

**HENDERSON COUNTY
PLANNING BOARD MINUTES
January 17, 2006**

The Henderson County Planning Board met on January 17, 2006 for their regular called meeting at 7:00 p.m. in the Board Room of the Land Development Building, 101 East Allen Street, Hendersonville, NC. Board members present were Paul Patterson, Vice-Chairman, Tommy Laughter, Gary Griffin, Mike Cooper, Mark Williams, Jonathan Parce, Renee Kumor and Stacy Rhodes. Others present included Judy Francis, Planning Director; Matt Card, Planner; Anthony Prinz, Planner; Kathleen Scanlan, Secretary; C. Russell Burrell, County Attorney; and Chuck McGrady, Commissioner and Liaison to the Planning Board. Tedd Pearce, Chairman, was absent.

Because of the absence of Tedd Pearce as Chairman, Paul Patterson was Acting Chairman of the meeting and called the meeting to order. Mr. Patterson asked for the approval of the December 20, 2005 minutes. He pointed out two typographical errors that he had found and the secretary noted the changes. Mike Cooper made a motion to approve the minutes with the changes noted and Renee Kumor seconded the motion. All members voted in favor.

Adjustment of Agenda. No adjustments were made.

Staff Reports. There were no Staff Reports.

OLD BUSINESS:

Two (2) Orders Granting Approval of an Amendment to Development Parcel Applications for a Planned Unit Development (Carriage Park, Section 15 and Section 17) – Planning Staff. Jonathan Parce and Paul Patterson recused themselves from any discussion or decision made in this matter. Mr. Card mentioned that these are the Orders from the previous Planning Board meeting for Section 15 and Section 17 of Carriage Park. He said that the Orders contained all of the conditions that were contingent upon approval of the amendments to both sections specified by the Planning Board and in Staff's memorandum. Renee Kumor made a motion to accept the two (2) Orders granting approval of an amendment for Development parcel applications for Sections 15 and 17 of Carriage Park. Tommy Laughter seconded the motion and all members voted in favor.

Update Regarding the Land Development Code – Judy Francis. (Paul Patterson and Jonathan Parce returned to the meeting. Ms. Francis stated that the Land Development Code was given to the County Commissioners at their second meeting in December. They are presently scheduling workshops to go over the content of the Code and the first workshop will be held on January 19, 2006 at 4:00 p.m. She stated that Chairman Pearce has established a subcommittee (Tedd Pearce, Chair; Mike Cooper and Renee Kumor) to review some of the concerns Board members had that were identified in the Land Development Code. She said that those concerns were based mainly on the density question, some map boundaries around the Urban Service, Transition, and Rural Areas. She stated that Staff would be reviewing the maps to make sure that they match the criteria specified in the CCP and she added that those boundaries would probably change because the maps are several years old. She stated that the subcommittee

would also be reviewing the article on signage and the comments that will be received by various sign companies. Ms. Francis said that the other item that the Planning Board had asked for was a comparison between the Land Development Code and the County's current codes based on subdivisions approved last year. She mentioned that some of the subdivisions that were approved by the Planning Board are still in the preliminary phase and have not been recorded yet, so we do not have specific lot lines for those subdivisions yet. She added that this is causing a problem doing a comparison. Board members discussed this issue and it was decided to have Staff take a block of time (a 12-month period) and take whatever subdivisions took place in that period that is most closely associated to the present date. Ms. Francis said that the first meeting of the subcommittee to discuss these issues is January 30, 2006 at 4:00 p.m.

Consideration of the Adoption of the Henderson County Industrial Study – Staff. Mr. Prinz said that Staff has been working on this issue since April 2005 and that the major issue was to re-examine the industrial areas of the Future Land Use Map and to refine those down and to add any, if necessary and to revise the Future Land Use Map and propose some type of rezoning in the future. Mr. Prinz stated that the Planning Board saw and reviewed this study at their June 21, 2005 meeting and was referred to the Zoning and Land Use Subcommittee (Tommy Laughter, Mike Cooper & Tedd Pearce). He said that the subcommittee and Staff have been working on this study and finalized the recommendations in December 2005. The recommendation is in two parts:

- (1) Text of the Growth Management Strategy should be amended to include a description of commercial/industrial areas recommended to be added to the Future Land Use Map.
- (2) The Future Land Use Map should be amended to reflect the changes shown on the map entitled *Recommendations from the Henderson County Industrial Study*.

