

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: Monday, January 7, 2013

SUBJECT: Public Hearing for Rezoning Application #R-2012-05

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-2012-05, 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 Henderson County Planning Board considered rezoning application #R-2012-05 at its regularly scheduled meeting on November 15, 2012. During that meeting, the Planning Board voted unanimously to send forward a favorable recommendation on rezoning application #R-2012-05 to rezone the Subject Area to an Office and Institutional (O & I) zoning district.

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-2012-05 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 an Office and Institutional (O & I) 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.

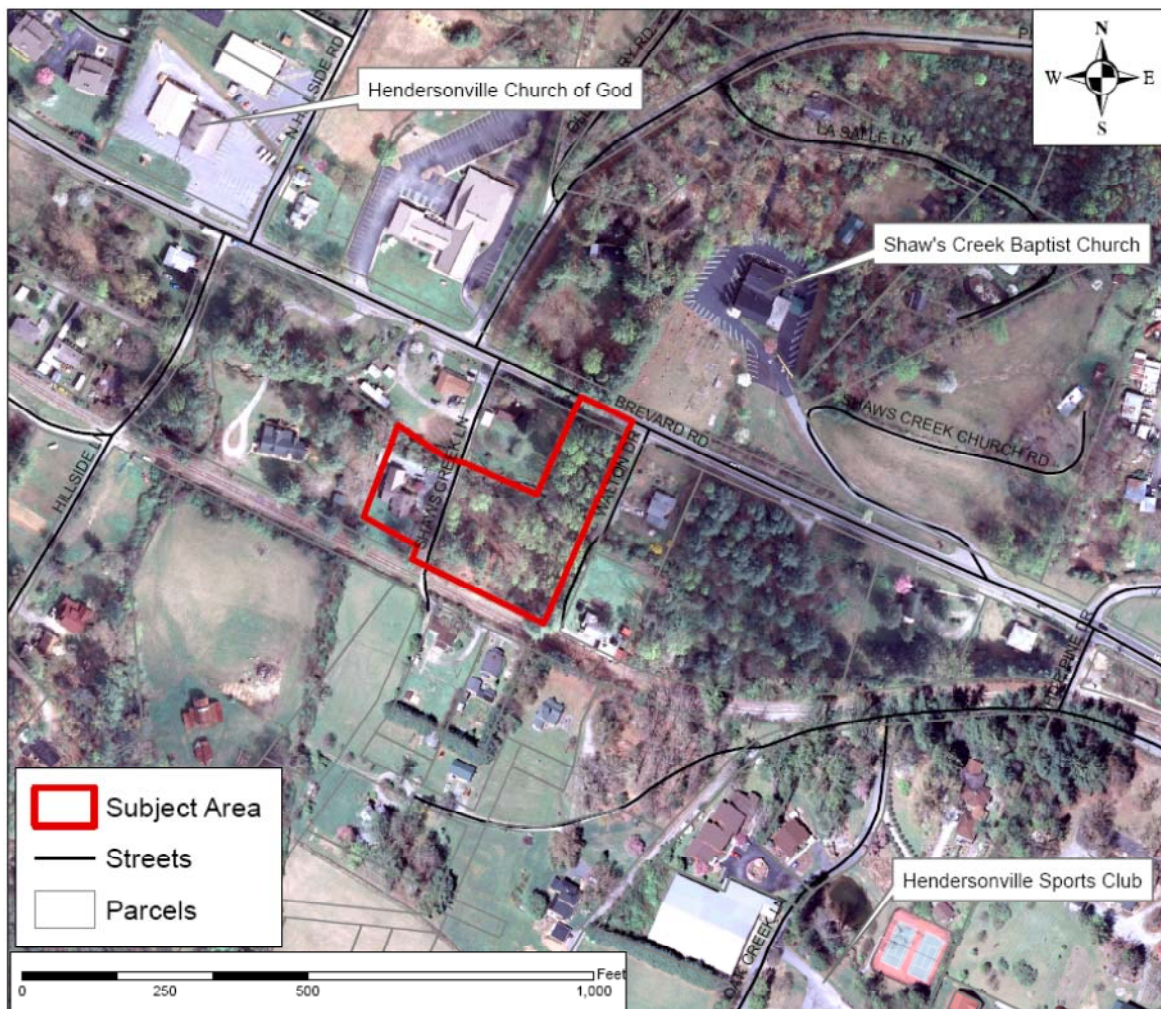
Henderson County Planning Department Staff Report

