

**HENDERSON COUNTY  
PLANNING BOARD MINUTES  
April 18, 2006**

The Henderson County Planning Board met on April 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; Paul Patterson, Vice-Chairman, Tommy Laughter, Mark Williams, Jonathan Parce, Mike Cooper, Renee Kumor and Stacy Rhodes. Others present included Justin Hembree, Assistant County Manager; Matt Card, Planner; Anthony Prinz, Planner; Autumn Radcliff, Planner; Matt Cable, Planner; and Kathleen Scanlan, Secretary; Russell Burrell, County Attorney and Steve Wyatt, County Manager. Board members Gary Griffin was absent.

Chairman Pearce called the meeting to order. Mr. Pearce asked for the approval of the March 21, 2006 minutes. Ms. Kumor mentioned a typographical error in the minutes and the secretary noted this for correction. Ms. Kumor made a motion to the March 21, 2006 minutes with the noted change and Mark Williams seconded the motion. All members voted in favor.

Staff Reports. Chairman Pearce informed the Board members that Ms. Francis resigned and that Justin Hembree, Assistant County Manager, is filling in until a new person is hired. Mr. Hembree stated that he has met with Planning Staff to get a feel for what the individual day-to-day operations are like and also discuss the major issues that Staff has been working with. He added that he plans to be in the Planning Department at least two days each week. Mr. Hembree introduced Steve Wyatt, the new County Manager to the Board. Mr. Wyatt mentioned that they have received some applications for the Planning Director's position. He stated that he is willing to work with the Planning Board in whatever capacity that is needed.

Land Development Code Discussion – Tedd Pearce, Chairman. Mr. Pearce stated that as the Board members are aware, the Commissioners have sent the LDC back to the Planning Board and asked to do what needs to be done by whatever approach is appropriate. There were items that have already been worked on to be revised based on the community meetings and Staff comments. He mentioned that he had met with the County Manager, Justin and the consultant with CMR Services, Benchmark, Mr. Richard Smith. Mr. Pearce said that he would like to propose to the Planning Board the following method of attack. The Commissioners have set a date of after Labor Day to have this project completed, but Mr. Pearce wants to make sure that the Board has plenty of time and that we have a document that the Board members will support. He feels that the Project Manager, Rodney Tucker, should take over the individual sections. Mr. Pearce requested that he would like to receive everything that Staff has proposed in a revised draft except for the zoning issue. He stated that after meeting with the County Manager, he feels that the best way to attack the zoning portion of the LDC would be to bring in an outside consultant and have Staff outline what items in the existing zoning ordinance they feel need to be changed or where they need more flexibility. He added that he feels that would be a good place to begin the Subcommittee's work on the LDC. He stated that the consultant would basically be doing the writing portion of it for us and the subcommittee can be working on some of the other sections while this is being accomplished to forward to the Planning Board. Mr. Cooper stressed that the fact of having an agenda for each meeting so that the meeting can focus on that topic and not to steer away from the main subject. Mr. Pearce said that he would like to have all of the comments consolidated from each meeting and then try to make appropriate recommendations. Mr. Pearce also felt that there should be public hearings at the Planning Board level on the zoning portion of the LDC. He also suggested having a facilitator or someone other than Planning Board members to moderate the public hearing to take information. Ms. Kumor suggested that the public hearing should be televised so that the rest of

the community can hear what the Planning Board members are hearing. Mr. Wyatt said that it can be televised.

### **OLD BUSINESS:**

Whisperwood Estates (#06-M12) – Combined Master Plan and Development Plan – (30 Single-Family Residential Lots) Located on 47 Acres off Evans Rod – Gary Corn, Agent for TCB Property Development, LLC. Mr. Card stated that this subdivision was presented at the last Planning Board meeting but was tabled until tonight. Mr. Card stated that this is a combined Master Plan and Development Plan with an application for a major subdivision titled Whisperwood Estates. Mr. Card said that the project site for Whisperwood Estates is for 30 lots on 47 acres off of Evans Road in the Crab Creek Township. He mentioned that there is a private residential collector road, Turkey Trot Way coming into the subdivision and serving the subdivision. There are three existing ponds, located in the open space, have been labeled as the point for the nearest fire protection. The subdivision is in the R-40 zoning district with individual wells and individual septic systems.

Staff has reviewed the submitted Combined Master Plan and Development Plan for conformance with the Henderson County Subdivision Ordinance (HCSO) and regarding the Master Plan, it appears that all requirements have been met.

### **Development Plan**

Mr. Card stated that at the last Planning Board meeting he had reviewed the comments for the Development Plan and they basically dealt with road grade, road standards, specifically between lots 28 and 15, which has to be built to limited local residential road standards and needs to have a 30-foot right-of-way and some details dealing with cross-sections. He stated that he has met with Mr. Gary Corn, who is the agent for this project and he was able to correct those problems and has submitted revised plans to show the corrections and is willing to accommodate 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. **Other 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 that no plan is required prior to Final Plat approval.
4. **Road Grade.** According to Table 1 in Section 170-21 of the HCSO, the maximum allowable road grade for gravel collector roads is 12%. It appears that the portion of Turkey Trot Way (proposed collector road) located after the intersection of Turkey Trot Way and Three Pond Walk exceeds the maximum allowable road grade for collector roads. Pursuant to Section 170-21C(1)(a) of the HCSO, the applicant could reduce the road standards for this portion of Turkey Trot Way from collector road standards to local residential road standards as long as said section of road serves fewer than 25 units. The maximum allowable road grade for gravel local residential roads is 15%. A professional engineer or professional land surveyor must certify on the final plat that no portion of roads have grades that exceed the maximum allowable grade.

