

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: Wednesday, February 21, 2018

SUBJECT: Public Hearing for Rezoning Application #R-2017-06

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-2017-06 which was initiated on November 20, 2017 at the request of applicant and agent, Mr. Dennis Krueger, who requests the County rezone approximately 0.39 acres of land (thereafter the "Subject Area") from Estate Residential (R-40) zoning to Local Commercial (LC) zoning district.

The Henderson County Planning Board considered rezoning application #R-2017-06 at its regularly scheduled meetings on December 21, 2017. During the meeting, the Planning Board voted unanimously to send forward a favorable recommendation to rezone the Subject Area to a Local Commercial (LC) 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 February 21, 2018, public hearing regarding rezoning application #R-2017-06 were published in the Times-News on February 1, 2018 and February 8, 2018. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area on January 29, 2018 and posted signs advertising the hearing on the Subject Area on January 29, 2018.

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-2017-06 to rezone the Subject Area to a Local Commercial (LC) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan and other supporting information.

Henderson County Planning Department Staff Report

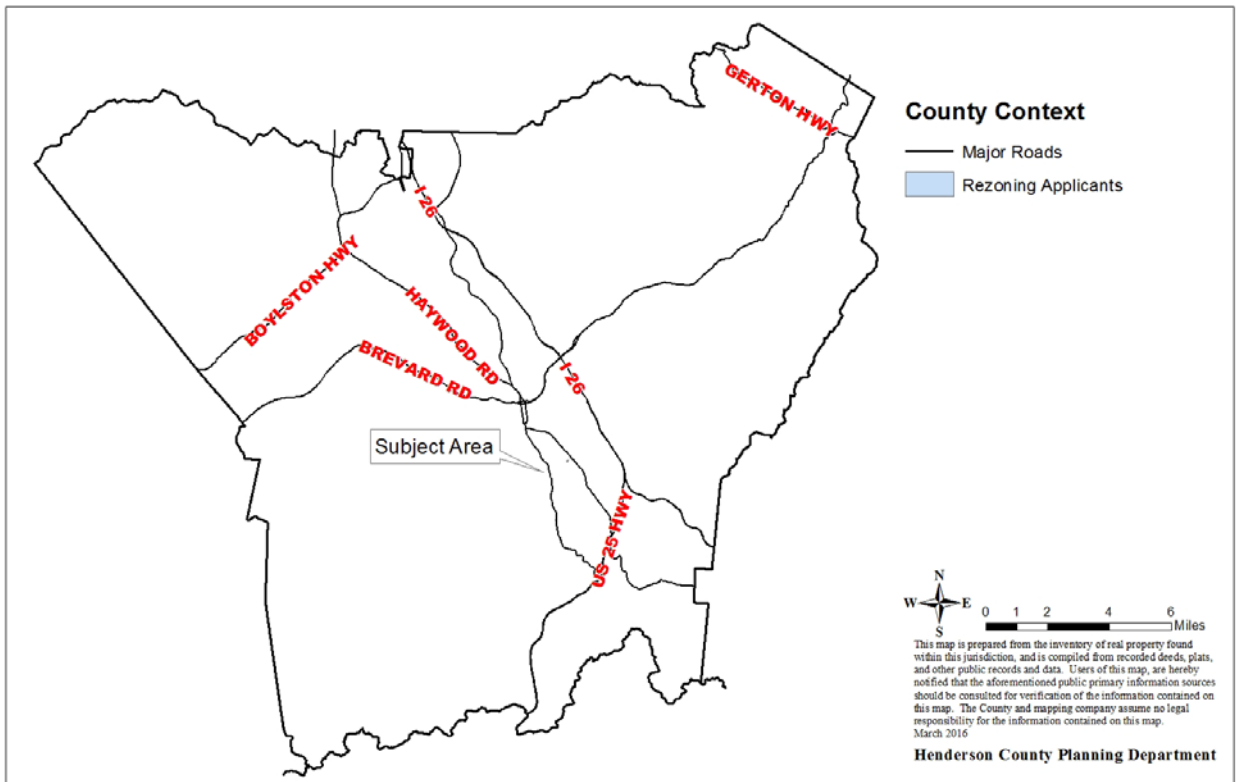
Rezoning Application #R-2017-06 (R-40 to LC)

