

**HENDERSON COUNTY
PLANNING BOARD MINUTES
SPECIAL CALLED MEETING
July 25, 2006**

The Henderson County Planning Board met for a special called meeting regarding the Land Development Code. Board members present were Tedd Pearce, Chairman; Mike Cooper, Vice-Chairman; John Antrim; Mark Williams; Gary Griffin; Tommy Laughter; Renee Kumor and Stacy Rhodes. Others present included Anthony Starr, Planning Director; Rodney Tucker, Project Manager; Matt Cable, Planner; and Kathleen Scanlan, Secretary. Board member Jonathan Parce was absent.

Chairman Pearce informed Board members that on August 16, 2006, the Board of Commissioners are holding their regular meeting and, with the permission of Board members, he would like to go forward and let the Commissioners know that, although the Board will do everything they can to meet the September 1st deadline, he feels the Planning Board will not be done reviewing the Land Development Code by that date and feels it may take to mid-October to complete the review properly. He asked, "Does any Board member have any objections for me to go before the Commissioners on this issue?" No member had any objection and all were in agreement on this issue.

Chairman Pearce also mentioned to Board members that he was invited to a government affairs meeting of the Chamber of Commerce and that there was a great deal of discussion dealing with sign regulations of the Land Development Code, as this was on their agenda. He stated that the Chamber will be making some suggestions to the Planning Board regarding sign regulations and landscaping designs. Ms. Kumor asked why ordinary citizens can't come forward with their suggestions rather than organized groups? Chairman Pearce said that people who do not have an organized venue, do have a tendency to not be heard as much. Chairman Pearce added that he specifically asked the Chamber of Commerce to submit suggestions and added that he apologized for any improper actions. He said that the feeling was that Staff had sent suggestions to sign companies and virtually didn't get any feedback, but the people who buy signs are usually ones that are involved with the Chamber of Commerce and added that they spend money in all forms. He felt he would like to hear what they have to say and see if what we are doing is out-of-line or typical. Ms. Kumor said that she feels she is on the Board to say that we do not have to capitulate to every group that shows up. Chairman Pearce said, "Does it hurt for us to listen to see if what we are doing makes sense?" He added that he feels this Board has expertise amongst its members to make good decisions. He does not feel qualified to propose sign regulations and landscaping requirements. Chairman Pearce commented that he wants to present the Board of Commissioners with a document that is reasonable. Mr. Cooper added that we should start out moderately and not nearly as strict on things we have never regulated before. Ms. Kumor suggested that the County has been dancing around these issues since the 1980s and that we must do something to preserve what we have.

Mr. Starr thanked the subcommittee for being thoughtful and constructive thus far, noting that Staff is appreciative of their efforts.

Chairman Pearce noted that there is a helpful piece of information that was formally sent out to the Planning Board members called, "A Guide to Development Using the Land Development Code." Mr. Starr suggested that each section could have bullet comments as to what each section does and does not do. Chairman Pearce wants to make sure that when everything is complete with the Planning Board, and it is forwarded to the Commissioners, that the Planning

Board members receive the same draft of the Land Development Code the Commissioners receive.

General Provisions.

Mr. Starr indicated that most of the changes made in this section were dealing with legal ease and issues. Chairman Pearce feels that Russell Burrell, County Attorney should review any legal issues. Mr. Starr said that Staff is not at that point, but he has seen the previous draft which is basically the same when it comes to the legal aspects. Chairman Pearce asked that any sections that the Planning Board approve relating to legalities, be forwarded on to Mr. Burrell for review.

Nonconformities.

Section 200A-2.C. - Mr. Tucker stated that there was a significant change with regard to the extension period. The following had been added: "*An extension for a period of up to twelve months may be granted by the Zoning Administrator.*" He said originally that portion was not added and the Subcommittee felt that the extension needed to be added because of insurance situations surrounding damaged structures. He said they were clearer in defining substantial damage and referenced it in the definition section. Chairman Pearce said, "If a definition occurs, immediately after that word is used, will that word be referenced somewhere?" Mr. Starr said that with the on-line PDF version, we can link the word by using a color code and underlining the word so that you can click on it and it will immediately go to the definition of the word. He added that with the paper version, we could put the words that have definitions in italics and preface it in the beginning of the document. Mr. Tucker said that they added the sentence: "*Where substantial damage occurs, the structure shall not be repaired/reconstructed except in conformity with the provision of this Chapter.*"

Section 200A-4.B. – *Nonconforming Outside/Outdoor Uses.* Mr. Tucker said that Staff clarified this as outside/outdoor rather than the initially "open use" reference, so it wouldn't be confused with the Open Use District.

