

# REQUEST FOR COMMITTEE ACTION

## HENDERSON COUNTY PLANNING BOARD

**MEETING DATE:** January 20, 2022

**SUBJECT:** Rezoning Application R-2021-03 Laughter

**PRESENTER:** Austin Parks, Planner I

**ATTACHMENTS:** 1.) Staff Report

### **SUMMARY OF REQUEST:**

Rezoning Application R-2021-03, submitted on December 6, 2021, requests that the County rezone approximately 5.21 acres of land from Industrial to Residential District One. The acreage consists of 1 parcel (PIN: **9651-79-4087**) located west of and adjacent to Twin Springs Road (SR 1353), specifically 161 Twin Springs Road. The property owners are Sammy and Kathy Johnston.

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

Staff requests the Planning Board make a recommendation to the Board of Commissioners on rezoning application (R-2021-03) for approximately 5.21 acres from Industrial (I) to Residential District One (R1).

### **Suggested Motion:**

Motion that the Planning Board forward rezoning application R-2021-01 with a (favorable or unfavorable) recommendation for approval.



# STAFF REPORT

## HENDERSON COUNTY PLANNING DEPARTMENT

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

Prepared by:  
Austin Parks, Planner I

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**CASE**

R-2021-03

**PLANNING BOARD MEETING DATE**

January 20, 2022

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**PROPERTY OWNER**

Sammy Johnston; Kathy Johnston

**PROPERTY LOCATION/ADDRESS**

161 Twin Springs Road, Hoopers Creek  
Township

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**AGENT /APPLICANT**

Shane Laughter

**PIN**

9651-79-4087

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**SUMMARY OF REQUEST**

A rezoning of a portion of the above PIN (hereafter the subject area from **Industrial (I)** to **Residential District One (R1)**).

**Existing Zoning**

Residential District One (R1), Industrial (I)

**Existing Land Use**

Urban Services Area; Conservation

**Site Improvements**

Single-Family Home, Abandoned Structures

**Request Acreage**

5.21 acres, +/- (Total parcel: 22.03, +/-)

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**ADJACENT ZONING****USE OF LAND****North**

Residential District One (R1)

Single Family Homes

**East**

Residential District One (R1)

Single Family Homes

**South**

Industrial (I)

