

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY PLANNING BOARD

**MEETING DATE:** March 20, 2014

**SUBJECT:** Rezoning Application #R-2014-01

**PRESENTER:** Parker Sloan, Planner

**ATTACHMENTS:**

1. Staff Report
2. Aerial Photo Map
3. Industrial (I) District Text
4. Residential One (R1) District Text
5. PowerPoint Handouts

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

Rezoning Application #R-2014-01, which was submitted on January 16, 2014, requests the County rezone a 4.87 acre tract. The applicant requests a rezoning from a Industrial (I) to a Residential One (R1) zoning district. The subject area is owned by Dyer Properties LLC (PIN: 9652-73-0943).

Planning staff posted the property giving notice of the Planning Board meeting on March 10, 2014. 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, April 25, 2014. If no recommendation is made by April 25, 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, June 9, 2014.

Planning Board action to recommend that the Board of Commissioners approve, approve with modifications, table, or deny rezoning action #R-2014-01 would be appropriate.

#### **Suggested Motion:**

I move the Board recommend approval of rezoning application #R-2014-01 to rezone the subject area to a Residential One (R1) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan.

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## Henderson County Planning Department Staff Report

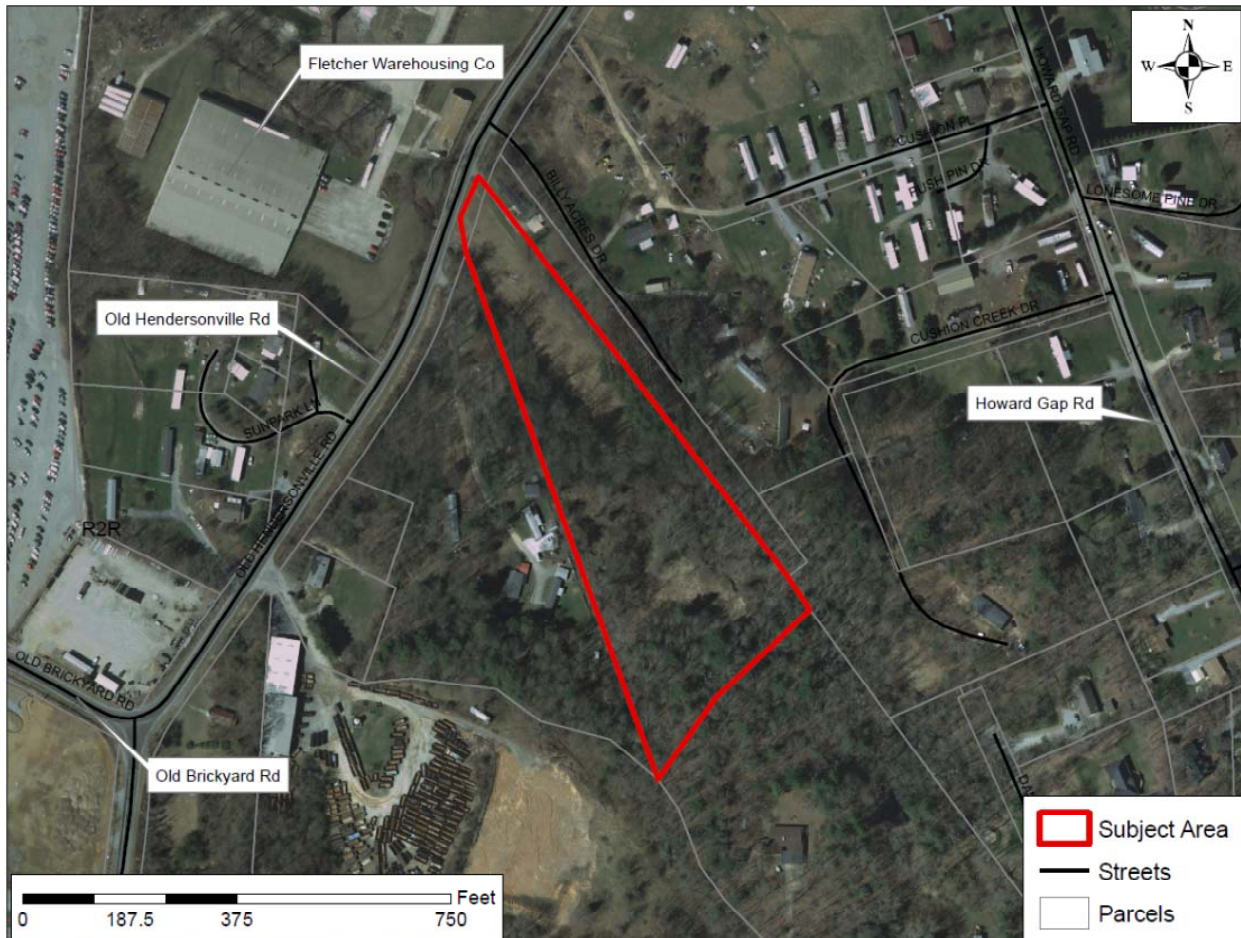
### Rezoning Application #R-2014-01 Dyer Properties LLC, Owner

