

# REQUEST FOR BOARD ACTION

## HENDERSON COUNTY PLANNING BOARD

**MEETING DATE:** April 20, 2023

**SUBJECT:** Rezoning Application R-2023-04 Ronnie Gray

**PRESENTER:** Matt Champion, Zoning Administrator

**ATTACHMENTS:** 1.) Staff Report  
2.) Application  
3.) PowerPoint Handouts

### **SUMMARY OF REQUEST:**

Rezoning Application R-2023-04, submitted on March 1, 2023, requests that the County rezone approximately 26.67 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 PIN: 9651-54-5337 and all of PIN: 9651-44-8562 located off Rugby Drive (SR 1417). The property owner is Ronnie Pete Gray and agent is Shane Laughter.

### **PLANNING BOARD ACTION REQUESTED:**

Staff requests the Planning Board make a recommendation to the Board of Commissioners on rezoning application (R-2023-04) for approximately 26.67 acres from Residential One (R1) to Regional Commercial (RC).

### **Suggested Motion:**

Motion that the Planning Board forward rezoning application R-2023-04 with a (favorable or unfavorable) recommendation to the Board of Commissioners.



# STAFF REPORT

## HENDERSON COUNTY PLANNING DEPARTMENT

100 North King Street | Hendersonville, NC 28792 | (828) 697-4819

**Prepared by:**

Matt Champion, Zoning Administrator

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**CASE**

R-2023-04

**TECHNICAL REVIEW COMMITTEE**

**MEETING DATE**

April 18, 2023

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**PROPERTY OWNER**

Ronnie Pete Gray

**PROPERTY LOCATION/ADDRESS**

Off Rugby Drive (SR 1417), Hoopers Creek Township

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**AGENT**

Shane Laughter

**PIN's**

Portion of 9651-54-5337 and All of 9651-44-8562

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**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/Agricultural/Temporary Storage

