

## **REQUEST FOR BOARD ACTION**

### **HENDERSON COUNTY BOARD OF COMMISSIONERS**

**MEETING DATE:** Monday, March 7, 2022

**SUBJECT:** Public Hearing for Rezoning Application #R-2021-03, Laughter, Industrial (I) to Residential District One (R1)

**PRESENTER:** Grayson Taylor, Planner III  
Autumn Radcliff, Planning Director

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

#### **SUMMARY OF REQUEST:**

Rezoning Application #R-2021-03, initiated on December 6, 2021, requests that the County rezone approximately 5.21 acres of a 22.03-acre parcel from Industrial (I) to Residential One (R1) zoning district. The acreage consists of 1 parcel (PIN: 9651-79-4087) located adjacent and west of Twin Springs Road (SR 1353), specifically 161 Twin Springs Road.

The Technical Review Committee reviewed the application at its January 4, 2022, meeting, and saw no administrative issues with the request and voted unanimously to forward the application to the Planning Board.

The Planning Board reviewed this request at its January 20<sup>th</sup> meeting and voted 6-2 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 §42-303 and §42-346 (C) of the Henderson County Land Development Code and State Law, notice of the March 7, 2022, public hearing regarding rezoning application #R-2021-03 was published in the Hendersonville Lightning on February 23<sup>rd</sup> and March 2<sup>nd</sup>. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area on February 18, 2022, and posted signs advertising the hearing on the Subject Area on February 14, 2022.

#### **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-2021-03 to rezone the Subject Area from an Industrial (I) zoning district to Residential District One (R1) zoning district based on the recommendations of the Henderson County Comprehensive Plan, and;

I move that the Board (approve or deny) the attached resolution regarding the consistency with the CCP.



# STAFF REPORT

## HENDERSON COUNTY PLANNING DEPARTMENT

100 North King Street | Hendersonville, NC 28792 | (828) 697-4819

**Prepared by:**

Grayson Taylor, Planner III

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**CASE**

R-2021-03

**PUBLIC HEARING DATE**

March 7, 2022

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**PROPERTY OWNERS**

Sammy Johnston; Kathy Johnston

**PROPERTY LOCATION/ADDRESS**

161 Twin Springs Road, Hoopers Creek  
Township

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**AGENT /APPLICANT**

Shane Laughter

**PIN**

9651-79-4087

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**SUMMARY OF REQUEST**

A rezoning of a portion of the above PIN (hereafter the subject area from **Industrial (I)** to **Residential District One (R1)**).

**Existing Zoning**

Residential District One (R1), Industrial (I)

**Existing Land Use**

Urban Services Area; Conservation

**Site Improvements**

Single-Family Home, Abandoned Structures

**Request Acreage**

5.21 acres, +/- (Total parcel: 22.03, +/-)

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**ADJACENT ZONING****USE OF LAND****North**

Residential District One (R1)

Single Family Homes

**East**

Residential District One (R1)

Single Family Homes

**South**

Industrial (I)