Applicant/Owner: Dennis Krueger

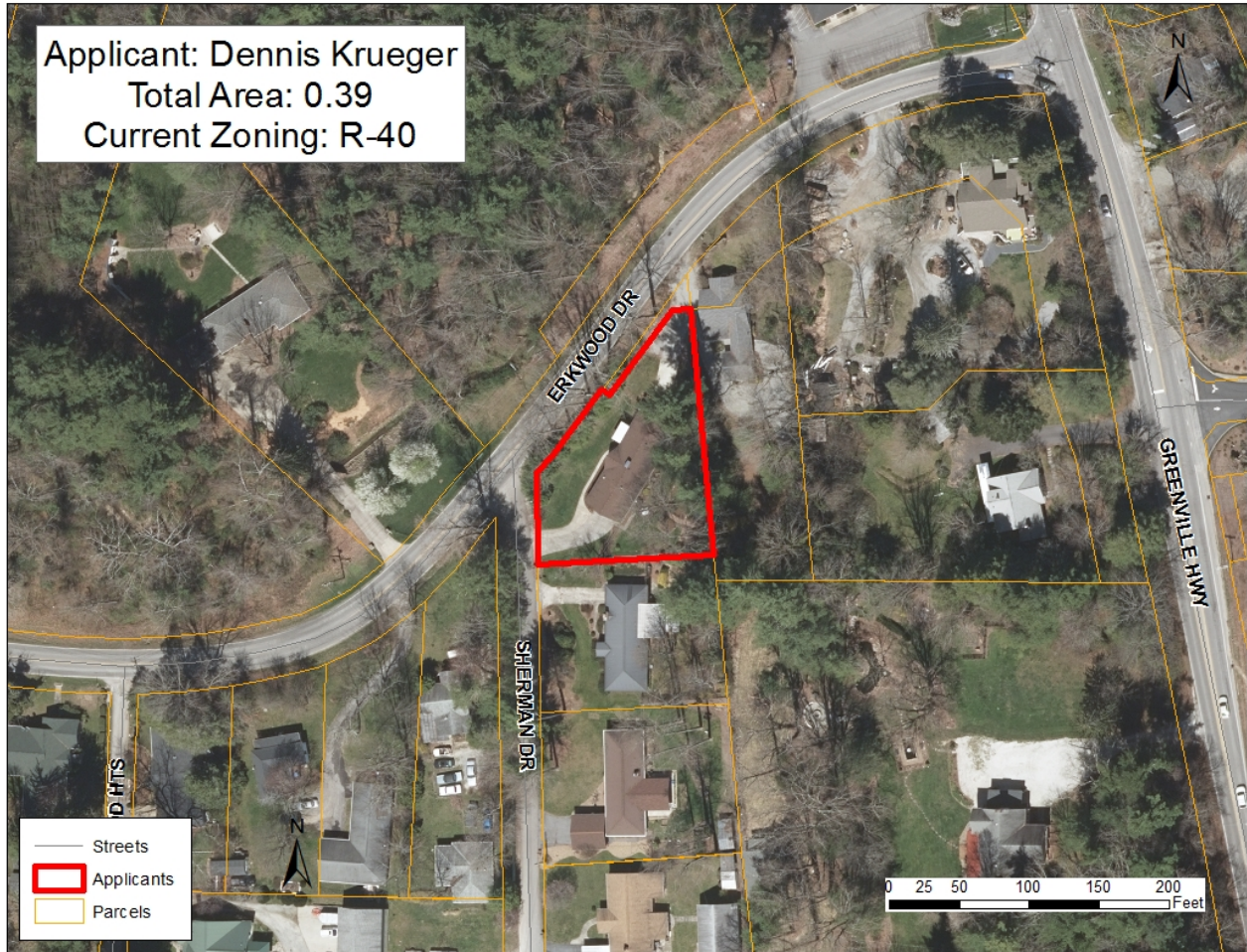
1. Rezoning Request

- 1.1. **Applicant/Agent:** Dennis Krueger
- 1.2. **Property Owner:** Dennis Krueger
- 1.3. **PIN:** 9577-18-8133
- 1.4. **Request:** Rezone subject area from an Estate Residential (R-40) zoning district to a Local Commercial (LC) zoning district.
- 1.5. **Size:** Approximately 0.399 acres of land
- 1.6. **Location:** The subject area is located near the corner of Erkwood Dr. and Greenville 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 (see Map C)