Section 200A-2.D. – The Planning Board discussed and agreed to the following changes: "Repair/Reconstruction of Damaged Structure (Signs). Where a nonconforming sign has been damaged by fire, wind, flood or other natural causes, it may be repaired/reconstructed and used as before, provided that repairs/reconstruction are initiated within thirty (30) days and completed within ninety (90) days within one hundred eighty (180) days of such damage."

Section 200A-4.C.(2) – Mr. Tucker pointed out that changes were made to ensure that where any repair or replacement of a manufactured/mobile home is made, that the aesthetics requirements and standards will be met.

Natural Resources.

Mr. Tucker noted that the Flood Ordinance had been modified to become verbatim in the new Land Development Code Draft. He said that, beginning in the Water Supply Watershed section, the grey areas refer back to the overlay for the watershed which the consultant, Benchmark is currently reviewing. He wanted to ensure the Board understands that there was a tie-in to Articles 3 and 4.

Mr. Tucker then pointed out that the sedimentation and erosion section had been removed and stated that the Board of Commissioners directed Staff to draft a Sedimentation and Erosion Control Ordinance separate from the current LDC process. He indicated that Staff is working

with Sam Laughter and other County staff members on the Sedimentation and Erosion Control Ordinance. He indicated that the Sedimentation and Erosion Control Ordinance would be a stand-alone ordinance. Chairman Pearce said that he feels that all ordinances that relate to land use should be in one document. He said it was his impression that was the purpose of the Land Development Code. Chairman Pearce made a motion that the Planning Board send a letter to the Board of Commissioners recommending that the Sedimentation and Erosion Control Ordinance and any other ordinances that might be subsequently considered by the Board of Commissioners that affect land and the use of land should be included in the Land Development Code. Stacy Rhodes seconded the motion. All members voted in favor. Chairman Pearce asked Mr. Starr to reiterate this to the Board of Commissioners.

Mr. Antrim suggested that under the title of Natural Resources, a short introduction listing what this section covers be provided. Ms. Kumor suggested that the introductory statement should reflect the ordinances that already exist so that everyone knows that nothing has been invented.

[Mike Cooper left the meeting].

Definitions.

Mr. Tucker noted that Staff had organized the definitions in groups, such as signs, planned developments, roads, etc. Mr. Starr suggested that the Planning Board not attempt to go through all of the definitions now, because so much has changed, but that it was Staff's intent to provide this information to you now and let you look at the definitions in context with the rest of the documents that are being reviewed.

The Planning Board entered into discussion regarding the method of measuring height for structures. The Planning Board members determined that they wanted Staff to check the Village of Flat Rock regulations for height so that the Code would be compatible with other areas.

Mr. Williams noted a grammatical error in the definition of Agriculture and asked that Staff correct the error.

Off-Street Parking and Loading Standards.

Mr. Tucker noted that the major change to this section was the removal of the Access Management elements.

Mr. Antrim expressed concerns about oversimplifying the section but Mr. Starr noted that the trend in land use regulation is moving away from parking standards for specific uses. Planning Board members discussed consulting with the Zoning Administrator on any inadequate proposed parking requirements.

Mr. Tucker noted changes to Section 200A-2.A., Maneuvering Space, where the section was simplified.

The Planning Board then began discussion Section 200A-2.B., Connectivity. Chairman Pearce suggested, where appropriate, that site plan approval should include some method for approving a movement plan between the abutting streets dealing with connectivity. Mr. Griffin suggested that something should be included about speed strips to curb the speed limit between facilities for safety reasons.

General Comment

Mr. Laughter suggested that for each Article an index listing what is inside of the Article for that section. All Board members agreed and left it with Staff to determine the best method for doing so.

Chairman Pearce said that at the next meeting the Board will either approve or disapprove any of the Sections dealing with General Provisions, Natural Resources, Access Management and Nonconformities that were discussed at this meeting and vote on the changes or if not comfortable with any changes, send it back for further review.

Adjournment. There being no further business, the meeting adjourned at 6:25 p.m. and all members were in favor.

Tedd Pearce, Chairman

Kathleen Scanlan, Secretary