

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: Monday, August 3, 2015

SUBJECT: Public Hearing for Rezoning Application #R-2015-02 Larry Hill Property

PRESENTER: Christopher Todd, Planner

ATTACHMENTS:

1. Staff Report
2. Aerial Photo Map
3. Notice of Public Hearing
4. Certification of Notification of Public Hearing
5. Resolution of Consistency with CCP
6. Power Point Slides

SUMMARY OF REQUEST:

Rezoning Application #R-2015-02, which was initiated on June 16, 2015 at the request of property owner, Larry Hill, who requests the County rezone approximately 0.47 acres of land (thereafter the "Subject Area") Local Commercial (LC) zoning district to a Residential Two Rural (R2R) zoning district.

The Henderson County Planning Board considered rezoning application #R-2015-02 at its regularly scheduled meeting on July 17, 2015. During that meeting, the Planning Board voted unanimously to send forward a favorable recommendation on rezoning application #R-2015-02 to rezone the Subject Area to Residential Two Rural (R2R) zoning district.

PUBLIC NOTICE:

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §42A-314(C) and §42A-337(B) of the Henderson County Land Development Code and State Law, notices of the August 3, 2015, public hearing regarding rezoning application #R-2015-02 were published in the Hendersonville Tribune on July 23, 2015 and July 30, 2015. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area and the Subject Area property owner on July 23, 2015 and posted signs advertising the hearing on the Subject Area on July 23, 2015.

BOARD ACTION REQUESTED:

After holding the required hearing, Planning Staff recommends that the Board of Commissioners approve the application to rezone the Subject Area to a Residential Two Rural (R2R) zoning district. State law requires that the Board adopt a written statement of consistency with the County Comprehensive Plan (CCP). A draft resolution is provided.

Suggested Motion:

I move that the Board adopt the attached resolution regarding the consistency with the CCP.

I move that the Board adopt the proposed map amendment.

Henderson County Planning Department Staff Report

Rezoning Application #R-2015-02 (LC to R2R)

Larry Hill and Linda Holbert, Owner(s)
Larry Hill, Applicant

1. Rezoning Request

- 1.1. **Applicant:** Larry Hill
- 1.2. **Property Owner:** Larry Hill and Linda Holbert
- 1.3. **PIN:** 9599797487
- 1.4. **Request:** Rezone subject area from a Local Commercial (LC) zoning district to a Residential Two Rural R2R district (R2R).
- 1.5. **Size:** Approximately 0.47 acres of land.
- 1.6. **Location:** The subject area is at the intersection of Piney Mountain Rd (SR 1733) & Sugarloaf Rd (SR 1902).

