

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: August 5, 2024

SUBJECT: Public Hearing for Rezoning Application #R-2024-02 Hoopers Creek, Residential Two Rural (R2R) to Residential One (R1)

PRESENTER: Liz Hanson, Planner

ATTACHMENTS: 1. Staff Report
2. Certification of Notice of Public Hearing
3. Resolution of Consistency
4. PowerPoint

SUMMARY OF REQUEST:

Rezoning Application R-2024-02, submitted on May 1st, 2024, requests that the County rezone approximately 13.27 acres of land from the Residential Two Rural (R2R) zoning district to the Residential One (R1) zoning district. The zoning map amendment application is for all of PINs: 9673-21-1888 & 9673-22-2365 with access and frontage along Hooper Creek Rd (SR 1553). The property owners are Kenneth and Alline Rhodes, and the applicant is Hoopers Creek Land, LLC.

The Planning Board reviewed this request at its July 18, 2024, meeting and voted seven to one to recommend that the Board of Commissioner deny the rezoning request.

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 August 5, 2024, public hearing regarding rezoning application #R-2024-02 was published in the Hendersonville Lightning on July 24th, 2024, and July 31st, 2024. Notices of the hearing were sent via first class mail to the owners of properties within 400' of the Subject Area on July 25th, 2024,-and posted signs advertising the hearing on the Subject Area on July 25th, 2024.

BOARD ACTION REQUESTED:

If approved, State law requires the Board to adopt a written statement consistent with the 2045 Comprehensive Plan. A draft resolution is provided.

Suggested Motion:

I move that the Board (approve or deny) rezoning application #R-2024-02 to rezone the Subject Area from Residential Two Rural (RR2) to Residential One (R1) 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.



STAFF REPORT

HENDERSON COUNTY PLANNING DEPARTMENT

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

Prepared by:
Liz Hanson, Planner I

APPLICATION #
R-2024-02

BOARD OF COMMISSIONERS MEETING DATE:
AUGUST 5, 2024

PROPERTY OWNER
Kenneth Rhodes
Alline Rhodes

PROPERTY LOCATION/ADDRESS
384 Hoopers Creek Rd
390 Hoopers Creek Rd, Hoopers Creek Township

APPLICANT
Hoopers Creek Land, LLC

PIN(S):
9673-21-1888 & 9673-22-2365

SUMMARY OF REQUEST

A rezoning of the above referenced PINs (hereafter the subject area from Residential Two Rural (R2R) to Residential One (R1)

Existing Zoning	Residential Two Rural (R2R)
FLUM Character Area	Transitional Area
Existing Land Use	Residential
Site Improvements	NA
Request Acreage	13.27

