

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY PLANNING BOARD

**MEETING DATE:** December 19, 2013

**SUBJECT:** Rezoning Application #R-2013-06

**PRESENTER:** Parker Sloan, Planner

**ATTACHMENTS:**

1. Staff Report
2. Aerial Photo Map
3. Residential Two (R2R) District Text
4. Industrial (I) District Text
5. PowerPoint Handouts

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

Rezoning Application #R-2013-06, which was submitted on November 20, 2013 requests the County rezone a 5 acre tract. The applicant requests a rezoning from a Residential Two Rural (R2R) to an Industrial (I) zoning district. The subject area is owned by Chumbley Family LLC and the applicant is the Warm Company.

Planning staff posted the property giving notice of the Planning Board meeting on December 19, 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, January 24, 2014. If no recommendation is made by January 24, 2014, 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, March 10, 2014.

Planning Board action to recommend that the Board of Commissioners approve, approve with modifications, table, or deny rezoning action #R-2013-06 would be appropriate.

#### **Suggested Motion:**

I move the Board recommend approval of rezoning application #R-2013-06 to rezone the subject area to an Industrial (I) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan.

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## Henderson County Planning Department Staff Report

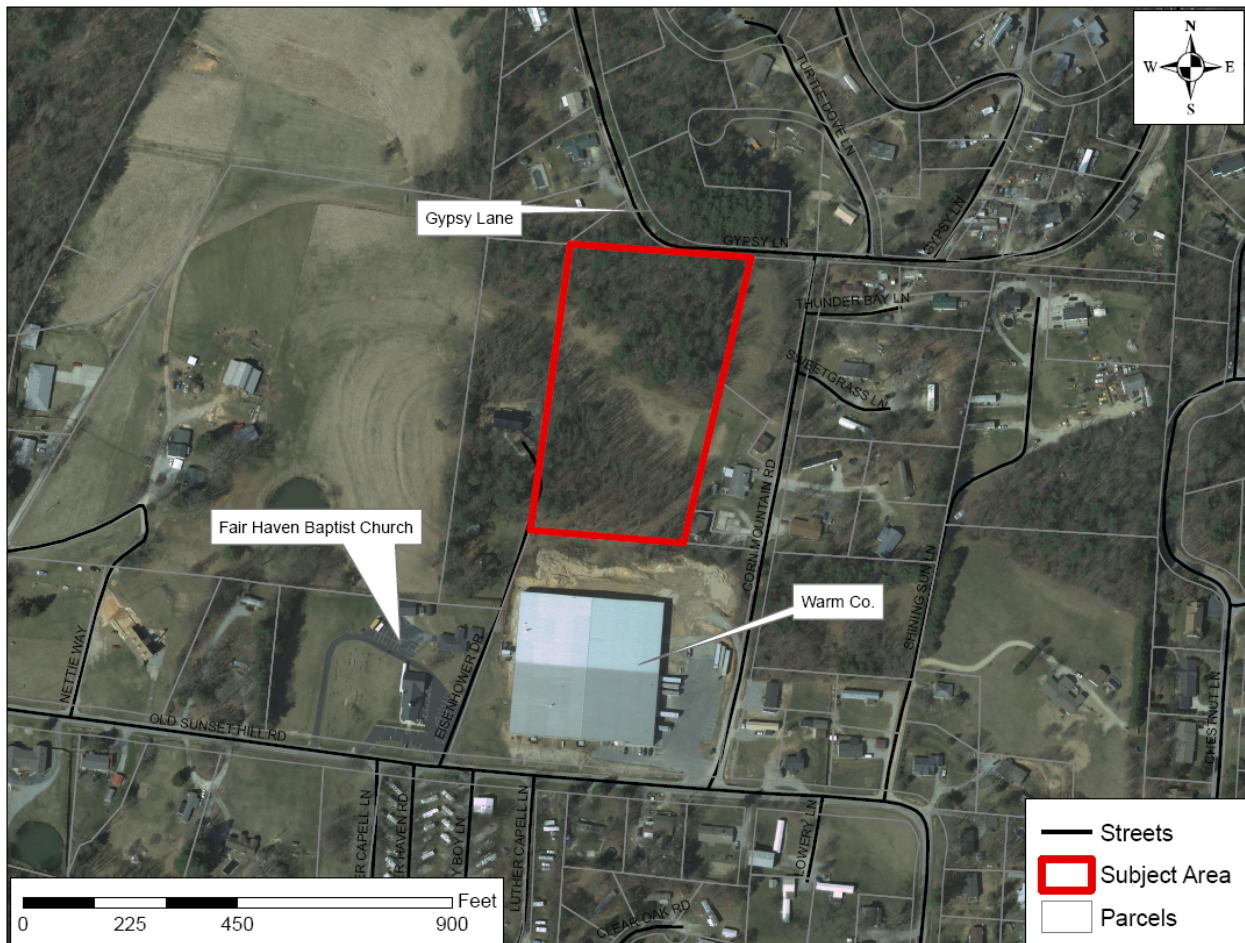
### Rezoning Application #R-2013-06 Chumbley Family LLC, Owner

