

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARING

Rezoning Application #R-2005-05 (O&I to I-2)

Henderson County Board of Public Education, Applicant
Patsy Brison, Applicant's Agent

Meeting Date: Monday, February 6, 2006

Attachments:

1. R-2005-05 Application (with partial attachments)
2. Staff Report
3. Site / Current Zoning Map
4. Vicinity / Current Zoning Map
5. Current Land Use Map
6. 2020 County Comprehensive Plan Future Land Use Map
7. O&I District Text
8. I-2 District Text
9. Photos of Study Area
10. Excerpt of Planning Board Minutes from December 20, 2005
11. Notice of Public Hearing

SUMMARY OF REQUEST:

Rezoning Application #R-2005-05, which was submitted on November 15, 2005, requests that the County rezone approximately 27.03 acres of land, located off Mills Street (SR 1819) and divided by James Street (SR 1820), from an O & I (Office and Institutional) zoning district to an I-2 (General Industrial) zoning district. The Subject Area appears to be parcel 9577-76-3603 which is owned by the Henderson County Board of Public Schools. The Applicant is Henderson County Board of Public Education, and the Applicant's Agent is Patsy Brison.

The Henderson County Planning Board considered rezoning application #R-2005-05 at its regularly scheduled meeting on December 20, 2005. During that meeting, the Board voted 5 to 1 to send the Board of Commissioners a favorable recommendation on rezoning application #R-2005-05 to rezone the Subject Area from an O & I zoning district to an I-2 zoning district.

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with Section 200-76 of the Henderson County Zoning Ordinance and

State Law, notices of the February 6, 2006, public hearing regarding rezoning application #R-2005-05 were published in the Hendersonville Times-News on January 18, 2006 and January 25, 2006. The Planning Department sent notices of the hearing via first class mail to the applicants and owners of properties adjacent to the Subject Area on January 26, 2006. Planning Staff posted signs advertising the hearing on the Subject Area on January 26, 2006.

COUNTY MANAGER'S RECOMMENDATION / BOARD ACTION REQUESTED:

Following the public hearing, Board action to approve, modify or deny rezoning application #R-2005-05 would be appropriate.

Application #: R-2005-05

Application to Amend the Official Zoning Map of Henderson County, NC

REZONING

1. PROPERTY OWNER INFORMATION

The Henderson County Board of Public
 Property Owner Name Education
414 Fourth Avenue West
 Mailing Address
Hendersonville, NC 28739-4261
 City, State, Zip Code
(828) 697-4733
 Telephone Number(s)

Note:

The property owner must file applications for zoning map amendments. If owners of multiple parcels are requesting rezoning, one owner should sign the application and attach statements or other documents showing support for the application with signatures from the other owners. Include property owner names and mailing addresses as well as parcel identification numbers (PINs).

2. SUBJECT PROPERTY INFORMATION

Attach a description of the property for which rezoning is being proposed. Such description may be in the form of a property survey, a legal description or a legible copy of a Henderson County cadastral or composite tax map which shows the proposed zoning district boundary changes.

Size of Area to be Rezoned 27.03 acres Parcel ID Number(s)* 9577-76-3603
 Current Zoning* 0 & 1 - office and institutional Proposed Zoning* I-2 - general industrial

* If additional space is needed, attach a list of the PINs, the current zoning and the proposed zoning for each parcel proposed for rezoning.

3. ADJACENT PROPERTY INFORMATION

Attach a list of property owner names, mailing addresses and parcel ID numbers for parcels abutting the property proposed for rezoning.

See attached list

I certify that the information contained in this application is true and accurate to the best of my knowledge.

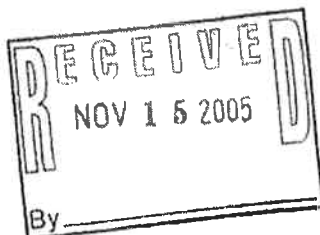
Stephen L. Page
 Signature of Property Owner
Superintendent of Schools

November 15, 2005
 Date

Staff Use Only

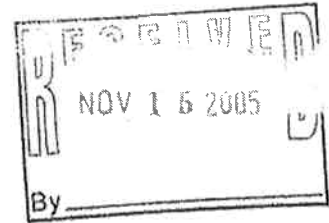
Previous request for same amendment? Yes ☐ No ☒ Action: NA Date: NA
 Application Received By: Matthew Cable Date: 11-15-05

Non-refundable application fee: \$400.00



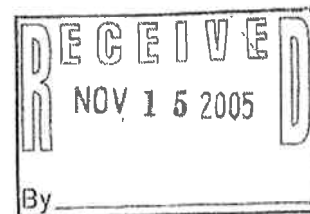
HCPD July 2005

Adjacent Property Owners



No.	PIN #	Name	Address
1	9577-66-4599	James Charles Roberts and Rhonda Delozier	1890 Spartanburg Highway Hendersonville, NC 28792
2	9577-66-5683	Patrick & Katherine Pirri	121 Haven Road East Flat Rock, NC 28726
3	9577-66-6760	Dennis Neusbaum and Anna Capasso	117 Haven Road East Flat Rock, NC 28726
4	9577-66-7746	Dennis Williams	P. O. Box 6052 Hendersonville, NC 28793
5	9577-66-8831	Jeaneal H. Cline	2614 Bobs Creek Road Zirconia, NC 28790
6	9577-66-9817	Clarence J. Lane, III	407 4 th Avenue West, Apt. 8 Hendersonville, NC 28791
7	9577-66-9992	Thomas and Brenda Jones	101 Haven Road East Flat Rock, NC 28726
8	9577-77-0261	Gladys J. Ward	2810 N. Matthews Road Bryans Road, MD 20616
9	9577-77-0468	John M. Edwards	Box 621 East Flat Rock, NC 2826
10	9577-77-3822	State of North Carolina (National Guard Armory)	US 176S Hendersonville, NC 28792
11	9577-77-8543	Ernest E. & Nancy Williams	530 Stoney Mountain Road Hendersonville, NC 28791
12	9577-77-7387	Douglas and Marilyn Climenhaga	511 E. Crooked Creek Lane Hendersonville, NC 28739
13	9577-77-9200	B & G Enterprises, LLC	1584 Airport Road Hendersonville, NC 28792
14	9577-76-8976	Neal E. Jackson	P. O. Box 1206 Hendersonville, NC 28793
15	9577-76-9805	Neal E. Jackson	P. O. Box 1206

			Hendersonville, NC 28793
16	9577-76-9705	Margaret E. King	115 James Street East Flat Rock, NC 28726
17	9577-76-8625	Ava Duke King	214 Mills Street East Flat Rock, NC 28726
18	9577-76-7574	Gary Allen Corn	218 Mill Street East Flat Rock, NC 28726
19	9577-86-0412	Margaret King	115 James Street East Flat Rock, NC 28726
20	9577-75-8714	Albert M. Moreno, Sr. (but deed says Moreno Properties, LLC)	305 West King Street East Flat Rock, NC 28726
21	9577-75-1839	Minute Man Anchors, Inc.	305 West King Street East Flat Rock, NC 28726



HENDERSON COUNTY PUBLIC SCHOOLS
414 4th AVE. WEST, HENDERSONVILLE, NC 28739-4261

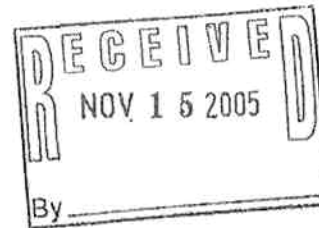
Local Expense Fund

UNIT
NO. 450

CHECK NO.