**Site Improvements**

Temporary Storage Area

**Request Acreage**

26.67 Acres

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**ADJACENT ZONING**

**North** R1, RC

**East** R1

**South** R1

**West** R2R

**USE OF LAND**

Commercial/Vacant

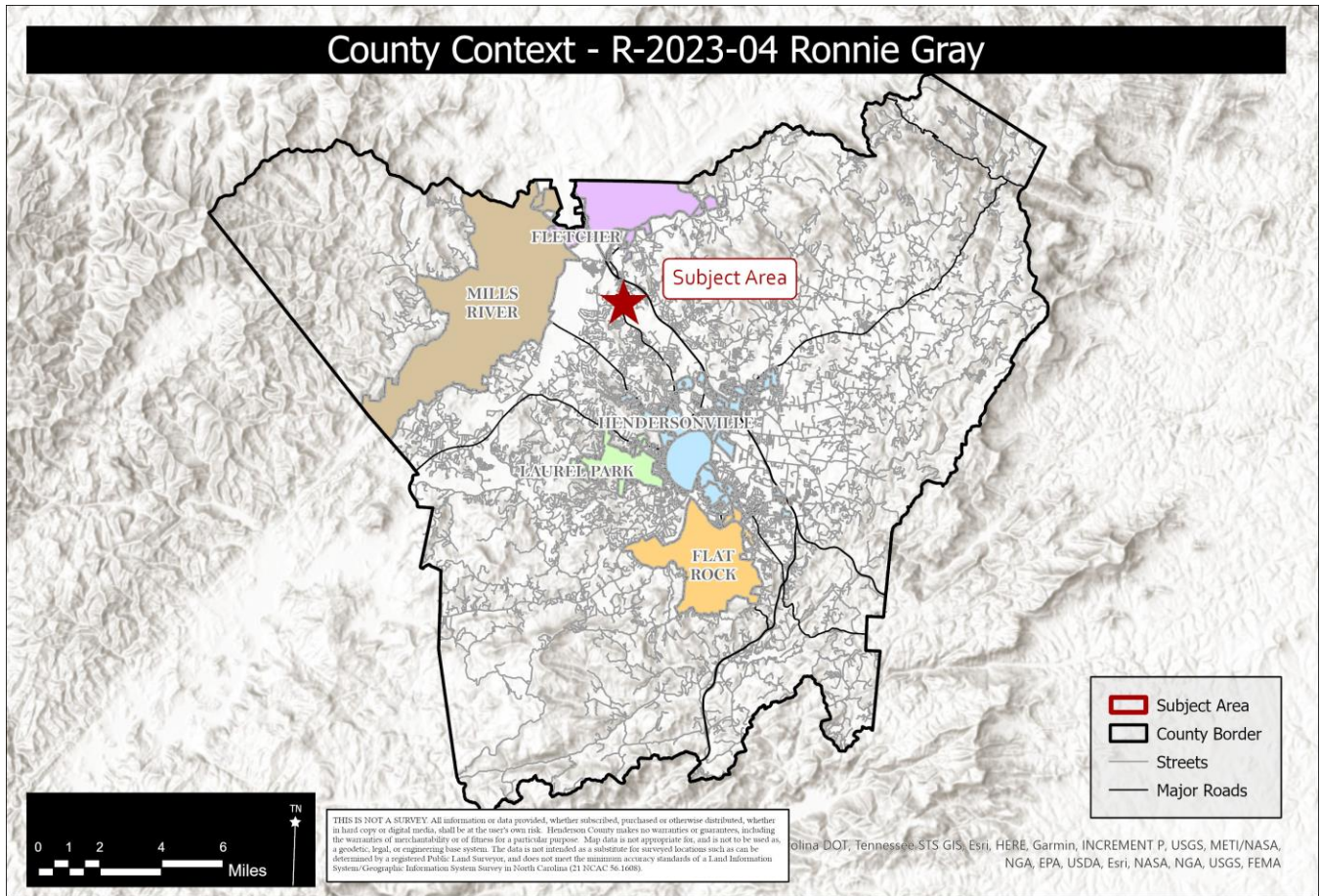
Vacant/Forested Land

Cemetery

Agricultural

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### Map A: County Context



Property Owner: Ronnie Gray Agent: Shane Laughter  
Assessed Acreage: 30.67 Acres PINs: 9651-54-5337 & 9651-44-8562  
Current Zoning: Residential One (R1) & Regional Commercial (RC)

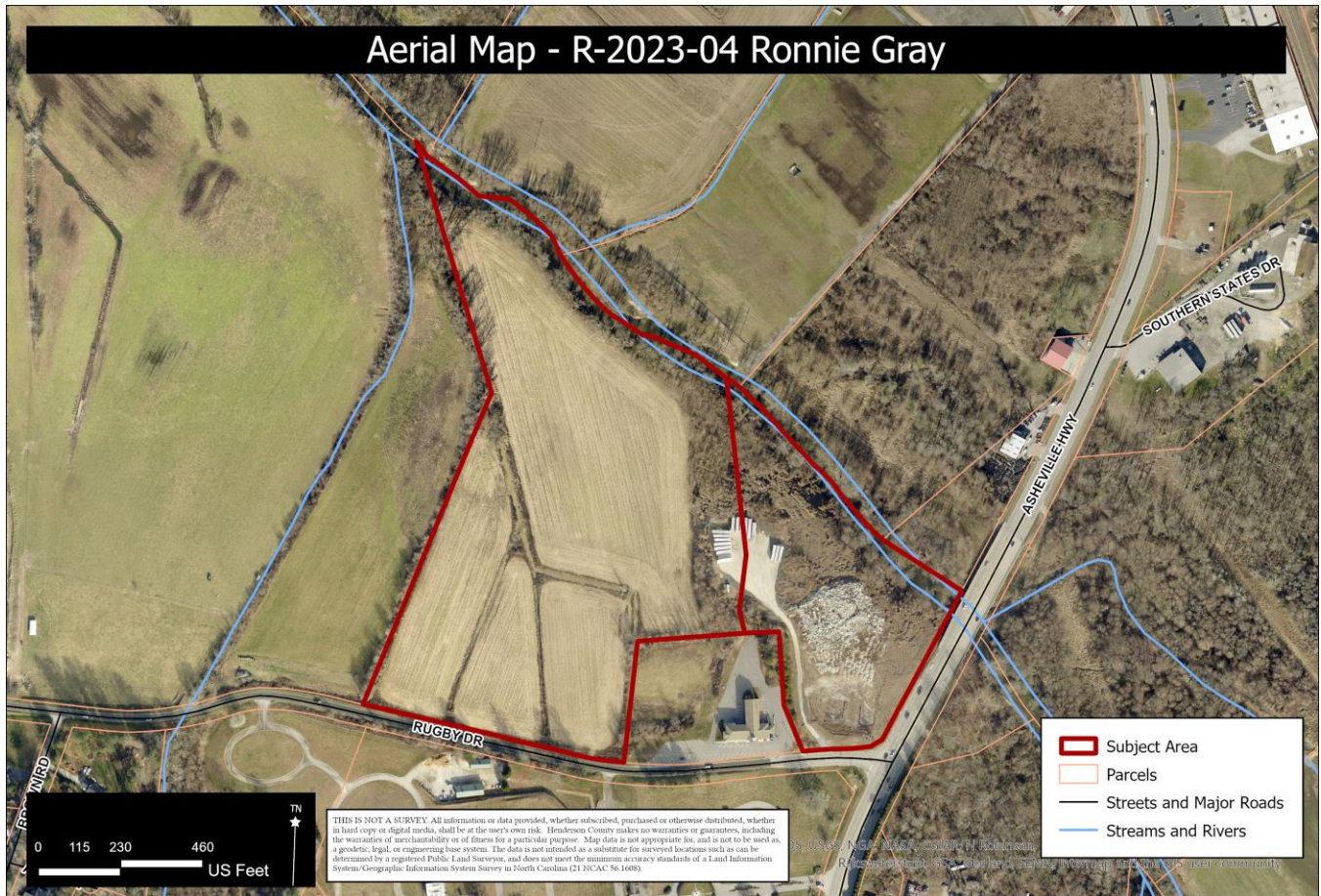


### BACKGROUND:

The current property owner, Ronnie Pete Gray, is seeking to rezone a portion of PIN 9651-54-5337 and all of PIN 9651-44-8562 from the Residential One (R1) zoning district to the Regional Commercial (RC) zoning district. The subject area is approximately 26.67 acres. The site is currently vacant and was primarily used for agricultural purposes. 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  
Assessed Acreage: 30.67 Acres PINs: 9651-54-5337 & 9651-44-8562  
Current Zoning: Residential One (R1) & Regional Commercial (RC)



