

REQUEST FOR BOARD ACTION

HENDERSON COUNTY PLANNING BOARD

- MEETING DATE:** July 21, 2011
- SUBJECT:** Rezoning Application #R-2011-02
- PRESENTER:** Parker Sloan, Planner
- ATTACHMENTS:**
1. Staff Report
 2. Application
 3. Aerial Photo Map
 4. Industrial (I) District Text
 5. Residential One (R1) District Text
 6. PowerPoint Handouts
 7. Photos of Project Site

SUMMARY OF REQUEST:

Rezoning Application #R-2011-02, which was submitted on May 31, 2011 requests the County rezone a 26 acre tract. The applicant requests a rezoning from an Industrial (I) zoning district to a Residential One (R1) zoning district. The subject area is owned by Cecillia Salvadori and Mr. Mark Corn is the applicant's agent. (PIN: 9539-33-0175)

Planning staff posted the property giving notice of the Planning Board meeting on July 11, 2011. The Planning Board has 45 days from its first consideration of a rezoning application to make a recommendation to the Board of Commissioners. Thus, the deadline for a Planning Board recommendation to the Board of Commissioners regarding this application is Friday, September 2, 2011. If no recommendation is made by September 2, 2011, the application proceeds to the Board of Commissioners with an automatic favorable recommendation. Upon request of the Planning Board, the Applicant may choose to grant a 45-day extension, at which time the deadline for a Planning Board recommendation would become Monday, October 17, 2011.

Planning Board action to recommend that the Board of Commissioners approve, approve with modifications, table, or deny rezoning action #R-2011-02 would be appropriate.

Suggested Motion:

I move the Board recommend approval of rezoning application #R-2011-02 to rezone the Subject Area from an Industrial (I) zoning district to a Residential One (R1) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan.

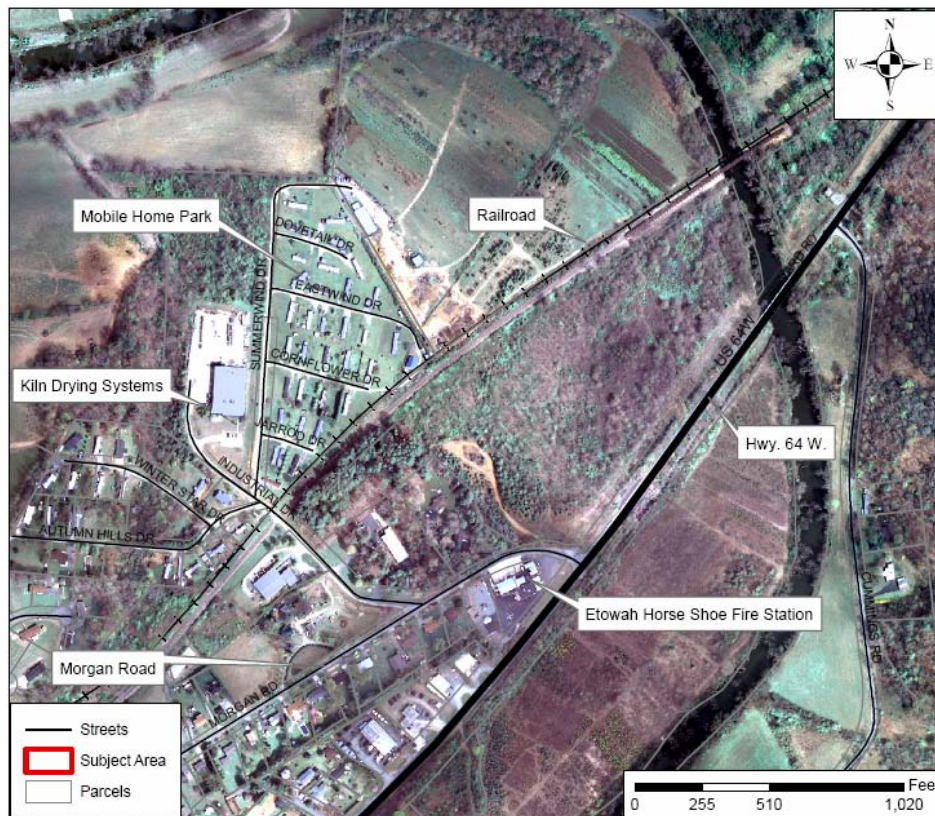
Henderson County Planning Department Staff Report

