STANDARD REZONING: UPWARD RD – HILL FAMILY (P24-36-RZO)
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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PROJECT SUMMARY

- Project Name & Case #:
  - Upward Rd – Hill Family
  - P24-36-RZO
- Applicant & Property Owner:
  - City of Hendersonville [Applicant]
  - Lyndon and Lynn Hill [Owners]
- Property Address:
  - No address assigned
- Project Acreage:
  - 1.20 Acres
- Parcel Identification (PINS):
  - 9577-99-0735
- Current Parcel Zoning:
  - Henderson County Community Commercial (CC)
- Proposed Zoning District:
  - CHMU (Commercial Highway Mixed Use)
- Future Land Use Designation:
  - City (2030) – High Intensity Neighborhood
  - County (2045) –Infill Area
    - Density: The maximum allowable density range is four to eight units per acre (gross density)
    - Uses: A mix of types, including single family, townhomes, and apartments where appropriate Utility
    - Access: Served by utilities

SITE VICINITY MAP

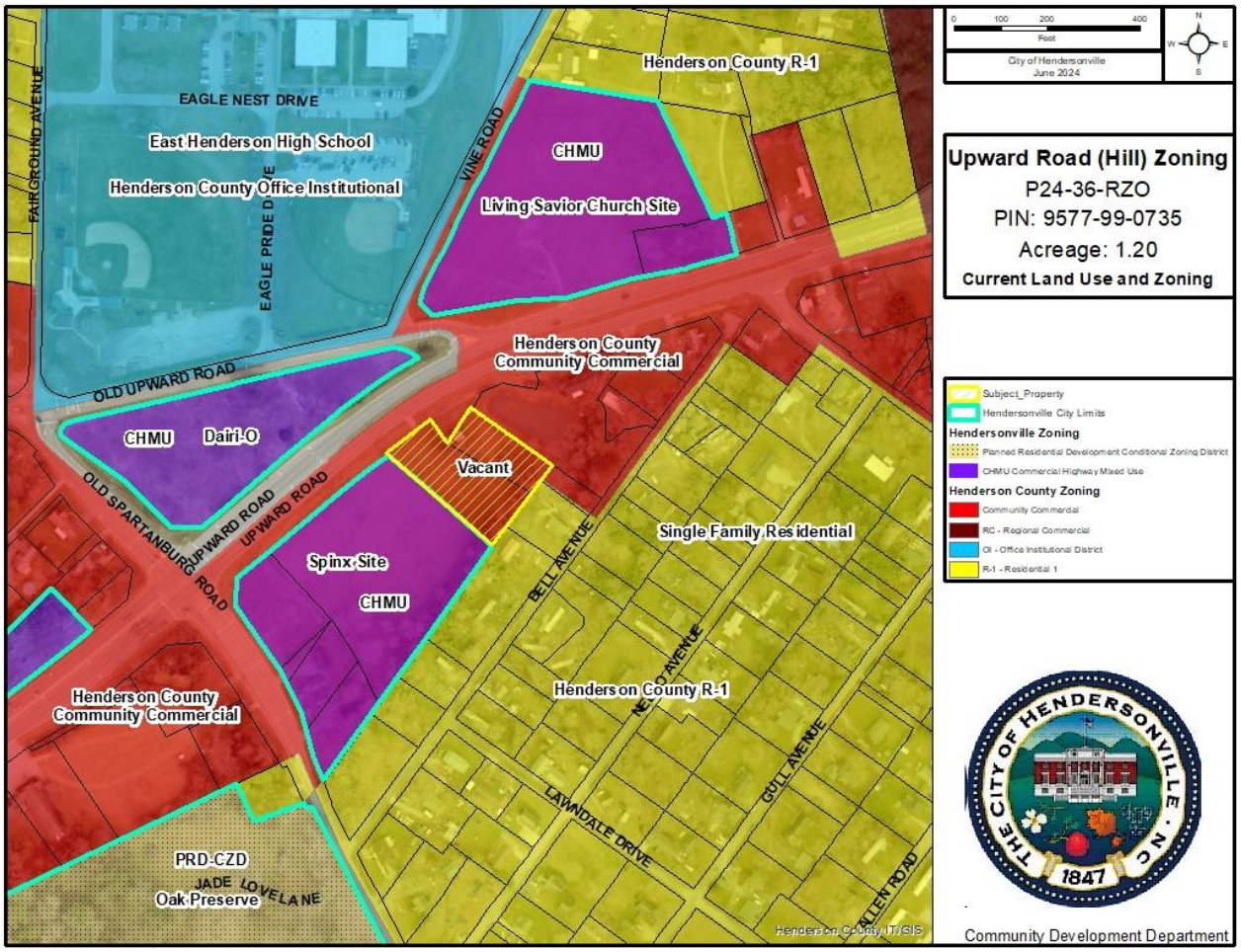
The City of Hendersonville received an annexation application from Lyndon and Lynn Hill (property owners) for 1 parcel totaling 1.20 acres located along Upward Road (beside the proposed Spinx). The applicant has not requested zoning, therefore the City is initiating zoning. If annexed the County zoning remains in effect until municipal zoning is applied or a period of 60 days has elapsed after annexation.

