

# REQUEST FOR BOARD ACTION

## HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** September 3, 2024

**SUBJECT:** Rezoning Application R-2024-04 Stoney Mountain Road

**PRESENTER:** Carlos Martinez, Planner I

**ATTACHMENTS:** 1.) Staff Report  
2.) City of Hendersonville ETJ Removal Letter  
3.) Certification of Notice of Public Hearing  
4.) Resolution of Consistency  
5.) PowerPoint Handout

### SUMMARY OF REQUEST:

The zoning map amendment, application #R-2024-04, is for a portion of PIN: 9650-90-0668 owned by CMH Homes, Inc. It is located on Stoney Mountain Road and is currently split-zoned between the City of Hendersonville R-20 and the County R-1 (Residential One) district. The owner has requested the 2.52-acre portion of the property in the Extra-territorial Jurisdiction (ETJ) be removed, and the City approved this request on August 1, 2024. Per G.S. 160D-202, the county must rezone this portion of the parcel that is being relinquished from the city's jurisdiction. Planning Staff initiated the application on July 23, 2024, to rezone the approximately 2.52 acres of land to an R1 district to be consistent with the adjacent County R1 zoning.

The Planning Board reviewed the application on August 15, 2024, and voted unanimously to recommend the Board of Commissioners approve the rezoning request.

### PUBLIC NOTICE:

Before taking action on the application, the Board of Commissioners must hold a public hearing. Per the Henderson County Land Development Code and State Law, notices of the September 3, 2024 public hearing were published in the Hendersonville Lightning on August 21, 2024, and August 28, 2024, notices were sent via first class mail to the property owners within 400' of the Subject Area on August 23, 2024, and staff posted signs advertising the hearing on the Subject Area on August 23, 2024.

### BOARD ACTION REQUESTED:

The Board of Commissioners is requested to approve rezoning application #R-2024-04. 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 rezoning application #R-2024-04 to zone the Subject Area to R1 (Residential One); based on the reasonableness and consistency with the Henderson County Comprehensive Plan, and I move that the Board approve the attached resolution of consistency.



# STAFF REPORT

## HENDERSON COUNTY PLANNING DEPARTMENT

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

**Prepared by:**

Carlos Martinez, Planner I

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**APPLICATION #**  
R-2024-04

**BOARD OF COMMISSIONERS MEETING DATE:**  
SEPTEMBER 3, 2024

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**PROPERTY OWNER**  
CMH Homes, Inc.

**PROPERTY LOCATION/ADDRESS**  
Hendersonville Township

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**APPLICANT**  
Henderson County

**PIN(S):**  
9650-90-0668

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### SUMMARY OF REQUEST

To rezone a portion of the above-referenced PIN (hereafter the subject area) formerly located within the City of Hendersonville's Extra Territorial Jurisdiction (ETJ) to Henderson County's Residential One (R1)

<b>Existing Zoning</b>	Residential One (R1), COH R-20 (Low Density Residential)
<b>FLUM Character Area</b>	Transitional Area, Infill Area
<b>Existing Land Use</b>	Vacant
<b>Site Improvements</b>	NA
<b>Request Acreage</b>	2.52

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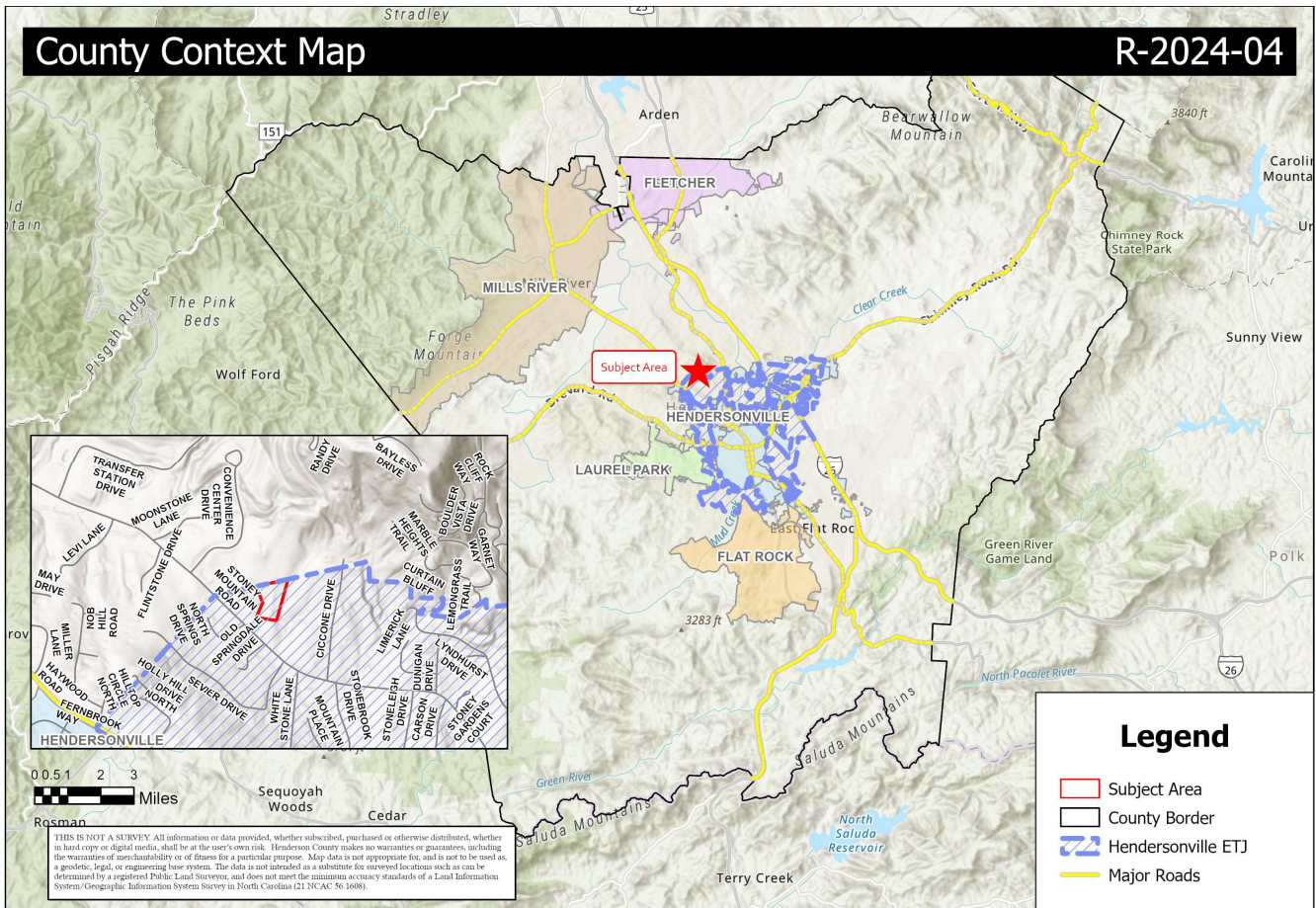
### ADJACENT ZONING

