

**HENDERSON COUNTY  
PLANNING BOARD MINUTES  
March 15, 2005**

The Henderson County Planning Board met on March 15, 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; Paul Patterson, Tommy Laughter, Jonathan Parce, Renee Kumor, Gary Griffin, Stacy Rhodes and Mark Williams. Others present included Karen C. Smith, Planning Director; Matt Card, Planner; Kathleen Scanlan, Secretary; C. Russell Burrell, (Acting) County Attorney and Chuck McGrady, Commissioner and liaison to the Henderson County Planning Board.

Approval of Minutes. Chairman Tedd Pearce presided over the meeting and called the meeting to order. Mr. Pearce asked for the approval of the February 15, 2005 regular meeting minutes. Chairman Pearce noted that Mr. McGrady's name was not included in the *others present* list of people and felt since he spoke to the Board under the Carriage Park agenda item, he should be recognized. Chairman Pearce then made a motion to approve the minutes of February 15, 2005 with the noted change. Renee Kumor seconded the motion and all members voted in favor.

Adjustment of Agenda. There were no adjustments to the agenda.

Staff Reports. Ms. Smith informed the Board members that the Board of Commissioners approved the rezoning for the Hollabrook Farms property from I-2 to R-10. She mentioned that the Board of Commissioners postponed with no date determined, a hearing on the US 25 North Zoning Study that was to take place on March 21, 2005. At the same time, the Commissioners proposed a moratorium on rezoning applications and other land use issues for the study area. She said that because of the proposed moratorium, the Planning Board will need to call a special called meeting.

Mr. McGrady explained that the Board of Commissioners scheduled a hearing on the US 25 North Study area and the majority of the Commissioners were of the opinion that the Planning Board had done a great effort on what was done on US 25 North but that they were not working with the best of tools and were using a Zoning Ordinance that is outdated. He said that with this in mind and after having some discussions, the Commissioners decided to put this study off with the understanding that the Planning Board would then be able to go forward on rewriting the Ordinance. He said that the other concern that came up is what will happen in the interim? He said that then led to the discussion of considering a moratorium, which is on the Board of Commissioners agenda for April 4, 2005. The Commissioners will consider putting a moratorium in place on all zoning changes in the corridor and taking it a step further, with the advice of counsel, the Commissioners did not want much of anything happening before the Commissioners made that decision. They then at their meeting on March 9<sup>th</sup>, put in place a temporary cessation of permitting of most sorts related to development in that area until the meeting on April 4, 2005. Mr. McGrady said, basically, as opposed to going through with the hearing now and then when we a new ordinance in place, having to make zoning changes again, the Commissioners decided to stop this study until a new Ordinance is in place. The Commissioners can take what the Planning Board has already done but use the new

ordinance that will be worked on and go forward once. He added he feels that will be easier on the citizens of that area. Chairman Pearce added that most of these people in the study area have had so many notices, hearings and other information, that they are tired of all of this. Chairman Pearce feels that it would be advisable for the Board of Commissioners to possibly approve the changes for the residential districts that were recommended and eliminate everything that is adjacent on both sides of the highway that were designated other than residential, just to get a lot of people out of this limbo that have residences. Mr. McGrady added that if this is something the Board wants to pursue and the Board can eliminate some portion of this study area in some way, he feels that the Commissioners would likely be willing to take that up. Chairman Pearce said that he feels it is safe to say that most of the items will not change but that the substantial changes will be the industrial and commercial properties that are along the corridor. Ms. Smith said the reason for scheduling a special called meeting is that the Board of Commissioners wants the Planning Board to review and comment on the draft of the moratorium. She added that one of the Board's comments could be what Chairman Pearce suggested. Mr. McGrady said that the main reason for all of this is because of the workload that the Planning Board has and the desire to not let it build up while at the same time, the Commissioners are pushing for a new ordinance.

Chairman Pearce said that reviews of subdivisions will 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.

### **NEW BUSINESS:**

Pre-Application Conference on a Possible Amendment to Special Use Permit # SP-93-13 (as amended) by Carriage Park Associates, LLC, Regarding the Definition of Townhouse as Described in the Special Use Permit #SP-93-13 (as Amended). Ms. Smith said that this is considered a pre-application conference under the *Zoning Ordinance* so that the owners can get some unbinding feedback before they make an official application. She said that Dale Hamlin, Randy Romeo, (attorney for Carriage Park), Russell Burrell, Matt Card and herself discussed the definition of "townhome" and "single-family detached dwellings" in the special use permit itself. She feels that the simplest solution to this problem is to work on the definitions and that seems to be what Carriage Park wants to do at this time. Chairman Pearce asked Staff what Carriage Park is proposing and if there were any positive or negative comments? Ms. Smith stated that Staff needs to make sure that it works with everything in the special use permit, but it has not had a chance to go through it in its entirety to see that it will not impact or affect anything else. She said that the only thing that it appears to affect with right now is the road standards, and that is what was discussed at the last meeting. She said that changing the definition slightly should not affect the road standards. Chairman Pearce asked whether there were any time limits on when we need to get this legally done? Ms. Smith said that once a formal application is made, there would be some time frames that will apply. She said this is only a pre-application conference. Chairman Pearce asked, "At what point is this formal?" Ms. Smith said that the next time you see Mr. Hamlin. Ms. Smith added that he will need to file with both the Board of Commissioners and with the Planning Department. Ms. Kumor asked if the next time the Board meets in April, would Staff have had the opportunity to review this and would the Planning Board receive that information prior to the meeting so that we

could review it? Ms. Smith said that you should, provided that he makes the deadline for the application for April's meeting.

