

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: Monday, February 5th, 2024

SUBJECT: Public Hearing for Rezoning Application #R-2023-10, Michael Hanson, Residential Two Rural (R2R) to Community Commercial (CC)

PRESENTER: Liz Hanson, Planner

ATTACHMENTS:

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

SUMMARY OF REQUEST:

Rezoning Application R-2023-10, submitted on October 31, 2023, requests that the County rezone approximately 2.24 assessed acres of land from the Residential Two Rural (R2R) zoning district to the Community Commercial (CC) zoning district. The zoning map amendment application is for all of PIN: 9539-98-6904 with access along Brevard Rd (US 64) and Banner Farm Rd (SR 1314). The property owners and applicant is Michael Hanson

The Technical Review Committee reviewed the application at its December 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 December 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 February 5, 2024, public hearing regarding rezoning application #R-2023-10 was published in the Hendersonville Lightning on January 24th and January 31st. Notices of the hearing were sent via first class mail to the owners of properties within 400' of the Subject Area on January 22, 2024, and posted signs advertising the hearing on the Subject Area on January 24, 2024.

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-2023-10 to rezone the Subject Area from a Residential Two Rural (R2R) 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:

Liz Hanson, Planner I

CASE

R-2023-10

TECHNICAL REVIEW COMMITTEE**MEETING DATE**

December 5, 2023

PROPERTY OWNER

Michael Hanson

PROPERTY LOCATION/ADDRESS

4319 Brevard Rd, Horse Shoe NC,
Hendersonville Township 28742

APPLICANT

Michael Hanson

PIN

9539-98-6904

SUMMARY OF REQUEST

A rezoning of the above referenced PIN (hereafter the subject area from Residential Two Rural (R2R) to Community Commercial (CC).

Existing Zoning

Residential Two Rural (R2R)

Existing Land Use

Commercial & Residential

Site Improvements

Single-Family Dwelling, Attached Office

Requested Acreage

2.24 Acres Assessed

ADJACENT ZONING**USE OF LAND****North**

Residential Two (R2) & CC

Agriculture

East

Community Commercial (CC)

Commercial

South

Residential Two Rural (R2R)

