

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** Wednesday, July 16, 2008

**SUBJECT:** Public Hearing for Rezoning #R-2008-09, As Amended

**ATTACHMENTS:**

1. Staff Report
2. Aerial Photo Map
3. Community Commercial (CC) District Text
4. Regional Commercial (RC) District Text
5. Comparison Table of Permitted Uses
6. Excerpt of Draft Planning Board Minutes from June 19, 2008
7. Letter from Mr. Charles Grimes
8. Planning Board Recommended CC Zoning
9. Notice of Public Hearing
10. Certification of Notification of Public Hearing
11. R-2008-09, As Amended PowerPoint Presentation

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

Rezoning #R-2008-09 as Amended, initiated by Henderson County Planning Staff on behalf of the property owners, processes a request that the County rezone approximately 130.44 acres of land, located off US Highway 25 North (between its intersection with Old Park Road (SR 1370) to the south and Rugby Drive (SR 1417) to the north), from a CC (Community Commercial) zoning district to an RC (Regional Commercial) zoning district. The Subject Area is comprised of all or part of 23 parcels of land with multiple owners (See Attachment 1).

The Henderson County Planning Board considered rezoning application #R-2008-09, as Amended, at its regularly scheduled meeting on June 19, 2008. During that meeting, the Board voted 4 to 2 to send the Board of Commissioners an unfavorable recommendation, recommending denial of rezoning request #R-2008-09, as Amended, 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, should the Board of Commissioners approve the rezoning request, the Planning Board does not recommend the boundary of the commercial district be expanded. The Planning Board then voted 6 to 0 to send the Board of Commissioners a favorable recommendation for expanding the CC zoning district, on properties owned by Mr. Charles Grimes (located east of US Highway 25 North), to 500 feet from the property line.

#### **PUBLIC NOTICE:**

Before taking action on the request, 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 16, 2008, public hearing regarding rezoning #R-2008-09, as Amended were published in the Hendersonville Times-News on June 25, 2008 and July 2, 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 June 25, 2008 and posted signs advertising the hearing on the Subject Area on June 25, 2008. Attachment 9, 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.

**Suggested Motion:**

I move that the Board deny rezoning #R-2008-09, as Amended, 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.

**Alternative Motion:**

I move that the Board approve rezoning request #R-2008-09, as Amended, 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.

**Grimes Property Suggested Motion:**

I move that the Board expand the commercial zoning district, on properties owned by Mr. Charles Grimes (located east of US Highway 25 North), to 500 feet from the property line along US Highway 25 North.

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**Henderson County Planning Department Staff Report**

**Rezoning #R-2008-09 as Amended (CC to RC)**

**Requested by: Henderson County Planning Staff on behalf of Property Owners as Amended by the Board of Commissioners**

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**1. Rezoning Request**

1.1. **Date of Staff Initiation:** March 28, 2008

1.2. **Date of Request Amendment by Board of Commissioners:** June 2, 2008

1.3. **Request:** Rezone Subject Area from a CC (Community Commercial) zoning district to an RC (Regional Commercial) zoning district.

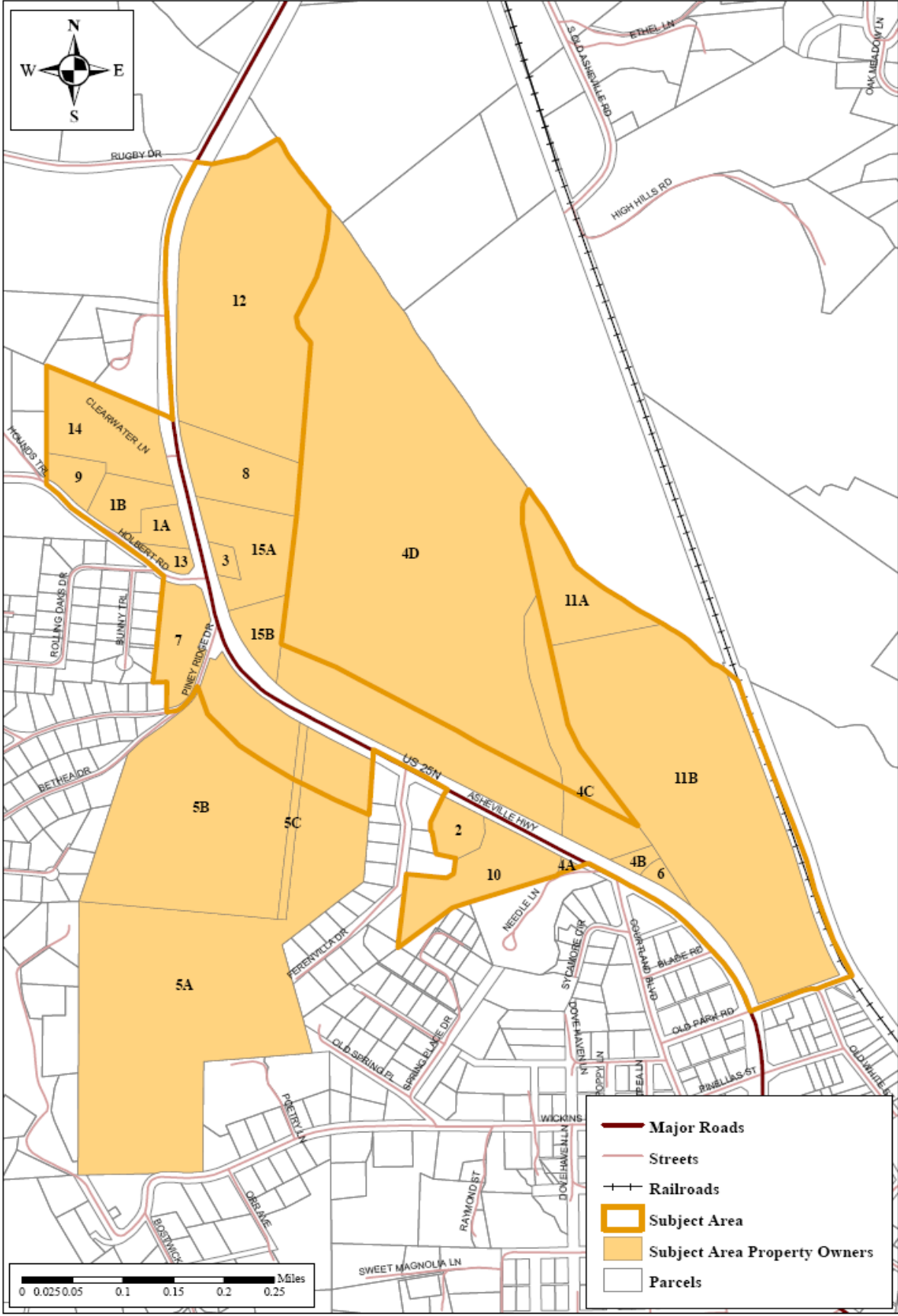
1.4. **Subject Area**

1.4.1. **Property Owners and PINs:** Multiple, See Map A and Table A, below

1.4.2. **Size:** Approximately 130.44 acres of land (inclusive of right-of-way) (See Table A).

1.4.3. **Location:** The Subject Area is approximately 1.01 miles (5,320 feet) south of the intersection of US Highway 25 North and Interstate 26. The Subject Area extends approximately 1.17 miles (6,176 feet) along US Highway 25 North. The Subject Area begins at the intersection of US Highway 25 North and Rugby Drive (SR 1417) to the north and ends at the intersection of US Highway 25 North and Old Park Road (SR 1370) to the south. The following roads intersection with US Highway 25 North within the Subject Area, from north to south: Holbert Road (SR 1367), Clearwater Lane, Piney Ridge Drive (SR 2265), Ferenville Drive (SR 1479), Needle Lane, Courtland Boulevard (SR 1368), and Blade Road (SR 1438).

Map A: Property Owners





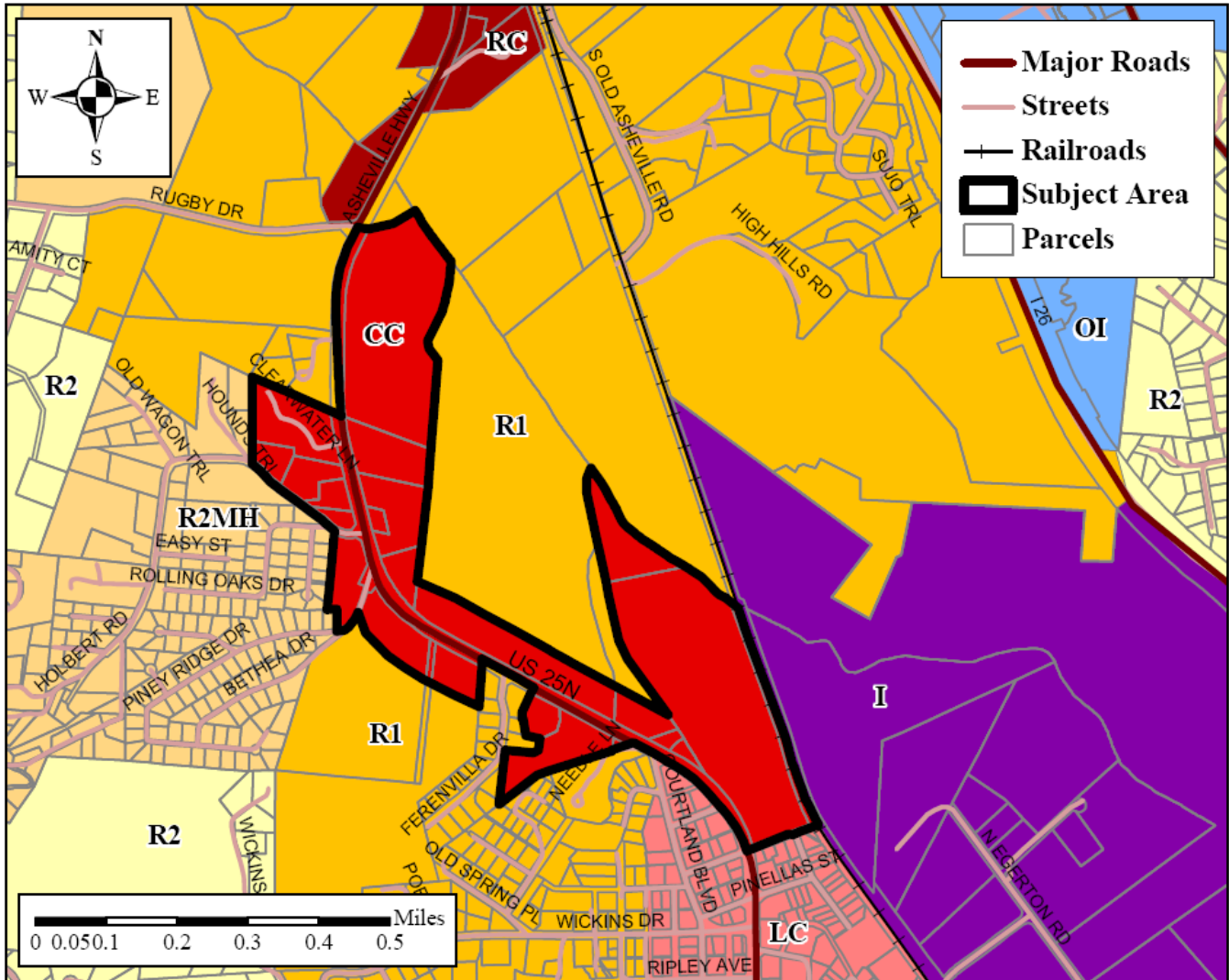
<b>Table A. Parcel Acreage</b>			
<b>Property Owner</b>	<b>Subject Area ID</b>	<b>PIN</b>	<b>Acreage</b>
Bodenhamer, Kerry Lee & Luzita	1A	9651-51-5835	1.19
	1B	9651-52-4024	2.16
ESB LLC	2	9651-70-0149	1.59
Geneco Inc	3	9651-51-8627	0.49
Grimes, Charles (Heir); Cheryl Smith (Heir); Charlyne G Coleman (Heir)	4A	9651-70-5790	0.12 acre portion of 6.23 acre tract
	4B	9650-79-9969	0.47
	4C	9651-70-5790	6.11 acre portion of 6.23 acre tract
	4D	9651-61-8748	9.51 acre portion of 66.42 acre tract
Mansouri, Hasan	5A	9650-59-7109	2.53 acre portion of 38.21 acre tract
	5B	9651-50-7421	3.95 acre portion of 24.77 acre tract
	5C	9651-60-1284	0.30 acre portion of 1.05 acre tract
Unknown, Mapping Work in Progress	6	9650-89-1895	0.47
Miller, Kenneth & Norma	7	9651-51-6216	3.29
Orr, Betty Jean	8	9651-52-9122	4.59
Owenby, Chad & Sarah	9	9651-52-0163	1.41
PI Storage Inc	10	9651-70-2032	5.15
Rhodes, Nancy, etal.; Estelle Parks, Louise Ritter, Linda McFarland, Lois Hughes, Rhonda Taylor, Robert Wolfe, Reagan Wolfe, Brian Wolfe, and Derrick Wolfe	11A	9651-71-6512	5.21
	11B	9651-80-4143	33.03
Rollins, Steven L	12	9651-53-9069	24.13
Stepp, Brooks F & Lisa N	13	9651-51-5669	0.68
Vaughn, Bryan Lee	14	9651-52-2346	6.05
Wilkie, Gene A & Wife; Gene A Wilkie Trustee, Gene A Wilkie Trust	15A	9651-51-9783	4.57
	15B	9651-51-9293	1.85
<b>Total Acreage</b>	All Parcels		239.24
	Within Subject Area (Lots Only)		118.85
	Within Subject Area (Lots & ROW)		<b>130.44*</b>