5. **Road Standards.** The 30-foot driveway easement serving lot 14 must be built to limited local residential road standards. The Subdivision Ordinance does not have standards for driveway easements and if the driveway for a particular lot is located outside of the lot it serves then it shall be treated as a road and built accordingly. Also, since this road appears to exceed 300 feet in length then a turnaround shall be provided (Section 170-21H). (See definition of a driveway and Section 170-21 of the HCSO for road standards)
6. **Road Cross Section Details.** The minimum stone base depth for gravel collector roads is 8 inches. The Plan shows 6 inches. The Plan also does not include cut and fill slope information which is 2 to 1 for collector roads and 1.5 to 1 for local residential roads. The roads must be built to the minimum standards outlined in Table 1, Section 170-21 of the HCSO.
7. **Fire Suppression.** According to the HCSO (Section 170-20C), for any major subdivision without a fire suppression rated water system, that either has or is adjacent to an adequate permanent surface water supply, the applicant may be required to install a dry fire hydrant system, the type and location of which is to be determined by the County Fire Marshal. A road to the water source providing permanent all-weather access to the water source that is adequate for fire-fighting equipment shall be required, if applicable. A dry hydrant is not currently installed on these ponds but according to Mr. Corn the developer is willing to install a dry hydrant for fire protection measures.

Mr. Patterson said on the detailed drawing of the tax maps, what is the parcel that is shown in the middle. Mr. Card said it is going to be part of the subdivision but is not shown on the master plan or the development plan, but Mr. Corn can elaborate in incorporating it into the subdivision. Mr. Corn stated that it is an interior lot that the owner owns both parcels. Mr. Corn stated that in his revised plat, it shows that Turkey Trot Way has been changed to a local residential road. He said that since it serves less than 24 lots, it allows us to bring it down to a 45-foot right-of-way and it will allow for 14% grades. Mr. Corn said regarding road standards on the 30-foot easement, he had changed that to a limited local residential road and made a flag lot to meet the road, since it will serve that one lot. Mr. Corn mentioned that he met with Valley Hill Fire Department about the fire hydrants, and he approved the sites for a dry hydrant, which the fire department will install if the developer will buy the pipe. He also mentioned that he changed the depth of the gravel from six inches to eight inches.

Mr. Patterson noted a sign easement on the plan in the middle of the right-of-way, what is this for? Mr. Corn said they probably don't need one since it is in the road easement itself. Mr. Patterson asked Mr. Corn, "Who is going to hold the right-of-way?" Mr. Corn said that eventually the right-of-way will be deeded over to the homeowner's association. Mr. Patterson asked whether that will include all of the major roads. Mr. Corn said that is correct.

Mr. Cooper 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: the applicant satisfies any conditions that result from the comments reviewed by Mr. Card. Mr. Patterson noted that regarding comment # 4 on *road grade*, the last sentence should be corrected to read; "*A professional engineer or professional land surveyor must certify on the final plat that the alignment and grade meet the provisions of the Henderson County Subdivision Ordinance road standards.*" Mr. Cooper corrected his motion to include this change. Renee Kumor seconded the motion and all members voted in favor.

Carriage Park, Section 7 (Carriage Crest) – Development Plan Review – (34 Townhouse Units) Accessed off Carriage Commons Drive – Bob Grasso, Agent for Carriage Park Development. Stacy Rhodes, Jonathan Parce and Paul Patterson recused themselves as they have conflicts of interest dealing with Carriage Park. All Board members approved their recusal. Mike Cooper made a motion to go into a quasi-judicial proceeding. Renee Kumor seconded the motion and all members voted in favor. Chairman Pearce stated that this item, Section 7 and Section 18 would be conducted as a quasi-judicial proceeding and the proceeding is to consider both sections as development parcel reviews and where Carriage Park and Associates, LLC are the petitioners. Chairman Pearce also explained the procedures of a quasi-judicial proceeding.

Chairman Pearce asked all parties to the proceeding: Carriage Park Associates, LLC; Bob Grasso, Engineer for Carriage Park; Planning Department Staff; Erin Dunnuck, Dungan and Associates, 1 Rankin Avenue, 3<sup>rd</sup> Floor, Asheville, NC, representing parties living in Carriage Commons; Robert L. Welty, resident of 670 High Quarry Road, Carriage Commons; Bonny Marsh, resident of 652 High Quarry Road, Carriage Commons; Virginia Burke, resident of Governor's Point, 114 Jenny Lind Drive. At this point, Erin Dunnuck of Dungan and Associates requested a continuance. Chairman Pearce stated that this will be addressed with the County's attorney when we finish the list of parties. Other parties were Harry Custer, resident of 621 Carriage Commons Drive; Florence Werden, resident of 648 High Quarry Road, Carriage Commons; Jane Wishner, 674 High Quarry Road, Carriage Commons; and Mary Cavanaugh, 672 High Quarry Road, Carriage Commons. All parties at this time were sworn in.

Mr. Burrell explained that the Planning Board members received their packets, which they should not have because it is a quasi-judicial proceeding. He asked the Board members, 'Does any of the five members of the Board that are hearing this case have any pre-conceived notions as to who should win this hearing in front of you?' All members stated no. Mr. Burrell then said, 'Regardless whether you received those documents, are you going to fairly and impartially make a decision based on what you hear tonight or whenever you hear this hearing and only the hearing of this hearing and not anything you have heard outside of this hearing?' All Board members said yes. Mr. Burrell said, 'Do any of the parties that were just identified as parties to this case, have an objection to these five Board members hearing this matter tonight?' All parties said no. Mr. Burrell said that regarding a party requesting a continuance, he requested that the Board members hear the reason for their continuance and then make your best decision.

