

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: Wednesday, August 16, 2017

SUBJECT: Public Hearing for Rezoning Application #R-2017-03

PRESENTER: Allen McNeill, 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-2017-03, which was initiated on June 20, 2017 at the request of applicant/owner, who requests the County rezone approximately 3.43 acres of land (thereafter the "Subject Area") from a Hendersonville City Estate Residential (R-40) zoning district to a County Residential One (R1) zoning district. The Subject Area is located off Randy Drive inside The Boulders subdivision.

The Technical Review Committee heard this item at its July 18th meeting, and voted to send forth a favorable recommendation to rezone the Subject Area.

The Henderson County Planning Board considered rezoning application #R-2017-03 at its regularly scheduled meeting on July 20th, 2017. During that meeting, the Planning Board voted unanimously to send forth a favorable recommendation to rezone the Subject Area to a Residential One (R1) zoning district.

PUBLIC NOTICE:

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §42A-303 (5) and §42A-346 (C) of the Henderson County Land Development Code and State Law, notices of the August 16, 2017, public hearing regarding rezoning application #R-2017-03 were published in the Times News on August 3, 2017 and August 10, 2017. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area on August 1, 2017 and the Subject Area property owners on August 1, 2017 and posted signs advertising the hearing on the Subject Area on August 3, 2017.

BOARD ACTION REQUESTED:

If approved, 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 and,

I move that the Board (approve, approve with conditions or deny) rezoning application #R-2017-03 to rezone the Subject Area to a Residential One (R1) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan and other supporting information.

Henderson County Planning Department Staff Report
Rezoning Application #R-2017-03 (City ETJ to R1) The Boulders
Peter Brower, Cliffside at Boulders, LLC, Owner(s)
Scott Bolyard, Applicant/Agent(s)

1. Rezoning Request

1.1. **Applicant/Agent:** Scott Bolyard

1.1.1 **Property Owners:** Peter Brower, Cliffside at Boulders, LLC

1.2. **PINs:** 9660-01-3139

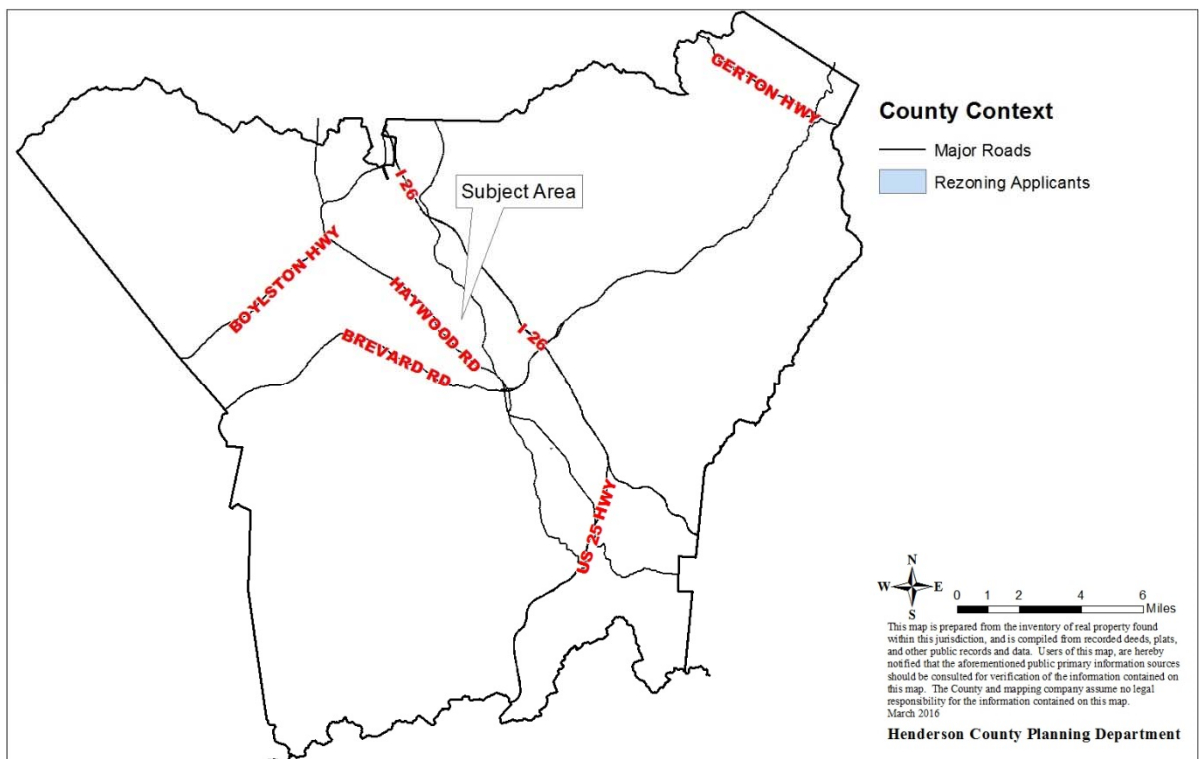
1.3. **Request:** Rezone subject area from a City of Hendersonville Estate Residential (R-40) zoning districts to a Residential One (R1) zoning district.

