

## REQUEST FOR COMMITTEE ACTION

### HENDERSONCOUNTY TECHNICAL REVIEW COMMITTEE

**MEETING DATE:** May 6, 2014

**SUBJECT:** Rezoning Application #R-2014-04

**PRESENTER:** Matt Champion, Planner

**ATTACHMENTS:** 1. Staff Report  
2. Vicinity Map  
3. Property Owners List

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

Rezoning Application #R-2014-04, which was initiated on April 3, 2014, requests the County rezone approximately 40.09 acres of land. On April 3, 2014 the City of Hendersonville City Council approved a request to remove thirty-four (34) individual parcels of land from the City of Hendersonville's Extra Territorial Jurisdiction through Ordinance #14-0426. Henderson County has 90 days, or until July 2, 2014 to determine and apply a County zoning designation for the subject area. Henderson County Planning Department recommends rezoning the Subject Area from a City of Hendersonville R-15 (COH R-15) zoning district to a Residential One (R1) and Industrial (I) zoning district.

#### **TECHNICAL REVIEW COMMITTEE ACTION REQUESTED:**

Planning Staff requests the Technical Review Committee take action to recommend that the Board of Commissioners approve rezoning application #R-2014-04 to rezone the Subject Area to a Residential One (R1) and Industrial (I) zoning district.

#### **Suggested Motion:**

I move that the TRC recommend approval of rezoning application #R-2014-04 to rezone the Subject Area to a Residential One (R1) and Industrial (I) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan.

HendersonCounty Planning Department Staff Report

Rezoning Application #R-2014-04  
City of Hendersonville ETJ Boundary Adjustment  
Ordinance #14-0426

1. Rezoning Request

- 1.1. **Applicant:** Henderson County Planning Department
- 1.2. **Request:** Rezone thirty-four (34) parcels of land from City of Hendersonville R-15 (COH R-15) to Residential One (R1) and Industrial (I) zoning districts. (See Map F)
- 1.3. **PINs:** 9578445779, 9578445913, 9578448759, 9578449679, 9578456053, 9578456382, 9578456590, 9578456610, 9578534994, 9578536556, 9578537473, 9578538203, 9578538278, 9578538550, 9578538566, 9578539079, 9578539116, 9578539352, 9578540696, 9578541475, 9578541578, 9578542292, 9578542344, 9578543067, 9578543091, 9578543133, 9578544290, 9578544654, 9578620965, 9578621757, 9578621827, 9578454445, 9578622627, and 9578630149. (See Map C)
- 1.4. **Size:** Total of 40.09 acres to be rezoned.
- 1.5. **Location:** The Subject Area is accessed off Blue Ridge Street (SR1759) and Brooklyn Avenue (SR1775) on West Gilbert Street (Local Road) and East Gilbert Street (Local Road).

