

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: Wednesday, July 18, 2018

SUBJECT: Public Hearing for Rezoning Application #R-2018-04 Roger Gagnon

PRESENTER: Stedman Smith, Planner

ATTACHMENTS:

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

SUMMARY OF REQUEST:

Rezoning Application #R-2018-04, which was initiated on April 2nd, 2018 at the request of applicant and owner, Mr. Roger Gagnon, who requests the County rezone approximately 0.57 acres of land (thereafter the “Subject Area”) from a Local Commercial (LC) zoning district to a Community (CC) zoning district. The Subject Area is located off Asheville Highway near Ripley Avenue.

The request for a zoning change is to bring the subject area into compliance with the Land Development Code. Currently, the subject area is in violation due to the amount of “Outdoor Storage” on the property. Local Commercial does not allow Outdoor Storage >5000 square feet, however Community Commercial does. The applicant would still be required to acquire a Special Use permit if the property is rezoned.

The Planning Board reviewed this request at its May 17th meeting and voted to send forth a favorable recommendation. The Planning Board also recommended that when the applicant seeks a special use permit from the Zoning Board of Adjustment, the applicant should be required to install fencing around the entirety of the subject area if the special use permit is approved.

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, notice of the July 18th, 2018 public hearing regarding rezoning application #R-2018-04 was published in the Times-News on June 29th, 2018 and will be published a second time on July 6th, 2018. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area on June 25th, 2018 and posted signs advertising the hearing on the Subject Area on June 26th, 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-2018-04 to rezone the Subject Area to a Community Commercial (CC) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan and other supporting information.

Henderson County Planning Department Staff Report

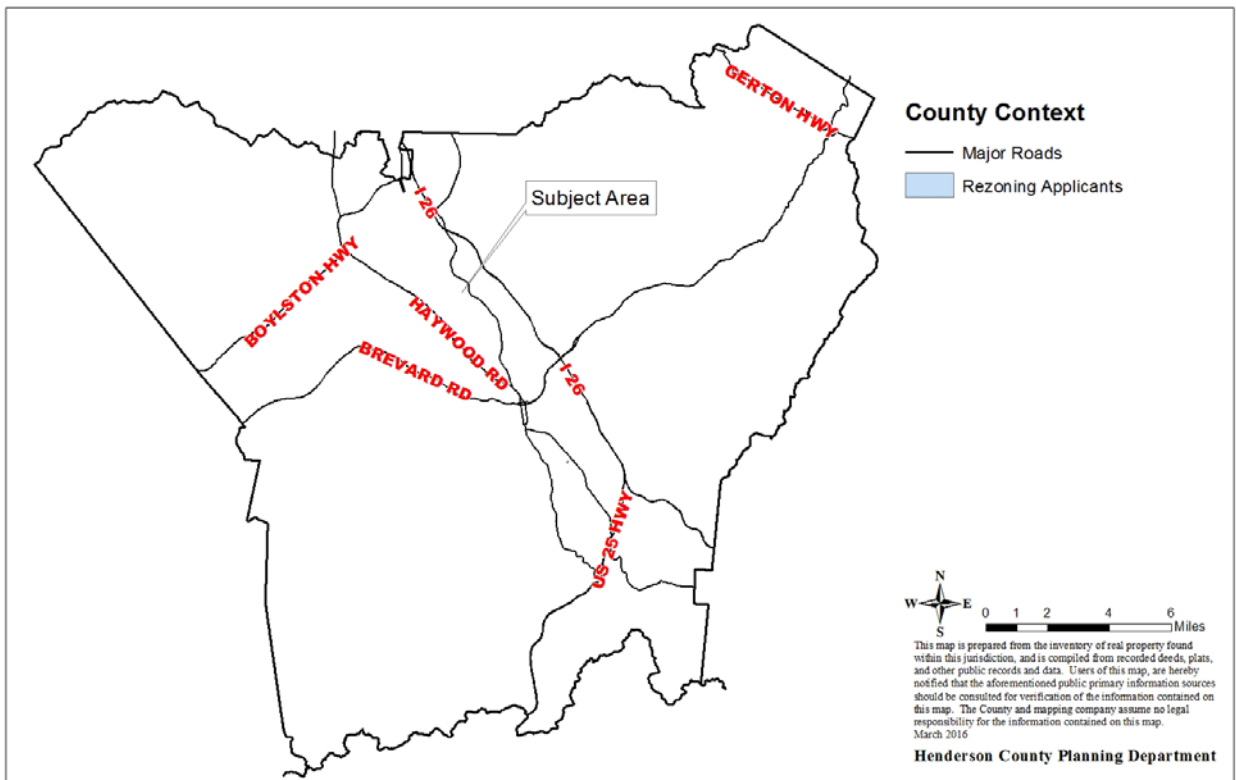
Rezoning Application #R-2018-04 (LC to CC)