Mr. Prinz said that the recommendations are in two parts to change the recommendations for the Future Land Use Map. It consists of two types of land uses. One is the standard industrial that was recommended in the original Future Land Use Map and the growth management strategy of the Comprehensive Land Use Plan. He said most of the areas are located north of Hendersonville, between Fletcher and Hendersonville's ETJ. He said that all of them corresponded with the rezoning action for the US 25 North zoning study so that the areas on the map showing purple, correlate with industrial zoning districts that were created by that zoning study. He showed the various existing businesses that are industrial in the area all designated for the industrial land use classification. He also showed that hatched lines on the map represented the Committee of 100's recommendations and the dark purple areas that Staff recommended. Ms. Kumor asked whether any of the property owners knew that they would be committed or understand that they will be industrial? Mr. Prinz stated that most of these areas are not changing any of the regulations on their property. He added that Staff spent well over a year talking with people on US 25 North regarding their zoning and did not receive any resistance from those people, as they were mostly industrial uses there. There was some further discussion on commercial and industrial designated area. Mr. Prinz stated that Staff is just asking for at this time a recommendation on the study. Ms. Kumor was concerned that the property owners in the industrial areas might get discouraged holding on to property that is designated for industrial when they could sell it to develop a residential community. Gary Griffin said that he would consider building homes as an industry. Mr. Prinz also pointed out other areas of the County designated for industrial/commercial and reviewed the factors for industrial suitability as mentioned in the memo that was included with the Planning

Board packets. After some further discussion, Mike Cooper made a motion to send a favorable recommendation to the Board of Commissioners for the Industrial Site Suitability Study. Renee Kumor seconded the motion. Ms. Kumor said she had some concerns that if the County goes through the formal process of actually zoning these pieces of property, what will happen when someone has the opportunity to sell their property isn't going to be industrial and what kind of guidance will we get from the Commissioners about this matter. Ms. Francis said that Staff will be able to say that this area is most suitable for industrial property and it will be a political decision on whether the Commissioners will go with the study or change and rezone property for dense residential property. She stated that it would be a case specific decision. All members voted in favor of the motion.

Eagle Pointe Development Plan (File # 2006-M03) – 52 Single-Family Dwellings on 11.07 Acres off Airport Road and Adjacent to Blue Ridge Community college – Jon Laughter, Agent for Eagle Rock Properties, Inc., Owner. Mr. Card stated that Eagle Rock Properties, Inc., owner and developer, submitted a Development Plan and an application for a major subdivision titled Eagle Pointe. The proposed subdivision is located off of Airport Road on 11.5 acres of land adjacent to Blue Ridge Community College. The Master Plan for Eagle Pointe was approved by the Planning Board without conditions on October 18, 2005.

Mr. Card said that the Applicant is proposing 52 single family residential lots. Lot sizes range from 4,710 square feet to 11,819 square feet. According to the Development Plan, Eagle Pointe will be built in four phases (see attached plan). It appears that the subdivision will have access through one entrance on Airport Road. This is a deviation from the Master Plan, which showed three entrances on Airport Road. The project will have public water and public sewer (City of Hendersonville for both). It 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 within a half mile of the proposed subdivision.

Staff has reviewed the submitted Development Plan for Eagle Pointe for conformance with the Henderson County Subdivision Ordinance (HCSO) and offers the following comments:

Development Plan

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. **Farmland Preservation District.** The Affidavit of Understanding of Farmland Preservation District (Appendix 11) was not submitted with the application. Since the property is within ½ mile of the Blue Ridge Agriculture District, an Affidavit must be submitted pursuant to Section 170-35 of the HCSO. The Final Plat

should include a notation that the property is within ½ mile of land in a Farmland Preservation District. (HCSO 170-35 and Appendix 7)

