

# HENDERSON COUNTY PLANNING BOARD

## MINUTES

### July 16, 2009

The Henderson County Planning Board met on July 16, 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, Gary Griffin, Jonathan Parce, Vice-Chair, Renee Kumor, Tommy Laughter, Steve Dozier, and Suprina Stepp. Others present included Anthony Starr, Planning Director; Autumn Radcliff, Senior Planner, Matt Cable, Planner, Mark Williams, Commissioner and liaison to the Planning Board and Kathleen Scanlan, Secretary. Board members Mike Cooper and Stacy Rhodes were absent.

Chairman Pearce called the meeting to order and asked for the approval of the June 18, 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. In the interest of time, Item 7, under New Business, regarding the revised Master and Development Plan for Preserve at Pinnacle, was moved to Item 5 and the Old Business Items followed with Staff Reports being heard last. All members were in favor of the adjustment.

#### New Business:

Revised Master and Development Plan – Preserve at Pinnacle/Preservation View at Pinnacle (File # 2007-M25) – 41 Single-Family Lots on a total project site of 114.96 acres – Michael Witt, Agent for Mr. Richard R. Fritts, Owner – Presentation by Planner Matt Cable. Mr. Cable stated that Michael Witt, agent on behalf of owner Mr. Richard Fritts, submitted a revised Master and Development Plan and major subdivision application for Preserve at Pinnacle/Preservation View at Pinnacle (formerly Preserve at Pinnacle). The original Master and Development Plan were approved by the Planning Board on June 20, 2007 with conditions. On May 21, 2009 the Planning Board extended this approval through June 20, 2010. Mr. Cable stated that the project site will still be composed of three separate parcels containing 114.96 acres of land and continues to propose 41 single-family lots with an overall density of 0.36 dwelling units per acre. He stated that the applicant also continues to propose approximately 22.50 acres of open space.

Mr. Cable said the reason for the revision of the master and development plan is because of purposes of eliminating a segment of Preservation Drive and Pinnacle Mountain Road. Mr. Cable stated that the applicant seeks to remove this segment because of the amount of land disturbance developing this segment would require. Phase 1 is proposed to contain 20 lots accessed off Pinnacle Mountain Road and Phase II is proposed to contain 21 lots accessed off Mountain View Church Road, Hawks Point Drive and Hawks View Lane. He also mentioned that the applicant intends to name the phases separately to provide clear indication that each phase is accessed separately. Mr. Cable mentioned that Staff recommends the original conditions of approval be carried forward. He mentioned that the segment of the drive which is accessed through Pinnacle Mountain exceeds the 2,500 length standard; however, the applicant is proposing a turnaround between Lot 7 and Lot 17 of the development because of the length of this segment of proposed former Preservation Drive.

The Technical Review Committee considered the Plan at its regular scheduled meeting and voted to send a favorable recommendation to the Planning Board with the additional comments that the Developer shall submit notice that a soil erosion and sedimentation control plan has been received for the proposed revised Master and Development Plan or provide documentation that no plan is required prior to beginning construction and that the applicant must obtain street and driveway

access permits prior to connecting any roads or drives to an NCDOT maintained road (Pinnacle Mountain Road and Mountain View Church Road) and also that the applicant shall provide a copy of a valid driveway permit prior to submittal of a final plat.

Because there were no objections regarding this subdivision proposal, Chairman Pearce made a motion that the Planning Board find and conclude that the Revised Master and Development Plan appears to comply with the subdivision provisions of former Chapter 170, Henderson County Subdivision Ordinance and further move that the revised Master and Development Plan be approved subject to the conditions listed in the Staff Report, and the conditions recommended by the Technical Review Committee. Suprina Stepp seconded the motion and all members voted in favor.

