

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: Wednesday, October 18, 2023

SUBJECT: Public Hearing for Rezoning Application #R-2023-09, Peterson Property, Residential Two (R2) to Community Commercial (CC)

PRESENTER: 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-2023-09, submitted on August 9, 2023, requests that the County rezone approximately 2.38 acres out of 6.5 acres of land from the Residential Two (R2) zoning district to the Community Commercial (CC) zoning district. The zoning map amendment application is for a portion of PIN: 9549-19-5165 with access along Old Bard Rd (Private) and S Rugby Rd (SR 1312). The property owners and applicants are Jeri and Ernest Peterson.

The Technical Review Committee reviewed the application at its September 5, 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 September 21, 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 October 18, 2023, public hearing regarding rezoning application #R-2023-09 was published in the Hendersonville Lightning on October 4th and October 11th. Notices of the hearing were sent via first class mail to the owners of properties within 400' of the Subject Area on October 2, 2023, and posted signs advertising the hearing on the Subject Area on October 2, 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-2023-09 to rezone the Subject Area from a Residential Two (R2) zoning district to Community Commercial (CC) 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:

Matt Champion, Zoning Administrator

CASE

R-2023-09

BOARD OF COMMISSIONERS MEETING DATE

October 18, 2023

PROPERTY OWNER

Ernest & Jeri Peterson

PROPERTY LOCATION/ADDRESS

253 Old Barn Rd, Hendersonville, NC 28791
Hendersonville Township

APPLICANT

Ernest & Jeri Peterson

PIN's

Portion of PIN: 9549-19-5165

SUMMARY OF REQUEST

A rezoning of the above referenced PIN (hereafter the subject area from Residential Two (R2) to Community Commercial (CC).

Existing Zoning

Residential Two (R2)

Existing Land Use

Commercial & Residential

Site Improvements

Kennel, Single Family Residential Dwelling, & Barn

Requested Acreage

2.38 Acres out of 6.5 Acres

ADJACENT ZONING**USE OF LAND**

North

Residential Two (R2)

Residential

East

Community Commercial (CC) & R2

Commercial & Residential

South

Community Commercial (CC)

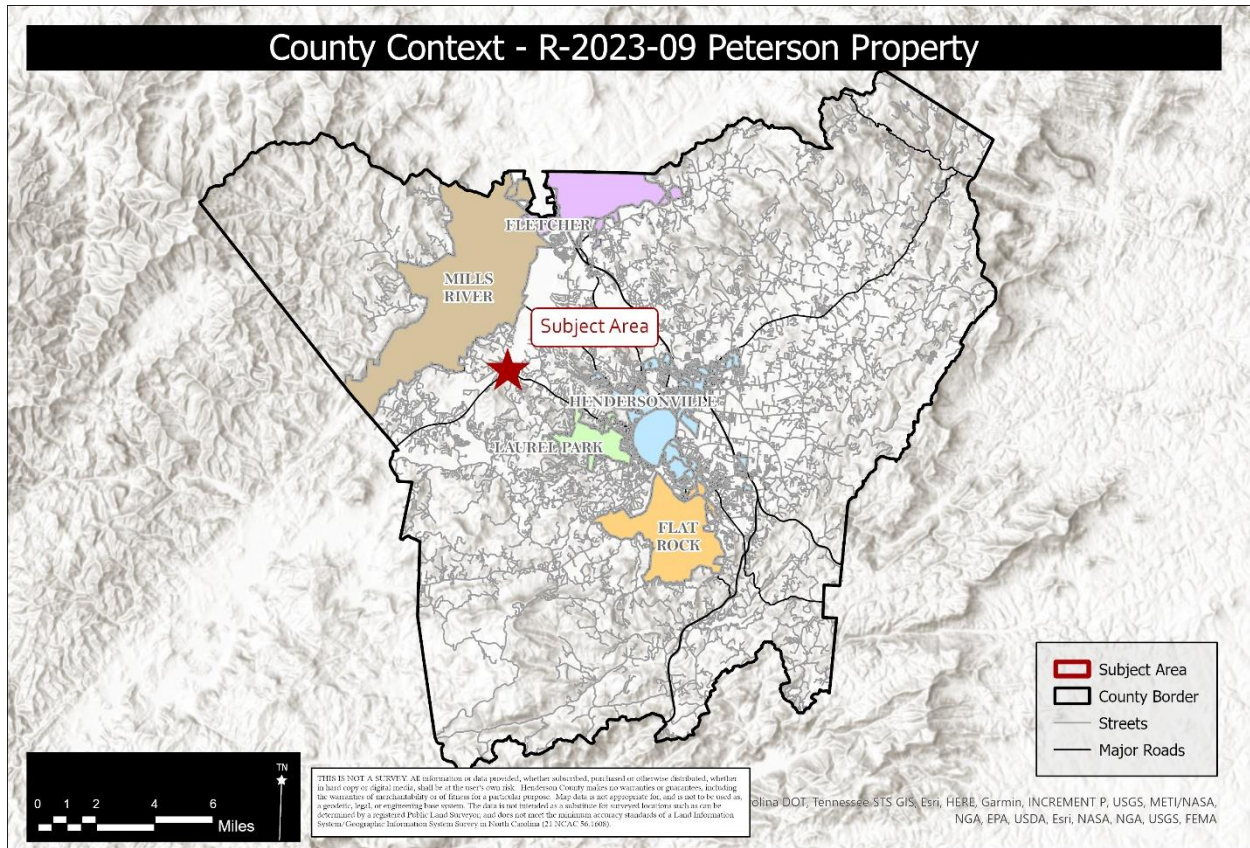
Commercial & Residential

West

Community Commercial (CC) & R2

Commercial & Residential

Map A. County Context



Property Owners/Applicants: Ernest and Jeri Peterson
 Rezoning Area: 2.38 Acres PINs: 9549-19-5165
 Current Zoning: Residential Two (R2)



