

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: Monday, August 7, 2017

SUBJECT: Public Hearing for Rezoning Application #R-2017-02

PRESENTER: Allen McNeill, 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-2017-02, which was initiated on May 15, 2017 at the request of applicants and owners, who requests the County rezone approximately 37.4 acres of land (hereafter the "Subject Area") from a Residential Two Rural (R2R) and Community Commercial (CC) zoning districts to an Industrial (I) zoning district. The Subject Area is located off Crest Road.

The Technical Review Committee heard this item at its May 6th meeting, and voted to send forth a favorable recommendation to rezone the Subject Area.

The Henderson County Planning Board considered rezoning application #R-2017-02 at its regularly scheduled meeting on June 15th, 2017. During that meeting, the Planning Board voted unanimously to send forth 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 (5) 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-2017-02 were published in the Times News on July 27, 2017 and August 2, 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 the Subject Area property owners on July 25, 2017 and posted signs advertising the hearing on the Subject Area on July 27, 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 and,

I move that the Board (approve, approve with conditions or deny) rezoning application #R-2017-02 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-2017-02 (R2R and CC to I) Mountain Showcase

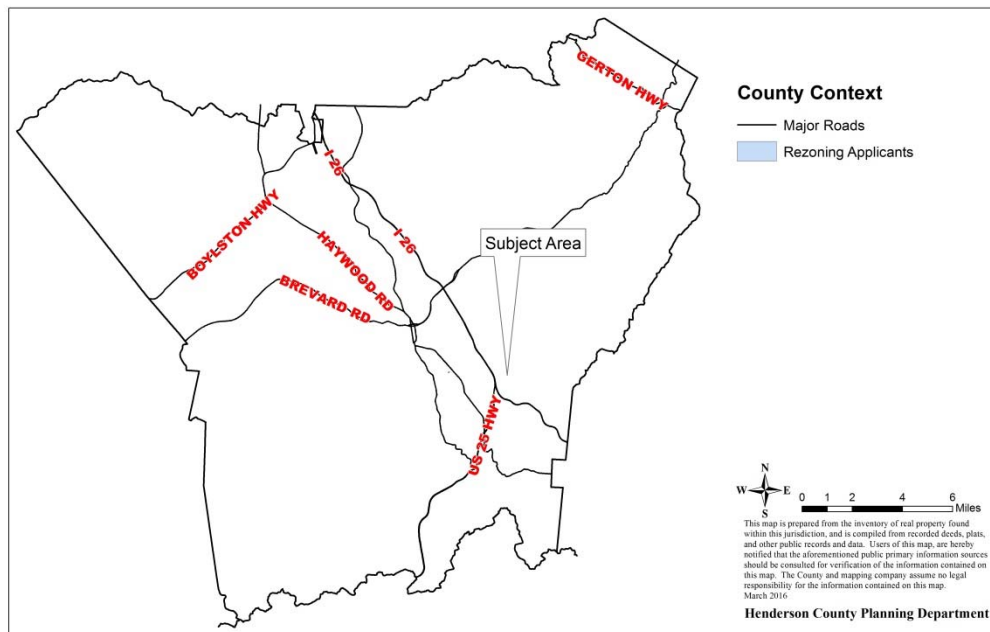
Coy S. Davis Estate, Leisure Craft Inc., Landlogic LLC, Owner(s)

Coy S. Davis Jr. and Gene Davis, Richard J. Herman, Anne Greer, Curtis Burge, Applicant/Agent(s)

1. Rezoning Request

- 1.1. **Applicant/Agent:** Coy S. Davis Jr. and Gene Davis, Richard J. Herman, Anne Greer, Curtis Burge
- 1.1. **Property Owners:** Coy S. Davis Estate, Leisure Craft Inc., Landlogic LLC
- 1.2. **PINs:** 9587-88-0245, 9587-79-9079, 9587-89-0652, 9587-89-7022
- 1.3. **Request:** Rezone subject area from a Residential Two Rural (R2R) and Community Commercial (CC) zoning districts to an Industrial (I) zoning district.
- 1.4. **Size:** Approximately 37.4 acres of land
- 1.5. **Location:** The subject area is 4 parcels located along Crest Rd. in East Flat Rock. Refer to Map A for a County Context map.

