

# REQUEST FOR BOARD ACTION

## HENDERSON COUNTY PLANNING BOARD

**MEETING DATE:** September 21, 2023

**SUBJECT:** Rezoning Application R-2023-09 Peterson Property

**PRESENTER:** Matt Champion, Zoning Administrator

**ATTACHMENTS:** 1.) Staff Report  
2.) Zoning Prior to LDC  
3.) PowerPoint Handouts

### **SUMMARY OF REQUEST:**

Rezoning Application R-2023-09, submitted on August 9, 2023, requests that the County rezone approximately 2.38 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.

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

Staff requests the Technical Review Committee make a recommendation to the Board of Commissioners on rezoning application (R-2023-09) for approximately 2.39 acres from Residential Two (R2) to Community Commercial (CC).

### **Suggested Motion:**

Motion that the Planning Board forward rezoning application R-2023-09 with a favorable or unfavorable recommendation to 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-2023-09

**PLANNING BOARD MEETING DATE**

September 21, 2023,

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**PROPERTY OWNER**

Ernest & Jeri Peterson

**PROPERTY LOCATION/ADDRESS**

253 Old Barn Rd, Hendersonville, NC 28791  
Hendersonville Township

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**APPLICANT**

Ernest & Jeri Peterson

**PIN's**

Portion of PIN: 9549-19-5165

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**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

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

Residential Two (R2)

Residential

**East**

Community Commercial (CC) & R2

Commercial & Residential

**South**

Community Commercial (CC)