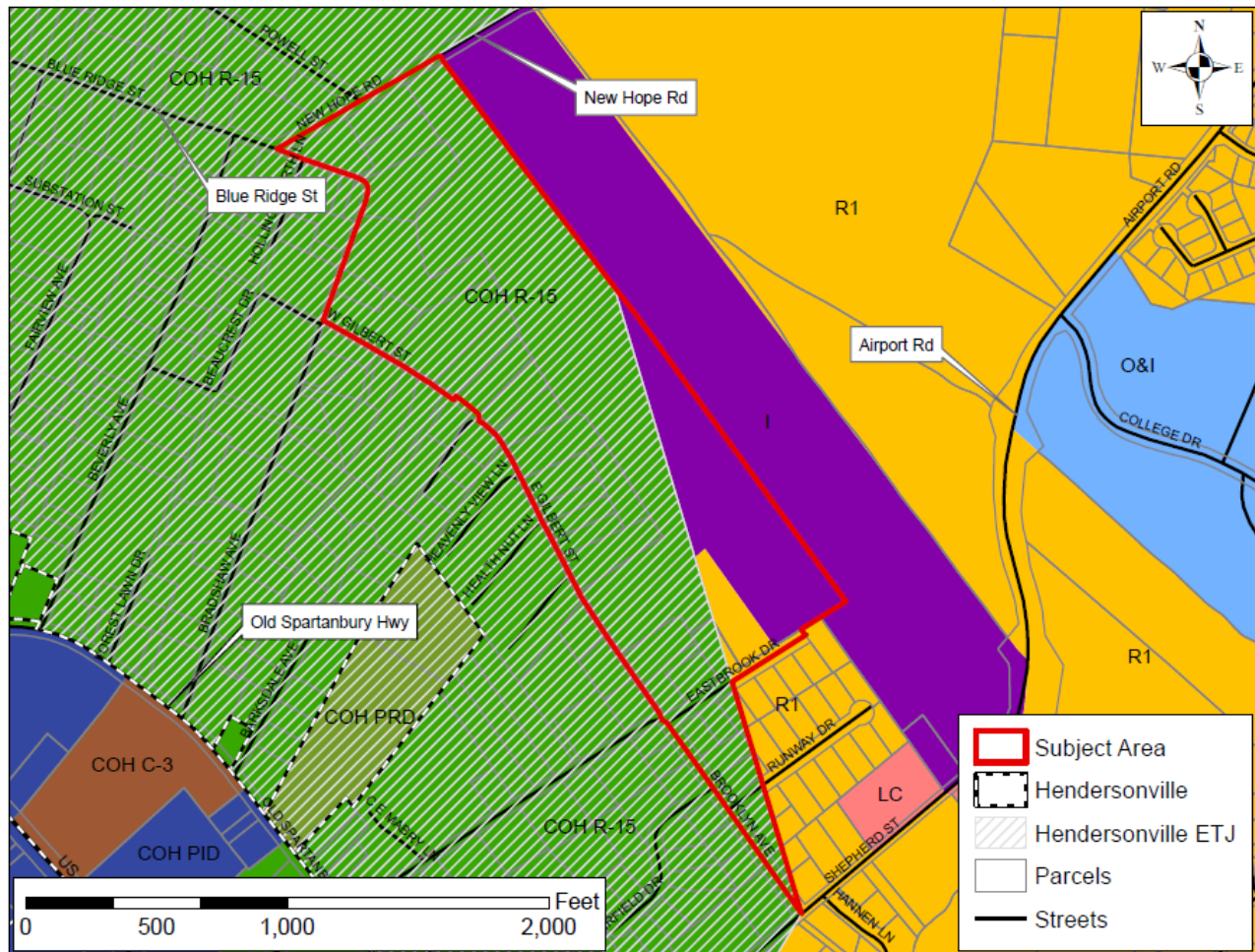
Map A: Aerial Photo



**2. Current Zoning**

2.1. **Application of Current Zoning:** The Subject Area was zoned City of Hendersonville R-15 (COH R-15) around February of 1964 when City of Hendersonville ETJ boundary was adjusted. The subject area was located within the City of Hendersonville Extra Territorial Jurisdiction until a recent request to amend the ETJ boundary. The City of Hendersonville approved the ETJ boundary adjustment on April 3, 2014 through the adoption of Ordinance #14-0426.

**Map B: Current Zoning**



2.2. **Adjacent Zoning:** The Subject Area is adjacent to a City of Hendersonville R-15 (COH R-15) zoning district to the north, northwest, west, and southwest. Industrial (I) zoning district is found to the northeast, east, and southeast of the Subject Area. Residential One (R1) zoning district is found south of the Subject Area.

**2.3. District Comparison:**

2.3.1. **City of Hendersonville R-15 (COH R-15):** *“This zoning district classification is for areas in which the principal use of land is for medium-density single-family residences. It is expected that all dwellings in such district will have access to public water supplies or public sewage disposal facilities or a reasonable expectation of such service in the future.”* (City of Hendersonville Zoning Ordinance, Section 5-3). COH R-15 requires 30 foot front setbacks, 10 foot side

setbacks, 15 foot rear setbacks, maximum height of 35 feet, and residential lot sizes shall be no less than 15,000 square feet (0.34 acres).

- 2.3.2. **Residential One (R1):** *“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).

