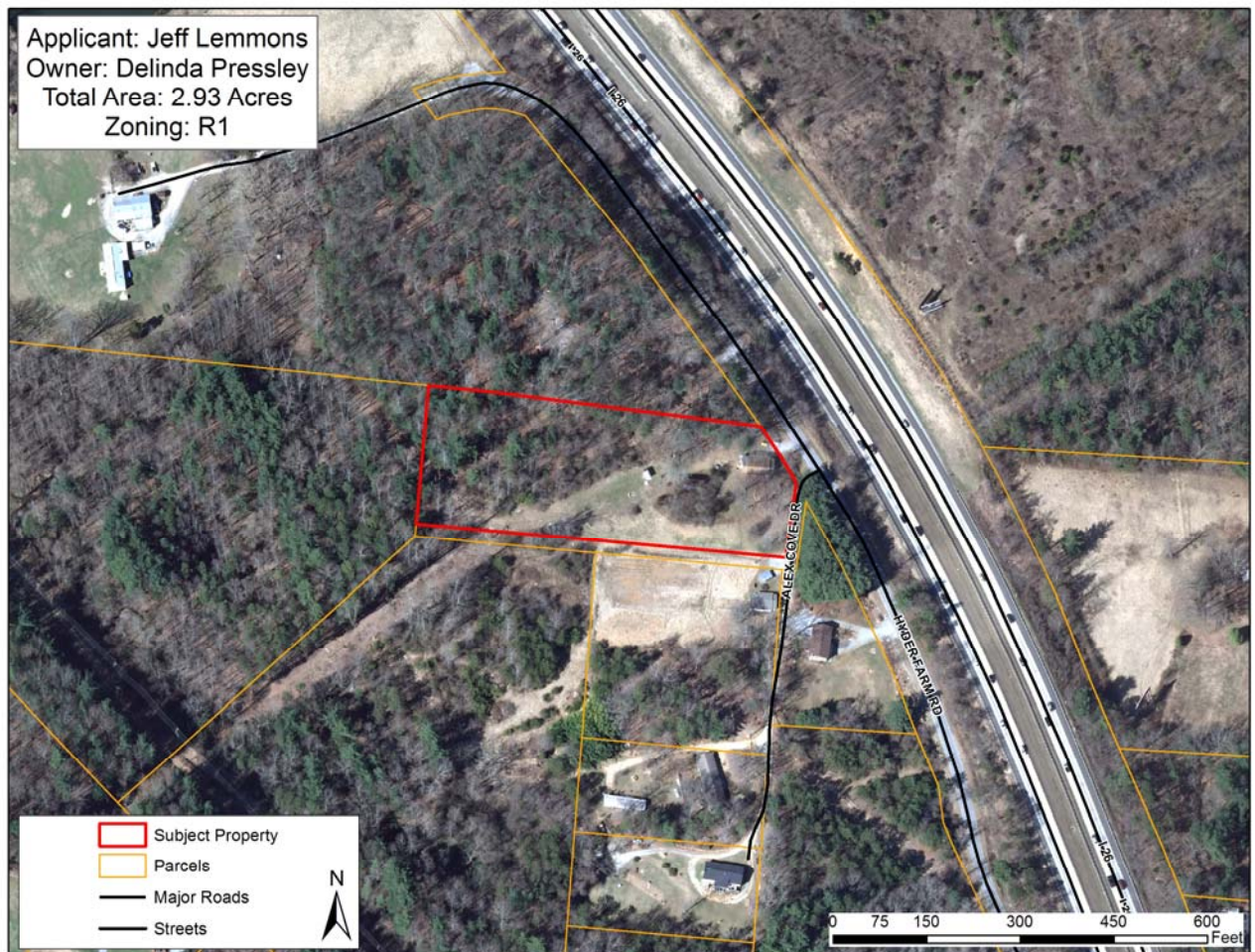
Rezoning Application #R-2015-04-C (R1 to I-CD)

