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HENDERSON COUNTY
PLANNING BOARD MINUTES
November 15, 2007

The Henderson County Planning Board met on November 15, 2007 for their regular called meeting at 5:30 p.m. in the King Street Meeting Room at 100 N. King Street, Hendersonville, NC. Board members present were Tedd Pearce, Chair; Jonathan Parce, Renee Kumor, John Antrim, Gary Griffin, and Stacy Rhodes. Others present included Anthony Starr, Planning Director; Matt Cable, Planner; Sarah Zambon, Associate County Attorney; Autumn Radcliff, Senior Planner and Kathleen Scanlan, Secretary. Board member Mitchell Gaither, Mike Cooper and Tommy Laughter were absent.

Chairman Pearce called the meeting to order and asked for the approval of the October 18, 2007 meeting. Renee Kumor made a motion to approve the minutes and John Antrim seconded the motion. All members voted in favor.

Adjustments of the Agenda. There was no adjustment to the agenda.

Staff Reports. Mr. Starr talked about the Etowah-Horse Shoe Community meeting that was held on November 13, 2007. He stated that there were approximately 100 people that showed up and that there was a lot of input and ideas and Staff is summarizing everything to be available on the Planning Department's website for reference.

NEW BUSINESS:

Combined Master and Development Plan – Upward Commercial Park – Located on 5.67 Acres off Upward Road – 5 Proposed Commercial Lots – Mark Corn, Associated Land Surveyors and Planners, P.C., Agent for Wayne P. Morgan of DWM Investments LLC, Owner. Presentation by Matt Cable. Mr. Cable stated that Mr. Mark Corn of Associated Land Surveyors and Planners, P.C., agent, on behalf of the owner, Mr. Wayne P. Morgan of DWM Investments LLC, submitted the Combined Master and Development Plan for Upward Commercial Park. The project is located on 5.67 acres of land off Upward Road. The applicant is proposing a total of five (5) lots for commercial purposes. The project is located in the Community Commercial (CC) zoning district. The project is not located in a water supply watershed district nor is it located within the floodplain. The project site does not contain any slopes in excess of 60 percent. Private roads, public water (City of Hendersonville) and private individual septic are proposed to serve the project site.

Master Plan Comments:

According to Chapter 200A, Henderson County Land Development Code (LDC) §200A-309, the purpose of a Master Plan is to provide general information about the proposed development to allow for an assessment of its impact on the orderly growth and development of the County, environmental quality, land values, natural features identified on the site analysis sketch and the County's roads and governmental services. During the review of the Master Plan, the Planning Board should take into consideration: applicable recommendations of the *Henderson County 2020 Comprehensive Plan*, the potential use of the land to be subdivided, and the impact of the subdivision and proposed use whether residential, commercial or industrial.

When reviewing the Master Plan it is important to consider that, due to severe topographic conditions, inadequate road access, distance from services, unique natural areas, soils that do not easily support soil drainage systems and or the proximity to existing and incompatible land uses/zoning, all land may not be suitable to be subdivided for the purpose of dense development (LDC §200A-75).

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Staff has reviewed the submitted Combined Master and Development Plan for Upward Commercial Park, taking into consideration the recommendations of the *Henderson County 2020 Comprehensive Plan*.

1. **Henderson County 2020 Comprehensive Plan (CCP).** The Future Land Use Map of the CCP shows the project site as being located within the Urban Services Area (USA). The CCP notes that the USA “will contain considerable commercial development at a mixture of scales,” and further that “commercial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community.”
2. **Chapter 200A, Henderson County Land Development Code (LDC).** According to Chapter 200A, Henderson County Land Development Code (LDC) and its Official Zoning Map adopted September 19, 2007, the proposed project site is located within the Community Commercial (CC) Zoning District. The CC district allows for commercial development at a variety of scales. The maximum gross floor area for any single commercial use on a single lot shall be 30,000 square feet. Where the lot contains more than one (1) commercial use, the primary commercial use shall have a maximum gross floor area of 80,000 square feet, and any other use located on the same lot shall have a maximum gross floor area of 30,000 square feet. Beyond this, the maximum impervious surface on any commercial lot shall be 80 percent of the lot.

