

REQUEST FOR COMMITTEE ACTION

HENDERSON COUNTY TECHNICAL REVIEW COMMITTEE

MEETING DATE: January 22, 2013

SUBJECT: Rezoning Application #R-2013-01-C

PRESENTER: Parker Sloan, Planner

ATTACHMENTS:

1. Staff Report
2. Vicinity Map
3. Photos of Project Area
4. Site Plan

SUMMARY OF REQUEST:

Rezoning Application #R-2013-01-C, which was submitted on December 28, 2012, requests the County rezone approximately 1.71 acres of land. The applicant requests a rezoning from a Residential Two Rural (R2R) zoning district to a Community Commercial Conditional (CC-CD) zoning district. The subject area parcel is owned by Roger Gagnon and the applicant is The Broadway Group, LLC. (PIN: 9539-98-3442).

Conditional zoning districts are different from traditional zoning districts because they require a site plan for the proposed use(s) of the property and certain conditions or restrictions are placed on the property based on the proposed or allowable use(s). Conditional zoning district decisions are a legislative process subject to the same procedures as traditional zoning districts.

TECHNICAL REVIEW COMMITTEE ACTION REQUESTED:

Planning Staff requests the Technical Review Committee take action to recommend that the Board of Commissioners approve, approve with modifications, table, or deny rezoning application #R-2013-01-C. The site plan will still need to be reviewed and approved by the TRC as per the Land Development Code Section 200A-327 through Section 200A-331.

Suggested Motion:

I move that the TRC recommend approval of rezoning application #R-2013-01-C to rezone the subject area to a Community Commercial Conditional (CC-CD) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan and subject to the approval of the corresponding major site plan.

Henderson County Planning Department Staff Report

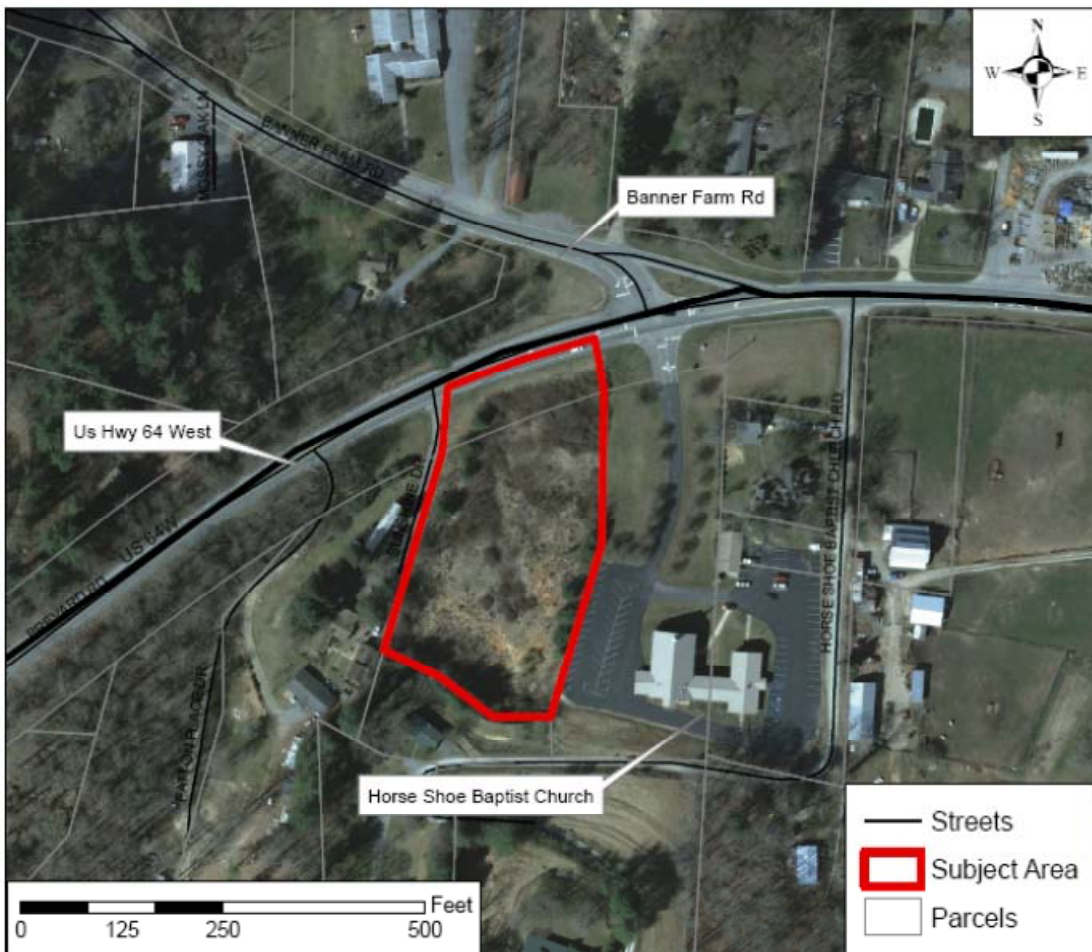
Rezoning Application #R-2013-01-C (R2R to CC-CD)

**Roger Gagnon, Owner
The Broadway Group LLC, Applicant**

1. Rezoning Request

- 1.1. **Applicant:** The Broadway Group, LLC
- 1.2. **Property Owner:** Roger Gagnon
- 1.3. **PIN:** 9539-98-3442
- 1.4. **Request:** Rezone Subject Area from an R2R (Residential Two Rural) zoning district to a CC-CD (Community Commercial Conditional District).
- 1.5. **Subject Area** (See Map A)

