

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: Monday, January 7, 2019

SUBJECT: Public Hearing for Rezoning Application #R-2018-03

PRESENTER: Allen S. 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-2018-03 which was initiated on March 26, 2018 at the request of the applicant Mr. Robert Otto Camenzind, who requests the County rezone approximately 0.98 acres of land (thereafter the "Subject Area") from a Residential One (R1) zoning district to an Industrial (I) zoning district.

The Henderson County Planning Board considered rezoning application #R-2018-03 at its regularly scheduled meetings on November 15, 2018. During the meeting, the Planning Board voted 5-1 to send forward a favorable recommendation to rezone the Subject Area to an Industrial (I) 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 January 7th, 2019, public hearing regarding rezoning application #R-2018-03 were published in the Hendersonville Lightning on December 26, 2018 and January 2, 2019. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area on December 13, 2018 and posted signs advertising the hearing on the Subject Area on December 13, 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:

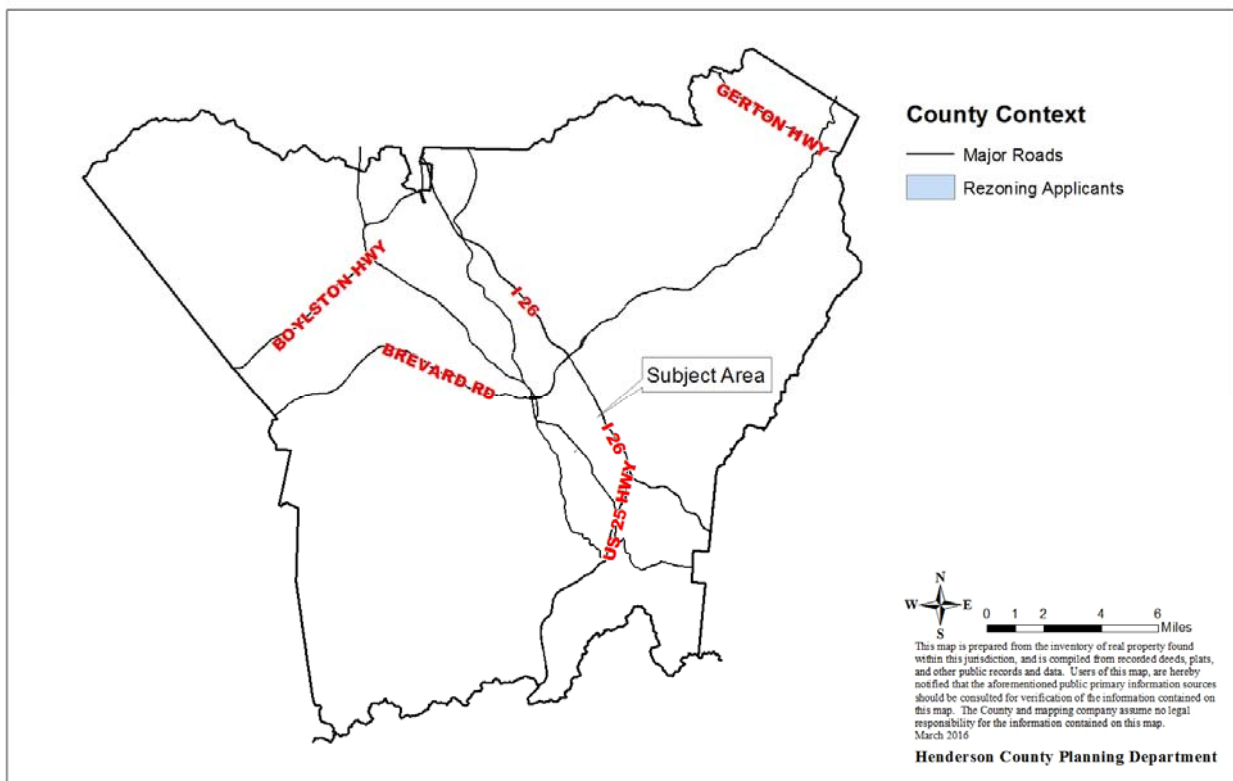
I move that the Board adopt the attached resolution regarding the consistency with the CCP.

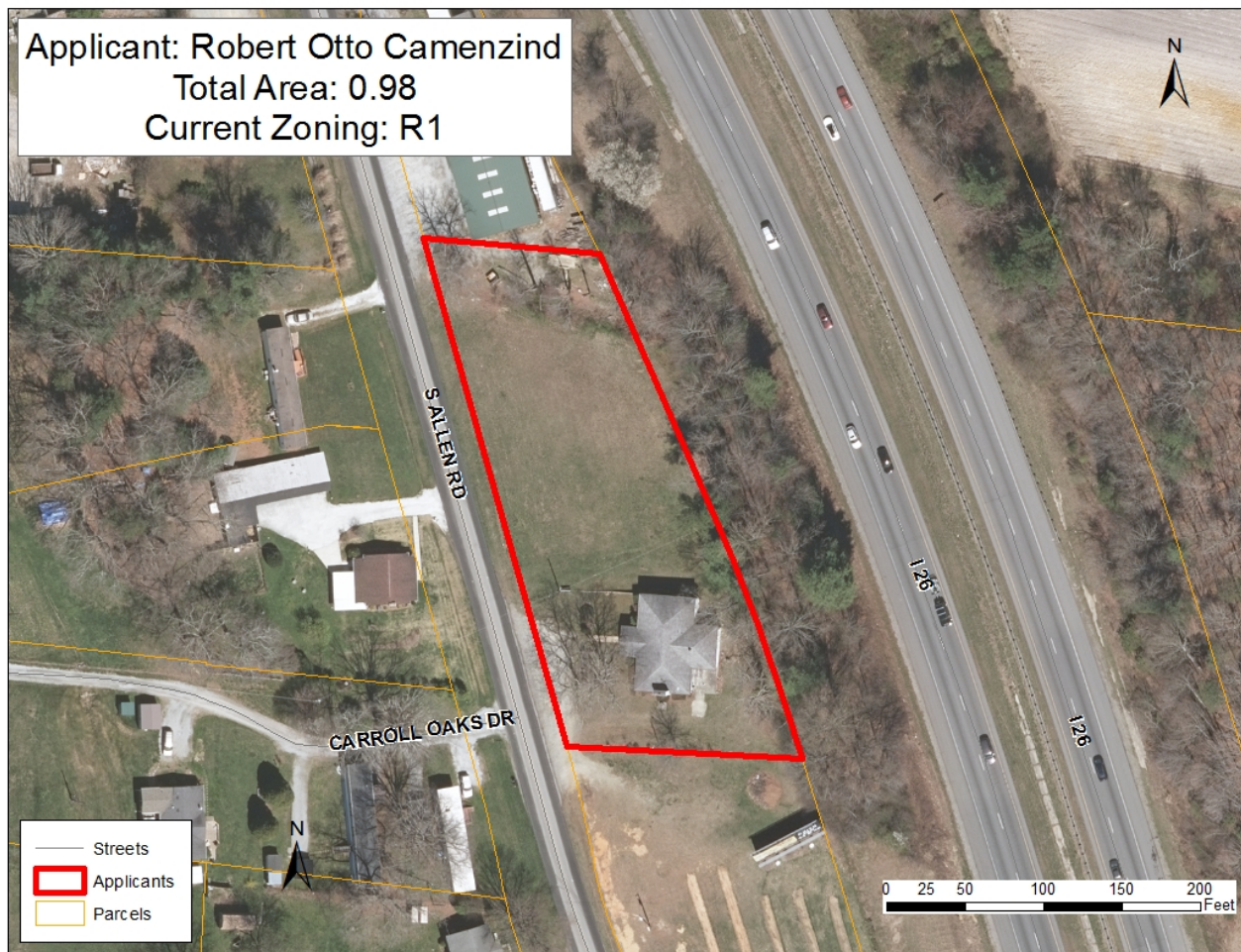
I move that the Board (approve, approve with conditions, or deny) rezoning application #R-2018-03 to rezone the Subject Area to an Industrial (I) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan and other supporting information.

