REQUEST FOR COMMITTEE ACTION

HENDERSON COUNTY TECHNICAL REVIEW COMMITEE

Meeting Date: April 1, 2008

Subject: Rezoning Application #R-2008-03

Staff Contact: Alexis Baker, Planner

Attachments: 1. Staff Report

2. Aerial Photo Map

3. Residential Two with Manufactured Housing (R2MH) District Text

4. Industrial (I) District Text

5. Comparison Table of Permitted Uses

SUMMARY OF REQUEST:

Rezoning Application #R-2008-03, which was submitted on February 28, 2008, requests that the County rezone approximately 19.15 acres of a 26.53 acre tract from Residential Two with Manufactured Housing (R2MH) zoning district to an Industrial (I) zoning district. The Subject Area is one parcel (PIN 9588-24-4381) owned by Robert O. Camenzind, trustee Enno F. Camenzind Trust. Technical Review Committee action to recommend that the Board of Commissioners approve, approve with modifications, table, or deny rezoning action #R-2008-03 would be appropriate.

TECHNICAL REVIEW COMMITTEE ACTION REQUESTED:

Suggested Motion:

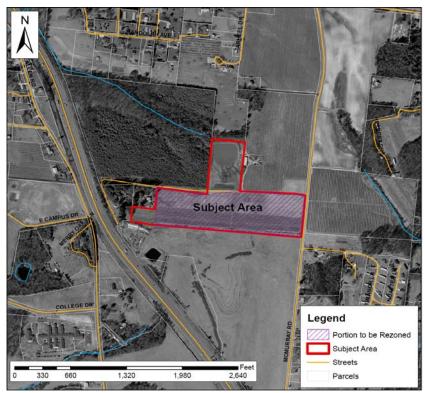
I move that the TRC recommend approval of rezoning application #R-2008-03 to rezone the Subject Area from a Residential Two with Manufacture Housing (R2MH) Zoning District to an Industrial (I) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan.

Henderson County Planning Department Staff Report

Rezoning Application #R-2008-03 (R2MH to Industrial) Robert Camenzind, Owner McNutt Investments, LLC, Applicant Charles A. Wilkins, Agent

1. Rezoning Request

- 1.1. **Date of Application:** February 28, 2008
- 1.2. Property Owner: Robert Camenzind, trustee Enno F. Camenzind Trust
- 1.3. **Property Applicant:** McNutt Investments, LLC
- 1.4. Applicant's Agent: Charles A. Wilkins
- 1.5. **Request:** Rezone a portion of the Subject Area from an R2MH (Residential Two with Manufactured Housing) zoning district to an I (Industrial) zoning district.
- 1.6. Subject Area (See Map A)



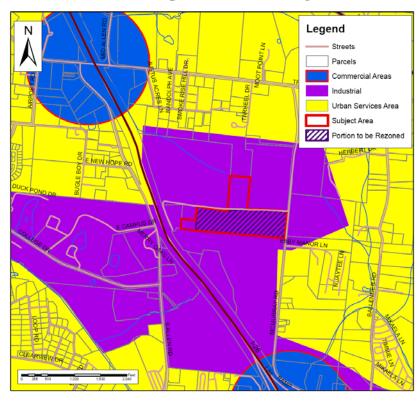
Map A: Map of Subject Area

- 1.6.1 **PIN:** 9588-24-4381
- 1.6.2 **Size:** 19.15 acre portion of a 26.53 acre tract to be rezoned.
- 1.6.3 **Location:** The Subject Area is located along McMurray Road (SR 1790), approximately 3,610 feet (.69 miles) from the intersection of Upward Road

(SR 1783). I-26 intersects Upward Road less than 280 feet from McMurray Road.

2. Current Zoning

2.1. **Application of Current Zoning:** The Subject Area is currently zoned R2MH (Residential Two with Manufactured Housing), which was applied on September 19, 2007, as a result of the adoption of the Land Development Code (See Map B). The Subject Area was previously (prior to LDC adoption on September 19, 2007) zoned OU (Open Use).