Map A: County Context



2. Current Zoning

- 2.1. **Application of Current Zoning:** The subject area is currently zoned as Residential Two Rural (R2R) and Community Commercial (CC).
- 2.2. **Adjacent Zoning:** The subject area is adjacent to Community Commercial (CC) to the North. Residential Two Rural (R2R) to the West, East, and South.

2.3. District Comparison:

2.3.1. Residential District Two Rural (R2R) District: “The purpose of Residential 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.” (LDC §42A-29).

- 1) R2R requires 10 foot side and rear setbacks, maximum height 40 feet, and a standard density of one (1) unit per acre with a maximum density of two units per acre (LDC §42A-29).

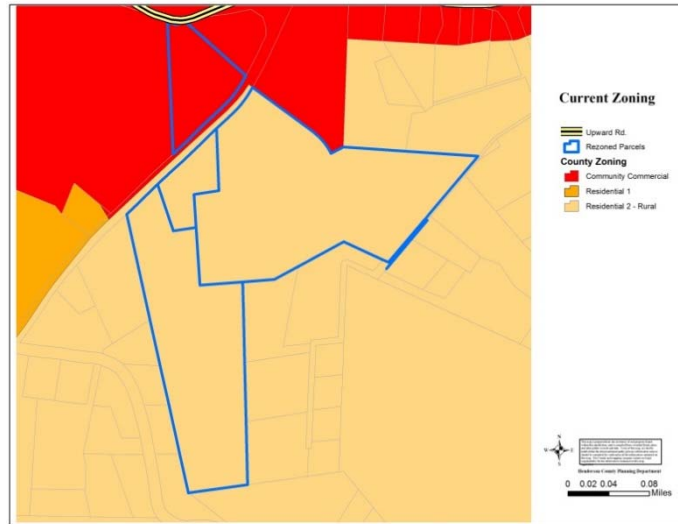
2.3.2. Community Commercial District (CC): The purpose of the Community Commercial District is to “foster orderly growth where the principal use of land is commercial. The intent of this district is to allow for commercial development consistent with the recommendations of the Comprehensive Plan. In 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” (LDC §42A-34).

1. CC requires 10 foot side and rear setbacks, maximum height 50 feet, and a residential density of 16 units per acre (LDC §42A-34).

2.3.3. Industrial (I) District: “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).” (LDC §42A-36).

- (1) Industrial (I) requires 20 foot side and rear setbacks; (2) establishes a maximum building height of 72 feet; (3) Provides an unlimited square feet maximum gross floor area; (4) Maximum impervious surface area of 80% (Chapter 42, Land Development Code §42B-36)

Map B: Current Zoning



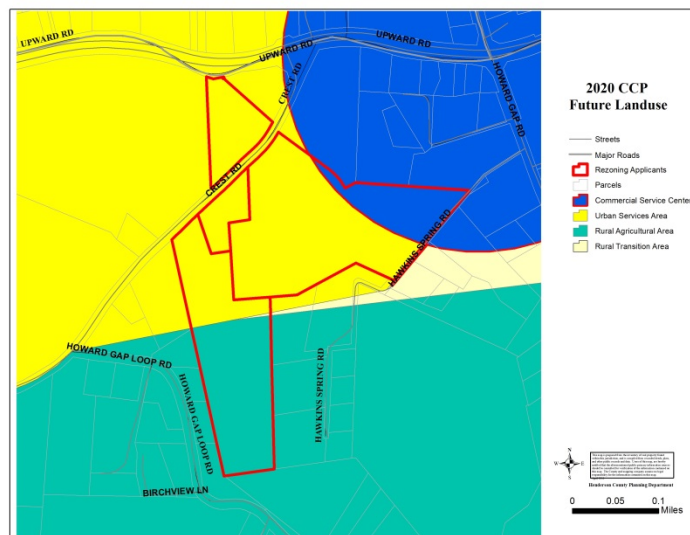
3. Current Uses of Subject Area and Adjacent Properties

- 3.1. **Subject Area Uses:** The subject area is primarily used for residential and commercial purposes.
- 3.2. **Adjacent Area Uses:** The surrounding properties contain primarily residential and commercial uses.