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#### 1. Rezoning Request

- 1.1. **Owner/ Applicant:** Chumbley Family, LLC, Owner; care of Warm Co.
- 1.2. **Request:** Rezone a portion of a parcel from Residential Two Rural (R2-R) to Industrial (I)
- 1.3. **PIN:** Portion of 9589-08-7579
- 1.4. **Size:** Total of 5 acres to be rezoned.
- 1.5. **Location:** The subject area is located along Gypsy Lane, approximately 100 feet from the intersection of Corn Mountain Road and Gypsy Lane.

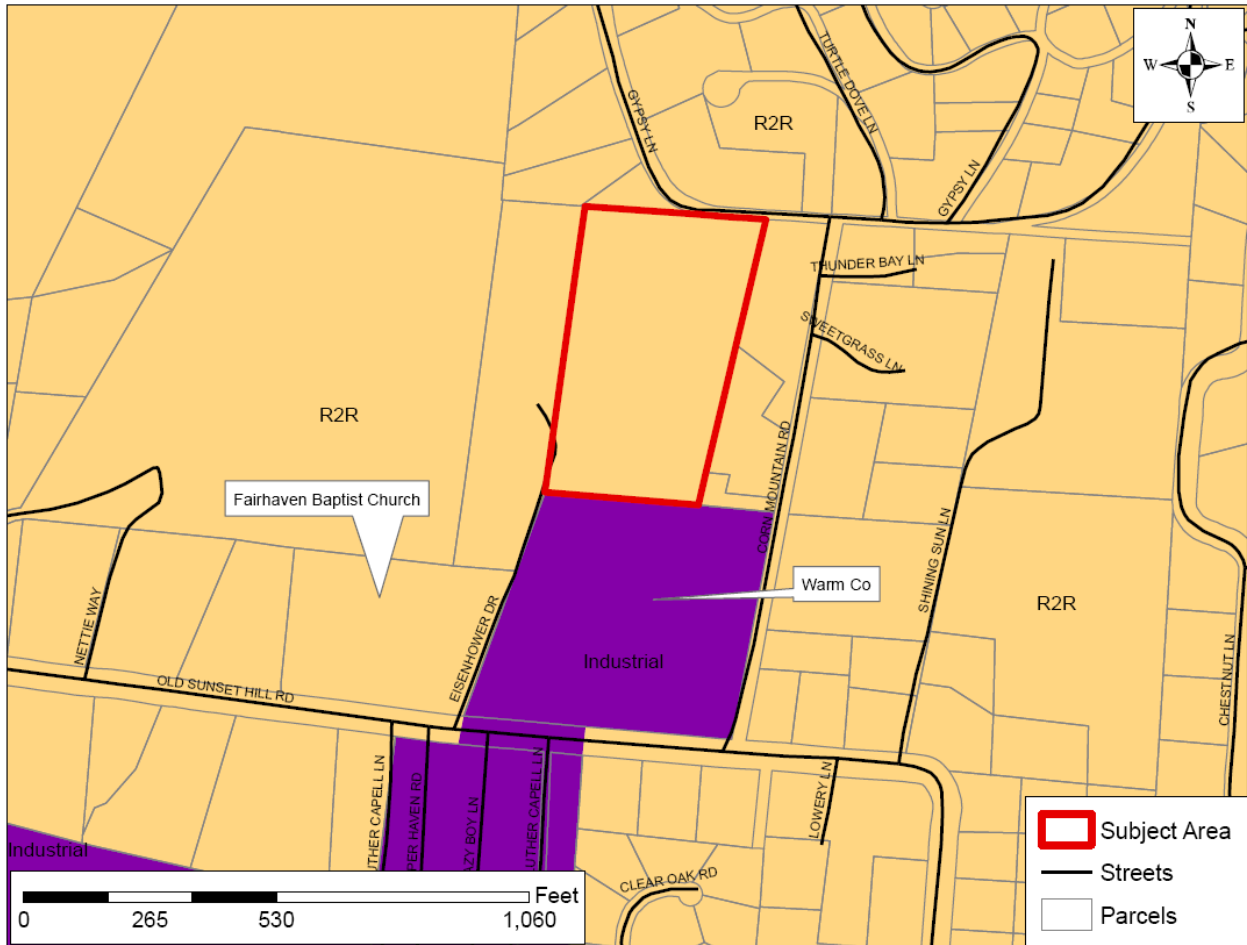
**Map A: Aerial Photo**



**2. Current Zoning**

**2.1. Application of Current Zoning:** The subject area was zoned Residential Two Rural (R2R) on September 19, 2007 with the adoption of the Land Development Code.

