REQUEST FOR BOARD REVIEW

HENDERSON COUNTY PLANNING BOARD

MEETING DATE: April 20, 2023

SUBJECT:Conditional Rezoning Application #R-2023-03-C Princetonia Multi-
FamilyPRESENTER:Matt Champion, Zoning AdministratorATTACHMENTS:1.) Staff Report
2.) Neighborhood Compatibility Report
3.) Application
4.) Master Plan
5.) PowerPoint Handouts

SUMMARY OF REQUEST:

Rezoning Application #R-2023-03-C was initiated on February 23, 2023, and requests that the County conditionally rezone approximately 2.7 acres of land from Residential One (R1) to a Conditional District (CD-2023-03). The project contains all of PIN 9587-03-4418 that has direct access to Princetonia Dr. The property is owned by Robert Francis and Jennie Francis who are also the applicants.

The applicant is proposing to add an additional structure with 4 dwelling units. The subject area already contains two existing structures with a total of 13 dwelling units. The development is required to be approved as a conditional rezoning due to the number of multi-family units. Conditional rezonings allows for the Board of Commissioners to place conditions on the property to address community concerns and make the proposed development compatible with adjacent uses. As required by the LDC, a neighbor compatibility meeting was held on Wednesday, March 29, 2023, in the King Street Meeting Room. A copy of the meeting report is attached to this agenda item.

The Technical Review Committee (TRC) reviewed the application on April 4, 2023, and made a motion to forward the application to the Planning Board with conditions as discussed. A copy of the conditions required by the TRC are listed in the staff report.

BOARD ACTION REQUESTED:

The Planning Board has 45 days from its first consideration to provide a recommendation to the Board of Commissioners or the request is forward with a favorable recommendation unless

otherwise agreed upon by the applicant. Staff requests the Planning Board make a recommendation to the Board of Commissioners to approve, approve with modification or deny the conditional rezoning application (#R-2023-03-C) to rezone the Subject Area to a Conditional District (CD-2023-03).

Suggested Motion:

I move that the Planning Board recommend the Board of Commissioners (approve, approve with conditions or deny) conditional rezoning application #R-2023-03-C to rezone the Subject Area to a Conditional District (CD-2023-03) based on the recommendations of the Henderson County Comprehensive Plan.



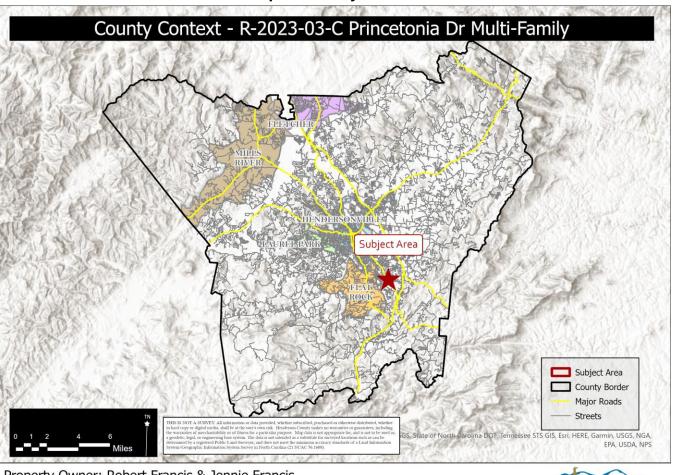
STAFF REPORT HENDERSON COUNTY PLANNING DEPARTMENT

100 North King Street | Hendersonville, NC 28792 | (828) 697-4819

Prepared by: Matt Champion, Zoning Administrator

CASE R-2023-03-C	TECHNICAL REVIEW COMMITTEE MEETING DATE April 4, 2023		
PROPERTY OWNER Robert and Jennie Francis	PROPERTY LOCATION/ADDRESS 70 Princetonia Dr, Hendersonville Township		
APPLICANT Robert Francis	PIN's 9587-03-4418		
SUMMARY OF REQUEST	A rezoning of the above referenced PIN (hereafter the subject area from Residential One (R1) to Conditional District (CD-2023-03).		
Existing Zoning	Residential One (R1)		
Existing Land Use	Multi-Family, Legal Non-Conforming		
Site Improvements	Two multi-family structures for a total of 13 units		
Request Acreage	2.89 Acres		
ADJACENT ZONING	USE OF LAND		

North	R1	Residential/Vacant
East	I	Commercial/Industrial
South	R1, CC	Residential/Commercial
West	CC	Residential/Commercial



Map A: County Context

Property Owner: Robert Francis & Jennie Francis Assessed Acreage: 2.89 Acres PIN: 9587-03-4418 Current Zoning: Residential One (R1)



BACKGROUND:

The applicant and current property owner, Robert Francis, is seeking to rezone one parcel from Residential One (R1) to a Conditional District (CD-2023-03). The subject area is approximately 2.83 acres. The attached Master Plan is proposing one additional 4-unit multifamily structure. The site currently contains 2 existing multi-family structures with a total of 13 units. The current structures were built in 1981 and are classified as legal non-conforming.

