

# REQUEST FOR BOARD ACTION

## HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** February 3, 2025

**SUBJECT:** Public Hearing for Rezoning Application #R-2024-06, Grandview Ln, Estate Residential (R-40) to Local Commercial (LC)

**PRESENTER:** Liz Hanson, Planner I

**ATTACHMENTS:**

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

### **SUMMARY OF REQUEST:**

Rezoning Application R-2024-06, submitted on June 17, 2024, requests that the County rezone approximately 34.91 acres of land from the Estate Residential (R-40) zoning district to the Local Commercial (LC) zoning district. The zoning map amendment application is for all of PIN: 9640-87-2872 with access from Grandview Ln (SR 1310). The property owner is Mills River LLC, and the applicant is Grant James.

The Technical Review Committee reviewed the application on December 17, 2024, and made a motion to forward it to the Planning Board for their review and recommendation. The Planning Board reviewed this application at their December 19, 2024, meeting and voted 7-1 to forward it to the Board of Commissioners with an unfavorable recommendation.

### **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 June 19, 2024, public hearing regarding rezoning application #R-2024-06 was published in the Hendersonville Lightning on January 22, 2025, and January 29, 2025. The Planning Department sent notices of the hearing via first-class mail to the owners of properties within 400 feet of the Subject Area on January 17, 2025, and posted signs advertising the hearing on January 17, 2025.

### **BOARD ACTION REQUESTED:**

Before taking action on the rezoning request, the Board of Commissioners must hold a public hearing. A suggested motion is provided.

#### **Suggested Motion:**

I move that the Board approve rezoning application #R-2024-06 to rezone the Subject Area to the Local Commercial (LC) zoning district based on the recommendations of the 2045 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

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**APPLICATION #**  
R-2024-06

**BOARD OF COMMISSIONERS MEETING DATE:**  
February 3, 2025

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**PROPERTY OWNERS**  
Mills River LLC

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**PROPERTY LOCATION/ADDRESS**  
151 Grandview Ln  
Hendersonville Township

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**APPLICANT**  
Grant James

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**PIN:**  
9640-87-2872

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### **SUMMARY OF REQUEST**

A rezoning of the above referenced PIN (hereafter the subject area from Estate Residential (R-40) to Local Commercial (LC).

<b>Existing Zoning</b>	Estate Residential (R-40)
<b>FLUM Character Area</b>	Neighborhood Anchor
<b>Existing Land Use</b>	Residential
<b>Site Improvements</b>	NA
<b>Request Acreage</b>	34.91

