

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY PLANNING BOARD

- MEETING DATE:** September 20, 2012
- SUBJECT:** Rezoning Application #R-2012-02
- PRESENTER:** Parker Sloan, Planner
- ATTACHMENTS:**
1. Staff Report
  2. Aerial Photo Map
  3. Local Commercial (LC) District Text
  4. Residential Two Rural (R2-R) District Text
  5. PowerPoint Handouts
  6. Photos of Project Site

#### **SUMMARY OF REQUEST:**

Rezoning Application #R-2012-02, which was submitted on July 3, 2012, requests the County rezone two parcels (herein after the subject area). The subject area contains one 11.6 acre tract (PIN: 9680-89-7263) and one 16.9 acre tract (PIN: 9680-99-2699). The applicant requests a rezoning from a Local Commercial (LC) zoning district to a Residential Two Rural (R2R) district. The subject area is owned by Jarrett Mitchem.

Planning staff posted the property giving notice of the Planning Board meeting on September 10, 2012. The Planning Board has 45 days from its first consideration of a rezoning application to make a recommendation to the Board of Commissioners. Thus, the deadline for a Planning Board recommendation to the Board of Commissioners regarding this application is Friday, November 2, 2012. If no recommendation is made by November 2, 2012, the application proceeds to the Board of Commissioners with an automatic favorable recommendation. Upon request of the Planning Board, the Applicant may choose to grant a 45-day extension, at which time the deadline for a Planning Board recommendation would become Monday, December 10, 2012.

Planning Board action to recommend that the Board of Commissioners approve, approve with modifications, table, or deny rezoning action #R-2012-02 would be appropriate.

#### **Suggested Motion:**

I move the Board recommend approval of rezoning application #R-2012-02 to rezone the Subject Area from a Local Commercial (LC) zoning district to a Residential Two Rural (R2R) district based on the recommendations of the Henderson County 2020 Comprehensive Plan.

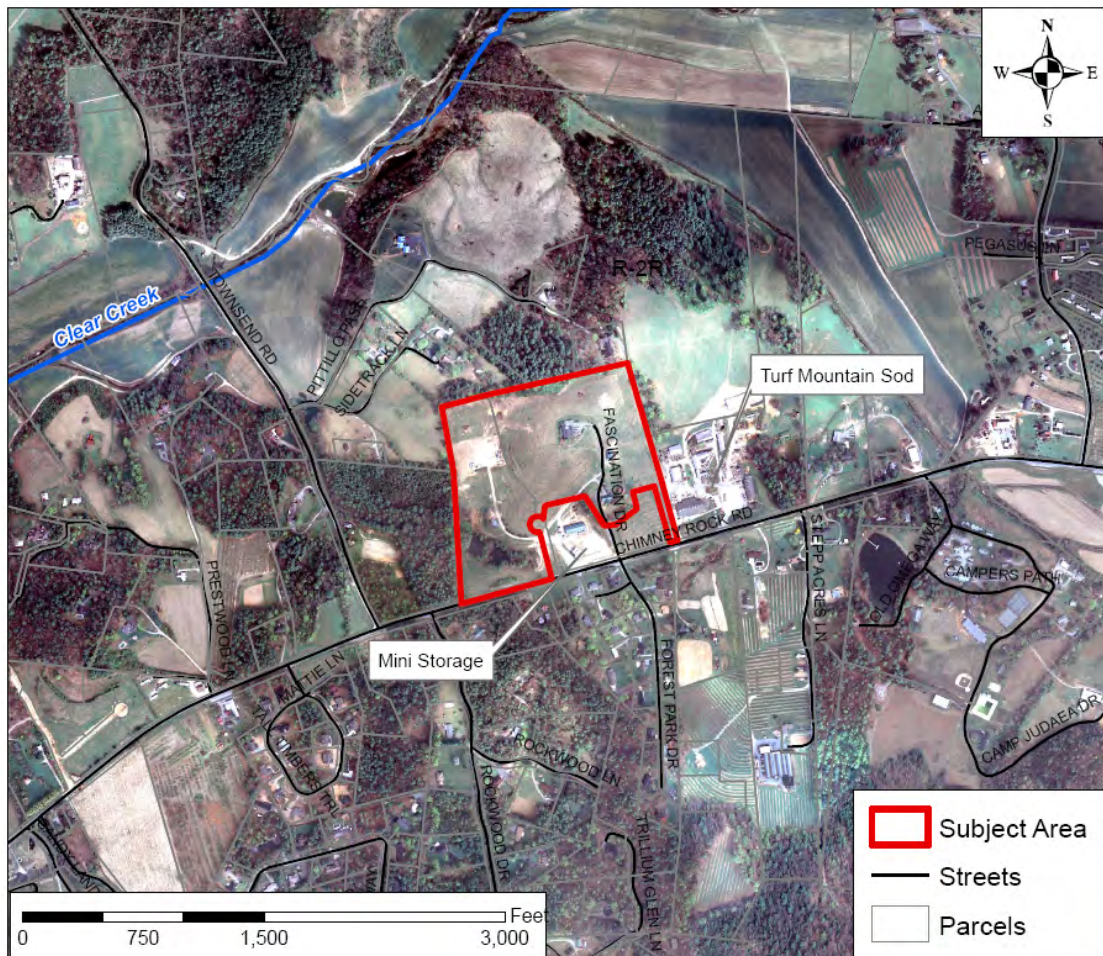
## Henderson County Planning Department Staff Report

### Rezoning Application #R-2012-02 Jarrett Mitchem, Owner

#### 1. Rezoning Request

- 1.1. **Applicant:** Jarrett Mitchem, Owner
- 1.2. **Request:** Rezone a the subject area from Local Commercial (LC) to Residential Two Rural (R2R)
- 1.3. **PINs:** 9680-99-2699, 9680-89-7263
- 1.4. **Size:** Total of 28.5 acres to be rezoned.
- 1.5. **Location:** The subject area is located along US highway 64 East (Chimney Rock Road), approximately 2 miles east from the intersection of Fruitland Road (SR 1574) and US highway 64 East (Chimney Rock Road).