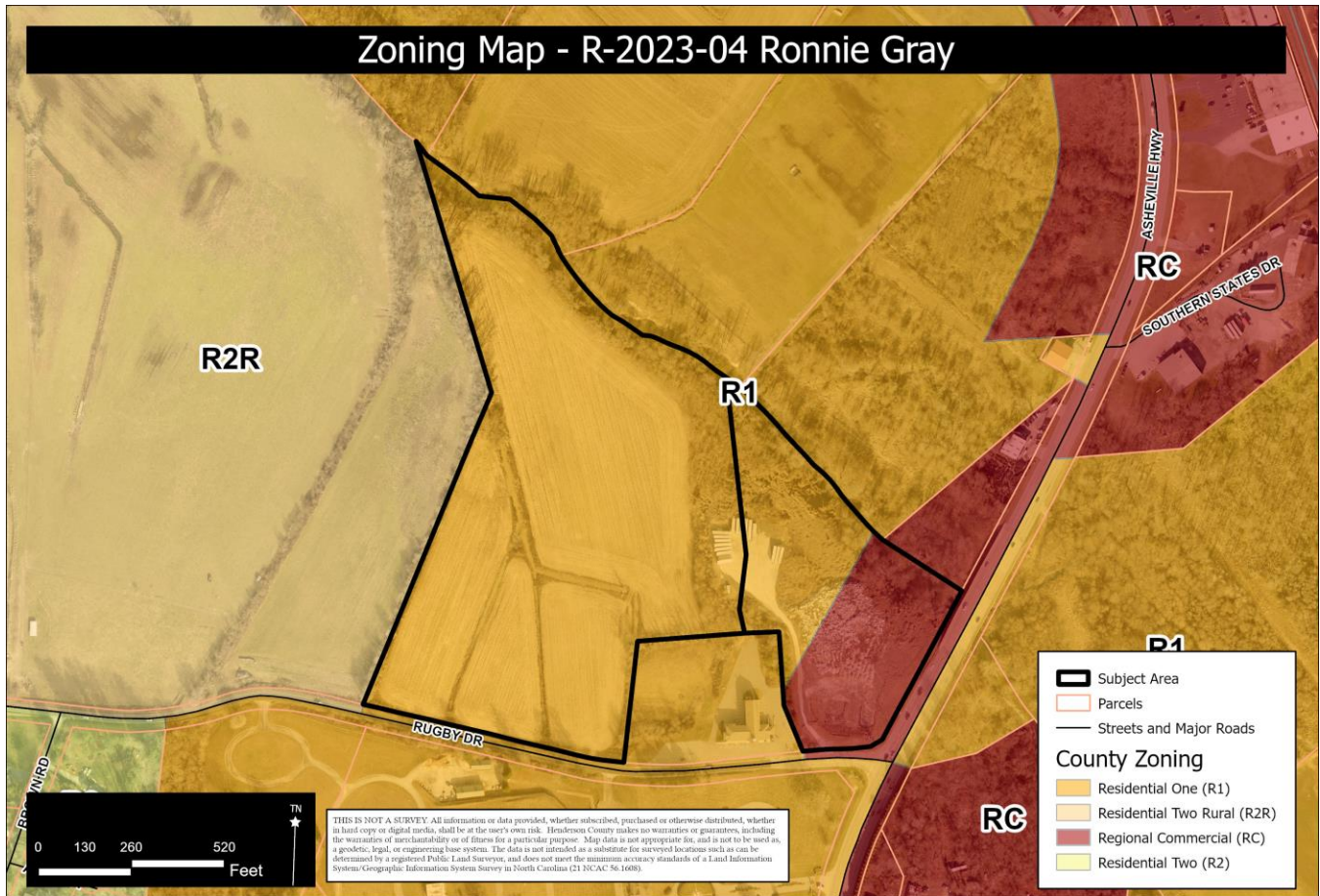
**SUBJECT AREA & ADJACENT PROPERTIES:**

As previously mentioned, the site is currently vacant without any permanent structures. The subject area has been used primarily for agricultural purposes but does contain 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 Applicant: Shane Laughter  
 Assessed Acreage: 30.67 Acres PINs: 9651-54-5337 & 9651-44-8562  
 Current Zoning: Residential One (R1 & 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)

