

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: Tuesday, September 4, 2018

SUBJECT: Public Hearing for Rezoning Application #R-2018-05, As Amended (Byer)

PRESENTER: Autumn Radcliff, Planning Director

ATTACHMENTS:

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

SUMMARY OF REQUEST:

Rezoning Application #R-2018-05 was initiated on March 29, 2018 and amended on July 11, 2018. It requests that the County rezone approximately 40.55 acres of land from Local Commercial (LC) and Residential Two Rural (R2R) to Industrial (I) and a Residential Two Rural (R2R) district. The acreage consists of 11 adjoining parcels. The property owners of the 11 parcels include Roger Byers, Rolling Ridge, Inc., Byers Precision Fabricators PSP, and Carol Lytle. Lynn Johnson and Anthony Byers will be serving as agents for the Byers along with representatives of the Henderson County Partnership for Economic Development. Stockholders and Directors of Rolling Ridge Inc. were notified of the rezoning application at their March, June and July 2018 meetings and all were in favor of this request as amended.

Upon meeting with staff, the Carol Lytle family submitted a letter requesting that their 0.65 acre parcel be rezoned to the adjacent R2R zoning district. The Byers family also supported this request by the Lytle family which would split zone a portion of the Byers property to R2R.

The Planning Board reviewed the amended application at its meeting on July 19th and voted 4-1 to send forth a favorable recommendation to rezone the subject area to an Industrial and 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 September 4th, 2018 public hearing regarding rezoning application #R-2018-05 As Amended, were published in the Hendersonville Lighting on August 22, 2018 and August 29, 2018. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area on August 20, 2018 and posted signs advertising the hearing on the Subject Area on August 22, 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-2018-05, As Amended to rezone the Subject Area to an Industrial (I) and Residential Two Rural (R2R) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan and other supporting information.

Henderson County Planning Department Staff Report

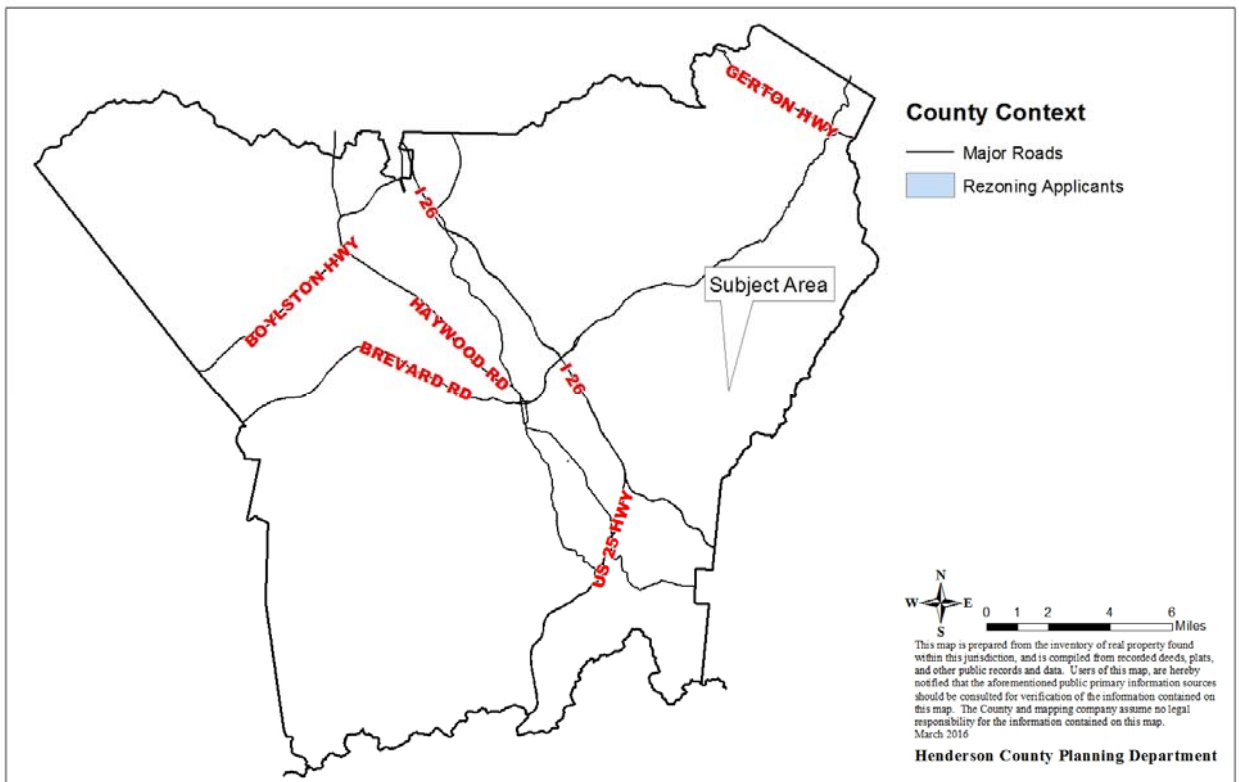
Rezoning Application #R-2018-05 (LC and R2R to I and R2R), As Amended

