

## REQUEST FOR COMMITTEE ACTION

### HENDERSONCOUNTY TECHNICAL REVIEW COMMITTEE

**MEETING DATE:** April 15, 2014

**SUBJECT:** Rezoning Application #R-2014-02

**PRESENTER:** Matt Champion, Planner

**ATTACHMENTS:** 1. Staff Report  
2. Vicinity Map  
3. Property Owners List

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

Rezoning Application #R-2014-02, which was initiated on March 20, 2014 at the request of several property owners, requests the County rezone approximately nine parcels or 24.89 acres of land (hereafter the "Subject Area") (Please see attached property owners map). Henderson County Planning Staff recommends rezoning the Subject Area from an Industrial (I) zoning district to a Residential Two Rural (R2R) zoning district to address property owners concerns.

#### **TECHNICAL REVIEW COMMITTEE ACTION REQUESTED:**

Planning Staff requests the Technical Review Committee take action to recommend that the Board of Commissioners approve zoning application #R-2014-02 to rezone the Subject Area to a Residential Two Rural (R2R) zoning district.

#### **Suggested Motion:**

I move that the TRC recommend approval of rezoning application #R-2014-02 to rezone the Subject Area to a Residential Two Rural (R2R) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan.

---

## Henderson County Planning Department Staff Report

### Rezoning Application #R-2014-02 Clear Creek Road Rezoning

---

#### 1. Rezoning Request

- 1.1. **Request:** Rezone nine parcels of land from Industrial(I) to Residential Two Rural (R2R)
- 1.2. **PINs:** 9660944786, 9660946552, 9660946597, 9660947841, 9660948896, 9660955016, 9660957019, 9660957159, and 9660958702. (See Map C).
- 1.3. **Size:** Total of 24.89 acres to be rezoned.
- 1.4. **Location:** The subject area is located along Clear Creek Road (SR1503), approximately 1,880 feet south to the intersection of Willow Road (SR 1006).

