

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** Monday, June 4, 2018

**SUBJECT:** Public Hearing for Rezoning Application #R-2018-02

**PRESENTER:** Stedman Smith, 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-2018-02 which was initiated on March 13<sup>th</sup>, 2018 at the request of applicant and agent, Mr. Douglas Cox, who requests the County rezone approximately 0.37 acres of land (thereafter the "Subject Area") from a Community Commercial (CC) zoning district to a Residential Two Rural (R2R) zoning district.

The Henderson County Planning Board considered rezoning application #R-2018-02 at its regularly scheduled meeting on April 19<sup>th</sup>, 2018. During the meeting, the Planning Board voted unanimously to send forward a favorable recommendation to rezone the Subject Area to a 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-303 and §42A-346 (C) of the Henderson County Land Development Code and State Law, notices of the June 4<sup>th</sup>, 2018 public hearing regarding rezoning application #R-2018-02 were published in the Times-News on May 17, 2018 and May 24, 2018. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area on May 11, 2018 and posted signs advertising the hearing on the Subject Area on May 10, 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-2018-02 to rezone the Subject Area to a Residential Two Rural (R2R) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan and other supporting information.

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## Henderson County Planning Department Staff Report

### Rezoning Application #R-2018-02 (CC to R2R)

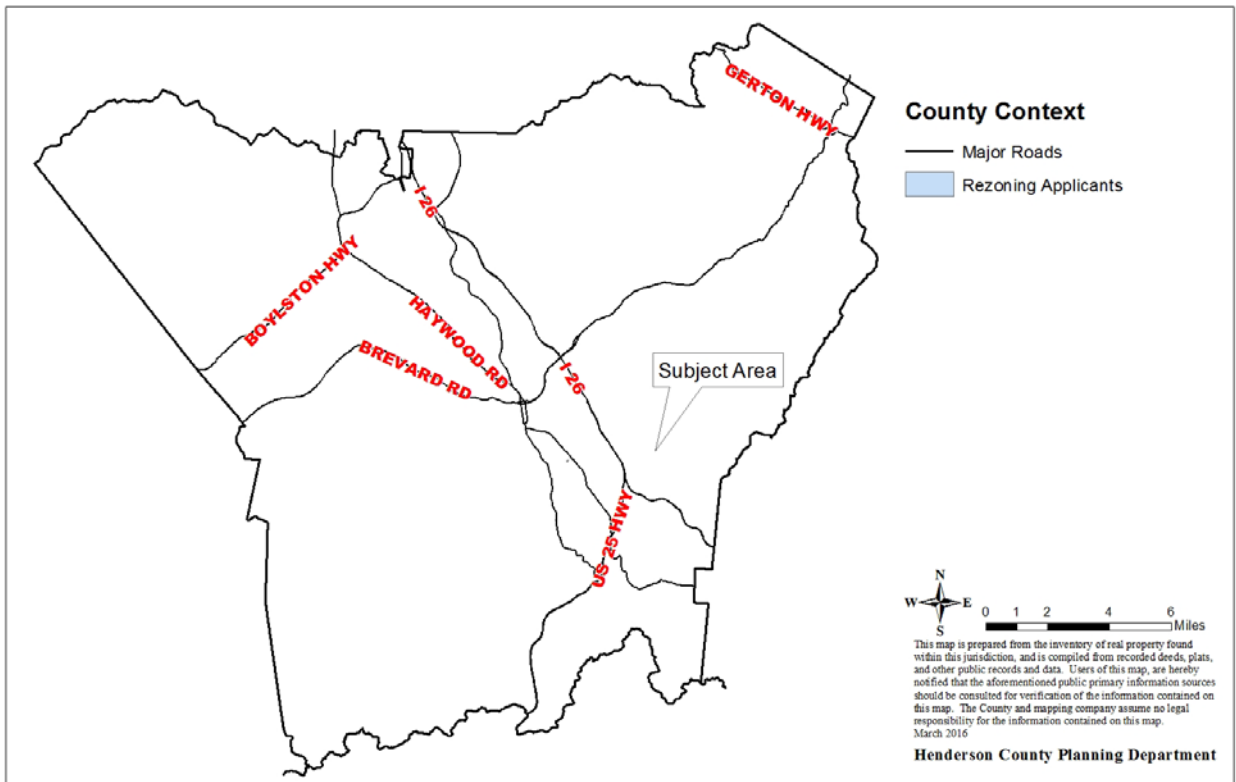
Applicant/Owner: Douglas Cox

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#### 1. Rezoning Request

- 1.1. **Applicant/Agent:** Douglas Cox
- 1.2. **Property Owner:** Douglas Cox
- 1.3. **PIN:** 9587-99-5984
- 1.4. **Request:** Rezone subject area from an Community Commercial (CC) zoning district to a Residential Two Rural (R2R) zoning district.
- 1.5. **Size:** Approximately 0.37 acres of land
- 1.6. **Location:** The subject area is located near the corner of Upward Rd. and Howard Gap Rd. 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 Community Commercial (CC)

2.2. **Adjacent Zoning:** The subject area is adjacent to Community Commercial (CC) to the east and west, and Residential Two Rural (R2R) to the southern boundary.

