

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: Monday, March 6, 2023

SUBJECT: Public Hearing for Rezoning Application #R-2023-01, Paco Properties LLC, Residential Two Rural (R2R) to Local Commercial (LC)

PRESENTER: Liz Hanson, Planner I
Matt Champion, Zoning and Code Enforcement Director

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

SUMMARY OF REQUEST:

Rezoning Application #R-2023-01, initiated on January 6, 2023, requests that the County rezone approximately 2.25 acres from Residential Two Rural (R2R) to Local Commercial (LC) zoning district. The acreage consists of PIN: 0601-44-4366 located off Gilliam Mountain Rd (SR 1602). The property owner is Paco Properties, LLC. The applicant is Pascual Hernandez.

The Technical Review Committee reviewed the application at its February 7th, 2023, meeting, and saw no administrative issues with the request and voted unanimously to forward the application to the Planning Board. The Planning Board reviewed this request at its February 16th 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 March 6, 2023, public hearing regarding rezoning application #R-2023-01 was published in the Hendersonville Lightning on February 22nd and March 1st. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area on February 17, 2023, and posted signs advertising the hearing on the Subject Area on February 20, 2023.

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-2023-01 to rezone the Subject Area from a Residential Two Rural (R2R) zoning district to Local Commercial (LC) 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.



STAFF REPORT

HENDERSON COUNTY PLANNING DEPARTMENT

100 North King Street | Hendersonville, NC 28792 | (828) 697-4819

Prepared by:
Liz Hanson, Planner I

CASE	PUBLIC HEARING DATE
R-2023-01	March 7, 2023

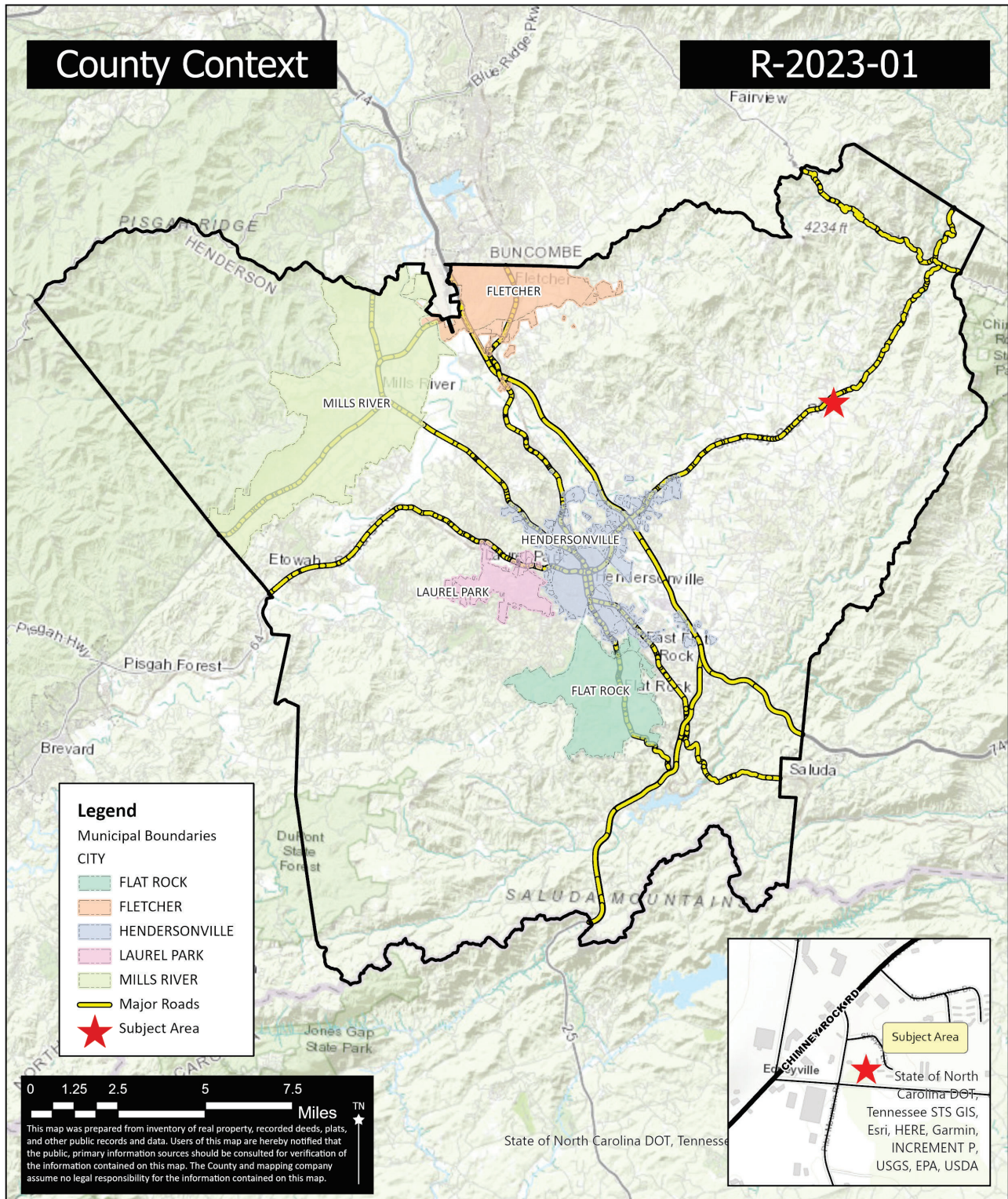
PROPERTY OWNER	PROPERTY LOCATION/ADDRESS
Paco Properties, LLC	143 Gilliam Mountain Road, Edneyville Township