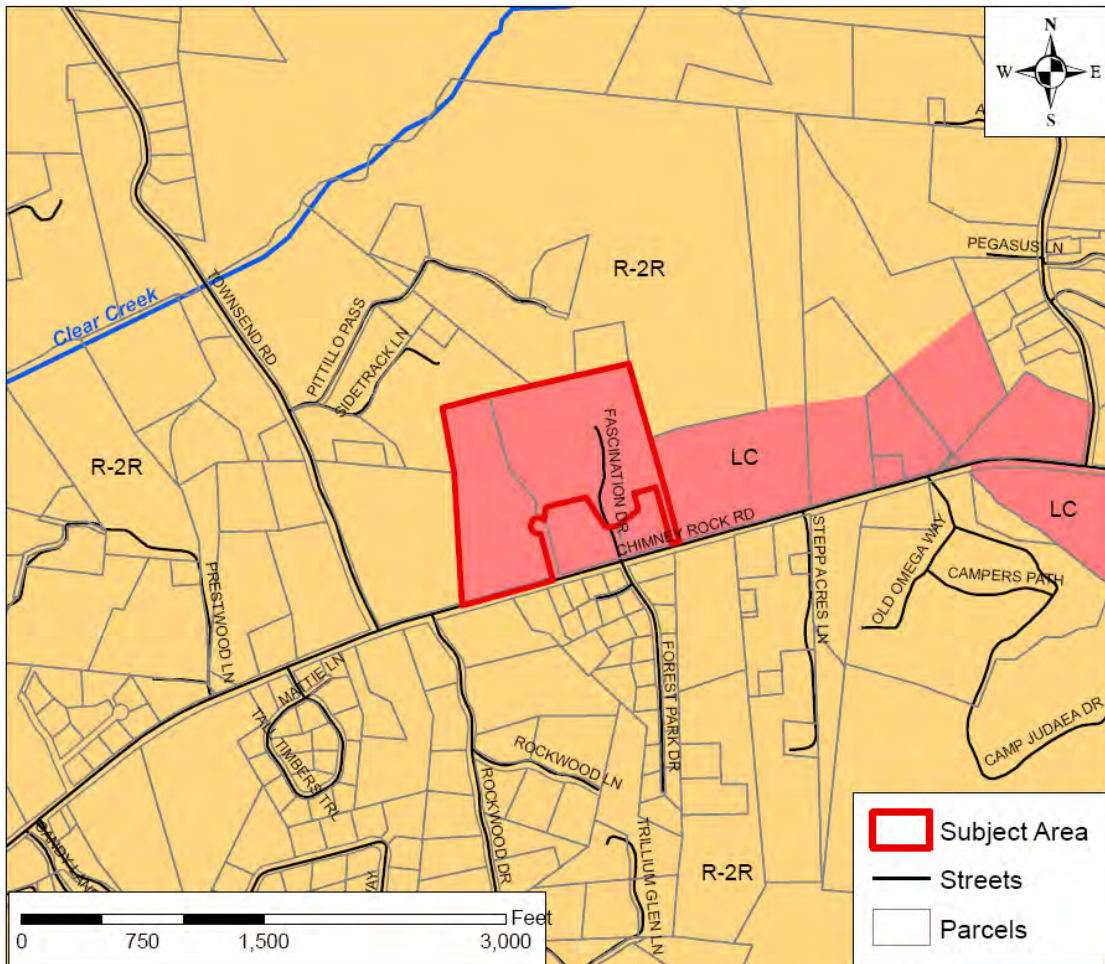
**Map A: Aerial Photo**



**2. Current Zoning**

2.1. **Application of Current Zoning:** The subject area was zoned Local Commercial 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 by Residential Two Rural (R2R), to the north, east and west. Property to the south, and to the east of the subject area, is zoned Local Commercial (LC).

**2.3. District Comparison:**

2.3.1. **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).*

(1) LC (Local Commercial) requires 10 foot side and rear setbacks; (2) establishes a maximum building height of 40 feet; (3) Provides a 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)

- 2.3.2. **R2-R (Residential Two Rural):** *“The purpose of Residential District Two Rural (R2R) 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). R2R 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).*

