

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: Monday, December 5, 2016

SUBJECT: Public Hearing for Rezoning Application #R-2016-02

PRESENTER: Brian Burgess, 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-2016-02 which was initiated on August 8, 2016 at the request of applicants and agents, Mr. Cam Boyd and Glassy Mountain Partners, LLC, who requests the County rezone approximately 1.74 acres of land (thereafter the "Subject Area") from Residential One (R1) zoning to Community Commercial (CC) zoning.

The Henderson County Planning Board considered rezoning application #R-2016-02 at its regularly scheduled meeting on November 17, 2016. During that meeting, the Planning Board voted unanimously to send forward a favorable recommendation to rezone the Subject Area to a Community Commercial (CC) 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 December 5, 2016, public hearing regarding rezoning application #R-2016-02 were published in the Hendersonville Lightning on November 17, 2016 and December 1, 2016. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area on November 17, 2016 and the Subject Area property owners on November 18, 2016 and posted signs advertising the hearing on the Subject Area on November 21, 2016.

BOARD ACTION REQUESTED:

If approved, 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 (approve, approve with conditions or deny) rezoning application #R-2016-02 to rezone the Subject Area to a Community Commercial (CC) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan and other supporting information.

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

Henderson County Planning Department Staff Report

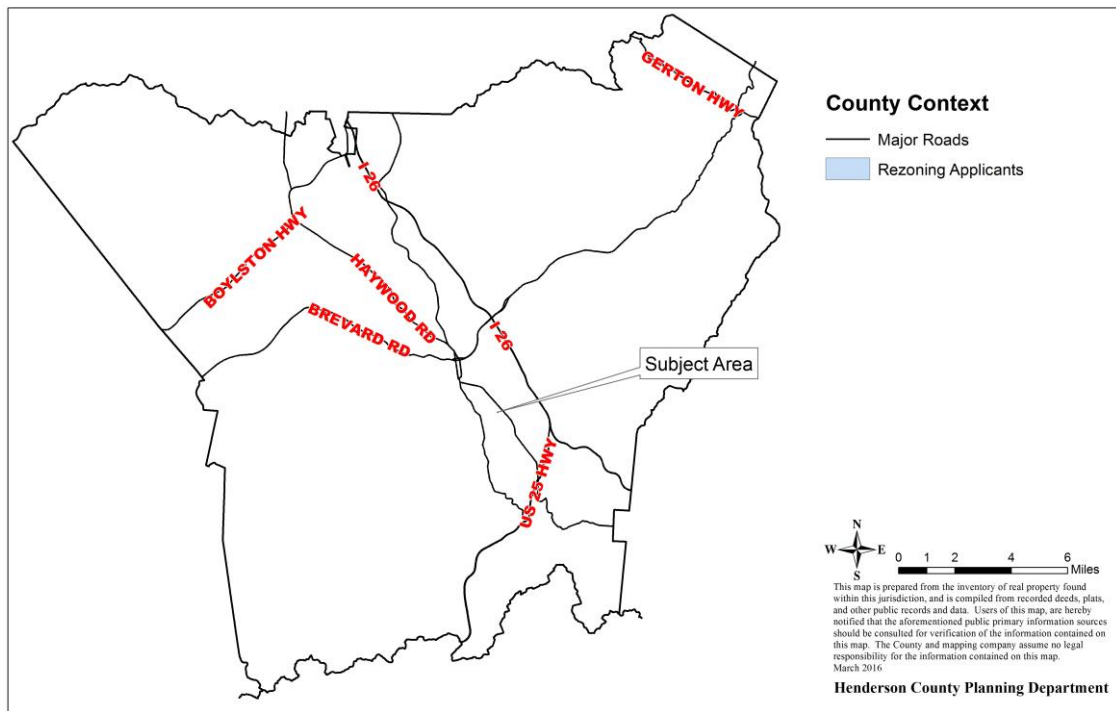
Rezoning Application #R-2016-02 (R1 to CC)