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

2.2. **Adjacent Zoning:** The subject area is adjacent to Local Commercial (LC) to the east, Estate Residential (R-40) to the west, north, and south.

2.3. District Comparison:

2.3.1. **Estate Residential (R-40):** “The Estate Residential District (R-40) is established to maintain the zoning in place prior to the adoption of this Chapter 200A.”(Chapter 200A, Land Development Code §42A-37).

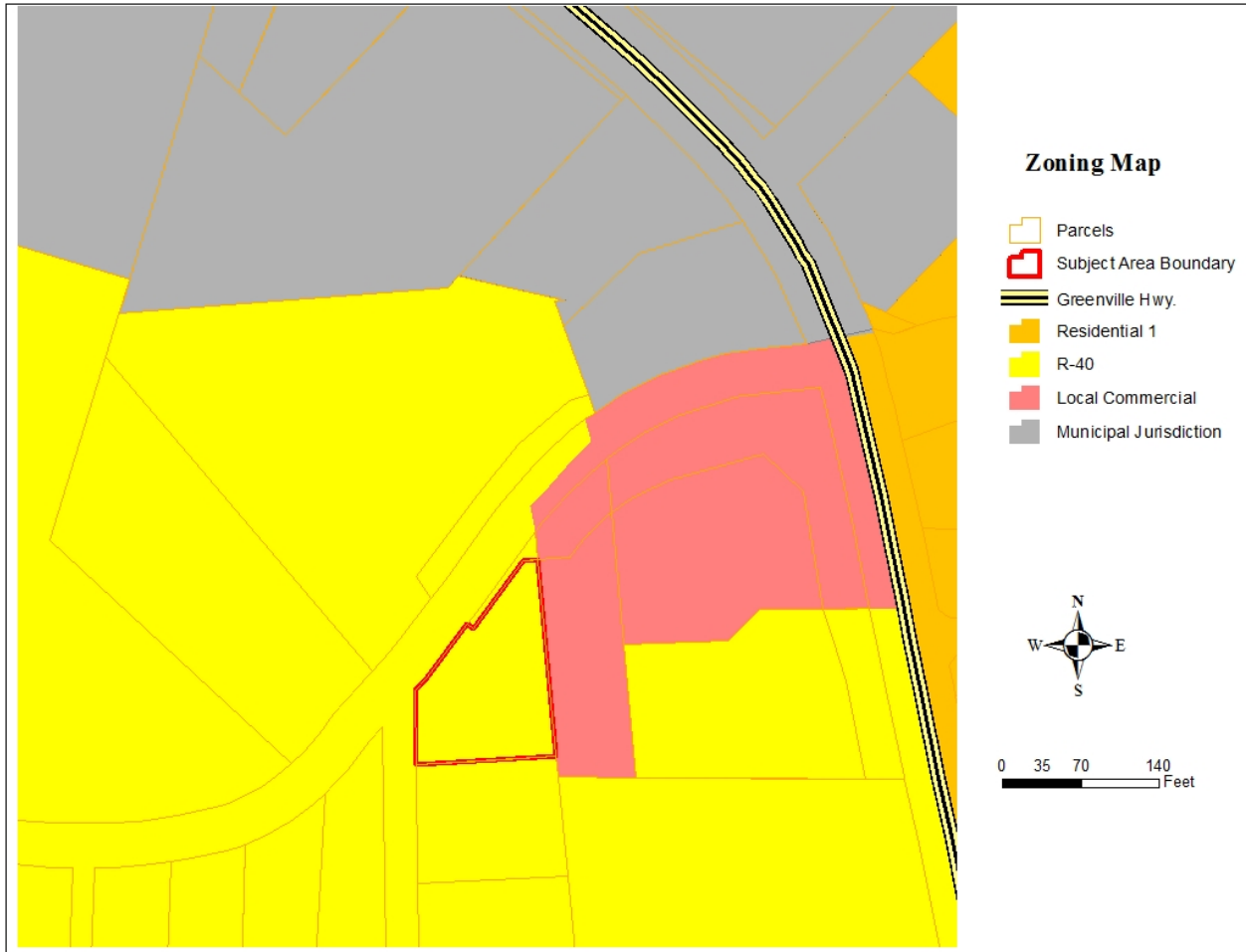
1) R-40 requires a minimum lot area of 40,000 sq. ft. and 60 foot front yard setbacks and 35 ft. side and rear setbacks.

