

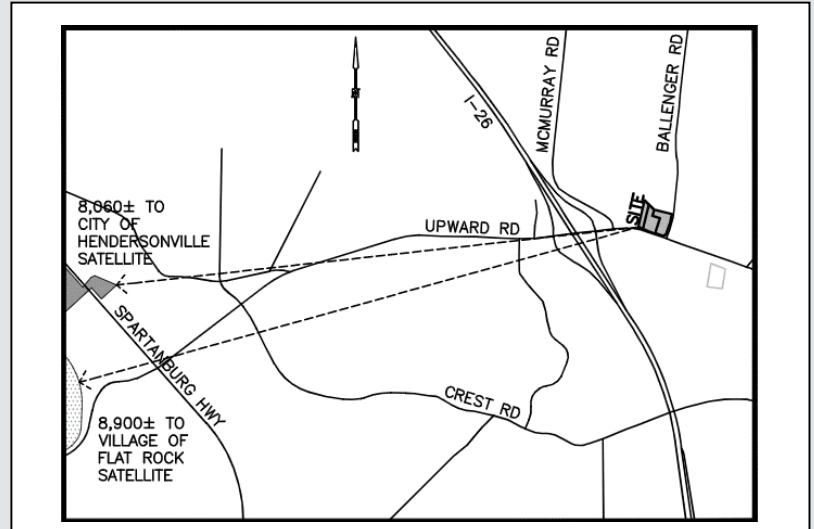
STANDARD REZONING: UPWARD RD – JUSTUS/ERWIN (P22-49-RZO)  
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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## PROJECT SUMMARY

- Project Name & Case #:
  - Upward Rd – Justus/Erwin
  - P22-49-RZO
- Applicant & Property Owner:
  - City of Hendersonville [Applicant]
  - Jeff Justus [Owner]
  - James & Ruth Erwin Jr [Owner]
- Property Address:
  - 775 & 779 Upward Rd
- Project Acreage:
  - 3.795 Acres
- Parcel Identification (PINS):
  - 9588-40-6934; 9588-40-7844; 9588-40-8795
- Current Parcel Zoning:
  - RC - Regional Commercial (County)
- Proposed Zoning District:
  - CHMU (Commercial Highway Mixed Use)
- Future Land Use Designation:
  - City – Regional Activity Center
  - County – Community Service Center & Industrial