The subject area originally contained a total of 3 multi-family structures with a total of 17 units. Between 2010 and 2015, one 4-unit structure was lost in a fire. During that time, the former property owner did not reapply to rebuild the lost structure. Henderson County allows for legal non-conforming structures to rebuild after a loss if permits are pulled within 6 months. Additionally, Henderson County allows for legal non-conforming uses that were within Open Use (OU) prior to the adoption of the Land Development Code, to expand if they conform to the dimensional requirements within the underlying zoning district. The subject area was zoned R-15 prior to the adoption of the Land Development Code.

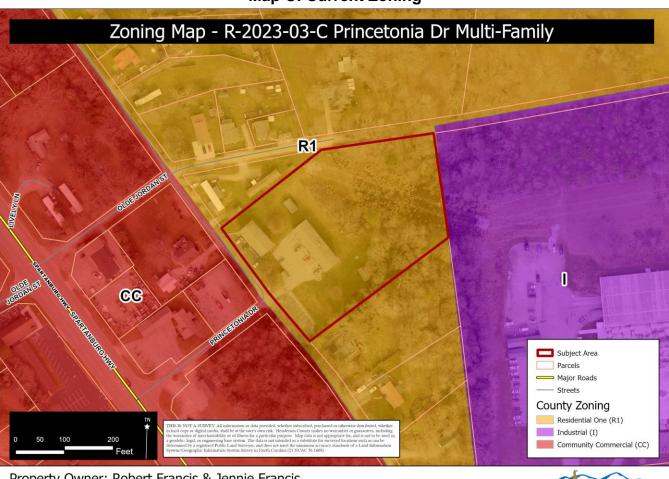


Map B: Aerial

Property Owner: Robert Francis & Jennie Francis Assessed Acreage: 2.89 Acres PIN: 9587-03-4418 Current Zoning: Residential One (R1)

SUBJECT AREA & ADJACENT PROPERTIES:

As previously mentioned, the site currently contains two existing multi-family residential structures. There are approximately 13 dwelling units between the two structures. The property to the east of the subject area contains a commercial use, West Rock Packing Solutions. The GE facility is located south of the subject area across Tabor Rd. To the southwest of the subject area is the former location for Maybin's Garbage Services. Residential structures are found to the north and south of the subject area.



Map C: Current Zoning

Property Owner: Robert Francis & Jennie Francis Assessed Acreage: 2.89 Acres PIN: 9587-03-4418 Current Zoning: Residential One (R1)

District Comparison:

Residential One (R1): "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*." Maximum residential density in Residential One (R1) district is twelve (12) units per acre (LDC §42-10).

Conditional District (CD): "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" (Chapter 42, Land Development Code §42-45). Conditions may be

ENDERSON C

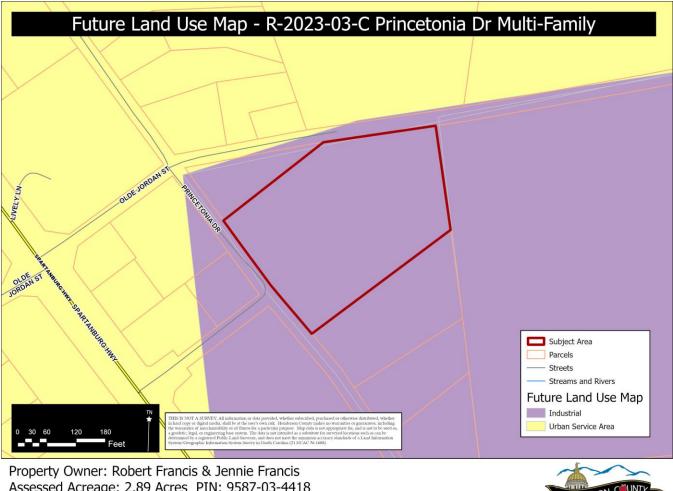
imposed in the furtherance of the purpose of the LDC and the recommendations of the County Comprehensive Plan.

