

REQUEST FOR COMMITTEE ACTION

HENDERSON COUNTY TECHNICAL REVIEW COMMITTEE

MEETING DATE: November 6, 2012

SUBJECT: Rezoning Application #R-2012-05

PRESENTER: Parker Sloan, Planner

ATTACHMENTS: 1. Staff Report
2. Photos of Project Area

SUMMARY OF REQUEST:

Rezoning Application #R-2012-05, which was submitted on September 26, 2012, requests the County rezone two tract at a total of 2 acres. The applicant requests a rezoning from a Residential Two (R2) zoning district to an Office and Institutional (O & I) zoning district. The subject area parcels are owned by James Durfee (PIN: 9559-60-0599 and 9559-60-3573).

Planning Staff requests the Technical Review Committee take action to recommend that the Board of Commissioners approve, approve with modifications, table, or deny rezoning application #R-2012-05.

Suggested Motion:

I move that the TRC recommend approval of rezoning application #R-2012-05 to rezone the subject area to an Office and Institutional (O & I) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan.

Henderson County Planning Department Staff Report

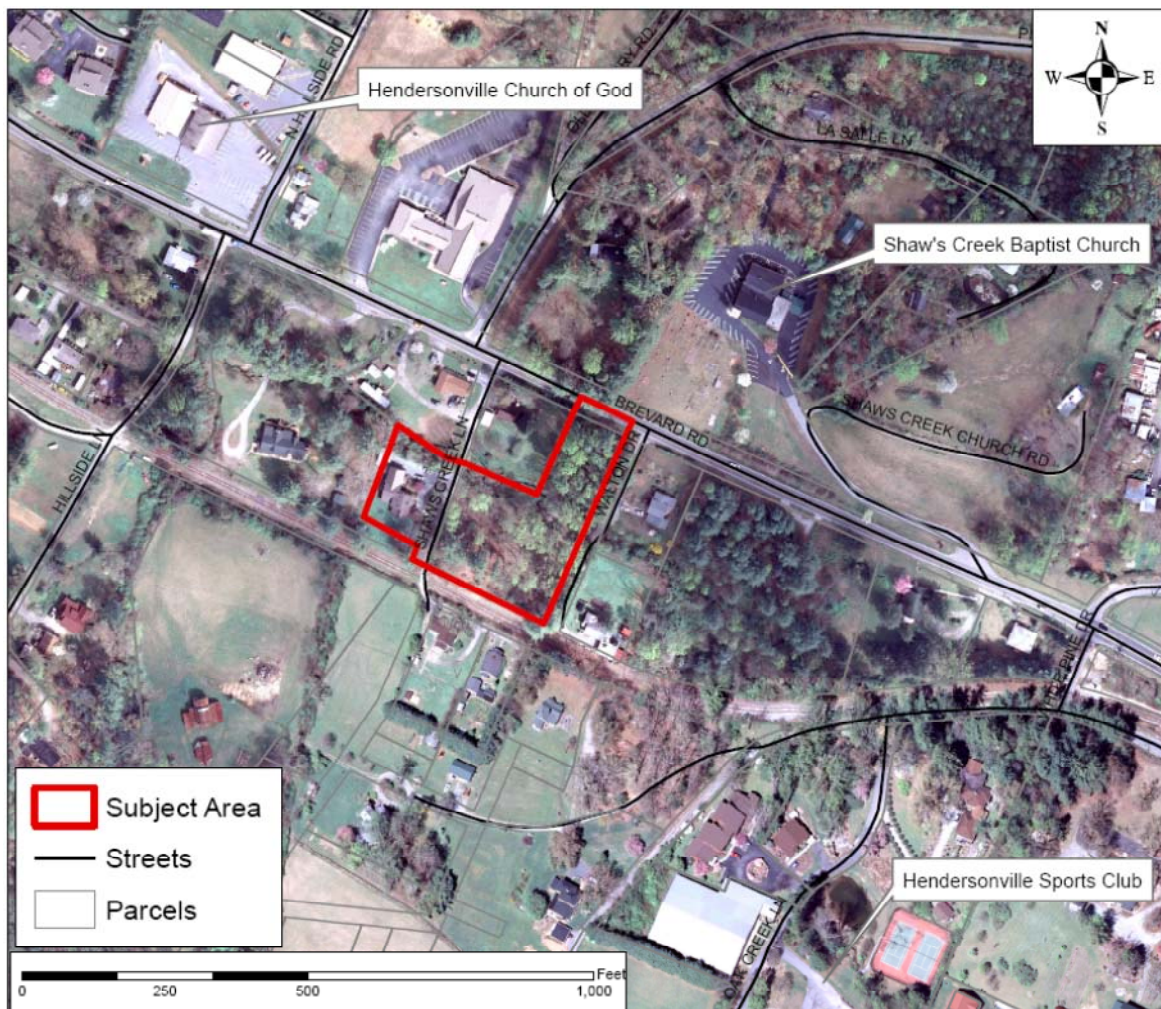
Rezoning Application #R-2012-05

James Durfee, Owner

1. Rezoning Request

- 1.1. **Applicant:** James Durfee, Owner
- 1.2. **Request:** Rezone a parcel from Residential Two (R2) to Office & Institutional (O & I)
- 1.3. **PINs:** 9559-60-3573 and 9559-60-0599
- 1.4. **Size:** Total of 2 acres to be rezoned.
- 1.5. **Location:** The subject area is located along US 64 West (Brevard Road), approximately 1,000 feet from the intersection of Windsor Drive (SR 1186) and US 64 West (Brevard Road) and alongside Shaws Creek Lane.

