

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
TUESDAY, NOVEMBER 9, 2010**

The Henderson County Board of Commissioners met for a special called meeting at 7:00 p.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville.

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

Also Present were: PIO Christy DeStefano, Planning Director Anthony Starr, Associate County Attorney Sarah Zambon, Planner Matt Cable, Senior Planner Autumn Radcliff, and Planner Parker Sloan.

CALL TO ORDER/WELCOME

Chairman Moyer called the meeting to order and stated the purpose of the special called meeting is for a Public Hearing in regards to Zoning Map Amendments for the Etowah-Horse Shoe Communities (R-2010-02).

Commissioner McGrady made the motion that the Board go into public hearing with respect to Zoning Map Amendments for the Etowah-Horse Shoe Communities (R-2010-02). All voted in favor and the motion carried.

ZONING MAP AMENDMENTS FOR THE ETOWAH-HORSE SHOE COMMUNITIES (R-2010-02)

Anthony Starr stated the Henderson County Board of Commissioners adopted the County Comprehensive Plan (CCP) ON July 6, 2004. A principal recommendation of the CCP is the detailed study of individual communities with the County. The Etowah-Horse Shoe Communities Plan is a community-specific comprehensive plan that outlines future goals related to Land Use and Development, Community Character and Design, Natural and Cultural Resources, Agriculture, Housing, Community Facilities and Public Services, Transportation, and Economic Development as it relates to the CCP.

The Board of Commissioners, by resolution, took action on the Etowah-Horse Shoe (EHS) Communities Plan on September 16, 2009. The Board of Commissioners directed various staff and boards to begin implementation of the plan with some modifications from the original draft. The Planning Board began its discussion and review of the Plan in January of 2010. The proposed zoning map amendments for the Etowah-Horse Shoe area were provided for the Board's review. These proposed amendments are based on the recommendations of the Etowah-Horse Communities Plan, the County Comprehensive Plan and discussion by the Planning Board.

The Technical Review Committee (TRC) and the Planning Board reviewed the proposed map amendments at its meetings on September 7, 2010 and September 16, 2010 and both voted unanimously to recommend that the BOC approve the proposed map amendments. The Commissioners must hold a public hearing prior to taking action on the map amendments.

The Proposed zoning map amendments would rezone approximately 7,400 acres, about 3% of the County. Mailed notices were sent to 2,600 property owners. The Planning Board and Technical Review Committee both reviewed the proposed map amendments and recommended that the Board of Commissioners approve zoning changes.

PUBLIC NOTICE:

In accordance with §200A-314(C) and 200A-338(B) of the Henderson County Land Development Code and State Law, notices of the November 9, 2010 public hearing regarding the proposed map amendments for the

DATE APPROVED: December 3, 2010

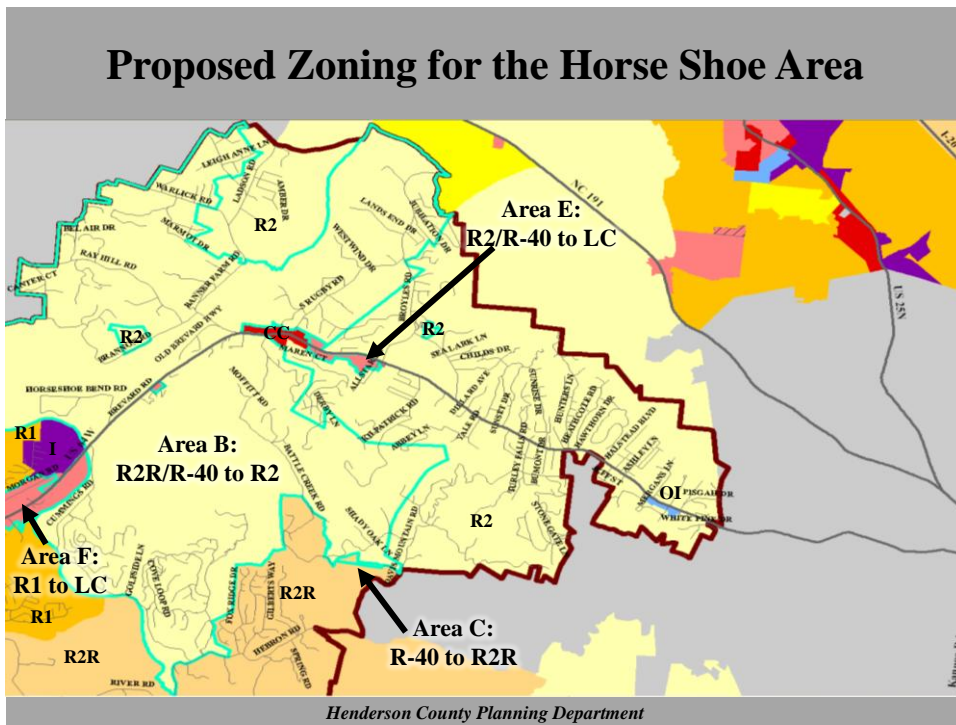
Etowah-Horse Shoe Communities (R-2010-02), were published in the Hendersonville Times-News on October 28, 2010 and November 4, 2010.