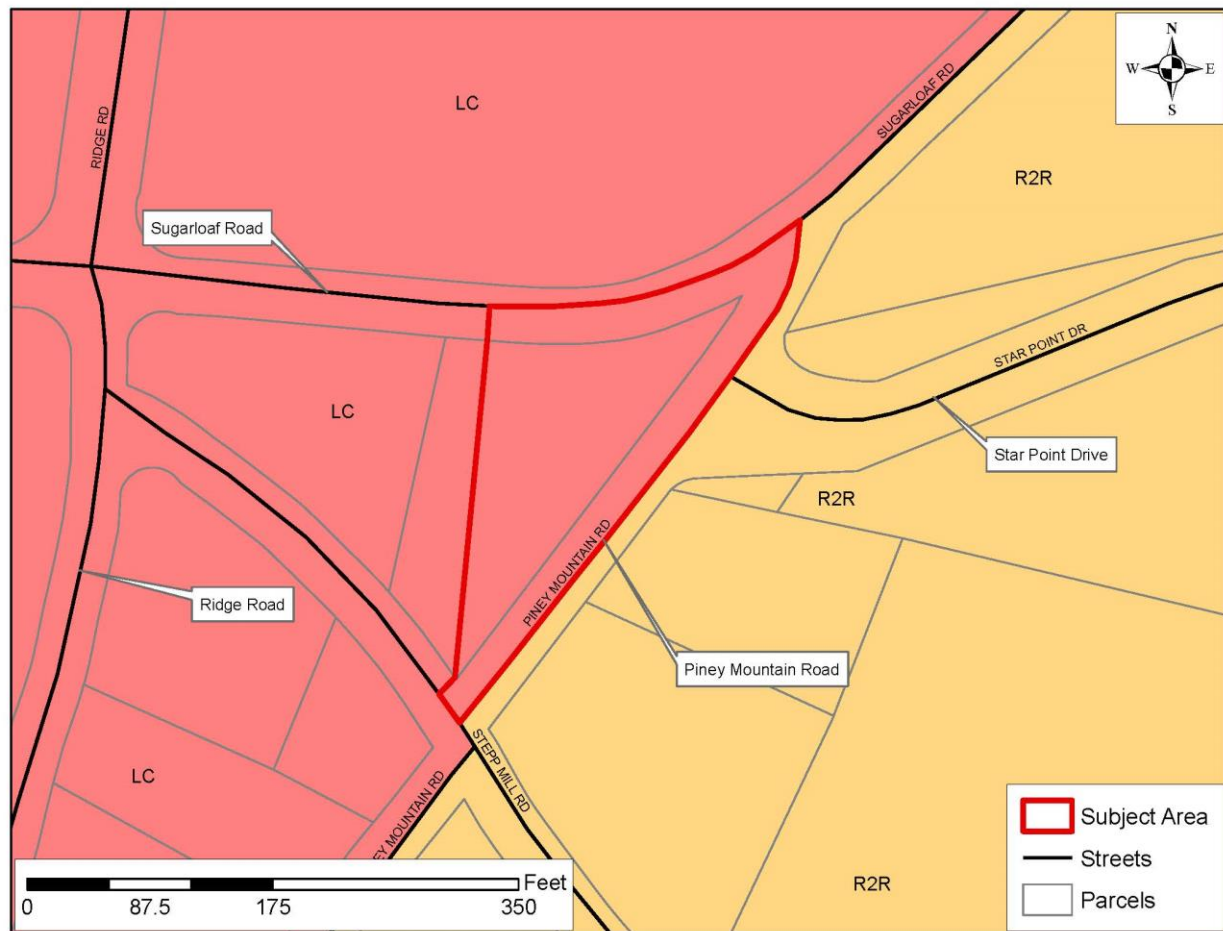
Map A: Aerial Photo



2. Current Zoning

2.1. **Application of Current Zoning:** The subject area was zoned Local Commercial (LC) on September 19, 2007 with the adoption of the Land Development Code. (See Map B). Prior to this date, the subject area was zoned Open Use (OU).

Map B: Current Zoning



2.2. **Adjacent Zoning:** The subject area is adjacent to Residential Two Rural (R2R) to the east. The subject area is surrounded by Local Commercial (LC) in all other directions.

2.3. **District Comparison:**

2.3.1. **Residential Two Rural (R2R) Zoning District:** *"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, with the inclusion of manufactured housing, consistent with the recommendations of the Comprehensive Plan. This general use district is typically meant to be utilized in areas designated as transitional in the Comprehensive Plan"* (Chapter 42A, Land Development Code §42A-29). R2R

requires 10 foot side and rear setbacks, a maximum building height of 40 feet, and a standard density of one (1) unit per acre (maximum density of 2 units per acre).

2.3.2. Local Commercial (LC) Zoning District: *“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 consistent with the recommendations of the Comprehensive Plan. In accordance with the Comprehensive Plan, the district will allow for and provide commercial and residential developments 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 directed largely to Community Service Centers as defined in the Comprehensive Plan; (3) is compatible with adjacent development and the surrounding community; and (4) will minimize congestion and sprawl. This general use district is meant to be utilized in all service areas”* (LDC §42A-33).