Rezoning Application #R-2012-05 James Durfee, Owner

1. Rezoning Request

- 1.1. **Applicant:** James Durfee, Owner
- 1.2. **Request:** Rezone two parcels from Residential Two (R2) to Office & Institutional (O & I)
- 1.3. **PINs:** 9559-60-3573 and 9559-60-0599
- 1.4. **Size:** Total of 2 acres to be rezoned.
- 1.5. **Location:** The subject area is located along US 64 West (Brevard Road), approximately 1,000 feet from the intersection of Windsor Drive (SR 1186) and US 64 West (Brevard Road) and alongside Shaws Creek Lane.

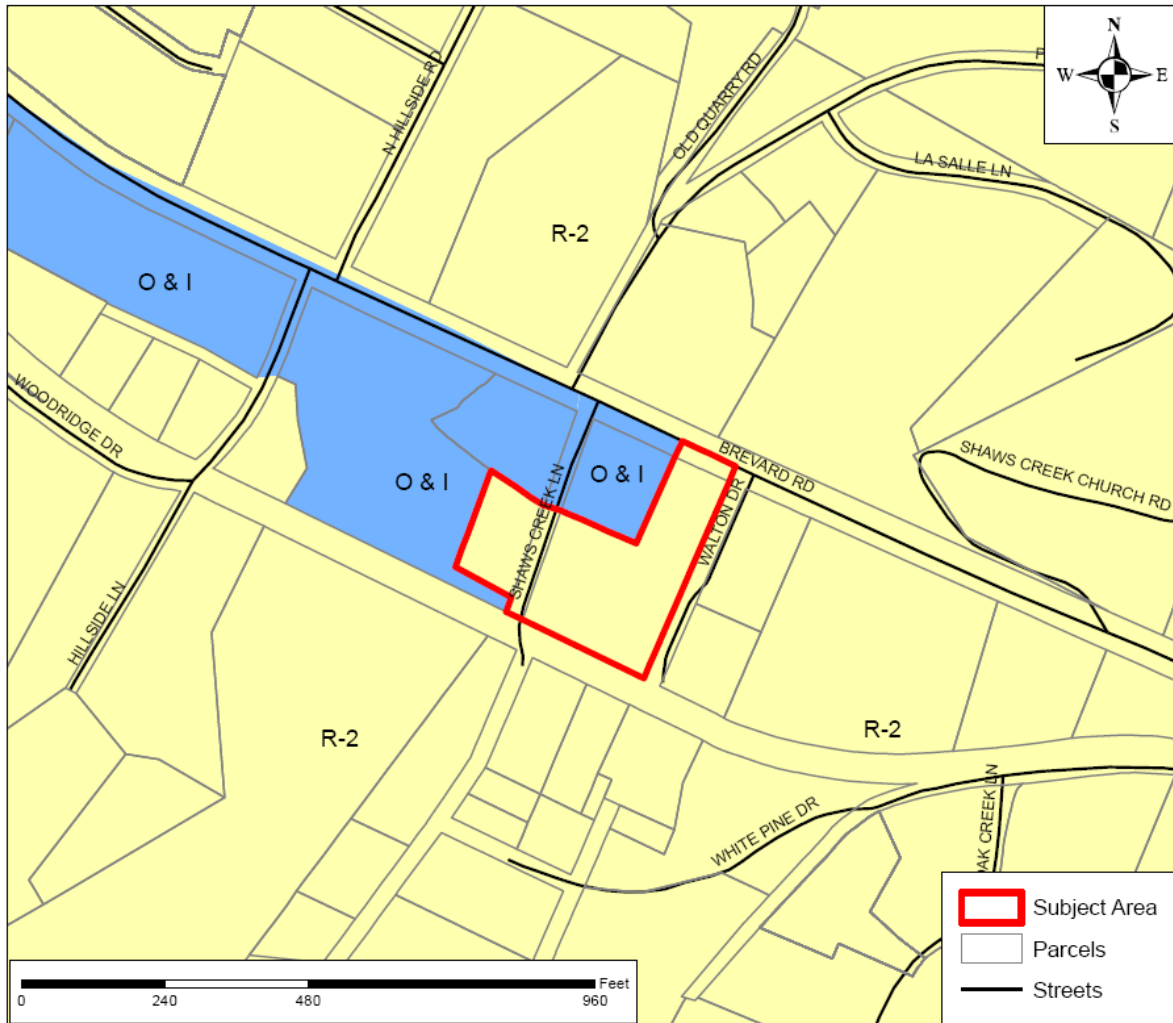
Map A: Aerial Photo



2. Current Zoning

2.1. **Application of Current Zoning:** The subject area was zoned Residential Two (R2) on September 19, 2007 with the adoption of the Land Development Code. The subject area is also located in a WS-IV-PA Water Supply Watershed.

Map B: Current Zoning



2.2. **Adjacent Zoning:** The subject area is adjacent to Office and Institutional (O&I) to the west and surrounded by Residential Two (R2) in all other directions.

2.3. **District Comparison:**

2.3.1. **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).

Office and Institutional (O & I): *“The purpose of the Office Institutional District (OI) is to foster orderly growth where the principal use of land is a mixture of office, institutional, and residential. The intent