

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: Monday, July 7, 2008

SUBJECT: Public Hearing for Rezoning Application #R-2008-07

ATTACHMENTS:

1. Staff Report
2. Subject Area Photos
3. Aerial Photo Map
4. Local Commercial (LC) District Text
5. Regional Commercial (RC) District Text
6. Comparison Table of Permitted Uses
7. Excerpt of Planning Board Minutes from May 15, 2008
8. Notice of Public Hearing
9. Certification of Notification of Public Hearing
10. Power Point Slides

SUMMARY OF REQUEST:

Rezoning Application #R-2008-07, initiated by Henderson County Planning staff subsequent to a petition submitted by a number of property owners, requests that the County rezone approximately 29 acres of land, located off of Hendersonville Road (US Highway 25 North), from a Regional Commercial (RC) zoning district to a Local Commercial (LC) zoning district. The Subject Area is composed of 61 parcels.

The Henderson County Planning Board considered rezoning application #R-2008-07 at its regularly scheduled meeting on May 15, 2008. During that meeting, the Board voted 5 to 0 to send the Board of Commissioners a favorable recommendation for rezoning application #R-2008-07 to rezone the Subject Area from existing RC zoning district to a LC 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 July 7, 2008, public hearing regarding rezoning application #R-2008-07 were published in the Hendersonville Times-News on June 18, 2008 and June 25, 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 June 18, 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 a RC (Regional Commercial) zoning district to a LC (Local Commercial) zoning district.

Suggested Motion:

I move that the Board recommend approval of rezoning application #R-2008-07 to rezone the Subject Area from a RC (Regional Commercial) zoning district to a LC (Local Commercial) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan.

Henderson County Planning Department Staff Report**Rezoning #R-2008-07 (RC to LC)****Requested by: Henderson County Planning Staff on behalf of property owners**

1. Rezoning Request

- 1.1. **Date of Staff Initiation:** April 2, 2008
- 1.2. **Property Owners/Applicants:** Zaki Ahmed (9652-32-0726); J P Brackett (9652-33-5338); J P Jr Brackett (9652-33-5520); John Harold Brackett (9652-33-4510); Charles A Brock & Wife (9652-33-2461); William & Mary Collins (9652-22-8704,9652-22-6765,9652-22-7647,9652-22-8728); Cu Di Mar LLC (9652-33-7960); Elizabeth Darity (9652-22-9745); James Edward & Peggy Ann Darity (9652-32-1726,9652-22-9138); John Lee Darity (9652-22-6242; Jonathan Lee & Betty J Darity (9652-22-8399); Joseph Lee & Barbara W Darity (9652-22-7146); Norma Darity & Shonda Nicole Smith (9652-22-9630); Essie Bell Dunbar (9652-32-3808); Etta Mae Featherstone (9652-22-8082,9652-22-9110); Gettis Heirs Featherstone (9652-22-7087); Greater New Zion Baptist Church (9652-32-5982,9652-32-4878); Alan Scott Green (9652-33-5906); Mary Hazel (9652-21-8905); Hwan Suk Kim (9652-33-4716); Carrie King (9652-22-7548); Vonnie Mills Logan, Sallie Mills Linch, Vivian Mills Hutchinson, and Samuel Robert Hutchinson Jr. (9652-32-3735); Linnon Benjamin & Gail Whiteside McClain (9652-33-5103); Mattie Smith McClain & Husband (9652-33-5067); Sonji McClain-Rhymes (9652-33-5164); Margaret 7 Donald McDaniel (9652-33-5227); Helen & Obbie McDowell (9652-33-3399); Elizabeth Mills (9652-22-9368); Katherine Mills (9652-22-8244); Peter James Mills (9652-22-6035,9652-22-6133); Sue Damerson & Phillip Clay Penland (9652-34-5110); Jerry W Phillips (9652-33-3957,9652-34-3162); Winnie Pulley (9652-22-7803); Res Selassie (9652-22-7477,9652-22-8504); Annie Louise Shipman (9652-33-2583); Rosa Sirmons (9652-33-3292); Tiffany Michelle Smith (9652-33-3096,9652-33-3096); Ben Jr. & Barbara Smith (9652-33-2161,9652-33-3220); Emmie Heirs Standifer, Dorothy Malone Featherstone, Clarence Malone, John Edward Featherstone Jr., & Byron Patrick Featherstone (9652-33-2071); State of North Carolina (9652-22-9275); Otis D & Wife Suber (9652-33-2254,9652-33-2350); Beulah Summey (9652-22-8207); Jessie Lee & Mary Ann Turner (9652-21-8817); Kathleem & Johnnie Washington (9652-22-6350); Rosemary Watley, Martha Timbers Long, Alfonso Timbers, & Theodor Timbers, (9652-21-6934); James R & Helen White (9652-22-8844); and Dennis C & Nona C Youngblood (9652-32-0558,9652-32-0473).
- 1.3. **Citizen Representatives:** Regina Nunn and Darlene Hudson
- 1.4. **Request:** Rezone Subject Area from an RC (Regional Commercial) zoning district to a LC (Local Commercial) zoning district.
- 1.5. **Subject Area** (See Map A & Table 1)

Map A: Map of Subject Area Tracts

1.5.1. **Size:** Approximately 29.5 acres of land comprised of 61 parcels (See Map A).

