

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: Monday, June 2, 2008

SUBJECT: Public Hearing for Rezoning Application #R-2008-09

ATTACHMENTS:

1. Staff Memo
2. Staff Report
3. Aerial Photo Map
4. Subject Area Photos
5. Community Commercial (CC) District Text
6. Regional Commercial (RC) District Text
7. Comparison Table of Permitted Uses
8. Excerpt of Draft Planning Board Minutes from May 15, 2008
9. Notice of Public Hearing
10. Certification of Notification of Public Hearing
11. R-2008-09 PowerPoint Presentation

SUMMARY OF REQUEST:

Rezoning #R-2008-09, which was initiated by Henderson County Planning Staff on behalf of the property owners, processes a request that the County rezone approximately 15.48 acres of land, located off US Highway 25 North near its intersection with Holbert Road (SR 1367), from a CC (Community Commercial) zoning district to an RC (Regional Commercial) zoning district. The Subject Area is comprised of four (4) parcels of land. The property owners are: Bryan L. Vaughn (PIN: 9651-52-2346); Gene A. Wilkie and Wife (PIN: 9651-51-9783 and 9651-51-9293); and Geneco Inc. (PIN: 9651-51-8627).

The Henderson County Planning Board considered rezoning application #R-2008-09 at its regularly scheduled meeting on May 15, 2008. During that meeting, the Board voted 5 to 0 to send the Board of Commissioners an unfavorable recommendation, recommending denial of rezoning request #R-2008-09 to rezone the Subject Area from an existing CC zoning district to an RC zoning district consistent with the recommendations of the Henderson County 2020 Comprehensive Plan. Further, the Planning Board recommended that these parcels be considered as part of a limited Small Area Zoning Study. Specifically the Planning Board recommended that the study include those properties along US Highway 25 North zoned Community Commercial (CC) and falling between the Regional Commercial (RC) and Local Commercial (LC) zoning districts as currently applied.

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-2008-09 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 property owners on May 14, 2008 and posted signs advertising the hearing on the Subject Area on May 14, 2008. Attachment 10, includes a certification to this effect.

BOARD ACTION REQUESTED:

Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the current zoning of the Subject Area (CC (Community Commercial) zoning), which is consistent with the recommendations of the Henderson County 2020 Comprehensive Plan. Planning Staff also supports the suggestion of the Planning Board to initiate a limited Small Area Zoning Study.

Suggested Motion:

I move that the Board deny rezoning request #R-2008-09 to rezone the Subject Area from a CC (Community Commercial) zoning district to an RC (Regional Commercial) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan. I further move that the Board direct staff to initiate a limited Small Area Zoning Study and report the findings of the study to this Board within approximately 60-90 days.

Alternative Motion:

I move that the Board approve rezoning request #R-2008-09 to rezone the Subject Area from a CC (Community Commercial) zoning district to an RC (Regional Commercial) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan.

213 First Avenue East • Hendersonville, NC 28792
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MEMORANDUM

TO: Board of Commissioners
Steve Wyatt, County Manager
Selena Coffey, Assistant County Manager

FROM: Anthony W. Starr, AICP, Planning Director

DATE: June 2, 2008

SUBJECT: Rezoning #R-2008-09 US Highway 25 North Area

Enclosed is a staff report with the recommendations from the Planning Staff, Technical Review Committee, and Planning Board. All recommend denial of this rezoning request for several reasons. While it may appear to some that the new Land Development Code (LDC) somehow has significantly limited the range of uses permitted in the area, this is not the case. With the recent revisions to the LDC, there are only a few differences between the Community Commercial (CC) and Regional Commercial (RC) districts (see attachment 7 for a district comparison).

One point of discussion has been “automobile and equipment service” and “motor vehicle sales or leasing” as uses in the CC district. Automobile and equipment service is allowed in both districts as a use permitted by right this includes automobile towing as an accessory use. Permitted by right means only a zoning permit and perhaps a site plan are needed for a new business to operate. Motor vehicle sales or leasing is permitted by right in the RC district and is permitted in the CC district as a special use. A special use requires approval by the Board of Adjustment. While this area seems entirely appropriate for motor vehicle sales or leasing, other areas of the county zoned CC may not be as suitable or may require specific provisions to protect neighbors.

The major difference between the RC and CC is that large “big box” type development is allowed in the RC whereas the CC limits retail uses to 80,000 square feet of gross building floor area. The largest grocery stores are typically less than 80,000 square feet while structures with more than 80,000-100,000 square feet are typically the large home improvement stores or large national retail chain stores.

It appears that the requested rezoning would not support at big box type development given its current acreage (13.5 acres divided by Hwy 25). Applying the RC zoning to the site may set the stage for a future rezoning request to expand the area for a big box development. This could be possible with significant filling of the floodplain property in the area on the eastside of Hwy 25 (staying within the 20% fill limit).

There are quite a few homes in the area that could be significantly affected by a large retail development and this may put the County on the path to a land use conflict with neighbors in the area. While it is understandable that folks do not want to endure the extra step of obtaining a special use permit, it does provide a check and balance for what might happen with property in key areas.

It has also been suggested that the LDC text could be changed to allow motor vehicle sales or leasing as a permitted by right in the CC district. While this may solve some of the concerns of the subject area's property owners, it may create other issues. As previously mentioned not all areas zoned CC may be suitable for large motor vehicle sales lots. If the Board desires to move in this direction, it may be appropriate to create large and small vehicle sales classifications and allow larger lots with a special use permit in the CC. Smaller lots could be allowed by right. Community Commercial districts often directly abut neighborhoods and these uses and how they impact residential neighborhoods is a point to consider.

The Planning Board has suggested that a limited Small Area Zoning Study be initiated to evaluate the proper zoning classification for this immediate area. Planning Staff supports this suggestion and I believe we could complete this task in a short period of time (60-90 days) using the wisdom and knowledge of the Planning Board.

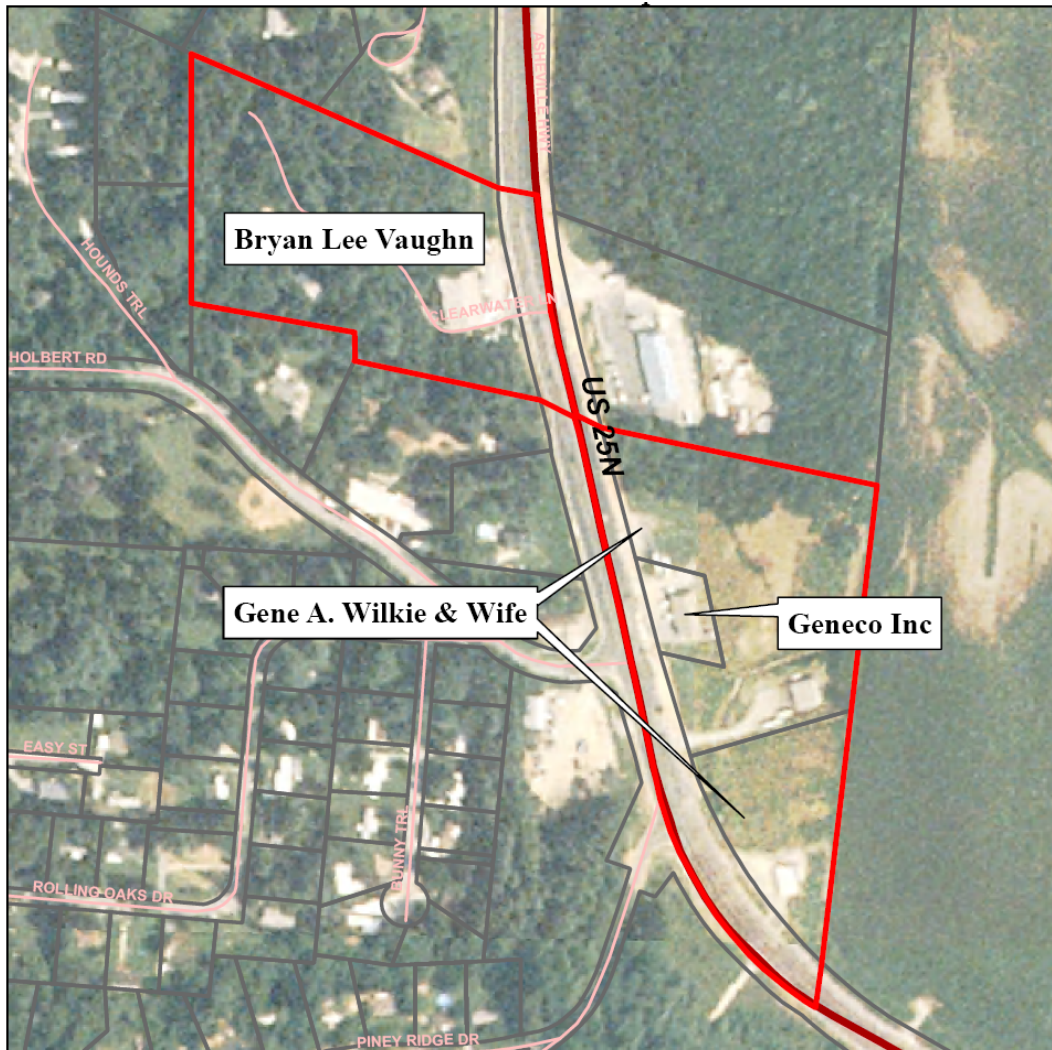
Henderson County Planning Department Staff Report**Rezoning #R-2008-09 (CC to RC)**

**Requested by: Henderson County Planning Staff on behalf of
Bryan L. Vaughn, Gene A. Wilkie and Wife, and Geneco Inc., Property Owners**

1. Rezoning Request

- 1.1. **Date of Staff Initiation:** March 28, 2008
- 1.2. **Property Owners:** Bryan L. Vaughn, Gene A. Wilkie and Wife, and Geneco Inc.
- 1.3. **Request:** Rezone Subject Area from a CC (Community Commercial) zoning district to an RC (Regional Commercial) zoning district.
- 1.4. **Subject Area**
 - 1.4.1. **PIN:** 9651-52-2346 (Bryan L. Vaughn); 9651-51-9783 and 9651-51-9293 (Gene A. Wilkie and Wife); and 9651-51-8627 (Geneco Inc.) (See Map A).