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

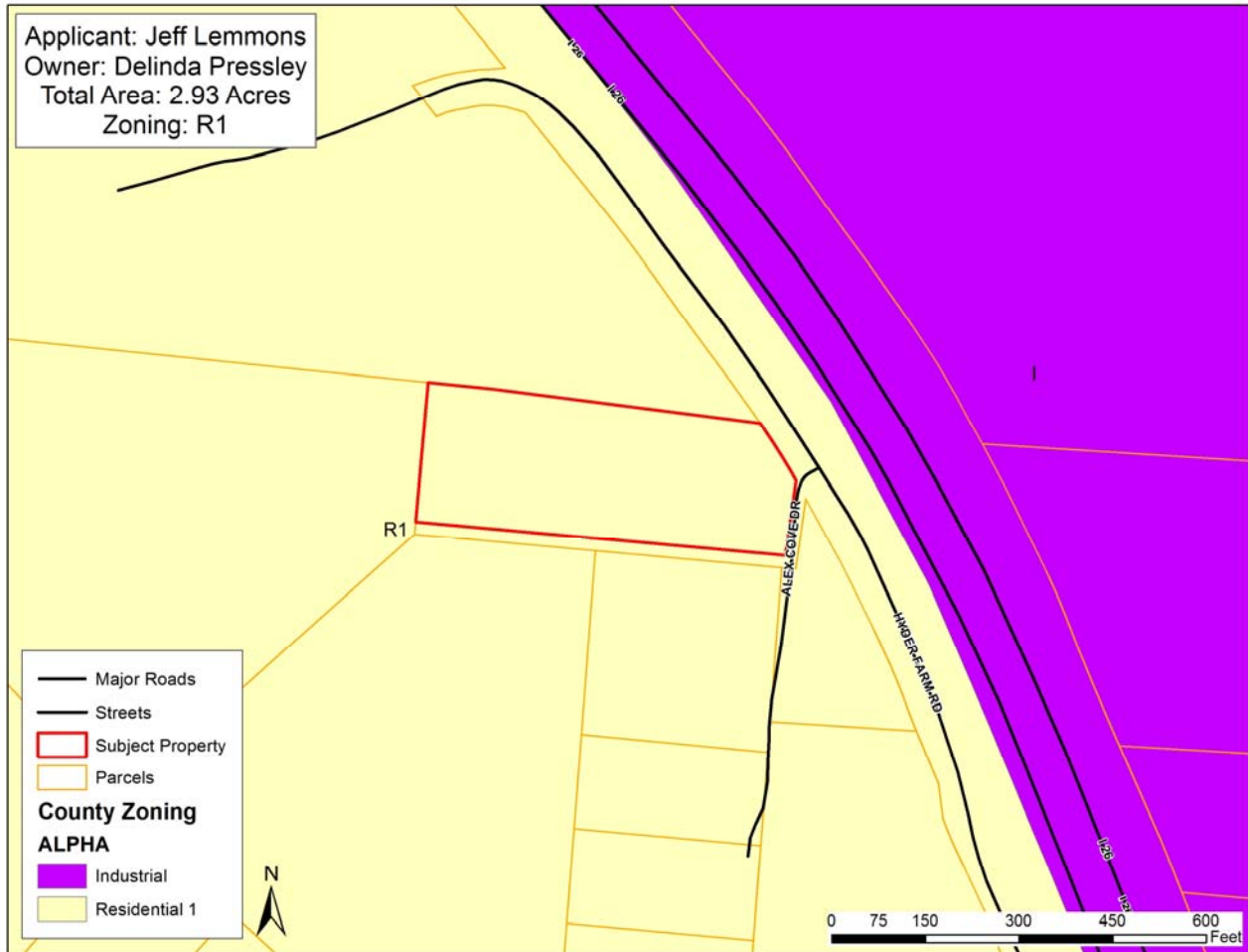
Map A: Aerial Photo



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.

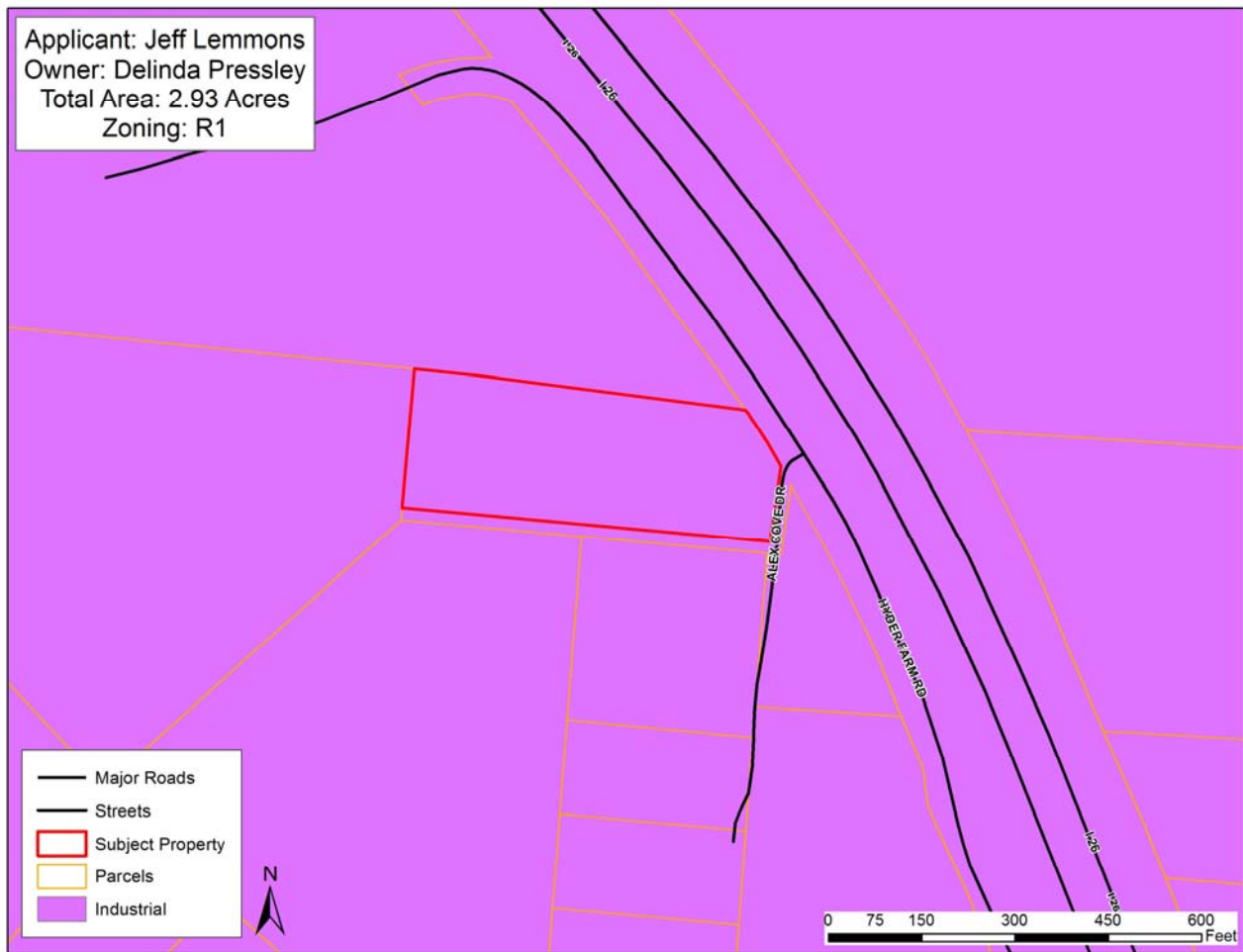
3.2. **Adjacent Area Uses:** The surrounding properties contain both residential and vacant uses. Residential uses are found on the northern, and southern edges of the subject area. Vacant use is found to the west of the subject area. Hyder Farm Road lies to the east of the subject property.

