

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** Monday, March 4, 2013

**SUBJECT:** Public Hearing for Rezoning Application #R-2012-06

**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-2012-06, which was submitted on November 19, 2012, requests the County rezone a 0.43 acre tract. The applicant requests a rezoning from a Community Commercial (CC) zoning district to a Residential One (R1) zoning district. The subject area is owned by Glassy Mountain Partners LLC (PIN: 9577-59-3179).

The Henderson County Planning Board considered rezoning application #R-2012-06 at its regularly scheduled meeting on January 17, 2013. 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 Residential One (R1) 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 March 4, 2013, public hearing regarding rezoning application #R-2012-05 were published in the Hendersonville Tribune on February 14, 2013 and February 21, 2013. 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 February 18, 2013 and posted signs advertising the hearing on the Subject Area on February 19, 2013.

#### **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 One (R1) 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

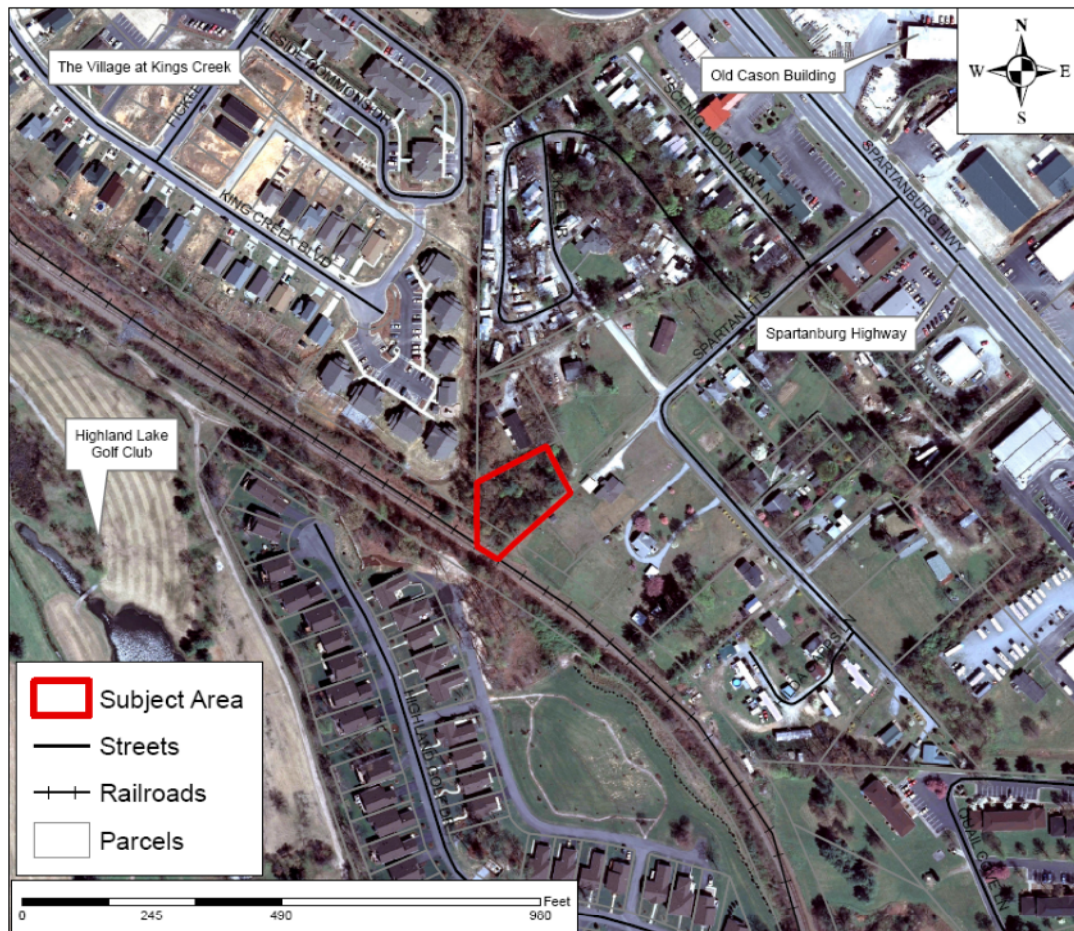
### Rezoning Application #R-2012-06 Glassy Mountain Partners, LLC, Owner

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#### 1. Rezoning Request

- 1.1. **Applicant & Owner:** Glassy Mountain Partners, LLC, Owner
- 1.2. **Request:** Rezone a parcel from Community Commercial (CC) to Residential One (R-1)
- 1.3. **PIN(s):** 9577-59-3179d
- 1.4. **Size:** Total of 0.43 acres to be rezoned.
- 1.5. **Location:** The subject area is located along Spartan Heights, approximately 800 feet from the intersection of Spartanburg Highway (US 176) and Spartan Heights (SR 1780).