AGENT/APPLICANT	PIN
Pascual Hernandez	0601-44-4366

SUMMARY OF REQUEST	A rezoning of a portion of the above PIN (hereafter the subject area from Residential Two Rural (R2R) to Local Commercial (LC).
Existing Zoning	Residential Two Rural (R2R)
Existing Land Use	Community Service Center; Rural/Urban Transition Area
Site Improvements	Two Single-Family Homes, Detached Garage
Request Acreage	2.25 acres

ADJACENT ZONING	USE OF LAND
North Residential Two Rural (R2R)	Manufactured Home Park
East Residential Two Rural (R2R)	Manufactured Home Park
South Residential Two Rural (R2R)	Vacant Land
West Local Commercial (LC)	Single-Family Home

Map A. County Context



Applicant: Pascual Hernandez
Total Surveyed Area: 2.25 Acres
Current Zoning: Residential Two Rural (R2R)



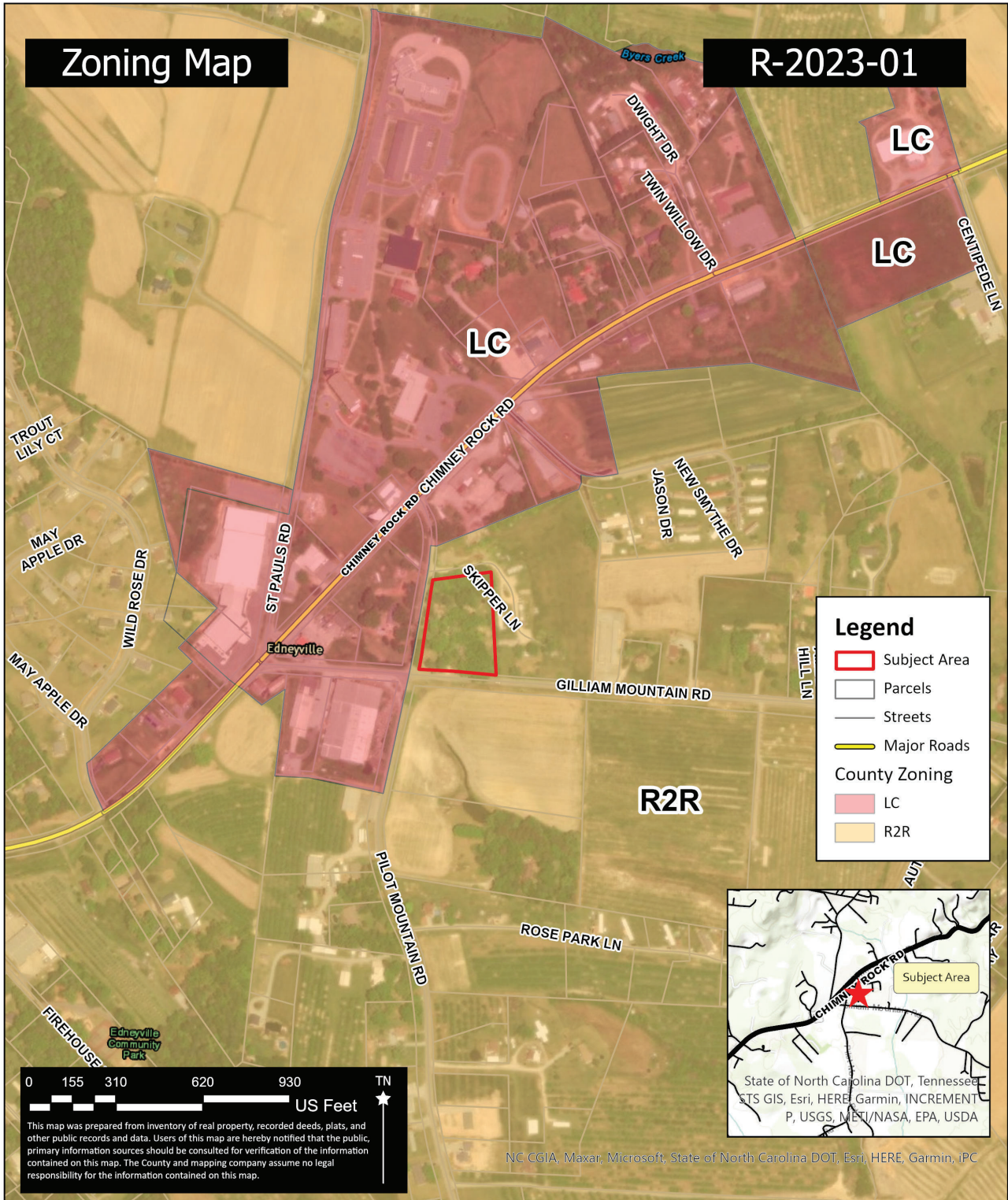
Map B. Aerial



