

REQUEST FOR BOARD ACTION

HENDERSONCOUNTY BOARD OF COMMISSIONERS

MEETING DATE: Wednesday, June 19, 2019

SUBJECT: Approval of Rezoning Application #R-2018-09 Laughter, Residential One (R1) to Regional Commercial (RC)

PRESENTER: Eric Warren, Planner

ATTACHMENTS: 1. Staff Report
2. Resolution of Consistency

SUMMARY OF REQUEST:

Rezoning Application #R-2018-09 was initiated on December 27, 2018 and requests that the County rezone approximately 6.06 acres of land from Residential One (R1) to Regional Commercial (RC). The acreage consists of 4 parcels. The property owners include Shane and Kelly Laughter, SE Johnston III, Phillip Gilliam, and Timothy Johnston. Shane Laughter is serving as agent.

On May 6, 2019 the Board of Commissioners held a public hearing on the rezoning application that met the public notice requirements. After taking public comment, the Board closed the hearing and upon discussion of the application, voted to table the application decision until after the Tap Root Farm hearing on June 3rd.

BOARD ACTION REQUESTED:

Board action is required on the application. 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 approve rezoning application #R-2018-09 to rezone the Subject Area to a Regional Commercial (RC) zoning district based on the recommendations of the Henderson County Comprehensive Plan; and

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

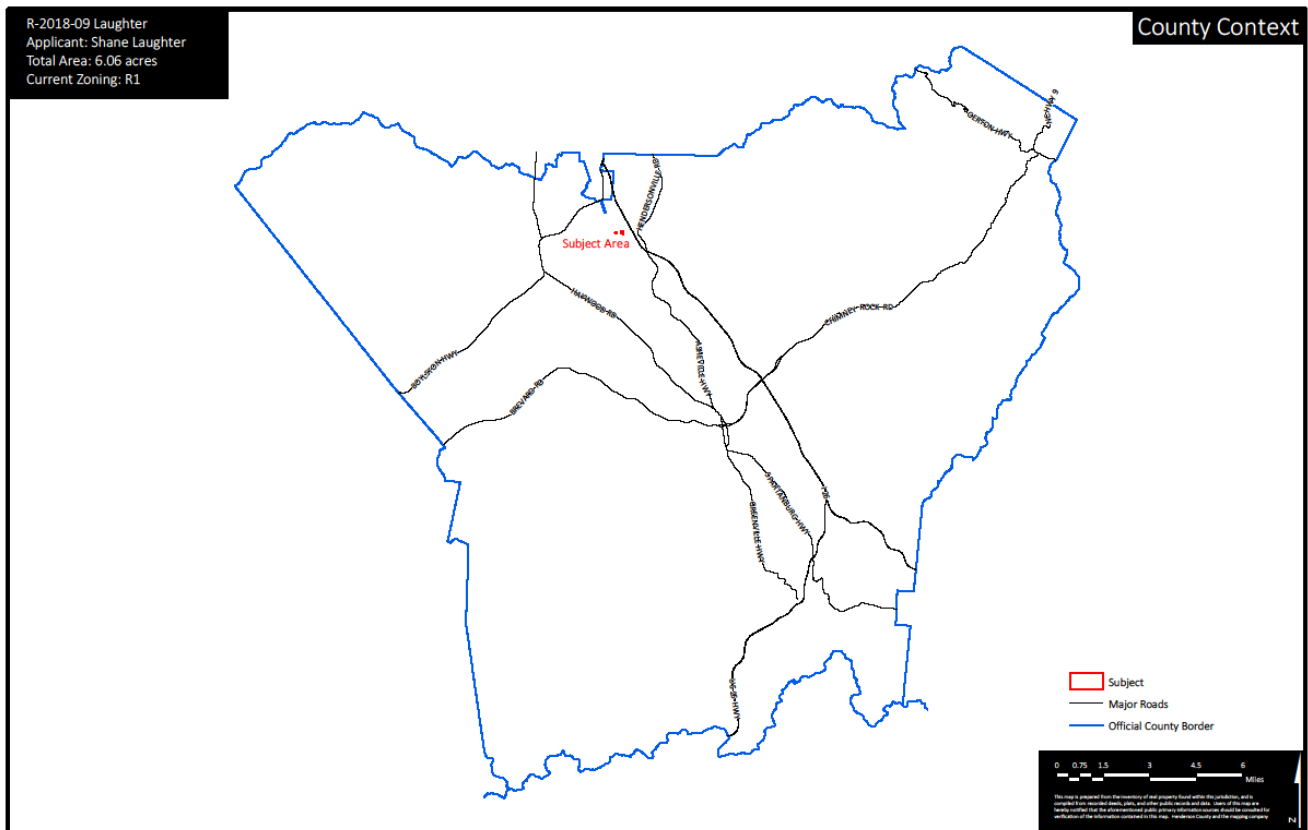
Henderson County Planning Department Staff Report
Rezoning Application #R-2018-09 (R1 to RC)