of this district is to allow for office, institutional and residential development consistent with the recommendations of the Comprehensive Plan. In accordance with the Comprehensive Plan, the district will allow for and provide office, institutional, and residential development that: (1) is directed largely to Community Service Centers as defined in the Comprehensive Plan; (2) is compatible with adjacent development and the surrounding community; and (3) will minimize congestion and sprawl.”* (Chapter 200A, Land Development Code §200A-32).

The Office and Institutional District requires 10 foot side and rear setbacks, a maximum building height of 50 feet for principal structures, and maximum impervious surface of 80%. The Standard residential density is four units per acre and the maximum density is 16 units per acre.

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

3.1. **Subject Area Uses:** The subject area currently contains one single family residence on one parcel (PIN 9559-60-0599) and the larger parcel to the east is vacant (PIN: 9559-60-3573).

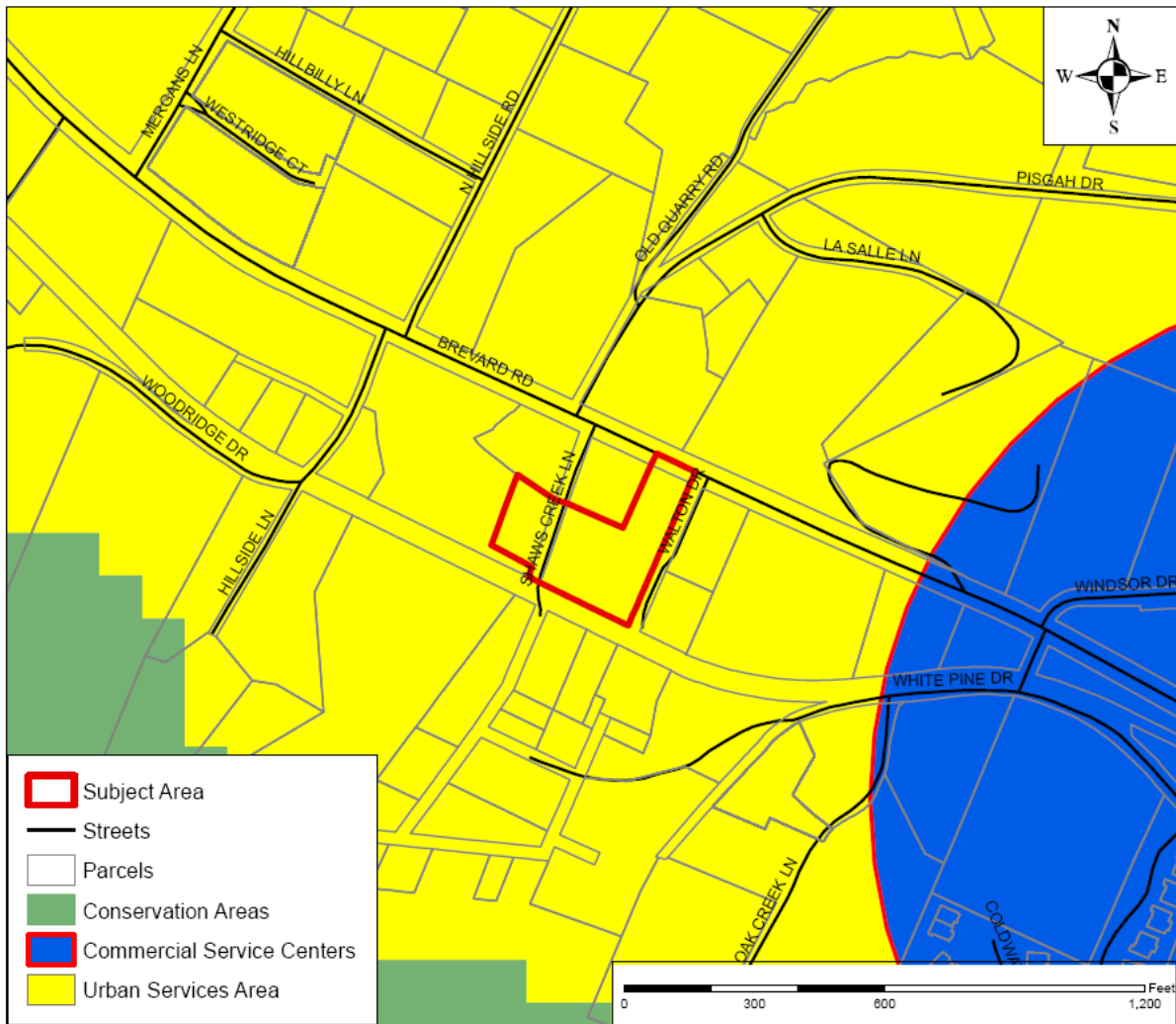
3.2. **Adjacent Area Uses:** The surrounding properties are primarily residential uses. The Hendersonville Church of Latter Day Saints is located to the north west, and Shaw’s Creek Baptist Church is located to the north east.