Mr. Hamlin described that Carriage Park Associates, LLC, would like to leave out the words "with party walls" and have the definition read: *A residential structure which may contain multiple dwelling units, with each unit having its own deeded lot, often with shared common areas.*" He stated that they would like to make one minor change in the definition of townhouse. He said that at the last Planning Board meeting, it turned out that the definition in the Special Use Permit # 93-13 document indicates that a townhouse has a common wall and he does not think it should have a common wall. He said a townhouse is more of a legal description rather than a physical building description. Mr. Hamlin said to meet the needs of Carriage Park's new lake neighborhood, the thirty-two lots that were presented at last month's meeting would be a better looking subdivision if they could have it as single-family townhomes sitting on their own lots, with the balance of the neighborhood as open space. He said that it gives their architects a better opportunity to create good-looking, cozy homes rather than be required to do fifty percent attached. He said that they do have some areas within those lake lot areas that would be good for attached units, but what they would like to request is that the Planning Board agree with the new definition language that they have suggested for a townhouse which would give them the opportunity to either have them as free-standing townhomes or attached, depending on how the land lays. He feels that it would make a better looking neighborhood. Mr. Hamlin said that their constraints are distance from known roads to the lake, as they needed smaller rights-of-way rather than larger rights-of-way to get the type of homes they want to fit in there. Chairman Pearce said that Carriage Commons is similar to what is being asked here. Mr. Hamlin said yes. Chairman Pearce asked whether all of them are attached? Mr. Hamlin said no, and said that they have roughly 45% that are detached units. Ms. Smith said that the amendment would make things more conforming. Chairman Pearce asked, "Is it stated anywhere where there is a certain percentage that have to be a certain way, or does everyone of them need to be a certain way?" Ms. Smith stated that the Board made a percentage the last time and it was nothing that Staff required or that was specified in the special use permit. Ms. Kumor said that based on what is being said, they are reserving the option of maybe making them attached or not making them attached? Mr. Hamlin said yes. He added that the land lends itself to attaching some of the units. Ms. Kumor asked whether it would create more problems in the definition to add "and may be attached or not attached." Chairman Pearce said that indirectly in the definition they are saying that. Mr. Hamlin said most of all it would give Carriage Park, if granted, a better looking, tailored neighborhood and would help the design process with the architects. Ms. Kumor reiterated that it would then all conform to what they already have in other places. Mr. Hamlin agreed. Mr. Hamlin said that the whole idea of townhomes fits the need of over 50% of their customers because someone else takes care of the yard and that works for them. Ms. Kumor said that Staff will need to go back and review the definition to make sure it will not conflict with any restrictions. Ms. Smith said that the only tie between the unit type and any other standards is with the roads. Ms. Kumor said that if this moves forward, it would seem reasonable that if the Planning Board gives the Commissioners the option that they do support it, they may have to make some other changes. Ms. Smith said that is right and if Staff has anything to suggest, they will come up with some language for the Board.

Chairman Pearce stated that since Paul Patterson recused himself at the last meeting because of his business relationship with Carriage Park, his recusal remains for the action to be taken on both Orders.

Draft Order Granting Approval of Development Parcel Application for a Planned Unit Development (Carriage Park, Section 21) – Planning Staff. Ms. Smith explained that this is the Order of what was decided by the Planning Board at last month's meeting because the hearing was held as a quasi-judicial proceeding and formal orders are required for the decision. Chairman Pearce made a motion that the Order granting approval of the development parcel application for Carriage Park, Section 21, be approved. Mike Cooper seconded the motion. All members voted in favor (except for Paul Patterson, who was recused). Ms. Kumor said that if the proposed change to the definition starts to move forward, what will be the status of this approval? Ms. Smith said that right now Carriage Park can proceed based on the approval the Board gave at the last Planning Board meeting but if Carriage Park wants to wait until approval of the amendment previously discussed, that is up to them as he has that choice.

Draft Order Granting Approval of Development Parcel Application for a Planned Unit Development (Carriage Park, Section 22) – Planning Staff. Chairman Pearce made a motion to approve the Order granting approval of the development parcel application for Carriage Park, Section 22. Tommy Laughter seconded the motion and all members voted in favor (except for Paul Patterson who was recused).

Pinnacle Falls, Phase 1 Road Alternate Development Plan and a Request for a Variance from the Subdivision Ordinance (File # 05-M05) – (43 Lots) – Located on the South Side of Pinnacle Mountain Road – Luther E. Smith, Agent for Pinnacle Falls, LLC, Owner. Mr. Card said that the Subdivision Issues Subcommittee met on Tuesday, February 22, 2005 to discuss the Pinnacle Falls Road alternate plan and variance request. He said that Subcommittee members present were Subcommittee Chairman Mike Cooper and Tedd Pearce. Stacy Rhodes was recused from the meeting and Paul Patterson could not attend. The subcommittee meeting could not be convened due to a lack of a quorum and there was no voting on any recommendations that were made. Mr. Card said that Mr. Cooper and Chairman Pearce decided to report to the Planning Board on what they saw at the project site. He said that during the tour they discussed the reasons for changing the road standards from a collector road to a local road in regards to those three things that Mr. Luther Smith had previously talked about at February's Planning Board meeting. During the Subcommittee meeting, there was also a discussion of the disturbance of the land, the road grade and various other aspects of the project. Mr. Smith indicated that the requested maximum percent grade of 18% is not anticipated or proposed to be used for the entire 3900 feet, but shall be limited to specific sections and lengths not to exceed 400 feet, where existing grade make it impractical to achieve 16% maximum grade. Mr. Smith also stated that the Road Alternate Plan would take out the large switchbacks in the road as proposed in the Phase I Development Plan, which would reduce the total length of road by 500 feet. Mr. Card said that Mr. Ball added that the alternate road would use the existing dirt road bed and said it would put lots in the southern part of the project closer to an adjoining property that would provide closer proximity to water for fire protection. Mr. Card said that by reducing the overall length of the road by 500 feet, this would decrease the disturbed area by 5 acres. Mr. Card said that after the site visit, Wally Hollis,

Henderson County Deputy Fire Marshal who was also there at the project site visit, submitted a letter to the Planning Department saying that he and the Chief of the Green River Fire and Rescue Department approves of the road alternate plan and variance request. The letter stated that the 18% road grade increase would not affect emergency vehicles from accessing the subdivision and that the reduction in travel distance and sharp curves improves the plan.

