

**REQUEST FOR COMMITTEE ACTION**

**HENDERSON COUNTY  
TECHNICAL REVIEW COMMITTEE**

**MEETING DATE:** October 15, 2019

**SUBJECT:** Rezoning Application #R-2019-06 King

**PRESENTER:** Eric Warren, Planner

**ATTACHMENTS:** 1.) Staff Report

**SUMMARY OF REQUEST:**

Rezoning Application #R-2019-06, initiated on September 16, 2019, requests that the County rezone approximately 1.37 acres of land from Community Commercial zoning district to Residential One zoning district. The acreage is the back portion of the parcel (PIN: 9588-80-0510) located at 947 Upward Rd near the intersection of Upward Rd (SR 1783) and S. Orchard Rd (SR 1792).

**TECHNICAL REVIEW COMMITTEE ACTION REQUESTED:**

Should the rezoning application meet the technical standards laid out in the Henderson County Land Development Code, the appropriate action by the Technical Review Committee would be to forward the application on to the Planning Board for further review.

**Suggested Motion:**

I move that the TRC forward the rezoning application, #R-2019-06, to the Planning Board for further review pending it meets the technical requirements defined in the Henderson County Land Development Code.

## Henderson County Planning Department Staff Report

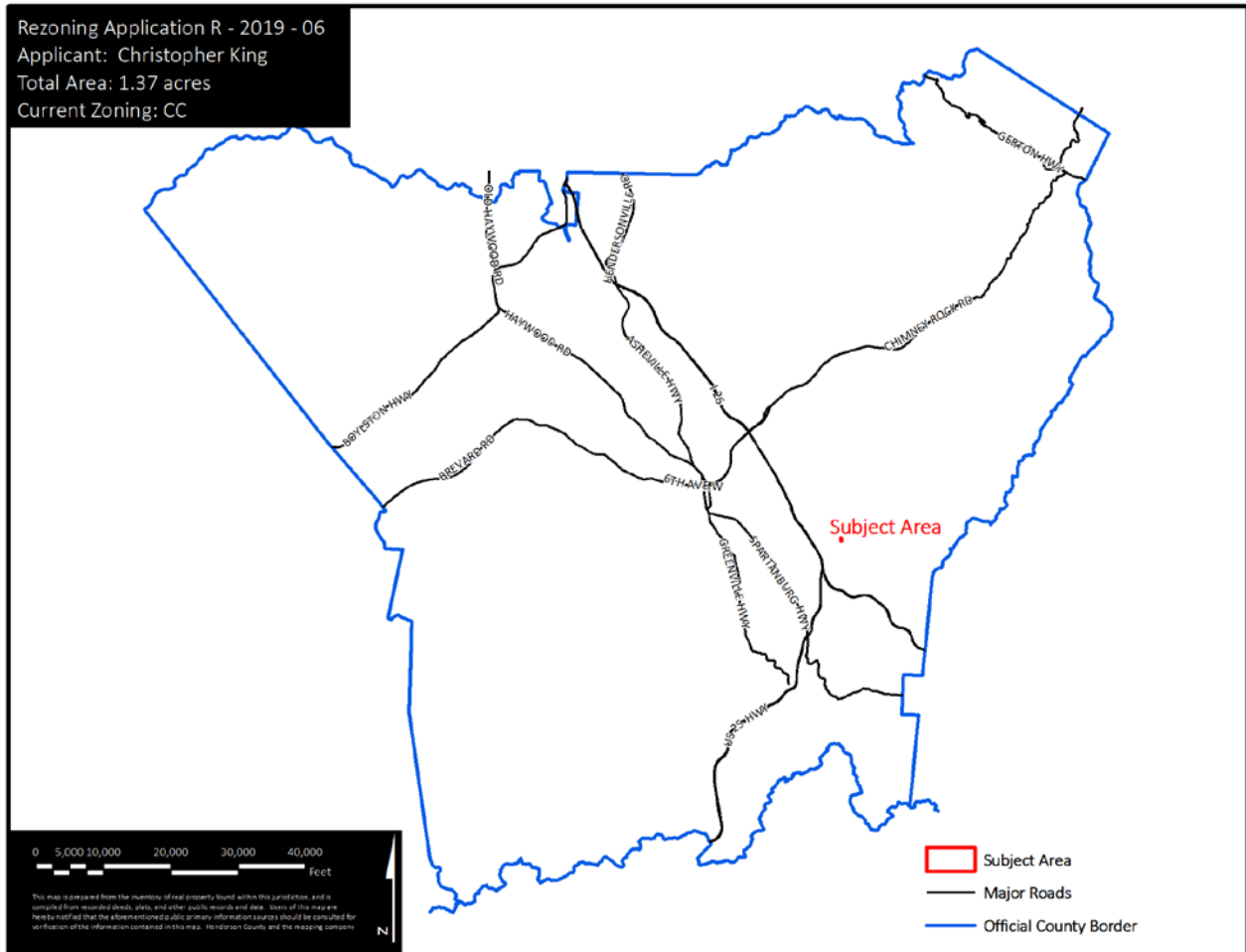
### Rezoning Application #R-2019-06 (CC to R1)