Map A: Map of Parcels by Owner



1.4.2. **Size:** Approximately 15.48 acres of land (inclusive of right-of-way) (See Table A).

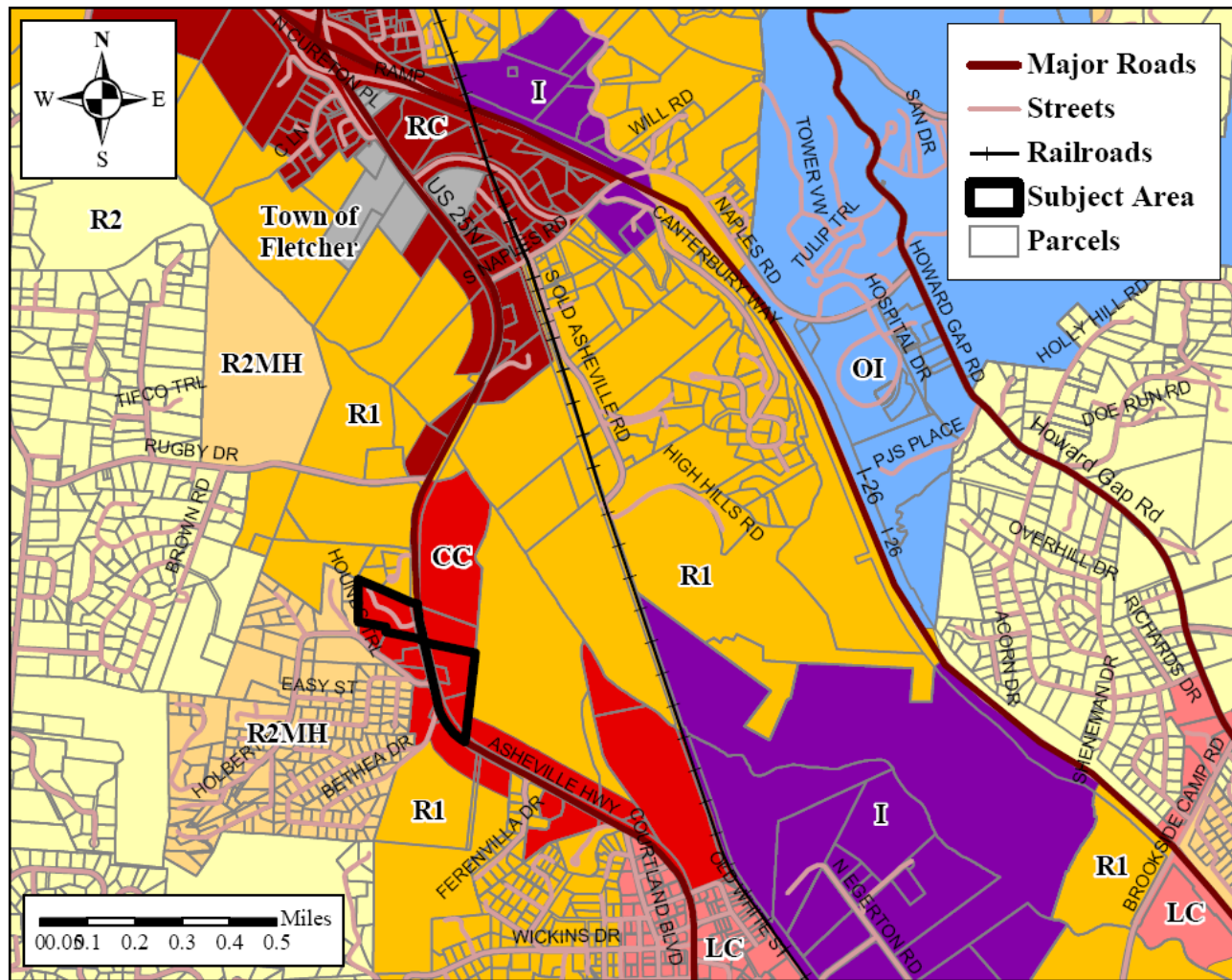
Table A: Parcel Acreage		
PIN	Property Owner	Acres
9651-52-2346	Bryan L. Vaughn	6.34
9651-51-9783	Gene A Wilkie & Wife	4.57
9651-51-9293	Gene A Wilkie	2.17
9651-51-8627	Geneco Inc	0.49

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

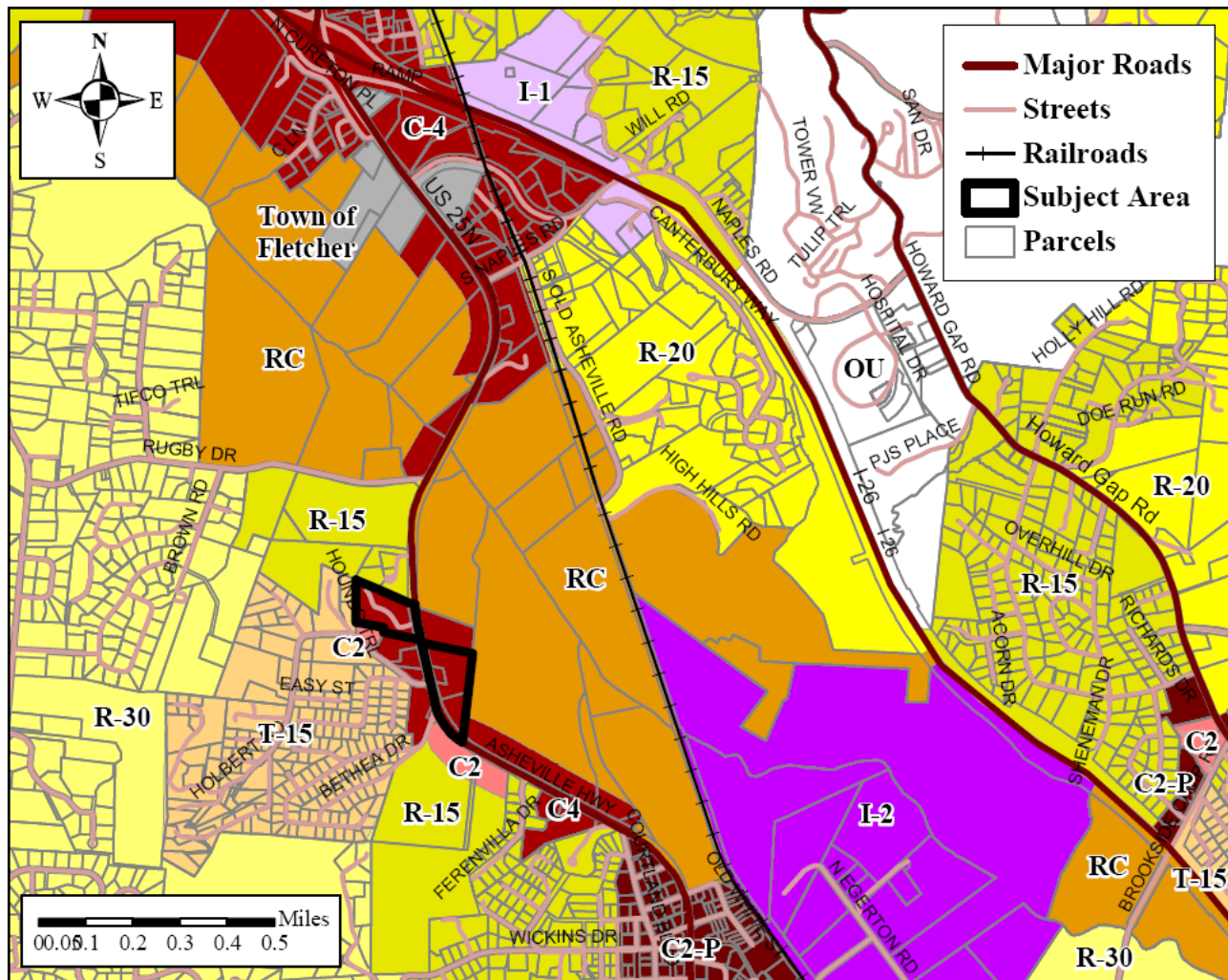
- 1.4.3.1. Approximately 7,000 feet (1.33 highway miles) south of the intersection of US Highway 25 North and Interstate 26;
- 1.4.3.2. Approximately 1,380 feet (0.26 highway miles) south of the intersection of US Highway 25 North and Rugby Drive (SR 1417);
- 1.4.3.3. Northeast of the intersection of Holbert Road (SR 1367) and US Highway 25 North; and
- 1.4.3.4. East of the intersection of Piney Ridge Drive (SR 2265) and US Highway 25 North.

2. **Current Zoning**

- 2.1. **Application of Current Zoning:** The Subject Area is currently zoned CC (Community Commercial), which was applied on September 19, 2007, as a result of the adoption of Chapter 200A, Land Development Code and its Official Zoning Map (See Map B).

