

# REQUEST FOR BOARD ACTION

## HENDERSON COUNTY BOARD OF COMMISSIONERS

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### PUBLIC HEARING

**Rezoning Action #R-2005-02  
(O-U to C-1, C-2, or C-4)  
Parcels owned by the City of Asheville  
and Murphy-Wilson Investment Co.**

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**Meeting Date:** Tuesday, July 5, 2005

**Attachments:**

1. April 25, 2005 Letter from Chairman Moyer
2. Staff Report
3. Site / Current Zoning Map
4. Vicinity / Current Zoning Map
5. Current Land Use Map
6. 2020 County Comprehensive Plan Future Land Use Map
7. C-1 District Text
8. C-2 District Text
9. C-4 District Text
10. Fletcher's C-1 & C-2 District Descriptions
11. Photos of the Subject Area
12. Excerpt of Planning Board Minutes from May 17, 2005
13. Notice of Public Hearing
14. May 10, 2005 Letter from the County Attorney

### **SUMMARY OF REQUEST:**

On April 20, 2005, the Henderson County Board of Commissioners (the "Commissioners") directed the Henderson County Planning Staff to study three parcels (the "Subject Area"), currently zoned OU (Open Use), and determine what commercial zoning district could be applied that would be consistent with adjacent commercial zoning by the Town of Fletcher. The Subject Area is located off NC Highway 280 (New Airport Road), near the Buncombe and Henderson County line and adjacent to the Town of Fletcher. Our records indicate that the City of Asheville owns two of the parcels and that Murphy-Wilson Investment Co. owns one of the parcels that may be rezoned. Per Henderson County tax records, the Subject Area contains the following parcels:

PIN 00964362687755 (0.05 acres, owned by the City of Asheville)

PIN 00964362972515 (0.59 acres, owned by the City of Asheville)

PIN 00964362963855 (0.36 acres, owned by the Murphy-Wilson Investment Co.)

The Henderson County Planning Board first considered rezoning action #R-2005-02 at its regularly scheduled meeting on Tuesday, May 17, 2005, at which time the Board voted unanimously (7-0) on a motion to send the Board of Commissioners a favorable recommendation on rezoning the Subject Area to a C-4 (Highway Commercial) zoning district.

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with Section 200-76 of the Henderson County Zoning Ordinance and State Law, notices of the July 5, 2005, public hearing regarding rezoning action #R-2005-02 were published in the Hendersonville Times-News on June 22, 2005 and June 29, 2005. The Planning Department sent notices of the hearing via first class mail to owners of property within the Subject Area and owners of properties adjacent to the Subject Area on June 23, 2005. Planning Staff posted signs advertising the hearing in the Subject Area on June 24, 2005.

**COUNTY MANAGER'S RECOMMENDATION / BOARD ACTION REQUESTED:**

Following the public hearing, Board action to approve, modify or deny rezoning action #R-2005-02 would be appropriate.

## HENDERSON COUNTY BOARD OF COMMISSIONERS

100 North King Street  
Hendersonville, North Carolina 28792-5097  
Phone 828-697-4808 • Fax: 828-692-9855

TDD: 828-697-4580  
www.hendersoncountync.org

BILL MOYER  
Chairman  
CHARLIE MESSER  
Vice-Chairman

LARRY YOUNG  
SHANNON BALDWIN  
CHUCK McGRADY

April 25, 2005

William B. Moore, Mayor  
Town of Fletcher  
4005 Hendersonville Road  
Fletcher, NC 28732

Dear Bill:

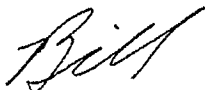
At the Board of Commissioners' meeting of April 20, 2005, the Board reviewed the Town of Fletcher's request to exercise your extra-territorial zoning jurisdiction over the following three parcels.

- 00-9643-62-6877-55
- 00-9643-62-9725-55
- 00-9643-62-9638-55

Following our discussion, the Board decided not to honor this request. We understood your Council's concern that future development of these parcels might not be in harmony with the Town's zoning regulations. We directed our Planning staff to study these parcels under the County's Zoning Ordinance to determine a commercial district that would be consistent with the Town's C-2 District.

If you have any questions, please contact me.

Sincerely,



William L. Moyer, Chairman  
Henderson County Board of Commissioners

WLM/DEN: abm

Cc: Members, Henderson County Board of Commissioners  
David Nicholson, Henderson County Manager  
Karen Smith, Henderson County Planning Director  
Craig Honeycutt, Fletcher Town Manager

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## Henderson County Planning Department Staff Report

### Rezoning Action #R-2005-02

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#### 1. Introduction

- 1.1. Applicant: Initiated by the Henderson County Board of Commissioners
- 1.2. Subject Area PIN's: 00964362687755 (0.05 acres, owned by the City of Asheville)  
00964362972515 (0.59 acres, owned by the City of Asheville)  
00964362963855 (0.36 acres, owned by the Murphy-Wilson Investment Co.)
- 1.3. Application Date: On April 20, 2005, the Board of Commissioners directed Planning Staff to study the above parcels (See Attachment 1: April 25, 2005 Letter from Chairman Moyer)
- 1.4. Request: Study the above listed three parcels (hereafter the "Subject Area"), currently zoned OU (Open Use), and determine what commercial zoning district could be applied that would be consistent with adjacent commercial zoning by the Town of Fletcher. (See Attachment 3: Site / Current Zoning Map)
- 1.5. Subject Area Size: Approximately 1.0-acre (total for the Subject Area)

#### 2. Location

- 2.1. Please see Attachment 4: Vicinity / Current Zoning Map
- 2.2. The Subject Area is located off NC Highway 280 (New Airport Road), near the Buncombe and Henderson County line and adjacent to the Town of Fletcher. The Subject Area is located approximately one (1) mile from the Town of Mills River.
- 2.3. To the west, the Subject Area is located directly adjacent to the Asheville Regional Airport.
- 2.4. The Subject Area is located approximately two-tenths (0.2) of a mile south of the intersection of N.C. 280 (New Airport Road) and I-26.
- 2.5. All three parcels in the Subject Area front New Airport Road. In total, they have approximately 261 feet of road frontage.

#### 3. Current Zoning

- 3.1. Please see Attachment 4: Vicinity / Current Zoning Map
- 3.2. The Subject Area is currently zoned OU, which was applied countywide to all unzoned parcels on May 16, 2001.
- 3.3. **Adjacent Zoning:**

- 3.3.1. A small OU zoning district is adjacent to the southeast of the Subject Area.
- 3.3.2. The Subject Area is bordered to the south and west by the Henderson/Buncombe County line. The City of Asheville owns the property adjacent to the Subject Area on the south and west in Buncombe County, and it is zoned Industrial.
- 3.3.3. The Subject Area is also bordered to the north and east by property in the Town of Fletcher that is zoned with the Town of Fletcher's C-2 zoning district.
  - 3.3.1.1. The Town of Fletcher C-2 (Highway Commercial district) is established as a district intended to regulate uses which, because of their very nature, are recognized as having unique operational characteristics. These uses are designed primarily to meet the needs of the traveling public, not the citizens of Fletcher. It is the further intention of this district to insure these uses do not have a deleterious effect on the neighborhoods or other commercial areas of the town. The Town of Fletcher C-2 zoning district allows any use permitted in the C-1 General Business District that is listed as a permitted use. Such uses include: adult bookstores (with restrictions), nightclubs, Automotive sales and service, convenience stores, general stores selling food, clothing, hardware, etc, grocery stores, offices, restaurants, including restaurants with drive-thru service, and retail establishments. Planned Unit Developments, kennels and light fabrication, repair, and electrical assembly are allowed with a conditional use permit (See Attachment 10: Town of Fletcher C-2 & C-1 Commercial Zoning Districts).
  - 3.3.1.2. According to Eric Rufa, Planning Director for the Town of Fletcher, the Town of Fletcher requests a County zoning district that is compatible with the Town of Fletcher's C-2 zoning district, especially focusing on the list of permitted uses. According to the Town Manager, Fletcher was concerned about the County zoning districts that allow parking structures.

