

REQUEST FOR BOARD ACTION

HENDERSONCOUNTY BOARD OF COMMISSIONERS

MEETING DATE: Monday, December 2, 2019

SUBJECT: Public Hearing for Rezoning Application #R-2019-06, King, Community Commercial (CC) to Residential One (R1)

PRESENTER: Matt Champion, Project Development Planner

ATTACHMENTS: 1. Staff Report
2. Certification of Public Hearing Notification
3. Resolution of Consistency
4. Power Point

SUMMARY OF REQUEST:

Rezoning Application #R-2019-06, initiated on September 16, 2019, requests that the County rezone approximately 1.79 acres of land from Community Commercial zoning district to Residential One zoning district. The acreage is the back portion of two parcels (PIN: 9588-80-0510 & 9588-70-9513) located at 947 Upward Rd near the intersection of Upward Rd (SR 1783) and S. Orchard Rd (SR 1792).

The Planning Board reviewed this request at its October 24th meeting and voted 6 – 0 (Mr. Jim Miller had to rescue himself from the discussion) to send forth a favorable recommendation for approval.

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 December 2, 2019 public hearing regarding rezoning application #R-2019-06 was published in the Hendersonville Lightning on November 20th and November 27th. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area on November 18, 2019 and posted signs advertising the hearing on the Subject Area on November 18, 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 or deny) rezoning application #R-2019-06 to rezone the Subject Area from a Community Commercial (CC) zoning district to a Residential One (R1) zoning district based on the recommendations of the Henderson County Comprehensive Plan, and;

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

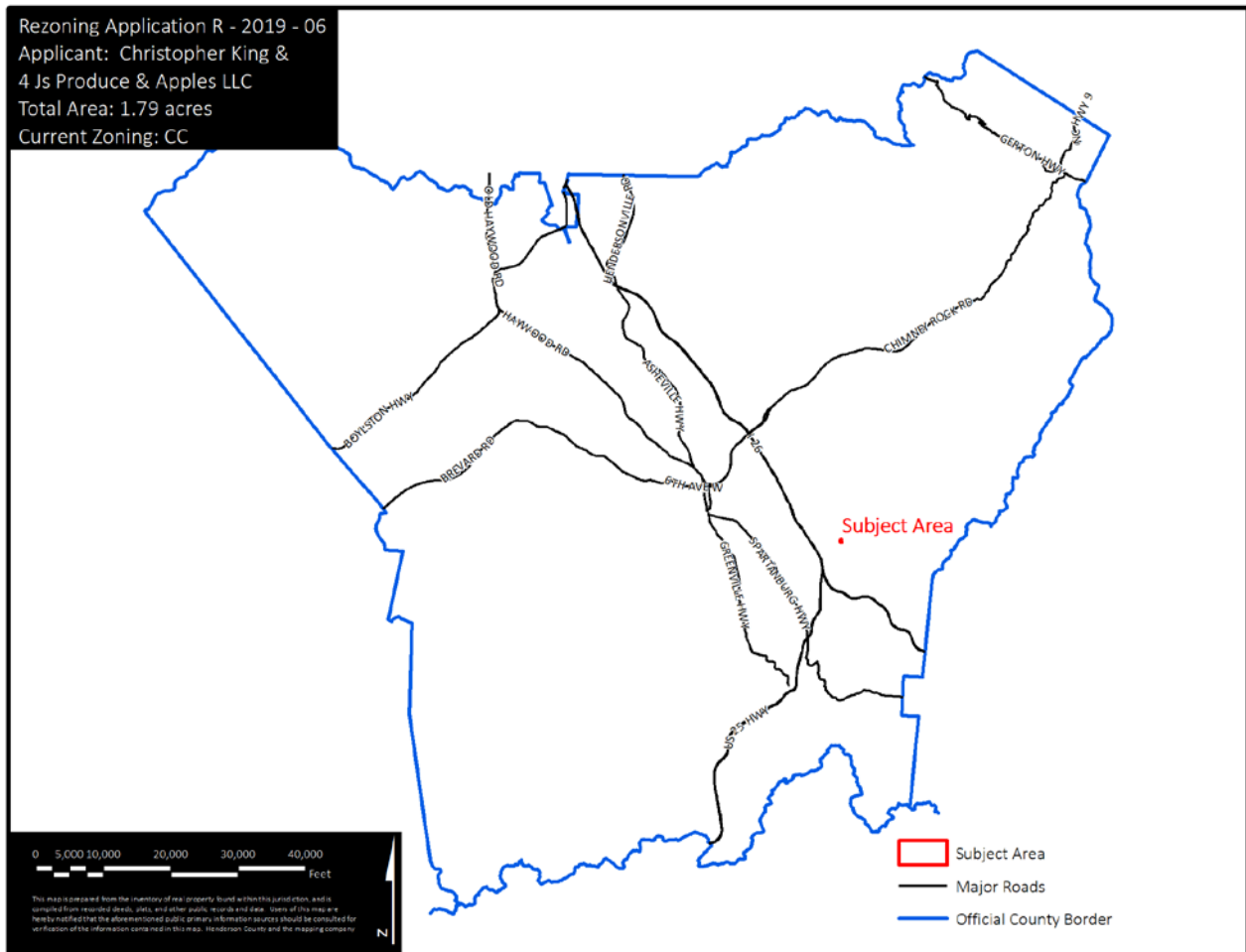
Henderson County Planning Department Staff Report Rezoning Application #R-2019-06 (CC to R1)

