

## **REQUEST FOR BOARD ACTION**

### **HENDERSON COUNTY PLANNING BOARD**

**MEETING DATE:** January 17, 2013

**SUBJECT:** Rezoning Application #R-2012-06

**PRESENTER:** Matt Champion, Planner

**ATTACHMENTS:**

1. Staff Report
2. Aerial Photo Map
3. Community Commercial (CC) District Text
4. Residential One (R1) District Text
5. PowerPoint Handouts
6. Photos of Project Site

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

Rezoning Application #R-2012-06, which was submitted on November 19, 2012, requests the County rezone a 0.43 acre tract. The applicant requests a rezoning from a Community Commercial (CC) zoning district to a Residential One (R1) zoning district. The subject area is owned by Glassy Mountain Partners LLC (PIN: 9577-59-3179).

Planning staff posted the property giving notice of the Planning Board meeting on January 7, 2013. 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, March 1, 2013. If no recommendation is made by March 1, 2013, 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 Monday, April 15, 2013.

Planning Board action to recommend that the Board of Commissioners approve, approve with modifications, table, or deny rezoning action #R-2012-06 would be appropriate.

#### **Suggested Motion:**

I move the Board recommend approval of rezoning application #R-2012-06 to rezone the subject area to a Residential One (R1) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan

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## Henderson County Planning Department Staff Report

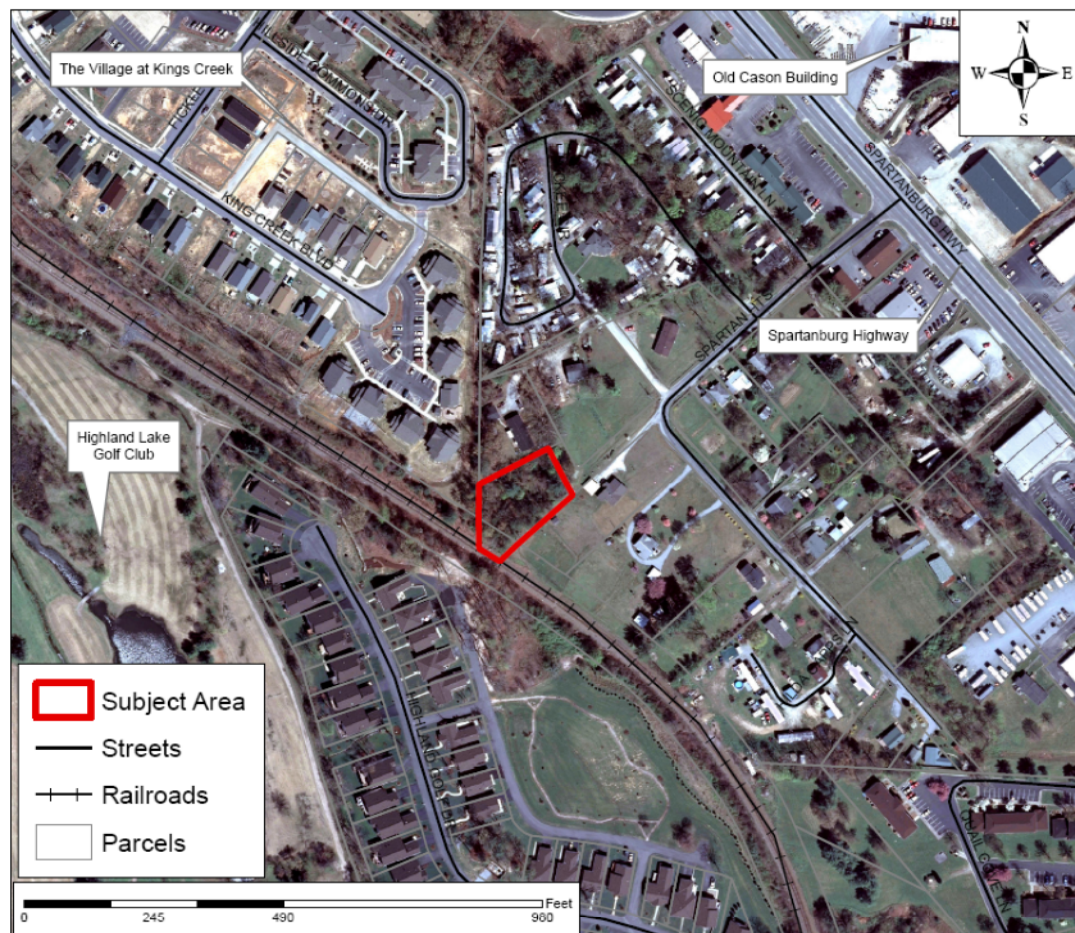
### Rezoning Application #R-2012-06 Glassy Mountain Partners, LLC, Owner

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#### 1. Rezoning Request

- 1.1. **Applicant & Owner:** Glassy Mountain Partners, LLC, Owner
- 1.2. **Request:** Rezone a parcel from Community Commercial (CC) to Residential One (R-1)
- 1.3. **PIN(s):** 9577-59-3179d
- 1.4. **Size:** Total of 0.43 acres to be rezoned.
- 1.5. **Location:** The subject area is located along Spartan Heights, approximately 800 feet from the intersection of Spartanburg Highway (US 176) and Spartan Heights (SR 1780).

