

REQUEST FOR BOARD REVIEW

HENDERSON COUNTY PLANNING BOARD

MEETING DATE: November 14, 2024

SUBJECT: Conditional Rezoning Application #R-2024-05-C Hoopers Creek

PRESENTER: Liz Hanson, Planner I

ATTACHMENTS: 1.) Staff Report
2.) Application
3.) TIA Summary
4.) Master Plan

SUMMARY OF REQUEST:

Rezoning Application #R-2024-01-C was initiated on August 30, 2024, and requests that the County conditionally rezone approximately 9.85 acres of land from Residential Two Rural (R2R) to a Conditional District (CD-2024-02). The project contains all of PIN 9673-21-1888 and a portion of PIN 9673-22-2365 that has direct access to Hoopers Creek Rd (SR1553). Kenneth Rhodes is the current property owner. The applicant is Hoopers Creek Land, LLC.

The applicant is proposing to develop a two-family attached residential development consisting of 38-units within 19 total structures. As a part of this project, the applicant requests the parcel to be rezoned to a Conditional Zoning District (CD-2024-02). 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 neighborhood compatibility meeting was held on Friday, November 8, 2024, in the King Street Meeting Room. A copy of the meeting report is included.

The Technical Review Committee (TRC) will review this application at their November 19, 2024, meeting.

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-2024-05-C) to rezone the Subject Area to a Conditional District (CD-2024-02).

Suggested Motion:

I move that the Planning Board recommend the Board of Commissioners (approve, approve with conditions or deny) conditional rezoning application #R-2024-05-C to rezone the Subject Area to a Conditional District (CD-2024-02) based on the recommendations of the Henderson County 2045 Comprehensive Plan.



STAFF REPORT

HENDERSON COUNTY PLANNING DEPARTMENT

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

Prepared by:

Liz Hanson, Planner I

APPLICATION #
R-2024-05-C

PLANNING BOARD MEETING DATE:
NOVEMBER 14, 2024

PROPERTY OWNER

Kenneth Rhodes
Alline Rhodes

PROPERTY LOCATION/ADDRESS

384 Hoopers Creek Rd
390 Hoopers Creek Rd, Hoopers Creek
Township

APPLICANT

Hoopers Creek Land, LLC

PIN(S):

9673-21-1888 & 9673-22-2365

SUMMARY OF REQUEST

A rezoning of the above referenced PINs (hereafter the subject area from Residential Two Rural (R2R) to Conditional District (CD-2024-02).

Existing Zoning

Residential Two Rural (R2R)

FLUM Character Area

Transitional Area

Existing Land Use

Residential

Site Improvements

NA

Request Acreage

9.85 Acres

ADJACENT ZONING

North R2R

East R2R

South Fletcher (R-3)

