

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** Monday, January 7, 2013

**SUBJECT:** Public Hearing for Rezoning Application #R-2012-04

**PRESENTER:** Autumn Radcliff, Interim Planning Director

**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:**

On August 6, 2012 the Grimesdale Homes Association requested that the County rezone their neighborhood from a Residential One (R1) zoning district to a Residential Two (R2) zoning district. Staff also received a letter from the Hickory Hills Homeowners Association requesting the County to rezone that neighborhood from a R1 zoning district to a R2 zoning district. The subject area is approximately 200 acres in size and contains 248 separate parcels of land.

The primary concern cited by the Grimesdale Homes Association and Hickory Hills Homeowners Association is to reduce the potential of higher density development, including multi-family housing, on vacant or larger tracts of land within the neighborhoods. They requested that the rezoning include the Cannon Woods neighborhood as well. The Planning Board at its meeting on August 16, 2012 voted to initiate a zoning map amendment for the area including Grimesdale, Hickory Hills and Cannon Woods neighborhoods as requested by the association boards.

#### **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 January 7, 2013, public hearing regarding rezoning application #R-2012-04 were published in the Hendersonville Tribune on December 20, 2012 and December 27, 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 December 14, 2012 and posted signs advertising the hearing on the Subject Area on December 27, 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 (R2) 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-2012-04

Grimesdale Neighborhood Homeowners Association, Applicant

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#### 1. Rezoning Request

- 1.1. **Applicant:** Grimesdale and Hickory Hill Homeowner Associations
- 1.2. **Request:** Rezone 248 parcels from Residential One (R1) to Residential Two (R2)
- 1.3. **Size:** Total of 200 acres to be rezoned.
- 1.4. **Location:** The subject area is located to the south east of Brookside Camp road (SR 1528) and US Highway 25 North (Asheville Highway).

