

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: Wednesday, June 28, 2023

SUBJECT: Public Hearing for Rezoning Application R-2023-04 Ronnie Gray,
Residential One (R1) to Regional Commercial (RC)

PRESENTER: Matt Champion, Zoning Administrator

ATTACHMENTS: 1.) Staff Report
2.) Application
3.) Certification of Public Hearing
4.) Resolution of Consistency
5.) PowerPoint Handouts

SUMMARY OF REQUEST:

Rezoning Application R-2023-04, submitted on March 1, 2023, and amended on May 8, 2023, requests that the County rezone approximately 6.10 acres of land from the Residential One (R1) zoning district to the Regional Commercial (RC) zoning district. The zoning map amendment application is for a portion of PINs: 9651-54-5337 and PIN: 9651-44-8562 located off Rugby Drive (SR 1417). The property owner is Ronnie Pete Gray and agent is Shane Laughter.

The Technical Review Committee reviewed the application at its April 18th, 2023, meeting, and saw no administrative issues with the request and voted to forward the application to the Planning Board. The Planning Board reviewed this original application during their April 20th meeting and recommended that only the front parcel along US 25 N should be rezoned.

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 June 28, 2023, public hearing regarding rezoning application #R-2023-04 was published in the Hendersonville Lightning on June 14th and June 21st. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area on June 13, 2023, and posted signs advertising the hearing on the Subject Area on June 12, 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-2023-04 to rezone a portion of the Subject Area from a Residential One (R1) zoning district to Regional 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-2023-04

BOARD OF COMMISSIONERS MEETING

DATE

JUNE 28, 2023

PROPERTY OWNER

Ronnie Pete Gray

PROPERTY LOCATION/ADDRESS

Off Rugby Drive (SR 1417), Hoopers Creek Township

AGENT

Shane Laughter

PIN's

Portions of PINs: 9651-54-5337 and 9651-44-8562

SUMMARY OF REQUEST

A rezoning of the above referenced PINs (hereafter the subject area from **Residential One (R1)** to **Regional Commercial (RC)**.

Existing Zoning

Residential One (R1) & Regional Commercial (RC)