Map B: Current Zoning

- 2.2. **Adjacent Zoning:** The Subject Area is surrounded by R2MH (Residential Two with Manufactured Housing) to the north, east, and west. Land adjacent to the Subject Area to the south on McMurray Rd (SR 1783) is currently zoned I (Industrial) (See Map B).
- 2.3. **Prior Zoning:** The areas surrounding the Subject Area were previously (prior to LDC adoption on September 19, 2007) zoned OU (Open Use).

2.4. District Comparison:

R2MH (Residential Two with Manufactured Housing): "The purpose of Residential District Two Manufactured Housing (R2MH) is to foster orderly growth where the principal use of land is residential. The intent of this district is to allow for low to medium density residential development, with the inclusion of manufactured housing, consistent with the recommendations of the Comprehensive Plan. This general use district is typically meant to be utilized in areas designated as transitional in the Comprehensive Plan" (Chapter 200A, Land Development Code §200A-29). R2MH requires 10 foot side and rear setbacks, a maximum building height of 40 feet, and a standard density of one (1) unit per acre (maximum density of 2 units per acre).

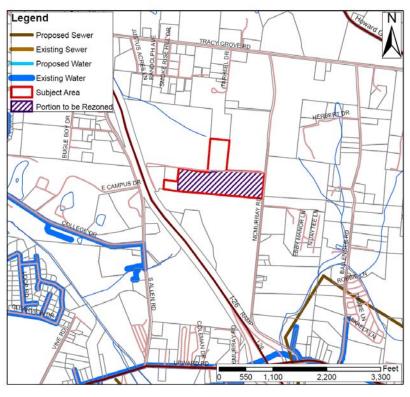
2.4.1. I (Industrial District): "The purpose of the Industrial District (I) is to foster orderly growth where the principal use of land is a mixture of industrial and heavy commercial. The intent of this district is to allow for industrial and heavy commercial development consistent with the recommendations 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 appears to be vacant.
- 3.2. **Adjacent Area Uses:** Surrounding uses include a vacant field to the south, agricultural uses (apple orchards) to the north, residential uses (manufactured homes), and undeveloped lands to the east Where McMurray Road (SR 1790) intersects with Upward Road (SR 1783), there are commercial uses including the Wafflehouse, Mountain Inn and Suites, Bloomfields Dishes and More, and McAbee's Fruit Stand.

4. Water and Sewer

- 4.1. **Public Water:** Public water is not currently located on the Subject Area. The nearest existing water line is approximately 1,265 feet (0.24 miles) from the Subject Area (See Map C).
- 4.2. **Public Sewer:** Public sewer is not currently located on the Subject Area. A proposed sewer line is approximately 2,048 feet (0.39 miles) from the Subject Area (See Map C). Existing public sewer is approximately 9,971 feet (1.88 miles) southwest of the Subject Area.



Map C: Water and Sewer

5. Transportation and Access

- 5.1. **Frontage:** The Subject Area has approximately 535 feet of road frontage along McMurray Road (SR 1790)
- 5.2. **Transportation:** Table 1, below, provides Annual Average Daily Traffic Counts for McMurray Road.

Table 1. Annual Average Daily Traffic Count		
Road	2000*	
McMurray Road (SR 1790)	750	

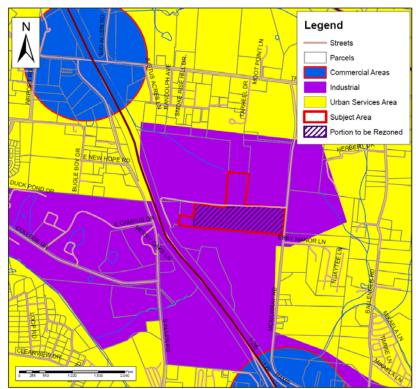
^{*} No traffic counts available since 2000

5.3. **The NCDOT Draft 2009-2015 State Transportation Improvement Program** (STIP): The Transportation Improvement Program, within the vicinity of the Subject Area, includes the widening and improvement of Upward Road (SR 1783) from Spartanburg Highway (US 176) to Howard Gap Road (SR 1006), project number R-4430. No improvements are scheduled for McMurray Road (SR 1790).