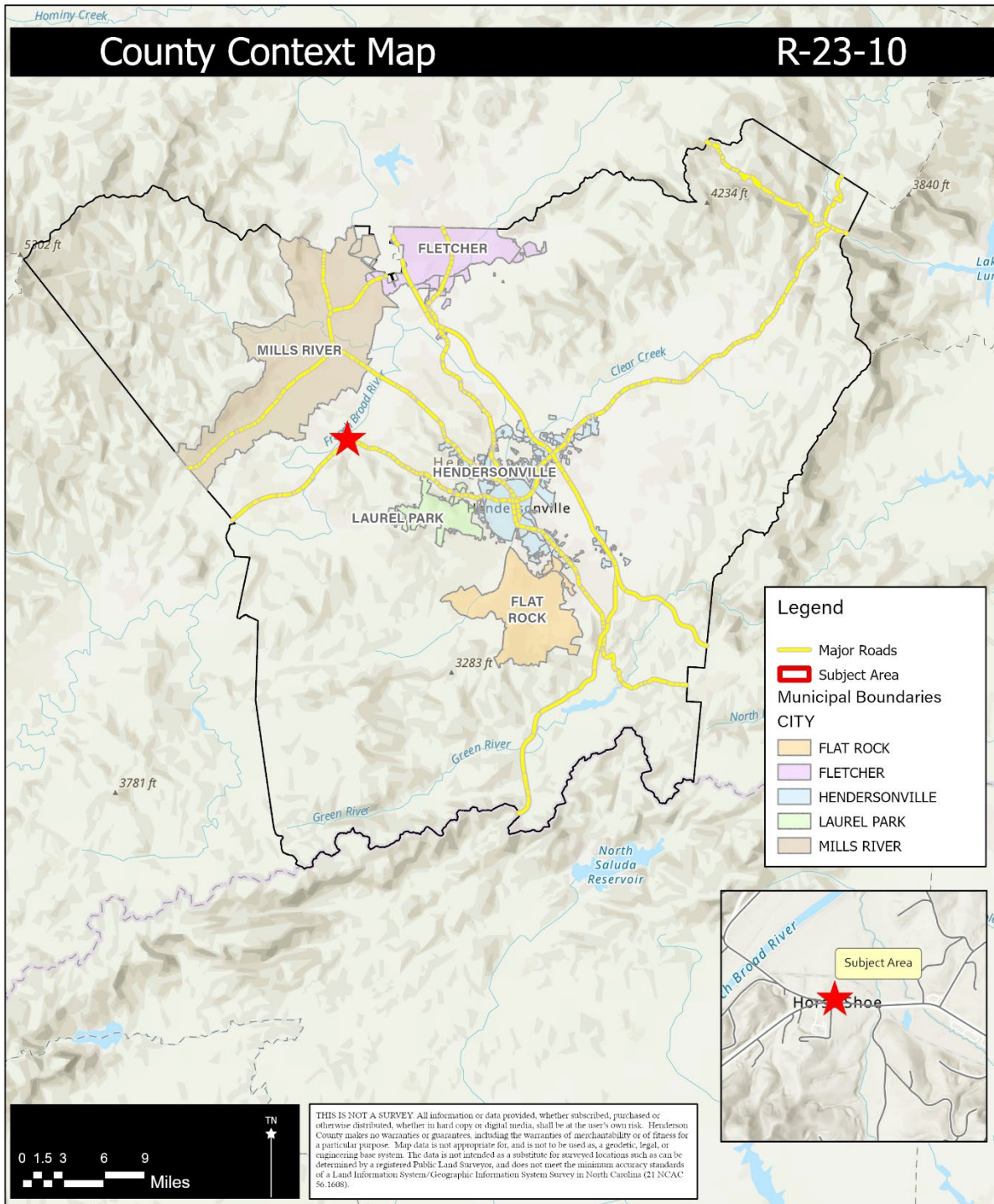
Commercial & Residential

West

Residential Two Rural (R2R)

Commercial

Map A. County Context



Applicant: Michael Hanson
Total Assessed Area: 2.24 Acres
Current Zoning: Residential Two Rural (R2R)



BACKGROUND:

The applicant and property owner, Michael Hanson, is seeking to rezone PIN 9539-98-6904 from Residential Two (R2) to Community Commercial (CC). There is no survey for this parcel to determine surveyed acreage. The total assessed acreage of the parcel is 2.24 acres. The site currently contains one single-family residential dwelling with an attached office space.

