

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: Wednesday, April 18, 2018

SUBJECT: Public Hearing for Rezoning Application #R-2018-01

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-2018-01, which was initiated on January 16th, 2018 by applicant and owners, Patty Jean Orr and Clair Orr Whitmire, requests the County rezone approximately 3.73 acres of land (hereafter the "Subject Area") from an Residential Two Rural (R2R) zoning district to a Residential One (R1) zoning district. The Subject Area is located off Holly Springs Road and Wampus Run.

The Henderson County Planning Board considered rezoning application #R-2018-01 at its regularly scheduled meetings on March 15, 2018. During the meeting, the Planning Board voted unanimously to send forward 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 and §42A-346 (C) of the Henderson County Land Development Code and State Law, notices of the April 18, 2018, public hearing regarding rezoning application #R-2018-01 were published in the Times-News on April 5, 2018 and April 12, 2018. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area on April 3, 2018 and posted signs advertising the hearing on the Subject Area on April 3, 2018.

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.

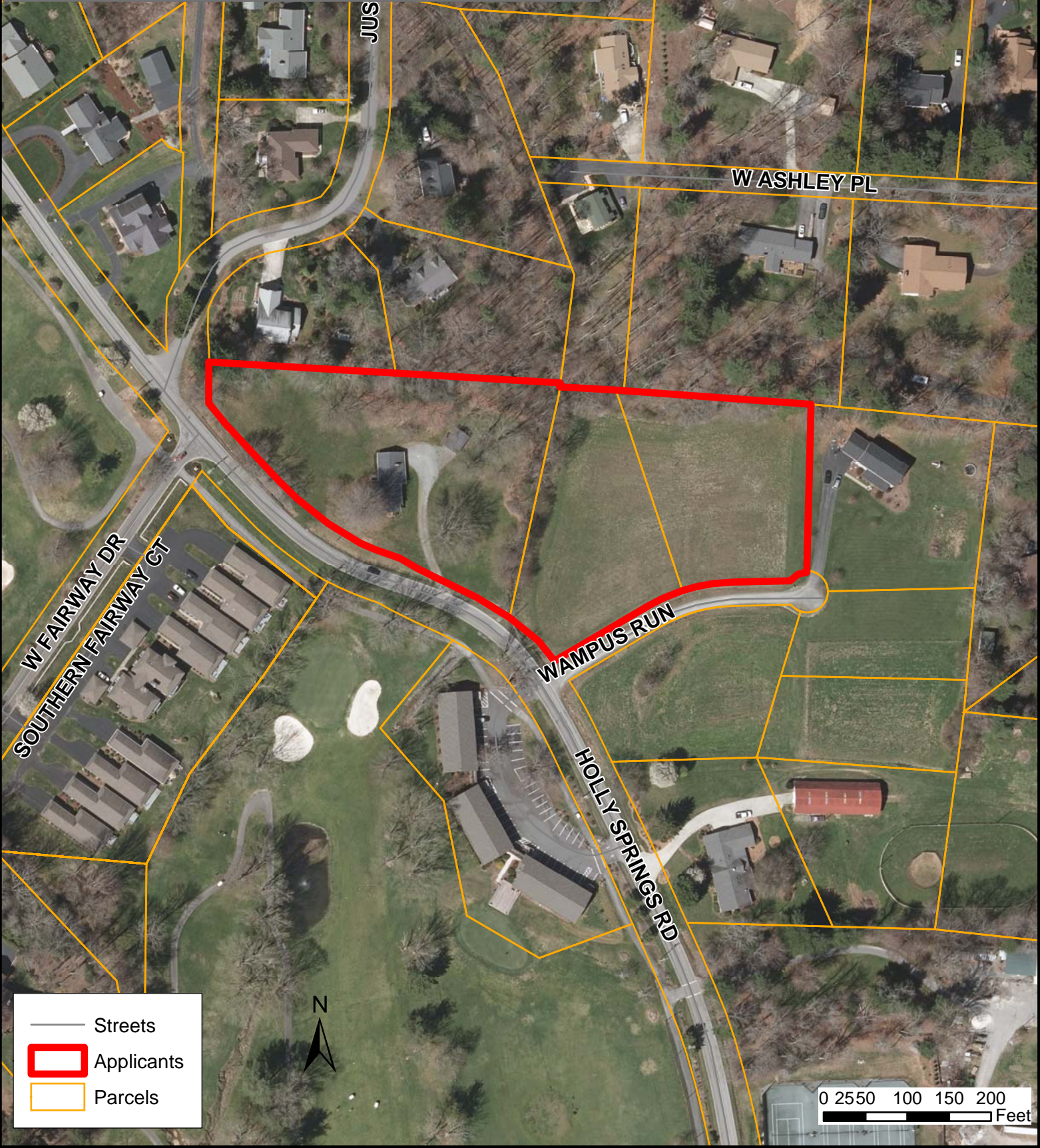
Suggested Motion:

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

I move that the Board (approve, approve with conditions or deny) rezoning application #R-2018-01 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.

