

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: Wednesday, November 17, 2010

SUBJECT: Public Hearing for Rezoning Application #R-2010-01

ATTACHMENTS:

1. Staff Report
2. Aerial Photo Map
3. Subject Area Photos
4. Community Commercial (CC) District Text
5. Excerpt of Planning Board Minutes from September 16, 2010
6. Notice of Public Hearing
7. Certification of Notification of Public Hearing
8. Power Point Slides

SUMMARY OF REQUEST:

Staff initiated Rezoning Application #R-2010-01 for the County to rezone approximately .024 acres of land, located near the intersection of Spartanburg Highway (US 176) and Upward Rd (SR 1783), from the City of Hendersonville's relinquished jurisdiction to a Community Commercial (CC) zoning district. The subject area owner is Philip and Maria Furino. A mapping error by the City of Hendersonville requires the rezoning. County staff recently learned that the City adjusted their boundary on August 23, 2010.

The Henderson County Planning Board considered rezoning application #R-2010-01 at its regularly scheduled meeting on September 16, 2010. During that meeting, the Planning Board voted unanimously to send forward a favorable recommendation on rezoning application #R-2010-01 to rezone the Subject Area to CC (Community Commercial).

PUBLIC NOTICE:

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §200A-314(C) and §200A-337(B) of the Henderson County Land Development Code and State Law, notices of the November 17, 2010, public hearing regarding rezoning application #R-2010-01 were published in the Hendersonville Times-News on November 3, 2010 and November 10, 2010. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area and the subject area property owner and posted signs advertising the hearing on the Subject Area on November 4, 2010. Attachment 7 includes a certification to this effect.

BOARD ACTION REQUESTED:

Planning Staff recommends that the Board of Commissioners approve the application to rezone the Subject Area to a Community Commercial (CC) zoning district

Suggested Motion:

I move that the Board recommend approval of rezoning application #R-2010-01 to rezone the Subject Area to a Community Commercial (CC) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan.

