

REQUEST FOR COMMITTEE ACTION

HENDERSON COUNTY TECHNICAL REVIEW COMMITTEE

MEETING DATE: March 18, 2014

SUBJECT: Rezoning Application #R-2014-03-C

PRESENTER: Parker Sloan, Planner

ATTACHMENTS: 1. Staff Report
2. Vicinity Map
3. Site Plan

SUMMARY OF REQUEST:

Rezoning Application #R-2014-03-C, which was submitted on February 1, 2014, requests the County rezone approximately 5.6 acres of land. The applicant requests a rezoning from a Residential Two (R2) zoning district to an Office and Institutional Conditional (O&I-CD) zoning district. The subject area parcel is owned by Virginia Beatty and the applicant is Hugh Lipham. (PIN: 9559-71-0445 & 9559-71-4280).

Conditional zoning districts are different from traditional zoning districts because they require a site plan for the proposed use(s) of the property and certain conditions or restrictions are placed on the property based on the proposed or allowable use(s). Conditional zoning district decisions are a legislative process subject to the same procedures as traditional zoning districts.

TECHNICAL REVIEW COMMITTEE ACTION REQUESTED:

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-2014-03-C. The site plan will still need to be reviewed and approved by the TRC as per the Land Development Code Section 200A-327 through Section 200A-331.

Suggested Motion:

I move that the TRC recommend approval of rezoning application #R-2014-03-C to rezone the subject area to an Office and Institutional Conditional (O&I-CD) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan and subject to the approval of the corresponding major site plan.

Henderson County Planning Department Staff Report

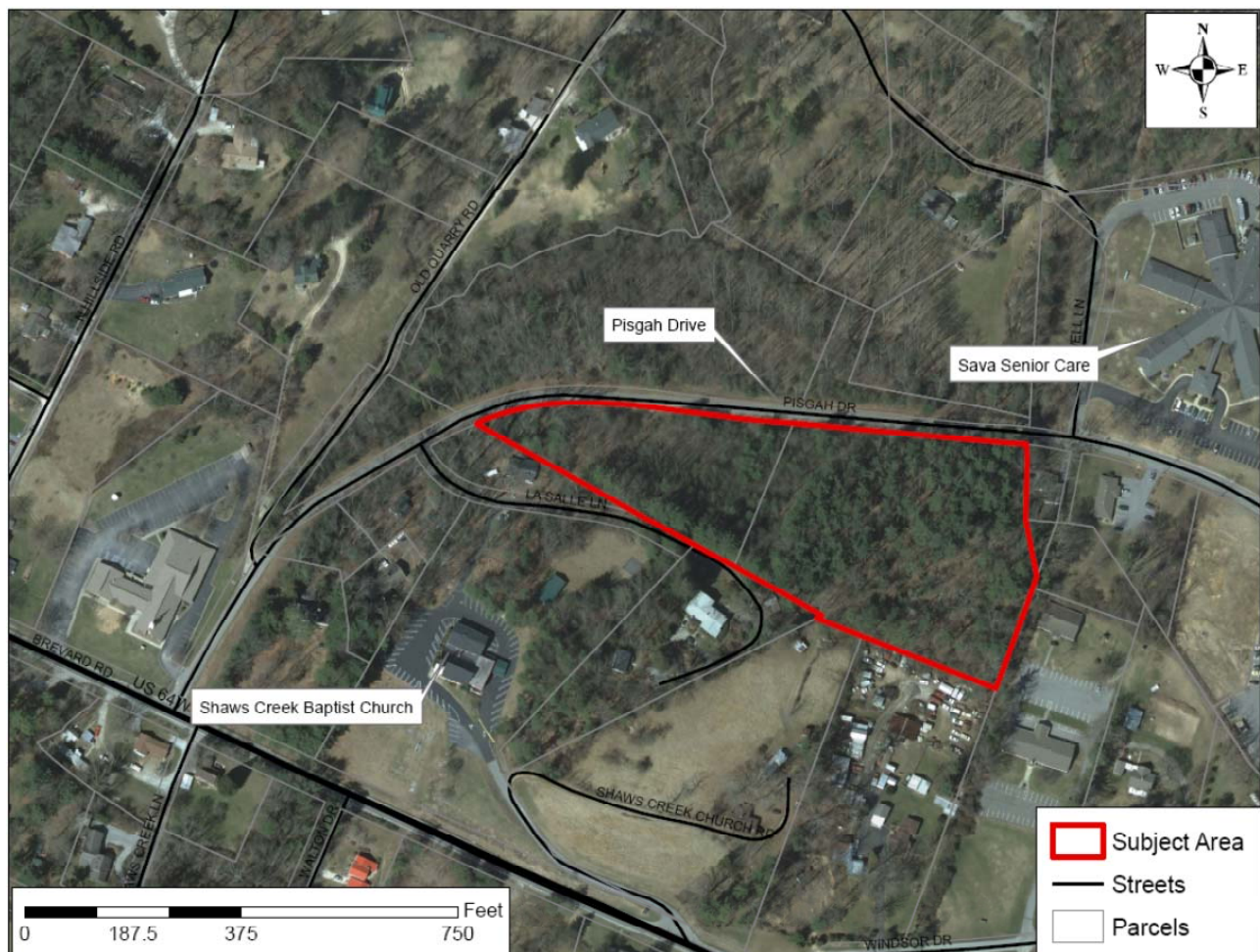
Rezoning Application #R-2014-03-C (R2 to CC-O & I)

