

REQUEST FOR BOARD ACTION

HENDERSON COUNTY PLANNING BOARD

MEETING DATE: March 21, 2019

SUBJECT: Rezoning Application #R-2018-09 Laughter
(PIN: 9652-01-1996, 9652-01-3964, 9652-01-5834, 9642-91-3898)

PRESENTER: Eric Warren, Planner

ATTACHMENTS: 1.) Staff Report
2.) Power Point

SUMMARY OF REQUEST:

Rezoning Application #R-2018-09 was initiated on December 27, 2018 and requests that the County rezone approximately 6.06 acres of land from Residential One (R1) to Regional Commercial (RC). The acreage consists of 4 parcels. The property owners include Shane and Kelly Laughter, SE Johnston III, Phillip Gilliam, and Timothy Johnston. Shane Laughter will be serving as agent.

At the February 21, 2019 Planning Board meeting, the Chairman recommended to table this application due to the proximity of the Tap Root rezoning request and to allow the Board to make a recommendation on the Tap Root Farm request due to its size and impact before making a recommendation on this request.

PLANNING BOARD ACTION REQUESTED:

The Planning Board is required to make a recommendation on the request to the Board of Commissioners prior to a public hearing.

Suggested Motion:

I move that the Planning Board recommend the Board of Commissioners (approve or deny) rezoning application #R-2018-09 to rezone the Subject Area to a Regional Commercial (RC) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan.

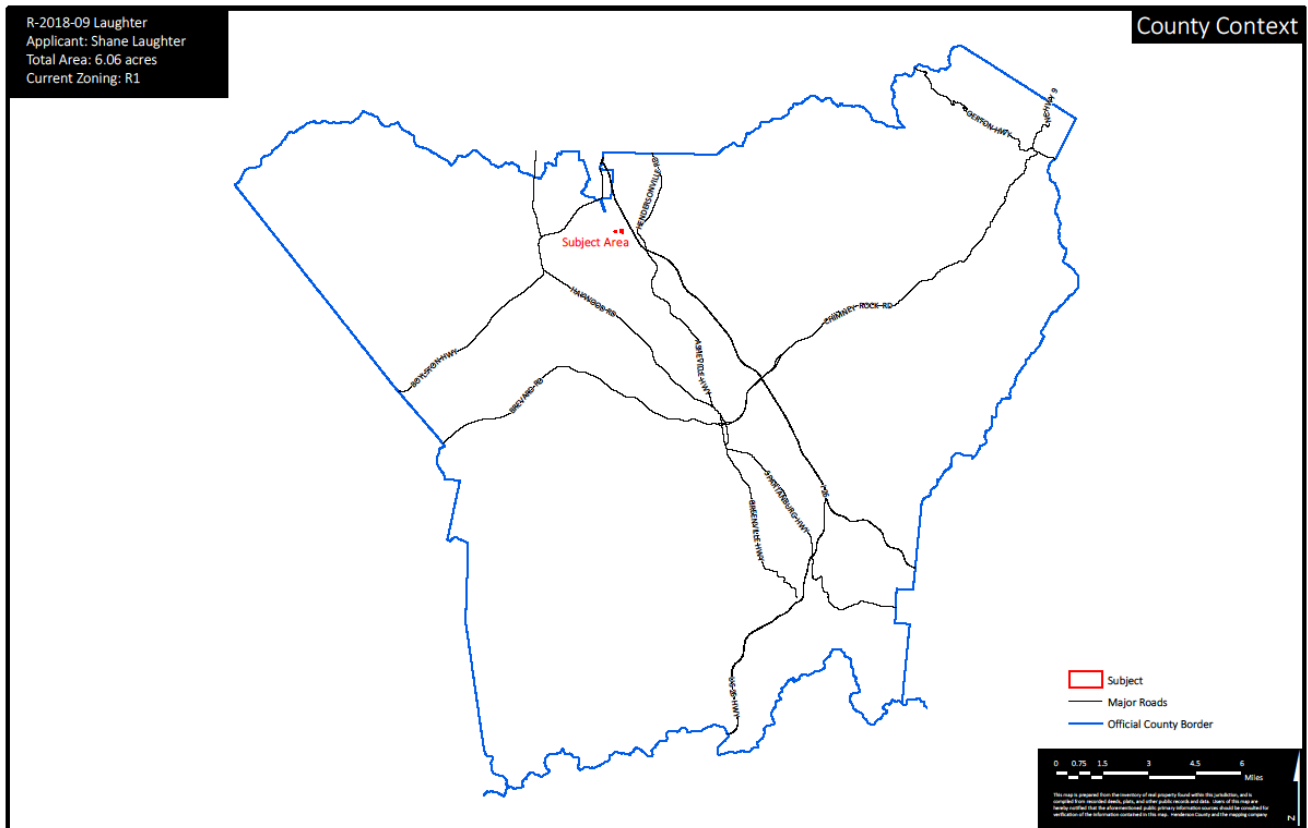
**Henderson County Planning Department Staff Report
Rezoning Application #R-2018-09 (R1 to RC)**