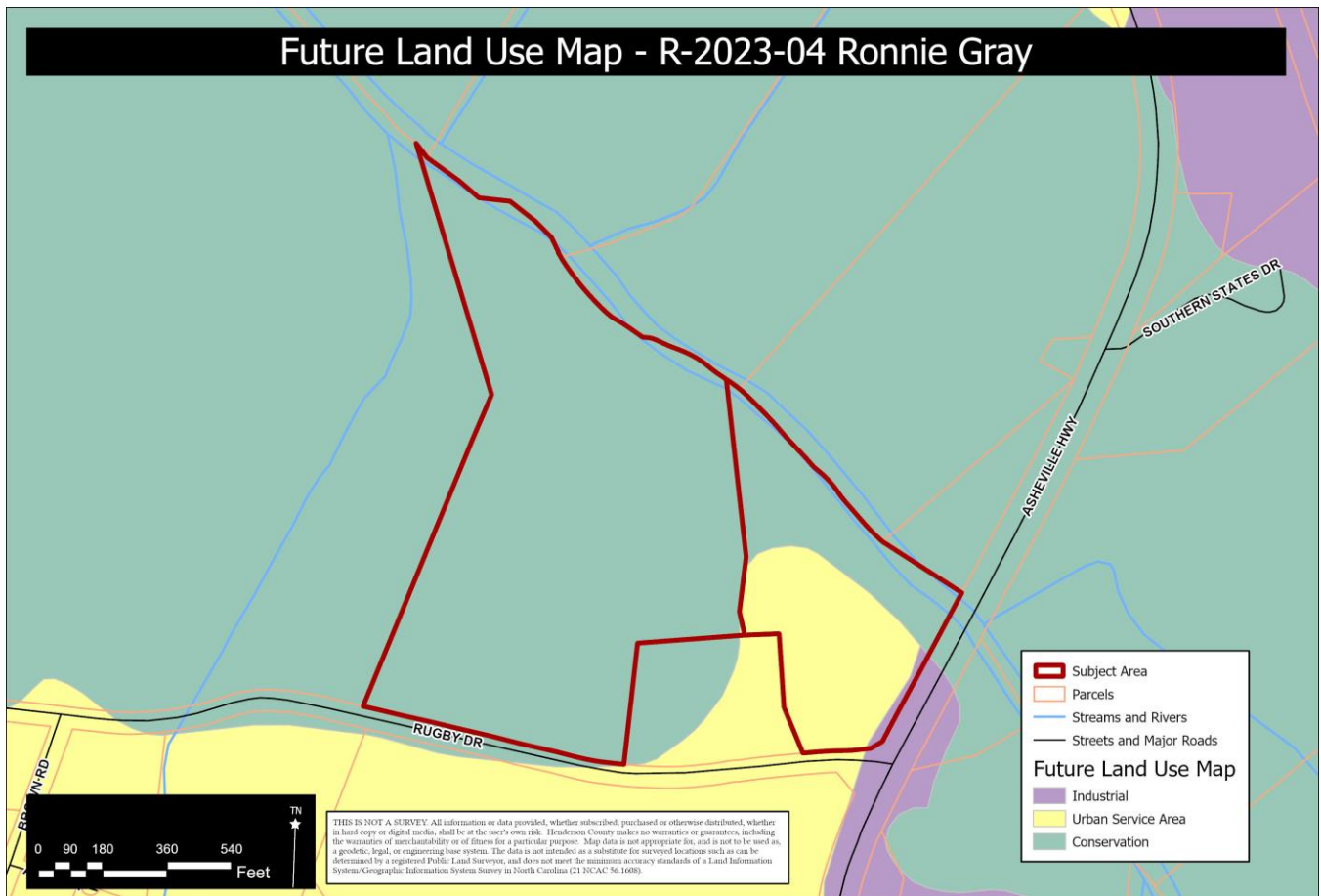
**Flood Hazard Area:** Portions of the subject area are encumbered by the 100-year and 500-year flood hazard areas as well as the floodway. Mud Creek is located north along both parcels included in this zoning map amendment application. Any future development on either parcel would require a floodplain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

