

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** Tuesday, September 6, 2011

**SUBJECT:** Public Hearing for Rezoning #R-2011-03

**PRESENTER:** Matthew Cable, AICP, Transportation Planner

**ATTACHMENTS:**

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

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

Rezoning #R-2011-03 requests the County zone 25.67 acres comprised of all or portions of 22 identified tracts which were formerly within the municipal boundaries or zoning jurisdiction of the City of Hendersonville, Town of Laurel Park, or Town of Saluda (See Attachments 1 and 2 for a detailed description of the affected properties). The recommended zoning reflects the extension of adjacent residential zoning districts (Residential Two (R2) and Residential Three (R3)) onto these currently unzoned areas to avoid further split zoning and alleviate spot zoning concerns.

The Henderson County Planning Board considered rezoning #R-2011-03 at its regularly scheduled meeting on August 18, 2011. The Planning Board voted unanimously to send forward a favorable recommendation regarding rezoning #R-2011-03 to zone the affected properties to Residential Two (R2) or Residential Three (R3).

#### **PUBLIC NOTICE:**

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §200A-314(C) and §200A-337(B) of the Henderson County Land Development Code and State Law, notices of the September 6, 2011, public hearing regarding rezoning #R-2011-03 were published in the Hendersonville Tribune on August 25, 2011 and September 1, 2011. The Planning Department sent notices of the hearing via first class mail to the affected property owners and adjacent owners of properties on August 22, 2011 and August 23, 2011 and posted signs advertising the hearing on the affected properties on August 22, 2011 and August 23, 2011.

#### **BOARD ACTION REQUESTED:**

After holding the required hearing, Planning Staff recommends that the Board of Commissioners approve the zoning of the unzoned areas of the affected properties Residential Two (R2) or Residential Three (R3).

#### **Suggested Motion:**

I move that the Board recommend approval of rezoning #R-2011-03 to zone the unzoned areas of the affected properties to Residential Two (R2) or Residential Three (R3) zoning based on the recommendations of the Henderson County 2020 Comprehensive Plan.

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**Henderson County Planning Department Staff Report**  
**Rezoning Request #R-2011-03**

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**Staff Recommendations:**

For each of the identified areas (A-D) and associated unzoned land (25.67 acres) staff proposed zoning is consistent with the recommendations of the Henderson County 2020 Comprehensive Plan. The attached map and table provide additional information about each area and its associated parcels.

**Area A:**

The Town of Laurel Park adjusted its municipal boundaries removing 4.34 acres of land from its jurisdiction in Area A. The three (3) parcels affected by the adjustment are located along Davis Mountain Road, Woodridge Drive, Hillside Lane and Shaws Creek Lane. These parcels were formerly split zoned by the Town of Laurel Park and Henderson County. The parcels now fall completely within the County's zoning jurisdiction. The Residential Two (R2) zoning designation is currently applied by the County to the northern portions of the affected parcels. Staff recommends existing R2 zoning be extended to the south and applied to the entirety of the parcels.

**Area B:**

The City of Hendersonville adjusted its extraterritorial jurisdiction boundaries removing 7.13 acres from its jurisdiction in Area B. The eight (8) parcels affected by the adjustment are located along North Hillside Road, Valmont Drive, Greenwood Drive, and Sun Meadow Road. Parcels B1, B2, B3, and B4, were formerly split zoned by the City of Hendersonville and Henderson County and will continue to be split zoned (although the boundary line is adjusted). Parcel B5 was formerly split zoned by the City of Hendersonville and Town of Laurel Park alone but now falls under the jurisdiction of the County, Hendersonville and Laurel Park. Parcels B6, B7, and B8 were formerly split zoned by the City of Hendersonville and Henderson County and will now fall completely within the County's zoning jurisdiction. The Residential Two (R2) zoning designation is currently applied by the County to the western portions of these parcels (with the exception of B5 which is not currently zoned by the County). Staff recommends the existing R2 zoning be extended to the east and applied to all portions of the eight (8) parcels which fall within the County's jurisdiction.

