

# REQUEST FOR BOARD ACTION

## HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** Monday, January 6, 2014

**SUBJECT:** Public Hearing for Rezoning Application #R-2013-05

**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-2013-05, which was submitted on October 25, 2013, requests the County rezone a 4.95 acre tract. The applicant requests a rezoning from a Residential One (R1) to a Local Commercial (LC) zoning district. The subject area is owned by Jessie Harris (PIN: 9579-63-6917).

The Henderson County Planning Board considered rezoning application #R-2013-05 at its regularly scheduled meeting on November 21, 2013. During that meeting, the Planning Board voted unanimously to send forward a favorable recommendation on rezoning application #R-2013-05 to rezone the Subject Area to a Local Commercial (LC) 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 6, 2014, public hearing regarding rezoning application #R-2013-05 were published in the Hendersonville Tribune on December 12, 2013 and December 19, 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 December 20, 2013 and posted signs advertising the hearing on the Subject Area on December 20, 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 Local Commercial (LC) 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-2013-05 Jesse Harris, Owner

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#### 1. Rezoning Request

- 1.1. **Applicant:** Jesse Harris, Owner
- 1.2. **Request:** Rezone a portion of a parcel from Residential One (R1) to Local Commercial (LC)
- 1.3. **PIN:** Portion of 9579-63-6917
- 1.4. **Size:** Total of 4.95 acres to be rezoned.
- 1.5. **Location:** The subject area is located along East Prince Road Road (SR 1895), approximately 2,300 feet from the intersection of Lakeview Estate Road (SR 1895) and Dana Road (SR 1525).

