

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: Monday, May 12, 2014

SUBJECT: Public Hearing for Rezoning Application #R-2014-01

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-2014-01, which was submitted on January 16, 2014, requests the County rezone a 4.87 acre tract. The applicant requests a rezoning from a Industrial (I) to a Residential One (R1) zoning district. The subject area is owned by Dyer Properties LLC (PIN: 9652-73-0943).

The Henderson County Planning Board considered rezoning application #R-2014-01 at its regularly scheduled meeting on March 20, 2014. During that meeting, the Planning Board voted unanimously to send forward a favorable recommendation on rezoning application #R-2014-01 to rezone the Subject Area to a 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 May 12, 2014, public hearing regarding rezoning application #R-2014-01 were published in the Hendersonville Tribune on May 1, 2014 and May 8, 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 April 28, 2014 and posted signs advertising the hearing on the Subject Area on April 25, 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 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.

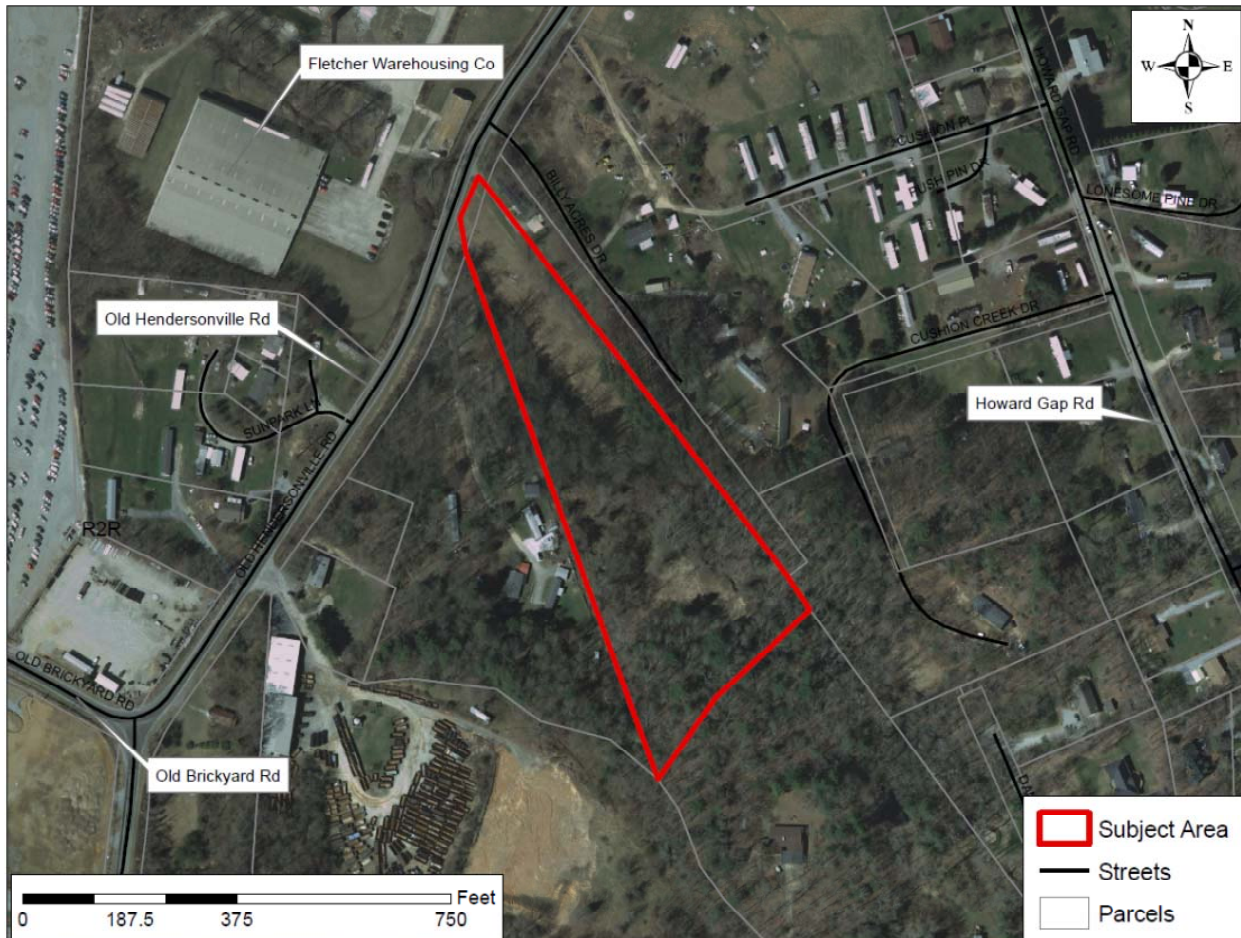
Henderson County Planning Department Staff Report