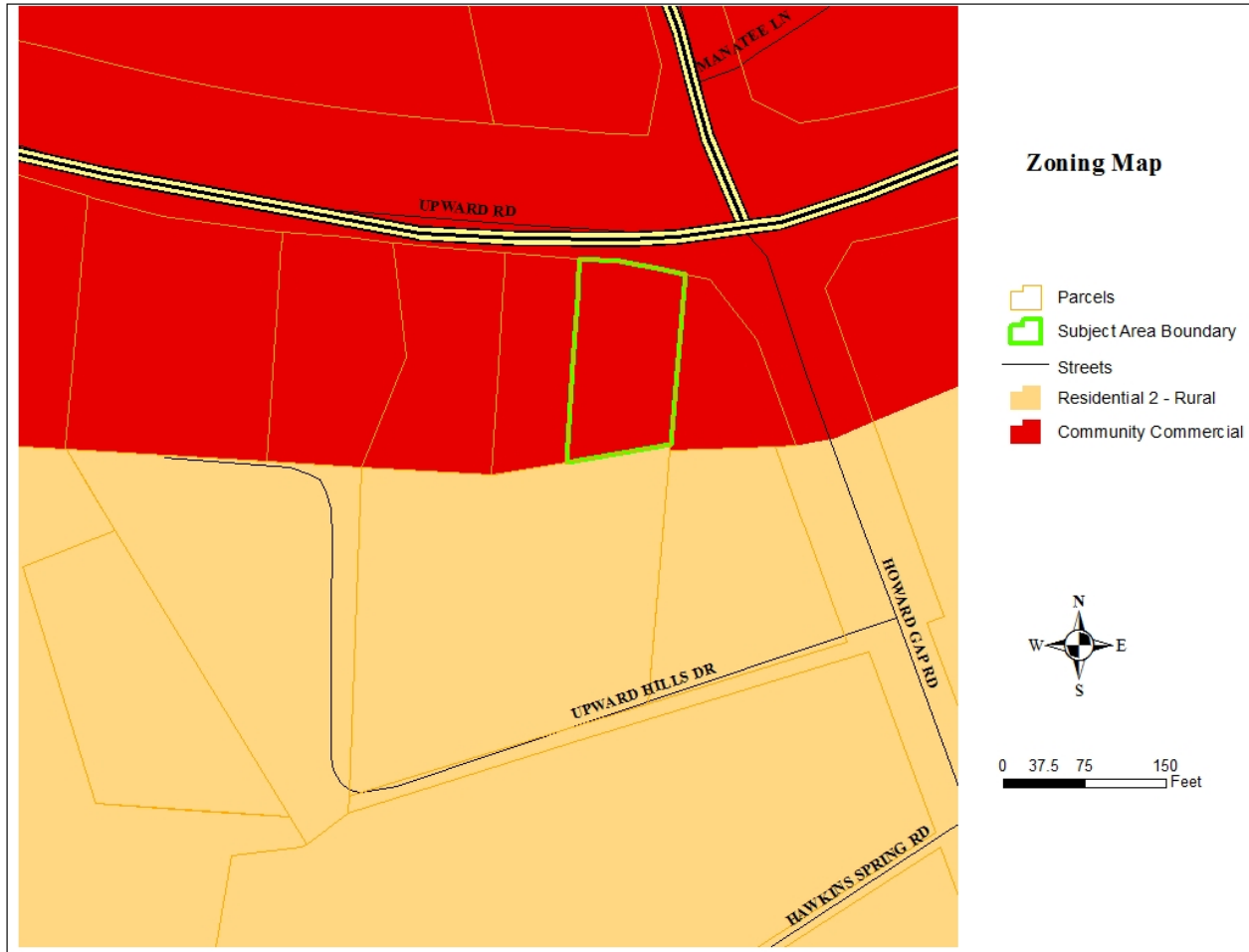
**2.3. District Comparison:**

2.3.1. **Community Commercial (CC):** “The Community Commercial District (CC) is established to foster orderly growth where the principal use of land is commercial.”(Chapter 42, Land Development Code §42-37).

- 1) CC accommodates retail sales/services, offices, and other commercial uses. CC does not allow manufactured homes.