1.4. **Size:** Approximately 3.43 acres portion of land

1.5. **Location:** The subject area is a portion of 1 parcel located off Randy Drive inside The Boulders subdivision and above Lyndhurst Drive just north of the City of Hendersonville. Refer to Map A for a County Context map.

Map A: County Context

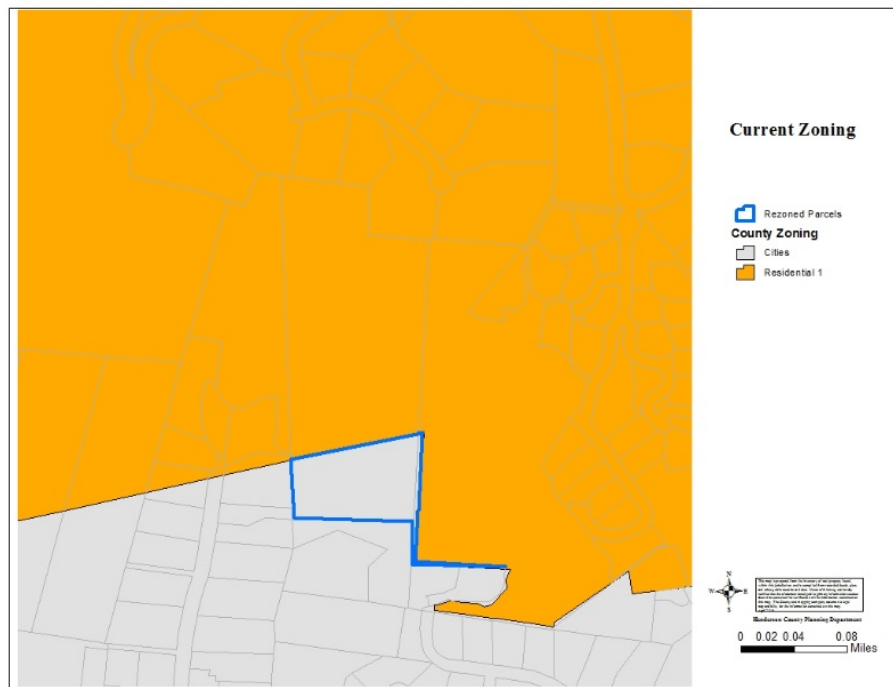
Off



2. **Current Zoning**

- 2.1. **Application of Current Zoning:** The subject area was previously zoned by the City of Hendersonville as Estate Residential (R-40). On July 6, 2017, the City of Hendersonville voted to remove the portion of the Subject Area from the City's ETJ. Henderson County has 90 days or until October 3, 2017 to determine and apply a County zoning designation for the Subject Area.
- 2.2. **Adjacent Zoning:** The remaining portion of the subject area in the county's jurisdiction is zoned a Residential One (R1) zoning district. The subject area is adjacent to Residential District One (R1) to the North and East. City of Hendersonville Estate Residential (R-40) to the West and South.
- 2.3. **District Comparison:**
 - 2.3.1. **Residential District One (R1) District:** "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).
 - 1) R1 requires 10 foot side and rear setbacks, maximum height 40 feet, and a standard density of four (4) unit per acre with a maximum density of sixteen units per acre (LDC §42-27).