### PROPERTY CLASS

<b>North</b>	R1	Vacant, Commercial
<b>East</b>	R1, COH R-20	Residential, Vacant
<b>South</b>	COH R-20	Residential
<b>West</b>	R1, COH R-20	Vacant, Residential

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### Map A: County Context



Applicant: Henderson County  
 Total Acreage: 2.52 within the ETJ  
 City of Hendersonville R-20 to R1



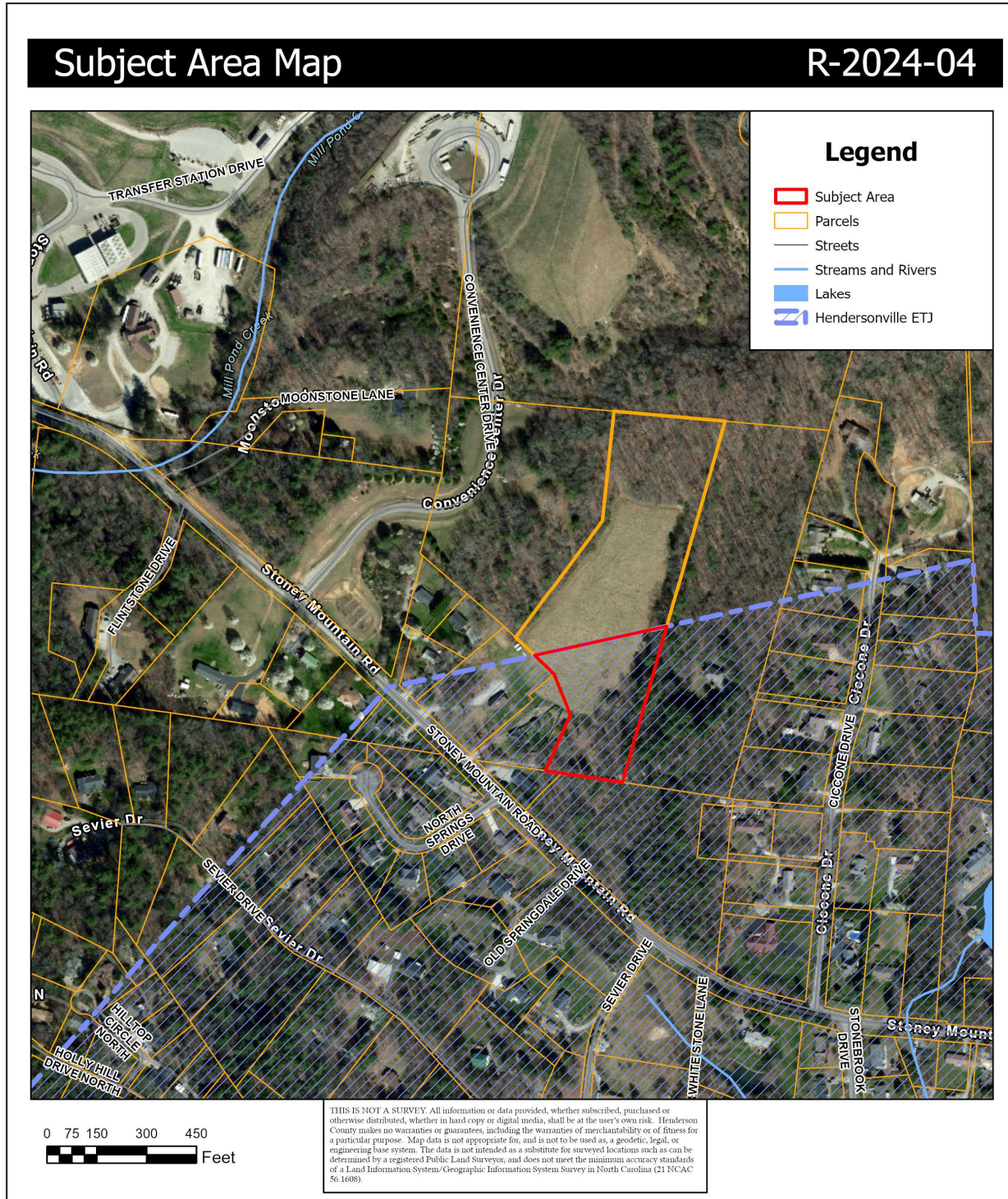
### BACKGROUND:

The zoning map amendment, application #R-2024-04, is for a portion of PIN: 9650-90-0668 owned by CMH Homes, Inc. It is located on Stoney Mountain Road and is currently split-zoned between the City of Hendersonville and the County. The owner has requested the 2.52-acre portion of the property in the Extra-territorial Jurisdiction (ETJ) be removed, and the City approved this request on August 1st. Henderson County must rezone this property 60 days from the effective date of the ordinance.

