

STANDARD REZONING:  
1207 KANUGA RD | R-15 to C-4 CZD  
(25-93-RZO)  
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT  
STAFF REPORT

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## PROJECT SUMMARY

- Project Name & Case #:
  - 25-93-RZO
- Applicant & Property Owner:
  - Greg Grooms, Blue Pinnacle Homes [Applicant & Owner]
- Property Address:
  - 1207 Kanuga Rd
- Project Acreage:
  - 0.81 Acres
- Parcel Identification (PIN):
  - 9568-61-2215
- Current Parcel Zoning:
  - R-15, Medium Density Residential
- Requested Zoning:
  - C-4 CZD Neighborhood Business Conditional Zoning District
- Future Land Use Designation:
  - Family Neighborhood Living



SITE VICINITY MAP

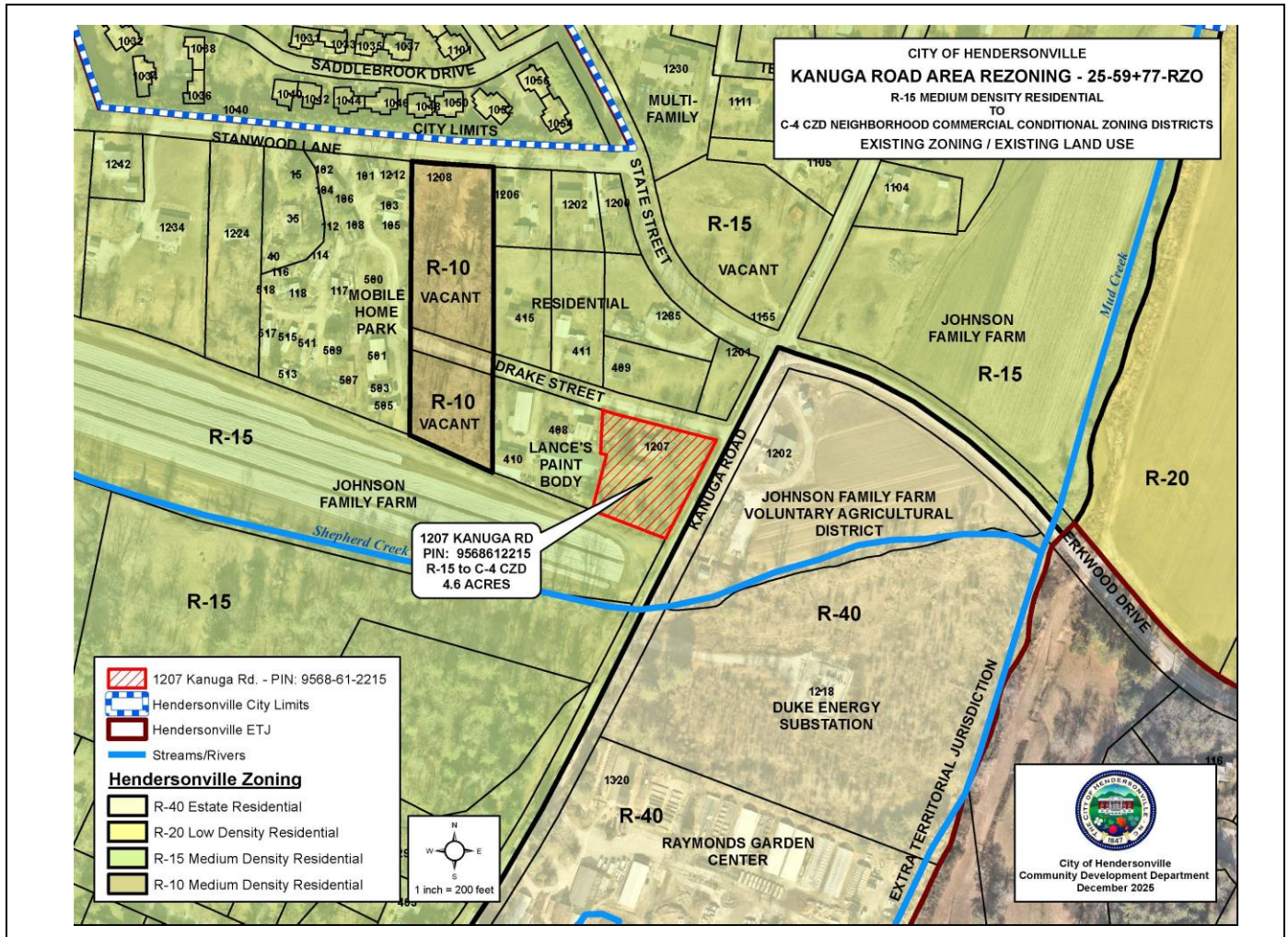
*The City of Hendersonville in receipt of a Conditional Zoning District petition from Greg Grooms of Blue Pinnacle Homes [applicant / property owner], to rezone a 0.81 Acre parcel at 1207 Kanuga Rd (PIN: 9568-61-2215) from R-15, Medium Density Residential to C-4 CZD, Neighborhood Business Conditional Zoning District.*