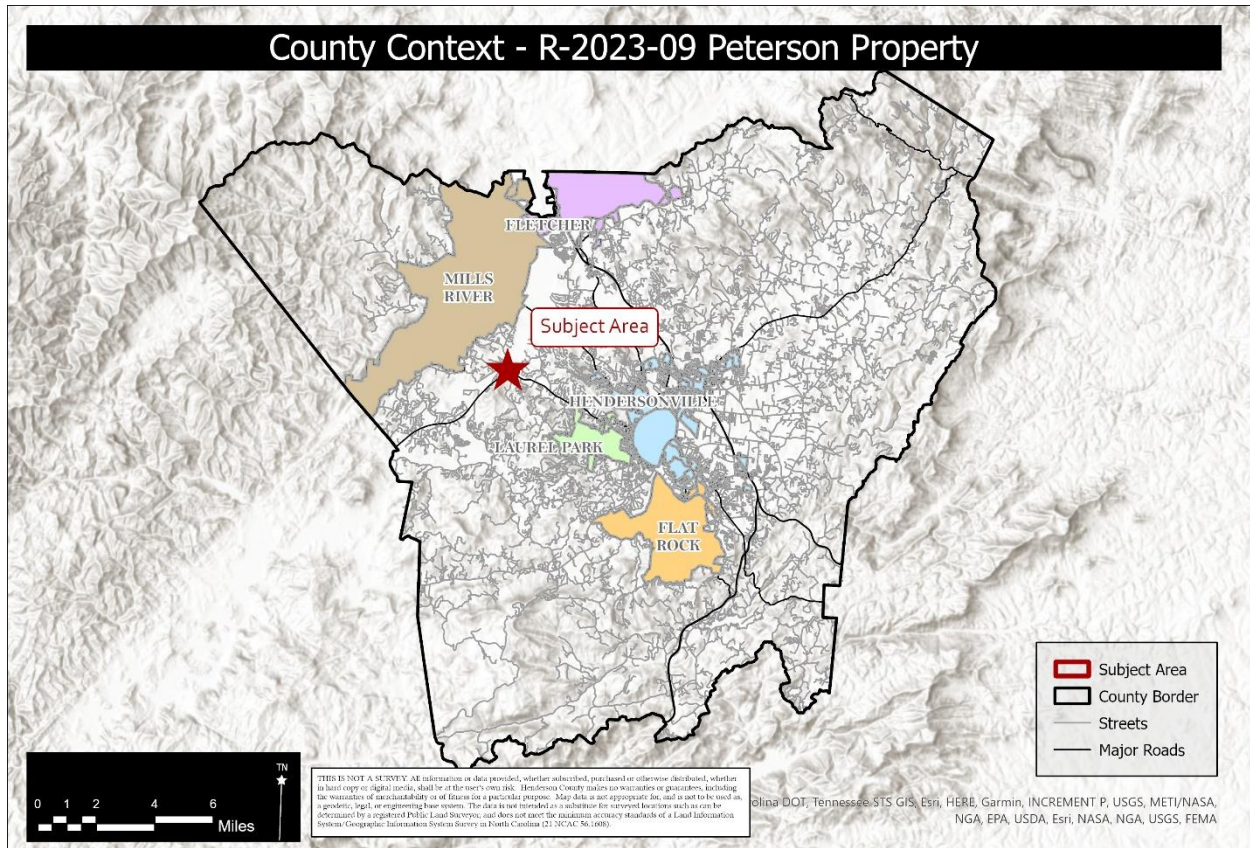
Commercial & Residential

**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)



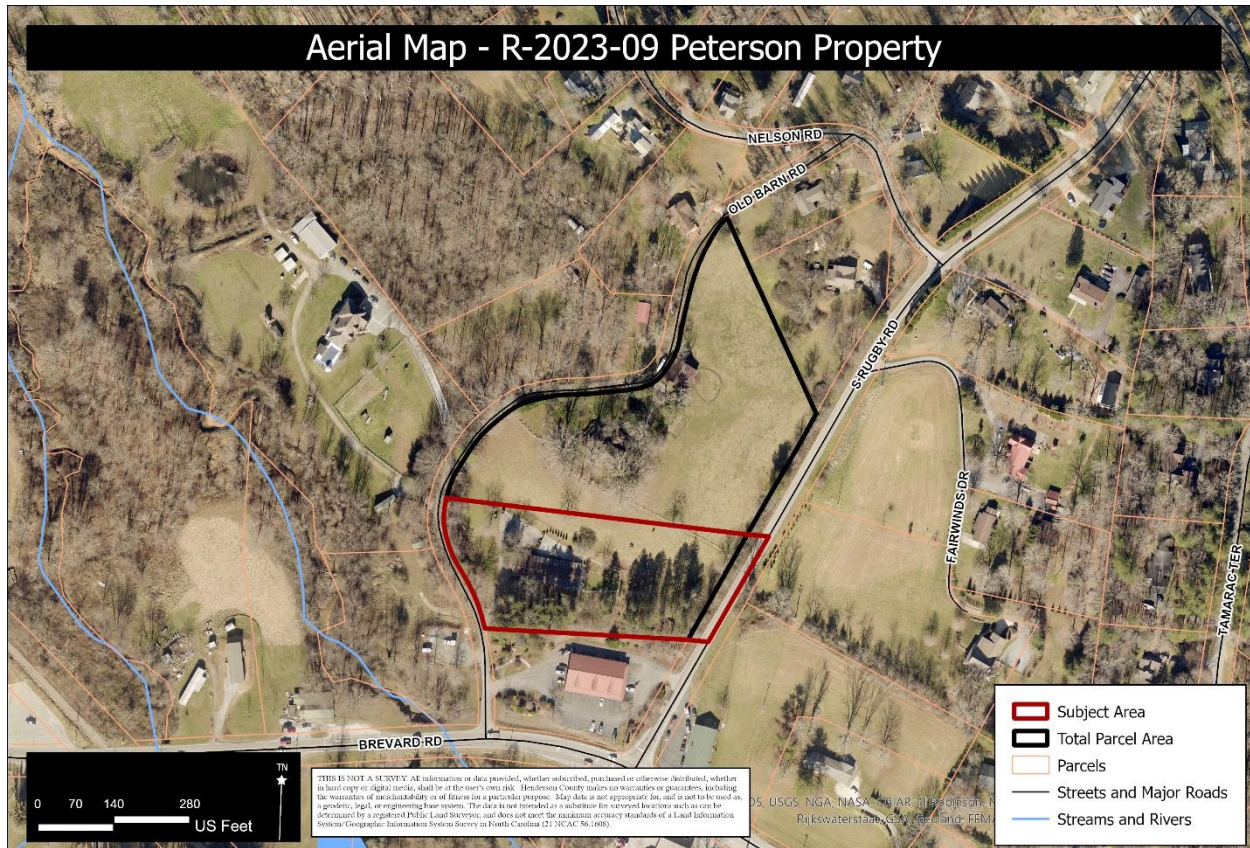
**BACKGROUND:**

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**



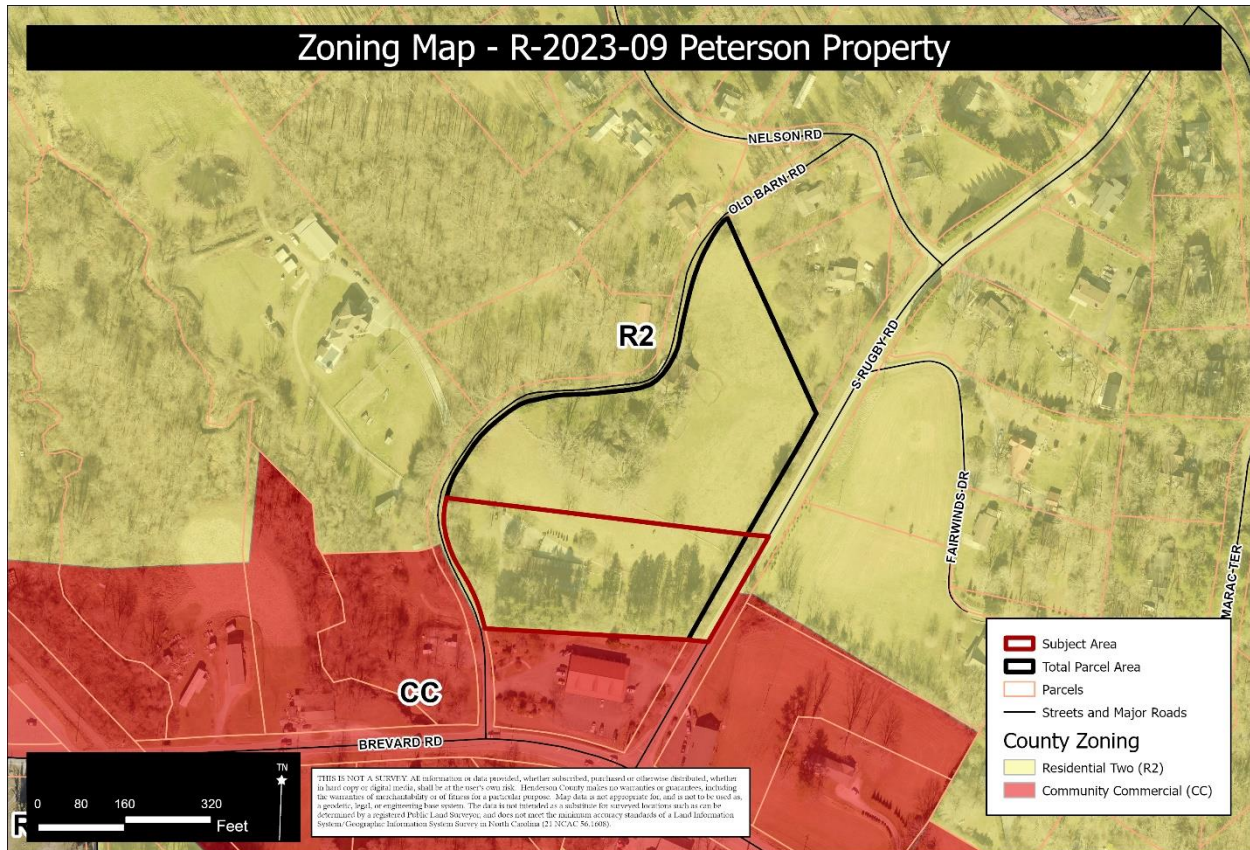
Property Owners/Applicants: Ernest and Jeri Peterson  
 Rezoning Area: 2.38 Acres PINs: 9549-19-5165  
 Current Zoning: Residential Two (R2)



**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).

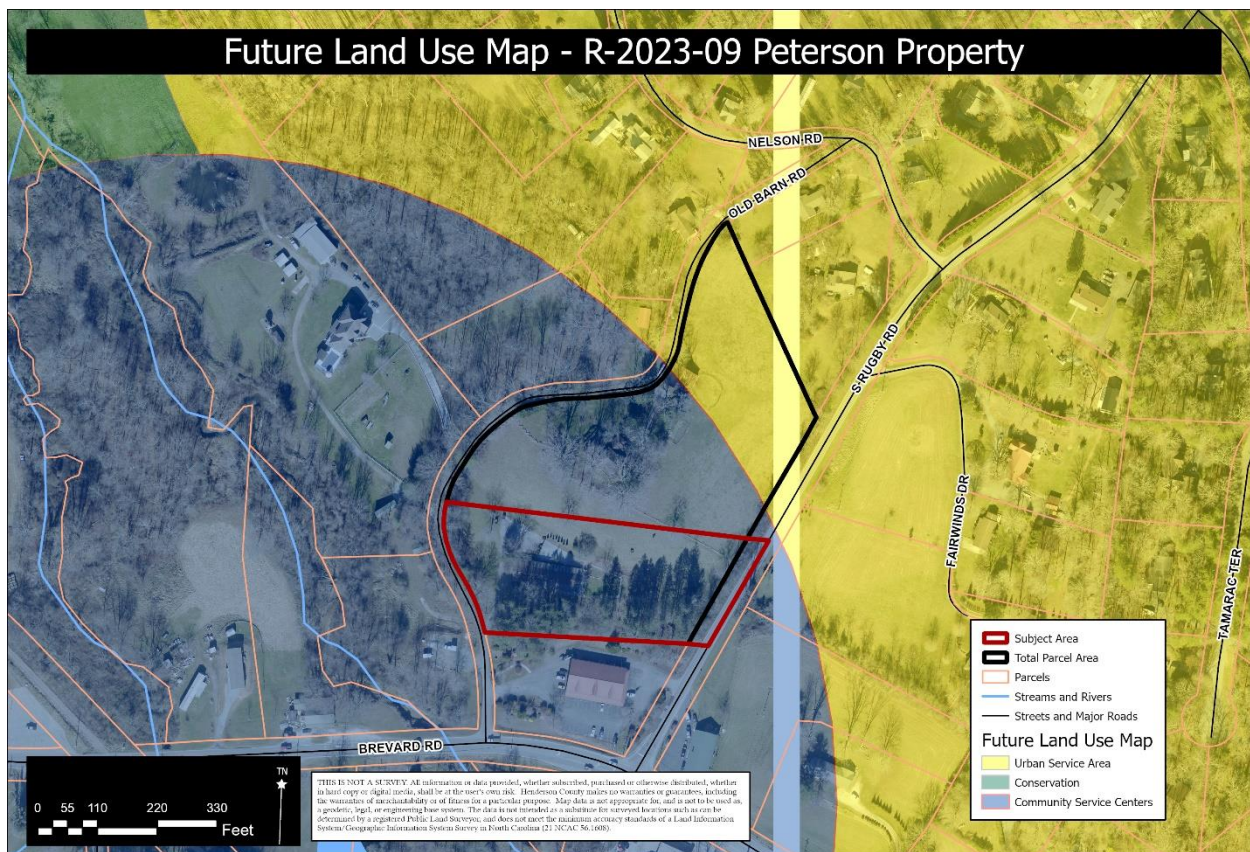
**Community Commercial (CC):** “The purpose of the Community Commercial District (CC) is to foster orderly growth where the principal use of land is commercial. The intent of this district is to allow for commercial development consistent with the recommendations of the Comprehensive Plan. In accordance 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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 Current Zoning: Residential Two (R2)

