

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: Tuesday, September 6, 2011

SUBJECT: Public Hearing for Rezoning Application #R-2011-02

PRESENTER: Parker Sloan, Planner

ATTACHMENTS:

1. Staff Report
2. Aerial Photo Map
3. Notice of Public Hearing
4. Certification of Notification of Public Hearing
5. Power Point Slides

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)

The Henderson County Planning Board considered rezoning application #R-2011-02 at its regularly scheduled meeting on August 21, 2011. During that meeting, the Planning Board voted unanimously to send forward a favorable recommendation on rezoning application #R-2011-02 to rezone the Subject Area to R1 (Residential One).

PUBLIC NOTICE:

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §200A-314(C) and §200A-337(B) of the Henderson County Land Development Code and State Law, notices of the September 6, 2011, public hearing regarding rezoning application #R-2011-02 were published in the Hendersonville Tribune on August 25, 2011 and September 1, 2011. 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 August 19, 2011 and posted signs advertising the hearing on the Subject Area on August 22, 2011.

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 a Residential One (R1) zoning district.

Suggested Motion:

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

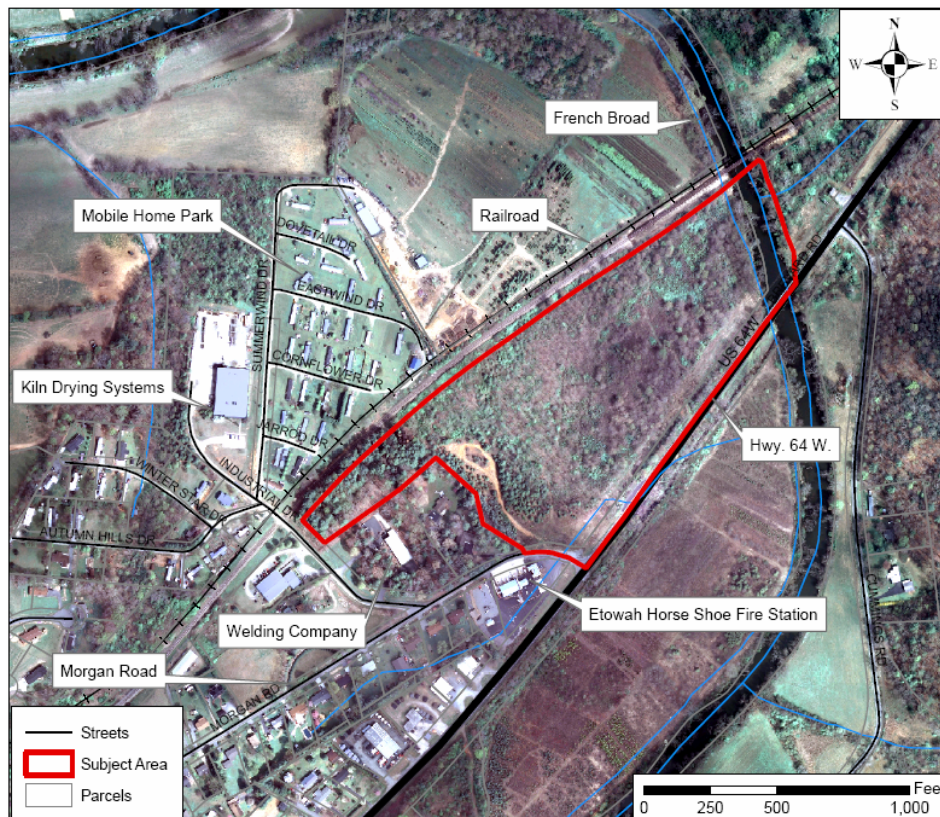
Henderson County Planning Department Staff Report

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).