6. The Henderson County 2020 Comprehensive Plan (CCP)

- 6.1. **Urban Services Area:** The CCP Future Land Use Map identifies the Subject Area as being located in the Urban Services Area (USA)(2020 CCP, Pgs. 128, 129 & Appendix 1, Map 24) (See Map D).
 - 6.1.1. The CCP states that, "the County's economic development activities should be pursued within USA" (2020 CCP, Pg. 129).

- 6.1.2. The CCP states that, "the USA will contain considerable commercial development at a mixture of scales," and further, "all regional commercial development should be concentrated here. Commercial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community" (2020 CCP, Pg. 129).
- 6.1.3. The CCP states that, "Industrial development will exist within predefined zoning districts whose standards and configuration are in keep with the surrounding community" (2020 CCP, Pg. 129).
- 6.2. **Industrial:** The CCP Future Land Use Map identifies the Subject Area as being located in an Industrial Area, a special designation within the urban services area (2020 CCP Pgs. Pgs. 136, 137 & Appendix 1, Map 24).
 - 6.2.1. The CCP states that, "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" (2020 CCP, Pg. 136).



Map D: 2020 County Comprehensive Plan Future Land Use Map

7. 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:

7.1. **The 2020 CCP:** The CCP Future Land Use Map (See Map D) places the subject area in the "Urban Services Area" classification. The text and map of the 2020 CCP suggest that the Subject Area would be suitable for high-density residential,

commercial or industrial development. The CCP also indicates that Industrial may be suitable for the area as the Subject Area falls within the specially designated industrial area in the USA.

- 7.2. **Adjacent Zoning:** The Subject Area directly abuts an existing Industrial (I) zoning district to the south. If the Subject Area were to be rezoned to Industrial this property would be apart of a contiguous Industrial zoning district.
- 7.3. **Comparison of Districts:** Applying Industrial (I) will allow for industrial and heavy commercial uses. Residential uses will not be allowed.

8. Staff Recommendations

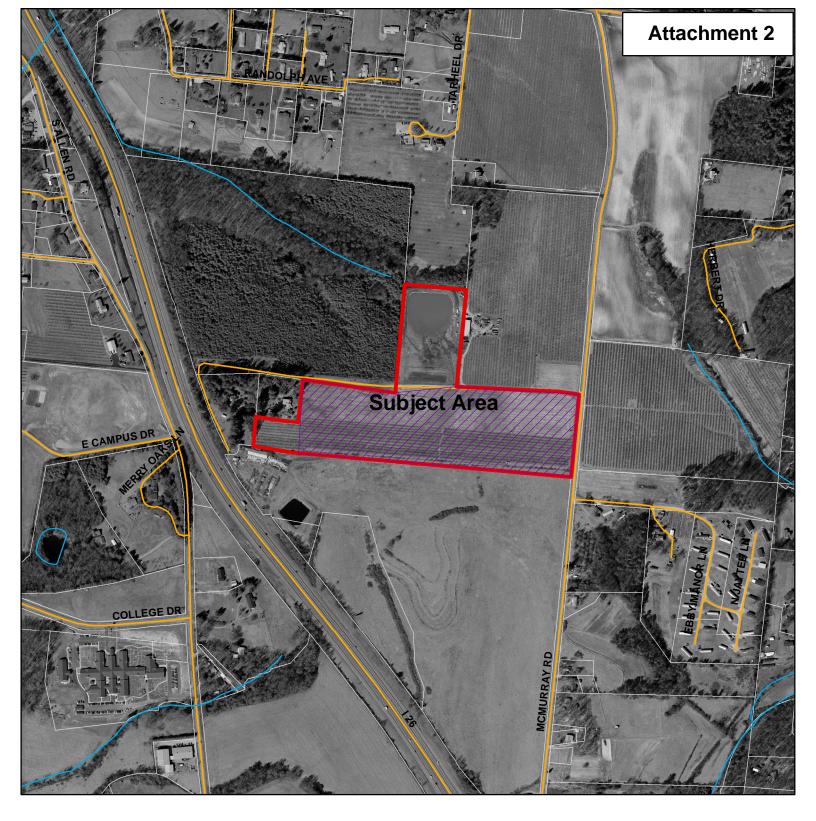
- 8.1. When reviewing rezoning requests Staff attempts to identify plans or policies, changes in existing conditions, undue hardship to the Applicant, or overriding community interest to justify supporting the proposed rezoning. Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the Subject Area to Industrial (I) consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.
 - 8.1.1.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.