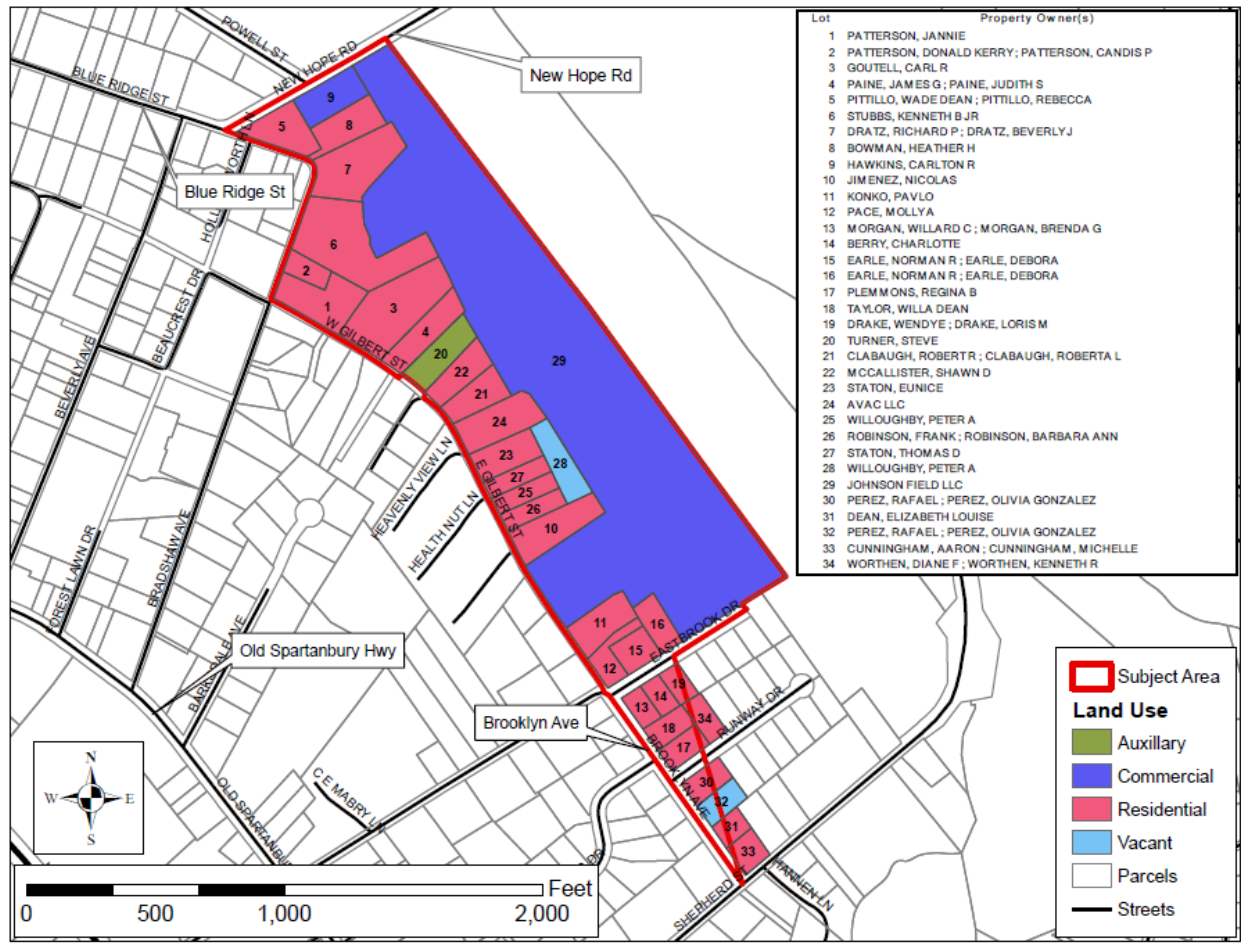
- 2.3.3. **Industrial (I) Zoning District:** *“The purpose of the Industrial District (I) is to foster orderly growth where the principal use of land is a mixture of industrial and heavy commercial. The intent of this district is to allow for industrial and heavy commercial development consistent with 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 currently has 29 residential parcels, 2 commercial parcels, 2 vacant parcels, and 1 auxiliary parcel. (See Map C).
- 3.2. **Adjacent Area Uses:** The surrounding properties are primarily residential uses and vacant property.