Map A: Map of Subject Area



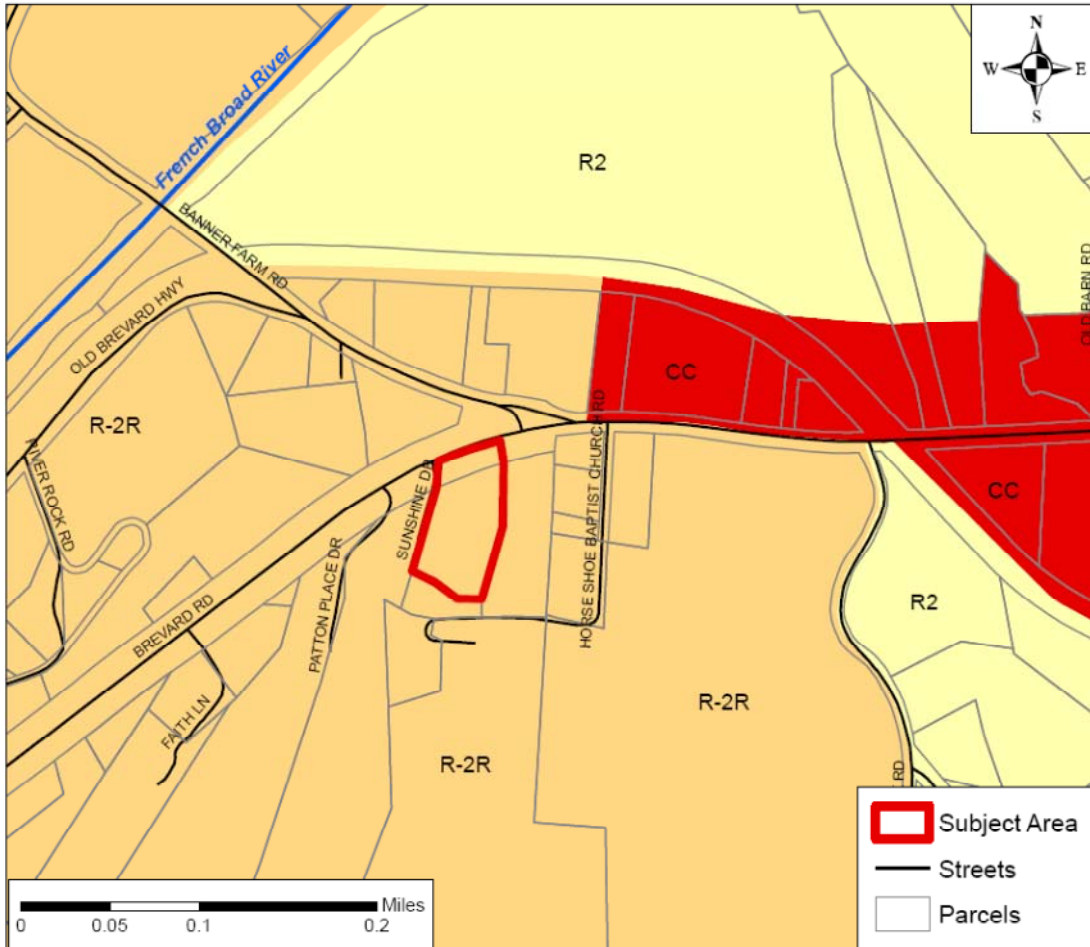
1.5.1. **Size:** Approximately 1.71 acres of land.

1.5.2. **Location:** The Subject Area is off of Brevard Road (US Hwy 64 west)

2. Current Zoning

2.1. **Application of Current Zoning:** The Subject Area is currently zoned R2R (Residential Two Rural), which was applied on September 19, 2007, as a result of the adoption of the Land Development Code (See Map B). The Subject Area was previously (prior to LDC adoption on September 19, 2007) zoned open use.

Map B: Current Zoning



2.2. **Adjacent Zoning:** 285 feet to the east of the Subject Area is Community Commercial zoning; to the south, north, and west is Residential Two Rural (R2R) zoning.

2.3. District Comparison:

2.3.1. **Residential Two Rural:** *“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).

2.3.2. **Community Commercial:** *“The purpose of the Community Commercial District (CC) is to foster orderly growth where the principle 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 and community 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 Transition or Urban”* (Chapter 200A, Land Development Code §200A-34). CC requires 10 foot side and rear setbacks, maximum height 50 feet, a standard density of 16 units per acre, a maximum 80% impervious surface. A single commercial use on a single lot would be limited to 30,000 square feet maximum floor area and with a multi tenant structure the principal tenant would have a maximum floor area of 80,000 square feet.

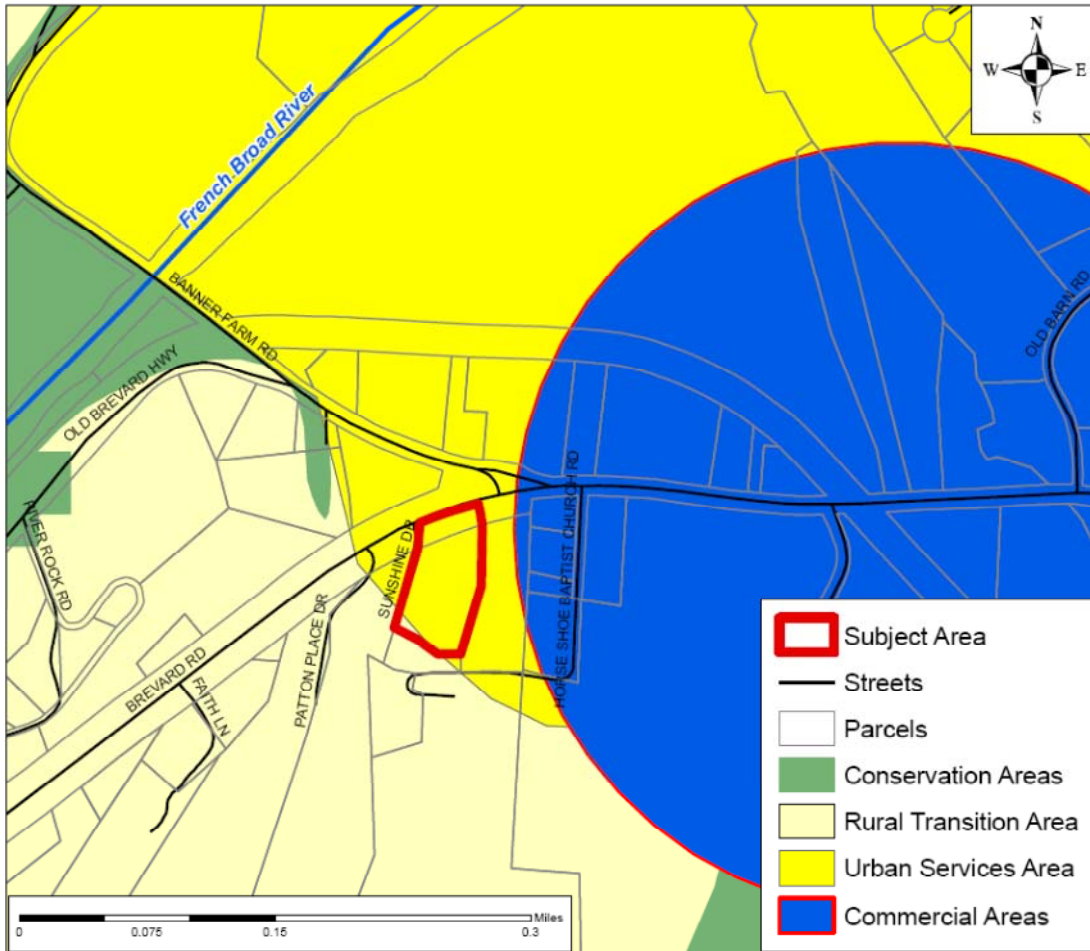
3. **Current Uses of Subject Area and Adjacent Properties**

- 3.1. **Subject Area Use:** The Subject Area is currently vacant land.
- 3.2. **Adjacent Area Uses:** Surrounding area lands contain primarily single-family residences. To the east down Hwy 64 W there is the Horse Shoe hardware store and the Grass Roots Café both within Community Commercial zoning.

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

- 4.1. **Urban Services Area:** The CCP Future Land Use Map identifies the Subject Area as being located in the Urban Services Area and Rural Transition area (2020 CCP, Pgs. 128, 129 & Appendix 1, Map 24) (See Map D).