**Boyd, L C Jr.; Boyd Sarah C; Glassy Mountain Partners LLC, Owner(s)
Cam Boyd, Applicant/Agent**

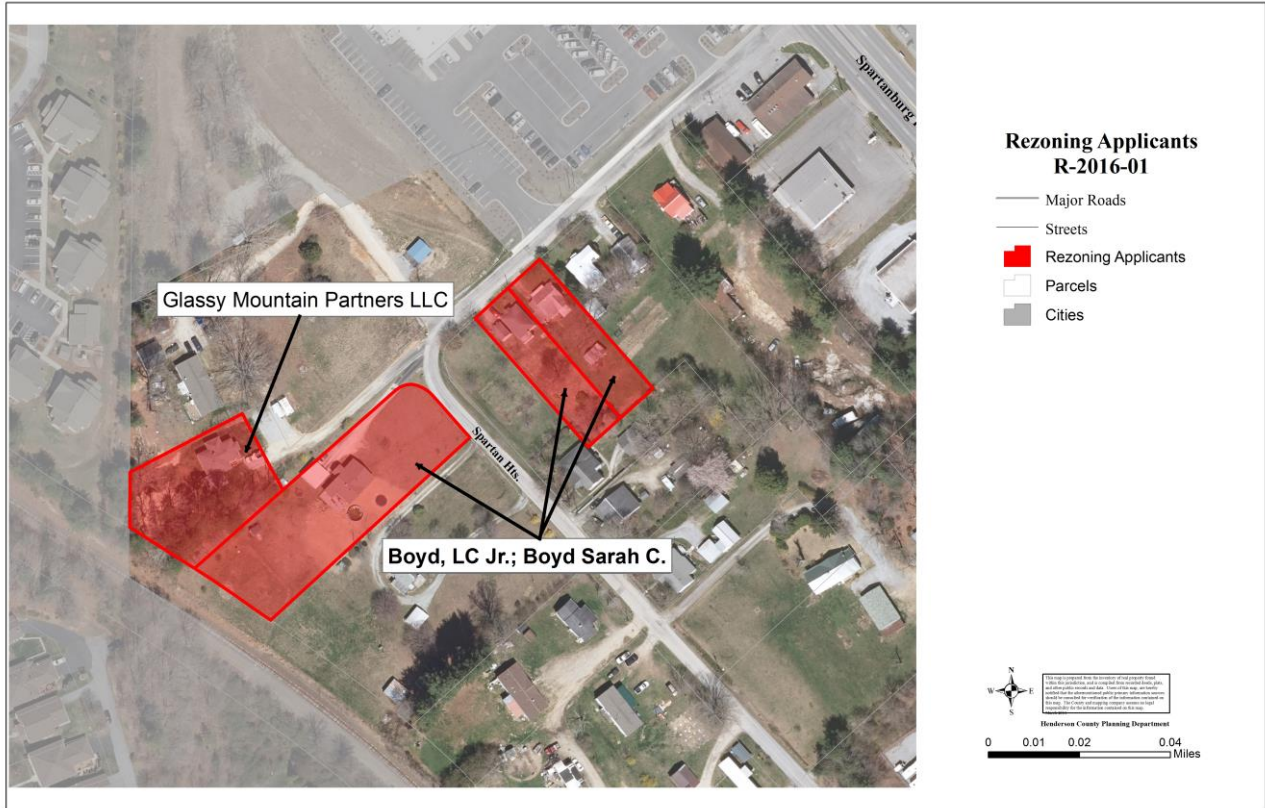
1. Rezoning Request

- 1.1. **Applicant/Agent:** Cam Boyd
- 1.2. **Property Owners:** Boyd, L C Jr.; Boyd Sarah C; Glassy Mountain Partners LLC
- 1.3. **PINs:** 9577594174, 9577593179, 9577597342, 9577597208
- 1.4. **Request:** Rezone subject area from a Residential One (R1) zoning district to a Community Commercial (CC) zoning district.
- 1.5. **Size:** Approximately 1.74 acres of land
- 1.6. **Location:** The subject area is located next to Boyd Chevrolet on Spartan Hts. Refer to map A for a County Context map and map B for an aerial photo map.

