

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: Wednesday, November 18, 2015

SUBJECT: Public Hearing for Rezoning Application #R-2015-03

PRESENTER: Kyle Guie, 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-2015-03, which was submitted on August 29, 2015 requests the County rezone approximately 9.28 acres. The applicant requests a rezoning from a Residential One (R1) to a Local Commercial (LC) zoning district. The subject area is owned by Patricia Johnson.

The Henderson County Planning Board considered rezoning application #R-2015-03 at its regularly scheduled meeting on September 24, 2015. During that meeting, the Planning Board voted unanimously to send forward a favorable recommendation on rezoning application #R-2015-03 to rezone the Subject Area to a Local Commercial (LC) zoning district.

PUBLIC NOTICE:

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §42A-314(C) and §42A-337(B) of the Henderson County Land Development Code and State Law, notices of the November 18, 2015, public hearing regarding rezoning application #R-2015-03 were published in the Hendersonville Tribune on November 5, 2015 and November 12, 2015. 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 October 27, 2015 and posted signs advertising the hearing on the Subject Area on November 4, 2015.

BOARD ACTION REQUESTED:

After holding the required hearing, Planning Staff recommends that the Board of Commissioners approve the application to rezone the Subject Area to a Local Commercial (LC) zoning district. State law requires that the Board adopt a written statement of consistency with the County Comprehensive Plan (CCP). A draft resolution is provided.

Suggested Motion:

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

I move that the Board adopt the proposed map amendment.

Henderson County Planning Department Staff Report

Rezoning Application #R-2015-03 (R1 to LC)

Patricia Johnson, Owner(s)
Patricia Johnson, Applicant

1. Rezoning Request

- 1.1. **Applicant:** Patricia Johnson
- 1.2. **Property Owner:** Patricia Johnson
- 1.3. **PIN:** 9579856437 and 9579854829
- 1.4. **Request:** Rezone subject area from a Residential One (R1) zoning district to a Local Commercial (LC) zoning district.
- 1.5. **Size:** Approximately 9.28 acres of land.
- 1.6. **Location:** The subject area is located on Sugarloaf Rd (SR 1902 approximately 400 feet west of of Piney Mountain Rd (SR 1006).