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 (USA)(2020 CCP, Pgs. 128, 129 & Appendix 1, Map 24) (See Map C).

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).

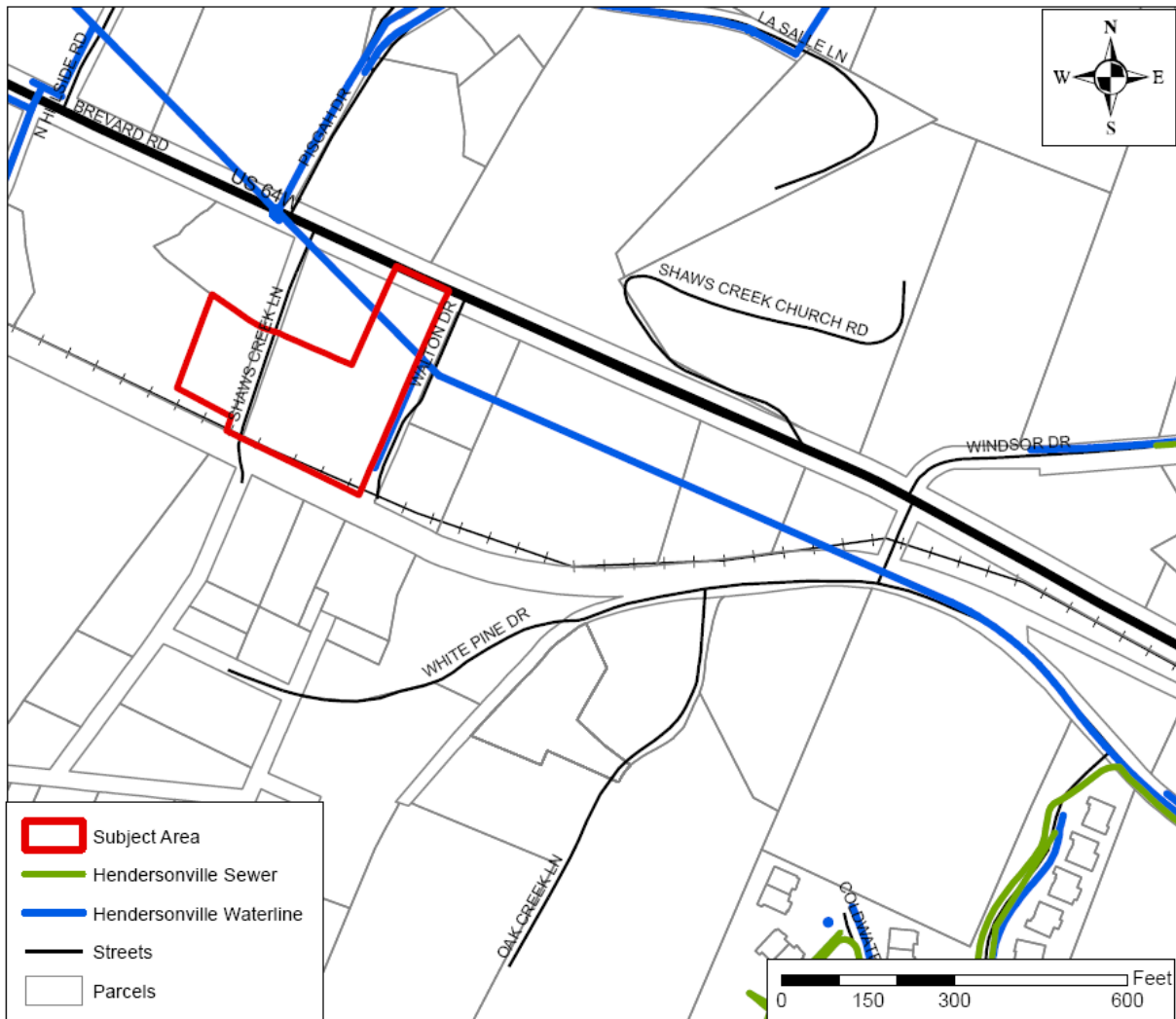
Map C: 2020 County Comprehensive Plan Future Land Use Map



