

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: Monday, August 7, 2017

SUBJECT: Public Hearing for Rezoning Application #R-2017-01

PRESENTER: Stedman Smith, 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-2017-01 which was initiated on March 15, 2017 at the request of applicant and agent, Mr. Matthew Dyer, who requests the County rezone approximately 4.87 acres of land (thereafter the "Subject Area") from Residential One (R1) zoning to Industrial (I) zoning.

The Henderson County Planning Board considered rezoning application #R-2017-01 at its regularly scheduled meeting on June 15, 2017. During that meeting, the Planning Board voted unanimously to send forward a favorable recommendation to rezone the Subject Area to an Industrial (I) zoning district.

PUBLIC NOTICE:

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §42A-303 and §42A-346 (C) of the Henderson County Land Development Code and State Law, notices of the August 7, 2017, public hearing regarding rezoning application #R-2017-01 were published in the Times-News on July 27, 2017 and August 3, 2017. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area on July 25, 2017 and posted signs advertising the hearing on the Subject Area on July 26, 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 adopt the attached resolution regarding the consistency with the CCP.

I move that the Board (approve, approve with conditions or deny) rezoning application #R-2017-01 to rezone the Subject Area to an Industrial (I) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan and other supporting information.

Henderson County Planning Department Staff Report

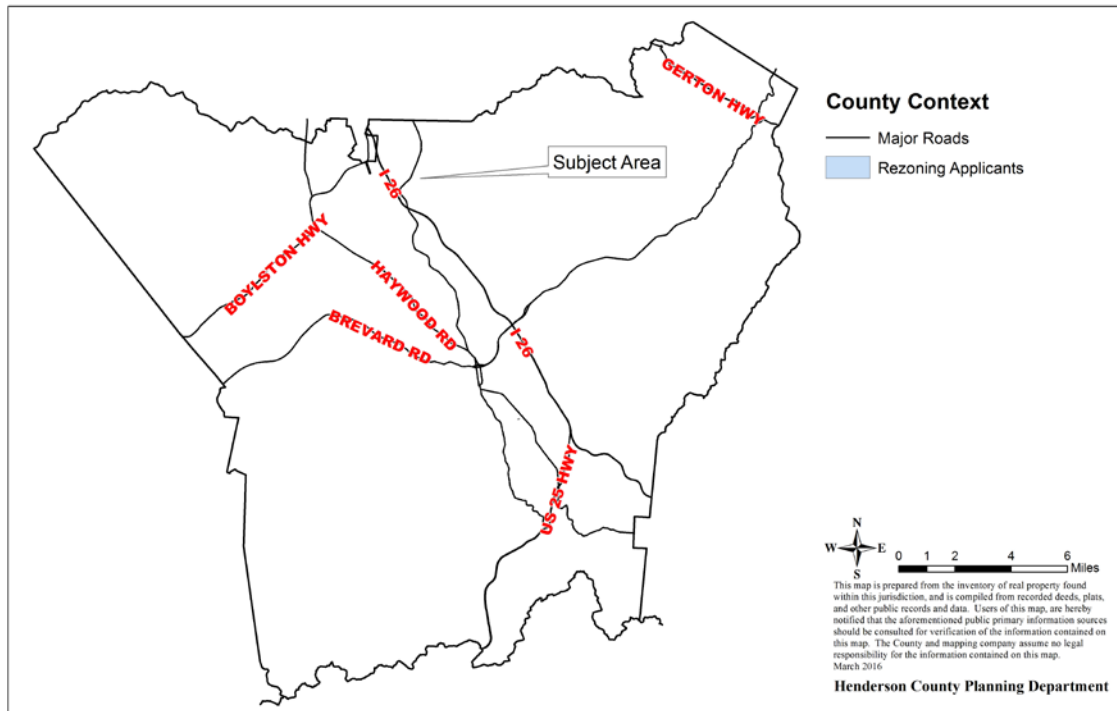
Rezoning Application #R-2017-01 (R1 to I)

