

REQUEST FOR COMMITTEE ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: February 3, 2025

SUBJECT: Rezoning Application R-2024-08, Shafer Road

PRESENTER: Carlos Martinez, Planner I

ATTACHMENTS: 1.) Staff Report
2.) Certification of Public Hearing Notification
3.) Resolution of Consistency
4.) Consent to Downzoning
5.) PowerPoint Slides

SUMMARY OF REQUEST:

The zoning map amendment, application #R-2024-08, is for a portion of PIN: 9587-51-5538 (hereafter the subject area), owned by Pennie R. Melton. The parcel is 28.15 acres, 27.83 of which are zoned RC. The remaining .32 acres are already zoned R2R. The subject area is located off Continental Divide Drive along Shafer Road. The owner has requested a 6.65-acre portion of the property be rezoned from Regional Commercial (RC) to Residential District Two Rural (R2R). The application was submitted on December 11, 2024.

The Planning Board reviewed the application on January 16, 2025, 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 February 3, 2025 public hearing were published in the Hendersonville Lightning on January 22, 2025, and January 29, 2025. Notices were also sent via first-class mail to the property owners within 400' of the Subject Area on January 21, 2025, and staff posted signs advertising the hearing on the Subject Area on January 23, 2025.

BOARD ACTION REQUESTED:

The Board of Commissioners is requested to approve rezoning application #R-2024-08. 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-2024-08 to zone the Subject Area to Residential District Two Rural (R2R); 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

APPLICATION #

R-2024-08, Shafer Road

BOARD OF COMMISSIONERS MEETING DATE

FEBRUARY 3, 2025

PROPERTY OWNER

Pennie R. Melton

PROPERTY LOCATION/ADDRESS

Along Shafer Road

APPLICANT

Pennie R. Melton

PIN(S):

9587-51-5538

SUMMARY OF REQUEST

To rezone a 6.65-acre portion of the above-referenced PIN (hereafter the subject area) from Regional Commercial (RC) to Residential District Two Rural (R2R).

Existing Zoning

Regional Commercial (RC), Residential District Two Rural (R2R)

