

**Henderson County
Technical Review Committee Minutes
June 3, 2008**

The Henderson County Technical Review Committee met on June 3, 2008 at 2:00 p.m. in the EOC Board Room at 211 First Avenue East, Hendersonville, NC. Members present were Anthony Starr, Chair; Seth Swift, Toby Linville, Marcus Jones, Gary Lance, Natalie Berry and Rocky Hyder. Others present were Josh Lanning, NCDOT, Parker Sloan, Planner, Matt Cable, Planner, Matt Card, Planner and Kathleen Scanlan, Secretary.

Mr. Starr called the meeting to order and for the benefit of the public in attendance, explained the purpose and duties of the Technical Review Committee. Mr. Starr then asked that the agenda be adjusted to include additional items. Item # 5, Major Site Plan for Larry Holbert Property, Land Development Code Text Amendments changed to Item # 6 and Item # 7 being a discussion regarding a request by the Board of Commissioners rezoning on an area of US 25 North from Community Commercial to Regional Commercial.

Mr. Starr then asked for the approval of the May 6, 2008 minutes. All members voted in favor of approving the minutes.

Rezoning Request # R-2008-08 and Text Amendment Request # TX-2008-02 – Request for Adoption to Amend Flood Damage Prevention Regulations of the Land Development Code – Planning Staff. Mr. Cable stated that the Technical Review Committee, at its meeting on May 6, 2008, reviewed Rezoning Request #R-2008-08 and Text Amendment Request #TX-2008-02 and provided a favorable recommendation to the Board of Commissioners to recommend approval of both the map and text amendment requests. Following the meeting, the North Carolina Flood Management Branch provided Planning Staff with revisions to the proposed text, to ensure compliance with the State model ordinance. These modifications were technical in nature. Mr. Starr stated that the Committee's action to recommend that the Board of Commissioners approve Text Amendment #TX-2008-02 would be appropriate.

Rocky Hyder made a motion that the Committee recommend approval of Text Amendment #TX-2008-02, to adopt and amend flood damage prevention regulations of the Land Development Code necessary to reflect regulation changes associated with Rezoning Request #R-2008-08 (the new FIRMs) and changes made to the State Model Flood Damage Prevention Ordinance and further move that these recommendations of approval are consistent with the recommendations of the Henderson County 2020 Comprehensive Plan. All members voted in favor.

Combined Master Plan and Development Plan – Cu-Di-Mar Major Subdivision, # 2008-M07 – 2 Single-Family Lots on 14.76 Acres – Located at the corner of Old Johnson Farm Road and Hendersonville Road (Highway 25) – McAbee & Associates, Agent for Cu-Di-Mar (Curtis Youngblood), Owner – Planning Staff. Mr. Sloan stated that the applicant is proposing a total of 2 lots that will be used for commercial purposes. The project is located on 14.76 acres of land located off Old Johnson Farm Road and Hendersonville Road (US 25). The project is shown 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 Regional Commercial (RC) zoning district. It will use existing public roads. Public water and sewer are proposed to serve the project site.

Master Plan Comments:

According to Chapter 200A, Henderson County Land Development Code (LDC) §200A-309, the purpose of a Master Plan is to provide general information about the proposed development to

allow for an assessment of its impact on the orderly growth and development of the County, environmental quality, land values, natural features identified on the site analysis sketch and the County's roads and governmental services.

Mr. Parker stated that Staff has reviewed the submitted Combined Master and Development Plan for Cu-Di-Mar, taking into consideration the recommendations of the *Henderson County 2020 Comprehensive Plan* and reviewing the plan for conformance with Henderson County Land Development Code. Staff offers the following comments:

1. **Henderson County 2020 Comprehensive Plan (CCP).** The Future Land Use Map of the CCP shows the project site as being located within the: Urban Services Area and Industrial Area (See Map A: CCP Future Land Use Map).
 - a. The Urban Services Area is that area within which most urban services and urban scale development is currently concentrated. Considerable commercial development at a mixture of scales: Local, Community, and Regional should be concentrated here.
 - b. The Industrial area lies within the Urban Services Area. Most industrial uses should be segregated from other uses with the exception of Regional Commercial uses.
2. **Chapter 200A, Henderson County Land Development Code (LDC).** According to Chapter 200A, Henderson County Land Development Code (LDC) and its Official Zoning Map adopted September 19, 2007 (as amended), the proposed project site is located within the Regional Commercial (RC) Zoning District (See Map B: Official Zoning Map). The RC district allows for a variety of commercial uses on the local, community, and regional levels. Currently, the owner does not intend to build structures in the project area. At a later date, when structures are proposed, the owner will be required to submit a major site plan to the Technical Review Committee for approval.