Map B: Current Zoning



3. **Current Uses of Subject Area and Adjacent Properties**

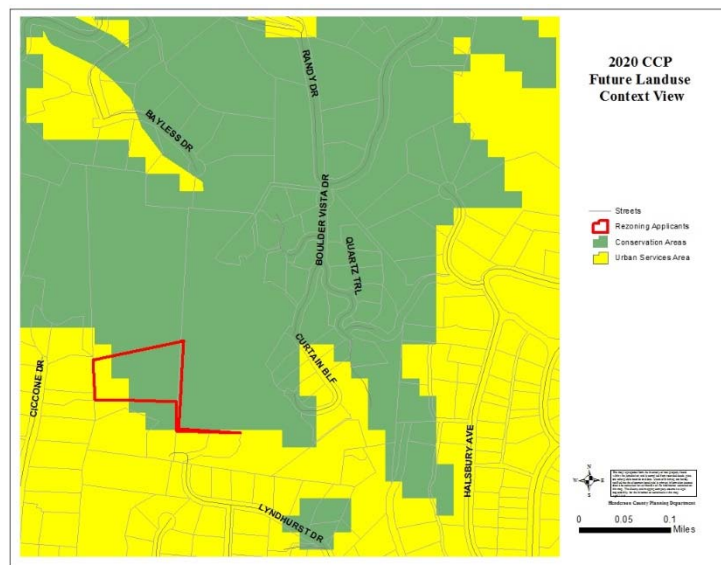
- 3.1. **Subject Area Uses:** The subject area is currently shown as vacant property.
- 3.2. **Adjacent Area Uses:** The surrounding properties contain primarily residential uses.

4. **The Henderson County 2020 Comprehensive Plan (CCP)**

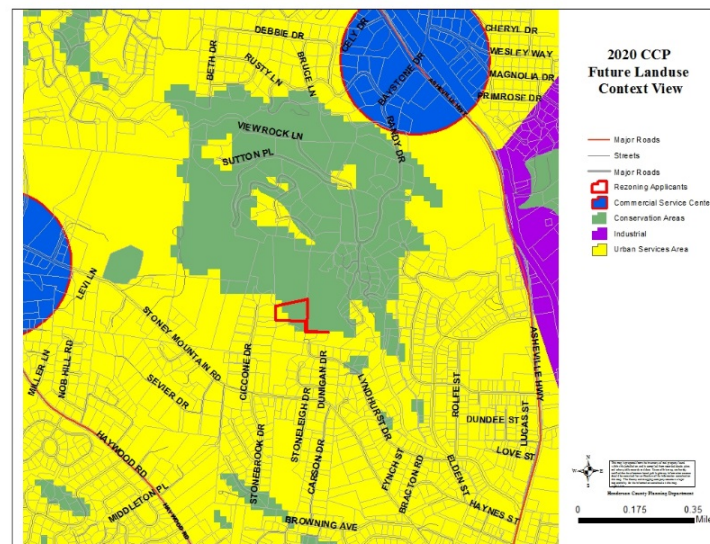
Staff Report for Rezoning #R-2017-03 The Boulders

- 4.1. The CCP Future Land Use Map identifies the subject area as being located in the Urban Services area and Conservation Area (2020 CCP, Pgs. 129 & Appendix 1, Map 24). (See Map C).

Map C: 2020 County Comprehensive Plan Future Land Use Map



Map D: 2020 County Comprehensive Plan Future Land Use Map Context View



- 4.1.1. **Urban Services Area:** The CCP states that, “the USA will contain considerable commercial development at a mixture of scales,” and further, “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.” (2020 CCP, Pg. 133).