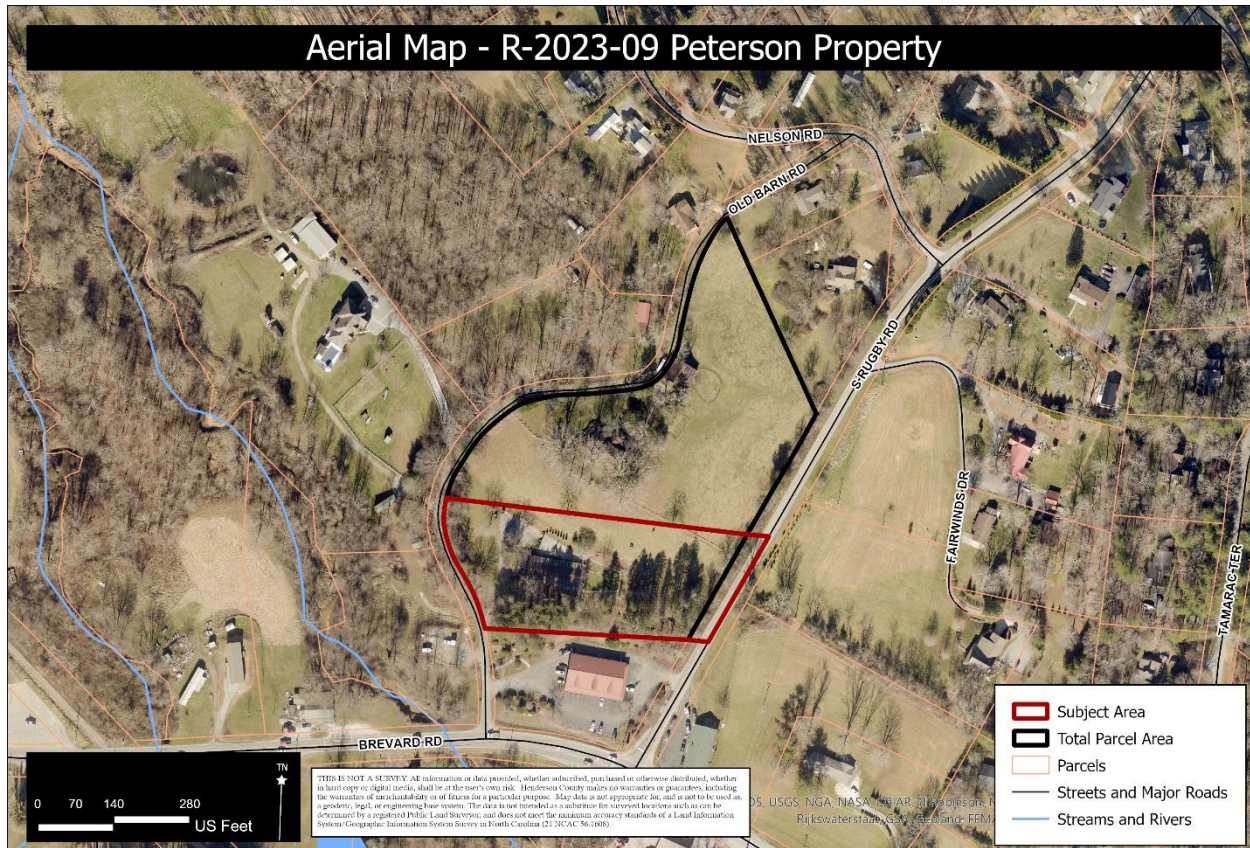
BACKGROUND:

The applicants and property owners, Ernest and Jeri Peterson, are seeking to rezone a portion of PIN 9549-19-5165 from Residential Two (R2) to Community Commercial (CC). The total acreage of the parcel is 6.5 assessed acres and the portion to be rezoned is 2.38 acres. The site currently contains a commercial kennel at 253 Old Barn Rd, a residential structure at 129 Old Barn Rd, and a large barn north of the residential structure. The kennel was constructed in 1987, the residential structure was built in 1927, the barn was added to the property in 2000. Additionally, there is roughly 3,000SQFT of paved area serving the kennel. The area north of the kennel, including the paved area serving the kennel is not included in the rezoning (see Map B).

The Horse Shoe community within Henderson County has been zoned since 1967. During that time, subject area was zoned Estate Residential (R-40) along with most of the surrounding properties. In 1984, the subject area was part of a zoning map amendment application that changed a portion of the subject area from R-40 to Neighborhood Commercial (C-2) zoning district. The C-2 district allowed for the current property owners to construct the commercial kennel. During the adoption of the Land Development Code in September of 2007, an effort was made to clean up split zoning and rezoned the portion of subject area from C-2 back to R-

40. In 2010, when the Board of Commissioners adopted the zoning map amendment recommendations in the Etowah and Horse Shoe Community Plan, the subject area was rezoned to R2.