Development Plan Comments:

1. **Soil Erosion and Sedimentation Control Plan.** The Applicant has submitted written notice from a professional land surveyor that no plan is required (LDC §200A-81 A).
2. **Water.** The applicant has proposed public water (City of Hendersonville). A letter has been provided by the applicant indicating that there is sufficient capacity to make connection to the water system. According to LDC §200A-81 B, the applicant must provide evidence that the water supply plans have been approved by the appropriate agency. All public water systems shall be installed and shall meet the requirements of the Henderson County Health Department or other government authorities having jurisdiction thereof. The development plan may be approved contingent on final approval from such agencies; however, the final plat shall not be approved until all such final approvals have been obtained. Any subdivision served by a public water system shall, at minimum, meet the County’s standard of one (1) hydrant per 1,000 feet of linear road distance (LDC §200A-81 B(3)).
3. **Private Road Standards.** The Applicant has provided a cross section for the proposed Morgan Hill Drive. This cross section indicates that these are to be subdivision local roads. All subdivision roads must be designed and constructed to the minimum standards of LDC §200A-81 C (Table 3.1).
4. **Road Grade.** The Applicant has proposed private paved roads for the subdivision. The maximum road grade for local roads constructed of pavement is 18 percent. The applicant is proposing a road that appears to approach grades of 18 percent. A professional engineer or professional land surveyor must certify on the Final Plat that no portion of the road has a grade that exceeds 18 percent or submit a final as-built graded center line profile showing grade and alignment of the road (LDC §200A-81 C (Table 3.1) and §200A-81 C(4)).
5. **Road Intersections.** The Applicant has proposed using an existing road, Morgan Hill Drive (with improvements as necessary), which will intersect with Upward Road (SR 1722). According to LDC §200A-81 C (6), intersections with angles of 75 to 90 degrees are preferred. Road intersection angles, which meet the requirements of the LDC, must be shown on the final plat.
6. **Shoulder Stabilization.** All areas disturbed by the construction of a private road, including cut and fill slopes, shoulders and ditch banks, shall be seeded to stabilize the soil and prevent

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erosion. Seeding should be done as soon as feasible after road construction (LDC §200A-81 E).

7. **Subdivision Names.** The final plat shall contain certification that the public records of the County have been searched and the proposed subdivision name meets the standards set forth in this Chapter (LDC §200A-81 G).
8. **Notice of Farmland Preservation District.** The final plat shall contain a note stating that the property lies within one-half (½) mile of land in a Farmland Preservation District (LDC §200A-81 P).
9. **Street Tree Requirements.** Street trees shall be required for all major subdivisions (LDC §200A-81 R). Trees shall be required at a rate of one (1) large deciduous tree per 50 feet of property abutting an internal road (LDC §200A-145). Trees shall be placed within the right-of-way or within 20 feet of the edge of the right-of-way and may be placed in groups with a minimum spacing of no more than 65 feet (LDC §200A-146). The Technical Review Committee (TRC) may alter the requirements of Article V (Landscaping Requirements) so long as proposed landscape features of the development comply with the intent of the Article and provide that conditions make it unreasonable to meet the landscaping requirements (§200A-155). The TRC, at its meeting on November 6, 2007, recognized that the existing parking area on Lot 2 abuts the proposed road for approximately 150 feet, making the maximum 65 foot separation for street trees unreasonable in this area. The TRC also determined that the plan is compliant in its ability to fulfill the intent of this Article.

The TRC recommends, as a condition of approval, that the installed street trees are of the recommended species of Article V, Subpart F, Table 5.5, Recommended Large Deciduous Trees, in order to be compliant with the intent of the Article. Planning Staff recommends, as a condition of approval, that the applicant provide trees at the required rate and separation (except where otherwise noted by the TRC) and certify the same on the final plat, or bond the landscaping in order to guarantee the installation of the required improvements (LDC §200A-154).

