

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** Monday, November 5, 2012

**SUBJECT:** Public Hearing for Rezoning Application #R-2012-02

**PRESENTER:** Parker Sloan, Planner

**ATTACHMENTS:**

1. Staff Report
2. Aerial Photo Map
3. Notice of Public Hearing
4. Certification of Notification of Public Hearing
5. Resolution of Consistency with CCP
6. Power Point Slides

#### **SUMMARY OF REQUEST:**

Rezoning Application #R-2012-02, which was submitted on July 3, 2012, requests the County rezone two parcels (herein after the subject area). The subject area contains one 11.6 acre tract (PIN: 9680-89-7263) and one 16.9 acre tract (PIN: 9680-99-2699). The applicant requests a rezoning from a Local Commercial (LC) zoning district to a Residential Two Rural (R2R) district. The subject area is owned by Jarrett Mitchem.

The Henderson County Planning Board considered rezoning application #R-2012-02 at its regularly scheduled meeting on September 20, 2012. During that meeting, the Planning Board voted unanimously to send forward a favorable recommendation on rezoning application #R-2012-02 to rezone the Subject Area to Residential Two Rural (R2R).

#### **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 5, 2012, public hearing regarding rezoning application #R-2012-02 were published in the Hendersonville Tribune on October 11, 2012 and October 18, 2012. 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 on October 11, 2012 and posted signs advertising the hearing on the Subject Area on October 19, 2012.

#### **BOARD ACTION REQUESTED:**

After holding the required hearing, Planning Staff recommends that the Board of Commissioners approve the application to rezone the Subject Area to a Residential Two Rural (R2R) zoning district. State law requires that the Board adopt a written statement of consistency with the County Comprehensive Plan (CCP). A draft resolution is provided.

#### **Suggested Motion:**

*I move that the Board adopt the attached resolution regarding the consistency with the CCP.*

*I move that the Board adopt the proposed map amendment.*

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## Henderson County Planning Department Staff Report

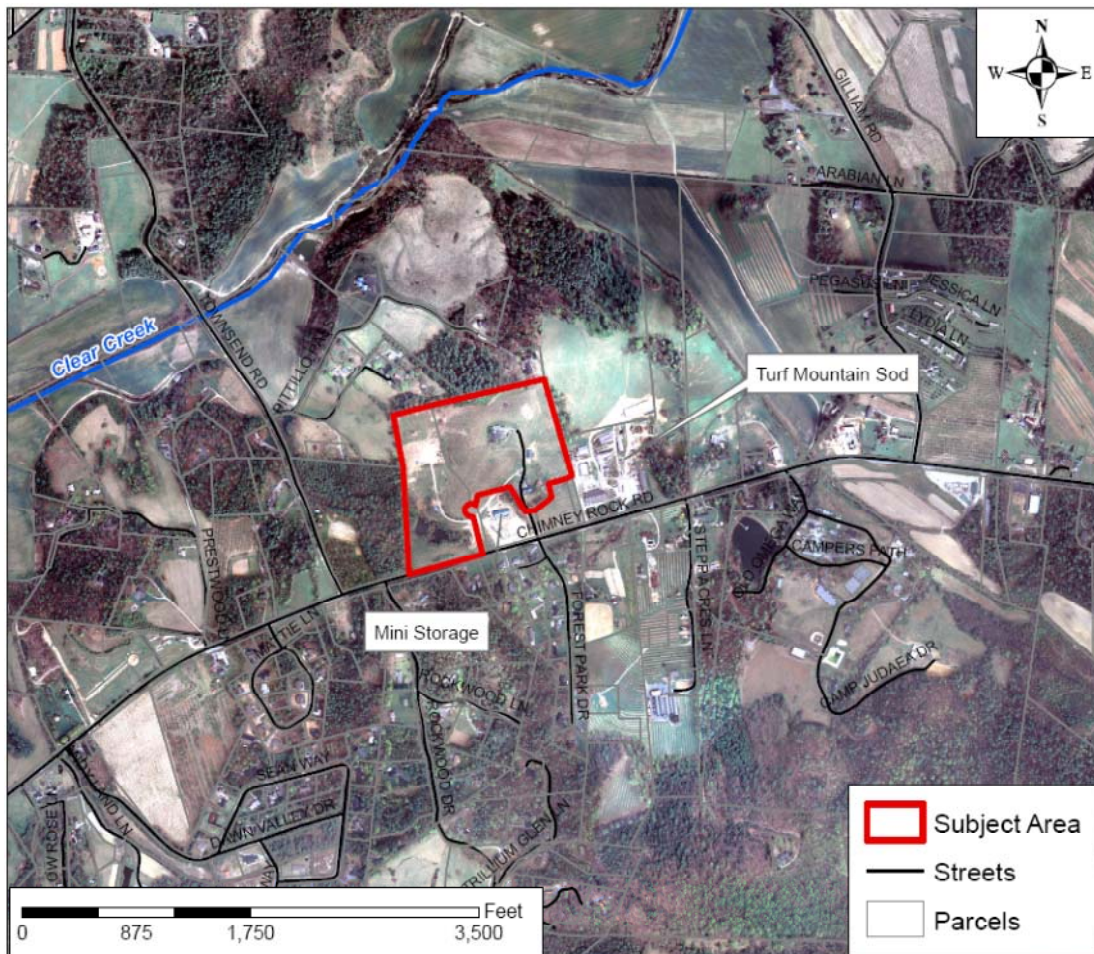
### Rezoning Application #R-2012-02 Jarrett Mitchem, Owner

