

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** Monday, June 2, 2008

**SUBJECT:** Public Hearing for Rezoning Application #R-2008-02

**ATTACHMENTS:**

1. Staff Report
2. Subject Area Photos
3. Aerial Photo Map
4. Residential One (R1) District Text
5. Community Commercial (CC) District Text
6. Comparison Table of Permitted Uses
7. Excerpt of Planning Board Minutes from April 17, 2008
8. Notice of Public Hearing
9. Certification of Notification of Public Hearing

#### **SUMMARY OF REQUEST:**

Rezoning Application #R-2008-02, which was submitted on February 26, 2008, requests that the County rezone approximately 1.83 acres of land, located off Upward Road, from Residential One (R1) zoning district to a Community Commercial (CC) zoning district. The Subject Area is composed of eight (8) parcels identified in four (4) tracts. Subject Area owners are Chris and Natalie Kiefer, Walter John Maki, Joseph Franklin Swain, and Mark White (Wild Hare Investments LTD).

The Henderson County Planning Board considered rezoning application #R-2008-02 at its regularly scheduled meeting on April 17, 2008. During that meeting, the Board voted 6 to 0 to send the Board of Commissioners a favorable recommendation for rezoning application #R-2008-02 to rezone the Subject Area from existing R1 zoning district to a CC zoning district.

#### **PUBLIC NOTICE:**

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §§200A-314(C) and 200A-337(B) of the Henderson County Land Development Code and State Law, notices of the June 2, 2008, public hearing regarding rezoning application #R-2008-02 were published in the Hendersonville Times-News on May 14, 2008 and May 21, 2008. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area and the Applicants and posted signs advertising the hearing on the Subject Area on May 14, 2008. Attachment 9 includes a certification to this effect.

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

Planning Staff recommends that the Board of Commissioners approve the application to rezone the Subject Area from an R1 (Residential One) zoning district to a CC (Community Commercial) zoning district.

#### **Suggested Motion:**

I move that the Board recommend approval of rezoning application #R-2008-02 to rezone the Subject Area from an R1 (Residential One) zoning district to a CC (Community Commercial) based on the recommendations of the Henderson County 2020 Comprehensive Plan.

**Chris and Natalie Kiefer, Walter John Maki, and Joseph Franklin Swain, Applicants**  
**William Carl Swain and Mark White, Agents**

Table 1: Subject Area Tracts			
Tract	Owner	PIN	Approximate Size (acres)
A	Walter John Maki	9578-90-9092	0.16
B	Joseph Franklin Swain	9587-09-0936	0.40
C	Chris & Natalie Kiefer	9577-99-9838	0.10
		9587-09-0860	0.31
		9587-09-0857	0.26
D	Wild Hare Investments LTD	Southern portion of 9577-99-8907	0.52 of 0.71 acre tract
		9577-99-9912	0.07
		9577-99-9943	0.01
		Total Acreage	1.83

1.5.1. **Size:** Approximately 1.83 acres of land comprised of eight (8) parcels (See Map A).

1.5.2. **Location:** The Subject Area is:

1.5.2.1. Approximately 1,600 feet east of the intersection of Upward Road (SR 1783) and Old Spartanburg Road (SR 1722);

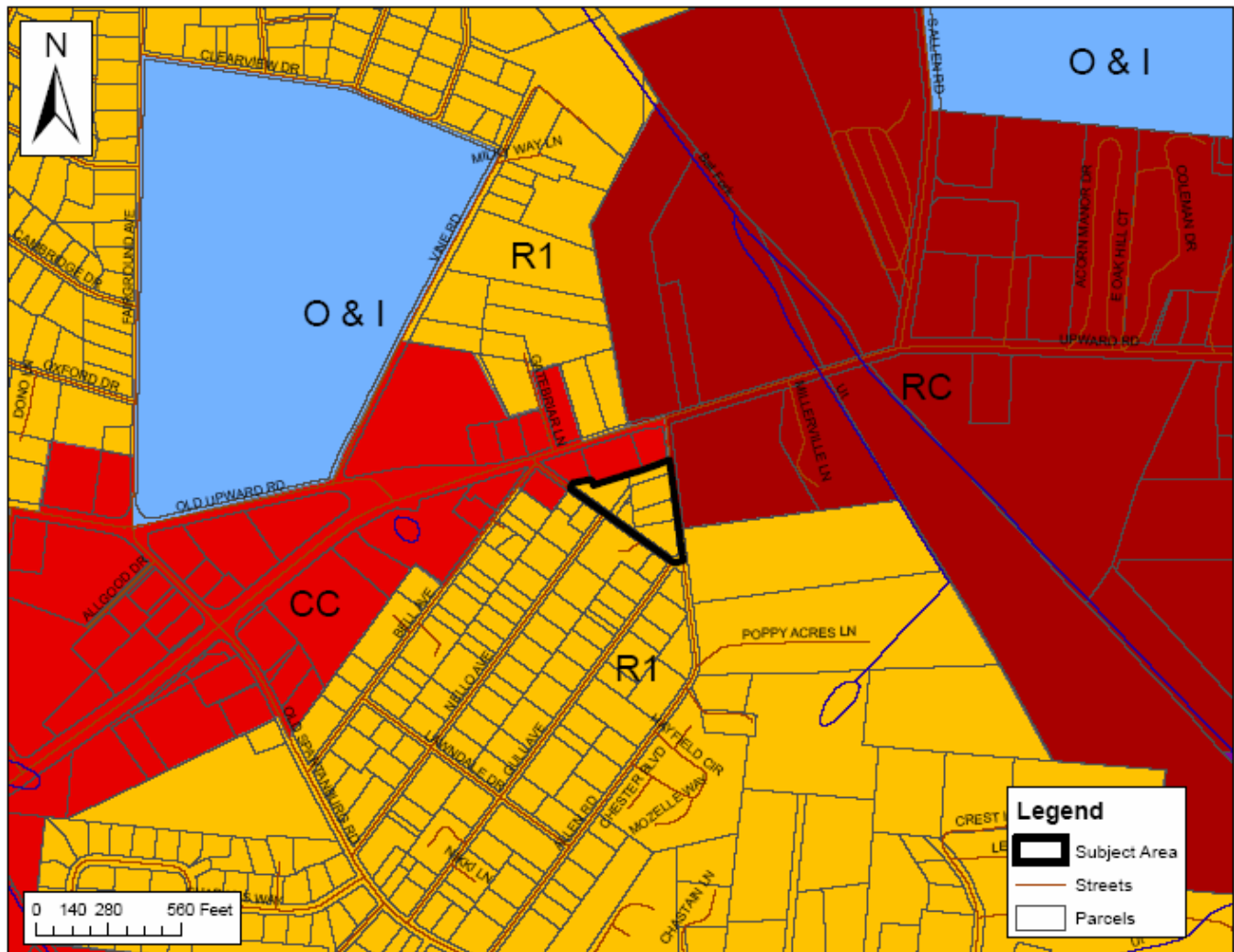
1.5.2.2. Approximately 3,300 feet west of the intersection of Upward Road (SR 1783) and Interstate 26;

