

REQUEST FOR COMMITTEE ACTION

HENDERSON COUNTY PLANNING BOARD

MEETING DATE: January 16, 2025

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

PRESENTER: Carlos Martinez, Planner I

ATTACHMENTS: 1.) Staff Report
2.) Consistency Statement
3.) Consent to Downzoning
4.) Power Point 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. Per Comprehensive Plan Amendment Standards, a notice was posted on-site, and a mailed notice was delivered to owners of all parcels within 400 feet of any property line at least 10 but no more than 25 days prior to the public hearing.

The Technical Review Committee reviewed the application on January 7, 2025, and moved to forward the application to the Planning Board for their review and recommendation.

ACTION REQUESTED:

Staff requests the Planning Board make a recommendation to the Board of Commissioners on rezoning application #R-2024-08 for approximately 6.65 acres to rezone from RC to R2R.

Suggested Motion:

I move to recommend rezoning application #R-2024-08 to the Board of Commissioners, as it is reasonable and consistent with the 2045 Comprehensive Plan.



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

PLANNING BOARD MEETING DATE:

JANUARY 16, 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

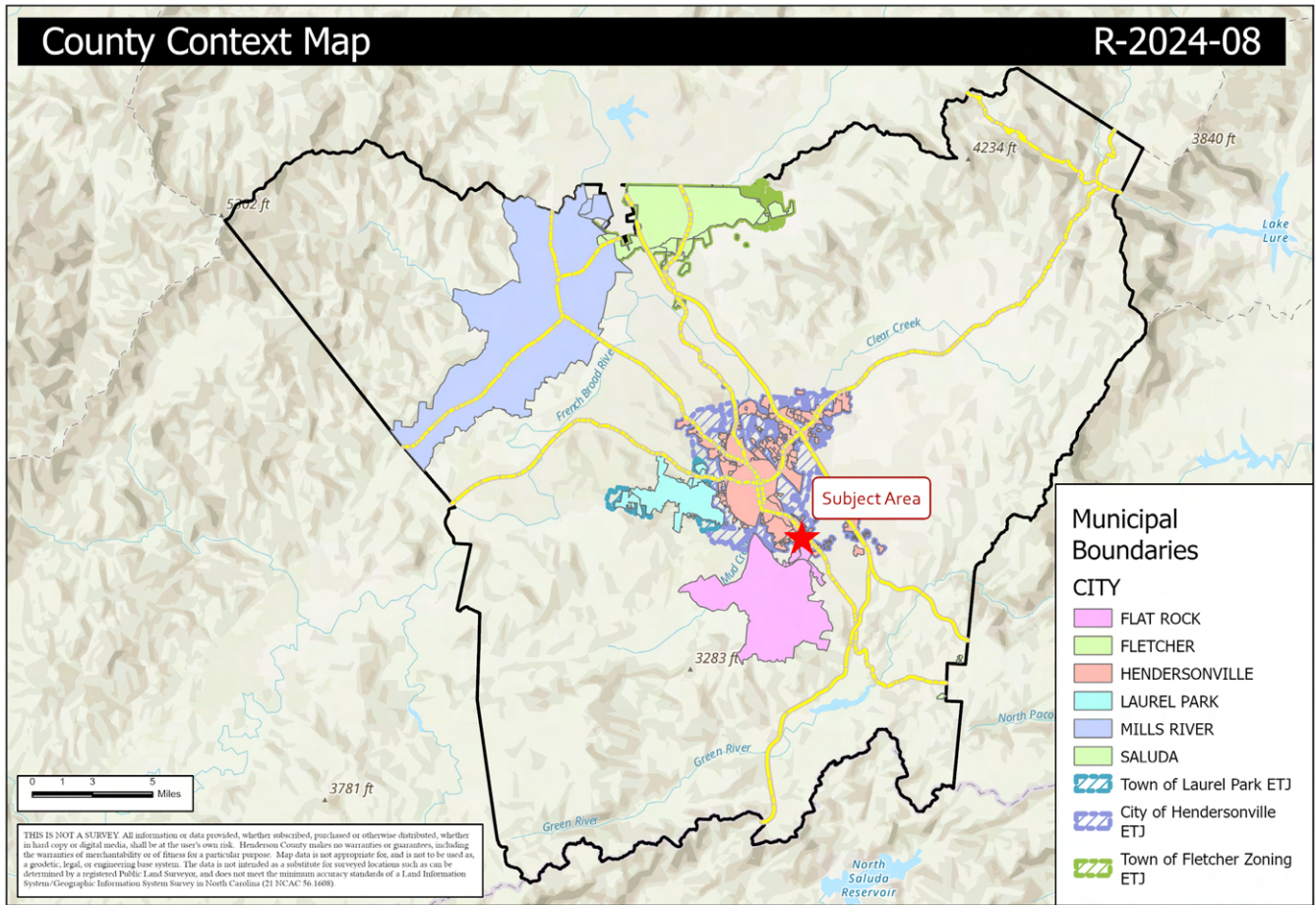
Commercial, Vacant

Residential, Vacant

Residential, Vacant

Residential

Map A: County Context



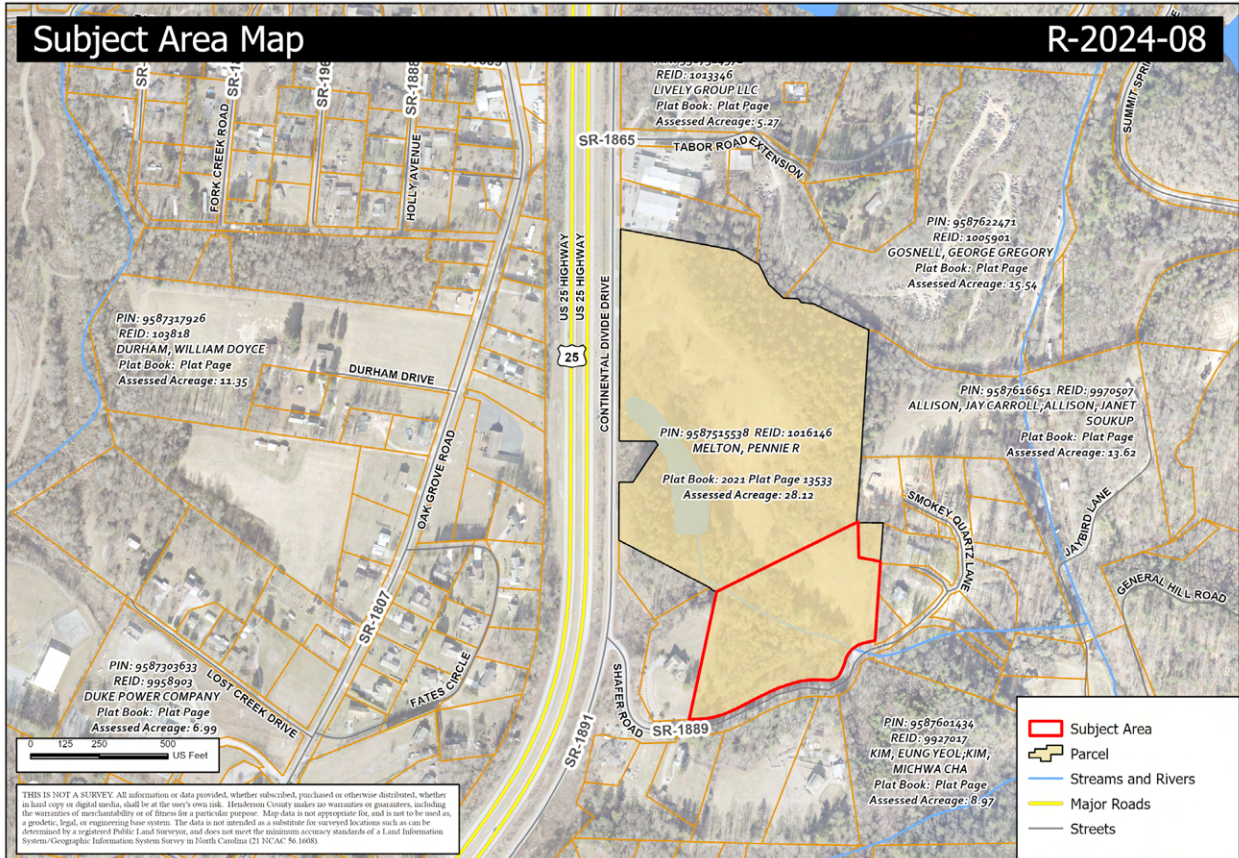
Property Owner(s): Pennie R. Melton
Total Acreage: 6.65 of 28.15 acres to be rezoned
RC to R2R Zoning