Dyer Properties LLC, Owner
Matthew Dyer, Applicant/Agent

1. Rezoning Request

- 1.1. **Applicant/Agent:** Matthew Dyer
- 1.2. **Property Owners:** Dyer Properties LLC
- 1.3. **PINs:** 9652-73-0943
- 1.4. **Request:** Rezone subject area from a Residential One (R1) zoning district to an Industrial (I) zoning district.
- 1.5. **Size:** Approximately 4.87 acres of land
- 1.6. **Location:** The subject area is located on Old Hendersonville Hwy. 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 The Town of Fletcher’s Manufacturing One (M1) to the North. Residential One (R1) to the East, West and South, and small contact with Industrial (I) on the southern corner.

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).

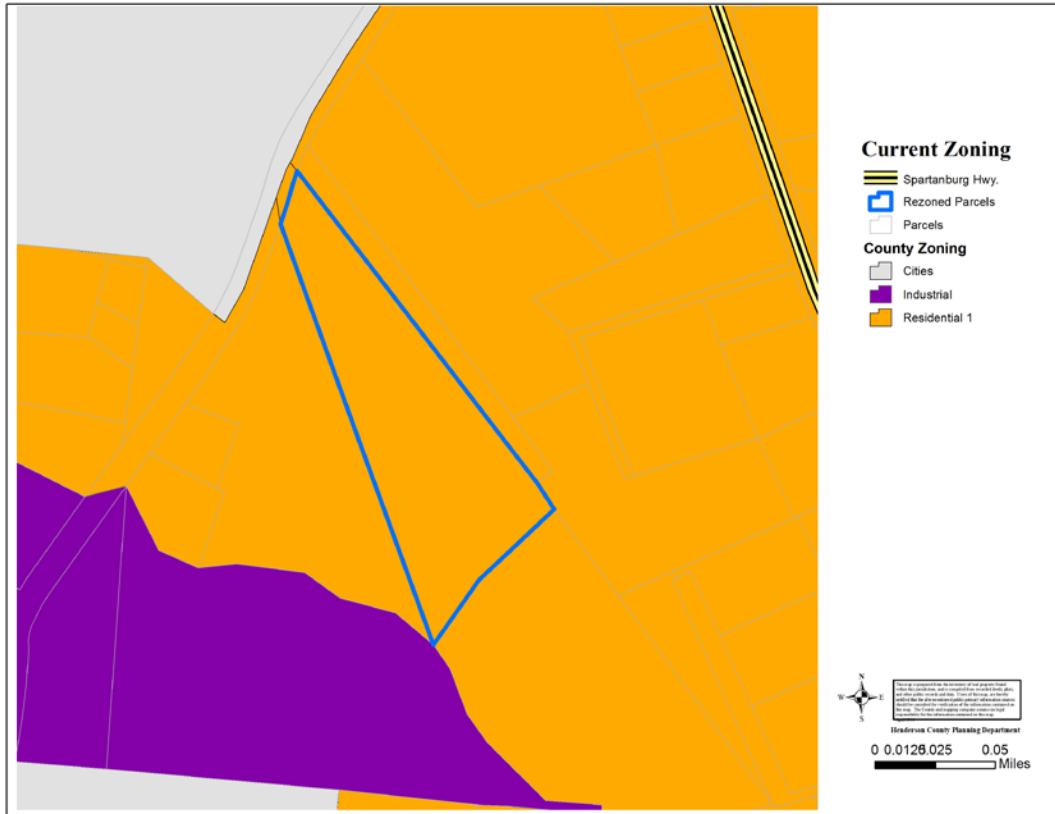
1) R1 requires 10 foot side and rear setbacks, maximum height 40 feet, and a standard density of four (4) units per acre (maximum density of 16 units per acre).

2.3.2. The purpose of the 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).

- 1) (I) requires 20 foot side and rear setbacks, maximum height 72 feet, and limits impervious surface to a maximum of 80%.