Hatch Cemetery, Vacant Land

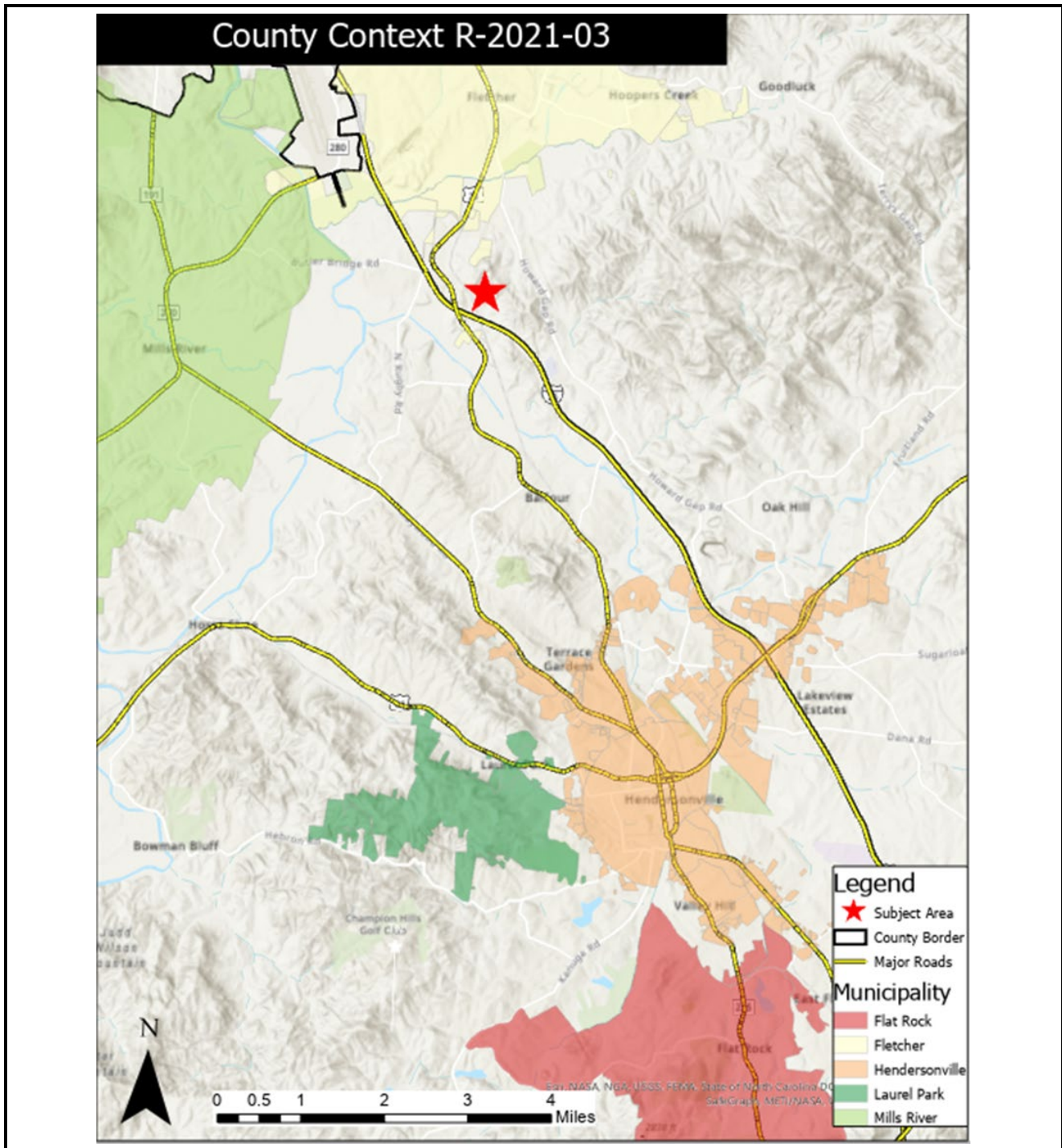
**West**

Residential District One (R1)