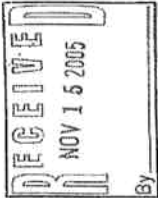
334200 Attachment 1

ACCOUNT NUMBER	INVOICE #	P.O.#	DESCRIPTION	INV. AMOUNT	DISCOUNT	NET AMOUNT
2.6310.801.699.000.706.00	111405		FAIRGROUNDS PROPERTY	400.00		400.00
<p>Application Fee (\$400.00) (Accompanying Application to Amend the Official Zoning Map of Henderson County, N <u>REZONING</u> Submitted/requested by the Henderson County Board of Public Education</p> <p>27.03 acres ("Old Fairgrounds Property") Current Zoning: O & I (Office and Institutional) Proposed Zoning: I-2 (General Industrial)</p>						
334200 11/14/05	38750 HENDERSON COUNTY ZONING DEPT			.00	.00	.00
					400.00	



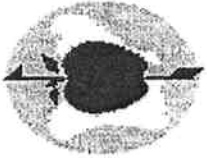
PAYEE SHOULD DETACH STUB AND DEPOSIT VOUCHER AT ONCE

Henderson County Parcel Print Page



*****WARNING: THIS IS Date: 11/11/2005

NOT A SURVEY!*****
This map is prepared for 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



Rec	1
PIN	957763603
PID	9905724
Name_1	HENDERSON CO BOARD OF PUBLIC SCHOOLS
Name_2	
Mailing Address	C/O JIM YARBROUGH414 4TH AVENUE WEST HENDERSONVILLE, NC 28739
Prop_Desc	FAIRGROUND

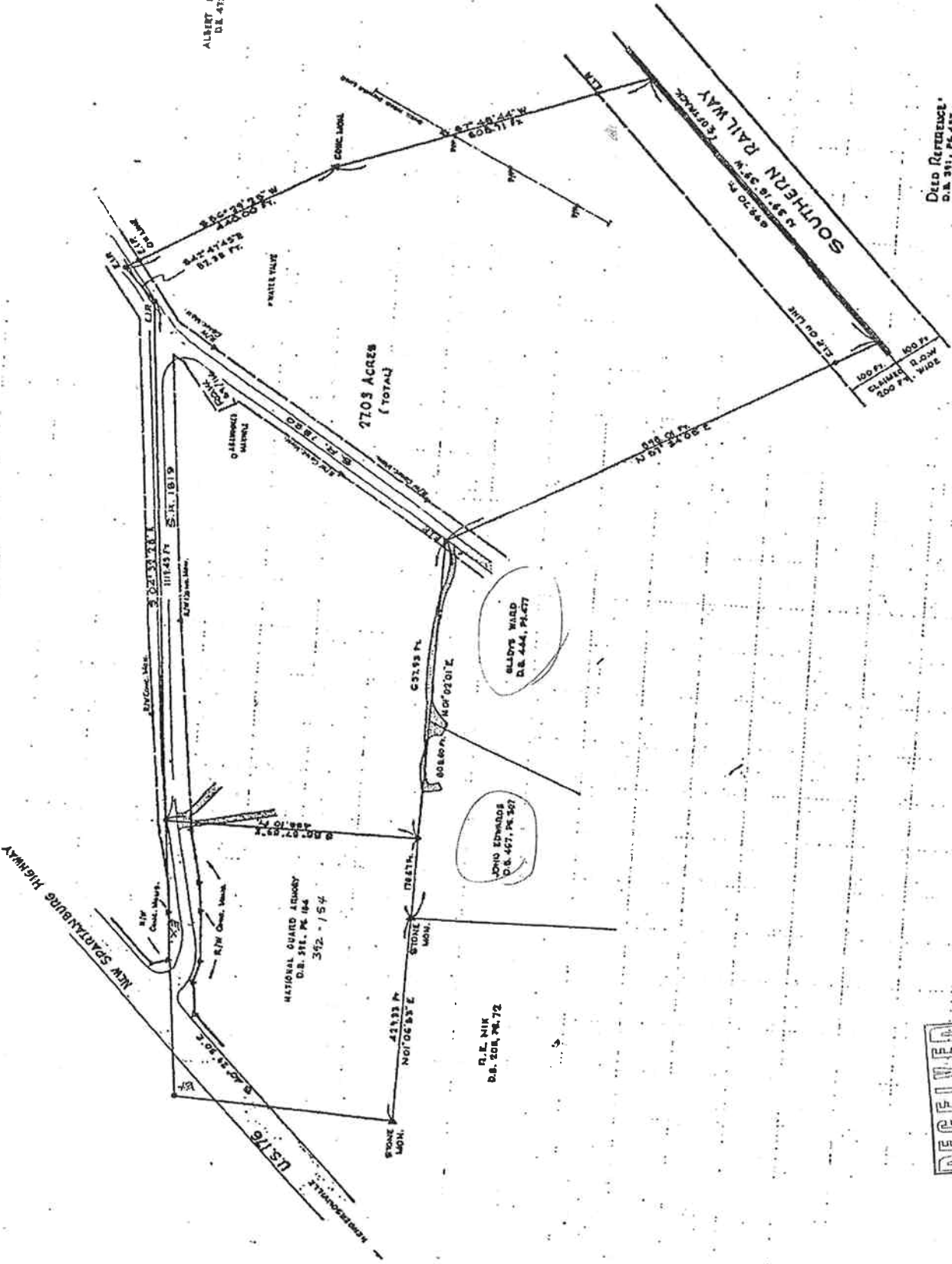


VICINITY MAP

ALBERT H. MORELLO
D.E. 478, P.C. 345

MAP OF SURVEY
MADE FOR
**HENDERSON COUNTY
BOARD OF EDUCATION**
HENDERSONVILLE, TENN. HENDERSON COUNTY, N.C.
LAURENCE YENDEL AND ASSOCIATES, P.A.
131 FOUNTAIN AVENUE, P.O. BOX 1000

Deed Reference:
D.E. 381, P.C. 457



RECEIVED
NOV 15 2005
By

Henderson County Planning Department Staff Report
Rezoning Application #R-2005-05 (O&I to I-2)
Henderson County Board of Public Education, Applicant
Patsy Brison, Applicant's Agent

1. Introduction

- 1.1. Applicant: Henderson County Board of Public Education
- 1.2. Applicant's Agent: Patsy Brison
- 1.3. Subject Area PIN: 00957776360355
- 1.4. Application Date: November 15, 2005
- 1.5. Request: Rezone 27.03 acres (approximately) of parcel 00957776360355 (hereafter the Subject Area) from an O&I (Office and Institutional) zoning district to an I-2 (General Industrial) zoning district. (Please see Attachment 3: Site / Current Zoning Map).
- 1.6. Subject Area Size: Approximately a 27.03-acre tract of land

2. Location

- 2.1. Please see Attachment 4: Vicinity / Current Zoning Map
- 2.2. The Subject Area is located off Mills Street (SR 1819), approximately 380 feet south of the intersection of Mills Street and Spartanburg Highway (US 176) on the old County Fair Grounds.
- 2.3. The Subject Area is located approximately 920 feet (0.17 miles) southwest of the intersection of Spartanburg Highway (US 176) and Highland Lake Road / Upward Road (SR 1783).
- 2.4. The Subject Area is located approximately 6700 feet (1.27 miles) from I-26.
- 2.5. The Subject Area has approximately 1040 feet (0.20 miles) of road frontage along Mills Street (SR 1819) and approximately 1480 feet (0.28 miles) of road frontage along James Street (SR 1820).
- 2.6. The Subject Area abuts Southern Railway on the southwest.

3. Current Zoning

- 3.1. Please see Attachment 3: Site / Current Zoning Map
- 3.2. The Subject Area is currently zoned O&I (Office and Institutional), which was applied on October 1, 1990, as part of the East Flat Rock Phase I Land Use Plan.
- 3.3. **Adjacent Zoning:**
 - 3.3.1. The Subject Area is surrounded on the north by an O&I (Office and Institutional) zoning district, to the south by an I-2 (General Industrial) zoning district, to the east by a C-4 (Highway Commercial) zoning district, and to the west by a T-15 (Medium-Density Residential With Manufactured Homes) zoning district.
 - 3.3.2. The Subject Area is also located approximately 1150 feet (0.21 miles) east of an R-20 (Low-Density Residential) zoning district, 720 feet (0.14 miles) west of an R-15 (Medium-Density Residential) zoning district, 650 feet (0.12 miles) west of an R-10 (High-Density Residential) zoning district, 340 feet (0.07 miles) north of an additional R-10 (High-Density Residential) zoning district, and 820 feet (0.16 miles) north of an I-1 (Light Industrial) zoning district.
- 3.4. **Comparison of Districts:**
 - 3.4.1. Please see Attachments 7 & 8: District Text Descriptions
 - 3.4.2. **O&I Office and Institutional Zoning District**
 - 3.4.2.1. **O&I Office and Institutional Purpose Statement:** *"This district is intended to provide a compatible mixture of office, low-density residential, light commercial and institutional uses"* (Henderson County Zoning Ordinance [HCZO] § 200-26).
 - 3.4.2.2. O&I is a mixed-use district that allows a variety of uses. These uses include: single-family dwellings (excluding manufactured homes), two-family dwellings, apartments (provided that they be no larger than a four-family dwelling on a single lot), churches, church cemeteries, certain signs, transformer and public utility stations, customary accessory buildings (including private garages, noncommercial greenhouses and workshops), schools, civic and cultural buildings, offices, governmental and civic uses, radio and television studios, travel agencies, family care homes, and Group 1, 2 & 4 communication towers (with restrictions). Conference centers; hospitals, nursing homes and other extended care facilities; and colleges, universities and vocational schools are allowed with a special use permit. Small retail businesses conducted within an enclosed space, funeral homes, restaurants, motion-picture theaters, parks, camps, tennis and racquet clubs, golf courses, convenience stores with gas pumps, customary incidental home occupations, bed-and-breakfast inns, clinics, and nursery

and day-care facilities are allowed with a conditional use permit. The minimum lot area for new lots is 30,000 square feet. Setbacks are as follows: 75 feet from the centerline of major streets and 60 feet from the centerline of all other streets; and 30 feet from the side and rear property lines. There is no maximum building height for principal structures (some exceptions apply) (HCZO § 200-26).