Owner(s)
Shane & Kelly Laughter, S.E. Johnston III, Phillip Gilliam, Timothy Johnston
(Shane Laughter, Agent)

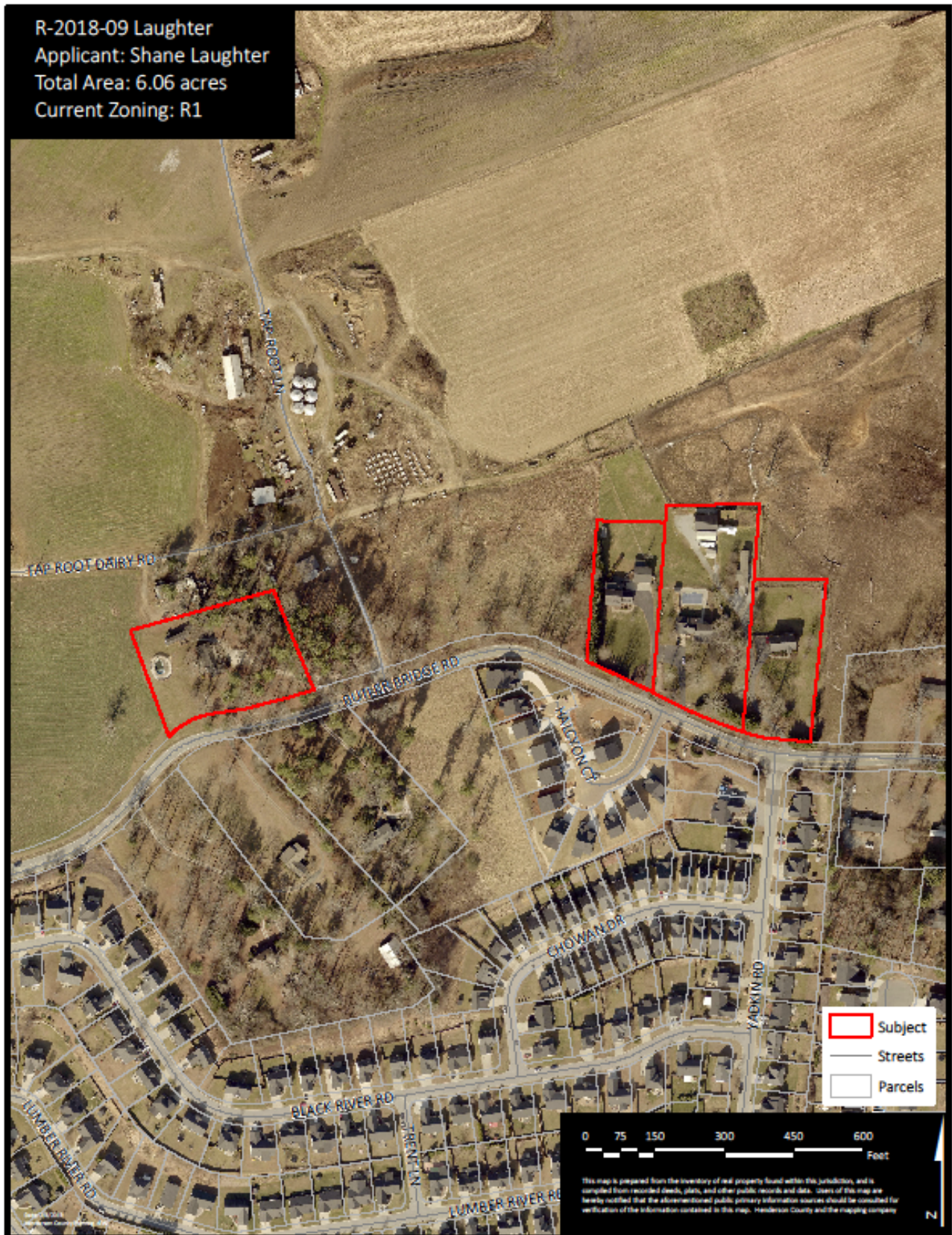
1. Rezoning Request

- 1.1. **Applicant: Shane Laughter**
- 1.2. **Property Owner:** Shane & Kelly Laughter, S.E. Johnston III, Phillip Gilliam, Timothy Johnston
- 1.3. **PINs:** 9652-01-1996, 9652-01-3964, 9652-01-5834, 9642-91-3898
- 1.4. **Request:** Rezone subject area from a Residential One (R1) zoning district to a Regional Commercial (RC) zoning district.
- 1.5. **Size:** Approximately 6.06 acres of land
- 1.6. **Location:** The subject area consists of 4 parcels located on Butler Bridge Rd (S.R. 1345) approximately a half of a mile west of the intersection of Butler Bridge Rd (S.R. 1345) and Asheville Hwy (U.S. 25). The property is adjacent to the north of River Stone subdivision.