*The property is located at the corner of Drake St and Kanuga Rd near the intersection of Kanuga Rd and State St. The confluence of Shepher Creek and Mud Creek is in close proximity though the subject property is primarily outside of the 100-yr floodplain.*

*The Future Land Use Character Area designation of the property is Family Neighborhood Living, however it is located in close proximity to parcels designated as Neighborhood Center.*

*As a CZD, if approved, the development and use of the property would be limited to the stated list of uses and the proposed developed depicted on the preliminary site plan.*

## EXISTING ZONING & LAND USE



## City of Hendersonville Current Zoning & Land Use Map

The subject property is located in the City of Hendersonville Extra-Territorial Jurisdiction (ETJ) and is located in the R-15, Medium Density Residential zoning district. A majority of properties in the vicinity are also zoned R-15 however a parcel to the west was recently rezoned to R-10, Medium Density Residential. Across Kanuga Rd to the East, the properties are zoned R-40, Low Density Residential. The closest commercial zoning is near Kanuga Rd. at Hebron Rd.

Though this area is primarily residential in character there are agricultural, utility and commercial uses in close proximity to the subject property. Abutting the property to the south and across Kanuga Rd to the east, are parcels associated with the Johnson Family Farm. The Johnson Family Farm has status as a Bonafide farm (Vol. Ag District) and thus is exempt from Zoning. As a result of this, the farm operates agricultural related commercial uses (retail, food trucks, etc.) at corner of Kanuga Rd & State St. Duke Energy operates a substation to the south of the Johnson Family Farm. Adjacent to the Duke Energy parcel and further to the south is Raymond's Garden Center plant nursery. And behind the subject property is a Paint & Body shop. To north along State St is a small apartment complex.

It should also be noted that the Shepherd Creek and Mud Creek floodplains are a defining feature of this area. A very small portion of the subject property is in the 100 Yr Floodplain while all of the surrounding agricultural, commercial and utility uses are in the Floodway + Floodplain.



## SITE IMAGES



*View of Subject Property facing west. Front of structure faces Kanuga Rd but is substantially screened by a row of hedges.*



*View from the subject property facing north. Property has approx. 0.34 acres of undeveloped land in south side yard.*



## SITE IMAGES



*View of Johnson Family Farm from Kanuga Rd facing west. This is the Shepherd Creek floodplain south of subject property.*