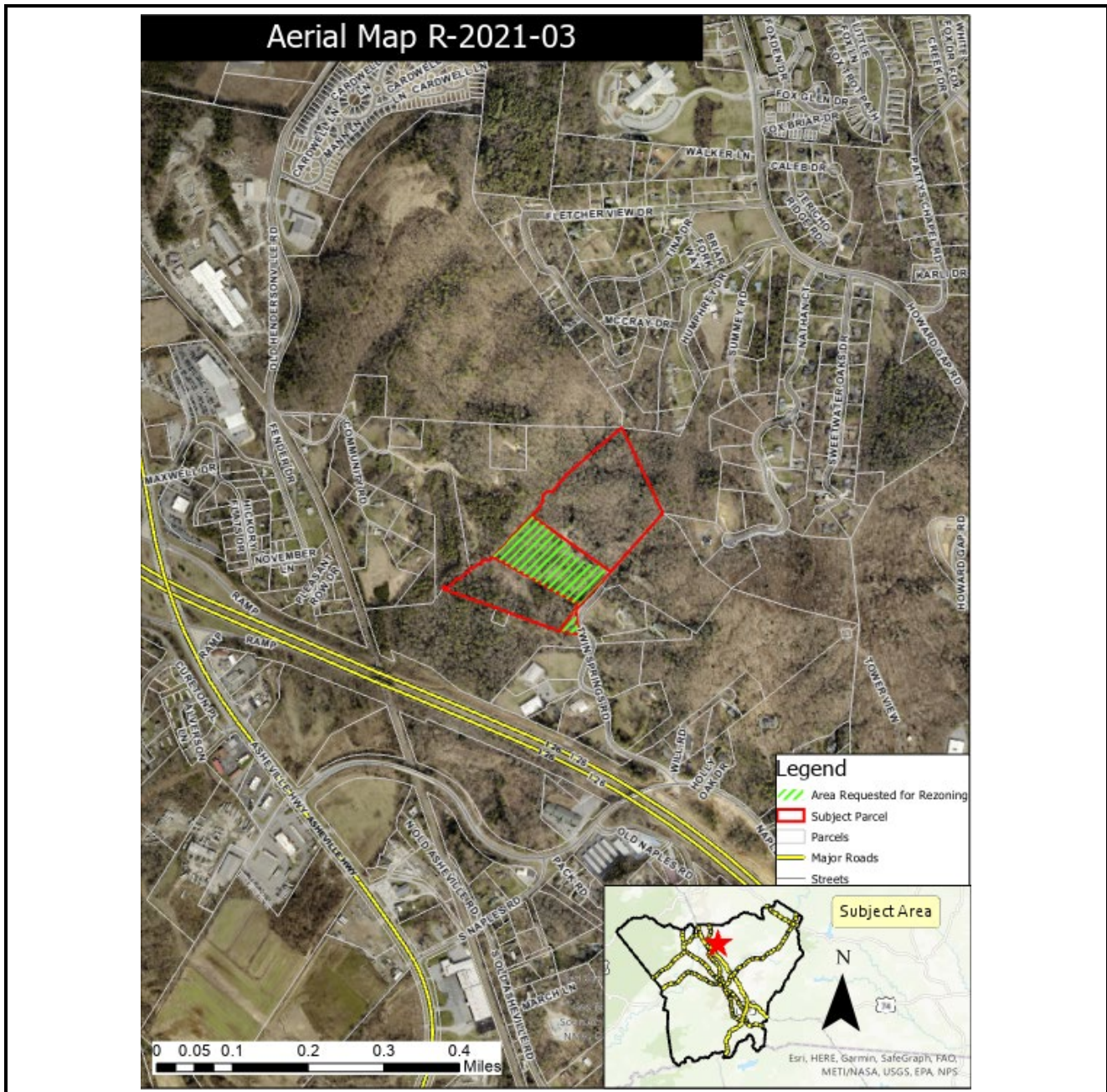
Single Family Homes

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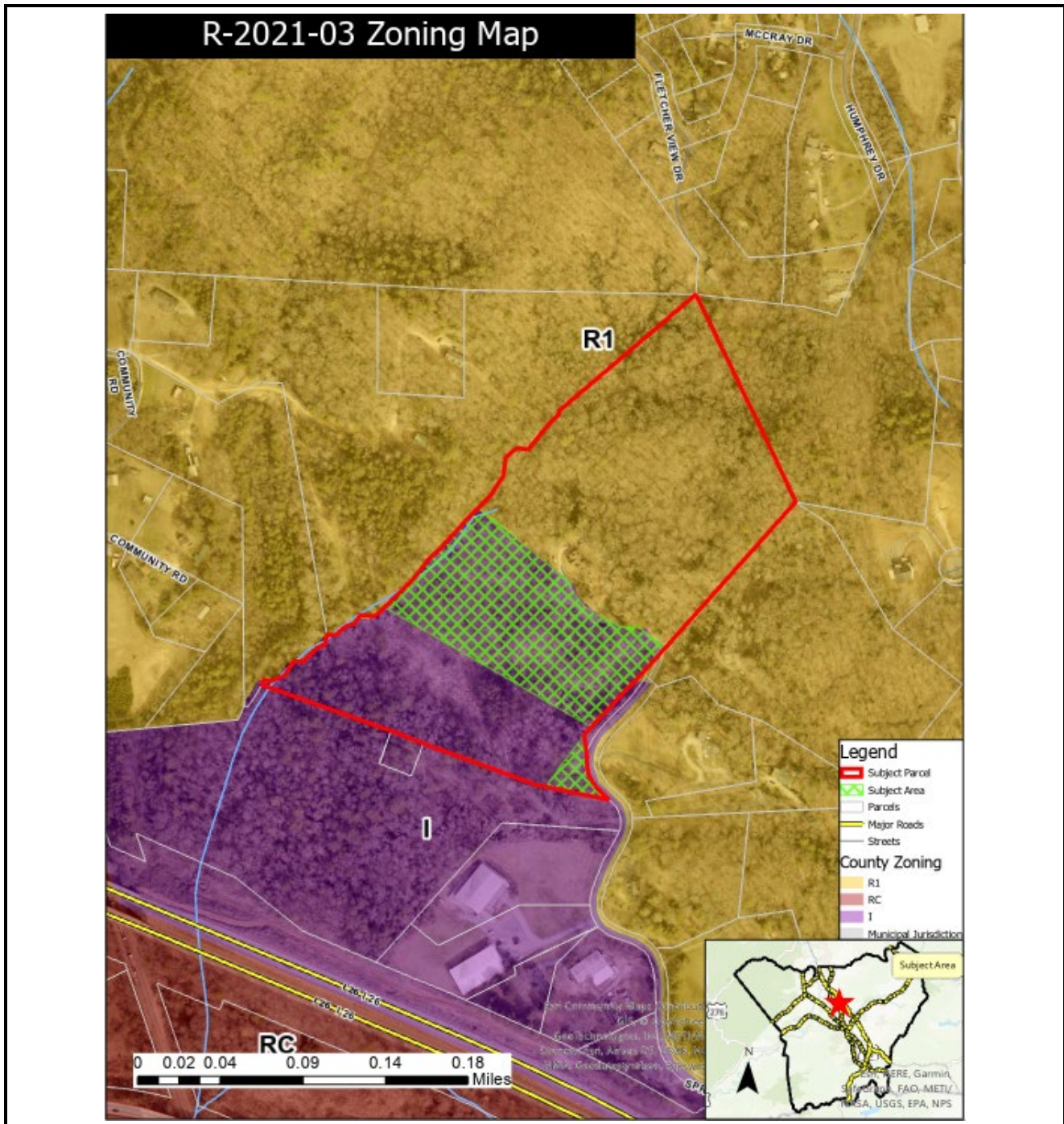
Map A: County Context



Map B: Aerial



Map C: Current Zoning



**Context:**

The applicant, Shane Laughter, is seeking to rezone 5.21 acres on their property from Industrial to Residential District One. The owners, Sammy and Kathy Johnston, recently recombined the parcel from two parcels into one. Currently there are approximately 10.26, +/- acres zoned Industrial and 10.55 +/- acres zoned Residential District One (R1). If approved, this map amendment will leave 5.05 +/- acres Industrial and 15.76 +/- acres Residential District One (R1). The applicant has stated the parcels will be subdivided into 3 separate parcels, two of which will be R1, and one as Industrial.

