

REQUEST FOR BOARD ACTION

HENDERSON COUNTY PLANNING BOARD

Meeting Date: September 16, 2010

Subject: Rezoning Application #R-2010-01

Staff Contact: Parker Sloan, Planner

Attachments:

1. Staff Report
2. Community Commercial (CC) District Text
3. Subject Area Photos

SUMMARY OF REQUEST:

Staff initiated Rezoning Application #R-2010-01 for the County to rezone approximately .024 acres of land, located near the intersection of Spartanburg Highway (US 176) and Upward Rd (SR 1783), from the City of Hendersonville's relinquished jurisdiction to a Community Commercial (CC) zoning district. The subject area owner is Philip and Maria Furino. A mapping error by the City of Hendersonville requires the rezoning. County staff recently learned that the City adjusted their boundary on August 23, 2010.

Planning staff posted the property giving notice of the Planning Board meeting on September 2, 2010. The Planning Board has 45 days from its first consideration of a rezoning application to make a recommendation to the Board of Commissioners. Thus, the deadline for a Planning Board recommendation to the Board of Commissioners regarding this application is Friday, October 29, 2010. If no recommendation is made by October 29, 2010, 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, at which time the deadline for a Planning Board recommendation would become Wednesday, December 8, 2010.

Planning Board action to recommend that the Board of Commissioners approve, approve with modifications, table, or deny rezoning action #R-2010-01 would be appropriate.

Suggested Motion:

I move that the Board recommend approval of rezoning application #R-2010-01 to rezone the Subject Area to a Community Commercial (CC) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan.

Henderson County Planning Department Staff Report

Rezoning Application #R-2010-01

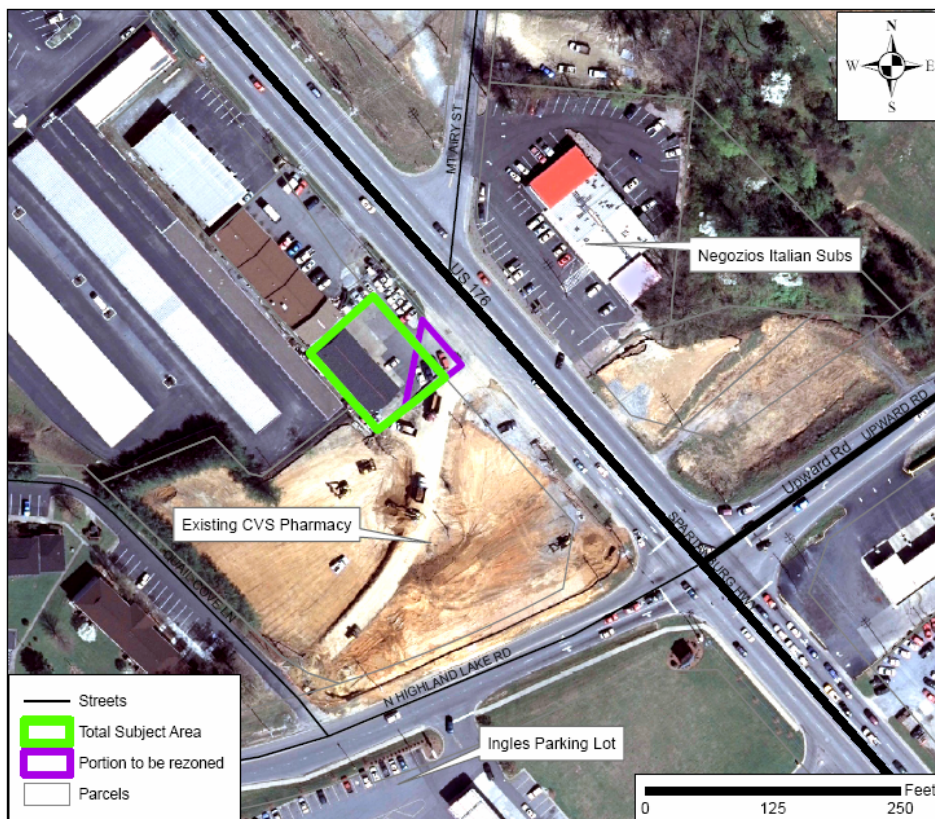
Furino, Philip and Maria, Owner

Initiated by the Henderson County Planning Department Staff, **Applicant**

1. Rezoning Request

- 1.1. **Applicant:** Initiated by the Henderson County Planning Department
- 1.2. **Property Owner:** Furino, Philip and Maria
- 1.3. **Request:** Zone a portion of a parcel Community Commercial that is currently not zoned by Henderson County due to a City of Hendersonville mapping error.
- 1.4. **PIN:** 9577-68-8725
- 1.5. **Size:** Total of .024 acres to be rezoned.
- 1.6. **Location:** The Subject Area is located along Spartanburg Highway (US 176), approximately 300 feet from the intersection of Spartanburg Highway (US 176) and Upward Rd (SR 1783).

