

HENDERSON COUNTY PLANNING BOARD MINUTES

July 18, 2006

The Henderson County Planning Board met on July 18, 2006 for their regular called meeting at 5:30 p.m. in the Meeting Room of the Land Development Building at 101 East Allen Street, Hendersonville, NC. Board members present were Tedd Pearce, Chairman; Mike Cooper, Vice-Chairman; Mark Williams, John Antrim, Tommy Laughter, and Renee Kumor. Others present included Anthony Starr, Planning Director; Matt Card, Planner; Matt Cable, Planner; Anthony Prinz, Planner; Justin Hembree, Assistant County Manager; Chuck McGrady, Commissioner and liaison to the Planning Board; and Kathleen Scanlan, Secretary. Board members that were absent included Jonathan Parce, Stacy Rhodes and Gary Griffin.

Chairman Pearce called the meeting to order and asked for the approval of the June 20, 2006 minutes. John Antrim made a motion to approve the minutes for June 20, 2006 with some minor typographical changes. Renee Kumor seconded the motion. All members voted in favor.

Adjustments of the Agenda. Chairman Pearce requested that Item 6, *Pre-application Conference concerning Mountain Lake Homes Planned Unit Development, Special Use Permit* be moved after Item 13 because the applicant is not present.

Staff Reports. Mr. Hembree presented the new Planning Director, Anthony Starr to the Board and he also thanked the Planning Staff for all the work they performed especially during the transitional period.

Mr. Starr mentioned to the Board that August 1, 2006, the County will begin its strategic and capital planning program effort. He said that the Board of Commissioners is having two community input sessions in August and he encouraged to the Board to participate in these efforts.

OLD BUSINESS:

Update on Land Development Code – Planning Staff. Mr. Starr stated that the LDC Subcommittee is meeting weekly to review the draft and make improvements. He said that the Board of Commissioners wants to see a completed draft with the Planning Board recommendations. He suggested that the Planning Board meet every two weeks to meet the deadline established by the Board of Commissioners. Mr. Starr stated that he received a letter from the County Agricultural Board regarding suggestions to the Land Development Code and forwarded a copy of the letter to each member for their information.

Kenmure, Phase VI – (# 2006-M28) – Combined Master Plan and Development Plan – (74 Single-Family Lots) – Located off Hollybrook Drive – Jon Laughter with Laughter, Austin & Associates for Kenmure Properties, LTD., Developer. Mr. Prinz stated that Kenmure Properties, LTD. has submitted through Laughter, Austin and Associates, a Combined Master Plan and Development Plan for a proposed subdivision to be known as Kenmure Phase VI. Phase VI is the final phase of the Kenmure development. The project is proposed to be developed on one parcel of land approximately 59 acres in size in the southern portion of the Henderson County, just off of Greenville Highway (US 225). Currently, the project site is forested land.

Mr. Prinz said that Kenmure, Phase VI, is proposed to contain 74 single-family residential lots and will be developed in one phase. The developer plans for all of the homes to be served by public water (from the City of Hendersonville) and a combination of community sewer and individual septic systems and multiple private residential roads are proposed to serve the development.

The project site is located in a County Open Use (OU) zoning district, which does not regulate residential uses of land and is not located within a designated Water Supply Watershed area. Henderson County GIS identifies one perennial stream on the property.

Staff has reviewed the Combined Master Plan and Development Plan for conformance with the Henderson County Subdivision Ordinance (HCSO) and offers the comments that follow.

1. Revisions to Master Plan. Mr. Prinz stated that there were no revisions to the Master Plan are necessary.

2. Revisions to Development Plan. The following changes must be made for the Development Plan portion of the Combined Master Plan and Development Plan to be in compliance with Appendix 5 (Development Plan Requirements) of the HCSO.

- Drainage improvements must be shown on the Development Plan. Mr. Prinz stated that he was assured from Mr. Laughter that he has that information and that it is up to the County's specifications and that it will be put on a revised Development Plan.
- The location of all proposed fire hydrants shall be shown on the Development Plan.
- Given the proposed approximate finished road grades shown on the Development Plan, Haverhill Court and Dartmoor Court must be constructed as private local residential roads rather than collector roads as shown.

Mr. Prinz stated that in order for them to meet the specifications of the Subdivision Ordinance mainly with respect to grade, they would have to be built as local roads rather than collector roads. He said that Mr. Laughter has shown a local road cross-section, he said that Mr. Laughter would just have to show the right-of-way on the Development Plan to show it as a local road.

- Centerline radii for Haverhill Court must be adjusted to conform to the minimum standards for a private local residential road (90 feet). Under certain circumstances, such as excessive cross-slope, the centerline radii for a private local residential road are permitted to be reduced to 60 feet.
- The Project Summary should be revised to reflect that there are 74 lots in Phase VI rather than 73.
- The road center line marker shown in the legend of the Development Plan does not reflect the center line symbology shown on the subdivision layout. The Development Plan must be revised to show consistent symbology for road centerlines.

