

REQUEST FOR BOARD ACTION

HENDERSON COUNTY PLANNING BOARD

- MEETING DATE:** September 19, 2013
- SUBJECT:** Rezoning Application #R-2013-03
- PRESENTER:** Parker Sloan, Planner
- ATTACHMENTS:**
1. Staff Report
 2. Aerial Photo Map
 3. Regional Commercial (RC) District Text
 4. Residential Two Rural (R2R) District Text
 5. PowerPoint Handouts

SUMMARY OF REQUEST:

Rezoning Application #R-2013-03, which was submitted on August 6, 2013, requests the County rezone a 1.5 acre tract. The applicant requests a rezoning from a Regional Commercial (RC) to a Residential Two Rural (R2R) zoning district. The subject area is owned by Kerry Bodenheimer (PIN: 9651-52-4024).

Planning staff posted the property giving notice of the Planning Board meeting on September 10, 2013. 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 1, 2013. If no recommendation is made by November 1, 2013, 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 Tuesday, December 10, 2013.

Planning Board action to recommend that the Board of Commissioners approve, approve with modifications, table, or deny rezoning action #R-2013-03 would be appropriate.

Suggested Motion:

I move the Board recommend approval of rezoning application #R-2013-03 to rezone the subject area to a Residential Two Rural (R2R) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan.

Henderson County Planning Department Staff Report

Rezoning Application #R-2013-03 Kerry Bodenheimer, Owner

1. Rezoning Request

- 1.1. **Applicant:** Kerry Bodenheimer, Owner
- 1.2. **Request:** Rezone a portion of a parcel from Regional Commercial (RC) to Residential Two Rural (R2-R)
- 1.3. **PIN:** Portion of 9651-52-4024
- 1.4. **Size:** Total of 1.5 acres to be rezoned.
- 1.5. **Size of total tract:** 2.16 acres
- 1.6. **Location:** The subject area is located along Holbert Road (SR 1367), approximately 580 feet from the intersection of US highway 25 North (Asheville Highway) and Holbert (SR 1367).