FLUM Character Area

Transitional Area

Existing Land Use

Vacant

Site Improvements

Not Applicable

Request Acreage

6.65

ADJACENT ZONING

North RC

East R2R

South R2R

West R1

PROPERTY CLASS

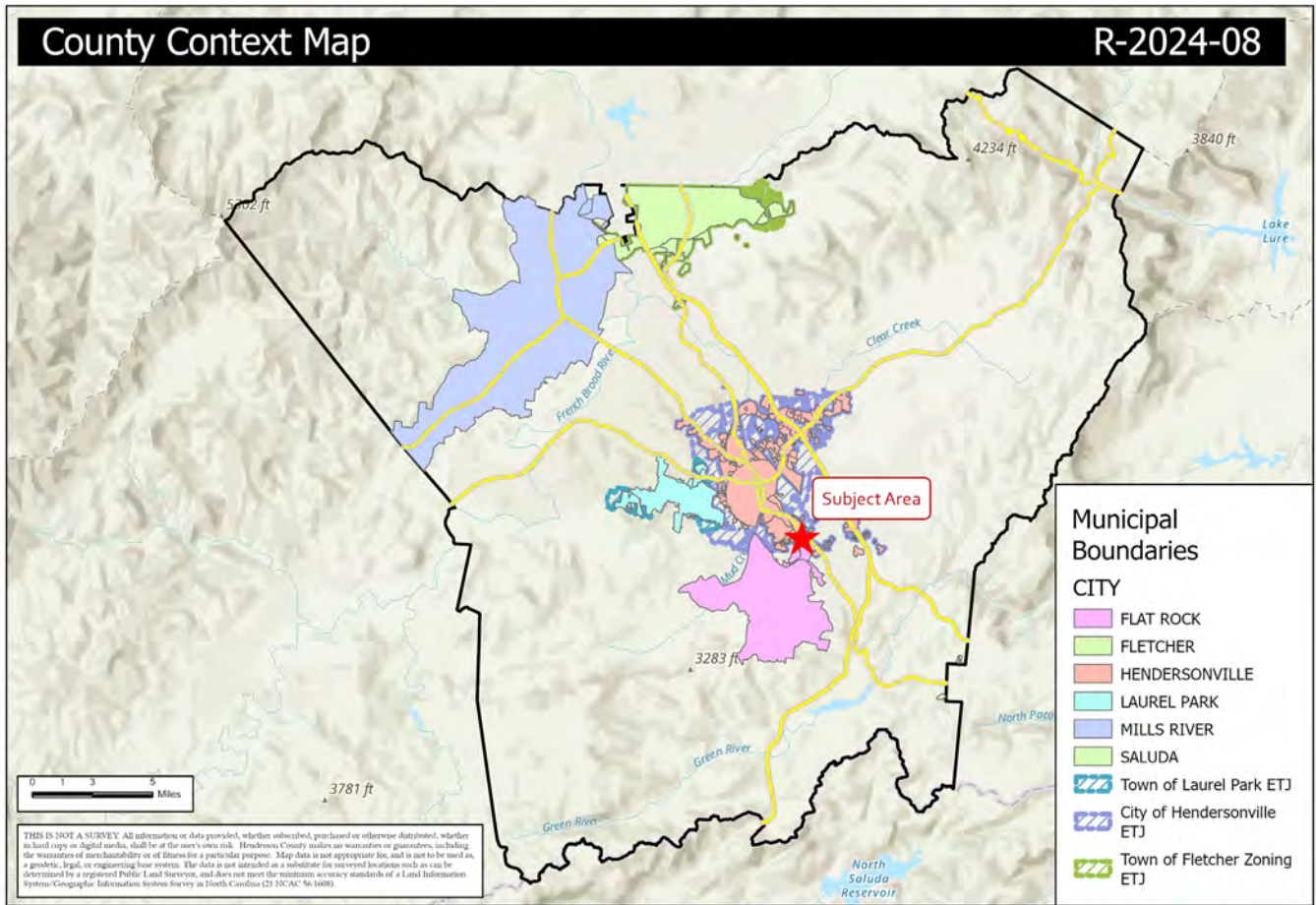
