

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: Tuesday, September 4, 2007

SUBJECT: Rezoning Application #R-2007-04

ATTACHMENTS:

1. Staff Report
2. Notice of Hearing
3. Application to Amend the Official Zoning Map
4. Excerpt of Planning Board Minutes from July 19, 2007
5. Photos of Subject Area
6. Certification of Notice Requirements

SUMMARY OF REQUEST:

Rezoning Application #R-2007-04, which was submitted on June 11, 2007, requests that the County rezone approximately .72 acres of land, located off Crest Road (SR 1803) and Oak Grove Road (SR 1807), from an R-15 (Medium-Density Residential) zoning district to a C-4 (Highway Commercial) zoning district. The Subject Area appears to be parcel 9587-37-8244, which is owned by the Applicant, Floyd Barry Pruitt.

The Henderson County Planning Board considered rezoning application #R-2007-04 at its regularly scheduled meeting on July 19, 2007. During that meeting, the Board voted 5 to 2 to send the Board of Commissioners an unfavorable recommendation for rezoning application #R-2007-04 to rezone the Subject Area from an existing R-15 zoning district to a C-4 zoning district.

PUBLIC NOTICE:

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 September 4, 2007, public hearing regarding rezoning application #R-2007-05 were published in the Hendersonville Times-News on August 22, 2007 and August 29, 2007. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area and the applicant on August 22, 2007 and posted signs advertising the hearing on the Subject Area on August 22, 2007 (see Attachment 6 for Certification of Notice Requirements).

BOARD ACTION REQUESTED:

Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the subject area from R-15 (Medium-Density Residential) to C-4 (Highway Commercial) which is consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.

Suggested Motion:

I move that the Board approve rezoning application #R-2007-04 to rezone the Subject Area from an R-15 (Medium-Density Residential) zoning district to a C-4 (Highway Commercial) zoning district as recommended by the Staff Report. I further move that rezoning application

#R-2007-04 is consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.

Alternative Motion:

I move that the Board deny rezoning application #R-2007-04 to rezone the Subject Area from an R-15 (Medium-Density Residential) zoning district to a C-4 (Highway Commercial) zoning district based on the recommendations of the Planning Board, Henderson County 2020 Comprehensive Plan and East Flat Rock Study.

Henderson County Planning Department Staff Report

**Rezoning Application #R-2007-04 (R-15 to C-4)
Floyd Barry Pruitt, Applicant**

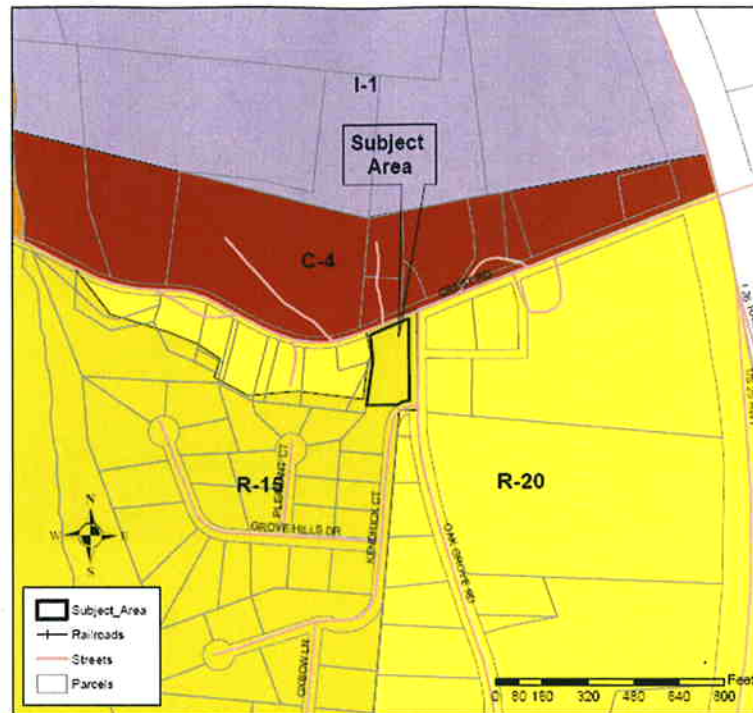
1. Rezoning Request

- 1.1. **Date of Application:** June 10, 2007
- 1.2. **Property Owner/Applicant:** Floyd Barry Pruitt
- 1.3. **Request:** Rezone Subject Area from an R-15 (Medium-Density Residential) zoning district to a C-4 (Highway Commercial) zoning district.
- 1.4. **Subject Area**
 - 1.4.1. **PIN:** 9587-37-8244
 - 1.4.2. **Size:** Approximately .72 acre
 - 1.4.3. **Location:** Intersection of Crest Road (SR 1803) and Oak Grove Road (SR 1807), approximately 1000 feet west-southwest of the I-26/ US Highway 25 South interchange.