Map B: Current Zoning

- 2.2. **Adjacent Zoning:** CC (Community Commercial) zoning is applied north, south and west of the Subject Area. To the north and east is an R1 (Residential One) zoning district. To the west is an R2MH (Residential Two Manufactured Housing) zoning district. RC (Regional Commercial) zoning is applied approximately 1,400 feet (0.27 miles) north of the Subject Area (See Map B).

Map C: Previous Chapter 200 Zoning

2.3. **Previous Zoning:** The Subject Area was zoned C-4 (Highway Commercial) by the US Highway 25 North Zoning Study (See Map C). RC (Rural Commercial) and C-4 (Highway Commercial) zoning was applied east of the Subject Area. C2 (Neighborhood Commercial) zoning was applied south of the Subject Area. T-15 (Medium Density Residential with Manufactured Homes) zoning was applied west of the Subject Area. R-15 (Medium Density Residential) zoning was applied north of the Subject Area. Prior to the adoption of the US Highway 25 North Zoning Study, the Subject Area was part of the OU (Open Use) zoning district.

2.4. **District Comparison:**

2.4.1. **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* in the Comprehensive Plan” (Chapter 200A, Land Development Code §200A-34).

CC (Community Commercial): (1) requires ten (10) foot side and rear yard setbacks; (2) limits building height to a maximum of 50 feet; (3) provides a residential density of 16 units per acre; and (4) limits impervious surface to a maximum of 80 percent. A single unit on a single lot is limited to a maximum gross floor area of 30,000 square feet. Within a multi-tenant structure the principal tenant is limited to a maximum floor area of 80,000 square feet with the maximum gross floor area for any other tenant being 30,000 square feet.

- 2.4.2. **RC Regional Commercial Zoning District:** “The purpose of the Regional Commercial District (RC) 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, community, and regional 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 *Urban* in the Comprehensive Plan” (Chapter 200A, Land Development Code §200A-35).

RC (Regional Commercial): (1) requires ten (10) foot side and rear yard setbacks; (2) limits building height to a maximum of 50 feet; (3) provides a residential density of 16 units per acre; and (4) limits impervious surface to a maximum of 80 percent. Maximum floor area is unlimited.

3. Current Uses of Subject Area and Adjacent Properties

- 3.1. **Subject Area Uses:** The Subject Area contains four (4) lots with a variety of uses (See Attachment 4, Subject Area Photos).

3.1.1. **PIN 9651-52-2346:** Mr. Vaughn’s property contains a commercial use (Alley’s Mechanic Service).

3.1.2. **PIN 9651-51-9783:** Mr. Wilkie’s property contains a garage use on the southern portion of the property.

3.1.3. **PIN 9651-51-9293:** Mr. Wilkie’s property contains commercial uses (Dale Reese Trailer Sales and an associated used car lot).

3.1.4. **PIN 9651-51-8627:** The Geneco Inc. property contains an office/commercial use (Blue Mountain Computers and Hal Gordon Electrical Service).

- 3.2. **Adjacent Area Uses:** Surrounding area lands are undeveloped or contain agricultural, residential, or commercial uses.

3.2.1. **To the West:** Single-family residential uses (including manufactured/mobile homes) are located adjacent and to the west. Commercial uses, including KLB Race Cars,

Mountain Home Auto Repair, and GDS of Hendersonville, are also adjacent and to the west.

3.2.2. **To the North:** A commercial use (Freeman Gas) and single-family residential uses are located to the north.

3.2.3. **To the East:** Undeveloped and agricultural lands are located to the east.

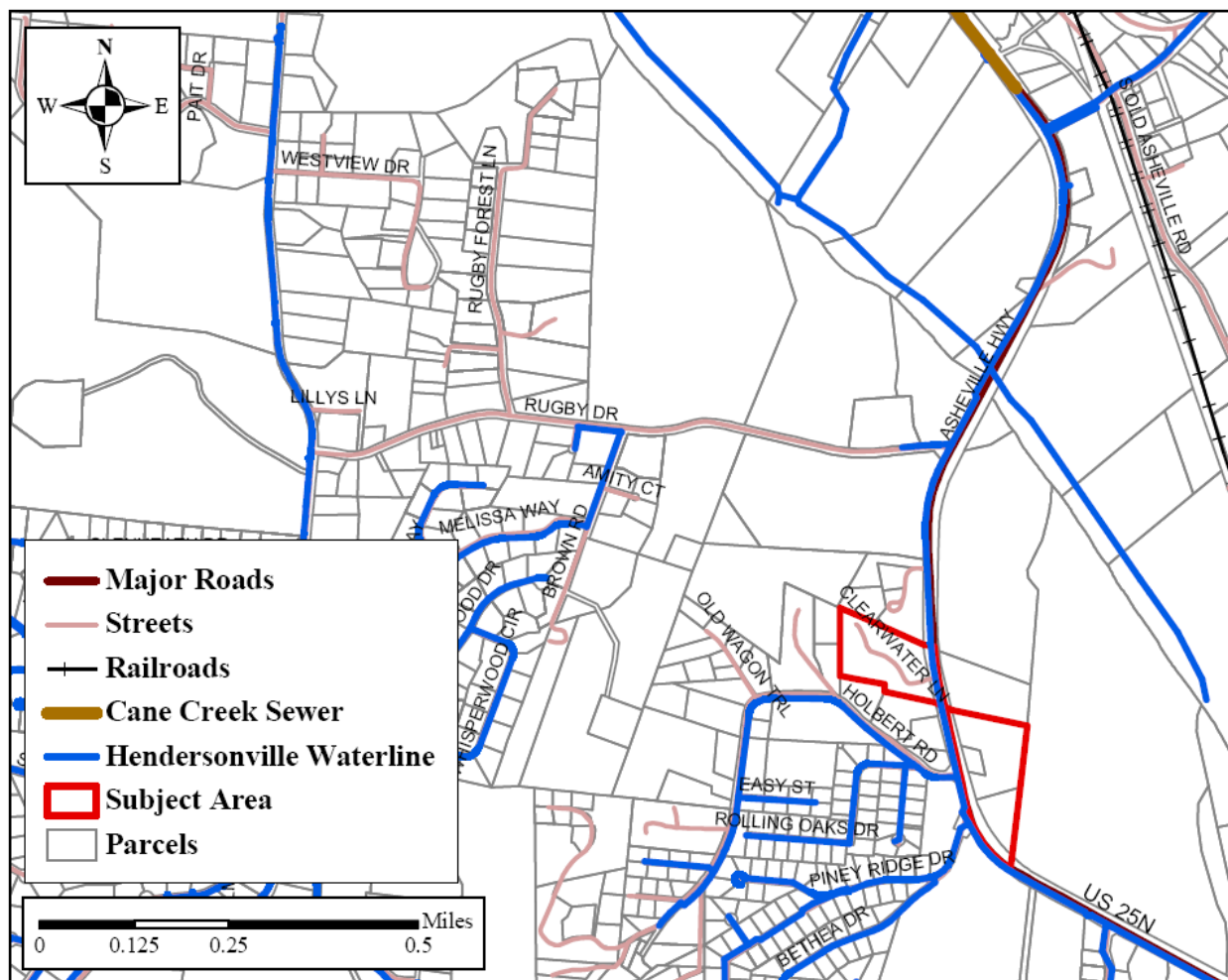
3.2.4. **To the South:** Undeveloped, agricultural, and single-family residential uses are located adjacent and to the south.

4. Water and Sewer

4.1. **Public Water:** Public water (City of Hendersonville) appears to be located on the Subject Area site (See Map D).

4.2. **Public Sewer:** Public sewer does not appear to be located on the Subject Area site. Public sewer (Cane Creek) appears to be located approximately 4,000 feet (0.76 miles) north of the Subject Area, near the intersection of US Highway 25 North and South Naples Road (SR 1695) (See Map D).