Virginia Beatty, Owner
Hugh Lipham, Housing Assistance Corporation, Applicant

1. Rezoning Request

- 1.1. **Applicant:** Hugh Lipham, Housing Assistance Corporation
- 1.2. **Property Owner:** Virginia Beatty
- 1.3. **PIN:** Southern portion of 9559-71-0445 and 9559-71-4280
- 1.4. **Request:** Rezone Subject Area from an R2 (Residential Two) zoning district to a CC-O and I district (Office & Institutional Conditional District).
- 1.5. **Size:** Approximately 5.6 acres of land.
- 1.6. **Location:** The Subject Area is off of Pisgah Drive (S.R. 1302)
- 1.7. **Subject Area** (See Map A)

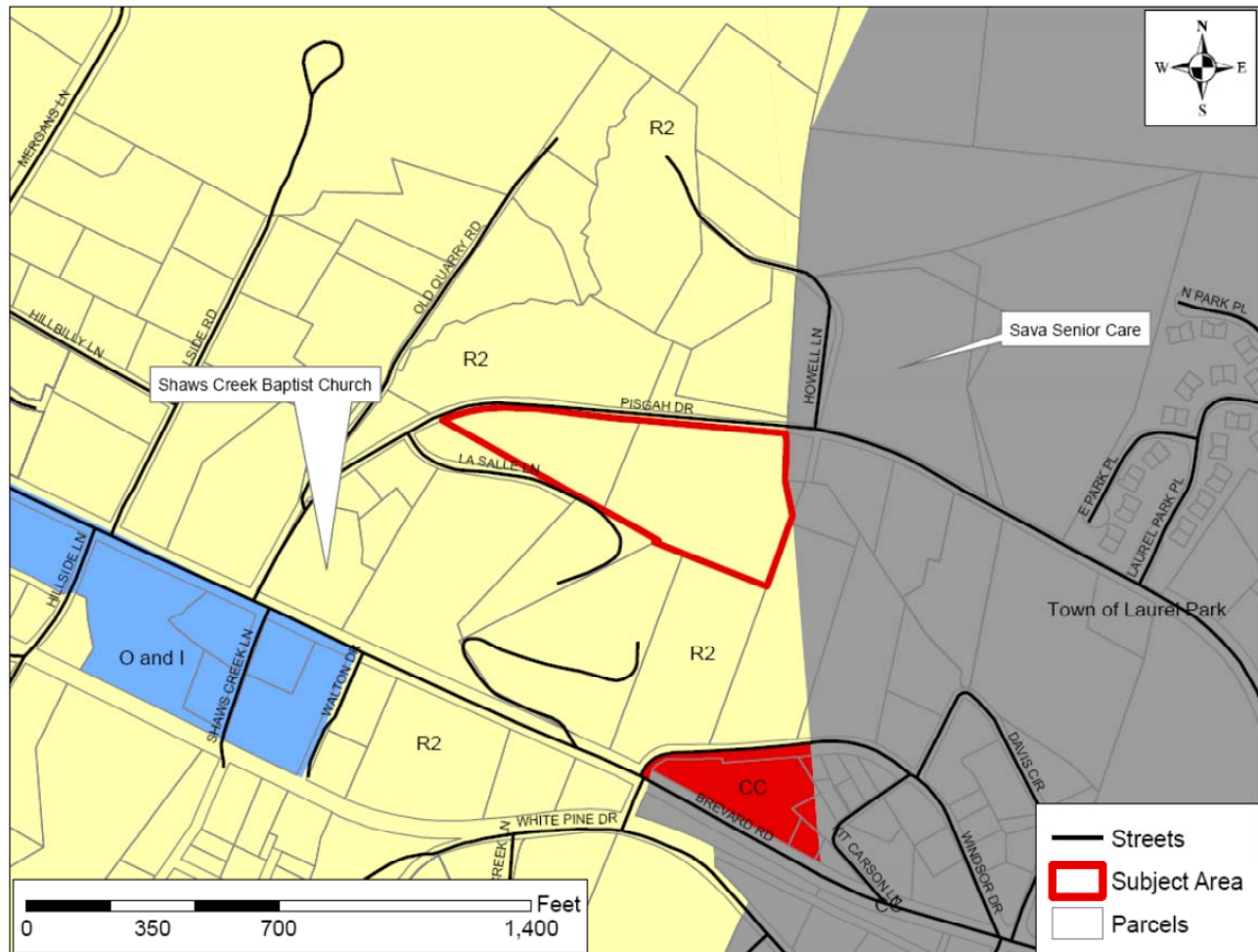
Map A: Map of Subject Area



2. Current Zoning

- 2.1. **Application of Current Zoning:** The Subject Area is currently zoned R2 (Residential), which was applied on September 19, 2007, as a result of the adoption of the Land Development Code (See Map B). The Subject Area was previously (prior to LDC adoption on September 19, 2007) zoned R-20.