1.5.2.3. Bounded and on the west by Nello Road (approximately 130 feet of frontage);

1.5.2.4. Bounded on the east by Allen Road (SR 1789).

## 2. Current Zoning

2.1. **Application of Current Zoning:** The Subject Area is currently zoned R1 (Residential One), which was applied on September 19, 2007, as a result of the adoption of the Land Development Code (See Map B). The Subject Area was previously (prior to LDC adoption on September 19, 2007) zoned T-15 (Medium-Density Residential).

**Map B: Current Zoning**

- 2.2. **Adjacent Zoning:** To the north Community Commercial zoning (CC), to the east Regional Commercial (RC), and to the south and west Residential One (R1) (See Map B). The surrounding areas were previously (prior to LDC adoption on September 19, 2007) zoned C-4 (Highway Commercial) to the east, west and north; R-20 (Low Density Residential) to the northeast; and T-15 (Medium-Density Residential with Manufactured Homes) to the south.

2.3. **District Comparison:**

- 2.3.1. **R1 Residential District One:** *“The purpose of Residential District One (R1) is to foster orderly growth where the principle 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 in the Comprehensive Plan”* (Chapter 200A, Land Development Code §200A-27).

R1 requires 10 foot side and rear setbacks, maximum height 40 feet, and a standard density of four (4) units per acre (maximum density of 16 units per acre).

- 2.3.2. **CC Community Commercial Zoning District:** “The purpose of the Community Commercial District (CC) is to foster orderly growth where the principle 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 defined 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 Transition or Urban” (Chapter 200A, Land Development Code §200A-34).

CC requires 10 foot side and rear setbacks, maximum height 50 feet, a standard density of 16 units per acre, a maximum 80% impervious surface. A single commercial use on a single lot would be limited to 30,000 square feet maximum floor area and with a multi tenant structure the principal tenant would have a maximum floor area of 80,000 square feet.