4C & D, 8, 11A & B, 12, and 15A

## 2. Current Zoning

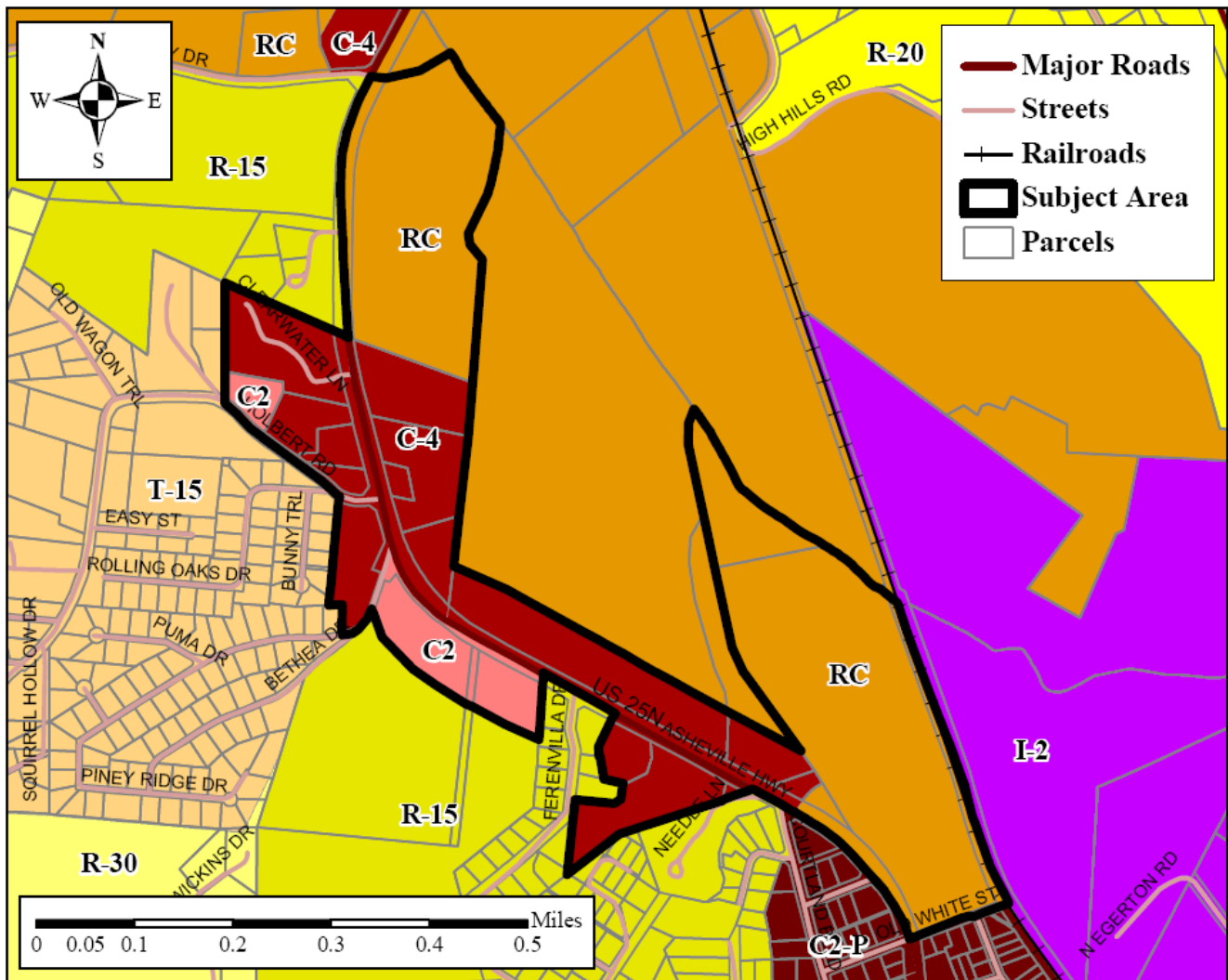
2.1. **Application of Current Zoning:** The Subject Area is currently zoned CC (Community Commercial), which was applied on September 19, 2007, as a result of the adoption of Chapter 200A, Land Development Code and its Official Zoning Map (See Map B).

**Map B: Current Zoning**



2.2. **Adjacent Zoning:** R1 (Residential One) zoning is applied to the west, north, east and south. R2MH (Residential Two Manufactured Housing) is also applied to the west. LC (Local Commercial) is applied to the south of the Subject Area. I (Industrial) zoning is applied to the east of the southern parcels of the Subject Area. Just to the north of the Subject Area is an RC (Regional Commercial) zoning district.

**Map C: Previous Chapter 200 Zoning**



2.3. **Previous Zoning:** Prior to the adoption of the US Highway 25 North Zoning Study, the Subject Area was part of the OU (Open Use) zoning district. The Subject Area contained three (3) different zoning districts when rezoned by the US Highway 25 North Zoning Study (See Map C). The Subject Area contained C-4 (Highway Commercial), C2 (Neighborhood Commercial) and RC (Rural Conservation) zoning districts. RC (Rural Conservation) and I-2 (General Industrial) zoning were applied to the east. R-15 (Medium Density Residential), T-15 (Medium Density Residential with Manufactured Homes), and C2P (Preservation Neighborhood Commercial) zoning were applied west of the Subject Area. RC (Rural Conservation) zoning was applied to the north and C2P (Preservation Neighborhood Commercial) zoning was applied to the south of the Subject Area.

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.

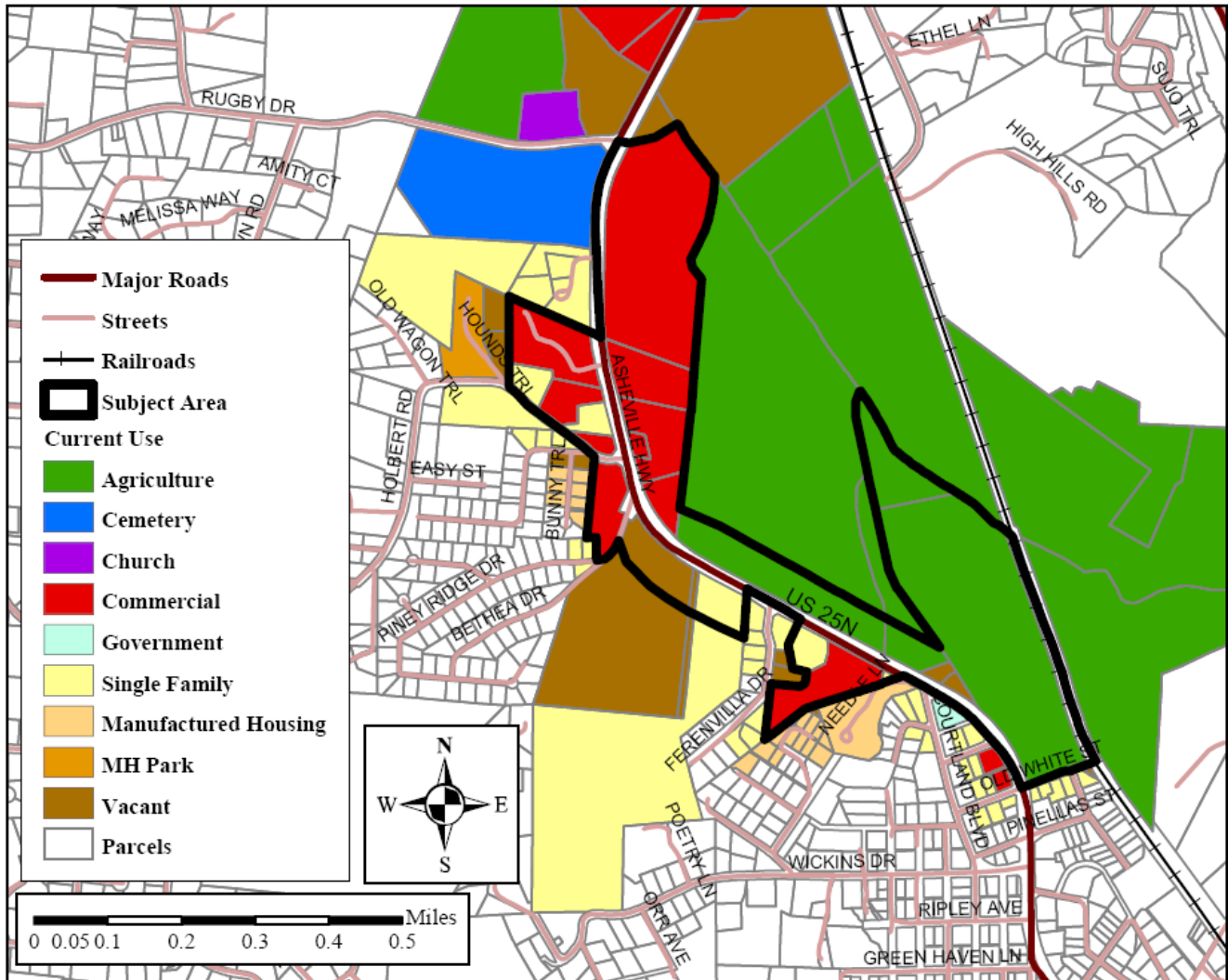
- 2.4.2. **RC Regional Commercial Zoning District:** “The purpose of the Regional Commercial District (RC) is to foster orderly growth where the principle use of land is commercial. The intent of this district is to allow for commercial development consistent with the recommendations of the Comprehensive 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 agricultural, commercial, single-family and vacant uses (See Map D).
- 3.2. **Adjacent Area Uses:** Surrounding area lands contain a variety of uses.
- 3.2.1. **To the West:** Multiple single-family residential uses (including manufactured/mobile homes), vacant lands, a governmental use (Mountain Home Post Office), two (2) commercial uses, and a cemetery are located to the west.
- 3.2.2. **To the North:** Undeveloped lands 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:** Single-family residential uses and a vacant property are located to the south.