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



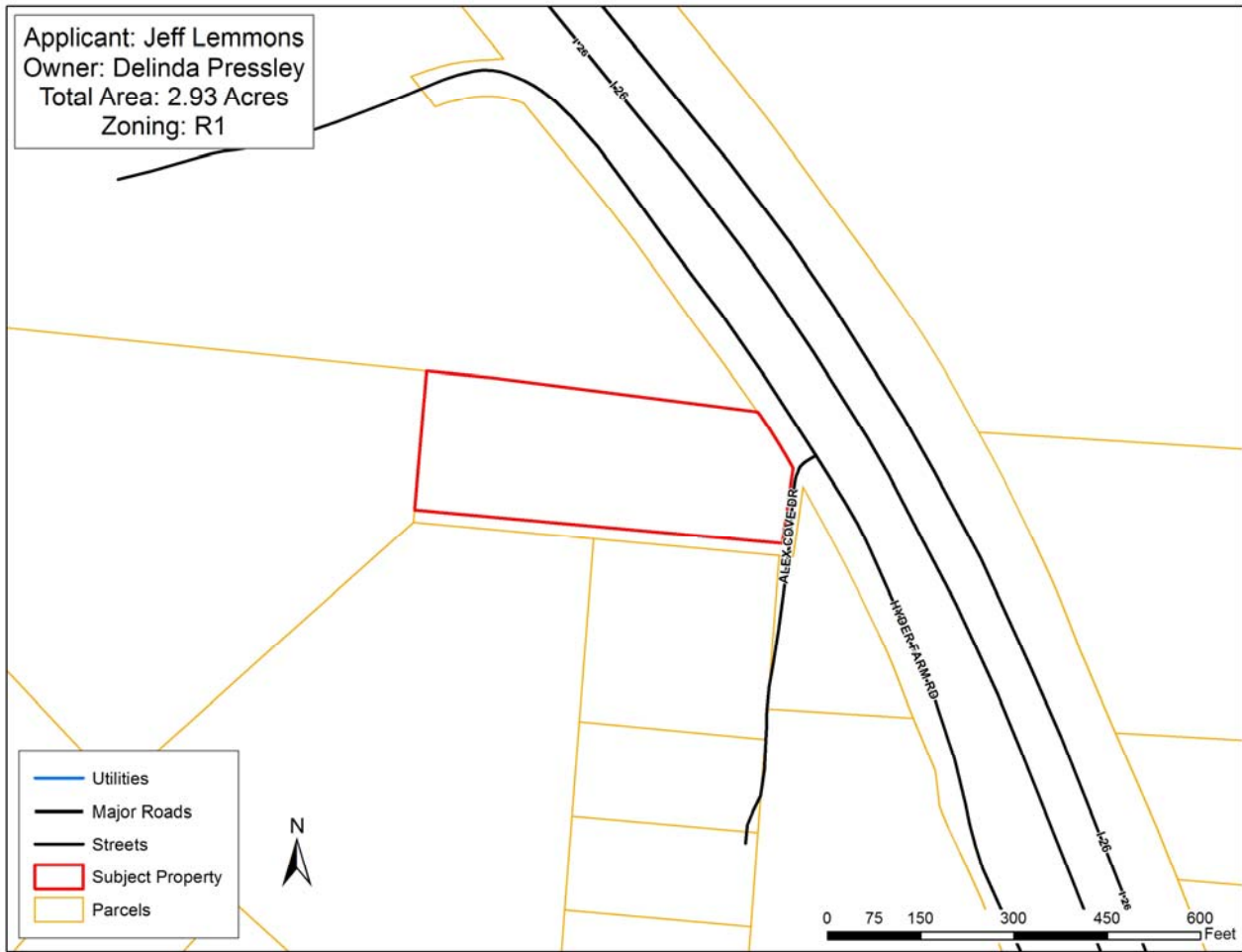
5.

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).

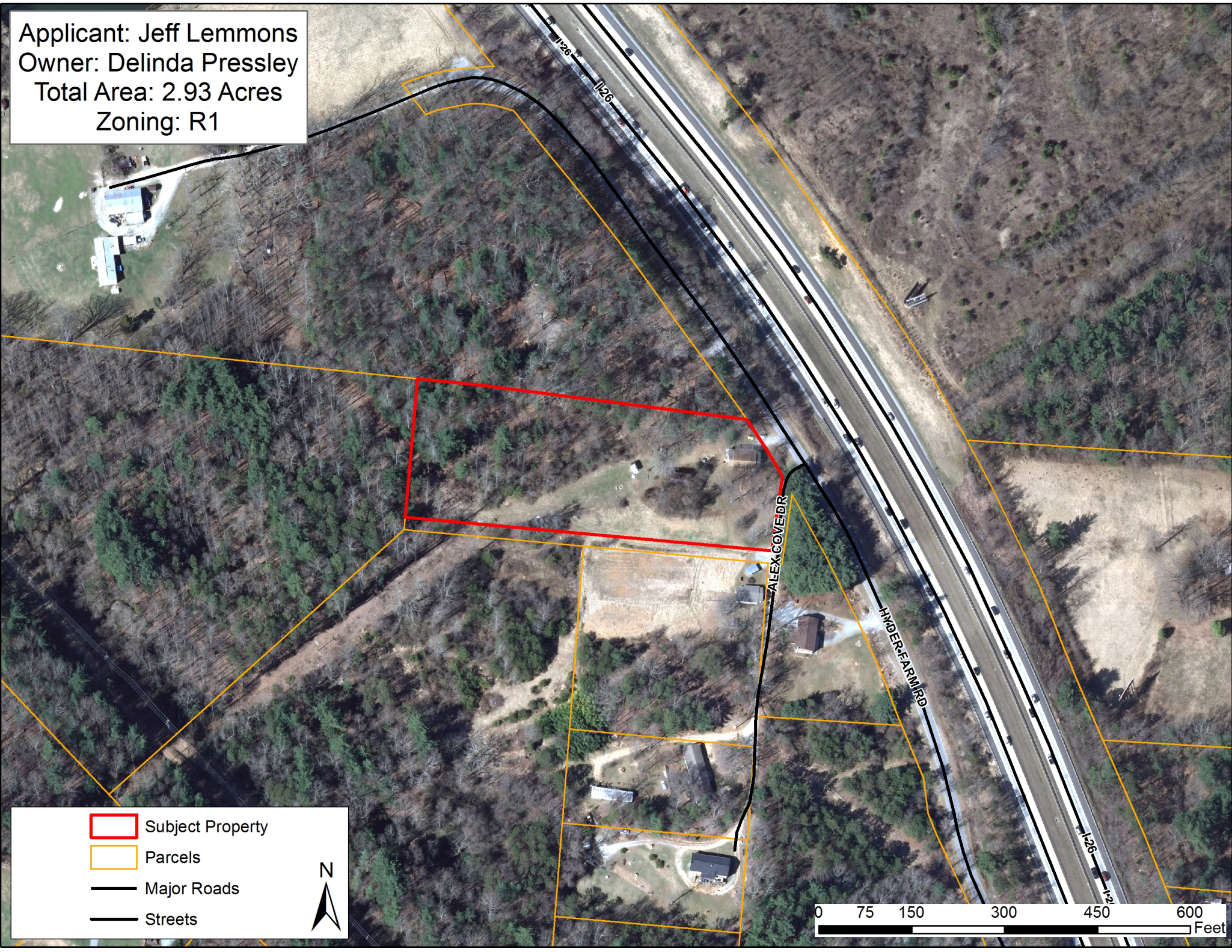
9. Technical Review Committee Recommendations

