

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** August 5, 2024

**SUBJECT:** Public Hearing for Rezoning Application #R-2024-03 Continental Divide Dr, Regional Commercial (RC) to Residential Two Rural (R2R)

**PRESENTER:** Liz Hanson, Planner I

**ATTACHMENTS:**

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

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

Rezoning Application R-2024-03, submitted on May 15<sup>th</sup>, 2024, requests that the County rezone approximately 21.82 acres of land from the Regional Commercial zoning district to the Residential Two Rural (R2R) zoning district. The zoning map amendment application is for all of PINs: 9587-53-2165 and 9587-63-2346 with access and frontage along Continental Divide Dr (SR 1891) and Summit Springs Dr. The property owners are Ann Greenwood Revocable Trust (PIN 9587-53-2165) and Doris K Cole 2016 Irrevocable Trust (PIN 9587-63-2346). The applicants are Richard Greenwood (Applicant, PIN 9587-53-2165) and Michael Cole (Additional Owner, PIN 9587-63-2346).

The Planning Board reviewed this request at its July 18, 2024, meeting and voted unanimously to recommend the application for approval.

#### **PUBLIC NOTICE:**

Before taking action on the application, the Board of Commissioners must hold a public hearing. Per §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-2024-2 was published in the Hendersonville Lightning on July 24<sup>th</sup>, 2024, and July 31<sup>st</sup>, 2024. Notices of the hearing were sent via first class mail to the property owners within 400' of the Subject Area on July 25<sup>th</sup>, 2024, and posted signs advertising the hearing on the Subject Area on July 25<sup>th</sup>, 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-2024-03 to rezone the Subject Area from Regional Commercial (RC) to Residential Two Rural (R2R), 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 2045 Comprehensive Plan.



# STAFF REPORT

## HENDERSON COUNTY PLANNING DEPARTMENT

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

**Prepared by:**

Liz Hanson, Planner I

---

**APPLICATION #**

R-2024-03

**BOARD OF COMMISSIONERS MEETING**

**DATE:**

AUGUST 5, 2024

---

**PROPERTY OWNERS**

Anne Greenwood  
Michael Cole & Doris Cole

**PROPERTY LOCATION/ADDRESS**

Continental Divide Dr  
Blue Ridge Township

---

**APPLICANT**

Richard Greenwood

**PIN(S):**

9587-53-2165 & 9587-63-2346

---

**SUMMARY OF REQUEST**

A rezoning of the above-referenced PINs (hereafter the subject area from Regional Commercial (RC) to Residential Two Rural (R2R).

**Existing Zoning**

Regional Commercial (RC)