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### **ADJACENT ZONING**

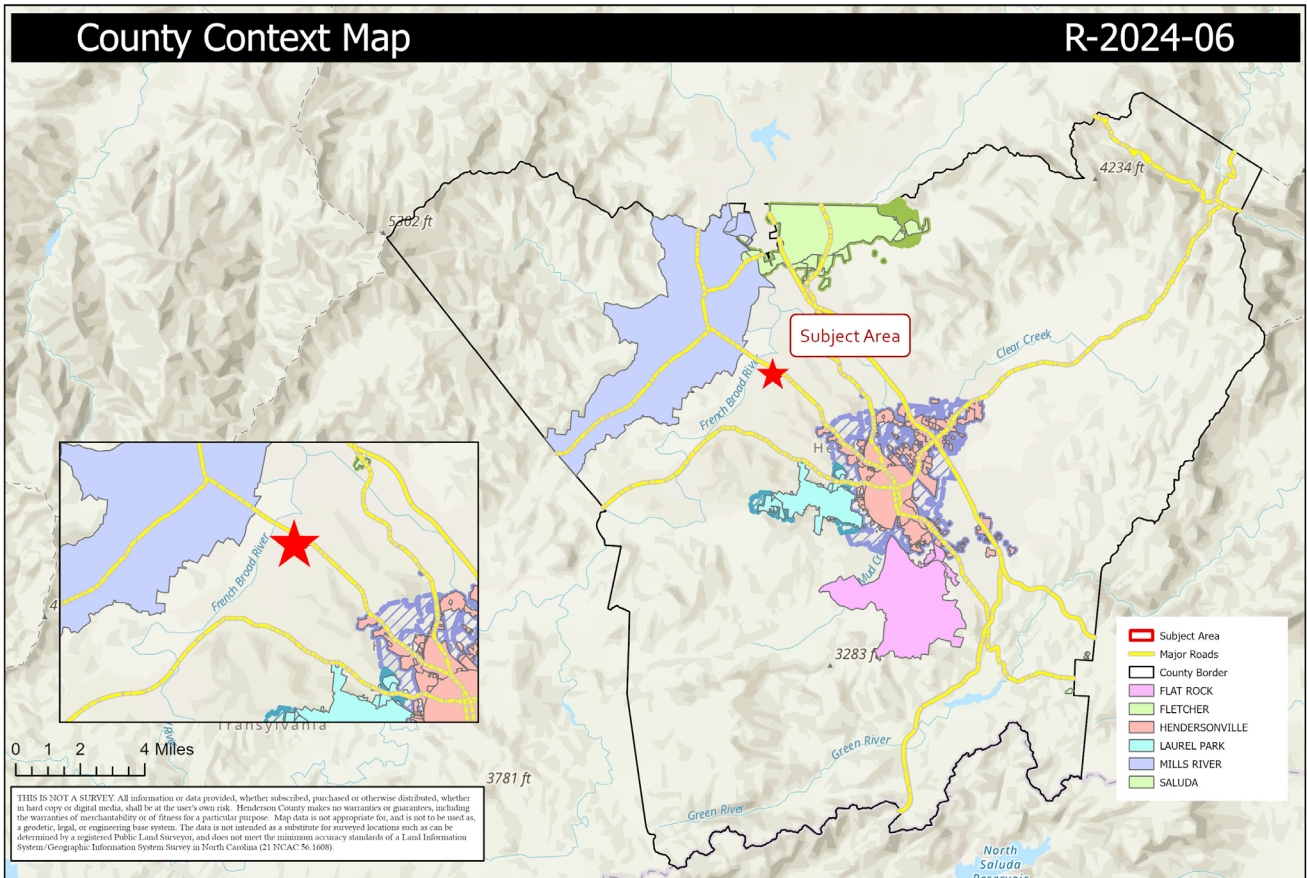
<b>North</b>	R2
<b>East</b>	R-40, LC
<b>South</b>	R-40, LC
<b>West</b>	R-40

### **USE OF LAND**

Vacant, Residential
Vacant, Residential
Residential, Commercial
Vacant, Residential

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Map A: County Context



Property Owner: Mills River LLC Applicant: Grant James  
Total Acreage: 34.91  
Estate Residential (R-40) to Local Commercial (LC)



**BACKGROUND:**

The applicant, Grant James, is seeking to rezone PIN 9640-87-2872 from Estate Residential (R-40) to Local Commercial (LC). The subject area is approximately 34.91 acres. The parcel currently contains two residential structures, a greenhouse, and an industrial warehouse.

Staff mailed letters regarding the rezoning application to three adjacent property owners, to see if they were interested in joining the rezoning request. Staff received a response from one property owner who did not wish to join the rezoning request. Staff did not receive a response from the other two property owners.



Map B: Subject Area



Property Owner: Mills River LLC Applicant: Grant James  
Total Acreage: 34.91  
Estate Residential (R-40) to Local Commercial (LC)



