

REQUEST FOR BOARD ACTION

Henderson County Board of Commissioners

- Meeting Date:** April 7, 2008
- Subject:** Map Amendments to Chapter 200A, Land Development Code (LDC) Official Zoning Map and Henderson County 2020 Comprehensive Plan (CCP) with public opposition
- Attachments:** LDC Map Amendments (Residential Map Amendment 2 & Commercial Map Amendments 1, 4, & 5)
CCP Map Amendments (Growth Management Strategy Map & Future Land Use Map)

Summary of Request:

On Thursday, March 27, 2008, the Board of Commissioners held a public hearing on proposed text and map amendments to the Henderson County 2020 Comprehensive Plan (CCP) and Chapter 200A, Land Development Code (LDC) and Official Zoning Map. As per the Boards request, attached are the proposed map amendments that the Board received public comment in opposition. The Future Land Use Map is included because some of the zoning map decisions may affect the designations on the Future Land Use Map.

Board Action Request:

Action by the Board of Commissioners is needed to either grant or deny the proposed map amendments to the CCP and LDC. If the Board decides to approve the proposed amendments the following motion has been provided.

Suggested Motion:

I move that the Board find that the proposed amendments are consistent with the recommendations of the County Comprehensive Plan and,

I further move that the Board approve the proposed map amendments to Chapter 200A, Land Development Code and Official Zoning Map excluding those amendments, as noted by the Board, that should be submitted as a separate rezoning application due to the need for further study and public opposition and,

I further move that the Board approve the proposed map amendments, as discussed and with any changes noted, to the Henderson County 2020 Comprehensive Plan and reflect any approved zoning map amendments that would result in a change to the Future Land Use Map.

Request for Residential Map Amendment 2

Request: R3 (Residential Three) to R2 (Residential Two)

Property Owners: Karen K. Vogel Trustee; Edward T. Vogel Trustee; The Karen Vogel Living Trust

1. Subject Area Information

- 1.1. **PIN:** 9661-95-2298
- 1.2. **Approximate Size:** 32.68 acres
- 1.3. **Location:** Off of Ridgeview Drive (Private).
- 1.4. **Approximate Frontage:** Undetermined.

2. Current and Adjacent Zoning

- 2.1. The Subject Area is currently zoned R3. R3 is located to the east. R2 is located to the west (See Current Zoning Map, Pg. 5).

3. Current Uses of Subject Area and Adjacent Properties

- 3.1. **Subject Area Uses:** Vacant.
- 3.2. **Adjacent Area Uses:** Surrounding area lands contain residential uses.

4. Public Water and Sewer

- 4.1. **Public Water:** Not on site. Nearest water located 5,500 feet (1.04 miles) to the southwest.
- 4.2. **Public Sewer:** Not on site. Nearest sewer located 9,900 feet (1.88 miles) to the southwest.

5. The Henderson County, North Carolina 2020 Comprehensive Plan (CCP)

- 5.1. The CCP Future Land Use Map identifies the Subject Area as being located in the Rural Agricultural Area (2020 CCP, Pg. 132, Pg. 133 & Appendix 1, Map 24). The CCP states that, “land development regulations should... not permit densities that would require sewer services or introduce traffic capacity problems... and encourage densities that are consistent with steep slopes, poor septic capacities, and sensitive topography” (2020 CCP, Pg. 132).
- 5.2. The Future Land Use Map identifies the Subject Area as being located in Conservation Area (2020 CCP, Pg. 134 & Appendix 1, Map 24). The CCP states that conservation lands “are intended to remain largely in their natural state, with only limited development,” and further that “such areas should be targeted for protection through regulations and incentives” (2020 CCP, Pg. 134).

6. Staff Recommendations

Staff’s position at this time, under the guidelines of current plans, policies and studies, is it does not support the rezoning of the Subject Area to Residential Two (R2), based on the following:

- 6.1. **The 2020 CCP:** The text and map of the 2020 CCP identify the Subject Area as being within the “Rural Agricultural Area” and “Conservation Area”. Residential development at low densities are encouraged in the RAA and the conservation area designation indicates the presence of steep slopes on the subject property.

