

**Excerpt of Henderson County  
Technical Review Committee Minutes  
December 17, 2007**

The Henderson County Technical Review Committee met on December 17, 2007 at 9:30 a.m. to continue their meeting from December 4, 2007. They met in the King Street Meeting Room at 100 N. King Street, Hendersonville, NC. Members present were Anthony Starr, Chair; Seth Swift, Rocky Hyder, Marcus Jones, Natalie Berry, Sam Laughter and Toby Linville. Others present were Matt Cable, Planner II, Matt Card, Planner II, Autumn Radcliff, Senior Planner, and Kathleen Scanlan, Secretary.

Land Development Code Updates – Planning Staff. Mr. Starr mentioned that the proposed technical amendments were in the packet, but unless the Committee has any concerns or issue regarding them, we will begin our review of the list of text and map amendments. There were no concerns on the technical amendments. Ms. Radcliff began her review of the Text Amendments.

**Text Amendment 1 Issue:** A requirement of the R-0 Development is the tract must consist of not less than 40 acres.

**Recommended Solution:** Remove the acreage requirement in Section 200A-37, D(9)b1.

**Text Amendment 2 Issue:** The County has an area that falls within the N.C. designated WS-IV Critical Area for the Upper French Broad River. This area is mapped on the County's official Water Supply Watershed Protection Map, but currently there is no associated text for the WP-WS-IV-CA Upper French Broad River Critical Area Watershed Overlay Sub-District.

**Recommended Solution:** Add the following language provided by the State model Water Supply Watershed Protection Ordinance for this designation.

**Text Amendment Issue 3:** Singlewide manufactured/mobile homes are not constructed with a 4:12 roof pitch as is required in the LDC.

**Recommended Solution:** Change the 4:12 roof pitch requirement for singlewide manufactured/mobile homes in Section 200A-63, SR 1.5, to a 3:12 roof pitch as requested by the manufactured home industry which stated 3:12 as the typical roof pitch for singlewide manufactured homes.

**Text Amendment Issue 4:** Singlewide manufactured homes located in the County prior to the adoption of the LDC may not be moved to another location in the County if the home did not meet the appearance criteria found in Section 200A-63, SR 1.5, (3). This means that any home without lap siding or the specified roofing materials, etc. would not be able to be moved to another location within the County.

**Recommended Solution:** Add the following language to Section 200A-63, SR 1.5 dwelling, manufactured/mobile home: *"any singlewide manufactured home which (1) was manufactured after 1976 (HUD Approved), (2) has been located in Henderson County prior to the initial adoption of this Chapter (September 19, 2007) and (3) Do not meet the appearance criteria provided in this SR 1.5 (dwelling, manufactured/mobile home) may be moved provided said manufactured home is installed to meet the criteria of Section (5) and moved to either of the following locations: (1) a space in an existing manufactured home park or (2) a lot in a zoning district which permits the placement of new manufactured home."*

**Text Amendment Issue 5:** Outdoor storage greater than 5,000 square feet as an accessory use is not allowed to be placed in a front yard or in any yard abutting a road.

**Recommended Solution:** Change the requirements in Section 200A-63, SR 2.9 to allow storage areas to abut a street, but keep the restriction regarding placement in the front yard. Outdoor storage greater than 5,000 square feet shall not be placed in a front yard. Screening shall be provided consistent with the requirements of Section 200A-150.

**Text Amendment Issue 6:** The road classification restriction in the supplemental requirements determines if a permitted or special use in a zoning district would be allowed on a property that abutted a specific road type of classification. The supplemental requirements provide design requirements which should be adequate to provide protection to adjacent property owners. Road classification standards may be unnecessarily restrictive given the other requirements provided for by the supplemental requirements section of the LDC.

**Recommended Solution:** Remove the road classification restriction for all uses in the supplemental requirements

**Text Amendment Issue 7:** Staff has received a request to add Motor Vehicle Sales or Leasing as an allowed use in the Community Commercial District.

**Recommended Solution:** Add the Motor Vehicle Sales or Leasing as a special use in the CC district in Subpart E. Table of Permitted and Special Uses.

**Text Amendment Issue 8:** The Zoning Administrator has requested changes to the recreational and temporary use sections in the Permitted and Special Uses Table.

**Recommended Solution:** Make the following adjustments to Subpart E Table of Permitted and Special Uses Section 200A-62 as per the request of the Zoning Administrator regarding Governmental Recreational Facilities and Sporting and Recreational Facilities. Governmental Recreational facilities were currently allowed as special use permits in all of the residential districts and the O & I and this would change that to allow them as permitted uses. The Sporting and Recreational Facilities were currently allowed in almost all of the districts but there were not allowed in that the Governmental Recreational Facilities were, so we made them consistent with all of the other recreational uses. Also, Swim and Tennis Clubs and Model Home Sales Office, as temporary, would be permitted in all districts.

**Text Amendment Issue 9:** All commercial subdivisions are treated as major subdivision and approved by the Planning Board regardless of the number of lots proposed.

