

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** Monday, February 6, 2017

**SUBJECT:** Public Hearing for Rezoning Application #R-2016-04

**PRESENTER:** Autumn Radcliff, Senior 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-2016-04, which was initiated on November 3, 2016 at the request of applicant, Philip Fisher, who requests the County rezone approximately 3.53 acres of land (hereafter the "Subject Area") from an Estate Residential (R-40) zoning district to a Residential Two Rural (R2R) zoning district.

The Henderson County Planning Board considered rezoning application #R-2016-04 at its regularly scheduled meeting on December 15, 2016. During that meeting, the Planning Board voted unanimously to send forward a favorable recommendation to rezone the Subject Area to a 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 February 6, 2017, public hearing regarding rezoning application #R-2016-04 were published in the Hendersonville Lightning on January 25, 2017 and February 1, 2017. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area on January 13, 2017 and the Subject Area property owners on January 13, 2017 and posted signs advertising the hearing on the Subject Area on January 23, 2017.

#### **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-2016-04 to rezone the Subject Area to a Residential Two Rural (R2R) 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.

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## Henderson County Planning Department Staff Report

### Rezoning Application #R-2016-04 (R-40 to R2R)

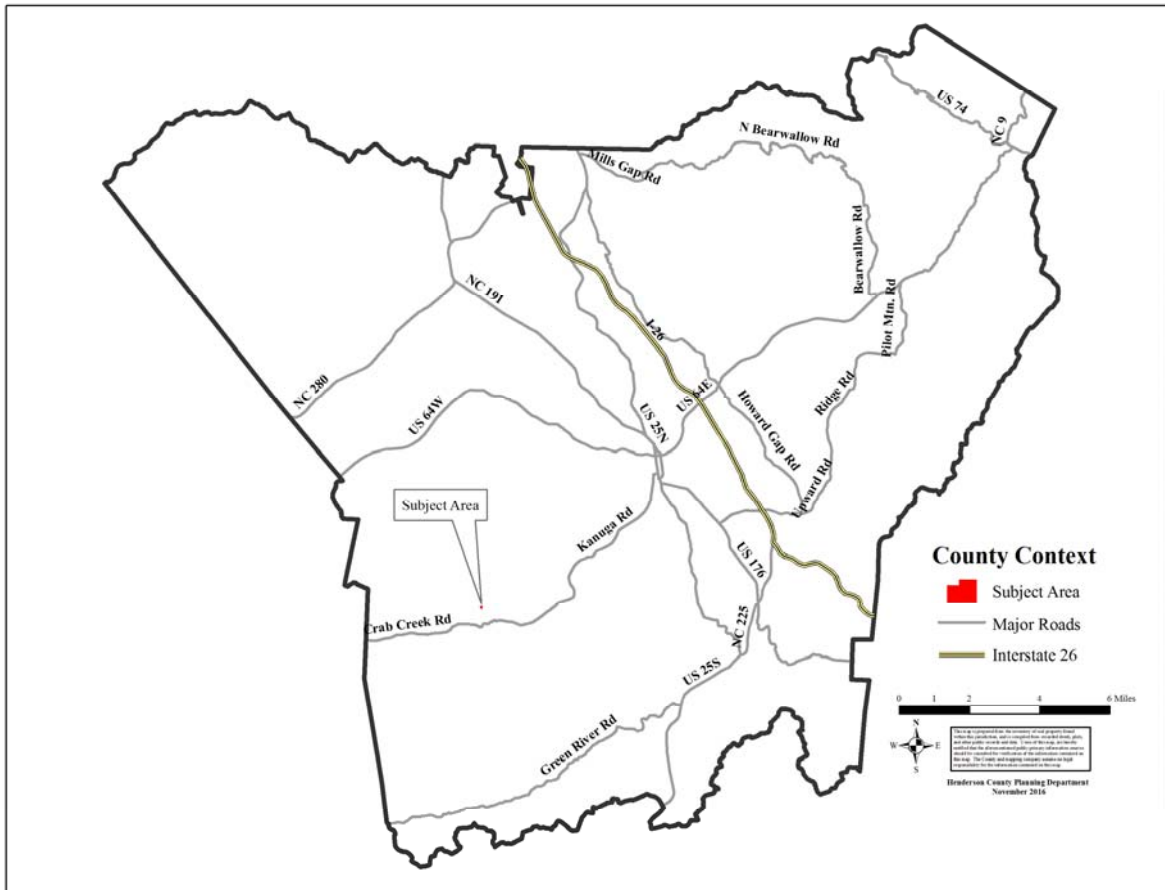
**Owner**  
**Philip Fisher**

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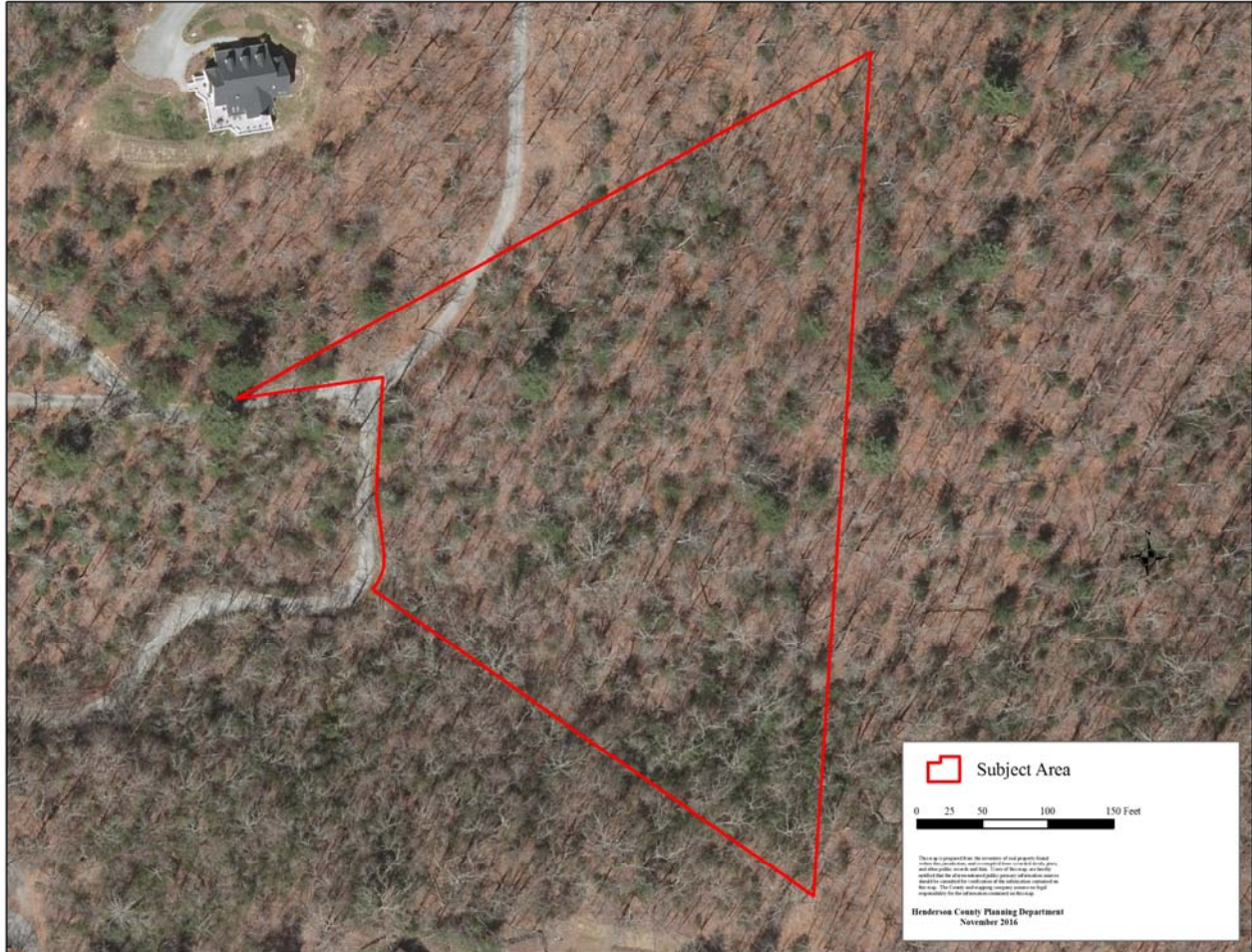
#### 1. Rezoning Request

- 1.1. **Applicant:** Philip Fisher
- 1.2. **Property Owner:** Philip Fisher
- 1.3. **PIN:** 9546152833
- 1.4. **Request:** Rezone subject area from an Estate Residential (R-40) zoning district to a Residential Two Rural (R2R) zoning district.
- 1.5. **Size:** Approximately 3.53 acres of land
- 1.6. **Location:** The subject area is located on Deer Meadow Lane north of Crab Creek Road. Refer to map A for a County Context map and map B for an aerial photo map.