Aerial Map

Applicant: Orr and Whitmire
Total Area: 3.73
Current Zoning: R2R



- Streets
- ▭ Applicants
- ▭ Parcels

0 2550 100 150 200 Feet

Henderson County Planning Department Staff Report

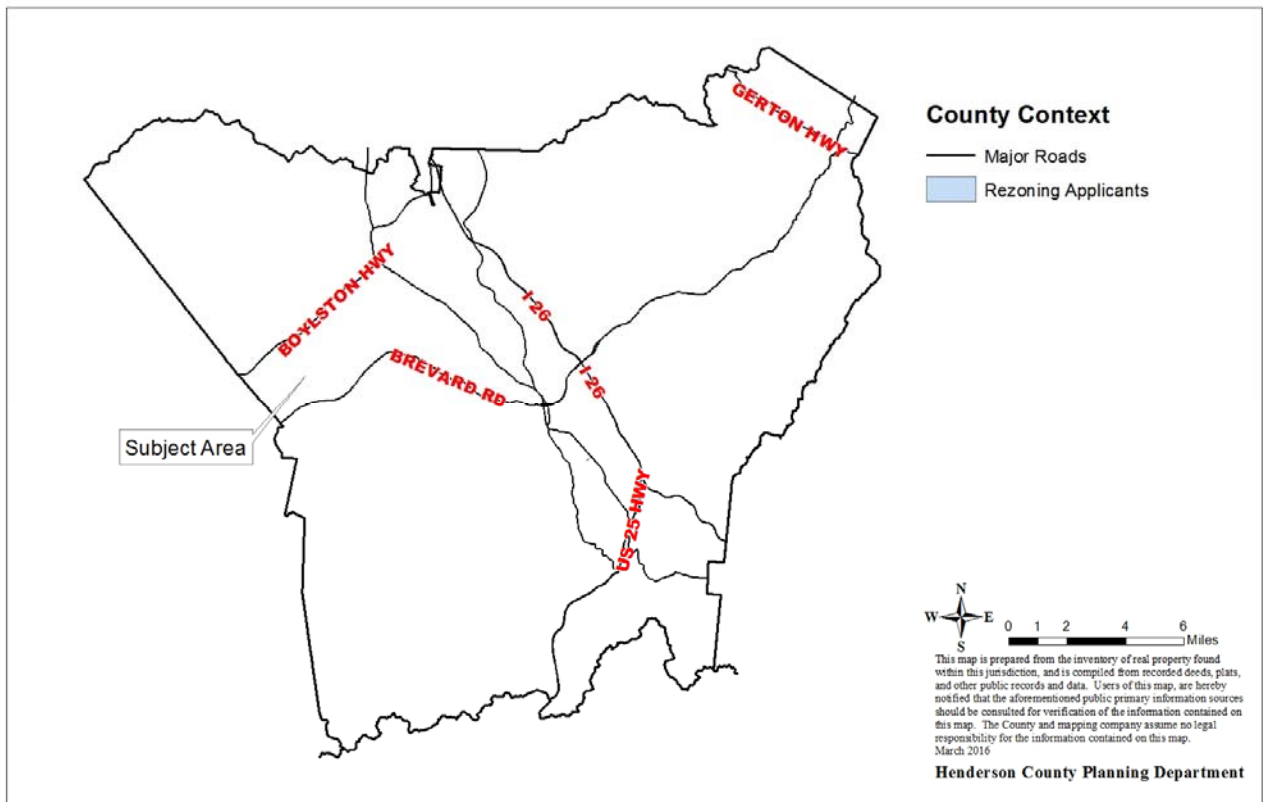
Rezoning Application #R-2018-01 (R2R to R1)

Applicant/Owner: Patty Jean Orr & Clair Orr Whitmire

1. Rezoning Request

- 1.1. **Applicant/Agent:** Patty Jean Orr & Clair Orr Whitmire
- 1.2. **Property Owner:** Patty Jean Orr & Claire Orr Whitmire
- 1.3. **PIN:** 9529-44-9177, 9529-54-3114, and 9529-54-4157
- 1.4. **Request:** Rezone subject area from a Residential Two Rural (R2R) zoning district to a Residential One (R1) zoning district.
- 1.5. **Size:** Approximately 3.73 acres of land
- 1.6. **Location:** The subject area is located off both Holly Springs Road and Wampus Run, where the roads intersect. Refer to map A for a County Context map and map B for an Aerial photo map.

