

REQUEST FOR BOARD ACTION

HENDERSON COUNTY PLANNING BOARD

MEETING DATE: September 24, 2015

SUBJECT: Rezoning Application #R-2015-03 Patricia Johnson

PRESENTER: Autumn Radcliff, Senior Planner

ATTACHMENTS:

1. Staff Report
2. Residential One (R1) District Text
3. Local Commercial (LC) District Text
4. PowerPoint Handouts

SUMMARY OF REQUEST:

Rezoning Application #R-2015-03, which was initiated on August 29, 2015 at the request of property owner, Patricia Johnson, who requests the County rezone approximately 9.28 acres of land (thereafter the "Subject Area") Residential One (R1) zoning district to a Local Commercial (LC) zoning district.

Planning staff posted the property giving notice of the Planning Board meeting on September 15, 2015. The Planning Board has 45 days from its first consideration of a rezoning application to make a recommendation to the Board of Commissioners. If no recommendation is made by this date, 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.

Planning Board action to recommend that the Board of Commissioners approve, approve with modifications, table, or deny rezoning action #R-2015-03 would be appropriate.

Suggested Motion:

I move that the Board recommend the Board of Commissioners (approve, approve with modification or deny) rezoning application #R-2015-03 to rezone the Subject Area to a Local Commercial (LC) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan.

Henderson County Planning Department Staff Report

Rezoning Application #R-2015-03 (R1 to LC)

Patricia Johnson, Owner(s)
Patricia Johnson, Applicant

1. Rezoning Request

- 1.1. **Applicant:** Patricia Johnson
- 1.2. **Property Owner:** Patricia Johnson
- 1.3. **PIN:** 9579856437 and 9579854829
- 1.4. **Request:** Rezone subject area from a Residential One (R1) zoning district to a Local Commercial (LC) zoning district.
- 1.5. **Size:** Approximately 9.28 acres of land.
- 1.6. **Location:** The subject area is located on Sugarloaf Rd (SR 1902 approximately 400 feet west of of Piney Mountain Rd (SR 1006).