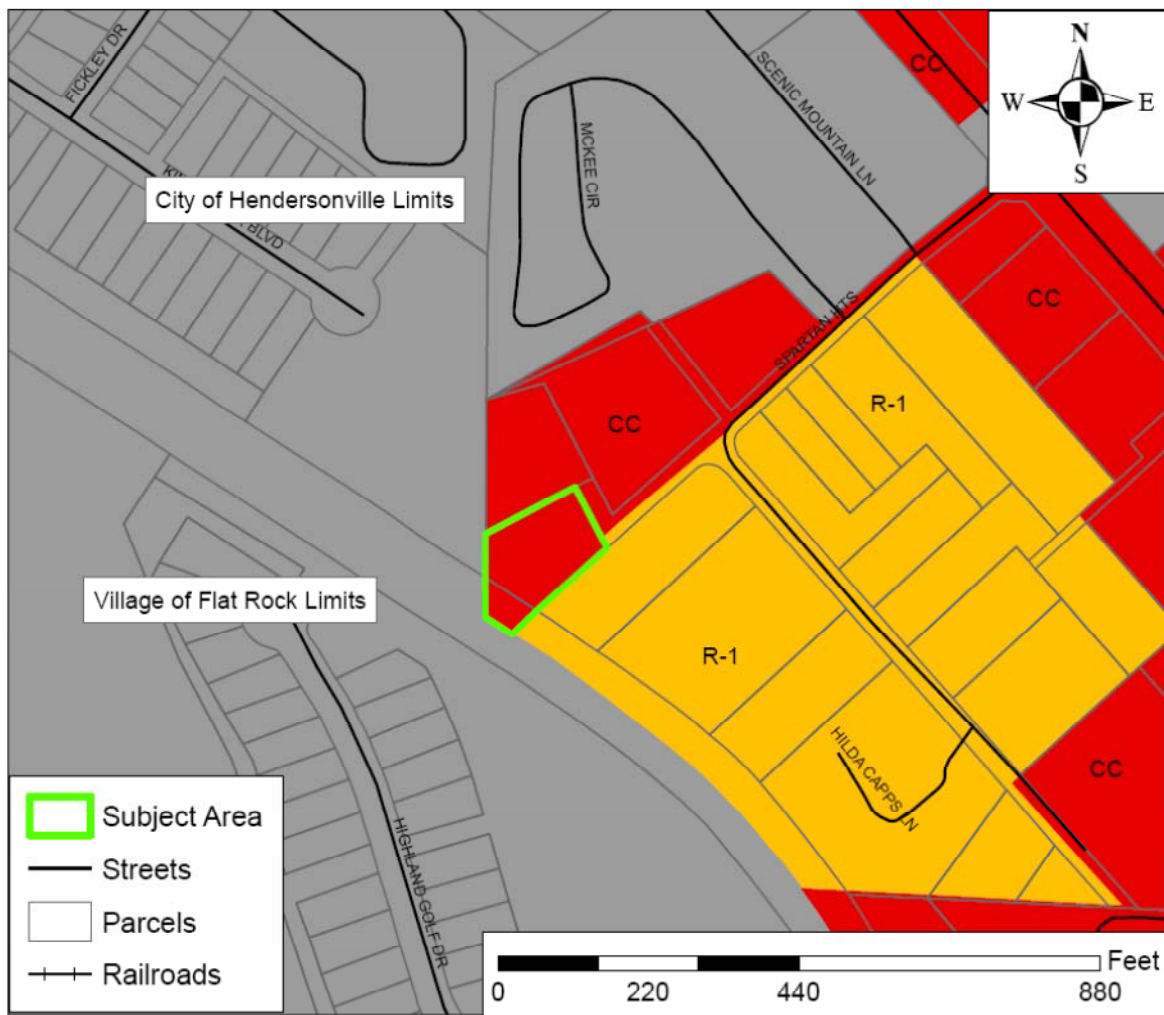
Map A: Aerial Photo



## 2. Current Zoning

2.1. **Application of Current Zoning:** The subject area was zoned Community Commercial (CC) 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 One (R-1) to the east and surrounded by Community Commercial (CC) to the north. To the south the subject area is adjacent to the Village of Flat Rock municipal limits and to the west the subject area is adjacent to the City of Hendersonville municipal limits.