*View of Shepherd Creek east of Kanuga Rd.*



## SITE IMAGES

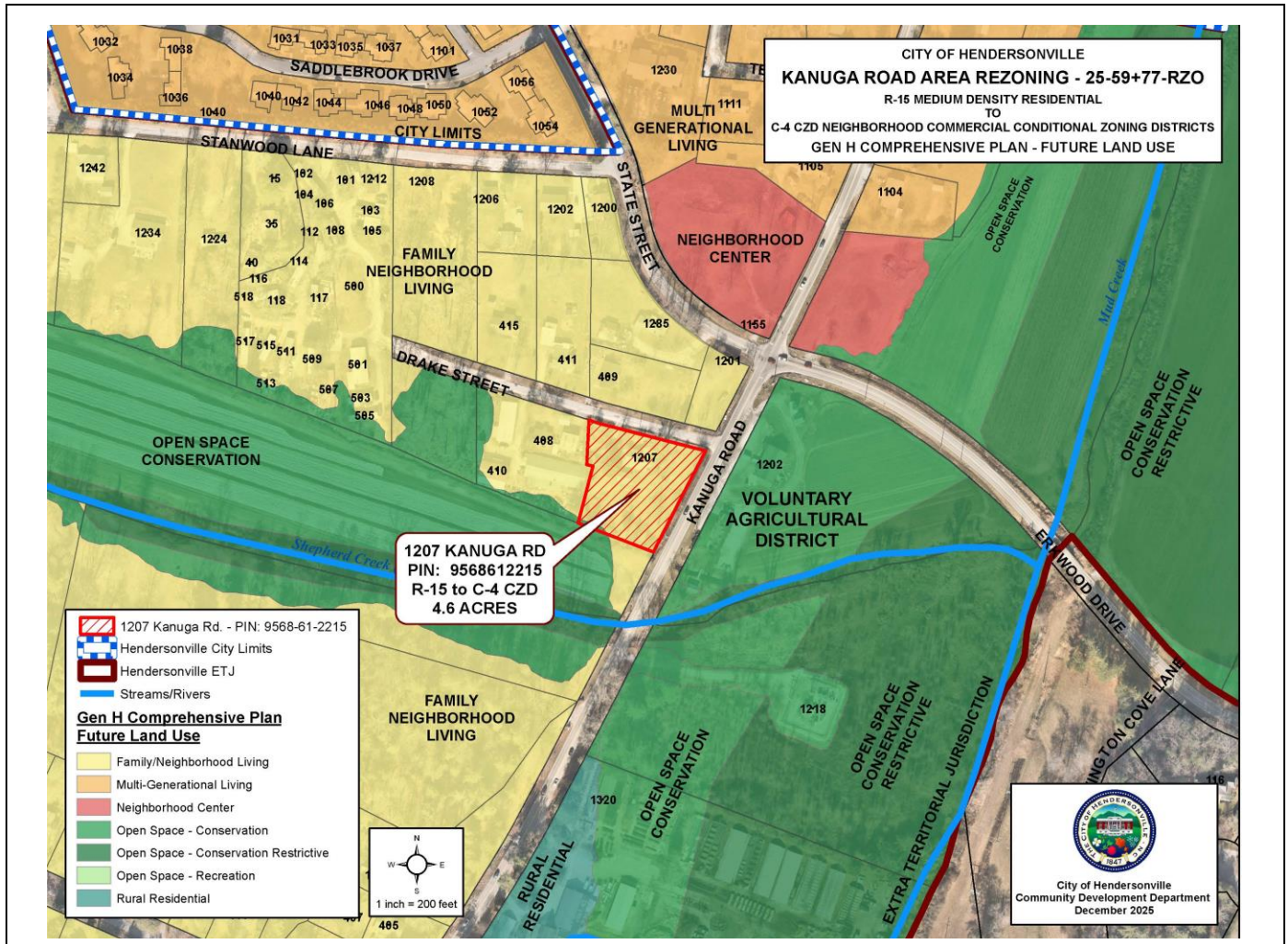


*View of Johnson Family Farm commercial activities in Voluntary Agricultural District (Bonafide farm) at corner of Kanuga Rd & State St.*



*Commercial + Agricultural activities at Johnson Family Farm store.*

## FUTURE LAND USE



City of Hendersonville Future Land Use Map

According to the City's Gen H Future Land Use & Conservation Map, the subject property is designated as Family Neighborhood Living (FNL) with a fraction of the parcel noted as Open Space – Conservation (OS-C). The parcels to the west are also characterized as FNL with OS designated along the Shepherd Creek floodplain. To the north of Stanwood Ln, properties shift to the Multi-Generational Living designation. Across Kanuga Rd, properties located in the Mud Creek floodplain are all designated as OS.