9.1. The Technical Review Committee unanimously voted to approve rezoning request R-2015-04-C at their 11/17/2015 meeting

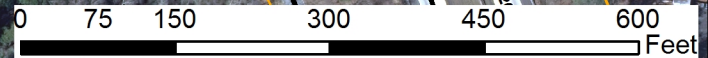
10. Planning Board Recommendations

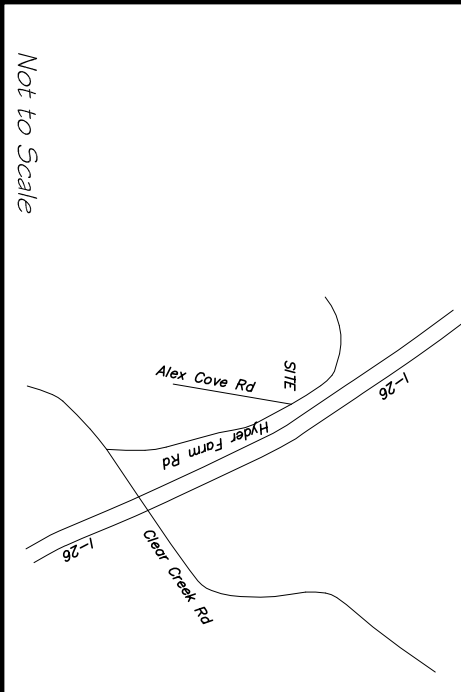
10.1. The Planning Board unanimously voted to approve rezoning request R-2015-04-C at their 11/19/2015 meeting

Applicant: Jeff Lemmons
Owner: Delinda Pressley
Total Area: 2.93 Acres
Zoning: R1



-  Subject Property
-  Parcels
-  Major Roads
-  Streets





Vicinity Map

PROJECT SUMMARY

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

DEVELOPER:
JEFF LEMMONS
11 ALFERN 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

INTERIUS SURFACE CALCULATIONS:
TOTAL AREA = 2.93 ACRES (1,277,807.54 SF)
PROPOSED INTERIUS SURFACES = 115,564 SF
PERCENT INTERIUS = 1.21% (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 Alfern Rose Way
Mills River, NC 28759