3.4.3. I-2 General Industrial Zoning District

3.4.3.1. **The I-2 General Industrial District:** Please note there is no purpose statement for the I-2 district.

3.4.3.2. I-2 is a general industrial zoning district allowing most types of heavy industrial uses including some commercial uses. Residential uses are not permitted. Mining and extraction operations are allowed with a conditional use permit, while motor sports facilities, adult establishments, and group five (5) communication towers are allowed with a special use permit. Setbacks are as follows: 75 feet from the centerline of major streets and 60 feet from the centerline of all other streets; and the side and rear setbacks are the same as the side yard requirements to which the district is contiguous (some exceptions apply). There is no maximum building height for principal structures. Where this district abuts a lot in a residential district, there shall be provided and maintained along said property line a continuous visual buffer strip, and said strip shall be planted and maintained in a neat and growing condition (Henderson County Zoning Ordinance [HCZO] § 200-24).

4. Subject Area Uses and Adjacent Uses

4.1. Please see Attachment 5: Current Land Use Map

4.2. The Subject Area is currently undeveloped.

4.3. The Subject Area is an inactive Superfund Site, as classified by the state of North Carolina. The Subject Area was formerly classified on the Federal Superfund Site list but has since been removed from that list. These classifications are due to contamination in the southwestern portion of the Subject Area, near the railroad.

4.4. Looking at the surrounding area, most uses within the vicinity of the Subject Area are residential, commercial, industrial, and institutional community uses. Residential uses include a number of single-family residential homes, many of which are in the Old Mill Haven neighborhood located adjacent to the Subject Area, to the west and northwest. In addition a number of commercial uses are within the vicinity of the Subject Area, to the east and southeast, including Eagle Self Storage, Highland Center, and S & S Power Source Incorporated. At the intersection of Spartanburg Highway (US 176) and Highland Lake Road / Upward Road (SR 1783) are several commercial uses just to the northeast of the

Subject Area, including Ingles, Carolina Car Wash, Apple Cars and Village Square (currently under construction). Office and institutional uses are located adjacent to the Subject Area, to the north and northwest, and include the National Guard Armory. Industrial uses can be found adjacent to the Subject Area, to the south, and include Minute Man Anchors, Inc.

5. Utilities / Infrastructure

5.1. Sewer / Water:

5.1.1. The Subject Area has access to City of Hendersonville public water and sewer lines.

5.2. Transportation:

5.2.1. The 2003 Annual Average Daily Traffic Count for Mills Street (SR 1819) in the vicinity of the Subject Area was 170 vehicles per day. By comparison the 2001 Annual Average Daily Traffic Count for Mills Street (SR 1819) in the vicinity of the Subject Area was 250 vehicles per day.

5.2.2. The 2000 Annual Average Daily Traffic County for James Street (SR 1820) in the vicinity of the Subject Area was 380 vehicles per day.

5.2.3. The 2003 Annual Average Daily Traffic Count for Spartanburg Highway (US 176) in the vicinity of the Subject Area was 11,000 vehicles per day. By comparison the 2002 Annual Average Daily Traffic Count for Spartanburg Highway (US 176) in the vicinity of the Subject Area was 12,000 vehicles per day, and the 2001 Annual Average Daily Traffic County was 16,000 vehicles per day.

5.2.4. The 2002 Annual Average Daily Traffic Count for Highland Lake Rd (SR 1783) in the vicinity of the Subject Area was 5,500 vehicles per day. By comparison the 2000 Annual Average Daily Traffic Count for Highland Lake Rd (SR 1783) in the vicinity of the Subject Area was 5,100 vehicles per day.

5.2.5. See Section 6.1 regarding NCDOT plans for the area.

6. Relevant Policies, Plans and Actions

6.1. NCDOT Transportation Improvement Plan:

6.1.1. The 2004-2010 Transportation Improvement Plan (TIP) and the 2006-2012 Draft TIP, within the vicinity of the Subject Area, call for widening and improving Upward Road from Spartanburg Highway (US 176) to Howard Gap Road (SR 1006).

6.1.2. No improvements are scheduled for Mills Street (SR 1819), James Street (SR 1820), Spartanburg Highway (US 176), or Highland Lake Rd (SR 1783) at this time.

6.2. East Flat Rock Area, Phase I Land Use Plan:

- 6.2.1. The Subject Area lies within the area defined by the East Flat Rock Area, Phase I Land Use Study. As recommended by that Land Use Study, a new zoning district (O&I, Office and Institutional) was proposed and recommended for inclusion in the Zoning Ordinance. The Planning Board and the Planning Staff tried to recommend a zoning district that was appropriate for the existing uses that were predominant in the area. As a result, the proposed O&I zoning district allowed greater flexibility for the use of one's property while preserving the character of the area.

On January 30, 1990, the Planning Board voted unanimously to send the Board of Commissioners a favorable recommendation, with stated modifications, on the proposed O&I zoning district and the East Flat Rock Area, Phase I Land Use Plan.

On October 1, 1990, the Board of Commissioners rezoned the East Flat Rock Area, Phase I, based on the recommendations of the East Flat Rock Area, Phase I Land Use Plan, and amended the Henderson County Zoning Ordinance to include the O&I zoning district.

6.3. 2020 Henderson County Comprehensive Plan (CCP):

- 6.3.1. Please see Attachment 6: 2020 County Comprehensive Plan Future Land Use Map

- 6.3.2. The CCP Future Land Use Map identifies the Subject Area as being located in the Urban Services Area (2020 CCP, Pg. 128, Pg. 129 & Appendix 1, Map 24).

- 6.3.2.1. The CCP states that, "The Urban Services Area (USA) will contain considerable commercial development at a mixture of scales: local, community, and regional. 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. 129).

- 6.3.2.2. The CCP states that, "The Urban Services Area (USA) will contain virtually all existing and future industrial development and will be the focus of future economic development activities. Industrial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community" (2020 CCP, Pg. 129).

- 6.3.2.3. The CCP also states that, "the County's economic development activities should be pursued within USA" (2020 CCP, Pg. 129).

- 6.3.3. The Future Land Use Map also identifies the Subject Area as being suitable for industrial development (2020 CCP, Pg. 128 & Appendix 1, Map 8 and Map 24).

- 6.3.3.1. The CCP states that, "most defined industrial areas should lie within the Urban Service Area," and "should be segregated from other uses with the exception of Regional Commercial uses" (2020 CCP, Pg. 136).

- 6.3.3.1.1. It should be noted that the industrial classification on the Future Land Use Map is based on recommendations from the former Committee of 100 (now the Partnership for Economic Development) of the Greater Hendersonville Chamber of Commerce which presented its recommendations regarding sites for future industrial development and associated zoning for a 10-15 year time frame to the Henderson County Board of Commissioners on October 17, 2001.
- 6.3.3.2. The CCP also states that, "it is intended that the Countywide Industrial / Commercial Zoning Study and Community Plans will further refine the location, extent, and intensity of future industrial area" (2020 CCP, Pg. 136).
 - 6.3.3.2.1. According to the CCP implementation schedule adopted by the Board of Commissioners, the Countywide Industrial / Commercial Zoning Study is scheduled to be completed in FY 2004-2005 (2020 CCP, Pg. 148).
 - 6.3.3.2.1.1. The 2005 Henderson County Strategic Plan, adopted by the Board of Commissioners on February 16, 2005, (Henderson County 2005 Strategic Plan, Pg. 8, Strategy 1.1) supports the development of the industrial sector of the economy by implementing the recommendations of the Lockwood Greene Study [E-01].

Action Step #2:

2. Identify appropriate land to preserve for future industrial development.
 - a. Work with the Partnership for Economic Development to establish criteria to be used in identifying parcels appropriate for industrial development. (Feb 05)
 - b. Gather GIS data representing each of the criteria. (Mar 05)
 - c. Develop GIS model to do countywide, parcel-based analysis to locate parcels meeting all the criteria. (Mar 05)
 - d. Compare parcels identified through modeling with the "Committee of 100 Recommended Industrial Zones Map"

(Map 8 in CCP) and revise as necessary.
(Apr 05)

- e. Initiate processes to amend the CCP and the Official Zoning Map of Henderson County as needed to protect sites for industrial development. (May 05)
- f. Incorporate land regulation tools in the new Land Development Code to further protect identified parcels. (Dec 05)

6.3.3.2.1.2. The Planning Board was first presented to the Planning Board at its June 21, 2005 meeting, and referred to the Zoning and Land Use Subcommittee at that meeting. The Planning Board, at its January 17, 2006 meeting, unanimously recommended that the Board of Commissioners approve the Henderson County Industrial Study. According to the current draft of the Henderson County Industrial Study, the area containing the Subject Area is recommended for Commercial/Industrial uses. The draft Henderson County Industrial Study states that "The Commercial/Industrial land classification identifies... areas which are most suitable for regional-scale commercial and/or industrial development" and where "residential development and/or low-intensity commercial operations are not compatible with the types of land uses encouraged by the Commercial/Industrial classification" (Draft Henderson County Industrial Study, Pg. 4).