Map A: County Context



Map B: Aerial Photo



2. Current Zoning

2.1. **Application of Current Zoning:** The subject area is currently zoned as Residential One (R1)

2.2. **Adjacent Zoning:** The subject area is adjacent to Community Commercial (CC) to the North. Residential One (R1) to the West and South, and City Zoning (a mixture of Planned Residential and Commercial Districts) to the West.

2.3. District Comparison:

2.3.1. **Residential One (R1) District:** “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).

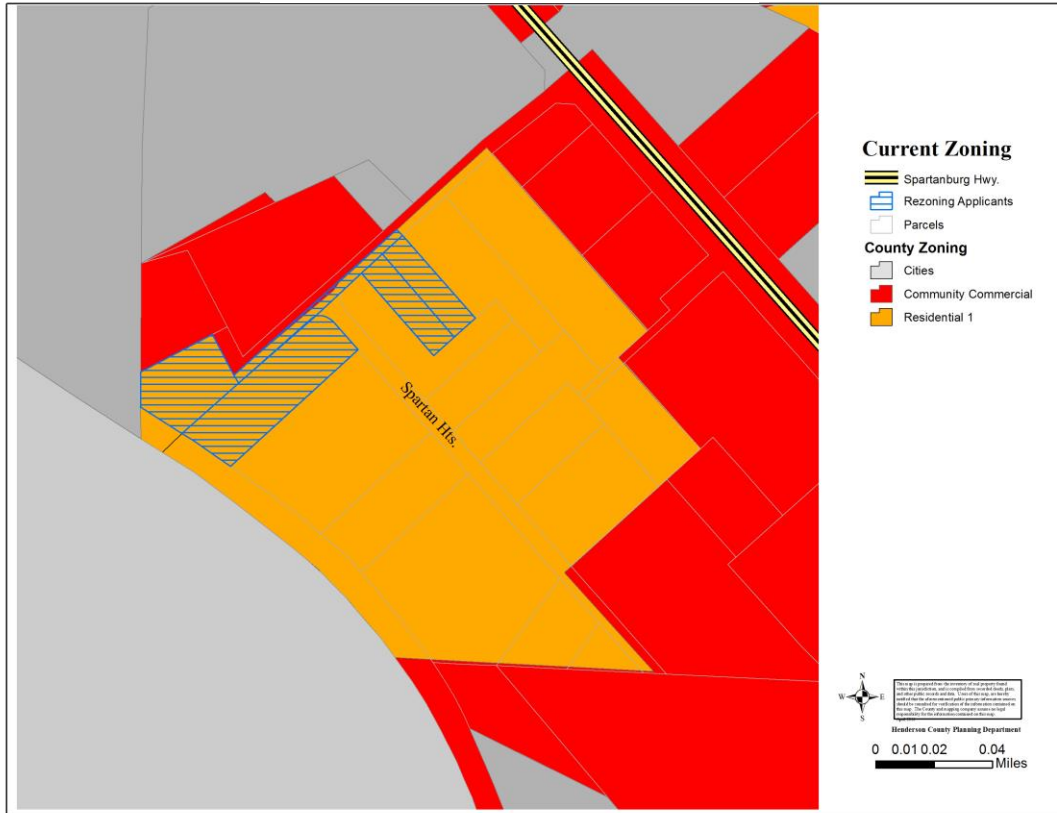
1) R1 requires 10 foot side and rear setbacks, maximum height 40 feet, and a standard density of four (4) units per acre (maximum density of 16 units per acre).

