

REQUEST FOR BOARD ACTION

HENDERSONCOUNTY BOARD OF COMMISSIONERS

MEETING DATE: Monday, May 6, 2019

SUBJECT: Public Hearing for Rezoning Application #R-2018-09 Laughter, Residential One (R1) to Regional Commercial (RC)

PRESENTER: Eric Warren, Planner

ATTACHMENTS:

1. Subject Area Map
2. Staff Report
3. Certification of Public Hearing Notification
4. Resolution of Consistency
5. Power Point

SUMMARY OF REQUEST:

Rezoning Application #R-2018-09 was initiated on December 27, 2018 and requests that the County rezone approximately 6.06 acres of land from Residential One (R1) to Regional Commercial (RC). The acreage consists of 4 parcels. The property owners include Shane and Kelly Laughter, SE Johnston III, Phillip Gilliam, and Timothy Johnston. Shane Laughter will be serving as agent.

At the regularly scheduled meeting on March 21, 2019 the Planning Board voted 8-0 to forward this rezoning request with a favorable recommendation.

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, notice of the May 6, 2019 public hearing regarding rezoning application #R-2018-09 was published in the Hendersonville Lightning on April 17th and April 24th. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area on April 22, 2019 and posted signs advertising the hearing on the Subject Area on April 22, 2019.

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-2018-09 to rezone the Subject Area to a Regional Commercial (RC) based on the recommendations of the Henderson County 2020 Comprehensive Plan, and with any conditions as discussed, and;

I move that the Board approved the attached resolution regarding the consistency with the CCP.

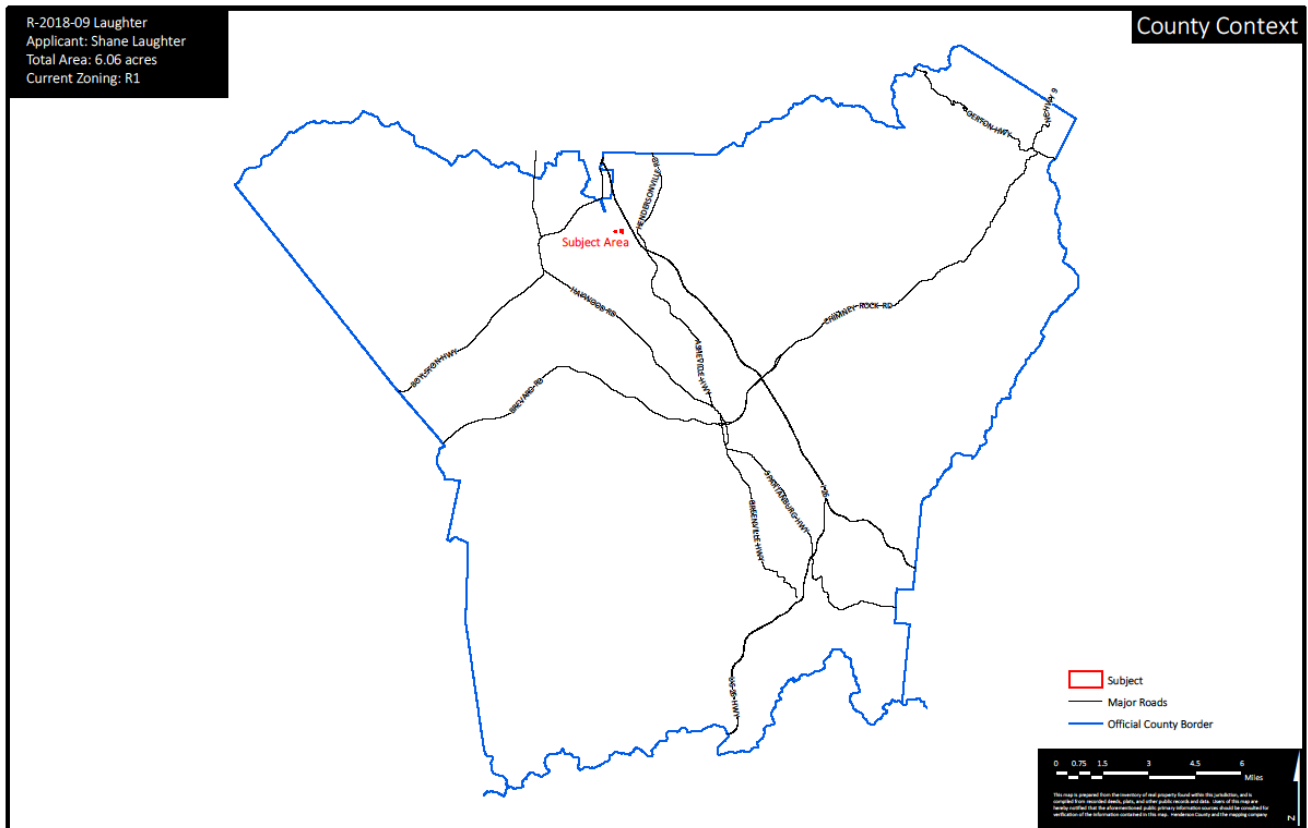
**Henderson County Planning Department Staff Report
Rezoning Application #R-2018-09 (R1 to RC)**