**Map A: County Context**



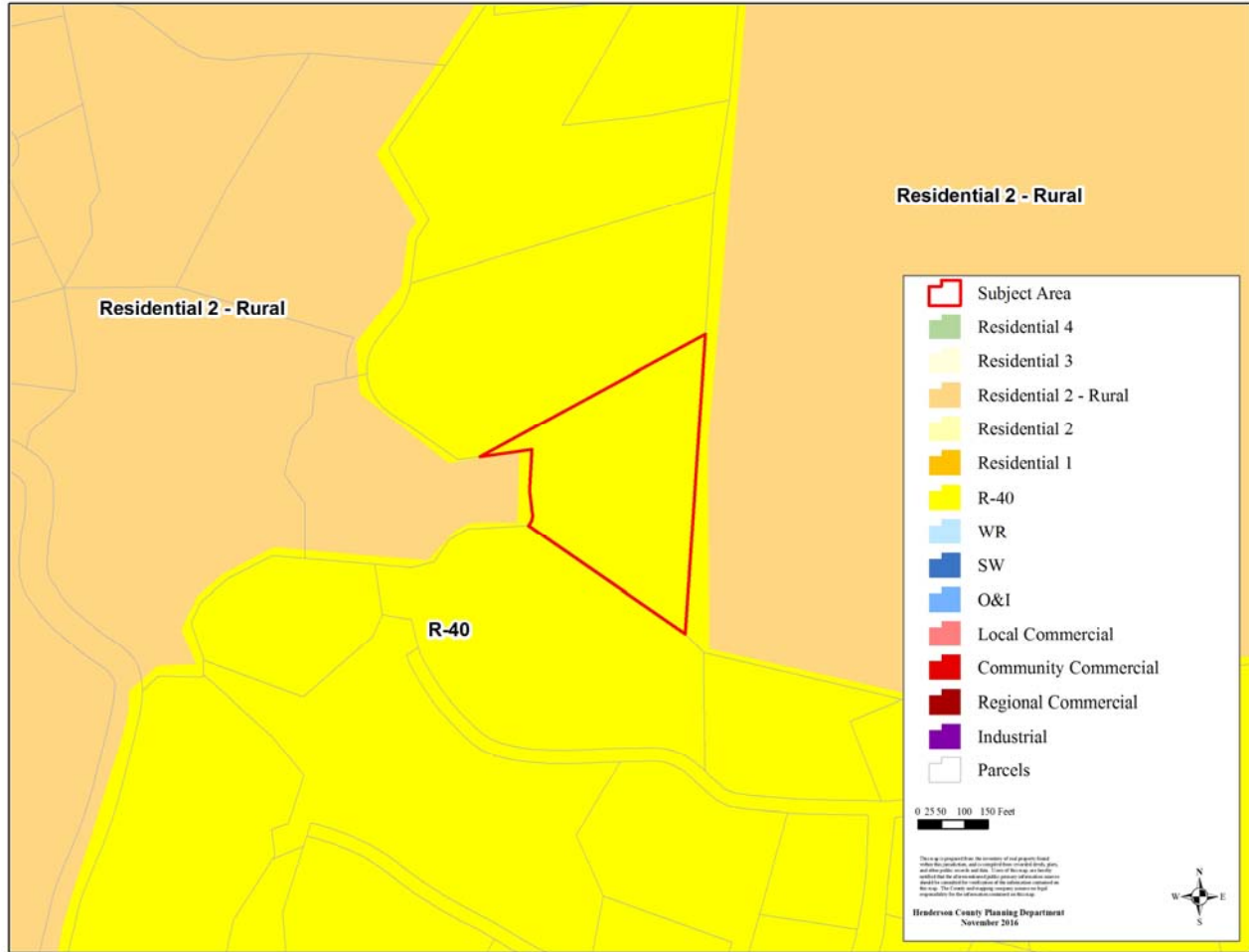
**Map B: Aerial Photo**



**2. Current Zoning**

2.1. **Application of Current Zoning:** The subject area is currently zoned Estate Residential (R-40) (See Map C).

**Map C: Current Zoning**



2.2. **Adjacent Zoning:** The subject area is adjacent to Residential Two Rural (R2R) to the west and east and Estate Residential (R-40) to the north and south.