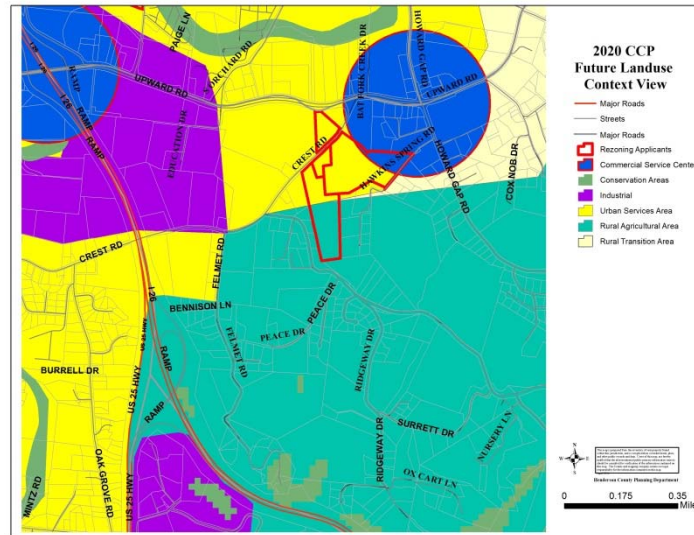
4. The Henderson County 2020 Comprehensive Plan (CCP)

- 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 C).

Map C: 2020 County Comprehensive Plan Future Land Use Map



Map D: 2020 County Comprehensive Plan Future Land Use Map Context View



- 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).
- 4.1.2. **Rural Agricultural Area:** The CCP states that the “RAA covers those portions of the county that are predominantly rural and are characterized by low-density residential development with substantial land areas devoted to agriculture and undeveloped lands. Land use policies will seek to retain that character.” (2020 CCP, Pg. 136) The RAA also states that “Commercial development and Community Facilities will be directed to defined Community Service Centers, which are located at key nodes/intersections and traditional locations, and within predefined zoning districts whose standards and configuration are in keeping with the surrounding community and which minimize congestion and sprawl.” (2020 CCP, Pg. 137)
- 4.1.3. **Explanation of Map D:** Since the subject area is located in both the Urban Services Area and Rural Agricultural Area, it is important to note that there are two Commercial Service Centers within the vicinity of the subject area and that the majority of the surrounding land will be used primarily for commercial purposes.

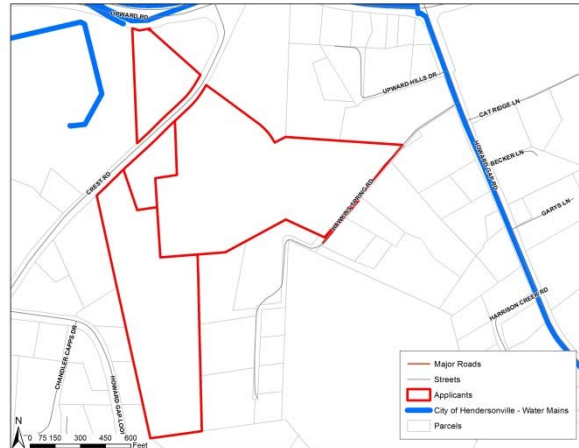
5. The Dana Community Plan

- 5.1. The subject area falls within the boundaries of the Dana Community Plan. This plan states that, “The Planning Area is strategically located along Interstate-26, surrounding one (1) of only three (3) interchanges in the County, and offering one of the County’s most interconnected local road networks. Finally, the Planning Area contains a more diversified workforce than occurs in other areas of the County. This diversity makes the Planning Area more attractive to a variety of businesses as the economy continues to evolve.” (Dana Community Plan, Pg. 46)

6. Water and Sewer

- 6.1. **Public Water:** City of Hendersonville’s records show that there is access for water connection adjacent to the subject area.
- 6.2. **Public Sewer:** City of Hendersonville records shows that sewer access is available near the subject area.