2.3.2. The purpose of the Community Commercial District (CC) is to foster orderly growth where the principal use of land is commercial. 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 development 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 the local and community level; (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 areas designated as Transitional (RTA) or Urban (USA) in the Comprehensive Plan

1. CC requires 10 foot side and rear setbacks, maximum height 50 feet, and a residential density of 16 units per acre.

Map C: Current Zoning



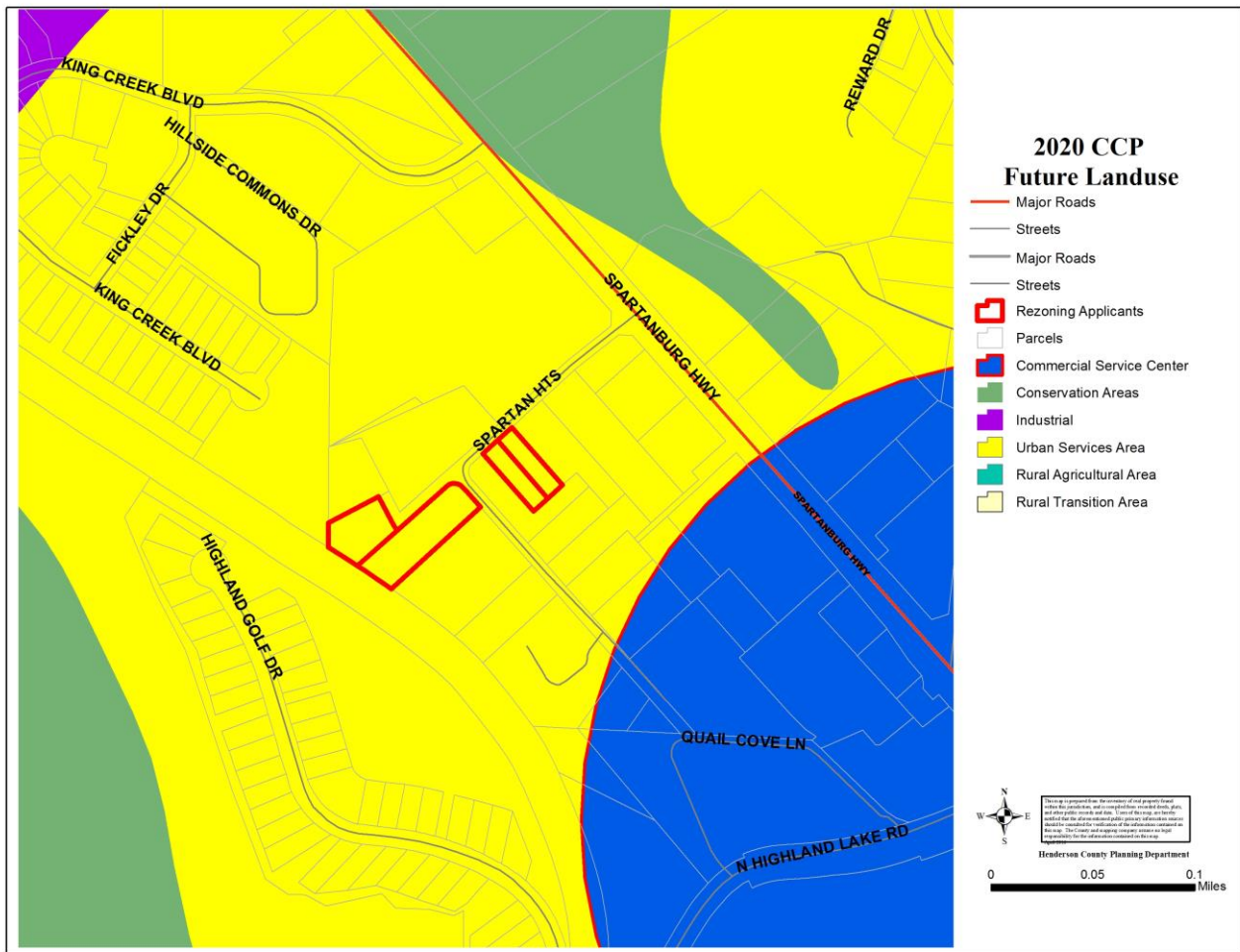
3. Current Uses of Subject Area and Adjacent Properties

- 3.1. **Subject Area Uses:** The subject area is primarily used for residential purposes with 2 stick built homes and one manufactured home on the subject area.
- 3.2. **Adjacent Area Uses:** The surrounding properties contain primarily residential and commercial uses.