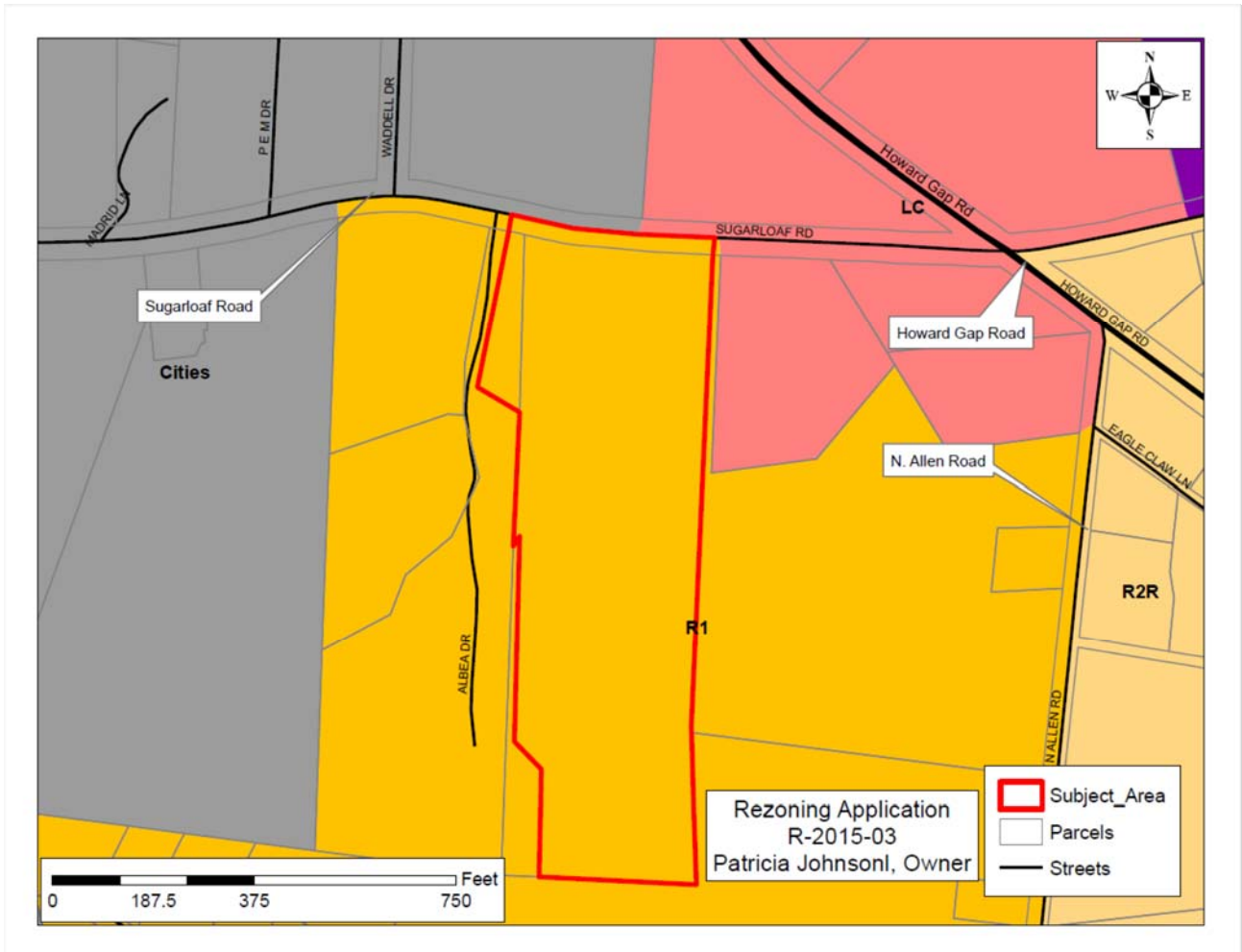
Map A: Aerial Photo



2. **Current Zoning**

2.1. **Application of Current Zoning:** The subject area was zoned Residential One (R1) on September 19, 2007 with the adoption of the Land Development Code. (See Map B). Prior to this date, the subject area was zoned Open Use (OU).

Map B: Current Zoning



2.2. **Adjacent Zoning:** The subject area is adjacent to Local Commercial (LC) to the east. Residential One (R1) zoning district surrounds the subject area to the West, South, and East. Municipal zoning is found on the northern edge.

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. Local Commercial (LC) 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 §42A-33).

(1) Local Commercial LC (LC) 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 42A, Land Development Code §42A-33)

