

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: Monday, June 5th, 2023

SUBJECT: Public Hearing for Rezoning Application #R-2023-05, Lane Heffner, Office Institutional (O&I) to Residential Two Rural (R2R)

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-2023-05, initiated on April 11, 2023, requests that the County rezone approximately 9.98 assessed acres from Office Institutional (O&I) to Residential Two Rural (R2R) zoning district. The acreage consists of PIN: 9681-84-5915 located off Parham Road. The property owner is the J Keith Garren Trustee and Revocable Trust. The applicant is Lane Heffner.

The Technical Review Committee reviewed the application at its May 16th, 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 May 18th, 2023, 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-2023-05 was published in the Hendersonville Lightning on May 24th and May 31st. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area on May 22nd, 2023, and posted signs advertising the hearing on the Subject Area on May 22nd, 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-2023-05 to rezone the Subject Area from a Office Institutional (O&I) zoning district to Residential Two Rural (R2R) 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	TECHNICAL REVIEW COMMITTEE MEETING DATE
R-2023-05	May 16, 2023

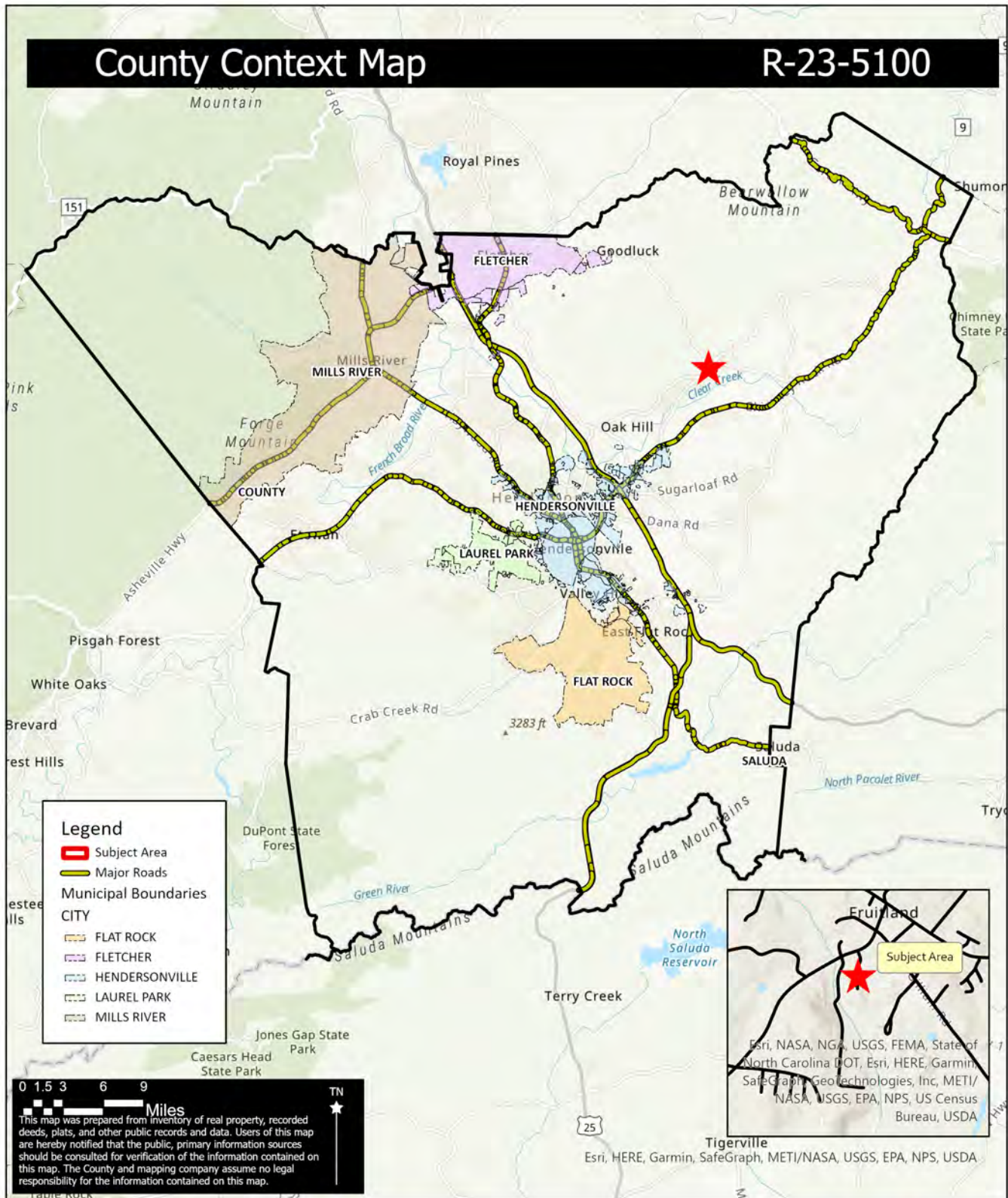
PROPERTY OWNER	PROPERTY LOCATION/ADDRESS
J Keith Garren Trustee	110 Parham Road, Clear Creek Township