Map D: 2020 County Comprehensive Plan Future Land Use Map



- 4.1.1. The CCP states that, “the County’s economic development activities should be pursued within USA” (2020 CCP, Pg. 129).
- 4.1.2. 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).
- 4.1.3. The CCP states that, “the County’s economic development activities should be pursued within USA” (2020 CCP, Pg. 129).

5. The Etowah-Horse Shoe Community Plan

The Henderson County Board of Commissioners adopted the County Comprehensive Plan (CCP) on July 6, 2004. A principal recommendation of the CCP is the detailed study of individual communities within the County. The Etowah-Horse Shoe (EHS) Community Plan is a community specific comprehensive plan that outlines future goals related to land use and development, community character and design, natural and cultural resources, agriculture, housing, community facilities and public services, transportation and economic development as it relates to the CCP. The Board of Commissioners by resolution took action on the EHS Community Plan on September 16, 2009.

On November 17, 2010, the Board of Commissioners after holding a public hearing the Board adopted the zoning map amendments recommended in the EHS plan with modifications.

- 5.1. LC (Local Commercial) was recommended along US Hwy 64W from S. Rugby Road to All Star Lane, adjacent to the existing CC (Community Commercial) zoning district along 64W. The Board of Commissioners voted to leave the R2R after residents expressed concerns with commercial zoning in this area of Horse Shoe.

6. Conditional Zoning Districts

Staffs position at this time is that it supports a rezoning of the project site to Community Commercial. However, due to the neighboring residential uses and the distance from existing Community Commercial zoning, staff thinks a Community Commercial Conditional Zoning district would be more appropriate. This will limit the commercial use on the project site to only the proposed use, retail sales and services.

Conditional zoning districts are different from traditional zoning districts because they require a site plan for the proposed use(s) of the property and certain conditions or restrictions are placed on the property based on the proposed or allowable use(s). Conditional zoning district decisions are a legislative process subject to the same procedures as traditional zoning districts (See attachment 3).

According to the Land Development Code, conditional zoning districts are created for the purpose of providing an optional rezoning choice where the owner of property proposes to rezone property and, in order to, among other reasons, carry out the purposes of the Comprehensive Plan, proposes to impose special limitations and conditions on the use of the property proposed for rezoning (LDC§200A-45 - §200A-51).

The subject area is currently vacant. The applicant, Broadway Group LLC, is proposing to use the site for retail sales and services, a use which is not allowed in R2-R. A rezoning is required for the business to be permissible. Staff suggests the following conditions be imposed on the Subject Area:

- 6.1. (1) Site Plan. Major *Site Plan* required in accordance with §200A-299 (Major Site Plan Review).
- 6.2. (2) Lighting. *Adequate lighting* shall be placed in areas used for vehicular/pedestrian access including, but not limited to: stairs, sidewalks, crosswalks, intersections, or changes in grade. *Lighting mitigation* required.
- 6.3. Building Orientation: The building may be located within 35 feet from the edge of the ROW. The main entrance of the building should face the street and all of the parking should be located on the side and rear of the building.
- 6.4. Hydrant: A fire hydrant must be located within 400 of any part of the building. This needs to be indicated on the site plan and confirmed.
- 6.5. Water Supply Watershed: The subject property is located within a WS-IV-PA and allows a maximum built upon limit of 70% under the high density option. Engineered storm water controls as prescribed in the County LDC is required.
- 6.6. Buffer: The County LDC requires a B1 buffer (20 feet) along each side of the property that is adjacent to a residential district.
- 6.7. All required parking spaces must meet the design requirements of the Land Development Code §200A-161-165. The proposed parking spaces shall comply with the

landscape design standards and off street parking provisions as outlined in the Land Development Code (LDC Article V and VI). It appears the applicant is proposing more than the required parking spaces and the spaces shown on the site plan meet the requirements of the Land Development Code.

6.8. Etowah-Horse Shoe Community Plan Recommendations:

6.8.1. Design Standards: The Etowah-Horse Shoe Community Plan recommended design standards for noresidential uses (Goal CCD1, Objective CCD1.1). Design standards should prohibit unfinished steel or aluminum roofing and aluminum siding material and vinyl siding, and require at least 30% masonry fronts which includes stone or brick (log or timber materials may be acceptable). Where buildings are visible from the side, appropriate evergreen plantings shall be used to obscure the view from adjoining streets. The site plan should indicate compliance.

6.8.2. Signs: The Etowah-Horse Shoe Community Plan recommended new sign requirements (Goal CCD1, Objective CCD1.3). Restrict sign height for commercially zoned areas to a maximum of eight (8) feet. Require adequate landscaping around signs to improve aesthetics of signage. The proposed sign on the subject property shall be a monument sign (sign base shall be wider than the sign). The site plan should indicate compliance.

6.8.3. Lighting: The Etowah-Horse Shoe Community Plan recommended standards to limit light pollution (Goal CCD1, Objective CCD1.3). Incorporate standards that require semi-cutoff or full-cutoff lighting for major subdivisions and commercial developments within the Planning Area. The site plan should indicate compliance.

6.9. Any signs used on site must meet current standards of Article VII of the LDC

6.10. If the applicant has plans for future expansion of the existing business, all potential modification or expansions should be noted on the site plan.

7. Staff Comments and Recommendations

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.

Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the portion of the project site to be zoned to a Community Commercial Conditional District (CC-CD). This based on the following:

7.1. **The 2020 CCP:** The CCP Future Land Use Map (See Map D) 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 does not abut an existing Community Commercial (CC) zoning district, however one is in close proximity to the east and could abut if extended via the right-of-way.

7.3. **Conditional Zoning Districts:** Applying conditions or restrictions to the Subject Area reduces and/or eliminates the impact on the surrounding community. There are circumstances in which a general use district designation allowing such a use or all uses by right would not be appropriate for a particular property though the use could, if properly planned, be appropriate for the property consistent with the objectives of the Land Development Codes conditional zoning districts, the adopted Comprehensive Plan, and adopted district.

8. **Technical Review Committee Recommendations**

8.1. TBD

9. **Planning Board Recommendations**

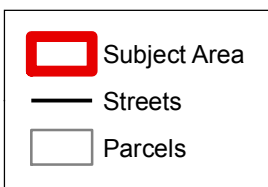
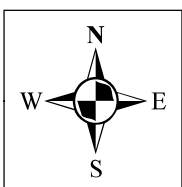
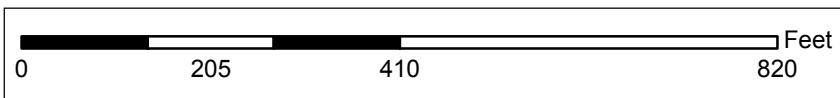
9.1. TBD



Us Hwy 64 West

Banner Farm Rd

Horse Shoe Baptist Church



Rezoning Application
R-2013-01-C
Broadway Group LLC, applicant

Rezoning Application #2012-06
Photos of Subject Area



View of the subject area looking east towards Horse Shoe Baptist Church



View of the center of the Subject Area looking north towards Hwy 64 W.



View of the center of the subject area looking west towards neighboring residences.