**SUBJECT AREA & ADJACENT PROPERTIES:**

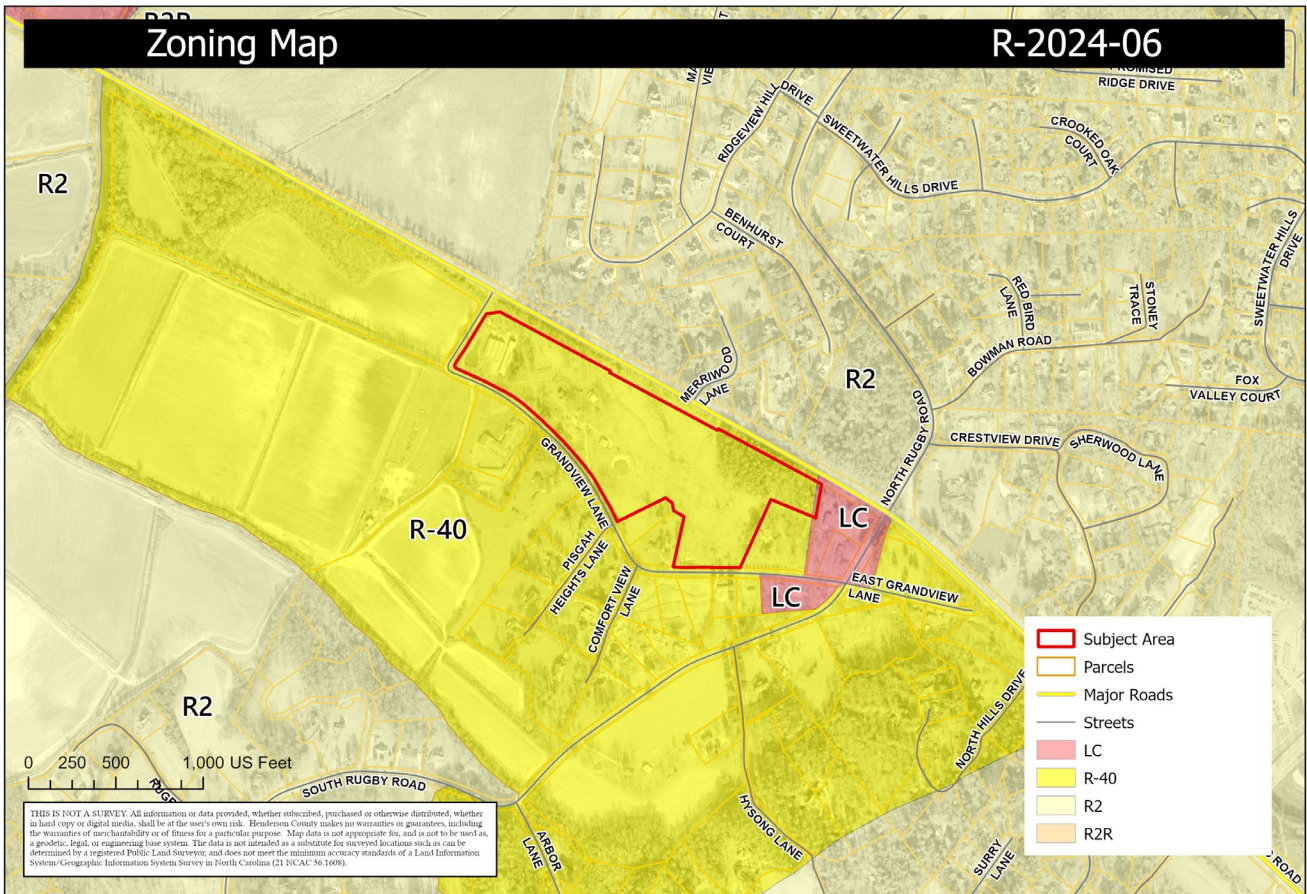
**West:** To the West of the subject area is a mix of residential structures, vacant land, and the French Broad Baptist Church.

**South:** The parcels to the South of the subject area contain residential structure and some vacant land.

**East:** The parcels to the East of the subject area contain residential structures.

**North:** To the North of the subject area, across Haywood Road, are residential structures and some vacant land.

**Map C: Current Zoning**



Property Owner: Mills River LLC Applicant: Grant James  
Total Acreage: 34.91  
Residential Two Rural (R2R) to Conditional District (CD)