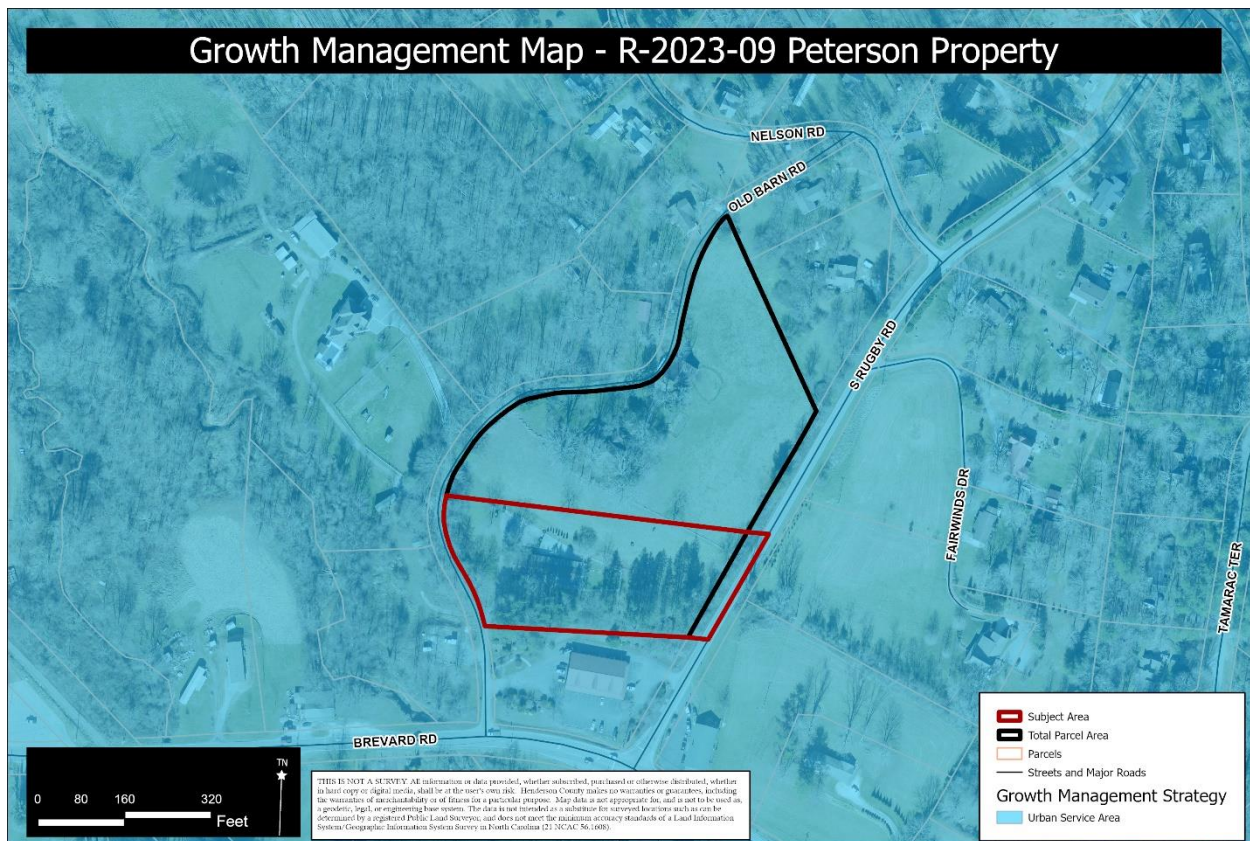


**County Comprehensive Plan (CCP) Compatibility** The CCP Future Land Use Map identifies the subject area as being contained within the Community Services Center classification.

