

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** Monday, June 2, 2014

**SUBJECT:** Public Hearing for Rezoning Application #R-2014-04 Hendersonville ETJ Removal

**PRESENTER:** Matt Champion, Planner

**ATTACHMENTS:**

1. Staff Report
2. Aerial Photo Map and List of Property Owners
3. City of Hendersonville Ordinance #14-0426
4. Notice of Public Hearing
5. Certification of Notification of Public Hearing
6. Resolution of Consistency with CCP
7. Power Point Slides

#### **SUMMARY OF REQUEST:**

Rezoning Application #R-2014-04, which was initiated on April 3, 2014, requests the County rezone approximately 40.09 acres (hereafter the "Subject Area") of land. On April 3, 2014 the City of Hendersonville City Council approved a request to remove thirty-four (34) individual parcels of land from the City of Hendersonville's Extra Territorial Jurisdiction through Ordinance #14-0426. Henderson County has 90 days, or until July 2, 2014 to determine and apply a County zoning designation for the subject area. Henderson County Planning Department recommends rezoning the Subject Area from a City of Hendersonville R-15 (COH R-15) zoning district to a Residential One (R1) and Industrial (I) zoning district.

The Henderson County Planning Board considered rezoning application #R-2014-04 at its regularly scheduled meeting on May 15, 2014. During that meeting, the Planning Board voted unanimously to send forward a favorable recommendation on rezoning application #R-2014-04 to rezone the Subject Area to Residential One (R1) and Industrial (I).

#### **PUBLIC NOTICE:**

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §42A-314(C) and §42A-337(B) of the Henderson County Land Development Code and State Law, notices of the June 2, 2014, public hearing regarding rezoning application #R-2014-04 were published in the Hendersonville Tribune on May 15, 2014 and May 22, 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 May 23, 2014 and posted signs advertising the hearing on the Subject Area on May 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 Residential One (R1) and Industrial (I) zoning districts. 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.*

HendersonCounty Planning Department Staff Report

Rezoning Application #R-2014-04  
City of Hendersonville ETJ Boundary Adjustment  
Ordinance #14-0426

1. Rezoning Request

- 1.1. **Applicant:** Henderson County Planning Department
- 1.2. **Request:** Rezone thirty-four (34) parcels of land from City of Hendersonville R-15 (COH R-15) to Residential One (R1) and Industrial (I) zoning districts. (See Map G)
- 1.3. **PINs:** 9578445779, 9578445913, 9578448759, 9578449679, 9578456053, 9578456382, 9578456590, 9578456610, 9578534994, 9578536556, 9578537473, 9578538203, 9578538278, 9578538550, 9578538566, 9578539079, 9578539116, 9578539352, 9578540696, 9578541475, 9578541578, 9578542292, 9578542344, 9578543067, 9578543091, 9578543133, 9578544290, 9578544654, 9578620965, 9578621757, 9578621827, 9578454445, 9578622627, and 9578630149. (See Map C)
- 1.4. **Size:** Total of 40.09 acres to be rezoned.
- 1.5. **Location:** The Subject Area is accessed off Blue Ridge Street (SR1759) and Brooklyn Avenue (SR1775) on West Gilbert Street (Local Road) and East Gilbert Street (Local Road).

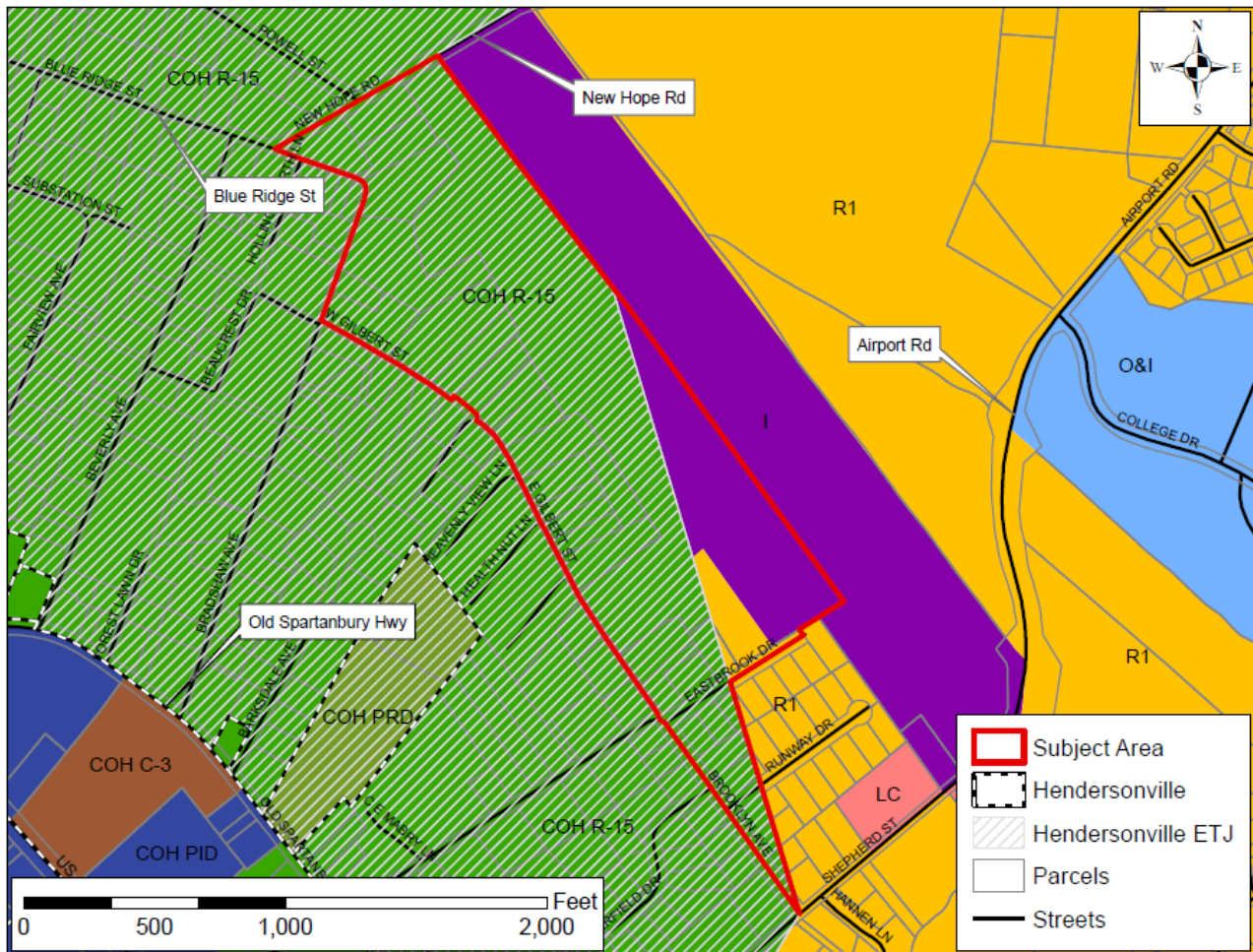
Map A: Aerial Photo



**2. Current Zoning**

2.1. **Application of Current Zoning:** The Subject Area was zoned City of Hendersonville R-15 (COH R-15) around February of 1964 when City of Hendersonville ETJ boundary was adjusted. The subject area was located within the City of Hendersonville Extra Territorial Jurisdiction until a recent request to amend the ETJ boundary. The City of Hendersonville approved the ETJ boundary adjustment on April 3, 2014 through the adoption of Ordinance #14-0426.

**Map B: Current Zoning**



2.2. **Adjacent Zoning:** The Subject Area is adjacent to a City of Hendersonville R-15 (COH R-15) zoning district to the north, northwest, west, and southwest. Industrial (I) zoning district is found to the northeast, east, and southeast of the Subject Area. Residential One (R1) zoning district is found south of the Subject Area.

**2.3. District Comparison:**

2.3.1. **City of Hendersonville R-15 (COH R-15):** *“This zoning district classification is for areas in which the principal use of land is for medium-density single-family residences. It is expected that all dwellings in such district will have access to public water supplies or public sewage disposal facilities or a reasonable expectation of such service in the future.”* (City of Hendersonville Zoning Ordinance, Section 5-3). COH R-15 requires 30 foot front setbacks, 10 foot side

setbacks, 15 foot rear setbacks, maximum height of 35 feet, and residential lot sizes shall be no less than 15,000 square feet (0.34 acres).