Applicants/Owners: Roger Byers, Rolling Ridge, Inc., Byers Precision Fabricators, and Carol Lytle

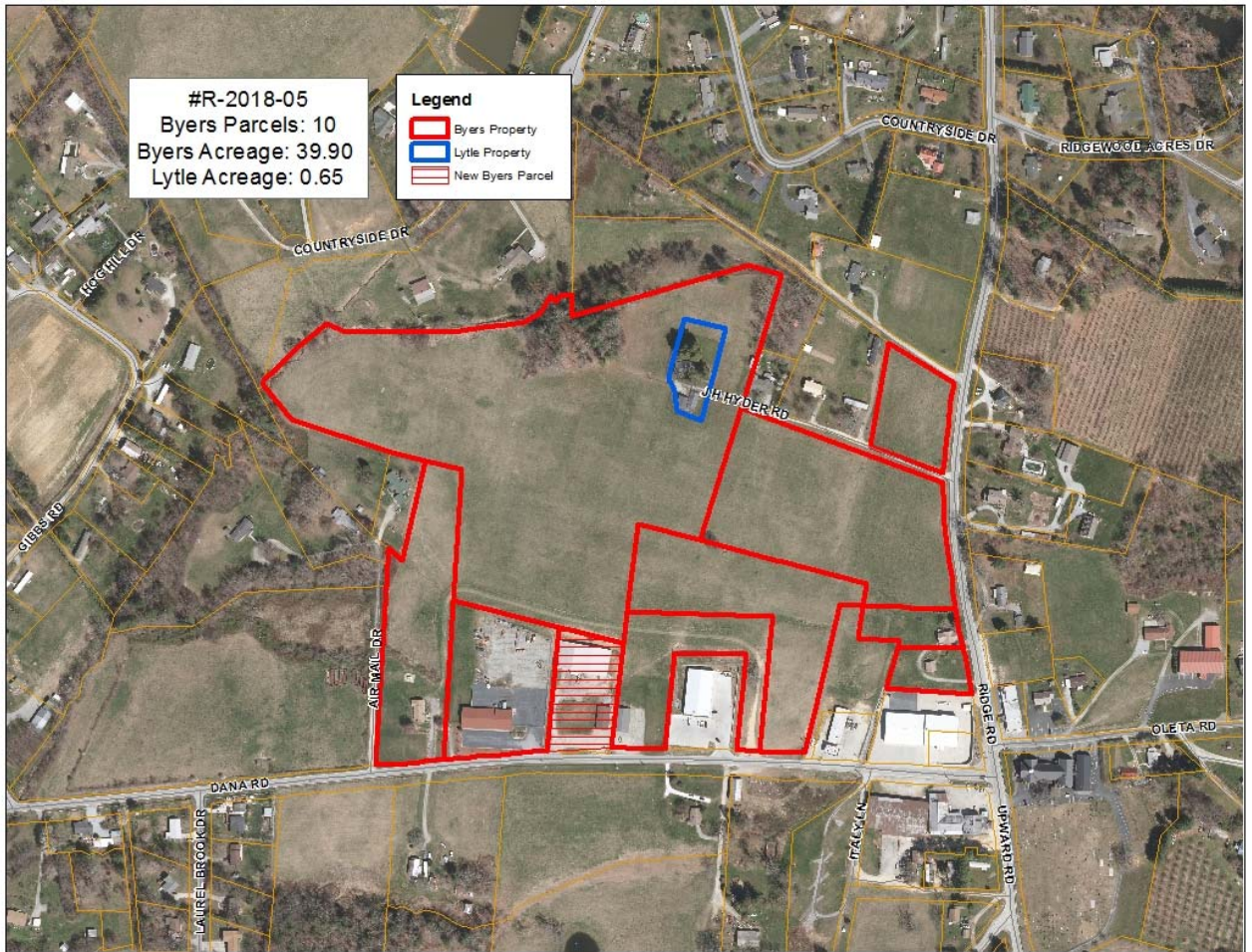
1. Rezoning Request

- 1.1. **Applicants/Agents:** Roger Byers, Anthony Byers, Lynn Johnson, and Carol Lytle
- 1.2. **Property Owner:** Roger Byers, Rolling Ridge Inc., Byers Precision Fabricators, and Carol Lytle
- 1.3. **PINs:** 9599-32-2007, 9599-32-1270, 9599-22-9563, 9599-32-1880, 9599-22-1696, 9599-22-7268, 9599-22-5100, 9599-22-0012, 9599-12-7271, 9599-22-2032, and 9599-22-5942
- 1.4. **Request:** Rezone subject area from a Local Commercial (LC) and Residential Two Rural (R2R) zoning district to an Industrial (I) zoning district and Residential Two Rural (R2R).
- 1.5. **Size:** Approximately 40.55 acres of land
- 1.6. **Location:** The subject area as amended consists of 11 parcels located near the intersection of Dana Rd. and Ridge Rd.

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) and Residential Two Rural (R2R)

2.2. **Adjacent Zoning:** The subject area is adjacent to Local Commercial (LC) and Residential Two Rural (R2R).