Existing Land Use

Vacant/Temporary Storage

Site Improvements

Temporary Storage Area

Requested Acreage

6.10 Acres

ADJACENT ZONING

North R1, RC

East R1

South R1

West R2R

USE OF LAND

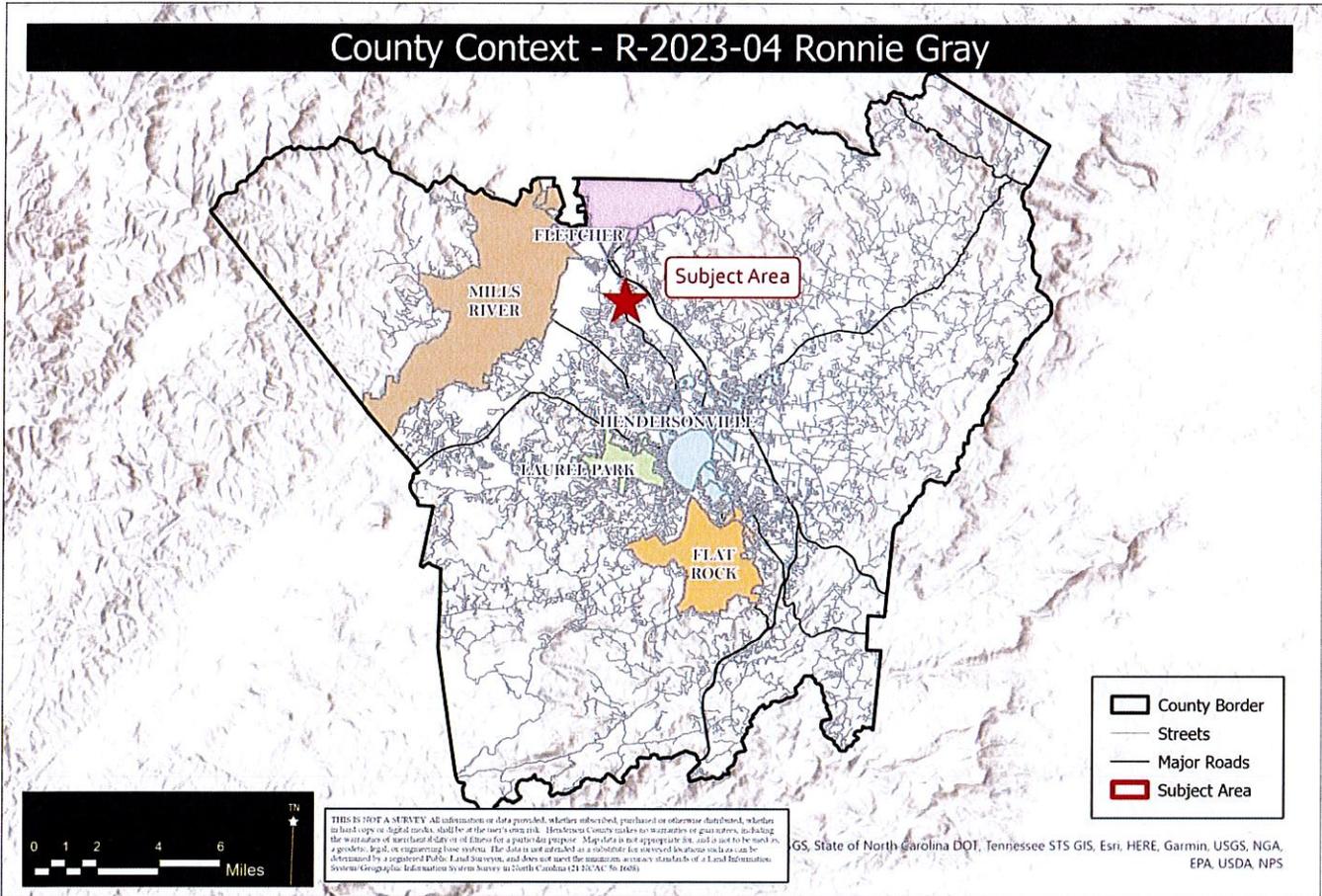
Commercial/Vacant

Vacant/Forested Land

Cemetery

Agricultural

Map A: County Context



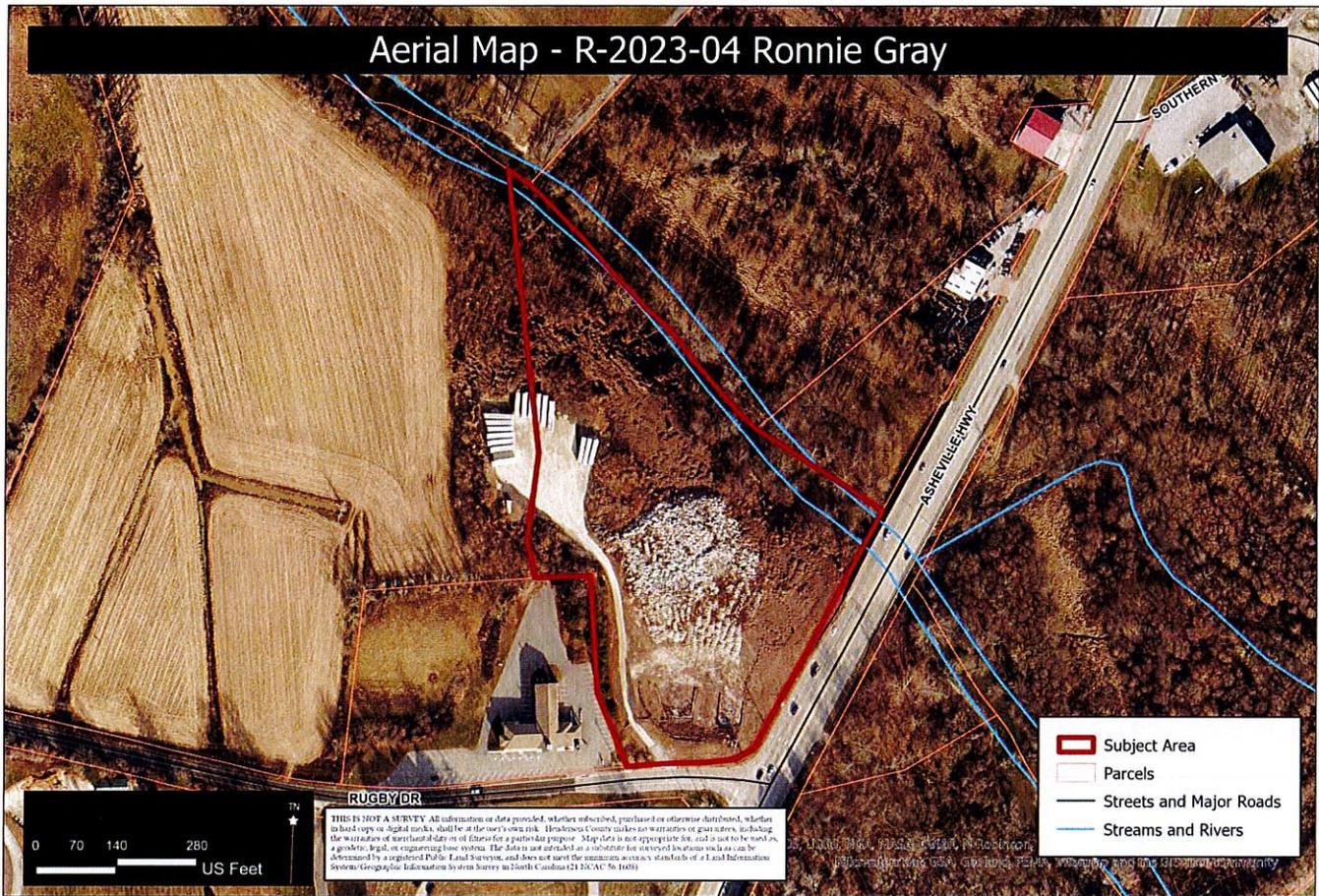
Property Owner: Ronnie Gray Agent: Shane Laughter
Approximate Acreage: 10.1 Acres PINs: 9651-54-5337 & 9651-44-8562
Current Zoning: Residential One (R1) & Regional Commercial (RC)



BACKGROUND:

The current property owner, Ronnie Pete Gray, is seeking to rezone portions of PINs: 9651-54-5337 and PIN 9651-44-8562 from the Residential One (R1) zoning district to the Regional Commercial (RC) zoning district. The subject area is approximately 6.10 acres. The site does not contain any permanent structures. A portion of the subject area does have a temporary storage yard with several tractor trailers present.

Map B: Aerial



Property Owner: Ronnie Gray Agent: Shane Laughter
 Approximate Acreage: 10.1 Acres PINs: 9651-54-5337 & 9651-44-8562
 Current Zoning: Residential One (R1) & Regional Commercial (RC)