Rezoning Application #R-2014-01 Dyer Properties LLC, Owner

1. Rezoning Request

- 1.1. **Applicant:** Matthew Dyer, Applicant
- 1.2. **Request:** Rezone a parcel from Industrial (I) to Residential One (R1)
- 1.3. **PIN:** 9652-73-0943
- 1.4. **Size:** Total of 4.87 acres to be rezoned.
- 1.5. **Location:** The subject area is located along Old Hendersonville Road (SR 1536), approximately 2,800 feet from the intersection of Old Brickyard Road (SR 1537) and Hendersonville Road (US 25).

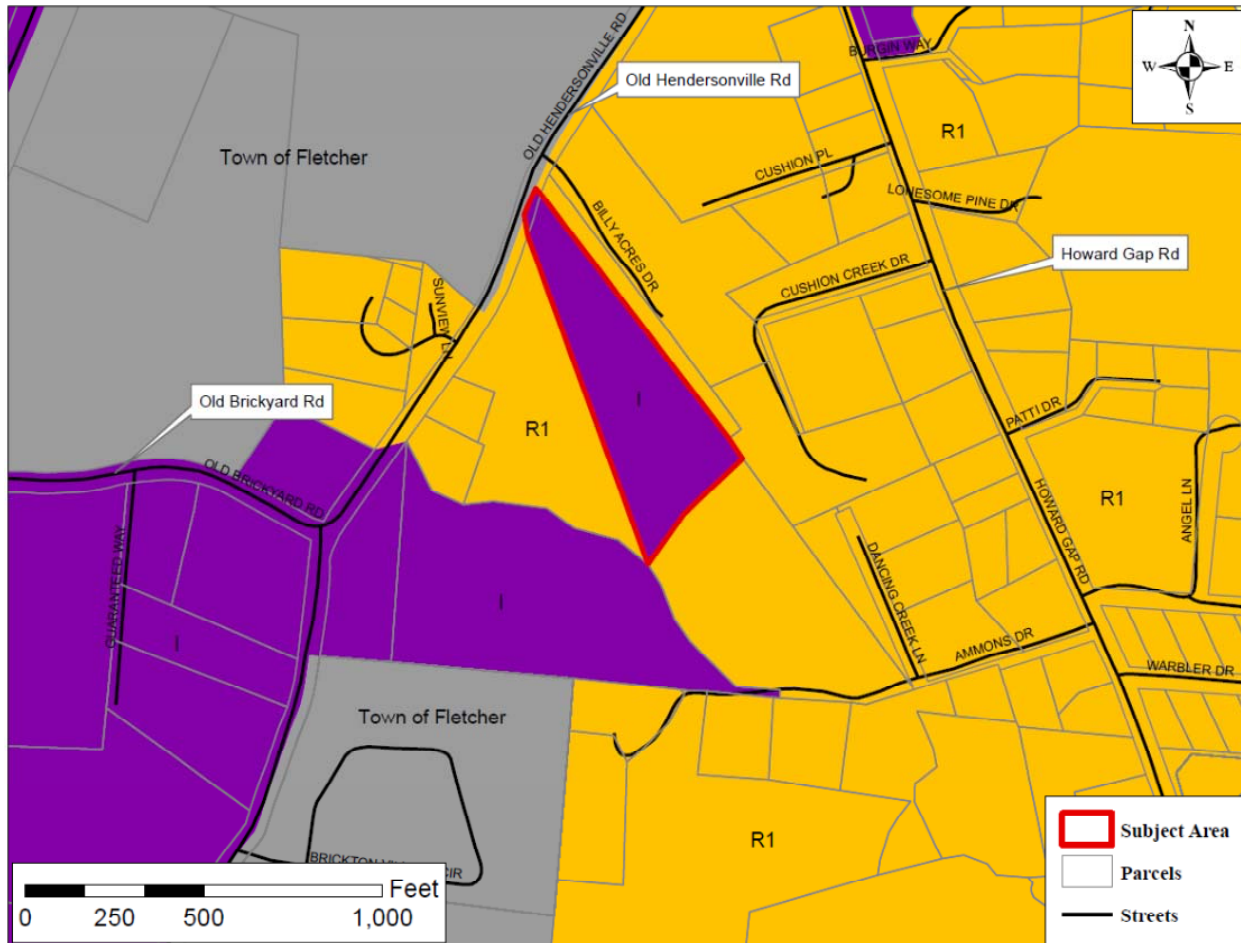
Map A: Aerial Photo



2. Current Zoning

2.1. **Application of Current Zoning:** The subject area was zoned Industrial (I) 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 Industrial (I) to the south and is adjacent to the Town of Fletcher municipal limits to the north-west. The subject area is 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 §42A-27).