Hatch Cemetery, Vacant Land

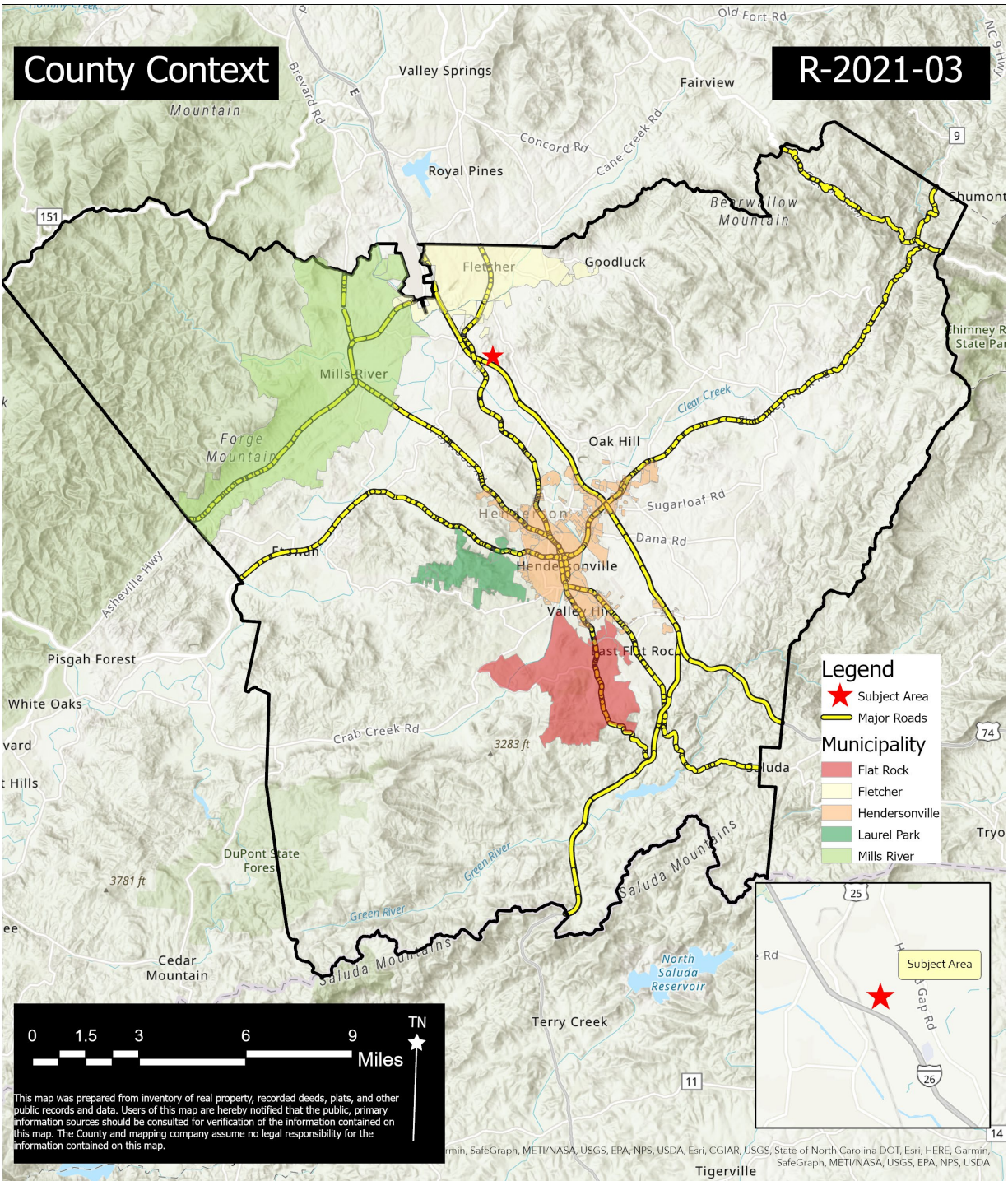
**West**

Residential District One (R1)

Single Family Homes

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### Map A: County Context



Applicant: Shane Laughter  
Total Surveyed Area: 22.46  
Current Zoning: Industrial (I)