Owner/ Applicant: Sirocco Properties, LLC

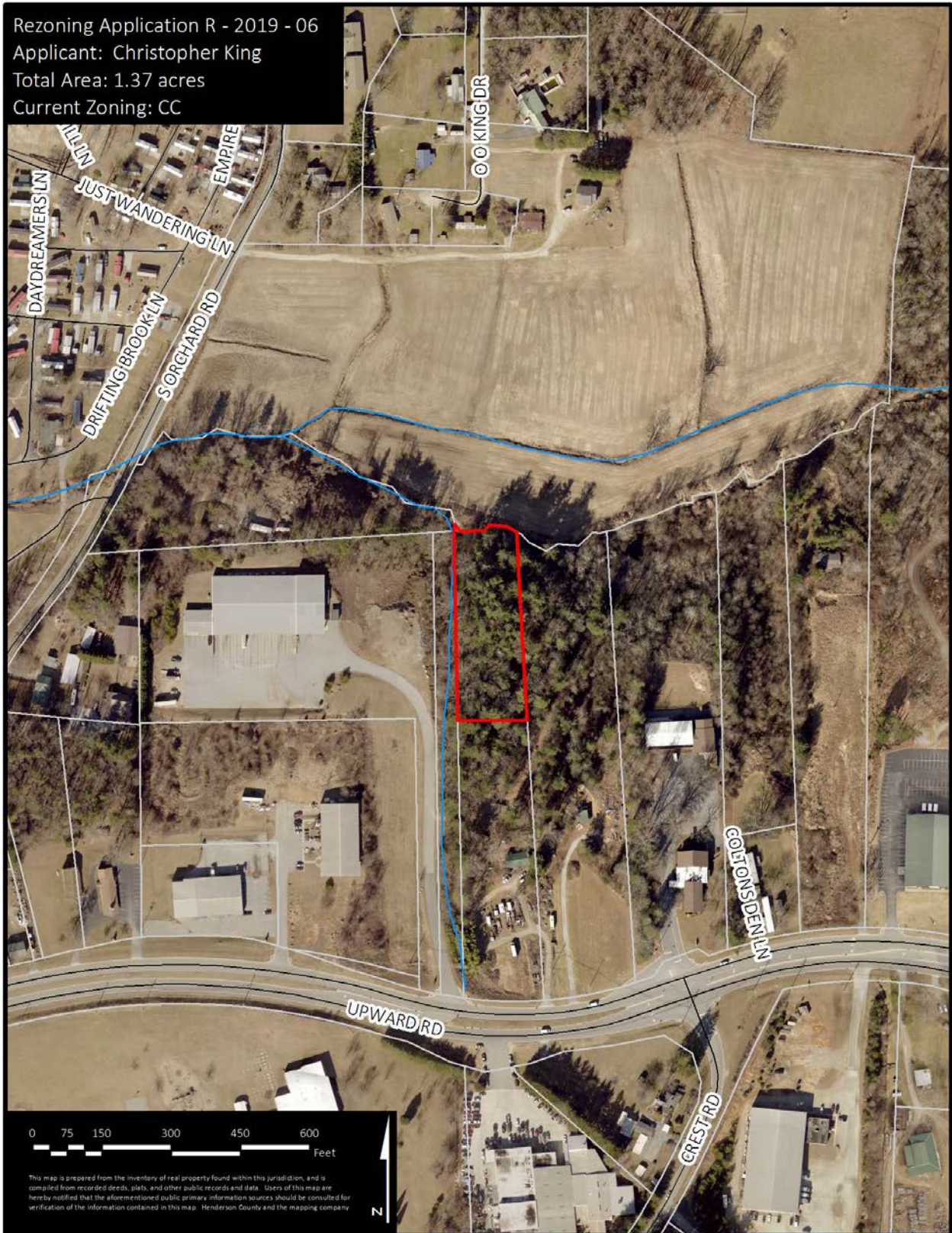
#### 1. Rezoning Request

- 1.1. **Owner:** Joseph B King Jr Estate
- 1.2. **Applicant:** Christopher King
- 1.3. **PIN:** portion of 9588-80-0510
- 1.4. **Request:** Rezone subject area from a Community Commercial (CC) zoning district to a Residential One (R1) zoning district
- 1.5. **Size:** Approximately 1.37 acre portion of 3.61 acre parcel.
- 1.6. **Location:** The subject is located on Upward Rd (SR 1783) across from Upward Elementary School.