Emerald Gordon, who lives next to the proposed development, stated he was concerned with this development because he feels it might affect a change in zoning for adjoining property owners. Chairman Pearce assured Mr. Gordon that this revised subdivision plan, which had been before the Board in June, 2007 and approved with conditions with an extension granted on May 21, 2009, would not affect zoning change on the adjacent properties. He stated that this revised change in the Plan will result in less negative impact in disturbance to the land than originally approved. Mr. Starr stated the reason for this meeting is because they are making an amendment to the Plan to reduce the amount of disturbed area on the project by eliminating a section of the roadway. He also commented that under subdivision rules, they are part of public record both by the Technical Review Committee, which the applicant came before first and the Planning Board. All pertinent documents regarding the revision of this project are posted to the website for public view and the meetings are published for public view. They are not advertised as a public hearing, because subdivisions, unlike a rezoning, are an administrative approval. This means if they meet the letter of requirements, they are entitled to have their project approved. Mr. Gordon was upset that they did not receive any notice of this meeting except the sign that was posted near Mountain View Church Road. Chairman Pearce stated that this will have little effect on adjoining properties and the zoning will not change. Mr. Gordon was satisfied with the answer.

#### Old Business:

Continued Discussion Regarding Special Subdivision Road Standards Amendment – Presentation by Senior Planner Autumn Radcliff. Ms. Radcliff stated that during the Board's June 18, 2009 meeting, at the Board's request, Staff presented a summary of existing special subdivision road standards and listed possible amendments to those standards. The Board discussed possible solutions based on Staff comments and requested Staff provides a draft text amendment to the Board at this meeting. Ms. Radcliff stated that based on that meeting, the Board's comments and directions were to reduce the minimum travelway width from 12 feet to 10 feet for Special Subdivisions and allow for credit for existing roads that meet the minimum width requirements provided that right-of-way is dedicated. She said the Board requested that vehicle turnarounds be required at all dead end roads that exceed 1,000 feet, and a provision to require additional turnarounds at intermediate locations for dead end roads that exceed 2,500 feet. The Board also agreed to remove the certificate of understanding from the final plat and require as part of the application. She stated that some of the issues that Staff still has some concerns about is the fact that these standards do not address some of the Board's and the public initial concern that the road must be constructed prior to the final plat being approved regardless if the property is going to be developed at that time or some later time. The other part is the applicant would have additional construction expense to install the turnarounds which aren't required at present. A 10-foot travelway would be allowed for all new roads, instead of just existing road beds only. She stated that there is a concern that the County could have a series of Special Subdivisions with more than five lots over time because they are only restricted to the five-year period. The County could have a situation where a series of these special subdivisions happened together and are accessed by a 10-foot travelway. She stated that another concern is there is no restriction on the length of the

road with a 10-foot travelway and it might be something the Board wants to consider. Ms. Radcliff said that the Board will still need to initiate a text amendment to the Land Development Code to address these changes and perhaps make some changes to the actual language either at this meeting or at a later meeting. Ms. Kumor stated that because Stacy Rhodes was the member who was concerned with these changes to the Special Subdivision and because he is not present, she asked that the Board table this item to the next meeting. There was some general discussion on concerns dealing with the length of the road for Special Subdivisions and the Board felt that the biggest complaint from the public is having property subdivided for family members that are not prepared to build the road yet. The Board was unsure where the burden of road construction comes into play. Chairman Pearce asked that Staff include in the Certificate of Understanding, in bold print: "no certificate of occupancy can be issued until the entire road is installed." All members voted to table this until the next Planning Board meeting.

Continued Discussion Regarding Draft Amendments to the Henderson County 2020 Comprehensive Plan Economic Development Element – Presentation by Senior Planner Autumn Radcliff. Ms. Radcliff stated that Planning Board member Steve Dozier along with Staff and business leaders have been working to update the economic section and associated recommendations in the County Comprehensive Plan. Any amendments will require a recommendation by the Planning Board and must be adopted by the Board of Commissioners. She stated that due to the nature of the content and possible amendments, the Economic Development Element will be considered an administrative amendment. These amendments are reviewed as needed and adopted by the Board of Commissioners. She stated that according to the Land Development Code, these amendments do not require a public hearing or public notification because they do not change the meaning or intent of the CCP, but instead make corrections that are technical or clerical and may involved additional explanatory materials and graphics. Ms. Radcliff noted that in the draft amendment items marked in green are additions and items marked in red, is the text that will be removed.