After some discussion about this condition, Chairman Pearce felt that when there is positive or negative comment made by the TRC Committee, he suggested that a copy of that portion of the minutes should be given to the Planning Board members so that they would have a better idea of what was being discussed in relation to the subject. Mr. Starr stated that the only discussion regarding this project was dealing with the hydrant spacing, but that it turned out satisfactory as it is at present, but depending on the individual lots are laid out with the buildings, those individual landowners may have to put in additional hydrants to meet the State fire codes, but that would be up to them when they start building. He added that this was the only discussion.

10. **Miscellaneous Advisory Provisions.** The Applicant should become familiar with the miscellaneous advisory provisions contained in LDC §200A-81 S.
11. **Final Plat Requirements.** The Final Plat(s) must meet the requirements provided by the Planning Department whenever a subdivision of land occurs (LDC §200A-311 B (2)).

Technical Review Committee Comments Recommendations:

The Henderson County Technical Review Committee considered the Combined Master and Development Plan for Upward Commercial Park Major Subdivision at its regularly scheduled meeting on November 6, 2007. During that meeting, the Committee voted 7 to 0 to send the Planning Board a favorable recommendation with the following comments and conditions. Due to existing conditions (the existing parking area on Lot 2 abuts the proposed road for approximately 150 feet) alternative compliance from the landscaping requirements of Chapter 200A (a maximum 65 foot separation for street trees), as approved by the TRC and allowed under §200A-155, be afforded provided the installed street trees be of the recommended species of Article V, Subpart F,

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Table 5.5, Recommended Large Deciduous Trees, in order to ensure compliance with the intent of Article V (Landscape Design Standards).

Review Agency Comments:

1. **Comments from North Carolina Department of Transportation.** Josh Lanning, Assistant District Engineer with NCDOT submitted comments regarding the project. Mr. Lanning's comments reflect the need for obtaining street and driveway access permits prior to connecting any roads or drives to an NCDOT maintained road (Upward Road (SR 1722)).

After some further discussion, Chairman Pearce made a motion that the Planning Board find and conclude that the Combined Master and Development Plan complies with the subdivision provisions of Chapter 200A, Henderson County Land Development Code; and further move that the Combined Master and Development Plan be approved subject to the following conditions: the applicant satisfies any conditions that may result from the comments listed in the Staff Report, conditions recommended by the Technical Review Committee in which it required that the recommended species of trees be used with the separation requirements except as noted by the TRC.

Discussion of Potential Updates to the Comprehensive Plan and Land Development Code. Presentation by Anthony Starr, Planning Director. Mr. Starr stated that Staff has been working on changes to the Land Development Code and one we believe to be typo's under the requirements for manufactured homes regarding the required roof pitch of 4:12. He said that Staff has received documentation from the Manufactured Housing Industry stating that the standard pitch for manufactured homes is 3:12 or 3.212, depending on the manufacturer. He said since this he believes was a typo of 4:12 and not 3:12, they are using the standard 3:12 pitch as a requirement, but that this correction will be made among other updates. Chairman Pearce felt that administratively approving was fine but feels that it would violate State law. Mr. Starr stated that if the manufactured home industry was in fact not producing 4:12 roof pitches, and that apparently seems the case, it would have the affect of prohibiting manufactured homes for the entire jurisdiction. State laws say that you cannot adopt any laws that would have the affect of prohibiting manufactured homes for the entire jurisdiction ban. He said you can prohibit them in certain areas, but you can not adopt rules that have the affect of creating an entire jurisdiction, so if that is the case with the roof pitch and we enforce the 4:12 roof pitch, then that would have the affect of prohibiting manufactured homes for the entire County, which could be challenged. Ms. Zambon, Associate Attorney, agreed with what Mr. Starr stated. Mr. Starr stated that we made an administrative determination that the intent was really 3:12 and that this will be addressed in our updates and if the Board decides to stay with 4:12, that will be fine and we will deal with it at that time, but until that time, we are only requiring 3:12 roof pitch. Mr. Linville, Zoning Administrator, has done a memorandum to the file and has documented that. Ms. Zambon felt that this documentation is sufficient.