Map B. Aerial



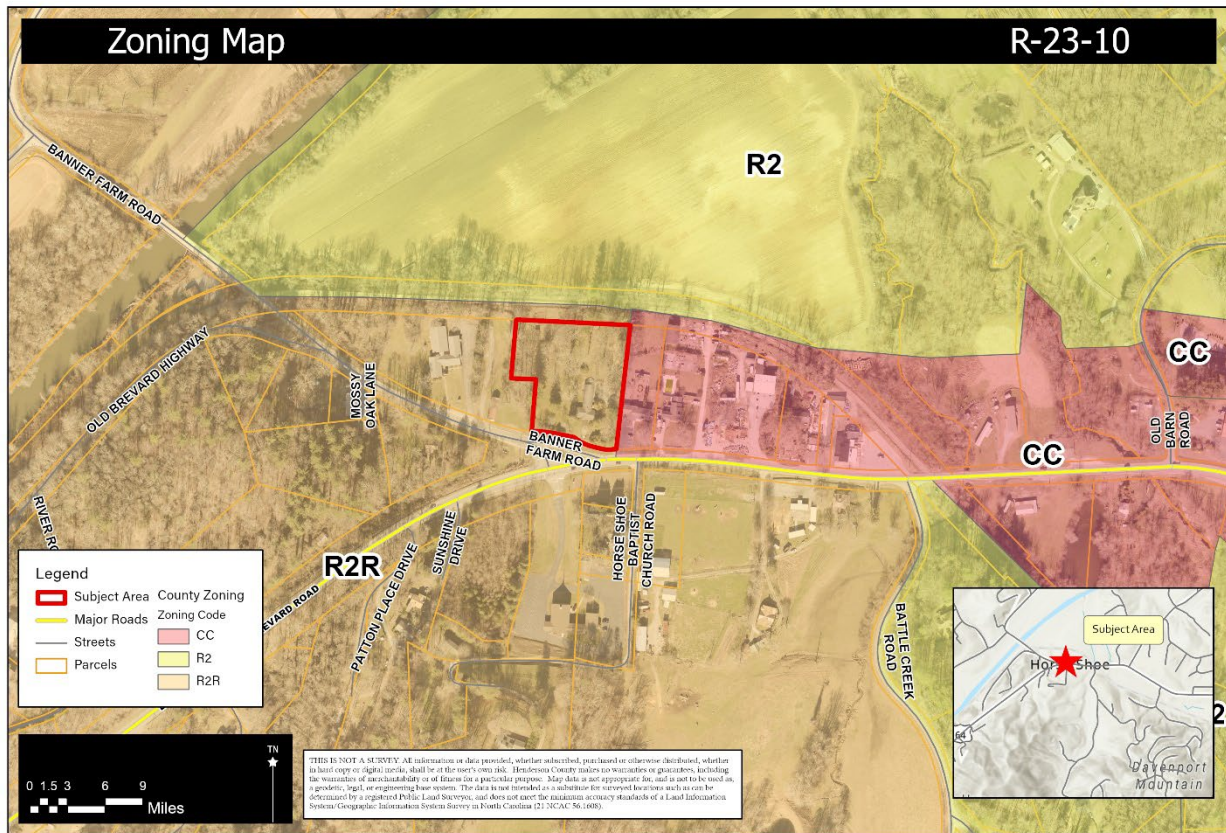
Applicant: Michael Hanson
 Total Assessed Area: 2.24 Acres
 Current Zoning: Residential Two Rural (R2R)



ADJACENT PROPERTIES:

There are two properties directly south of the subject area. One property contains vacant land and one single-family dwelling. The other property located to the south of the subject area is Horse Shoe Baptist Church. The property to the west of the subject area is Horse Shoe Community Church and the B.E.A.R. Closet. The property to the north of the subject area is agricultural land. The property to the east of the subject area is the Merry Forest Animal Hospital.

Map C: Current Zoning



Applicant: Michael Hanson
 Total Accessed Area: 2.24 Acres
 Current Zoning: Residential Two Rural (R2R)



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.)