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

1.5.2.1. Located east of US Highway 25 North;

1.5.2.2. Approximately 1,100 feet north of the intersection of Butler Bridge Road (SR 1345) and US Highway 25 North;

1.5.2.3. Approximately 750 feet southwest of the intersection of Old Brickyard Road (SR 1537) and US Highway 25 North;

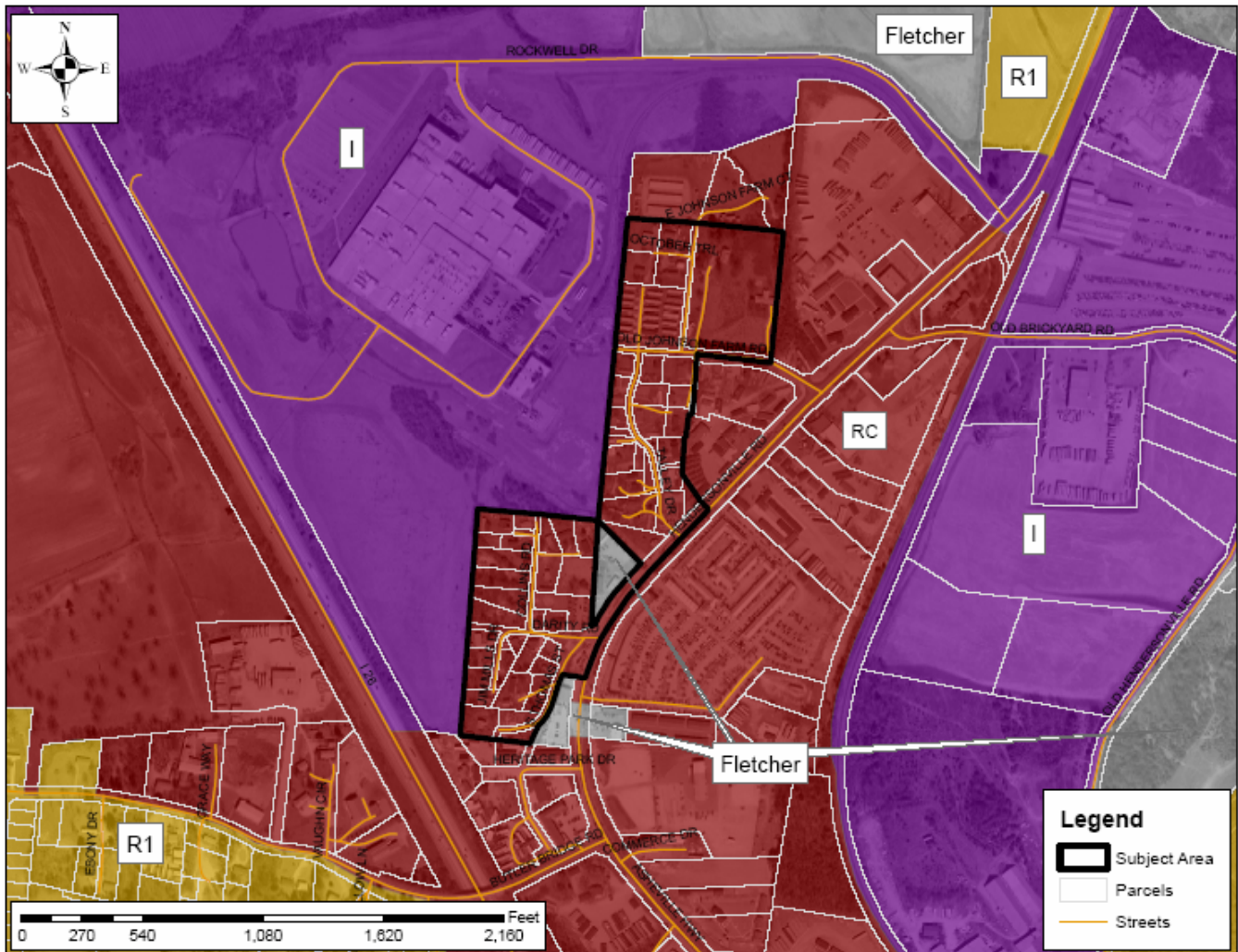
1.5.2.4. Bounded on the west by Arvin Meritor; and

1.5.2.5. Surrounds the following roads; Darity Rd (SR 1364), Talley Drive (SR 1788), St. Thomas Street (SR 1466), Collins Road (SR1364), Andy Darity Road, Jim Mills Drive, West Johnson Farm Ct., October Trail, and East Johnson Farm Ct.