Applicant/Owner: Roger Gagnon

1. Rezoning Request

- 1.1. **Applicant/Agent:** Roger Gagnon
- 1.2. **Property Owner:** Roger Gagnon
- 1.3. **PIN:** 9650-88-6117
- 1.4. **Request:** Rezone subject area from an Local Commercial (LC) zoning district to a Community Commercial (CC) zoning district.
- 1.5. **Size:** Approximately 0.57 acres of land
- 1.6. **Location:** The subject area is located near the corner of Ripley Avenue and Asheville Highway (US 25) 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 Local Commercial (LC)

2.2. **Adjacent Zoning:** The subject area is adjacent to Local Commercial (CC) and Community Commercial (CC) is below the subject area along Hwy. 25

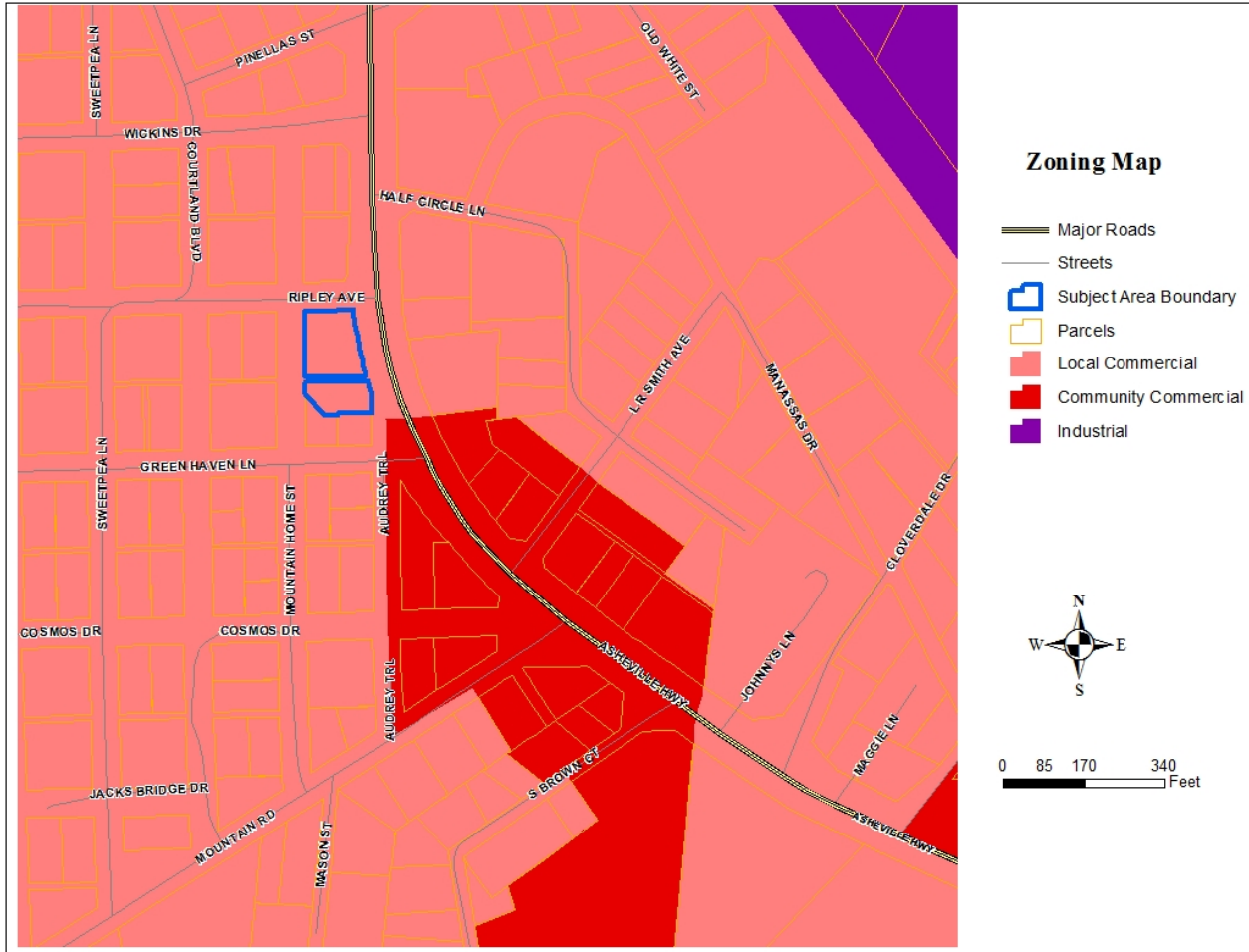
2.3. District Comparison:

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, as well as Outdoor Storage.

2.3.2. **Local Commercial (LC):** The purpose of Local Commercial (LC) zoning is to foster orderly growth with residential and commercial uses. Local Commercial does not allow Outdoor Storage over 5,000 square feet.

Map C: Current Zoning



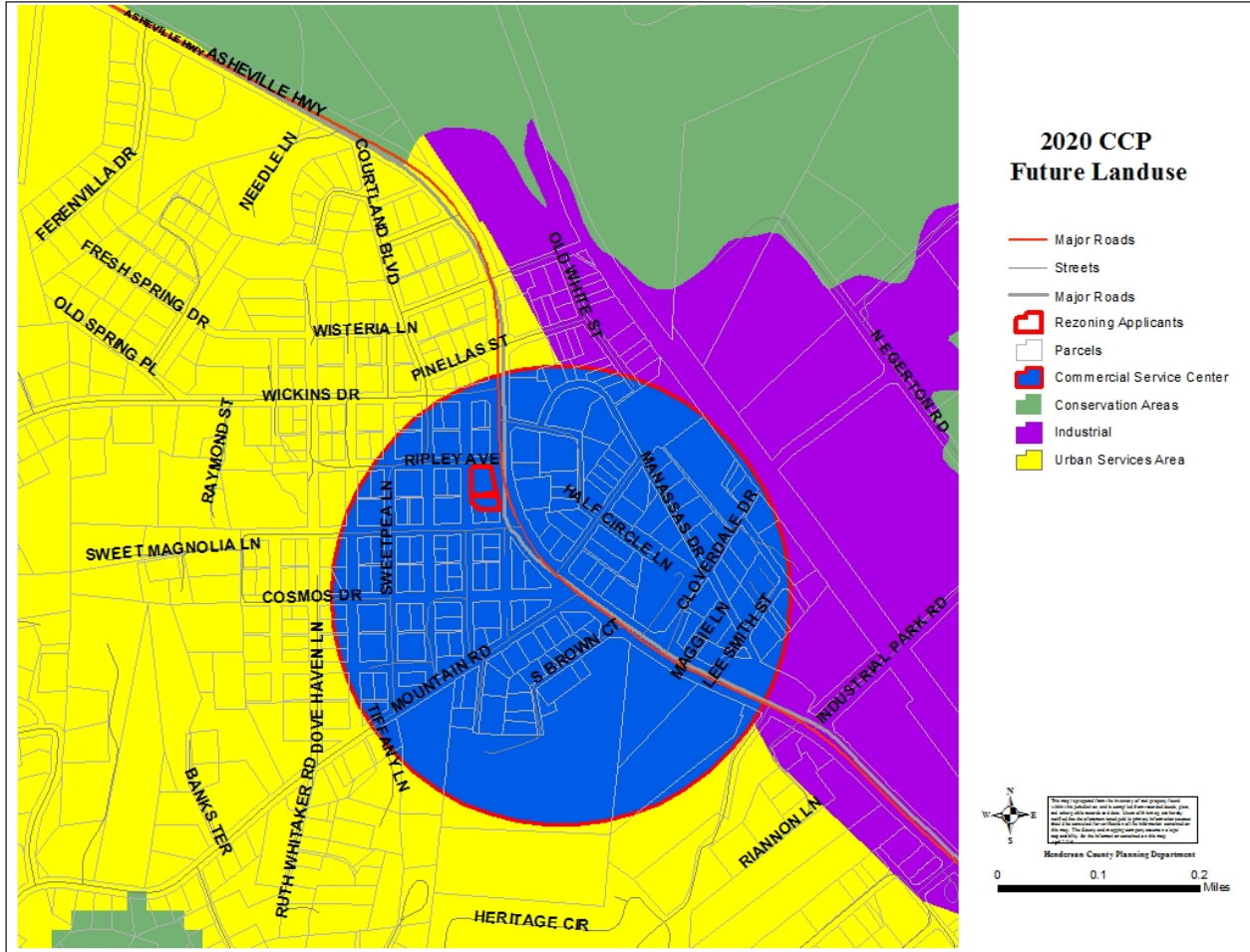
3. Current Uses of Subject Area and Adjacent Properties