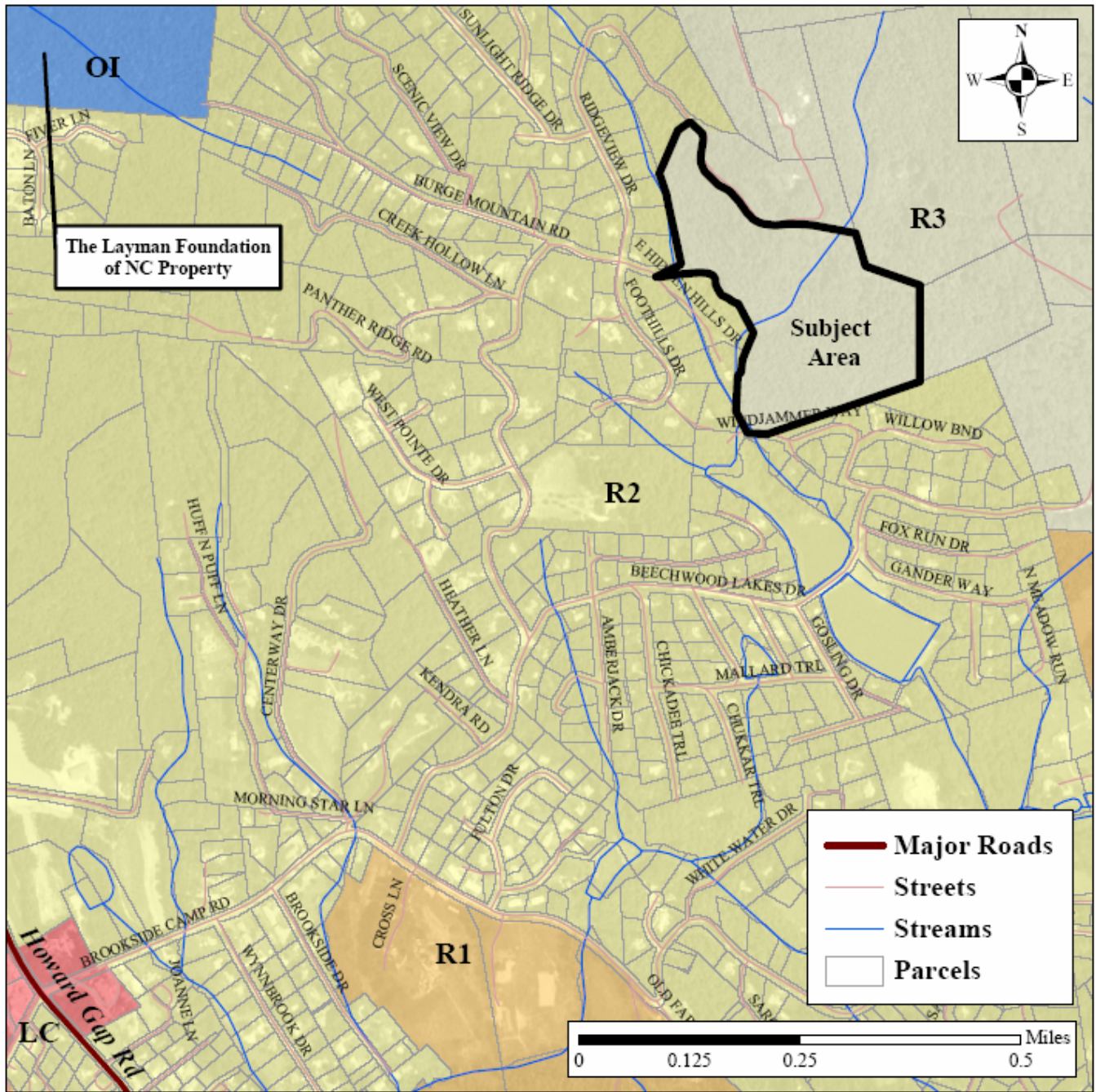
7. Technical Review Committee (TRC) Recommendations

- 7.1. The TRC supports Staff’s position, providing an unfavorable recommendation regarding rezoning the Subject Area from R3 (Residential Three) to R2 (Residential Two).