6.3.4. The Future Land Use Map also identifies the northern portion of the Subject Area as being within an identified Community Service Center (2020 CCP, Pg. 134 & Appendix 1, Map 24).

6.3.4.1. The CCP states that, "Community Service Centers are intended to be intensive, efficient, defined concentrations of mixed services" (2020 CCP, Pg. 134).

6.3.4.2. The CCP also states that Community Service Centers should contain the following general land uses: community facilities, local commercial, community commercial and regional commercial (2020 CCP, Pg. 135).

6.3.5. The Subject Area is identified as being in a Priority 4 Planning Area, the East Flat Rock / Upward Road Planning Area, within the community-based planning framework (CCP, Appendix I, Map 33). The CCP assigns highest priority to areas within the USA where it is anticipated that extensive growth will occur (2020 CCP, Pg. 144 and Figure CP.2). The community plan for the area containing the Subject Area is scheduled to begin in FY 2006-2007 (2020 CCP, Pg. 155).

6.3.5.1. The 2005 Henderson County Strategic Plan, adopted by the Board of Commissioners on February 16, 2005, (Henderson County 2005 Strategic Plan, Pg. 13, Strategy 1.23) provides an action step regarding the community planning process, as follows:

Strategy 1.23: Begin community planning process. [CCP, Section 4, Implementation Steps]

Action Steps:

1. Amend CCP Implementation Schedule in order to accommodate for the completion of the Land Development Code. (Mar 05)
2. Begin the NC 191 South/Mills River East small area plan. (FY 05-06)
3. Begin the Etowah/Horseshoe/Mills River South small area plan. (FY 05-06)
4. Begin the East Flat Rock/Upward Road small area plan. (FY 06-07)
5. Begin the Howard Gap Road small area plan. (FY 06-07)

According to the Strategic Plan, the small area plan that could affect the Subject Area (East Flat Rock/Upward Road) would begin in Fiscal Year 2006-2007.

8. Staff Comments and Recommendations

8.1. Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the property to be zoned for industrial uses. This based on the following:

8.1.1. Both the text and map of the 2020 CCP identify the Subject Area as being located in the Urban Services Area (USA), suitable for industrial development, with northern portions of the Subject area located within a Community Service Center.

8.1.1.1. The CCP calls for industrial areas to be generally segregated from other uses with the exception of Regional Commercial uses. The CCP notes that Community Service Centers are intended to contain the community facilities, local commercial, community commercial and regional

commercial uses. The Subject Area directly abuts an existing C-4 (Highway Commercial) zoning district to the east, which would comply with the recommendations of the CCP regarding uses abutting industrial zoned property.

8.1.1.2. The Henderson County Industrial Study will help the County further refine the industrial land use recommendations in the CCP and will, eventually, lead to industrial sites being zoned industrial. The current draft version of the Henderson County Industrial Study identifies the subject area as "Commercial/Industrial," indicating that it is possible the office and institutional land use classification in the Subject Area could be changed to industrial as a result of that study.

8.1.2. The Subject Area directly abuts the existing I-2 (General Industrial) zoning district, which would make this property part of a contiguous I-2 (General Industrial) zoning district. The existing I-2 (General Industrial) zoning district also abuts an existing I-1 (Light Industrial) zoning district.

8.1.3. The Subject Area abuts an existing O&I (Office and Institutional) zoning district and T-15 (Medium-Density Residential With Manufactured Homes) zoning district. Such zoning districts commonly abut other existing I-2 (General Industrial) zoning districts elsewhere in the County.

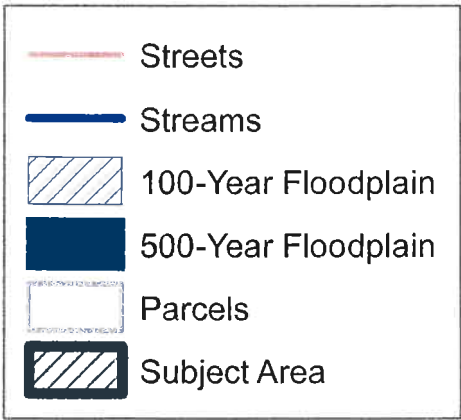
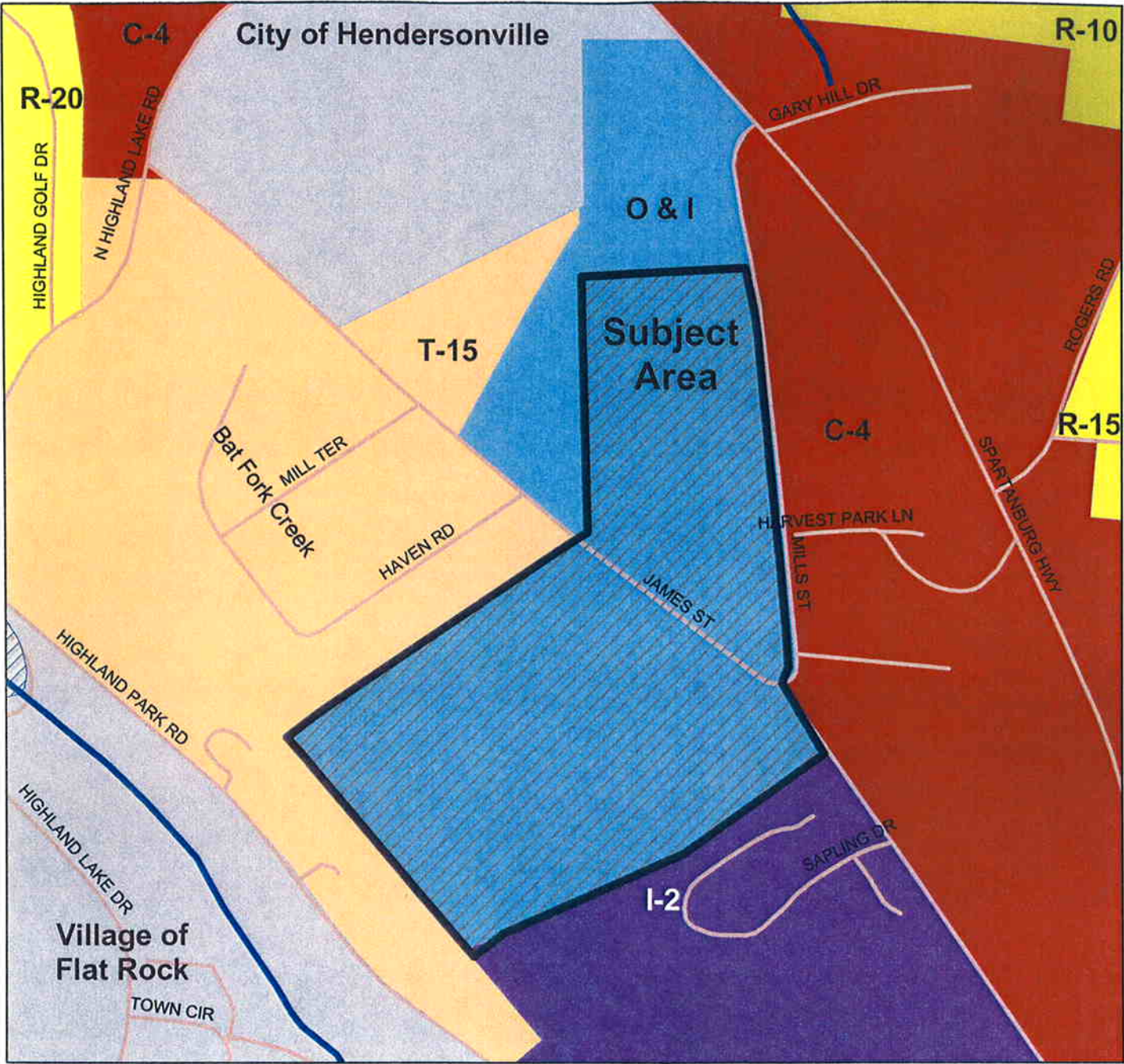
8.1.4. Staff has identified no plans or policies, changes in existing conditions, undue hardship to the Applicant, or overriding community interest that would justify opposing the proposed rezoning.

8.1.4.1. It is generally incumbent upon the Applicant to demonstrate an overriding justification for approving a given rezoning application. Staff encourages the Applicant to present any information that would inform the County's consideration of the proposed rezoning.