Map B. Aerial



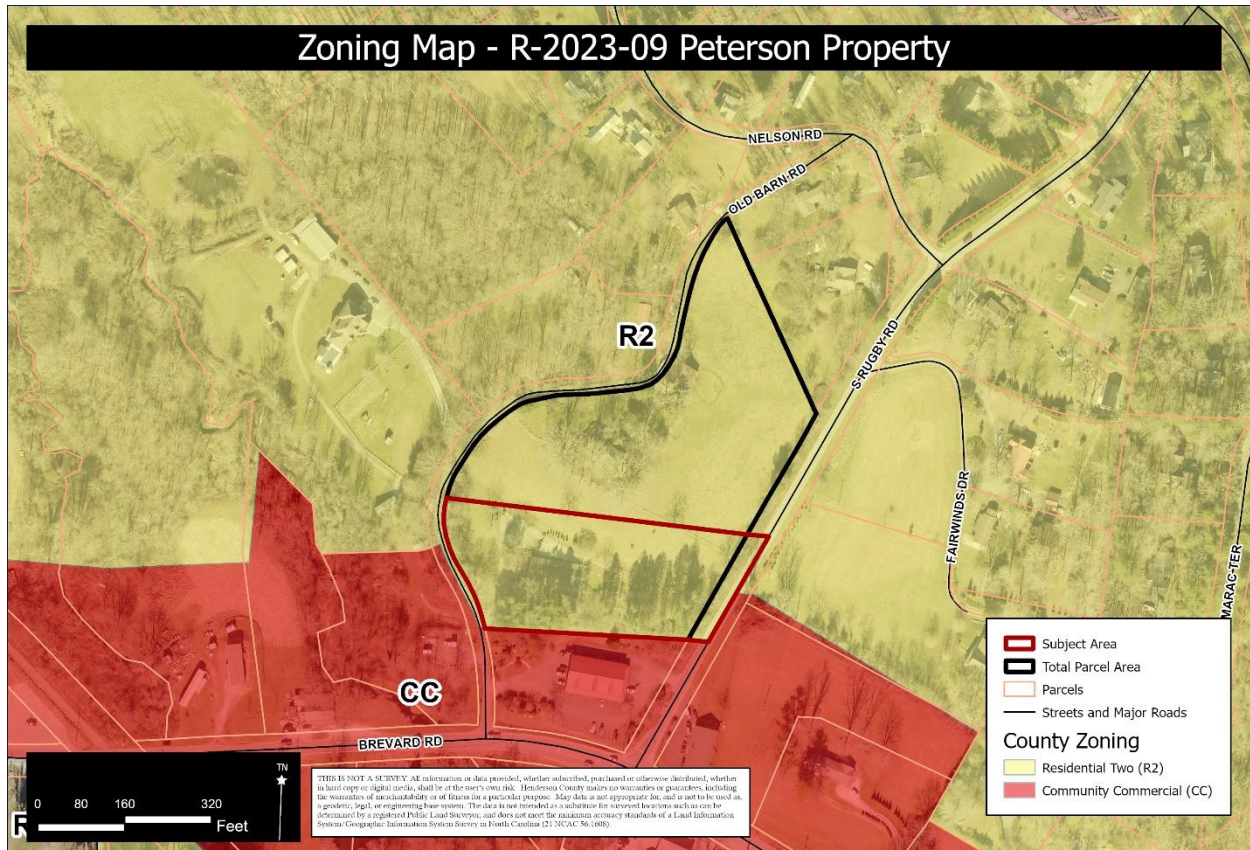
Property Owners/Applicants: Ernest and Jeri Peterson
Rezoning Area: 2.38 Acres PINs: 9549-19-5165
Current Zoning: Residential Two (R2)



SUBJECT AREA & ADJACENT PROPERTIES:

As previously mentioned, the subject area currently a commercial kennel, called Horse Shoe Kennels. The property to the south of the subject area contains a commercial structure with multiple tenants. The property to the east of the subject area contains a commercial structure with a mixture of retail sales and services called Cognitive Brew House. The property to the north of the subject area contains residential structures and vacant land. The property to the west of the subject area contains a mixture of residential structures, a commercial storage building, and a staging area for materials and equipment storage.

Map C: Current Zoning



Property Owners/Applicants: Ernest and Jeri Peterson
 Rezoning Area: 2.38 Acres PINs: 9549-19-5165
 Current Zoning: Residential Two (R2)



DISTRICT COMPARISON:

Residential Two (R2): The purpose of Residential District Two (R2) 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 consistent with the recommendations of the Comprehensive Plan. It is also the intent of this district to allow for flexibility in the continuation of existing nonresidential uses. This general use district is typically meant to be utilized in areas designated as Transitional (RTA) in the Comprehensive Plan.” Standard residential density in the Residential Two (R2) Zoning District is 1 unit per acre, with a maximum density of 2 units per acre. (LDC 42-28).