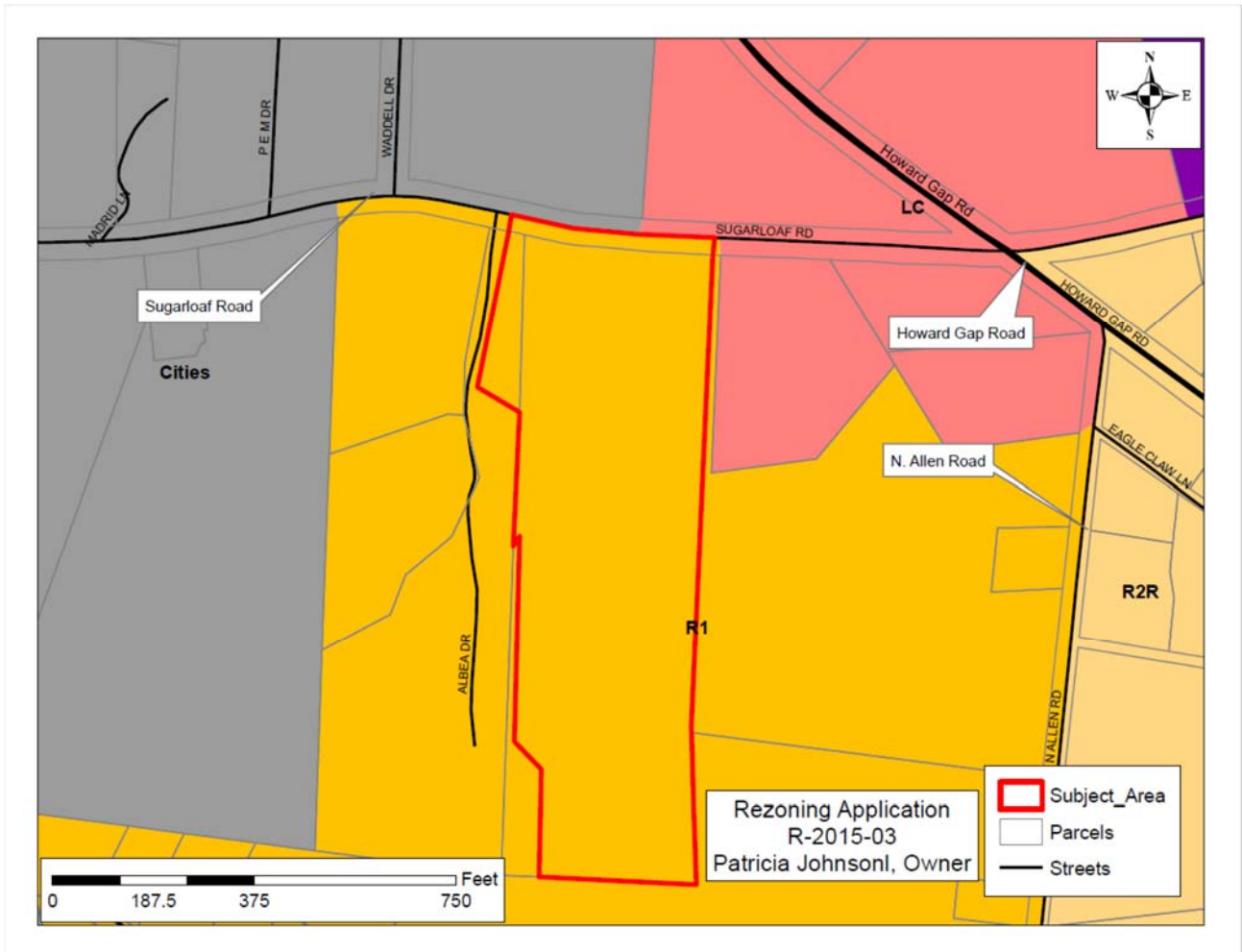
Map A: Aerial Photo



2. **Current Zoning**

2.1. **Application of Current Zoning:** The subject area was zoned Residential One (R1) on September 19, 2007 with the adoption of the Land Development Code. (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 Local Commercial (LC) to the east. Residential One (R1) zoning district surrounds the subject area to the West, South, and East. Municipal zoning is found on the northern edge.

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. Local Commercial (LC) Zoning District: *“The purpose of the Local Commercial District (LC) is to foster orderly growth where the principal use of land is commercial and residential. The intent of this district is to allow for commercial development consistent with the recommendations of the Comprehensive Plan. In accordance with the Comprehensive Plan, the district will allow for and provide commercial and residential developments that: (1) includes a variety of retail sales and services, public and private administrations, offices and all other uses done primarily for sale or profit on a local or neighborhood scale; (2) is directed largely to Community Service Centers as defined in the Comprehensive Plan; (3) is compatible with adjacent development and the surrounding community; and (4) will minimize congestion and sprawl. This general use district is meant to be utilized in all service areas”* (LDC §42A-33).

(1) Local Commercial LC (LC) requires 10 foot side and rear setbacks; (2) establishes a maximum building height of 40 feet; (3) Provides a 30,000 square feet maximum gross floor area for one unit in a multi-tenant structure, 10,000 square feet for any other commercial use or a single unit on a single lot, a maximum of 80,000 square feet for any multi-tenant structure, and a standard density of four (4) units per acre for residential (maximum sixteen (16) units per acre) (Chapter 42A, Land Development Code §42A-33)