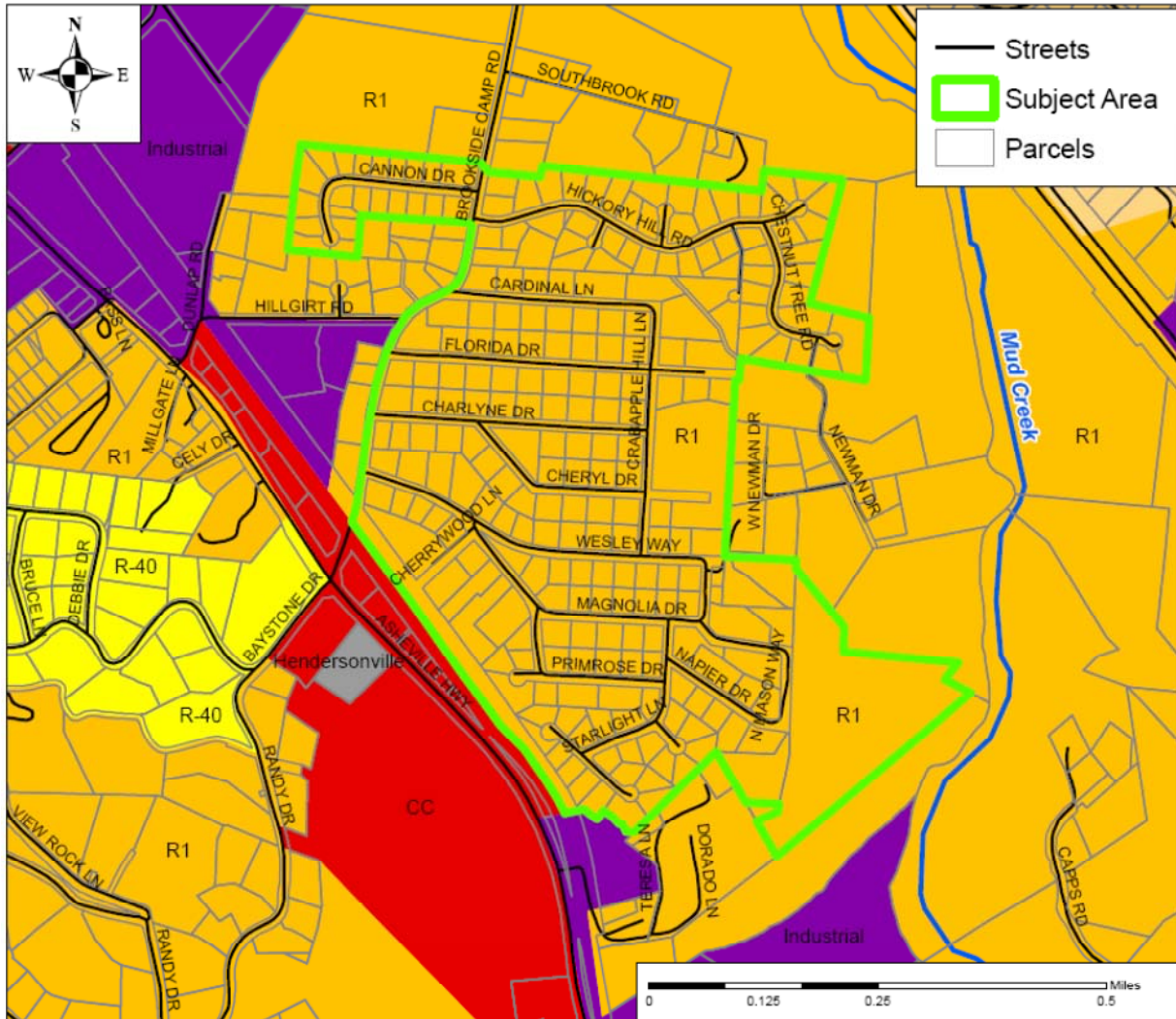
**Map A: Aerial Photo**



2. **Current Zoning**

2.1. **Application of Current Zoning:** The subject area was zoned Residential One (R1) on September 19, 2007 with the adoption of the Land Development Code.

**Map B: Current Zoning**



2.2. **Adjacent Zoning:** The subject area is primarily surrounded by Residential One (R1) zoning. The subject area is adjacent to Community Commercial zoning to the west across Asheville highway. The subject area also boards a small portion of Industrial (I) zoning to the south and north.

2.3. **District Comparison:**

2.3.1. **R1 Residential District One:** *“The purpose of Residential District One (R1) is to foster orderly growth where the principle use of land is residential. The intent of this district is to allow for medium to high density residential development consistent with the recommendations of the Comprehensive Plan. This general use district is typically meant to be utilized in areas designated as Urban in the Comprehensive Plan”* (Chapter 200A, Land Development Code §200A-27).

R1 requires 10 foot side and rear setbacks, maximum height 40 feet, and a standard density of four (4) units per acre (maximum density of 16 units per acre).

2.3.2. **R2 Residential District Two:** *“The purpose of Residential District Two (R2) 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 consistent with the recommendations of the Comprehensive Plan. It is also the intent of this district to allow for flexibility in the continuation of existing nonresidential uses. This general use district is typically meant to be utilized in areas designated as Transitional (RTA) in the Comprehensive Plan.”* (Chapter 200A, Land Development Code §200A-28).

R2 requires 10 foot side and rear setbacks, maximum height 40 feet, and a standard density of four (1) units per acre (maximum density of 2 units per acre).

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

3.1. **Subject Area Uses:** The subject area parcel currently contains numerous single family residences.