(1) 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. **I Industrial Zoning 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 land uses; and (3) is sensitive to its impact on surrounding land uses and the environment (natural and man-made)”* (LDC §42A-36).

(1) I (Industrial) requires 20 foot side and rear setbacks; (2) establishes a maximum building height of 72 feet; (3) Provides an 80% maximum impervious surface area and a unlimited maximum floor area (Chapter 42A, Land Development Code §42A-36)

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

3.1. **Subject Area Uses:** The subject area parcel is currently vacant.

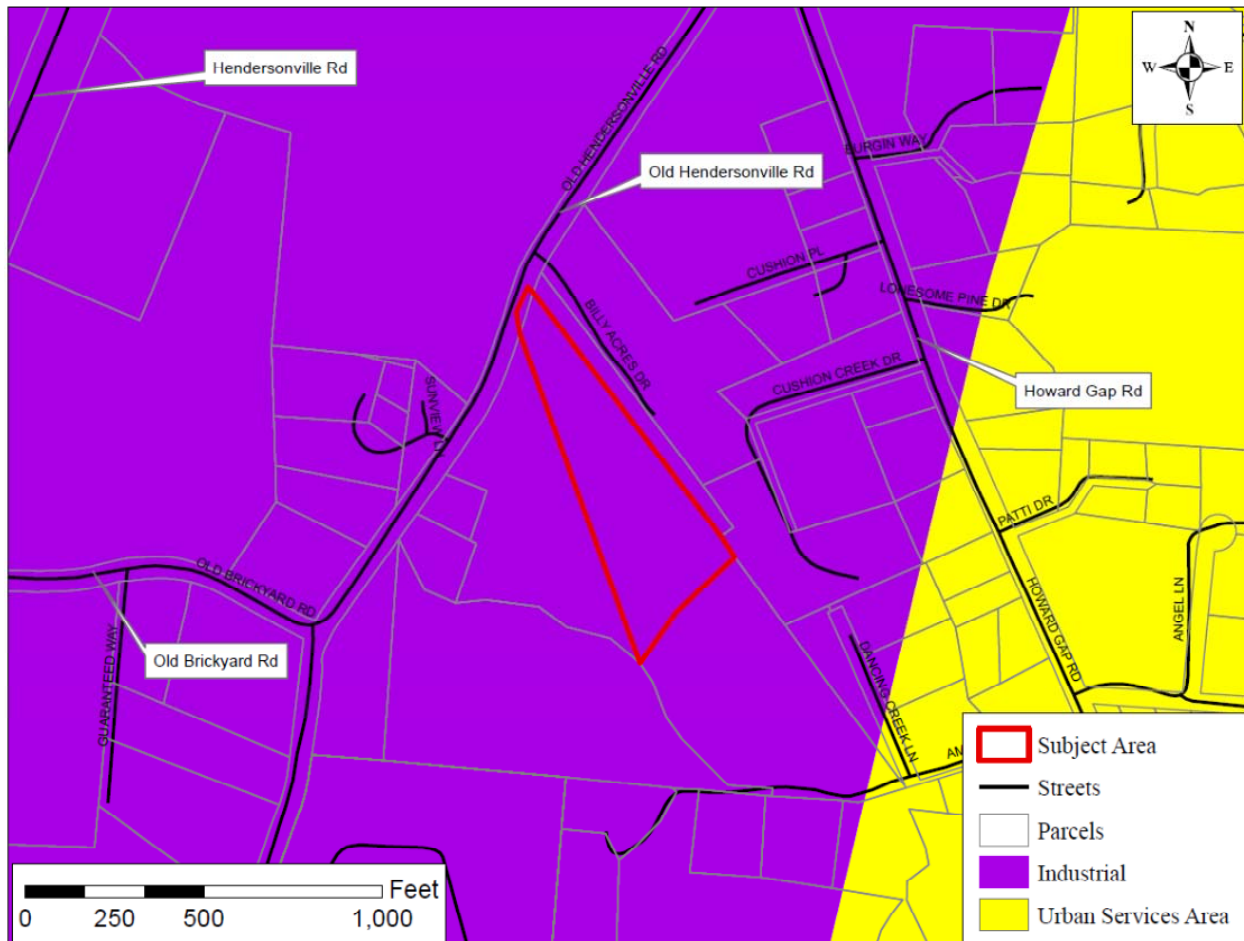
3.2. **Adjacent Area Uses:** The surrounding properties are primarily residential uses. Fletcher Warehousing Co is located across Old Hendersonville Road and a Republic Waste Management equipment storage facility touches the subject area to the south.