3. Current Uses of Subject Area and Adjacent Properties

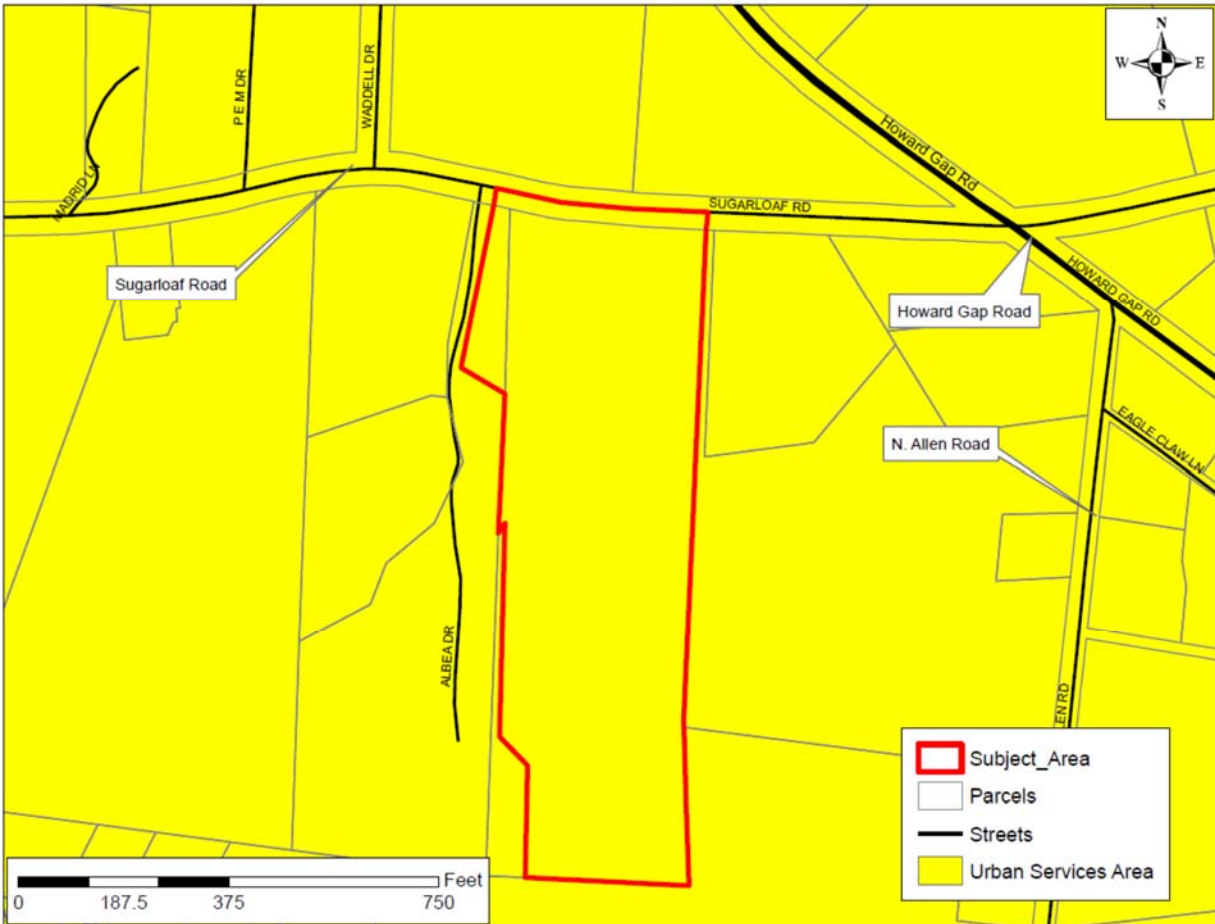
- 3.1. **Subject Area Uses:** The subject area is currently used for residential purposes.
- 3.2. **Adjacent Area Uses:** The surrounding properties contain both commercial and residential uses. Residential uses are found on the western, northern, and southern edges of the subject area. Commercial uses found to the east of the subject area.

4. The Henderson County 2020 Comprehensive Plan (CCP)

- 4.1. The CCP Future Land Use Map identifies the subject area as being located in the Urban Services Area (2020 CCP, Pgs. 128, 129 & Appendix 1, Map 24). (See Map C).
 - 4.1.1. **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).