2. Current Zoning

- 2.1. **Application of Current Zoning:** The Subject Area is currently zoned R-15 (Medium-Density Residential), which was applied on September 8, 1992, as part of the East Flat Rock Land Use Study, Phase II.

Map A: Current Zoning



2.2. **Adjacent Zoning:** The C-4 (Highway Commercial) zoning district is to the north of the Subject Area. The R-15 (Medium-Density Residential) zoning district, encompassing the property, runs southwest of the property. The R-20 (Low-Density Residential) zoning district touches the eastern, western, and portions of the property to the south, and the I-1 (Light Industrial) zoning district is approximately 400 feet north of the Subject Area (See Map A).

2.3. District Comparison:

2.3.1. **C-4 Highway Commercial Zoning 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.”*(HCZO §200-22). C-4 is a highway commercial zoning district permitting, by right, commercial uses at various scales. Permitted uses include: retail business, offices, hospitals/clinics, libraries/schools, churches, restaurants, automobile sales/services, miniature golf courses, hotels, mini-storage facilities and communication towers, among other uses. Conditional uses include light industry, shopping centers, and recreational vehicle parks. Special uses include group 5 communication towers, motor sports facilities, and adult establishments. Setbacks are as follows: 75 feet from the centerline of major streets; 60 feet from the centerline of all other streets; and side and rear setbacks equivalent to the side yard requirements of the contiguous district(s). A maximum height of 40 feet applies to structures (HCZO §200-22, Pg. 50).

2.3.2. **R-15 Medium-Density Residential District:** *“This district is intended to be a medium-density neighborhood consisting of single-family and two-family residences and small multifamily residences. It is expected that public water*

facilities will be generally available to each lot, providing a healthful environmental, although the residential development may be dependent upon septic tanks for sewage disposal.” (HCZO §200-16). R-15 is a medium-density residential district permitting, by right, residential uses at various scales. Permitted uses include: single-family dwellings, excluding manufactured homes, two-family dwellings, apartments no larger than a four-family dwelling, garage apartments, churches, church cemeteries, church bulletin boards, transformers, public stations, public utility stations, accessory buildings, public schools, civic buildings, and communications towers. Setbacks are as follows: 75 feet from the centerline of major streets; 50 feet from the centerline of all other streets; and side and rear setbacks are 15 feet. A maximum height of 35 feet applies to structures (HCZO §200-16, Pg. 37).

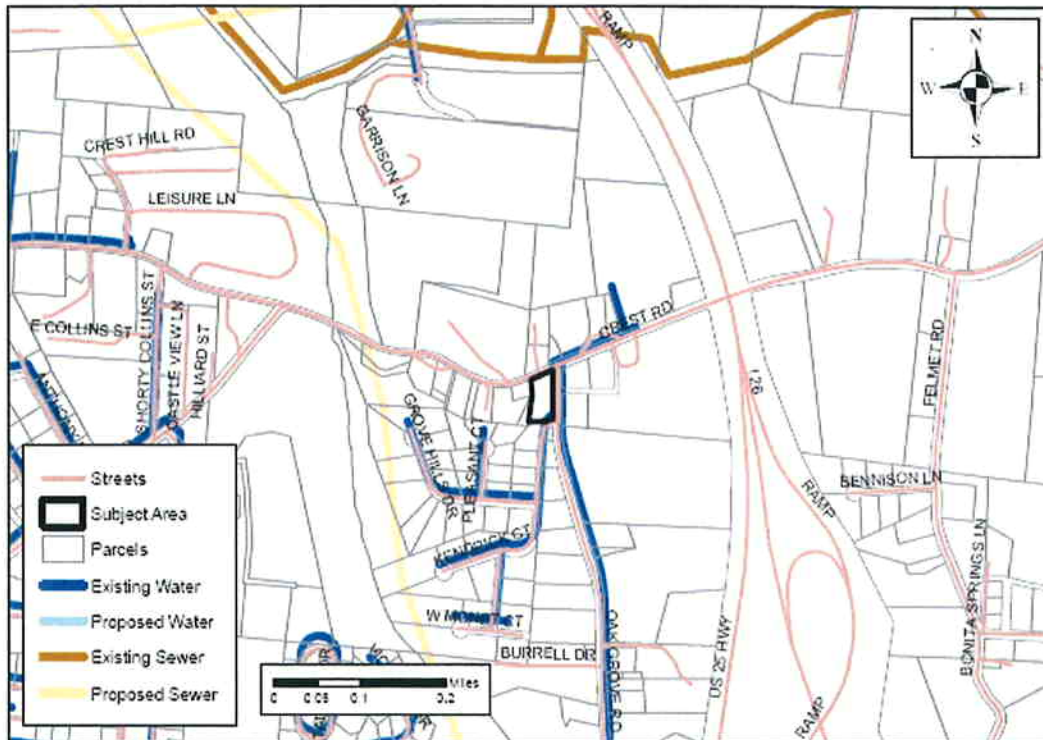
3. Current Uses of Subject Area and Adjacent Properties