3. Water Supply. According to Section 170-20B (1) of the Henderson County Subdivision Ordinance, a subdivision shall be required to connect to a public water supply system when the subdivision is located within a distance from the existing water system equal to the product of 100 feet multiplied by the number of lots proposed for the subdivision (not to exceed 5,000 feet). According to the Combined Master Plan and Development Plan, the proposed project site is located within 5,000 feet of the nearest public water supply (City of Hendersonville). Therefore, the Applicant is required to connect to the public water supply to satisfy this requirement of the Subdivision Ordinance. The applicant has proposed public water for the project, and as a result, must also provide evidence that the water supply plans have been approved by the appropriate agencies (City of Hendersonville and NC DENR). The Combined Master Plan and Development Plan may be approved contingent on final approval from such agencies; however, a final plat will not be approved for the project 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 hydrant installation (HSCO 170-20).

- 4. Community Sewer System Approval.** The Developer should submit notice from the appropriate agencies that certifies the community sewer system has adequate capacity to serve the proposed development.

Chairman Pearce asked, "Which lots will be served by this system?" Mr. Prinz said that it will be the smaller lots in the southern portion. Chairman Pearce said that in the event they are not able to get a community system, would they need to come back for approval to change this to septic system? Mr. Prinz said that they would.

- 5. Soil Erosion and Sedimentation Control.** The Developer should submit notice from NC DENR that a soil erosion and sedimentation control plan has been received, or provide documentation that no plan is required prior to beginning construction (HCSO 170-19).
- 6. Farmland Preservation Program.** The subject property is within ½ mile of a Henderson County Farmland Preservation District, by which, the developer is required by the HCSO to submit an Affidavit of Understanding of Farmland Preservation District (Appendix 11 of the HCSO) with their major subdivision application.
- 7. Final Plat Requirements.** Final Plat(s) must meet the requirements of Appendix 7 of the Subdivision Ordinance for approval.

Various Board members discussed the fact that the minimum and maximum lot sizes were not properly notated, so therefore they asked Mr. Laughter, agent for the project, to make sure these be notated on the Development Plan and that this would be noted as a condition for approval.

Mr. Laughter said that lot 37 will be used for a pump station that will pump waste water back to Flat Rock. Lot # 37 will not be saleable. Chairman Pearce asked, "Is there a need for turnouts in any of these sections?" Mr. Laughter said that there will be intersections could be used to turn around.

John Antrim made a motion that the Planning Board find and conclude that the Combined Master Plan and Development Plan for Kenmure Phase VI complies with the provisions of the Subdivision Ordinance except for those matters addressed in the Staff Comments section of the memo; and further moved that the Combined Master Plan and Development Plan be approved subject to having the proper minimum and maximum lot size notations added. Mike Cooper seconded the motion. All members voted in favor.

NEW BUSINESS:

Rezoning Application - (#R-2006-02) – Request to Rezone Approximately 5.91 Acres Located off Greenville Highway (NC 225), from an R-20 (Low-Density Residential) Zoning District to an R-10 (High-Density Residential) Zoning District — Norma McMahan, Agent for Michael L. and Tracy J. Burns, Owners and Applicants. Mr. Cable stated that on June 9, 2006, Michael L. and Tracy J. Burns submitted an application to rezone approximately 5.91 acres of land from an R-20 zoning district to an R-10 zoning district. The subject area is owned by the applicants, Michael and Tracy Burns and the Applicant's Agent is Norma McMahan. He stated that the subject area is located off Greenville Highway, approximately two-tenths of a mile south of the intersection of Greenville Highway and Erkwood Drive / Shepherd Street and is currently zoned R-20, which was applied to the area when zoning was initiated in Henderson County. The subject area is surrounded to the north by an R-10 zoning district, to the south and east by an R-20 zoning district, and to the west by an R-40 zoning district. Mr. Cable said that the R-20 Low-Density Residential Zoning District is intended to be a quiet, low-density neighborhood consisting of single-family residences. The R-10 High-Density Zoning District, which is

proposed for the subject area, is intended to be a high-density neighborhood consisting of single-family and two-family residences and small multifamily residences.

Mr. Cable stated that the subject area currently contains a single-family residential use and most uses adjacent to the subject area are residential. Uses within the vicinity include commercial, office, and community-cultural uses.

Adjacent residential uses include Charlestown Place Planned Unit Development to the north and Statonwoods Subdivision to the south. Commercial and office uses, including Sherman's Business Park and Flat Rock Center, are located to the north of the subject area in and around the intersection of Greenville Highway and Erkwood Drive/Shepherd Street.

Mr. Cable said that the property currently has access to City of Hendersonville water. The nearest City of Hendersonville sewer line is located on adjacent property, just north of the subject area.

Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the property to be zoned for high-density residential uses; this is based on the following:

1. Both the text and map of the 2020 CCP identify the subject area as being located in the Urban Services Area, with northern portions of the subject area located within a Community Service Center, making it suitable for mixed services including residential uses with varying densities.
2. R-10 zoning allows for reduced lot sizes and setbacks, increased densities, and additional uses.
3. Applying R-10 zoning to the subject area would increase the number of uses permitted. R-10 zoning allows for all uses permitted within the R-20 district as well as allowing apartments, two-family dwellings, garage apartments, and non-church related cemeteries. Applying R-10 zoning would permit two (2) times as many lots and three (3) times as many dwelling units, by right, as could occur under current R-20 zoning. Applying R-10 zoning would reduce side and rear yard setbacks from 25 feet to 10 feet.
4. Though there are differences between R-10 and R-20 zoning; the lot sizes, setbacks, densities, and uses of the R-10 district seem to be in keeping with the character of the immediate vicinity as the subject area directly abuts an existing R-10 district, making it part of a contiguous R-10 district.
5. Applying R-10 zoning to the subject area could impact public services. It is Staff's position that, due to the relatively small size of the subject area and similarities among the two districts, R-10 zoning does not appear to create a largely different impact on public services than were the subject area developed under existing R-20 zoning.
6. Staff should identify plans or policies, changes in existing conditions, undue hardship to the Applicant, or overriding community interest to justify supporting a proposed rezoning. Staff's position is that the recommendations of the 2020 CCP, the conditions of the surrounding area, and the similarity of the zoning districts' permitted uses justify supporting the proposed rezoning.