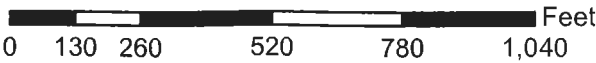
9. Planning Board Recommendations

9.1. Please see Attachment 10: Excerpt of Planning Board Minutes from December 20, 2005

9.2. The Henderson County Planning Board considered rezoning application #R-2005-05 at its regularly scheduled meeting on December 20, 2005. During that meeting, the Board voted 5 to 1 to send the Board of Commissioners a favorable recommendation on rezoning application #R-2005-05 to rezone the Subject Area from an O-I zoning district to an I-2 zoning district.

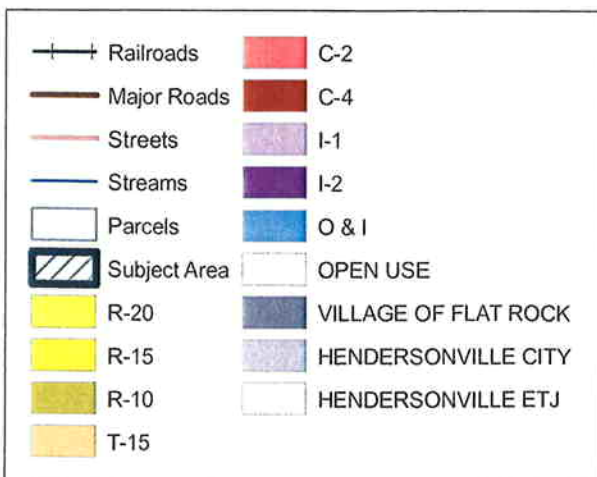
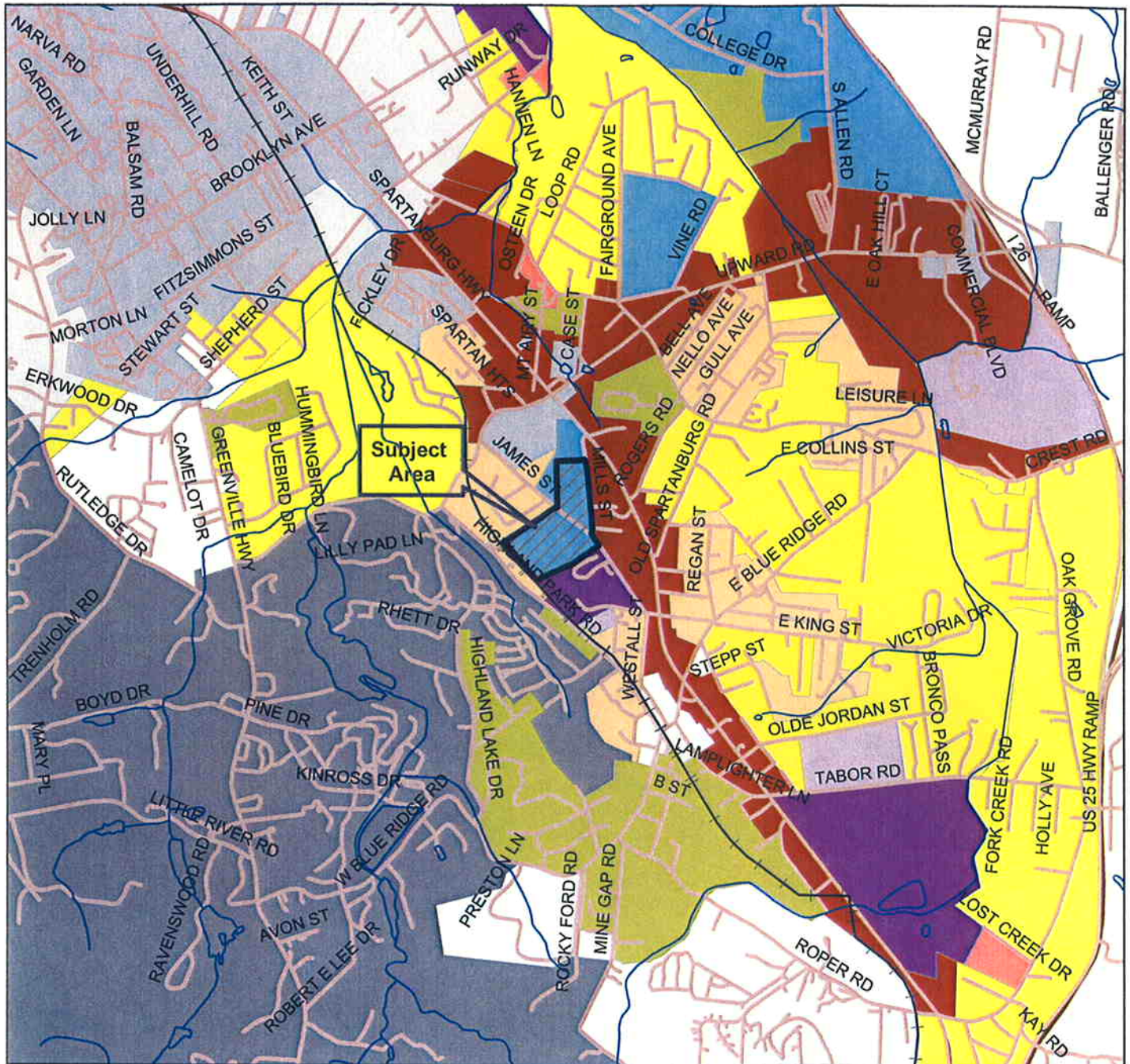


Rezoning Application
#R-2005-05
Henderson County Board of Public Education, Applicant
Patsy Brison, Applicant's Agent



Vicinity / Current Zoning Map

Attachment 4



Rezoning Application
#R-2005-05
Henderson County Board of Public
Education, Applicant
Patsy Brison, Applicant's Agent

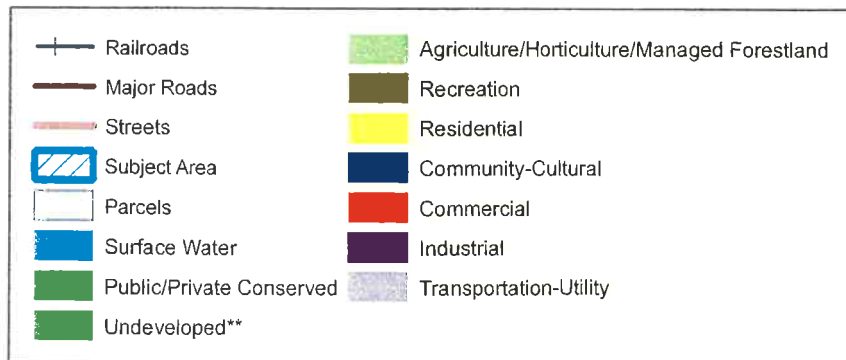
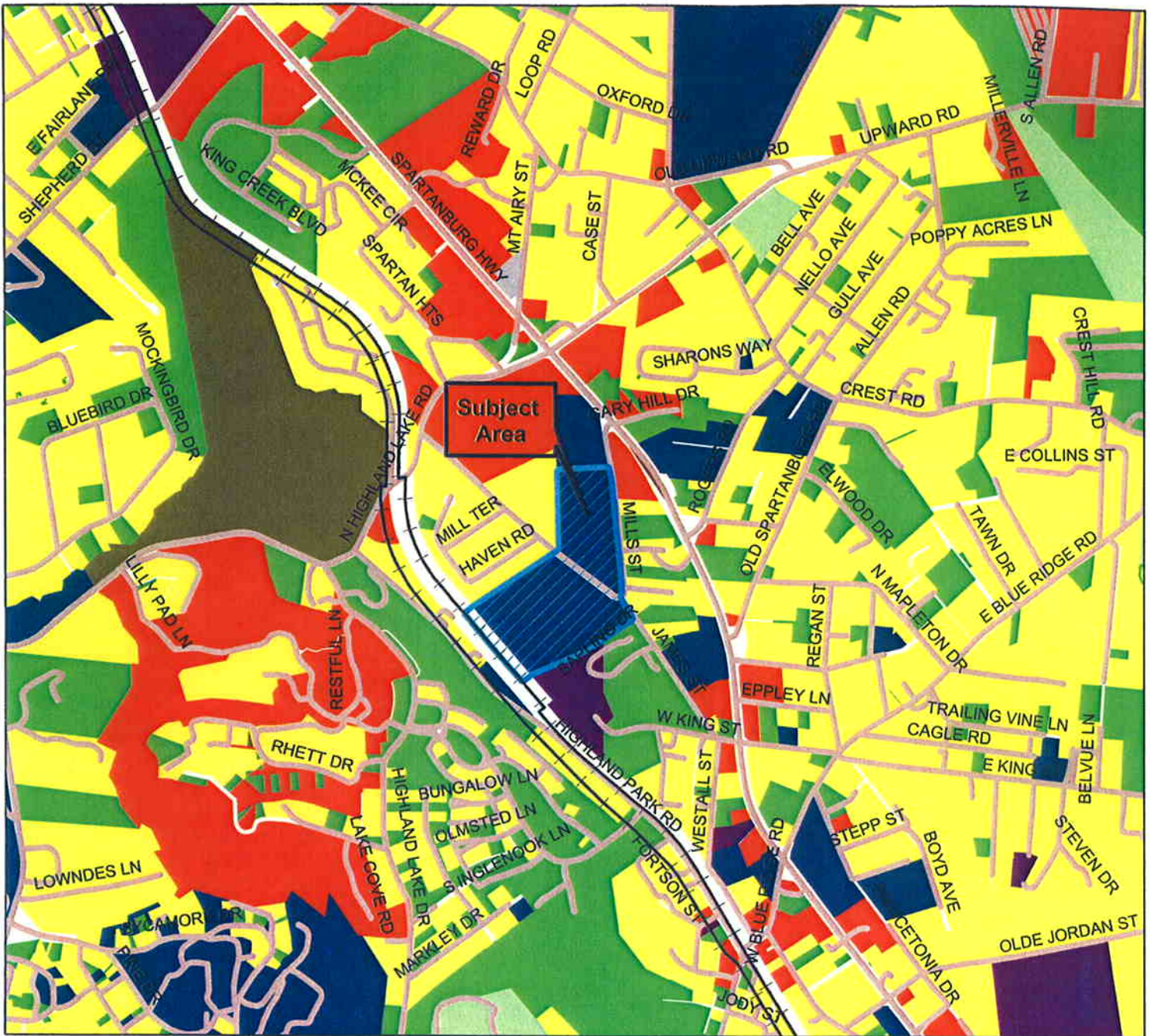