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#### 1. Rezoning Request

- 1.1. **Applicant:** Jarrett Mitchem, Owner
- 1.2. **Request:** Rezone a the subject area from Local Commercial (LC) to Residential Two Rural (R2R)
- 1.3. **PINs:** 9680-99-2699, 9680-89-7263
- 1.4. **Size:** Total of 28.5 acres to be rezoned.
- 1.5. **Location:** The subject area is located along US highway 64 East (Chimney Rock Road), approximately 2 miles east from the intersection of Fruitland Road (SR 1574) and US highway 64 East (Chimney Rock Road).

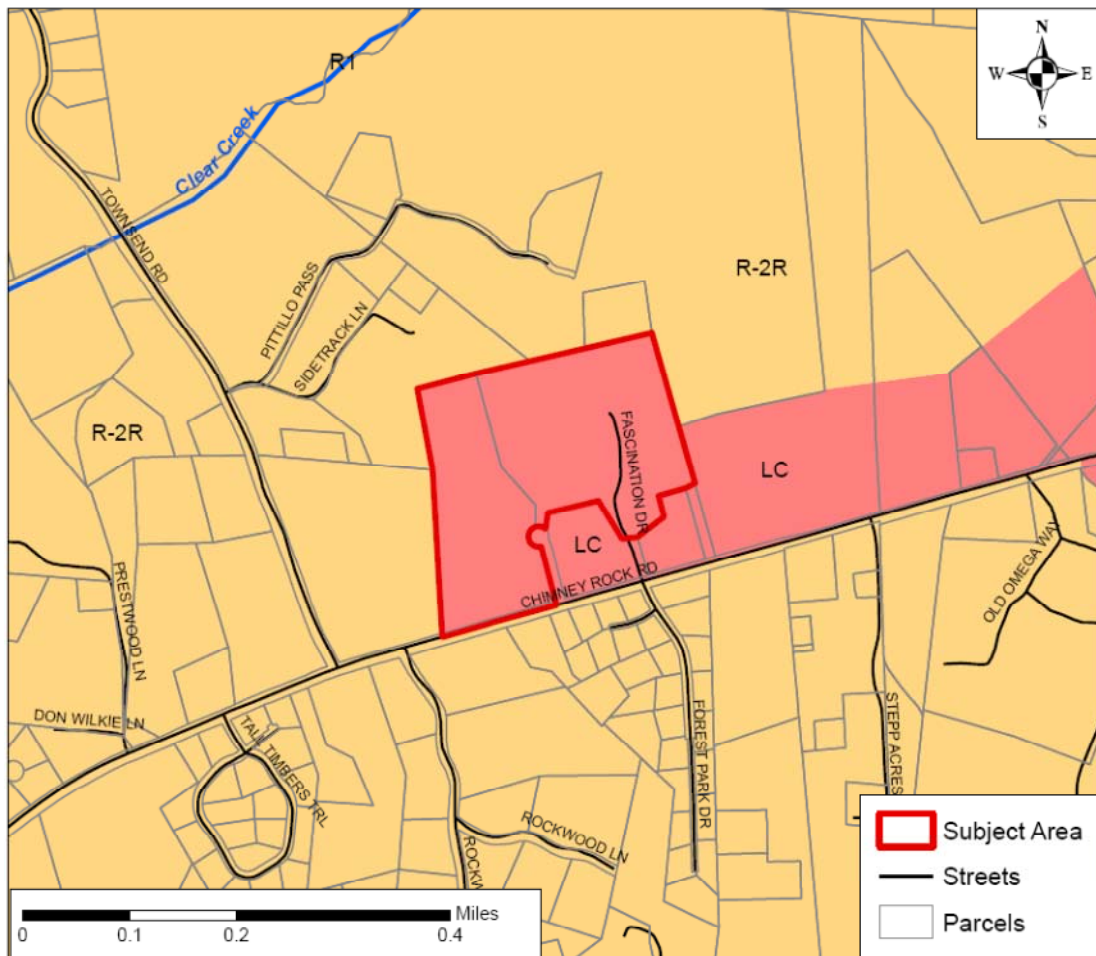
Map A: Aerial Photo



## 2. Current Zoning

- 2.1. **Application of Current Zoning:** The subject area was zoned Local Commercial on September 19, 2007 with the adoption of the Land Development Code.

**Map B: Current Zoning**



- 2.2. **Adjacent Zoning:** The subject area is adjacent to Residential Two Rural (R2R), to the north, east and west. Property to the south, and to the east of the subject area, is zoned Local Commercial (LC).