It is generally incumbent upon the Applicant to demonstrate an overriding justification for approving a given rezoning application. Staff encourages the Applicant to present any information that would further inform the County's consideration of the proposed rezoning.

Chairman Pearce had some questions dealing with densities and encouraged Staff to look into the legality of how the County computes density. He had concerns regarding the provisions of

services [water and sewer]. Mr. Cable said that the property already has water and is directly adjacent to sewer facilities. After some discussion, Chairman Pearce said that if R-10 districts are expected to have public water and sewer facilities available and the subject area doesn't, he doesn't see how the Board can approve it. Mr. Cooper said, "What is expected that they are going to pay to extend, because a developer is never going to have public sewer if they don't pay to extend it, because the City generally will not pay to extend it." Ms. Kumor said that in the Ordinance [Subdivision] it says you are near a sewer line, you have to tie in, unless you are far away, then the Planning Board does not force the issue. After some continued discussion, Ms. Kumor analyzed the comments of Chairman Pearce and said she feels he wants to make sure that the Board doesn't assume that the provisions of services will happen. She said that if it is rezoned, the potential exists and if that potential does not become actual, the property owner cannot develop to the R-10 zoning capacity because the land will not be able to handle it, if they use septic systems. Chairman Pearce said that he feels that there should be something more concrete regarding the sewer extension and it should be in place for the Board to consider rezoning that property, especially having served on the US 25 South Corridor Committee a few years ago for the County with individuals from the municipalities. He said that there was a strong feeling among that committee that without sewer, these areas should not have a greater density than the ones already specified.

Norma McMahan, applicant's agent, said that the sewer line is close to this property, about 4 or 5 feet from it. She said their intentions are to try to get a quiet organization such as a skilled nursing home. Chairman Pearce reminded the applicant that this could not be considered. Chairman Pearce said getting sewer to that property means crossing over a number of easements. He asked whether they have received any letters from the City guaranteeing extension? Ms. McMahan said that she has not, but Joe Crowell owns the property beside the applicant would possibly sell his two acres to combine with ours and then they would have sewer access.

Mark Williams made a favorable recommendation to the Board of Commissioners to rezone approximately 5.91 acres of land located off Greenville Highway from an R-20 to an R-10 zoning district, application # R-2006-02. John Antrim seconded the motion. Those in favor of the motion were: Mark Williams, John Antrim, Renee Kumor, Tommy Laughter and Mike Cooper. Chairman Pearce was opposed. The motion was 5 to 1 in favor.

Development Parcel Review for Carriage Park, Section 16 – (66 Detached Townhouse Units) – Located off Haywood Road (NC 191) – Dale Hamlin, General Manager, Carriage Park Associates, LLC and Bob Grasso, Land Planner with Land Planning Collaborative. Mr. Card stated that Carriage Park Associates, LLC, submitted an application for Section 16 of Carriage Park. The applicant has proposed a total of 66 detached townhouse units on individual lots. The project site for Section 16 is on 24 acres of land off Knob Hill Loop through Section 15 (Carriage Crest). The last development plan for Section 15 was approved by the Planning Board on December 20, 2005. The entrance road into Section 15 (Summit Road) appears to be a minor collector road with a 50-foot right-of-way as defined in SP-93-13. Knob Hill Loop Road is a residential street with a 45-foot right-of-way. All proposed roads in Section 16 are neighborhood drives with a 30-foot right-of-way. Private roads are proposed and public water and public sewer (both provided by the City of Hendersonville) is proposed to serve Section 16. The project site is located in the R-30 zoning district and the Water Supply Watershed IV (WS-IV) district but lot sizes and setbacks are regulated by SP-93-13 (as amended). Mr. Card said that going back to Section 7 regarding the issue of direct access to sections within Carriage Park, there are sections that are served through other sections. He said the question that was asked at that time was, what type of road do you need to be able to serve another section through an existing section. He said it was a determination of the Planning Board that a minor collector road was

needed to do that – 50 foot right-of-way, 18 foot road with 6 foot shoulders which is a little different from a residential street. Mr. Card said that Knob Hill Loop is a residential street and not a minor collector road, so based on the previous determination for Section 7, the Planning Board may find that Knob Hill Loop is not adequate for Section 16 and the Board might want to have the road brought up to minor collector road standards or that it is different from Section 7 and that it could be approved as proposed. He said that the Board can argue that Knob Hill Loop is apart of Section 16 and not actually serving two individual parcels but only serving one individual parcel, so it maybe adequate. Mr. Card described the location of Section 16 on a map provided for the Board members.