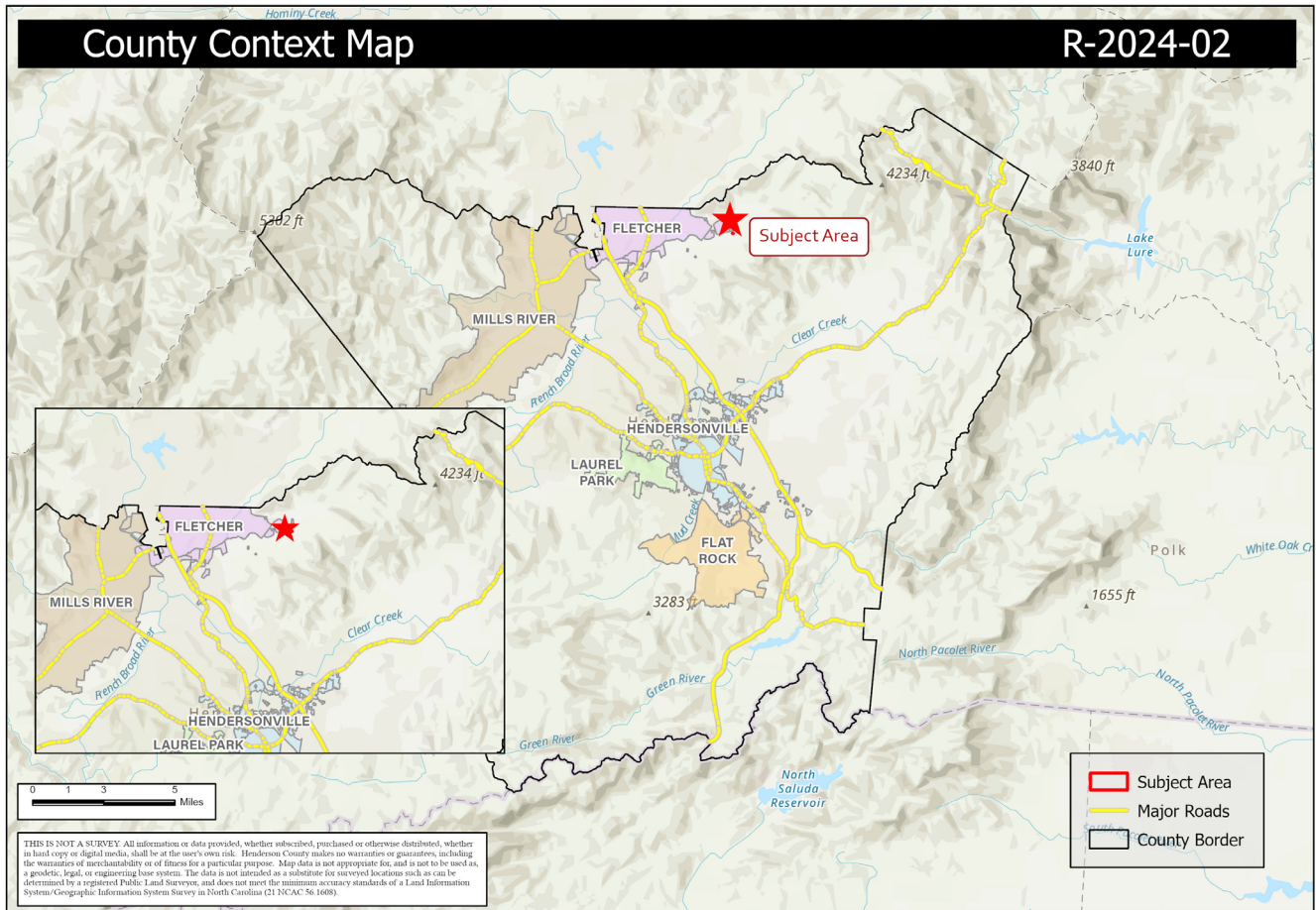
ADJACENT ZONING

North	R2R
East	R2R
South	Fletcher (R-3)
West	R2R

PROPERTY CLASS

Vacant, Residential
Commercial, Residential
Residential, Commercial
Residential

Map A: County Context



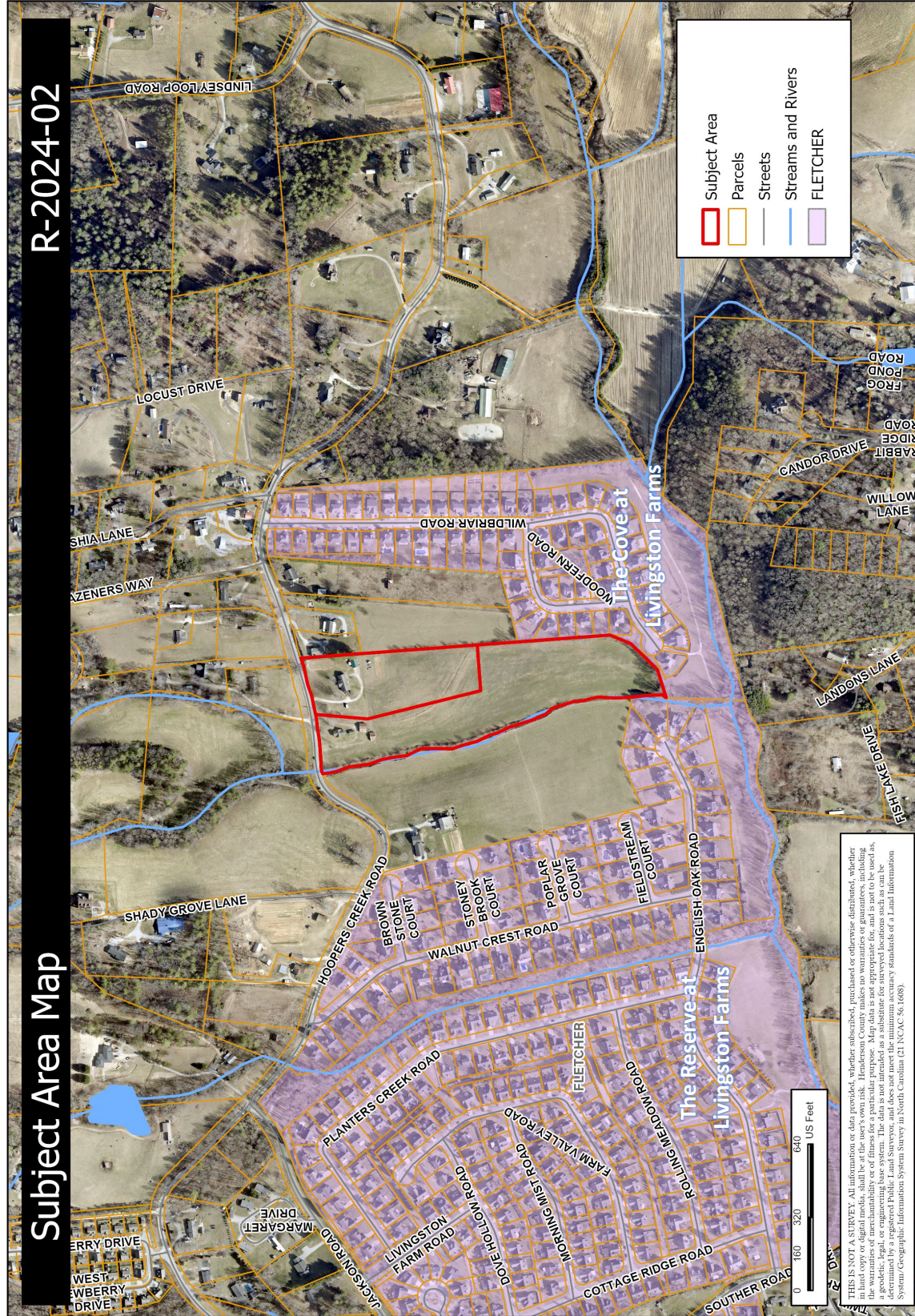
Property Owner: Kenneth & Alline Rhodes Applicant: Hoopers Creek Land, LLC
Total Acreage: 13.27
Residential Two Rural (R2R) to Residential One (R1)



BACKGROUND:

The applicant, Hoopers Creek Land, LLC, is seeking to rezone PINs 9673-21-1888 and 9673-22-2365 from Residential Two Rural (R2R) to Residential One (R1). The subject area is 13.27 acres in total. Each parcel contains one residential structure and personal storage structures.