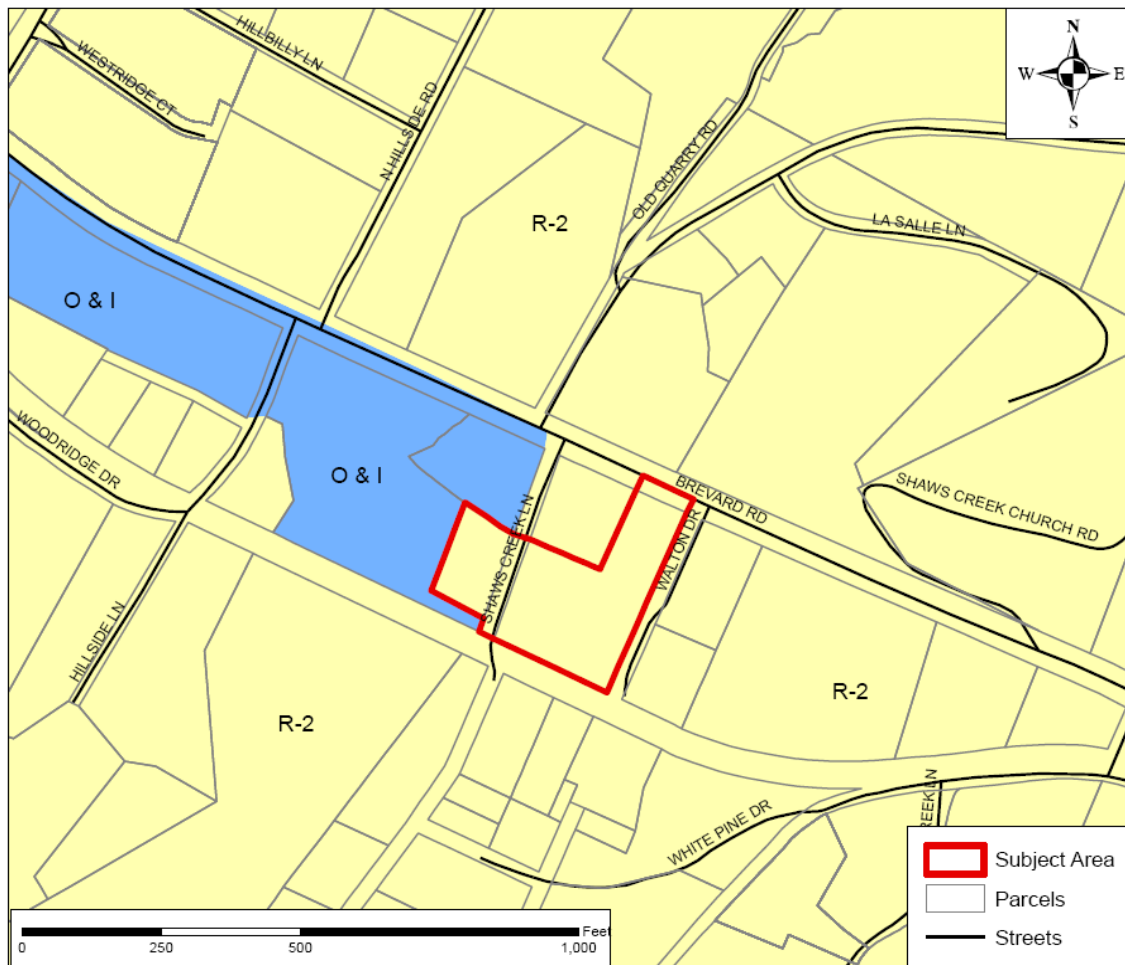
Map A: Aerial Photo



2. Current Zoning

2.1. **Application of Current Zoning:** The subject area was zoned Residential Two (R2) on September 19, 2007 with the adoption of the Land Development Code. The subject area is also located in a WS-IV-PA Water Supply Watershed.

Map B: Current Zoning



2.2. **Adjacent Zoning:** The subject area is adjacent to Office and Institutional (O&I) to the west and surrounded by Residential Two (R2) in all other directions.

2.3. **District Comparison:**

2.3.1. **R2 Residential District Two:** *"The purpose of Residential District Two (R2) 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 consistent with the recommendations of the Comprehensive Plan. It is also the intent of this district to allow for flexibility in the continuation of existing nonresidential uses. This general use district is typically meant to be*

utilized in areas designated as Transitional (RTA) in the Comprehensive Plan.” (Chapter 200A, Land Development Code §200A-28).

R2 requires 10 foot side and rear setbacks, maximum height 40 feet, and a standard density of four (1) units per acre (maximum density of 2 units per acre).

Office and Institutional (O & I): *“The purpose of the Office Institutional District (OI) is to foster orderly growth where the principal use of land is a mixture of office, institutional, and residential. The intent of this district is to allow for office, institutional and residential development consistent with the recommendations of the Comprehensive Plan. In accordance with the Comprehensive Plan, the district will allow for and provide office, institutional, and residential development that: (1) is directed largely to Community Service Centers as defined in the Comprehensive Plan; (2) is compatible with adjacent development and the surrounding community; and (3) will minimize congestion and sprawl.” (Chapter 200A, Land Development Code §200A-32).*

The Office and Institutional District requires 10 foot side and rear setbacks, a maximum building height of 50 feet for principal structures, and maximum impervious surface of 80%. The Standard residential density is four units per acre and the maximum density is 16 units per acre.