### 2.3. **District Comparison:**

- 2.3.1. **LC Local Commercial Zoning District:** *“The purpose of the Local Commercial District (LC) is to foster orderly growth where the principal use of land is commercial and residential. 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 and residential developments 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 a local or neighborhood scale; (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 all service areas” (LDC §200A-33).*

(1) LC (Local Commercial) requires 10 foot side and rear setbacks; (2) establishes a maximum building height of 40 feet; (3) Provides a 30,000 square feet maximum gross floor area for one unit in a multi-tenant structure, 10,000 square feet for any other commercial use or a single unit on a single lot, a maximum of 80,000 square feet for any multi-tenant structure, and a standard density of four (4) units per acre for residential (maximum sixteen (16) units per acre) (Chapter 200A, Land Development Code §200A-33)

- 2.3.2. **R2-R (Residential Two Rural):** *“The purpose of Residential District Two Rural (R2R) is to foster orderly growth where the principal use of land is residential. The intent of this district is to allow for low to medium density residential development, with the inclusion of manufactured housing, consistent with the recommendations of the Comprehensive Plan. This general use district is typically meant to be utilized in areas designated as transitional in the Comprehensive Plan” (Chapter 200A, Land Development Code §200A-29).* R2R requires 10 foot side and rear setbacks, a maximum building height of 40 feet, and a standard density of one (1) unit per acre (maximum density of 2 units per acre).

### **3. Current Uses of Subject Area and Adjacent Properties**

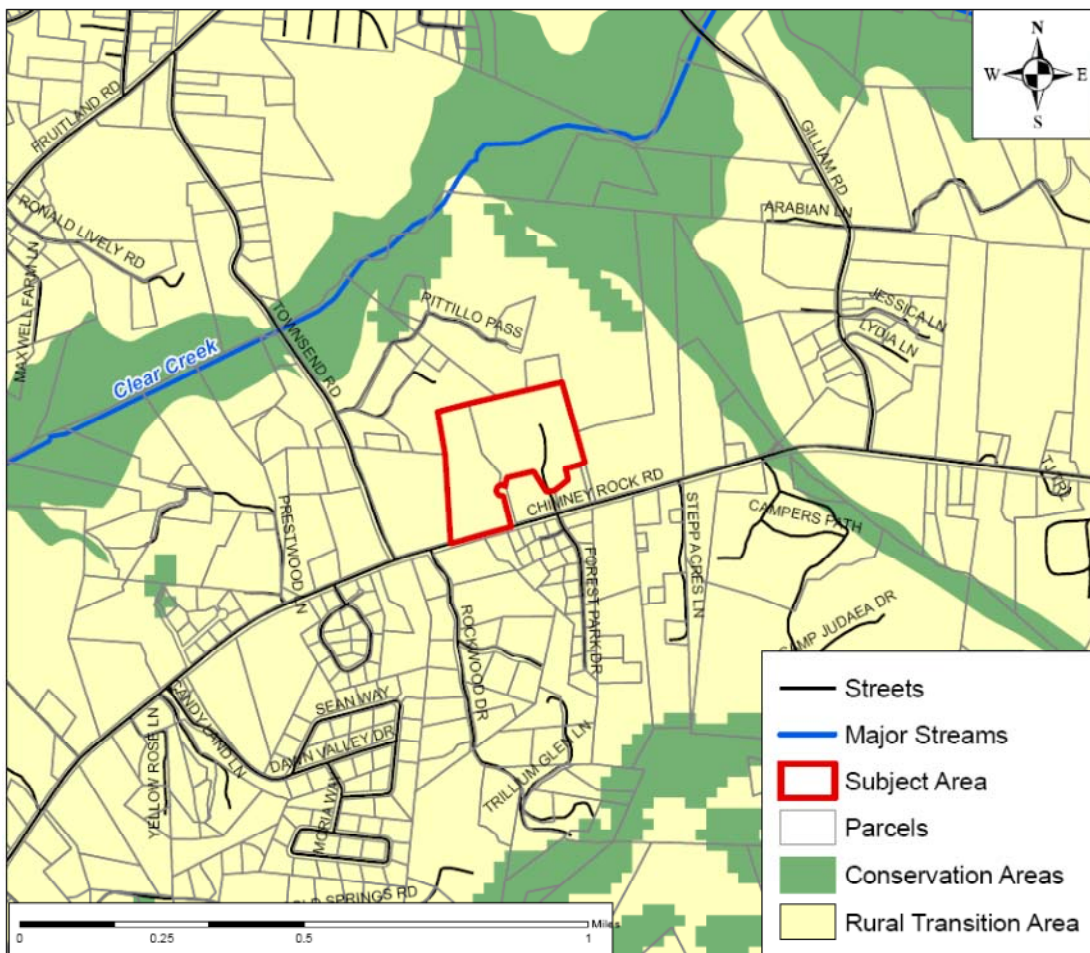
- 3.1. **Subject Area Uses:** The two subject area parcels contain a total of three separate single family residential dwellings. The eastern parcel (PIN 9680-99-2699) contains two single family residents and the parcel to the west contains one single family residence (PIN 9680-89-7263).
- 3.2. **Adjacent Area Uses:** The surrounding properties to the north and east contain residential uses as well as the Turf Mountain Sod farm. The west contains vacant land and residential properties . South of the subject area contains a mini storage facility. Directly across highway 64 East contains primarily residential uses.