- 2.3.2. **Residential One (R1):** *“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).

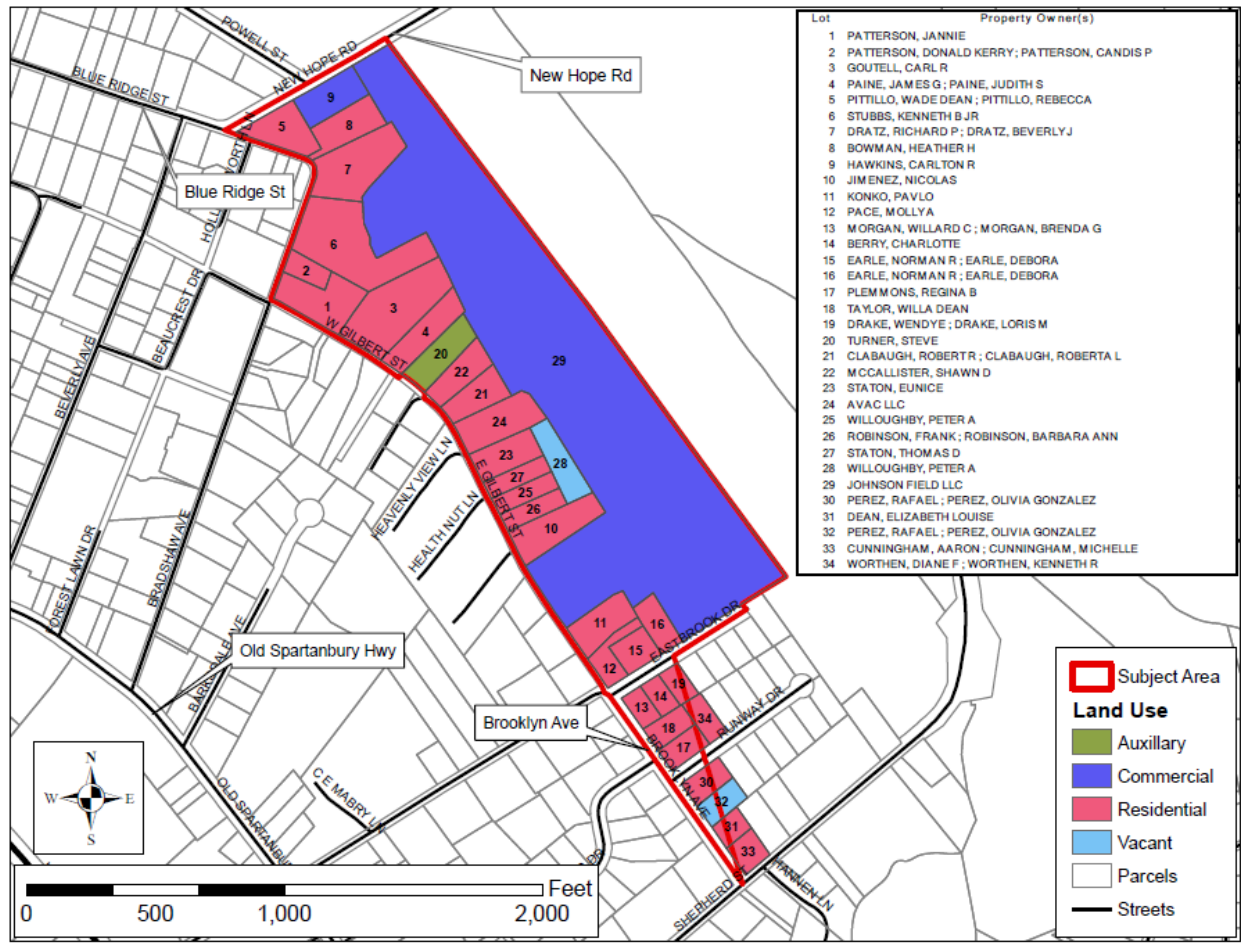
- 2.3.3. **Industrial (I) Zoning District:** *“The purpose of the Industrial District (I) is to foster orderly growth where the principal use of land is a mixture of industrial and heavy commercial. The intent of this district is to allow for industrial and heavy commercial development consistent with 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 currently has 29 residential parcels, 2 commercial parcels, 2 vacant parcels, and 1 auxiliary parcel. (See Map C).
- 3.2. **Adjacent Area Uses:** The surrounding properties are primarily residential uses and vacant property.

**Map C: Current Uses and Property Owners**



**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, Industrial Area, and in the Conservation Area (CA)(2020 CCP, Pgs. 134, 138& Appendix 1, Map 24) (See Map D).

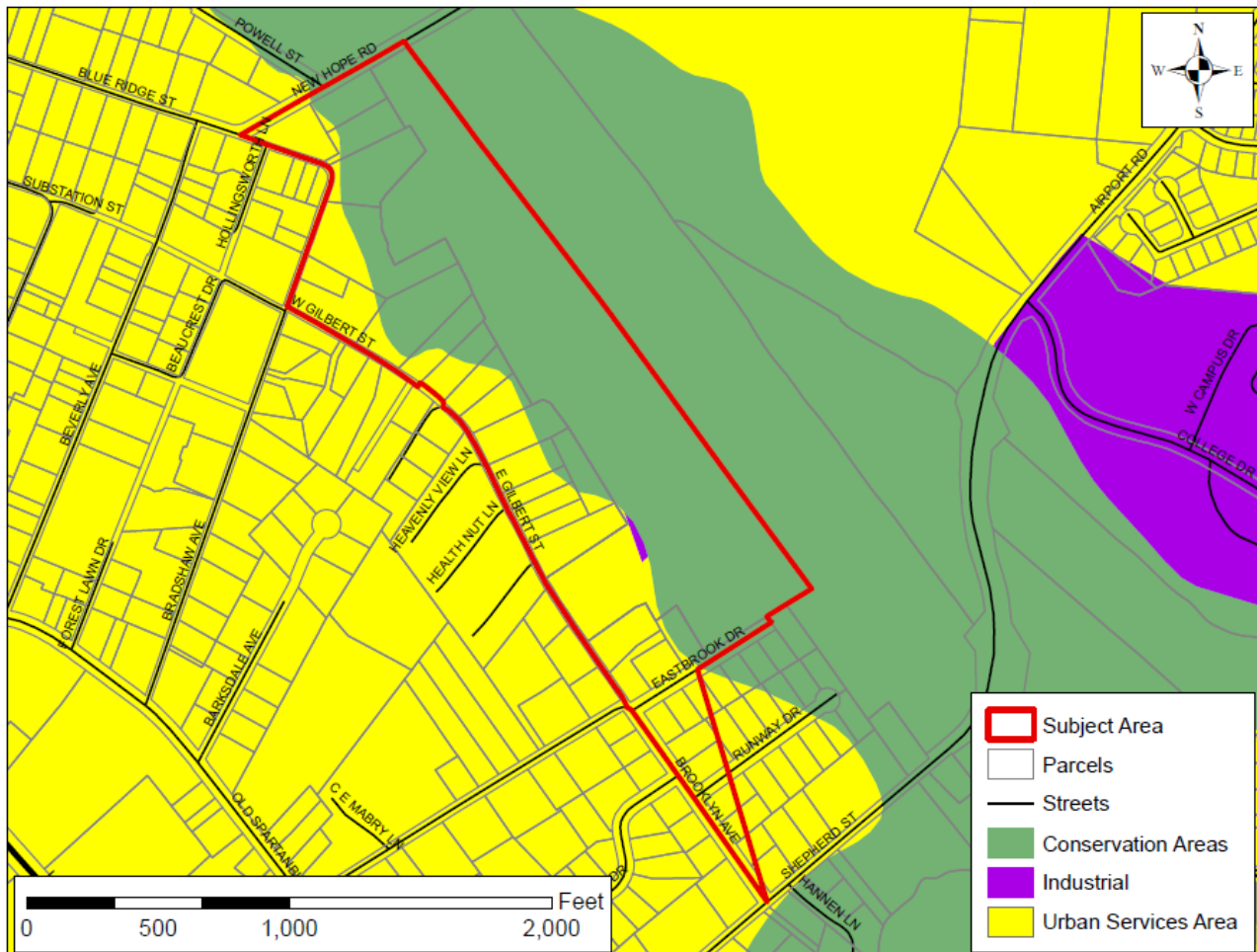
- 4.1 **Urban Services Area:** The CCP states that, “the USA will contain considerable commercial development at a mixture of scales,” and further, “all regional commercial development should be concentrated here. Commercial development will exist within predefined zoning districts whose standards and 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).