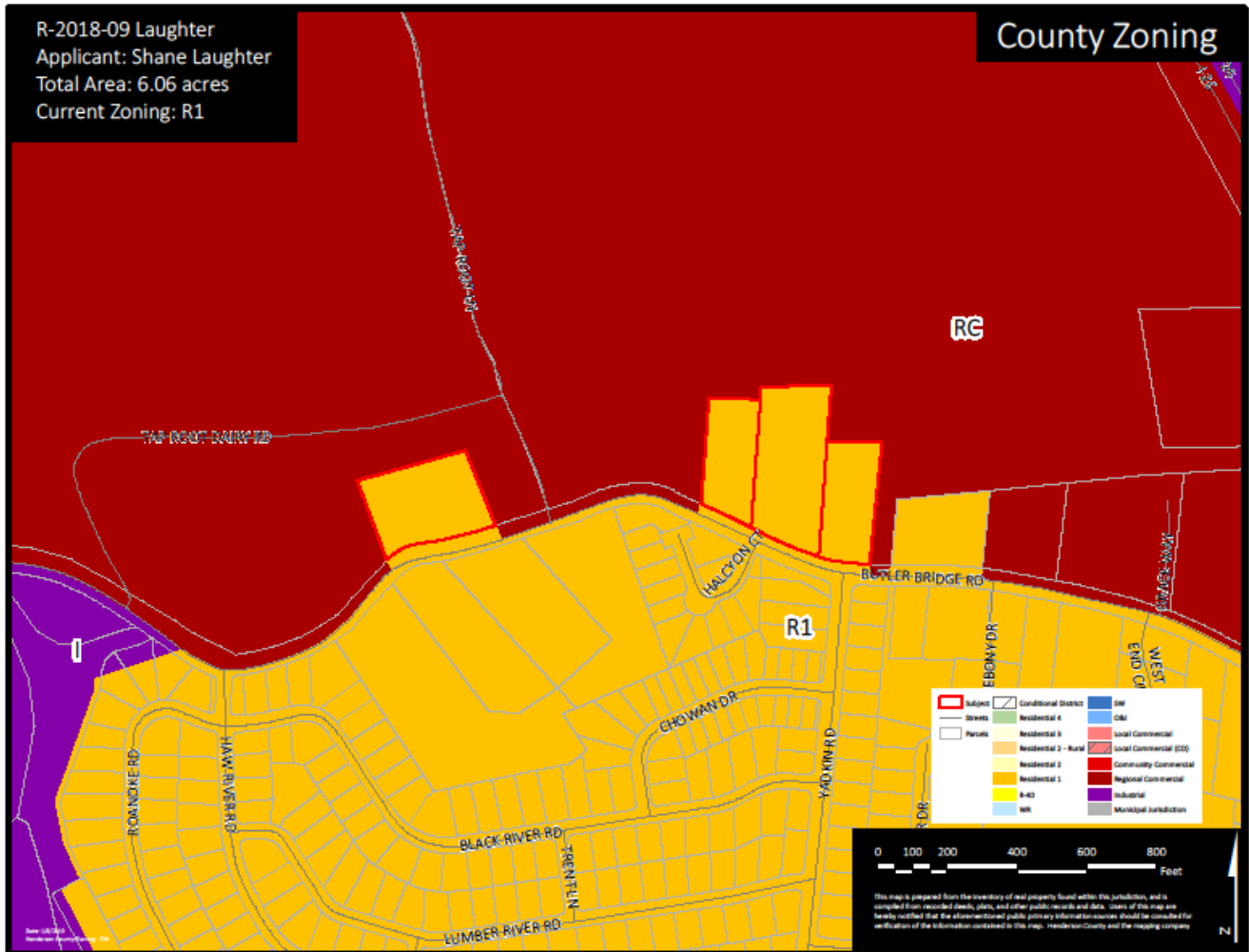
Map A: County Context



Map B: Aerial Image



Map C: Current Zoning



2. Current Zoning

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

2.2. **Adjacent Zoning:** The subject area is adjacent to both Residential One (R1) zoning and Regional Commercial (RC) zoning districts.

2.3. **District Comparison:**

2.3.1. **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.” Standard density is four units per acre, intermediate density of six units per acre, and a maximum density of twelve units per acre (LDC § 42A-27).

3.2. **Adjacent Area Uses:** The surrounding properties contain mainly residential and agricultural uses. There is an application for a conditional rezoning on the adjacent Tap Root property.

4. **The Henderson County Comprehensive Plan (CCP)**