Mr. Cooper said that after touring this project site, he felt that it had very steep terrain. He said that the benefits of that are they can use the existing roadbed and the new road will minimize the disturbance down the hill. Mr. Cooper said that they are talking about a 2% increase in the slope, which is 2 feet more fall for each 100 feet of road and for the average person it is not very significant. He said that there are benefits in it being straighter, as opposed to having a lot of switch backs, it will make it safer for fire trucks to navigate and will get the fire trucks closer to the water they would need. Mr. Cooper said that this change does make sense and said that he supports recommending a variance. Chairman Pearce said that before he looked at the project site he was very skeptical about the request in giving a variance from the Subdivision Ordinance, but he said that when you see the site it makes more sense to do it this way than to go by the Ordinance. He feels that it is safer for people who are driving and also feels it is much better for emergency vehicles, especially the fire department. He said not only is it a shorter distance, but the switchbacks will slow emergency vehicles down and speed-wise it will affect them getting up and down the hills. He feels there are more negatives in continuing this than going the route of the alternate plan and variance, so he therefore supports, like Mr. Cooper, the variance. Chairman Pearce asked either Mr. Smith or Mr. Ball to come forward and discuss the right-of-way that was not labeled on the Development Plan approved at February's Planning Board meeting. He feels that the Board needs some clarification on it.

Mr. Ball, project manager of Pinnacle Falls, LLC, said that the issue Chairman Pearce has brought up is the right-of-way that exists and was shown on the plat they submitted to the Planning Board. He said he feels they made a mistake when they "toggled off" and indicated that there was an easement there. Chairman Pearce said it was on the original large map, but not on the one the Board has at present. He said that the line is there, but no labeling for it. Mr. Ball said that the right-of-way is a continuation of Boone Top Road, that comes into the property and down through the sixty-foot easement that continues to serve homes outside of the Pinnacle Falls development and also runs an easement to Mr. Thomas into property owned by a group called Mountain Men (two parcels there). He said they have a recorded easement down the corner on the side of the property into accessing their property. Mr. Ball added that it is indicated on the map they have and that the deed has been recorded at the courthouse. He said that the easement is open and that it is not closed and they do not intend to close the easement so they can maintain the easement. He said that there is a change in the road itself that they made, but as far as access to the property, they never intended to close off anyone. Chairman Pearce said, "Who is going to make the changes to the road?" Mr. Ball said that they would. Chairman Pearce asked Ms. Smith whether it would be appropriate for the Board to have a map that is properly labeled? Ms. Smith said that Staff has already asked Mr. Ball to provide one and had informed him that Staff was going to bring the issue up to the Board but since Staff did not have it, it did not put it on the Planning Board's agenda. Chairman Pearce asked Mr. Burrell if there was any problem with this? Mr. Burrell said, "The legal rights are said in whatever that easement is and whatever happens here as they can not take away those

rights that gentleman has.” He added that the question might occur as to where that road falls on the ground versus the legal right to use a specific described easement. Mr. Ball said that they would make sure that the easement is open and available to those people as they have a right to use it. Chairman Pearce said that he wanted to make sure it would be properly labeled on the map. Chairman Pearce noted that Stacy Rhodes has recused himself on this item.

Ms. Smith said that in the Subdivision Ordinance, Section 170-48 deals with variances. She said that if the Board recalls from the application for the variance, there are pretty strict tests that you have to meet for the Board of Commissioners to make findings to grant a variance. The Board needs to state why and how the application meets or doesn't meet those tests. Ms. Smith said that one thing that isn't in the application but is in Section 170-48 of the Ordinance is that in determining undo hardship, the Board shall consider unique conditions peculiar to the site and design flexibility to preserve and protect the site's natural features. She said that it is not something that they had to respond to on the application, but it is included in some of their responses. She said that this was discussed on the site visit. She added that if you look at the strict test for a variance, she said it doesn't look like they would get there. Chairman Pearce asked Ms. Smith whether the Board should meet all three rules to determine whether there are hardships or difficulties? Ms. Smith said all three need to be met. Chairman Pearce reviewed all three rules. Chairman Pearce asked Mr. Burrell to define the word “reasonable.” Mr. Burrell said that is not a legal word rather it is a fact-finders word. Chairman Pearce, having read the second hardship test which states “results from unique circumstances related to the applicant's land” feels that this is self-evident. He further stated that the next one read, “the hardship is not the result of the applicant's own action” and he believes that it is not the applicant's own actions. Mr. Patterson said that the applicant does not have to develop it and feels that it is the result of his own actions. Chairman Pearce said that it is given for the developer to have the right to develop his own property. Mr. Patterson said that is true, but he has already shown that he can develop it and meet the County's Ordinance, and that is where it becomes difficult. Chairman Pearce said that if it is better for the general public, for the property owners there and for emergency vehicles, sometimes it doesn't work. Mr. Patterson said that there has been a lot of issues discussed such as the switchback curves slowing down the emergency vehicles, but said, he doesn't feel that it is a bad thing. He added that having these roads at 18%, this would increase the speed. He noted that one thing that has not been talked about tonight is the sight distance (reduced from 150' to 110'). Mr. Patterson said that if there is an older community, their reaction time is even slower, so the 150' should be held. These type of issues need to be addressed. Chairman Pearce brought up the question again as to whether the Board needs to meet the three rules. Mr. Burrell said that part of what the Board is working with is an application that doesn't track exactly what the Ordinance says. He said if the Board has a real question as to where to go on this issue, the Board should follow what is said in the Ordinance in Section 170-48. Mr. Burrell said that the Planning Board's recommendation is whether it complies with the standards that have been set out in Section 170-48.