Map C: 2020 County Comprehensive Plan Future Land Use Map

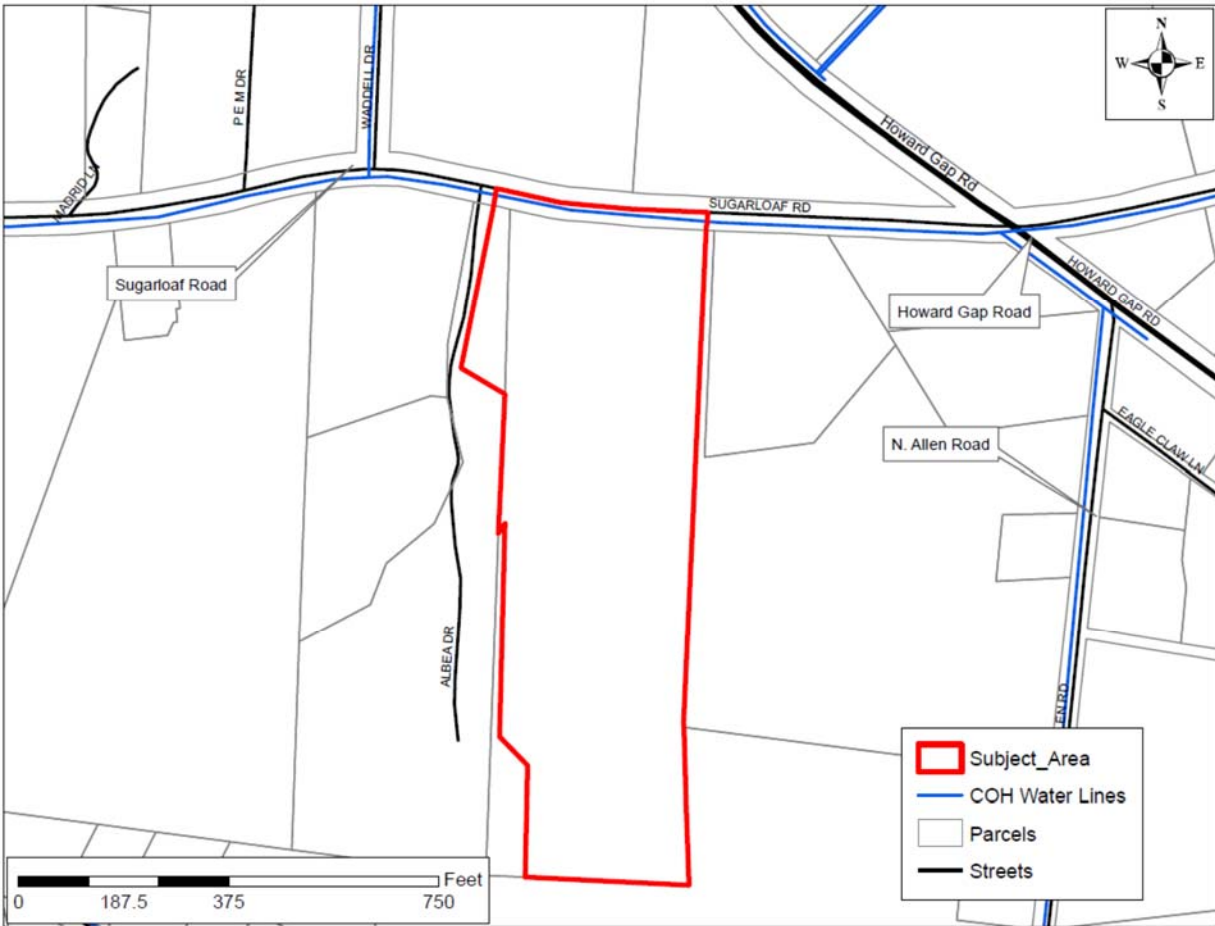


5. **Water and Sewer**

5.1. **Public Water:** A City of Hendersonville waterline runs along Sugarloaf Road.

5.2. **Public Sewer:** No public sewer lines are found near the subject area.

Map D: Water and Sewer Map



6. **Community Plan**

6.1. **Dana Community Plan:** The Dana Community Plan zoning recommendation which was adopted on November 19, 2014 recommended no change for the subject area in zoning.

7. **Staff Comments**

7.1. **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.

7.2. **Adjacent Zoning:** The subject area is adjacent to the Local Commercial (LC) zoning district to the north.

7.3. **Comparison of Districts:** The existing Residential One (R1) zoning district does not allow for all commercial uses in order to promote more residential uses, and areas of transition from residential to commercial. Applying the Local Commercial (LC) zoning district will allow for more types of commercial uses with the same standard residential density of 4 units per acre.

8. **Staff Recommendations**

8.1. Staff's position at this time, under the guidelines of current plans, policies and studies, is to offer multiple options for this property.

8.1.1. The subject area may be rezoned completely from Residential One (R1) to Local Commercial (LC).

8.1.2. The subject area may be partially rezoned from Residential One (R1) to Local Commercial (LC).

9. **Technical Review Committee Recommendations**

9.1. To Be Determined

10. **Planning Board Recommendations**

10.1. To Be Determined



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 -2015-03; 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 November 18, 2015; 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 -2015-03 Patricia Johnson) 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 18th day of November, 2015.

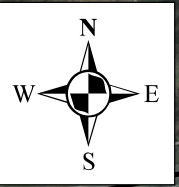
HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
THOMAS H. THOMPSON, Chairman

ATTEST:

Teresa Wilson, Clerk to the Board

[COUNTY SEAL]



Sugarloaf Road

Howard Gap Road

N. Allen Road

ALBEA DR

MADRID LN

P.E.M. DR

SUGARLOAF RD




Howard Gap Rd

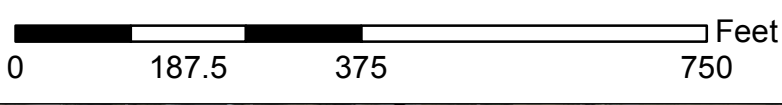
HOWARD GAP RD

EAGLE CLAW LN

N ALLEN RD

BEACH

 Subject_Area
 Streets
 Parcels



**NOTICE OF PUBLIC HEARING
ON PROPOSED ZONING MAP AMENDMENT
(Rezoning Requests #R-2015-03)**

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-2015-03, which was submitted on August 29, 2015 requests the County rezone approximately 9.28 acres. The applicant requests a rezoning from a Residential One (R1) to a Local Commercial (LC) zoning district. The subject area is owned by Patricia Johnson.