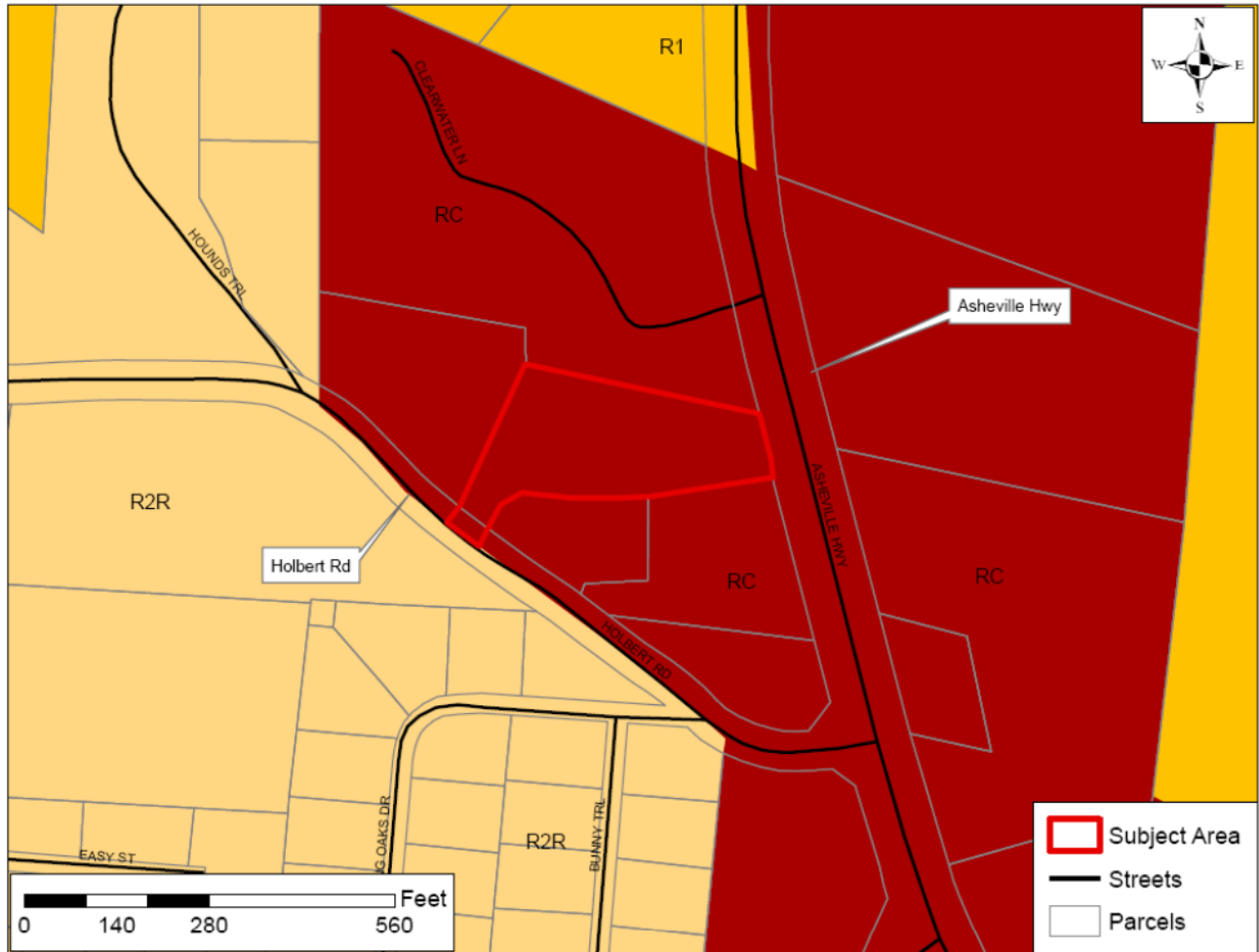
Map A: Aerial Photo



2. Current Zoning

2.1. **Application of Current Zoning:** The subject area was zoned Regional Commercial (RC) 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 Residential Two (R2 R) to the west and surrounded by Regional Commercial (RC) in all other directions.

2.3. District Comparison:

2.3.1. **Regional Commercial:** *“The purpose of the Regional Commercial District (RC) is to foster orderly growth where the principal use of land is commercial. 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 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 the local, community, and regional level; (2) is directed largely to defined 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 areas designated as Urban in the Comprehensive Plan” (Chapter 200A, Land Development Code §200A-35).

(1) RC (Regional Commercial) requires 10 foot side and rear setbacks;
(2) establishes a maximum height of 50 feet;
(3) provides a standard density of 16 units per acre with a maximum 80% impervious surface; (4) The maximum floor area is unlimited.