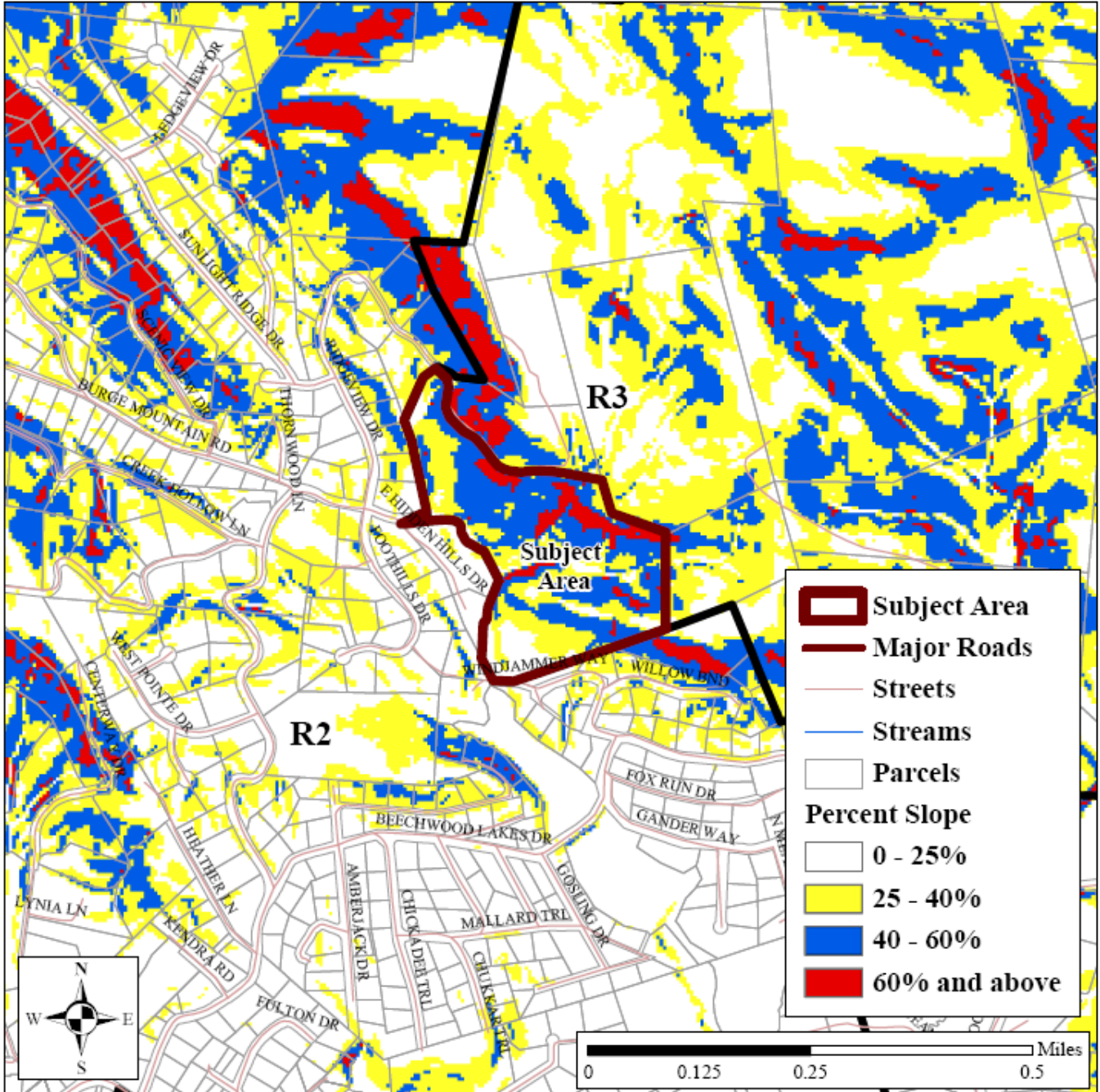
8. Planning Board Recommendations

- 8.1. The Planning Board does not support Staff’s position, providing a favorable recommendation to rezone the Subject Area from R3 (Residential Three) to R2 (Residential Two) with a 7 to 0 vote.

Current Zoning Map



Slopes Map



Subject Area Percent Slope		
Percent Slope	Acreage	Percent (%)
0-25	4.75	14.87
25-40	10.26	32.11
40-60	13.98	43.76
60 and above	2.96	9.26
Total	31.95	100.0

Request for Commercial Map Amendment 1

Request: R2MH (Residential Two Manufactured Housing) to LC (Local Commercial)

Property Owner: Leon Lamb

1. Subject Area Information

- 1.1. **PIN:** 9680-13-2539
- 1.2. **Approximate Size:** 2.14 acres
- 1.3. **Location:** US Highway 64 East, approximately 460 feet east of the intersection of US Highway 64 East and Fruitland Road (SR 1574).
- 1.4. **Approximate Frontage:** 375 feet along US Highway 64 East.

2. Current and Adjacent Zoning

- 2.1. The Subject Area is currently zoned R2MH. The City of Hendersonville's jurisdiction is to the south (C3 (Highway Business) and PRD (Planned Residential Development) zoning districts are applied to those properties by the City of Hendersonville). To the north, east and west is Henderson County R2MH zoning (See Current Zoning Map, Pg. 9).

3. Current Uses of Subject Area and Adjacent Properties

- 3.1. **Subject Area Use:** Single-family residence.
- 3.2. **Adjacent Area Uses:** Surrounding area lands contain undeveloped, residential, office, recreational, and commercial uses. A residential development is located to the south (Wolfpen). To the south is an office use, N&T Construction Company. A recreational use, Apple Valley Travel Park, is located to the west. Apple Valley Middle and North Henderson High Schools are located to the west.

4. Public Water and Sewer

- 4.1. **Public Water:** On site.
- 4.2. **Public Sewer:** Not on site. Nearest sewer located on adjacent property to the south (Wolfpen).

5. The Henderson County, North Carolina 2020 Comprehensive Plan (CCP)

- 5.1. The CCP Future Land Use Map identifies the Subject Area as being located in the Urban Services Area (2020 CCP, Pg. 128, Pg. 129 & Appendix 1, Map 24). 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).
- 5.2. The Future Land Use Map also identifies the Subject Area as being within an identified Community Service Center (2020 CCP, Pg. 134 & Appendix 1, Map 24). The CCP states that Community Service Centers:
 - 5.2.1. Should contain the following: community facilities, local commercial, community commercial, and regional commercial uses (2020 CCP, Pg. 135);
 - 5.2.2. "Are intended to be intensive, efficient, defined concentrations of mixed services" (2020 CCP, Pg. 134); and
 - 5.2.3. "Are appropriate for a mixture of commercial uses scaled to the service area in question" (2020 CCP, Pg. 134).

6. Staff Recommendations

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 Local Commercial (LC), based on the following:

- 6.1. **The 2020 CCP:** The text and map of the 2020 CCP identify the Subject Area as suitable for commercial development. The CCP Future Land Use Map places the Subject Area in the "Urban Services Area" classification and applies a "Community Service Center" in the vicinity of the

Subject Area. Commercial development, at a mixture of scales (including regional) are encouraged in the USA and Community Service Centers.

6.2. **Adjacent Zoning:** The Subject Area directly abuts an existing C3 (Highway Business) zoning district applied by the City of Hendersonville.