4. **Soil Erosion and Sedimentation Control.** The Developer should submit notice from NCDENR that a soil erosion and sedimentation control plan has been received or provide documentation that no plan is required prior to beginning construction.
5. **Water and Sewer.** 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 (HSCO 170-20). The Henderson County Fire Marshal's office requests that fire hydrants be spaced 1000 feet or less. It is also unclear where fire hydrants are located in the subdivision. Staff did not see any indications of proposed or existing fire hydrants on the Development Plan; a revised Plan should show the location of all proposed fire hydrants in the subdivision.
6. **Stormwater Drainage.** Section 170-21D of the HCSO states that all culverts and drainage be constructed and designed in accordance with state road standards. Staff did not see any indication of culverts or an engineered stormwater management system. If culverts are proposed the type, length, location and diameter should be listed on a revised Development Plan. The applicant should become familiar with all of 170-29 of the HCSO discussing drainage and stormwater management.
7. **Road Design.** While meeting with Mr. James Black and Mr. Norman Stoehr with Eagle Rock Properties, a road design, not found in the Subdivision Ordinance, was discussed. The cross section on the attached Development Plan shows an 8-foot shoulder on one side of the road with a 6-foot shoulder on the other side. If it is the intentions of the developer to use the road design previously discussed at the meeting, then a cross-section that reflects this design should be provided on a revised Development Plan. The applicant should discuss with the Planning Board their intentions for the roads. In regards to these types of alternative designs, if the road design is not specifically addressed in the Subdivision Ordinance then Section 170-21(4) states that design and subsequent construction of private roads shall be reviewed by the Planning Board based on the standards and requirements of the NCDOT and with the local NCDOT District Engineer policy modifications. The Planning Department contacted the District NCDOT office regarding this design and their response was that they do not have a design for this and have never seen a design like this in their district. The applicant must meet the minimum standards of the ordinance, any additional elements to the minimum standards may be approved by the Planning Board (an example of this is curb and gutter).

8. **Road Standards.** The road cross section provided on the Development Plan shows a road which meets the collector road standards except for right-of-way width and cut and fill slope. Eagle Pointe Way and a portion of Eagle Creek Trail must be built to collector road standards with a 50-foot right-of-way because these roads serve more than 24 lots (Section 170-21 of the HCSO). The applicant may reduce road standards on a portion of road when that portion of road serves fewer than 25 units pursuant to Section 170-21C(1)(a) of the HCSO. Along with meeting all road standards in Section 170-21 of the HCSO, the Applicant must also meet the standards for minimum curve radius. In areas where the cross slope does not exceed 15 percent the centerline curve radii must comply with the minimum of 90 feet (Section 170-21(F)). It appears that curve radii C6 and C3 do not meet the minimum 90-foot requirement. Any changes shall be shown on a revised Development Plan.

6. **Road Names.** Henderson County Property Addressing submitted comments regarding the road names (see attached comments). All road names must be approved by Property Addressing before a Final Plat is approved.

7. **Development Plan Details.** Some of the items outlined in the Development Plan Requirements (appendix 5 of the HCSO) are missing. A revised Development Plan shall be submitted to the Planning Department for review with all the below mentioned items, any items from the comments listed above and any other items that are discussed at the Planning Board meeting.
 - a. The Plan has a written scale but Staff did not see a graphic scale.
 - b. Approximate finished road grades were not on the Plan.
 - c. Since multiple sheets were submitted the sheets should be number accordingly so that it is clear which sheet is part of the Development Plan.
 - d. The base layer on the large Plan is hard to read, the applicant should submit a new copy that is clearly legible.
 - e. The property is located in the Open Use zoning district, the Development Plan shows the zoning as NZ (not zoned), which should be corrected on the revised Development Plan.
 - f. Site triangles conforming to Section 170-21G of the HCSO were not on the Plan.
 - g. Proposed location of any project sign(s), if applicable.

Staff has found that the proposed Development Plan appears to meet the technical standards of the Henderson County Subdivision Ordinance. Staff recommends approval subject to the above listed-comments being addressed and the developer addressing any other issues raised by the Planning Board.

Paul Patterson asked, "Since the developer went from three entrances to one entrance in the development, what was the Fire Marshal's opinion on that? Mr. Card said that they didn't have any comments on that, only comments regarding spacing of fire hydrants.

Mr. Laughter, agent for the owner, stated that he discussed the entrances with NCDOT and came with the understanding with them that the one entrance would suffice. He stated that the City water and sewer lines are available on the campus of Blue Ridge

College and plan to extend those to service the property. Mr. Card asked about the stormwater drainage system, "Will there be any culverts on the plan?" Mr. Laughter stated that they are drawing up plans but that there is an existing culvert that crosses Blue Ridge College that we will tie into that (he showed the location on a map to Mr. Card). Mr. Card also asked about the cross-section for the road and whether a curb and gutter is being proposed? Mr. Laughter said that there would not be a curb and gutter, just a shoulder on both sides. Mr. Patterson asked, "On the south end of the project you have a stormwater pond, who will own that?" Mr. Laughter said, "It will be part of the common property." Mr. Patterson said, "Regarding the southern boundary line, is that a ditch or stream or what?" Mr. Laughter said, "It is a drainage ditch, there is no water running in it."

