

**HENDERSON COUNTY
PLANNING BOARD MINUTES
January 18, 2007**

The Henderson County Planning Board met on January 18, 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; Mike Cooper, Vice-Chair; Stacy Rhodes, Jonathan Parce, John Antrim, Mitchell Gaither, Tommy Laughter and Renee Kumor. Others present included Anthony Starr, Planning Director; Matt Card, Planner; Sarah Zambon, Associate County Attorney; Mark Williams, Commissioner and Liaison to the Planning Board and Kathleen Scanlan, Secretary. Board member Gary Griffin was absent.

Chairman Pearce introduced the new Planning Board member, Mitchell Gaither and everyone welcomed him to the Board.

Chairman Pearce called the meeting to order and asked for the approval of the December 6, 2006 Special Called Meeting minutes and December 19, 2006 regular Planning Board Special Called Meeting Minutes. Renee Kumor made a motion to approve both sets of minutes and John Antrim seconded the motion. All members voted in favor.

Adjustments of the Agenda. There were no adjustments needed.

Staff Reports. Mr. Starr had no Staff Reports for the Board but mentioned that the Planning Department has now settled into their new offices at 213 1st Avenue East. Chairman Pearce asked Staff to study the feasibility of converting present Planning Board packets into electronic files as a way of reducing paperwork. Mr. Starr mentioned that he would make a request in the next fiscal year budget for this. Renee Kumor also suggested that it would be beneficial to the public to have a T.V. presentation of the Land Development Code. Mr. Starr also said that he would consider working on this matter.

OLD BUSINESS: There was no old business.

NEW BUSINESS:

Revised Combined Master Plan and Development Plan – Soapstone Creek Estates, Phase II and Phase III (File # 2006-M51) – 18 Total Lots Off McElrath Road - Mark Corn, Agent for Soapstone Creek Estates, LLC. Presentation by Matt Card. Mr. Card stated that Mark Corn with Associated Land Surveyors, agent, on behalf of Soapstone Creek Estates, LLC, owner, submitted an application for Phase II and Phase III of Soapstone Creek Estates. On June 15, 2004 the Planning Board approved the original Combined Master Plan and Development Plan for the entire subdivision. The subdivision was approved for a total of 32 lots.

Mr. Card said the revised Combined Master Plan and Phase II and Phase III Development Plan shows that the project is now divided into a total of three different phases. Phase I has been completed and a final plat was recorded. The improvements for the remaining portion of the subdivision were never completed and a final plat never recorded. The Development Plan approval has since expired and the applicant is requesting re-approval of the remaining portion of the subdivision (Phase II and Phase III).

He said the applicant has not significantly changed the layout of the subdivision from the original approval. A total of 18 lots are proposed in Phase II and Phase III. The applicant has added an area or lot shown on the Plan as "Area Reserved by Owner" and reduced the acreage for lots 12 and 13 to provide for this additional lot. Due to the history of this subdivision. He said Staff

felt that it was necessary to refer the revised Combined Master Plan and Phase II and Phase III Development Plan to the Planning Board for review in accordance with Section 170-16, B (2) of the HCSO.

The subdivision is accessed off of McElrath Road. Multiple property owners use rights-of-way through Soapstone Creek Estates for access to their property. The Plan shows the existing rights-of-way. Private roads are proposed for the subdivision. Individual wells and septic systems are proposed. The project is located in the Open Use (OU) zoning district which does not regulate the residential use of land. Most of lots 18, 19 and 20 are located in the WS-II Water Supply Watershed District.

Staff has reviewed the revised Combined Master Plan and Phase II and Phase III Development Plan for Soapstone Creek Estates for conformance with the Henderson County Subdivision Ordinance (HCSO) and offers the comments that follow:

Standard Comments

1. Final Plat Requirements. The final plat(s) must meet the requirements of Appendix 7 of the Subdivision Ordinance.
2. Private Roads. Because private roads are proposed, the final plat(s) must contain a note stating: The private roads indicated on this final plat may not meet the requirements of the North Carolina Department of Transportation for acceptance into the state road system. (HCSO 170-21B and Appendix 7)
3. Farmland Preservation District. The Final Plat should include a notation that the property is within ½ mile of land in a Farmland Preservation District. (HCSO 170-35 and Appendix 7)
4. Soil Erosion and Sedimentation Control. The Developer should submit notice from NCDENR that a soil erosion and sedimentation control plan has been received for the revised Plan or provide documentation that no plan is required prior to final plat approval of Phase II and Phase III. Mr. Wayne Watkins with NCDENR stated that he would like to see the revised Plans for the subdivision.
5. Stream Setbacks. A minimum thirty-foot setback for buildings or other structures is required along all perennial streams. The thirty-foot setback must be noted on the final plat (HCSO 170-37, A). According to § 192-15 of the Water Supply Watershed Ordinance, a minimum thirty-foot vegetative buffer is also required along all perennial streams.
6. Road Grade. A professional engineer or professional land surveyor must certify on the final plat that no portion of private roads have grades that exceed the maximum allowable grade, which is 18 percent grade for paved local residential roads and 16 percent grade for paved collector roads.
7. Gates. All gates must meet the minimum standards of the Entry Gates Ordinance (Chapter 87 of the Henderson County Code).
8. Previous Conditions. I recommend that all conditions from the previous approval still apply to Soapstone Creek Estates. All conditions of approval (both approvals) must be satisfied before a final plat can be approved by the Planning Department.