2.3.2. **Residential Two Rural (R2R):** The purpose of Residential Two Rural (R2R) is to foster orderly growth where the principal use of land is residential. Medium to low density development is preferred. R2R allows the installment of a single-wide manufactured home, which is the applicant’s plan of use.

**Map C: Current Zoning**



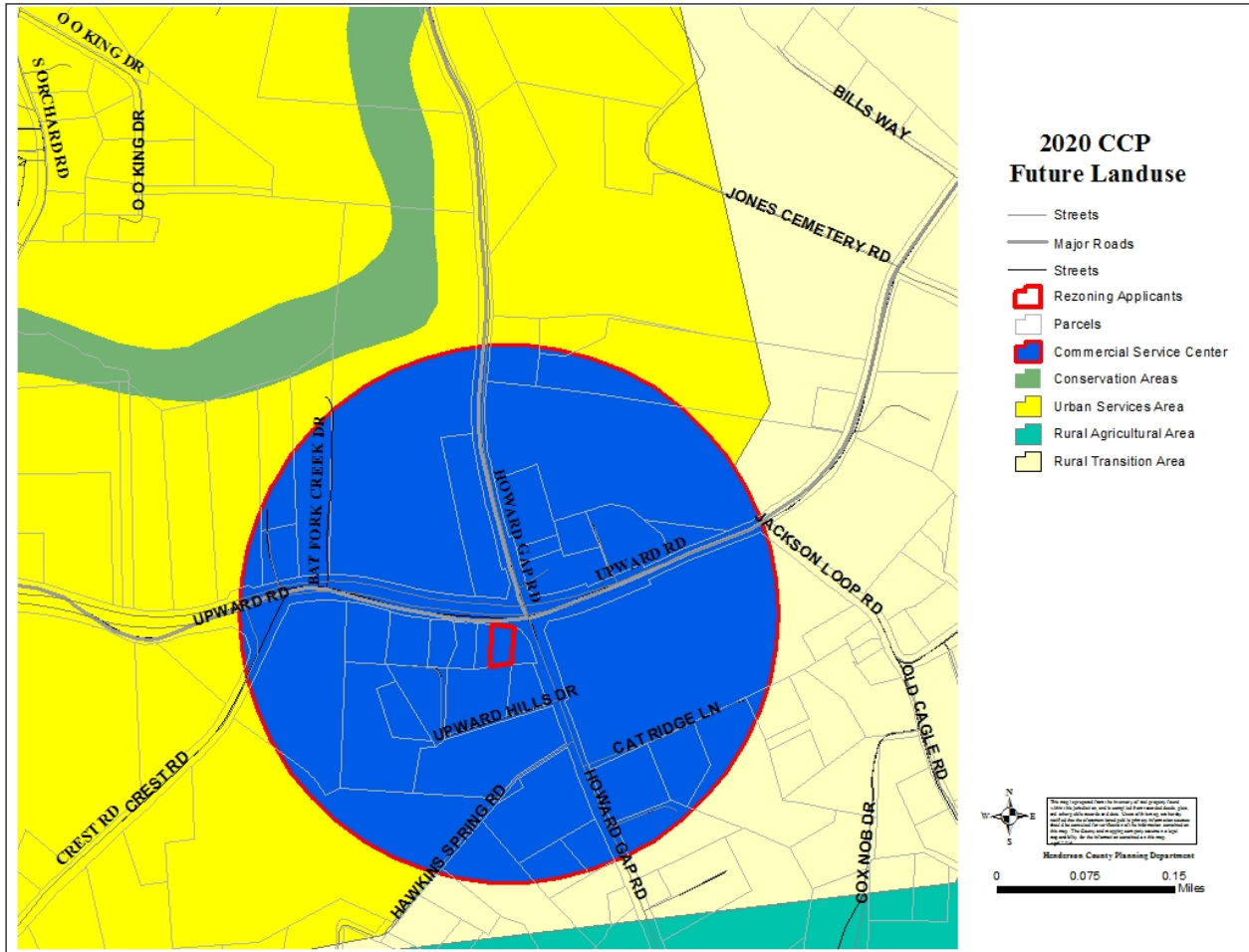
**3. Current Uses of Subject Area and Adjacent Properties**