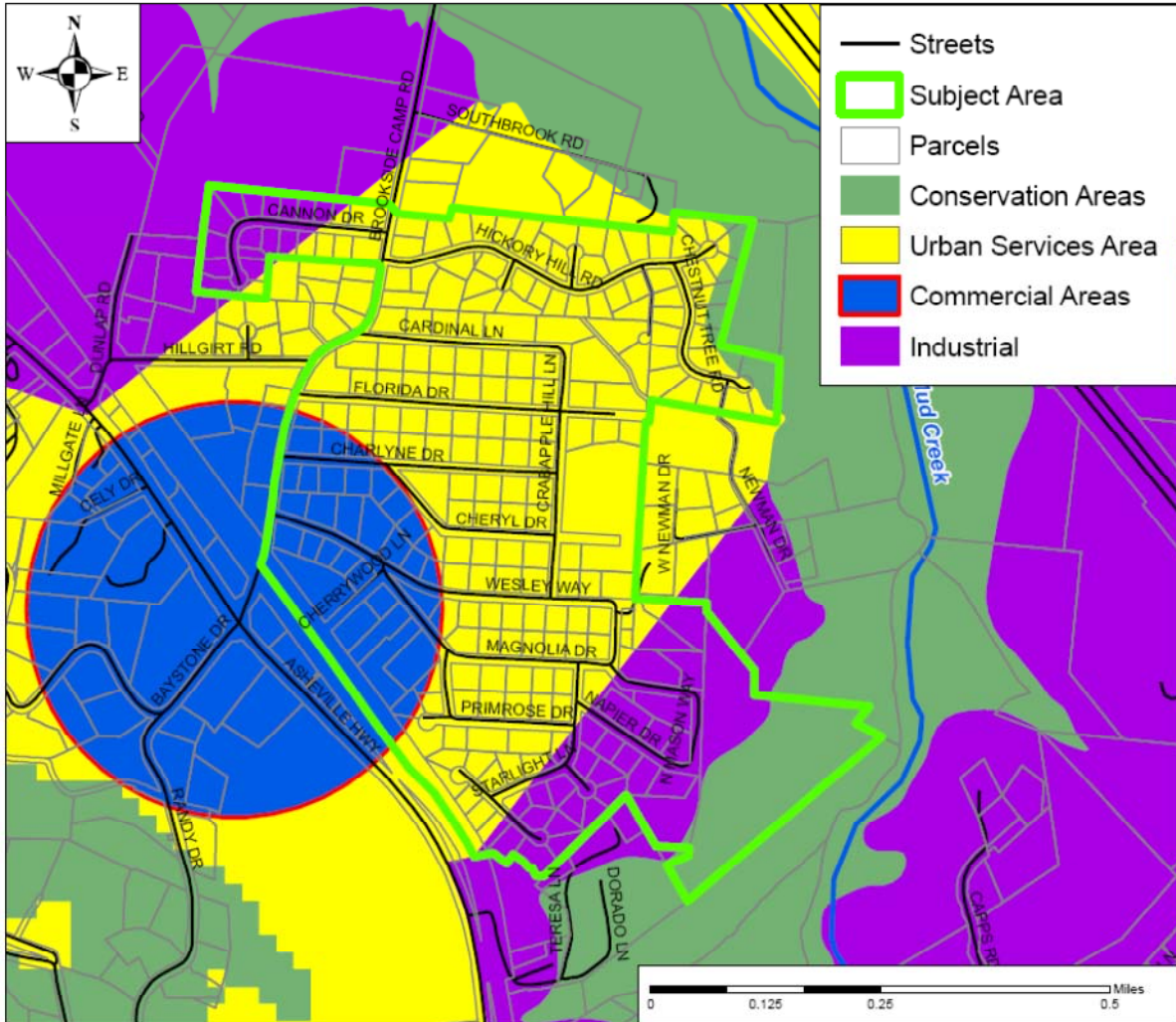
3.2. **Adjacent Area Uses:** The properties within the subject area and the surrounding properties are primarily residential uses. There is an apartment complex located along the west side of Brookside Camp Road just outside the project area. The Jackson Steel company is located adjacent to the southern corner of the subject area. Stoney Mountain Baptist Church and an Enmark gas station are adjacent to the subject area to the west along Highway 25 (Asheville Highway) near the corner with Brookside Camp Road (SR 1528).

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

The CCP Future Land Use Map identifies the subject area as being located in the Urban Services Area, Industrial Area, Conservation Area, and within a Commercial Service Center node (USA)(2020 CCP, Pgs. 128, 129 & Appendix 1, Map 24) (See Map C). The conservation area is applied to the subject area because of the flood plain and flood way associated with Mud Creek.

- 4.1. **Urban Services Area:** 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).
- 4.2. **Industrial Area:** The CCP states that, “most defined industrial areas should lie within the Urban Services Area, and in other areas on a very limited basis. Most industrial uses should be segregated from other uses with the exception of Regional Commercial uses” (2020 CCP, Pg. 136).