#### 3.4. Comparison of Districts:

- 3.4.1. Please see Attachments 7, 8 & 9: County Commercial District Text Descriptions for C-1, C-2, and C-4
- 3.4.2. **The County C-1 Residential Commercial Zoning District:**
  - 3.4.2.1. **C-1 Purpose Statement:** *"This district is intended to provide a range of office, retail and service establishments of small to moderate size with small, well-landscaped parking areas to be available to residents of nearby residential areas while maintaining the character and integrity of the neighborhood. The objective is to provide neighborhood conveniences and small commercial establishments without nuisance factors, such as constant heavy trucking and excessive noise, dust or odors. This classification will be considered where proximity to residential areas, existing land uses, traffic patterns and other factors make it desirable to maintain a commercial*

*character which is less intense than that permitted in the C-2 Neighborhood Commercial District. The character of this district shall be compatible with surrounding districts with regard to aesthetics, density, bulk and space” (Henderson County Zoning Ordinance [HCZO] § 200-25).*

3.4.2.2. C-1 is a residential commercial district allowing small retail business conducted within an enclosed space, including, but not limited to, books, florist, shoes, drugs, travel agent, hobby/collectibles, antiques, baker, barbershop, real estate, music, jewelry, sporting goods, beauty parlor, dry cleaning, toys, tobacco and newsstand. The C-1 district also allows offices, governmental and civic uses, and Group 1 and Group 2 communications towers (with requirements). A convenience store with gas pumps is allowed with a conditional use permit. Residential uses are not permitted. The C-1 zoning district has no minimum lot size, but the maximum lot size shall be five acres for any C-1 district. Minimum front setbacks are: 75 feet from the centerline of major streets and 50 feet from the right of way line. The minimum side and rear setbacks are 20 feet, 35 feet if adjacent to residential. The maximum building height for principal buildings is 35 feet. In addition, the C-1 district has minimum standards for driveways, open space, parking, trash, signs, buffers, and requires site plan review.

### 3.4.3. C-2 Neighborhood Commercial Zoning District:

3.4.3.1. **C-2 Purpose Statement:** *“The purpose of this district is to provide for general commercial activity along major thoroughfares and at other convenient points in the area. Regulations are designed to preserve the traffic-carrying capacity of the streets and to generally provide for off-street parking. It is not the intent of this district to encourage extensive strip commercial development but rather to provide concentrations of general commercial activities” (HCZO § 200-21).*

3.4.3.2. C-2 is a general neighborhood commercial district allowing most commercial uses by right. Most by-right uses must be located within an enclosed building or make products sold primarily at retail on the premises and include: retail businesses and services, hospitals, clinics, veterinary clinics, libraries, schools, churches, public utilities, public facilities, public buildings, offices, civic and cultural buildings, and certain communication towers. Shopping centers and light industrial uses are permitted with a Conditional Use Permit. Residential uses are not permitted. The C-2 zoning district has no minimum lot size but has a maximum permissible lot coverage standard which states that the total ground area covered by the building in this district shall not exceed 40% of the total lot area. Minimum front setbacks are: 75 feet from the centerline of major streets and 60 feet from the centerline of all other streets. The minimum side and rear setbacks is the same as the side yard requirements to which the

district is contiguous. The maximum building height for principal buildings is 40 feet.

#### 3.4.4. C-4 Highway Commercial Zoning District:

3.4.4.1. **C-4 Purpose Statement:** *"This district is designed primarily to encourage the development of recognizable, attractive groupings of facilities to serve persons traveling by automobile and local residents. Since these areas are generally located on the major highways, they are subject to the public view. They should provide an appropriate appearance and ample parking and be designed to minimize traffic congestion"* (HCZO § 200-22).

3.4.4.2. C-4 is a highway commercial zoning district allowing most small and large-scale commercial uses by right. Shopping centers, recreational vehicle parks (providing for the temporary location of recreational vehicles), and light industry are allowed with a Conditional Use Permit. Motor sports facilities and adult establishments are allowed with a Special Use Permit. The C-4 zoning district has no minimum lot size. Minimum front setbacks are: 75 feet from the centerline of major streets and 60 feet from the centerline of all other streets. The minimum side and rear setback are the same as the side yard requirements to which the district is contiguous. The maximum building height for principal buildings is 40 feet.

3.4.4.2. Compared to the Town of Fletcher C-2 district, the County C-4 zoning district allows basically the same type of uses. The major difference between the two districts is that the County C-4 zoning district allows parking lots and structures and does not allow residential development.

#### 4. Subject Area Uses and Adjacent Uses

- 4.1. Please see Attachment 5: Current Land Use Map
- 4.2. The Subject Area is currently vacant with the exception of parcel 00964362687755, which contains a sign for the Asheville Regional Airport.
- 4.3. Looking at the surrounding area, most uses within the vicinity of the Subject Area are either commercial or industrial in nature. The Asheville Regional Airport is located to the west of the Subject Area and a number of commercial uses such as car dealerships, gas stations, hotels, stores and restaurants surround the Subject Area including: J & S Cafeteria, the Fletcher BMW dealership, and the Fairfield Inn. The Western N.C. Agricultural Center is also located approximately four-tenths (0.4) of a mile south of the Subject Area.

#### 5. Utilities / Infrastructure

- 5.1. **Sewer / Water:** The Buncombe County Metropolitan Sewage District has an existing public sewer line along N.C. 280 that one of the parcels in the Subject Area would have access to. The Cane Creek Water and Sewer District also has an existing public sewer line that runs parallel to the remaining parcels in the Subject Area, along Airport Park Road, and these

parcels would have access to this line. In addition, the Regional Water Authority of Asheville, Buncombe and Henderson have an existing public water line that runs along N.C. 280 that would serve this area.

## 5.2. **Transportation:**

5.2.1. The 2003 Annual Average Daily Traffic Count for New Airport Road (N.C. 280) in the vicinity of the Subject Area was 6,300 vehicles per day.

5.2.2. By comparison, the 2002 Annual Average Daily Traffic Count for New Airport Road (N.C. 280) in the vicinity of the Subject Area was 6,100 vehicles per day, and 5,700 vehicles per day in 2001.

5.2.3. The Subject Area is also located adjacent to the Asheville Regional Airport.

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

## 6. **Relevant Policies, Plans and Actions**

### 6.1. **NCDOT Transportation Improvement Plan:**

6.1.1. The 2004-2010 Transportation Improvement Plan (TIP) and the 2006-2012 Draft TIP call for widening I-26 from the U.S. 25 connector to N.C. 280 from four lanes to six lanes, and state that the widening of I-26 to six lanes will help relieve excessive traffic on local roads and keep interstate traffic off local roads. In addition, there are a number of pavement rehabilitation and safety improvements recommended for I-26.

6.1.2. Currently, there are no planned projects along N.C. 280 in the vicinity of the Subject Area.

6.1.3. According to Dan Baechtold at the Metropolitan Planning Organization, within the vicinity of the Subject Area, an exit ramp at I-26 and Glenn Bridge Road in Buncombe County is planned.

### 6.2. **2020 Henderson County Comprehensive Plan (CCP):**

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

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

6.2.2.1. The CCP states that, "The Urban Services Area (USA) will contain considerable commercial development at a mixture of scales: local, community, and regional. All regional commercial development should be concentrated here. Commercial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community" (CCP, Pg. 129).



- 6.2.2.2. The CCP also states that, “the USA is that area within which most urban services and urban-scale development is currently concentrated, and within which such development should generally be concentrated through the year 2020” (CCP, Pg. 128).
- 6.2.2.3. The CCP says, “growth and development will be proactively managed through extensive planning. Much of the USA falls within municipal planning jurisdictions and will be managed by those jurisdictions. Land use planning for areas falling within the County’s jurisdiction should be comparable in its approach and intensity with planning conducted within the various municipal jurisdictions” (CCP, Pg. 128).
- 6.2.2.4. The CCP states that, “the County’s economic development activities should be pursued within the USA,” and “development within the USA should be accessible by roads which are developed to urban standards, with capacities to accommodate increasingly complex volumes of traffic” (CCP, Pg. 129).
- 6.2.3. The Subject Area is not identified as being in a community planning area in the CCP (apparently due to a mapping error related to the Town of Fletcher’s corporate limits discovered as recent discussions regarding the Subject Area began). However, it is likely to be included in the Priority 2 Planning Area, the NC 191 South/Mills River East Planning Area, within the community-based planning framework (CCP, Appendix I, Map 33). The CCP assigns highest priority to areas within the USA where it is anticipated that extensive growth will occur (CCP, Pg. 144 and Figure CP.2). The community plan for the area that would likely contain the Subject Area was scheduled to be completed in FY 2005-2006 (CCP, Pg. 155).
- 6.2.3.1. The 2005 Henderson County Strategic Plan, adopted by the Board of Commissioners on February 16, 2005, (Henderson County 2005 Strategic Plan, Pg. 13, Strategy 1.23) provides for an action step that would alter the implementation schedule in the CCP regarding the community planning process, as follows:

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

Action Steps:

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

5. Begin the Howard Gap Road small area plan. (FY 06-07)

According to the Strategic Plan, the small area plan that could affect the Subject Area (NC 191 South/Mills River East) would not begin until Fiscal Year 2005-2006 (compared to the proposed completion date for such plan of FY 2005-2006 in the CCP adopted July 6, 2004).