Development Plan Comments

1. **Public Utilities.** The applicant has proposed public water and sewer (City of Hendersonville). According to the LDC, the applicant must provide evidence that the water supply and sewer plans have been approved by the appropriate agency. The development plan may be approved contingent on final approval from such agency; however, the final plat shall not be approved until all such final approvals have been obtained. Any subdivision served by a public water system shall meet the respective county or municipality's minimum requirements for fire hydrant installation.
2. **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 this Chapter (LDC §200A-81 G).
3. **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 (LDC §200A-81 G).
4. **Final Plat Requirements.** The Final Plat(s) must meet the requirements provided by the Planning Department whenever a subdivision of land occurs (LDC §200A-311 B(2)).

Staff has found that the proposed Combined Master and Development Plan appears to meet the technical standards of the subdivision regulations of Chapter 200A, Henderson County Land Development Code (LDC) except for the comments listed in the Staff Report. Staff recommends approval of the Combined Master and Development Plan.

Mr. Brad Howell with MacAbee and Associates was present to answer any questions regarding the project. Mr. Hyder provided some information for the next phase of his project dealing with fire safety and emergency services requirements.

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 (LDC); and further move that the Combined Master and Development Plan be approved subject to the following conditions. All members voted in favor.

Combined Master Plan and Development Plan – Blue Rock Commerce Center Major Subdivision - # 2008-M08 – 11 Industrial Lots, 2 Single-Family Lots on 29.38 Acres – Located off McMurray Road – Charles Wilkins, Agent for Enno F. Camenzind Trust (Robert O. Camenzind), Owner – Planning Staff. Mr. Card stated that Charles Wilkins, Agent on behalf of Enno F. Camenzind Trust (Robert O. Camenzind), Owner, and Jon Laughter with Laughter, Austin & Associates is present. Mr. Card stated that they are proposing a total of 11 lots that will be used for industrial and commercial purposes and 2 lots for residential purposes. The project is located on 29.38 acres of land located off McMurray Road. The project is shown 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 an R2MH (Residential Two Manufactured Housing) zoning district. A public hearing, proposing a zoning map amendment to rezone approximately 19.51 acres of the project site from an R2MH to an Industrial Zoning District, was held on June 2, 2008 by the Board of Commissioners. He stated that the rezoning request was approved. Public and private roads, public water and private sewer are proposed to serve the project site.

The comments below were listed in Staff's memo.

1. **Henderson County 2020 Comprehensive Plan (CCP).** The Future Land Use Map of the CCP shows the project site as being located within the: Urban Services Area and Industrial Area.

- a. **The Urban Services Area** is that area within which most urban services and urban scale development is currently concentrated. Considerable commercial development at a mixture of scales: Local, Community, and Regional should be concentrated here. Virtually all existing and future industrial developments will be contained in the USA.
- b. **The Industrial Area** lies within the Urban Services Area. Most industrial uses should be segregated from other uses with the exception of Regional Commercial uses.

2. **Chapter 200A, Henderson County Land Development Code (LDC).** According to Chapter 200A, Henderson County Land Development Code (LDC) and its Official Zoning Map adopted September 19, 2007 (as amended), the proposed project site is located within the R2MH (Residential Two Manufactured Housing). A public hearing to rezone a portion of the property from R2MH to I will be held on June 2, 2008. The results of which will influence the current subdivision application. The industrial zoning district allows for industrial and heavy commercial developments which are compatible with the community and sensitive to their impact on the surrounding land uses. The intent of the R2MH zoning district is to allow for low to medium density residential development, with the inclusion of manufactured housing.

Development Plan Comments

1. **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 this Chapter (LDC §200A-81 G).
2. **Road Name Approval.** Proposed road names for a private and/or public road shall be pre-approved by Henderson County in accordance with Chapter 142 of the Henderson County Code, Property Addressing (LDC §200A-81 F).