Chairman Pearce asked Luther Smith, “Where have they changed the sight distance on the vertical curves?” Mr. Smith said that basically they are looking at it from a standpoint, that all of the other standards that are allowed on the collector road because of the steep topography in terms of the side slope cuts are acceptable. The grade is a key issue and

the ditch slope is to help eliminate some of the disturbance. He said they also have the sight distance on the vertical curves, which all of these factors bring it down to a local road standards and he added that he understands what Mr. Patterson mentioned, but theoretically a local road could be 3 ½ miles long and serving only less than 25 units. He said that the older people could be driving it and it would have the 110-foot standard. Mr. Smith said that since all of the other standards can come down to a local road standard and with the variance on the grade, the ditch slope and the vertical sight distance, they would bring that whole section down to what is a local road standard.

Chairman Pearce asked the Board members whether they had any problems with the ditch slope going from the standard of 4 to 1 to 3 to 1? Board members did not have any problems with the ditch slope change. He then asked about the next change for the maximum grade increase from 16% to 18%? Again, the Board members had no problem with that, but the sight distance on vertical curves from 150 to 110 feet was the major problem. Mr. Patterson said that he believes the sight distance only enters into the profiles when the grade changes from 16% to 18%. Chairman Pearce asked Mr. Smith whether that is correct? Mr. Smith said that was correct. Mr. Cooper reiterated that he has always had a hard time with the definition in the Ordinance of a collector road as he feels it is much too stringent and he doesn't know where that magical number that is used (25 units) came from. NCDOT uses a different standard. Mr. Patterson said even though that road would be 3 ½ miles long, some roads still have collector characteristics, which would be 2,500 feet and dead end or some other type of characteristic. He added that most of the County's standards are based on NCDOT information and guidelines. He said that at some point in time, we are overlapping, but he feels he doesn't know how the Board can give them this. If the Board allows the 18% grade, it would mean that you are taking the vertical curves and cutting them in half, which makes them real steep instead of flattening them out at that top portion and he feels that is what is exactly happening. Mr. Patterson said that he could not agree with that. Ms. Kumor said that Mr. Patterson is concerned with the safety of the road and the site distances and what would be created for those people living there. She said that the response that was brought back from Mr. Pearce and Mr. Cooper to the full Board was that the ability to not disturb more earth than what was needed to be disturbed and both of those issues are in the variance application and talked about under the issue regarding safety and welfare. She said that the Board also needs to consider the physical characteristics of the land. Mr. Patterson said that he does not feel that this land is any different than other land in this County. Chairman Pearce said that there is one difference between this one and several others that the Board has looked at and a lot of it has to do with the proximity of the water source for the fire department in particular, which he feels is the primary emergency vehicle the Board has to address. He said the issues are how the fire department is going to be affected as far as how they are going to get their equipment around and fire safety. Mr. Patterson said that if that is a safety issue there, then the Board needs to consider taking that out of the Subdivision Ordinance now, because we are bringing in something to other developers that is an unsafe issue. Chairman Pearce said they are not saying it is unsafe but that it is better to look outside of the Ordinance and say it is better for this particular site. The emergency people told us, when we looked at both routes and both possibilities, that they would rather have more slope and less sight distance and have the shorter run and the closer proximity to the water source. Mr. Patterson asked whether at any time did they mention it was not an acceptable method? Chairman Pearce said that they mentioned they could do it that way and the developer is willing to go along with this and it is hard to ignore the fire

department's recommendations in this matter. After some further discussion, Chairman Pearce said that if the Board is going to do this one based upon the Ordinance, he feels that the variances would have to be primarily the physical characteristics of the land so it would make it easier for this particular variance to be granted and only in this particular part of the subdivision.

Chairman Pearce made a motion to approve the variance from the collector road standards of sight distance, maximum grade and ditch slope to reflect the local road standards on those three items as specified in the application and that the variance be granted because of the physical characteristics of the land and it being better specifically for emergency vehicles referencing the Fire Marshal's Office letter for part of the reason for this motion. Mike Cooper seconded the motion. Tommy Laughter asked whether someone could show him the difference from 150 feet to 110 feet for sight distance. Ms. Smith passed around a picture showing the difference that was provided last month and Mr. Cooper provided a scenario of the difference. Chairman Pearce asked whether it would be appropriate to consider some speed reduction? Mr. Ball said that they could. Mr. Burrell said that he doesn't feel there is anything in the Subdivision Ordinance that says that and asked who would enforce it? Chairman Pearce said that he only meant putting something on the road at certain points to slow the traffic, such as speed bumps. Mr. Burrell said that what a technical variance consists of in this Ordinance doesn't go that far. Mr. McGrady said that under the Ordinance, it says that in considering a request for a variance, the Board of Commissioners shall determine that an undue hardship may result from strict compliance, and asked if that should be part of the Board's motion? Mr. Burrell said that it would be helpful if that were expressed in the motion. Ms. Kumor said that the motion should be amended to state that it is a recommendation to the Board of Commissioners.

Chairman Pearce withdrew his first motion. He restated the motion to read: He moves that the Planning Board recommends to the Board of Commissioners the approval of the variance request on the three items (site distance on vertical curve, road grade and ditch slope) from the collector road standards to the local road standards as outlined in our packet. The Planning Board finds that strict compliance with the Ordinance will not only require additional length of road and disturbance of the property site but will also create a greater difficulty for emergency vehicles to respond to emergencies, in particular fire fighting equipment, and would then be further from the water source that they would need to fight such fires. Mike Cooper seconded the motion.

Gary Griffin asked, "how much closer are they from the water?" Chairman Pearce said about 500 feet. Mr. Smith said that with the variance, approximately 110 feet from the road where you need to go to the lake. He said that since it is in the switchbacks, it could be 250 – 300 feet or more. Mr. Griffin asked whether time wise, would it be five minutes one way or the other? Mr. Smith said it would be more like five minutes. Mr. Ball said that they would need to build an access road to that pond if they built it to the Subdivision Ordinance's standards. The way they have it approved now, they would have to build another access road to get there, but if they built it with the variance, they could put a dry hydrant on the side of the street and the fire vehicle could stop right there, fill up its tank and go on. Mr. Patterson asked Mr. Ball whether the pond is on their property? Mr. Ball said that they are acquiring the Emerson property. Mr. Patterson asked whether it is part



of this subdivision? Mr. Smith said that it now has been added and will be when they come in for Phase III of the project.