Map B: Subject Area



R-2024-02

Subject Area Map



Property Owner: Kenneth & Aline Rhodes Applicant: Hoopers Creek Land, LLC
 Total Acreage: 13.27
 Residential Two Rural (R2R) to Residential One (R1)

SUBJECT AREA & ADJACENT PROPERTIES:

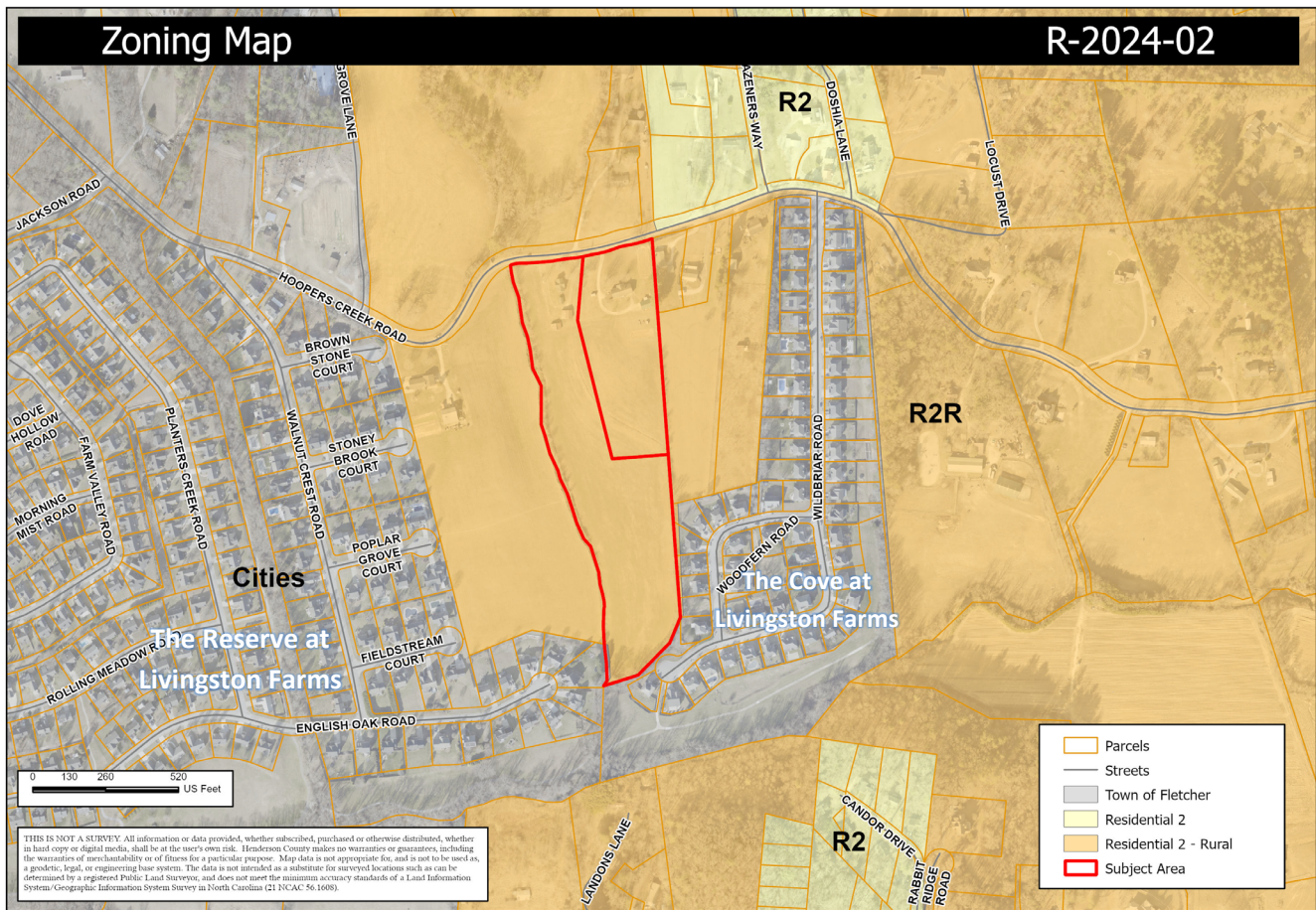
West: The property west of the subject area contains a residential structure and storage building. A stream separates the subject area and the parcel to the west.

South: South of the subject area is within the Town of Fletcher’s jurisdiction. The property is the Cove at Livingston Farm and the Reserve at Livingston Farm neighborhoods, including residential structures.

East: The property east of the subject area contains a residential structure and vacant land.

North: To the north of the subject area, across Hoopers Creek Road, is a residential structure and vacant land.

Map C: Current Zoning



Property Owner: Kenneth & Alline Rhodes Applicant: Hoopers Creek Land, LLC
Total Acreage: 13.27
Residential Two Rural (R2R) to Residential One (R1)



District Comparison:

Residential Two Rural (R2R): “The purpose of Residential District Two Rural (R2R) is to foster orderly growth where the principal use of land is residential. The intent of this district is to allow for low to medium density residential development and rural commercial and light industrial development consistent with the recommendations of the Comprehensive Plan. This general use district is typically meant to be utilized outside areas designated as Utility Service Area (USA) in the *Comprehensive Plan*.” Standard residential density is 1 unit per acre. The maximum density in Residential Two Rural (R2R) is two units per acre. The maximum height is 40’. (LDC §42-27).