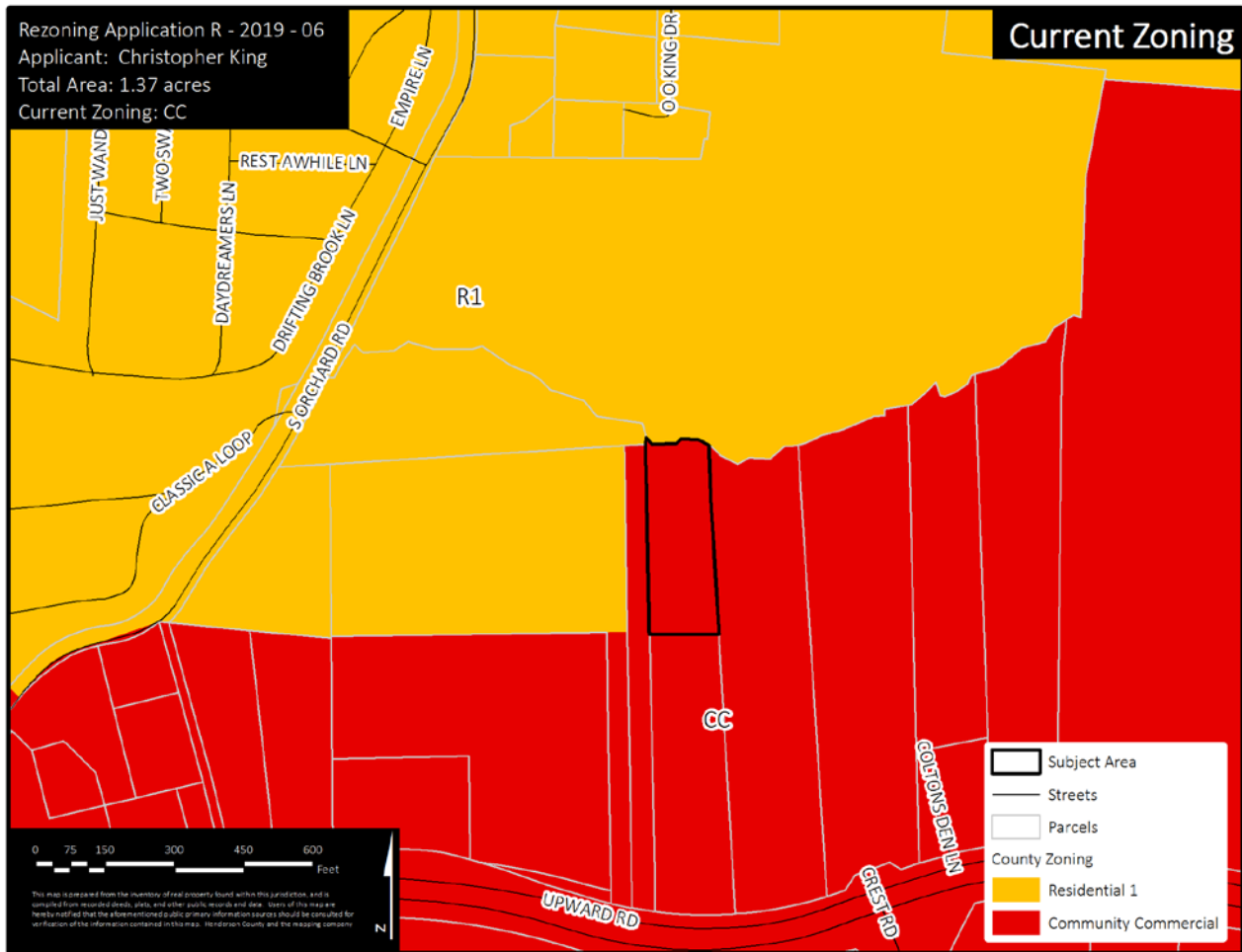
Map A: County Context



Map B: Aerial Image



**Map C: Current Zoning**



**2. Current Zoning**

**2.1. Application of Current Zoning:** The subject area is currently zoned Community Commercial (CC) zoning district. CC is a zoning district that fosters orderly growth where the principal use of land is commercial. Single Family Detached use is not permitted in CC.

**2.2. Adjacent Zoning:** The subject area is adjacent to Residential One (R1) to the North. The subject is adjacent to Community Commercial (CC) on the East, South, and West.

