

**HENDERSON COUNTY
PLANNING BOARD MINUTES
September 20, 2007**

The Henderson County Planning Board met on September 20, 2007 for their regular called meeting at 5:30 p.m. in the Commissioners' Meeting Room at 100 N. King Street, Hendersonville, NC. Board members present were Tedd Pearce, Chair; Jonathan Parce, John Antrim, Gary Griffin, Mitchell Gaither and Tommy Laughter. Others present included Anthony Starr, Planning Director; Matt Cable, Planner; Parker Sloan, Planner; Sarah Zambon, Associate County Attorney; and LaDatha Smith, Acting Secretary. Board members Mike Cooper, Renee Kumor and Stacy Rhodes were absent.

Commissioner Chuck McGrady thanked the Planning Board and Planning Department Staff for all their hard work in getting the Land Development Code adopted.

Chairman Pearce called the meeting to order and asked for the approval of the August 16, 2007 regular Planning Board Meeting Minutes. John Antrim made a motion to approve the August 16, 2007 minutes and Jonathan Parce seconded the motion. All members voted in favor.

Annual Election of Officers/Appointment of Secretary Chairman Pearce presided over the annual election of officer and asked the members to offer nominations for officers. Jonathan Parce re-nominated Tedd Pearce as Chairman. There were no other nominations made. Chairman Pearce nominated Jonathan Parce as Vice-Chairman and there were no other nominations made. John Antrim seconded the motion for both nominations and all members voted in favor. Chairman Tedd Pearce appointed Kathleen Scanlan as secretary to the Planning Board. The officers for the coming year are Tedd Pearce, Chairman; Jonathan Parce, Vice-Chairman; and Kathleen Scanlan, Secretary.

Adjustments of the Agenda. Mr. Starr asked that an item regarding regular meeting times be added to the agenda. Chairman Pearce made the additional item to be discussed under Item 8. There were no other adjustments to the agenda.

Staff Reports. Mr. Starr stated that the Land Development Code was adopted at the Board of Commissioners meeting yesterday, September 19, 2007 and became effective on midnight of that date. Mr. Starr mentioned that Staff is working with other departmental Staff members to go through the changes that will need to be made and also try to clear up any problems that may occur regarding the Code. He said that the Planning Board will be looking at in the near future some updates to the Comprehensive Plan to compliment the new regulations of the Land Development Code. He mentioned that there will be problems and other changes that may be necessary to correct and change. He said that in the next couple of Planning Board meetings, subdivisions that were submitted before the adoption of the Land Development Code will be reviewed using the old regulations and explained other exceptions to the rule dealing with Development and Master Plans.

NEW BUSINESS:

Combined Master and Development Plan – Fox Glen - (2007-M30) – 10 Single-Family Residential Lots located off Howard Gap Road – Gary Corn, Agent for Chestnut Land Fund, Owner.

Presentation by Matt Cable. Mr. Gary Corn, agent, submitted a revised Master Plan and a revised portion of the Phase I Development Plan for the Fox Glen subdivision. This portion of Fox Glen is located on approximately 6.21 acres of land currently zoned R-15 and has proposed 10 lots within this portion of Phase I. This area was originally approved to be apartment buildings and is now

proposed to be condominiums. The applicant is proposing lots around each condominium building for financing purposes. Private roads, public water (City of Hendersonville) and public sewer are proposed and most of the water, sewer, and road infrastructure is in place

Fox Glen is currently operating under a Vested Rights Ordinance granted by the Board of Commissioners in 2004. In the Vested Rights Ordinance, Phase I allowed for 100 apartments on one parcel of land. At the September 4th Board of Commissioners meeting, the Board amended the Fox Glen Vested Rights Ordinance to permit 80 condominium units in place of the 100 apartments. Prior to the Board of Commissioners approval, Glade Holdings subdivided two lots off the Phase 1 area. Upon consultation with Planning Staff and the County Attorney, the developer recombined these lots into the current Phase 1 area. Additionally, another change to the Vested Rights Ordinance was to allow the property to be managed by a condominium Association instead of the proposed apartments being held by the developer.

In the report, Staff reviewed the submitted Revised Master Plan and Development for Fox Glen, taking into consideration county ordinances, recommendations of Henderson County's Land Use Plan (the Henderson County 2020 Comprehensive Plan) and Draft Land Development Code and had some comments, but initially felt that it met all the requirements.

Development Plan Comments:

1. **Final Plat Requirements.** The final plat(s) must meet the requirements of Appendix 7 of the HCSO.
2. **Vested Rights Ordinance.** The applicant must continue to abide by the terms and conditions of the Vested Rights Ordinance. As a condition of the Vested Rights the applicant must provide the Zoning Administrator an annual report stating the development activity that has occurred in the project on each anniversary date of such Vested Rights approval for a period of 5 years or completion of the project, whichever occurs first. Upon completion of the project the Applicant shall file a final report with the Zoning Administrator. Said report shall include a summary of recorded open space which shall equal the required amount. The annual report must be provided by December 6, 2007 to the Zoning Administrator.
3. **Private Road Standards.** The applicant has proposed private roads which appear to meet the minimum standards for private roads. All roads must be built and constructed pursuant to the standards of Section 170-21 of the HCSO.
4. **Recombination of Lots.** As mentioned in the Staff Report, the applicant is subdividing lots for financing purposes. Staff feels that the applicant should recombine all lots into one lot when the project is complete and built out. The Planning Board may require this as a condition if the applicant agrees to these terms and if the Planning Board feels that it is necessary. The Planning Board may want to discuss with the applicant the intentions for this project.

Chairman Pearce asked whether the road requirements in this section would be affected because of the change from apartments to condominiums. Staff stated that it would not be affected. There were no further questions or discussion regarding this subdivision. Chairman Pearce made a motion that the Planning Board find and conclude that the Revised Master and Development Plan appears to comply with the provisions of the Subdivision Ordinance; and further moved that the revised 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. John Antrim seconded the motion and all members voted in favor.

Other Business. Mr. Starr mentioned that a few Board members had expressed their interest in possibly changing the time of the regular Planning Board meetings. After discussing this issue with the members present, they felt that the time should probably stay at 5:30 p.m. for right now, but that Staff could send out a memo asking for everyone's opinion on this issue.

Adjournment. There being no further business, the meeting adjourned at 5:50 p.m. All members voted in favor.

Tedd Pearce, Chairman

LaDatha Smith, Acting Secretary