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 Utility Service Area (USA) in the *Comprehensive Plan*.” Standard residential density in Residential One is 4 units per acre. Intermediate residential density is 6 units per acre. The maximum density in Residential One, for multifamily developments is 16 units per acre*. The maximum height is 40’ (LDC §42-27).

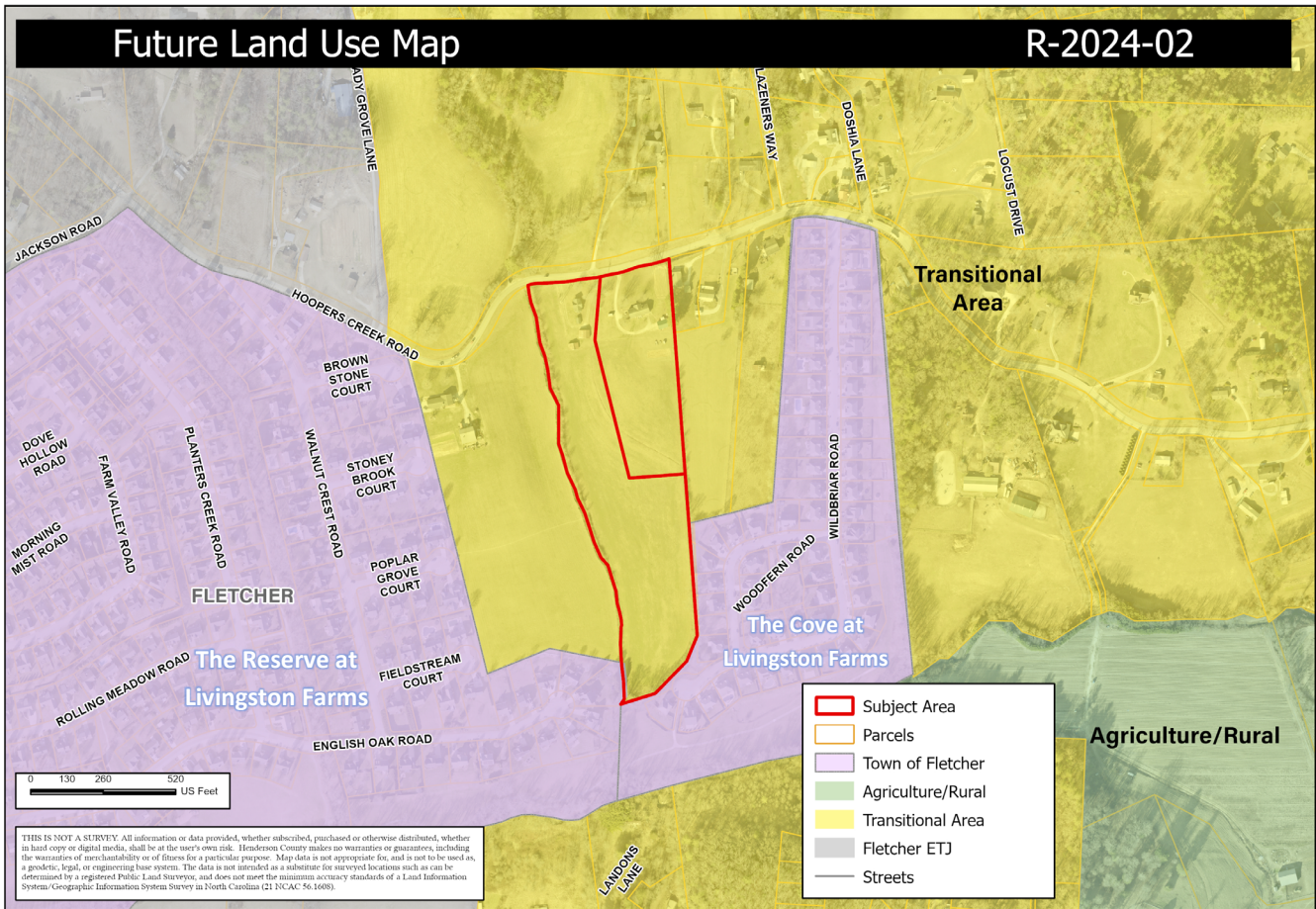
*A multifamily use application would go through a conditional rezoning. Rezoning to R1 would not allow a density greater than six units per acre.

Town of Fletcher:

To the East, South, and West of the subject area are the Cove at Livingston Farm and the Reserve at Livingston Farm neighborhoods. These residential structures are within the town of Fletcher’s jurisdiction. The average parcel size for the Cove at Livingston Farm is 0.26 acres. The average parcel size for the Reserve at Livingston Farm is 0.38 acres.

These neighborhoods are currently under the Town of Fletcher’s R-3 High Density Development Zoning District at a density of 4 units per acre for Single Family Residential development and 10 units per acre for Multi-family Residential Development.

Map D: 2045 Future Land Use Map



Property Owner: Kenneth & Alline Rhodes Applicant: Hoopers Creek Land, LLC
 Total Acreage: 13.27
 Residential Two Rural (R2R) to Residential One (R1)



2045 Comprehensive Plan Compatibility

The 2045 Comprehensive Plan Future Land Use Map identifies the subject area as being in the **Transitional Area** character area.

Transitional Area: "Transitional Area encompasses residential areas of limited density" (Part 2, page 44).