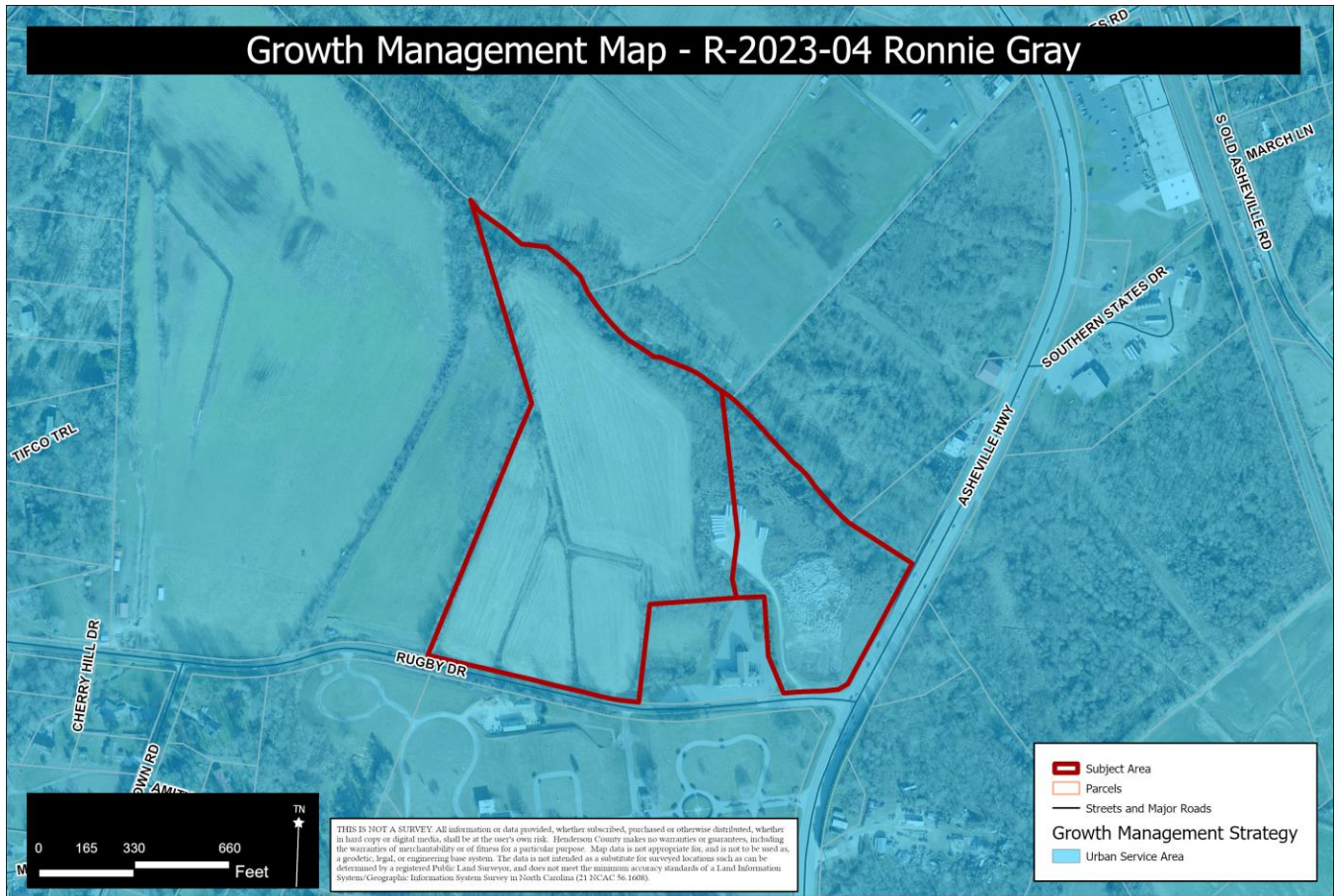


Property Owner: Ronnie Gray Applicant: Shane Laughter  
Assessed Acreage: 30.67 Acres PINs: 9651-54-5337 & 9651-44-8562  
Current Zoning: Residential One (R1 & RC)