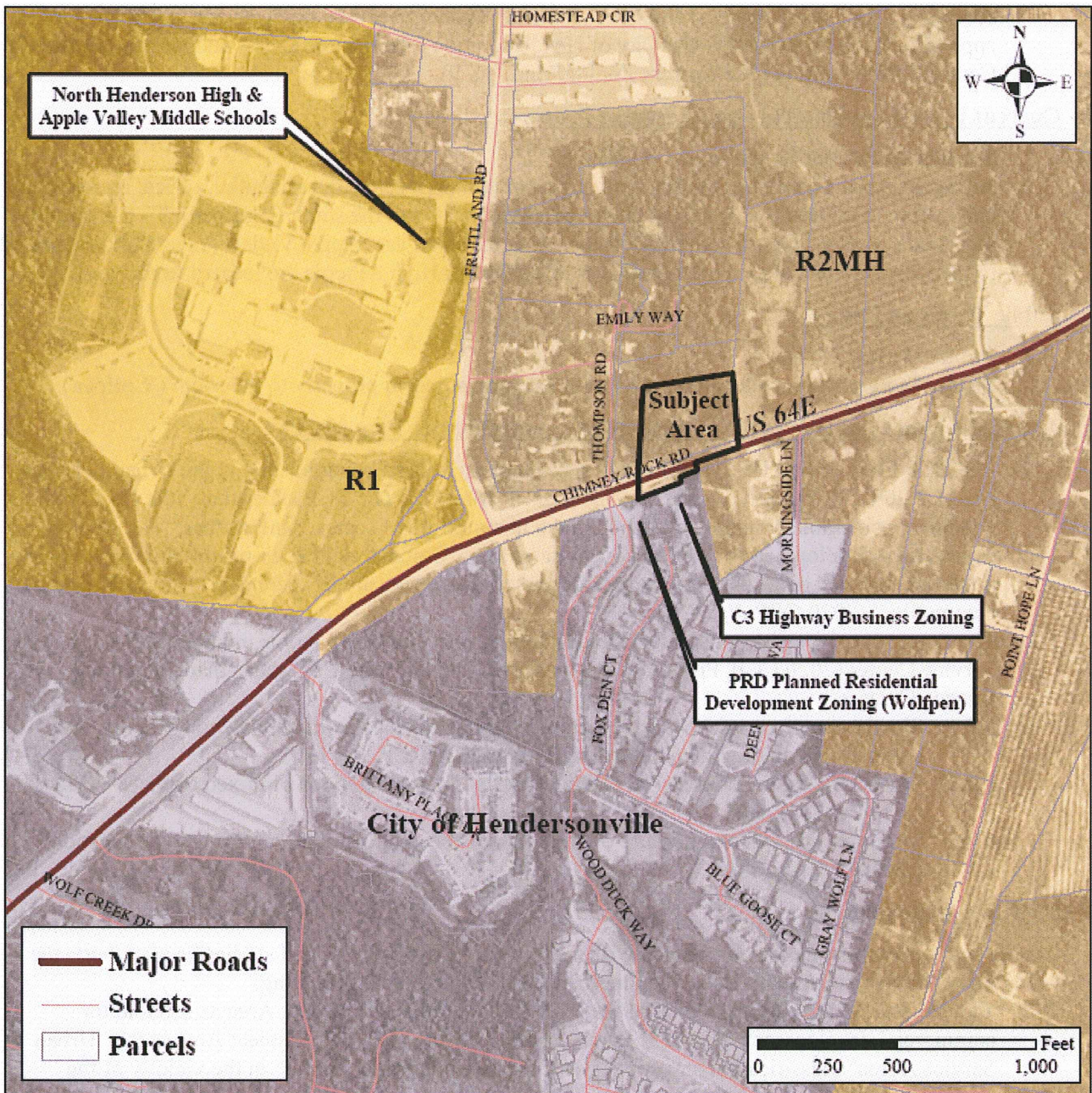
7. **Technical Review Committee (TRC) Recommendations**

7.1. The TRC supports Staff's position, providing a favorable recommendation to rezone the Subject Area from R2MH (Residential Two Manufactured Housing) to LC (Local Commercial).

8. **Planning Board Recommendations**

8.1. The Planning Board supports Staff's position, providing a favorable recommendation to rezone the Subject Area from R2MH (Residential Two Manufactured Housing) to LC (Local Commercial) with a 7 to 0 vote.

Current Zoning Map



Request for Commercial Map Amendment 4

Request: R2MH (Residential Two Manufactured Housing) to LC (Local Commercial)
Property Owners: Chris Lamb, Tyler Nicholson, Greg Lamb, Lynn Lamb, and Bradley Snyder

1. Subject Area Information

1.1. PINs, Owners, and Approximate Sizes:

Owner	PIN	Approximate Size (acres)
Greg Lamb	9589-16-4514	1.50
Chris Lamb	9589-16-7762	2.19
Bradley Snyder	9589-26-1606	0.90
Tyler Nicholson	9589-16-9630	0.45
Larry Lamb	9589-16-5577	0.33
	9589-16-6567	0.34
	9589-16-6462	0.35
Total Acreage		6.06

1.2. **Location:** Sugarloaf Road (SR 1734), approximately 2,060 feet (0.39 miles) east of the intersection of Sugarloaf Road (SR 1734) and Howard Gap Road (SR 1006).

1.3. **Approximate Frontage:** 765 feet (0.15 miles) along Sugarloaf Road (SR 1734).

2. Current and Adjacent Zoning

2.1. The Subject Area and adjacent properties are zoned R2MH (See Current Zoning Map, Pg. 15).

3. Current Uses of Subject Area and Adjacent Properties

3.1. **Subject Area Uses:** One parcel (PIN: 9589-26-1606) contains a commercial use (Mountainscape Inc.). The remaining parcels contain single-family residential uses.

3.2. **Adjacent Area Uses:** Surrounding area lands contain residential and commercial uses or remain undeveloped. Residential uses are located to the north, east, west and south. UAP Distribution Inc is located directly to the north.

4. Public Water and Sewer

4.1. **Public Water:** On site.

4.2. **Public Sewer:** Not on site. Nearest sewer is located 3,045 feet (0.58 miles) northwest of site.

5. The Henderson County, North Carolina 2020 Comprehensive Plan (CCP)

5.1. The CCP Future Land Use Map identifies the Subject Area as being located in the Urban Services Area (2020 CCP, Pg. 128, Pg. 129 & Appendix 1, Map 24). 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).

5.2. The Future Land Use Map does not identify the Subject Area as being in the vicinity of a Community Service Center (2020 CCP, Pg. 134 & Appendix 1, Map 24).