Rezoning Application #R-2011-02 Cecillia Salvadori, Owner

1. Rezoning Request

- 1.1. **Applicant:** Mark Corn, Agent and Cecillia Salvadori, Owner
- 1.2. **Property Owner:** Cecillia Salvadori
- 1.3. **Request:** Rezone a parcel from Industrial (I) to Residential One (R1)
- 1.4. **PIN:** 9539-33-0175
- 1.5. **Size:** Total of 26 acres to be rezoned.
- 1.6. **Location:** The Subject Area is located along Brevard Road (Hwy 64 W), approximately 7,600 feet from the intersection of Banner Farm Road (SR 1314) and Brevard Road (Hwy 64 W).

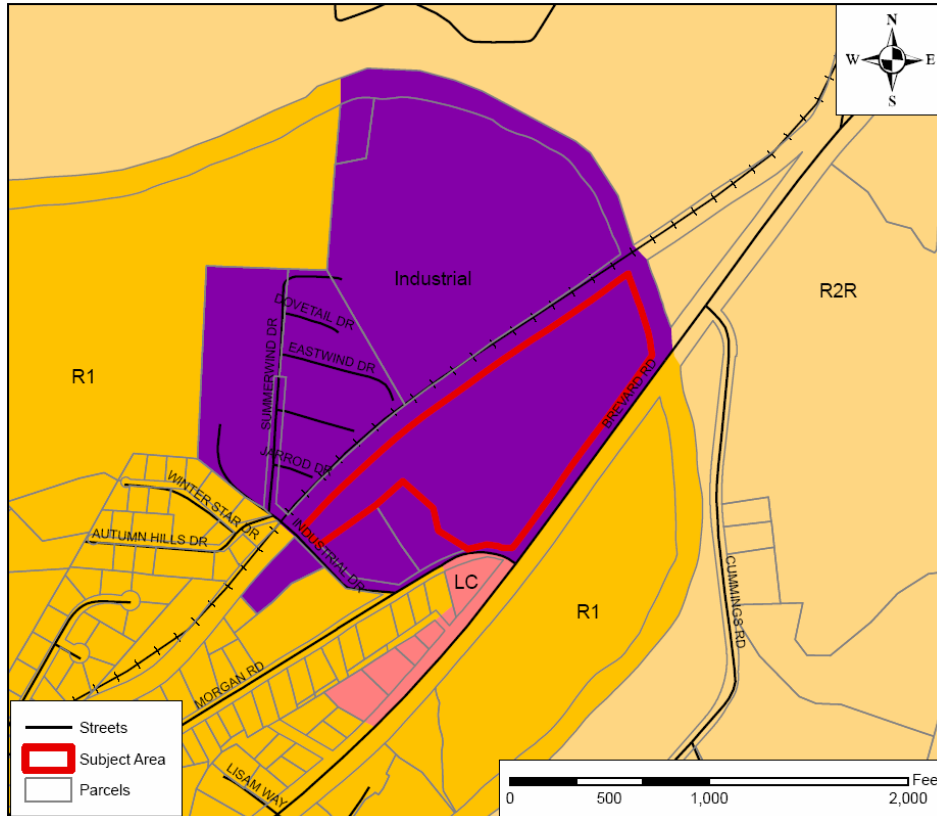
Map A: Aerial Photo



2. Current Zoning

2.1. **Application of Current Zoning:** The subject area was zoned Industrial on September 19, 2007 with the adoption of the Land Development Code

Map B: Current Zoning



2.2. **Adjacent Zoning:** The Subject Area is adjacent to Industrial zoning to the north and southwest. Land adjacent to the Subject Area to the south is zoned R1 and zoned LC to the west.

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 §200A-27).

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. **I (Industrial 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 lands uses; and (3) is sensitive to its impact on surrounding land uses and the environment (natural and man-made)”* (Chapter 200A, Land Development Code §200A-36). The Industrial District requires 20 foot side and rear setbacks, a maximum building height of 72 feet for principal structures, maximum impervious surface of 80%, and an unlimited maximum floor area.