Commercial, Vacant

Residential, Vacant

Residential, Vacant

Residential

Map A: County Context



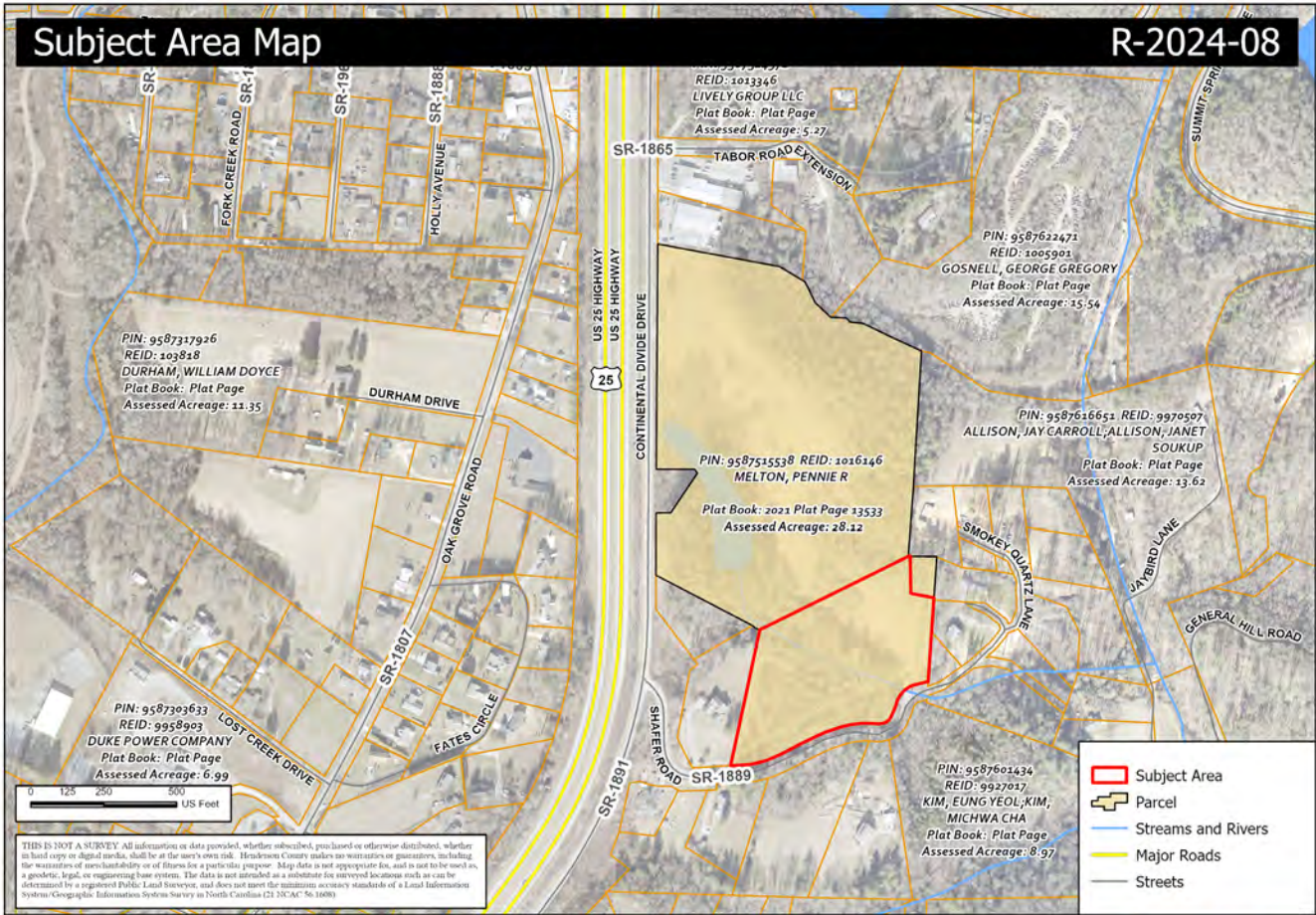
Property Owner(s): Pennie R. Melton
Total Acreage: 6.65 of 28.15 acres to be rezoned
RC to R2R Zoning