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#### 1. Rezoning Request

- 1.1. **Applicant:** Matthew Dyer, Applicant
- 1.2. **Request:** Rezone a parcel from Industrial (I) to Residential One (R1)
- 1.3. **PIN:** 9652-73-0943
- 1.4. **Size:** Total of 4.87 acres to be rezoned.
- 1.5. **Location:** The subject area is located along Old Hendersonville Road (SR 1536), approximately 2,800 feet from the intersection of Old Brickyard Road (SR 1537) and Hendersonville Road (US 25).

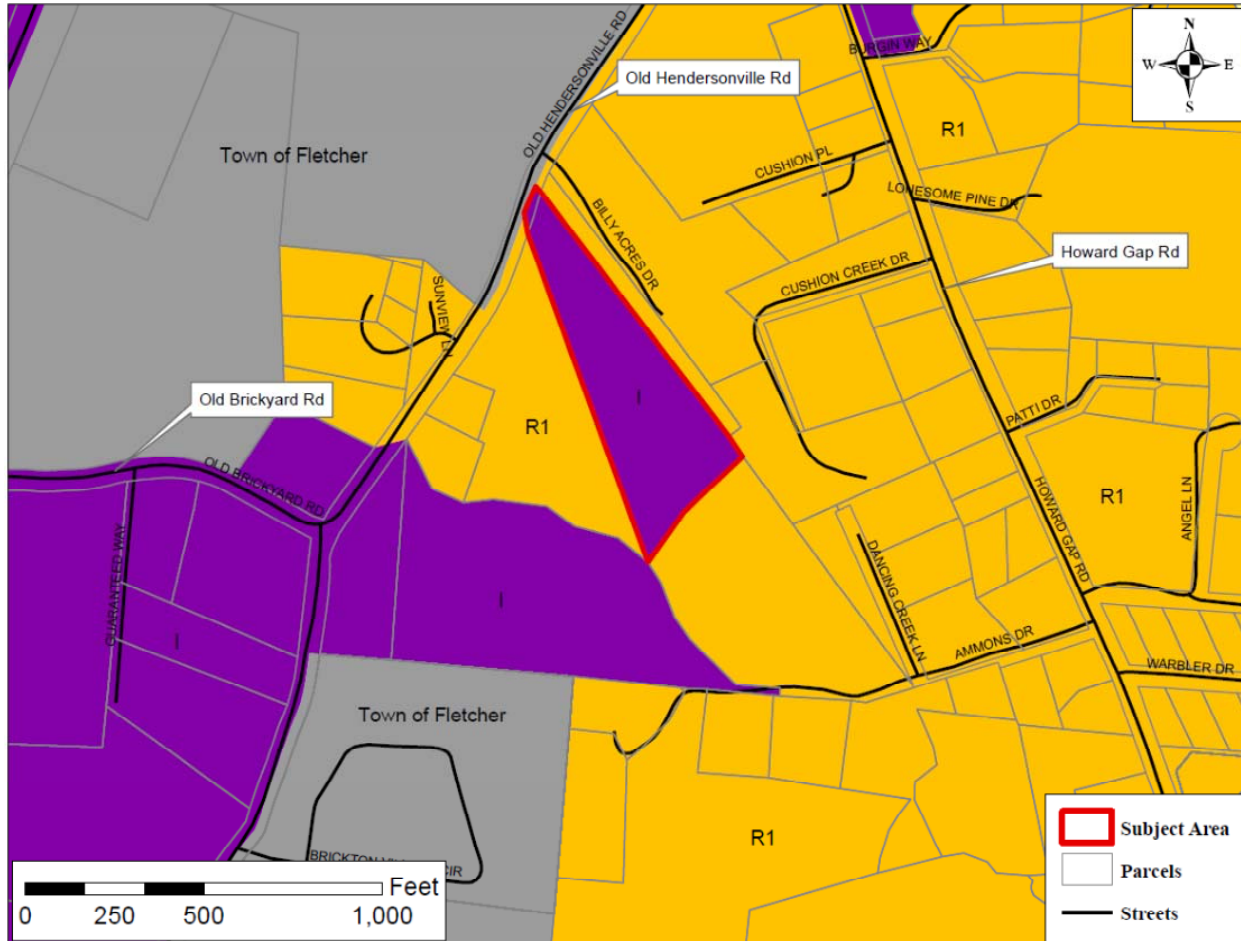
**Map A: Aerial Photo**



**2. Current Zoning**

2.1. **Application of Current Zoning:** The subject area was zoned Industrial (I) 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 Industrial (I) to the south and is adjacent to the Town of Fletcher municipal limits to the north-west. The subject area is surrounded by Residential One (R1) in all other directions.

**2.3. District Comparison:**

2.3.1. **R1 Residential District One:** *“The purpose of Residential District One (R1) is to foster orderly growth where the principle use of land is residential. The intent of this district is to allow for medium to high density residential development consistent with the recommendations of the Comprehensive Plan. This general use district is typically meant to be utilized in areas designated as Urban in the Comprehensive Plan”* (Chapter 200A, Land Development Code §42A-27).