Henderson County Planning Department Staff Report

Rezoning Application #R-2010-01

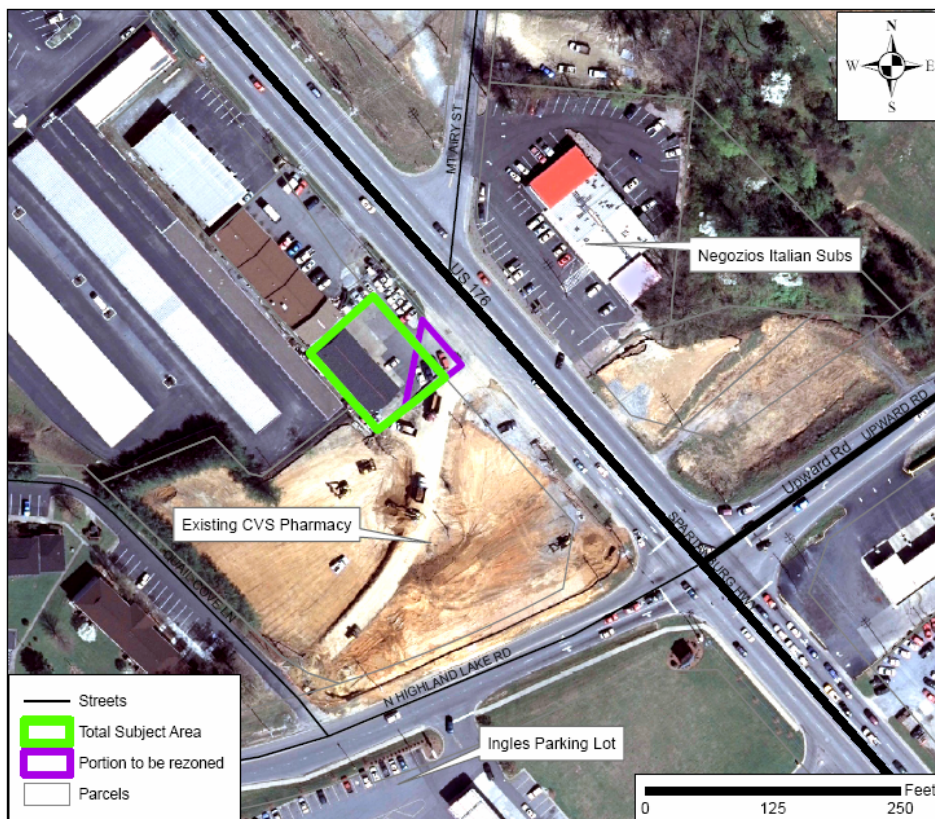
Furino, Philip and Maria, Owner

Initiated by the Henderson County Planning Department Staff, **Applicant**

1. Rezoning Request

- 1.1. **Applicant:** Initiated by the Henderson County Planning Department
- 1.2. **Property Owner:** Furino, Philip and Maria
- 1.3. **Request:** Zone a portion of a parcel Community Commercial that is currently not zoned by Henderson County due to a City of Hendersonville mapping error.
- 1.4. **PIN:** 9577-68-8725
- 1.5. **Size:** Total of .024 acres to be rezoned.
- 1.6. **Location:** The Subject Area is located along Spartanburg Highway (US 176), approximately 300 feet from the intersection of Spartanburg Highway (US 176) and Upward Rd (SR 1783).

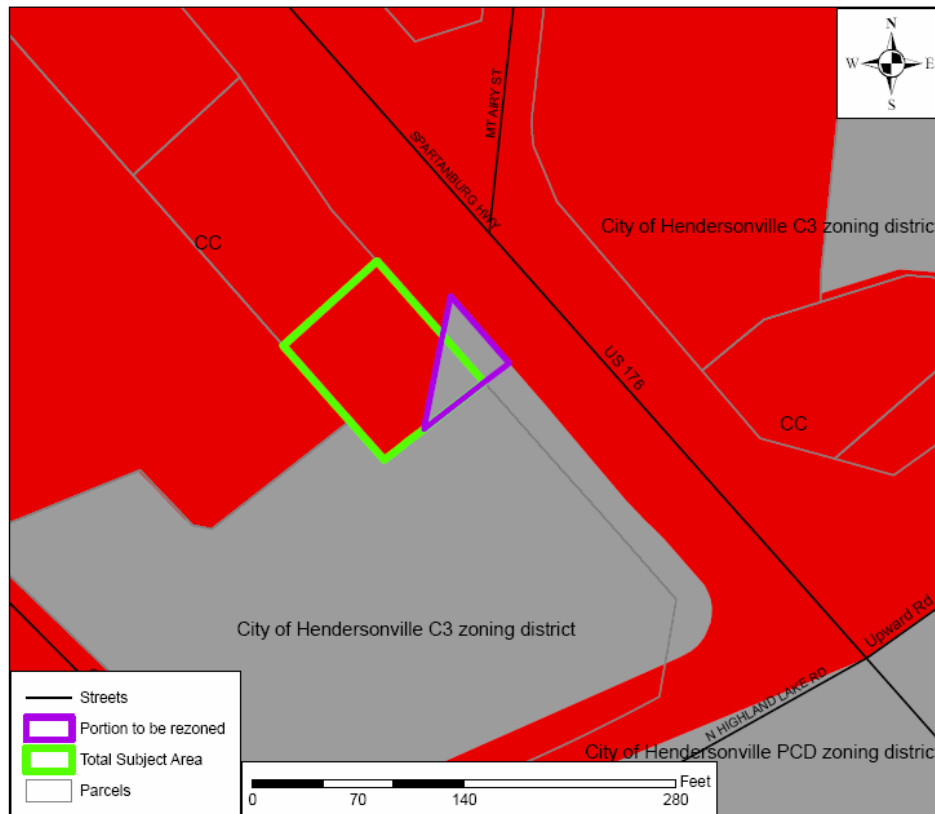
Map A: Aerial Photo



2. Current Zoning

2.1. **Application of Current Zoning:** In June 2006 the City of Hendersonville annexed the parcel to the south of the subject area (currently the CVS property, PIN: 9577688508). A portion of the subject area was mistakenly included in the annexation due to a mapping error.