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

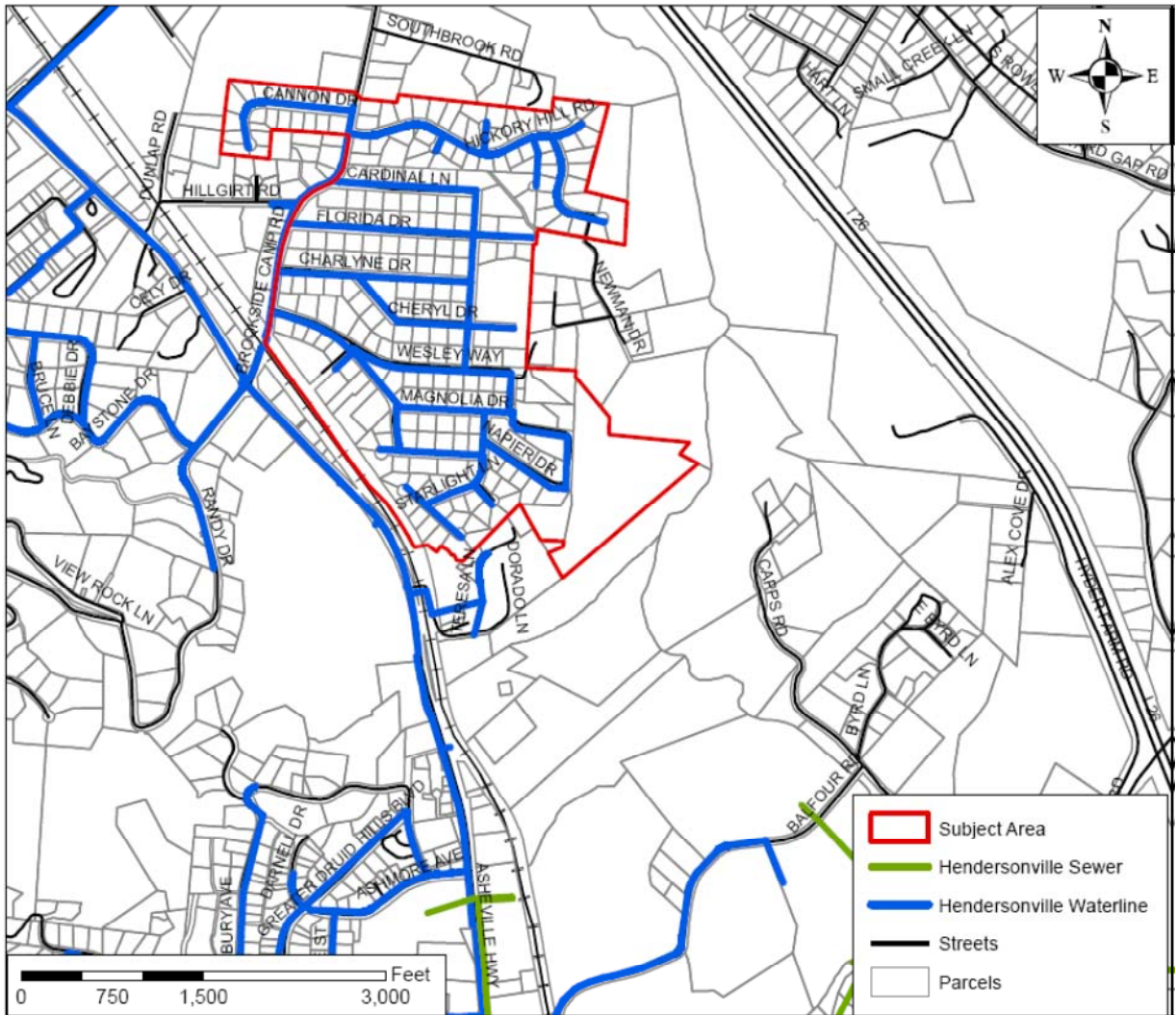


**5. Water and Sewer**

5.1. **Public Water:** City of Hendersonville public water lines serve the majority of the properties within the subject area, as well as along US Highway 25 North (Asheville Highway). (See Map E).

5.2. **Public Sewer:** Public sewer provided by the City of Hendersonville is currently located approximately 4,500 feet to the south east of the Subject Area along US Highway 25 North near the intersection with Ashmore Avenue (SR 1392). (See Map E).

### Map E: Water and Sewer Map



**6. Survey**

6.1. As requested by the Planning Board, all residents and property owners within the subject area were sent a letter and survey on September 10, 2012. A total of 200 letters were mailed with 150 respondents. The following two questions were asked with the corresponding survey results:

1. Change the zoning in your neighborhood from R1 to R2?			
<b>For It</b>	<b>Against It</b>	<b>No Opinion</b>	<b>Don't Know</b>
2. Allow higher density housing (apartments, townhomes, etc.)?			
<b>For It</b>	<b>Against It</b>	<b>No Opinion</b>	<b>Don't Know</b>

Survey Responses

	<b>Question 1</b>	<b>Question 2</b>
For It	<b>139 (92.6%)</b>	<b>4 (2.6%)</b>
Against It	<b>10 (6.6%)</b>	<b>138 (92%)</b>
No Opinion	<b>1</b>	<b>2</b>
Don't Know	<b>0</b>	<b>0</b>
No Response	<b>0</b>	<b>6</b>