Map B: Current Zoning



- 2.2. **Adjacent Zoning:** 770 feet to the southwest of the Subject Area is existing Office and Institutional zoning; to the south, north, and east is Residential Two (R2) zoning.

2.3. **District Comparison:**

- 2.3.1. **R2 Residential District Two:** *“The purpose of Residential District Two (R2) is to foster orderly growth where the principal use of land is residential. The intent of this district is to allow for low to medium density residential development consistent with the recommendations of the Comprehensive Plan. It is also the intent of this district to allow for flexibility in the continuation of existing nonresidential uses. This general use district is typically meant to be utilized in areas designated as Transitional (RTA) in the Comprehensive Plan.”* (Chapter 200A, Land Development Code §200A-28).

R2 requires 10 foot side and rear setbacks, maximum height of 40 feet, and a standard density of one (1) units per acre (maximum density of 2 units per acre).

2.3.2. **Office and Institutional (O & I):** *“The purpose of the Office Institutional District (OI) is to foster orderly growth where the principal use of land is a mixture of office, institutional, and residential. The intent of this district is to allow for office, institutional and residential development consistent with the recommendations of the Comprehensive Plan. In accordance with the Comprehensive Plan, the district will allow for and provide office, institutional, and residential development that: (1) is directed largely to Community Service Centers as defined in the Comprehensive Plan; (2) is compatible with adjacent development and the surrounding community; and (3) will minimize congestion and sprawl.”* (Chapter 200A, Land Development Code §200A-32).

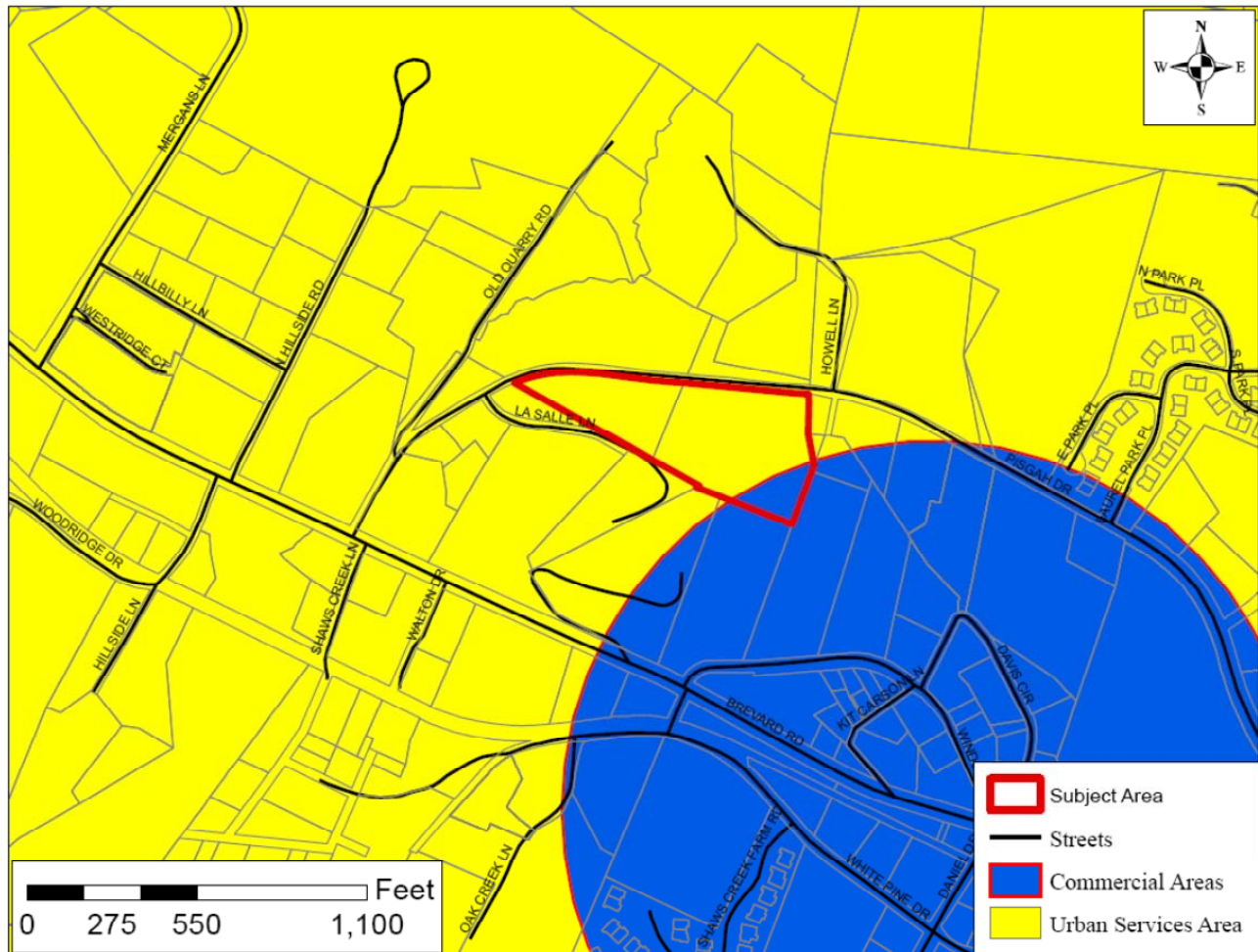
The Office and Institutional District requires 10 foot side and rear setbacks, a maximum building height of 50 feet for principal structures, and maximum impervious surface of 80%. The Standard residential density is four units per acre and the maximum density is 16 units per acre.