#### 4. The Henderson County 2020 Comprehensive Plan (CCP)

The CCP Future Land Use Map identifies the subject area as being located in the Rural Transition Area (RTA)(2020 CCP, Pgs. 128, 129 & Appendix 1, Map 24) (See Map C).

**4.1 Rural Transition Area:** The CCP states that, “The RTA is currently rural in character, with existing pockets of limited higher density residential and commercial development. The text of the 2020 CCP suggests that the subject area would be suitable for clustering development and conservation design encouraged with the intent of maintaining a rural environment, protecting sensitive natural areas, and reserving land for future development. (2020 CCP, Pg. 130)

**Map C: 2020 County Comprehensive Plan Future Land Use Map**



**5. Water and Sewer**

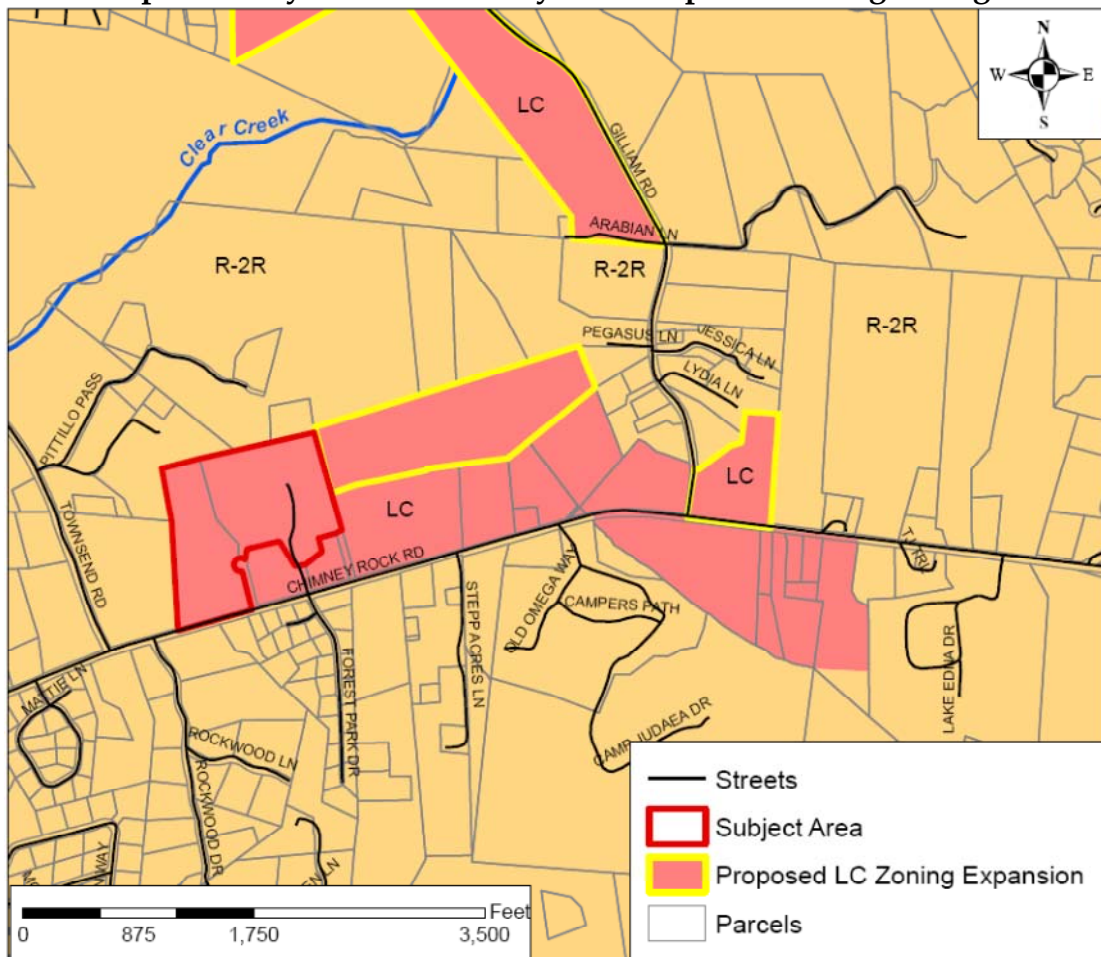
5.1. **Public Water:** A City of Hendersonville water line abuts the property along US Highway 64 East.

5.2. **Public Sewer:** Public sewer is currently not available in the vicinity.

**6. Edneyville Community Plan**

6.1. The Edneyville Community Plan adopted a proposed zoning map that would slightly expand the adjacent Local Commercial zoning area farther to the north in an effort to eliminate some split zoned parcels of land. After adoption of the Edneyville Community Plan on May 11, 2010, the County is currently considering the proposed zoning changes (See Map D).

**Map D: Edneyville Community Plan Proposed Zoning Changes**



**7. Staff Comments**

7.1. **The 2020 CCP:** The CCP Future Land Use Map (See Map C) places the subject area in the “Rural Transition Area” classification. The text of the 2020 CCP suggests, that taking the project density approach gives the developer the

flexibility to adjust setbacks and lot sizes to fit various needs, from adjusting for topography to creating affordable lots.