(1) R1 requires 10 foot side and rear setbacks, maximum height 40 feet, and a standard density of four (4) units per acre (maximum density of 16 units per acre).

2.3.2. **I Industrial Zoning 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 land uses; and (3) is sensitive to its impact on surrounding land uses and the environment (natural and man-made)”* (LDC §42A-36).

(1) I (Industrial) requires 20 foot side and rear setbacks; (2) establishes a maximum building height of 72 feet; (3) Provides an 80% maximum impervious surface area and a unlimited maximum floor area (Chapter 42A, Land Development Code §42A-36)

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

3.1. **Subject Area Uses:** The subject area parcel is currently vacant.

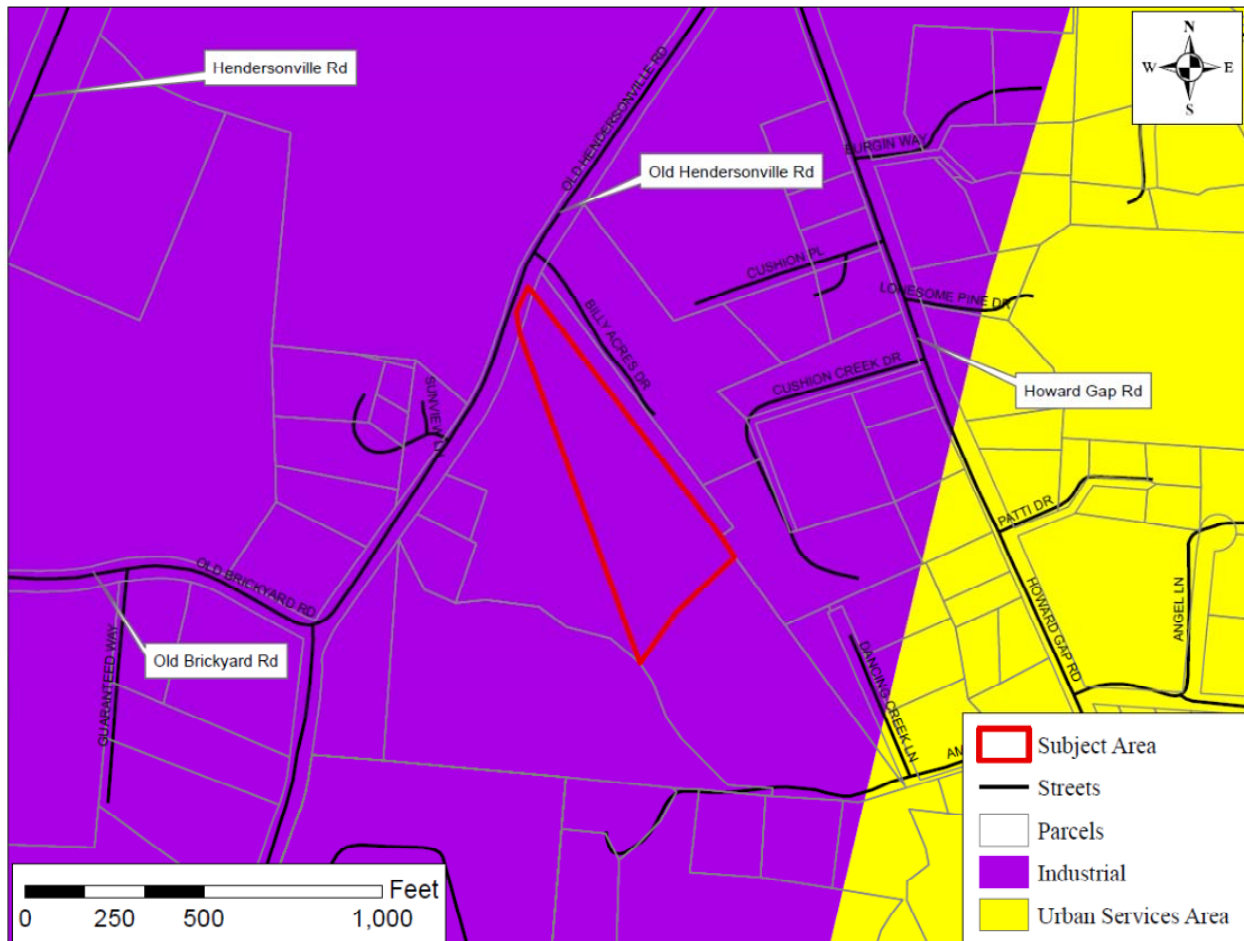
3.2. **Adjacent Area Uses:** The surrounding properties are primarily residential uses. Fletcher Warehousing Co is located across Old Hendersonville Road and a Republic Waste Management equipment storage facility touches the subject area to the south.