2.3.2. **Local Commercial (LC):** The purpose of Local Commercial District (LC) is to foster orderly growth where the principal use of land is commercial and residential. The intent of this district is to allow for commercial development consistent with the recommendations of the Comprehensive Plan. The district will

allow for and provide commercial and residential 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 a local or neighborhood scale; (2) is directed largely to Community Service Centers as defined in the Comprehensive Plan.”

- 1) (LC) requires 10 foot setbacks and allows standard density of up to four (4) units per acre and a maximum density of sixteen (16) units per acre.

Map C: Current Zoning



3. Current Uses of Subject Area and Adjacent Properties

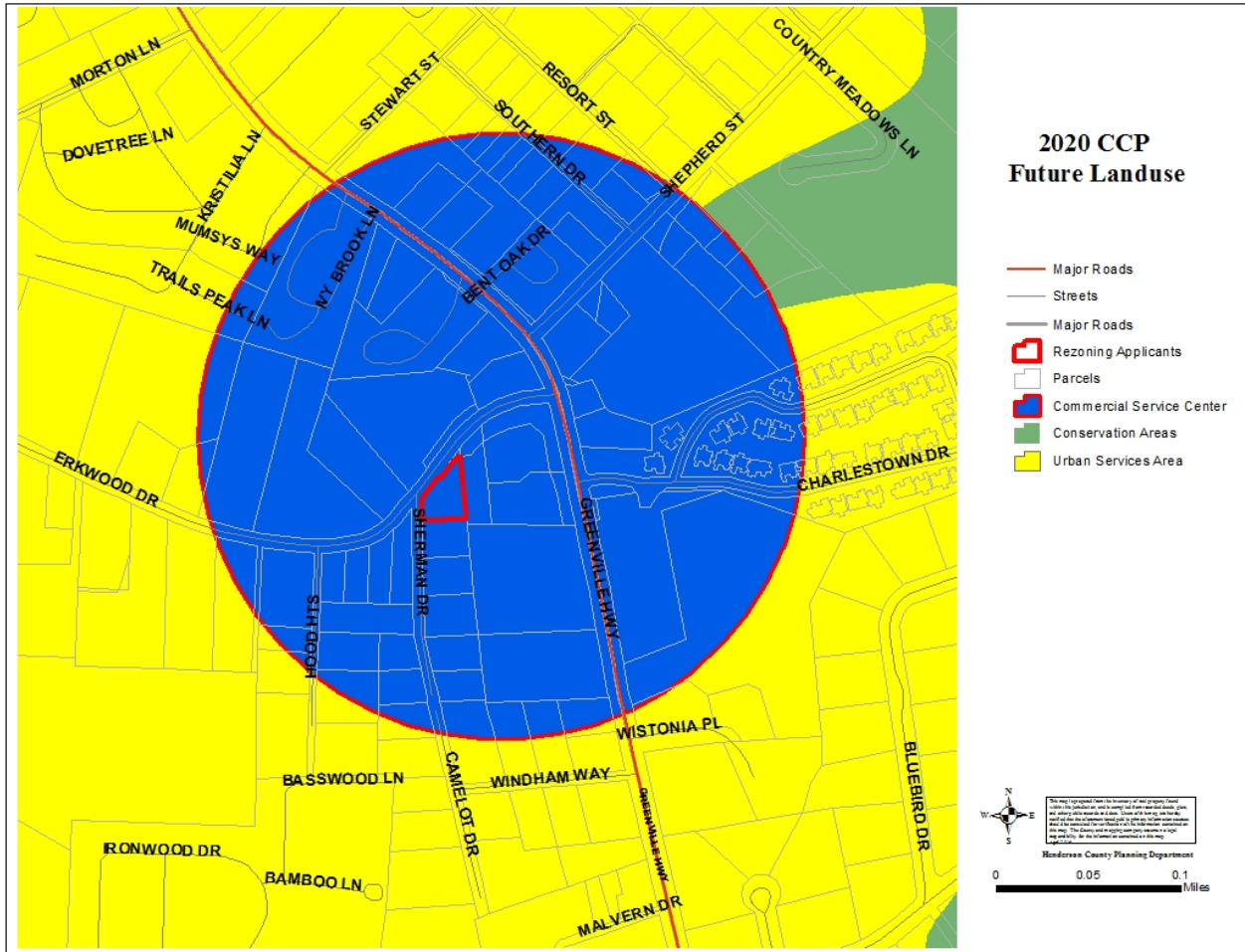
3.1. **Subject Area Uses:** The subject area is currently home to the applicant.