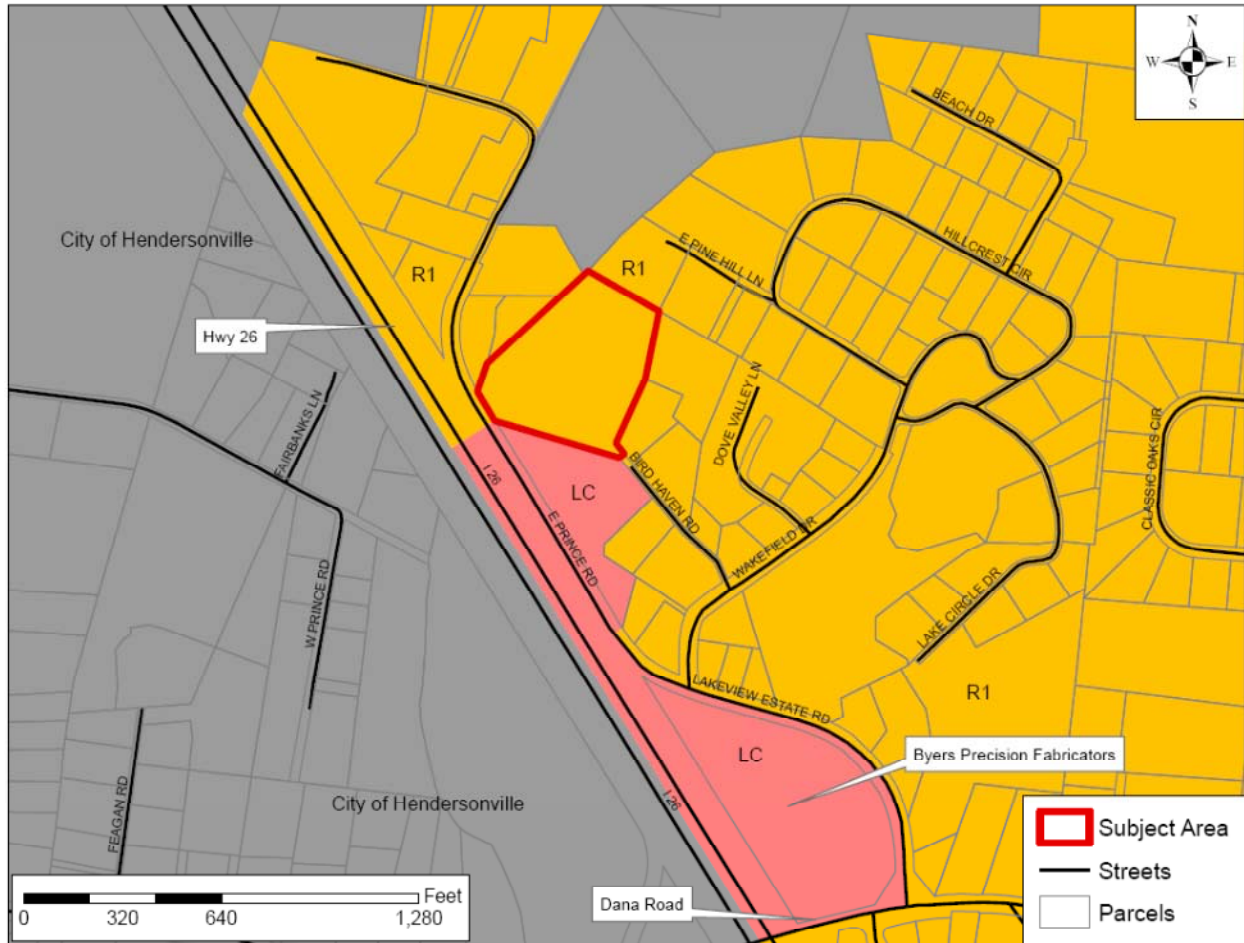
**Map A: Aerial Photo**



**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 adjacent to Local Commercial (LC) to the south and surrounded by Residential One (R1) in all other directions.

**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. 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)

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

- 3.1. **Subject Area Uses:** The subject area parcel is currently vacant.
- 3.2. **Adjacent Area Uses:** The surrounding properties are primarily residential uses. Byers Precision Fabrication is located 1,300 feet to the south of the project area along East Prince Road.