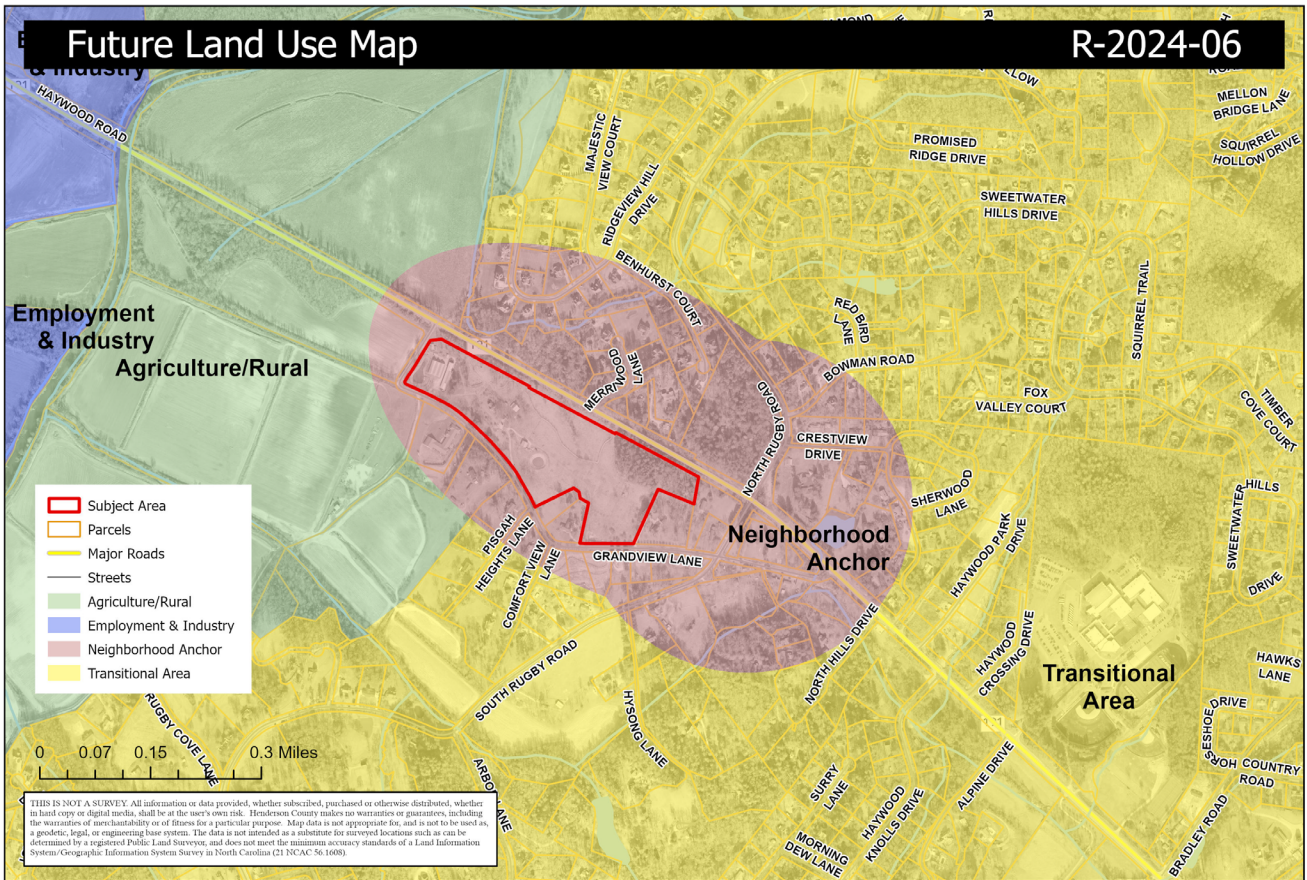
**District Comparison:**

**Estate Residential (R-40):** “The Estate Residential District (R-40) is established to maintain the zoning in place prior to the adoption of this Chapter 42. This district is established as a district in which the principal use of the land is for low-density residential use. This district is intended to ensure that residential development not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at a sufficiently low density to provide a healthful environment. This district is also intended to be a quiet, low-density neighborhood consisting of single-family residences. The R-40 District shall not be extended from the locations designated on the Official Zoning Map, nor shall new R-40 District areas be designated except where initiated by the Board of Commissioners or Planning Board. The R-40 District may be altered or removed. (LDC §42-37).

**Local Commercial (LC):** “The purpose of the Local Commercial District (LC) is to foster orderly growth where the principal use of land is commercial and residential. The intent of this district is to allow for commercial development uses and residential 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 a local or neighborhood scale; (2) is compatible with adjacent development and the surrounding community; and (3) will minimize congestion and sprawl. (LDC §42-33).



Map D: 2045 Future Land Use Map



Property Owner: Mills River LLC Applicant: Grant James  
 Total Acreage: 34.91  
 Residential Two Rural (R2R) to Conditional District (CD)



**2045 Comprehensive Plan Compatibility**

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

**Neighborhood Anchor:** "Neighborhood Anchors are small concentrations of commercial, residential, and civic uses in more rural areas centered around structural anchors like schools, churches, and/or crossroads. These areas typically follow a development pattern where commercial uses are clustered directly adjacent to a crossroads, surrounded by residential development and agricultural uses." (Part 2, page 45).