3. Current Uses of Subject Area and Adjacent Properties

- 3.1. **Subject Area Use:** The Subject Area is currently vacant land.
- 3.2. **Adjacent Area Uses:** Immediately surrounding area lands contain primarily single-family residences or are vacant. To the east down Pisgah Drive there is an assisted Living facility and Laurel Park Place condominiums.

4. The Henderson County 2020 Comprehensive Plan (CCP)

- 4.1. **Urban Services Area:** The CCP Future Land Use Map identifies the Subject Area as being located in the Urban Services Area (2020 CCP, Pgs. 128, 129 & Appendix 1, Map 24) (See Map D). The subject area is not within the nearby Community Service Node, however, those community service nodes are not parcel specific and the subject area is within close proximity and can therefore be considered part of the community service center node.

Map D: 2020 County Comprehensive Plan Future Land Use Map

4.1.1. The CCP states “Wide ranges of residential densities will exist. Over the long term, land use regulations and policies should favor higher density development, consistent with natural constraints and the availability of urban services. At the same time, policies and regulations should protect existing less-intensely developed communities.” (2020 CCP, Pg. 129).

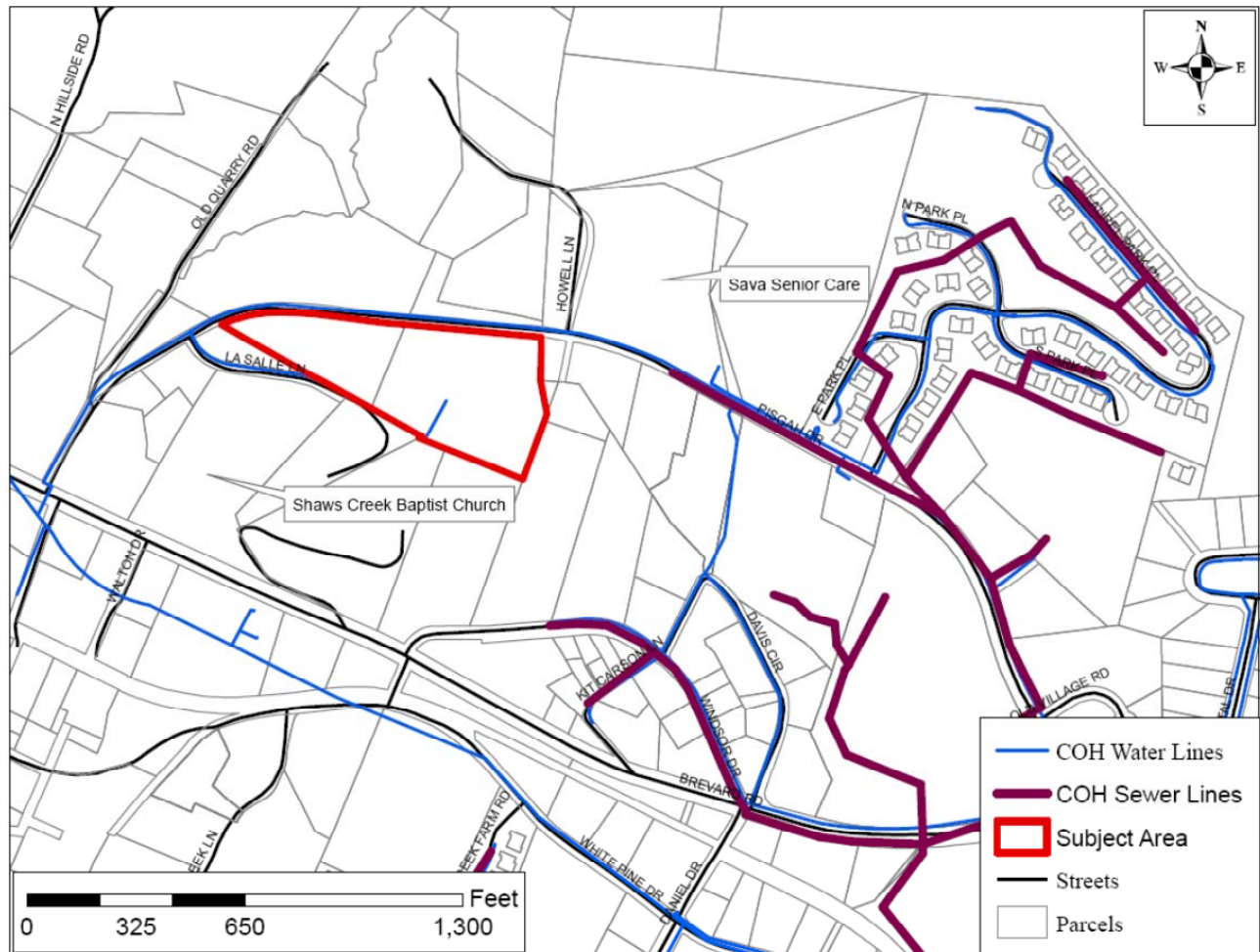
4.1.2. The CCP states that, “the County’s economic development activities should be pursued within USA” (2020 CCP, Pg. 129).

