

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: Monday, November 4, 2013

SUBJECT: Public Hearing for Rezoning Application #R-2013-03

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-2013-03, which was submitted on August 6, 2013, requests the County rezone a 1.5 acre tract. The applicant requests a rezoning from a Regional Commercial (RC) to a Residential Two Rural (R2R) zoning district. The subject area is owned by Kerry Bodenheimer (PIN: 9651-52-4024).

The Henderson County Planning Board considered rezoning application #R-2013-03 at its regularly scheduled meeting on October 17, 2013. During that meeting, the Planning Board voted unanimously to send forward a favorable recommendation on rezoning application #R-2013-03 to rezone the Subject Area to a Residential Two Rural (R2R) 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 November 4, 2013, public hearing regarding rezoning application #R-2013-03 were published in the Hendersonville Tribune on October 17, 2013 and October 24, 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 October 18, 2013 and posted signs advertising the hearing on the Subject Area on October 22, 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 an 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.

Henderson County Planning Department Staff Report

Rezoning Application #R-2013-03 Kerry Bodenheimer, Owner

1. Rezoning Request

- 1.1. **Applicant:** Kerry Bodenheimer, Owner
- 1.2. **Request:** Rezone a portion of a parcel from Regional Commercial (RC) to Residential Two Rural (R2-R)
- 1.3. **PIN:** Portion of 9651-52-4024
- 1.4. **Size:** Total of 1.5 acres to be rezoned.
- 1.5. **Size of total tract:** 2.16 acres
- 1.6. **Location:** The subject area is located along Holbert Road (SR 1367), approximately 580 feet from the intersection of US highway 25 North (Asheville Highway) and Holbert (SR 1367).

