

**HENDERSON COUNTY  
PLANNING BOARD MINUTES  
July 19, 2005**

The Henderson County Planning Board met on July 19, 2005 for its regular 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 Tedd Pearce, Chairman; Mike Cooper, Vice-Chairman; Renee Kumor, Paul Patterson, Stacy Rhodes, Gary Griffin, and Mark Williams. Others present included Karen C. Smith, Planning Director; Autumn Radcliff, Planner; Matt Card, Planner; Kathleen Scanlan, Secretary; and C. Russell Burrell, County Attorney. Board members Tommy Laughter and Jonathan Parce were absent.

Approval of Minutes. Chairman Tedd Pearce presided over the meeting and called the meeting to order. Mr. Pearce asked for the approval of the June 2, 2005 Special Called Meeting minutes and June 21, 2005 regular meeting minutes. Mr. Patterson stated that there was a typographical error on the June 21, 2005 regular meeting minutes. On page 11 of the draft it had read, "Mr. Patterson said that in looking at the *sight*, there is some questionable soil on the parcel." It was noted that the word "sight" should be changed to "site." Chairman Pearce made a motion to approve both sets of the minutes, with the typo change indicated in June 21, 2005 regular meeting minutes and Renee Kumor seconded the motion. All members voted in favor.

Adjustment of Agenda. There was no adjustment to the agenda.

Staff Reports. Ms. Smith informed the Board members that there will be a public hearing on the rezoning application for US 64 West on Tuesday, August 2 at 6:00 p.m. for the Board of Commissioners Special Called Meeting. She stated that the Board of Commissioners approved the rezoning of the three parcels near the Asheville Regional Airport. Ms. Smith informed the Board members that after July 29<sup>th</sup>, Selena Coffey will be the acting Planning Director, until a Planning Director is hired. Chairman Pearce along with the other Board members wished Ms. Smith well and let her know how much the County will miss her.

Chairman Pearce said that reviews of subdivisions would be conducted informally unless the applicant or anyone qualified to participate in the proceeding requests that such review be conducted as a formal quasi-judicial proceeding.

**OLD BUSINESS:**

Development Parcel Review – Carriage Park Planned Unit Development (PUD), Amendment to Section 15 (Carriage Crest) – Located off NC Highway 191 (Haywood Road) – 69 Proposed Lots, which will include both 11 Single-Family Homes and 58 Townhomes – Dale Hamlin, Agent for Carriage Park Associates, LLC. Chairman Pearce stated that this item would be conducted as a quasi-judicial proceeding and the proceeding is to consider an amendment to Section 15, Carriage Crest, development parcel review. Paul Patterson asked to be recused from any discussion or decision from this item because of business conflicts in Carriage Park. Chairman Pearce made the motion to accept his recusal and all Board members voted in favor.

Chairman Pearce then asked all parties to the proceeding. Bob Grasso, Engineer for Carriage Park, Planning Department Staff, Matt Card, Planner, James Bandelin, Carriage Park Architectural Committee, Virginia Burke, resident of Carriage Park, and Dale Hamlin, General Manager of Carriage Park and Paul Patterson, Professional Engineer for the project.

Mr. Card stated that on January 21, 2003, the Planning Board held a quasi-judicial hearing for Section 15 (Carriage Crest). The original plan, which was approved with conditions, showed a total of 55 units, both townhouses and detached single-family dwelling units, on 35 acres of

land. Despite approval, Carriage Park Associates, LLC, (the Applicant) never began construction on Section 15. On May 23, 2005, Carriage Park Associates, LLC, submitted an amendment to the Section 15 Development Plan which added lots and changed the layout of the roads. Mr. Card said that since the applicant is asking to amend an approved development parcel, the procedures for review under Special Use Permit SP-93-13, and, specifically, Amendment Three (SP-93-13-A3), paragraph 25(b), discussing amendments to approved development parcels, will apply to this section.

Mr. Card said that the amendment to Section 15 was originally supposed to be heard at the June 21, 2005 Planning Board meeting but was postponed to the July 19, 2005 meeting at the request of the Applicant. Section 15, as amended, now proposes to have a total of 65 lots, which includes 11 single-family dwelling units and 54 townhouse units on 42.5 acres of land located off of Carriage Park Way. Carriage Crest Drive is now a loop road and a road shown previously as Crest View Trail was eliminated from the plans. Carriage Crest Drive extends through the 130-foot electric power easement, shown on the plans, in two places. Some of the townhouses for Section 15 will be attached and some of the townhouses will not be attached. Under the former definition of a townhouse in Special Use Permit SP-93-13, detached townhouses would not be allowed to use a neighborhood drive. Mr. Card stated that on July 5, 2005, the Board of Commissioners held a public hearing on an application (SP-93-13-A5) to amend Special Use Permit 93-13 by changing the definition of a townhouse. The Board of Commissioners approved the request to change the definition, which, as a result, will now allow a detached townhouse to be served by a neighborhood drive with a 30-foot right-of-way. He said that although the change in the definition of a townhouse was approved by the Board of Commissioners at the July 5, 2005 meeting, the approval will not be final until the written order granting such approval is completed and approved by the Commissioners. Staff suggests that the Applicant not begin construction of Section 15 until after the order granting approval for SP-93-13-A5 is approved.