Map C: Current Zoning



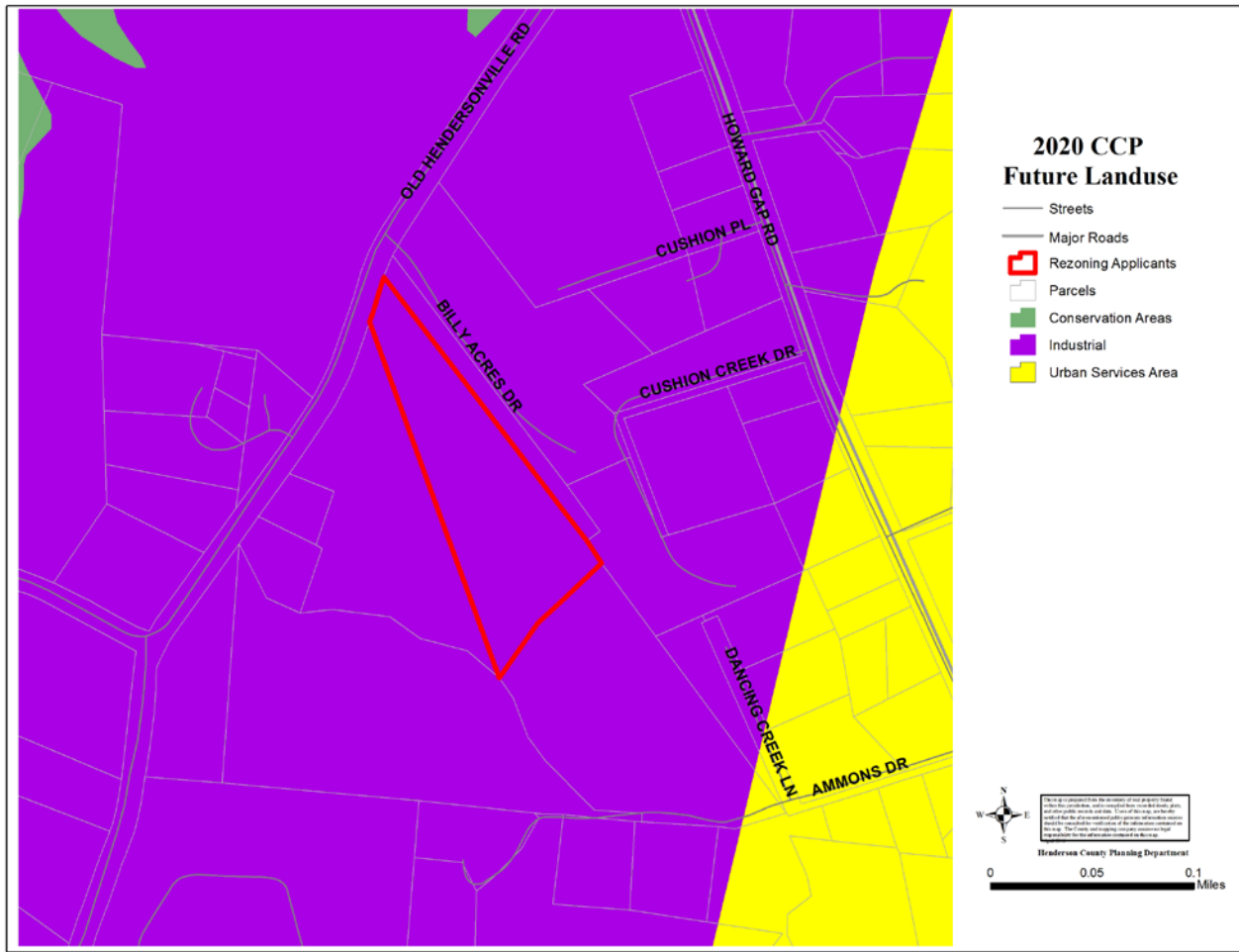
3. Current Uses of Subject Area and Adjacent Properties

- 3.1. **Subject Area Uses:** The subject area is currently vacant.
- 3.2. **Adjacent Area Uses:** The surrounding properties contain primarily residential 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 Industrial area (2020 CCP, Pgs. 140 & Appendix 1, Map 24). (See Map D).