Map B: Aerial

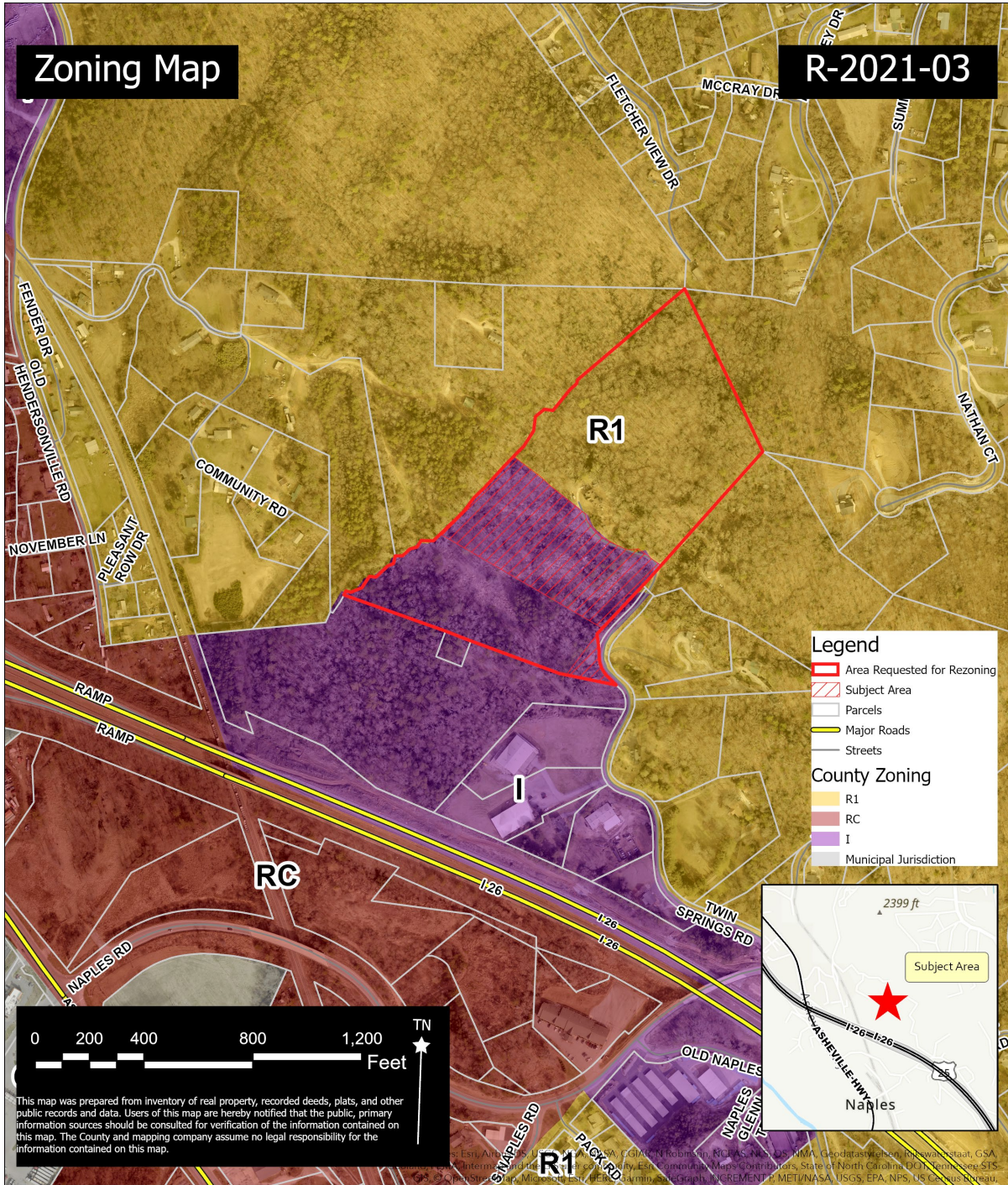


Applicant: Shane Laughter  
Total Surveyed Area: 22.46  
Current Zoning: Industrial (I)





### Map C: Current Zoning



Applicant: Shane Laughter  
Total Surveyed Acres: 22.46  
Current Zoning: Industrial (I)



**Context:**

The applicant, Shane Laughter, is seeking to rezone 5.21 acres on their property from Industrial to Residential District One. The owners, Sammy and Kathy Johnston, recently recombined the parcel from two parcels into one. Currently there are approximately 10.26, +/- acres zoned Industrial and 10.55 +/- acres zoned Residential District One (R1). If approved, this map amendment will leave 5.05 +/- acres Industrial and 15.76 +/- acres Residential District One (R1). The applicant has stated the parcels will be subdivided into 3 separate parcels, two of which will be R1, and one as Industrial.