According to the revised Development Plan, the townhouses (both attached and detached) and single-family residential units will be served by Carriage Crest Drive which is a neighborhood drive having a 30-foot right-of-way. Summit Road is a minor collector road which is proposed to serve this and other development parcels. The Applicant has proposed valley gutter for all the roads within Section 15. It appears that a round-a-bout is proposed where the roads meet. He said Summit Road, which is a minor collector road, will eventually serve another development parcel, which is past Section 15. The roads are proposed to be private. The Development Plan shows a 20-foot setback for all the townhouses from the centerline of Carriage Crest Drive and a 30-foot setback for all single family residential units on Carriage Crest Drive.

The Applicant has proposed public water and public sewer (both provided by the City of Hendersonville) to serve Section 15. The project area is located in the R-30 zoning district and the Water Supply Watershed IV (WS-IV) district.

Mr. Card stated that as part of the notice requirements of Special Use Permit SP 93-13 (as amended), the Planning Department was to notify any owners of property located outside of Carriage Park but within 100 feet of the proposed Section. Mr. Hamlin submitted notice to the Planning Department on June 6, 2005, that there were no such owners. The Planning Department sent out notices on June 6, 2005, for the original Planning Board meeting on June 21, 2005. Since Section 15 was postponed to the July 19, 2005 Planning Board meeting, the Planning Department sent notices out again on July 7, 2005, to Carriage Park Associates LLC, the Carriage Park Home Owners Association and all other recipients on the Carriage Park mailing list.

Mr. Hamlin stated that Staff gave a complete description of the development parcel Section 15 and the amendment and said that he had no further information to provide.

Mr. Card said that Staff has reviewed the amended Development Plan for Section 15 for conformance with the Henderson County Subdivision Ordinance (HCSO), the Henderson County Zoning Ordinance (HCZO), the Henderson County Water Supply Watershed Ordinance (WSWSPO) and Special Use Permit #SP-93-13 (as amended) and offers the following comments:

1. **Private Roads.** Because private roads are proposed, the final plat must contain a note stating: *The private roads indicated on this final plat may not meet the requirements of the North Carolina Department of Transportation for acceptance into the state road system.* (HCSO 170-21B and Appendix 7)
2. **Final Plat Requirements.** The Final Plat(s) must meet the requirements of Appendix 7 of the Subdivision Ordinance.
3. **Soil Erosion and Sedimentation Control.** The Developer should submit notice from NC DENR that a soil erosion and sedimentation control plan has been received or provide documentation from a professional land surveyor, engineer, landscape architect, architect or professional planner that no plan is required prior to beginning construction.
4. **Water and Sewer Plan Approval.** A letter from the Hendersonville Water and Sewer Department regarding capacity to provide water and sewer service for the entire PUD project was provided on June 11, 1993. The Applicant should provide evidence that the water and sewer plans serving Section 15 (as proposed to be amended) have been approved by the City of Hendersonville Water and Sewer Department and NCDENR prior to beginning construction (HCZO Section 200-33 F(4)(b)[6]).
5. **Private Road Standards.** Special Use Permit #SP-93-13 (Exhibit A [12]) requires that roads be constructed to NCDOT standards for vertical alignment and grade and that the Applicant provide evidence of the responsibility for road maintenance and repair, prior to the recordation of any plat representing lots or units having direct access to said roads.
6. **Development on Slopes.** Special Use Permit #SP-93-13 Exhibit A[10] states, where development is proposed on slopes in excess of 40%, the Applicant shall state, for every development parcel, the extent of existing soil stabilizing vegetation and trees, to what degree, if any, removal of such is proposed and what effect of such removal will be on erosion of the development site, both short and long term. The Applicant has indicated in the Descriptive Narrative that certain areas contain slopes greater than 40%. It is also says that disturbance within these areas, initiated by the Developer will be limited to the street construction limits and that disturbed slope areas will be stabilized with permanent vegetation as provided in the erosion control plan. Staff did not see any indication of the 40% slope on the Development Plan.
7. **Roads.** The Applicant has proposed valley gutter for all the roads within Section 15. Special Use Permit SP-93-13 states that minor collector roads can have either curb and gutter or no curb and gutter. Special Use Permit SP-93-13 only specifies, for residential streets, a 3-foot shoulder and 18 feet (width) of pavement. It is not completely clear if valley gutter is allowable with roads in Carriage Park. Mr. Card stated that the Applicant should address this issue with the Planning Board.
8. **Setbacks.** The revised Development Plan shows that a portion of the road Crest Court, possibly lot 44 and part of some of the townhouse lots encroach on the Carriage Park boundary and development parcel boundary setbacks. According to the Schedule of Site Standards in Special Use Permit SP-93-13, the minimum setback for development from the development parcel boundary line is 10 feet. The setback from the Carriage Park

boundary is 40 feet. There is also a 10-foot setback from the rear property line which may affect lots 51 through 46. Zoning permits cannot be issued for any structures proposed to be built inside the setbacks. Revised Plans should show that there will be no development in the setback areas as required by Condition 4 of Exhibit A of Special Use Permit SP-93-13 (as amended). Staff would like the Applicant to address these issues with the Planning Board. Staff would also like the Applicant to discuss the configuration of lot 44 with the Planning Board, because it is unclear where the lot lines are and if they fall in the 40-foot Carriage Park boundary setback.

