

REQUEST FOR BOARD ACTION

HENDERSONCOUNTY BOARD OF COMMISSIONERS

MEETING DATE: Monday, May 6, 2019

SUBJECT: Public Hearing for Rezoning Application #R-2019-01 Hahn, Residential One (R1) to Industrial

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-2019-01 as amended on March 11, 2019 requests that the County rezone approximately 21.70 acres of land from Residential One (R1) to an Industrial (I) zoning district. The acreage consists of 3 parcels (PIN: 9578-76-7853, 9578-86-0329, and 9578-86-0937) on New Hope Rd. and Airport Rd. in the Dana area. The property owners are Brian and Norman Hahn, George R Scott Agritourism Farm LLC, and Beasnest Holdings, LLC. Eric Goodman is 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-2019-01 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.

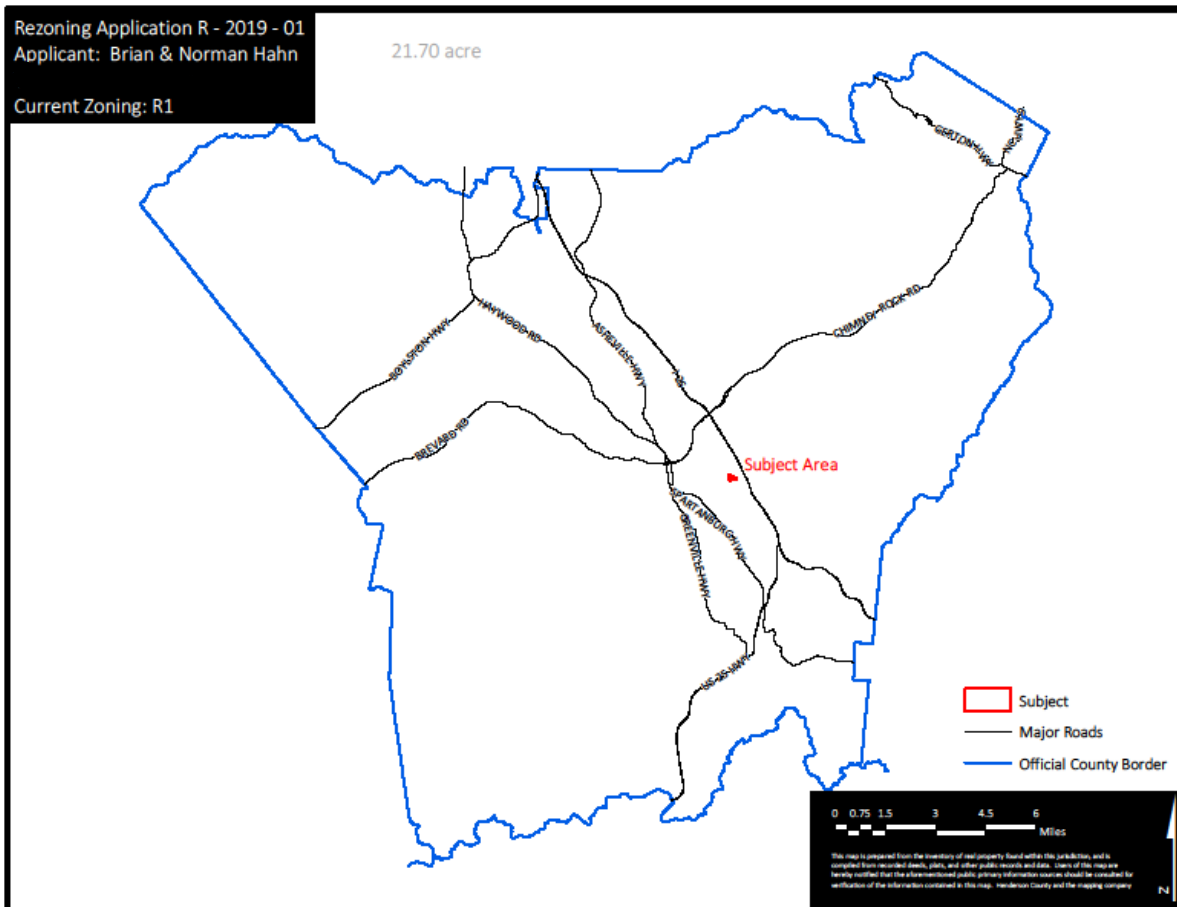
Henderson County Planning Department Staff Report
Rezoning Application #R-2019-01 (R1 to I)