Most notably, a concentration of the “Neighborhood Center” character area is found at the intersection of State St and Kanuga Rd. This Neighborhood Center character was intended to identify the area around this intersection as a small node of neighborhood-scale business activities - reflecting both current and future economic opportunities. Neighborhood Center is described as encompassing: “...small centers (typically 100,000 sf of nonresidential space) with local-serving uses [and] may be located within walking distance of and complement surrounding residential uses. Typical uses include grocery & drug stores, coffee shops, dry cleaners, bank branches, restaurants, and a limited amount of residential.” Markets, small offices and other similar uses would also be appropriate.”



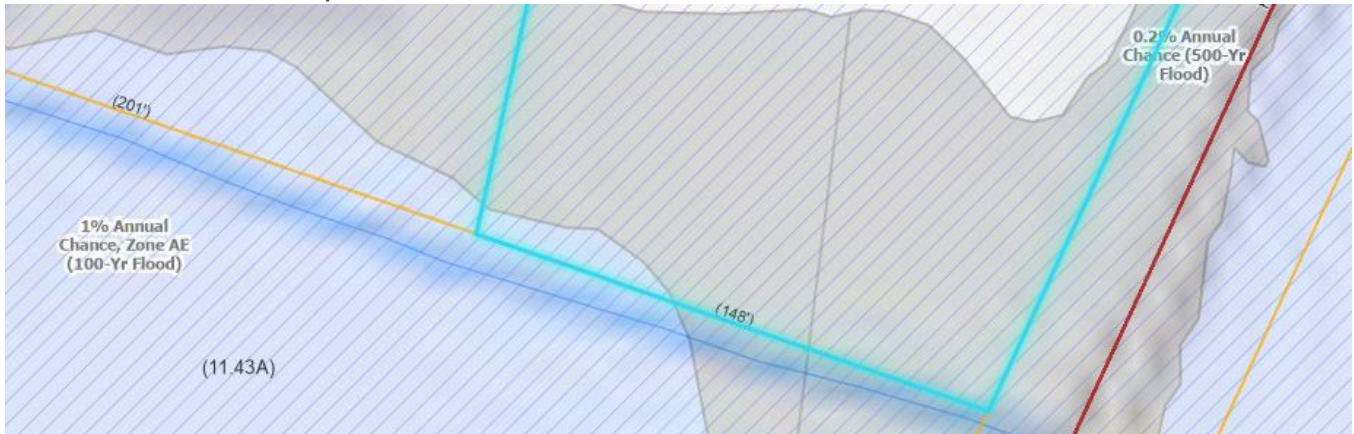
## PROPOSED REQUEST DETAILS

### Site Plan Summary:

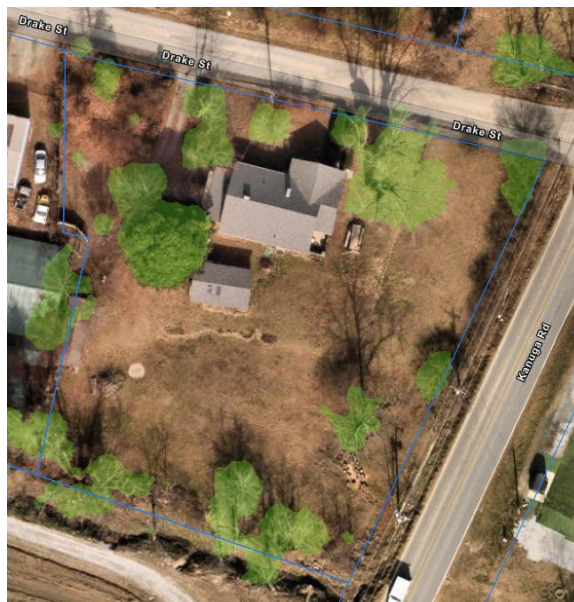
- Proposed Uses:
  - Offices, business, professional and public
    - Current proposal: 3-4 employees for home building business
  - Residential, Single-Family Attached
- Buildings:
  - Existing Residential Building to be converted to office:
    - 1,200 Sq Ft of Gross Floor Area
    - 2,100 Sq Ft of Building Footprint
  - Proposed Residential Units:
    - 1,600 Sq Ft of Gross Floor Area
    - 800 Sq Ft of Footprint
    - 1-Car garage on 1<sup>st</sup> Level
- Building Design
  - N/A – C-4 does not have building design requirements
- Height
  - Max. 35'
- Transportation
  - Kanuga Rd and Drake St are both NCDOT-maintained roads
  - The site plan shows one ingress point off of Kanuga Rd to a one-way driveway that curves around the rear of the site to one egress point onto Drake St.
  - Proposed full movement ingress and full movement egress
  - Ingress and egress will require approval from NCDOT
- Sidewalks
  - Required: Construction or a Fee-in-Lieu of Sidewalks is required along Kanuga Rd and Drake St
  - Developer Proposed Condition to Waive Kanuga Rd requirement
- Lighting
  - All site lighting will be required to conform to the City's lighting standards for stream buffers and nonresidential developments.
- Parking: Office, business, professional and public
  - Required: 1 per each 400 square feet of GFA
    - Total Required- 3
    - Total Provided- 3
- Natural Resources