9. **Evidence of Infrastructure Development.** The Applicant has indicated in the Descriptive Narrative that sewer and water lines will be extended to the Section 15 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. Prior to beginning construction, the applicant should, on a revised development plan, clarify where water and sewer lines are located in relation to the development parcel and should show drainage areas and culverts (#SP-93-13 Exhibit A[A][2][d]).
10. **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 15.
11. **Single Family Residential.** The Applicant has proposed single family detached dwellings and townhouses for Section 15 to be served by a neighborhood drive, Carriage Crest Drive. According to Condition 1 (d) of Exhibit A of Special Use Permit SP-93-13, a neighborhood drive is defined as a "paved access typically serving by direct access, townhouse, condominiums or apartments". Condition 1 (c) of Exhibit A of the Special Use Permit SP-93-13 (as amended) defines a residential street as a "road typically serving by direct access, single family detached units, having a minimum 45-foot right-of-way". In the Schedule of Site Standards in Special Use Permit SP-93-13, the setbacks for single family detached units on neighborhood drives are labeled as N/A. It appears that single family detached units, if they are not townhomes, are not allowed to be served by neighborhood drives under Special Use Permit SP-93-13 and as amended. All single family dwelling units that are not townhomes shall be served by a 45-foot right-of-way residential street as defined in Special Use Permit SP-93-13. The Applicant must amend the Section 15 revised development plan so that it is in conformance with Special Use Permit SP-93-13 (as amended).

Ms. Burke stated that the area of Section 15 was increased from 35 acres of land to 42.5 acres of land, that is an increase of 7.5 acres. She wanted to know where the 7.5 acres came from. Mr. Card said that if they use more acreage, then they will need to give back more open space to compensate for that and that it would just affect future plans. Chairman Pearce said that the overall permit only allows a certain amount of units and certain requirements for open space. He said as they develop each parcel, they can reduce or increase it, but they still need to keep within the overall guidelines of the permit, especially regarding the open space requirements and the density of the subdivision. She stated that also the plans for Section 15 do not show the topographical lines, but in the map of the Master Plan the topographical lines are shown. She said that Section 15 show lines which indicate that the topography has steep grade, especially in the upper portion of Section 15. Ms. Burke stated that erosion has been one of the concerns in Carriage Park and she would like to know whether erosion was mentioned in the comments Mr. Card reviewed? Chairman Pearce stated that the erosion and sedimentation permits are not issued by the County, they come from the State and any problems would go through the State. He added that other than the fact that they have to obtain these permits to

proceed with the development, the County has no jurisdiction over this matter other than they need to meet the State requirements. Ms. Burke asked whether the Planning Board or Department monitor this matter to make sure Carriage Park gets the documents required? Chairman Pearce said that the Planning Board has no jurisdiction on this other than that Carriage Park obtains the permit required and then it is up to the NCDENR to verify that they meet the requirements of the permit.

Mr. Card mentioned that he is entering Staff's packet into evidence.

Mr. Hamlin along with Mr. Grasso addressed some of the technical and procedural comments that Staff had concerns about. Mr. Hamlin stated that there are valley curb and gutter on many of the neighborhoods in Carriage Park, such as Carriage Springs, Section 9 and 12 and also was approved for Section 19, Phase 1. Mr. Card stated that the Special Use Permit specifically does not address whether they can have valley curb and gutters or not. Ms. Smith added that as long as Carriage Park is able to meet the road standards, excluding the valley that is when the Planning Board decided to approve valley curb and gutters. Mr. Grasso said that there is a road cross section that meets State standards. Mr. Grasso stated that regarding setbacks, lot 44 goes all the way back to the boundary and has the appropriate setback. He said also lots 46-51 is the footprint of the townhomes they are proposing and all of the buildings are outside of the setback. Mr. Grasso stated that the final plat would show just the building itself. There is no land deeded within Carriage Park building setback. After some discussion, it was determined that Mr. Hamlin decided to make the entire area of Section 15 a 45-foot right-of-way for residential streets which would resolve the 30-foot issue. Mr. Card asked Mr. Hamlin/Mr. Grasso, "Would you notify the owner of Lot 44 that the boundary is actually the lot line as shown?" Mr. Grasso stated that he will adjust the lot line in the drawings to meet the 30-foot lot line requirement. Mr. Card also requested some verification on the requirements of valley gutter in this development from the Planning Board.

Mr. Bandelin stated that on behalf of the Architectural Committee for Carriage Park, they have reviewed this Section and approve this as submitted.

