

**HENDERSON COUNTY
PLANNING BOARD MINUTES
January 29, 2008**

The Henderson County Planning Board met on January 29, 2008 for their regular called meeting, at 5:30 p.m. in the King Street Meeting Room at 100 N. King Street, Hendersonville, NC, which was rescheduled from the original date of January 17, 2008, due to inclement weather. Board members present were Tedd Pearce, Chair; Jonathan Parce, Vice-Chair, Gary Griffin, John Antrim, Mitchell Gaither, Mike Cooper, Tommy Laughter. Others present included Anthony Starr, Planning Director; Matt Cable, Planner; Sarah Zambon, Associate County Attorney; Autumn Radcliff, Senior Planner, Mark Williams, Commissioner and liaison to the Planning Board, and Kathleen Scanlan, Secretary. Board members Stacy Rhodes and Renee Kumor were absent.

Chairman Pearce called the meeting to order and stated that the regular scheduled meeting of January 17th was rescheduled for tonight, due to inclement weather. He asked for the approval of the December 20, 2007 meeting minutes. Gary Griffin made a motion to approve the minutes and Mitchell Gaither seconded the motion. All members voted in favor.

Adjustments of the Agenda. There was no adjustment to the agenda, nor were there any Staff Reports to discuss at this time.

OLD BUSINESS:

Land Development Code Requests for Map Amendments. Presentation by Autumn Radcliff.

Ms. Radcliff reviewed the map amendments, as previously discussed at the December 20, 2007 meeting.

Request for Residential Map Amendment 1 – Residential District Two Manufactured Housing Along Dana Road: Currently zoned Residential District One (R1) and is requesting Residential District Two Manufactured Housing (R2MH). She stated that Staff is supporting this request. The property is an existing subdivision where 24 of the 25 existing residences are manufactured homes and this requested district would allow manufactured homes. The area is bounded by Dana Road to the north and Mid-Allen Road to the east. Ms. Radcliff stated that the Technical Review Committee supports Staff's recommendation and the request to change to R2MH from R1.

Public Input:

Mr. Gary Prichard. He is one of the property owners in the subject area and is a resident of Dana Valley. He stated that he supports Staff's recommendation to change the zoning from R1 to R2MH.

Chairman Pearce made a motion to recommend to the Board of Commissioners Staff's recommendation that the zoning be changed from R1 to R2MH. Mike Cooper seconded the motion and all members voted in favor.

Request for Residential Map Amendment 2 – Residential District Two off Ridgeview Drive: Currently zoned Residential District Three (R3) and is requesting Residential District Two (R2) by Edward Vogel, Owner. Ms. Radcliff stated that currently Staff does not support this recommendation. Rural agricultural area and conservation are applied to this subject area. The remaining tracts in Hidden Hills currently zoned R2 are within the Urban Service Area. She said that the owner said it should have been

part of Hidden Hills and that it was developed with that subdivision, but Staff has no evidence to support that statement and that this portion is located on very steep property and has no water or sewer availability. Ms. Radcliff stated that the Technical Review Committee agreed with Staff's recommendation that R3 zoning should remain.

After a brief discussion period concerning the topography of the area in relation to the request of R2 and other sites that have similar steep terrain that are zoned R2, Mike Cooper made a motion to support the property owners' request to change the zoning from its present R3 designation to R2 because a large area west of the subject area is R2 and the surrounding topography and send this recommendation to the Board of Commissioners. Gary Griffin seconded the motion and all members voted in favor.

Request for Industrial Map Amendment 1 – Industrial along Howard Gap and Old Sunset Hill Roads: Ms. Radcliff stated that the current zoning is Local Commercial (LC) and Residential District Two Manufactured Housing (R2MH). The Warm Company and Sunset Hill are requesting Industrial (I), because the property is suited for industrial use given its current uses and location. Staff supports the request to Industrial. The Technical Review Committee supported Staff's recommendation.

Chairman Pearce made a motion to recommend to the Board of Commissioners Staff's recommendation to change the subject area from Local Commercial and R2MH to Industrial. John Antrim seconded the motion and all members voted in favor.