Erin Dunnuck. Ms. Dunnuck stated that she is here tonight on behalf of concerned property owners of Section 6, Carriage Commons and asked for a continuance. She stated that the property owners she has talked to just found out about this hearing last Thursday and Good Friday, the Planning Department was closed. Ms. Dunnuck stated that she met with the Planning Department today and said that from what she has looked at, there appears to be significant problems with the Section 7 development. She stated that the Master Research Plan for the Carriage Park community has never indicated that Section 6, that we are here on behalf of, would have a road connecting to the proposed Section 7. She distributed the Research Master Plan highlighting Section 6 and Section 7. Ms. Dunnuck stated that you see there is another road going into Section 7 from another direction, not plowing through Section 6. She stated that it is our position that this is a misrepresentation to the County as well as the property owners in Section 6. She said that according to the Master Research Plan, which appears to vary over the years, the buffer zone between Section 6 and Section 7, varies between forty and fifty feet. So there is an anticipated buffer zone that is being disregarded by this proposed road going through Section 6. She said that in connecting these two parcels is contrary to the whole development scheme of the Carriage Park community. She said that there is all of these separate development parcels within the community, about twenty-five or twenty-six. All of these individual development parcels have their own access road; there is no situation in which you have one section that you have another road accessing to the second section, so this is

contrary to the whole development scheme of Carriage Park. She said that it is also our position that the developer needs to amend the public use permit application # 19 on page 5. She said it states, "That the Research Master Plan illustrates that every proposed development parcel will have direct access to a common street," and that is contrary to our Master Research Plan. Ms. Dunnuck also mentioned that there are also some serious problems to road types in proposed Section 7 and that is why a continuance is being requested. Chairman Pearce asked Staff when notices were sent out? Mr. Card stated that notices were sent out on March 31, 2006 and are included in the memo in the packet. Chairman Pearce asked who the notices were sent to? Mr. Card stated that the notices were sent to: Carriage Park Associates, LLC, Carriage Park Homeowner's Association, and everyone on the Carriage Park mailing list, which the special use permit requires and is sent ten days prior to the meeting and found in Condition 19A (E) in the Special Use Permit 93-13. Mr. Card added that notification is also required within 100 feet of the proposed section but outside the property boundaries of Carriage Park. He stated that Dale Hamlin sent a notice to the Planning Department that there were no such owners.

Bob Grasso. Mr. Grasso said that the only reason for his objection to the continuance is that Ms. Dunnuck requested a continuance and then started into the issues of a different project as opposed to arguing the reasons for continuance.

Chairman Pearce asked, "Once this is presented to the Board, what are the time limits on this matter?" Mr. Burrell said that your 45-day time limit only begins from the end of the hearing. The 45-days only start when you stop taking evidence, not when you start. Ms. Kumor said that when the Board reviews the people who receive notice on the mailing list, are we to understand that the Carriage Park Homeowner's Association gets one notice for each section? Mr. Card said yes for each section. Ms. Kumor said that if the Homeowner's Association who receives the mail, chose not to distribute the information in anyway, the people most affected would not know anything about it. Mr. Card said that Carriage Park Associates, LLC, Dale Hamlin, also post the notice at the gate, but he doesn't feel that it is specifically a requirement, but it is posted and he added that Mr. Hamlin also sends notice when he receives notice to the Homeowner's Association. Chairman Pearce asked the representative of the Homeowner's Association to come before the Board.

Mr. Jack Osterberg, President of Carriage Park Homeowner's Association. Mr. Osterberg stated that he did receive notice but after such time as it was already posted down at the gate house, so he did not distribute it to individuals as it had already been posted for everyone to see as they go in and out of the development. Chairman Pearce asked, "Do you typically send out notices to every individual?" Mr. Osterberg stated that he has just been appointed President so this is the first notice he has taken care of.

Dale Hamlin. Chairman Pearce asked, "When was notice posted at the guardhouse?" Mr. Hamlin said that when we received the notice from Planning Board Staff, that same day it is posted at the guardhouse and sent to the Homeowner's Association President. He said that is the procedure they have used for thirteen to fourteen years and it has been proper and successful notice. He added that the Planning Staff had asked us years ago to do this within 100 feet and then we post it on the perimeter of the development out on the public roads and then notices have to be sent to those individuals. Mr. Hamlin said that they have met the requirements to have this hearing today in all of the pre-conference applications, all of the secondary conference applications, all of the paperwork, so everything has been done in accordance with the requirements of the PUD and it has been done in the exact way that we have always done it. He added that they certainly do not wish to have this continued because we have met all of the requirements to be here tonight to present it.

Virginia Burke. Ms. Burke said that the notices were not posted at the gate, pasted on the window for fourteen years or so. She said the development hasn't had a gate for that long. She said it is virtually impossible to read the notice because you have to come to a complete stop and this would block traffic either entering or exiting and the guard does not want us to do that. She feels that it is not a satisfactory way to notify the homeowners of Carriage Park.

Chairman Pearce said that even if this is unsatisfactory or satisfactory, it is what the PUD states. Ms. Kumor said that in the last several times Carriage Park has been before the Planning Board, there has not any great levels of concern and the concerns that did appear at that time, was something dealing with development issues and buffering. She added that there never has been any internal concern that we are hearing about this evening. She said that if the people here this evening lived 100 feet outside of the development, they would have more rights than living within to be heard and to receive public notice. She said because of those concerns, I think the issue and the request deserve a little more today.

Robert Welty. His concern was that he wrote Mr. Hamlin a two-page letter on March 21, 2006, which he should have received one or two days later in which he expressed his concerns as a resident of Carriage Commons. He had asked for a reply whenever it was appropriate. He said he received a two-line response to that letter last Thursday in the mail in which he said that they have planned to go with what is before us tonight. He felt that it would have been appropriate if he had communicated to the people in Carriage Commons well before the time of the meeting. He said once he found out about it, there was anything I could do about it until yesterday morning when we gathered material. He said because they were pressed for time, it feels that there should be a continuance.