- 3.1. **Subject Area Uses:** The subject area is currently used for an auto detailing business and storage of cars.
- 3.2. **Adjacent Area Uses:** The surrounding properties contain primarily residential uses with some commercial in the area.

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



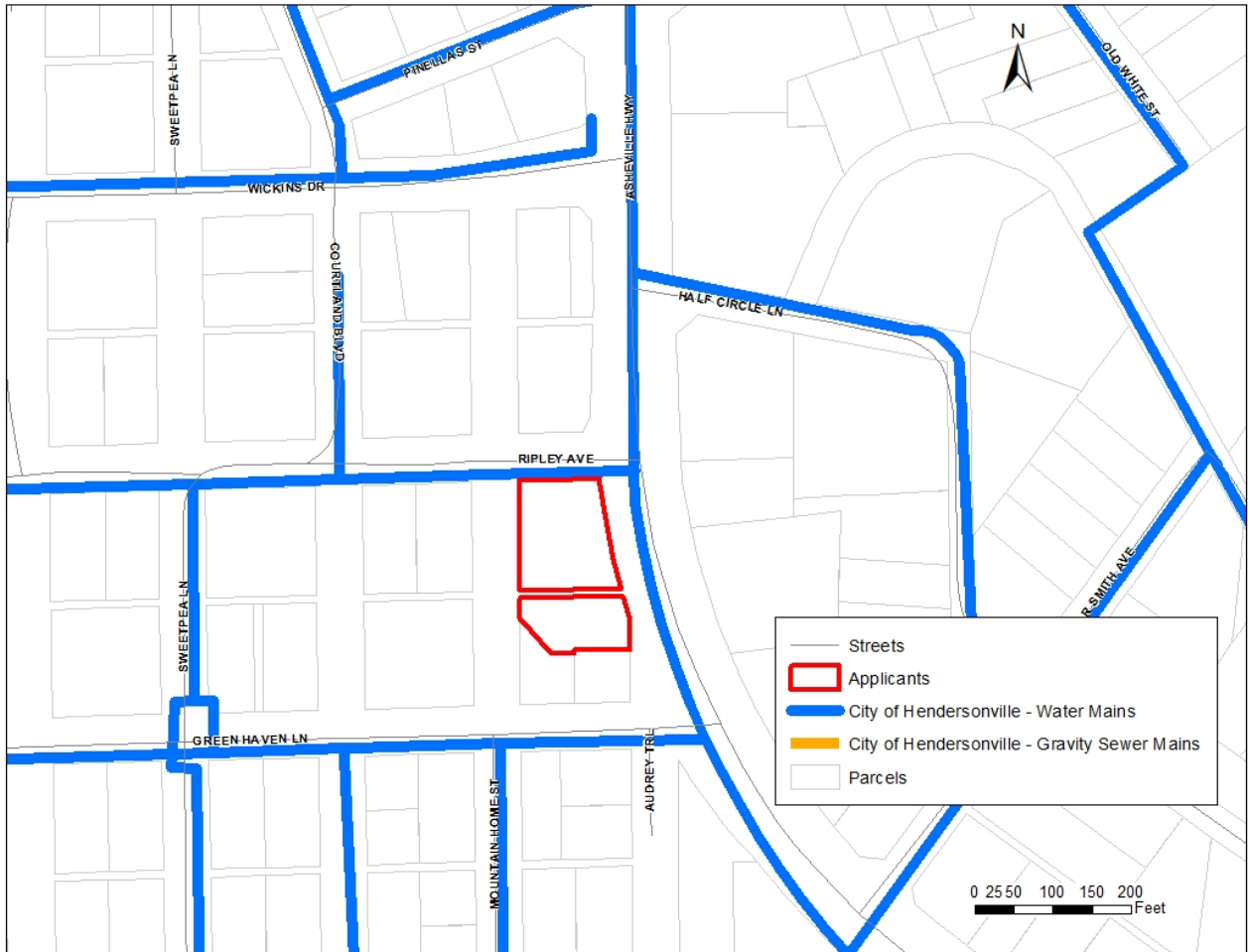
Commercial Service Center: The CCP states that, “*Community Service Centers* are located in unified development concentrations at intersections of selected thoroughfares and in central locations that are convenient to nearby residential development so as to minimize problems associated with “strip” commercial 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