**Map B: Current Zoning**



**Adjacent Zoning:** The subject area is adjacent to Industrial (I) to the south and surrounded by Residential Two (R2 R) in all other directions.

**2.2. District Comparison:**

**2.2.1. 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).

2.2.2. **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

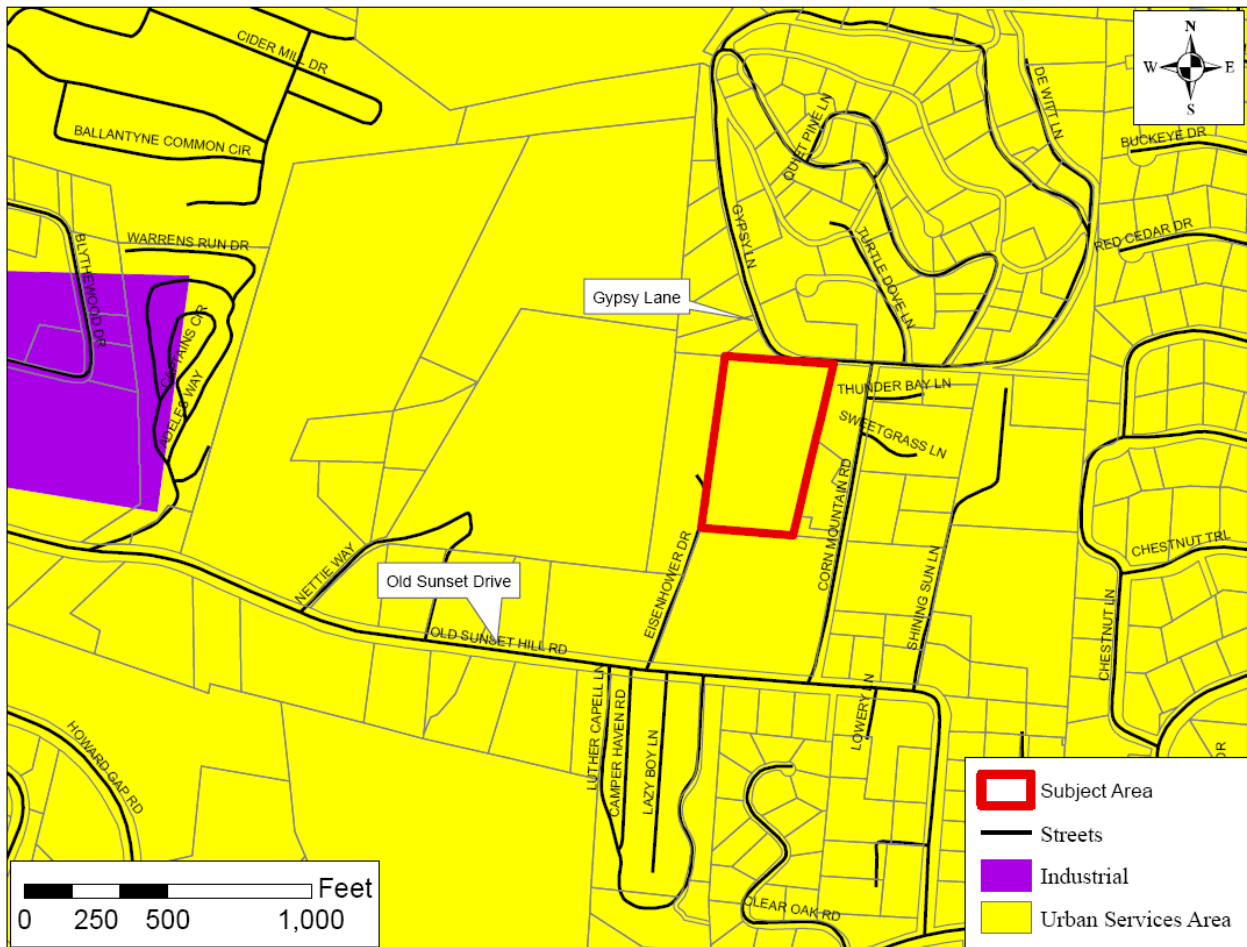
- 3.1. **Subject Area Uses:** The subject area is currently vacant.
- 3.2. **Adjacent Area Uses:** The surrounding properties are primarily residential uses. The Warm Company industrial site is located directly to the south of the subject area.