**Area C:**

The Town of Laurel Park adjusted its municipal boundaries removing 0.35 acres of land from its jurisdiction in Area C. The two (2) parcels affected by the adjustment are located along Laurel Park Highway. These parcels were formerly split zoned by the Town of Laurel Park and Henderson County. The parcels now fall completely within the County's zoning jurisdiction. The Residential Two (R2) zoning designation is currently applied by the County to the western portions of the parcels. Staff recommends the existing R2 zoning be extended to the east and applied to the entirety of the two (2) parcels.

**Area D:**

The Town of Saluda provided the County a map indicating adjustments to its municipal boundaries that remove 13.85 acres of land from its jurisdiction in Area D. The nine (9) parcels affected by the adjustment are located along Laurel Mountain Trail and Old Macedonia Road. These parcels were formerly within the Town of Saluda. The entirety of these parcels now fall within the County's zoning jurisdiction (with the exception of parcel D9 which falls partially within Henderson County and partially within the Town of Saluda (within Polk County)). The Residential Three (R3) zoning designation is applied by the County to the north and west. Staff recommends the existing R3 zoning be extended to the nine (9) parcels.

**Table 1. Description of Current and Proposed Zoning**

Map ID	PIN	Property Owner	Total Parcel Acreage	Current Parcel Acreage Zoned:				Current Unzoned Acreage within Henderson County Jurisdiction	Former Jurisdiction	Proposed County Zoning Designation	Land Classification
				County	City of Hendersonville	Town of Laurel Park	Town of Saluda				
A1	9559500248	Henderson County	11.46	7.91	-	-	-	3.55	Town of Laurel Park	R2	Governmental
A2	9559502027	Margaret Y. Peacock, Trustee	2.30	2.23	-	-	-	0.07		R2	Vacant Land
A3	9559506042	Stephen R. & Andrew L. Braznell	9.43	8.71	-	-	-	0.72		R2	Single Family
B1	9559649888	Laurence G. & Linda S. Lee	24.99	20.43	4.51	-	-	0.05	City of Hendersonville	R2	Vacant Land
B2	9559747296	Edward & Jeanne Farrell	2.86	0.17	2.66	-	-	0.03		R2	Single Family
B3	9559734839	Glenn Bennett & Martha Bennett Rogers	37.95	22.09	14.86	-	-	1.00		R2	Vacant Land
B4	9559723935	Hill Family Limited Partnership	24.46	20.02	0.60	-	-	3.84		R2	Vacant Land
B5	9559820686	Virginia H. Beatty	7.04	-	1.13	4.84	-	1.20*		R2	Vacant Land
B6	9559726108	James C. Howell & Wife	2.71	1.95	-	-	-	0.76		R2	Single Family
B7	9559716501		2.83	2.62	-	-	-	0.21		R2	Vacant Land
B8	9559714280	Virginia H. Beatty	4.41	4.37	-	-	-	0.04		R2	Vacant Land
C1	9558454371	Laurelgate LLC a NC LL Company	19.63	19.38	-	-	-	0.25	Town of Laurel Park	R2	Conservation Easement
C2	9558446850		25.07	24.97	-	-	-	0.10		R2	Conservation Easement
D1	9596815863	Dorothy M. Eargle Revocable Trust/Trustee	0.33	-	-	-	-	0.33	Town of Saluda	R3	Vacant Land
D2	9596813781	William R. and Dorothy M. Eargle	0.42	-	-	-	-	0.42		R3	Vacant Land
D3	9596816684	James P. Crowther	2.07	-	-	-	-	2.07		R3	Single Family
D4	9596815524	Susan W. Garfinkle	1.99	-	-	-	-	1.99		R3	Vacant Land
D5	9596814312	Virginia F. & Edward T. Shaffer	2.91	-	-	-	-	2.91		R3	Single Family
D6	9596810044	Theodore V. Zachman & Wife	5.31	-	-	-	-	5.31		R3	Single Family
D7	9596716022		0.26	-	-	-	-	0.26		R3	Vacant Land
D8	9596716073		0.18	-	-	-	-	0.18		R3	Vacant Land
D9	9596805967	Martha P. Hamilton	0.96	-	-	-	0.58	0.38		R3	Vacant Land
<b>Total</b>			<b>189.57</b>	<b>134.85</b>	<b>23.76</b>	<b>4.84</b>	<b>0.58</b>	<b>25.67**</b>	<b>Hendersonville, Laurel Park or Saluda</b>	<b>R2 or R3</b>	

\*Note: A boundary discrepancy between the Town of Laurel Park and City of Hendersonville shows that the same portions of B5 are within both jurisdictions. The total current acreage is less than the combined total acreage zoned by the City of Hendersonville, Town of Laurel Park and otherwise unzoned (to be zoned by the County).