BACKGROUND:

The zoning map amendment, application #R-2024-08, is for a portion of PIN: 9587-51-5538. Pennie R. Melton owns the parcel, which has frontage along Shafer Road (SR 1889). The applicant/owner is seeking to rezone a portion of the parcel from Regional Commercial (RC) to Residential District Two Rural (R2R). The subject area is approximately 6.65 acres of a 28.15-acre lot. The parcel is currently vacant.

Map B: Subject Area



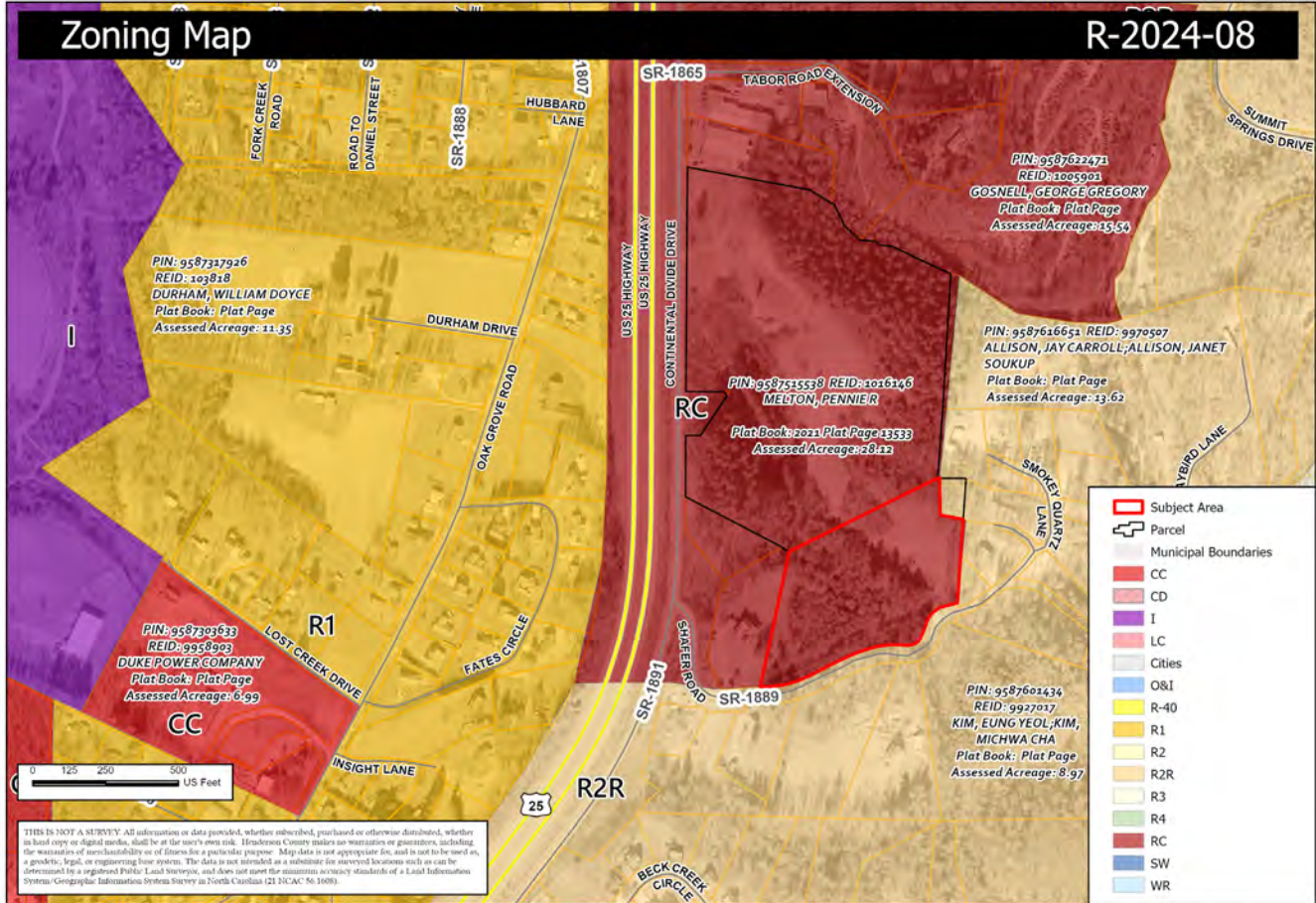
Property Owner(s): Pennie R. Melton
 Total Acreage: 6.65 of 28.15 acres to be rezoned
 RC to R2R Zoning



SUBJECT AREA & ADJACENT PROPERTIES:

- West:** US 25 Hwy is west of the property. A church and residential uses are further west.
- South:** Residential uses and vacant land are south of the subject area.
- East:** Residential uses and vacant land are east of the subject area.
- North:** Auto parts stores and vacant land are north of the subject area.

Map C: Current Zoning



Property Owner(s): Pennie R. Melton
 Total Acreage: 6.65 of 28.15 acres to be rezoned
 RC to R2R Zoning



