

REQUEST FOR COMMITTEE ACTION

HENDERSON COUNTY TECHNICAL REVIEW COMMITTEE

MEETING DATE: November 5, 2013

SUBJECT: Rezoning Application #R-2013-05

PRESENTER: Parker Sloan, Planner

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

SUMMARY OF REQUEST:

Rezoning Application #R-2013-05, which was submitted on October 25, 2013, requests the County rezone a 4.95 acre tract. The applicant requests a rezoning from a Residential One (R1) to a Local Commercial (LC) zoning district. The subject area is owned by Jessie Harris (PIN: 9579-63-6917).

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-2013-05.

Suggested Motion:

I move that the TRC recommends approving, approving with modifications, or deny rezoning application #R-2013-05 to rezone the subject area to a Local Commercial (LC) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan.

Henderson County Planning Department Staff Report

Rezoning Application #R-2013-05 Jesse Harris, Owner

1. Rezoning Request

- 1.1. **Applicant:** Jesse Harris, Owner
- 1.2. **Request:** Rezone a portion of a parcel from Residential Two Rural (R2R) to Local Commercial (LC)
- 1.3. **PIN:** Portion of 9579-63-6917
- 1.4. **Size:** Total of 4.95 acres to be rezoned.
- 1.5. **Location:** The subject area is located along East Prince Road Road (SR 1895), approximately 2,300 feet from the intersection of Lakeview Estate Road (SR 1895) and Dana Road (SR 1525).

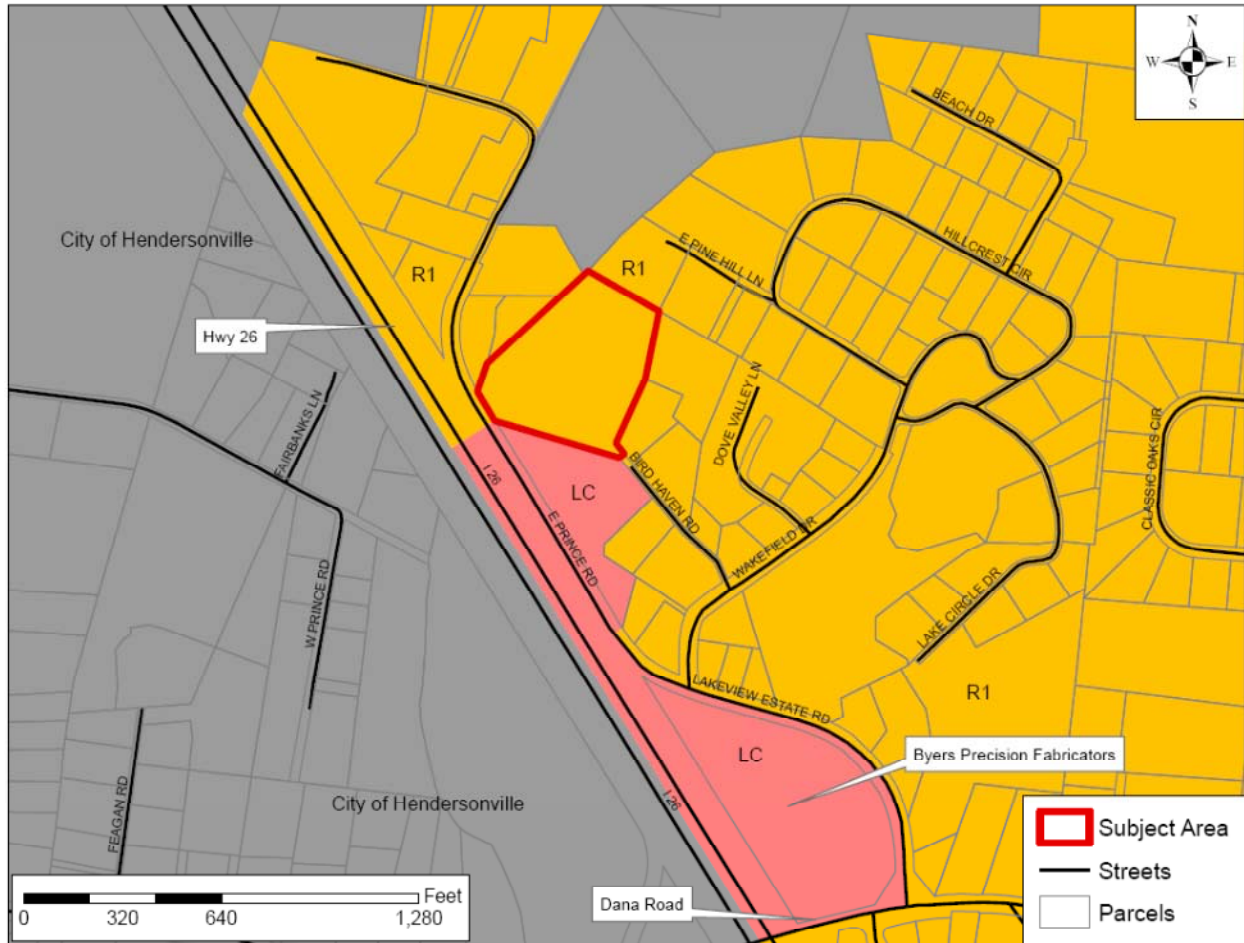
Map A: Aerial Photo



2. Current Zoning

2.1. **Application of Current Zoning:** The subject area was zoned Residential One (R1) 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 Local Commercial (LC) to the south and surrounded by Residential One (R1) in all other directions.