0 0.125 0.25 0.5 0.75 1 Miles

HCPD 02-06-06

Current Land Use Map

Attachment 5



Rezoning Application
#R-2005-05
Henderson County Board of Public
Education, Applicant
Patsy Brison, Applicant's Agent

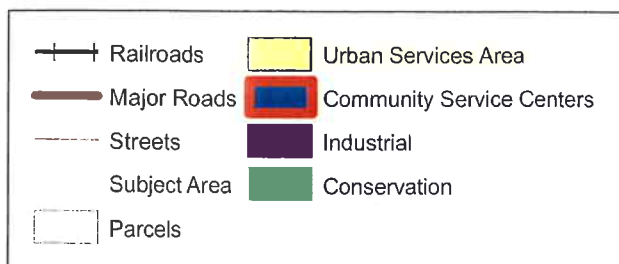


0 0.05 0.1 0.2 0.3 0.4 Miles

** May include forested as well as agricultural land. Any parcel containing residential development where the acreage to dwelling unit ratio is 10:1 or greater is classified as undeveloped.

2020 County Comprehensive Plan Future Land Use Map

Attachment 6



0 0.125 0.25 0.5 0.75 1 Miles

**Rezoning Application
#R-2005-05
Henderson County Board of Public
Education, Applicant
Patsy Brison, Applicant's Agent**



§ 200-26. O&I Office and Institutional District. [Added 10-1-1990; amended 12-23-1992; 2-16-1994; 5-6-1996]

This district is intended to provide a compatible mixture of office, low-density residential, light commercial and institutional uses.

A. Within the O&I District, the following uses are permitted:

- (1) Single-family dwellings, excluding manufactured homes.
- (2) Two-family dwellings.
- (3) Apartments, provided that they be no larger than a four-family dwelling on a single lot; furthermore, provided that there be a planted buffer strip along the side and rear property lines, except where such lines run parallel and contiguous with streets, streambeds, lakes and railroad tracks.
- (4) Churches, provided that:
 - (a) The structures are placed not less than 50 feet from any property line.
 - (b) They are located with access to a street, as shall be determined by the Zoning Administrator.
 - (c) There is a planted buffer strip along the side and rear property lines, except where such lines run parallel and contiguous with streets, streambeds, lakes and railroad tracks.
- (5) Church cemeteries on property contiguous to or adjacent to the principal church assembly building, provided that all plots shall be set back at least 20 feet from any property line.
- (6) Church bulletin boards not exceeding 12 square feet in area.
- (7) Signs not more than four feet square in area advertising the sale or rental of property on which they are located.
- (8) Transformer and public utility stations, provided that:
 - (a) Transformer stations:
 - [1] The structures are placed not less than 75 feet from any property line.
 - [2] The structures are enclosed by a woven-wire fence at least eight feet high.
 - [3] No vehicles or equipment is stored on the premises.
 - [4] There is an evergreen planted buffer strip along the side and rear property lines of residential zoned property.
 - (b) Public utility stations:
 - [1] The structures are located on sufficient land to meet all setback requirements of this chapter.
 - [2] The stations are completely enclosed, either by a building or a wire fence at least eight feet high.
 - [3] There is an evergreen planted buffer strip along the side and rear property lines of residential zoned property.
- (9) Customary accessory buildings, including private garages, noncommercial greenhouses and workshops.
- (10) Public elementary and secondary schools having multiple curricula and private elementary and secondary

schools having curricula approximately the same as ordinarily given in public schools.

- (11) Civic and cultural buildings, including auditoriums, theaters for the performing arts, museums, art galleries, symphony and concert halls and historical societies, provided that:
 - (a) The structures are placed not less than 50 feet from any property line.
 - (b) They are located with access to a street, as shall be determined by the Zoning Administrator.
 - (c) There is a planted buffer strip along the side and rear property lines, except where such lines run parallel and contiguous with streets, streambeds, lakes and railroad tracks.
 - (d) The facility is operated not for profit and satisfactory proof of the tax-exempt status of the organization is exhibited to the Zoning Administrator.
 - (e) One parking space is provided for each two seats in auditoriums, theaters and symphony and concert halls.
 - (f) One parking space for each 100 feet of gross floor space directed to patron use shall be provided for museums, art galleries and historical societies.
- (12) Offices: business, professional, financial, medical, real estate sales and studios.
- (13) Governmental and civic: branch post office, branch library, fire station and community buildings.
- (14) Radio and television studios.
- (15) Travel agencies.
- (16) Group 1 communications towers and tower activities (as defined in and subject to the requirements in § 200-38.1). [Added 3-2-1998]
- (17) Group 2 communications towers and tower activities (as defined in and subject to the requirements in § 200-38.1). [Added 3-2-1998]
- (18) Group 4 communications towers and tower activities (as defined in and subject to the requirements in § 200-38.1). [Added 3-2-1998]
- (19) Family care homes, provided that no new family care home shall be located within a one-half-mile radius of an existing family care home. [Added 7-7-1998]

B. Special uses. The following use shall be permitted, subject to a finding by the Board of County Commissioners that both the conditions listed in the definition of "special use" in § 200-7B and those conditions listed below will be met:

- (1) Conference centers, provided that:
 - (a) The structures are placed not less than 100 feet from any property line.
 - (b) Parking space requirements shall comply with the conditions in § 200-40, Off-street parking. Off-street parking spaces shall be provided for each of the individual support facility uses.
- (2) Hospitals, nursing homes and other extended care facilities as defined in § 200-7B, provided that:
 - (a) The structures are placed not less than 100 feet from any property line.
 - (b) Parking areas are located not less than 30 feet from any property line.

- (c) Parking space requirements shall comply with the conditions in § 200-40, Off-street parking.
- (3) Colleges, universities and vocational schools for post-secondary school education and training (not including heavy equipment training schools).
- C. Conditional uses. The following uses shall be permitted, subject to a finding by the Board of Adjustment that both the conditions in the definition of "conditional use" in § 200-7B and those conditions listed below will be met:
- (1) Small retail businesses conducted within an enclosed space, including, but not limited to, bookstore, florist shop, shoe store, pharmacy, hobby shop, gift shop, antique shop, barbershop, bakery, music store, jewelry store, sporting goods store, beauty parlor, dry-cleaning shop, toy store, tobacco shop, film processing store, printing shop and video rental store.
 - (2) Funeral homes.
 - (3) Restaurants.
 - (4) Motion-picture theaters (indoor).
 - (5) Parks, camps, tennis and racquet clubs and golf courses. (Miniature-type golf courses and stand-alone practice driving tees which are not part of a golf course and which are operated for commercial purposes are not allowed.)
 - (6) Convenience store with gas pumps.
 - (7) Customary incidental home occupations.
 - (8) Bed-and-breakfast inns.
 - (9) Clinics.
 - (10) Nursery and day-care facilities.
- D. Dimensional requirements. Within the O&I Office and Institutional District as shown on the Zoning Map, the following dimensional requirements shall be complied with (unless otherwise specified):

Minimum Lot Area (sq. ft.)	Minimum Lot Area Per Dwelling (Family) Unit (sq. ft.)	Maximum Building Height (ft.)	Minimum Front Yard Setback From Center Line of Street		Minimum Yards	
			Major ¹ (ft.)	All Others (ft.)	Side (ft.)	Rear (ft.)
30,000	30,000	Unlimited	75	60	30	30

NOTES:

¹ Where the major street is more than two lanes, including parking lanes, setback requirements shall be measured and begin at a point on the pavement 12 feet from the edge of the paved street abutting the property in subject.

