

**HENDERSON COUNTY  
PLANNING BOARD MINUTES  
SPECIAL CALLED MEETING  
May 16, 2006**

The Henderson County Planning Board met immediately after their regular meeting on May 16, 2006 for a special called meeting regarding Campus Quarters. Board members present were Tedd Pearce, Chairman; John Antrim, Jonathan Parce, Mike Cooper, Renee Kumor and Stacy Rhodes. Others present included Justin Hembree, Assistant County Manager/Interim Planning Director; Matt Card, Planner; Matt Cable, Planner; Russell Burrell, County Attorney and Kathleen Scanlan, Secretary. Board member Gary Griffin was absent. Mark Williams needed to leave because of previous obligations and Tommy Laughter was recused from this meeting because of business relations dealing with Blue Ridge Community College.

Pre-Application Conference for the Campus Quarters Planned Unit Development – Luther E. Smith, Landscape Architect for Campus Quarters, LLC. Mr. Cable reviewed the purpose of a pre-application conference. Mr. Cable indicated that Luther Smith, Landscape Architect for Campus Quarters, LLC requested the Planning Board and Staff hold a pre-application conference. Mr. Cable said that the pre-application conference, allows the Planning Board to ask the applicant to address anything that the Board feels is a concern before the application for a Special Use Permit is submitted. Chairman Pearce said that there will be two approvals required, one for a Special Use Permit that the pre-application conference is for and one for a master plan review of a major subdivision that will be heard later in the meeting. Mr. Card spoke more about the two processes. The Board has the Special Use Permit application process and the major subdivision process and that they need to get approval of both. Chairman Pearce said that since this is a PUD is the Board only making a recommendation on the subdivision or is the Board approving the subdivision? Mr. Card said that tonight is a pre-application conference and probably at the next Planning Board meeting, the Board would have the option to make a recommendation. Mr. Card said it would then go to the Board of Commissioners and then be referred back for to the Planning Board for a recommendation. The master plan we have for the Board tonight is for approval by the Planning Board of Campus Quarters' master plan.

Mr. Card said that the project site for Campus Quarters is located on 27.2 acres of land off South Allen Road and College Drive. The applicant proposes a total of 114 townhouse units of varying types. The subdivision is proposed to be built in three phases. Public water and sewer is proposed and is located in the R-10 zoning district.

The project site is located adjacent to Blue Ridge Community College, Pardee Life Care Center and the Herman Weisberg Fire Training Center. A portion of the property is located in a 100-year floodplain.

Due to the nature of a townhouse development with respect to lot sizes and setbacks and in order to comply with the Henderson County Zoning Ordinance (HCZO), the applicant must obtain approval for Campus Quarters as a planned unit development which is allowed as a Special Use. In addition to obtaining approval of a Special Use Permit which is granted by the Board of Commissioners, the Applicant will also need approval from the Planning Board as a nonstandard subdivision.

Mr. Card said that the obvious issues are its proximity to some of the surrounding uses, especially the fire training center. Some of the units proposed will be 10 to 20 feet off of the property line and that is very close. He said that the map shown is the master plan and not an actual development plan of the project, so there is not much detail shown.

Mr. Luther Smith represented Campus Quarters, LLC with regards to this proposed development. He explained the reason why the Planning Board is looking at both processes tonight. He said at their initial meetings with the County, he left with the understanding they wouldn't have to go through the PUD process, but subsequently, we need to go through that process. He said that the Board is going through a master plan approval for a major subdivision as well as a pre-application conference for the PUD. He reviewed the project overview and noted that the applicant is requesting 114 units and that all of the units will be in townhouse ownership. The project will be done in three phases and that there are two accesses. The primary accesses are from College Drive, just down from the entrance that goes to the Killian Building. The second access comes out with a right-of-way on it through land owned by Pardee Life Care. Mr. Smith stated that the whole concept for it being at Blue Ridge Community College is that it grows out of a program at Cornell University. In this study they were developing elderly housing, so there could be a relationship within training and teaching situation for students in the college as well as the people living there. He said that same type of program is intended to develop out of this project with Blue Ridge Community College. In addition to building the basic development, Campus Quarters, LLC will be involved with the college in developing a potential community center with classrooms in it that the college can use and this development can use and also developing recreational facilities on the college that will have joint use. Mr. Smith stated that in the process of review, there were some issues that came up from the Fire Marshal concerning the proximity of the fire training center. Chairman Pearce asked whether this was the appropriate time to raise this issue of the Fire Marshal or would it be during master plan review? Mr. Card said that either time as this is an important and the Planning Board should hear any comments regarding this issue. Chairman Pearce said to Luther Smith that at this time you aren't offering any solution to the fire training center problem? Mr. Smith stated that at this time he was not offering any suggestions. Chairman Pearce feels that referring to Section 170-3 of the *Henderson County Subdivision Ordinance* could be the main reason for not approving this project.