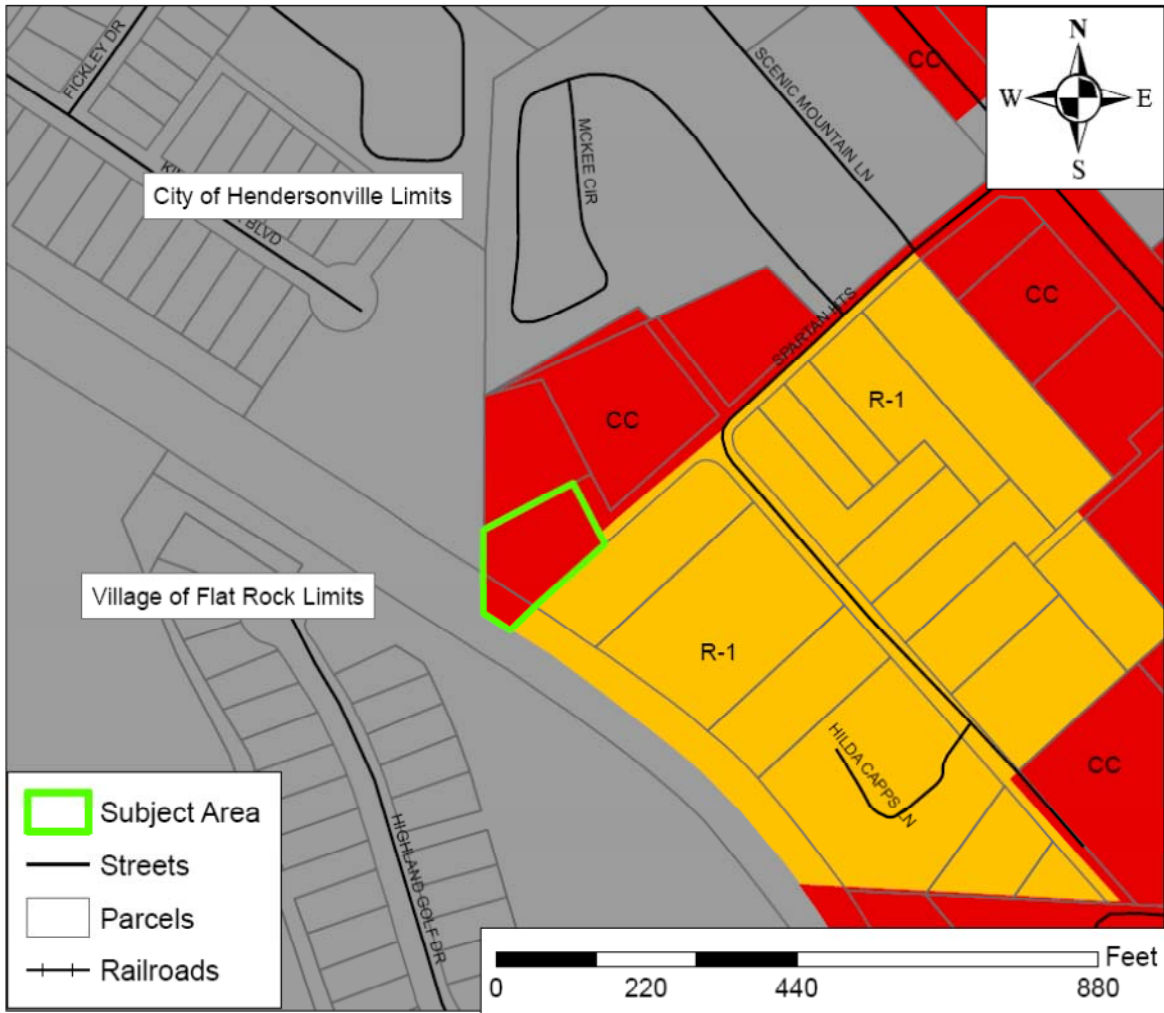
Map A: Aerial Photo



2. **Current Zoning**

2.1. **Application of Current Zoning:** The subject area was zoned Community Commercial (CC) 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 One (R-1) to the east and surrounded by Community Commercial (CC) to the north. To the south the subject area is adjacent to the Village of Flat Rock municipal limits and to the west the subject area is adjacent to the City of Hendersonville municipal limits.

