

**Henderson County  
Technical Review Committee Minutes  
March 4, 2008**

The Henderson County Technical Review Committee met on March 4, 2008 at 2:00 p.m. in the King Street Meeting Room at 100 N. King Street, Hendersonville, NC. Members present were Anthony Starr, Chair; Seth Swift, Wally Hollis, on behalf of Rocky Hyder, Marcus Jones, Natalie Berry, and Toby Linville. Others present were Parker Sloan, Planner and Kathleen Scanlan, Secretary.

Mr. Starr called the meeting to order and asked for the approval of the February 5, 2008 minutes. Toby Linville made a motion to approve the minutes as presented and all members voted in favor.

Major Site Plan Review – Seven Falls, LLC – Located on Approximately 261.80 Acres of Land in Etowah between Pleasant Grove Road and Pleasant Grove Church Road – Propose Golf Course –Country Club and Townhouse Villages – William G. Lapsley & Associates, P.A., Agent for Seven Falls, LLC. Presentation by Code Enforcement Department. Mr. Linville stated that this project only has Master Plan approval, so the individual uses under the old Open Use District are not officially approved yet, because they haven't gotten their vested rights. He stated that William G. Lapsley and Associates, agent on behalf of the owner, submitted the major site plan for a golf course-country club and duplex housing. The project is located in Etowah between Pleasant Grove Road and Pleasant Grove Church Road on 261.8000 acres of land. The project is in R3 and R2-MH zoning districts. They propose private water and sewer.

Mr. Lapsley stated that his client disagrees with the vested rights because he feels that he does have a right to build these units there. Mr. Starr clarified Mr. Lapsley's statement by stating that his client disagrees whether they have vested rights or not, because the project is permitted by right under the new rules.

Mr. Linville made a motion to approve the major site plan for Seven Falls as presented. All members voted in favor.

Re-Alignment of Pleasant Grove Church Road – Proposal to Move 2,400 Linear Feet of Road to Another Location on Property Currently Owned by Seven Falls, LLC – William G. Lapsley & Associates, P.A., Agent for Seven Falls, LLC. Presentation by Planning Staff. Mr. Starr stated that at its regular meeting on February 20, 2008 the Henderson County Board of Commissioners set a public hearing for the closure and realignment of a section of Pleasant Grove Church Road (SR#1201). The hearing was set for April 1, 2008 at 6:00 P.M. The applicant's agent, Mr. William Lapsley, is proposing to move 2,400 linear feet of road to another location on property currently owned by Seven Falls, LLC. This request comes as part of the Seven Falls major subdivision which was originally approved by the Planning Board on April 17, 2007. Mr. Starr said that at the Board of Commissioner's public hearing, the Board would approve, if they choose to. The relocation of the road, after the hearing, the condition would be that the Order would be issued but the Order would not be recorded as required by statute at the Register of Deeds Office until the new road had been constructed, approved and accepted by NCDOT. The affect of that arrangement would be that no existing property owners would be denied access to Pleasant Grove Church Road in its existing or current form, that they would have access to one or the other and would have public road access at all times during the project and after. The Planning Board had, by approving the Master Plan, given its approval in concept of this road relocation back when it approved this project in the Spring of 2007. In order to process the realignment request, the County must act on the request to abandon 2,400 linear feet of existing public roadway, and to act on the request to add 3,200 linear feet of new public roadway and hold the public hearing to permanently close said section of Pleasant Grove Church Road. It is Planning Staff's position that the new section of Pleasant Grove Church Road be installed and taken over by NCDOT before the conditional Order closing the existing section of Pleasant Grove Church Road is recorded with the County. At this time, the County is only considering the Pleasant Grove Church Road, but in the future the owner potentially will consider a realignment of Pleasant Grove Road and any new sections constructed in either road would have to be built above the base flood elevation. Mr. Starr informed the Committee that this was brought to them for information only and no action is needed by this Committee. Mr. Lapsley added that the project that is before you, Pleasant Grove Church Road, has been in discussions with NCDOT for the last number of months and NCDOT have approved the design and have soil erosion control plans and also have done some construction on the site. He said that this decision by the County Commissioners will be the last process that needs to be resolved before any development of the project can take place. Mr. Starr added that for the record, Rocky Hyder's comment regarding this project states that the proposed plan will add eight hundred feet of travel distance to Pleasant Grove Church Road, which could negatively affect the fire district boundary line. Construction of an additional fire station at the Seven Falls development would make this point irrelevant.

