

REQUEST FOR BOARD ACTION

HENDERSON COUNTY PLANNING BOARD

Meeting Date: May 15, 2008

Subject: Rezoning Application #R-2008-06

Staff Contact: Parker Sloan, Planner

Attachments:

1. Staff Report
2. Aerial Photo Map
3. Residential Two Manufactured Housing (R2MH) District Text
4. Subject Area Photos

SUMMARY OF REQUEST:

Rezoning Application #R-2008-06, which was submitted on March 25, 2008, by Donald Lee Burnett, applicant, requests that the County rezone approximately 2.36 acres of land, located off Walnut Cove Road (SR 1125), from a R-40 (Estate Residential) zoning district to a R2-MH (Residential Two Manufactured Housing) zoning district. The property owners are: Donald Lee Burnett (PINs 9556-54-0765) and Jennifer Heidi Long (PIN portion of 9556-44-8645).

Planning staff posted the property giving notice of the Planning Board meeting on May 5, 2008. 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, June 27, 2008. If no recommendation is made by June 27, 2008, the application proceeds to the Board of Commissioners with an automatic favorable recommendation. Upon request of the Planning Board, the initial initiating the request may choose to grant a 45-day extension, at which time the deadline for a Planning Board recommendation would become Friday, August 8, 2008.

Planning Board action to recommend that the Board of Commissioners approve, approve with modifications, table, or deny rezoning action #R-2008-06 would be appropriate.

Suggested Motion:

I move that the Board recommend approval of rezoning application #R-2008-06 to rezone the Subject Area from R-40 (Estate Residential) zoning district to a R2MH (Residential Two Manufactured home) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan.

Henderson County Planning Department Staff Report

Rezoning Application #R-2008-06 (R-40 to R2MH)

