

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: Monday, February 3, 2014

SUBJECT: Public Hearing for Rezoning Application #R-2013-06

PRESENTER: Parker Sloan, Planner

ATTACHMENTS:

1. Staff Report
2. Resolution of Consistency with CCP
3. Aerial Photo Map
4. Notice of Public Hearing
5. Certification of Notification of Public Hearing
6. Power Point Slides

SUMMARY OF REQUEST:

Rezoning Application #R-2013-06, which was submitted on November 20, 2013 requests the County rezone a 5 acre tract. The applicant requests a rezoning from a Residential Two Rural (R2R) to an Industrial (I) zoning district. The subject area is owned by Chumbley Family LLC and the applicant is the Warm Company.

The Henderson County Planning Board considered rezoning application #R-2013-06 at its regularly scheduled meeting on December 19, 2014. During that meeting, the Planning Board voted unanimously to send forward a favorable recommendation on rezoning application #R-2013-06 to rezone the Subject Area to an Industrial (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 February 3, 2014, public hearing regarding rezoning application #R-2013-06 were published in the Hendersonville Tribune on January 16, 2014 and January 23, 2014. 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 January 22, 2014 and posted signs advertising the hearing on the Subject Area on January 23, 2014.

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 Industrial (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-2013-06 Chumbley Family LLC, Owner

1. Rezoning Request

- 1.1. **Owner/ Applicant:** Chumbley Family, LLC, Owner; care of Warm Co.
- 1.2. **Request:** Rezone a portion of a parcel from Residential Two Rural (R2-R) to Industrial (I)
- 1.3. **PIN:** Portion of 9589-08-7579
- 1.4. **Size:** Total of 5 acres to be rezoned.
- 1.5. **Location:** The subject area is located along Gypsy Lane, approximately 100 feet from the intersection of Corn Mountain Road and Gypsy Lane.