**Owner(s)
Shane & Kelly Laughter, S.E. Johnston III, Phillip Gilliam, Timothy Johnston
(Shane Laughter, Agent)**

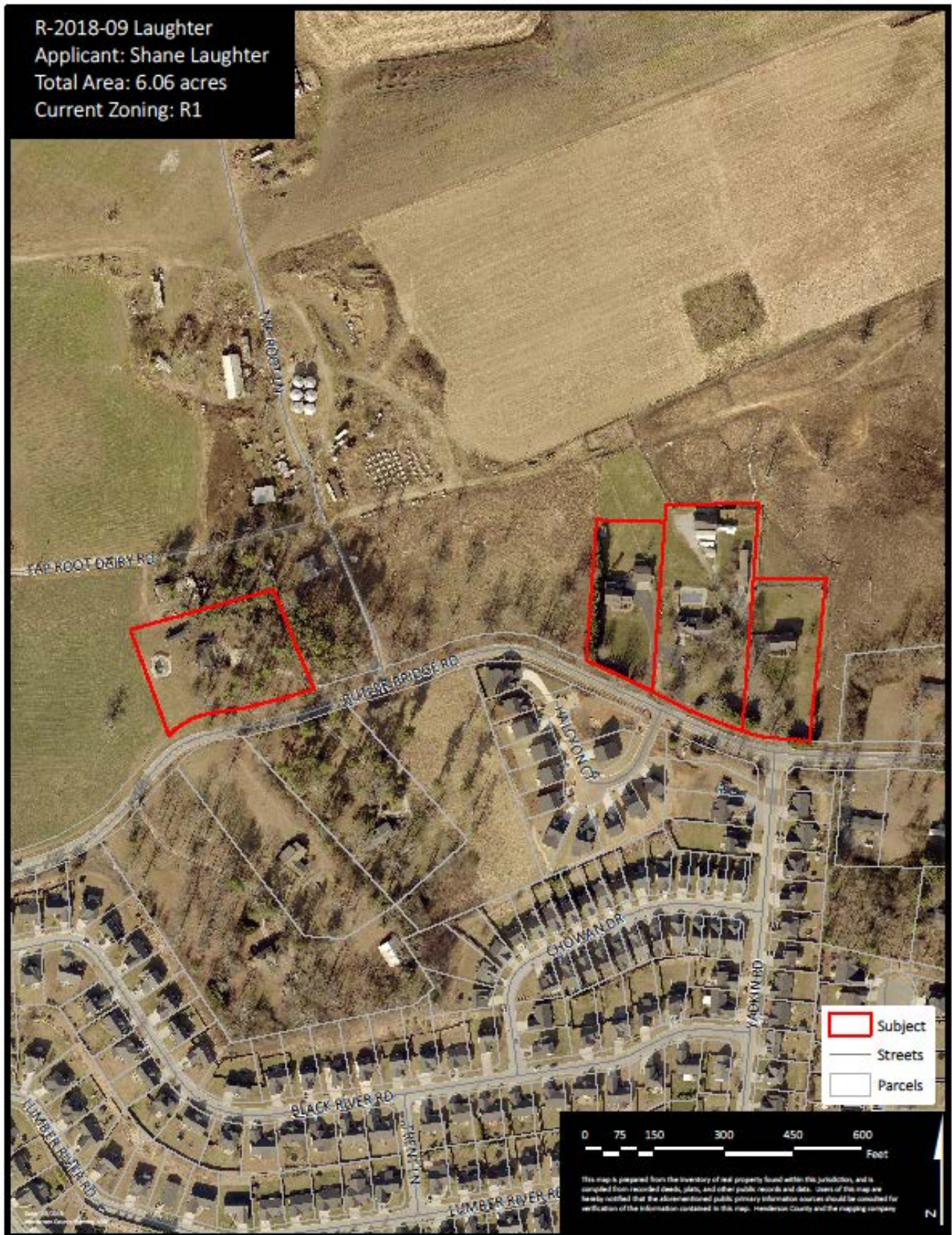
1. Rezoning Request

- 1.1. **Applicant: Shane Laughter**
- 1.2. **Property Owner:** Shane & Kelly Laughter, S.E. Johnston III, Phillip Gilliam, Timothy Johnston
- 1.3. **PINs:** 9652-01-1996, 9652-01-3964, 9652-01-5834, 9642-91-3898
- 1.4. **Request:** Rezone subject area from a Residential One (R1) zoning district to a Regional Commercial (RC) zoning district.
- 1.5. **Size:** Approximately 6.06 acres of land
- 1.6. **Location:** The subject area consists of 4 parcels located on Butler Bridge Rd (S.R. 1345) approximately a half of a mile west of the intersection of Butler Bridge Rd (S.R. 1345) and Asheville Hwy (U.S. 25). The property is adjacent to the north of River Stone subdivision.