Chairman Pearce opened public input.

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Mr. Tom Christ. Mr. Christ, who is President of the Western North Carolina Manufactured Housing Association stated that his association represents affordable housing and feels that manufactured housing is the only alternative that citizens have for affordability. He added that they would like to present a short video on manufactured housing to give more knowledge to the Board on this industry. Mr. Christ said that segregating manufactured housing to certain parts of municipalities or counties creates an undo burden on people looking for affordable housing. Mr. Christ requested that manufactured/mobile home (multi-section) be allowed in the R-1 and R-2 districts and any other area where they are presently banned because there are a wide range of wage earners in this County that cannot afford the luxury of stick-built homes, and they should not be identified as

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“trailer trash” as a majority of manufactured homeowners come from all walks of life. He added that banning them from R-1 and R-2 districts will make it more difficult as it will drive the prices down for manufactured housing and for the people who presently live in manufactured housing because it has been segregated and seen as substandard housing. He stated that the presentation shows that manufactured home construction actually in most cases, exceeds the standards of the US Department of Housing and Urban Development (HUD). Chairman Pearce along with Board members agreed to watch the presentation.

Mr. Joe Belcher, who is a Board member with the Western North Carolina Manufactured Housing Association and is also with CMAG, the largest manufactured housing retailer and builder. Mr. Belcher presented a PowerPoint presentation regarding manufactured housing.

Mr. Belcher requested the Board lift the ban on roof pitch as indicated (4:12) and require a standard 3:12 roof pitch and that manufactured/mobile home (multi-section type) be permitted in R-1 and R-2 districts. He also mentioned other requirements that manufactured housing must comply with and was approved by Buncombe County. Chairman Pearce stated that these requests will be considered by Staff when making up the updates for the Land Development Code. Mr. Starr mentioned that the Board of Commissioners want to take up after their retreat, a discussion regarding the Comprehensive Plan updates. He said there have not been any updates since July 2004 because of the ongoing work that was done on the Land Development Code. Updates are usually done annually in January and that this will be the first opportunity for updates since the Land Development Code has been adopted. Mr. Starr asked for the Board's thoughts and input on the Comprehensive Land Use Plan as well as the Land Development Code updates. Mr. Rhodes suggested that the Certificate of Understanding required by the Special Subdivision provisions of the Land Development Code be provided on a separate document and not applied to the plat. Mr. Rhodes felt that the Certificate of Understanding could be provided on a separate document that could then be notarized and submitted with the other application materials. He felt that putting the Certificate of Understanding on the plat made things more difficult for the applicant because they would have to sign a completed plat before staff would be able to sign it, adding another step to the process.

Regarding the Comprehensive Plan update, Ms. Kumor suggested tying development regulations to the provision of adequate facilities (roads, water, fire and other utilities). Mr. Starr stated that Staff has talked about the water and sewer element of the Comprehensive Plan and he recommended that a Master Plan be done. He said it was done through the joint Water and Sewer Advisory Committee. Mr. Starr feels that plan does not go as far as it needs to, because it identifies major extensions but does not go in detail as to where the service areas would be. Mr. Starr stated that what may be needed is to re-look at how we are approving or not approving water and sewer line extensions and where we do or don't want them or whether we want them everywhere and if so, what process there is for approving them. He said when we look at the Comprehensive Plan we might want to look at not necessarily determining those boundaries but to revise that section and recommend we work towards developing or making some type of determination on whether or not we are going to have areas where we want public water and sewer. He said we'll have areas where we don't want water and sewer because its implication on future growth will be and whether we will allow extensions or not in those areas. He said this can be controlled through development regulations.

Mr. Antrim and Ms. Zambon's concern was regarding group homes, the best locations and how it affects infrastructure. Mr. Starr discussed the legal implications and abilities to regulate family care homes, which are regulated by the State.

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Adjournment. There being no further business, the meeting adjourned at 6:45 p.m. All members voted in favor.

Tedd Pearce, Chairman

Kathleen Scanlan, Secretary