

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: Wednesday, July 16, 2014

SUBJECT: Public Hearing for Rezoning Application #R-2014-02 Clear Creek Road

PRESENTER: Matt Champion, Planner

ATTACHMENTS:

1. Staff Report
2. Aerial Photo Map and List of Property Owners
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-2014-02, which was initiated on March 20, 2014 at the request of several property owners, requests the County rezone approximately nine parcels or 24.89 acres of land (thereafter the "Subject Area") (Please see attached property owners map). Henderson County Planning Staff recommends rezoning the Subject Area from an Industrial (I) zoning district to a Residential Two Rural (R2R) zoning district to address property owners concerns.

The Henderson County Planning Board considered rezoning application #R-2014-02 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-2014-02 to rezone the Subject Area to Residential Two Rural (R2R) zoning district.

PUBLIC NOTICE:

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §42A-314(C) and §42A-337(B) of the Henderson County Land Development Code and State Law, notices of the July 16 2014, public hearing regarding rezoning application #R-2014-02 were published in the Hendersonville Tribune on June 26, 2014 and July 3, 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 July 7, 2014 and posted signs advertising the hearing on the Subject Area on July 7, 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 Two Rural (R2R) zoning district. State law requires that the Board adopt a written statement of consistency with the County Comprehensive Plan (CCP). A draft resolution is provided.

Suggested Motion:

I move that the Board adopt the attached resolution regarding the consistency with the CCP.

I move that the Board adopt the proposed map amendment.

Henderson County Planning Department Staff Report

Rezoning Application #R-2014-02 Clear Creek Road Rezoning

1. Rezoning Request

- 1.1. **Request:** Rezone nine parcels of land from Industrial (I) to Residential Two Rural (R2R)
- 1.2. **PINs:** 9660944786, 9660946552, 9660946597, 9660947841, 9660948896, 9660955016, 9660957019, 9660957159, and 9660958702. (See Map C).
- 1.3. **Size:** Total of 24.89 acres to be rezoned.
- 1.4. **Location:** The subject area is located along Clear Creek Road (SR 1503), approximately 1,880 feet south to the intersection of Howard Gap Road (SR 1006).