Planning Staff initiated the application on July 23, 2024, to rezone the approximately 2.52 acres of land to an R1 district to be consistent with the adjacent County R1 zoning. There is a 20x36 ft<sup>2</sup> barn located on the southern side of the property. The property is not in the present use value program and is not considered agriculture. The property is considered vacant.



Map B: Subject Area



Applicant: Henderson County  
Total Acreage: 2.52 within the ETJ  
City of Hendersonville R-20 to R1





**SUBJECT AREA & ADJACENT PROPERTIES:**

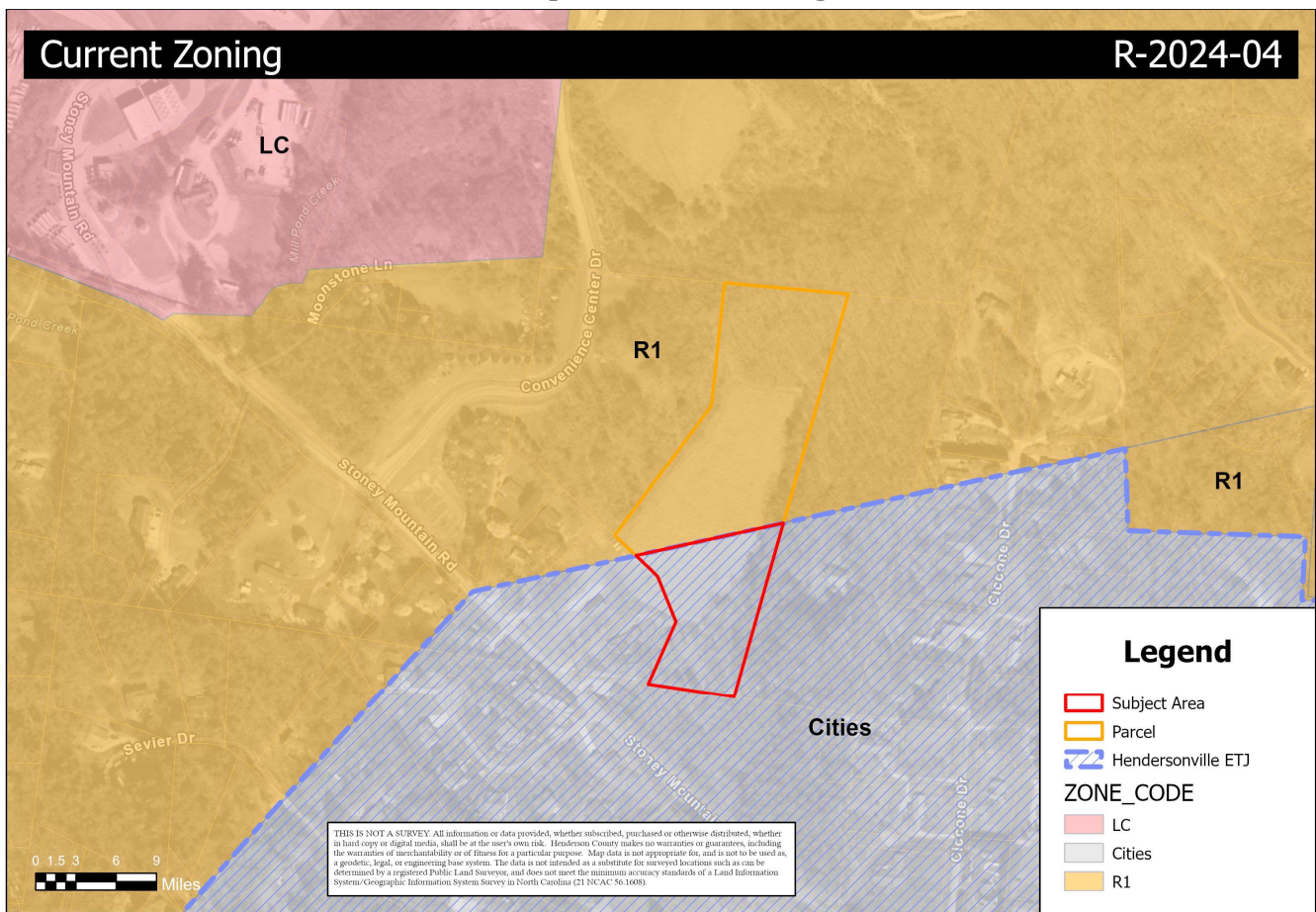
**West:** Immediately west of the property is residential. The Henderson County Transfer Station is located further west.

**South:** South of the subject area are residential uses. Further south, on the other side of Stoney Mountain Road, is some denser residential.

**East:** The property to the east of the subject area contains a residential structure and vacant land. More dense residential uses are found further east of the subject area.

