

HENDERSON COUNTY

PLANNING BOARD MINUTES

August 17, 2004

The Henderson County Planning Board met on August 17, 2004, for its regular meeting at 7:00 p.m. in the Meeting Room of the Henderson County Land Development Building, 101 East Allen Street, Hendersonville, NC. Board members present were Tedd Pearce, Chairman; Mike Cooper, Vice-Chairman; Leon Allison, Paul Patterson, Tommy Laughter, Jonathan Parce, Renee Kumor and Vivian Armstrong. Others present included Derrick Cook, Planner; Autumn Radcliff, Planner; Karen C. Smith, Planning Director; and Kathleen Scanlan, Secretary.

Approval of Minutes. Chairman Pearce presided over the meeting and called the meeting to order. He asked for the approval of the regular meeting minutes of July 20, 2004. Karen Smith noted that under the motion that Chairman Pearce gave for Special Use Permit Application # SP-02-01 for the proposed expansion to an existing mining and extraction operation for Hoopers Creek Quarry, it stated that “the applicant provide documentation for renewal of the mining permit at the permit intervals to the Henderson County Planning Board. She said the word “State” should be added to “mining permit” in the sentence. All Board members acknowledged the change. Chairman Pearce made a motion to approve the minutes with the change and Mike Cooper seconded the motion. All members voted in favor.

Adjustment of Agenda. There were no adjustments.

Staff Reports. Ms. Smith stated that the annual North Carolina Planning Conference will be held September 22 – 24, 2004 at the Renaissance Hotel in Asheville, North Carolina. She encouraged any Planning Board members that might be interested in attending the conference to contact the Planning Department office. Ms. Smith informed the Board members that Josh Freeman is leaving the Planning Department for a job as Planning Director for the City of Brevard.

OLD BUSINESS:

US 25 North Area Study Update – Land Use/Zoning Study Subcommittee of the Planning Board. Ms. Smith stated that Staff has been starting to follow up on some of the items from last night’s public input session. Chairman Pearce said that later on the Board would discuss when the Subcommittee could meet to discuss what information they have and will receive from the public input sessions. Ms. Smith said that she has been in contact with the County’s Public Information Officer, Chris Coulson, who would be able to present a program dealing with US 25 North at the earliest, the first week in September. Ms. Kumor said that some of the public was asking what timeline there is on completion of the US 25 North area study? Ms. Smith said that is really up to the Planning Board, as the Board asked for 90 – 120 days from their June, 2004 meeting. Chairman Pearce said that the Board has until October, 2004 to complete the study. Ms. Kumor asked if after the Board of Commissioners hold public hearings, the closest

that a decision could be made might be February 2005? Chairman Pearce said that it depends on how quickly the Planning Board gets done with recommendations.

NEW BUSINESS:

Zoning Map Amendment Application (# R-04-03) to Rezone Approximately 150.31 Acres Owned by Henderson County Government, the Henderson County Board of Public Education and the North Carolina State Highway Commission and Located Near the Intersection of Stoney Mountain Road and Mountain Road from R-20 (Low-Density Residential), R-15 (Medium Density Residential), and T-15 (Medium-Density Residential with Manufactured Homes) Districts to a C-2 (Neighborhood Commercial) Zoning District – Henderson County Government, Lead Applicant. Ms. Radcliff stated that the subject area contains fifteen parcels under three ownerships: NCDOT, Henderson County and Henderson County Board of Education. The multiple parcels of land total approximately 150.31 acres and there are three different zoning districts on these parcels. Ms. Radcliff said that there is R-20 (Low Density Residential), which is mainly where NCDOT owns property on Mountain Road, a small area in the center that Henderson County owns, which is T-15 (Medium-Density Residential with Manufactured Homes), and the rest of the land is zoned R-15 (Medium-Density Residential). Ms. Radcliff stated that they have requested that all of the land be rezoned to a C-2 (Neighborhood Commercial) zoning district. She stated that the application was submitted on June 4, 2004. She stated that along Stoney Mountain Road, there is approximately 2,937 feet of road frontage, and along Mountain Road there is approximately 1,630 feet of road frontage. There is a subdivision up to the northeast with Randy Drive having approximately 775 feet of frontage and the access is marked on parcel "O" on the Attachment 3 map. Ms. Radcliff said that on Attachment 4, Watershed/Current Zoning Map, it shows, with the exception of a small portion of the parcel marked "O," that the entire subject area is located in a WS-IV Watershed. In the WS-IV Watershed, commercial activity will need to meet a standard that allows only a certain percentage of impervious surface, and if an SIA (Special Intensity Allocation) application is required, the development would need to have a 100-foot buffer on perennial streams, instead of the 30-foot buffer requirement.