**FLUM Character Area**

Transitional Area

**Existing Land Use**

Vacant

**Site Improvements**

NA

**Request Acreage**

21.82

---

**ADJACENT ZONING**

**North**      RC

**East**        R2R

**South**      RC

**West**        R1

**USE OF LAND**

Vacant, Residential

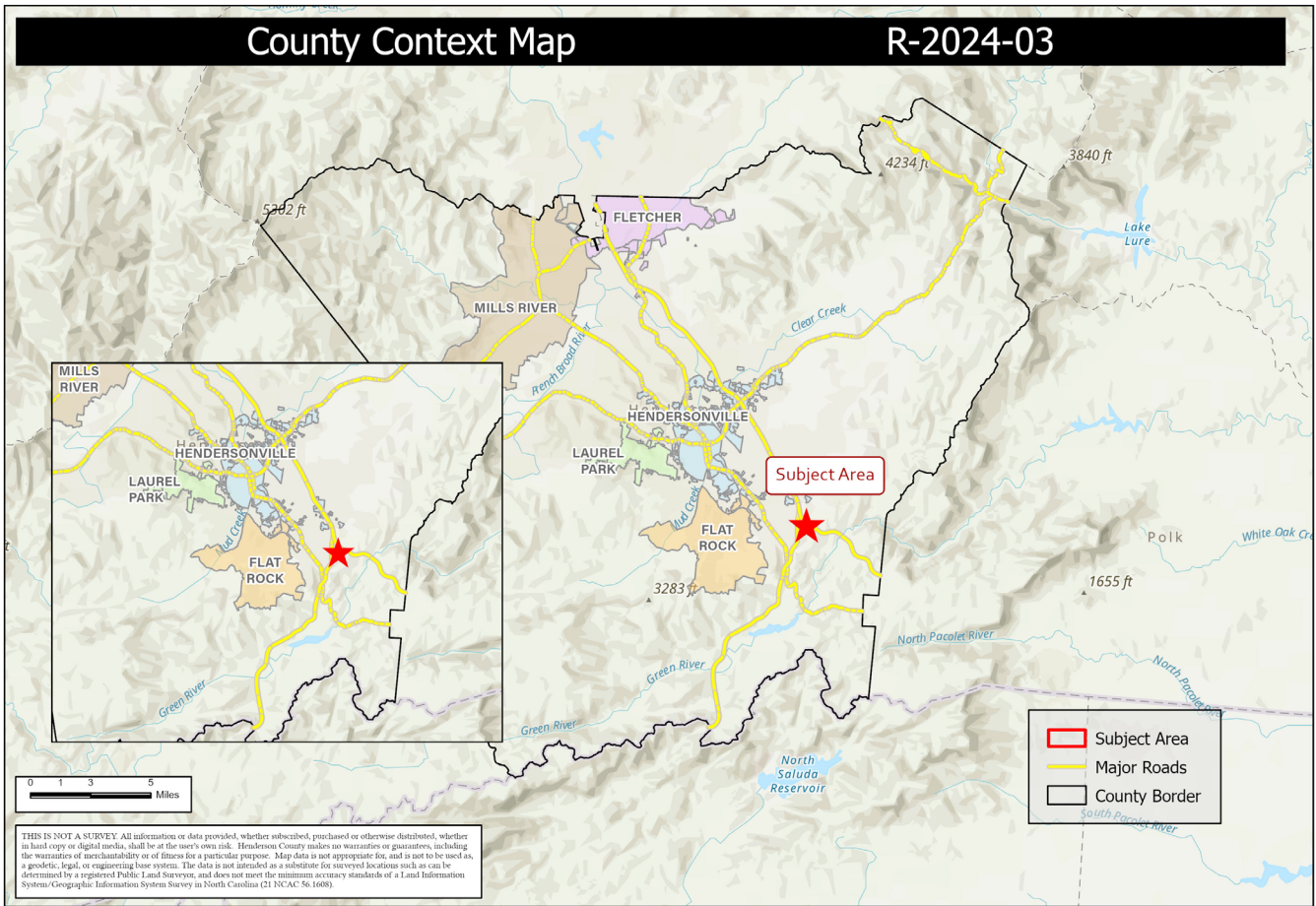
Vacant, Residential

Residential, Commercial

Residential

---

Map A: County Context



Property Owner(s): Ann Greenwood Revocable Trust & Doris K Cole 2016 Irrevocable Trust  
Total Acreage: 21.82  
Regional Commercial (RC) to Residential Two Rural (R2R)



**BACKGROUND:**

The applicant, Richard Greenwood, is seeking to rezone PINs 9587-53-2165 and 9587-63-2346 from Regional Commercial (RC) to Residential Two Rural (R2R). The subject area is 21.82 acres in total. Both parcels are currently vacant. The parcels to the East of the subject area, including PIN 9587-72-3931 and 9587-63-2346, were originally slated to be part of the Summit Springs development. However, this section of the neighborhood was never completed. This development started in 2004 when this area of the County was under Open Use. These parcels are now under private ownership. These parcels (PINs 9587-72-3931 and 9587-63-2346 are also recorded by the NC Department of Environmental Quality as a Brownfield, "Cole Orchard." The NC Brownfields Program placed Land Use Restrictions on the parcels included in the Brownfield boundary. However, a variety of residential uses are permitted.