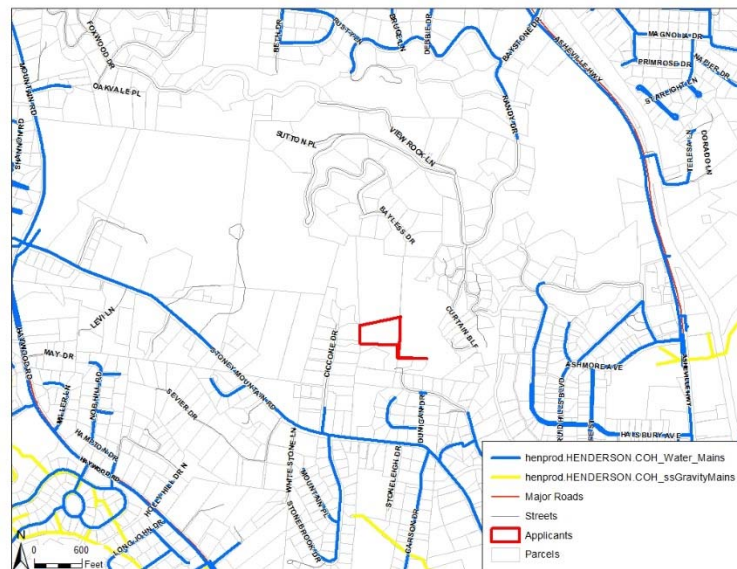
- 4.1.2. **Conservation:** The CCP states that the “This category includes land areas that are intended to remain largely in their natural state, with only limited development. Such areas should be targeted for protection through regulations and incentives.” (2020 CCP, Pg. 138) The RAA also states that “Conservation areas are lands that generally exhibit any of the following characteristics: 1. 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 ” (2020 CCP, Pg. 138)

- 4.1.3. **Explanation of Map D:** Since the subject area is located in both the Urban Services Area and Conservation Area, it is important to note that there are two Commercial Service Centers within the vicinity of the subject area and that the majority of the surrounding land will be used primarily for residential and conservational purposes.

5. Water and Sewer

- 5.1. **Public Water:** City of Hendersonville’s records show that there is access for water connection adjacent to the subject area.
- 5.2. **Public Sewer:** City of Hendersonville records shows that sewer access is not available near the subject area.

Map E: Water and Sewer Map



6. Staff Comments

- 6.1. **The 2020 CCP:** The CCP Future Land Use Map (See Map C) places part of the subject area in the, Urban Services Area classification. The text and map of the 2020 CCP suggest that this part of the subject area would be suitable for industrial development. The CCP Future Land Use Map also places part of the subject area in the, Conservation Area classification. The text and map of the 2020 CCP suggest that this portion of the subject area is intended to remain largely in its natural state with limited development.
- 6.2. **Adjacent Zoning:** The subject area is adjacent to Residential District One (R1) to the North and East. City of Hendersonville Estate Residential (R-40) to the West and South.

- 6.3. **Comparison of Districts:** The existing Hendersonville City Estate Residential (R-40) zoning district is compatible with new residential development. Applying the Residential District One (R1) zoning district will allow for continued residential development.

7. Staff Recommendations

- 7.1. It is staff's position that the subject area meets the technical requirements for medium to high density residential development.
- 7.1.1. The 2020 Henderson County Comprehensive Plan identifies parts of the subject area as being within the Urban Services Area (USA). The USA "will contain considerable commercial development at a mixture of scales: Local, Community, and Regional, as defined below." (CCP 2020, Pg. 133).
- 7.1.2. The 2020 Henderson County Comprehensive Plan identifies parts of the subject area as being within the Conservation Area. The Conservation Area "should be targeted for protection through regulations and incentives." (CCP 2020, Pg. 138).

8. Technical Review Committee Recommendations

- 8.1. The TRC reviewed the application at its meeting on July 18, 2017 and voted to send forth a favorable recommendation to rezone the Subject Area.

9. Planning Board Recommendations

- 9.1. The Planning Board reviewed the application at its meeting on July 20th, 2017 and voted unanimously to send forth a favorable recommendation to rezone the Subject Area to a Residential One (R1) zoning district.

Aerial Map



**NOTICE OF PUBLIC HEARING
ON PROPOSED ZONING MAP AMENDMENT
(Rezoning Requests #R-2017-03)**

It is assumed 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-2017-03, which was submitted on June 20, 2017, requests the County rezone approximately 3.43 acres. The applicant requests a rezoning from a Hendersonville City Estate Residential (R-40) zoning district to a County Residential One (R1) zoning district. The subject area is owned by The Cliffside at the Boulders, LLC. The property is located off Randy Drive inside The Boulders subdivision. The PIN for the parcel included is: 9660-01-3139.

It is assumed the public hearing will be held on Wednesday, August 16, 2017, at 9:00 A.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 Times-News on Thursday, August 3, 2017 and Thursday, August 10, 2017.