2.3. **District Comparison:**

2.3.1. **City of Hendersonville Planned Residential Development:** *“This classification is designed to accommodate planned residential developments for which a special use permit has been issued. The density for a planned residential development shall be established by City Council in consideration of the Comprehensive Plan, surrounding land uses and the existence of adequate private and public facilities, including without limitation, water, wastewater, solid waste, stormwater, roads and parks to serve the development.”*(City of Hendersonville Zoning Ordinance)

All dwellings and their accessory structures shall be set back not less than 40 feet from the nearest right-of-way line for any street or railroad adjoining the site; provided, however, such setback may be reduced to ten feet when parking is situated to the side or rear of the lot and screened from view from public rights-of-way. Furthermore, such buildings and structures shall be set back not less than 30 feet from any exterior property line which is not a right-of-way.

2.3.2. **Village of Flat Rock R-20 (Low Density Residential):** *“The R-20 district is established as a district in which the principal use is for lowdensity, single-family residential development, open space and limited public and semipublic uses that are compatible with the low-density residential character of the district.”* (Village of Flat Rock Land Development Ordinance)  
20,000 Sq Ft minimum lot size 50ft front yard setback. 25ft side and rear setback.

2.3.3. **Community Commercial (CC):** *“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 Transitional (RTA) or Urban (USA) in the Comprehensive Plan.” (Chapter 200A, Land Development Code §200A-34).*

CC requires 10 foot side and rear setbacks, maximum height 50 feet, a standard density of sixteen (16) units per acre, maximum impervious surface of 80%, and a maximum floor area (sq. ft.) 80,000.

**2.3.4. Residential One (R-1):** *“The purpose of the Residential District One (R-1) is to foster orderly growth where the principal 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 (USA) in the Comprehensive Plan.” (Chapter 200A, Land Development Code §200A-27).*

The R-1 requires 10 foot side and rear setbacks and a maximum building height of 40 feet for principal structures. The Standard residential density is four (4) units per acre and the maximum density is sixteen (16) units per acre.

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

**3.1. Subject Area Uses:** The subject area is currently vacant with no structures.

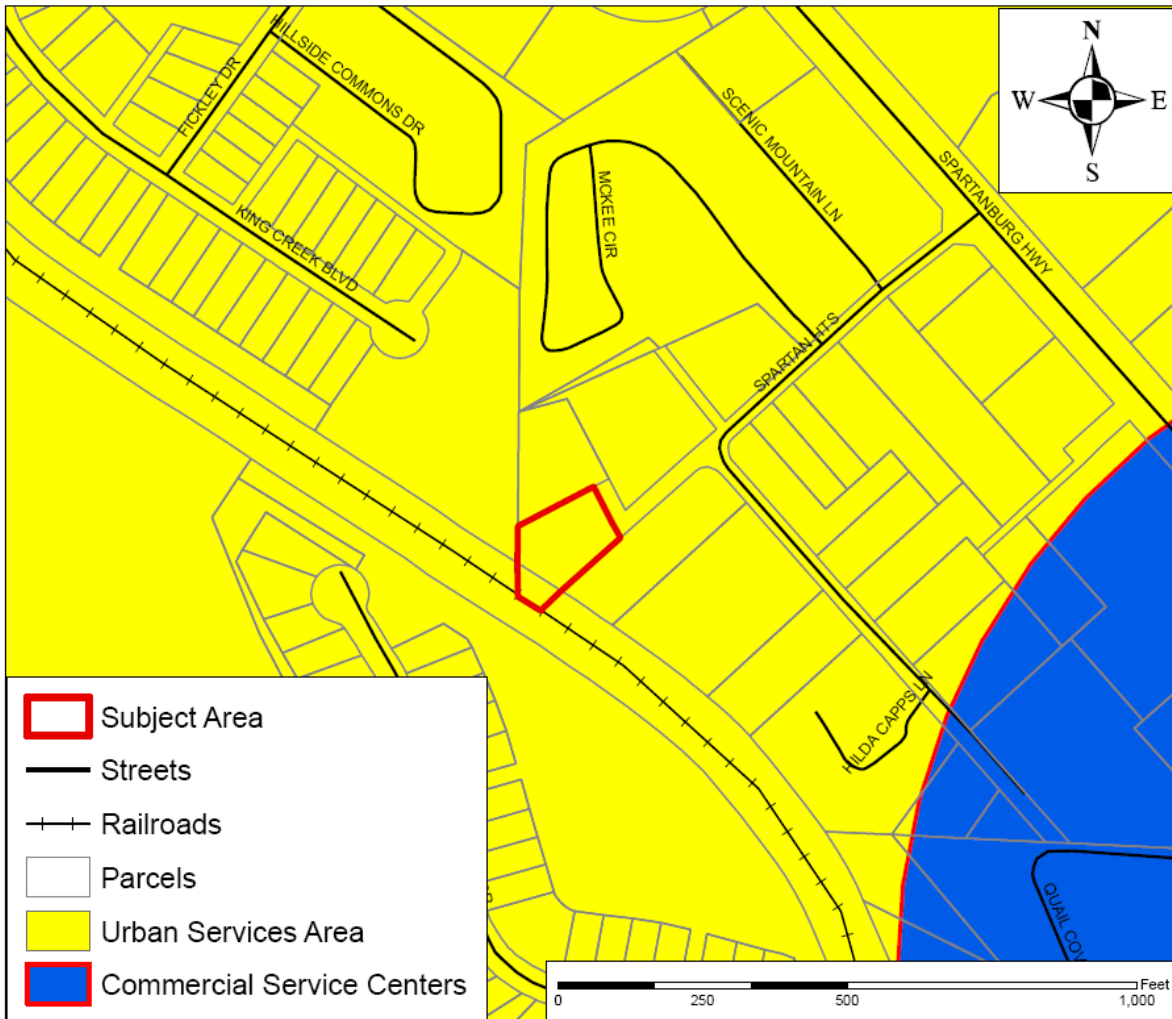
**3.2. Adjacent Area Uses:** The surrounding properties are primarily residential uses. The Highland Lake Golf Club is located to the south and south west, and the Village at Kings Creek is located to the north and north west.