**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 and Industrial 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. The USA will essentially contain all existing and future industrial developments, which will be the future focus of economic development activities” (2020 CCP, Pg. 129).
- 4.2. **Industrial Area:** The CCP states that, “most defined industrial areas should lie within the Urban Services Area, and in other areas on a very limited basis. Most industrial uses should be segregated from other uses with the exception of Regional Commercial uses” (2020 CCP, Pg. 136).

**Map C: 2020 County Comprehensive Plan Future Land Use Map**



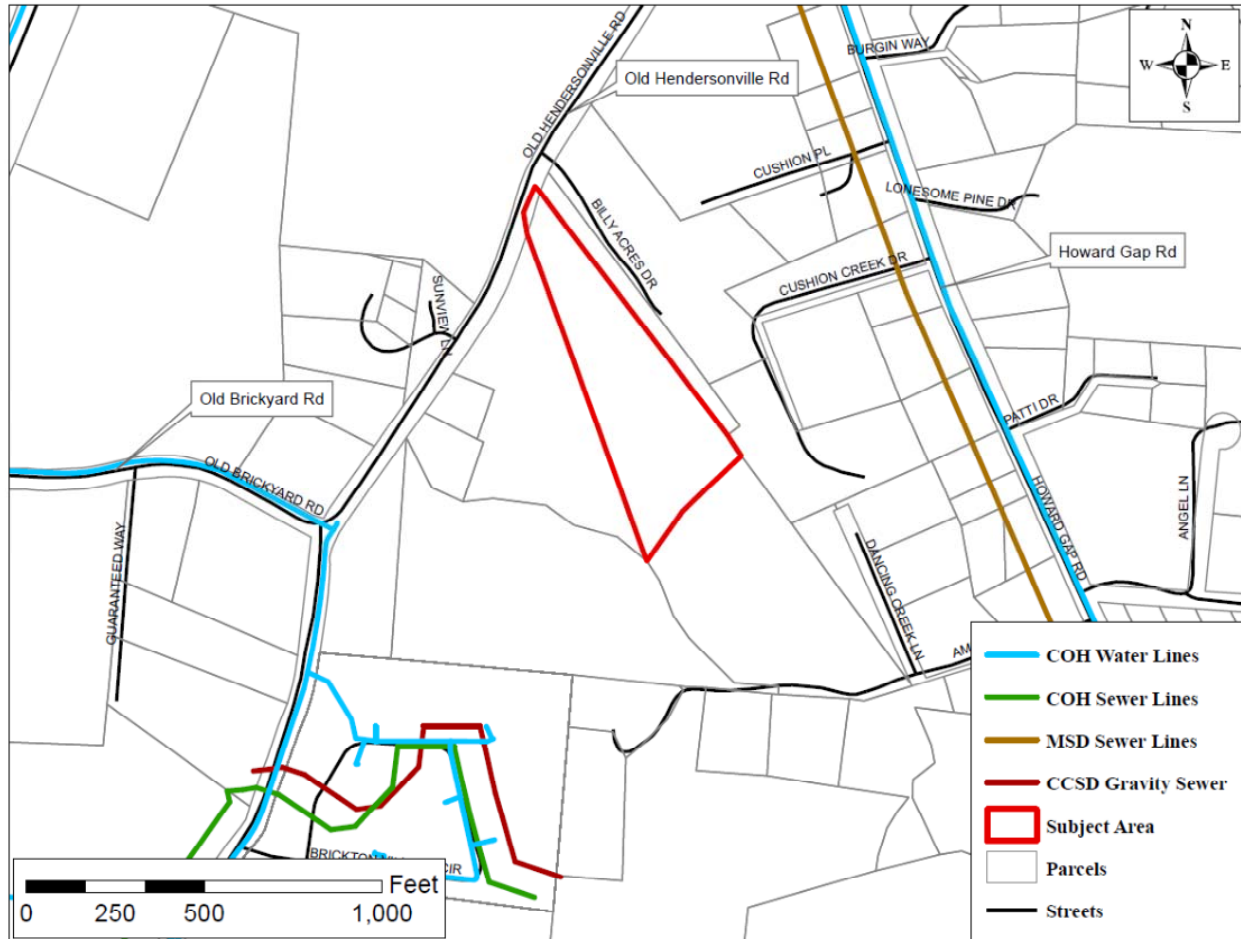


**5. Water and Sewer**

5.1. **Public Water:** A City of Hendersonville water line runs very close to the project area along Old Brickyard Road and the southern portion of Old Hendersonville Road. (See Map E).

5.2. **Public Sewer:** Metropolitan Sewer District sewer line runs along Howard Gap Road. A Cane Creek sewer line and City of Hendersonville sewer line run into the Brickton Village Condos. (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 to the south and is adjacent to the Town of Fletcher municipal limits to the north-

west. The subject area is surrounded by Residential One (R1) in all other directions.

- 6.3. **Comparison of Districts:** The existing Industrial zoning district does not allow for residential uses. Applying Residential One (R1) zoning will allow for all types of residential uses except for single wide mobile homes with a standard density of 4 units per acres. R1 also allows, with a special use permit, all types of multi-family residential uses with a maximum residential density of up to 16 units per acre.