3. **Public Roads.** The applicant has proposed a public road. The proposed roads must be designed and constructed according to NCDOT's minimum construction standards for subdivision roads. Pursuant to G.S. 136-102.6(d) 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 (LDC §200A-81 C (1)).
4. **Shoulder Stabilization.** All areas disturbed by the construction of a private road, including cut and fill slopes, shoulders and ditch banks, shall be seeded to stabilize the soil and prevent erosion. Seeding should be done as soon as feasible after road construction (LDC §200A-81 E).
5. **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 (LDC §200A-81 C(3)).
6. **Alternative Turnaround.** Acceptable turnaround designs for residential subdivisions are shown in LDC §200A-81, Figure 3D. The cross-section for the alternative turnaround proposed near residential lot 2 should be shown on the Master and Development Plan (Development Plan Standards).
7. **Private Road.** All proposed right-of-ways should be noted on the Master and Development Plan. The right-of-way serving residential lot 2 should be noted on a revised Master and Development Plan (Development Plan Standards).
8. **Street Tree Requirements.** Street trees shall be required for all major subdivisions (LDC §200A-81 R). Trees shall be required at a rate of one (1) large deciduous tree per 50 feet of property abutting an internal road (LDC §200A-145). Trees shall be placed within the right-of-way or within 20 feet of the edge of the right-of-way and may be placed in groups with a minimum spacing of no less than 15 feet and a maximum spacing of no more than 65 feet (LDC §200A-146). The applicant has proposed 85 trees. Since the proposed private right-of-way falls partially on the applicant's property, it is suggested that 51 trees be provided. The public right-of-way requires 40 street trees. The combined number of suggested trees for the public and private right-of-way is 91 (See Attachment 5, Combined Master and Development Plan).
9. **Zoning and Setbacks.** All zoning districts and building setbacks should be noted on the Master and Development plan (Development Plan Standards). As the zoning of the project site may change during the June 2, 2008 Public Hearing, this should be reflected on a revised Master and Development Plan.
10. **Road Frontage and Existing Off-Site Access.** Any tract of land to be subdivided must have frontage on an existing public (state-maintained) road or a private right-of-way to the public road (LDC §200A-81 C). The project site uses a private 30-foot proposed right-of-way as access to McMurray Road. As a portion of the right-of-way falls on William McKay's and John A. Hudgins's properties, the applicant must provide staff with a "Right of Way Conveyance", filed by the register of deeds, permitting use of this off-site access.
11. **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 (LDC §200A-81 G).
12. **Soil Erosion and Sedimentation Control Plan.** The Applicant shall submit written notice from the appropriate local agencies verifying that an Erosion and Sedimentation Control Plan has been received or a written notice from a professional land surveyor, engineer, landscape architect, architect, or professional planner certifying that no plan is required (LDC §200A-81 A).

13. Final Plat Requirements. The Final Plat(s) must meet the requirements provided by the Planning Department whenever a subdivision of land occurs (LDC §200A-311 B(2)).

Mr. Card did not review each comment but explained the access issue regarding the back lots. He stated that the requested project site fronts on McMurray and that they have proposed a public road to serve the subdivision. As a result of that industrial subdivision, is a parcel to the north, noted as residential lot # 1, residential lot # 2 to the far west and an area that will be recombined with an adjacent property. He said as the result of cutting the industrial subdivision out of this parcel, we have these two other lots that do not have a recorded right-of-way to them. Windy Hill Lane is proposed to service residential lot # 1 and # 2 and is a private road. Mr. Card stated that the Planning Department requires that the right-of-way be built to the H.C. Land Development Code standards for a major subdivision. He stated that he talked with Angela Beeker, legal consul for the owner, and she has written a right-of-way maintenance agreement, which the County will require for Windy Hill Lane, since there is no right-of-way there and they are proposing a right-of-way both on the subject area and an adjacent property. He said that the agreement has not been recorded at the Registered of Deeds Office and is contingent upon a plat being recorded showing the location of this right-of-way. Mr. Starr suggested some other requirements that might be needed for Windy Hill Lane, but not required of the Committee. Mr. Hyder reminded the owners that before they build a commercial building he informed them of fire and emergency service requirements. After some further discussion among Committee members, Mr. Starr stated that a condition for approval would be that the road design be approved by NCDOT before Final Plat approval. Mr. Laughter discussed using apple trees for the street tree requirement. After some discussion, it was decided to eliminate street trees along Windy Hill Lane and make a provision of planting apple trees and when each individual lot came in to get their approval and they had to put a buffer in, the County would credit the amount of apple trees and would count for the number of trees they would need for buffer requirements.

Mr. 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 (LDC); and further move that the Combined Master and Development Plan be approved subject to the following conditions: (1) the road design be approved by NCDOT before Final Plat is signed and recorded; (2) a signed maintenance agreement and the plat showing a location of the right-of-way proposed and (3) allow planting of apple trees along Windy Hill Lane, which would count for buffer requirements. All members voted in favor.

Major Site Plan Review – Request for Expanding a Motor Vehicle Sales Business – Located on Approximately .36 Acres of Land at 3650 Asheville Highway – Jon Laughter, Agent on behalf of Larry Holbert, Owner. Code Enforcement Department. Mr. Linville stated that this major site plan review is concerning an expansion of a motor vehicle sales business (Budget Motors) on Asheville Highway. He stated that the project is located in the Community Commercial zoning district and that there is no water or sewer proposed for the project. He stated that it meets the requirements of the Land Development Code and all applicable major site plan requirements. Committee members discussed the need for adequate lighting and confirmed that the requirement for lighting should be determined with the Zoning Code Enforcement Administrator. Mr. Hyder made a motion to send a favorable recommendation to the Board of Adjustment regarding the major site plan review for an expansion of a motor vehicle sales business, Larry Holbert, owner, located at 3650 Asheville Highway contingent on lighting requirements being determined by the Zoning Code Enforcement Administrator. All members voted in favor.

