

REQUEST FOR BOARD ACTION

HENDERSON COUNTY PLANNING BOARD

Meeting Date: April 17, 2008
Subject: Rezoning Application #R-2008-07
Staff Contact: Parker Sloan, Planner
Attachments: Preliminary Staff Report

SUMMARY OF REQUEST:

Rezoning Application #R-2008-07, initiated by Henderson County Planning staff subsequent to a petition submitted by a number of the property owners, requests that the County rezone approximately 29 acres of land, located Off of Hendersonville Road (US Highway 25 N), from Regional Commercial (RC) zoning district to a Local Commercial (LC) zoning district. The Subject Area is composed of fifty nine (59) parcels.

According to Chapter 200A, Land Development Code, applications involving more than one (1) parcel not under common ownership by the applicant shall be forwarded to the Planning Board at its first regularly scheduled monthly meeting. The Planning Board will review the application and determine if it should proceed or, due to the size of the area, number of parcels or number of property owners, if the scope of the application will require a *Small Area Zoning Study*. If the Planning Board agrees that the application calls for a *Small Area Zoning Study*, then the application will be tabled and the request is forwarded to the Commissioners for direction on how to proceed with the amendment application (Chapter 200A, LDC §200A-314 (C) 2c). Staff does not feel that this rezoning request merits a small area zoning study. Staff does recommend that the Planning Board refer the application to a subcommittee for its consideration.

Suggested Motion:

I move that the Board recommend the application does not warrant a Small Area Zoning Study and further recommend that the Board refer the application to the Land Use/ Zoning Study subcommittee for its review.

Alternative Motion:

I move that the Board not take any action this time, wait for the recommendation of the Technical Review Committee, and make a motion at the next Planning Board Meeting.

or

I move that the Board recommends the application calls for a Small Area Zoning Study and further that the Board table the request and forward the application to the Board of Commissioners for direction on how to proceed with the application.

Henderson County Planning Department Preliminary Staff Report

Rezoning Application #R-2008-07 (RC to LC)

Requested by: Henderson County Planning Staff on behalf of property owners

1. Subject Area Information

Zaki Ahmed (9652-32-0726); J P Brackett (9652-33-5338); J P Jr Brackett (9652-33-5520); John Harold Brackett (9652-33-4510); Charles A Brock & Wife (9652-33-2461); William & Mary Collins (9652-22-8704,9652-22-6765,9652-22-7647,9652-22-8728); Cu Di Mar LLC (9652-33-7960); Elizabeth Darity (9652-22-9745); James Edward & Peggy Ann Darity (9652-32-1726,9652-22-9138); John Lee Darity (9652-22-6242; Jonathan Lee & Betty J Darity (9652-22-8399); Joseph Lee & Barbara W Darity (9652-22-7146); Norma Darity & Shonda Nicole Smith (9652-22-9630); Essie Bell Dunbar (9652-32-3808); Etta Mae Featherstone (9652-22-8082,9652-22-9110); Gettis Heirs Featherstone (9652-22-7087); Greater New Zion Baptist Church (9652-32-5982,9652-32-4878); Alan Scott Green (9652-33-5906); Mary Hazel (9652-21-8905); Hwan Suk Kim (9652-33-4716); Carrie King (9652-22-7548); Vonnie Mills Logan, Sallie Mills Linch, Vivian Mills Hutchinson, and Samuel Robert Hutchinson Jr. (9652-32-3735); Linnon Benjamin & Gail Whiteside McClain (9652-33-5103); Mattie Smith McClain & Husband (9652-33-5067); Sonji McClain-Rhymes (9652-33-5164); Margaret 7 Donald McDaniel (9652-33-5227); Helen & Obbie McDowell (9652-33-3399); Elizabeth Mills (9652-22-9368); Katherine Mills (9652-22-8244); Peter James Mills (9652-22-6035,9652-22-6133); Sue Damerson & Phillip Clay Penland (9652-34-5110); Jerry W Phillips (9652-33-3957,9652-34-3162); Winnie Pulley (9652-22-7803); Res Selassie (9652-22-7477,9652-22-8504); Annie Louise Shipman (9652-33-2583); Rosa Sirmons (9652-33-3292); Tiffany Michelle Smith (9652-33-3096,9652-33-3096); Ben Jr. & Barbara Smith (9652-33-2161,9652-33-3220); Emmie Heirs Standifer, Dorothy Malone Featherstone, Clarence Malone, John Edward Featherstone Jr., & Byron Patrick Featherstone (9652-33-2071); State of North Carolina (9652-22-9275); Otis D & Wife Suber (9652-33-2254,9652-33-2350); Beulah Summey (9652-22-8207); Jessie Lee & Mary Ann Turner (9652-21-8817); Kathleem & Johnnie Washington (9652-22-6350); Rosemary Watley, Martha Timbers Long, Alfonso Timbers, & Theodor Timbers, (9652-21-6934); James R & Helen White (9652-22-8844); and Dennis C & Nona C Youngblood (9652-32-0558,9652-32-0473).