Request for Commercial Map Amendment 1 – Local Commercial Along US Highway 64 East: Ms. Radcliff said that currently the zoning is Residential District Two Manufactured Housing (R2MH) and that Leon Lamb is requesting Local Commercial (LC) because the property is suited for commercial use as it is located near already established commercial property in the City of Hendersonville's jurisdiction. Ms. Radcliff mentioned that it was consistent with the CCP as a community service center applied in the vicinity of the subject area. Ms. Radcliff stated that the Technical Review Committee supported Staff's recommendation and the request by the applicant to change from the current zoning of R2MH to Local Commercial.

Tommy Laughter made a motion to recommend to the Board of Commissioners Staff's recommendation on Commercial Map Amendment 1 to rezone the subject area from R2MH to Local Commercial. Jonathan Parce seconded the motion and all members voted in favor.

Request for Commercial Map Amendment 2 – Community Commercial along US Highway 64 East – Ms. Radcliff said that the current zoning is Residential District Two Manufactured Housing (R2MH), but Mr. Martin is requesting Community Commercial (CC). The reason for the request is the property is suited for community commercial use given its location on US 64 East and its proximity to other parcels identified as Local Commercial. Ms. Radcliff stated that Staff supports this as a Local Commercial District. If it does need to go to a Community Commercial District, the area would need to be studied. To alleviate a spot zoning concern, Community Commercial would need to be applied to other commercially zoned properties within the Local Commercial node areas. Ms. Radcliff stated that the Technical Review Committee made a motion that this subject area be designated as Local Commercial (LC) and not Community Commercial as requested by the applicant, Michael Martin, on behalf of Richard McDonald, Owner.

Public Input:

Michael Martin. Mr. Martin, representing the owner of the subject property, stated that on the site they would like to change it from a residential designation to a neighborhood-friendly commercial site.

Chairman Pearce made a motion to recommend to the Board of Commissioners Staff's recommendation to change the zoning from R2MH to Local Commercial because it is adjacent Local Commercial sites. Mitchell Gaither seconded the motion and all members voted in favor.

Request for Commercial Map Amendment 3 – Community Commercial along US Highway 64 East:

Ms. Radcliff stated that the current zoning is R2MH and the requested zoning by Keiji and Stefani Oshima, Owners, is Community Commercial (CC). The reason for the request is that it is suited for commercial use given its location on US Highway 64 East and adjacent uses. Staff stated that it is consistent with the CCP as there is a community service center node applied in the vicinity of the subject area. Ms. Radcliff stated that the Technical Review Committee supports Staff's recommendation and the request to change this from R2MH to Community Commercial (CC).

Tommy Laughter made a motion to recommend to the Board of Commissioners Staff's recommendation to rezone the subject area from R2MH to Local Commercial because it directly abuts an existing Local Commercial zoning district. John Antrim seconded the motion and all members voted in favor.

Request for Commercial Map Amendment 4 – Local Commercial along Sugarloaf Road: Ms.

Radcliff stated that the current zoning is R2MH and the property owners are requesting Local Commercial, as the property is suited for commercial use. Ms. Radcliff stated that to be consistent with the CCP, Staff is not recommending commercial because no specific commercial recommendation is applied in the vicinity of subject area, because of the shape of the subject area, and because there are a lot of residential homes that abut this subject property. The Urban Services Area designation is applied to the subject area. Ms. Radcliff stated that the Technical Review Committee had made a motion not to include this request from R2MH to Local Commercial with the other map amendment recommendations at this time, that this request should be evaluated on its own merit, and that the property owners reapply through the formal rezoning process for this particular site.

Public Input:

Don Clark. Mr. Clark lives beside the proposed subject area that proposes a zoning change and stated that he is concerned with the Local Commercial request because it would increase traffic and believes that it does not fit the area.

John Humphrey. Mr. Humphrey, who resides on Leslie Way, agrees with Mr. Clark's comment and added that having Local Commercial there would also increase noise and a potential soil and erosion problem. He also added that three of the parcels in the subject area are part of a subdivision with restrictive covenants which prohibit commercial use.

John Schere. Mr. Schere who also resides on Leslie Way, stated that he too feels that it would be displeasing to have the subject area changed to Local Commercial.

