

## REQUEST FOR BOARD ACTION

### HENDERSONCOUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** Wednesday, July 21, 2021

**SUBJECT:** Public Hearing for Rezoning Application #R-2021-02, Elemental Landscapes, Residential One (R1) to Regional Commercial (RC)

**PRESENTER:** Autumn Radcliff, Planning Director  
Matt Champion, Zoning Administrator

**ATTACHMENTS:** 1. Staff Report  
2. Certification of Public Hearing Notification  
3. Resolution of Consistency  
4. Power Point

#### **SUMMARY OF REQUEST:**

Rezoning Application #R-2021-02, initiated on January 21, 2021, requests that the County rezone approximately 0.86 acres of land from Residential One (R1) to Regional Commercial (RC) zoning district. The acreage consists of 1 parcel (PIN: 9651-86-9053) located at the intersection of S. Naples Rd (SR 1695) and S. Old Asheville Rd (SR 1533).

The Planning Board reviewed this request at its May 20<sup>th</sup> meeting and voted unanimously to send forth a favorable recommendation for approval.

#### **PUBLIC NOTICE:**

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §42-303 and §42-346 (C) of the Henderson County Land Development Code and State Law, notice of the July 21, 2021, public hearing regarding rezoning application #R-2021-02 was published in the Hendersonville Lightning on July 7<sup>th</sup> and July 14<sup>th</sup>. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area on July 2, 2021, and posted signs advertising the hearing on the Subject Area on July 2, 2021.

#### **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 (approve or deny) rezoning application #R-2021-02 to rezone the Subject Area from a Residential One (R1) zoning district to a Regional Commercial (RC) zoning district based on the recommendations of the Henderson County Comprehensive Plan, and;

I move that the Board (approve or deny) the attached resolution regarding the consistency with the CCP.

# Henderson County Board of Commissioners Staff Report

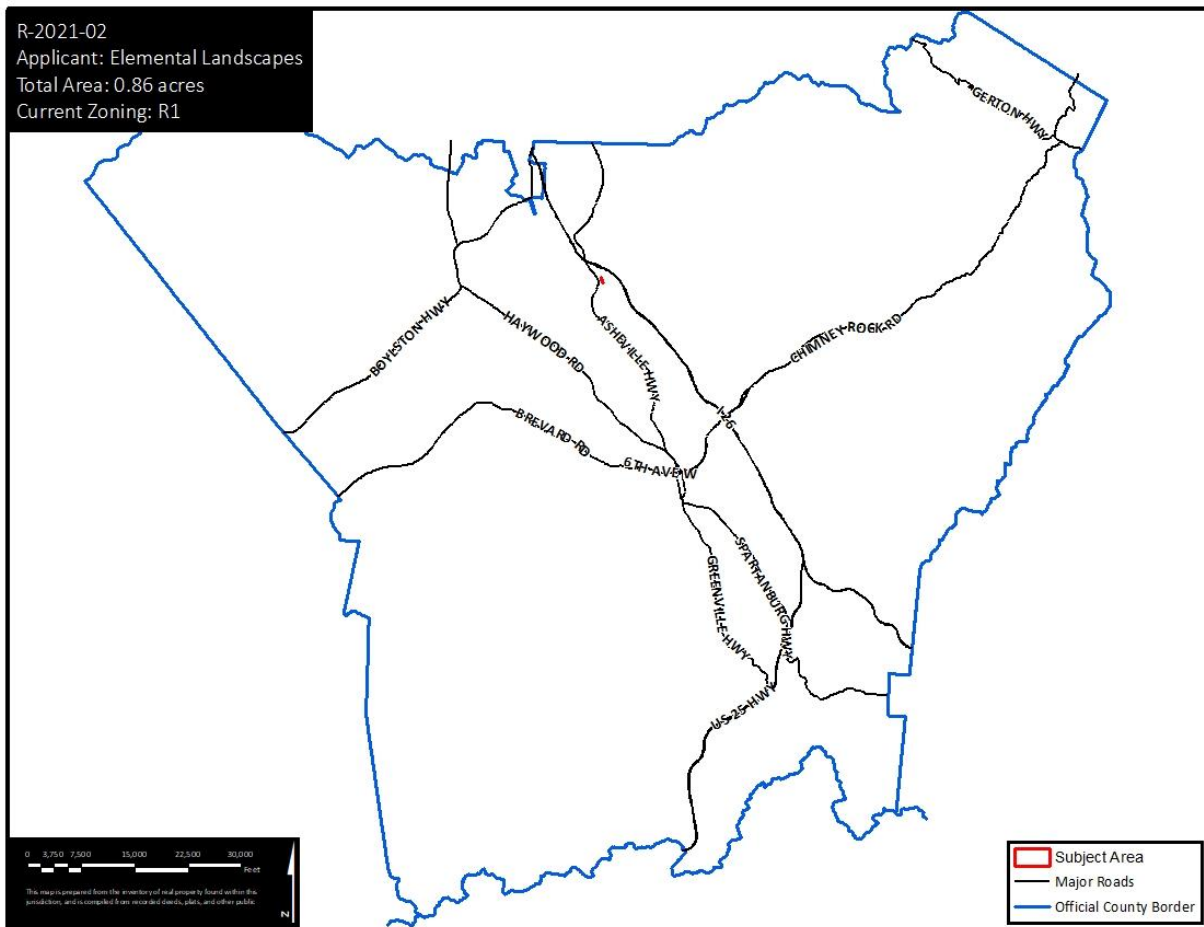
## Rezoning Application #R-2021-02 (R1 to RC)