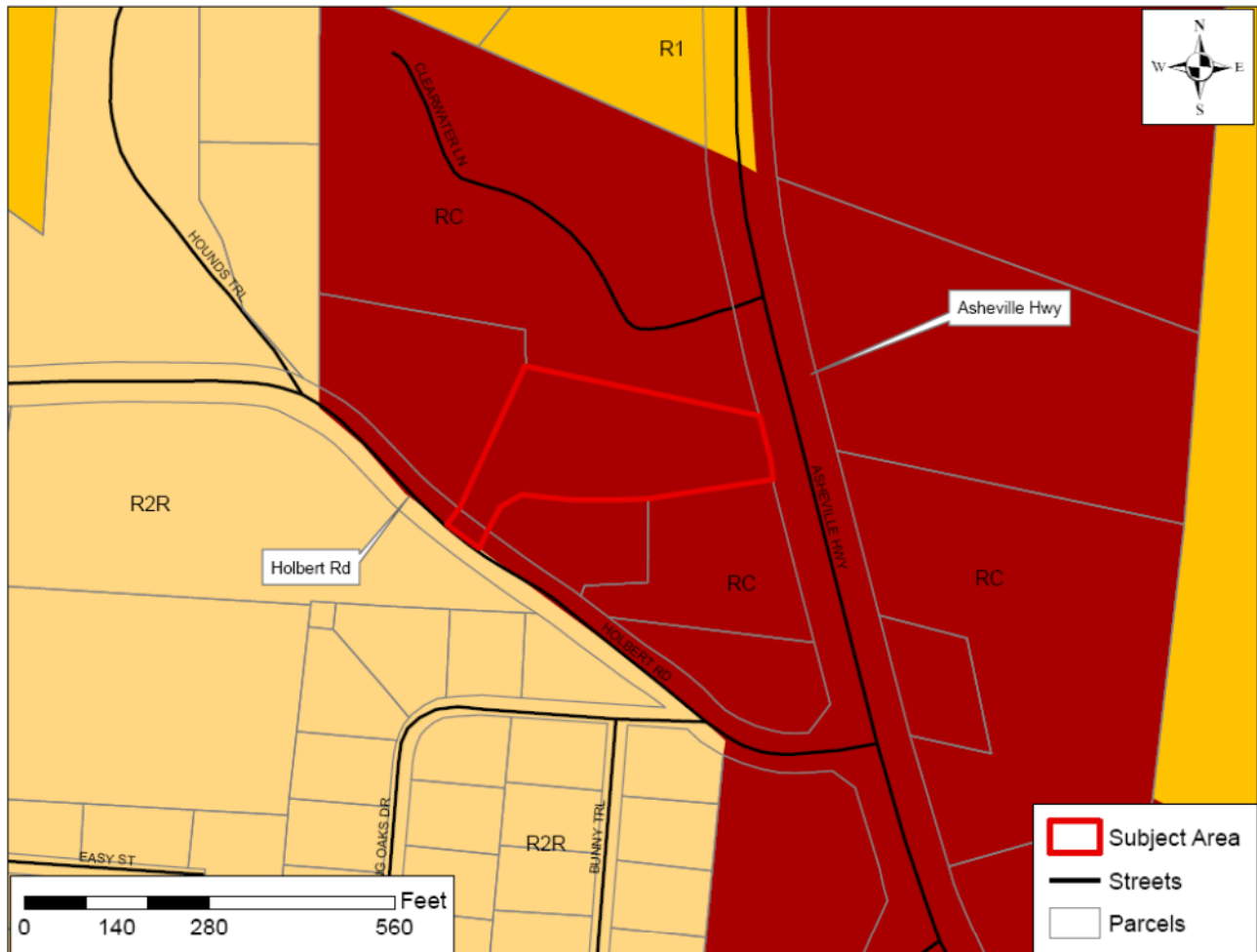
Map A: Aerial Photo



2. Current Zoning

2.1. **Application of Current Zoning:** The subject area was zoned Regional Commercial (RC) 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 (R2 R) to the west and surrounded by Regional Commercial (RC) in all other directions.

2.3. District Comparison:

2.3.1. **Regional Commercial:** *“The purpose of the Regional Commercial District (RC) 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, community, and regional 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 Urban in the Comprehensive Plan” (Chapter 200A, Land Development Code §200A-35).

(1) RC (Regional Commercial) requires 10 foot side and rear setbacks;
 (2) establishes a maximum height of 50 feet;
 (3) provides a standard density of 16 units per acre with a maximum 80% impervious surface; (4) The maximum floor area is unlimited.