Chairman Pearce said that he feels that are two options that the Board can do; the Board can either continue the hearing and not hear any testimony on it or go ahead and hear testimony and if the Board feels we do not have enough information or that more information would be forthcoming, we could continue it and take the rest of the information later, but if we have enough information, we could proceed. Mr. Laughter was concerned with the relationship of the present President of the Homeowner's Association and the procedures of the notification. He wanted clarification whether it is the President of the Homeowner's Association responsibility to get the notification out to the owners or is the only notification the sign that appears at the gate? Chairman Pearce said that the sign at the gate is only a common courtesy and it is not part of the PUD requirement, only a suggestion by Planning Staff. Chairman Pearce asked Mr. Osterberg whether any of the procedures have changed since you took the office of President? Mr. Osterberg said he did not know, and that his assumption was that it had already been posted and to do something with it. Mr. Osterberg added that he is surprised that the Planning Staff sends notices to people outside the community but don't send it directly to residents inside the community that live within 100 feet of the proposed development. There was general discussion of how the notification could go out in the future, such as through e-mails.

Mr. Hamlin stated that he does not have any relationship to the business end of the property owner's association. He said they disclose information and data to them as we have done it in the past and what they do with it and disseminate it between officers; he stated that he does not know. Mr. Hamlin stated that should you go with your second option tonight, which would be a presentation and then the Board would decide what they want to do or not do, he would have no interest in that whatsoever. Mr. Hamlin said that he would only like to make a full presentation of the evidence when I'm allowed for the Board to vote on the evidence and the whole matter. He added that if it is not this way, he would agree to defer and come back later and go through it properly.

Tommy Laughter made a motion to continue Section 7 until the next meeting. Chairman Pearce said it would be more appropriate to have a special called meeting for this matter. Renee

Kumor seconded the motion, but asks to schedule a meeting when the property owners are present. All Board members agreed to continue this matter and have a special called meeting specifically to address this issue. Chairman Pearce checked with Ms. Dunnuck about her time frame to schedule a meeting and Mr. Burrell checked the availability of the Board of Commissioner's meeting room. After discussion on the date and time for the continuation of Section 7, Chairman Pearce scheduled the meeting to be held in the Board of Commissioners meeting room for Tuesday, April 25, 2006 at 6 p.m. All Board members voted in favor of the motion.

Carriage Park, Section 18 (Carriage Woods) – Development Plan Review – (17 Townhouse Units) Accessed off Carriage Park Way – Bob Grasso, Agent for Carriage Park Development. Renee Kumor made a motion to open the quasi-judicial hearing for Section 18. Mark Williams seconded the motion and all members voted in favor.

Chairman Pearce determined all parties to the proceeding: Dale Hamlin, General Manager of Carriage Park Associates, LLC; Bob Grasso, Engineer for Carriage Park and Planning Department Staff, Matt Card. All parties were sworn in.

Mr. Card stated that Dale Hamlin, agent for Carriage Park Associates, LLC, (Applicant) submitted an application and Development Plan for Section 18 on March 20, 2006. According to the Development Plan, Section 18 is located on 6.21 acres of land located and are proposing 17 detached townhouse units. The Applicant has proposed one private road labeled as "Road A" to serve the units in Section 18 which will be built to the neighborhood drive standards under Special Use Permit #SP-93-13 and they have a 25-foot setback between development parcel boundaries. Mr. Card stated that there is also a 20-foot setback for townhouses from the centerline of neighborhood drives.

Mr. Card mentioned that public water and sewer (both provided by the City of Hendersonville) will serve Section 18 and according to the descriptive narrative the water and sewer lines have been extended to the development parcel boundary. Mr. Card entered his memo as evidence for the record and he added that in that memo it includes notification for Carriage Park and also Dale Hamlin's letter stating that there are no property owners outside the 100 feet of the boundary. Mr. Card also submitted as evidence Condition 19A (E), which is the notification requirements found in the special use permit. Mr. Card stated that notification was sent out on March 31, 2006.

Chairman Pearce stated that all of the comments are standard.

Bob Grasso. Mr. Grasso stated that he was excited about Section 18 and it is one of the high points of the property. He said that they were complying with all of the requirements of the special use permit. He said that it is a straight-forward plan and he added that with regard to the Fire Marshal's comments, it would not be a problem to comply regarding the distance and spacing of the hydrants and the fire station is contiguous to Section 18. Mr. Cooper asked, "What is the typical distance between two units when they are so close together, that is, any of them on the left side near the bottom?" Mr. Grasso said, "At least 20 feet." Mr. Cooper was looking at the needed fire flow for dwelling requirements from the Fire Marshal, and according to the distance between the building (11-30 feet), the needed fire flow is 1,000 gallons per minute and Mr. Cooper doesn't feel that they have that up there. Mr. Grasso asked for Paul Patterson to answer this question. Mr. Cooper added, "Do they need to meet these flows?" Chairman Pearce said that the only things that a subdivision or this particular PUD, as he understands it can be judged on, are those items that are addressed in the PUD documents and subsequent amendments. Mr. Burrell said that if it is in the plan, you have to, but if it is not in the plan, it is not part of what you make your decision based on. He said that there may be other regulations that you make a decision on that. Mr. Cooper said that the information that the Fire Marshal is

requesting, he is saying 20 feet between units, you must have 1,000 gallons per minute flow. Mr. Patterson was sworn. Mr. Cooper addressed the question regarding the Fire Marshal's comment to Mr. Patterson, "Does the Board need to meet the requirement of the Fire Marshal?" Mr. Patterson said that this is State recommendations and the recommendations are hard to do. He said that the minimum, as long as you get 500 gallons per minute is sufficient. He added I know what all of these recommendations are all about, but once again, fires are not fought from fire hydrants, they are fought from tanker trucks, unless you are in the City of Hendersonville, so he said he doesn't feel that this is a big deal. Chairman Pearce asked, "Where does this document come from, does it come from a County ordinance or from the Carriage Park PUD?" Mr. Patterson said that it comes from the International Fire Codes. Chairman Pearce said that it is his judgment that it is not part of the PUD that would indicate that they are bound by the International Fire Code. He added that he doesn't feel that anything the Board has would justify a conclusion of that nature. Chairman Pearce asked whether Staff has any knowledge of any other information that would pertain to that? Mr. Card said that Staff has no knowledge of any other information.