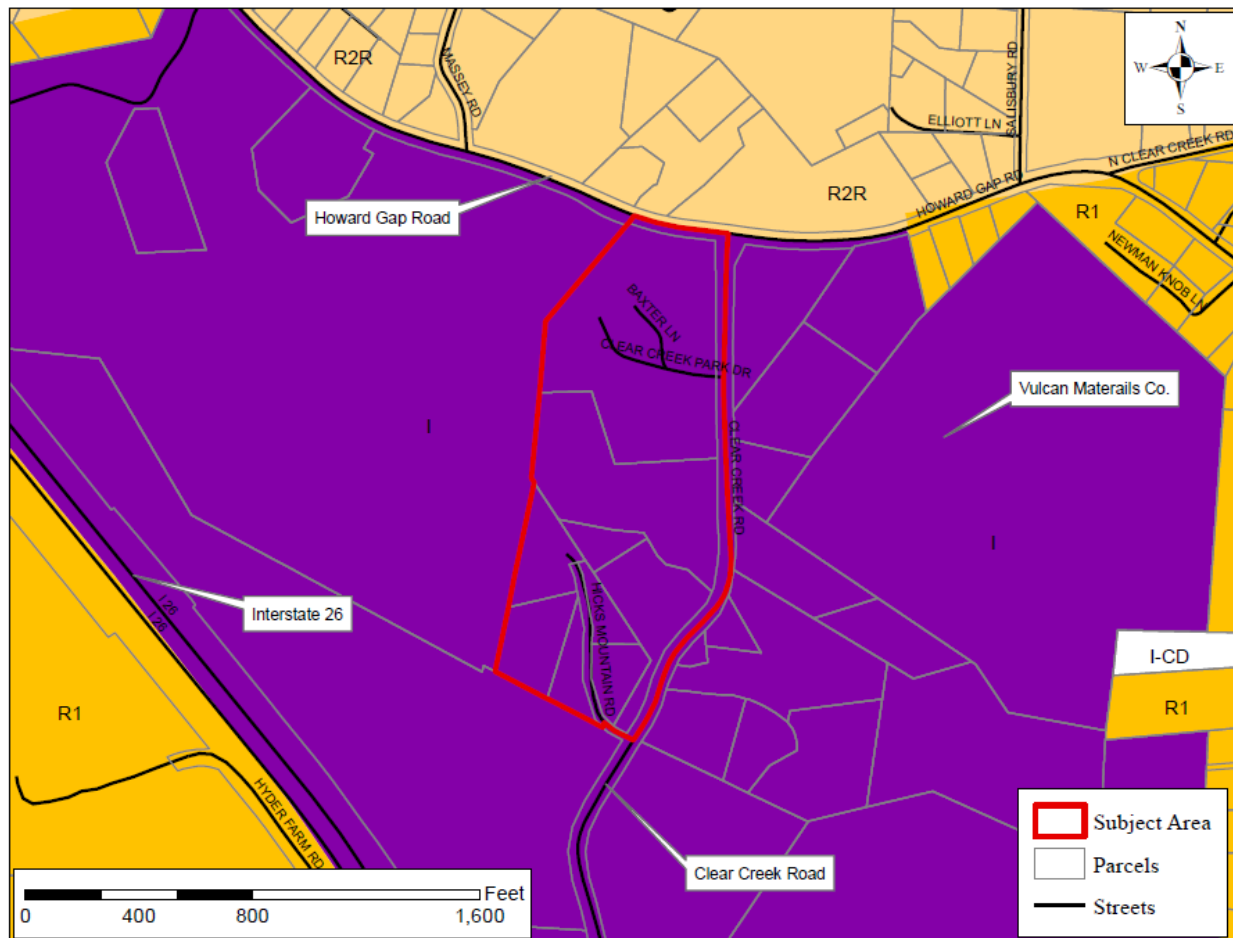
Map A: Aerial Photo



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. (See Map B). Prior to this date, the subject area was zoned Open Use (OU).

Map B: Current Zoning



2.2. **Adjacent Zoning:** The subject area is adjacent to Residential Two Rural (R2R) to the north. The subject area is surrounded by Industrial (I) in all other directions.

2.3. **District Comparison:**

2.3.1. **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 42A, Land Development Code §42A-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).

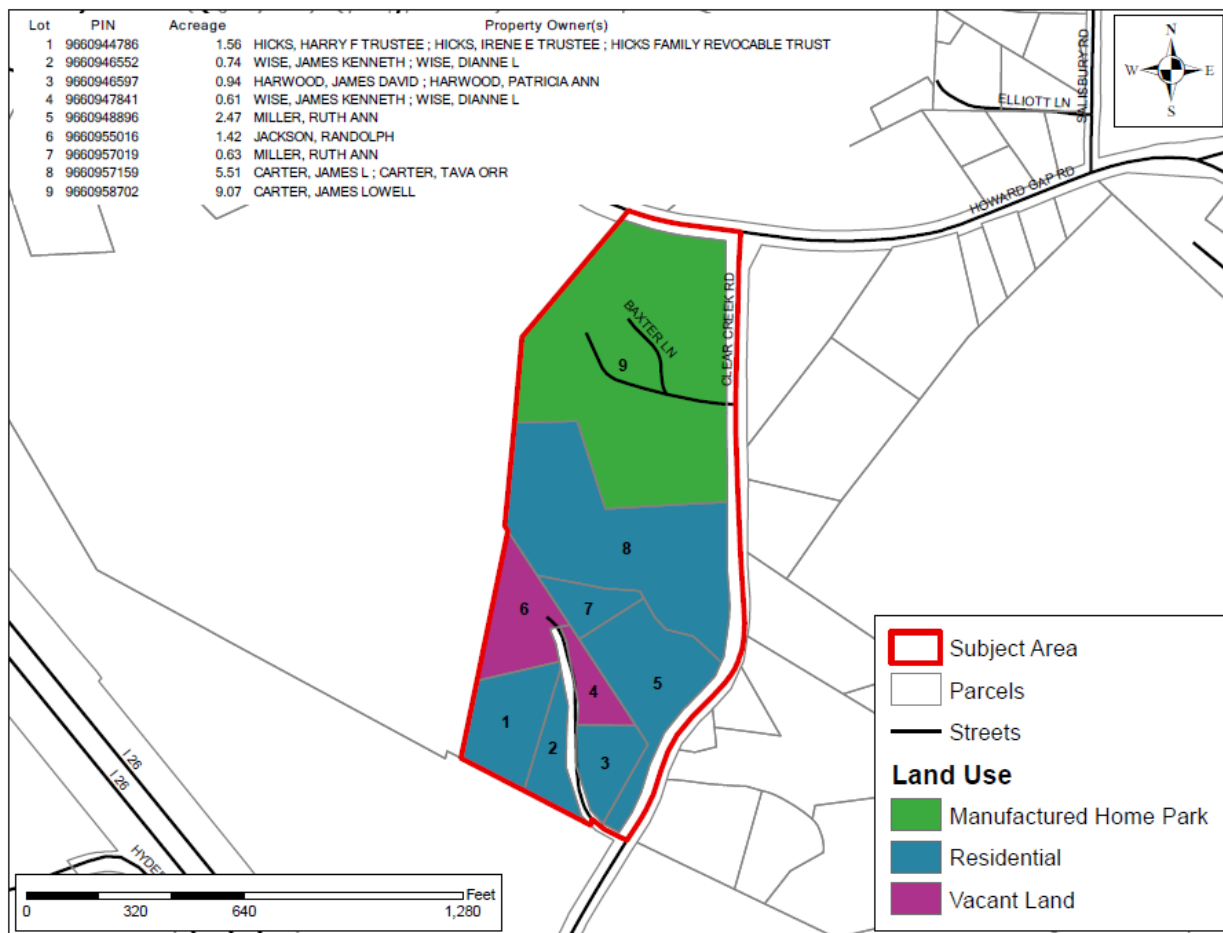
2.3.2. **Industrial District (I):** *“The purpose of the Industrial District (I) is to foster orderly growth where the principal use of land is a mixture of industrial and heavy commercial. The intent of this district is to allow for industrial and heavy commercial development consistent*

