

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** Monday, October 2, 2017

**SUBJECT:** Public Hearing for Rezoning Application #R-2017-04

**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-2017-04 which was initiated on June 26, 2017 at the request of applicant and agent, Mr. Donald Jones, who requests the County rezone approximately 19.96 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-2017-04 at its regularly scheduled meetings on July 20, 2017 and August 17, 2017. During the August 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 October 2, 2017, public hearing regarding rezoning application #R-2017-04 were published in the Times-News on September 21, 2017 and September 28, 2017. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area on September 13, 2017 and posted signs advertising the hearing on the Subject Area on September 13, 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-2017-04 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-2017-04 (R1 to I) Jones Property**

**Patricia Jones, Owner(s)**

**Donald N. Jones, Applicant/Agent(s)**

---

**1. Rezoning Request**

1.1. **Applicant/Agent:** Donald N. Jones

1.1 **Property Owners:** Patricia Jones

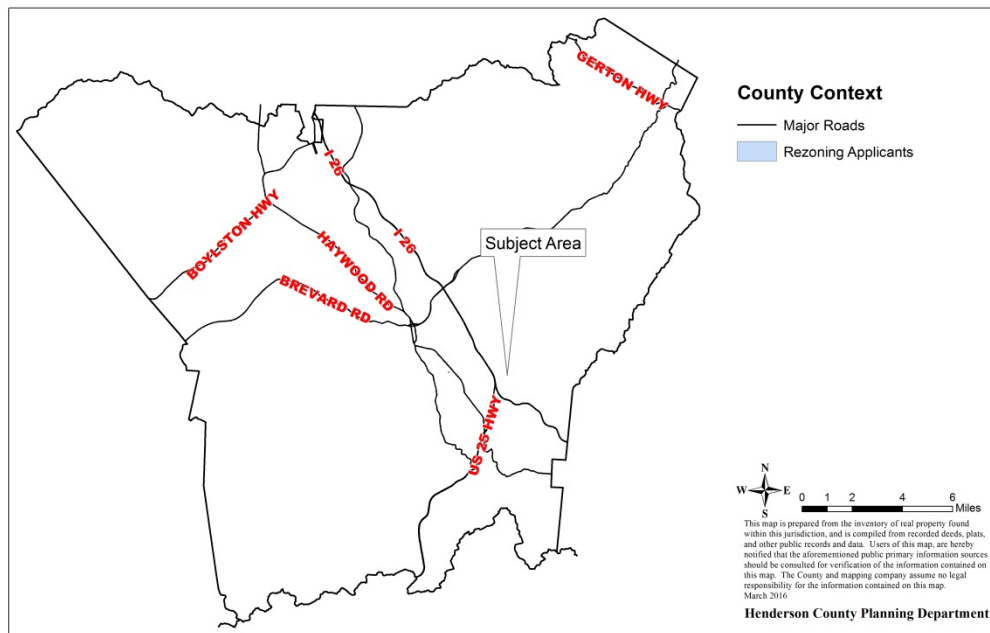
1.2. **PINs:** 9587688771

1.3. **Request:** Rezone Subject Area from a Residential One (R1) and to an Industrial (I) zoning district.

1.4. **Size:** Approximately 19.96 acres of land

1.5. **Location:** The Subject Area is 1 parcel located along Crest Rd. in East Flat Rock. Refer to Map A for a County Context map.

**Map A: County Context**



## Map B: Aerial Photo

Aerial Map



## 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 Industrial (I) to the West. Community Commercial (CC) to the North, and Residential Two Rural (R2R) to the East, and South.

### 2.3. **District Comparison:**

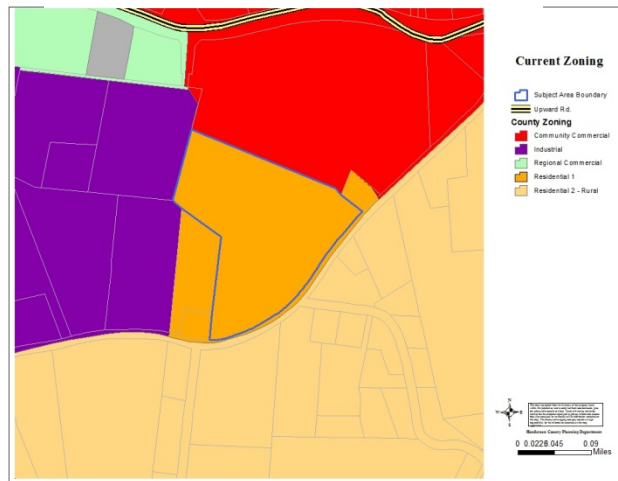
2.3.1. **Residential One (R1) District:** “The purpose of Residential District One (R1) is to foster orderly growth where the principle use of land is residential. The intent of this district is to allow for medium to high density residential development consistent with the recommendations of the Comprehensive 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. **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 C: Current Zoning**