- 3.1. **Subject Area Uses:** The subject area is currently home to the applicant’s mother.
- 3.2. **Adjacent Area Uses:** The surrounding properties contain primarily residential uses.

**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 Commercial Service Center (2020 CCP, Pgs. 138 & Appendix 1, Map 24). (See Map D).

### Map D: 2020 County Comprehensive Plan Future Land Use Map



**Commercial Service Center:** The CCP states that, “*Community Service Centers* are located in unified development concentrations at intersections of selected thoroughfares and in central locations that are convenient to nearby residential development so as to minimize problems associated with “strip” commercial development. *Community Service Centers* should be priority targets of investments for sewer and water, public transportation, greenways, other general road improvements, and other appropriate infrastructural improvements.”

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:** The property currently does not have access to gravity sewer mains.

**Map E: Water and Sewer Map**



**Dana Community Plan**

The subject area has been zoned Community Commercial since the adoption of the Land Development Code. The Dana Community Plan, adopted in 2011, did not propose any changes to the subject area zoning.

**6. Staff Comments**

- 6.1. **The 2020 CCP:** The CCP Future Land Use Map (See Map D) places the Subject Area in the, Community Service Center classification.
- 6.2. **Adjacent Zoning:** The subject area is adjacent to CC and R2R zoning districts.
- 6.3. **Comparison of Districts:** The applicant wishes to be zoned Residential Two Rural for the purposes of acquiring a permit to install a manufactured home for his mother to live in. She currently lives in the existing single-family structure on site. Community Commercial does not allow manufactured homes (single-wide).

**7. Staff Recommendations**

- 7.1. It is staff's position that the subject area meets the technical requirements to become a Residential Two Rural zoning district.

**8. Technical Review Committee Recommendations**

- 8.1. TRC reviewed the application at its meeting on April 3<sup>rd</sup>, 2018 and found that the application met all technical requirements and sent forward to the Planning Board for further review.

**9. Planning Board Recommendations**

- 9.1. The Planning Board reviewed this application at its April 19, 2018 meeting and voted to send forth a favorable recommendation to the Board of Commissioners.

**NOTICE OF PUBLIC HEARING  
ON PROPOSED ZONING MAP AMENDMENT  
(Rezoning Application #R-2018-02)**

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-2018-02, which was submitted on March 13<sup>th</sup>, 2018, requests the County rezone approximately 0.37 acres. The applicant requests a rezoning from a Community Commercial (CC) zoning district to a Residential Two Rural (R2R) zoning district. The subject area is owned by Douglas Cox, who is also the applicant. The property is located off Upward Rd. The PIN for the parcel included is: 9587-99-5984.