Owners -
Delinda Pressley
Deed Book 1521, Page 541

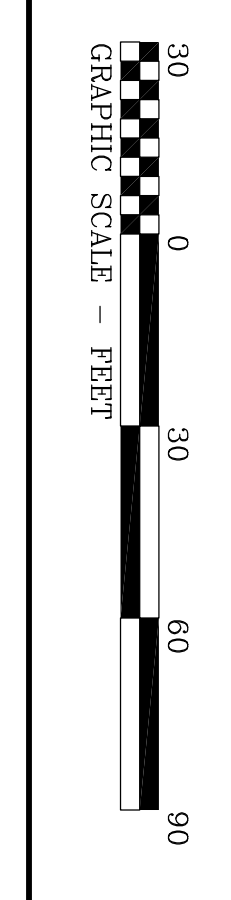
Ph#: 9660-83-4648

Hendersonville Township Henderson County, NC

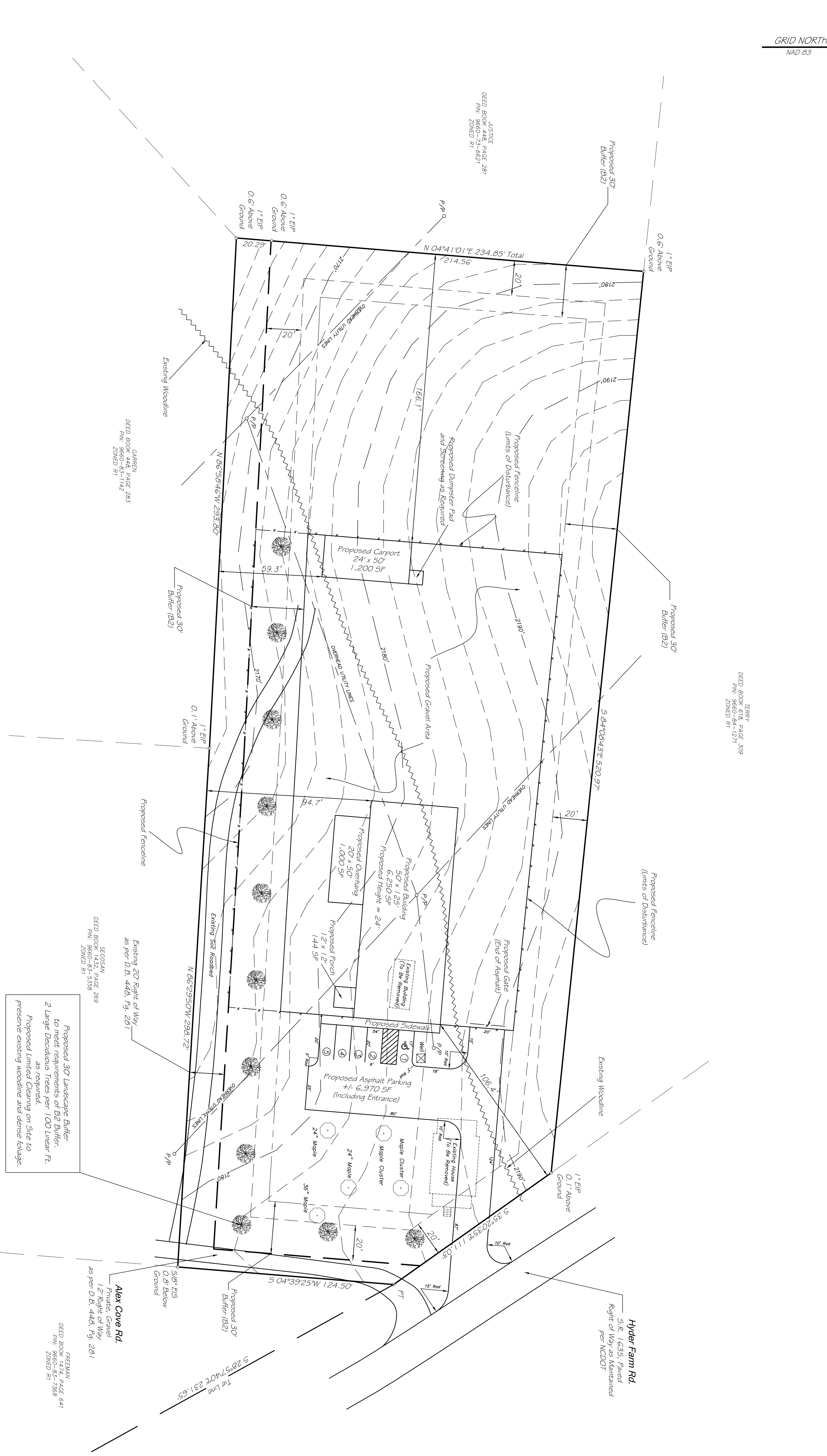


ASSOCIATED LAND SURVEYORS & PLANNERS PC

P.O. BOX 578 • HORSE SHOE, NC 28742
(828) 890-3507 NC BUSINESS LICENSE NO. C-2774
SCALE: 1 Inch = 30 Feet DATE: September 28, 2015
APP NO.: S-15-2725 DRAWN BY: CSB



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 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 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. Professional Surveyor's materials. 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. Proposed Limited Clearing on Site to preserve existing woodland and dense foliage.

Proposed 30' Right of Way as per D.B. 448, Pg. 281

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- Legend:**
- ECM = Existing Concrete Monument
 - EIP = Existing Iron Pipe
 - ES = Existing Iron Stake
 - IFS = Iron Pipe Set
 - PT = Unmarked Point
 - ROW = Right of Way
 - PP = Power Pole
 - = Proposed Large Deciduous Tree
 - = Existing Tree to Remain (Typical Tree Protection)

**NOTICE OF PUBLIC HEARING
ON PROPOSED ZONING MAP AMENDMENT
(Rezoning Requests #R-2015-04-C)**

The Henderson County Board of Commissioners will hold a public hearing for a proposed map amendment to the Official Zoning Map of Henderson County, North Carolina.

Rezoning Application #R-2015-04-C, which was submitted on September 1, 2015 requests the County rezone approximately 2.93 acres. The applicant requests a rezoning from Residential One (R1) to an Industrial-Conditional District (I-CD) zoning district. The subject area is owned by Delinda Pressley.

The public hearing will be held on Monday, December 7, 2015, at 5:30 P.M., in the Board of Commissioners Meeting Room located in the Henderson County Historic Courthouse, at 1 Historic Courthouse Square, 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, 1 Historic Courthouse Square, Suite 1, Hendersonville, NC 28792, will be accepted prior to the hearing. Information about the proposed amendment is available for review in the Henderson County Planning Department, 100 N. King Street, 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 www.hcplanning.org. For more information, call the Planning Department at (828) 697-4819.

Please note that after considering public hearing comments, the Board of Commissioners may discuss other options or make changes to the proposed amendments before taking final action. The Henderson County 2020 Comprehensive Plan will be updated and amended, as necessary, to reflect the action of the Board of Commissioners.

Terry Wilson
Clerk to the Board
Henderson County Board of Commissioners

For publication in the Hendersonville Tribune on Thursday, November 26, 2015 and Thursday, December 3, 2015.

Certification of Notice of Public Hearing

In accordance with NCGS 153A-343 the Planning Department certifies notice of the December 7, 2015 hearing regarding Rezoning Application #R-2015-04-C were:

1. Submitted to the Hendersonville Tribune on November 19, 2015 to be published on November 26, 2015 and December 3, 2015 by Kyle Guie;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on November 20th, 2015 by Kyle Guie;
3. Sent, via first class mail, to the property owners on November 20, 2015 by Kyle Guie; and
4. Signs will be posted on the Subject Area(s) on November 20, 2015 by Kyle Guie.

The signatures herein below indicate that such notices were made as indicated herein above:

1. Kyle Guie

STATE OF NC

COUNTY OF Henderson

I, Toby Linnville, a Notary Public, in and for the above County and State, do hereby certify that

Kyle Guie, and _____

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 19 day of NOVEMBER, 2015.