4.1. **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).

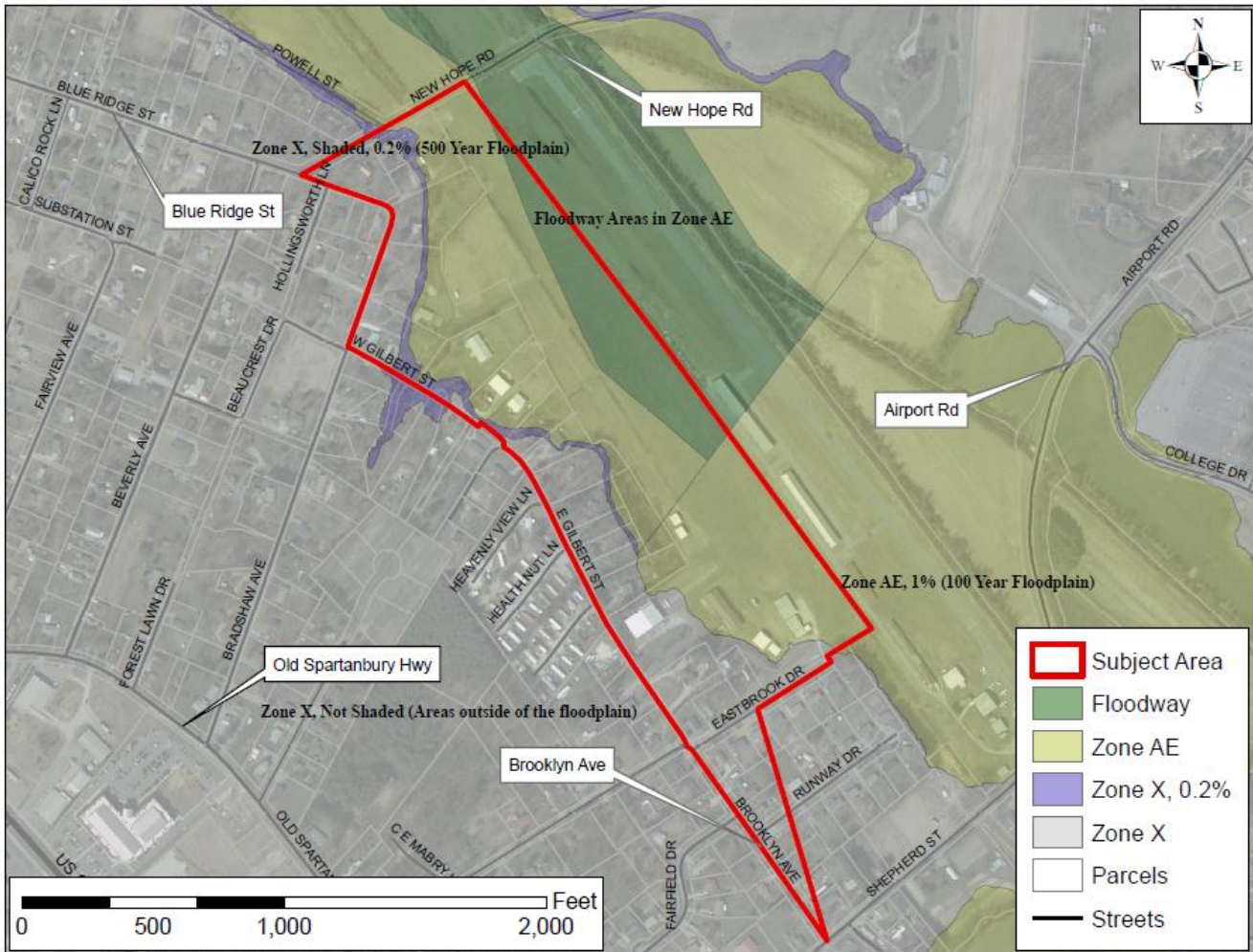
4.2 **Conservation Area:** The CCP states that, “Conservation areas include land areas that are intended to remain largely in their natural state, with on limited development. Such areas should be targeted for protection through regulations and incentives. Conservation areas are lands that generally exhibit any of the following characteristics:

- 4.2.1 Sensitive natural areas
- 4.2.2 Areas of historic or archeological significance
- 4.2.3 Local, state or federally-managed natural areas
- 4.2.4 Areas managed for agricultural or forestry land uses
- 4.2.5 Other areas yet to be determined” (CCCP, Pg. 138).
- 4.2.6 The floodway, 100 year floodplain, and 500 year floodplain are all found within the Subject Area. The conservation area found within the Subject Area covers the floodplain and floodway designated areas. (See Map E).

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



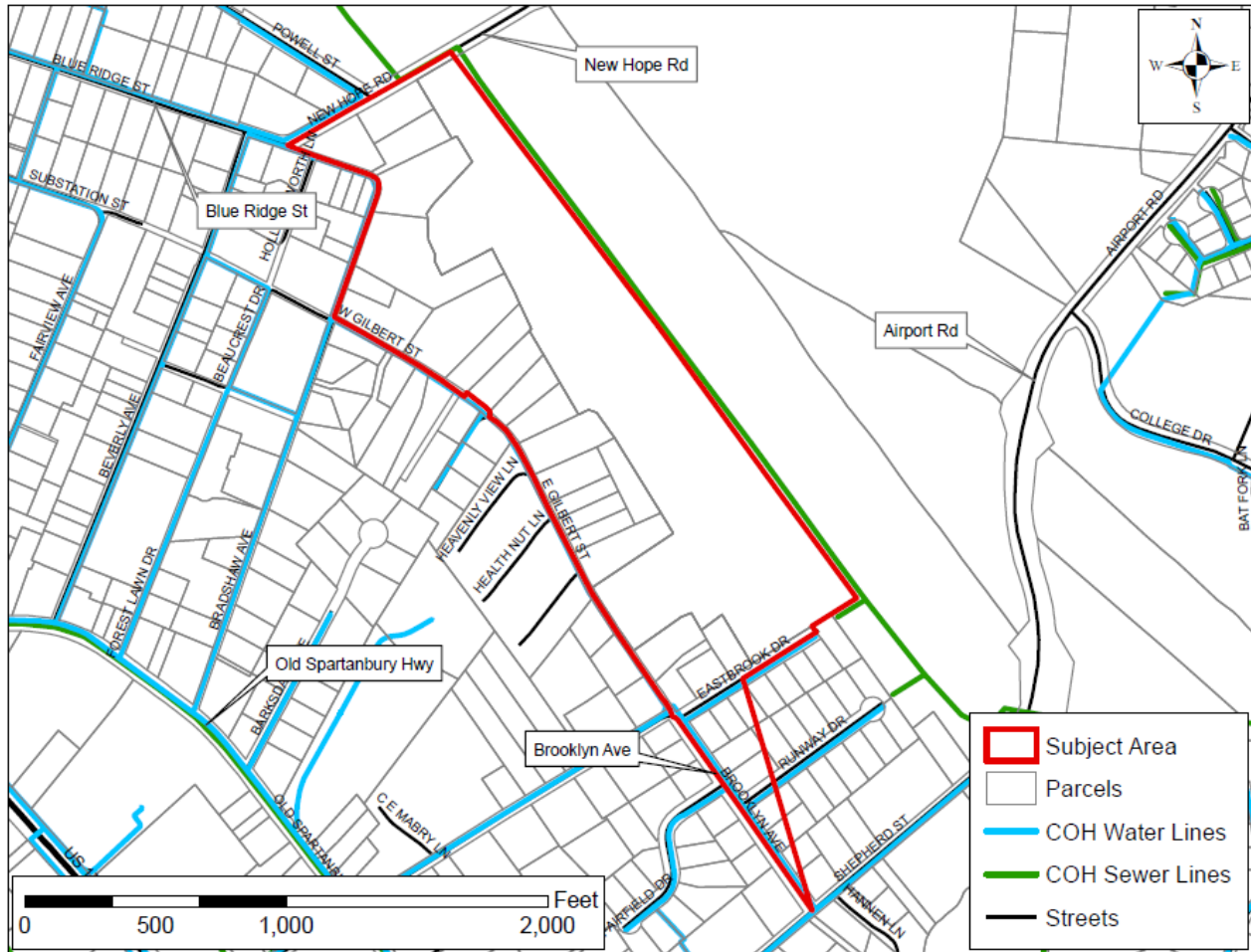
Map E. Flood Zone Map



5. Water and Sewer

- 5.1. **Public Water:** A City of Hendersonville water line runs along the western edge of the Subject Area on West and East Gilbert Street. (See Map F).
- 5.2. **Public Sewer:** Public sewer provided by the City of Hendersonville is currently located along the eastern edge of the Subject Area on the Hendersonville Airport boundary. (See Map F).