**District Comparison:**

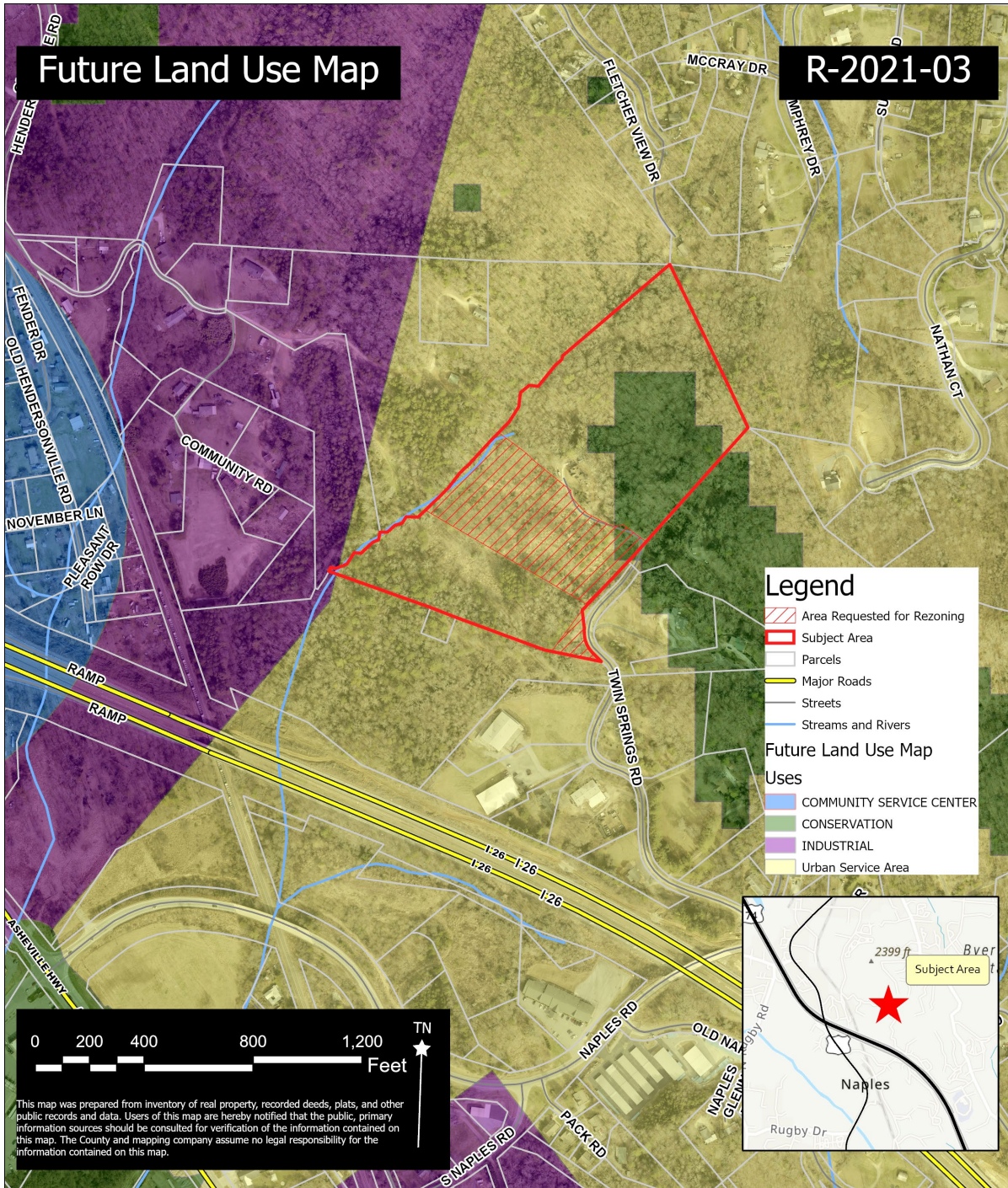
**Residential District One (R1):** The purpose of Residential District One (R1) is to foster orderly growth where the principal use of land is residential. The intent of this district is to allow for medium to high-density residential development consistent with the recommendations of the Comprehensive Plan. This general use district is typically meant to be utilized in areas designated as Urban (USA) in the Comprehensive Plan. (LDC §42-27)

**Industrial (I):** The purpose of the Industrial District (I) is to foster orderly growth where the principal use of land is a mixture of industrial and heavy commercial. The intent of this district is to allow for industrial and heavy commercial development consistent with the recommendations of the Comprehensive Plan. In accordance with the Comprehensive Plan, the district will allow for and provide industrial and heavy commercial development that: (1) is compatible with adjacent development and the surrounding community; (2) will minimize conflict between land uses; and (3) is sensitive to its impact on surrounding land uses and the environment (natural and man-made). (LDC §42-36)

**Comparison:** Industrial (I) district principal use of land is a mixture of industrial and heavy commercial. Residential District One (R1) district is defined as where the principal use of land is residential. Industrial (I) districts provide compatibility with adjacent development and surrounding community. Residential uses are not permitted in Industrial (I). Manufacturing and processing facilities are not permitted in Residential District One (RI).



### Map D: County Comprehensive Plan Future Land Use Map



Applicant: Shane Laughter  
Total Surveyed Area: 22.46  
Current Zoning: Industrial (I)