2. Current Zoning

2.1. **Application of Current Zoning:** The Subject Area is currently zoned RC (Regional Commercial), which was applied on September 19, 2007, as a result of the adoption of the Chapter 200A Land Development Code and its official zoning map (See Map B). The Subject Area was previously (prior to LDC adoption on September 19, 2007) zoned C-4 (Highway Commercial).

Map B: Current Zoning



2.2. **Adjacent Zoning:** RC (Regional Commercial) zoning is applied to the north, east and south of the Subject Area. One parcel annexed by the Town of Fletcher is surrounded by the Subject Area. The Town of Fletcher also has a satellite annexation on the southeast end of the Subject Area. Both of these areas are zoned C-2 (Interstate Commercial) by the Town of Fletcher.

2.3. **District Comparison:**

2.3.1. **LC Local Commercial Zoning District:** “The purpose of the Local Commercial District (LC) is to foster orderly growth where the principal use of land is commercial and residential. 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 and residential developments 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 a *local or neighborhood scale*; (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 all service areas*" (LDC §200A-33).

(1) LC (Local Commercial) requires 10 foot side and rear setbacks; (2) establishes a maximum building height of 40 feet; (3) Provides a 30,000 square feet maximum gross floor area for one unit in a multi-tenant structure, 10,000 square feet for any other commercial use or a single unit on a single lot, a maximum of 80,000 square feet for any multi-tenant structure, and a standard density of four (4) units per acre for residential (maximum sixteen (16) units per acre) (Chapter 200A, Land Development Code §200A-33).

2.3.2. **RC Regional Commercial Zoning District:** "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 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).

(1) RC (Regional Commercial) requires 10 foot side and rear setbacks; (2) establishes a maximum height of 50 feet; (3) provides a standard density of 16 units per acre with a maximum 80% impervious surface; (4) The maximum floor area is unlimited.

3. Current Uses of Subject Area and Adjacent Properties

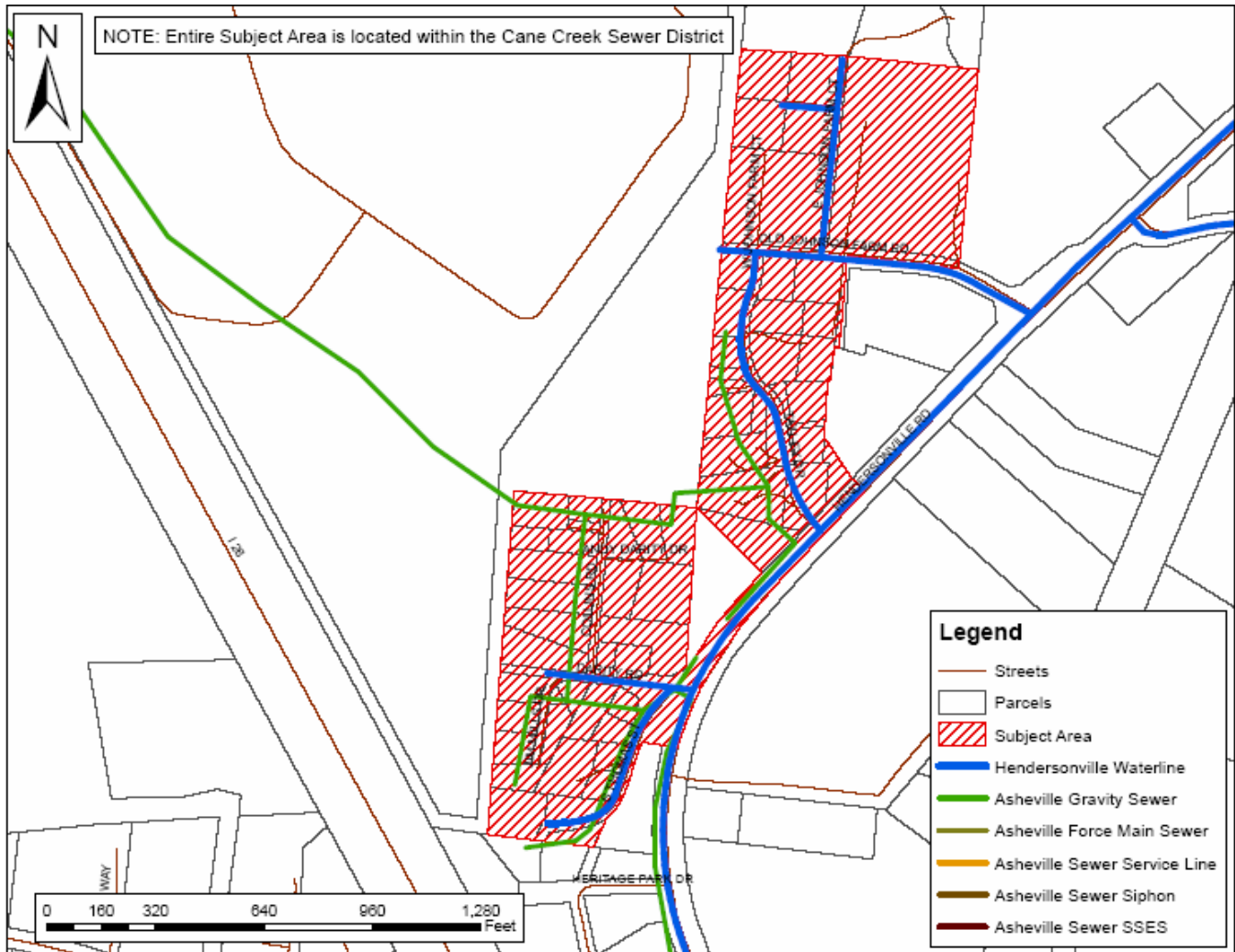
3.1. **Subject Area Uses:** Predominately residential with one (1) abandoned commercial use near the intersection of US Highway 25 North. and Darity Rd (SR 1364) (PIN: 9652-32-0558 and 9652-32-0473).