\*139 respondents were in favor of the rezoning request

**7. Staff Comments**

- 7.1. **The 2020 CCP:** The CCP Future Land Use Map (See Map C) places the Subject Area in the “Urban Services Area” classification. The text and map of the 2020 CCP suggest that the Subject Area would be suitable for high-density residential, commercial or industrial development. The CCP indicates that the USA may be suitable for commercial development provided the development is in keeping with the surrounding community. The CCP also indicates that commercial may be suitable for the area as the Subject Area falls within close proximity of a commercial service center node within the USA.
- 7.2. **Adjacent Zoning:** The Subject Area is not adjacent to existing Residential Two (R2) zoned properties. However, the proposed subject area is large enough in size to not be considered a spot zoning change.
- 7.3. **Comparison of Districts:** The existing Residential One (R1) zoning allows for all types of residential uses except for single wide mobile homes with a standard density of 4 units per acres. R1 also allows, with a special use permit,



all types of multi-family residential uses with a maximum residential density of up to 16 units per acre. Applying Residential Two (R2) zoning will continue to allow for residential uses however, eliminate the ability to construct all forms of multi-family residential. Applying R2, will also reduce the development density from a standard four (4) units per acre to a standard one (1) unit per acre.

**8. Staff Recommendations**

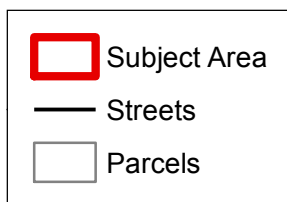
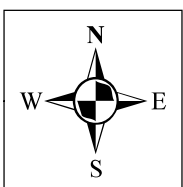
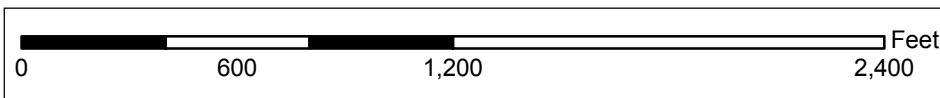
8.1. Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the Subject Area to Residential Two (R2) consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.

**9. Technical Review Committee Recommendations**

9.1. On Tuesday October 16, 2012, the Technical Review Committee voted unanimously to send a favorable recommendation of Rezoning application R-2012-04 to the Planning Board.

**10. Planning Board Recommendations**

10.1. On Thursday October 18<sup>th</sup> the Planning Board voted unanimously to send a favorable recommendation of Rezoning application R-2012-04 to the Henderson County Board of Commissioners.



## Rezoning Application R-2012-04

### Grimesdale, Hickory Hill, and Cannon Woods Neighborhoods

**NOTICE OF PUBLIC HEARING  
ON PROPOSED ZONING MAP AMENDMENT  
(Rezoning Requests #R-2012-04 and #R-2012-05)**

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-2012-04: The Grimesdale Homes Association requested on August 6, 2012, and staff initiated a rezoning of the neighborhoods including Grimesdale, Hickory Hills, and Cannon Woods from a Residential One (R1) zoning district to a Residential Two (R2) zoning district. The Planning Board at its meeting on August 16, 2012 voted to initiate a zoning map amendment for the area including Grimesdale, Hickory Hills and Cannon Woods neighborhoods as requested by the association boards. The subject area is approximately 200 acres in size and contains 248 separate parcels of land and all properties are access by Brookside Camp Rd. In Grimesdale, including all properties along Wesley Way, Magnolia Dr, N. Primrose Dr., Primrose Dr., Starlight Ln., Apple Creek Ln, Crabapple Cir., Napier Dr., N. Mason Way, Crabapple Hill Lane, Cheryl Dr., Charlyne Dr., Florida Dr., Cardinal Ln., and Mason View Lane (not including PIN 9660-44-7951). In Hickory Hill neighborhood, Hickory Hill Rd., Walnut Ct., Poplar Ct., Hickory Court Ln., and Chestnut Tree Rd. (NOT including properties accessed by Newman Dr. or W. Newman Dr.). In Cannon Woods, including all properties along Cannon Drive.

Rezoning Application #R-2012-05, which was submitted on September 26, 2012, requests the County rezone two tracts at a total of 2 acres. The applicant requests a rezoning from a Residential Two (R2) zoning district to an Office and Institutional (O & I) zoning district. The subject area parcels are owned by James Durfee (PIN: 9559-60-0599 and 9559-60-3573).

The public hearing will be held on Monday, January 7, 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, December 20, 2012 and Thursday, December 27, 2012.

**Certification of Notice of Public Hearing**

In accordance with NCGS 153A-343 the Planning Department certifies notice of the January 7, 2013 hearing regarding Rezoning Application #R-2012-04 and #R-2012-05 were:

1. Submitted to the Hendersonville Tribune on December 14, 2012 to be published on December 20, 2012 and December 27, 2012 by Parker Sloan;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on December 14, 2012 by Parker Sloan;
3. Sent, via first class mail, to the property owners on December 14, 2012 by Parker Sloan; and
4. Signs will be posted on the Subject Area(s) on December 27, 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, Toby Linnville, a Notary Public, in and for the above County and State, do hereby certify that

Parker Sloan, and Matthew Champion

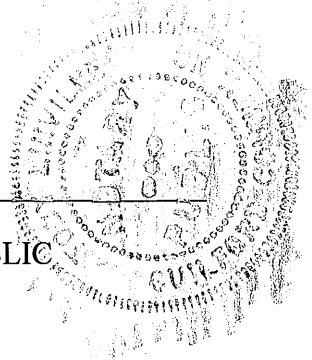
personally appeared before me this day.