**Owner(s)
Shane & Kelly Laughter, S.E. Johnston III, Phillip Gilliam, Timothy Johnston
(Shane Laughter, Agent)**

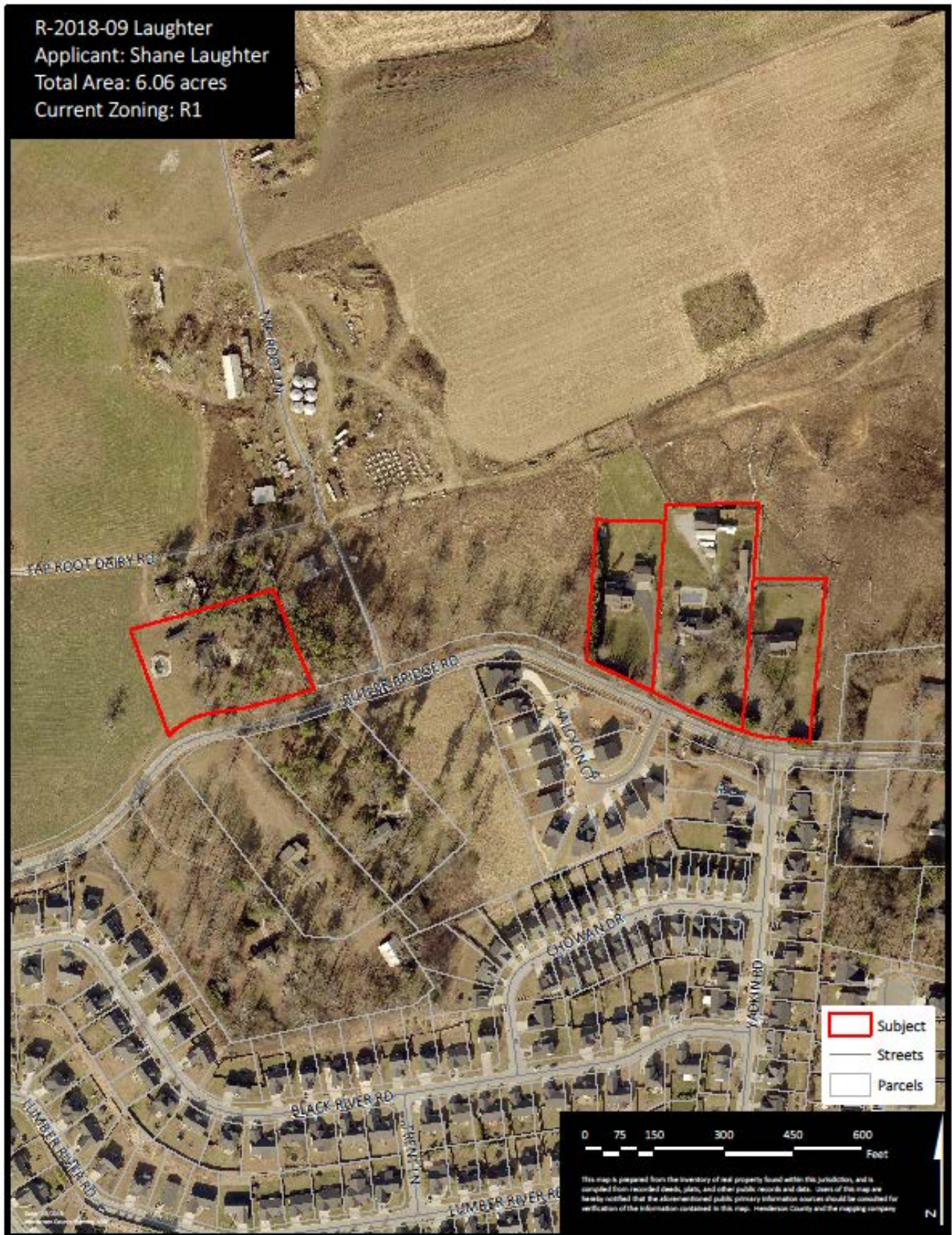
1. Rezoning Request

- 1.1. **Applicant: Shane Laughter**
- 1.2. **Property Owner:** Shane & Kelly Laughter, S.E. Johnston III, Phillip Gilliam, Timothy Johnston
- 1.3. **PINs:** 9652-01-1996, 9652-01-3964, 9652-01-5834, 9642-91-3898
- 1.4. **Request:** Rezone subject area from a Residential One (R1) zoning district to a Regional Commercial (RC) zoning district.
- 1.5. **Size:** Approximately 6.06 acres of land
- 1.6. **Location:** The subject area consists of 4 parcels located on Butler Bridge Rd (S.R. 1345) approximately a half of a mile west of the intersection of Butler Bridge Rd (S.R. 1345) and Asheville Hwy (U.S. 25). The property is adjacent to the north of River Stone subdivision.

