

REQUEST FOR COMMITTEE ACTION

HENDERSON COUNTY TECHNICAL REVIEW COMMITTEE

MEETING DATE: December 5th, 2017

SUBJECT: Rezoning Application #R-2017-06 Dennis Krueger

PRESENTER: Stedman Smith, Planner

ATTACHMENTS: 1.) Staff Report
2.) Aerial Map

SUMMARY OF REQUEST:

Rezoning Application #R-2017-06, which was initiated on November 20, 2017 by applicant and owner, Mr. Dennis Krueger, requests the County rezone approximately 0.39 acres of land (hereafter the "Subject Area") from an Estate Residential (R-40) zoning district to a Local Commercial (LC) zoning district. The Subject Area is located off Erkwood Dr. near Greenville Hwy.

TECHNICAL REVIEW COMMITTEE ACTION REQUESTED:

Should the rezoning application meet the technical standards laid out in the Henderson County Land Development Code, the appropriate action by the Technical Review Committee would be to forward the application on to the Planning Board for further review.

Suggested Motion:

I move that the TRC forward the rezoning application, #R-2017-06, to the Planning Board for further review so long as it meets the technical requirements laid out in the Henderson County Land Development Code.

Henderson County Planning Department Staff Report

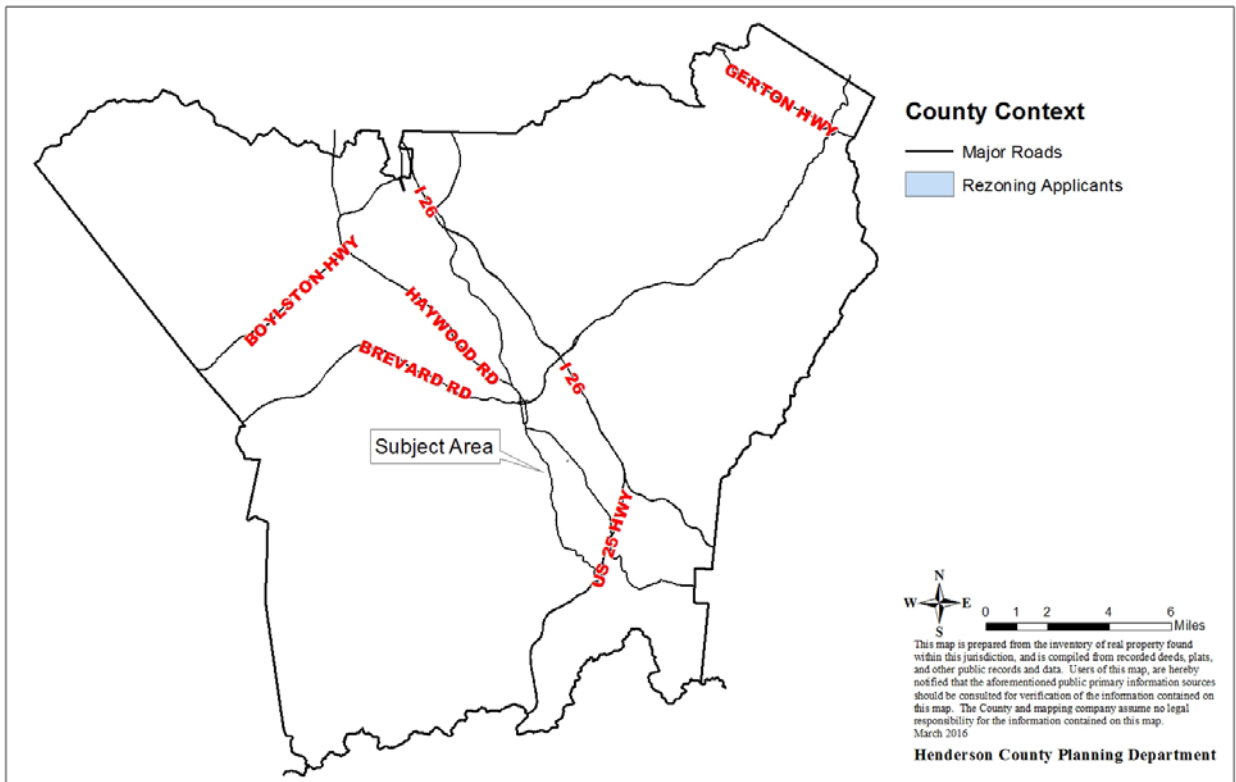
Rezoning Application #R-2017-06 (R-40 to LC)