Major Site Plan Review – Poplar Top Mobile Home Park – Located on Approximately 16.67 Acres of Land at Poplar Top Lane in Edneyville – Proposal of a Mobile Home Park – Steven L. Waggoner, Surveyor/Agent for Roy P. Dalton, Owner. Presentation by Code Enforcement Department. Mr. Linville stated that Steven Waggoner, Surveyor, on behalf of the owner, Roy P. Dalton, submitted this major site plan project. Mr. Dalton wishes to utilize the property for a mobile home park. The project is located on 16.67 acres of land at Poplar Top Lane in Edneyville. The project is located in a R3 zoning district and they propose shared water and individual sewer. The project meets the requirements of the Land Development Code and the entire applicable major site plan requirement. Steve Waggoner was present to answer any questions that the Committee members had. Natalie Berry asked whether the development was located in a floodplain and Mr. Waggoner stated that it was not. After some general discussion, Marcus Jones made a motion to approve the major site plan. All members voted in favor.

Combined Master Plan and Development Plan – Three Seeds Neighborhood Major Subdivision (2008-M05) – 16 Residential Lots on 13.59 Acres of Land – Located off Oak Grove Road – Luther E. Smith and Associates, P.A., Agent for Housing Assistance Corporation (Hugh Lipham), Owner. Presentation by Planning Staff. Mr. Sloan stated that Luther E. Smith and Associates, agent on

behalf of Housing Assistance Corporation Hugh Lipham, owner, submitted a Combined Master and Development Plan and major subdivision application for a project known as Three Seeds Neighborhood. The applicant is proposing a total of 16 lots that will be used for single-family residential purposes. The project is located on 13.59 acres of land, located off Oak Grove Road and is anticipated to be completed in one phase. According to County records, the project site does not contain slopes in excess of 60 percent. The project is located in the R1 zoning district and is proposing public roads, public water and individual septic to serve the project site.

Staff has reviewed the Combined Master and Development Plan for Three Seeds Neighborhood, and has taken into consideration the recommendations of the Henderson County 2020 Comprehensive Plan and reviewing the plan for conformance with the Land Development Code, and offers the following comments:

Master Plan Comments:

1. The proposed density appears to be consistent with the recommendations of the CCP (Henderson County 2020 Comprehensive Plan).
2. The proposed project site is located within the R1 zoning district, which allows for single-family residential development with a standard residential density of four units per acre. The project site does not contain slopes in excess of 60 percent and a total of 54 units would be permitted on this 13.5 acre tract, they are proposing 16 single-family residential lots.

Development Plan Comments:

1. **Water Supply** – The applicant has proposed public water (City of Hendersonville). The applicant must provide evidence that the water supply plans have been approved by the appropriate agency and then the development plan may be approved contingent on final approval from such agency. Any subdivision served by a public water system shall meet the respective county or municipality's minimum requirements for fire hydrant installation.
2. **Fire Protection Requirements** – The applicant has shown a proposed hydrant on the proposed public road (Victoria Springs Drive) approximately 275 feet from the proposed development entrance. Any subdivision served by a public water system shall meet the County's standard of one hydrant per 1000 feet of linear road distance. The approving utility agency may impose more stringent fire protection requirements where necessary.
3. **Public Road Standards** – The applicant has provided a cross section for the proposed on site road (Victoria Springs Drive). This cross section indicates that this road is to be a public road. All roads proposed for public use shall be annotated "public" on plans and plats and shall be designed and constructed in accordance with the standards necessary to make the roads eligible to be put on the State Highway Maintenance System at a later date. The NCDOT District Engineer's Office must sign a certificate of approval provided on the face of the final plat for any subdivision where public roads are proposed prior to County approval of the final plat.
4. **Street Tree Requirements** – It appears that the applicant is using approximately thirty-three existing trees and proposing six new trees to satisfy the street tree requirements. A number of these trees are located outside of the right-of-way (22) but within 20 feet of the edge of the right-of-way within proposed lots. There are 17 within the right-of-way. In some areas the spacing requirements for the street trees are not met. All street trees must be properly planted and meet the spacing requirements or the applicant
5. **Sedimentation and Erosion Control** – The applicant must submit to the Subdivision Administrator written notice from the appropriate agencies verifying that an Erosion and Sedimentation Control Plan has been approved or a written notice from a professional land surveyor, engineer, landscape architect, architect, or professional planner certifying that no plan is required.
6. **Shoulder Stabilization** - All areas disturbed by the construction of a public road, including cut and fill slopes, shoulders and ditch banks, shall be seeded to stabilize the soil and prevent erosion.