Chairman Pearce said that there seems to be a problem with the name; "Carriage Woods" which was the same name used for approval of Section 17 in Carriage Park. Mr. Grasso said they have no name except Section 18 at this time. Chairman Pearce asked whether they have to give a name for this Section? Mr. Card stated that there is nothing in the special use permit that addresses this. Chairman Pearce said that any reference in this document and/or the maps provided to us indicate anything other than Carriage Park, Section 18 will be ignored and not be part of any acceptance or rejection as a matter of this proceeding.

Mr. Card's Staff comments were as follows:

1. **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)*
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 by 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 18 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. **Evidence of Infrastructure Development.** The Applicant indicates in the Descriptive Narrative that sewer and water lines extend to the proposed section 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]).



6. **Project Name.** The Development Plan for Section 18 is labeled as Carriage Woods which was the same name used for approval of Section 17 in Carriage Park. The developer should clarify at the hearing the correct name for Section 18.
7. **Open Space.** The required open space will need to be put on record prior to or concurrent with the recordation of the Final Plat for lots in Section 18.
8. **Road Standards.** Special Use Permit #SP-93-13 requires that the Applicant build all roads and cul-de-sacs to NCDOT standards for vertical alignment and grade. The Applicant has indicated that the proposed road in Section 18 would be build to NCDOT standards in regards to vertical alignment and grade. (#SP-93-13, Condition 12)

### **Other Comments**

9. **Comments from Fire Marshal.** Mr. Rocky Hyder, Henderson County Fire Marshal, submitted comments regarding the spacing between dwelling units and fire hydrants and fire flow rates.
10. **Comments from Property Addressing.** The Henderson County Property Addressing office submitted comments that the road labeled as "Road A" will need road name approval. Prior to the recordation of the final plat, a road name will need to be submitted and approved by the Henderson County Property Addressing Office (HCSO Section 170-25).

Chairman Pearce made a motion that the Planning Board find and conclude that the Development Plan submitted for Section 18 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 the Staff Comments section of Staff's memo. He stated especially noting that Planning Board does not see anything in the Comment # 9 regarding the spacing between dwelling units and fire hydrants and fire flow rates that allow the Planning Board to make a determination or decision other than the information that was provided to us by the Watershed Ordinance and other applicable ordinances that were earlier mentioned. Chairman Pearce also directed Staff to prepare an Order with the Planning Board's Findings of Facts, Conclusions, and Decisions. Tommy Laughter seconded the motion and all members present for this hearing voted in favor. Mike Cooper made a motion to adjourn the quasi-judicial hearing and Tommy Laughter seconded the motion. All members were in favor of the motion.

Chairman Pearce stated that he feels it would be appropriate at the hearing for April 25, 2006, any maps regarding sectioning of Carriage Park that have been approved by the Board of Commissioners or if they have been used in the sectioning.

Renee Kumor asked for some clarifications by Mr. Burrell regarding the hearing, what Board members can be present and notification policies.

Review of Special Use Permit # SP-01-04 – Blue Ridge Community College – Proposed 79,050 Square Foot Technology Education and Development Center Located on the Corner of College Drive and East Campus Drive – Edwin Bell for Blue Ridge Community College. Ms. Berry stated that this special use permit application is concerning construction of a 79,050 square foot Technology Education and Development Center located on the corner of College Drive and East Campus Drive. She said they requested a variance because the County's parking requirements lack on universities and technical schools. Chairman Pearce said they are just

asking for a recommendation from the Planning Board to the Board of Adjustment? Ms. Berry stated that both of these proposals which are a special use package proposal are recommendations to the Board of Commissioners.

She reviewed the construction of the proposed building to see that it would meet all of the requirements. She said basically the applicant has met all of the requirements except for two:

Landscaping. The applicant felt that since they are surrounded by their own parcels, they didn't need to add more buffering. Ms. Berry agreed.

Parking. Ms. Berry stated that in Section 200-40 of the Zoning Ordinance, there is a list of parking requirements and it only goes up to high schools, so there is nothing stated for technical, vocational schools or colleges. She said that the best fit for this situation was public buildings, which requires one space for every 200 gross square feet of building, which would require them to have 395 parking spaces just for this one building, which she feels is excessive. Ms. Berry said the applicant came back with 20 parking spaces, but she disagrees with that and suggests a happy medium.

Electronic Sign. Ms. Berry stated that the applicant wants to replace the Blue Ridge Community College sign at the entrance of College Drive and Airport Road with an old *WHKP* electronic sign, which she doesn't necessarily agree with.

