

REQUEST FOR COMMITTEE ACTION

HENDERSON COUNTY TECHNICAL REVIEW COMMITTEE

MEETING DATE: September 3, 2013

SUBJECT: Rezoning Application #R-2013-03

PRESENTER: Parker Sloan, Planner

ATTACHMENTS: 1. Staff Report
2. Photos of Project Area

SUMMARY OF REQUEST:

Rezoning Application #R-2013-03, which was submitted on August 6, 2013, requests the County rezone a 1.5 acre tract. The applicant requests a rezoning from a Regional Commercial (RC) to a Residential Two Rural (R2R) zoning district. The subject area is owned by Kerry Bodenheimer (PIN: 9651-52-4024).

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-2013-03.

Suggested Motion:

I move that the TRC recommend approval of rezoning application #R-2013-03 to rezone the subject area to a Residential Two Rural (R2R) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan.

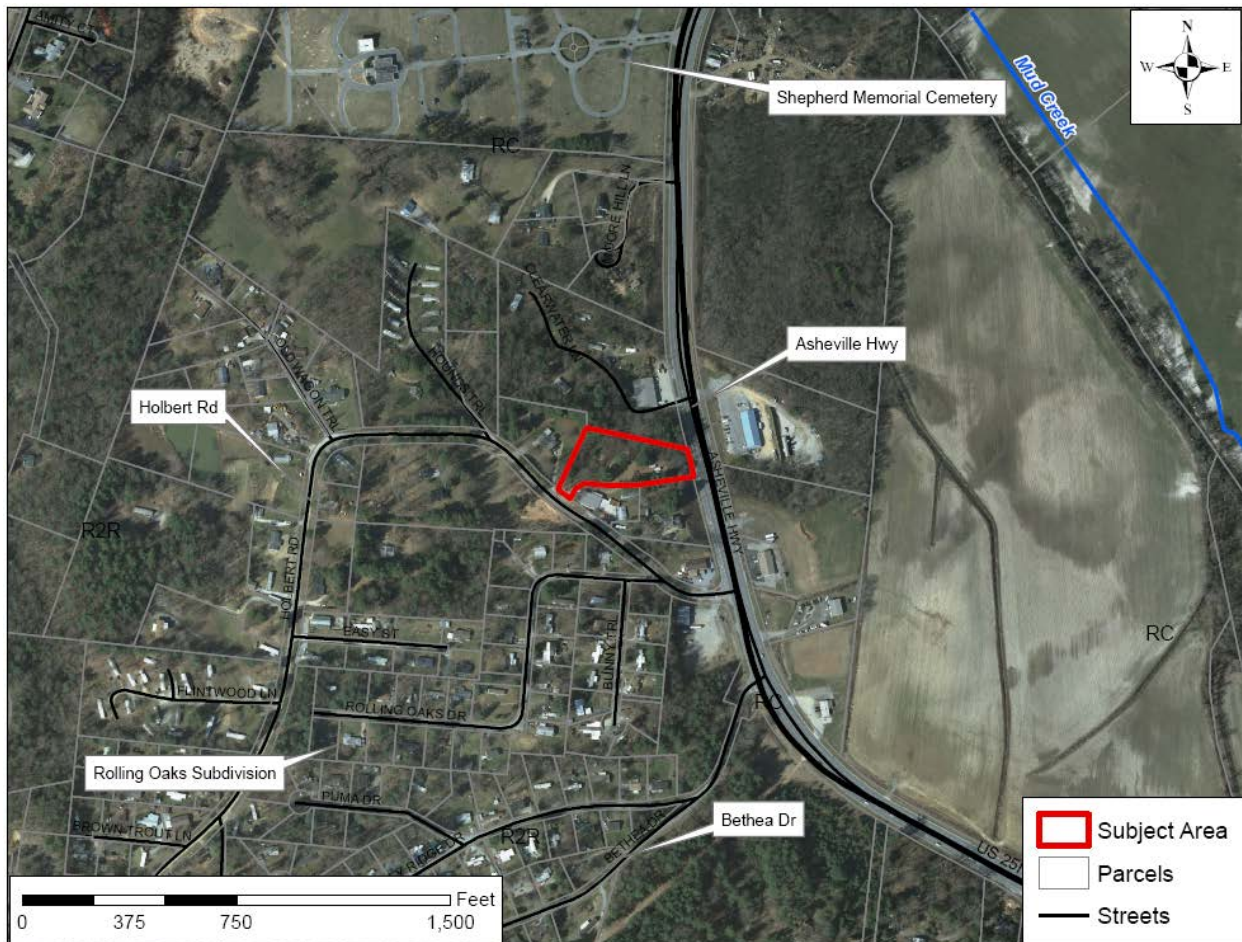
Henderson County Planning Department Staff Report