West R2R

PROPERTY CLASS

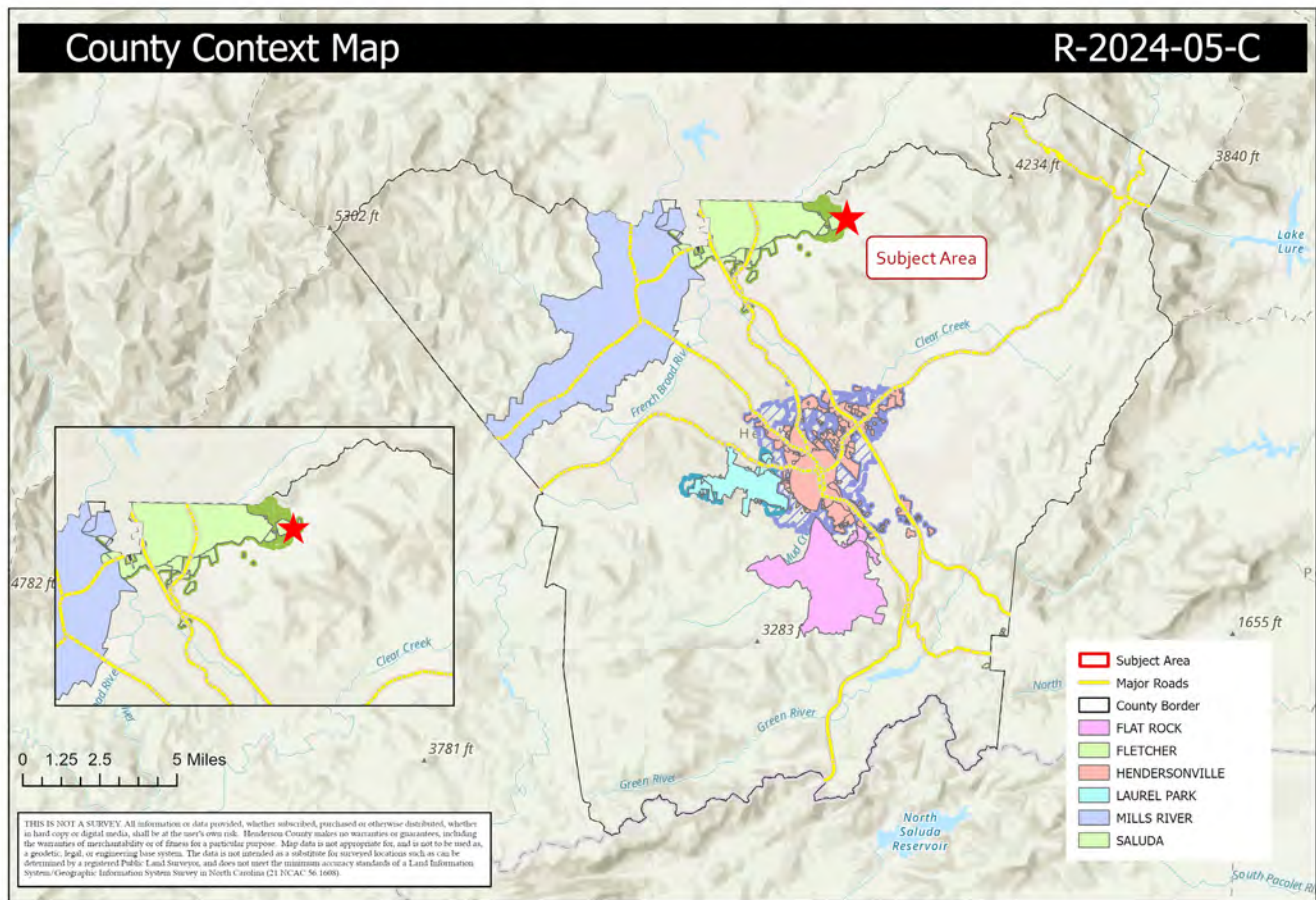
Vacant, Residential

Commercial, Residential

Residential, Commercial

Residential

Map A: County Context



Property Owner: Kenneth & Aline Rhodes Applicant: Hoopers Creek Land, LLC
 Total Acreage: 9.85
 Residential Two Rural (R2R) to Conditional District (CD)



BACKGROUND:

The applicant, Hoopers Creek Land, LLC, is seeking to rezone all of PIN 9673-21-1888 and a portion of PIN 9673-22-2365 from Residential Two Rural (R2R) to a Conditional Zoning District (CD-2024-02). The subject area is 9.85 acres in total. The parcels each contain one residential structure and personal storage structures. The attached Master Plan is proposing a two-family attached development consisting of 38-units within 19 total structures. The applicant is also proposing approximately 3.87 acres if of passive open space, or 39% of the entire acreage.

The applicant plans to remove the existing residential structure and storage structures from PIN 9673-21-1888 prior to development.

Map B: Subject Area



Subject Area Map

R-2024-05-C



Property Owner: Kenneth & Aline Rhodes Applicant: Hoopers Creek Land, LLC
Total Acreage: 9.85
Residential Two Rural (R2R) to Conditional District (CD)

SUBJECT AREA & ADJACENT PROPERTIES:

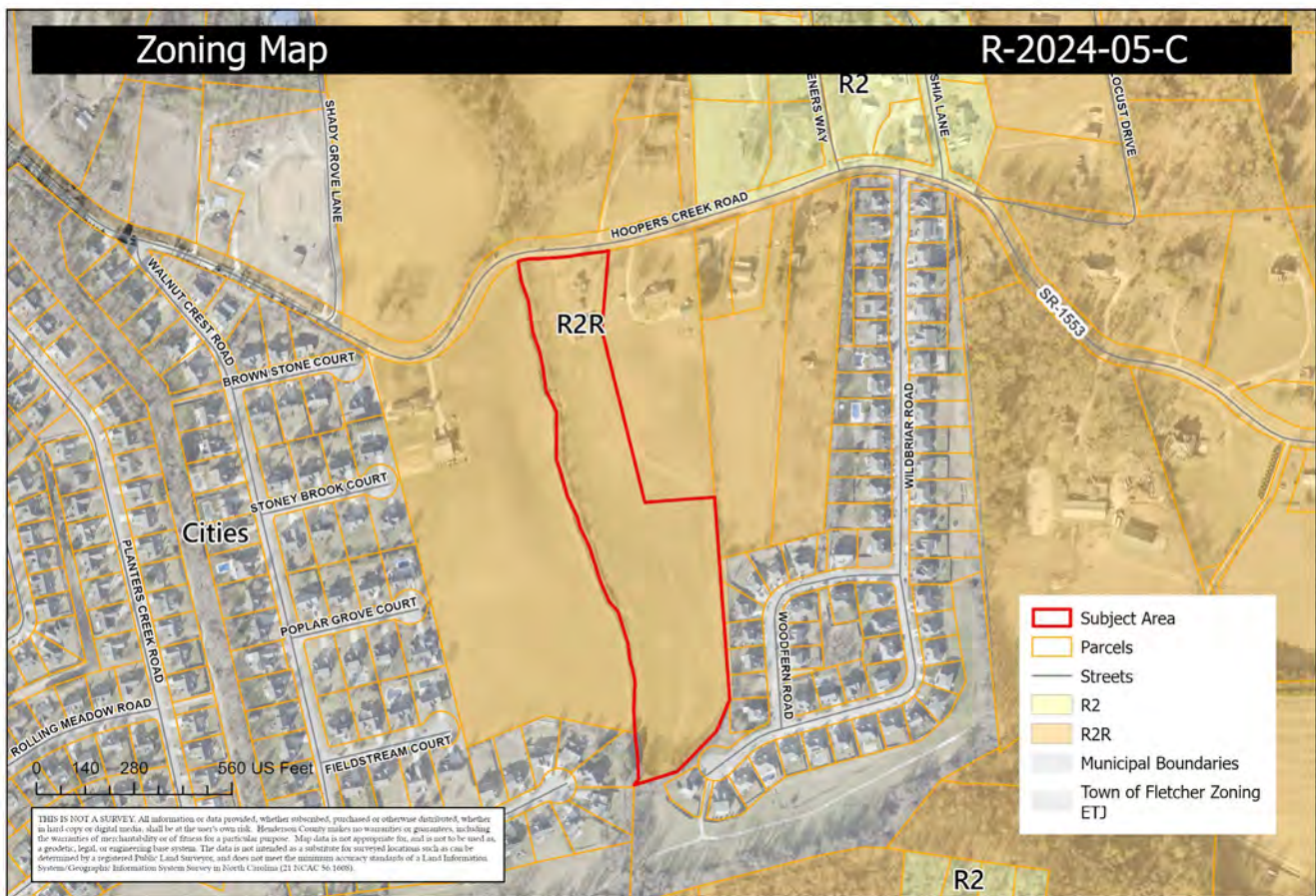
West: The property to the west of the subject area contains a residential structure and storage building. A stream separates the subject area and the parcel to the west.

South: South of the subject area is within the Town of Fletcher's jurisdiction. The property is the Cove at Livingston Farm and the Reserve at Livingston Farm neighborhoods, including residential structures.

East: The property to the east of the subject area contains a residential structure and vacant land.

North: To the north of the subject area, across Hoopers Creek Road, is a residential structure and vacant land.

Map C: Current Zoning



Property Owner: Kenneth & Aline Rhodes Applicant: Hoopers Creek Land, LLC
 Total Acreage: 9.85
 Residential Two Rural (R2R) to Conditional District (CD)



District Comparison:

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 and rural commercial and light industrial development consistent with the recommendations of the Comprehensive Plan. This general use district is typically meant to be utilized outside areas designated as Utility Service Area (USA) in the *Comprehensive Plan*.” Standard residential density is 1 unit per acre. The maximum density in Residential Two Rural (R2R) is two units per acre. The maximum height is 40’. (LDC §42-27).