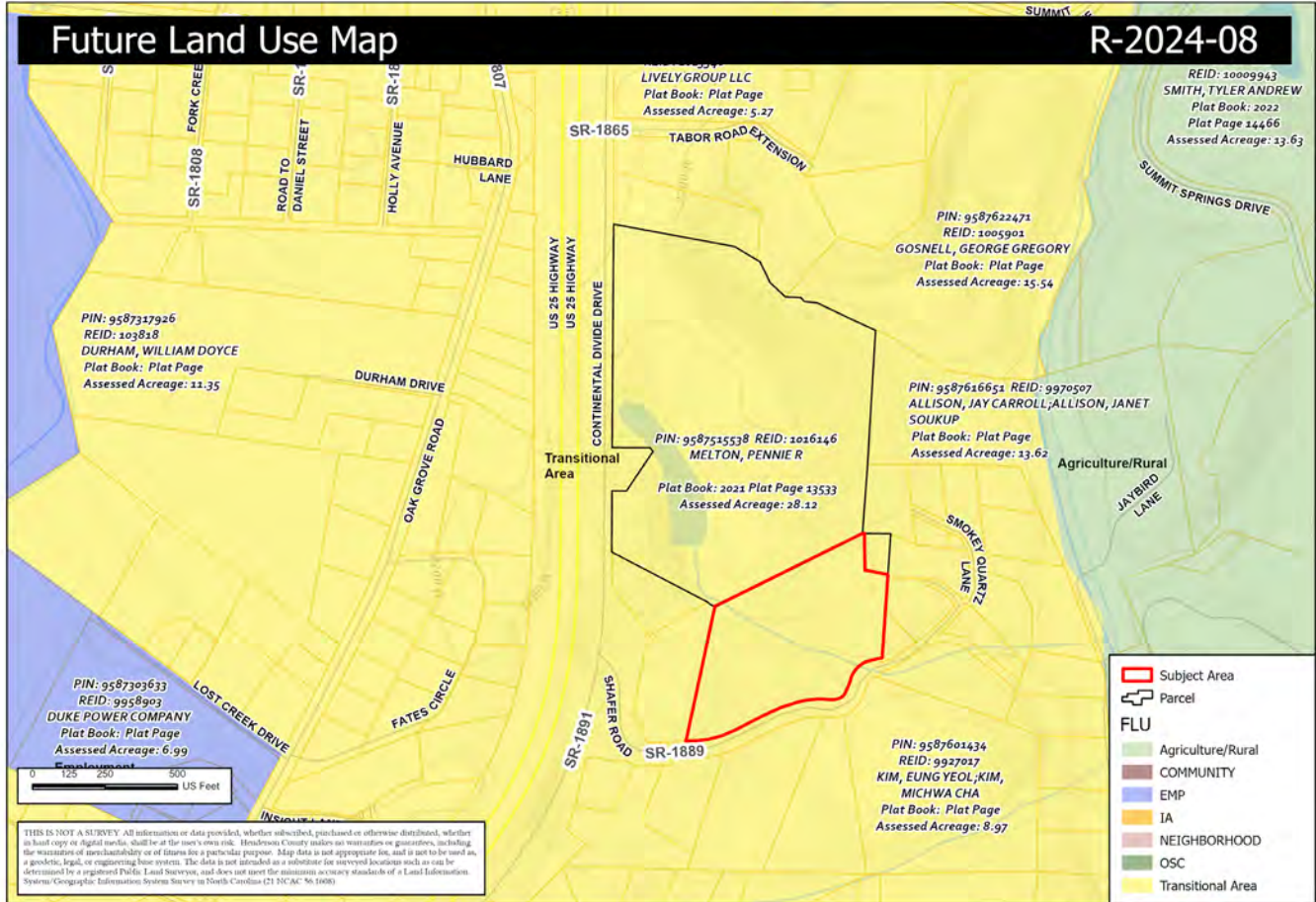
District Comparison:

Regional Commercial: “The purpose of the Regional Commercial District (RC) is to foster orderly growth where the *principal use* of land is commercial. The intent of this district is to allow for *commercial development* that includes a variety of retail sales and services, public and private administrations, offices and all other *uses* done primarily for sale or profit on the local, community, and regional level.” Standard residential density in Regional Commercial is 16 units per acre.

Residential District 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 in Residential District Two Rural is 1 unit per acre. The maximum density is 2 units per acre. The maximum height is 40’.

Map D: 2045 Future Land Use Map



Property Owner(s): Pennie R. Melton
 Total Acreage: 6.65 of 28.15 acres to be rezoned
 RC to R2R Zoning