AGENT/APPLICANT	PIN
Lane Heffner	9681845915

SUMMARY OF REQUEST	A rezoning of a portion of the above PIN (hereafter the subject area) from Office Institutional (OI) to Residential Two Rural (R2R) .
Existing Zoning	Office Institutional (OI)
Existing Land Use	Community Service Center, Conservation; Rural/Urban Transition Area
Site Improvements	Manufactured/Mobile Home (single wide)
Request Acreage	9.98 Acres (Assessed)

ADJACENT ZONING	USE OF LAND	
North	Local Commercial (LC)	Single Family Residence
East	Office Institutional (OI)	Vacant Land, ROW for Adjacent Property
South	Office Institutional (OI)	Industrial, Metal Warehouse
West	Residential Two Rural (R2R)	Single Family Residence

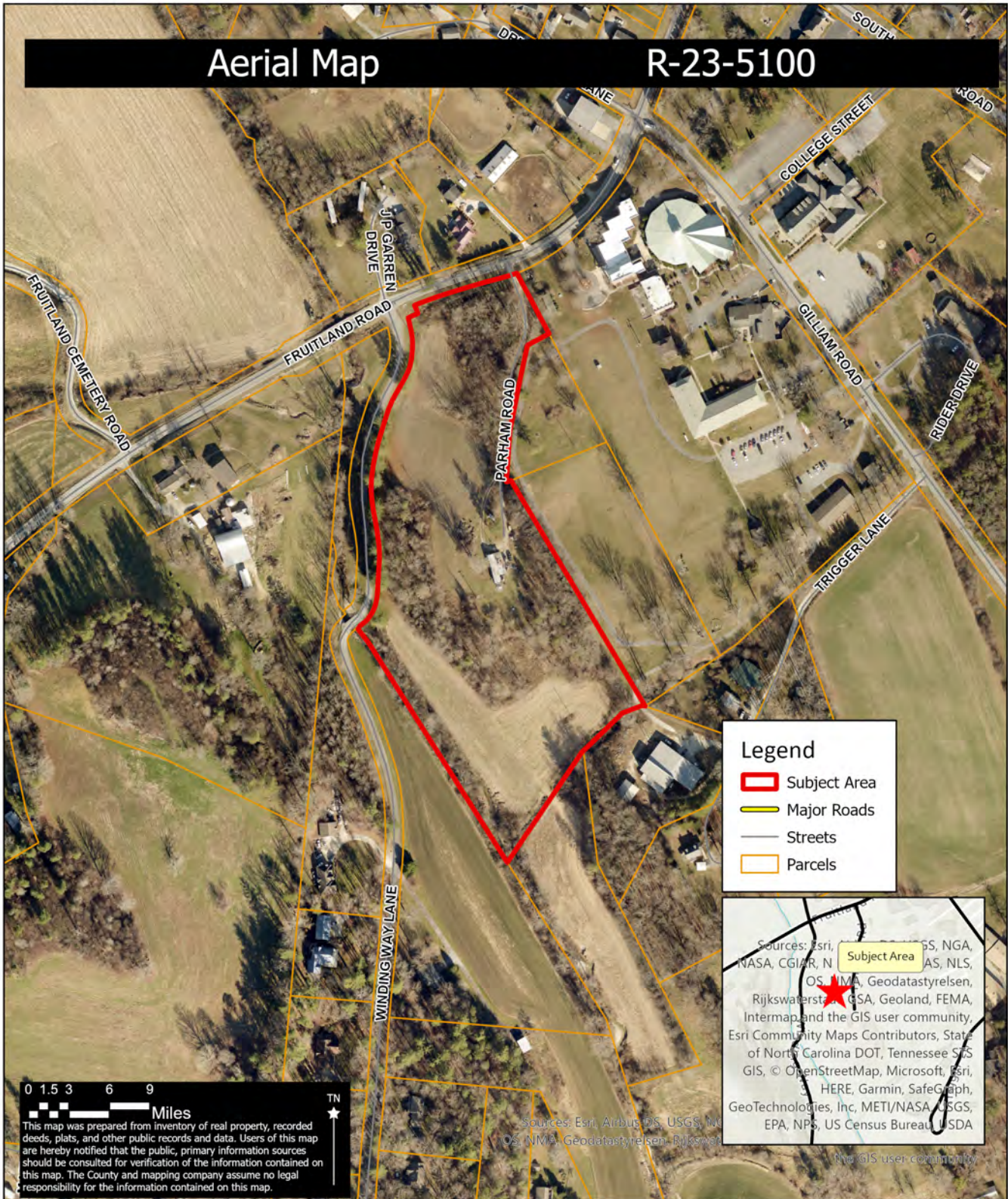
Map A. County Context



Applicant: Lane Heffner
Total Assessed Area: 9.98 Acres
Current Zoning: Office & Institutional (O&I)



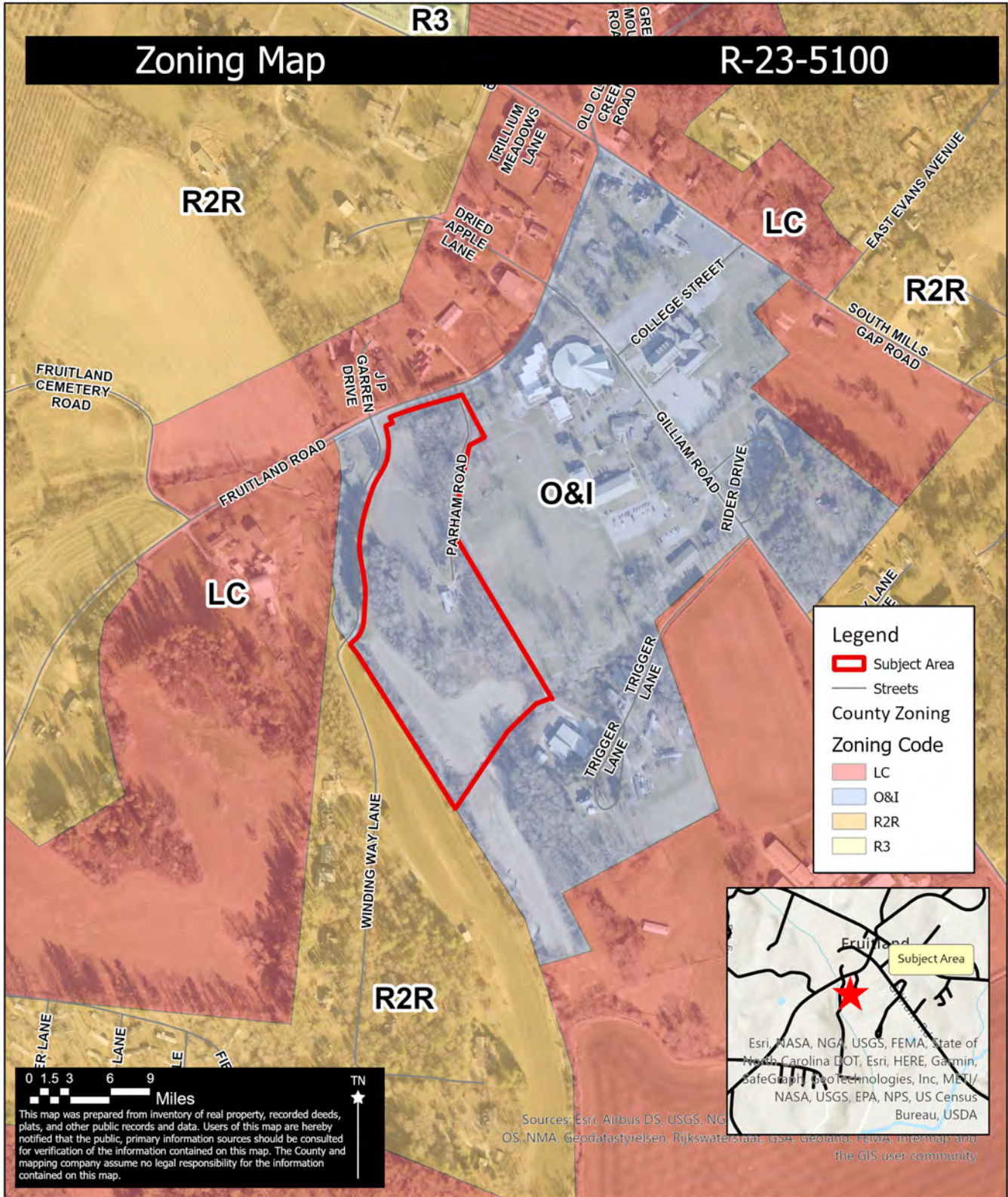
Map B. Aerial



Applicant: Lane Heffner
Total Assessed Area: 9.98 Acres
Current Zoning: Office & Institutional (O&I)



Map C. Current Zoning



Applicant: Lane Heffner
Total Assessed Area: 9.98 Acres
Current Zoning: Office & Institutional (O&I)



BACKGROUND

The applicant, Lane Heffner, is seeking to rezone one parcel from **Office Institutional (OI)** to **Residential Two Rural (R2R)**. There is no survey for this parcel to determined surveyed acreage. The total assessed acreage of the parcel is 9.98 acres.