3. Current Uses of Subject Area and Adjacent Properties

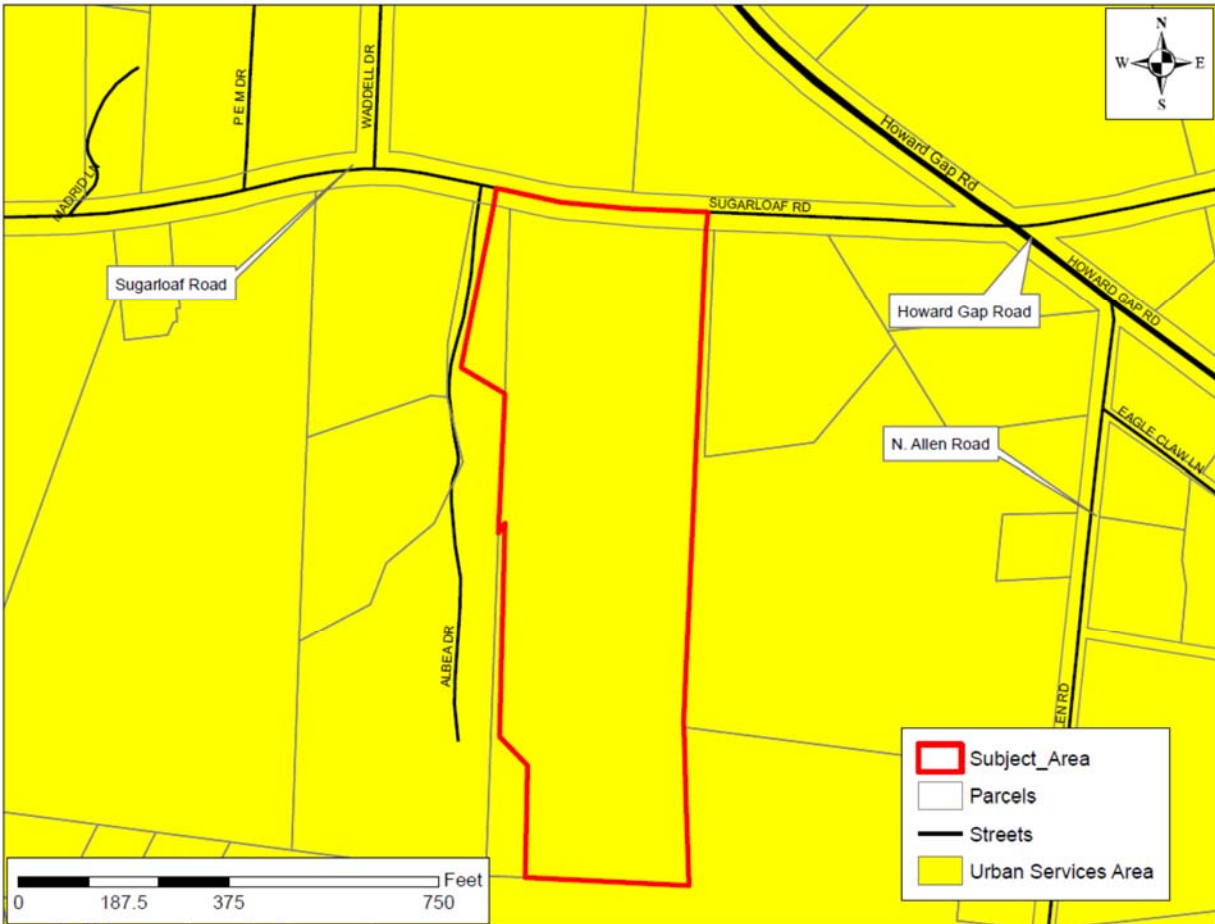
- 3.1. **Subject Area Uses:** The subject area is currently used for residential purposes.
- 3.2. **Adjacent Area Uses:** The surrounding properties contain both commercial and residential uses. Residential uses are found on the western, northern, and southern edges of the subject area. Commercial uses found to the east of the subject area.

4. The Henderson County 2020 Comprehensive Plan (CCP)

- 4.1. The CCP Future Land Use Map identifies the subject area as being located in the Urban Services Area (2020 CCP, Pgs. 128, 129 & Appendix 1, Map 24). (See Map C).
 - 4.1.1. **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).