Applicant: Pascual Hernandez
Total Surveyed Area: 2.25 Acres
Current Zoning: Residential Two Rural (R2R)



Map C. Current Zoning



Applicant: Pascual Hernandez
Total Surveyed Area: 2.25 Acres
Current Zoning: Residential Two Rural (R2R)



BACKGROUND

The applicant, Pascual Hernandez is seeking to rezone one parcel from Residential Two Rural (R2R) to Local Commercial (LC). The parcel is 2.25 acres.

ANALYSIS

District Comparison:

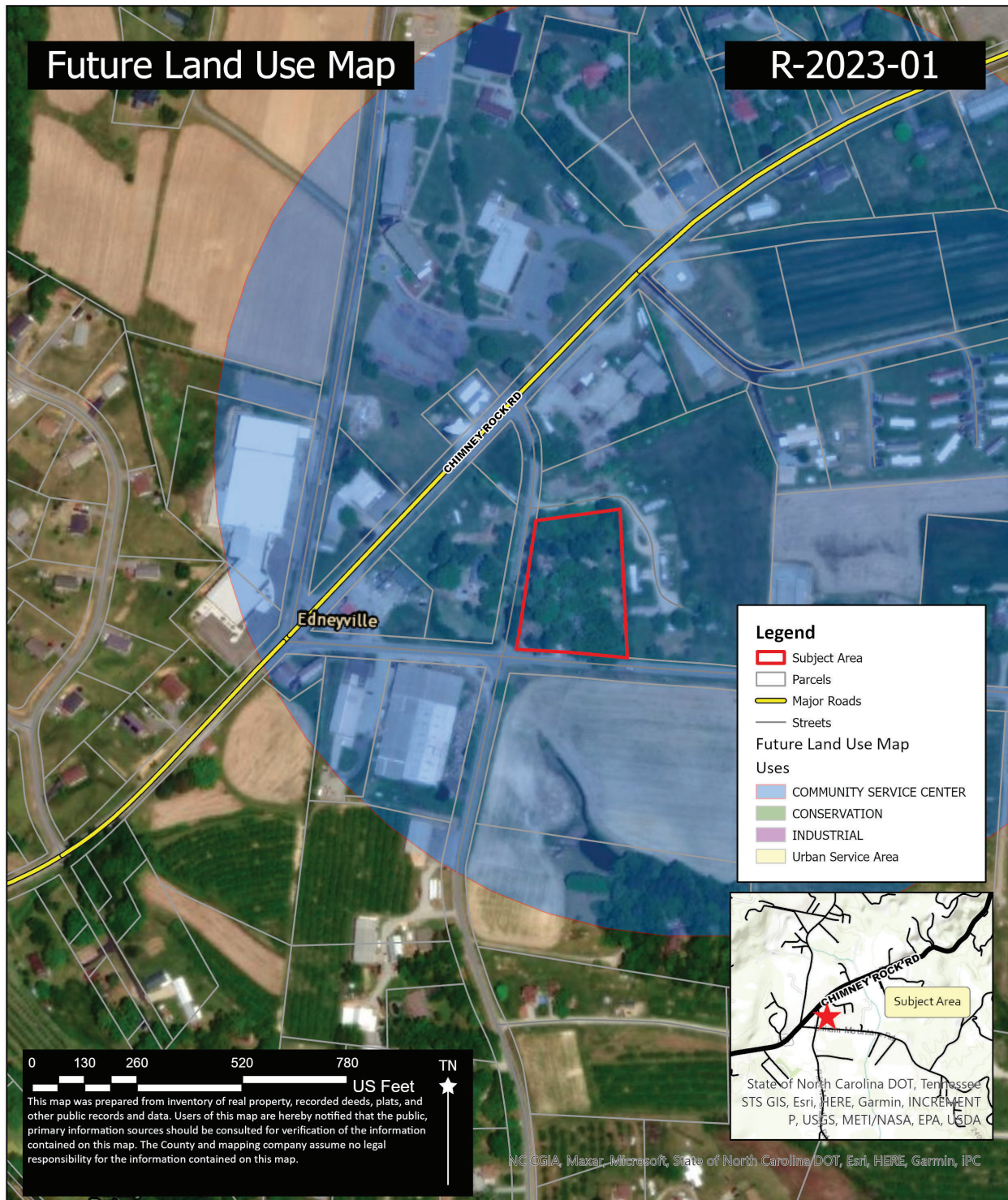
Residential Two Rural (R2R): The purpose of Residential District Two Rural (R2R) is to foster orderly growth where the principal use of land is residential. The intent of this district is to allow for low to medium density residential development and rural commercial and light industrial development consistent with the recommendations of the Comprehensive Plan.