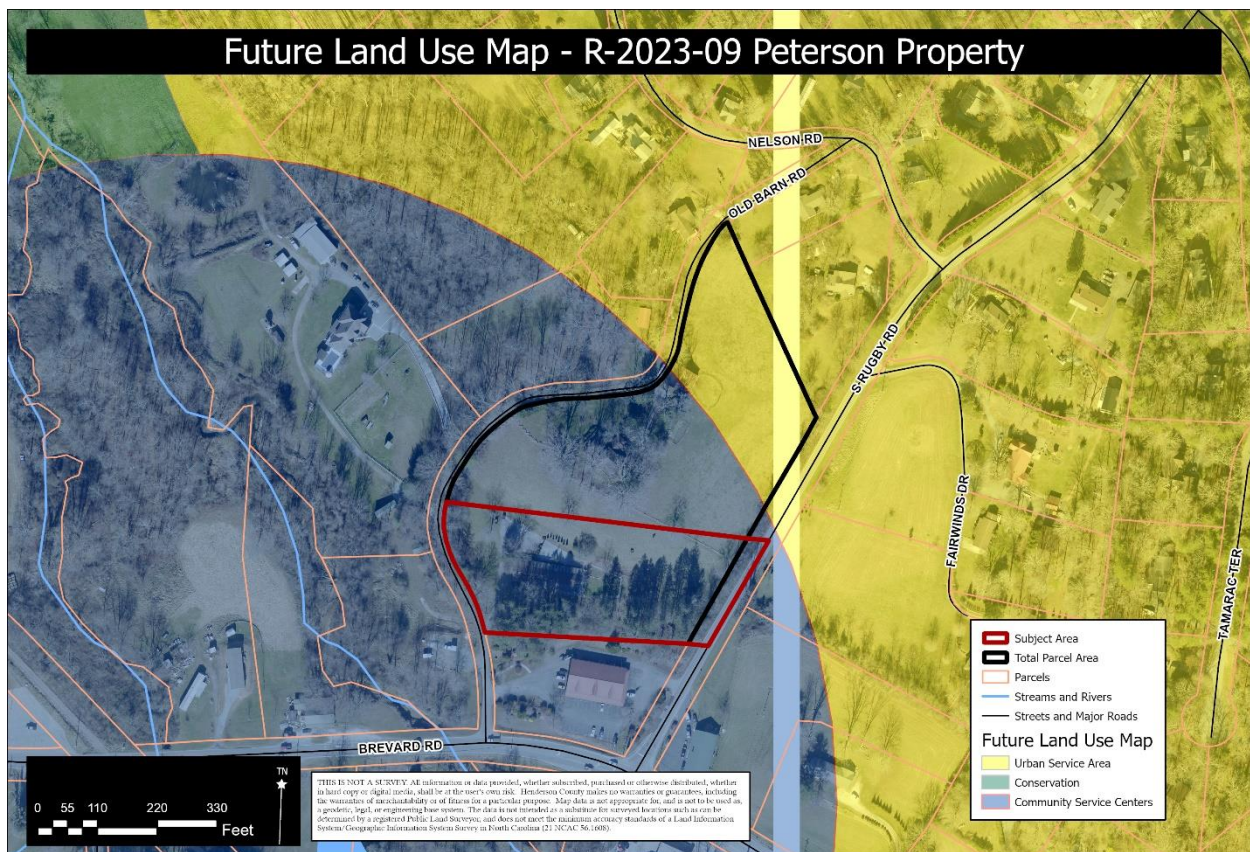
Community Commercial (CC): “The purpose of the Community Commercial District (CC) is to foster orderly growth where the principal use of land is commercial. The intent of this district is to allow for commercial development consistent with the recommendations of the Comprehensive Plan. In accordance 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 and community 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. The intent of this district is to allow for commercial development consistent with the recommendations of the Comprehensive Plan. This general use district is meant to be utilized in areas designated as Transitional (RTA) or Urban (USA) in the Comprehensive Plan.” Single Family Residential Dwellings are not permitted in the Community Commercial (CC) Zoning District. (LDC 42-34)

Comparison of Districts: The existing Residential Two (R2) district allows for Single Family Residential development with a standard density of 1 unit per acre. The proposed Community Commercial (CC) Zoning District allows primarily for commercial development and multi-family residential development. Single Family Residential Dwellings are not permitted in the Community Commercial (CC) district.

Adjacent Zoning: Residential Two (R2) zoning is found to the northeast, north, and northwest of the subject area. Community Commercial (CC) zoning is found to the southeast, south, and southwest of the subject area.