**2.3. District Comparison:**

2.3.1. **Estate Residential (R-40) District:** The Estate Residential District (R-40) is established to maintain the zoning in place prior to the adoption of this Chapter 200A. This district is established as a district in which the principal use of the land is for low-density residential use. This district is intended to ensure that residential development not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at a sufficiently low density to provide a healthful environment. This district is also intended to be a quiet, low-density neighborhood consisting of single-family residences. The R-40 District shall not be extended from the locations designated on the Official Zoning Map, nor shall new R-40 District areas be designated except where initiated by the

Board of Commissioners or Planning Board. The R-40 District may be altered or removed with the completion of Community Plans.

2.3.2. **Residential Two Rural (R2R) District:** 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 and rural commercial and light industrial development consistent with the recommendations of the Comprehensive Plan. This general use district is typically meant to be utilized in areas designated as Transitional (RTA) in the Comprehensive Plan.

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

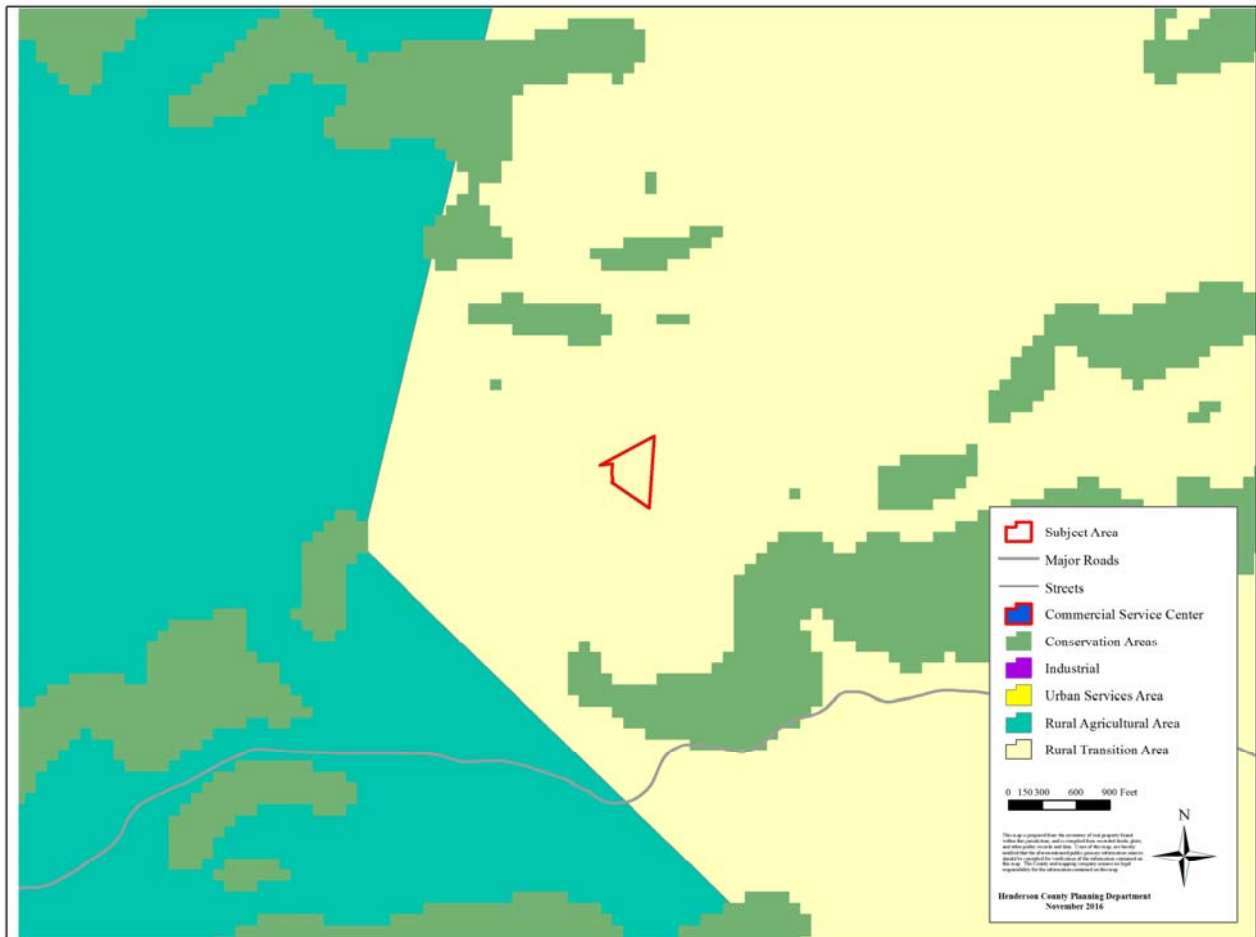
3.1. **Subject Area Uses:** The subject area is currently wooded and vacant.