5. Water and Sewer

5.1. **Public Water:** A City of Hendersonville water runs the length of Pisgah Drive connecting with Brevard Road. (See Map E).

5.2. **Public Sewer:** A City of Hendersonville sewer line runs along Pisgah Drive serving Laurel Park Place condominiums and ending to the east of the subject area near the Senior Care assisted living facility. (See Map E).

Map E: Water and Sewer Map



6. The Etowah-Horse Shoe Community Plan

The Henderson County Board of Commissioners adopted the County Comprehensive Plan (CCP) on July 6, 2004. A principal recommendation of the CCP is the detailed study of individual communities within the County. The Etowah-Horse Shoe (EHS) Community Plan is a community specific comprehensive plan that outlines future goals related to land use and development, community character and design, natural and cultural resources, agriculture, housing, community facilities and public services, transportation and economic development as it relates to the CCP. The Board of Commissioners by resolution took action on the EHS Community Plan on September 16, 2009.

On November 17, 2010, the Board of Commissioners after holding a public hearing adopted the zoning map amendments recommended in the EHS plan with modifications.

- 6.1. The Etowah-Horse Shoe Community Plan made no recommendations regarding zoning changes within this area of the planning boundary nor did they make recommendations regarding multifamily housing.

7. Conditional Zoning Districts

Staff's position at this time is that it supports a rezoning of the project site to Community Commercial. However, due to the neighboring uses and the distance from existing Office and Institutional zoning, staff thinks a Community Commercial Conditional Zoning district would be more appropriate. This will limit the commercial use on the project site to only the proposed use, retail sales and services.

Conditional zoning districts are different from traditional zoning districts because they require a site plan for the proposed use(s) of the property and certain conditions or restrictions are placed on the property based on the proposed or allowable use(s). Conditional zoning district decisions are a legislative process subject to the same procedures as traditional zoning districts.

According to the Land Development Code, conditional zoning districts are created for the purpose of providing an optional rezoning choice where the owner of property proposes to rezone property and, in order to, among other reasons, carry out the purposes of the Comprehensive Plan, proposes to impose special limitations and conditions on the use of the property proposed for rezoning (LDC§200A-45 - §200A-51).

The subject area is currently vacant. The applicant, Broadway Group LLC, is proposing to use the site for multi-family residential, a use which is not allowed in R2. A rezoning is required for the business to be permissible. Staff suggests the following conditions be imposed on the Subject Area:

- 7.1. (1) Site Plan. Major *Site Plan* required in accordance with §200A-299 (Major Site Plan Review).
- 7.2. (2) Lighting. *Adequate lighting* shall be placed in areas used for vehicular/pedestrian access including, but not limited to: stairs, sidewalks, crosswalks, intersections, or changes in grade. *Lighting mitigation* required.
- 7.3. Water Supply Watershed: The subject property is located within a WS-IV-PA and allows a maximum built upon limit of 70% under the high density option. Engineered storm water controls as prescribed in the County LDC is required.
- 7.4. All required parking spaces must meet the design requirements of the Land Development Code §200A-161-165. The proposed parking spaces shall comply with the landscape design standards and off street parking provisions as outlined in the Land Development Code (LDC Article V and VI). It appears the applicant is proposing more than the required parking spaces and the spaces shown on the site plan meet the requirements of the Land Development Code.
- 7.5. Shall adhere to the road standards required for a major subdivision in accordance with Article III, Subdivision Regulations, and shall be organized: 1. To provide increased internal mobility; To provide safe and convenient access; In intersecting/grid patterns where possible; and Without cul-de-sacs (except where topographical considerations/restrictions are submitted by the applicant)
- 7.6. Any signs used on site must meet current standards of Article VII of the LDC
- 7.7. If the applicant has plans for future expansion of the existing business, all potential modification or expansions should be noted on the site plan.

8. Staff Comments and Recommendations

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.

Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the project site to be zoned to a Office and Institutional Conditional District (O&I-CD). This based on the following:

- 8.1. **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.
- 8.2. **Adjacent Zoning:** The Subject Area does not abut an existing Office and Institutional (O & I) zoning district, however one is in close proximity to the south west.
- 8.3. **Conditional Zoning Districts:** Applying conditions or restrictions to the Subject Area reduces and/or eliminates the impact on the surrounding community. There are circumstances in which a general use district designation allowing such a use or all uses by right would not be appropriate for a particular property though the use could, if properly planned, be appropriate for the property consistent with the objectives of the Land Development Codes conditional zoning districts, the adopted Comprehensive Plan, and adopted district.