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 and Industrial 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. The USA will essentially contain all existing and future industrial developments, which will be the future focus of economic development activities” (2020 CCP, Pg. 129).
- 4.2. **Industrial Area:** The CCP states that, “most defined industrial areas should lie within the Urban Services Area, and in other areas on a very limited basis. Most industrial uses should be segregated from other uses with the exception of Regional Commercial uses” (2020 CCP, Pg. 136).

Map C: 2020 County Comprehensive Plan Future Land Use Map

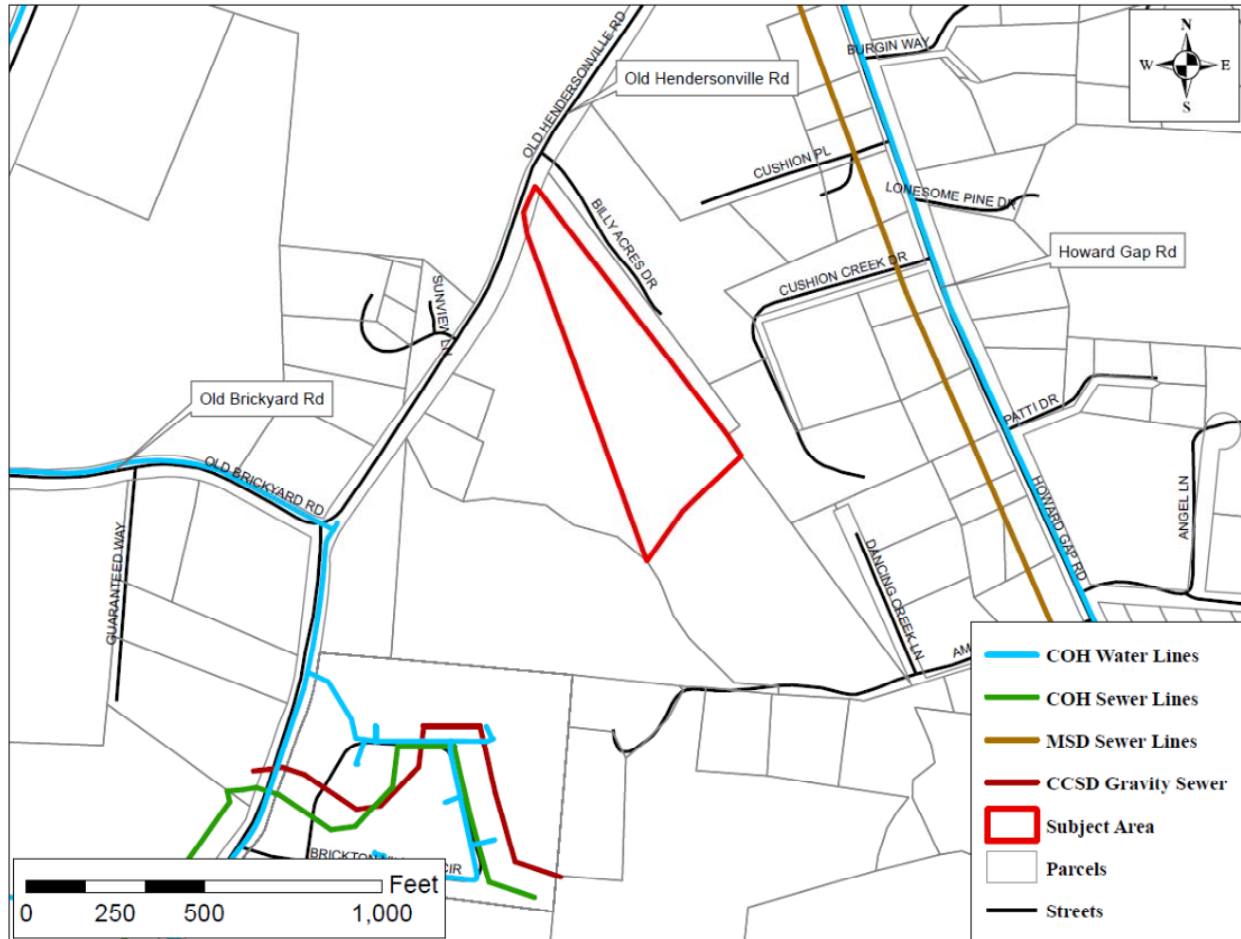


5. Water and Sewer

5.1. **Public Water:** A City of Hendersonville water line runs very close to the project area along Old Brickyard Road and the southern portion of Old Hendersonville Road. (See Map E).

5.2. **Public Sewer:** Metropolitan Sewer District sewer line runs along Howard Gap Road. A Cane Creek sewer line and City of Hendersonville sewer line run into the Brickton Village Condos. (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 to the south and is adjacent to the Town of Fletcher municipal limits to the north-

west. The subject area is surrounded by Residential One (R1) in all other directions.

- 6.3. **Comparison of Districts:** The existing Industrial zoning district does not allow for residential uses. Applying Residential One (R1) zoning will allow for all types of residential uses except for single wide mobile homes with a standard density of 4 units per acres. R1 also allows, with a special use permit, all types of multi-family residential uses with a maximum residential density of up to 16 units per acre.
- 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. 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 (R1) consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.

8. **Technical Review Committee Recommendations**

- 8.1. The Technical Review Committee voted unanimously on March 4, 2014 to send forward a favorable recommendation for Rezoning R-2014-01.

9. **Planning Board Recommendations**