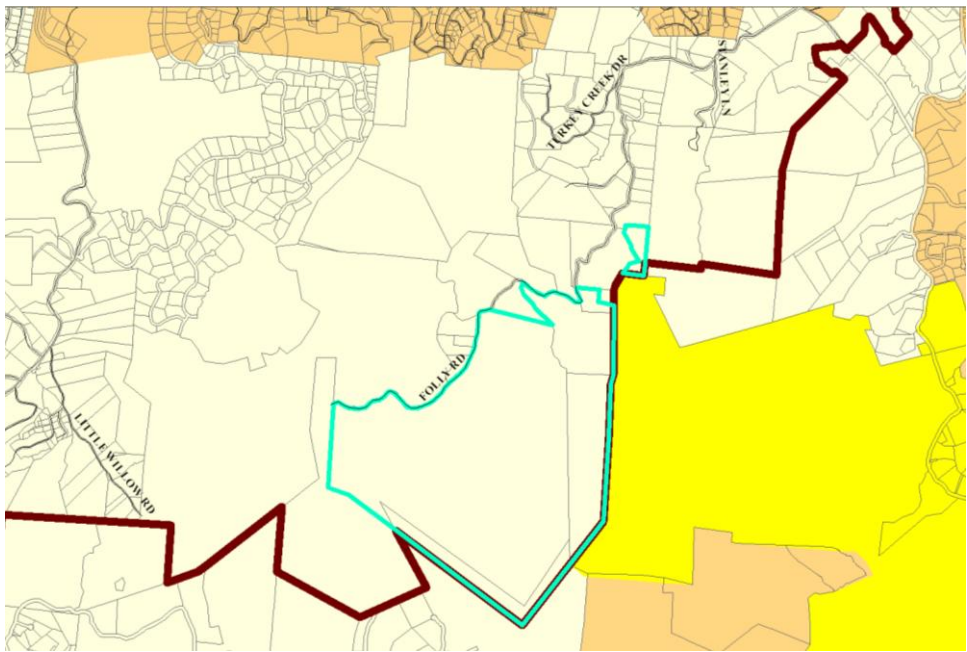
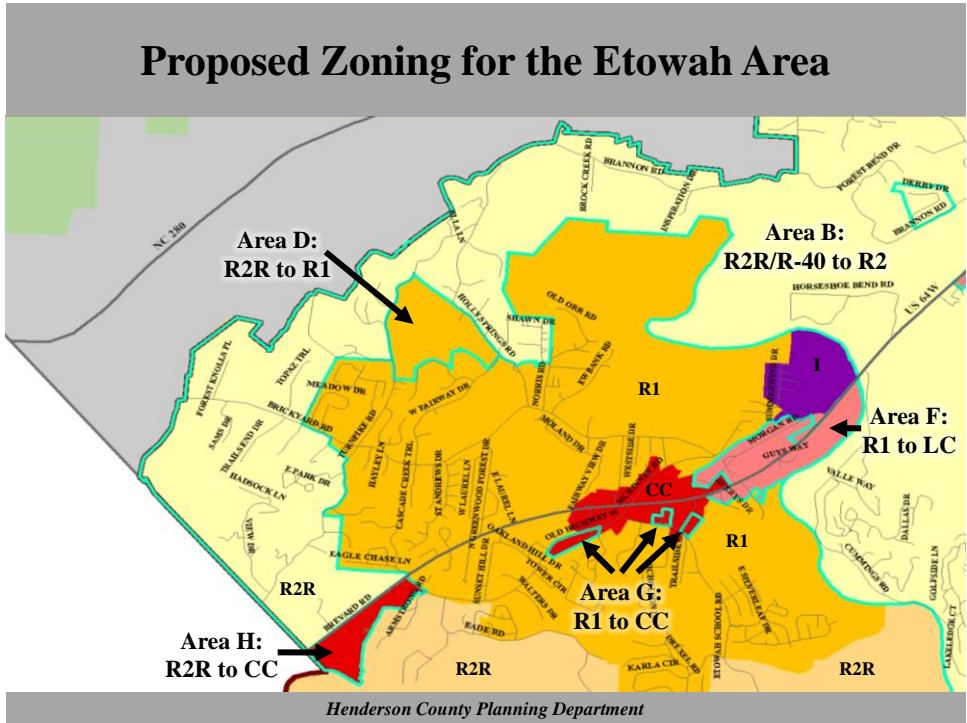
Letters to all the affected property owners and adjacent property owners were mailed on October 19, 2010, and signs advertising the public hearing were posted throughout the Etowah-Horse Shoe Communities on October 28, 2010.