Henderson County Planning Department Staff Report**Rezoning Application #R-2018-03 (R1 to I)****Applicant/Owner: Tracy Grove Community Development Club**

1. Rezoning Request

- 1.1. **Applicant:** Robert Otto Camenzind, POA
- 1.2. **Property Owner:** Heirs of Sarah Smith Hudgins
- 1.3. **Agent:** Kelton E. Lastein
- 1.4. **PIN:** 9588-05-2867
- 1.5. **Request:** Rezone subject area from a Residential One (R1) zoning district to an Industrial (I) zoning district.
- 1.6. **Size:** Approximately 0.98 acres of land
- 1.7. **Location:** The Subject Area is located off South Allen Road. 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 Maps C & D)**

2.1. **Application of Current Zoning:** The subject area is currently zoned as Residential One (R1)

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

2.3. District Comparison:

2.3.1. **Industrial (I) District:** “The purpose of the Industrial District (I) is to foster orderly growth where the principal use of land is a mixture of industrial and heavy commercial. The intent of this district is to allow for industrial and heavy commercial development consistent with the recommendations of the Comprehensive Plan. In accordance with the Comprehensive Plan, the district will allow for and provide industrial and heavy commercial development that: (1) is compatible with adjacent development and the surrounding community; (2) will minimize conflict between land uses; and (3) is sensitive to its impact on surrounding land uses and the environment (natural and man-made).” (LDC §42A-36).

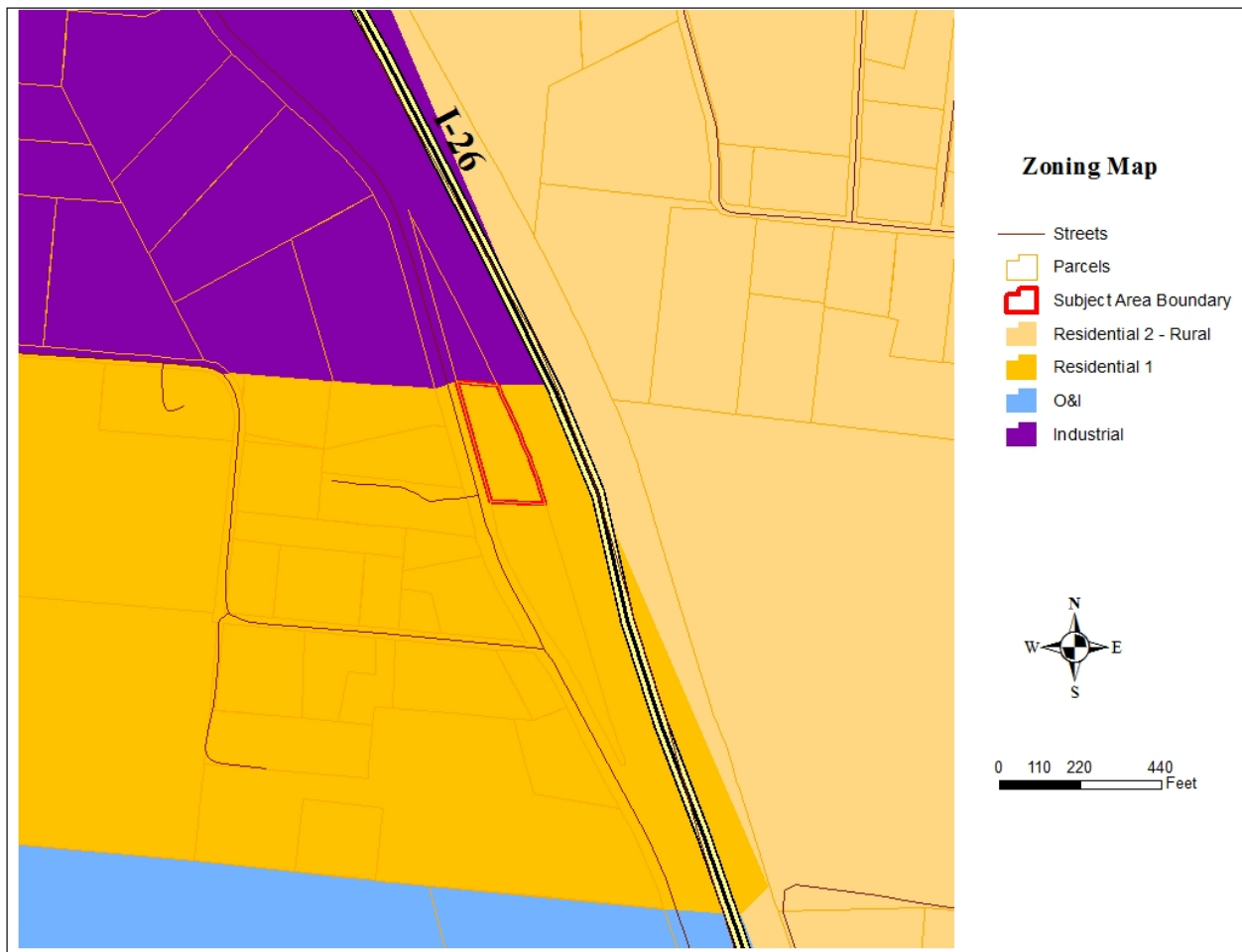
- 1) Industrial (I) requires 20 foot side and rear setbacks; (2) establishes a maximum building height of 72 feet; (3) Provides an unlimited square feet