**Map D: Current Land Use Inventory**

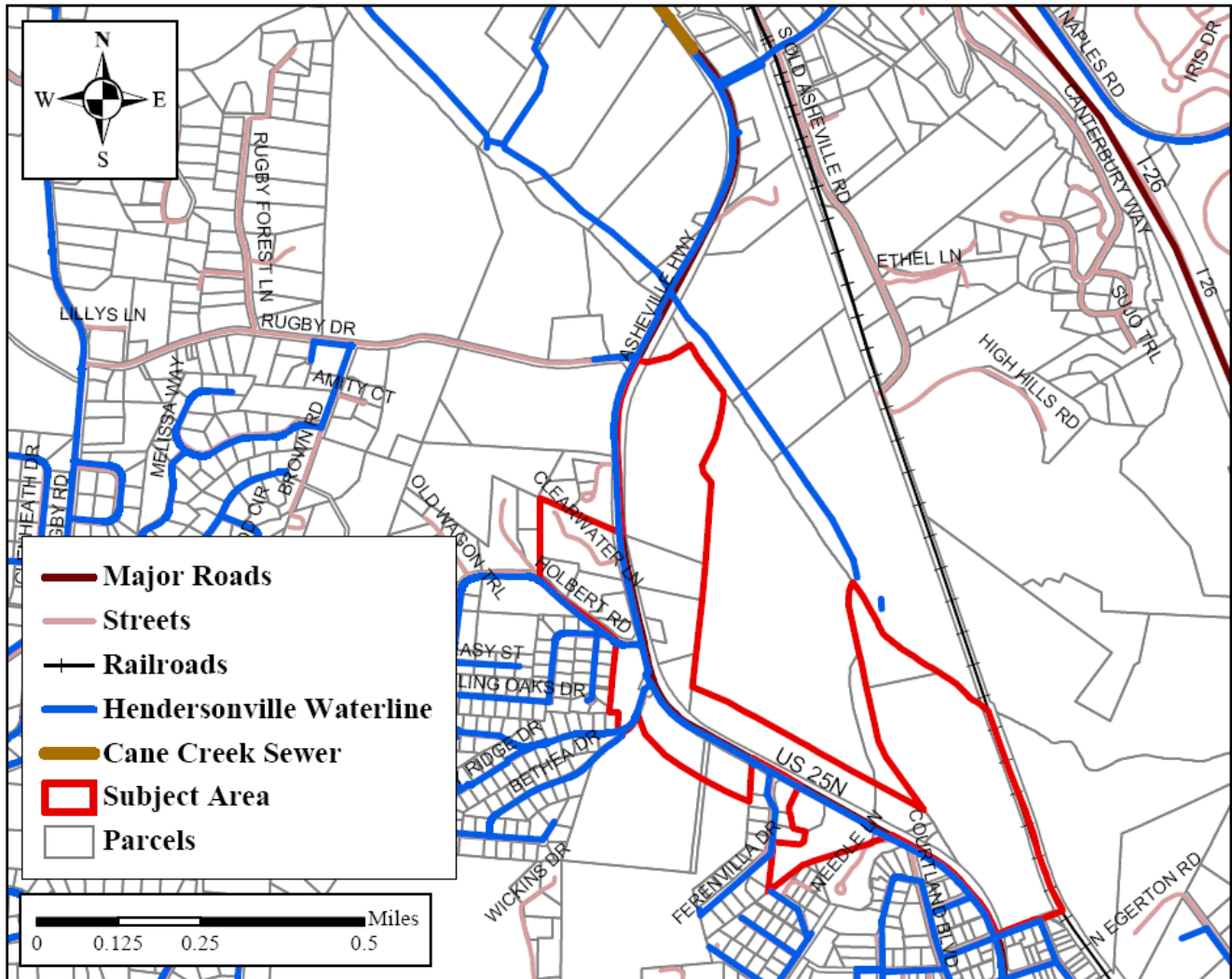


**4. Water and Sewer**

- 4.1. **Public Water:** Public water (City of Hendersonville) appears to run along US Highway 25 North for the entire length of the Subject Area site (See Map E).
- 4.2. **Public Sewer:** Public sewer does not appear to be located on the Subject Area. Public sewer (Cane Creek) appears to be located approximately 2,770 feet (0.53 miles) north of the Subject Area, near the intersection of US Highway 25 North and South Naples Road (SR 1695) (See Map E).



**Map E: Water and Sewer**



**5. Transportation and Access**

- 5.1. **Frontage:** The Subject Area fronts on one or both sides of US Highway 25 North for approximately 1.17 miles (6,176 feet). Portions of the Subject Area also have frontage on Holbert Road (SR 1367), Clearwater Lane, Piney Ridge Drive (SR 2265), Ferenvilla Drive (SR 1479), Needle Lane, and Old Park Road (SR 1370).
- 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 within 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.

**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 F).

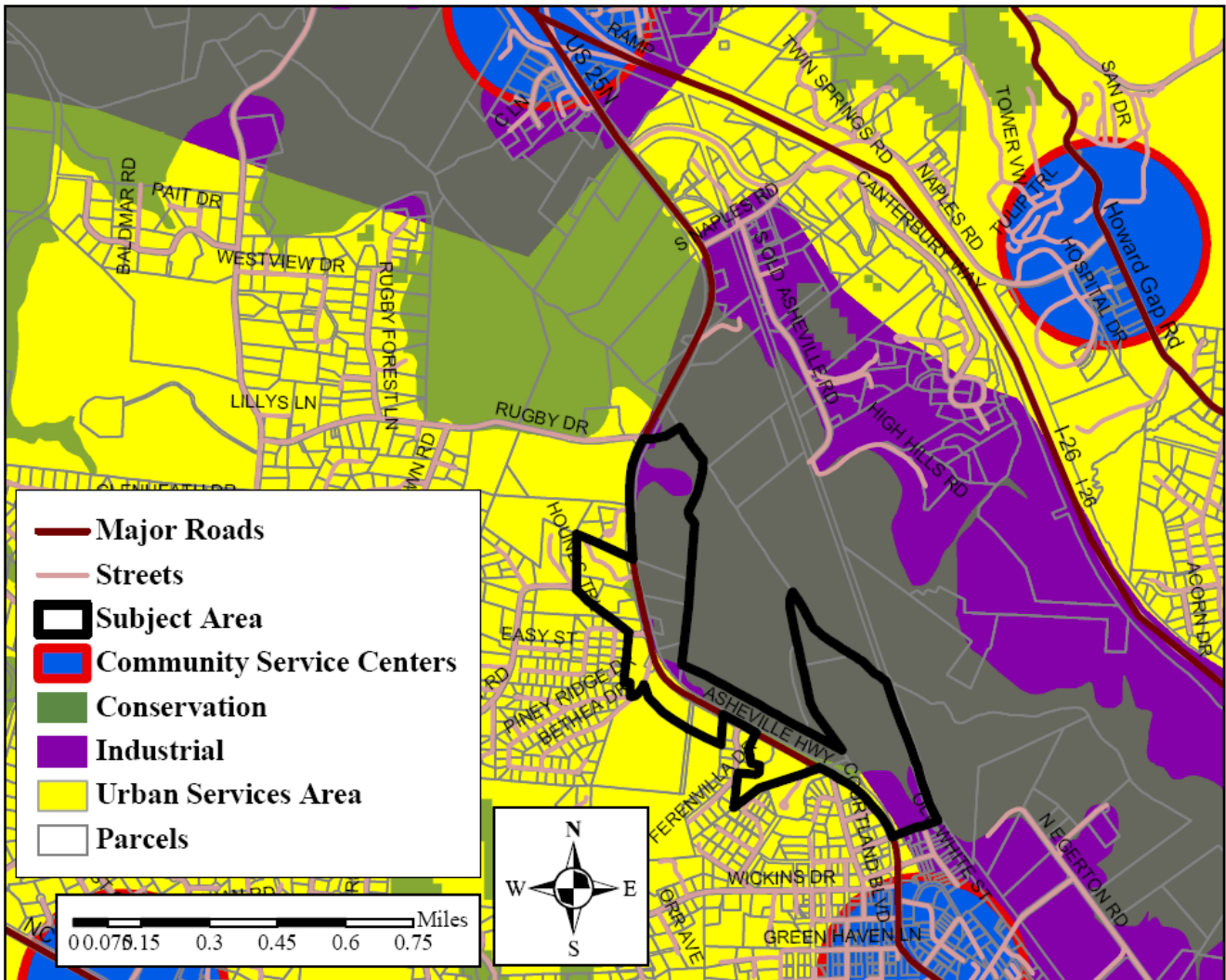
6.1.1. The CCP states that, “the USA will contain considerable commercial development at a mixture of scales,” and further, “all regional commercial development should be concentrated here. Commercial development will exist within predefined zoning districts whose standards and configuration are in keeping 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. Community Service Centers are identified: (1) to the north, at the I-26 interchange at US Highway 25 North; and (2) to the south, at the intersection of US Highway 25 North and Mountain Road (SR 1381).

6.3. **Industrial:** The CCP Future Land Use Map identifies a majority of the Subject Area parcels to the east of US Highway 25 North as being suitable for industrial development (2020 CCP, Pg. 129, Pg. 136, Pg. 148 & Appendix 1, Map 8 and Map 24) (See Map F). The CCP states that, “Most industrial uses should be segregated from other uses with the exception of Regional Commercial uses” (2020 CCP, Pg. 136).