Chris Lamb. Mr. Lamb, who is one of the property owners inside the subject area, said he has a commercial zoning permit for his portion of the subject area, 2.19 acres, which is for a commercial building at Kristey Lane. He also discussed the properties involved in the covenants and Mr. Clark pointed out the one on Lightwood Court and two on Kristy Lane.

Chairman Pearce feels that the Board should support Staff's recommendation and forward that to the Board of Commissioners to recommend denial of the request by the property owners because this subject area should be part of a larger study plan and remain the present R2MH zoning. He recognizes that there are some existing commercial sites but it is in the middle of affordable housing area and this request is encroaching too far down into the residential section needing further study. He made this as a motion. After some further discussion among Board members, Mike Cooper seconded the motion. Mitchell Gaither, John Antrim, Mike Cooper, Tedd Pearce and Jonathan Parce were in favor of the motion. Gary Griffin and Tommy Laughter opposed the motion. The motion carried 5 to 2.

Request for Commercial Map Amendment 5 – Local Commercial along Sugarloaf Road and Tee Off Lane: Ms. Radcliff stated that the current zoning is R2MH and the requested zoning is Local Commercial by Flaughn Lamb, Owner, who feels it is suited for commercial use as is currently developed as Orchard Trace Golf Club. Ms. Radcliff stated that Staff does not support the request because the golf course is already there and is allowed under the R2MH district and adjacent residential uses. Ms. Radcliff pointed out that no commercial node is applied to the subject area. Ms. Radcliff stated that Technical Review Committee supported Staff's recommendation to remain as R2MH instead of the request by the owner for Local Commercial.

Public Input:

Chris Lamb. Chris Lamb stated that there are several commercial and industrial sites near the subject area and feels the request of Local Commercial by Flaughn Lamb is suitable for the area.

Flaughn Lamb. Mr. Flaughn Lamb stated that there is a forced-main sewer line on the property and because the water and sewer were initially put in for the school, but he shares the line. He stated that a golf course has been on the site for a long time and has always felt that it should be used as a commercial site. Mr. Starr stated that golf courses are permitted under the current zoning district. He stated by changing the zoning to Local Commercial, it would simply make those uses that are not allowed in the R2MH available that are permitted in the Local Commercial, which would mean different retail uses limited to the 30,000 square feet for the initial tenant and 10,000 square feet for each additional unit, but not to exceed 80,000 square feet total. A number of Board members stated that there are other similar commercial sites around the subject parcel.

Tommy Laughter made a motion to deny Staff's recommendation and send a recommendation to the Board of Commissioners to rezone the subject area from R2MH to Local Commercial. Gary Griffin seconded the motion. All members voted in favor except Tedd Pearce. The motion carried 6 to 1.

Request for Commercial Map Amendment 6 – Community Commercial along Howard Gap Road: Ms. Radcliff said the current zoning is R2MH and the request is for Community Commercial by Hendersonville Pentecostal Holiness Church. Currently the property is split zoned and the request is that the entire property be zoned for commercial use. Ms. Radcliff said that Community Commercial would be consistent with the CCP and should be applied in the vicinity of subject area. Ms. Radcliff mentioned that the Technical Review Committee supported Staff's recommendation and the property owner's request to change from R2MH to Community Commercial (CC).

Mike Cooper made a motion to send Staff's recommendation to rezone Commercial Map Amendment 6 from R2MH to Community Commercial, as requested by Hendersonville Pentecostal Holiness Church to the Board of Commissioners. Mitchell Gaither seconded the motion and all members voted in favor.

Request for Commercial Map Amendment 7 – Local Commercial along Brookside Camp Road and Interstate 26: Ms. Radcliff said currently it is R1 and the request is for Local Commercial (LC) by Leon Lamb, Owner. The request was based on the opinion that the property is suited for commercial use as it is along I-26 and located near already established commercial property. Ms. Radcliff said that Staff initially did not support the request and asked that a study be undertaken before amending the official zoning map. She stated that the Technical Review Committee supported Staff's decision to keep the current zoning of R1 recommended and denied the request for Local Commercial by Leon Lamb, Owner. Ms. Radcliff said currently, Staff would be willing to support the front portion of the subject area along Brookside Camp Road, where an existing business is currently located be rezoned Local Commercial and leave the back portion of the subject area that is in the floodway R1. Chairman Pearce said he would like the Board to consider this as a viable alternative: to rezone from Brookside Camp Road down to Featherstone Creek as Local Commercial and leave the remainder of the property, which is in the floodplain, R1.