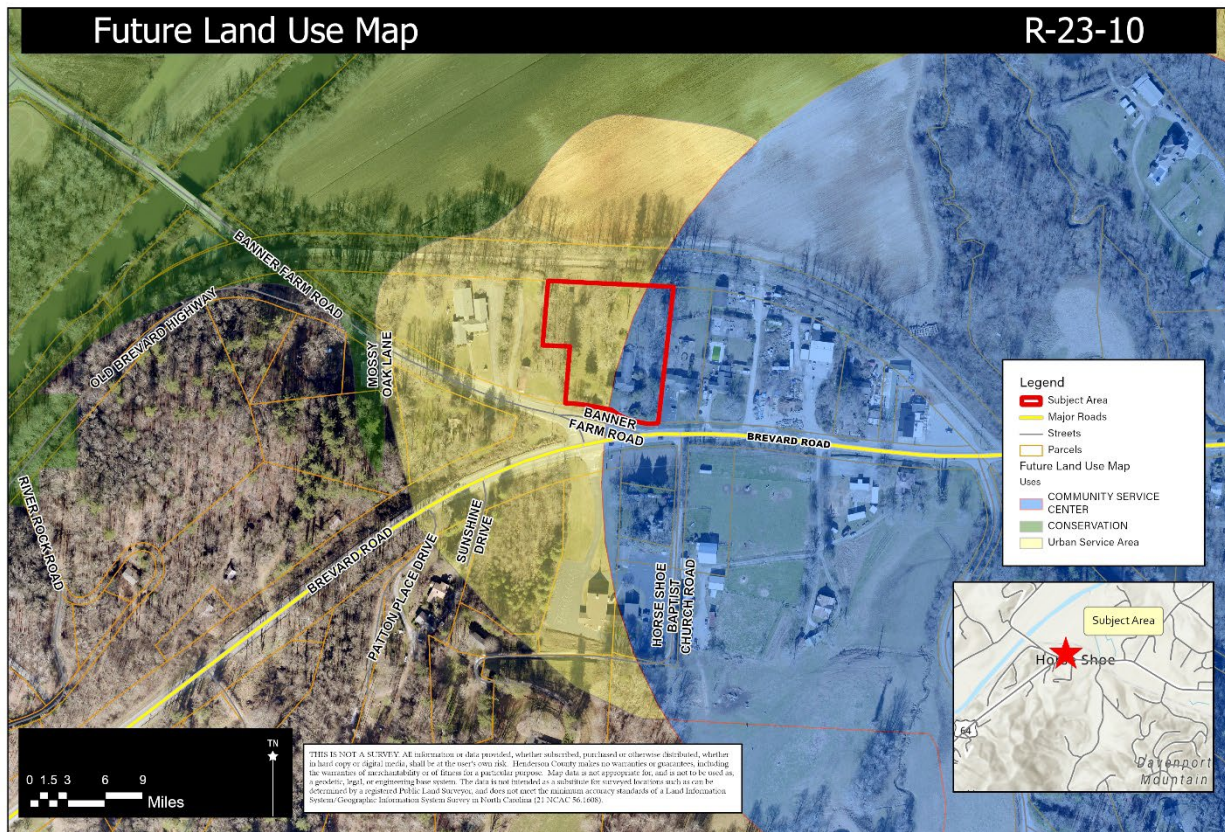
Community Commercial (CC): “The purpose of the Community Commercial District (CC) is to foster orderly growth where the principal use of land is commercial. The intent of this district is to allow for commercial development consistent with the recommendations of the Comprehensive Plan. In accordance 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 Rural (R2R) zoning district allows for low to medium residential density where the principle land use is residential. The Community Commercial (CC) zoning district allows for commercial development where the principle land use is commercial.

Adjacent Zoning: Residential Two (R2) zoning is found to the north of the subject area. Residential Two Rural (R2R) zoning is found to the south and west of the subject area. Community Commercial (CC) zoning is found to the east of the subject area.

Map D: County Comprehensive Plan Future Land Use Map



Applicant: Michael Hanson
 Total Assessed Area: 2.24 Acres
 Current Zoning: Residential Two Rural (R2R)