WITNESS my hand and notarial seal, this the 17 day of December, 2012.

My commission expires:  
5/25/16

(SEAL)  
Toby Linnville

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 -2012-04; 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 January 7, 2013; 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 -2012-04 – Grimesdale Neighborhood 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 7<sup>th</sup> day of January, 2013.

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

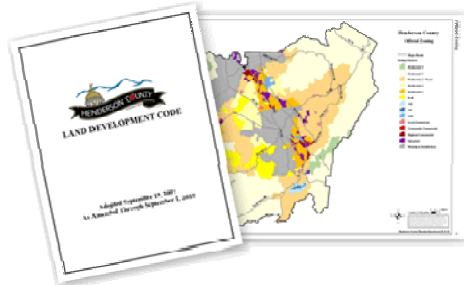
**BY:** \_\_\_\_\_  
**CHARLIE MESSER, Chairman**

**ATTEST:**

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

**[COUNTY SEAL]**

## Grimesdale / Hickory Hills / Cannon Woods Zoning Request R-2012-04



Henderson County Board of Commissioners  
January 7<sup>th</sup>, 2013

Presentation by: Autumn Radcliff, Interim Planning Director

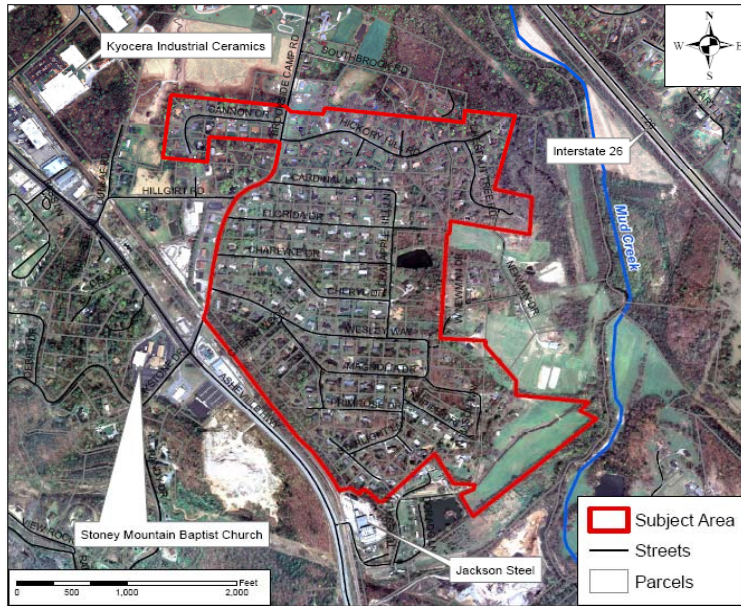
*Henderson County Planning Department*

## Zoning Request

- On August 6, 2012 the Grimesdale Homes Association requested that the County rezone the neighborhood from a Residential One (R1) zoning district to a Residential Two (R2) zoning district. Subject Area includes 200 acres and about 248 parcels
- The Planning Board at its meeting on August 16, 2012 voted to initiate a zoning map amendment for the area including Grimesdale, Hickory Hills and Cannon Woods neighborhoods, as requested.
- The primary concern cited by the Grimesdale Homes Association and Hickory Hills Homeowners Association is to reduce the potential of higher density development, including multi-family housing, on vacant or larger tracts of land within the neighborhoods. They requested that the rezoning include the Cannon Woods neighborhood as well.

