

**HENDERSON COUNTY PLANNING BOARD
MINUTES
August 20, 2009**

The Henderson County Planning Board met on August 20, 2009 for their regular meeting at 5:30 p.m. in the King Street Meeting Room located at 100 North King Street, Hendersonville, NC. Planning Board members present were Tedd Pearce, Chair, Mike Cooper, Gary Griffin, Jonathan Parce, Vice-Chair, Renee Kumor, Steve Dozier, and Suprina Stepp. Others present included Anthony Starr, Planning Director; Autumn Radcliff, Senior Planner, Sarah Zambon, Deputy County Attorney, Mark Williams, Commissioner and liaison to the Planning Board and Kathleen Scanlan, Secretary. Board members Tommy Laughter and Stacy Rhodes were absent.

Chairman Pearce called the meeting to order and asked for the approval of the July 16, 2009 meeting minutes. Renee Kumor made a motion to approve the minutes and Suprina Stepp seconded the motion. All members voted in favor.

Adjustment of Agenda. No Adjustments were needed.

Staff Reports. Mr. Starr informed the Board members that the Commissioners appointed the Dana Committee that will undertake that area plan process and their first meeting will be sometime in September. The Edneyville Community Plan is still being worked on and there will be a few more months before the Planning Board will see any of the work that has been done.

New Business:

Rezoning Application # R-2009-01 – Request to Rezone Approximately 4.23 Acres of Land Located near the Intersection of Rutledge Drive and Erkwood Drive – From the City of Hendersonville’s Relinquished ETJ to a Residential One (R1) Zoning District – Staff Initiated for the County for Mud Creek Baptist Church, Inc., Owner. Presentation by Parker Sloan. Mr. Sloan stated that the rezoning request is Staff initiated for the County to rezone approximately 4.23 acres of land located near the intersection of Rutledge Drive and Erkwood Drive from the City of Hendersonville’s relinquished ETJ to a Residential One (R1) zoning district. The subject area is composed of three parcels and the owner is Mud Creek Baptist Church, Inc. He stated that the adjacent zoning is County R1 to the east, Village of Flat Rock R-40 zoning to the west and City of Hendersonville R-20 and Planned Commercial Development (PCD) zoning to the north. Prior to the LDC adoption, the property was zoned R-15 (Medium-Density Residential). Mr. Sloan stated that the current uses of the subject area are the parcel that abuts Erkwood Drive contains a cemetery and the remaining portions are facilities associated with Mud Creek Baptist Church. He said surrounding the subject property are properties primarily religious institution uses associated with Mud Creek Baptist Church and the remaining uses within close proximity to the subject area with the County, Village of Flat Rock and City of Hendersonville are residential.

Mr. Sloan stated that Staff’s position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the property to an R1 (Residential One) zoning district based on the 2020 CCP classification of Urban Services area and the text and map of the CCP suggests that the subject would be suitable for high-density residential development and that the subject area directly abuts an existing R1 zoning district to the east, making this rezoning a contiguous zoning district. He added that currently because the City of Hendersonville removed is from their extra territorial jurisdiction (ETJ), the subject area is not zoned. In addition, the Technical Review Committee at its August 4, 2009 meeting unanimously voted to send forward a favorable recommendation on rezoning this subject area.

Chairman Pearce opened public input.

Mr. Ed Shane. Mr. Shane is an adjacent property owner who stated that he was concerned with the small vacant property, which is part of the rezoning request and wanted to know what is planned for that area. Chairman Pearce mentioned that it is not a requirement to ask the applicant their reasons for rezoning but rather whether it supports the CCP and LDC. Mr. Shane also talked about the traffic congestion that the church creates on Sundays and other occasions for the nearby property owners. Chairman Pearce responded by stating that the Planning Board does not have any authority over traffic.

Mr. Pearce made a motion that the Board recommends approval of rezoning application # R-2009-01 to rezone the subject area to a Residential One (R1) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan. Mike Cooper seconded the motion and all members voted in favor.

Rezoning Application # R-2009-02 – Request to Rezone Approximately 8.26 Acres of Land Located on McMurray Road (Staff Modified Subject Area to Include a Total of 23 Acres) – From a Residential Two Rural (R2R) to Industrial (I) Zoning District – James Diaz, Agent for William McKay Trust, Owner. Presentation by Parker Sloan, Planner. Mr. Sloan stated that the County received a request to rezone 8.26 acres of an existing 67 acre tract, but Staff modified the application to expand the subject area to include a total of 23 acres located on McMurray Road in order to avoid split zoning on a single tract. He said the applicant requests a rezoning from a Residential Two Rural (R2R) to Industrial (I) zoning district and is owned by William McKay Trust with Mr. James Diaz as the agent. Mr. Sloan stated that the subject area is adjacent to R1 zoning to the south, Industrial zoning to the west and the remaining land to the north and east is zoned R2R. He said currently the property is an apple orchard and primarily the surrounding properties are agricultural with some single-family residential homes. Where McMurray Road intersects with Upward Road, there are commercial uses including the Waffle House, Mountain Inn and Suites, Bloomfield's Dish Barn and McAbee's Fruit Stand. Mr. Sloan noted a correction to the Staff report noting that the public sewer is extended up McMurray Road to the Subject Area for a different project as well as public water abuts the subject area along McMurray Road.