Owner(s)
Norman and Brian Hahn (Eric Goodman, Agent)

1. Rezoning Request

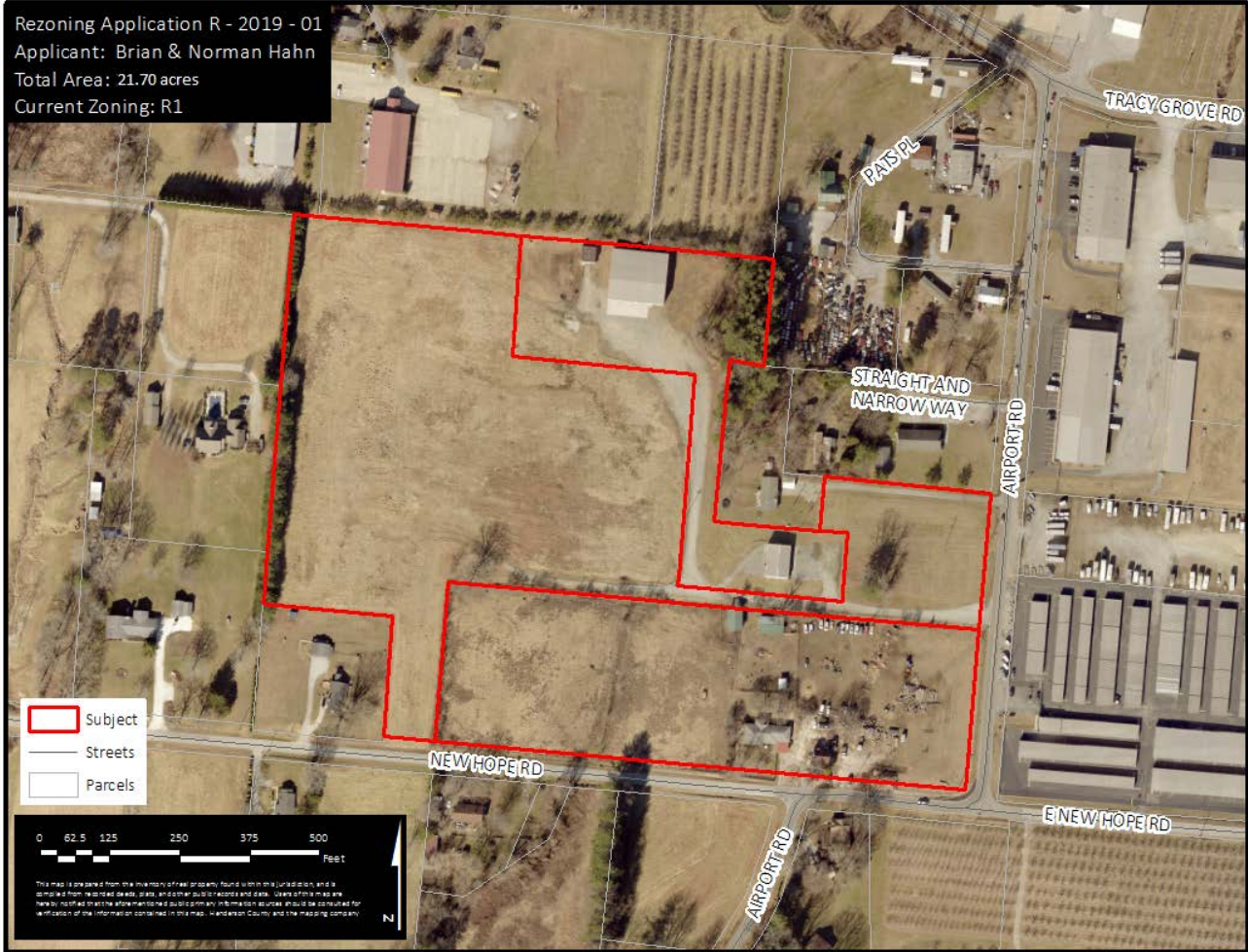
- 1.1. **Applicants/Owners:** Norman and Brian Hahn, George R Scott Agritourism Farm LLC, and Beasnest Holdings, LLC
- 1.2. **Agent:** Eric Goodman
- 1.3. **PINs:** 9578-76-7853, 9578-86-0329, 9578-86-0937
- 1.4. **Request:** Rezone subject area from a Residential One (R1) zoning district to an Industrial (I) zoning district.
- 1.5. **Size:** Approximately 21.70 acres
- 1.6. **Location:** The subject is located on both New Hope Rd. (SR 1757) and Airport Rd. (SR 1755) in the Dana area.