2.3.2. Residential Two Rural (R2R): *“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

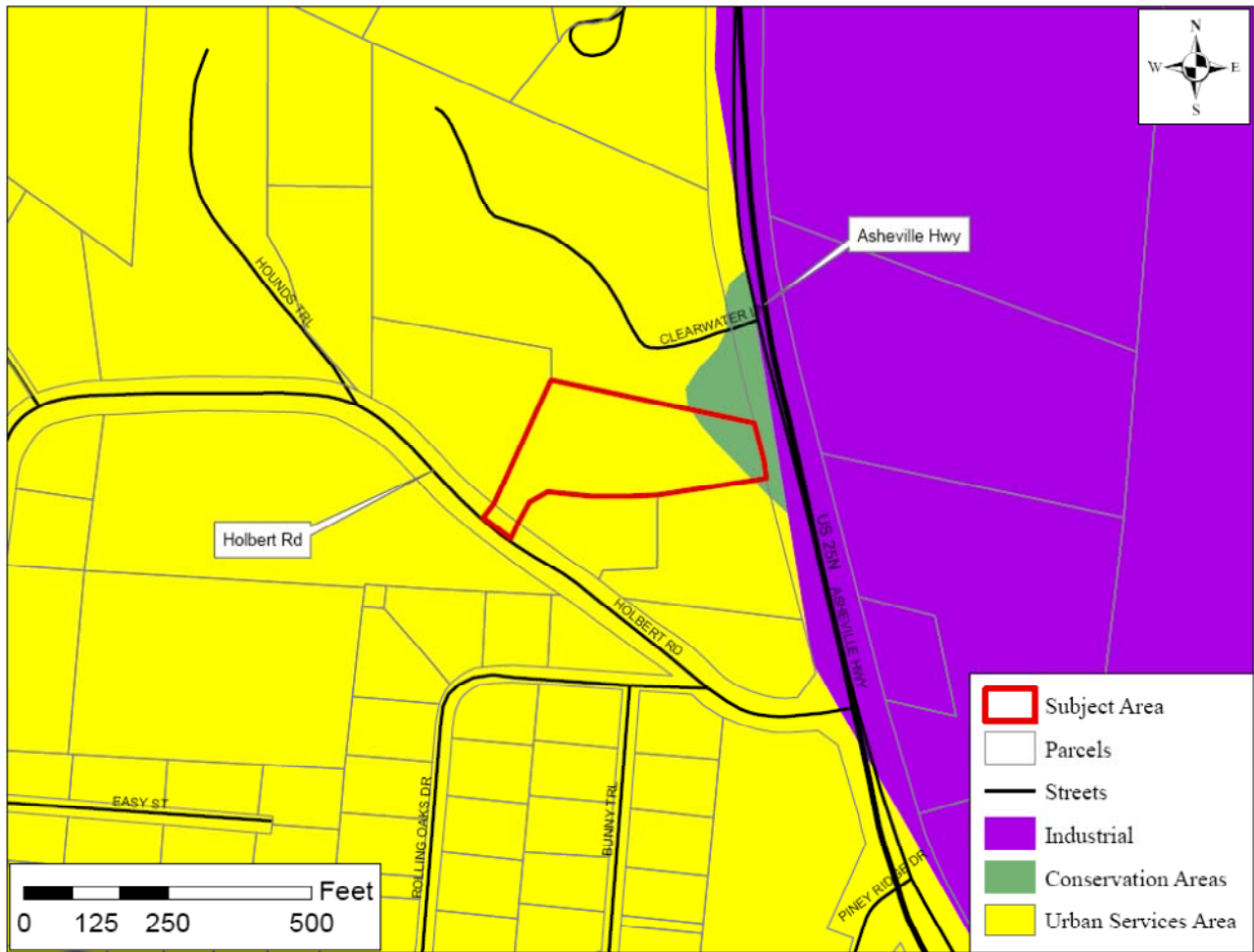
- 3.1. **Subject Area Uses:** The subject area parcel currently contains one single family residence and one automotive commercial business.
- 3.2. **Adjacent Area Uses:** The surrounding properties are primarily residential uses. Presley automotive is located to the south east of the project area on the corner of Holbert road and Asheville Highway.