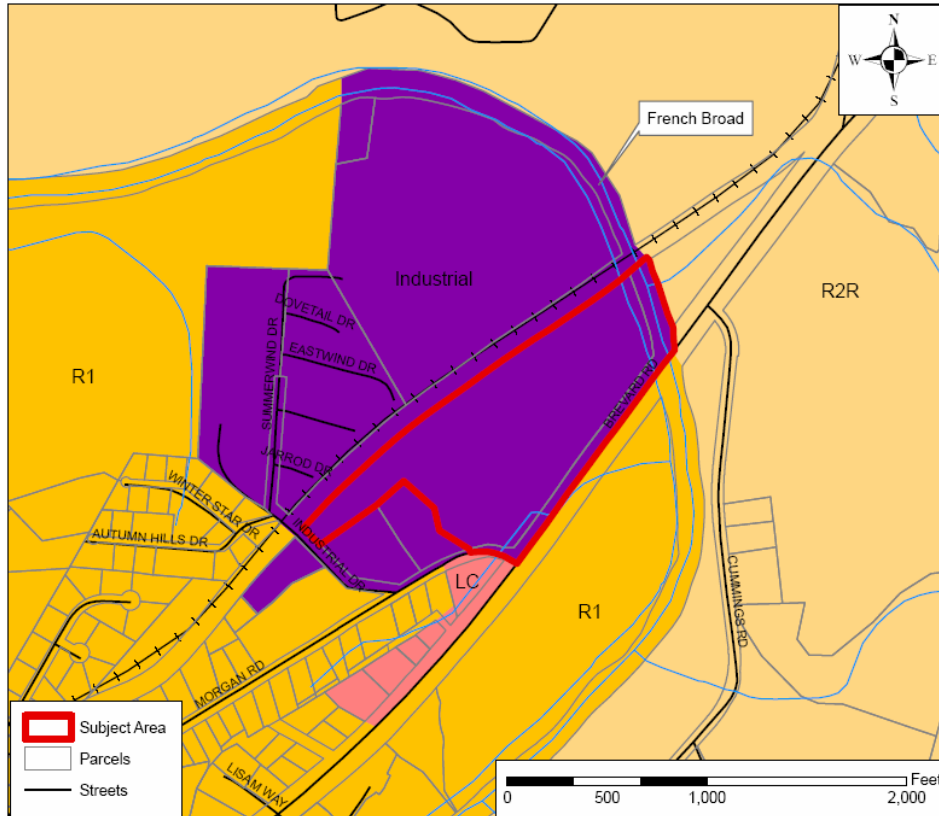
Map A: Aerial Photo



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

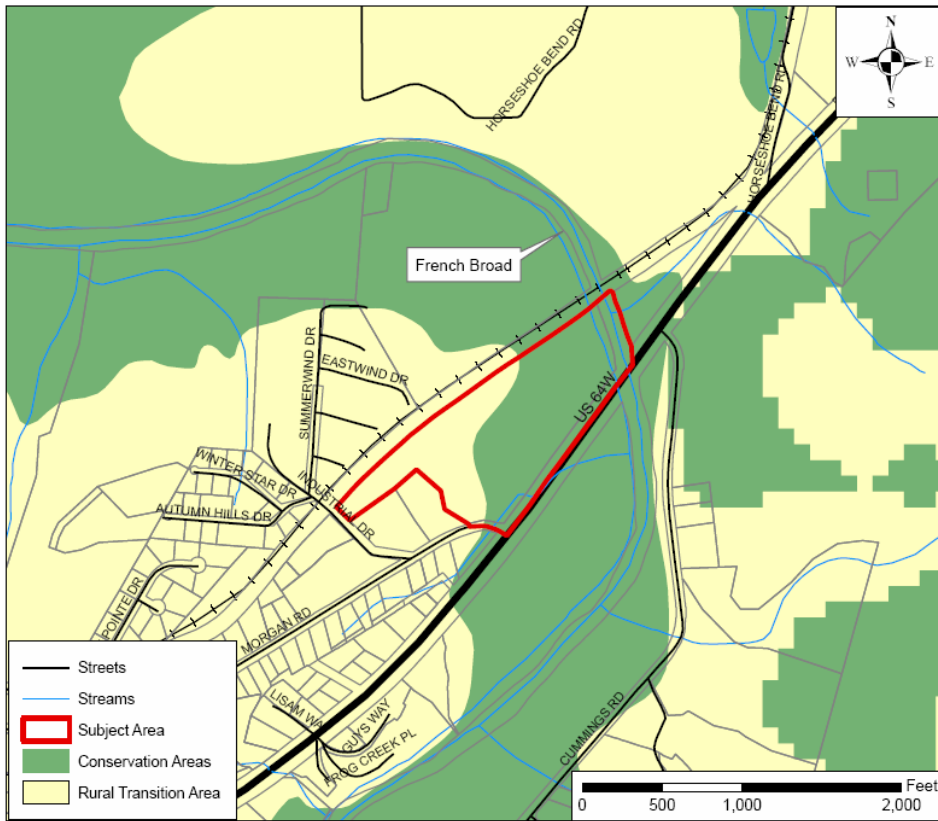
- 3.1. **Subject Area Uses:** The subject area parcel is currently vacant.
- 3.2. **Adjacent Area Uses:** The surrounding properties are primarily residential uses. A welding company is located directly west of the subject area along Industrial drive. Southwest of the subject area are two single family 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).