3.2. **Adjacent Area Uses:** Surrounding area lands contain residential and commercial uses. North of the Subject Area a self storage facility. Arvin Meritor industrial facility is located adjacent to the Subject Area to the west. A variety of retail trade and business/professional services are located to the south of the Subject Area. Parcels east of the Subject Area contain a gas station, Smiley's Flea Market, two separate modular home sales uses, and a number of other commercial uses.

4. Water and Sewer

- 4.1. **Public Water:** Public water (City of Hendersonville) is currently located within the Subject Area (See Map C).
- 4.2. **Public Sewer:** Public sewer (Metropolitan Sewerage District of Buncombe County) is currently located within the Subject Area (See Map C).

Map C: Water and Sewer



5. Transportation and Access

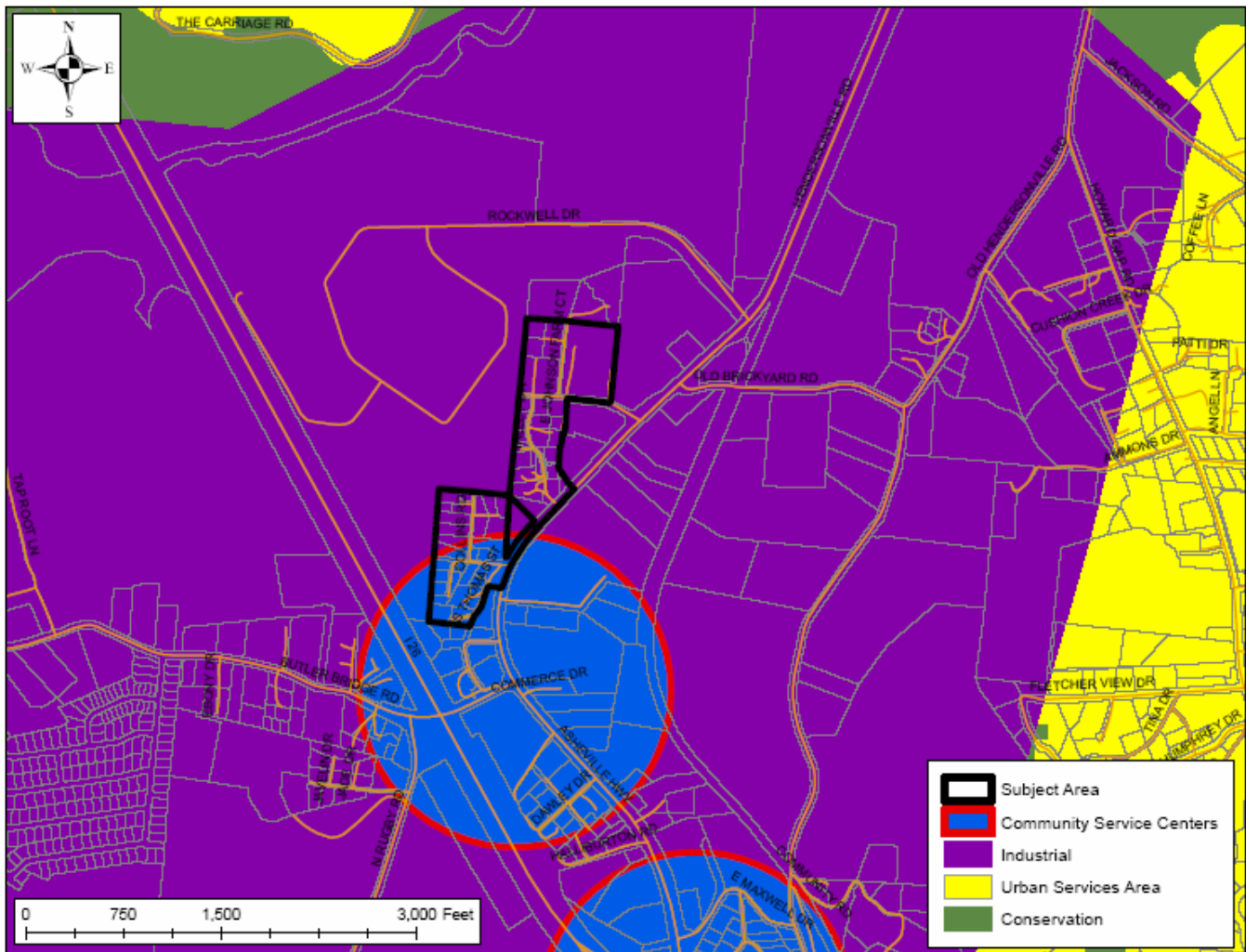
- 5.1. **Frontage:** The Subject Area has approximately 900 feet of road frontage along US Highway 25 North, approximately 850 feet of frontage along Talley Drive (SR 1788), approximately 700 feet of frontage along Old Johnson Farm Road (SR 1495), and approximately 400 feet of frontage along Darity Road (SR 1364).
- 5.2. **Transportation:** Table 2, below, provides Annual Average Daily Traffic Counts for US Highway 25 North.
- 5.3. **The NCDOT 2009-2015 State Transportation Improvement Program (STIP):** No new improvements within close proximity to the Subject Area are proposed.

Road	2003	2004	2005	2006
US Highway 25 North	19,000	19,000	-	-

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 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 Future Land Use Map (See Map D) does place the southern portion of the Subject Area in a “Community Service Center”
 - 6.1.2.1. The CCP states that, “Community Service Centers are intended to be intensive, efficient, defined concentrations of mixed services” (2020 CCP, Pg. 134).
 - 6.1.2.2. The CCP also states that Community Service Centers, “Are appropriate for a mixture of commercial uses scaled to the service area in question; residential uses of varying densities depending upon available services; and community facilities such as schools, parks, community centers and other similar community facilities” (2020 CCP, Pg. 134).