Chairman Pearce opened public input at this time.

Howard Norton. Mr. Norton mentioned that he has been associated with the fire commission for over thirty years. He mentioned that the fireman put their protest regarding this proposed development through Blue Ridge Community College and the Fire Marshal's Office. He gave a brief synopsis of the hazards of fire fighting and the necessity for the firefighters to have a training center to keep up with the updates of fire fighting and the general knowledge of fire fighting. He stated that he feels that the older people who would be living in this proposed development would object to the heat, noise and smoke of what occurs during fire training. Mr. Norton said that if this project development goes through, it is the death of the training grounds, despite the fact that it is grand-fathered in and that the County needs a training facility for firefighters, public outcry will be tremendous. He said he feels that this project should be turned-down because of the sure loss of the training ground and this could cause injury and death not only to the firemen but the people they protect in Henderson County. Chairman Pearce asked, "Are you suggesting that none of the project be built or just Phase 1 not be built?" Mr. Norton said, "If we have to compromise, Phase 1 should be a greenway instead of a building site, but Phase II and Phase III will not be happy with the necessities of what firemen need to train, so therefore, he suggested that the entire project be turned-down. Mr. Antrim said that given the proximity of the project, couldn't an earthen mound be constructed to divert a lot of things? Mr. Norton said that if a berm or an earthen mound were there, it would be put into a floodplain along a creek bed which would require permission, but that could be a good choice but it wouldn't necessarily eliminate the noise, smoke and heat from the training ground.

Rocky Hyder. Mr. Hyder said he was concerned when the Pardee facility was built in 1996 because we didn't want to do anything to that facility or the folks in the area there. He said they commissioned a study with LAW Engineering and Environmental Services, Inc. to study the affects on ambient air as well as ground water and the ground itself from the fire training center. He quoted from their letter regarding the ambient air impacts for the receptor height – 2 meters at a distance of 300 feet away from the fire pit and as mentioned in the table, all of the measurements resulted in the pollutants that were above the ambient air quality standards. He said these air emissions involved carbon monoxide, sulfur oxides and nitrogen oxides – all of those not only exceeded the ambient air limits, but substantially exceeded the limits. Mr. Hyder said that the type of fuels that are used in the fire training facility are low sulfur, so the ground and the ground water contamination was not an issue but the smoke, the radiant heat as well as the noise makes the facility un-neighborly to any adjacent property facilities. Chairman Pearce asked whether any noise levels were measured. Mr. Hyder stated that this isn't available but that we could take those measurements. The noise level could be compared to a dog-barking scenario – it might not be too high, but the noise is constant and aggravating. Chairman Pearce asked, "How often is the facility used?" Mr. Hyder stated that the facility is used every week. Classes are normally sponsored there through Blue Ridge Community College and many times we use the classroom facility and other times we use the pumper test pit and a propane simulator area, which would be a radiant heat issue as well as the noise from the trucks that are required. Ms. Kumor said that when you did that burn, was the wind a factor? Mr. Hyder said that the wind was not a factor that day but that it eventually moves across the pasture where this particular development would be. Mr. Hyder stated that we installed the wind sock when Pardee located there because we are still sensitive to the fact that we do not want to cause issues or problems with them. This particular project, we do not have a lot of options with regard to that, the wind socks will not help, because now we have no area to burn which is not going to travel over an area of land. Ms. Kumor said that even without the wind taking the particulate matter toward that vacant site, you were still measuring more matter and more things in the area than a normal burn. Mr. Hyder said certainly. Chairman Pearce asked, "How often do you do your burns generally? Is there a certain number per day or month?" Mr. Hyder said that on the average about six to eight burns are held per year and those go on for several hours. Ms. Kumor asked whether they receive any comments from Pardee. Mr. Hyder said that there isn't much comment received from them because we choose not to burn when it is blowing in that direction, so therefore we reschedule any events. This proposed development will not give us that option. Ms. Kumor asked about the noise factor and any comments from Pardee on that issue? Mr. Hyder stated that there hasn't been because there is quite a bit of ground and timber in that area, which would have a tendency to buffer the noise some. Chairman Pearce said that there was a test burn done, was the fire a typical situation? Mr. Hyder said that the fire was average or less than average fire than what we typically have and the reason being is that a lot of times we accept donated fuels that have either been accidentally mixed or there are some problems with them, as they are not retail fuels. He said that particular fire was probably at very best, a regular fire. Chairman Pearce said that in that fire there was some vinyl siding and was set at fifty feet, the vinyl siding buckled significantly. Mr. Hyder stated that the heat sensors that were recorded topped around 900 degrees – Mr. Hyder had asked the Chief of Blue Ridge Fire Department to verify that.