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 42A, Land Development Code §42A-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 currently has six residential parcels and two vacant parcels with an existing residential subdivision. An existing manufactured home park is located on the large parcel to the North, adjacent to the Residential Two Rural (R2R) zoning district. (See Map C).
- 3.2. **Adjacent Area Uses:** The surrounding properties are primarily industrial uses to the east and west. Vacant property surrounds the subject area to the south and residential uses to the north.

Map C: Current Uses and Property Owners

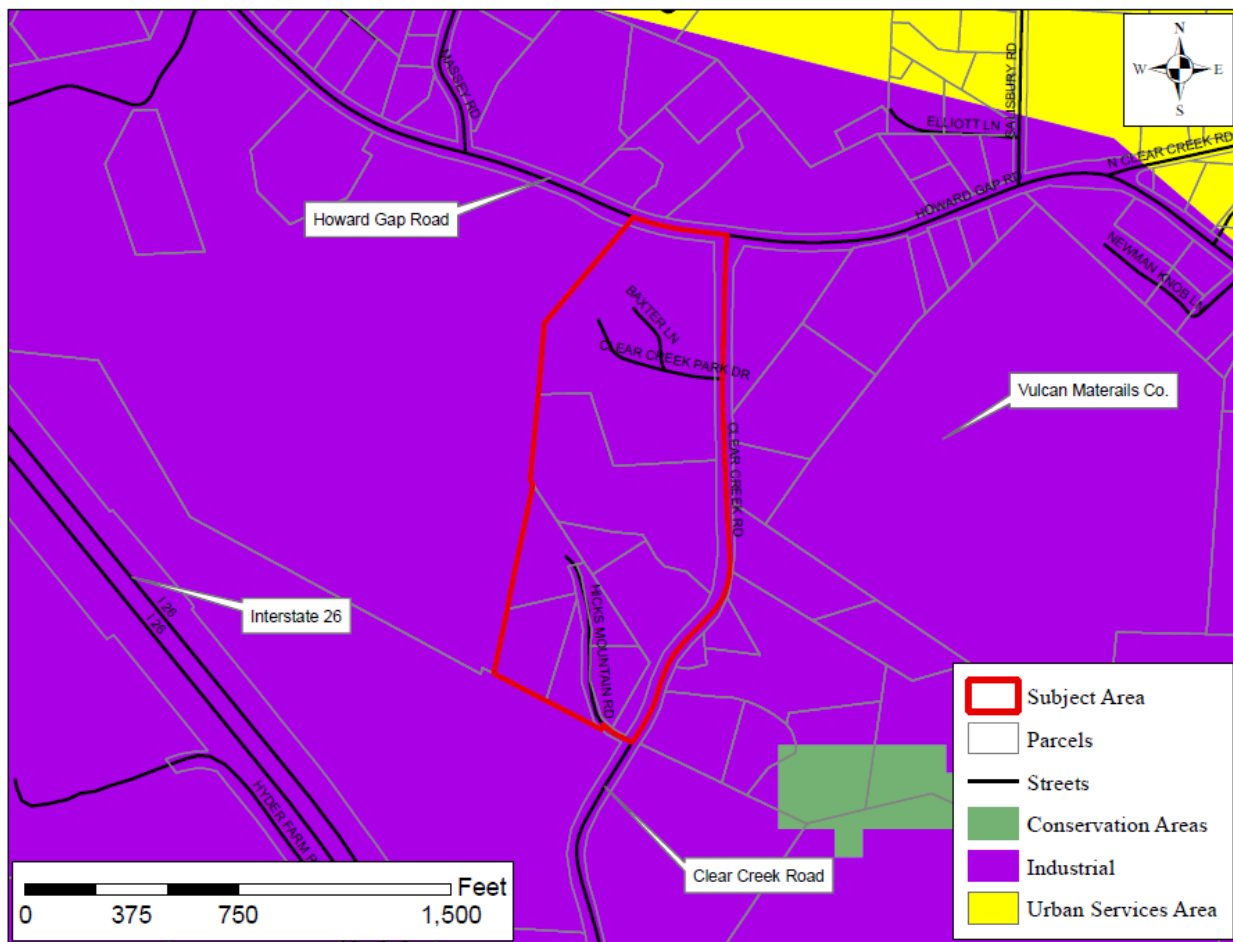


4. The Henderson County 2020 Comprehensive Plan (CCP)

The CCP Future Land Use Map identifies the subject area as being located in the Urban Services Area and Industrial Area (USA) (2020 CCP, Pgs. 128, 129 & 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).
- 4.2. **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).

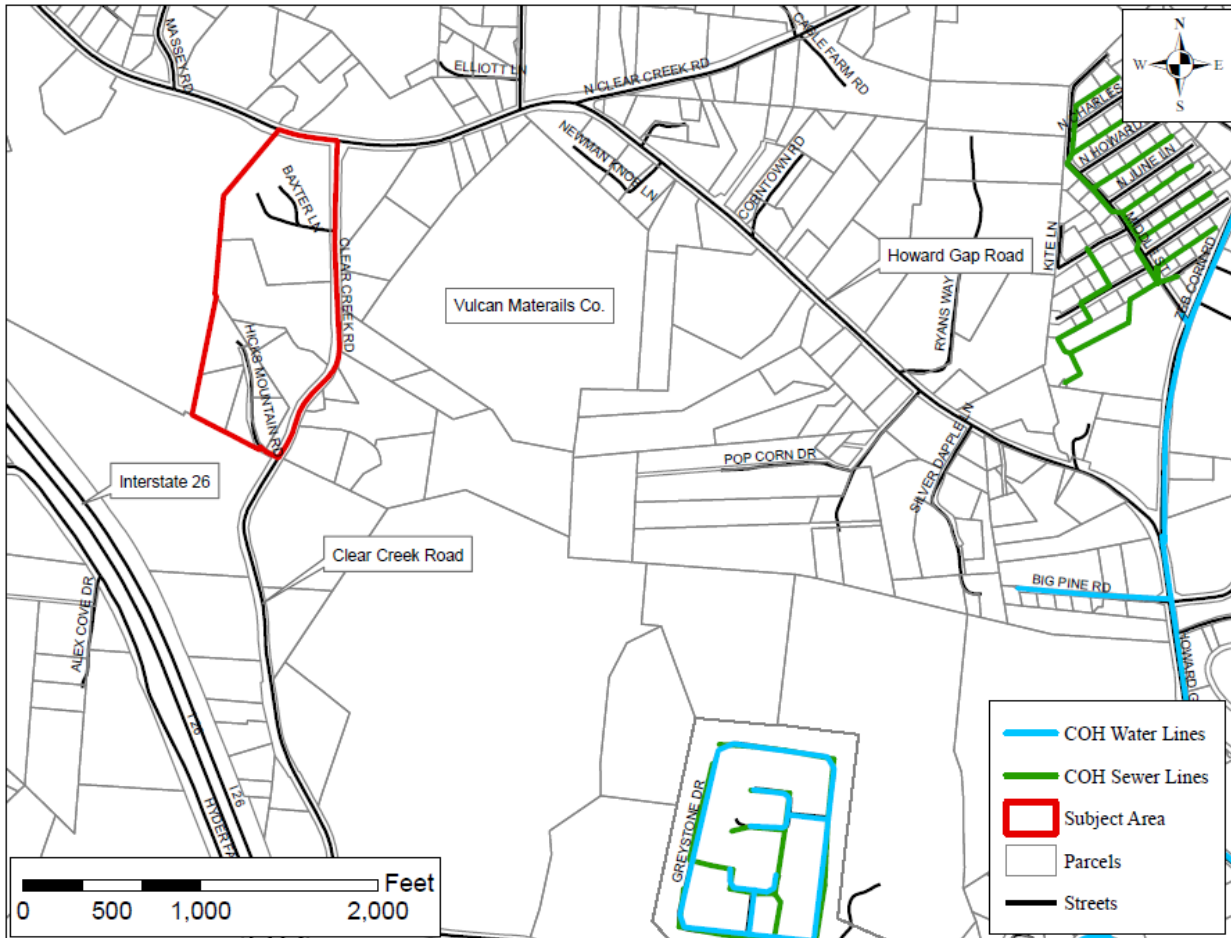
Map D: 2020 County Comprehensive Plan Future Land Use Map