Map A: County Context



Map B: Aerial Photo



2. Current Zoning (see Map C)

2.1. **Application of Current Zoning:** The subject area is currently zoned as Residential Two Rural (R2R)

2.2. **Adjacent Zoning:** The subject area is adjacent to Residential One (R1) to the south and west, Residential Two Rural (R2R) to the north and east.

2.3. District Comparison:

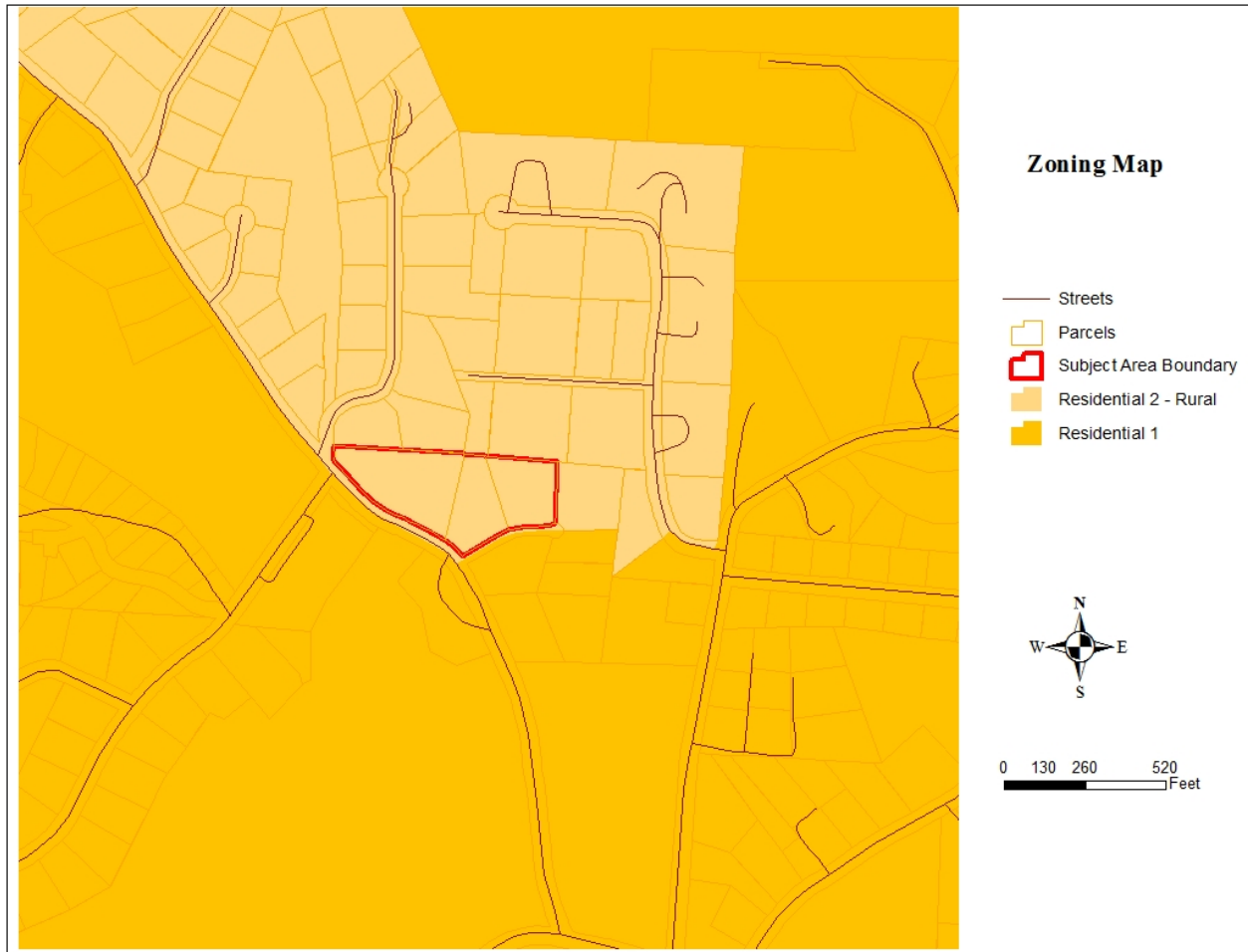
2.3.1. **Residential Two Rural (R2R):** “The intent of this district is to allow for low to medium density *residential development* and rural commercial and light industrial development consistent with the recommendations of the *Comprehensive Plan*.” (Chapter 200A, Land Development Code §42A-29).