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 Local Commercial zoning with Community Commercial in the vicinity.
- 6.3. **Comparison of Districts:** The applicant wishes to be zoned Community Commercial for the purposes of acquiring a permit to have Outdoor Storage on the property that is larger than currently permitted in the existing Local Commercial zoning.
- 6.4. It is staff's position that the TRC determine whether the subject area meets the technical requirements to become a Community Commercial zoning district.

7. Technical Review Committee Recommendations

- 7.1. TRC reviewed the application at its May 1st, 2018 meeting. The committee voted to send the request to the Planning Board for further review. It noted the current use is in violation of the LDC. If the rezoning is approved, the applicant with then have to seek a Special Use Permit to be in conformance with the LDC. The property is contiguous with existing Community Commercial zoning but only via a right of way on Asheville Highway.

8. Planning Board

- 8.1. Planning Board reviewed this request at its May 17, 2018 meeting and voted to send forth a favorable recommendation to the Board of Commissioners with the stipulation that the applicant be required to fence in the entirety of the property when they apply for a Special Use Permit.

**NOTICE OF PUBLIC HEARING
ON PROPOSED ZONING MAP AMENDMENT
(Rezoning Application #R-2018-04)**

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-2018-04, which was submitted on April 2nd, 2018, requests the County rezone approximately 0.57 acres. The applicant requests a rezoning from a Local Commercial (LC) zoning district to a Community Commercial (CC) zoning district. The subject area is owned by Roger Gagnon, who is also the applicant. The property is located off Ripley Ave. The PIN for the parcel included is: 9650-88-6117.

The public hearing will be held on Wednesday, July 18th, 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, June 28, 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 July 18th, 2018 hearing regarding Rezoning Application #R-2018-04 were:

1. Submitted to the Times-News on June 25, 2018 to be published on June 29, 2018 and July 6, 2018 by Stedman Smith;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on June 25, 2018 by Stedman Smith;
3. Sent, via first class mail, to the property owner on June 25, 2018 by Stedman Smith; and
4. Signs were posted on the Subject Area(s) on June 26, 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

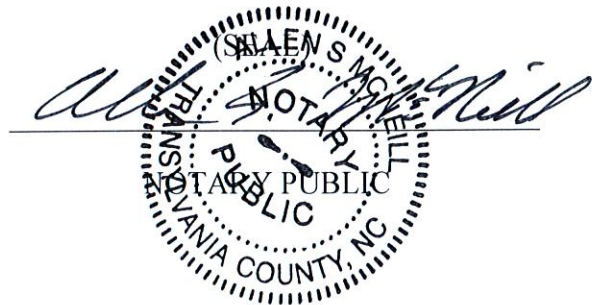
Stedman Smith _____, and _____

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 2 day of July, 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-2018-04; 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 July 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-2018-04 applicant/agent Mr. Roger Gagnon) 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 July, 2018.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
J. MICHAEL EDNEY , Chairman

ATTEST:

Teresa Wilson, Clerk to the Board

[COUNTY SEAL]