The public hearing will be held on Monday, June 4, 2018, 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](http://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, May 24, 2018 and Thursday, May 31, 2018.**



**Certification of Notice of Public Hearing**

In accordance with NCGS 153A-343 the Planning Department certifies notice of the June 4<sup>th</sup>, 2018 hearing regarding Rezoning Application #R-2018-02 were:

1. Submitted to the Times-News on May 8<sup>th</sup>, 2018 to be published on May 17, 2018 and May 24, 2018 by Stedman Smith;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on May 11, 2018 by Stedman Smith;
3. Sent, via first class mail, to the property owner on May 11, 2018 by Stedman Smith; and
4. Signs were posted on the Subject Area(s) on May 10, 2018 by Stedman Smith.

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

1. Stedman Smith \_\_\_\_\_

STATE OF North Carolina \_\_\_\_\_

COUNTY OF Transylvania \_\_\_\_\_

I, Allen S. McNeill \_\_\_\_\_, a Notary Public, in and for the above County

and State, do hereby certify that

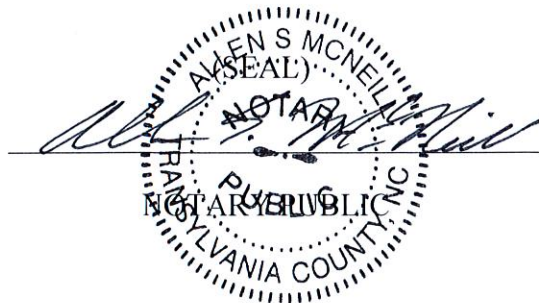
Stedman Smith \_\_\_\_\_, and \_\_\_\_\_

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 16<sup>th</sup> day of May \_\_\_\_\_, 2018 .

My commission expires:

July 29, 2019 \_\_\_\_\_





## **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-2018-02; 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 June 4<sup>th</sup>, 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-2018-02 applicant/agent Mr. Douglas Cox) 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 4<sup>th</sup> day of June, 2018.

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

**BY:** \_\_\_\_\_  
**J. MICHAEL EDNEY , Chairman**

**ATTEST:**

\_\_\_\_\_  
**Teresa Wilson, Clerk to the Board**

**[COUNTY SEAL]**

# Rezoning #R-2018-02 Douglas Cox



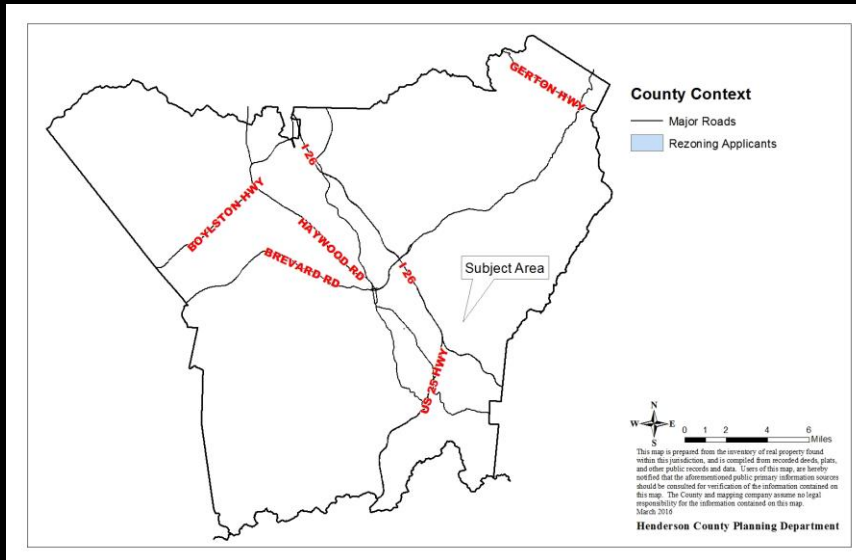
Henderson County Board of Commissioners  
June 4, 2018

*Henderson County Planning Department*

## Application Summary

- Rezoning Request: R-2018-02
- Submitted on March 13, 2018
- Applicant/Owner: Mr. Douglas Cox
- Rezone from Community Commercial (CC)  
Zoning to Residential Two Rural (R2R)  
Zoning
- 0.37 Acres
- 1 Parcel