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

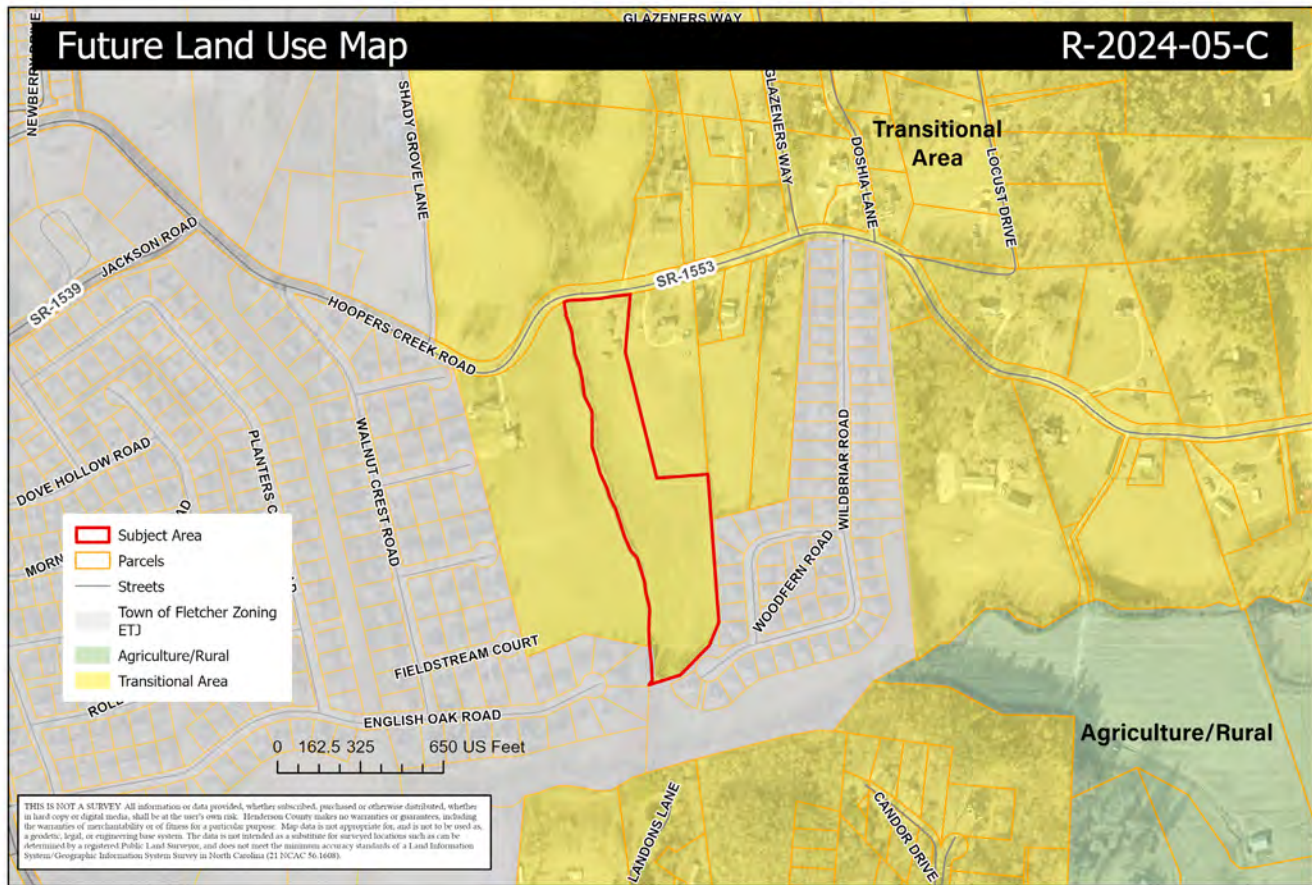
Adjacent Development:

To the East, South, and West of the subject area are the Cove at Livingston Farm and the Reserve at Livingston Farm neighborhoods. These residential structures are within the town of Fletcher’s jurisdiction. The average parcel size for the Cove at Livingston Farm is 0.26 acres. The average parcel size for the Reserve at Livingston Farm is 0.38 acres. The Town of Fletcher lists these adjacent neighborhoods as under R-3 High Density Development, at a density of 4 units per acre for Single Family Residential and 10 units per acre for Multifamily Residential development (Town of Fletcher Land Development Code, Article 2.3).

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.

Map D: 2045 Future Land Use Map



Property Owner: Kenneth & Alline Rhodes Applicant: Hoopers Creek Land, LLC
 Total Acreage: 9.85
 Residential Two Rural (R2R) to Conditional District (CD)



2045 Comprehensive Plan Compatibility

The 2045 Comprehensive Plan describes the need for Henderson County to allow for more types of housing to accommodate a wider range of occupants, especially *Middle Housing* options (see page 88). Goal 7 of the plan states specifically to “diversify housing choices and increase availability”. This project would help to accomplish this goal.

Based on the surrounding density and uses within the Town of Fletcher’s jurisdiction, the Infill character area would be a more accurate representation of what is already existing near the subject area. The approval of this rezoning would coincide with an amendment to the Future Land Use Map for this parcel and the parcel to the West.

The Infill character area consists of residentially focused areas that accommodate a variety of home types. This character area is found near existing development at a density of four to eight units per acre. The recommended uses are a mix of housing types such as single family and

townhomes. This character area is also typically served by utilities. This project aligns with the recommendations of the Infill character area and 2045 Comprehensive Plan housing goals.