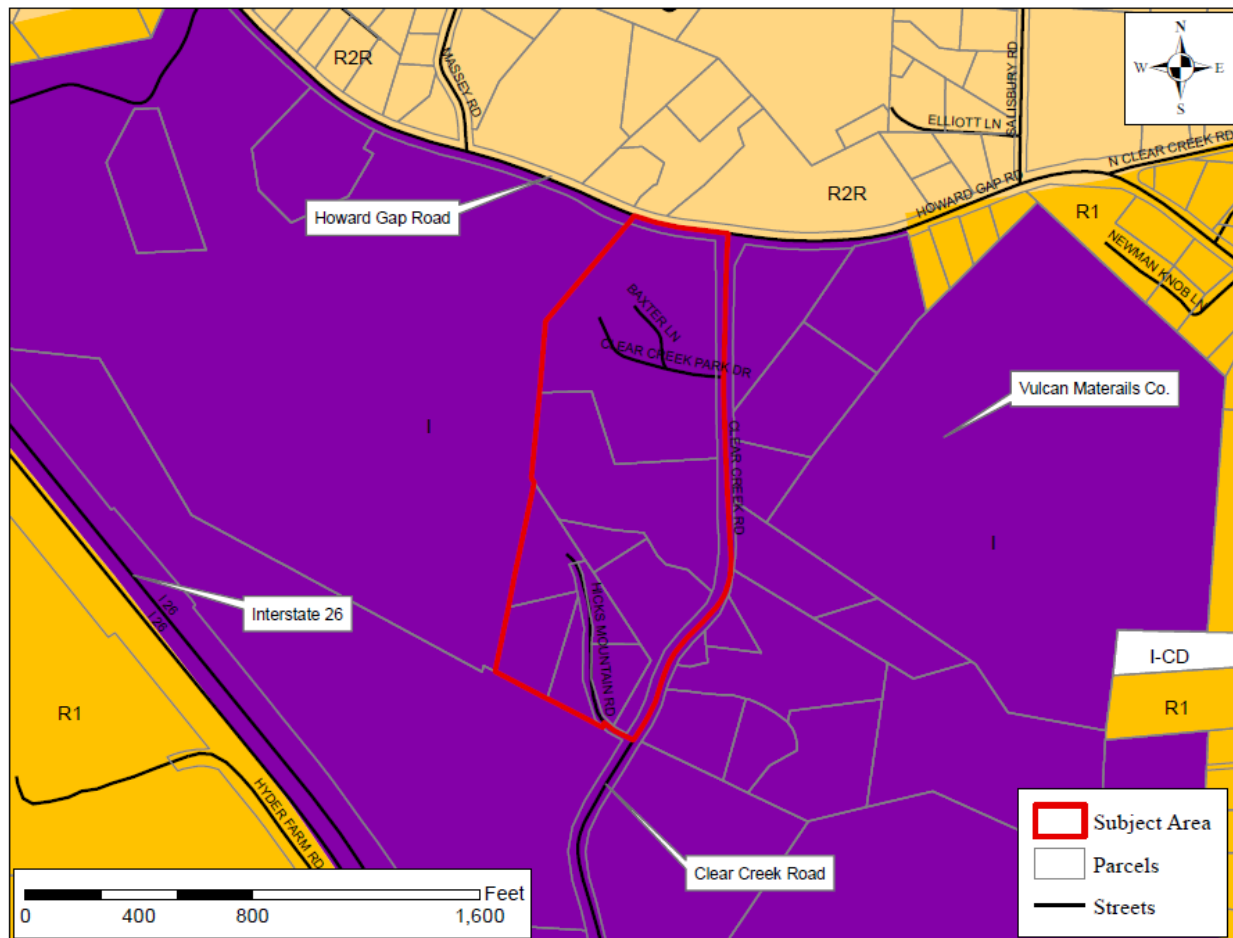
**Map A: Aerial Photo**



## 2. Current Zoning

- 2.1. **Application of Current Zoning:** The subject area was zoned Industrial (I) on September 19, 2007 with the adoption of the Land Development Code.(See Map B). Prior to this date, the subject area was zoned Open Use (OU).

**Map B: Current Zoning**



- 2.2. **Adjacent Zoning:** The subject area is adjacent to Residential Two Rural (Rural) to the north. The subject area is surrounded by Industrial(I)in all other directions.

### 2.3. **District Comparison:**

- 2.3.1. **Residential Two Rural (R2R):** *“The purpose of Residential District Two Rural (R2R) 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, with the inclusion of manufactured housing, consistent with the recommendations of the Comprehensive Plan. This general use district is typically meant to be utilized in areas designated as transitional in the Comprehensive Plan”* (Chapter 42A, Land Development Code §42A-29). R2R requires 10 foot side and rear setbacks, a maximum building height of 40 feet, and a standard density of one (1) unit per acre (maximum density of 2 units per acre).