Rezoning Application #R-2013-03 Kerry Bodenheimer, Owner

1. Rezoning Request

- 1.1. **Applicant:** Kerry Bodenheimer, Owner
- 1.2. **Request:** Rezone a portion of a parcel from Community Commercial (CC) to Residential Two Rural (R2-R)
- 1.3. **PIN:** Portion of 9651-52-4024
- 1.4. **Size:** Total of 1.5 acres to be rezoned.
- 1.5. **Location:** The subject area is located along Holbert Road (SR 1367), approximately 580 feet from the intersection of US highway 25 North (Asheville Highway) and Holbert (SR 1367).

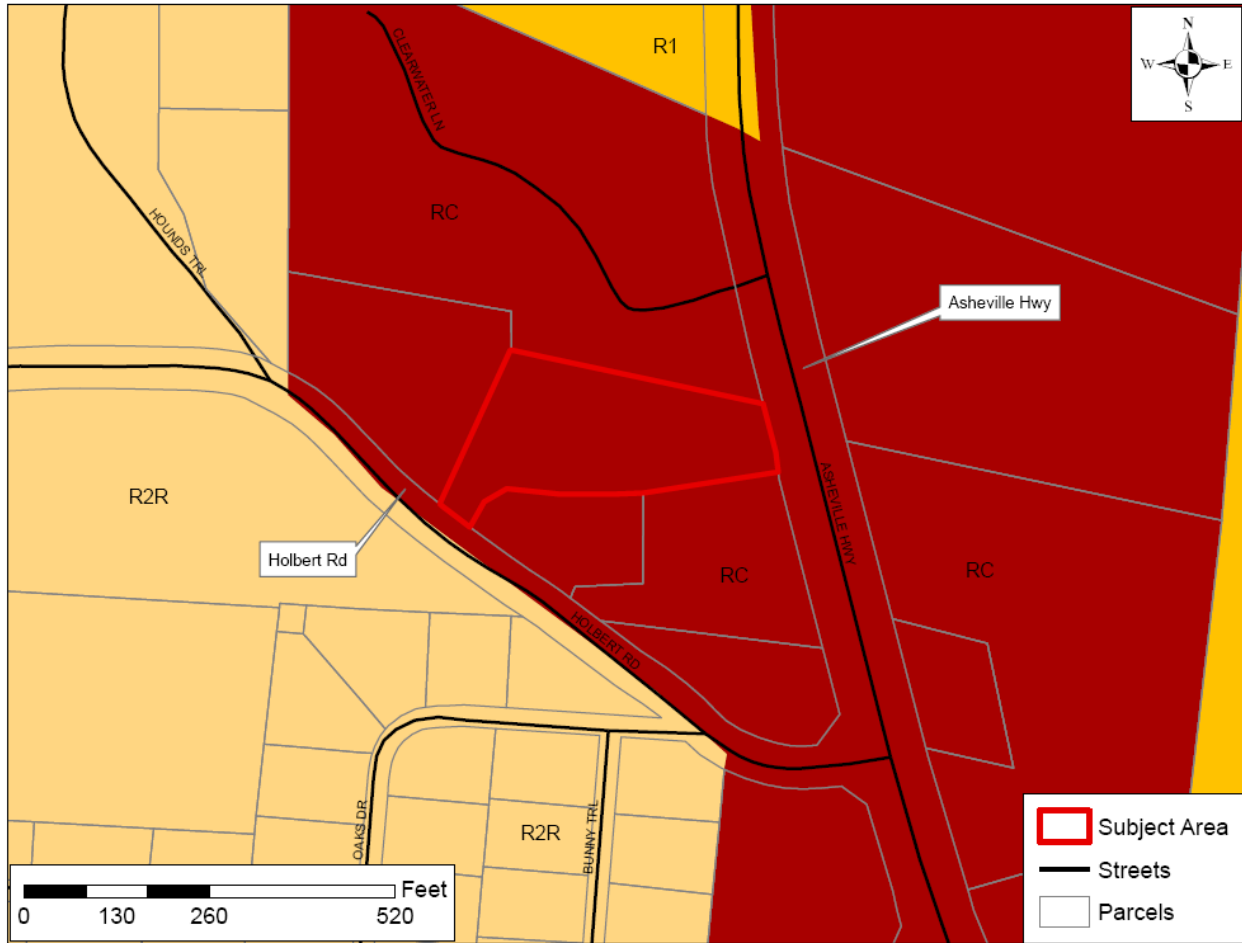
Map A: Aerial Photo



2. Current Zoning

2.1. **Application of Current Zoning:** The subject area was zoned Regional Commercial (RC) 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 Residential Two (R2 R) to the west and surrounded by Regional Commercial (RC) in all other directions.