Map F: Utilities Map



Property Owner: Kenneth & Alline Rhodes Applicant: Hoopers Creek Land, LLC
 Total Acreage: 9.85
 Residential Two Rural (R2R) to Conditional District (CD)



Water and Sewer

The applicant is proposing connections to Metropolitan Sewerage District (MSD) public sewer and City of Hendersonville public water, which are located on the adjacent parcel.

Existing Roads and Easements

The subject area currently has access from Hoopers Creek Road (SR 1553).

Proposed Conditional District (CD-2024-01) 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 residential development. When applying under a Conditional Rezoning, the Board of Commissioners may place conditions or

restrictions on the property. This is a binding, mutual agreement between the Board of Commissioners and the applicant. Below is an overview of the proposed development.

- Two-family attached residential dwellings
 - 19 total residential structures
 - 38 total residential units
 - Two-story structures no taller than 32'
 - 46' x 95' lot dimensions (approximately 0.10 acres)
 - 15' ROW setback
 - 10' side and rear setback
- Amenities
 - 39% passive open space (approximately 3.87 acres)
 - Vegetative buffer to remain along creek and 30' perennial and intermittent surface water setback
 - 5' sidewalks throughout development
- Private roadway
 - 24' wide private roadway
 - Two 24' wide branch turnarounds within development

Traffic Impact Analysis / Trip Generation Assessment

This proposed development is not required to submit a Traffic Impact Analysis (TIA) based on Henderson County's Land Development Code guidelines (Chapter 42, Land Development Code §42-135). The applicant chose to have a Trip Generation Assessment of Hoopers Creek Road (SR 1533) completed by TDP Inc. and submitted as part of the application.

Neighborhood Compatibility Meeting

A neighborhood compatibility meeting for this proposed development will be held on November 8, 2024. A summary of the meeting will be included.

Technical Review Committee (TRC) Recommendations

The Technical Review Committee will meet after the Planning Board to offer potential conditions as it pertains to the Land Development Code and any technical recommendations.

Planning Board Recommendations

TBD

Board of Commissioners Public Hearing

TBD



HENDERSON COUNTY PLANNING DEPARTMENT
100 N. King Street | Hendersonville, NC 28792 | 828-697-4819

MAP AMENDMENT APPLICATION FORM

GENERAL INFORMATION

Date of Application: _____

Previously Submitted: __ Yes __ No

Date of Pre-Application Conference: _____

Type of Map Amendment (Circle One): __ Rezoning __ Conditional Zoning __ Special Mixed Use/Conditional

Site Plan Attached: __ Yes __ No

Permission to acquire aerial footage of subject area: __ Yes __ No

PARCEL INFORMATION*

PIN: _____ **Deed Book/Page:** _____ **Tract Size (Acres):** _____

Zoning District: _____ **Fire District:** _____ **Watershed:** _____ **Floodplain:** _____

Location of property to be developed:

*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:

Name: _____

Phone: _____

Address: _____

City, State, and Zip: _____

Applicant:

Name: _____

Phone: _____

Address: _____

City, State, and Zip: _____



HENDERSON COUNTY PLANNING DEPARTMENT
100 N. King Street | Hendersonville, NC 28792 | 828-697-4819

Contact Information

Property Owner:

Name: Ken Rhodes, Margaret Ella Blazer and Nancy Holbert

Email: _____

Phone: _____

Address: 384 Hoopers Creek Rd.

Agent:

Name: Derek Allen

Email: dja@asklawnc.com

Phone: 828-254-4778

Address: 20 Town Mountain Rd. Ste 100 Asheville NC

Plan Preparer:

Name: John Kinnaird

Email: john.kinnaird@cdge.com

Phone: 828-232-4700

Address: 15 Arlington St Asheville, NC 28801

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

<i>Margaret E Blazer</i>	dotloop verified 08/29/24 6:01 AM EDT HHNZ-D5GG-UCTY-NW9G	<i>Stephanie McCarson</i>	dotloop verified 08/28/24 11:08 PM EDT MJ1R-NCT6-PPQA-YKWP
<i>Kenneth Rhodes</i>		<i>Allison Rhodes</i>	

Signature Applicant (Owner or Agent)

Date

COUNTY STAFF ONLY

Fee: \$ _____ Paid: _____ Method: _____ Received by: _____

Community Planning Area: _____

Date Current Zoning Applied: _____



HENDERSON COUNTY PLANNING DEPARTMENT
100 N. King Street | Hendersonville, NC 28792 | 828-697-4819