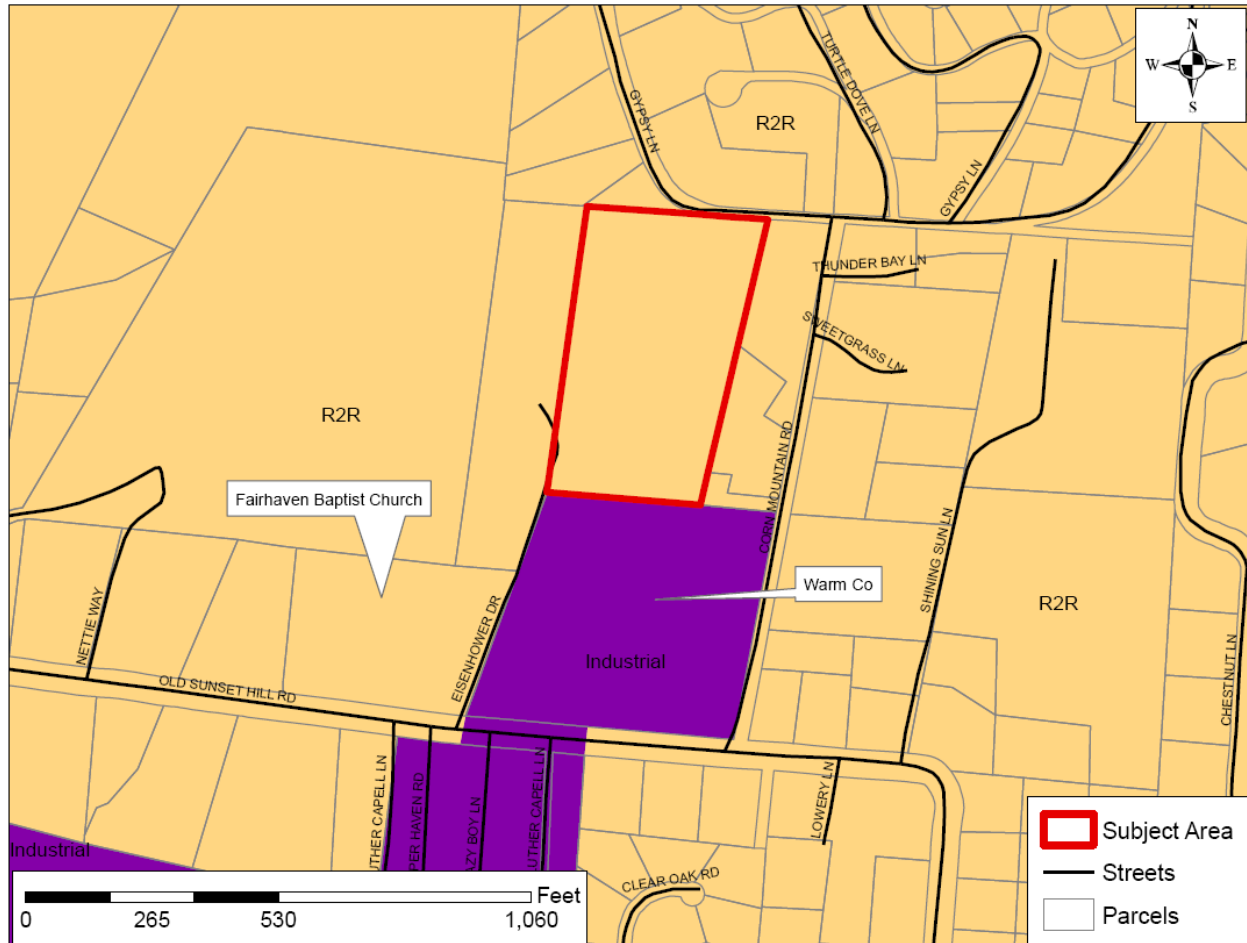
Map A: Aerial Photo



2. Current Zoning

2.1. Application of Current Zoning: The subject area was zoned Residential Two Rural (R2R) on September 19, 2007 with the adoption of the Land Development Code.

Map B: Current Zoning



Adjacent Zoning: The subject area is adjacent to Industrial (I) to the south and surrounded by Residential Two (R2 R) in all other directions.

2.2. District Comparison:

2.2.1. 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).

2.2.2. **I (Industrial District):** *“The purpose of the Industrial District (I) is to foster orderly growth where the principal use of land is a mixture of industrial and heavy commercial. The intent of this district is to allow for industrial and heavy commercial development consistent with the recommendations of the Comprehensive Plan. In accordance with the Comprehensive Plan, the district will allow for and provide industrial and heavy commercial development that: (1) is compatible with adjacent development and the surrounding community; (2) will minimize conflict between lands uses; and (3) is sensitive to its impact on surrounding land uses and the environment (natural and man-made)”* (Chapter 200A, Land Development Code §200A-36). The Industrial District requires 20 foot side and rear setbacks, a maximum building height of 72 feet for principal structures, maximum impervious surface of 80%, and an unlimited maximum floor area.