Map F: Water and Sewer Map

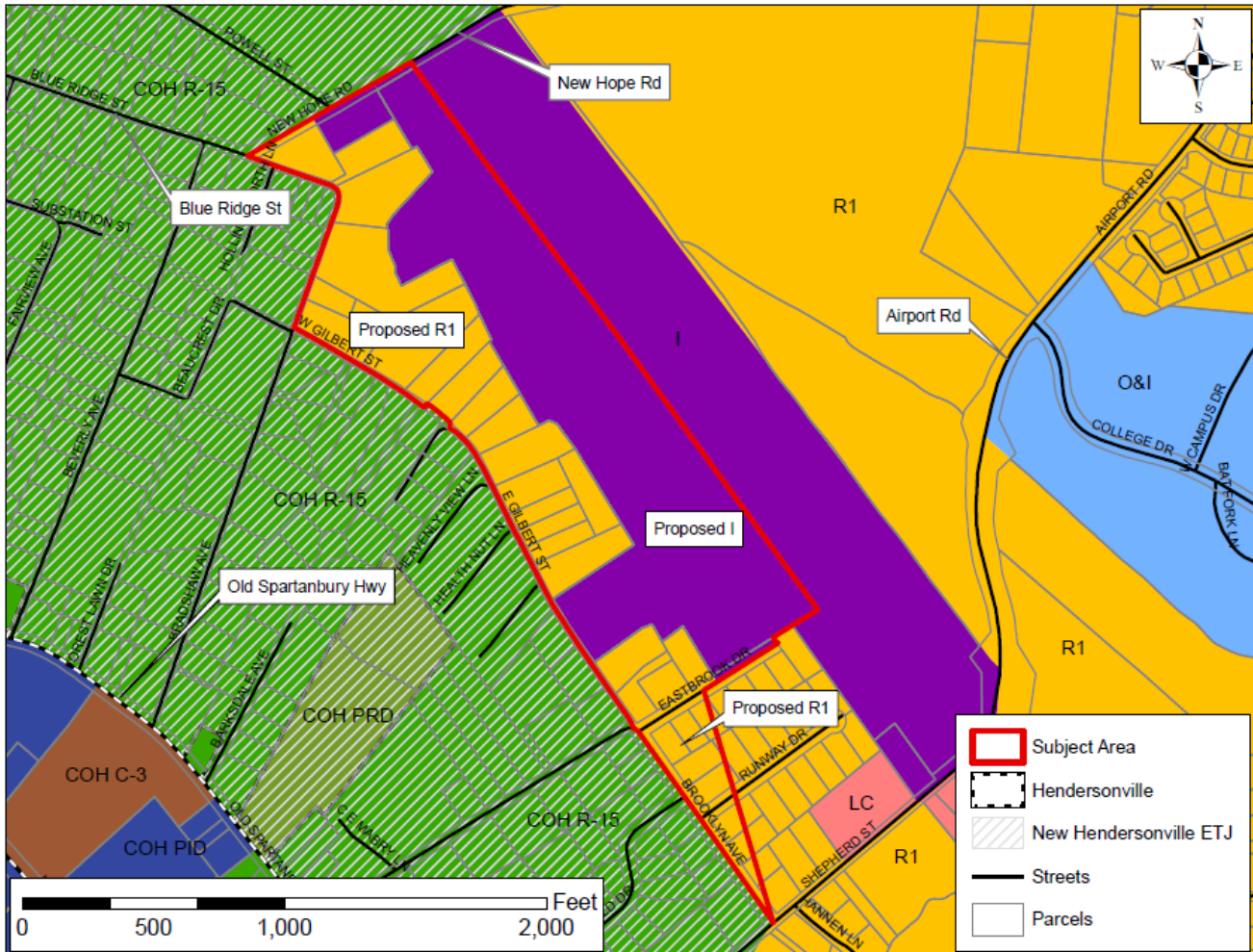


6. **Proposed Zoning**

- 6.1. **Proposed Residential One (R1):** All of the existing parcels along the western edge of the Subject Area are proposed to be rezoned to a Residential One (R1) zoning district (See Map G). City of Hendersonville R-15 (COH R-15) zoning district is a medium density residential district that allows 1 unit per 0.37 acres. Residential One (R1) zoning district allows a standard density of 1 unit per 0.25 acres. The Residential One (R1) zoning district is the district that best matches to the adjacent City of Hendersonville R-15 (COH R-15) zoning district.
- 6.2. **Industrial (I) Zoning District:** One parcel is proposed to be rezoned to an Industrial (I) zoning district in the Subject Area (See Map F). This parcel was partially zoned Industrial (I) by Henderson County with the adoption of the Land Development Code in September of 2007. The remaining portion of the parcel was zoned City of Hendersonville R-15 (COH R-15) prior to the adoption of the Henderson County Land Development Code. Rezoning this parcel to an Industrial (I) zoning district will best match the intended use of the property and is adjacent to an existing Industrial (I) zoned parcel.



Map G: Proposed Zoning Map



**7. Staff Comments**

- 7.1. The 2020 CCP: The CCP Future Land Use Map (See Map D) places the Subject Area in the “Urban Services Area” classification. The text and map of the 2020 CCP suggests 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.
- 7.2. Adjacent Zoning: The Subject Area is adjacent to a Residential One (R1) and an Industrial (I) zoning district.
- 7.3. Comparison of Districts: The existing COH R-15 allows for residential uses and some light commercial 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.
- 7.4. As of April 3, 2014 the Subject Area will remain under the City of Hendersonville jurisdiction for 90 days. Henderson County has this time frame to process the rezoning request or the Subject Area would be unzoned. 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.

**8. Staff Recommendations**

- 8.1. 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) and Industrial (I) to be consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.