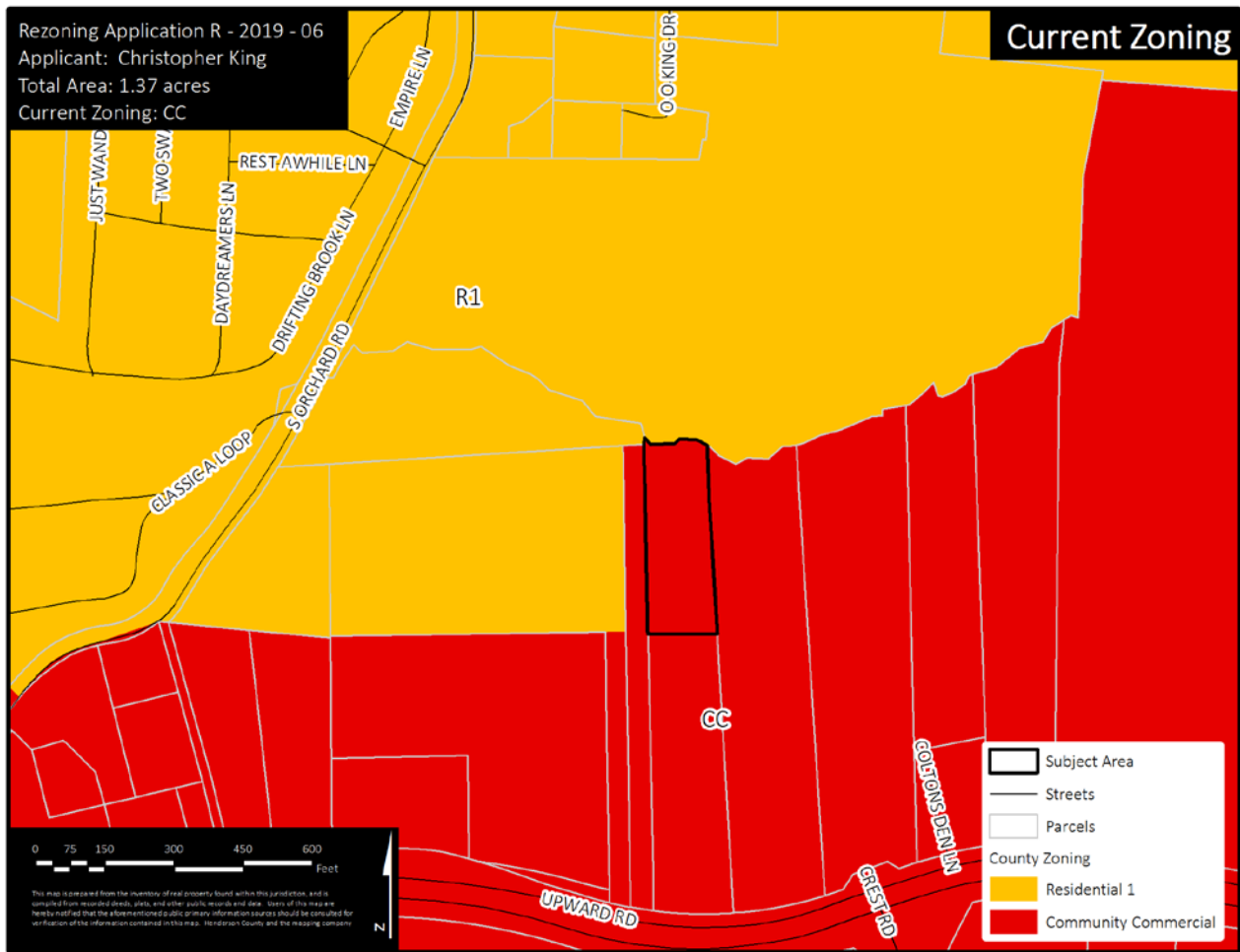
**2.3. District Comparison:**

**2.3.1. Community Commercial Zoning District (CC):** The purpose of the Community Commercial District (CC) is to foster orderly growth where the principal use of land is commercial. The intent of this district is to allow for commercial development consistent with the recommendations of the Comprehensive Plan. In accordance with the Comprehensive Plan, the district will allow for and provide commercial development that: (1) includes a variety of retail sales