3. Current Uses of Subject Area and Adjacent Properties

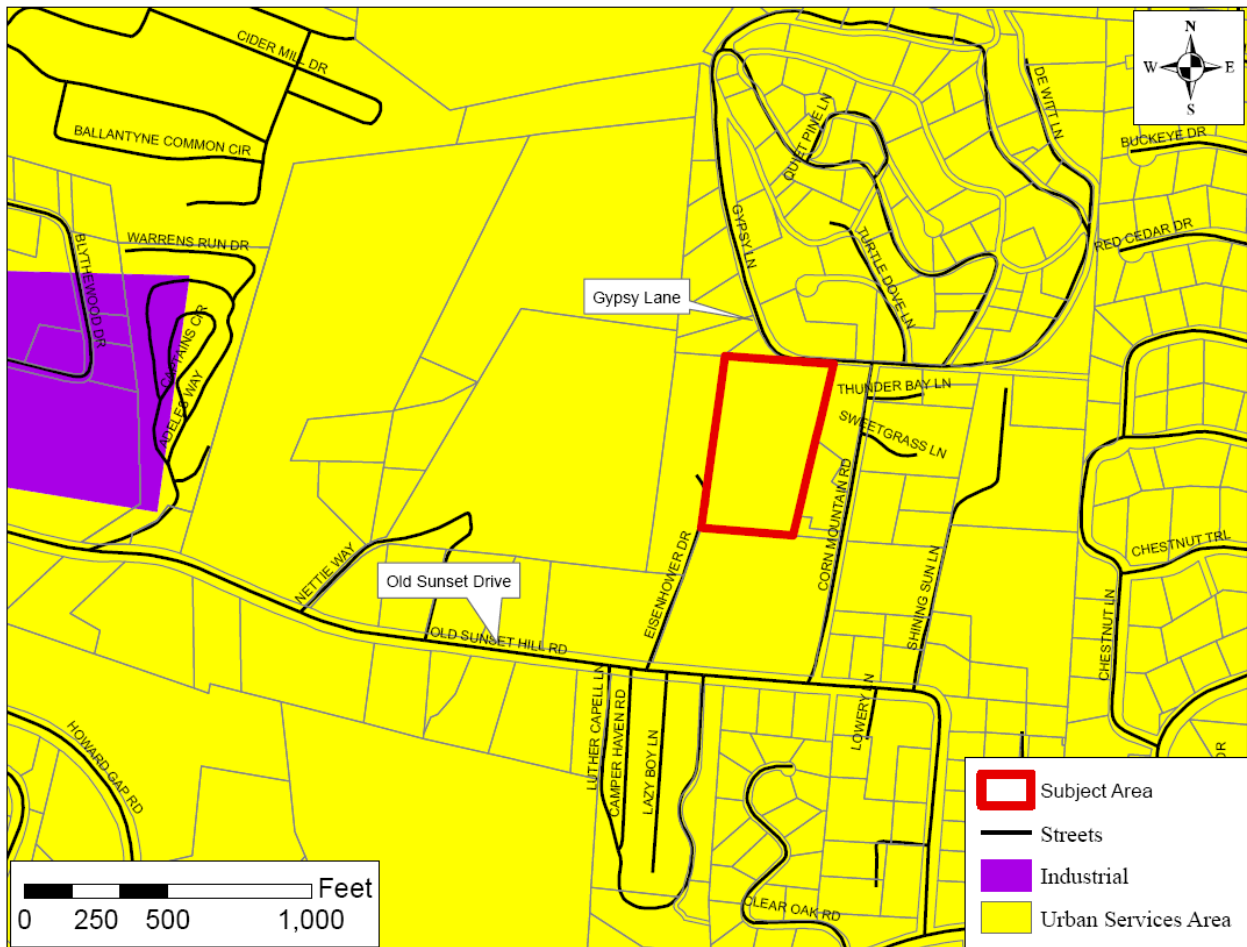
- 3.1. **Subject Area Uses:** The subject area is currently vacant.
- 3.2. **Adjacent Area Uses:** The surrounding properties are primarily residential uses. The Warm Company industrial site is located directly to the south of the subject area.

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).