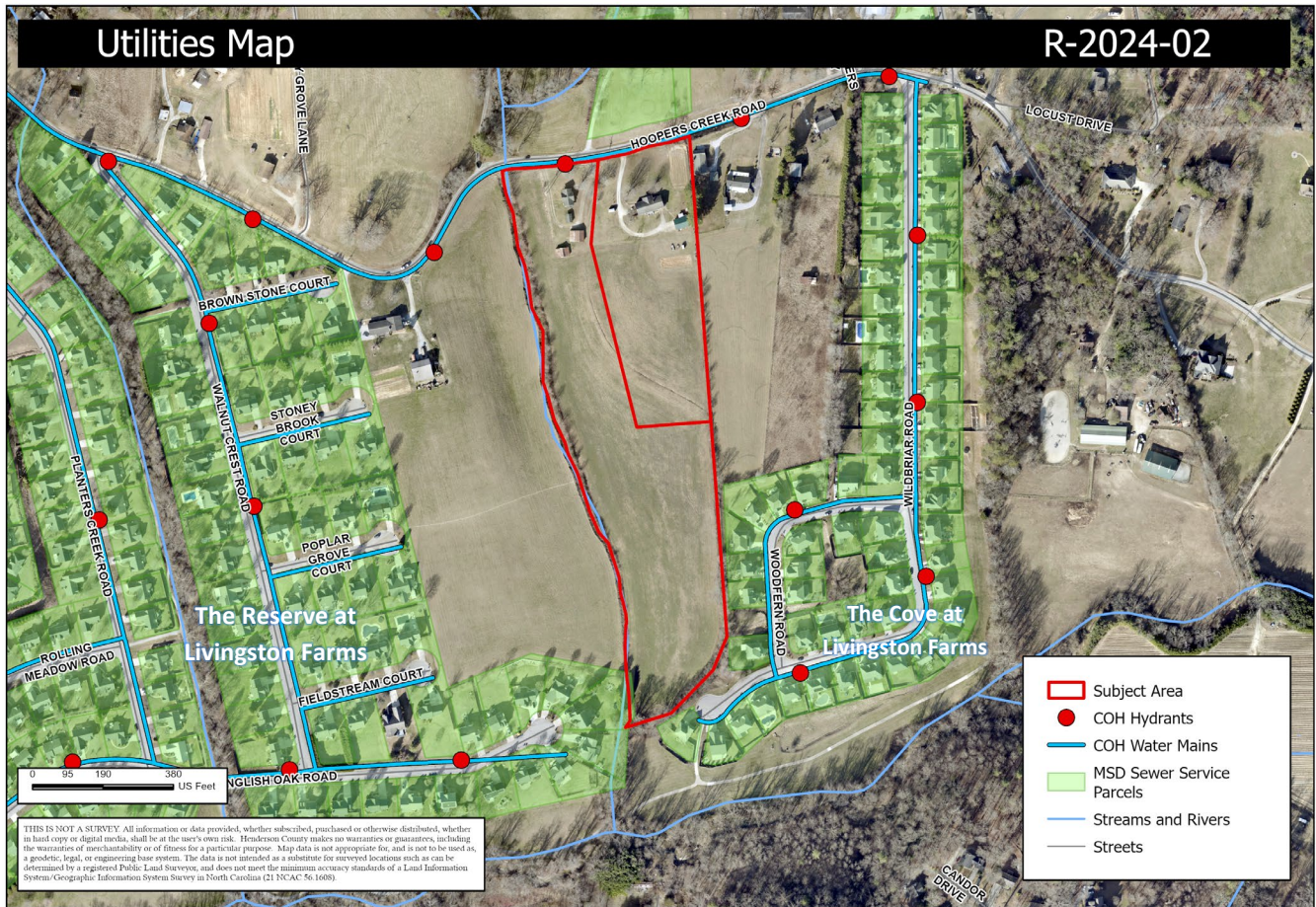
- **Where:** Outside the core of the Utility Service Area and working agricultural lands.
 - The subject area is outside of the Utility Service Area and working agricultural lands
- **Density:** The maximum allowable density range is two to four units per acre (gross density).
 - Residential One (R1) has a standard density of four units per acre
- **Uses:** Single family residential, potentially some appropriately sized multi-family as part of planned developments, agricultural uses.
 - Residential One (R1) is intended for primarily residential uses.

- **Utility Access:** Varies.
 - The subject area proposes connecting the Metropolitan Sewerage District (MSD) public sewer and City of Hendersonville public water.

Goal 7: Diversify Housing Choices and Increase Availability

- Residential One (R1) zoning helps accomplish Goal 7 of the 2045 Comprehensive Plan. R1’s primary goal is to offer more housing choices, which can help bridge the gap in Middle Housing Development (2045 Comp Plan page 86).

Map F: Utilities Map



Property Owner: Kenneth & Alline Rhodes Applicant: Hoopers Creek Land, LLC
Total Acreage: 13.27
Residential Two Rural (R2R) to Residential One (R1)



Water and Sewer

The applicant is proposing connections to Metropolitan Sewerage District (MSD) public sewer and City of Hendersonville public water, which are located on the adjacent parcel.

Existing Roads and Easements

The subject area currently has access from Hoopers Creek Road (SR 1553).

Technical Review Committee (TRC) Recommendations

The Technical Review Committee met on June 4, 2024, to review R-2024-02. The Technical Review Committee moved the application forward to the Planning Board with the possible conditions of requiring a Traffic Impact Analysis and soil erosion and sedimentation control permits.

