

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY PLANNING BOARD

**Meeting Date:** August 20, 2009

**Subject:** Rezoning Application #R-2009-01

**Staff Contact:** Parker Sloan, Planner

**Attachments:**

1. Staff Report
2. Aerial Photo Map
3. Residential One (R1) District Text
4. Subject Area Photos

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

Rezoning Application #R-2009-01 is a staff initiated request for the County to rezone approximately 4.23 acres of land, located near the intersection of Rutledge Dr. and Erkwood Dr, from the City of Hendersonville's relinquished ETJ to a Residential One (R1) zoning district. The Subject Area is composed of three (3) parcels. The subject area owner is Mud Creek Baptist Church, INC.

Planning staff posted the property giving notice of the Planning Board meeting on August 7, 2009. 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, October 2, 2009. If no recommendation is made by October 2, 2009, 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, November 16, 2009.

Planning Board action to recommend that the Board of Commissioners approve, approve with modifications, table, or deny rezoning action #R-2009-01 would be appropriate.

#### **Suggested Motion:**

I move that the Board recommend approval of rezoning application #R-2009-01 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-2009-01

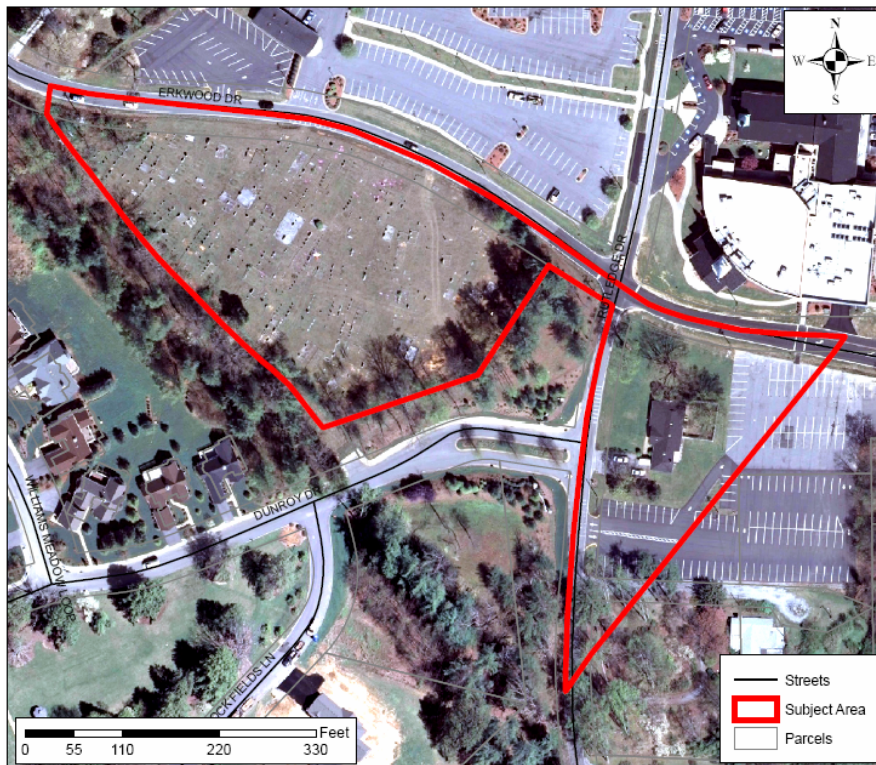
Mud Creek Baptist Church, INC, Owner

Initiated by the Henderson County Planning Staff, Applicant

#### 1. Rezoning Request

- 1.1. **Applicant:** Initiated by the Henderson County Planning Department
- 1.2. **Property Owner:** Mud Creek Baptist Church, INC
- 1.3. **Request:** Rezone three parcels of land that were relinquished from the City of Hendersonville ETJ to an R1 zoning district.
- 1.4. **Subject Area** (See Map A)