Map D: County Comprehensive Plan Future Land Use Map



Property Owners/Applicants: Ernest and Jeri Peterson
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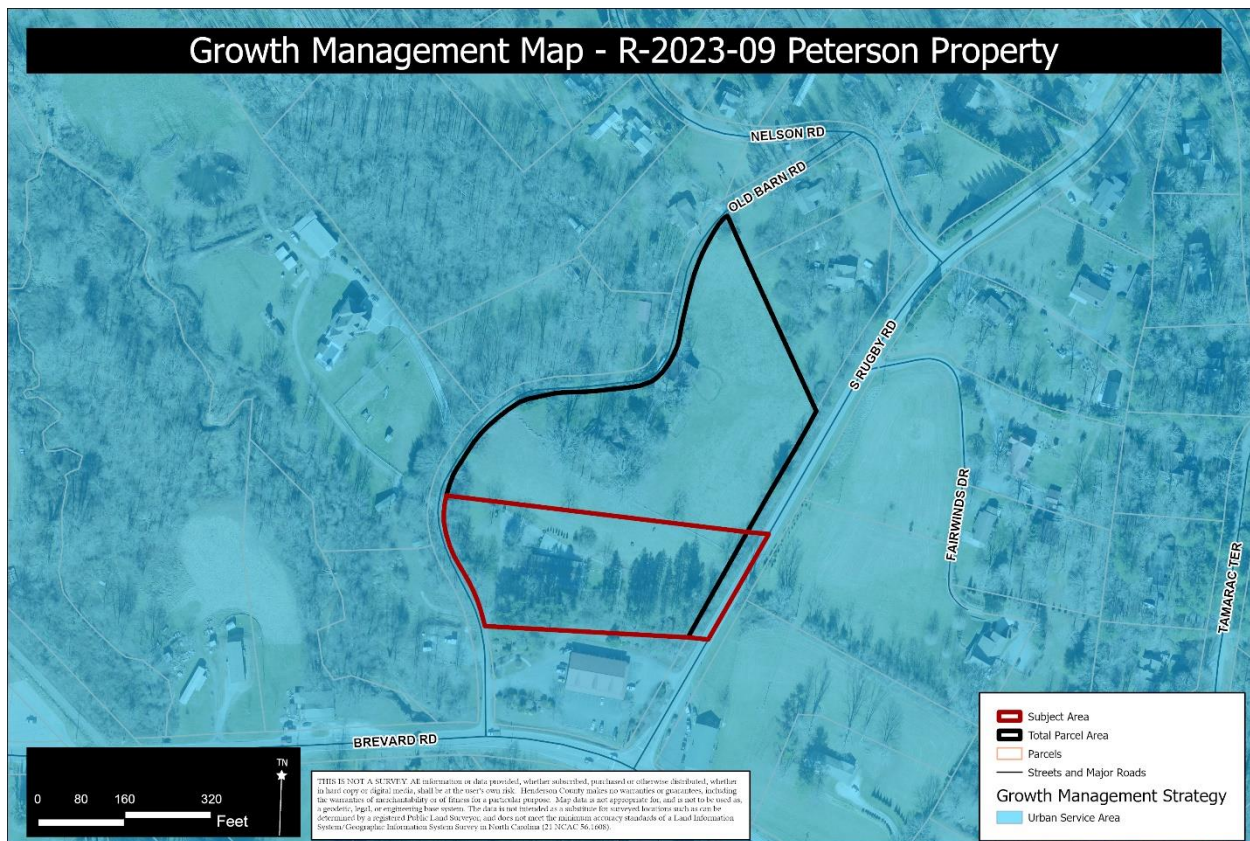


County Comprehensive Plan (CCP) Compatibility The CCP Future Land Use Map identifies the subject area as being contained within the Community Services Center classification.

Community Service Centers: The CCP states that, “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 appropriate for a mixture of commercial uses scaled to the service areas; and Community Facilities such as schools, parks, community centers, and other similar Community Facilities. The mixture and intensity of land uses contained within Community Service Centers are intended to be appropriate within the context of the surrounding community and intended service area.

Urban Services Area: The CCP shows the subject area located in the Urban Services Area for Growth Management Strategy. The CCP states, “Substantial investments in affordable housing development should occur within the USA.” (CCP p. 133 #6). Additionally, “Wide ranges of residential densities will exist. Over the long term, land use regulations and policies should favor higher density development, consistent with natural constraints and the availability of urban services.” (CCP p. 133)