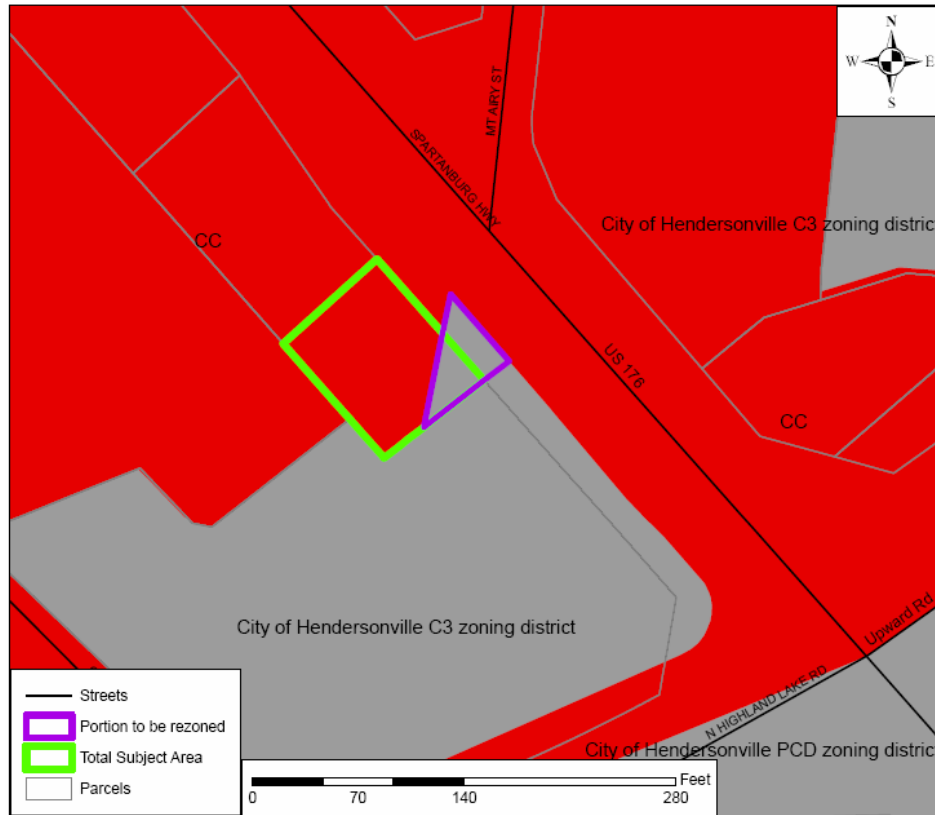
Map A: Aerial Photo



2. Current Zoning

2.1. **Application of Current Zoning:** In June 2006 the City of Hendersonville annexed the parcel to the south of the subject area (currently the CVS property, PIN: 9577688508). A portion of the subject area was mistakenly included in the annexation due to a mapping error.

Map B: Current Zoning



2.2. **Adjacent Zoning:** The Subject Area is adjacent to County CC zoning to the east and north. Land adjacent to the Subject Area to the south is zoned C3 by the City of Hendersonville.

2.3. **Prior Zoning:** The areas surrounding the Subject Area were previously (prior to LDC adoption on September 19, 2007) zoned C-4 (Highway Commercial) by Henderson County.

