

**HENDERSON COUNTY
PLANNING BOARD MINUTES
November 22, 2004**

The Henderson County Planning Board met on November 22, 2004, for a Special Called Meeting at 6:00 p.m. in the Board Room of the Henderson County Board of Education Building, 414 4th Avenue West, Hendersonville, NC. Board members present were Tedd Pearce, Chairman; Mike Cooper, Vice-Chairman; Tommy Laughter, Paul Patterson, Jonathan Parce, Renee Kumor, Gary Griffin and Mark Williams. Others present included Karen C. Smith, Planning Director; Russell Burrell, Assistant County Attorney; Autumn Radcliff, Planner; and Kathleen Scanlan, Secretary.

Chairman Pearce called the meeting to order and stated that this is a Special Called Meeting dealing with the US 25 North zoning study. He reviewed the items in the packet distributed to the Board. He noted that all Board members received letters from various property owners in the US 25 North study area and one of the letters was regarding the P.J. Moore property on Howard Gap Road with a contract attached to it and a memo from Anthony Prinz regarding David Holtz's request for no commercial zoning in the neighborhood as per his neighbor's request, Mr. Robert Hansen, for commercial zoning on two parcels of land located within the Ferenvilla community near Ferenvilla Drive and US 25 North. Chairman Pearce said that the next section of the packet is the recommendations regarding the changes that went through the subcommittee. He also noted some petitions. In one petition, which was against zoning the Vogel property and adjoining property owned by Heritage Hills as C-4, the petitioners are requesting C-2P. There was a second petition regarding the property owned by Ed Vogel joining S. Brown Court and the petitioners are requesting C-2P and not C-4. There was also a letter in the packet from Mr. Vogel requesting that his property be zoned C-4 and not C-2P.

Chairman Pearce said that the Subcommittee members met on November 2, 2004, and went over everything that they had not looked at before at previous meetings and had come up with their final recommendations. He said that the first recommendation the Subcommittee made and would like the Planning Board to adopt is that the tools that we as a Board have available for zoning are definitely inadequate and outdated. He said that the Subcommittee is requesting that the Board of Commissioners, in its approval of the US 25 North zoning study allow the Planning Board to be able to come back after there is a new Zoning Ordinance, so that the Board can upgrade some of its zoning recommendations to allow more flexibility but still provide protection to properties. Changes to recommendations would likely result from adoption of a Flood Plain Ordinance, and things of that nature that would affect many properties on US 25 North. He said that it was the Subcommittee's feeling that this is probably one of the biggest obstacles that it had in the zoning study. Chairman Pearce said that his desire tonight is to finish the study and make a recommendation to forward to the Board of Commissioners.

Ms. Smith reviewed the changes made by the Subcommittee at the November 2, 2004 meeting as follows:

Ms. Smith began with the area in the Brickton community that was formerly recommended as T-15. The Subcommittee has recommended that it be changed to C-4, Highway Commercial, because the current parcels are surrounded by industrial and commercial uses. She said that the property is located in an area intended to serve as a regional commercial center as described by the County Comprehensive Plan. The parcels are currently served by or have access to municipal water and sanitary sewer service. Ms. Smith said that parcels in the Brickton community might not experience an increase in tax value because of small parcel sizes. She added that it was noted that tax breaks could be offered to low-income or elderly property owners.

Ms. Smith said that the second recommendation includes the area of Maxwell Drive east of US Highway 25 North and northeast of the interchange at I-26, near where *Auto Advantage* is located.

She said that this area was also proposed as T-15 and the Subcommittee has changed that to C-4, Highway Commercial. She said that it is located in a prime commercial area, or regional commercial center as described by the County Comprehensive Plan. The property is bordered on three sides by commercial uses and the topography would also allow for commercial development on a majority of the property, and at the same time, separate the C-4 from an adjacent R-15 district located to the east. She said that the properties have access to US Highway 25 North by way of Maxwell Drive. She indicated that two property owners in the community requested C-4 to increase the value of their property and allow them to sell for commercial use.