### **3. Current Uses of Subject Area and Adjacent Properties**

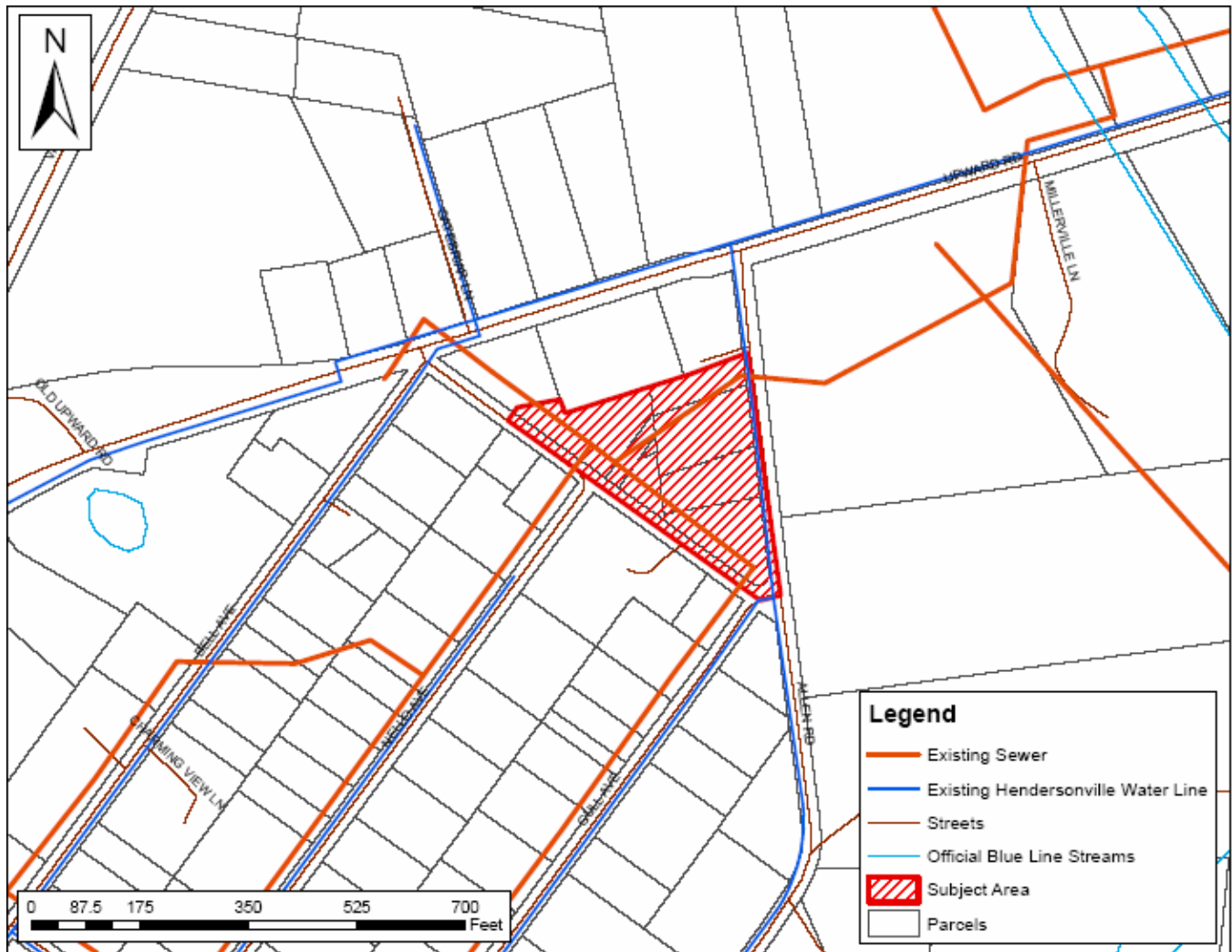
- 3.1. **Subject Area Uses:** The Subject Area is composed of eight (8) parcels identified by staff in four (4) tracts (See Map A).
- 3.1.1. **Tract A:** Tract A appears to be vacant.
- 3.1.2. **Tract B:** Tract B contains one (1) manufactured home.
- 3.1.3. **Tract C:** Tract C contains two (2) single family residential structures and a number of appurtenant accessory residential structures.
- 3.1.4. **Tract D:** Tract D contains two (2) single family residential structures.
- 3.2. **Adjacent Area Uses:** Surrounding area lands contain residential and commercial uses.
- 3.2.1. **To the North:** Two (2) single family residential uses and one (1) commercial use (abutting Tract A) along Upward Road.
- 3.2.2. **To the East:** A transmission substation (Duke Energy Corp).
- 3.2.3. **To the South and West:** A number of single-family residential uses along Nello Road (SR 1788), Gull Avenue (SR 1786), and Allen Road (SR 1789).

### **4. Water and Sewer**

- 4.1. **Public Water:** Public water (City of Hendersonville) is currently located on the Subject Area site (See Map C).

- 4.2. **Public Sewer:** Public sewer (City of Hendersonville) is currently located on the Subject Area site (See Map C).

**Map C: Water and Sewer**



## 5. Transportation and Access

- 5.1. **Frontage:** The Subject Area has approximately 367 feet of road frontage along Allen Road (SR 1789) and approximately 141 feet of frontage along Nello Avenue (SR 1788). There is an existing right of way along the southwest corner of the subject area; however a road connecting Nello Avenue (SR 1788) with Gull Avenue (SR 1786) does not exist.
- 5.2. **Transportation:** Table 2, below, provides Annual Average Daily Traffic Counts Upward Road (SR 1783). No traffic counts were available for any portion of Allen Road (SR 1789).

Table 2. Annual Average Daily Traffic Count				
Road	2003	2004	2005	2006
Upward Road	17,000	17,000	-	-