Mr. Sloan stated that Staff supports the rezoning of the property to an Industrial zoning district based on the 2020 CCP and the fact that the subject area abuts an existing Industrial zoning district to the west, which, if the subject property were to be rezoned, would be a part of a contiguous Industrial zoning district. He added that applying Industrial zoning will allow for industrial and heavy commercial uses and not allow for residential uses.

Ms. Kumor stated that because the CCP indicates that Industrial is suitable for the area and the subject area falls within the specially designated industrial area in the Urban Services Area classification, she made a motion that the Board recommend approval of rezoning application # R-2009-02 to rezone the subject area from Residential Two Rural (R2R) zoning district to an Industrial (I) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan. Mike Cooper seconded the motion and all members voted in favor.

Old Business:

Continued Discussion Regarding on the Draft Amendments to the Henderson County 2020 Comprehensive Plan Economic Development Element - Presentation by Senior Planner Autumn Radcliff. Ms. Radcliff stated that at the July 16, 2009 Planning Board meeting, Board members briefly reviewed the Draft Amendments to the Economic Development Element. She said after much discussion and comments by Board members, the item was tabled until the August meeting to research some of the Boards issues and concerns. After further research and discussion with Mr. Dozier and business leaders, additional revisions to the attached Draft Economic Development Element are not recommended. Mr. Dozier added regarding the discussion at last months' meeting, the concern was that if we decided to add more pieces to the document, it would become too cumbersome.

Chairman Pearce made a motion that the Planning Board initiate an administrative amendment to the Economic Development Element of the Henderson County 2020 Comprehensive Plan as discussed by the board under Section 200A-313 of the Land Development Code and further recommend that the Board of Commissioners adopt the proposed amendments. Mike Cooper seconded the motion and all members voted in favor.

Continued Discussion on Special Subdivision Road Standards - Presentation by Senior Planner Autumn Radcliff. Ms. Radcliff stated at the July 16th meeting the Board reviewed a draft text amendment to the special subdivision road standards, at which time the Planning Board tabled its discussion on this item. Based on Board's discussion and comments by the Technical Review Committee at its August 4, 2009 meeting, Staff has prepared a revised draft text amendment. The Planning Board agreed the following items should be amended:

1. Allow a reduction in travelway widths from 12-feet to 10-feet for existing roads that are inspected and approved per the standards. New proposed roads would still require a 12-foot travelway at the request of the emergency services department.
2. Require vehicle turnarounds at all dead-end roads that exceed 1,000 feet.
3. Provide a provision for additional turnarounds at intermediate locations for dead-end roads that exceed 2,500 feet.
4. Allow special subdivisions to be approved prior to new road construction. Individual property owners would be required to build portions of the road to access their lots on a first come basis with the issuance of a building permit.
5. Require a 45-foot ROW for special subdivisions where maximum density has not been achieved either through the zoning district or the special subdivision option. This requirement will eliminate applicants from being unable to further subdivide their property due to a 30-foot ROW and required road upgrades.
6. Remove the Certificate of Understanding from the final plat and require as part of the application.

Ms. Radcliff stated that the Planning Board had also discussed requiring all existing roads to be upgraded to applicable standards based on the number of lots served. Staff has not provided a text amendment to address this issue, but suggest removing time limitations for special and minor subdivisions. This option would remove the 5-year expansion hold for special subdivisions and the 3-year expansion hold for minor subdivisions and require that any expansions, regardless of applicant or property owner, must comply with the road standards set forth in Table 3.1 based on the number of lots served.

Ms. Radcliff requested that with all of the minor items that have been changed along with the text of the Special Subdivision Road Standards, she suggested that the entire subdivision section of the LDC needs to be looked at, reorganized and changed before the Board decides to move forward with a text amendment.

Chairman Pearce asked that a committee be formed to study, discuss and give better explanations of some items and also give time for input from Planning Board members who have concerns or suggestions. Chairman Pearce appointed Renee Kumor, Mike Cooper, Jonathan Parce and himself to the Committee

Adjournment There being no further business, the meeting was adjourned at 6:10 p.m. All members voted in favor.

Tedd Pearce, Chairman
Henderson County Planning Board

Kathleen Scanlan, Secretary