View of the center of the Subject Area and neighboring family home looking northwest.

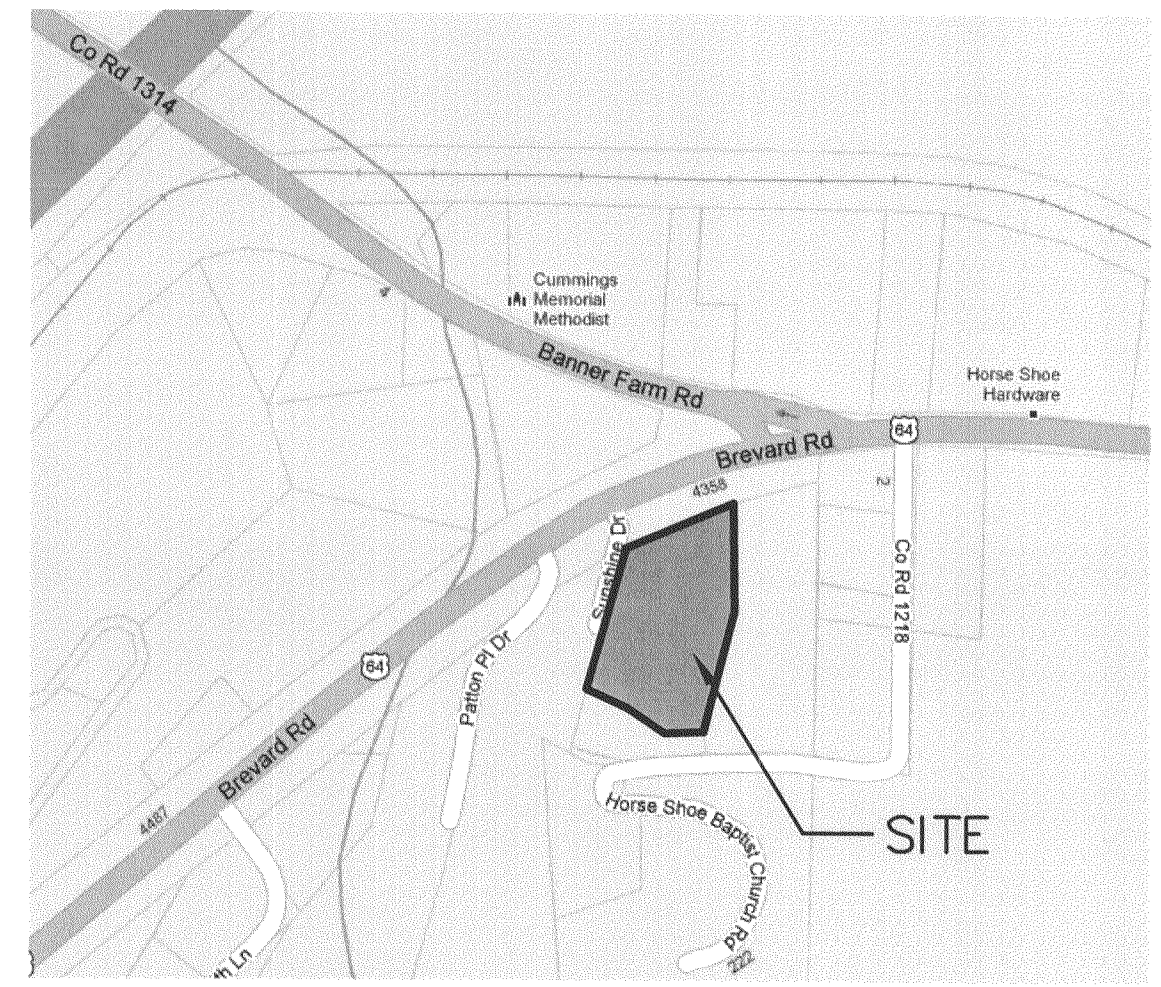
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JEAN MARIE PATTON
105 PATTON PL
HORSE SHOE, NC 28742
DB 969, PG 71
ZONE: R2H

PIN 9539-98-2241
DAVID B. & BETTY JEAN HADEN
P. O. BOX 382
HORSE SHOE, NC 28742
DB 1036, PG 429
ZONE: R2H

GPS POINT - PK NAIL
N: 598,292.94
E: 939,519.53
EL = 2117.99

PIN 9539-98-5421
TRUSTEES OF THE HORSE SHOE BAPTIST CHURCH
P. O. BOX 126
HORSE SHOE, NC 28742
DB 682, PG 157
ZONE: R2H

TOTAL SITE AREA = 87,339.5 SQ. FT.
TOTAL NEW IMPERVIOUS = 24,728 SQ. FT.
% IMPERVIOUS = 28.3%

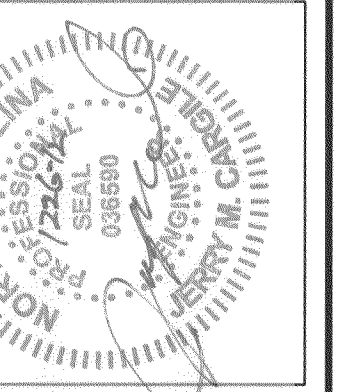
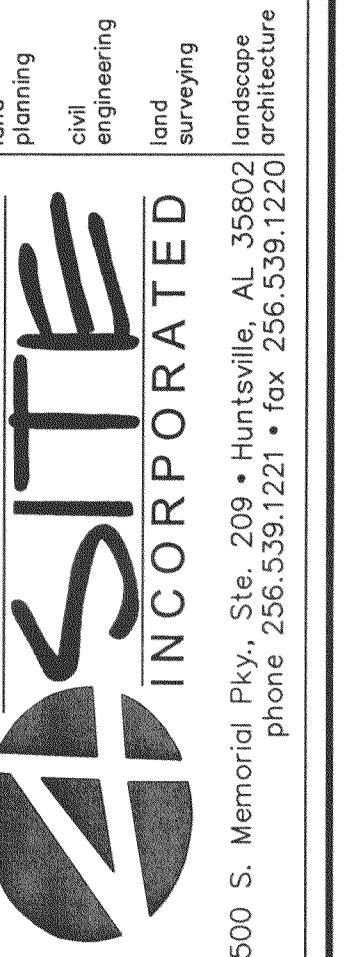


VICINITY MAP
(NOT TO SCALE)