4.1. The CCP Future Land Use Map identifies the subject area as being in an Industrial Area. (CCP). (See Map D).

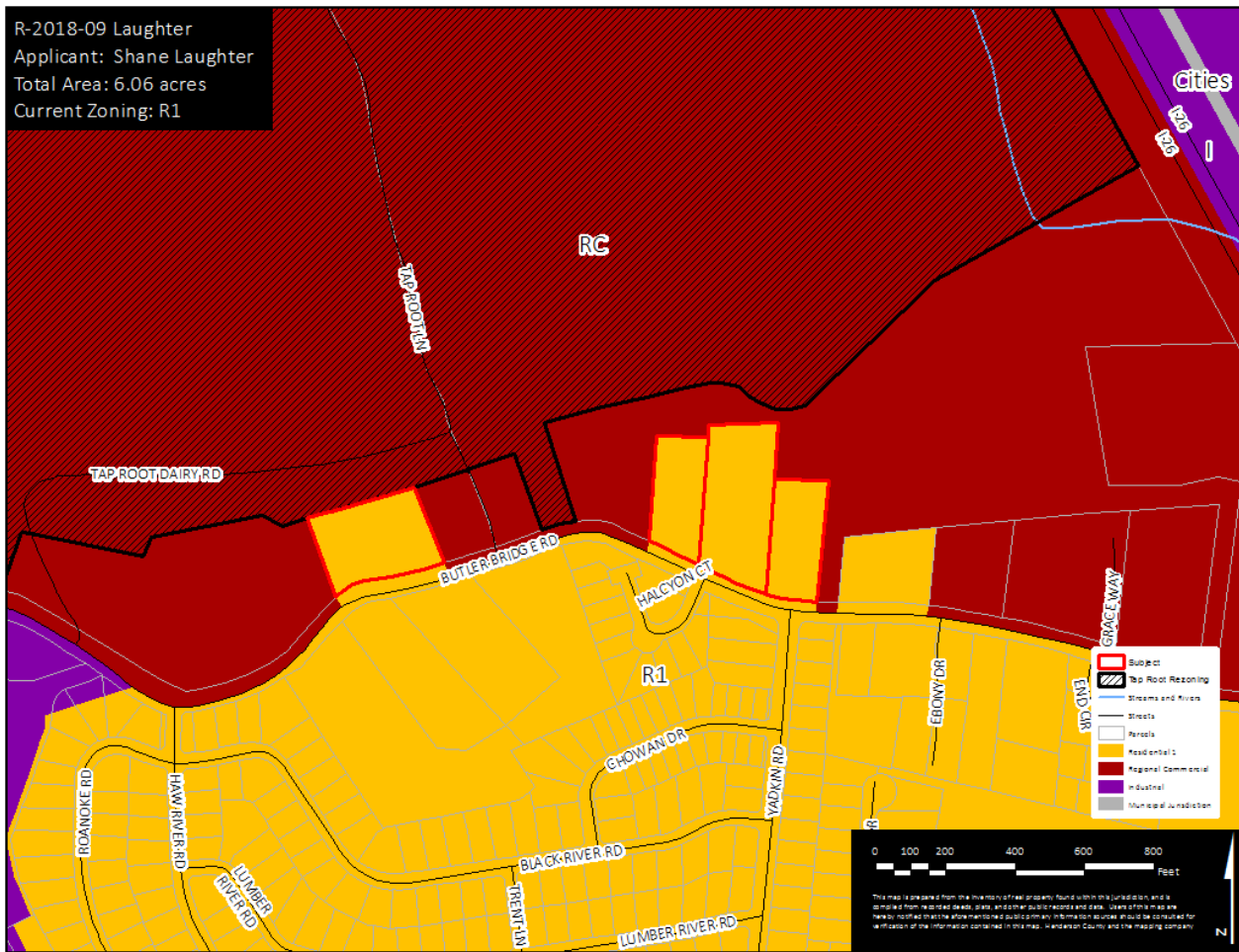
4.1.1.1. Industrial Area: The CCP defines industrial use as “Parcels containing facilities wherein raw or pre-processed resources, materials, substances, or components are mechanically, physically, chemically, or otherwise transformed into new products; waste materials are collected, treated, or disposed of; subsurface natural resources are extracted and/or processed; Livestock, cargo, merchandise, materials or hazardous substances are transferred, stored or warehoused for wholesale or other distribution; passengers or passenger vehicles are collected or transferred; water, fuel, or electricity is produced, processed, stored, transferred or transmitted.” (CCP Appendix IV pg. 12).