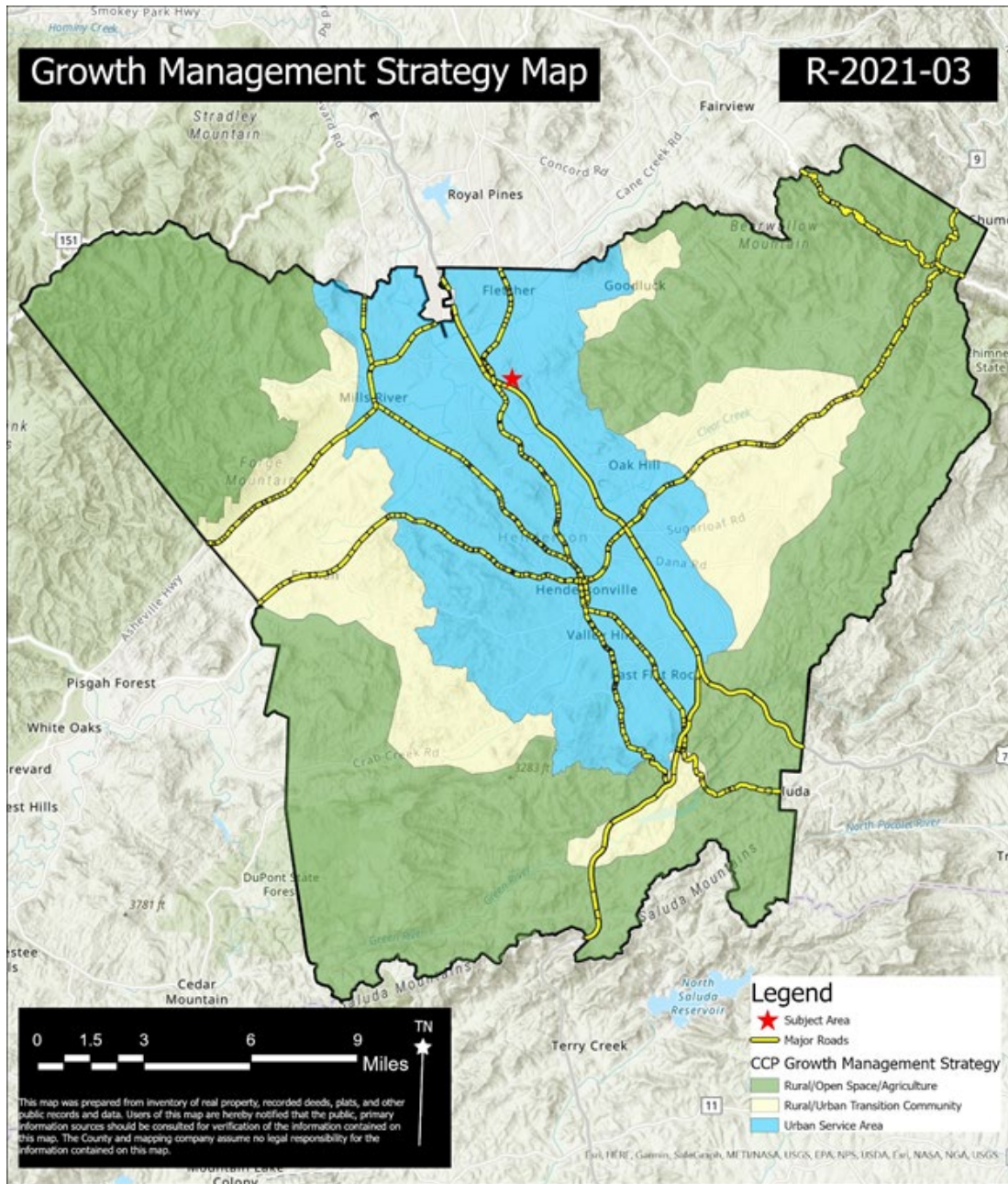




**County Comprehensive Plan (CCP) Compatibility**

The CCP Future Land Use Map identifies the subject area as being in the **Urban Services Area** and **Conservation Area**.

**Map E: Growth Management Strategy Map**



Applicant: Shane Laughter  
Total Surveyed Area: 22.46  
Current Zoning: Industrial (I)





**Urban Services Area:** The CCP shows the subject area located in the Urban Services Area (USA) for Growth Management Strategy. The CCP states “The USA will contain considerable commercial development at a mixture of scales: Local, Community, and Regional, as defined below. In particular, all Regional Commercial development should be concentrated here. Commercial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community.” (CCP, pg. 133, #4.) (See Map E)

**Conservation Areas:** The CCP shows the subject area is within a Conservation Area. The CCP states “This category includes land areas that are intended to remain largely in their natural state, with only limited development. Such areas should be targeted for protection through regulations and incentives Conservation areas are lands that generally exhibit any of the following characteristics: 1. Sensitive natural areas such as steep slopes, floodplains, major wetlands, forest reserves and wildlife conservation areas, and key watersheds 2. Areas of historic and archeological significance 3. Local, state or federally managed natural areas 4. Areas managed for agricultural or forestry land uses 5. Other areas yet to be defined” (CCP, pg. 138).

**Residential District One (R1):** R1 is a high-density residential zoning district. The CCP suggests “Wide ranges of residential densities will exist. Over the long term, land use regulations and policies should favor higher density development, consistent with natural constraints and the availability of urban services.” (CCP, pg.133) Per the request from the CCP, “New high-density residential zoning districts will be created and applied within the USA as well as in / around Community Service Centers within the RTA.”(CCP, pg.141) The subject area is approximately 0.14 miles from a Community Service Center Node.