Map D: Water and Sewer



5. Transportation and Access

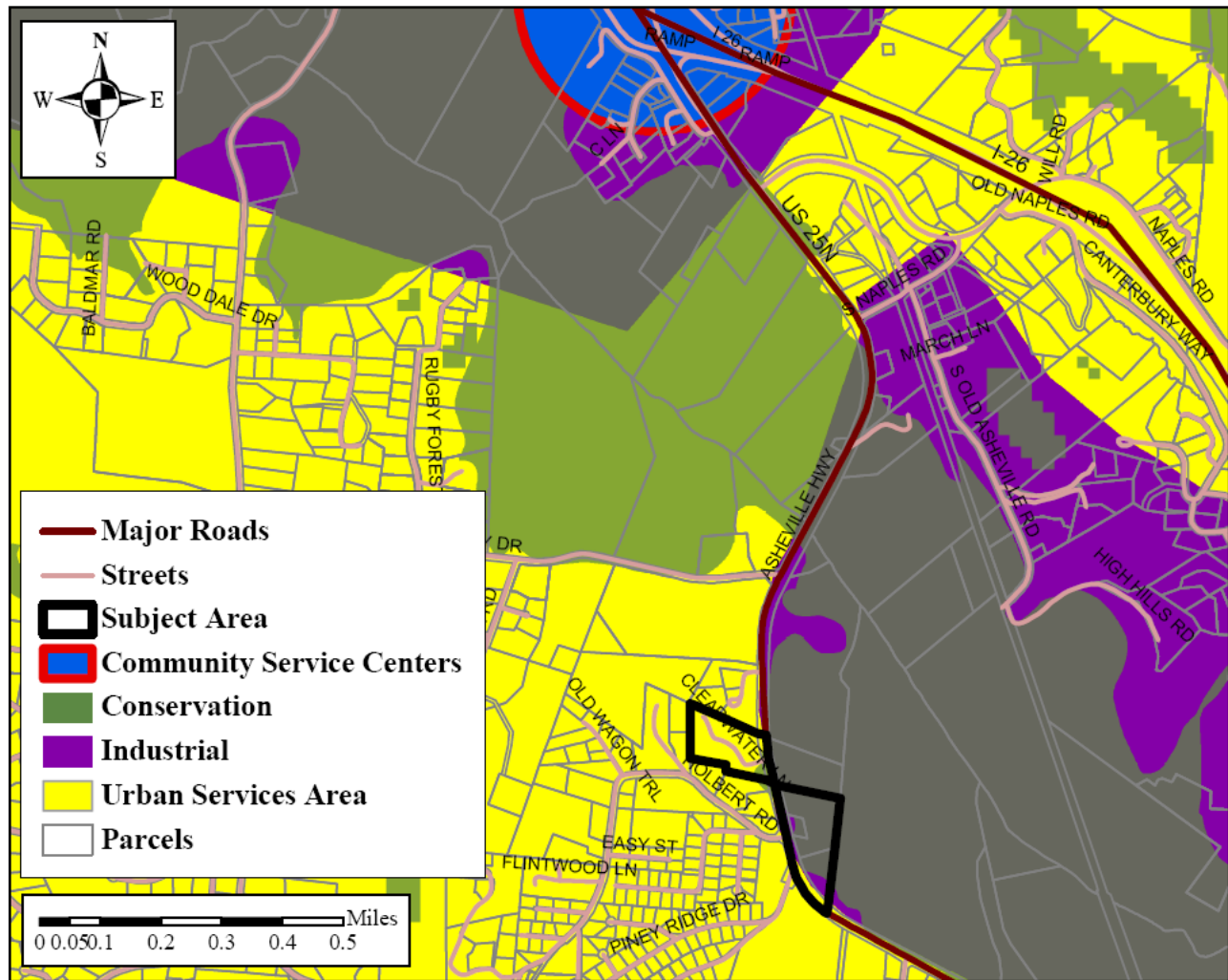
- 5.1. **Frontage:** The Subject Area has approximately 1,600 feet (0.30 miles) of road frontage along US Highway 25 North.
- 5.2. **Transportation:** Table 1, below, provides Annual Average Daily Traffic Counts for US Highway 25 North in the vicinity of the Subject Area (counts taken just south of the intersection of US Highway 25 North and Interstate 26) (See Table B).

Table B. Annual Average Daily Traffic Count					
Road	2002	2003	2004	2005	2006
US Highway 25 North	15,000	20,000	19,000	-	-

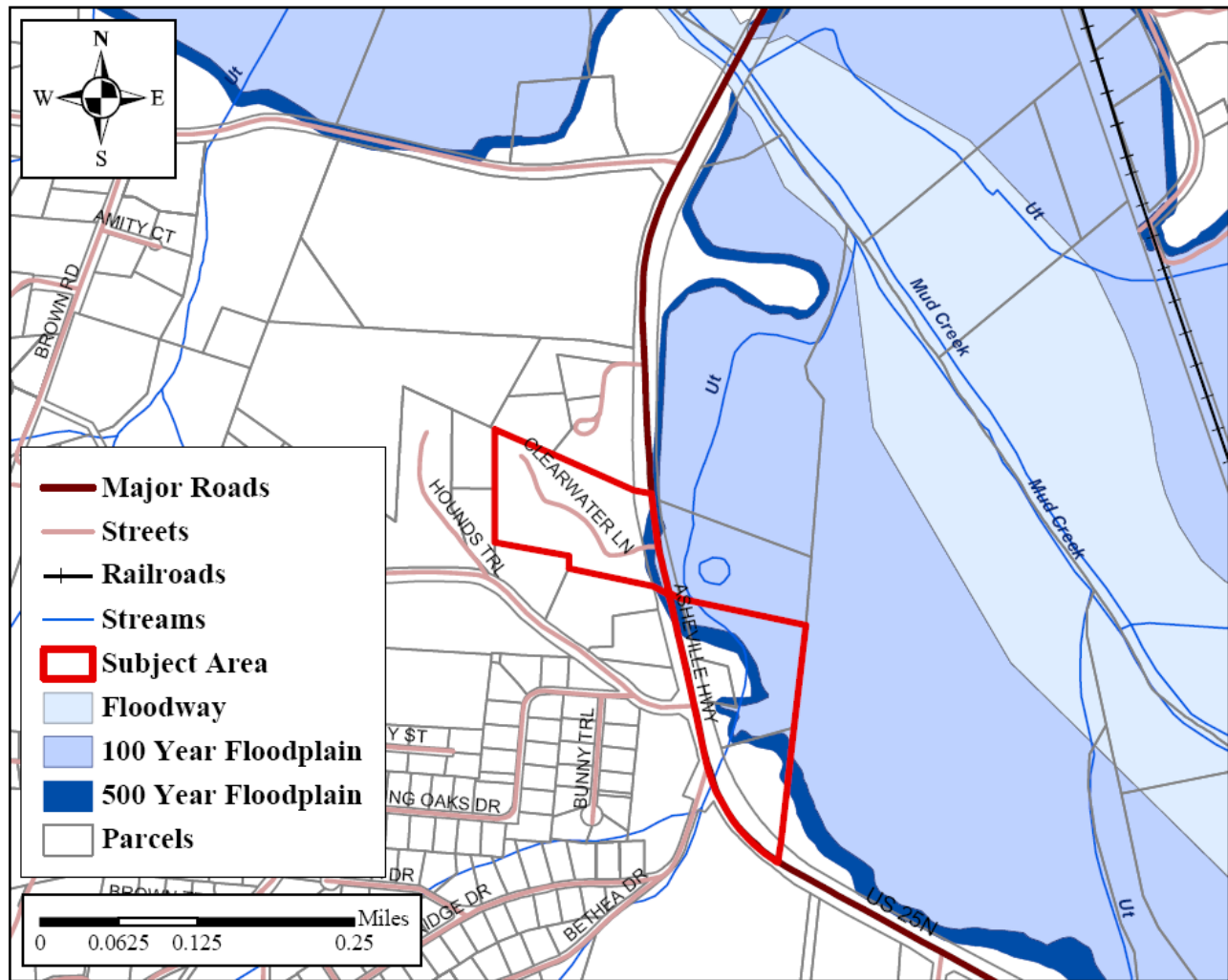
- 5.3. **Public Transit.** The Subject Area is served by Apple Country Transit's Blue Route. The nearest transit stop is located at Piney Ridge Drive (SR 2265), located directly west of the southern portion of the Subject Area.
- 5.4. **The NCDOT 2009-2015 State Transportation Improvement Program (STIP):**The Transportation Improvement Program, does not include any proposed improvements to US Highway 25 North in the vicinity of the Subject Area. No improvements are proposed for Holbert Road (SR 1367) or Rugby Drive (SR 1417) by the STIP.

6. The Henderson County, North Carolina 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, Pg. 128, Pg. 129 & Appendix 1, Map 24) (See Map E).
- 6.1.1. 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).
- 6.1.2. The CCP also states that, "the 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).
- 6.2. **Community Service Center.** The CCP Future Land Use Map does not identify a Community Service Center at, or in the immediate vicinity of, the Subject Area.
- 6.3. **Industrial:** The CCP Future Land Use Map identifies the eastern three (3) parcels of the Subject Area as being suitable for industrial development (2020 CCP, Pg. 129, Pg. 136, Pg. 148 & Appendix 1, Map 8 and Map 24) (See Map E). The CCP states that, "Most industrial uses should be segregated from other uses with the exception of Regional Commercial uses" (2020 CCP, Pg. 136).

Map E: 2020 County Comprehensive Plan Future Land Use Map

- 6.4. **Conservation Area:** The Future Land Use Map identifies the majority of the eastern three (3) parcels of the Subject Area as being appropriate for conservation largely due to the presence of floodplain (2020 CCP, Pg. 129, Pg. 134, & Appendix 1, Map 24). (See Maps E and F). The CCP states that, “Land use planning should acknowledge the presence of sensitive natural areas such as floodplains, wetlands, areas of excessively steep topography, and other natural and cultural assets, and should strive to protect these areas from development that would damage them or diminish their integrity” (2020 CCP, Pg. 129).

Map F: Floodplain Map**7. Staff Comments**

Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the current zoning of the Subject Area (CC (Community Commercial) zoning), this based on the following:

- 7.1. **The 2020CCP:** The text and map of the 2020 CCP places the Subject Area in the "Urban Services Area" classification where commercial development, at a mixture of scales (including local, community and regional) are encouraged. The 2020 CCP also identifies the eastern three (3) parcels of the Subject Area as appropriate for industrial development. According to the CCP, both commercial and industrial development should exist within zoning districts whose standards and configuration are in keeping with the surrounding community. The surrounding area contains primarily single-family and agricultural uses or remains undeveloped. The standards and configuration of CC (Community Commercial) zoning appear to be in keeping with the surrounding community given that it is primarily single-family residential uses.