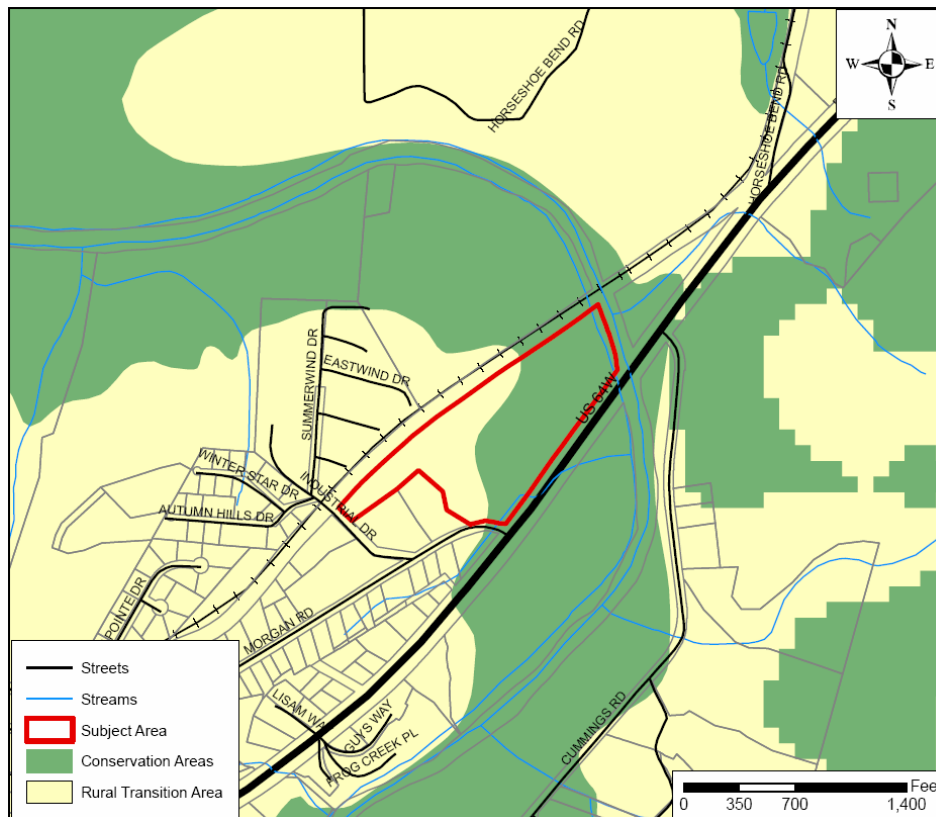
3. Current Uses of Subject Area and Adjacent Properties

- 3.1. **Subject Area Uses:** The Subject Area parcel is currently vacant
- 3.2. **Adjacent Area Uses:** The surrounding properties are primarily residential uses. A welding company is located directly west of the subject area along Industrial drive. Southwest of the Subject Area are two single family homes, across the street to the south is the Etowah- Horse Shoe Fire Station, and to the east is vacant land. The property directly to the northwest is a mobile home park.

4. The Henderson County 2020 Comprehensive Plan (CCP)

Rural Transition Area: The CCP Future Land Use Map identifies the Subject Area as being located in the Rural Transition Area (USA)(2020 CCP, Pgs. 128, 129 & Appendix 1, Map 24) (See Map C).

- 4.1 The CCP states that, “The RTA is currently rural in character, with existing pockets of limited higher density residential and commercial development. The text of the 2020 CCP suggests that the Subject Area would be suitable for clustering and conservation design encouraged with the intent of maintaining a rural environment, protecting sensitive natural areas, and reserving land for future development. (2020 CCP, Pg. 130)

Map C: 2020 County Comprehensive Plan Future Land Use Map

5. Staff Comments

- 5.1. **The 2020 CCP:** The CCP Future Land Use Map (See Map C) places the subject area in the "Rural Transition Area" classification, as well as, within the "Conservation Area". The text of the 2020 CCP suggests, that taking the project density approach gives the developer the flexibility to adjust setbacks and lot sizes to fit various needs, from adjusting for topography to creating affordable lots.
- 5.2. **Adjacent Zoning:** The Subject Area directly abuts an existing R1 zoning district to the south. If the Subject Area were to be rezoned to R1 this property would be apart of a contiguous zoning district.
- 5.3. **Comparison of Districts:** The existing industrial zoning does not allow for residential uses. Applying R1 (Residential One) will allow for an increase in the number of permitted residential uses. Applying R1 will also allow for density based development without a minimum lot size.
- 5.4. 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. Staff requests the Applicant not discuss any specific use being considered for the property. The Technical

Review Committee, Planning Board, and the Board of Commissioners cannot consider any specific proposed use for the property and must only consider the range of possible uses when reviewing and making recommendations on the rezoning request.