5. Water and Sewer

- 5.1. **Public Water:** A City of Hendersonville water runs along Howard Gap Road to the White Oaks Village subdivision and Greystone Manufactured Home Park. (See Map E).
- 5.2. **Public Sewer:** A City of Hendersonville sewer line runs along Howard Gap Road to the White Oaks Village subdivision. Also, a City of Hendersonville sewer line runs into the Greystone Manufactured Home Park to the southeast of the subject area.(See Map E).

Map E: Water and Sewer Map



6. Staff Comments

- 6.1. **The 2020 CCP:** The CCP Future Land Use Map (See Map C) places the Subject Area in the “Urban Services Area” classification. The text and map of the 2020 CCP suggest that the Subject Area would be suitable for high-density residential, commercial or industrial development. The CCP indicates that the USA may be suitable for commercial development provided the development is in keeping with the surrounding community.
- 6.2. **Adjacent Zoning:** The subject area is adjacent to Residential Two Rural (R2R) zoning to the north.

- 6.3. **Comparison of Districts:** The existing Industrial zoning district does not allow for residential uses in order to preserve industrially zoned land. Applying Residential Two Rural (R2R) zoning will allow for all types of residential uses with a standard density of 1 unit per acre. R2R also allows some limited commercial uses.
- 6.4. **Nonconforming Commercial and Industrial Uses/Structures:** As per section §42A-299 of the Land Development Code, existing commercial and industrial uses/structures legally established in the former Open Use (OU) zoning district and made nonconforming by the adoption of the LDC shall be allowed to be maintained, improved, altered, expanded, remodeled, repaired and/or reconstructed in adherence with the dimensional requirements and setbacks of the current applicable zoning district.
7. **Staff Recommendations**
 - 7.1. Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the Subject Area to Residential Two Rural (R2R) consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.
8. **Technical Review Committee Recommendations**
 - 8.1. On Tuesday, April 15, 2014 the Technical Review Committee voted unanimously to send a favorable recommendation of Rezoning application R-2014-02 to the Planning Board.
9. **Planning Board Recommendations**
 - 9.1. On Thursday, May 15, 2014 the Planning Board voted unanimously to send a favorable recommendation of Rezoning application R-2014-02 to the Board of Commissioners.

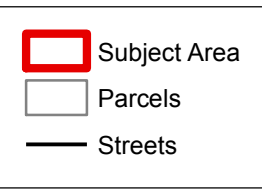
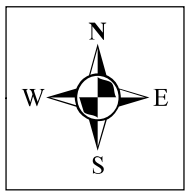
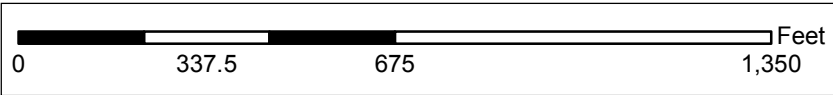


Howard Gap Road

Vulcan Materials Co.