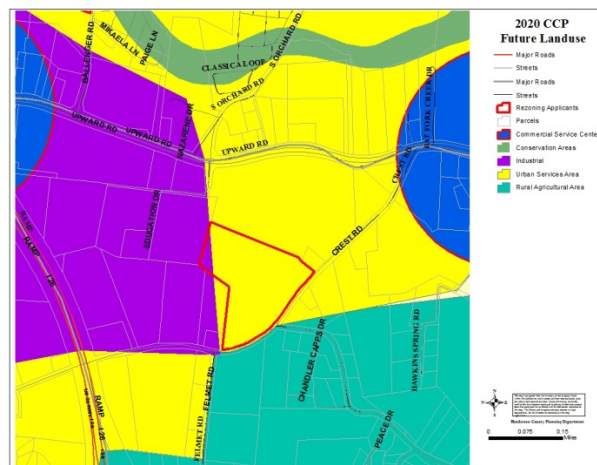
**3. Current Uses of Subject Area and Adjacent Properties**

- 3.1. **Subject Area Uses:** The Subject Area is primarily used for residential purposes.
- 3.2. **Adjacent Area Uses:** The surrounding properties contain primarily industrial, residential, institutional 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 mostly in Urban Services Areas and partly in the Industrial Areas. (2020 CCP, Pgs. 129 & Appendix 1, Map 24). (See Map D).

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



- 4.1.1. **Industrial Area:** “See the Current Land Use Definition of Industrial, in Appendix IV, Glossary. 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. It is intended that the Countywide Industrial / Commercial

Zoning Study and Community Plans will further refine the location, extent, and intensity of future industrial areas. (2020 CCP, Pg. 140).

- 4.1.2. **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).

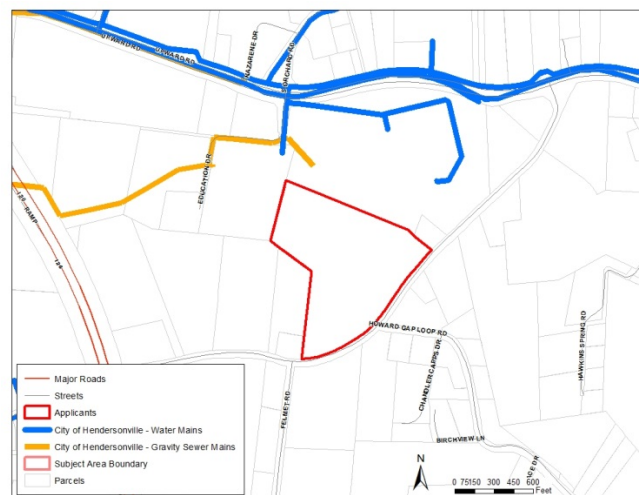
**5. The Dana Community Plan**

- 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 D) places parts of the Subject Area in the Urban Services and Industrial Area classifications. 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 Industrial (I) to the West, Residential Two Rural (R2R) to the South and East, and Community Commercial (CC) to the North.
- 7.3. **Comparison of Districts:** The existing Residential 1 (R1) and Industrial (I) zoning districts are compatible with new industrial development. Applying the Industrial (I) zoning district will allow for future industrial development.
- 7.4. **Spot Zoning:** The surrounding properties are zoned Residential 1. Concerns were brought up that this could be an issue of spot zoning. After discussion with the County Attorney, it was determined that the surrounding properties could stay Residential 1 if they chose to, and the surrounding property would not constitute a spot zoning. However, the option was given to surrounding property owners to be included in this rezoning request to be rezoned industrial or Residential Two Rural, both property owners declined any action to rezone their property at this time.

## **8. Technical Review Committee Recommendation**

- 8.1. The TRC reviewed the application at its meeting on July 18<sup>th</sup>, 2017 and sent it forth to the Planning Board for further review to address the issue of spot zoning.

## **9. Planning Board Recommendation**

- 9.1. The Planning Board reviewed the application at its meeting on July 20<sup>th</sup>, 2017. The Planning Board voted to table the item until the August 17<sup>th</sup> meeting so further contact could be made with adjoining property owners and the issue of spot zoning could be researched and clarified.

The Planning Board reviewed the application at its meeting on August 17, 2017. The Planning Board voted unanimously to send forth a favorable recommendation to the Board of Commissioners to approve this rezoning to Industrial.