2.3. **District Comparison:**

2.3.1. **City of Hendersonville Planned Residential Development:** *“This classification is designed to accommodate planned residential developments for which a special use permit has been issued. The density for a planned residential development shall be established by City Council in consideration of the Comprehensive Plan, surrounding land uses and the existence of adequate private and public facilities, including without limitation, water, wastewater, solid waste, stormwater, roads and parks to serve the development.”*(City of Hendersonville Zoning Ordinance)

All dwellings and their accessory structures shall be set back not less than 40 feet from the nearest right-of-way line for any street or railroad adjoining the site; provided, however, such setback may be reduced to ten feet when parking is situated to the side or rear of the lot and screened from view from public rights-of-way. Furthermore, such buildings and structures shall be set back not less than 30 feet from any exterior property line which is not a right-of-way.

2.3.2. **Village of Flat Rock R-20 (Low Density Residential):** *“The R-20 district is established as a district in which the principal use is for low density, single-family residential development, open space and limited public and semipublic uses that are compatible with the low-density residential character of the district.”* (Village of Flat Rock Land Development Ordinance)  
20,000 Sq Ft minimum lot size 50ft front yard setback. 25ft side and rear setback.

2.3.3. **Community Commercial (CC):** *“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 Transitional (RTA) or Urban (USA) in the Comprehensive Plan.” (Chapter 200A, Land Development Code §200A-34).*

CC requires 10 foot side and rear setbacks, maximum height 50 feet, a standard density of sixteen (16) units per acre, maximum impervious surface of 80%, and a maximum floor area (sq. ft.) 80,000.

**2.3.4. Residential One (R-1):** *“The purpose of the Residential District One (R-1) 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. This general use district is typically meant to be utilized in areas designated as Urban (USA) in the Comprehensive Plan.” (Chapter 200A, Land Development Code §200A-27).*

The R-1 requires 10 foot side and rear setbacks and a maximum building height of 40 feet for principal structures. The Standard residential density is four (4) units per acre and the maximum density is sixteen (16) units per acre.

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

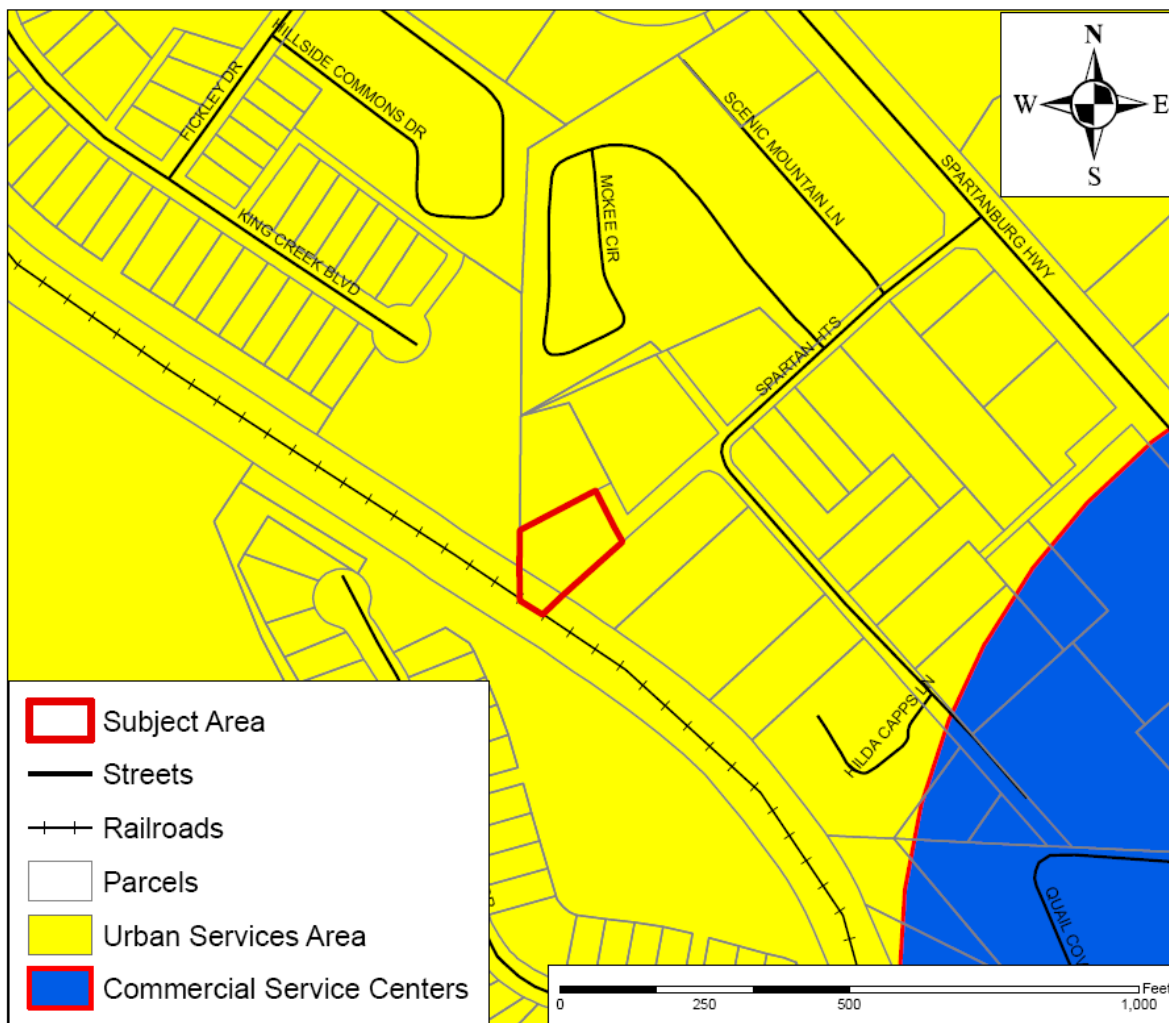
- 3.1. Subject Area Uses:** The subject area is currently vacant with no structures.
- 3.2. Adjacent Area Uses:** The surrounding properties are primarily residential uses. The Highland Lake Golf Club is located to the south and south west, and the Village at Kings Creek is located to the north and north west.