**Map C: Current Uses and Property Owners**



**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, Industrial Area, and in the Conservation Area (CA)(2020 CCP, Pgs. 134, 138& Appendix 1, Map 24) (See Map D).

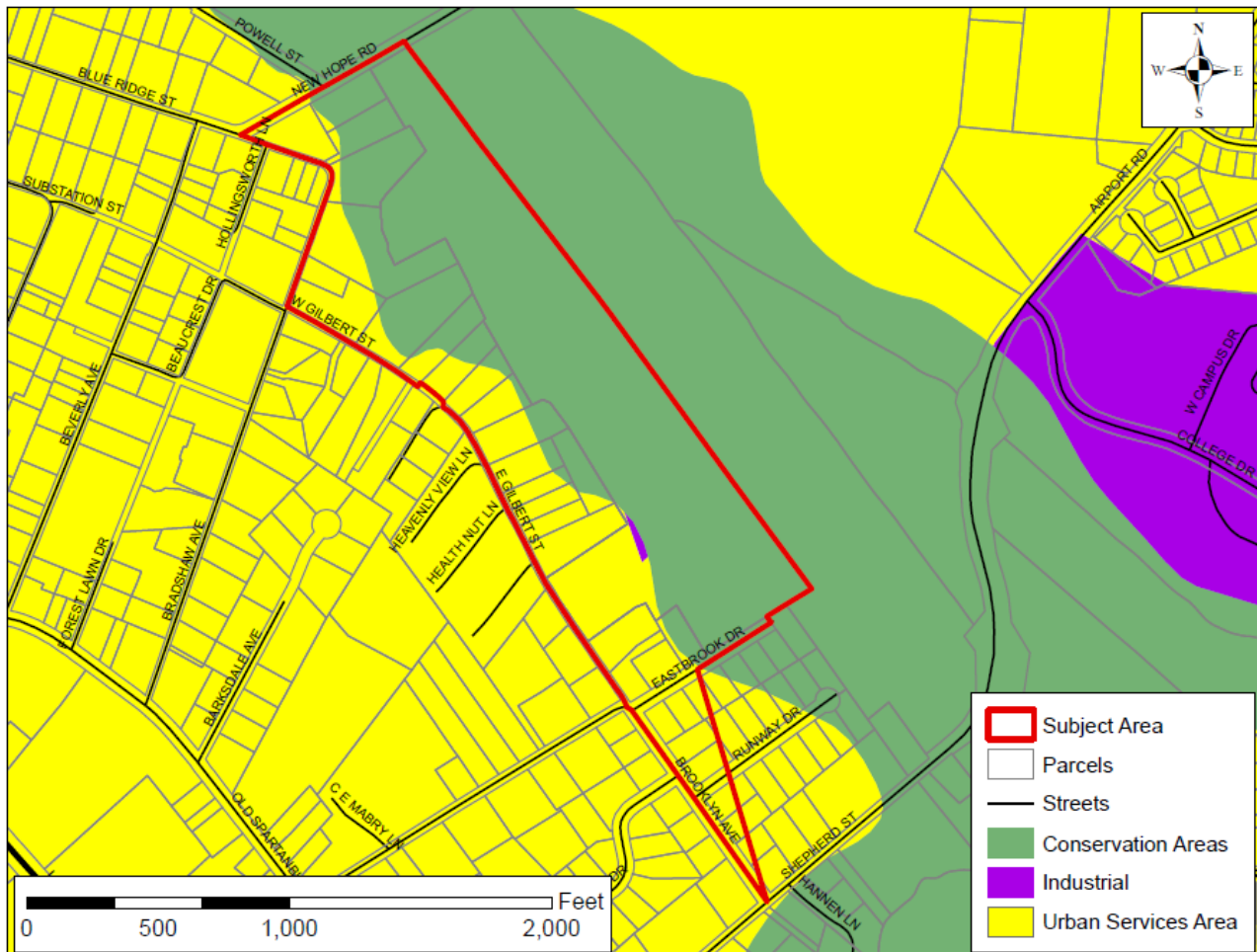
- 4.1 **Urban Services Area:** The CCP states that, “the USA will contain considerable commercial development at a mixture of scales,” and further, “all regional commercial development should be concentrated here. Commercial development will exist within predefined zoning districts whose standards and 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).