Chief Gary Brown. Chief Brown said that he is the president of Henderson County Fire and Rescue Association and the association as a whole opposes this proposed development. He feels that this will cause the fire training center to shut down in the future and doesn't feel that it is an acceptable area to have any residential development adjacent to the proposed development.

Chief Robert Griffin. Chief Griffin said that proposed development has the potential to affect what people pay in homeowners insurance countywide. He said with the rating process, we get

graded on a point scale and because of that, we get so many points for a training facility and points for using the facility. Without having this facility and using it, fire departments stand a chance of their insurance rating going up and in turn homeowners claim more for homeowners insurance countywide, so this could affect not just this immediate area but everyone in the County.

Chairman Pearce asked Mr. Hyder whether there could be some compromise that would allow the County to continue to use the facility and this development still go on? "Are you suggesting that nothing go on that piece of ground or is there a point of compromise and if so, what would that point of compromise be?" Mr. Hyder said that he thinks that what was mentioned on September 6, 2005 for the rezoning still stands. We are not opposed to someone utilizing their property as best as they can but the negative affects we have on them and vice-versa would need to be considered. He said that we are certainly willing to consider any proposal but we need open dialog to develop something that would work for everyone.

Chairman Pearce stated that the pre-application conference is terminated.

Campus Quarters (File # 2006-M22) – Master Plan – 114 Townhouse Units on 27.2 Acres Located off South Allen Road and College Drive – Ron Stephens, Agent for Blue Ridge Community College, Inc., Trustees and Partners in Health Condo. Mr. Card mentioned that as far as the Master Plan, the Board has already heard the details of the project. He wanted to point out that it is a non-standard subdivision to be reviewed as a major subdivision. He said that since it is a townhouse development, it is not your standard single-family lots, so it is governed under the non-standard subdivision section. Mr. Card briefed the Board members on what a master plan is and what the Planning Board is approving. Mr. Card added that this plan meets the requirements of a Master Plan.

Mr. Ron Stephens, agent for the property owners of the project said that after attending the fire demonstration he agrees that a fire like that in that location would make most of Phase 1 of the project inhabitable and that we could not build it. He added that they are trying to build something that would be an asset to the community and the college. He feels that there should be some compromise that could be worked out because he cannot see for us or for any owner of the land, including Blue Ridge, to make a sizeable piece of property unusable and he doesn't feel that is right. Mr. Stephens feels that the only problem is the burn pit and said that there is land to the right that does not have anything around it and there are woods between the right-side of that property if you face it from the college and there is a fair amount of area that is green grass now. He feels that there is something that could be worked out that the fire school could continue to operate and for us to develop this project.

Chairman Pearce referred to Section 170-3, *Land Use Plan* of the *Subdivision Ordinance*, and feels that something might be able to be worked out, but stated that he moves that the Master Plan for Campus Quarters be denied as presented. Renee Kumor seconded the motion. Chairman Pearce said that he feels what the property owners want to do is a good idea. He asked, "They are zoned R-10, but as a PUD, does the Board have leeway on how those densities can be arranged? He feels that in sending this project back and asking them to try to come up with an arrangement so that the Planning Board could be as flexible in any recommendation they would make to try to help them accommodate their densities, because the densities are the determining factor in making this project work, but he feels that the Board cannot pass this project as presented. Mr. Cooper agreed that some of the units proposed are too close, but doesn't know what a safe distance is. He added that in some point in time they acquired the property where the fire training facility is from either Blue Ridge or the County and at that time they should have accommodated that setback by retaining a certain amount of property. He is for the fire training center in this County but also feels that there should be a

determination in what is a safe distance before anyone, including this Board can make any kind of a recommendation. Mr. Parce said that it is not for the Planning Board to come up with a solution but for them to bring a solution to us that would work where there would not be an incompatible land use in close proximity. All members voted in favor of the motion. The Master Plan for Campus Quarters was denied. Chief Rick Livingston stated that referring to Mr. Cooper's comment, in 1981 when we built the training ground, one reason it was placed there was because it was on Blue Ridge Community College property and to his understanding, the property where this project is proposed is still owned by Blue Ridge Community College. He said they assumed that common sense would prevail with the college owning that property and that we would have had some buffer area set aside to protect us from infringement.

Adjournment. There being no further business, the meeting adjourned at 8:07 p.m. and all members were in favor.

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Tedd Pearce, Chairman

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Kathleen Scanlan, Secretary