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. 129 & Appendix 1, Map 24). (See Map D).

Map D: 2020 County Comprehensive Plan Future Land Use Map



- 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.” (2020 CCP, Pg. 129).
- 4.2. The CCP recommended the creation of community based planning to more strategically identify the opportunities and constraints of communities within the County.
 - 4.2.1. “The next step in the County’s approach to planning at the sub-county level is the establishment of a community based planning process. This process builds upon the LURG by establishing a series of defined planning areas that will be the subject of detailed community plans. Such a process allows for advance project planning and budgeting, avoids geographic gaps, and allows for a scope of study that is more comprehensive in nature” (2020 CCP, Pg. 149).

4.2.2. “Community Planning Framework Henderson County 2020 Comprehensive Plan. The adoption of each community plan shall constitute an amendment to this Comprehensive Plan. Each community plan shall be informed by the various detailed studies envisioned in Section 3 of this Comprehensive Plan (i.e., sewer and water master plan, long-range public school facilities master plan, and others.). Furthermore, community plans may identify needed improvements to these studies and so revisions to such should be made as necessary” (2020 CCP, Pg. 150).

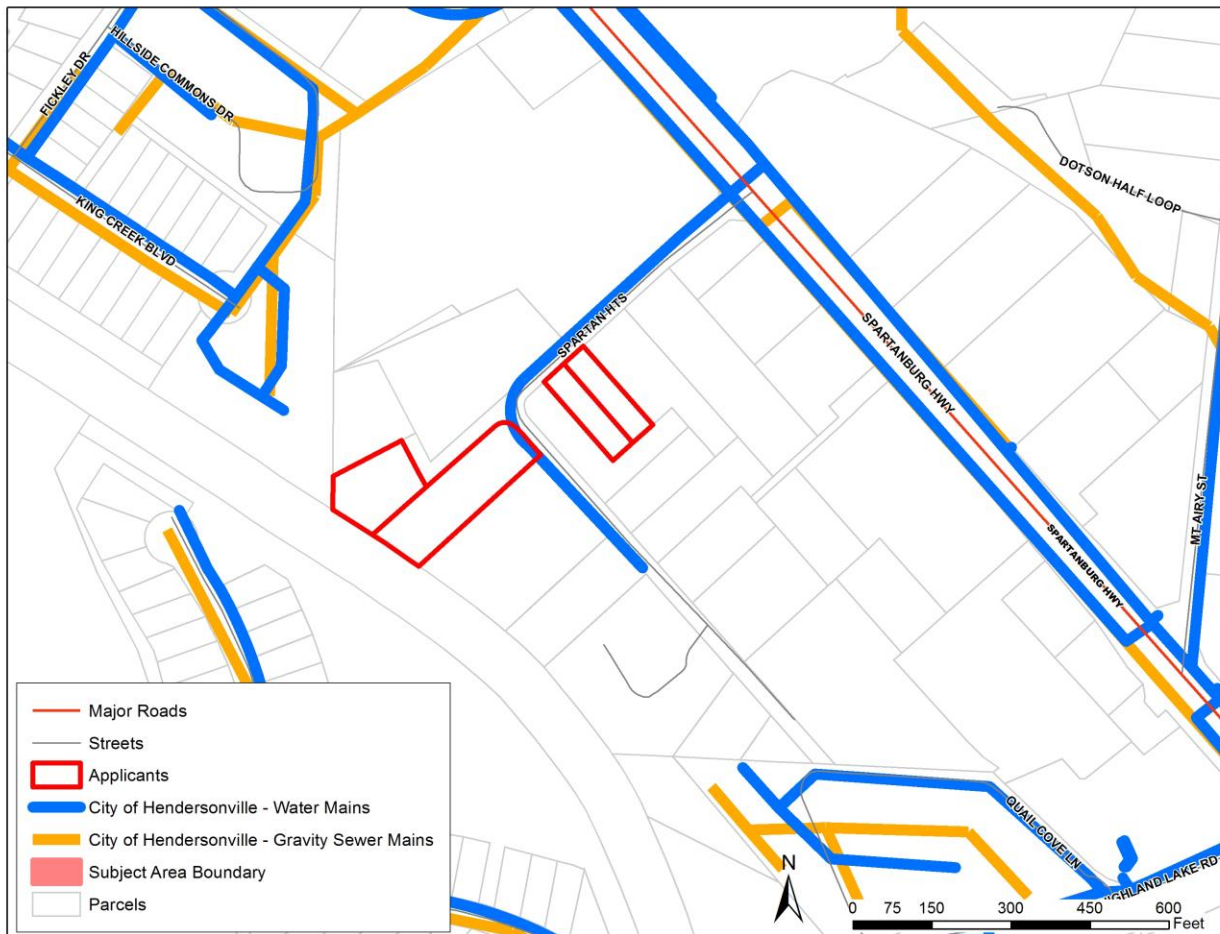
5. East Flat Rock Community Plan

5.1. The East Flat Rock (EFR) Community Plan is currently in development. Suggestions for zoning in this community have yet to be determined, however, the committee has reviewed this rezoning request and have no objections.

5. Water and Sewer

- 5.1. **Public Water:** City of Hendersonville water main runs along Spartan Heights adjacent to the subject area.
- 5.2. **Public Sewer:** City of Hendersonville gravity sewer main runs along Spartanburg Hwy. and King Creek Blvd. within 300 ft. of the subject area.

Map H: Water and Sewer Map



6. Staff Comments

- 6.1. **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 suggest that the Subject Area would be suitable for commercial development.
- 6.2. **Adjacent Zoning:** The subject area is adjacent to Community Commercial (CC) to the West and North. Residential One (R1) to the South, City Zoning (a mixture of Planned Residential and Commercial Districts) to the West.