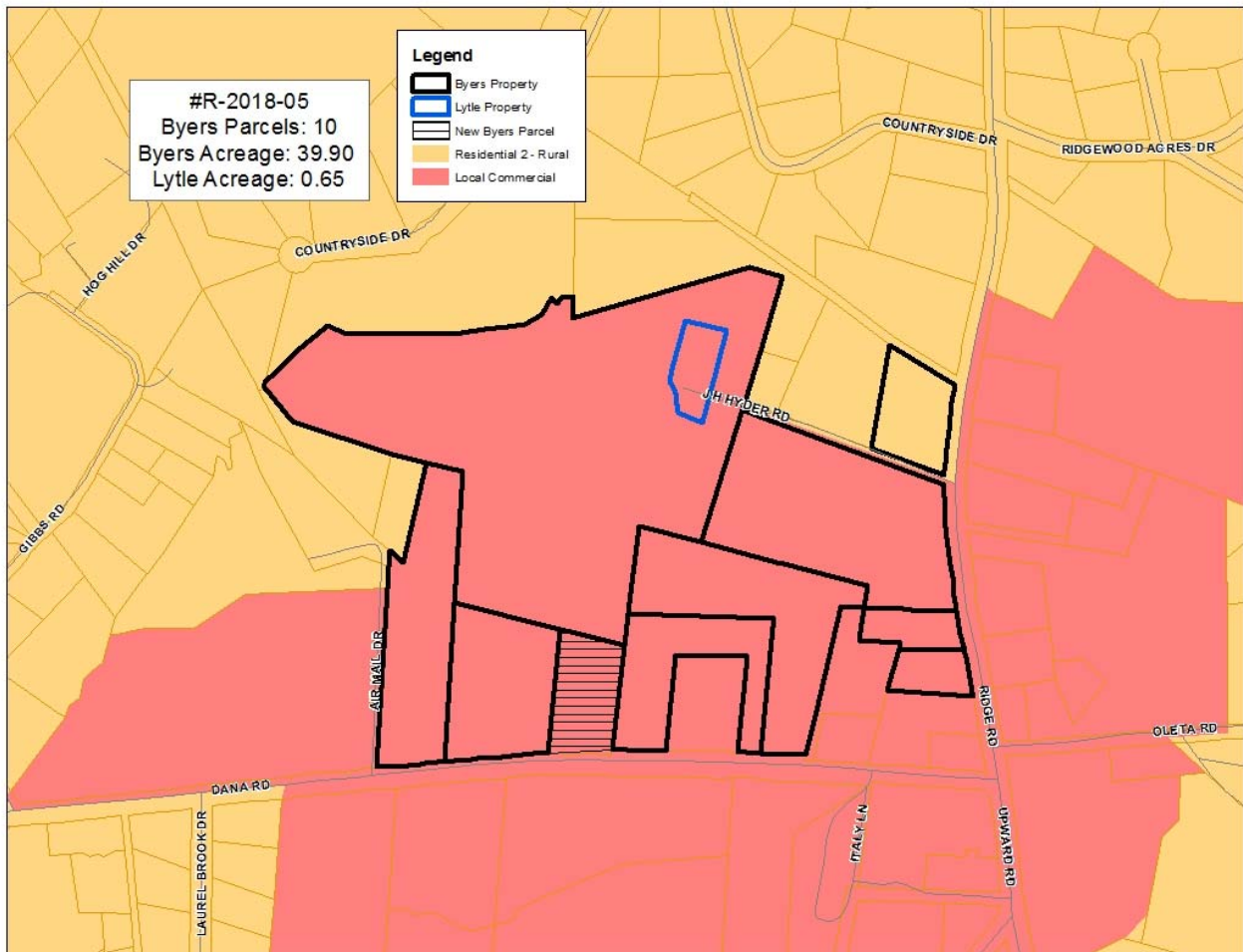
2.3. District Comparison:

2.3.1. **Industrial (I):** “The Industrial District (I) is established to foster orderly growth where the principal use of land is a mixture of industrial and heavy commercial development.” (Chapter 42, Land Development Code §42-37).

2.3.2. **Local Commercial (LC):** The purpose of Local Commercial (LC) zoning is to foster orderly growth with residential and commercial uses.

2.3.3. **Residential Two Rural (R2R):** The purpose of Residential Two Rural is to foster orderly growth where the principal use of land is residential.