7.2. **Comparison of Districts:** (See also Attachments 5, 6 and 7)

- 7.2.1. Applying RC zoning to the Subject Area would allow for an unlimited maximum gross floor area and reduced front yard setbacks. Other dimensional requirements would remain unchanged.
- 7.2.2. Applying RC zoning would allow for the following uses not allowed by CC: heliports, automotive towing, tire recapping, entertainment complexes, flea markets, manufactured/mobile home sales, parking garages or lots (requiring payment), retail sales and services greater than 100,000 square feet, shopping malls, truck stops, and truck washes. Because of the large scale of these uses, many require being located on larger tracts of land than may be available within the Subject Area. For example, retail sales and services greater than 100,000 square feet (if one level) would require a minimum of 2.29 acres of land (excluding parking area and not accounting for impervious surface limitations). Two (2) of the four (4) parcels which constitute the Subject Area are under 2.29 acres in size. One (1) of the four (4) parcels is largely within the floodplain reducing the developable area (without a fill permit) to approximately 1.63 acres (See also Section 7.4 below).
- 7.2.3. Applying RC zoning would not allow for the following uses allowed by CC: hospice residential care facilities, rooming and boardinghouses, single-family dwellings accessory to a principal business, marinas, recreational vehicle parks, riding stables, swim and tennis clubs, adult day care facilities, and yard sales.
- 7.2.4. Applying RC zoning could have similar impacts on public services (water, sewer, roads, emergency services, and schools) as would CC zoning, dependent upon the scale of development and/or type of use proposed under either district.

7.3. **Adjacent Zoning:** The Subject Area does not abut an existing RC (Regional Commercial) zoning district. Currently all RC zoning districts within the County are located at an Interstate 26 interchange. Applying RC zoning to the Subject Area would result in the identification of a single RC node not located at an interstate interchange.

7.4. **Flood Damage Prevention:** The Future Land Use Map identifies the majority of the eastern three (3) parcels of the Subject Area as being appropriate for conservation largely due to the presence of floodplain (See Maps E and F). It appears that a total of 3.15 acres of the 15.48 acre Subject Area (approximately 20 percent) falls within the 100-year floodplain. Further, a majority of this 100-year floodplain area (2.94 acres) fall within one parcel (PIN: 9651-51-9783 (Wilkie) 4.57 acres) accounting for 64 percent of the parcel. As noted in the CCP, land use planning should acknowledge the presence of sensitive natural areas such as floodplain and strive to protect these areas from development that would damage them or diminish their integrity. Community Commercial (CC) zoning would be more adapt to acknowledging the presence of floodplain due to the application of maximum gross floor area limitations not provided for by RC zoning.

8. **Staff Recommendations**

- 8.1. When reviewing rezoning requests Staff attempts to identify plans or policies, changes in existing conditions, undue hardship to the property owners, 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 current zoning of the Subject Area (CC (Community Commercial) zoning) which is consistent with the

recommendations of the Henderson County 2020 Comprehensive Plan. Planning Staff also supports the suggestion of the Planning Board to initiate a limited Small Area Zoning Study.

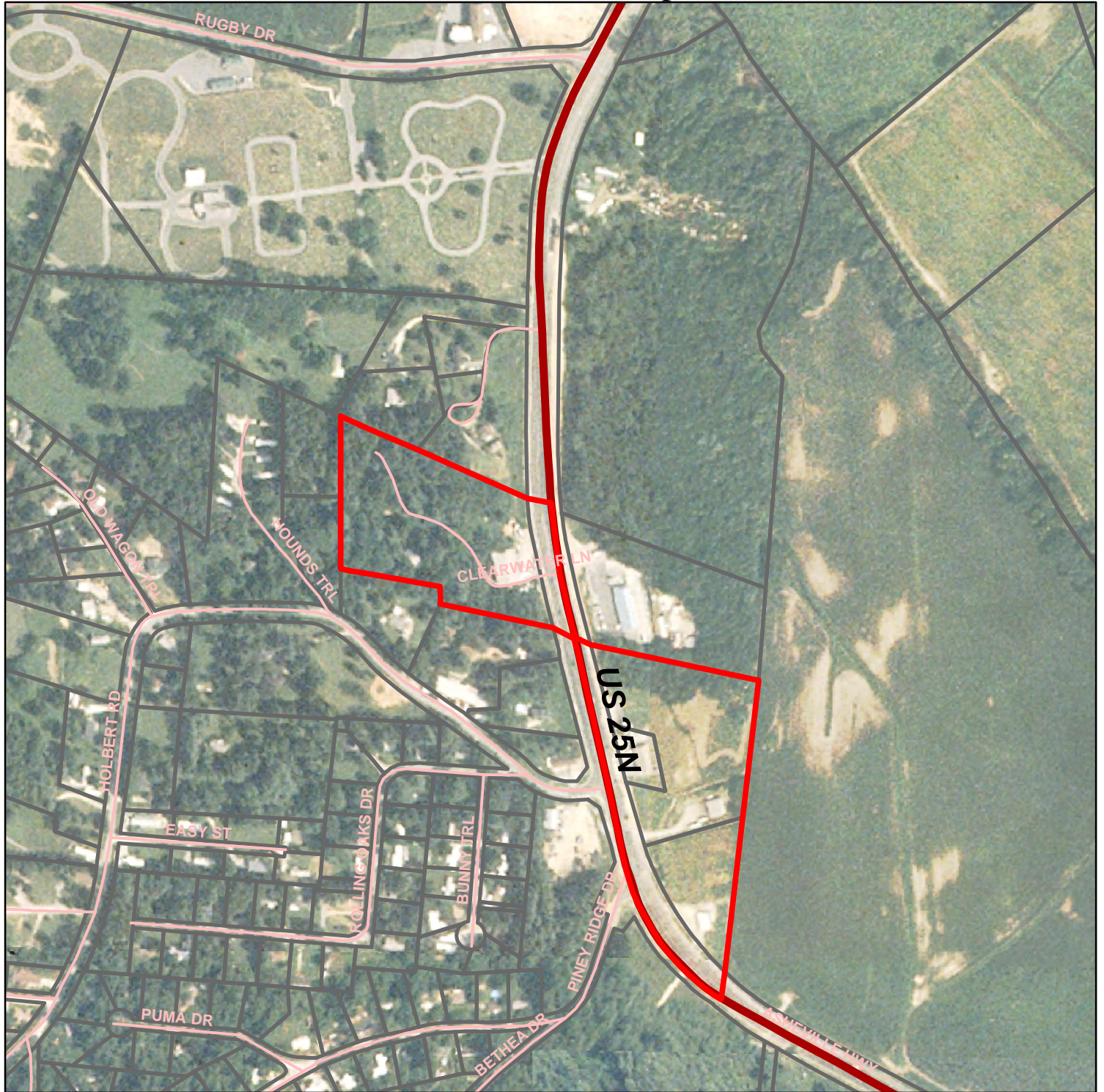
- 8.1.1. It is generally incumbent upon the property owners to demonstrate an overriding justification for approving a given rezoning application. Staff encourages the property owners to present any information that would inform the County's consideration of the proposed rezoning. Staff requests the property owners not discuss any specific use being considered for the properties. The Board of Commissioners cannot consider any specific proposed use for the properties and must only consider the range of possible uses when reviewing and making recommendations on the rezoning request.

9. Technical Review Committee Recommendations

- 9.1.1. The Henderson County Technical Review Committee (TRC) considered rezoning request #R-2008-09 at its regularly scheduled meeting on May 6, 2008. During that meeting, the TRC voted 7 to 0 to send the Board of Commissioners an unfavorable recommendation, recommending denial of rezoning request #R-2008-09 to rezone the Subject Area from an existing CC zoning district to an RC zoning district consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.

10. Planning Board Recommendations

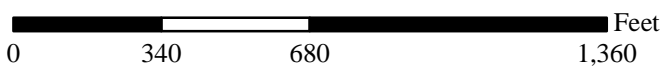
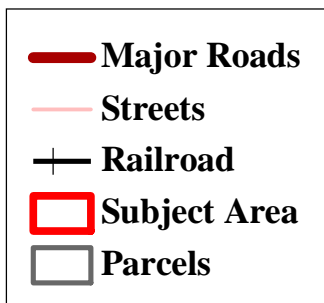
- 10.1.1. See Attachment 8, Excerpt of Draft Planning Board Minutes from May 15, 2008
- 10.1.2. The Henderson County Planning Board considered rezoning application #R-2008-09 at its regularly scheduled meeting on May 15, 2008. During that meeting, the Board voted 5 to 0 to send the Board of Commissioners an unfavorable recommendation, recommending denial of rezoning request #R-2008-09 to rezone the Subject Area from an existing CC zoning district to an RC zoning district consistent with the recommendations of the Henderson County 2020 Comprehensive Plan. Further, the Planning Board recommended that these parcels be considered as part of a limited Small Area Zoning Study. Specifically the Planning Board recommended that the study include those properties along US Highway 25 North zoned Community Commercial (CC) and falling between the Regional Commercial (RC) and Local Commercial (LC) zoning districts as currently applied.



Rezoning Application

#R-2008-09

Henderson County Planning Staff on the behalf of Property Owners
Bryan L. Vaughn; Gene A. Wilkie & Wife; and Geneco Inc.





1. View of the existing commercial use (Alley's Mechanic Service), looking west from US Highway 25 North. Alley's Mechanic Service is located on PIN: 9651-52-2346 (Vaughn).



2. View of the existing garage, looking east from US Highway 25 North. The garage is located on PIN: 9651-51-9783 (Wilkie).



3. View of the existing office/commercial use (Blue Mountain Computers and Hal Gordon Electrical Service), looking east from US Highway 25 North. The office/commercial use is located on PIN: 9651-51-8627 (Geneco Inc.).



4. View of the existing commercial uses (Dale Reese Trailer Sales and used car lot), looking east from US Highway 25 North. The commercial uses are located on PIN: 9651-51-9293 (Wilkie).