My commission expires:

5/25/16

(SEAL)
Toby Linnville

NOTARY PUBLIC



RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN

WHEREAS, pursuant to N.C. General Statute §153, Article 18, the Henderson County Board of Commissioners exercises regulations relating to development within the County's jurisdiction; and

WHEREAS, the Henderson County Board of Commissioners (Board) adopted the Land Development Code (LDC) on September 19, 2007 and has amended the LDC to address new and changing issues;

WHEREAS, the Board desires to update and revise the regulations of the LDC; and

WHEREAS, the Planning Director and Planning Board provided recommendations regarding the proposed zoning map amendment with case #R-2015-04-C; and

WHEREAS, pursuant to N.C. General Statute §153-323, the Planning Director provided the prescribed public notice and the Board held the required public hearing on December 7, 2015; and

WHEREAS, N.C. General Statute §153-341 requires the Board to adopt a statement of consistency with the County Comprehensive Plan (CCP); and

NOW THEREFORE, BE IT RESOLVED by the Henderson County Board of Commissioners as follows:

1. That the Board reviewed the proposed map amendment (#R-2015-04-C Jeffrey Lemmons) and finds that it is reasonable, in the public interest and it is consistent with the CCP and the Growth Management Strategy located therein; and
2. That the Board determines that the proposed map amendment provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County; and
3. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

THIS the 7th day of December, 2015.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
THOMAS H. THOMPSON, Chairman

ATTEST:

Teresa Wilson, Clerk to the Board

[COUNTY SEAL]

Rezoning #R-2015-04-C Jeffrey Lemmons



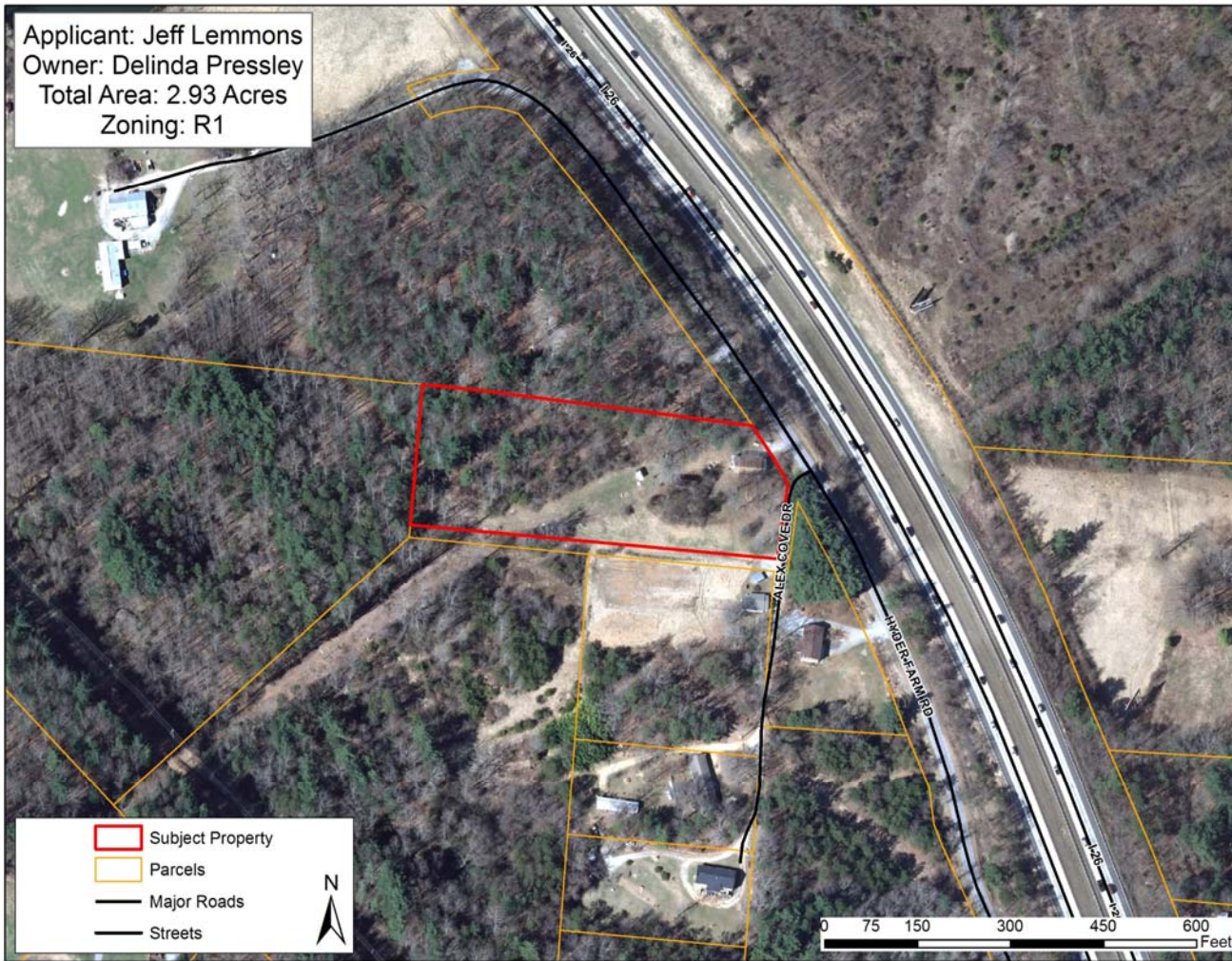
Henderson County Board of Commissioners

**Public Hearing
December 7, 2015**

Presented by: Kyle Guie, Planner

Henderson County Planning Department

Applicant: Jeff Lemmons
Owner: Delinda Pressley
Total Area: 2.93 Acres
Zoning: R1