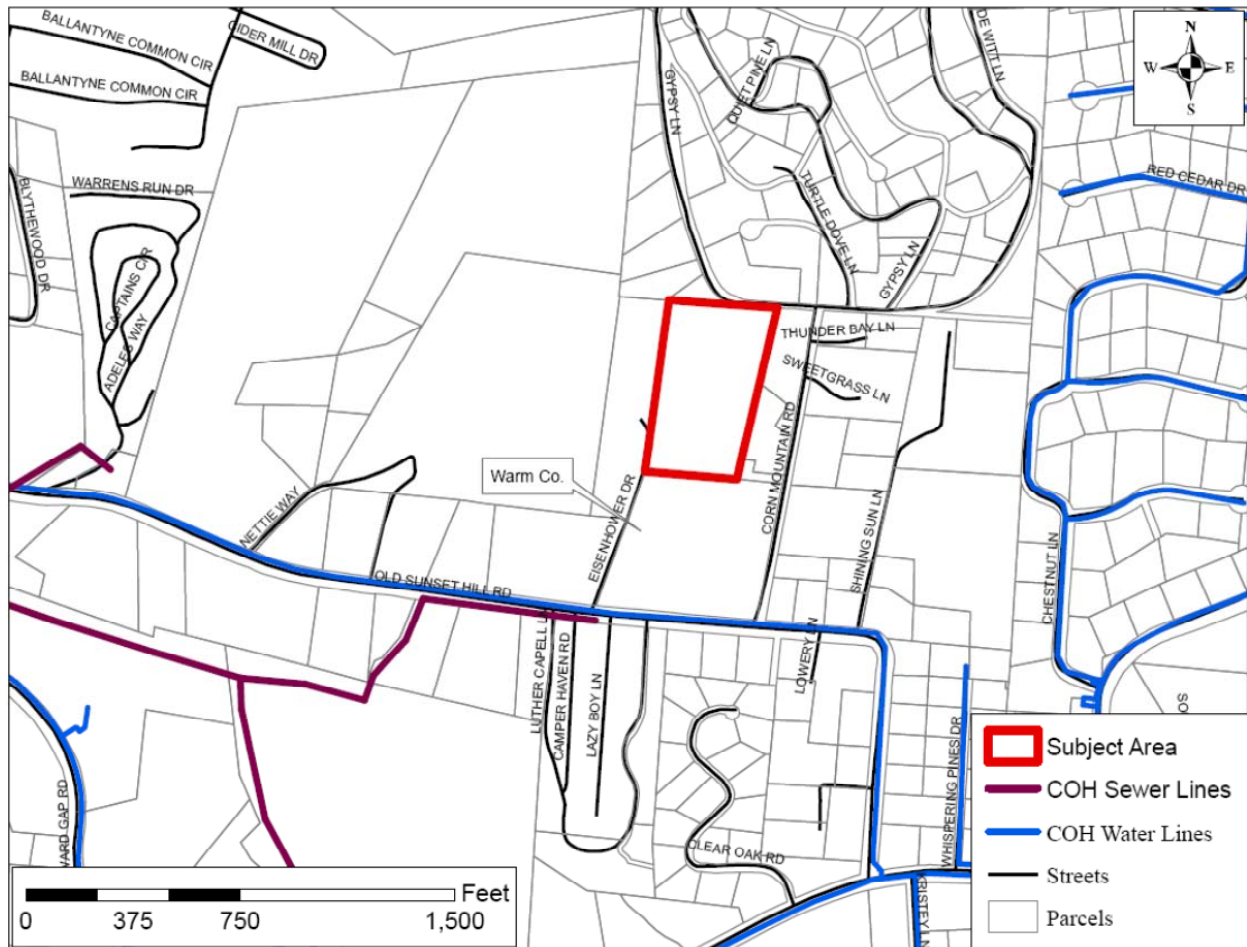
Map C: 2020 County Comprehensive Plan Future Land Use Map



5. **Water and Sewer**

- 5.1. **Public Water:** A City of Hendersonville water line serves the Warm Co. site to the south of the subject area along Old Sunset Drive. (See Map E).
- 5.2. **Public Sewer:** A City of Hendersonville sewer line serves the Warm Co. site to the south of the subject area along Old Sunset 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.
- 6.2. **Adjacent Zoning:** The Subject Area is adjacent to Industrial (I) zoning directly to the south.
- 6.3. **Comparison of Districts:** The existing Residential zoning does not allow for Industrial uses. Applying Industrial zoning will allow for manufacturing and other industrial uses however, eliminate the ability to construct any form of residential.
- 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 Industrial 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 December 3rd the Technical Review Committee voted unanimously to send a favorable recommendation of Rezoning application R-2013-06 to the Planning Board.

9. Planning Board Recommendations

9.1. On Thursday December 19th the Planning Board voted unanimously to send a favorable recommendation of Rezoning application R-2013-06 to the Board of Commissioners.