The subject property is outside of the corporate city limits on the southeastern edge of Hendersonville. The subject property sits outside of the City's ETJ but within the Upward Road Planning District.

CHMU permits a range of commercial uses and residential uses (up to 12 units/acre) and includes design standards for all uses other than single-family and two-family (per State Statute). As a standard rezoning, all uses would be permitted if approved.

On March 3rd, 2011, City planning staff brought forward a proposal for the creation of the Commercial Highway Mixed Use District. Planning Director Sue Anderson explained that the intent was to apply this zoning classification to properties in the Upward Road area that wish to annex into the City of Hendersonville in order to obtain sewer connections.

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

The subject property is currently in the zoning jurisdiction of Henderson County. The parcel is zoned Community Commercial. The subject property is located outside of the corporate city limits in an area where some parcels have been annexed into the City with zoning designations including Commercial Highway Mixed Use (CHMU) and PRD-CZD (Oak Preserve). The City zoned uses within close proximately include a fast food restaurant, the future site of a religious institution and the future site of a convenience store with gasoline sales.

The County zoning in this area is predominantly Community Commercial (CC) along this stretch of Upward Road and Residential One (R1) further setback from Upward Rd. The intent of the CC zoning district is to "to allow for commercial development that 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". The R1 zoning is intended to "allow for medium to high-density residential development". East Henderson High School is zoned Office and Institutional and is the only parcel with this classification near the subject property.

SITE IMAGES

View of the subject property from Upward Road facing southeast.

View of the mature vegetative buffer at the rear of the property.

SITE IMAGES

View from the rear of the property facing Upward Road.

View of the pond on the adjacent property that is owned by the North Carolina Department of Transportation.

artment

Full Minutes from City Council Meeting:
https://library.municode.com/nc/hendersonville/munidocs/munidocs?nodeId=2d9a57cc0bb97

Creation of CHMU

In 2010 Henderson County Board of Commissioners voted against the City of Hendersonville extending its Extraterritorial Jurisdiction (ETJ) into the Upward Road Corridor. Although the extension of the ETJ was turned down, the City maintained a goal to manage the growth pattern in this area due to anticipated development pressures and subsequent requests for sewer connections. City Manager Ferguson gave City Council several options to consider at their meeting on December 2, 2010.

Those options were:

1) Conditioning sewer and/ or water extensions on voluntary compliance with the City's plans for quality land development,
2) Influencing Henderson County land use decisions by adopting a resolution urging Henderson County to enact certain regulations and providing input to various processes as the corridor develops, and
3) Adopting a new zoning district: the Commercial Highway Mixed Use Zoning District - which may be applied to those properties that are annexed and which may be applicable in other areas of the City.