Map B: Current Zoning



2.2. **Adjacent Zoning:** The Subject Area is adjacent to County CC zoning to the east and north. Land adjacent to the Subject Area to the south is zoned C3 by the City of Hendersonville.

2.3. **Prior Zoning:** The areas surrounding the Subject Area were previously (prior to LDC adoption on September 19, 2007) zoned C-4 (Highway Commercial) by Henderson County.

2.4. Proposed Zoning

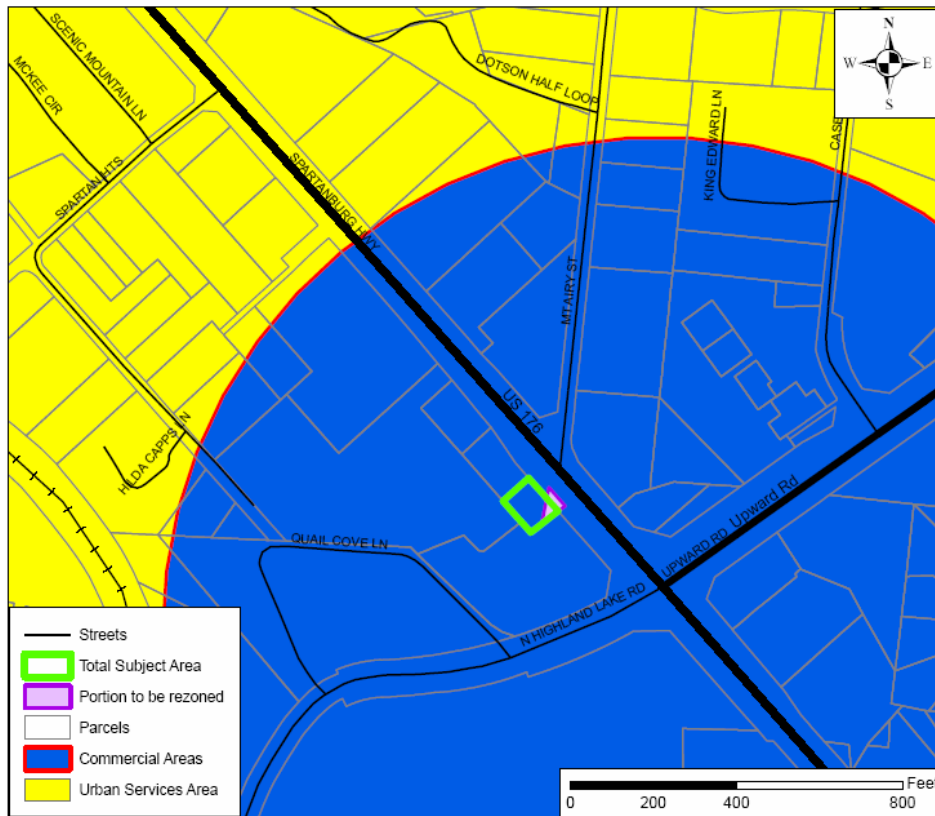
2.4.1. **Community Commercial:** “The purpose of the Community Commercial District (CC) is to foster orderly growth where the principle use of land is commercial. The intent of this district is to allow for commercial development consistent with the recommendations of the Comprehensive Plan. In accordance 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 defined 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 Transition or Urban” (Chapter 200A, Land Development Code §200A-34).

CC requires 10 foot side and rear setbacks, maximum height 50 feet, a standard density of 16 units per acre, a maximum 80% impervious surface. A single commercial use on a single lot would be limited to 30,000 square feet maximum floor area and with a multi tenant structure the principal tenant would have a maximum floor area of 80,000 square feet.