**SUBJECT AREA & ADJACENT PROPERTIES:**

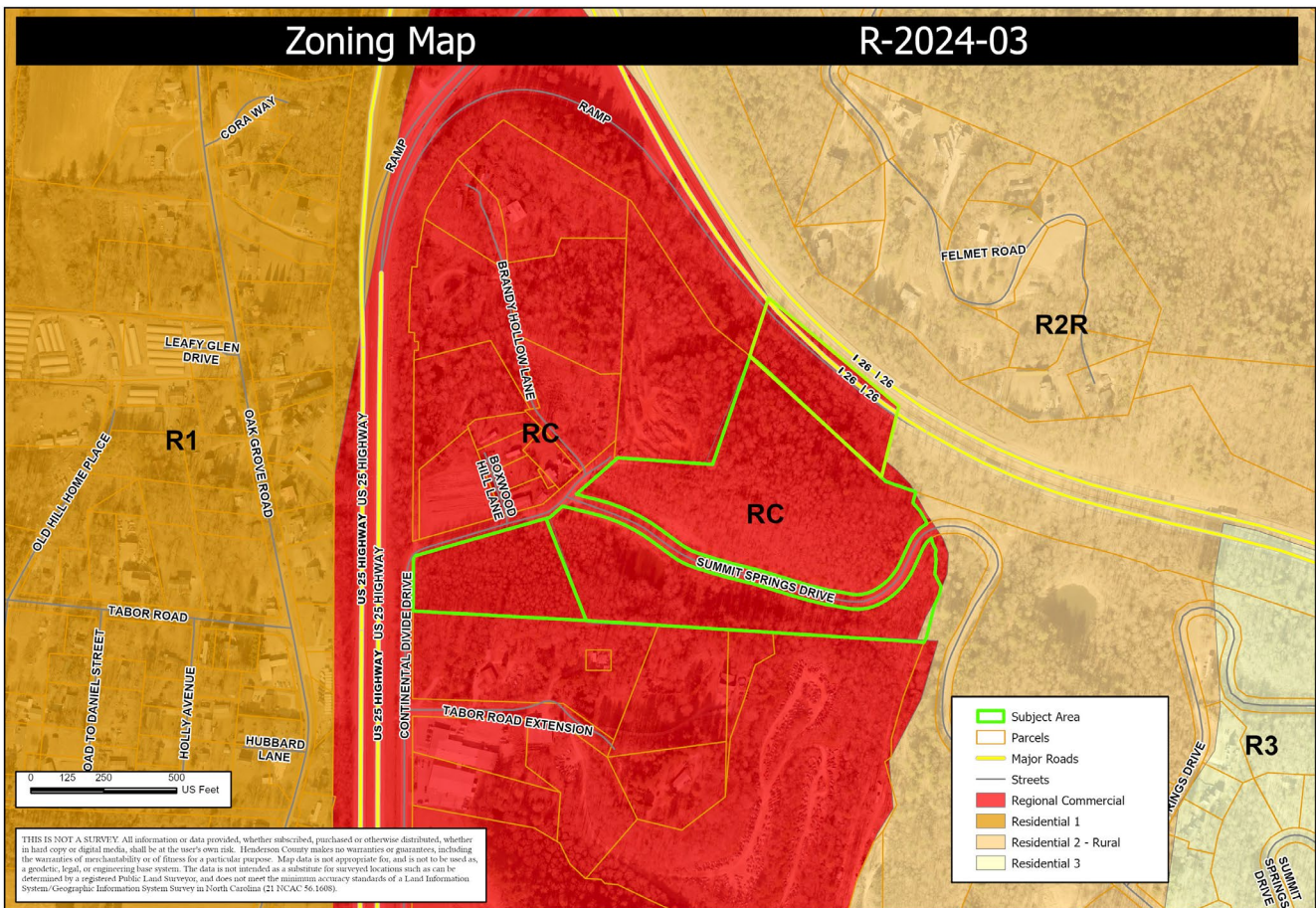
**West:** To the West of the subject area is US Highway 25. Across US-25, there are residential structures.

**South:** The parcels to the South of the subject area contain commercial structures and Gosnell's Used Auto Parts.

**East:** The property to the east of the subject area is vacant. This parcel was originally part of the Summit Springs development, but it was never completed. It is now under private ownership. There are no related restrictions on the property.