2.3.2. Residential Two Rural (R2R): *“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

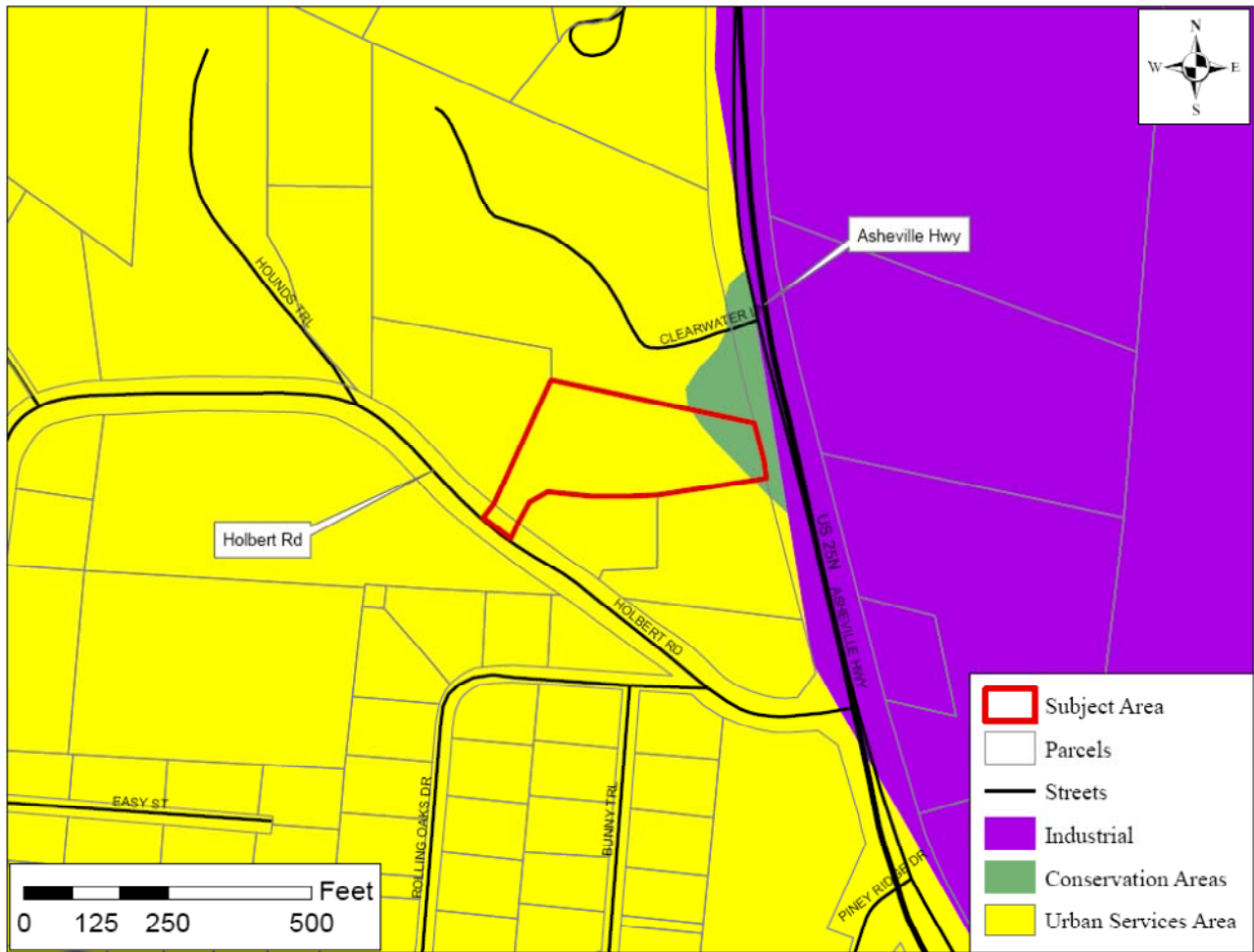
- 3.1. Subject Area Uses:** The subject area parcel currently contains one single family residence and one automotive commercial business.
- 3.2. Adjacent Area Uses:** The surrounding properties are primarily residential uses. Presley automotive is located to the south east of the project area on the corner of Holbert road and Asheville Highway.