- Stream Buffer The USGS topo map indicates a blueline stream running just south of, and parallel to, the southern boundary of the subject property.
  - Developer is proposing condition to waive the 20' Transition Area while maintaining the 30' Stream Buffer. Staff will also note that, per ordinance, creek could be piped and Stream Buffer would not apply.
- There is a small portion of 100-Year Floodplain in the southwest corner of the property in the Stream Buffer. There is no proposed impact to 100-Yr. Floodplain



- Tree preservation
  - The site currently has 7,700 Sq Ft of existing tree canopy (22%) of the site.
  - The proposed site plan does not trigger Tree Canopy Preservation requirements.
  - Developer Proposed Trees to be Preserved - 2 large oak trees near the existing structure on north side of property and 1 large magnolia tree at rear of existing structure plus any canopy in the Stream Buffer. These trees account for the majority of the mapped canopy on the site.
  - Developer Proposed Trees to be Removed – 1 Walnut tree near Kanuga at proposed driveway. Potentially some other “scrub” trees to be removed.



- Planting requirements.
  - The site will be required to provide the following landscaping:
    - Buffer Plantings
    - Street Trees
  - The landscaping requirements will be met through new plantings and the utilization of tree credits for qualifying trees and alternative compliance for existing buffer shrubs.

DEVELOPER-PROPOSED CONDITIONS:

- 1) Waiver of 20' Transitional Area (Sec. 17-3-3) – Developer to meet 30' Stream Buffer but waive the 20' Transition Zone.
- 2) Alternative Compliance for Type B Buffer - Developer to preserve existing vegetation in 10' buffer zone and only plant required new material where visual gaps exist.
- 3) Waive Sidewalk Requirements on Kanuga Rd - Developer to construct or pay Fee-in-Lieu of Sidewalks for Drake St. only. No sidewalk or FIL on Kanuga Rd frontage.

OUTSTANDING ISSUES & CITY PROPOSED CONDITIONS:

**COMMUNITY DEVELOPMENT**

**Site Plan Comments:**

- The site plan accompanying this petition meets the standards established by the Zoning Ordinance. Certain Preliminary Site Plan submittal requirements, including the provision of a Survey, were waived by the Community Development Director due to the limited scale of the proposed project.

**Proposed City-Initiated Conditions:**

- Maximum tree protection required for large magnolia at rear of existing structure. Allow for reduction of 10' buffer at curve in proposed driveway to reduce potential impact on root system of magnolia tree.

**DEVELOPMENT REVIEW COMMITTEE:**

The Development Review Committee consists of the following Departments/Divisions and Agencies: Engineering, Water/Sewer, Fire Marshal, Stormwater Administration, Floodplain Administration, Public Works, NCDOT, Henderson County Soil & Erosion Control and the City's Traffic Consultant. All pertinent members of the DRC reviewed this project and there are no outstanding comments / conditions relevant to the Preliminary Site Plan.