9. Technical Review Committee Recommendations

- 9.1. TBD

10. Planning Board Recommendations

- 10.1. TBD



Rezoning Application
R-2014-03-C
Virginia Beatty, Owner

LANDSCAPE PLANT LIST			
KEY	VARIETY	ID#	SIZE
WM	WAX MYRTLE	2	4'-5', 3 GAL.
VP	VARIATED PRIVET	3	3'-4', 5 GAL.
NS	NELLIE STEVENS	4	6', 3/4" C, 7 GAL.
CH	CARISSA HOLLY	5	15'-16", 3 GAL.
TH	TAUPON HOLLY	6	20'-24", 3 GAL.
YEN	DENSIFORM YEN	7	16'-24", 3 GAL.
FS	FORSYTHIA	8	16'-24", 3 GAL.
AB	DWARF GLOSSY ABELIA	9	12'-14", 3 GAL.
DY	DWARF YAUPOIN	10	15'-18", 3 GAL.
ND	NANDINA DOMESTICA	11	15'-18", 3 GAL.
OL	OTTO LAUREL	12	16'-24", 3 GAL.
VLM	VARIATED LIRIOPE	13	12", 1 GAL.
MS	MONDO GRASS	14	12", 1 GAL.
DAL	DAYLILLIES	15	12", 1 GAL.
CMR	CREPE MYRTLE - RED	16	6', 3/4" C, 7 GAL.
HC	KEEPPING CRABAPPLE	17	8'-10", 7 GAL.
GR	GOLDENRAIN TREE	18	1 1/2'-2" C, 10'
HO	HILLOH OAK	19	2 1/2'-3" C, 12'-14'
RB	RIVER BIRCH	20	2'-2 1/2" C, 10'-12'
ROM	RED MAPLE	21	2'-2 1/2" C, 10'-12'
LS	LELAND CYPRRESS	22	2'-2 1/2" C, 10'-12'

- NOTES: (SUBSTITUTE PLANT TYPES MAY BE CONSIDERED)
- MEASURE TRUNKS @ 16" ABOVE GROUND FOR 4" CALIPER OR SMALLER AND 36" ABOVE GROUND FOR OVER 4" CALIPER.
 - CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND EXISTING TREES. ADJUSTMENT IN LOCATIONS OF WALKS, PARKING AND LANDSCAPING SHOULD BE RESOLVED WITH THE ARCHITECT TO AVOID CONFLICTS AND PRESERVE EXISTING TREES PRIOR TO BEGINNING EXCAVATION WORK. IT IS THE INTENT OF THESE PLANS TO SAVE AS MUCH NATURAL EXISTING TREE GROWTH AS POSSIBLE. THEREFORE, EXACT LOCATION OF NEW PLANTINGS SHALL BE ESTABLISHED AFTER MAJOR CONSTRUCTION ITEMS ARE INSTALLED.
 - PROVIDE A MINIMUM OF 2" PINE STRAW COVER AT ALL PLANT BEDS AND PINE SCREENING AREAS. ALL AREAS NOT IN GROUND COVER, SHRUBS OR PINE STRAW SHALL BE GRASSED WITH THE APPROPRIATE SEED. SEE SPECIFICATIONS.
 - PLANTINGS TO BE INSTALLED IN ACCORDANCE WITH STANDARD LANDSCAPE PRACTICES AND NURSERY RECOMMENDATIONS.
 - LANDSCAPING TO MEET LOCAL ORDINANCES

SITE LIGHTING - NOT IN CONTRACT
 CONTRACT LIGHTING FROM LOCAL POWER CO.
 TO MEET LOCAL ORDINANCES. FULL CUT-OFF STYLE
 30" TALL STREET LIGHTS (PHOTOCEL) AT PARKING
 7' TALL PEDESTRIAN LIGHTS (PHOTOCEL) AT BUILDINGS

BUFFER/CONSERVATION AREA:

20' BUFFER IS TYPE "B-1" WITH 3 LARGE TREES PER 100'
 THE BUFFER IS THE "VIEWSHED" CONSERVATION AREA
 SECONDARY CONSERVATION AREA PER PARAGRAPH (6)

COMMON AREA:

10% x 237,750 SF = 23,775 SF REQUIRED
 23,800 SF PROVIDED
 COMMON AREAS PRESERVED WITH DEED RESTRICTIONS

OPEN SPACE AREA:

20% x 237,750 SF = 47,550 SF REQUIRED
 53,200 SF "VIEWSHED" TYPE PROVIDED
 100% IN SECONDARY CONSERVATION AREAS
 WITH LESS THAN 50% IN PRIMARY CONSERVATION
 OPEN AREAS PRESERVED WITH DEED RESTRICTIONS

IMPERVIOUS AREA: (10% MAX. IN O & I ZONING)

10% x 237,750 SF = 166,425 SF MAXIMUM ALLOWED
 41,920 SF ACTUAL ON SITE (=41%)

PERVIOUS AREA: (25% MIN. IN MULTIFAMILY PROJECTS)

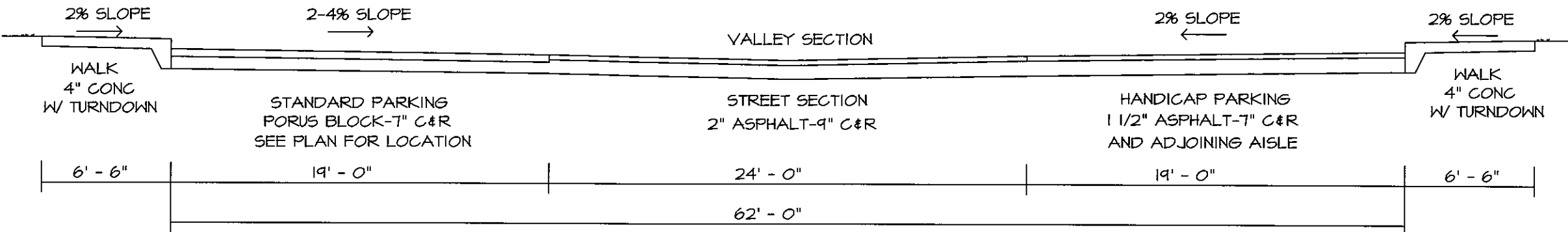
DRIVES = 23,866 SF, PARKING = 23,764 SF & WALKS = 10,858 SF
 25% x 58,315 SF = 14,579 SF MINIMUM REQUIRED
 14,706 SF PROVIDED (IN 86 PARKING SPACES)