\*\*Note: The effects of the conflicting municipal zoning (B5) carry over into the totals here. The total current acreage is less than the combined total acreage zoned by the City of Hendersonville, Town of Laurel Park, Town of Saluda, Polk County, and otherwise unzoned (to be zoned by the County).

**NOTICE OF PUBLIC HEARING  
ON PROPOSED ZONING MAP AMENDMENT  
(Rezoning #R-2011-03)**

The Henderson County Board of Commissioners will hold a public hearing on a proposed map amendment to the Official Zoning Map of Henderson County, NC.

Rezoning #R-2011-03 requests Henderson County zone 25.67 acres comprised of all or portions of 22 identified tracts which were formerly within the municipal boundaries or zoning jurisdiction of the City of Hendersonville, Town of Laurel Park, or Town of Saluda. The recommended zoning reflects the extension of adjacent residential zoning districts (Residential Two (R2) and Residential Three (R3)) onto these currently unzoned areas. Affected parcels include (PIN numbers listed): 9559500248, 9559502027, 9559506042, 9559649888, 9559747296, 9559734839, 9559723935, 9559820686, 9559726108, 9559716501, 9559714280, 9558454371, 9558446850, 9596815863, 9596813781, 9596816684, 9596815524, 9596814312, 9596810044, 9596716022, 9596716073, and 9596805967.

The public hearing will be held Tuesday, September 6, 2011 at 5:30 P.M. in the Board of Commissioners Meeting Room located in the Henderson County Historic Courthouse, at 1 Historic Courthouse Sq., Hendersonville, NC. The public is invited to attend and comment on the proposed amendment.

Written comments addressed to the Henderson County Board of Commissioners, 1 Historic Courthouse Sq., Ste. 1, Hendersonville, NC 28792, will be accepted prior to the hearing. Rezoning information is available for review in the Henderson County Planning Department, 100 N. King St., Hendersonville, NC, between 8:00 A.M. and 4:30 P.M., Monday through Friday, or online at [www.hcplanning.org](http://www.hcplanning.org). For more information, call the Planning Department at (828) 697-4819 [TDD for the hearing impaired (828) 697-4580].

Please note that after considering public hearing comments, the Board of Commissioners may discuss other options or make changes to the proposed amendments before taking final action. The Henderson County 2020 Comprehensive Plan will be updated and amended, as necessary, to reflect the action of the Board of Commissioners.

Terry Wilson  
Clerk to the Board

Henderson County Board of Commissioners

For publication in the Hendersonville Tribune on Thursday August 25, 2011 and Thursday, September 1, 2011.

**Certification of Notice of Public Hearing**

In accordance with NCGS 153A-343 the Planning Department certifies notice of the September 6, 2011 hearing regarding Rezoning #R-2011-03 were:

1. Submitted to the Hendersonville Tribune on August 23, 2011 to be published on August 25, 2011 and September 1, 2011 by Parker Sloan;
2. Sent, via first class mail, to the owners of properties adjacent to the subject properties on August 22, 2011 and August 23, 2011 by Matthew Cable and Kathleen Scanlan;
3. Sent, via first class mail, to the property owners on August 22, 2011 and August 23, 2011 by Matthew Cable and Kathleen Scanlan; and
4. Posted on the Subject Area on August 22, 2011 and August 23, 2011 by Parker Sloan.

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

1. Parker Sloan
2. Matthew Cable
3. Kathleen Scanlan

STATE OF North Carolina

COUNTY OF Henderson

I, Catherine Justice, a Notary Public, in and for the above County and State, do hereby certify that Parker Sloan, Matthew Cable, and Kathleen Scanlan personally appeared before me this day and acknowledged the due execution by

\_\_\_\_\_ of the foregoing instrument.

WITNESS my hand and notarial seal, this the 24 day of August, 2011.