### 3. **Current Uses of Subject Area and Adjacent Properties**

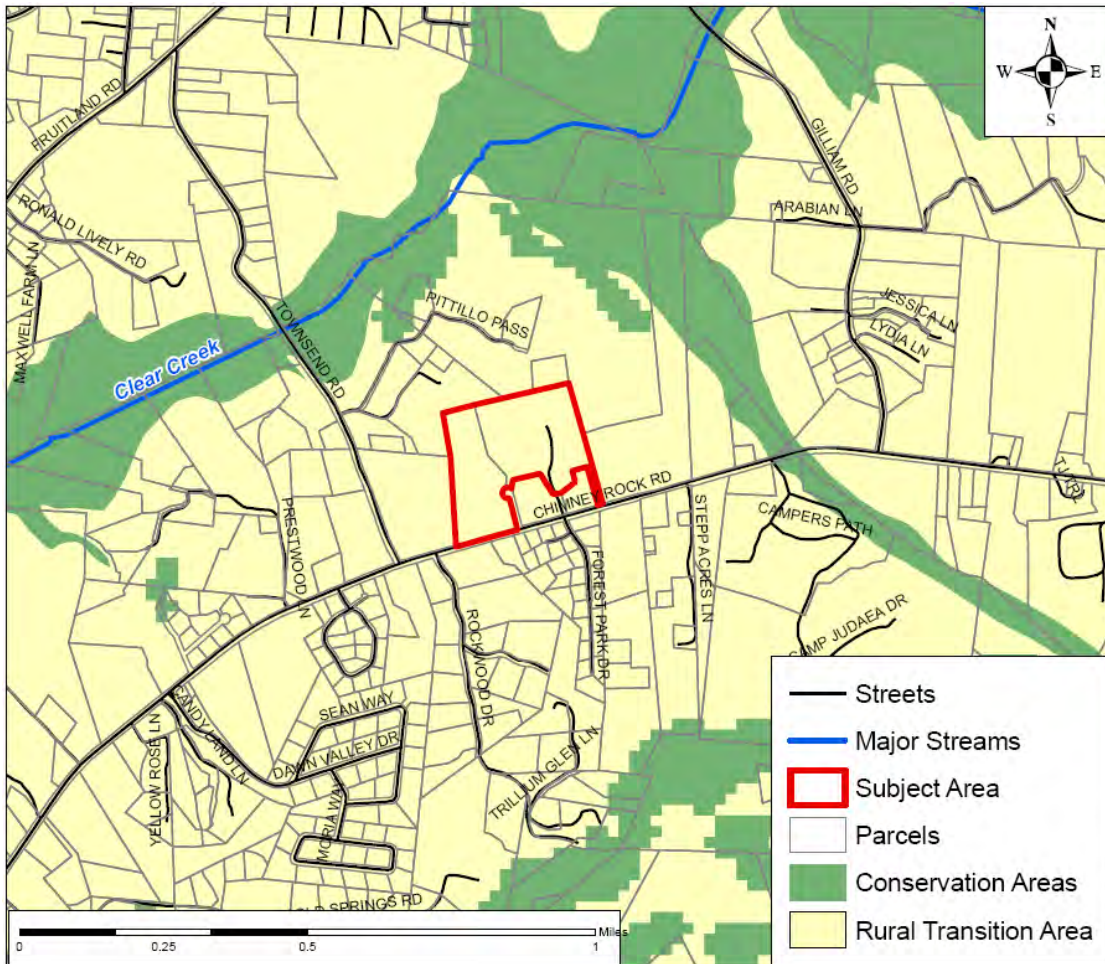
- 3.1. **Subject Area Uses:** The two subject area parcels contain a total of three separate single family residential dwellings. The eastern parcel (PIN 9680-99-2699) contains two single family residents and the parcel to the west contains one single family residence (PIN 9680-89-7263).
- 3.2. **Adjacent Area Uses:** The surrounding properties to the north and east contain residential uses as well as the Turf Mountain Sod farm. The west contains vacant land and residential properties . South of the subject area contains a mini storage facility. Directly across highway 64 East contains primarily residential uses.

**4. The Henderson County 2020 Comprehensive Plan (CCP)**

The CCP Future Land Use Map identifies the subject area as being located in the Rural Transition Area (RTA)(2020 CCP, Pgs. 128, 129 & Appendix 1, Map 24) (See Map C).

**4.1 Rural Transition Area:** 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 development 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. Water and Sewer**

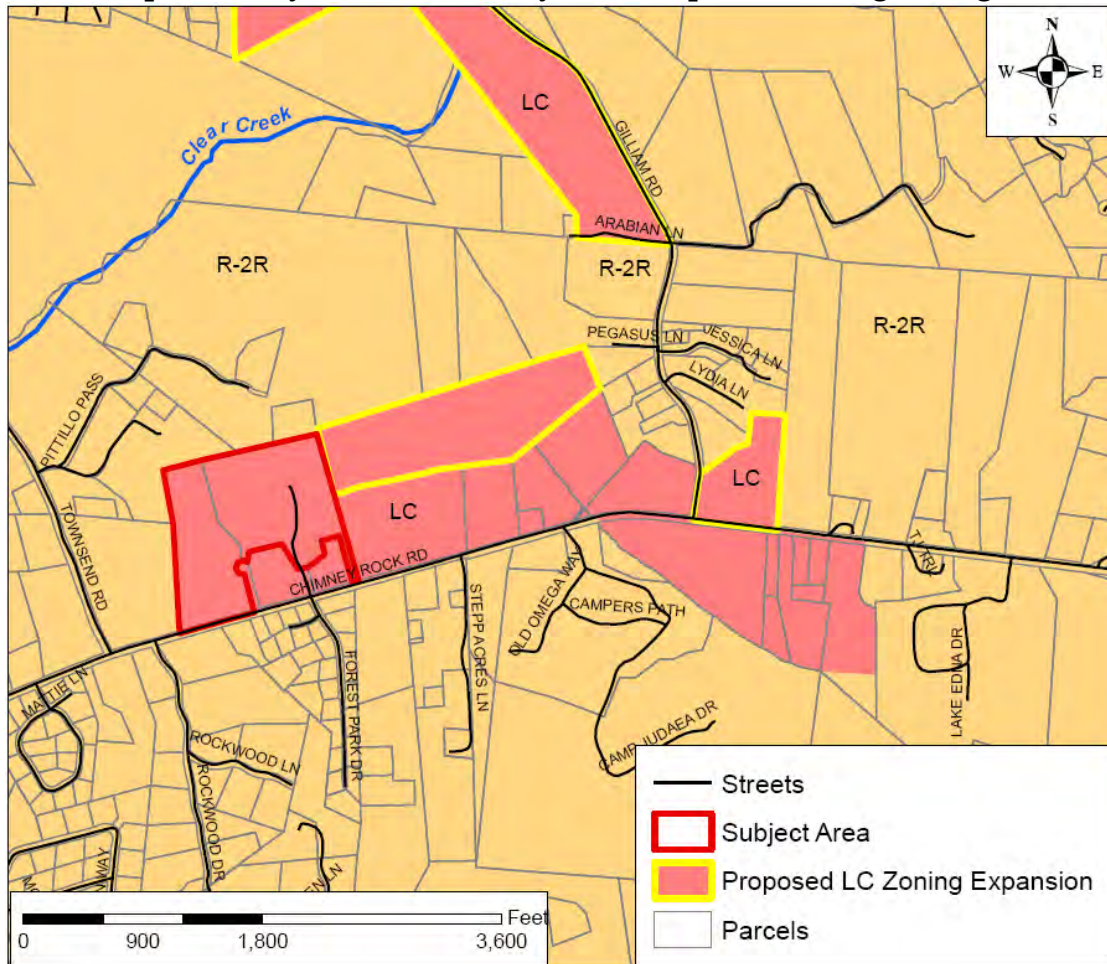
**5.1. Public Water:** A City of Hendersonville water line abuts the property along US Highway 64 East.