and services, public and private administrations, offices and all other uses done primarily for sale or profit on the local and community level; (2) is directed largely to

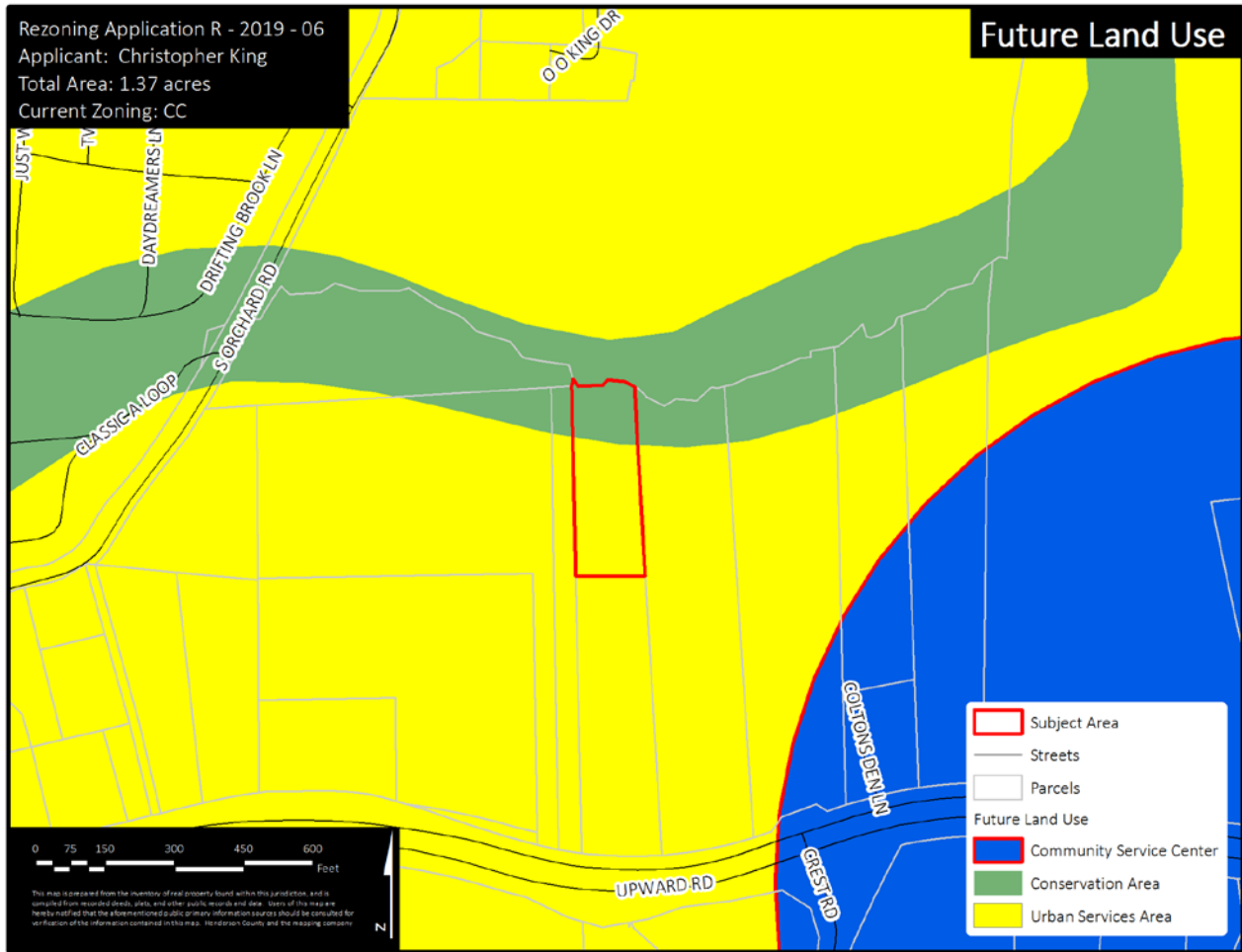
Community Service Centers as defined in the Comprehensive Plan; (3) is compatible with adjacent development and the surrounding community; and (4) will minimize congestion and sprawl. This general use district is meant to be utilized in areas designated as Transitional (RTA) or Urban (USA) in the Comprehensive Plan.