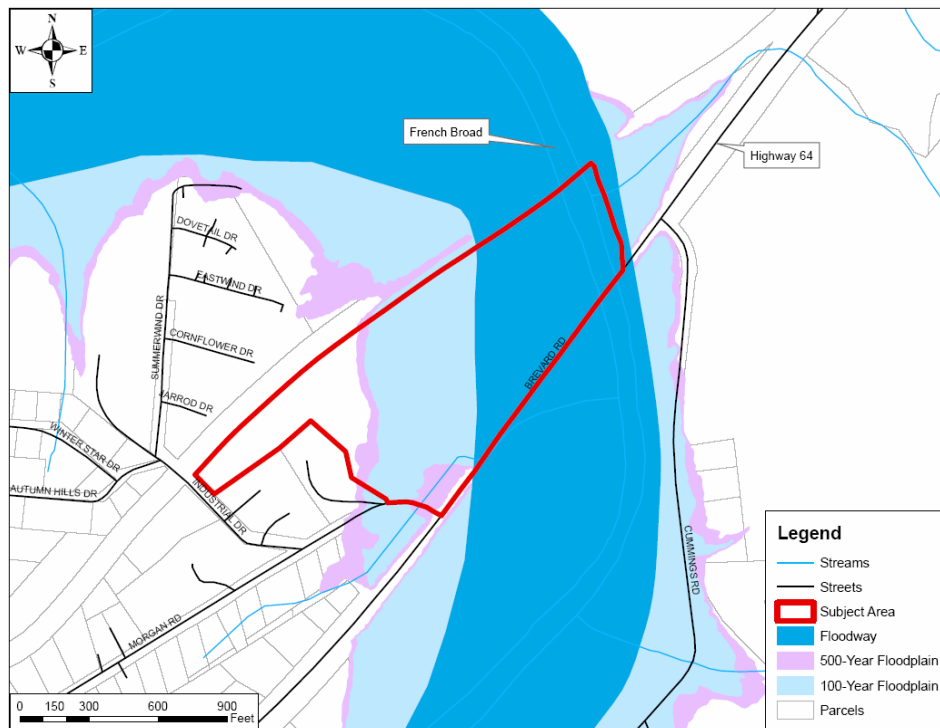
- 4.1 The CCP states that, “The RTA is currently rural in character, with existing pockets of limited higher density residential and commercial development. The text of the 2020 CCP suggests that the subject area would be suitable for clustering and conservation design encouraged with the intent of maintaining 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. **Floodplain** The majority of the property is within the 100 year floodplain. A significant portion of the property is also within the floodway. The floodway overlaps the property at approximately 600ft west from the bank of the French Broad. Approximately 19 acres of the subject area is within the 100year floodplain with approximately 7 acres remaining outside of the 100year floodplain (see map D).

Map D: Floodplain Map



6. Staff Comments

- 6.1. **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.
- 6.2. **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.
- 6.3. **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.

6.4. 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.