**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**

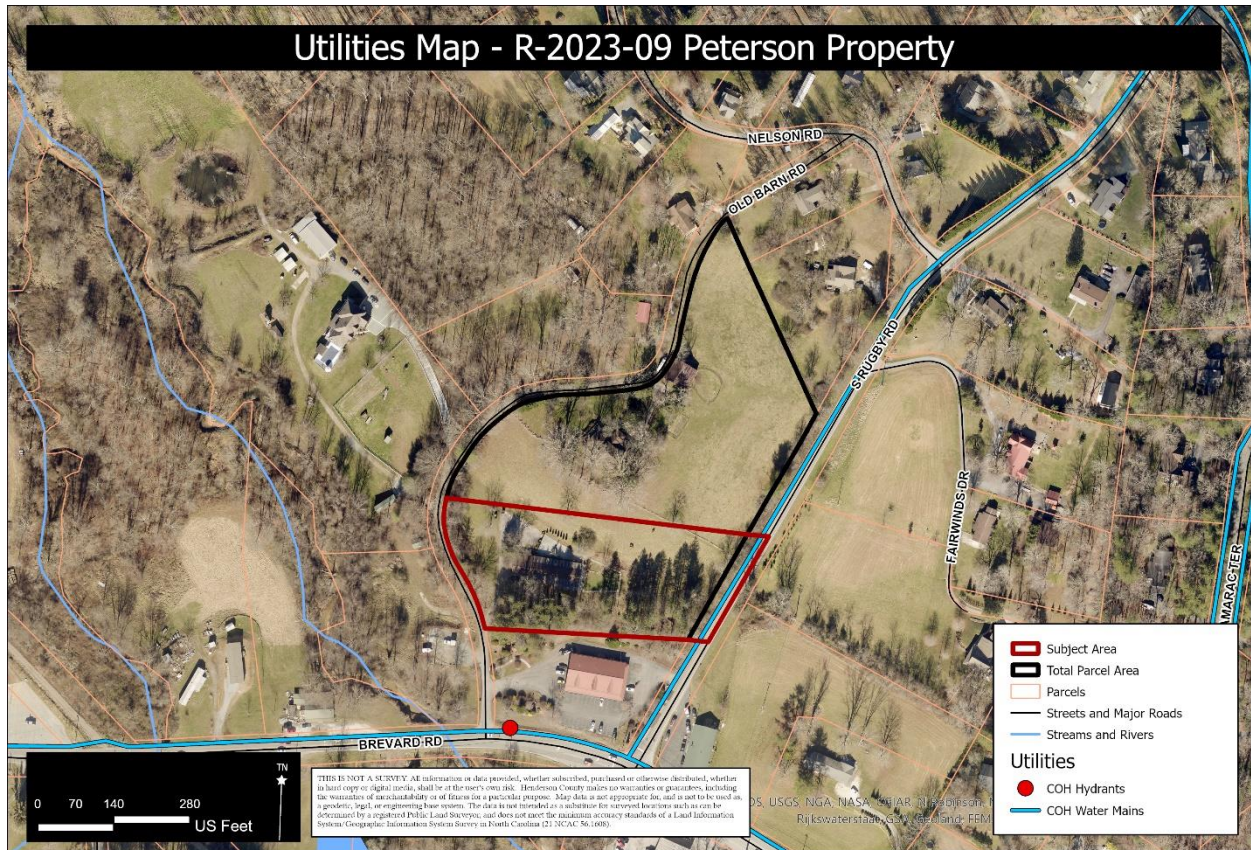


Property Owners/Applicants: Ernest and Jeri Peterson  
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**Growth Management Strategy Compatibility:** The CCP shows the subject area located in the Urban Services area for Growth Management Strategy. The CCP states, “Substantial investments in affordable 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.