2.3.2. **Residential One Zoning District (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. (LDC §42 – 27).

**Map D: Town of Fletcher Zoning**



### Map E: County Comprehensive Plan Future Land Use Map



### 3. The Henderson County Comprehensive Plan (CCP)

3.1. The CCP Future Land Use Map identifies the subject area as being covered by the **Conservation and Urban Services Area** classifications. (CCP, Pgs. 138-140). (See Map E).

3.1.1. **Conservation:** “This category includes land areas that are intended to remain largely in their natural state, with only limited development. Such areas should be targeted for protection through regulations and incentives.” (CCP, Pg. 138)

3.1.2. **Urban Services Area:** “The USA will contain virtually all existing and future industrial development and will be the focus of future economic development activities. Industrial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community.” (CCP, Pg. 133)

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

4.1. **Subject Area Uses:** The subject area has one single family home on the property and has been used for residential since it was constructed in 1970. Under current zoning the structure and use are both legal nonconforming and are not permitted to expand. The applicant is preparing to remove the existing home and construct a new home in the area requested for rezoning.

4.2. **Adjacent Area Uses:** The adjacent properties contain residential, commercial, and agricultural uses as well as vacant land. The parcel to the west is being used for a

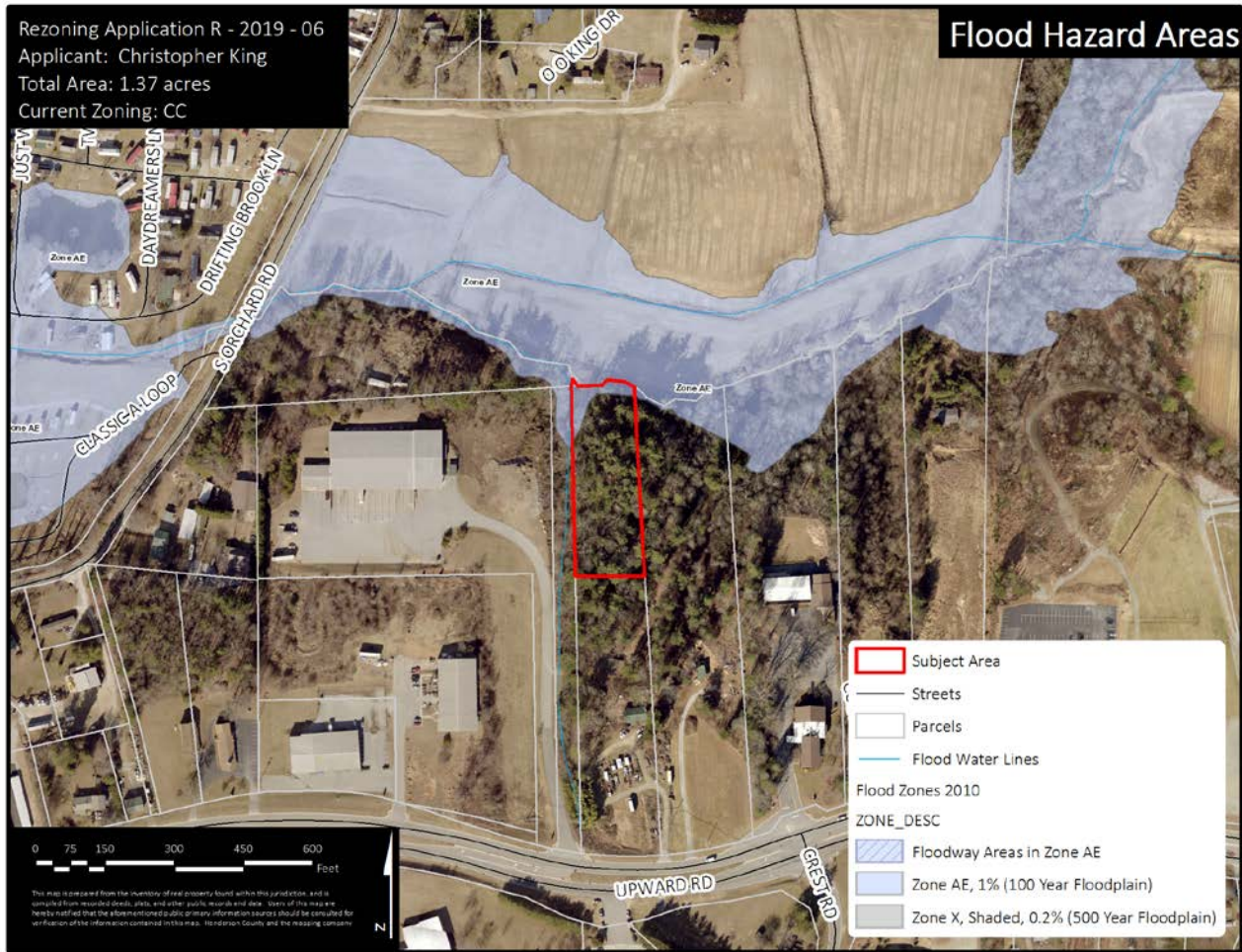