My commission expires:

10-23-15

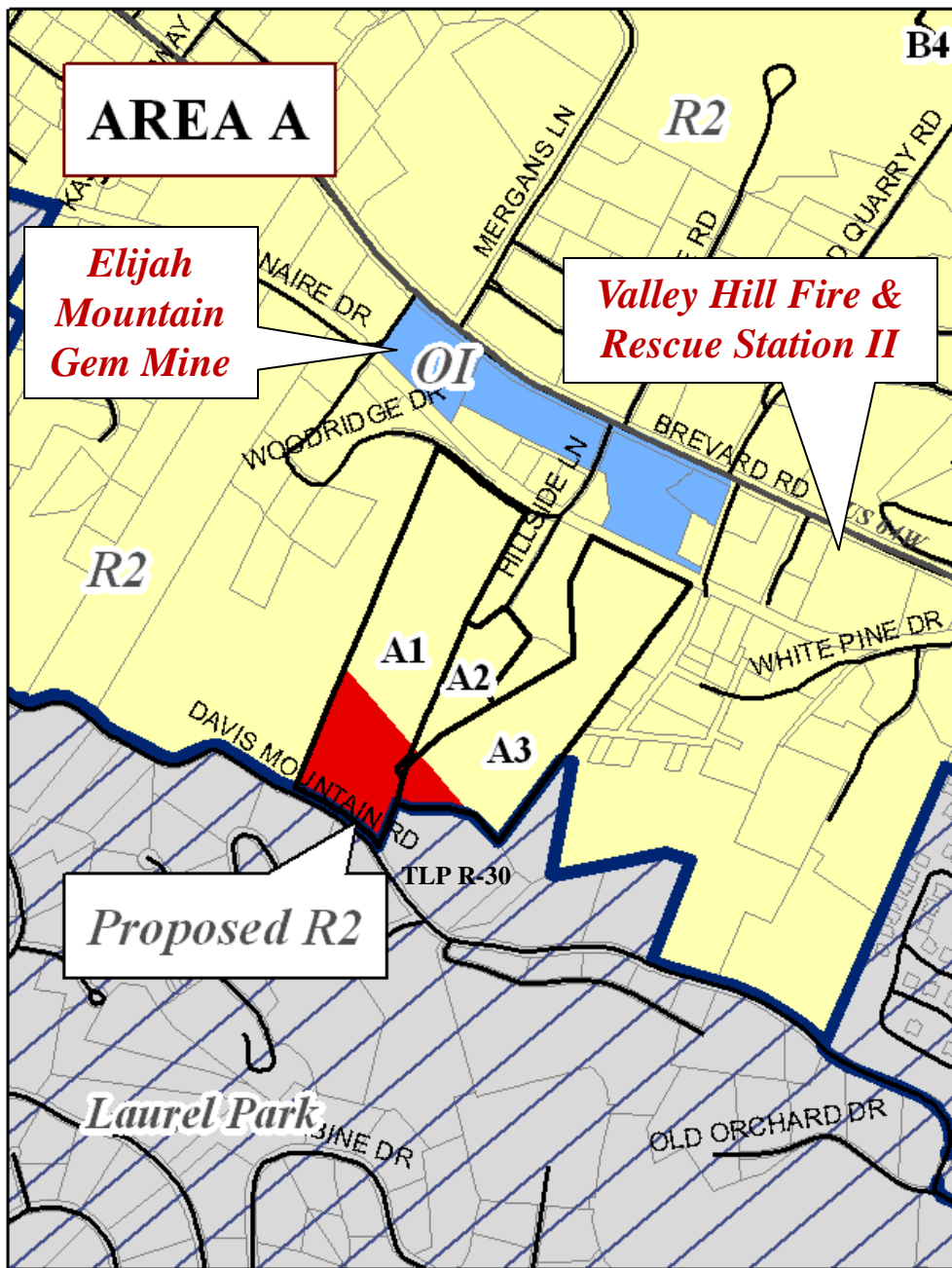
(SEAL)  
Catherine Justice  
 NOTARY PUBLIC