**Map A: Map of Subject Area**



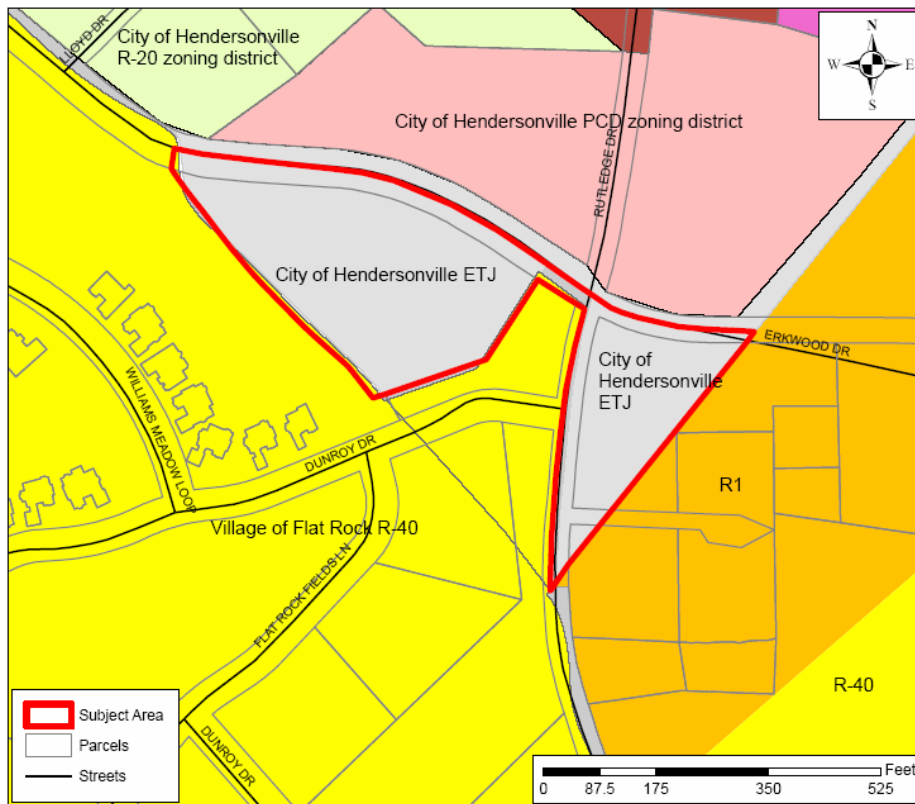
- 1.5. **PINs:** 9567-98-6403, 9577-08-0254, 9577-08-0022
- 1.6. **Size:** Total of 4.23 acres to be rezoned.
- 1.7. **Location:** The Subject Area is located along Rutledge Drive (SR 1166), approximately 2,400 feet from the intersection of Greenville Highway (NC

225) and Erkwood Drive (SR 1164). And 4,200 feet from the intersection of Erkwood Drive (SR 1164) and Kanuga Rd (SR 1127)

**2. Current Zoning**

2.1. **Application of Current Zoning:** The subject area was relinquished from the City of Hendersonville’s ETJ on October 6, 2005. The Village of Flat Rock accepted a portion of this relinquished ETJ into their jurisdiction however, specifically left these parcels out. The County was not notified that these parcels were relinquished back to the county. A recent application by Mud Creek Baptist Church identified the discrepancy in the surrounding zoning area. Staff initiated the rezoning application to rectify the issue.

**Map B: Current Zoning**



2.2. **Adjacent Zoning:** The Subject Area is adjacent to County R1 zoning to the east. Land adjacent to the Subject Area to the west is zoned a Village of Flat Rock R-40 zoning district. Land adjacent to the Subject Area to the north is zoned City of Hendersonville R-20 and PCD (Planned Commercial Development).

2.3. **Prior Zoning:** The areas surrounding the Subject Area were previously (prior to LDC adoption on September 19, 2007) zoned R-15 (Medium-Density Residential).

## 2.4. Proposed Zoning

2.4.1. **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).

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

3.1. **Subject Area Uses:** The Subject Area parcel abutting Erkwood drive contains a cemetery. The remaining portions of the subject area are facilities associated with Mud Creek Baptist Church.

3.2. **Adjacent Area Uses:** The surrounding properties are primarily religious institution uses associated with Mud Creek Baptist Church. The remaining uses within close proximity to the subject area within the County, Village of Flat Rock, and City of Hendersonville are residential.