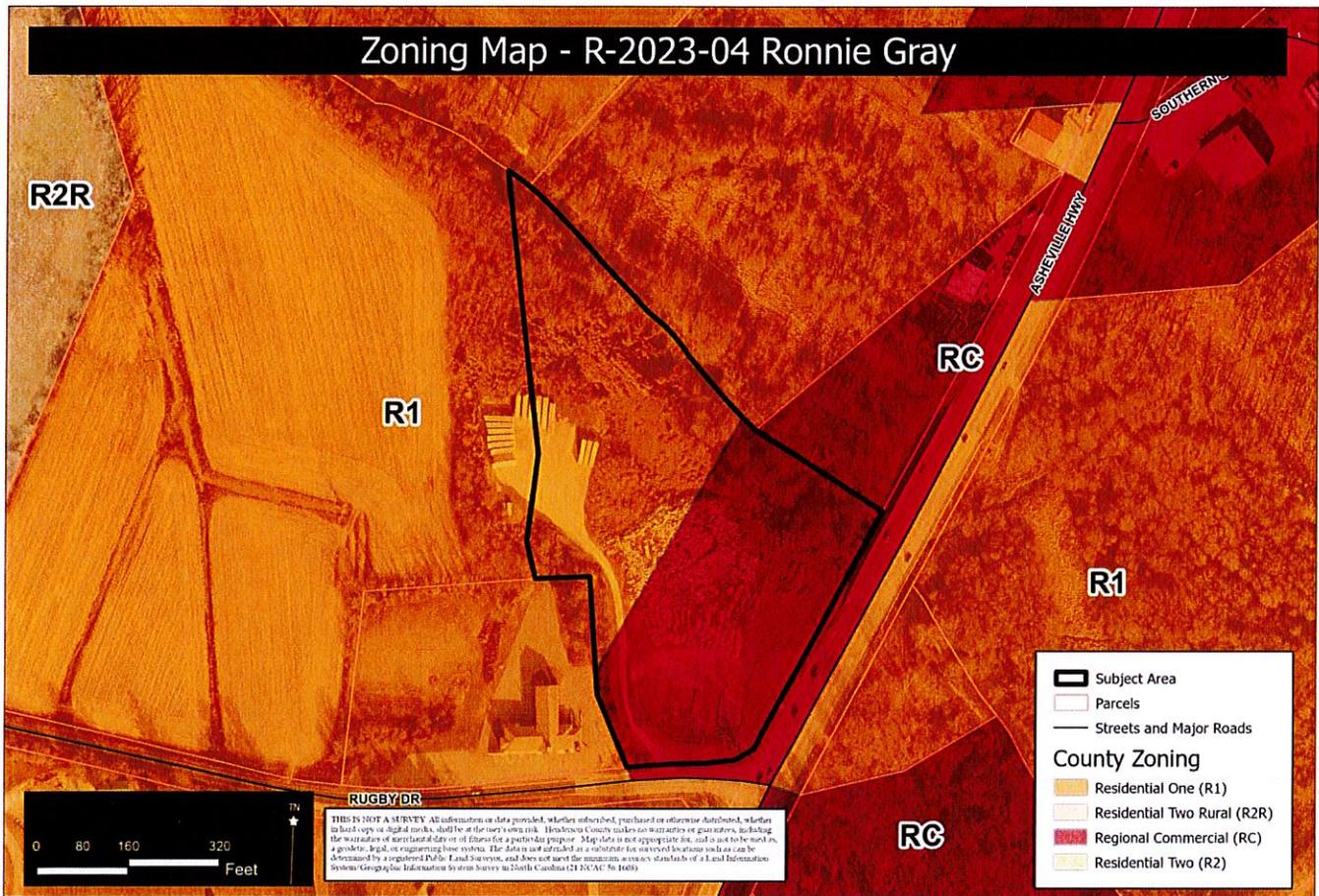


SUBJECT AREA & ADJACENT PROPERTIES:

As previously mentioned, the site is currently vacant without any permanent structures. The subject area has been used primarily for a temporary storage area with tractor trailers. The property to the south of the subject area contains the existing Shepherd Memorial cemetery. The property to the west contains agricultural land with several small storage sheds utilized to maintain the property. Property to the north contains two automotive businesses, Fletcher Fire and Rescue Station 3, vacant land, and another storage area for commercial trucking and shipping equipment.

The Advent Health hospital is located northeast of the subject area. I-26 is located north of the subject area. Biltmore Iron & Metal Company is located east of the subject area. West of the subject area are residential uses as you travel down Rugby Drive to N. Rugby Road.

Map C: Current Zoning



Property Owner: Ronnie Gray Agent: Shane Laughter
 Approximate Acreage: 10.1 Acres PINs: 9651-54-5337 & 9651-44-8562
 Current Zoning: Residential One (R1) & Regional Commercial (RC)



District Comparison:

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*.” Maximum residential density in Residential One (R1) district is twelve (12) units per acre (LDC §42-10).

Regional Commercial (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* (LDC §42-26).

Comparison of Districts: The existing Residential One (R1) zoning district allows primarily for high-density residential development. The R1 zoning district has a permitted density of 4 unit per acre and a maximum density of 12 units per acre. The R1 zoning district does not have a maximum impervious surface requirement or maximum gross floor area requirement. The existing Regional Commercial (RC) and proposed RC allows primarily for commercial, light industrial, and large retail operations. The RC zoning district does not allow for any residential structures but has listed maximum density of 16 units per acre. The RC zoning district does limit the total impervious surfaces to 80% but does not limit the total gross floor area of structures.

Adjacent Zoning: Residential One (R1) zoning is found to the north and southeast of the subject area. Community Commercial (CC) zoning is found to the west of the subject area. Industrial (I) zoning is found east of the subject area.

County Comprehensive Plan (CCP) Compatibility

The CCP Future Land Use Map identifies the subject area as being primarily within the Conservation Area classification. Portions of the subject area also contain the Industrial Area and Urban Services Area classifications.