**NOTICE OF PUBLIC HEARING  
ON PROPOSED ZONING MAP AMENDMENT  
(Rezoning Application #R-2017-04)**

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-2017-04, which was submitted on June 26, 2017, requests the County rezone approximately 19.96 acres. The applicant requests a rezoning from a Residential One (R1) to Industrial (I) zoning district. The subject area is owned by Patricia Jones, and the applicant is Donald Jones. The property is located on Crest Rd. The PIN for the parcel included is: 9587-68-8771.

The public hearing will be held on Monday, October 2, 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 Times-News on Thursday, September 21, 2017 and Thursday, September 28, 2017.**



**Certification of Notice of Public Hearing**

In accordance with NCGS 153A-343 the Planning Department certifies notice of the October 2, 2017 hearing regarding Rezoning Application #R-2017-04 were:

1. Submitted to the Times-News on September 13, 2017 to be published on September 21, 2017 and September 28, 2017 by Stedman Smith;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on September 13, 2017 by Stedman Smith;
3. Sent, via first class mail, to the property owner on September 13, 2017 by Stedman Smith; and
4. Signs were posted on the Subject Area(s) on September 13, 2017 by Stedman Smith.

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

1. Stedman Smith

STATE OF NC

COUNTY OF Henderson

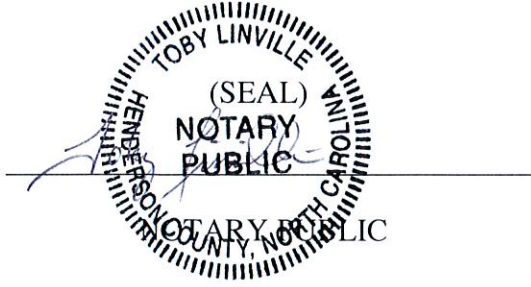
I, Toby Linville, a Notary Public, in and for the above County and State, do hereby certify that

Stedman Smith, and \_\_\_\_\_

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 19 day of September, 2017.

My commission expires:  
5-25-21







## **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-2017-04; 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 October 2<sup>nd</sup>, 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-2017-04 applicant/agent Mr. Donald Jones) 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 2<sup>nd</sup> day of October, 2017.

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

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

**ATTEST:**

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

**[COUNTY SEAL]**

## Rezoning #R-2017-04 Donald and Patricia Jones



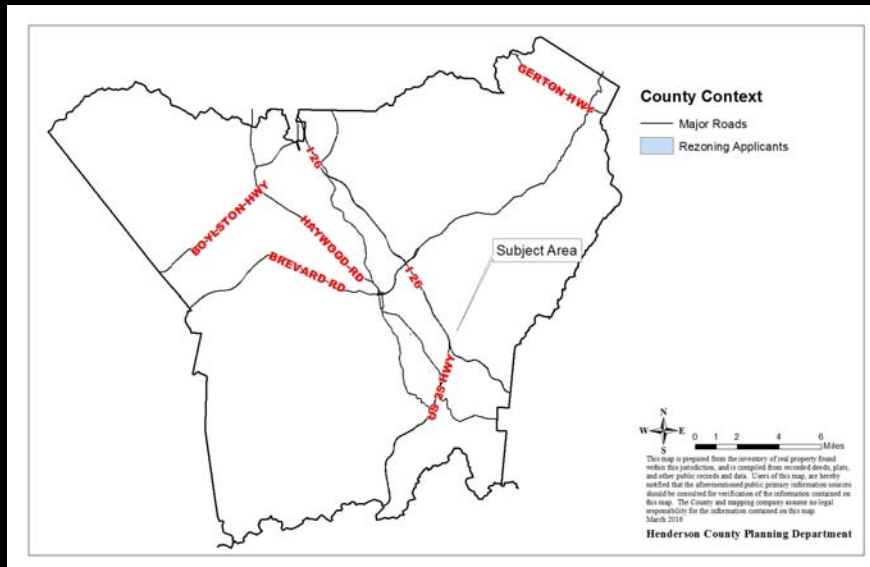
Henderson County Board of Commissioners  
October 2, 2017

*Henderson County Planning Department*

## Application Summary

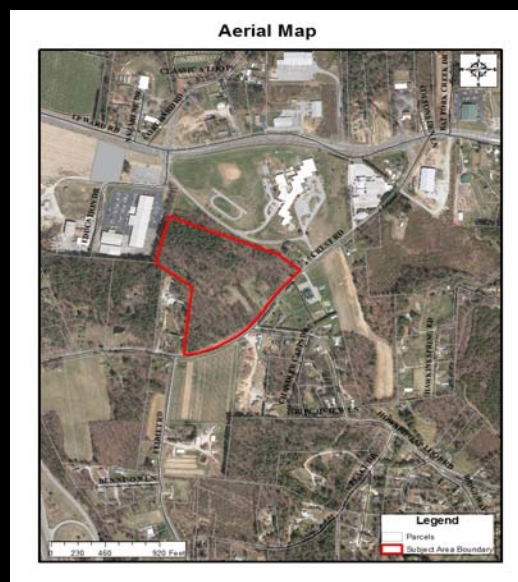
- Rezoning Request: R-2017-04
- Submitted on June 26, 2017
- Applicant/Owner: Mr. Donald Jones
- Rezone from Residential One (R1) Zoning to Industrial (I) Zoning
- 19.96 Acres
- 1 Parcel