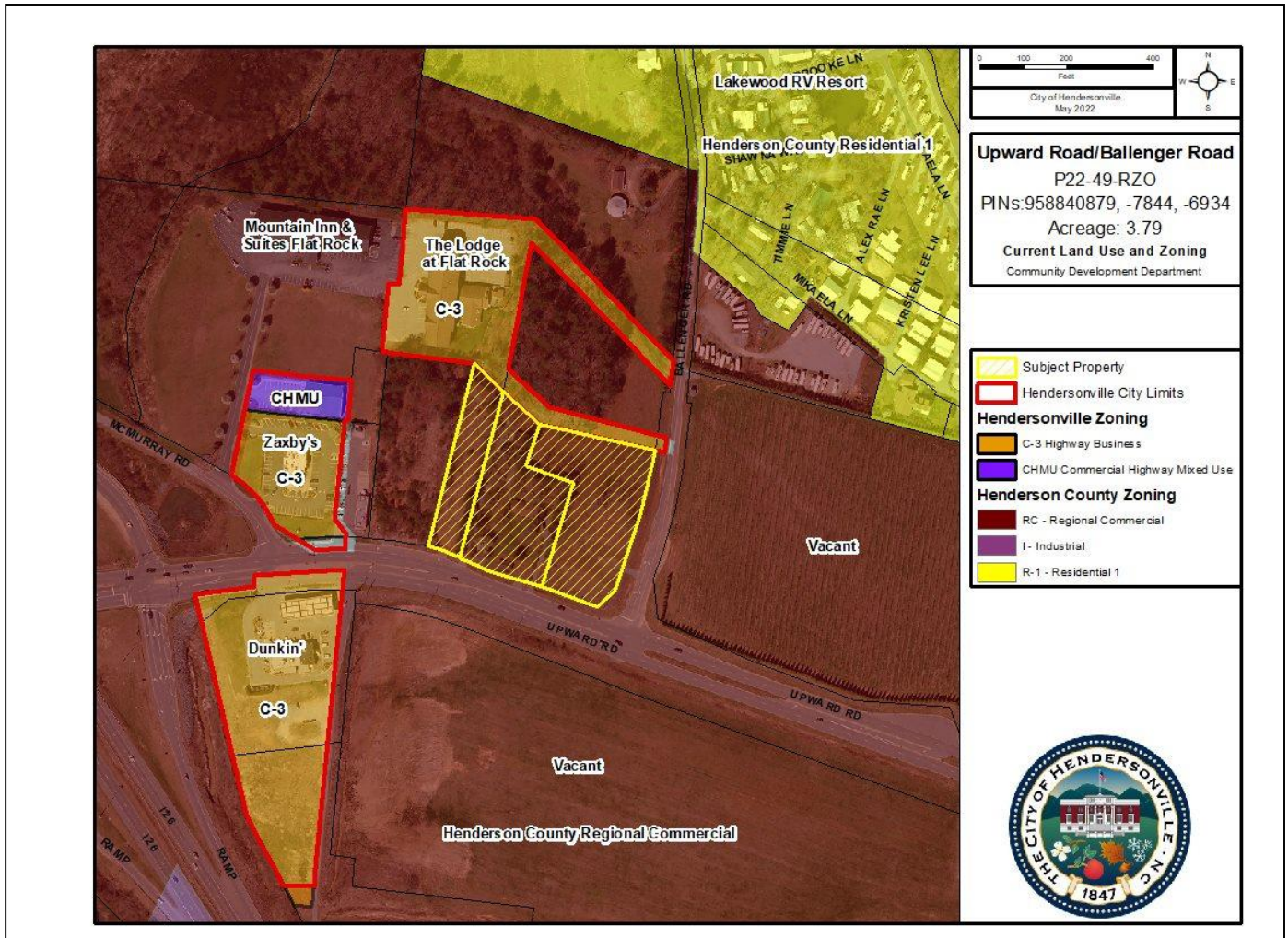
SITE VICINITY MAP

*The City of Hendersonville received an Annexation application from Jeff Justus and James & Ruth Erwin (owners) for a group of 3 parcels totaling 3.795 Acres along Upward Rd at the intersection of Ballenger Rd. The applicant has not requested zoning, therefore the City is initiating zoning for this parcel from County RC, Regional Commercial to CHMU, Commercial Highway Mixed Use.*

*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 intense commercial uses along with single-family, two-family and multi-family residential. This zoning district includes design standards for all uses other than single-family and two-family (per State Statute). CZD is triggered in this zoning district by projects with a cumulative square footage over 50,000 Sq Ft.*

## EXISTING ZONING & LAND USE



# City of Hendersonville Current Zoning & Land Use Map

The subject property is currently zoned Regional Commercial under Henderson County's Zoning Jurisdiction. It is located outside of the corporate City Limits in an area where some satellite parcels have been annexed into the City with zoning designations including Commercial Highway Mixed Use (CHMU) and C-3 Highway Business. The properties within these districts are developed with fast food restaurant chains and lodging. There is a significant amount of vacant property as well as commercial and institutional uses in proximity of the subject parcel.

The County zoning in this area is predominantly Regional Commercial (RC) with some Residential I (RI) further setback from Upward Rd. The RC zoning 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, community, and regional level.” The RC allows for up to 16 units / acre for residential development. The RI zoning is intended to “allow for medium to high-density residential development” and permits densities ranging from 4 units / acre up to 12 units / acre.