- 3.1. **Subject Area Uses:** The one (1) parcel in the Subject Area contains a machining and assembly operation. Within the R-15 zoning district, the existing structure is a non-conforming use.
- 3.2. **Adjacent Area Uses:** It appears that single-family residences touch the Subject Area on all sides. However, as the zoning district to the north of the Subject Area is currently zoned C-4 (Highway Commercial), there is likely to be commercial uses to the north of Crest Road. Located approximately 400 feet to the north of the Subject Area, is an existing I-1(Light Industrial) zoning district. Within this industrial zoning district are Atlas Bolt and Screw and Appleland Business Park.

4. Water and Sewer

4.1. **Availability:** Public water appears to be available to the Subject Area, provided by the City of Hendersonville. Public sewer is not currently available and, according to the Water and Sewer Master Plan, is proposed approximately 913 feet from the Subject Area. The nearest existing sewer line in the Hendersonville Sewerage District is approximately 1,823 feet (0.34 miles) from the Subject Area (See Map B).

Map B: Water and Sewer



5. Transportation and Access

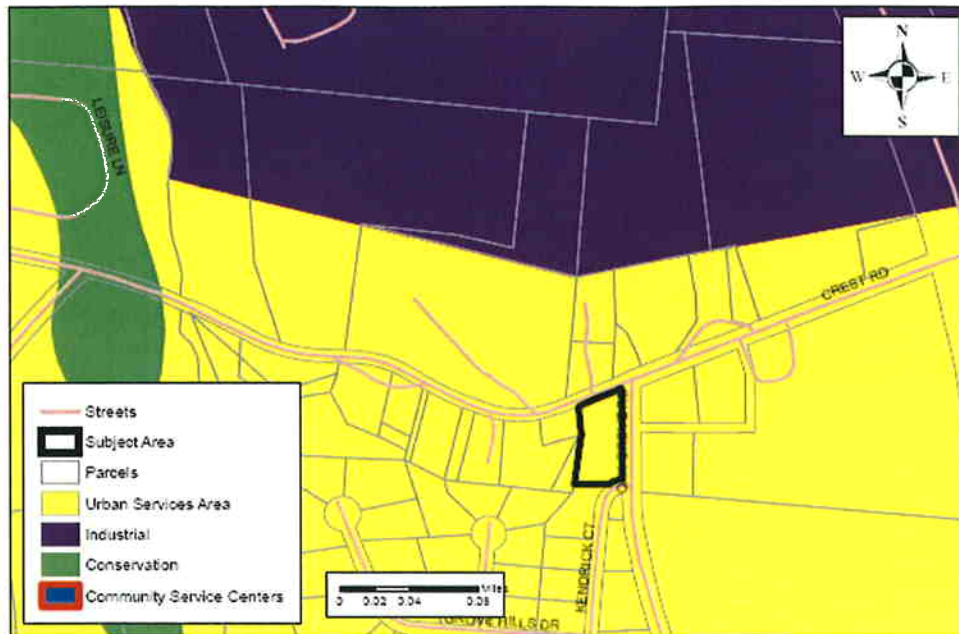
- 5.1. **Frontage:** The Subject Area has approximately 145 feet (0.03 miles) of road frontage along Crest Road and approximately 284 feet (0.05 miles) of frontage along Oak Grove Road.
- 5.2. **Transportation:** Table 1, below, provides Annual Average Daily Traffic Counts for Crest Road (SR 1803) and Oak Grove Road (SR 1807).