- 7.2. **Adjacent Zoning:** The Subject Area is adjacent to Residential Two Rural (R2R) and Local Commercial (LC) zoning.
- 7.3. **Comparison of Districts:** Applying Residential Two Rural will allow for single family residential uses and all types of manufactured housing. Removing Local Commercial (LC) will reduce the number of permitted commercial uses, as well as a reducing the amount of residential uses. Keeping the Local Commercial zoning would allow a single commercial use on a single lot limited to 10,000 square feet maximum floor area and within a multi tenant structure the principal tenant would have a maximum floor area of 30,000 square feet.
- 7.4. It is generally incumbent upon the Applicant to demonstrate an overriding justification for approving a given rezoning application. Staff encourages the Applicant to present any information that would inform the County's consideration of the proposed rezoning. Staff requests the Applicant not discuss any specific use being considered for the property. The Technical Review Committee, Planning Board, and the Board of Commissioners cannot consider any specific proposed use for the property and must only consider the range of possible uses when reviewing and making recommendations on the rezoning request.

#### 8. **Staff Recommendations**

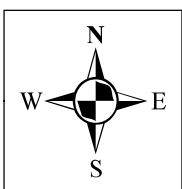
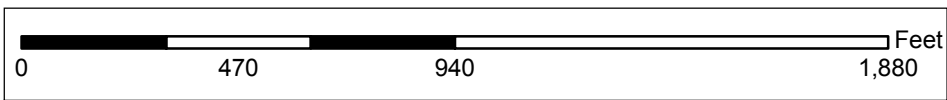
- 8.1. Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the Subject Area to Residential Two Rural consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.




#### 9. **Technical Review Committee Recommendations**

- 9.1. On Tuesday August 21<sup>st</sup> the Technical Review Committee voted unanimously to send a favorable recommendation of Rezoning application R-2012-02 to the Planning Board.

#### 10. **Planning Board Recommendations**

- 10.1. On September 20, 2012 the Planning Board voted unanimously to send a favorable recommendation of Rezoning application R-2012-02 with one minor suggested alteration to the zoning map. The Planning Board recommended not including the narrow strip of land along the eastern boundary of the subject area in the zoning change for the purposes of zoning district connectivity.



-  Subject Area
-  Streets
-  Parcels

Rezoning Application  
 R-2012-02  
 Jarett Mitcem, owner



**NOTICE OF PUBLIC HEARING  
ON PROPOSED ZONING MAP AMENDMENT  
(Rezoning Requests #R-2012-02 and #R-2012-03)**

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

Rezoning Application #R-2012-02, which was submitted on July 3, 2012, requests the County rezone a 28.5 acre tract. The applicant requests a rezoning from a Local Commercial (LC) zoning district to a Residential Two Rural (R2R) zoning district. The subject area is owned by Jarret Mitchem. (PIN: 9680-89-7263 and 9680-99-2699)

Rezoning Application #R-2012-03, which was submitted on August 8, 2012, requests the County rezone a 0.77 acre tract. The applicant requests a rezoning from a Residential Two (R2) zoning district to an Office and Institutional (O & I) zoning district. The subject area is owned by Eva Ritchey (PIN: 9559-60-2698).

The public hearing will be held on Monday, November 5, 2012, at 5:30 P.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 1<sup>st</sup> 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](http://www.hcplanning.org). For more information, call the Planning Department at (828) 697-4819.

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 Hendersonville Tribune on Thursday, October 11, 2012 and Thursday, October 18, 2012.**

**Certification of Notice of Public Hearing**

In accordance with NCGS 153A-343 the Planning Department certifies notice of the November 5, 2012 hearing regarding Rezoning Application #R-2012-02 and #R-2012-03 were:

1. Submitted to the Hendersonville Tribune on October 3, 2012 to be published on October 11, 2012 and October 18, 2012 by Parker Sloan;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on October 11, 2012 by Parker Sloan;
3. Sent, via first class mail, to the property owners on October 11, 2012 by Parker Sloan; and
4. Posted on the Subject Area(s) on October 19, 2012 by Matthew Champion.

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

1. [Signature]
2. [Signature]

STATE OF NC

COUNTY OF Henderson

I, Brenda L. Miller, a Notary Public, in and for the above County and State, do hereby certify that Parker Sloan,

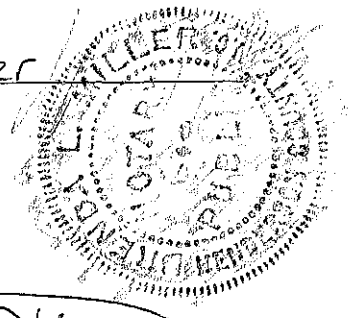
Matt Champion, and \_\_\_\_\_

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

signing of the foregoing instrument.

WITNESS my hand and notarial seal, this the 19 day of October 2012.