# County Context



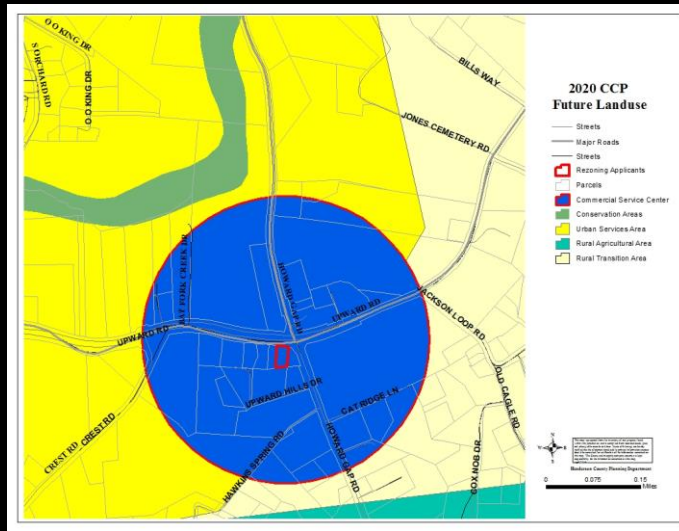
Henderson County Planning Department

# Aerial Map



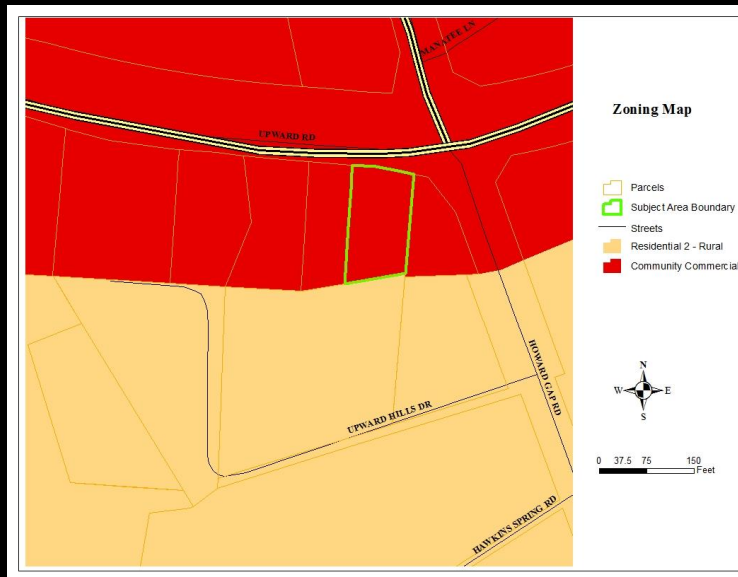
Henderson County Planning Department

## 2020 CCP Future Land Use Map



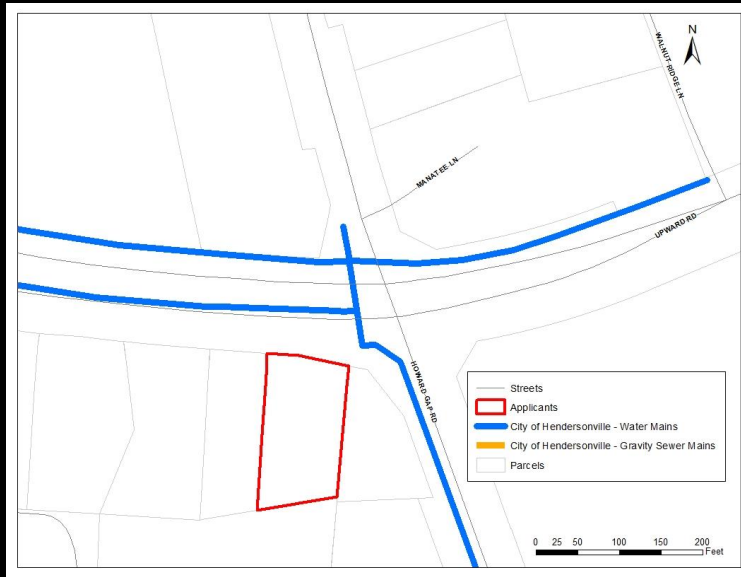
Henderson County Planning Department

## Current Zoning Map



Henderson County Planning Department

# Public Utilities



*Henderson County Planning Department*

# Rezoning #R-2018-02

# Questions