Map E: Growth Management Strategy Map



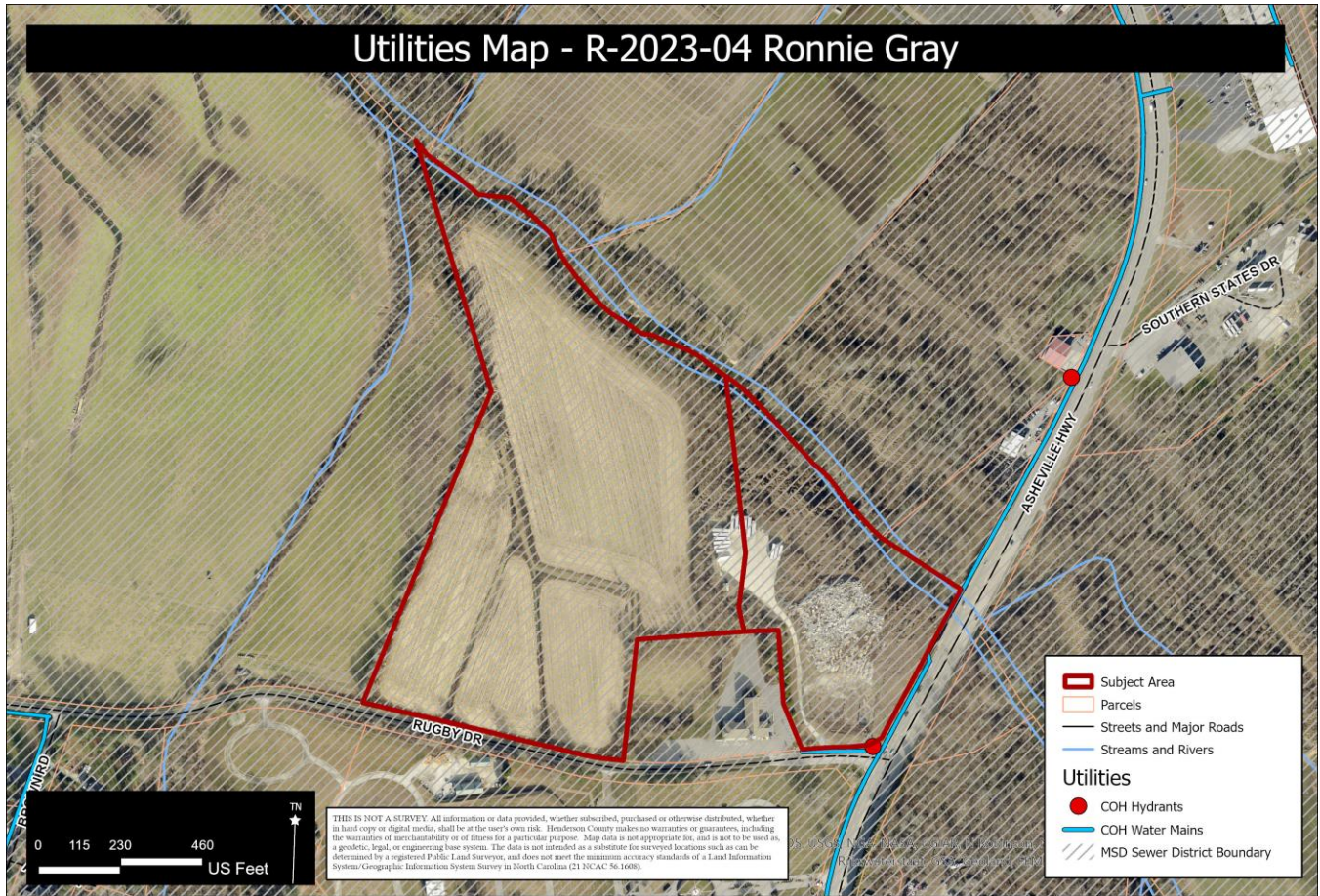
Property Owner: Ronnie Gray Applicant: Shane Laughter  
Assessed Acreage: 30.67 Acres PINs: 9651-54-5337 & 9651-44-8562  
Current Zoning: Residential One (R1 & RC)



**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  
Assessed Acreage: 30.67 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) will hear R-2023-04 at their April 18, 2023, meeting.

**Planning Board Recommendations**

The Planning Board will hear the R-2023-04 at the 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

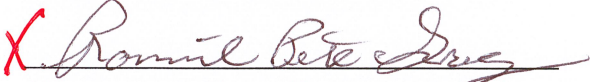
Address: 210 Patty's Chapel Rd City, State, and Zip: Fletcher, NC 28732

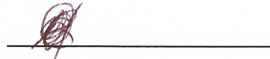
Application No. \_\_\_\_\_

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

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**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 Ronnie Pete Gray  
Property Owner

3/14/23  
Date



# Rezoning #R-2023-04 Ronnie Pete Gray



Planning Board  
April 20, 2023

*Henderson County Planning Department*

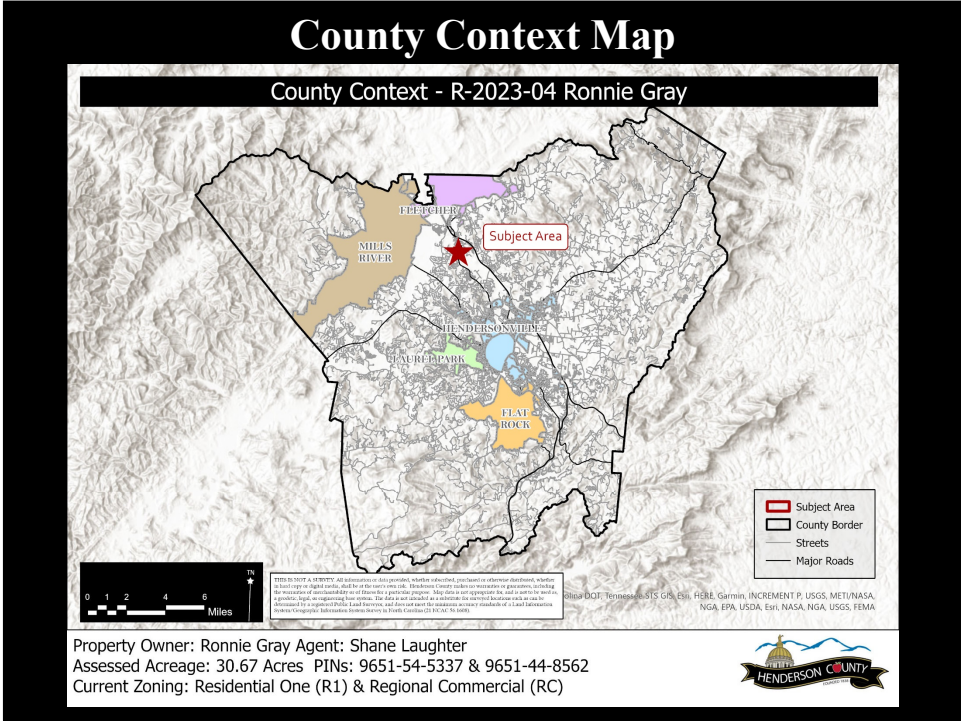
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## Application Summary