- Subject Property
- Parcels
- Major Roads
- Streets



0 75 150 300 450 600 Feet

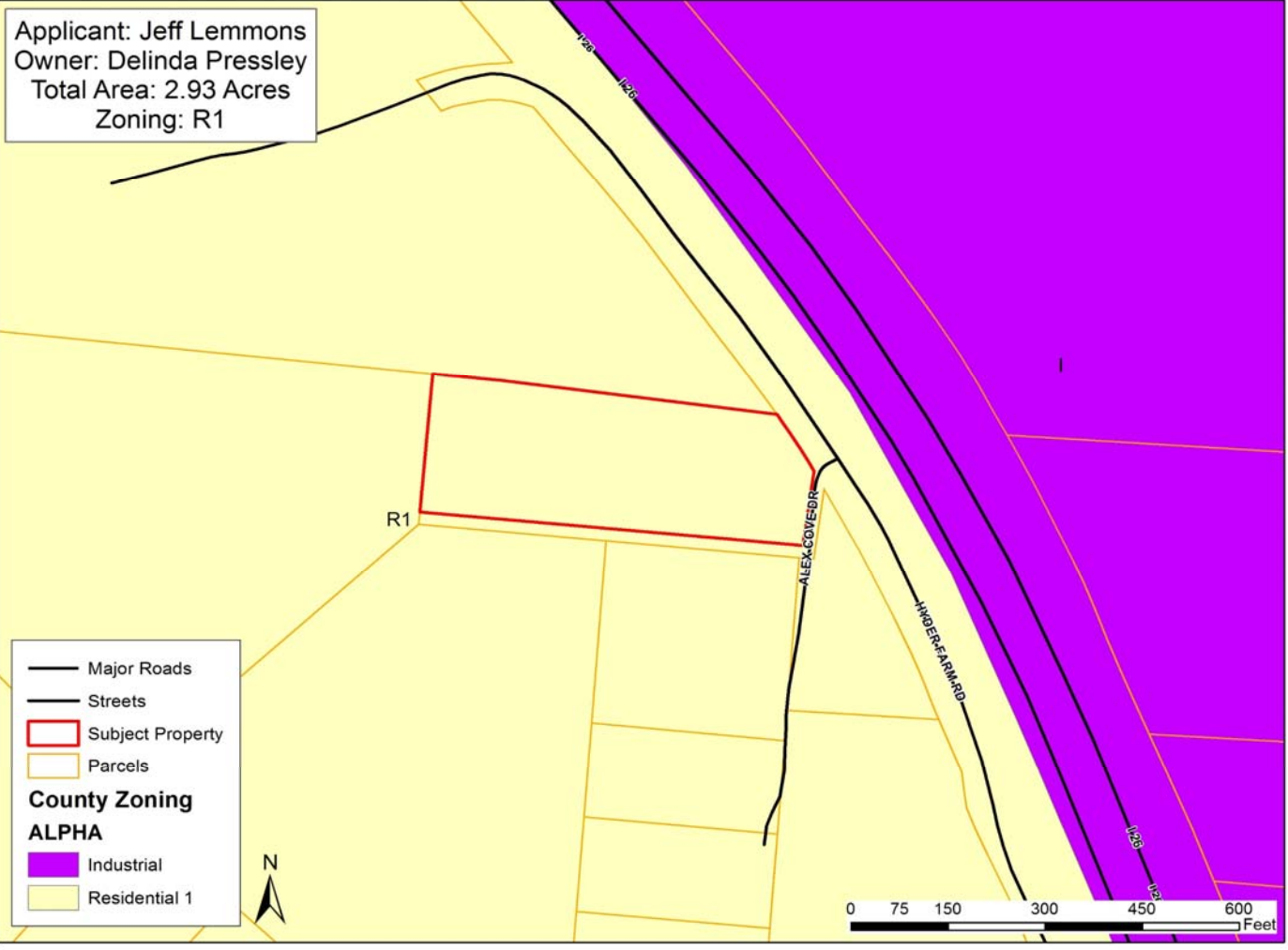
Aerial Photo Map

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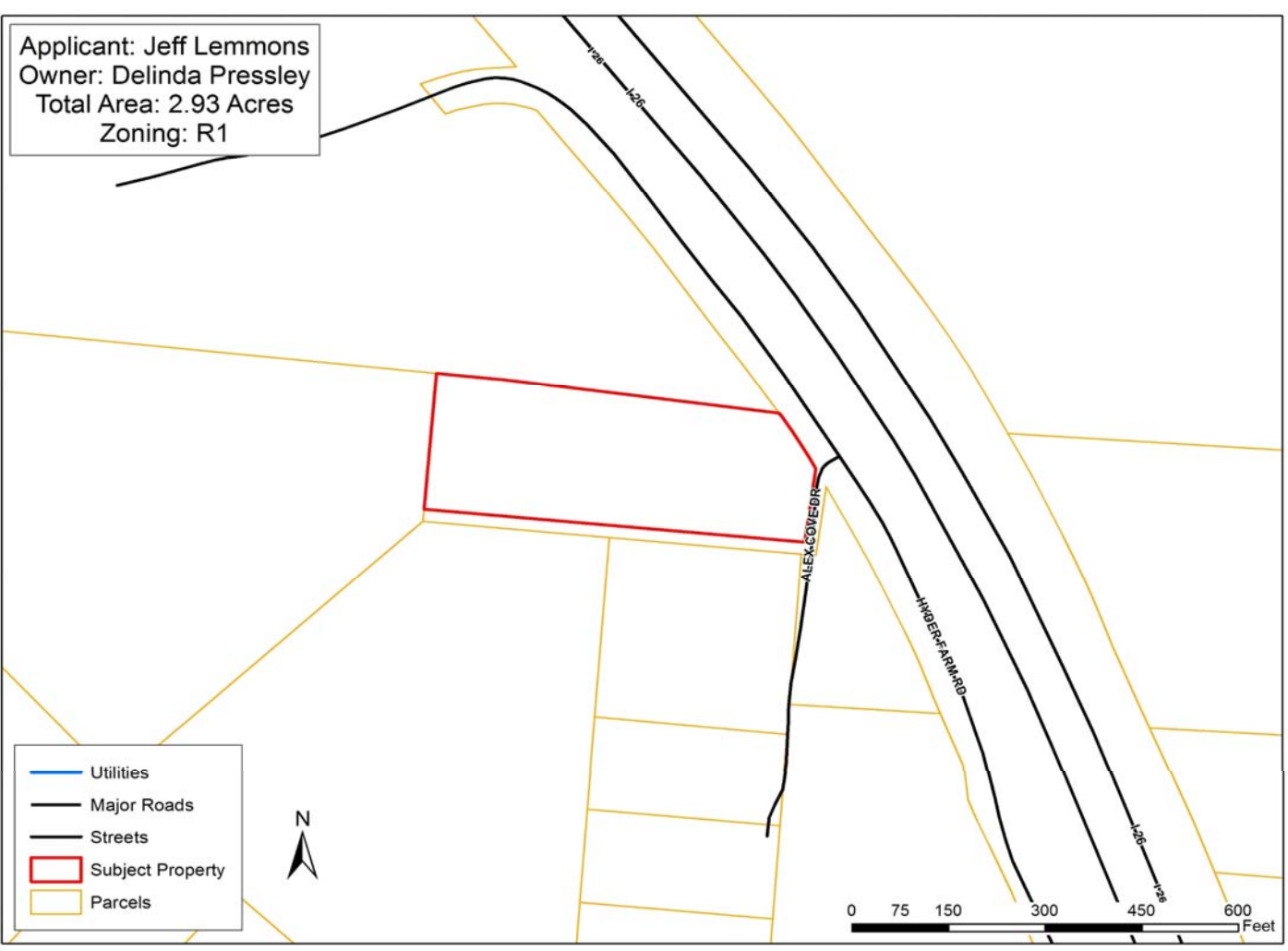
2020 CCP Future Land Use Map