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

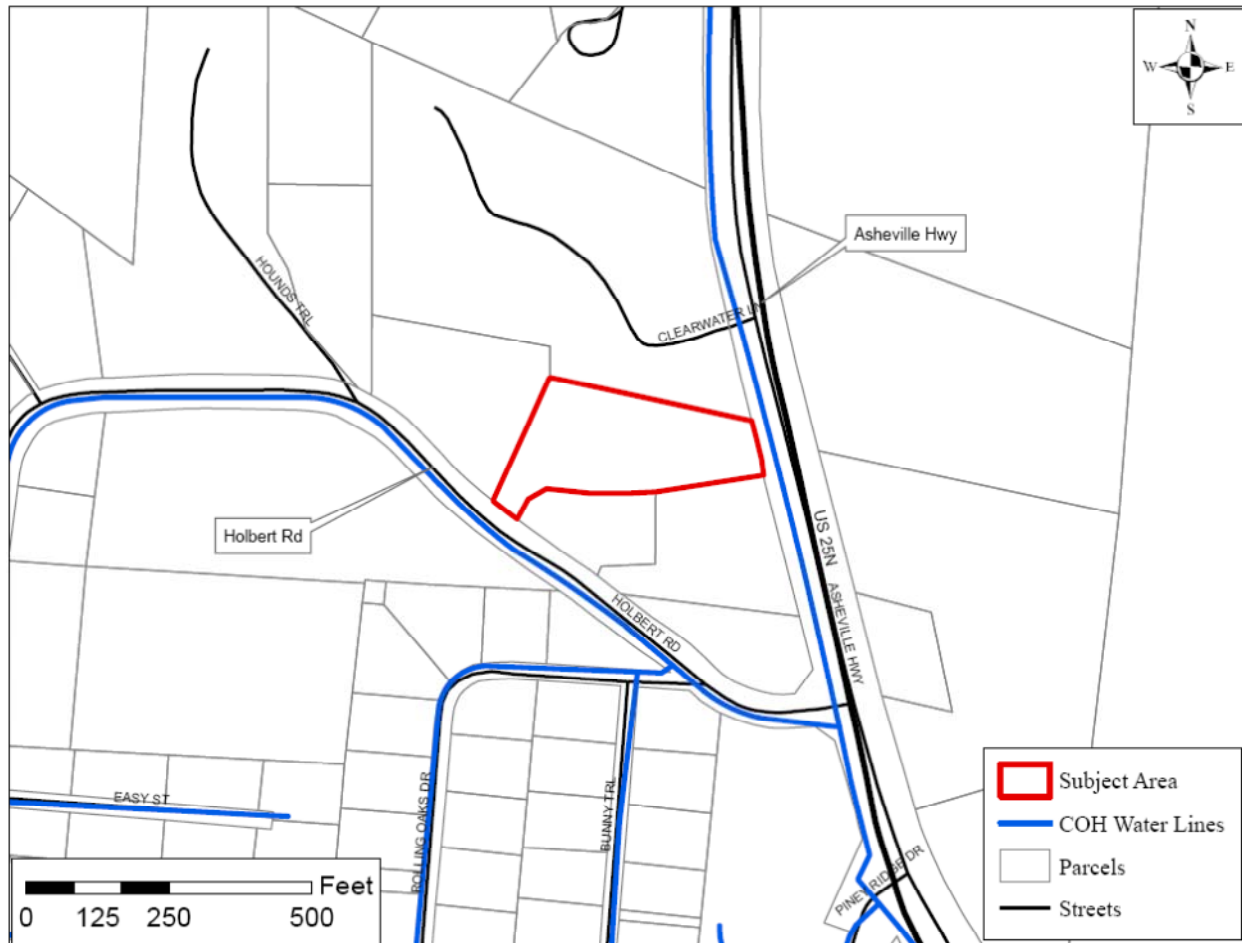


5. Water and Sewer

5.1. **Public Water:** A City of Hendersonville water line runs next to the project area along Holbert Road. (See Map E).

5.2. **Public Sewer:** Public sewer is not in the vicinity of this project. (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.
- 6.2. **Adjacent Zoning:** The Subject Area is adjacent to Residential Two Rural zoning to the west along the southwest side of Holbert road.
- 6.3. **Comparison of Districts:** The existing Regional commercial does not allow for residential uses. Applying Residential Two Rural will allow for residential uses however, eliminate the ability to construct all forms of commercial operations. Applying Residential Two Rural zoning will allow for some small businesses, and all types of residential 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

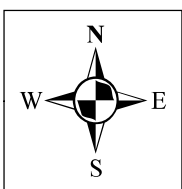
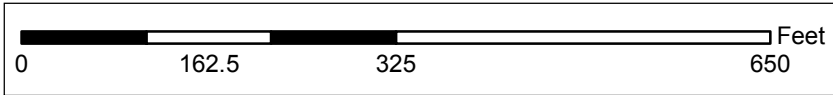
7.1. Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the Subject Area to Residential Two Rural consistent with the recommendations of the Henderson County 2020 Comprehensive Plan. Staff has attempted without success to contact adjacent property owners to the north of the Subject Area to include these parcels in the rezoning request if the property owners were agreeable. These parcels currently contain residential uses and would make a more contiguous residential district.




8. Technical Review Committee Recommendations

8.1. On Tuesday September 3rd the Technical Review Committee voted unanimously to send a favorable recommendation of Rezoning application R-2013-03 to the Planning Board.

9. Planning Board Recommendations

9.1. On Thursday October 17th the Planning Board voted unanimously to send a favorable recommendation of Rezoning application R-2013-03 to the Board of Commissioners



	Subject Area
	Parcels
	Streets

Rezoning Application
R-2013-03
Kerry Bodenheimer, applicant

**NOTICE OF PUBLIC HEARING
ON PROPOSED ZONING MAP AMENDMENT
(Rezoning Requests #R-2013-03)**

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

Rezoning Application #R-2013-03, which was submitted on August 6, 2013, requests the County rezone a 1.5 acre tract. The applicant requests a rezoning from a Regional Commercial (RC) to a Residential Two Rural (R2R) zoning district. The subject area is owned by Kerry Bodenheimer (PIN: 9651-52-4024).