- 1) R2R enforces a standard density requirement of 1 unit per 1 acre and 15 to 90-foot front yard setbacks with 10 ft. side and rear setbacks.

2.3.2. **Residential 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*. (Chapter 200A, Land Development Code §42A-27)

- 1) R1 enforces a standard density requirement of 4 unit per 1 acre and 15 to 90-foot front yard setbacks with 10 ft. side and rear setbacks.

Map C: Current Zoning



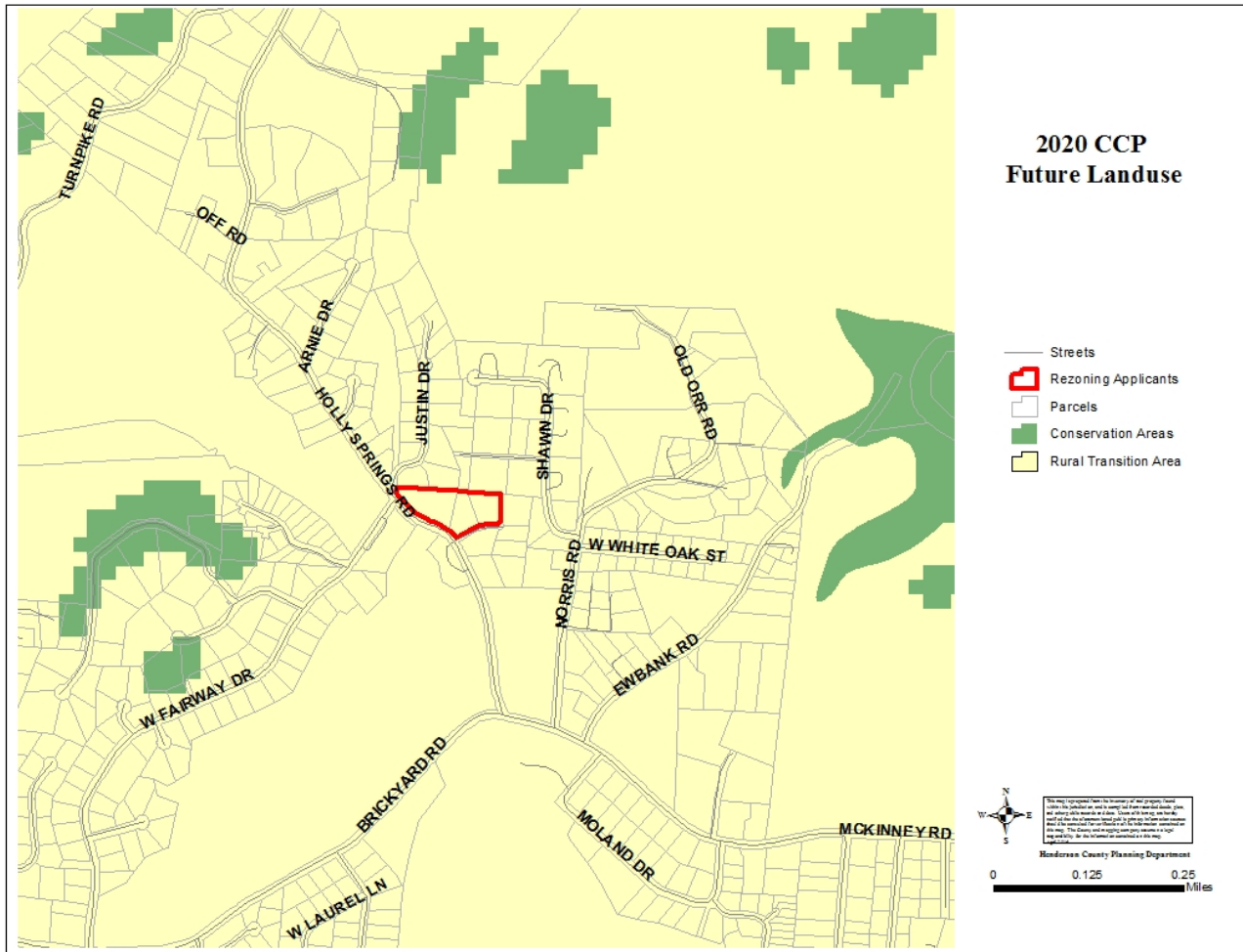
3. Current Uses of Subject Area and Adjacent Properties

- 3.1. **Subject Area Uses:** The subject area includes three (3) separate parcels. Of the parcels in the subject area one (1) is being used as the residents of the property owner while the remaining two (2) are vacant lots.
- 3.2. **Adjacent Area Uses:** The surrounding properties contain primarily residential uses, including some high-density on West Fairway Drive. South-west of the subject area is the Etowah Valley Golf Club & Lodge.