6. Staff Recommendations

Staff’s position at this time, under the guidelines of current plans, policies and studies, is it does not support the rezoning of the Subject Area to Local Commercial (LC), based on the following:

6.1. **The 2020 CCP:** The text and map of the 2020 CCP identify the Subject Area as being located within the “Urban Services Area” classification. While commercial development is encouraged in the USA no “Community Service Center” is applied in the vicinity of the Subject Area. Further, the CCP indicates that commercial zoning districts should have configurations which are in keeping

with the surrounding community. The configuration of this zoning district should be further evaluated given the surrounding uses.

6.2. **Adjacent Zoning:** The Subject Area is not adjacent to any existing commercial zoning. Although the Subject Area may be suitable for commercial development, Staff notes that reducing the area of the request to only those parcels along and near Sugarloaf Road may be appropriate. Staff further recommends study be undertaken with a separate public hearing and notification to adjacent property owners before amending the official zoning map.

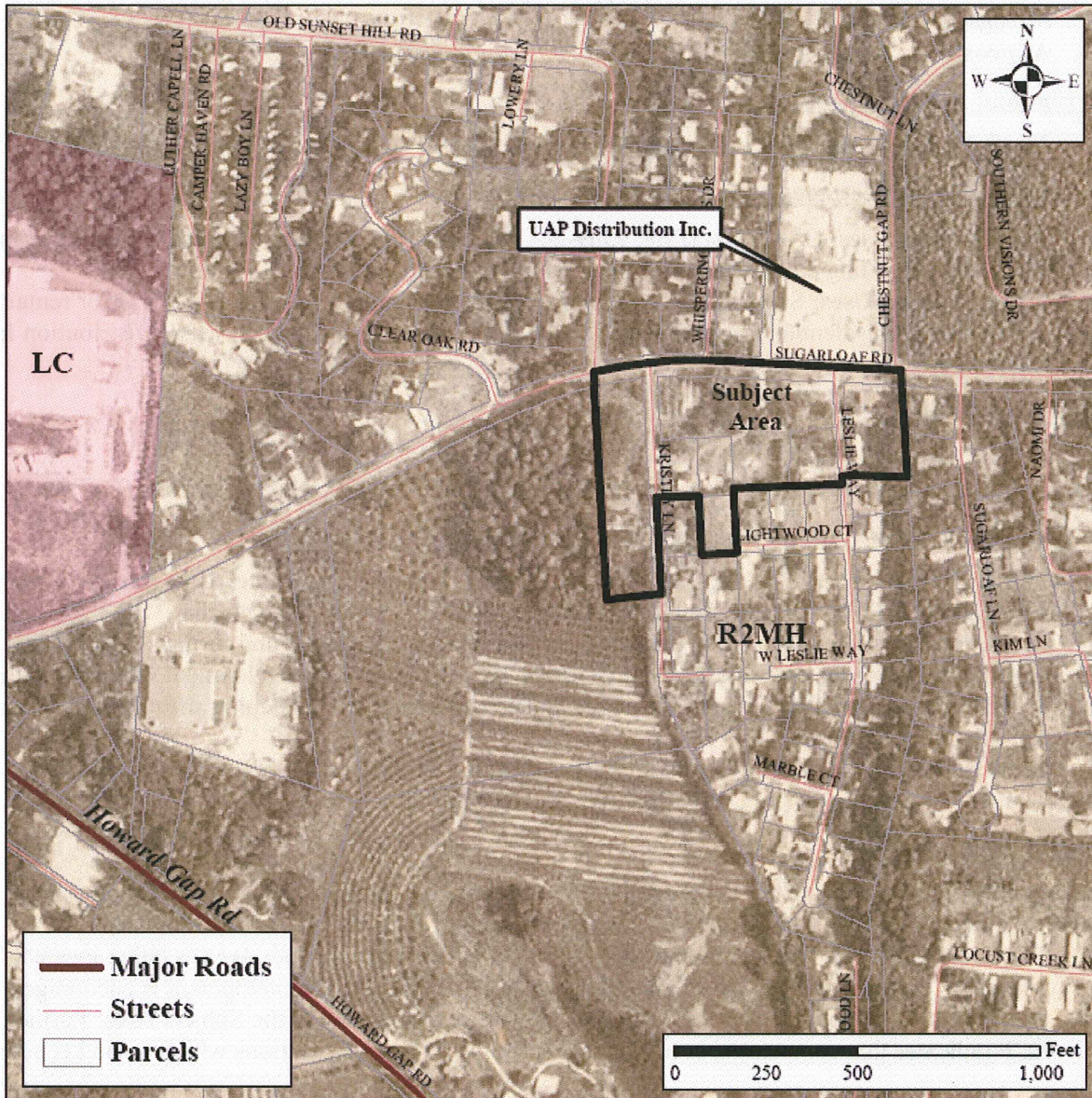
7. **Technical Review Committee (TRC) Recommendations**

7.1. The TRC supports Staff's position, providing an unfavorable recommendation regarding rezoning the Subject Area from R2MH (Residential Two Manufactured Housing) to LC (Local Commercial). The TRC further recommends that the request be submitted as a separate rezoning application due to the need for further study.

8. **Planning Board Recommendations**

8.1. The Planning Board supports Staff's position, providing an unfavorable recommendation regarding rezoning the Subject Area from R2MH (Residential Two Manufactured Housing) to LC (Local Commercial) with a 5 to 2 vote.

Current Zoning Map



Request for Commercial Map Amendment 5

Request: R2MH (Residential Two Manufactured Housing) to LC (Local Commercial)

Property Owner: Flaughn Lamb

1. Subject Area Information

- 1.1. **PIN:** 9599-08-3992
- 1.2. **Approximate Size:** 32.43 acres
- 1.3. **Location:** Sugarloaf Road (SR 1734), approximately 1,450 feet (0.28 miles) east of the intersection of Sugarloaf Road (SR 1734) and Pace Road (SR 1726).
- 1.4. **Approximate Frontage:** 400 feet along Sugarloaf Road (SR 1734).