Owner/ Applicant: Joseph B King Jr Estate/Christopher King

1. Rezoning Request

- 1.1. **Owner:** Joseph B King Jr Estate
- 1.2. **Applicant:** Christopher King
- 1.3. **PIN:** Portion of PINs: 9588-80-0510 & 9588-70-9513
- 1.4. **Request:** Rezone subject area from a Community Commercial (CC) zoning district to a Residential One (R1) zoning district
- 1.5. **Size:** Approximately 1.79 acres from a total of 4.71 acres.
- 1.6. **Location:** The subject is located on Upward Rd (SR 1783) across from Upward Elementary School.

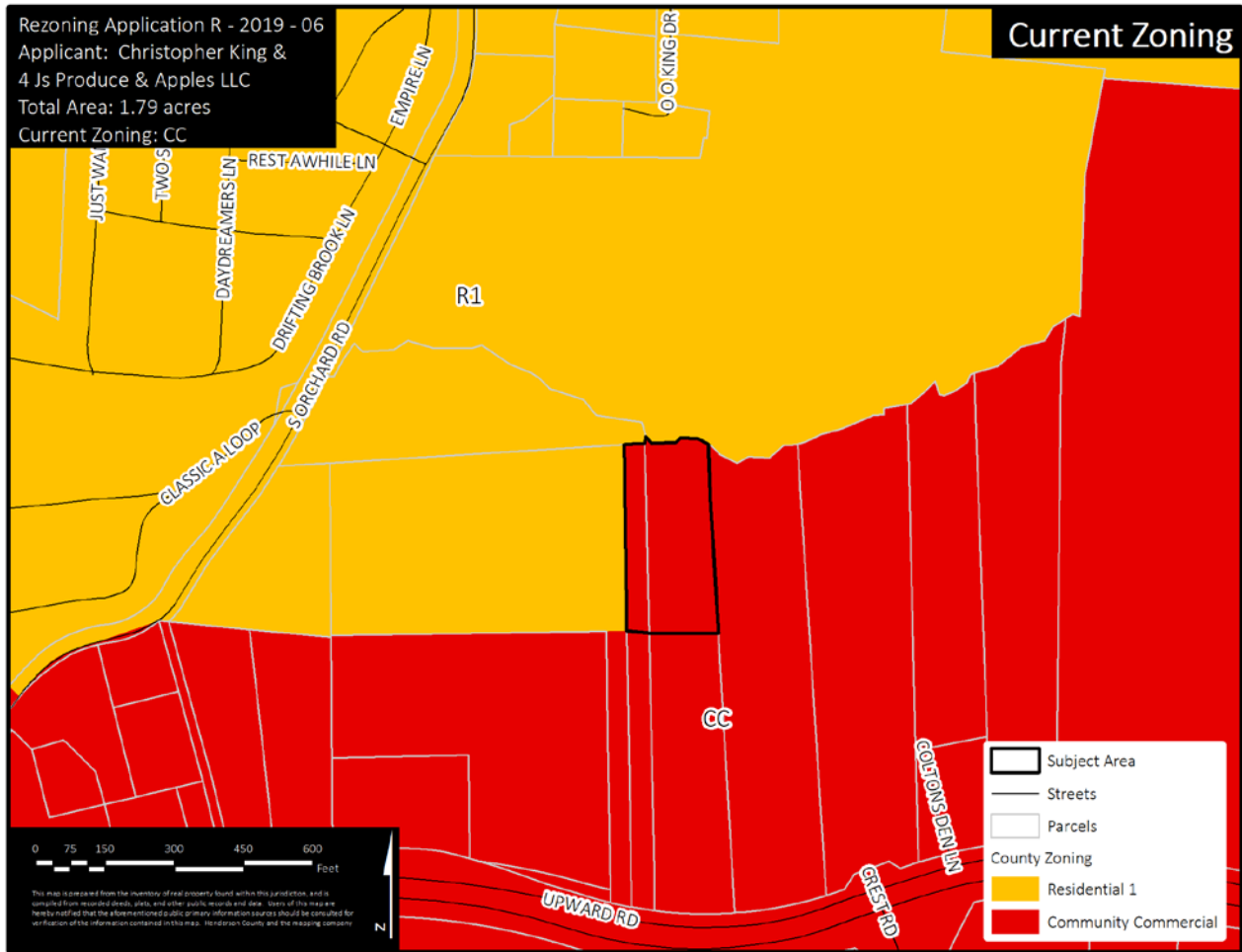
Map A: County Context



Map B: Aerial Image



Map C: Current Zoning



2. Current Zoning

2.1. **Application of Current Zoning:** The subject area is currently zoned Community Commercial (CC). The CC is a zoning district that fosters orderly growth where the principal use of land is commercial. Single Family Detached use is not permitted in CC.

2.2. **Adjacent Zoning:** The subject area is adjacent to Residential One (R1) to the North. The subject is adjacent to Community Commercial (CC) on the East, South, and West.