Mr. Card said that as part of the notice requirements of Special Use Permit # SP-93-13 (as amended), the Planning Department was to notify any owners of property located outside of Carriage Park that are within 100 feet of the proposed Section. Carriage Park Associates, LLC notified the Planning Department that there were property owners adjacent to Section 16. Planning Staff sent out notices regarding the upcoming hearing on Section 16 on July 7, 2006 to all adjacent property owners, Carriage Park Associates LLC, Carriage Park Home Owners Association and all other recipients on the Carriage Park mailing list.

Mr. Card stated that the following comments are subject to the approval:

1. **Private Roads.** Because private roads are proposed, the final plat 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)
2. **Final Plat Requirements.** The Final Plat(s) must meet the requirements of Appendix 7 of the Subdivision Ordinance.
3. **Soil Erosion and Sedimentation Control.** The Developer should submit notice from NC DENR that a soil erosion and sedimentation control plan has been received or provide documentation from a professional land surveyor, engineer, landscape architect, architect or professional planner that no plan is required prior to beginning construction.
4. **Water and Sewer Plan Approval.** A letter from the Hendersonville Water and Sewer Department regarding capacity to provide water and sewer service for the entire PUD project was provided on June 11, 1993. The Applicant should provide evidence that the water and sewer plans serving Section 16 have been approved by the City of Hendersonville Water and Sewer Department and NCDENR prior to beginning construction (HCZO Section 200-33 F(4)(b)[6]).
5. **Private Road Standards.** Special Use Permit #SP-93-13 (Exhibit A [12]) requires that roads be constructed to NCDOT standards for vertical alignment and grade and that the Applicant provide evidence of the responsibility for road maintenance and repair, prior to the recordation of any plat representing lots or units having direct access to said roads.
6. **Evidence of Infrastructure Development.** The Applicant has indicated in the Descriptive Narrative that sewer and water lines will be extended to the Section 16 boundary. The Applicant shall, prior to any request for review or approval of plans for any development parcel, provide evidence that development infrastructure including roads, drainage, water and sewer, have been extended to the boundary of said parcel; or otherwise provide an improvement guarantee in a form acceptable to the Henderson County Board of Commissioners. (#SP-93-13 Exhibit A[A][2][d]).

7. **Open Space.** The required open space and open space provided appears to be incorrect and will need to be put on record prior to or concurrent with the recordation of the Final Plat for lots in Section 16.
8. **Review Agency Comments.** Henderson County Property Addressing Office submitted a comment that the road names have not been approved. The applicant must obtain approval of all road names in Section 16 prior to Final Plat approval. The Henderson County Zoning Administrator and Fire Marshal also submitted comments regarding the development proposal.
9. **Revised Development Plan.** The following items on the development plan are incorrect or missing. A revised development addressing these issues must be submitted to the Planning Department prior to recordation of a Final Plat.
 - a. Need property line data.
 - b. Need a graphic scale on the small copy (11X17).
 - c. The small copy (11X17) of the Development Plan is labeled as Section 15 (Carriage Crest) instead of Section 16.

Mr. Card also mentioned that the cross-section is wrong, it is showing three foot shoulders and groups all of the roads together but according to the special use permit, it requires six foot shoulders instead of three foot shoulders and the labeling shows it as a Master Development Plan, but it should read as a Development Plan.

Mike Cooper indicated that since there have been a lot of changes to the research Master Plan, an amended one should be submitted. to reflect all of the changes that has recently happened.

Staff recommends approval of Section 16, as amended, subject to the above comments being addressed and any other issues that may arise during the hearing. He said that the minor collector roads that they are proposing, do they tie to a minor collector road? Mr. Card stated that in Section 15, Summit Road connects to a major collector road, Carriage Park Way. Mr. Cooper asked whether the roads are standard from that point the same as what they are building inside of Section 15? Mr. Card said that Knob Hill Loop is a residential drive. After some further discussion, Mr. Cooper asked, "How much road is proposed that is not meeting a collector road minimum, is it Knob Hill Loop?" Mr. Card said yes, approximately 150 feet of road. Mr. Cooper said then from there on to Carriage Park Way, would it meet a minor collector road standard? Mr. Card said that it does meet the minor collector road standard from there. Mr. Cooper said that Knob Hill Loop should as well. Chairman Pearce said he finds that there are two possible entryways into Section 16. Mr. Card said that accordingly to the research Master Plan, they do have two entryways. Chairman Pearce said that if Section 15 has not been developed yet, he feels that it differs from Section 7 because all of the lots that they wish to use for the ingress to Section 7 were already sold and in Section 15 since the lots have not been developed, they are still in the hands of the developer.

Mr. Grasso, land planner for Carriage Park, LLC, said that he received an approved erosion control plan by the State. He stated that he will make all the necessary changes mentioned in the conditions. He indicated that he will make sure that there will be the right shoulder sections. He said that they are building the roads for Section 15 and Section 16 to minor collector road standards, and stated that he will make the change for Knob Hill Loop to a minor collector and it will be on the revised preliminary plan. He also indicated that they will submit an amended research master plan.

Chairman Pearce opened public input at this time.

Fran Ackley. Ms. Ackley who is a resident of Haywood Knolls and borders on Carriage Park development, stated that she opposes the development of Section 16 because of the mindless environmental destruction and non-planning regarding the destruction of trees and shrubs and the harming of wildlife.