Ms. Radcliff reviewed the zoning districts, R-20, R-15, and T-15, that are presently there. The proposed C-2 district is intended to provide for general commercial activity along major thoroughfares. She said that C-2 allows for most commercial activities by right, but those activities have to occur within an enclosed space or include the making of the product sold primarily on the premises. Chairman Pearce said that he does not feel that going from R-20, R-15 or T-15 to C-2 improves the situation. He added that he feels that C-2 does not fit into the area, unless you call a landfill a commercial operation. Ms. Radcliff said that the landfill is exempt. Ms. Smith added that the C-2 district specifically allows public facilities and public buildings as permitted uses, but the residential districts do not do that. She stated that the *Henderson County Zoning Ordinance* defines "solid waste management facilities" as land, personnel and equipment used in the management of solid waste. Incinerator and drop-off recycling centers are specifically excluded from this definition. Solid waste management facilities include the following: transfer station; landfill and materials recovery facility and all of these would be specifically excluded from this definition and any regulation if they are constructed or operated by or on behalf of any federal, state or local governmental entity. Ms. Radcliff said that the recycling center itself, some of the NCDOT property, and the bus garage do not conform to the districts that we have at present. She stated that it is Staff's opinion that a C-2 district would bring the uses closer to conformity. Mr. Allison asked, should

the prison ever re-open, how is that affected? Ms. Smith said that any expansion, change, relocation, or anything that the County wanted to do with uses in that area may not be able to occur due to the non-conforming status. Chairman Pearce asked when this entire property was originally zoned, if there was any documentation as to the reason why that area was zoned as it was? Ms. Smith said that there might be minutes of a Board of Commissioners' meeting discussing this matter. Mr. Cooper asked, "What is the ultimate reason for going to C-2 zoning?" Ms. Smith said that Mr. Justin Hembree will need to answer that question.

Mr. Justin Hembree, Assistant County Manager, was asked the same question by Mr. Cooper. Mr. Hembree stated that the ultimate reason for going with C-2 zoning is because public facilities are allowed in that district and that the County is planning to build a new animal shelter and it will hopefully occur on this property. He said that with the current zoning, the County would not be able to expand any of their current uses out there and the animal shelter is a current use. Mr. Hembree said that at the time the County was developing this application and petition for rezoning, the CCP was going through the process of being revised and adopted. He said that one of the areas indicated in the CCP as a possible governmental service area is actually in this area. On the CCP map it showed where there could possibly be areas for offices or facilities to provide public services either to the County or other agencies. Mr. Cooper asked, "The County can not get a Special Use Permit to expand?" Ms. Smith said not if the use is not allowed in the district. Ms. Smith said that the only thing that the County could do would be to amend the text of the district that they are in to allow the use, or to try to find some other way. Mr. Cooper said that it concerns him that because of the US 25 North Zoning Study that the Planning Board is presently involved in, will we be opening a can of worms potentially regarding this matter? Mr. Cooper said that the property owners on the US 25 North corridor will have the same approach - this is what it is and this is what it should be. Ms. Smith said that Mr. Hembree realizes that this might need to go to a Subcommittee to devote more time and discussion to the application. Chairman Pearce said that the garage has been in that location for approximately fifty years and the landfill has been there since 1960. Ms. Smith said that there is a section of the *Henderson County Zoning Ordinance* that the County Attorney said she can't do, which basically allows the County whatever it wants to do. Mr. Hembree said that what the County has attempted to do with this area over the past several years, is to pay close attention to parcels of property out there that may come up for sale or go to an estate. He added that the County would like to have as much buffer around this property as possible, especially with it not being a residential use because there are always some possibilities for liability issues in terms of groundwater contamination, especially regarding the landfill area. Chairman Pearce said why didn't they ask to go to Open Use for this matter? Mr. Hembree said that the County could have done that but was looking at the section of the CCP that deals with service areas and was indicated that C-2 does allow public facilities. He said that perhaps the County is interpreting this quite broadly. Chairman Pearce asked Ms. Smith to refer to the NAICS reference book to see how they interpret this matter because he is concerned whether we are putting this in the right category. Chairman Pearce said that where NCDOT is located, it is basically used as a C-4 or I-2 usage. If that property were to be sold, whoever purchased that, would they be able to continue it as either a C-4 or I-2 usage. Ms. Smith said that there is a section in the Ordinance that provides for changing categories from industrial to commercial or commercial to residential within a non-conforming use section. Ms. Smith said that the Planning Department is in an awkward position regarding this matter. Mr. Cooper added that he feels that the Planning Board and the County is in an awkward position. He said