Owner/ Applicant: Jacob Wike/Elemental Landscapes, LLC

### 1. Rezoning Request

- 1.1. **Owner:** Jacob Wike
- 1.2. **Applicant:** Elemental Landscapes, LLC
- 1.3. **PIN:** 9651-66-9053
- 1.4. **Request:** Rezone subject area from a Residential One (R1) zoning district to a Regional Commercial (RC) zoning district
- 1.5. **Size:** Approximately 0.86-acre parcel
- 1.6. **Location:** The subject is located on S. Old Asheville Rd (SR 1533) behind GB Shoe Warehouse

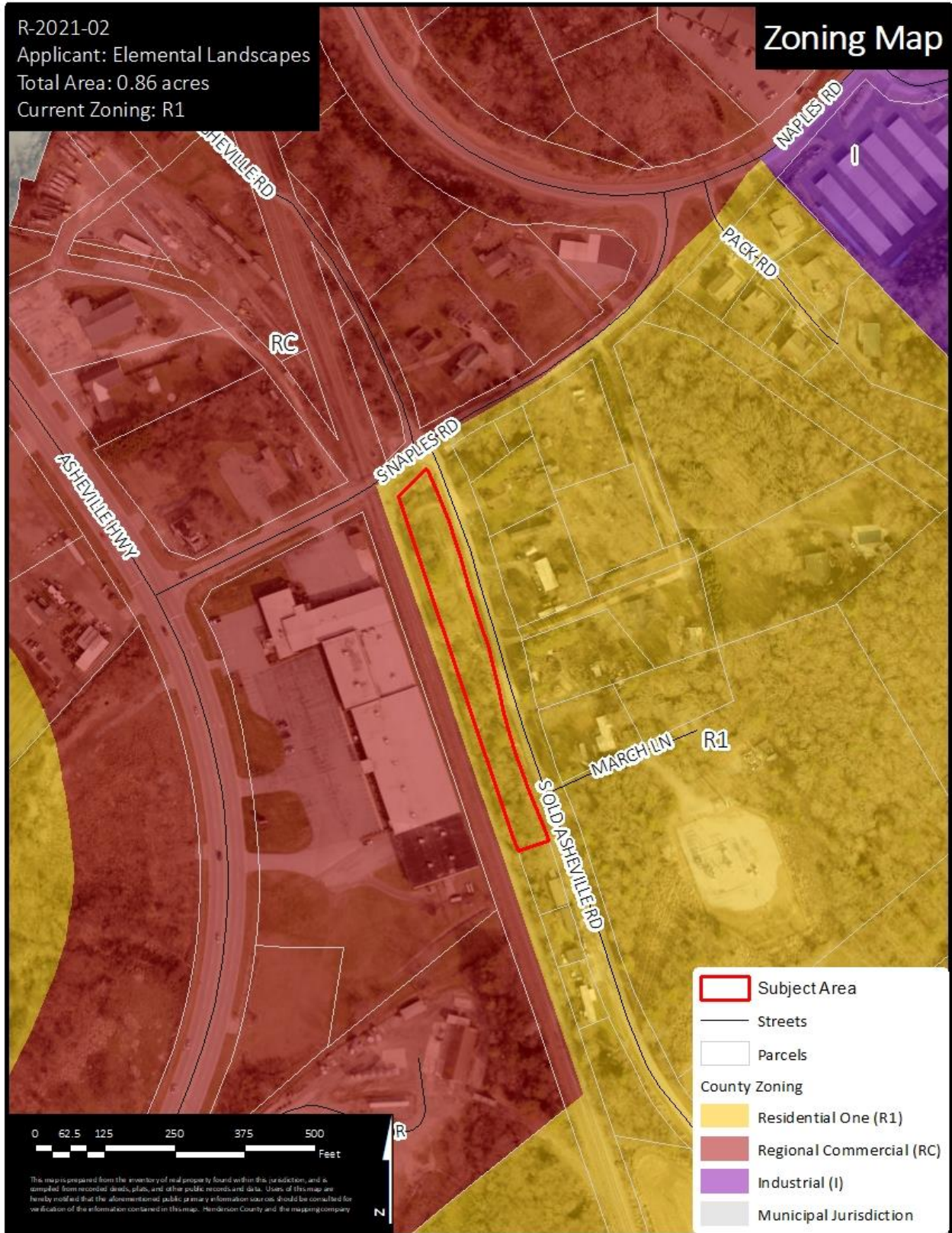
Map A: County Context



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) zoning district. R1 is a zoning district that fosters orderly growth where the principal use of land is commercial.

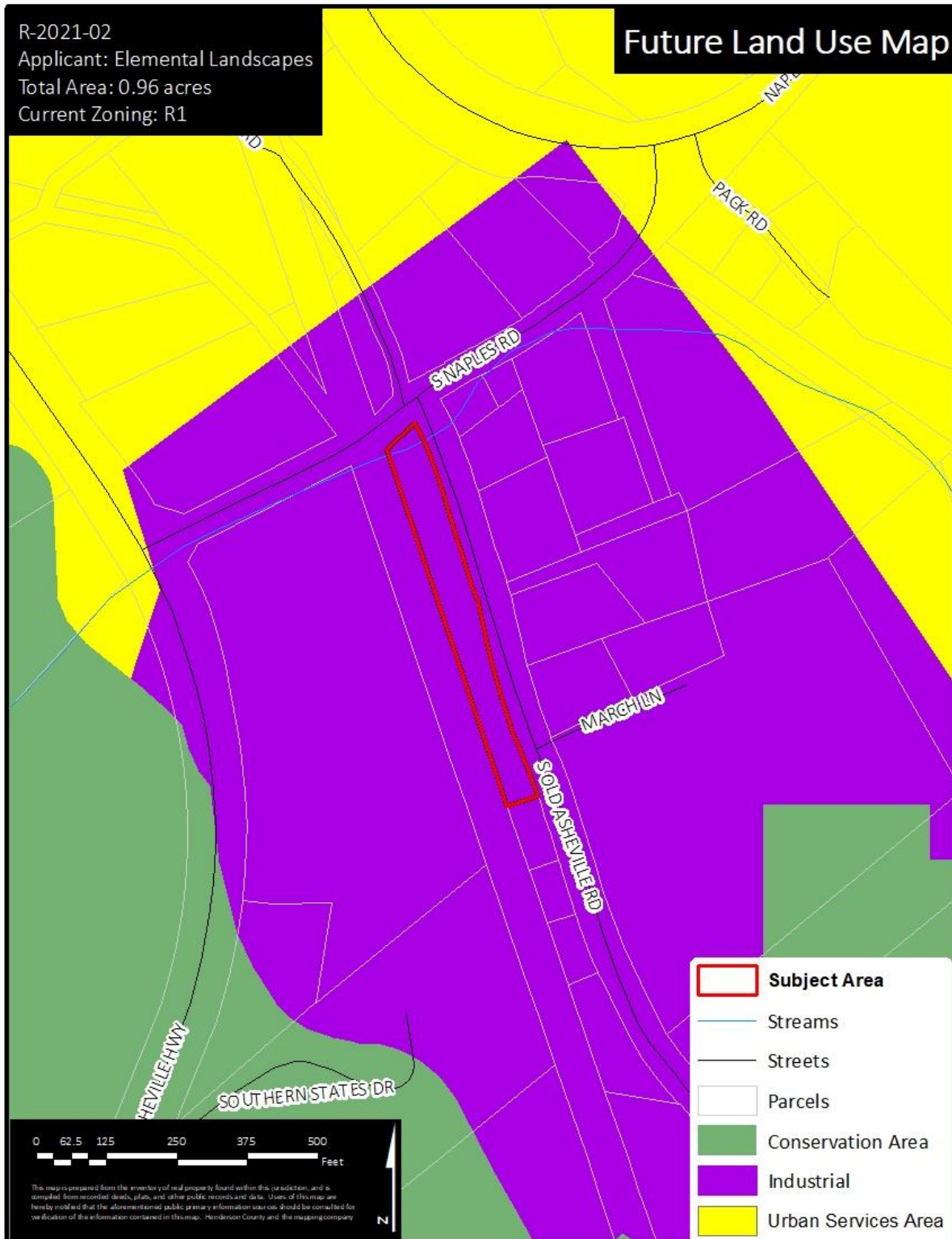
2.2. **Adjacent Zoning:** The subject area is adjacent to Residential One (R1) to the Northeast and South. The subject is adjacent to Regional Commercial (RC) on to the West and North.