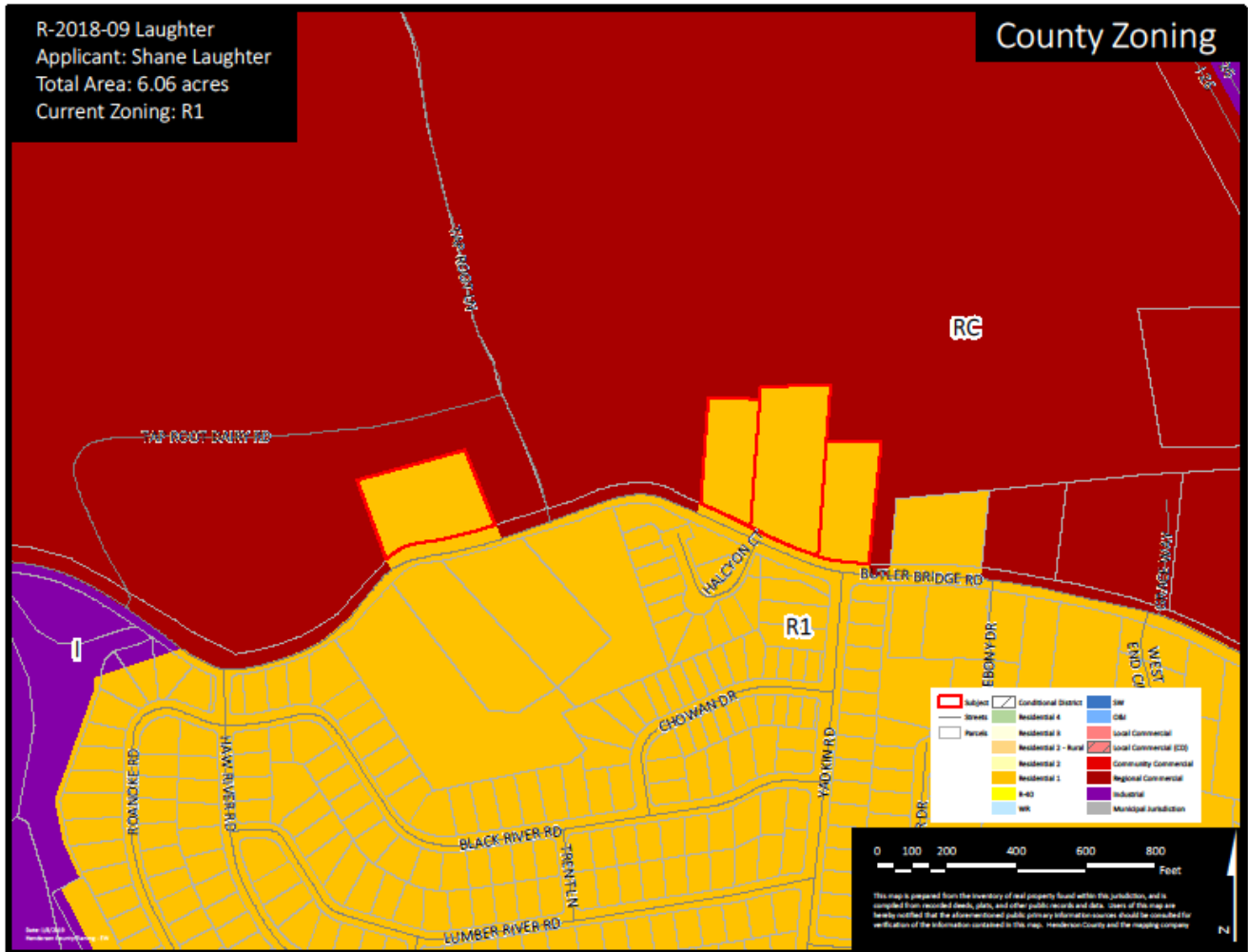
Map A: County Context



Map B: Aerial Image



Map C: Current Zoning



2. Current Zoning

2.1. **Application of Current Zoning:** The subject area is currently zoned