 - 6.1.2.3. The CCP also states that Community Service Centers should contain the following general land uses: community facilities, local commercial, community commercial, and regional commercial uses (2020 CCP, Pg. 135).
- 6.1.3. **Industrial:** The CCP Future Land Use Map identifies the Subject Area as being suitable for industrial development The CCP states that, “Most industrial uses should be segregated from other uses with the exception of Regional Commercial uses” (2020 CCP, Pg. 136) (See Map D).

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 rezoned from a RC (Regional Commercial) zoning district to a LC (Local Commercial) zoning district 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. Both the text and map of the 2020 CCP identify the southern portion of the Subject Area as being within a Community Service Center. Community Service Centers are intended to provide concentrations of mixed services including residential uses of varying densities based upon available services. The Subject Area’s location in a Community Service Center indicates this area may be appropriate for a variety of densities. Applying LL (Local Commercial) would be more in keeping with current uses.
- 7.2. **Adjacent Zoning:** The Subject Area is currently zoned RC (Regional Commercial). RC zoning is applied to the north, east and west of the Subject Area. The Subject Area is adjacent to a Industrial zoning district to the west.
- 7.3. **Comparison of Districts:** Applying Local Commercial (LC) will reduce the number of permitted commercial uses, while allowing for an increase in the number of permitted residential uses (including single family residential uses). The LC zoning district will also limit square footage. A single commercial use on a single lot would be limited to 10,000 square feet maximum floor area and within a multi tenant structure the principal tenant would have a maximum floor area of 30,000 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 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 rezoning of the Subject Area to Local Commercial (LC) consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.