### 2.3. **District Comparison:**

2.3.1. **Regional Commercial Zoning District (RC):** The purpose of the Regional Commercial District (RC) is to foster orderly growth where the principal use of land is commercial. The intent of this district is to allow for commercial development consistent with the recommendations of the Comprehensive Plan. In accordance with the Comprehensive Plan, the district will allow for and provide commercial development that: (1) includes a variety of retail sales and services, public and private administrations, offices and all other uses done primarily for sale or profit on the local, community, and regional level; (2) is directed largely to Community Service Centers as defined in the Comprehensive Plan; (3) is compatible with adjacent development and the surrounding community; and (4) will minimize congestion and sprawl. This general use district is meant to be utilized in areas designated as Urban (USA) in the Comprehensive Plan.

2.3.2. **Residential One Zoning District (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. (LDC §42 – 27).

### Map E: County Comprehensive Plan Future Land Use Map



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

3.1. The CCP Future Land Use Map identifies the subject area as being covered by the **Industrial** classification. (CCP, Pg. 40). (See Map E).

3.1.1. **Industrial:** “Most defined industrial areas should lie within the Urban Services Area, and in other areas on a very limited basis. Most industrial uses should be segregated from other uses with the exception of *Regional Commercial* uses.” (CCP, Pg. 140)

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

4.1. **Subject Area Uses:** The subject area is currently vacant.

4.2. **Adjacent Area Uses:** The adjacent properties contain residential, commercial, and government uses. Parcels to the west are being used for commercial services. Parcels to the east of the property are currently being used for residential purposes.

**5. Water and Sewer:** The subject area will be served by private, individual water and wastewater systems if necessary.

**6. Staff Comments:**

6.1. **Rezoning Request:** The applicant is requesting the parcel to be rezoned from R1 to RC. The amount of the area to be rezoned, if approved, is 0.86 acres and will include the ROW portions needed to adjoin the existing RC zoning district.

6.2. **CCP:** The CCP Future Land Use Map (See Map E) places the subject area in the Industrial future land use area.

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

6.4. **District Comparison:** Regional Commercial (RC) zoning district is for the purpose of commercial development. Residential One (R1) zoning district is for the purpose of residential development.

**7. Technical Review Committee Recommendations**

7.1. The TRC reviewed this application at its May 4, 2021 meeting.

**8. Planning Board Recommendation**

8.1. The Planning Board reviewed this application at its May 20, 2021 meeting and unanimously voted favorably.

**Certification of Notice of Public Hearing**

In accordance with NCGS 160D-343 the Planning Department certifies notice of the July 21, 2021 hearing regarding Rezoning Application #R-2021-02 were:

1. Submitted to the Hendersonville Lightning on June 30, 2021 to be published on July 7, 2021 and July 14, 2021 by Matt Champion;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on July 2, 2021 by Matt Champion;
3. Sent, via first class mail, to the property owner on July 2, 2021 by Matt Champion; and
4. Signs were posted on the Subject Area(s) on July 2, 2021 by Jacob Compher.