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

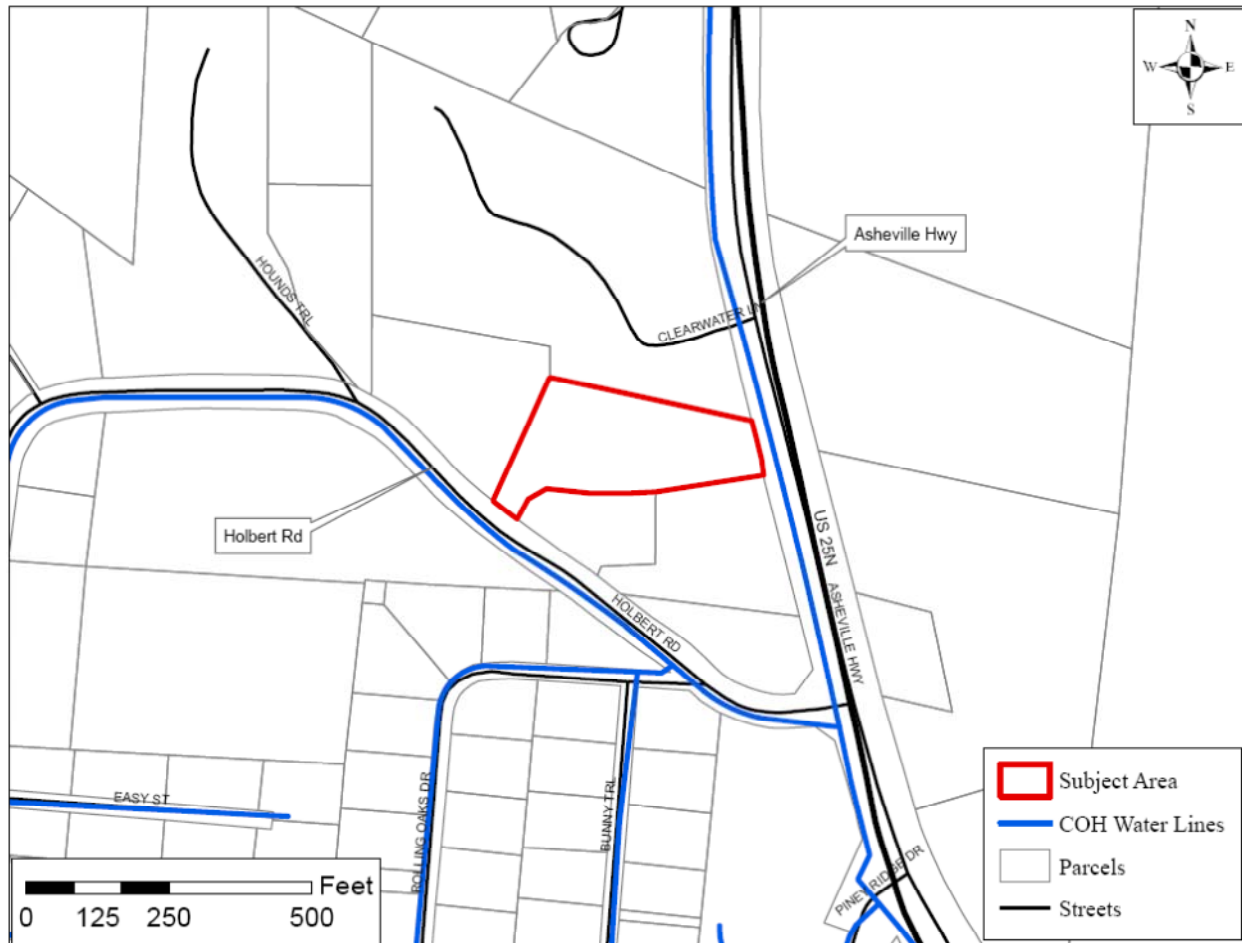


5. Water and Sewer

5.1. **Public Water:** A City of Hendersonville water line runs next to the project area along Holbert Road. (See Map E).

5.2. **Public Sewer:** Public sewer is not in the vicinity of this project. (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.
- 6.2. **Adjacent Zoning:** The Subject Area is adjacent to Residential Two Rural zoning to the west along the southwest side of Holbert road.
- 6.3. **Comparison of Districts:** The existing Regional commercial does not allow for residential uses. Applying Residential Two Rural will allow for residential uses however, eliminate the ability to construct all forms of commercial operations. Applying Residential Two Rural zoning will allow for some small businesses, and all types of residential 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

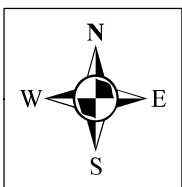
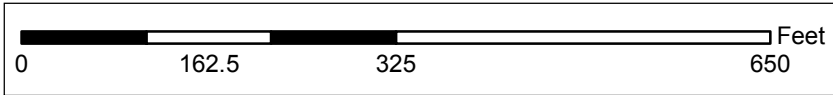
7.1. Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the Subject Area to Residential Two Rural consistent with the recommendations of the Henderson County 2020 Comprehensive Plan. Staff has attempted without success to contact adjacent property owners to the north of the Subject Area to include these parcels in the rezoning request if the property owners were agreeable. These parcels currently contain residential uses and would make a more contiguous residential district.




8. Technical Review Committee Recommendations

8.1. On Tuesday September 3rd the Technical Review Committee voted unanimously to send a favorable recommendation of Rezoning application R-2013-03 to the Planning Board.

9. Planning Board Recommendations

9.1. TBD



	Subject Area
	Parcels
	Streets

Rezoning Application
R-2013-03
Kerry Bodenheimer, applicant

§200A-35. Regional Commercial District (RC)

A. **Purpose.** The purpose of the Regional Commercial District (RC) is to foster orderly growth where the *principal use* of land is commercial. 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 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 the local, community, and regional level; (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 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 2.9. RC Density and Dimensional Requirements			
		(1) <i>Residential Density</i> (units/acre)	16
		<i>Maximum Impervious Surface</i> (%)	80
		<i>Maximum Floor Area</i> (sq ft)	Unlimited
<i>Yard Setbacks</i> (feet)	<i>Front or ROW</i>	<i>Local</i>	15
		<i>Collector</i>	30
		<i>Thoroughfare</i>	40
		<i>Boulevard</i>	50
		<i>Expressway</i>	50
		<i>Freeway</i>	60
	<i>Side</i>	10	
	<i>Rear</i>	10	
		<i>Maximum Height</i> (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>$Lot\ size \times allowable\ units\ per\ acre = permitted\ dwelling\ units$</p> <p>The following example assumes a 5 acre tract with an allowable density of 16 units/acre:</p> <p>5 acres x 16 units per acre = 80 permitted dwelling units</p>

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.