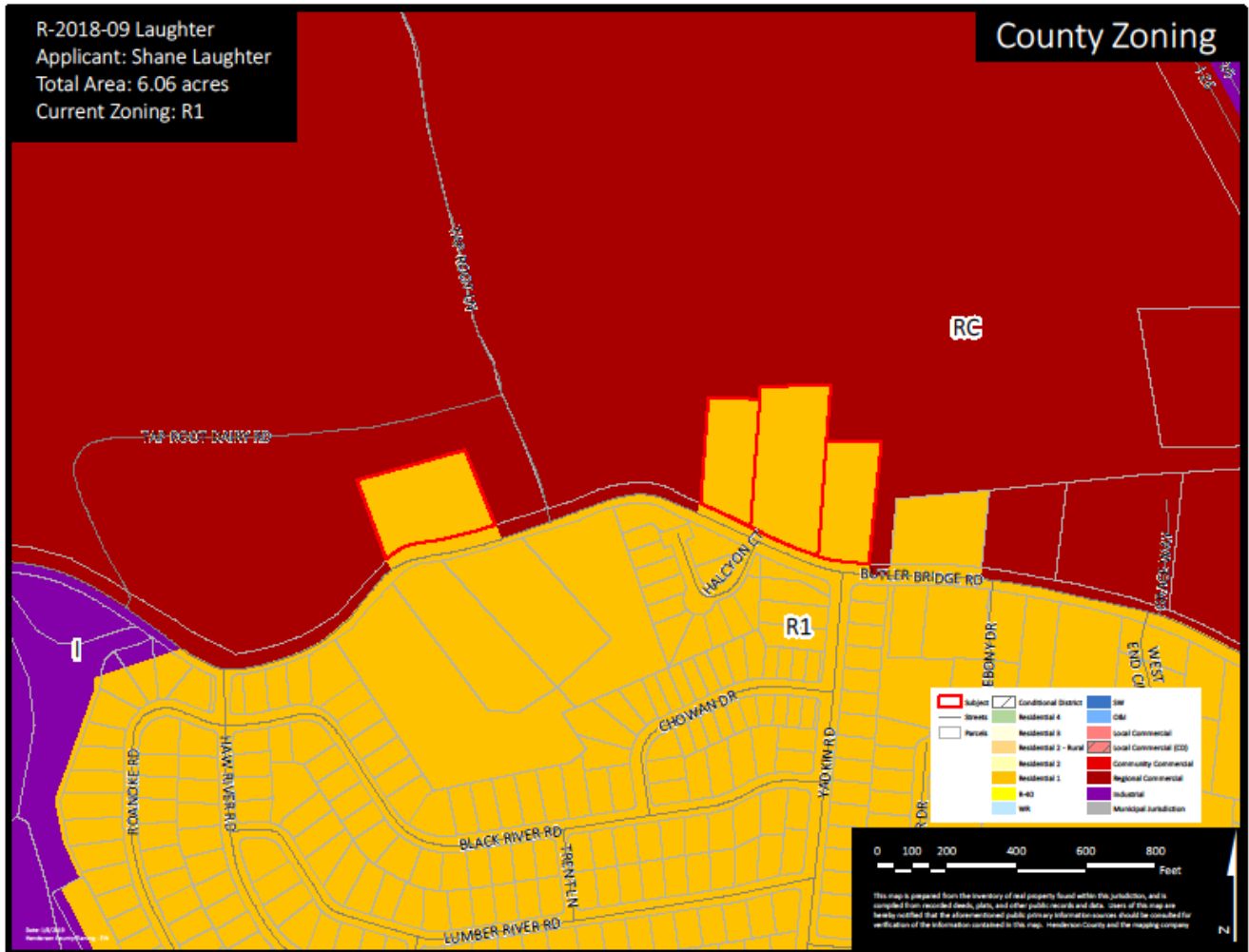
Map A: County Context



Map B: Aerial Image



Map C: Current Zoning



2. Current Zoning

2.1. **Application of Current Zoning:** The subject area is currently zoned