Map E: Growth Management Strategy Map

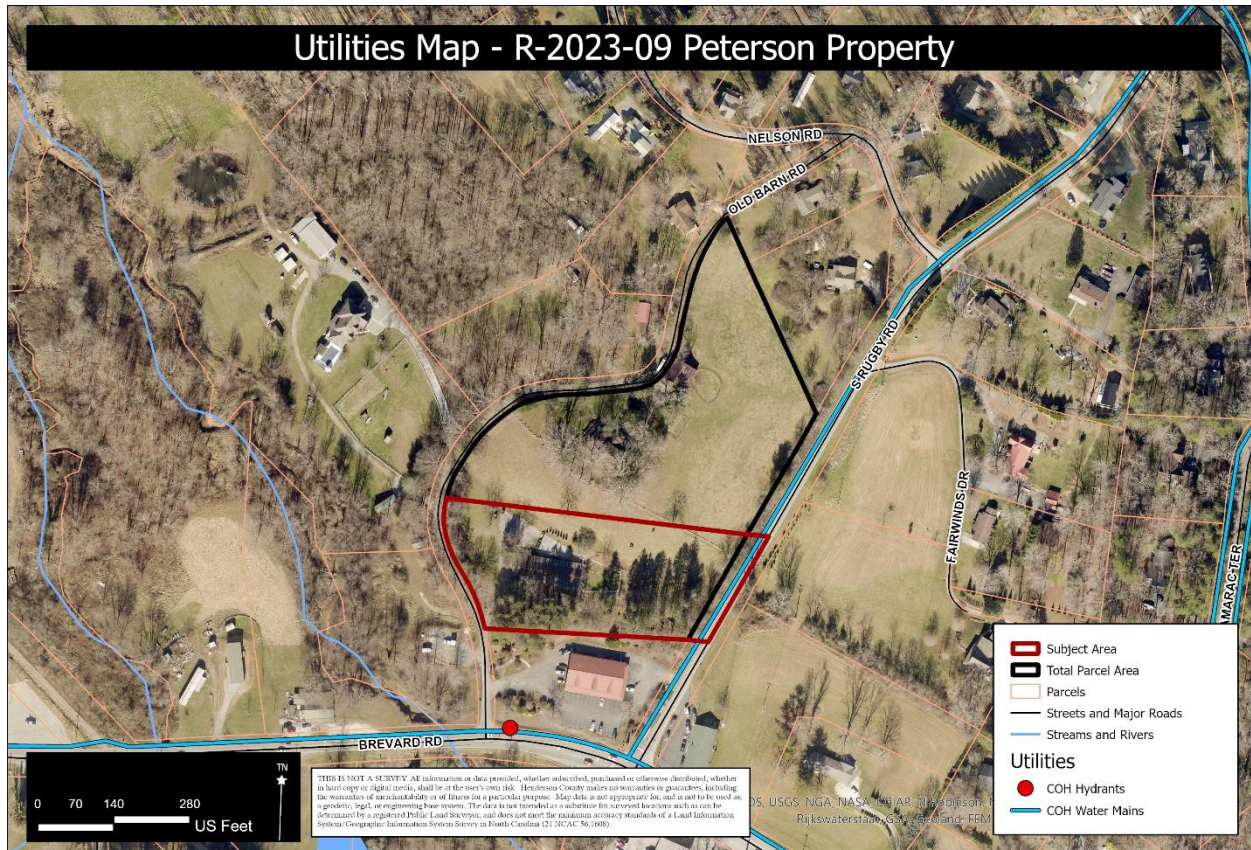


Property Owners/Applicants: Ernest and Jeri Peterson
 Rezoning Area: 2.38 Acres PINs: 9549-19-5165
 Current Zoning: Residential Two (R2)



Growth Management Strategy Compatibility: The CCP shows the subject area located in the Urban Services area for Growth Management Strategy. The CCP states, “Substantial investments in affordable housing development should occur within the USA.” (CCP p. 133 #6)

Map F: Utilities Map



Property Owners/Applicants: Ernest and Jeri Peterson
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Water and Sewer

The applicant is not proposing any new infrastructure or utility connections at this time. City of Hendersonville Public Water is available to the subject area.

Existing Roads and Easements

The subject area currently has access along Old Barn Rd (Private) and frontage along S. Rugby Rd (SR 1312).

Technical Review Committee (TRC) Recommendations

The Technical Review Committee reviewed the application during their September 5, 2023, meeting. The TRC moved to forward the application to the Planning Board.

Planning Board Recommendations

The Planning Board heard the case during their September 21, 2023, and voted to forward a favorable recommendation.

Board of Commissioners Public Hearing

The Board of Commissioners will hear the case following the Planning Board.

Certification of Notice of Public Hearing

In accordance with NCGS 160D-343 the Planning Department certifies notice of the October 18, 2023, hearing regarding Rezoning Application #R-2023-09 were:

1. Submitted to the Hendersonville Lightning on September 29, 2023 to be published on October 4, 2023 and October 11, 2023 by Matt Champion;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on October 2, 2023 by Matt Champion;
3. Sent, via first class mail, to the property owner on October 2, 2023 by Matt Champion; and
4. Signs were posted on the Subject Area(s) on October 2, 2023 by Matt Champion.

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

1. *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

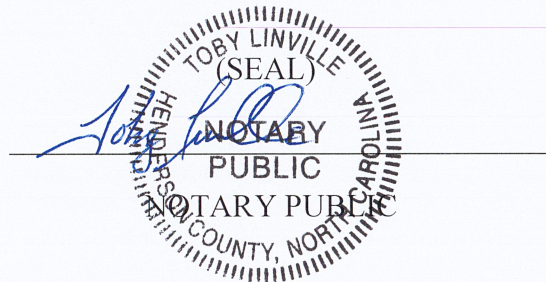
 Matt Champion

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 2 day of October 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-2023-09; 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 October 18, 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-2023-09, Peterson Property) 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 18th day of October 2023.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
Rebecca McCall, Chairman

ATTEST:

Denisa Lauffer, Clerk to the Board

[COUNTY SEAL]

Rezoning #R-2023-09 Peterson Property



Board of Commissioners
October 18, 2023

Henderson County Planning Department

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Public Hearing Notice

- Legal Ad was published in the Hendersonville Lightning on October 4th and October 11th
- The property was posted on October 2nd
- Letters were mailed to property owners within 400 feet of the Subject Area and the applicant on October 2nd