- 9.1. TBD



Fletcher Warehousing Co

Howard Gap Rd

BILLY ACRES DR

CUSHION PL

PUSH PIN DR

CUSHION CREEK DR

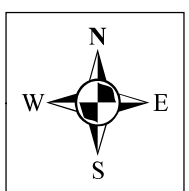
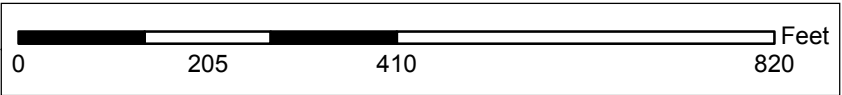
SUN PARK LN




OLD HENDERSONVILLE RD

Old Hendersonville Rd

DANCING CREEK LN

AMMONS DR



	Subject Area
	Parcels
	Streets

Rezoning Application
R-2014-01
Matthew Dyer, Applicant

**NOTICE OF PUBLIC HEARING
ON PROPOSED ZONING MAP AMENDMENT
(Rezoning Requests #R-2014-01 and #R-2014-03-C)**

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-2014-01, which was submitted on January 16, 2014, requests the County rezone a 4.87 acre tract. The applicant requests a rezoning from an Industrial (I) to a Residential One (R1) zoning district. The subject area is owned by Dyer Properties LLC (PIN: 9652-73-0943).

Rezoning Application #R-2014-03-C, which was submitted on February 1, 2014, requests the County rezone approximately 5.6 acres of land. The applicant requests a rezoning from a Residential Two (R2) zoning district to an Office and Institutional Conditional (O&I-CD) zoning district. The subject area parcel is owned by Virginia Beatty and the applicant is Hugh Lipham. (PIN: 9559-71-0445 & 9559-71-4280).

The public hearing will be held on Monday, May 12, 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

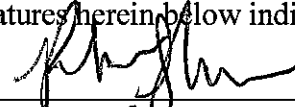

For publication in the Hendersonville Tribune on Thursday, May 1, 2014 and Thursday, May 8, 2014.

Certification of Notice of Public Hearing

In accordance with NCGS 153A-343 the Planning Department certifies notice of the May 12, 2014 hearing regarding Rezoning Application #R-2014-01 will be:

1. Submitted to the Hendersonville Tribune on April 24, 2014 to be published on May 1, 2014 and May 8, 2014 by Parker Sloan;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on April 28, 2014 by Parker Sloan;
3. Sent, via first class mail, to the property owners on April 28, 2014 by Parker Sloan; and
4. Signs will be posted on the Subject Area(s) on April 25, 2014 by Matt Champion.

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

1. 
2. 