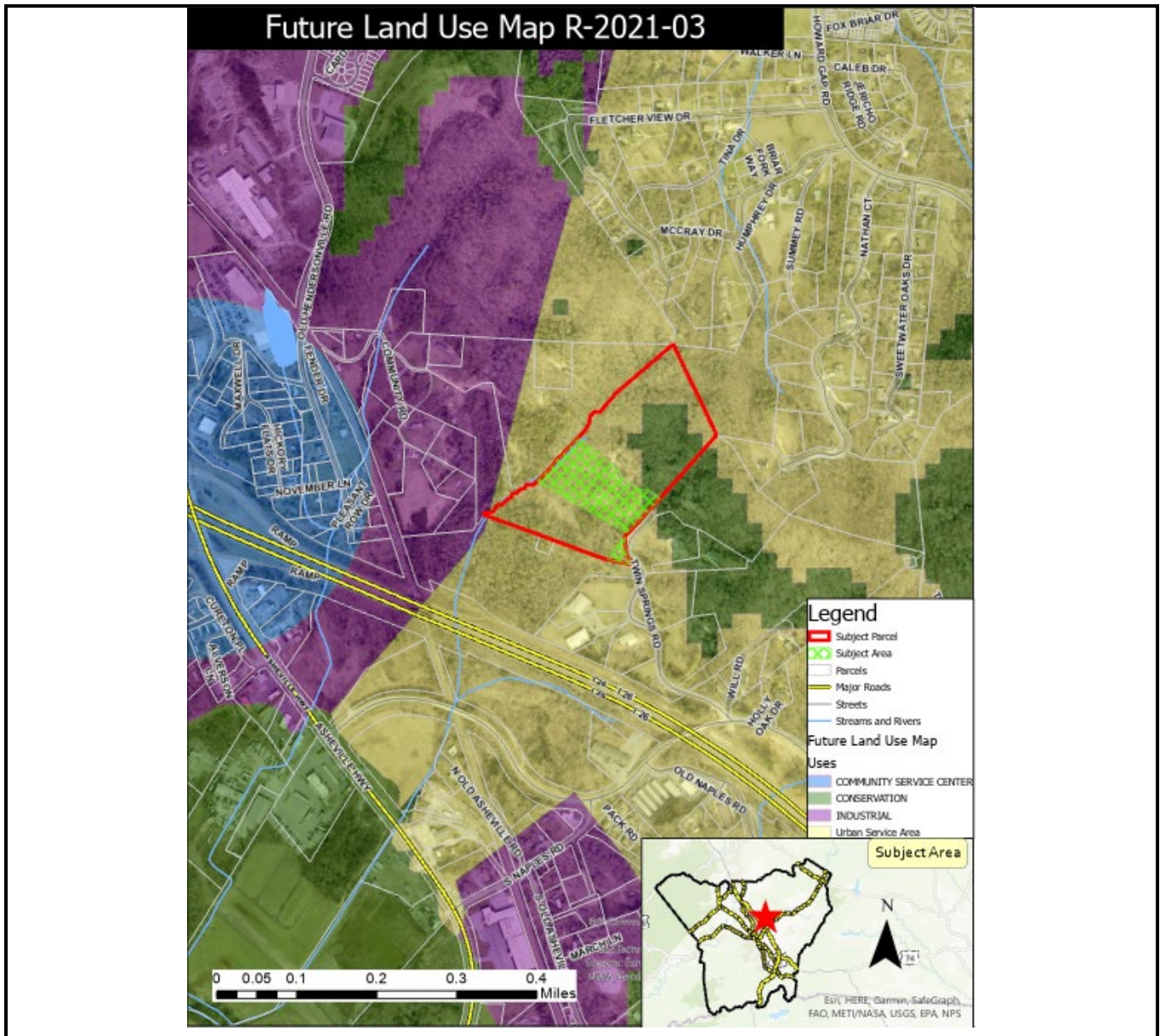
**District Comparison:**

**Residential District 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 §42-27)

**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 §42-36)

**Comparison:** Industrial (I) district principal use of land is a mixture of industrial and heavy commercial. Residential District One (R1) district is defined as where the principal use of land is residential. Industrial (I) districts provide compatibility with adjacent development and surrounding community. Residential uses are not permitted in Industrial (I). Manufacturing and processing facilities are not permitted in Residential District One (RI).

### Map D: County Comprehensive Plan Future Land Use Map

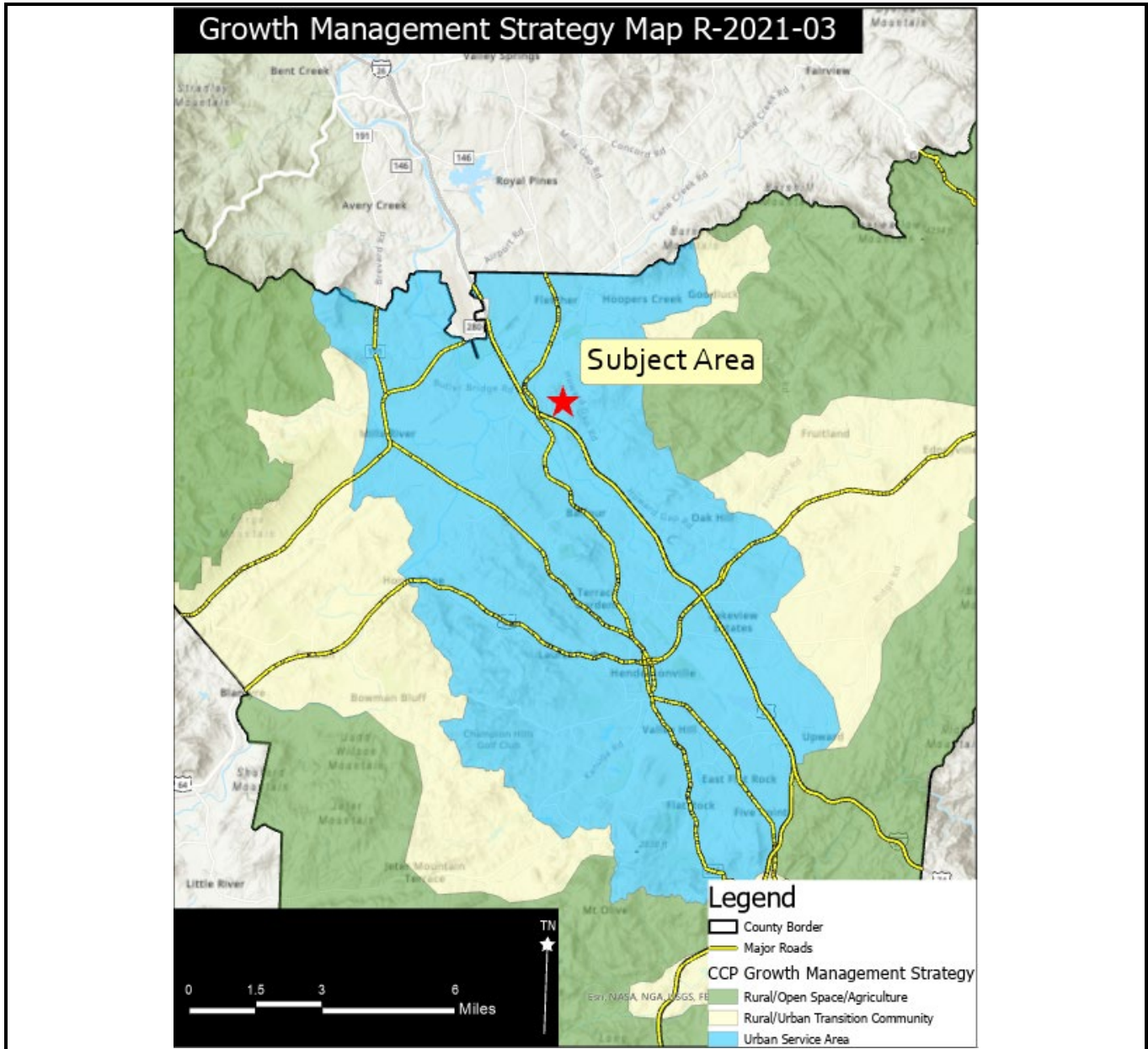




**County Comprehensive Plan (CCP) Compatibility**

The CCP Future Land Use Map identifies the subject area as being in the **Urban Services Area** and **Conservation Area**.