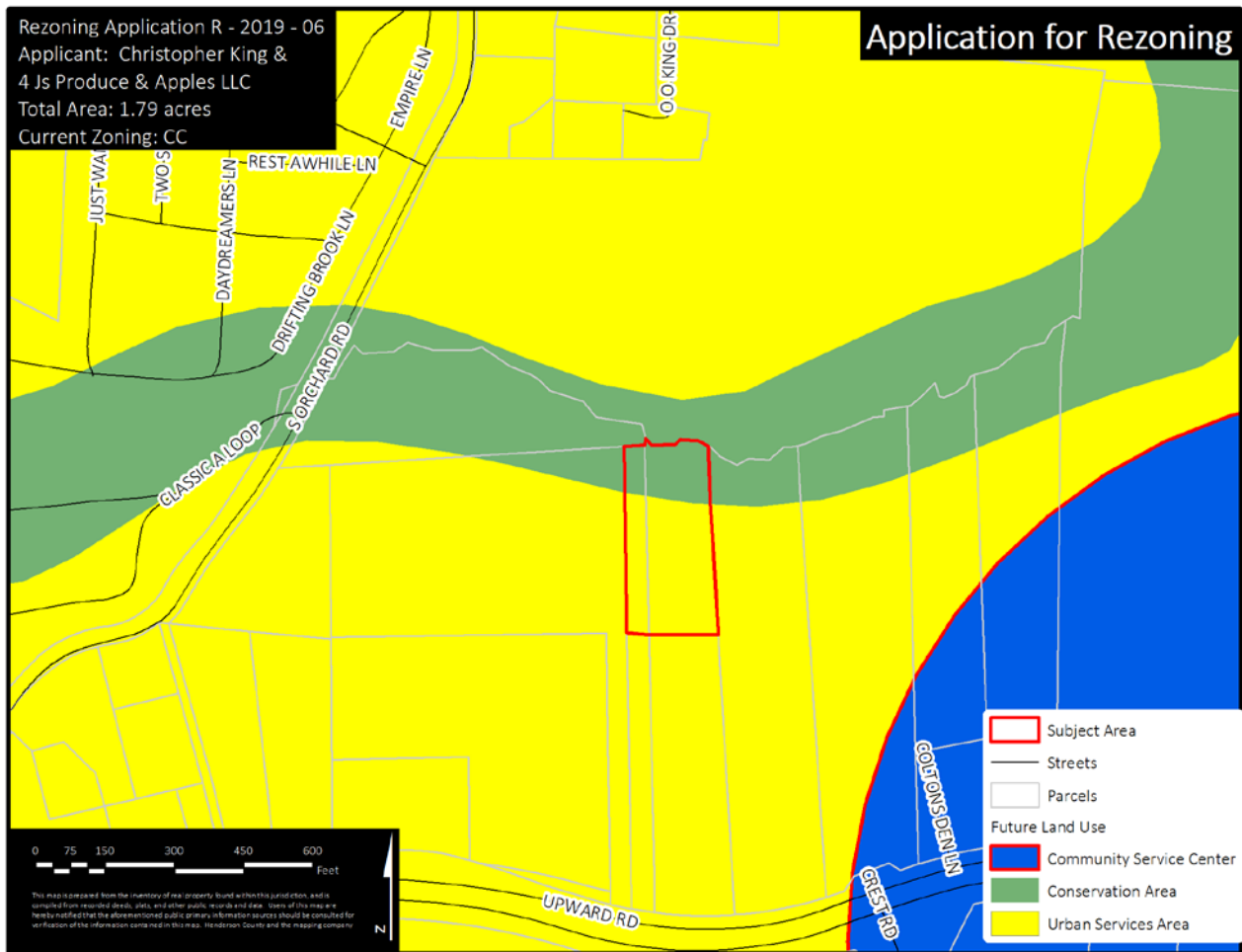
2.3. District Comparison:

2.3.1. **Community Commercial Zoning District (CC):** The purpose of the Community Commercial District (CC) 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.

2.3.2. **Residential One Zoning District (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 §42-27)

Map E: County Comprehensive Plan Future Land Use Map



3. The Henderson County Comprehensive Plan (CCP)

3.1. The CCP Future Land Use Map identifies the subject area as being covered by the **Conservation and Urban Services Area** classifications. (CCP, Pgs. 138-140). (See Map E).

3.1.1. **Conservation:** “This category includes land areas that are intended to remain largely in their natural state, with only limited development. Such areas should be targeted for protection through regulations and incentives.” (CCP, Pg. 138)

3.1.2. **Urban Services Area:** “The USA will contain virtually all existing and future industrial development and will be the focus of future economic development

activities. Industrial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community.” (CCP, Pg. 133)