# **Rezoning #R-2011-03**

**Henderson County Board of Commissioners Meeting  
September 6, 2011**

**Presented by: Matthew Cable, AICP, Transportation Planner**

# Area A

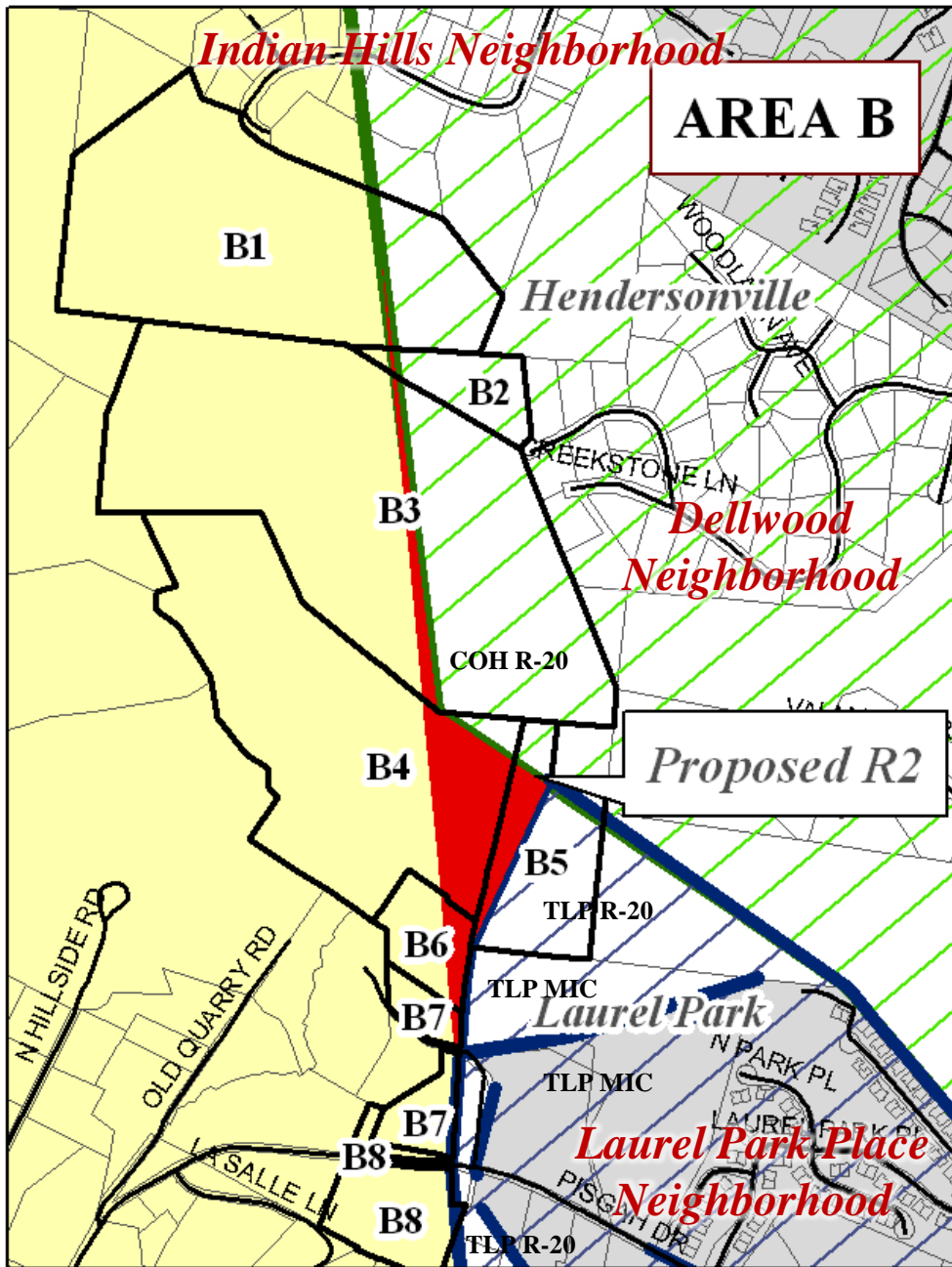








-  Subject Area
-  Streets
-  Affected Parcels
-  Laurel Park Zoning Jurisdiction
-  Hendersonville Zoning Jurisdiction
-  Municipal Boundaries