MAP AMENDMENT APPLICATION FORM

GENERAL INFORMATION

Date of Application: _____

Previously Submitted: ☐ Yes ☐ No

Date of Pre-Application Conference: _____

Type of Map Amendment (Circle One): ☐ Rezoning ☐ Conditional Zoning ☐ Special Mixed Use/Conditional

Site Plan Attached: ☐ Yes ☐ No

Permission to acquire aerial footage of subject area: ☐ Yes ☐ No

PARCEL INFORMATION*

PIN: _____ **Deed Book/Page:** _____ **Tract Size (Acres):** _____

Zoning District: _____ **Fire District:** _____ **Watershed:** _____ **Floodplain:** _____

Location of property to be developed:

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

REZONING REQUEST

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_____ 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:

Name: _____

Phone: _____

Address: _____

City, State, and Zip: _____

Applicant:

Name: _____

Phone: _____

Address: _____

City, State, and Zip: _____



HENDERSON COUNTY PLANNING DEPARTMENT
100 N. King Street | Hendersonville, NC 28792 | 828-697-4819

Contact Information

Property Owner:

Name: Ken Rhodes Aline Rhodes Phone: _____
Email: _____ Address: 390 Hoopers Creek Rd.

Agent:

Name: Derek Allen Phone: 828-254-4778
Email: dja@asklawnc.com Address: 20 Town Mountain Rd. Ste 100 Asheville NC

Plan Preparer:

Name: John Kinnaid Phone: 828-232-4700
Email: john.kinnaid@cdge.com Address: 15 Arlington St Asheville, NC 28801

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

Print Applicant (Owner or Agent)

Date

Ken Rhodes

Aline Rhodes

8/29/2024

Signature Applicant (Owner or Agent)

Date

COUNTY STAFF ONLY

Fee: \$ _____ Paid: _____ Method: _____ Received by: _____

Community Planning Area: _____

Date Current Zoning Applied: _____

MEMO

Trip Generation Assessment

To: Brett Basnight
Longbranch Development, LLC

RE: Hoopers Creek Townhomes Traffic Assessment
Henderson County, NC
TPD No. BREa 000003

Preparer: Colin Kinton, PE
TPD Inc.

Date: September 18, 2024

As requested, TPD, Inc. has completed a trip generation assessment of the proposed Hoopers Creek Development to be located on Hoopers Creek Road (SR-1533) in Henderson County, NC.

Hoopers Creek Road is a NCDOT maintained, rural two-lane roadway with frequent curves and minimal shoulders. Hoopers Creek Road has a posted speed limit of 35 mph with an annual average daily traffic (AADT) of 3,700 vehicles for the Year 2022. Traffic growth on Hoopers Creek Road has averaged 1.5% over the last 6-8 years. Land uses in the vicinity include suburban single family residential and rural, large-tract homes and farms. The Town of Fletcher is immediately adjacent and to the west of the proposed development. The project site location map and proposed site plan are attached at the end of the assessment.

The proposed development will consist of 38 single family attached (duplex). The site will be served by one full-access driveway on Hoopers Creek Road. The proposed development generates fewer than 50 new trips during any peak hour on an average weekday. Furthermore, the trip generation will not necessitate road improvements to support the development.

Projected trip generation details and anticipated site traffic distribution are attached.

CONCLUSIONS

NCDOT requires a TIA for proposed developments anticipated to generate 3,000 daily trips or greater. The proposed development will generate less than 8% of the daily minimum required trips for a TIA. The proposed Hoopers Creek development will generate fewer than 50 new trips during any peak hour on an average weekday; therefore, no traffic impact analysis (TIA) is required.

In consideration of NCDOT turn lane warrants, no auxiliary turn lanes will be required along Hoopers Creek Road at the proposed development's entrance based on speed and volume of traffic. No roadway improvements are necessary to support the proposed development.

The proposed driveway is close to horizontal, and vertical curves on Hoopers Creek Road and a sight distance

analysis is recommended for the proposed driveway location. TPD will evaluate the proposed site driveway for NCDOT driveway design standards regarding location, width, and sight distance to support permitting through NCDOT.

If you require additional information, please feel free to contact us.

Sincerely,
TPD

A handwritten signature in black ink, appearing to read 'S. Kinton', written over a horizontal line.