he would rather see some wording put in the Ordinance, that says the County can use it anyway they want to, because that would be a whole lot easier than setting a precedence and rezoning it. Ms. Smith referred the NAICS reference book for some information regarding this matter. She mentioned that this is only a classification system. Chairman Pearce agreed but said it gives a general idea of what a lot of other areas use as a guide. Ms. Smith stated that the draft that we were working with the Board of Commissioners on had been changed significantly from what the Planning Board had, so something might have changed. Mr. Allison said that no matter whether it is the County or not, they should have to go by the same rules and regulations that everyone in the County does and should have the proper zoning. Chairman Pearce said that in this matter, are we telling all the people that own property that have used it for commercial on US 25 North that we should automatically approve their properties for commercial or industrial use, even if it does not meet the CCP. Chairman Pearce said that the only way that the Planning Board might not set a precedence would recommend that this property be changed to Open Use and deny the request for C-2 zoning because what is there now most resembles Open Use zoning. Mr. Patterson said if that would happen, the question would arise, why is the Planning Board proposing to rezone parts on US 25 North that are already Open Use. He feels this matter would open up another can of worms. Mr. Laughter asked how much longer will the landfill be using that property? Mr. Hembree said that there is a C & D that the County is still using, but the timeframe on that is about 10 years. He said there is a timeframe that NCDENR has established and that eventually the County will have to start transferring all the C & D waste. He said there are plans already started for that and there will be an increase in costs that the County will have to absorb. Ms. Armstrong said that it has been indicated that the County is sensitive to the adjacent property owners, have they been given notice regarding this rezoning request? Mr. Hembree said that depending upon what the Planning Board recommends, they will be given notice when the Board of Commissioners have their public hearing on this matter. Ms. Armstrong said, not for this hearing? Chairman Pearce said they never do. Ms. Smith added if the Planning Board wants to do that, Planning Staff will do it. Board members discussed what the proper zoning classification should this section be. Ms. Radcliff said that Staff looked at all of the districts and tried to find something that would be compatible with the area. She mentioned that she felt that one of the reasons they chose C-2 was that this zoning district was already present on adjacent properties, and all the plans are supporting commercial zoning in that area. Ms. Armstrong referred to a couple of previous rezonings that the Planning Board had and said that the Board is not suppose to ask what the future use will be or the reason for rezoning, but we are doing something different here. She asked if this applicant was anyone else, would we be trying to find a place to stick them in the Zoning Ordinance?

Ms. Armstrong said she feels that this is not right and the burden should be on the applicant to convince us that this is the thing to do or not and if the rules need to be changed, then be up front and say that. Mr. Cooper said that is his concern as well. He said that if it wasn't the County and wasn't pre-existing, would we ever do this?

