

REQUEST FOR BOARD ACTION

HENDERSON COUNTY PLANNING BOARD

Meeting Date: July 19, 2007

Subject: Rezoning Application #R-2007-04

Attachments: 1. Staff Report

SUMMARY OF REQUEST:

Rezoning Application #R-2007-04, which was submitted on June 10, 2007, requests that the County rezone approximately .72 acre of land, located off Crest Road (SR 1803) and Oak Grove Road (1807), from an R-15 (Medium-Density Residential) zoning district to a C-4 (Highway Commercial) zoning district. The Subject Area is comprised of one tract of land. The Applicant is Floyd Barry Pruitt (PIN: 9587-37-8244).

PLANNING BOARD ACTION REQUESTED:

According to the Henderson County Zoning Ordinance (HCZO), 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, August 31, 2007. If no recommendation is made by August 31, 2007, then 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 Tuesday, October 16, 2007.

Planning Board action to recommend that the Board of Commissioners approve, approve with modifications, table, or deny rezoning action #R-2007-04 would be appropriate. The Planning Board also has the option of referring the rezoning action to a subcommittee for consideration prior to sending a recommendation to the Board of Commissioners.

Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports rezoning the Subject Area from R-15 (Medium-Density Residential) to C-4 (Highway Commercial) which is consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.

Suggested Motion:

I move that the Board recommend rezoning application #R-2007-04 to rezone the Subject Area from an R-15(Medium-Density Residential) zoning district to a C-4 (Highway Commercial) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan.

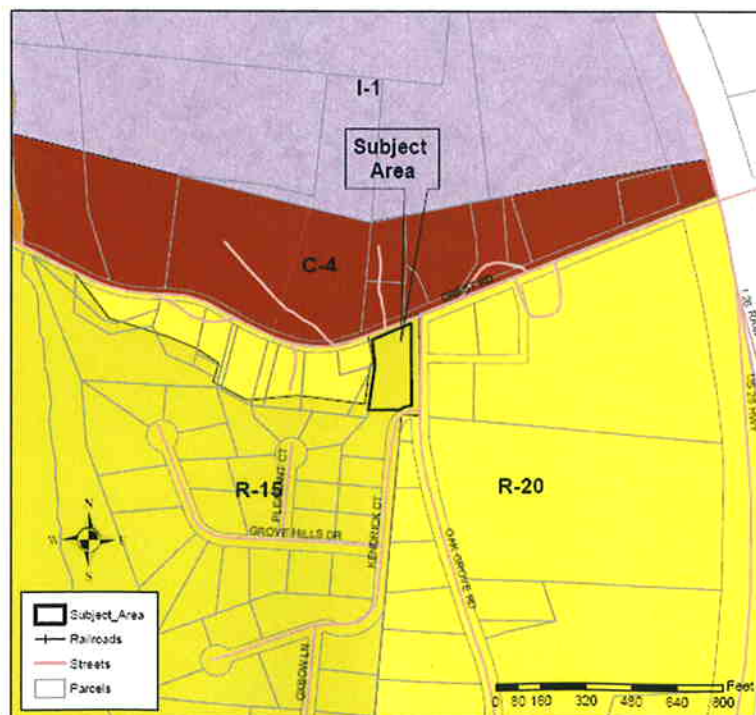
Henderson County Planning Department Staff Report**Rezoning Application #R-2007-04 (R-15 to C-4)
Floyd Barry Pruitt, Applicant**

1. Rezoning Request

- 1.1. **Date of Application:** June 10, 2007
- 1.2. **Property Owner/Applicant:** Floyd Barry Pruitt
- 1.3. **Request:** Rezone Subject Area from an R-15 (Medium-Density Residential) zoning district to a C-4 (Highway Commercial) zoning district.
- 1.4. **Subject Area**
 - 1.4.1. **PIN:** 9587-37-8244
 - 1.4.2. **Size:** Approximately .72 acre
 - 1.4.3. **Location:** Intersection of Crest Road (SR 1803).and Oak Grove Road (SR 1807).

2. Current Zoning

- 2.1. **Application of Current Zoning:** The Subject Area is currently zoned R-15 (Medium-Density Residential), which was applied on September 8, 1992, as part of the East Flat Rock Land Use Study, Phase II.

