

REQUEST FOR BOARD ACTION

HENDERSON COUNTY PLANNING BOARD

- MEETING DATE:** November 15, 2012
- SUBJECT:** Rezoning Application #R-2012-05
- PRESENTER:** Parker Sloan, Planner
- ATTACHMENTS:**
1. Staff Report
 2. Aerial Photo Map
 3. Residential Two (R2) District Text
 4. Office and Institutional (O&I) District Text
 5. PowerPoint Handouts
 6. Photos of Project Site

SUMMARY OF REQUEST:

Rezoning Application #R-2012-05, which was submitted on September 26, 2012, requests the County rezone two tracts at a total of 2 acres. The applicant requests a rezoning from a Residential Two (R2) zoning district to an Office and Institutional (O & I) zoning district. The subject area parcels are owned by James Durfee (PIN: 9559-60-0599 and 9559-60-3573).

Planning staff posted the property giving notice of the Planning Board meeting on November 5, 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, December 7, 2012. If no recommendation is made by December 7, 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, January 18, 2012.

Planning Board action to recommend that the Board of Commissioners approve, approve with modifications, table, or deny rezoning action #R-2012-05 would be appropriate.

Suggested Motion:

I move the Board recommend approval of rezoning application #R-2012-05 to rezone the subject area to an Office and Institutional (O & I) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan.

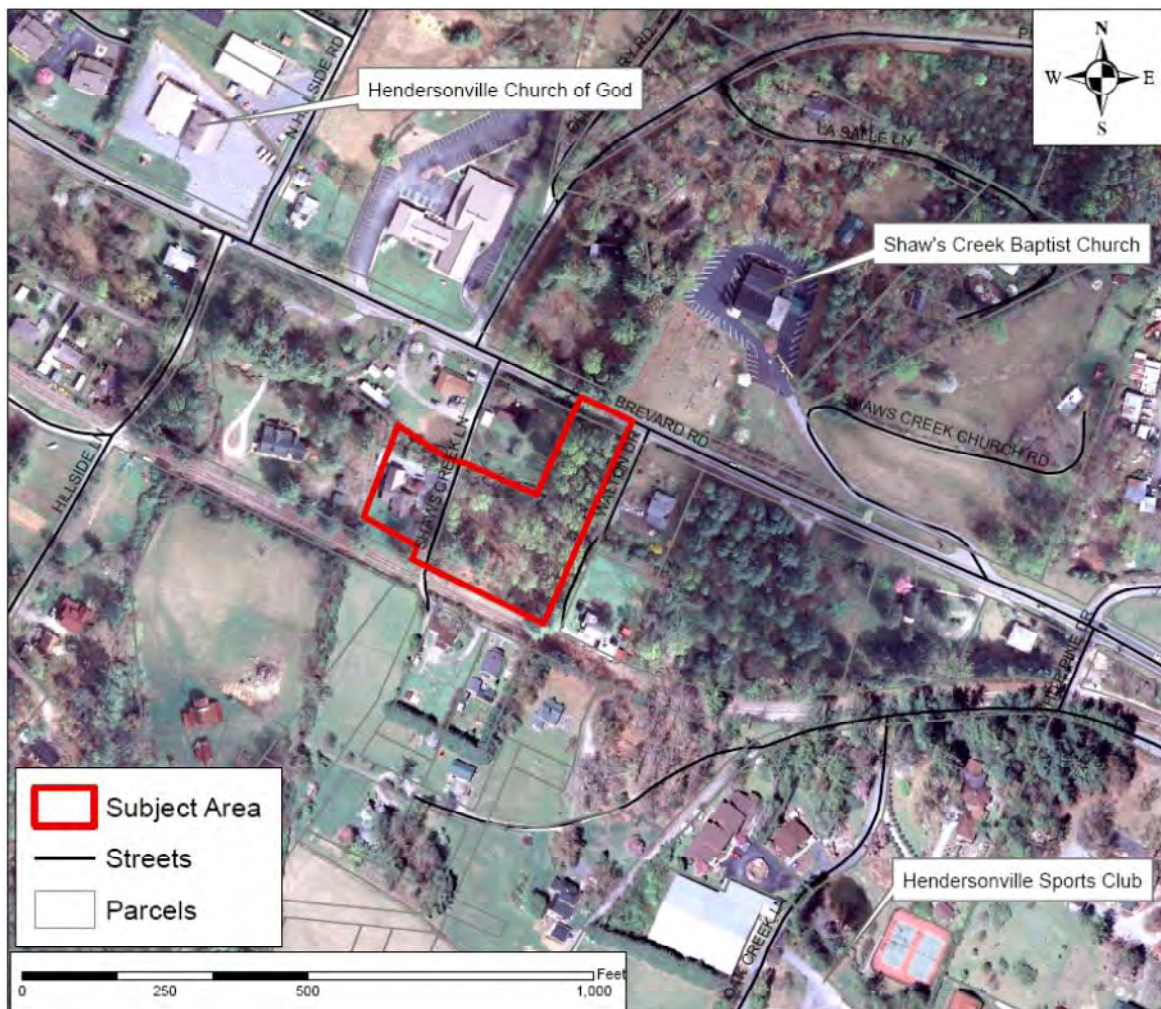
Henderson County Planning Department Staff Report