7. Staff Recommendations

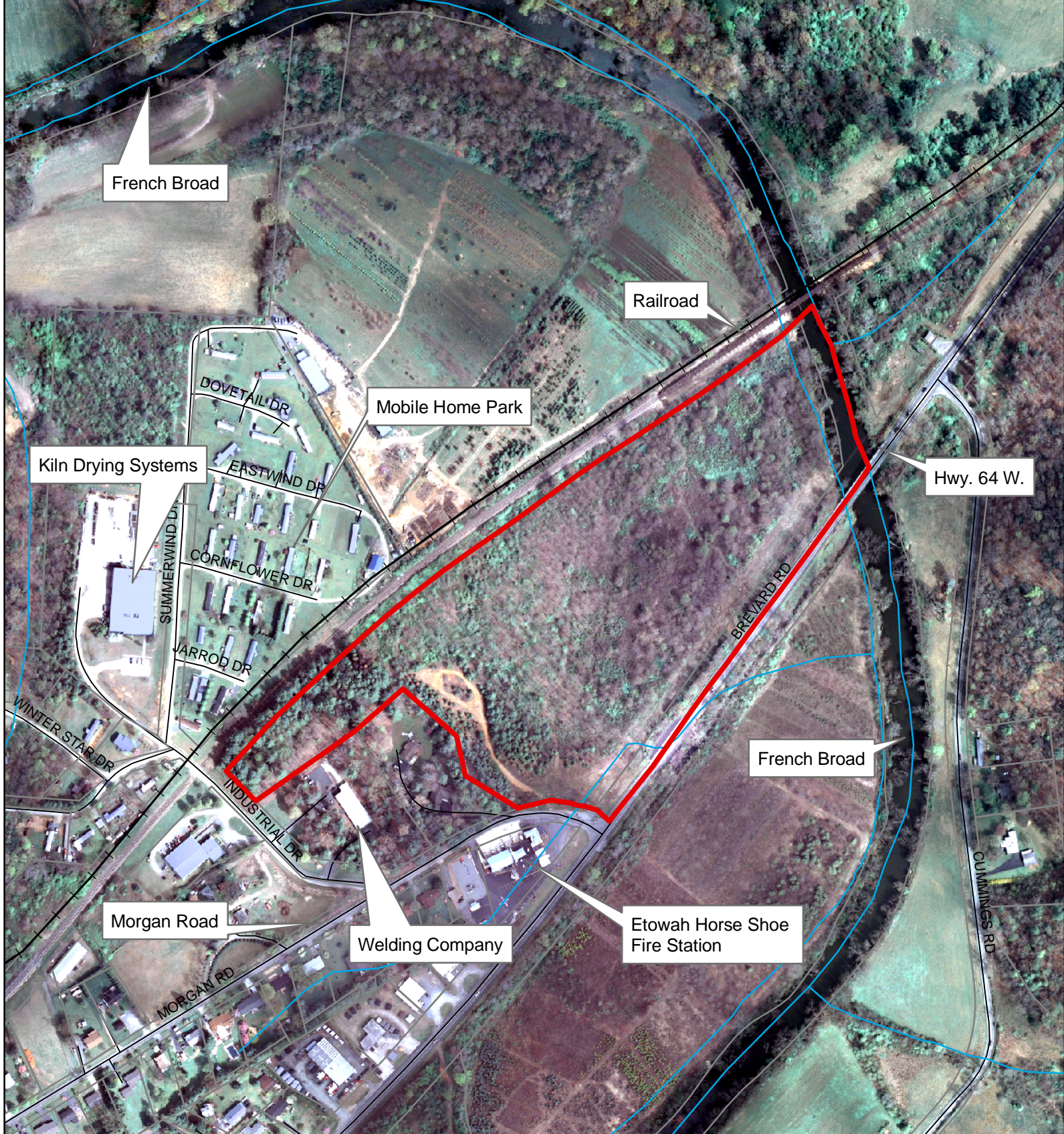
7.1. Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the Subject Area to R1 consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.

8. Technical Review Committee Recommendations

8.1. 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.

9. Planning Board Recommendations

9.1. The Henderson County Planning Board considered rezoning application #R-2011-02 at its regularly scheduled meeting on August 21, 2011. During that meeting, the Planning Board voted unanimously to send forward a favorable recommendation on rezoning application #R-2011-02 to rezone the Subject Area to R1 (Residential One).



French Broad

Railroad

Mobile Home Park

Kiln Drying Systems

Hwy. 64 W.

DOVETAIL DR

EASTWIND DR

CORNFLOWER DR

JARROD DR

BREVARD RD

WINTER STAR DR

French Broad

Morgan Road

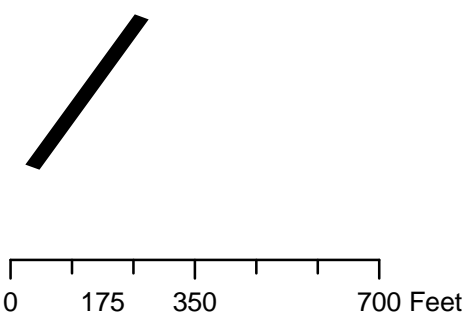
Welding Company

Etowah Horse Shoe Fire Station

INDUSTRIAL DR

MORGAN RD

CUMMINGS RD



Legend

- +— Railroad
- Streets
- Streams
- Parcels
- Subject Area

Rezoning Application
R-2011-02
Cecilia Salvadori, owner

**NOTICE OF PUBLIC HEARING
ON PROPOSED ZONING MAP AMENDMENT
(Rezoning Requests #R-2011-02)**

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-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)