The public hearing will be held on Monday, November 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 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

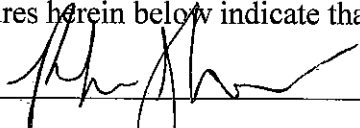
For publication in the Hendersonville Tribune on Thursday, October 17, 2013 and Thursday, October 24, 2013.

Certification of Notice of Public Hearing

In accordance with NCGS 153A-343 the Planning Department certifies notice of the January 4, 2013 hearing regarding Rezoning Application #R-2013-03 were:

1. Submitted to the Hendersonville Tribune on October 14, 2013 to be published on October 17, 2013 and October 24, 2013 by Parker Sloan;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on October 18, 2013 by Parker Sloan;
3. Sent, via first class mail, to the property owners on October 18, 2013 by Parker Sloan; and
4. Signs will be posted on the Subject Area(s) on October 22, 2013 by Parker Sloan.

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

1. 
2. _____

STATE OF North Carolina
COUNTY OF Henderson

I, Denisa A Lauffer, a Notary Public, in and for the above County

and State, do hereby certify that

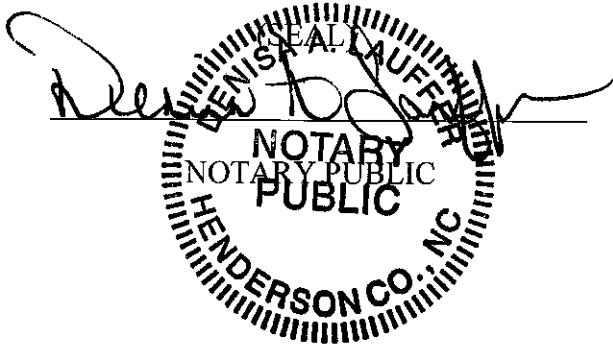
Parker Sloan, and _____

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 24th day of October, 2013.

My commission expires:

November 12, 2016





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 -2013-03; 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 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 -2013-03 – Kerry Bodenheimer 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 4th day of November, 2013.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
CHARLIE MESSER, Chairman

ATTEST:

Terry Wilson, Clerk to the Board

[COUNTY SEAL]