Phase II and Phase III Development Plan Comments

9. Right-of-way Access. Multiple property owners use rights-of-way through Soapstone Creek Estates to access their properties. The applicant must not obstruct the legal right to access said properties through Soapstone Creek Estates as made a condition of approval (condition #10) during the previous approval.

Review Agency Comments

10. Comments from the Zoning Administrator. Natalie Berry, Zoning Administrator, stated that the project is in *open use* and therefore no regulations when pertaining to single family dwellings. Water Supply Watershed District, WS-II Balance of Watershed only covers lots 18, 19 and 20. Lots must be 40,000 square feet and each of the lots meets that requirement. They also must keep a 30-foot natural vegetative buffer from any perennial streams on the property.
11. Comments from Property Addressing Office. Curtis Griffin of Property Addressing stated that the road names were ok but requires that the road name Pisgah Forest Trail be placed outside of the 20-foot right-of-way that is a named country road.

Staff has found that the proposed revised Combined Master Plan and Phase II and Phase III Development Plan for Soapstone Creek Estates appears to meet the technical standards of the Henderson County Subdivision Ordinance except for the comments listed above in Staff Comments. Staff recommends approval of the revised Combined Master Plan and Phase II and Phase III Development Plan subject to the developer satisfactorily addressing any issues raised by the Planning Board and the comments listed above.

After some discussion among Board members, Terry Baker discussed some of the comments that Staff mentioned in their memo and that Planning Board members questioned. There was much discussion concerning soil erosion and sedimentation control problems within the project. Tim Phillips, who is the owner of the development, was reminded by Chairman Pearce of previous citations for violating the erosion control ordinance and urged him to be proactive about erosion problems and Mr. Phillips said that he would comply.

Renee Kumor made a motion that the Planning Board find and conclude that the revised Combined Master Plan and Phase II and Phase III Development Plan complies with the provisions of the Subdivision Ordinance except for those matters addressed in Staff Comments section of the memo regarding Conditions 1 – 9. In addition, Condition 11, dealing with road names. Some of the proposed road names will need to be changed and approved by Property Addressing before a final plat is approved by the Planning Department. Also, the developer must work with NCDENR to address all of the sedimentation and soil erosion control problems found by NCDENR on their last visit to the subdivision. The applicant must establish and maintain compliance with NCDENR's requirements for soil erosion and sedimentation control. Stacy Rhodes seconded the motion and all members voted in favor.

Revised Combined Master Plan and Development Plan – Boulders at Stoney Mountain (File # 007-M01) – 68 Lots Off Randy Drive – Eric McAbee, Agent for Peter Brower, Owner. Presentation by Matt Card. Mr. Card stated that Mr. Peter Brower, owner, through Mr. Eric McAbee with McAbee & Associates, agent, submitted a revised Combined Master Plan and Development Plan application for a major subdivision titled The Boulders at Stoney Mountain. On August 15, 2006 the Planning Board approved the original Combined Master Plan and Development Plan for the subdivision. The subdivision was approved with a total of 42 single-

family lots. The project site is located on four (4) parcels of land totaling forty (40) acres off Randy Drive.

The Planning Board approved the subdivision with individual wells and septic systems. Pursuant to Section 170-21, B (3) of the HCSO, the Planning Board made an exception to Section 170-20, B (2) of the HCSO which requires subdivisions to connect to public utilities if it is within a certain distance to the project. According to the revised Combined Master Plan and Development Plan, public water (City of Hendersonville) is located 500 feet from the project along Lyndhurst Drive. Public sewer is located 3,500 feet away from the project site along US Hwy 25.

The applicant is now proposing to extend both public water (City of Hendersonville) and public sewer (Cane Creek Sewer District) to the project site. The applicant will utilize a series of pump stations to extend water and sewer through the site. The applicant has proposed to increase the density of the project to a total of 68 single-family lots. The Plans also show a water tank located at the northwest corner of the project.

