REQUEST FOR BOARD ACTION

HENDERSON COUNTY PLANNING BOARD

Meeting Date: September 18, 2008

Subject: Rezoning Application #R-2008-11

Staff Contact: Alexis Baker, Planner

Attachments: 1. Staff Report

2. Aerial Photo Map

3. Residential One District Text

4. Industrial District Text

5. Table of Permitted Uses

6. Subject Area Photos

SUMMARY OF REQUEST:

Rezoning Application #R-2008-11, which was submitted on July 11, 2008, requests that the County rezone approximately 4.54 acres of land from an R-1 (Residential One) zoning district to an I (Industrial) zoning district. The Subject Area fronts Old Hendersonville Road (SR 1536) at approximately 2,150 feet (.41 miles) south of its intersection with Old Brickyard Road (SR 1537) and is comprised of two (2) tracts currently owned by BTD-Asheville, LLC (PINs 9652516225 & 9652516447). The Technical Review Committee reviewed and sent forward a favorable recommendation on the rezoning on its September 2nd meeting.

Planning staff posted the property on September 8, 2008, giving notice of the Planning Board meeting on September 18, 2008. The Planning Board has 45 days from its first consideration of a rezoning application to make a recommendation to the Board of Commissioners.

PLANNING BOARD ACTION REQUESTED:

Planning Board action is needed to recommend that the Board of Commissioners approve, approve with modifications, table, or deny rezoning application #R-2008-11. Planning staff recommends approval of the application.

Suggested Motion:

I move that the Planning Board recommend approval of rezoning application #R-2008-11 to rezone the Subject Area from an R-1 (Residential One) zoning district to an I (Industrial) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan.

Henderson County Planning Department Staff Report

Rezoning Application #R-2008-11 (R1 to I) BTD-Asheville, LLC, Owner & Applicant Richard A. Kort, Agent

1. Rezoning Request

1.1. **Date of Application:** July 11, 2008

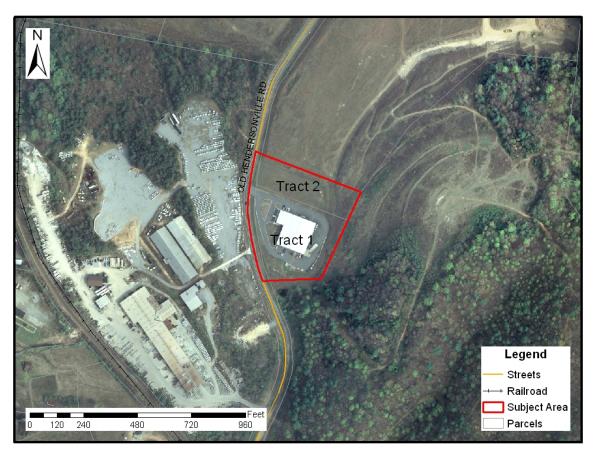
1.2. Property Owner/Applicant: BTD-Asheville, LLC

1.3. **Agent:** Richard A. Kort

1.4. **Request:** Rezone the Subject Area, comprised of two (2) adjacent parcels from a R1 (Residential One) zoning district to an I (Industrial) zoning district.

1.5. **Subject Area:** (See Map A)

Map A: Map of Subject Area



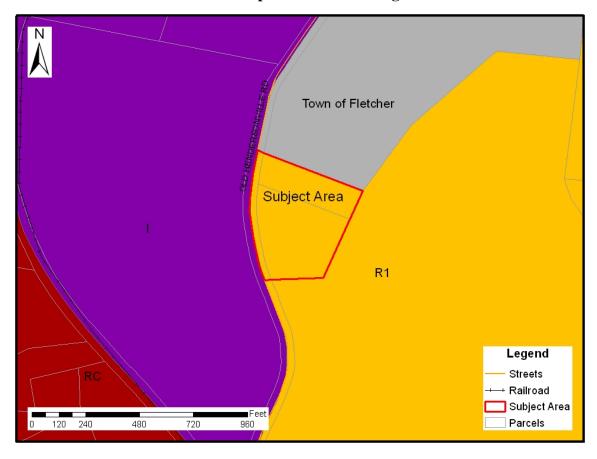
1.6.1 **PINs:** 9652-51-6225 & 9652-51-6447

1.6.2 **Size:** Approximately 4.54 acres of land. Tract 1 (9652-51-6225) is 3.0 acres and Tract 2 (9652-51-6447) is 1.54 acres.