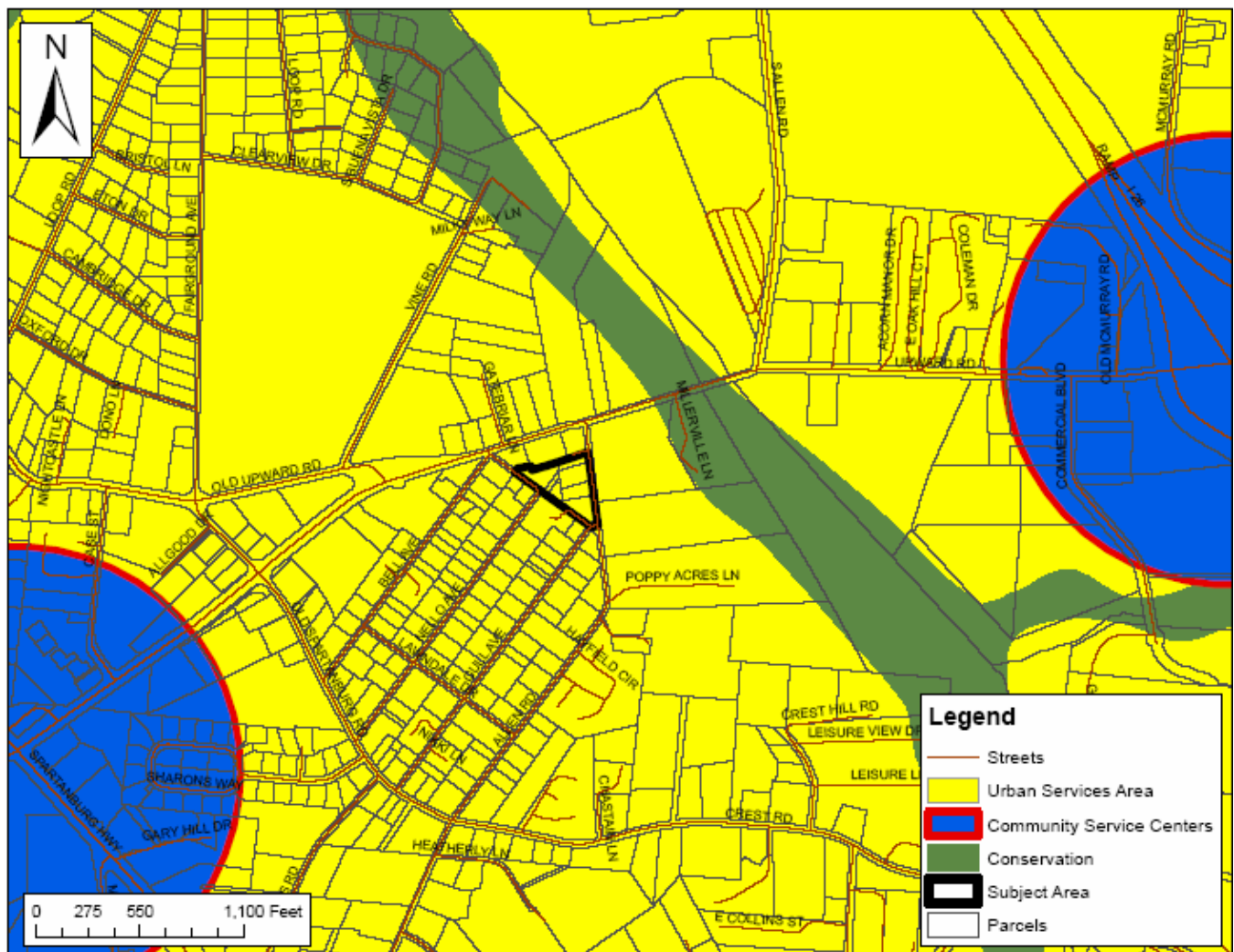
### 5.3. **The NCDOT 2009-2015 State Transportation Improvement Program (STIP):**

The Transportation Improvement Program, within the vicinity of the Subject Area, includes the widening and improvement of Upward Road (SR 1783) between US Highway 176 and Howard Gap Road (SR 1006), the widening and improvement of Allen Road (SR 1789) approximately 225 feet from Upward Road (SR 1783) to Tract B and the widening and improvement of Nello Road (SR 1788) approximately 200 feet from Upward Road (SR 1783) to Tract D (Project number R-4430). No improvements are scheduled for Gull Avenue (SR 1786).

## 6. **The Henderson County 2020 Comprehensive Plan (CCP)**

- 6.1. **Urban Services Area:** The CCP Future Land Use Map identifies the Subject Area as being located in the Urban Services Area (2020 CCP, Pgs. 128, 129 & Appendix 1, Map 24) (See Map D).

**Map D: 2020 County Comprehensive Plan Future Land Use Map**



- 6.1.1. The CCP states that, “the County’s economic development activities should be pursued within USA” (2020 CCP, Pg. 129).

- 6.1.2. The CCP states that, “the USA will contain considerable commercial development at a mixture of scales,” and further, “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” (2020 CCP, Pg. 129).

- 6.1.3. The CCP Future Land Use Map (See Map D) does not place the Subject Area in a “Community Service Center” area. But commercial zoning districts are adjacent to the Subject Area. The CCP does not specifically identify which type of use (high-density residential, commercial or industrial) may be the most suitable for the Subject Area

## **7. Staff Comments**

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 commercial uses. This based on the following:

- 7.1. **The 2020 CCP:** The CCP Future Land Use Map (See Map D) places the subject area in the “Urban Services Area” classification. The text and map of the 2020 CCP suggest that the Subject Area would be suitable for high-density residential, commercial or industrial development. The CCP indicates that the USA may be suitable for commercial development provided the development is in keeping with the surrounding community. The subject area is also within close proximity to two (2) Community Service Centers.
- 7.2. **Adjacent Zoning:** The Subject Area directly abuts an existing Community Commercial (CC) zoning district to the north. If the Subject Area were to be rezoned to CC this property would be apart of a contiguous CC zoning district. Additionally, the Subject Area abuts an existing Regional Commercial (RC) zoning district to the east.
- 7.3. **Comparison of Districts:** Applying Community Commercial (CC) will allow for an increase in the number of permitted commercial uses. While continuing to allow for multifamily residential development. Limited industrial uses will also be permitted. In addition, the CC zoning district limits square footage. A single commercial use on a single lot would be limited to 30,000 square feet maximum floor area and with a multi tenant structure the principal tenant would have a maximum floor area of 80,000 square feet.