1.1 Approximate Size: 29 Acres

1.2 Location: Off of Hendersonville Road (US Highway 25 N), Darity Road (SR 1364), Talley Drive, and Old Johnson Farm Road (SR 1495).

2. Subject Area Zoning History:

The US Highway 25 North Zoning Study was initiated in March of 2003. Rezoning of the US Highway 25 North Study Area was completed by the Board of Commissioners on June 8, 2005. The US Highway 25 N Zoning Study zoned the Subject Area and surrounding areas C-4 (Highway Commercial), I2 (General Industrial) zoning was applied directly west of the subject area. Prior to this rezoning the Subject Area and surrounding properties were zoned OU (Open Use). On September 19, 2007 the Land Development Code was adopted and the Subject Area and surrounding properties that were zoned C-4 (Highway Commercial) were rezoned to RC (Regional Commercial).

3. Current Use of Subject Area and Surrounding Properties:

3.1 Adjacent Area Uses: North of the Subject Area contains a self storage facility. Arvin Meritor industrial facility is located adjacent to the Subject Area to the west. A variety of Retail Trade and Business/Professional services are located to the south of the Subject Area. Parcels east of the Subject Area contain a gas station, Smiley's Flea Market, two different modular home sales uses, and other commercial uses.

3.2 Subject Area Uses: Predominately residential with one abandoned commercial use near the intersection of US Hwy 25 N. and Darity Rd (SR 1364) (PINs: 9652-32-0558, 9652-32-0473).

4. Current and Adjacent Zoning:

The subject area is currently zoned Regional Commercial. Regional Commercial Zoning is applied to the north, East and West of the Subject Area. One parcel annexed by the City of Fletcher City exists within the Subject area and there is a City of Fletcher annexation on the south east end of the Subject Area. Both of these areas are zoned C-2 (Interstate Commercial).