The public hearing will be held on Tuesday, September 6, 2011, 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, 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 www.hcplanning.org. 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 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

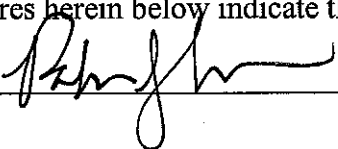
For publication in the Hendersonville Tribune on Thursday, August 25, 2011 and Thursday, September 1, 2011.

Certification of Notice of Public Hearing

In accordance with NCGS 153A-343 the Planning Department certifies notice of the September 6, 2011 hearing regarding Rezoning Application #R-2011-02 were:

1. Submitted to the Hendersonville Tribune on August 19, 2011 to be published on August 25, 2011 and September 1, 2011 by Parker Sloan;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area on August 19, 2011 by Parker Sloan;
3. Sent, via first class mail, to the property owners on August 19, 2011 by Parker Sloan; and
4. Posted on the Subject Area on August 22, 2011 by Parker Sloan.

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

1. 
2. _____

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

I, KATHLEEN R. SCANLAN Notary Public, in and for the above County and State, do hereby certify that PARKER SLOAN,

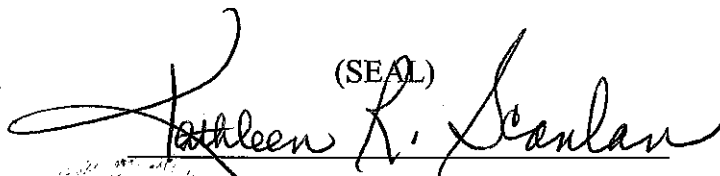
_____, and _____ personally appeared before me this day and acknowledged the due execution by

_____ of the foregoing instrument.

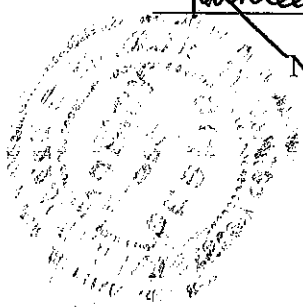
WITNESS my hand and notarial seal, this the 24 day of AUGUST, 2011.

My commission expires:

10-23-2015

 (SEAL)