Joyce Ruppieko. Ms. Ruppieko, who borders the development of Section 16 stated that she is concerned with the buffering between their development, if approved, she will see nothing but tall townhomes outside her property. She does not disapprove of the development, but would prefer smaller homes that would not block views of the tranquility of their property.

Carl Ruppieko. Mr. Ruppieko opposes the development because of the density and the lack of not planning for buffer areas.

Ken Perkins. Mr. Perkins stated that his property abuts the proposed section. He has concerns with erosion control and is also concerned about environmental problems.

There was some discussion with regard to the buffer requirements of the special use permit. Mr. Grasso addressed the buffer issue and mentioned that they will fix any problems and will replant a buffer between Mr. Perkins property and Carriage Park property. He stated that he will look at the entire area to see if there are any other problems to repair. Chairman Pearce asked Mr. Card, "Does Section 16 comply with all of the provisions subject to the conditions that have been approved? Mr. Card stated that based on Staff's comments, it appears that it meets the special use permit. He added under the conditions of the special use permit, under the exterior perimeter buffer, the 30-foot undisturbed buffer, regarding privacy requirements it states: *"the plan for each development parcel shall provide reasonable visual and acoustical privacy for all dwelling units whether such units are located within the planned unit development or property located adjacent to the planned unit development.* He said it goes on to indicate fences, walls, barriers and landscaping which can be used for the protection and aesthetic enhancement of the planned unit development and the privacy of its occupants. Mr. Card added that what the Planning Board can place on the developer appears vague, so he is not sure what authority they have.

Virginia Burke. Ms. Burke, who lives in Governor's Point of Carriage Park, stated that she feels that it is a similar problem to Section 6 and Section 7. She is concerned that there is no other entrance [North Hill Loop], into Section 16. She stated that each section should have its own access road to Carriage Park Way, the loop road, as described by Mr. Hamlin. She added that the way this section is designed, it will cause congestion and degrade the entire development.

After some considerable discussion, Chairman Pearce asked Mr. Grasso, "Is there any particular reason why you do not have direct access to the Park Way for Section 16?" Mr. Grasso said that it is topography driven. Chairman Pearce asked, "What type of road would have been built to accomplish this?" Mr. Grasso said that the only way we could have a separate road for Section 16 is to have two parallel roads, running along side of each other. He said that what was done for Summit Road, it was divided in places where the topography has allowed so that the units that front Summit Road, when they come out of their driveway, they will only need to look in one direction for traffic. He said that they recognized that there would be more traffic on Summit Road. Chairman Pearce regarding the privacy issue, he asked, what type of measures do you plan to implement? Mr. Grasso said that we will need to add to the buffer to accomplish this privacy issue. Mr. Hamlin stated that any vegetation or damage to buffer will be fixed as well as any line misappropriation. He added that it is not their intent to go

back and replant any virgin piece of buffer zone but will fix anything that was erroneously damaged.

Mike Cooper made a motion that the Planning Board find and conclude that Section 16 of Carriage Park Planned Unit Development complies with the provisions of the Henderson County Zoning Ordinance, Water Supply Watershed Protection Ordinance, Subdivision Ordinance, and the Special Use Permit regulating the Planned Unit Development (#SP-93-13, as amended) except for those matters addressed in Staff Comments and any other issues raised during the hearing that have not been satisfied by the applicant. I further move that the Development Plan be approved subject to the following conditions: corrections to cross sections and labeling; amend and update the Research Master Plan; Knob Hill Road be brought up to minor collector road status and that the maintenance of the thirty-foot buffer and the restoration of any damage done in that buffer would be a continuing requirement in this section and all sections of Carriage Park. Tommy Laughter seconded the motion and all members voted in favor.

Chairman Pearce declared a five-minute break at this time.

Grey's Reach – (# 2006-M29) – Combined Master Plan and Development Plan – (19 Single-Family Lots) – Located off Evans Road – Luther E. Smith and Associates, Agent for Mr. Robert Rogers, Developer. Mr. Prinz stated that Mr. Jeffrey Cooper, property owner, has submitted, through Luther E. Smith and Associates, a Combined Master and Development Plan for a proposed subdivision to be known as Grey's Reach. Mr. Robert Rogers will be the developer of the project. Grey's Reach is proposed to be developed on a parcel of land approximately 16 acres in size located off of Evans Road, between Pinnacle View Way and Crab Creek Road.

Mr. Prinz said that Grey's Reach will contain 19 single-family residential lots that will be developed in one phase. The developer plans for all of the homes to be served by a community water system and individual septic systems. A one-way private local residential loop road (Cove Court) is proposed for the development, with one entrance located off of Evans Road. He said that it appears that Lot #19 will be accessed directly from Evans Road. The developer has proposed approximately four (4) acres of open space in the area of an existing perennial stream and an open pasture.

Mr. Prinz stated that the project summary shows this project is located in an Open Use zoned district but it is actually located in a T-20 zoning district and would need to be changed. He said as a result of the T-20 zoning district, one of the lots on the plan would need to be reconfigured to meet the minimum lot size requirement for that zoning district.

Chairman Pearce noted that Mike Cooper informed him that his brother, Jeffrey Cooper, no longer owns the property as the property has been sold. He stated that Mike Cooper would be willing to recuse himself, but he has no knowledge of the people who purchased the property. All Board members were in agreement that he could participate in any discussion or decision dealing with this project.