Road	2001	2002	2003	2004
Crest Road	2,000	1,900	-	2,400
Oak Grove Road	1,200	-	1,300	-

6. The Henderson County, North Carolina 2020 Comprehensive Plan (CCP)

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

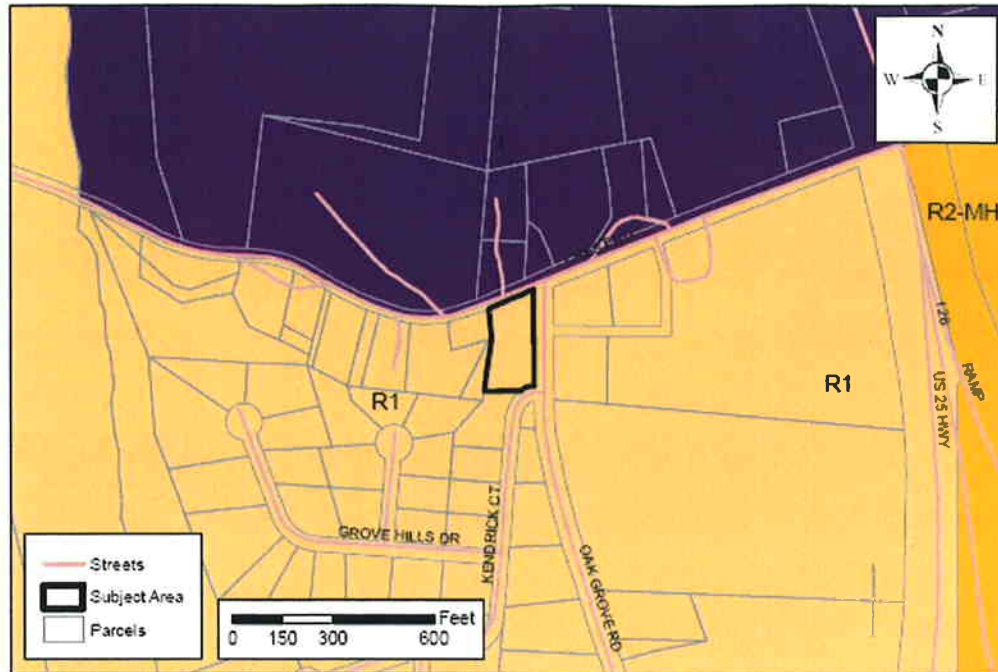
Map C: 2020 County Comprehensive Plan Future Land Use Map



- 6.2. The CCP also 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).
- 6.3. 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).
- 6.4. The CCP Future Land Use Map (See Map C) does not place the Subject Area in an “Industrial” or “Community Service Center” area. The CCP does not specifically identify which type of use (high-density residential, commercial or industrial) may be the most suitable for the Subject Area.

7. The Draft Land Development Code

- 7.1. The Draft Land Development Code Zoning Map identifies the Subject Area as transitioning to an R1 (Residential) zoning district. Properties to the north of the Subject Area, which are currently zoned C-4 (Highway Commercial) are identified as transitioning to an I (Industrial) zoning district (See Map E).
- 7.2. The Subject Area, were it to remain R-15 (Medium-Density Residential) would transition to the R1 (Residential) zoning district. Were the Subject Area to be rezoned to C-4 (Highway Commercial) it would transition to the I (Industrial) zoning district.

Map E: Draft Land Development Code Zoning Map**7.3. Draft Land Development Code District Comparison:**

7.3.1. I Industrial Zoning District: *“The purpose of the Industrial District (I) is to foster orderly growth where the principal use of land is a mixture of industrial and heavy commercial. The intent of this district is to allow for industrial and heavy commercial development consistent with the recommendations of the Comprehensive Plan. In accordance with the Comprehensive Plan, the district will allow for and provide industrial and heavy commercial development that: (1) is compatible with adjacent development and the surrounding community; (2) will minimize conflict between land uses; and (3) is sensitive to its impact on surrounding land uses and the environment (natural and man-made)” (Draft LDC §200A-36).*