## **8. Staff Comments and Recommendations**

- 8.1. Based on the following, Staff recommends a C-4 Highway Commercial zoning district for the Subject Area.
  - 8.1.1. Both the text and map of the CCP identify the Subject Area as being located in the Urban Services Area (USA) and states that the USA will, "will contain considerable commercial development at a mixture of scales: local, community, and regional" (CCP, Pg. 129).
  - 8.1.2. The Subject Area is located in close proximity to the I-26 interchange, and based upon the CCP and the recommendations of the U.S. Highway 25 North Zoning Study, a regional commercial node should generally be located along major roads. The Subject Area is located on N.C. Highway 280, has direct access to I-26 and is currently surrounded by commercial development that is typical of a highway commercial district.
  - 8.1.3. The Town of Fletcher has an existing highway commercial zoning district (Town of Fletcher C-2) surrounding three sides of the Subject Area. According to the Town of Fletcher's zoning district text, its C-2 zoning district is most compatible with the County's C-4 (Highway Commercial) zoning district.
  - 8.1.4. The Subject Area has access to existing public sewer lines owned by the Buncombe County Metropolitan Sewer District and the Cane Creek Water and Sewage District. In addition, the Regional Water Authority has an existing public water line that runs along N.C. 280 that would serve this area.
  - 8.1.5. The Subject Area is also located adjacent to the Asheville Regional Airport.

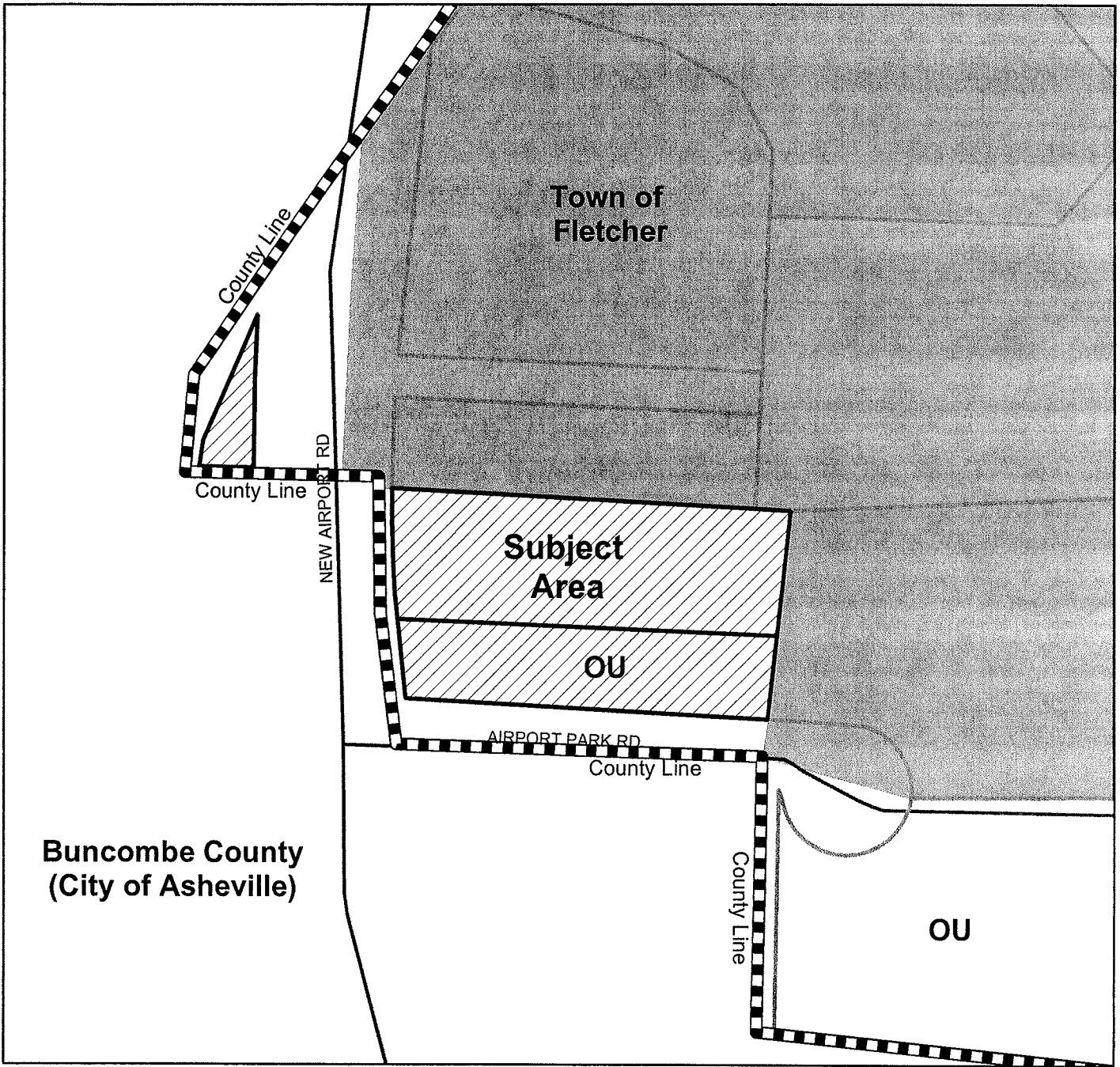
## **9. Planning Board Recommendations**

- 9.1. Please see Attachment 12: Excerpt of Planning Board Minutes from May 17, 2005
- 9.2. The Henderson County Planning Board first considered rezoning action #R-2005-02 at its regularly scheduled meeting on Tuesday, May 17, 2005, at which time the Board voted unanimously (7-0) on a motion to send the Board of Commissioners a favorable




recommendation on rezoning the Subject Area to a C-4 (Highway Commercial) zoning district. This was based on the following:

- 9.2.1. Based on recommendations in the U.S. Highway 25 North Zoning Study, if the Subject Area had been located on U.S. Highway 25 North in a similar location as the New Airport Road area, then the Planning Board would have recommended a C-4 zoning district.
- 9.2.2. The Planning Board has not attempted in other rezoning cases to match identical or recommend language changes to the Board of Commissioners so that our Ordinances would exactly match surrounding municipalities.