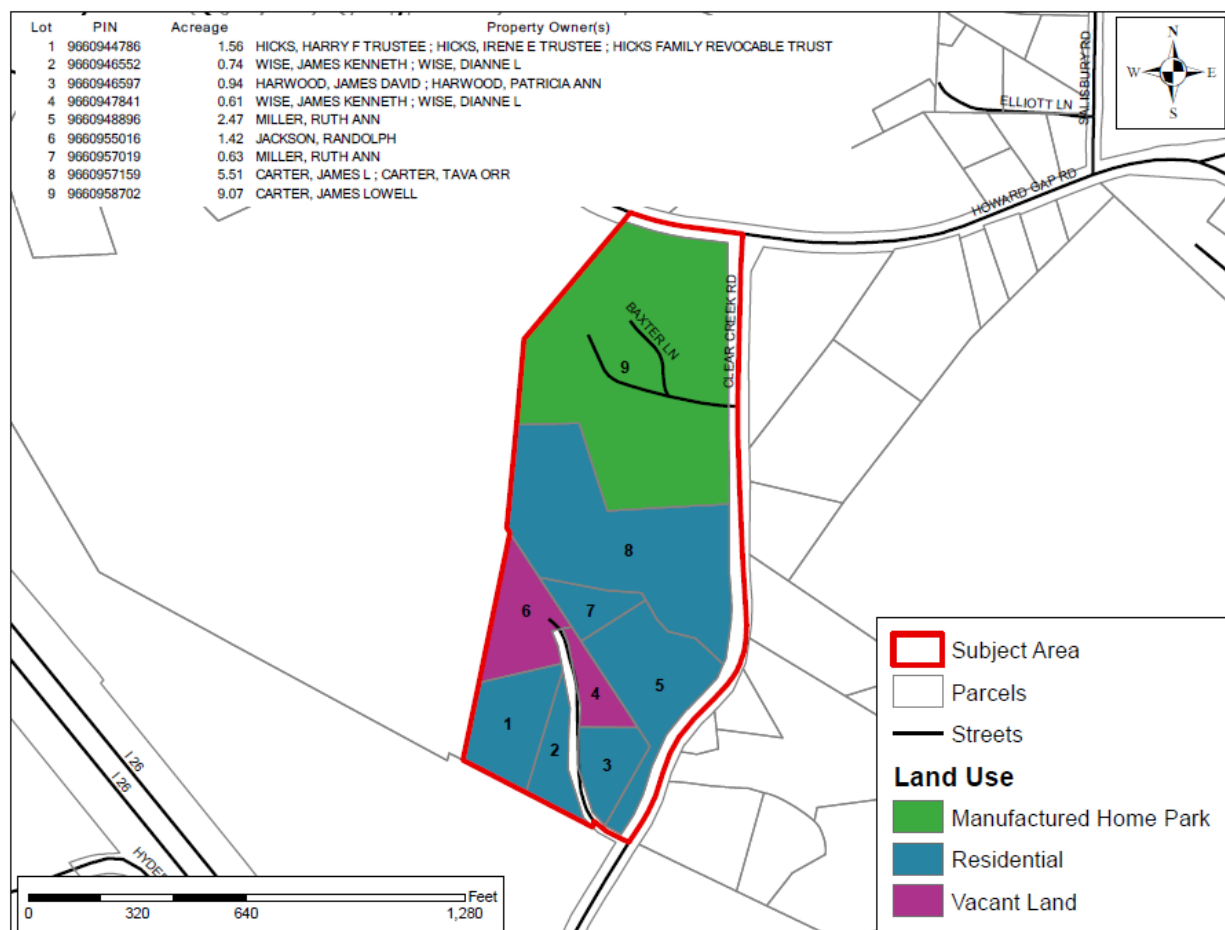
- 2.3.2. **I (Industrial District):** *“The purpose of the Industrial District (I) is to foster orderly growth where the principal use of land is a mixture of industrial and heavy commercial. The intent of this district is to allow for industrial and heavy commercial development consistent*

*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 lands uses; and (3) is sensitive to its impact on surrounding land uses and the environment (natural and man-made)” (Chapter 42A, Land Development Code §42A-36). The Industrial District requires 20 foot side and rear setbacks, a maximum building height of 72 feet for principal structures, maximum impervious surface of 80%, and an unlimited maximum floor area.*

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

- 3.1. **Subject Area Uses:** The subject area currently has six residential parcels and two vacant parcels with an existing residential subdivision. An existing manufactured home park is located on the large parcel to the North, adjacent to the Residential (R2) zoning district. (See Map C).
- 3.2. **Adjacent Area Uses:** The surrounding properties are primarily industrial uses to the east and west. Vacant property surrounds the subject area to the south and residential uses to the north.