Applicant: Jeff Lemmons
Owner: Delinda Pressley
Total Area: 2.93 Acres
Zoning: R1



Current Zoning Map

Applicant: Jeff Lemmons
Owner: Delinda Pressley
Total Area: 2.93 Acres
Zoning: R1



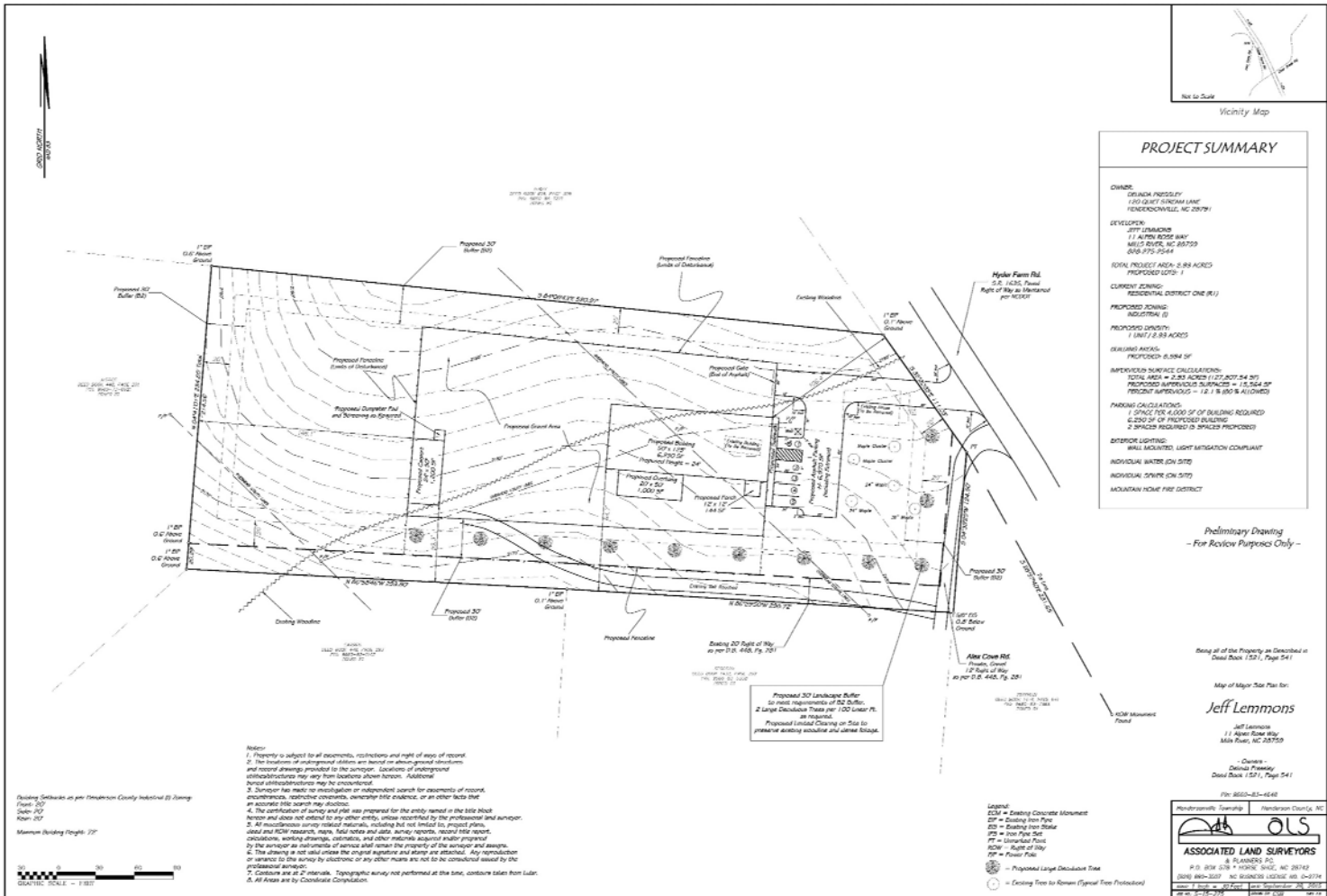
Public Utilities



Pictometry

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Henderson County Planning Department



Site Plan

Rezoning #R-2015-04-C

Public Hearing Comments



Rezoning #R-2015-04-C

State Law requires that the Board adopt a written statement of consistency with the County Comprehensive Plan (CCP). A draft resolution is provided

Suggested Motion:

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