2. Current and Adjacent Zoning

- 2.1. The Subject Area and adjacent properties are zoned R2MH (See Current Zoning Map, Pg. 17).

3. Current Uses of Subject Area and Adjacent Properties

- 3.1. **Subject Area Uses:** Orchard Trace Golf Club.
- 3.2. **Adjacent Area Uses:** Surrounding area lands are undeveloped or contain residential uses.

4. Public Water and Sewer

- 4.1. **Public Water:** Not on site. Nearest water is located 3,850 feet (0.73 miles) west of site.
- 4.2. **Public Sewer:** Not on site. Nearest sewer is located 1.5 miles northwest of site.

5. The Henderson County, North Carolina 2020 Comprehensive Plan (CCP)

- 5.1. The CCP Future Land Use Map identifies the Subject Area as being located in the Rural/Urban Transition Area (2020 CCP, Pg. 130, Pg. 131 & Appendix 1, Map 24). The CCP states that, “the RTA is currently rural in character, with existing pockets of limited higher density residential and commercial development,” (2020 CCP, Pg. 130) and further, “commercial development...will be encouraged within defined Community Service Centers...at Local and Community scales” (2020 CCP, Pg. 131).
- 5.2. The Future Land Use Map does not identify the Subject Area as being in the vicinity of a Community Service Center (2020 CCP, Pg. 134 & Appendix 1, Map 24).

6. Staff Recommendations

Staff’s position at this time, under the guidelines of current plans, policies and studies, is it does not support the rezoning of the Subject Area to Local Commercial (LC), based on the following:

- 6.1. **The 2020 CCP:** The text and map of the 2020 CCP identify the Subject Area as being located within the “Urban Services Area” classification. While commercial development is encouraged in the USA no “Community Service Center” is applied in the vicinity of the Subject Area. Further, the CCP indicates that commercial zoning districts should have configurations which are in keeping with the surrounding community. The configuration of this zoning district may need to be further evaluated given the surrounding uses.
- 6.2. **Adjacent Zoning:** The Subject Area is not adjacent to any existing commercial zoning.
- 6.3. **Existing Uses:** The property owner indicated that the property is suited for commercial use given its current use as a Golf Course. The R2MH zoning district currently applied to the property allows for its use as a Golf Course.

Although the Subject Area may be suitable for commercial development, Staff recommends further study be undertaken with a separate public hearing and notification to adjacent property owners before amending the official zoning map.

7. Technical Review Committee (TRC) Recommendations

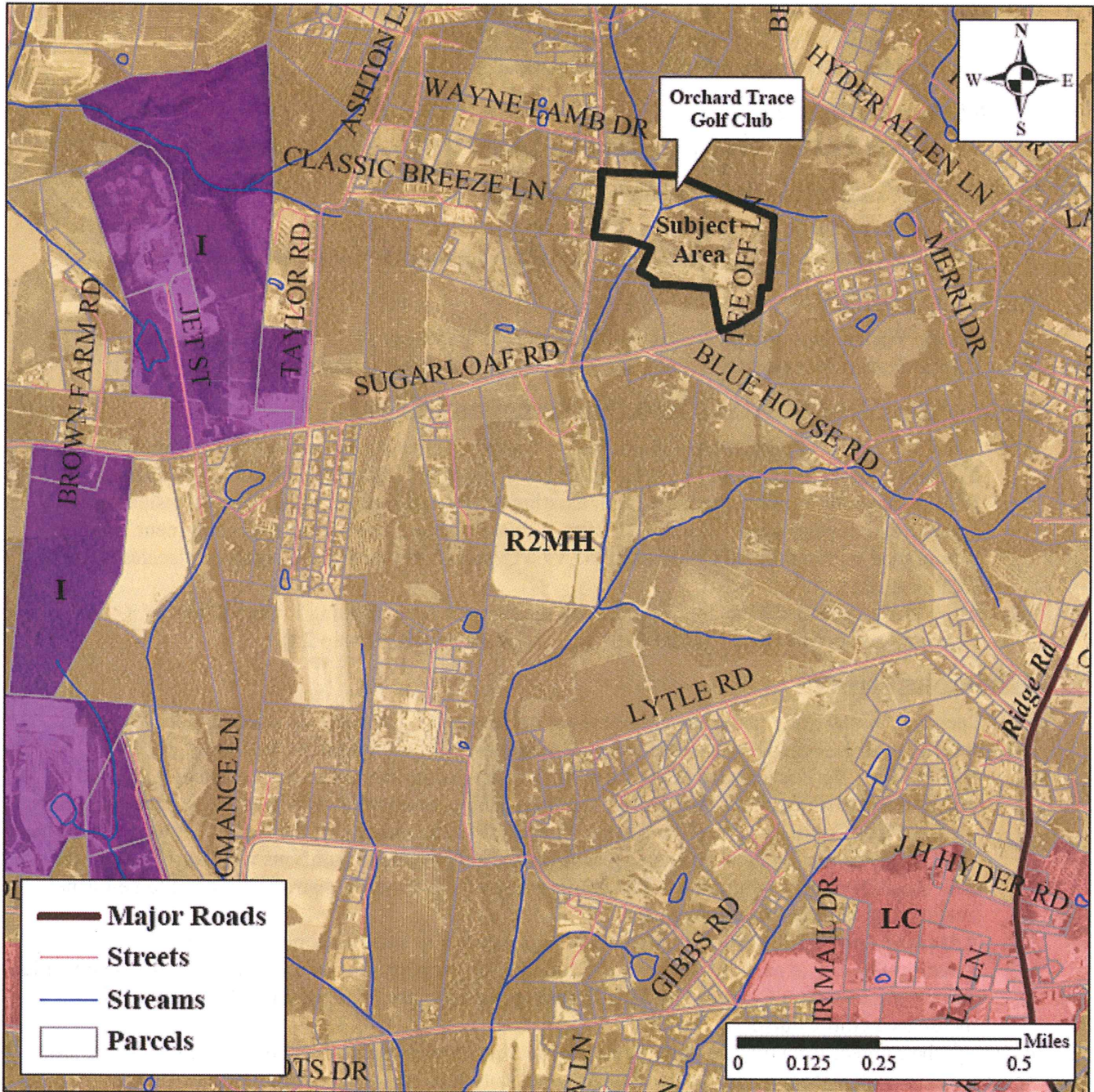
- 7.1. The TRC supports Staff’s position, providing an unfavorable recommendation regarding rezoning the Subject Area from R2MH (Residential Two Manufactured Housing) to LC (Local Commercial).