Mike Cooper, Tedd Pearce, Renee Kumor and Mark Williams voted in favor of the motion. Tommy Laughter, Gary Griffin and Paul Patterson opposed the motion. The motion carried 4 to 3.

### **NEW BUSINESS:**

#### **Willow Brook Falls (05-M06) - Combined Master Plan and Development Plan – (15 Lots) – Located off Willow Road – John Thompson, Agent for Willow Brook Falls, LLC, Owner.**

Stacy Rhodes re-entered the meeting. Paul Patterson recused himself from any discussion or decision on this matter because of his business relationship with the owners. Mr. Card stated that John Thompson, agent for Willow Brook Falls, LLC, submitted a Combined Master Plan and Development Plan for a major subdivision titled Willow Brook Falls. Willow Brook Falls is a proposed 15-lot subdivision located off of Willow Road in the Crab Creek Township. The proposed subdivision is located on a total of 18.51 acres of land and some open space is proposed. He stated that private gravel roads will serve the subdivision. Mr. Card said that a limited local road is proposed to serve lots 1 and 2, which would allow a 14-foot wide road with 2-foot shoulders, and they have two entrances off Willow Road. He said that the agent came before him last week thinking about revising the Plan to extend Willow Falls Lane through lot 14, ending at lots 12 and 13 with a turnaround. This would eliminate the second entrance off Willow Road. In addition, Mr. Card said that there is a corner piece of property owned by Cameron Huggins which comes down on lots 12 and 13. Willow Brook Falls has a small piece of land adjacent to the Huggins property. He said that what the applicant proposes to do is to swap properties with Mr. Huggins, but this transaction has not occurred and he said he has added a comment regarding this in the comments section of Staff's memo. The applicant has proposed public water (City of Hendersonville) and intends on extending the existing water line at Champion Hills to Willow Brook Falls. Private septic systems will also serve the subdivision. The project site lies within the Open Use zoning district.

Mr. Card said that Staff has reviewed the submitted Combined Master Plan and Development Plan for Willow Brook Falls for conformance with the Henderson County Subdivision Ordinance and offers the following comments:

1. **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).
2. **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)
3. **Other Final Plat Requirements.** In addition to the items noted above, the Final Plat(s) must meet the requirements of Appendix 7 of the Subdivision Ordinance.

4. **Water Supply.** The applicant has proposed public water (City of Hendersonville). According to the HCSO, the applicant must 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). According to Wally Hollis the Deputy Fire Marshal for Henderson County, they would prefer fire hydrants to be spaced every 1000 feet or less (see comments attached to Staff memo).
5. **Road Names.** Henderson County Property Addressing submitted a comment that road names Ivey, Laurel Ridge, and Galax currently exist and new names need to be submitted to Property Addressing (see comments attached to Staff memo). A revised Combined Master Plan and Development Plan showing the correct road names should be submitted to the Henderson County Planning Department.
6. **Property to be Obtained.** Mr. Card repeated that the small section of the Cameron Huggins property which extends into proposed lots 12 and 13 of Willow Brook Falls must be obtained prior to construction.

### **Other Comments**

According to the Henderson County Subdivision Ordinance (170-21, G), adequate sight distances along the proposed roads shall be provided by choosing a good location for the right-of-way and clearing sight triangles when building the road. When connecting roads, the minimum sight distance is 70 feet along the existing road right-of-way and 10 feet along the new road right-of-way. The intersection of roads must provide an adequate place for vehicles to stop before entering the road. Roads must have an apron design at proposed intersections in order to permit a vehicle to enter when another vehicle is waiting to turn.

Staff has found that the proposed Combined Master Plan and Development Plan for Willow Brook Falls 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.

Charles Hampton, land surveyor, said that he developed the Plan for Willow Brook Falls Subdivision. He discussed the road changes and said that the length of the road would change by only 70 feet. He stated that there would be only one driveway access off of Willow Road and that there are reasons for that. Mr. Hampton said that according to the original topo, this road was going to be steep and by connecting them, the grade would be below 18%. He mentioned that from a sense of community, Mr. Thompson wanted everyone to be in the same development and the two roads separated the lots. The final reason is the piece of property that they will need to acquire from Mr. Huggins is at the entrance of the second road. He said while they have expressed verbally that they would agree to make that swap, if it did not happen, they would not have an access for the second entrance. Chairman Pearce and Ms. Kumor questioned whether the Board has

the authority to approve a new plan brought to the Board at this meeting. Ms. Smith stated that the owner did not have time to meet the Board's application requirements when the owner talked about this to Staff. She said that she had suggested that they could come before the Board tonight and discuss this change. She added that if the Planning Board does not feel that this is a substantial change, Staff could approve certain modifications to the Development Plan before Final Plat approval. Chairman Pearce asked whether the Planning Board has a right to vote for an alternate plan that is presented at the meeting? Ms. Smith said she feels that the Board has the right. Chairman Pearce asked Mr. Hampton whether the alternate plan is the plan on which they will build? Mr. Hampton said that is the preferred plan. Ms. Smith said that Mr. Burrell mentioned that if it were a substantially different plan, Staff would need to go with a full review. Chairman Pearce said that at that point in time, would this change any of Staff's recommendations? Mr. Card said that it would change comment # 6 because Staff didn't know it would change the applicant's proposal to obtain the small portion of Mr. Huggins's land with revised plans. In order to build the road proposed in the original development plan the applicant would need to obtain the Huggins property. The applicant would not necessarily need to obtain the Huggins property with the revised plans. Ms. Smith asked whether there was a new date on the revised map? Mr. Hampton said that it states March 10, 2005.