4.1. **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).

4.2 **Conservation Area:** The CCP states that, “Conservation areas include land areas that are intended to remain largely in their natural state, with on limited development. Such areas should be targeted for protection through regulations and incentives. Conservation areas are lands that generally exhibit any of the following characteristics:

- 4.2.1 Sensitive natural areas
- 4.2.2 Areas of historic or archeological significance
- 4.2.3 Local, state or federally-managed natural areas
- 4.2.4 Areas managed for agricultural or forestry land uses
- 4.2.5 Other areas yet to be determined” (CCCP, Pg. 138).
- 4.2.6 The floodway, 100 year floodplain, and 500 year floodplain are all found within the Subject Area. The conservation area found within the Subject Area covers the floodplain and floodway designated areas.

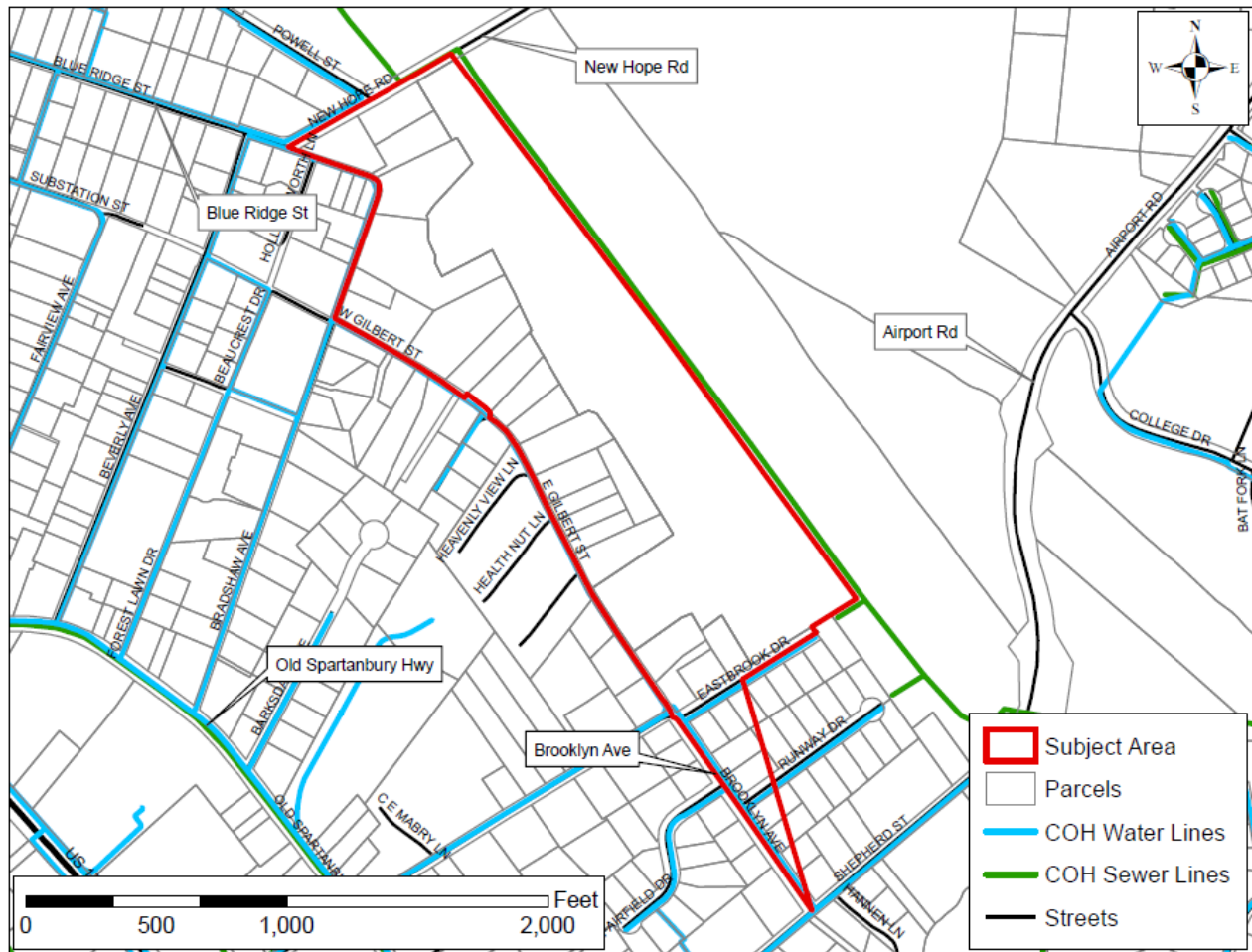
**Map D: 2020 County Comprehensive Plan Future Land Use Map**