NOTARY PUBLIC



Rezoning #R-2011-02 Cecilia Salvadori Owner & Applicant



Henderson County Board of Commissioners Meeting
September 6, 2011

Presented by: Parker Sloan, Planner

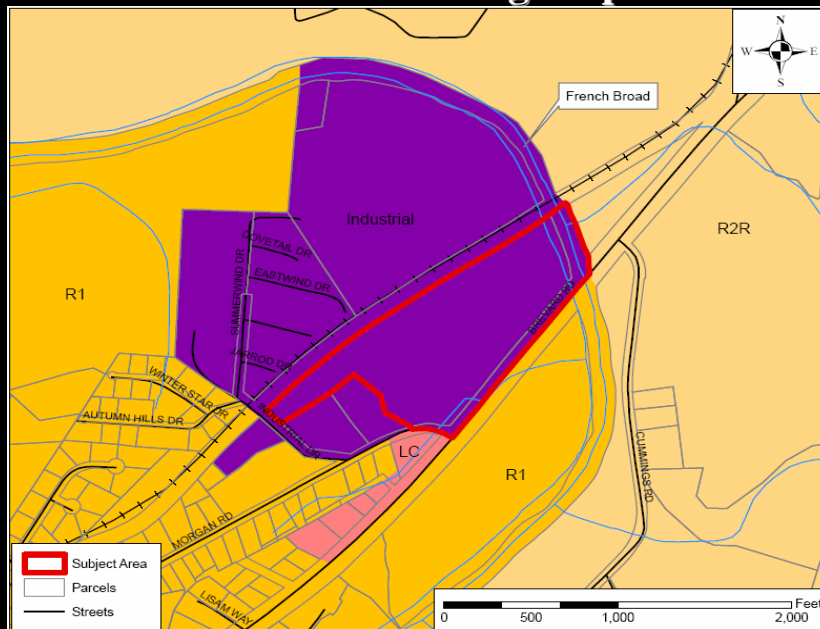
Henderson County Planning Department

Aerial Photo Map



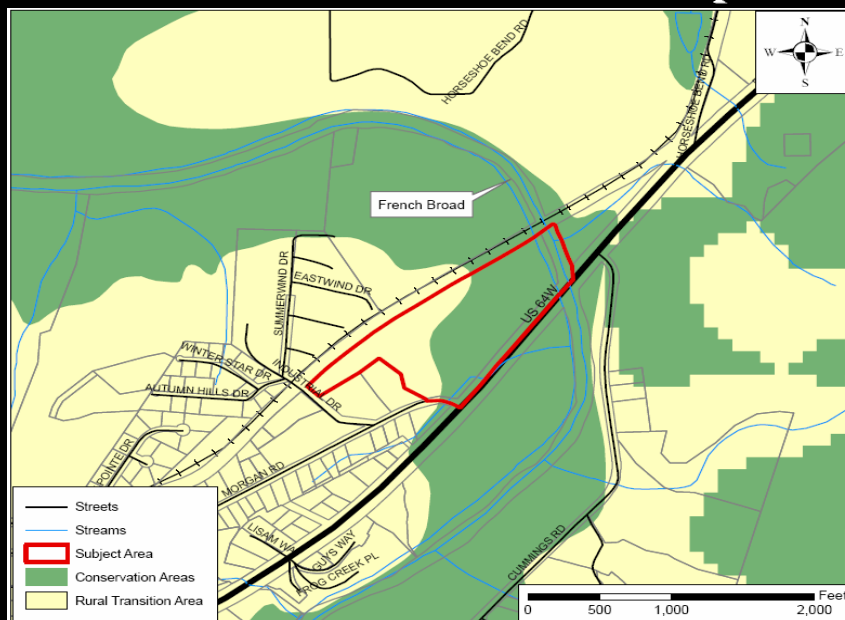
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Current Zoning Map