The TRC further recommends that the request be submitted as a separate rezoning application due to the need for further study.

8. Planning Board Recommendations



8.1. The Planning Board does not support Staff's position, providing a favorable recommendation to rezone the Subject Area from R2MH (Residential Two Manufactured Housing) to LC (Local Commercial) with a 6 to 1 vote.

Current Zoning Map



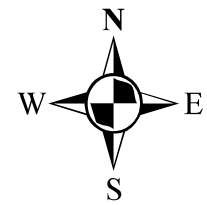
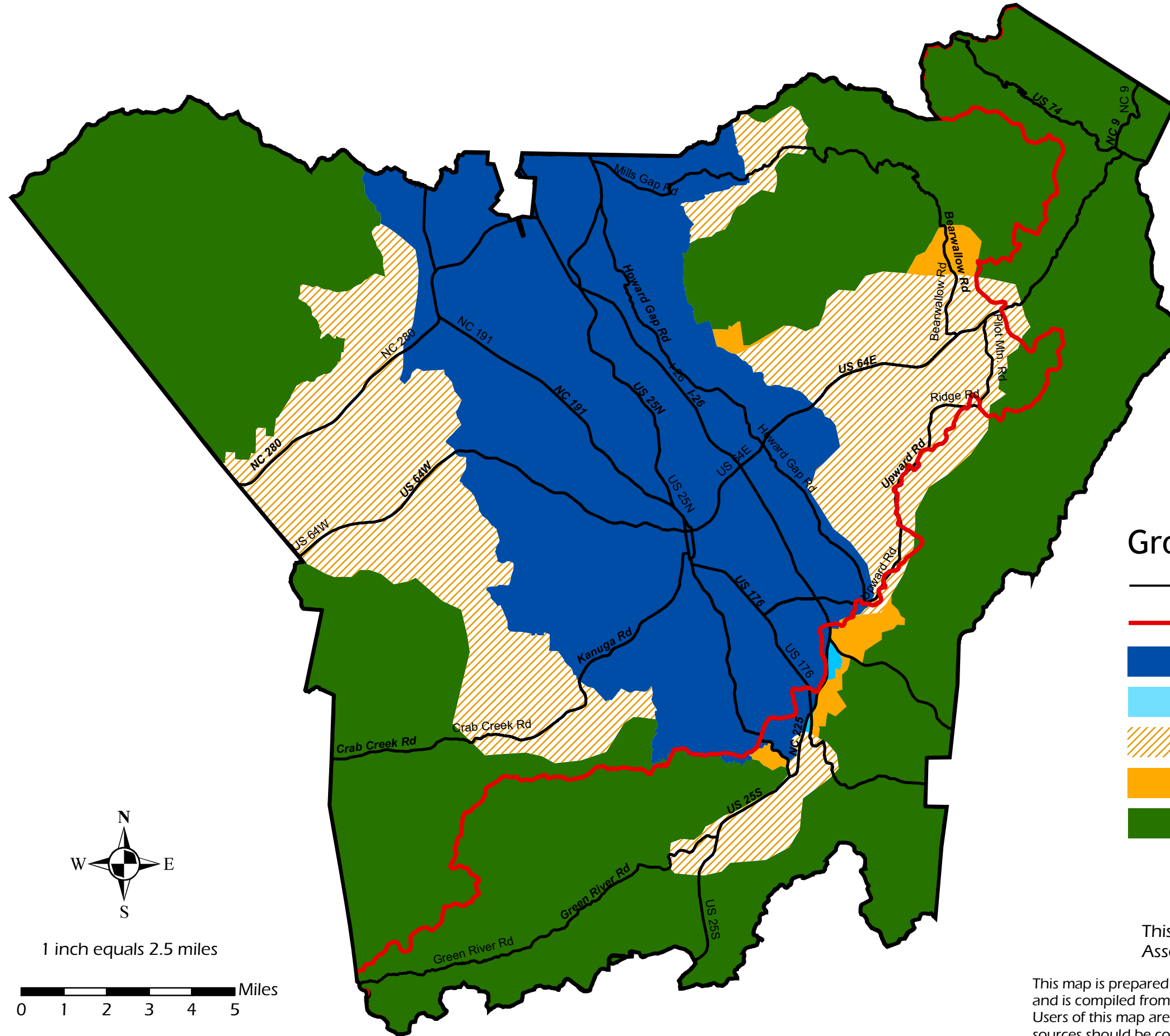
Henderson County 2020 Comprehensive Plan

Growth Management Strategy

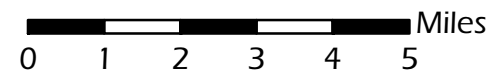
-  Major Roads
-  Continental Divide
-  Urban Service Area
-  Expanded Urban Service Area
-  Rural/Urban Transition Area
-  Expanded Rural/Urban Transition Area
-  Rural/Agricultural Areas

This map was produced by Henderson County GIS, Assessor's, Land Records, & Planning Departments.