Donald Lee Burnett, Owner/Applicant
Jennifer Heidi Long, Owner

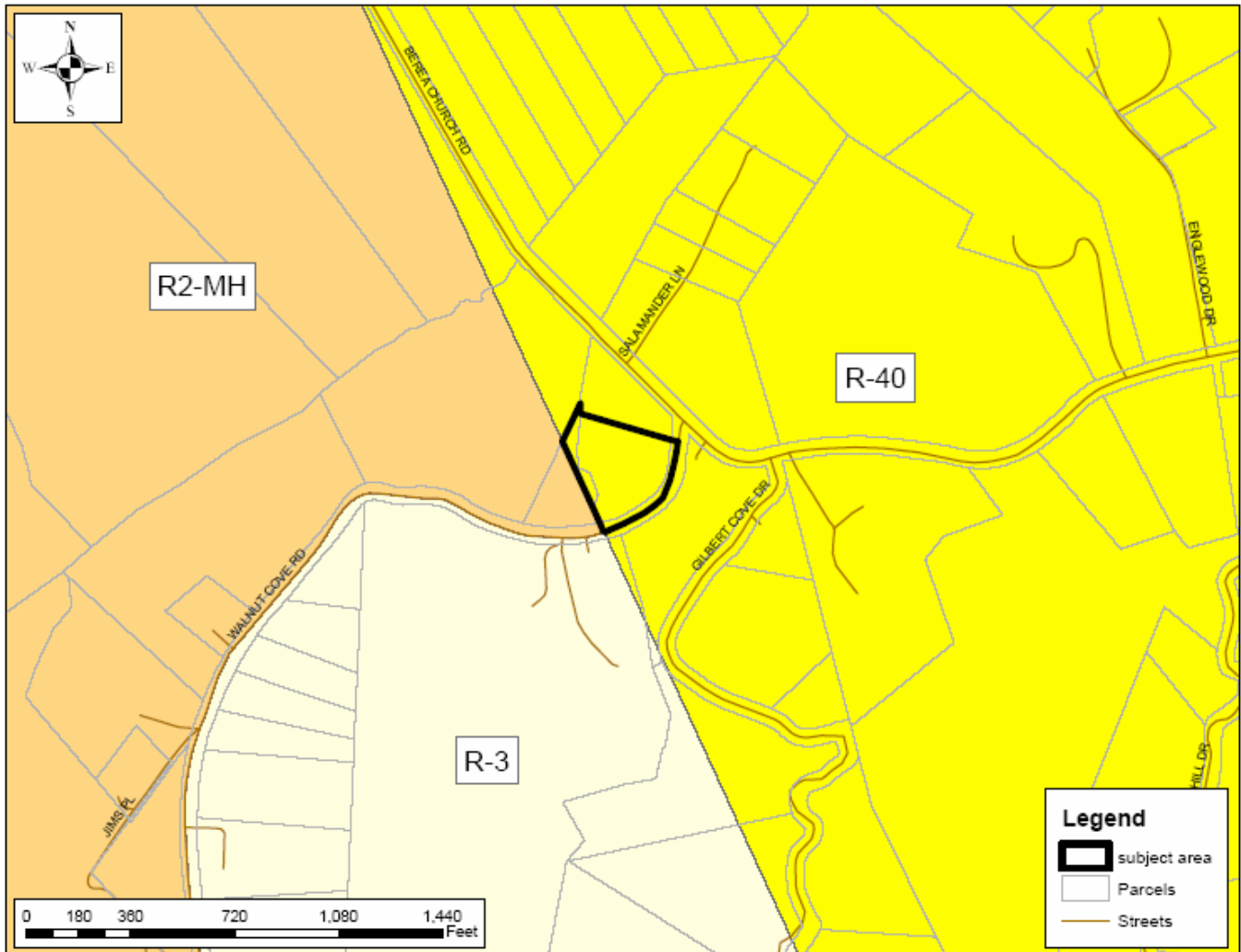
1. Rezoning Request

- 1.1. **Date of Application:** March 25, 2008
- 1.2. **Property Owners:** Donald Lee Burnett, and Jennifer Heidi Long
- 1.3. **Applicant:** Donald Lee Burnett
- 1.4. **Request:** Rezone Subject Area from an R-40 (Estate Residential) zoning district to a R2MH (Residential Two Manufactured Housing) zoning district.
- 1.5. **Subject Area:**
 - 1.5.1. **Size:** Approximately 2.36 acres of land comprised of all or a portion of two (2) parcels
 - 1.5.2. **PINs:** 9556-54-0765; portion of 9556-44-8645
 - 1.5.3. **Location:** The Subject Area is:
 - 1.5.3.1. Approximately 95 feet west of the intersection of Berea Church Road (SR 1126) and Walnut Cove Road (SR 1125); and
 - 1.5.3.2. Approximately 2,500 feet south of the intersection of Crab Creek Road (SR 1127) and Berea Church Road(SR 1126).

2. Current Zoning

- 2.1. **Application of Current Zoning:** The Subject Area is currently zoned R-40 (Estate Residential) which was originally applied with the adoption of Chapter 200, Zoning Ordinance in July 1981. (See Map A).

Map A: Current Zoning



2.2. **Adjacent Zoning:** To the north and east R-40 (Estate Residential), to the west R2MH (Residential Two Manufactured Housing), and to the southwest R3 (Residential Three) (See Map B). The surrounding areas to the west were previously (prior to LDC adoption on September 19, 2007) zoned OU (Open Use).

2.3. **District Comparison:**

R40 Estate Residential District: “This district is established as a district in which the principal use of the land is for low-density residential use. This district is intended to ensure that residential development not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at a sufficiently low density to provide a healthful environment. This district is also intended to be a quiet, low-density neighborhood consisting of single-family residences.” (Chapter 200A, Land Development Code §200A-27).

R-40 (Estate Residential) (1) requires 35 foot side and rear setbacks; (2) does not limit maximum height, and (3) provides a minimum lot size of 40,000 square feet.

R2MH (Residential Two with Manufactured Housing): “The purpose of Residential District Two Manufactured Housing (R2MH) 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 200A, Land Development Code §200A-29).

R2MH (Residential Two with Manufactured Housing) (1) requires 10 foot side and rear setbacks, (2) to a maximum building height of 40 feet, and (3) provides for a standard density of one (1) unit per acre with a maximum density of 2 units per acre.