Ms. Berry reviewed their variance issue and mentioned other parking requirements in other jurisdictions such as City of Asheville, City of Charlotte, Hickory, North Carolina and the Henderson County draft of the Land Development Code. She feels the draft Land Development Code addressed it the best. It stated one space per four students, plus one space per each employee, plus one space for each vehicle used in operation and she feels that is adequate because one in two students might be too much, so we need to come up with a happy medium. Chairman Pearce asked, "If you should go with the standards in the draft of the Land Development Code and say one space for each four students and one space per each employee, would you say that the campus has adequate parking for the requirements of the draft Land Development Code?" Ms. Berry said that she would need to review as whole campus, because the campus has been built in so many phases since the early 1970's and also the other buildings were built before the Zoning Ordinance, so the parking wouldn't necessarily need to comply.

Ed Bell, Dean for Administration. Mr. Bell said that regarding parking, he doesn't feel that they should be treated like an office building that has employees that come in at 8 a.m. and park their cars all day because this does not work at this college. Mr. Bell stated that he has had the deputies that work on the campus go around and count the cars in the parking lots at peak times. The peak times are on Tuesday, Wednesday and Thursday mornings at 10 a.m. He said that they have found on the average, 60% of the parking spaces occupied, so when we add this new building, we are not contemplating adding any additional staff and there would not be any increase in students. Mr. Bell said that they are basically building this building to upgrade the technological level and the ability to teach our students to deal with current technology. Chairman Pearce wanted to know whether this building is replacing other buildings that presently exist or hold for expansion? Mr. Bell said that they do plan expansion over time but the real reason for this building is to upgrade our technology, which they cannot do with the labs and various media centers spread across the campus. He said that the school is very cramped for space and this will give them room for expansion. He said that at the peak periods only 59% of the parking places are taken, we believe that there is adequate parking on the campus for now and some years to come. Chairman Pearce asked for the number of enrollment on campus. Mr. Bell said that in the curriculum program, approximately 2,000 students but most of

them are part time and full-time equivalent is 1,300 and 150 employees, but not all stay there the full working hours daily. Mr. Bell said that of the 2,000 students, approximately 400 are Transylvania County students, which would drop it back to 1,600 students on the Blue Ridge campus.

Ms. Kumor asked whether there were hours of operation concerning the electronic sign because of nearby neighbors? Mr. Bell said that they had not thought about this yet, but could shut it down at 10 p.m. Ms. Berry said that the Planning Department asked that the sign come on around 8 a.m. and shut off at 11 p.m. Mr. Bell said that would not be a problem. Mr. Bell said that are still in the process of studying this sign. Mr. Bell added that the electronic sign can be dimmed at night because it doesn't need to be as bright as it does in the daytime.

Chairman Pearce made a recommendation to the Board of Commissioners that they approve the Special Use Permit regarding the building and site plan as made by Blue Ridge Community College as presented specifically noting that included in there that the Planning Board would recommend that no further parking requirements other than those requested be applied to this Special Use Permit. Renee Kumor seconded the motion. All members voted in favor. Jonathan Parce made a motion that the Planning Board recommends the approval of the variance request to the Board of Adjustment. Renee Kumor seconded the motion and all members voted in favor.

Combined Master and Development Plan - Jeter Mountain Subdivision (File #2006-M10) – 37 Single-Family Lots on Approximately 58 Acres Located Off Jeter Mountain Road – Jon Laughter, Agent for Jeter Mountain, LLC. Mr. Prinz stated that this subdivision is a Combined Master and Development Plan for a proposed subdivision to be known as Jeter Mountain Subdivision. He said the Subdivision is proposed to be developed on two parcels of land totaling approximately 70 acres in size located off of Jeter Mountain Road. The developer has proposed private roads with one main entrance from Jeter Mountain Road. He added that this is just a quarter of a mile from another subdivision that was approved not too many months ago called Meadow Run. This subdivision is on the north side of Jeter Mountain Road. The developer is also proposing private individual water and septic systems and is located within an Open Use District.

Mr. Prinz said that most of the comments have to deal with revisions that need to be made to the development plan and Jon Laughter of Laughter and Associates received Staff's memo on the comments and added that Mr. Laughter is willing to make any corrections needed.

**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. All lots must have a minimum of 30' of frontage on an existing or proposed right-of-way. Lots 13 and 21 both appear to have less than 30' of right-of-way frontage. River Birch Trail serves more than 24 residential lots, and consequently, must be proposed on the Development Plan as a private residential collector road. A cross-section meeting the private residential collector road standards must be added to the Development Plan for River Birch Trail. Sugar Maple Trail and Chestnut Oak Trail both appear to have centerline radii in some areas of less than 90'. The centerline radii for these two roads must be adjusted to meet and/or exceed the minimum 90' requirement. Reduction of the centerline radius requirement to 80' is permitted where the existing cross slope for the proposed road 15% or greater. In such cases, the cross slope must be shown on the Development Plan and intentions to reduce the centerline radii in these areas noted on the plan. Such information shall also be provided on any Final Plat for recordation. Sight triangles must be shown at all proposed road intersections. If a subdivision sign is proposed for the project, the sign location

shall be shown on the Development Plan. Units of measure for the minimum and maximum lot sizes shown within the Project Summary must be square feet.

1. **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).
2. **Driveway Permit.** The applicant must obtain a driveway permit through NCDOT for the proposed entrance on Jeter Mountain Road and provide evidence of permit issuance to the Planning Department.
3. **Farmland Preservation Program.** The subject property is within 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.
4. **Final Plat Requirements.** Final Plat(s) must meet the requirements of Appendix 7 of the Subdivision Ordinance for approval.

Mr. Prinz stated that Staff received comments from Henderson County Property Addressing Division of the Development and Enforcement Services Department and that was regarding the names of the subdivision. They mentioned that they would need to come up with three new names because the ones that are proposed have been reserved already for another development.