## **8. Staff Recommendations**

- 8.1. When reviewing rezoning requests Staff attempts to identify plans or policies, changes in existing conditions, undue hardship to the Applicant, or overriding community interest to justify supporting the proposed rezoning. Staff’s position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the Subject Area to Community Commercial (CC) consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.
  - 8.1.1. 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. Staff requests the Applicant not discuss any specific use being considered for the property. The Technical Review Committee, Planning Board, and the Board of Commissioners cannot consider any specific proposed use for the property and must only consider the



range of possible uses when reviewing and making recommendations on the rezoning request.

**9. Technical Review Committee Recommendations**

- 9.1. The Henderson County Technical Review Committee considered rezoning application #R-2008-02 at its regularly scheduled meeting on April 1, 2008. During that meeting, the Technical Review Committee voted unanimously to send forward a favorable recommendation on rezoning application #R-2008-02 to rezone the Subject Area from an R1 (Residential One) zoning district to an CC (Community Commercial) zoning district.

**10. Planning Board Recommendations**

- 10.1 The Henderson County Planning Board considered rezoning application #R-2008-02 at its regularly scheduled meeting on April 17, 2008. During that meeting, the Planning Board voted unanimously (6-0) to send forward a favorable recommendation on rezoning application #R-2008-02 to rezone the Subject Area from an R1 (Residential One) zoning district to an CC (Community Commercial) zoning district.



View of Tract C from Gull Ave at southern end of subject area



View of Tract D looking north from Nello Ave.



View of Tract B looking west from Allen Rd.



View of Tract A looking west from Allen Rd.

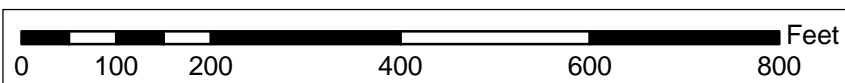




### Legend

- Subject Area
- Streets
- Parcels

Rezoning Application  
R-2008-02  
Chris and Natalie Kiefer, Walter John Maki,  
Joseph Franklin Swain, and Mark White  
(Wild Hare Investments LTD), owners





**§200A-27. Residential District One (R1)**

- A. **Purpose.** 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 in the *Comprehensive Plan*.
- B. **Density and Dimensional Requirements.** Each *use* allowed in this district shall, at a minimum, conform to the following requirements (in the case of a nonresidential *use* the *residential density* requirements shall not apply). In some cases a specific *use* may be required to meet the Supplemental Requirements as set forth in §200A-63 (Supplemental Requirements).

Table 2.1. R1 Density and Dimensional Requirements		
(1) <i>Residential Density</i> (units/acre)		(2) Standard 4
		(3) Maximum 16
(4) <i>Yard Setbacks</i> (feet)	<i>Front or Right-of-Way (ROW)</i>	<i>Local</i> 15
		<i>Collector</i> 20
		<i>Thoroughfare</i> 35
		<i>Boulevard</i> 50
		<i>Expressway</i> 60
		<i>Freeway</i> 90
	<i>Side</i> 10	
	<i>Rear</i> 10	
(5) Maximum Height (feet)		40

- (1) *Residential density* shall be calculated utilizing the entire acreage of a *tract* of land. Under this scenario, *residential density* shall be determined based on the following formula:

*Lot size* x allowable units per acre = permitted *dwelling units*

The following example assumes a 5 acre tract with an allowable density of 4 units/acre:

5 acres x 4 units per acre = **20 permitted dwelling units**

The maximum *residential density* for portions of the *tract* with a *slope* of 60 percent or greater (where such *slope* areas of the *tract* account for ten (10) percent or more of the *tract*) shall be one-half (½) the eligible density.

- (2) Standard *residential density* shall be applied:

- a. On a *lot* existing at the time of the initial adoption of this Chapter, where there is not adequate area to comply with the applicable standard *residential density* requirement;

- b. To single-family residential *uses*; and
  - c. To multifamily residential *uses* with fewer than five (5) units.
- (3) Maximum *residential density* shall be available to multifamily dwellings (including duplexes, triplexes, quadraplexes and multifamily dwellings with five (5) or more units). provided such dwellings are generally served by public or private utility systems which meet the requirements of the Henderson County Department of Environmental Health or other governmental authorities having jurisdiction thereof.
- (4) Residential *accessory structures* shall be located in *side* or *rear yards* and shall be *setback* a minimum of ten (10) feet from any property line.
- (5) Maximum height may be exceeded in multifamily developments as detailed in §200A-63 (Supplemental Requirements) SR 1.6. (Dwelling, Multifamily, Five (5) or More Units), provided such developments do not exceed 50 feet in height.