4. The Henderson County 2020 Comprehensive Plan (CCP)

- 4.1. The CCP Future Land Use Map identifies the subject area as being located in a Rural Transition Area (2020 CCP, Pgs. 138 & Appendix 1, Map 24). (See Map D).

Map D: 2020 County Comprehensive Plan Future Land Use Map



Rural/Urban Transition Area (RTA): The CCP states that, “RTA” (*Rural Transition Area*) “is currently rural in character, with existing pockets of limited higher density residential and commercial development. Slopes vary across the RTA, although the area can be considered to be generally developable. The primary factor preventing urban development in the RTA is the absence of sewer and water service. The RTA will continue to experience extensive development over the operational timeframe of this Comprehensive Plan.” (2020 CCP, Pgs. 134)

5. Water and Sewer (see Map E)

- 5.1. **Public Water:** City of Hendersonville water main lies adjacent to the subject area.
- 5.2. **Public Sewer:** City of Hendersonville records shows that sewer access is not available near the subject area.

9. Planning Board Recommendations

- 9.1. The Planning Board reviewed the application at its meeting on March 15, 2018, and voted unanimously to send the request to the Board of Commissioners with a favorable recommendation.

**NOTICE OF PUBLIC HEARING
ON PROPOSED ZONING MAP AMENDMENT
(Rezoning Application #R-2018-01)**

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-2018-01, which was submitted on January 16, 2018, requests the County rezone approximately 3.73 acres. The applicant requests a rezoning from an Residential Two Rural (R2R) to Residential One (R1) zoning district. The subject area is owned by Patty Jean Orr and Clair Orr Whitmire. The property is located at the intersection of Wampus Run and Holly Springs Road. The PINs for the parcels included are: 9529-44-9177, 9529-54-3114, and 9529-54-4157.

The public hearing will be held on Wednesday, April 18, 2018, 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, April 5, 2018 and Thursday, April 12, 2018.

Certification of Notice of Public Hearing

In accordance with NCGS 153A-343 the Planning Department certifies notice of the April 18, 2018 hearing regarding Rezoning Application #R-2018-01 were:

1. Submitted to the Times-News on April 3, 2018 to be published on April 5, 2018 and April 12, 2018 by Allen McNeill;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on April 3, 2018 by Allen McNeill;
3. Sent, via first class mail, to the property owner on April 4, 2018 by Allen McNeill; and
4. Signs were posted on the Subject Area(s) on April 3, 2018 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

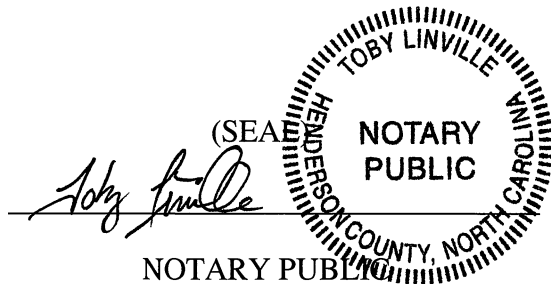
Allen McNeill, and _____

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 4 day of April, 2018.

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-2018-01; 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 April 18th, 2018; 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-2018-01 applicant/agent Patty Jean Orr and Clair Orr Whitmire) 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 18th day of April, 2018.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
J. MICHAEL EDNEY , Chairman

ATTEST:

Teresa Wilson, Clerk to the Board

[COUNTY SEAL]