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



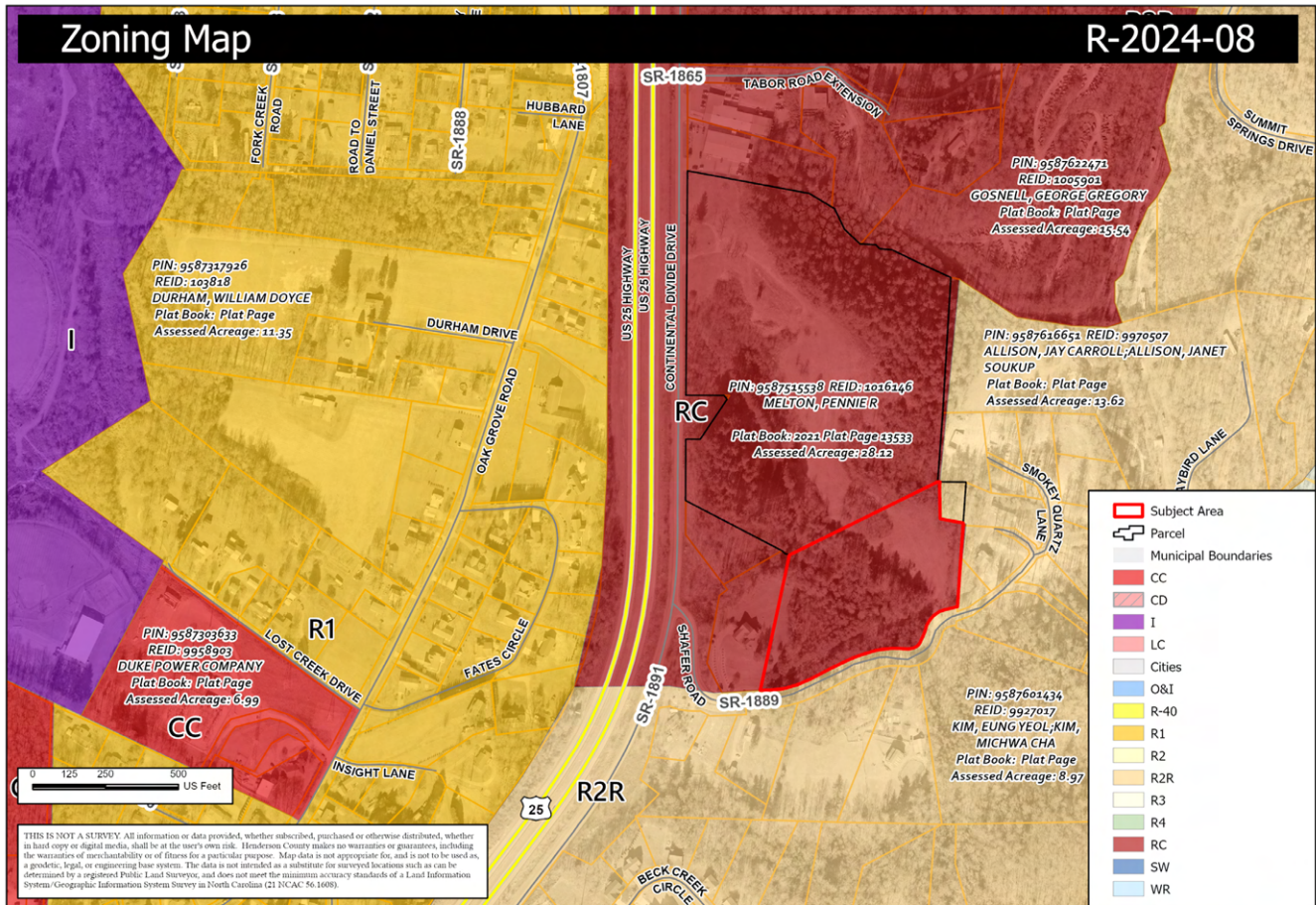
Property Owner(s): Pennie R. Melton
Total Acreage: 6.65 of 28.15 acres to be rezoned
RC to R2R Zoning