Map E: Water and Sewer Map



7. Staff Comments

- 7.1. **The 2020 CCP:** The CCP Future Land Use Map (See Map C) places parts of 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 industrial development.
- 7.2. **Adjacent Zoning:** The subject area is adjacent to Residential Two Rural (R2R) to the West, South, and East and Community Commercial (CC) to the North.
- 7.3. **Comparison of Districts:** The existing Residential 2 Rural (R2R) and Community Commercial (CC) zoning districts are compatible with new industrial development. Applying the Industrial (I) zoning district will allow for industrial development.

8. Staff Recommendations

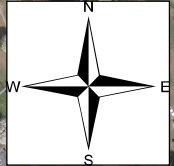
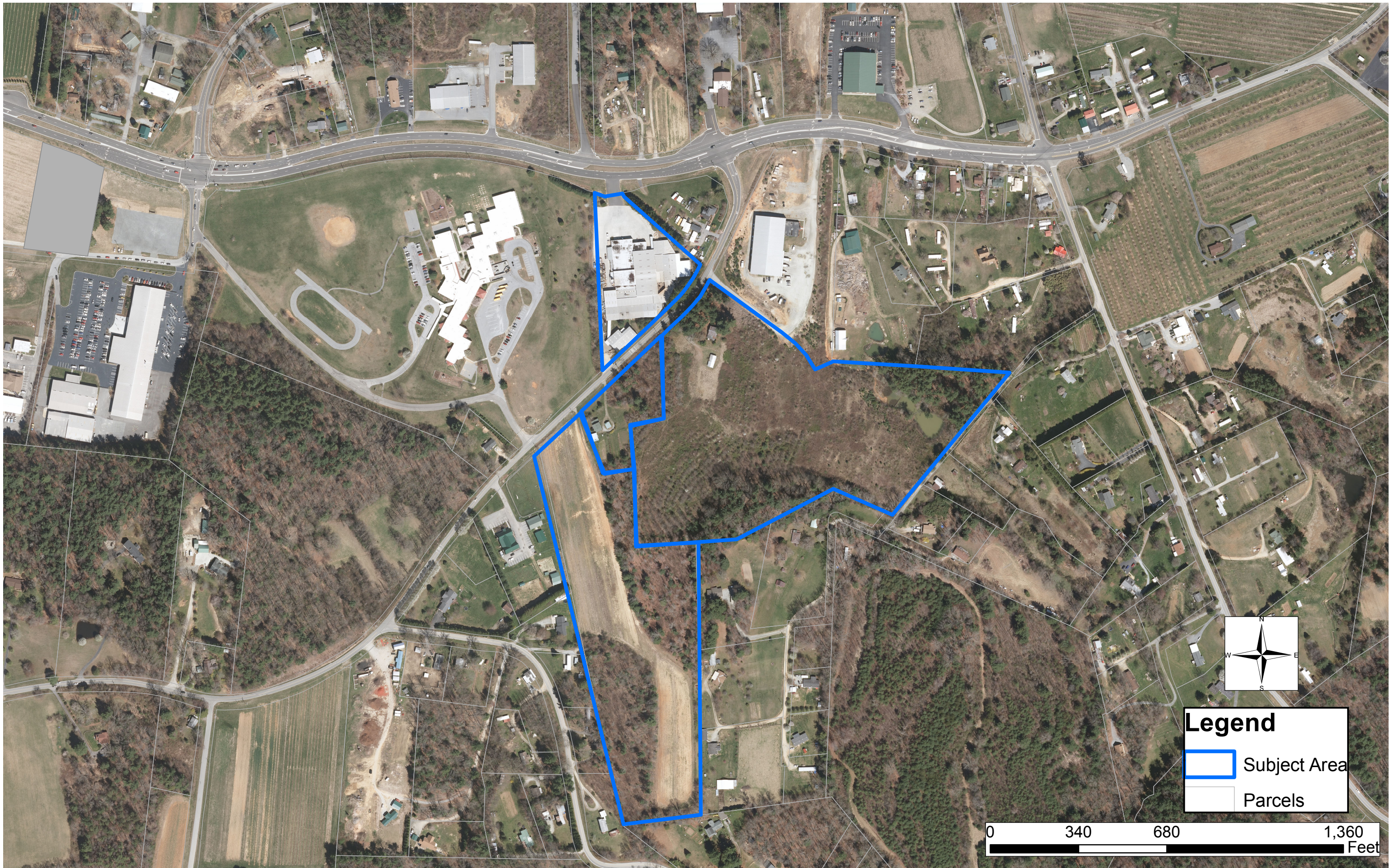
- 8.1. It is staff's position that the Subject Area is suited for industrial development.
 - 8.1.1. The 2020 Henderson County Comprehensive Plan identifies parts of the Subject Area as being within the Urban Services Area (USA). The USA "will contain considerable commercial development at a mixture of scales: Local, Community, and Regional, as defined below." (CCP 2020, Pg. 133).
 - 8.1.2. The 2020 Henderson County Comprehensive Plan identifies parts of the Subject Area as being within the Rural Agricultural Area (RAA). The RAA will contain "portions of the county that are predominantly rural and are characterized by low-density residential development with substantial land areas devoted to agriculture and undeveloped lands." (CCP 2020, Pg. 136)