1.6.3 **Location:** The Subject Area is along Old Hendersonville Rd (SR 1536) approximately 2,150 feet (.41 miles) south of its intersection with Old Brickyard Rd (SR 1537).

2. Current Zoning

2.1. Application of Current Zoning: The Subject Area is currently zoned R1 (Residential One), which was applied on September 19, 2007, as a result of the adoption of Chapter 200A, Land Development Code and its official Zoning Map (See Map B).



Map B: Current Zoning

- 2.2. **Adjacent Zoning:** The Subject Area is adjacent to an R1 (Residential One) zoning district to the south and east and adjacent to an I (Industrial) zoning district to the west, across Old Hendersonville Rd (SR 1536). The Subject Area borders the Town of Fletcher's C-1 (General Commercial) zoning district to the north (See Map B).
- 2.3. **Previous Zoning:** The Subject Area was previously zoned R-15 (Medium-Density Residential) by the US Hwy 25 North Zoning Study, prior to LDC adoption on September 19, 2007.

2.4. District Comparison:

2.4.1. **R1 Residential District One:** "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 recommendation of the Comprehensive plan. This general uses is typically meant to be utilized in areas designated as

Urban in the Comprehensive Plan" (Chapter 200A, Land Development Code §200A-27). R1 (Residential District One) requires 10 foot side and rear setbacks, a maximum building height of 40 feet, and a standard density of four (4) units per acre (maximum sixteen (16) units per acre) (LDC §200A-27).

2.4.2. 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 percent, and an unlimited maximum floor area.

3. Current Uses of Subject Area and Adjacent Properties

- 3.1. **Subject Area Uses:** Tract 1 (9652-51-6225) appears to be vacant but contains a one story metal building. The building appears to be currently unused but has been previously occupied by industrial operations. Tract 2 (9652-51-6447), the smaller parcel, is vacant. The Subject Area is surrounded by a locked, chain link fence topped with barb wire.
- 3.2. **Adjacent Area Uses:** Adjacent uses to the Subject Area include vacant lots to the north, south and east, and an industrial use (Southern Concrete Materials, Inc.) to the west. Surrounding the vacant lots on the north, east, and south are residential uses including Brickton Village to the north and manufactured housing to the south.

4. Water and Sewer

- 4.1. **Public Water:** Public water is available to both parcels of the Subject Area (See Map C).
- 4.2. **Public Sewer:** Public sewer does not appear to be located on the Subject Area. Public sewer appears to be 2,210 feet (.42 miles) west of the Subject Area.



Map C: Water and Sewer

5. Transportation and Access

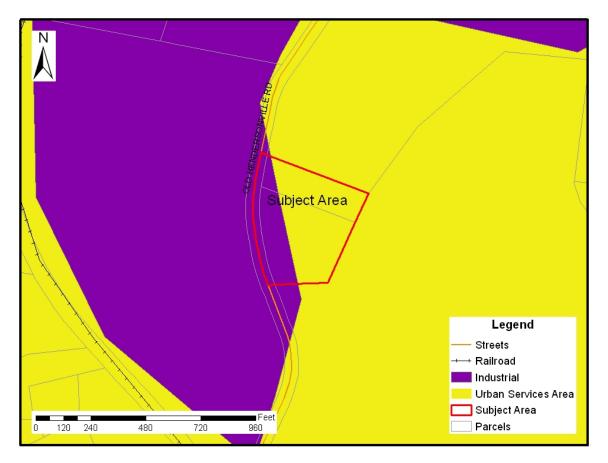
- 5.1. **Frontage:** The Subject Area has approximately 590 feet of road frontage along Old Hendersonville Road (SR 1536).
- 5.2. **Transportation:** Annual Average Daily Traffic Counts for Old Hendersonville Road (SR 1536) are available from 2002 (1,100 vehicles per day).
- 5.3. **The NCDOT Draft 2009-2015 State Transportation Improvement Program** (**STIP**): The Transportation Improvement Program, within the vicinity of the Subject Area, includes the widening of I-26 from US 25 to NC 280, project number I-4400. No improvements are scheduled for Old Hendersonville Road (SR 1536).