Chairman Pearce made a motion that the Planning Board find and conclude that the amendments to development parcel plan for Section 15 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 technical and procedural comments section of Staff's memo and in regards to comment # 7 with the Planning Board specifically stating that valley curb and gutter is an acceptable method as long as it is outside of the minimum road requirements. That the developer will make sure that the setback situations are that no land is deeded within the minimum setbacks for the 30-foot road development setback requirement. Also, that the developer has agreed to change Carriage Crest Drive, to a 45-foot road. That the construction not begin until after the order granting approval for SP-93-13-A5 is approved by the Board of Commissioners. Mike Cooper seconded the motion and all members voted in favor.

Chairman Pearce directed Staff to prepare an Order with the Planning Board's findings of fact, conclusions and decision. The order will then be available at a future meeting for approval.

Chairman Pearce closed the quasi-judicial hearing from Carriage Park Planned Unit Development and Paul Patterson returned to the meeting.

Rezoning Application #R-2005-03 - Request Approximately 26.8 acres of Land Located off College Drive from O & I (Office and Institutional) Zoning District to R-10 (High-Density Residential) Zoning District – Jon Laughter, Agent for Blue Ridge Community College.

Ms. Radcliff stated to recap the rezoning request, the application was submitted on April 19, 2005 to request that the County rezone approximately 26.8 acres of land, located off College Drive, which is currently part of Blue Ridge Community College from an O & I (Office and Institutional) zoning district to an R-10 (High-Density Residential) zoning district. She stated that the Planning Board first considered rezoning application R-2005-03 at its regularly scheduled meeting on June 21, 2005. During that meeting, the Board voted 8 to 1 to postpone making a recommendation to the Board of Commissioners on the rezoning request until the regularly scheduled July meeting to allow Blue Ridge Community College the opportunity to provide the Board with any additional information that would inform the Board on its decision. She also stated that according to the Zoning Ordinance, the Planning Board has 45 days from its first consideration of a rezoning application to make a recommendation to the Board of Commissioners. She stated that the deadline for a Planning Board recommendation to the Board of Commissioners regarding this application is Thursday, August 4, 2005 and if no recommendation is made by August 4, 2005, then the application proceeds to the Board of Commissioners with an automatic favorable recommendation unless the applicant agrees to an extension. Ms. Radcliff reminded the Board members that Staff's position is it supports the East Flat Rock Area, Phase 1 Land Use Plan's recommendation for the subject area to be zoned for office and institutional uses.

Mr. Jon Laughter, agent for Blue Ridge Community College stated that they are requesting to rezone the property from an O & I to an R-10 residential zoning district. He stated that there were questions from last month's meeting regarding a hardship and the fire training grounds being in close proximity. Chairman Pearce asked whether any circumstances have changed to make this property less desirable for office and institutional and more desirable for residential? He feels that with the surrounding extensions to the community college and the fire training school there, it has become less prone to be acceptable to change it to residential and the Board needs to have more evidence to show that the Board is wrong in its thinking.

Mr. David Sink, President of Blue Ridge Community College said that the piece of property that we are asking to rezone is outlined on a map he showed to the Planning Board members, which is currently zoned O & I and is requesting R-10. He also indicated adjacent properties to the subject property, which are the college and the fire-training center and reviewed some other parcels of property near the school.

Mr. Sink stated that this subject property that the College is in agreement to sell is an investment that is headed by Ron Stevens and the reason for the change to an R-10 residential district is because the developers are planning on putting in a creative retirement center. Mr. Sink stated that this is what he has seen that is consistent across the country of creative retirement centers being built in connection with a local college campus. He said that once the buildings are put up there is a continual relationship between the college and the residents, such as using the college for enrichment classes, wellness and physical education, going to concerts and other outdoor activities. He said that this is consistent with what we see in Raleigh/Durham/Chapel Hill area working with developers working with UNC-Chapel Hill and Duke University. He said the original one came out of Ethica, New York, where Cornell University is located, and is teamed with a group similar to what Ron Stevens is heading for a creative retirement center. Mr. Sink stated that they wish to zone it to R-10 so that the College can complete the sale to Ron Stevens and his group. The college is made up of Board of Trustees, approximately 14 people, who are either appointed by the Board of Commissioners, Transylvania County Commissioners, the School Board and the Governor. He said that all of the Trustees of the College have voted in favor of this venture. He said that our venture is selling this property to Ron Stevens and then to take the money from this sale and purchase the

farm, which is on the other side of College Drive for expansion to the College. He stated that the Commissioners have given the College the go-ahead to take the money that we would gain for selling this property to campus quarters and then purchasing the farm off College Drive.

Mr. Sink stated they reviewed Staff's comments and the discussion with the concern over the fire training center regarding creating a situation that would be less desirable to be reclassified to R-10. He said that they have had conversations with the future owners of this subject property, and they are in agreement with the fire training people to put up a fire training museum as well as high technology classrooms and office spaces for the college staff that would be altering the fire training center. He noted that Pardee Hospital has a nursing home and an adult daycare center and hospice has two acres of land that the college gave them for building Elizabeth House. Elizabeth House and Pardee Hospital facilities have been at their current locations for several years and there never has been any complaints regarding any kind of training that comes out of the fire training center that would make this property that we are requesting to be rezoned *undesirable* for high-density residential. Mr. Sink stated that they really do not find this a problem in their request. He said that given the changing demographics of Henderson County, creating a creative retirement center, marketed to people from ages 55 through 75 years old that are still very active and very independent in their living and wanting to have their retirement not only active but filled with cultural opportunities in working with the college, this is a natural way to move into this type of development in Henderson County.