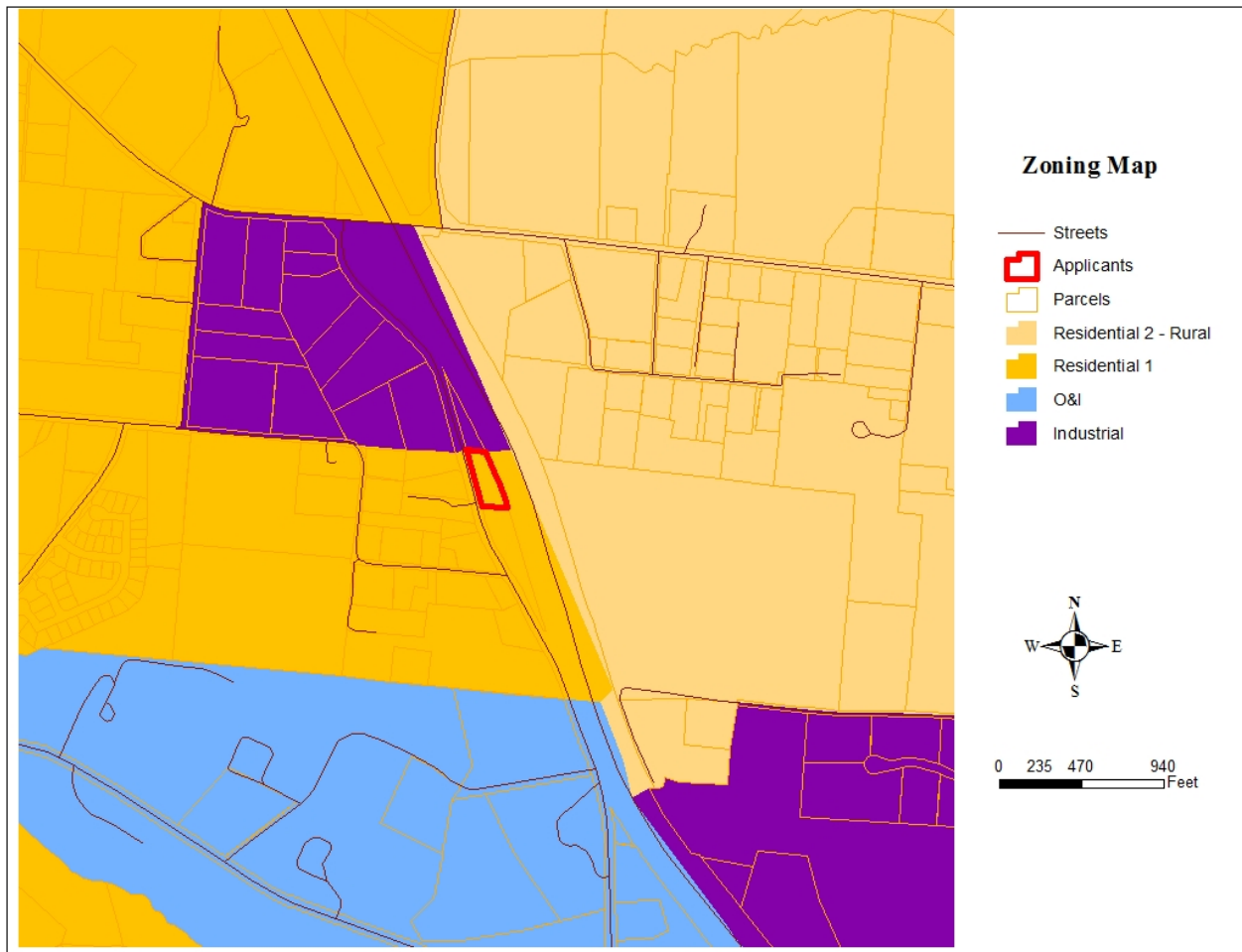
maximum gross floor area; (4) Maximum impervious surface area of 80% (Chapter 42, Land Development Code §42B-36)

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



Map D: Current Zoning Context**3. Current Uses of Subject Area and Adjacent Properties**