Map A: County Context

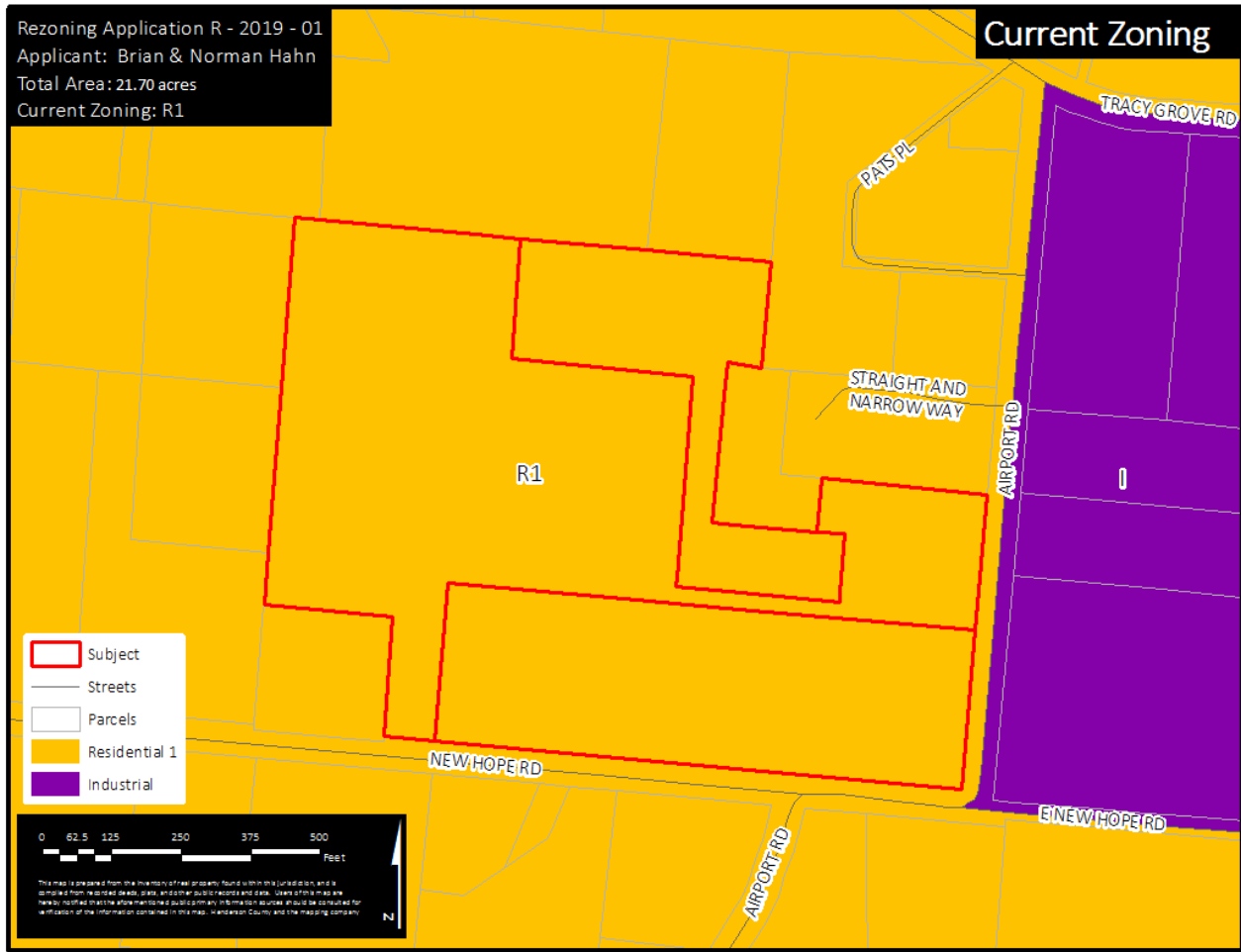


Map B: Aerial Image

Staff Report for Rezoning #R-2019-01



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 Residential One (R1) zoning and Industrial (I) zoning.