Planning Board Recommendations

The Planning Board met on July 18, 2024, to review R-2024-02. The Planning Board voted 7 to 1 to recommend denial to the Board of Commissioners.

Board of Commissioners Public Hearing

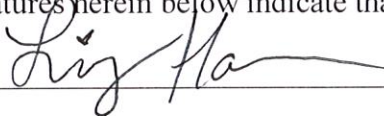
The Board will review the application at its August 5, 2024, meeting, which will also include a public hearing.

Certification of Notice of Public Hearing

In accordance with NCGS 160D-343 the Planning Department certifies notice of the August 5, 2024, hearing regarding Rezoning Application #R-2024-2 were:


1. Submitted to the Hendersonville Lightning on July 19th, 2024, to be published on July 24th, 2024, and July 31st, 2024 by Liz Hanson;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on July 25, 2024, by Liz Hanson;
3. Sent, via first class mail, to the property owner on July 25, 2024, by Liz Hanson; and
4. Signs were posted on the Subject Area(s) on July 25, 2024, by Liz Hanson.

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

1. 

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

I, , a Notary Public, in and for the above County

and State, do hereby certify that

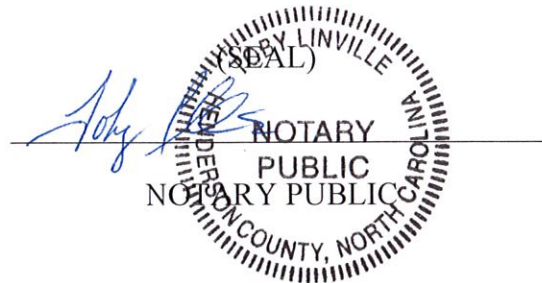
 Liz Hanson

personally appeared before me this day.

WITNESS my hand and notarial seal, this the day of July 2024.

My commission expires:

 6/25/26





BOARD OF COMMISSIONER ENACTMENT 2024-_____

RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN

Rezoning Application #R-2024-02

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, on July 18, 2024, the Planning Board reviewed and provided recommendations regarding the proposed zoning map amendment with application #R-2024-02 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 July 17, 2024, and

WHEREAS, N.C. General Statute §160D-605 requires the Board to adopt a statement of consistency with the 2045 Comprehensive Plan and

NOW, THEREFORE, BE IT RESOLVED by the Henderson County Board of Commissioners as follows:

1. The Board reviewed the proposed map amendment (#R-2024-02, Hoopers Creek) and finds that it is unreasonable, not in the public interest, and inconsistent with the 2045 Comprehensive Plan and
 - The property is not contiguous to R1 zoning
 - The property is in the Transitional character area that is slated for lower densities
2. The Board determines that the proposed map amendment does not provide for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County and
3. This Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

2024-_____

THIS 5th day of August 2024.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
Rebecca McCall, Chairman

ATTEST:

Denisa Lauffer, Clerk to the Board

[COUNTY SEAL]

REZONING APPLICATION: R-2024-02

Board of Commissioners • August 5, 2024 • 5:30 PM

Henderson County Planning Department

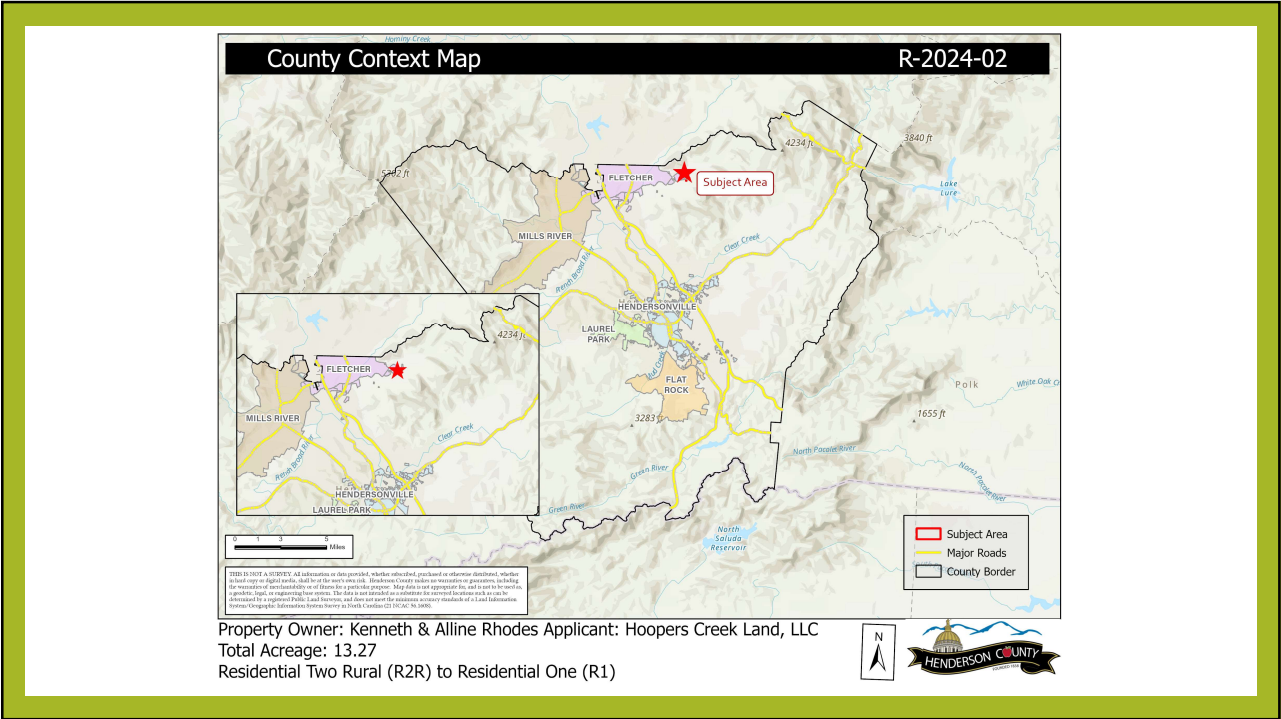
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Application Summary