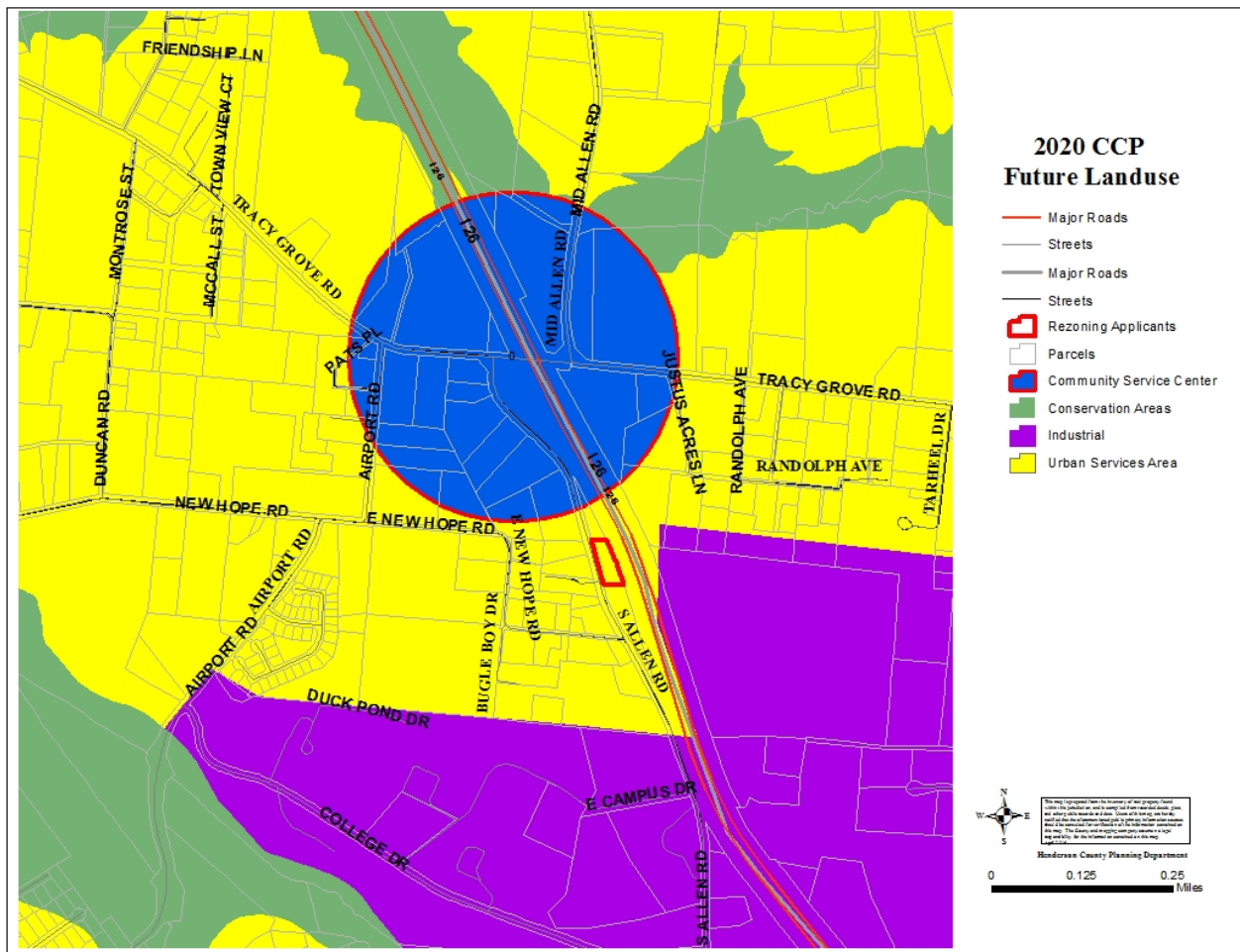
3.1. **Subject Area Uses:** The subject area occupies a 3,250-square foot structure which has been previously utilized as a community development club.

3.2. **Adjacent Area Uses:** The surrounding properties contain primarily residential uses, except for the property directly to the north, which is utilized as a plumbing company.

4. The Henderson County 2020 Comprehensive Plan (CCP)

4.1. The CCP Future Land Use Map identifies the subject area as being in an Urban Service Area (2020 CCP, Pgs. 138 & Appendix 1, Map 24). (See Map D).

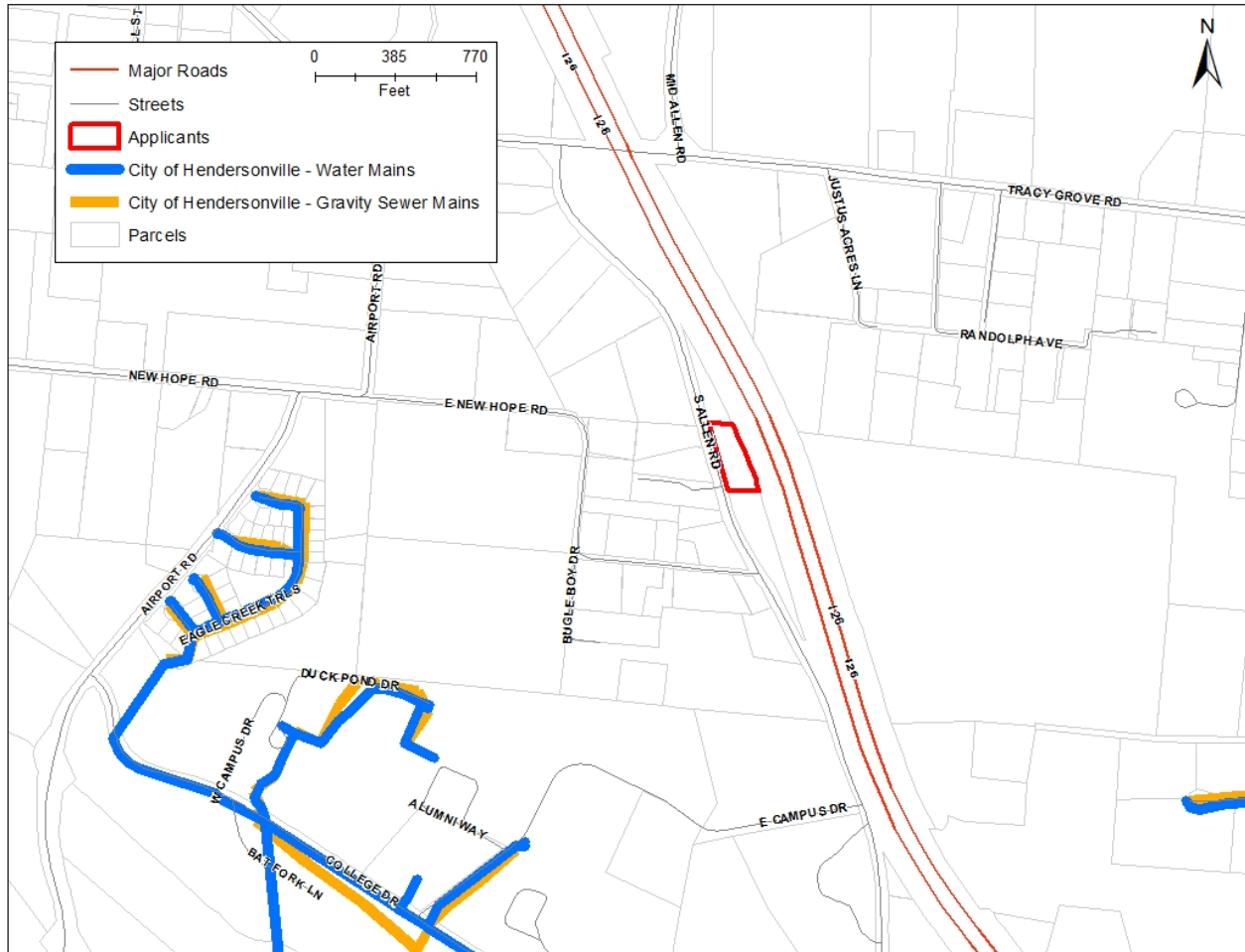
Map E: 2020 County Comprehensive Plan Future Land Use Map



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. 129).