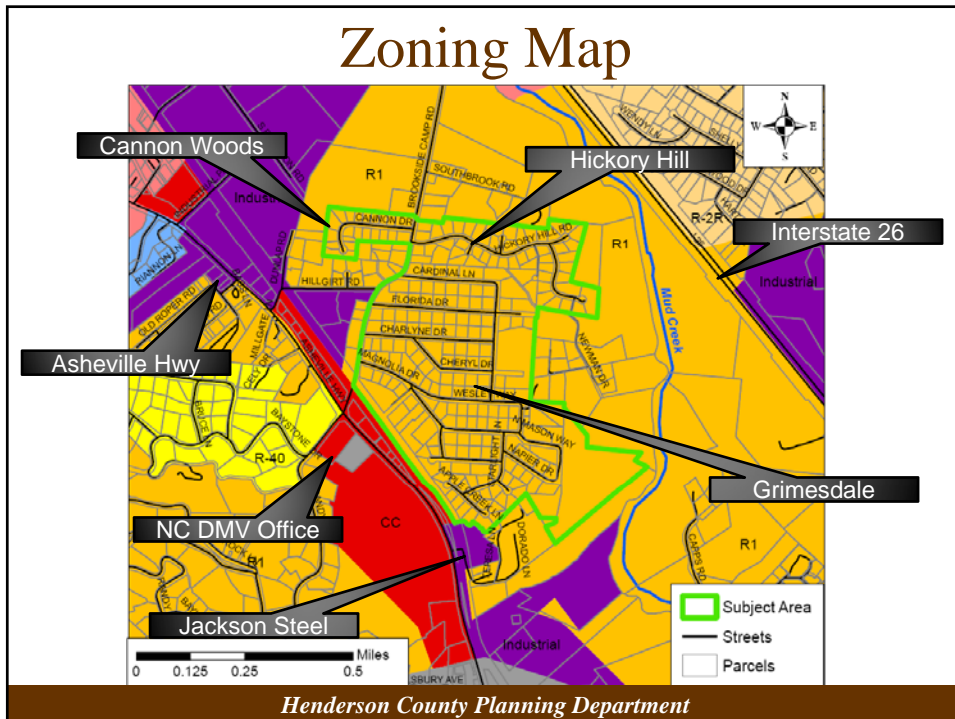
*Henderson County Planning Department*

# Subject Area Map



Henderson County Planning Department

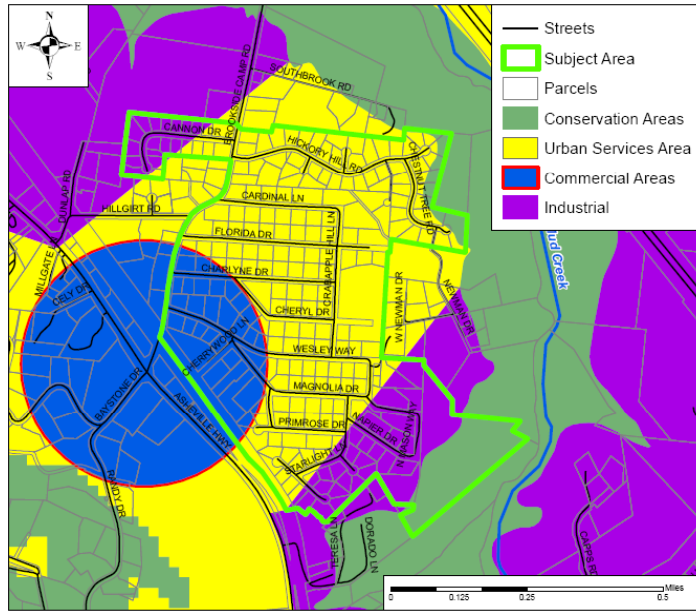
# Zoning Map



Henderson County Planning Department

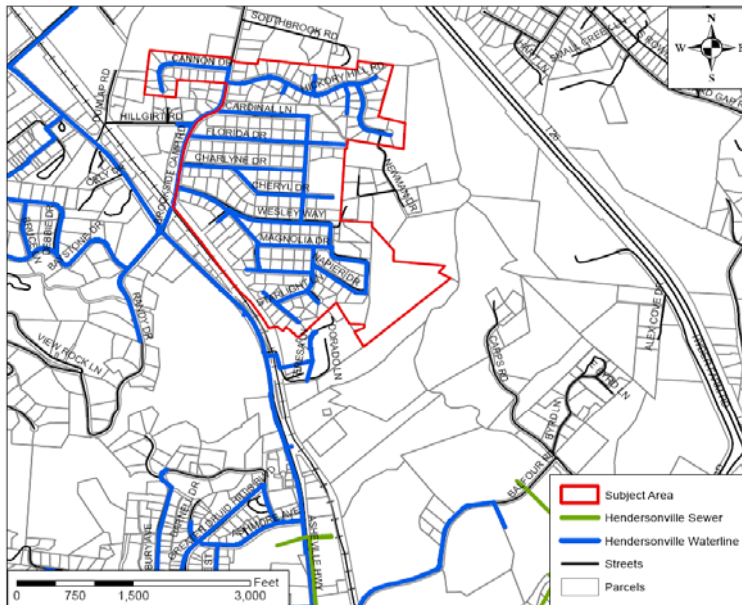


# CCP Future Land Use Map



Henderson County Planning Department

# Water & Sewer Map



Henderson County Planning Department

## Survey

As requested by the Planning Board, all residents and property owners within the subject area were sent a letter and survey on September 10, 2012. A total of 200 letters were mailed with 150 respondents.