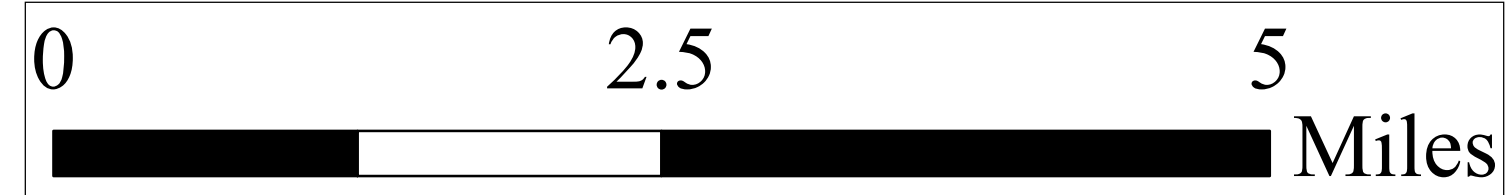
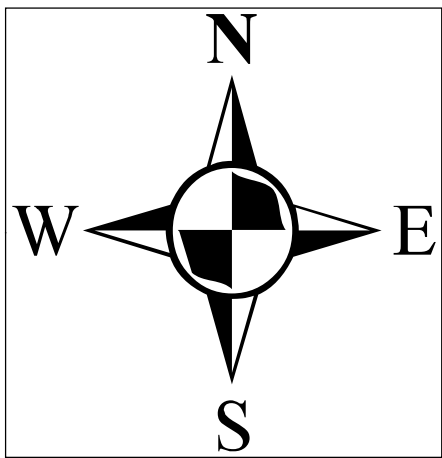
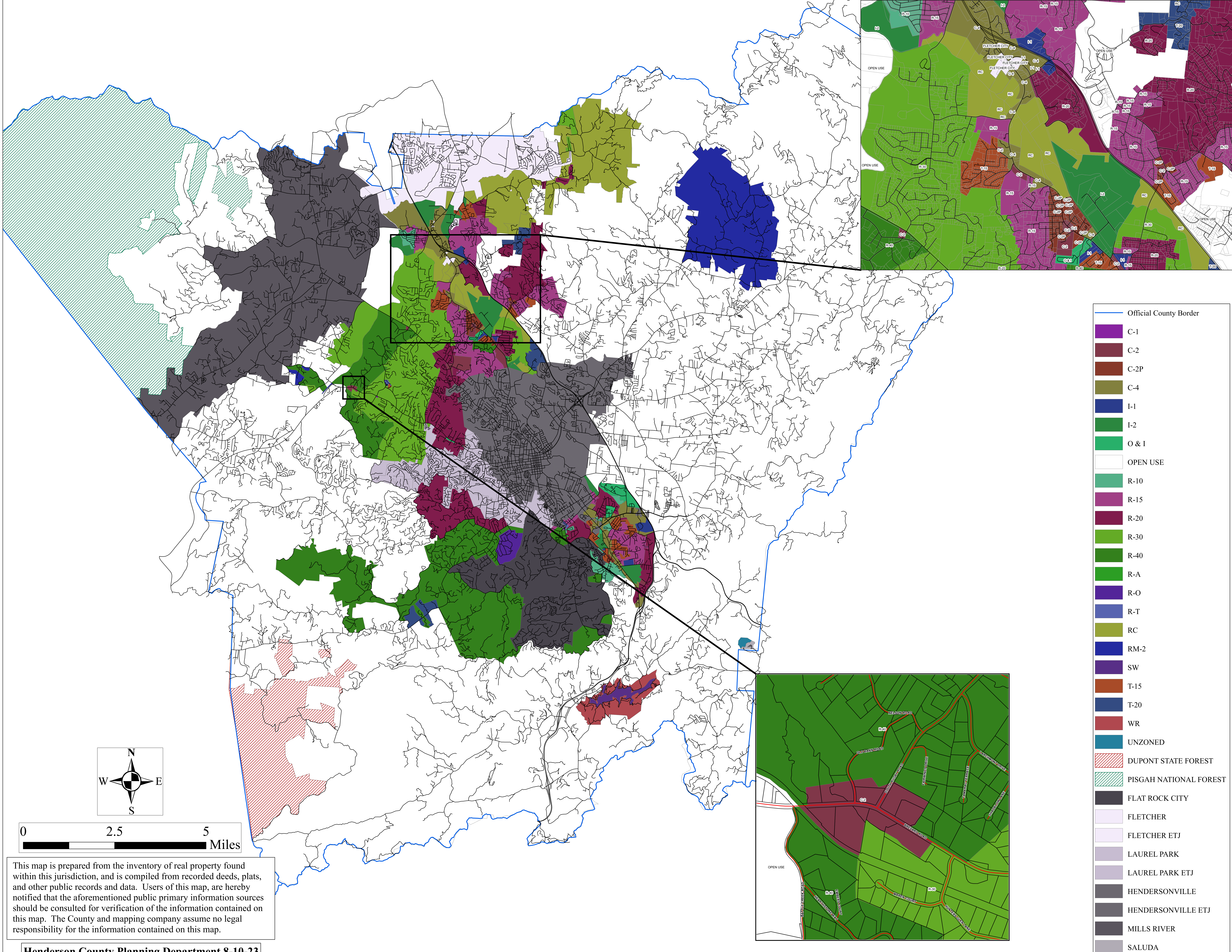
**Planning Board Recommendations**

The Planning Board will hear the case at their September 21, 2023.

**Board of Commissioners Public Hearing**

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





This map is prepared from the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this map, are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The County and mapping company assume no legal responsibility for the information contained on this map.

- Official County Border
- C-1
- C-2
- C-2P
- C-4
- I-1
- I-2
- O & I
- OPEN USE
- R-10
- R-15
- R-20
- R-30
- R-40
- R-A
- R-O
- R-T
- RC
- RM-2
- SW
- T-15
- T-20
- WR
- UNZONED
- DUPONT STATE FOREST
- PISGAH NATIONAL FOREST
- FLAT ROCK CITY
- FLETCHER
- FLETCHER ETJ
- LAUREL PARK
- LAUREL PARK ETJ
- HENDERSONVILLE
- HENDERSONVILLE ETJ
- MILLS RIVER
- SALUDA