**North:** To the North of the subject area, across Continental Divide Dr are residential structures and vacant land.

**Map C: Current Zoning**



Property Owner(s): Ann Greenwood Revocable Trust & Doris K Cole 2016 Irrevocable Trust  
Total Acreage: 21.82  
Regional Commercial (RC) to Residential Two Rural (R2R)

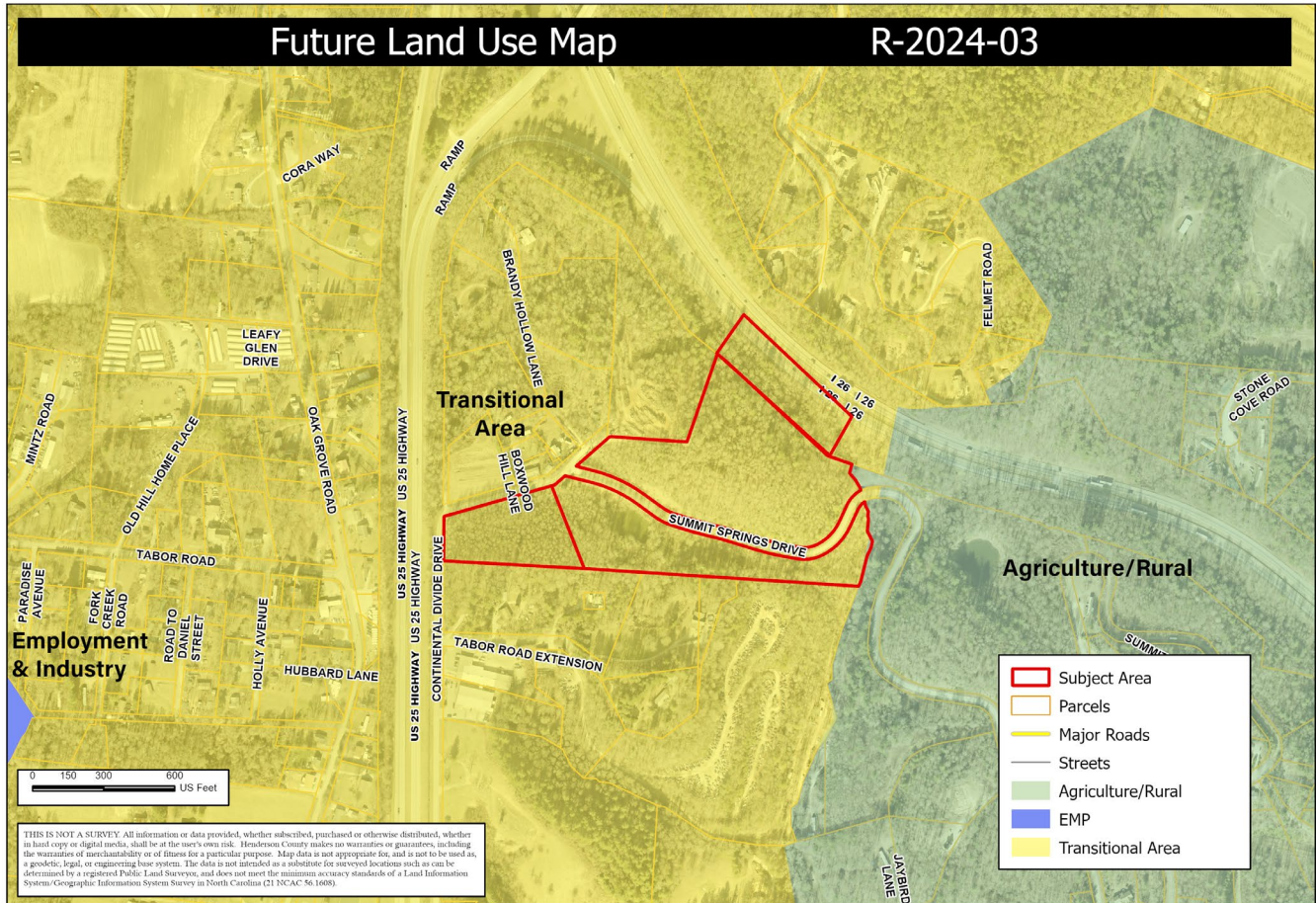




**District Comparison:**

Quick Comparison	Regional Commercial (RC)	Residential Two Rural (R2R)
Max Density:	16 units per acre	1 unit per acre
Housing Types:	Singlewide not allowed	Singlewide allowed
Commercial Uses:	Carwash allowed	Carwash not allowed
	Retail Sales > 150k sqft allowed	Retail Sales > 150k sqft not allowed