5. View of the existing commercial uses (used car/trailer sales area), looking east from US Highway 25 North. The commercial uses are located on PIN: 9651-51-9293 (Wilkie).

§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) <i>Residential Density</i> (units/acre)			16
<i>Maximum Impervious Surface</i> (%)			80
(2) <i>Maximum Floor Area</i> (sq ft)			80,000 or 30,000
<i>Yard Setbacks</i> (feet)	<i>Front or ROW</i>	<i>Local</i>	20
		<i>Collector</i>	25
		<i>Thoroughfare</i>	35
		<i>Boulevard</i>	45
		<i>Expressway</i>	55
		<i>Freeway</i>	60
	<i>Side</i>		10
	<i>Rear</i>		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.

- (2) Within a multi-tenant *structure/site*, , the principal tenant shall have a maximum *gross floor area* of 80,000 square feet. The maximum *gross floor area* for any other tenant shall be 30,000 square feet. The maximum *gross floor area* for a single unit on a single *lot* shall be 30,000 square feet.

§200A-35. Regional Commercial District (RC)

- A. **Purpose.** The purpose of the Regional Commercial District (RC) is to foster orderly growth where the *principal use* of land is commercial. The intent of this district is to allow for *commercial development* consistent with the recommendations of the *Comprehensive Plan*. In accordance with the *Comprehensive Plan*, the district will allow for and provide *commercial development* that: (1) includes a variety of retail sales and services, public and private administrations, offices and all other *uses* done primarily for sale or profit on the local, community, and regional level; (2) is directed largely to Community Service Centers as defined in the *Comprehensive Plan*; (3) is compatible with adjacent development and the surrounding community; and (4) will minimize congestion and sprawl. This general *use district* is meant to be utilized in areas designated as Urban 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 2.9. RC Density and Dimensional Requirements			
(1) <i>Residential Density</i> (units/acre)			16
<i>Maximum Impervious Surface</i> (%)			80
Maximum <i>Floor Area</i> (sq ft)			Unlimited
<i>Yard Setbacks</i> (feet)	<i>Front</i> or <i>ROW</i>	<i>Local</i>	15
		<i>Collector</i>	30
		<i>Thoroughfare</i>	40
		<i>Boulevard</i>	50
		<i>Expressway</i>	50
		<i>Freeway</i>	60
	<i>Side</i>		10
	<i>Rear</i>		10
Maximum <i>Height</i> (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:

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

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

5 acres x 16 units per acre = **80 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.

USE TYPE	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit		
	CC	RC	SR
1. RESIDENTIAL USES			
<i>Assisted Living Residence</i>	P	P	1.1
<i>Continuing Care Retirement Community</i>	P	P	1.3
<i>Dwelling, Multifamily, Five (5) or More Units</i>	S	S	1.6
<i>Hospice Residential Care Facility</i>	P		1.12
<i>Nursing Home</i>	P	P	1.14
<i>Rooming and Boardinghouse</i>	P		1.15
2. ACCESSORY USES			
<i>Childcare Facility (as an accessory for a principal business)</i>	P	P	2.1
<i>Drive-Thru Window</i>	P	P	2.2
<i>Dwelling, Single-Family (as an accessory for a principal business)</i>	P		2.3
<i>Fuel Pumps</i>	P	P	2.4
<i>Outdoor Storage ≤5000 sq ft</i>	P	P	2.8
<i>Outdoor Storage >5000 sq ft</i>	S	P	2.9
3. ACCESSORY STRUCTURES			
<i>Automatic Teller Machine</i>	P	P	3.2
<i>Gate and/or Guardhouse</i>	P	P	3.7
<i>Greenhouse</i>	P	P	3.8
<i>Heliport (Private Accessory)</i>		P	3.9
<i>Loading Bay</i>	P	P	-
<i>Outdoor Sale Display Areas</i>	P	P	3.10
<i>Parking Garage</i>	P	P	3.11
<i>Planned Seasonal Agricultural Worker Development</i>	P	P	3.12
<i>Produce Stand, Accessory</i>	P	P	3.13
<i>Satellite Dish</i>	P	P	-
<i>Storage Shed</i>	P	P	3.14
<i>Wastewater Treatment Plant, Small Accessory</i>	P	P	3.15
4. RECREATIONAL USES			
<i>Camp</i>	P	P	4.3
<i>Coin Operated Amusements</i>	P	P	4.5
<i>Golf Course and/or Country Club</i>	P	P	4.7
<i>Governmental Recreational Facilities</i>	P	P	4.8
<i>Indoor Recreational Facilities (Bowling Alley, Skating Rink, Bingo Games, Indoor Miniature Race Tracks)</i>	P	P	4.9
<i>Marina</i>	P		4.10
<i>Miniature Golf Course or Driving Tees/Ranges (operated for commercial purposes)</i>	P	P	4.11
<i>Motor Sports Facility, Recreational</i>	S	S	4.14
<i>Outdoor Recreational Facilities</i>	S	S	4.15
<i>Park</i>	P	P	4.16
<i>Physical Fitness Center</i>	P	P	4.17
<i>Recreational Vehicle Park</i>	S		4.18

Yellow highlighting indicates uses allowed in CC and not in RC.

Orange Highlighting indicates uses allowed in RC and not in CC.

USE TYPE	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit		
	CC	RC	SR
Riding Stables	P		4.19
School (Sports Instructional)	P	P	4.20
Shooting Ranges, Indoor	S	S	4.21
Sporting and Recreational Facilities	P	P	4.23
Swim and Tennis Club	P		4.24
5. EDUCATIONAL AND INSTITUTIONAL USES			
Adult Day Care Facility	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	P	5.6
Community Club	P	P	5.7
Fire and Rescue Station	P	P	5.9
Funeral Home or Crematorium	P	P	5.10
Government Offices	P	P	5.11
Homeless Shelter	S	P	5.12
Hospital	P	P	5.13
Museum/Library/Archive	P	P	5.14
Place of Assembly, Large	P	P	5.15
Place of Assembly, Small	P	P	5.16
Police Station	P	P	5.17
Religious Institution	P	P	5.18
School (Public/Private/Charter)	P	P	5.19
Youth Center	P	P	5.20
6. BUSINESS, PROFESSIONAL, AND PERSONAL SERVICES			
Animal Shelter	S	P	6.1
Automobile and Equipment Service	P	P	6.2
Automotive Towing		P	6.3
Broadcasting and Communications Facilities	P	P	6.4
Car Wash	P	P	6.5
Exterminating and Pest Control Services	P	P	6.6
Kennel	S	P	6.7
Motel/Hotel	P	P	6.8
Office: Business, Professional and Public	P	P	6.9
School (Technical, Trade and Business)	P	P	6.10
Theater, Drive-In	P	P	6.11
Tire Recapping		P	6.12
Urgent Care Clinic	P	P	6.13
7. RETAIL TRADE			
Cinema Complex	P	P	7.3

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USE TYPE	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit		
	CC	RC	SR
Convenience Store	P	P	7.4
<i>Entertainment Complex</i>		P	7.5
<i>Flea Market</i>		P	7.6
<i>Landscaping Materials Sales and Storage</i>	P	P	7.8
Manufactured/Mobile Home Sales		P	7.9
Motor Vehicle Sales or Leasing	S	P	7.10
<i>Open Air Market</i>	S	P	7.11
Parking Garage or Lot (requiring payment)		P	7.12
<i>Produce Stand</i>	P	P	7.13
Retail Sales and Services $\leq 50,000$ sq ft (of gross floor area)	P	P	7.14
Retail Sales and Services $> 50,000 \leq 100,000$ sq ft (of gross floor area)	P	P	7.15
Retail Sales and Services $> 100,000 \leq 150,000$ sq ft (of gross floor area)		P	7.16
Retail Sales and Services $> 150,000$ sq ft (of gross floor area)		S	7.17
<i>Shopping Mall</i>		S	7.18
Truck Stop		S	7.19
8. WHOLESALE TRADE			
<i>Wholesale Trade</i>	P	P	8.1
9. TRANSPORTATION, WAREHOUSING AND UTILITIES			
<i>Communication Facilities, Category 1</i>	P	P	9.3
<i>Communication Facilities, Category 2</i>	P	P	9.3
Self-Storage Warehousing	P	P	9.7
<i>Transit and Ground Passenger Transportation</i>	S	S	9.10
<i>Utility Substation</i>	P	P	9.12
<i>Warehousing and Storage</i> (Excluding Warehousing of Hazardous Substances)	P	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
Water Treatment Plant	S	S	9.17
10. MANUFACTURING & INDUSTRIAL USES			
<i>Machining and Assembly Operations $\leq 10,000$ sq ft (of gross floor area)</i>	P	P	10.7
<i>Manufacturing and Production Operations $\leq 10,000$ sq ft (of gross floor area)</i>	P	P	10.8
<i>Recycling Centers, Drop-Off Facilities</i>	P	P	10.14
<i>Research and Development Operations (Non-hazardous)</i>	P	P	10.16
Truck Wash		P	10.19
11. TEMPORARY USES			
Christmas Tree Lot Sales	P	P	11.1
Circuses, Carnivals, Fairs, Religious Services (or similar types of events)	P	P	11.2
<i>Model Home Sales Office, Temporary</i>	P	P	11.3
Movie Production	P	P	-
<i>Yard Sale</i>	P		11.4
12. TEMPORARY STRUCTURES			
<i>Portable Storage Container</i>	P	P	12.1

Yellow highlighting indicates uses allowed in CC and not in RC.

Orange Highlighting indicates uses allowed in RC and not in CC.