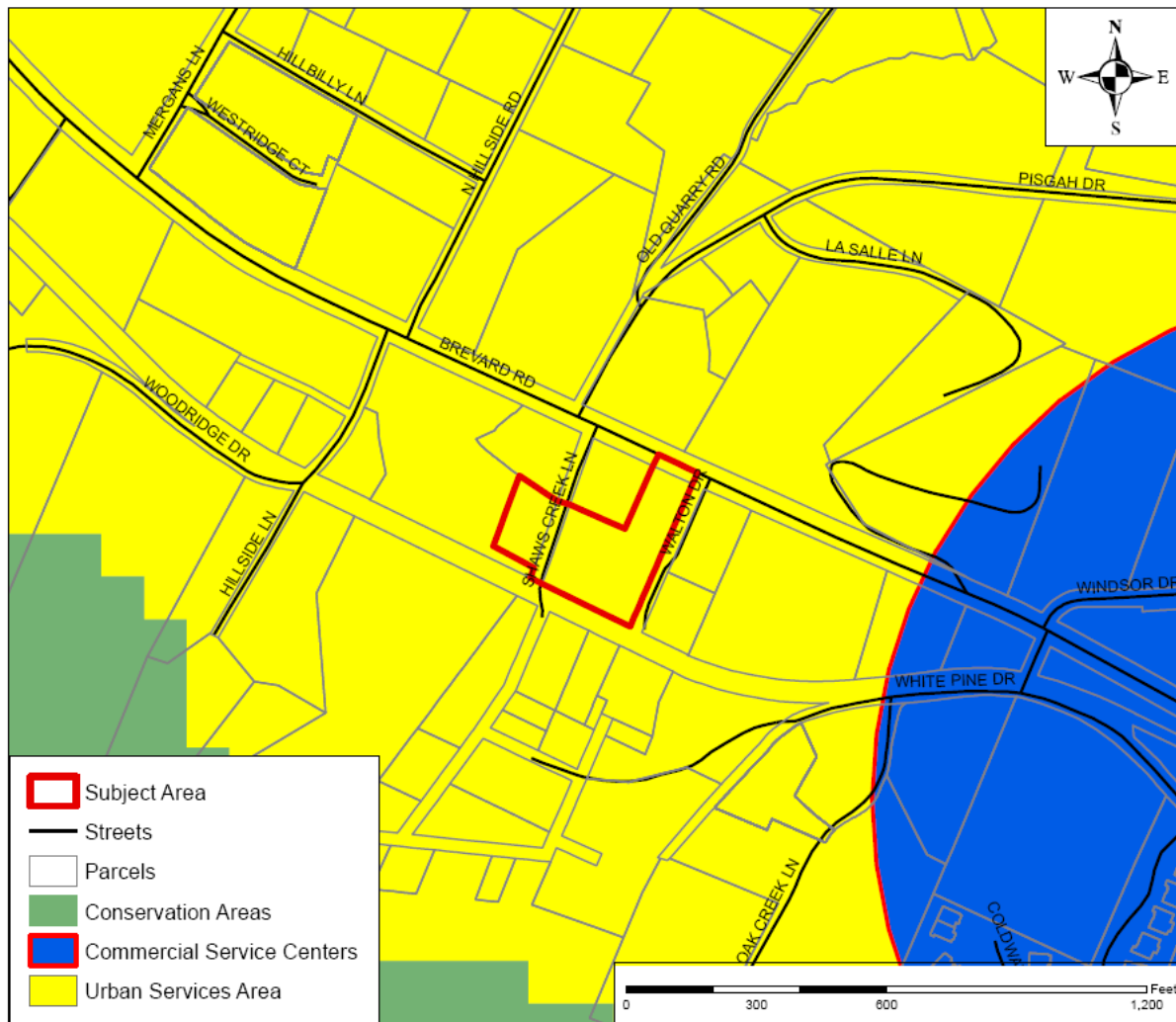
3. Current Uses of Subject Area and Adjacent Properties

- 3.1. **Subject Area Uses:** The subject area currently contains one single family residence on one parcel (PIN 9559-60-0599) and the larger parcel to the east is vacant (PIN: 9559-60-3573 .
- 3.2. **Adjacent Area Uses:** The surrounding properties are primarily residential uses. The Hendersonville Church of Latter Day Saints is located to the north west, and Shaw’s Creek Baptist Church is located to the north east.

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 (USA)(2020 CCP, Pgs. 128, 129 & Appendix 1, Map 24) (See Map C).