2.3. District Comparison:

2.3.1. **R1 Residential District One:** *“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 §200A-27).

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).

2.3.2. LC Local Commercial Zoning District: *“The purpose of the 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. In accordance with the Comprehensive Plan, the district will allow for and provide commercial and residential developments 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; (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 all service areas” (LDC §200A-33).*

(1) LC (Local Commercial) requires 10 foot side and rear setbacks; (2) establishes a maximum building height of 40 feet; (3) Provides a 30,000 square feet maximum gross floor area for one unit in a multi-tenant structure, 10,000 square feet for any other commercial use or a single unit on a single lot, a maximum of 80,000 square feet for any multi-tenant structure, and a standard density of four (4) units per acre for residential (maximum sixteen (16) units per acre) (Chapter 200A, Land Development Code §200A-33)

3. Current Uses of Subject Area and Adjacent Properties

- 3.1. **Subject Area Uses:** The subject area parcel is currently vacant.
- 3.2. **Adjacent Area Uses:** The surrounding properties are primarily residential uses. Byers Precision Fabrication is located 1,300 feet to the south of the project area along East Prince Road.

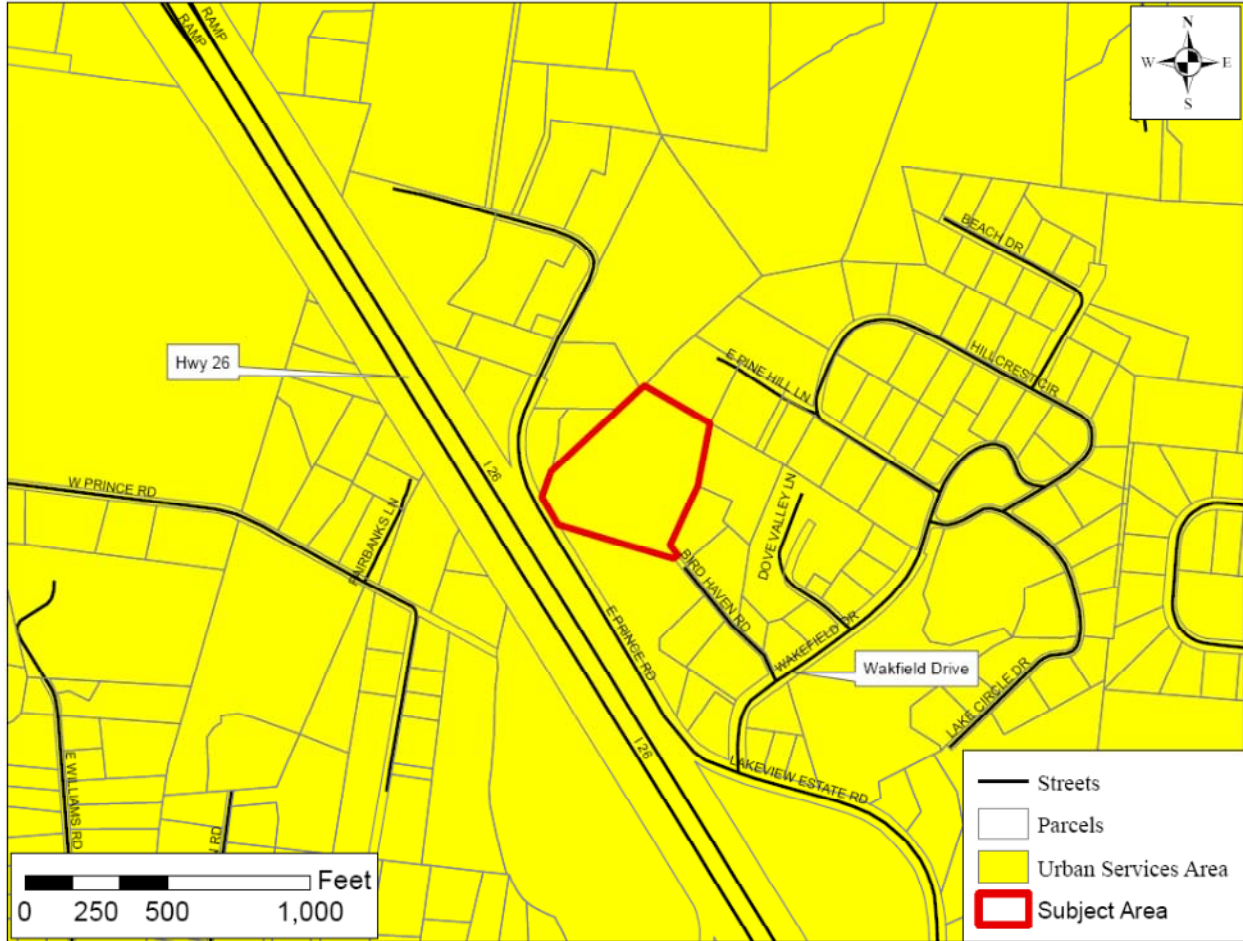
4. The Henderson County 2020 Comprehensive Plan (CCP)