STATE OF NC

COUNTY OF Henderson

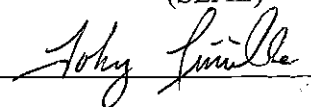
I, Toby Linnville, a Notary Public, in and for the above County and State, do hereby certify that

Parker Sloan, and Matt Champion

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 15 day of April, 2014.

My commission expires:
5/25/16

(SEAL)

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 -2014-01; 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 May 12, 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 -2014-01– Dyer Property 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 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-2014-01 Dyer Properties, LLC, Owner



Henderson County Board of Commissioners
May 12, 2014

Presented by: Parker Sloan, Planner

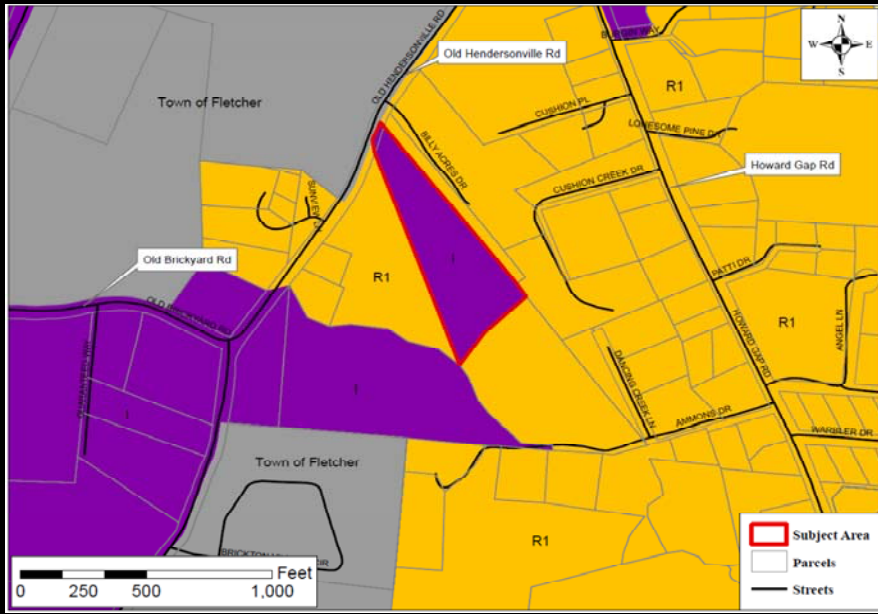
Henderson County Planning Department

Aerial Photo Map



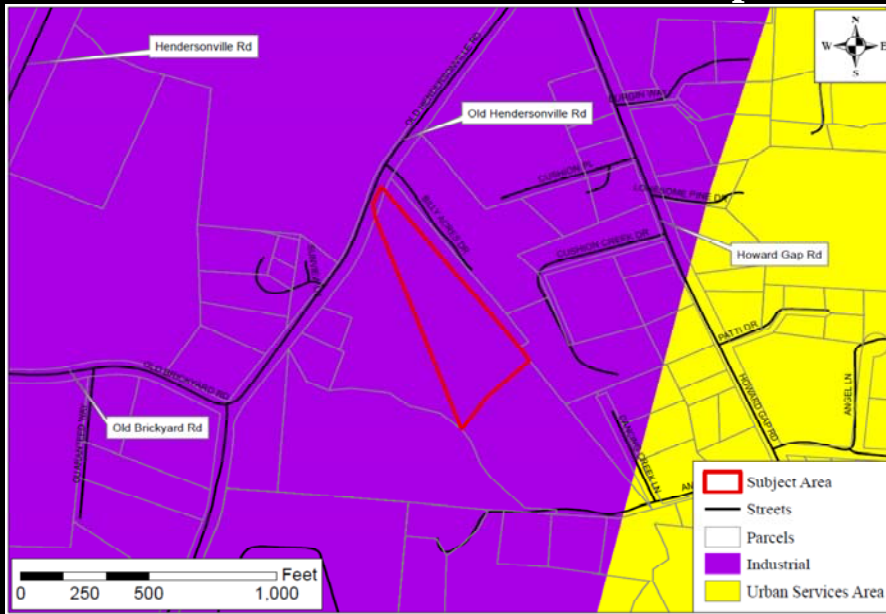
Henderson County Planning Department

Current Zoning Map



Henderson County Planning Department

2020 CCP Future Land Use Map



Henderson County Planning Department



Public Hearing Comments



Rezoning #R-2014-01

Rezoning #R-2014-01

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 with conditions as discussed.*