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

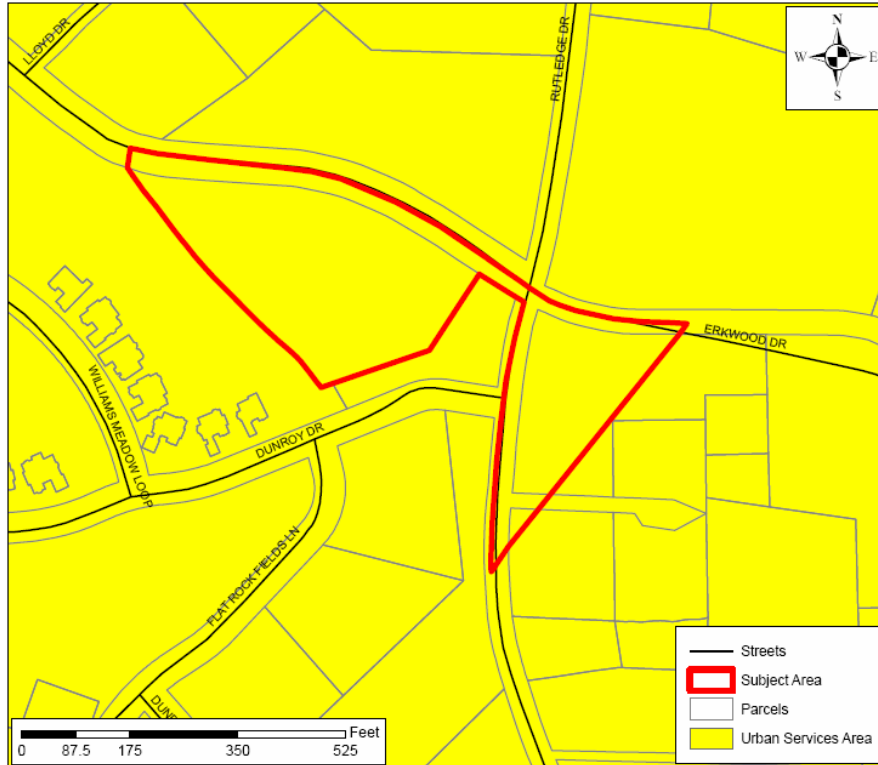
5.1. **Urban Services Area:** The CCP Future Land Use Map identifies the Subject Area as being located in the Urban Services Area (USA)(2020 CCP, Pgs. 128, 129 & Appendix 1, Map 24) (See Map D).

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

5.1.2. The CCP also states that, “the USA is that area within which most urban services and urban-scale development is currently concentrated, and within which such development should generally be concentrated through the year 2020” (CCP, Pg. 128).

5.1.3. The CCP states that, “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.” (2020 CCP, Pg. 120).

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



**6. Staff Comments**

Staff’s position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the property to an R1 (Residential One) zoning district. This based on the following:

6.1. **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 development.

6.2. **Adjacent Zoning:** The Subject Area directly abuts an existing R1 zoning district to the east. If the Subject Area were to be rezoned to R1 this property would be apart of a contiguous 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 R1 consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.