Mark Williams asked, "If this property is suitable for housing, would it be someday suitable for student housing?" Mr. Sink stated that it would be, but our type of college is not a residential college, we are a commuter-type college. Our college is designed to bring education to the back door of the citizens of North Carolina. Our objective is to keep cost down so that students can live at home for one or two years and commute short distances. Mike Cooper felt that this property is more desirable for residential housing than college structures, which are much more heavier structures.

Ms. Smith reminded the Board not to consider a specific use for this property. If the Board decides to make a recommendation, the Board needs to make the decision based on solid reasons and not specific uses.

Mr. Cooper feels that if it is not desirable to expand college facilities at this subject property, then it becomes useless. Ms. Kumor said that if just becomes taxable property. Chairman Pearce stated that he feels the use of the fire training center would increase over time and the Board needs to determine whether the Board would typically recommend a residential district adjacent to a fire training center. Chairman Pearce quoted from a memorandum from the Fire Marshal, which states that most training sessions are conducted during 6:00 p.m. to 11:00 p.m. Mr. Sink stated that these are classroom trainings that are being held. He stated that the actual fire training he has never seen done. Mr. Sink mentioned the regional and statewide training events indicated in Mr. Hyder's memo, is the Fire College Training which they use the parking lot at the College in fire truck training. Mr. Williams stated that it is logical to him regarding changing the zoning if there is some justification in terms of the usability of the property in terms of the soils and such, he feels it is justified to rezone this property as residential. Ms. Kumor was wanting to know if Mr. Stephens has asked the developer, how does he address the issue of the fire tower and the training area?

Mr. Ron Stephens stated that he is well aware of the fire training facilities and stated that they plan on jointly building a fire museum with the group that is putting up the creative retirement center, and part of the structure will be a clubhouse. He said that part of their meeting facilities will be in there including a catering kitchen, small fitness areas and they also plan on building a

classroom for the college for the fire training people. Mr. Stephens stated that they are fully aware of the fire training and will be part of their operation. Paul Patterson stated that his only concern with this project is that it is within the floodplain area and will need to comply with the requirements.

Mr. Cooper made a motion for a favorable recommendation for rezoning request # R-2005-03 to rezone land located off College Drive from an O & I to an R-10 zoning district because the College stated that the land is not desirable for their facilities because there have been many studies done of this property and found that it is more desirable for residential as opposed to Office and Institutional facilities. Mark Williams seconded the motion. Tedd Pearce, Mike Cooper, Mark Williams, Stacy Rhodes, Renee Kumor and Gary Griffin voted in favor. Paul Patterson opposed the motion. The motion carried 6 to 1.

Development Parcel Review – Carriage Park Planned Unit Development (PUD), Section 17 (Carriage Woods) – Located off NC Highway 191 (Haywood Road) – 42 Proposed Townhomes – Dale Hamlin, Agent for Carriage Park Associates, LLC. Chairman Pearce stated that this item would be conducted as a quasi-judicial proceeding and the proceeding is to consider Carriage Park Development Parcel review for Section 17 (Carriage Woods). Paul Patterson asked to be recused from any discussion or decision from this item because of business conflicts in Carriage Park. Chairman Pearce made the motion to accept his recusal and all Board members voted in favor.

Chairman Pearce stated that all the parties to the proceeding were the same as for Section 15, previously heard. That is the parties are as follows: Bob Grasso, Engineer for Carriage Park, Planning Department Staff, Matt Card, Planner, James Bandelin, Carriage Park Architectural Committee, Virginia Burke, resident of Carriage Park, and Dale Hamlin, General Manager of Carriage Park and Paul Patterson, Surveyor for the project.

Mr. Card stated that Section 17 was originally supposed to be heard at the June 21, 2005 Planning Board meeting but was postponed to the July 19, 2005 meeting. Dale Hamlin, agent for Carriage Park Associates, LLC, (Applicant) submitted the Development Plan for Section 17, titled *Carriage Woods*, on May 23, 2005. Section 17 is a 14.39-acre tract of land located off Carriage Park Way. Mr. Card said that the applicant proposes to build 35 detached townhouses. The townhouses will be served by neighborhood drives, which would not have been permitted under the former definition of a townhouse. Mr. Card stated that although the request to change the definition of a townhouse was approved by the Board of Commissioners at the July 5, 2005 meeting, the approval will not be final until the written order granting such approval is completed and approved by the Commissioners. Staff suggests that the Applicant not begin construction of all improvements until after the order granting approval is approved.

Mr. Card said that according to the Development Plan for Section 17, the townhouses will be served by two roads, labeled as Road A and Road B, built to neighborhood drive standards under Special Use Permit # SP-93-13. The roads are proposed to be private. All the necessary setbacks are listed on the Development Plans including the 20-foot setback from the centerline of the road for townhouses on neighborhood drives, the 40-foot setback from the Carriage Park boundary and the 10-foot setback from the development parcel boundary.