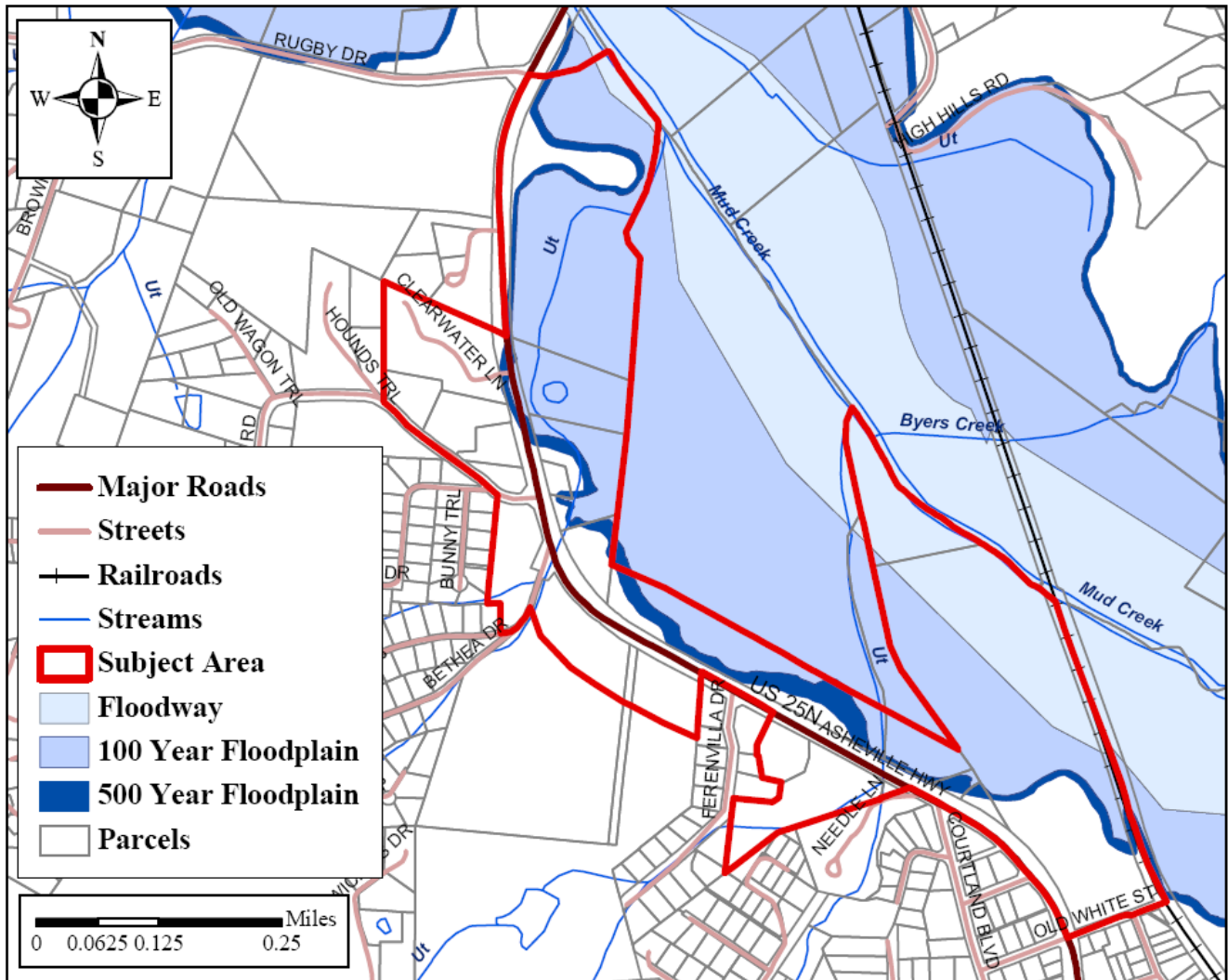
**Map F: 2020 County Comprehensive Plan Future Land Use Map**



6.4. **Conservation Area:** The Future Land Use Map identifies a majority of the Subject Area parcels to the east of US Highway 25 North as being appropriate for conservation largely due to the presence of floodplain (2020 CCP, Pg. 129, Pg. 134, & Appendix 1, Map 24). (See Maps F and G). 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 G: 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 a majority of the parcels to the east of US Highway 25 North as being 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 more in keeping with the surrounding community than would RC (Regional Commercial) zoning as the surrounding properties (especially those west of the Subject Area) contain residential neighborhoods with 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 large tracts of land. 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).
- 7.2.2.1. Eleven (11) of the 23 parcels (or portions thereof) which constitute the Subject Area are under 2.29 acres in size (See Table A, Subject Area IDs 1A & B, 2, 3, 4A & B, 5C, 6, 9, 13, and 15B) and are not large enough to facilitate a 100,000 square foot building without parking.
- 7.2.2.2. Of the remaining 12 parcels (or portions thereof) which are larger than 2.29 acres, the seven (7) parcels east of US Highway 25 North (4C & D, 8, 11A & B, 12, and 15A) contain a considerable amount of floodplain or floodway. These seven (7) parcels contain 87.15 acres of which 16.99 acres are in floodway (19 percent) and 47.35 acres are in 100-year floodplain (54 percent). The amount of floodway and 100-year floodplain east of US Highway 25 would reduce the developable area of these tracts combined (without a fill permit) to approximately 22.81 acres (See also Section 7.4 below).
- 7.2.2.3. The remaining six (6) parcels west of US Highway 25 North contain 36.5 acres of land not affected by floodway or 100-year floodplain. However, unlike the parcels east of US Highway 25 North, these parcels are largely not contiguous.
- 7.2.2.4. The Super Wal-Mart and associated strip development within the City of Hendersonville's jurisdiction has an approximate 7.64 acre building footprint with a total of 29.54 in impervious surface (including buildings, parking, and access drives).
- 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 would narrowly abut an existing RC (Regional Commercial) zoning district to the north. Applying RC zoning to the Subject Area would extend the RC node further from the interstate interchange and into areas primarily zoned for residential purposes.

- 7.4. **Flood Damage Prevention:** The Future Land Use Map identifies the majority of the Subject Area parcels east of US Highway 25 North as being appropriate for conservation largely due to the presence of floodplain (See Maps F and G). It appears that a total of 47.91 acres of the 130.44 acre Subject Area (approximately 36.73 percent) falls within the 100-year floodplain and a total of 16.99 acres of the Subject Area (approximately 13.03 percent) falls within the floodway. Only 65.54 acres of the Subject Area (approximately 50.25 percent) is neither within the floodway or floodplain. 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.

- 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.

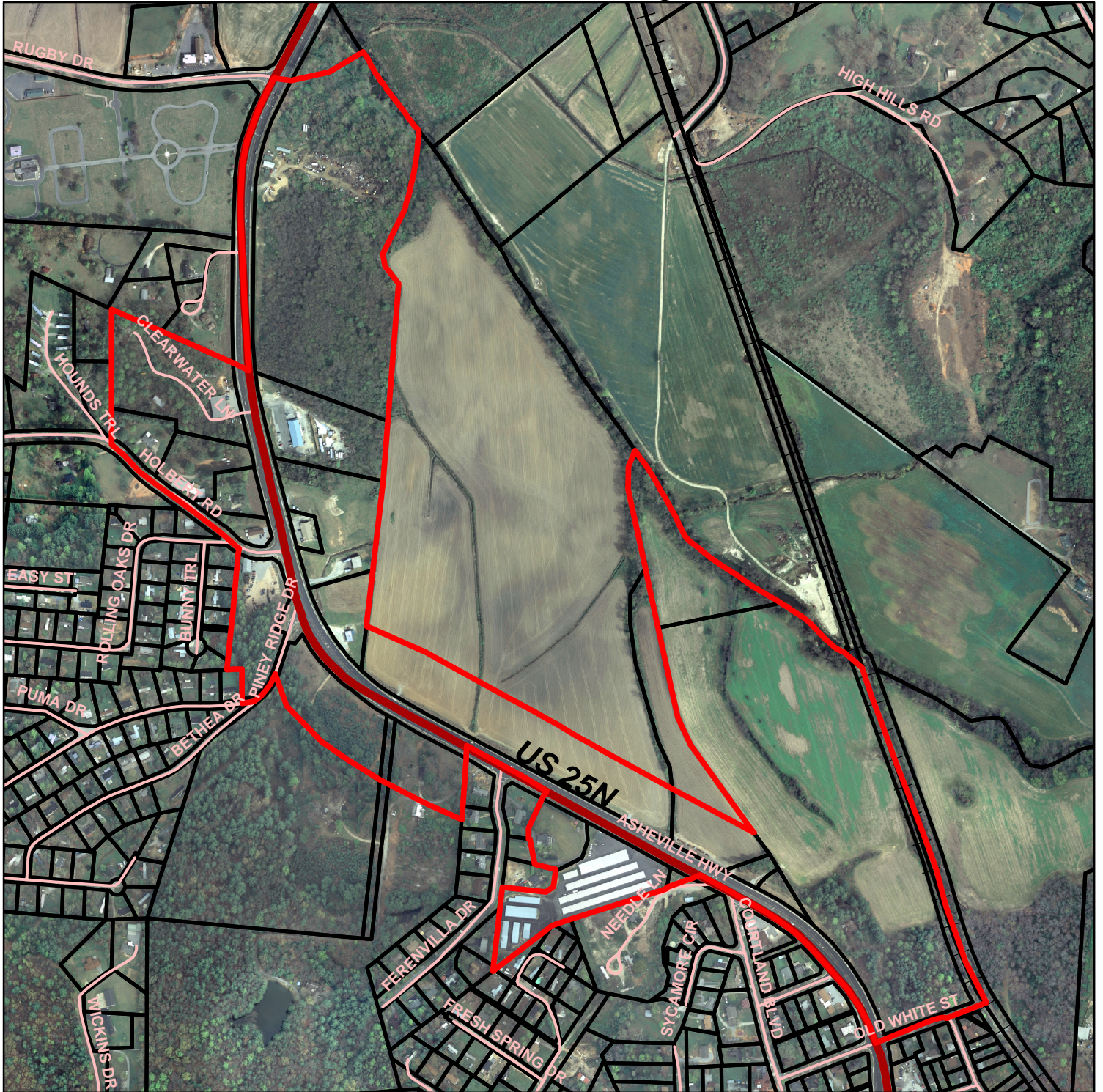
## **9. Technical Review Committee Recommendations**






- 9.1.1. The Henderson County Technical Review Committee (TRC) considered rezoning request #R-2008-09, as Amended on June 10, 2008. The TRC voted 6 to 0 to send the Board of Commissioners an unfavorable recommendation, recommending denial of rezoning request #R-2008-09, as Amended, to rezone the subject area from a Community Commercial (CC) zoning district to a Regional Commercial (RC) zoning district based on the recommendation of the County Comprehensive Plan. The TRC further recommended that if the Board of Commissioners approves the rezoning request, that the boundary of the existing CC zoning district should not be expanded and that if the boundary of the subject area is expanded, that it should not be expanded into the floodway.

**10. Planning Board Recommendations**

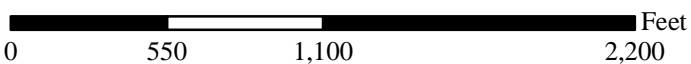
10.1.1. The Henderson County Planning Board considered rezoning request #R-2008-09, as Amended, on June 19, 2008. The Planning Board voted 4 to 2 to send the Board of Commissioners an unfavorable recommendation, recommending denial of rezoning request #R-2008-09, as Amended, to rezone the Subject Area 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, should the Board of Commissioners approve the rezoning request, the Planning Board does not recommend the boundary of the commercial district be expanded. The Planning Board then voted 6 to 0 to send the Board of Commissioners a favorable recommendation for expanding the CC zoning district, on properties owned by Mr. Charles Grimes (located east of US Highway 25 North), to 500 feet from the property line.