# Site / Current Zoning Map



**Legend**

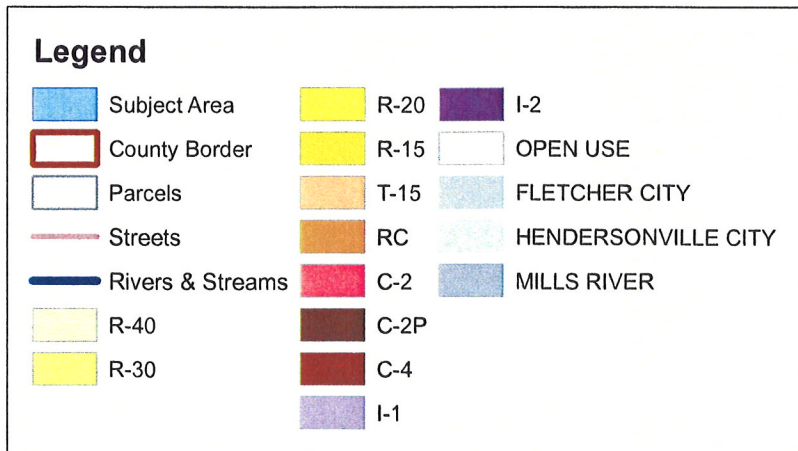
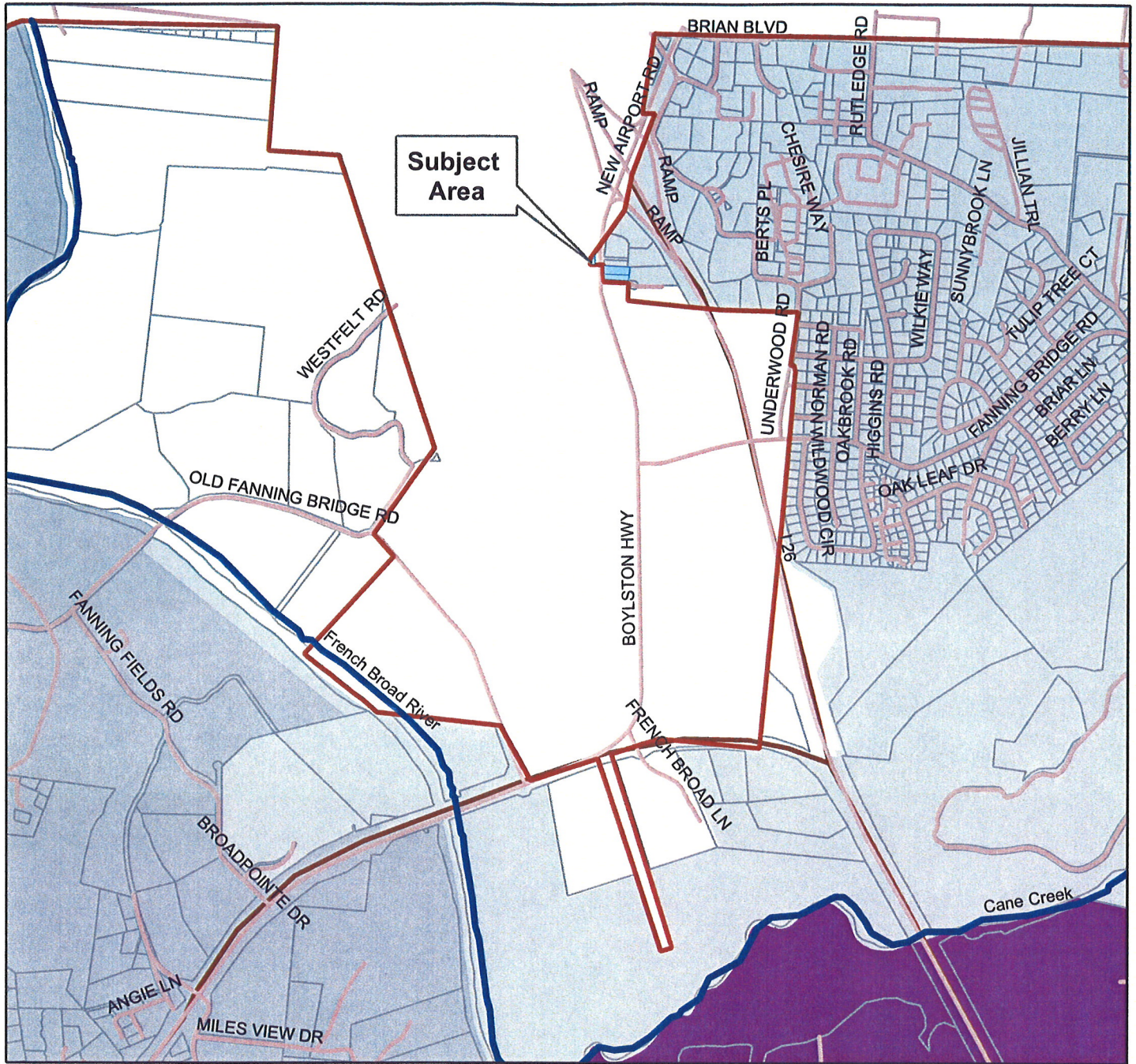
- Streets
-  Subject Area
-  Parcels
-  County Border



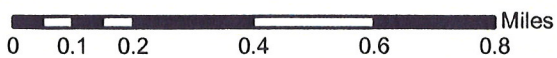
**Rezoning Action  
#R-2005-02**



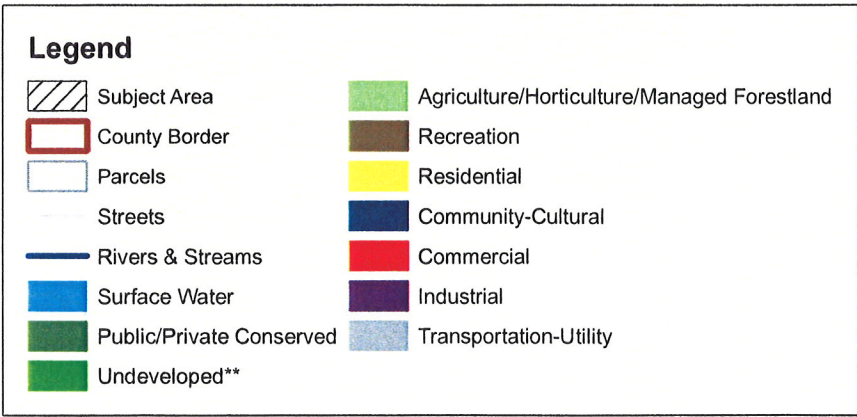
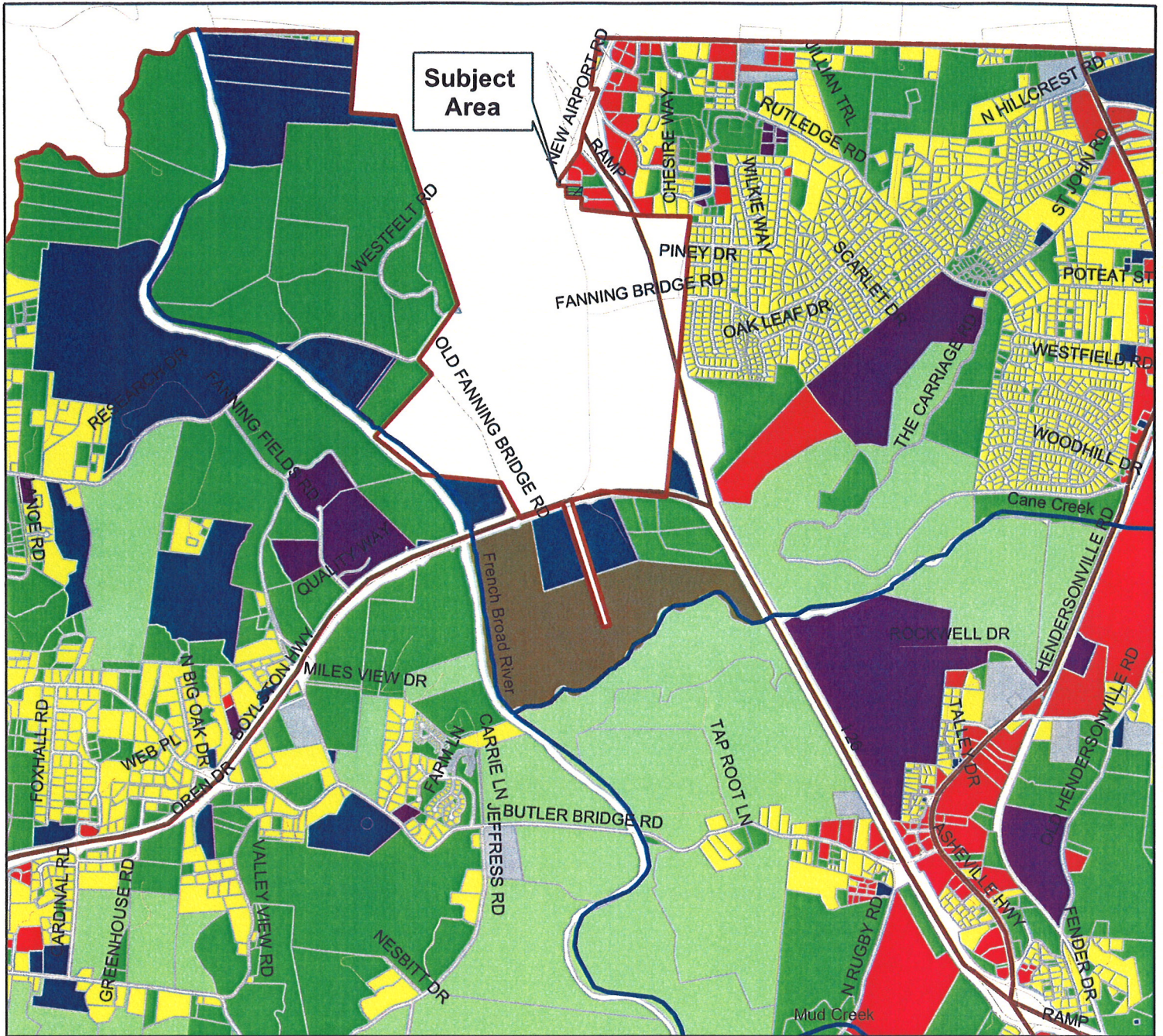
# Vicinity / Current Zoning Map



**Rezoning Action  
#R-2005-02**



# Current Land Use Map



## Rezoning Action #R-2005-02



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



**§ 200-25. C-1 Residential Commercial District. [Added 1-6-1986]**

This district is intended to provide a range of office, retail and service establishments of small to moderate size with small, well-landscaped parking areas to be available to residents of nearby residential areas while maintaining the character and integrity of the neighborhood. The objective is to provide neighborhood conveniences and small commercial establishments without nuisance factors, such as constant heavy trucking and excessive noise, dust or odors. This classification will be considered where proximity to residential areas, existing land uses, traffic patterns and other factors make it desirable to maintain a commercial character which is less intense than that permitted in the C-2 Neighborhood Commercial District. The character of this district shall be compatible with surrounding districts with regard to aesthetics, density, bulk and space.