Comparison of Districts: The existing Residential One (R1) zoning district allows for primarily high-density residential development. The corresponding Conditional District (CD) applies to instances where certain types of zoning districts would be inappropriate at certain locations in the absence of special conditions. Some land *uses* are of a nature or scale that may have significant impacts on both the immediately surrounding area and the entire community, which cannot be predetermined or controlled by general district standards. There are also circumstances in which a general use district designation allowing such a *use* 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 these regulations, the adopted *Comprehensive Plan*, and adopted district. The review process established in this section provides for the accommodation of such *uses* by a reclassification of property into a conditional zoning district, subject to specific conditions, which ensure compatibility of the *use* with the use and enjoyment of neighboring properties.

Conditional Zoning Approval: If a petition for conditional zoning is approved, the development and use of the property shall be governed by the existing Chapter requirements applicable to the district's category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the Official Zoning Map. Only those uses and structures indicated in the approved petition and site plan shall be allowed on the subject property.

Adjacent Zoning: Residential One (R1) zoning is found to the north and southeast of the subject area. Community Commercial (CC) zoning is found to the west of the subject area. Industrial (I) zoning is found east of the subject area.

East Flat Rock 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 East Flat Rock (EFR) 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, acted on the EFR Community Plan on May 17, 2018. Within the EFR Community Plan were several recommended zoning changes. The subject area is contained within the boundary of the EFR Community Plan and was recommended to be rezoned from Residential One (R1) to Community Commercial (CC). The subject area has been zoned Residential One (R1) since the adoption of the Land Development Code in September of 2007.



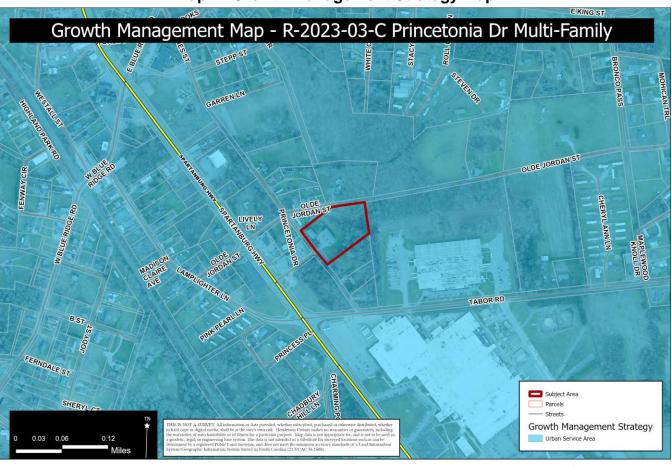
Map D: County Comprehensive Plan Future Land Use Map

Assessed Acreage: 2.89 Acres PIN: 9587-03-4418 Current Zoning: Residential One (R1)

County Comprehensive Plan (CCP) Compatibility

The CCP Future Land Use Map identifies the subject area as being in the Industrial Area.

Industrial: 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 except for Regional Commercial uses. Industrial areas depicted on Map #24, Future Land Use Map are derived from existing industrial zoning districts, as well as from those area depicted upon Map #8, "Committee of 100" Recommended Industrial Development Zones." (CCP, Pg. 140).



Map E: Growth Management Strategy Map

Property Owner: Robert Francis & Jennie Francis Assessed Acreage: 2.89 Acres PIN: 9587-03-4418 Current Zoning: Residential One (R1)



Growth Management Strategy Compatibility: The CCP shows the subject area located in the Urban Services area for Growth Management Strategy. The CCP states "The USA will contain considerable commercial development at a mixture of scales: Local, Community, and Regional, as defined below. In particular, 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." (CCP, pg. 133, #4.) (See Map E)

Map F: Utilities Map



Property Owner: Robert Francis & Jennie Francis Assessed Acreage: 2.89 Acres PIN: 9587-03-4418 Current Zoning: Residential One (R1)

HENDERSON COUNTY

Water and Sewer

The subject area is currently served by the City of Hendersonville public water and public sewer. The applicant is proposing to utilize the existing on-site public utilities to serve the future structure.

Existing Roads and Easements

The subject area has existing frontage along Princetonia Drive and is not proposing any new easements or roadways. Princetonia Drive is considered private and not maintained by NCDOT.

Proposed Conditional District (CD-2023-03) Development

As part of the rezoning application, the applicant has submitted a master plan of the proposed development. The applicant is proposing to use the site for a multi-family residential development. Based on the total number of multi-family units, the applicant must undergo a

conditional rezoning as required by the Land Development Code. Any development proposing 10 or more multi-family units requires a conditional rezoning. The Conditional District allows the Board of Commissioners to place conditions or restrictions on the property that binds this specific development and location. Below is an overview of the proposed development.