4. Current Uses of Subject Area and Adjacent Properties

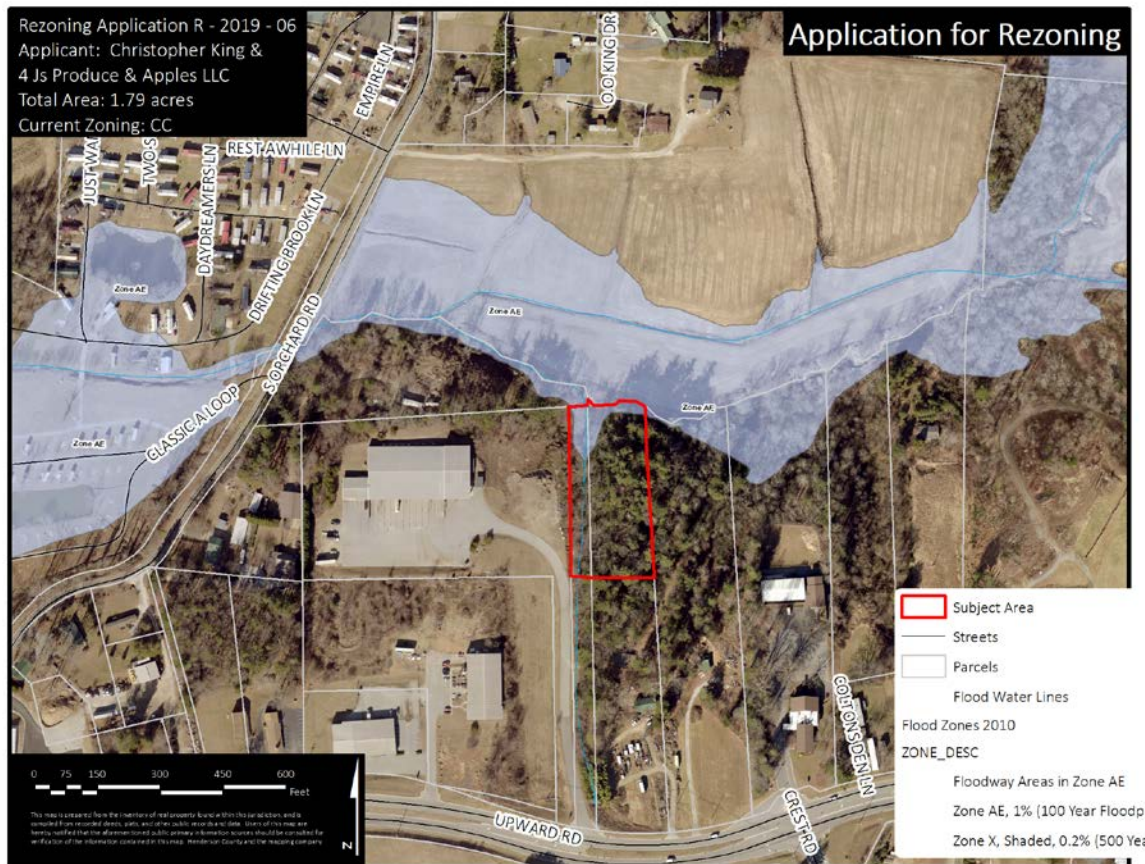
4.1. **Subject Area Uses:** The subject area has one single family home on the property and has been used for residential purposes since it was constructed in 1970. Under current zoning the structure and use are both legal nonconforming and are not permitted to expand. The applicant is preparing to remove the existing home and construct a new home in the area requested for rezoning.

4.2. **Adjacent Area Uses:** The adjacent properties contain residential, commercial, and agricultural uses as well as vacant land. The parcel to the west is being used for a warehousing and shipment facility associated with an agricultural use. The subject area is across Upward Rd from Upward Elementary School and Leisure Craft, LLC.

5. **Dana Community Plan:** The subject area is within the Dana Community Plan area. The zoning during the community plan drafting was Community Commercial and there was no recommended change by the community plan.

6. **Water and Sewer:** The home that will be removed from parent parcel is served by the City of Hendersonville water system and an individual septic system.

Map F: Flood Hazard Areas



7. **Flood Plain:** As seen in Map F, the subject area is partially covered by the 100-year flood plain.

8. **Staff Comments:**

8.1. **Rezoning Request:** The applicant is requesting only a portion of the two parcels to be rezoned from CC to R1. The amount of the area to be rezoned, if approved, is 1.79 acres. The front portion of the parcels will remain in the Community Commercial zoning district. If approved, this will create two split zoned parcels.

8.2. **CCP:** The CCP Future Land Use Map (See Map E) places the subject area in the Conservation and Urban Services Area future land use areas.

8.3. **Adjacent Zoning:** The subject area is adjacent to Residential One (R1) and Community Commercial (CC) zoning District.

8.4. **District Comparison:** Community Commercial (CC) zoning district is for the purpose of commercial development. Residential One (R1) zoning district is for the purpose of residential development.