Conservation Areas: The CCP shows the subject area is within a Conservation Area. The CCP states “This category includes land areas that are intended to remain largely in their natural state, with only limited development. Such areas should be targeted for protection through regulations and incentives Conservation areas are lands that generally exhibit any of the following characteristics: 1. Sensitive natural areas such as steep slopes, floodplains, major wetlands, forest reserves and wildlife conservation areas, and key watersheds 2. Areas of historic and archeological significance 3. Local, state or federally managed natural areas 4. Areas managed for agricultural, or forestry land uses 5. Other areas yet to be defined” (CCP, pg. 138)

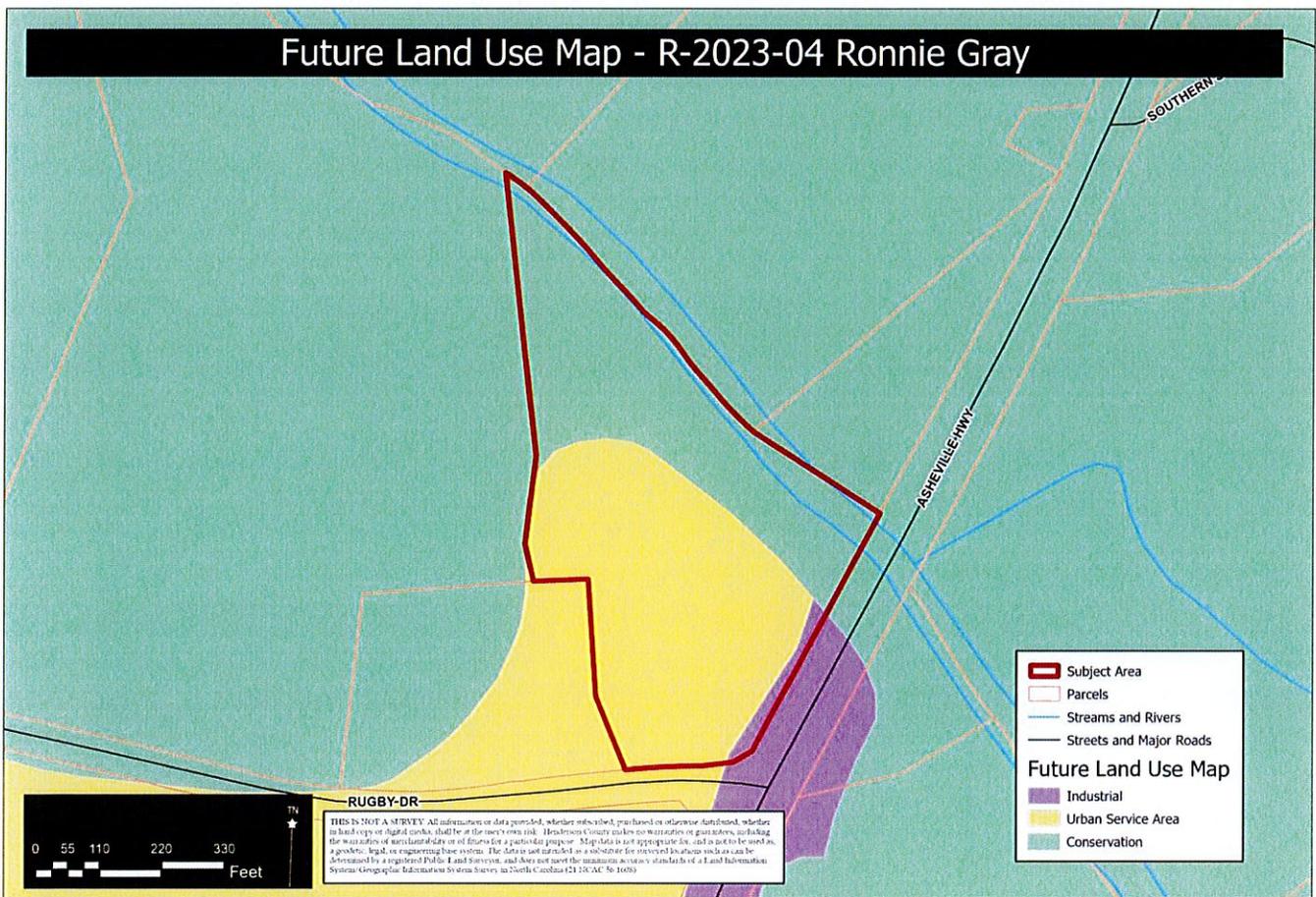
Flood Hazard Area: Portions of the subject area are encumbered by the 100-year and 500-year flood hazard areas as well as the floodway. Mud Creek is located north along both parcels included in this zoning map amendment application. Any future development on either parcel would require a floodplain development permit.

Urban Services Area: The CCP shows the subject area located in the Urban Services Area (USA) for Growth Management Strategy. The CCP states “The USA will contain considerable commercial development at a mixture of scales: Local, Community, and Regional, as defined below. In particular, all Regional Commercial development should be concentrated here.

Commercial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community.” (CCP, pg. 133, #4.)

Industrial: The CCP states that, “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 except for Regional Commercial uses. Industrial areas depicted on Map #24, Future Land Use Map are derived from existing industrial zoning districts, as well as from those area depicted upon Map #8, “Committee of 100” Recommended Industrial Development Zones.” (CCP, Pg. 140).