Residential One (R1). (See Map C).

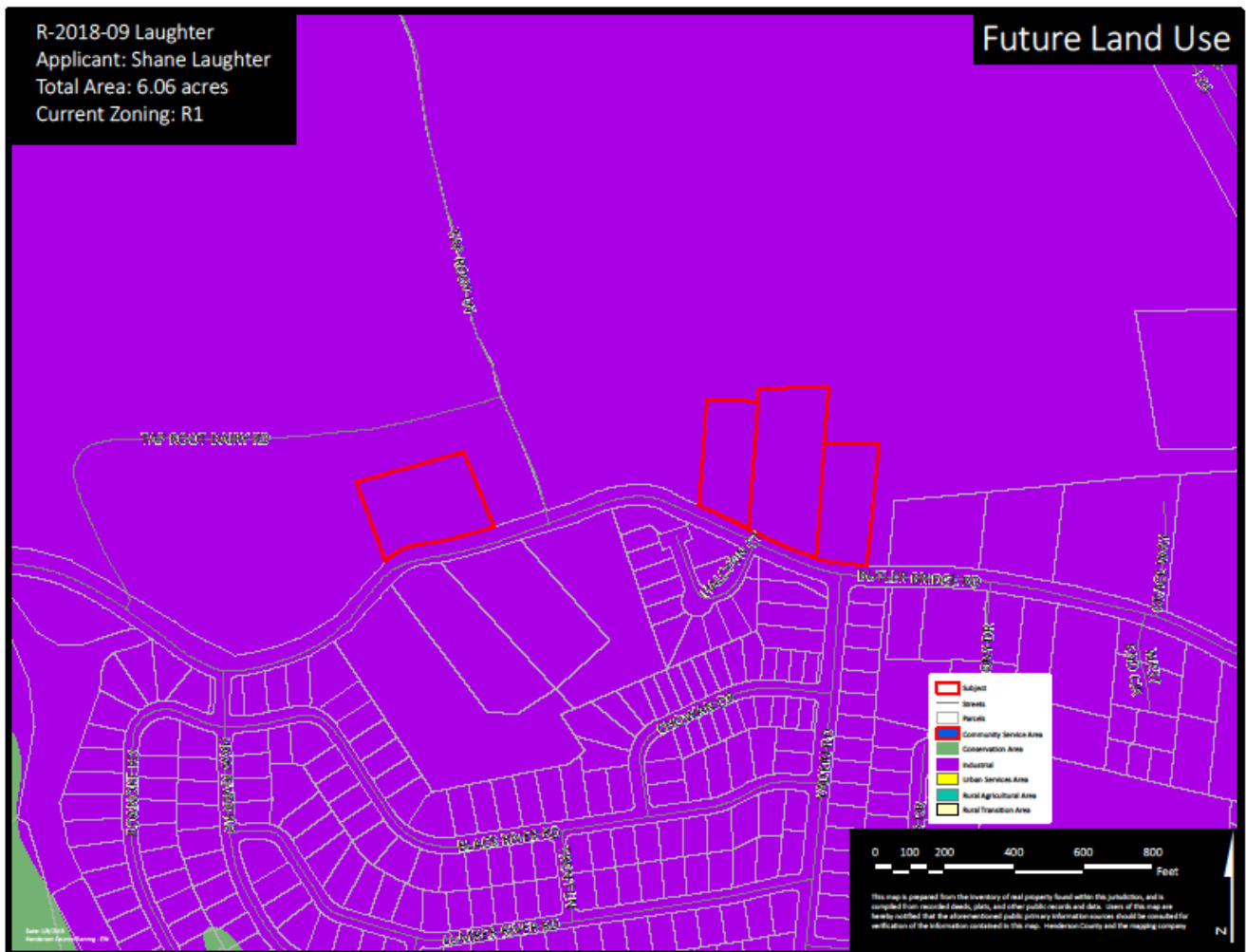
2.2. **Adjacent Zoning:** The subject area is adjacent to both Residential One (R1) zoning and Regional Commercial (RC) zoning districts.