warehousing and shipment facility associated with an agricultural use. The subject area is across Upward Rd from Upward Elementary School and Leisure Craft, LLC.

5. **Dana Community Plan**

5.1. The subject area is within the Dana Community Plan area. The zoning during the community plan drafting was Community Commercial and there was no recommended change by the community plan.

6. **Water and Sewer:** The subject is served by private, individual water and waste water systems.

Map F: Flood Hazard Areas



7. **Flood Plain:** As seen in Map F, the subject area is partially covered by the 100 year flood plain.

8. **Staff Comments:**

8.1. **Rezoning Request:** The applicant is requesting only a portion of the parcel to be rezoned from CC to R1. The amount of the area to be rezoned, if approved, is 1.37 acres. The front portion of the parcel will remain in the Community Commercial zoning district. If approved, this will create a split zoned parcel.

- 8.2. **CCP:** The CCP Future Land Use Map (See Map E) places the subject area in the Conservation and Urban Services Area future land use areas.
- 8.3. **Adjacent Zoning:** The subject area is adjacent to Residential One (R1) and Community Commercial (CC) zoning District.
- 8.4. **District Comparison:** Community Commercial (CC) zoning district is for the purpose of commercial development. Residential One (R1) zoning district is for the purpose of residential development.

9. **Technical Review Committee Recommendations**

- 9.1. The TRC will review this application at its October 15, 2019 meeting.

10. **Planning Board Recommendation**

- 10.1. The Planning Board will review this application at its October 17, 2019 Meeting.