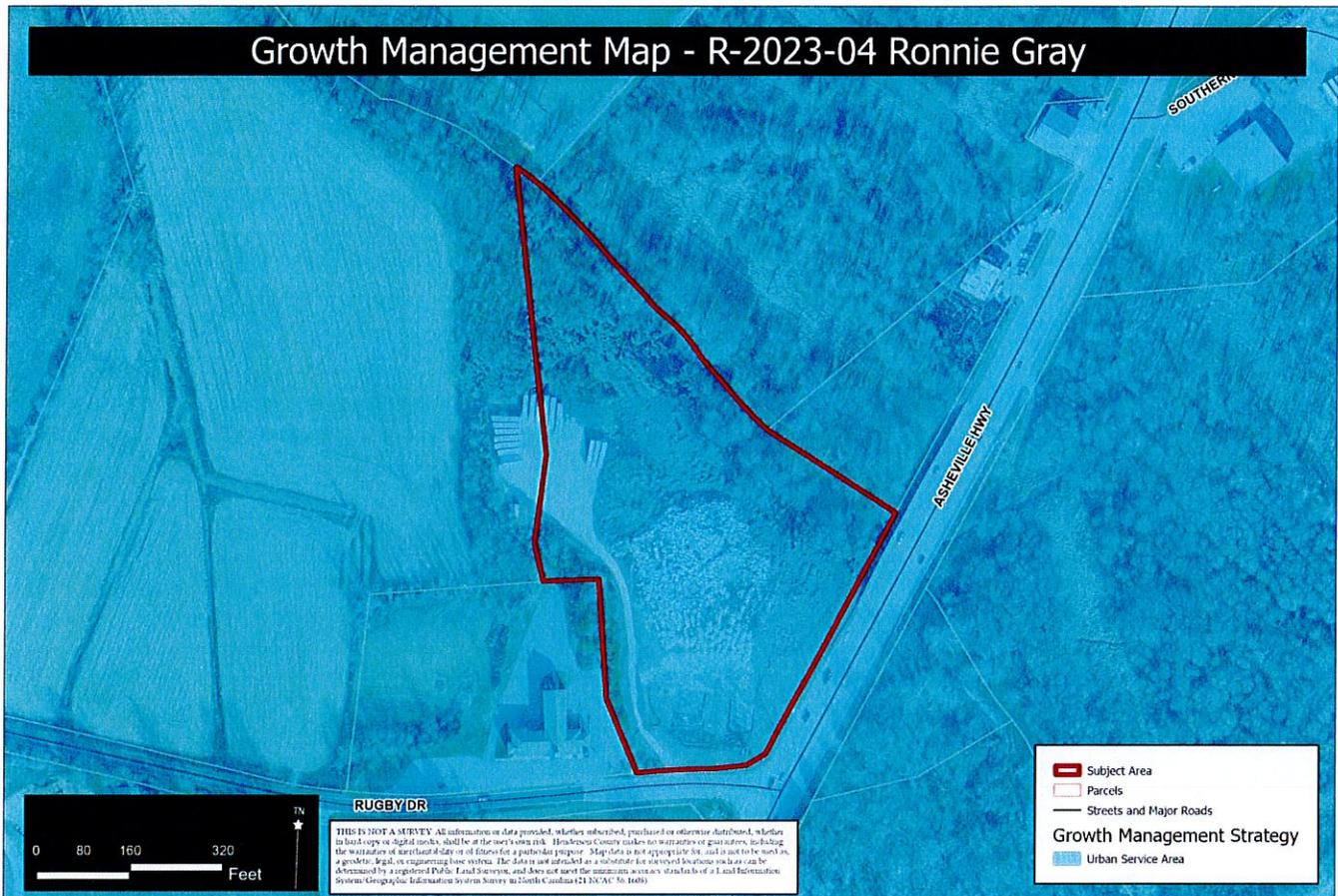
Map D: County Comprehensive Plan Future Land Use Map



Property Owner: Ronnie Gray Agent: Shane Laughter
Approximate Acreage: 10.1 Acres PINs: 9651-54-5337 & 9651-44-8562
Current Zoning: Residential One (R1) & Regional Commercial (RC)



Map E: Growth Management Strategy Map

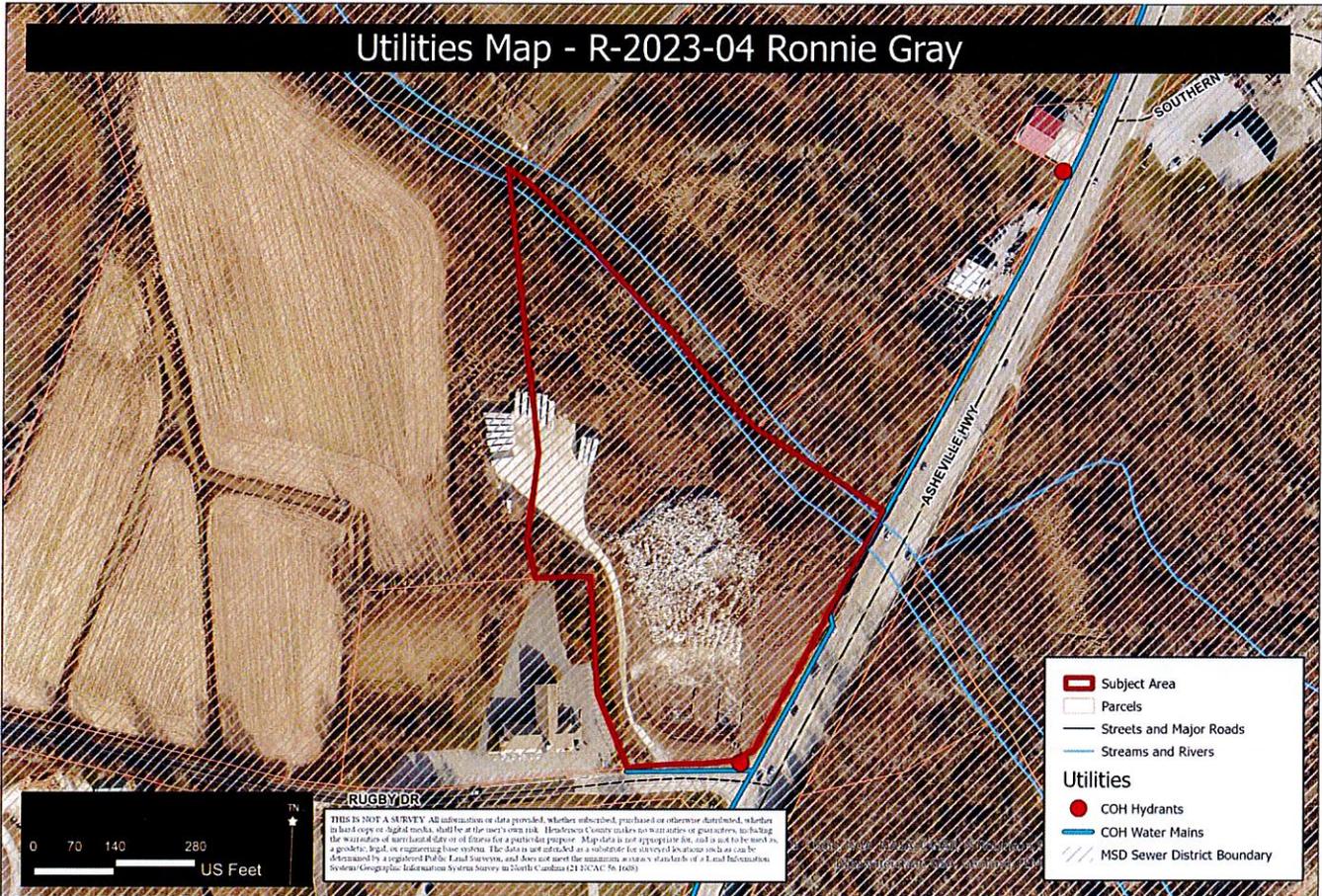


Property Owner: Ronnie Gray Agent: Shane Laughter
Approximate Acreage: 10.1 Acres PINs: 9651-54-5337 & 9651-44-8562
Current Zoning: Residential One (R1) & Regional Commercial (RC)