9. **Technical Review Committee Recommendations**

9.1. The TRC reviewed this application at its October 15, 2019 meeting.

10. **Planning Board Recommendation**

10.1. The Planning Board reviewed this application at its October 24, 2019 meeting and voted 6-0 to send forward a favorable recommendation.

Certification of Notice of Public Hearing

In accordance with NCGS 153A-343 the Planning Department certifies notice of the December 2, 2019 hearing regarding Rezoning Application #R-2019-06 were:

1. Submitted to the Hendersonville Lightning on November 13, 2019 to be published on November 20, 2019 and November 27, 2019 by Matt Champion;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on November 18, 2019 by Matt Champion;
3. Sent, via first class mail, to the property owner on November 18, 2019 by Matt Champion; and
4. Signs were posted on the Subject Area(s) on November 18, 2019 by Matt Champion.

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

1. Matt Champion

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

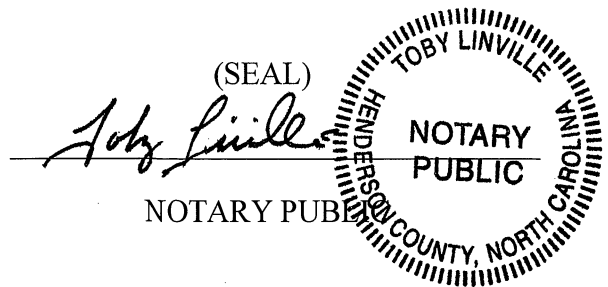
Matt Champion,

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 18 day of November, 2019.

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-2019-06; 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 December 2, 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-2019-06 King) 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 2nd day of December 2019.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
GRADY HAWKINS, Chairman

ATTEST:

Teresa Wilson, Clerk to the Board

[COUNTY SEAL]

