

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
SEPTEMBER 27, 1993

The Henderson County Board of Commissioners met for the Carriage Park I. Public Hearing scheduled at 1:00 p.m. in the Commissioners' Conference Room of the Henderson County Office Building.

Those present were: Chairman Vollie G. Good, Commissioner William McKay, Commissioner Hugh D. Randall, Commissioner Renee Kumor, County Manager David F. Thompson, Assistant County Manager David E. Nicholson, Staff Attorney Angela M. Skerrett, Clerk to the Board Elizabeth W. Corn and the Planning Board Staff. Commissioner J. Michael Edney was not present.

CALL TO ORDER/WELCOME

Chairman Good called the meeting to order and welcomed all in attendance. He stated the purpose of the meeting and asked for a motion to begin the "Quasi-Judicial Public Hearing. Commissioner McKay made the motion to begin the Special Public Hearing, all voted in favor and the motion carried.

Chairman Good stated that the Petitioner is Mr. Dale A. Hamlin, representing Carriage Park Development Corporation, and that they are requesting a Special Use Permit to supersede the existing Special Use Permit #87-2.

Staff Attorney, Angela Skerrett reviewed and explained in detail the process of a quasi-judicial proceeding and stated that this Public Hearing would be conducted as such.

The following citizens requested to become a formal party to the proceeding:

1. Rick Houston, president of Long John Homeowners Association. 252 Fox Hunt Lane, Hendersonville, NC.
2. Frances Caruso, representing Haywood Knolls Homeowners Association 220 Haywood Knolls Drive, Hendersonville, NC.
3. Joe Hope, adjoining property owners, PO Box 489, Mountain Home, NC.
4. Merwin Ray, Post Office Box 34, Mountain Home, North Carolina, NC.

Petitioner Dale Hamlin, under oath, made his opening statement and gave background information and explained their reasons for seeking a new permit for Carriage Park.

Joe Hope, under oath, questioned the master plan being a completed plan, how it would change in the future, and that the Board should review the completed master plan before any decisions were made.

Frances Caruso, under oath, is concerned with the density, the water run off, the parks, the removal of trees, and that there was no indication where the units would be placed and how this would affect the value of their land.

Merwin Ray, under oath, is concerned with the valleys and cliffs, as well as the right of way which five families have access to and now has a lake designed over it.

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Luther Smith, under oath, gave information contrasting between the history of the first/current Permit #87-2, and the new permit application. He stated that the current permit was issued by the Board in March 1988 and amended January 1992. He discussed the concept of approval on a parcel-by-parcel basis, the proposed Master Plan, the various amenities, and the proposed emergency entrance, and that they have not determined the kinds of units to be placed in each development parcel, nor do they have a development plan for the right-of-way.

Mr. Smith stated that they were asking for approval of the master plan for the development of 377 acres and 663 units, they are currently building in one of the 21 parcels, and 40 acres was added to the development. He stated that 50% to 75% of common land is open space, 35 acres of recorded open space is divided into the road system, the amenities (the existing club house and other future things), and all other lands that are unimproved lands (some being wooded areas, some being a triangle of land left at an intersection).

Joe Hope was concerned with the vagueness of the proposed master plan, the number of units not being defined, the flexibility being requested by Carriage Park, the emergency exit, and the erosion problems which are still evident on his property.

Petitioner, Dale Hamlin stated that Carriage Park would be responsible for the development parcels being over viewed and that the Commissioners were not at risk by giving them a permit which does not have every thing planned on it. There will be the review process before a permit is issued. He stated that if the Board would approve this permit and the balance of Governor's Point which represents 12 or 15 more lots and perhaps 6 more units in the cottage area, then they would have no further approvals.

Frances Caruso questioned the ability of Henderson County to monitor this new permit, the lack of detail of what was being presented, the sedimentation, the erosion control, the open space, fire protection, and the proposed lake over the right-of-way.

Luther Smith discussed that the water system is controlled by the City of Hendersonville and the current system includes a 200,000 gallon storage tank. He stated that Carriage Park has an engineering firm that is involved in the project on a continual basis handling the water and sewer issues, erosion control, and those issues that require services of a professional engineer.

Matt Matteson stated this permit is made under the Henderson County Zoning Ordinance, Section 700, with the purpose of the PUD not to exceed the density requirements, but to allow the developer to cluster/group the buildings and allow open space for that kind of clustering. Mr. Matteson stated that under Section 700.064(c) of the Zoning Ordinance, the Board has the authority to waive certain requirements if it is felt to be in order. He also stated that Permit #87-2 is in compliance with the requirements.

Rick Houston, under oath, stated his concerns about erosion control, storm water management, setbacks, density, roads being built to D.O.T. standards, the PUD modification, and restrictions that should be held current that were in the previous permit.

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Break - Chairman Good suggested a 10 minute break, stated he would reconvene about 4:00 p.m.

Joe Hope was concerned with the density of the parcels and not having enough detail of what the Board was to approve.

Frances Caruso wanted it to be on record that they would ask the Commissioners to vote against approval of the new Carriage Park permit.

Rick Houston was concerned about density and the land.

Mr. Beam, under oath, stated he is concerned with setbacks and density, and fire departments.

Luther Smith addressed Mr. Beam's concerns explaining what was required by the zoning ordinance, what was currently approved, what they were asking for, and how it would be used. He also explained the access roads, the 30 foot protected buffer areas, and what will be allowed to go into those areas.