Mike Cooper made a motion that the Planning Board find and conclude that the Development Plan for Eagle Pointe complies with the provisions of the Subdivision Ordinance except for those matters addressed in the Technical and Procedural Comments section of the Staff memo that need to be addressed; and further move that the Development Plan for Eagle Pointe be approved subject to the following conditions: the applicant satisfies any conditions that result from the comments listed above and that evidence of an easement be obtained. Gary Griffin seconded the motion. All members voted in favor.

NEW BUSINESS:

Deer Meadow Combined Master Plan and Development Plan (File # 2006-M01) – 50 Single-Family Dwellings on 47.23 Acres off US 25 South in the area of General Hill Road and Kay Road – Robert Scheiderick, Agent for Southern Pride of W.N.C., Inc., Owner.

Paul Patterson and Stacy Rhodes recused themselves from any discussion or decision, as they are both indirectly involved in this project. Mr. Patterson also appointed Tommy Laughter as acting Chairman for this item. All members were in favor.

Mr. Prinz stated that the owner submitted a major subdivision application and Combined Master Plan and Development Plan (Master/Development Plan) for the proposed subdivision, Deer Meadow. The project site is on 47.23 acres of land located off General Hill Road on two parcels of property currently shown by Henderson County tax records as being owned by South Hill Farms, LLC.

Mr. Prinz said that the applicant is proposing 50 lots that will be used for single-family residential purposes with 3.28 acres of open space in the area of an existing pond. Currently, there are multiple structures on the subject property including one single-family residential unit, two barns, and one open-air shelter near the pond. Mr. Prinz said that from the Development Plan it appears that the single-family dwelling unit and the open-air shelter are included in the subdivision plans and will remain on the property. The subdivision will be served by public water (City of Hendersonville) and individual septic systems.

Mr. Prinz mentioned that according to the Combined Master Plan and Development Plan, the project site appears to have more than 1,800 feet of frontage on General Hill Road (S.R. #1830). One access to the north and another to the south of General Hill Road are proposed for the Deer Meadow subdivision, which will be serviced by two circular private collector roads (one from each of the accesses points). The collector roads are labeled as Hill Top Circle and Meadow View Circle on the Master/Development Plan.

Mr. Prinz stated that the subject property is currently located within a County Open Use zoning district, which does not regulate the residential use of land. He said that there is two perennial streams, one of which feeds from the existing pond, are located on the project site, neither of which have any associated flood zones. According to measurements taken from the Henderson County GIS web site, the subject property is within one-half mile of a Flat Rock Farmland Preservation District.

Staff has reviewed the Master/Development Plan for conformance with the Henderson County Subdivision Ordinance (HCSO) and offers the following comments:

MASTER PLAN

1. **Revisions to Master Plan.** Staff reviewed the Master Plan and has found that the following items must be added, modified, or removed to be in compliance with Appendix 4 (Master Plan and Development Plan Requirements) of the HCSO.

All perennial streams must be shown with their direction of flow.

DEVELOPMENT PLAN

1. **Revisions to Development Plan.** Staff reviewed the Development Plan and has found that the following items must be added, modified, or removed to be in compliance with Appendix 4 (Master Plan and Development Plan Requirements) of the HCSO.

- All perennial streams must be shown with their direction of flow.
- Perennial stream setbacks must be added to the Project Summary.
- Hill Top Circle must be constructed to collector residential road standards as it provides access to 25 residential lots. The Development Plan must be revised so Hill Top Circle complies with the private collector residential road standards outlined in the HCSO. A revised cross-section depicting Hill Top Circle as a private collector residential road must be submitted.
- The "Typical Cross-Section" provided on the Development Plan meets and/or exceeds Henderson County's private local residential road standards and may represent a typical cross-section for the proposed Meadow Lake Circle. However, the cross-section should be designated as a private rather than public road.
- The length of each private road (individually) must be included in the Project Summary.
- Curve radii must be calculated for all proposed roads and shown on the Development Plan.
- Culvert symbols should be added to the Legend of the Development Plan and diameters of each culvert must be shown.
- Distance to public water and sewer systems must be added to the Project Summary.
- Zoning should be modified to say Open Use rather than "Does Not Apply" in the Project Summary.