Map D: 2020 County Comprehensive Plan Future Land Use Map

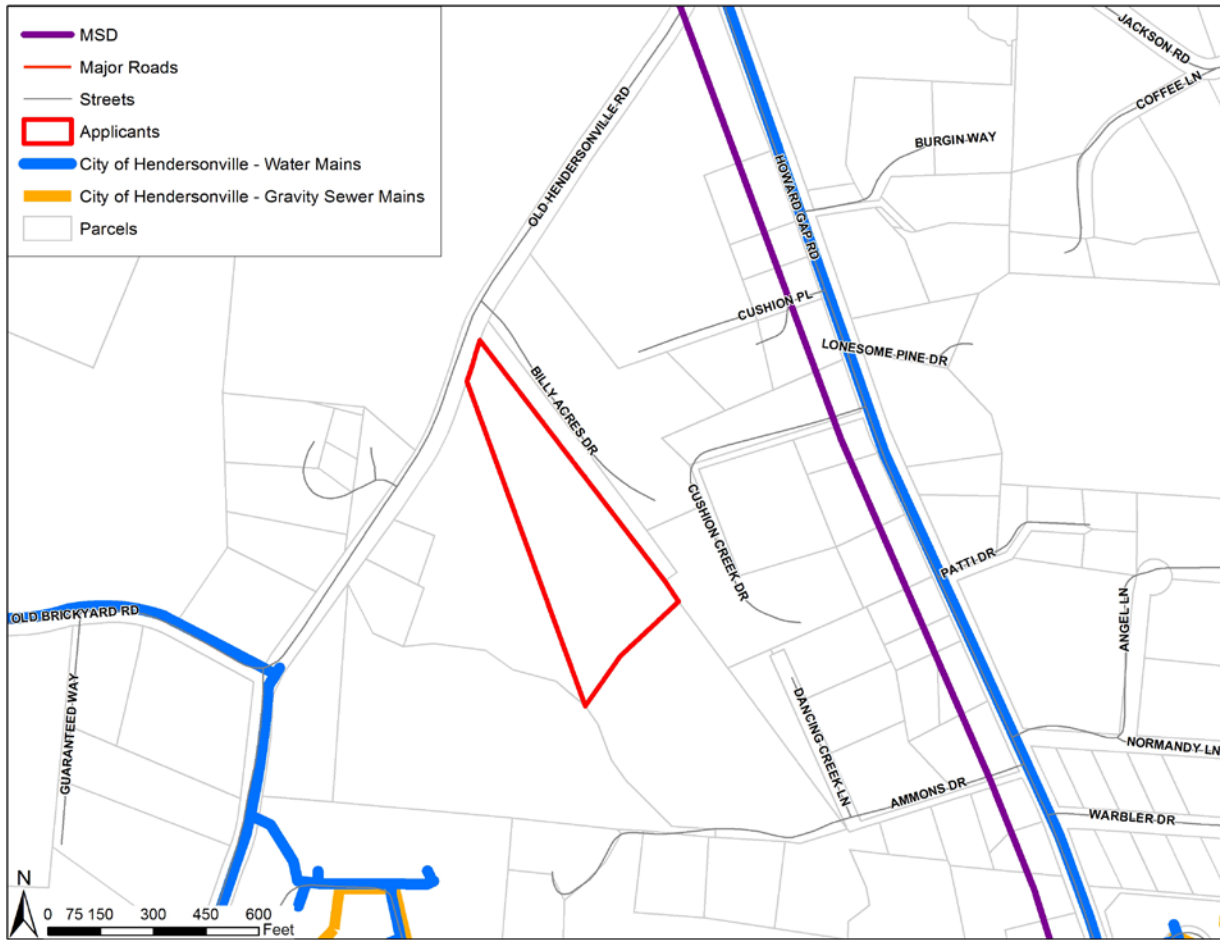


4.1.1. **Industrial Area:** The CCP states that, “Most defined industrial areas should lie within the Urban Services Area, and in other areas on a very limited basis. Most industrial uses should be segregated from other uses with the exception of Regional Commercial uses.” (2020 CCP, Pg. 140).