Map C: 2020 County Comprehensive Plan Future Land Use Map

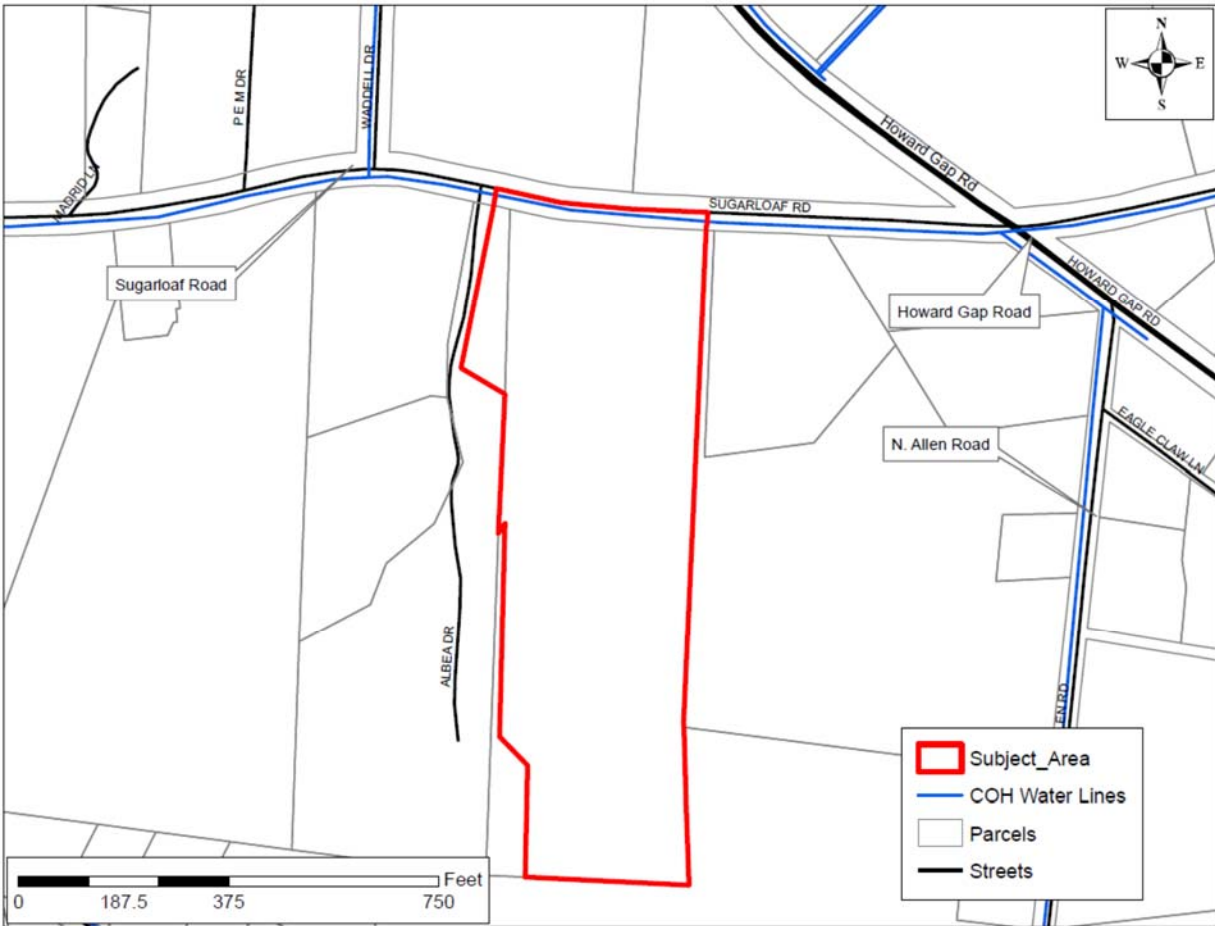


5. **Water and Sewer**

5.1. **Public Water:** A City of Hendersonville waterline runs along Sugarloaf Road.

5.2. **Public Sewer:** No public sewer lines are found near the subject area.

Map D: Water and Sewer Map



6. **Community Plan**

6.1. **Dana Community Plan:** The Dana Community Plan zoning recommendation which was adopted on November 19, 2014 recommended no change for the subject area in zoning.

7. **Staff Comments**

7.1. **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.

7.2. **Adjacent Zoning:** The subject area is adjacent to the Local Commercial (LC) zoning district to the north.

7.3. **Comparison of Districts:** The existing Residential One (R1) zoning district does not allow for all commercial uses in order to promote more residential uses, and areas of transition from residential to commercial. Applying the Local Commercial (LC) zoning district will allow for more types of commercial uses with the same standard residential density of 4 units per acre.

8. **Staff Recommendations**

8.1. Staff's position at this time, under the guidelines of current plans, policies and studies, is to offer multiple options for this property.