# Rezoning #R-2023-09 Peterson Property



Planning Board  
September 21, 2023

*Henderson County Planning Department*

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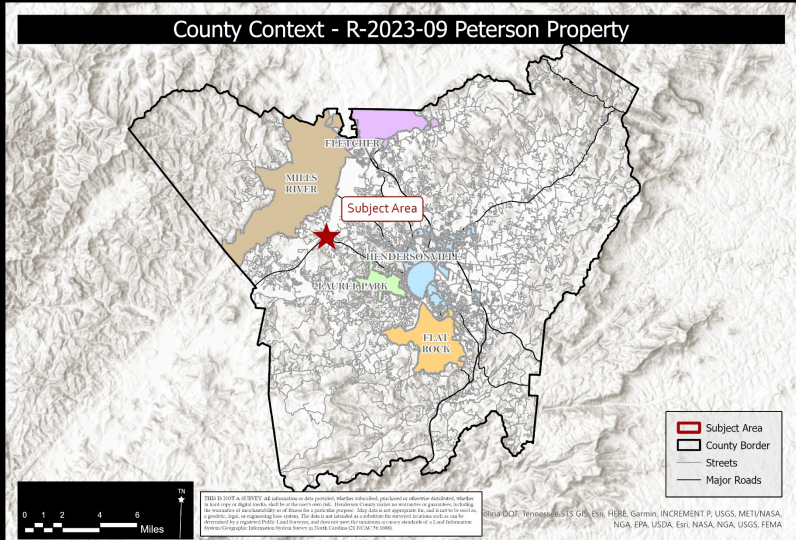
## Application Summary