- **Where:** Typically found at intersections of State Roads or thoroughfares.
  - The subject area located near the intersection of two State Roads, S Rugby Rd (SR 1309) and Haywood Rd (NC 191).
- **Uses:** Small services and retail, churches, fuel stations, light industry, mix of residential types.
  - Local Commercial (LC) principal use of land is commercial and residential.



- **Utility Access:** Utilities are typically not necessary for small-scale development but may be necessary for other development types.
  - Utilities are located on the subject area.

**Map F: Utilities Map**



Property Owner: Mills River LLC Applicant: Grant James  
Total Acreage: 34.91  
Residential Two Rural (R2R) to Conditional District (CD)



**Water and Sewer**

Currently the subject area is served by well water and a septic system.

**Existing Roads and Easements**

The subject area currently has access from Grandview Ln (SR 1310) and frontage along Haywood Rd (NC 191).

**Technical Review Committee (TRC) Recommendations**

The Technical Review Committee reviewed this application at its December 17, 2024, meeting and voted to forward it to the Planning Board.



**Planning Board Recommendations**

The Planning Board reviewed this application at its December 19, 2024, meeting and voted 7-1 to forward it to the Board of Commissioners with an unfavorable recommendation.

**Board of Commissioners Public Hearing**

TBD

**Certification of Notice of Public Hearing**

In accordance with NCGS 160D-343 the Planning Department certifies notice of the February 3, 2025 hearing regarding Rezoning Application #R-2024-06 were:

1. Submitted to the Hendersonville Lightning on January 17, 2025 to be published on January 22, 2025 and January 29, 2025 by Liz Hanson;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on January 17, 2025 by Liz Hanson;
3. Sent, via first class mail, to the property owner on January 17, 2025 by Liz Hanson; and
4. Signs were posted on the Subject Area(s) on January 17, 2025 by Liz Hanson.

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

1. Liz Hanson

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

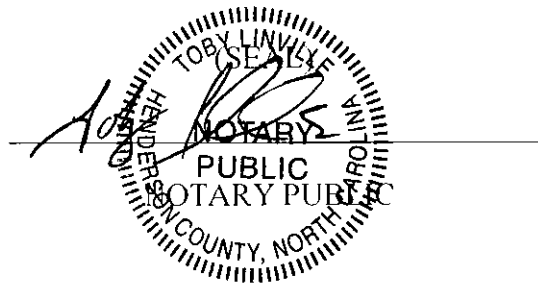
  Liz Hanson  

personally appeared before me this day.

WITNESS my hand and notarial seal, this the   24   day of   JAN  , 20  25  .

My commission expires:

  6/29/26  







**BOARD OF COMMISSIONER ENACTMENT 2025-\_\_\_\_\_**

**RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN  
Rezoning Application #R-2024-06, Grandview Ln**

**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**, the Planning Board reviewed and provided recommendations regarding the proposed zoning map amendment with application #R-2024-06 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, 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-2024-06, Grandview Ln) and finds that it is reasonable, in the public interest, and consistent with the 2045 Comprehensive Plan and
  - The property is contiguous to County Local Commercial (LC) zoning.
  - “Increase high-wage employment and foster growth in the local tax base: Consider small scale business development in the Neighborhood Anchors to promote local spending” (Goal 6 Rec. 6.1.C). The subject area is within the Neighborhood Anchor character area.
  - “Advance small businesses and entrepreneurs: Encourage development of office, retail, and light industrial space through land use and zoning decisions” (Goal 6 Rec. 6.3.A). The Local Commercial zoning district’s primary use of land is commercial and residential and includes variety of retail sales and services and offices.
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.

