



Agenda Abstract

Department: Planning
Submitting Official: Jason Sullivan

Meeting Date: 4-19-2010
Authorizing Signature:

Subject:	Rezoning of a portion of land owned by Claude & Dorothy Heard, identified as Parcel No. 11929, located at 8835 US 64 W, Hickory Mountain Township, from R-1 Residential to Ind-L Industrial Light.
Action Requested:	See recommendation
Attachments (List individually):	<ol style="list-style-type: none">1. Corridor Zoning Map2. Public Hearing request from April 20093. Public Hearing list of properties requiring the additional review4. Email correspondence between Jason Sullivan and Wayne Barr advising of requirement to go through the subdivision process.

Introduction & Background

On July 12, 1999, the Board of Commissioners approved a request by SBA, Inc. on behalf of Claude J. Heard for a telecommunication tower on 43 acres off US 64 W, Hickory Mountain Township. This property was located within the unzoned areas of the county until it was zoned R-1 Residential in November 2007 as part of the major corridor zoning by the Board of Commissioners. The Board was aware there were properties that would need to come back for rezoning because the residential zoning would place some non-residential properties/uses into non-conforming situations. These properties were reviewed by staff and the Board of Commissioners, which was followed by input sessions to ask the landowners if they agreed with rezoning their property to a non-residential classification. The Heard property is one of the few properties still remaining that has not been finalized. The delay was requested by the property owners in order to subdivide a lot for the cell tower and their desire to have the zoning boundary match the subdivision lot boundary.

Discussion & Analysis

In January 2010, the landowner submitted an application to create one non-residential lot of 40,000 square feet out of the 43 acre tract for the cell tower. Since the lot is used for non-residential purposes, it had to be processed as a major subdivision as required by the Subdivision Regulations. A public hearing was held in March 2010 by the Planning Board on the subdivision and their recommendation has been included as part of the subdivision request that is also before the Board of Commissioner. There was no one who spoke against the request and no issues were raised that would delay moving forward on the subdivision of the property. A subsequent request for First Plat approval is also being made simultaneously with this request.

During the May 18, 2009 Board of Commissioners meeting, the rezoning request was postponed until a future date as recommended by staff. The postponement was approved in order to allow the Heard's to proceed with the subdivision on their property. The Planning Board discussed the rezoning at their May 5, 2009 meeting and recommended granting approval of the rezoning with a modification that would reduce the area to 40,000 square feet for a non-residential lot for the cell tower. There are no issues regarding the rezoning of this lot and the remaining acreage will remain as R-1 Residential.

Budgetary Impact

None

Recommendation

The Planning staff and Planning Board, by a vote of 9-0, recommends approval of the rezoning from R-1, Residential to Light Industrial for Parcel A as shown on the First Plat submittal for the plat titled "Heard Subdivision - First Plat" as revised on January 4, 2010.