5. Water and Sewer (see Map F)

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

Map F: 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, an Urban Service Area classification. The text and map of the 2020 CCP suggest that the Subject Area would be suitable to contain considerable commercial development at a mixture of scales.
- 6.2. **Adjacent Zoning:** The subject area is adjacent to Residential Two Rural, Residential One, and Industrial zoning districts.
- 6.3. **Comparison of Districts:** The applicant wishes to be zoned Industrial, as the adjacent parcel north of the subject area is currently zoned.

7. Staff Recommendations

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

8. Technical Review Committee Recommendations

- 8.1. TRC reviewed this application at their regularly scheduled April 3rd, 2018 meeting. Finding that the application conformed to all technical requirements, the committee motioned to forward the request on to the planning board.

9. Planning Board Recommendations

- 9.1. The Planning Board reviewed this application at its November 15, 2018 meeting and voted 5-1 to send forth a favorable recommendation to the Board of Commissioners.

**NOTICE OF PUBLIC HEARING
ON PROPOSED ZONING MAP AMENDMENT
(Rezoning Application #R-2018-03)**

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-2018-03, which was submitted on March 26, 2018, requests the County rezone approximately 0.98 acres. The applicant requests a rezoning from a Residential One (R1) zoning district to an Industrial (I) zoning district. The subject area is owned by the heirs of Sarah Smith Hudgins, and the applicant is Kelton E. Lastein. The property is located off South Allen Road. The PIN for the parcel included is: 9588-05-2867.

The public hearing will be held on **Monday, January 7th, 2019, 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. 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 Hendersonville Lightning on Wednesday, December 26, 2018 and Wednesday, January 2, 2019.

Certification of Notice of Public Hearing

In accordance with NCGS 153A-343 the Planning Department certifies notice of the January 7th, 2019 hearing regarding Rezoning Application #R-2018-03 were:

1. Submitted to the Hendersonville Lightning on December 13, 2018 to be published on December 26, 2018 and January 2, 2019 by Allen S. McNeill;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on December 13, 2018 by Allen S. McNeill;
3. Sent, via first class mail, to the property owner on December 13, 2018 by Allen S. McNeill; and
4. Signs were posted on the Subject Area(s) on December 13, 2018 by Allen S. 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

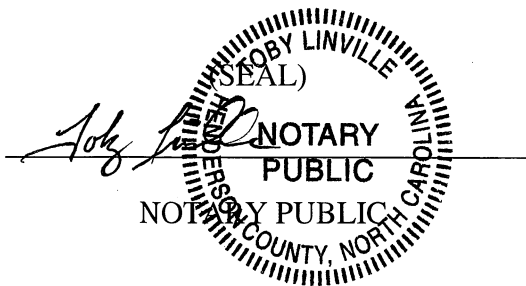
Allen McNeill, and _____

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 17 day of DECEMBER, 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-2018-03; 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 January 7th, 2019; 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-2018-03 Tracy Grove Community Development Club) 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 7th day of January, 2019.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
GRADY HAWKINS, Chairman

ATTEST:

Teresa Wilson, Clerk to the Board

[COUNTY SEAL]

Rezoning #R-2018-03

Tracy Grove Community Development Club



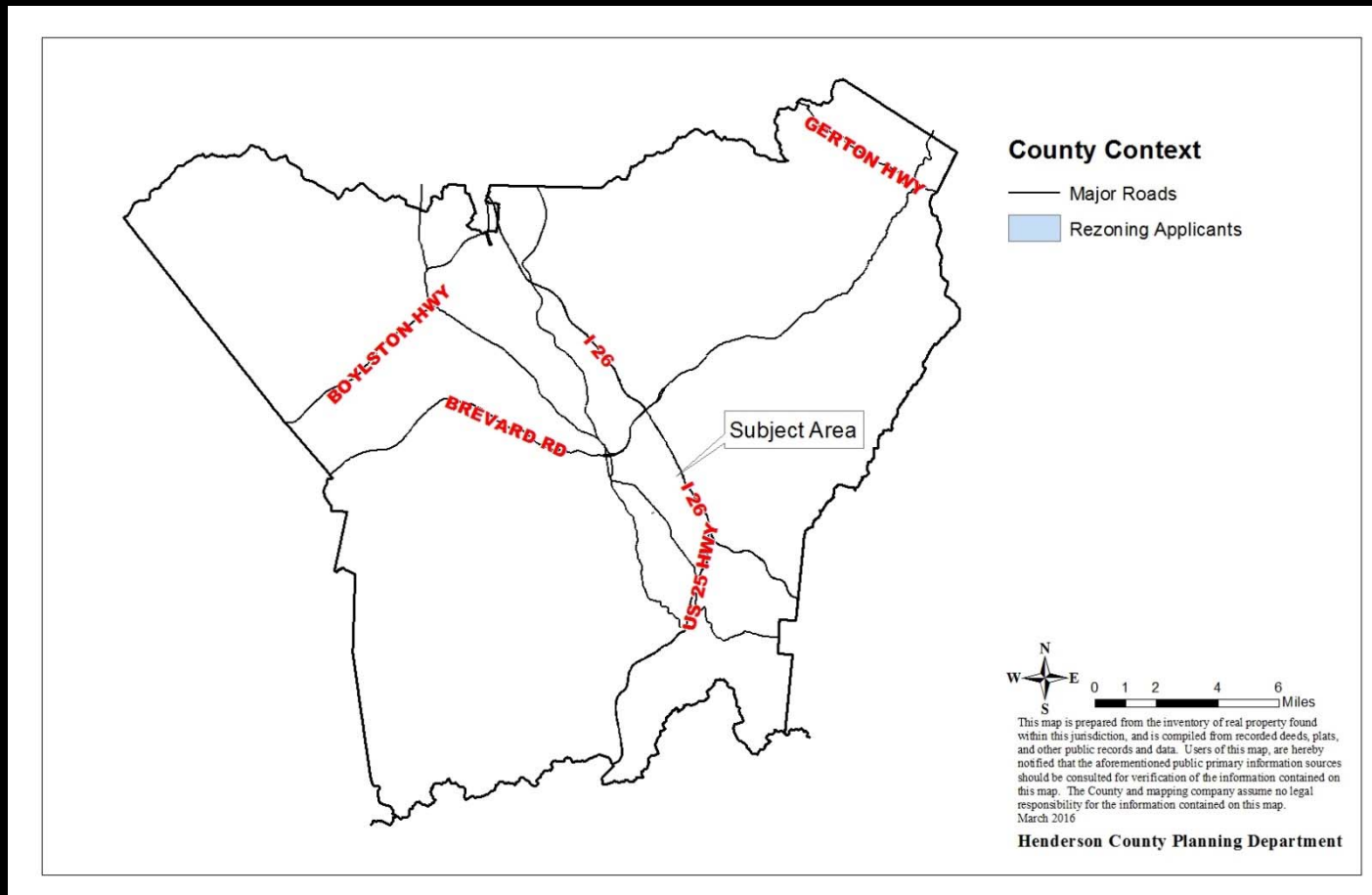
Henderson County Board of Commissioners
January 7th, 2019