Interstate 26

Clear Creek Road



Possible Rezoning
 R-2014-02
 HC Planning Department

Lot	PIN	Acreage	Property Owner(s)	Street	City	State	Zip Code
1	9660944786	1.56	HICKS, HARRY F TRUSTEE ; HICKS, IRENE E TRUSTEE ; HICKS FAMILY REVOCABLE TRUST	69 HICKS MOUNTAIN RD	HENDERSONVILLE	NC	28792
2	9660946552	0.74	WISE, JAMES KENNETH ; WISE, DIANNE L	65 HICKS MOUNTAIN RD	HENDERSONVILLE	NC	28792
3	9660946597	0.94	HARWOOD, JAMES DAVID ; HARWOOD, PATRICIA ANN	58 HICKS MOUNTAIN RD	HENDERSONVILLE	NC	28792
4	9660947841	0.61	WISE, JAMES KENNETH ; WISE, DIANNE L	65 HICKS MOUNTAIN RD	HENDERSONVILLE	NC	28792
5	9660948896	2.47	MILLER, RUTH ANN	2189 CLEAR CREEK RD	HENDERSONVILLE	NC	28792
6	9660955016	1.42	JACKSON, RANDOLPH	PO BOX 49	EAST FLAT ROCK	NC	28726
7	9660957019	0.63	MILLER, RUTH ANN	2189 CLEAR CREEK RD	HENDERSONVILLE	NC	28792
8	9660957159	5.51	CARTER, JAMES L ; CARTER, TAVA ORR	2323 CLEAR CREEK RD	HENDERSONVILLE	NC	28792
9	9660958702	9.07	CARTER, JAMES LOWELL	2323 CLEAR CREEK RD	HENDERSONVILLE	NC	28792

**NOTICE OF PUBLIC HEARING
ON PROPOSED ZONING MAP AMENDMENT
(Rezoning Request #R-2014-02)**

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-2014-02, which was initiated on March 20, 2014 at the request of several property owners, requests the County rezone approximately nine (9) parcels or 24.89 acres of land (hereafter the "Subject Area"). Henderson County Planning Staff recommends rezoning the Subject Area from an Industrial (I) zoning district to a Residential Two Rural (R2R) zoning district to address property owners concerns.

The public hearing will be held Wednesday, July 16, 2014, at 9:00 A.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. 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, June 26, 2014 and Thursday, July 3, 2014.

Certification of Notice of Public Hearing

In accordance with NCGS 153A-343 the Planning Department certifies notice of the July 16, 2014 hearing regarding Rezoning Application #R-2014-02 was:

1. Submitted to the Hendersonville Tribune on June 24, 2014 to be published on June 26, 2014 and July 3, 2014 by Matthew Champion;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on July 7, 2014 by Matthew Champion;
3. Sent, via first class mail, to the property owners on July 7, 2014 by Matthew Champion; and
4. Signs will be posted on the Subject Area(s) on July 7, 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 NA

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 1 day of July, 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-2014-02; 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 July 16, 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-2014-02 – (Clear Creek Road 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 16th day of July, 2014.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
CHARLIE MESSER, Chairman

ATTEST:

Terry Wilson, Clerk to the Board

[COUNTY SEAL]