3.2. **Adjacent Area Uses:** The surrounding properties are mainly residential uses and a camp is adjacent on the east side 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 Rural Transition Area (RTA) (2020 CCP, Pgs. 134& Appendix 1, Map 24). (See Map D).

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



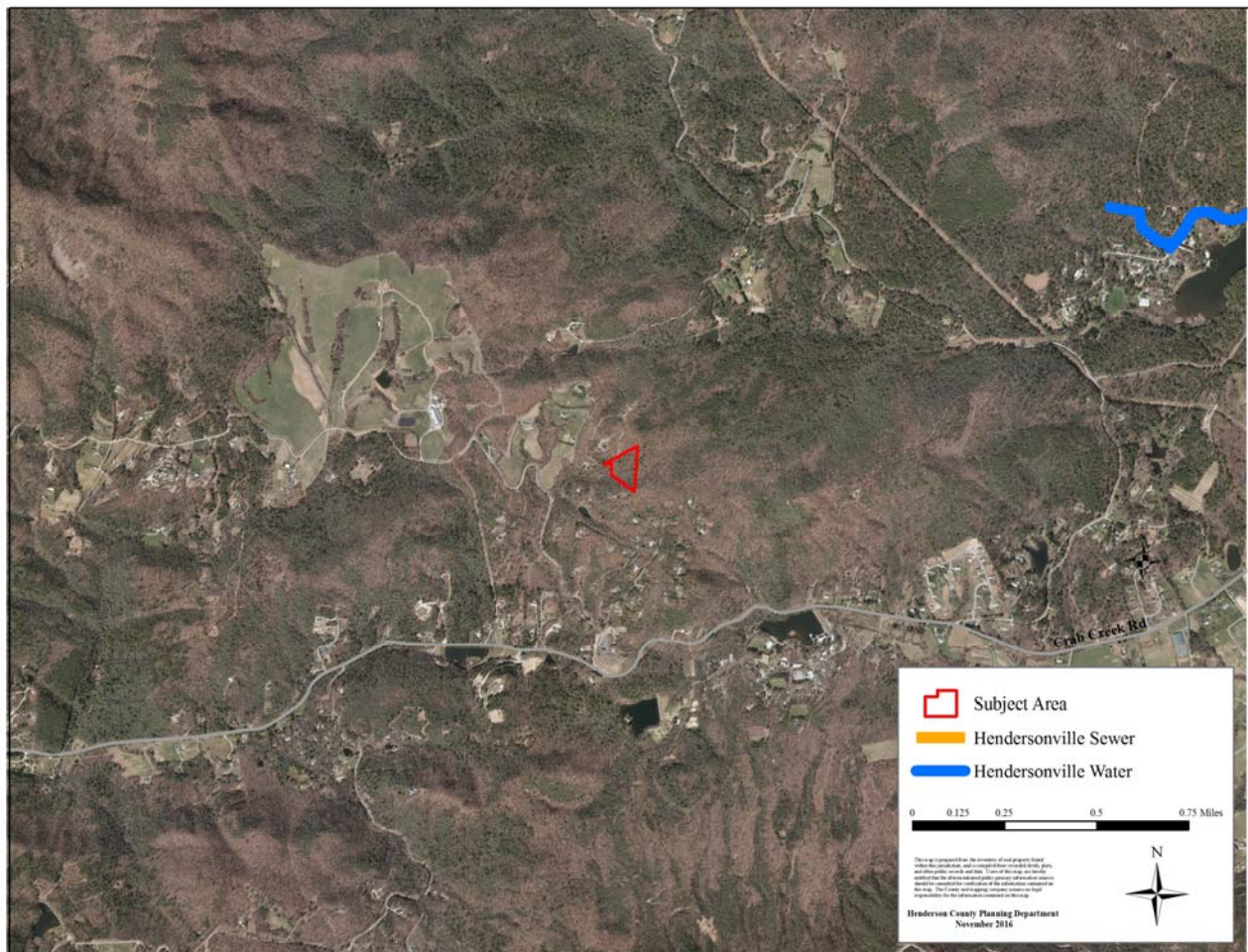
4.1.1. **Rural Transition Area (RTA):** The RTA is currently rural in character, with existing pockets of limited higher density residential and commercial development. Slopes vary across the RTA, although the area can be considered to be generally developable. The primary factor preventing urban development in the RTA is the absence of sewer and water service. The RTA will continue to experience extensive development over the operational timeframe of this Comprehensive Plan. (2020 CCP, Pg. 134).