This general use district is typically meant to be utilized in areas designated as Transitional (RTA) in the Comprehensive Plan. (LDC §42-29.)

Local Commercial (LC): The purpose of the Local Commercial District (LC) is to foster orderly growth where the principal use of land is commercial and residential. 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 and residential 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 a local or neighborhood scale; (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 all service areas. (LDC §42-33.)

Comparison: The Local Commercial (LC) district principal land use is a mix of commercial and residential. The Residential Two Rural (R2R) district is defined as where the principal land use is residential with allowances for rural commercial and light industrial development. Local Commercial (LC) districts provide compatibility with adjacent development and surrounding community. Retail Trade uses are not permitted in Residential Two Rural (R2R).

Map D: County Comprehensive Plan Future Land Use Map



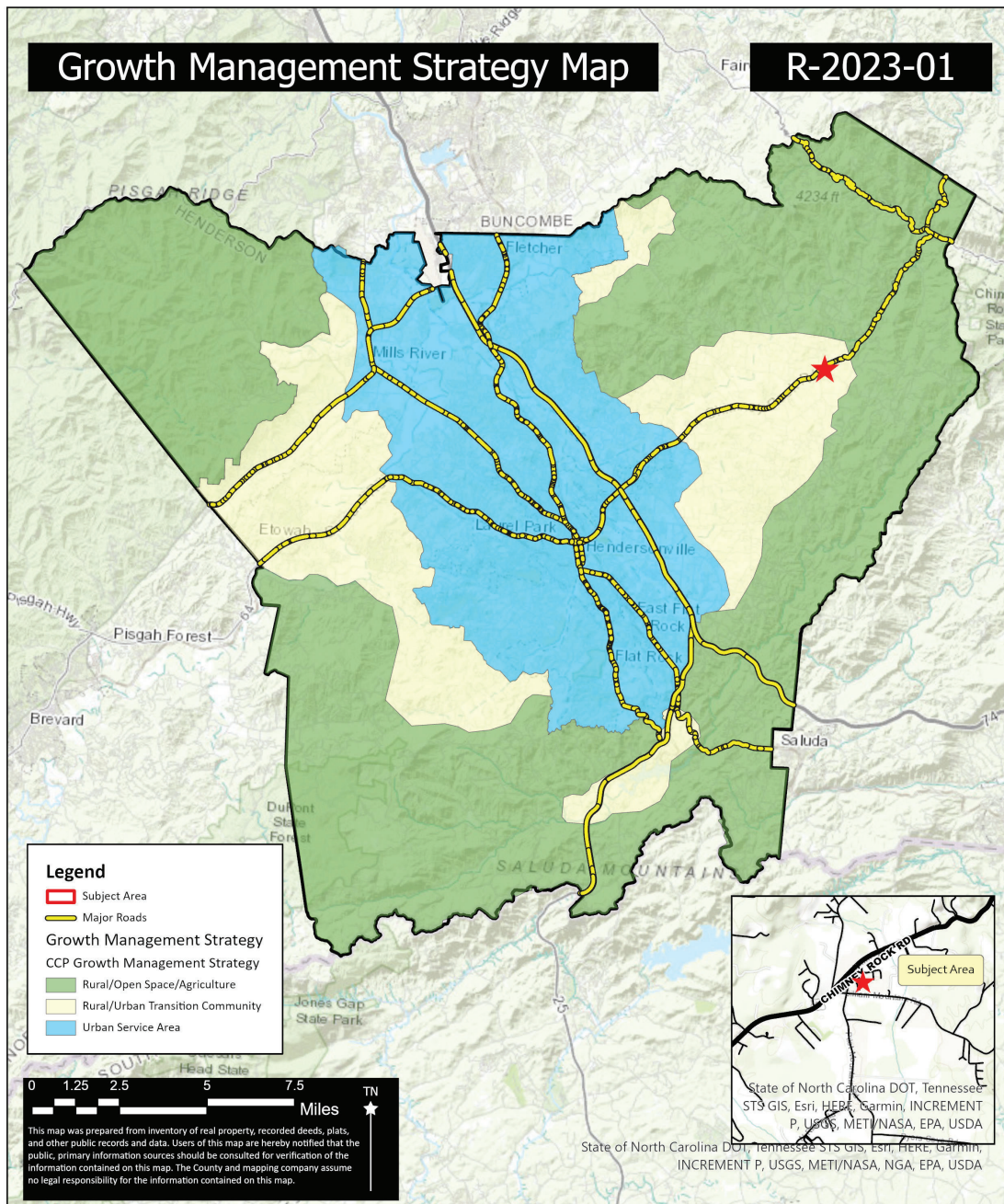
Applicant: Pascual Hernandez
Total Surveyed Area: 2.25 Acres
Current Zoning: Residential Two Rural (R2R)



County Comprehensive Plan (CCP) Compatibility

The CCP Future Land Use Map identifies the subject area as being in the **Community Service Center and Urban/Rural Transition Community**.