3.2. **Adjacent Area Uses:** The surrounding properties contain primarily residential uses but NCDOT acquired right of way and removed the homes closest to the intersection of Erkwod and Greenville Hwy. for the purposes of installing a roundabout.

4. **The Henderson County 2020 Comprehensive Plan (CCP)**

4.1. The CCP Future Land Use Map identifies the subject area as being located in a Commercial Service Center (2020 CCP, Pgs. 138 & Appendix 1, Map 24). (See Map D).

Map D: 2020 County Comprehensive Plan Future Land Use Map



Commercial Service Center: The CCP states that, “Community Service Centers are located in unified development concentrations at intersections of selected thoroughfares and in central locations that are convenient to nearby residential development so as to minimize problems associated with “strip” commercial development. Community Service Centers should be priority targets of investments for sewer and water, public transportation, greenways, other general road improvements, and other appropriate infrastructural improvements.”

“Local Commercial areas are located within defined Community Service Centers. They serve small market areas and are intended to be located within the residential neighborhoods that they serve. They contain a range of commercial uses that can be safely intermixed with residential uses.

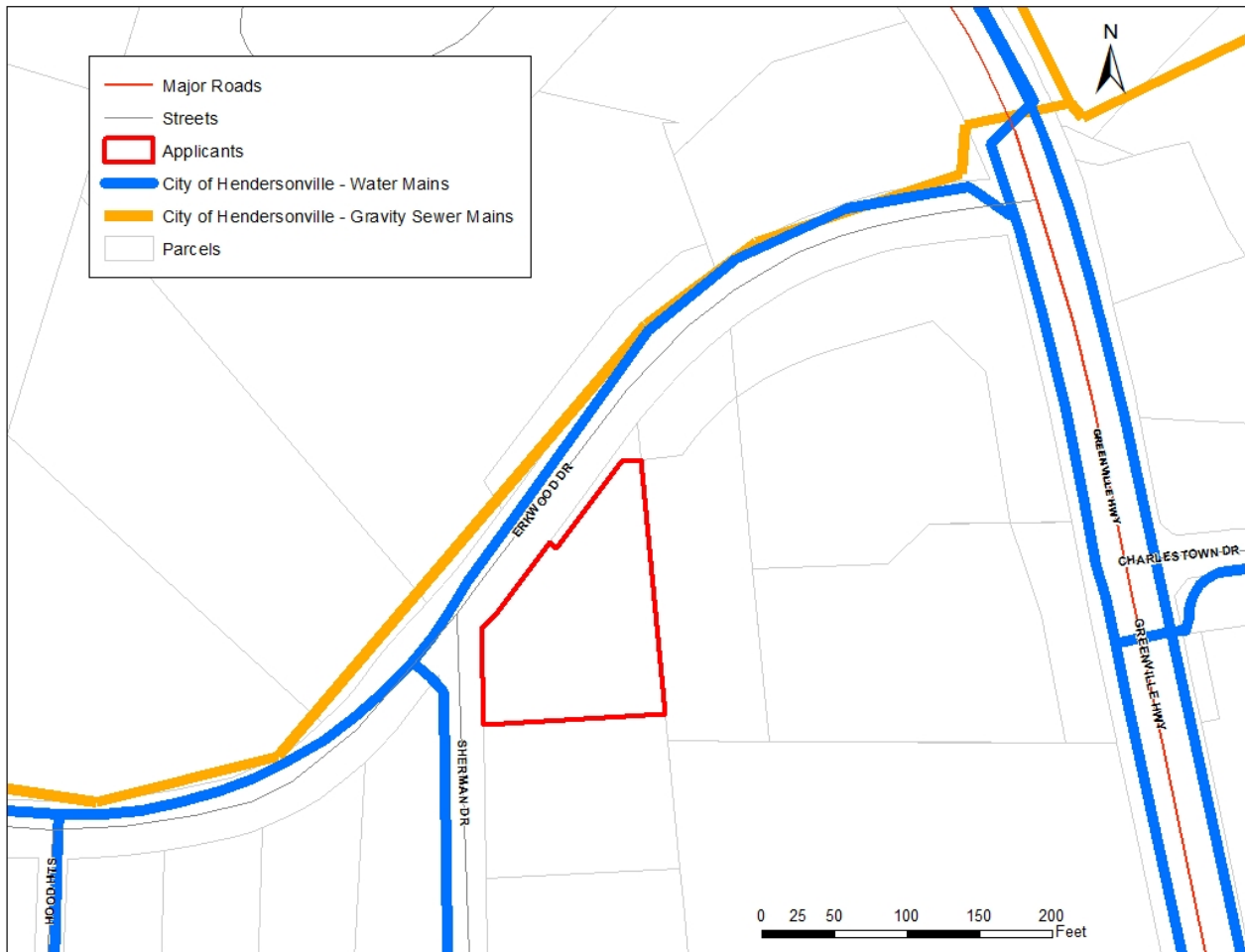
They are pedestrian- friendly areas that typically generate fairly low traffic volumes and can be located along minor residential streets. Public utilities are strongly encouraged but not necessarily required. The range of uses permitted within a Local Commercial area should be compatible with available utilities and infrastructure. They include a variety of retail sales and services, public and private administrations, offices and all other uses done primarily for sale or profit on a local or neighborhood scale. They should be compatible with adjacent development and the surrounding community and should minimize congestion and sprawl.