5. **Water and Sewer**

5.1. **Water:** The subject area utilizes private, individual wells. The City of Asheville and the City of Hendersonville have water availability in close proximity to the subject area.

5.2. **Sewer:** The subject area utilizes private, individual septic system. Cane Creek Sewer is also in close proximity to the subject area.

Map E: Current Zoning with Tap Root Plan



6. Adjacent Zoning with Tap Root Application

6.1. The rezoning application for the Tap Root Development excludes the area adjacent to the parcels in this application along Butler Bridge Rd. The result of the Tap Root rezoning application will not affect the contiguity of the adjacent RC zoning district for the four parcels included in this application.

7. Staff Comments

- 7.1. There is a rezoning application filed for the large property immediately adjacent to the North to be rezoned from Regional Commercial (RC) to Residential One Conditional District (R1-CD).
- 7.2. **The CCP:** The CCP Future Land Use Map (See Map D) places the Subject Area in an Industrial Area. The text and map of the CCP suggest that the Subject Area would be suitable for commercial development.
- 7.3. **Adjacent Zoning:** The subject area is adjacent to Residential One (R1) across Butler Bridge Road and abuts Regional Commercial (RC).

8. Technical Review Committee

8.1. At its regularly scheduled meeting the Technical Review Committee, finding that all technical requirements have been met, approved a motion to forward the rezoning request to the Henderson County Planning Board for further review.

9. Planning Board

9.1. At the February 21, 2019 Planning Board meeting, this application was tabled to hear the application for Tap Root Conditional Rezoning before making a recommendation to the Board of Commissioners.

9.2. At the March 21, 2019 Planning Board meeting, the Planning Board approved a unanimous favorable recommendation to the Board of Commissioners.

10. Board of Commissioners

10.1. On May 6, 2019, the Board of Commissioners held a public hearing on the rezoning application. After closing the public hearing, the Board made a motion to table the rezoning application decision until after the June 3rd hearing on the Tap Root Farm application (R-2018 – 10C).



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-2018-09; 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 May 6, 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-2018-09 Laughter) on May 6, 2019 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 June 19th, 2019.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
GRADY HAWKINS, Chairman

ATTEST:

Teresa Wilson, Clerk to the Board

[COUNTY SEAL]