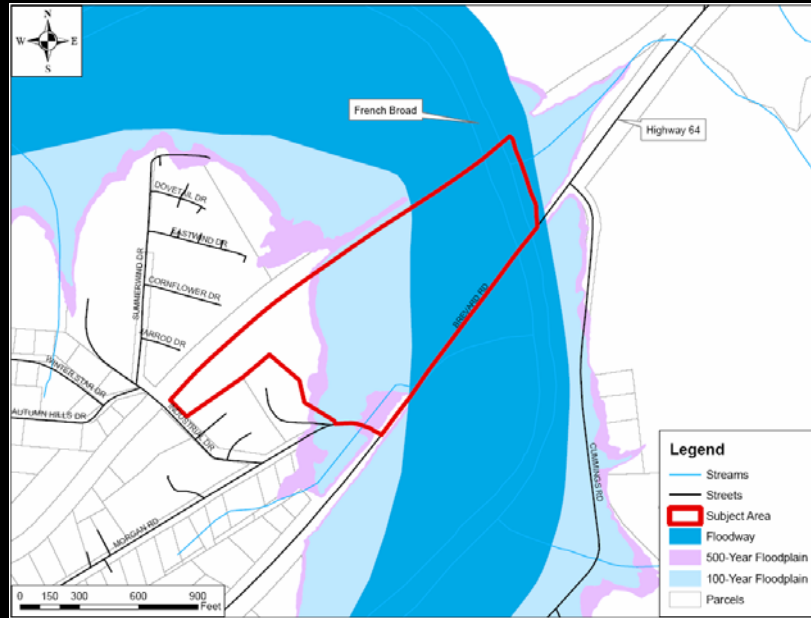
Henderson County Planning Department

2020 CCP Future Land Use Map

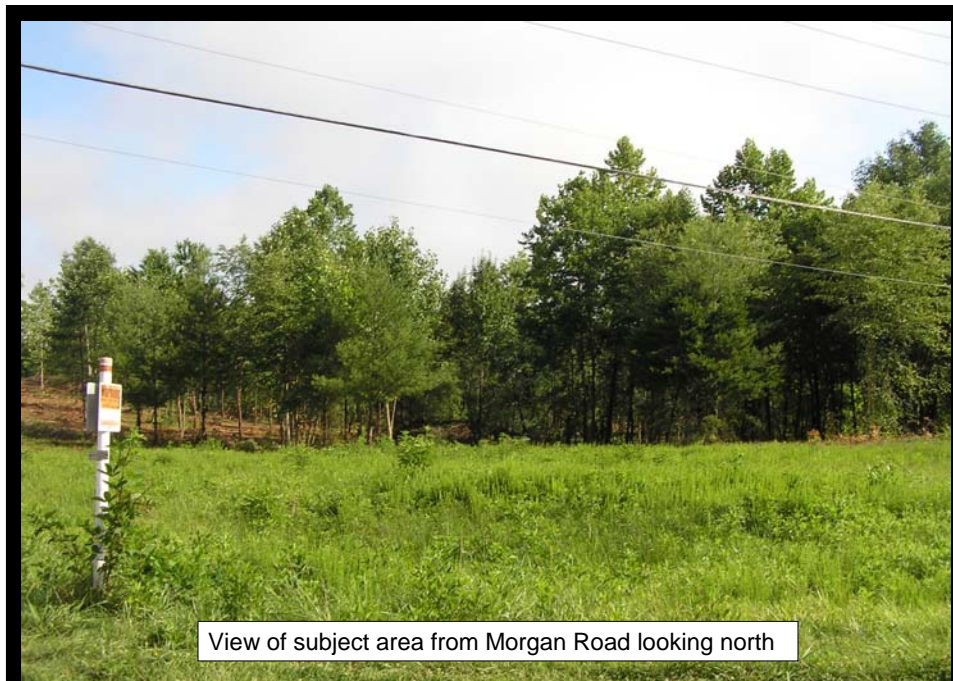


Henderson County Planning Department

Floodplain Map

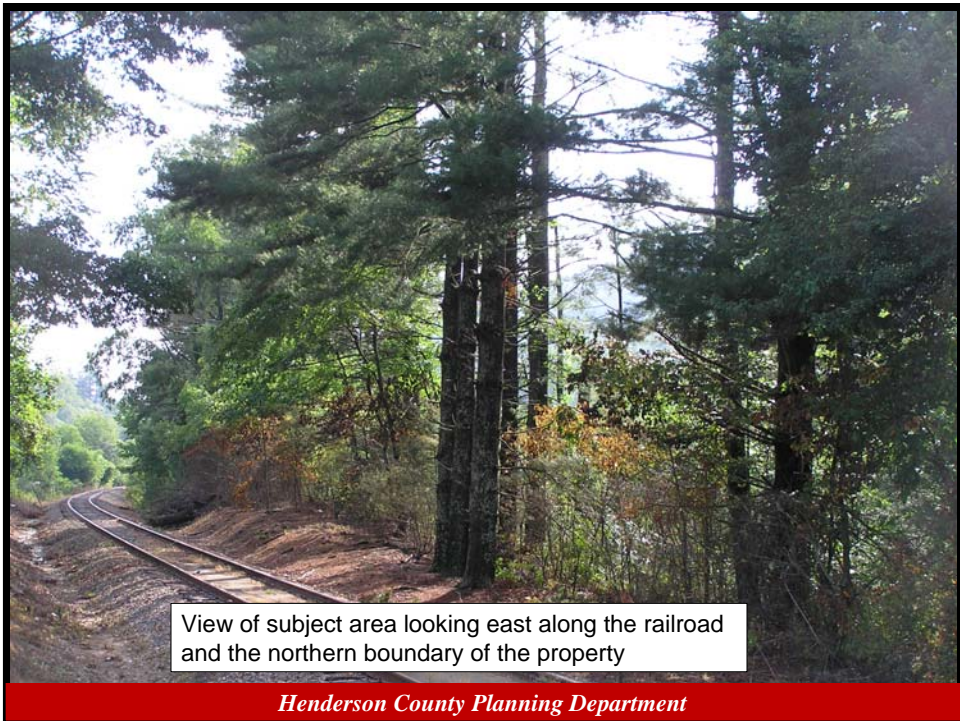


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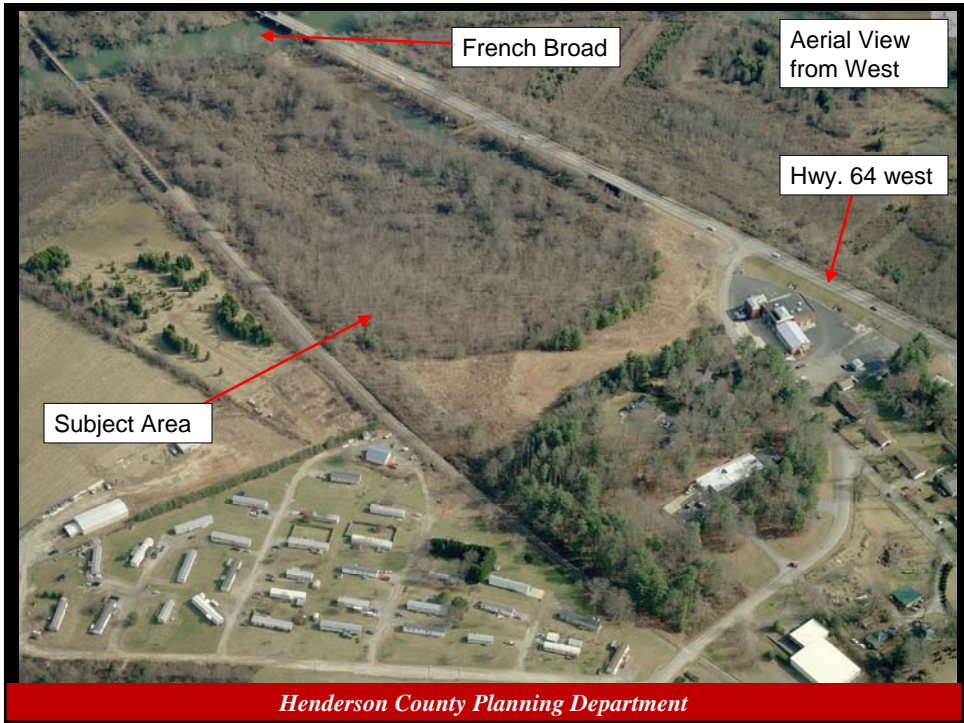