S. Colin Kinton, PE,
Senior Project Manager

Ckinton@TPDinc.com

Attachments:

- Trip Generation Analysis
- The site location map
- The project site plan

TRIP GENERATION ANALYSIS

The trip generation data rates for this assessment were obtained from the manual *Trip Generation*, Eleventh Edition, 2021, an Institute of Transportation Engineers (ITE) Informational Report. TPD utilized land use code (LUC) 215 Single-Family Attached Housing for this assessment. **Table 1** illustrates the anticipated site traffic volumes for the proposed development during the weekday peak-hour time periods.

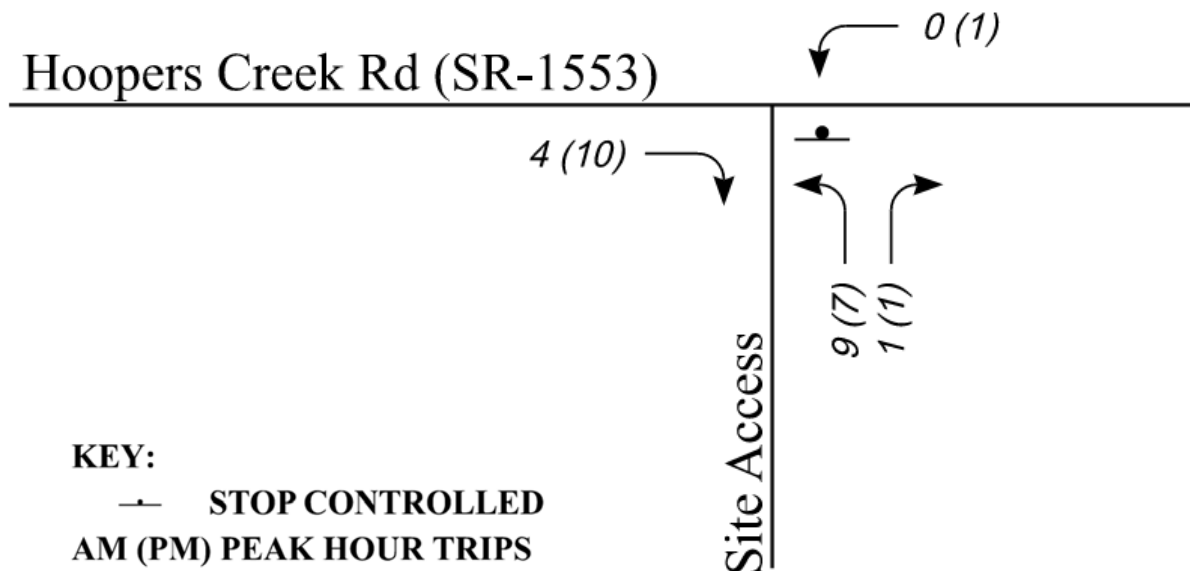
TABLE 1
TRIP GENERATION

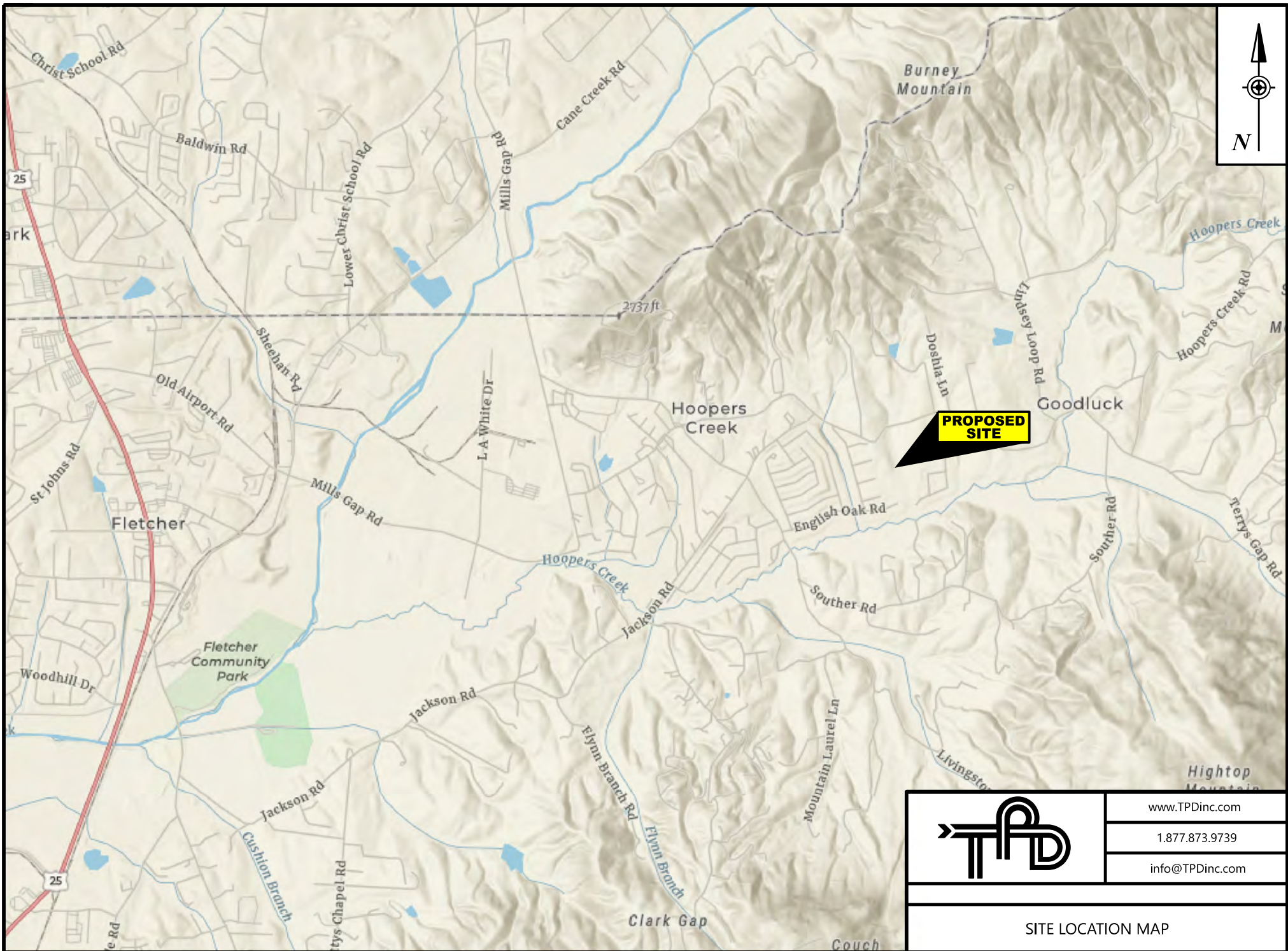
Time Period	Total Trips		
	Total	Enter	Exit
A.M. Peak Hour	14	4	10
P.M. Peak Hour	19	11	8
Weekday	239	120	119

Based on the information contained in Table 1 above, the proposed site will generate 239 total new trips during the average weekday, with 14 new trips during the AM and 19 new trips during the PM weekday peak-hours.

Figure 1 illustrates the hourly site generated traffic on Hoopers Creek Road for the weekday AM and PM peak-hours.

FIGURE 1
SITE GENERATED TRAFFIC