-  Major Roads
-  Streets
-  Railroad
-  Subject Area
-  Parcels

**Rezoning Application**  
**#R-2008-09 as Amended**  
**Henderson County Planning Staff on the behalf of property owners**  
**as Amended by the Board of Commissioners**





**§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).

<b>Table 2.8. CC Density and Dimensional Requirements</b>				
(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:

*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.

- (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).

<b>Table 2.9. RC Density and Dimensional Requirements</b>			
		(1) <i>Residential Density</i> (units/acre)	16
		<i>Maximum Impervious Surface</i> (%)	80
		<i>Maximum Floor Area</i> (sq ft)	Unlimited
Yard Setbacks (feet)	Front or ROW	<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 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:

*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
<b>1. RESIDENTIAL USES</b>			
<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
<b>2. ACCESSORY USES</b>			
<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 &gt;5000 sq ft</i>	S	P	2.9
<b>3. ACCESSORY STRUCTURES</b>			
<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
<b>4. RECREATIONAL USES</b>			
<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
<b>5. EDUCATIONAL AND INSTITUTIONAL USES</b>			
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
<b>6. BUSINESS, PROFESSIONAL, AND PERSONAL SERVICES</b>			
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
<b>7. RETAIL TRADE</b>			
Cinema Complex	P	P	7.3

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
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
<i>Manufactured/Mobile Home Sales</i>		P	7.9
Motor Vehicle Sales or Leasing	S	P	7.10
<i>Open Air Market</i>	S	P	7.11
<i>Parking Garage or Lot (requiring payment)</i>		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
<i>Truck Stop</i>		S	7.19
<b>8. WHOLESALE TRADE</b>			
<i>Wholesale Trade</i>	P	P	8.1
<b>9. TRANSPORTATION, WAREHOUSING AND UTILITIES</b>			
<i>Communication Facilities, Category 1</i>	P	P	9.3
<i>Communication Facilities, Category 2</i>	P	P	9.3
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 (Excluding Warehousing of Hazardous Substances)</i>	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
<b>10. MANUFACTURING &amp; INDUSTRIAL USES</b>			
<i>Machining and Assembly Operations <math>\leq 10,000</math> sq ft (of gross floor area)</i>	P	P	10.7
<i>Manufacturing and Production Operations <math>\leq 10,000</math> 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
<i>Truck Wash</i>		P	10.19
<b>11. TEMPORARY USES</b>			
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
<b>12. TEMPORARY STRUCTURES</b>			
<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
<b>13. AGRICULTURAL USES</b>			
<i>Agriculture</i>	P	P	-
Food Manufacturing	P	P	-
<i>Forestry</i>	P	P	-
<i>Forestry Support Services</i>	P	P	-
Veterinary Services (livestock)	P	P	-

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  
JUNE 19, 2008**

Rezoning Application #R-2008-09 as Amended – Rezone Approximately 130.44 Acres of Land – Located Off US Highway 25 North (between its intersection with Old Park Road (SR 1370) to the south and Rugby Drive (SR 1417) to the north) – Community Commercial (CC) to Regional Commercial (RC) Zoning District – Henderson County Planning Staff on Behalf of the Property Owners - Presentation by Matt Cable

Chairman Pearce noted that the Board members received a written request by Mr. Charles Grimes to consider a deeper portion of the front area zoned commercial, approximately 500 feet more from the front of the property line. Chairman Pearce said Board members will discuss this consideration after Staff's report. Mr. Cable stated that the Planning Board originally considered Rezoning #R-2008-09 at its meeting on May 15, 2008. The Board of Commissioners, at its meeting on June 2, 2008, amended the request to include additional parcels of land beyond what the Planning Board had considered before. Mr. Cable showed the boundary area of what the Board of Commissioners is recommending. He said, as a result, recommendations from the Planning Board for the amended area are necessary. Planning Board action to recommend that the Board of Commissioners approve, approve with modifications, table, or deny rezoning #R-2008-09 as Amended would be appropriate.

Mr. Cable stated that this amended request includes all of the area designated at present as Community Commercial in the vicinity of the original request. Mr. Cable stated the request encompasses approximately 130.44 acres of land, located off US Highway 25 North (between its intersection with Old Park Road to the south and Rugby Drive to the north, from a CC (Community Commercial) zoning district to an RC (Regional Commercial) zoning district. The Subject Area is comprised of all or part of 23 parcels of land with multiple owners. He stated that on June 5, 2008, Staff posted notice signs on the subject area property providing notice of the consideration of the request by the Planning Board at its June 19, 2008 meeting. Mr. Cable stated that the subject area now extends to 1.17 miles along US 25 North. On September 19, 2007, Community Commercial was applied to this whole area during the LDC process. Mr. Cable mentioned the uses involved in Community Commercial. He stated that prior to the adoption of the US 25 North Zoning Study, the subject area was part of the Open Use zoning district and contained three different zoning districts when rezoned by the US 25 North Zoning Study. The subject area contained C-4 Highway Commercial, C-2 Neighborhood Commercial and RC (Rural Conservation) zoning districts. Mr. Cable stated that concerning Mr. Grimes request, he is requesting another 200 feet in depth of commercial zoning on his properties at this location, pushing it back another 200 feet to the north. He added that Mr. Grimes had no preference between Community Commercial and Regional Commercial zoning. Mr. Cable stated that Staff went out into the subject and adjacent area and took a windshield survey of uses. He said the subject area contains agriculture, commercial, single-family, vacant and an unknown use. The unknown use property is the Ashmont Property and is believed to be vacant. There area multiple single-family uses and vacant lands located to the west; undeveloped and agricultural lands to the north and east; and single-family uses along the south near White Street. Mr. Cable stated that public water is available along the subject area of US 25 North but public sewer is not available as it stops in the Naples area. 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. He added that the subject area parcels east of US Highway 25 North as being appropriate for conservation largely due to the presence of floodplain. It appears that a total of 47.91 acres of the 130.44 acre subject area, which is approximately 36.73 percent, falls within the 100-year floodplain and a total of 16.99 acres of the subject area, approximately 13.03 percent, falls within the floodway. Only 65.54 acres of the subject area, 50.25 percent, is neither within the floodway or floodplain. He said 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 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 (Regional Commercial) zoning. He stated that applying RC zoning would allow for an unlimited maximum gross floor area and reduced front

yard setbacks and services greater than 100,000 square feet, such as shopping malls, truck stops and truck washes. He said because of the large scale of these uses, many require being located on large tracts of land and would require a minimum of 2.29 acres of land, not accounting for impervious surface limitations or parking. He noted that eleven of the 23 parcels which constitute the subject area are under 2.29 acres in size and are not large enough to facilitate a 100,000 square foot building without parking. He continued, of the remaining 12 parcels which are larger than 2.29 acres, the six parcels east of US 25 North contain a considerable amount of floodplain or floodway. These six parcels contain 81.06 acres of which 16.99 acres are in floodway and 44.04 acres are in 100-year floodplain.

He stated that the Technical Review Committee considered the rezoning request on June 10, 2008 and voted 6-0 to recommend denial on the rezoning request as amended and further recommended that if the Board of Commissioners approves the rezoning request, that the boundary of the existing Community Commercial zoning district should not be expanded and that if the boundary of the subject area is expanded, that it should not be expanded into the floodway.

After some further discussion among Board members about the amended request, Chairman Pearce made the suggested motion by Staff based on the County Comprehensive Plan and further moved that if the Board of Commissioners decided to change this zoning that it also amend the County Comprehensive Plan (CCP) to reflect these changes, because if the Commissioners did not change the CCP, it would not coincide with the motion to recommend this amended change. This motion died for lack of a second.

Mike Cooper made a favorable motion to recommend the rezoning request to change from Community Commercial to Regional Commercial zoning as it does somewhat follow the Comprehensive Plan and because the County has now developed the Floodplain Ordinance and program to protect the floodplains in the subject area. He added that in the flood zones, the property owners would be limited as to what they could develop in those areas. Gary Griffin seconded the motion.

Regarding Mr. Grimes' property, Mr. Grimes asked that commercial zoning be applied 500-feet from the front of his property line. Mike Cooper amended his motion to include 500 feet from the property line for only Mr. Grime's properties. Gary Griffin seconded the amended motion. Mike Cooper and Gary Griffin voted in favor of the motion. Renee Kumor, Jonathan Parce, Tedd Pearce, and Tommy Laughter opposed the motion. The motion was denied by a vote of 4 to 2.

Chairman Pearce made a motion that the Planning Board recommends denial of rezoning #R-2008-09 as Amended, 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. Renee Kumor seconded the motion. Tedd Pearce, Renee Kumor, Tommy Laughter and Jonathan Parce voted in favor of the motion. Mike Cooper and Gary Griffin opposed the motion. The motion carried by a vote of 4 to 2.

Regarding Mr. Charles Grimes request, Chairman Pearce made a motion regarding Mr. Grimes' property, that the Community Commercial zoning be expanded to 500 feet. Renee Kumor seconded the motion. Should the Board of Commissioners approve the rezoning request, the Planning Board does not recommend that the boundary of the commercial district be expanded. Renee Kumor, Tedd Pearce, Tommy Laughter, and Jonathan Parce voted in favor. Mike Cooper and Gary Griffin opposed the motion. The motion carried 4 to 2. Mike Cooper left the meeting at this time.



Charles W Grimes  
303 Vanderbilt Road  
Asheville, NC 28803

Henderson County Board of Commissioners  
Hendersonville, North Carolina

Gentlemen:

We are requesting that our tract of land on Route 25 N be zoned to conform to the adjacent properties. In examining the most recent map, it appears that you have given a greater portion of the neighbors land a zoning designation that is significantly more favorable than the designation that our property has been given. Please consider rezoning this property that our family has owned and paid taxes on since the 1940 ' s as the same as the neighbors. We could be satisfied with the current zoning for the rear of the property as long as we are given a deeper portion of the front zoned commercial, at least 500 feet from the front of the property line.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles W Grimes".