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

1. Matt Champion
2. Jacob Compher

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

I, Lisa N Stepp, a Notary Public, in and for the above County and State, do hereby certify that

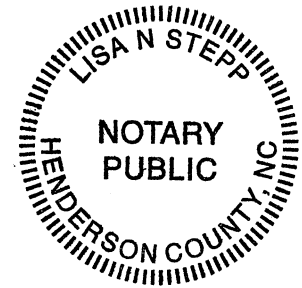
Matt Champion and Jacob Compher,

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 2 day of July, 2021.

My commission expires:

September 5, 2021



(SEAL)  
Lisa N Stepp

NOTARY PUBLIC





**RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN**

**WHEREAS**, pursuant to N.C. General Statute §160D, Article 1, 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-2021-02; and

**WHEREAS**, pursuant to N.C. General Statute §160D-601, the Planning Director provided the prescribed public notice and the Board held the required public hearing on July 21, 2021; and

**WHEREAS**, N.C. General Statute §160D-605 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-2021-02 Elemental Landscapes) 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 21<sup>st</sup> day of July 2021.

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

**BY:** \_\_\_\_\_  
**WILLIAM LAPSLEY, Chairman**

**ATTEST:**

\_\_\_\_\_  
**Denisa Lauffer, Clerk to the Board**

[COUNTY SEAL]

# Rezoning #R-2021-02 Elemental Landscapes

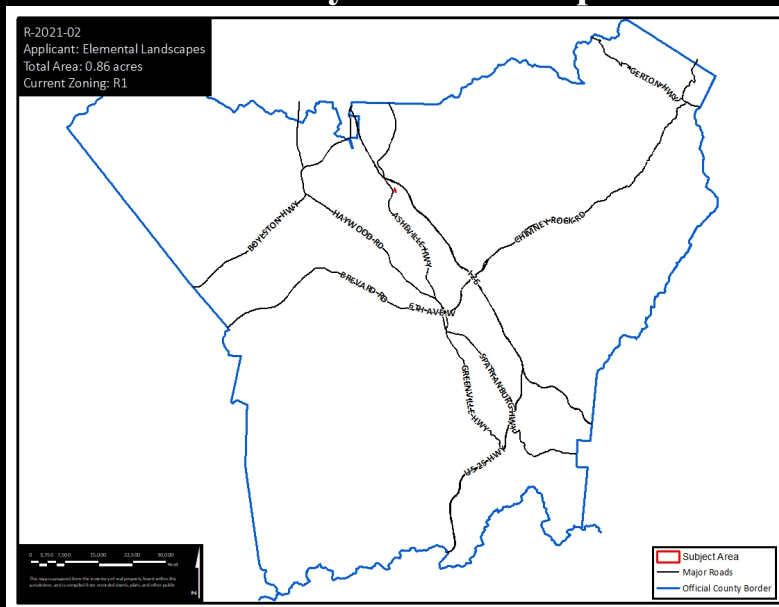


Henderson County Board of Commissioners  
July 21, 2021

*Henderson County Planning Department*

1

## County Context Map



*Henderson County Planning Department*

2

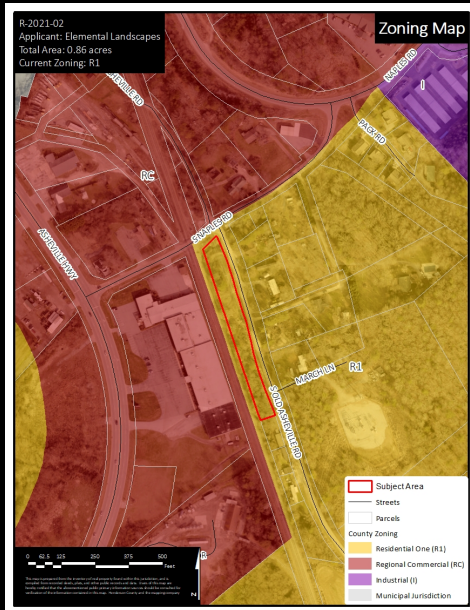
# Aerial Map



Henderson County Planning Department

3

# Current Zoning Map



Henderson County Planning Department

4