Public Input:

Leon Lamb. Mr. Lamb said that he has had the property for over thirty years and agrees with Chairman Pearce's comment, because he is aware of a portion being in the floodplain, but would like to see the portion which already has businesses on it be rezoned Local Commercial from Featherstone Creek to Brookside Camp Road.

Irving Hendricks. Mr. Hendricks has been a resident of Hickory Hills for over thirty years and is concerned with the proposed change to local commercial. He feels that there should be a study of the area along with the Erosion Control Division Chief, Natalie Berry, to evaluate the flood situation and give a recommendation to the Planning Board. He feels any development along the floodplain could cause damage to nearby residents.

Jay Rogers. Mr. Rogers stated that he is Vice-Chairman of the Environmental Advisory Committee and President of Hickory Hills Homeowners Association. He has been concerned with earth being moved near the floodplain during the past few months and that upon checking that there has not been any permit filed with the County. Hickory Hills is mainly concerned with the flooding possibilities if any commercial development occurs, which could threaten problems further down the creek as well as locally.

Sara Lee Nickell. Ms. Nickell is also concerned with disturbing the floodplain with any future development and that she reiterates that a study should be done.

Mr. Lamb. Mr. Lamb, in response to Mr. Rogers' comment said that he has been in contact with Natalie Berry and that no fill has been put in that area only some rock. Some mulch has been dumped there for people to pick up, but that will be taken care of.

Chairman Pearce made a recommendation to the Board of Commissioners regarding Commercial Map Amendment 7 that the Planning Board suggests Local Commercial from Featherstone Creek to Brookside Camp Road and that the rest of the property remains R1 zoning. Jonathan Parce seconded the motion and also felt it was a reasonable compromise. All members voted in favor.

Request for Commercial Map Amendment 8 – Regional Commercial along Interstate 26 and Summit Springs Drive: Ms. Radcliff stated that the current zoning is R2MH and the requested zoning is RC, Regional Commercial by Jeff Cosgrove, Summit Springs LLC, Owner. He feels that the property is suited for regional commercial use given its visibility from Interstate 26 and its proximity to other parcels identified as Regional Commercial. Ms. Radcliff said that Staff supports the request for map amendment. She stated that the Technical Review Committee supported Staff's recommendation and the request by the owner to change from R2MH to RC, (Regional Commercial). Chairman Pearce along with some other Board members questioned why the lower section of the subject area would not also be included. Ms. Radcliff stated that it is part of Summit Springs and is there as common area.

Public Input:

Erica Allison. Ms. Allison, who represents Jeff Cosgrove, owner of Summit Springs stated the small area is the main entrance to Summit Springs and also there is a pond in that area. The Regional Commercial that we have identified fronts I-26 which will sweep into the rest of the Regional Commercial that is in the area. Regional Commercial would not negatively impact the Summit Springs development nor would bring in the small area initially not included impact the development as all that is there are the entrance and a pond.

Chairman Pearce said for continuity purposes, it would make sense to bring that small area into the rezoning and make it also Regional Commercial. Chairman Pearce made a motion to recommend to the Board of Commissioners regarding Commercial Map Amendment 8, Staff's recommendation to rezone from R2MH to Regional Commercial the subject area marked on the map and also include the area below it and follow the creek on the eastern side to expand the subject area to Regional Commercial. John Antrim seconded the motion and all members voted in favor.

Mr. Starr stated that at the next Board of Commissioners meeting (February 4, 2008) they will be discussing scheduling a separate meeting for the text and map amendments as originally it was planned that they would be presented at their retreat on January 17, 2008, but because of the inclement weather and time constraints, they decided to consider a special workshop to discuss these amendments and this will be scheduled at their February meeting.