Growth Management Strategy Compatibility: The CCP shows the subject area located in the Urban Services area for Growth Management Strategy. The CCP states “The USA will contain considerable commercial development at a mixture of scales: Local, Community, and Regional, as defined below. In particular, all Regional Commercial development should be concentrated here. Commercial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community.” (CCP, pg. 133, #4.) (See Map E)

Map F: Utilities Map



Property Owner: Ronnie Gray Agent: Shane Laughter
 Approximate Acreage: 10.1 Acres PINs: 9651-54-5337 & 9651-44-8562
 Current Zoning: Residential One (R1) & Regional Commercial (RC)



Water and Sewer

The subject area is currently within the MSD sewer district services area and is within proximity to the existing City of Hendersonville public water.

Existing Roads and Easements

Both parcels included with this zoning map amendment application have frontage along Rugby Drive (SR 1417). A portion of the subject area has access to Asheville Hwy (US 25 Business).

Technical Review Committee (TRC) Recommendations

The Technical Review Committee (TRC) heard zoning map amendment application #R-2023-04 during their April 18, 2023, meeting.

Planning Board Recommendations

The Planning Board reviewed the zoning map amendment application #R-2023-04 during their April 20, 2023, meeting.

Board of Commissioners Public Hearing

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

**HENDERSON COUNTY
MAP AMENDMENT APPLICATION FORM**

GENERAL INFORMATION

Date of Application: _____

Previously Submitted (Circle One): Yes No

Date of Pre-Application Conference: 4/22/22

Type of Map Amendment (Circle One): Rezoning Conditional Zoning Special Mixed Use/Conditional

Site Plan Attached (Circle One): Yes No

PARCEL INFORMATION*

PIN: 9651545337 & 9651448562 Deed Book/Page: 1229/132 Tract Size (Acres): 7.83, 22.84

Zoning District: RC, R1 Fire District: Fletcher Watershed: No Floodplain: Portion

Location of property to be developed: Corner of Asheville Highway and Rugby Drive

*If subject area contains multiple PIN's please attach a list and the above parcel information for each tract or individual PIN.

REZONING REQUEST

Attached is:

_____ A description of the property in question sufficient to unequivocally describe and identify said property. Such description may take the form of a property survey, a legal description or a legible copy of a County cadastral or composite tax map clearly annotated with district lines which follow political boundaries, geographical features or property lines.

Current Zoning District: RC, R1 Requested Zoning District: All RC

CONTACT INFORMATION

Property Owner:

Name: Ronnie Pete Gray Phone: 828-606-8002

Address: PO Box 1275 City, State, and Zip: Mountain Home, NC 28758

Applicant:

Name: _____ Phone: _____

Address: _____ City, State, and Zip: _____

Agent:

Name: Shane Laughter Phone: 828-606-5035

Address: 191 Twin Springs Rd City, State, and Zip: Hendersonville, NC 28792

Agent Form (Circle One): Yes No

Plan Preparer:

Name: ELK Surveying Phone: 828-778-2245

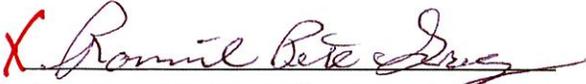
Address: 210 Patty's Chapel Rd City, State, and Zip: Fletcher, NC 28732

Application No. _____

I certify that the information shown above is true and accurate and is in conformance with the Land Development regulations of Henderson County.

Ronnie Pete Gray

Print Applicant (Owner or Agent)

X 
Signature Applicant (Owner or Agent)

 _____
Date

County Use Only

Fee: \$ _____ Paid: _____ Method: _____ Received by: _____

Community Planning Area: _____

Date Current Zoning Applied: _____

APPOINTMENT OF AGENT FORM (OPTIONAL)

I Ronnie Pete Gray owner of property located on Rugby Drive,
(Name) (Street Name)

recorded in 1229/132 and having a parcel identification number of 9651545337, 9651448562,
(Deed Book/Page) (PIN)

located in Henderson County, North Carolina, do hereby appoint Shane Laughter,
(Agent's Name)

to represent me in an **application to the Planning Department** and authorize him/her to act as my agent **in all matters**, formal and informal except as stated herein, and authorize him/her to receive all official correspondence.

I however understand that as the listed property owner, I must sign all affidavits and statements required by any applicable ordinance.

X _____
Property Owner

Date

GoMaps

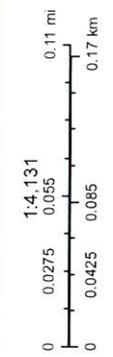


April 26, 2023

Streets and Highways		THOROUGHFARE
		COLLECTOR
		Local Roads
		Parcels

THIS IS NOT A SURVEY.

All information or data provided, whether subscribed, purchased or otherwise distributed, whether in hard copy or digital media, shall be at the user's own risk. Henderson County makes no warranties or guarantees, including the warranties of merchantability or of fitness for a particular purpose. Map data is not appropriate for, and is not to be used as, a geodetic, legal, or engineering base system. The data is not intended as a substitute for surveyed locations such as can be determined by a registered Public Land Surveyor, and does not meet the minimum accuracy standards of a Land Information System/Geographic Information System Survey in North Carolina (21 NCAC 56.1608).



