

REQUEST FOR COMMITTEE ACTION

HENDERSON COUNTY TECHNICAL REVIEW COMMITTEE

Meeting Date: July 5, 2011

Subject: Rezoning Application #R-2011-02

Staff Contact: Parker Sloan, Planner

Attachments:

1. Staff Report
2. Photos of Project Area

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.

TECHNICAL REVIEW COMMITTEE ACTION REQUESTED:

Planning Staff requests the Technical Review Committee take action to recommend that the Board of Commissioners approve, approve with modifications, table, or deny rezoning application #R-2011-02.

Suggested Motion:

I move that the TRC 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.

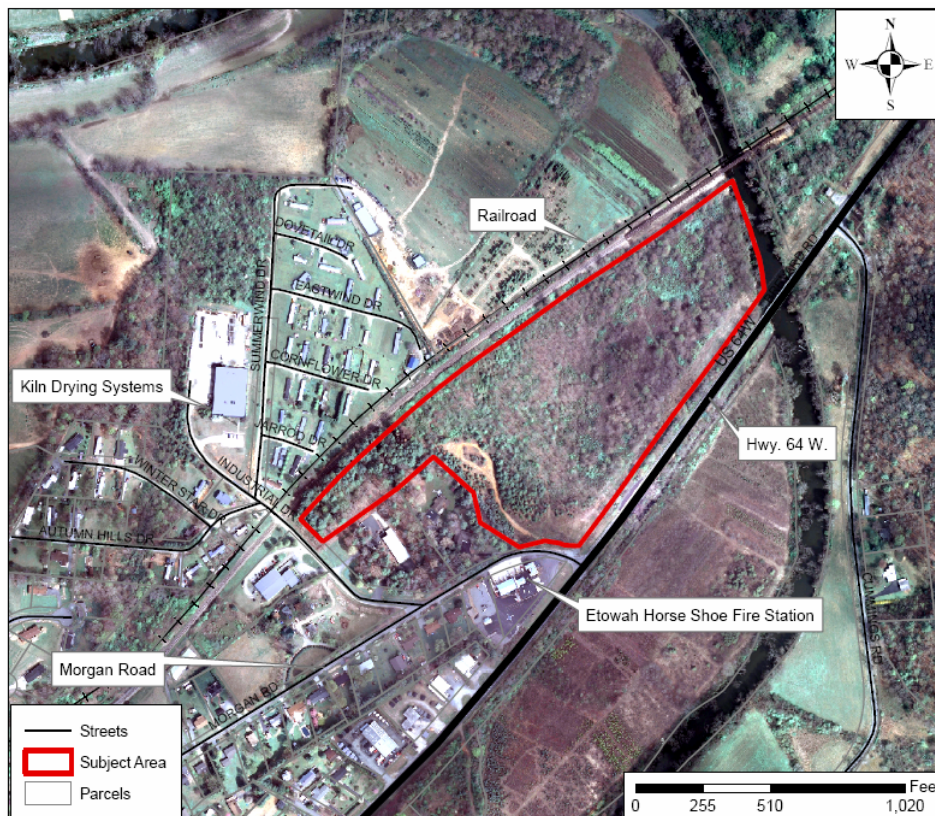
Henderson County Planning Department Staff Report

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).