The following two questions were asked:

1. Change the zoning in your neighborhood from R1 to R2?

**For it      Against It      No Opinion      Don't Know**

2. Allow higher density housing (apartments, townhomes, etc.)?

**For it      Against It      No Opinion      Don't Know**

*Henderson County Planning Department*

## Survey Results

Surveys returned to Henderson County provided the following results:

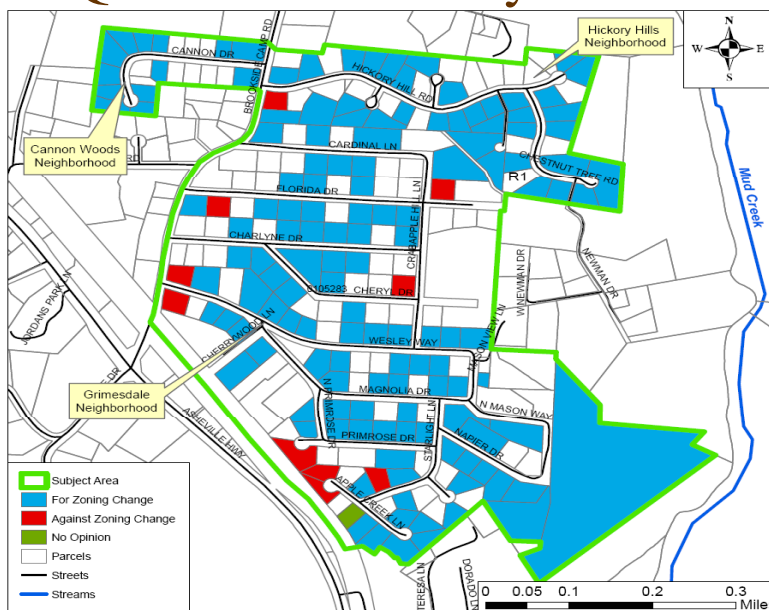
	Question 1	Question 2
For It	139 (92.6 %)	4 (2.6%)
Against It	10 (6.6%)	138 (92%)
No Opinion	1	2
Don't Know	0	0
No Response	0	6

\* 139 respondents were in favor of the rezoning request

\*\* percent shown reflects percent of the 150 survey participants

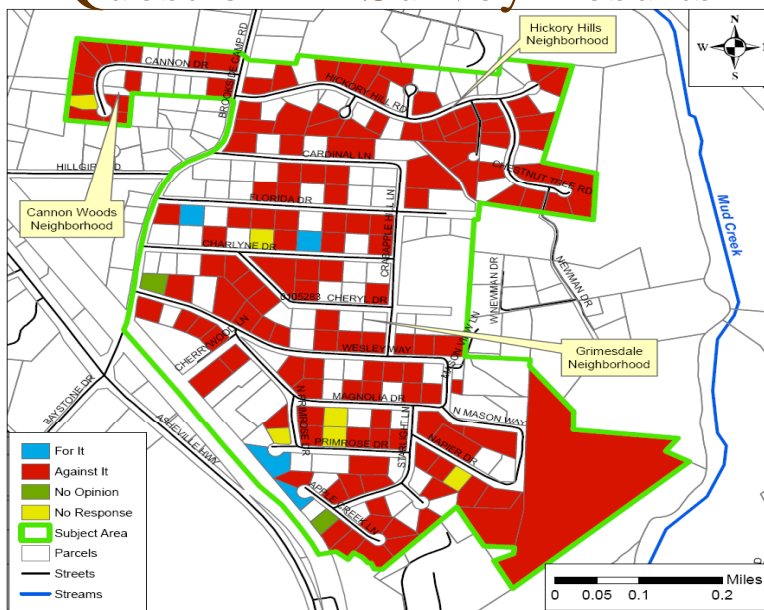
*Henderson County Planning Department*

# Question #1 Survey Results



Henderson County Planning Department

# Question #2 Survey Results



Henderson County Planning Department

## Suggested Motion

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 (R2) consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.

### 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.

*Henderson County Planning Department*

**Rezoning #R-2012-04**

## **Public Hearing Comments**



## Rezoning #R-2012-04

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.*