5. **Water and Sewer**

- 5.1. **Public Water:** A City of Hendersonville water line runs along the western edge of the Subject Area on West and East Gilbert Street. (See Map E).
- 5.2. **Public Sewer:** Public sewer provided by the City of Hendersonville is currently located along the eastern edge of the Subject Area on the Hendersonville Airport boundary. (See Map F).

Map E: Water and Sewer Map

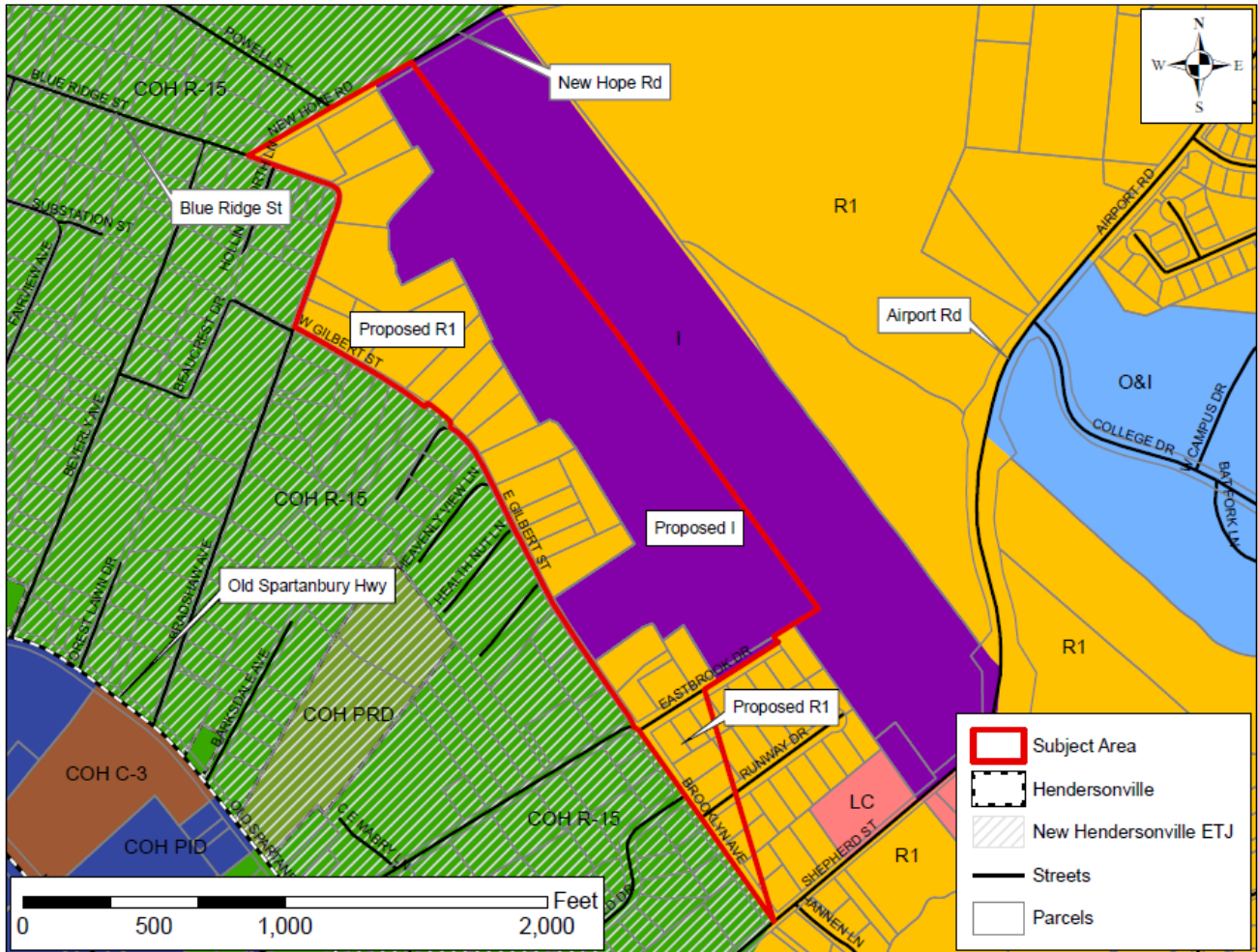


6. **Proposed Zoning**

- 6.1. **Proposed Residential One (R1):** All of the existing parcels along the western edge of the Subject Area are proposed to be rezoned to a Residential One (R1) zoning district (See Map F). City of Hendersonville R-15 (COH R-15) zoning district is a medium density residential district that allows 1 unit per 0.37 acres. Residential One (R1) zoning district allows a standard density of 1 unit per 0.25 acres. The Residential One (R1) zoning district is the district that best matches to the adjacent City of Hendersonville R-15 (COH R-15) zoning district.
- 6.2. **Industrial (I) Zoning District:** One parcel is proposed to be rezoned to an Industrial (I) zoning district in the Subject Area (See Map F). This parcel was partially zoned Industrial (I) by Henderson County with the adoption of the Land Development Code in September of 2007. The

remaining portion of the parcel was zoned City of Hendersonville R-15 (COH R-15) prior to the adoption of the Henderson County Land Development Code. Rezoning this parcel to an Industrial (I) zoning district will best match the intended use of the property and is adjacent to an existing Industrial (I) zoned parcel.

**Map F: Proposed Zoning Map**



**7. Staff Comments**

- 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 is adjacent to a Residential One (R1) and an Industrial (I) zoning district.
- 7.3. Comparison of Districts: The existing COH R-15 allows for residential uses and some light commercial 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.

- 7.4. As of April 3, 2014 the Subject Area will remain under the City of Hendersonville jurisdiction for 90 days. Henderson County has this time frame to process the rezoning request or the Subject Area would be unzoned. 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.

## **8. Staff Recommendations**

- 8.1. 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) and Industrial (I) to be consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.