5.2. **Public Sewer:** Public sewer is currently not available in the vicinity.

6. **Edneyville Community Plan**

6.1. The Edneyville Community Plan adopted a proposed zoning map that would slightly expand the adjacent Local Commercial zoning area farther to the north in an effort to eliminate some split zoned parcels of land. After adoption of the Edneyville Community Plan on May 11, 2010, the County is currently considering the proposed zoning changes (See Map D).

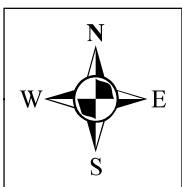
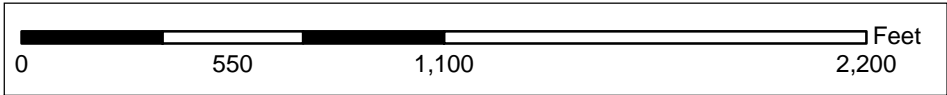
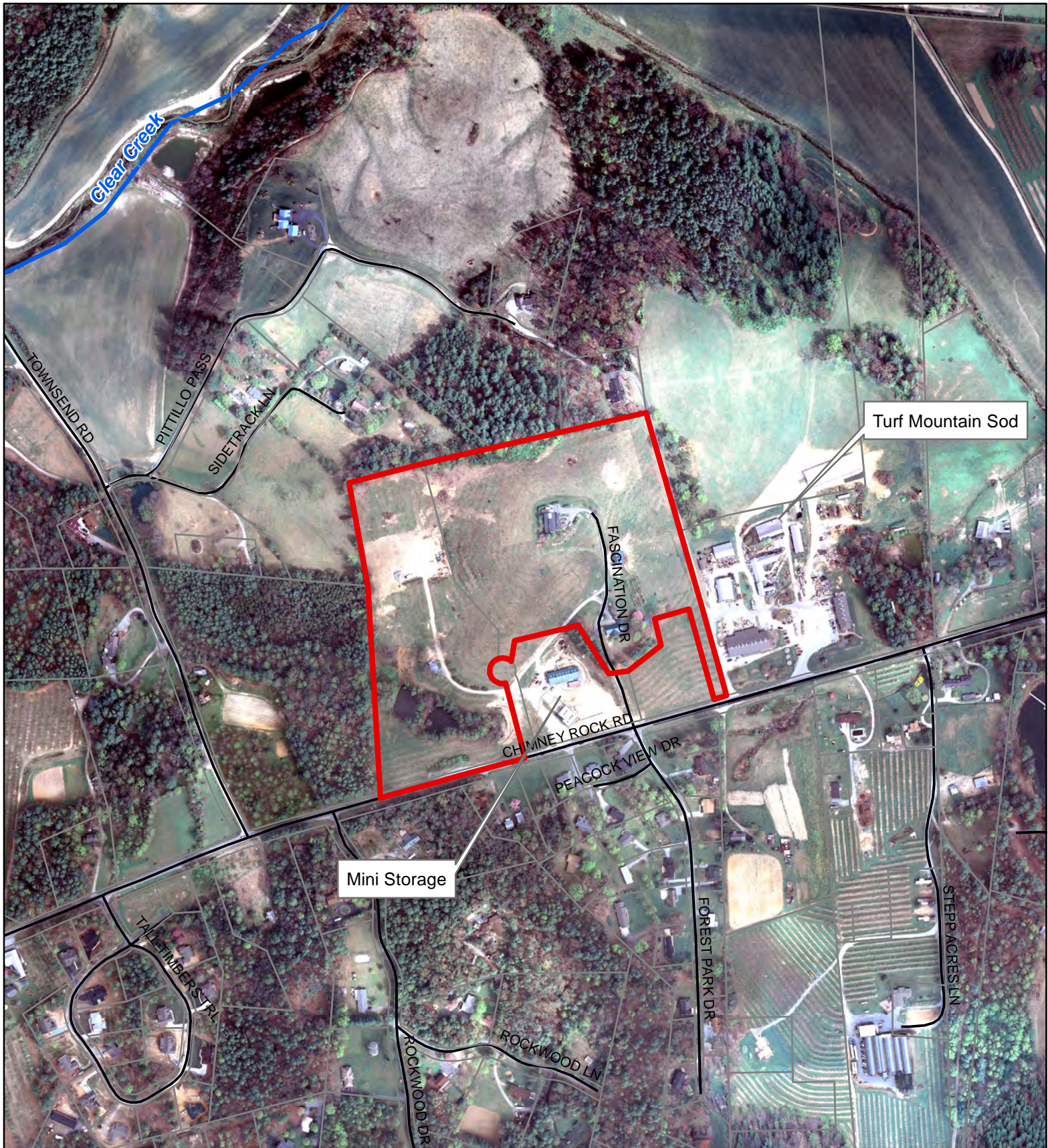
**Map D: Edneyville Community Plan Proposed Zoning Changes**