2.3. **District Comparison:**

2.3.1. **Residential One (R1):** “The purpose of Residential District One (R1) is to foster orderly growth where the principal 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 (USA) in the Comprehensive Plan.” Standard density is four units per acre, intermediate density of six units per acre, and a maximum density of twelve units per acre (LDC § 42A-27).

2.3.2. **Regional Commercial (RC):** “The purpose of the Regional Commercial District (RC) 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, community, and regional 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 Urban (USA) in the Comprehensive Plan.” Standard density is sixteen units per acre (LDC § 42A-35).

Map D: 2020 County Comprehensive Plan Future Land Use Map



3. Current Uses of Subject Area and Adjacent Properties

3.1. **Subject Area Uses:** The subject area is comprised of 4 parcels used for residential purposes.

3.2. **Adjacent Area Uses:** The surrounding properties contain mainly residential and agricultural uses. There is an application for a conditional rezoning on the adjacent Tap Root property.

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

4.1. The CCP Future Land Use Map identifies the subject area as being in an Industrial Area. (2020 CCP). (See Map D).

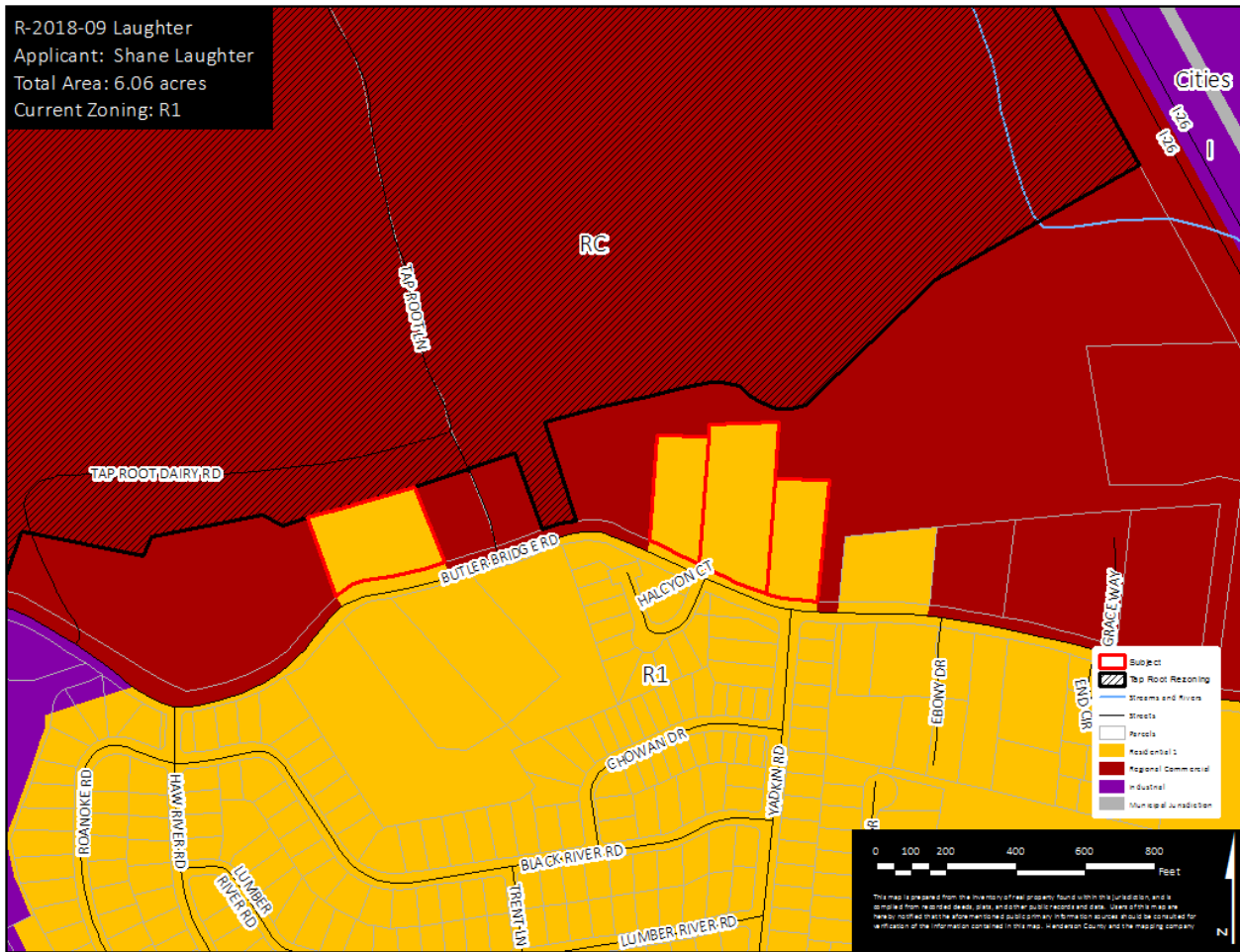
4.1.1.1. Industrial Area: The CCP defines industrial use as “Parcels containing facilities wherein raw or pre-processed resources, materials, substances, or components are mechanically, physically, chemically, or otherwise transformed into new products; waste materials are collected, treated, or disposed of; subsurface natural resources are extracted and/or processed; Livestock, cargo, merchandise, materials or hazardous substances are transferred, stored or warehoused for wholesale or other distribution; passengers or passenger vehicles are collected or transferred; water, fuel, or electricity is produced, processed, stored, transferred or transmitted.” (2020 CCP Appendix IV pg. 12).