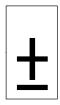
9. Technical Review Committee Recommendations

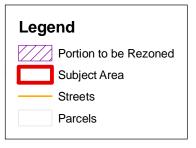
9.1 To be determined

10. Planning Board Recommendations

10.1 To be determined







Rezoning Application #R-2008-03 Robert Camenzind, Trustee Enno F. Camenzind Trust

					Feet
0	337.5	675	1,350	2,025	2,700

§200A-1. Residential District Two Manufactured Housing (R2MH)

- A. **Purpose.** The purpose of Residential District Two Manufactured Housing (R2MH) is to foster orderly growth where the *principal use* of land is residential. The intent of this district is to allow for low to medium density *residential development*, with the inclusion of manufactured housing, consistent with the recommendations of the *Comprehensive Plan*. This general *use district* is typically meant to be utilized in areas designated as Transitional 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 2.3. R2MH Density and Dimensional Requirements					
(1) Pagidantial Dan	agita (unita/agra)	(2) Standard	1		
(1) Residential Den	stry (units/acte)	(3) Maximum	2		
		Local	15		
	Front or ROW	Collector	20		
		Thoroughfare	35		
(4) Yard Setbacks (feet)		Boulevard	50		
(4) Tura serbacks (1661)		Expressway	60		
		Freeway	90		
		Side	10		
	Rear				
(5) Maximum Height (feet)					

(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:

Lot size x allowable units per acre = permitted *dwelling units*

The following example assumes a 5 acre tract with an allowable density of 1 unit/acre:

5 acres x 1 unit per acre = 5 permitted dwelling units

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 (½) 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.
- (3) 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.
- (4) 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.
- (5) 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.

§200A-1. 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					
Ma	aximum Impervio	ous Surface (%)	80		
	Maximum Flo	oor Area (sq ft)	Unlimited		
		Local	20		
	Front or ROW	Collector	30		
		Thoroughfare	40		
Yard Setbacks (feet)		Trom of KOW	From Of ROW	Boulevard	50
Tara selbacks (leet)		Expressway	50		
		Freeway	60		
	Side		20		
	Rear		20		
	72				