**North:** To the north of the subject area is the Henderson County Convenience Center.

**Map C: Current Zoning**



Applicant: Henderson County  
Total Acreage: 2.52 within the ETJ  
City of Hendersonville R-20 to R1

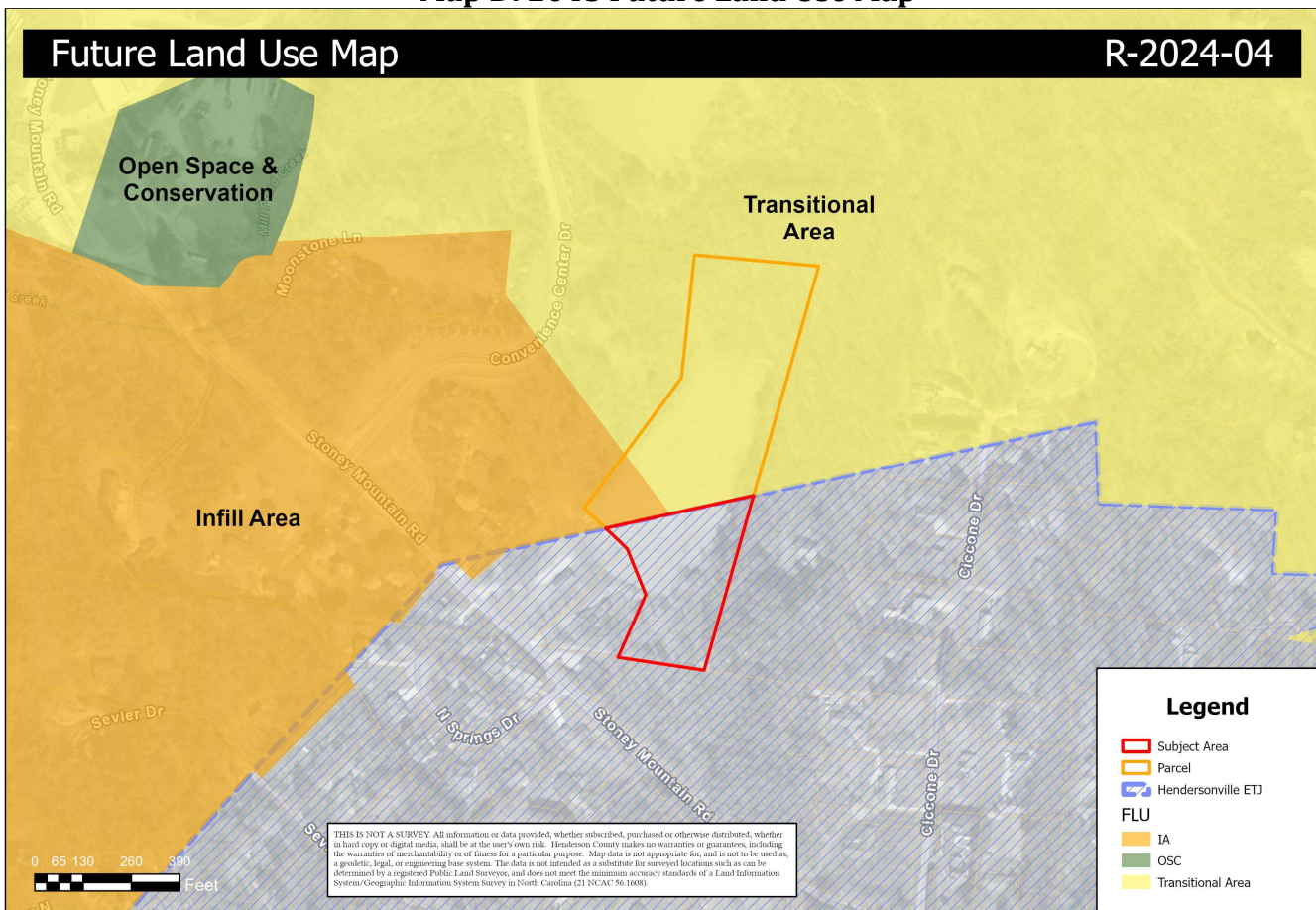


**District Comparison:**

**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).

**City of Hendersonville R-20:** This zoning district classification is intended for areas in which the principal use of the land is for low-density residential or agricultural purposes. Minimum lot area = 20,000 ft<sup>2</sup> (+10,000 ft<sup>2</sup> for the second unit for a two-family dwelling). This translates to a residential density of 3 units per acre (Code of Ordinances, COH Sec. 5-2).

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



Applicant: Henderson County  
Total Acreage: 2.52 within the ETJ  
City of Hendersonville R-20 to 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. 0.54 acres are within the **Infill Area**.