- 21 total multi-family residential units
 - o 2 existing structures with 13 total multi-family units
 - One (1) 4-unit two story structure
 - One (1) 9-unit three story structure
 - o 1 proposed structure with 4 total multi-family units
 - Two story structure
- 37 existing parking spaces
 - 8 parking spaces at existing 4-unit multi-family structure
 - o 16 parking spaces at existing 9-unit multi-family structure
 - o 13 parking spaces to serve the proposed 4-unit multi-family structure.
- Total open space post development: 93,127SQFT or 79.3%
- Total impervious surfaces area post development: 24,311 or 20.7%

Traffic Impact Analysis (TIA)

No TIA was required by the proposed conditional district.

Neighborhood Compatibility Meeting

A neighborhood compatibility meeting was held on March 29, 2023. A summary of the NCM will be attached as part of the application by Planning Board.

Technical Review Committee (TRC) Recommendations

The Technical Review Committee (TRC) reviewed the zoning map amendment application at the April 4, 2023, meeting and voted to forward to the Planning Board with the condition that the new building be sprinkled.

Planning Board Recommendations

The Planning Board will hear the R-2023-03-C at the April 20, 2023, meeting.

Board of Commissioners Public Hearing

The Board of Commissioners will hear the case following the Planning Board.



Neighborhood Compatibility Meeting Conditional Zoning Request #R-2023-03-C (Princetonia Drive) March 29, 2023, at 1:00 p.m. King Street Meeting Room located at 100 N. King Street, Hendersonville, NC

Letters about the meeting were mailed to property owners within 400 feet of the boundary of the proposed development. Both county staff and the applicant where present at the meeting. Only one adjacent neighbor attended the meeting.

Ms. Autumn Radcliff opened the meeting and provided a welcome and introductions. She stated that the purpose of the meeting is for nearby neighbors to learn about the proposed project and ask questions of the applicant prior to formal review by the Planning Board and Board of Commissioners (BOC). She stated that the applicant would give an overview of the proposed project and then there would be an opportunity for attendees to ask questions about the proposed development.

Project Overview by the Applicant: Dr. Robert Francis, owner and applicant for the project provided an overview of the rezoning request and site plan. The project is located off Princetonia Drive and is proposing to construct a new building consisting of 4-units. The existing development consisted of 3 buildings. One of the buildings was destroyed by a fire several years ago. This application is proposing to construct a new building in the same location as the building that was destroyed on the site plan.

Questions and Answer Discussion: Gayle S. Merrell was present on behalf of her mother, Helen Stepp, that lives directly adjacent to the development across Olde Jordan Drive. Below is a list of questions asked by the adjacent resident that attended the meeting followed by the applicant's response/explanation.

- 1. Is the new proposed building different from the other existing buildings? The new building will be similar and match the exterior of the other existing buildings. The new building will only contain 4 units that will be designed like a townhouse that are 2 story with all access from the ground floor. Each unit will contain 2 bedrooms and 2 bathrooms and no garages. The site has access to water and sewer and no additional traffic is anticipated for these 4 units.
- 2. Does anyone know what is being built on the cleared land in front of the development along Spartanburg Highway? Matt Champion, Zoning Administrator and Code Enforcement Director stated that he had received several calls about the property that has been cleared, but nothing has been formally submitted. The property is not part of this rezoning request. The property is owned by Fletcher Feed and Seed.
- 3. Is this new building next to Princetonia Drive? Yes
- 4. What is located to the southeast of the property? It is a single-family house.
- 5. Who closed Princetonia Drive through Tabor Road? Planning staff stated that the ROW is still showing on the GoMaps, but a neighbor may have blocked the ROW. The ROW has not been formally closed.
- 6. What is the current zoning of the subject property and the property that has been cleared? R1 (Residential One) on the subject area and Community Commercial (CC) on the property that has been cleared.
- 7. How is the rezoning approved? Autumn Radcliff, Planning Director stated that the difference between a request to rezone to another zoning district verse the conditional rezoning. She explained that the conditional rezoning requires a site plan and only what is on the site plan can be constructed. Any changes would require the applicant to go back though the process. She stated the application will be reviewed by the TRC and the Planning Board. The Board of

Commissioners (BOC) will hold a public hearing before making any decisions. Adjacent neighbors will receive additional notification prior to the Planning Board meeting and BOC public hearing.