**Additional Studies and Plans:** The Oklawaha Greenway Extension Plan identifies the subject area to be within the 100-500 number of jobs within a square mile (pg.11). The subject area does not border the North Oklawaha Greenway Extension. The subject area falls within the township of Hoopers Creek. The township of Hoopers Creek does not have a community plan.

### **Water and Sewer**

The site is currently served by individual well and septic systems.

### **Existing Roads and Easements**

Twin Springs Road (SR 1353) is contiguous to the subject area and continues through the subject area, bordering the area requested for rezoning to the south. Twin Springs Road leads to a Single-Family Dwelling Unit.

### **Technical Review Committee (TRC) Recommendations**

The Technical Review Committee (TRC) unanimously approved R-2021-03 at the January 4, 2022 meeting. The TRC forwarded the application to the Planning Board.

**Planning Board Recommendations**

The Planning Board will hear the case at the January 20<sup>th</sup> 2022 meeting.

**Board of Commissioners Public Hearing**

The Board of Commissioners will hear the case following the Planning Board at the February 7<sup>th</sup>, 2022 meeting.

**Staff Conclusion**

Staff finds no issue regarding R-2021-03, provided the subject area is subdivided and no parcels contain split-zoning. The rezoning and subdivision of the parent parcel would rectify the issue of current split-zoning. The approval of this map amendment request would bring the parcel into conformance with the current Land Development Code.





# Rezoning R-2021-03

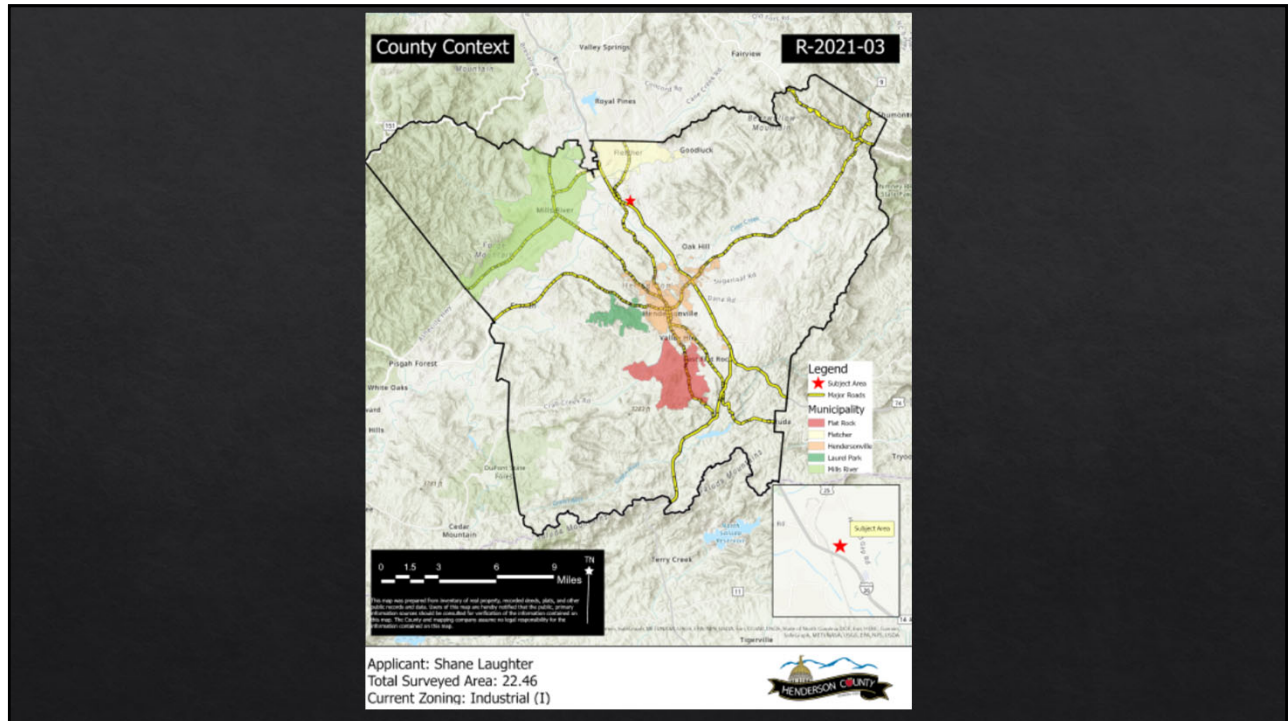
Henderson County Planning Department

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## Background

- ◆ The applicant, Shane Laughter, is seeking to rezone two separate parcels of the property to Residential District One (R1) from Industrial (I). The two parcels combined are approximately 5.21 acres.