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 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-2008-07 at its regularly scheduled meeting on May 6, 2008. During that meeting, the Technical Review Committee voted unanimously to send forward a favorable recommendation on rezoning application #R-2008-07 to rezone the Subject Area from an RC (Regional Commercial) zoning district to an LC (Local Commercial) zoning district.

10. Planning Board Recommendations

10.1. The Henderson County Planning Board considered rezoning application #R-2008-07 at its regularly scheduled meeting on May 15, 2008. During that meeting, the Planning Board voted unanimously (5-0) to send forward a favorable recommendation on rezoning application #R-2008-07 to rezone the Subject Area from an RC (Regional Commercial) zoning district to an LC (Local Commercial) zoning district.



OCTOBER TRL

W JOHNSON FARM CT

E JOHNSON FARM CT

OLD JOHNSON FARM RD

ALEXANDER DR

HENDERSONVILLE RD

ANDY DARITY DR


COLLINS RD

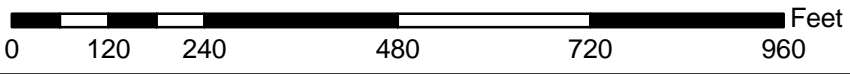
DARITY RD

JIM MILLS DR

ST THOMAS ST

Legend

-  Subject Area
-  Streets
-  Parcels





1. View of Talley Drive looking west



2. View of Greater New Zion Baptist Church at intersection of Talley Drive and Hendersonville Rd (US Hwy 25N).



3. View of West Johnson Farm Ct. looking north.



4. View of October Trail.



5. View of Talley Drive to the east.



6. View of R-O-W between Hendersonville Rd (US Hwy 25N) and St. Thomas Street.



7. View of East Johnson Farm Ct.



8. NCDOT owned vacant property on Darity Rd.



9. View of Cu Di Mar LLC property looking north off Old Johnson Farm Rd.



10. View of Subject Area west of Hendersonville Rd (US Hwy 25N).



11. End of Old Johnson Farm Rd looking west.



12. View of commercial use on Dairy Rd looking north.



13. View of residential use looking west towards St. Thomas Street.



14. View of Exxon gas station (Fletcher Jurisdiction) adjacent to project area on the corner of Darity Rd. and Hendersonville Rd (US Hwy 25N).

§200A-1. Local Commercial District (LC)

- A. **Purpose.** The purpose of the Local Commercial District (LC) is to foster orderly growth where the *principal use* of land is commercial and residential. 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 and residential 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 a local or *neighborhood* scale; (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 all service areas.
- 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 2.7. LC Density and Dimensional Requirements			
(1) Residential Density (units/acre)	(2) Standard	4	
	(3) Maximum	16	
Maximum Impervious Surface (%)		80	
(4) Maximum Floor Area (sq ft)		30,000 or 10,000	
(5) Yard Setbacks (feet)	Front or ROW	Local	25
		Collector	25
		Thoroughfare	35
		Boulevard	45
		Expressway	55
		Freeway	60
	Side	10	
	Rear	10	
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:

<p>$Lot\ size \times allowable\ units\ per\ acre = permitted\ dwelling\ units$</p> <p>The following example assumes a 5 acre tract with an allowable density of 4 units/acre:</p> <p>5 acres x 4 units per acre = 20 permitted dwelling units</p>

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*.
- (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) Within a multi-tenant *structure/site*, one unit shall have a maximum *gross floor area* of 30,000 square feet. The maximum *gross floor area* for any other commercial *use* or single unit on a single *lot* within the project shall be 10,000 square feet. A maximum 80,000 total square feet for any multi-tenant *structure* shall apply.
- (5) 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.

§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	
		<i>Maximum 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
<i>Maximum 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:

<i>Lot size</i> x allowable units per acre = permitted <i>dwelling units</i>
--

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

5 acres x 16 units per acre = <u>80 permitted dwelling units</u>

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		
	LC	RC	SR
1. RESIDENTIAL USES			
<i>Assisted Living Residence</i>	P	P	1.1
<i>Bed and Breakfast Inn</i>	P		1.2
<i>Continuing Care Retirement Community</i>	P	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>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>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>	S	P	2.8
<i>Outdoor Storage >5000 sq ft</i>		P	2.9
3. ACCESSORY STRUCTURES			
<i>Automatic Teller Machine</i>	P	P	3.2
<i>Carport</i>	P		-
<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>		P	3.9
<i>Loading Bay</i>	P	P	-
<i>Outdoor Sale Display Areas</i>	P	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
<i>Satellite Dish</i>	P	P	-
<i>Storage Shed</i>	P	P	3.14
<i>Swimming Pool, Spa, Hot Tub, Residential</i>	P		-
<i>Wastewater Treatment Plant, Small Accessory</i>	P	P	3.15
4. RECREATIONAL USES			