5. Water and Sewer (see Map E)

5.1. **Public Water:** City of Hendersonville water main lies adjacent to the subject area.

5.2. **Public Sewer:** The City of Hendersonville Gravity sewer main lies adjacent to the subject area.

Map E: Water and Sewer Map



East Flat Rock Community Plan

The East Flat Rock Community Plan recommends the abandonment of this small pocket of Local Commercial area, and be rezoned as Residential Two (R2). North Carolina Department of Transportation recently acquired right of way from the adjacent property owners zoned Local Commercial, which resulted in the removal of the homes on those sites. The applicant did not lose their home but did lose a small portion of the subject area property to NCDOT. The right of way acquisition was for the purposes of installing a roundabout.

6. Staff Comments

- 6.1. **The 2020 CCP:** The CCP Future Land Use Map (See Map D) places the Subject Area in the, Community Service Center classification. The text and map of the 2020 CCP suggest that the Subject Area would be suitable for Local Commercial Development.
- 6.2. **Adjacent Zoning:** The subject area is adjacent to R-40 and Local Commercial zoning districts.
- 6.3. **Comparison of Districts:** The applicant wishes to be zoned Local Commercial, as the adjacent parcels closest to Greenville Hwy. are so that there could be a possibility of marketing the parcel as a site for residential or small commercial enterprise.

7. Staff Recommendations

- 7.1. It is staff's position that the subject area meets the technical requirements to become a Local Commercial zoning district.