Residential One (R1). (See Map C).

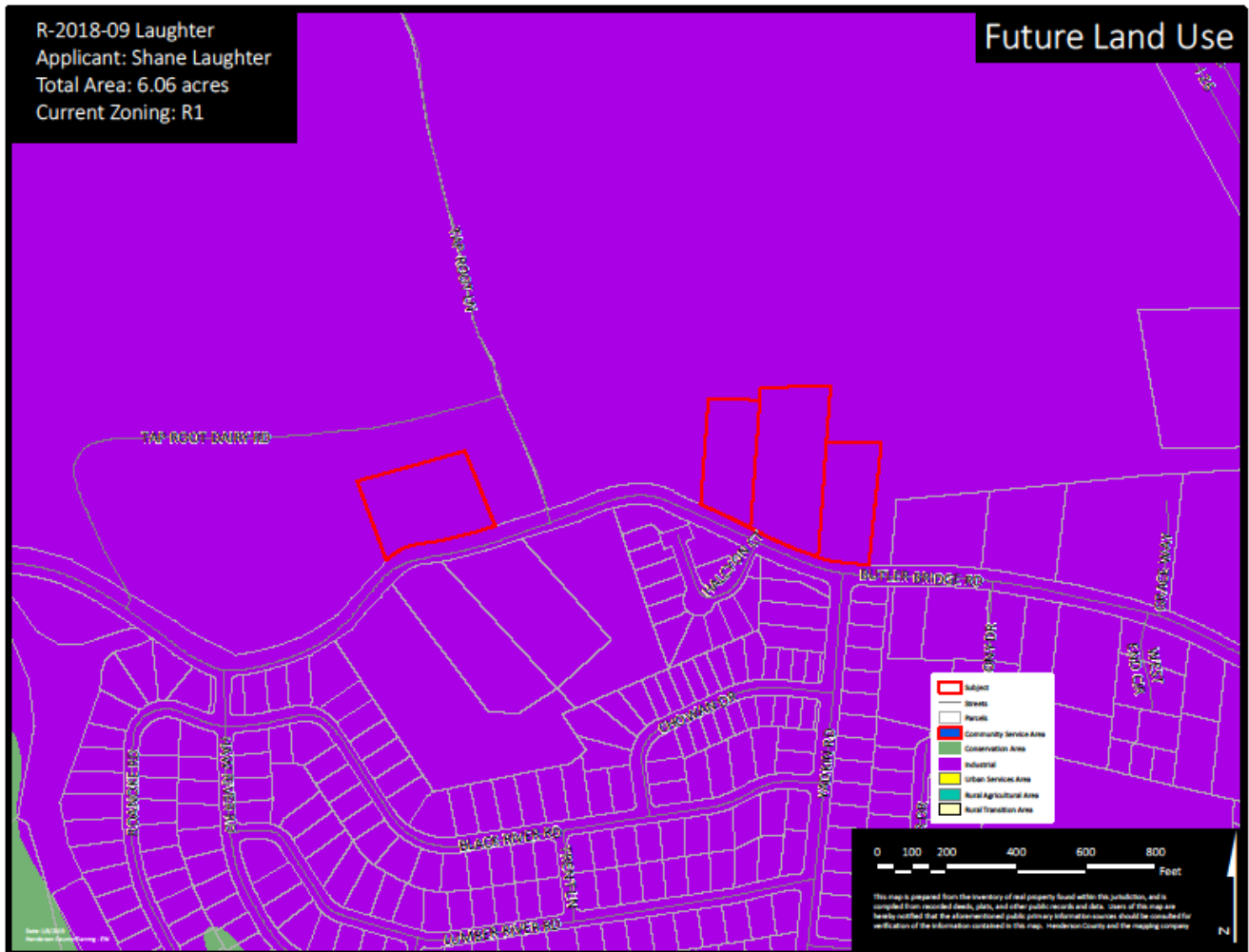
2.2. **Adjacent Zoning:** The subject area is adjacent to both Residential One (R1) zoning and Regional Commercial (RC) zoning districts.