(1) Local Commercial LC (LC) requires 10 foot side and rear setbacks; (2) establishes a maximum building height of 40 feet; (3) Provides a 30,000 square feet maximum gross floor area for one unit in a multi-tenant structure, 10,000 square feet for any other commercial use or a single unit on a single lot, a maximum of 80,000 square feet for any multi-tenant structure, and a standard density of four (4) units per acre for residential (maximum sixteen (16) units per acre) (Chapter 42A, Land Development Code §42A-33)

3. Current Uses of Subject Area and Adjacent Properties

3.1. Subject Area Uses: The subject area is currently vacant land.

3.2. Adjacent Area Uses: The surrounding properties contain both commercial and residential uses. Residential uses are found on the western, eastern, and southern edges of the property. Commercial uses found to the north of the property.

4. The Henderson County 2020 Comprehensive Plan (CCP)

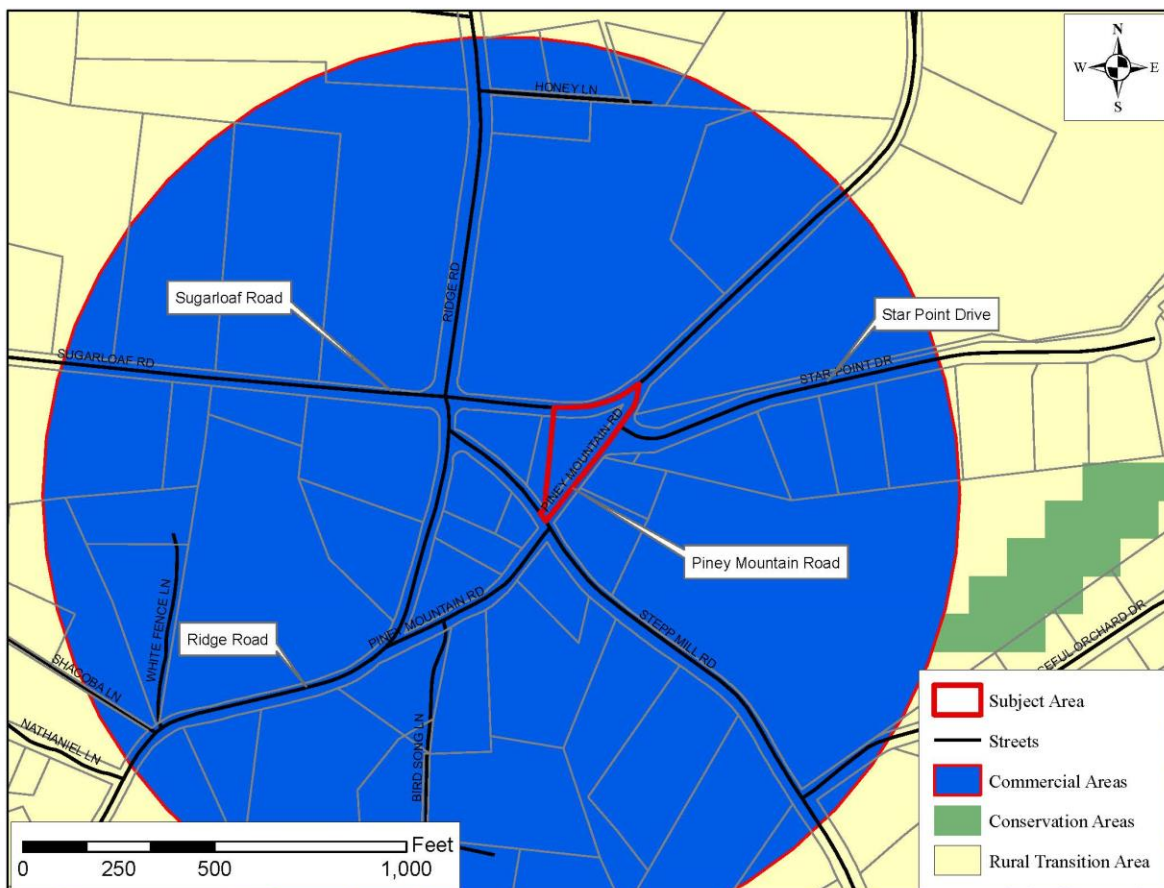
4.1. The CCP Future Land Use Map identifies the subject area as being located in the Rural Transition Area (2020 CCP, Pgs. 128, 129 & Appendix 1, Map 24). (See Map C).