8. Technical Review Committee Recommendations

- 8.1. The TRC reviewed the application at its meeting on December 5, 2017, and found that the application met all technical requirements. The committee motioned to forward the request to the Planning Board for further review

9. Planning Board Recommendations

- 9.1. The Planning Board reviewed the application at its meeting on December 21, 2017, and voted unanimously to send the request to the Board of Commissioners with a favorable recommendation. The Board also discussed the East Flat Rock Plan, and how its recommendations did not align with this rezoning request. It was discussed that the plan should possibly be amended to recommend keeping the small pocket of Local Commercial area on the corner of Erkwood and Greenville Highway.

**NOTICE OF PUBLIC HEARING
ON PROPOSED ZONING MAP AMENDMENT
(Rezoning Application #R-2017-06)**

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-2017-06, which was submitted on November 20, 2017, requests the County rezone approximately 0.39 acres. The applicant requests a rezoning from an Estate Residential (R-40) to Local Commercial (LC) zoning district. The subject area is owned by Dennis Krueger, who is also the applicant. The property is located on Erkwood Dr. The PIN for the parcel included is: 9577-18-8133.

The public hearing will be held on Wednesday, February 21, 2018, at 9:00 A.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, February 1, 2018 and Thursday, February 8, 2018.

Certification of Notice of Public Hearing

In accordance with NCGS 153A-343 the Planning Department certifies notice of the February 21, 2018 hearing regarding Rezoning Application #R-2017-06 were:

1. Submitted to the Times-News on January 30, 2018 to be published on February 1, 2018 and February 8, 2018 by Stedman Smith;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on January 29, 2018 by Stedman Smith;
3. Sent, via first class mail, to the property owner on January 29, 2018 by Stedman Smith; and
4. Signs were posted on the Subject Area(s) on January 29, 2018 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

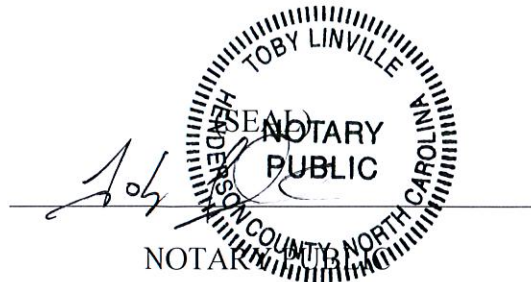
Stedman Smith, and _____

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 30 day of JANUARY, 2018.

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-2017-06; 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 21st, 2018; 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-2017-06 applicant/agent Mr. Dennis Krueger) 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 21st day of February, 2018.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
J. MICHAEL EDNEY , Chairman

ATTEST:

Teresa Wilson, Clerk to the Board

[COUNTY SEAL]

Rezoning #R-2017-06 Dennis Krueger



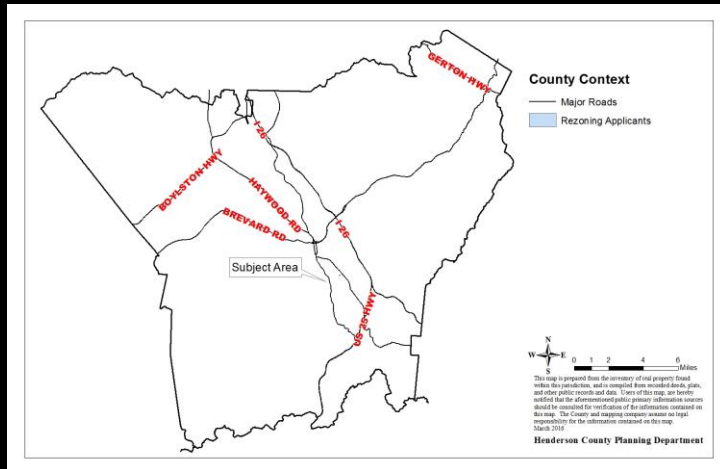
Henderson County Board of Commissioners
February 21, 2018