**Map E: Growth Management Strategy Map**



**Urban Services Area:** The CCP shows the subject area located in the Urban Services Area (USA) for Growth Management Strategy. The CCP states “The USA will contain considerable commercial development at a mixture of scales: Local, Community, and Regional, as defined below. In particular, 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.” (CCP, pg. 133, #4.) (See Map E)

**Conservation Areas:** The CCP shows the subject area is within a Conservation Area. The CCP states “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 Conservation areas are lands that generally exhibit any of the following characteristics: 1. Sensitive natural areas such as steep slopes, floodplains, major wetlands, forest reserves and wildlife conservation areas, and key watersheds 2. Areas of historic and archeological significance 3. Local, state or federally managed natural areas 4. Areas managed for agricultural or forestry land uses 5. Other areas yet to be defined” (CCP, pg. 138).

**Residential District One (R1):** R1 is a high-density residential zoning district. The CCP suggests “Wide ranges of residential densities will exist. Over the long term, land use regulations and policies should favor higher density development, consistent with natural constraints and the availability of urban services.” (CCP, pg.133) Per the request from the CCP, “New high-density residential zoning districts will be created and applied within the USA as well as in / around Community Service Centers within the RTA.”(CCP, pg.141) The subject area is approximately 0.14 miles from a Community Service Center Node.

**Additional Studies and Plans:** The Oklawaha Greenway Extension Plan identifies the subject area to be within the 100-500 number of jobs within a square mile (pg.11). The subject area does not border the North Oklawaha Greenway Extension. The subject area falls within the township of Hoopers Creek. The township of Hoopers Creek does not have a community plan.

### **Water and Sewer**

The site is currently served by individual well and septic systems.

### **Existing Roads and Easements**

Twin Springs Road (SR 1353) is contiguous to the subject area and continues through the subject area, bordering the area requested for rezoning to the south. Twin Springs Road leads to a Single-Family Dwelling Unit.

### **Technical Review Committee (TRC) Recommendations**

The Technical Review Committee (TRC) unanimously approved R-2021-03 at the January 4, 2022 meeting. The TRC forwarded the application to the Planning Board.

**Planning Board Recommendations**

The Planning Board heard the case at the January 20<sup>th</sup> 2022 meeting, and voted 6-2 to forward the application with a favorable recommendation to the Board of Commissioners.

**Board of Commissioners Public Hearing**

The Board of Commissioners will hear the case at the March 7, 2022 meeting.

**Staff Conclusion**

Staff finds no issue regarding R-2021-03, provided the subject area is subdivided and no parcels contain split-zoning. The rezoning and subdivision of the parent parcel would rectify the issue of current split-zoning. The applicants have submitted a minor subdivision for review that can be approved if the zoning request is approved. The approval of this map amendment request would bring the parcel into conformance with the current Land Development Code.



**BOARD OF COMMISSIONER ENACTMENT 2022- \_\_\_\_\_**

**RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN**

**WHEREAS**, pursuant to N.C. General Statute §160D, Article 1, 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-2021-03; and

**WHEREAS**, pursuant to N.C. General Statute §160D-601, the Planning Director provided the prescribed public notice and the Board held the required public hearing on March 7, 2022; and

**WHEREAS**, N.C. General Statute §160D-605 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-2021-03 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 7<sup>th</sup> day of March 2022.

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

**BY:** \_\_\_\_\_  
**WILLIAM LAPSLEY, Chairman**

**ATTEST:**

\_\_\_\_\_  
**Denisa Lauffer, Clerk to the Board**

**[COUNTY SEAL]**

**Certification of Notice of Public Hearing**

In accordance with NCGS 160D-343 the Planning Department certifies notice of the March 7, 2022 hearing regarding Rezoning Application #R-2021-03 were:

1. Submitted to the Hendersonville Lightning on February 16, 2022 to be published on February 23, 2022 and March 2, 2022 by Matt Champion;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on February 18, 2022 by Grayson Taylor;
3. Sent, via first class mail, to the property owner on February 18, 2022 by Grayson Taylor; and
4. Signs were posted on the Subject Area(s) on February 14, 2022 by Grayson Taylor.

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

1. [Signature]
2. [Signature]

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

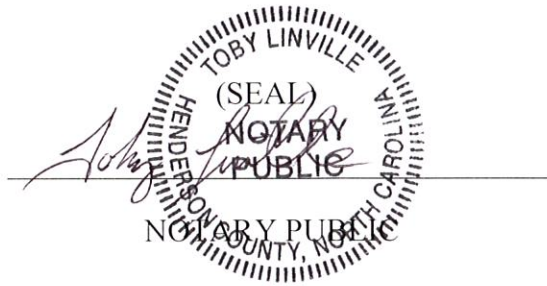
          Matt Champion and Grayson Taylor          

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 24 day of February, 2022.

My commission expires:

6/29/26





# Rezoning: R-2021-03

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## HENDERSON COUNTY PLANNING DEPARTMENT