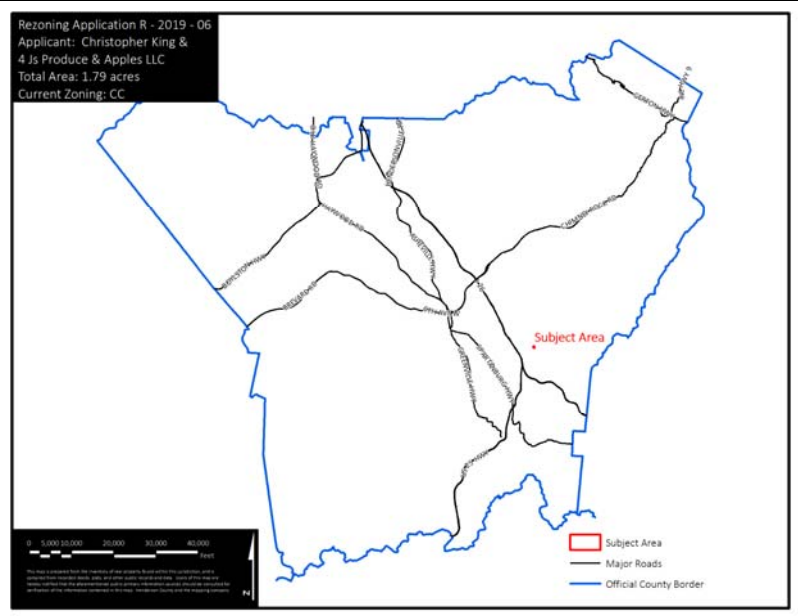
Rezoning #R-2019-06 King



Henderson County Planning Board
December 2, 2019

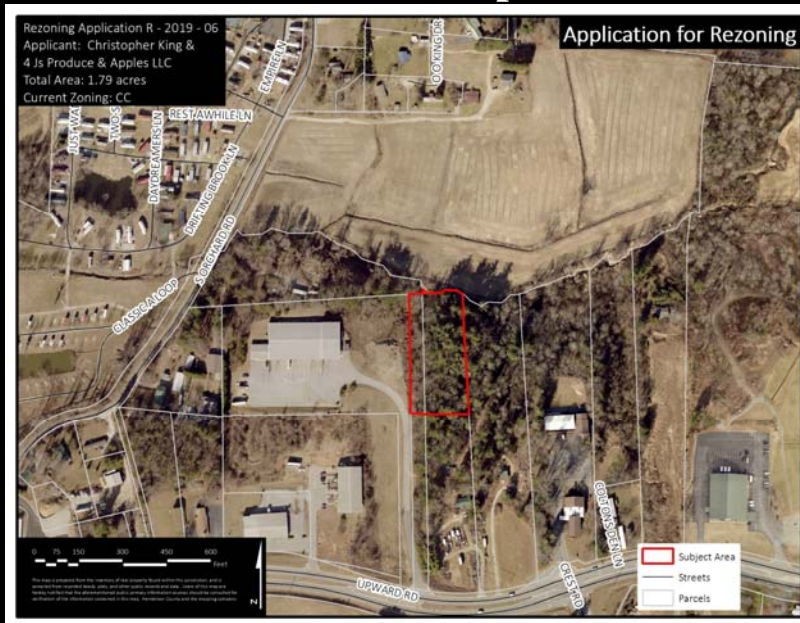
Henderson County Planning Department

County Context Map