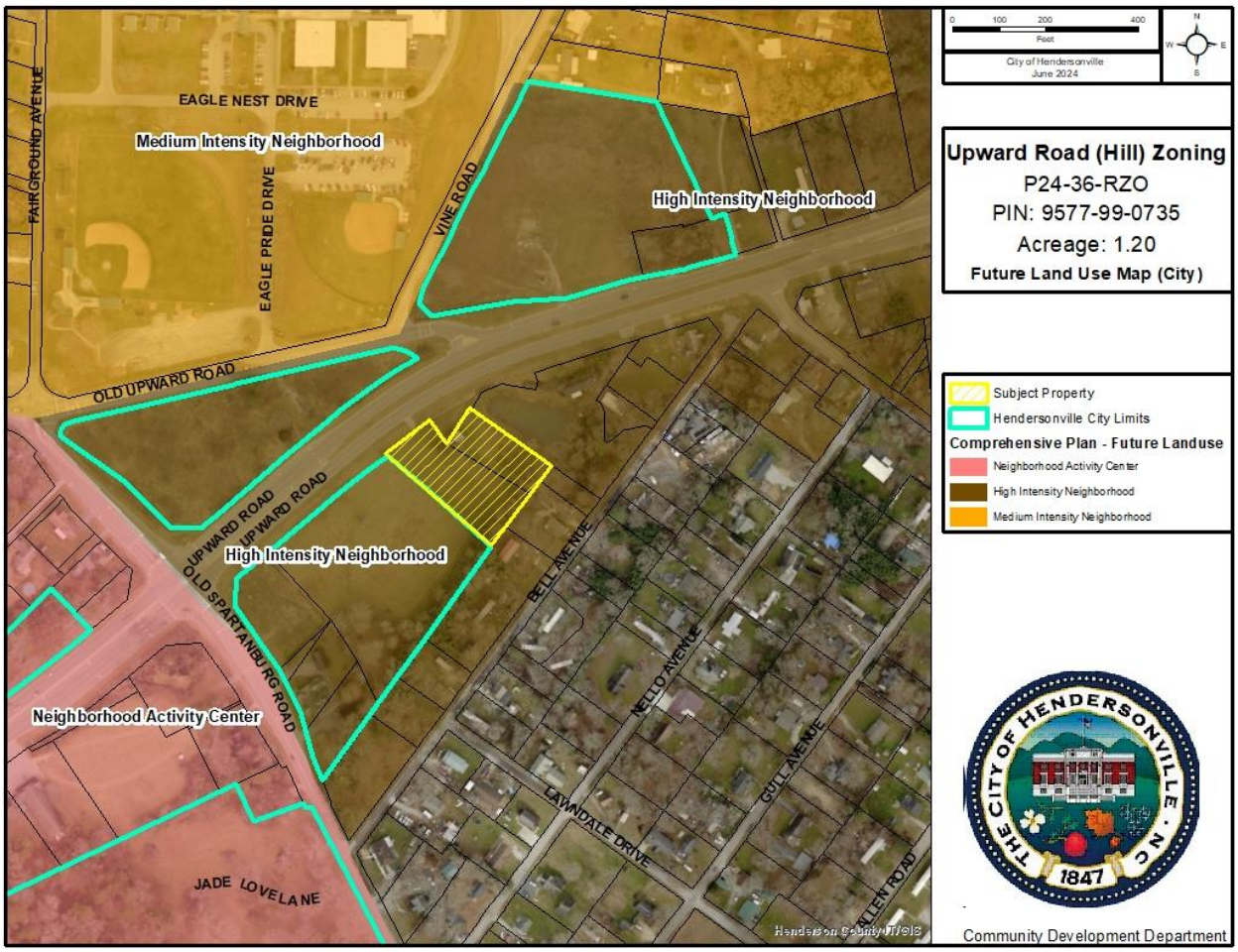
After discussion, the City Council agreed by majority consensus to direct the staff and the Planning Board to continue developing the Commercial Highway Mixed Use (CHMU) zoning district classification in compliance with the Henderson County Land Development Plan and to examine the utility extension agreement and make provisions for property owners requesting sewer service to meet the City's requirements for that area.

On March 3rd, 2011, City Planning Staff brought forward a proposal for the creation of the Commercial Highway Mixed Use District. Planning Director Sue Anderson explained that the intent was to apply this zoning classification to properties in the Upward Road area that wish to annex into the City of Hendersonville in order to obtain sewer connections. She explained the new zoning classification was closely modeled after the Highway Mixed Use zoning district which includes design standards for buildings and development sites. It was reported that the Planning Board voted unanimously to recommend that City Council adopt the ordinance enacting a new CHMU Zoning District Classification.

Mayor Pro Tem Collis moved City Council to adopt an ordinance enacting a new Section 5-27 Commercial Highway Mixed Use Zoning District Classification of the Zoning Ordinance. A unanimous vote of the Council followed. Motion carried.

Additionally, City Council created the Upward Road Planning District in line with the City's sewer extension policy. A map of the Upward Road Planning District is attached in your packet. The subject property is within the Upward Road Planning District. The Upward Road Planning District is a direct reflection of the proposed ETJ expansion that was turned down by the Henderson County Board of Commissioners

FUTURE LAND USE



City of Hendersonville Future Land Use Map

The City's 2030 Comprehensive Plan designates the subject property as High Intensity Neighborhood in the City's Future Land Use Map.

Parcels to the north and east on Upward Road are also designated High Intensity Neighborhood. Parcels to the west along Upward Rd are designated as Neighborhood Activity Center. Properties southeast of Bell Ave are outside of the City's Future Land Use Map study area.