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

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

USE TYPE	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit		
	LC	RC	SR
<i>Camp</i>	P	P	4.3
Coin Operated Amusements	P	P	4.5
<i>Common Area Recreation and Service Facilities</i>	P		4.6
<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</i> (Bowling Alley, Skating Rink, Bingo Games, Indoor Miniature Race Tracks)	P	P	4.9
<i>Marina</i>	P		4.10
Miniature Golf Course or Driving Tees/Ranges (operated for commercial purposes)	P	P	4.11
<i>Motor Sports Facility, Recreational</i>		S	4.14
<i>Outdoor Recreational Facilities</i>		S	4.15
<i>Park</i>	P	P	4.16
Physical Fitness Center	P	P	4.17
<i>Riding Stables</i>	P		4.19
<i>School (Sports Instructional)</i>	P	P	4.20
<i>Shooting Ranges, Indoor</i>		S	4.21
<i>Sporting and Recreational Facilities</i>	S	P	4.23
<i>Swim and Tennis Club</i>	P		4.24
5. EDUCATIONAL AND INSTITUTIONAL USES			
<i>Adult Day Care Facility</i>	P		5.1
<i>Ambulance Services</i>	P	P	5.2
Cemetery/Mausoleum/Columbarium (excluding crematoriums)	P	P	5.3
<i>Childcare Facility</i>	P	P	5.4
<i>Club/Lodge</i>	P	P	5.5
<i>College or University</i>		P	5.6
<i>Community Club</i>	P	P	5.7
<i>Fire and Rescue Station</i>	P	P	5.9
Funeral Home or Crematorium	P	P	5.10
Government Offices	P	P	5.11
<i>Homeless Shelter</i>		P	5.12
<i>Hospital</i>		P	5.13
<i>Museum/Library/Archive</i>	P	P	5.14
<i>Place of Assembly, Large</i>	P	P	5.15
<i>Place of Assembly, Small</i>	P	P	5.16
<i>Police Station</i>	P	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>	P	P	5.20
6. BUSINESS, PROFESSIONAL, AND PERSONAL SERVICES			
<i>Animal Shelter</i>	S	P	6.1

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

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

USE TYPE	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit		
	LC	RC	SR
<i>Automobile and Equipment Service</i>	P	P	6.2
Automotive Towing		P	6.3
<i>Broadcasting and Communications Facilities</i>	P	P	6.4
Car Wash	P	P	6.5
Exterminating and Pest Control Services	P	P	6.6
<i>Kennel</i>	S	P	6.7
Motel/Hotel	S	P	6.8
Office: Business, Professional and Public	P	P	6.9
<i>School (Technical, Trade and Business)</i>	P	P	6.10
Theater, Drive-In		P	6.11
Tire Recapping		P	6.12
<i>Urgent Care Clinic</i>	P	P	6.13
7. RETAIL TRADE			
Cinema Complex		P	7.3
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>	S	P	7.8
Manufactured/Mobile Home Sales		P	7.9
Motor Vehicle Sales or Leasing		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	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	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	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
Water Treatment Plant	S	S	9.17

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

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

USE TYPE	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit		
	LC	RC	SR
10. MANUFACTURING & INDUSTRIAL USES			
<i>Machining and Assembly Operations ≤10,000 sq ft (of gross floor area)</i>	P	P	10.7
<i>Manufacturing and Production Operations ≤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	-
Yard Sale	P		11.4
12. TEMPORARY STRUCTURES			
<i>Portable Storage Container</i>	P	P	12.1
<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 LC and not in RC.

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

EXCERPT FROM THE HENDERSON COUNTY PLANNING BOARD MINUTES
May 15, 2008

Rezoning Application #R-2008-07 – Rezone Approximately 29 Acres of Land - Located off Hendersonville Road (US Highway 25 N) - Regional Commercial (RC) to Local Commercial (LC) Zoning District - Initiated by Henderson County Planning Staff subsequent to a petition submitted by a number of the property owners. Presentation by Parker Sloan, Planner. Mr. Sloan stated that Staff received a petition from 28 property owners within the subject area in early April of this year. The Planning Department then initiated the rezoning of the subject area, located off 25 North, from a Regional Commercial zoning district to a Local Commercial zoning district. The subject area is approximately 29 acres composed of 61 parcels. He stated that the subject area is predominately residential with one abandoned commercial use near the intersection of US Hwy 25 N. and Darity Rd. The CCP Future Land Use Map identifies the subject area as being located in the Urban Services Area and the southern portion is also within a Community Service Center. Applying Local Commercial will allow for an increase in the number of permitted residential uses while reducing the amount of commercial uses permitted. Staff supports the rezoning of the subject area to Local Commercial as it is consistent with the recommendations of the Henderson County Comprehensive Plan.