2.3. District Comparison:

2.3.1. **Regional Commercial:** *“The purpose of the Regional Commercial District (RC) is to foster orderly growth where the principal 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, community, and regional 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 Urban in the Comprehensive Plan” (Chapter 200A, Land Development Code §200A-35).

- (1) RC (Regional Commercial) requires 10 foot side and rear setbacks;
- (2) establishes a maximum height of 50 feet;
- (3) provides a standard density of 16 units per acre with a maximum 80% impervious surface; (4) The maximum floor area is unlimited.

2.3.2. 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).

3. Current Uses of Subject Area and Adjacent Properties

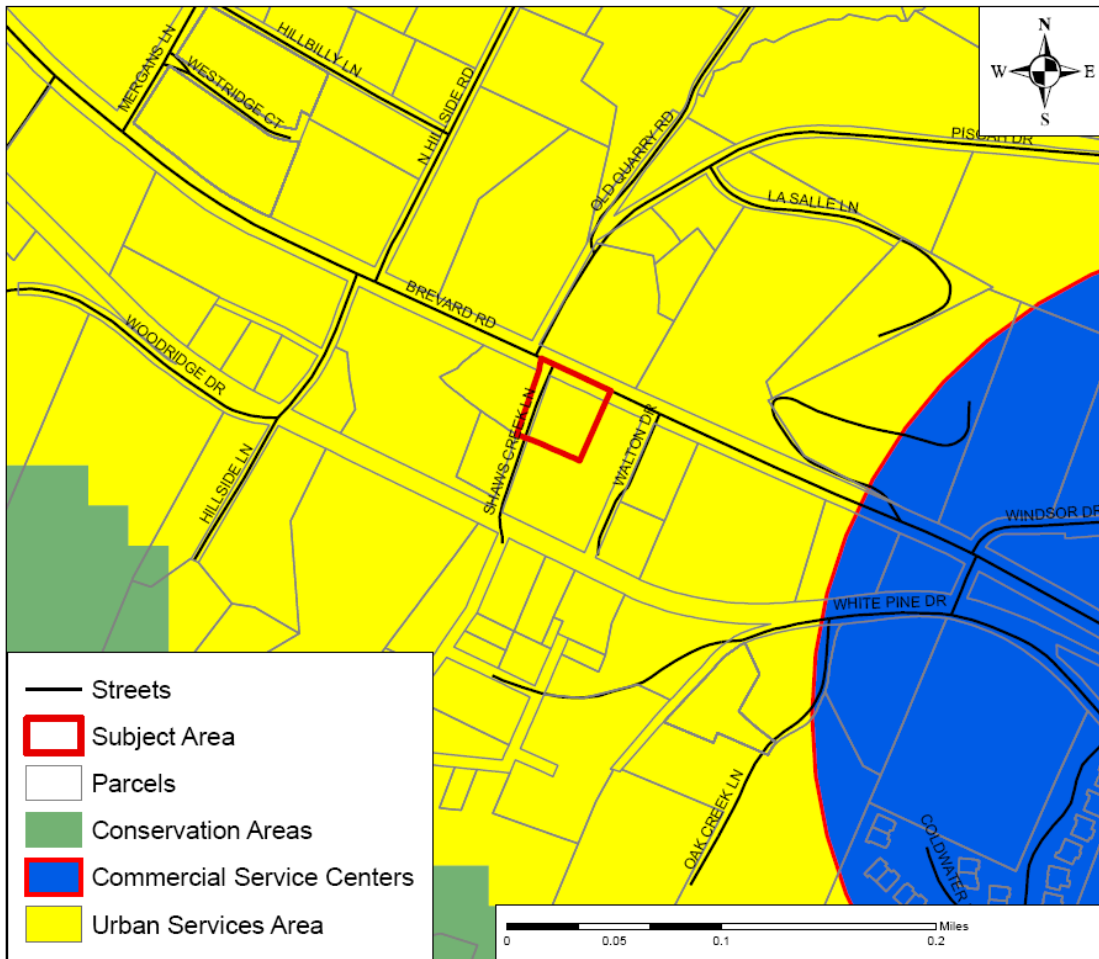
- 3.1. **Subject Area Uses:** The subject area parcel currently contains one single family residence and one automotive commercial business.
- 3.2. **Adjacent Area Uses:** The surrounding properties are primarily residential uses. Presley automotive is located to the south east of the project area on the corner of Holbert road and Asheville Highway.