Chairman Pearce made a motion that the Planning Board find and conclude that the Combined Master Plan and Development Plan, dated March 10, 2005, for Willow Brook Falls complies with the provisions of the Subdivision Ordinance except for those matters addressed in the Technical and Procedural Comments section of the Staff memo and that it be approved subject to the following conditions: specifically Item 1 – 5 and deleting comment # 6 in the Staff memo. Tommy Laughter seconded the motion Mr. Williams asked if, regarding comment # 4, *water supply*, will it that be the plan that the Deputy Fire Marshal suggested that fire hydrants be spaced every 1000 feet or less? Mr. Hampton said yes. All members voted in favor.

Crab Creek Meadows (05-M07) - Combined Master Plan and Development Plan – (44 Lots) – Located off Hidden Lake Road – Luther E. Smith, Agent for Bob Scheiderich, Developer. Mr. Patterson re-entered the meeting. Mr. Card said that Luther Smith submitted a Combined Master Plan and Development Plan for a major subdivision to be named Crab Creek Meadows. Crab Creek Meadows is a proposed 44-lot major subdivision located off of Hidden Lake Road near the intersection of Hidden Lake Road and Crab Creek Road. He stated that the project area is on a total of 26-acres of land. Crab Creek Meadows will be built in a single phase and some open space as well as two small ponds are proposed. Mr. Card said that individual septic and a community water system will serve the subdivision. The existing structures on the property will be removed. He showed the proposed location of the subdivision as well as the pond and the location of the proposed dry hydrant.

Mr. Card said that the main access will come from the Crab Meadow Drive, which will come off of Hidden Lake Road. He said that private paved roads are proposed. Crab Meadow Drive will be built to collector road standards from the entrance at Hidden Lake Road to Rock View Court, where it then will be reduced to local road standards. He said that the project site lies within the Open Use zoning district

Staff has reviewed the submitted Combined Master Plan and Development Plan for Crab Creek Meadows for conformance with the Henderson County Subdivision Ordinance (HCSO) and offers the following comments:

1. **Other Final Plat Requirements.** In addition to the items noted above, the Final Plat(s) must meet the requirements of Appendix 7 of the Subdivision Ordinance.
2. **Road Name.** Henderson County Property Addressing submitted a comment that the road name "Pond View Court" is not the road name reserved for the proposed Crab Creek Meadows subdivision. The road name reserved is "Pond Side Court" (see Comments attached to Staff memo). The applicant should address this issue with Henderson County Property Addressing.
3. **Fire Suppression.** The Battalion Chief for the Valley Hill Fire and Rescue has recommended that all weather accessible roads be provided to the ponds for fire protection purposes. The applicant has proposed in the Combined Master Plan and Development Plan that a dry hydrant be installed upon approval and construction of one of the proposed ponds. 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.

Mr. Card mentioned that the applicant must obtain all necessary permits for construction of the ponds from the appropriate State agencies, if applicable.

Mr. Card said that Staff has found that the proposed Combined Master Plan and Development Plan for Crab Creek Meadows 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.

Mr. Patterson asked whether the Planning Board has any authority to require them to have an all-weather road to the pond? Ms. Smith said that it is in the Ordinance that the Fire Marshal requires this. Mr. Cooper asked about the location of the proposed dry hydrant and asked, does that qualify? There was some general discussion concerning this among Board members and the Board mentioned requiring possibly an all-weather road.

Mr. John Cannon, who works with Luther Smith and Associates, responded to Staff's comments. He said regarding the fire suppression comment on the access to the ponds, it is noted that the owner has already installed a dry well and added that they would gladly include fire access so that they can pump from the dry well or whatever they need in order to have proper fire protection. Chairman Pearce said that they are only putting a dry well at the first pond and asked, is there a reason why they are not putting a dry well at the second pond? Mr. Cannon said that regarding the other pond, there is no road nearby and there is a question of adequate water. Chairman Pearce said that the only reason why he brought it up is because the letter said *to the ponds*. Mr. Cannon said that it would be more detrimental to have the second dry hydrant and the other pond is so close it negates

the distance. As mentioned in comment # 5, the all-weather accessible road will be a State Road and the fire hydrant will not necessarily be on the pond side, as long as they have the dry hydrant. Mr. Smith added that they had hoped to get the two ponds in and they had permitting to do and felt that it made more sense to put the hydrant down on a State road since the fire department would come that way, by the hydrant, and then into the development, but it depends on the yield and designs of the ponds. Chairman Pearce clarified that if the first pond would not be able to yield the necessary volumes, would they then change the location to the second pond? He added that the requirement in the motion would be that an all-weather road be provided to the pond for fire protection purposes. Mr. Williams noted that it does indicate "ponds." Chairman Pearce said that it should be changed to "pond(s)." Mr. Patterson said that it is noted on the plat that one of the surveyors named is William Patterson. They might have taken the boundary from something that William Patterson has done, but he is not the actual surveyor on record, and asked if that was correct? Mr. Cannon stated that is correct. Mr. Patterson said that he noticed that the storm pipes are angled about 35 degrees to the road, perpendicular and asked if there is a reason why? Mr. Cannon said that on all of them they were aiming at the property lines because they have easements down the sides for stormwater drainage and it was an effort to catch the water at the low point and bring it across the road in such a manner to get it to the property line. Mr. Patterson said on lot 10 there is a pipe that goes diagonally across, but they have water flowing from 8, towards 9 and 10 and its going downhill and then it turns back, but he said that water doesn't turn that way. Mr. Patterson said that from an engineering point of view, they might want to look at that.

Chairman Pearce made a motion that the Planning Board find and conclude that the Combined Master Plan and Development Plan for Crab Creek Meadows 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 moved that the Combined Master Plan and Development Plan for Crab Creek Meadows be approved noting that the word *pond* be shown as *pond(s)*, allowing the developer to do one or both of the ponds under the comment for fire suppression. Mark Williams seconded the motion. Tedd Pearce, Mark Williams, Stacy Rhodes, Mike Cooper, Tommy Laughter, Renee Kumor, and Gary Griffin voted in favor of the motion. Paul Patterson opposed the motion. The motion carried.