### 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

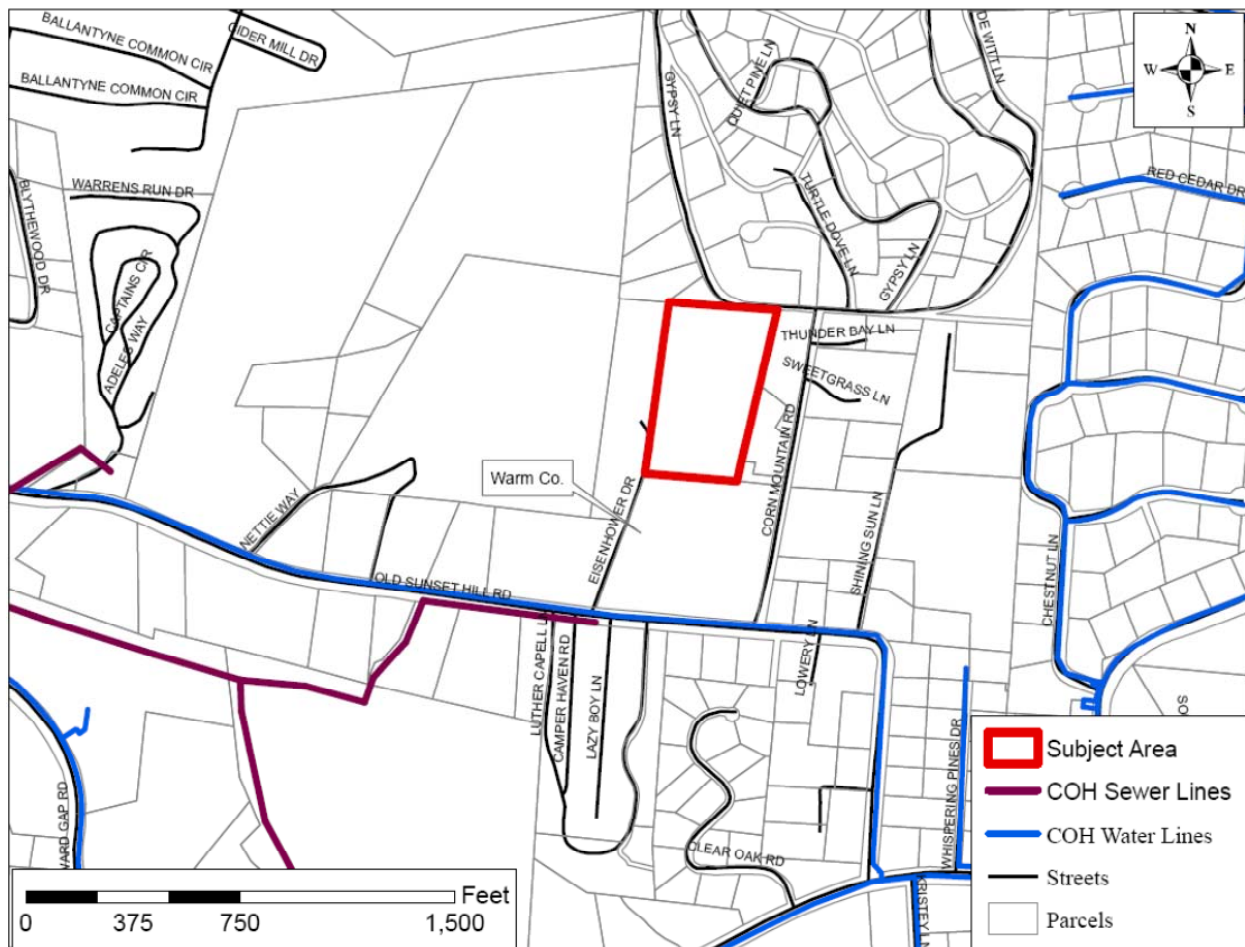


5. **Water and Sewer**

- 5.1. **Public Water:** A City of Hendersonville water line serves the Warm Co. site to the south of the subject area along Old Sunset Drive. (See Map E).
- 5.2. **Public Sewer:** A City of Hendersonville sewer line serves the Warm Co. site to the south of the subject area along Old Sunset 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.
- 6.2. **Adjacent Zoning:** The Subject Area is adjacent to Industrial (I) zoning directly to the south.
- 6.3. **Comparison of Districts:** The existing Residential zoning does not allow for Industrial uses. Applying Industrial zoning will allow for manufacturing and other industrial uses however, eliminate the ability to construct any form of residential.
- 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 Industrial 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 December 3<sup>rd</sup> the Technical Review Committee voted unanimously to send a favorable recommendation of Rezoning application R-2013-06 to the Planning Board.

**9. Planning Board Recommendations**

9.1. TBD

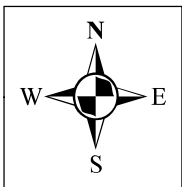
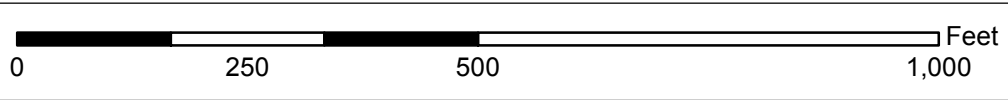







Gypsy Lane

Fair Haven Baptist Church

Warm Co



	Subject Area
	Parcels