Applicant/Owner: Dennis Krueger

1. Rezoning Request

- 1.1. **Applicant/Agent:** Dennis Krueger
- 1.2. **Property Owner:** Dennis Krueger
- 1.3. **PIN:** 9577-18-8133
- 1.4. **Request:** Rezone subject area from an Estate Residential (R-40) zoning district to a Local Commercial (LC) zoning district.
- 1.5. **Size:** Approximately 0.399 acres of land
- 1.6. **Location:** The subject area is located near the corner of Erkwood Dr. and Greenville Hwy. Refer to map A for a County Context map and map B for an Aerial photo map.

Map A: County Context



Map B: Aerial Photo



2. Current Zoning (see Map C)

2.1. **Application of Current Zoning:** The subject area is currently zoned as Estate Residential (R-40)

2.2. **Adjacent Zoning:** The subject area is adjacent to Local Commercial (LC) to the east, Estate Residential (R-40) to the west, north, and south.

2.3. District Comparison:

2.3.1. **Estate Residential (R-40):** “The Estate Residential District (R-40) is established to maintain the zoning in place prior to the adoption of this Chapter 200A.”(Chapter 200A, Land Development Code §42A-37).

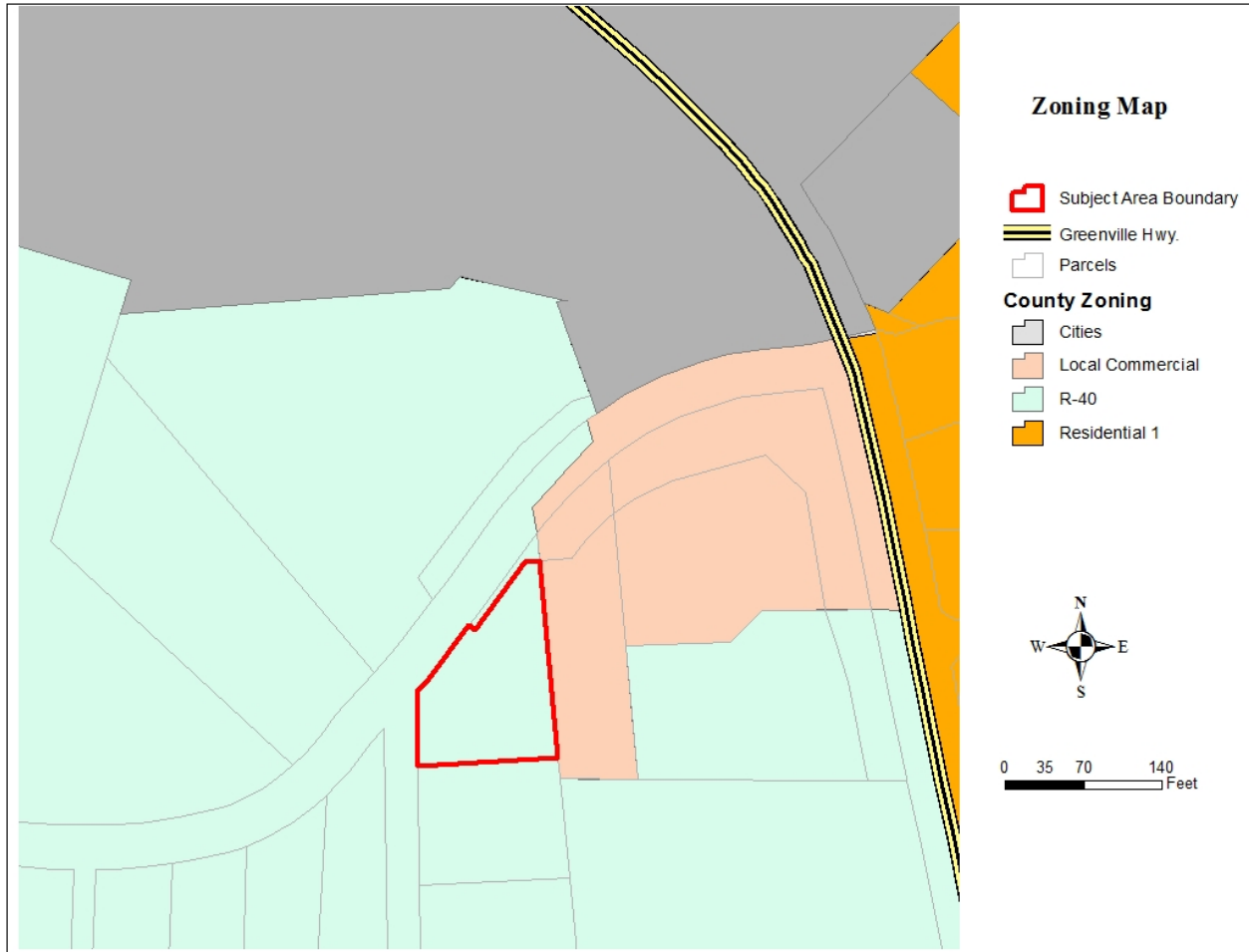
1) R-40 requires a minimum lot area of 40,000 sq. ft. and 60 foot front yard setbacks and 35 ft. side and rear setbacks.