### **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. 132-134 & 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. 132).

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

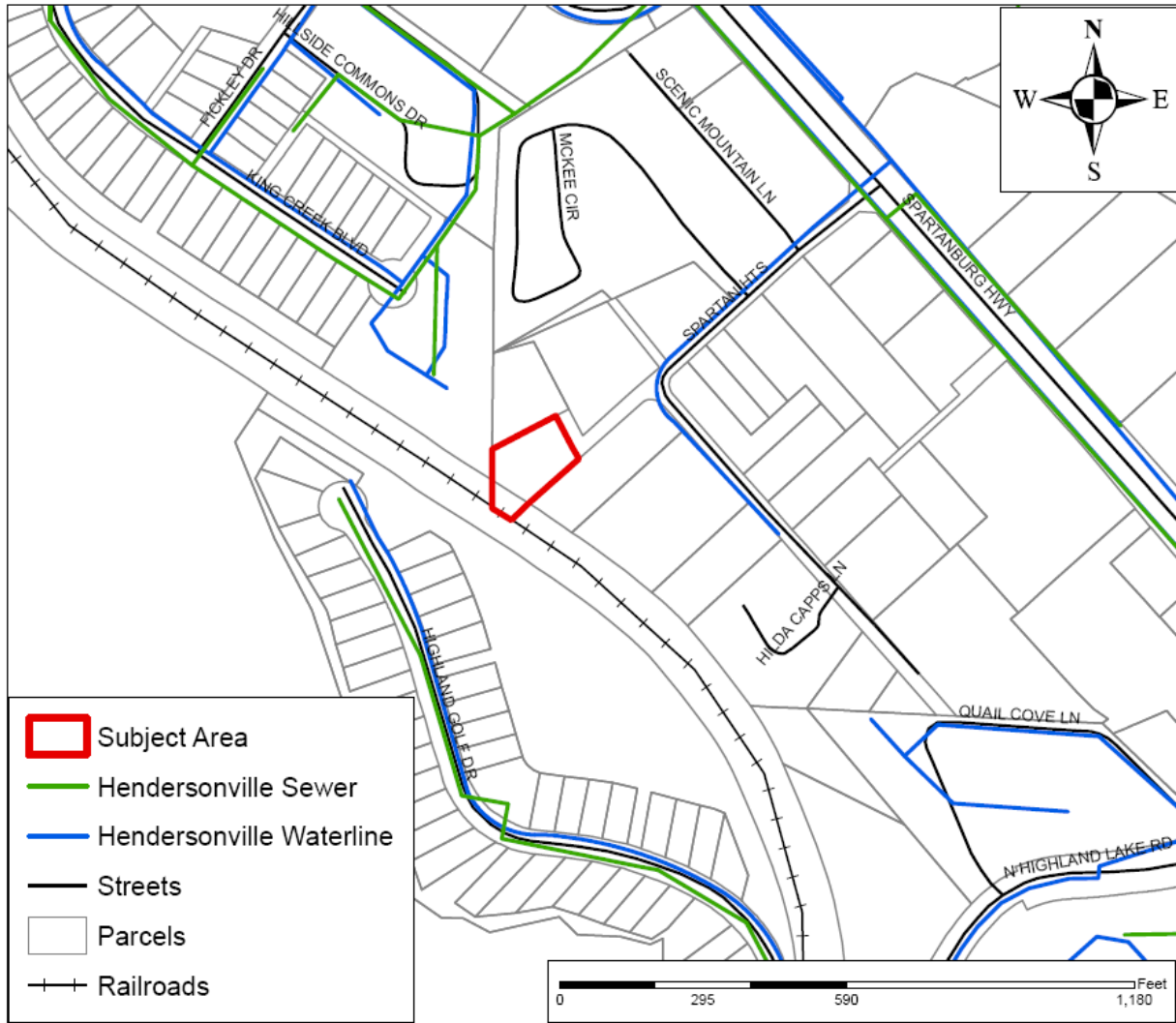


**5. Water and Sewer**

5.1. **Public Water:** A City of Hendersonville water line runs down Spartanburg Highway (US 176) and along Spartan Heights that stops before Hilda Capps Lane. The City of Hendersonville water line is approximately 220 feet to the north east from the subject property. The subject property is approximately 85 feet away to the north west from the City of Hendersonville water line in the Village at Kings Creek neighborhood. (See Map E).

5.2. **Public Sewer:** Public sewer provided by the City of Hendersonville is currently located approximately 800 feet to the north east of the Subject Area along Spartanburg Highway (US 176) at the intersection with Spartan Heights. The subject property is additionally located approximately 85 feet to the north west from the City of Hendersonville sewer line in the Village at Kings Creek neighborhood. (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 Residential One zoning to the east and north east.

- 6.3. **Comparison of Districts:** The existing Community Commercial district allows for multifamily residential uses and local/community scaled commercial development. Applying Residential One zoning will continue to allow for residential uses however, eliminate the ability to construct local/community scaled commercial development. Applying Residential One zoning will allow for medium to high-density residential developments, multifamily dwellings, and only double and triple-wide manufactured homes provided that public water and sewer are available.