CW Grimes

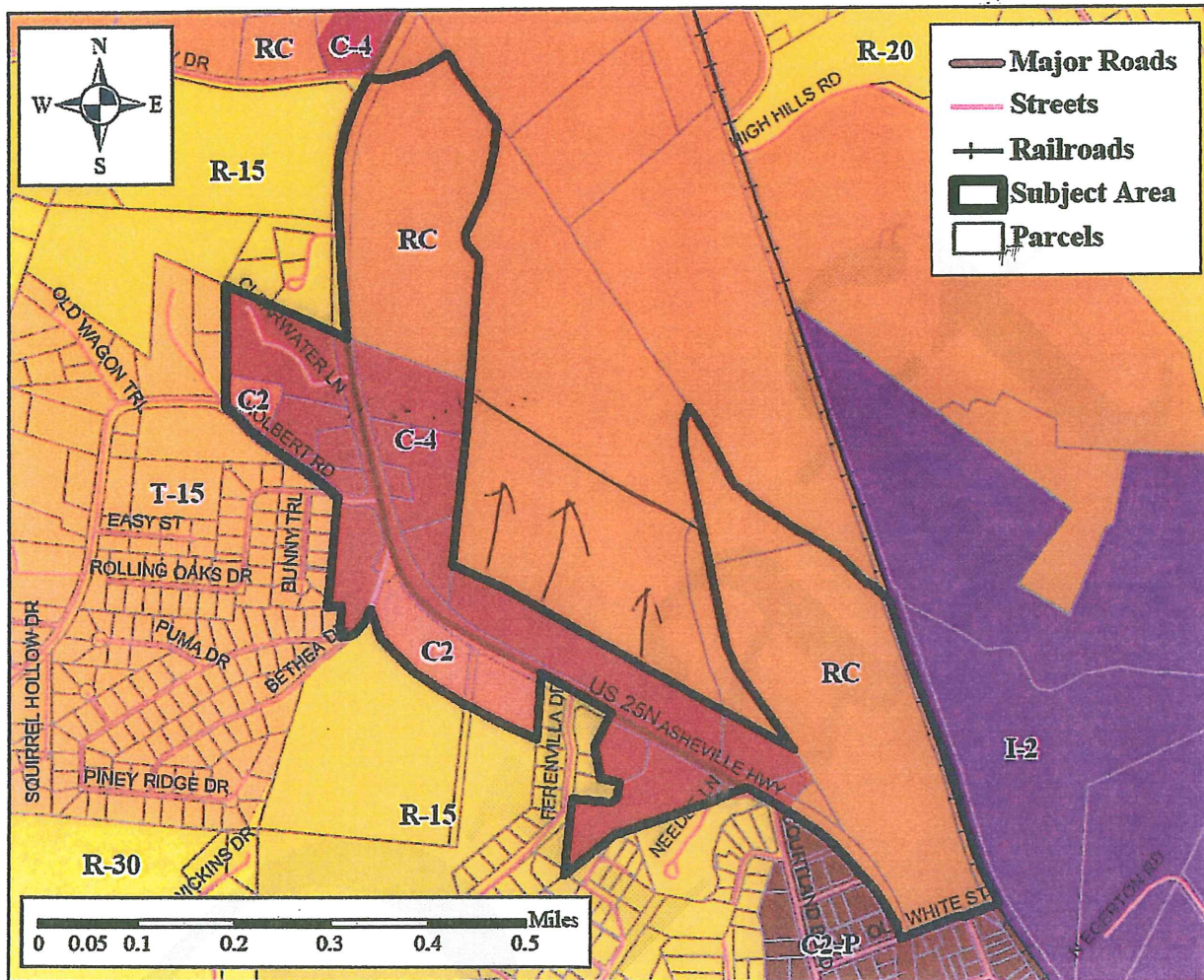
June 16, 2008

Attachments



received  
6/17/08  
Attachment 1

**Map C: Previous Chapter 200 Zoning**



2.3. **Previous Zoning:** Prior to the adoption of the US Highway 25 North Zoning Study, the Subject Area was part of the OU (Open Use) zoning district. The Subject Area contained three (3) different zoning districts when rezoned by the US Highway 25 North Zoning Study (See Map C). The Subject Area contained C-4 (Highway Commercial), C2 (Neighborhood Commercial) and RC (Rural Conservation) zoning districts. RC (Rural Conservation) and I-2 (General Industrial) zoning were applied to the east. R-15 (Medium Density Residential), T-15 (Medium Density Residential with Manufactured Homes), and C2P (Preservation Neighborhood Commercial) zoning were applied west of the Subject Area. RC (Rural Conservation) zoning was applied to the north and C2P (Preservation Neighborhood Commercial) zoning was applied to the south of the Subject Area.

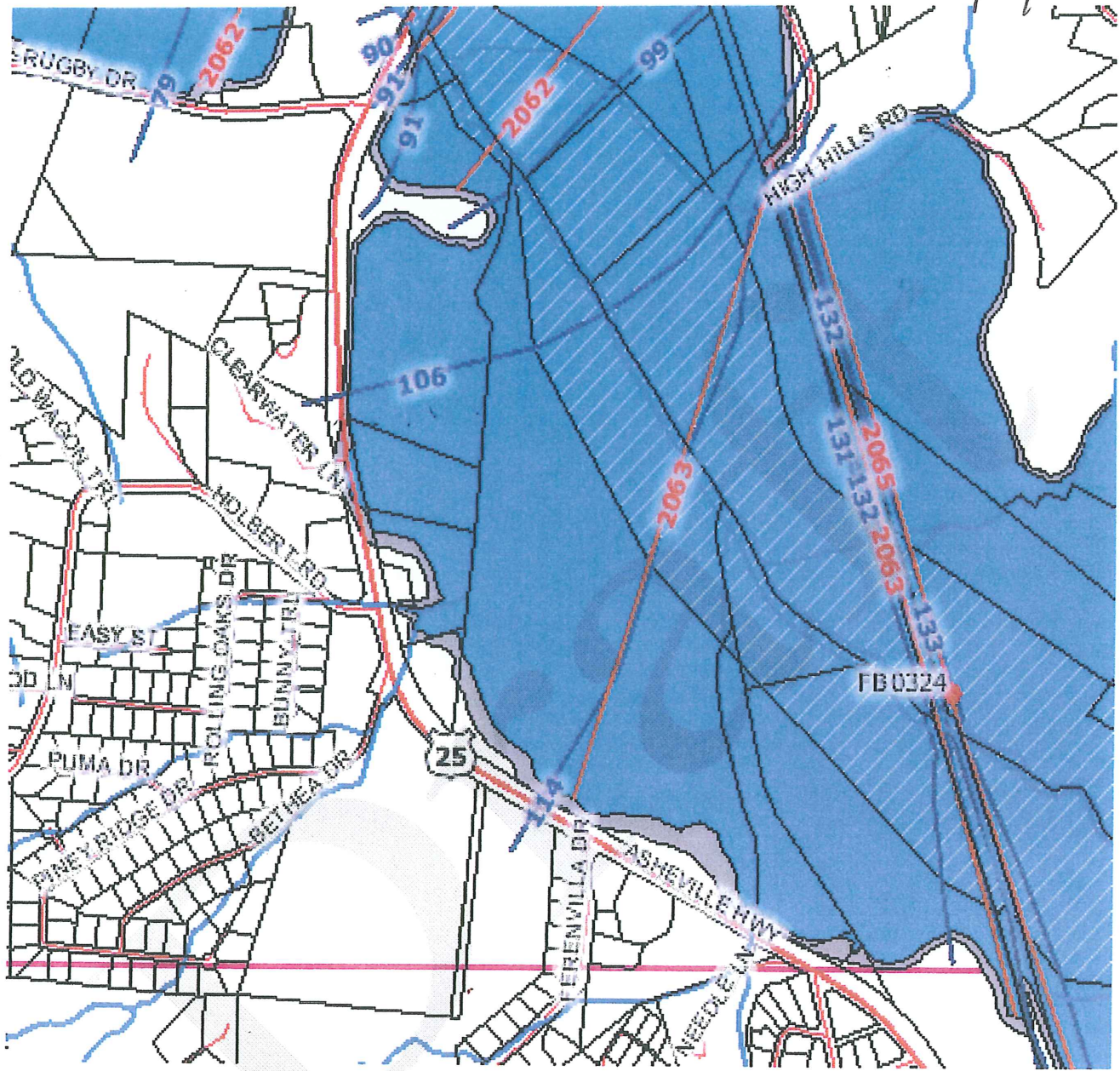
2.4. **District Comparison:**

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



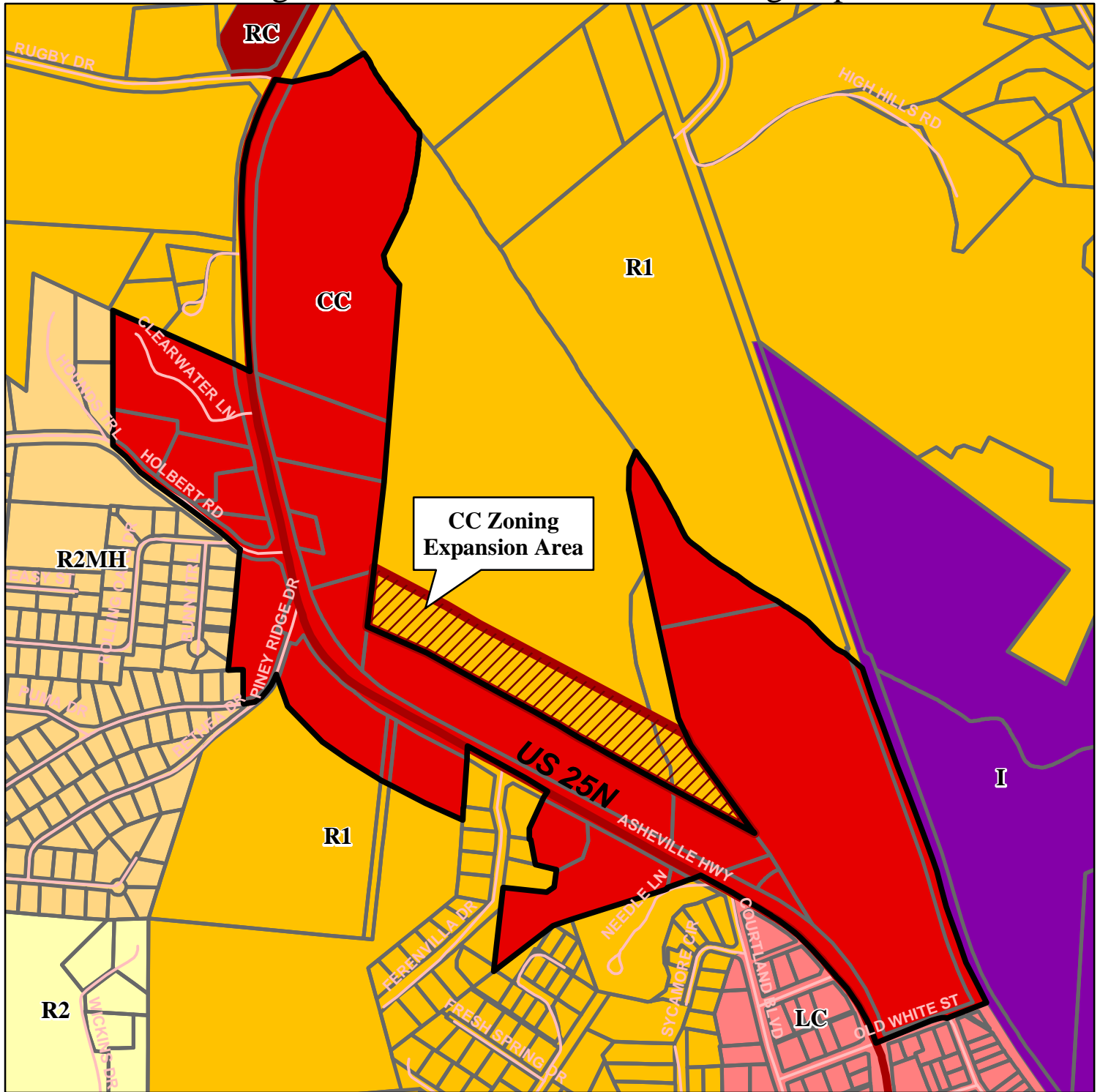


6/17/08



**2007 Flood Analysis**  
The format is different than the 1982  
The area with the stripes is the flood way  
  
The dark blue area is the flood plan.  
The flood way has been reduced considerably

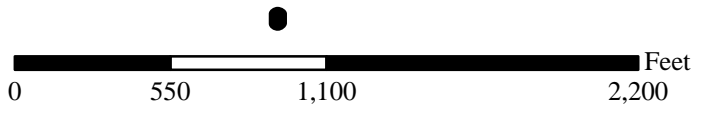




**Rezoning Request #R-2008-09 as Amended**  
 Henderson County Planning Staff on the behalf of property  
 owners as Amended by the Board of Commissioners

- Major Roads
- Streets
- Subject Area
- CC Zoning Expansion Area\*
- Parcels

\*The Planning Board recommended expansion of the existing (CC) Community Commercial zoning district to 500 feet from the property line for two (2) parcels owned by Mr. Charles Grimes.