Land Development Code New Text Amendments from Issues/Concerns Voiced During Public Hearing on 3-27-08. Ms. Radcliff stated that on March 27, 2008, the Board held a public hearing on amendments to the Henderson County 2020 Comprehensive Plan and Chapter 200A, Land Development Code (LDC). During the hearing, several citizens requested that the Board of

Commissioners address two new issues pertaining to the Land Development Code. The Board of Commissioners directed staff to consider these requests and develop recommendations on the issues. The Committee reviewed the following issues:

1. Amendment 1. The text of the R-40 (Estate Residential) zoning district was included in the LDC. The old zoning ordinance did not include the provision for conservation subdivisions. At the request of the Board, the text for the R-40 district was left intact. A request was made during the 3-27-08 hearing to allow the conservation subdivision option in the R-40 zoning district. She stated that the change is a district text one involving a wording change. The Conservation Subdivision option shall not be available in the R-40 District. Minimum lot sizes shall not apply when using the Conservation Subdivision option and an average density of 1 unit per 40,000 square feet shall be applied.
2. Amendment 2. During the March 27, 2008 public hearing, the issue of the existing manufactured home standards and the exclusion of manufactured homes from certain zoning districts were discussed. Several requests were made to allow manufactured homes in the R1 and R2 zoning districts with additional standards and requirements. Currently, manufactured homes (singlewide, multi-section, and mobile homes) are allowed in the R2MH, R3, and R4 zoning districts with standards as outlined in SR 1.5.

Ms. Radcliff stated that the recommended solution to this request would be to change the permitted use table and the zoning district regulations to allow multi-section manufactured homes in the R1, R2, R40, WR and LC zoning districts. In addition, change the supplemental requirements for manufactured homes (SR 1.5, Section (6)f) to require masonry underpinning on multi-sectioned units.

Mr. Starr discussed the construction of multi-section and modular homes and their aesthetic. He said they now being built where you can not tell the difference from stick built homes. Several Committee members had concerns with multi-section homes in particular concerning older multi-sections homes because they were not built to the same aesthetics as today's standards. Mr. Starr stated that it all comes down to the aesthetic standards and not the age of the home.

After some further discussion, Mr. Linville made a motion that the Technical Review Committee makes a favorable recommendation to the Board of Commissioner regarding LDC Text Amendment 1, concerning the text of the R-40 zoning district. All members were in favor.

Mr. Starr made a motion that the Technical Review Committee recommends that the Board of Commissioners approve the proposed LDC Text Amendment 2, as presented, with a change to Section 200A-63, SR 1.5 (4)b2, to further clarify that existing single-wide manufactured homes would still be limited to the same districts that they are currently allowed in (R2MH, R3 and R4). Anthony Starr, Rocky Hyder, Natalie Berry and Marcus Jones voted in favor of the motion. Seth Swift and Toby Linville voted against the motion. The motion carried 4 to 2. The two that were not in favor of the motion stated they voted against the motion because of technical issues dealing with aesthetics of older manufactured homes.

Discussion regarding a request by the Board of Commissioners rezoning on an area of US 25 North from Community Commercial to Regional Commercial. Mr. Starr stated that at the June 2, 2008 Board of Commissioners meeting, the Commissioners considered a rezoning in the area of Holbert Road and US 25 North. Several property owners have requested that their property be changed from Community Commercial to Regional Commercial. He said their properties were previously zoned in the US 25 North Study, C-4 and was converted over to Community Commercial when the Land Development Code was adopted. He stated that in some ways Community Commercial is more restrictive and in some ways more permissive, but Planning Staff

felt that it was the closest conversion and the reason why it was assigned as Community Commercial. Community Commercial does not allow the bigger box-type developments that are allowed in Regional Commercial zoning district. Mr. Starr believes that the lying factor of the issue is that there are one or two issues in the Community Commercial district that are permitted by a special use permit instead of by right, but would be permitted by right in the Regional Commercial district. Mr. Starr said that previously this Committee and the Planning Board both considered the amended rezoning request to expand this area to Regional Commercial zoning and neither were in favor, but he feels that there is a will of the majority of Commissioners to consider the request and thus asked Staff to initiate the rezoning for at least the area that is currently zoned Community Commercial from Needle Lane to Rugby Road. Mr. Starr suggested that he would like to table the meeting to June 10, 2008 at 2:00 p.m. to provide a recommendation and material regarding this matter.

Adjournment. The meeting was continued until June 10, 2008 at 2:00 p.m.

Anthony Starr, Chairman

Kathleen Scanlan, Secretary