7.3.2. R1 Residential District One: *“The purpose of the Residential District One (R1) is to foster orderly growth where the principal use of land is residential. The intent of this district is to allow for medium to high density residential development consistent with the recommendations of the Comprehensive Plan. The general use district is typically meant to be utilized in areas designated as Urban in the Comprehensive Plan (Draft LDC §200A-27).*

8. Staff Comments

Staff’s position at this time, under the guidelines of current plans, policies and studies, is to support the rezoning of the property for commercial uses. This based on the following:

8.1. The 2020 CCP: According to the text and map of the 2020 CCP (See Staff Report Pg. 4, Map C) the Subject Area is located in the USA and suggests that the Subject Area would be suitable for high-density residential, commercial or industrial development. Although, the CCP does not specifically identify which type of use (high-density residential, commercial or industrial) would be suitable for the Subject Area.

8.2. Adjacent Zoning:

8.2.1. The Subject Area directly abuts an existing C-4 (Highway Commercial) zoning district (C-4 district is located across Crest Road). Current zoning or rezoning would make this property part of a contiguous larger zoning district.

8.3. Comparison of Districts:

8.3.1. Applying C-4 zoning to the Subject Area would limit the number of residential uses and increase the number of commercial uses permitted. Height limitations would be 40 feet where in R-15 they are 35 feet. Front and rear setbacks would comply with the yards to which the district is contiguous.

9. Staff Recommendations

9.1. Staff supports the request to rezone the Subject Area from an R-15 (Medium-Density Residential) zoning district to a C-4 (Highway Commercial) zoning district. If the Land Development Code is approved, Staff would also support the conversion of the Subject Area from a C-4 (Highway Commercial) zoning district to an I (Industrial) zoning district as suggested by Draft 10 of the Land Development Code.

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

10. Planning Board Recommendations

10.1.1. See Attachment 4, Excerpt of Planning Board Minutes from July 19, 2007.

10.1.2. The Henderson County Planning Board considered rezoning application #R-2007-04 at its regularly scheduled meeting on July 19, 2007. During the meeting, the Board voted 5 to 2 to send the Board of Commissioners an unfavorable recommendation for rezoning application #R-2007-04. The Planning Board's recommendation was based on Draft 10 of the Proposed Land Development Code and Phase II of the East Flat Rock Study which conflicts with the proposed rezoning of the subject area (See Attachment 4, Excerpt of Planning Board Minutes).

**NOTICE OF PUBLIC HEARING
ON PROPOSED ZONING MAP AMENDMENT
(Rezoning Application #R-2007-04)**

The Henderson County Board of Commissioners will hold a public hearing on an application (#R-2007-04) for a proposed amendment to the Official Zoning Map of Henderson County, North Carolina, that would rezone approximately .72 acres of land, located off Crest Road (SR 1803) and Oak Grove Road (SR 1807), from an R-15 (Medium-density Residential) zoning district to a C-4 (Highway Commercial) zoning district. The Subject Area is comprised of one tract of land (PIN: 9587-37-8244). The Applicant is Floyd Barry Pruitt.

The public hearing will be held on Tuesday, September 4, 2007, 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, 213 1st Avenue East, Hendersonville, NC, between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday, or on the Henderson County Website at

<http://www.henderson.lib.nc.us/county/planning/applicants/rezoning/currentapps.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, August 22, 2007 and Wednesday, August 29, 2007.

**Henderson County
Planning Department**

213 1st Avenue East, Hendersonville, North Carolina 28792
Phone (828) 697-4819 Fax (828) 697-4533

August 22, 2007

**NOTICE OF PUBLIC HEARING
ON PROPOSED ZONING MAP AMENDMENT
(Rezoning Application #R-2007-04)**

This letter is to inform you that the Henderson County Board of Commissioners will hold a public hearing on an application for a proposed amendment to the Official Zoning Map of Henderson County, North Carolina. The amendment would rezone approximately .74 acres of land, located off Crest Road (SR 1803) and Oak Grove Road (SR 1807), from an R-15 (Medium-Density Residential) zoning district to a C-4 (Highway Commercial) zoning district. The Subject Area appears to be parcels 9587-37-8244, which is owned by the applicant, Floyd Barry Pruitt.

Our records indicate you own property adjacent to/in the vicinity of the subject property.*

The public hearing will be held on **Tuesday, September 4, 2007 at 7:00 PM**, 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, 213 1st Avenue East, Hendersonville, NC, between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday, or on the Henderson County Website at <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.