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 -2013-06; 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 February 3, 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 -2013-06 – Chumbley Family LLC 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 3rd day of February, 2014.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
CHARLIE MESSER, Chairman

ATTEST:

Terry Wilson, Clerk to the Board

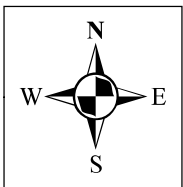
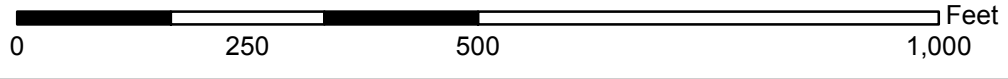
[COUNTY SEAL]




Gypsy Lane

Fair Haven Baptist Church

Warm Co



-  Subject Area
-  Parcels
-  Streets

Rezoning Application
R-2013-06
Chumbley Family LLC, applicant

**NOTICE OF PUBLIC HEARING
ON PROPOSED ZONING MAP AMENDMENT
(Rezoning Requests #R-2013-06)**

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-2013-06, which was submitted on November 20, 2013 requests the County rezone a 5 acre tract. The applicant requests a rezoning from a Residential Two Rural (R2R) to an Industrial (I) zoning district. The subject area is owned by Chumbley Family LLC and the applicant is the Warm Company.

The public hearing will be held on Monday, February 3, 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 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, January 16, 2014 and Thursday, January 23, 2014.

Certification of Notice of Public Hearing

In accordance with NCGS 153A-343 the Planning Department certifies notice of the February 3, 2014 hearing regarding Rezoning Application #R-2013-06 were:

1. Submitted to the Hendersonville Tribune on December 13, 2014 to be published on January 16, 2014 and January 23, 2014 by Parker Sloan;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on January 22, 2014 by Parker Sloan;
3. Sent, via first class mail, to the property owners on January 22, 2014 by Parker Sloan; and
4. Signs will be posted on the Subject Area(s) on January 23 2014 by December 22, 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, Denise A Lauffer, 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 22nd day of January, 2013.

My commission expires:

November 12, 2016



Rezoning #R-2013-06 Chumbley Family, LLC, Owner



Henderson County Board of Commissioners
February 3, 2014

Presented by: Parker Sloan, Planner

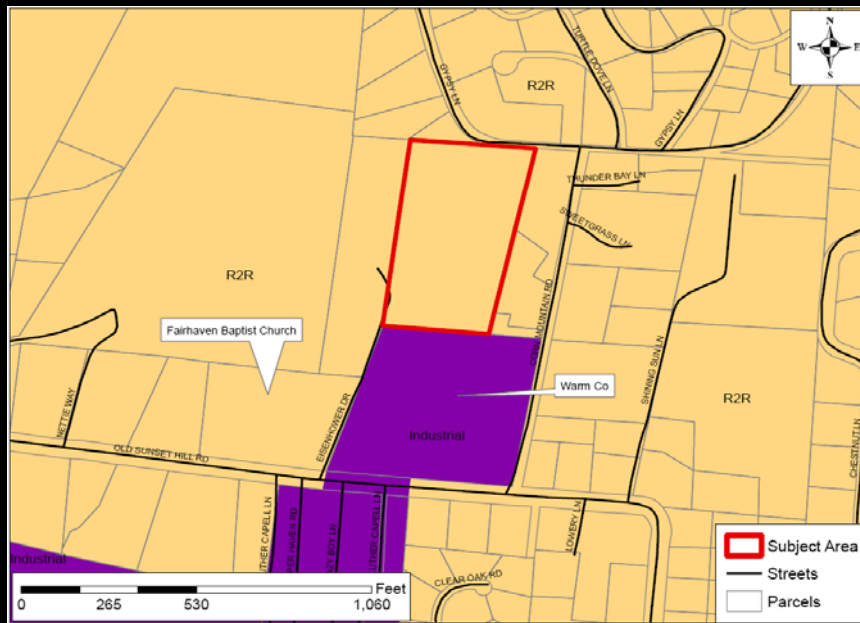
Henderson County Planning Department

Aerial Photo Map



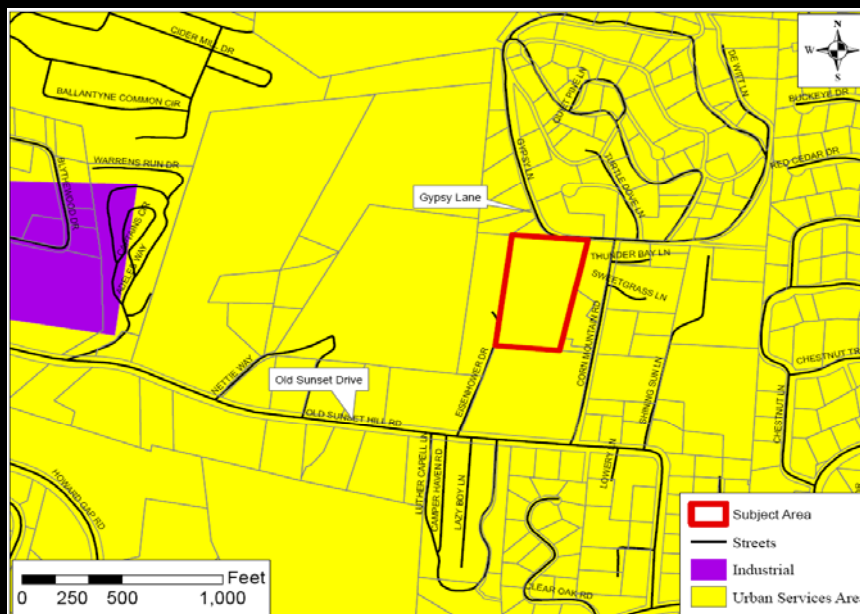
Henderson County Planning Department

Current Zoning Map



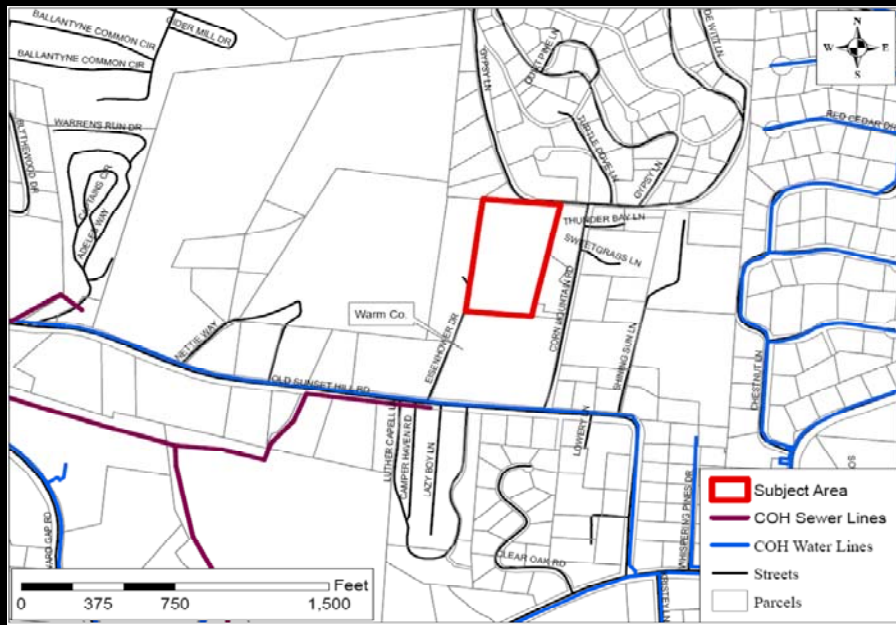
Henderson County Planning Department

2020 CCP Future Land Use Map



Henderson County Planning Department

Water and Sewer Map



Henderson County Planning Department



View looking southwest at the northern extent of the subject area

Henderson County Planning Department



Rezoning #R-2013-06

Public Hearing Comments



Rezoning #R-2013-06

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:

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