OTHER COMMENTS

1. **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. According to the Combined Master Plan and Development Plan the proposed project site is located within 5,000 feet of the nearest public (City of Hendersonville) water supply. Therefore, the Applicant must connect to the public water supply in order to satisfy this requirement of the Subdivision Ordinance. The Applicant must also provide evidence that the water supply plans have been approved by the appropriate agency. The development plan may be approved contingent on final approval from such agency; 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 hydrant installation (HSCO 170-20).

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 (HSCO 170-19).

3. **Driveway Permit.** The applicant must obtain a driveway permit through NCDOT for the proposed entrances on General Hill Road (S.R. #1830) and provide evidence of permit issuance to the Planning Department.

4. **Fire Suppression.** According to the Henderson County Subdivision Ordinance (170-20, C), 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. See attached comments from Wally Hollis of the Henderson County Fire Marshal's Office.

Mr. Prinz stated that in talking with the developer and the Fire Marshal, there is one fire hydrant that is located on the property. The Fire Marshal also indicated that there is a water source point at the pond and that there is a driveway access for a water fill-up station. He added that the Fire Marshal did request that the pond remain as a water source for their fire protection and also requested that the fire hydrants be located along each of the roads on a 1,000-foot spacing. Mr. Cooper stated that he didn't feel that they needed that if you are going to have fire hydrants on a city/public water system. Mr. Prinz said that he didn't feel that the issue was necessarily for servicing this area but there is a series of homes further to the east. After some discussion regarding this issue, Mr. Prinz stated that if the Board wants to take it into account with the approval of the water system and the hydrant itself, that would be up to the Board, but he didn't feel that Staff could require either one.

5. **Henderson County Environmental Health.** Victoria Goings of the Henderson County Environmental Health Department was concerned about the existing structure on the property and wanted to make sure that the drain field and the repair area be located on the piece of property that can be designated for that structure.

6. **Henderson County Property Addressing.** Curtis Griffin of the Henderson County Property Addressing Department is requesting another name other than Hilltop Circle.

7. **North Carolina Division of Water Quality.** Laurie Moorhead of the North Carolina Division of Water Quality basically was concerned with the perennial stream setbacks, which aren't as stringent as the County's requirements.

8. **Final Plat Requirements.** The Final Plat(s) must meet the requirements of Appendix 7 of the Subdivision Ordinance.

Staff has found that given the above conditions, the proposed Master/Development Plan for Deer Meadow appears to meet the technical standards of the Henderson County Subdivision Ordinance. Staff recommends approval of the Master/Development Plan subject to the above comments being addressed, and the developer addressing any other issues raised by the Planning Board.

Mr. Scherderich, President of Southern Pride of WNC said that they are in the process of implementing the revisions that were recommended by the Staff. He asked for approval of the development.

Mike 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 the Technical and Procedural Comments section of the Staff memo that need to be addressed; and further move that the Combined Master Plan and Development Plan be approved subject to the following: Condition 4, Fire Suppression, strike the comment referring to installing a dry fire hydrant system because the developer plans on putting in a City water system. Jonathan Parce seconded the motion and all members voted in favor.

Hickory Forest Combined Master Plan and Development Plan (File # 2006-M02) – 19 Single-Family Dwellings on 114 Acres off Highway 74A (Gerton Highway) – Hickory Forest, LLC, Agent for John Myers, Little Bearwallow Mountain, LLC, Owner. (Both Paul Patterson and Stacy Rhodes returned to the meeting and Mr. Patterson continued at this point as Acting Chairman). Mr. Card stated that John Myers with Little Bearwallow Mountain, LLC, owner and Hickory Forest, LLC, agent, submitted a Combined Master Plan and Development Plan for the Hickory Forest major subdivision. Hickory Forest will consist of 19 lots on 114 acres of land off of Hwy 74A (Gerton Hwy). Although lots 18 and 19 are significantly larger than lots 1- 17, no future development is proposed on these lots.

Mr. Card mentioned that the applicant has proposed individual wells and septic systems with private roads. The applicant has proposed an alternate turnaround at the end of Road "A". The project site is in the Open Use zoning district, which does not regulate the residential use of land.