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1.877.873.9739

info@TPDinc.com

SITE LOCATION MAP



TABULATIONS (HENDERSON CO)

HOUSING TYPE:
SINGLE FAMILY ATTACHED- DUPLEX

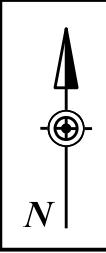
LAND AREA:
9.85 ACRES

PROPOSED DENSITY
38 UNITS
BUILDING HEIGHT - 2 STORIES

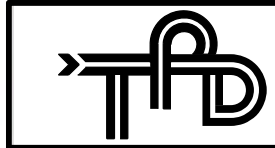
SETBACKS:
FRONT: 15'
REAR: 10'
SIDE: 10'
CREEK BUFFER: 30'

LOT DIMENSIONS
WIDTH: 46'
DEPTH: 95'

PASSIVE OPEN SPACE
APPROX. 3.87 ACRES



HOOPERS CREEK
REZONING APPLICATION R-2024-02
HOOPERS CREEK, NC



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info@TPDinc.com

SITE PLAN



TABULATIONS (HENDERSON CO)

HOUSING TYPE:
SINGLE FAMILY ATTACHED- DUPLEX

LAND AREA:
9.85 ACRES

PROPOSED DENSITY
38 TOTAL UNITS (19 STRUCTURES)
BUILDING HEIGHT - 2 STORIES

SETBACKS:
FRONT: 15'
REAR: 10'
SIDE: 10'
CREEK BUFFER: 30'

LOT DIMENSIONS
WIDTH: 46'
DEPTH: 95'

PASSIVE OPEN SPACE
APPROX. 3.87 ACRES

ESTIMATED ACREAGE PER LOT
APPROX. 0.1 ACRES PER LOT

*ESTIMATED ACREAGE SUBJECT TO
FIELD SURVEY REVISIONS

HOOPERS CREEK

REZONING APPLICATION R-2024-02

HOOPERS CREEK, NC



Example Structure Rendering (R-2024-5-C Hoopers Creek)