5. Water and Sewer

- 5.1. **Public Water:** A City of Hendersonville water line runs through the property as well as down Walton Drive and along US Highway 64 West. (See Map E).
- 5.2. **Public Sewer:** Public sewer provided by the City of Hendersonville is currently located approximately 1,400 feet to the east the Subject Area along US Highway 64 West near the intersection with Windsor Drive. (See Map E).

Map E: Water and Sewer Map



6. Staff Comments

- 6.1. **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.

- 6.2. **Adjacent Zoning:** The Subject Area is adjacent to Office and Institutional zoning to the west across Shaws Creek Lane.
- 6.3. **Comparison of Districts:** The existing R2 allows for residential uses. Applying Office and Institutional zoning will continue to allow for residential uses however, eliminate the ability to construct all forms of manufactured housing. Applying Office and Institutional zoning will allow for offices, a greater variety of accessory businesses, as well as, additional educational and institutional uses.
- 6.4. 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.

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 Office & Institutional consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.

8. **Technical Review Committee Recommendations**

- 8.1. On Tuesday November 6th the Technical Review Committee voted unanimously to send a favorable recommendation of Rezoning application R-2012-5 to the Planning Board.

9. **Planning Board Recommendations**

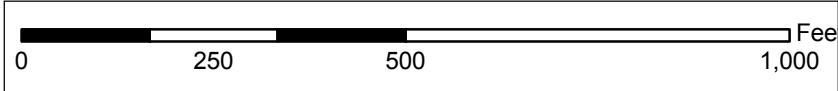
- 9.1. On Thursday November 15th the Planning Board voted unanimously to send a favorable recommendation of Rezoning application R-2012-5 to the Henderson County Board of Commissioners.



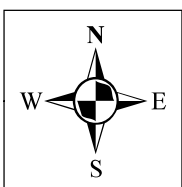
Hendersonville Church of God




Shaw's Creek Baptist Church

Brevard Road



Rezoning Application
R-2012-05
James Durfee, owner



-  Subject Area
-  Streets
-  Parcels

**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 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.

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

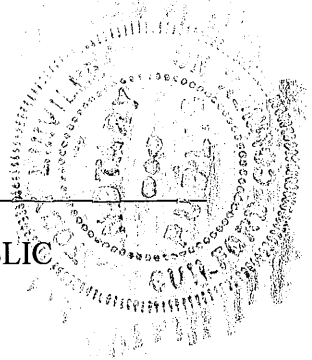
personally appeared before me this day.