Rezoning Application #R-2012-05 James Durfee, Owner

1. Rezoning Request

- 1.1. **Applicant:** James Durfee, Owner
- 1.2. **Request:** Rezone a parcel from Residential Two (R2) to Office & Institutional (O & I)
- 1.3. **PINs:** 9559-60-3573 and 9559-60-0599
- 1.4. **Size:** Total of 2 acres to be rezoned.
- 1.5. **Location:** The subject area is located along US 64 West (Brevard Road), approximately 1,000 feet from the intersection of Windsor Drive (SR 1186) and US 64 West (Brevard Road) and alongside Shaws Creek Lane.

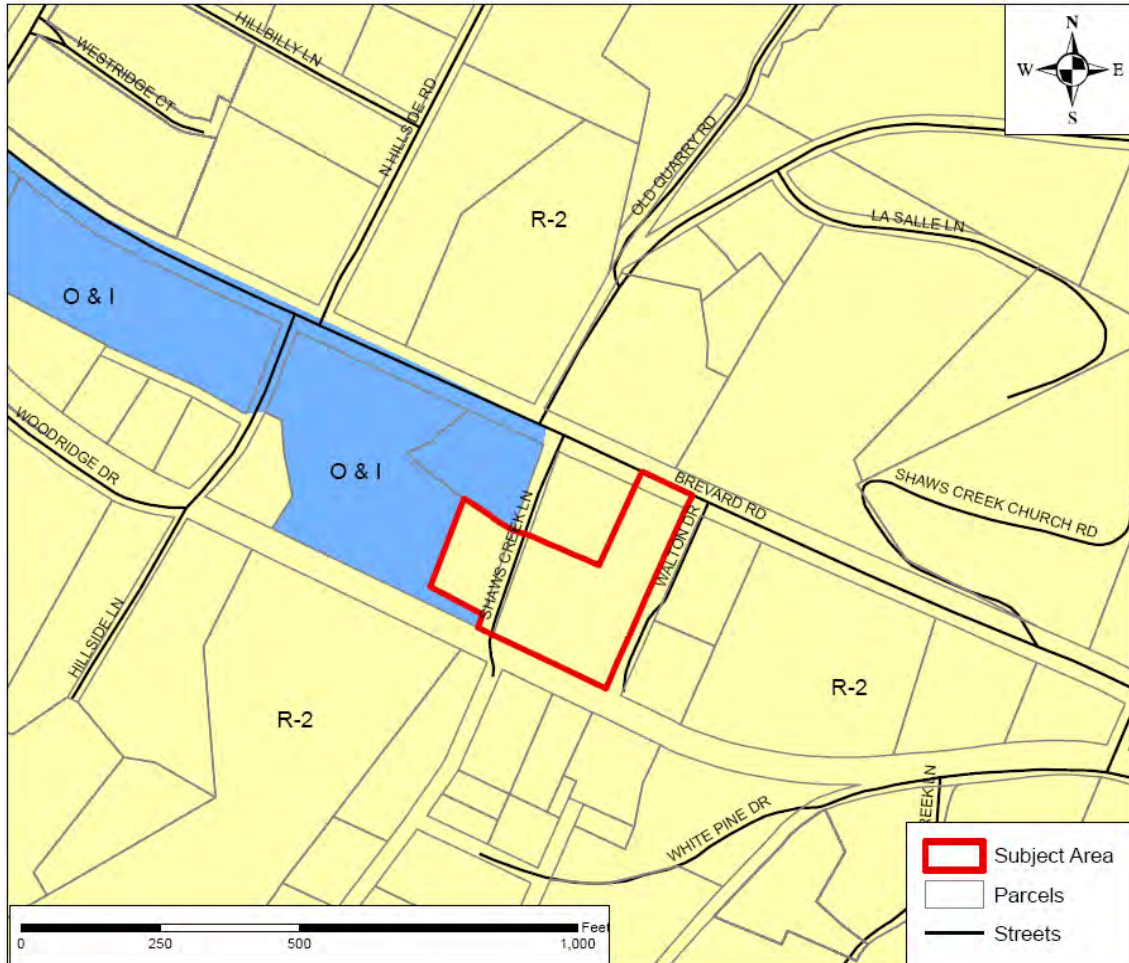
Map A: Aerial Photo



2. Current Zoning

2.1. **Application of Current Zoning:** The subject area was zoned Residential Two (R2) on September 19, 2007 with the adoption of the Land Development Code. The subject area is also located in a WS-IV-PA Water Supply Watershed.

Map B: Current Zoning



2.2. **Adjacent Zoning:** The subject area is adjacent to Office and Institutional (O&I) to the west and surrounded by Residential Two (R2) in all other directions.

2.3. District Comparison:

2.3.1. **R2 Residential District Two:** *“The purpose of Residential District Two (R2) 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 consistent with the recommendations of the Comprehensive Plan. It is also the intent of this district to allow for flexibility in the continuation of existing nonresidential uses. This general use district is typically meant to be*

utilized in areas designated as Transitional (RTA) in the Comprehensive Plan.” (Chapter 200A, Land Development Code §200A-28).

R2 requires 10 foot side and rear setbacks, maximum height 40 feet, and a standard density of four (1) units per acre (maximum density of 2 units per acre).

Office and Institutional (O & I): *“The purpose of the Office Institutional District (OI) is to foster orderly growth where the principal use of land is a mixture of office, institutional, and residential. The intent of this district is to allow for office, institutional and residential development consistent with the recommendations of the Comprehensive Plan. In accordance with the Comprehensive Plan, the district will allow for and provide office, institutional, and residential development that: (1) is directed largely to Community Service Centers as defined in the Comprehensive Plan; (2) is compatible with adjacent development and the surrounding community; and (3) will minimize congestion and sprawl.” (Chapter 200A, Land Development Code §200A-32).*

The Office and Institutional District requires 10 foot side and rear setbacks, a maximum building height of 50 feet for principal structures, and maximum impervious surface of 80%. The Standard residential density is four units per acre and the maximum density is 16 units per acre.