A. Within the C-1 Residential Commercial District, the following uses are permitted:

- (1) Small retail business conducted within an enclosed space, including, but not limited to, books, florist, shoes, drugs, travel agent, hobby/collectibles, antiques, baker, barbershop, real estate, music, jewelry, sporting goods, beauty parlor, dry cleaning, toys, tobacco and newsstand.
- (2) Offices: professional, financial, medical and studios.
- (3) Governmental and civic: Branch post office, church, branch library, community building and fire stations.
- (4) Group 1 communications towers and tower activities (as defined in and subject to the requirements in § 200-38.1). [Added 3-2-1998<sup>EN</sup>]
- (5) Group 2 communications towers and tower activities (as defined in and subject to the requirements in § 200-38.1). [Added 3-2-1998<sup>EN</sup>]

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

- (1) Convenience store with gas pumps: one pump with two nozzles for each type of fuel sold.

C. [Amended 10-1-1990] Dimensional and design requirements. Within the C-1 Residential Commercial District as shown on the Zoning Map, the following dimensional and design requirements shall be complied with:

- (1) The maximum lot size shall be five acres for any C-1 District.
- (2) Setbacks. The minimum front yard setback from the center line of a major street shall be 75 feet or 50 feet from a projected right-of-way, whichever is greater. The minimum side yard and rear yard setback shall be 20 feet from the property line; where adjacent to or abutting a residential area, the setback shall be 35 feet.

Minimum Front From Center Line (ft.)	Yard Setback From Right-of-Way Line <sup>1</sup> (ft.)	Maximum Building Height (ft.)	Minimum Yards	
			Side (ft.)	Rear (ft.)
75	50	35	20(other areas) 35 (adjacent residential)	20 35

<sup>1</sup>Editor's Note: This ordinance also provided that only those towers described in Subsection A(4) and (5) would be allowed in this district. All other towers would be prohibited.

<sup>2</sup>Editor's Note: This ordinance also provided that only those towers described in Subsection A(4) and (5) would be allowed in this district. All other towers would be prohibited.



NOTES:

<sup>1</sup> Setback shall be determined to provide the greatest possible front yard.

- (3) Where the major street is more than two lanes, including parking lanes, setback requirements shall be measured and begin at a point on the pavement 12 feet from the edge of the paved street abutting the property in subject.
- (4) Driveways. Maximum driveway width shall be 35 feet with only one driveway per 100 feet of linear road front. Where two or more driveways are permissible, driveways shall be at least 60 feet apart from edge of pavement to edge of pavement at its closest point.
- (5) Open space. At least 35% of total lot area shall be maintained as landscaped area.
- (6) Parking. Off-street parking shall be provided as per § 200-40 of this chapter.
- (7) Trash. Trash containers shall be screened from public view with a solid barrier a minimum of 12 inches higher than the container.
- (8) Signs. To assure an appearance and condition which is consistent with purposes of this classification, all signs must be of similar design, one sign per project and one four-square-foot sign announcing each business and/or professional service. Directional and service signs must be less than eight square feet. Signs may be illuminated from an external source only and so aimed that extraneous light is not seen by motorists or from adjacent property. Portable signs are not permitted except by special permit for a specific time period.
- (9) Buffer zones. Where this district abuts a residential district, there shall be provided and maintained, along said property line, a continuous visual buffer strip. The buffer strip shall occupy a fifteen-foot wide area along said boundary, planted and maintained in a neat and growing condition, free and clear of any structures other than public utility appurtenances.
- (10) Site plan review. Any proposed construction within this district must be approved by the Zoning Administrator. The developer/builder shall submit site plans and drawings in sufficient detail to assure compliance with appropriate county regulations. The request shall include a preliminary site plan drawn to scale showing sign placement, buffer description, driveways, projected right-of-way, water and sewer line location, utility poles, other obstructions and setbacks. In addition, the request shall include building elevation, design detail and style, vicinity map, the names of adjacent roads, subdivisions and/or property owners with zoning designation.

**§ 200-21. C-2 Neighborhood Commercial District.**

The purpose of this district is to provide for general and commercial activity along major thoroughfares and at other convenient points in the area. Regulations are designed to preserve the traffic-carrying capacity of the streets and to generally provide for off-street parking. It is not the intent of this district to encourage extensive strip commercial development but rather to provide concentrations of general commercial activities.

A. Within the C-2 Neighborhood Commercial District, the following uses are permitted:

- (1) Any retail business or service conducted within an enclosed building.
- (2) Any retail business making products sold primarily at retail on the premises.
- (3) Hospitals, clinics, veterinary clinics, libraries, schools and churches, excluding cemeteries.
- (4) Other public utilities, public facilities and public buildings.
- (5) Offices: business, professional and public (including doctors, dentists, etc.).
- (6) [Added 11-7-1983] Civic and cultural buildings, including auditoriums, theaters for the performing arts, museums, art galleries, symphony and concert halls and historical societies, provided that:
  - (a) The structures are placed not less than 50 feet from any property line.
  - (b) They are located with access to a street, as shall be determined by the Zoning Administrator.
  - (c) There is a planted buffer strip along the side and rear property lines, except where such lines run parallel and contiguous with streets, streambeds, lakes and railroad tracks.
  - (d) The facility is operated not for profit and satisfactory proof of the tax-exempt status of the organization is exhibited to the Zoning Administrator.
  - (e) One parking space is provided for each two seats in auditoriums, theaters and symphony and concert halls.
  - (f) One parking space for each 100 feet of gross floor space directed to patron use shall be provided for museums, art galleries and historical societies.
- (7) Group 1 communications towers and tower activities (as defined in and subject to the requirements in § 200-38.1). [Added 3-2-1998]
- (8) Group 2 communications towers and tower activities (as defined in and subject to the requirements in § 200-38.1). [Added 3-2-1998]
- (9) Group 4 communications towers and tower activities (as defined in and subject to the requirements in § 200-38.1). [Added 3-2-1998]

B. Conditional uses. The following uses shall be permitted, subject to a finding by the Board of Adjustment that both the conditions in the definition of "conditional use" in § 200-7B and those conditions listed below or in Section 200-23 Light Industry, if applicable, will be met:

- (1) Shopping centers.
- (2) Light industry.<sup>1EN</sup> Junkyards shall be required to comply with the application requirements stated in Section 200-38.3 of this Chapter.

C. Dimensional requirements. Within the C-2 Neighborhood Commercial District as shown on the Zoning Map, the following dimensional requirements shall be complied with:

<b>Minimum FrontYard Setback From Center Line of Street</b>		<b>Maximum Building Height (ft.)</b>	<b>Minimum Yards</b>	
<b>Major<sup>1</sup> (ft.)</b>	<b>All Others (ft.)</b>		<b>Side (ft.)</b>	<b>Rear (ft.)</b>
75	60	40	The same as the side yard requirements to which the district is contiguous.	

D. Maximum permissible lot coverage. The total ground area covered by the building in this district shall not exceed 40% of the total lot area.

**NOTES:**

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

**§ 200-22. C-4 Highway Commercial District.**

This district is designed primarily to encourage the development of recognizable, attractive groupings of facilities to serve persons traveling by automobile and local residents. Since these areas are generally located on the major highways, they are subject to the public view. They should provide an appropriate appearance and ample parking and be designed to minimize traffic congestion.