Rezoning #R-2018-04 Roger Gagnon



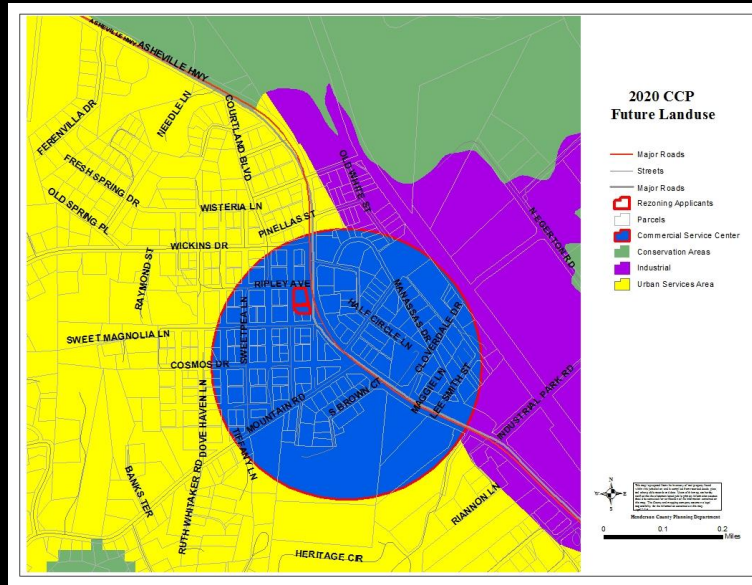
Henderson County Board of Commissioners
July 18, 2018

Henderson County Planning Department

Application Summary

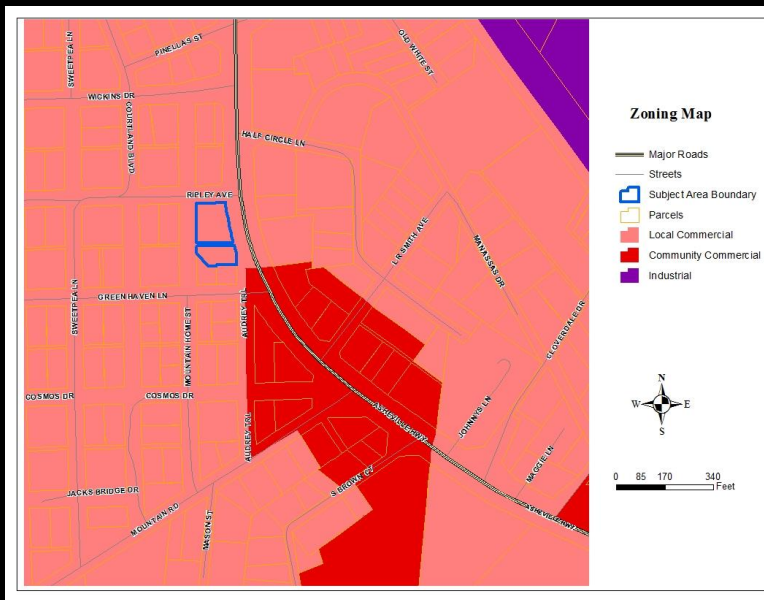
- Rezoning Request: R-2018-04
- Submitted on April 2, 2018
- Applicant/Owner: Mr. Roger Gagnon
- Rezone from Local Commercial (LC) Zoning to Community Commercial(CC) Zoning
- 0.57 Acres
- 1 Parcel

2020 CCP Future Land Use Map



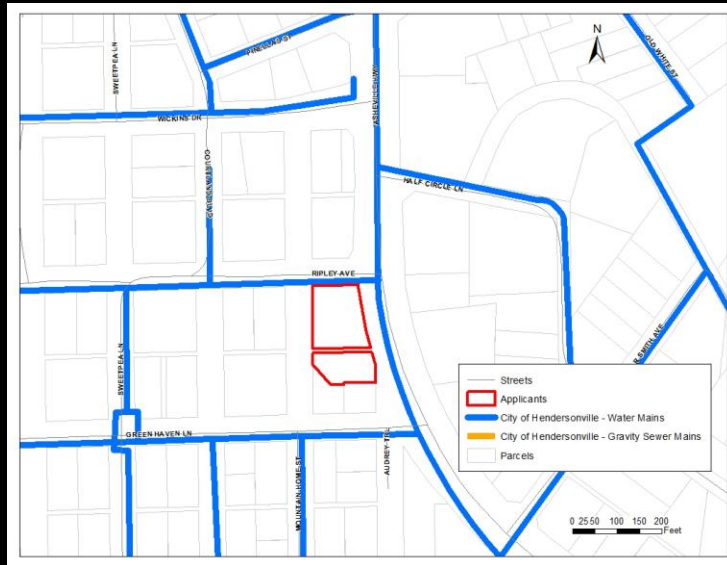
Henderson County Planning Department

Current Zoning Map



Henderson County Planning Department

Public Utilities



Henderson County Planning Department

Rezoning #R-2018-04

Questions