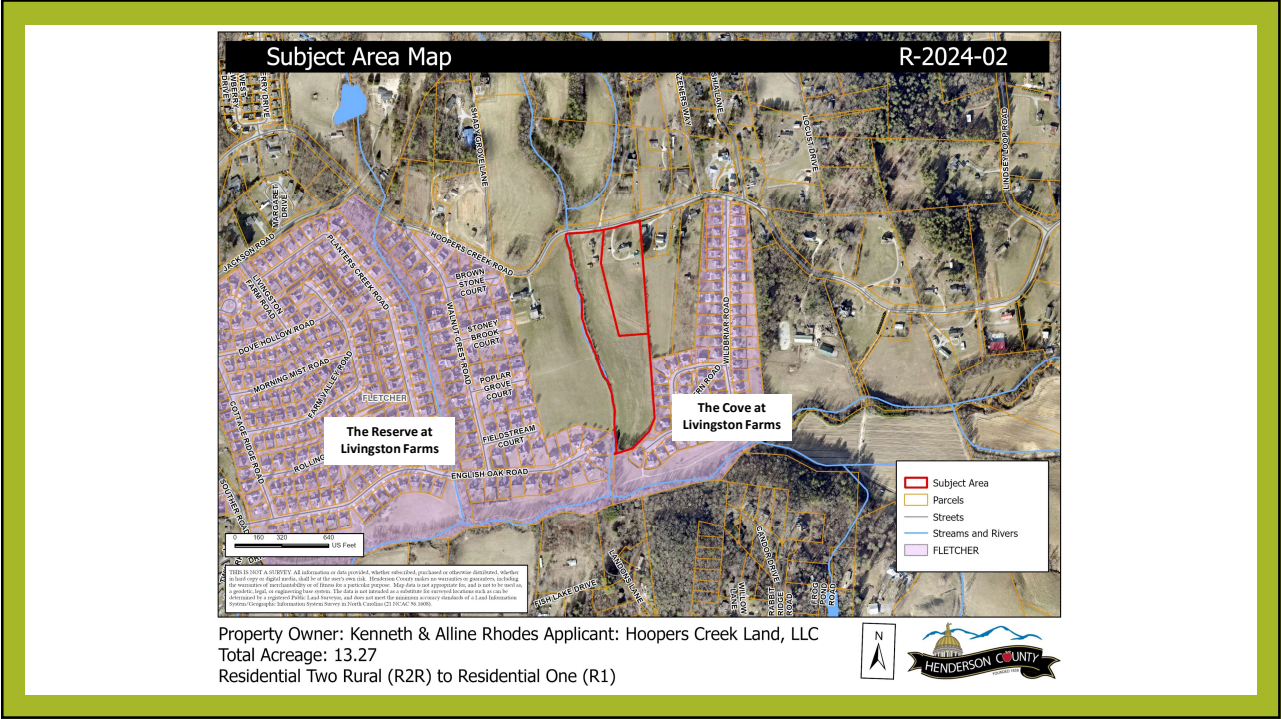
- Rezoning Application R-2024-02, submitted on May 1st, 2024, requests that the County rezone approximately 13.27 acres of land from the Residential Two Rural (R2R) zoning district to the Residential One (R1) zoning district.
- The zoning map amendment application is for all of PINs: 9673-21-1888 & 9673-22-2365 with access and frontage along Hoopers Creek Rd (SR 1553).
- The property owners are Kenneth and Alline Rhodes, and the applicant is Hoopers Creek Land, LLC.
- Moved forward to Planning Board at June 4, 2024, TRC meeting.
- On July 18, 2024, Planning Board voted 7-1 to recommend denial.

Henderson County Planning Department

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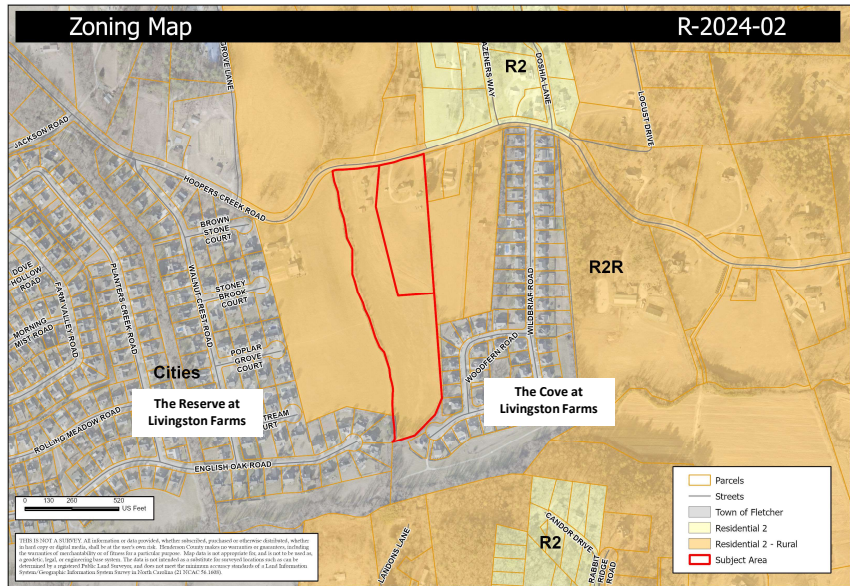


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A multifamily use application would go through a **conditional rezoning**. Rezoning to R1 would not allow a density greater than **six units per acre**.