**Map C: Current Uses and Property Owners**

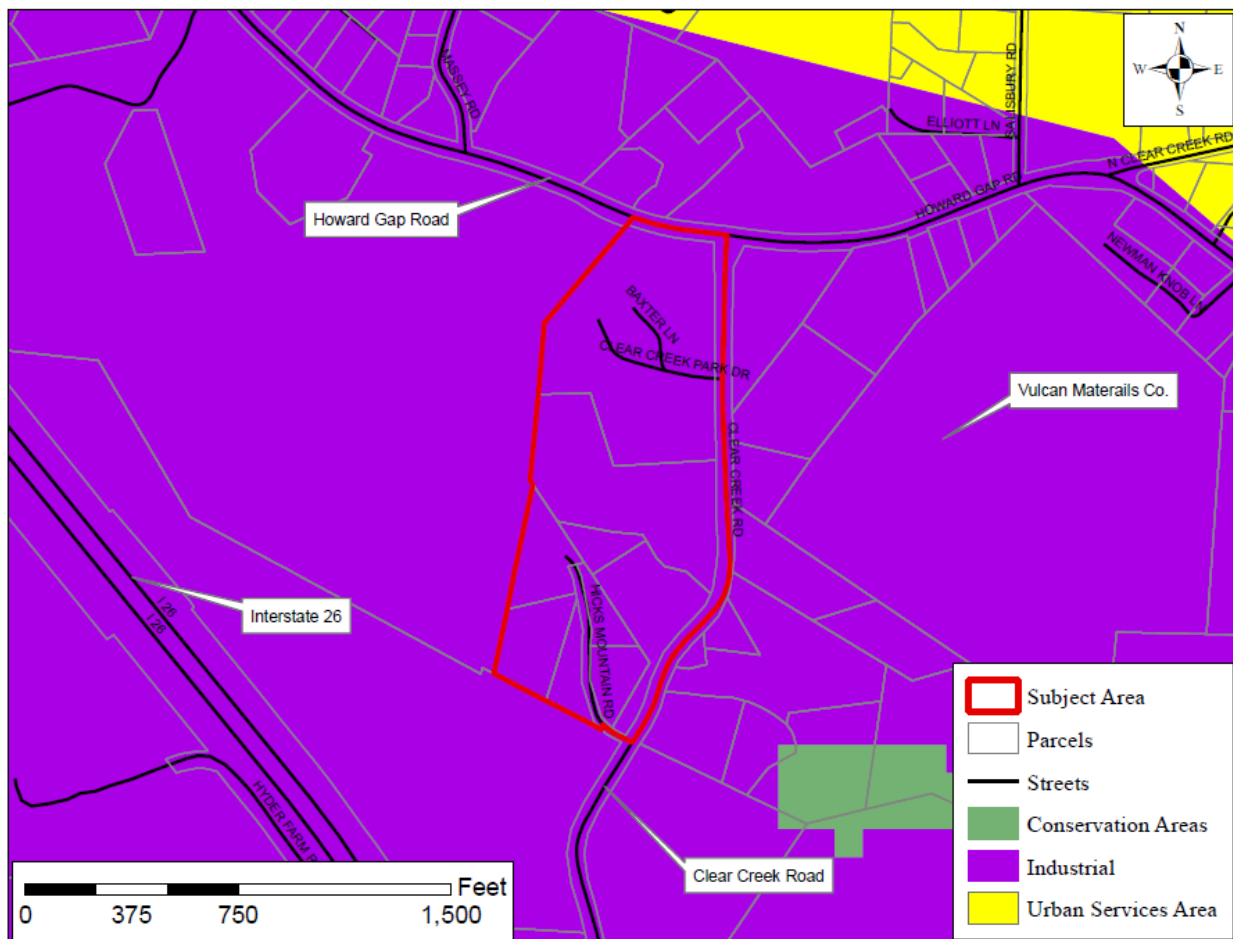


#### 4. The Henderson County 2020 Comprehensive Plan (CCP)

The CCP Future Land Use Map identifies the subject area as being located in the Urban Services Area and Industrial Area (USA) (2020 CCP, Pgs. 128, 129 & Appendix 1, Map 24). (See Map D).