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). A portion of the Subject Area is also identified as being suitable for industrial development (2020 CCP, Pgs. 129, 136 & 148 & Appendix 1, Map 8 & 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, "Industrial 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, "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 Subject Area to be zoned for industrial uses, this is 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 Subject Area as a portion falls within the industrial designation.
- 7.2. **Adjacent Zoning:** The Subject Area directly abuts an existing Industrial (I) zoning district to the west. If the Subject Area were to be rezoned to Industrial, this property would be a part of a larger 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. The Henderson County Technical Review Committee considered rezoning application #R-2008-11 at its regularly scheduled meeting on September 2, 2008. During the meeting, the Technical Review Committee voted unanimously to send forward a favorable recommendation on rezoning application #R-2008-11 to rezone the Subject Area from an R1 (Residential One) zoning district to an I (Industrial) zoning district.

10. Planning Board Recommendations

10.1. To be determined.





Rezoning Application #R-2008-11 BTD-Asheville, LLC, Owner/Applicant

§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) Maximum	16	
(4) Yard Setbacks (feet)		Local	15	
		Collector	20	
	Front or Right-of-Way (ROW)	Thoroughfare	35	
		Boulevard	50	
		Expressway	60	
		Freeway	90	
		Side	10	
		Rear	10	
(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 4 units/acre:

5 acres x 4 units per acre = 20 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-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				
Maximum Impervious Surface (%)			80	
Maximum Floor Area (sq ft)			Unlimited	
Yard Setbacks (feet)		Local	20	
		Collector	30	
	Front or ROW	Thoroughfare	40	
	Trom of KOW	Boulevard	50	
		Expressway	50	
		Freeway	60	
	Side		20	
	Rear		20	
Maximum Height (feet)			72	

§200A-62. Table of Permitted and Special Uses

	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit		
USE TYPE	R1	S=Special (SR SR
1. RESIDENTIAL USES	KI	1	SK
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)			1.5
Dwelling, Manufactured Home (singlewide)			1.5
Dwelling, Mobile Home			1.5
Dwelling, Multifamily, Five (5) or More Units	S		1.6
Dwelling, Quadraplex	S		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	Р		1.11
Hospice Residential Care Facility	S		1.12
Manufactured Home Park			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)		Р	2.1
Drive-Thru Window			2.2
Dwelling, Single-Family (as an accessory for a principal business)			2.3
Fuel Pumps		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		P	2.8
Outdoor Storage >5000 sq ft		P	2.9
Rural Family Occupation			2.10
3. ACCESSORY STRUCTURES			
Airport (Private Accessory)		S	3.1
Automatic Teller Machine		P	3.2
Boathouse, Private	P		3.3
Bulkhead	Р		3.4
Carport	Р		-
Dock/Pier	Р		3.5
Dwelling, Accessory Residential	Р		3.6
Garage, Residential	Р		-
Gate and/or Guardhouse	Р	P	3.7
Greenhouse	Р	P	3.8
Heliport (Private Accessory)	S	Р	3.9

	GENERAL USE DISTRICT		
LICE OVER	P=Permitted;	S=Special \	
USE TYPE	R1	I	SR
Loading Bay		P	- 2.10
Outdoor Sale Display Areas		D	3.10
Parking Garage	D	P	3.11
Planned Seasonal Agricultural Worker Development	P P	P P	3.12 3.13
Produce Stand, Accessory Satellite Dish	P	P P	3.13
Storage Shed	P	P	3.14
Swimming Pool, Spa, Hot Tub, Residential	P	Г	3.14
Wastewater Treatment Plant, Small Accessory	P	P	3.15
4. RECREATIONAL USES	1 1	1	5.15
Amusement Park	Т	S	4.1
Athletic Field, Non-commercial	P	5	4.2
Сатр	S		4.3
Campground	~		4.4
Coin Operated Amusements			4.5
Common Area Recreation and Service Facilities	P		4.6
Golf Course and/or Country Club	P		4.7
Governmental Recreational Facilities	P		4.8
Indoor Recreational Facilities (Bowling Alley, Skating Rink, Bingo			
Games, Indoor Miniature Race Tracks)			4.9
Marina			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			4.18
Riding Stables			4.19
School (Sports Instructional) Shooting Ranges, Indoor	+	C	4.20
Shooting Ranges, Outdoor	+	S S	4.21
Sporting and Recreational Facilities	S	S	4.22 4.23
Swim and Tennis Club	P	S	4.23
5. EDUCATIONAL AND INSTITUTIONAL USES	T T		4.24
Adult Day Care Facility	P	1	5.1
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	† *		5.6
Community Club	P		5.7
Community Cuto	1	<u> </u>	3.1