Rezoning #R-2013-03 Kerry Bodenheimer, Owner



Henderson County Board of Commissioners
November 4, 2013

Presented by: Parker Sloan, Planner

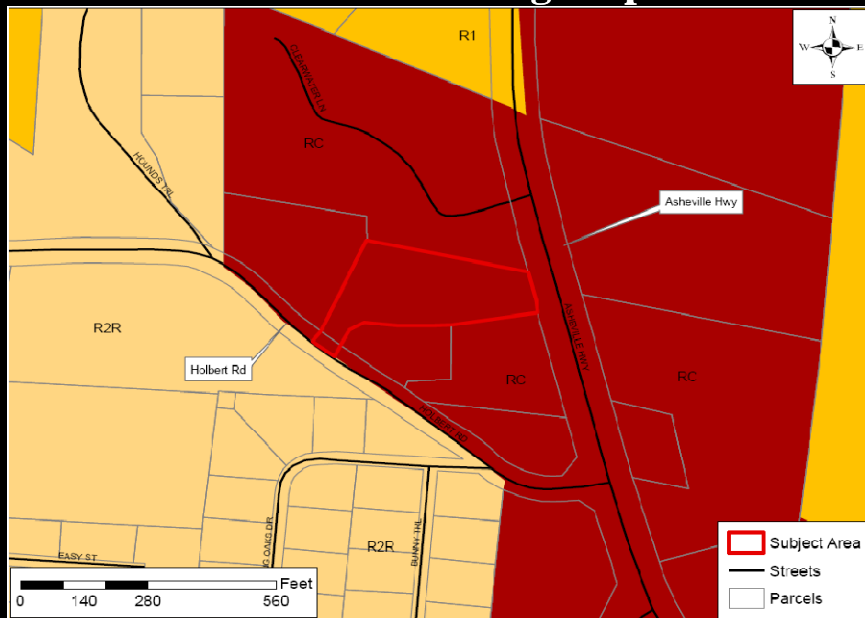
Henderson County Planning Department

Aerial Photo Map



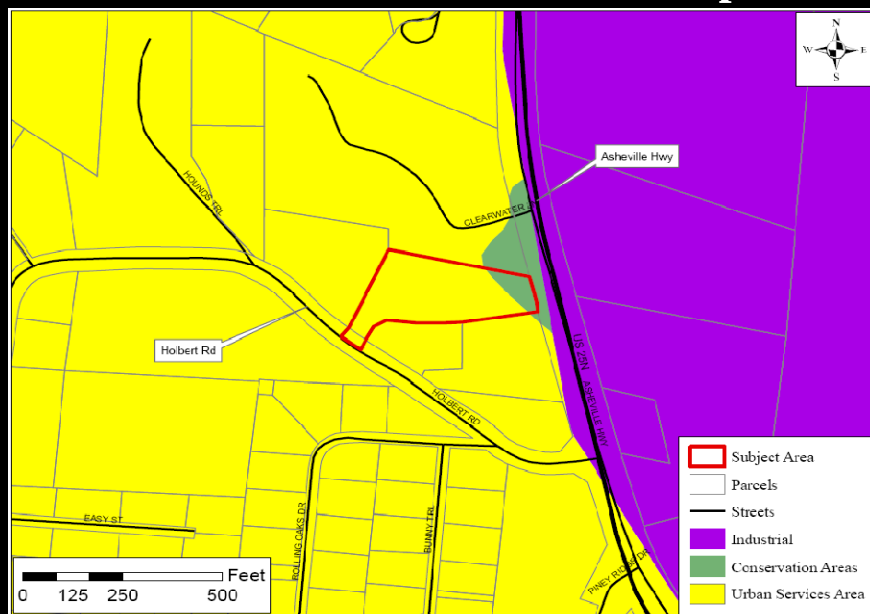
Henderson County Planning Department

Current Zoning Map



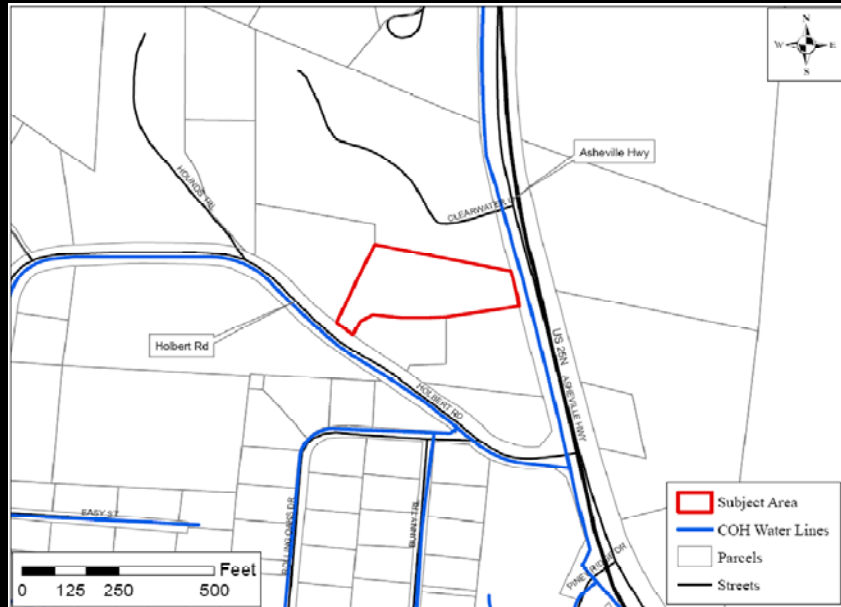
Henderson County Planning Department

2020 CCP Future Land Use Map



Henderson County Planning Department

Water and Sewer Map



Henderson County Planning Department



View within the subject area looking east towards Asheville Hwy

Henderson County Planning Department



Rezoning #R-2013-03

Public Hearing Comments



Rezoning #R-2013-03

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:

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