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

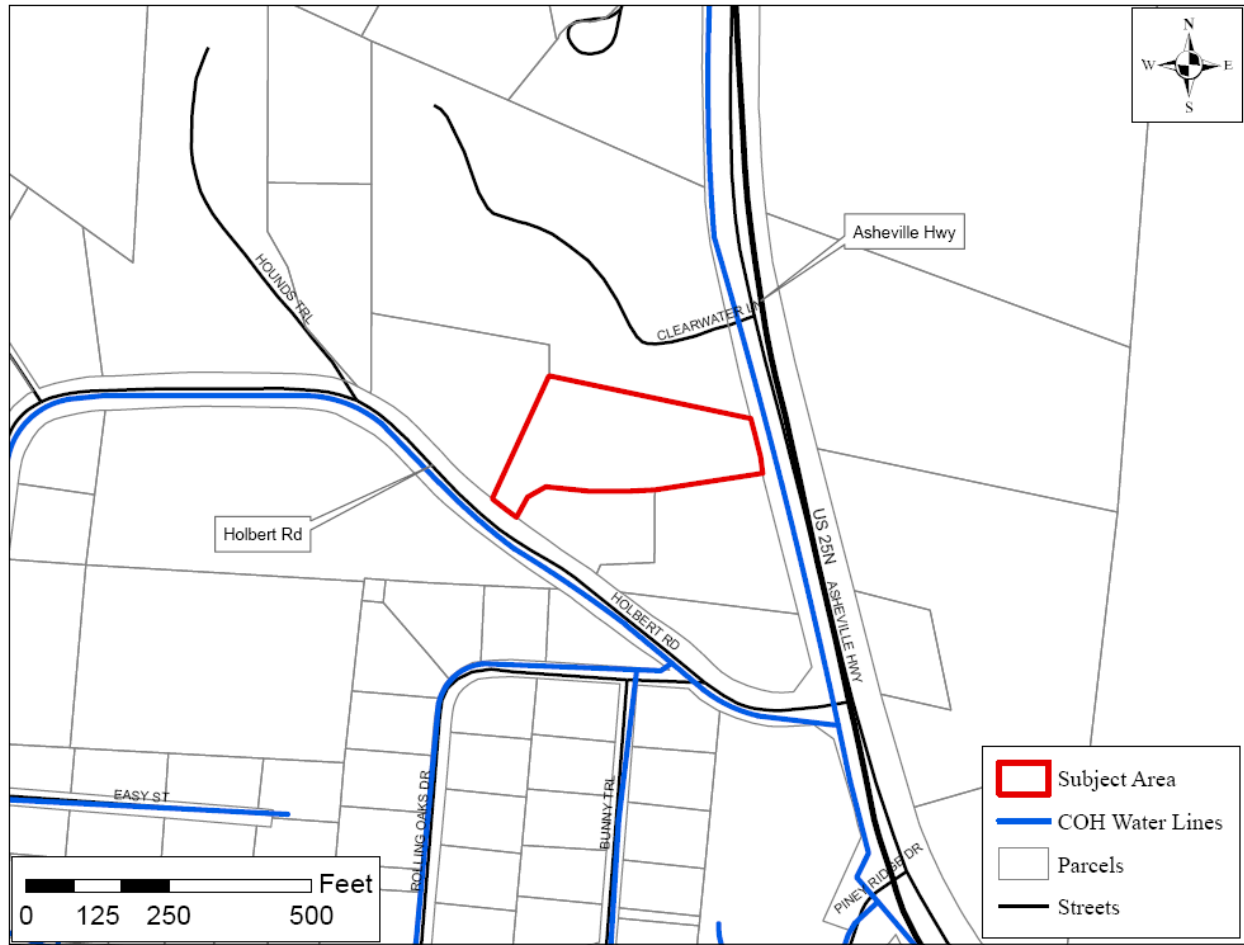


5. Water and Sewer

5.1. **Public Water:** A City of Hendersonville water line runs next to the project area along Holbert Road. (See Map E).

5.2. **Public Sewer:** Public sewer is not in the vicinity of this project. (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 Residential Two Rural zoning to the west along the southwest side of Holbert road.
- 6.3. **Comparison of Districts:** The existing Regional commercial does not allow for residential uses. Applying Residential Two Rural will allow for residential uses however, eliminate the ability to construct all forms of commercial operations. Applying Residential Two Rural zoning will allow for some small businesses, and all types of residential uses.
- 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 Residential Two Rural consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.

8. Technical Review Committee Recommendations

8.1. TBD

9. Planning Board Recommendations

9.1. TBD



View of the existing business within the subject area parcel looking west.



View of subject Area looking east along interior driveway



View of Subject Area along interior drive looking north east.



View of the subject area looking east towards US Hwy 25N