He said that the Applicant has proposed public water and public sewer (both provided by the City of Hendersonville) to serve Section 17. The project area is located in the R-30 zoning district and the Water Supply Watershed IV (WS-IV) district. He mentioned that the Planning Department sent out notices on June 6, 2005, for the June 21, 2005 Planning Board meeting and then on July 7, 2005, for the July 19, 2005 Planning Board meeting to Carriage Park Associates LLC, the Carriage Park Home Owners Association and all other recipients on the Carriage Park mailing list.



Mr. Card said that Staff has reviewed the Development Plan for Section 17 for conformance with the Henderson County Subdivision Ordinance (HCSO), the Henderson County Zoning Ordinance (HCZO), the Henderson County Water Supply Watershed Ordinance (WSWSPO) and Special Use Permit #SP-93-13 (as amended). Staff offers the following comments:

1. **Private Roads.** Because private roads are proposed, the final plat must contain a note stating: *The private roads indicated on this final plat may not meet the requirements of the North Carolina Department of Transportation for acceptance into the state road system.* (HCSO 170-21B and Appendix 7)
2. **Final Plat Requirements.** The Final Plat(s) must meet the requirements of Appendix 7 of the Subdivision Ordinance.
3. **Soil Erosion and Sedimentation Control.** The Developer should submit notice from NC DENR that a soil erosion and sedimentation control plan has been received or provide documentation 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 17 have been approved by the City of Hendersonville Water and Sewer Department and NCDENR prior to beginning construction (HCZO Section 200-33 F(4)(b)[6]).
5. **Private Road Standards.** Special Use Permit #SP-93-13 (Exhibit A [12]) requires that roads be constructed to NCDOT standards for vertical alignment and grade and that the Applicant provide evidence of the responsibility for road maintenance and repair, prior to the recordation of any plat representing lots or units having direct access to said roads.
6. **Development on Slopes.** Special Use Permit #SP-93-13 Exhibit A [10] states, where development is proposed on slopes in excess of 40%, the Applicant shall state, for every development parcel, the extent of existing soil stabilizing vegetation and trees, to what degree, if any, removal of such is proposed and what the effect of such removal will be on erosion of the development site, both short and long term. The Applicant has indicated in the Descriptive Narrative that certain areas contain slopes greater than 40%. It also says that disturbance within these areas, initiated by the Developer, will be limited to the street construction limits and that disturbed slope areas will be stabilized with permanent vegetation as provided in the erosion control plan. Staff did not see any indication of the 40% slope on the Development Plan. Staff would like revised plans that show these areas as described in the Descriptive Narrative, if any.
7. **Road Names.** The Applicant has proposed two neighborhood drives labeled Road A and Road B for Section 17. The Applicant has not provided road names. Prior to the recordation of the final plat, road names will need to be submitted and approved by the Henderson County Property Addressing Office (HCSO Section 170-25). Such names should be shown on the final plat.
8. **Evidence of Infrastructure Development.** The Applicant has indicated in the Descriptive Narrative that sewer and water lines will be extended to the Section 17 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. The applicant should, on a revised development plan, clarify where water and sewer lines are located in relation to the development parcel and should show drainage areas and culverts (#SP-93-13 Exhibit A[A][2][d]). If water and sewer lines are not going to be extended to the development parcel prior to final plat review, the developer must provide an improvement guarantee, as state above.

9. **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 17.

Mr. Card mentioned that they have valley curb and gutter in this section and possibly the Planning Board could make the same comment regarding this matter as in Section 15. Chairman Pearce asked whether there are a limited number of residences that can be on a neighborhood road? Mr. Card said that they need to comply with open space and have density requirements but he doesn't believe there is a minimum requirement for neighborhood road.

Mr. Card mentioned that he was entering the packet as evidence.

Mr. Cooper said that regarding the 40% slope is there something on their plan that indicates it is a 40% slope? Mr. Card said that it is unclear. He said you can see the topo lines on the map, so you know where there are some steep slopes, but you do not know where they are. Mr. Grasso said they included that because it has always been accurate for most places being over 40%.

Mr. Bandelin stated that on behalf of the Architectural Committee for Carriage Park, they have reviewed this Section and approve this as submitted.

There was no other evidence that was presented.

Chairman Pearce made a motion that the Planning Board find and conclude that the Development Plan submitted for Section 17 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 Technical and Procedural Comments section of Staff's memo. In addition, that the construction not begin until after the order granting approval for SP-93-13-A5 is approved by the Board of Commissioners. Renee Kumor seconded the motion and all members voted in favor.

Chairman Pearce directed Staff to prepare an Order with the Planning Board's findings of fact, conclusions and decision. The order will then be available at a future meeting for approval.

Chairman Pearce closed the quasi-judicial hearing from Carriage Park Planned Unit Development and Paul Patterson returned to the meeting.