Daniel J. Theron, under oath, expressed concern of density, the set backs, the number of apartments allowed in a parcel, the undefined and undeveloped parcels, if there could be a mix of buildings within the same parcel which they felt would devalue their properties. When he and others bought in Carriage Park, the brochure and the layout of the development showed a definite segregation between individual homes in one section and condominium and apartments in another section. He was concerned of the time factor involved for the Commissioners to review any detail on a parcel-by-parcel basis. He was concerned with having only one entrance and egress with no turning lanes on Highway 191. Mr. Theron then submitted a letter and appeal to the Board of Commissioners with signatures from others in Carriage Park who shared the same views as he.

Petitioner, Dale Hamlin stated that in the amended Permit #87-2, the requirement for a mix of units was deleted, and the only requirement was for 120 apartment units to be the maximum number. Mr. Hamlin then read a letter addressed to the Carriage Park Homeowner from the three Board of Directors of Carriage Park.

H.C. Warren, under oath, stated that the residents of Carriage Park are not being informed of current events concerning storm water management and the water run off. Mr. Warren was concerned about the vagueness of the engineering study, specifically, how much volume of water could be transferred or passed from Carriage Park into the lower part of Haywood Knolls. He stated that Commissioners should help to ensure that studies and provisions were adequate and to ensure that this drastic overflow would not happen again to the residents in Haywood Knolls.

Lewis Garrard, under oath, stated that he lives at 54 Hunters Lane in Hunter's Crossing and is an adjacent property owner. He is concerned with the flexibility requested, common land, utility structures, density, height of buildings, mix of buildings in the parcels and the lack of definition, and how this ignores the adjacent property owners.

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Luther Smith responded to Mr. Garrard by stating that utility structures may be located at 30 foot set backs if the utility company requires that location.

The Clerk to the Board, Elizabeth Corn called for Bob Dill who had signed up to speak, but someone from the audience stated aloud that he had left the building.

Virginia Burke, under oath, stated that she and her husband live on 114 Jenny Lind Drive in Carriage Park. She asked who would be reviewing the plans for each development parcel as they are being developed. She was concerned that she was not sent notice and did not see notice in the newspaper for the public hearing.

Chairman Good stated the Commissioners were hearing this matter today and the Board will decide if they would continue to do this or to delegate it to someone else.

Staff Attorney, Angela Skerrett stated that no matter who reviews the subsequent development parcels, the Board of Commissioners can add provisions to process notice so that no matter who reviews the development parcel, the appropriate persons can get proper notification of what is going on.

Petitioner, Dale Hamlin stated they have added a legislative subcommittee with the purpose of following public meetings, Planning Board meetings, or Commissioners with regards to Carriage Park.

Planning Director, Matt Matteson stated that there is no notice sent out other than what is advertised in the newspaper about the Planning Board meetings.

John Furey, under oath, stated that he lived at 212 Heathcote Road in Hawthorne Hills. He was concerned with storm water run off because the pond in front and streams behind their house are always overflowing. He went in one of the duplex homes under construction and saw that the trees had been removed and it was a very steep grade. He stated that there would be no question there would be tremendous water flow through there. He also was concerned about the entrance and exit for the development and if it would qualify as a state road because he had talked to Browning Enterprises about this second entrance/exit and the developer told him that the incline would be too steep. He expressed concern if this were gaited, who would have a key because it might stay open all of the time and people would begin to use it more than Hwy.# 191 for convenience sake.

Luther Smith stated that it was a good idea to have an emergency entrance/exit that would not be used on a daily basis. He stated that they have not defined this road is because they are not developing in any of that area, but it is one of their goals to attempt to provide a long term safety feature for the development.

Frank Newall, under oath, stated that he lived on 210 Heathcote Road in Hawthorne Hills. He stated he went with Mr. Furey into the apartment that was under construction, and he was shocked to see two or three acres of prime

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site at the very top of the hill that was completely stripped of all trees where they were building these new homes.

Joe Hope stated that he would welcome the Commissioners or anyone present to look at his pictures of the mud coming down the river. From February 1992 to date he has damage between \$65,000 and \$100,000 to his property, and this problem worsens as it continues, which is purely from the construction of the club house at Carriage Park. He also stated that this situation was just short of a law suit, and each Board member may have a law suit against Carriage Park. He stated that Carriage Park Developers Incorporated does not own the club house but that the homeowner's do and he would have to sue the homeowners.

Petitioner, Dale Hamlin stated that First Citizens contracted with a specialist to detail the damage done to the Hope pond. The specialist researched the source and type of sediment, and the extent of it's infiltration into the Hope pond and Hamlin had not received the report at that time. He then stated that any further damage that had been done, that the State of North Carolina has told them that they believe Carriage Park has corrected any further siltation problems to Mr. Hope's pond.

Joe Hope stated that the problem is taken care of now, but it's not cleaned up, so the silt does still continue to come down to the pond, or otherwise the State would not be filing reports on it.

Planning Director, Matt Matteson stated that they had prepared about 10 page of comments that should be considered by the Commissioners if the permit were to be granted.

There was much discussion of whether the next time the Commissioners would meet if it would be a work session or continue this meeting into a work session.

Chairman Good stated that the Board of Commissioners would continue this meeting on October 6th at 1:00 p.m. He then asked if there were any questions, and he adjourned the meeting.

ATTEST:

Elizabeth W. Corn
Elizabeth W. Corn, Clerk

Vollie M. Good
Vollie G. Good, Chairman