- 6.3. **Comparison of Districts:** The existing Residential 1 (R1) zoning district does not allow for new commercial development. Applying the Community Commercial (CC) zoning district will allow for commercial development.

7. Staff Recommendations

- 7.1. It is staff's position that the Subject Area is suited for commercial development based upon previous planning efforts and recommendations, in addition to its adjacent position to CC zoning.
 - 7.1.1. The 2020 Henderson County Comprehensive Plan identifies the Subject Area as being within the Urban Services Area (USA). The USA "will contain considerable commercial development at a mixture of scales: Local, Community, and Regional, as defined below." (CCP 2020, Pg. 133).

8. Technical Review Committee Recommendations

- 8.1. TRC received the application at it's meeting on Oct. 4th, 2016 and voted unanimously to send forth a favorable recommendation.

9. Planning Board Recommendations

- 9.1. The Planning Board received the application at it's meeting on Nov. 17th, 2016 and voted unanimously to send forth a favorable recommendation.



Rezoning Applicants R-2016-01

Major Roads

Streets

Rezoning Applicants

Parcels

Cities



This map is prepared from the best available data, including aerial photography, maps, and other public records and data. Users of this map are hereby notified that the aforementioned public information sources are not guaranteed to be accurate and that the County assumes no legal responsibility for the information contained on this map.

Henderson County Planning Department

0 0.01 0.02 0.04 Miles

**NOTICE OF PUBLIC HEARING
ON PROPOSED ZONING MAP AMENDMENT
(Rezoning Requests #R-2016-02)**

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-2016-02, which was submitted on August 8, 2016, requests the County rezone approximately 1.74 acres. The applicant requests a rezoning from a Residential One (R1) to Community Commercial (CC) zoning district. The subject area is owned by Glassy Mountain Partners, LLC, Boyd, L C Jr. and Boyd Sarah C, and the applicant is the Cam Boyd. The properties are located on Spartan Heights (SR 1780) near Boyd Chevrolet on Spartanburg Hwy (Hwy 176). The PINs for each parcel included are: 9577594174, 9577593179, 9577597342, and 9577597208.