Subpart E. Table of Permitted and Special Uses

§200A-1. Table of Permitted and Special Uses

LIGE TANDE	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit		
USE TYPE	R2MH	I	SR
1. RESIDENTIAL USES	1 ~ 1		
Assisted Living Residence	S		1.1
Bed and Breakfast Inn	P		1.2
Continuing Care Retirement Community	S		1.3
Dwelling, Duplex	P		1.4
Dwelling, Manufactured Home (multi-section)	P		1.5
Dwelling, Manufactured Home (singlewide)	P		1.5
Dwelling, Mobile Home	P		1.5
Dwelling, Multifamily, Five (5) or More Units			1.6
Dwelling, Quadraplex			1.7
Dwelling, Single Family Detached	P		1.8
Dwelling, Triplex	P		1.9
Family Care Home	P		1.10
Fraternity and/or Sorority House			1.11
Hospice Residential Care Facility	S		1.12
Manufactured Home Park	S		1.13
Nursing Home	S		1.14
Rooming and Boardinghouse	S		1.15
2. ACCESSORY USES			
Childcare Facility (as an accessory for a principal business)	S	P	2.1
Drive-Thru Window			2.2
Dwelling, Single-Family (as an accessory for a principal			
business)	P		2.3
Fuel Pumps	S	P	2.4
Home Occupation, Adult Day Care	P		2.5
Home Occupation, Childcare Facility	P		2.6
Home Occupation, General	P		2.7
Outdoor Storage ≤5000 sq ft	S	P	2.8
Outdoor Storage >5000 sq ft	S	P	2.9
Rural Family Occupation	P		2.10
3. ACCESSORY STRUCTURES			
Airport (Private Accessory)		S	3.1
Automatic Teller Machine		P	3.2
Boathouse, Private	P		3.3
Bulkhead	P		3.4
Carport	P		-
Dock/Pier	P		3.5

LION WYDD	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit		T ed; Use
USE TYPE	R2MH	I	SR
Dwelling, Accessory Residential	P		3.6
Garage, Residential	P	D.	- 2.7
Gate and/or Guardhouse	P	P	3.7
Greenhouse H. France (Prince Advances)	P	P	3.8
Heliport (Private Accessory)	S	P P	3.9
Loading Bay		Р	2 10
Outdoor Sale Display Areas Parking Garage		P	3.10
	P		3.11
Planned Seasonal Agricultural Worker Development	P	P P	
Produce Stand, Accessory Satellite Dish	P	P	3.13
Storage Shed	P	P	3.14
	<u> </u>	P	3.14
Swimming Pool, Spa, Hot Tub, Residential Wastewater Treatment Plant, Small Accessory	P P	P	2 15
4. RECREATIONAL USES	P	P	3.15
Amusement Park	I	S	4.1
Athletic Field, Non-commercial	P	ა	4.1
Camp	P		4.3
Campground	S		4.4
Coin Operated Amusements	ט		4.5
Common Area Recreation and Service Facilities	P		4.6
Golf Course and/or Country Club	P		4.7
Governmental Recreational Facilities	S		4.8
Indoor Recreational Facilities (Bowling Alley, Skating Rink,	5		7.0
Bingo Games, Indoor Miniature Race Tracks)			4.9
Marina	S		4.10
Miniature Golf Course or Driving Tees/Ranges (operated for			_
commercial purposes)	S		4.11
Motor Sports Facility, Major		S	4.12
Motor Sports Facility, Minor		S	4.13
Motor Sports Facility, Recreational		S	4.14
Outdoor Recreational Facilities	S	S	4.15
Park	P	S	4.16
Physical Fitness Center	S	S	4.17
Recreational Vehicle Park	S		4.18
Riding Stables	P		4.19
School (Sports Instructional)			4.20
Shooting Ranges, Indoor	S	S	4.21
Shooting Ranges, Outdoor		S	4.22
Sporting and Recreational Facilities	S	S	4.23
Swim and Tennis Club	P		4.24

LICE WADE	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit		cT ed; Use
USE TYPE	R2MH	I	SR
5. EDUCATIONAL AND INSTITUTIONAL USES	P		5.1
Adult Day Care Facility Ambulance Services	P	S	5.2
Cemetery/Mausoleum/Columbarium (excluding crematoriums)	P	S	5.3
Childcare Facility	P	S	5.4
Club/Lodge	P	S	5.5
College or University	•	D	5.6
Community Club	P		5.7
Correctional Facilities	-	S	5.8
Fire and Rescue Station	Р	P	5.9
Funeral Home or Crematorium			5.10
Government Offices		S	5.11
Homeless Shelter			5.12
Hospital			5.13
Museum/Library/Archive	S		5.14
Place of Assembly, Large		S	5.15
Place of Assembly, Small	S	S	5.16
Police Station	S	P	5.17
Religious Institution	P	S	5.18
School (Home)	P		-
School (Public/Private/Charter)	P		5.19
Youth Center	S		5.20
6. BUSINESS, PROFESSIONAL, AND PERSONAL SERVICES			
Animal Shelter			6.1
Automobile and Equipment Service	S	S	6.2
Automotive Towing		S	6.3
Broadcasting and Communications Facilities		S	6.4
Car Wash			6.5
Exterminating and Pest Control Services		S	6.6
Kennel	S		6.7
Motel/Hotel			6.8
Office: Business, Professional and Public	S		6.9
School (Technical, Trade and Business)		S	6.10
Theater, Drive-In			6.11
Tire Recapping		S	6.12
Urgent Care Clinic			6.13
7. RETAIL TRADE			
Adult Book and Retail Merchandise Store		S	7.1
Adult Theatre and Live Entertainment		S	7.2
Cinema Complex			7.3