2.4. Proposed Zoning

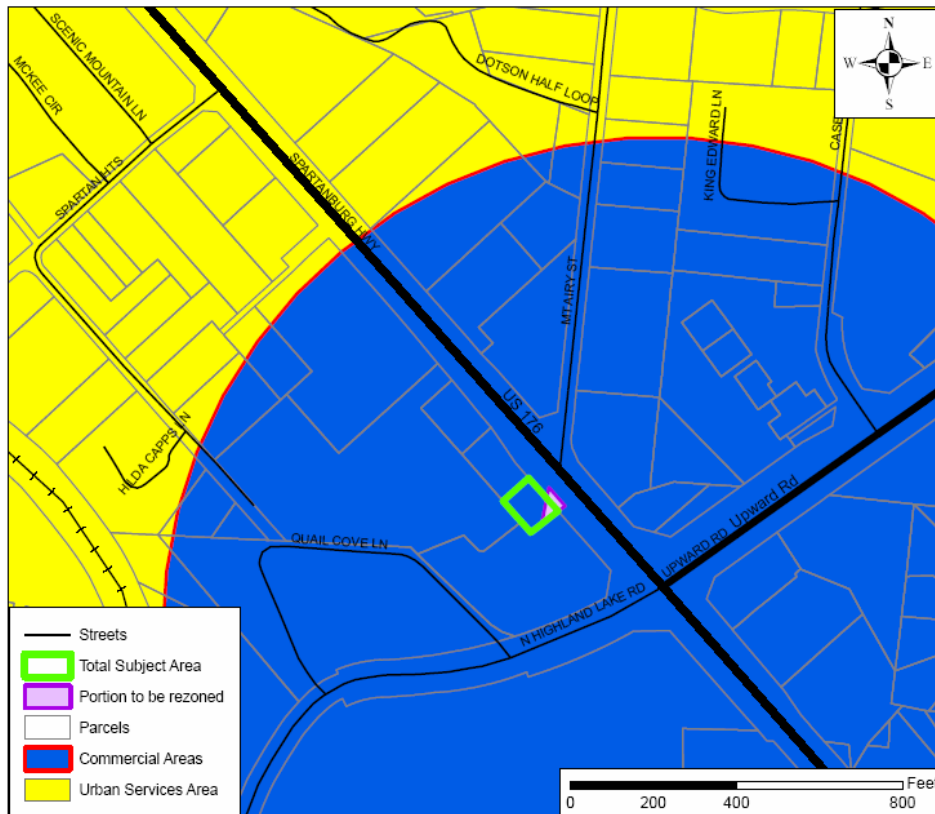
2.4.1. **Community Commercial:** “The purpose of the Community Commercial District (CC) is to foster orderly growth where the principle use of land is commercial. The intent of this district is to allow for commercial development consistent with the recommendations of the Comprehensive Plan. In accordance 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 Uses:** The Subject Area parcel contains an auto repair shop.
- 3.2. **Adjacent Area Uses:** The surrounding properties are primarily commercial uses. South of the Subject Area is a CVS Pharmacy, across the street to the east is a deli, and Dollar General store. The property directly to the north also contains a retail commercial use.
- 3.3. The Henderson County 2020 Comprehensive Plan (CCP)
 - 5.1. **Urban Services Area:** 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 D).
 - 5.1.1. The CCP states that, “the County’s economic development activities should be pursued within USA” (2020 CCP, Pg. 129).
 - 5.1.2. The CCP also states that, “the USA is that area within which most urban services and urban-scale development is currently concentrated, and within which such development should generally be concentrated through the year 2020” (CCP, Pg. 128).

Map C: 2020 County Comprehensive Plan Future Land Use Map

6. Staff Comments

6.1. **The 2020 CCP:** The CCP Future Land Use Map (See Map D) places the subject area in the “Urban Services Area” classification, as well as, within a Commercial Service Center. The text and map of the 2020 CCP suggest that the Subject Area would be suitable for commercial development.

6.2. **Adjacent Zoning:** The Subject Area directly abuts an existing CC zoning district to the east and north. If the Subject Area were to be rezoned to CC this property would be apart of a contiguous zoning district.

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 CC consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.

7.1.1. According to the City of Hendersonville, the portion of the Subject Area was removed from the City of Hendersonville’s Jurisdiction on August 23, 2010. Currently, the Subject Area is NOT zoned. Staff recommends rezoning the Subject Area to CC to match the surrounding CC zoning.

8. Technical Review Committee Recommendations

- 8.1. The Henderson County Technical Review Committee considered rezoning application #R-2010-01 on September 7, 2010. During that meeting, the Technical Review Committee voted unanimously to send forward a favorable recommendation on rezoning application #R-2010-01 to rezone the Subject Area to a Community Commercial (CC) zoning district.

§200A-34. Community Commercial District (CC)

- A. **Purpose.** The purpose of the Community Commercial District (CC) 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 and community level; (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 areas designated as Transition or Urban 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 §200A-63 (Supplemental Requirements).

Table 2.8. CC Density and Dimensional Requirements			
		(1) <i>Residential Density</i> (units/acre)	16
		<i>Maximum Impervious Surface</i> (%)	80
		(2) <i>Maximum Floor Area</i> (sq ft)	80,000 or 30,000
<i>Yard Setbacks</i> (feet)	<i>Front or ROW</i>	<i>Local</i>	20
		<i>Collector</i>	25
		<i>Thoroughfare</i>	35
		<i>Boulevard</i>	45
		<i>Expressway</i>	55
		<i>Freeway</i>	60
		<i>Side</i>	10
		<i>Rear</i>	10
Maximum Height (feet)			50

- (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 16 units/acre:</p> <p>5 acres x 16 units per acre = 80 permitted dwelling units</p>

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.

Within a multi-tenant *structure/site*, one unit shall have a maximum *gross floor area* of 80,000 square feet. The maximum *gross floor area* for any other commercial *use* or single unit on a single *lot* within the project shall be 30,000 square feet.



View of Spartanburg Hwy. looking East.



View subject area looking north.