100 N. KING STREET, 2<sup>ND</sup> FLOOR  
HENDERSONVILLE, NC 28792

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## Background

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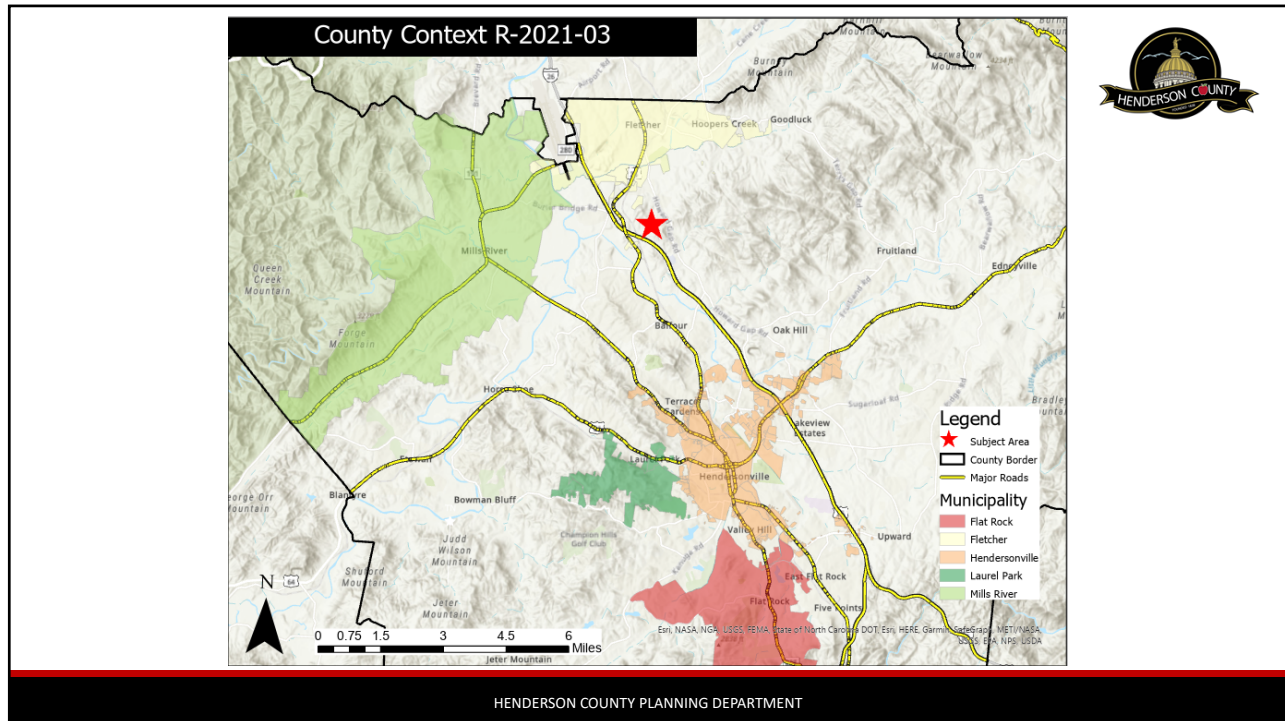
The applicant, Shane Laughter, is seeking to rezone 5.21 acres of the 22.03-acre subject property to Residential District One (R1) from Industrial (I).

- The parcel is currently split zoned between R1 and Industrial
- Currently:
  - **10.55** acres are zoned R1
  - **10.26** acres are zoned Industrial
- *Proposed:*
  - *~15.76 acres zoned R1*
  - *~5.05 acres zoned Industrial*

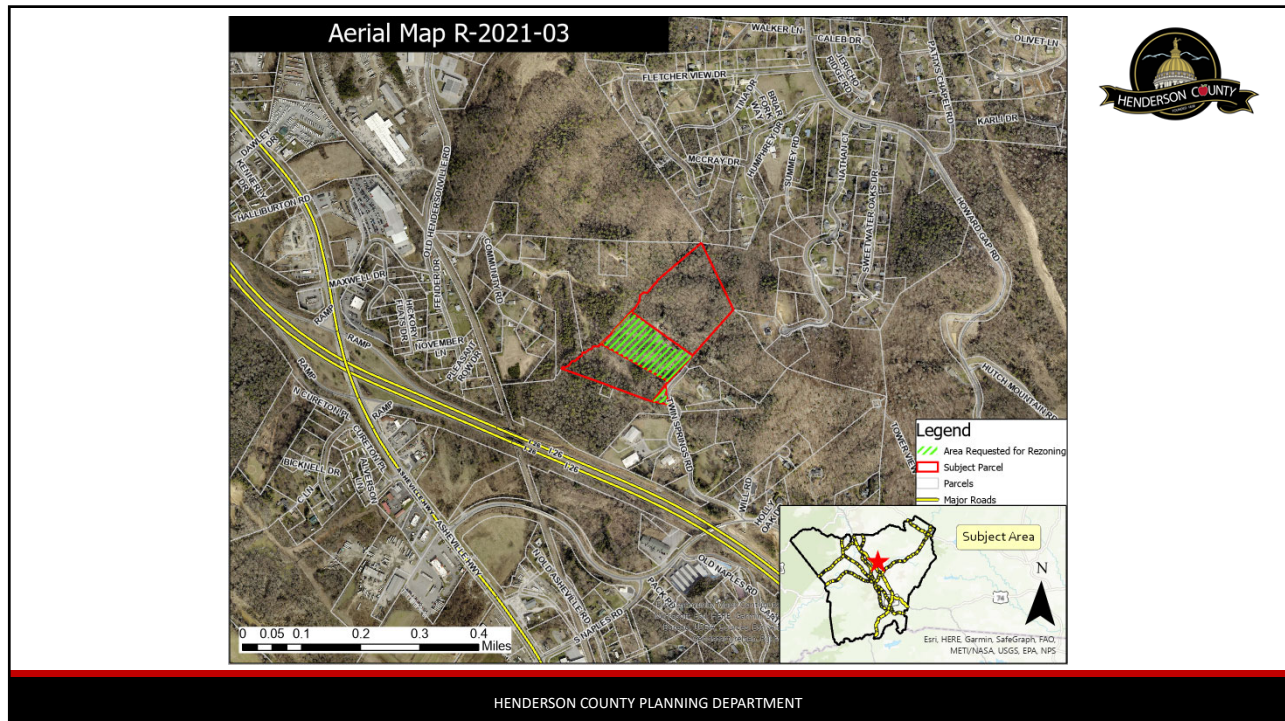
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# District Comparison

## RESIDENTIAL DISTRICT ONE (R1)

Principal use of land is residential.

Manufacturing and processing facilities are not permitted in Residential District One (R1).