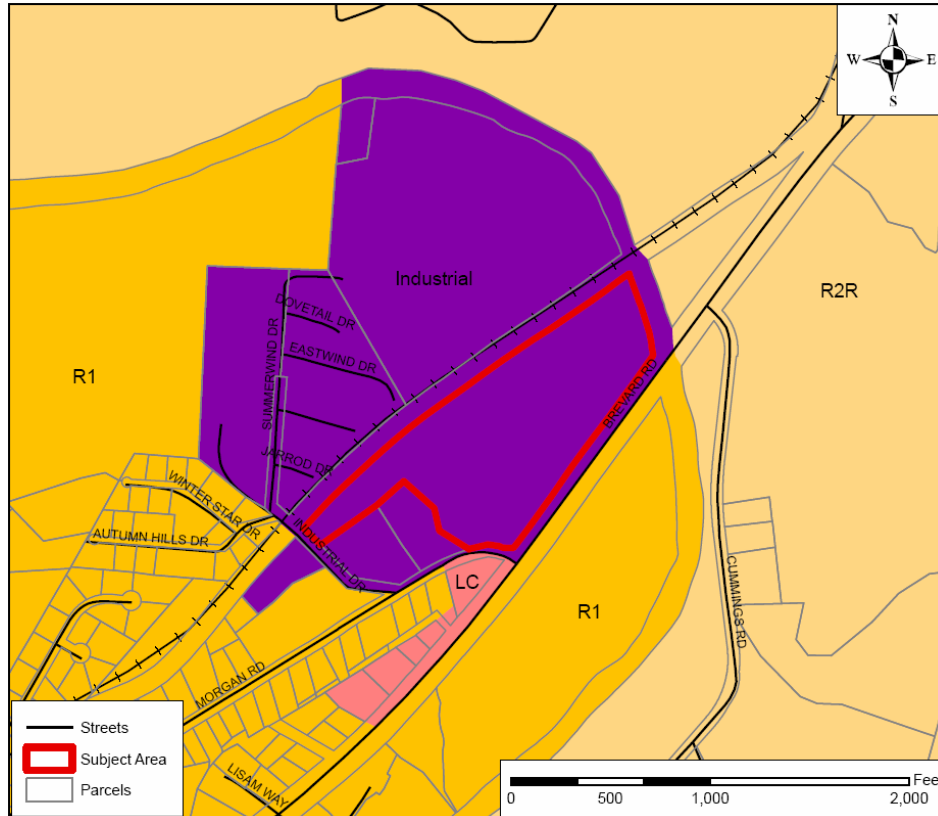
Map A: Aerial Photo



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.

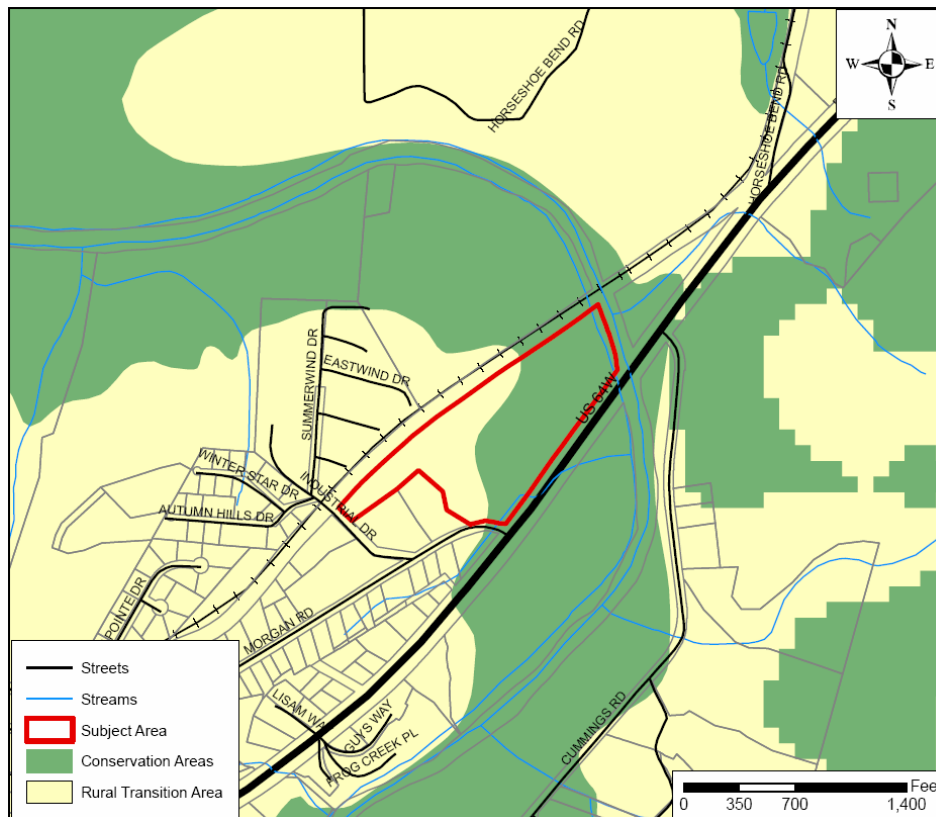
3. Current Uses of Subject Area and Adjacent Properties

- 3.1. **Subject Area Uses:** The Subject Area parcel contains an herbal medicine production facility.
- 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. TBD

8. Planning Board Recommendations

8.1. TBD



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.