Map C: Current Zoning



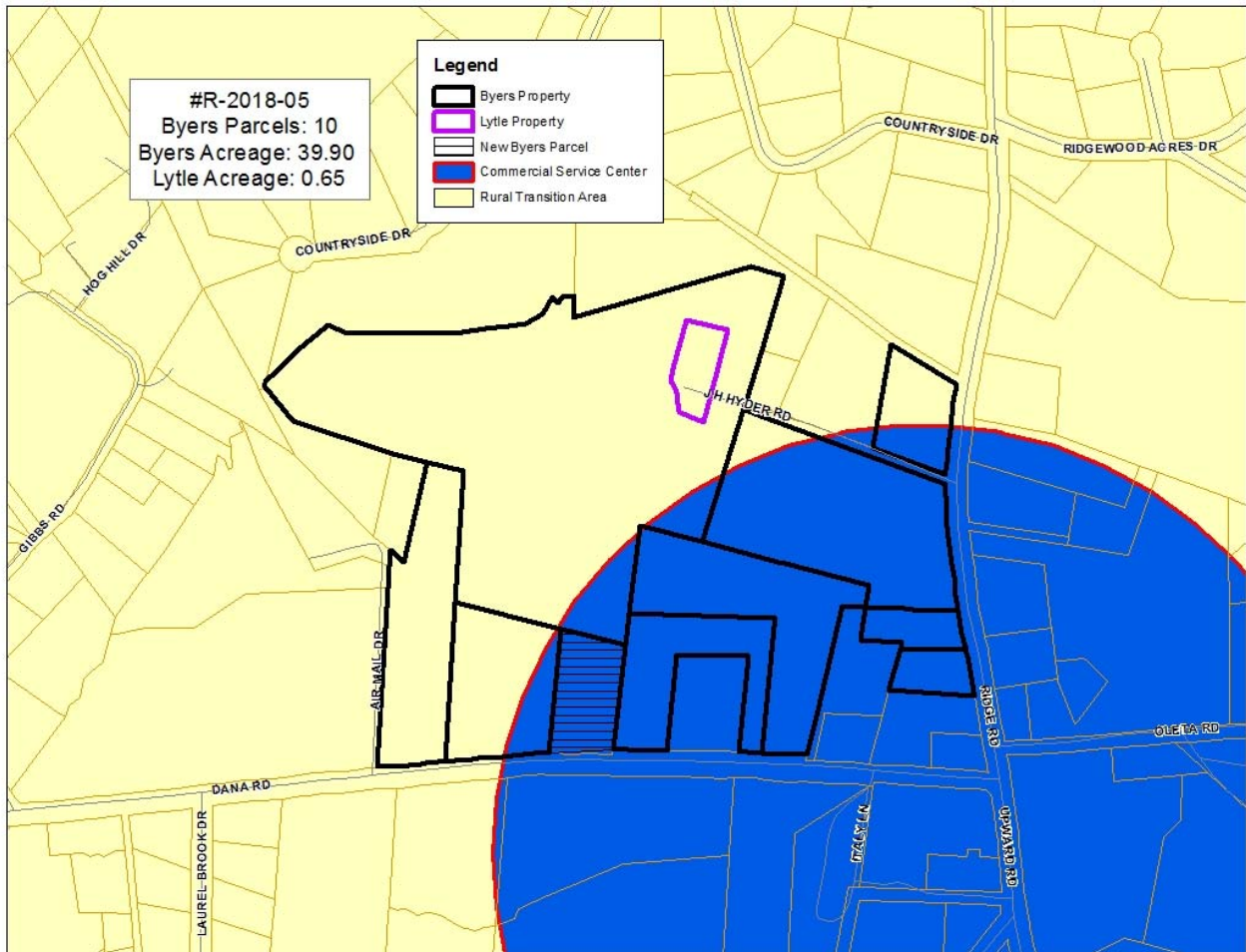
3. Current Uses of Subject Area and Adjacent Properties

- 3.1. **Subject Area Uses:** The uses of the subject area include: residential, commercial, and agricultural.
- 3.2. **Adjacent Area Uses:** The surrounding properties contain residential uses with some commercial in the area located off Dana Rd. There is a church adjacent to the subject area across Ridge Road.