2025-\_\_\_\_\_

**THIS**

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

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

**ATTEST:**

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

**[COUNTY SEAL]**



# REZONING APPLICATION: R-2024-06

Board of Commissioners • February 3, 2025 • 5:30 PM

Henderson County Planning Department

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## PUBLIC NOTICING

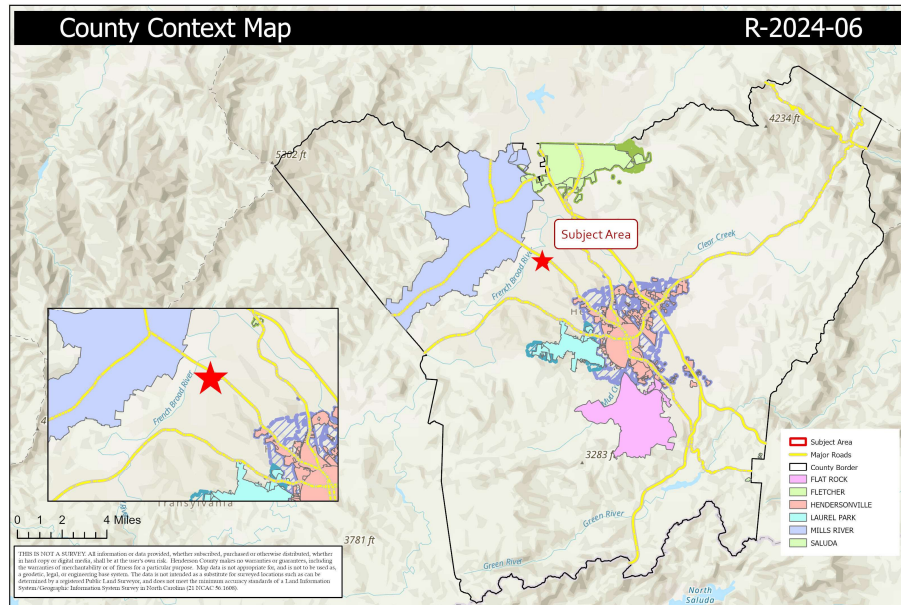
- Legal Advertisement was published in the Hendersonville Lightning on January 22, 2025, and January 29, 2025
- The property was posted on January 17, 2025
- Letters were mailed to property owners within 400 feet of the Subject Area on January 17, 2025