- 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 Residential One consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.
8. **Technical Review Committee Recommendations**
  - 8.1. On Tuesday January 8<sup>th</sup> 2013 the Technical Review Committee voted unanimously to send a favorable recommendation of Rezoning application R-2012-06 to the Planning Board.
9. **Planning Board Recommendations**
  - 9.1. On Thursday January 17<sup>th</sup> 2013 the Henderson County Planning Board voted unanimously to send a favorable recommendation of Rezoning application R-2012-06 to the Board of Commissioners.



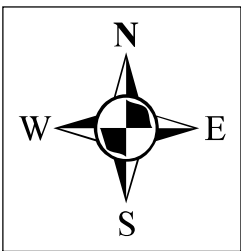
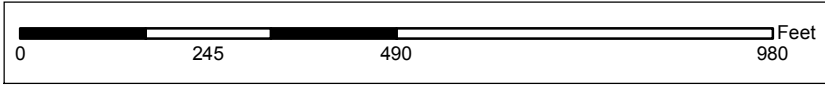


The Village at Kings Creek

Old Cason Building

Spartanburg Highway

Highland Lake Golf Club



- Subject Area
- Streets
- Railroads
- Parcels

Rezoning Application  
 R-2012-06  
 Lewis C. Boyd III, Owner

**NOTICE OF PUBLIC HEARING  
ON PROPOSED ZONING MAP AMENDMENT  
(Rezoning Requests #R-2012-06)**

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-2012-06, which was submitted on November 19, 2012, requests the County rezone a 0.43 acre tract. The applicant requests a rezoning from a Community Commercial (CC) zoning district to a Residential One (R1) zoning district. The subject area is owned by Glassy Mountain Partners LLC (PIN: 9577-59-3179).