Staff has reviewed the Combined Master Plan and Development Plan for conformance with the Henderson County Subdivision Ordinance (HCSO) and offers the comments that follow.

Revisions to Master Plan. Mr. Prinz stated that there are no revisions to the Master Plan that are necessary.

1. **Revisions to Development Plan.** The following changes must be made for the Development Plan portion of the Combined Master and Development Plan to be in compliance with Appendix 5 (Development Plan Requirements) of the HCSO. Mr. Prinz mentioned previously there are two changes that need to be changed are the zoning change as well as the lot configuration dealing with lot # 9.
2. **Soil Erosion and Sedimentation Control.** The Developer should submit notice from NC DENR that a soil erosion and sedimentation control plan has been received, prior to beginning construction (HCSO 170-19).
3. **Final Plat Requirements.** Final Plat(s) must meet the requirements of Appendix 7 of the Subdivision Ordinance for approval.

Mr. Prinz said that the Board can consider requiring approval from NCDENR from the community water system final to the final plat being recorded.

Chairman Pearce noted that Mike Cooper informed him that his brother, Jeffrey Cooper, no longer owns the property as the property is closed. He stated that Mike Cooper would be willing to recuse himself, but he has no knowledge of the people who purchased the property. All Board members were in agreement that he could participate in any discussion or decision dealing with this project.

REVIEW AGENCY COMMENTS

Staff has received the following review agency comments regarding the Grey's Reach:

1. **Comments from the Henderson County Fire Marshal's Office, Rocky Hyder:**
 - Given the limited water supply capacity of the unnamed tributary shown on the Combined Master and Development Plan, a dry hydrant in this location is most likely an impractical source of water for fire suppression. Unless an adequate surface water supply is located on site, the HCSO contains no requirements for the provision water for fire suppression.
 - The proposed loop road meets the minimum HCSO requirements for a one-way private local residential road, which according to the minimum road standards is adequate for the number of proposed lots.

Chairman Pearce said it states that the road widths do not support two-way traffic, but Staff says that it meets the requirements of the Subdivision Ordinance as proposed on the Development Plan. Board members discussed this issue and agreed that a condition should be added for adequate signage to reflect one-way traffic. They also discussed that additionally a condition should also be added that the owner should seek approval by DENR of a private water plan.

2. **Comments from the Henderson County Zoning Department, Natalie Berry:**
 - As Mr. Prinz stated above, Natalie has confirmed that the subject property is located within a T-20 zoning district. The Development Plan must be revised to comply with Staff's Comments above.

Mr. Luther Smith, agent for owner of Grey's Reach stated that when the application was submitted, Mr. Jeffrey Cooper was the property owner not the applicant. The applicant was Robert Rogers. Mr. Smith said that he has already provided Staff with a corrected plan showing the change in the zoning district [from Open Use to T-20]. Regarding submission by DENR of the water system, he said his interpretation of the Ordinance was upon receipt of final erosion control approval, water system, sewer system or whatever, for development, that those items needed to be submitted to the Planning Board as routine, but the Ordinance covers that the submission is required to be made prior to the final plat. Mr. Smith said that they will show adequate signage to reflect one-way traffic. After some discussion regarding requirement of a water plan, it was agreed that the condition would state approval by NCDENR of a private water system plan.

Chairman Pearce made a motion that the Planning Board find and conclude that the Combined Master and Development Plan for the Grey's Reach complies with the provisions of the Subdivision Ordinance except for those matters addressed in the Staff Comments section of the memo; and further move that the Combined Master and Development Plan be approved subject to the following conditions: that adequate signage be shown to reflect one-way traffic and approval by NCDENR of a private water system plan. Renee Kumor seconded the motion and all members voted in favor.

Crystal Creek and Crystal Heights – (# 2006-M-31) – Combined Master Plan and Development Plan – (36 Single-Family Lots) – Located off Patterson Road – Dan Ducote with Etowah Developers, LLC and Dan Ducote Enterprises, Inc., Owners. Mr. Card said that Mr. Dan Ducote with Etowah Developers, LLC and Dan Ducote Enterprises, Inc., submitted two major subdivision applications for two different sections of a proposed major subdivision titled Crystal Creek (first section) and Crystal Heights (second section). The Crystal Creek portion of the subdivision is currently owned by Etowah Developers, LLC and Dan Ducote Enterprises, Inc., submitted the application for the Crystal Heights section. Both companies have appointed Associated Land Surveyors & Planners, P.C. as agent for the project.

Mr. Card said that a total of 36 single family residential lots are proposed for both Phases. The project site is located off Patterson Road on six different parcels of land totaling 40 acres. According to the Master Plan one pond exists on the property which is designated as common area. Private water (Aqua NC Utility), individual septic systems and private roads are proposed. The property is located in the Open Use zoning district which does not regulate the residential use of land.

Mr. Card said that according to Section 170-16B of the Henderson County Subdivision Ordinance (HCSO), the purpose of a Master Plan is to present the overall development concept for a project and to provide general information about the project to allow for assessment of its impact on growth and development of the County, environmental quality, land values, natural features, etc. Staff has reviewed the Master Plan for Crystal Creek and Crystal Heights for conformance with the Henderson County Subdivision Ordinance (HCSO) and offers the following comments:

1. **Subdivision Names.** Section 170-24 of the HCSO (Subdivision names and name signs) states that the name of a subdivision shall not duplicate a name that is identical to or phonetically similar to any other subdivision or named community in Henderson County. Staff has checked both names for duplication with other subdivision names and it appears that there are no other subdivisions with these names. It also appears that the use of two subdivision names is allowed under the Subdivision Ordinance but Staff suggests using only one subdivision name to reduce the confusion for emergency

responders. Staff may have more comments regarding this at the Planning Board meeting.