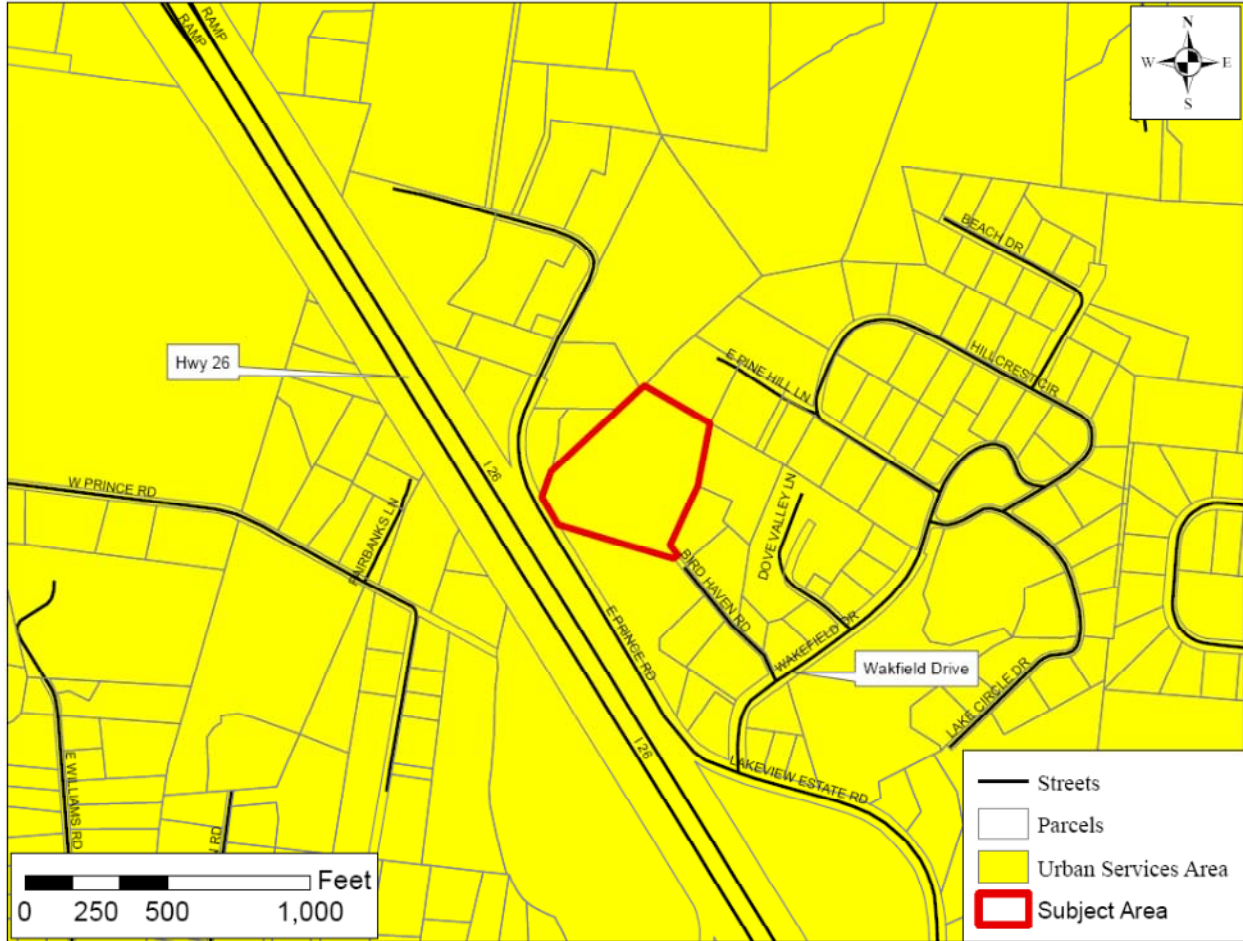
### **4. The Henderson County 2020 Comprehensive Plan (CCP)**