7. **Staff Comments**

7.1. **The 2020 CCP:** The CCP Future Land Use Map (See Map C) places the subject area in the “Rural Transition Area” classification. 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.

- 7.2. **Adjacent Zoning:** The Subject Area is adjacent to Residential Two Rural (R2R) and Local Commercial (LC) zoning.
  - 7.3. **Comparison of Districts:** Applying Residential Two Rural will allow for single family residential uses and all types of manufactured housing. Removing Local Commercial (LC) will reduce the number of permitted commercial uses, as well as a reducing the amount of residential uses. The LC zoning district will also limit square footage. Keeping the Local Commercial zoning would allow a single commercial use on a single lot limited to 10,000 square feet maximum floor area and within a multi tenant structure the principal tenant would have a maximum floor area of 30,000 square feet.
  - 7.4. 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.
8. **Staff Recommendations**
- 8.1. 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 Residential Two Rural consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.
9. **Technical Review Committee Recommendations**
- 9.1. On Tuesday August 21<sup>st</sup> the Technical Review Committee voted unanimously to send a favorable recommendation of Rezoning application R-2012-02 to the Planning Board.
10. **Planning Board Recommendations**
- 10.1. TBD



	Subject Area
	Streets
	Parcels

Rezoning Application  
R-2012-02  
Jaret Mitchem, owner



**§200A-33. Local Commercial District (LC)**

- A. **Purpose.** 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 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 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.
- 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).

<b>Table 2.7. LC Density and Dimensional Requirements</b>			
(1) <i>Residential Density</i> (units/acre)	(2) Standard	4	
	(3) Maximum	16	
<i>Maximum Impervious Surface</i> (%)		80	
(4) Maximum <i>Floor Area</i> (sq ft)		30,000 or 10,000	
(5) <i>Yard Setbacks</i> (feet)	<i>Front or ROW</i>	<i>Local</i>	25
		<i>Collector</i>	25
		<i>Thoroughfare</i>	35
		<i>Boulevard</i>	45
		<i>Expressway</i>	55
		<i>Freeway</i>	60
	<i>Side</i>	10	
	<i>Rear</i>	10	
Maximum Height (feet)		40	

- (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 ( $\frac{1}{2}$ ) 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*.
- (3) Maximum residential density shall be available to applicants proposing five (5) or more dwellings in any combination of the following unit types (duplexes, triplexes, quadraplexes and multifamily dwellings with five (5) or more units and specifically excluding single-family units) where:
  - a. A total of at least five (5) units would be permitted by standard residential density, and
  - b. Such dwellings are generally served by both: (1) a *public water supply system* and (2) a *sewage disposal system* (of the following types: municipal, approved public, or approved community) which meet the requirements of the local or State authorities having jurisdiction thereof.
- (4) Within a multi-tenant *structure/site*, the principal tenant shall have a maximum *gross floor area* of 30,000 square feet. The maximum *gross floor area* for any other tenant shall be 10,000 square feet. A maximum 80,000 total square feet for any multi-tenant *structure* shall apply. The maximum *gross floor area* for a single unit on a single *lot* shall be 10,000 square feet.
- (5) *Accessory structures* shall be located in *side* or *rear yards* and shall be *setback* a minimum of ten (10) feet from any property line.

**§200A-29. Residential District Two Rural (R2R)**

- A. **Purpose.** The purpose of Residential District Two Rural (R2R) 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* and rural commercial and light industrial development consistent with the recommendations of the *Comprehensive Plan*. This general *use district* is typically meant to be utilized in areas designated as Transitional (RTA) 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).

<b>Table 2.3. R2R Density and Dimensional Requirements</b>			
(1) <i>Residential Density</i> (units/acre)		(2) Standard	1
		(3) Maximum	2
(4) <i>Yard Setbacks</i> (feet)	<i>Front or ROW</i>	<i>Local</i>	15
		<i>Collector</i>	20
		<i>Thoroughfare</i>	35
		<i>Boulevard</i>	50
		<i>Expressway</i>	60
		<i>Freeway</i>	90
		<i>Side</i>	10
		<i>Rear</i>	10
(5) Maximum Height (feet)			40

- (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:

$$\text{Lot size} \times \text{allowable units per acre} = \text{permitted dwelling units}$$

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

$$5 \text{ acres} \times 1 \text{ unit per acre} = \underline{\underline{5 \text{ permitted dwelling units}}}$$

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 applicants proposing five (5) or more dwellings in any combination of the following unit types (duplexes and triplexes and specifically excluding single-family units) where:
  - a. A total of at least five (5) units would be permitted by standard residential density, and
  - b. Such dwellings are generally served by both: (1) a *public water supply system* and (2) a *sewage disposal system* (of the following types: municipal, approved public, or approved community) which meet the requirements of the local or State authorities having jurisdiction thereof..
- (4) *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.