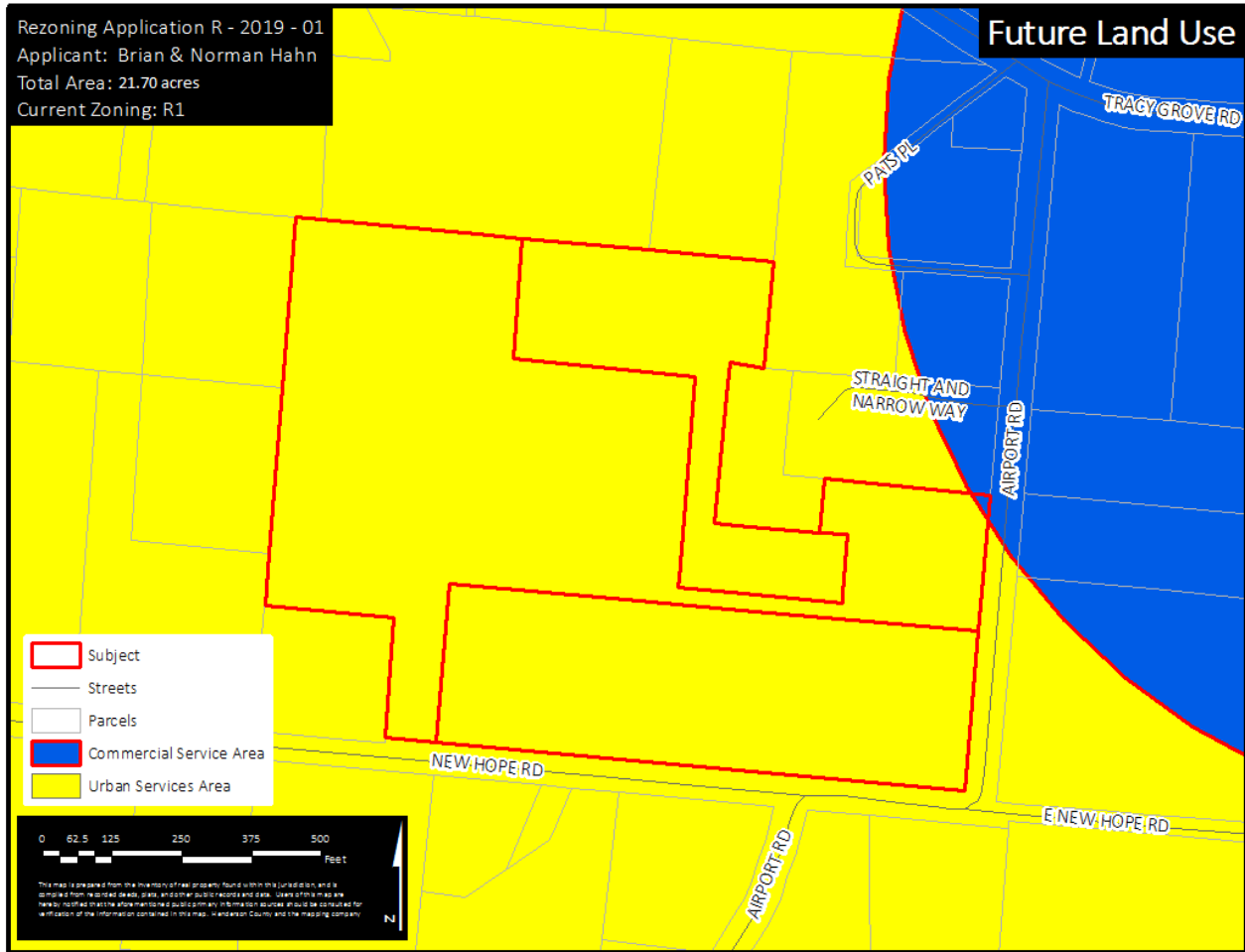
2.3. **District Comparison:**

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*.” (LDC §42A – 27).

2.3.2. **Industrial (I):** 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)

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 has vacant land, agriculture, residential, and commercial uses.
- 3.2. **Adjacent Area Uses:** There is a mixture of residential and commercial uses surrounding the subject.

4. The Henderson County 2020 Comprehensive Plan (CCP)

- 4.1. The CCP Future Land Use Map identifies the subject area as being in
- 4.2. the Urban Services Area (USA). A Community Service Center node is located across Airport Rd. from the subject. (2020 CCP, Pgs. 128, 129 & Appendix 1, Map 24). (See Map D).

4.2.1. **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. The USA will essentially contain all existing and future industrial developments, which will be the future focus of economic development activities” (2020 CCP, Pg. 129).

5. **Water and Sewer:** The subject is or will be served by individual water and septic systems. The nearest public utilities are approximately 570ft away in the Eagle Pointe Subdivision on Airport Rd.

6. **Staff Comments**