Map A: Current Zoning

2.2. **Adjacent Zoning:** The C-4 (Highway Commercial) zoning district is to the north of the Subject Area. The R-15 (Medium-Density Residential) zoning district, encompassing the property, runs southeast of the property. The R-20 (Low-Density Residential) zoning district touches the eastern, western, and portions of the property to the south (See Map A).

2.3. **District Comparison:**

2.3.1. **C-4 Highway Commercial Zoning District:** *“This district is designed primarily to encourage the development of recognizable, attractive groupings of facilities to serve persons traveling by automobile and local residents. Since these areas are generally located on the major highways, they are subject to the public view. They should provide an appropriate appearance and ample parking and be designed to minimize traffic congestion.”*(HCZO §200-22). C-4 is a highway commercial zoning district permitting, by right, commercial uses at various scales. Permitted uses include: retail business, offices, hospitals/clinics, libraries/schools, churches, restaurants, automobile sales/services, miniature golf courses, hotels, mini-storage facilities and communication towers, among other uses. Conditional uses include light industry, shopping centers, and recreational vehicle parks. Special uses include group 5 communication towers, motor sports facilities, and adult establishments. Setbacks are as follows: 75 feet from the centerline of major streets; 60 feet from the centerline of all other streets; and side and rear setbacks equivalent to the side yard requirements of the contiguous district(s). A maximum height of 40 feet for applies to structures (HCZO §200-22, Pg. 50).

2.3.2. **R-15 Medium-Density Residential District:** *“This district is intended to be a medium-density neighborhood consisting of single-family and two-family residences and small multifamily residences. It is expected that public water facilities will be generally available to each lot, providing a healthful environmental, although the residential development may be dependent upon septic tanks for sewage disposal.”* (HCZO §200-16). R-15 is a medium-density residential district permitting, by right, residential uses at various scales. Permitted uses include: single-family dwellings, excluding manufactured homes, two-family dwellings, apartments no larger than a four-family dwelling, garage apartments, churches, church cemeteries, church bulletin boards, transformers, public stations, public utility stations, accessory buildings, public schools, civic buildings, and communications towers.

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

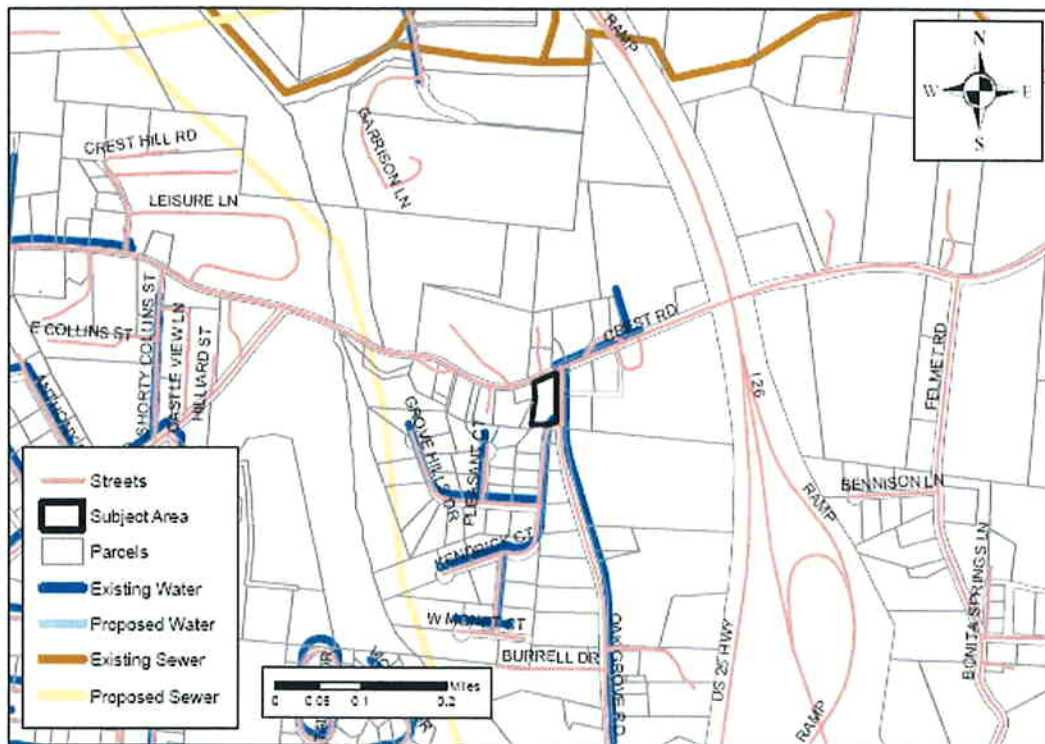
3.1. **Subject Area Uses:** The one (1) parcel in the Subject Area contains a machining and assembly operation. Within the R-15 zoning district, the existing structure is a non-conforming use.