- 8. Are any other buildings proposed to be constructed? No, this is the only building that is being requested. The applicant did not thing there would be enough space, specifically with the powerline ROW to add and additional buildings. Any other buildings would require the re-review of the application.
- **9.** Is there an existing stormwater drain on the property and will stormwater be addressed? There is an existing stormwater drain on the property. Staff noted that the TRC would review the site plan and any required stormwater permits would be discussed.
- 10. There was concern over the combined runoff from this development, the NCDOT road (Tabor Road), and the boxing/package facility that is adjacent to the development and contains a common stream that flows to Ms. Stepp's property. The applicant is unaware of any runoff. Staff noted that the TRC will review and has representation from NCDOT and the site development department that can discuss any requirements.
- **11. If the property sells, does the new owner have to comply the site plan and approved zoning?** Yes, the approval would run with the land, not the property owner. Any changes require approval by the BOC.
- 12. The adjacent property resident requested that the applicant maintain the weeds and undergrown under the powerlines and the back area of the parcel. The applicant made a note that the resident requested mowing twice a year of the back project area for maintenance.

The adjacent owner, Gayle Merrell, stated that she has no issues with the proposed project as shown on the current site plan.

Ms. Radcliff stated the process and next steps that the application will have its formal review process starting next week. The TRC (Technical Review Committee) will look at the technical requirements of the site plan at its meeting on April 4th. The Planning Board will review the application at its April 20th and make a recommendation to the Board of Commissioners (BOC). The BOC will hold a public hearing before acting on the application. She stated that property owners within 400 ft of the project will receive a mailed notice of both the Planning Board and the BOC meetings. The public hearing will be advertised in the Hendersonville Lightning and the property will be posted. The BOC will have the approval authority of the application.

With no further comments or questions the meeting was concluded at 1:40 p.m.

Application No. _____

HENDERSON COUNTY MAP AMENDMENT APPLICATION FORM

GENERAL INFORMATION				
Date of Application: 02.23.2023				
Previously Submitted (Circle One): Yes	No			
Date of Pre-Application Conference:				
Type of Map Amendment (Circle One):	Rezoning	Conditional Zon	ning Special N	lixed Use/Conditional
Site Plan Attached (Circle One): Yes	No			
PARCEL INFORMATION*				
PIN: 9587-03-4418	_ Deed Book/I	Page: 1627/218	Tract Size (Acres):	2.70
Zoning District: <u>R1</u> Fire District	Blue Ridge	Watershed:	Floodplain:	
Location of property to be developed:	Princetonia Ave	9		

*If subject area contains multiple PIN's please attach a list and the above parcel information for each tract or individual PIN.

REZONING REQUEST

Attached is:

A description of the property in question sufficient to unequivocally describe and identify said property. Such description may take the form of a property survey, a legal description or a legible copy of a County cadastral or composite tax map clearly annotated with district lines which follow political boundaries, geographical features or property lines.