In addition to the required notices, staff held an open house on November 4, 2010 from 4:00-7:00 P.M. to answer questions and receive comment. Interested residents were invited to drop-in during this informal open house.

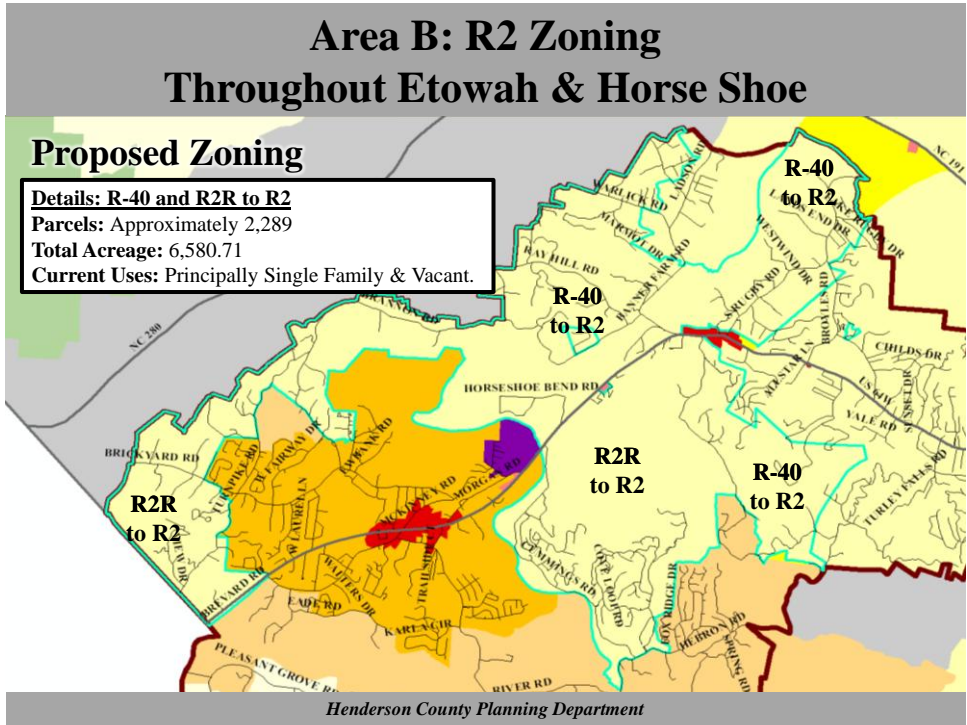
The former Etowah-Horse Shoe Advisory Committee was notified of all meetings. Approximately 30 signs were posted throughout the planning area prior to the Planning Board's consideration of the proposed zoning changes. The website has been updated and available since the draft plan was completed in November of 2008. Planning staff held an open house on the proposed zoning changes on November 4, 2010 from 4:00 to 7:00 p.m. in the King Street Meeting Room.