Rebecca's Pond (05-M08) - Combined Master Plan and Development Plan – (24 Lots) – Located off Crab Creek Road - Stacy Rhodes and Rebecca Carswell, Agents for G.H.C. Land Development, LLC, Owner. Stacy Rhodes recused himself from any discussion or decision in this subdivision review as he is the agent for the owners in this development. Mr. Card said that Stacy Rhodes, agent for Rebecca Carswell and G.H.C. Land Development, LLC, submitted a Combined Master Plan and Development Plan for a proposed major subdivision to be named Rebecca's Pond. Mr. Card said that the Rebecca's Pond project site is located off of Crab Creek Road next to Camp Pinnacle. The proposed Rebecca's Pond major subdivision is an expansion to an existing 9-lot minor subdivision created in 2003. This expansion adds a 30-acre tract of land to the northeast portion of the minor subdivision and according to the Combined Master Plan and Development Plan, Rebecca's Pond will now have a total of 24 lots on 49.362 acres of land, redefining it as a major subdivision. Chairman Pearce said that by approving this one, the Board is negating the previous one. Mr. Card said that is correct. He said that there would be paved private roads proposed and private sewer and water. The

subdivision is located in an R-40 zoning district which requires a minimum lot size of 40,000 square feet. Mud Creek runs through the southeastern portion of the property inside the 100-year flood zone indicated on the attached plan. The project site is not located in a water supply watershed district, but is located within a half-mile of the Flat Rock Farmland Preservation District.

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

1. **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).
2. **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)
3. **Other Final Plat Requirements.** In addition to the items noted above, the Final Plat(s) must meet the requirements of Appendix 7 of the Subdivision Ordinance.
4. **Road Names.** Henderson County Property Addressing submitted a comment that "Daylily Drive" is the road name reserved for the road into Rebecca's Pond at the main entrance on Crab Creek Road and that "Turkey Brush Trail" is the name reserved for the road that extends to the left cul-de-sac on the attached plans (also see comments attached to the Staff memo). The applicant should address this issue with Henderson County Property Addressing.
5. **Soil Erosion and Sedimentation Control.** The Developer should submit notice from NC DENR that a soil erosion and sedimentation control plan has been received or provide documentation that no plan is required prior to beginning construction.
6. **Farmland Preservation District.** The applicant must submit a signed and notarized copy of the Affidavit of Understanding of Farmland Preservation District (Appendix 11 in the HCSO) to the Henderson County Planning Department. 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)
7. **Fire Suppression.** The Battalion Chief for the Valley Hill Fire and Rescue has recommended that all weather accessible roads be provided to the ponds for fire protection purposes. 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.

Chairman Pearce asked whether there was a dry well there? Mr. Card said that he hasn't seen a dry hydrant designation on the plans. Mr. Card said that if applicable, the applicant must obtain all necessary permits for construction of the pond from the appropriate State agencies.

He said that Staff has found that the proposed Combined Master Plan and Development Plan for Rebecca's Pond 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.

Board members noted that in comment # 7, fire suppression, to delete the "s" off of ponds.

Mr. Stacy Rhodes briefly gave a history of the subdivision from minor to major and said that there is an existing pond on the property built prior to any subdivision application being submitted. Mr. Gene Carswell, owner of the proposed development said that he was going to put a private residence on the 16 acres that they initially had, but due to some financial circumstances, they needed to do something to that area for some income. In expanding this development, they decided to incorporate the pond into the development. He added that they have been in contact with the Valley Hill Fire Department and they have said that they would like to use it. He said he is willing to install a dry hydrant and the all weather road for fire protection. Mr. Cooper asked whether any of these lots considered *flag lots*? Mr. Card said that lot 15 and 24 could be considered flag lots. After some general discussion, Chairman Pearce decided to note on the motion, specific approval of flag lots 15 and 24. Mr. Patterson asked Ms. Smith regarding setback from streams, if this indicated is not a blue line stream, can the County set criteria on any other streams other than blue line streams? Ms. Smith said that it is not in a water supply watershed and it is not a blue line stream, so the County can not put any criteria on it, but if they want to voluntarily do it, that is fine. Mr. Carswell said that he would have no problem staying 30 feet away from that stream, even though it is not a blue line stream.

Chairman Pearce made a motion that the Planning Board find and conclude that the Combined Master Plan and Development Plan for Rebecca's Pond 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 Rebecca's Pond be approved subject to the following conditions: the applicant satisfies any conditions that result from the comments listed above and that the word ponds in Comment # 7 be changed to "pond" and that a Comment # 8 be added noting that the two lots that appear to be flag lots (lot 15 and lot 24) are specifically approved as such for the approval of Rebecca's Pond. Paul Patterson seconded the motion. All members voted in favor.

Ansel Way (05-M09) - Combined Master Plan and Development Plan – (13 Lots) – Located on Kerr Road - Stacy Rhodes, Agent for Wayne and Ann Nix, Owner. Stacy Rhodes asked to be recused from any discussion or decision in this subdivision review as he is the agent for the owners in this development. Mr. Card stated that Stacy Rhodes, agent for Wayne and Ann Nix, has submitted as application for a Combined Master Plan

and Development Plan for a proposed major subdivision to be named Ansel Way. Ansel Way is a proposed 13-lot subdivision on 8.47 acres of land located on Kerr Road, which is in the eastern portion of Henderson County in the Edneyville Township. Mr. Card said that the lot sizes will range from a minimum of 17,249 square feet to a maximum of 43,647 square feet. He said that there will be one private paved road (Ansel Way) proposed to serve the entire subdivision. Private septic and water are proposed. Little Hungry River is located in the southeastern portion of the property. He said that the property is not located in a water supply watershed district and the property is located in an Open Use zoning district, which does not regulate the residential use of land.