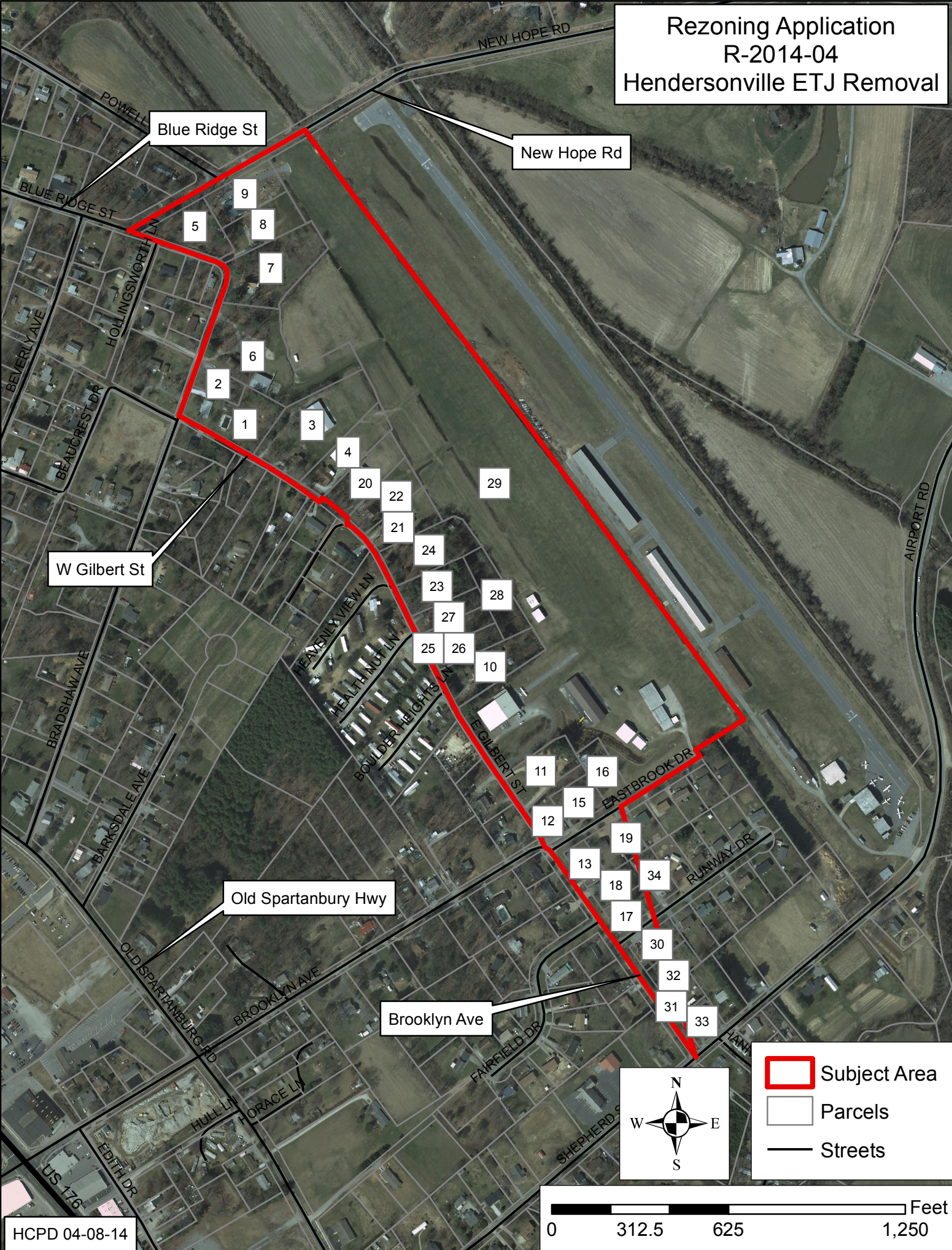
**9. Technical Review Committee Recommendations**

- 9.1. On Tuesday, May 7, 2014 the Technical Review Committee voted to send a favorable recommendation of Rezoning application R-2014-04 to the Planning Board.

**10. Planning Board Recommendations**

- 10.1. On Thursday, May 15, 2014 the Planning Board voted unanimously to send a favorable recommendation of Rezoning application R-2014-04 to the Board of Commissioners.

Rezoning Application  
R-2014-04  
Hendersonville ETJ Removal



Blue Ridge St

New Hope Rd

W Gilbert St

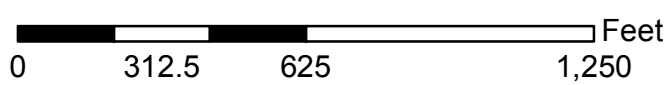
Old Spartanburg Hwy

Brooklyn Ave

Subject Area

Parcels

Streets



Lot	PIN	Acreage	Property Owner(s)	Street	City	State	Zip Code
1	9578445779	1.11	PATTERSON, JANNIE	401 BRADSHAW AVE	HENDERSONVILLE	NC	28792
2	9578445913	0.35	PATTERSON, DONALD KERRY ; PATTERSON, CANDIS P	409 BRADSHAW AVE	HENDERSONVILLE	NC	28792
3	9578448759	1.89	GOUTELL, CARL R	1371 JANE LACY LN	NEW SMYRNA	FL	32168
4	9578449679	0.84	PAINE, JAMES G ; PAINE, JUDITH S	1220 W GILBERT ST	HENDERSONVILLE	NC	28792
5	9578454445	0.72	PITTILLO, WADE DEAN ; PITTILLO, REBECCA	412 BLUE RIDGE ST	HENDERSONVILLE	NC	28792
6	9578456053	2.39	STUBBS, KENNETH B JR	419 BRADSHAW AVE	HENDERSONVILLE	NC	28792
7	9578456382	1.48	DRATZ, RICHARD P ; DRATZ, BEVERLY J	495 BRADSHAW AVE	HENDERSONVILLE	NC	28792
8	9578456590	0.78	BOWMAN, HEATHER H	4782 VIOLET AVE	MEMPHIS	TN	38122
9	9578456610	0.78	HAWKINS, CARLTON R	PO BOX 126	ARDEN	NC	28704
10	9578534994	1.02	JIMENEZ, NICOLAS	1338 E GILBERT ST	HENDERSONVILLE	NC	28792
11	9578536556	0.76	KONKO, PAVLO	1017 BROOKLYN AVE	HENDERSONVILLE	NC	28792
12	9578537473	0.45	PACE, MOLLY A	1032 BROOKLYN AVE	HENDERSONVILLE	NC	28792
13	9578538203	0.29	MORGAN, WILLARD C ; MORGAN, BRENDA G	1142 BROOKLYN AVE	HENDERSONVILLE	NC	28792
14	9578538278	0.28	BERRY, CHARLOTTE	1182 EASTBROOK DR	HENDERSONVILLE	NC	28792
15	9578538550	0.46	EARLE, NORMAN R ; EARLE, DEBORA	8701 HASTINGS BLVD	HASTINGS	FL	32145
16	9578538566	0.49	EARLE, NORMAN R ; EARLE, DEBORA	8701 HASTINGS BLVD	HASTINGS	FL	32145
17	9578539079	0.39	PLEMMONS, REGINA B	1171 RUNWAY DR	HENDERSONVILLE	NC	28792
18	9578539116	0.4	TAYLOR, WILLA DEAN	1144 BROOKLYN AVE	HENDERSONVILLE	NC	28792
19	9578539352	0.29	DRAKE, WENDY E ; DRAKE, LORIS M	1184 EASTBROOK DR	HENDERSONVILLE	NC	28792
20	9578540696	0.72	TURNER, STEVE	1230 WEST GILBERT ST	HENDERSONVILLE	NC	28792
21	9578541475	0.64	CLABAUGH, ROBERT R ; CLABAUGH, ROBERTA L	1310 E GILBERT ST	HENDERSONVILLE	NC	28792
22	9578541578	0.65	MCCALLISTER, SHAWN D	1230 W GILBERT ST	HENDERSONVILLE	NC	28792
23	9578542292	0.71	STATON, EUNICE	1810 WINDSOR DR	HENDERSONVILLE	NC	28791
24	9578542344	1.03	AVAC LLC	1312 E GILBERT ST	HENDERSONVILLE	NC	28792
25	9578543067	0.41	WILLOUGHBY, PETER A	PO BOX 1234	FLETCHER	NC	28732
26	9578543091	0.41	ROBINSON, FRANK ; ROBINSON, BARBARA ANN	1326 E GILBERT ST	HENDERSONVILLE	NC	28792
27	9578543133	0.41	STATON, THOMAS D	2125 ARLINGTON PL	HENDERSONVILLE	NC	28791
28	9578544290	0.71	WILLOUGHBY, PETER A	PO BOX 1234	FLETCHER	NC	28732
29	9578544654	25.18	JOHNSON FIELD LLC	PO BOX 613	HENDERSONVILLE	NC	28793
30	9578620965	0.41	PEREZ, RAFAEL ; PEREZ, OLIVIA GONZALEZ	PO BOX 617	FLAT ROCK	NC	28731
31	9578621757	0.28	DEAN, ELIZABETH LOUISE	326 BROWNING AVE	HENDERSONVILLE	NC	28791
32	9578621827	0.4	PEREZ, RAFAEL ; PEREZ, OLIVIA GONZALEZ	PO BOX 617	FLAT ROCK	NC	28731
33	9578622627	0.36	CUNNINGHAM, AARON ; CUNNINGHAM, MICHELLE	1106 SHEPHERD ST	HENDERSONVILLE	NC	28792
34	9578630149	0.36	WORTHEN, DIANE F ; WORTHEN, KENNETH R	1173 RUNWAY DR	HENDERSONVILLE	NC	28792

**AN ORDINANCE AMENDING THE ORDINANCE ESTABLISHING  
EXTRATERRITORIAL JURISDICTION BOUNDARIES  
FOR THE CITY OF HENDERSONVILLE**  
(Request of Ken Stubbs)

IN RE: FILE NO. P14-2-M

WHEREAS, the General Assembly of the State of North Carolina has granted authority to municipalities to adopt, administer and enforce zoning and subdivision regulation ordinances, building codes, and minimum housing standards and other related measures; and