5. **Water and Sewer**

5.1. **Public Water:** The subject area utilizes private, individual water system

5.2. **Public Sewer:** The subject area utilizes private, individual septic system

Map E: Current Zoning with Tap Root Plan



6. Adjacent Zoning with Tap Root Application

6.1. The rezoning application for the Tap Root Development excludes the area adjacent and surrounding the parcels in this application. The result of the Tap Root rezoning application will not affect the contiguity of the adjacent RC zoning district for the four parcels included in this application.

7. Staff Comments

7.1. There is a rezoning application filed for the large property immediately adjacent to the North to be rezoned from Regional Commercial (RC) to Residential One Conditional District (R1-CD).

7.2. **The 2020 CCP:** The CCP Future Land Use Map (See Map D) places the Subject Area in an Industrial Area. The text and map of the 2020 CCP suggest that the Subject Area would be suitable for commercial development.

7.3. **Adjacent Zoning:** The subject area is adjacent to Residential One (R1) and Regional Commercial (RC).

8. Technical Review Committee

8.1. At its regularly scheduled meeting the Technical Review Committee, finding that all technical requirements have been met, approved a motion to forward the rezoning request to the Henderson County Planning Board for further review.

9. Planning Board

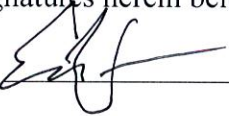
- 9.1. At the February 21, 2019 Planning Board meeting, this application was tabled to hear the application for Tap Root Conditional Rezoning before making a recommendation to the Board of Commissioners.
- 9.2. At the March 21, 2019 Planning Board meeting, the Planning Board approved a unanimous favorable recommendation to the Board of Commissioners.