Mr. Card said that Staff has reviewed the submitted Combined Master Plan and Development Plan for Hickory Forest for conformance with the Henderson County Subdivision Ordinance (HCSO) and offers the following comments:

Mr. Card mentioned that regarding the Master Plan; it appears that all the requirements have been satisfied.

Development Plan

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. **Stream Setbacks.** A minimum thirty-foot setback for buildings or other structures is required along all perennial streams. The thirty-foot setback must be noted on the final plat (HCSO 170-37, A). Laurie Moorhead with NCDENR's Division of Water Quality submitted comments regarding the stream crossings
3. **Final Plat Requirements.** The Final Plat(s) must meet the requirements of Appendix 7 of the Subdivision Ordinance.
4. **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.
5. **Road Names.** Henderson County Property Addressing submitted comments regarding the road names (see attached comments). All road names must be approved by Property Addressing before a Final Plat is approved.\
6. **Comments from Fire Department.** Chief Robert Jay Alley with the Gerton Volunteer Fire and Rescue Department submitted comments regarding installing a dry hydrant and road standards.
7. **Minimum Curve Radius.** Along with meeting all road standards in Section 170-21 of the HCSO, the Applicant must also meet the standards for minimum curve radius (Section 170-21(F)). The Combined Master Plan and Development Plan shows curve radii that are 60 feet. In areas where the cross slope does not exceed 15 percent the centerline curve radii must comply with the minimum of 90 feet. Where the existing cross slope on private local residential roads is 15 percent or greater, a minimum centerline radius of 60 feet shall be permitted.
8. **Road Construction.** The applicant is proposing to pave the sections of road that have grades of 15% and higher. According to Section 170-21E of the HCSO, if combination paved and stone-based road sections are proposed, the paved sections must extend 50 feet from any point a road grade exceeds the minimum for a stone-based road. 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.
9. **20-foot Private Drive Easement.** It appears that lot 16 fronts on the 20-foot private drive easement coming off of Hwy 74A. Pursuant to Section 170-27 of the HCSO, all subdivision lots must abut on a private or public right-of-way. Said right-of-way shall, for private roads, have the minimum width specified in Table 1 of Section 170-21 and must be capable of supporting a road. Since the 20-foot private drive easement abuts 2 lots, then Table 1 of Section 170-21 states that it must be built to limited local residential road standards with a 30-foot right-of-way. If it is an existing drive easement, located entirely on the property being subdivided, then the road and right-of-way must be upgraded to meet these standards. A revised Combined Master Plan

and Development Plan shall be submitted to reflect any changes.

10. **Development Plan Details.** The approximate length of all proposed lot lines and the location of any proposed project signs were missing from the Plans. Revised Plans shall be submitted to the Planning Department showing the above-mentioned items and any other items discussed at the Planning Board meeting.

Mr. Card said that Staff has found that the proposed Combined Master Plan and Development Plan appears to meet the technical standards of the Henderson County Subdivision Ordinance. Staff recommends approval of the Combined Master Plan and Development Plan subject to the above listed-comments being addressed and the developer addressing any other issues raised by the Planning Board.

John Myers, agent for the developer, stated that he would make all revisions regarding the comments Planning Staff has made regarding the project.

Tommy Laughter made a motion that the Planning Board find and conclude that the Combined Master Plan and Development Plan for Hickory Forest complies with the provisions of the Subdivision Ordinance except for those matters addressed in the Technical and Procedural Comments section of the Staff memo that need to be addressed; and further move that the Combined Master Plan and Development Plan for Hickory Forest be approved subject to the following conditions: the applicant satisfies any conditions that result from the comments listed above. Renee Kumor seconded the motion and all members voted in favor.

Hickory Run Combined Master Plan and Phase 1 Development Plan (File # 2006-M04) – 38 Single-Family Dwellings on 85.35 Acres off Old Mount Olivet Road – Steven Waggoner, Surveyor for A.L.D., Inc., Owner. (Stacy Rhodes was recused because of being involved in the surveying of the project. All Board members were in favor of his recusal). Mr. Card said that Alice Dyer with A. L. D., Inc., owner and developer, submitted an application for a major subdivision titled Hickory Run. The Master Plan for Hickory Run shows a total of 38 lots on 85.35 acres of land off of Old Mount Olivet Road (S.R. 1112) in the Green River Township.