Senior Planner Autumn Radcliff provided information on the proposed changes.

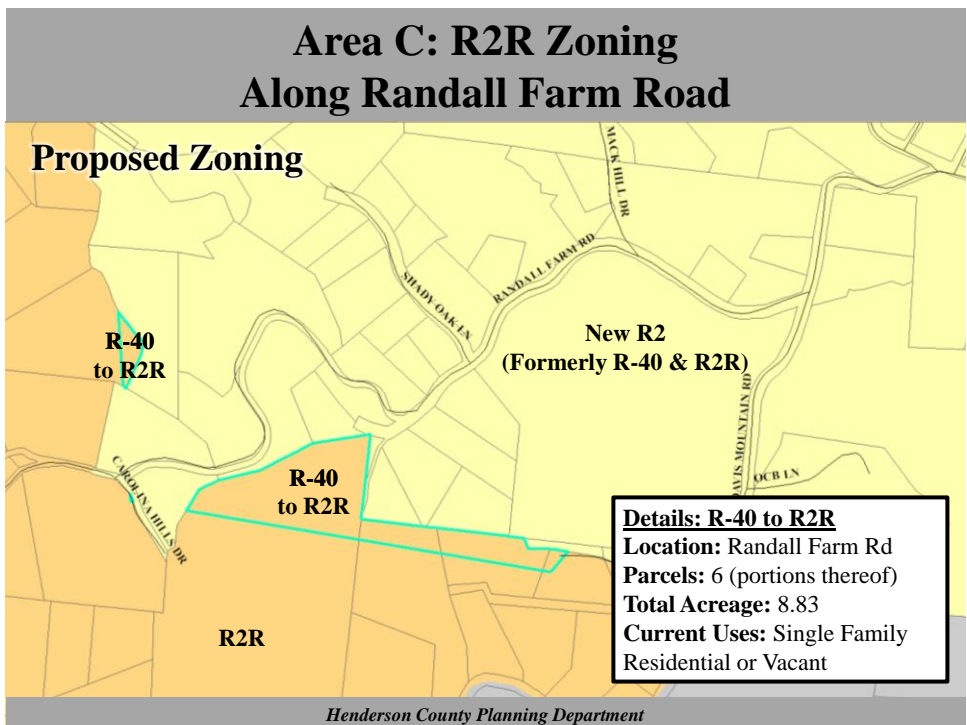


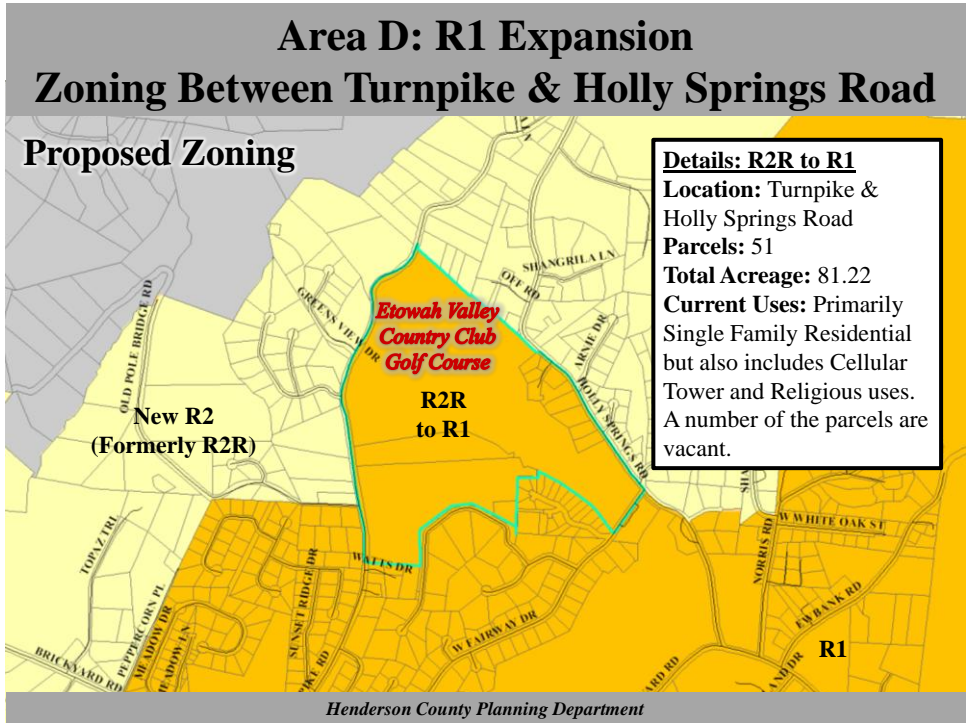


The Committee recommended the R2R be rezoned to R2 for the simple fact that there is a numerous amount of commercial areas already zoned throughout the study area. R2R allows for the same density and the same set-backs as R2 with the exception of some uses. The R2R allows for rural businesses, which was the main concern for rezoning to R2, directing those businesses to the commercial areas that had been identified and zoned for commercial development. The other difference