6.1. **The 2020 CCP:** The CCP Future Land Use Map (See Map D) places the Subject Area in the Urban Services. The text and map of the 2020 CCP suggest that the Subject Area would be suitable for residential development.

6.2. **Adjacent Zoning:** The subject area is adjacent to Residential One (R1) and Industrial (I) zoning districts.

7. **Technical Review Committee Recommendations**

7.1. The TRC recommended that staff contact the two adjacent parcel owners with existing commercial/industrial uses to voluntarily join the rezoning application for a more contiguous district. These two adjacent property owners, Scott and Foley, have signed rezoning applications to join this rezoning request.

8. **Planning Board Recommendation**

8.1. At the March 21, 2019 Planning Board meeting, the Planning Board unanimously approved a 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-2019-01 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

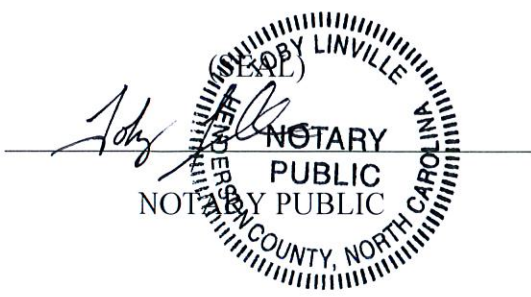
 Eric Warren ,

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-2019-01; 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 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-2019-01 Hahn) 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]