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## APPLICATION BACKGROUND

- Rezoning Application R-2024-06, submitted on June 17<sup>th</sup>, 2024, requests that the County rezone approximately 34.91 acres of land from the Estate Residential (R-40) zoning district to the Local Commercial (LC) zoning district.
- The zoning map amendment application is for all of PIN: 9640-87-2872 with access from Grandview Ln (SR 1310) and frontage along Haywood Road (NC 191).
- The property owner is Mills River LLC, and the applicant is Grant James.
- The Technical Review Committee reviewed this application at their December 17, 2024, meeting and saw no issues with the application.
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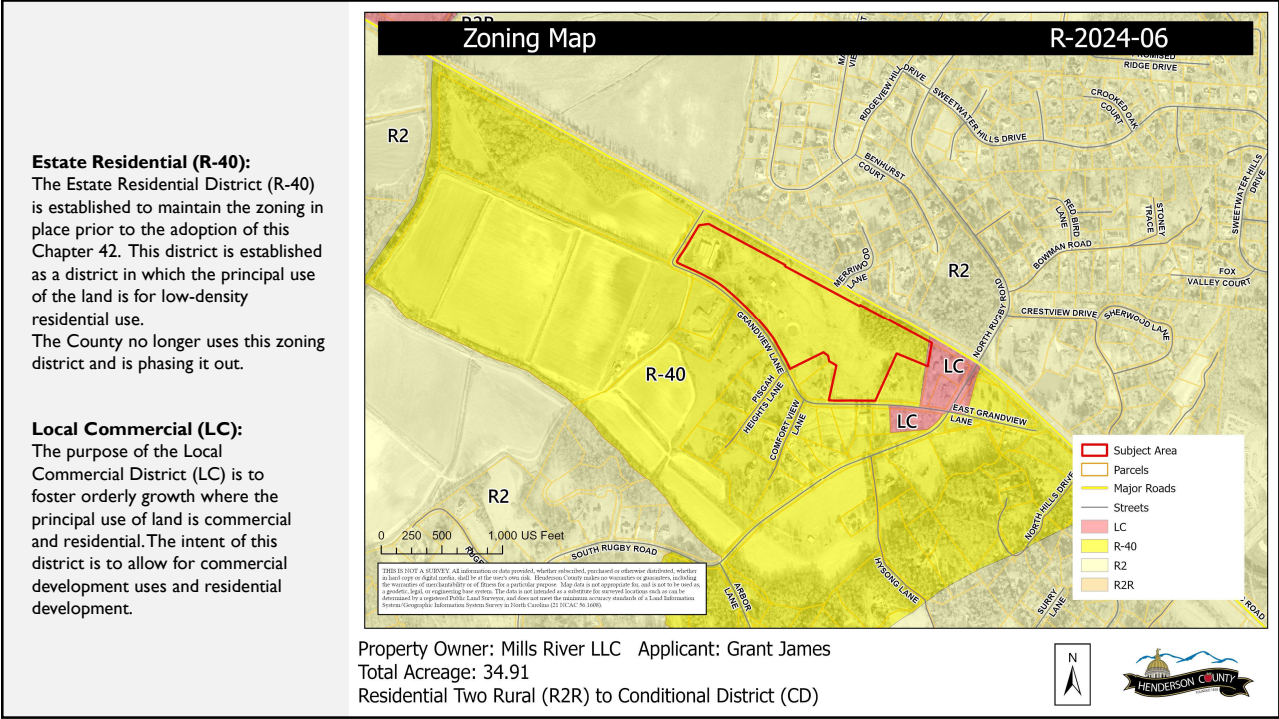
Property Owner: Mills River LLC Applicant: Grant James  
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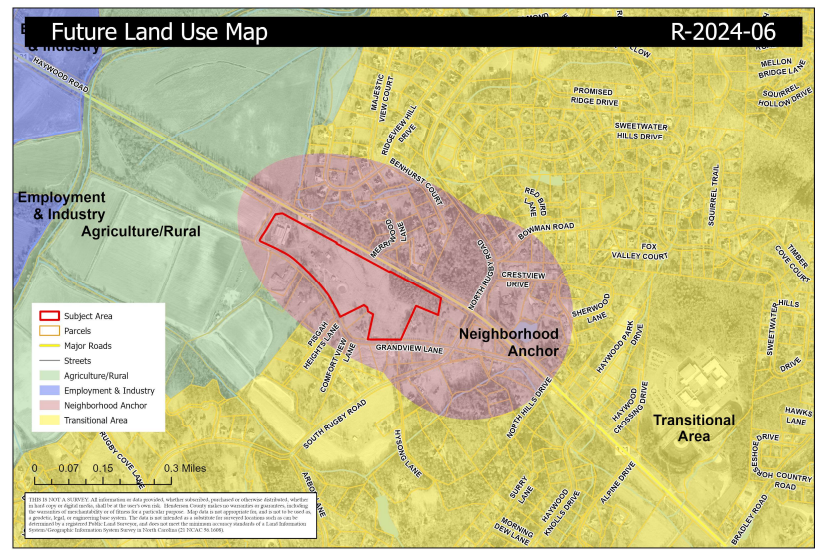
**Neighborhood Anchor:**

“Neighborhood Anchors are small concentrations of commercial, residential, and civic uses in more rural areas centered around structural anchors like schools, churches, and/or crossroads. These areas typically follow a development pattern where commercial uses are clustered directly adjacent to a crossroads, surrounded by residential development and agricultural uses.”

• **Where:** Typically found at intersections of State Roads or thoroughfares. The subject area is located near the intersection of two State Roads, S Rugby Rd (SR 1309) and Haywood Rd (NC 191).

• **Utility Access:** Utilities are typically not necessary for small-scale development but may be necessary for other development types. Utilities are located in the subject area.

• **Uses:** Small services and retail, churches, fuel stations, light industry, mix of residential types. Local Commercial (LC) principal use of land is commercial and residential.



Property Owner: Mills River LLC Applicant: Grant James  
 Total Acreage: 34.91  
 Residential Two Rural (R2R) to Conditional District (CD)

The subject area is currently served by well water and septic.



Property Owner: Mills River LLC Applicant: Grant James  
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## 2045 COMPREHENSIVE PLAN CONSISTENCY STATEMENT

**Plan Goal 6: Stimulate innovative economic development initiatives, entrepreneurship, and local businesses.**

- Rec 6.1: Increase high-wage employment and foster growth in the local tax base.
  - C: Consider small scale business development in the Neighborhood Anchors to promote local spending.
- Rec 6.3: Advance small businesses and entrepreneurs.
  - A: Encourage development of office, retail, and light industrial space through land use and zoning decisions.

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## PUBLIC HEARING COMMENTS

Rezoning Application R-2024-06



Henderson County Planning Department

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