between the two (2) districts is the R2 allows for single wide manufactured homes and manufactured home parks whereas the R2R only allows for double wide and triple wide manufactured homes. The R40 district went into effect with the Land Development Code and the intention at that time was that as each of the community plans were evaluated a determination would be make as to what the R40 should be rezoned to, and removing all R40 districting.

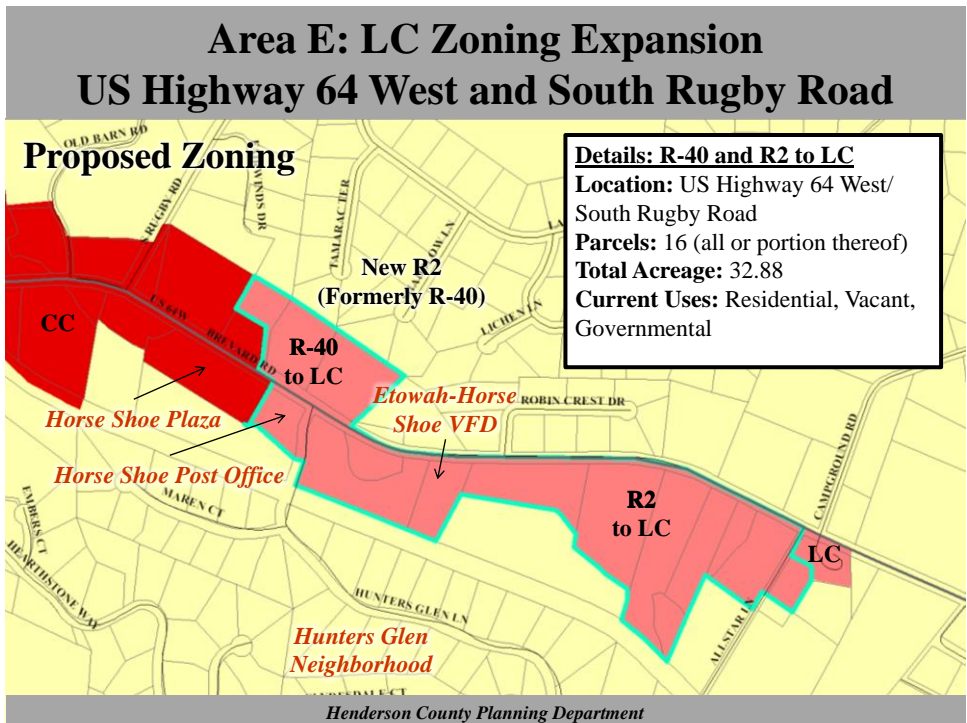


Area C contains an area of R40 which was an oversight when the plan was originally done and is proposed to R2R to alleviate split zoning in that area.