My commission expires: 03/27/2015



(SEAL)

[Signature]

NOTARY PUBLIC



## **RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN**

**WHEREAS**, pursuant to N.C. General Statute §153, Article 18, the Henderson County Board of Commissioners exercises regulations relating to development within the County's jurisdiction; and

**WHEREAS**, the Henderson County Board of Commissioners (Board) adopted the Land Development Code (LDC) on September 19, 2007 and has amended the LDC to address new and changing issues;

**WHEREAS**, the Board desires to update and revise the regulations of the LDC; and

**WHEREAS**, the Planning Director and Planning Board provided recommendations regarding the proposed zoning map amendment with case #R -2012-02; and

**WHEREAS**, pursuant to N.C. General Statute §153-323, the Planning Director provided the prescribed public notice and the Board held the required public hearing on November 5, 2012; and

**WHEREAS**, N.C. General Statute §153-341 requires the Board to adopt a statement of consistency with the County Comprehensive Plan (CCP); and

**NOW THEREFORE, BE IT RESOLVED** by the Henderson County Board of Commissioners as follows:

1. That the Board reviewed the proposed map amendment (#R -2012-02 – Jarrett Mitchem Rezoning) and finds that it reasonable, in the public interest and it is consistent with the CCP and the Growth Management Strategy located therein; and
2. That the Board determines that the proposed map amendment provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County; and
3. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