Map E: Growth Management Strategy Map



Applicant: Pascual Hernandez
Total Surveyed Area: 2.25 Acres
Current Zoning: Residential Two Rural (R2R)



Community Service Center: The CCP Future Land Use Map shows the subject area located in the Community Services Center. The CCP states, "Community Service Centers are intended to be intensive, efficient, defined concentrations of mixed services that meet the needs of the surrounding community and defined service areas....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." (CCP 2020, p. 138) (See Map D.)

Local Commercial (LC): Additionally, the CCP states, "Local Commercial areas are located within defined Community Service Centers. They serve small market areas and are intended to be located within the residential neighborhoods that they serve. They contain a range of commercial uses that can be safely intermixed with residential uses." (CCP 2020, p. 139)

Rural/Urban Transition Community: The CCP Future Land Use Map shows the subject area located in the Rural/Urban Transition Community and for Growth Management Strategy. The CCP states, "The RTA is currently rural in character, with existing pockets of limited higher density residential and commercial development... Land use policies and regulations will encourage moderate to low - density residential development that is consistent with a rural setting, with more dense residential development around defined Community Service Centers... Commercial development and Community Facilities (see definition below) will be encouraged within defined Community Service Centers (see definition below). Commercial development will be at Local and Community scales (see definitions below), while Regional Commercial development will be generally discouraged within the RTA." (CCP 2020, p. 134-135, # 1,5,7) (See Map E.)

Residential Two Rural (R2R): Residential Two Rural (R2R) is a low to medium density residential development and rural commercial and light industrial development. Per the request from the CCP, "New mixed-use districts will be created and applied in Community Service Centers throughout the county." (CCP 2020, p. 141, # 4)

Additional Studies and Plans: The subject area falls within Edneyville Township and the Edneyville Community Plan (2010). Under Goal LUD2.1 Local Commercial (LC), the plan states, "To preserve small local businesses, local scale commercial development should be the Planning Area's principal type of commercial development. LC zoning should be applied in the following areas: 3. US Highway 64 East/Gilliam Road intersection (See Map 9B (p. 71))" (p. 56)

Water and Sewer

Currently, the subject area is served by an individual well and water provided by the City of Hendersonville.

Existing Roads and Easements

The subject area is contiguous with the intersection of Gilliam Mountain Road (SR 1602) and Pilot Mountain Road (SR 1783). A gravel drive runs through the subject area, connecting Gilliam Mountain Road and Pilot Mountain Road.

Technical Review Committee (TRC) Recommendations

The Technical Review Committee (TRC) heard the request for rezoning at their February 7, 2023 meeting. The Committee motioned to move the rezoning ahead to Planning Board with no issues.

Planning Board Recommendations

The Planning Board heard the case at the February 16, 2023 meeting and voted to forward the application with a favorable recommendation to the Board of Commissioners.

Board of Commissioners Public Hearing

The Board of Commissioners will hear the case at the March 7, 2023 meeting.

Staff Conclusion

Staff finds no issue regarding R-2023-01.

Certification of Notice of Public Hearing

In accordance with NCGS 160D-343 the Planning Department certifies notice of the March 6, 2023 hearing regarding Rezoning Application #R-2023-01 were:

1. Submitted to the Hendersonville Lightning on February 16, 2023 to be published on February 22, 2023 and March 1, 2023 by Matt Champion;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on February 17, 2023 by Liz Hanson;
3. Sent, via first class mail, to the property owner on February 18, 2023 by Liz Hanson; and
4. Signs were posted on the Subject Area(s) on February 20, 2023 by Liz Hanson and Matt Champion.

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

1. Liz Hanson
2. Matt Champion

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

I, Toby Linville, a Notary Public, in and for the above County and State, do hereby certify that

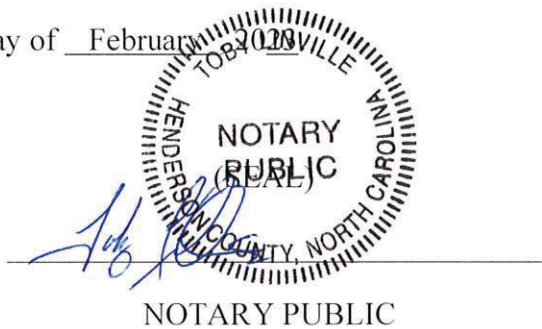
 Matt Champion and Liz Hanson

personally appeared before me this day.