Ms. Radcliff said that because the application came in at the beginning of June and the new CCP had not been adopted until July, Staff used both Comprehensive Plans (present and 1993) to make their determinations. She said that both are basically the same in what they recommend for that area. Ms. Radcliff noted Attachment 6 of the Planning Board packet, which indicates that on the 1993 Comprehensive Land Use Plan the entire parcel shows it as a community facility area, and because it intersects with

Highway 191 as being a large commercial node. She said that there is existing commercial there and prior to 1981, the C-2 commercial node was zoned that. The T-15, R-15 and R-20 came into play when they reenacted the zoning ordinance in 1981 and the County did their zoning maps. She said that the 1993 Comprehensive Plan, text and map say that this area is most suitable for commercial development and for facilities uses. She said that one objective of the 1993 Comprehensive Plan was to use zoning to establish and maintain the integrity of commercial, industrial and residential areas. She said that basically this is going to change the integrity of those commercial and residential uses that are already there, but the C-2 zoning will not disrupt the community because the types of uses are already there. She said that we are not allowed to ask what the uses will be but a lot of times we have a vacant piece of property where the uses will change if it is rezoned. She said that in this case, the landfill and the intense activities that are there and since we are not looking for those uses to change anytime in the near future it limits some of the things that can be built on there regardless of the zoning. She said a 1993 Comprehensive Plan objective is to plan for environmentally safe solid waste disposal facilities, including regional facilities, are to identify and preserve land needed for future public buildings and for future utility and service delivery facilities. She said that the Board should consider the range of uses that are allowed in each of the districts but due to the nature of the current uses, it will be limited. She said that the 2020 County Comprehensive Plan, Future Land Use Map, shows where the commercial node and community service centers are proposed, but whether they should be local or regional is not specific. She stated that the 2020 Plan also mentioned that the commercial service node was intended to be intensive and is to have a concentration of mixed services to meet the needs of the surrounding community. She said that the 2020 Plan also pointed out that this is a priority 2 planning area and is scheduled to have a small scale area plan, but pointed out that the County will continue to accept rezoning applications within the community planning area both prior to and after the development of a community plan. She said that additional issues may be identified that are not currently considered within this Comprehensive Plan. Examples may include issues regarding library facilities, emergency services, solid waste and others. She stated that in Staff's opinion, emphasis should be given to County facilities that are County owned and operated if those facilities directly affect the public health, welfare and safety. She said Staff had some questions and concerns on this rezoning request, but is leaving the decision up to the Planning Board. There is existing C-2 zoning across the street, but should that district be expanded and should it be expanded to the extent and size that the application requested? Ms. Armstrong asked who does Planning Staff report to? Ms. Smith stated that she reports to the County Manager. Ms. Smith said that these zonings are a legislative decision and that the Board of Commissioners can zone this anyway they want to if they make that decision. Ms. Armstrong added that she doesn't feel she can make any type of recommendation until she hears from the citizens who live around this area. Ms. Kumor asked, "Do you think that it should be with this Board, as the Board of Commissioners will have a public hearing on this issue?" Ms. Armstrong said she feels that it should be a requirement that when there is a rezoning at this level, the neighbors should be informed and have an opportunity to have input so that this Board can hear that before this Board makes a recommendation. Ms. Armstrong made a motion that the Planning Board will have a public input session regarding this matter so that the Board can have a better recommendation to send to the Board of Commissioners that reflects the interest of the community. Ms. Kumor seconded the motion. Mr. Parce asked whether this motion is for this request or future requests. Ms. Smith stated that the Planning Board can propose a text amendment to the Zoning Ordinance. Chairman Pearce said that he feels that the Zoning Ordinance should have

required a notification to adjacent property owners to have time to understand what is going on and be advised. He feels that the County has only done the notifications on large scale rezoning requests in the past. Chairman Pearce asked Mr. Hembree, "How quickly is the County wanting to pull a permit on this project?" Mr. Hembree said that the architects are drawing the plans at present. He said that the County is in the very preliminary stages of design now and there are funds in the budget in this fiscal year to do that, but the County is not looking at the construction portion until sometime late spring or early summer of 2005. Ms. Kumor said that by having a public input session, we are trying to imply that the Planning Board is a credible Board in that we do a hearing before the Board makes a recommendation because of the impact on the community, which she feels has already been impacted by the landfill, but it will demonstrate that the Board has the integrity to evaluate this rezoning as it evaluates any other rezoning. Chairman Pearce asked whether the Board should identify the scope of the notification, whether it is adjacent property owners or will the notification go as far as ½ mile. Chairman Pearce asked what is the Board of Commissioners' criteria on this matter? Ms. Smith said that everyone inside and adjacent property owners would receive notifications. Mr. Patterson asked what is the time line on this request? Chairman Pearce said that there is really no time line but would like to get the US 25 North study done first and then do this request. Mr. Patterson said that treating this differently than the US 25 North rezonings or even having the appearance of treating this differently, will appear that this Board has no credibility. Chairman Pearce said that this matter has been bothering him and feels that the CCP will need to enter into the decision because it is the guiding document that the County has proceeded with and hopefully the Board will try to add some logic to that as the Board goes forward.