8.1.1. The subject area may be rezoned completely from Residential One (R1) to Local Commercial (LC).

8.1.2. The subject area may be partially rezoned from Residential One (R1) to Local Commercial (LC).

9. **Technical Review Committee Recommendations**

9.1. To Be Determined

10. **Planning Board Recommendations**

10.1. To Be Determined

§42-27. 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 §42-63 (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>$Lot\ size \times allowable\ units\ per\ acre = permitted\ dwelling\ units$</p> <p>The following example assumes a 5 acre tract with an allowable density of 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 (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) 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 five (5) feet from any property line.
- (6) Maximum height may be exceeded in multifamily developments as detailed in §42-63 (Supplemental Requirements) SR 1.6. (Dwelling, Multifamily, Five (5) or More Units), provided such developments do not exceed 50 feet in height.

§42-33. 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 §42-63 (Supplemental Requirements).

Table 2.7. LC Density and Dimensional Requirements			
(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>	10
		<i>Collector</i>	10
		<i>Thoroughfare</i>	20
		<i>Boulevard</i>	30
		<i>Expressway</i>	40
		<i>Freeway</i>	45
	<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:

<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 = 20 permitted <i>dwelling units</i></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 ($\frac{1}{2}$) 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 five (5) feet from any property line.

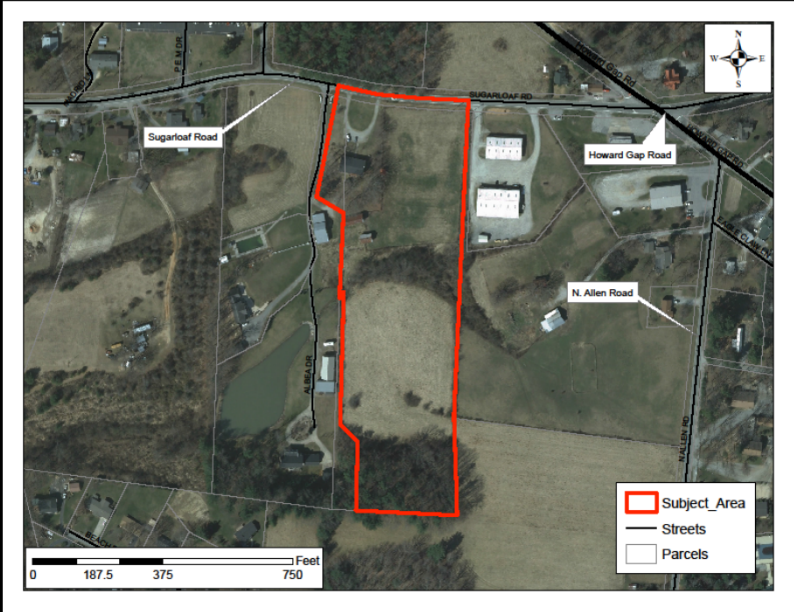
Rezoning #R-2015-03 Patricia Johnson



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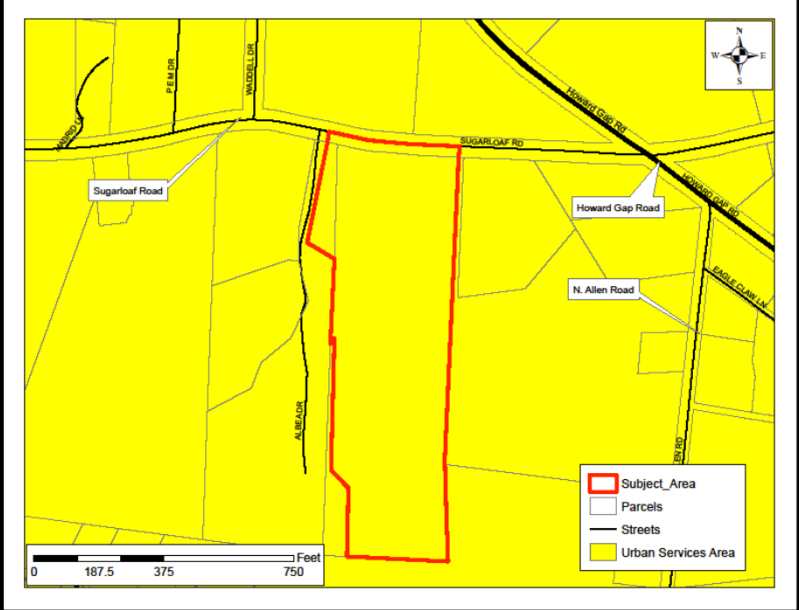
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Aerial Photo Map