Mr. Sloan stated that Planning staff posted the property notifying them of the Planning Board meeting on May 5, 2008. The Planning Board has 45 days from its first consideration of a rezoning application to make a recommendation to the Board of Commissioners. Thus, the deadline for a Planning Board recommendation to the Board of Commissioners regarding this application is Friday, June 27, 2008. If no recommendation is made by June 27, 2008, the application proceeds to the Board of Commissioners with an automatic favorable recommendation. Upon request of the Planning Board, the individual initiating the request may choose to grant a 45-day extension, at which time the deadline for a Planning Board recommendation would become Friday, August 8, 2008.

There was some discussion among the Board members weighing the difference between Regional Commercial and Local Commercial zoning districts. Chairman Pearce opened public input.

Regina Nunn. Ms. Nunn wanted to emphasize the importance of maintaining their community by changing the zoning to Local Commercial. She said because most of the lots are small, there really isn't anything that could be done in a large way commercially and the residents there do not have any intent to sell as they have been there for many generations. She also stated that in Regional Commercial if residential property is destroyed more than 50%, it can not be built back because residential property is considered a non-conforming use. She also stated that with Regional Commercial, affordable housing is taken from the community.

Chairman Pearce made a motion that the Board recommends approval of rezoning application #R-2008-07 to rezone the subject area from a Regional Commercial (RC) zoning district to a Local Commercial (LC) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan and based on maintaining the community by changing the zoning. Renee Kumor seconded the motion and all members voted in favor.

**NOTICE OF PUBLIC HEARING
ON PROPOSED ZONING MAP & TEXT AMENDMENTS
(Rezoning Requests #R-2008-06, R-2008-07, R-2008-08, & Text Amendment Request TX-2008-02)**

The Henderson County Board of Commissioners will hold a public hearing on three requests for proposed map amendments to the Official Zoning Map of Henderson County and a request for proposed text amendments to Chapter 200A, Land Development Code.

Rezoning request #R-2008-06 would rezone approximately 2.36 acres of land, located off Walnut Cove Road (SR 1125), from an R-40 (Estate Residential) zoning district to an R2MH (Residential Two Manufactured Housing) zoning district. The Subject Area is composed of two parcels. The property owners are Donald Lee Burnett (PIN 9556-54-0765) and Jennifer Heidi Long (PIN portion of 9556-44-8645). The applicant is Donald Lee Burnett.

Rezoning Application #R-2008-07, initiated by Henderson County Planning Staff subsequent to a petition submitted by a number of property owners, requests that the County rezone approximately 29 acres of land, located off US Highway 25 North, from an RC (Regional Commercial) zoning district to an LC (Local Commercial) zoning district. The Subject Area is composed of 61 parcels with multiple property owners.

Rezoning #R-2008-08 and Text Amendment #TX-2008-02, which were initiated by Henderson County Planning Staff, would adopt new Flood Insurance Rate Maps (FIRMs) for Henderson County and make the necessary associated amendments to the flood damage prevention regulations of Chapter 200A, Land Development Code. The new FIRMs have, in some cases, modified the location of the floodway, 100-year floodplain, and 500-year floodplain boundaries in Henderson County. The proposed amendments to the text of the LDC would reflect: (1) regulation changes associated with the new FIRMs, (2) changes made to the State Model Flood Damage Prevention Ordinance since the original adoption of the regulations in 2005, and (3) organization of regulations within the LDC.

The public hearings for the requests will be held on Monday, July 7, 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, June 18, 2008 and Wednesday, June 25, 2008.

Certification of Notice of Public Hearing

In accordance with NCGS 153A-343 the Planning Department certifies notices of the July 7, 2008 hearing regarding Rezoning Application #R-2008-07 were:

1. Submitted to the Hendersonville Times-News on June 3, 2008 to be published on June 18, 2008 and May 25, 2008 by Matthew Cable;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area on June 18, 2008 by Parker Sloan;
3. Sent, via first class mail, to the property owners on June 18, 2008 by Parker Sloan; and
4. Posted on the Subject Area on June 18, 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

Matthew Cable & Parker Sloan of the foregoing instrument.

WITNESS my hand and notarial seal, this the 25 day of JUNE 2008.

My commission expires:

10/24/2010

(SEAL)
Kathleen R. Scanlan
NOTARY PUBLIC

Rezoning Application R-2008-07