2.3.2. **Local Commercial (LC):** The purpose of 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. 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.”

- 1) (LC) requires 10 foot setbacks and allows standard density of up to four (4) units per acre and a maximum density of sixteen (16) units per acre.

Map C: Current Zoning



3. Current Uses of Subject Area and Adjacent Properties

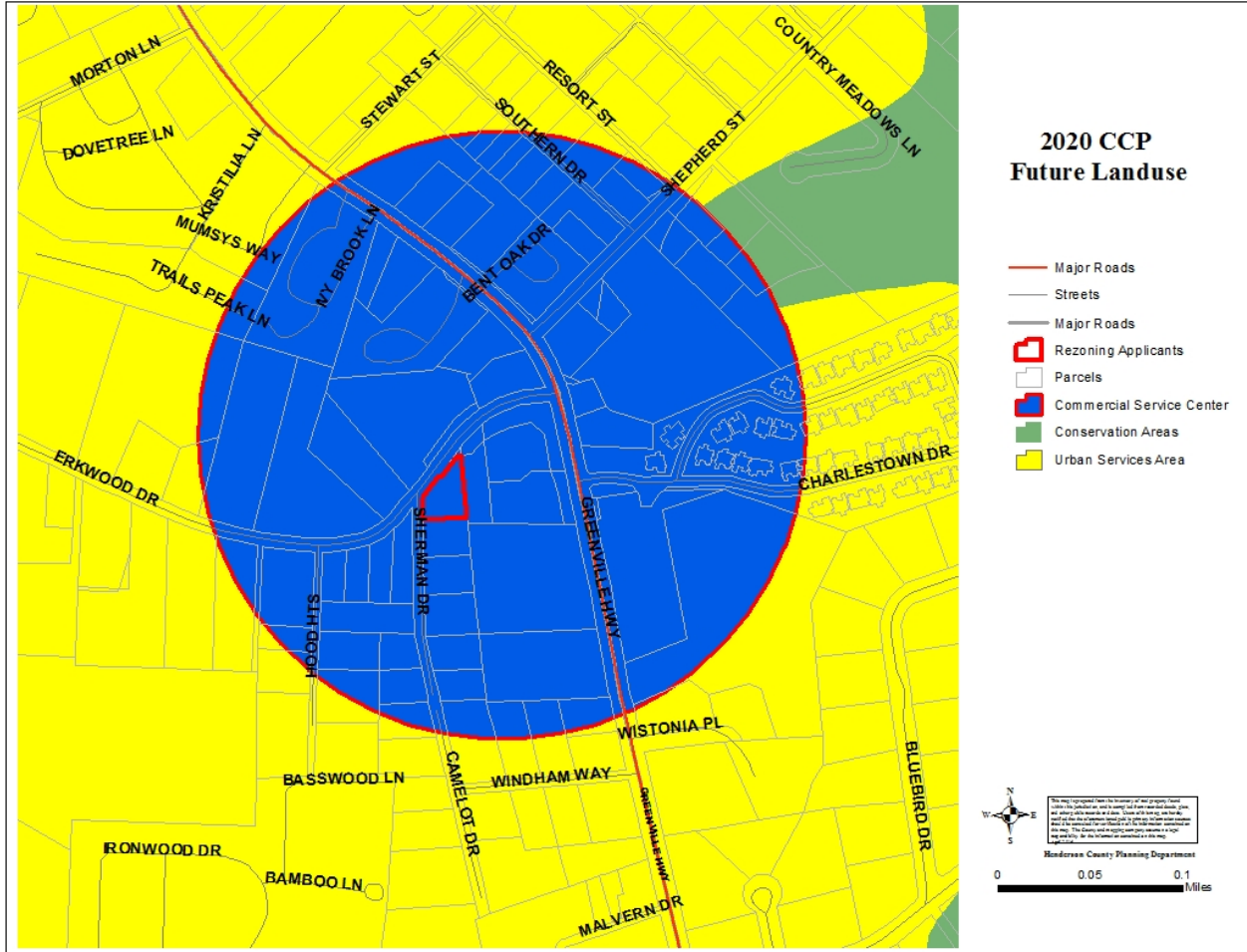
3.1. **Subject Area Uses:** The subject area is currently home to the applicant.