ANALYSIS

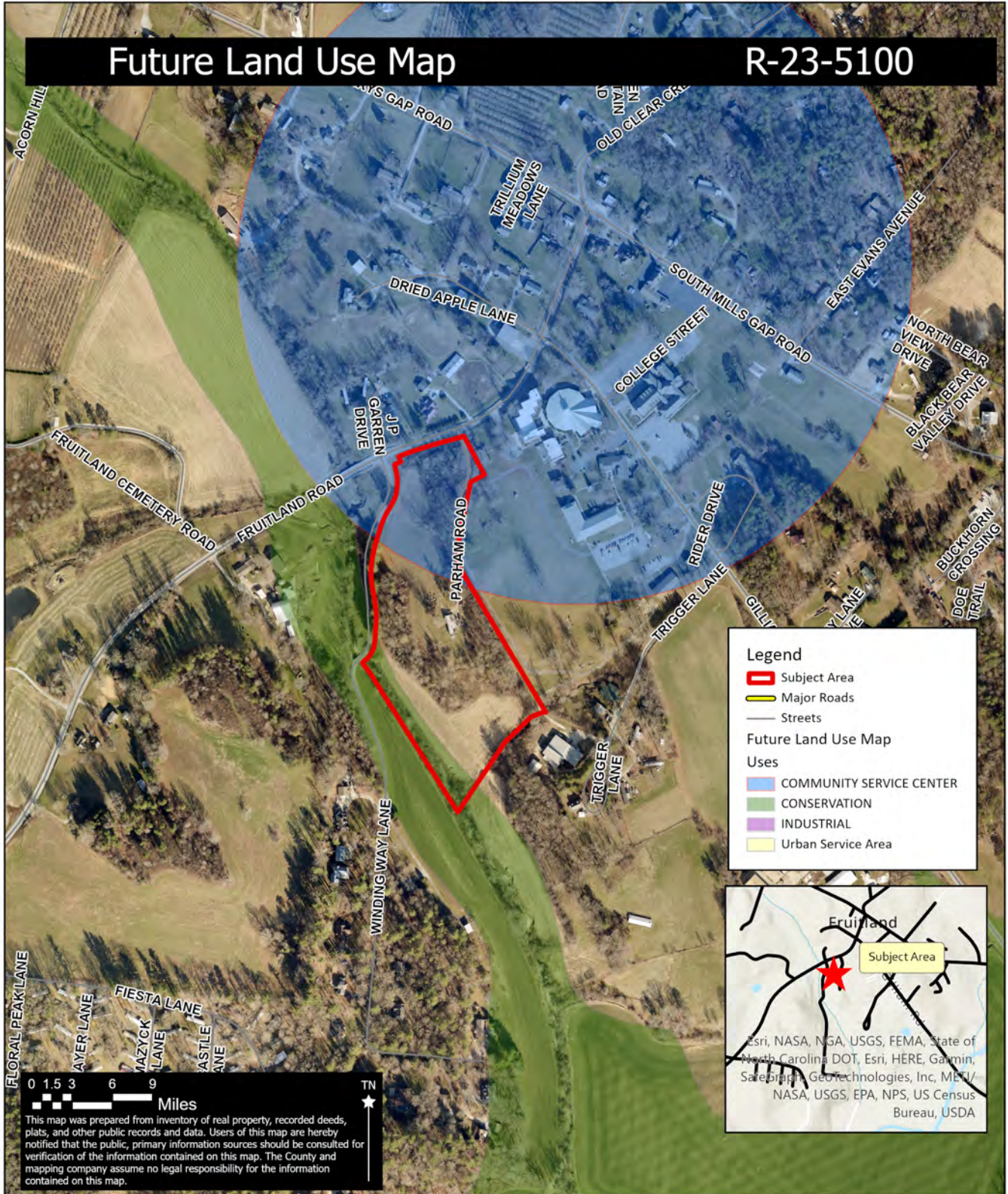
District Comparison:

Office Institutional (OI): The purpose of the Office Institutional District (OI) is to foster orderly growth where the principal use of land is a mixture of office, institutional, and residential. The intent of this district is to allow for office, institutional and residential development consistent with the recommendations of the Comprehensive Plan. In accordance with the Comprehensive Plan, the district will allow for the aforementioned developments that: (1) is directed largely to Community Service Centers as defined in the Comprehensive Plan; (2) is compatible with adjacent development and the surrounding community; and (3) will minimize congestion and sprawl.