7. **Drainage** – All road or drainage structures shall be constructed in accordance with state roads standards. Road drainage side ditches shall be constructed with sufficient depth and width to carry the expected volume of storm water runoff.
8. **Farmland Preservation Notation** – The applicant has submitted an affidavit certifying awareness of an existing Farmland Preservation District. The final plat shall contain a note stating that the property lies within one half mile of land in a Farmland Preservation District as well as indicating where the 100 foot setback lies.
9. **Subdivision Names** – The final plat shall contain certification that the public records of the County have been searched and the proposed subdivision name meets the standards set forth in Chapter 200A-81 G of the Land Development Code.
10. **Subdivision Signs** – All major subdivisions may provide for, at the primary entrance, a community identification/subdivision sign to conform to the sign regulations of Article VII. Such signs should be located in dedicated sign easements, which must be shown on the final plat.
11. **Soils Map** – Where subdivisions are proposed, with an average lot size of less than one acre, and no public or community sewer is available, the applicant should review a soils map of the property and be knowledgeable of the suitability of ground absorption systems for his development.
12. **Final Plat Requirements** – The Final Plat must meet the requirements provided by the Planning Department whenever a subdivision of land occurs.

Hunter Marks with Luther E. Smith and Associates briefly described the project. Mr. Starr suggested that regarding the street tree requirements, to identify in the restrictive covenants that the homeowner's association would have to approve the removal of any of those trees and mark them during construction so that they would be protected. Mr. Marks said that they would. Mr. Starr stated that this will be included as a condition. Mr. Marks also discussed the public road plans at present with NCDOT, but should that not work out, they would go with private road standards. Mr. Starr stated that if that change should occur, they would need to file a new development plan noting that the roads have been changed from public to private and the approval could be done administratively.

Anthony Starr made a motion that the Technical Review Committee find and conclude that the Combined Master and Development Plan appears to comply with the subdivision provisions of Chapter 200A, Henderson County Land Development Code; and further move that the Combined Master and Development Plan be approved subject to the conditions that result from the comments listed in the Staff Report as stated and allowing the alternative compliance for the street trees, provided they mark those trees during construction and provide restrictive covenants to prevent removal without the approval by the homeowner's association. Also, that the plan could be changed from public roads to private roads and that this change could be approved administratively. All members voted in favor.

Major Site Plan Review – Edneyville Park – Located at 15 Ida Rogers Drive – Proposed Park – Calloway, Johnson, Moore and West, Agent for Henderson County, Owner. Presentation by Code Enforcement Department. Mr. Linville stated that Calloway, Johnson, Moore and West, agents for Henderson County submitted a major site plan for Edneyville Park. The project is located on approximately 12.1 acres of land at 15 Ida Rogers Drive and is in the R2-MH zoning District. It is not located in a water supply watershed but is located within the floodplain and they are working with Natalie Berry to straighten this issue out. Public water and private septic are proposed. The project requires a major site plan and lighting mitigation requirement. Mr. Linville stated that it does meet the requirements of the Land Development Code and all the applicable major site plan requirements are met.

Brian Hart, agent on behalf of Henderson County was present. After Committee members commented about various permits required as well as fire protection, Mr. Hart stated that all the requirements will be met. It was noted that due to budget constraints, the project may be phased

so that the metal building portion of the structure shown in the diagrams, may or may not be done initially. After some further discussion, Toby Linville made a motion to approve the major site plan for Edneyville Park. All members voted in favor.

Adjournment. Anthony Starr made a motion to adjourn the meeting and all members voted in favor. The meeting adjourned at 2:45 p.m.

---

Anthony Starr, Chairman

---

Kathleen Scanlan, Secretary