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# District Comparison

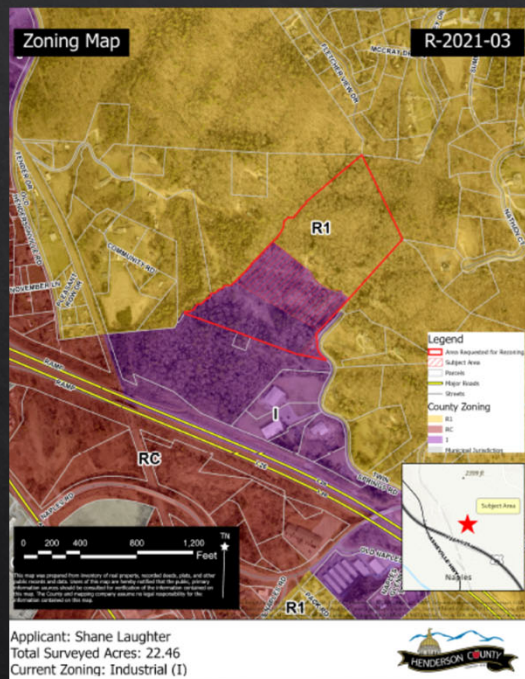
## Residential District One (R1)

- ◆ Principal use of land is residential.
- ◆ Manufacturing and processing facilities are not permitted in Residential District One (R1).

## Industrial (I)

- ◆ Principal use of land is a mixture of industrial and heavy commercial.
- ◆ Residential uses are not permitted in Industrial (I).

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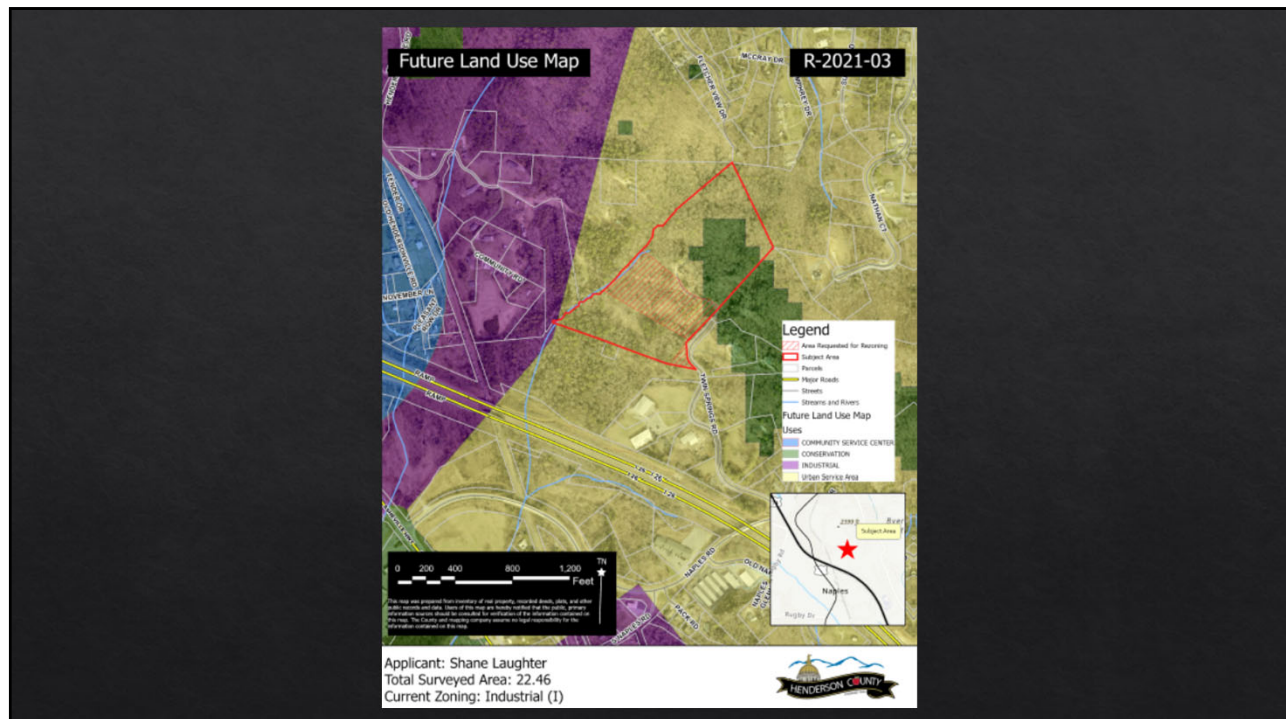