USE TYPE	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit		
	CC	RC	SR
<i>Produce Stand, Temporary</i>	P	P	12.2
Temporary Construction Project Buildings	P	P	12.3
Tent Sale	P	P	12.4
13. AGRICULTURAL USES			
<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	-

Yellow highlighting indicates uses allowed in CC and not in RC.

Orange Highlighting indicates uses allowed in RC and not in CC.

EXCERPT FROM THE HENDERSON COUNTY PLANNING BOARD DRAFT MINUTES MAY 15, 2008

Rezoning Application #R-2008-09 – Rezone Approximately 15.48 Acres of Land – Located off US Highway 25 North near Intersection with Holbert Road – Community Commercial (CC) to Regional Commercial (RC) Zoning District – Henderson County Planning Staff on Behalf of Bryan L. Vaughn, Gene A. Wilkie and Wife and Geneco Inc., Owners. Presentation by Matt Cable, Planner. Mr. Cable stated that Henderson County Planning Staff, on behalf of the property owners, is processing the request that the County rezone approximately 15.48 acres of land, from a CC (Community Commercial) zoning district to an RC (Regional Commercial) zoning district. He stated that the Subject Area is comprised of four (4) parcels of land, the property owners are: Bryan L. Vaughn; Gene A. Wilkie and Wife; and Geneco Inc. The subject area is located off US Highway 25 North near its intersection with Holbert Road and is currently zoned CC (Community Commercial), which was applied on September 19, 2007, as a result of the adoption of the LDC and its Official Zoning Map. CC (Community Commercial) zoning is applied north, south and west of the subject area.

Mr. Cable explained the differences in the Community Commercial zoning and the Regional Commercial Zoning District. He stated that the subject area was previously zoned C-4 (Highway Commercial) by the US Highway 25 North Zoning Study.

As mentioned before, the subject area is composed of four parcels containing commercial uses. Mr. Vaughn's property contains Alley's Mechanic Service; Mr. Wilkie's property contains a garage use and Dale Reese Trailer Sales and an associated used car lot. The Geneco Inc. property contains an office/commercial use including Blue Mountain Computers and Hal Gordon Electrical Service. Adjacent and surrounding area uses are noted in the Staff Report and include single-family residential, agricultural or commercial uses or are largely undeveloped.

On May 5, 2008, Staff posted notice signs on the subject area property providing notice of the consideration of the application by the Planning Board at its May 15, 2008 meeting.

He said Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the current zoning of the subject area, based on the following:

1. The text and map of the CCP do apply an Urban Services Area designation to the subject area but do not identify a Community Service Center at, or in the vicinity of the subject area. According to the CCP, commercial development should exist within zoning districts whose standards and configuration are in keeping with surrounding community. The surrounding area contains primarily single-family and agricultural uses or remains undeveloped. The standards and configuration of Community Commercial zoning appear to be in keeping with the surrounding community, given that it is primarily single-family uses.
2. The CC and RC zoning districts do have differences in permitted uses.
3. Applying RC zoning to the area would not allow for a number of uses currently allowed by CC which may be appropriate for the properties such as hospice residential care facilities, rooming and boardinghouses, RV parks, riding stable, and adult day care facilities among others.
4. Applying RC zoning would allow for uses not allowed by CC: (heliports, automotive towing, tire recapping, entertainment complexes, flea markets, manufactured/mobile home sales, parking garages or lots (requiring payment), retail sales and services greater than 100,000 square feet, shopping malls, truck stops, and truck washes) but because of the large scale of these uses, many require being located on larger tracts of land than may be available within the subject area. For example, retail sales and services greater than 100,000 square feet (if one level) would require a minimum of 2.29 acres of land (excluding parking area and not accounting for impervious surface limitations). Two (2) of the four (4) parcels which constitute the subject area are under 2.29 acres in size. One (1) of

the four (4) parcels is largely within the floodplain reducing the developable area (without a fill permit) to approximately 1.63 acres.

5. Additionally, currently all RC Zoning Districts are located at interstate interchanges, so the application of RC to this subject area would make this the only RC node not located at an interstate interchange.
6. The Future Land Use Map identifies the majority of the eastern three (3) parcels of the subject area as being appropriate for conservation largely due to the presence of floodplain. It appears that a total of 3.15 acres of the 15.48 acre subject area (approximately 20 percent) falls within the 100-year floodplain. Further, a majority of this 100-year floodplain area (2.94 acres) fall within one parcel (Wilkie) 4.57 acres) accounting for 64 percent of the parcel. As noted in the CCP, land use planning should acknowledge the presence of sensitive natural areas such as floodplain and strive to protect these areas from development that would damage them or diminish their integrity. Community Commercial (CC) zoning would be more adapt to acknowledging the presence of floodplain due to the application of maximum gross floor area limitations not provided for by RC zoning.

Chairman Pearce opened public input.

Kathy Wilkie stated that she owns three parcels on US 25 North and said that she and her husband were happy to have C-4 zoning in 2005 but were shocked with the rezoning in 2007 to Community Commercial. She said that the way they found out was when their tenant, Dale Reese, went to get a permit to operate a car lot and was told that selling his trailers was not allowed. She also mentioned that the seven property owners adjoining her and her husband did not know of the zoning change and somehow missed seeing it in the newspaper and didn't feel that the zoning would change so quickly. She said she believes that if they had known about the upcoming change of this request, it could have nip this in the bud and saved us all some stress. She stated that she has had conversations with the Planning Department and the Code Enforcement Services and were told there must be a mistake with motor vehicle sales and leasing, because when C-4 was changed to CC the uses would remain the same. She added that getting the situation re-evaluated would require them to go through the proper channels and meetings which were understood until we received compliance order from Code Enforcement telling them they could not use the parcel as an automobile sales and service business without a special use permit and that we had 15 days to comply. Upon checking about the permit, she said she was told it would be \$400.00. We were given an application at the time but not a site plan checklist. She said reading the site plan checklist; it looks like it would cost thousands of dollars to get a licensed engineer or surveyor to draw up the plans. She said having to get a certain permit each time they lease something is not conducive as this type of service has occurred on the property for approximately 27 years. She said they are not asking for any more than what they previously had under C-4 and would like the Board to consider the request as favorable.

There was discussion regarding the difference between Regional Commercial and Community Commercial and what is permitted and not permitted between the two districts.

Brian Vaughn said they he is one of seven properties in that area with businesses on them for many years. He described that his business has been there for thirty-two years, which deals with car repairs and up to three years ago he also had a dealership. He said with age, he would like to go back to that trade, which would be allowed in the RC (Regional Commercial) district. He stated that the idea that the properties were not large enough to be in the RC district, but yet all of the properties north of him that have RC are the same size and some smaller. He said we are just asking to continue with our businesses and/or change our business as the need arises. He doesn't consider this as a rezoning, but rather a reinstating of what we previously had on the property. He asked the Board members to approve the request to Regional Commercial (RC).

Kerry Bodenhammer said his property is on Holbert Road and US 25 North. He stated that he has a residence there and a race car manufacturing business that has been there since 1976 and has had the business since 1981. He added that he didn't have any knowledge or receive any information, either by mail

or other means, of the zoning change to Community Commercial. He would like to go back to a similar district that we had several years ago and would like the Board members to consider the request.

Chairman Pearce informed the public that there were notices in the paper as well as articles; public input sessions that were scheduled in various areas of the County, and announcements over the radio regarding the zoning change and meetings to voice your opinion. He said because of all this, the Commissioners didn't feel that the public needed individual mailings about the zoning changes because they felt they had covered all aspects.

Brooks Stepp, who is another adjacent business in the area, said that unless you get a paper or receive a notice in the mail of a zoning change, it is hard to keep up with all of the changes that the County makes. He only heard about this meeting through the Wilkie's. He added that he would like his name added to change the zoning back to what it was.

There was discussion regarding the fact that C-4 zoning was no longer provided by the Land Development Code.

Chairman Pearce said that if the Board makes a recommendation, he feels it needs to be a blanket recommendation. He feels that the Board needs to look at everything in this area zoned Community Commercial and should decide whether it should go Regional Commercial or stay Community Commercial. He said for that the Board rezoning some of these parcels and not the others does not make sense. He stated that the purpose of the zoning to Community Commercial was to tie the County Comprehensive Plan together with the Land Development Code zonings in some proper correlation. Ms. Kumor said that the reason why Regional Commercial zoning district is north of these properties is because the interstate interchanges correlate with this district. She said because of the residential uses along US 25 in that area, we did not want to make the commercial area along that highway as invasive as Regional Commercial and in the Mountain Home area, we kept it as Local Commercial. She said as we moved up to the interstate, we went to a more invasive use. Chairman Pearce said that the Planning Board was trying to keep within the recommendations of the County Comprehensive Plan (CCP) and with the documents the County gave us to work with. He further stated that he does not feel that based on the CCP, how the Planning Board could make a recommendation to change the zoning. He said that if they were to change it, he feels that it would require a change to the CCP. Ms. Kumor said she feels rezoning these properties would also require a study of the larger area. Mike Cooper said that at the time and now he felt that anything along this highway should be Regional Commercial. He said he agrees that if we change this section, we need to study the rest all the way to the north where Regional Commercial exists. He said it looks like it would be around 1,400 feet.