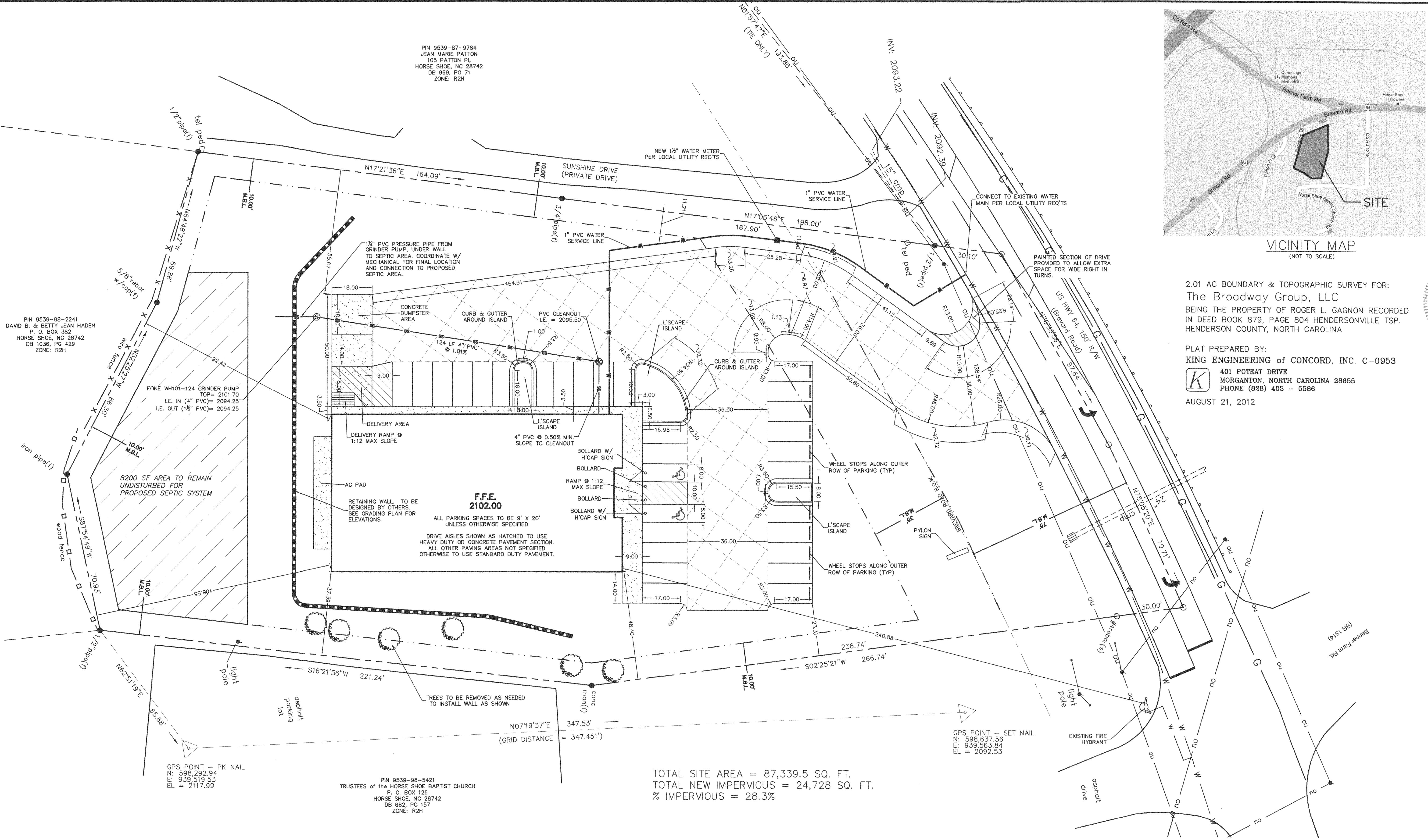
2.01 AC BOUNDARY & TOPOGRAPHIC SURVEY FOR:
The Broadway Group, LLC
BEING THE PROPERTY OF ROGER L. GAGNON RECORDED
IN DEED BOOK 879, PAGE 804 HENDERSONVILLE TSP.
HENDERSON COUNTY, NORTH CAROLINA

PLAT PREPARED BY:
KING ENGINEERING OF CONCORD, INC. C-0953

401 POTEAT DRIVE
MORGANTON, NORTH CAROLINA 28655
PHONE (828) 403 - 5586
AUGUST 21, 2012



NEW RETAIL DEVELOPMENT
PREPARED FOR THE BROADWAY GROUP LLC
HORSE SHOE, HENDERSON COUNTY, NORTH CAROLINA
U.S. HWY. 64 (BREVARD ROAD)



- NOTES:
- SUBJECT PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AREA PER FEMA PANEL NUMBER 3700953900 J, EFFECTIVE DATE: OCTOBER 2, 2008.
 - SUBJECT PROPERTY IS LOCATED WITHIN THE WS-IV PROTECTED WATERSHED AREA. (UPPER FRENCH BROAD RIVER WATERSHED)
 - SUBJECT PROPERTY ZONED: HENDERSON COUNTY "CD-CO"
 - PROPERTY IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, COVENANTS, RESTRICTIONS, CONDITIONS AND RESERVATIONS OF RECORD AFFECTING SUBJECT PROPERTY.

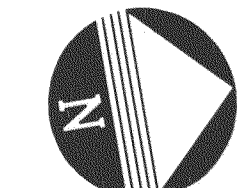
- NOTES:
- DESIGN STANDARDS FOR ARCHITECTURAL PLANS SHOULD PROHIBIT UNFINISHED STEEL OR ALUMINUM ROOFING, ALUMINUM OR VINYL SIDING, AND MAINTAIN AT LEAST 30% MASONRY FRONTS WHICH INCLUDES STONE OR BRICK (LOG OR TIMBER MATERIALS MAY BE ACCEPTABLE). WHERE BUILDINGS ARE VISIBLE FROM THE SIDE, APPROPRIATE EVERGREEN PLANTINGS SHALL BE USED TO OBSCURE THE VIEW FROM ADJOINING STREETS.
 - PROPOSED SIGN SHALL BE A MONUMENT SIGN AND SHALL BE RESTRICTED TO A MAXIMUM OF 8 FEET IN HEIGHT. SIGN SHALL BE ADEQUATELY LANDSCAPED TO IMPROVE THE AESTHETICS OF THE SIGN. SIGN BASE SHALL BE WIDER THAN THE SIGN.
 - SITE LIGHTING SHOULD INCORPORATE STANDARDS THAT REQUIRE SIMI-CUTOFF OR FULL-CUTOFF LIGHTING.



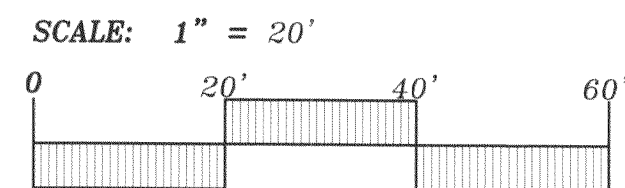
NOTE: ALL UTILITY LOCATIONS HAVE BEEN PROVIDED BY THE RESPECTIVE UTILITY DEPARTMENTS OR COMPANIES. CONTRACTORS ARE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES. CALL UTILITY COMPANY OR CITY DEPARTMENTS FOR GROUND LOCATIONS BEFORE DIGGING.

SITE AREA DETAILS

STANDARD ASPHALT OR CONC. PVM'T=	5,588 SQ. FT.
HEAVY DUTY ASPHALT OR CONC. PVM'T=	16,186 SQ. FT.
CURB AND GUTTER =	165.5 LF
SIDEWALK =	1,323 SQ. FT.
DUMPSTER/DELIVERY AREA CONCRETE =	900 SQ. FT.
AC PAD =	400 SQ. FT.