WITNESS my hand and notarial seal, this the day of February, 2023

My commission expires:

 6/29/26





BOARD OF COMMISSIONER ENACTMENT 2023- _____

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-2023-01; 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 March 6, 2023; 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-2023-01 Paco Properties, LLC) 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 6th day of March 2023.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
REBECCA MCCALL, Chairman

ATTEST:

Denisa Lauffer, Clerk to the Board

[COUNTY SEAL]

Rezoning R-2023-01

HENDERSON COUNTY
BOARD OF
COMMISSIONERS
PUBLIC HEARING

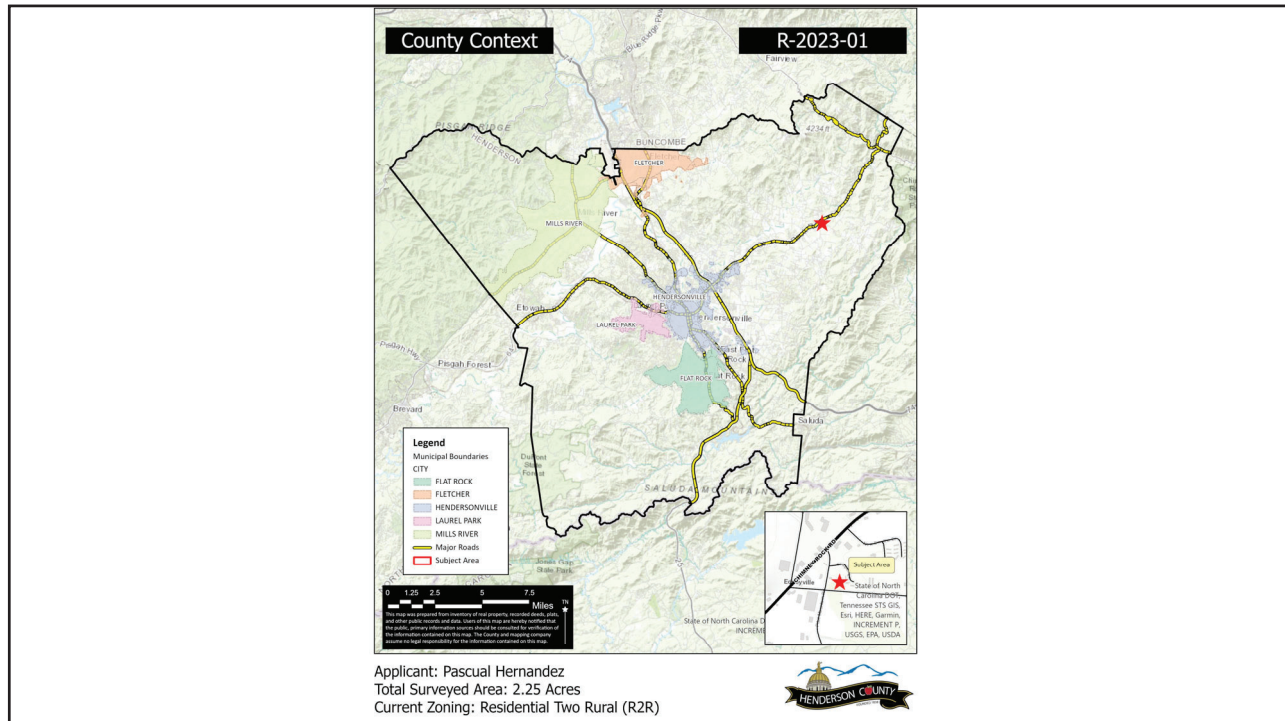
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Background

The applicant, Pascual Hernandez, is seeking to rezone one parcel of property to **Local Commercial (LC)** from **Residential Two Rural (R2R)**. The parcel is approximately **2.25 acres**.