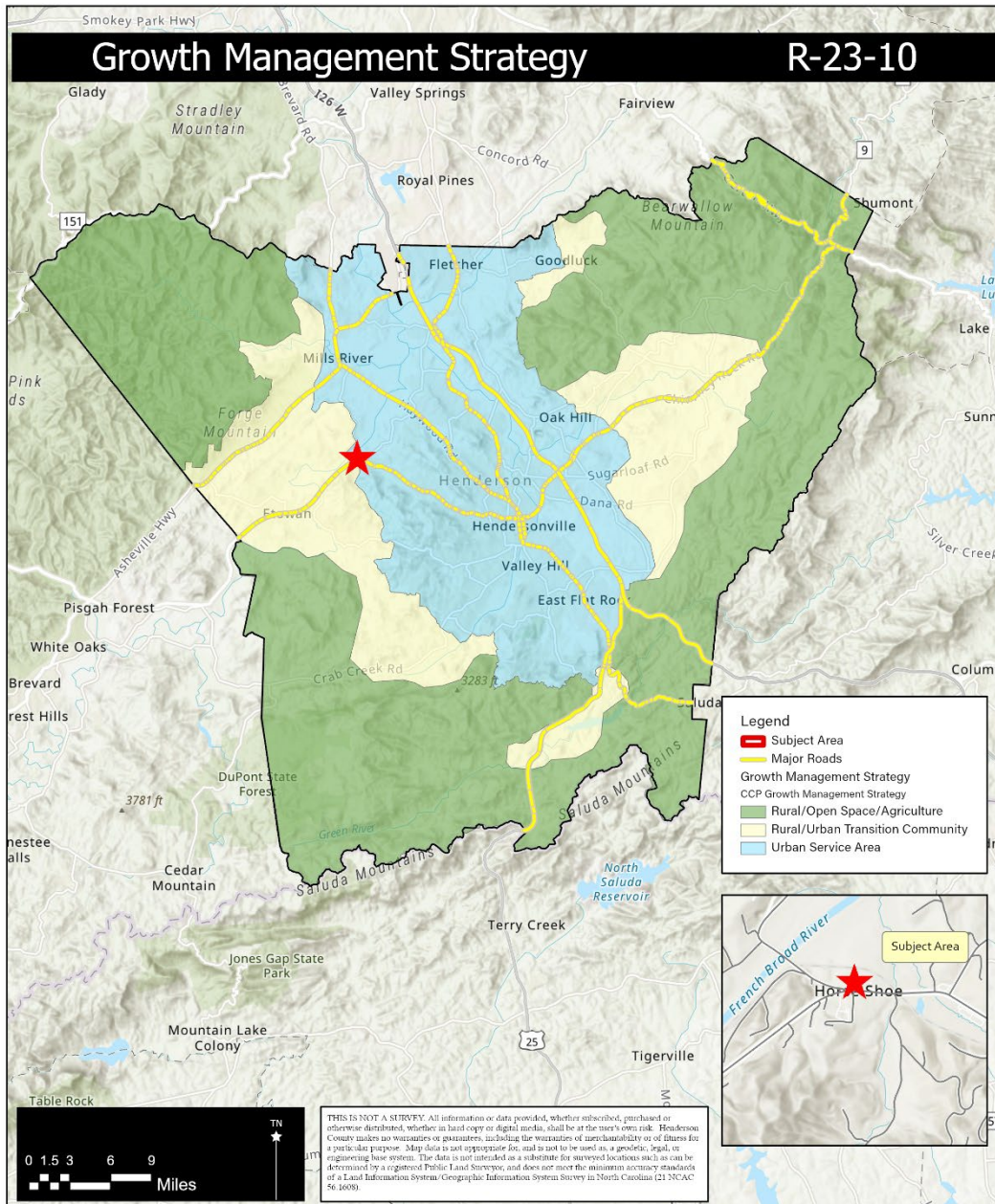
County Comprehensive Plan (CCP) Compatibility The CCP Future Land Use Map shows the subject area as being in the Community Service Center and the Urban Services Area (USA).

Community Service Centers: 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 area” and, “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 p. 138).

Urban Services Area: The CCP states, “The USA will contain considerable commercial development at a mixture of scales: Local, Community, and Regional, as defined below” and, “The County’s economic development activities should be pursued within USA” (CCP p.133).

Map E: Growth Management Strategy Map



Applicant: Michael Hanson
 Total Assessed Area: 2.24 Acres
 Current Zoning: Residential Two Rural (R2R)



Growth Management Strategy Compatibility: The CCP identifies the subject area as being located within the Urban Services Area. The CCP states, “The USA will contain considerable commercial development at a mixture of scales: Local, Community, and Regional, as defined below” (CCP p. 133).