GENERAL REZONING STANDARDS	
1) Comprehensive Plan Consistency	<p><b>Land Supply, Suitability &amp; Intensity</b>  <b>Land Supply:</b> The subject property <u>not</u> classified as Undeveloped or Underdeveloped.  <b>Land Suitability:</b> Therefore, the subject property was <u>not</u> evaluated for suitability. Adjacent suitability is moderate to suitable for commercial and residential uses and not suitable for industrial uses.  <b>Intensity Node:</b> The subject property is <u>not</u> located in a Intensity Node. The Intensity Node for the Southside of Hendersonville is in close proximity with “Busy Bend” located less than 1 mile away.  <b>Development Intensity:</b> Low. In general terms, this area is not identified for Intense infill development though <i>Neighborhood Center</i> is located just a few parcels away.  <b>Focus Area:</b> The subject property is not located in a Focus Area.</p>
	<p><b>Future Land Use &amp; Conservation Map-</b>  <b>Designation:</b> <i>Family Neighborhood Living</i>  <b>Character Area Description:</b> Inconsistent  <b>Zoning Crosswalk:</b> Inconsistent – For consistency, the Character Area would need to be updated to <i>Neighborhood Center</i>.</p>
2) Compatibility	<p><b>Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –</b></p> <p>The subject property is a former residence that currently appears to be vacant / under rehabilitation. Directly to the south of the subject property is a portion of the Johnson Family Farm along Shepherd Creek. To the west of the subject property is a paint &amp; body shop. To the north along Kanuga Rd is a vacant parcel with a former commercial building located on it. Across Kanuga Rd to the east are the various ag-related commercial activities of the Johnson Family Farm. Vacant land and floodplain is prevalent to the south and east. To the north, uses are generally detached single-family with a duplex development located north of Stanwood Ln.</p>
	<p><b>GEN H COMPREHENSIVE PLAN GOALS</b> (Chapter IV)  <b>Vibrant Neighborhoods:</b> Consistent  <b>Abundant Housing Choices:</b> Consistent  <b>Healthy and Accessible Natural Environment:</b> Somewhat Consistent  <b>Authentic Community Character:</b> Somewhat Consistent  <b>Safe Streets and Trails:</b> Consistent  <b>Reliable &amp; Accessible Utility Services:</b> Consistent  <b>Satisfying Work Opportunities:</b> Consistent  <b>Welcoming &amp; Inclusive Community:</b> N/A  <b>Accessible &amp; Available Community Uses and Services:</b> N/A  <b>Resilient Community:</b> N/A</p>

	<b>GEN H COMPREHENSIVE PLAN GUIDING PRINCIPLES</b> (Chapter IV) <b>Mix of Uses:</b> Consistent <b>Compact Development:</b> Consistent <b>Sense of Place:</b> Somewhat Consistent <b>Conserved &amp; Integrated Open Spaces:</b> Somewhat Consistent <b>Desirable &amp; Affordable Housing:</b> Consistent <b>Connectivity:</b> Somewhat Consistent <b>Efficient &amp; Accessible Infrastructure:</b> Consistent
3) Changed Conditions	<b>Whether and the extent to which there are changed conditions, trends or facts that require an amendment -</b>
	<p>The subject property was recently sold to a new owner. Commercial activities located across the street from the Subject Property have been added in the last 10 years and have continued to grow and evolve in that time frame. This property at the corner of Kanuga Rd and State St/Erkwood Rd is a Bonafide Farm in a Voluntary Agricultural District which makes it exempt from Zoning per state law. According to state statute Chapter 106 – Article 61, Voluntary Agricultural Districts and Enhanced Voluntary Agricultural Districts, in exchange for the preservation of farmland, enjoy other special provisions including tax exemptions, waiver of utility assessments, priority consideration for grants, special noticing requirements, and allowances to sell up to 25% non-farm products.</p>
4) 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>
	<p><u>Strategic Housing Plan</u> – The addition of 4 attached single-family condominiums on a lot with a small professional office is an example of one plan objective to “Promote Mixed-Use and Infill Development”. While the property is located on the periphery of the City in the ETJ, it is located on a major corridor, and the proposal reflects the efficient use of underutilized property and the integration of “missing middle” housing (Action 3.03).</p> <p><u>Mix of Uses/Nodal Development</u> - The integration of mixed uses at various scales can reduce vehicular trips, combat automobile congestion, create jobs, and increase local spending. When applied at the neighborhood scale, a mix of uses can improve safety and vibrancy. When scale is maintained and new non-residential uses are concentrated around key intersections, negative impacts associated with commercial activity can be contained.</p>
5) 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>
	<p>Kanuga Road, Drake St, and State St/Erkwood Dr are NCDOT maintained roads. Kanuga Rd is a Minor Arterial, Drake St is a Local Street and State St/Erkwood Dr is a Major Collector according to their NCDOT Functional Classifications. The Comprehensive Transportation</p>