3. Current Uses of Subject Area and Adjacent Properties

- 3.1. **Subject Area Uses:** The Subject Area contains a storage facility.
- 3.2. **Adjacent Area Uses:** Surrounding area lands contain primarily residential and agricultural uses.
 - 3.2.1. **To the North:** One (1) single family residential use is located on the corner of Walnut Cove Road (SR 1125) and Berea Church Road (SR 1126). The property to the north contains an agricultural use.
 - 3.2.2. **To the Southeast:** A number of mobile homes which appear to be vacant are located to the southeast.
 - 3.2.3. **To the South and West:** A number of single-family residential uses are located to the southwest along Walnut Cove Road (SR 1125).

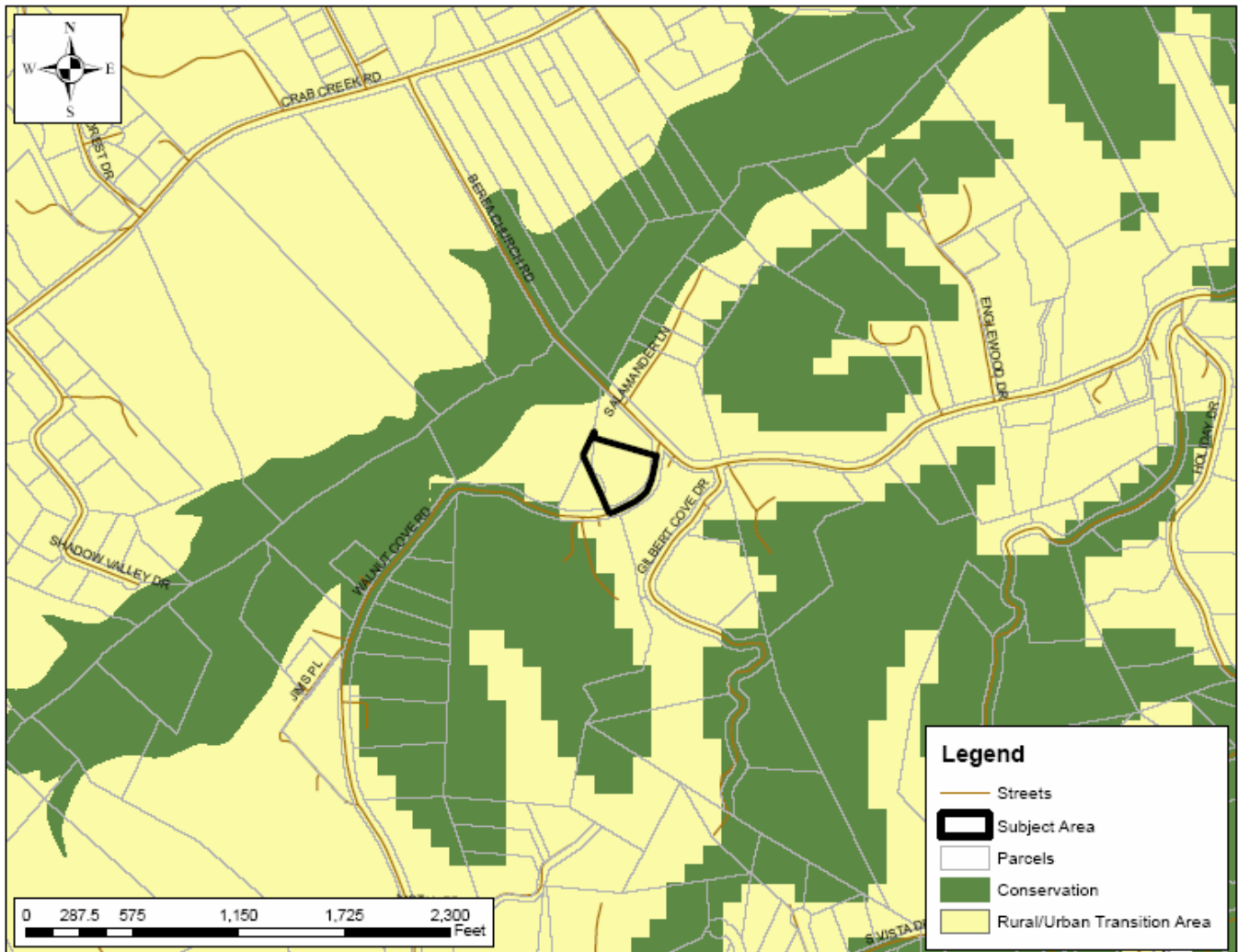
4. Transportation and Access

- 4.1. **Frontage:** The Subject Area has approximately 425 feet of road frontage along Walnut Cove Road (SR 1125)
- 4.2. **Transportation:** No traffic counts were available for any portion of Walnut Cove Road (SR 1125) or Berea Church Road (SR 1126)
- 4.3. **The NCDOT 2009-2015 State Transportation Improvement Program (STIP):** No new improvements within close proximity to the Subject Area are proposed.

5. The Henderson County 2020 Comprehensive Plan (CCP)

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

Map B: 2020 County Comprehensive Plan Future Land Use Map



5.1.1. The CCP states that, “The RTA is currently rural in character, with existing pockets of limited higher density residential and commercial development. The text of the 2020 CCP suggests that the Subject Area would be suitable for clustering and conservation design encouraged with the intent of maintaining a rural environment, protecting sensitive natural areas, and reserving land for future development. (2020 CCP, Pg. 130)

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 be zoned from an R-40 (Estate Residential) zoning

district to a R2MH (Residential Two Manufactured Housing) 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 “Rural/Urban Transition Area” classification. The text of the 2020 CCP suggest, that taking the project density approach gives the developer the flexibility to adjust setbacks and lot sizes to fit various needs, from adjusting for topography to creating affordable lots.
- 6.2. **Adjacent Zoning:** The Subject Area directly abuts an existing R2MH zoning district to the west. If the Subject Area were to be rezoned to R2MH this property would be apart of a contiguous R2MH zoning district.