WHEREAS, G.S. 160A-360 provides that the delegated municipal powers conferred by Article 19 of Chapter 160A may be exercised within the extraterritorial jurisdiction surrounding a municipality; and

WHEREAS, G.S. 160A-360 further provides that any municipality wishing to exercise extraterritorial jurisdiction of powers conferred under Article 19, Chapter 160A, shall adopt, and may amend from time to time, an ordinance specifying the boundaries of those areas within which the City will exercise its extraterritorial jurisdiction; and

WHEREAS, G.S. 160A-360 further requires that the boundaries specified in the ordinance shall at all times be drawn on a map, set forth in a written description, or shown by a combination of these techniques, and maintained in the same manner as required by G.S. 160A-22 for the delineation of the corporate limits; and

WHEREAS, the City has adopted an Ordinance Establishing Extraterritorial Jurisdiction and has amended said Ordinance from time to time, most recently by means of an Ordinance dated September 10, 2010, which said Ordinance clarified the geographical boundary of the extraterritorial jurisdiction; and

WHEREAS, the City has received a request from Ken Stubbs seeking to have certain properties that are subject to the extraterritorial jurisdiction ordinance be excluded from the jurisdiction of the City of Hendersonville; and

WHEREAS, North Carolina General Statutes 160A-360(b) and (f1) provide for the amendment of an extraterritorial jurisdiction ordinance and the relinquishing of jurisdiction to a county.

NOW, THEREFORE, be it ordained by the City Council of the City of Hendersonville:

**Section 1.** The written boundaries of the area of extraterritorial jurisdiction of the City of Hendersonville, as amended by Ordinance dated September 10, 2010, is hereby amended by this ordinance which is adopted by reference. Said area of extraterritorial jurisdiction is described as follows;

**[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~]**

BEGINNING at a point located in the center of Willow Road, said center also being the Laurel Park corporate limit line, and said point being approximately 135 feet east of the intersection of the center of Willow Road and the center of Country Club Road (SR 1220); thence running from said point with the center of Willow Road (SR 1171) in a southwesterly direction approximately 2,780 feet to a point in the centerline of Willow Road where said road is intersected by an unnamed tributary of Finley Creek; thence southeasterly along the center of said unnamed tributary and Finley Creek to a point in the center of Lakeside Drive where said drive is intersected by Finley Creek; thence easterly along the centerline of Lakeside Drive to a point where said drive is intersected by Texas Street; thence southeasterly, a straight line distance of approximately 1,430 feet to a point in the centerline of Kanuga Road, said point being approximately 1,400 feet northeast of the intersection of Bonner Street with Kanuga Road; thence easterly, a straight line distance of approximately 6,030 feet to a point in the centerline of Rutledge Drive, where said drive is intersected by Kings Lane; thence northeasterly, a straight line distance of approximately 1,880 feet to a point in the centerline of U.S. Highway 25 where said highway is intersected by a private drive said point being approximately 550 feet north of the intersection of Stewart Street with U.S. Highway 25; thence northeasterly, a straight line distance of approximately 3,280 feet to a point in the centerline of Southern Railway's line where said line is intersected by Brooklyn Avenue; thence in a southerly direction along the centerline of the Southern Railway line to a point in the center of King Creek where said creek is intersected by said railroad line; thence in a northeasterly direction along the center of King Creek to a point in the centerline of U.S. Highway 176 where said highway is intersected by King Creek; thence northeasterly, a straight line distance of approximately 660 feet to the centerline of Old Spartanburg Highway; thence northwesterly approximately 70 feet the centerline of Old Spartanburg Highway to a property line projected; thence northeasterly along a property line projected and a property line approximately 291 feet to a property corner; said property line being the western property line of lot 9559, block 51 as shown on Henderson County property map 9578.19; thence northwesterly along a property line 64.51 feet to a property corner; thence northeasterly approximately 259 feet to a point on the City's boundary of extraterritorial jurisdiction; thence northeasterly approximately 900 feet to a point in the centerline of Airport Road ~~thence northwesterly, a straight line distance of approximately 2,725 feet to a point located on the southwestern property line of lot 2305, block 64 as shown on Henderson County Property Map Number 9578.15; thence northwesterly along the southwestern property line of said lot approximately 850 feet to a point on the centerline of New Hope Road; thence northeasterly 391.80 feet along the centerline of New Hope Road~~ thence in a northwesterly direction along the centerline of East Gilbert Street to its western terminus adjoining the lot identified as Henderson County PIN 9578449355, and continuing with the centerline of the unopened or unpaved right of way to the centerline of West Gilbert Street, and following the centerline of West Gilbert Street to the point of intersection of the centerline of Bradshaw Avenue, thence in a northeasterly direction with the centerline of Bradshaw Avenue (following the centerline of Bradshaw Avenue through the curve to the northwest) and thence continuing with the centerline of Blue Ridge Street to the point of the intersection of Blue Ridge Street and New Hope Road, thence northeasterly along the centerline of New Hope Road to a point located at the intersection of the centerline of New Hope Road and the centerline of Bat Fork Creek [Ordinance # 99-0974]; thence northerly, a straight line distance of approximately 3,580 feet to a point in the centerline of Tracy Grove Road, said point being approximately 200 feet west of the intersection of Duncan Road (State Road 1754) with Tracy Grove Road; thence northerly approximately 893 feet to a property corner located at Devils Fork Creek; thence easterly approximately 2,300 feet following property lines and Devils Fork Creek to property corner located on the western right-of-way line of Interstate 26; thence easterly approximately 180

feet along a property line projected to a point on the centerline of Interstate 26; thence northerly approximately 5,230 feet to a point located at the intersection of the centerline of Interstate 26 and a property line projected, said property line being the western property line of parcel 8609 as shown on Henderson County Property Map 9579.15, block 54; thence northerly approximately 93 feet along the western property line of said parcel to a property corner; thence easterly approximately 490 feet along the northern property line of said point to a property corner; thence northerly approximately 520 feet along a property line to a property corner; thence easterly approximately 360 feet along the southern property line of parcel 3762 as shown on Henderson County Property Map 9579.02, block 65 to a property corner; thence easterly and southerly approximately 350 feet along property lines to a property corner [Ordinance #99-0212-0]; thence southerly approximately 470 feet along the western property line of lot 6536, block 64, as shown on Henderson County Property Map 9579.15, to a property corner on the eastern right-of-way line of Prince Road [Ordinance #00-0944]; thence with the eastern right-of-way line of Prince Road approximately 333 feet to a property corner; thence easterly along the southern property line of lot 6536 369.83 feet the southernmost property corner of lot 6536; thence northeasterly approximately 580 feet along the southeastern property line of lot 6536 to a property corner; thence easterly approximately 585 feet along the southern property lines of lots 2125 and 8324, block 75 as shown on Henderson County Property Map 9579.02, to a property corner; thence northerly approximately 355 feet along the eastern property line of lot 8324 to a property corner; thence easterly approximately 300 feet along a property line to a property corner, said property corner being the southeastern property corner of parcel 8324 as shown on Henderson County Property Map 9579.02, block 75; thence approximately 1,100 feet along the eastern property line of said parcel to a property corner located on the southern right-of-way line of Sugarloaf Road; thence northerly 30 feet to a point located on the centerline of Sugarloaf Road; thence easterly approximately 570 feet along the centerline of Sugarloaf Road to a point located at the intersection of the centerline of Sugarloaf Road and a property line projected, said property line being the eastern property line of parcel 4387 as shown on Henderson County Property Map 9579.02, block 86; thence northerly approximately 550 feet along said property line projected to a point located at the intersection of said property line projected and the centerline of Howard Gap Road; thence northeasterly approximately 1,230 feet along the eastern property line of parcel 9255 as shown on Henderson County Property Map 9579.02, block 87; thence westerly 142 feet along the northern property line of said parcel to a property corner; thence northerly approximately 326 feet along the eastern property line of parcel 8857 as shown on Henderson County Property Map 9579.02, block 87, to a property corner located on the southern right-of-way line of Sunset Road; thence northeasterly diagonally across Sunset Road approximately 265 feet to a property corner located on the northern right-of-way line of Sunset Road [Ordinance #99-0975]; thence northerly approximately 1,100 feet along the eastern property line of parcel 7740 as shown on Henderson County Property Map 9579.02, block 88, to a property corner; thence westerly approximately 520 feet along the northern property line of said parcel to a property corner; thence northerly 263 feet along the eastern right-of-way line of parcel 4338, as shown on Henderson County Property Map 9579.02, block 89, to a property corner; thence westerly approximately 670 feet along property lines to a property corner, said property corner being the northwestern property corner of parcel 9505 as shown on Henderson County Property Map 9579.02, block 79; thence northerly approximately 675 feet to a property corner, said property corner being the northeastern property corner of parcel 6101 as shown on Henderson County Property Map 9670, block 70; thence southeast 431 feet along a property line to a property corner, said property corner being the southeast property corner of parcel 0422 as shown on Henderson County Property Map 9670, block 80; thence northerly 271 feet along the eastern property line of said parcel to a property corner; thence easterly approximately 1,030 feet to a property corner, said property corner being the southeastern property corner of parcel 7870 as shown on Henderson County Property Map 9670, block 80; thence northerly approximately 1,400 feet along property lines to a property corner, said property corner being the southwestern property corner of parcel 6504 as shown on Henderson County Property Map 9670, block 91; thence easterly 300 feet along the southern property line of said parcel to the southwestern property corner of said parcel; thence northerly along property lines and a property line projected approximately 880 feet to a point located within the right-of-way of