# County Context



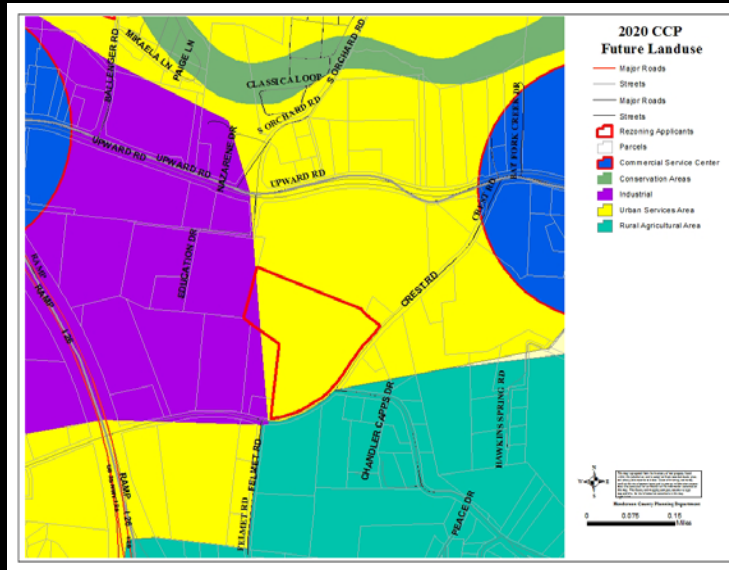
Henderson County Planning Department

# Aerial Photo Map



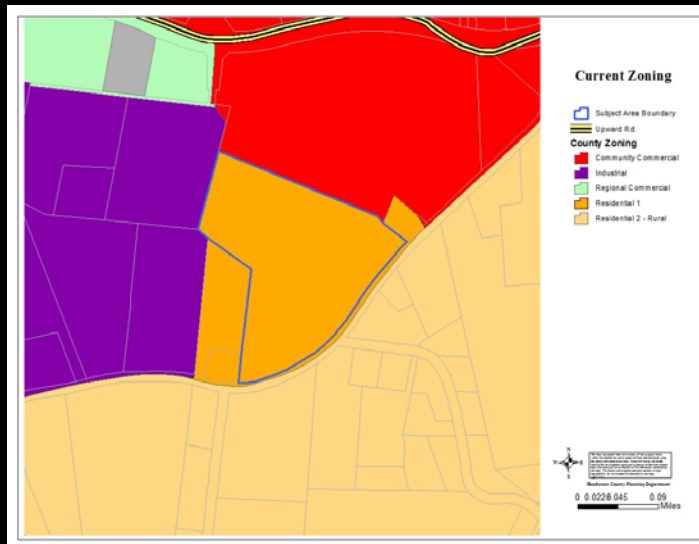
Henderson County Planning Department

# 2020 CCP Future Land Use Map



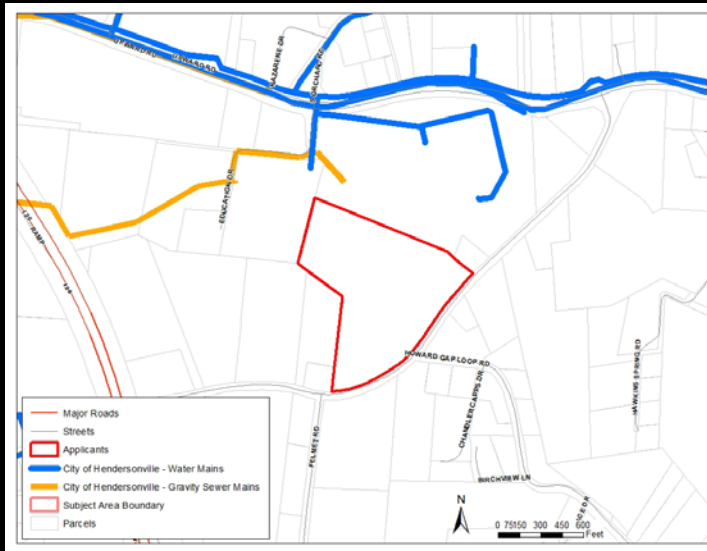
Henderson County Planning Department

# Current Zoning Map



Henderson County Planning Department

## Public Utilities



*Henderson County Planning Department*

## Rezoning #R-2017-04

# Questions