Hickory Nut Preserve – (File # 05-M20) - Combined Master Plan and Development Plan – (24 Lots) – Located Off U.S. Hwy 64 (Chimney Rock Road) – David Lee and Pesterfield, P.A., Agent for Scott Cole, III, Owner. Mr. Card stated that the applicant, Scott Cole, III, with Frontier Land Co. LLC, and agents David Lee and Pesterfield P.A., submitted the Combined Master Plan and Development Plan application for a major subdivision to be named Hickory Nut Preserve. The proposed project site for the Hickory Nut Preserve subdivision is located off of U.S. Hwy 64 East (Chimney Rock Road). The Applicant has proposed a total of 24 lots on 47 acres of land. Also proposed are 2.65 acres of greenspace and 7.33 acres of common area which includes an existing pond. He said that 5,390 feet of private roads are proposed. The proposed roads will use an existing road bed that runs through the property. The roads will be built to local residential road standards which allow a 45-foot right-of-way and 16-foot travelway

width. The Applicant has had some concerns about meeting the minimum curve radius of 90 feet, but has informed Staff that some areas in the development have cross slopes that exceed 15 percent. The Applicant has provided a statement on the Combined Master Plan and Development Plan that states that all curves not meeting the 90-foot minimum curve radius have a cross slope exceeding 15%. Section 170-21F of the HCSO allows a minimum 60-foot centerline radius where existing cross slopes exceed 15 percent for local residential roads. Mr. Card said that according to the Combined Master Plan and Development Plan the entrance to the subdivision appears be aligned with Edney Inn Road. The subdivision will be served by individual wells and individual septic systems. The project site is located in the Open Use zoning district which does not regulate the residential use of land.

Staff has reviewed the submitted Combined Master Plan and Development Plan for conformance with the Henderson County Subdivision Ordinance (HCSO) and offers the comments that follow. Mr. Card said that concerning the Master Plan, it appears that all requirements have been satisfied. The following are the comments regarding the Development Plan:

1. **Private Roads.** 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 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).
4. **Road Standards.** Henderson County Property Addressing submitted a comment which states that if Beech Tree Lane and Gorge View Lane comprise one continuous road with no distinct intersection or stop at that intersection, then Gorge View Lane and Beech Tree Lane should only have one road name for both roads. Staff would like the Applicant to discuss what the intentions are for this intersection with the Planning Board. If the Applicant is proposing a continuous road then the Applicant must meet all the applicable road standards for Section 170-21 in the Henderson County Subdivision Ordinance, especially 170-21F and 170-21G for minimum curve radius and intersections. Section 170-21F allows a minimum 60-foot centerline radius where existing cross slopes exceed 15 percent. The Final Plat(s) should note that where the existing cross slope is 15 percent or greater, a minimum centerline radius of 60 feet is permitted (170-21F of the HCSO).

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 except for the items listed in the Technical and Procedural Comments. 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.

Ms. Lynn Mann, with Pesterfield Engineering, stated that regarding comment 3 on the soil erosion and sedimentation control plan, she has received a letter from NCDENR and submitted it to Mr. Card. She stated that regarding the intersection, even though there was no perennial stream there, they were trying to minimize any impacts and keep as much grading out of this

area as possible and intended this to be a full stop intersection. She also stated that they were trying to keep most of the lots from one acre to one and a half acres, depending on the lay of the land. She said their major concern was to try to keep away from the stream as much as possible and to try to keep the road an equal distance from it to let this area stay natural and not be impacted. She said, therefore they felt that a 90-degree intersection at that location would be the best. Mr. Patterson noted that the south end of Lot 9 appears to be a little on the right-of-way. Mr. Patterson had more technical questions regarding the stream, piping and topo lines for Ms. Mann that she answered and rectified.

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; Comments 1, 2 and 4, and further move that the Combined Master Plan and Development Plan be approved subject to the intersection (Beech Tree Lane and Gorge View Lane) will have a stop sign. Gary Griffin seconded the motion. Mike Cooper, Gary Griffin, Mark Williams, Tedd Pearce, Stacy Rhodes, and Renee Kumor voted in favor. Paul Patterson opposed the motion. The motion carried 6 to 1.

Review of Request for a Conditional Use Permit (#CU-05-08) – To Operate a Storage Facility in a C-4 Zoning District Located on the Corner of US 25 North and Butler Bridge Road – Gerald Dotson, Applicant for SAA, Owner. Gary Griffin recused himself from any discussion or decision on this matter, as he is also a member of the Board of Adjustment, who will be making a decision on this request. All Board members granted his recusal. Ms. Radcliff informed the Board members that she is filling in for the Zoning Administrator, Natalie Berry and she will be referring to the Zoning Official's Report and would not be able to make any comments with regard to this report. Ms. Radcliff stated that this request was submitted by Gerald Dotson. He is requesting a Conditional Use Permit in order to construct a storage facility consisting of two proposed structures in a C-4 Highway Commercial zoning district. She stated that the approximate size of the property is 0.91 acres and under the C-4 Highway Commercial zoning district, light industry is allowed with a Conditional Use Permit. She stated that according to the Zoning Official's report, it is being interpreted as a warehouse, under light industry. She stated that the setbacks for the storage facility would be 75 feet for major roads, 60 feet for minor roads. Hope Opal Lane, where the proposed facility will be located, is designated as a minor road by definition of major road. Ms. Radcliff stated that the maximum building height would be 40 feet and the side yard setbacks would be the same requirements to which the district is contiguous and in this case, would be R-15 and the side and rear yard setbacks would be 15 feet.