**Recommended Solution:** Proposing a change so that any commercial subdivisions of thirty-four or fewer lots would be reviewed by the TRC (Technical Review Committee) and those that are 35 to 299 lots would go to the Planning Board and those that are 300 or more lots would be brought to the Board of Commissioners for their approval. She also pointed out the 300 hundred or more lots would be approved by the Board of Commissioners by a Master Plan only. When they would come back with the Development Plan, the Planning Board would review and approve this plan.

**Text Amendment Issue 10:** Except for the County acting on an improvement guarantee, there are no alternative actions and associated administrative fees if the developer fails to complete the work with two years after the initial improvement guarantee was approved.

**Recommended Solution:** Add language: *If the improvements are completed within the 2 years the applicant shall be in breach with the requirements of this section and the improvement guarantee and any and all monies and accrued interest shall be forfeited by the applicant. If the Planning Director has found that the applicant has made a good faith effort in completing the required improvements within the 2 years, the County may allow the applicant to execute a second improvement guarantee. Said agreement must be in the form of cash on deposit equal to 125 percent of the cost of the remaining improvements. The County shall assess an administrative fee equal to ten percent of the new improvement guarantee monies.*

**Text Amendment Issue 11:** There is no provision in the LDC that would allow for a reduction of the front yard setback in established neighborhoods other than through a variance request.

**Recommended Solution:** Add language that would allow for new buildings in established neighborhoods to meet the same front yard setbacks as adjacent buildings provided that those adjacent buildings were within 100 of either side of the proposed new building and approved by the Zoning Administrator. The required front yard setbacks applied to any lot shall be reduced by the Zoning

Administrator at the request of the applicant to the average front yard setback of lots which are (1) located wholly or in part within 100 feet of the lot, (2) within the same block and zoning district as the lot, and (3) fronting on the same side of the road as the lot.

Ms. Radcliff reviewed the following map amendments:

**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. Mr. Starr pointed out that the area is bounded by Dana Road to the north and Mid-Allen Road to the east.

The Technical Review Committee supports Staff's recommendation and the request to change to R2MH from R1.

**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. There is no rural agricultural area and conservation are applied to this subject area. The remaining tracts in Hidden Hills are currently zoned R2 are within the Urban Service Area. She said that the owner said it should have been part of Hidden Hill and that it was developed with that subdivision, but Staff has no evidence to support that statement and that this portion is located in a very steep section of Hidden Hills and has no water or sewer availability.

Rocky Hyder made a motion that the Technical Review Committee agrees with Staff's recommendation that this current zoning should remain as R3 and not R2 as requested by the applicant. All members voted in favor of the motion.

**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 applicant, Warm Company and Sunset Hill is requesting Industrial (I), because the property is suited for industrial use given its current uses and location. She mentioned that Staff does not support this at this time as there is no specific industrial recommendation applied in the vicinity of the subject area.

Technical Review Committee supports Staff's recommendation and denies the applicant's request to remain as Local Commercial and R2MH.

**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 the applicant, 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'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.

Technical Review Committee supports Staff's recommendation and the request by the applicant to change from the current zoning of R2MH to Local Commercial.

**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 the applicant, Michael Martin on behalf of the owner Michael 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 with the Local Commercial node areas.

Toby Linville 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. 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.

Technical Review Committee supports Staff's recommendation and the request by the applicant to change this from R2MH to Community Commercial (CC).

**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 as no specific commercial recommendation is applied in the vicinity of subject area. The Urban Services Area designation is applied to the subject area.

Sam Laughter made a motion not to include this request from R2MH to Local Commercial with the other map amendment recommendations as this time and 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. This would allow the surrounding property owners to give their comments. All members voted in favor.

**Request for Commercial Map Amendment 5 – Local Commercial along Sugarloaf Road and Teed**

**Off Lane:** Ms. Radcliff stated that the current zoning is R2MH and the requested zoning is Local Commercial by Flaughn Lamb, Owner, who states that he 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.

Technical Review Committee supports Staff's decision to remain as R2MH instead of the request by the owner for Local Commercial.

**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 applicants request 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.

Technical Review Committee supports Staff's recommendation and the property owner's request to change from R2MH to Community Commercial (CC).

**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 is along I-26 and located near already established commercial property. Ms. Radcliff said that Staff does not support the request. Although this subject area may be suitable for commercial development, Staff suggests further study be undertaken before amending the official zoning map. A conditional zoning district which identifies specific commercial uses may be most appropriate for the subject area.

Technical Review Committee supports Staff's decision to keep the current zoning of R1 and denies the request of Local Commercial by Leon Lamb, Owner.

**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 Jess 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.

Technical Review Committee supports Staff's recommendation and the request by the owner to change from R2MH to RC, Regional Commercial.

Seth Swift made a motion to recommend the Text and Map Amendments of the Land Development Code to the Planning Board as presented by Staff, except for any changes that were indicated by the Technical Review Committee in a separate motion.