The public hearing will be held on Monday, December 5, 2016, 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. 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 Lightning on Thursday, November 17, 2016 and Thursday, December 1, 2016.

Certification of Notice of Public Hearing

In accordance with NCGS 153A-343 the Planning Department certifies notice of the December 5, 2016 hearing regarding Rezoning Application #R-2016-02 were:

1. Submitted to the Hendersonville Lightning on November 10, 2016 to be published on November 17, 2016 and December 1, 2016 by Brian Burgess;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on November 17, 2014 by Brian Burgess;
3. Sent, via first class mail, to the property owners on November 18, 2014 by Brian Burgess; and
4. Signs will be posted on the Subject Area(s) on November 21, 2014 by Brian Burgess.

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

1. [Signature]

STATE OF North Carolina
COUNTY OF Henderson

I, Denisa A Lauffer, a Notary Public, in and for the above County

and State, do hereby certify that

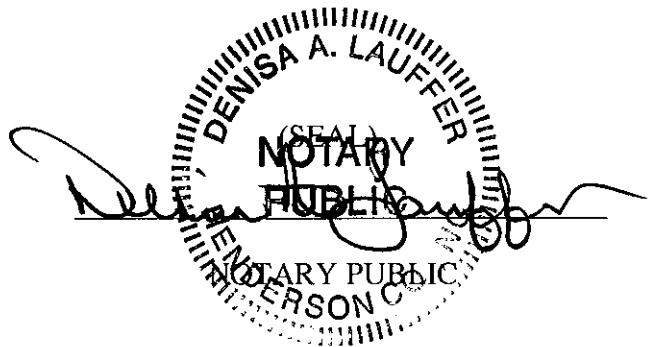
Brian Burgess, and _____

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 18th day of November, 2016.

My commission expires:

November 12, 2021





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-2016-02; 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 December 5, 2016; 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-2016-02 applicant/agent Glassy Mountain Partners, LLC) and finds that it is 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 5th day of December, 2016.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
THOMAS H. THOMPSON, Chairman

ATTEST:

Teresa Wilson, Clerk to the Board

[COUNTY SEAL]

Rezoning #R-2016-02 Glassy Mountain Partners, LLC



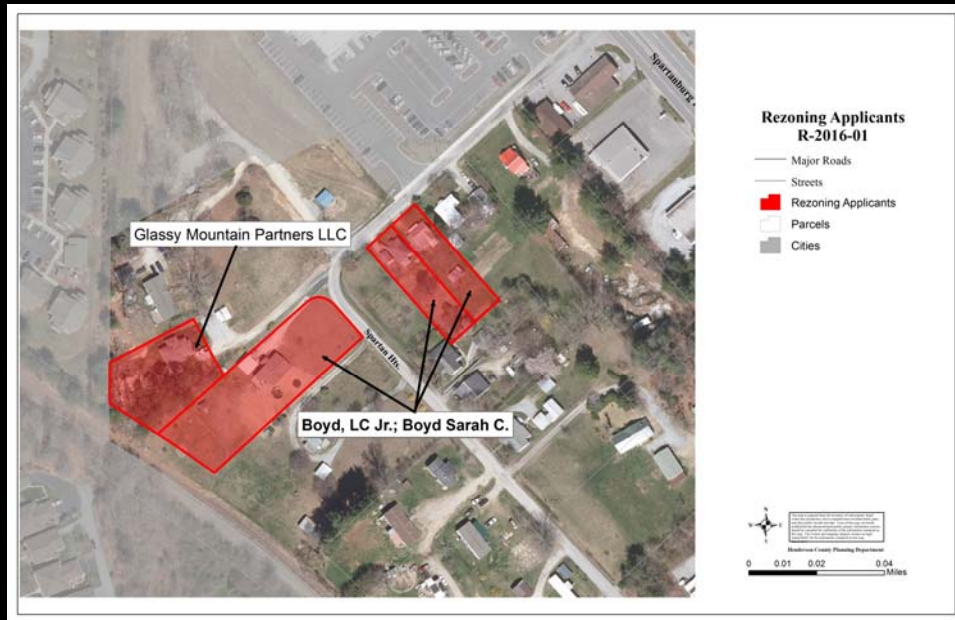
Henderson County Board of Commissioners
December 5, 2016