Certification of Notice of Public Hearing

In accordance with NCGS 153A-343 the Planning Department certifies notice of the August 16, 2017 hearing regarding Rezoning Application #R-2017-03 were:

1. Submitted to the Times News on August 1, 2017 to be published on August 3, 2017 and August 10, 2017 by Allen McNeill;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on August 1, 2017 by Allen McNeill;
3. Sent, via first class mail, to the property owners on August 1, 2017 by Allen McNeill; and
4. Signs will be posted on the Subject Area(s) on August 3, 2017 by Allen McNeill

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

1. Allen S. McNeill

STATE OF NC

COUNTY OF Henderson

I, Toby Linville, a Notary Public, in and for the above County

and State, do hereby certify that

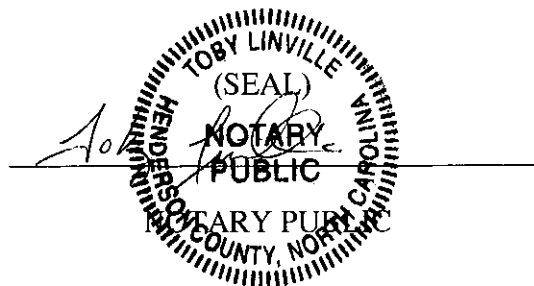
Allen McNeill, and _____

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 3 day of August, 2017.

My commission expires:

5/25/21





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-2017-03; 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 16, 2017; 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-2017-03) and finds that it is reasonable, in the public interest and it is consistent with the CCP and the Growth Management Strategy located therein; and
2. 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
3. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

THIS the 16th day of August, 2017.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
J. MICHAEL EDNEY, Chairman

ATTEST:

Teresa Wilson, Clerk to the Board

[COUNTY SEAL]

Rezoning #R-2017-03 The Boulders



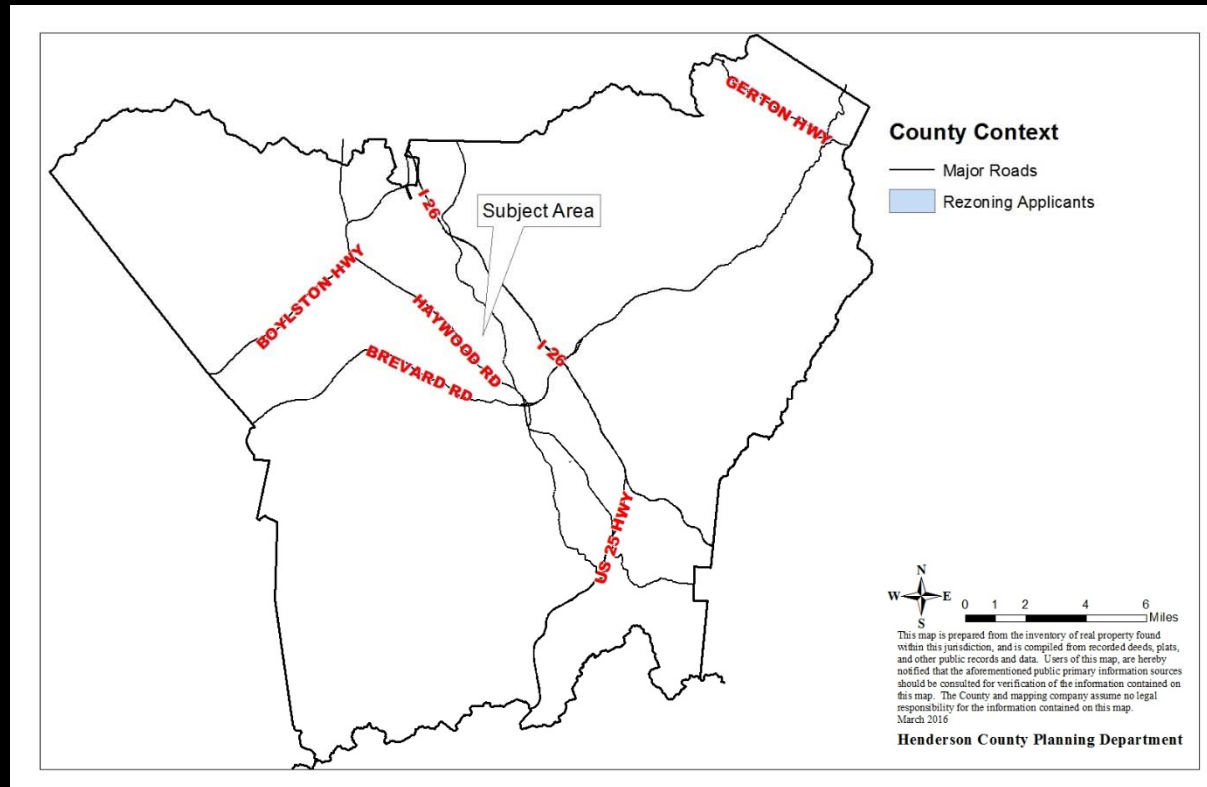
Henderson County Board of Commissioners
August 16, 2017