Mr. Laughter said that he would comply with all of the conditions. Mr. Patterson said that he sees "future development" on the plat where a cul-de-sac goes down with it, what is the plan for it? Mr. Laughter said that he put that on the plat for the convenience of the property owner more than anything else because they haven't indicated to me that they were not going to do anything else. Chairman Pearce said that if anything else is done on that piece, a new master and development plan would have to be submitted. Mr. Laughter agreed. Mr. Paterson asked, "What about the land north of there with the offset cul-de-sac, around lot 28, is that touching the property line and do they own that property to the north?" Mr. Laughter said that they didn't own it. Chairman Pearce said there is no requirement that a private road can not be on the property line, is there? Mr. Patterson said no, but if ever became public, it would allow that property owner to use the road.

Mr. Prinz mentioned that regarding the memo from Rocky Hyder, Fire Marshal on the gate. He said that there is a standard comment on subdivisions that are proposing a gate; the Fire Marshal is recommending that they follow the requirements for the International Fire Code as far as access and the size and location of the gate. Chairman Pearce didn't feel that the Planning Board was in the position to require anything with regard to this matter. Mr. Laughter stated that he would look at the recommendation and try to comply with it. Mr. Hembree stated that there has been some issues in the past in working with Rocky Hyder that is dealing with specific areas where there are some problems either with developers meeting requirements of the International Fire Code and Mr. Hyder realizes that one thing we are trying to do at the Staff level is to indicate better that there is nothing that the Planning Board can do to require the developers to do. Essentially what Mr. Hyder is doing is entering this on the record to serve notice to developers there is a specific code that is going to be required to follow. Chairman Pearce asked where will this be required, in the Land Development Code or some other stand-alone ordinance? Mr. Hembree said that for developments like this, it will be part of insurance standards. He said for commercial developments, the Fire Marshal is reviewing plans for that now, but most of these

come down as part of insurance review and that is being conducted in coordination with the Fire Marshal's Office. Chairman Pearce asked whether the subdivision has an insurance review? Mr. Hembree said that the subdivision does not have an insurance review, but another County agency is taking the opportunity of getting this on the record with the developer and is being documented through this subdivision review process that at some point it will need to be addressed. Chairman Pearce asked if Mr. Hembree would address this to Mr. Hyder.

After some further discussion on this matter, Tommy Laughter made a motion that the Planning Board find and conclude that the Combined Master and Development Plan for the Jeter Mountain Subdivision complies with the provisions of the Subdivision Ordinance except for those matters addressed in the Staff Comments section of the memo that need to be addressed including the cul-de-sac cross-section radius needs to be specified as 50 feet instead of 47.5 feet. Mike Cooper seconded the motion. All members approved the motion except for Paul Patterson, who opposed the motion.

Master Plan Review - Cobblestone Village – (File # 2006-M16) – 50 Single-Family Lots on Approximately 92 Acres Located Off US Highway 25 and Pinnacle Mountain Road – Tom McCanless, Agent with Froehling & Robertson, Inc. for Brian Ely, Owner. Mr. Card stated that the subdivision will be located on three (3) parcels of land totaling approximately 92 acres off NC Hwy 225 and Pinnacle Mountain Road. A total of 50 lots are proposed. The main access into the subdivision will come from NC Hwy 225, but it appears that lots 1 through 9 will be accessed off of Pinnacle Mountain Road. Some common area is proposed. Individual wells and individual septic systems are proposed. Private roads are also proposed. The project is in the Open Use zoning district which does not regulate the residential use of land.

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 submitted Master Plan for Cobblestone Village for conformance with the Henderson County Subdivision Ordinance (HCSO) and offers the following comments:

### **Master Plan**

1. **Comments from the Fire Department.** Mr. Rocky Hyder, Henderson County Fire Marshal, submitted comments regarding the proposed cul-de-sacs and gate in Cobblestone Village. Conditions based on the dimensions of cul-de-sacs and gates may be made during the review of the Development Plan for Cobblestone Village, but the developer should become aware of the attached comments submitted by Mr. Hyder to address any potential problems. In addition, according to the Master Plan for Cobblestone Village, cul-de-sacs are not shown at the end of two roads within the subdivision. These roads will need turnarounds pursuant to Section 170-21(H) but again a condition may be made during the Development Plan review if cul-de-sacs are not proposed.
2. **Comments from Property Addressing.** Henderson County Property Addressing submitted comments that the Developer will need to have four road names approved by Property Addressing for the subdivision. These road names shall be on the Development Plan pursuant to Appendix 5 (Development Plan Requirements) of the HCSO.

Mr. Cooper asked whether lot 4 is accessed off of a right-of-way going into lot 5? Mr. Card said it is flag lot number 5; it doesn't appear to be an actual right-of-way. He said lot 4 will have to be accessed off of Pinnacle Mountain Road and have a right-of-way provided to it and they will need to build that right-of-way. He added that conditions can be made at the Development Plan

level. Mr. Parce asked whether flag lots are an issue as far as when they abut a public right-of-way? Chairman Pearce said all lots must abut a residential road or private road.

After some further discussion regarding roads, Mr. Tom McCanless, agent for the owner spoke on these issues. Mr. McCanless said that there are two pieces of property and there is perpetual easement that serves the two properties discussed. Chairman Pearce said, "The road is not continued past your property, other than it is a private drive?" Mr. McCanless said that is right. He said what he planned on doing was putting the road down to a certain point for access to the lot. He said if we decide not to do a cul-de-sac, we can accommodate the requirements of the ordinance and lot 4 will be brought into compliance.

Chairman Pearce made a motion that the Planning Board find and conclude that the Master Plan appears to comply with the provisions of the Subdivision Ordinance; and further move that the Master Plan be approved subject to issues regarding lots not meeting the ordinance, cul-de-sacs and proper turnarounds that will need to be addressed in any Development Plan that is brought to the Planning Board. Tommy Laughter seconded the motion. Mike Cooper, Tommy Laughter, Mark Williams, Stacy Rhodes, Renee Kumor and Tedd Pearce voted in favor. Jonathan Parce and Paul Patterson were opposed. The motion carried 6 to 2.