9. Technical Review Committee Recommendations

- 9.1. The TRC reviewed the application at its meeting on June 6, 2017 and voted to send forth a favorable recommendation to rezone the Subject Area.

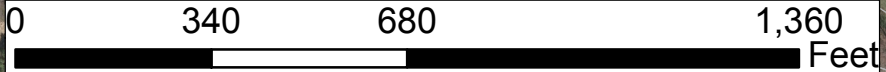
10. Planning Board Recommendations

- 10.1. The Planning Board reviewed the application at its meeting on June 15th, 2017 and voted unanimously to send forth a favorable recommendation to rezone the Subject Area to an Industrial (I) zoning district. Mr. Trey Goodman removed himself from voting on this rezoning due to a conflict of interest.



Legend

-  Subject Area
-  Parcels



**NOTICE OF PUBLIC HEARING
ON PROPOSED ZONING MAP AMENDMENT
(Rezoning Requests #R-2017-02)**

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-2017-02, which was submitted on May 15, 2017, requests the County rezone approximately 37.4 acres. The applicant requests a rezoning from a Residential Two Rural (R2R) and Community Commercial (CC) to Industrial (I) zoning district. The subject area is owned by Coy S. Davis Estate, Leisure Craft Inc. and Landlogic LLC, and the applicants are Coy S. Davis Jr., Gene Davis, Richard J. Herman, Anne Greer, and Curtis Burge. The properties are located on Old Hendersonville Rd. The PINs for the parcel included are: 9587-88-0245, 9587-79-9079, 9587-89-0652, 9587-89-7022.

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-2017-02 were:

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

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

1. Allen S. McNeill

STATE OF North Carolina

COUNTY OF Henderson

I, Lisa N Stepp, a Notary Public, in and for the above County

and State, do hereby certify that

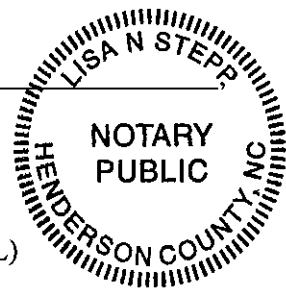
Allen S McNeill, and _____

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 26th day of July 2017.