2. **Ownership.** This has been settled.

Review Agency Comments

3. **Comments from the Fire Marshal.** The Henderson County Fire Marshal's Office submitted comments regarding the subdivision. Note: The Planning Board can only require the applicant to meet the minimum standards of the Henderson County Subdivision Ordinance; the Planning Board may not have the authority to require any additional standards to the subdivision.
4. **Comments from the City of Hendersonville.** The City of Hendersonville submitted comments regarding the availability of public water to the project site. The Planning Board may want the applicant to explain the intent to extend water to the site.

Chairman Pearce asked Terry Baker, agent for the developer, why the subdivision can't be named only one name? Mr. Baker said the dividing line between this tract is actually where the two homeowners are. He said it was one big tract several years ago when someone bought it and divided it in half. One of the owners in the upper section wants her section to be distinguished from the rest of the property and therefore wants it divided into two names. When it was first done, it was one name, but this particular owner of the upper section wants to be distinguished with a different name. Regarding the water system, he said until it is paid for, there will be no documentation from the City of Hendersonville until they receive a payment and once that is done, Aqua Utility will come in and do the taps. He added that they have permission from Aqua and the City that there is water there, but nothing will be done until payment is submitted and this is all pending on whether we get permission for the subdivision, but there will be public water.

Chairman Pearce said he would like to encourage the developer to try to encourage the owner on the upper section to at least call it Crystal Creek Heights or the Heights at Crystal Creek for that section that would create some continuity for emergency services.

Mr. Cooper made a motion that the Planning Board find and conclude that the Master Plan appears to comply with the provisions of the Subdivision Ordinance. Mark Williams seconded the motion and all members voted in favor.

Taylor Farms – (# 2006-M32) – Combined Master Plan and Development Plan – (28 Attached Townhouse Units; 3 Single-Family Units) – Located off Taylor Road – Chris Lamb, Developer and Owner. Mr. Card stated that Mr. Chris Lamb, developer and owner of the project, submitted an application for a major subdivision titled Taylor Farms. The project site for Taylor Farms is located on a portion of one parcel totaling 6.4 acres of land off Taylor Road. Mr. Lamb has proposed 28 attached townhouse units and 3 single family dwelling units, all of which will be on individual lots. Mr. Lamb currently owns a few rental units that is located on the parcel to be subdivided and will become part of the subdivision. An existing pond is located in the rear of the property in the proposed common area for Taylor Farms.

Mr. Card said that public water and public sewer (City of Hendersonville for both) are proposed but according to County records the project site appears to be located outside of the Urban Services Area and there is a question as to whether Mr. Lamb can use City sewer for the project. Mr. Card said that private roads are proposed and the subdivision will be accessed from an existing road (Landrum Lane) which comes off Taylor Road. The property is located in the Open Use zoning district which does not regulate the residential use of land. The Blue Ridge

Farmland Preservation District is located approximately 500 feet to the east of the proposed subdivision.

Staff has reviewed the Combined Master Plan and Development Plan for conformance with the Henderson County Subdivision Ordinance (HCSO) and offers the comments that follow.

1. **Private Roads.** Because private roads are proposed, the final plat 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)
2. **Final Plat Requirements.** The Final Plat(s) must meet the requirements of Appendix 7 of the Subdivision Ordinance.
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 from a professional surveyor or engineer that no plan is required prior to Final Plat approval.
4. **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 170-37A).
5. **Water and Sewer Approval.** The applicant has proposed public water and public sewer (City of Hendersonville for both). 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 (HCSO 170-20).

Master Plan and Development Plan Comments

6. **Road Standards.** The roads shown on the Plan appear to meet the minimum standards of the Henderson County Subdivision Ordinance. Although the turnaround areas are not of a standard design they appear to be larger than what is required by the private road standards of the Subdivision Ordinance (Section 170-21 of the HCSO).

REVIEW AGENCY COMMENTS:

7. **Comments from the Fire Marshal.** The Henderson County Fire Marshal submitted comments regarding the subdivision. Note: The Planning Board can only require the applicant to meet the minimum standards of the Henderson County Subdivision Ordinance; the Planning Board may not have the authority to require any additional standards to the subdivision.
8. **Comments from City of Hendersonville.** Mr. Lee Smith and Mr. Dennis Frady with the City of Hendersonville Water and Sewer Department submitted comments regarding the

availability of water and sewer to the project site. According to these comments sewer is not available to the project site and it is outside the Urban Service Area (USA) making extensions of a public sewer line to the site not possible. The design of the subdivision in regards to density and lot sizes is based upon having public sewer. Therefore Staff suggests that approval be contingent upon approval of the public sewer system.