2045 Comprehensive Plan Compatibility

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

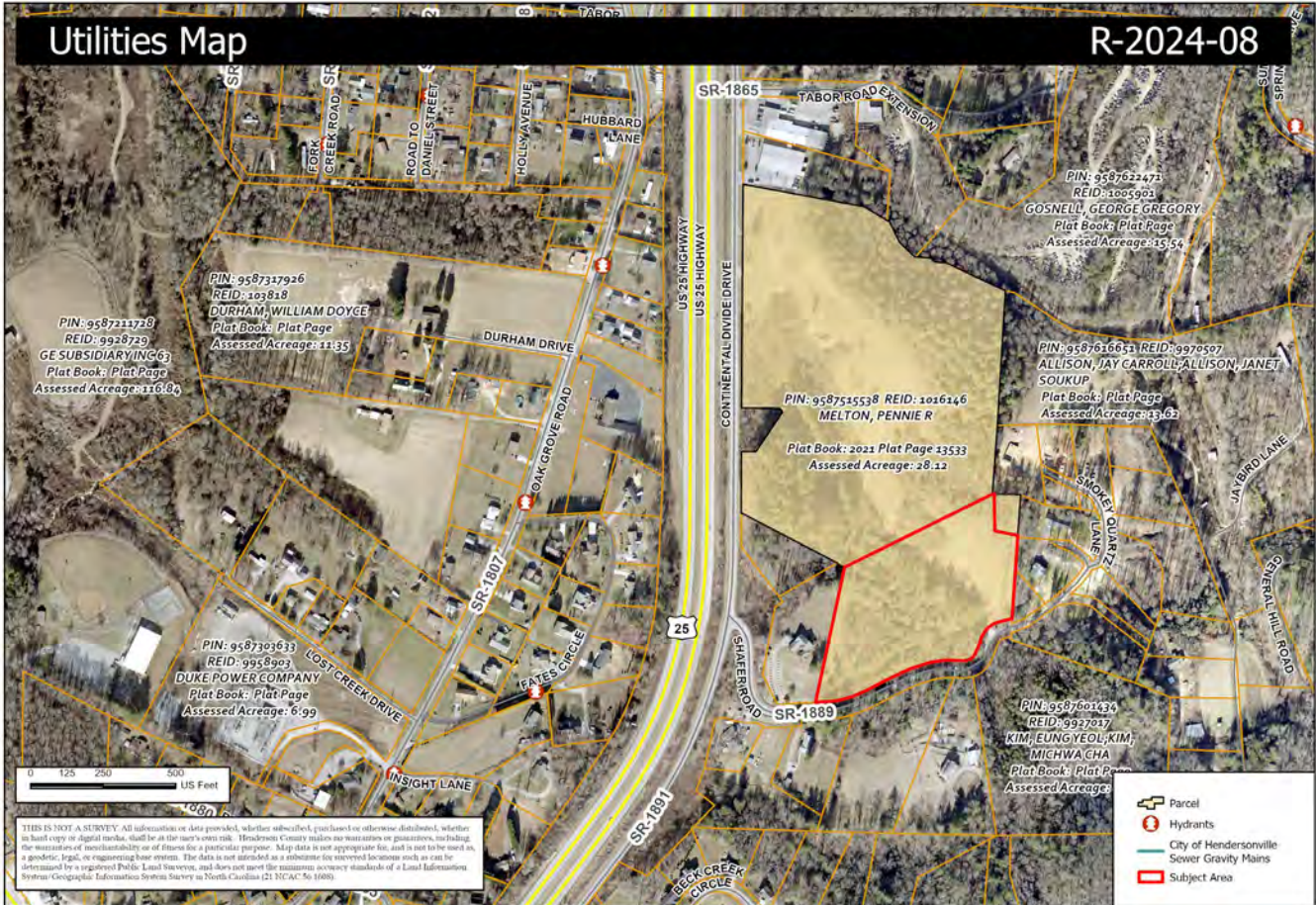
Transitional Area (TA)

“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.
- **Density:** The maximum allowable density range is two to four units per acre (gross density).
 - Residential District Two Rural (R2R) has a maximum density of two units per acre

- **Uses:** Single family residential, potentially some appropriately sized multi-family as part of planned developments, agricultural uses.
 - Residential District Two Rural (R2R) is intended primarily for residential uses.

Map F: Utility Map



Property Owner(s): Pennie R. Melton
 Total Acreage: 6.65 of 28.15 acres to be rezoned
 RC to R2R Zoning



Water and Sewer

The applicant requested access to the City of Hendersonville sewer and was told that most of the property could not be serviced due to the slope. However, the property has access to the COH water.

Existing Roads and Easements

The subject area has access from Shafer Road (SR 1889) through an existing roadbed.

Technical Review Committee (TRC) Recommendations

The Technical Review Committee met on January 7, 2025, to review R-2024-08. 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 January 16, 2025, and voted unanimously to recommend the Board of Commissioners approve the rezoning request.

Board of Commissioners Public Hearing

February 3rd, 2025 @ 5:30 p.m.