- 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. The USA will essentially contain all existing and future industrial developments, which will be the future focus of economic development activities” (2020 CCP, Pg. 129).
- 4.2. **Industrial Area:** The CCP states that, “most defined industrial areas should lie within the Urban Services Area, and in other areas on a very limited basis. Most industrial uses should be segregated from other uses with the exception of Regional Commercial uses” (2020 CCP, Pg. 136).

**Map D: 2020 County Comprehensive Plan Future Land Use Map**

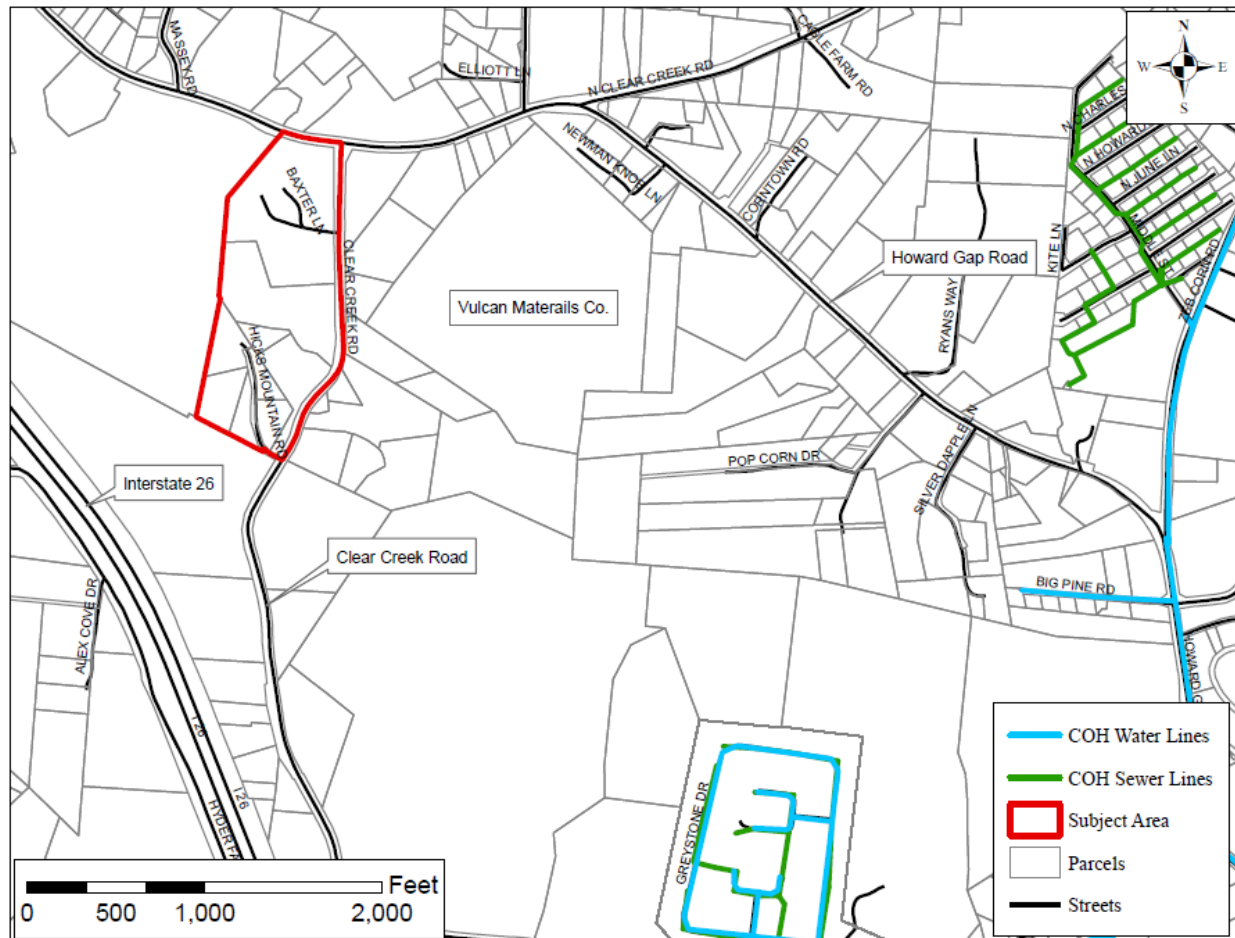




## 5. Water and Sewer

- 5.1. **Public Water:** A City of Hendersonville water runs along Howard Gap Road to the White Oaks Village subdivision and Greystone Manufactured Home Park. (See Map E).
- 5.2. **Public Sewer:** A City of Hendersonville sewer line runs along Howard Gap Road to the White Oaks Village subdivision. Also, a City of Hendersonville sewer line runs into the Greystone Manufactured Home Park to the southeast of the subject area.(See Map E).

**Map E: Water and Sewer Map**

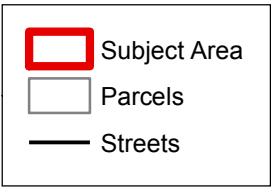
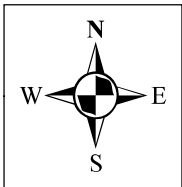
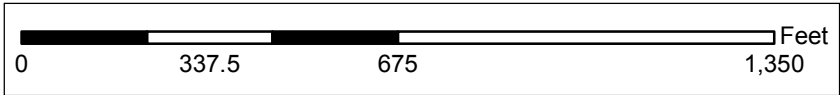


## 6. Staff Comments

- 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 Residential Two Rural (R2R) zoning to the north.

- 6.3. **Comparison of Districts:** The existing Industrial zoning district does not allow for residential uses in order to preserve industrially zoned land. Applying Residential Two Rural (R2R) zoning will allow for all types of residential uses with a standard density of 1 unit per acre. R2R also allows some limited commercial uses.