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.)

Comparison: The Office Institutional (OI) district principle land use is a mis of office, institutional, and residential. The Residential Two Rural (R2R) district principal land use is low to medium density residential. Residential Two Rural (R2R) district provides compatibility with adjacent development and surrounding community.

Map D: County Comprehensive Plan Future Land Use Map



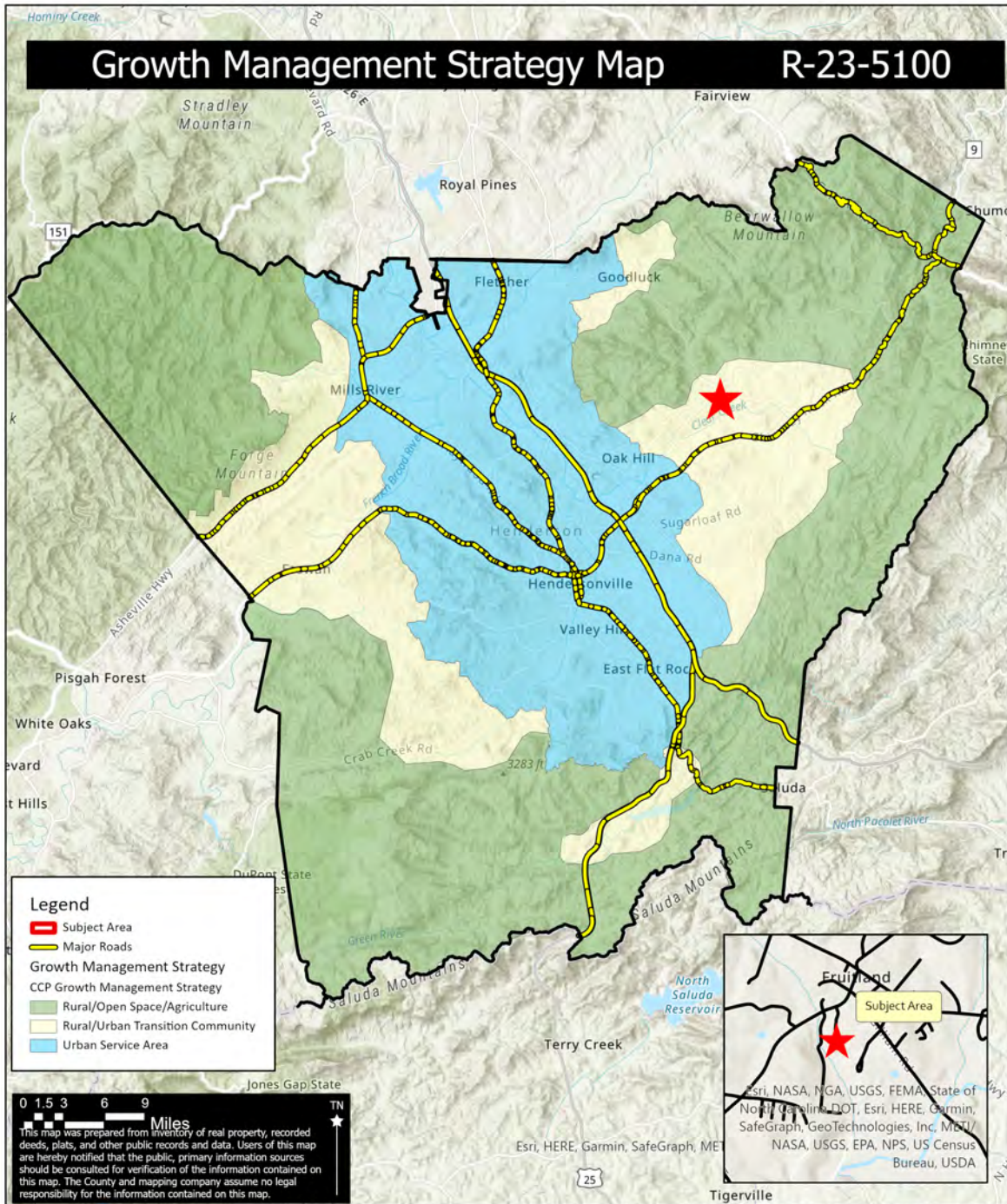
Applicant: Lane Heffner
Total Assessed Area: 9.98 Acres
Current Zoning: Office & Institutional (O&I)