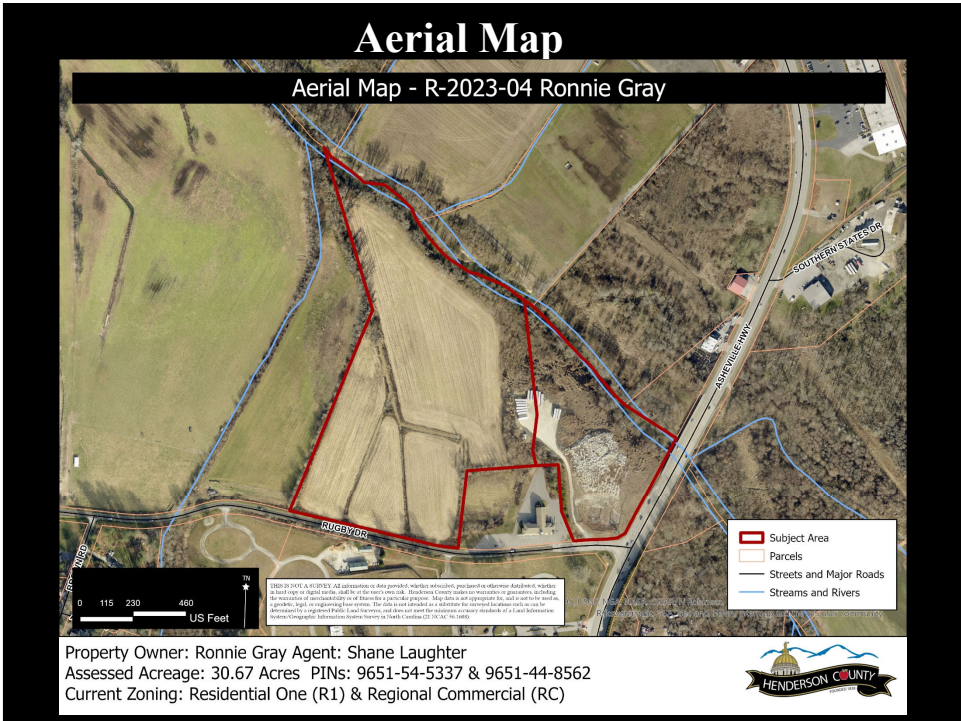
- Rezoning Request: R-2023-04
- Owner: Ronnie Pete Gray
- Agent: Shane Laughter
- Property Location: Portion of PIN: 9651-54-5337 & All of PIN: 9651-44-8562
- Rezone from a Residential One (R1) Zoning District to a Regional Commercial (RC)
- Approximately 26.67 acres