0 237.5 475 950 Feet



# Area B



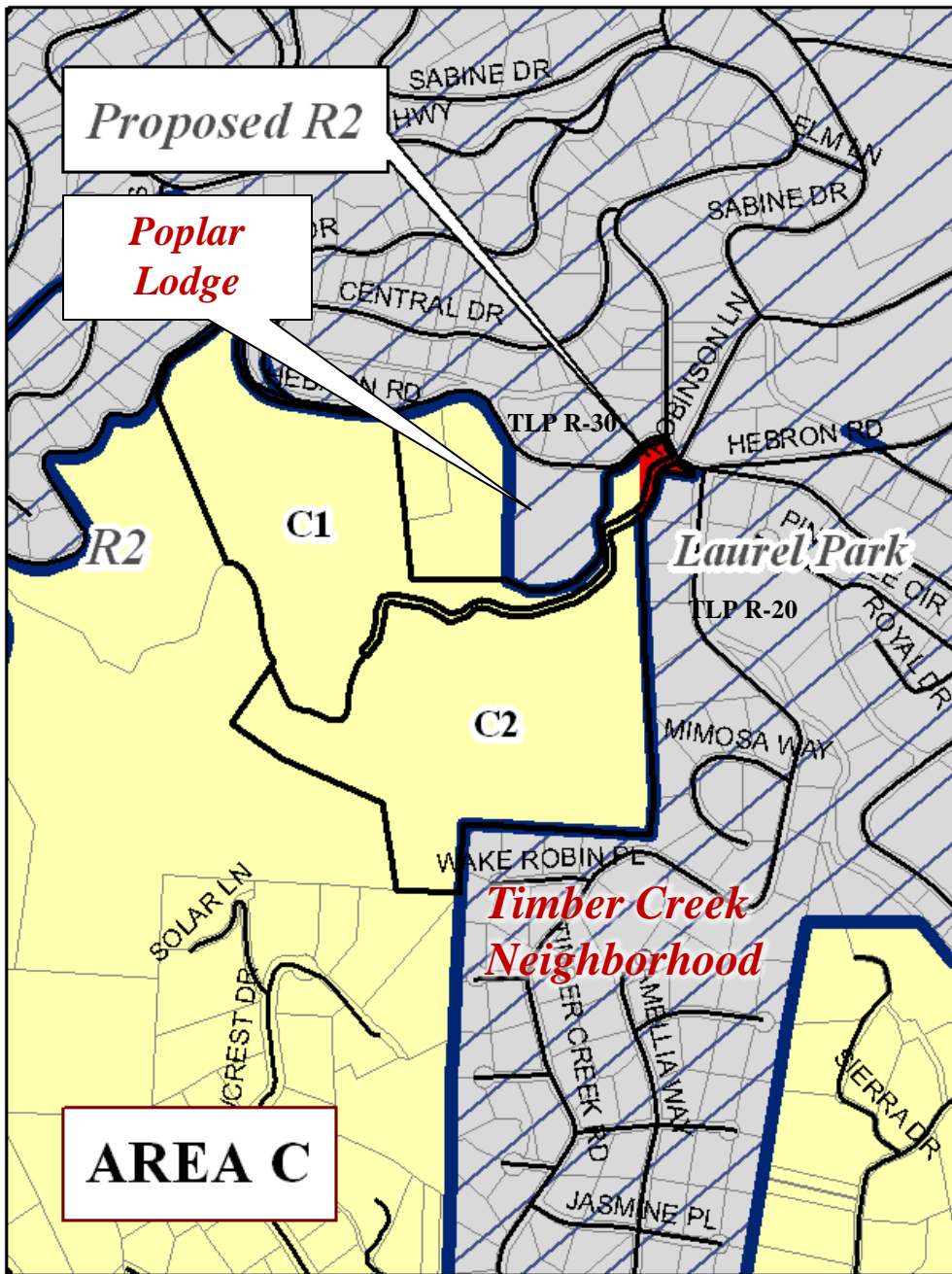
-  Subject Area
-  Streets
-  Affected Parcels
-  Laurel Park Zoning Jurisdiction
-  Hendersonville Zoning Jurisdiction
-  Municipal Boundaries