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## Comprehensive Plan Compatibility

- ◆ Urban Services Area (USA): The USA will contain considerable commercial development at a mixture of scales: Local, Community, and Regional.
- ◆ Conservation Areas: This category includes land areas that are intended to remain largely in their natural state, with only limited development.

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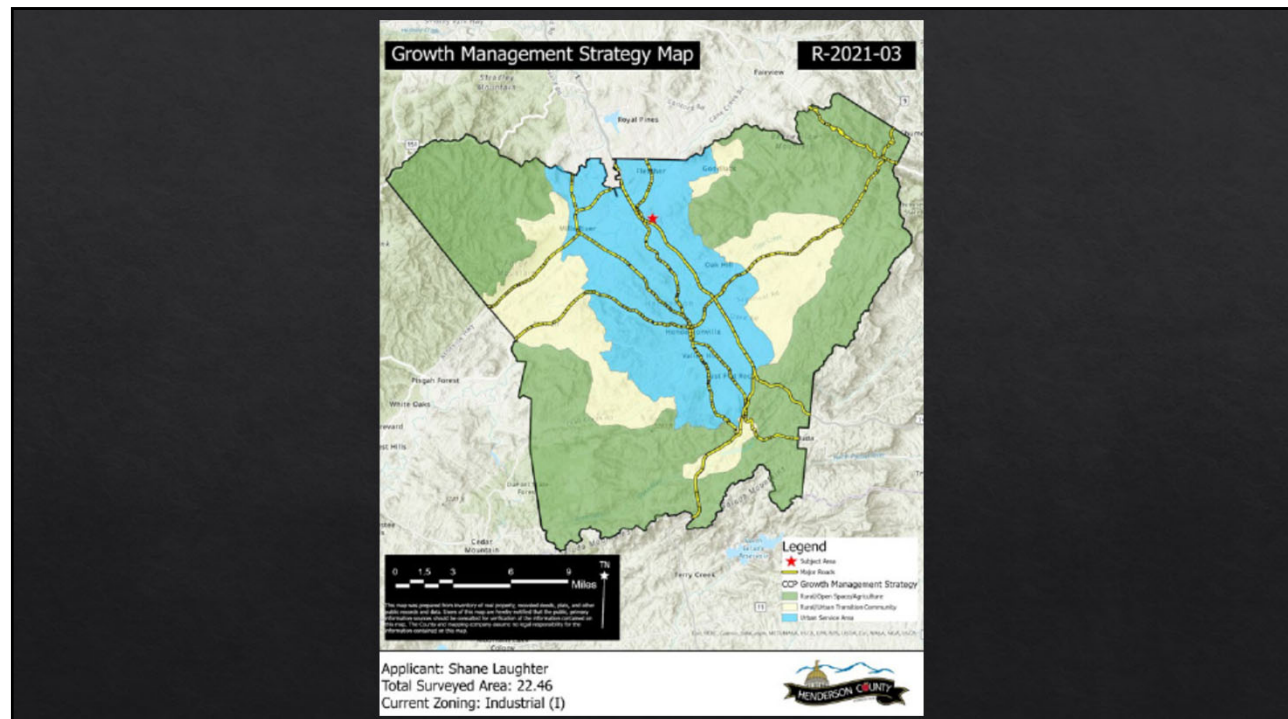


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## Additional Studies and Plans

- ◆ Oklawaha Greenway Extension Plan identifies subject area within 100-500 number of jobs within a square mile.
- ◆ Subject area is not within a township with a Community Plan.
- ◆ Site is currently served by individual well and septic.
- ◆ Twin Springs Road (SR 1353) is contiguous to the subject area.

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## Staff Conclusion

- ◆ No issue regarding the rezoning, provided the subject area is subdivided and no parcels contain split zoning.
- ◆ Map Amendment would bring the parcel into conformance with the Current LDC.