Henderson County Planning Department

Application Summary

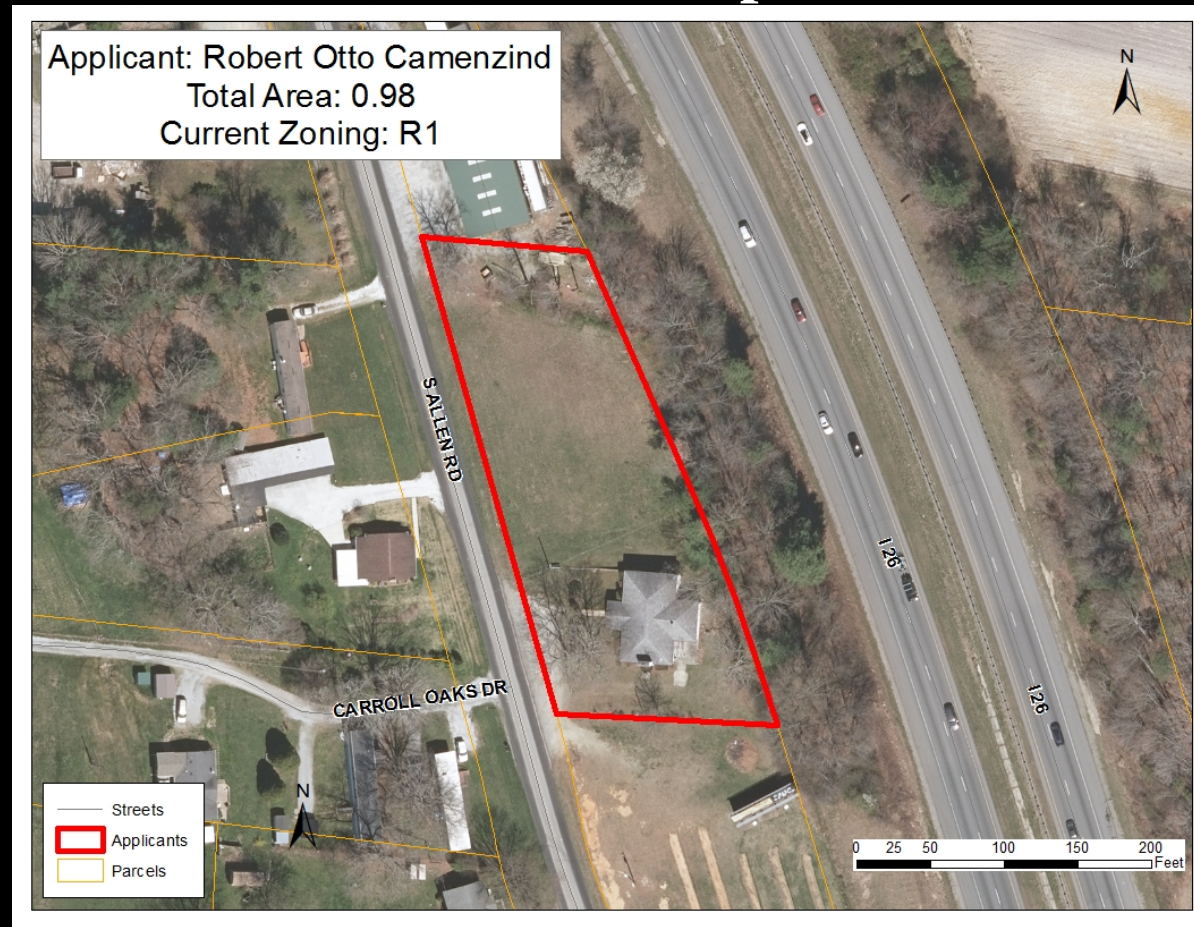
- Rezoning Request: R-2018-03
- Submitted on March 26th, 2018
- Owner: Heirs to Sarah Smith Hudgins
- Applicant/Agent: Kelton E. Lastein of Spake Real Estate
- Rezone from Residential One (R1) Zoning District to an Industrial (I) Zoning District
- 0.98 Acres
- 1 Parcel