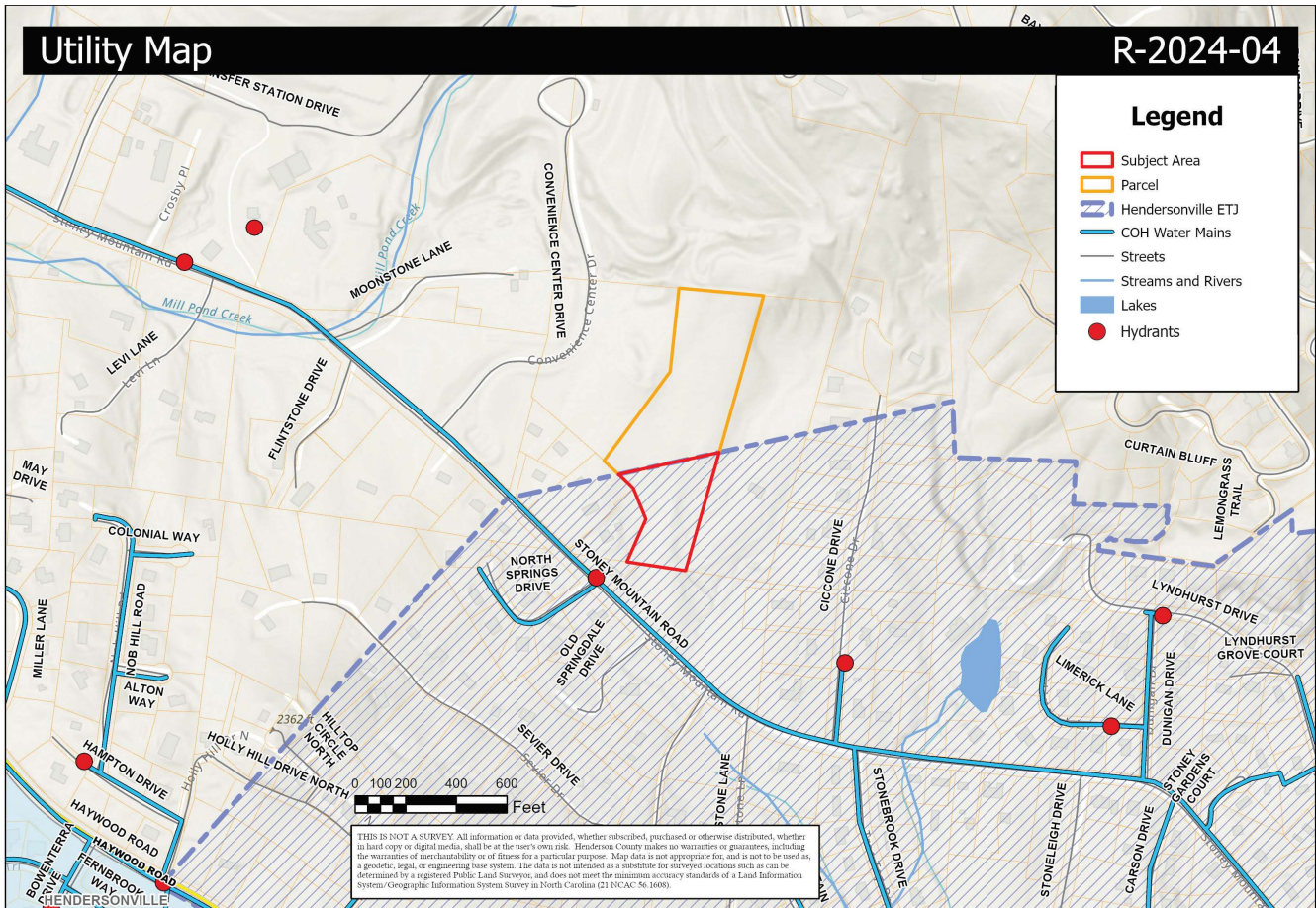
### **Transitional Area (TA) and Infill Area (IA)**

*“Transitional Area encompasses residential areas of limited density” (Part 2, page 44).*

- **TA Where:** Outside the core of the Utility Service Area and working agricultural lands.
- **IA Where:** Found near existing municipalities and existing development. Inside the defined Utility Service Area.
  - The subject area is within the Utility Service Area and outside of working agricultural lands.
- **TA Density:** The maximum allowable density range is two to four units per acre (gross density).
- **IA Density:** The maximum allowable density range is four to eight units per acre (gross density).
  - Residential One (R1) has a standard density of four units per acre
- **TA Uses:** Single family residential, potentially some appropriately sized multi-family as part of planned developments, agricultural uses.
- **IA Uses:** A mix of types, including single family, townhomes, and apartments where appropriate.
  - Residential One (R1) is intended for primarily residential uses.
- **Future Character Area:** When the 2045 Comprehensive Plan is amended to reflect this rezoning, the property to be rezoned will become part of the Infill Area.
- **Utility Access:** Varies.
  - The subject area has solicited water allocation from the City, but there is inadequate pressure to serve the entire parcel. The nearest gravity sewer line is over ½ miles away. Because of these complications, the portion of the property located within the ETJ cannot be developed to Hendersonville’s subdivision standards.



Map F: Utility Map



Applicant: Henderson County  
 Total Acreage: 2.52 within the ETJ  
 City of Hendersonville R-20 to R1



**Water and Sewer**

The applicant requested access to City of Hendersonville water and sewer and was told a portion of the property could not be serviced. The northern portion of the parcel is within MSD’s service area. Applicant has not requested sewer service from MSD.

**Existing Roads and Easements**

The subject area currently has access from Stoney Mountain Road (SR 1383) through a new private easement in conjunction with a 12’ private right-of-way.

**Technical Review Committee (TRC) Recommendations**

The Technical Review Committee met on August 6, 2024, to review R-2024-04. The Technical Review Committee made a motion to forward the application to the Planning Board for its review and recommendation.



**Planning Board Recommendations**

The Planning Board reviewed the application on August 15, 2024, and voted unanimously to recommend the Board of Commissioners approve the rezoning request.

**Board of Commissioners Public Hearing**

September 3rd, 2024 @ 5:30 p.m.

CITY COUNCIL:  
BARBARA G. VOLK  
Mayor  
LYNDESEY SIMPSON  
Mayor Pro Tem  
DR. JENNIFER HENSLEY  
MELINDA LOWRANCE  
JEFFERY L. MILLER



**CITY OF HENDERSONVILLE**  
*The City of Four Seasons*

**COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION**

OFFICERS:  
JOHN F. CONNET  
City Manager  
ANGELA S. BEEKER  
City Attorney  
JILL MURRAY  
City Clerk

August 2, 2024

Amie Hacker  
Vice President, Real Estate and Acquisitions  
CMH Homes, Inc.  
5000 Clayton Road  
Maryville, TN 37804

RE: Partial ETJ Relinquishment of PIN 9650-90-0668; Stoney Mountain Road (C24-46-ETJ)

Dear Ms. Hacker,

The Hendersonville City Council at its meeting of August 1<sup>st</sup>, 2024, adopted an ordinance amending the ordinance establishing extraterritorial jurisdiction boundaries for the City of Hendersonville. The amendment was specifically granted for parcel number 9650-90-0668.