4. The Henderson County 2020 Comprehensive Plan (CCP)

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

Map D: 2020 County Comprehensive Plan Future Land Use Map



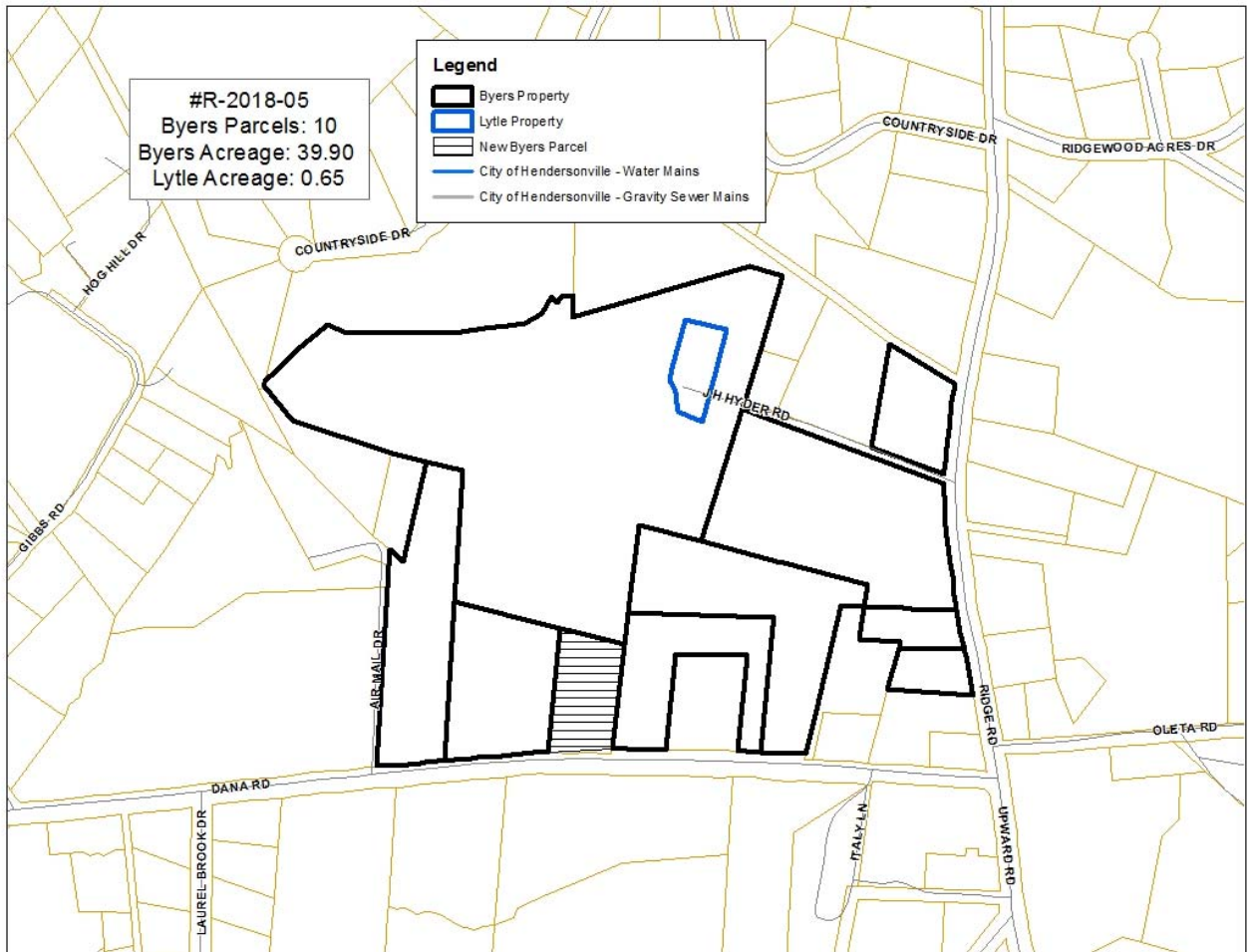
Commercial Service Center: The CCP states that, “*Community Service Centers* are located in unified development concentrations at intersections of selected thoroughfares and in central locations that are convenient to nearby residential development so as to minimize problems associated with “strip” commercial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

Rural/Urban 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 development 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. 134).

5. Water and Sewer (see Map E)

5.1. The subject area does not currently have access to public utilities. The nearest water line is located at Dana Elementary School.