Rezoning Application  
R-2014-04  
Hendersonville ETJ Removal



Blue Ridge St

New Hope Rd

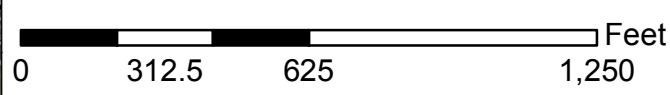
W Gilbert St

Old Spartanburg Hwy

Brooklyn Ave

HCPD 04-08-14

- Subject Area
- Parcels
- Streets



Lot	PIN	Acreage	Property Owner(s)	Street	City	State	Zip Code
1	9578445779	1.11	PATTERSON, JANNIE	401 BRADSHAW AVE	HENDERSONVILLE	NC	28792
2	9578445913	0.35	PATTERSON, DONALD KERRY ; PATTERSON, CANDIS P	409 BRADSHAW AVE	HENDERSONVILLE	NC	28792
3	9578448759	1.89	GOUTELL, CARL R	1371 JANE LACY LN	NEW SMYRNA	FL	32168
4	9578449679	0.84	PAINE, JAMES G ; PAINE, JUDITH S	1220 W GILBERT ST	HENDERSONVILLE	NC	28792
5	9578454445	0.72	PITTILLO, WADE DEAN ; PITTILLO, REBECCA	412 BLUE RIDGE ST	HENDERSONVILLE	NC	28792
6	9578456053	2.39	STUBBS, KENNETH B JR	419 BRADSHAW AVE	HENDERSONVILLE	NC	28792
7	9578456382	1.48	DRATZ, RICHARD P ; DRATZ, BEVERLY J	495 BRADSHAW AVE	HENDERSONVILLE	NC	28792
8	9578456590	0.78	BOWMAN, HEATHER H	4782 VIOLET AVE	MEMPHIS	TN	38122
9	9578456610	0.78	HAWKINS, CARLTON R	PO BOX 126	ARDEN	NC	28704
10	9578534994	1.02	JIMENEZ, NICOLAS	1338 E GILBERT ST	HENDERSONVILLE	NC	28792
11	9578536556	0.76	KONKO, PAVLO	1017 BROOKLYN AVE	HENDERSONVILLE	NC	28792
12	9578537473	0.45	PACE, MOLLY A	1032 BROOKLYN AVE	HENDERSONVILLE	NC	28792
13	9578538203	0.29	MORGAN, WILLARD C ; MORGAN, BRENDA G	1142 BROOKLYN AVE	HENDERSONVILLE	NC	28792
14	9578538278	0.28	BERRY, CHARLOTTE	1182 EASTBROOK DR	HENDERSONVILLE	NC	28792
15	9578538550	0.46	EARLE, NORMAN R ; EARLE, DEBORA	8701 HASTINGS BLVD	HASTINGS	FL	32145
16	9578538566	0.49	EARLE, NORMAN R ; EARLE, DEBORA	8701 HASTINGS BLVD	HASTINGS	FL	32145
17	9578539079	0.39	PLEMMONS, REGINA B	1171 RUNWAY DR	HENDERSONVILLE	NC	28792
18	9578539116	0.4	TAYLOR, WILLA DEAN	1144 BROOKLYN AVE	HENDERSONVILLE	NC	28792
19	9578539352	0.29	DRAKE, WENDY E ; DRAKE, LORIS M	1184 EASTBROOK DR	HENDERSONVILLE	NC	28792
20	9578540696	0.72	TURNER, STEVE	1230 WEST GILBERT ST	HENDERSONVILLE	NC	28792
21	9578541475	0.64	CLABAUGH, ROBERT R ; CLABAUGH, ROBERTA L	1310 E GILBERT ST	HENDERSONVILLE	NC	28792
22	9578541578	0.65	MCCALLISTER, SHAWN D	1230 W GILBERT ST	HENDERSONVILLE	NC	28792
23	9578542292	0.71	STATON, EUNICE	1810 WINDSOR DR	HENDERSONVILLE	NC	28791
24	9578542344	1.03	AVAC LLC	1312 E GILBERT ST	HENDERSONVILLE	NC	28792
25	9578543067	0.41	WILLOUGHBY, PETER A	PO BOX 1234	FLETCHER	NC	28732
26	9578543091	0.41	ROBINSON, FRANK ; ROBINSON, BARBARA ANN	1326 E GILBERT ST	HENDERSONVILLE	NC	28792
27	9578543133	0.41	STATON, THOMAS D	2125 ARLINGTON PL	HENDERSONVILLE	NC	28791
28	9578544290	0.71	WILLOUGHBY, PETER A	PO BOX 1234	FLETCHER	NC	28732
29	9578544654	25.18	JOHNSON FIELD LLC	PO BOX 613	HENDERSONVILLE	NC	28793
30	9578620965	0.41	PEREZ, RAFAEL ; PEREZ, OLIVIA GONZALEZ	PO BOX 617	FLAT ROCK	NC	28731
31	9578621757	0.28	DEAN, ELIZABETH LOUISE	326 BROWNING AVE	HENDERSONVILLE	NC	28791
32	9578621827	0.4	PEREZ, RAFAEL ; PEREZ, OLIVIA GONZALEZ	PO BOX 617	FLAT ROCK	NC	28731
33	9578622627	0.36	CUNNINGHAM, AARON ; CUNNINGHAM, MICHELLE	1106 SHEPHERD ST	HENDERSONVILLE	NC	28792
34	9578630149	0.36	WORTHEN, DIANE F ; WORTHEN, KENNETH R	1173 RUNWAY DR	HENDERSONVILLE	NC	28792