2.3. District Comparison:

2.3.1. **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.” Standard density is four units per acre, intermediate density of six units per acre, and a maximum density of twelve units per acre (LDC § 42A-27).

2.3.2. **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.” Standard density is sixteen units per acre (LDC § 42A-35).

Map D: 2020 County Comprehensive Plan Future Land Use Map



3. Current Uses of Subject Area and Adjacent Properties

3.1. **Subject Area Uses:** The subject area is comprised of 4 parcels used for residential purposes.

3.2. **Adjacent Area Uses:** The surrounding properties contain mainly residential and agricultural uses.

4. **The Henderson County 2020 Comprehensive Plan (CCP)**

4.1. The CCP Future Land Use Map identifies the subject area as being located in an Industrial Area. (2020 CCP). (See Map D).

4.1.1.1. Industrial Area: The CCP defines industrial use as “Parcels containing facilities wherein raw or pre-processed resources, materials, substances, or components are mechanically, physically, chemically, or otherwise transformed into new products; waste materials are collected, treated, or disposed of; subsurface natural resources are extracted and/or processed; Livestock, cargo, merchandise, materials or hazardous substances are transferred, stored or warehoused for wholesale or other distribution; passengers or passenger vehicles are collected or transferred; water, fuel, or electricity is produced, processed, stored, transferred or transmitted.” (2020 CCP Appendix IV pg. 12).

5. **Water and Sewer**

5.1. **Public Water:** The subject area utilizes private, individual water system

5.2. **Public Sewer:** The subject area utilizes private, individual septic system

6. **Staff Comments**

6.1. There is a rezoning application filed for the large property immediately adjacent to the North to be rezoned from Regional Commercial (RC) to Residential One Conditional District (R1-CD).

6.2. **The 2020 CCP:** The CCP Future Land Use Map (See Map D) places the Subject Area in an Industrial Area. The text and map of the 2020 CCP suggest that the Subject Area would be suitable for commercial development.

6.3. **Adjacent Zoning:** The subject area is adjacent to Residential One (R1) and Regional Commercial (RC).