	Streets

Rezoning Application  
R-2013-05  
Jesse Harris, applicant



**§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:
- 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;
  - To single-family residential *uses*; and
  - 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-36. Industrial District (I)**

- A. **Purpose.** 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 land *uses*; and (3) is sensitive to its impact on surrounding land *uses* and the environment (natural and man-made).
- B. **Density and Dimensional Requirements.** Each *use* allowed in this district shall at a minimum conform to the following requirements. In some cases a specific *use* may be required to meet the Supplemental Requirements as set forth in §200A-63 (Supplemental Requirements).

<b>Table 2.10. I Density and Dimensional Requirements</b>			
<i>Maximum Impervious Surface (%)</i>			80
<i>Maximum Floor Area (sq ft)</i>			Unlimited
<i>Yard Setbacks (feet)</i>	<i>Front or ROW</i>	<i>Local</i>	20
		<i>Collector</i>	30
		<i>Thoroughfare</i>	40
		<i>Boulevard</i>	50
		<i>Expressway</i>	50
		<i>Freeway</i>	60
	<i>Side</i>		20
	<i>Rear</i>		20
<i>Maximum Height (feet)</i>			72

- (1) *Accessory structures* shall be located in *side* or *rear* yards and shall be *setback* a minimum of five (5) feet from any property line.