SITE IMAGES



*View facing north along Ballenger Rd*



*View facing west along Upward Rd from Ballenger Rd*



## SITE IMAGES



*View of subject property from Upward Rd*



*View facing east along Upward Rd towards Ballenger Rd*



SITE IMAGES



*View of current site conditions on subject property*



*View of current site conditions on subject property*

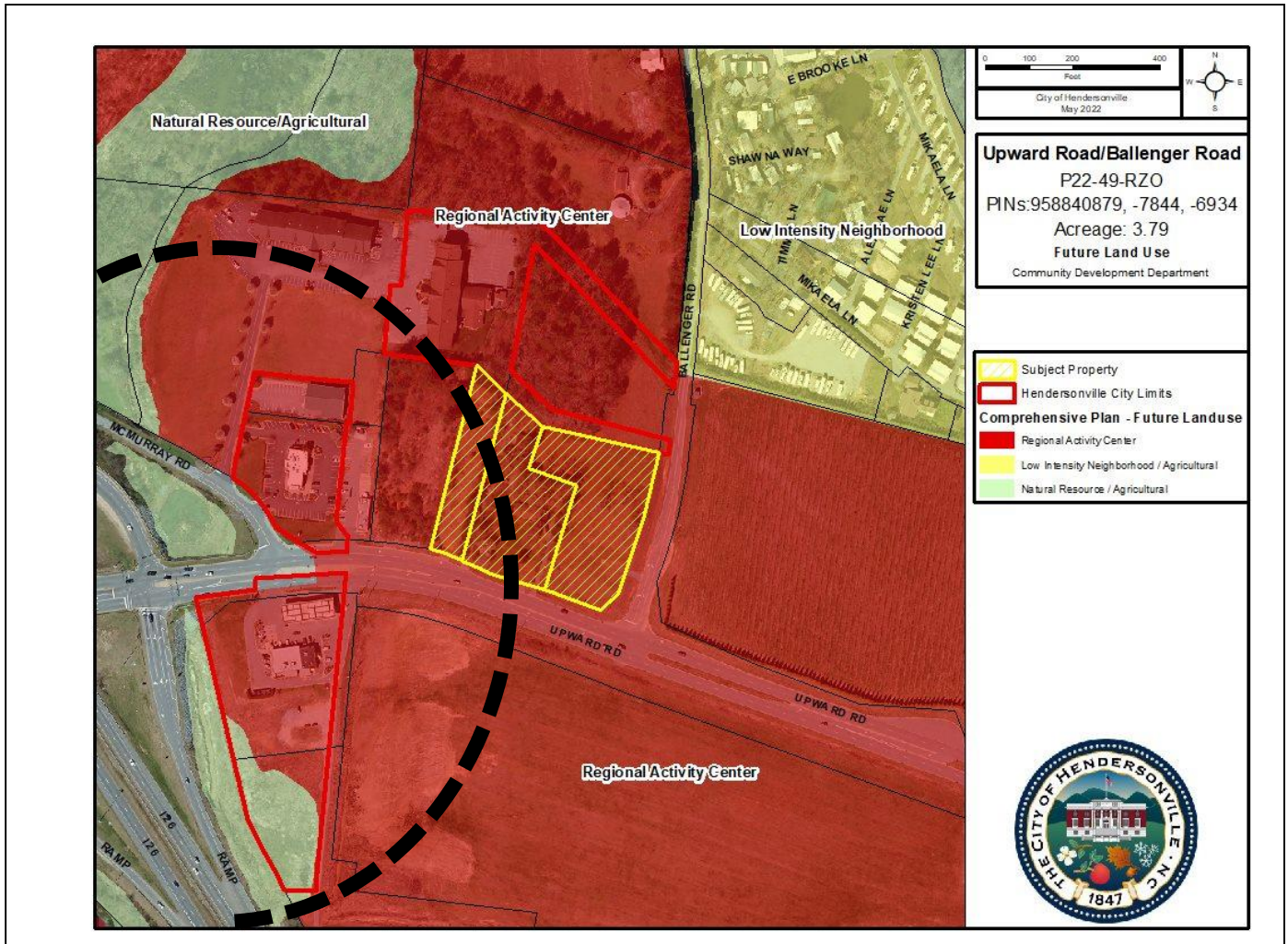
REZONING HISTORY

Prior Rezoning	Summary of Prior Petition	Status
N/A	N/A	N/A

- No information is known about the prior County zoning on the property



## FUTURE LAND USE



City of Hendersonville Future Land Use Map

The City's 2030 Comprehensive Plan designates the subject property as Regional Activity Center and it is located along the perimeter of an Activity Node as indicated in the City's Future Land Use Map.