6. Staff Recommendations

6.1. Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the Subject Area to R1 consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.

7. Technical Review Committee Recommendations

7.1. The Henderson County Technical Review Committee considered rezoning application #R-2011-02 on July 5, 2011. During that meeting, the Technical Review Committee voted unanimously to send forward a favorable recommendation on rezoning application #R-2011-02 to rezone the Subject Area from a Industrial (I) zoning district to Residential One (R1) zoning district.

8. Planning Board Recommendations

8.1. TBD

HENDERSON COUNTY
MAP AMENDMENT APPLICATION FORM

GENERAL INFORMATION

Date of Application: MAY 31, 2011

Previously Submitted (Circle One): Yes No

Date of Pre-Application Conference: _____

Type of Map Amendment (Circle One): Rezoning Conditional Zoning Special Mixed Use/Conditional

Site Plan Attached (Circle One): Yes No

PARCEL INFORMATION*

PIN: 9539-33-0175 Deed Book/Page: 1289-316 Tract Size (Acres): +/-26 Acres

Zoning District: Industrial Fire District: Etowah/Horseshoe Watershed: WSIV Floodplain: Areas in Zone AE

Location of property to be developed: Intersection of Highway 64 and Morgan Road in Horse Shoe

*If subject area contains multiple PIN's please attach a list and the above parcel information for each tract or individual PIN.

REZONING REQUEST

Attached is:

_____ A description of the property in question sufficient to unequivocally describe and identify said property. Such description may take the form of a property survey, a legal description or a legible copy of a County cadastral or composite tax map clearly annotated with district lines which follow political boundaries, geographical features or property lines.

Current Zoning District: Industrial Requested Zoning District: R1

CONTACT INFORMATION

Property Owner:

Name: Cecillia A. Salvadori Phone: 828-697-4343

Address: 137 Towne Place Dr. City, State, and Zip: Hendersonville, NC 28792

Applicant:

Name: _____ Phone: _____

Address: _____ City, State, and Zip: _____

Agent:

Name: Mark A. Corn, Associated Land Surveyors Phone: 828-890-3507

Address: P.O. Box 578 City, State, and Zip: Horse Shoe, NC 28742

Agent Form (Circle One): Yes No

Plan Preparer:

Name: Mark A. Corn Phone: 828-890-3507

Address: P.O. Box 578 City, State, and Zip: Horse Shoe, NC 28742

I certify that the information shown above is true and accurate and is in conformance with the Land Development regulations of Henderson County.

Cecilia A. Salvadori

Print Applicant (Owner or Agent)

Cecilia A Salvadori

Signature Applicant (Owner or Agent)