**§200A-34. Community Commercial District (CC)**

- A. **Purpose.** 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. This general *use district* is meant to be utilized in areas designated as Transition or Urban in the *Comprehensive Plan*.
- B. **Density and Dimensional Requirements.** Each *use* allowed in this district shall at a minimum conform to the following requirements (in the case of a nonresidential *use* the *residential density* requirements shall not apply). In some cases a specific *use* may be required to meet the Supplemental Requirements as set forth in §200A-63 (Supplemental Requirements).

Table 2.8. CC Density and Dimensional Requirements			
(1) Residential Density (units/acre)		16	
Maximum Impervious Surface (%)		80	
(2) Maximum Floor Area (sq ft)		80,000 or 30,000	
Yard Setbacks (feet)	Front or ROW	Local	20
		Collector	25
		Thoroughfare	35
		Boulevard	45
		Expressway	55
		Freeway	60
	Side		10
	Rear		10
Maximum Height (feet)		50	

- (1) *Residential density* shall be calculated utilizing the entire acreage of a *tract* of land. Under this scenario, *residential density* shall be determined based on the following formula:

$$\text{Lot size} \times \text{allowable units per acre} = \text{permitted dwelling units}$$

The following example assumes a 5 acre tract with an allowable density of 16 units/acre:

$$5 \text{ acres} \times 16 \text{ units per acre} = \underline{\underline{80 \text{ permitted dwelling units}}}$$

The maximum *residential density* for portions of the *tract* with a *slope* of 60 percent or greater (where such *slope* areas of the *tract* account for ten (10) percent or more of the *tract*) shall be one-half (½) the eligible density.



Within a multi-tenant *structure/site*, one unit shall have a maximum *gross floor area* of 80,000 square feet. The maximum *gross floor area* for any other commercial *use* or single unit on a single *lot* within the project shall be 30,000 square feet.

	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit		
	R1	CC	SR
<b>1. RESIDENTIAL USES</b>			
<i>Assisted Living Residence</i>	S	P	1.1
<i>Bed and Breakfast Inn</i>	P		1.2
<i>Continuing Care Retirement Community</i>	S	P	1.3
<i>Dwelling, Duplex</i>	P		1.4
<i>Dwelling, Multifamily, Five (5) or More Units</i>	S	S	1.6
<i>Dwelling, Quadraplex</i>	S		1.7
<i>Dwelling, Single Family Detached</i>	P		1.8
<i>Dwelling, Triplex</i>	P		1.9
<i>Family Care Home</i>	P		1.10
<i>Fraternity and/or Sorority House</i>	P		1.11
<i>Hospice Residential Care Facility</i>	S	P	1.12
<i>Nursing Home</i>	S	P	1.14
<i>Rooming and Boardinghouse</i>	S	P	1.15
<b>2. ACCESSORY USES</b>			
<i>Childcare Facility (as an accessory for a principal business)</i>		P	2.1
<i>Drive-Thru Window</i>		P	2.2
<i>Dwelling, Single-Family (as an accessory for a principal business)</i>		P	2.3
<i>Fuel Pumps</i>		P	2.4
<i>Home Occupation, Adult Day Care</i>	P		2.5
<i>Home Occupation, Childcare Facility</i>	P		2.6
<i>Home Occupation, General</i>	P		2.7
<i>Outdoor Storage ≤5000 sq ft</i>		P	2.8
<i>Outdoor Storage &gt;5000 sq ft</i>		S	2.9
<b>3. ACCESSORY STRUCTURES</b>			
<i>Automatic Teller Machine</i>		P	3.2
<i>Boathouse, Private</i>	P		3.3
<i>Bulkhead</i>	P		3.4
<i>Carport</i>	P		-
<i>Dock/Pier</i>	P		3.5
<i>Dwelling, Accessory Residential</i>	P		3.6
<i>Garage, Residential</i>	P		-
<i>Gate and/or Guardhouse</i>	P	P	3.7
<i>Greenhouse</i>	P	P	3.8
<i>Heliport (Private Accessory)</i>	S		3.9
<i>Loading Bay</i>		P	-
<i>Outdoor Sale Display Areas</i>		P	3.10
<i>Parking Garage</i>		P	3.11
<i>Planned Seasonal Agricultural Worker Development</i>	P	P	3.12
<i>Produce Stand, Accessory</i>	P	P	3.13

	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit		
	R1	CC	SR
Satellite Dish	P	P	-
Storage Shed	P	P	3.14
Swimming Pool, Spa, Hot Tub, Residential	P		-
Wastewater Treatment Plant, Small Accessory	P	P	3.15
<b>4. RECREATIONAL USES</b>			
Athletic Field, Non-commercial	P		4.2
Camp	S	P	4.3
Coin Operated Amusements		P	4.5
Common Area Recreation and Service Facilities	P		4.6
Golf Course and/or Country Club	P	P	4.7
Governmental Recreational Facilities	S	P	4.8
Indoor Recreational Facilities (Bowling Alley, Skating Rink, Bingo Games, Indoor Miniature Race Tracks)		P	4.9
Marina		P	4.10
Miniature Golf Course or Driving Tees/Ranges (operated for commercial purposes)	S	P	4.11
Motor Sports Facility, Recreational		S	4.14
Outdoor Recreational Facilities	S	S	4.15
Park	P	P	4.16
Physical Fitness Center	S	P	4.17
Recreational Vehicle Park		S	4.18
Riding Stables		P	4.19
School (Sports Instructional)		P	4.20
Shooting Ranges, Indoor		S	4.21
Sporting and Recreational Facilities	S	P	4.23
Swim and Tennis Club	P		4.24
<b>5. EDUCATIONAL AND INSTITUTIONAL USES</b>			
Adult Day Care Facility	P	P	5.1
Ambulance Services	P	P	5.2
Cemetery/Mausoleum/Columbarium (excluding crematoriums)	P	P	5.3
Childcare Facility	P	P	5.4
Club/Lodge	P	P	5.5
College or University		P	5.6
Community Club	P	P	5.7
Fire and Rescue Station	P	P	5.9
Funeral Home or Crematorium		P	5.10
Government Offices		P	5.11
Homeless Shelter		S	5.12
Hospital		P	5.13
Museum/Library/Archive	S	P	5.14