3. Current Uses of Subject Area and Adjacent Properties

- 3.1. **Subject Area Uses:** The Subject Area parcel contains an auto repair shop.
- 3.2. **Adjacent Area Uses:** The surrounding properties are primarily commercial uses. South of the Subject Area is a CVS Pharmacy, across the street to the east is a deli, and Dollar General store. The property directly to the north also contains a retail commercial use.
- 3.3. The Henderson County 2020 Comprehensive Plan (CCP)
 - 5.1. **Urban Services Area:** The CCP Future Land Use Map identifies the Subject Area as being located in the Urban Services Area (USA)(2020 CCP, Pgs. 128, 129 & Appendix 1, Map 24) (See Map D).
 - 5.1.1. The CCP states that, “the County’s economic development activities should be pursued within USA” (2020 CCP, Pg. 129).
 - 5.1.2. The CCP also states that, “the USA is that area within which most urban services and urban-scale development is currently concentrated, and within which such development should generally be concentrated through the year 2020” (CCP, Pg. 128).

Map C: 2020 County Comprehensive Plan Future Land Use Map

6. Staff Comments

6.1. **The 2020 CCP:** The CCP Future Land Use Map (See Map D) places the subject area in the “Urban Services Area” classification, as well as, within a Commercial Service Center. The text and map of the 2020 CCP suggest that the Subject Area would be suitable for commercial development.

6.2. **Adjacent Zoning:** The Subject Area directly abuts an existing CC zoning district to the east and north. If the Subject Area were to be rezoned to CC this property would be apart of a contiguous zoning district.

7. Staff Recommendations

7.1. 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 CC consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.

7.1.1. According to the City of Hendersonville, the portion of the Subject Area was removed from the City of Hendersonville’s Jurisdiction on August 23, 2010. Currently, the Subject Area is NOT zoned. Staff recommends rezoning the Subject Area to CC to match the surrounding CC zoning.

8. Technical Review Committee Recommendations

8.1. The Henderson County Technical Review Committee considered rezoning application #R-2010-01 on September 7, 2010. During that meeting, the Technical Review Committee voted unanimously to send forward a favorable recommendation on rezoning application #R-2010-01 to rezone the Subject Area to a Community Commercial (CC) zoning district.

9. Planning Board Recommendations

9.1. The Henderson County Planning Board considered rezoning application #R-2010-01 on September 16, 2010. During that meeting, the Planning Board voted unanimously to send forward a favorable recommendation on rezoning application #R-2010-01 to rezone the Subject Area to a Community Commercial (CC) zoning district.







Existing CVS Pharmacy

Negozios Italian Subs

Ingles Parking Lot

Legend

-  Total Subject Area
-  Portion to be rezoned
-  Parcels
-  Streets

Rezoning Application
R-2010-01
Furino, Philip and Maria, owner



0 55 110 220 Feet



View of Spartanburg Hwy. looking East.



View subject area looking north.

§200A-34. Community Commercial District (CC)

- A. **Purpose.** 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 Transition or Urban in the *Comprehensive Plan*.
- B. **Density and Dimensional Requirements.** Each *use* allowed in this district shall at a minimum conform to the following requirements (in the case of a nonresidential *use* the *residential density* requirements shall not apply). In some cases a specific *use* may be required to meet the Supplemental Requirements as set forth in §200A-63 (Supplemental Requirements).