**Map D: 2045 Future Land Use Map**



Property Owner(s): Ann Greenwood Revocable Trust & Doris K Cole 2016 Irrevocable Trust  
 Total Acreage: 21.82  
 Regional Commercial (RC) to Residential Two Rural (R2R)



**2045 Comprehensive Plan Compatibility**

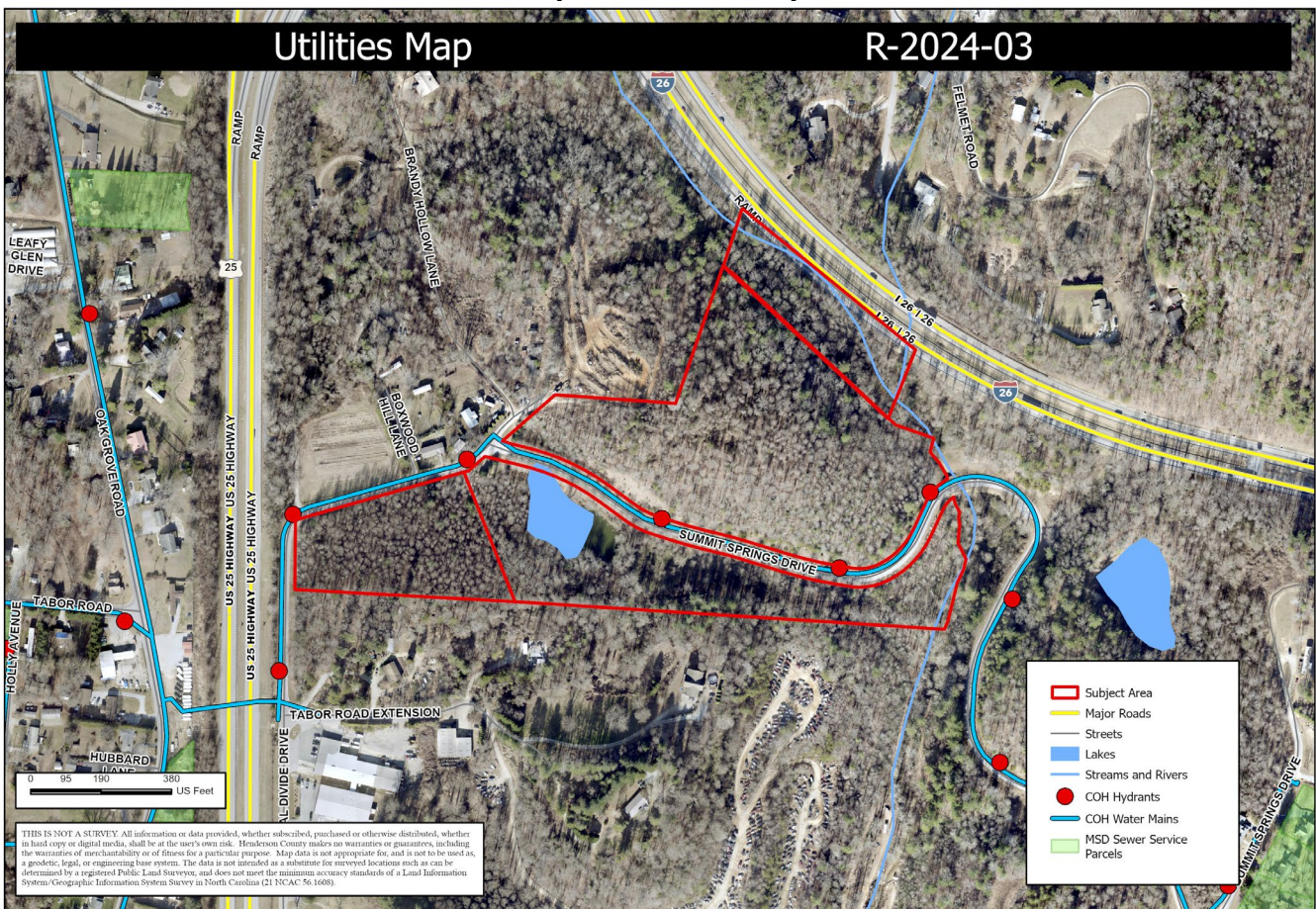
The 2045 Comprehensive Plan Future Land Use Map identifies the subject area as being in the **Transitional Area** character area.