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District Comparison

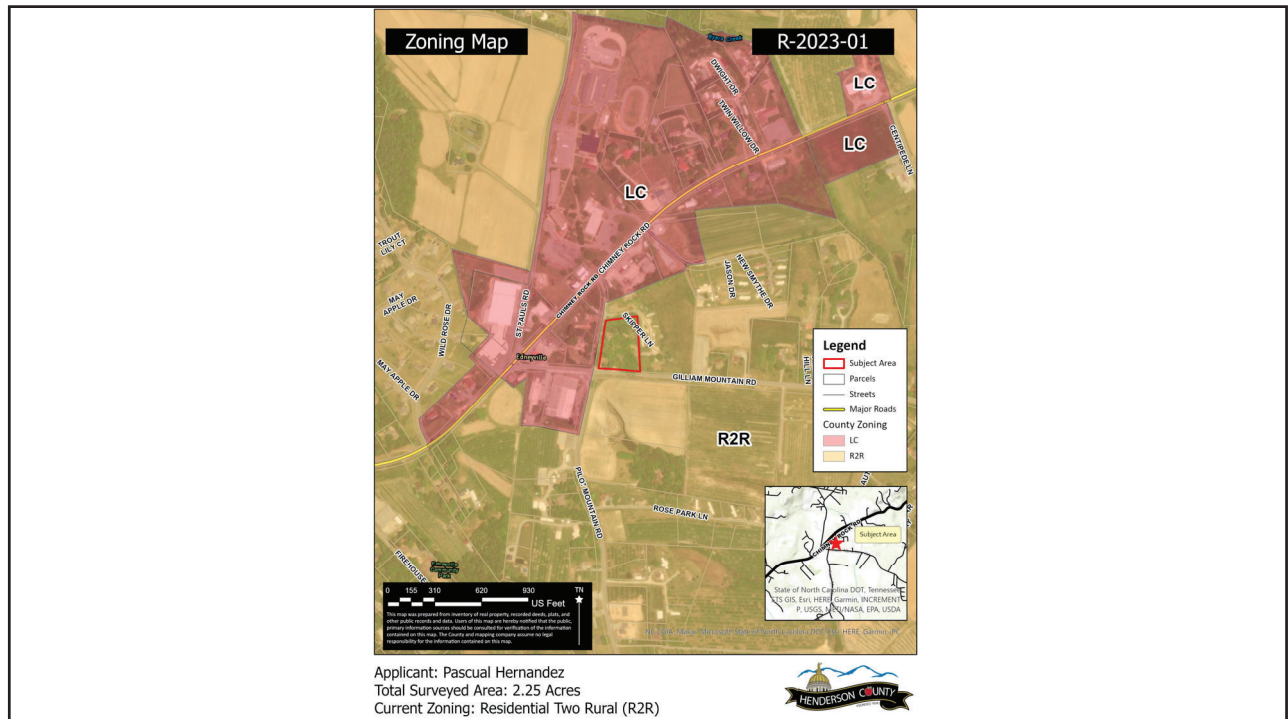
RESIDENTIAL TWO RURAL (R2R)

- Principle land use is residential
- Low to medium density residential development
- Rural commercial and light industrial development consistent with the recommendations of the Comprehensive Plan
 - Transitional (RTA)
- Retail Trade uses are not permitted in Residential Two Rural (R2R)

LOCAL COMMERCIAL (LC)

- Principle land use is commercial and residential
- Commercial development consistent with the recommendations of the Comprehensive Plan
 - Ex. 1) includes a variety of retail sales and services....2) is directed largely to Community Service Centers....

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Comprehensive Plan Compatibility



Community Service Center

Intended to be intensive, efficient, defined concentrations of mixed services that meet the needs of the surrounding community and defined service areas

Located in unified development concentrations at intersections of selected thoroughfares and in central locations that are convenient to nearby residential development