5. District Comparison

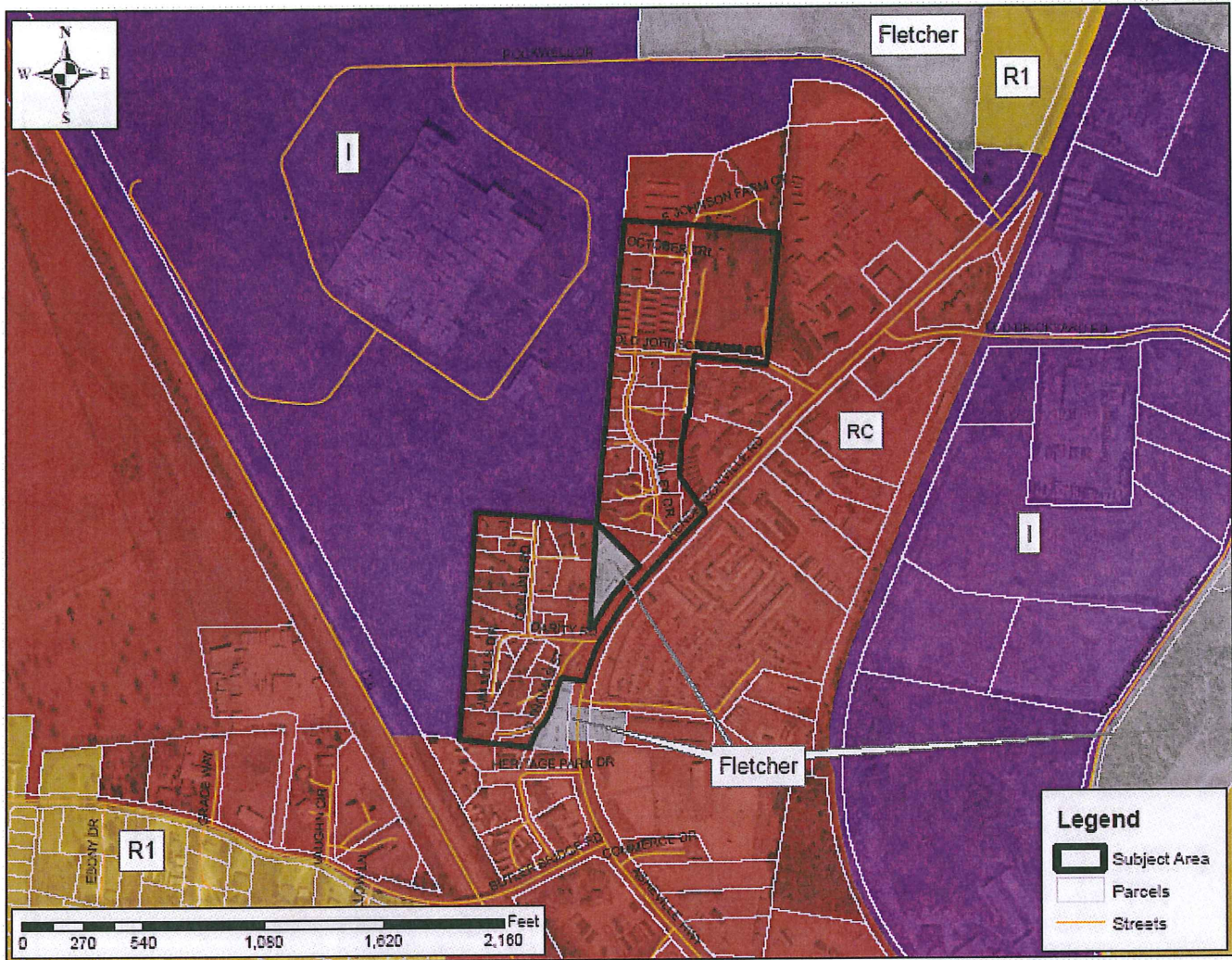
5.1 LC Local Commercial Zoning District: *"The purpose of the Local Commercial District (LC) is to foster orderly growth where the principal use of land is commercial and residential. The intent of this district is to allow for commercial development consistent with the recommendations of the Comprehensive Plan. In accordance with the Comprehensive Plan, the district will allow for and provide commercial and residential developments that: (1) includes a variety of retail sales and services, public and private administrations, offices and all other uses done primarily for sale or profit on a local or neighborhood scale; (2) is directed largely to Community Service Centers as defined in the Comprehensive Plan; (3) is compatible with adjacent development and the surrounding community; and (4) will minimize congestion and sprawl. This general use district is meant to be utilized in all service areas"* (LDC §200A-33).

LC requires 10 foot side and rear setbacks, maximum building height of 40 feet, 30,000 square feet maximum gross floor area for one unit in a multi-tenant structure, 10,000 square feet for any other commercial use or a single unit on a single lot, a maximum of 80,000 square feet for any multi-tenant structure, and a standard density of four (4) units per acre for residential (maximum sixteen (16) units per acre) (Chapter 200A, Land Development Code §200A-33).

5.2 RC Regional Commercial Zoning District: *"The purpose of the Regional Commercial District (RC) is to foster orderly growth where the principal use of land is commercial. The intent of this district is to allow for commercial development consistent with the recommendations of the Comprehensive Plan. In accordance with the Comprehensive Plan, the district will allow for and provide commercial development that: (1) includes a variety of retail sales and services, public and private administrations, offices and all other uses done primarily for sale or profit on the local, community, and regional level; (2) is directed largely to defined Community Service Centers as defined in the Comprehensive Plan; (3) is compatible with adjacent development and the surrounding community; and (4) will minimize congestion and sprawl. This general use district is meant to be utilized in areas designated as Urban in the Comprehensive Plan"* (Chapter 200A, Land Development Code §200A-35).

CC requires 10 foot side and rear setbacks, maximum height 50 feet, a standard density of 16 units per acre, a maximum 80% impervious surface. A single commercial use on a single lot would be limited to 30,000 square feet maximum floor area and with a multi tenant structure the principal tenant would have a maximum floor area of 80,000 square feet.

Current Zoning Map



6. The Henderson County 2020 Comprehensive Plan (CCP)

6.2 Urban Services Area: The CCP Future Land Use Map identifies the Subject Area as being located in the Urban Services Area (2020 CCP, Pg. 128, Pg. 129 & Appendix 1, Map 24).

6.3 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).