Mr. Card showed the subdivision location on a map provided for the Planning Board members. Mr. Card said that Staff has reviewed the submitted Combined Master Plan and Development Plan for Ansel Way for conformance with the Henderson County Subdivision Ordinance (HCSO) and offers the following comments:

1. **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).
2. **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)
3. **Other Final Plat Requirements.** In addition to the items noted above, 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 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.
5. **Fire Suppression.** Mr. Card said that 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.

Mr. Card said that Staff has found that the proposed Combined Master Plan and Development Plan for Ansel Way 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 any other comments received tonight.

Ms. Kumor wanted to know more about the response that Ms. Sand, Project Manager with the Henderson County Planning Department, had stated regarding Ansel Way development proposal. Mr. Card said that her response refers to what the Henderson



County 2020 Comprehensive Plan (CCP) outlines this area to be within the next twenty years. She stated that it is in a rural-agricultural area outlined in the CCP and she further described what the rural-agricultural area is suppose to be and why this subdivision might conflict with those standards regarding lot sizes and density. Ms. Kumor said that this is just a piece of information. Ms. Smith said that the property is located in the Open Use zoning district. Ms. Kumor said that as the Board sees these comments in the future, they are basically just comments. Ms. Smith said that they are looking at these as Staff is working on the new Land Development Code and Staff is trying to tie in some subdivision mechanisms as well. She added that the more this comes up, the more that Staff is alerted that there is something that needs to be done. Mr. Cooper asked whether there was a pond on the property and if this fire suppression comment is a standard comment? Mr. Rhodes said he does not see the feasibility in doing a dry hydrant in the Little Hungry River because of it being part of trout waters. Chairman Pearce asked if the fire department requires it, then they would be bound to that provision of comment # 5? Mr. Rhodes said that the owner would be willing to put a dry hydrant in if they say it is required. He added that about a quarter of a mile down the road at the Blue Ridge Mountain Water Plant, there is a large source of water, which is a pond and a facility that is a potential source for water for fire suppression. Mr. Rhodes said that it would be more accessible to come down the road than to go through the property to get down to the bottom portion. He said he also feels that there is a dry hydrant near the Roland Jones' pond. Chairman Pearce said that the fire department is much better at making those types of determinations than the Board. He added that if there isn't a pond, the Board could not put a requirement on the subdivision anyway.

Ms. Kumor was concerned about the size of the lots and questioned as to how they will be able to put septic in those proposed small lots? Mr. Rhodes said that they have already received approval on the smallest lot. He added, if it doesn't work they will recombine the lots, but they do not plan on creating any more as that is the maximum amount of lots. After some further discussion dealing with septic system versus lot sizes, Chairman Pearce made a motion that the Planning Board finds and concludes that the combined Master Plan and Development Plan for Ansel Way 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 moves that the Combined Master Plan and Development Plan for Ansel Way be approved subject to the following conditions: the applicant satisfies any conditions that result from the comments listed above. Gary Griffin seconded the motion and all members voted in favor.

Subdivision Meetings and Assignments. Ms. Smith stated that she expects that the Board of Commissioners, at its March 23<sup>rd</sup> meeting, will refer the Moratorium Ordinance discussed earlier to the Planning Board. She said that the Commissioners have already scheduled a hearing on the Ordinance for April 4, 2005. Chairman Pearce said then the Planning Board will need to do something before the April 4<sup>th</sup> meeting hearing, but after the March 23<sup>rd</sup> meeting. Chairman Pearce scheduled a special called meeting for March 29, 2005 at 7:00 p.m., in the Board Room of the Land Development Building. Mr. Laughter asked, "What is it that the Planning Board is going to be looking at for this special called meeting?" Chairman Pearce said that Staff and the Legal Department will be drafting a Moratorium Ordinance for the Planning Board to look at and make a recommendation to the Board of Commissioners. He said after the Planning Board makes its

recommendations, it will be forwarded to the Board of Commissioners with the Planning Board's comments for their consideration. Ms. Smith said that then the Commissioners will hold a hearing on April 4, 2005 for this purpose. Ms. Smith said that from some Commissioners' discussions the purpose is to give Staff time to get a new Land Development Code ready to apply to the zoning. The time frame appears to be approximately 12 – 18 months for completion, about the same time as when the US 25 North Highway improvements will be completed. Ms. Smith also indicated that this Moratorium Ordinance is not going to look at prohibiting all development in the US 25 North Study area, as this is not what it is intended for. The Commissioners mainly talked about high impact uses or intense uses along that highway. Chairman Pearce also requested that Staff give the Planning Board what might be considered a *proposed map* on the residential properties in the study area and that the Planning Board possibly ask the Board of Commissioners to approve those as submitted by the Planning Board and exclude other properties, time permitting. Chairman Pearce stated that he feels that the commercial and industrial owners have more to gain by the County having a better ordinance. Mr. Burrell explained what the moratorium will entail. Chairman Pearce asked other Board members if they would be in favor of trying to approve the residential portions of the Planning Board's recommendations? Mr. Cooper said, "Are you going to say what we recommended residential is what the Board votes on and none of the commercial recommendations would be voted on, but changes might be made for those recommendations too, potentially because of the rewrite? Ms. Smith and others felt that this would be highly unlikely, but the residential district will change considerably. She added that she feels the Commissioners are really looking at the Open Use areas of the study, because before this new ordinance is written, it is virtually open land. Ms. Smith said that the study included the Park Ridge hospital and Fletcher Academy pieces, but no recommendations were made at the time to change it from Open Use. She said that the Planning Board might want to consider modifying the study area boundary.

Adjournment. There being no further business, Chairman Pearce made a motion for the meeting to be adjourned and Paul Patterson seconded the motion. The meeting adjourned at 9:05 p.m.

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Tedd M. Pearce, Chairman

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Kathleen Scanlan, Secretary