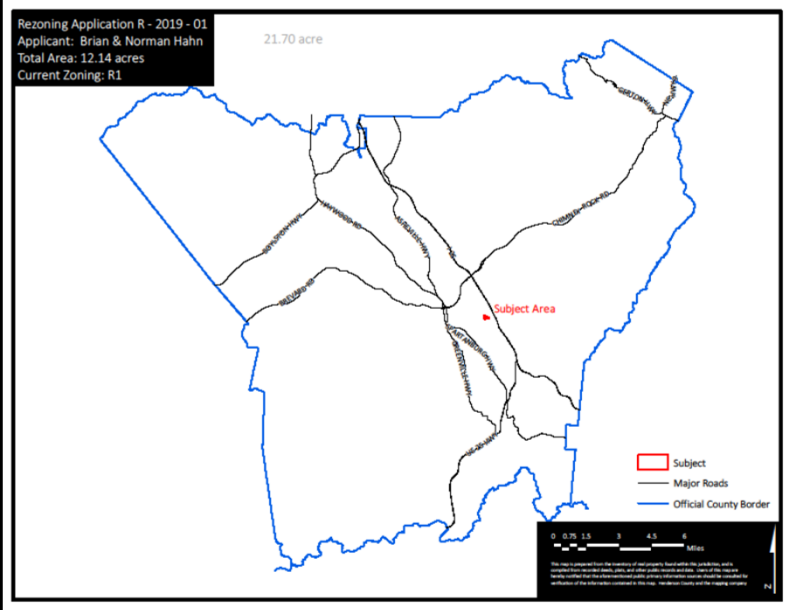
Rezoning #R-2019-01 Hahn



Henderson County Board of Commissioners
May 6, 2019

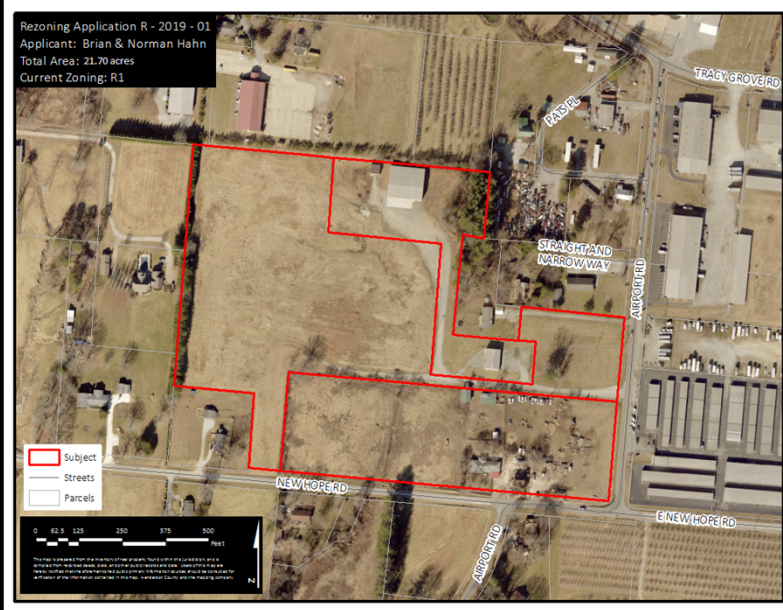
Henderson County Planning Department

County Context Map



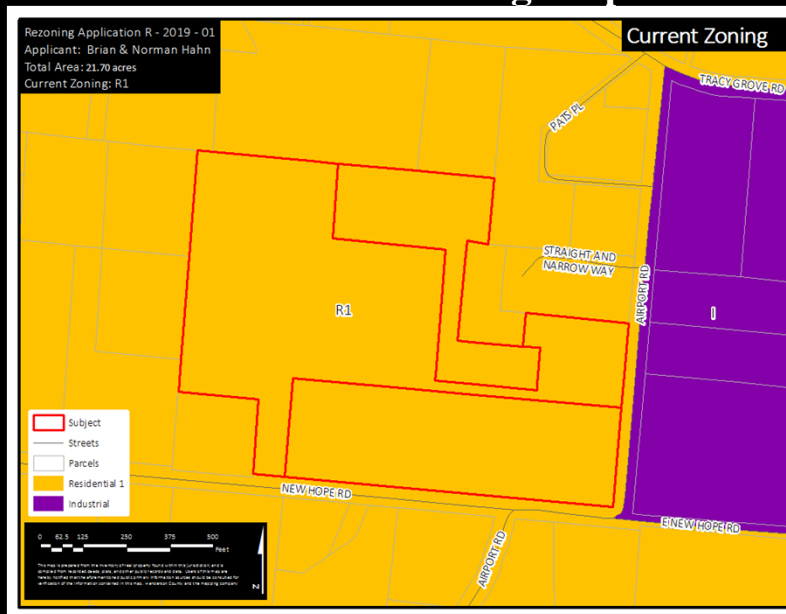
Henderson County Planning Department

Aerial Map