GENERAL USE DISTI		TRICT	
	P=Permitted;	S=Special U	U se Permit
USE TYPE	R1	I	SR
Correctional Facilities		S	5.8
Fire and Rescue Station	P	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	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	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			6.7
Motel/Hotel			6.8
Office: Business, Professional and Public			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		S	7.4
Entertainment Complex			7.5
Flea Market			7.6
Fuel Oil Distribution and Sales		S	7.7
Landscaping Materials Sales and Storage		S	7.8
Manufactured/Mobile Home Sales		S	7.9
Motor Vehicle Sales or Leasing			7.10
Open Air Market			7.11
Parking Garage or Lot (requiring payment)		S	7.12
Produce Stand			7.13
Retail Sales and Services <50,000 sq ft (of gross floor area)			7.14

	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit		
USE TYPE	R1	I	SR
Retail Sales and Services >50,000 \le 100,000 sq ft (of gross floor area)			7.15
Retail Sales and Services $>100,000 \le 150,000$ sq ft (of gross floor area)			7.16
Retail Sales and Services >150,000 sq ft (of gross floor area)			7.17
Shopping Mall			7.18
Truck Stop		S	7.19
8. WHOLESALE TRADE			
Wholesale Trade		S	8.1
9. TRANSPORTATION, WAREHOUSING AND UTILITIES			
Airport (Private)		S	9.1
Airport (Public)		S	9.2
Communication Facilities, Category 1	P	P	9.3
Communication Facilities, Category 2	P	P	9.3
Communication Facilities, Category 3	_	S	9.3
Hazardous Waste Disposal Facilities		S	9.4
Land Clearing Debris and Inert Debris Storage or Disposal		S	9.5
Rail Transportation Facilities and Support Activities		P	9.6
Self-Storage Warehousing		-	9.7
Septic Tank and Related Services		S	9.8
Solid Waste Combustors and Incinerators		S	9.9
Transit and Ground Passenger Transportation		S	9.10
Truck Terminals		P	9.11
Utility Substation	P	P	9.12
Warehousing and Storage (Excluding Warehousing of Hazardous	1	1	7.12
Substances)		P	9.13
Waste Collection and Transfer Facility (Hazardous)		S	9.14
Waste Collection and Transfer Facility (Non-hazardous)	S	S	9.15
Wastewater Treatment Plant	S	P	9.16
Water Treatment Plant	S	P	9.17
10. MANUFACTURING & INDUSTRIAL USES			
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
<i>Machining and Assembly Operations</i> ≤10,000 sq ft (of gross floor area)		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 gross floor			
area)		P	10.8
Manufacturing and Production Operations >10,000 sq ft (of gross			
floor area)		P	10.8
Materials Recovery Facilities (Recycling)		P	10.9
Mining and Extraction Operations		S	10.10

	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit		
USE TYPE	R1	I	SR
Packaging and Labeling Services		P	10.11
Pesticide, Fertilizer and Other Agricultural Chemical Manufacturing		S	10.12
Product Processing and Storage Facilities		P	10.13
Recycling Centers, Drop-Off Facilities	P	P	10.14
Research and Development Operations (Hazardous or Biological Materials)		P	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	12.1
Produce Stand, Temporary	P	P	12.2
Temporary Construction Project Buildings	P	P	12.3
Tent Sale		P	12.4
13. AGRICULTURAL USES			
Agriculture	P	P	-
Food Manufacturing	P	P	-
Forestry	P	P	-
Forestry Support Services	P	P	-
Veterinary Services (livestock)	P	P	-

Subject Area Photos

View of adjacent industrial to the west



View of vacant tract to the north



View of structure on Tract 1 looking east from Old Hendersonville Rd



View of Tract 2 looking south from vacant tract