3. Current Uses of Subject Area and Adjacent Properties

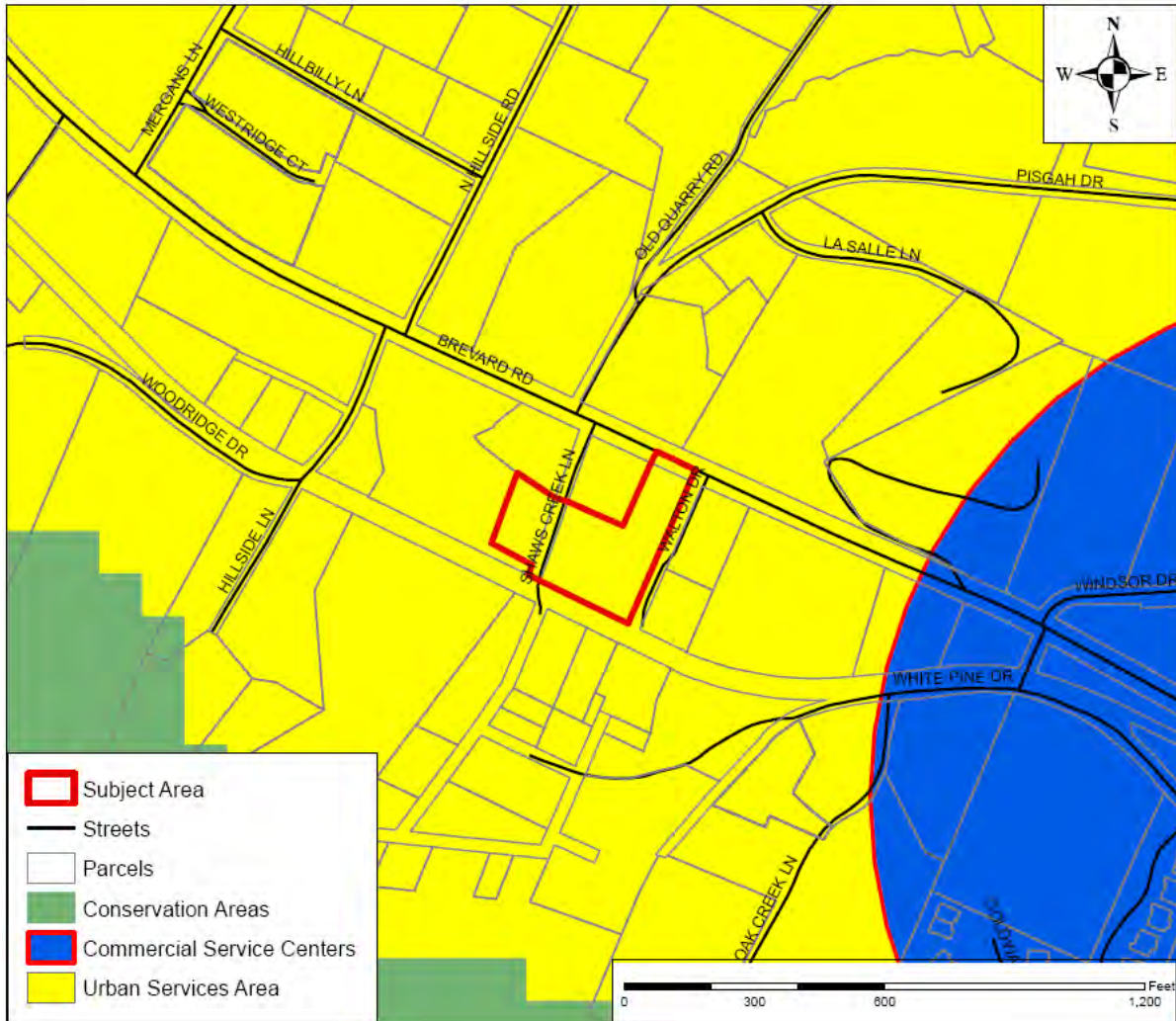
- 3.1. **Subject Area Uses:** The subject area currently contains one single family residence on one parcel (PIN 9559-60-0599) and the larger parcel to the east is vacant (PIN: 9559-60-3573 .
- 3.2. **Adjacent Area Uses:** The surrounding properties are primarily residential uses. The Hendersonville Church of Latter Day Saints is located to the north west, and Shaw’s Creek Baptist Church is located to the north east.

4. The Henderson County 2020 Comprehensive Plan (CCP)

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) (See Map C).

- 4.1. **Urban Services Area:** 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).