Henderson County has 60 days from the effective date of the ordinance amending the ETJ to adopt zoning regulations.

If you have any questions, I can be reached at (828) 233-3202 or [tmorrow@hvlnc.gov](mailto:tmorrow@hvlnc.gov)

Sincerely,

Tyler Morrow  
Current Planning Manager

CC: Autumn Radcliff, Planning Director  
Matt Champion, Code Services Director & Zoning Administrator  
Lew Holloway, Community Development Director



**CERTIFICATION OF NOTICE OF PUBLIC HEARING**

In accordance with NCGS 160D-343, the Planning Department certifies notice of the September 3, 2024, hearing regarding **Rezoning Application #R-2024-4** were:

1. Submitted to the *Hendersonville Lightning* on August 16, 2024 to be published on August 21, 2024 by Carlos Martinez;
2. Submitted to the *Hendersonville Lightning* on August 16, 2024 to be published on August 28, 2024 by Carlos Martinez;
3. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on August 23, 2024, by Carlos Martinez;
4. Sent, via first class mail, to the property owner on August 23, 2024, by Carlos Martinez; and
5. Signs were posted on the Subject Area(s) on August 23, 2024, by Carlos Martinez.

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

1. Carlos Martinez

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

I, JoAnne Martin Hinson, a Notary Public, in and for the above County

and State, do hereby certify that

Carlos Martinez

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 23<sup>rd</sup> day of August 2024.

My commission expires:

May 23, 2028



(SEAL)

JoAnne Martin Hinson  
NOTARY PUBLIC



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

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

**Rezoning Application #R-2024-04**

**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; and

**WHEREAS**, the Board desires to update and revise the regulations of the LDC and

**WHEREAS**, on August 15, 2024, the Planning Board reviewed and provided recommendations regarding the proposed zoning map amendment with application #R-2024-04 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 September 3, 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-2024-04, Stoney Mountain Road) and finds that it is reasonable, in the public interest, and consistent with the 2045 Comprehensive Plan and
  - The property is contiguous to County R1 zoning.
  - The subject area is located within a 1-mile radius of two designated Community anchors: Commercial intersection on Asheville Hwy (DMV, Tarheel Lanes, etc.) and Westside Village on Haywood Rd (Rec 1.1)
  - The subject area is adjacent to the Infill and Transitional Areas of the FLUM, which is recommended for housing development per the Comprehensive Plan. Infill Area specifies a density of four to eight units per acre, and Transitional Area specifies a density of two to four units per acre. The subject area is located within the Utility Service Area (Rec 7.1).
  - The subject area is in the Central Sub-Area as defined in the Comprehensive Plan, which includes strategic areas for commercial and employment area. Point 3 reads: “Encouraging housing here will allow people to leave near industry and services, reducing how long residents have to travel to each destination” (Rec 7.4).
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.
3. This Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.



THIS 3<sup>rd</sup> day of September 2024.

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

**BY:** \_\_\_\_\_  
**Rebecca McCall, Chairman**

**ATTEST:**

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

**[COUNTY SEAL]**

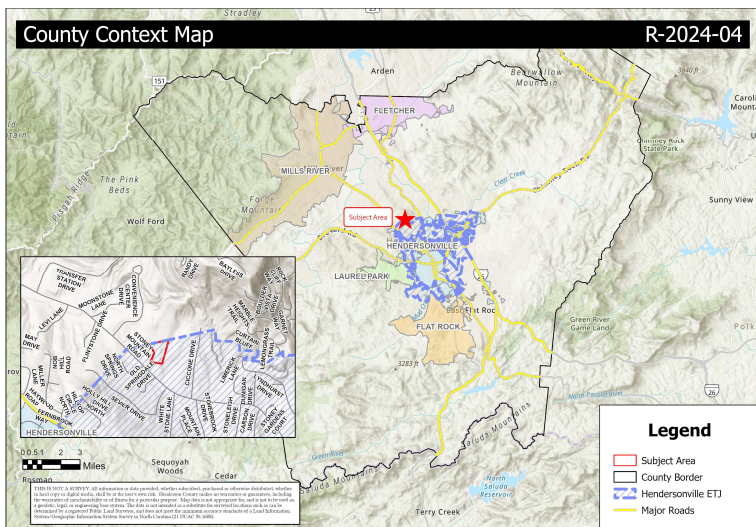
# REZONING APPLICATION: R-2024-04

Board of Commissioners • September 3, 2024 • 5:30 PM

Henderson County Planning Department

1

- This zoning map amendment is for a portion of PIN: 9650-90-0668 with access from Stoney Mountain Rd (SR 1383).
- 2.52 of the 7.86 acres are located within the ETJ. The remaining 5.34 acres are currently zoned R-1.
- The city has approved to remove the subject area from the ETJ
- The city zoning will remain in place for 60 days for the county zoning to be approved.