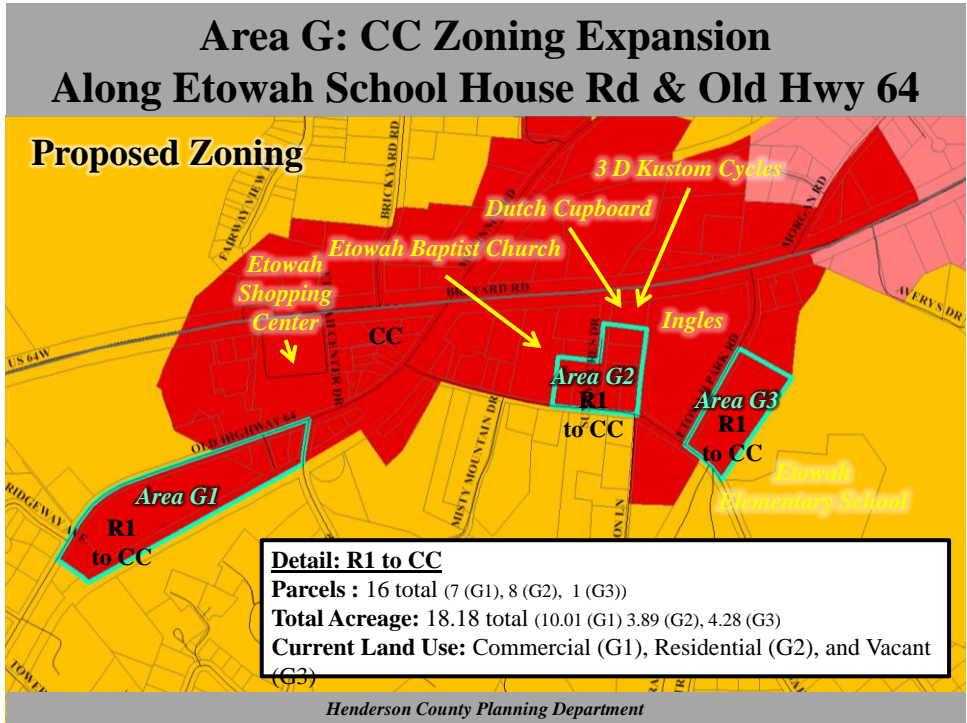


The Etowah Golf Course requested rezoning from R2R to R1.