## INDUSTRIAL (I)

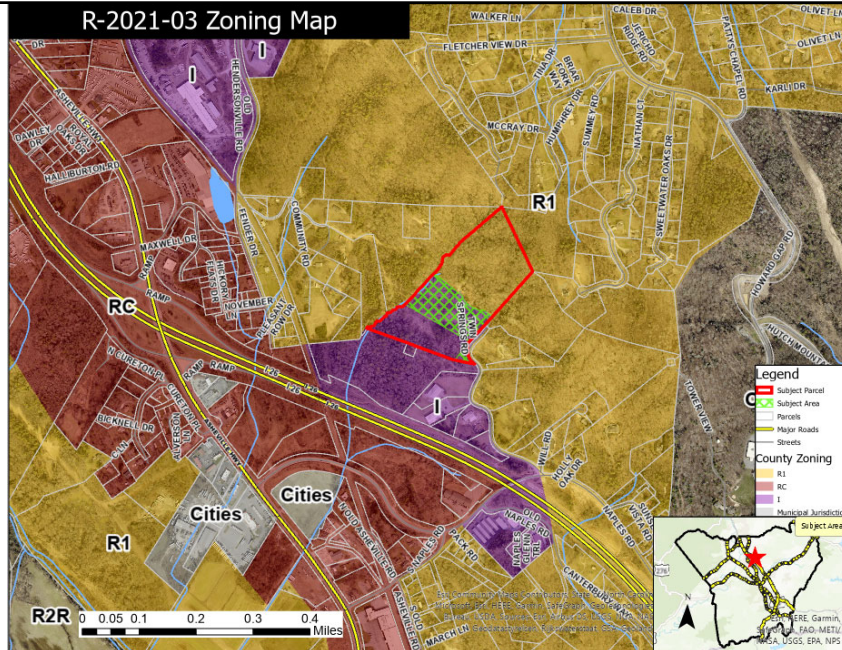
Principal use of land is a mixture of industrial and heavy commercial.

Residential uses are not permitted in Industrial (I).

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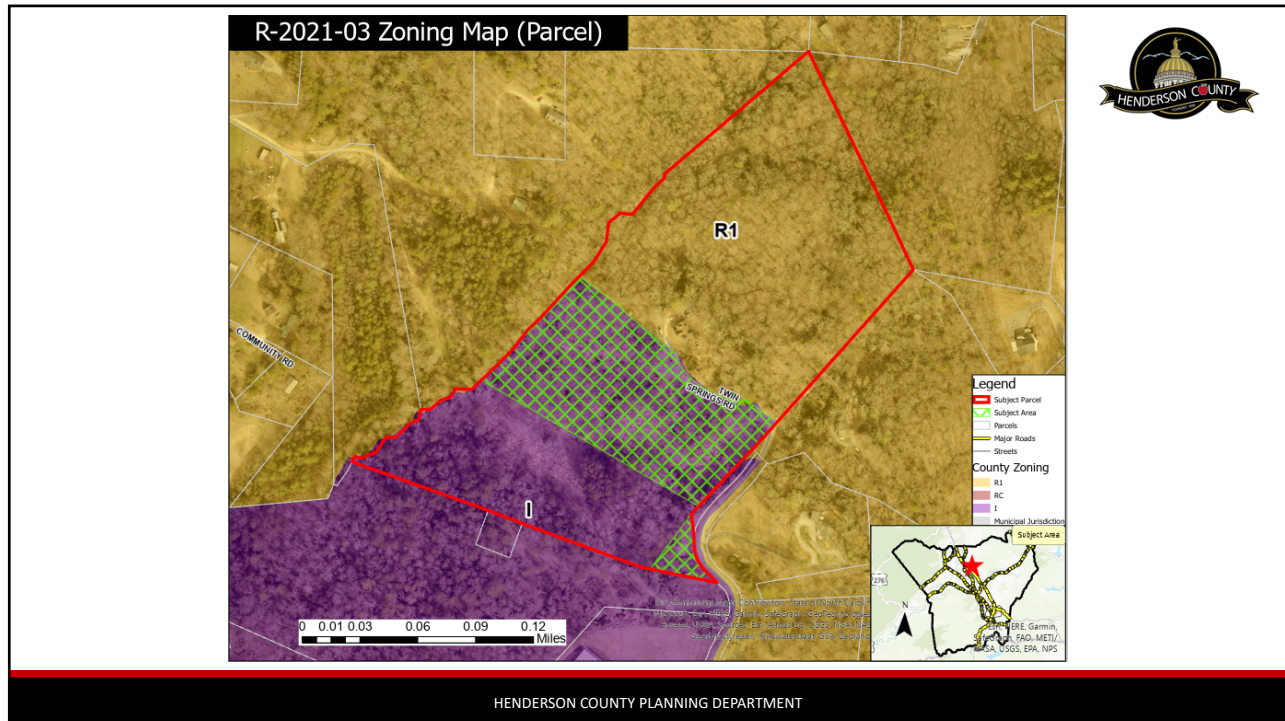
R-2021-03 Zoning Map