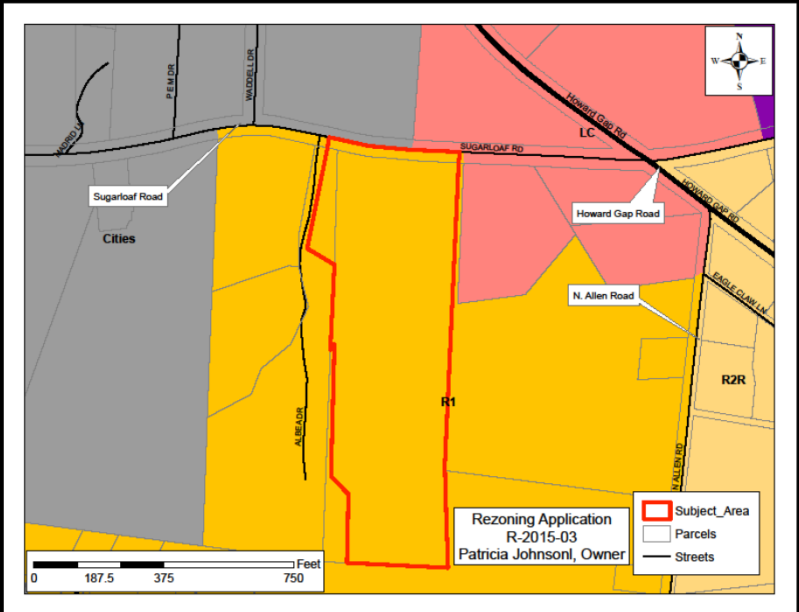
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2020 CCP Future Land Use Map



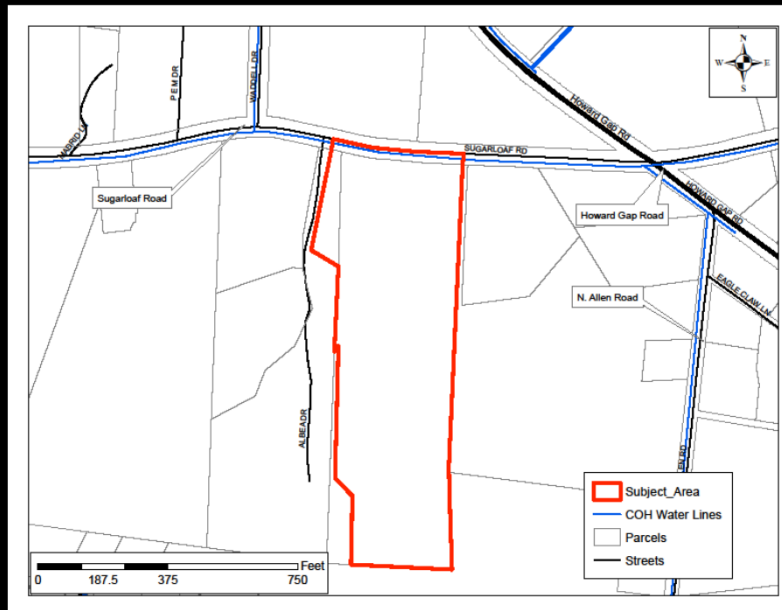
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Current Zoning Map



Henderson County Planning Department

Public Utilities



Henderson County Planning Department

Rezoning #R-2015-03

Questions