# Rezoning #R-2013-06 Chumbley Family, LLC, Owner



Henderson County Planning Board Meeting  
December 19, 2013

Presented by: Parker Sloan, Planner

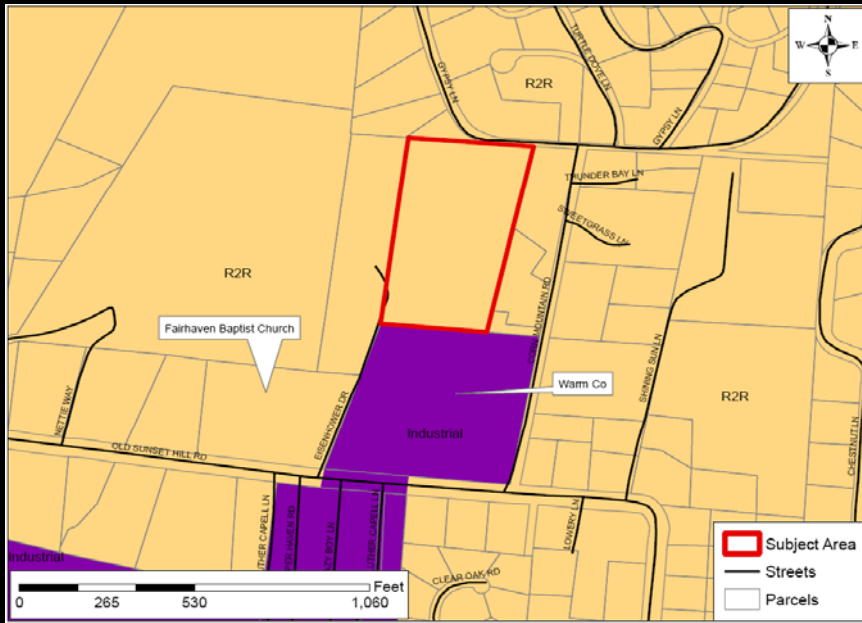
*Henderson County Planning Department*

## Aerial Photo Map



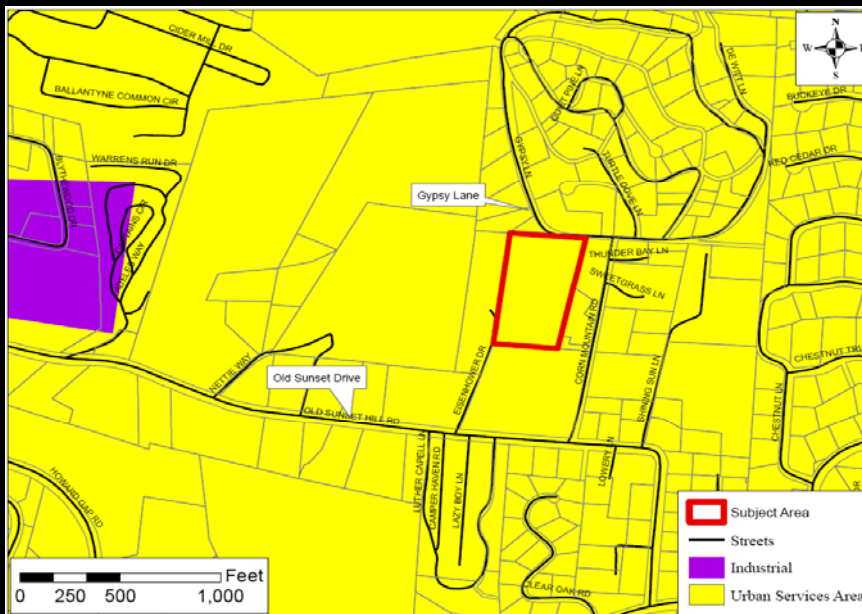
*Henderson County Planning Department*

## Current Zoning Map



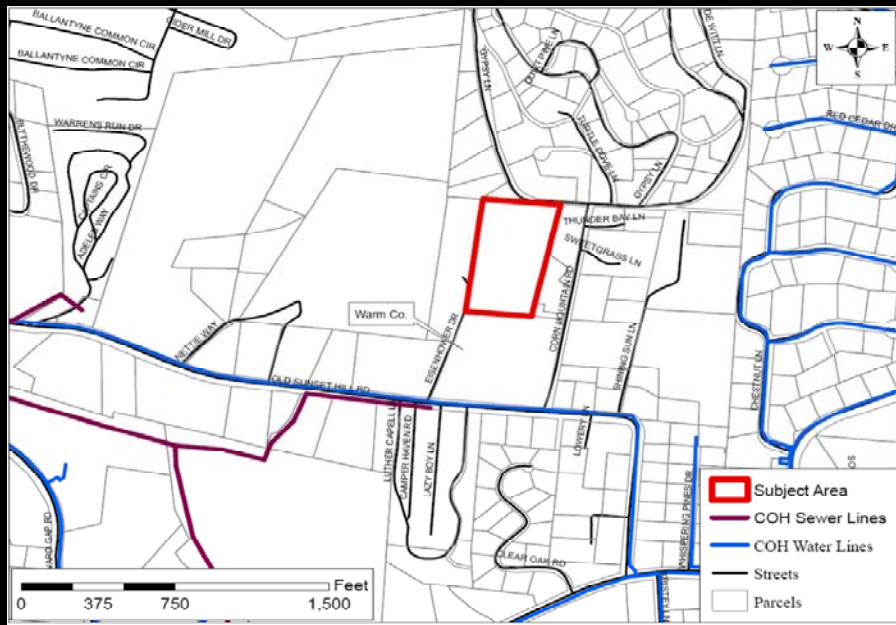
Henderson County Planning Department

## 2020 CCP Future Land Use Map



Henderson County Planning Department

# Water and Sewer Map



Henderson County Planning Department



View looking southwest at the northern extent of the subject area

Henderson County Planning Department





# Public Comments

Suggested Motion: I move the Board recommend approval of rezoning application #R-2013-06 to rezone the subject area to an Industrial (I) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan.



**Rezoning #R-2013-06**