6.4. It is staff’s position that the TRC determine whether the subject area meets the technical requirements to be rezoned to a Regional Commercial Zoning district.

7. **Technical Review Committee**

7.1. At its regularly scheduled meeting the Technical Review Committee, finding that all technical requirements have been met, approved a motion to forward the rezoning request to the Henderson County Planning Board for further review.

8. **Planning Board**

8.1. At the February 21, 2019 Planning Board meeting, this application was tabled to hear the application for Tap Root Conditional Rezoning before making a recommendation to the Board of Commissioners.

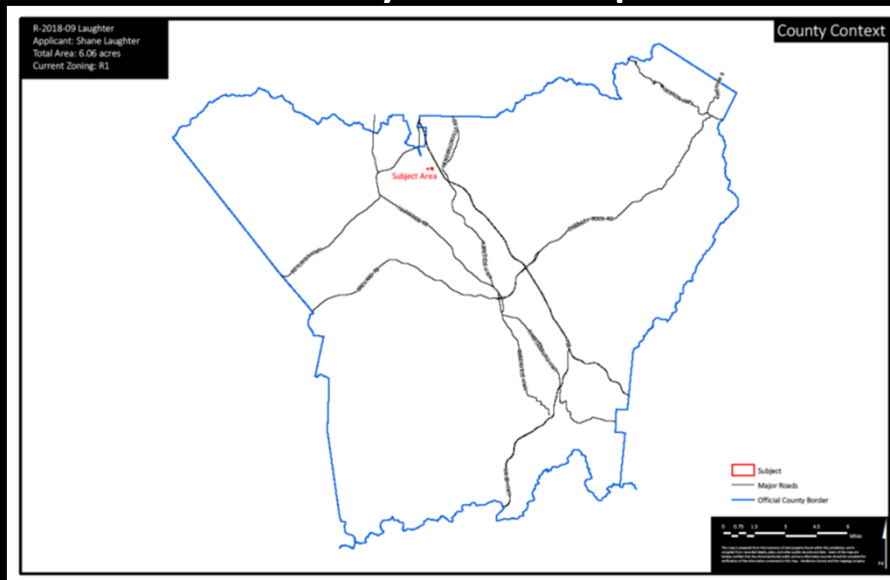
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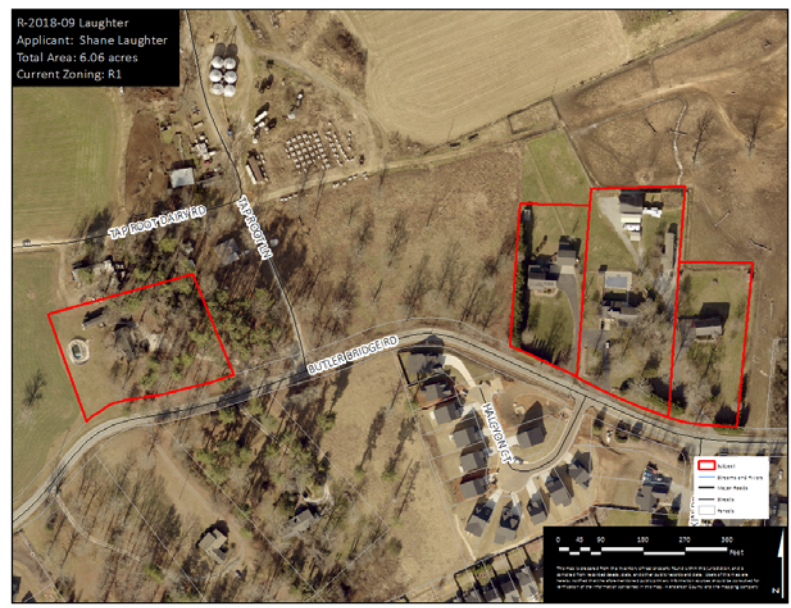
Henderson County Planning Department

County Context Map



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Aerial Map



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EW1

2020 CCP Future Land Use Map



Henderson County Planning Department