- 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

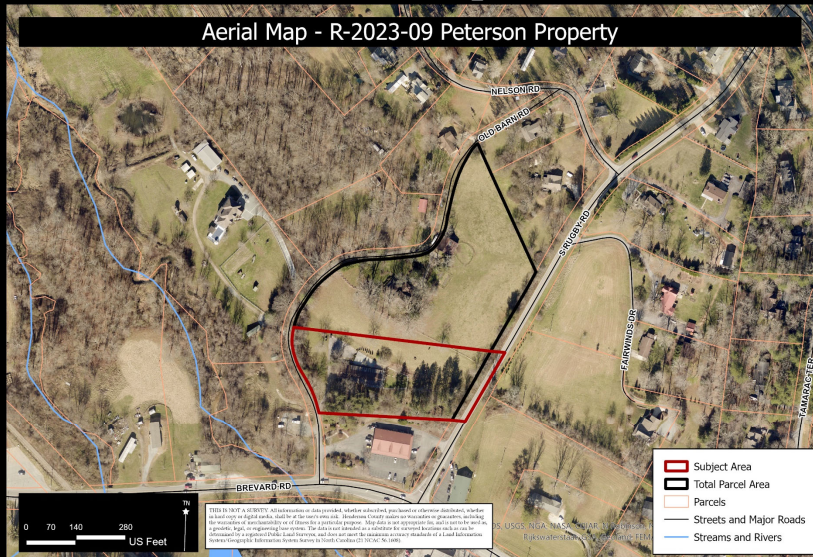


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# Aerial Map

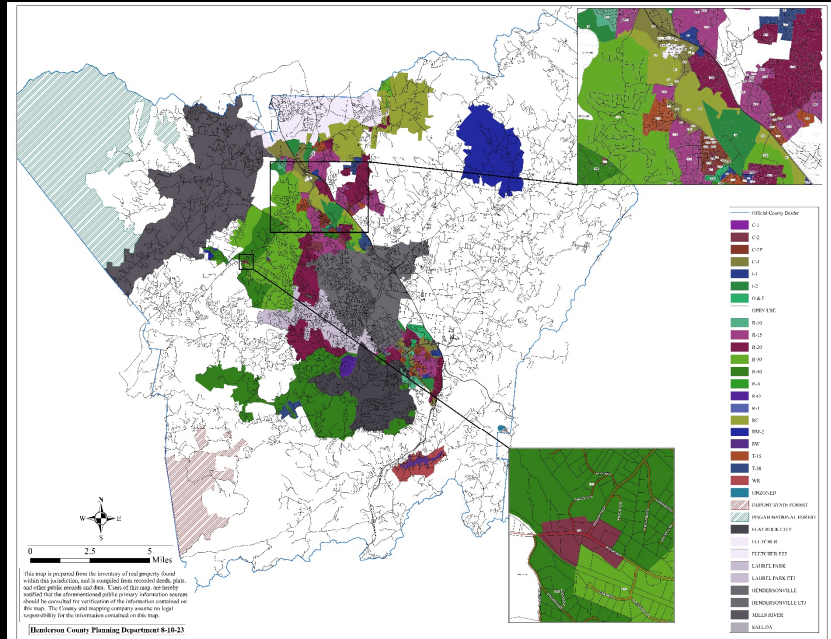


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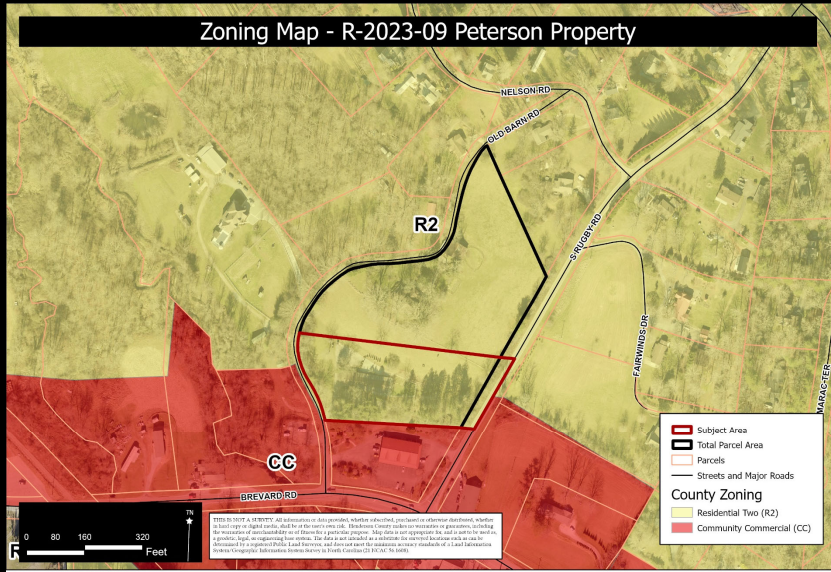
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# Zoning Prior to LDC

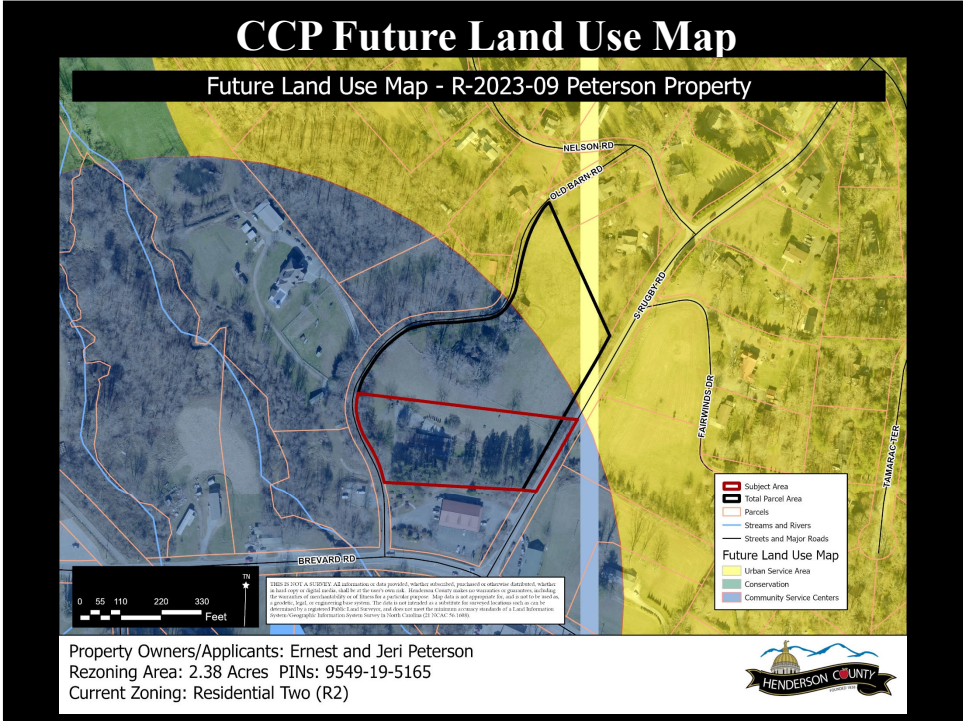


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# Current Zoning Map



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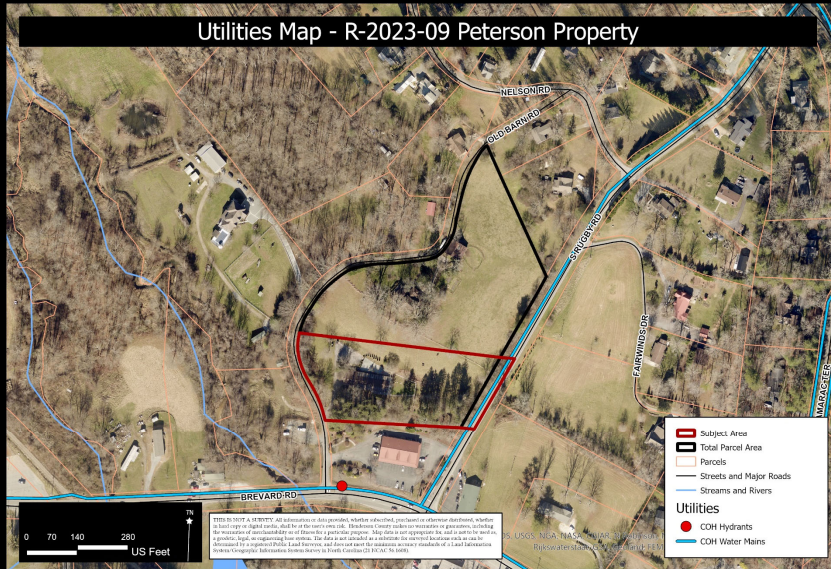


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# Public Utilities Map



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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.

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**Rezoning #R-2023-09**

# Questions



*Henderson County Planning Department*