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

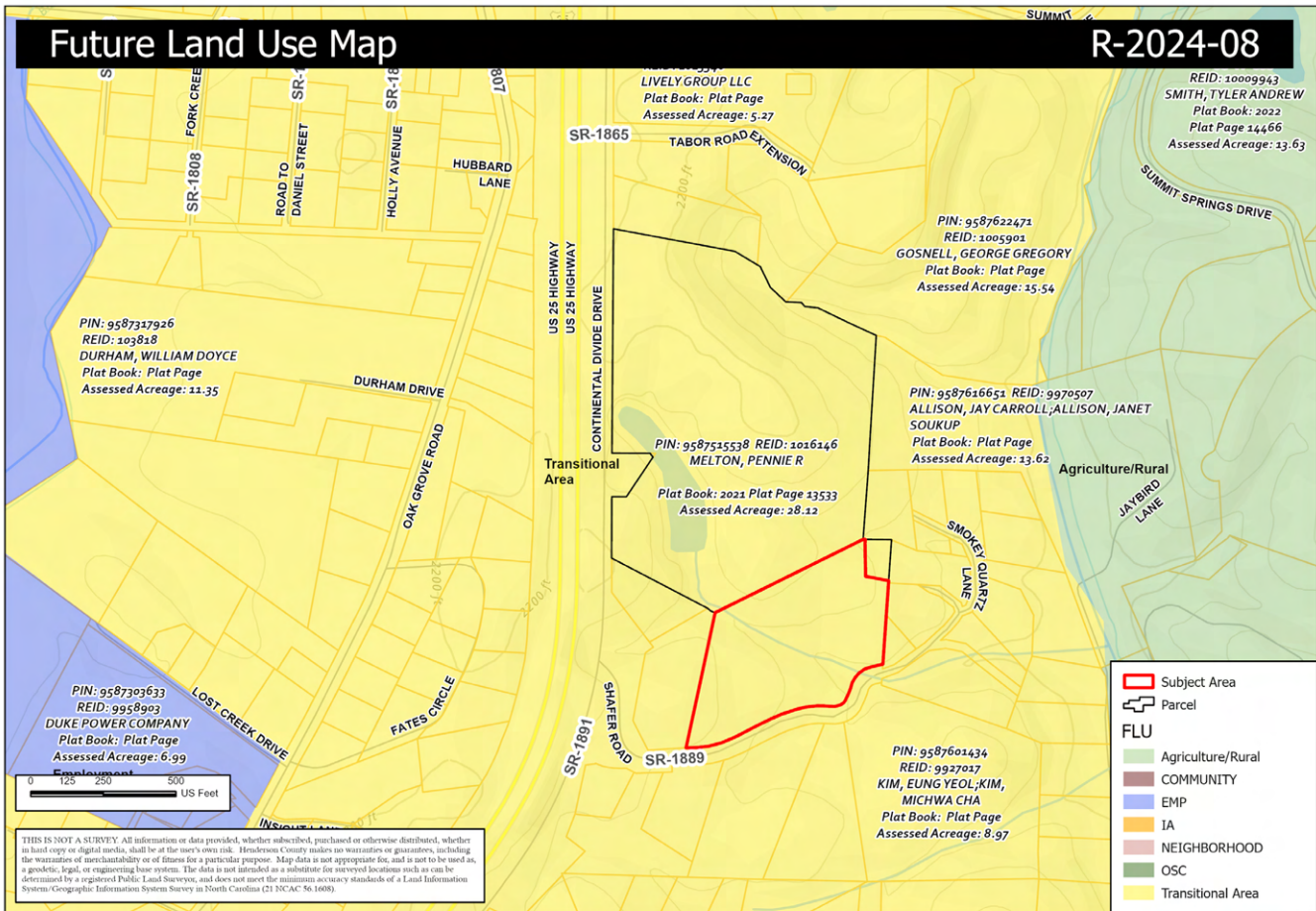


District Comparison:

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

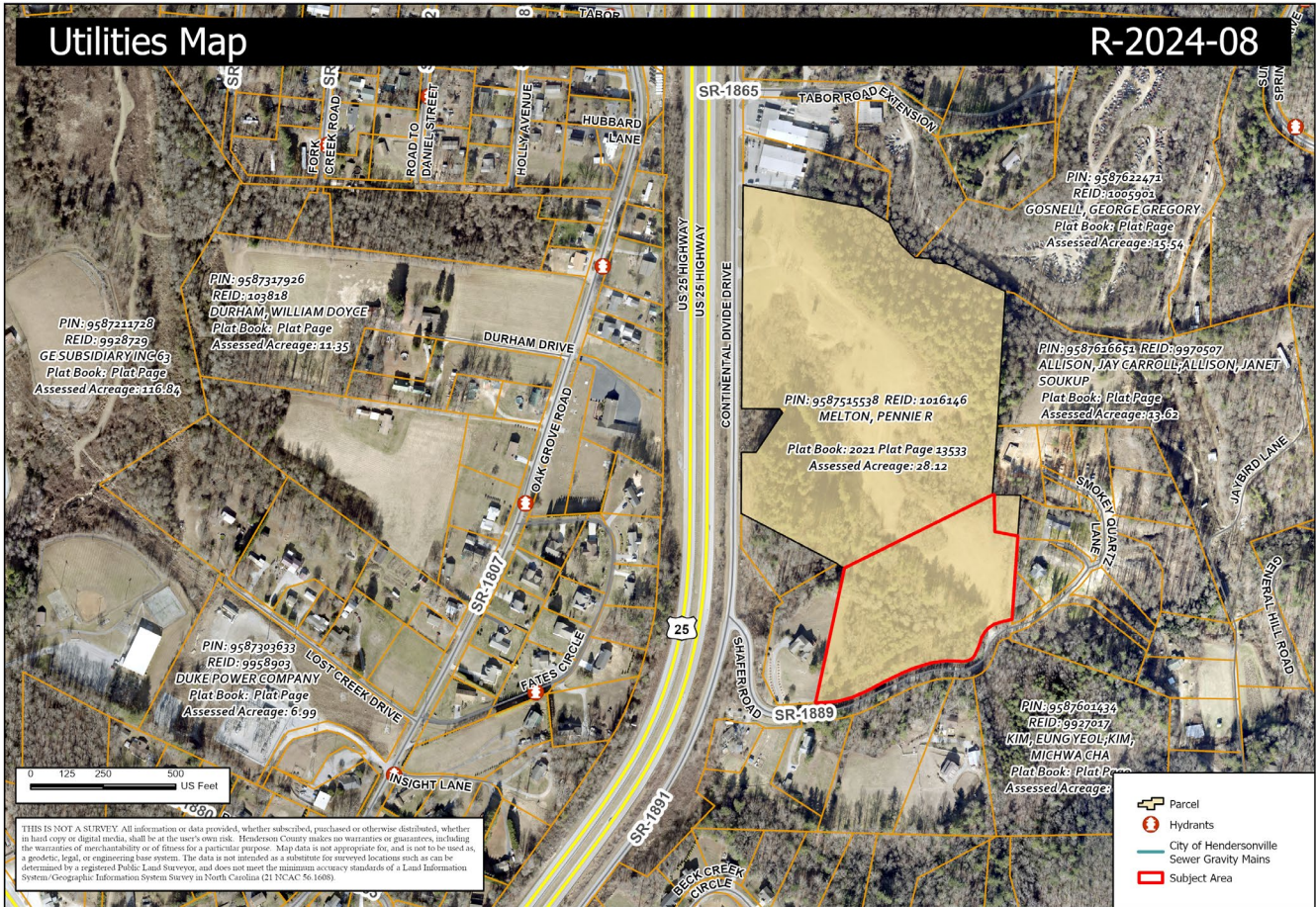
The 2045 Comprehensive Plan Future Land Use Map identifies the subject area as being in the **Transitional Area** character area.

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 currently has access from Shafer Road (SR 1889) through an existing roadbed. The remainder of the site has access from Continental Divide Drive (SR 1891) through a paved driveway.

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

January 16, 2025 Meeting

Board of Commissioners Public Hearing

TBD.



PLANNING BOARD REVIEW – APPLICATION R-2024-08, SHAFER ROAD CONSISTENCY WITH THE 2045 COMPREHENSIVE PLAN

On January 16, 2025, the Planning Board reviewed map amendment application R-2024-08. Based on the following determinations, the Board finds that the application is consistent with the 2045 Comprehensive Plan.

The Board determined that it is reasonable, in the public interest, and is consistent with the 2045 Comprehensive Plan located therein because of the following reasons:

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.