Current Zoning District: _____ Requested Zoning District: _____

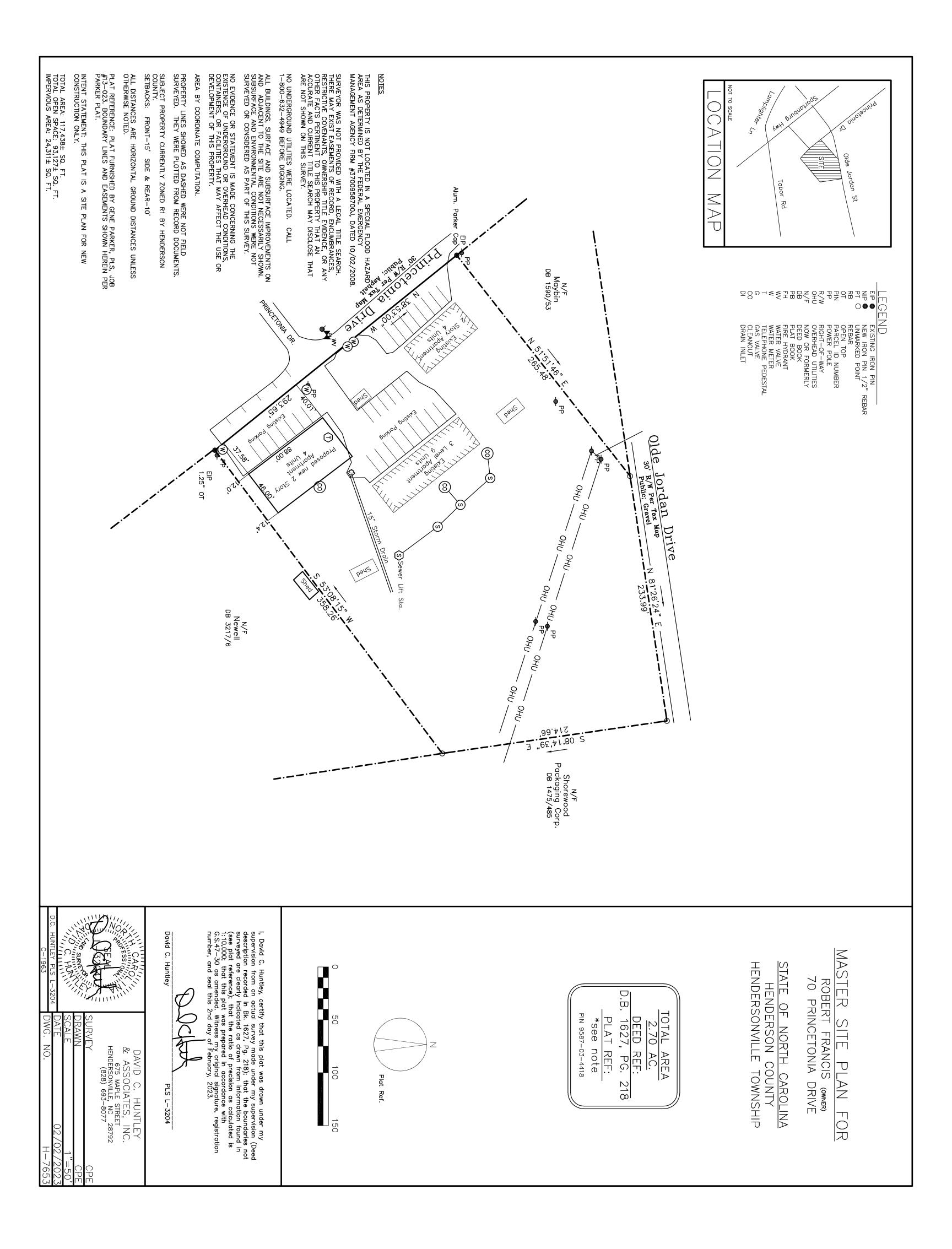
CONTACT INFORMATION Property Owner:

Phone: 828.290.3282		
City, State, and Zip: Hendersonville, NC, 28739		
Phone:		
City, State, and Zip:		
Phone: _828.216.3815		
City, State, and Zip: Hendersonville, NC, 28792		
Phone:		
City, State, and Zip:		

Application No. _____

I certify that the information shown above is true and accurate and is in conformance with the Land Development regulations of Henderson County.

David Huntley								
Print Applicant (Owner of DocuSigned by:	or Agent)							
David Huntley		2/23/2023						
Signature Applicant (Owner or Agent)		Date						
County Use Only								
Fee: \$	Paid:	Method:	Received by:					
Community Planning Are	ea:							
Date Current Zoning App	lied:							



Rezoning #R-2023-03-C Princetonia Dr Multi-Family



Henderson County Planning Department

Conditional Districts

Conditional rezoning's are:

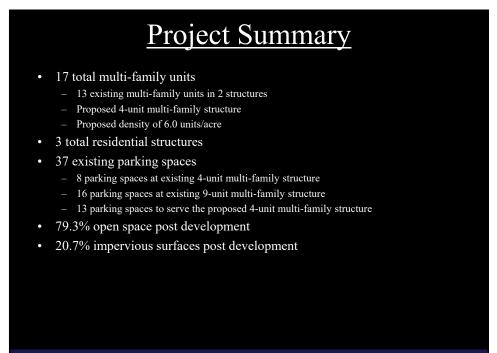
- Legislative decisions
- Require a site-specific plan (only what is on the plan is allowed)
- The BOC may require additional conditions of the development, provided the developer agrees to those conditions
- Process provides protection to adjacent properties

Application Summary

- Conditional Rezoning Request: R-2023-03-C
- Owner(s): Robert Francis and Jennie Francis
- Applicant(s): Robert Francis
- Property Location: 70 Princetonia Dr PIN: 9587-03-4418
- Conditionally rezone from a Residential One (R1) Zoning District to a Conditional District (CD-2023-03)
- Approximately 2.7 acres

Henderson County Planning Department

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Henderson County Planning Department