4.1.1. Community Services Node: The CCP states that, “Community Service centers are intended to be intensive, efficient, define concentrations of mixed services that meet the needs of the surrounding community and defined service areas. Community Service Centers are appropriate for a mixture of

commercial uses scaled to the service area in question; residential uses varying densities depending upon available services; and Community facilities such as schools, parks, community centers, and other similar facilities.” (2020 CCP, Pg. 138).

4.1.2. Rural Transition Area: The CCP states that, “The RTA is currently rural in character, with existing pockets of limited higher density residential and commercial development. The text of the 2020 CCP suggests that the subject area would be suitable for clustering and conservation design encouraged with the intent of maintaining a rural environment, protecting sensitive natural areas, and reserving land for future development. (2020 CCP, Pg. 130)

Map C: 2020 County Comprehensive Plan Future Land Use Map

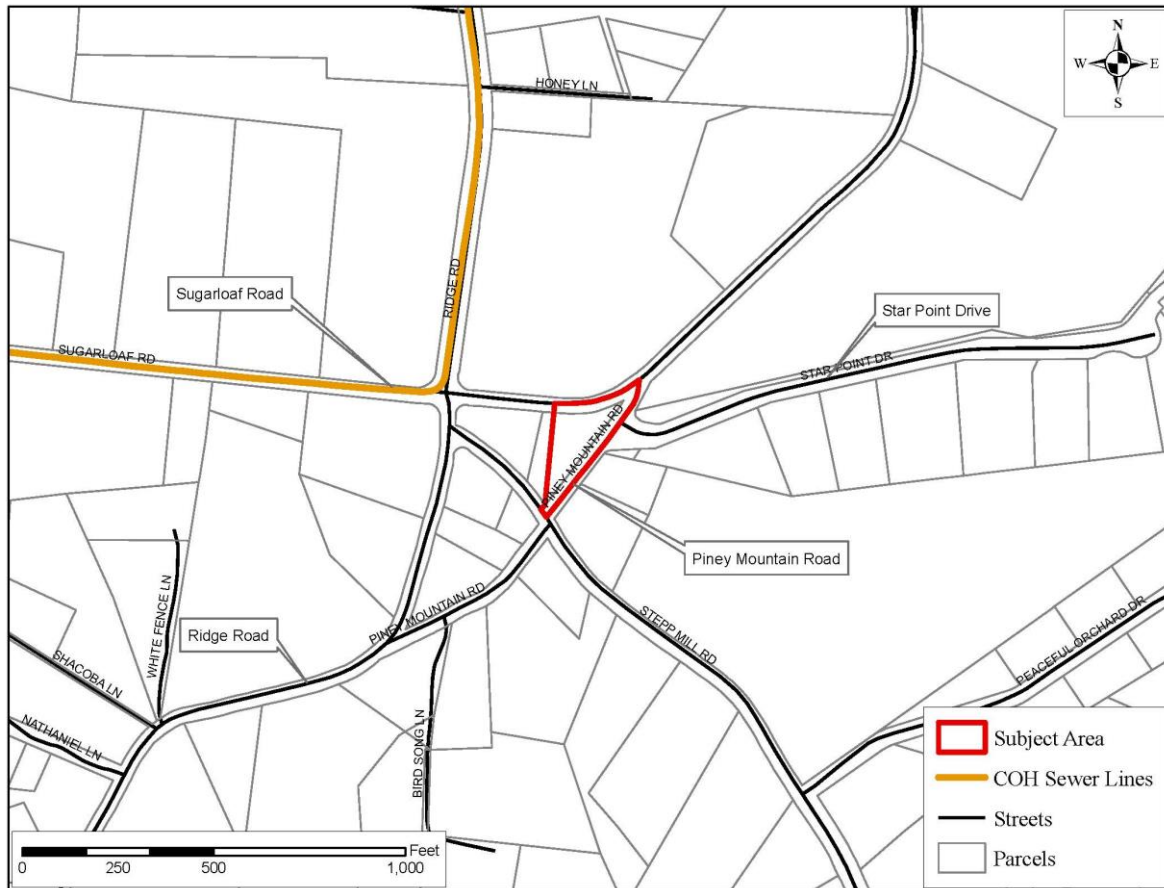


5. Water and Sewer

5.1. **Public Water:** There are no public water lines near the property.

5.2. **Public Sewer:** A City of Hendersonville sewer line runs along Sugarloaf Rd and Ridge Road. (See Map D).

Map D: Water and Sewer Map



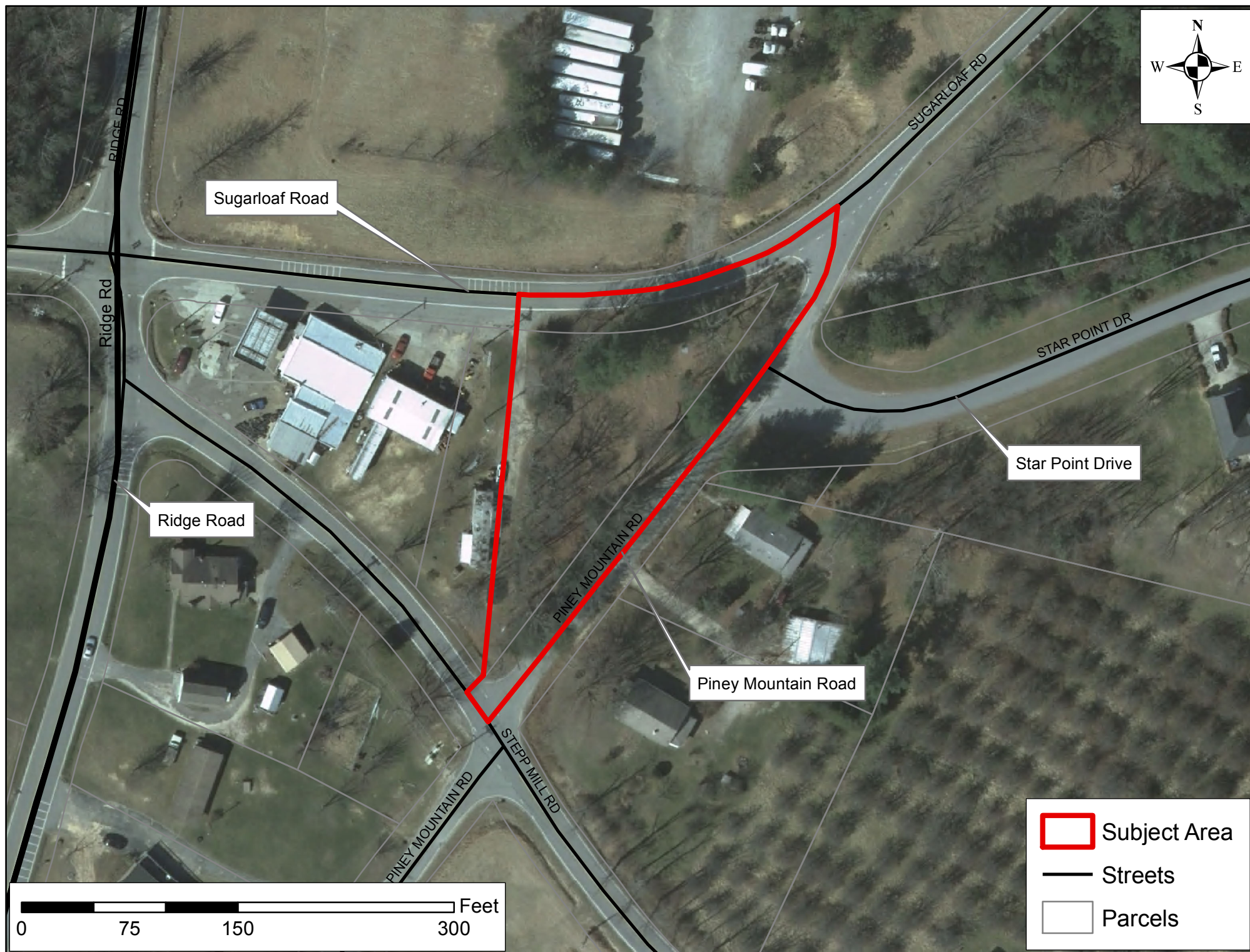
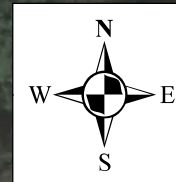
6. Community Plan