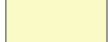

This map is prepared for the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The County and mapping company assume no legal responsibility for the information contained on this map.

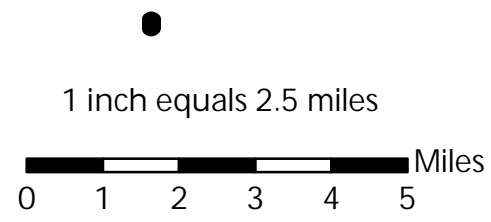
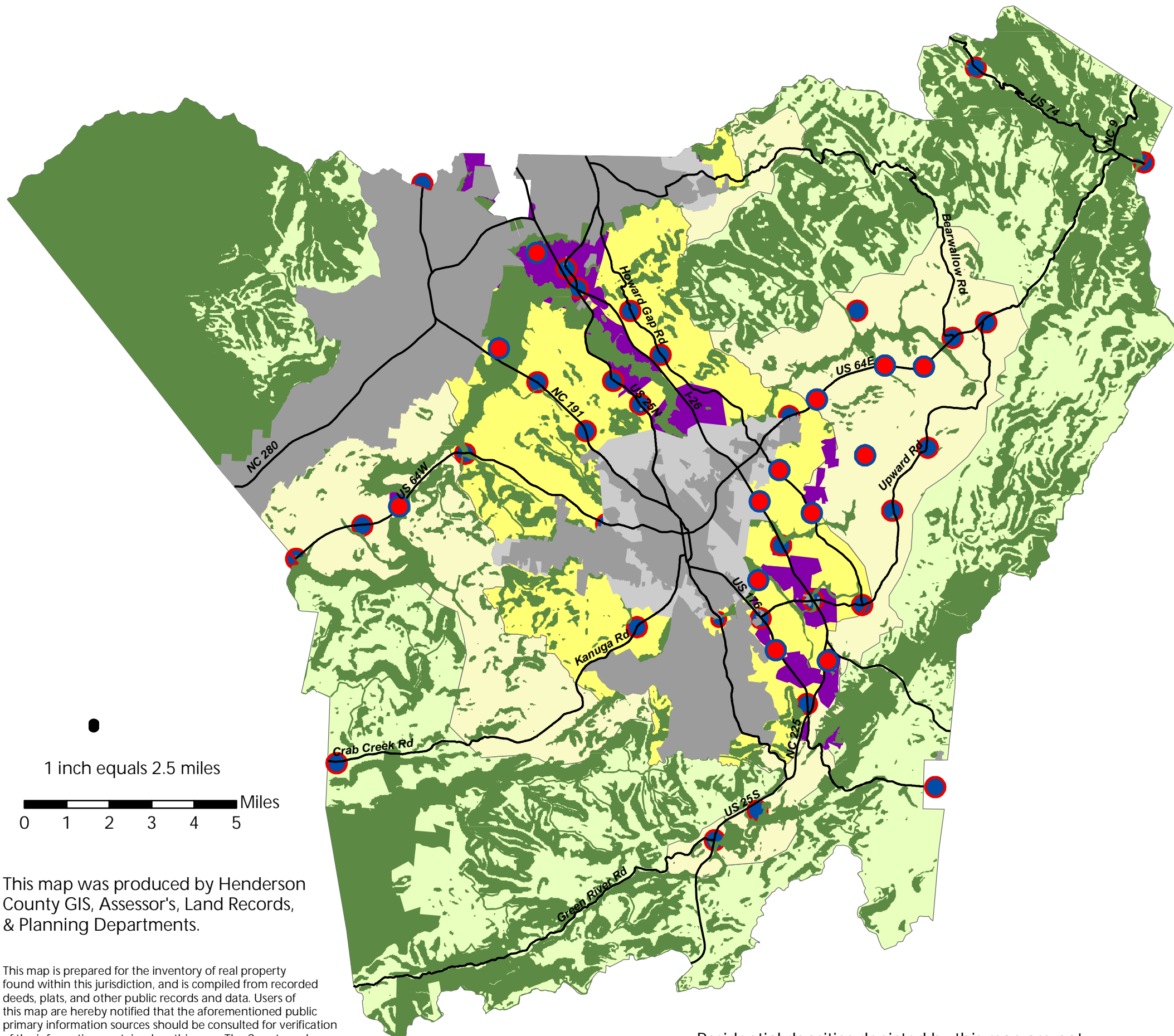


1 inch equals 2.5 miles



Henderson County Comprehensive Plan Future Land Use*

-  Major Roads
-  Proposed New Community Service Centers
-  Community Service Center
-  Industrial
-  Conservation
-  Rural/Agricultural Areas
-  Rural/Urban Transition Areas
-  Urban Services Area



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Residential densities depicted by this map are not absolute. Density will vary within these areas as determined by Community Plans.

* This Future Land Use Map is not intended to provide precise, site-level details as to future land use. Rather, it is intended to serve as a general guide for important infrastructural, zoning, and other decisions. This map is subject to change and will be regularly updated.

** Community Service Centers: Intended to contain a mixture of Commercial, Community Facility, and Dense Residential uses; intended to depict general location only, actual size, shape, and range and intensity of uses therein shall be determined by Community Plans and other detailed studies; other Community Service Centers may be identified in the future.