

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
FEBRUARY 20, 2007**

The Henderson County Board of Commissioners met for a special called meeting at 7:00 p.m. in the Commissioners' Conference Room of the Henderson County Office Building.

Those present were: Chairman Bill Moyer, Vice-Chairman Charlie Messer, Commissioner Larry Young, Commissioner Chuck McGrady, Commissioner Mark Williams, County Manager Steve Wyatt, Assistant County Manager Selena Coffey, County Attorney Russell Burrell, and Clerk to the Board Elizabeth W. Corn.

Also present were: Public Information Officer Chris S. Coulson, Planning Director Anthony Starr, Planners Autumn Radcliff and Matt Card, Associate County Attorney Sarah Zambon, and Chairman of the Henderson County Planning Board Tedd Pearce.

CALL TO ORDER/WELCOME

Chairman Moyer called the meeting to order and welcomed all in attendance. The purpose of this meeting was a workshop on the Land Development Code (LDC).

PRESENTATION OF LAND DEVELOPMENT CODE

Anthony Starr stated that the Planning Board spent a lot of time trying to make this a user-friendly document. Evidence of that is the fact that the current draft is 42 pages shorter than the current ordinances we have in place. It also reduces the number of zoning districts we have. Currently we have 21 zoning districts and the new ordinance brings it down to 10 or 11 districts with four primary residential zoning districts.

Anthony Starr distributed a one-page hand-out entitled "Commissioner Comments and Concerns with Draft LDC". He had met with each of the Commissioners and had summarized issues raised by the Commissioners on this hand-out.

Anthony Starr stated that there are four basic residential zoning districts with R-1 being the most rural. The R-1 district is centered around the urban areas of the county. R-1 is the most dense residential district with an average density of four homes per acre. The R-2 district extends out Hwy. 64, both east and west and to the south of Flat Rock and up around the Hooper's Creek area. R-2 has an average of one home per acre. The most rural and most mountainous areas of the county average one house per 1.5 acre and are zoned R-3. Currently about 60% of the county is zoned open use and with the draft land development code, open use would be eliminated and replaced with a conventional zoning district, either residential, commercial, or industrial zoning. If you currently have a commercial or industrial zoning classification, you will still remain commercial or industrial zoning district. If you currently have a residential zoning classification of your property, you would still be zoned residential under the new draft code. As far as subdivisions go, the draft LDC provides more flexibility for development in a way that can protect environmentally sensitive areas, reduce infrastructure costs, and protect rural character better than a conventional subdivision where you have a specific minimum lot size. We get away from a specific minimum lot size to just an average lot size for developments. If they provide certain percentages of open space, then under the subdivision section they would receive bonuses in density from 10-20%. It also has some new provisions with landscape design standards that require buffers between some zoning districts. If you have a commercial or industrial zoning district and you abut a residential district and you're

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proposing a new non-residential use such as a gas station or something like that, then you would have to provide buffering between you and the homes beside you to protect the neighborhoods adjoining that commercial development. There are landscaping requirements for parking areas included. This is a new requirement in the draft code. It also includes sign regulations. The maximum sign height in the draft code ranges from 18 feet generally and goes up to 75 feet in height if you are within 500 feet of interstate highway #26. The maximum size for freestanding signs is 72 square feet generally but if you are within 500 feet of interstate highway #26, you can have up to 200 square feet. Wall signs – you can have up to 10% of the wall area of your building façade (across the board) up to a maximum of 250 square feet. It also continues some restrictions on location and size of off-premise signs, commonly referred to as billboards.

Mr. Starr explained that it combines several existing ordinances such as the Watershed Ordinance and the recently adopted Soil Erosion Ordinance into a section called “Natural Resources”. These Ordinances don’t change, they simply are re-codified to go into that section of the LDC. There is a section called “non-conformities” and the public may know this more as grandfathering provisions. Basically what it says is that if you have a use now in place, you get to continue your use as you always have been, indefinitely. For areas that are currently in Open Use zoning, if you have a commercial or industrial use you can continue operating that use indefinitely and you can even expand it.

In Article 10, decision making, it clarifies a lot of situations that are not clear in our current code as far as the roles and responsibilities of the various boards whether it be the Board of Adjustment, the Planning Board, or the Board of Commissioners. The Board of Adjustment would be holding the quasi-judicial hearings, the Planning Board would continue its role as an advisory board to the Board of Commissioners and review the larger subdivisions. A technical review committee would be a new committee established to review major subdivisions that have less than 35 lots, it formalizes the process we already use which is taking comment from various departments on site plans and subdivisions. This allows Planning Staff to have the developer come in and have a face to face discussion with everybody involved and that has proven to be a very beneficial process for the developers in terms of having good communication among different departments that are required to give their approval for projects.

Anthony Starr then reviewed Commissioner comments and concerns with the draft LDC.

Issues raised by Commissioners:

1. Want to accommodate national sign programs (Ford, McDonalds, etc.) in sign standards section.

The current draft provides for a range of sign heights (Sign Section, page 170-172). A sign may be anywhere from 18-75 feet high in commercial and industrial zoning districts. The sign range from 72 to 200 square feet in commercial and industrial districts.

The current draft accommodates most national sign programs used by major franchises. An increase in height to 100 feet for signs within 500 feet of I-26 should accommodate any anticipated request.