5. Water and Sewer

- 5.1. **Public Water:** City of Hendersonville water main stops approximately .2 miles from the subject area.
- 5.2. **Public Sewer:** The MSD gravity sewer main runs along Howard Gap Rd. around .25 miles north 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, Industrial Area classification. The text and map of the 2020 CCP suggest that the Subject Area would be suitable for industrial development.
- 6.2. **Adjacent Zoning:** The subject area is adjacent to Fletcher’s Manufacturing One (M1) to the North. Residential One (R1) to the East, West, and South, with a small contact with industrial touching the southernmost corner.
- 6.3. **Comparison of Districts:** The existing Residential 1 (R1) zoning district does not allow for new industrial development. Applying the Industrial (I) zoning district will allow for industrial development.
- 6.4. **Subject Area Background:** This parcel has been previously rezoned. In February of 2007, along with the adoption of the LDC, the applicant requested that the subject area be rezoned from T-15 (Medium Density Residential) to the new Industrial zoning district under the LDC (#R-2007-01), which was approved. In 2014 the applicant once again requested a rezoning from Industrial (I) to Residential One (R1), which was approved (#R-2014-01).

7. Staff Recommendations

7.1. It is staff's position that the Subject Area is suited for industrial development based upon previous planning efforts and recommendations, in addition to its adjacent position to industrial zoning.

7.1.1. The 2020 Henderson County Comprehensive Plan identifies the Subject Area as being within the Industrial Area.

8. Technical Review Committee Recommendations

8.1. The Technical Review Committee heard this item at its April 18th meeting, and unanimously sent forth a favorable recommendation to the Planning Board.

9. Planning Board Recommendations

9.1. The Henderson County Planning Board considered rezoning application #R-2017-01 at its regularly scheduled meeting on June 15, 2017. During that meeting, the Planning Board voted unanimously to send forward a favorable recommendation to rezone the Subject Area to an Industrial (I) zoning district.

**NOTICE OF PUBLIC HEARING
ON PROPOSED ZONING MAP AMENDMENT
(Rezoning Application #R-2017-01)**

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-2017-01, which was submitted on March 15, 2017, requests the County rezone approximately 4.87 acres. The applicant requests a rezoning from a Residential One (R1) to Industrial (I) zoning district. The subject area is owned by Dyer Properties LLC, and the applicant is the Matthew Dyer. The property is located on Old Hendersonville Rd. The PIN for the parcel included is: 9652-73-0943.

The public hearing will be held on Monday, August 7, 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. 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 Times-News on Thursday, July 27, 2017 and Thursday, August 3, 2017.

Certification of Notice of Public Hearing

In accordance with NCGS 153A-343 the Planning Department certifies notice of the August 7, 2017 hearing regarding Rezoning Application #R-2017-01 were:

1. Submitted to the Times-News on July 25, 2017 to be published on July 27, 2017 and August 3, 2017 by Stedman Smith;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on July 25, 2017 by Stedman Smith;
3. Sent, via first class mail, to the property owner on July 25, 2017 by Stedman Smith; and
4. Signs will be posted on the Subject Area(s) on July 26, 2017 by Stedman Smith.

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

1. Stedman Smith

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

Stedman Smith, and _____

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 20th day of July, 2017.