The public hearing will be held on Wednesday, November 18, 2015, 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.

Teresa Wilson
Clerk to the Board
Henderson County Board of Commissioners

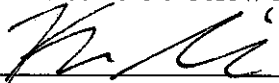
For publication in the Hendersonville Tribune on Thursday, November 5, 2015 and Thursday, November 12, 2015.

Certification of Notice of Public Hearing

In accordance with NCGS 153A-343 the Planning Department certifies notice of the November 18, 2015 hearing regarding Rezoning Application #R-2015-03 were:

1. Submitted to the Hendersonville Tribune on October 29, 2015 to be published on November 5, 2015 and November 12, 2015 by Kyle Guie;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on October 27, 2015 by Kyle Guie;
3. Sent, via first class mail, to the property owners on October 27, 2015 by Kyle Guie; and
4. Signs will be posted on the Subject Area(s) on November 4, 2015 by Kyle Guie.

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

1. 

STATE OF NC

COUNTY OF STURM

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

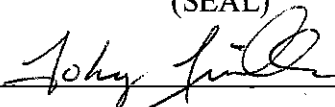
Kyle Guie, and _____

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 5 day of NOVEMBER, 2015.

My commission expires:

5/25/16

(SEAL)


NOTARY PUBLIC

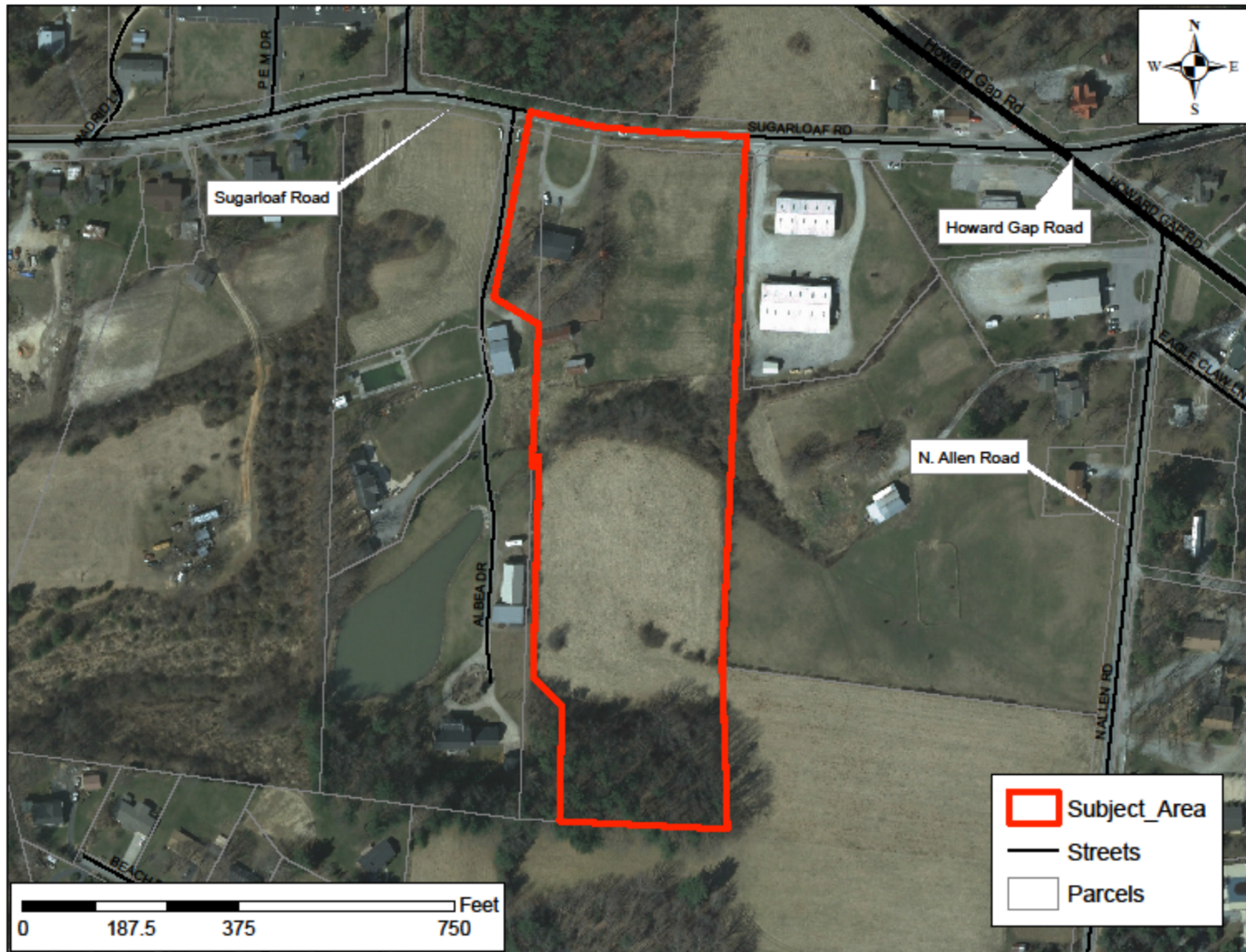
Rezoning #R-2015-03 Patricia Johnson



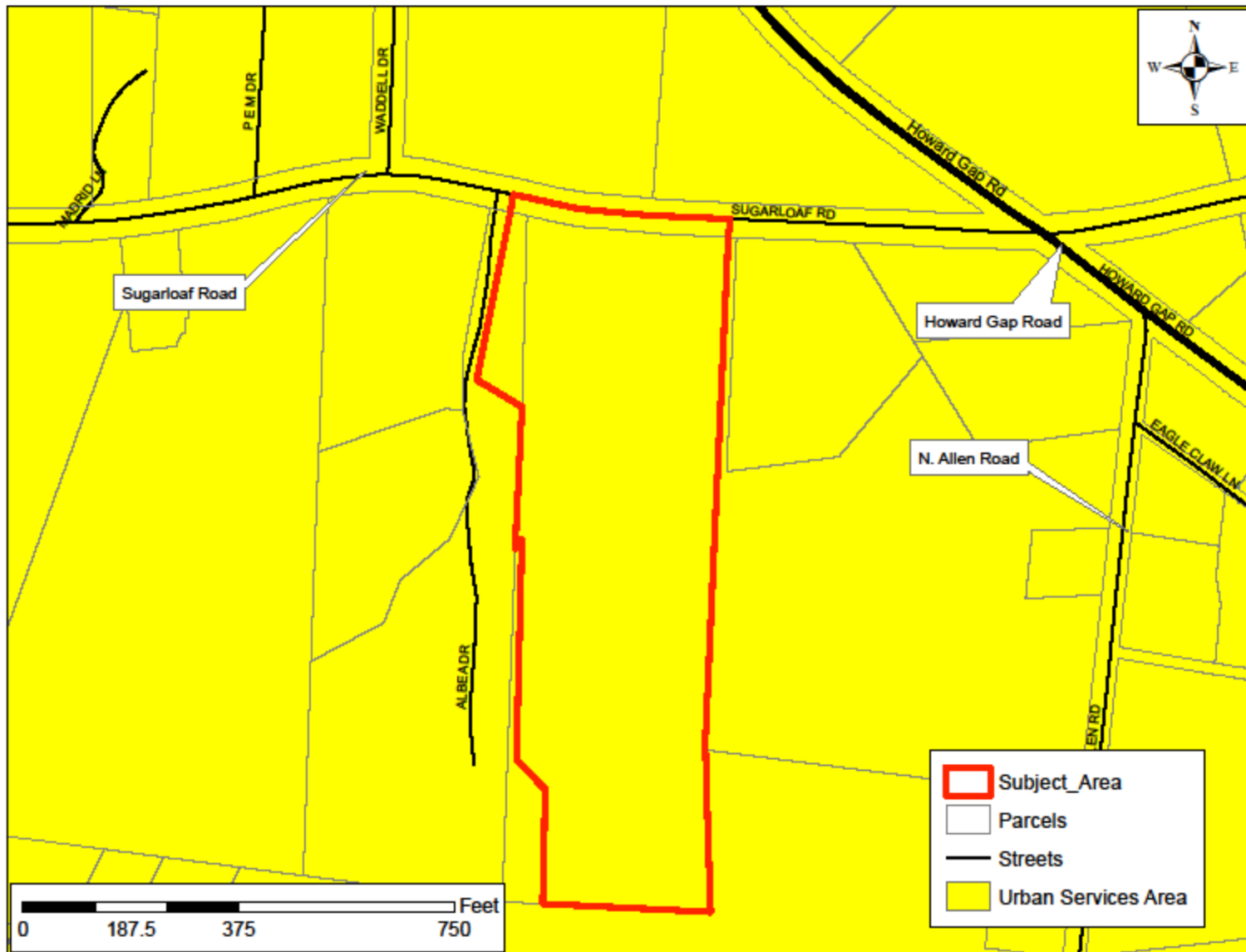
Henderson County Planning Board
September 24, 2015