	<p>Plan designates these roads as Minor Thoroughfares with Drake St as a Local Street.</p> <p>There are high volumes of traffic at this location. The intersection of Kanuga Rd &amp; State St is a “High Injury Intersection” and Kanuga Rd south of this intersection is a “High Injury Network” route according to the French Broad River MPO’s “Safe Streets 4 All” Safety Action Plan. An improvement project for this portion of Kanuga Rd (to Price Rd) is currently unfunded, but is included in the SPOT Prioritization 8.0 (carried over from 7.0). There are no funded STIP projects in the immediate area though the White St/South Main St enhancements are in close proximity.</p> <p>The subject property is served by City of Hendersonville water and City sewer services are available.</p>
6) Effect on Natural Environment	<p><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></p>
	<p>A row of hedges lining the eastern parcel boundary along Kanuga Rd were recently removed. According to the site plan these would be replaced by required Street Trees.</p> <p>The site plan depicts the removal of 1 Walnut Tree and the preservation of two large oaks and a large Magnolia. Staff is proposing condition to reduce buffer in order to reduce impact of driveway on Magnolia.</p> <p>A ditch along the southern parcel boundary is a blue line stream and would be required to meet the standards of the natural resource provisions of the zoning ordinance. Currently the proposed placement of the 4 townhome units is not compliant with these standards. The developer is proposing that the 20’ Transition Area be waived.</p> <p>Additionally, the parcel is located in the 500-Year Floodplain with a small portion of the southern boundary in the 100-Year Floodplain. 100-Yr Floodplain is within the required 10’ Type B vegetated buffer and the 30’ Stream Buffer, so no impact to 100-Yr Floodplain is proposed.</p>

#### REZONING STANDARDS ANALYSIS & SUMMARY

- 1) Comprehensive Plan Consistency - Staff finds the petition to be Inconsistent with the Gen H Comprehensive Plan Future Land Use & Conservation Map due to the Character Area Description for *Family Neighborhood Living*. However, the property is in close proximity to and in the same general condition as parcels identified as *Neighborhood Center* in the Gen H Plan.
- 2) Compatibility – C-4 Zoning is found to be compatible with the surrounding land uses and aligns with the Goals & Guiding Principles of the Gen H Comprehensive Plan – especially as it relates to providing a mix of uses and preferred patterns of development around key nodes.
- 3) Changed Conditions – The presence of a Bonafide Farm and the increase of commercial activities in this area have increased opportunities for appropriate commercial uses around the intersection of Kanuga Rd and State St.
- 4) Public Interest - Staff finds that the introduction of a mix of uses at a compatible scale can provide a number of benefits.
- 5) Public Facilities - Staff finds that the street network in this area lends itself to non-

residential uses on the major routes while residential uses should be confined to local streets. There are existing City utilities available to the subject property.

- 6) Effect on Natural Environment – No significant impacts proposed but subject property is located adjacent to a blue line stream and 100-Year Floodplain.



The petition is found to be **inconsistent** with the City of Hendersonville Gen H 2045 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

*The petition for C-4 zoning is inconsistent with the Future Land Use and Conservation Map Designation of 'Family Neighborhood Living'.*

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]*

- *The proposed zoning is compatible with surrounding residential & non-residential land uses*
- *The proposed zoning allows for a mix of uses at an intersection which experiences significant vehicular traffic*
- *The proposed zoning allows for nodal development with non-residential uses confined by floodplains and located along the minor arterial roadway*
- *Surrounding low density residential uses primarily front and gain access from Local streets.*

*DRAFT [Rational for Denial]*

- *The proposed zoning is incompatible with the surrounding land uses*
- *The proposed zoning would result in increased traffic congestion to the surrounding area*
- *The proposed zoning would result in environmental degradation*