3.2. **Adjacent Area Uses:** It appears that single-family residences touches the Subject Area on all sides. However, as the zoning district to the north of the Subject Area is currently zoned C-4 (Highway Commercial), there is likely to be commercial uses to the north of Crest Road.

4. Water and Sewer

- 4.1. **Availability:** Public water appears to be available to the Subject Area, provided by the City of Hendersonville. Public sewer is not currently available and, according to the Water and Sewer Master Plan, is proposed approximately 913 feet from the Subject Area. The nearest existing sewer line in the Hendersonville Sewerage District is approximately 1823 feet (0.34 miles) from the Subject Area (See Map B).

Map B: Water and Sewer



5. Transportation and Access

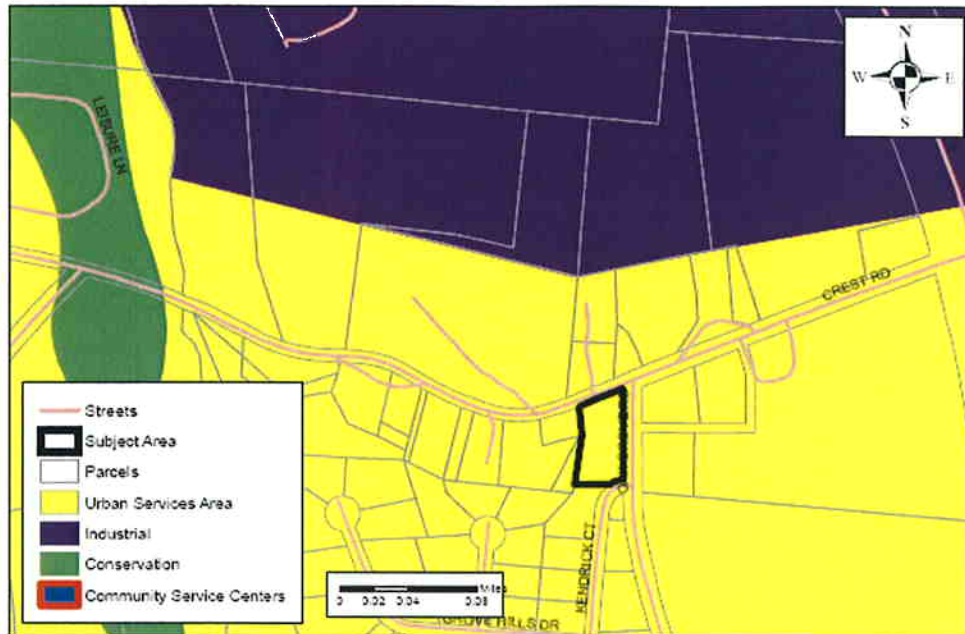
- 5.1. **Frontage:** The Subject Area has approximately 145 feet (0.03 miles) of road frontage along Crest Road and approximately 284 (0.05 miles) of frontage along Oak Grove Road.
- 5.2. **Transportation:** Table 1, below, provides Annual Average Daily Traffic Counts for Crest Road (SR 1803) and Oak Grove Road (SR 1807).

Table A. Annual Average Daily Traffic Count				
Road	2001	2002	2003	2004
Crest Road	2,000	1,900	-	2,400
Oak Grove Road	1,200	-	1,300	-

6. The Henderson County, North Carolina 2020 Comprehensive Plan (CCP)

- 6.1. The CCP Future Land Use Map identifies the Subject Area as being located in the Urban Services Area (USA) (2020 CCP, Pg. 128, Pg. 129 & Appendix 1, Map 24) (See Map C).