Table 2.8. CC Density and Dimensional Requirements			
		(1) <i>Residential Density</i> (units/acre)	16
		<i>Maximum Impervious Surface</i> (%)	80
		(2) <i>Maximum Floor Area</i> (sq ft)	80,000 or 30,000
<i>Yard Setbacks</i> (feet)	<i>Front or ROW</i>	<i>Local</i>	20
		<i>Collector</i>	25
		<i>Thoroughfare</i>	35
		<i>Boulevard</i>	45
		<i>Expressway</i>	55
		<i>Freeway</i>	60
		<i>Side</i>	10
		<i>Rear</i>	10
Maximum Height (feet)			50

- (1) *Residential density* shall be calculated utilizing the entire acreage of a *tract* of land. Under this scenario, *residential density* shall be determined based on the following formula:

<p>$Lot\ size \times allowable\ units\ per\ acre = permitted\ dwelling\ units$</p> <p>The following example assumes a 5 acre tract with an allowable density of 16 units/acre:</p> <p>5 acres x 16 units per acre = 80 permitted dwelling units</p>

The maximum *residential density* for portions of the *tract* with a *slope* of 60 percent or greater (where such *slope* areas of the *tract* account for ten (10) percent or more of the *tract*) shall be one-half (½) the eligible density.

Within a multi-tenant *structure/site*, one unit shall have a maximum *gross floor area* of 80,000 square feet. The maximum *gross floor area* for any other commercial *use* or single unit on a single *lot* within the project shall be 30,000 square feet.

HENDERSON COUNTY PLANNING BOARD
September 16, 2010

The Henderson County Planning Board met on September 16, 2010 for their regular scheduled meeting at 5:30 p.m. in the King Street Meeting Room located at 100 North King Street, Hendersonville, NC. Planning Board members present were Jonathan Parce, Chair; Steve Dozier, Rick Livingston, Mike Cooper, Tommy Laughter, Suprina Stepp and Marilyn Gordon. Others present included Anthony Starr, Planning Director; Autumn Radcliff, Senior Planner; Parker Sloan, Planner; and Sarah Zambon, Associate County Attorney. Board members absent were Wayne Garren and Stacy Rhodes.

Chairman Parce called the meeting to order of the Henderson County Planning Board. He asked for the approval of August 19, 2010 meeting. Steve Dozier made a motion to approve the minutes and Suprina Stepp seconded the motion. All members present voted in favor (6-0).

Annual Election of Officers and Appointment of Secretary. Tommy Laughter made a motion that the present officers, Jonathan Parce, Chairman and Tommy Laughter, Vice-Chairman remain for another year and that Kathleen Scanlan is appointed as the secretary. Steve Dozier seconded the motion. All members present voted in favor (6-0).

Adjustment of Agenda. There were no adjustments to the agenda.

NEW BUSINESS

Rezoning Application # R-2010-01 – Rezone Approximately .024 Acres of Land – Located near the intersection of Spartanburg Highway and Upward Road, from the City of Hendersonville’s Relinquished Jurisdiction to a Community Commercial Zoning District – Philip and Maria Furino, Property Owners – Initiated by Henderson County Planning Department – Presentation by Parker Sloan, Planner. Mr. Sloan stated that this is a staff initiated rezoning for the County to rezone approximately .024 acres of land located near the intersection of Spartanburg Highway and Upward Road. The subject area is owned by Philip and Maria Furino and the reason for the rezoning was due to a mapping error by the City of Hendersonville. He said that on August 23, 2010, the City of Hendersonville removed the subject area from their jurisdiction and currently it is not zoned. Mr. Sloan explained that the proposed Community Commercial (CC) zoning would be a part of a contiguous zoning district. Staff supports the rezoning request as it is consistent with the recommendations of the County’s 2020 Comprehensive Plan. Mr. Sloan added that the Technical Review Committee considered the rezoning request at their meeting on September 7, 2010 and voted unanimously to send forward a favorable recommendation to rezone the subject area to a Community Commercial zoning district.

Tommy Laughter made a motion that the Planning Board recommend approval of rezoning application # R-2010-01 to rezone the Subject area to a Community Commercial (CC) zoning district based on the recommendation of the Henderson County 2020 Comprehensive Plan. Rick Livingston seconded the motion and all members present voted in favor (6-0).

Etowah-Horse Shoe Community Plan Zoning Map Amendments – Autumn Radcliff, Senior Planner.