Mr. Lamb explained that in March of this year, he found out about the Urban Service Area. Mr. Lee Smith with the City of Hendersonville Water and Sewer Department said that if you fall into that area, we can not deny you access to the sewer for the whole piece of the property. He said after this, he got a call from Planning Staff and said that I was not accessible to the sewer. Mr. Lamb said that he had done research and talked again with Lee Smith and said that the biggest problem the City has is that they have no regulation on the percentage of the owner's property that has sewer. Mr. Lamb explained to Mr. Smith that after these few months he has gone too far in the plans for a subdivision project to be turned down. Mr. Lamb said that he mentioned to Mr. Smith after researching that the City will have to redraw a map following every property line or they are going to need a certain percent of property. Chairman Pearce said that the approval the Planning Board can give you is going to be contingent upon what you receive from the City of Hendersonville.

9. **Comments from Property Addressing.** The only comment from Curtis Griffin, in Property Addressing, was that for Lots 7, 9, and 10 names are required.

Mark Williams made a motion that the Planning Board find and conclude that the 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 further move that the Combined Master Plan and Development Plan be approved subject to the following conditions: that the subdivision approval is contingent upon approval of the sewer system which must be obtained prior to construction of improvements. Sewer system approval by the City of Hendersonville must be submitted in writing to the Planning Director prior to beginning construction. Tommy Laughter seconded the motion and all members voted in favor.

North Course Village – (# 2006-M33) – Master Plan – (27 Single-Family Lots) – Located off West Fairway Drive – Eric Laughter, Developer. Mr. Prinz stated that Mr. Claude A. Laughter, property owner, has submitted through Associated Land Surveyors, a Master Plan for a proposed subdivision to be known as North Course Village. Mr. Eric Laughter will be the developer of the project. North Course Village is proposed to include two parcels of land totaling approximately 8 acres in size. The property is located adjacent to Etowah Valley Country Club off of West Fairway Drive.

Mr. Prinz said that the North Course Village is proposed to contain 27 single-family lots that will be developed in one phase. The developer plans for all of the home sites to be served by public water (from the City of Hendersonville) and public sewer (Etowah community system) and two private roads are proposed for the development, with the main entrance located off of West Fairway Drive.

Mr. Prinz said that the project site is located in a County Open Use (OU) zoning district which does not regulate residential uses of land and is not within a designated Water Supply Watershed area; however, Henderson County GIS shows that there is one perennial stream (Gash Creek) on the property.

Mr. Prinz said that what the Planning Board is reviewing the concept of the Master Plan for North Course Village and not the technical details of the subdivision. He said that all of the technical requirements of a master plan have been met for this project.

1. **Henderson County 2020 Comprehensive Plan (CCP).** The Future Land Use map of the CCP shows the subject property is located within Rural/Urban Transition Area (RTA) of the Growth Management Strategy (GMS). Historically, areas of the RTA have been predominantly rural in nature, although pockets of higher density mixed-use development have occurred in areas where public water and sewer infrastructure are available. The GMS section of the CCP specifically states that "Transition Areas" are anticipated to "undergo extensive development over the operational timeframe [of the CCP]". A trend which is further demonstrated by the proposed North Course Village project. With access to public water and sewer infrastructure, the developer has proposed a high density single-family development with a typical lot size of 10,000 square feet (+/-). Such development is not out of context in the Etowah Valley Country Club area.

A small amount of Conservation area has been identified by the Future Land Use Map on the south west portion of the subject property and is attributed steep slopes. To minimize disturbance of these sensitive areas and the potential for erosion and sedimentation of the nearby Gash Creek, the developer should consider locating the proposed housing units and access roads in areas that will lessen the amount of necessary grading and removal of ground stabilizing vegetation.

Chairman Pearce stated that the Planning Board can not enforce the developer to stay away from the creek, other than the 30-foot buffer, but we can suggest the comment you have given.

Chairman Pearce asked, "Is Mr. Laughter planning future development on where it is indicating a reserve on the right-of-way at that location?" Mr. Prinz said from what he knows, the Laughter's own that piece of land. Mr. Baker said that the house that is off of the property is Mr. Laughter's residence. His driveway comes up in the middle of the subdivision, so he will come off of the new cul-de-sac to serve his house from there and beside there is approximately 24 acres which is owned by Mr. Laughter's relative.

Mr. Baker said to address the sewer issue, Etowah Sewer doubled their capacity about 18 months ago and Mr. Laughter is one of the partners in the company, so he feels that the development will receive sewer taps. Mr. Baker added that because of the death of Mr. Laughter, his son will be the developer of this project.

Chairman Pearce made a motion that the Planning Board find and conclude that the Master Plan for North Course Village complies with the provisions of the Subdivision Ordinance; with no conditions. Mike Cooper seconded the motion and all members voted in favor.

Pre-application Conference for an Amendment to Mountain Lake Homes Planned Unit Development Special Use Permit – (#SP-04-01) – Todd Leoni, Agent for Camp Riley, Inc., Owner. Mr. Cable stated that once again the applicant is not present for this conference. After some brief discussion, Chairman Pearce asked Staff to decide how they want to handle the resubmitting of this application.

Subcommittee Assignments and Meeting Dates. Chairman Pearce discussed with the Board members scheduling meetings with the full Board to review and discuss the Land Development Code changes. The following meetings were scheduled: July 25, 2006; August 8, 2006 and August 22, 2006 at 4:30 p.m.

Adjournment. There being no further business, the meeting adjourned at 8:42 p.m.

Tedd Pearce, Chairman

Kathleen Scanlan, Secretary