# Rezoning #R-2012-02 Jarrett Mitchem, Owner

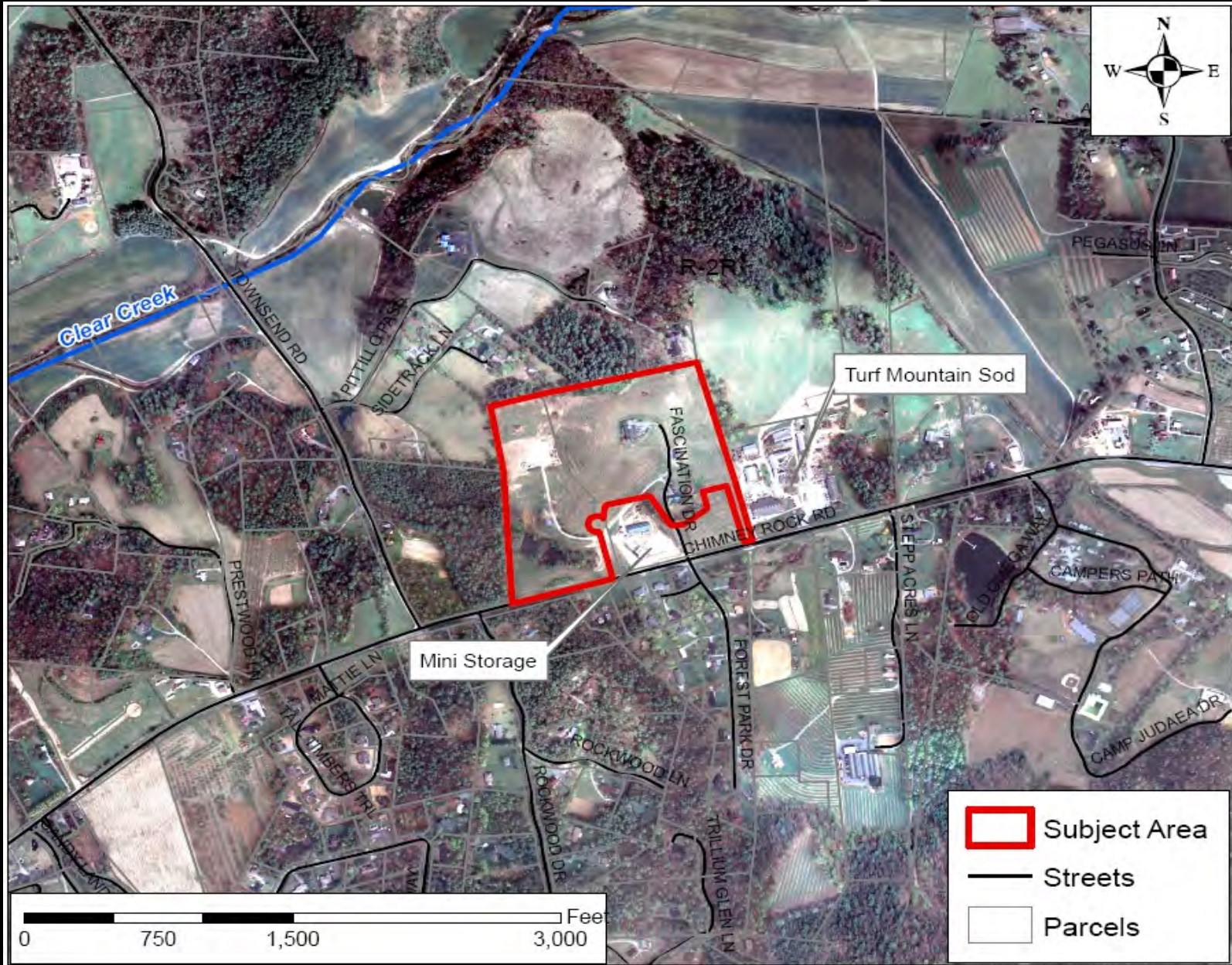


**Henderson County Planning Board Meeting  
September 20 , 2012**

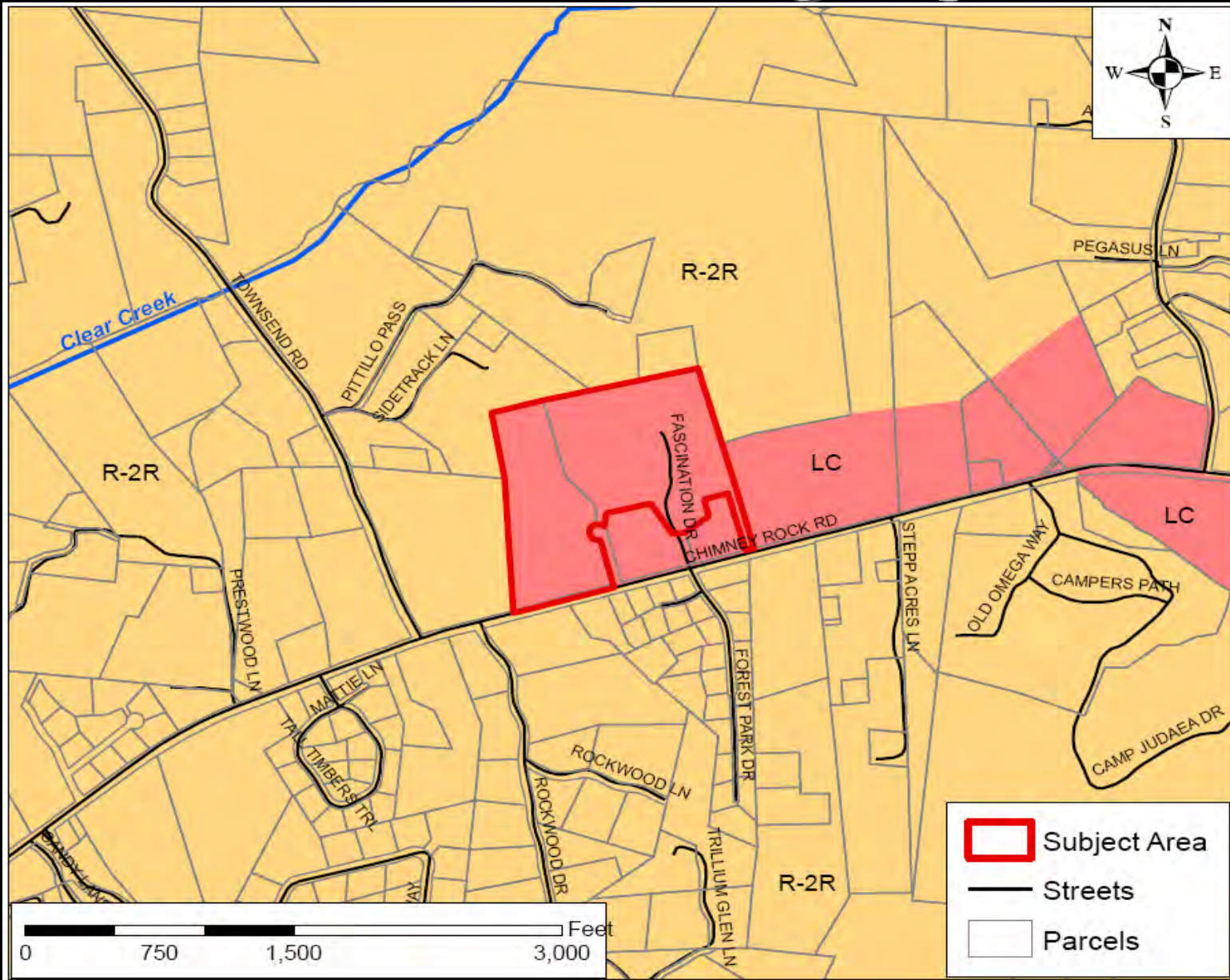
**Presented by: Parker Sloan, Planner**

*Henderson County Planning Department*