SITE DEVELOPMENT PLAN
SHEET 1 OF 1



REVISIONS:

NO.	DATE	DESCRIPTION

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SCALE: AS NOTED
SHT. NO. **C1** OF 9
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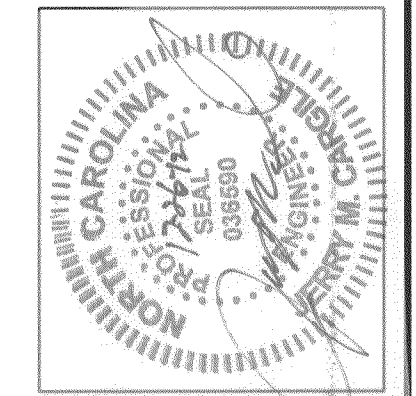
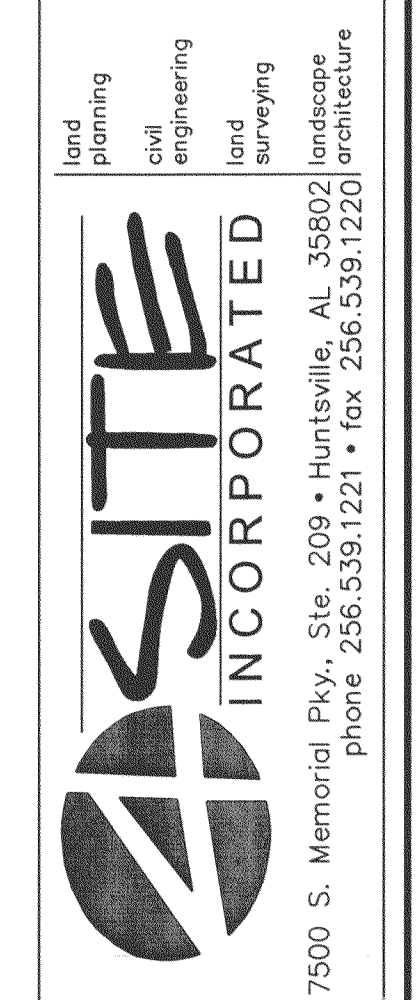
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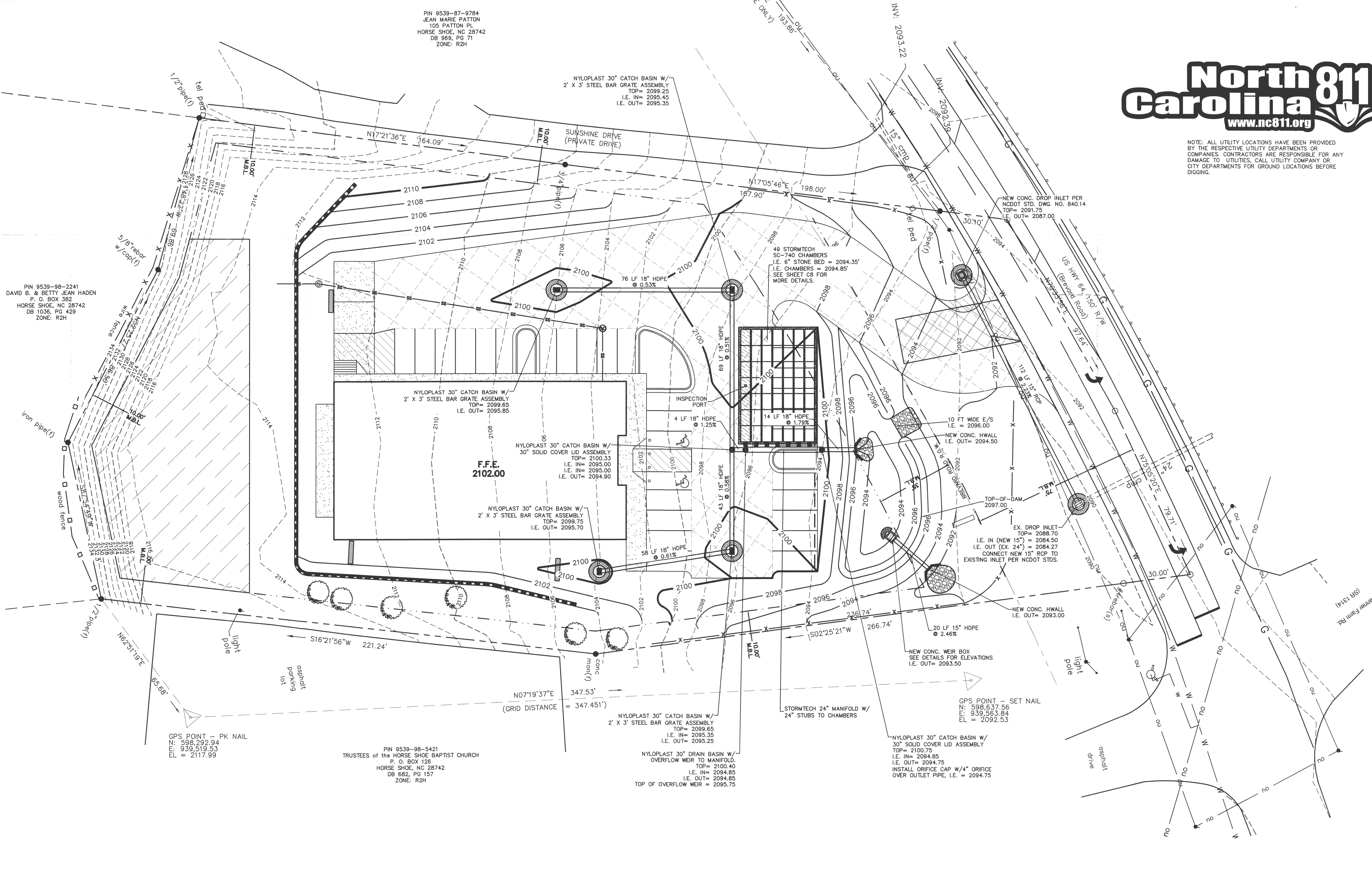
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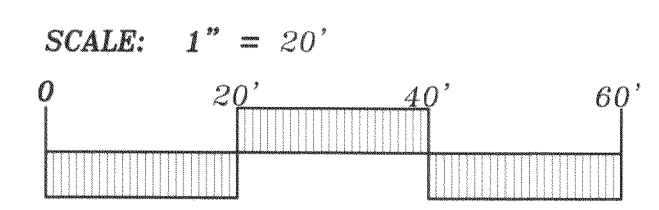


NEW RETAIL DEVELOPMENT
 PREPARED FOR THE BROADWAY GROUP LLC
 HORSE SHOE, HENDERSON COUNTY, NORTH CAROLINA
 U.S. HWY. 64 (BREVARD ROAD)