Convenience Store		GENERAL USE DISTRICT P=Permitted; S=Special Use Permit		T ed;
Entertainment Complex 7.5 Flea Market 7.6 Fuel Oil Distribution and Sales \$ 7.7 Landscaping Materials Sales and Storage \$ 7.8 Manufactured/Mobile Home Sales \$ 7.9 Motor Vehicle Sales or Leasing 7.10 Open Air Market \$ 7.11 Parking Garage or Lot (requiring payment) \$ 7.12 Produce Stand P Retail Sales and Services $\leq 50,000 \le 100,000 \le 100,000 = 100,000$	USE TYPE	R2MH	I	SR
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Wastowator Profitment Plant	Wastewater Treatment Plant	S	P	9.15

LIGHT WANTE	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit		CT ed; Use
USE TYPE	R2MH	I	SR
Water Treatment Plant	S	P	9.17
10. MANUFACTURING & INDUSTRIAL USES	1	~	
Asphalt Plant		S	10.1
Battery Manufacturing Facility		S	10.2
Chip Mill		S	10.3
Concrete Batch Plant		S	10.4
Junkyard		S	10.5
Landfill, Public or Private		S	10.6
Machining and Assembly Operations \leq 10,000 sq ft (of gross floor area)	S	P	10.7
Machining and Assembly Operations >10,000 sq ft (of gross			
floor area)		P	10.7
<i>Manufacturing and Production Operations</i> ≤10,000 sq ft (of		ъ	10.0
gross floor area)	S	P	10.8
Manufacturing and Production Operations >10,000 sq ft (of		P	10.0
gross floor area) Matarials Passauru Eacilities (Passaline)	 	_	10.8
Materials Recovery Facilities (Recycling)		P	10.9
Mining and Extraction Operations		S	10.10
Packaging and Labeling Services		P	10.11
Pesticide, Fertilizer and Other Agricultural Chemical Manufacturing		S	10.12
Product Processing and Storage Facilities		P	10.12
Recycling Centers, Drop-Off Facilities	P	P	10.13
Research and Development Operations (Hazardous or	1	1	10.14
Biological Materials)		Р	10.15
Research and Development Operations (Non-hazardous)		P	10.16
Sawmill		P	10.17
Slaughterhouse		P	10.18
Truck Wash		P	10.19
11. TEMPORARY USES			
Christmas Tree Lot Sales	P		11.1
Circuses, Carnivals, Fairs, Religious Services (or similar types			
of events)		P	11.2
Model Home Sales Office, Temporary	P		11.3
Movie Production	P	P	-
Yard Sale	P		11.4
12. TEMPORARY STRUCTURES			
Portable Storage Container	P	P	12.1
Produce Stand, Temporary	Р	P	12.2
Temporary Construction Project Buildings	P	P	12.3
Tent Sale		P	12.4
13. AGRICULTURAL USES			

	DIS P=P S=S ₁	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit	
USE TYPE	R2MH	I	SR
Agriculture	P	P	-
Food Manufacturing	P	P	-
Forestry	P	P	-
Forestry Support Services	P	P	-
Veterinary Services (livestock)	P	P	-