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**

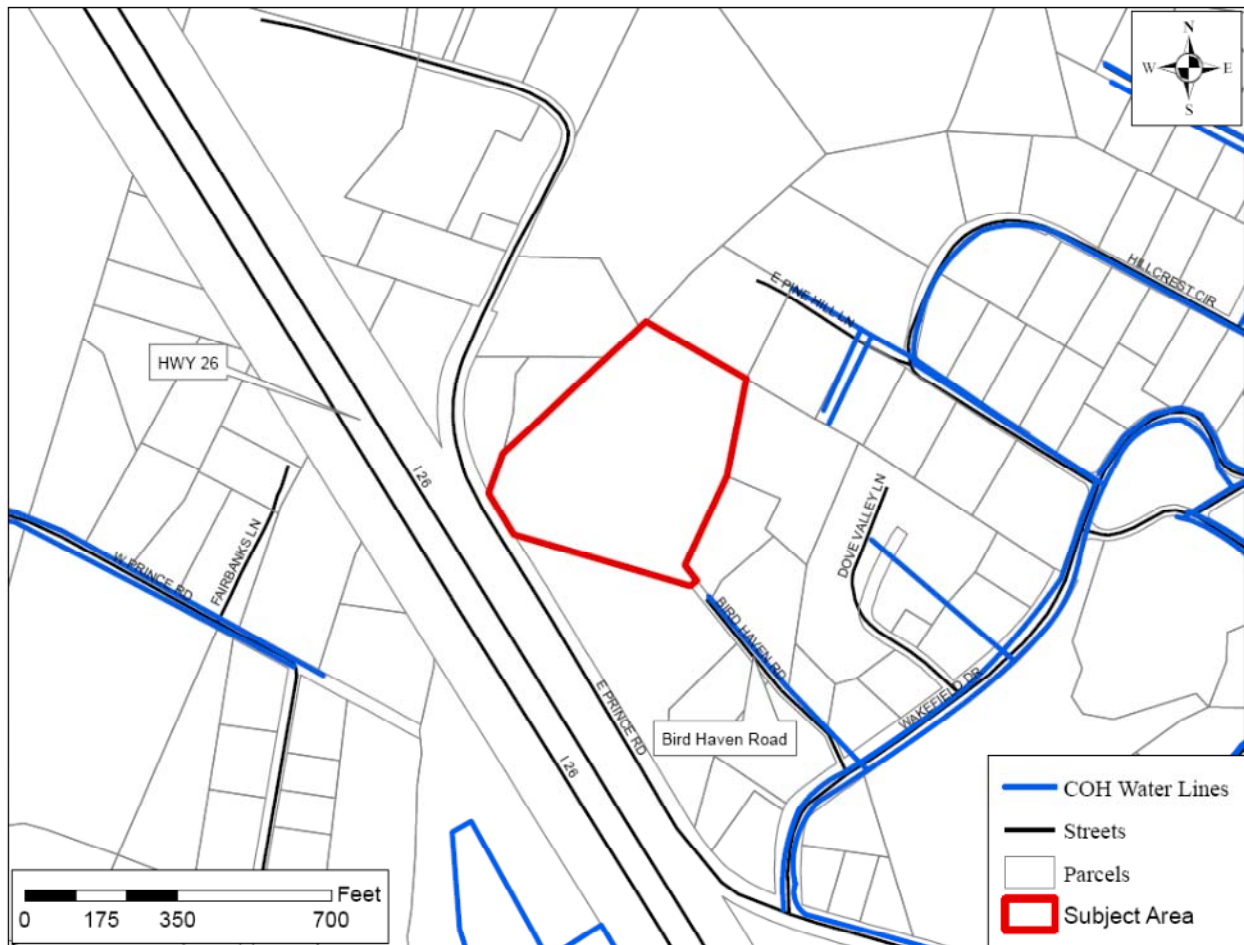


**5. Water and Sewer**

5.1. **Public Water:** A City of Hendersonville water line runs very close to the project area along Bird Haven 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 Local Commercial zoning to the south along East Prince Road.
- 6.3. **Comparison of Districts:** The existing Residential One does not allow for residential uses. Applying Local Commercial will allow for residential uses and will expand commercial uses for retail trade and manufacturing operations under 10,000 SqFt.
- 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 Local Commercial 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 November 5th the Technical Review Committee voted unanimously to send a favorable recommendation of Rezoning application R-2013-05 to the Planning Board.

**9. Planning Board Recommendations**

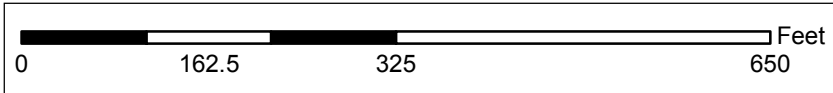
9.1. On Thursday November 21<sup>st</sup> the Planning Board voted unanimously to send a favorable recommendation of Rezoning application R-2013-05 to the Board of Commissioners .



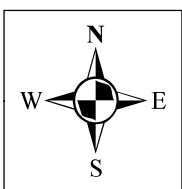
Hwy 26




East Prince Road

Wakefield Drive



Rezoning Application  
R-2013-05  
Jesse Harris, applicant



-  Subject Area
-  Parcels
-  Streets



**NOTICE OF PUBLIC HEARING  
ON PROPOSED ZONING MAP AMENDMENT  
(Rezoning Requests #R-2013-05)**

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-2013-05, which was submitted on October 25, 2013, requests the County rezone a 4.95 acre tract. The applicant requests a rezoning from a Residential One (R1) to a Local Commercial (LC) zoning district. The subject area is owned by Jessie Harris (PIN: 9579-63-6917).