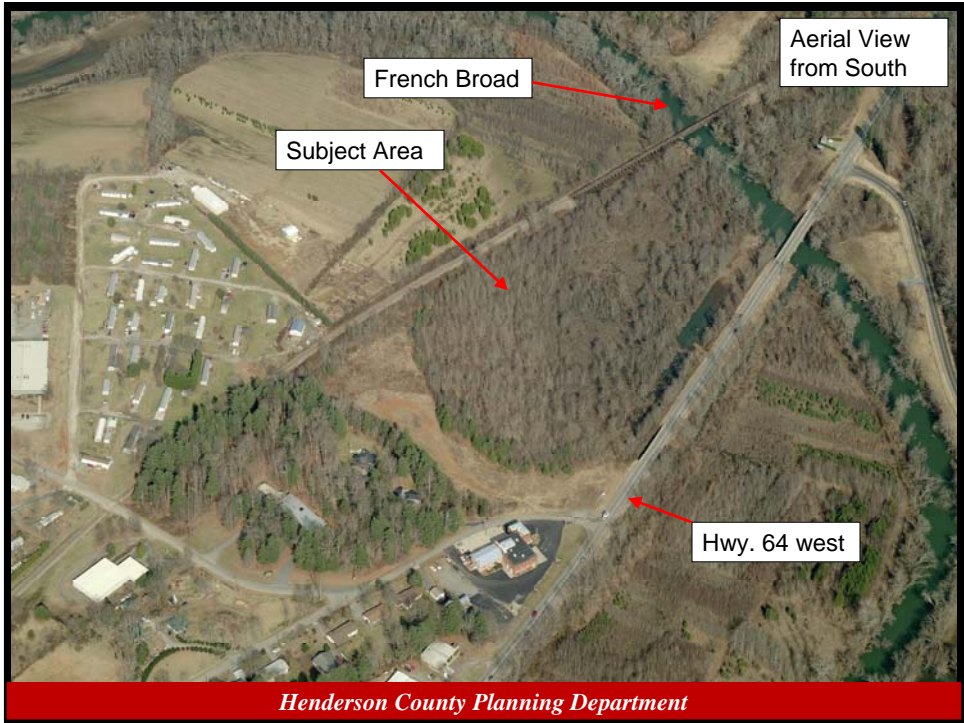


View of subject area from Morgan Road looking north

Henderson County Planning Department







Rezoning #R-2011-02

Public Comment



Questions and Discussion



**Henderson County Board of Commissioners Meeting
September 6, 2011**

Presented by: Parker Sloan, Planner

Henderson County Planning Department