### **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. 132-134 & Appendix 1, Map 24) (See Map C).

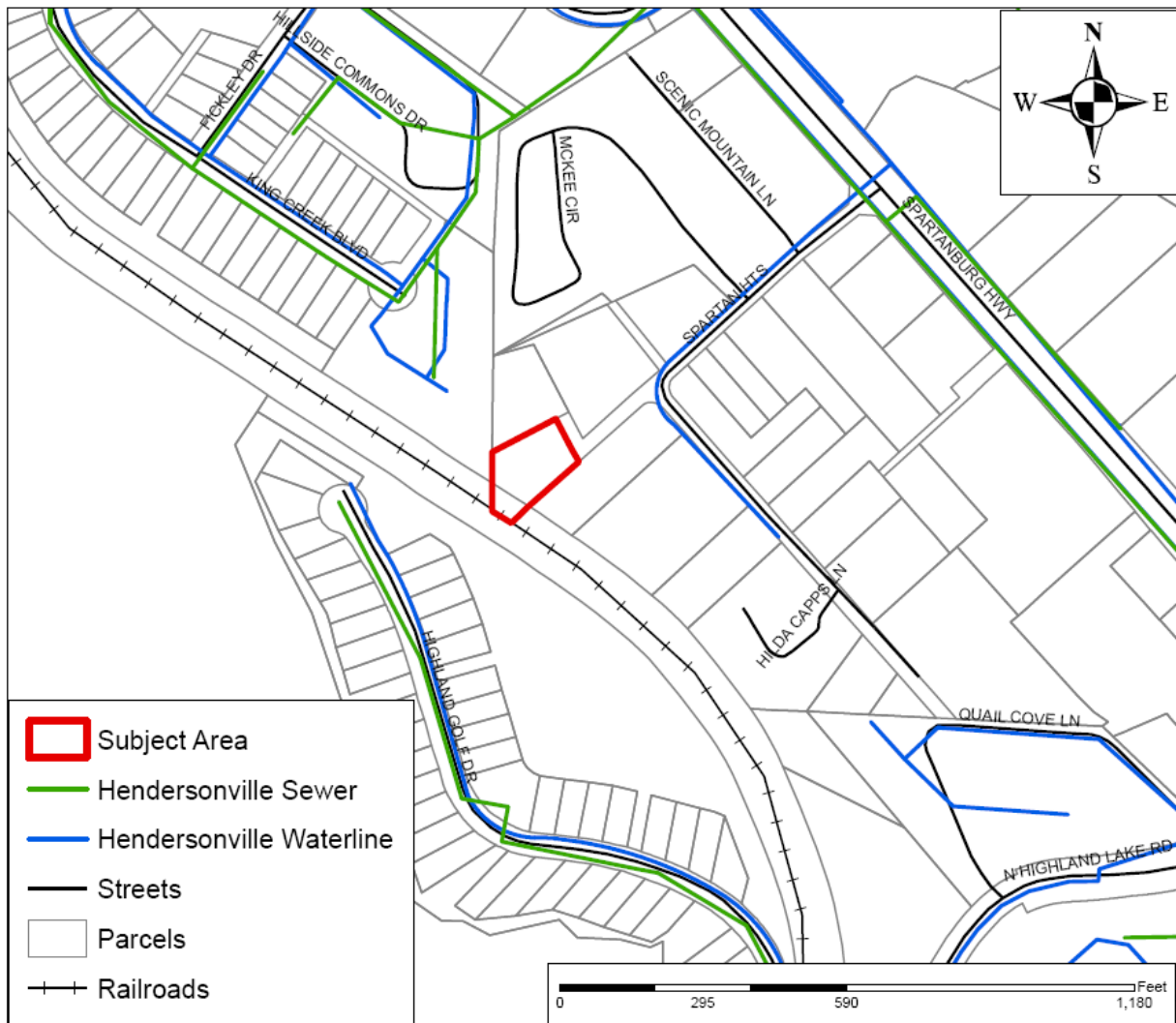
- 4.1. Urban Services Area:** The CCP states that, “the USA will contain considerable commercial development at a mixture of scales,” and further, “all regional commercial development should be concentrated here. Commercial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community” (2020 CCP, Pg. 132).