Henderson County Planning Department

Application Summary

- Rezoning Request: R-2017-03
- Submitted on June 20, 2017
- Applicant/Owner: Peter Brower of Cliffside at Boulders, LLC
- Agent: Scott Bolyard
- Rezone from a Hendersonville City Estate Residential (R-40) zoning district to a County Residential One (R1) zoning district
- 3.43 acres

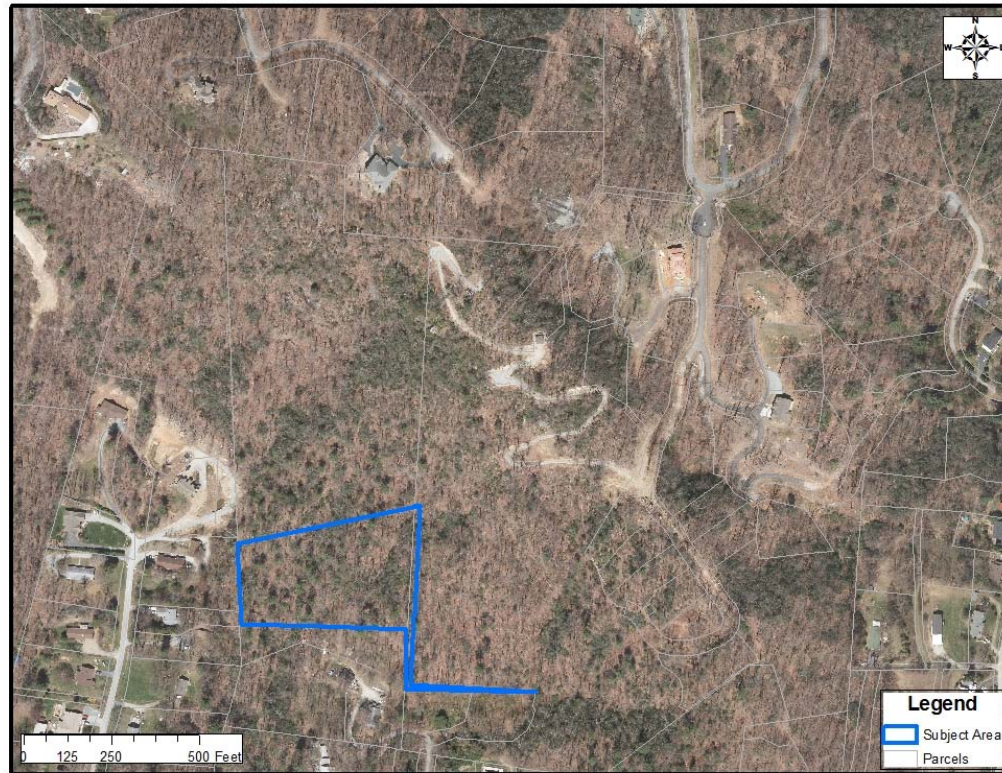
County Context



Henderson County Planning Department

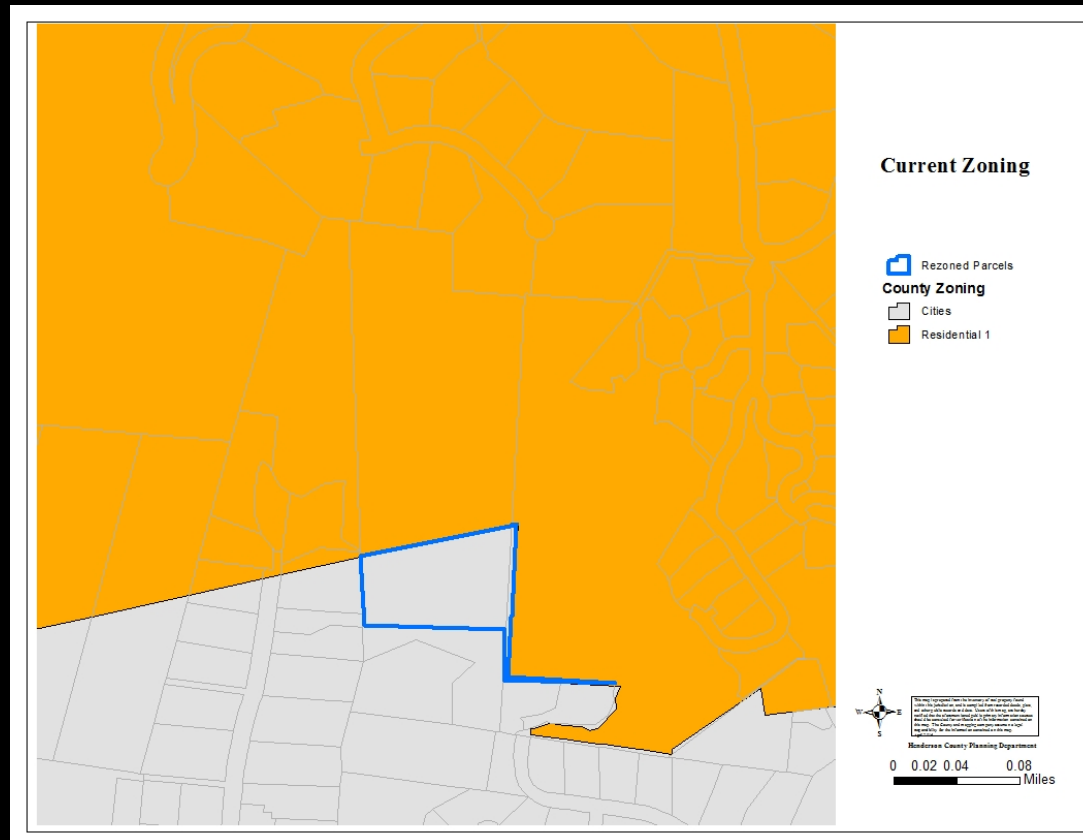
Aerial Photo Map

Aerial Map



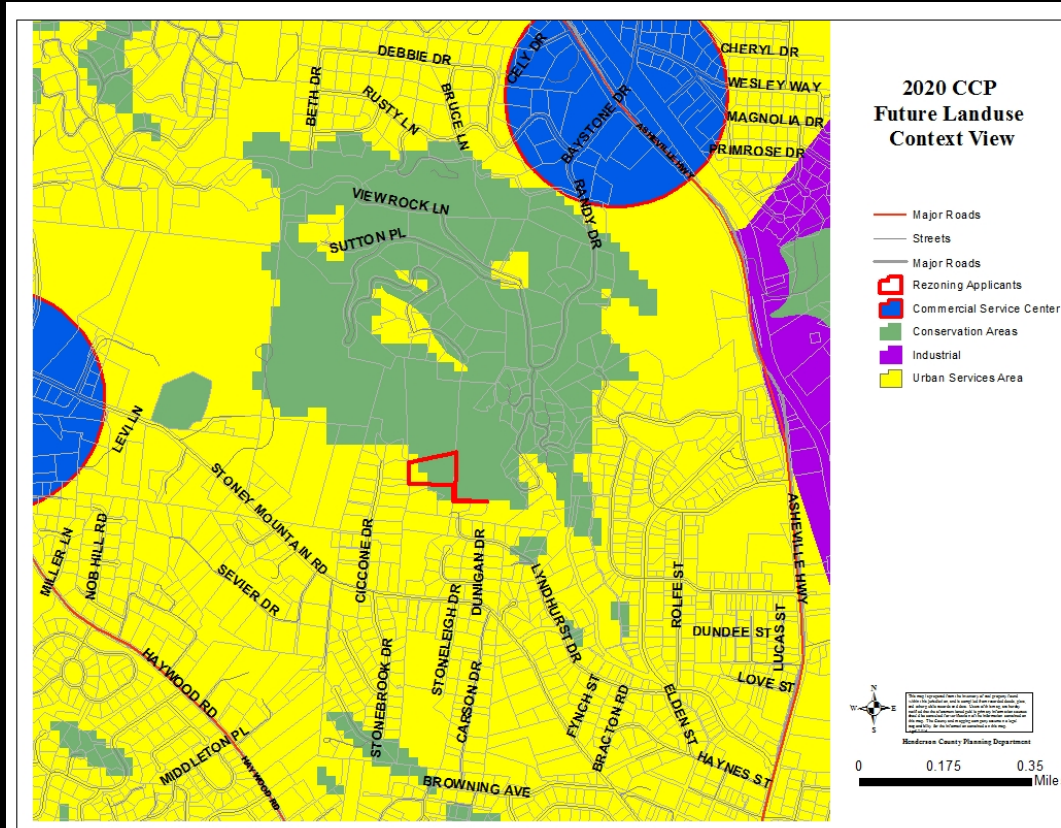