County Context



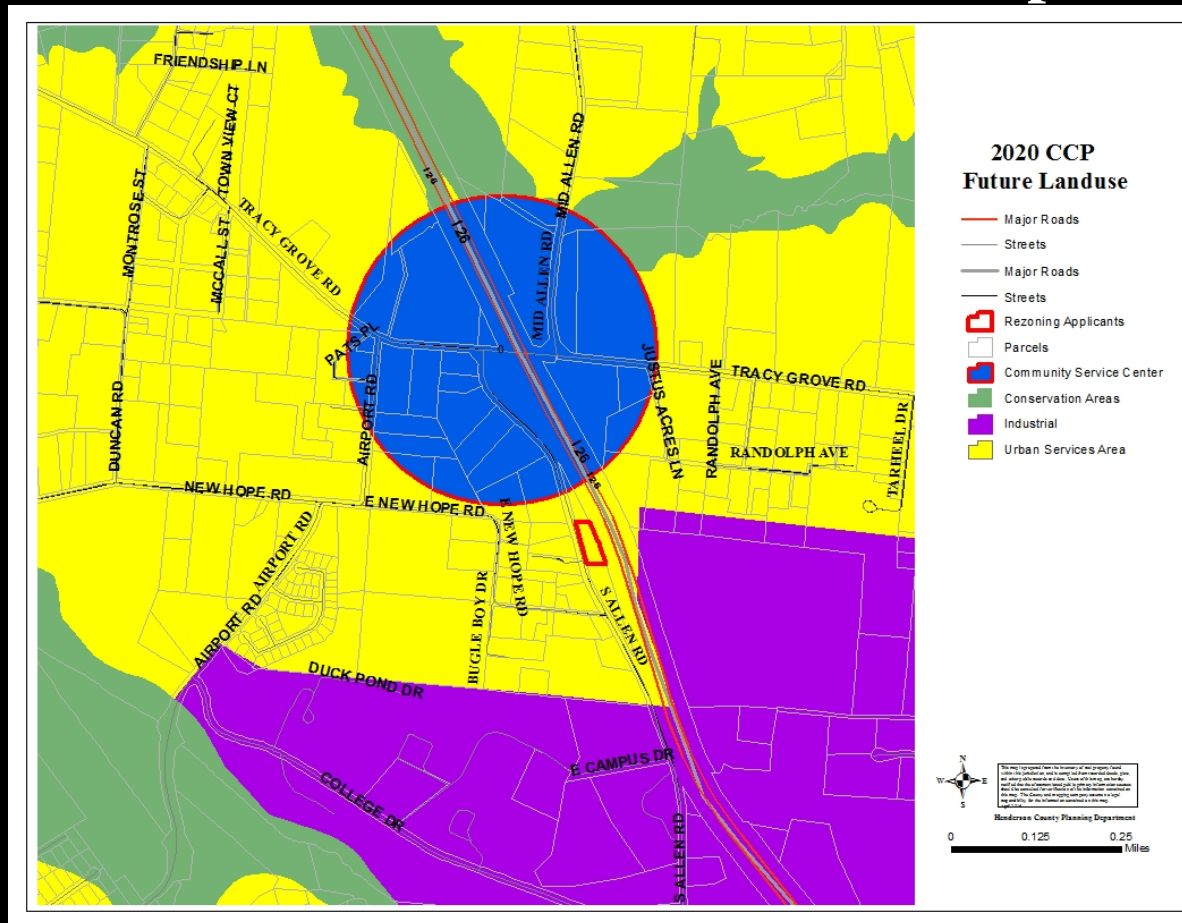
Henderson County Planning Department

Aerial Map



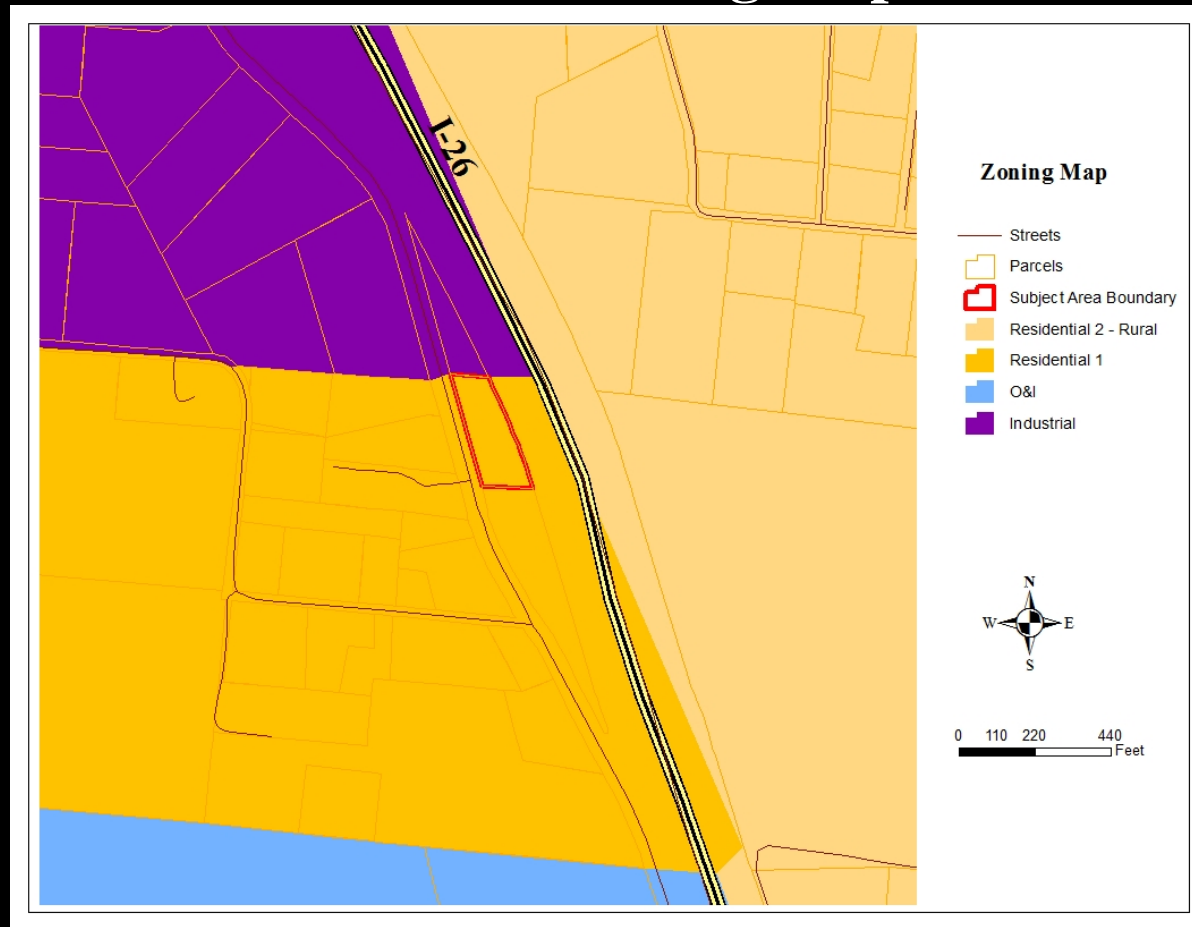
Henderson County Planning Department

2020 CCP Future Land Use Map



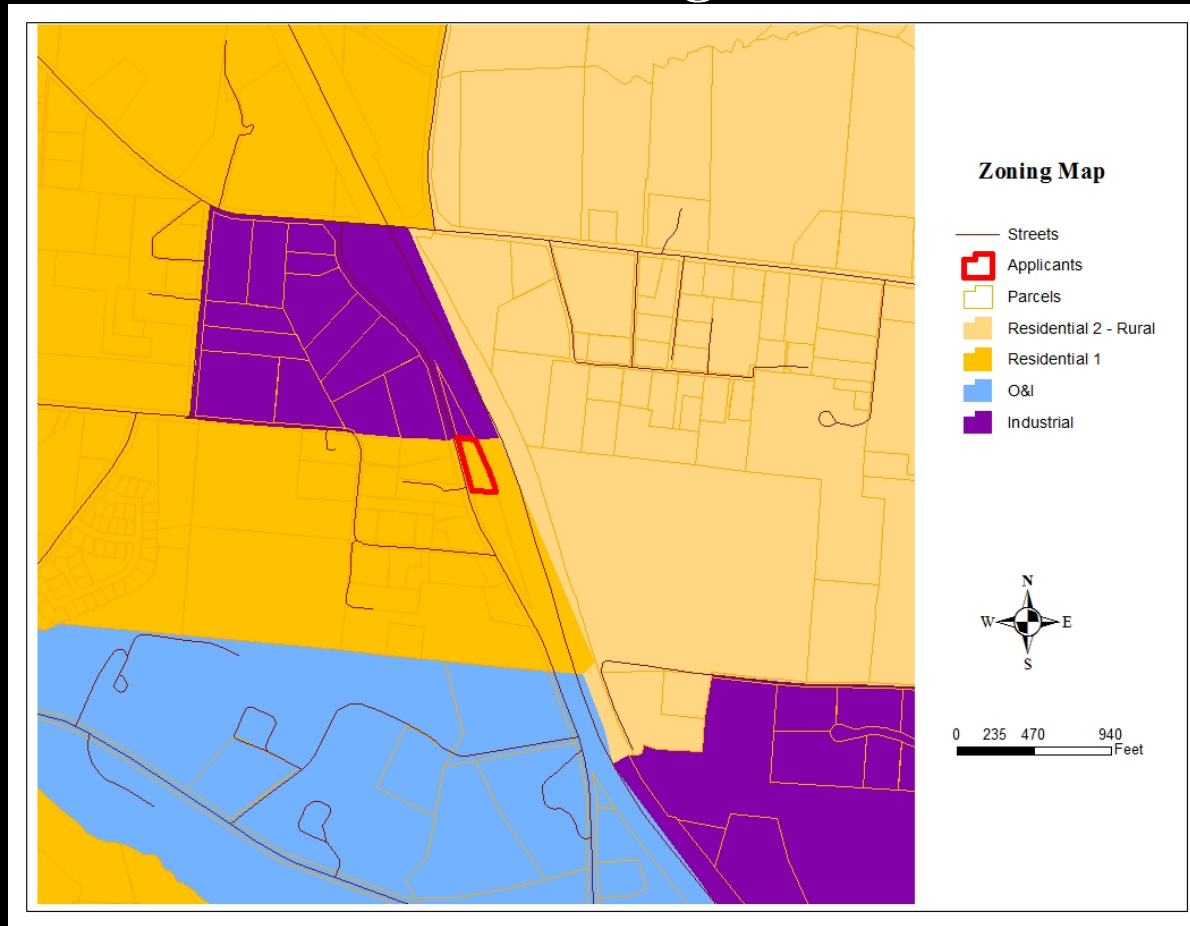