Map C: 2020 County Comprehensive Plan Future Land Use Map

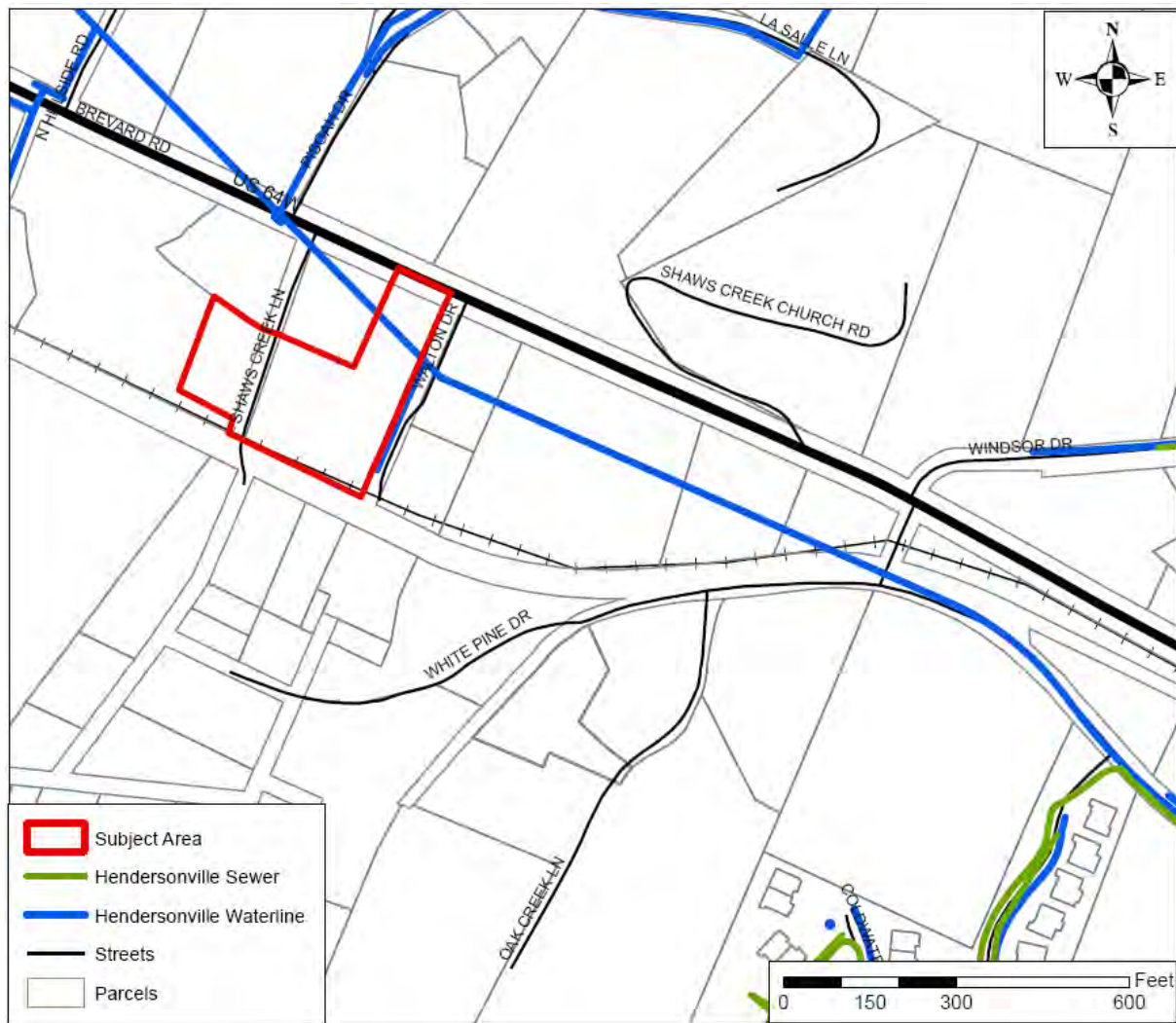


5. Water and Sewer

5.1. **Public Water:** A City of Hendersonville water line runs through the property as well as down Walton Drive and along US Highway 64 West. (See Map E).