The Board determines that the proposed amendment provides for the sound administration of the Land Development Code while balancing property rights and promoting reasonable growth within the County.

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

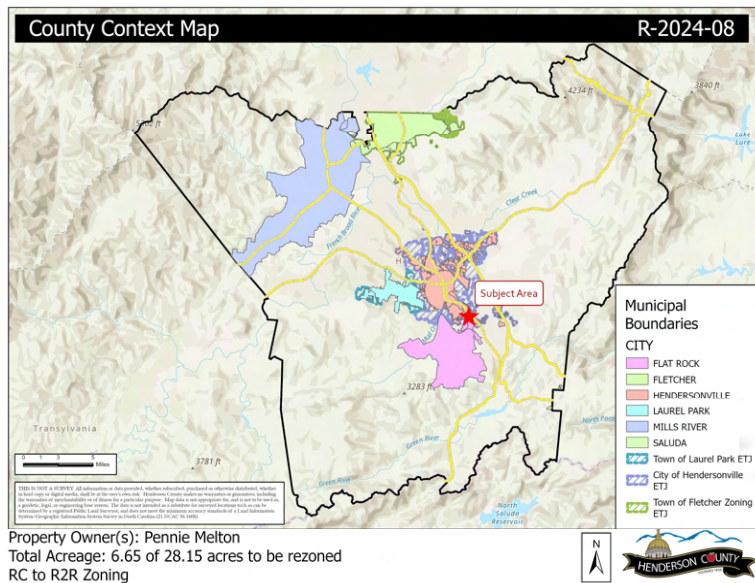
REZONING APPLICATION: R-2024-08

Planning Board • January 16, 2025 • 5:30 PM

Henderson County Planning Department

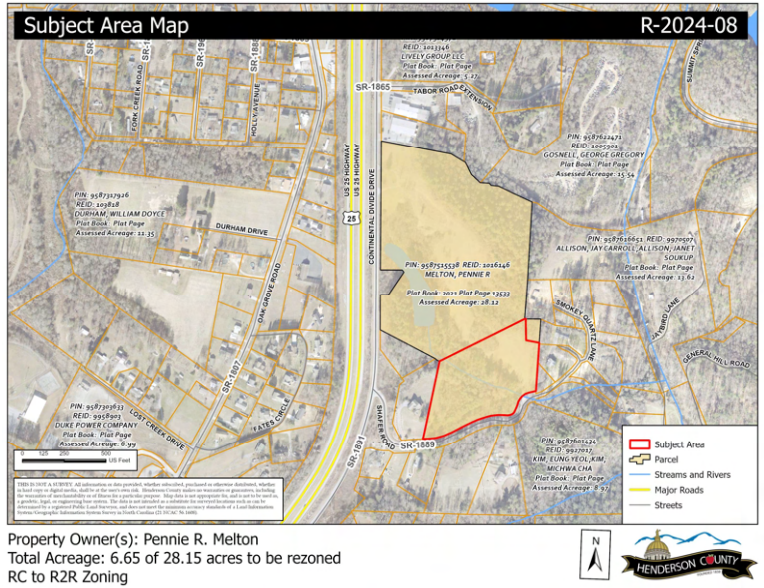
1

- 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.
- Per



2

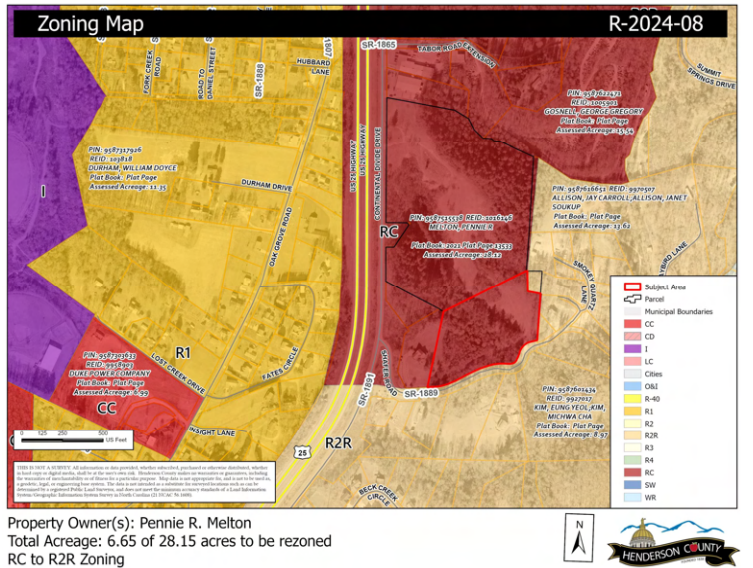
- Rezoning Application R-2024-08, submitted on December 11, 2024, requests that the County rezone 6.65 acres of land from Regional Commercial (RC) to Residential District Two Rural (R2R).
- The property owner and applicant is Pennie R. Melton.
- On January 7, 2025, the Technical Review Committee motioned to forward the application to the Planning Board for its review and recommendation.