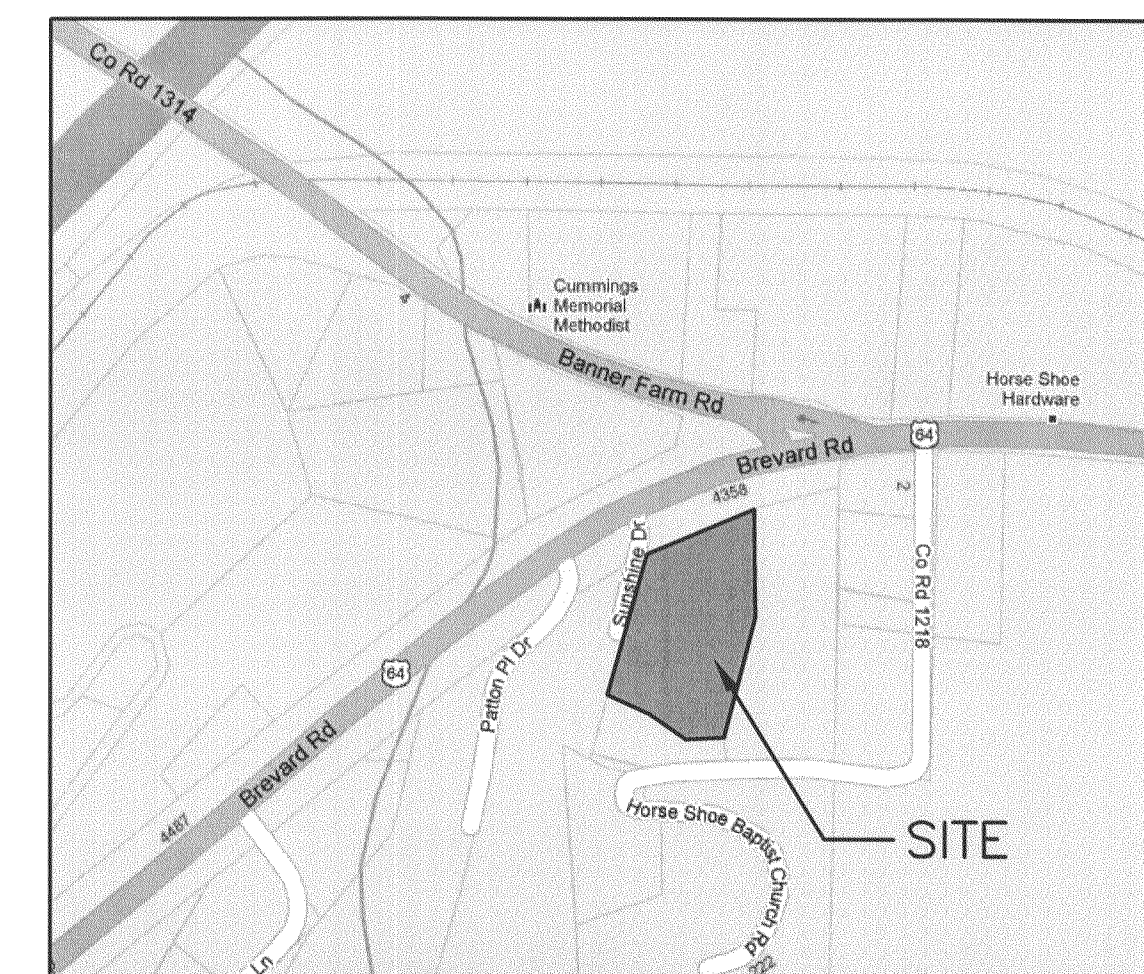
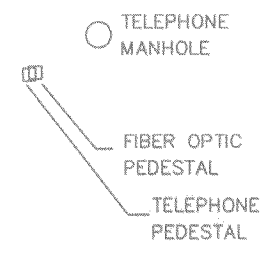
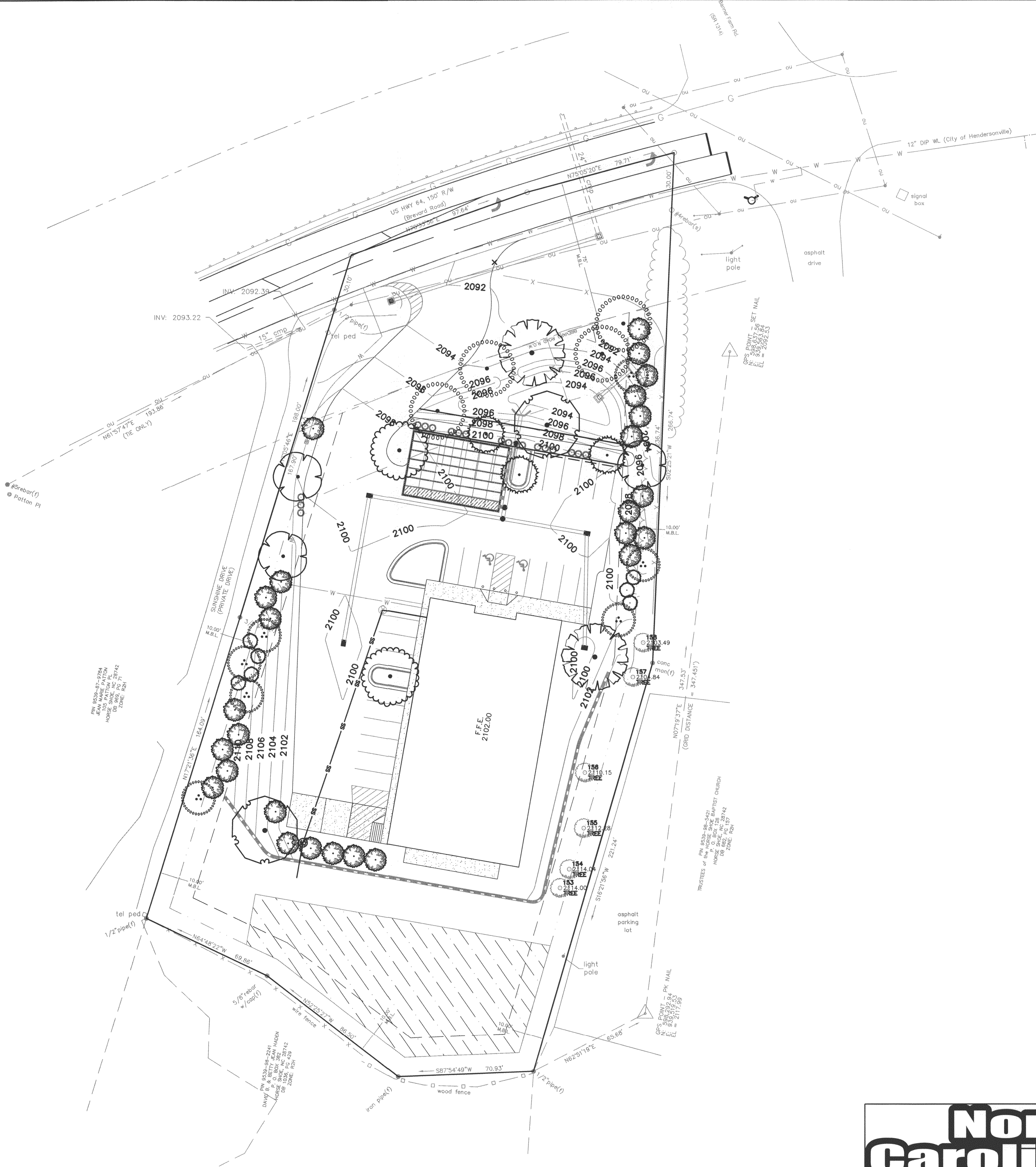