*Henderson County Planning Department*

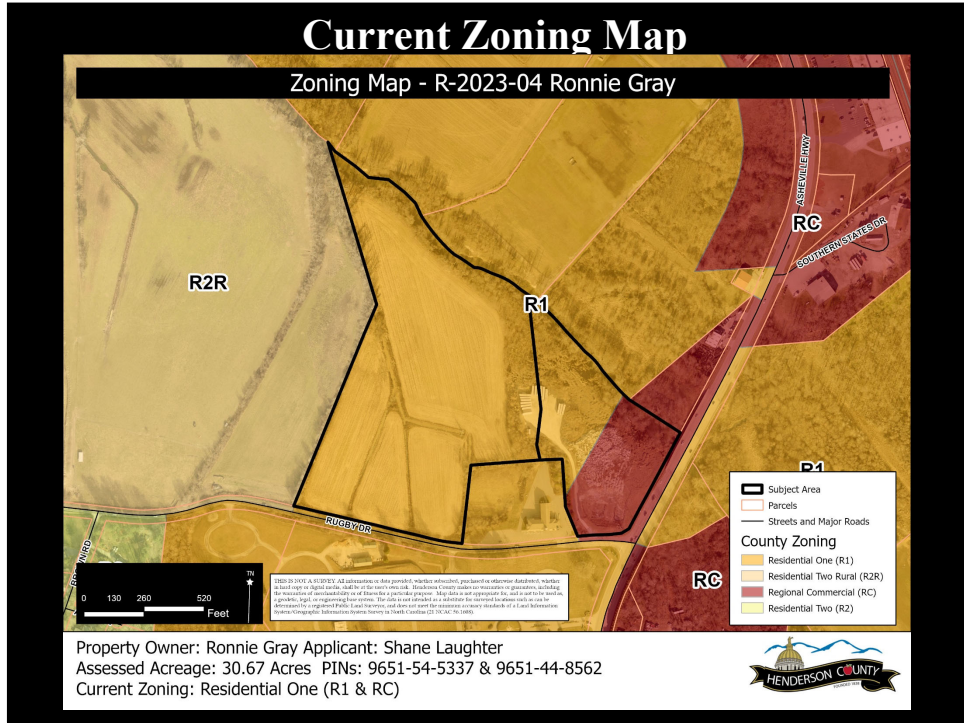
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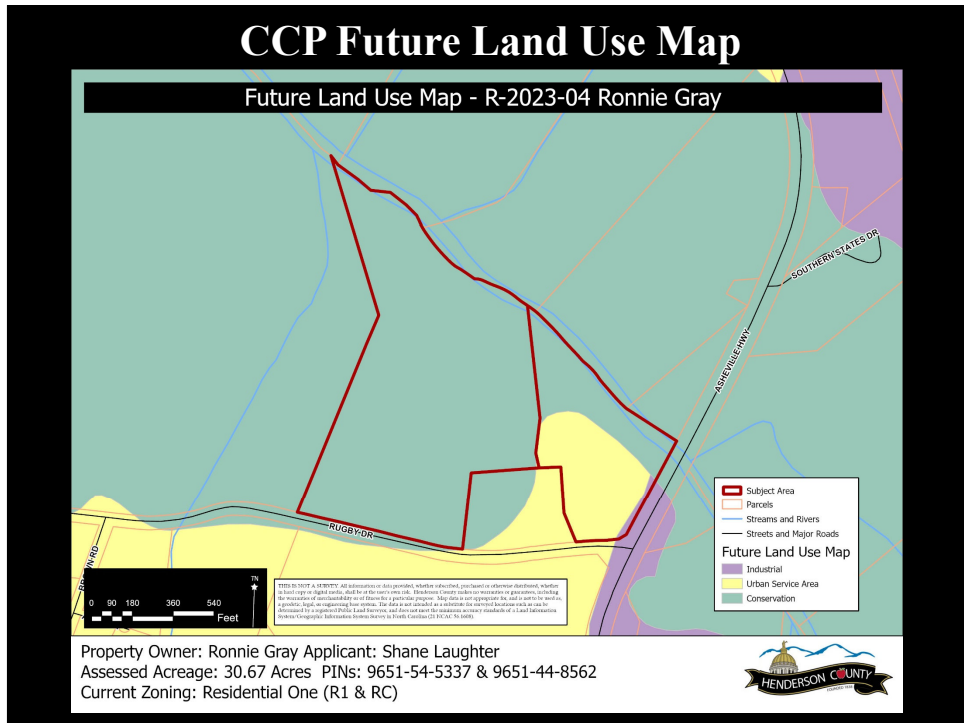
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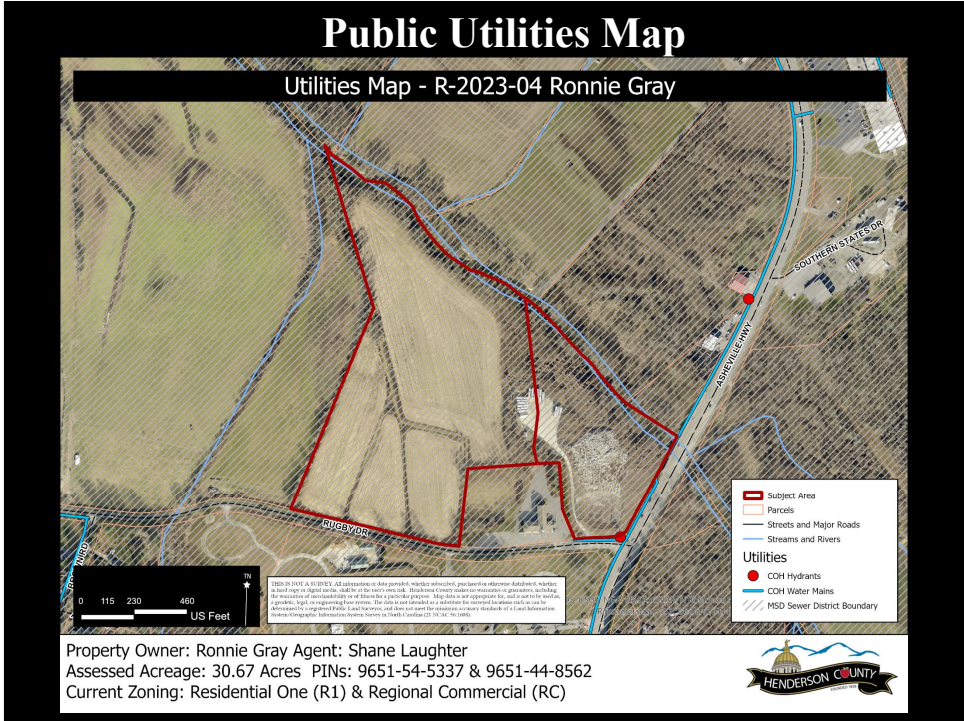


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## Next Steps:

Board of Commissioners: Public Hearing will be scheduled at a later date. The County Clerk will submit official notification when the hearing is announced.

*Henderson County Planning Department*

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**Rezoning #R-2023-04  
Ronnie Pete Gray**

## Questions



*Henderson County Planning Department*

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