Chairman Pearce stated that the notification of adjacent property owners within the affected area of the rezoning request should be notified and that the applicant be responsible in providing notification should be added to the motion made by Ms. Armstrong. Ms. Kumor seconded the amended motion. All Board members were in favor.

Mr. Cooper said that the wording in the Zoning Ordinance that Ms. Smith mentioned previously that the County Attorney said that you can't do, who has the final say? Mr. Hembree said there are several opinions about the wording that is specifically there as to whether County facilities are exempt from the Zoning Ordinance or not and have received several different answers from Staff and the School of Government at UNC Chapel Hill. He said that in the end, it would be the Board of Commissioners that would make that decision. He feels that they probably would not want to do that. He said that this is the first Ordinance that does not say that public bodies are exempt from this Ordinance because of things like this. Mr. Parce asked, "Who would have standing to enforce the Zoning Ordinance?" Ms. Smith said that would be the Zoning Administrator, who is one of my staff, and that is appealable to the Board of Adjustment. Mr. Parce said that if the County is not in compliance with their own animal shelter, who would have to bring the action? Mr. Hembree said besides the Zoning Administrator, action could also be filed by a private citizen. Mr. Hembree added we understood in the County Manager's office that we put Planning Staff in a peculiar situation but this is the way the system is set up and we are trying to follow the same procedures that everyone else would in terms of coming before the Planning Board. He said that there was no time frame to give a recommendation back to the Board of Commissioners and that they felt the Planning Board had other options that it could do.

Chairman Pearce said that he feels that the Planning Board should recommend that the County make a text amendment to the *Zoning Ordinance* that specifically states that County facilities are not governed under the *Zoning Ordinance*. He said that the Board can either recommend this or come up with a district for County facilities that governs how County facilities are going to be built and define the specifics. Ms. Armstrong said that the County government is all of us and it is not apart from us. She added that she doesn't feel that the County government should be exempt and if anything, the standards for government should be stricter than they are for anyone else and should be accountable to all of the people. She said she would not be able to support the rezoning request if it gives the government, or anyone, special rights that everyone else doesn't have. Mr. Laughter asked what is the typical process, perhaps twenty years down the road, that the County might have another landfill? Ms. Kumor said that there are State laws that effect the kind of property that you pick for a landfill and a list of criteria. There was some further discussion. The Board agreed to discuss setting a date for a public input session at its regularly scheduled September meeting.

Planned Unit Development Pre-Application Conference – Leoni's Mountain Lake Homes – Preliminary Master Plan – Luther E. Smith, P.E., Agent for Camp Riley, Inc., Owners.

Mr. Cook said that prior to submission of an application for a special use permit to the Board of Commissioners, the applicant must conduct a pre-application conference with the Planning Board to familiarize the Board with the prospective project and to inform the developer of the local government's regulations and policies concerning development alternatives. He said that this conference allows the Board and Staff to provide informal feedback regarding the acceptability of the project to the applicant. Chairman Pearce asked the applicant to speak on this matter.