My commission expires:

September 5 2011



(SEAL)

Lisa N Stepp

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-2017-02; 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 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-2017-02) 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: _____
J. MICHAEL EDNEY, Chairman

ATTEST:

Teresa Wilson, Clerk to the Board

[COUNTY SEAL]

Rezoning #R-2017-02 Mountain Showcase



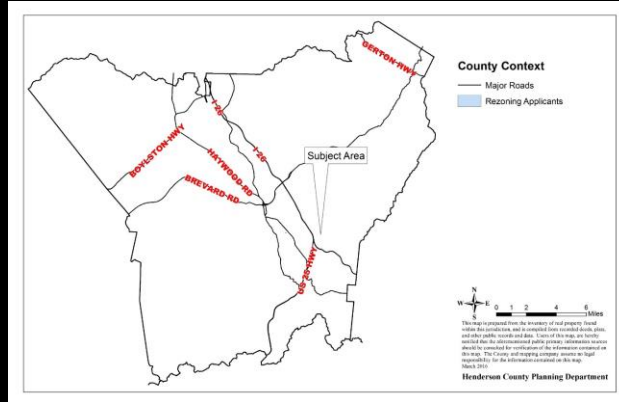
Henderson County Board of Commissioners
August 7, 2017

Henderson County Planning Department

Application Summary

- Rezoning Request: R-2017-02
- Submitted on May 15, 2017
- Applicant/Agent: Coy S. Davis Jr., Gene Davis, Richard J. Herman, Anne Greer, and Curtis Burge
- Rezone from Residential Two Rural (R2R) and Community Commercial (CC) to Industrial (I) zoning district
- 37.4 acres

County Context



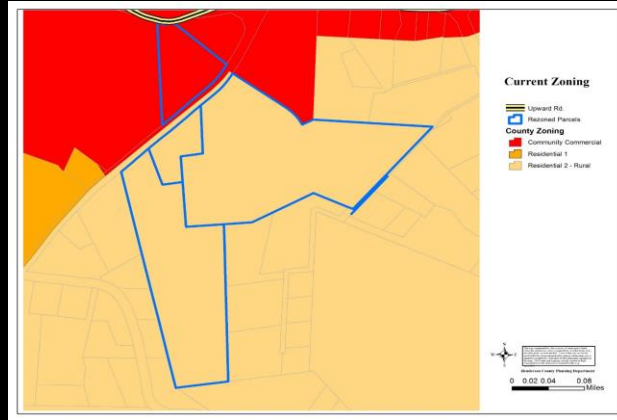
Henderson County Planning Department

Aerial Photo Map



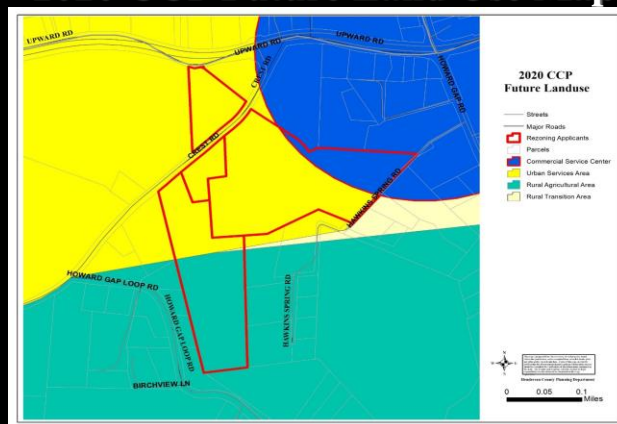
Henderson County Planning Department

Current Zoning Map



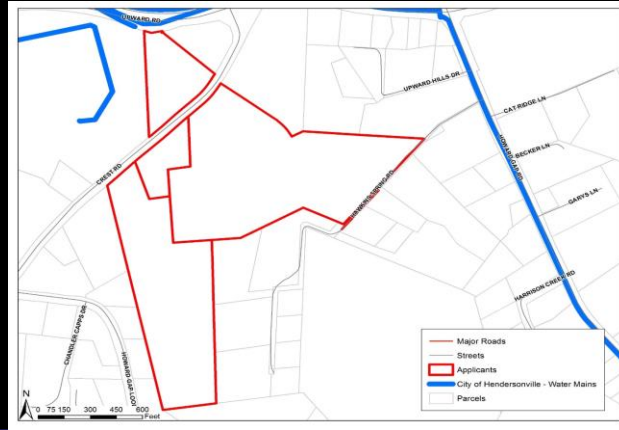
Henderson County Planning Department

2020 CCP Future Land Use Map



Henderson County Planning Department

Public Utilities



Henderson County Planning Department

Rezoning #R-2017-02

Questions