Map F: Utilities Map



Applicant: Michael Hanson
 Total Assessed Area: 2.24 Acres
 Current Zoning: Residential Two Rural (R2R)



Water and Sewer

The subject area is currently served by a well for water and a septic system.

Existing Roads and Easements

The subject area currently has access along Brevard Road (US-64) and frontage along Banner Farm Road (SR 1314).

Technical Review Committee (TRC) Recommendations

The Technical Review Committee heard R-23-10 at their December 5, 2023, meeting.

Planning Board Recommendations

The Planning Board heard R-23-10 at their December 21, 2023, meeting.

Board of Commissioners Public Hearing

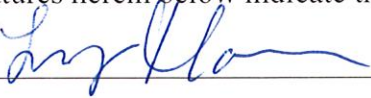
The Board of Commissioners will hear the case at their February 5, 2024, meeting.

Certification of Notice of Public Hearing

In accordance with NCGS 160D-343 the Planning Department certifies notice of the February 5, 2024, hearing regarding Rezoning Application #R-2023-10 were:

- 1. Submitted to the Hendersonville Lightning on January 19th, 2024 to be published on January 21st 2024 and January 31st 2024 by Liz Hanson;
- 2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on January 22nd, 2024, by Liz Hanson;
- 3. Sent, via first class mail, to the property owner on January 22nd, 2024, by Liz Hanson; and
- 4. Signs were posted on the Subject Area(s) on January 24th, 2024, by Liz Hanson.

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

1. 

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

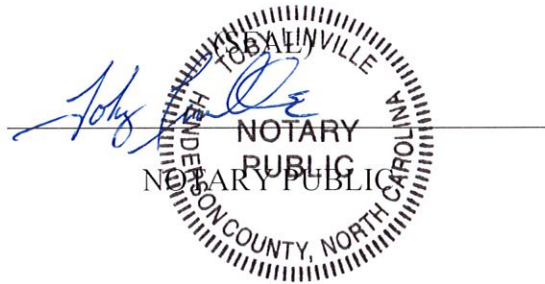
 Liz Hanson

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 25 day of January 2024.

My commission expires:

 6/29/26





BOARD OF COMMISSIONER ENACTMENT 2024-_____

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-2023-10; 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 February 5, 2024; 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-2023-10, Michael Hanson) 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 February 2024.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
Rebecca McCall, Chairman

ATTEST:

Denisa Lauffer, Clerk to the Board

[COUNTY SEAL]

Rezoning #R-23-10

Michael Hanson



Board of Commissioners
Henderson County Planning Department

2/5/2024

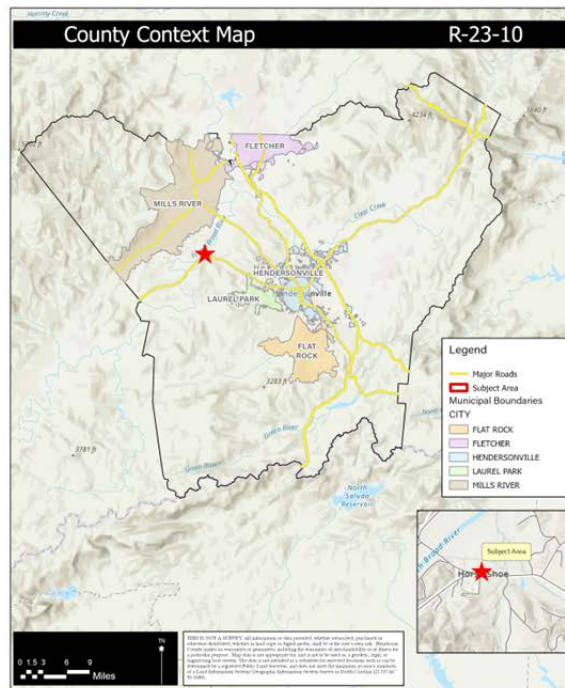
Public Hearing Notice

- Legal Ad was published in the Hendersonville Lightning on January 24th and January 31st
- The property was posted on January 24th
- Letters were mailed to property owners within 400 feet of the Subject Area and the applicant on January 22nd