**NOTICE OF PUBLIC HEARING  
ON PROPOSED ZONING MAP AMENDMENT  
(Rezoning Request #R-2008-09, As Amended)**

The Henderson County Board of Commissioners will hold a public hearing on a request for a proposed map amendment to the Official Zoning Map of Henderson County. Rezoning request #R-2008-09, as Amended, would rezone approximately 130.44 acres of land, located off US Highway 25 North (between its intersection with Old Park Road (SR 1370) to the south and Rugby Drive (SR 1417) to the north), from a CC (Community Commercial) zoning district to an RC (Regional Commercial) zoning district. The Subject Area is comprised of all or part of 23 parcels of land with multiple owners. All or part of these parcels may be rezoned to RC (Regional Commercial) zoning, and parcels that are currently split zoned (only a portion of the property is zoned CC (Community Commercial)) may be rezoned so that commercial zoning is applied to the entire tract.

The property owners are: Bodenhamer, Kerry Lee & Luzita (9651-51-5835 & 9651-52-4024); ESB LLC (9651-70-0149); Geneco Inc (9651-51-8627); Grimes, Charles (Heir), Cheryl Smith (Heir), Charlyne G Coleman (Heir) (9651-70-5790, 9650-79-9969, 9651-70-5790 & 9651-61-8748); Mansouri, Hasan (9650-59-7109, 9651-50-7421 & 9651-60-1284); Miller, Kenneth & Norma (9651-51-6216); Orr, Betty Jean (9651-52-9122); Owenby, Chad & Sarah (9651-52-0163); PI Storage Inc (9651-70-2032); Rhodes, Nancy, etal., Estelle Parks, Louise Ritter, Linda McFarland, Lois Hughes, Rhonda Taylor, Robert Wolfe, Reagan Wolfe, Brian Wolfe, and Derrick Wolfe (9651-71-6512 & 9651-80-4143); Rollins, Steven L (9651-53-9069); Stepp, Brooks F & Lisa N (9651-51-5669); Vaughn, Bryan Lee (9651-52-2346); Wilkie, Gene A & Wife, Gene A Wilkie Trustee, Gene A Wilkie Trust (9651-51-9783 & 9651-51-9293); and 9650-89-1895 (Unknown).

The public hearing for the request will be held on Wednesday, July 16, 2008, at 11:00 A.M., in the Board of Commissioners Meeting Room located in the Henderson County Historic Courthouse, at 1 Historic Courthouse Square, in Hendersonville, NC. The public is invited to attend and comment on the proposed amendment.

Written comments addressed to the Henderson County Board of Commissioners, 1 Historic Courthouse Square, Suite 1, Hendersonville, NC 28792, will be accepted prior to the hearing. Information about the proposed amendment is available for review in the Henderson County Planning Department, 213 1<sup>st</sup> Avenue East, Hendersonville, NC, between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday, or on the Henderson County Website at [www.hcplanning.org](http://www.hcplanning.org). For more information, call the Planning Department at (828) 697-4819 [TDD for the hearing impaired (828) 697-4580].

Please note that after considering public hearing comments, the Board of Commissioners may discuss other options or make changes to the proposed amendment before taking final action. The Henderson County 2020 Comprehensive Plan will be updated and amended, as necessary, to reflect the 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 25, 2008 and Wednesday, July 2, 2008.

**Certification of Notice of Public Hearing**

In accordance with NCGS 153A-343 the Planning Department certifies notices of the July 16, 2008 hearing regarding Rezoning #R-2008-09, as Amended, were:

1. Submitted to the Hendersonville Times-News on June 19, 2008 to be published on June 25, 2008 and July 2, 2008 by Matthew Cable;
2. Sent, via first class mail, to the property owners and owners of properties adjacent to the Subject Area on June 25, 2008 by Matthew Cable and Jason Waddell; and
3. Posted on the Subject Area on June 25, 2008 by Jason Waddell.

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

1. Matthew Cable
2. [Signature]

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

I, Denisa A. Lauffer, a Notary Public, in and for the above County and State, do hereby certify that Matthew Cable, and Jason Waddell

personally appeared before me this day and acknowledged the due execution by Matthew Cable & Jason Waddell of the foregoing instrument.

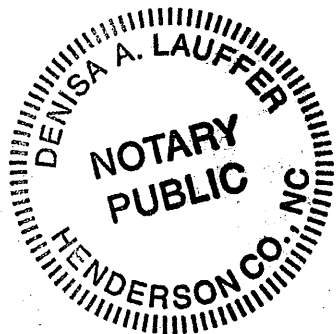
WITNESS my hand and notarial seal, this the 2nd day of July, 2008.

My commission expires:

November 13, 2011

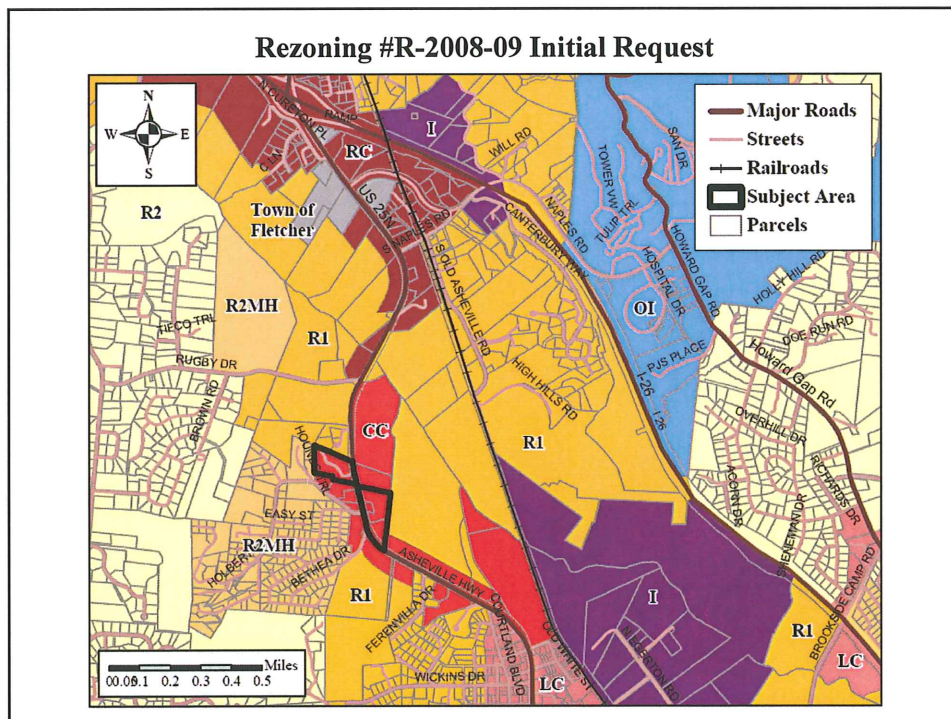
(SEAL)  
Denisa A. Lauffer

NOTARY PUBLIC

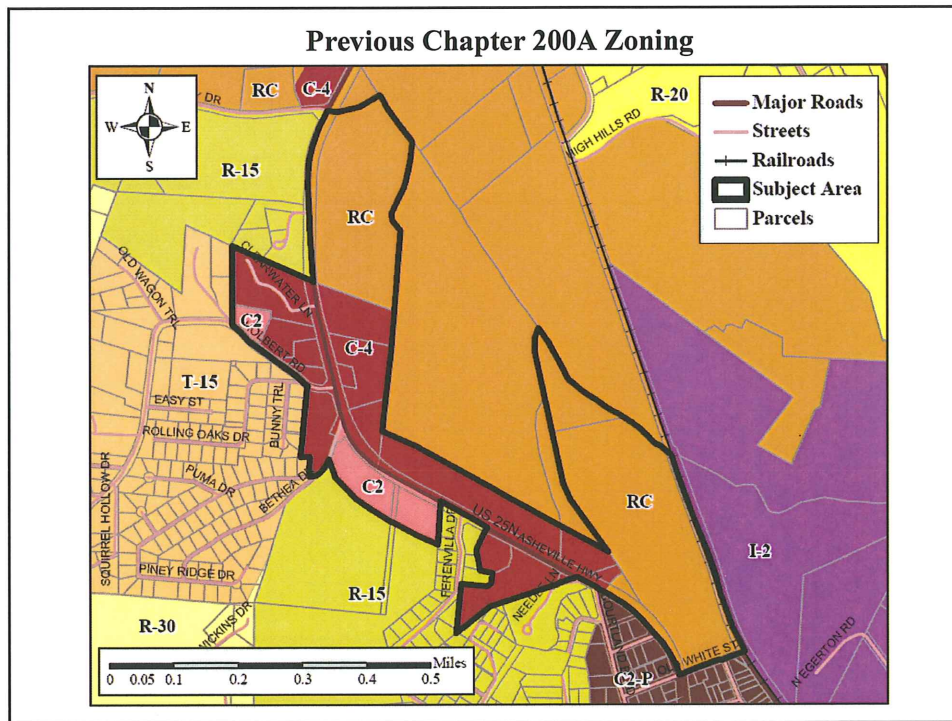
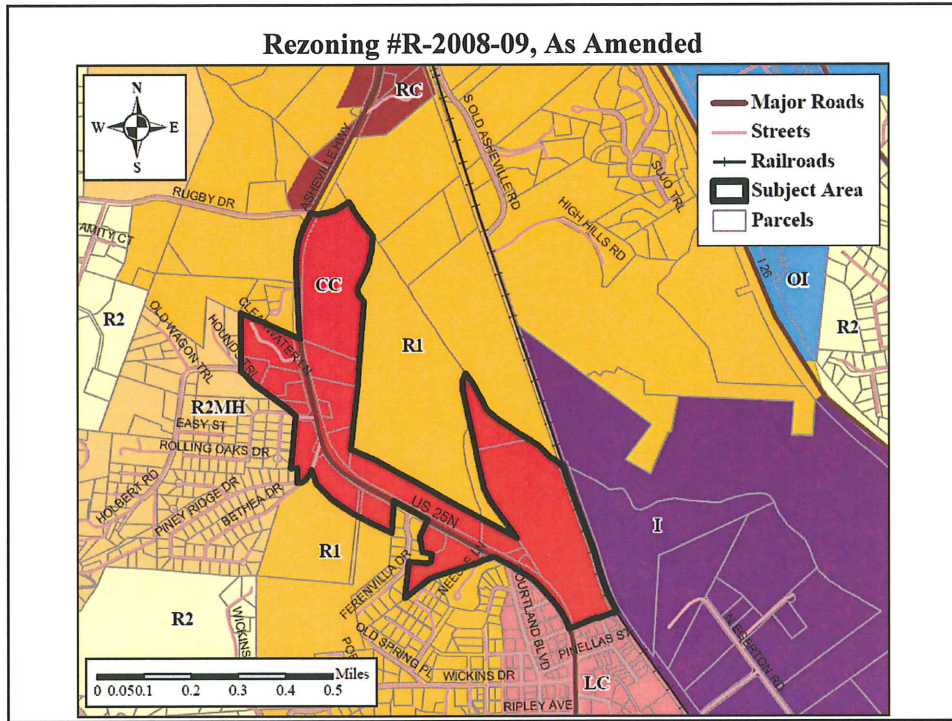