Ms. Radcliff highlighted some of the changes that were made and where they came from as follows:

- (1) Agency names and references were updated and corrected and some were changed with the adoption of the CCP (County Comprehensive Plan) and referenced for example, the *Henderson County Partnership for Economic Development*.
- (2) No change to the public input section.
- (3) There were references and reference information added for completed studies and County programs. These include the cost of community service study for Henderson County, the industrial study, amendments to the CCP, the adoption of the Land Development Code, the shop and dine Henderson County program, the industrial products and suppliers directory, Henderson County Heritage Tourism plan, and the transportation and industrial corridor that was formerly referred to in this section as the airport and its vicinity.
- (4) The action strategies were updated to reflect the current agency names and references, but the intent of each of those action strategies remained the same.
- (5) No changes were made to the initial recommendations.

Mr. Dozier stated that when this was originally adopted there was a push for a reorganization of many functions within the CCP. He said we have taken out some of that jurisdictional aspect of it to make it more of a Henderson County product than a regional product such as the originally reference to the area around the airport. Ms. Kumor stated that child care was not mentioned as an industry nor the impact of child care on our employees. She said 12% of all the workers in North Carolina and 62% of the workers in Henderson County have children who are in pre-school or have school-aged children. She feels that there should be a reference, not to solving the problem of child care, but there should be some acknowledgement of its economic impact. She stated that there are groups in this community who want to work with industrial developers and want to make sure that any job recruitment has a component to make sure that there is viable and appropriate

amount of slots to take care of children the people who will be working in that industry. She added that because it is a cost to every worker, there is money that comes into this community that is channeled through Department of Social Services and feels it is a component of economic development.

After some discussion, Chairman Pearce asked that the Board to table this and requested that Mr. Dozier and Planning Staff find something that would be appropriate or that could be recommended regarding this subject in the CCP. All members were in favor of tabling this item until a future meeting.

Staff Reports. Mr. Starr stated that the Dana Community committee members have been appointed and the first meeting has been tentatively scheduled for September 1, 2009. The Etowah-Horse Plan is under review by the Board of Commissioners and is working on some ways to categorize the information and to determine some broader issues that have come up with the first community plan that may repeat itself throughout some of the other community plans. Regarding the Edneyville Plan, a draft should be available later in the fall and possibly a public input session for that draft in October or November. He stated that regarding the move to the Spartanburg Highway old health department building, the Board of Commissioners are working on selecting an architect with regards to the renovation of the building and have discussed a name for the building such as *The Henderson County Development Service Center*. Mr. Starr stated that much of Staff time has been working on various grants – transit grant on a C & G station that will be open to the public at our current garage and the purchase of some buses. Mr. Starr stated that we also are working on CDBG housing grants, which involves some scattered site housing and will rehabilitate six to nine homes in Henderson County. We are applying for a revitalization grant for the Talley Drive area to upgrade the paving, curb and gutter and rehabilitating some of the homes in the neighborhood, in addition to putting them on public water and sewer. Mr. Starr stated that the Board of Commissioners approved the amendments for the Land Development Code including the wind turbine provision, which will be allowed as an accessory use to residential homes and businesses with a Special Use Permit. He also talked briefly about land use related legislation dealing with wind mills (or wind turbines) in the General Assembly and their impacts on mountain ridge tops. He said they are permitting wind energy facilities beyond the coastal counties to all areas of North Carolina, but not permitted on mountain ridge tops if they violate the Mountain Ridge Law. He further stated that changes to the Mountain Ridge Law would not limit permissible windmills associated with a residence or for use of a residence with a height limit of 100 feet. He mentioned that he would forward the article by e-mail to all Planning Board members.

Adjournment There being no further business, the meeting was adjourned at 6:20 p.m. All members voted in favor.

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Tedd Pearce, Chairman  
Henderson County Planning Board

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Kathleen Scanlan, Secretary