Highway U.S. 64 East, said point being located at the intersection of the eastern property line projected of parcel 7577 as shown on Henderson County Property map 9670, block 92. and the southern property line projected of parcel 1167, as shown on Henderson County Property Map 9670, block 93 (North Henderson High School); thence westerly along said property line projected and said property\_line approximately 1,800 feet to a property corner; thence northwesterly approximately 464 feet to a property corner located at Clear Creek; thence westerly approximately 5,600 feet along Clear Creek, across Howard Gap Road and along Clear Creek to the intersection with a cross country electric power transmission line owned by Duke Power Company [Ordinance #99-0974]; thence running with the center of said power line in a westerly direction a distance of 4,250 feet to a wooden "H" frame tower near the eastern right-of-way of Interstate Highway 26 as shown on Henderson County Property Map 9660.04; thence leaving said power right-of-way and running in a southwesterly direction 1,620 feet in a straight line to a property corner in the western boundary of Parcel 2124; thence running from said property corner in a southerly direction 615 feet with said western boundary to a property corner in the northeastern right-of-way of Capps Road (S.R. 1508); thence running in a southerly direction 399 feet with the northeastern right-of-way to the southwest property corner of Parcel 3781; thence continuing across Capps Road (S.R. 1508) 60 feet to the northeast property corner of Parcel 8443; thence running from said property corner in a westerly direction 500 feet with the northern boundary line of said Parcel 8443 to a property corner on the eastern bank of Mud Creek; thence continuing from the property corner with the same course 25 feet to a point in the center of Mud Creek; thence running with the center of Mud Creek in a southerly direction 300 feet upstream to a point in the center of Mud Creek where said creek intersects Clear Creek; thence northwesterly, a straight line distance of approximately 3,700 feet to a point in the centerline of U.S. Highway 25 where said highway is intersected by a private road, said point being approximately 1,080 feet north of the intersection of State Road 1392 with U.S. Highway 25; thence south  $76^{\circ} 30'$  west 2,150 feet to a point on the eastern property line of that property designated as Henderson County PID 01-14540; thence south with the eastern property line of that parcel and thence continuing southerly with the eastern property line of the Baldwin property designated as Henderson County PID 01-14879 to the southeasternmost corner of that parcel, thence west southwesterly with the southern line of that parcel 383 feet to the southeasternmost corner of that parcel; thence north 90 feet to a property corner on the southeastern property line of property designated as Henderson County PID 01-13928; thence southwest 375 feet with the southeastern line of that parcel to a property corner; thence south 15 feet to the southernmost property corner of that property; thence west northwest along the southern line of the Thomas L. Tatham Farm, Inc. property designated as Henderson County PID 01-13928 478 feet to a southwest corner of that parcel where the same borders the eastern margin of the right of way of Lyndhurst Drive; thence northerly 26 feet along the eastern margin of that right of way to its intersection with the McCoy property designated as Henderson County PID 01-10218; thence easterly, thence northerly, thence westerly all with the common boundary of the said McCoy parcel and the Tatham Farm property to the northwest margin of the said McCoy parcel; thence continuing with the western line of the Tatham Farm property 570 feet; thence south  $76^{\circ} 30'$  west a distance of 2350 feet to a point in the centerline of Stoney Mountain Road where said road is intersected by a private drive situated between Henderson County PID 01-14999 on the west and Henderson County PID 99-70298 on the east, said point being approximately 1,740 feet northwest of the intersection of State Road 1453 with Stoney Mountain Road; thence southwesterly, a straight line distance of approximately 2,020 feet to a point in the centerline of N.C. Highway 191 where said highway is intersected by Holly Hill Drive, said point being approximately 1,710 feet northwest of the intersection of two private roads with N.C. Highway 191; thence southeasterly approximately 6,350 feet to the ridge line of Long John Mountain; thence southeasterly approximately 2,050 with the ridge line of Long John Mountain to a northern property corner in the northern property line of parcel 1620, said parcel also being known as Laurel Park Place and being shown on Henderson County Property Map 9559.20; thence running from said northern property corner with said northern property line in a southeastern direction approximately 880 feet to a property corner of said parcel 1620; thence running from said property corner with the southern property line of parcel 1620 in a southwestern direction approximately 560 feet to a southeastern property corner of parcel

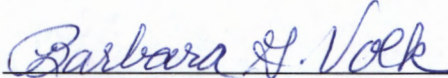


1620; thence running from said southeastern property corner with a property line of said parcel 1620 in a northwestern direction 159.97 feet to a corner on the Laurel Park corporate limit line; thence running with the Laurel Park corporate limit line in a southern direction to a corner in the center of U.S. Highway 64W; thence leaving said Laurel Park corporate limit line and running from said corner with the center of U.S. Highway 64W in a southeastern direction approximately 860 feet to the center of the intersection of U.S. Highway 64W and Glasgow Lane as shown on Henderson County Property Map 9568.05; thence running from said intersection with the center of Glasgow Lane in a southwestern direction approximately 1,370 feet to a point in the centerline of the Norfolk and Southern Railroad, said centerline also being the Laurel Park corporate limit line; thence continuing with the Laurel Park corporate limit line in a southern direction to a point in the center of Willow Road; thence west along the center of Willow Road approximately 310 feet to the point of BEGINNING.


Subject, however to the territorial jurisdiction of the City as established by subsequent ordinances.

**Section 2.** This ordinance shall be in full force and effect 90 days after the date of its adoption; July 2, 2014.

Adopted this third day of April 2014.

  
Barbara C. Volk, Mayor

ATTEST:

  
Tammie K. Drake, MMC, City Clerk

Approved as to form:

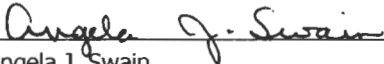
  
Samuel H. Fritschner, City Attorney

G:\Clerk\Ordinances\Ord 14\140426 ETJ Amendment Stubbs request.docx

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, Angela J. Swain, a Notary Public in Henderson County, State of North Carolina, do hereby certify that Barbara G. Volk, in her capacity as Mayor of the City of Hendersonville, and Tammie K. Drake, in her capacity as City Clerk, and Samuel H. Fritschner, in his capacity as City Attorney, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this sixteenth day of April, 2014.

  
Angela J. Swain  
My commission expires: 2/21/2015

(SEAL)





**NOTICE OF PUBLIC HEARING  
ON PROPOSED ZONING MAP AMENDMENT  
(Rezoning Requests #R-2014-04)**

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-2014-04, which was initiated on April 3, 2014, requests the County rezone approximately 40.09 acres (hereafter the "Subject Area") of land. On April 3, 2014 the City of Hendersonville City Council approved a request to remove thirty-four (34) individual parcels of land from the City of Hendersonville's Extra Territorial Jurisdiction through Ordinance #14-0426. Henderson County has 90 days, or until July 2, 2014 to determine and apply a County zoning designation for the subject area. Henderson County Planning Department recommends rezoning the Subject Area from a City of Hendersonville R-15 (COH R-15) zoning district to a Residential One (R1) and Industrial (I) zoning district.