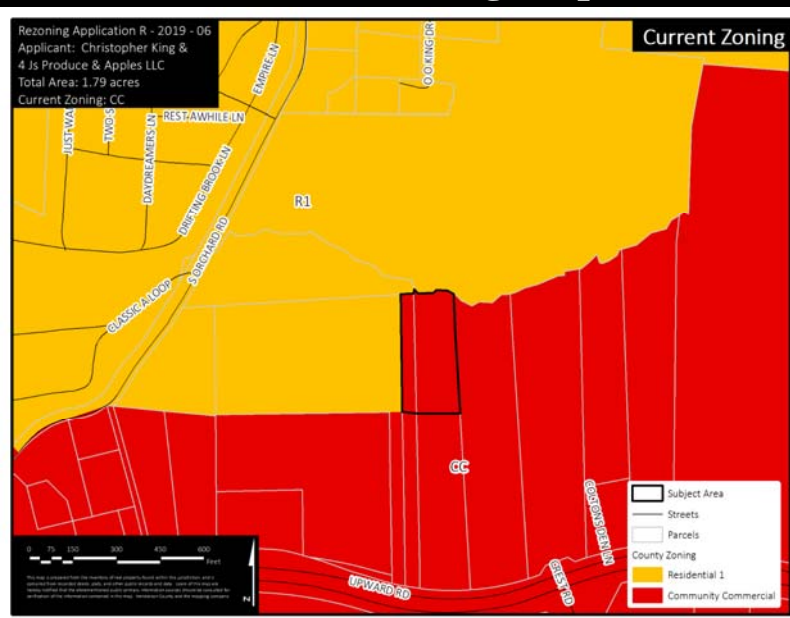
Henderson County Planning Department

Aerial Map



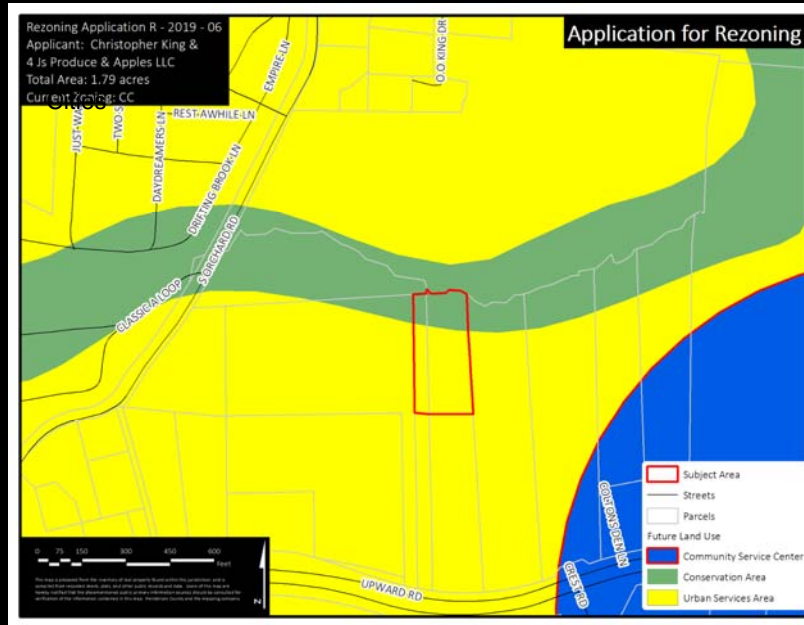
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Current Zoning Map