- 6.3. **Comparison of Districts:** Applying R2MH (Residential Two with Manufactured Housing) will allow for an increase in the number of permitted residential uses. Applying R2MH will also allow for density based development without a minimum lot size.

7. Staff Recommendations

- 7.1. When reviewing rezoning requests Staff attempts to identify plans or policies, changes in existing conditions, undue hardship to the Applicant, or overriding community interest to justify supporting the proposed rezoning. 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 R2MH (Residential Two Manufactured Housing) consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.
 - 7.1.1. 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.

8. Technical Review Committee Recommendations

- 8.1. The Henderson County Technical Review Committee considered rezoning application #R-2008-06 at its regularly scheduled meeting on May 6, 2008. During that meeting, the Technical Review Committee voted unanimously to send forward a favorable recommendation on rezoning application #R-2008-06 to rezone the Subject Area from an R-40 (Estate Residential) to an R2MH (Residential Two Manufactured Housing) zoning district.

9. Planning Board Recommendations

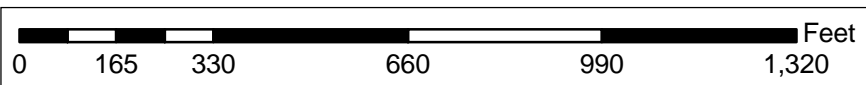
- 9.1 To be determined



Legend

-  Subject Area
-  Streets
-  Parcels

Rezoning Application
R-2008-06 Donald Lee Burnett, applicant



§200A-1. Residential District Two Manufactured Housing (R2MH)

A. **Purpose.** The purpose of Residential District Two Manufactured Housing (R2MH) 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*.

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).

(1) Residential Density (units/acre)		(2) Standard	1
		(3) Maximum	2
(4) Yard Setbacks (feet)	Front or ROW	<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 1 unit/acre:

5 acres x 1 unit per acre = **5 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:
- 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) 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.
- (4) 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.
- (5) 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 Subject Area looking northwest from Walnut Cove Rd.



View of the Subject Areas neighbor to the east looking north from Walnut Cove Rd.



View of Subject Area looking north from Walnut Cove Rd.



View of Subject are looking south from Berea Church Rd.