Ms. Smith said that the third recommendation pertains to the area that consists of parcels previously in the Brickton Industrial Park. She said that it is located east of a proposed I-2 District and to the west of Howard Gap Road. She said that at the last Planning Board meeting, the Board considered a Master Plan for a residential subdivision, called Stonecrest, proposed by Glade Holdings and the current owner, Brickton Associates LLC, has requested that the Board change this to a residential district. The property has access to municipal water and sanitary sewer service. The area was part of the Master Plan for the Brickton Industrial Park, but at the time it was before the Planning Board, that area was designated as "future development" because the topography was a lot different and they did not have any specific plans for that area. Now they are requesting a residential district (R-15) in order to further develop it, according to the plans that are starting to get under way.

The fourth recommendation was for an area that was previously recommended as R-30 and is located behind the truck stop on US 25 North and includes Jake's Driving Range and adjoining properties. She said that the Subcommittee has now changed that to a Rural Conservation district (RC) mainly because it is along Mud Creek in the northern portion of the study area and the majority of the parcels are within the 100-year floodplain. She said that there was previous discussion about how the Board needs to treat these parcels in the plan and this would match up with what the Board has done further south. RC fits well with existing uses including Mr. Merrill's farm property and vegetable stand as well as Jake's Driving Range. She said that the parcels generally conform to minimum lot size requirements of the RC district, which is one acre.

The fifth recommendation is for the area that is located between Naples Road and I-26 and is shown as purple on the study map and is located west of Canterbury Road, across the Interstate from Will Road. Ms. Smith stated that the majority of the property is owned by Scott Jarvis and he has requested uses that allow commercial or light industrial. She said that Mr. Jarvis has done a significant amount of filling in this area that Staff has discovered since the study started and the purpose for that was for commercial and industrial use. The property is close to US 25 North and the I-26 interchange and has good access to Naples Road. The I-1 recommendation is consistent with recommendations to the north across I-26 and to the east of Naples Road along Old Naples Road.

The sixth recommendation pertains to an area located south of Naples Road and north of the Southern Rail line which is recommended for C-4. Ms. Smith stated that it was previously proposed as R-20. The Justice family mainly owns parcels in this area and a large parcel is owned by Mr. Scott Jarvis. Ms. Smith said that everyone in that area has requested C-4, the parcels have access to US Highway 25 North via South Naples Road and they are contiguous to a recommended C-4 district to the west. She added that there are no topography or floodplain issues in this area.

The seventh recommendation, and the only change on the map since the Board received the map on November 16, 2004, involves the area of parcels along PJ's Place, Holly Hill Road and April Lane. The change to the map is for the parcels which are south of Park Ridge Hospital and owned by P.J. Moore. Ms. Smith stated that they include parcels previously recommended as R-15 and they are under contract with A.H. Sunbelt, Inc., for use by Park Ridge Hospital. She noted that in

the Planning Board's packet are contracts dealing with this matter. She said that approximately four parcels are under contract and one or two parcels that Mr. Moore is going to retain. Based on the majority of those parcels going to Sunbelt, Inc., the Subcommittee agreed verbally that those parcels be changed to Open Use, for the same reasons used in proposing that OU zoning be maintained for the hospital and surrounding areas. Ms. Kumor felt that Ms. Smith should reiterate to everyone the reason for this Open Use zoning decision. Ms. Smith stated that the main reason is that the County at present does not have a district to accommodate the kinds of uses and the range of uses that the hospital, Fletcher Academy, Captain Gilmore School and some of the medical facilities are developing in that area along with the other businesses and residential facilities already there. She said that there is a very wide range of uses and a lot of them are interrelated and the Planning Staff is hoping that some day there will be some type of district to accommodate the purpose of these types of uses that could have some applicability to other areas of the County. Ms. Smith said that CMR Services suggested a "Human Services Campus District" that could possibly accommodate that area and could be implemented into the *Zoning Rewrite*, but that this needs to be studied fully. Chairman Pearce said that this is one of the reasons that the Subcommittee is recommending that the Planning Board come back to once the *Zoning Rewrite* is completed.

The eighth recommendation is for an area of Old White Street, Manassas Drive and Cloverdale Drive that was previously recommended R-15, but that the Subcommittee has changed to C-2P Preservation Neighborhood Commercial District. Ms. Smith said that the area falls between the large I-2 District at Mountain Home Industrial Park on the east and the railroad track on the west. It is basically an expansion of the proposed C-2P that the County already has in other areas of that section of Mountain Road and US 25 North. The C-2P district is one of the County's mixed-use districts that will allow the development of residential structures as well as small retail business, so it may allow some light commercial uses to be introduced into the area. She stated that a significant number of lots in this area could not meet the minimum lot size requirements of the previously recommended R-15 district and there is no minimum lot size requirement in C-2P. She said that there were a couple of comments from some residents in this area requesting the ability to use their property for commercial purposes. Ms. Smith said that expanding the pink node on the map, which is the C-2 District, would not allow for residential uses, so if a property owner had a vacant lot and wanted to put a residence on that lot, they would not be able to do that in C-2. This recommendation for C-2P would balance out the C-2 district, focusing on that as a community service center with more intense commercial at the intersection and moving out to a less intense commercial district and transitioning in to the Industrial District on one side of the railroad and R-15 on the other side.