Henderson County Planning Department

Current Zoning Map



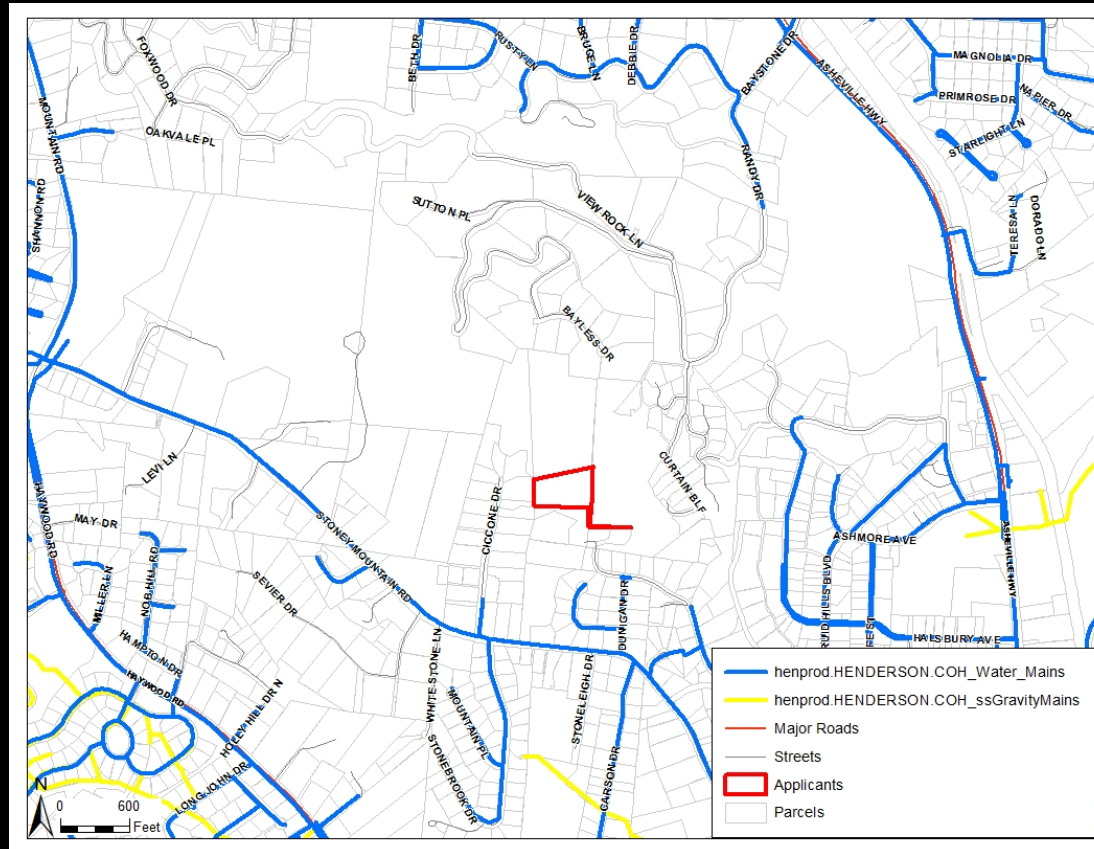
Henderson County Planning Department

2020 CCP Future Land Use Map



Henderson County Planning Department

Public Utilities



Henderson County Planning Department

Rezoning #R-2017-03

Questions