§ 200-24. I-2 General Industrial District.

A. Within the I-2 General Industrial District as shown on the Zoning Map, the following uses are permitted:

- (1) Any retail business customarily serving residential neighborhoods.
- (2) Business, medical, professional, public and financial offices, including branch banks.
- (3) Personal services, including barber shops and beauty shops, shoe and watch repair shops, laundromats and dry-cleaning pickup establishments.
- (4) Tire recapping and retreading.
- (5) Truck terminals.
- (6) Automobile sales and service.
- (7) Laundries.
- (8) Cemeteries, provided that there are no plots closer than 20 feet to any property line.
- (9) Gasoline service stations.
- (10) Outdoor advertising signs, which cannot be closer than 50 feet to any residential district.
- (11) Storage plants and tanks.
- (12) Warehouses.
- (13) [Amended 5-16-2001] Junkyards, provided that:
 - (a) The principal operations of a junkyard may only be conducted during the hours of 7:00 a.m. to 11:00 p.m.
 - (b) Full screening shall be required.
 - (c) Secure fencing shall be required.
 - (d) A minimum buffer of 50 feet as defined in § 200-32.1A shall be required.
 - (e) There shall be a minimum front yard, side yard, and rear yard setback of 75 feet.
 - (f) The junkyard shall be separated from any existing school by a minimum of 1/2 mile.
 - (g) The junkyard shall have a direct access road corridor, as defined in § 200-32.1A, having a minimum width of 45 feet, and a minimum travelway width of 20 feet.
 - (h) Fire protection shall be required.
 - (i) Adequate lighting shall be required.
 - (j) Parking requirements found in § 200-40 shall be met.
 - (k) Loading requirements found in § 200-41C shall be met.

- (l) Owners and operators of the junkyard shall be required to comply with all applicable laws governing the junkyard.^{EN}
 - (14) Any industrial use, excluding those uses prohibited by § 200-24C. [Amended 5-16-2001]
 - (15) Fairs, carnival grounds and amusement parks.
 - (16) Manufactured home display areas. [Amended 12-15-1993]
 - (17) Airports.
 - (18) [Added 11-7-1983] Civic and cultural buildings, including auditoriums, theaters for the performing arts, museums, art galleries, symphony and concert halls and historical societies, provided that:
 - (a) The structures are placed not less than 50 feet from any property line.
 - (b) They are located with access to a street, as shall be determined by the Zoning Administrator.
 - (c) There is a planted buffer strip along the side and rear property lines, except where such lines run parallel and contiguous with streets, streambeds, lakes and railroad tracks.
 - (d) The facility is operated not for profit and satisfactory proof of the tax-exempt status of the organization is exhibited to the Zoning Administrator.
 - (e) One parking space is provided for each two seats in auditoriums, theaters and symphony and concert halls.
 - (f) One parking space for each 100 feet of gross floor space directed to patron use shall be provided for museums, art galleries and historical societies.
 - (19) Group 1 communications towers and tower activities (as defined in and subject to the requirements in § 200-38.1). [Added 3-2-1998]
 - (20) Group 2 communications towers and tower activities (as defined in and subject to the requirements in § 200-38.1). [Added 3-2-1998]
 - (21) Group 3 communications towers and tower activities (as defined in and subject to the requirements in § 200-38.1). [Added 3-2-1998]
- B. Conditional uses. The following uses shall be permitted, subject to a finding by the Board of Adjustment that both the conditions in the definition of "conditional use" in § 200-7B and those conditions listed below will be met:
- (1) [Amended 5-16-2001] Mining and extraction operations, provided that:
 - (a) Buffer strips shall be provided. Furthermore, all mine openings and quarries shall be enclosed by a cyclone-type fence not less than eight feet in height and located not less than 10 feet from the excavation edge.

¹Editor's Note: See Ch. 109, Junkyards and Vehicle Graveyards.

- (b) Blasting operations shall be conducted only between the hours of 7:00 a.m. and 11:00 p.m. Furthermore, all blasting, drilling and other sources of noise, vibrations, flying debris and dust shall be conducted in such a way as to cause the minimum nuisance or hazard to adjacent or neighboring properties at any time.^{EN}
- C. Notwithstanding the foregoing, hazardous waste disposal facilities and/or radioactive waste disposal facilities shall not be permitted in this use district. [Amended 5-16-2001]
- D. Dimensional requirements. Within the I-2 General Industrial District as shown on the Zoning Map, the following dimensional requirements shall be complied with:

Minimum Front Yard Setback		Maximum Building Height (ft.)	Minimum Yards	
From Center Line of Street Major ¹ (ft.)	All Others (ft.)		Side (ft.)	Rear (ft.)
75	60	Unlimited ²	The same as the side yard requirements to which the district is contiguous. ²	

NOTES:

¹ Where the major street is more than two lanes, including parking lanes, setback requirements shall be measured and begin at a point on the pavement 12 feet from the edge of the paved street abutting the property in subject.

² An additional 1 1/2 feet of yard is required for each foot in building height over 40 feet.

- E. Where this district abuts a lot in a residential district, there shall be provided and maintained along said property line a continuous visual buffer strip, and said strip shall be planted and maintained in a neat and growing condition.
- F. Special uses.
- (1) Group 5 communications towers and tower activities (as defined in and subject to the requirements of § 200-38.1). [Added 3-2-1998]
 - (2) [Added 5-16-2001] Motor sports facilities, provided that:
 - (a) Racing events may only be conducted during the hours of 7:00 a.m. to 11:00 p.m. Racing events may be conducted for a maximum of three consecutive days, a maximum of five days in any calendar week and a maximum of six hours per day.
 - (b) Secure fencing shall be required.
 - (c) A minimum one-hundred-foot buffer as defined in § 200-32.1A shall be required.
 - (d) A minimum setback (as defined in § 200-32.1A) of 500 feet for minor motor-sports facilities, and 1500 feet for major motor sports facilities, shall be required.
 - (e) Parking requirements found in § 200-40 shall be met.
 - (f) Loading requirements found in § 200-41C shall be met.

²Editor's Note: Former Subsection B(2), regarding other manufacturing uses, which followed this subsection, was repealed 5-16-2001. Former Subsection B(3), which provided for radio and television broadcast antennas as a conditional use, was repealed 3-2-1998.

- (g) At least one direct access road corridor as defined in § 200-32.1A, having a minimum width of 45 feet, and a minimum travelway width of 20 feet shall be required for all minor motor sports facilities. A minimum of two direct access road corridors, as defined in § 200-32.1A, having a minimum width of 45 feet, and a minimum travelway width of 20 feet, shall be required for all major motor sports facilities.
 - (h) Fire protection shall be required.
 - (i) Noise mitigation shall be required.
 - (j) Adequate lighting shall be required.
 - (k) A minimum separation of two miles from any health-care facility shall be required.
 - (l) Motor sports facilities shall be prohibited on protected mountain ridges.
 - (m) The owner or operator shall be required to meet the application requirements of § 200-38.3.
- (3) Adult establishments. [Added 5-16-2001]
- (a) Adult establishments shall be required to meet the following operational requirements:
 - [1] Adult establishments may only operate between the hours of 12:00 p.m. and 2:00 a.m.
 - [2] There shall be no more than one adult establishment business in the same building, structure or portion thereof. No other principal or accessory use may occupy the same building, structure, property or portion thereof with any adult establishment.
 - [3] The structure in which the adult establishment is located shall contain no sleeping quarters.
 - [4] If dancers are employed as a feature of the adult establishment, the performing area for such dancers shall be separated from patrons by at least 10 feet.
 - [5] If viewing booths are provided, such are to be designed so as to allow the person or occupants to be completely visible from a portion of the premises open and available to the public.
 - [6] No person shall be employed by the adult establishment if they are less than 18 years of age, nor shall any person be allowed on the premises if they are less than 18 years of age.
 - [7] No alcoholic beverages as defined by N.C.G.S. § 18B-101.4, or any successor statute, may be served, possessed or consumed on the premises.
 - [8] No adult establishment shall be disruptive of peace and good order. Convictions of three or more criminal offenses, a material element of which occurred on the premises of the adult establishment, in any one-year period shall be grounds for revocation of the special use permit.
 - [9] Ownership by or employment of a person with a criminal record that includes offenses reasonably related to the legal or illegal operation of adult establishments shall be grounds for revocation of the special use permit. Owners and/or operators of adult

establishments shall be required to submit the names of all owners and employees to the Zoning Administrator upon approval of the special use permit, and quarterly thereafter.