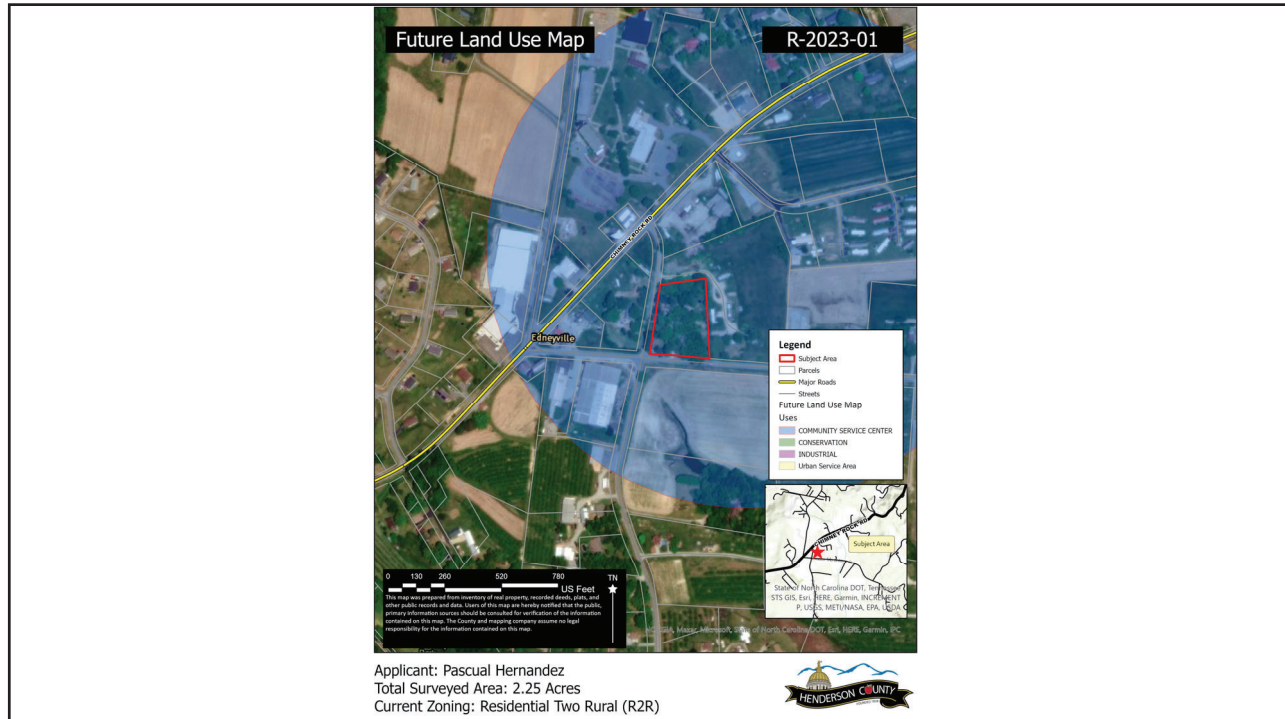


Urban/Rural Transition Community

The RTA is currently rural in character, with existing pockets of limited higher density residential and commercial development

Commercial development and Community Facilities will be encouraged within defined Community Service Centers

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Additional Plans & Studies

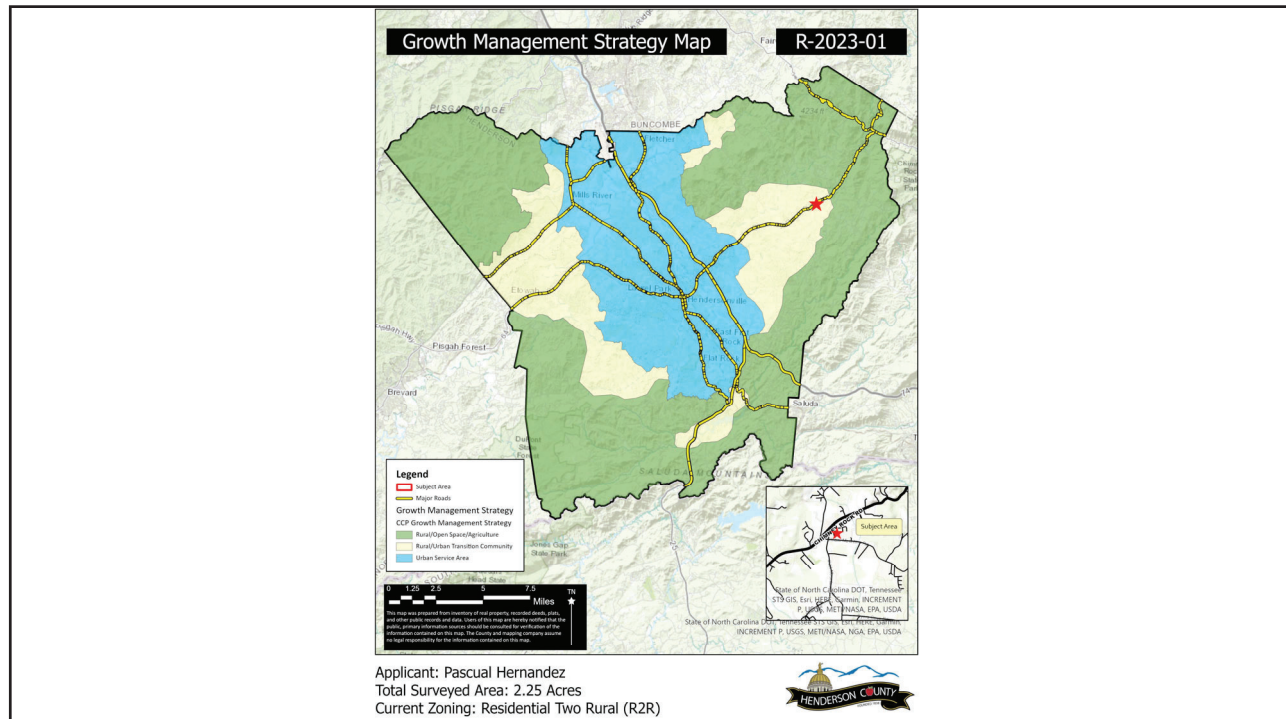
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Goal LUD2.1 Local Commercial (LC),
 To preserve small local businesses, local scale commercial development should be the Planning Area's principal type of commercial development. LC zoning should be applied in the following areas:
 3. US Highway 64 East/Gilliam Road intersection (See Map 9B (p.71)


Currently, the subject area is served by an individual well and water provided by the City of Hendersonville

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Staff Conclusion:

STAFF FINDS NO ISSUE REGARDING
R-2023-01.