3.2. **Adjacent Area Uses:** The surrounding properties contain primarily residential uses but NCDOT acquired right of way and removed the homes closest to the intersection of Erkwod and Greenville Hwy. for the purposes of installing a roundabout.

4. **The Henderson County 2020 Comprehensive Plan (CCP)**

4.1. The CCP Future Land Use Map identifies the subject area as being located in a Commercial Service Center (2020 CCP, Pgs. 138 & Appendix 1, Map 24). (See Map D).

Map D: 2020 County Comprehensive Plan Future Land Use Map



Commercial Service Center: The CCP states that, “*Community Service Centers* are located in unified development concentrations at intersections of selected thoroughfares and in central locations that are convenient to nearby residential development so as to minimize problems associated with “strip” commercial development. *Community Service Centers* should be priority targets of investments for sewer and water, public transportation, greenways, other general road improvements, and other appropriate infrastructural improvements.”

“**Local Commercial** areas are located within defined Community Service Centers. They serve small market areas and are intended to be located within the residential neighborhoods that they serve. They contain a range of commercial uses that can be safely intermixed with residential uses.

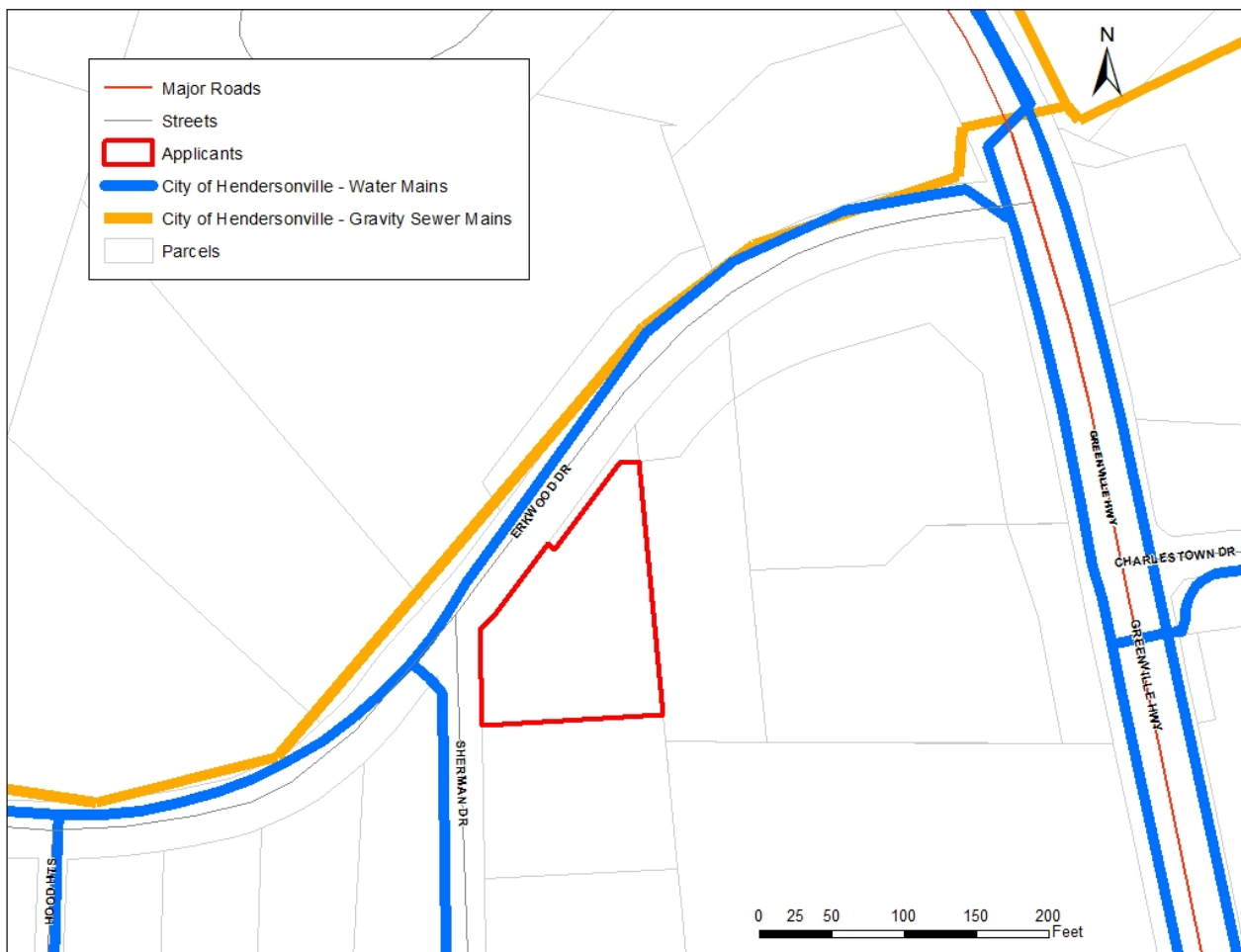
They are pedestrian- friendly areas that typically generate fairly low traffic volumes and can be located along minor residential streets. Public utilities are strongly encouraged but not necessarily required. The range of uses permitted within a Local Commercial area should be compatible with available utilities and infrastructure. They include 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. They should be compatible with adjacent development and the surrounding community and should minimize congestion and sprawl.