Map C: 2020 County Comprehensive Plan Future Land Use Map

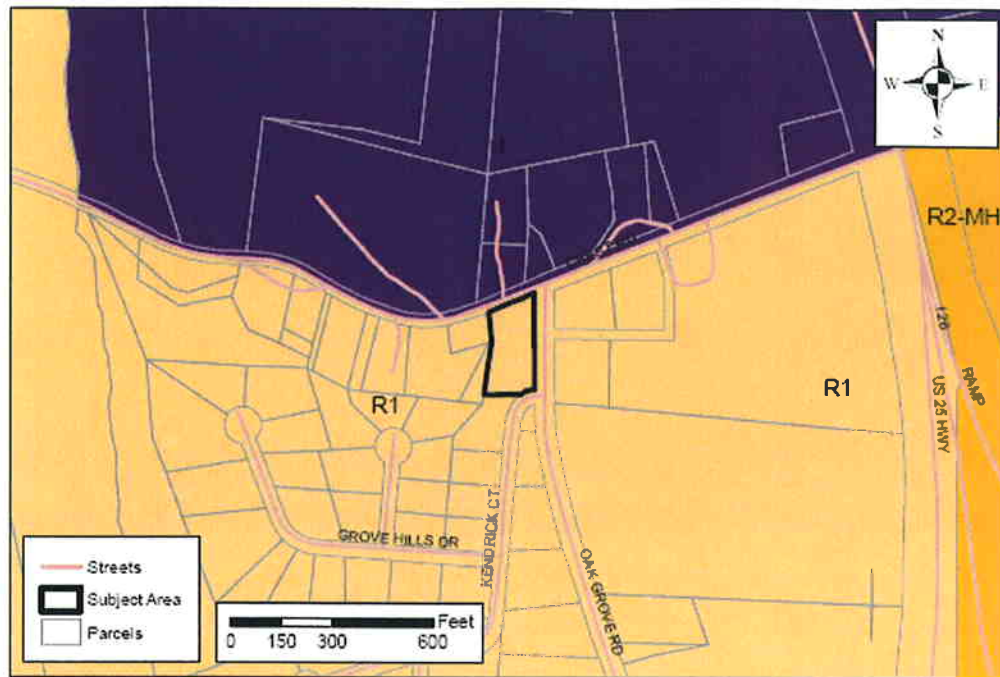


- 6.2. The CCP also states that, “the USA will contain considerable commercial development at a mixture of scales,” and further, “all regional commercial development should be concentrated here. Commercial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community” (2020 CCP, Pg. 129).
- 6.3. The CCP also states that, “the USA will contain virtually all existing and future industrial development and will be the focus of future economic development activities. Industrial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community” (2020 CCP, Pg. 129).
- 6.4. The CCP Future Land Use Map (See Map C) does not place the Subject Area in an “Industrial” or “Community Service Center” area. The CCP does not specifically identify which type of use (high-density residential, commercial or industrial) may be the most suitable for the Subject Area.

7. The Draft Land Development Code

- 7.1. The Draft Land Development Code Zoning Map identifies the Subject Area as transitioning to an R1 (Residential) zoning district. Properties to the north of the Subject Area, which are currently zoned C-4 (Highway Commercial) are identified as transitioning to an I (Industrial) zoning district (See Map E).
- 7.2. The Subject Area, were it to remain R-15 (Light Industrial) would transition to the R1 (Residential) zoning district. Were the Subject Area to be rezoned to C-4 (Highway Commercial) it would transition to the I (Industrial) zoning district.

- **Map E: Draft Land Development Code Zoning Map**



7.3. Draft Land Development Code District Comparison:

7.3.1. I Industrial 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)” (Draft LDC §200A-36).*

7.3.2. R1 Residential District One: *“The purpose of the Residential District One (R1) is to foster orderly growth where the principal 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. The general use district is typically meant to be utilized in areas designated as Urban in the Comprehensive Plan (Draft LDC §200A-27).*

8. Staff Comments

Staff’s position at this time, under the guidelines of current plans, policies and studies, is to support the rezoning of the property for commercial uses. This based on the following:

- 8.1. The 2020CCP:** According to the text and map of the 2020 CCP (See Staff Report Pg. 4, Map C) the Subject Area is located in the USA and suggests that the Subject Area would be suitable for high-density residential, commercial or industrial development. Although, the CCP does not specifically identify which type of use (high-density residential, commercial or industrial) may be the most suitable for the Subject Area.