Henderson County Planning Department

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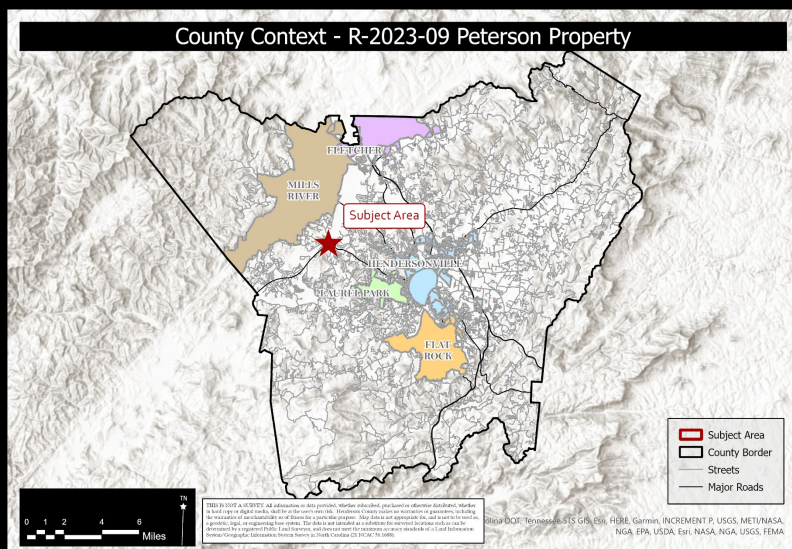
Application Summary

- Rezoning Request: R-2023-09
- Owner/Applicant: Jeri and Ernest Peterson
- Property Location: 253 Old Barn Rd, Hendersonville, NC
- Portions of PIN: 9549-19-5165
- Rezone from a Residential Two (R2) Zoning District to a Community Commercial (CC) Zoning District
- Approximately 2.38 acres

Henderson County Planning Department

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County Context Map



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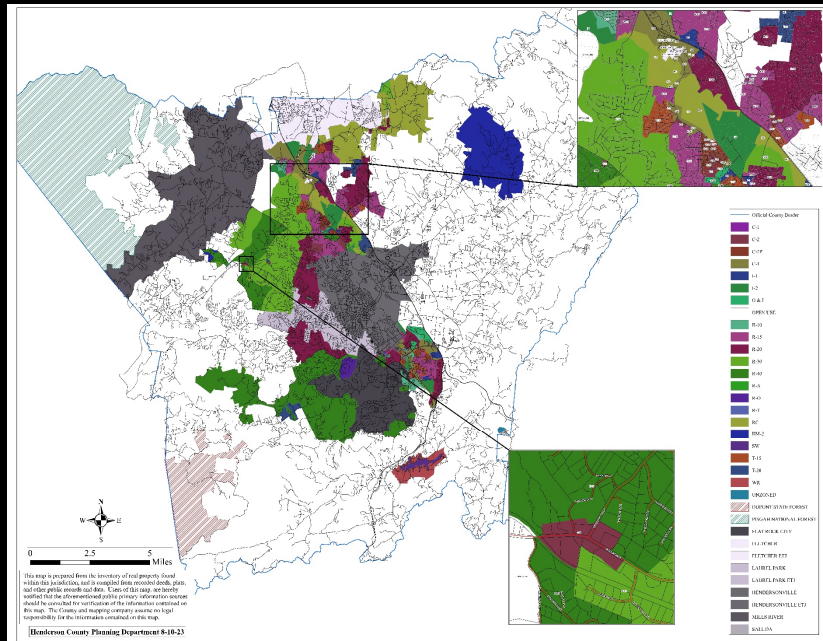
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Aerial Map



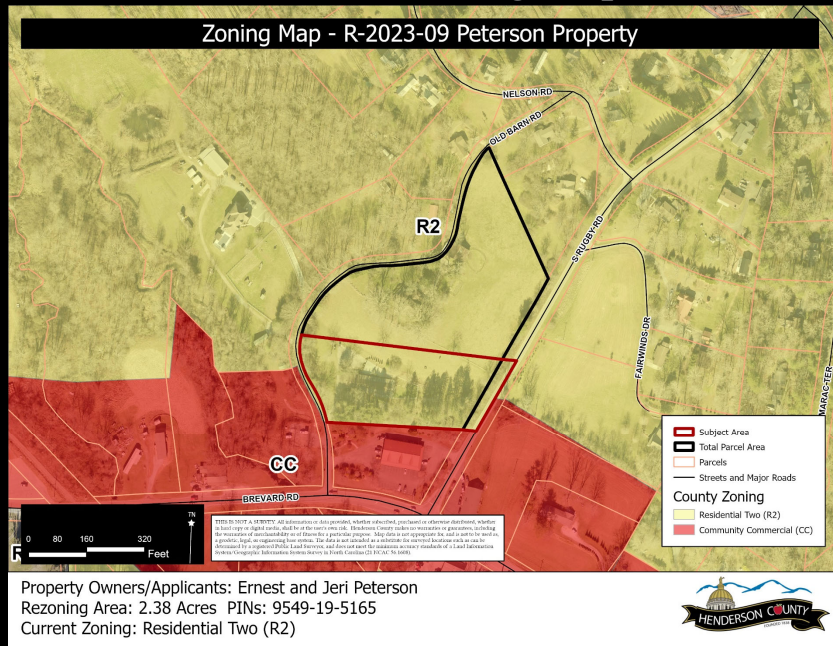
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Zoning Prior to LDC