6.1. **Dana Community Plan:** The Dana Community Plan zoning recommendation which was adopted on November 19, 2014 recommended no change for the subject area in zoning.

7. Staff Comments

7.1. **The 2020 CCP:** The CCP Future Land Use Map (See Map C) places the Subject Area in the “Urban Services Area” classification. The text and map of the 2020 CCP suggest that the Subject Area would be suitable for high-density residential, commercial or industrial development. The CCP indicates that the USA may be suitable for commercial development provided the development is in keeping with the surrounding community.

- 7.2. **Adjacent Zoning:** The subject area is adjacent to Residential Two Rural (R2R) zoning to the east.
- 7.3. **Comparison of Districts:** The existing Local Commercial (LC) zoning district does not allow for all residential uses in order to promote more commercial uses and commercially zoned land. Applying Residential Two Rural (R2R) zoning will allow for all types of residential uses with a standard density of 1 unit per acre. R2R also allows some limited commercial uses.
8. **Staff Recommendations**
 - 8.1. Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the Subject Area to Residential Two Rural (R2R) consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.
9. **Technical Review Committee Recommendations**
 - 9.1. To Be Determined
10. **Planning Board Recommendations**
 - 10.1. To Be Determined



**NOTICE OF PUBLIC HEARING
ON PROPOSED ZONING MAP AMENDMENT
(Rezoning Request #R-2015-02)**

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

Rezoning Application #R-2015-02, which was initiated on June 16, 2015 at the request of property owner, Larry Hill, who requests the County rezone approximately 0.47 acres of land (hereafter the "Subject Area") Local Commercial (LC) zoning district to a Residential Two Rural (R2R) zoning district. The Subject Area can be identified by PIN number 9599797487 and is located at the intersection of Sugarloaf Road and Piney Mountain Road.

The public hearing will be held Monday, August 03, 2015, at 5:30 P.M., in the Board of Commissioners Meeting Room located in the Henderson County Historic Courthouse, at 1 Historic Courthouse Square, in 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 Square, Suite 1, Hendersonville, NC 28792, will be accepted prior to the hearing. Information about the proposed amendment is available for review in the Henderson County Planning Department, 100 N. King Street, Hendersonville, NC, between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday, or on the Henderson County Website at www.hcplanning.org. For more information, call the Planning Department at (828) 697-4819.

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, July 23, 2015 and Thursday, July 30, 2015.



RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN

WHEREAS, pursuant to N.C. General Statute §153, Article 18, 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;

WHEREAS, the Board desires to update and revise the regulations of the LDC; and

WHEREAS, the Planning Director and Planning Board provided recommendations regarding the proposed zoning map amendment with case #R-2015-02; and

WHEREAS, pursuant to N.C. General Statute §153-323, the Planning Director provided the prescribed public notice and the Board held the required public hearing on August 3, 2015; and

WHEREAS, N.C. General Statute §153-341 requires the Board to adopt a statement of consistency with the County Comprehensive Plan (CCP); and

NOW THEREFORE, BE IT RESOLVED by the Henderson County Board of Commissioners as follows:

1. That the Board reviewed the proposed map amendment #R-2015-02 – (Larry Hill property Rezoning) and finds that it reasonable, in the public interest and it is consistent with the CCP and the Growth Management Strategy located therein; and
2. The Local Commercial (LC) zoning district is appropriate with the Community Service Center and Rural Transitional Area designation of the CCP; and
3. That 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; and
4. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

THIS the 3th day of August, 2015.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
TOMMY THOMPSON, Chairman

ATTEST:

Terry Wilson, Clerk to the Board


[COUNTY SEAL]

Certification of Notice of Public Hearing

In accordance with NCGS 153A-343 the Planning Department certifies notice of the August 3, 2015 hearing regarding Rezoning Application #R-2015-02 was:

1. Submitted to the Hendersonville Tribune on July 21, 2015 to be published July 23, 2015 and July 30, 2015 by Christopher Todd;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on July 23, 2015 by Christopher Todd;
3. Sent, via first class mail, to the property owners on July 23, 2015 by Christopher Todd; and
4. Signs will be posted on the Subject Area(s) on July 23, 2015 by Christopher Todd.

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

1. 

STATE OF NC

COUNTY OF Henderson

I, Toby Linville, a Notary Public, in and for the above County and State, do hereby certify that

Chris Todd, and _____

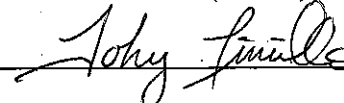
personally appeared before me this day.

WITNESS my hand and notarial seal, this the 23 day of July, 2015.

My commission expires:

5/25/16

(SEAL)



NOTARY PUBLIC

Rezoning #R-2015-02 Larry Hill and Melinda Holbert



Henderson County Planning Board
August 3, 2015
Presented by: Christopher Todd, Planner