Henderson County Planning Department

Current Zoning Map



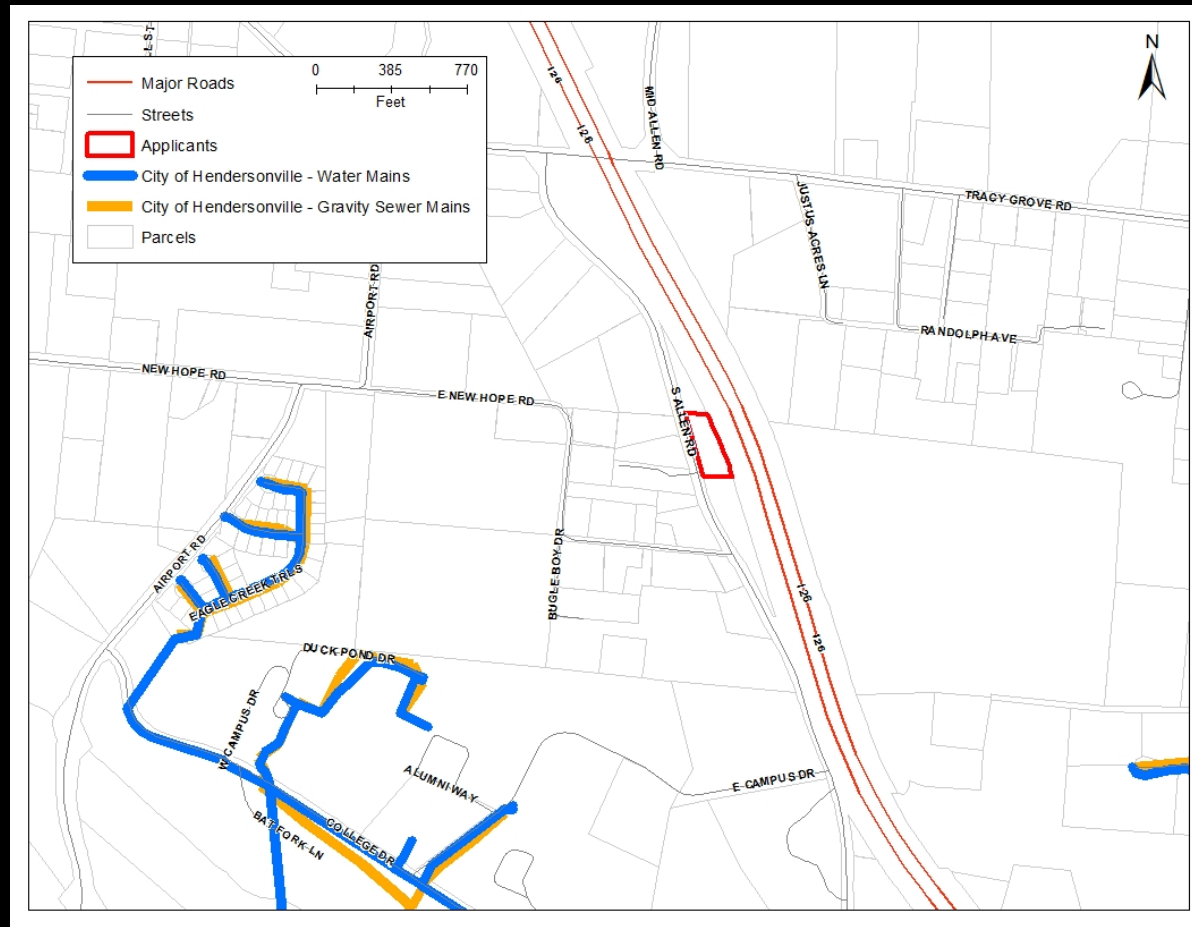
Henderson County Planning Department

Current Zoning Context



Henderson County Planning Department

Public Utilities



Henderson County Planning Department

Rezoning #R-2018-03

Questions