5. **Water and Sewer**

5.1. **Public Water:** Private well water proposed

5.2. **Public Sewer:** On-site septic proposed

**Map H: Water and Sewer Map**



**6. Staff Comments**

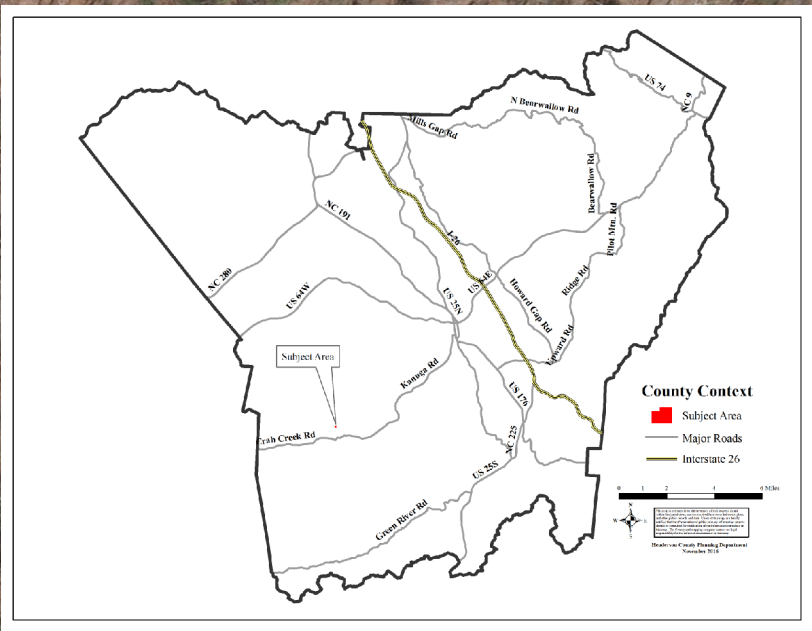
- 6.1. **The 2020 CCP:** The CCP Future Land Use Map (See Map D) places the Subject Area in the Rural Transition Area classification. The text and map of the 2020 CCP suggest that the Subject Area would be suitable for residential development.
- 6.2. **Adjacent Zoning:** The subject area is adjacent to Residential Two Rural (R2R) to the west and east and Residential Forty (R-40) to the north and south.



**7. Technical Review Committee Recommendations**

- 7.1. The Technical Review Committee reviewed the rezoning application on December 6, 2016 and voted unanimously to send forth a favorable recommendation to rezone the Subject Area to an R2R zoning district.

**8. Planning Board Recommendations**

- 8.1. The Planning Board reviewed the rezoning application on December 15, 2016 and voted unanimously to send forth a favorable recommendation to rezone the Subject Area to an R2R zoning district.



 Subject Area  
 Streets

0    25    50    100    150 Feet

This map is prepared from the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this map, are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The County and mapping company assume no legal responsibility for the information contained on this map.

**Henderson County Planning Department**  
**November 2016**



**NOTICE OF PUBLIC HEARING  
ON PROPOSED ZONING MAP AMENDMENT  
(Rezoning Requests #R-2016-04)**

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-2016-04, which was initiated on November 3, 2016 at the request of applicant, Philip Fisher, who requests the County rezone approximately 3.53 acres of land (hereafter the "Subject Area") from an Estate Residential (R-40) zoning district to a Residential Two Rural (R2R) zoning district.

The public hearing will be held on Monday, February 6, 2017, 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 Lightning on Wednesday, January 25, 2017 and Wednesday, February 1, 2017.