**THIS** the 5<sup>th</sup> day of November, 2012.

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

**BY:** \_\_\_\_\_  
**THOMAS H. THOMPSON, Chairman**

**ATTEST:**

\_\_\_\_\_  
**Terry Wilson, Clerk to the Board**

**[COUNTY SEAL]**

# Rezoning #R-2012-02 Jarrett Mitchem, Owner

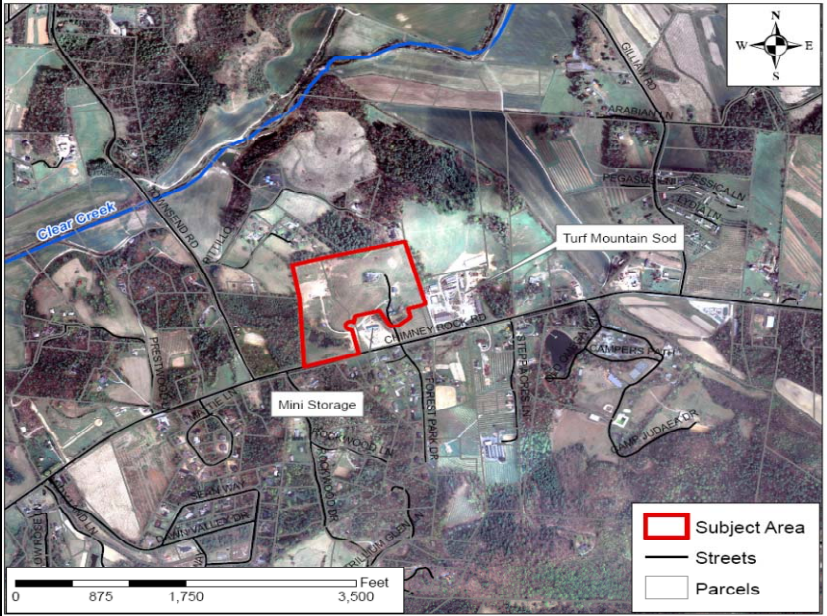


Henderson County Board of Commissioners Meeting  
November 5, 2012

Presented by: Parker Sloan, Planner

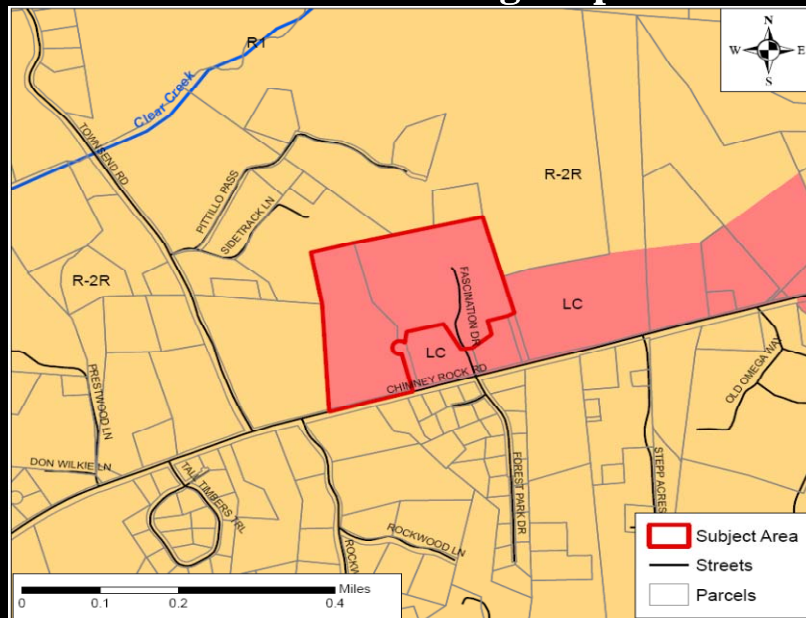
*Henderson County Planning Department*

## Aerial Photo Map



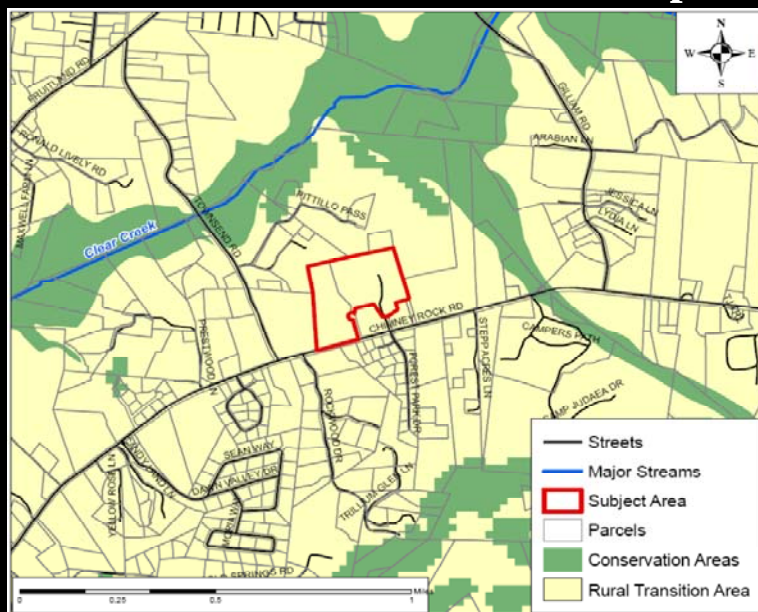
*Henderson County Planning Department*

## Current Zoning Map



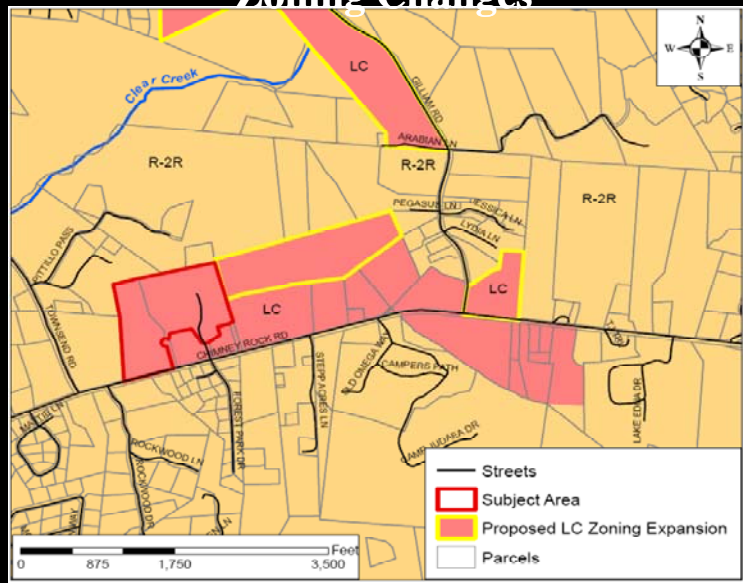
Henderson County Planning Department

## 2020 CCP Future Land Use Map

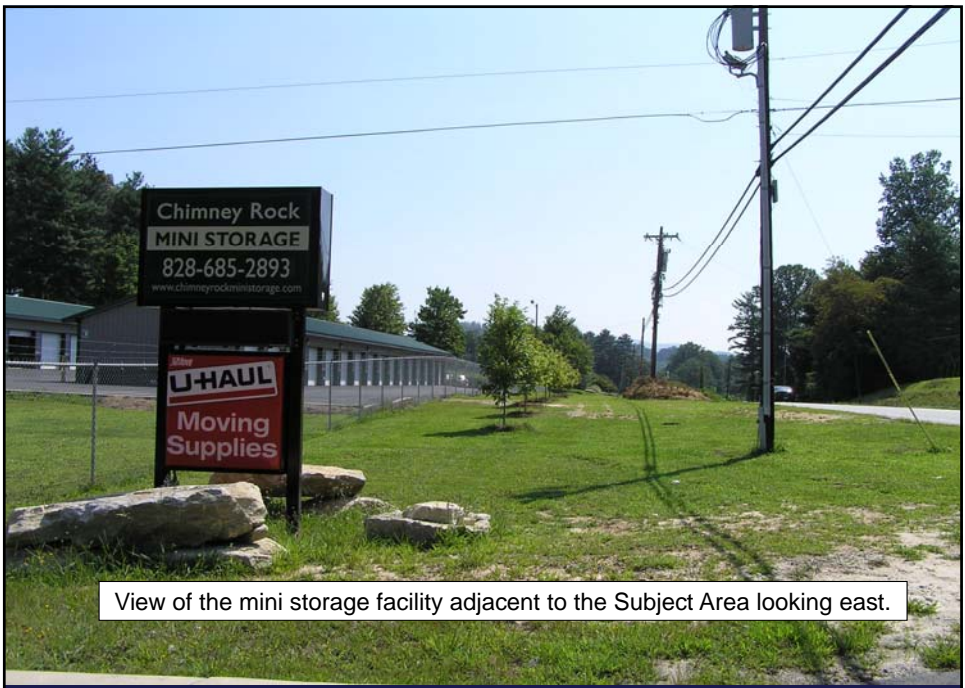


Henderson County Planning Department