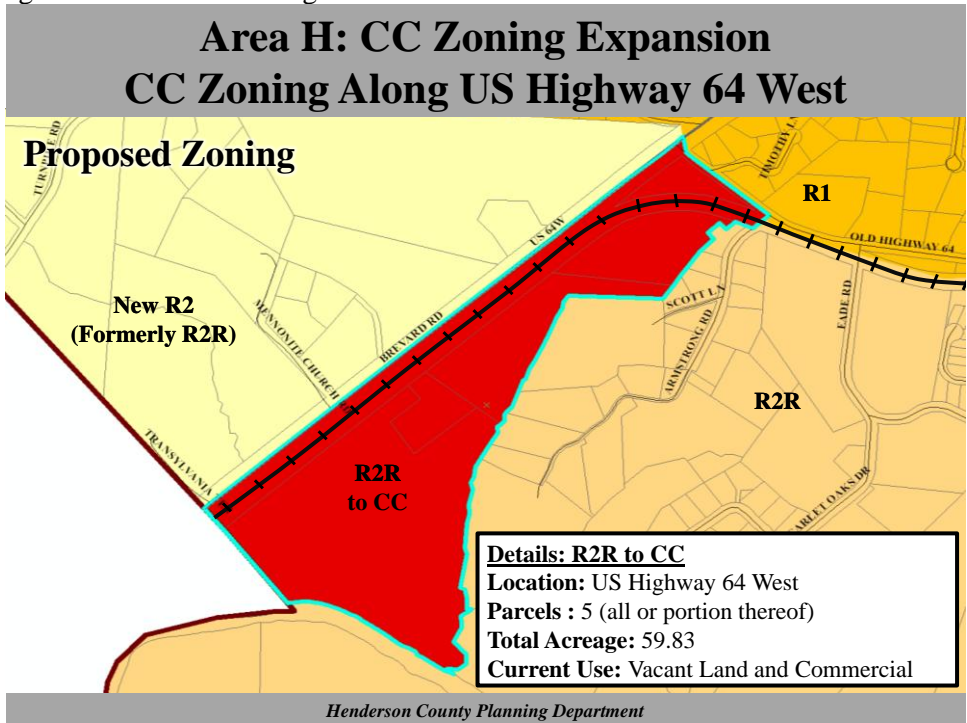


Several comments and letters were received from residents south of the Hunters Glen neighborhood (Area E), objecting to rezoning from R40 to Local Commercial (LC).

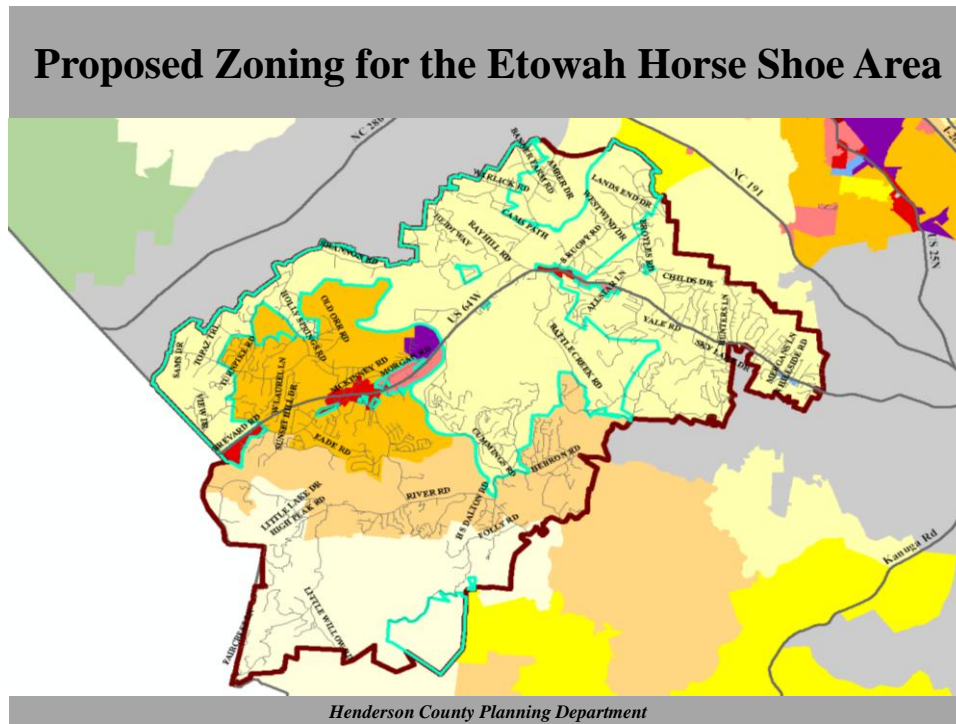
There have been two residents who live in the Area F area that object to the Local Commercial (LC) zoning along Morgan Road.



One resident in Area G1 is in favor of the R1 to CC rezoning. In Area G2 and G3 opposition has been heard against R1 to CC rezoning.



Area H, the area right along the Henderson County – Transylvania County line, is currently R2R and proposed to CC. Much of the area is in the flood plain and one adjacent property owner was concerned about the amount of commercial already available and did not see the need for this particular area to become community commercial as well.



Much of the area that is currently R1 is proposed to go to Local Commercial. Local Commercial is a mixed use district that does allow for residential and also allows for some commercial activity as well.

R2 and R40 are difficult to compare. The difference is primarily between the permitted use table in the Land Development Code and the old zoning ordinance.