Regarding off-street parking the site plan shows to have 2 spaces provided for the employees, although in this case it is not required, but the applicant has provided for 2 spaces. She said that in addition, one of the spaces would be van accessible, which is not required as well.

Ms. Radcliff stated that regarding off-street loading and unloading, there will be 20 feet between buildings, which will give adequate room for loading and unloading into the proposed storage facility.

Ms. Radcliff stated that there is current lighting, and there will be no additional lighting.

The property has an existing sign for the other business Mr. Dotson runs on the adjacent parcel. The sign is located on this parcel and will be modified. (Ms. Radcliff distributed the picture of the existing sign).

Ms. Radcliff noted that the property has 1 modular home for show that crosses the property boundary of the applicant's property and will remain on the property. The property also has an

existing small storage unit in the rear of the parcel that will also remain. In addition, the property has 1 manufactured home crossing the property on the south that will remain and is occupied as a residence.

Ms. Radcliff stated that the applicant would provide Leland Cypress Trees on the three sides of the parcel closes to Hope Opal Lane as shown on the site plan. She stated that there will not be fencing provided for this project. The proposed storage units will be accessible 24 hours a day and no outdoor storage will be allowed.

Ms. Radcliff said Staff has reviewed the following application and offers the following comments and recommendations:

1. The site plan indicates that two manufactured homes cross the boundary of the applicant's property, and a model home is located on the parcel where the proposed storage facility will be constructed and they will remain on the property. The existing small storage building that was indicated in the zoning official's report was not shown on the site plan, and the applicant should clarify. The Zoning Administrator should address if the proposed storage facility can be constructed on the parcel in addition to the existing structures.
2. The site plan and application indicate that trees will be provided between the storage units and residences. The applicant should provide more detail as to the proposed landscaping/buffering, such as the type, size and spacing of vegetation to be planted, how it will be maintained, etc.
3. The Zoning official's report indicates that the sign will be located on the adjacent parcel owned by Mr. Dotson and will be modified as shown. The site plan should provide details about the sign, including dimensions, type, number of faces, if and how it will be lighted, etc.

Ms. Radcliff stated that the Planning Staff requests that the Zoning Administrator address comment # 1 and also if the Planning Board makes a recommendation to the Zoning Board of Adjustment (ZBA) to approve the Conditional Use Permit that it does contingent on the related comments mentioned above or any other issues that may arise during this Planning Board meeting. She also requests that the ZBA specify time frames within which the applicant must satisfy any conditions and require that the applicant obtain from the Zoning Administrator confirmation of zoning compliance prior to receiving a Certificate of Occupancy.

Gerald Dotson, owner of lots 3,4,5, & 6, which is the property that is behind the Heritage Park Shopping Center to I-26 and next to Butler Bridge Road. Mr. Dotson stated that the buildings originally were going to be built with block and stucco but now will be metal like the surrounding shopping center. He stated that the landscaping will consist of Leland Cypress Trees between the manufactured home park and the storage facilities. He said he will also plant some weeping peach and weeping cherry trees and there will be 4 trees about 20 feet apart that will be maintained by himself and a maintenance person. He said that the picture of the sign that was distributed is an example of how the sign will be modified. He stated that regarding comment # 1, the mobile home that is behind the storage facilities that is located on lot # 6 and # 5 is a residence, and the manufactured home that is located on lot # 4 and 5 is a model home and there is a temporary storage building as well. He said that the shed that was indicated in the Zoning Official's report but was not on the site plan was probably the temporary storage building, as there is no shed there.

Chairman Pearce made a motion to recommend approval of Conditional Use Permit Application # CU-05-08 to the Board of Adjustment. Mark Williams seconded the motion. Mike Cooper suggested that it would be a good idea for the applicant to have details dealing with the buffer as to what type of trees, size and spacing for the Board of Adjustment members possibly drawn

out, as it would make it clearer and more helpful to them. All members voted in favor of the motion.

Subcommittee Assignments and Meetings Dates. Chairman Pearce asked that Matt Card coordinate with subcommittee members regarding cemeteries and land use regulations. He also mentioned that Anthony Prinz will schedule a meeting with subcommittee members regarding the industrial site suitability study. Chairman Pearce suggested that both should be scheduled in August.

Ms. Smith stated that the Board of Commissioner have asked the Planning Board to find out how they can get out of reviewing the special use permit amendments for Carriage Park. Chairman Pearce said that Staff could simply say that the Planning Board can handle it. Ms. Smith said that it would probably come back to the Planning Board. Paul Patterson said that after November of this year, it should be the end of Carriage Park phases.

Chairman Pearce asked the status of the Land Development Code? Ms. Smith said that it looks like the Planning Board will start looking at it sometime in September. Mr. Cooper mentioned that he would be out of town from September 2 through 18.

Chairman Pearce again acknowledged Ms. Smith leaving the County.

Adjournment. There being no further business, Chairman Pearce made a motion for the meeting to be adjourned. All members voted in favor. The meeting adjourned at 8:58 p.m.

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Tedd M. Pearce, Chairman

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Kathleen Scanlan, Secretary