Certification of Notice of Public Hearing

In accordance with NCGS 160D-343 the Planning Department certifies notice of the June 28, 2023, hearing regarding Rezoning Application #R-2023-04 were:

1. Submitted to the Hendersonville Lightning on June 8, 2023, to be published on June 14, 2023, and June 21, 2023, by Matt Champion;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on June 13, 2023, by Matt Champion;
3. Sent, via first class mail, to the property owner on June 13, 2023, by Matt Champion; and
4. Signs were posted on the Subject Area(s) on June 12, 2023, by Liz Hanson.

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

1. Matt Champion
2. Liz Hanson

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

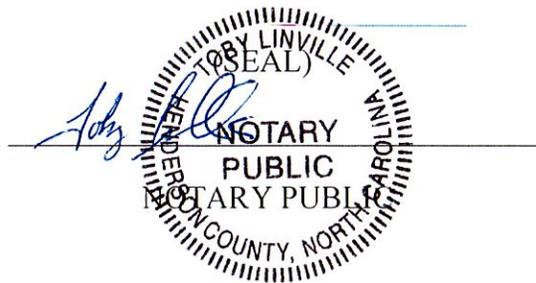
 Matt Champion and Liz Hanson

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 14 day of June, 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-2023-04; 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 28, 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-2023-04 Ronnie Gray) 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 28th day of June 2023.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
Rebecca McCall, Chairman

ATTEST:

Denisa Lauffer, Clerk to the Board

[COUNTY SEAL]

Rezoning #R-2023-04 Ronnie Pete Gray



Board of Commissioners
June 28, 2023

Henderson County Planning Department

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Public Hearing Notice

- Legal Ad was published in the Hendersonville Lightning on June 14th and June 21st
- The property was posted on June 12th
- Letters were mailed to property owners within 400 feet of the Subject Area and the applicant on June 13th

Henderson County Planning Department

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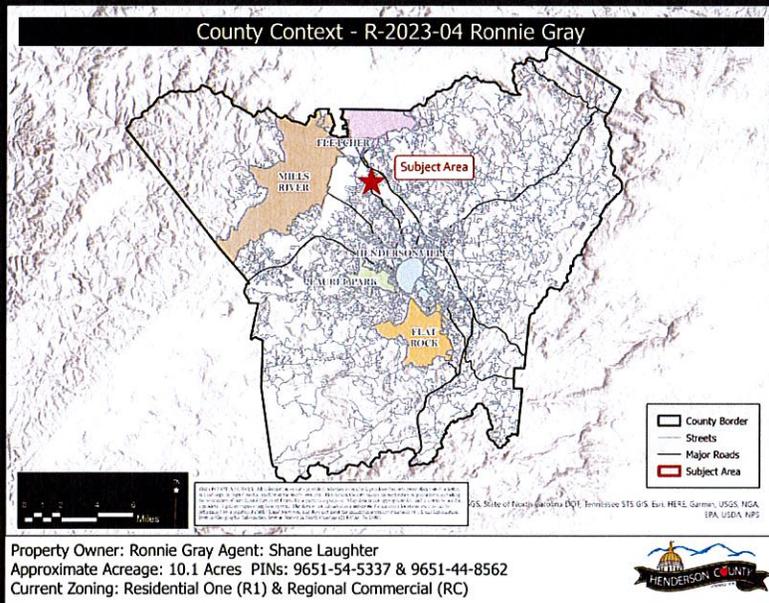
Application Summary

- Rezoning Request: R-2023-04 (As Amended)
- Owner: Ronnie Pete Gray
- Agent: Shane Laughter
- Property Location: Portions of PINs: 9651-54-5337 & 9651-44-8562
- Rezone from a Residential One (R1) Zoning District to a Regional Commercial (RC) Zoning District
- Approximately 6.10 acres