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 -2012-05; 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 -2012-05 – James Durfee 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 7th day of January, 2013.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
CHARLIE MESSER, Chairman

ATTEST:

Terry Wilson, Clerk to the Board

[COUNTY SEAL]

Rezoning #R-2012-05 James Durfee, Owner

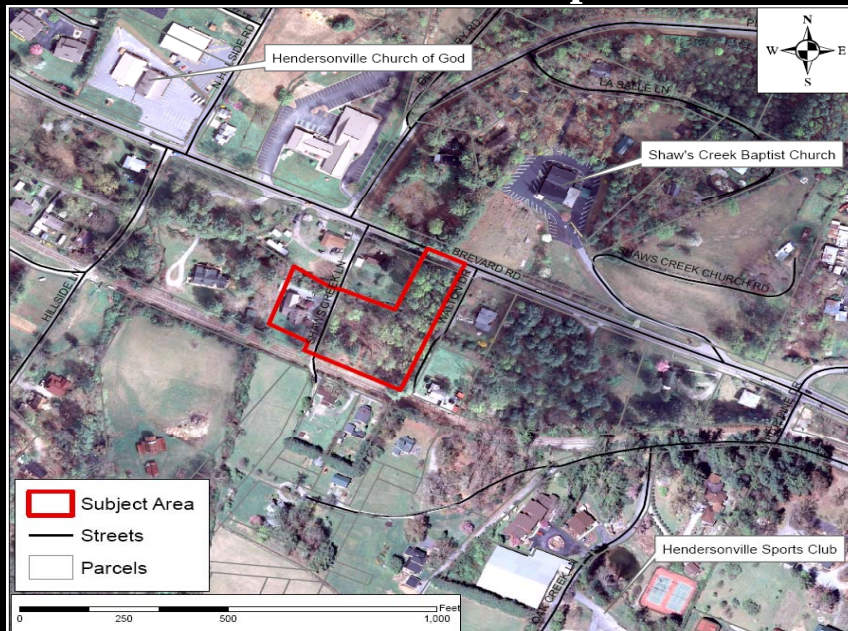