The ninth recommendation is for the Heritage Hills area. Ms. Smith said that previously it was recommended for R-15 and in revisiting the area, it was found that the area is mixed use; from low density single-family residential to various types of commercial uses and the institutional uses of Heritage Hills, which consists of the nursing home and a residential community, as well as some uses further up on US 25 North. She said that the lot sizes generally conform to the minimum requirements of 30,000 square feet set by O & I (Office and Institutional). In this district, single-family residential uses are allowed by right with commercial and institutional uses allowed with a conditional or special use permit. Ms. Smith said that there is a piece on the east side of US 25 North which the Planning Board had asked Staff to further study and this piece fronts on Industrial Park Drive, but is accessed through an existing residential neighborhood to the west. It has variable topography, making it less suitable for industrial purposes. She said that currently there is an existing single-family dwelling unit on the property.

The last recommendation deals with parcels owned by The Salvation Army, Inc., Mr. Tommy McCraw, Mr. Harold Reid and Mr. Harvey Worley. Ms. Smith said that these were previously recommended as C-2 or split-zoned C-2/R-15. She stated that the Planning Board and various property owners have discussed this intensively and the Subcommittee has proposed this area as

I-1 (Light Industrial). At present the zoning in the area is I-1 (Light Industrial) and I-2 (General Industrial) and all of the parcels have access to existing municipal water and sanitary sewer service. She said that the property is located adjacent to the existing Mountain Home Industrial Park and the current and prior use of the property has been industrial since 1985 when originally zoned and, therefore, the Subcommittee decided to leave the I-1 as it was and change the I-2 to I-1, which is transitioning from the O & I District.

Chairman Pearce asked Board members whether they have any questions concerning the recommendations discussed. The Board members noted the incorrect date on the map and said regarding the minutes it will be noted to read November 18, 2004 instead of the September date. Ms. Kumor said that the Comprehensive Plan was referenced throughout the recommendations review and it has been repeated to the Board on several occasions that the goal of the Subcommittee was to address the standards set down by the Comprehensive Plan and it might be helpful for this Board some of those standards that are in the Plan that the Subcommittee was conscious of in determining their recommendations were pointed out. Ms. Smith said that the concept of the Community Service Centers, which are indicated on the Future Land Use Map as *blue dots*, were some preliminary places where we expected and planned for commercial offices, restaurants and some other things to occur and at several different scales – local, community and regional. She said that in this study, we have tried to provide commercial along US 25 North corridor at several different scales (C-2, C-2P, C-4). The Comprehensive Plan also identifies some areas that the former Committee of 100 of the Chamber of Commerce (which recently changed its name) identified as areas that had potential for industrial use in addition to the Mountain Home Industrial Park. Ms. Smith said that they have tried to follow that lead, which is illustrated on the Comprehensive Plan Land Use map. She stated that this study area also falls within the Urban Services Area that was identified in the Growth Management Strategy of the Comprehensive Plan and that is the area where the County wants to focus utility extensions and higher density developments. Some of the densities seen in this area, for instance the R-15 and T-15 districts, are maybe a little lower than expected because there is no sewer to some of these areas, but we anticipate that this will be the next area that will be served by sewer. So, in accordance with the Plan, Staff and Subcommittee have tried to make recommendations with those things in mind. Chairman Pearce stated that some of the other items that were addressed in the Comprehensive Plan were regarding the implementation of a Floodplain Ordinance and addressing those issues. He said that even though the Comprehensive Plan calls for commercial at major intersections, it is also consistent with the Plan that there be lighter commercial uses in between the larger commercial nodes, enough though the highest concentration and the highest commercial zonings would be at the major intersections. He emphasized the need for more flexibility in the Ordinance with the commercial zoning and what can be done by right and what can be done by special use permits and other issues of that nature. He said other issues that were addressed in the Comprehensive Plan and what the Subcommittee looked at were the lack of standards for access management, design standards, no buffering or sign rules or anything of that nature and this is what we tried to keep in mind. Ms. Kumor asked, “Is it the thinking of the Subcommittee that after a period of time if we were allowed to develop some more zoning definitions or some of the other tools mentioned (floodplain ordinance, etc.) that the Planning Board would go back to the Board of Commissioners and ask that we revisit this recommendation?” Chairman Pearce said that he would hope to and feels that the Commissioners would feel more comfortable to allow that. He added that a new zoning ordinance is a high priority with the Board of Commissioners. Ms. Kumor asked, “Whose responsibility in doing this new or revised zoning ordinance is it to initiate it and work on it?” Ms. Smith said that under the Comprehensive Plan there is an implementation schedule and the completion of the Zoning Rewrite is scheduled for 18 months from this past July, as it stands now. There is a draft, but the County will need now to go back and evaluate it against the recommendations of the Comprehensive Plan. It will probably start at the level of the Board of Commissioners giving some direction to the Planning Board to form some type of strategy to move forward. She added that she suspects that the draft will be sent back to the Planning Board to further study. She said that the floodplain ordinance or decisions on how they will manage the