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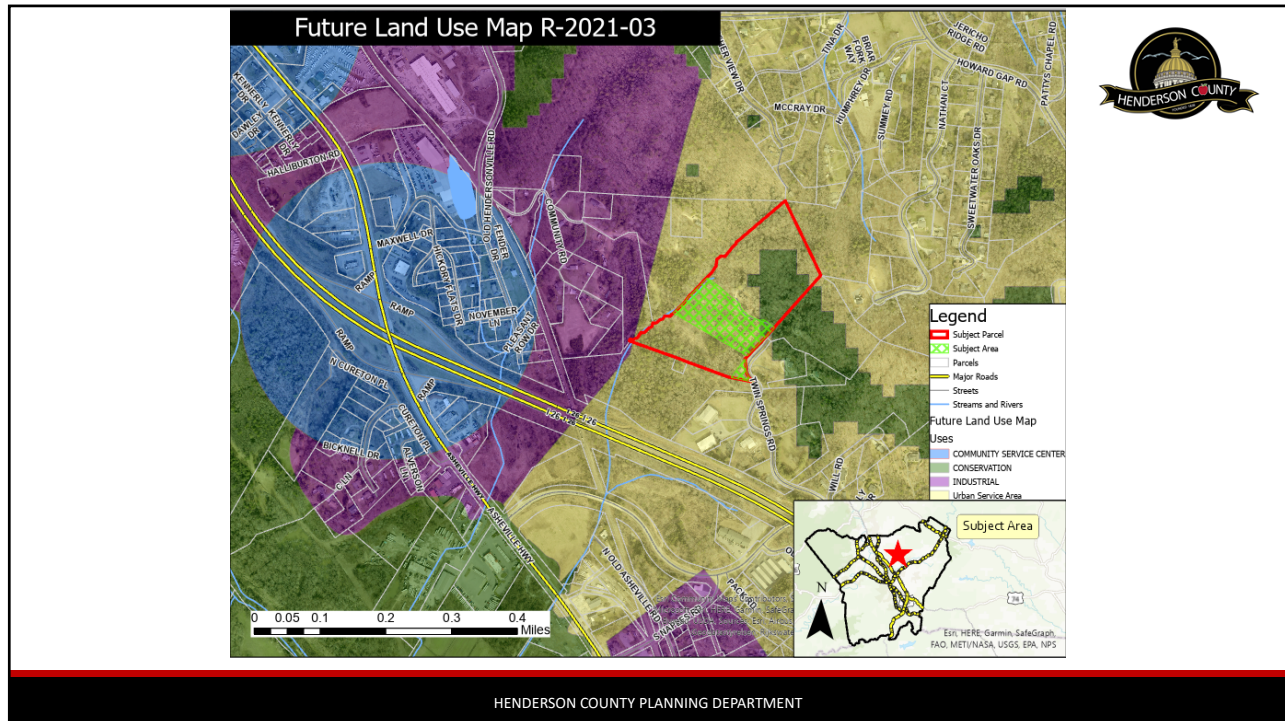
## Comprehensive Plan Compatibility

Urban Services Area (USA): The USA will contain considerable commercial development at a mixture of scales: Local, Community, and Regional.

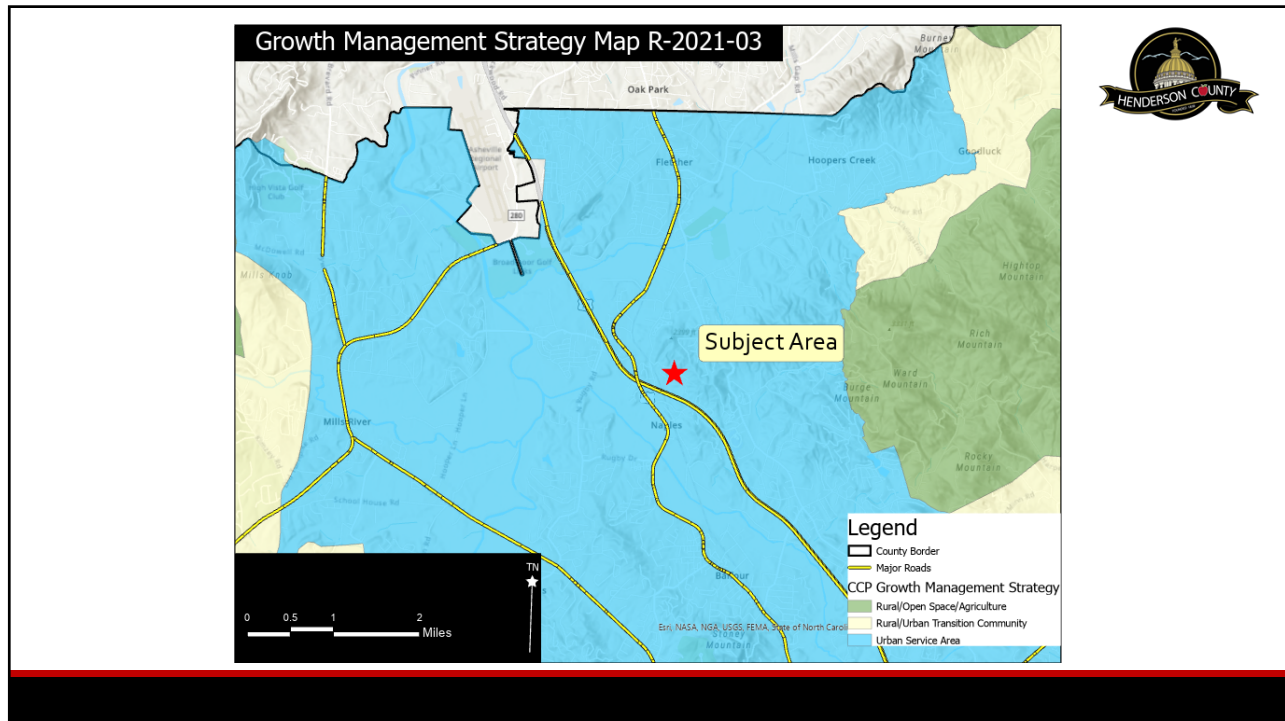
Conservation Areas: This category includes land areas that are intended to remain largely in their natural state, with only limited development.

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## Additional Studies and Plans

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- Oklawaha Greenway Extension Plan identifies subject area within 100-500 number of jobs within a square mile.
- Subject area is not within a township with a Community Plan.
- Site is currently served by individual well and septic.
- Twin Springs Road (SR 1353) is contiguous to the subject area.

HENDERSON COUNTY PLANNING DEPARTMENT

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## Staff Conclusion

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- There are no administrative issues regarding this rezoning, provided the subject area is subdivided, and no parcels contain split zoning.
  - The client has submitted a subdivision for review, creating the industrial area as its own lot, dependent upon the outcome of the rezoning request.
- The proposed Map Amendment would bring the parcel into conformance with the LDC.

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