Application Summary

- Rezoning Request: R-2023-10
- Owner/Applicant: Michael Hanson
- Property Location: 4319 Brevard Rd, Horse Shoe, NC
- PIN: 9539-98-6904
- Rezone from Residential Two Rural (R2R) to Community Commercial (CC)
- Total Area: 2.24 Assessed Acres



Applicant: Michael Hanson
 Total Assessed Area: 2.24 Acres
 Current Zoning: Residential Two Rural (R2R)



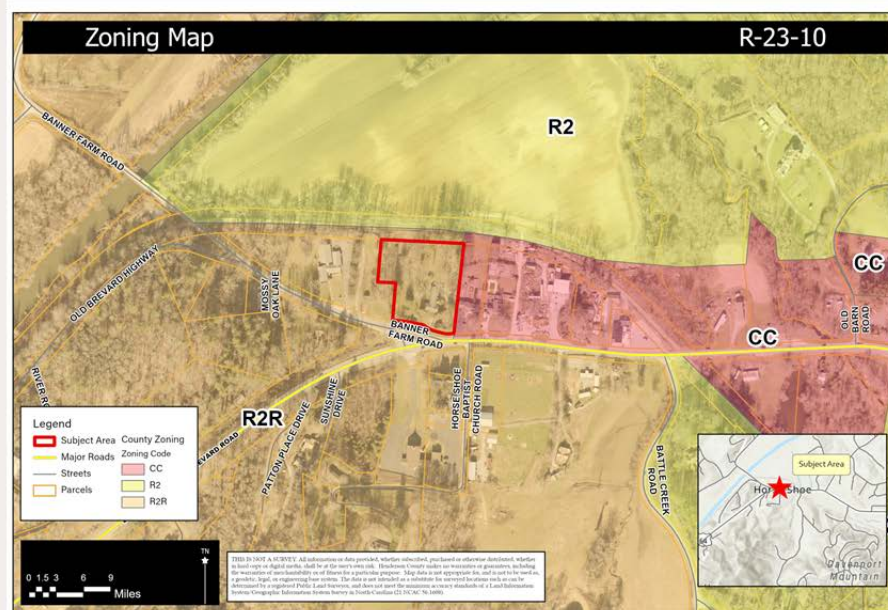
Aerial Map



Applicant: Michael Hanson
 Total Assessed Area: 2.24 Acres
 Current Zoning: Residential Two Rural (R2R)