	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit		
	R1	CC	SR
<i>Place of Assembly, Large</i>		P	5.15
<i>Place of Assembly, Small</i>		P	5.16
<i>Police Station</i>	S	P	5.17
<i>Religious Institution</i>	P	P	5.18
<i>School (Home)</i>	P		-
<i>School (Public/Private/Charter)</i>	P	P	5.19
<i>Youth Center</i>	S	P	5.20
<b>6. BUSINESS, PROFESSIONAL, AND PERSONAL SERVICES</b>			
<i>Animal Shelter</i>		S	6.1
<i>Automobile and Equipment Service</i>		P	6.2
<i>Broadcasting and Communications Facilities</i>		P	6.4
<i>Car Wash</i>		P	6.5
<i>Exterminating and Pest Control Services</i>		P	6.6
<i>Kennel</i>		S	6.7
<i>Motel/Hotel</i>		P	6.8
<i>Office: Business, Professional and Public</i>		P	6.9
<i>School (Technical, Trade and Business)</i>		P	6.10
<i>Theater, Drive-In</i>		P	6.11
<i>Urgent Care Clinic</i>		P	6.13
<b>7. RETAIL TRADE</b>			
<i>Cinema Complex</i>		P	7.3
<i>Convenience Store</i>		P	7.4
<i>Landscaping Materials Sales and Storage</i>		P	7.8
<i>Open Air Market</i>		S	7.11
<i>Produce Stand</i>		P	7.13
<i>Retail Sales and Services ≤50,000 sq ft (of gross floor area)</i>		P	7.14
<i>Retail Sales and Services &gt;50,000 ≤100,000 sq ft (of gross floor area)</i>		P	7.15
<b>8. WHOLESALE TRADE</b>			
<i>Wholesale Trade</i>		P	8.1
<b>9. TRANSPORTATION, WAREHOUSING AND UTILITIES</b>			
<i>Communication Facilities, Category 1</i>	P	P	9.3
<i>Communication Facilities, Category 2</i>	P	P	9.3
<i>Self-Storage Warehousing</i>		P	9.7
<i>Transit and Ground Passenger Transportation</i>		S	9.10
<i>Utility Substation</i>	P	P	9.12
<i>Warehousing and Storage (Excluding Warehousing of Hazardous Substances)</i>		P	9.13
<i>Waste Collection and Transfer Facility (Non-hazardous)</i>	S	S	9.15
<i>Wastewater Treatment Plant</i>	S	S	9.16

	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit		
	R1	CC	SR
Water Treatment Plant	S	S	9.17
<b>10. MANUFACTURING &amp; INDUSTRIAL USES</b>			
<i>Machining and Assembly Operations ≤10,000 sq ft (of gross floor area)</i>		P	10.7
<i>Manufacturing and Production Operations ≤10,000 sq ft (of gross floor area)</i>		P	10.8
<i>Recycling Centers, Drop-Off Facilities</i>	P	P	10.14
<i>Research and Development Operations (Non-hazardous)</i>		P	10.16
<b>11. TEMPORARY USES</b>			
Christmas Tree Lot Sales	P	P	11.1
Circuses, Carnivals, Fairs, Religious Services (or similar types of events)		P	11.2
<i>Model Home Sales Office, Temporary</i>	P		11.3
Movie Production	P	P	-
<i>Yard Sale</i>	P	P	11.4
<b>12. TEMPORARY STRUCTURES</b>			
<i>Portable Storage Container</i>		P	12.1
<i>Produce Stand, Temporary</i>	P	P	12.2
Temporary Construction Project Buildings	P	P	12.3
Tent Sale		P	12.4
<b>13. AGRICULTURAL USES</b>			
<i>Agriculture</i>	P	P	-
Food Manufacturing	P	P	-
<i>Forestry</i>	P	P	-
<i>Forestry Support Services</i>	P	P	-
Veterinary Services (livestock)	P	P	-