My commission expires:

November 16, 2021

(SEAL)
Denisa A. Lauffer





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-2017-01; 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 August 7, 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-2017-01 applicant/agent Mr. Matthew Dyer) 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 7th day of August, 2017.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
THOMAS H. THOMPSON, Chairman

ATTEST:

Teresa Wilson, Clerk to the Board

[COUNTY SEAL]

Rezoning #R-2017-01 Matthew Dyer



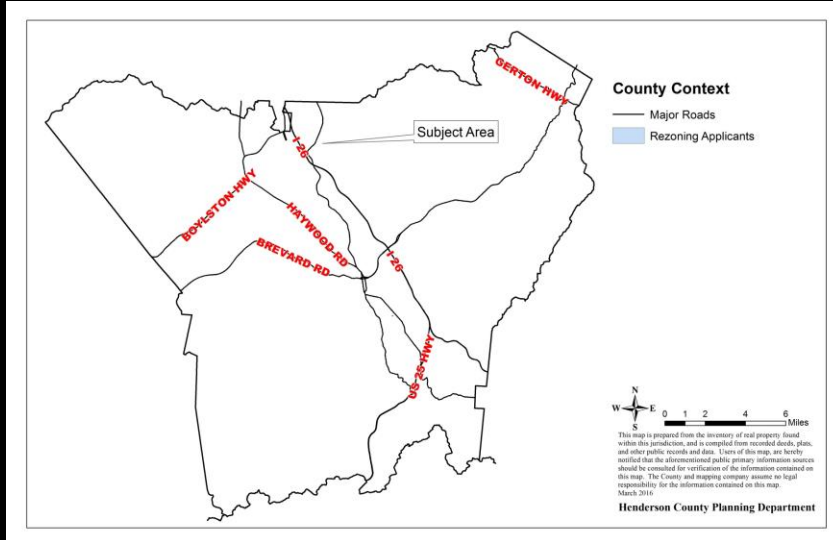
Henderson County Board of Commissioners
August 7, 2017

Henderson County Planning Department

Application Summary

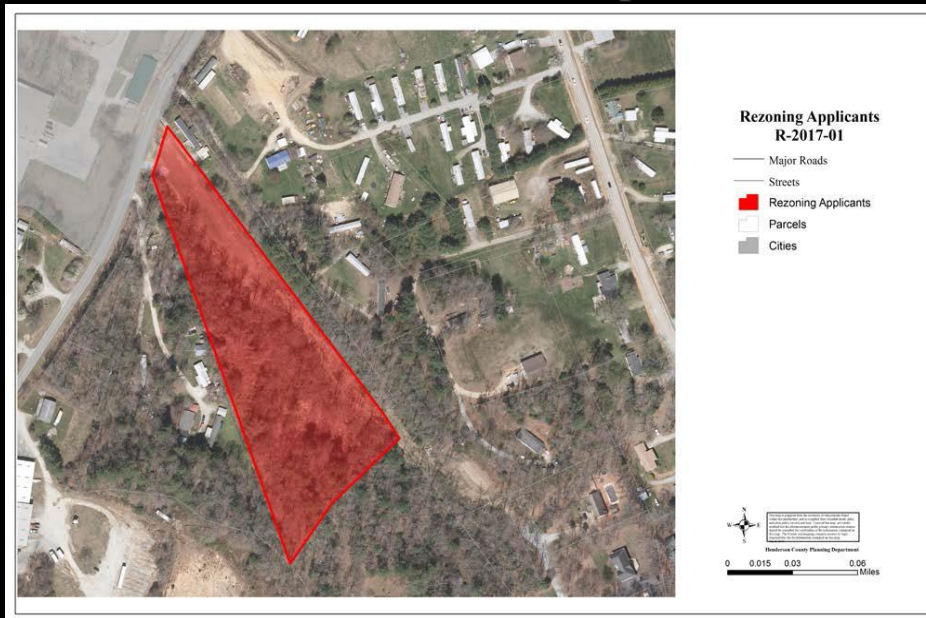
- Rezoning Request: R-2017-01
- Submitted on March 15, 2017
- Applicant/Owner: Mr. Matthew Dyer
- Rezone from Residential One (R1) Zoning to Industrial (I) Zoning
- 4.87 Acres
- 1 Parcel