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-2024-8** were:

1. Submitted to the *Hendersonville Lightning* on January 17, 2025 to be published on January 22, 2025 by Carlos Martinez;
2. Submitted to the *Hendersonville Lightning* on January 17, 2025 to be published on January 29, 2025 by Carlos Martinez;
3. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on January 21, 2025, by Carlos Martinez;
4. Sent, via first class mail, to the property owner on January 21, 2025, by Carlos Martinez; and
5. Signs were posted on the Subject Area(s) on January 23, 2025, 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, Toby Linville, a Notary Public, in and for the above County and State, do hereby certify that

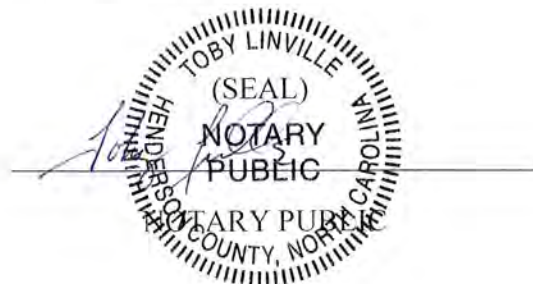
Carlos Martinez

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 27 day of January 2025.

My commission expires:

6/29/26





BOARD OF COMMISSIONER ENACTMENT 2025-_____

**RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN
Rezoning Application #R-2024-08, Shafer Road**

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-2024-08 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-2024-08, Shafer 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 R2R zoning.
 - “Encourage development of housing.” The subject area is in the Transitional Area of the FLUM, which is recommended for housing development per the Comprehensive Plan. Transitional Area specifies a density of two to four units per acre. The subject area is located outside of the Utility Service Area. (Rec. 7.2)
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

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
William G. Lapsley, Chairman

ATTEST:

Denisa Lauffer, Clerk to the Board

[COUNTY SEAL]

CONSENT TO DOWNZONING

I, Pennie R Melton, formally acknowledge and consent to the downzoning of a 6.97-acre portion of my property located at PIN 9587515538 (Shafer Rd). I understand that this change in zoning designation from Regional Commercial (RC) to Residential Two Rural (R2R) will impact the permitted uses and development potential of the property.

Henderson County staff has informed me that the proposed downzoning is entirely voluntary and that I am not required to agree to the rezoning. The staff explained the process to me, and I understand my involvement is voluntary.

I voluntarily applied for rezoning of the property at PIN 9587515538 on December 11, 2024, which was processed by the Henderson County Planning Department. This statement serves as my formal consent and acknowledgment that I am aware of and agree to downzoning my property.

Pennie R. Melton
Printed Name

Pennie Rae Melton 12/11/24
Signature Date

Additional Signatories, if applicable:

Printed Name

Signature Date

Printed Name

Signature Date

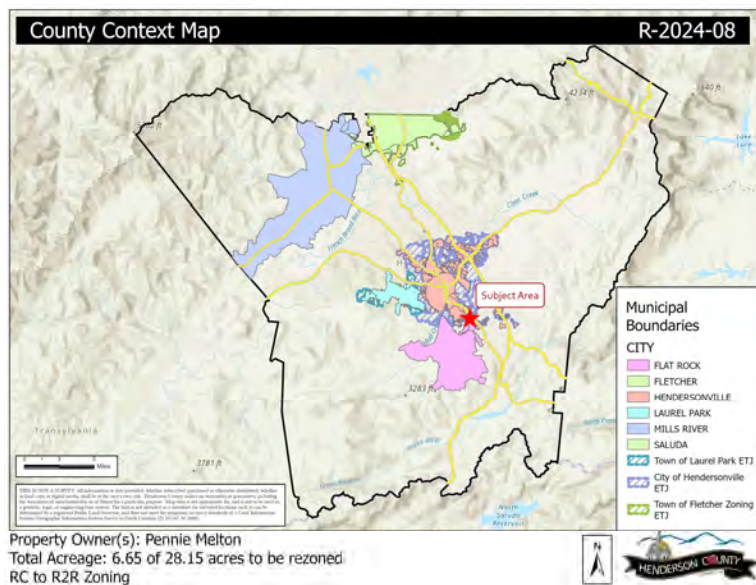
REZONING APPLICATION: R-2024-08

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

Henderson County Planning Department

1

- This zoning map amendment is for a portion of PIN: 9587-51-5538 with access from Shafer Road (SR 1889).
- The parcel is 28.15 acres, 27.83 of which are zoned RC. The remaining 0.32 acres are already zoned R2R.