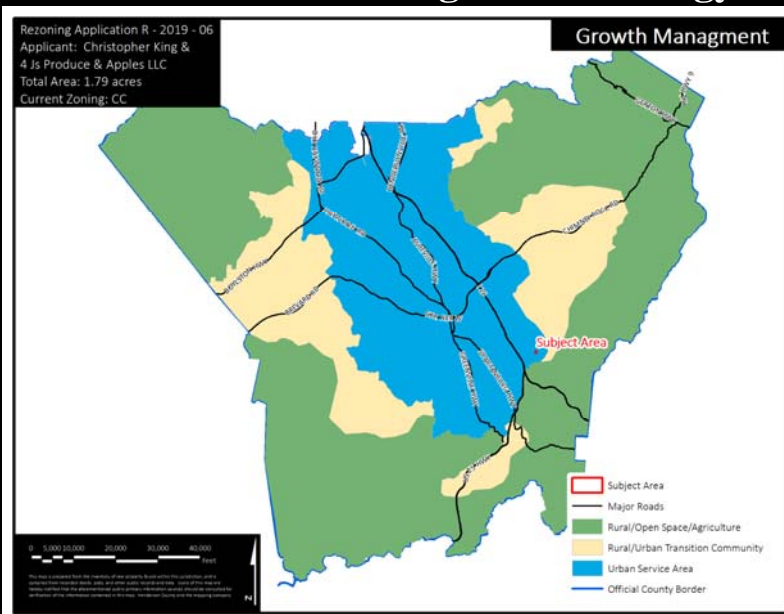
Henderson County Planning Department

CCP Future Land Use



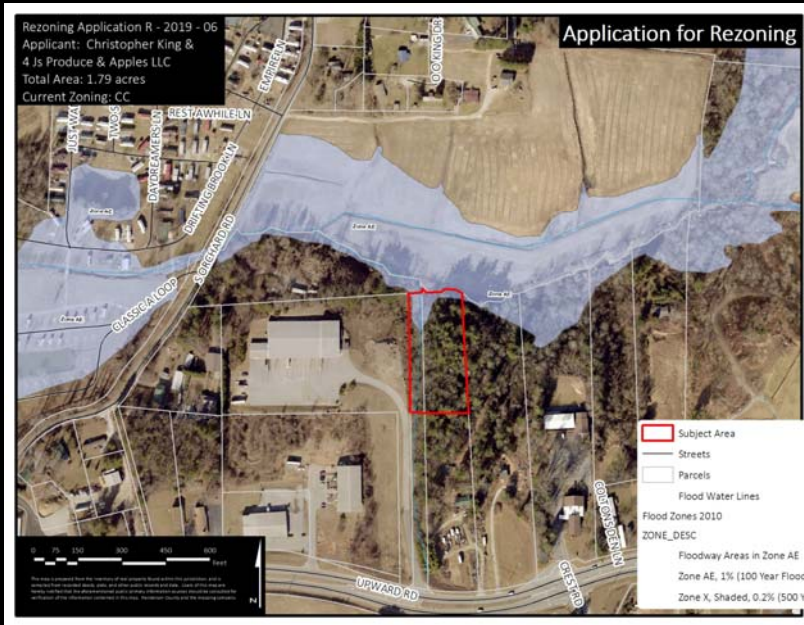
Henderson County Planning Department

CCP Growth Management Strategy



Henderson County Planning Department

Flood Hazard Areas



Henderson County Planning Department

Rezoning #R-2019-06

Questions