- 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. 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 One (R1) consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.

## 8. **Technical Review Committee Recommendations**

- 8.1. The Technical Review Committee voted unanimously on March 4, 2014 to send forward a favorable recommendation for Rezoning R-2014-01.

## 9. **Planning Board Recommendations**

- 9.1. TBD





Fletcher Warehousing Co

Howard Gap Rd

SUN PARK LN

BILLY ACRES DR

CUSHION PL

PUSH PIN DR

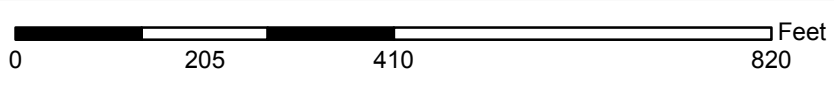
CUSHION CREEK DR

OLD HENDERSONVILLE RD

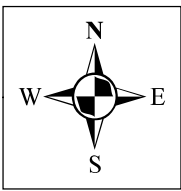
Old Hendersonville Rd

DANCING CREEK LN

AMMONS DR



Rezoning Application  
R-2014-01  
Matthew Dyer, Applicant





**§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.

**§200A-27 Residential District One (R1)**

- A. **Purpose.** The purpose of Residential District One (R1) is to foster orderly growth where the *principal use* of land is residential. The intent of this district is to allow for medium to high-density *residential development* consistent with the recommendations of the *Comprehensive Plan*. This general *use district* is typically meant to be utilized in areas designated as Urban (USA) 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 2.1. R1 Density and Dimensional Requirements			
(1) Residential Density (units/acre)		(2) Standard	4
		(3) Intermediate	8
		(4) Maximum	16
(5) Yard Setbacks (feet)	Front or Right-of-Way (ROW)	<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	
		(6) 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:

<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 = <b><u>20 permitted dwelling units</u></b></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:
- 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) Intermediate residential density shall be available when individual dwellings would be served by both: (1) a *municipal water supply system* and (2) a *sewage disposal system* (of the following types: municipal, approved public, or approved community) which meet the requirements of applicable local or state authorities having jurisdiction thereof.
- (4) 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 *municipal 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.
- (5) *Accessory structures* shall be located in *side* or *rear yards* and shall be *setback* a minimum of 5 (5) feet from any property line.
- (6) 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-2014-01 Dyer Properties, LLC, Owner



Henderson County Planning Board Meeting  
March 20, 2014

Presented by: Parker Sloan, Planner

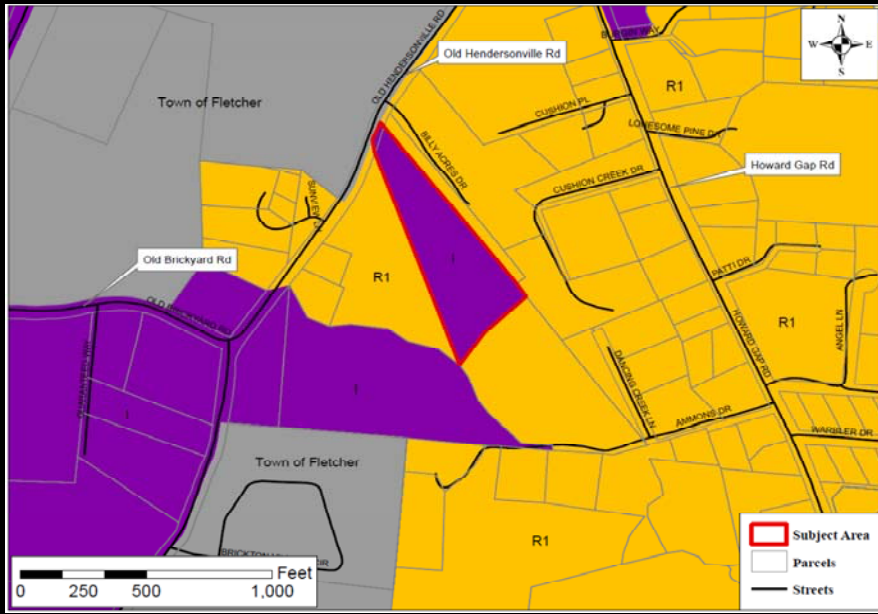
*Henderson County Planning Department*

## Aerial Photo Map



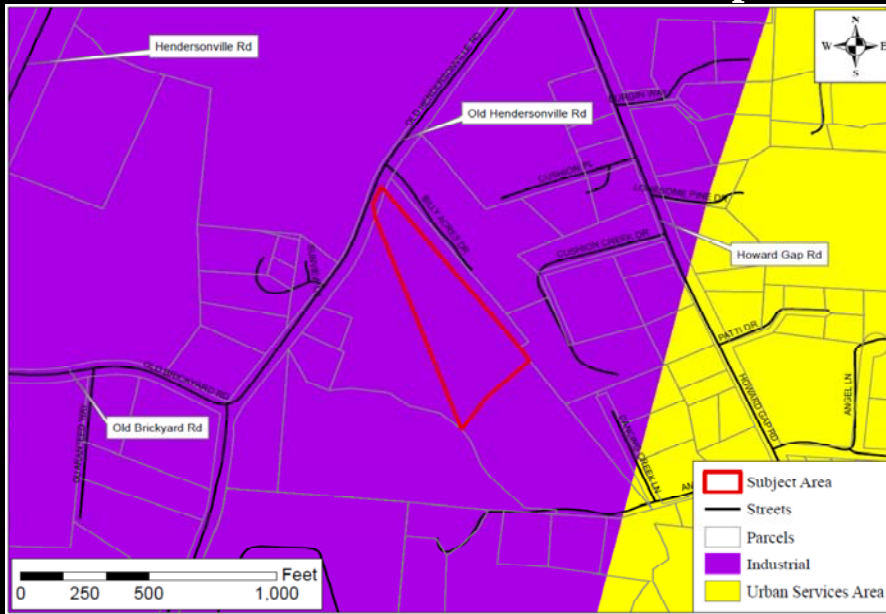
*Henderson County Planning Department*

# Current Zoning Map



Henderson County Planning Department

# 2020 CCP Future Land Use Map



Henderson County Planning Department







## Public Comments

Suggested Motion: I move the Board recommend approval of rezoning application #R-2014-01 to rezone the subject area to a Residential One (R1) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan.



**Rezoning #R-2014-01**