**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 Two Rural (R2R) has a standard residential density of one unit per acre.
- **Uses:** Single family residential, potentially some appropriately sized multi-family as part of planned developments, agricultural uses.
  - Residential Two Rural (R2R) primary use is residential.
- **Utility Access:** Varies.
  - The subject area is connected to City of Hendersonville public water but not sewer service.

Map F: Utilities Map



Property Owner(s): Ann Greenwood Revocable Trust & Doris K Cole 2016 Irrevocable Trust  
 Total Acreage: 21.82  
 Regional Commercial (RC) to Residential Two Rural (R2R)



**Water and Sewer**

The subject area is connected to City of Hendersonville public water. The subject area does not have sewer service.

**Existing Roads and Easements**

The subject area is accessible from Continental Divide Drive (SR 1891) and Summit Springs Drive (private).

**Technical Review Committee (TRC) Recommendations**

The Technical Review Committee reviewed application R-2024-03 at its June 4, 2024, meeting and made a motion to forward it to the Planning Board for their review and recommendation.

**Planning Board Recommendations**

The Planning Board reviewed application R-2024-03 at their July 18, 2024, meeting. The Planning Board voted unanimously to recommend approval 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.

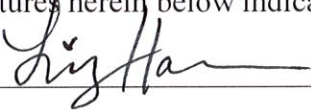


**Certification of Notice of Public Hearing**

In accordance with NCGS 160D-343 the Planning Department certifies notice of the August 5, 2024, hearing regarding Rezoning Application #R-2024-3 were:


1. Submitted to the Hendersonville Lightning on July 19, 2024, to be published on July 24<sup>th</sup>, 2024 and July 31<sup>st</sup>, 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

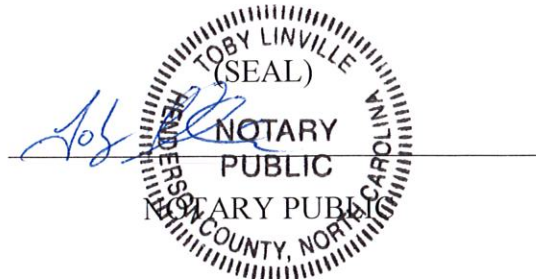
  Liz Hanson  

personally appeared before me this day.

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

My commission expires:

  6/29/26  





**BOARD OF COMMISSIONER ENACTMENT 2024-\_\_\_\_\_**

**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-2024-03 and

**WHEREAS**, pursuant to N.C. General Statute §160D-601, the Planning Department 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-2024-03, Continental Divide Dr) and finds that it is reasonable, in the public interest, and consistent with the 2045 Comprehensive Plan and
  - The subject area is outside the Utility Service Area and working agricultural lands.
  - Residential Two Rural (R2R) has a standard residential density of one unit per acre and adheres to the Transitional Area’s “limited density”.
  - Residential Two Rural’s (R2R) primary use is residential, the main land use in the Transitional character area.
2. 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. This Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.