County Comprehensive Plan (CCP) Compatibility

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

Map E: Growth Management Strategy Map



Applicant: Lane Heffner
Total Assessed Area: 9.98 Acres
Current Zoning: Office & Institutional (O&I)



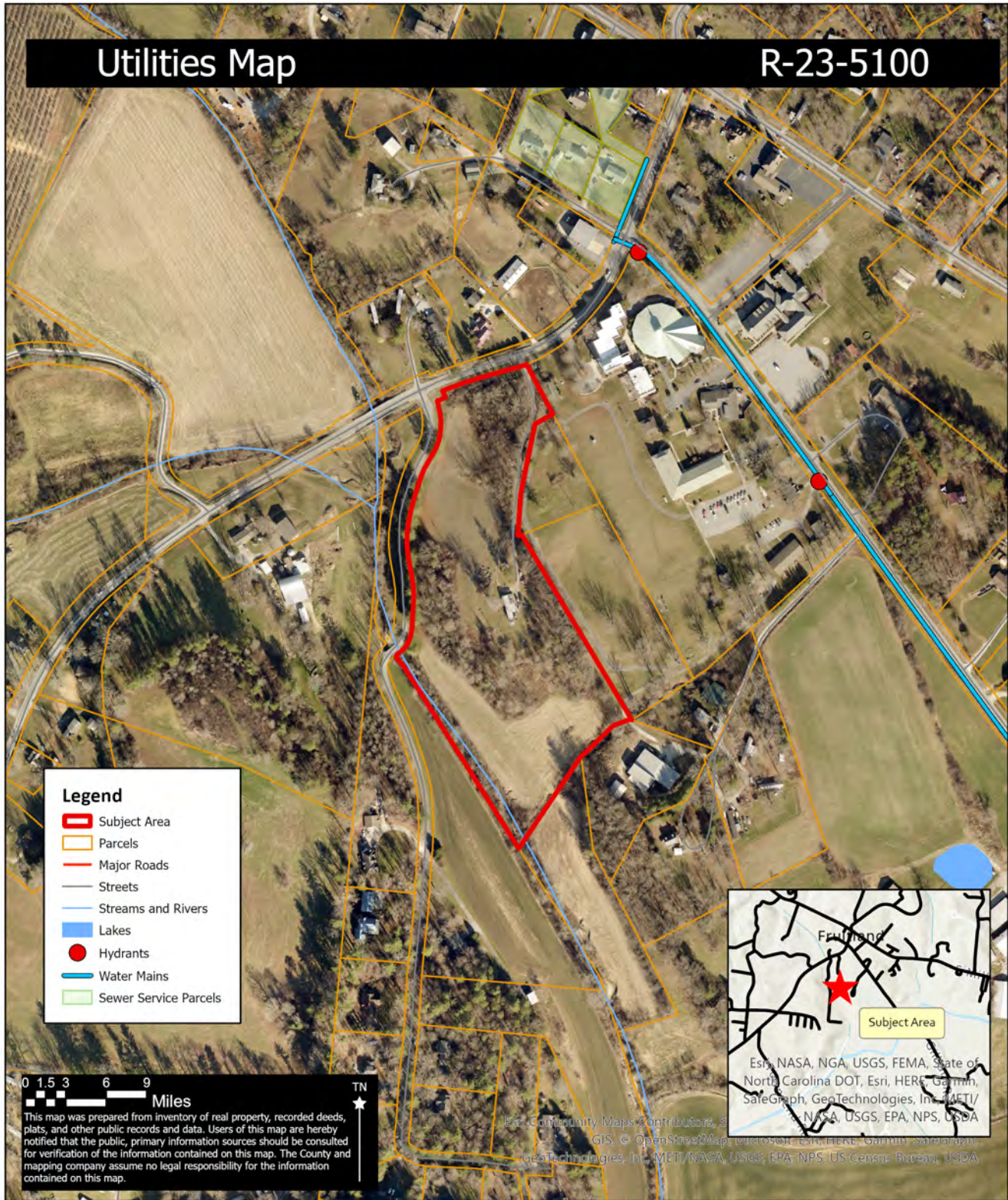
Community Service Center: The CCP Future Land Use Map shows the subject area located in the Community Services Center. The CCP states, "Community Service Centers are intended to be intensive, efficient, defined concentrations of mixed services that meet the needs of the surrounding community and defined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

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 lies within the Edneyville Community Planning Area per Map 1: Planning Area Boundary of the Edneyville Community Plan (2010) (ECP, p.61). Per Map 9B: Land Use Recommendations, the community plan proposes zoning the subject area as Office Institutional (OI) (ECP, p.71).