Henderson County Board of Commissioners Meeting
January 7, 2013

Presented by: Parker Sloan, Planner

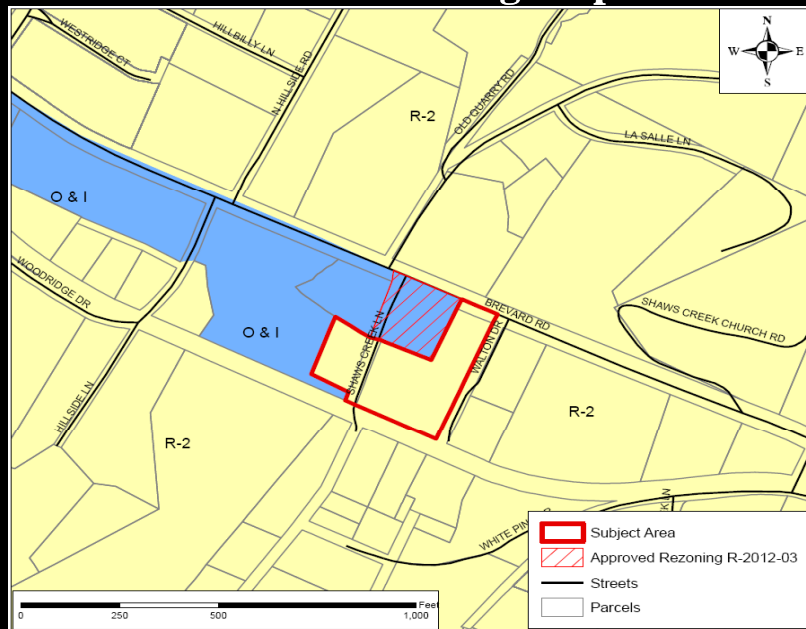
Henderson County Planning Department

Aerial Photo Map



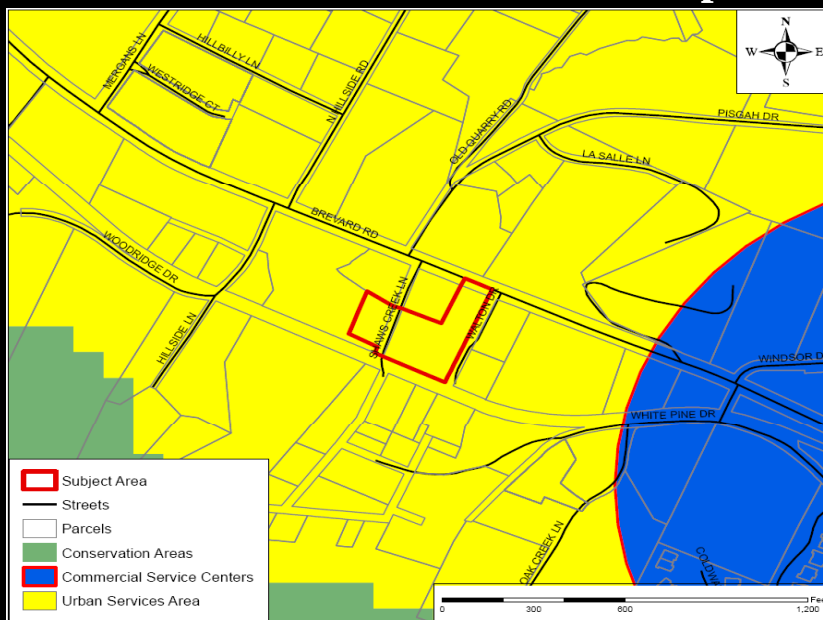
Henderson County Planning Department

Current Zoning Map



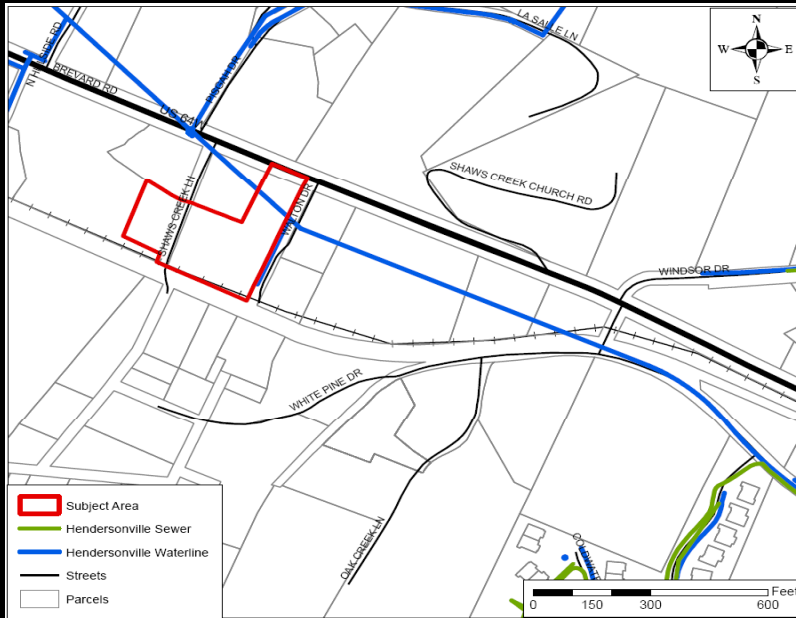
Henderson County Planning Department

2020 CCP Future Land Use Map