2024-\_\_\_\_\_

**THIS 5<sup>th</sup>** 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-2024-03

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

Henderson County Planning Department

1

- Rezoning Application R-2024-03, submitted on May 15th, 2024, requests that the County rezone approximately 21.82 acres of land from the Regional Commercial (RC) zoning district to the Residential Two Rural (R2R) zoning district.
- The zoning map amendment application is for all of PINs: 9587-53-2165 and 9587-63-2346 with access and frontage along Continental Divide Dr (SR 1891) and Summit Springs Dr.
- The property owners are Ann Greenwood Revocable Trust (PIN 9587-53-2165) and Doris K Cole 2016 Irrevocable Trust (PIN 9587-63-2346).
- The applicants are Richard Greenwood (Applicant, PIN 9587-53-2165) and Michael Cole (Additional Owner, PIN 9587-63-2346).
- Moved forward to Planning Board at June 4, 2024, TRC meeting.
- Moved on to Board of Commissioners with a favorable recommendation at July 18, 2024, Planning Board meeting.

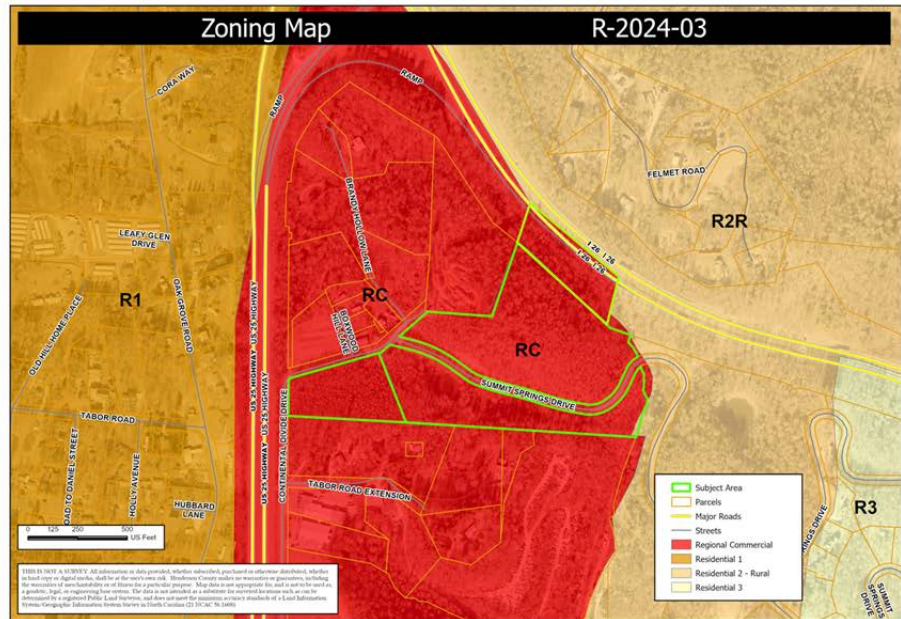
Henderson County Planning Department

2





The subject area extends to I-26 and the Residential Two Rural (R2R) zoning district. Extending to the I-26 ROW creates **continuity** with zoning districts.



Property Owner(s): Ann Greenwood Revocable Trust & Doris K Cole 2016 Irrevocable Trust  
 Total Acreage: 21.82  
 Regional Commercial (RC) to Residential Two Rural (R2R)



## Quick Comparison of Zoning Districts\*

Quick Comparison	Regional Commercial (RC)	Residential Two Rural (R2R)
Max Density:	16 units per acre	1 unit per acre
Housing Types:	Singlewide not allowed	Singlewide allowed
Commercial Uses:	Carwash allowed	Carwash not allowed
	Retail Sales > 150k sqft allowed	Retail Sales > 150k sqft not allowed

The subject area is **not eligible** for Maximum Density. Maximum density is Residential Two Rural (R2R) is currently 2 units per acre. To qualify for Maximum Density, the subject area must have **sewer service**.

\*This table is not a complete list of uses allowed in each district. Please reference the Table of Permitted Uses for more information.