Alexis Baker, Planner
Henderson County Planning Department

* **Please note:** You have been notified because you own property adjacent to/near the Subject Area that is under consideration for a change in zoning. However, a zoning change is **NOT proposed for your property**. State law requires that property owners be notified of proposed zoning changes on adjacent properties.

Attachment 2

Mr. Illar Lynch
1111 Keith St.
Hendersonville, NC 28792

Mr. Silvano Perez
1111 Keith St.
Hendersonville, NC 28792

Mr. Joseph W. Wright, Jr.
P O Box 1331
Flat Rock, NC 28731

Ms. Dollie B. Smith
423 Crest Rd
East Flat Rock, NC 28726

Mr. & Mrs. David Staton
316 Benjamins Way
Hendersonville, NC 28792

Ms. Bonnie L. Stewart
501 Crest Rd
Flat Rock, NC 28731

Mr. & Mrs. James T. Lively
404 Tabor Rd
East Flat Rock, NC 28726

Mr. Benjamin F. Beddingfield
218 Anderson Rd.
Zirconia, NC 28790

Mr. Floyd Nesbitt
511 Crest Rd
East Flat Rock, NC 28726

Mr. Wayne G. Buckner
426 Crest Rd
East Flat Rock, NC 28726

Mr. Gary Ruff
500 Crest Rd
Flat Rock, NC 28731

Application to Amend the Official Zoning Map of Henderson County, NC
REZONING



1. PROPERTY OWNER INFORMATION

Floyd Barry Kuntz
Property Owner Name

PO Box 272
Mailing Address

Hendersonville NC 28793
City, State, Zip Code

928-6935951-828 2439394
Telephone Number(s)

Note:
The property owner must file applications for zoning map amendments. If owners of multiple parcels are requesting rezoning, one owner should sign the application and attach statements or other documents showing support for the application with signatures from the other owners. Include property owner names and mailing addresses as well as parcel identification numbers (PINs).

2. SUBJECT PROPERTY INFORMATION

Attach a description of the property for which rezoning is being proposed. Such description may be in the form of a property survey, a legal description or a legible copy of a Henderson County cadastral or composite tax map which shows the proposed zoning district boundary changes.

Size of Area to be Rezoned .72

Parcel ID Number(s)* 9587-37-8244
9963500

Current Zoning* R15

Proposed Zoning* C4

* If additional space is needed, attach a list of the PINs, the current zoning and the proposed zoning for each parcel proposed for rezoning.

3. ADJACENT PROPERTY INFORMATION

Attach a list of property owner names, mailing addresses and parcel ID numbers for parcels abutting the property proposed for rezoning.

I certify that the information contained in this application is true and accurate to the best of my knowledge.

Floyd Barry Kuntz
Signature of Property Owner

6-10-07
Date

Staff Use Only

Previous request for same amendment? Yes No Action: _____ Date: _____

Application Received By: R. Scanlan 6/11/07 Check # 1932 Date: 6/11/07

Non-refundable application fee: \$400.00

**EXCERPT OF HENDERSON COUNTY
PLANNING BOARD MINUTES
July 19, 2007**

Rezoning Application (#R-2007-04) – Request to Rezone Approximately .72 Acres of Land Located at the Intersection of Crest Road and Oak Grove Road – From R-15 (Medium-Density Residential) Zoning District to C-4 (Highway Commercial) – Floyd Barry Pruitt, Applicant and Property Owner. Presentation by Matt Cable. Mr. Cable stated that on June 10, 2007 Floyd Barry Pruitt submitted an application to rezone approximately 0.72 acres of land located off Crest Road, from an R-15 (Medium Density Residential) zoning district to a C-4 (Highway Commercial) zoning district. The Subject Area is located at the intersection of Crest and Oak Grove Roads; approximately 1000 feet west-southwest of the I-26—US Highway 25 South interchange. The Subject Area is currently zoned R-15 (Medium-Density Residential), which was applied on September 8, 1992, as part of the East Flat Rock Land Use Study, Phase II. The Subject Area is surrounded by C-4 (Highway Commercial) zoning to the north, R-20 (Low Density Residential) to the east and west, and R-15 (Medium Density Residential) to the south. The R-15 Medium Density Residential Zoning District allows for residential uses at various scales and limited nonresidential uses. The C-4 Highway Commercial Zoning District, which is proposed for the Subject Area, allows for commercial uses at various scales which are intended to serve persons traveling by automobile and local residents and are generally located on major highways. Residential uses are not permitted. The Subject Area is composed of one parcel containing a manufacturing/assembly operation. Adjacent and surrounding area uses include residential, commercial, and industrial uses. Currently adjacent properties appear to contain single-family residential uses; however, properties to the north are currently zoned C-4 (Highway Commercial). Further to the north, within the nearby Industrial District are Atlas Bolt and Screw and Appleland Business Park. Still further north, at Upward Road I-26 interchange are additional commercial uses.