The subdivision will be accessed through a small parcel located on Randy Drive. Private roads are proposed. One alternate turnaround is proposed. Three limited local residential roads, Beryl Lane, Antimony Way and Topaz Trail (portion) are proposed. Slate Way, Topaz Trail and Sunstone Drive are proposed to be collector roads while the remaining roads will be built to private local residential road standards. Some roads will be built with valley gutter. The project is located in the County's R-15 zoning district which requires a minimum lot size of 15,000 square-feet.

Staff has reviewed the submitted revised Combined Master Plan and Development Plan for The Boulders at Stoney Mountain for conformance with the Henderson County Subdivision Ordinance (HCSO) and offers the comments that follow:

Standard Comments

1. Final Plat Requirements. The Final Plat(s) must meet the requirements of Appendix 7 of the Subdivision Ordinance.
2. Private Roads. Because private roads are proposed, the final plat(s) must contain a note stating: The private roads indicated on this final plat may not meet the requirements of the North Carolina Department of Transportation for acceptance into the state road system (HCSO 170-21B and Appendix 7).
3. Soil Erosion and Sedimentation Control. The Developer should submit notice from NCDENR that a soil erosion and sedimentation control plan has been received or provide documentation that no plan is required prior to Final Plat approval.
4. Water and Sewer Approval. The applicant has proposed public water (City of Hendersonville) and public sewer (Cane Creek Sewer District). According to the HCSO, the applicant must provide evidence that the water supply and sewer system plans have been approved by the appropriate agency. All public or private (community) water supply and sewerage 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 meet the respective county or municipality's minimum requirements for fire hydrants installation (HSCO 170-20).

5. Road Grade. A professional engineer or professional land surveyor must certify on the final plat that no portion of private roads have grades that exceed the maximum allowable grade, which is 18 percent grade for paved local residential roads and 16 percent grade for paved collector roads.

Development Plan Comments

6. Availability of Sewer. Gary Tweed, County Engineer, and Doyle Freeman, Manager of Cane Creek Sewer Service, submitted comments regarding the availability of sewer service to the project.
7. Minimum Curve Radius. All subdivision roads must meet the private road standards found in Section 170-21 of the HCSO. Roads must also meet the standards for minimum curve radius (Section 170-21(F)). It appears that on the Plan some of the curve radii are less than the 90-foot minimum for private local residential roads and the 110-foot minimum for private collector roads. Where the existing cross slope on private local residential roads is 15 percent or greater, a minimum centerline radius of 60 feet shall be permitted. Where the existing cross slope on private collector roads is 15% or greater a minimum centerline radius of 80 feet is permitted. It appears on the Plan that the applicant is requesting these reductions. The applicant is also requesting to reduce the shoulder widths in certain areas in accordance with Section 170-21, Table 1 of the HCSO. The Final Plat(s) must have a notation that states where the existing cross slope exceeds 15 percent a minimum centerline radius of 60 feet and 80 feet, respectively, are permitted (170-21F of the HCSO). The applicant should also provide a note on the final plat regarding the shoulder reduction.
8. Collector Road Standards. The section of Jasper Drive along lot 24 must be built to collector road standards because it appears 25 lots are served by this section of Jasper Drive including lot 24.

Review Agency Comments

9. Comments from Property Addressing. Curtis Griffin of Property Addressing noted that only Gannex Ridge and Feldspan Drive are reserved names for the project, all others need to be changed and approved by the Property Addressing Office before a final plat is approved by the Planning Department.
10. Comments from Zoning Administrator. Natalie Berry, Henderson County Zoning Administrator noted that the project is in a R-15 zoning district and specified the square foot per building lot and added that the proposal of 68 lots is allowed under the Zoning Ordinance for R-15 density. There were no additional conditions.

Staff has found that the proposed revised Combined Master Plan and Development Plan for The Boulders at Stoney Mountain appears to meet the standards of the Henderson County Subdivision Ordinance except for the comments listed above in Staff Comments section of the memorandum. Staff recommends approval of the revised Combined Master Plan and

Development Plan subject to the above listed-comments being addressed and the developer addressing any other issues raised by the Planning Board.

Mr. Gary Davis, Engineer for the project reviewed the Staff's comments with the Board and after considerable discussion regarding connection of this project to the Cane Creek Sewer District line, Chairman Pearce made a motion that the Planning Board find and conclude that the revised Combined Master Plan and Development Plan complies with the provisions of the Subdivision Ordinance except for those matters addressed in Staff Comments section of the memo that need to be addressed and approval of this project should be contingent upon the applicant successfully obtaining approval of the sewer extension. Tommy Laughter seconded the motion and all members voted in favor.

Adjournment. There being no further business, the meeting adjourned at 6:48 p.m. All members voted in favor.

Tedd Pearce, Chairman

Kathleen Scanlan, Secretary