floodplain is scheduled to be completed by July 2005. A commercial and industrial study is also scheduled to be completed this fiscal year and so there are several things that are being tied together and wrapped into the rewrite of the Zoning Ordinance. Ms. Kumor asked, "What will be the role of the Planning Board?" Ms. Smith said that the Planning Board will be making recommendations as to the text of the new zoning ordinance and the application of that text to the map. Ms. Kumor asked, "Based on the direction that the Planning Board will receive from the Board of Commissioners and the Comprehensive Plan?" Ms. Smith said yes and that the Comprehensive Plan spells out small community planning areas and she expects that with a new zoning ordinance, we will be able to proceed with the zoning side of working on those community plans and tying it in with the transportation and economic development. Ms. Smith said that US 25 North is the first study, which started before the Comprehensive Plan, things converged, the Comprehensive Plan took over and now we are trying to apply the Comprehensive Plan to this study. Ms. Kumor also asked, "Whatever the Planning Board sends to the Commissioners, what type of flexibility do they have?" Ms. Smith said that if the Board of Commissioners substantially change the study plan and map, they will then need to send it back to the Planning Board for review and recommendations again. She added that she does not know how to draw the line on this 5,500-acre study area. Ms. Kumor said this will be a recommendation and not to be assumed as "final." Ms. Smith along with Chairman Pearce said that is definitely correct. Ms. Smith said that if the Planning Board is ready to take action tonight, that this would then be sent to the Board of Commissioners for their first meeting in December to schedule a workshop or a public hearing, as they will need some time to review the recommendations. Ms. Kumor asked if there were any guarantees that what is adopted by the Commissioners will be what was proposed by the Planning Board. Chairman Pearce said that there is no guarantee as the Commissioners may accept it as is or they could make minor or major adjustments.

Ms. Kumor made a motion to accept the Subcommittee's recommendation (regarding the November 18 study map with the changes to the P.J. Moore property) because the committee recommendation works to follow direction and goals as stated in the adopted Comprehensive Plan. In addition, she requested that the Board of Commissioners direct the Planning Board to review current zoning definitions in the future. Once the zoning definitions have been amended, she further requested that the Planning Board be allowed to revisit this study. New definitions as well as adoption of new ordinances and studies may allow the Planning Board to refine the recommendations for this study area to be more in line with the goals of the Comprehensive Plan. Tommy Laughter seconded the motion. Mike Cooper, Tommy Laughter, Jonathan Parce, Renee Kumor, Tedd Pearce, Mark Williams, and Gary Griffin voted in favor. Paul Patterson voted against the motion. The motion carried seven to one. Ms. Smith said that Staff will need to put together the recommendations and reasonings of the Subcommittee and Planning Board to give to the Board of Commissioners. We at first will provide the map and back it up with the Planning Board's comments and will try to get this together for the Planning Board at December's meeting.

Adjournment. There being no further business, Jonathan Parce made a motion to adjourn and Tommy Laughter seconded the motion. All members voted in favor. The meeting adjourned at 6:47 p.m.

Tedd M. Pearce, Chairman

Kathleen R. Scanlan, Secretary