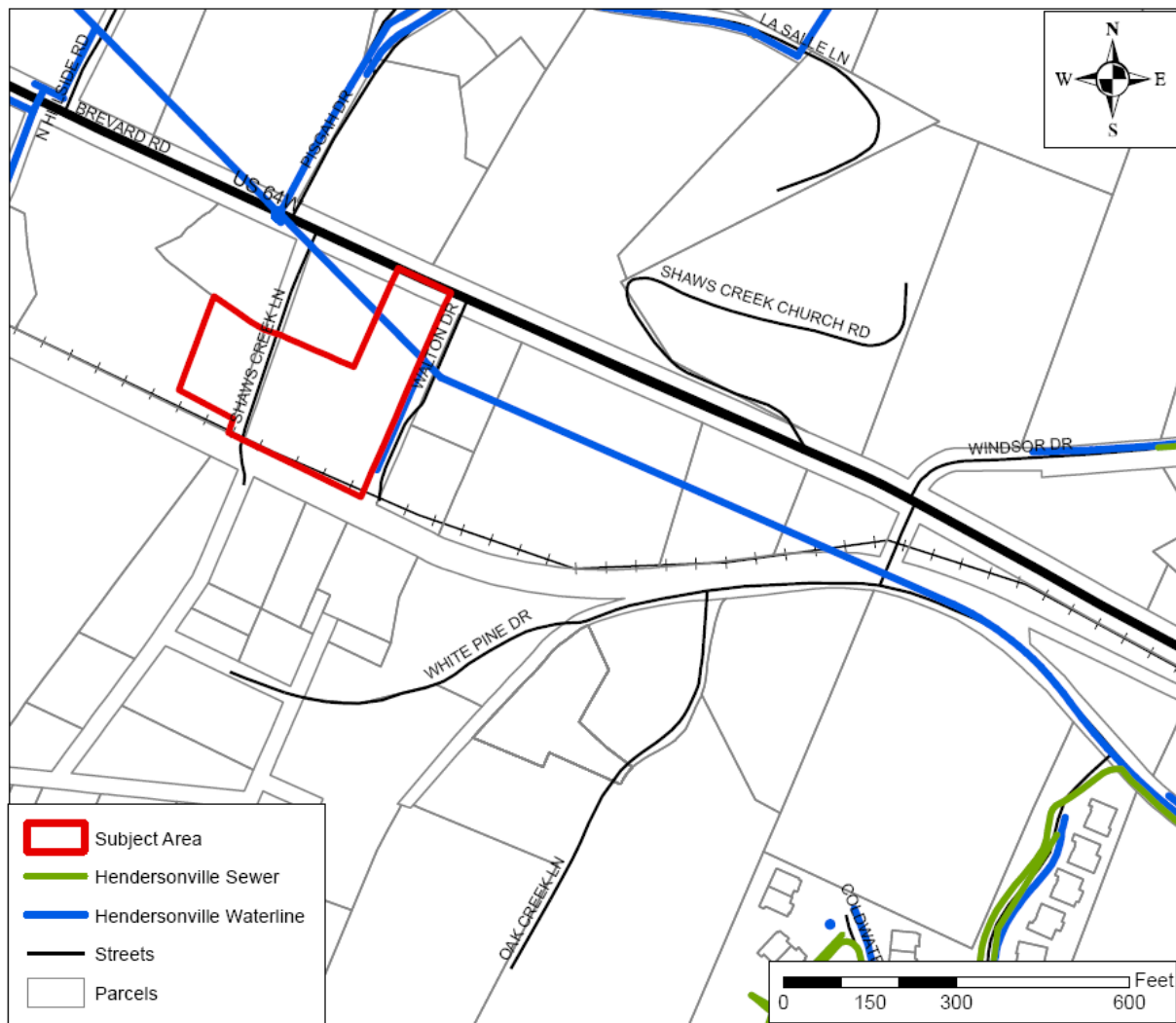
- 4.1. **Urban Services Area:** The CCP states that, “the USA will contain considerable commercial development at a mixture of scales,” and further, “all regional commercial development should be concentrated here. Commercial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community” (2020 CCP, Pg. 129).

Map C: 2020 County Comprehensive Plan Future Land Use Map

5. Water and Sewer

5.1. **Public Water:** A City of Hendersonville water line runs through the property as well as down Walton Drive and along US Highway 64 West. (See Map E).

5.2. **Public Sewer:** Public sewer provided by the City of Hendersonville is currently located approximately 1,400 feet to the east the Subject Area along US Highway 64 West near the intersection with Windsor Drive. (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. The CCP also indicates that commercial may be suitable for the area as the Subject Area falls within close proximity of a commercial service center node within the USA.
- 6.2. **Adjacent Zoning:** The Subject Area is adjacent to Office and Institutional zoning to the west across Shaws Creek Lane.
- 6.3. **Comparison of Districts:** The existing R2 allows for residential uses. Applying Office and Institutional zoning will continue to allow for residential uses

however, eliminate the ability to construct all forms of manufactured housing. Applying Office and Institutional zoning will allow for offices, a greater variety of accessory businesses, as well as, additional educational and institutional uses.

- 6.4. 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.

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 Office & Institutional consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.

8. Technical Review Committee Recommendations

- 8.1. TBD.

9. Planning Board Recommendations

- 9.1. TBD.



View of the center of the Subject Area and existing single family home looking south.



View of the center of the Subject Area and existing single family home looking northwest.



View of the center of the Subject Area and existing vacant wooded lot looking south.



View of subject Area looking northeast.