Rezoning #R-2014-02 Clear Creek Road



Henderson County Planning Board
July 16, 2014

Presented by: Matt Champion, Planner

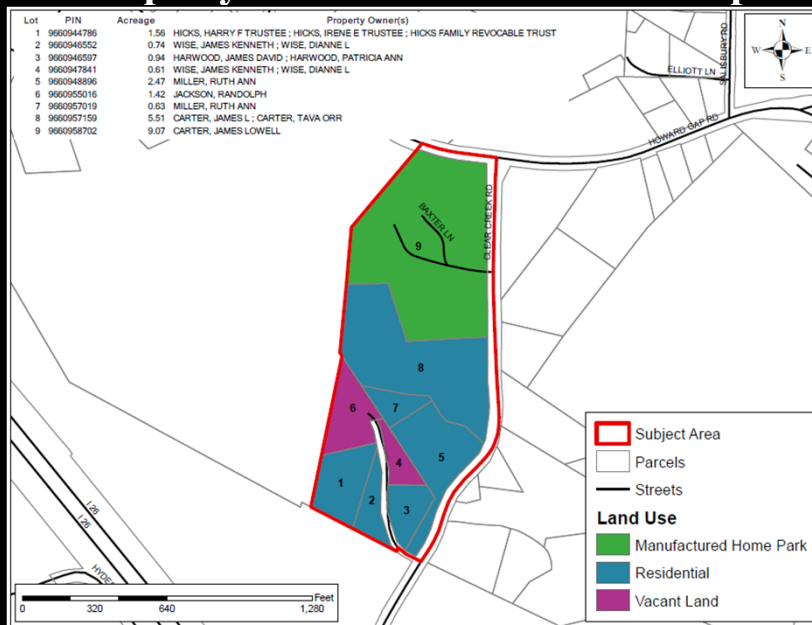
Henderson County Planning Department

Aerial Photo Map



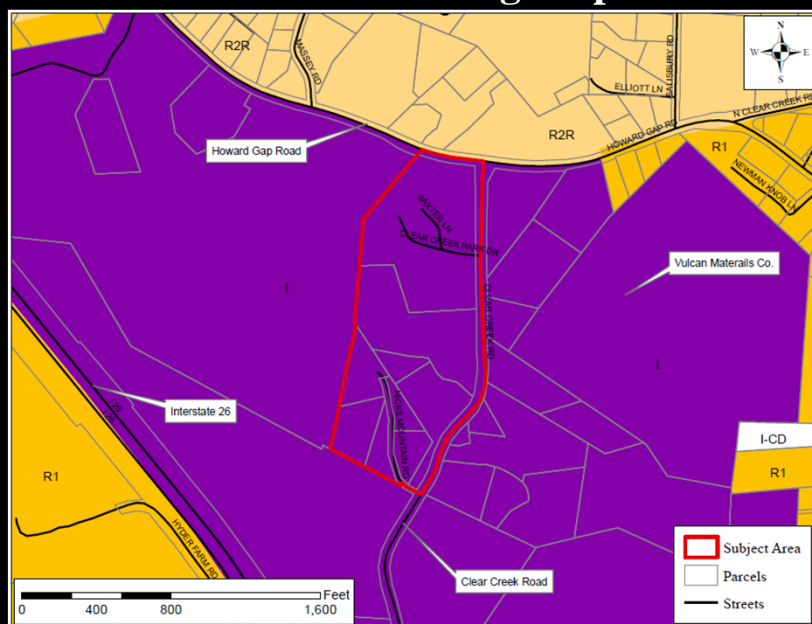
Henderson County Planning Department

Property Owners and Land Use Map



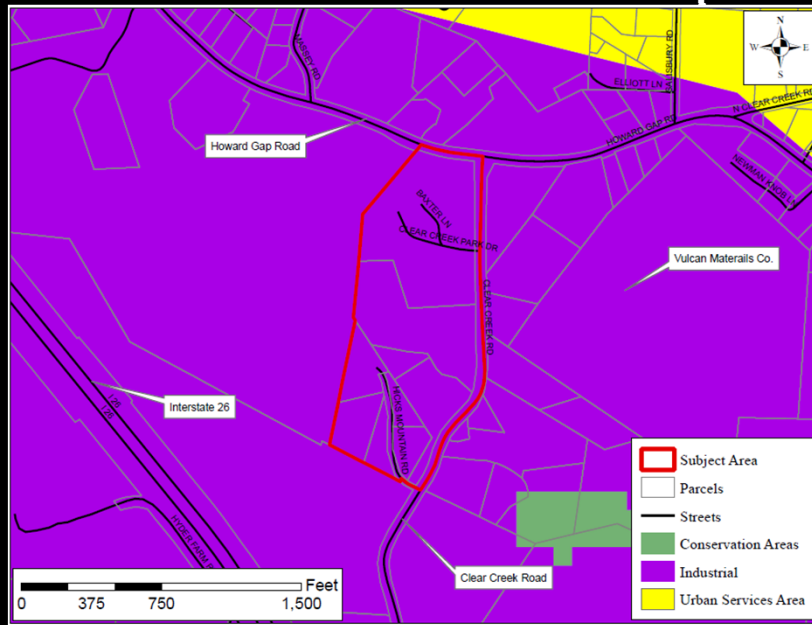
Henderson County Planning Department

Current Zoning Map



Henderson County Planning Department

2020 CCP Future Land Use Map



Henderson County Planning Department

Rezoning #R-2014-02

Public Hearing Comments



Rezoning #R-2014-02

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.