Applicant: Henderson County  
Total Acreage: 2.52 within the ETJ  
City of Hendersonville R-20 to R1



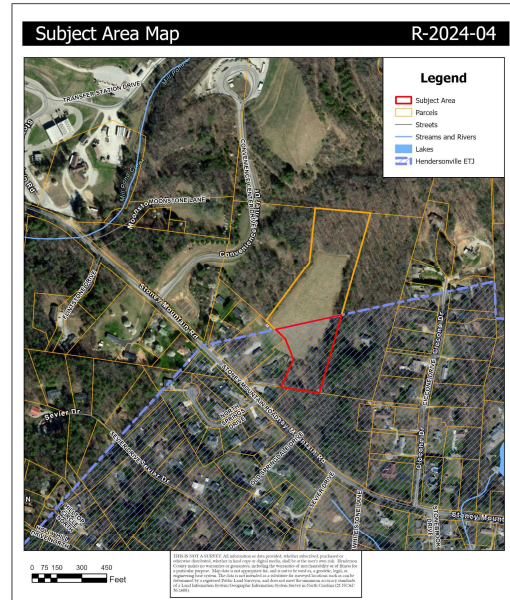
Henderson County Planning Department

2



- Rezoning Application R-2024-04, initiated by staff on July 23rd, 2024, requests that the County rezone the 2.52 acre portion of land from the City of Hendersonville R-20 zoning district to the Residential One (R1) zoning district.
- The property owner is CMH Homes, Inc.

Henderson County Planning Department



Applicant: Henderson County  
Total Acreage: 2.52 within the ETJ  
City of Hendersonville R-20 to R1



3

**R-20** Standard density: ~3 units per acre  
Residential Uses (Single family, two family, accessory dwellings, Adult Care Homes, and Planned residential developments (minor))

Accessory structures

Home occupations

Religious institutions, Child care homes

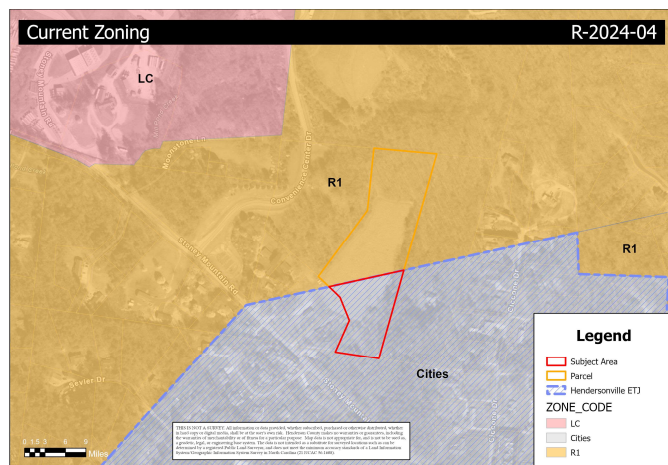
**R-1** Standard density: 4 units per acre  
Residential Uses (Single family, two family, and accessory dwellings, and multifamily and Adult Care Homes with special use)

Accessory structures (Garage, Greenhouse, Carport, Storage Shed, etc.)

Accessory Uses (Home occupation, home school, dumpster, solar panels)

Educational Uses (Religious institutions, schools, childcare)

Henderson County Planning Department



Applicant: Henderson County  
Total Acreage: 2.52 within the ETJ  
City of Hendersonville R-20 to R1



4

**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 within the Utility Service Area and outside of working agricultural lands.

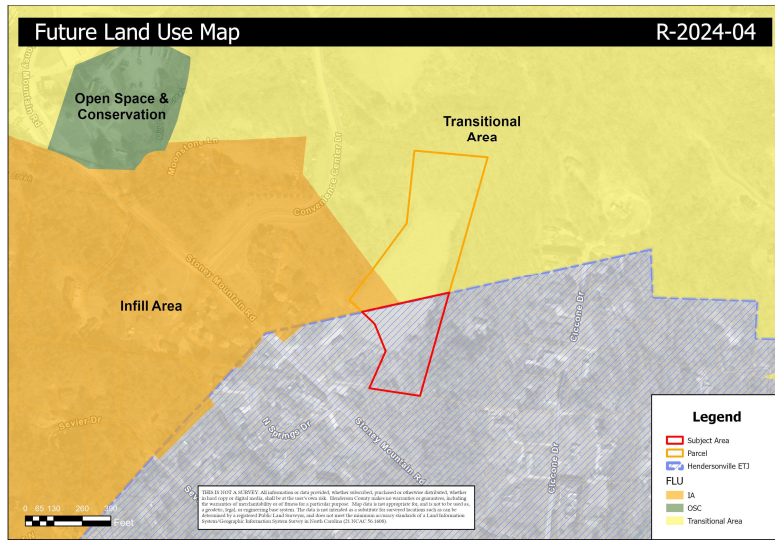
**Density:** The maximum allowable density range is two to four units per acre (gross density).

- 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 primarily for residential uses.

**Future Character Area:** When the 2045 Comprehensive Plan is amended to reflect this rezoning, the property to be rezoned will become part of the Infill Area.



Applicant: Henderson County  
Total Acreage: 2.52 within the ETJ  
City of Hendersonville R-20 to R1



**Infill Area:**

"Infill Area consists of residentially focused areas that include a mix of housing types inside subdivisions and planned developments" (Part 2, page 44).

**Where:** Found near existing municipalities and existing development. Inside the defined Utility Service Area

- The subject area is within the Utility Service Area.