**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 down Spartanburg Highway (US 176) and along Spartan Heights that stops before Hilda Capps Lane. The City of Hendersonville water line is approximately 220 feet to the north east from the subject property. The subject property is approximately 85 feet away to the north west from the City of Hendersonville water line in the Village at Kings Creek neighborhood. (See Map E).
- 5.2. **Public Sewer:** Public sewer provided by the City of Hendersonville is currently located approximately 800 feet to the north east of the Subject Area along Spartanburg Highway (US 176) at the intersection with Spartan Heights. The subject property is additionally located approximately 85 feet to the north west from the City of Hendersonville sewer line in the Village at Kings Creek neighborhood. (See Map E).

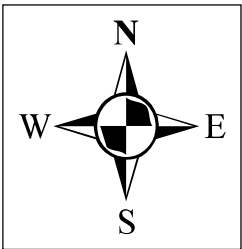
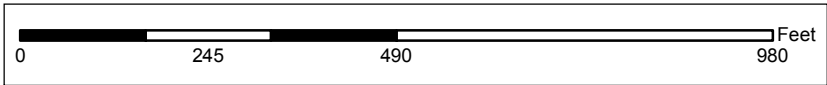
**Map E: Water and Sewer Map**




## 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. The CCP also indicates that commercial may be suitable for the area as the Subject Area falls within close proximity of a commercial service center node within the USA.
- 6.2. **Adjacent Zoning:** The Subject Area is adjacent to Residential One zoning to the east and north east.

- 6.3. **Comparison of Districts:** The existing Community Commercial district allows for multifamily residential uses and local/community scaled commercial development. Applying Residential One zoning will continue to allow for residential uses however, eliminate the ability to construct local/community scaled commercial development. Applying Residential One zoning will allow for medium to high-density residential developments, multifamily dwellings, and only double and triple-wide manufactured homes provided that public water and sewer are available.
- 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 One consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.
8. **Technical Review Committee Recommendations**
- 8.1. On Tuesday January 8<sup>th</sup> 2013 the Technical Review Committee voted unanimously to send a favorable recommendation of Rezoning application R-2012-06 to the Planning Board.
9. **Planning Board Recommendations**
- 9.1. TBD.





-  Subject Area
-  Streets
-  Railroads
-  Parcels

Rezoning Application  
R-2012-06  
Lewis C. Boyd III, Owner



## §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 Transitional (RTA) or Urban (USA) 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) Maximum <i>Floor Area</i> (sq ft)		80,000 or 30,000	
<i>Yard Setbacks</i> (feet)	<i>Front</i> or <i>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:

$$\text{Lot size} \times \text{allowable units per acre} = \text{permitted dwelling units}$$

The following example assumes a 5 acre tract with an allowable density of 16 units/acre:

$$5 \text{ acres} \times 16 \text{ units per acre} = \underline{\underline{80 \text{ permitted dwelling units}}}$$

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.

- (2) Within a multi-tenant *structure/site*, , the principal tenant shall have a maximum *gross floor area* of 80,000 square feet. The maximum *gross floor area* for any other tenant shall be 30,000 square feet. The maximum *gross floor area* for a single unit on a single *lot* shall be 30,000 square feet.
- (3) *Accessory structures* shall be located in *side* or *rear* yards and shall be *setback* a minimum of five (5) feet from any property line.

## §200A-27 Residential District One (R1)

- A. **Purpose.** The purpose of 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*. This general *use district* is typically meant to be utilized in areas designated as Urban (USA) 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 2.1. R1 Density and Dimensional Requirements			
(1) <i>Residential Density</i> (units/acre)		(2) Standard	4
		(3) Intermediate	8
		(4) Maximum	16
(5) <i>Yard Setbacks</i> (feet)	<i>Front or Right-of-Way (ROW)</i>	<i>Local</i>	15
		<i>Collector</i>	20
		<i>Thoroughfare</i>	35
		<i>Boulevard</i>	50
		<i>Expressway</i>	60
		<i>Freeway</i>	90
	<i>Side</i>		10
	<i>Rear</i>		10
(6) Maximum Height (feet)			40

- (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:

*Lot size* x allowable units per acre = permitted *dwelling units*

The following example assumes a 5 acre tract with an allowable density of 4 units/acre:

5 acres x 4 units per acre = **20 permitted dwelling units**

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.