**EXCERPT FROM THE HENDERSON COUNTY PLANNING BOARD MINUTES**  
**April 17, 2008**

Rezoning Application # R-2008-02 – Rezone Approximately 1.83 Acres of Land – Located off Upward Road – Residential One (R1) to Community Commercial (CC) Zoning District – Chris and Natalie Kiefer, Walter John Maki, Joseph Franklin Swain and Mark White (Wild Hare Investments LTD., Applicants. Presentation by Parker Sloan, Planner. Mr. Sloan stated that the applicants (Chris and Natalie Kiefer, Walter John Maki, Joseph Franklin Swain and Mark White (Wild Hare Investments LTD) requests that the County rezone approximately 1.83 acres located off Upward Road from R1 (Residential One) to a CC (Community Commercial). The subject area is composed of eight parcels identified in four tracts. Mr. Sloan stated that William Carl Swain has recently sold his portion of the property, which is Tract C, to Chris and Natalie Kiefer. Mr. Sloan stated that the Comprehensive Plan designated this area as in the Urban Services Area and suggests that this area would be suitable for high density residential/commercial or industrial development. He stated that there is an existing community commercial area to the north that it abuts along Upward Road, so if it was rezoned it would be part of a contiguous Community Commercial zoning district. He said to the east of the subject property it abuts a Regional Commercial District and to the south and west, there are a number of single-family residential uses along Nello Road, Gull Avenue and Allen Road. Mr. Sloan stated that there was a similar rezoning that occurred on May 7, 2007 from T-15 to C-4 (Highway Commercial). He stated that Staff supports the rezoning request to Community Commercial because it is consistent with the Henderson County Comprehensive Plan and added that the Technical Review Committee voted in favor of the rezoning request.

Ms. Kumor wanted to have Staff review the process of notifications to neighboring property owners on rezoning requests. Mr. Starr stated that the property was posted for notification of a rezoning request approximately ten days from the date of the Planning Board meeting. He added at the Board of Commissioners level when they set the public hearing date, the property owners will receive a mailed notice and the property will be posted again. Mr. Starr stated that State law does not require any notification for Planning Board or any sign to be posted and that the only requirement is a notification of a public hearing. He said the Land Development Code goes a step further to provide the posting of properties before the Planning Board meeting. Chairman Pearce asked Ms. Keifer, one of the applicants, who was present at the meeting to come speak under public input on this subject.

Ms. Natalie Kiefer stated she attended the meeting on behalf of her husband and stated that they desire to get the property rezoned commercial.

After some brief discussion among property owners, Chairman Pearce made a motion that the Planning Board recommends approval of rezoning application R2008-02 to rezone the subject area from R1 (Residential One) zoning district to a CC (Community Commercial) zoning district based on the recommendation of the Henderson County 2020 Comprehensive Plan and the Technical Review Committee. John Antrim seconded the motion and all members present voted in favor.



**NOTICE OF PUBLIC HEARING  
ON PROPOSED ZONING MAP AMENDMENT  
(Rezoning #R-2008-02)**

The Henderson County Board of Commissioners will hold a public hearing on a request (#R-2008-02) for a proposed amendment to the Official Zoning Map of Henderson County, North Carolina, that would rezone approximately 1.83 acres of land, located off of Upward Road (SR 1783), bounded on the west by Nello Road and bounded on the east by Allen Road (SR 1789). From an R1 (Residential One) zoning district to a CC (Community Commercial) zoning district. The Subject Area is composed of eight (8) parcels. The property owners are: Chris and Natalie Kiefer (PINs 9577-99-9838, 9587-09-0860, 9587-09-0857), Walter John Maki (PIN 9578-90-9092), Joseph Franklin Swain (PIN 9587-09-0936), and Wild Hare Investments LTD (PINs 9577-99-9912, 9577-99-9943, and the southern portion of 9577-99-8907).

The public hearing will be held on Monday, June 2, 2008, at 7:00 P.M., in the Board of Commissioners Meeting Room located in the Henderson County Historic Courthouse, at 1 Historic Courthouse Square, 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, 1 Historic Courthouse Square, Suite 1, 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, 213 1<sup>st</sup> Avenue East, 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 [www.hcplanning.org](http://www.hcplanning.org). 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. The Henderson County 2020 Comprehensive Plan will be updated and amended, as necessary, to reflect the action of the Board of Commissioners.

Elizabeth Corn  
Clerk to the Board  
Henderson County Board of Commissioners

For publication in the Times News on Wednesday, May 14, 2008 and Wednesday, May 21, 2008.

### Certification of Notice of Public Hearing

In accordance with NCGS 153A-343 the Planning Department certifies notices of the June 2, 2008 hearing regarding Rezoning Application #R-2008-02 were:

1. Submitted to the Hendersonville Times-News on May 6, 2008 to be published on May 14, 2008 and May 21, 2008 by Matthew Cable;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area on May 14, 2008 by Parker Sloan;
3. Sent, via first class mail, to the applicant and agent on May 14, 2008 by Parker Sloan; and
4. Posted on the Subject Area on May 14, 2008 by Parker Sloan.

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

1. Matthew Cable
2. Parker Sloan

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

I, Kathleen R. Scanlan, a Notary Public, in and for the above County and State, do hereby certify that Matthew Cable, Parker Sloan, and \_\_\_\_\_

personally appeared before me this day and acknowledged the due execution by

PLANNING Dept. of the foregoing instrument.

WITNESS my hand and notarial seal, this the 14 day of May, 2008.

My commission expires:

10/24/2010

(SEAL)

Kathleen R. Scanlan  
NOTARY PUBLIC