Henderson County Planning Department

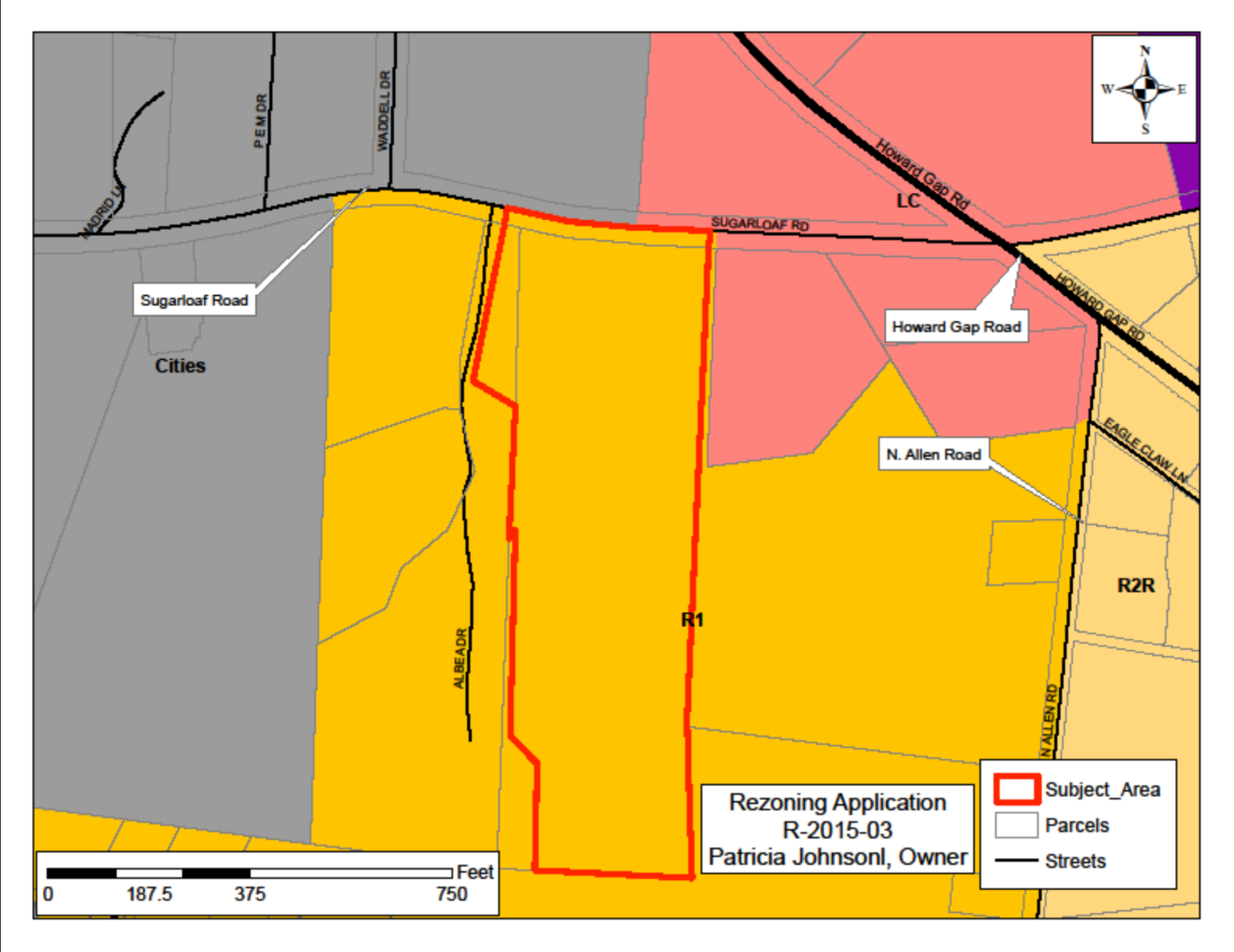
Aerial Photo Map



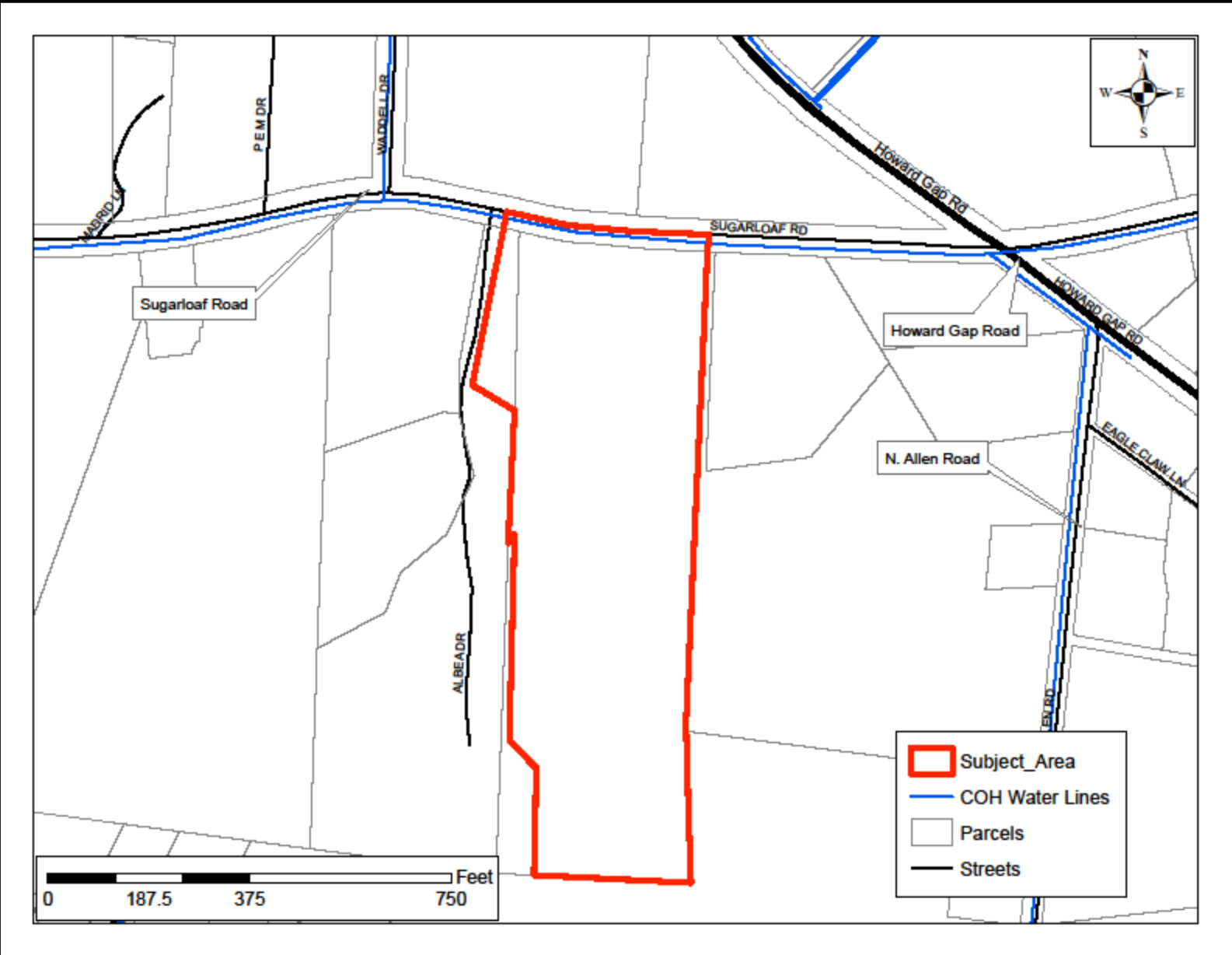
2020 CCP Future Land Use Map



Current Zoning Map



Public Utilities



Pictometry



© 2013 Pictometry

Henderson County Planning Department

Rezoning #R-2015-03

Public Hearing Comments



Rezoning #R-2015-03

State Law requires Board adopt a written statement of consistency with the County Comprehensive Plan (CCP). A draft resolution is provided

Suggested Motion:

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