- (2) Standard *residential density* shall be applied:
- On a *lot* existing at the time of the initial adoption of this Chapter, where there is not adequate area to comply with the applicable standard *residential density* requirement;
  - To single-family residential *uses*; and
  - To multifamily residential *uses* with fewer than five (5) units.

- (3) Intermediate residential density shall be available when individual dwellings would be served by both: (1) a *municipal water supply system* and (2) a *sewage disposal system* (of the following types: municipal, approved public, or approved community) which meet the requirements of applicable local or state authorities having jurisdiction thereof.
- (4) Maximum residential density shall be available to applicants proposing five (5) or more dwellings in any combination of the following unit types (duplexes, triplexes, quadraplexes and multifamily dwellings with five (5) or more units and specifically excluding single-family units) where:
  - a. A total of at least five (5) units would be permitted by standard residential density, and
  - b. Such dwellings are generally served by both: (1) a *municipal water supply system* and (2) a *sewage disposal system* (of the following types: municipal, approved public, or approved community) which meet the requirements of the local or State authorities.
- (5) *Accessory structures* shall be located in *side* or *rear yards* and shall be *setback* a minimum of 5 (5) feet from any property line.
- (6) Maximum height may be exceeded in multifamily developments as detailed in §200A-63 (Supplemental Requirements) SR 1.6. (Dwelling, Multifamily, Five (5) or More Units), provided such developments do not exceed 50 feet in height.