Certification of Notice of Public Hearing

In accordance with NCGS 153A-343 the Planning Department certifies notice of the May 6, 2019 hearing regarding Rezoning Application #R-2018 - 09 were:

1. Submitted to the Hendersonville Lightning on April 9, 2019 to be published on April 17, 2019 and April 24, 2019 by Eric Warren;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on April 22, 2019 by Eric Warren;
3. Sent, via first class mail, to the property owner on April 22, 2019 by Eric Warren; and
4. Signs were posted on the Subject Area(s) on April 22, 2019 by Eric Warren.

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

1.  _____

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

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

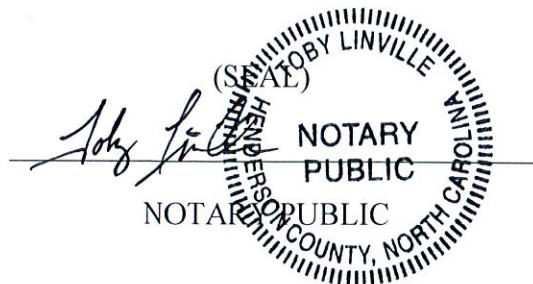
 Eric Warren ,

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 22 day of April , 20 19 .

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-2018-09; 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 May 6, 2019; 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-2018-09 Laughter) 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 May 6th, 2019.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
GRADY HAWKINS, Chairman

ATTEST:

Teresa Wilson, Clerk to the Board

[COUNTY SEAL]