19 May 2011

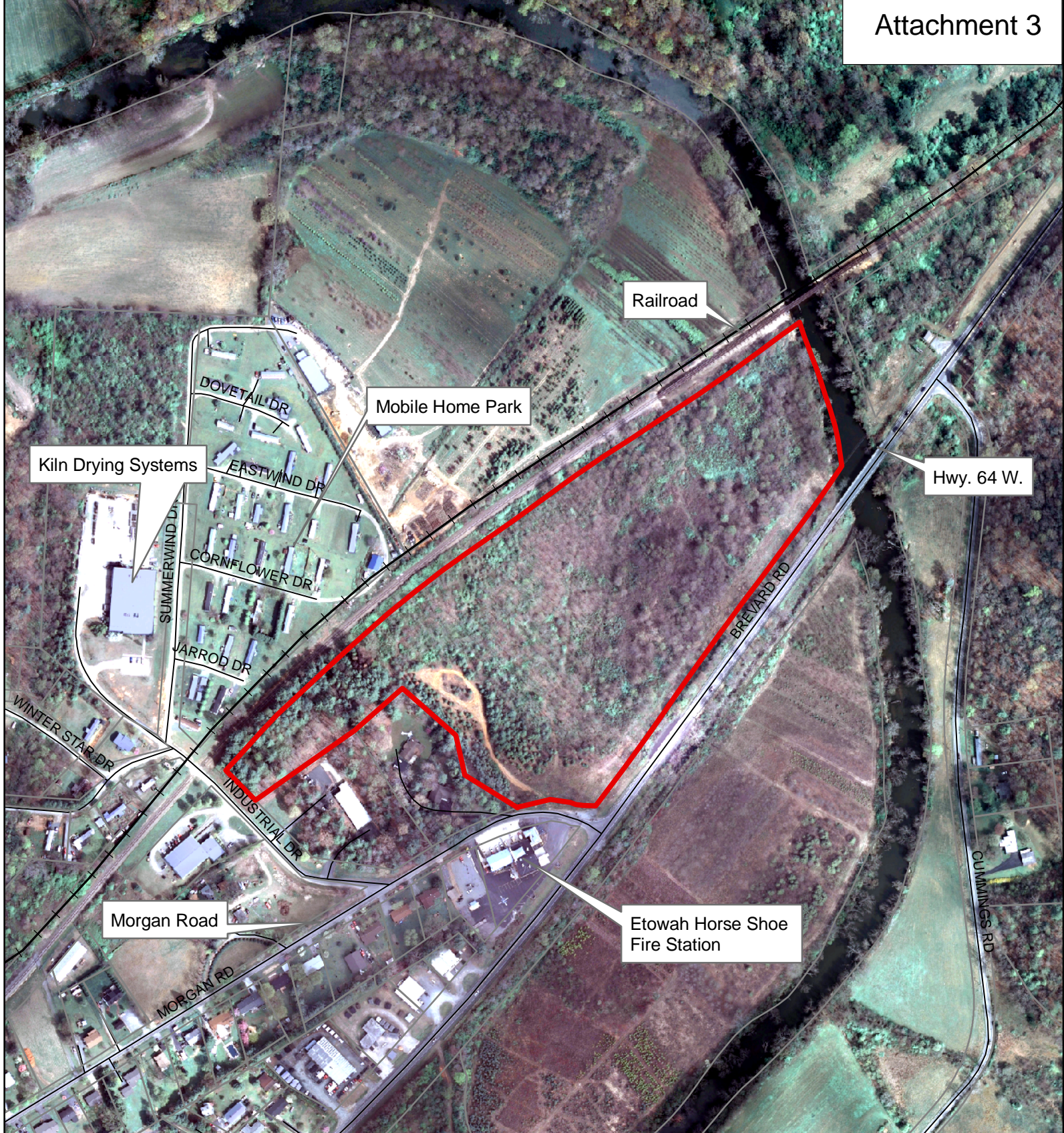
Date

County Use Only

Fee: \$ _____ Paid: _____ Method: _____ Received by: _____

Community Planning Area: _____

Date Current Zoning Applied: _____



Railroad

Mobile Home Park

Kiln Drying Systems

Hwy. 64 W.

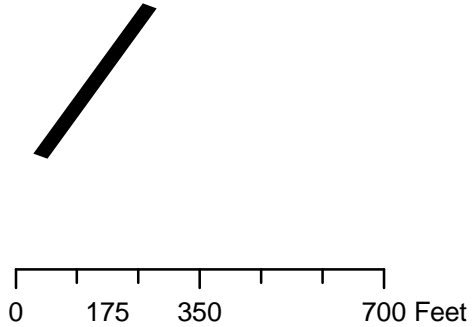
Morgan Road

Etowah Horse Shoe Fire Station

Legend

- Streets
- +— Railroad
- Subject Area
- Parcels

Rezoning Application
R-2011-01
Cecilia Salvadori, owner



§200A-36. Industrial District (I)

- A. **Purpose.** 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).
- B. **Density and Dimensional Requirements.** Each *use* allowed in this district shall at a minimum conform to the following requirements. In some cases a specific *use* may be required to meet the Supplemental Requirements as set forth in §200A-63 (Supplemental Requirements).

Table 2.10. I Density and Dimensional Requirements			
<i>Maximum Impervious Surface (%)</i>			80
<i>Maximum Floor Area (sq ft)</i>			Unlimited
<i>Yard Setbacks (feet)</i>	<i>Front or ROW</i>	<i>Local</i>	20
		<i>Collector</i>	30
		<i>Thoroughfare</i>	40
		<i>Boulevard</i>	50
		<i>Expressway</i>	50
		<i>Freeway</i>	60
	<i>Side</i>		20
	<i>Rear</i>		20
<i>Maximum Height (feet)</i>			72

§200A-27. Residential District One (R1)

- A. **Purpose.** 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*.
- B. **Density and Dimensional Requirements.** Each *use* allowed in this district shall, at a minimum, conform to the following requirements (in the case of a nonresidential *use* the *residential density* requirements shall not apply). In some cases a specific *use* may be required to meet the Supplemental Requirements as set forth in §200A-63 (Supplemental Requirements).