- A. Within the C-4 Highway Commercial District, the following uses are permitted.
- (1) Any retail business or service conducted within an enclosed building.
  - (2) Gasoline service stations.
  - (3) Any retail business making products sold primarily at retail on the premises.
  - (4) Hospitals, clinics, veterinary clinics, libraries, schools and churches.
  - (5) Other public utilities, public facilities and public buildings.
  - (6) Offices: business, professional and public (including doctors, dentists, etc.).
  - (7) Restaurants, including drive-in restaurants.
  - (8) Theaters, including drive-in theaters.
  - (9) Manufactured home display areas. [Amended 12-15-1993]
  - (10) Automobile sales (new and used), parts and supplies, repair garages (excluding the open storage of wrecked or abandoned cars), parking lots and structures.
  - (11) Building material businesses, including retail lumber yards. (The storage of materials shall be screened from view of all adjoining streets.)
  - (12) Fruit and vegetable stands.
  - (13) Miniature golf courses and practice driving tees.
  - (14) Farm equipment sales and service.
  - (15) Any retail business customarily serving residential neighborhoods and the transient public.
  - (16) Hotels, motels and bed-and-breakfast inns. [Added 1-19-1994]
  - (17) [Added 11-7-1983] Civic and cultural buildings, including auditoriums, theaters for the performing arts, museums, art galleries, symphony and concert halls and historical societies, provided that:
    - (a) The structures are placed not less than 50 feet from any property line.
    - (b) They are located with access to a street, as shall be determined by the Zoning Administrator.
    - (c) There is a planted buffer strip along the side and rear property lines, except where such lines run parallel and contiguous with streets, streambeds, lakes and railroad tracks.
    - (d) The facility is operated not for profit and satisfactory proof of the tax-exempt status of the organization is exhibited to the Zoning Administrator.
    - (e) One parking space for each two seats in auditoriums, theaters and symphony and concert halls.
    - (f) One parking space for each 100 feet of gross floor space directed to patron use shall be provided for museums, art galleries and historical societies.
  - (18) Group 1 communications towers and tower activities (as defined in and subject to the requirements in § 200-38.1). [Added 3-2-1998]
  - (19) Group 2 communications towers and tower activities (as defined in and subject to the requirements in § 200-38.1). [Added 3-2-1998]

(20) Group 3 communications towers and tower activities (as defined in and subject to the requirements in § 200-38.1).  
[Added 3-2-1998]

B. [Amended 5-16-2001] Conditional uses. The following uses shall be permitted, subject to a finding by the Board of Adjustment that both the conditions in the definition of "conditional use" in § 200-7B and those conditions listed in § 200-23, I-1 Light Industrial District, will be met:

- (1) Shopping centers.
- (2) Light industry. Junkyards shall be required to comply with the application requirements stated in § 200-38.3 of this chapter.
- (3) Recreational vehicle parks providing spaces for the temporary location of recreational vehicles. [Amended 12-15-1993]EN

C. Dimensional requirements. Within the C-4 Highway Commercial District as shown on the Zoning Map, the following dimensional requirements shall be complied with:

Minimum Front Yard Setback From Center Line of Street		Maximum Building Height (ft.)	Minimum Yards	
Major <sup>1</sup> (ft.)	All Others (ft.)		Side (ft.)	Rear (ft.)
75	60	40	The same as the side yard requirements to which the district is contiguous.	

NOTES:

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

D. Special uses.

- (1) Group 5 communications towers and tower activities (as defined in and subject to the requirements of § 200-38.1).  
[Added 3-2-1998]
- (2) [Added 5-16-2001] Motor sports facilities, provided that:
  - (a) Racing events may only be conducted during the hours of 7:00 a.m. to 11:00 p.m. Racing events may be conducted for a maximum of three consecutive days, a maximum of five days in any calendar week and a maximum of six hours per day.
  - (b) Secure fencing shall be required.
  - (c) A minimum one-hundred-foot buffer as defined in § 200-32.1A, shall be required.
  - (d) A minimum setback (as defined in § 200-32.1A) of 500 feet for minor motor-sports facilities, and 1500 feet for major motor-sports facilities shall be required.
  - (e) Parking requirements found in § 200-40 shall be met.
  - (f) Loading requirements found in § 200-41C shall be met.
  - (g) At least one direct access road corridor as defined in § 200-32.1A, having a minimum width of 45 feet, and a minimum travelway width of 20 feet, shall be required for all minor motor sports facilities. A minimum of two direct access road corridors, as defined in § 200-32.1A having a minimum width of 45 feet, and a minimum travelway width of 20 feet shall be required for all major motor sports facilities.
  - (h) Fire protection shall be required.
  - (i) Noise mitigation shall be required.

- (j) Adequate lighting shall be required.
  - (k) A minimum separation of two miles from any health-care facility shall be required.
  - (l) Motor sports facilities shall be prohibited on protected mountain ridges.
  - (m) The owner or operator shall be required to meet the application requirements of § 200-38.3 of this chapter.
- (3) [Added 5-16-2001] Adult establishments.
- (a) Adult establishments shall be required to meet the following operational requirements:
    - [1] Adult establishments may only operate between the hours of 12:00 p.m. and 2:00 a.m.
    - [2] There shall be no more than one adult establishment business in the same building, structure or portion thereof. No other principal or accessory use may occupy the same building, structure, property or portion thereof with any adult establishment.
    - [3] The structure in which the adult establishment is located shall contain no sleeping quarters.
    - [4] If dancers are employed as a feature of the adult establishment, the performing area for such dancers shall be separated from patrons by at least 10 feet.
    - [5] If viewing booths are provided, such are to be designed so as to allow the person or occupants to be completely visible from a portion of the premises open and available to the public.
    - [6] No person shall be employed by the adult establishment if they are less than 18 years of age, nor shall any person be allowed on the premises if they are less than 18 years of age.
    - [7] No alcoholic beverages, as defined by N.C.G.S. § 18B-101.4, or any successor statute, may be served, possessed or consumed on the premises.
    - [8] No adult establishment shall be disruptive of peace and good order. Convictions of three or more criminal offenses, a material element of which occurred on the premises of the adult establishment, in any one-year period shall be grounds for revocation of the special use permit.
    - [9] Ownership by or employment of a person with a criminal record that includes offenses reasonably related to the legal or illegal operation of adult establishments shall be grounds for revocation of the special use permit. Owners and/or operators of adult establishments shall be required to submit the names of all owners and employees to the Zoning Administrator upon approval of the special use permit, and quarterly thereafter.
    - [10] Owners and operators of adult establishments shall be required to comply with all applicable laws with respect to the operation of the adult establishment.
  - (b) Full, opaque screening shall be required.
  - (c) Fencing shall not be required.
  - (d) A minimum ten-foot buffer, as defined in § 200-32.1A, shall be required.
  - (e) A minimum setback (as defined in § 200-32.1A) of 50 feet shall be required.
  - (f) Parking requirements found in § 200-40 shall be met.
  - (g) Loading requirements found in § 200-41A shall be met.
  - (h) At least one direct access road corridor, as defined in § 200-32.1A, having a minimum width of 45 feet, and a minimum travelway width of 20 feet, shall be required.
  - (i) Fire protection shall be required.
  - (j) Noise mitigation shall be required.
  - (k) Adequate outdoor lighting shall be required.

- (l) A minimum separation of 1,000 feet from any other adult business, residential dwelling unit, school, park, public library, religious institution, or any licensed day-care or child-care facility, shall be required.
- (m) An adult establishment may be advertised by only one sign on the premises which is not greater than 70 square feet and which is illuminated by not more than one one hundred fifty watt bulb. No printed material, video, photograph, written text other than the name of the establishment, live show or other visual presentation format shall be visible from outside the walls of the establishment. Notwithstanding the Henderson County Noise Ordinance, EN no live or recorded voices, music or sounds shall be heard from outside the walls of the establishment.
- (n) Adult establishments are prohibited on a protected mountain ridge.
- (o) Owners and/or operators shall be required to meet the application requirements of § 200-38.3 of this chapter.

## **Town of Fletcher C-2 & C-1 Commercial Zoning District Texts:**

### **Section 606. C-2 Highway Commercial District**

1. **Intent.** The C-2 Highway Commercial District is established as a district intended to regulate uses which, because of their very nature, are recognized as having unique operational characteristics. These uses are designed primarily to meet the needs of the traveling public, not the citizens of Fletcher. It is the further intention of this district to insure these uses do not have a deleterious effect on the neighborhoods or other commercial areas of the town.

2. **Permitted uses** Within the C-2 Commercial District the following uses are permitted:

Any use permitted in the C-1 General Business District (listed as a permitted use).

Adult bookstores shall be permitted subject to the following restrictions:

- i. no adult bookstore shall be located within 1000 feet of any residential zoning district;
- ii. no adult bookstore shall be located within 1000 feet of a school or place of worship that was in existence prior to establishment of the bookstore.