5.2. **Public Sewer:** Public sewer provided by the City of Hendersonville is currently located approximately 1,400 feet to the east the Subject Area along US Highway 64 West near the intersection with Windsor Drive. (See Map E).

Map E: Water and Sewer Map



6. Staff Comments

- 6.1. **The 2020 CCP:** The CCP Future Land Use Map (See Map C) 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 indicates that the USA may be suitable for commercial development provided the development is in keeping with the surrounding community. The CCP also indicates that commercial may be suitable for the area as the Subject Area falls within close proximity of a commercial service center node within the USA.
- 6.2. **Adjacent Zoning:** The Subject Area is adjacent to Office and Institutional zoning to the west across Shaws Creek Lane.
- 6.3. **Comparison of Districts:** The existing R2 allows for residential uses. Applying Office and Institutional zoning will continue to allow for residential uses

however, eliminate the ability to construct all forms of manufactured housing. Applying Office and Institutional zoning will allow for offices, a greater variety of accessory businesses, as well as, additional educational and institutional uses.

- 6.4. 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.

7. **Staff Recommendations**

- 7.1. 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 Office & Institutional consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.

8. **Technical Review Committee Recommendations**

- 8.1. On Tuesday November 6th the Technical Review Committee voted unanimously to send a favorable recommendation of Rezoning application R-2012-5 to the Planning Board.

9. **Planning Board Recommendations**

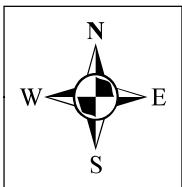
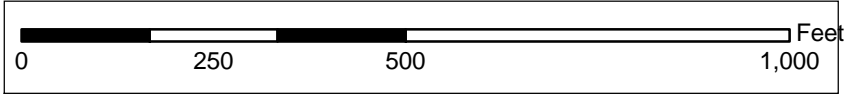
- 9.1. TBD.





Hendersonville Church of God

Shaw's Creek Baptist Church

Brevard Road



-  Subject Area
-  Streets
-  Parcels

Rezoning Application
R-2012-05
James Durfee, owner

§200A-28. Residential District Two (R2)

- A. **Purpose.** The purpose of Residential District Two (R2) 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* consistent with the recommendations of the *Comprehensive Plan*. It is also the intent of this district to allow for flexibility in the continuation of existing nonresidential *uses*. 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 density and dimensional 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 2.2. R2 Density and Dimensional Requirements			
(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:

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

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 (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*; 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.

§200A-32. Office Institutional District (OI)

- A. **Purpose.** The purpose of the Office Institutional District (OI) is to foster orderly growth where the *principal use* of land is a mixture of *office, institutional, and residential*. The intent of this district is to allow for office, institutional and *residential development* consistent with the recommendations of the *Comprehensive Plan*. In accordance with the *Comprehensive Plan*, the district will allow for and provide *office, institutional, and residential development* that: (1) is directed largely to Community Service Centers as defined in the *Comprehensive Plan*; (2) is compatible with adjacent development and the surrounding community; and (3) will minimize congestion and sprawl.
- 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 2.6. OI Density and Dimensional Requirements			
(1) Residential Density (units/acre)	(2) Standard	4	
	(3) Maximum	16	
Maximum Impervious Surface (%)		80	
(4) Yard Setbacks (feet)	Front or ROW	Local	20
		Collector	25
		Thoroughfare	35
		Boulevard	45
		Expressway	55
		Freeway	60
		Side	10
	Rear	10	
Maximum Height (feet)		50	

- (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:

<p><i>Lot size</i> x allowable units per acre = permitted <i>dwelling units</i></p> <p>The following example assumes a 5 acre tract with an allowable density of 4 units/acre:</p> <p>5 acres x 4 units per acre = <u>20 permitted dwelling units</u></p>
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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 (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) *Accessory structures* shall be located in *side* or *rear yards* and shall be *setback* a minimum of ten (10) feet from any property line.



View of the center of the Subject Area and existing single family home looking south.



View of the center of the Subject Area and existing single family home looking northwest.



View of the center of the Subject Area and existing vacant wooded lot looking south.



View of subject Area looking northeast.