Table 2.1. R1 Density and Dimensional Requirements			
(1) Residential Density (units/acre)		(2) Standard	4
		(3) Intermediate	8
		(3) Maximum	16
(4) Yard Setbacks (feet)	Front or Right-of-Way (ROW)	Local	15
		Collector	20
		Thoroughfare	35
		Boulevard	50
		Expressway	60
		Freeway	90
		Side	10
	Rear	10	
		(5) Maximum Height (feet)	40

- (1) Residential density shall be calculated utilizing the entire acreage of a tract of land. Under this scenario, residential density shall be determined based on the following formula:

<p><i>Lot size</i> x allowable units per acre = permitted <i>dwelling units</i></p> <p>The following example assumes a 5 acre tract with an allowable density of 4 units/acre:</p> <p>5 acres x 4 units per acre = <u>20 permitted dwelling units</u></p>
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The maximum residential density for portions of the tract with a slope of 60 percent or greater (where such slope areas of the tract account for ten (10) percent or more of the tract) shall be one-half (1/2) the eligible density.

- (2) Standard residential density shall be applied:
- a. On a lot existing at the time of the initial adoption of this Chapter, where there is not adequate area to comply with the applicable standard residential density requirement;
 - b. To single-family residential uses; and

- c. To multifamily residential *uses* with fewer than five (5) units.
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- (3) Intermediate residential density shall be available when individual dwellings would be served by both: (1) a *municipal water supply system* and (2) a *sewage disposal system* (of the following types: municipal, approved public, or approved community) which meet the

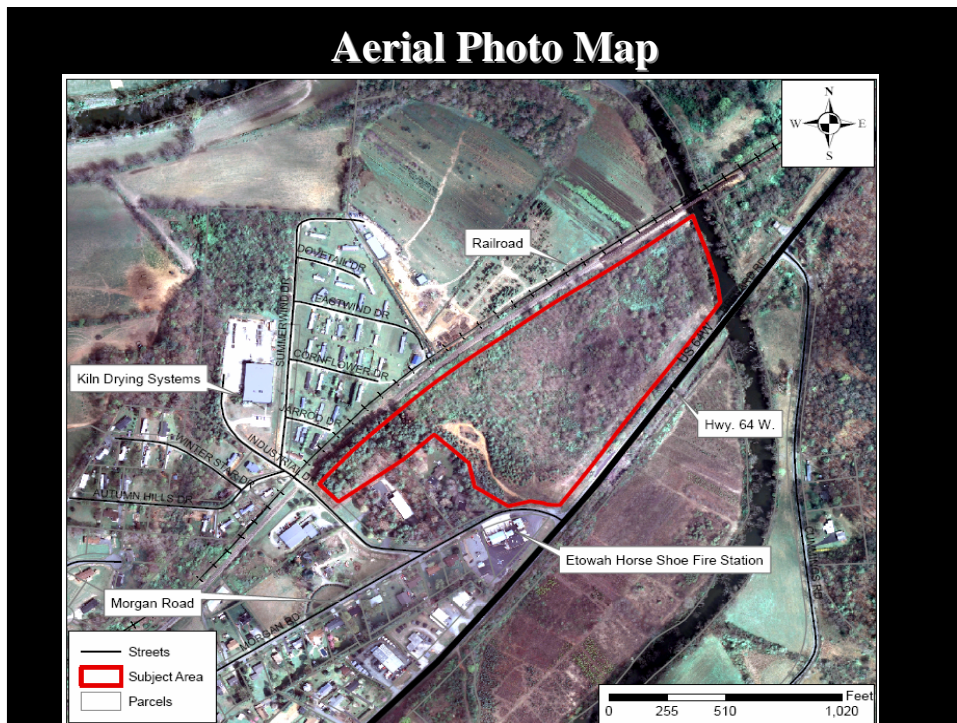
 - (4) Maximum *residential density* shall be available to multifamily dwellings (including duplexes, triplexes, quadraplexes and multifamily dwellings with five (5) or more units). provided such dwellings are generally served by public or private utility systems which meet the requirements of the Henderson County Department of Environmental Health or other governmental authorities having jurisdiction thereof.
 - a. A total of at least five (5) units would be permitted by standard residential density, and

 - b. Such dwellings are generally served by both: (1) a *municipal water supply system* and (2) a *sewage disposal system* (of the following types: municipal, approved public, or approved community) which meet the requirements of the local or State authorities.