The public hearing will be held on Monday, January 6, 2014, 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 12, 2013 and Thursday, December 19, 2013.**

**Certification of Notice of Public Hearing**

In accordance with NCGS 153A-343 the Planning Department certifies notice of the January 6, 2014 hearing regarding Rezoning Application #R-2013-05 were:

1. Submitted to the Hendersonville Tribune on December 9, 2013 to be published on December 12, 2013 and December 19, 2013 by Parker Sloan;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on December 20, 2013 by Parker Sloan;
3. Sent, via first class mail, to the property owners on December 20, 2013 by Parker Sloan; and
4. Signs will be posted on the Subject Area(s) on December 20, 2013 by Matt Champion.

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

1. [Signature]
2. [Signature]

STATE OF North Carolina

COUNTY OF Henderson

I, Lisa N Stepp, a Notary Public, in and for the above County

and State, do hereby certify that

Parker Sloan, and Matt Champion

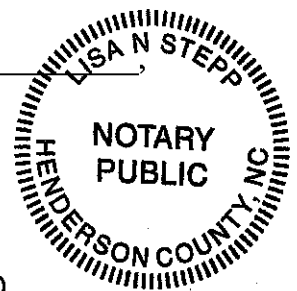
personally appeared before me this day.

WITNESS my hand and notarial seal, this the 23<sup>rd</sup> day of December, 2013.

My commission expires:

August 14, 2014

(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 -2013-05; 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 6, 2014; 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 -2013-05 – Jesse Harris 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 6<sup>th</sup> day of January, 2014.