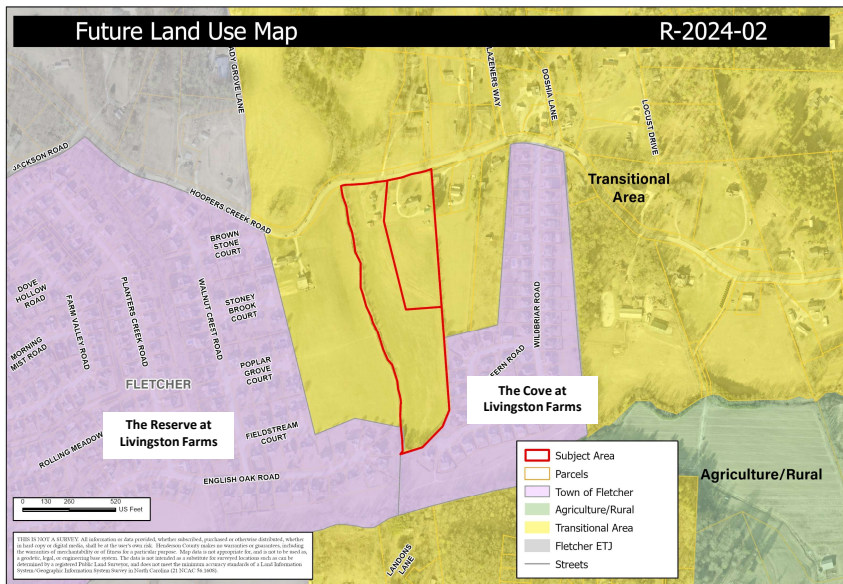
Property Owner: Kenneth & Aline Rhodes Applicant: Hoopers Creek Land, LLC
 Total Acreage: 13.27
 Residential Two Rural (R2R) to Residential One (R1)



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2045 Comprehensive Plan:

- The subject area is in the Transitional Area, which encompasses residential areas with a limited density of two to four units per acre.



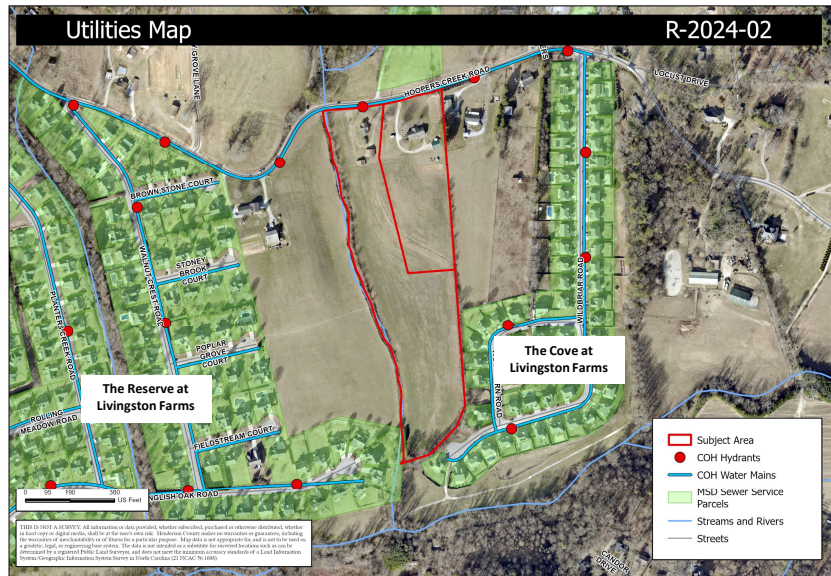
Property Owner: Kenneth & Aline Rhodes Applicant: Hoopers Creek Land, LLC
 Total Acreage: 13.27
 Residential Two Rural (R2R) to Residential One (R1)



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2045 Comprehensive Plan:

- The subject area is located outside the Utility Service Area and working agricultural lands.
- The subject area has access to COH water and MSD sewer.



Property Owner: Kenneth & Alline Rhodes Applicant: Hoopers Creek Land, LLC
Total Acreage: 13.27
Residential Two Rural (R2R) to Residential One (R1)



Planning Board Recommendation

The Planning Board met on **July 18, 2024**, to discuss application #R-2024-02. The Planning Board **voted 7 to 1** to recommend denial for rezoning from **R2R to R1** zoning.

2045 Comprehensive Plan Consistency Statement

1) The Board reviewed the proposed map amendment (#R-2024-02, Hoopers Creek) and finds that it is unreasonable, not in the public interest, and inconsistent with the 2045 Comprehensive Plan and

- The property is not contiguous to R1 zoning

- The property is in the Transitional character area that is slated for lower densities

2) The Board determines that the proposed map amendment does not provide for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County and

3) This Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

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Thank you! Questions?

Rezoning Application: R-2024-02



Henderson County Planning Department

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