Map F: Utilities Map



Applicant: Lane Heffner
Total Assessed Area: 9.98 Acres
Current Zoning: Office & Institutional (OI)



Water & Sewer

The applicant is proposing connections to City of Hendersonville public water and individual septic systems.

Existing Roads & Easements

The subject area has frontage along Fruitland Road (SR 1574). The subject area is also contiguous with Winding Way Lane and Parham Road. The subject area is currently accessed from Parham Road.

Technical Review Committee Recommendations

The Technical Review Committee (TRC) will heard R-2023-05 at their May 16th, 2023 meeting.

Planning Board Recommendations

The Planning Board heard R-2023-05 at their May 18th, 2023 meeting.

Board of Commissioners Public Hearing

The Board of Commissioners will hear R-2023-05 at their June 5th, 2023 meeting.

Staff Conclusion

Staff finds no issue with R-2023-05.

Certification of Notice of Public Hearing

In accordance with NCGS 160D-343 the Planning Department certifies notice of the June 5, 2023, hearing regarding Rezoning Application #R-2023-05 were:

1. Submitted to the Hendersonville Lightning on May 19, 2023 to be published on May 24, 2023 and May 31, 2023 by Liz Hanson;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on May 22, 2023 by Liz Hanson;
3. Sent, via first class mail, to the property owner on May 22, 2023 by Liz Hanson; and
4. Signs were posted on the Subject Area(s) on May 22, 2023 by Liz Hanson.

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

1. Liz Hanson
2. _____

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

 Liz Hanson

personally appeared before me this day.

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

My commission expires:

 6/29/25





BOARD OF COMMISSIONER ENACTMENT 2023- 05

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-2023-05; 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 June 5, 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-2023-05, Lane Heffner) 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 5th day of June 2023.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
Rebecca McCall, Chairman

ATTEST:

Denisa Lauffer, Clerk to the Board

[COUNTY SEAL]

Rezoning R-23-05

Henderson County Board of Commissioners

Public Hearing



June 5th, 2023

Lane Heffner

Henderson County Planning Department

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Application Summary

- **Rezoning Request:** R-2023-05
- **Owner:** J Keith Garren Trustee & Revocable Trust
- **Agent/Applicant:** Lane Heffner
- **Property Location:** 110 Parham Rd (PIN # 9681-84-5915)
- **Acreage:** 9.98 (assessed)

Office Institutional
(O&I)

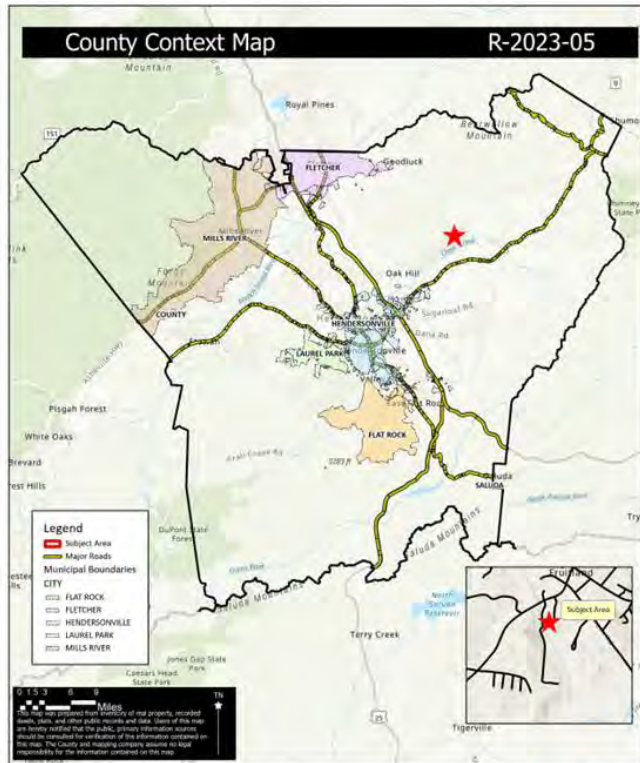


Residential Two
Rural (R2R)

Henderson County Planning Department

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County Context Map



Applicant: Lane Heffner
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 Current Zoning: Office & Institutional (O&I)



Aerial Map



Applicant: Lane Heffner
 Total Assessed Area: 9.98 Acres
 Current Zoning: Office & Institutional (O&I)



District Comparison



Office Institutional (O&I)