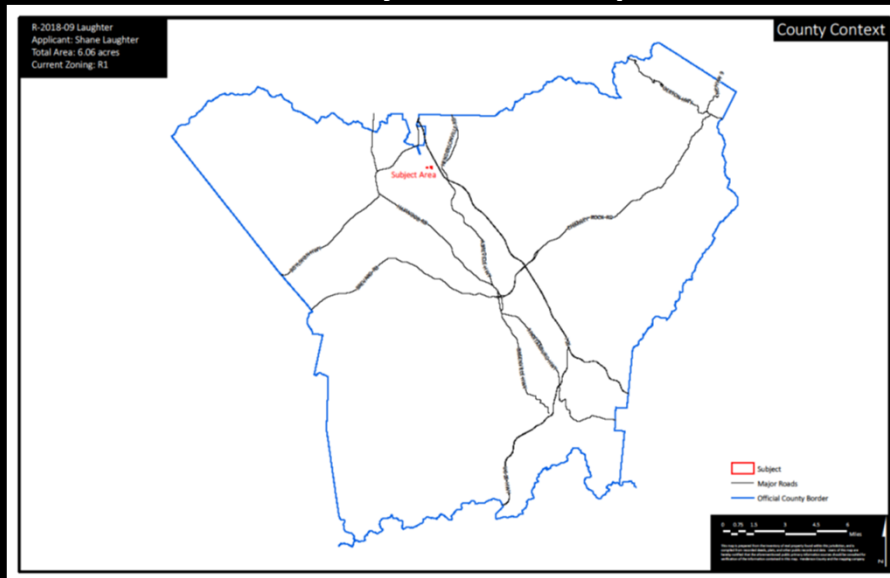
Rezoning #R-2018-09 Laughter



Henderson County Board of Commissioners
May 6, 2019

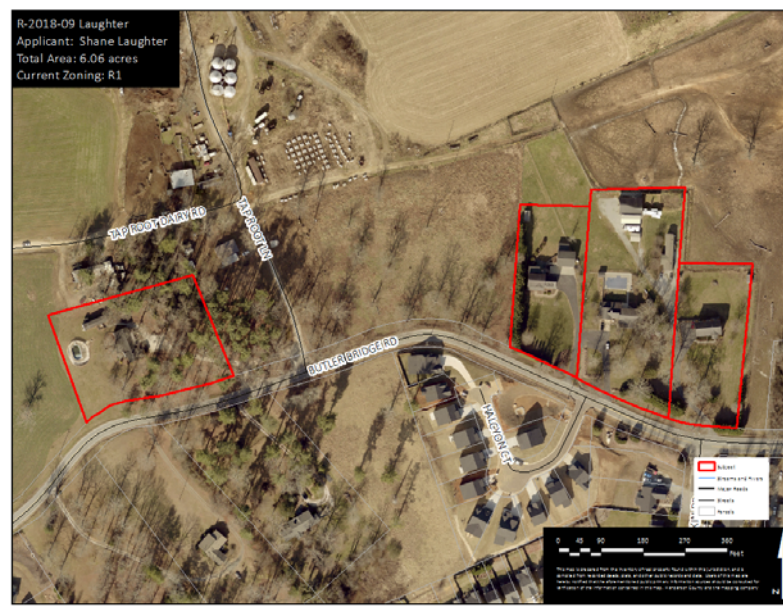
Henderson County Planning Department

County Context Map



Henderson County Planning Department

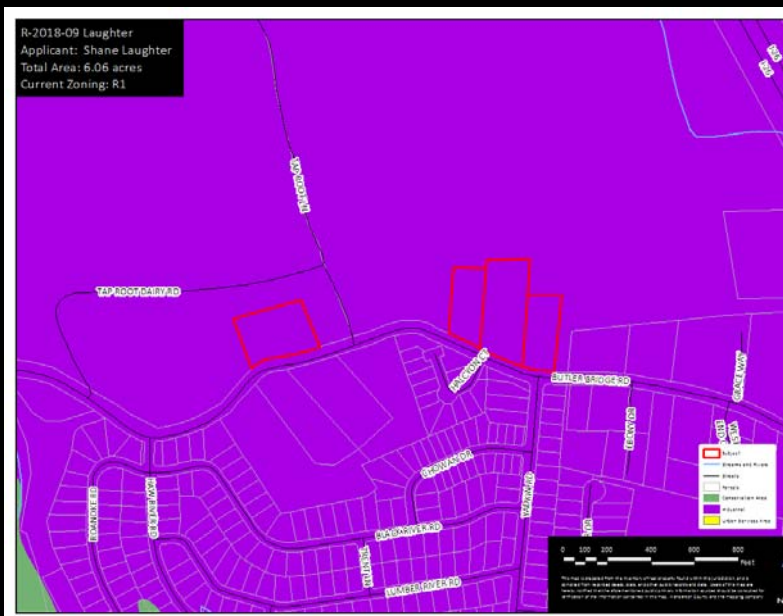
Aerial Map



Henderson County Planning Department

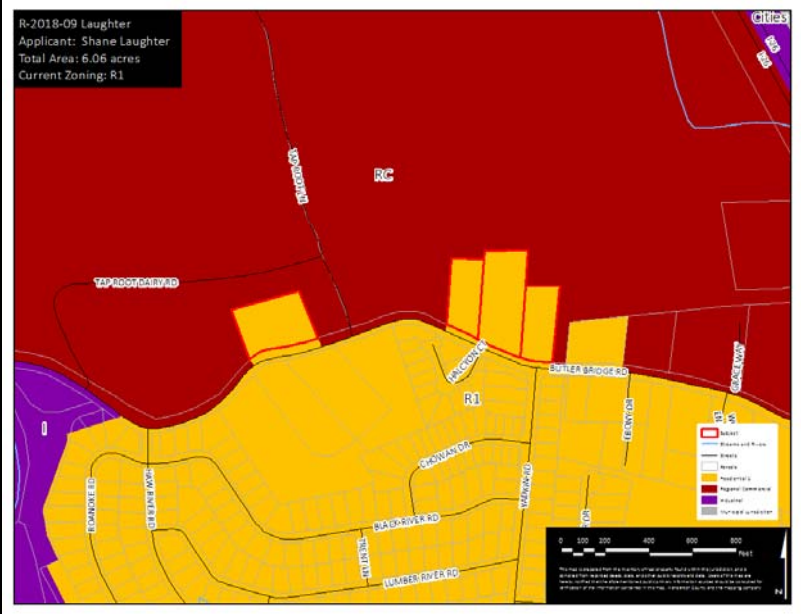
EW1

2020 CCP Future Land Use Map



Henderson County Planning Department

Current Zoning Map



Henderson County Planning Department

Current Zoning Map



Henderson County Planning Department

Rezoning #R-2018-09

Questions