**Rezoning #R-2018-01
Patty Jean Orr & Clair Orr Whitmire
Property**



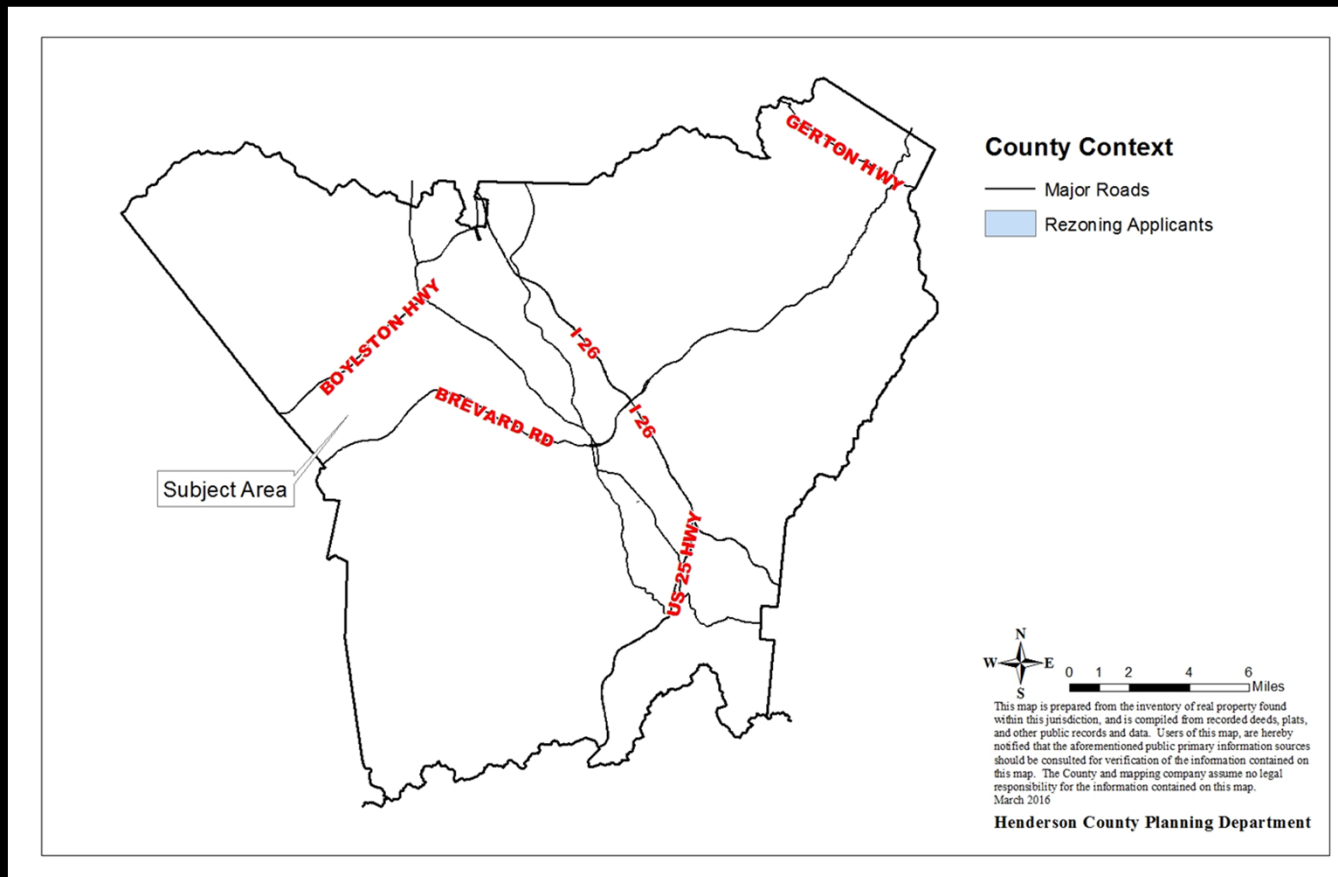
**Henderson County Board of Commissioners
April 18, 2018**

Henderson County Planning Department

Application Summary

- Rezoning Request: R-2018-01
- Submitted on January 16th, 2018
- Applicant/Owner: Patty Jean Orr and Clair Orr Whitmire
- Rezone from Residential Two Rural (R2R) zoning district to a Residential One (R1) zoning district.
- 3.73 Acres
- 3 Parcel