0 237.5 475 950 Feet





# Area C



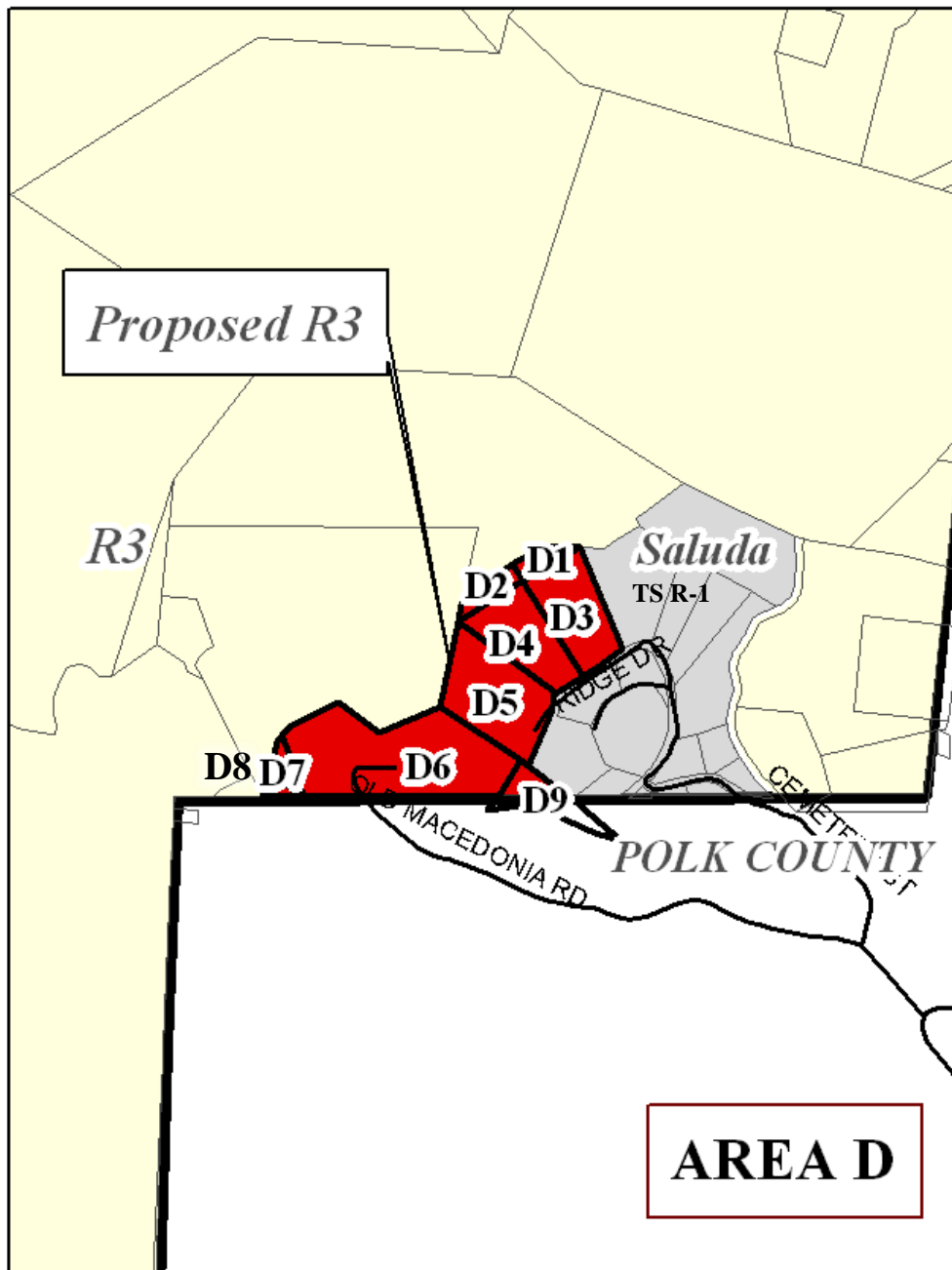
-  Subject Area
-  Streets
-  Affected Parcels
-  Laurel Park Zoning Jurisdiction
-  Hendersonville Zoning Jurisdiction
-  Municipal Boundaries







0 237.5 475 950 Feet



**AREA C**

# Area D



-  Subject Area
-  Streets
-  Affected Parcels
-  Laurel Park Zoning Jurisdiction
-  Hendersonville Zoning Jurisdiction
-  Municipal Boundaries

0 237.5 475 950 Feet