Ms. Ann Valentine, with Luther Smith and Associates, and the applicant's agent, stated that this application is regarding the old Camp Riley, Inc. property. She stated that the property is a 12.01-acre tract, located on South Lakeside Drive at the far end of Osceola Lake, bordered on the upper end by Bonner Street, which is a gravel road at present that connects out to Kanuga Road. Ms. Valentine stated that the property has some old cinder block camp buildings as well as some vegetation. She said that the applicant is proposing 26 residential units, a mix of cottage lots and villa lots. She stated that the applicant is requesting a PUD so that the lot size can be shrunk from the district that is R-20, but the density will remain the same, which will be 2.16 units per acre and 26 units for the entire property. She said that they will reserve three areas of common open space, which will also serve as common septic fields and this is because septic systems could not go on the lots. She added that they have done preliminary soil studies on the property and indicated that in some areas are suitable for septic. She said there is City water available and the sewer line is within ½ mile. Chairman Pearce asked how is that handled with regard to septic permits by the Health Department? Ms. Valentine said that they would have to permit it as a group system and the engineers that they have will continue to refine that. She said that they will ultimately be told how big these areas will need to be and how many units they will serve. She said that right now, they hope we can get as many as the property is zoned for. Chairman Pearce said that if this were to be approved and they subsequently found out that they could not put 26 units on the property, as long as they are getting less units on it, you would not need to come back to the Planning Board? Ms. Smith said that the permit could specify that. Ms. Valentine said that right now what we are looking at in a preliminary way is the possibility of reserving a riparian area for a trickle system on each lot so that these areas will not have to provide both the septic and the riparian area. She said that looking into the future, it is

not far for sewer to come into this area as well as the surrounding neighborhood. Ms. Valentine said that the villa lots will be a zero lot line style, which means the building is pushed all the way to one lot line giving the maximum amount of usable yard to each unit. She said that the cottage units will be more of a standard house in the center of the lot and they will front on Bonner Street and South Lakeside Drive and the villa lots will be on the new interior drive, Osceola Lake Way. She said that this drive will try to follow the old road up to the property to try to keep the character that is there. Chairman Pearce said that there has always been concerns dealing with traffic by adjacent property owners, especially peak traffic times as well as the noise factors and this sounds like it could be a solution to these problems. Mr. Patterson said that the problem he has with the project is regarding with the reserved area on the south side of the parcel regarding problems with the septic systems because of the topographical location. He said that the systems would have to flow up hill. Ms. Valentine said that the soil information that they have shows that only the ground in these areas is suitable for septic systems. Mr. Patterson said that they might need to bring in someone from NCDENR because he doesn't feel there is enough area there to start with to accommodate the proposed units, especially when they are not sure of the amount of bedrooms for each unit. Mr. Patterson said that the Board needs to look at the health, safety and welfare of the people and feels that this matter is of utmost importance. Chairman Pearce said they will not be able to get a permit unless they get these approvals. Ms. Smith said that under the new permitting system, they need to come through zoning for approval before they can go to the Environmental Health Department. Ms. Armstrong asked if any soil and perk tests have been done on the property? Ms. Valentine said that they have had soil specialists testing on the property and they are working on the final report. Ms. Armstrong asked whether there is an estimate of the maintenance cost of this private sewer system because it would be a burden on the twenty-six people who will live there. Ms. Valentine said that a PUD that has a common open space has to have a homeowner's association and all provisions will have to be made such as road and sewer system maintenance. Mr. Patterson said that he is concerned with children playing near and on septic fields as well as any vehicles driving on them and the density factor. Ms. Valentine said that they are looking to balance the density that the developer needs to get its financial numbers to work with an effort to cluster homes to preserve some type of open space, so they are trying to look at ways that are a little different than a standard single-family lot that is as large as it can be in the district. Ms. Smith stated that one of the things that Staff finds when reviewing Carriage Park is that the Ordinance does not define "open space." She said that everything now, including roads, is considered as open space. Chairman Pearce stated that this is only a pre-application conference and this is a special way of handling this. Ms. Smith said that the applicant will submit an application to the Planning Board and the Board of Commissioners and there is a timeline involved. She stated that they would need to get a lot of information for this application before bringing it to the Board. Ms. Smith discussed how the County treats planned unit developments under the *Subdivision Ordinance*. She stated that the Ordinance talks about townhouses and the definition of a non-standard subdivision and talks about subdivision of land for purposes other than individual residential lot development including special use permit requirements. She said that the question is how much does the applicant have to comply with this and can the Board of Commissioners override these requirements with zoning. Chairman Pearce said he feels that Staff should consult an attorney for that. There was some general discussion about setbacks in a planned unit development. Chairman Pearce said that this is good use for the property if some of the problems can be solved and whether or not it is

financially feasible or technically feasible to take care of the sewer system and those are yet to be determined.