Hickory Run will be developed in three phases. Phase I will have 12 single family residential lots on 28.77 acres of land. Lot sizes range from 1.3 acres to 3.4 acres in Phase I. Individual wells and septic systems as well as private roads are proposed. The project site is located in the Open Use zoning district, which does not regulate the residential use of land. It is also within a half mile of the Green River Farmland Preservation District.

Mr. Card said that Staff has reviewed the submitted Master Plan and Phase I Development Plan for Hickory Run for conformance with the Henderson County Subdivision Ordinance (HCSO) and offers the following comments. Regarding the Master Plan, it appears that all of the requirements have been satisfied.

Development Plan

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. **Stream Setbacks.** A minimum thirty-foot setback for buildings or other structures is required along all perennial streams. The thirty-foot setback must be noted on the final plat (HCSO 170-37, A).
3. **Final Plat Requirements.** The Final Plat(s) must meet the requirements of Appendix 7 of the Subdivision Ordinance.
4. **Farmland Preservation District.** The Affidavit of Understanding of Farmland Preservation District (Appendix 11) was not submitted. Since the property is within ½ mile of the Green River Agriculture District, an Affidavit must be submitted pursuant to Section 170-35 of the HCSO. The Final Plat should include a notation that the property is within ½ mile of land in a Farmland Preservation District (HCSO 170-35 and Appendix 7).
5. **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.
6. **Temporary Turnarounds.** According to the HCSO, the Planning Board may require a temporary turnaround at the end of a phased project (HCSO 170-21, H).
7. **Road Standards.** The portion of Willow Run Lane in Phase I, must meet all standards for collector roads found in Table 1 of Section 170-21 in the HCSO. According to the cross section provided on the Phase I Development Plan, Willow Run Lane is labeled as a local residential road with a ditch slope and cut and fill slope that do not meet the collector road standards. Exceptions to the requirements of cut and fill slopes and shoulders are permitted with cross slopes that exceed 20 percent (Table 1 of Section 170-21, Notes).

Mr. Card said that Staff has found that the proposed Master Plan and Phase I Development Plan appears to meet the technical standards of the Henderson County Subdivision Ordinance. Staff recommends approval of the Master Plan and Phase I Development Plan subject to the above listed-comments being addressed and the developer addressing any other issues raised by the Planning Board.

Mr. Patterson asked, "Where does Phase 2 and Phase 3 separate?" Mr. Card said that he thought it runs with the road, but the applicant can address that better.

Steve Waggoner, surveyor for the project, indicated where Phase 2 and 3 are on a map. Mr. Waggoner mentioned that regarding Condition 6, temporary turnarounds, he would try to incorporate somebody's driveway into a temporary turnaround. Mr. Patterson asked, "Is there any reason why you are proposing a 60-foot right-of-way?" Mr. Waggoner said because of the large lots and the large country road and the fact that we are not squeezed for room. Tommy Laughter suggested that they should submit another drawing that would show the phase lines.

Mike Cooper made a motion that the Planning Board find and conclude that the Master Plan and Phase I Development Plan for Hickory Run complies with the provisions of the

Subdivision Ordinance except for those matters addressed in the Technical and Procedural Comments section of the Staff memo that need to be addressed; and I further move that the Master Plan and Phase I Development Plan for Hickory Run be approved subject to the following conditions: the applicant satisfies any conditions that result from the comments listed above and that a temporary turnaround is provided as well as showing the phase lines on the revised Master and Development Plan. Tommy Laughter seconded the motion and all members voted in favor.

Other Business – Discussion Concerning Rescheduling the Time of the Regular Planning Board Meetings. Ms. Francis stated that after some discussions with Chairman Pearce on changing the time, he felt that the Board should consider an earlier time for the Planning Board meetings than 7:00 p.m. After some discussion, Board members decided to change the regular called meetings to 5:30 p.m. on a trial basis. Mark Williams made the motion and Gary Griffin seconded the motion. All members voted in favor.

Subcommittee Assignments and Meeting Dates. Ms. Francis reminded Board members that the subcommittee would meet January 30, 2006 at 4:00 p.m. regarding further issues of the LDC.

Adjournment. There being no further business, the meeting adjourned at 8:32 p.m. All members voted in favor.

Paul Patterson, Acting Chairman

Kathleen Scanlan, Secretary