5. Water and Sewer (see Map E)

5.1. **Public Water:** City of Hendersonville water main lies adjacent to the subject area.

5.2. **Public Sewer:** The City of Hendersonville Gravity sewer main lies adjacent to the subject area.

Map E: Water and Sewer Map



East Flat Rock Community Plan

The East Flat Rock Community Plan recommends the abandonment of this small pocket of Local Commercial area, and be rezoned as Residential Two (R2). North Carolina Department of Transportation recently acquired right of way from the adjacent property owners zoned Local Commercial, which resulted in the removal of the homes on those sites. The applicant did not lose their home but did lose a small portion of the subject area property to NCDOT. The right of way acquisition was for the purposes of installing a roundabout.

6. Staff Comments

- 6.1. **The 2020 CCP:** The CCP Future Land Use Map (See Map D) places the Subject Area in the, Community Service Center classification. The text and map of the 2020 CCP suggest that the Subject Area would be suitable for Local Commercial Development.
- 6.2. **Adjacent Zoning:** The subject area is adjacent to R-40 and Local Commercial zoning districts.
- 6.3. **Comparison of Districts:** The applicant wishes to be zoned Local Commercial, as the adjacent parcels closest to Greenville Hwy. are so that there could be a possibility of marketing the parcel as a site for residential or small commercial enterprise.

7. Staff Recommendations

- 7.1. It is staff's position that the subject area meets the technical requirements to become a Local Commercial zoning district.

8. Technical Review Committee Recommendations

- 8.1. TRC will review the application at its meeting on December 5th, 2017.