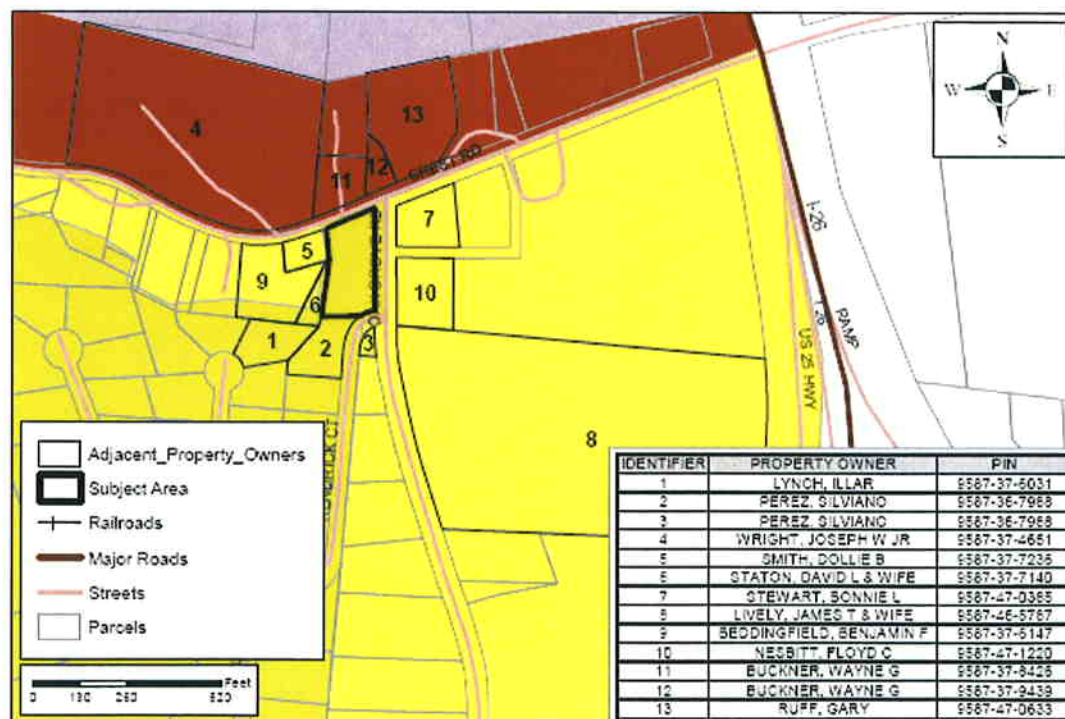
8.2. Comparison of Districts:

- 8.2.1. Applying C-4 zoning to the Subject Area would limit the number of residential uses and increase the number of commercial uses permitted. Height limitations would be 40 feet where in R-15 they are 35 feet. Front and rear setbacks would comply with the yards to which the district is contiguous.
- 8.2.2. Applying C-4 zoning could have less impact on most public services (water, sewer, emergency services, and schools) with the possibility of increased average daily traffic counts than the R-15 zoning, dependent upon the scale of development proposed under either district.

9. Staff Recommendations

- 9.1. Staff recommends that the request to rezone the Subject Area from an R-15 (Medium-Density Residential) zoning district to a C-4 (Highway Commercial) zoning district be approved. If the Land Development Code is approved, Staff also recommends that the Subject Area be converted to an I (Industrial) zoning district as suggested by Draft 10 of the Land Development Code. Staff's recommendation is based on the following conditions:

Map F: Current Zoning Map with Adjacent Owners



- 9.1.1. Light Industrial uses within the C-4 zoning district require approval of a conditional use permit in accordance with regulations in the Henderson County Zoning Ordinance.
- 9.1.2. The Subject Area is located in the USA which supports high density residential, commercial, and industrial development.

- 9.1.3. 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 Planning Board 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.

10. Planning Board Recommendations

- 10.1.1. To be determined.