Map E: Water and Sewer Map

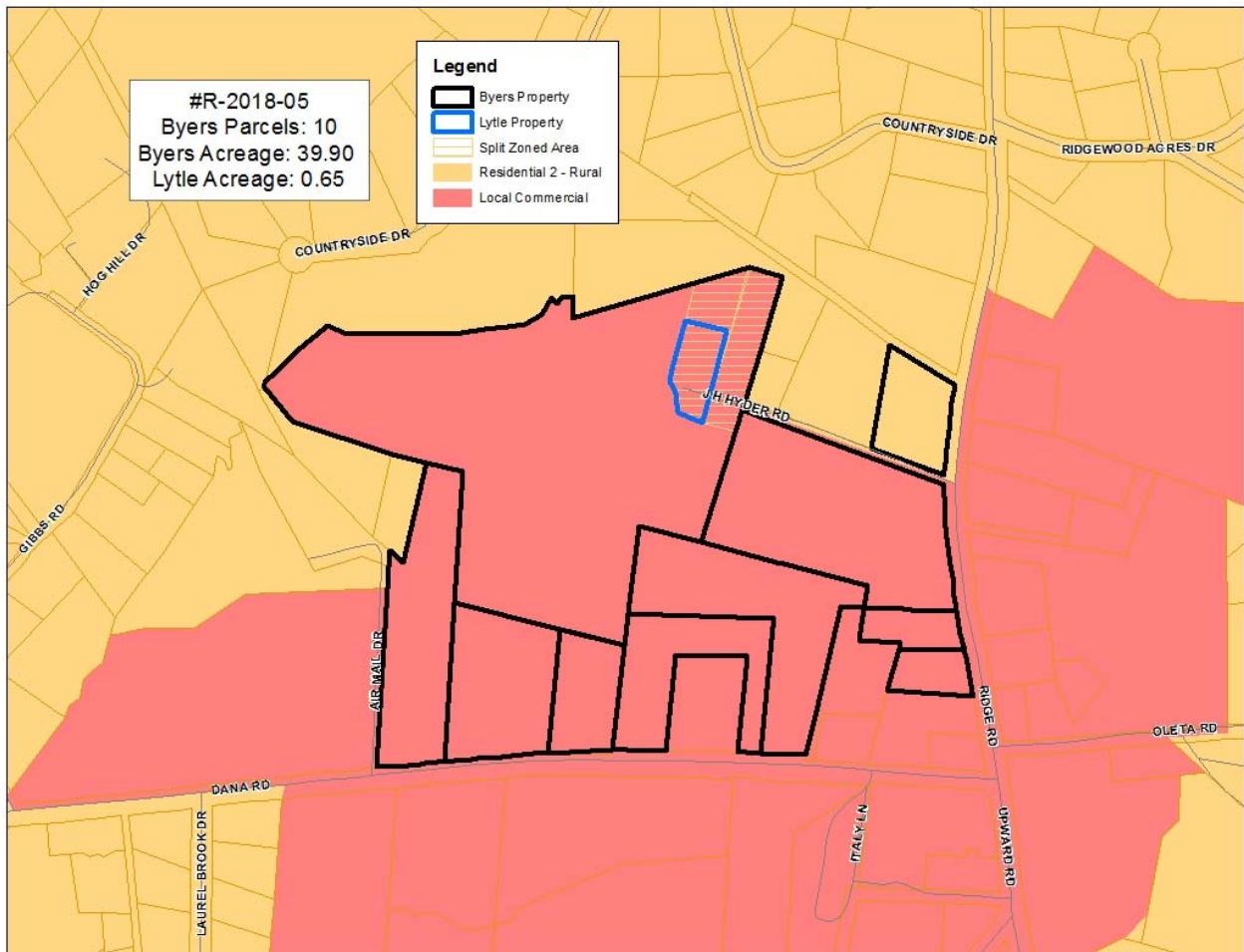


6. Overview of Amended Zoning Request

The Planning Board reviewed the application at its May 17th meeting and voted 7-1 to send forth a favorable recommendation to rezone the subject area to an Industrial zoning district. Following the meeting, it was brought to staff’s attention that the application needed to be amended to address a parcel originally thought to be included. The parcel is owned by Carol Lytle and is 0.65 acres. It carries PIN: 9599-22-5942 (Refer to Aerial Map B).

Staff met with the applicants to discuss this issue and at that time it was determined that PIN: 9599-22-2032 which is owned by the applicants, should be added to the amended application. This parcel is a 1.36 acre and fronts Dana Rd. It is also currently zoned Local Commercial (Refer to Zoning Map C). Staff also met with the Carol Lytle family and they submitted a letter requesting that their 0.65 acre parcel be rezoned to the adjacent R2R zoning district. The Byers family also supported this request by the Lytle family which would split zone a portion of the Byers property to R2R.

The Planning Board at its meeting on July 19th voted 4-1 to send forth a favorable recommendation to rezone the 10 parcels owned by the Byers (includes the additional Byers parcel) to Industrial and split zone the northeast portion of the subject area and rezone the Lytle parcel to the adjacent R2R zoning district (**See Map Below**). The split zoned area would be approximately 2.12 acres, including the 0.65 acre parcel.



7. Staff Comments

- 7.1. **The 2020 CCP:** The CCP Future Land Use Map (See Map D) places the Subject Area in the Community Service Center and Rural Transition Area classification.
- 7.2. **Adjacent Zoning:** The subject area is adjacent to Local Commercial zoning and Residential Two Rural.

8. Planning Board Recommendations

- 8.1. TRC reviewed the application on May 15. The Committee found no technical violations and forwarded the request to the Planning Board.
- 8.2. The Planning Board reviewed the amended application at its meeting on July 19th and voted 4-1 to send forth a favorable recommendation to rezone the subject area to an Industrial and R2R zoning district.

Certification of Notice of Public Hearing

In accordance with NCGS 153A-343 the Planning Department certifies notice of September 4, 2018 hearing regarding Rezoning Application #R-2018-05, As Amended were:

1. Submitted to the Hendersonville Times News on August 16, 2018 to be published on August 22, 2018 and August 29, 2018 by Autumn Radcliff;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on August 20, 2018 by Allen McNeill;
3. Sent, via first class mail, to the property owner on August 20, 2018 by Allen McNeill; and
4. Signs were posted on the Subject Area(s) on August 22, 2018 by Allen McNeill.

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

1. Autumn Radcliff
2. Allen S. McNeill

STATE OF North Carolina

COUNTY OF Henderson

I, Jennifer L Pickens, a Notary Public, in and for the above County

and State, do hereby certify that

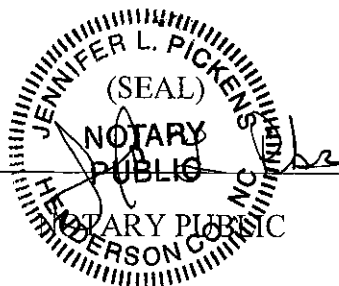
Autumn Radcliffe, and Allen McNeill

personally, appeared before me this day.

WITNESS my hand and notarial seal, this the 23rd day of August, 2018.