§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).

Table 2.3. R2R 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:

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

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.



Henderson County Planning Board Agenda
Thursday, September 19, 2013

1. Meeting Called to Order
2. Roll Call
3. Adjustment of Agenda
4. September Meeting Summary
5. Rezoning Application R-2013-03 (Kerry Bodenheimer) - Presenter: Parker Sloan, Planner
6. Staff Reports
7. Public Input
8. Adjournment

Rezoning #R-2013-03 Kerry Bodenheimer, Owner



Henderson County Planning Board Meeting
September 19, 2013

Presented by: Parker Sloan, Planner

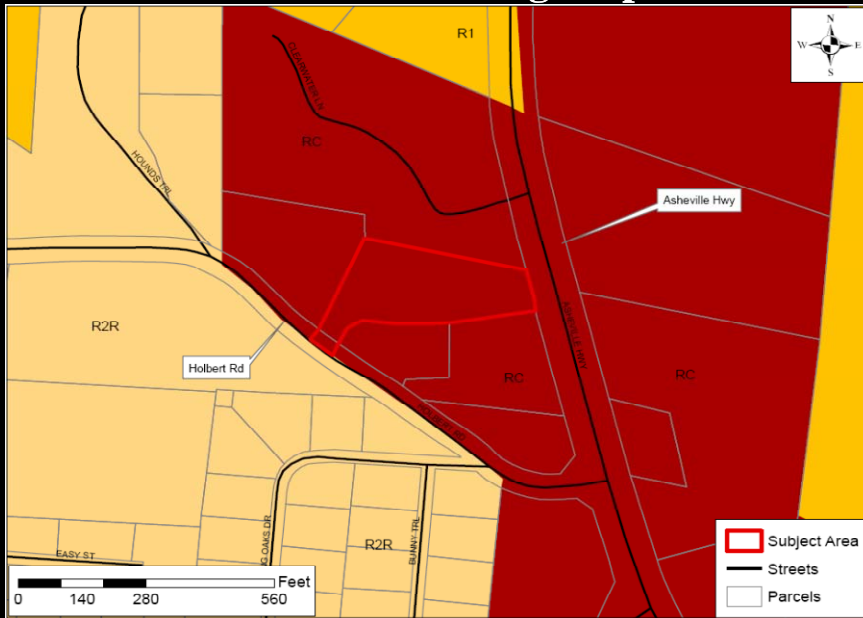
Henderson County Planning Department

Aerial Photo Map



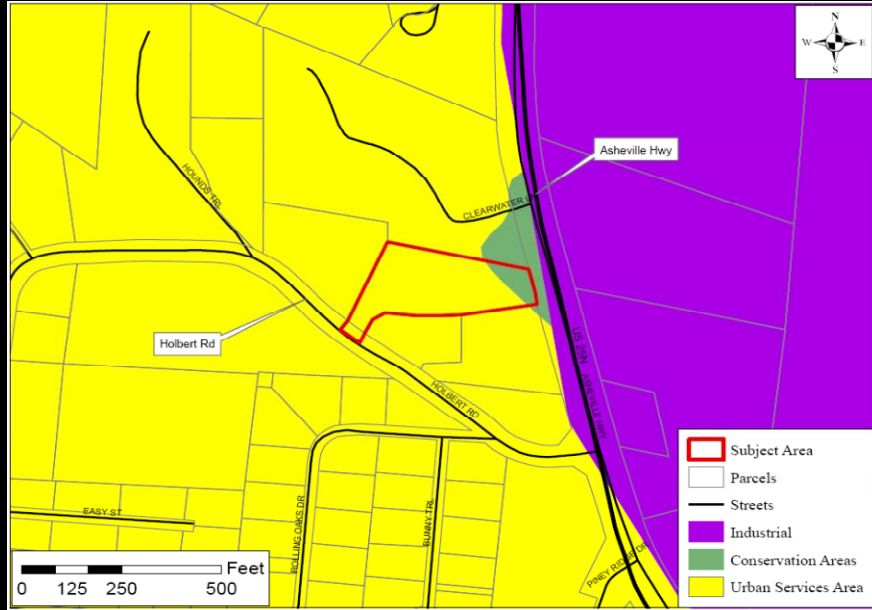
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Current Zoning Map