	RUNOFF (CFS)					
	2 YEAR	5 YEAR	10 YEAR	25 YEAR	50 YEAR	100 YEAR
PRE-DEVELOPED	4.9	10.1	13.3	14.6	16.6	21.7
POST-DEVELOPED	4.8	9.0	11.4	12.4	14.0	19.6

DRAINAGE PLAN
 SHEET 1 OF 1

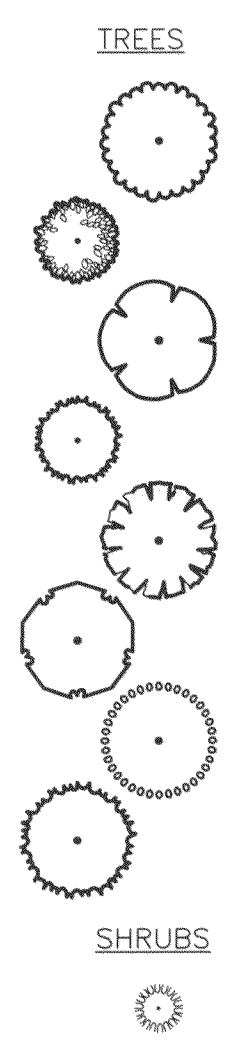


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DRAWN BY: J.L.W.	FIELD DATE:	OFFICE DATE:
CHECKED BY: J.M.C.	FILE NAME: P12-108 BASE.DWG	
REVISIONS:		



VICINITY MAP
(NOT TO SCALE)

PLANT SCHEDULE



QTY	COMMON NAME / BOTANICAL NAME	CONT	CAL	SIZE	DETAIL
2	October Glory Maple / <i>Acer rubrum</i> 'October Glory' TM	B & B	3"Cal	10' - 12' H	
26	Foster's Holly / <i>Ilex x attenuata</i> 'Fosteri'	15 gal		8' - 10' min.	
3	Sour Gum / <i>Nyssa sylvatica</i>	B & B	2"Cal	8' - 10' min.	
7	Loblolly Pine / <i>Pinus taeda</i>	B & B	3"Cal	5' Min.	
2	American Sycamore / <i>Platanus occidentalis</i>	B & B	3" limbed to 6'	10' - 12' H	
2	White Oak / <i>Quercus alba</i>	B & B	2"-3" LIMBED TO 6'	10' - 12' H	
4	Willow Oak / <i>Quercus phellos</i>	B & B	2.5"Cal	10' - 12' H	
3	Bald Cypress / <i>Taxodium distichum</i>	B & B	3"Cal	12-15' H	
QTY	COMMON NAME / BOTANICAL NAME	CONT	FIELD2		DETAIL
18	Heler Japanese Holly / <i>Ilex crenata</i> 'Helerii'	3 gal			

LANDSCAPE CALCULATIONS

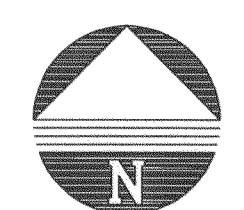
BUFFER REQUIREMENTS:
 BUFFER LENGTH TOTAL = 334'
 LARGE TREES REQUIRED - 3
 LARGE TREE PROVIDED - 4
 SMALL TREES REQUIRED - 7
 SMALL TREES PROVIDED - 7
 EVERGREEN TREES REQUIRED - 7
 EVERGREEN TREES PROVIDED - 7
 SHRUBS REQUIRED - 20
 SHRUBS PROVIDED - 20

STREET TREE REQUIREMENTS:
 1 TREE PER 50LF OF R.O.W. = 205'
 4 TREES REQUIRED
 4 TREES PROVIDED

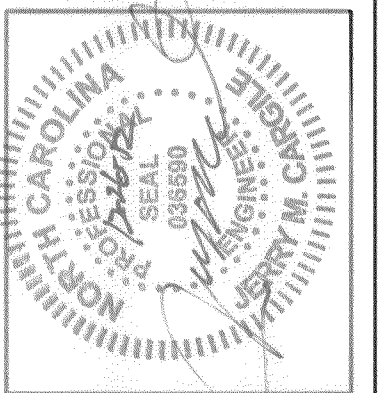
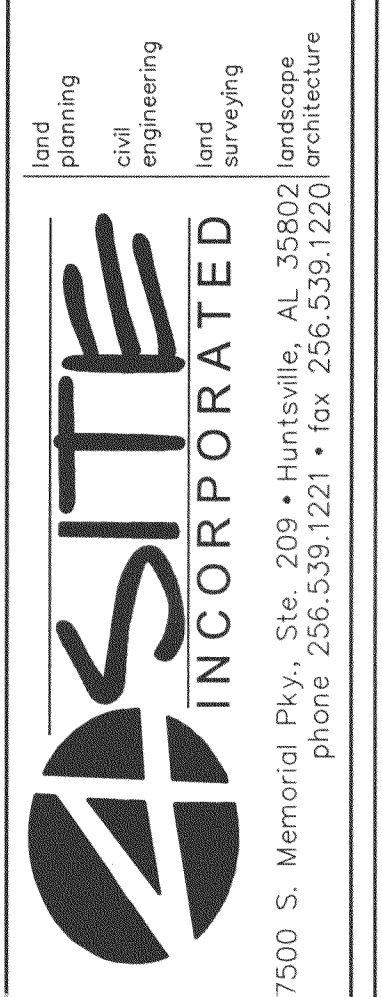
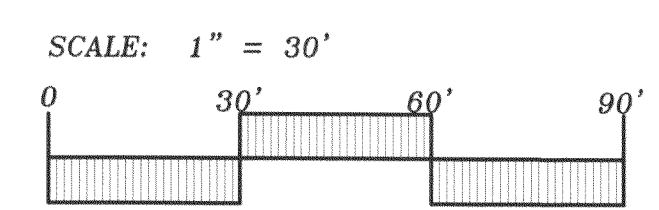


*SOD ALL DISTURBED AREAS WITHIN THE PROPERTY LIMITS.

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LANDSCAPE PLAN
SHEET 1 OF 1



NEW RETAIL DEVELOPMENT
 PREPARED FOR THE BROADWAY GROUP LLC
 HORSE SHOE, HENDERSON COUNTY, NORTH CAROLINA
 U.S. HWY. 64 (BREVARD ROAD)

REVISIONS:

NO.	DATE	DESCRIPTION

DRAWN BY: K. DEAL
 FIELD DATE: _____
 OFFICE DATE: _____
 CHECKED BY: _____
 DESIGNED BY: _____
 FILE NAME: LANDSCAPE_PLAN

JOB NO.: P12-108
 SCALE: AS NOTED
 SHT. NO. **L1** OF **2**