# Edneyville Community Plan Proposed Zoning Changes

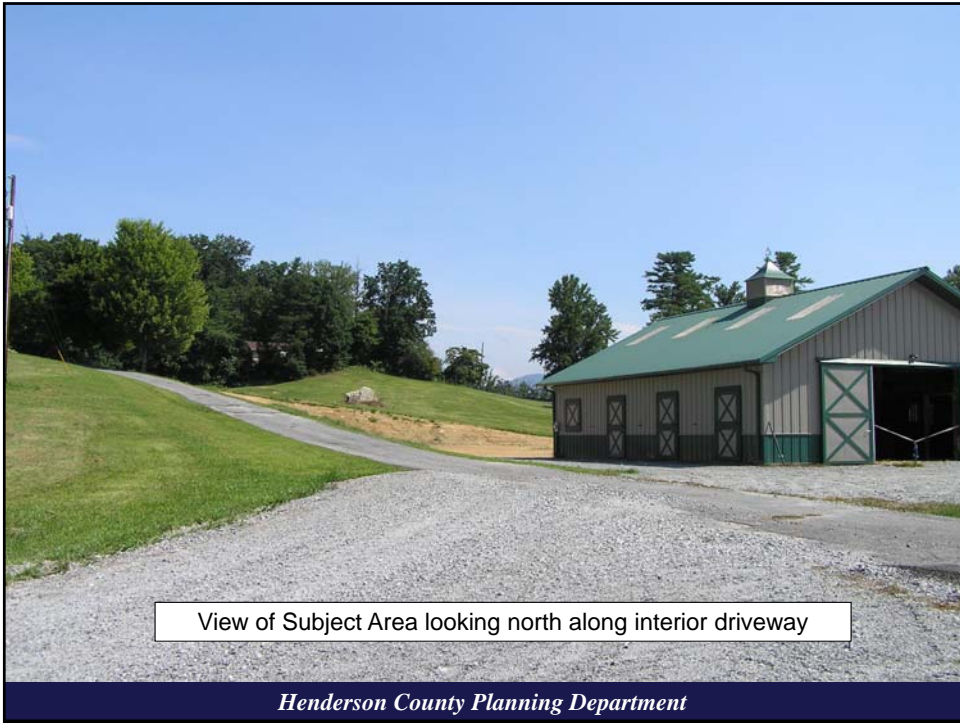


Henderson County Planning Department



View of the mini storage facility adjacent to the Subject Area looking east.

Henderson County Planning Department



View of Subject Area looking north along interior driveway

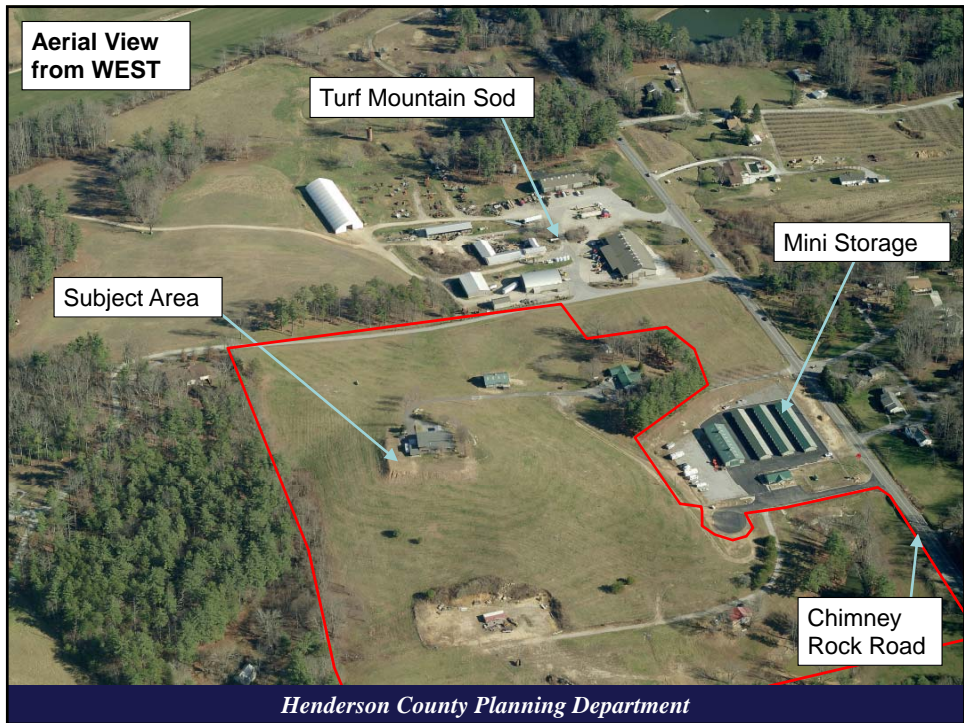
*Henderson County Planning Department*



View of the center of the Subject Area along Fascination Drive looking north

*Henderson County Planning Department*





**Rezoning #R-2012-02**

# **Public Hearing Comments**



**Rezoning #R-2012-02**

**State Law requires that the Board adopt a written statement of consistency with the County Comprehensive Plan (CCP). A draft resolution is provided**

**Suggested Motion:**

*I move that the Board adopt the attached resolution regarding the consistency with the CCP*

*I move that the Board adopt the proposed map amendment.*