County Context



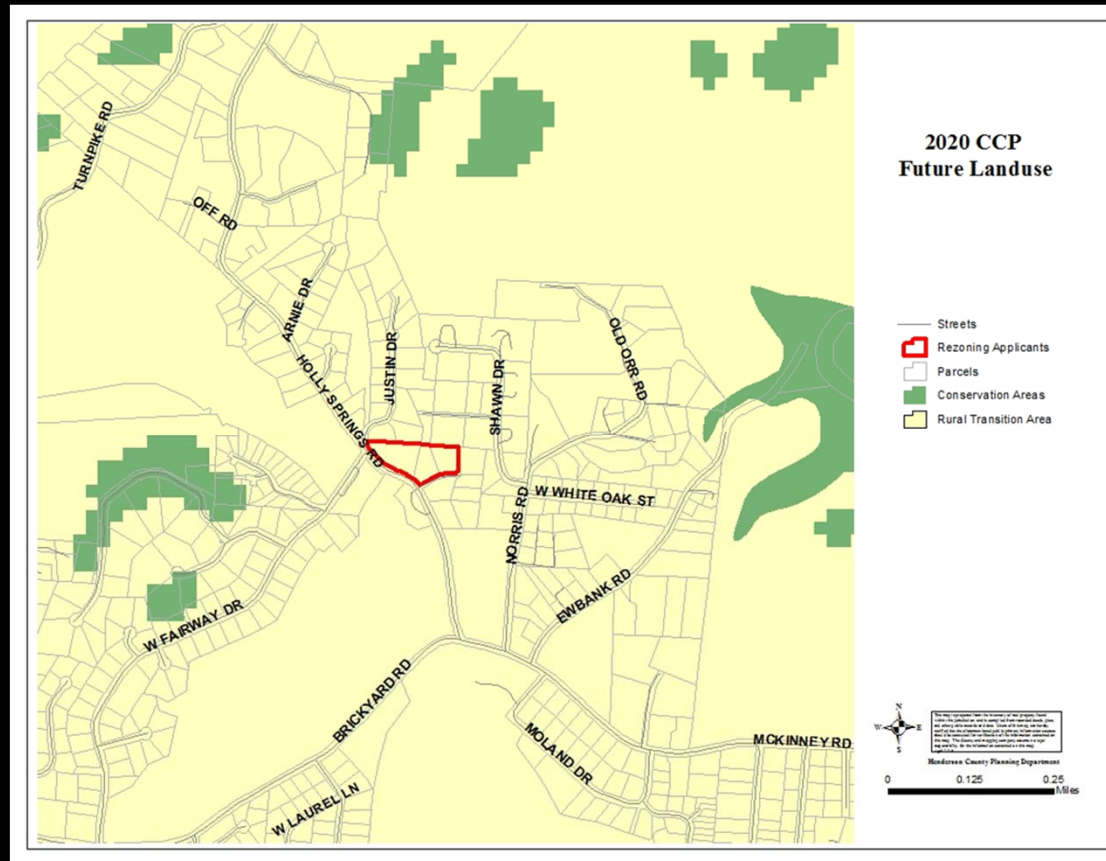
Henderson County Planning Department

Aerial Map



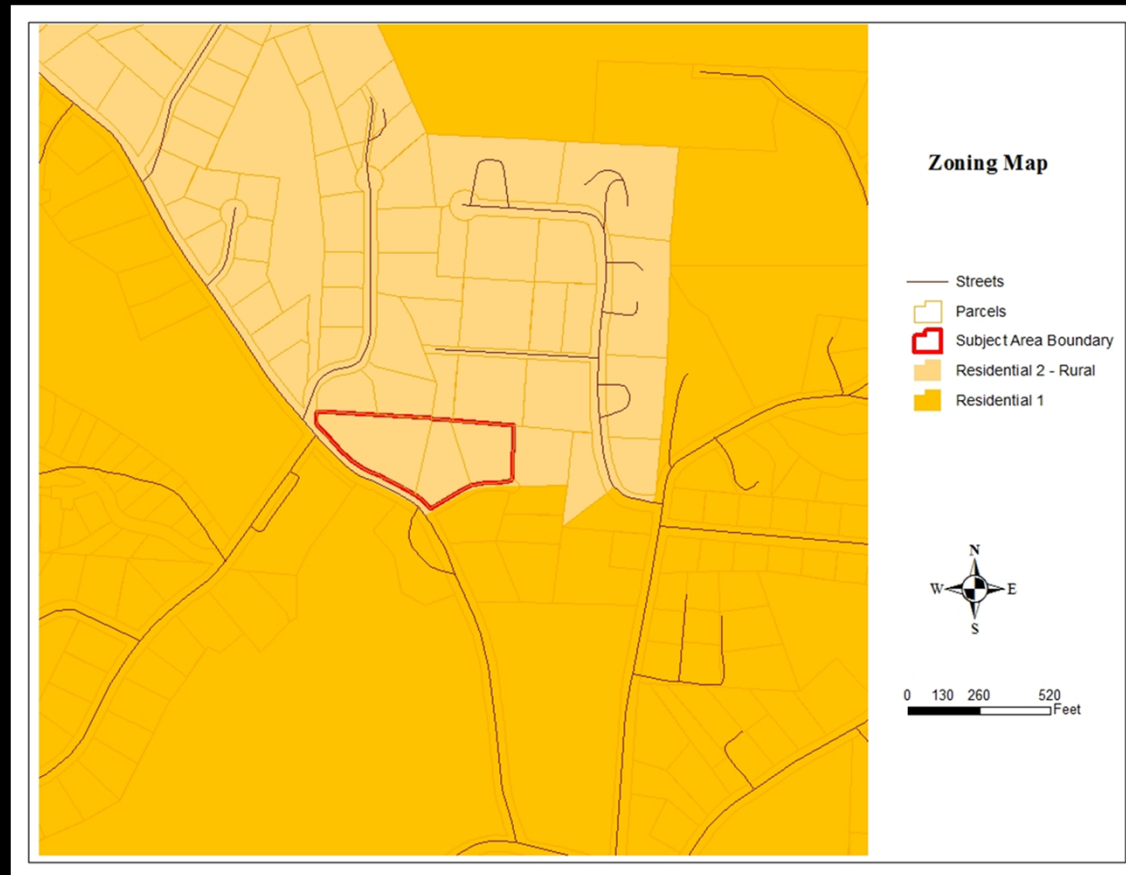
Henderson County Planning Department

2020 CCP Future Land Use Map