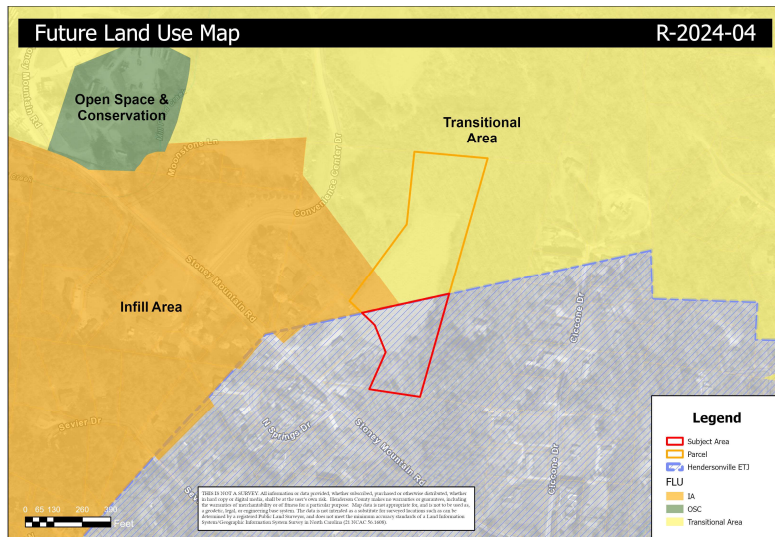
**Density:** The maximum allowable density range is four to eight units per acre (gross density)

- Residential One (R1) has a standard density of four units per acre

**Uses:** A mix of types, including single family, townhomes, and apartments where appropriate

- Residential One (R1) is intended primarily for residential uses.

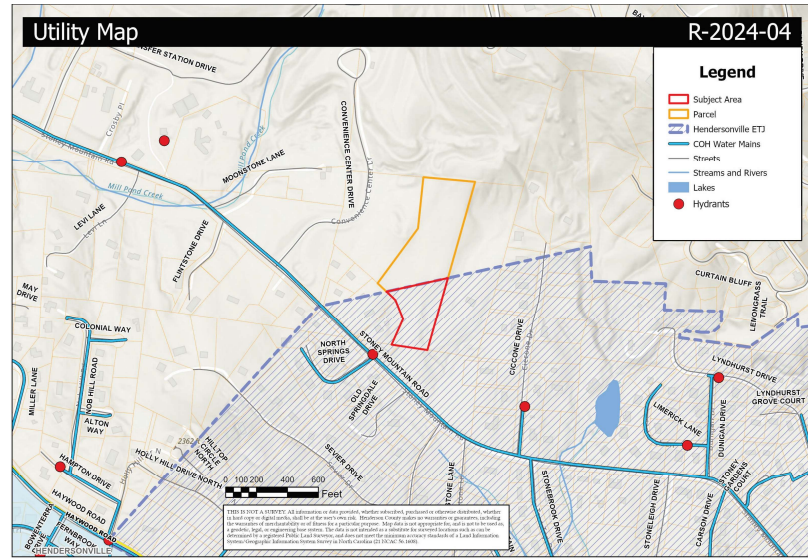
**Future Character Area:** When the 2045 Comprehensive Plan is amended to reflect this rezoning, the property to be rezoned will become part of the Infill Area.



Applicant: Henderson County  
Total Acreage: 2.52 within the ETJ  
City of Hendersonville R-20 to R1



The applicant requested access to City of Hendersonville water and sewer and was told a portion of the property could not be serviced. The northern portion of the parcel is within MSD's service area. Applicant has not requested sewer service from MSD.



Applicant: Henderson County  
 Total Acreage: 2.52 within the ETJ  
 City of Hendersonville R-20 to R1



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# 2045 Comprehensive Plan Consistency Statement

## Plan Goal 1: Coordinate Development near Existing Community Anchors

- **Rec 1.1:** Grow where infrastructure and services exist, in and around municipalities, community investments, and anchors.
  - The subject area is located within a 1-mile radius of two designated Community anchors: Commercial intersection on Asheville Hwy (DMV, Tarheel Lanes, etc.) and Westside Village on Haywood Rd.

## Plan Goal 7: Diversify Housing Choices and Increase Availability

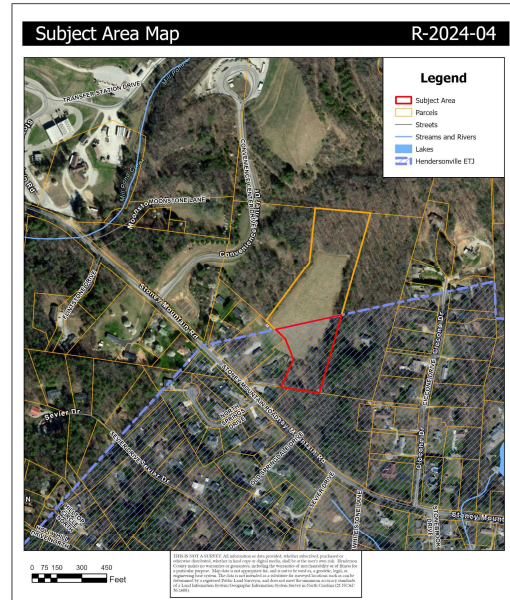
- **Rec 7.1:** Increase housing in the utility service area
  - The subject area is adjacent to the Infill and Transitional Areas of the FLUM, which is recommended for housing development per the Comprehensive Plan. Infill Area specifies a density of four to eight units per acre, and Transitional Area specifies a density of two to four units per acre. The subject area is located within the Utility Service Area.
- **Rec 7.4:** Locate workforce housing near jobs.
  - The subject area is in the Central Sub-Area as defined in the Comprehensive Plan, which includes strategic areas for commercial and employment area. Point 3 reads: "Encouraging housing here will allow people to leave near industry and services, reducing how long residents have to travel to each destination."

8



- On August 6, 2024, the Technical Review Committee motioned to forward the application to the Planning Board for its review and recommendation.
- On August 15, 2024, the Planning Board reviewed the application and voted unanimously to recommend that the Board of Commissioners approve the rezoning request.

Henderson County Planning Department



Applicant: Henderson County  
 Total Acreage: 2.52 within the ETJ  
 City of Hendersonville R-20 to R1



# Thank you!

## Questions?

Rezoning Application: R-2024-04



Henderson County Planning Department