- Principle land use is a mix of office, institutional, and residential



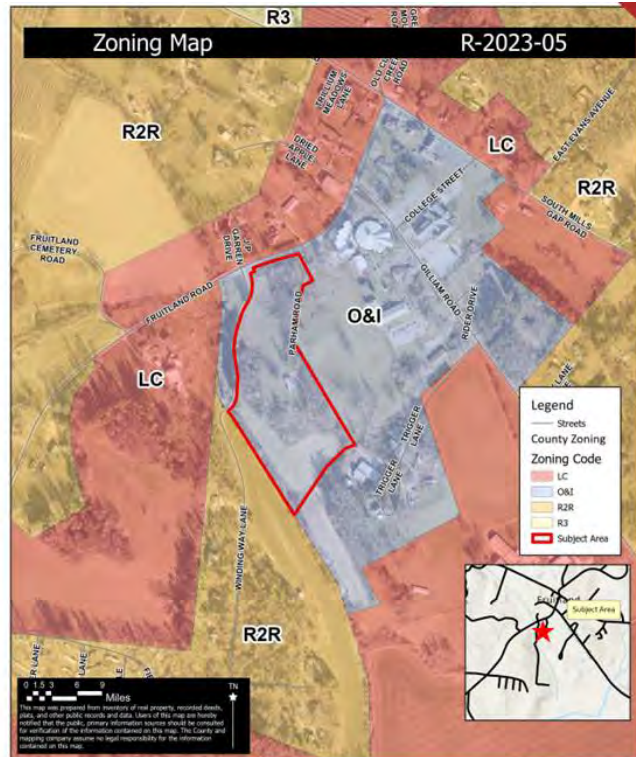
Residential Two Rural (R2R)

- Principle land use is residential
- Low to medium density residential development
- Typically meant to be utilized in areas designated as Transitional (RTA) in the Comprehensive Plan

Henderson County Planning Department

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Zoning Map



Applicant: Lane Heffner
 Total Assessed Area: 9.98 Acres
 Current Zoning: Office & Institutional (O&I)



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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

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Comprehensive Plan Compatibility



Conservation

Includes land areas that are intended to remain largely in their natural state, with only limited development

Sensitive natural areas such as steep slopes, floodplains, major wetlands, forest reserves and wildlife conservation areas, and key watershed

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Future Land Use Map



Applicant: Lane Heffner
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 Current Zoning: Office & Institutional (O&I)



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Additional Plans & Studies

The subject area lies within the **Edneyville Community Planning Area** per Map 1: Planning Area Boundary of the Edneyville Community Plan (2010) (ECP, p.61). Per Map 9B: Land Use Recommendations, the community plan proposes zoning the subject area as Office Institutional (OI) (ECP, p.71).

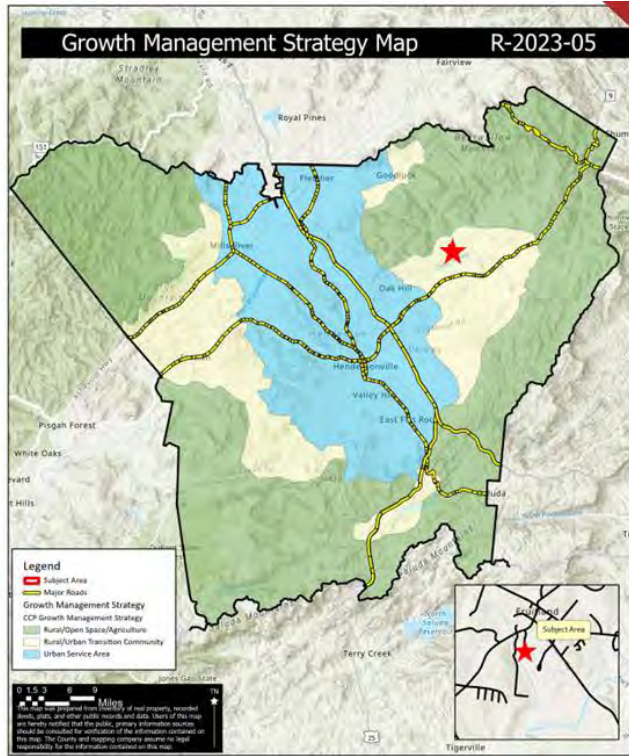
Edneyville Community Plan



Adopted May 11, 2010

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Growth Management Strategy Map



Applicant: Lane Heffner
 Total Assessed Area: 9.98 Acres
 Current Zoning: Office & Institutional (O&I)



Utilities Map



Applicant: Lane Heffner
 Total Assessed Area: 9.98 Acres
 Current Zoning: Office & Institutional (OI)





Staff Conclusion:

Staff finds no issue regarding R-2023-05.