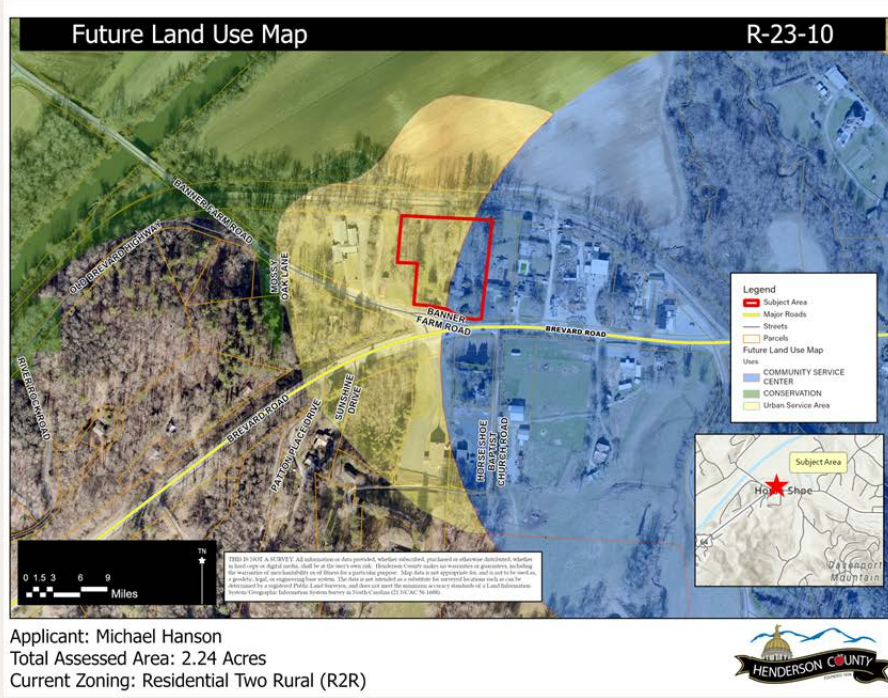
Current Zoning Map



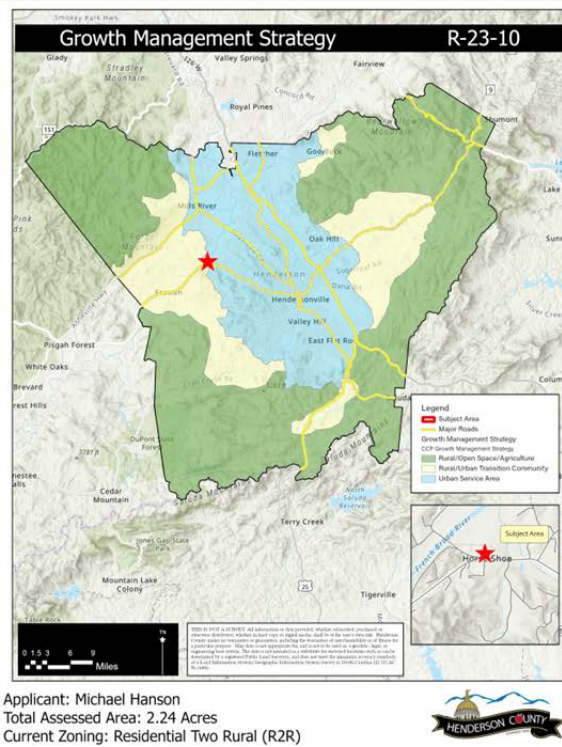
Applicant: Michael Hanson
 Total Assessed Area: 2.24 Acres
 Current Zoning: Residential Two Rural (R2R)



CCP Future Land Use Map



Growth Management Strategy Map

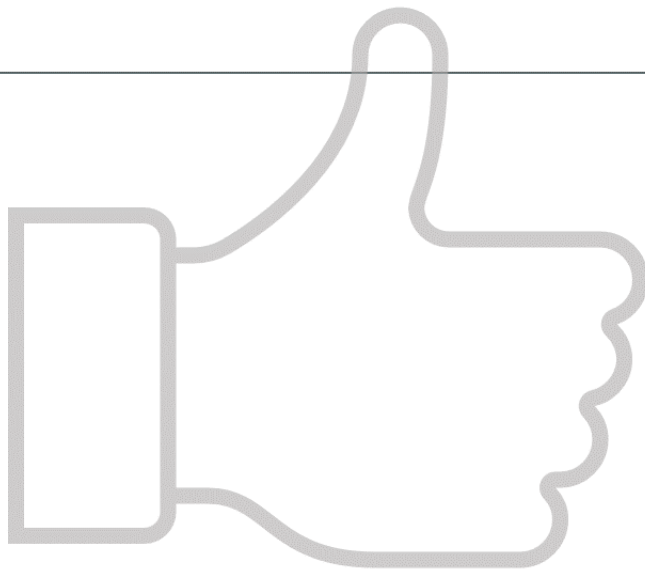




Prior Approvals

The **Technical Review Committee (TRC)** reviewed the case at their December 5, 2023, meeting and voted unanimously to send it forward to the Planning Board.

The **Planning Board** reviewed the case at their December 21, 2023, meeting and voted unanimously to send the application to the Board of Commissioners.



Rezoning #R-2023-10
Questions



Thank you!