Henderson County Planning Department

Application Summary

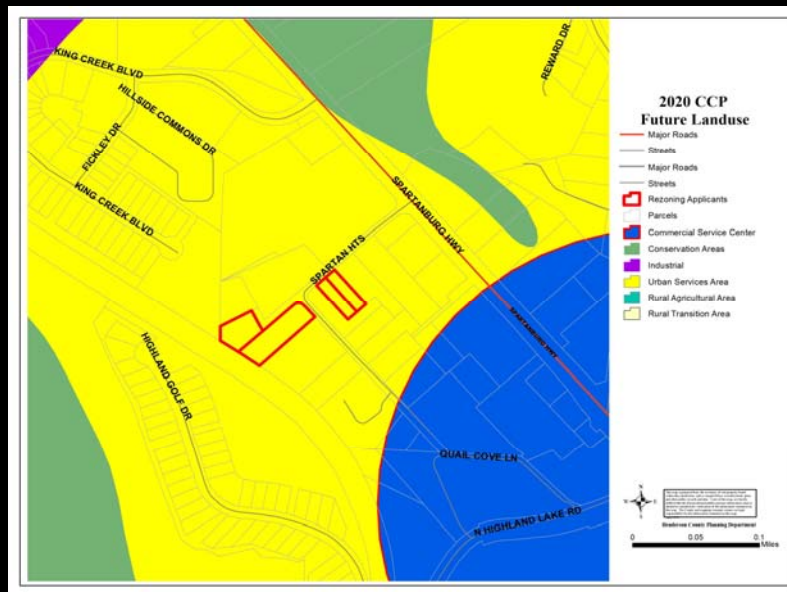
- Rezoning Request: R-2016-02
- Submitted on August 8, 2016
- Applicant/Agent: Mr. Cam Boyd
- Rezone from Residential One (R1) Zoning to Community Commercial (CC) Zoning
- 1.74 acres
- 4 parcels
- 3 landowners

Aerial Photo Map



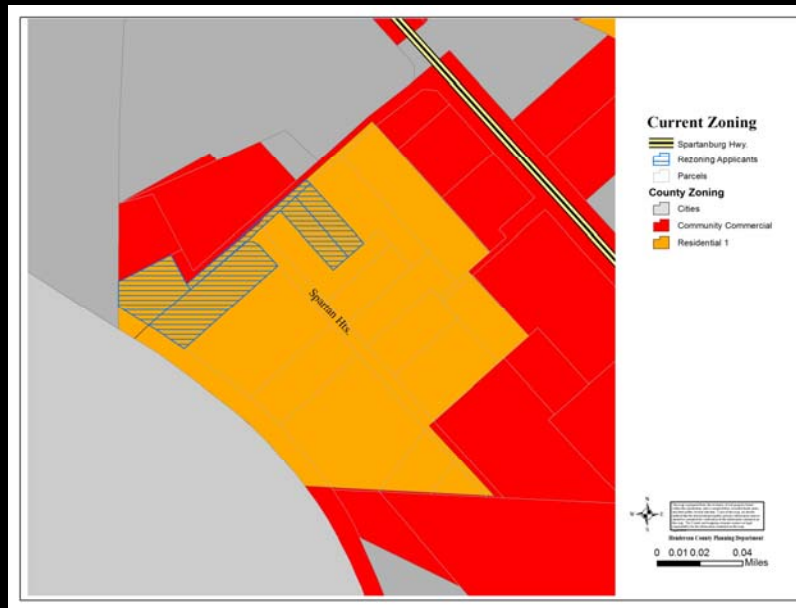
Henderson County Planning Department

2020 CCP Future Land Use Map



Henderson County Planning Department

Current Zoning Map



Henderson County Planning Department

Public Utilities



Henderson County Planning Department

Rezoning #R-2016-02

Questions