R2

- Density based with 1 unit per acre

R40

- Requires minimum lot sizes of 40,000 square feet
- Requires greater set-backs
- Allows for a number of uses: single family homes (does not allow single-wide), multi-section manufactured homes (double and triple-wide), churches, and cemeteries, civic and cultural buildings (auditoriums, theaters for performing arts, museums, and symphony and concert halls).
- Allows for a number of uses with a special use permit: parks, camps, tennis clubs, racket clubs, bed & breakfasts, and a residential open space development and a residential apartment development.

Public Input

1. Sam Laughter – (Area B) Mr. Laughter spoke on behalf of his daughter Jamie Laughter. The Board should consider existing uses (businesses and manufactured housing) and the lack of utilities. The proposed zoning does not consider adjacent Mills River mixed uses zoning designation. R2 is overly prohibitive and the Board should consider the nature of the existing community.
2. Phyllis Fitzsimons – (Area G) Ms. Fitzsimons spoke on behalf of Ada Rudisail. The property owner opposes commercial zoning because she wants to avoid split zoning of her property and does not intend to develop the property commercially or otherwise.
3. Dan Griffiths – (Area E) The property owner has recently built a home on one parcel and restored a home on another of his three properties. He requests the area remain residential as existing zoning required.
4. Donald and Brenda Poole – (Area E) Mr. Poole spoke on behalf of the Hunters Glenn Homeowners Association. Shaw Creek is prone to extreme flooding. Rezoning to LC will necessitate significant land

modification in order to raise structures above the flood plain. This will eliminate or significantly reduce the current flood overflow area, putting homes in our subdivision, and the bridge into our subdivision in danger of flooding. They propose the current area including the pond and its surroundings be declared an environmental conservation area, and be used as a park.

5. Dan Pendergast – (Area E) Property owner feels that is no need for additional commercial zoning in Horse Shoe.
6. Jesse Staton – (Area F) – Property owner supports Local Commercial zoning designation.
7. Lisa Obermiller – (Area E) – Property owner does not support expanded local commercial zoning given the residential nature of the area and existing residential zoning.
8. Carese and Jean Marie Patton – (Area B) Property owner prefers less restrictive zoning (such as commercial zoning) than is currently applicable (R2R) and expressed concerns about former (in-home nutritional center business) and existing uses (singlewide manufactured homes).
9. Bill and Toni Marie Hoffer – (Area F) Property owner purchased property 2 years ago and will begin residing there in the spring. Is concerned about traffic increase in this high volume and speed area of US Highway 64 and opposes additional Local Commercial zoning along US Highway 64. While the tax office indicated tax rates would remain the same in Local Commercial, the property owner does not wish to worry about commercial uses adjacent to their property.
10. Marilyn Tatham – (Area F) Property owner is concerned about the impact Local Commercial zoning will have on increased river and stream flooding in the area.
11. Marijane Pell – (Area D) Property owner is opposed to Etowah Golf course rezoning and prefers that the area remain R2R or change to R2 or even R3. Property owner does not feel high-density is appropriate.
12. Kevin Brown – (Area E) Property owner support additional Local Commercial zoning expansion in Horse Shoe to help alleviate zoning.
13. Jeff Fox – (Area B) Property owner feels this does not need to change and needs to be left rural.
14. Brian Zumstein – (Area B) Property owner feels that property should remain R2R.
15. Eric Swindell – (Area B) Property owner acquired property which contains a commercial structure as a potential future auto repair site.
16. Richard Robinson – (Area E) Property owner feels Local Commercial as proposed in Horse Shoe is not appropriate and that a park is more appropriate for the area.
17. Libby Ward – (Area B) Property owner was seeking clarification about the changes to adjacent property. Autumn Radcliff made clarification for her.

Commissioner McGrady made the motion that the Board go out of public hearing. All voted in favor and the motion carried.

Chairman Moyer requested that staff provide the Board with a list of particular issues which have been raised before proceeding. It was the consensus of the Board that this item be placed on the agenda of the next regular meeting and at that time the Board would make a decision.

ADJOURN

Commissioner Messer made the motion that the Board adjourn at 8:20 p.m. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Clerk to the Board

William L. Moyer, Chairman