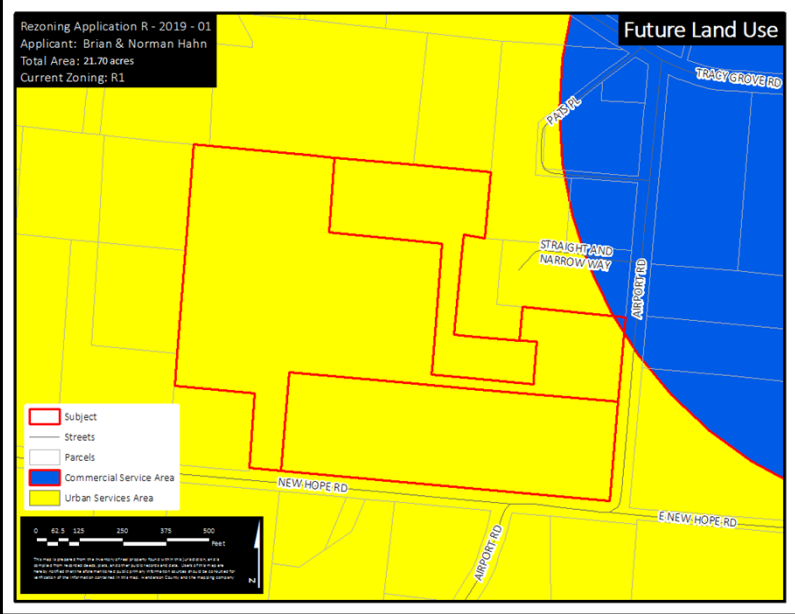
Henderson County Planning Department

Current Zoning Map

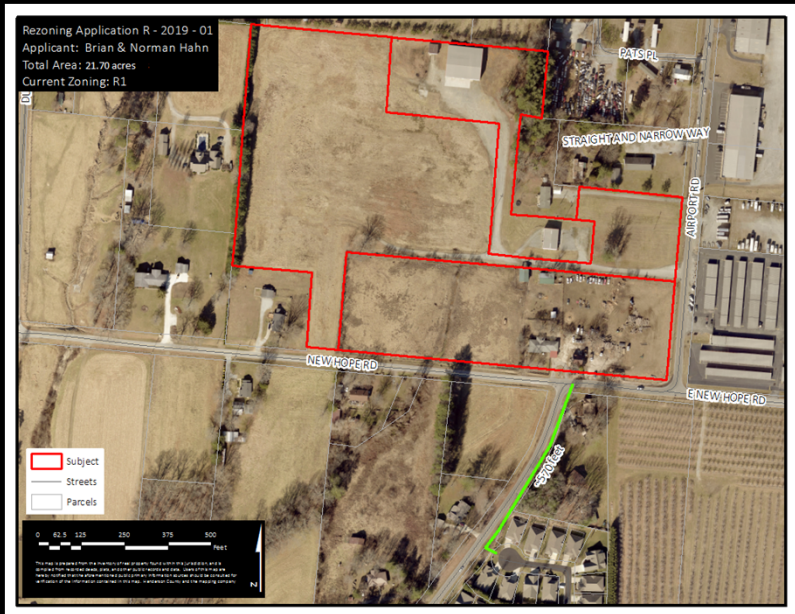


Henderson County Planning Department

2020 CCP Future Land Use Map



Henderson County Planning Department



Henderson County Planning Department

Rezoning #R-2019-01

Questions