My commission expires:

Nov 26, 2021





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-2018-05, As Amended; 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 September 4th, 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-2018-05, As Amended, applicants Roger Byers, Rolling Ridge, Inc., Byers Precision Fabricators PSP, and Carol Lytle) 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 4th day of September, 2018.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
J. MICHAEL EDNEY , Chairman

ATTEST:

Teresa Wilson, Clerk to the Board

[COUNTY SEAL]

Rezoning #R-2018-05, As Amended (Byers)



Henderson County Board of Commissioners
September 4, 2018

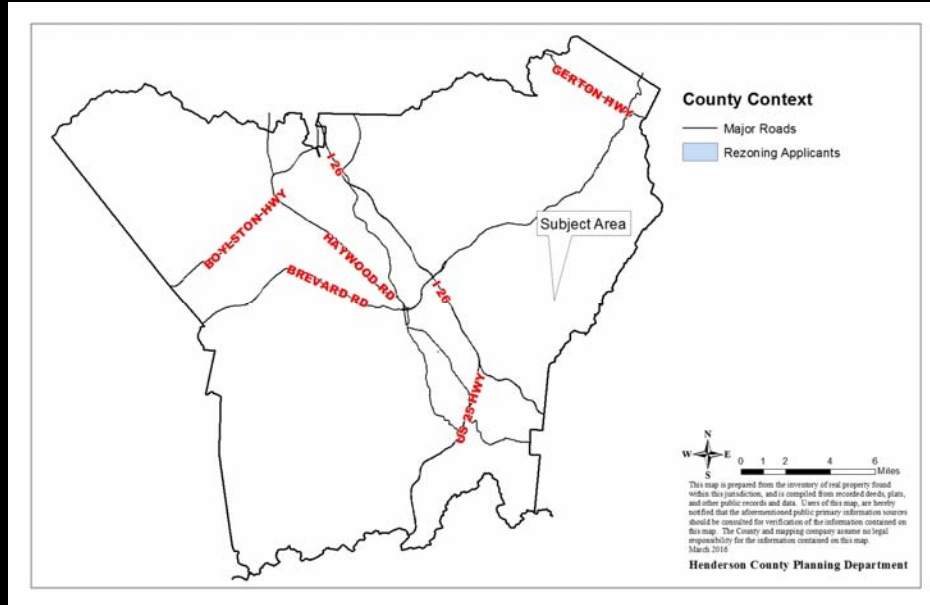
Henderson County Planning Department

Application Summary

- Rezoning Request: R-2018-05, As Amended
- Initiated on March 29, 2018, Amended on July 11, 2018
- Applicant/Owner: Mr. Roger Byers, Rolling Ridge, Inc., Byers Precision Fabricators, and Carol Lytle
- Rezone from Local Commercial (LC) and Residential Two Rural (R2R) Zoning to Industrial (I) Zoning and R2R
- 40.55 Acres
- 11 Parcels

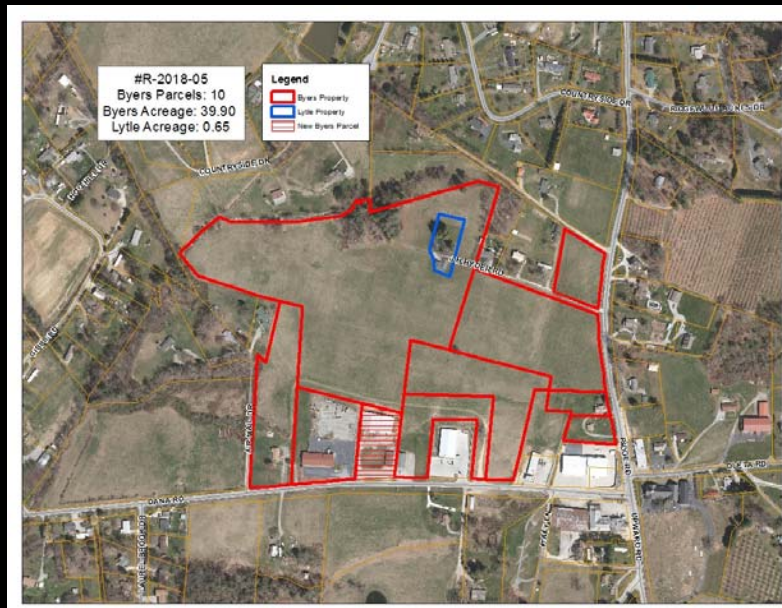
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County Context



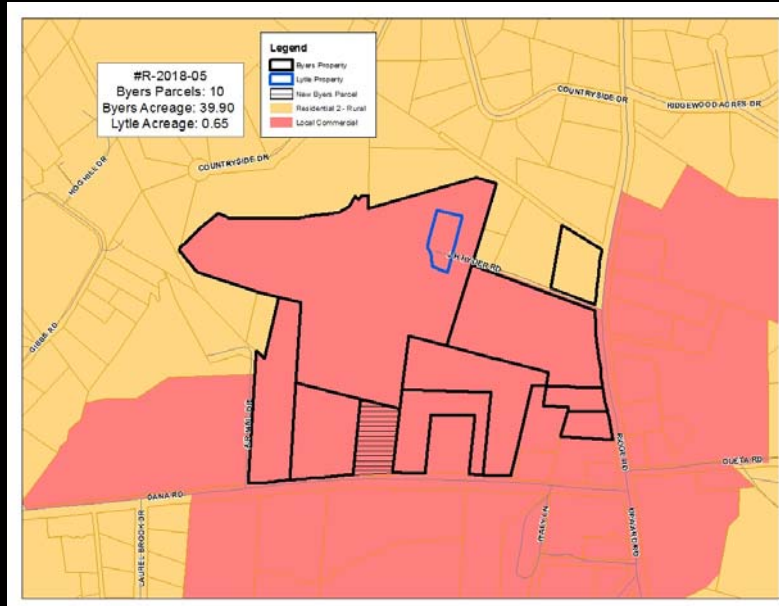
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Aerial Map