Henderson County Planning Department

Application Summary

- Rezoning Request: R-2017-06
- Submitted on November 20, 2017
- Applicant/Owner: Mr. Dennis Krueger
- Rezone from Estate Residential (R-40) Zoning to Local Commercial (LC) Zoning
- 0.39 Acres
- 1 Parcel

County Context



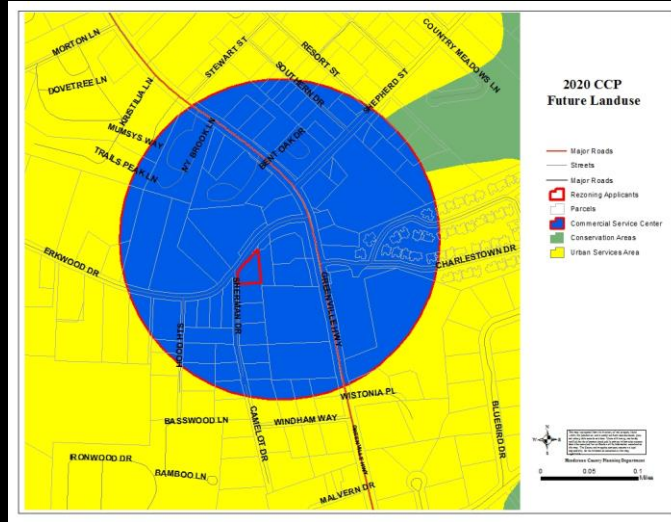
Henderson County Planning Department

Aerial Map



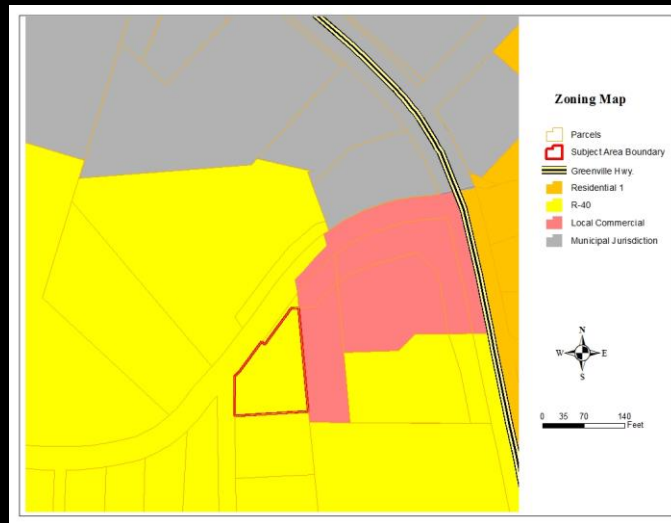
Henderson County Planning Department

2020 CCP Future Land Use Map



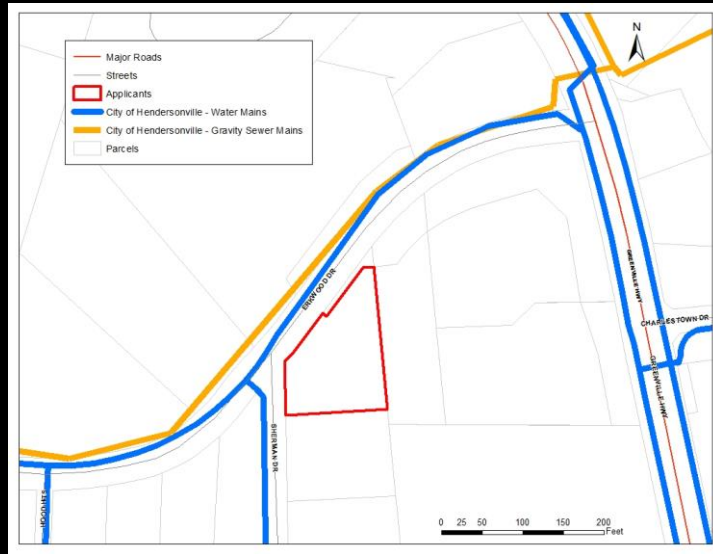
Henderson County Planning Department

Current Zoning Map



Henderson County Planning Department

Public Utilities



Henderson County Planning Department

Rezoning #R-2017-06

Questions