[10] Owners and operators of adult establishments shall be required to comply with all applicable laws with respect to the operation of the adult establishment

- (b) Full, opaque screening shall be required.
- (c) Fencing shall not be required.
- (d) A minimum ten-foot buffer, as defined in § 200-32.1A, shall be required.
- (e) A minimum setback (as defined in § 200-32.1A) of 50 feet shall be required.
- (f) Parking requirements found in § 200-40 shall be met.
- (g) Loading requirements found in § 200-41A shall be met.
- (h) At least one direct access road corridor, as defined in § 200-32.1A, having a minimum width of 45 feet, and a minimum travelway width of 20 feet, shall be required.
- (i) Fire protection shall be required.
- (j) Noise mitigation shall be required.
- (k) Adequate outdoor lighting shall be required.
- (l) A minimum separation of 1000 feet from any other adult business, residential dwelling unit, school, park, public library, religious institution, or any licensed day-care or child-care facility, shall be required.
- (m) An adult establishment may be advertised by only one sign on the premises which is not greater than 70 square feet and which is illuminated by not more than one one-hundred-fifty-watt bulb. No printed material, video, photograph, written text other than the name of the establishment, live show, or other visual presentation format shall be visible from outside the walls of the establishment. Notwithstanding the Henderson County Noise Ordinance,^{EN} no live or recorded voices, music or sounds shall be heard from outside the walls of the establishment.
- (n) Adult establishments are prohibited on a protected mountain ridge.
- (o) Owners and/or operators shall be required to meet the application requirements of § 200-38.3 of this chapter.



View of northern section of Study Area, looking south on James Street (SR 1820).



View of northern section of Study Area, looking northeast from James Street (SR 1820).



View of southern section of Study Area, looking southeast.



View of southern section of Study Area, looking south.



View of southern section of Study Area, looking west.

**HENDERSON COUNTY
PLANNING BOARD MINUTES
December 20, 2005**

Excerpt

Rezoning Application #R-2005-05 - Requests Approximately 27.03-Acre Parcel of Land Located off Mills Street from O & I (Office and Institutional) Zoning District to I-2 (General Industrial) Zoning District - Patsy Brison, Agent for Henderson County Board of Public Education, Owner. Mike Cooper recused himself from any discussion or decision concerning this matter. All approved his recusal. (Commissioner McGrady entered the meeting). Mr. Cable stated that on November 15, 2005, the Henderson County Board of Public Education submitted an application to rezone approximately 27.03 acres of land off Mills Street from an O&I zoning district to an I-2 zoning district and is a single parcel divided by James Street. Patsy Brison is the Applicant's Agent.

Mr. Cable stated that the subject area is located on the old County Fair Grounds within ¼ mile of the intersection of Spartanburg Highway and Highland Lake Road / Upward Road and is currently zoned O & I, which was applied on October 1, 1990, as part of the East Flat Rock Phase I Land Use Plan. The Subject Area is surrounded on the north by an O&I zoning district, to the south by an I-2 zoning district, to the east by a C-4 zoning district, and to the west by a T-15 zoning district.

Mr. Cable said the O&I Office and Institutional District is intended to provide a compatible mixture of office, low-density residential, light commercial and institutional uses. The I-2 General Industrial District, which is proposed for the Subject Area, allows most types of heavy industrial uses including some commercial uses. Residential uses are not permitted.

The subject area is currently undeveloped and most uses within the vicinity of the Subject Area are residential, commercial, industrial, and institutional community uses and has access to City of Hendersonville public water and sewer lines. He said that Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the property to be zoned for industrial uses. This based on the following:

1. Both the text and map of the Henderson County 2020 Comprehensive Plan identify the Subject Area as being located in the Urban Services Area, suitable for industrial development, with northern portions of the Subject area located within a Community Service Center.
2. The CCP calls for industrial areas to be generally segregated from other uses with the exception of Regional Commercial uses. The Subject Area directly abuts an existing C-4 (Highway Commercial) zoning district to the east, which would comply with the recommendations of the CCP regarding uses abutting industrial zoned property.
3. The Henderson County Industrial Study will help the County further refine the industrial land use recommendations in the CCP and will, eventually, lead to industrial sites being zoned industrial. The current draft version of the Henderson County Industrial Study identifies the subject area as "Commercial/Industrial," indicating that it is possible the office and institutional land use classification in the Subject Area could be changed to industrial as a result of that study.
4. The Subject Area directly abuts the existing I-2 zoning district, which would make this property part of a contiguous I-2 zoning district.
5. The Subject Area abuts an existing O&I zoning district and T-15 zoning district, which both commonly abut other existing I-2 zoning districts elsewhere in the County, including those on Highway 25 and that adjacent to the Study Area.
6. Staff has identified no plans or policies, changes in existing conditions, undue hardship to the Applicant, or overriding community interest that would justify opposing the proposed rezoning.

7. It is generally incumbent upon the Applicant to demonstrate an overriding justification for approving a given rezoning application. Staff encourages the Applicant to present any information that would inform the County's consideration of the proposed rezoning.

The subject area was previously classified as a Superfund Site due to contamination in the southwestern portion of the subject area, near the railroad. The subject area has since been removed from the Federal Superfund Site List; however, North Carolina classifies the subject area as an inactive Superfund Site.

Chairman Pearce stated that the Industrial Subcommittee has a final recommendation to be presented to the full Planning Board and this particular parcel is recommended for industrial designation. Ms. Kumor asked for Staff to reiterate when the neighbors are sent out notices regarding rezoning. Ms. Radcliff stated that they are not notified until a public hearing is set with the Board of Commissioners and then notifications are sent out letting them know the date and time of the public hearing. She added that the only people that are notified at this level are the property owners and agents. Ms. Kumor said that Chairman Pearce had mentioned that when a property goes up for discussion, there should be a sign put on the property. Why does no notification start until it gets to a public hearing level? Mr. Burrell said that when this Ordinance was deducted, this was intended to be more of a technical review from the Planning Board rather than a political way of a public hearing that will happen at the Commissioner's level. There was further discussion regarding notification and Chairman Pearce reiterated what he had mentioned in the past about notification to adjacent property owners at the Planning Board level. Board members mentioned that when the motion is made for this rezoning, it should be based on a technical review and information presented that Board members did not receive public input because there was no notification to adjacent property owners and this way the Board of Commissioners can recognize this fact. Mr. McGrady stated that this is a type of change that should be reflected in the new Land Development Code.

Patsy Brison, who is an attorney with Roberts & Stevens law firm, stated that she represents the Henderson County School Board who owns this property. She said that they do not intend to build a school on the proposed site, but feels that the surrounding Zoning would match with the proposed zoning of I-2. She said that there is adequate infrastructure and because it is flat land, it is good for an industrial use. Ms. Brison asked the Planning Board to respectfully rezone this property to I-2.

Renee Kumor made a motion to recommend to the Board of Commissioners that Rezoning Application # R-2005-05, after a technical review of the property, be rezoned from O & I to I-2, General Industrial use but that the Planning Board caution the Commissioners that the Planning Board feels that it was unfortunate that no notifications were sent out to adjacent property owners and we feel that this recommendation is made in a void because we have not heard from the neighbors. Gary Griffin seconded the motion. All members were in favor of the motion except for Paul Patterson, who opposed the motion. The motion carried 5 to 1. (Mike Cooper returned to the rest of the meeting).

**NOTICE OF PUBLIC HEARING
ON PROPOSED ZONING MAP AMENDMENT
(Rezoning Application # R-2005-05)**

The Henderson County Board of Commissioners will hold a public hearing on an application (#R-2005-05) for a proposed amendment to the Official Zoning Map of Henderson County, North Carolina, that would rezone approximately 27.03 acres of land, located off Mills Street (SR 1819), from an O & I (Office and Institutional) zoning district to an I-2 (General Industrial) zoning district. The Subject Area appears to be parcel 9577-76-3603 which is owned by Henderson County Board of Public Schools. The applicant is Henderson County Board of Public Education.

The public hearing will be held on Monday, February 6, 2006, at 7:00 P.M, in the Board of Commissioners Meeting Room located in the Henderson County Administration Building, at 100 North King Street in Hendersonville, NC. The public is invited to attend and comment on the proposed amendment.

Written comments addressed to the Henderson County Board of Commissioners, 100 North King Street, Hendersonville, NC 28792, will be accepted prior to the hearing. Information about the proposed amendment is available for review in the Henderson County Planning Department, 101 East Allen Street, Hendersonville, NC, between the hours of 8:00 A.M and 4:30 P.M., Monday through Friday, or on the Henderson County Website at <http://www.henderson.lib.nc.us/county/planning/rezonings/main.html> For more information, call the Planning Department at (828) 697-4819 [TDD for the hearing impaired (828) 697-4580].

Please note that after considering public hearing comments, the Board of Commissioners may discuss other options or make changes to the proposed amendment before taking final action.

Elizabeth Corn
Clerk to the Board
Henderson County Board of Commissioners