2

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.

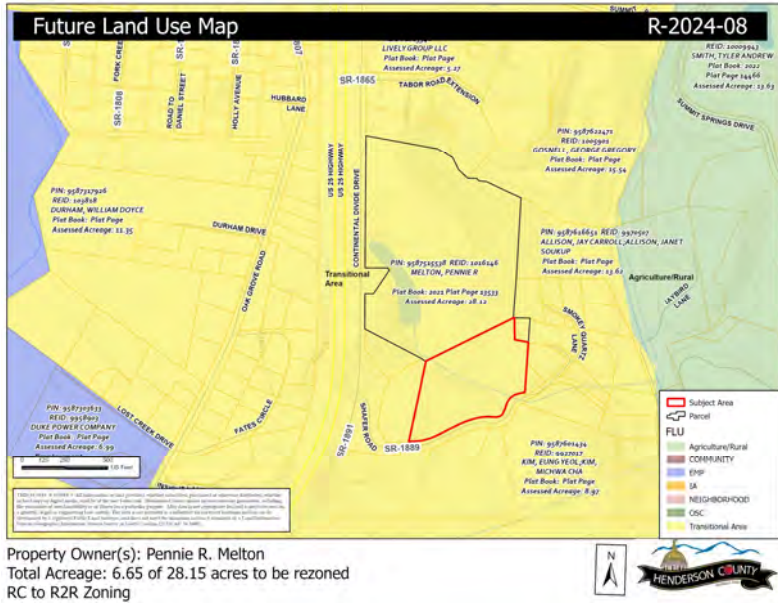
- The subject area is outside both the Utility Service Area and working agricultural lands.

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

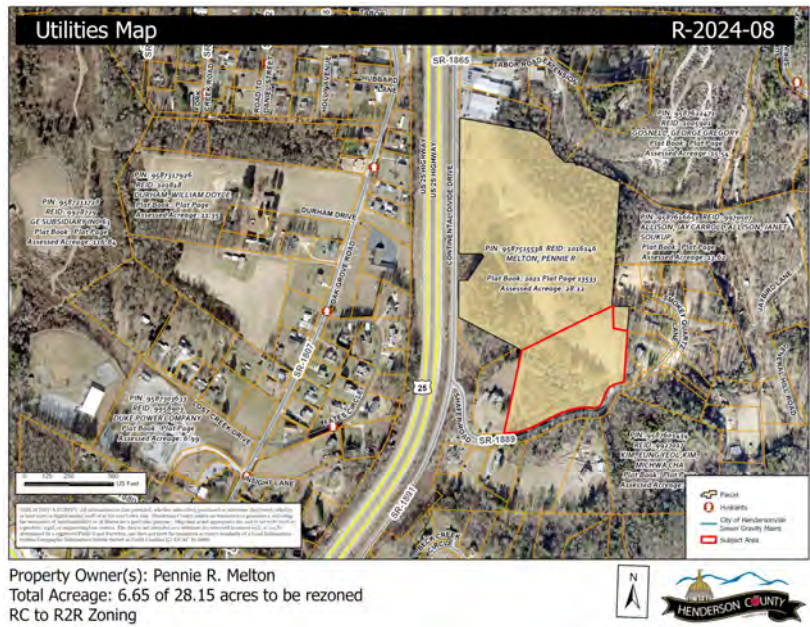
- Residential District Two Rural (R2R) has a maximum density of two units per acre

Uses: Single family residential, potentially some appropriately sized multi-family as part of planned developments, agricultural uses.

- Residential District Two Rural (R2R) is intended primarily for residential uses.



The applicant requested access to the City of Hendersonville sewer and was told that most of the property could not be serviced due to the slope. However, the property has access to the COH water.



2045 Comprehensive Plan Consistency Statement

Plan Goal 7: Diversify Housing Choices and Increase Availability

- Rec 7.2: Encourage development of housing.
 - The subject area is in the Transitional Area of the FLUM, which is recommended for housing development per the Comprehensive Plan. Transitional Area specifies a density of two to four units per acre. The subject area is located outside of the Utility Service Area.

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Public Hearing Comments

Rezoning Application: R-2024-08



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