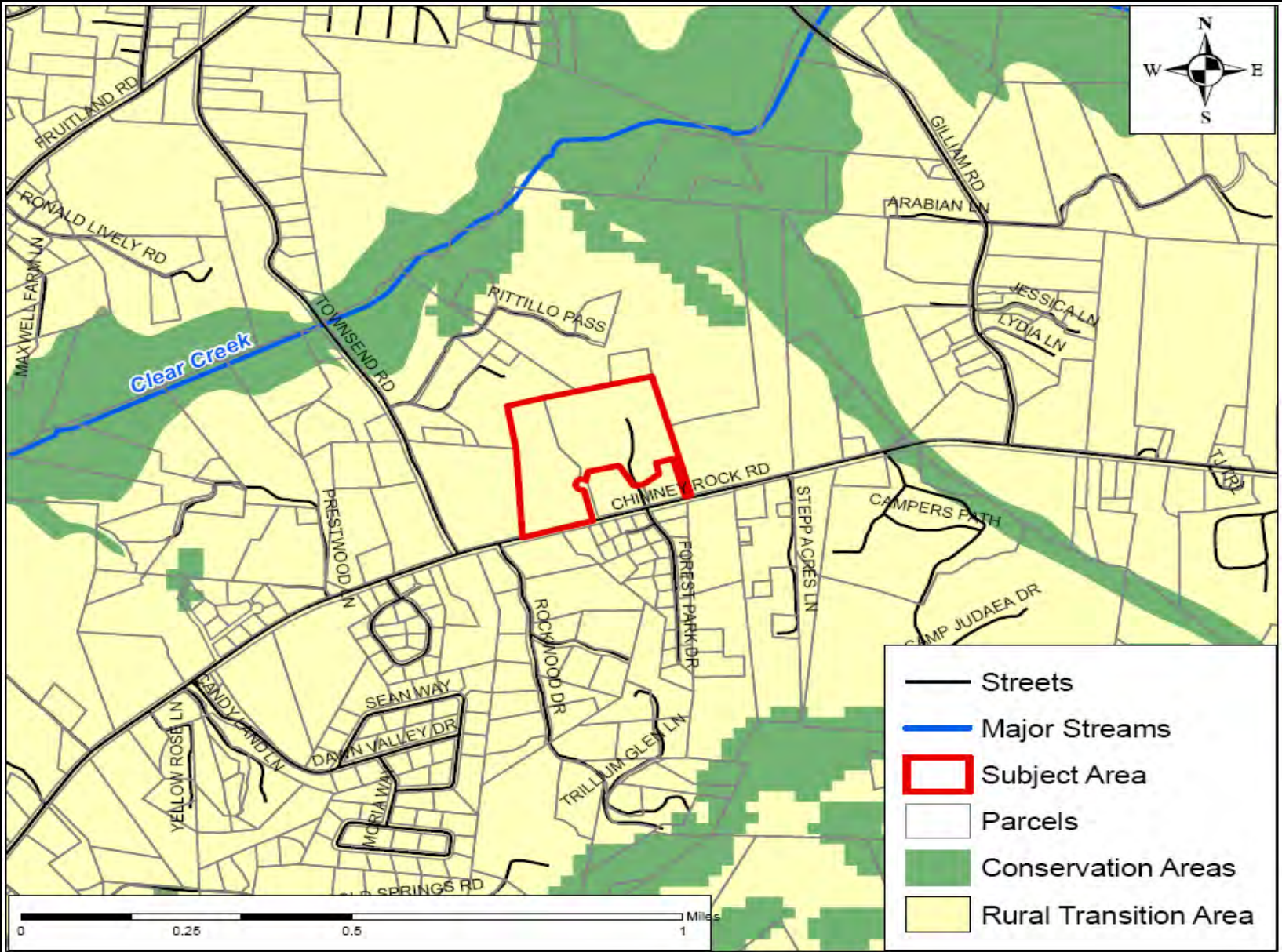
# Aerial Photo Map



# Current Zoning Map

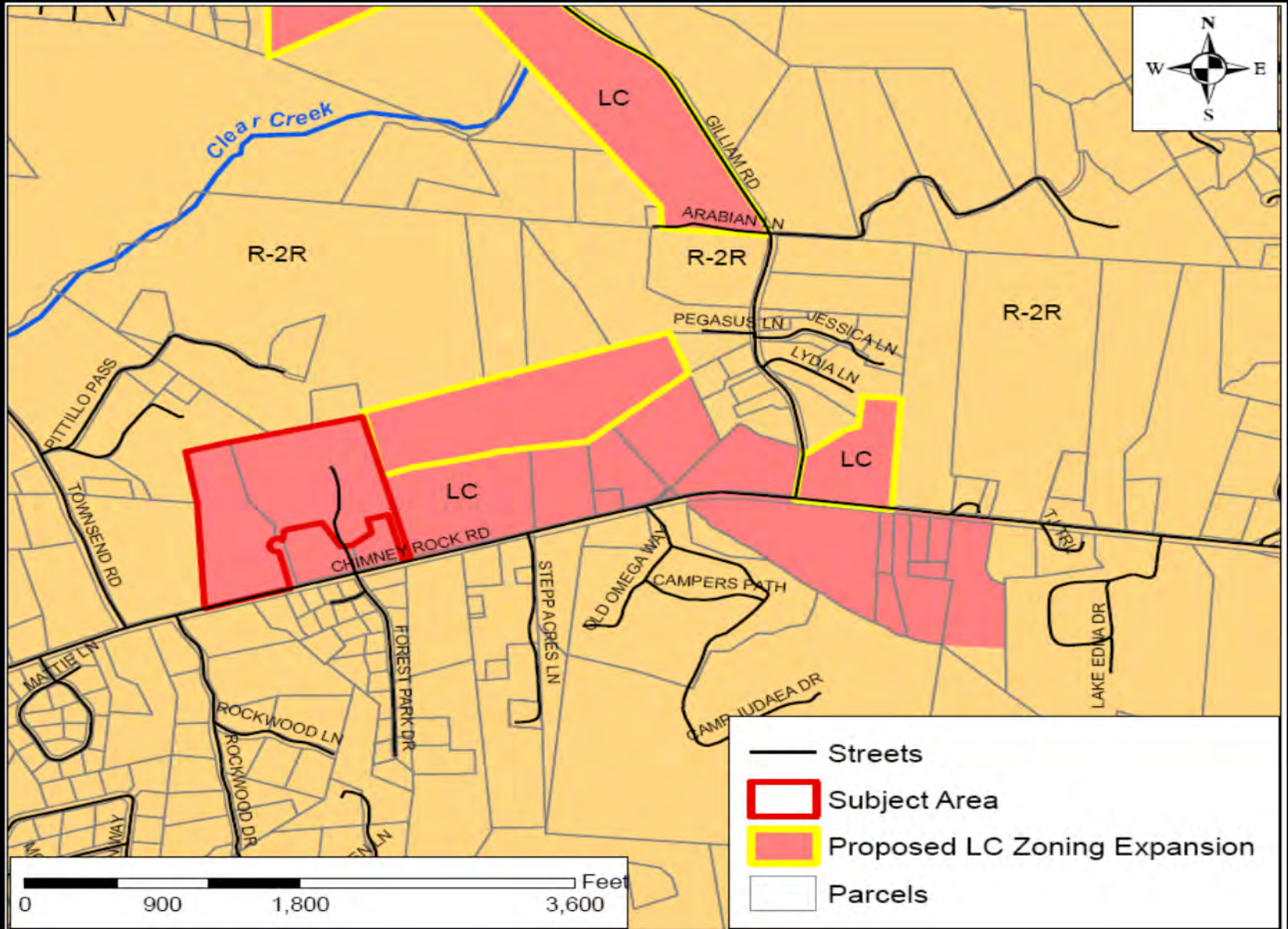


# 2020 CCP Future Land Use Map





# Edneyville Community Plan Proposed Zoning Changes



# Rezoning #R-2012-02

# Questions





View of the mini storage facility adjacent to the Subject Area looking east.



View of the center of the subject area along Fascination Drive looking north.



View of Subject Area looking north along interior driveway.



View of subject Area looking west along interior driveway.