The County's 2045 Future Land Use Map designates the subject property and all properties to the southeast as Infill Area. Infill Area consists of residentially focused areas that include a mix of housing types inside subdivisions and planned developments. These areas should have an improved transportation network and accommodate a variety of home options. Universal design that allows aging-in-place should be encouraged where appropriate.

GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY	
Future Land Use	The subject property is designated as *High Intensity Neighborhood* on the *Future Land Use Map*. ***Goal LU-7*** *Encourage low-maintenance, high density housing that supports Neighborhood and Regional Activity Centers and downtown and provides a transition between commercial and single-family development. [CONSISTENT]*
	Strategy LU-7-1. Locations*:* *• Priority infill development areas where high-density development is desirable and/or expected including boulevards and major thoroughfares near neighborhood activity centers [CONSISTENT]*
	Strategy LU-7.2. Primary recommended land uses*:* *• Single-family attached and multifamily residential, planned residential developments, and open space [CONSISTENT]* *Strategy LU-7-4 Development guidelines:* *• Encouragement of multi-story, mixed-use buildings with retail on ground floors and office/residential on upper floors [CONSISTENT]* *• Placement of higher-intensity uses close to boulevards and major thoroughfares [CONSISTENT]* *• Architectural guidelines to encourage compatibility between different land uses [CONSISTENT]* *• Encouragement of walkable neighborhood design [CONSISTENT]* *• At lease 60% open space in new residential developments of greater than 3 acres [PARTIALLY CONSISTENT]*
	The subject property is designated *as a Priority Infill* on the *Growth Management Map 8.3a.*
Land Use & Development	***Goal LU-1.*** *Encourage infill development that utilizes existing infrastructure in order to maximize public investment* and revitalize existing neighborhoods.
	Goal LU-3. *Promote fiscal responsibility with development, annexation and expansion of Hendersonville's Extra-Territorial Jurisdiction (ETJ).*
Population & Housing	***Strategy PH-1.1.*** *Promote compatible infill development.*
	Strategy PH 3.2 – *Encourage mixed land use patterns that place residents within walking distance of services.*
Natural Resources	***No Goals, Strategies or Actions are directly applicable to this project.***
Cultural & Historic Resources	***No Goals, Strategies or Actions are directly applicable to this project.***
Community Facilities	***No Goals, Strategies or Actions are directly applicable to this project.***
Water Resources	***No Goals, Strategies or Actions are directly applicable to this project.***
Transportation & Circulation	*Strategy TC-1.1. - Encourage mixed-use, pedestrian-friendly development that reduces the need to drive between land uses.*

GENERAL REZONING STANDARDS	
Compatibility	**Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –**
	Considering the vehicular traffic along Upward Rd (boulevard) and the interchange with I-26 (freeway), the CHMU zoning district permits uses that are compatible with this area and the design guidelines of the CHMU further support compatibility.
Changed Conditions	**Whether and the extent to which there are changed conditions, trends or facts that require an amendment -**
	Upward Road is a corridor experiencing significant growth. In the last three years, there have been no less than 10 development requests/approvals in the Upward Rd area alone. In addition to those development applications, there have been other development inquiries, some of which have been significant in scale. While other areas of Hendersonville are experiencing growth, no other specific area of town has seen this scale of development requests in recent years, especially when it comes to requests for commercial development.
Public Interest	**Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -**
	Design guidelines found in CHMU support the creation of compatible, high quality development. Additional quality commercial development within the City will generate additional tax revenue. Additional quality residential development within the City would provide needed housing.
Public Facilities	**Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment**
	The site would be served by City utilities, as well as City Fire and Police. Upward Road is designated as a Boulevard in the comprehensive transportation plan and is maintained by NCDOT.
Effect on Natural Environment	**Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -**
	As a standard rezoning, there is no proposed development to consider as part of the rezoning process. The subject property is currently vacant. The rear property line is lined by a dense grove of vegetation.

The petition is found to be **consistent** with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The Goals & Strategies of LU-7 "High-Intensity Neighborhood" calls for primary and secondary recommended land uses, locations, and development guidelines which align with the proposed CHMU zoning.

We **[find/do not find]** this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

DRAFT [Rationale for Approval]

- *Commercial Highway Mixed Use is the zoning district established for the Upward Rd Planning Area*
- *The Commercial Highway Mixed Use zoning district is well suited to achieve the goals of the Comprehensive Plan for this area*
- *The property is located in an area designated as a "Priority Infill Area" according to the City's Comprehensive Plan*

DRAFT [Rational for Denial]

- *While the CHMU zoning districts permits development that may align with the Development Guidelines found in LU-7.4, not all of the guidelines are requirements of this zoning district.*