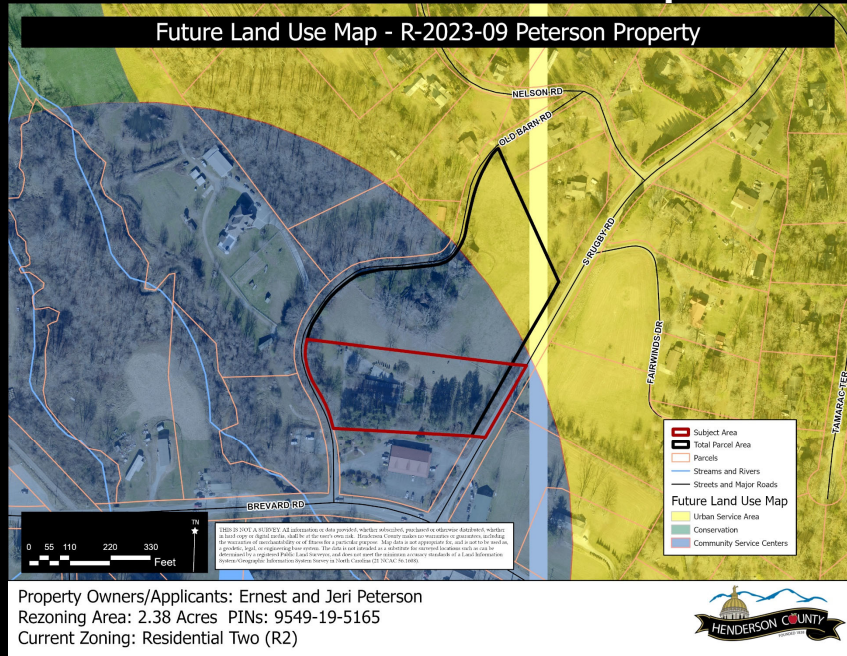
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Current Zoning Map



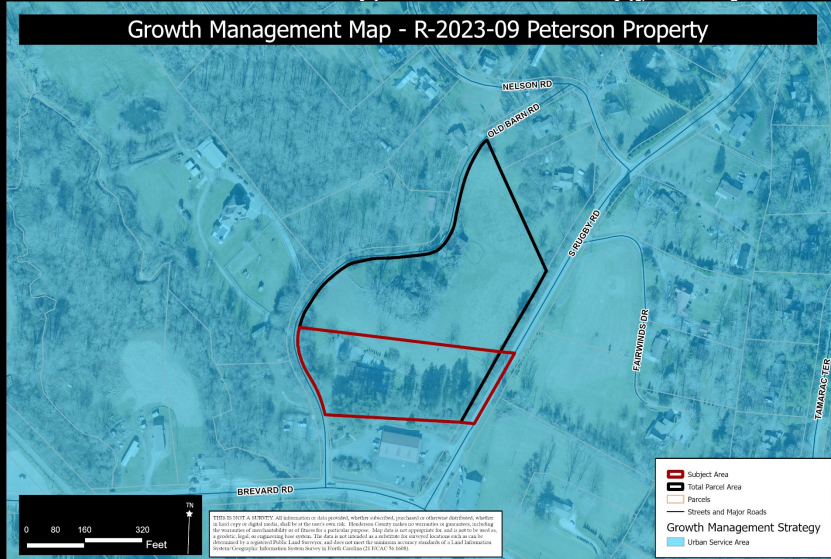
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CCP Future Land Use Map



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Growth Management Strategy Map

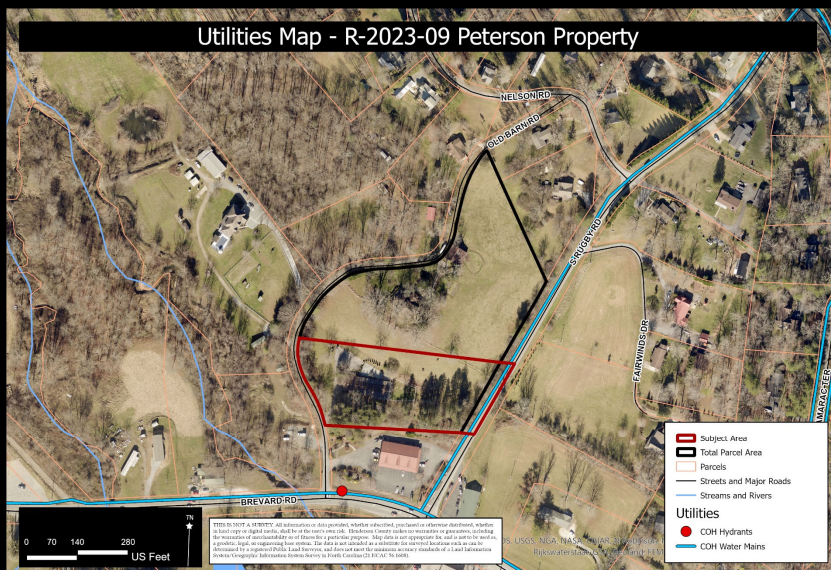


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Public Utilities Map



Property Owners/Applicants: Ernest and Jeri Peterson
 Rezoning Area: 2.38 Acres PINs: 9549-19-5165
 Current Zoning: Residential Two (R2)



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Rezoning #R-2023-09

Questions



Henderson County Planning Department

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