County Context



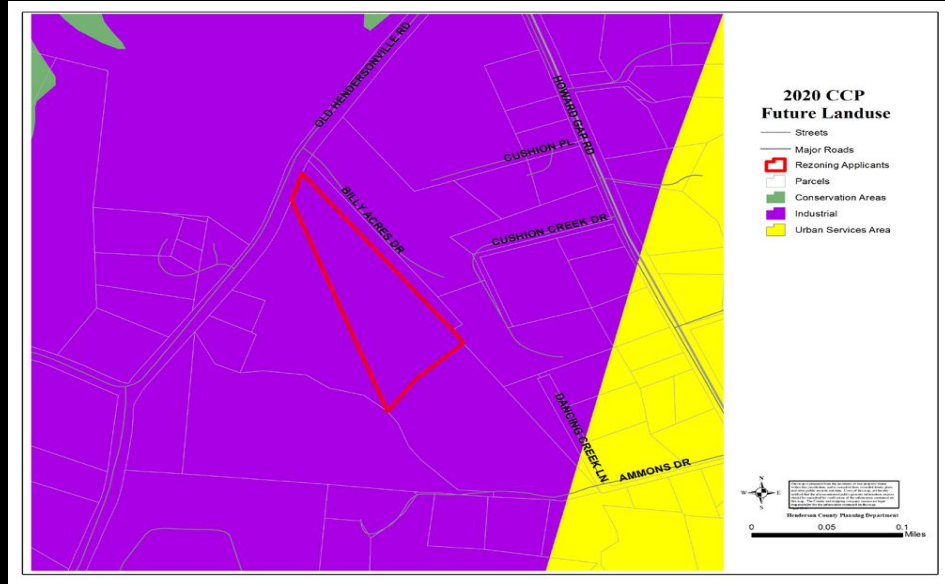
Henderson County Planning Department

Aerial Photo Map



Henderson County Planning Department

2020 CCP Future Land Use Map



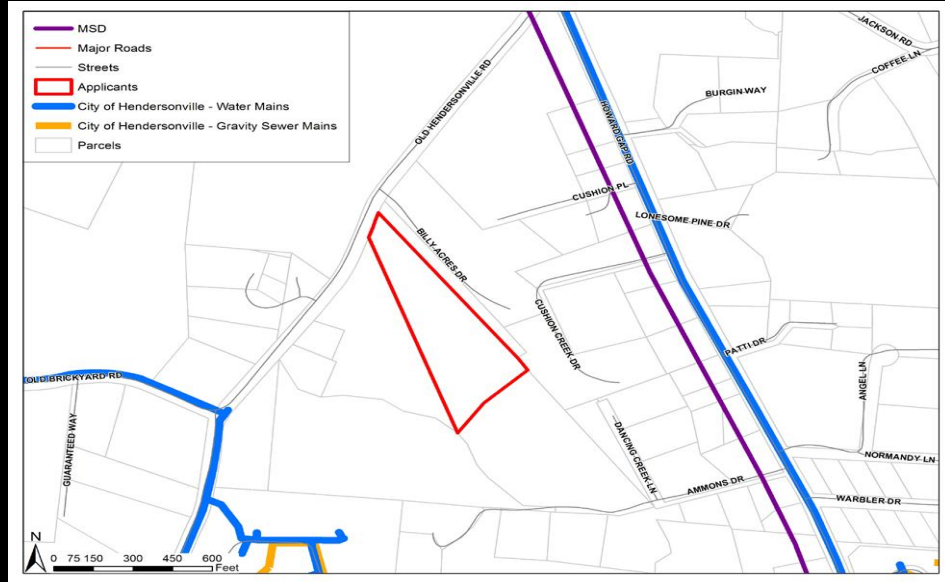
Henderson County Planning Department

Current Zoning Map



Henderson County Planning Department

Public Utilities



Henderson County Planning Department

Rezoning #R-2017-01

Questions