2. Concerned about the way sign height is measured for signs within 500 feet of interstate.

The current draft (Sign Section, page 170-172) measures most signs from the ground below the sign (see Sign Height definition on page 329). For signs intended to be visible from I-26 and are within 500 feet of I-26, the height is measured from the top of the sign to the interstate road grade. The Planning Board intended for this provision to allow uniform sign height along I-26.

An alternate way to measure the signs within 500 feet of I-26 is to measure from the top of the sign to the ground below the sign.

3. A Commissioner thought we should consider limiting density based on percent of slope. Standards used by Buncombe County were mentioned as a good example.

The current draft provides no requirements regarding steep slope.

Provisions could be added to the zoning section to limit the overall density for areas containing steep slopes (greater than 15-25%).

4. A Commissioner thinks that the commercial zoning at I-26 and Upward Road should extend to Howard Gap Road.

The current draft LDC zoning map provides commercial zoning to Education Drive.

Commercial zoning could be extended along Upward Road to the intersection with Howard Gap Road.

5. A Commissioner was concerned that the sign heights allowed were too high.

The current maximum sign height in the draft is 18 feet unless within 500 feet of I-26 (see page 171).

The sign height can be easily reduced based on the direction of the Board.

6. Commissioners concerned that non-conforming uses in the Open Use District would get more favorable treatment.

Section 200A-213 (page 226) allows uses in the current Open Use district to continue operation and expand operations with their new zoning classification.

The Board may apply the same rules as the other districts (Section 200A-212, page 225).

7. Commissioners commented that the Technical Review Committee (TRC) should be allowed to approve subdivisions up to 50 lots.

The current draft allows the Technical Review Committee (TRC) to approve subdivisions up to 34 lots (See Section 200A-247A on page 246).

This provision can be easily amended to allow the TRC to approve subdivisions up to 50 lots.

8. Commissioner commented that the TRC should also review all subdivisions over 50 lots with the Planning Board approving such projects.

The current draft provides only a planning staff review and then Planning Board review for approval (See Section 200A-248 Part D on page 249).

This provision could be modified to establish that the TRC will review all subdivisions over 50 lots and provide a recommendation to the Planning Board.

9. Commissioner commented that we should ensure compliance with the Federal Fair Housing Act regarding Family Care Homes and Group Homes.

The current draft is probably in compliance with the Federal Fair Housing Act. There are some provisions that should be clarified in the definition that occurred as a result of a change in the State Statutes.

Staff has prepared minor changes for the definition and supplemental requirements section. These changes are not substantive but clarify the intentions of language and are compliant with the Federal Fair Housing Act.

Following much discussion on these items, the focus was put on questions about the zoning map.

Small area studies will be done in the future so that communities can have input on how their community evolves.

Planning staff recommended that the public input sessions on the LDC begin on Tuesday, March 13 and will be every Tuesday for five weeks in a row. The suggested dates, times, and locations were:

Tuesday, March 20	7-9p.m.	Patterson Center at Fletcher Academy
Tuesday, March 27	7-9p.m.	Atkinson Elementary Gym
Tuesday, April 3	7-9p.m.	Blue Ridge Community College – Thomas Audit.
Tuesday, April 10	7-9p.m.	Justice Academy Gym
Tuesday, April 17	7 p.m.	West Henderson High School Auditorium
Tuesday, April 24 Public Hearing	7 p.m.	Board of Commissioners' Meeting Room 100 N. King Street

Planning Staff will be available one hour prior to the beginning of each meeting to answer questions of citizens on an individual basis. Each meeting will begin with an opportunity for people to sign up to speak. Chairman Moyer will begin the meeting with a welcome and introduction followed by a brief staff presentation highlighting the draft LDC and zoning map. Each meeting will be a special called meeting so that all Commissioners could attend. Planning staff will conduct the input sessions, but the April 17 public hearing will be conducted by the Board of Commissioners.

Anthony Starr stated that a website for the Land Development Code has been established and the link to this site can be found on the County's homepage. The website provides an e-mail address for the public to submit comments. A video and series of scrolling slides that describe the draft Land Development Code will also appear on Cable Channel 11. Several large newspaper advertisements and a press release are planned to communicate this information. Planning staff will report everything back to the Commissioners on a weekly basis.

Chairman Moyer asked all the Commissioners to check their calendars for these dates and the Board will plan to set these dates at tomorrow's Commissioners' meeting.

Commissioner Williams thanked the Planning Dept. Staff and the Planning Board for the long hours that have gone into this document, stating this is a major, major undertaking. "We are looking at trying to strike some balance in terms of providing your adequate protection without being too overbearing and just provide some safeguard to the county we have, what we have, our quality of life, safety issues, the whole nine yards. It is a very difficult task and I just commend you for the time spent, for the hours spent, particularly all the volunteer hours that have been spent as well and I think that we have before us a draft that is certainly much, much closer to what everyone can live with than what we've ever had before and hopefully we can move forward and gets something that's going to be acceptable among the majority of the county."

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Chairman Moyer stated that receiving this draft of the LDC is the start of the process. Nothing has been adopted. We will now go to public input sessions and public hearing. Commissioners have issues and questions with respect to the draft and want to hear from the citizens as to what their comments are. Nothing will be approved until after all the public input sessions and the public hearing.

ADJOURN

Commissioner Messer made the motion to adjourn the meeting at 8:36 p.m. All voted in favor and the motion carried.

Attest:

Elizabeth W. Corn, Clerk to the Board

William L. Moyer, Chairman