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

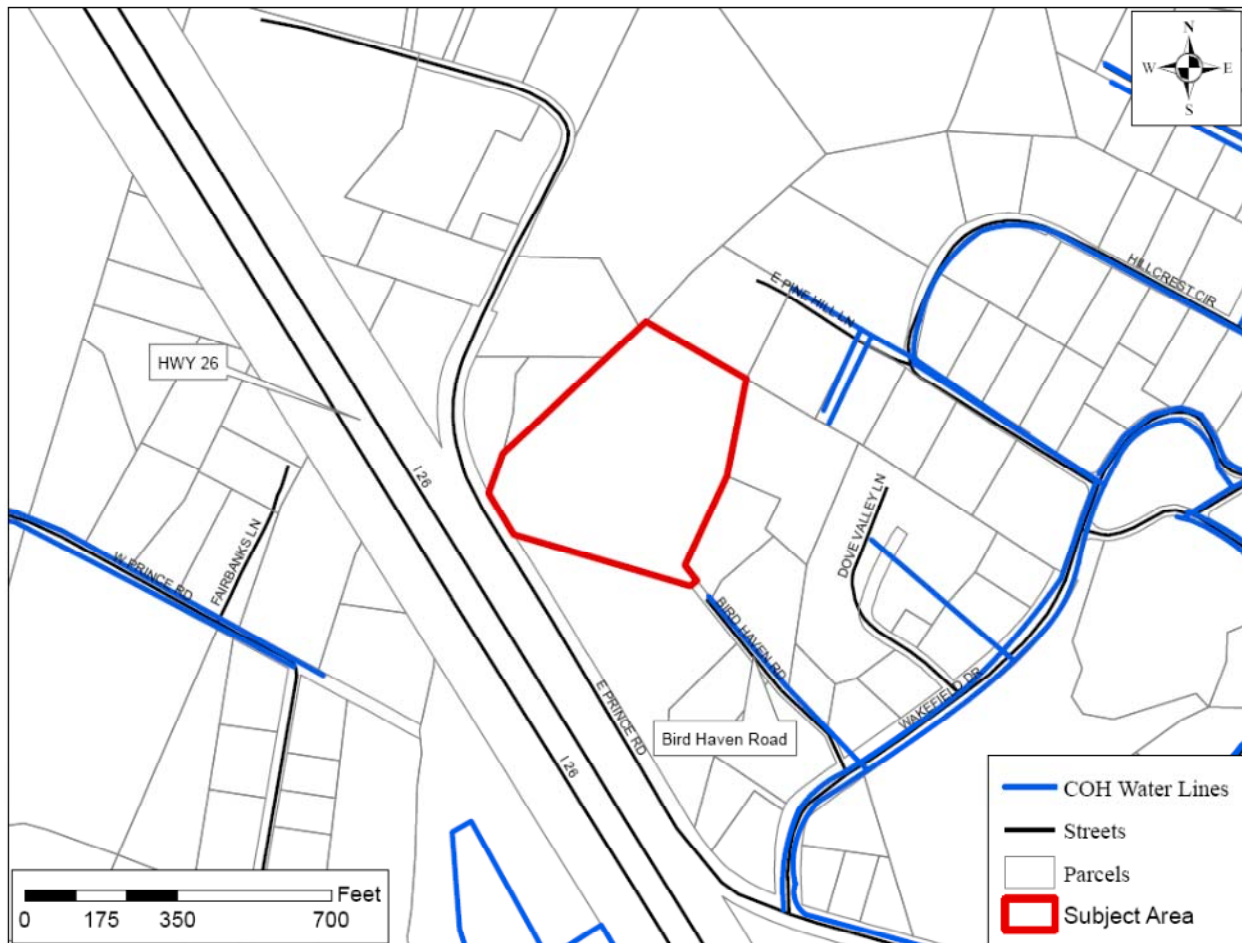


5. Water and Sewer

5.1. **Public Water:** A City of Hendersonville water line runs very close to the project area along Bird Haven 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 Local Commercial zoning to the south along East Prince Road.
- 6.3. **Comparison of Districts:** The existing Residential One does not allow for residential uses. Applying Local Commercial will allow for residential uses and will expand commercial uses for retail trade and manufacturing operations under 10,000 SqFt.
- 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 Local Commercial consistent with the recommendations of the Henderson County 2020 Comprehensive Plan. Staff has attempted without success to contact adjacent property owners to the north of the Subject Area to include these parcels in the rezoning request if the property owners were agreeable. These parcels currently contain residential uses and would make a more contiguous residential district.

8. Technical Review Committee Recommendations

8.1. TBD

9. Planning Board Recommendations

9.1. TBD



View of the vacant wooded tract along E. Prince Road
looking south east