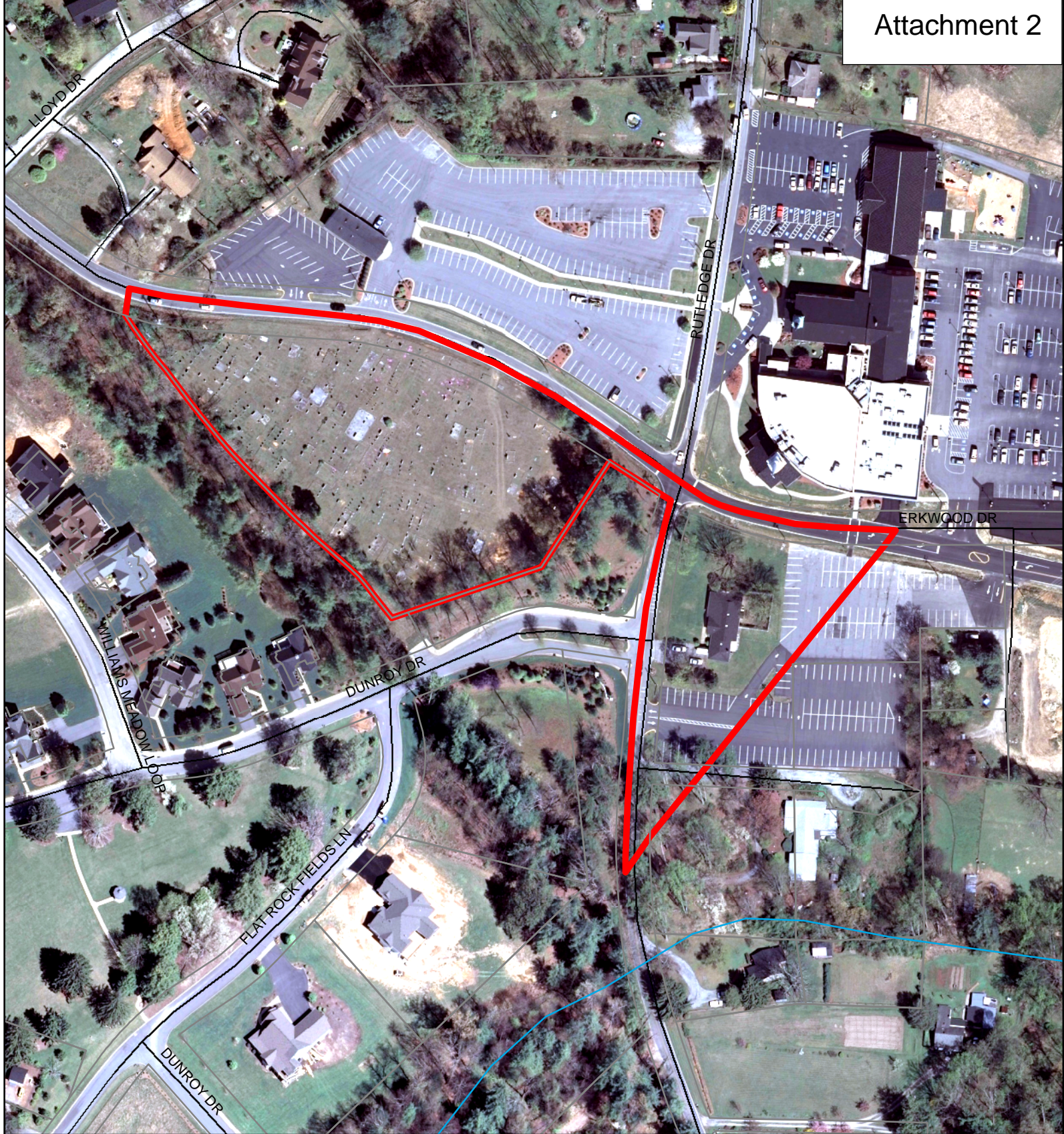
7.1.1. According to the City of Hendersonville, the Subject Area was removed from the City of Hendersonville's Extra Territorial Jurisdiction (ETJ). Currently, the Subject Area is NOT zoned. As a result, Staff is recommending that the Subject Area be rezoned R-1 to match the surrounding R-1 zoning.

**8. Technical Review Committee Recommendations**

8.1. The Henderson County Technical Review Committee considered rezoning application #R-2009-01 at its regularly scheduled meeting on August 4, 2009. During that meeting, the Technical Review Committee voted unanimously to send forward a favorable recommendation on rezoning application #R-2009-01 to rezone the Subject Area to R1 (Residential One).

**9. Planning Board Recommendations**

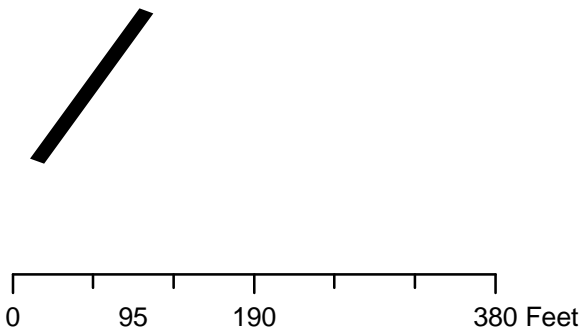
9.1. To be determined.



**Legend**

- Parcels
- Subject Area
- Streets

Rezoning Application  
R-2009-01  
Mud Creek Baptist Church, owner



**§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 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).

<b>Table 2.1. R1 Density and Dimensional Requirements</b>			
(1) <i>Residential Density</i> (units/acre)		(2) Standard	4
		(3) Intermediate	8
		(3) Maximum	16
(4) <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	
		(5) 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 (1/2) the eligible density.

- (2) Standard *residential density* shall be applied:
  - a. 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;



- b. To single-family residential *uses*; and
  - c. 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
- (4) Maximum *residential density* shall be available to multifamily dwellings (including duplexes, triplexes, quadraplexes and multifamily dwellings with five (5) or more units). provided such dwellings are generally served by public or private utility systems which meet the requirements of the Henderson County Department of Environmental Health or other governmental authorities having jurisdiction thereof.
- 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) Residential *accessory structures* shall be located in *side* or *rear yards* and shall be *setback* a minimum of ten (10) 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.



View of Mud Creek Baptist Church looking east.



View of Mud Creek Baptist Church building looking south.



View of Cemetery looking south from Erkwood Dr.