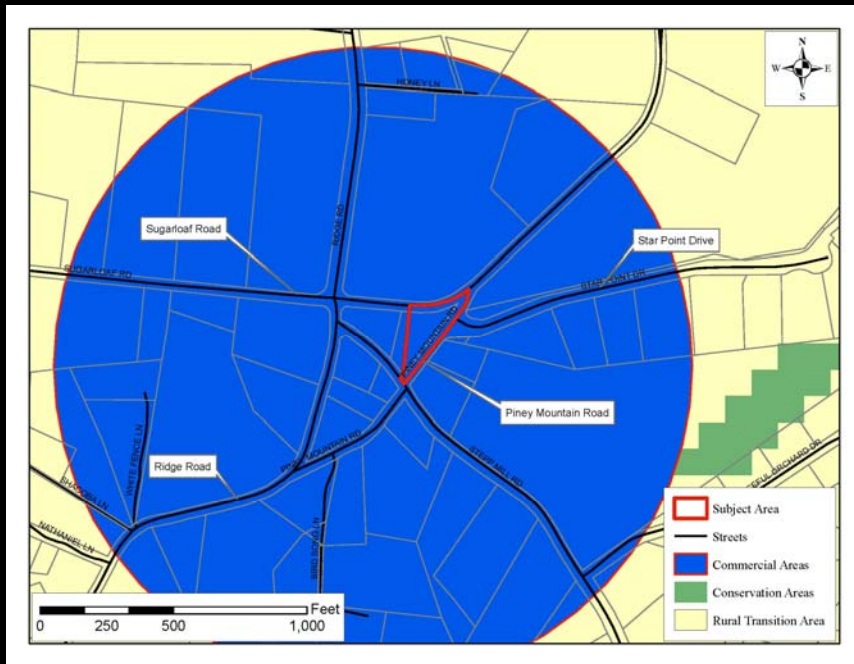
Henderson County Planning Department



Aerial Photo Map

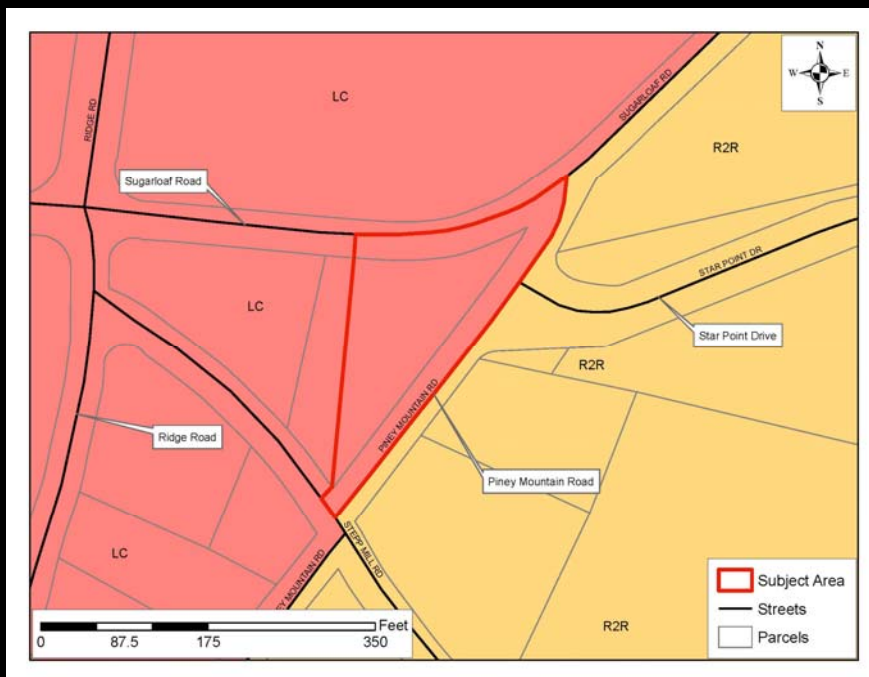
Henderson County Planning Department

2020 CCP Future Land Use Map



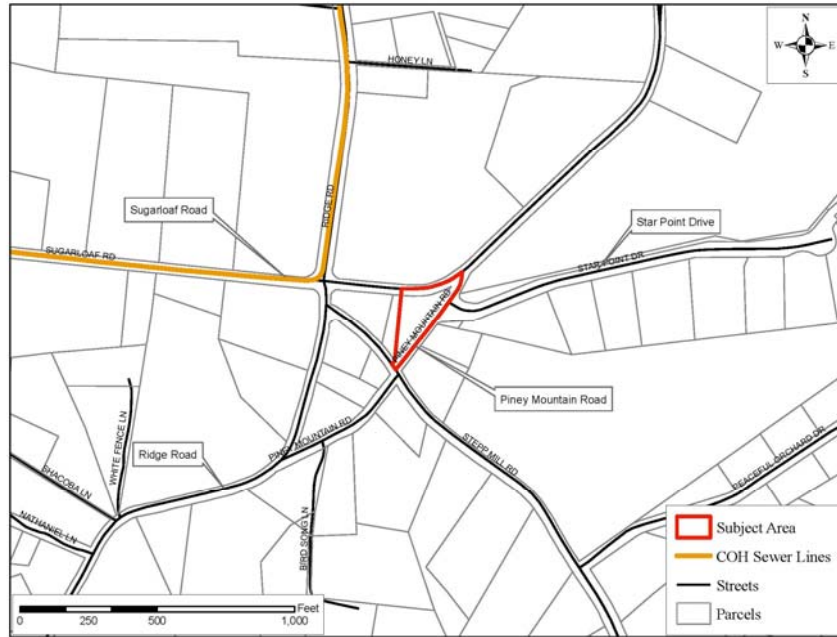
Henderson County Planning Department

Current Zoning Map



Henderson County Planning Department

Public Utilities



Henderson County Planning Department

Rezoning #R-2015-02

Public Hearing Comments



Rezoning #R-2015-02

State Law requires that the Board adopt a written statement of consistency with the County Comprehensive Plan (CCP). A draft resolution is provided

Suggested Motion:

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