PROJECT STATISTICS:

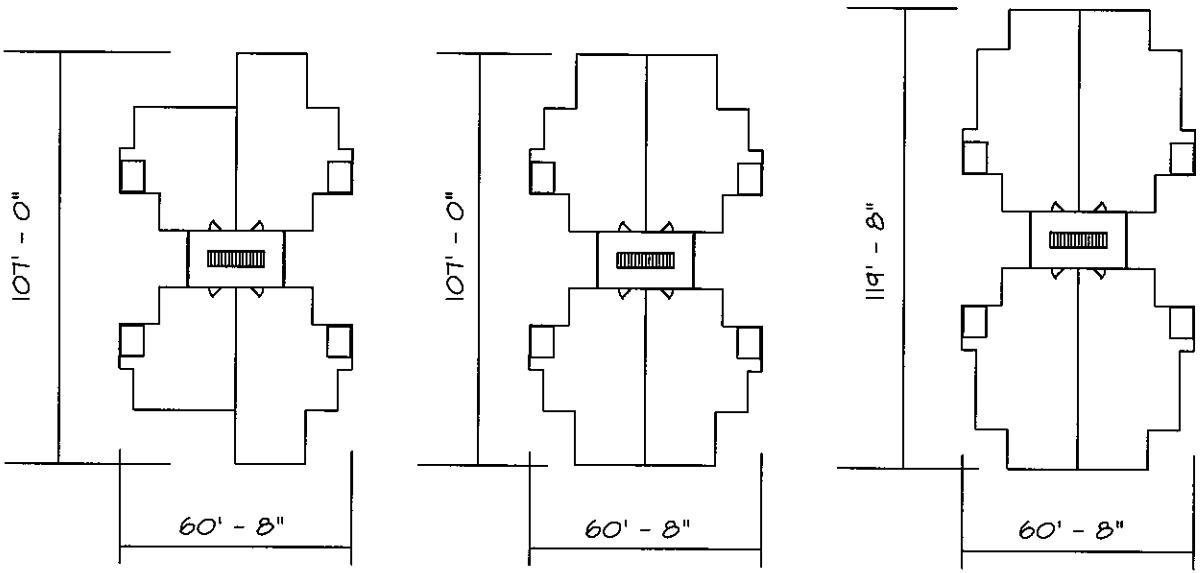
5.46(+/-) ACRE SITE CURRENTLY ZONED R-2 RESIDENTIAL USE
 64 FAMILY APARTMENTS W/ 20-1BR, 28-2BR & 16-3BR UNITS
 INCL. 8 FULLY ACCESSABLE HANDICAP APARTMENTS
 130 PARKING SPACES (9'X19') INCL. 4 HC SPACES W/ AISLES
 STREET LIGHTS ARE FULL CUTOFF TYPE
 2 TWO STORY BUILDINGS PLUS AN OFFICE-COMMUNITY BUILD.
 ALL APARTMENT BUILDINGS FIRE SPRINKLED W/ FDCs
 MULTI-PURPOSE ROOM W/ KITCHEN, OFFICE, TOILETS & LAUNDRY
 ENERGY STAR 2.0 CONSTRUCTION