Henderson County Planning Department

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County Context Map

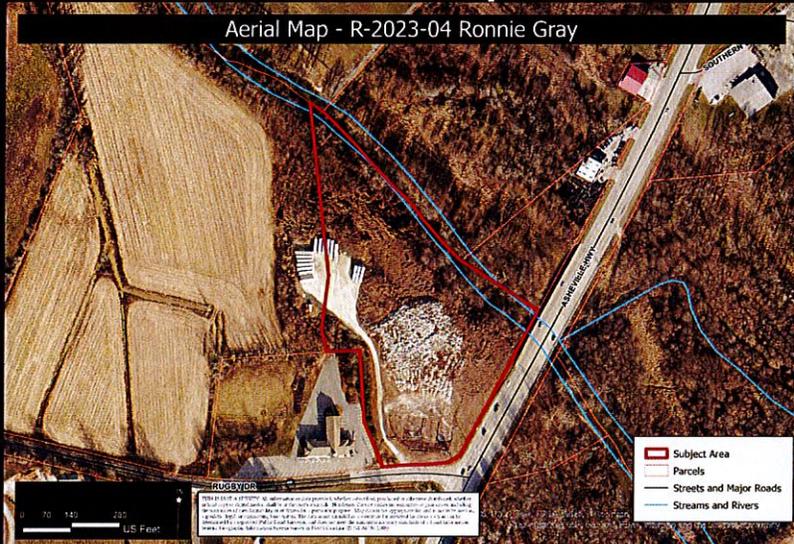


Henderson County Planning Department

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Aerial Map

Aerial Map - R-2023-04 Ronnie Gray



Property Owner: Ronnie Gray Agent: Shane Laughter
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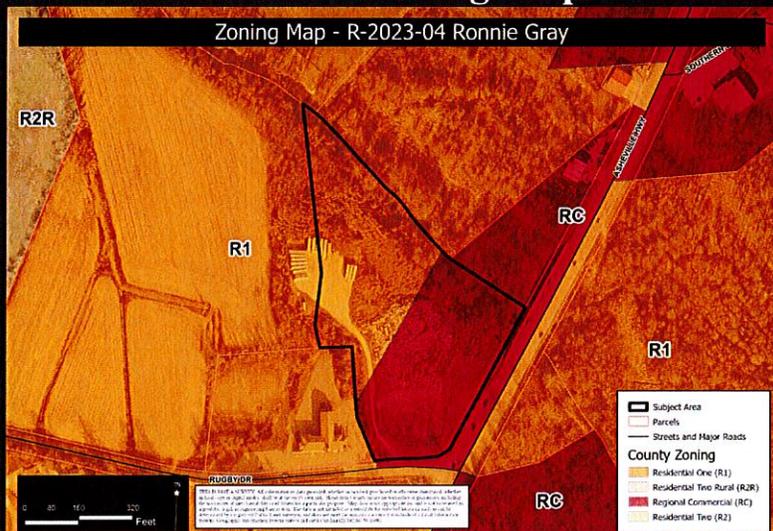


Henderson County Planning Department

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Current Zoning Map

Zoning Map - R-2023-04 Ronnie Gray



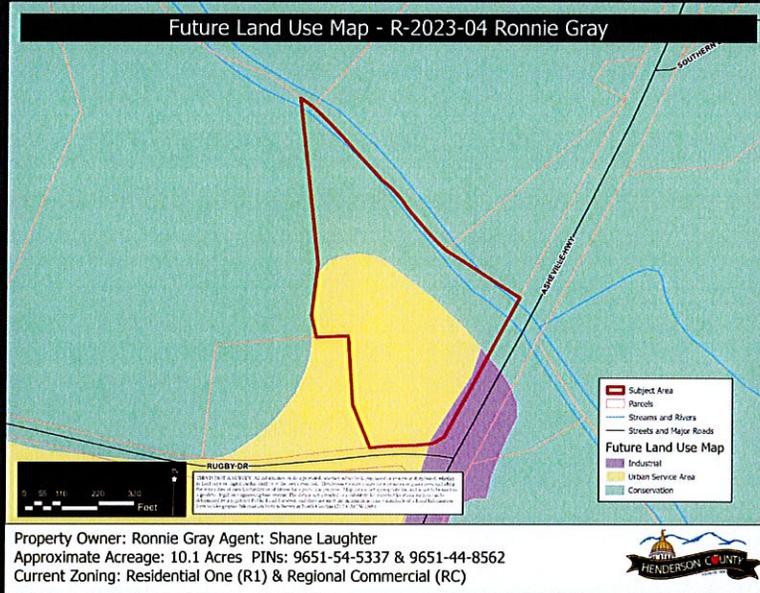
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Henderson County Planning Department

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CCP Future Land Use Map



Henderson County Planning Department

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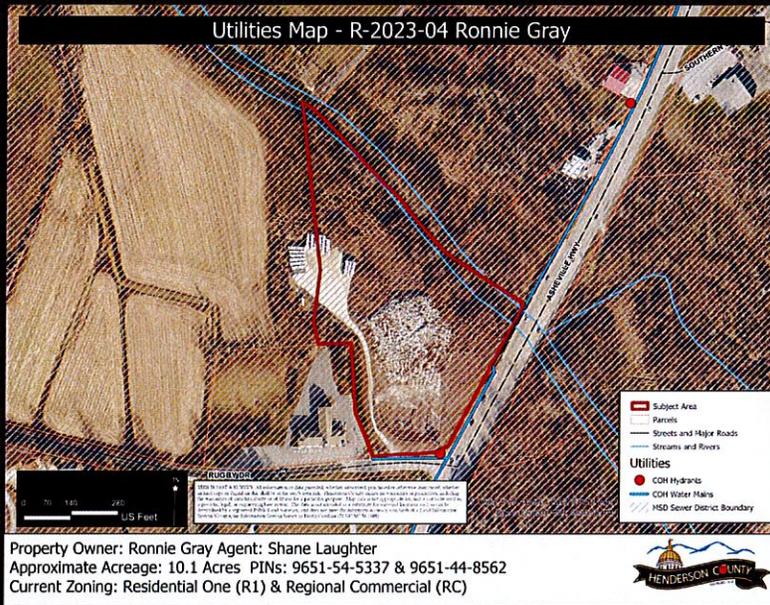
Growth Management Strategy Map



Henderson County Planning Department

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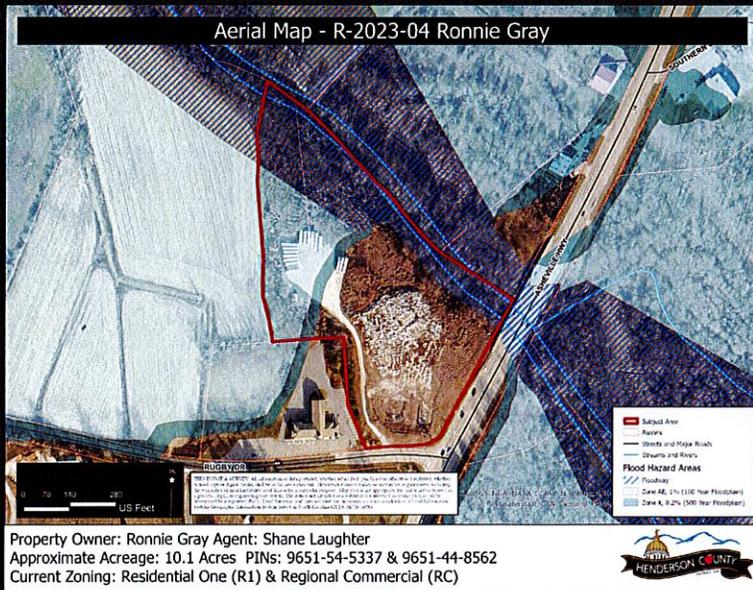
Public Utilities Map



Henderson County Planning Department

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Flood Hazard Area Map



Henderson County Planning Department

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