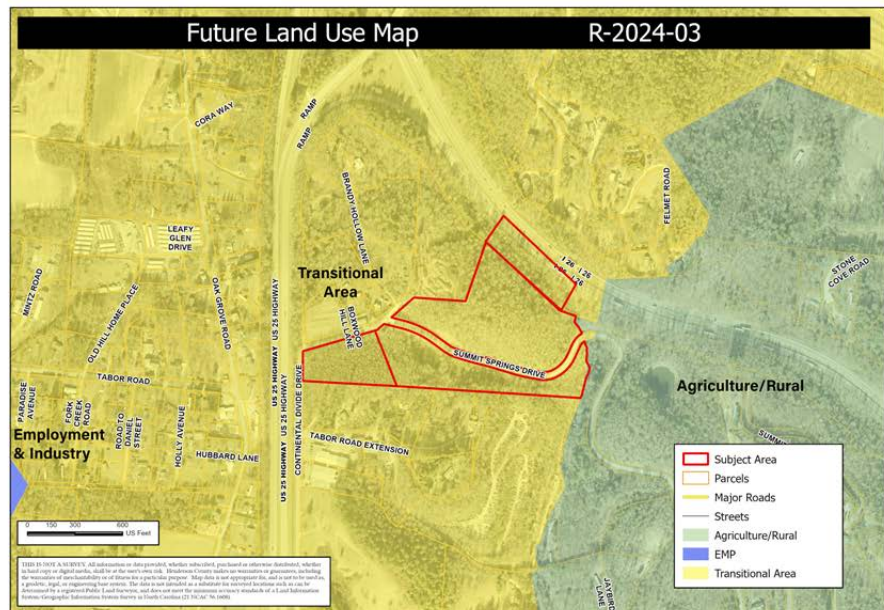


# Planning Board Recommendation

The Planning Board met on **July 18, 2024**, to discuss application #R-2024-03. The Planning Board **voted unanimously** to move the application on to the Board of Commissioners with a **favorable** recommendation.

## 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.

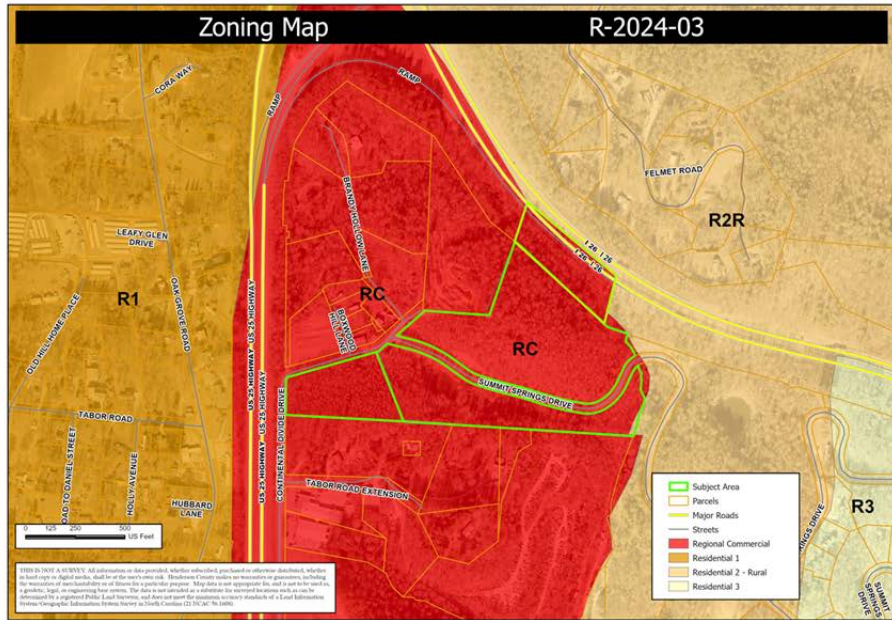


Property Owner(s): Ann Greenwood Revocable Trust & Doris K Cole 2016 Irrevocable Trust  
 Total Acreage: 21.82  
 Regional Commercial (RC) to Residential Two Rural (R2R)









Property Owner(s): Ann Greenwood Revocable Trust & Doris K Cole 2016 Irrevocable Trust  
 Total Acreage: 21.82  
 Regional Commercial (RC) to Residential Two Rural (R2R)



# Thank you!

## Questions?

Rezoning Application: R-2024-03



Henderson County Planning Department