Ms. Radcliff stated that the Etowah-Horse Shoe Communities Plan was recommended by the County’s Comprehensive Plan. Ms. Radcliff said the County’s Comprehensive Plan that was adopted by the Board of Commissioners indicated that the County did a series of community plans. The community plans are community specific comprehensive plans which address a wide range of areas including land use and development; transportation; natural and cultural resources; community facilities and public services; economic development and agriculture and housing. She said that the Etowah-Horse Shoe Community Plan was the first community plan called for in the comprehensive plan and that was based on the amount of growth which was expected to occur. The Board of Commissioners advertised and took applications for people who lived in that area who owned a

**NOTICE OF PUBLIC HEARING
ON PROPOSED ZONING MAP AMENDMENT
(Rezoning Requests #R-2010-01)**

The Henderson County Board of Commissioners will hold a public hearing on a proposed map amendment to the Official Zoning Map of Henderson County, North Carolina.

Staff initiated Rezoning Application #R-2010-01 for the County to rezone approximately .024 acres of land, located near the intersection of Spartanburg Highway (US 176) and Upward Rd (SR 1783), from the City of Hendersonville's relinquished jurisdiction to a Community Commercial (CC) zoning district. The subject area owner is Philip and Maria Furino. A mapping error by the City of Hendersonville requires the rezoning. County staff recently learned that the City adjusted their boundary on August 23, 2010.

The public hearing will be held on Wednesday, November 17, 2010, at 11:00 A.M., in the Board of Commissioners Meeting Room located in the Henderson County Historic Courthouse, at 1 Historic Courthouse Square, in Hendersonville, NC. The public is invited to attend and comment on the proposed amendment.

Written comments addressed to the Henderson County Board of Commissioners, 1 Historic Courthouse Square, Suite 1, Hendersonville, NC 28792, will be accepted prior to the hearing. Information about the proposed amendment is available for review in the Henderson County Planning Department, 213 1st Avenue East, Hendersonville, NC, between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday, or on the Henderson County Website at www.hcplanning.org. For more information, call the Planning Department at (828) 697-4819 [TDD for the hearing impaired (828) 697-4580].

Please note that after considering public hearing comments, the Board of Commissioners may discuss other options or make changes to the proposed amendments before taking final action. The Henderson County 2020 Comprehensive Plan will be updated and amended, as necessary, to reflect the action of the Board of Commissioners.

Terry Wilson
Clerk to the Board

Henderson County Board of Commissioners

For publication in the Times News on November 3, 2010 and Wednesday, November 10, 2010.

Certification of Notice of Public Hearing

In accordance with NCGS 153A-343 the Planning Department certifies notices of the November 17, 2010 hearing regarding Rezoning Application #R-2010-01 were:

1. Submitted to the Hendersonville Times-News on November 2, 2010 to be published on November 3, 2010 and November 10, 2010 by Parker Sloan;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area on November 2, 2010 by Parker Sloan;
3. Sent, via first class mail, to the property owner(s) on November 2, 2010 by Parker Sloan; and
4. Posted on the Subject Area on November 4, 2010 by Parker Sloan.

The signatures herein below indicate that such notices were made as indicated herein above:

1. Parker Sloan

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

I, KATHLEEN R. SCANLAN, a Notary Public, in and for the above County and State, do hereby certify that PARKER SLOAN,

_____, and _____

personally appeared before me this day and acknowledged the due execution by

_____ of the foregoing instrument.

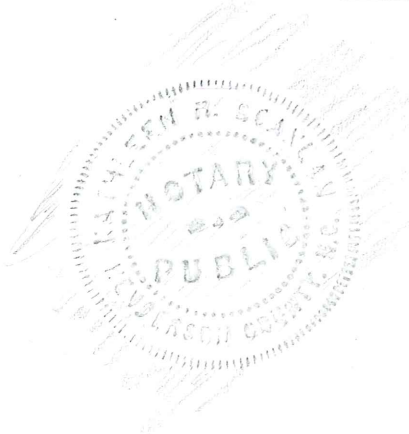
WITNESS my hand and notarial seal, this the 2ND day of NOVEMBER, 2010.