3

RC Standard density: 16 units per acre
 Residential Uses (Adult Care Homes only)
 Accessory structures (Greenhouse, Loading Bay, Storage, parking garage)
 Retail Trade (Retail Sales, Open Air Market, Cinema Complex, Motor Vehicle Sales or Leasing)
 Religious institutions, Place of Assembly

R2R Standard density: 1 unit per acre
 Residential Uses (Single-family, two-family, and accessory dwellings by right. 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)



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.

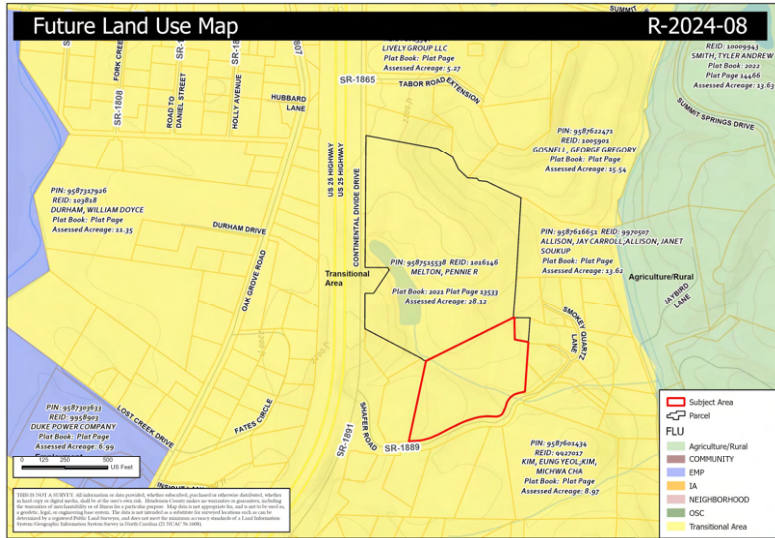
- The subject area is outside both the Utility Service Area and working agricultural lands.

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

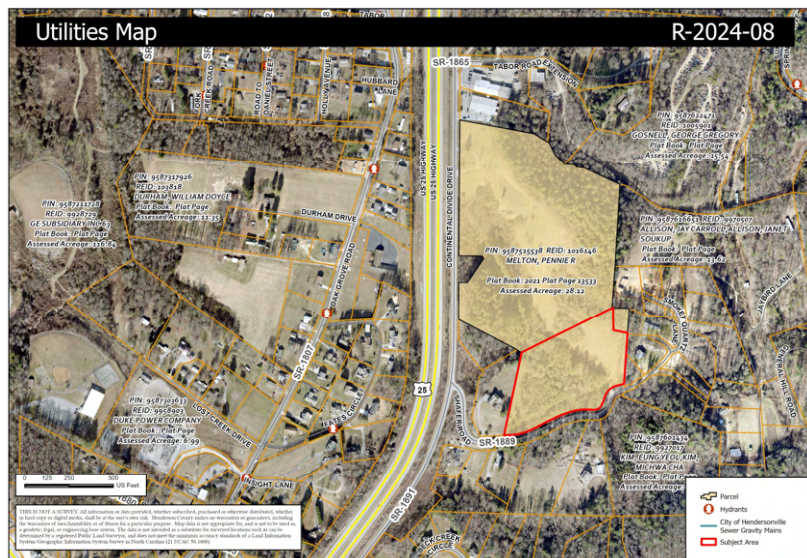
Uses: Single family residential, potentially some appropriately sized multi-family as part of planned developments, agricultural uses.

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



5

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.



6

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.

7

Thank you!

Questions?

Rezoning Application: R-2024-08



Henderson County Planning Department

8