All parcels in the surrounding area share this same designation which can be attributed to the proximity to the interchange with I-26 and Upward Rd. I-26 is classified as a Freeway and Upward Rd is a Boulevard according to the City's Comprehensive Plan.

The only other future land use designations in proximity to the subject property are Natural Resource / Agricultural, due to the presence of the Dunn Creek floodplain east of I-26, and Low Intensity Neighborhood, further setback from Upward Rd to the northeast of the subject property.

The subject parcel is also part of the Upward Rd Planning Area which was adopted in 2011 in response to the need to manage growth outside the ETJ in an area where sewer service would be desired.



## GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY

Future Land Use	The subject property is designated as <i>Regional Activity Center</i> on the <i>Future Land Use Map</i> . <b>Goal LU-9.</b> Meet the large-scale retail needs of Hendersonville residents while encouraging mixed-use, walkable design through redevelopment and infill projects [CONSISTENT]
	Strategy LU-9.2. Primary recommended land uses: • Community and regional retail sales and services [CONSISTENT]
	Strategy LU-9.4. Development guidelines: • Mitigation of bulk of large buildings through façade detailing and window coverage [CONSISTENT] • Hiding of large parking lots (more than one double-row deep) from thoroughfares with outlot structures [INCONSISTENT] • Provision of pedestrian connections to parking and other buildings and properties [CONSISTENT]
	Activity Nodes: • Encouragement of multi-story, mixed-use buildings with retail on ground floors and office/residential on upper floors [CONSISTENT] • Placement of new buildings close to the street along thoroughfares (less than 20 feet) encouraged [CONSISTENT] • Location of all parking to the side or rear of buildings or in a garage encouraged [INCONSISTENT] • Improved pedestrian connections to surrounding neighborhoods [CONSISTENT]
	The subject property is designated as a <i>Priority Growth Area</i> on the <i>Growth Management Map</i> .
	The subject property is designated as a <i>Development Opportunity</i> on the <i>Development Framework Map</i> .
Land Use & Development	<b>Goal LU-1.</b> Encourage infill development that utilizes existing infrastructure in order to maximize public investment...
	<b>Goal LU-3.</b> Promote fiscal responsibility with development, annexation and expansion of Hendersonville’s Extra-Territorial Jurisdiction (ETJ).
Population & Housing	Strategy PH-1.1. Promote compatible infill
	Strategy PH-3.2. Encourage mixed land use patterns that place residents within walking distance of services.
Natural & Environmental 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.

<b>Community Facilities</b>	<i>No Goals, Strategies or Actions are directly applicable to this project.</i>
<b>Water Resources</b>	<i>Strategy WR-2.3. Enable and encourage Low-Impact Development practices in stormwater management</i>
<b>Transportation &amp; Circulation</b>	<i>Strategy TC-1.1. - Encourage mixed-use, pedestrian-friendly development that reduces the need to drive between land uses.</i>
	<i>Strategy TC-5.2. Enhance key entrances within the City.</i>



GENERAL REZONING STANDARDS	
Compatibility	<b>Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –</b>
	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	<b>Whether and the extent to which there are changed conditions, trends or facts that require an amendment -</b>
	The corridor along Upward Rd has seen and will continue to see growth and development. The addition of manufacturing, multi-family and interstate-oriented restaurants and services is expected for the area. Two of the parcels have been vacant, while the center parcel featured two structures that have since been removed.
Public Interest	<b>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 -</b>
	Additional commercial development within the City will generate additional tax revenue. Additional residential development within the City would provide needed housing.
Public Facilities	<b>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</b>
	The site will be served by City water and sewer service. Upward Road is designated as a boulevard on the comprehensive transportation plan and is maintained by NCDOT. The Comp Plan designates Ballenger as a Local Street and it is also an NCDOT maintained street. The subject property will be serviced by the City Fire Dept and will also be served by the City of Hendersonville Police.
Effect on Natural Environment	<b>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 -</b>
	The subject property had featured some trees that have now been cleared.

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-9. "Regional Activity Center" 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 Growth 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-9.4, not all of the guidelines are requirements of this zoning district.*