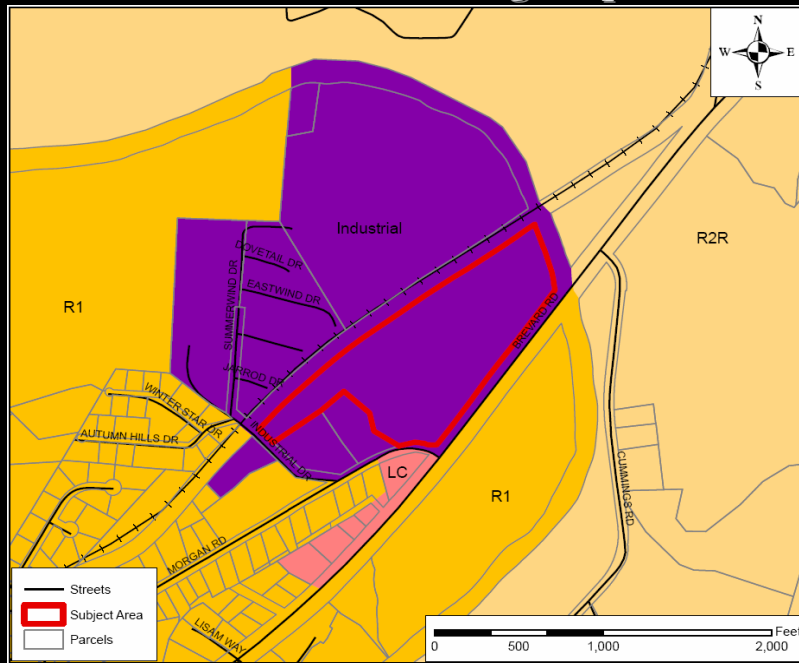
 - (5) Residential *accessory structures* shall be located in *side* or *rear yards* and shall be *setback* a minimum of ten (10) feet from any property line.

 - (6) Maximum height may be exceeded in multifamily developments as detailed in §200A-63 (Supplemental Requirements) SR 1.6. (Dwelling, Multifamily, Five (5) or More Units), provided such developments do not exceed 50 feet in height.

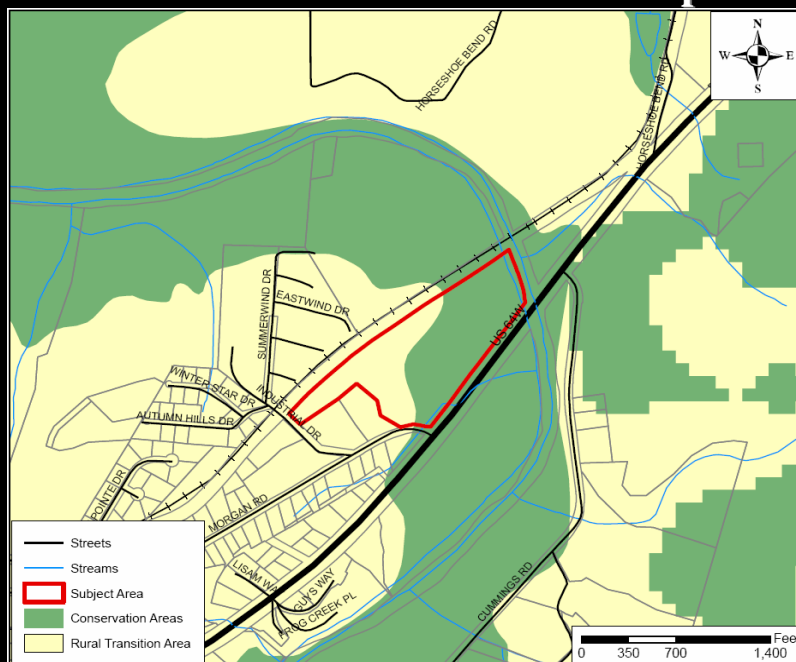
Rezoning #R-2011-02
Cecilia Salvadori , owner & applicant



Current Zoning Map



2020 CCP Future Land Use Map





View of Subject Area on the corner of Morgan Rd and Hwy 64 looking east.



View of subject area from Morgan Rd looking north.



View of Subject Area northern boundary along railroad tracks.



View of Subject Area looking west along the French Broad.