**Certification of Notice of Public Hearing**

In accordance with NCGS 153A-343 the Planning Department certifies notice of the February 6, 2017 hearing regarding Rezoning Application #R-2016-04 were:

1. Submitted to the Hendersonville Lightning on January 12, 2017 to be published on January 25, 2017 and February 1, 2017 by Kyle Guie;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on January 13, 2017 by Kyle Guie;
3. Sent, via first class mail, to the property owners on January 13, 2017 by Kyle Guie; and
4. Signs will be posted on the Subject Area(s) on January 23, 2017 by Brian Burgess

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

1. [Signature] 1/12/2017  
 2. [Signature]

STATE OF NC

COUNTY OF Henderson

I, Toby Linville, a Notary Public, in and for the above County

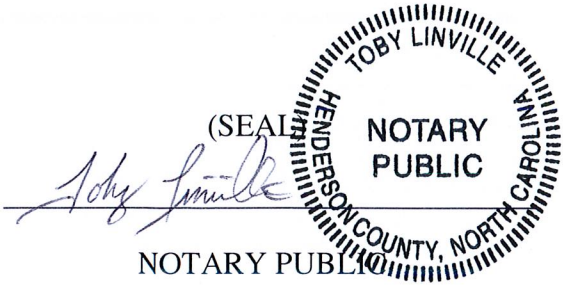
and State, do hereby certify that

Kyle Guie, and Brian Burgess

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 12 day of JANUARY, 2017.

My commission expires:  
5/25/21



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-2016-04; 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 February 6, 2017; 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-2016-04) 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 6<sup>th</sup> day of February, 2017.

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

**BY:** \_\_\_\_\_  
**J. MICHAEL EDNEY, Chairman**

**ATTEST:**

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

**[COUNTY SEAL]**

# Rezoning #R-2016-04

## Philip Fisher



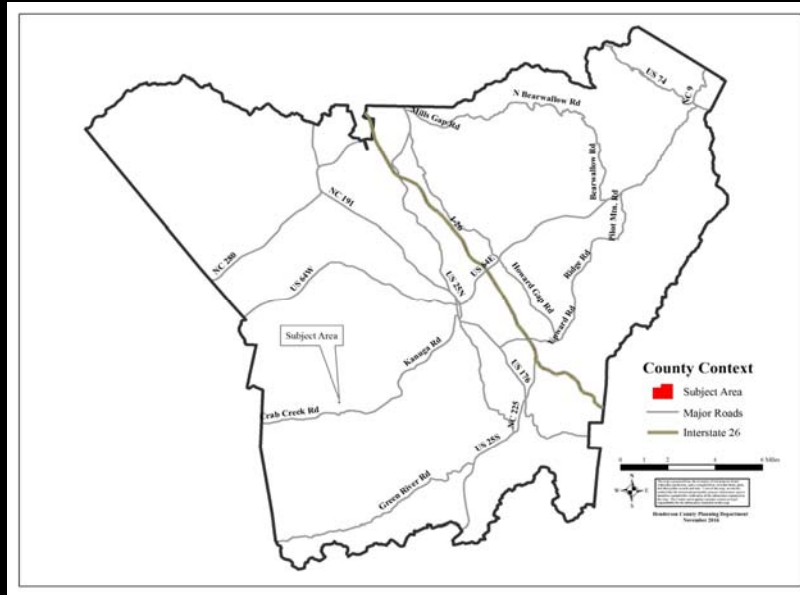
Henderson County Board of Commissioners  
February 6, 2017

*Henderson County Planning Department*

## Application Summary

- Rezoning Request: R-2016-04
- Submitted on November 3, 2016
- Applicant/Agent: Philip Fisher
- Rezone from Estate Residential (R40) Zoning to Residential Two Rural (R2R) Zoning
- 3.53 acres