Henderson County Planning Department

Water and Sewer Map

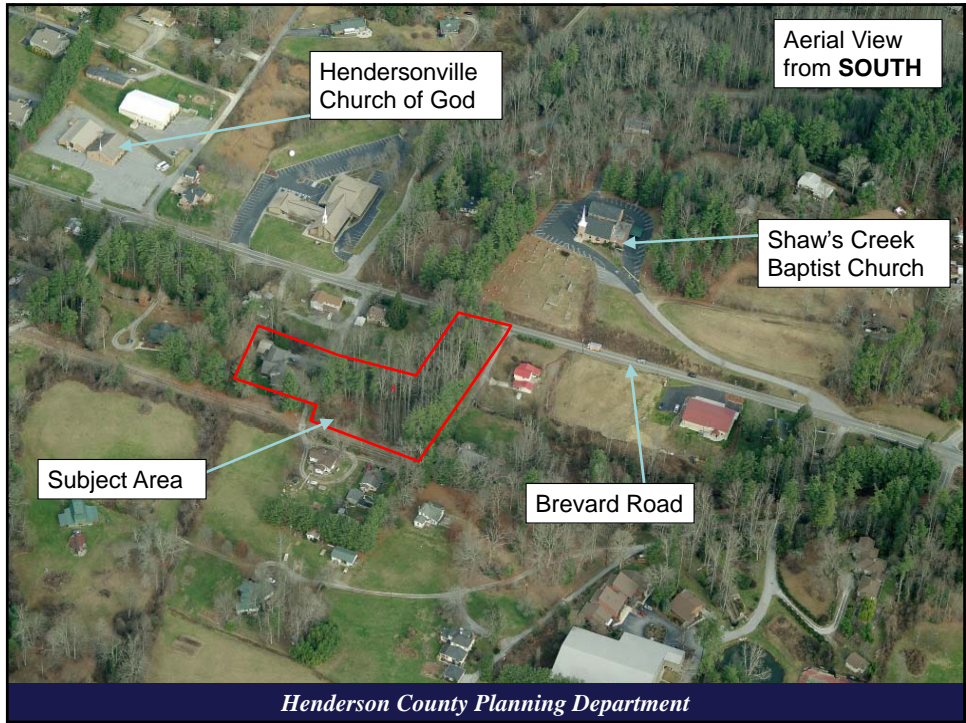
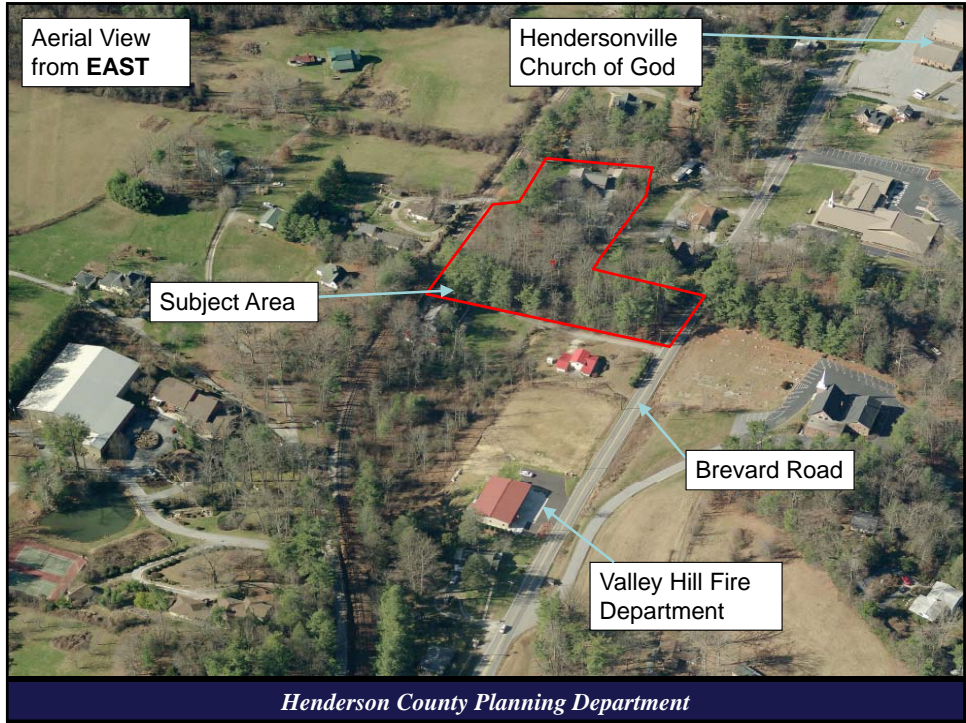


Henderson County Planning Department



View of existing residence within the subject area looking South

Henderson County Planning Department



Rezoning #R-2012-05

Public Hearing Comments



Rezoning #R-2012-05

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.