TYPICAL BUILDING ELEVATION

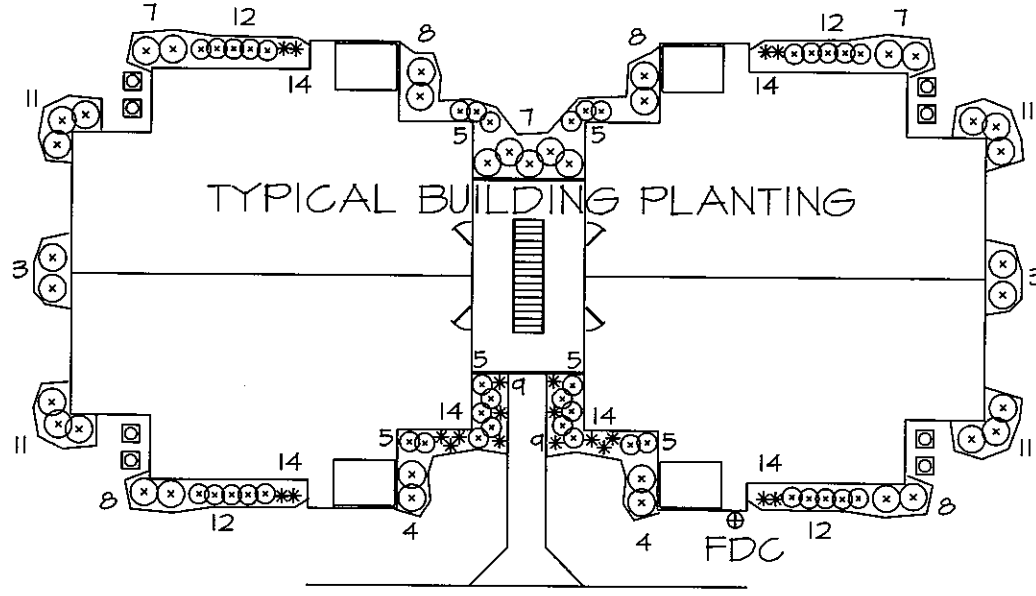


TYPICAL STREET/WALK SECTION



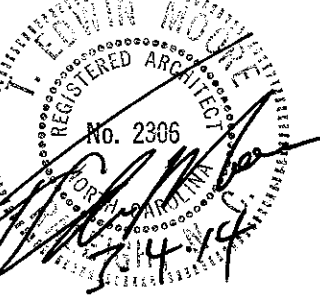
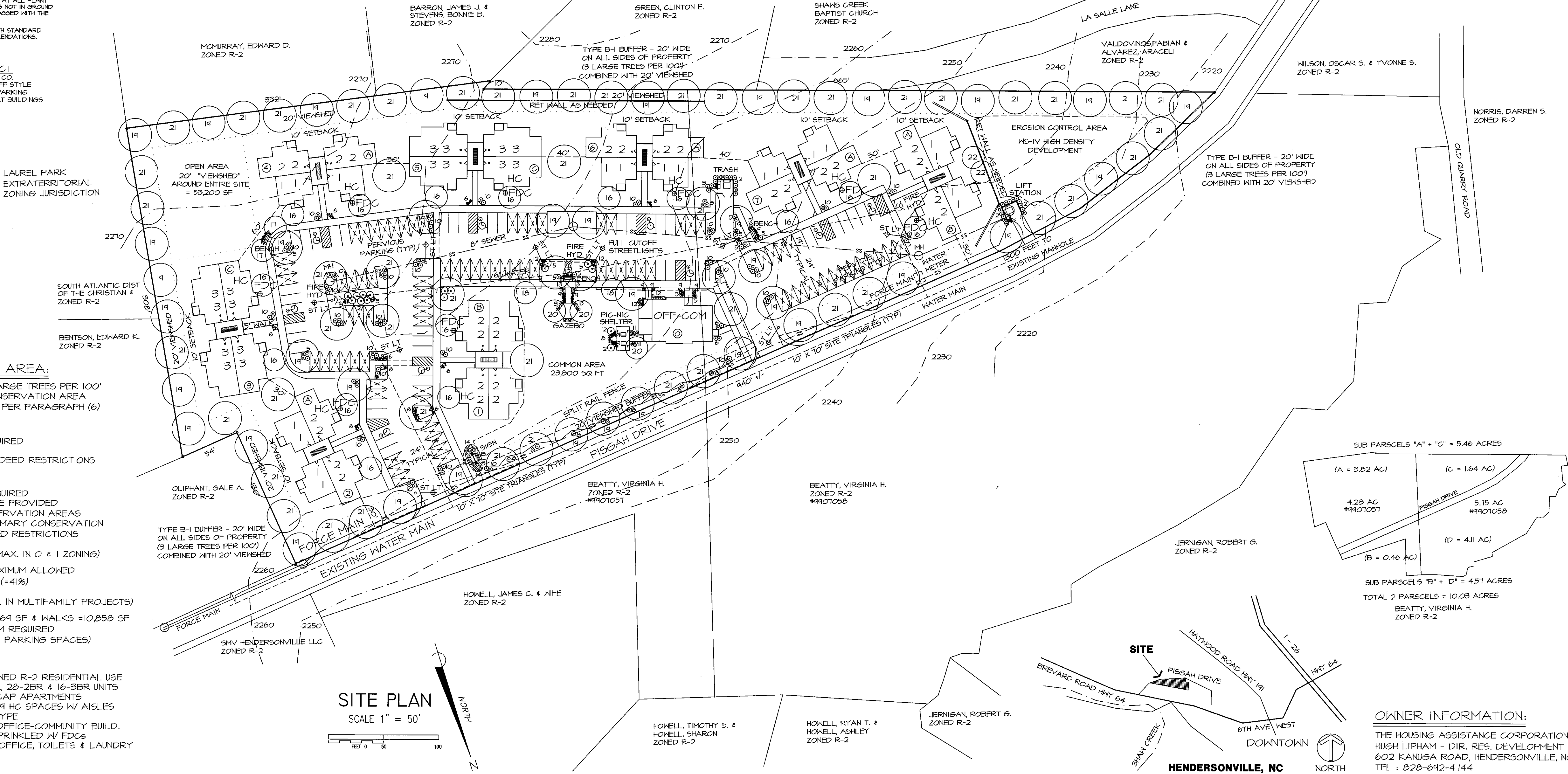
BUILDING "A" BUILDING "B" BUILDING "C"

TYPICAL BUILDING DIMENSIONS



6.5' WALK
 4' X 19' PARKING BAYS

TYPICAL PARKING BAYS



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