# County Context



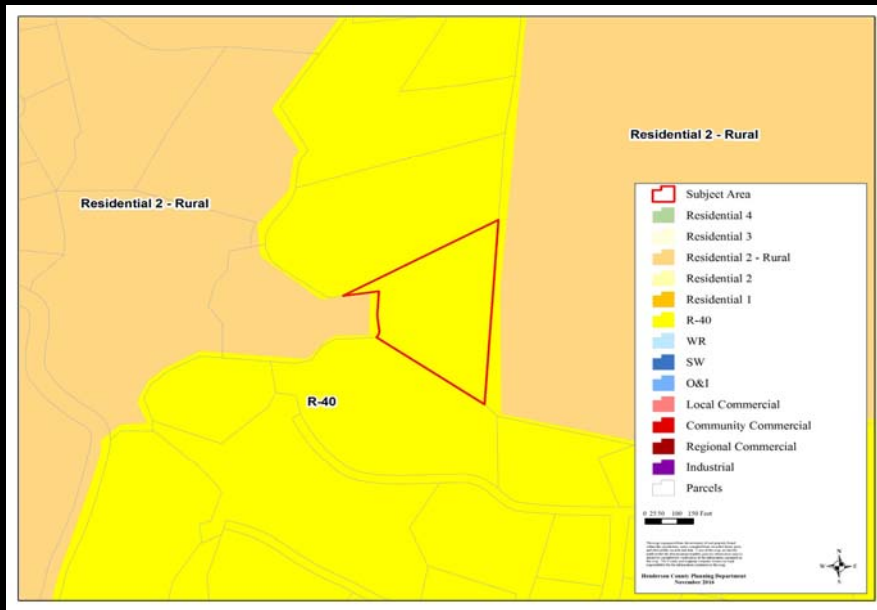
Henderson County Planning Department

# Aerial Photo Map



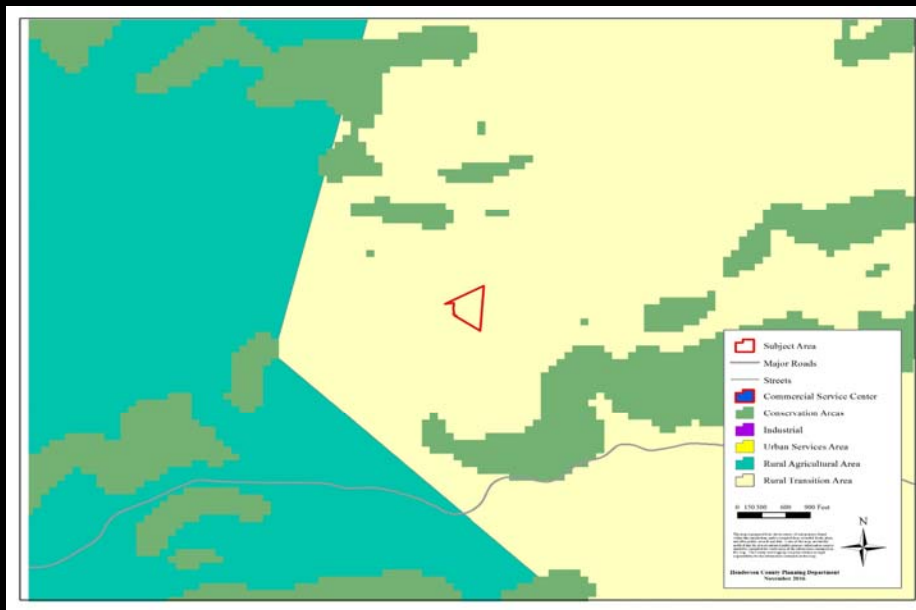
Henderson County Planning Department

# Current Zoning Map



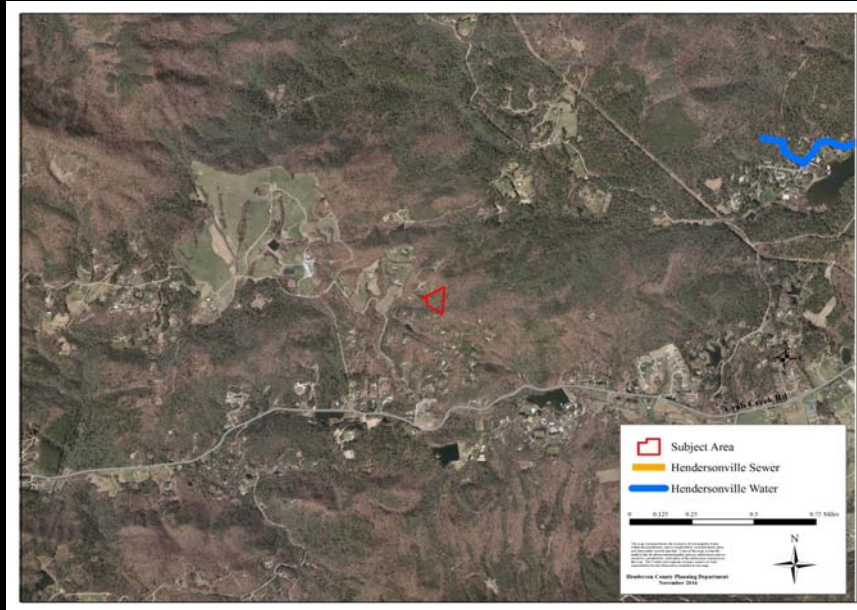
Henderson County Planning Department

# 2020 CCP Future Land Use Map



Henderson County Planning Department

# Public Utilities



*Henderson County Planning Department*

# Rezoning #R-2016-04

# Questions