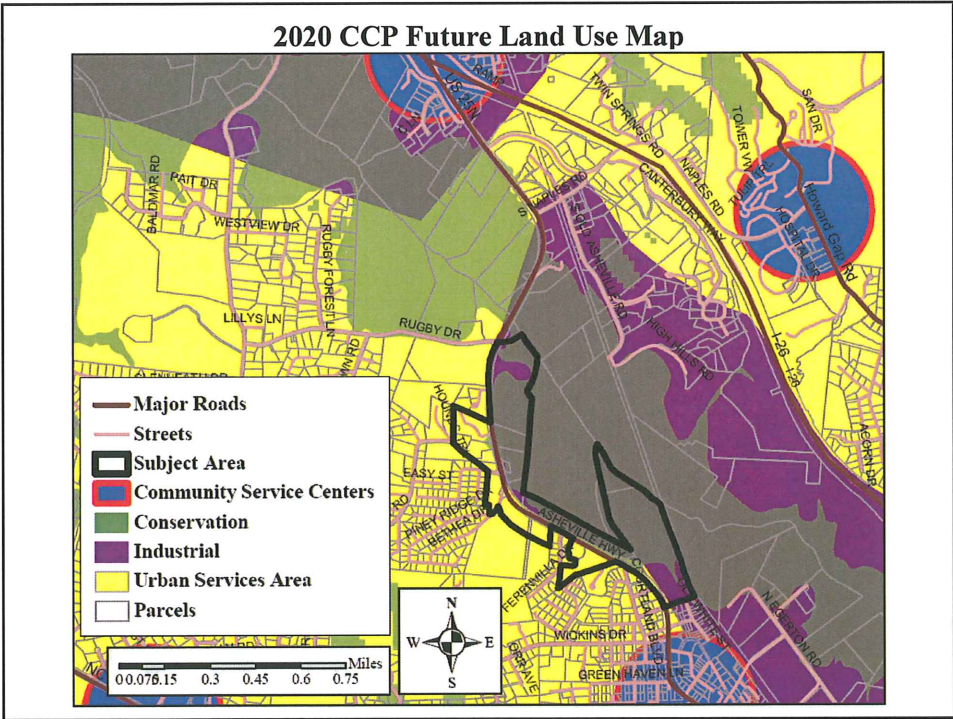
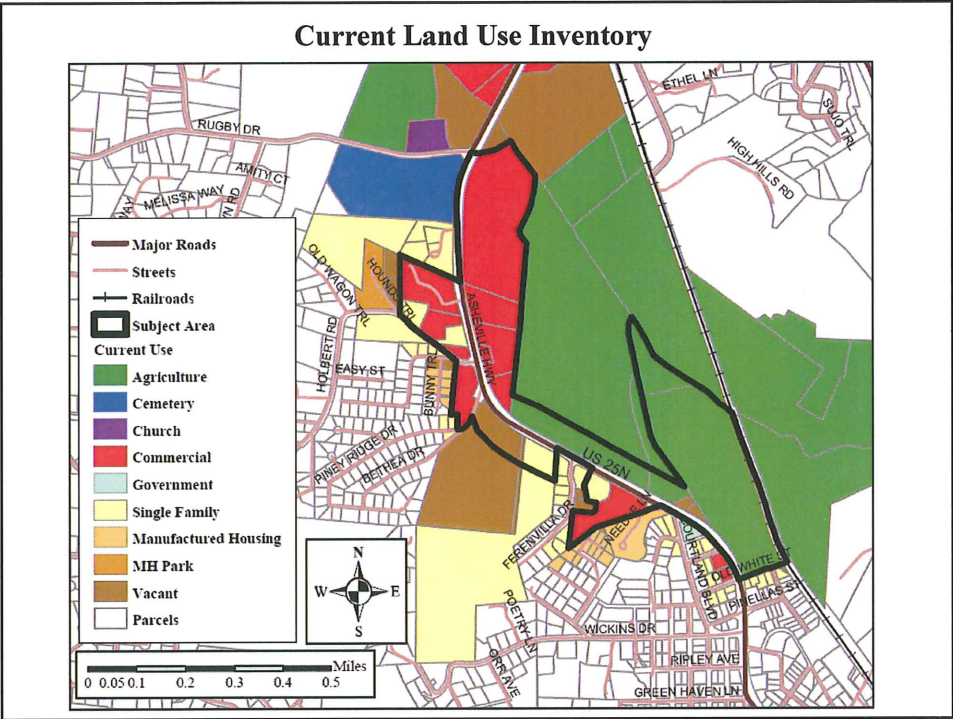
## Rezoning #R-2008-09, As Amended (CC to RC)

Requested by Henderson County Planning  
Staff on behalf of Property Owners

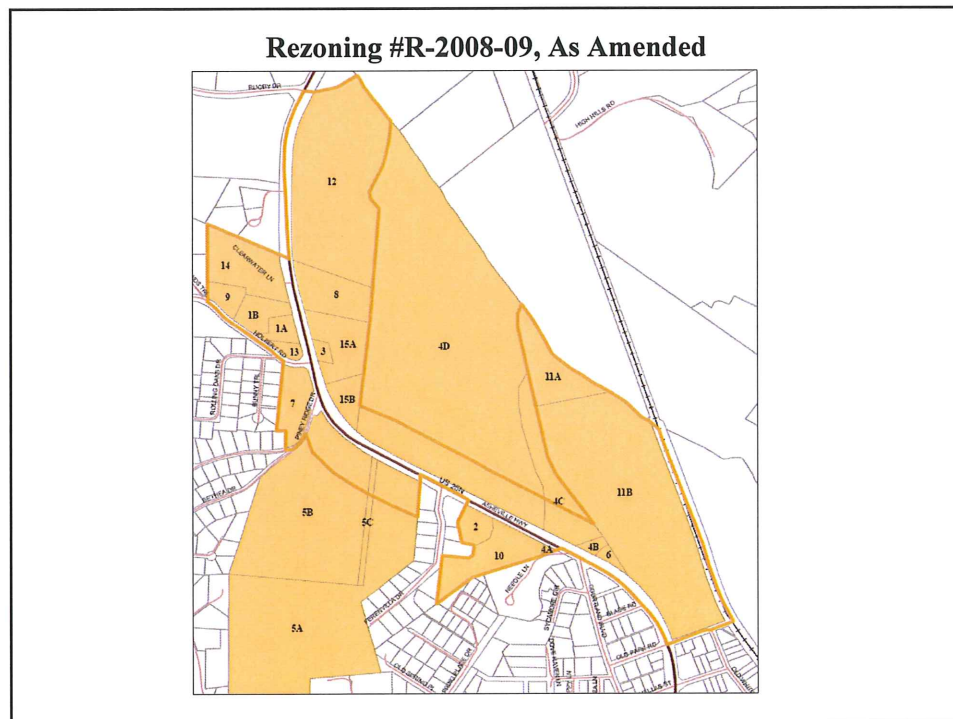
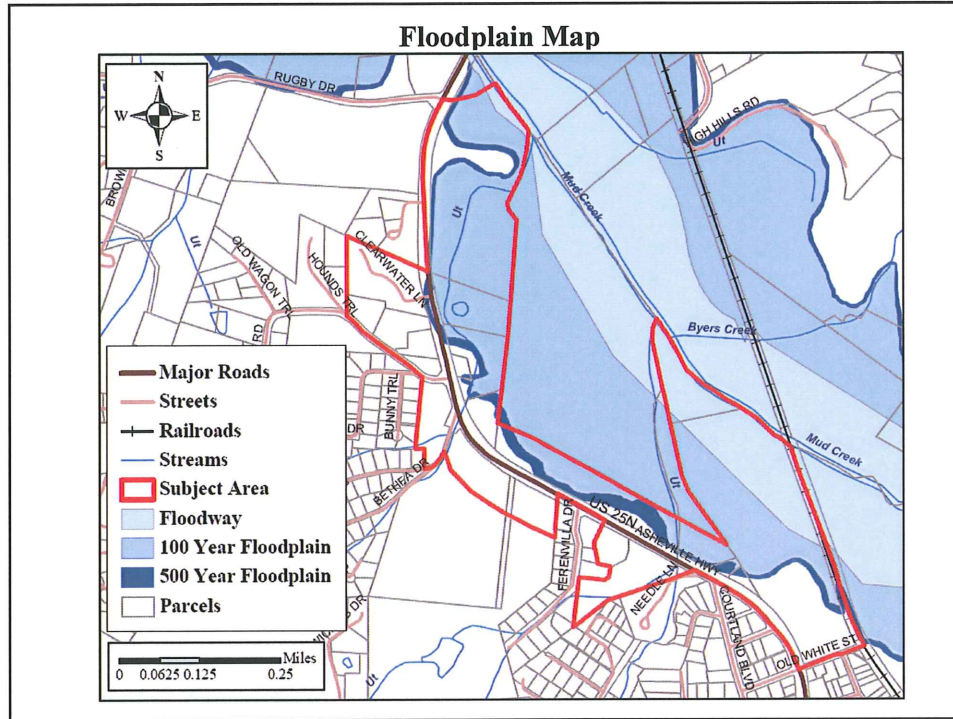




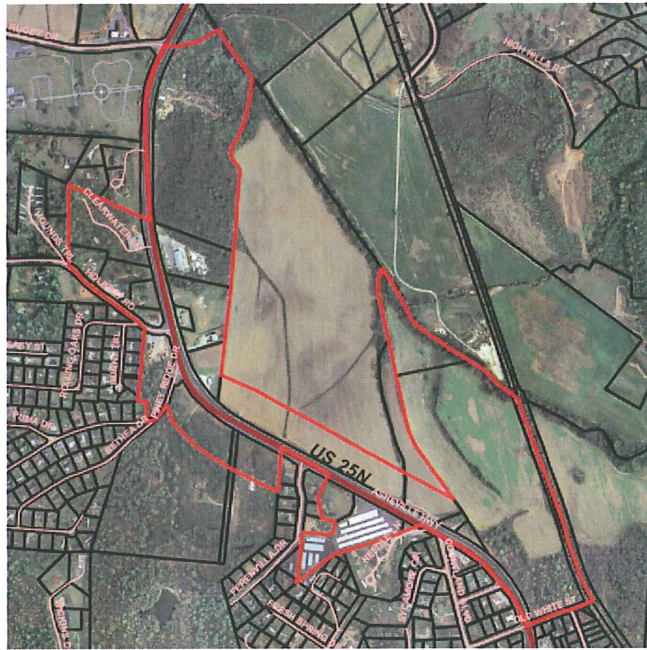








Aerial Photo



Planning Board Recommended CC Zoning Expansion