My commission expires:

10-23-2015

(SEAL)
Kathleen R. Scanlan

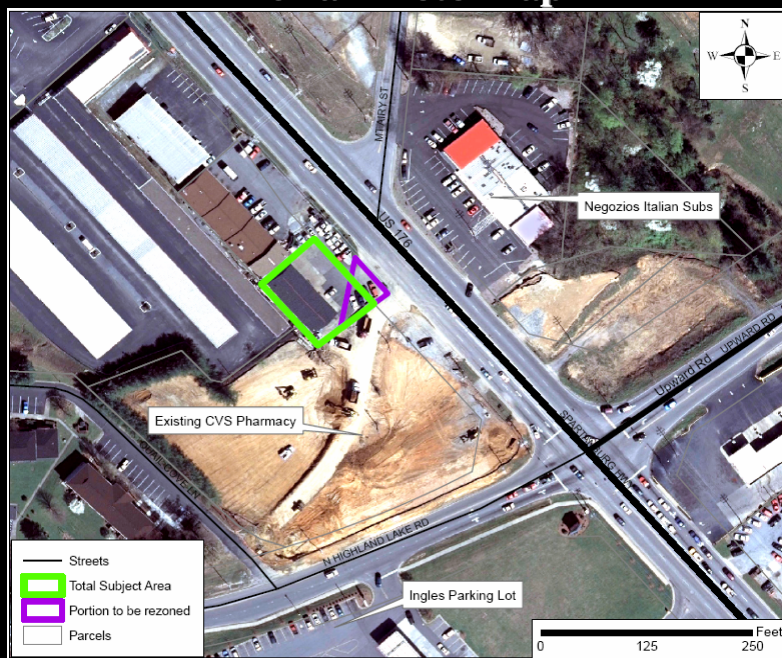
NOTARY PUBLIC



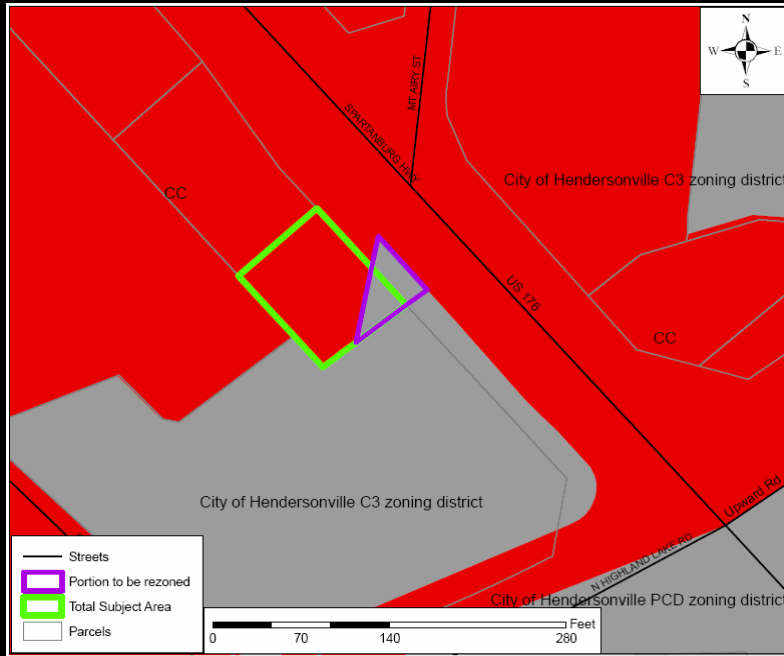
Rezoning #R-2010-01

Initiated by Henderson County Planning Staff, owned by Philip and Maria Furino

Aerial Photo Map



Current Zoning Photo Map



Future Land Use Map