The public hearing will be held on Monday, March 4, 2013, 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, February 14, 2013 and Thursday, February 21, 2013.**

**Certification of Notice of Public Hearing**

In accordance with NCGS 153A-343 the Planning Department certifies notice of the March 4, 2013 hearing regarding Rezoning Application #R-2012-06 were:

1. Submitted to the Hendersonville Tribune on February 11, 2013 to be published on February 14, 2013 and February 21, 2013 by Parker Sloan;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on February 18, 2013 by Parker Sloan;
3. Sent, via first class mail, to the property owners on February 18, 2013 by Parker Sloan; and
4. Signs will be posted on the Subject Area(s) on February 21, 2013 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 Linville, 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 21 day of February 2013.

My commission expires:  
5/25/16

(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 -2012-06; 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 March 4, 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 -2012-06 – Glassy Mountain Partners, LLC) 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 4<sup>th</sup> day of March, 2013.

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

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

**ATTEST:**

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

**[COUNTY SEAL]**

# Rezoning #R-2012-06

## Glassy Mountain Partners LLC, Owner



**Henderson County Board of Commissioners Meeting  
March 4 , 2013**

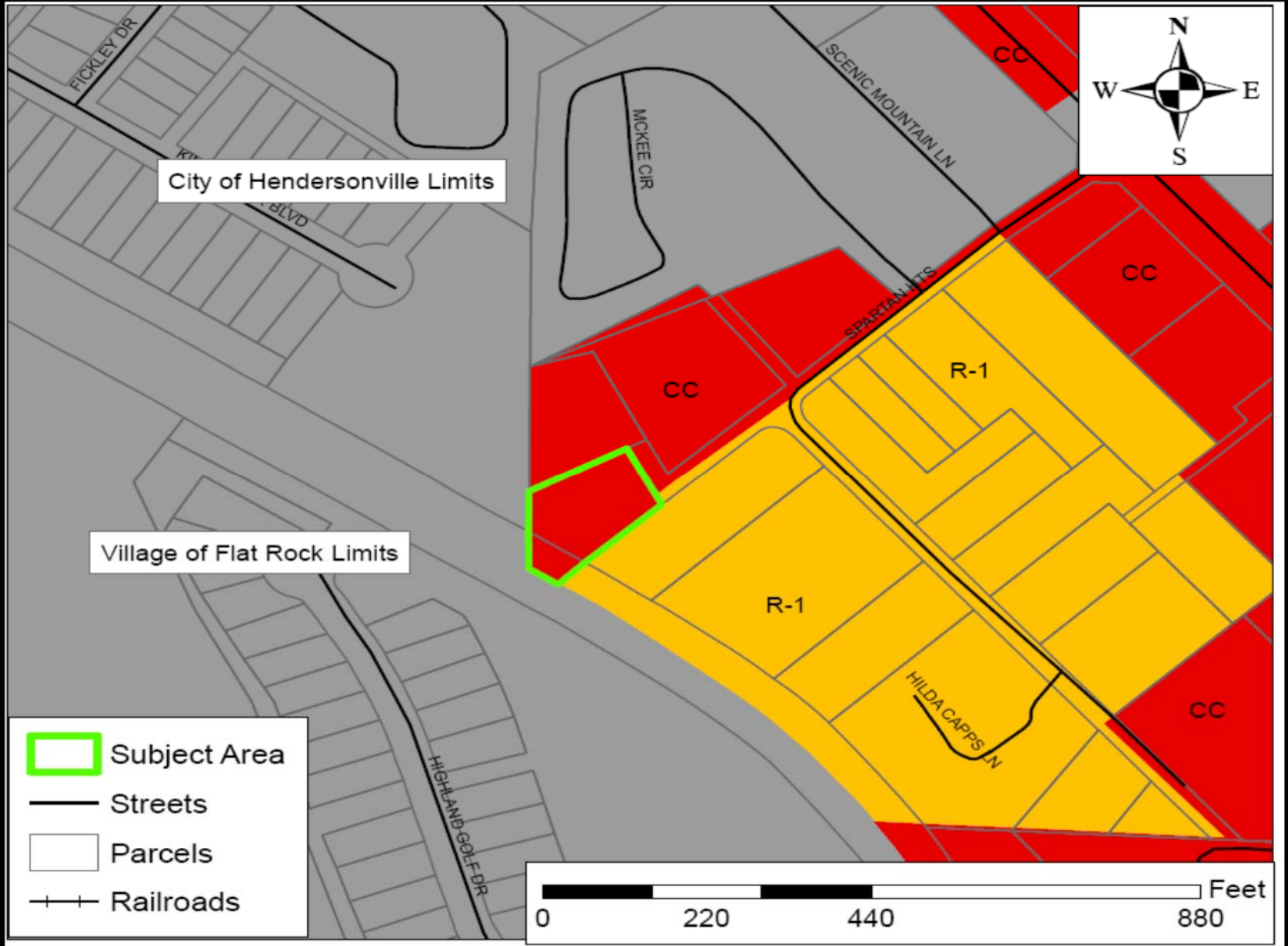
**Presented by: Parker Sloan, Planner**

*Henderson County Planning Department*

# Aerial Photo Map

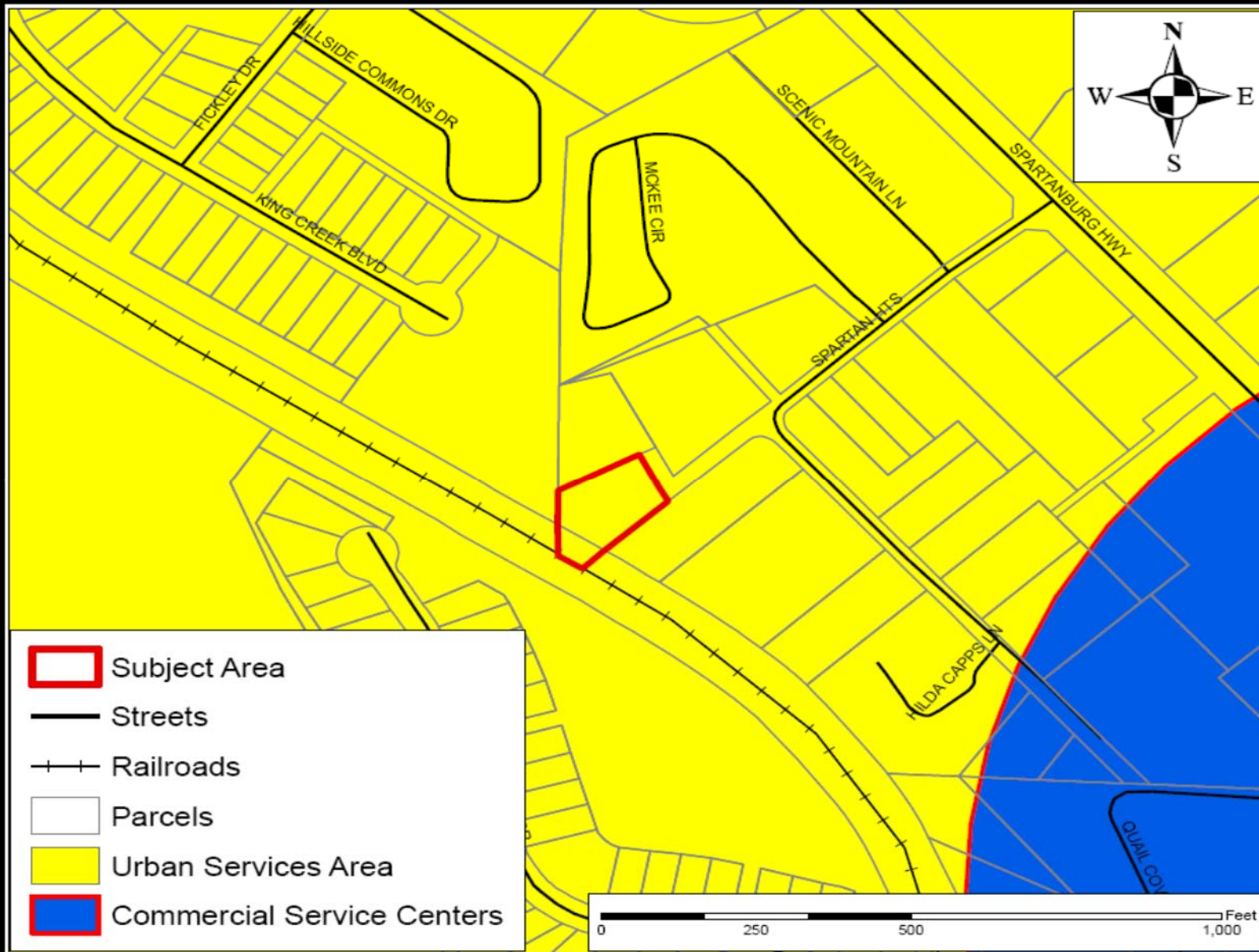


# Current Zoning Map

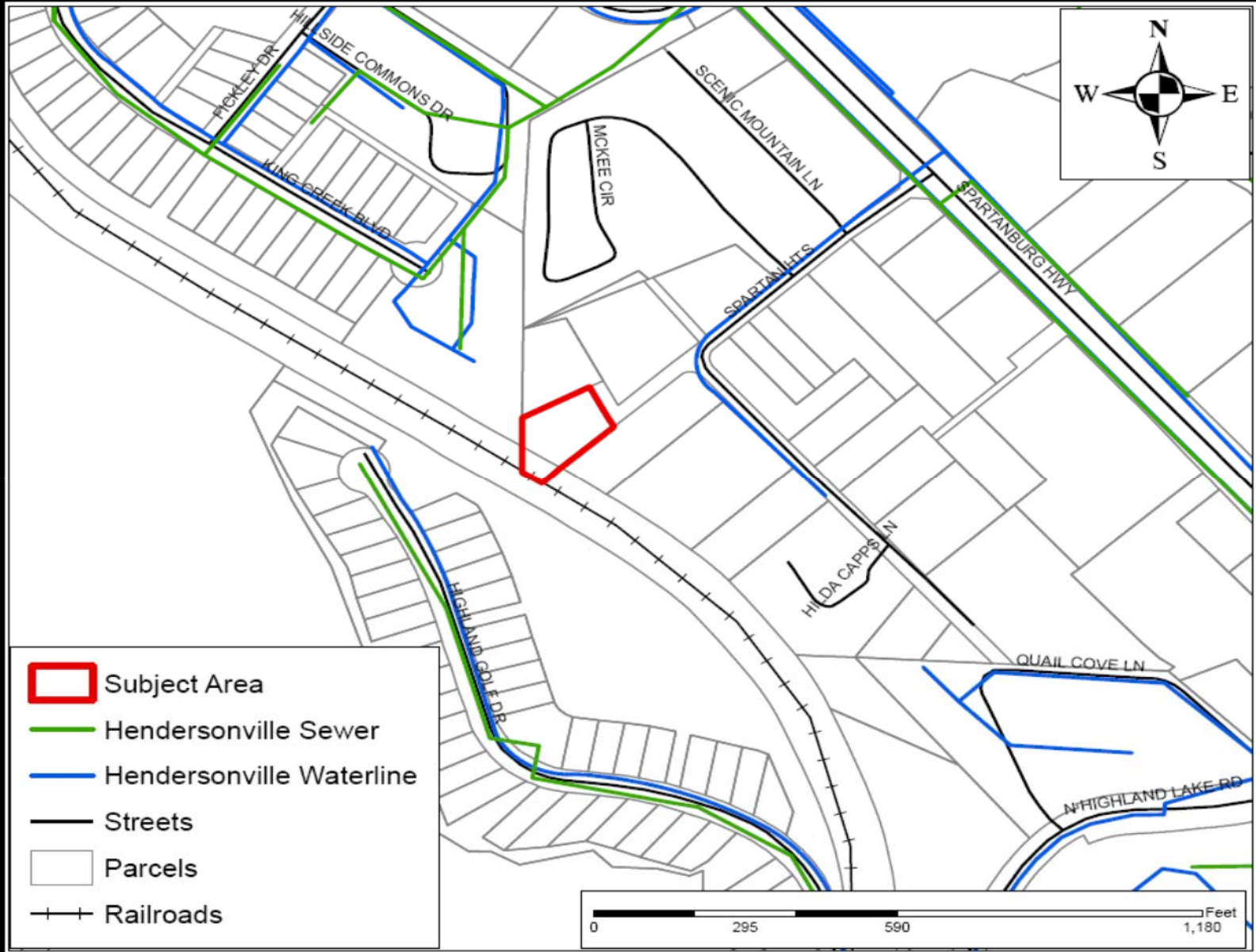




# 2020 CCP Future Land Use Map



# Water and Sewer Map





View of subject area looking northeast



View of the center of the subject area and neighboring home looking northwest

*Henderson County Planning Department*

Rezoning #R-2012-06

# Public Hearing Comments



# Rezoning #R-2012-06

**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.*