- 6.4. **Nonconforming Commercial and Industrial Uses/Structures:** As per section §42A-299 of the Land Development Code, existing commercial and industrial uses/structures legally established in the former Open Use (OU) zoning district and made nonconforming by the adoption of the LDC shall be allowed to be maintained, improved, altered, expanded, remodeled, repaired and/or reconstructed in adherence with the dimensional requirements and setbacks of the current applicable 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 Residential Two Rural (R2R) consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.





Possible Rezoning  
R-2014-02  
HC Planning Department



Lot	PIN	Acreage	Property Owner(s)	Street	City	State	Zip Code
1	9660944786	1.56	HICKS, HARRY F TRUSTEE ; HICKS, IRENE E TRUSTEE ; HICKS FAMILY REVOCABLE TRUST	69 HICKS MOUNTAIN RD	HENDERSONVILLE	NC	28792
2	9660946552	0.74	WISE, JAMES KENNETH ; WISE, DIANNE L	65 HICKS MOUNTAIN RD	HENDERSONVILLE	NC	28792
3	9660946597	0.94	HARWOOD, JAMES DAVID ; HARWOOD, PATRICIA ANN	58 HICKS MOUNTAIN RD	HENDERSONVILLE	NC	28792
4	9660947841	0.61	WISE, JAMES KENNETH ; WISE, DIANNE L	65 HICKS MOUNTAIN RD	HENDERSONVILLE	NC	28792
5	9660948896	2.47	MILLER, RUTH ANN	2189 CLEAR CREEK RD	HENDERSONVILLE	NC	28792
6	9660955016	1.42	JACKSON, RANDOLPH	PO BOX 49	EAST FLAT ROCK	NC	28726
7	9660957019	0.63	MILLER, RUTH ANN	2189 CLEAR CREEK RD	HENDERSONVILLE	NC	28792
8	9660957159	5.51	CARTER, JAMES L ; CARTER, TAVA ORR	2323 CLEAR CREEK RD	HENDERSONVILLE	NC	28792
9	9660958702	9.07	CARTER, JAMES LOWELL	2323 CLEAR CREEK RD	HENDERSONVILLE	NC	28792