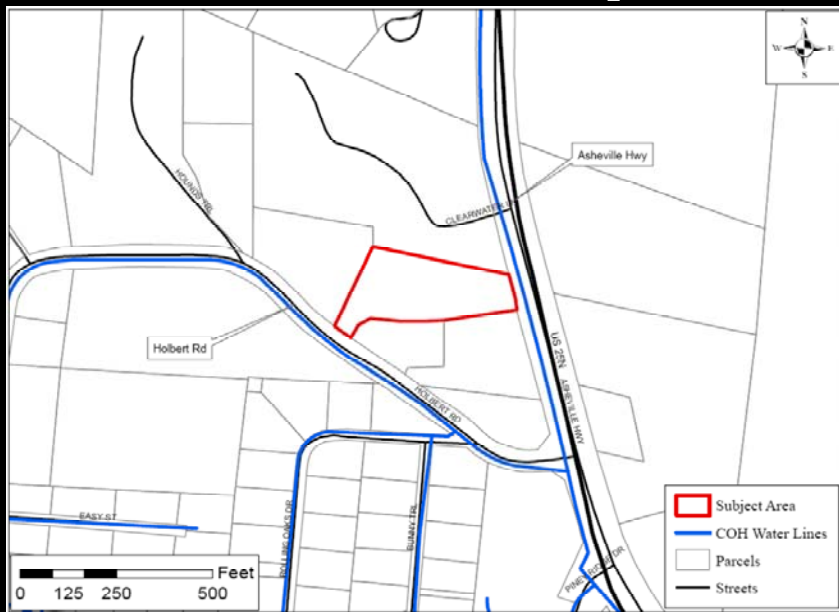
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2020 CCP Future Land Use Map



Henderson County Planning Department

Water and Sewer Map

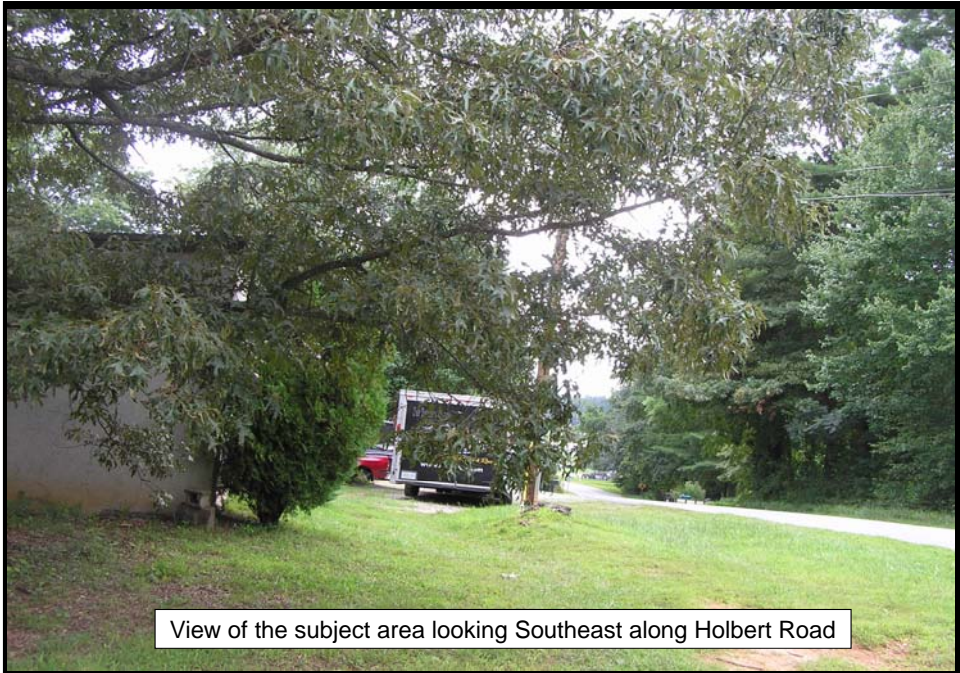


Henderson County Planning Department



View within the subject area looking east towards Asheville Hwy

Henderson County Planning Department



View of the subject area looking Southeast along Holbert Road

Henderson County Planning Department

Rezoning #R-2013-03

Public Comments



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