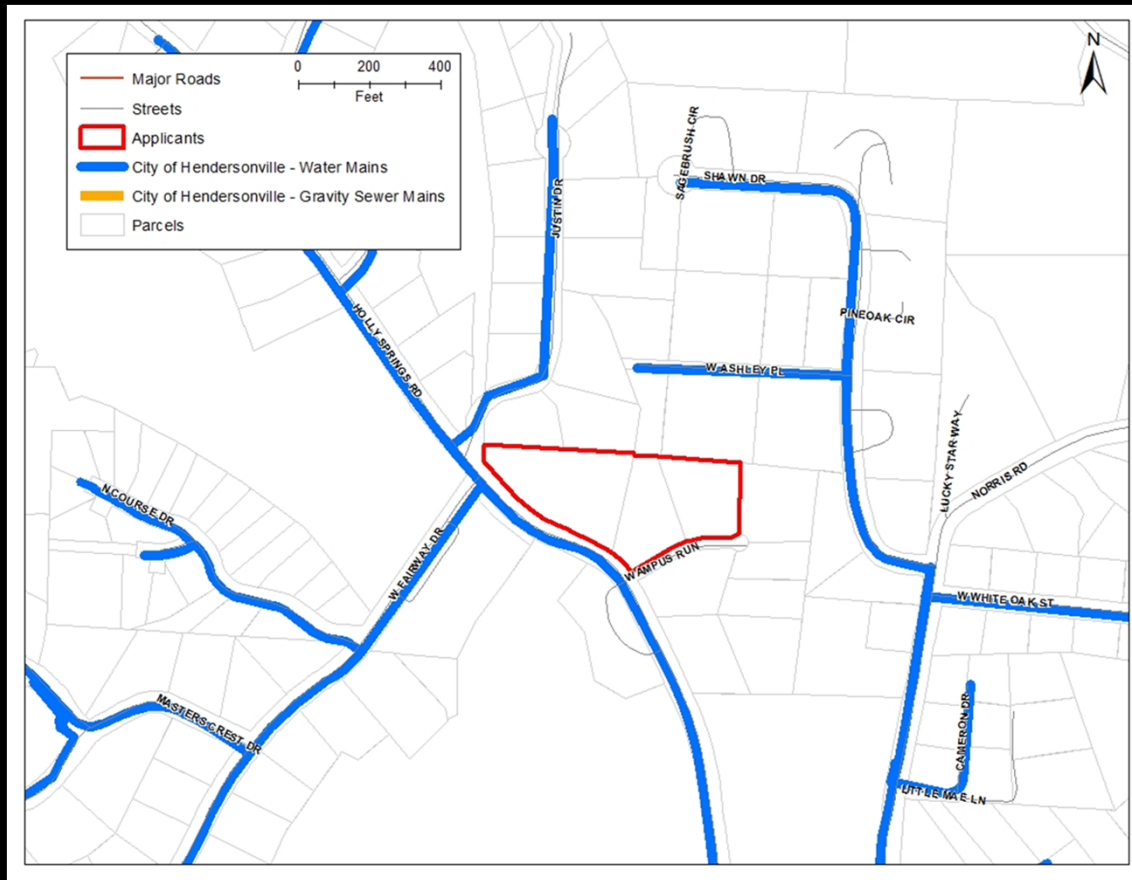
Henderson County Planning Department

Current Zoning Map



Henderson County Planning Department

Public Utilities



Henderson County Planning Department

Rezoning #R-2018-01

Questions