Combined Master and Development Plan - Green Mountain Vistas – (File # 2006-M17) – 17 Single-Family Lots on Approximately 29 Acres Located Off Green Mountain Road – Luther E. Smith & Associates, Agent for Phoenix Housing Group, Owner. Stacy Rhodes recused himself because of his direct involvement. All members voted in favor of his recusal. Mr. Prinz stated that this is for a Combined Master and Development Plan for a proposed subdivision to be known as Green Mountain Vistas. Green Mountain Vistas is proposed to be developed on a parcel of land approximately 29 acres in size located off of Green Mountain Road. He said they are proposing one private road with an alternative hammerhead turnaround and will have one access off of Green Mountain Road, but one lot, lot 3, will also have its access off of Green Mountain Road.

Green Mountain Vistas is proposed to contain 17 single-family lots that will be developed in one phase. The developer plans for all of the homes to be served by individual water and septic systems. The project site is located in a County Open Use (OU) zoning district.

Mr. Prinz stated that there is only one comment regarding the development plan for this subdivision:

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.

- The "Local Residential Street" cross-section should be revised to reflect the private local residential road standards of the HCSO. If the developer chooses to implement reduced private local residential road standards in areas of excessive road cross-slope, a note should be added to the plan stating their intentions and the location of the proposed reductions. Such information shall also be provided on any Final Plat for recordation.

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, or provide documentation that no plan is required prior to beginning construction (HCSO 170-19).

3. **Driveway Permit.** The applicant must obtain a driveway permit through NCDOT for the proposed entrance on Green Mountain Road and provide evidence of permit issuance to the Planning Department.

4. **Final Plat Requirements.** Final Plat(s) must meet the requirements of Appendix 7 of the Subdivision Ordinance for approval.

Mr. Prinz said that the comments from the Fire Marshal regarding the developer proposing an alternative hammerhead turnaround, which in the past the Planning Board has approved for a number of major subdivisions. He said what Mr. Hyder is requesting is that the developer consider increasing that to what the International Fire Code recommends, which is instead of having a forty foot turnaround area and a forty foot stub at the end of the road, is to extend those to sixty feet. Mr. Prinz added that Mr. Hyder felt that sixty feet would be better for a fire truck to turn around. Chairman Pearce asked what is acceptable according to the Subdivision Ordinance regarding the hammerhead? Mr. Prinz said the Ordinance leaves that discretion up to the Planning Board. He said basically what it says, "*alternative cul-de-sacs may be approved by the Planning Board, based on sound engineering design and public safety concern*" so that is a very general statement and there is no specifications out there. He believes that the Planning Board has been approving these forty-foot turnarounds based upon conversations with NCDOT by Planning Staff. Mr. Cooper said that regarding lot 11 and the bump in the road, is that considered another road? Mr. Prinz said that it could be considered another road. Chairman Pearce asked whether it could be another turnaround?

Mr. Hunter Marks, landscape architect with Luther E. Smith and Associates, addressed several of the comments. He said we showed the reduced section as allowed for in the Ordinance, but because of some of the topography of the site, we need to show the standard section and what we are asking for the variances off the standard section and this will be shown on the Final Plat. Chairman Pearce asked that Rodney Tucker who is working on the Land Development Code, to make sure he outlines how we will handle some of these reductions of roads in a subdivision. Mr. Marks stated that they have received approval on the soil and erosion plan and also received approval on the NCDOT driveway permit and he said that the Final Plat will meet all of the requirements of the Subdivision Ordinance. Mr. Marks said that we did the alternative hammerhead turnaround to minimize grading on the side because it is in a steep and rocky area. He said that this was discussed with the NCDOT locally about the 40-foot centerline to centerline on both legs of the "T" and they said it was acceptable and that they have done that before but is approved on a case-by-case basis depending on what kind of vehicles they think will use the turnaround. The other is a second turnaround for convenience because we knew it was a tight situation. Mr. Marks said that he could also reference a landscape architecture construction book, page 184, which shows that the standard hammerhead turnaround is a 40-foot offset from the centerline, so he believes it is based on sound engineering and public safety concerns. Regarding the Fire Marshal's request, he feels that there wouldn't be any room to put a 60-foot hammerhead in each direction and during discussion among Board members, they are of the same opinion. Mr. Marks said that in both cases, their intent is that the end of the hammerhead be used as driveways for both of those lots, which would give more than 40-feet for turnaround. Chairman Pearce asked whether this was any different from any other turnarounds that we have approved in the past? Staff commented that it wasn't.

Mark Williams made a motion that the Planning Board find and conclude that the Combined Master and Development Plan for the Green Mountain Vistas complies with the provisions of the Subdivision Ordinance except for those matters addressed in the Staff Comments section of the memo that need to be addressed; and further move that the Combined Master and Development Plan be approved subject to the following condition: that the Planning Board specifically approve the hammerhead turnaround as submitted and that the surveyor/engineer certify that all roads meet Henderson County road standards in terms of alignment and grade. Tommy Laughter seconded the motion and all members voted in favor.

Chairman Pearce discussed the more standardized format for memos and comments dealing with subdivision reviews that come to the Planning Board meetings and would like to begin this standardization by next Planning Board meeting.

Adjournment. There being no further business, Tommy Laughter made a motion to adjourn and Mike Cooper seconded the motion. All members voted in favor. The meeting adjourned at 8:26 p.m.

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Tedd Pearce, Chairman

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Kathleen Scanlan, Secretary