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

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

**ATTEST:**

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

**[COUNTY SEAL]**

# Rezoning #R-2013-05 Jesse Harris, Owner



Henderson County Planning Board Meeting  
January 6, 2014

Presented by: Parker Sloan, Planner

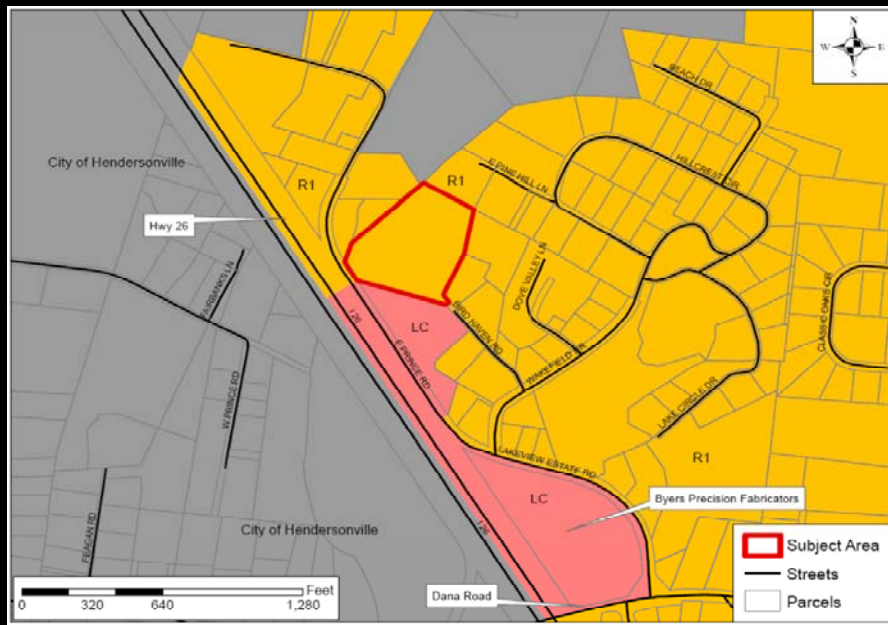
*Henderson County Planning Department*

## Aerial Photo Map



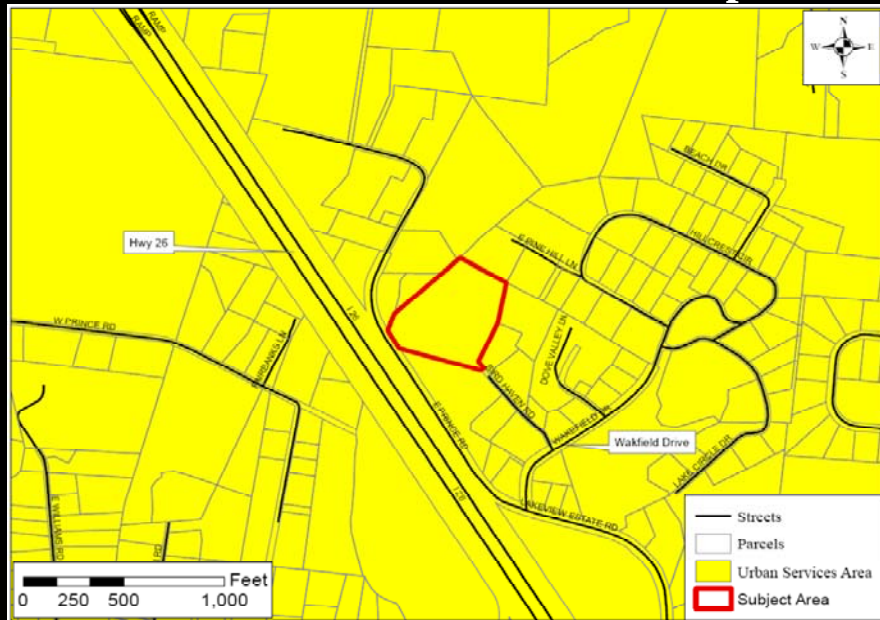
*Henderson County Planning Department*

# Current Zoning Map



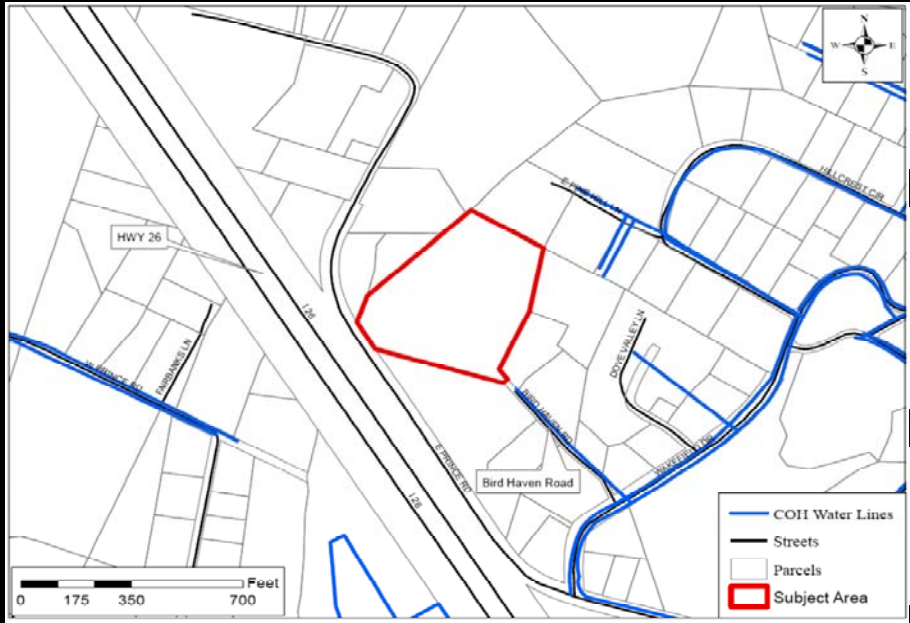
Henderson County Planning Department

# 2020 CCP Future Land Use Map



Henderson County Planning Department

# Water and Sewer Map



Henderson County Planning Department



View of the subject area looking south along E. Prince Road

Henderson County Planning Department

**Rezoning #R-2013-05**

# **Public Hearing Comments**



## **Rezoning #R-2013-05**

**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.*