Nightclubs

3. **Conditional Uses** The following uses are permitted as conditional uses subject to a finding by the board of adjustment that all applicable provisions of Article VIII and Article XIII have been met:

Planned Unit Developments - Uses allowed in the PUD are limited to those uses listed as permitted or conditional in this district.

Kennels (amended 12/8/97)

Light fabrication, repair, and electrical assembly (amended 2/10/03)

### **Section 604. C-1 Commercial District.** (As Amended October 8, 2001)

1. **Intent.** The C-1 District is established as a district intended to protect and promote the continued vitality of the commercial area of Fletcher. This district is intended to allow for a wide variety of commercial, residential and service oriented uses, and to discourage any land uses that would be detrimental to the continuation of this district as a primary shopping and service area of the town. It is the intent of this district to discourage extensive strip commercial development, and to encourage concentrations of general commercial, residential, and mixed-use activities that have a positive and harmonious relationship to surrounding areas and that promote efficient and safe thoroughfare access for transit, automobiles, bicycles, wheelchairs, and pedestrians.

The Town Council of the Town of Fletcher recognizes that the major corridor entrances of US 25 into the town create a lasting first impression and that the pleasing appearance of these entrances contributes to the growth and economic prosperity of the town. It is thus the intent of this district to protect these entrances from incompatible development that would degrade their attractiveness. Specifically, this district is designed to accomplish the following:

- Promote a sensitive conversion of vacant land to more urban uses;
- Support development that is compatible with and enhances the visual attractiveness of the area;
- Promote well-planned, economically viable development;
- Promote attractive signage and the ability to locate businesses;
- Ensure safe and efficient traffic flow through access management;
- Avoid uncoordinated, strip development patterns.

1. **Permitted Uses.** Within the C-1 Corridor District, the following uses are permitted (amended 6-01):



Any use permitted in the R-3 High Density Residential District (listed as a permitted use), except that customary accessory buildings may be larger than 600 sq. ft. in size.

Animal hospitals, but with no open kennels on premises

Assembly halls, coliseums, gymnasiums, and similar structures

Automotive sales and service (dealing primarily with the sale of new vehicles); but excluding junk yards as defined by this ordinance. All repairs are to be made within a building and all vehicles stored on premises shall display a valid NC inspection sticker.

Automobile washing establishments

Bakeries and other manufacturing of prepared food and miscellaneous food products

Banking and other financial institutions

Beauty and barber shops

Bicycle sales and repair

Bowling alleys

Bus terminals

Business colleges, barber and beauty colleges, art schools, music and dance studios and similar uses, industrial or vocational trade schools

Churches or other places of worship excluding revival tents

Civic organizations, clubs, lodges, and fraternal organizations

Commercial greenhouses

Convenience stores

Dairy bars and ice cream manufacturers

Dry cleaning, laundry establishments, and laundry pick-up stations

Electrical repair shops

Fabricating shops such as woodworking, cabinet, etc.

Farm equipment sales and services

Feed and seed shops

Florist shops

Funeral homes and mortuaries

Furriers and fur storage

General stores selling food, clothing, hardware, etc.

Glass and mirror shops, tile, flooring, etc.

Golf or baseball driving ranges

Grocery stores

Hotels and motels

Locksmiths and gunsmiths including sales

Medical and dental offices and clinics

Museums and art galleries

Newspaper offices

Offices: business, professional, public

While-you-wait Paintless Dent Removal

Photographic studios and camera supply stores

Physical fitness centers

Plumbing, heating, and air conditioning shops

Printing, publishing, and reproducing establishments

Produce or fruit establishments

Propane sales, service and storage which is incidental to the retail sale of such

Public utility buildings and facilities

Quick lube type oil change services

Radio and television stations

Restaurants, including restaurants with drive-thru service

Retail establishments such as department, clothing, fabric, shoe, variety, notion, drug, hardware, furniture, appliance, floor covering, paint, antique, art goods, jewelry, gift, music, toy, sporting goods, book and stationery, magazine, candy, tobacco, pet and hobby and craft stores, but not excluding similar retail outlets

Sign painting and fabricating shops

Skating rinks, provided they are in a permanent structure

Tailor, dressmaking, and millinery shops

Taxicab stands

Telephone, telegraph, cable television or messenger service offices

Theaters housed in permanent structures and drive-in theaters

3. Conditional Uses. The following uses are permitted as conditional uses subject to a finding by the board of adjustment that all applicable provisions of Article VIII and Article XIII have been met: (amended 11-9-99)

Billiard or pool halls, video game parlors, or other coin operated amusement or recreational machine parlors

Nursing homes, group care facilities, hospitals and sanitariums, group care facilities

Planned unit developments – Residential, commercial, and mixed-uses, limited to those uses listed as permitted or conditional in this district, as regulated by state, local, and federal guidelines.



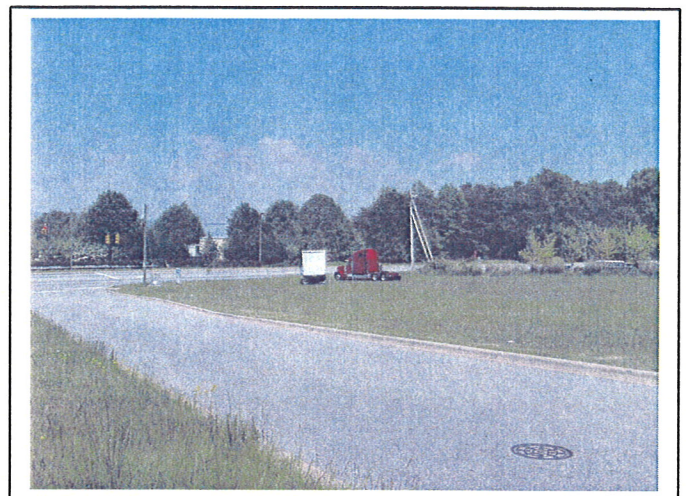
Looking at the triangle shaped parcel on the west side of N.C. Highway 280 from the airport property.



Looking from Subject Area across N.C. Highway 280 to the triangle shaped parcel that contains the airports sign.



Looking from N.C. Highway 280 towards two of the parcels in the Subject Area (J & S Cafeteria is in the background).



Looking across Airport Park Road, toward N.C. Highway 280, at the Subject Area.



Looking from N.C. Highway 280 toward J & S Cafeteria.



Looking at the front portion of the Subject Area. The triangle shaped parcel is directly across N.C. Highway 280 in this picture.

**Henderson County Planning Board Minutes  
May 17, 2005**

**Excerpt**

Rezoning Request #R-2005-02 – Three Parcels Located off NC Highway 280 (Airport Road), near the Buncombe and Henderson County Line, Adjacent to the Town of Fletcher (Currently Zoned Open Use) - Planning Staff for the Henderson County Board of Commissioners. Ms. Radcliff stated that on April 20, 2005, the Henderson County Board of Commissioners directed the Planning Staff to study three parcels (the subject area) that are currently zoned Open Use and determine what commercial zoning district could be applied that would be consistent with adjacent commercial zoning by the Town of Fletcher. Ms. Radcliff stated that the three parcels are located at the north end of I-26 and NC 280. The first parcel is across NC 280 and is a triangle-shaped parcel that contains the airport sign. The other two parcels are just past that on the left-hand side, located off Airport Park Road, in front of the J & S Cafeteria. Mr. Jonathan Parce mentioned that those properties are currently undeveloped. Ms. Radcliff stated that the City of Asheville owns two of the parcels and Murphy-Wilson owns the other parcel. She stated that the County border appears to be parallel with the centerline of Airport Park Road, which is the border between Buncombe and Henderson County. She said that the vacant parcel, which is adjacent to the subject area on the right-hand side of Airport Park Road, actually lies within Buncombe County. The Town of Fletcher borders on to the side and back of the subject area parcels. She said that the Town of Fletcher has its section zoned C-2, which is Fletcher highway commercial district. Ms. Radcliff said that the Fletcher highway commercial district is established as a district intended to regulate uses, which, because of their very nature, are recognized as having unique operational characteristics. These uses are designed primarily to meet the needs of the traveling public, not the citizens of Fletcher. The Town of Fletcher C-2 zoning district allows for any use permitted in a C-1 general business district. Adult bookstores shall be permitted subject to restrictions that no adult bookstore shall be located within 1000 feet of any residential zoning district and that no adult bookstore shall be located within 1000 feet of a school or place of worship that was in existence prior to the establishment of the bookstore and/or nightclub. She mentioned the list of permitted uses in this district. She stated that residential use is also permitted in the Town of Fletcher's C-2 district. She stated that conditional uses, subject to review by the Board of Adjustment, include planned unit developments, kennels, light fabrication, repair, and electrical assembly. Ms. Radcliff said that the Planning Director for Fletcher encourages a zoning district with uses that is compatible with Fletcher's C-2 zoning districts' list of permitted uses. Ms. Radcliff stated that the property that is adjacent to the subject area, the Airport and the surrounding area that is in Buncombe County under the City of Asheville's jurisdiction, is zoned industrial. Chairman Pearce said that obviously the Town of Fletcher has seen the County's zoning districts, and asked if they have identified what they consider to be compatible with their C-2 district? Ms. Smith said that according to a recent conversation with the Town Manager, one of the Town of Fletcher's issues with the County's C-4 district is that it allows parking lots and parking structures as a principal use. She said their ordinance does not list these uses as a primary use for property, as they assume it to be an accessory use that would be allowed. Ms. Smith said that the other issue is regarding adult establishments. She said they allow certain adult establishments in their C-2 district. The County allows a little more in its C-4 district, but the County has a long list of restrictions and standards that would need to be met.