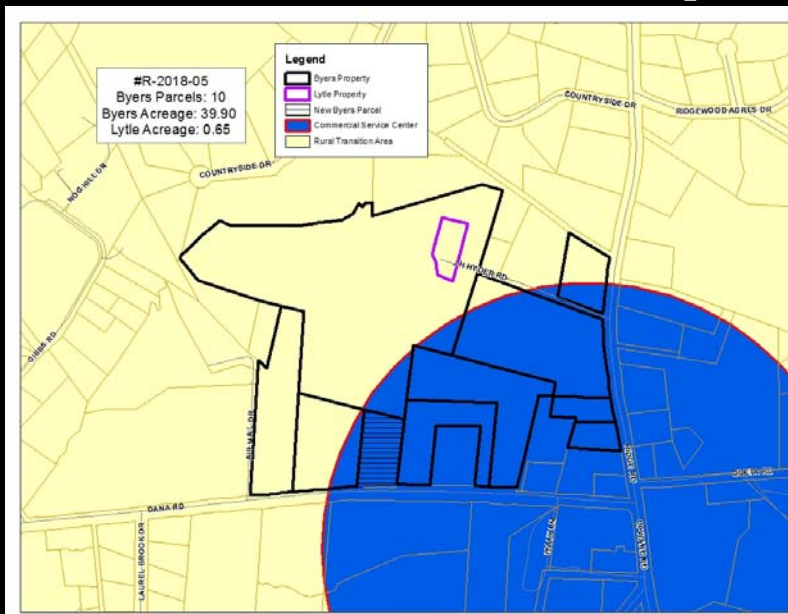
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Current Zoning Map



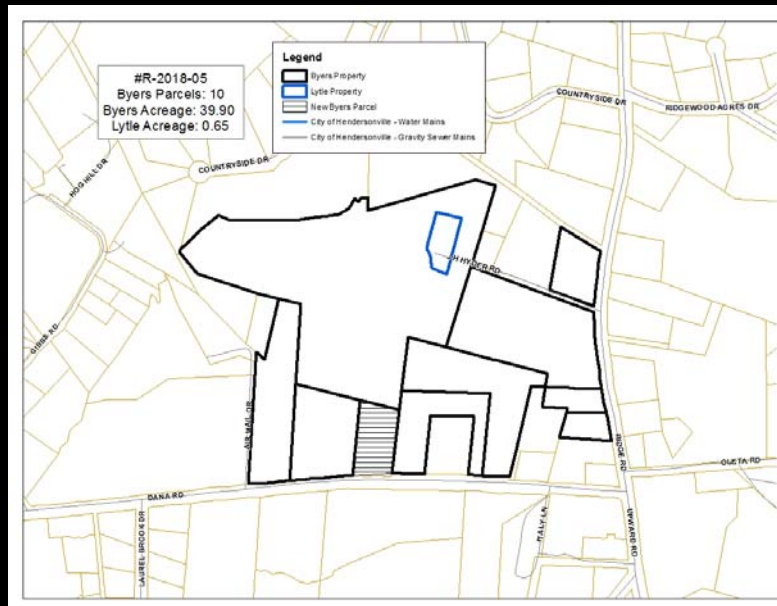
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2020 CCP Future Land Use Map



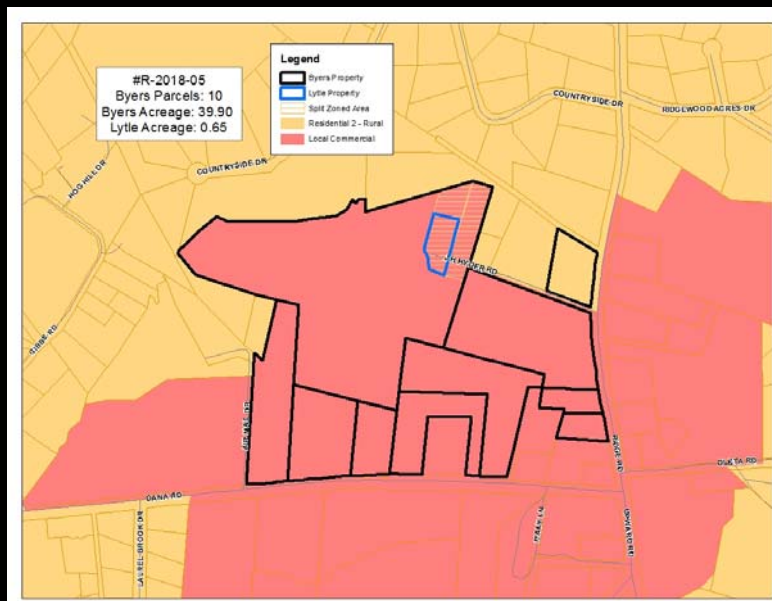
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Public Utilities



Henderson County Planning Department

Rezoning Option



Henderson County Planning Department

Rezoning #R-2018-05, As Amended

Questions