# **Rezoning #R-2012-06**

## **Glassy Mountain Partners LLC, Owner**



**Henderson County Planning Board Meeting  
January 17 , 2013**

**Presented by: Matt Champion, Planner**

*Henderson County Planning Department*

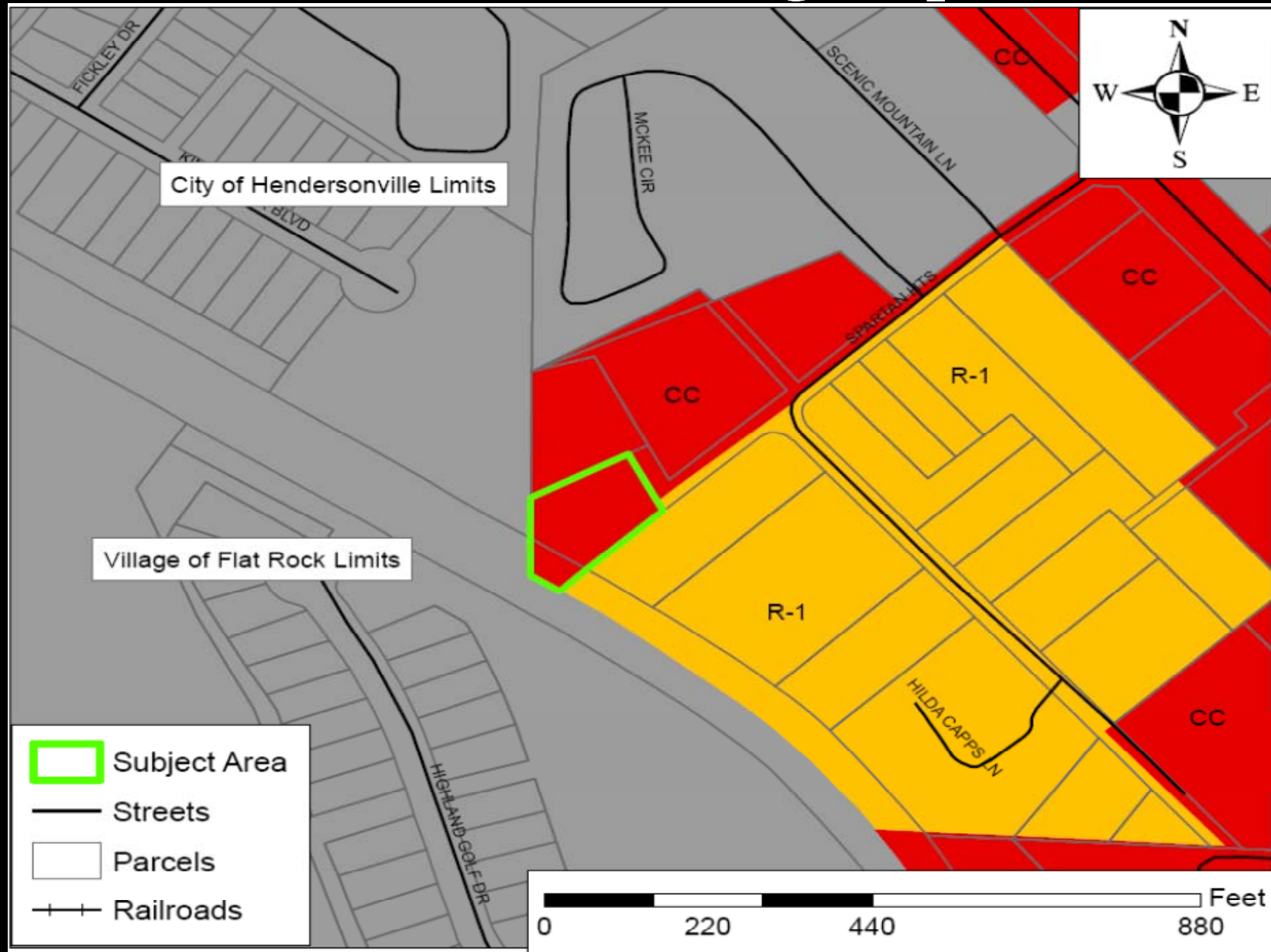


# Aerial Photo Map



*Henderson County Planning Department*

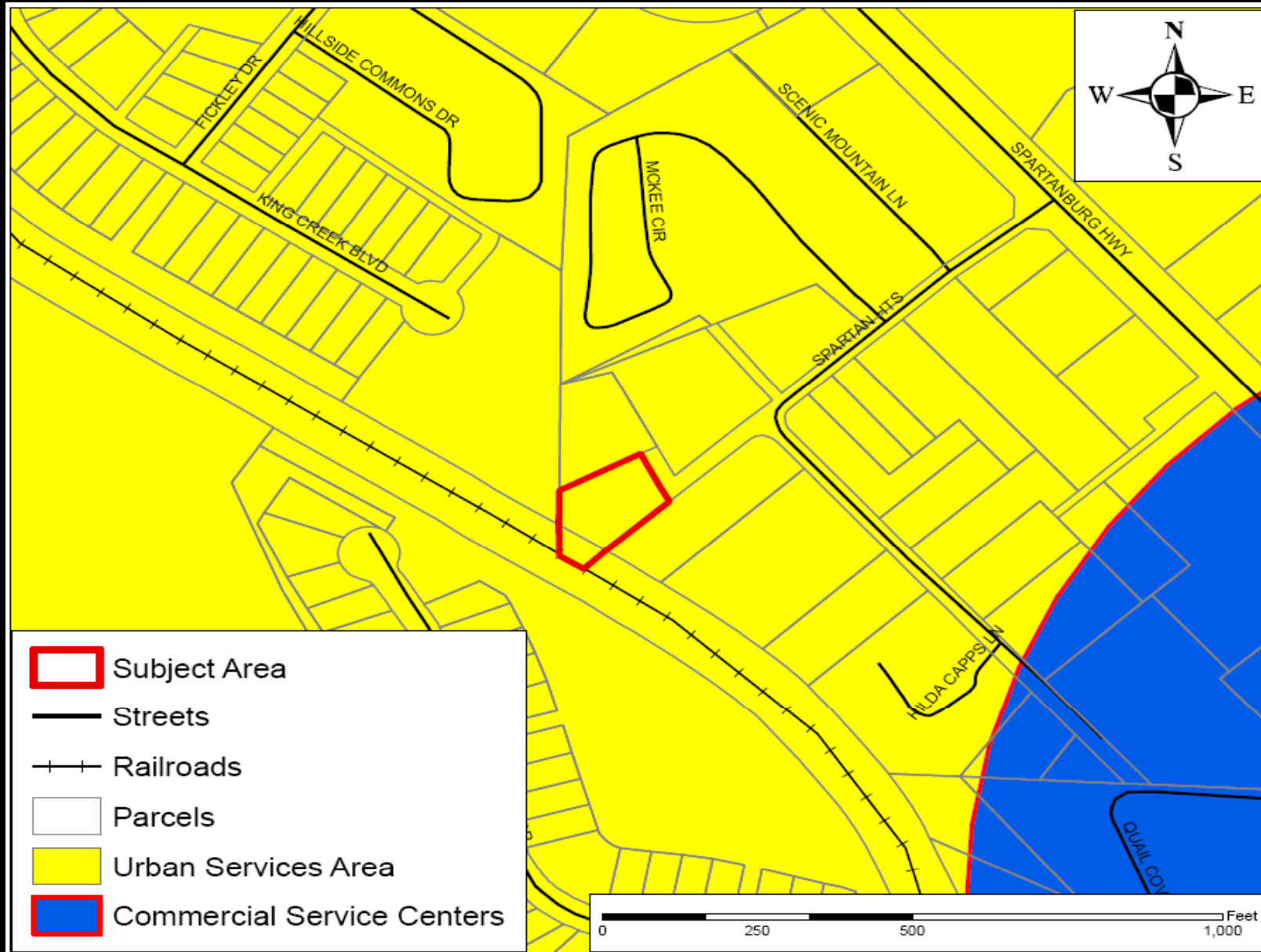
# Current Zoning Map



*Henderson County Planning Department*

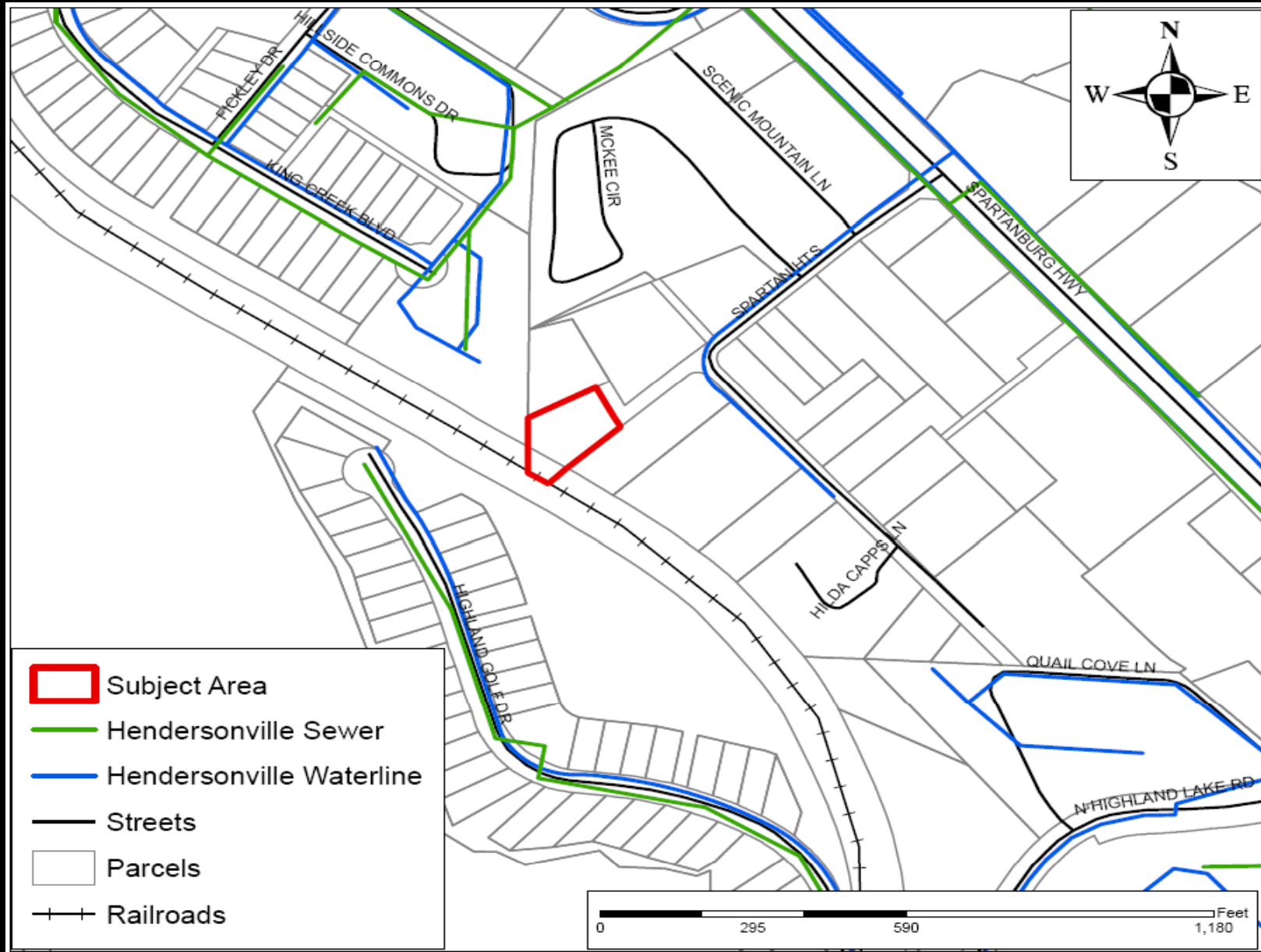


# 2020 CCP Future Land Use Map



*Henderson County Planning Department*

# Water and Sewer Map



*Henderson County Planning Department*





View of subject area looking northeast





View of the center of the subject area and neighboring home looking northwest



**Rezoning #R-2012-06**

# **Public Comments**





View of subject Area looking northeast.



View of the center of the Subject Area and existing vacant wooded lot looking east.



View of the center of the Subject Area looking southwest.



View of the center of the Subject Area and neighboring family home looking northwest.