Ms. Radcliff gave a brief comparison of the County's commercial districts and said that the primary commercial districts are C-1, C-2 and the C-4. She also indicated the setback requirements for each district. Ms. Radcliff said that regarding utilities, there is a sewer line that runs on the west side of NC 280, owned by the Buncombe County Metropolitan Sewer District and there is also a sewer line on the opposite side that runs up Airport Park Road to J & S Cafeteria and is served by the Cane Creek Water & Sewer District. She said that there is a water line that runs along NC

280 and that is maintained by the regional water authority. She said according to Cane Creek Water & Sewer District, all applications for water and sewer would come through their offices first. She said that regarding transportation, NC 280 receives a high-volume of traffic. She said that according to the NCDOT Transportation Improvement Plans, the 2004-2010 and the 2006-2012 draft Transportation Improvement Plan call for widening I-26 from the US 25 connector to NC 280 from four lanes to six lanes. She said that currently, there are no planned projects along NC 280 in the vicinity of the subject area. She said, referring to the County Comprehensive Plan, the subject area is located in the Urban Services Area, but was not identified as being in one of the CCP's priority planning areas. She said that Staff is aware of the issue. She said, however, it is likely to be included in the priority 2 planning area, the NC 191 South/Mills River East Planning Area, within the community-based planning framework. She stated that the community plan for the area is scheduled to be completed in FY 2005-2006. The 2005 Henderson County Strategic Plan, adopted by the Board of Commissioners on February 16, 2005, provides a revised CCP implementation schedule and the Priority 2 planning area would not begin until the fiscal year 2005-2006. She said that the Urban Services Area is identified in the County Comprehensive Plan as having commercial uses at a mixture of scales, such as local, community and regional, and that all regional commercial development should be concentrated there. Commercial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community. The Urban Services Area (USA) is that area within which most urban services and urban-scale development is currently concentrated, and within which such development should generally be concentrated through the year 2020. Growth and development will be proactively managed through extensive planning. Much of the USA falls within municipal planning jurisdictions and will be managed by those jurisdictions. Ms. Radcliff stated that the CCP also states that the County's economic development activities should be pursued within the USA and development within the USA should be accessible by roads which are developed to urban standards, with capacities to accommodate increasingly complex volumes of traffic.

Ms. Radcliff said that Staff generally recommends C-4 zoning district for the subject area due to the fact that both the text and map of the CCP identify the subject area as being located in the USA and the text states that the USA will contain considerable commercial development at a mixture of scales being local, community and regional. She added that the subject area is located in close proximity to the I-26 interchange and based upon the CCP and the most recent recommendations of the US Highway 25 North Zoning Study, a regional commercial node should generally be located along major roads. The subject area is located off NC Highway 280, which has direct access to I-26 and is currently surrounded by commercial development. The Town of Fletcher has an existing highway commercial zoning district (Town of Fletcher C-2) surrounding three sides of the subject area and the County's C-4 zoning district is most compatible. The subject area has access to existing public sewer lines owned by Buncombe County Metropolitan Sewer District and the Cane Creek Water and Sewer District. Further, the subject area is also located adjacent to the Asheville Regional Airport and existing commercial development.

Ms. Radcliff mentioned that because the Board members did not receive the bulk of Staff's report prior to the meeting, she said that the Board may want to table the rezoning action until next month Planning Board meeting to make a recommendation to the Board of Commissioners. Chairman Pearce said that if this subject area had been located on US Highway 25 North, we would have recommended a C-4 zoning district. He added that the Board has not tried or attempted in other cases to match identical or recommend language changes to the Board of Commissioners so that our Ordinances exactly would match our municipalities, so therefore, he made a motion for a favorable recommendation to the Board of Commissioners that the three subject parcels be rezoned C-4 (Highway Commercial). Mike Cooper seconded the motion. All members voted in favor of the motion.

**NOTICE OF PUBLIC HEARING  
ON PROPOSED ZONING MAP AMENDMENT  
(Rezoning Application # R-2005-02)**

The Henderson County Board of Commissioners will hold a public hearing on a rezoning action for a proposed amendment to the Official Zoning Map of Henderson County, North Carolina that would rezone three parcels of land totaling 1 acre (approximately), located off NC Highway 280 (New Airport Road), near the Buncombe and Henderson County line and adjacent to the Town of Fletcher, from an OU (Open Use) zoning district to a C-1 (Residential Commercial), C-2 (Neighborhood Commercial), or C-4 (Highway Commercial) zoning districts. On April 20, 2005, the Henderson County Board of Commissioners (the "Commissioners") directed the Henderson County Planning Staff to study these three parcels (the "Subject Area"). Our records indicate that the City of Asheville owns two of the parcels and that Murphy-Wilson Investment Co. owns one of the parcels that may be rezoned. Per Henderson County tax records, the Subject Area contains the following parcels:

PIN 00964362687755 (0.05 acres, owned by the City of Asheville)  
PIN 00964362972515 (0.59 acres, owned by the City of Asheville)  
PIN 00964362963855 (0.36 acres, owned by the Murphy-Wilson Investment Co.).

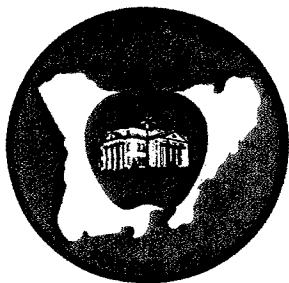
The public hearing will be held on Tuesday, July 5, 2005, at 7:00 P.M, in the Board of Commissioners Meeting Room located in the Henderson County Administration Building, at 100 North King Street in Hendersonville, NC. The public is invited to attend and comment on the proposed amendment.

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

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

Elizabeth Corn, Clerk to the Board  
Henderson County Board of Commissioners

For publication in the Times-News on Wednesday, June 22, 2005 and Wednesday, June 29, 2005.



Office of the County Attorney  
Henderson County, North Carolina

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318 Fourth Avenue East  
Hendersonville, North Carolina 28792

Telephone (828) 697-4719  
Facsimile (828) 697-4536

Charles Russell Burrell  
County Attorney

10 May 2005

Mr. David N. Edwards  
Airport Director  
Asheville Regional Airport Authority  
Post Office Box 817  
Fletcher, North Carolina 28732

Mr. James L. Westbrook  
City Manager  
City of Asheville  
Post Office Box 7148  
Asheville, North Carolina 28802

RE: *Fletcher zoning request*  
Our file number BOC00227

Gentlemen:

It is my understanding that each of you have or will soon be receiving notice on behalf of the Asheville Regional Airport Authority and the City of Asheville of a proceeding regarding the re-zoning of certain parcels of real estate located within Henderson County. The parcels are as follows:

Property PIN 00964362687755 (0.05 acres, titled in the name of the City of Asheville)  
Property PIN 00964362972555 (0.59 acres, titled in the name of the City of Asheville)

Please understand that the notice that you have or will receive in this regard should not in any way be taken as consent by Henderson County or its Board of Commissioners to your ownership of these parcels, pursuant to N.C. Gen. Stat. §153A-15.

Very truly yours,

A handwritten signature in black ink, appearing to be 'C. Burrell', is written above the printed name.

Charles Russell Burrell

CRB:sif

Cc: Mr. David E. Nicholson  
Ms. Karen C. Smith