The public hearing will be held on Monday, June 2, 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, 100 N. King Street, 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, May 15, 2014 and Thursday, May 22, 2014.**

**Certification of Notice of Public Hearing**

In accordance with NCGS 153A-343 the Planning Department certifies notice of the June 2, 2014 hearing regarding Rezoning Application #R-2014-04 was:

1. Submitted to the Hendersonville Tribune on May 13, 2014 to be published on May 15, 2014 and May 22, 2014 by Matthew Champion;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on May 23, 2014 by Matthew Champion;
3. Sent, via first class mail, to the property owners on May 23, 2014 by Matthew Champion; and
4. Signs will be posted on the Subject Area(s) on May 23, 2014 by Matthew Champion.

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

1. Matthew Champion

STATE OF NC

COUNTY OF Henderson

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

Matthew Champion, and \_\_\_\_\_

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 20 day of MAY, 2014.

My commission expires:

5/25/16

(SEAL)  
Toby Linville

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-2014-04; 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 June 2, 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-2014-04 – (Hendersonville ETJ Removal) 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 2<sup>nd</sup> day of June, 2014.

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

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

**ATTEST:**

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

**[COUNTY SEAL]**

# Rezoning #R-2014-04 Hendersonville ETJ Removal

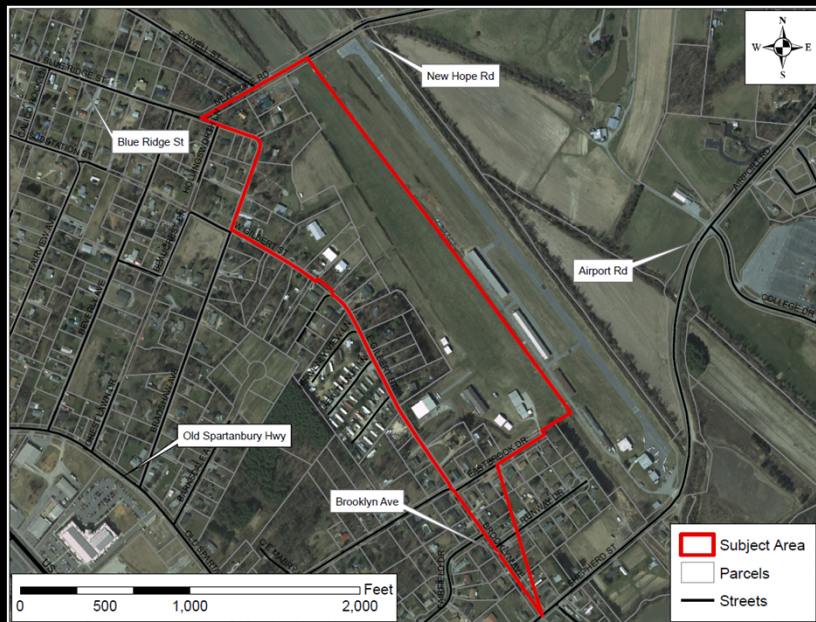


Henderson County Planning Board  
June 2, 2014

Presented by: Matt Champion, Planner

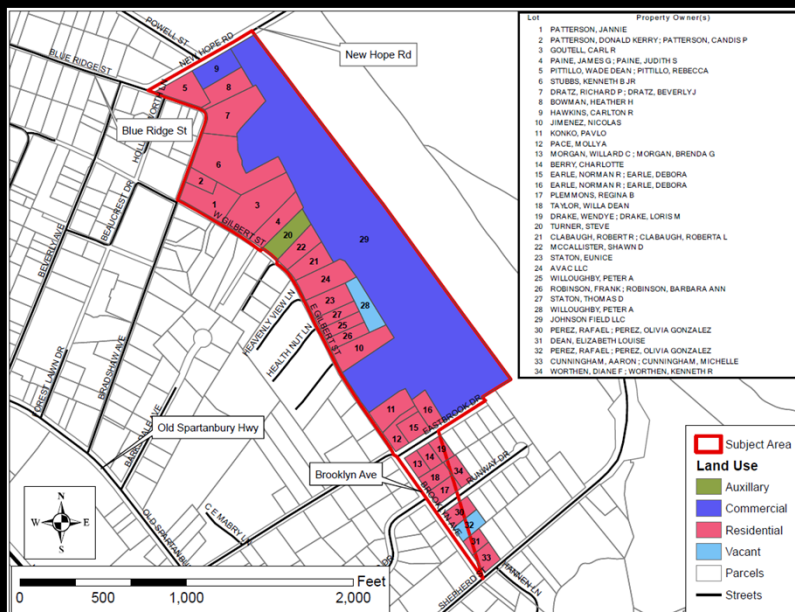
*Henderson County Planning Department*

## Aerial Photo Map



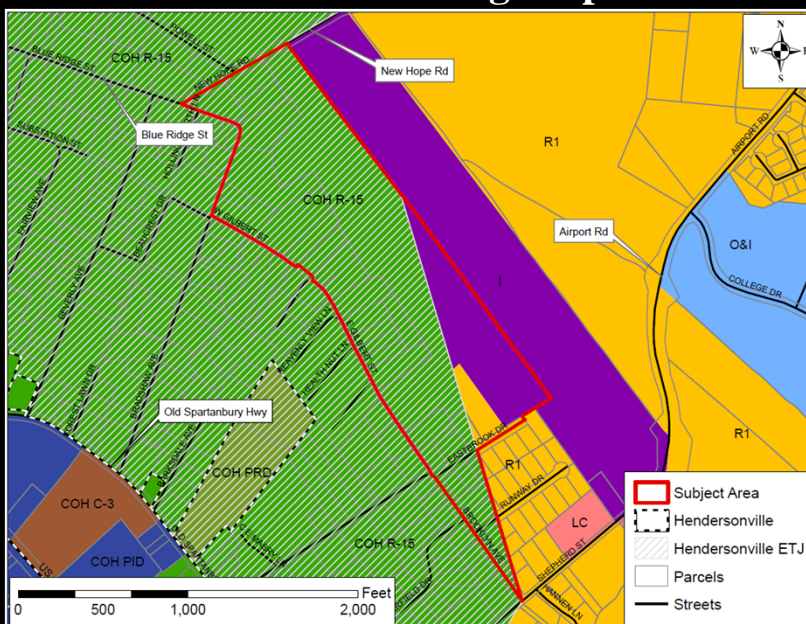
*Henderson County Planning Department*

# Property Owners and Land Use Map



Henderson County Planning Department

# Current Zoning Map

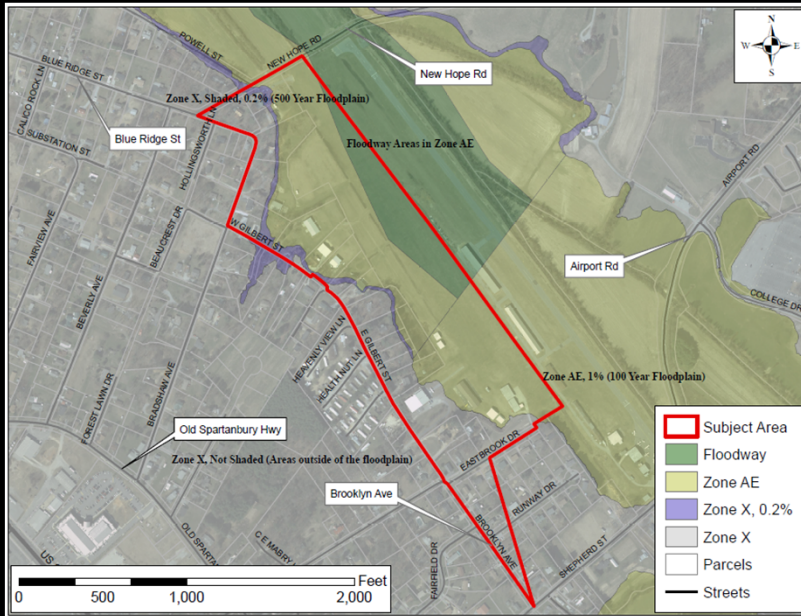


Henderson County Planning Department





# Flood Zone Map



Henderson County Planning Department

## Rezoning #R-2014-04

# Public Hearing Comments



## Rezoning #R-2014-04

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.*