Staff Comments and Recommendations

Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the property to be zoned for commercial uses. This based on the following:

1. The CCP suggests that the Subject Area would be suitable for high-density residential, commercial, or industrial development, but does not indicate which use may be most appropriate for this area.
2. The LDC indicates that the Subject Area will be transitioning to R1 (Residential One). Properties north of the subject area, which are currently zoned C-4 are recommended to transition to an I (Industrial) Zoning District. The Subject Area, were it rezoned to C-4 would likely transition to an Industrial zoning district as well. Given the current manufacturing/assembly operation on site, the current use of the property is nonconforming under existing R-15 and LDC proposed R1 but would conform under applicant requested C-4 or the I district proposed by the LDC. Staff's position at this time, under the guidelines of current plans and policies is it supports the rezoning of the property for commercial uses. The Subject Area currently contains a nonconforming use which would be made conforming by the rezoning of the

property. The Subject Area will be part of a larger contiguous C-4 zoning district. Further, the recommendations of the CCP support commercial development within the USA.

It is generally incumbent upon the Applicant to demonstrate an overriding justification for approving a given rezoning application. Staff encourages the Applicant to present any information that would inform the County's consideration of the proposed rezoning.

Chairman Pearce said he is against the rezoning request because it goes against the Land Development Code and because in or around 1999, when the East Flat Rock Zoning Study occurred, there were a number of people who worked hard for several years to keep their area residential.

Chairman Pearce made a motion that the Board recommends denial of rezoning application #R-2007-04 to rezone the Subject Area from an R-15 (Medium-Density Residential) zoning district to a C-4 (Highway Commercial) zoning district based on the fact that it goes against the Land Development Code and because in or around 1999, when the East Flat Rock Zoning Study occurred, there were a number of people who worked hard for several years to keep their area residential. He said there is a non-conforming use and the people who lived next door to this already knew that it was going to be there and it is not being hurt by anyone because there is no benefit to anyone but the applicant himself – maybe - to get some other use out of it by changing it to commercial. He added from a practical standpoint, if they are going to change it to anything, it should be industrial, not commercial. Tommy Laughter seconded the motion. Jonathan Parce, Renee Kumor, Tedd Pearce and John Antrim voted in favor to deny the request. Gary Griffin and Mike Cooper opposed the motion. The motion was 5 – 2 for denial.



1. View of Subject Area on corner of Crest Road and Oak Grove. The current use is a woodworking.



2. View of Subject Area looking to the east of subject area. Next door is a single-family residence.



3. Posting in front of subject area on Crest Road, near corner of Oak Grove Road, on August 22, 2007



4. Posting at corner of Oak Grove Road and Kendrick Road on August 22, 2007.

Certification of Notice of Public Hearing

In accordance with NCGS 153A-343 the Planning Department certifies notices of the September 4, 2007 hearing regarding Rezoning Application #R-2007-04 were:

1. Submitted to the Hendersonville Times-News on August 16, 2007 to be published on August 22, 2007 and August 29, 2007 by Alexis Baker;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area on August 22, 2007 by Alexis Baker;
3. Sent, via first class mail, to the applicants and agent on August 22, 2007 by Alexis Baker; and
4. Posted on the Subject Area on August 22, 2007 by Alexis Baker and Parker Sloan.

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

1. Alexis R. Baker
2. Parker Sloan

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

I, Kathleen R. Scanlan, a Notary Public, in and for the above County and State, do hereby certify that Alexis Baker, and Parker Sloan

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

the PLANNING DEPT. of the foregoing instrument.

WITNESS my hand and notarial seal, this the 24 day of AUG., 2007.

My commission expires:
10/24/2010

(SEAL)
Kathleen R. Scanlan
NOTARY PUBLIC