Subcommittee Assignments and Meeting Dates. Chairman Pearce asked if the Board should hold a third public input session for the US 25 North Study or if the Board has adequate information. He added that his plan is that after the public input sessions, the Board should take everything that was either presented at the public input sessions by citizens or sent to the Planning Board members and Staff and pull them up on the maps and then investigate and make a decision on each and every one singularly. Ms. Armstrong asked if just the “squeaky wheel gets the grease?” Chairman Pearce said that doesn’t mean that the Board won’t look at other things, but it does have a responsibility to the citizens that made the effort to speak or write to us about their individual needs and suggestions. He said we then could look at whatever it wants to look at in the study area that might concern any Board member. Ms. Armstrong said that if the Comprehensive Plan only deals with the negative impact of sprawl and ignores the negative impact of environment and a lot of other things like gridlock, then our Plan is not comprehensive. Ms. Smith stated that the problem is the transportation element is not completed because the County is waiting for NCDOT to complete its transportation plan. She said it is unfortunate because more issues related to transportation could have been built into the plan. Ms. Armstrong said that given that, she doesn’t know how the Board could create zoning that has the potential for almost thirty thousand families to live in that area without understanding the impact that it has on the existing road system. Chairman Pearce said that one almost needs to take any of the lots that are platted out of any numerical calculations because for everything that is platted, the density of those lots is known. Ms. Armstrong added what is excluded is the commercial and she said she can’t figure out density for commercial. Chairman Pearce said that Staff would try to get the Board some information on those issues. Chairman Pearce said that the bigger sin would be to leave this area as Open Use. He said that when the Board looks at the urban services areas, it needs to figure out just how long to keep these areas open too. Ms. Armstrong added that she feels there should be a special presentation about the Comprehensive Plan so that people can understand it. Chairman Pearce said that he has asked Anthony Prinz, during his presentation at the next public input session, to explain in more depth what the zoning districts are and what can be allowed in each district and try to tie this study area into the Comprehensive Plan recommendations. Ms. Armstrong feels that this is not as important as articulating the vision of what this County is going to look like. Mr. Cooper said that he feels the citizens are concerned about what changing their zoning from residential to commercial will mean to them regarding tax structures and how much more will they get for their property. He said that you need to give the positives along with the negatives. Chairman Pearce asked Ms. Armstrong, “Do you consider the Comprehensive Plan as a vision for the County?” Ms. Armstrong said that she feels it is written in a specialty language and it needs to be more in layman language to be understood by the common person. Chairman Pearce said what most people are concerned with is how does it specifically impact them, their property, its value and property taxes. He said that we can try to make things available, like calling or coming into the Planning Department to discuss their property and needs, but he feels that there will never be anything to change these specific concerns of the people. Chairman Pearce does not feel that there should be an ad campaign on an explanation of the Comprehensive Plan when Board members do not have the final draft of it.

After some further discussion, Chairman Pearce scheduled a Special Called Meeting for September 13, 2004 at 6:00 p.m., in the Land Development Building meeting room to

discuss possibly a traffic analysis for the study area as well as density and individual property issues.

Mr. Allison announced that he plans to resign as a Planning Board member at the end of voting on the US 25 North study for personal reasons.

There was also discussion about scheduling a public input session at Planning Board's September meeting for the request for rezoning around the area including the landfill for the October agenda. Chairman Pearce said that should the agenda for the regular October meeting be filled with other items, the Board would decide to have a special called meeting on this matter.

Chairman Pearce notified all members that Gary Griffin has been appointed to the Planning Board to fill the last vacancy.

Adjournment. There being no further business, Tedd Pearce made a motion to adjourn and Paul Patterson seconded the motion. All members voted in favor. The meeting adjourned at 8:50 p.m.

Tedd M. Pearce, Chairman

Kathleen Scanlan, Secretary