After further discussion, Chairman Pearce made a motion that the Planning Board recommend denial of the request for rezoning #R-2008-09 to rezone the subject area from a CC (Community Commercial) zoning district to an RC (Regional Commercial) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan. Additionally, the Planning Board feels this should be part of a limited small area zoning study especially for those Community Commercial parcels in the vicinity, rather than spot picking certain properties for special consideration because the same principals apply to everyone of that area that is presently zoned Community Commercial. Further, any change of zoning should show some type of change to the County Comprehensive Plan for the Planning Board to make a positive recommendation for Regional Commercial. Also, any limited small area zoning study that is made on US 25 North or any changes to the zoning in this area should be Board of Commissioners and Staff initiated rather than requiring the property owners to initiate the rezoning. Renee Kumor seconded the motion and all members voted in favor.

**NOTICE OF PUBLIC HEARING
ON PROPOSED ZONING MAP AMENDMENT
(Rezoning Requests #R-2008-02, R-2008-03, R-2008-04, & R-2008-09)**

The Henderson County Board of Commissioners will hold a public hearing on four requests for proposed map amendments to the Official Zoning Map of Henderson County.

Rezoning request #R-2008-02 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).

Rezoning request #R-2008-03 would rezone approximately 19.15 acres of a 26.53 acre tract, located off McMurray Road (SR 1790), from an R2MH (Residential Two with Manufactured Housing) zoning district to an I (Industrial) zoning district. The Subject Area is comprised of one tract (9588-24-4381) owned by Robert Camenzind, Trustee to the Enno F. Camenzind Trust.

Rezoning request #R-2008-04 would rezone approximately 0.48 acres, located at the intersection of Stoney Mountain Road (SR 1383) and Mountain Road (SR 1381), from an R1 (Residential One) zoning district to an LC (Local Commercial) zoning district. The Subject Area is comprised of one tract (9650-51-8601) owned by Gregory and Leslie Shipley.

Rezoning request #R-2008-09 would rezone approximately 15.48 acres of land, located off US Highway 25 North near its intersection with Holbert Road (SR 1367), from a CC (Community Commercial) zoning district to an RC (Regional Commercial) zoning district. The Subject Area is comprised of four (4) tracts of land. The property owners are: Bryan L. Vaughn (PIN: 9651-52-2346); Gene A. Wilkie and Wife (PIN: 9651-51-9783 and 9651-51-9293); and Geneco Inc. (PIN: 9651-51-8627).

The public hearings for the requests 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 amendments.

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 hearings. Information about the proposed amendments is available for review in the Henderson County Planning Department, 213 1st 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. 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 amendments before taking final action. The Henderson County 2020 Comprehensive Plan will be updated and amended, as necessary, to reflect the actions 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-2008-09 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 Matthew Cable;
3. Sent, via first class mail, to the property owners on May 14, 2008 by Matthew Cable; and
4. Posted on the Subject Area on May 14, 2008 by Alexis Baker.

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

1. Matthew Cable
2. Alexis Baker

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,
_____, and Alexis Baker

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:

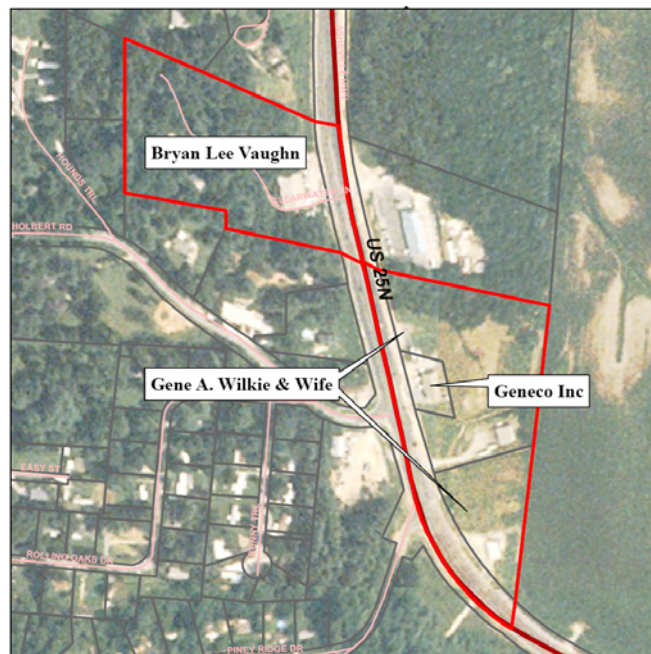
10/24/2010

(SEAL)

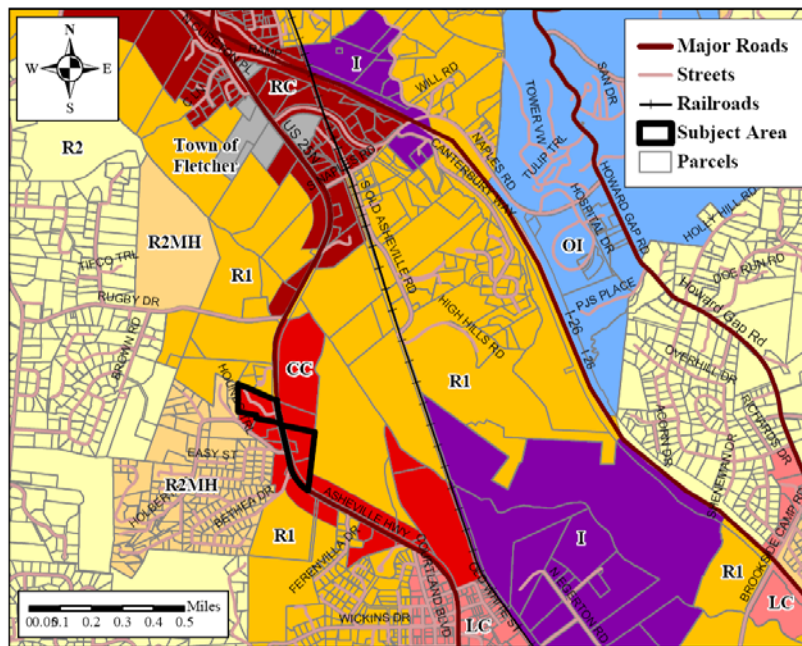
Kathleen R. Scanlan
NOTARY PUBLIC

Rezoning #R-2008-09 (CC to RC)
Requested by Henderson County Planning
Staff on behalf of Bryan L. Vaughn, Gene A.
Wilkie & Wife, and Geneco Inc.

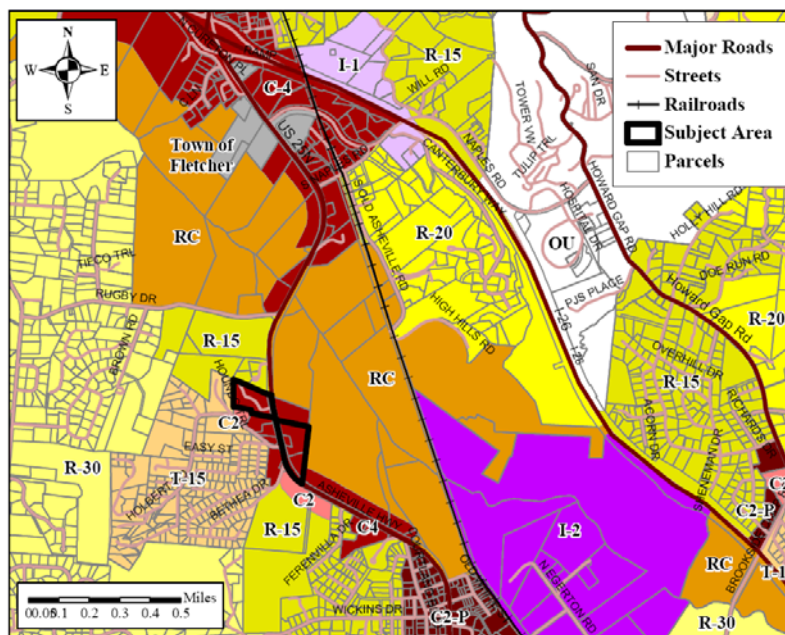
Map of Parcels by Owner



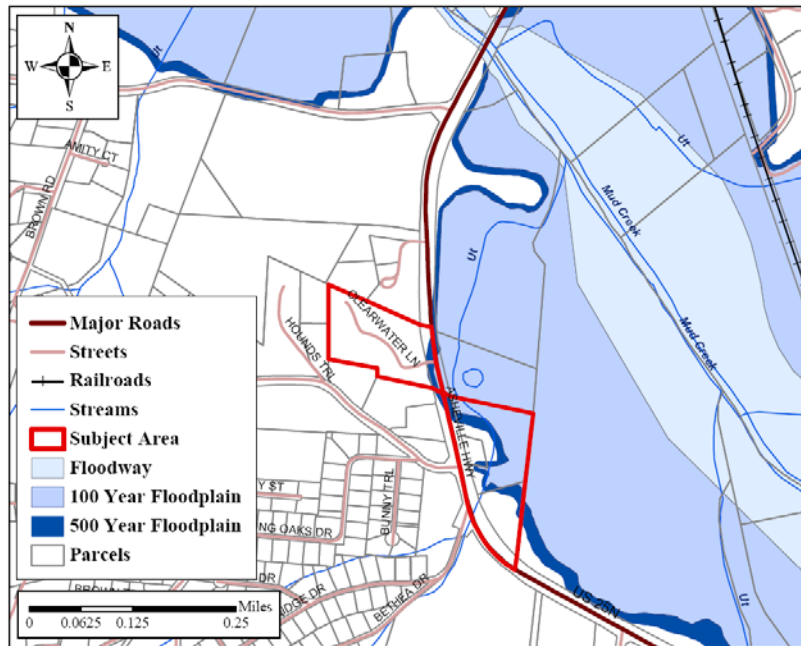
Current Zoning



Previous Chapter 200 Zoning



Floodplain Map



Current Zoning

