

**HENDERSON COUNTY PLANNING BOARD
MEETING SUMMARY
May 17, 2018**

Planning Board Members Present:

Steve Dozier, Chair
Jim Miller, Vice Chair
Trey Ford
Bruce Hatfield
Rick Livingston
Paul Patterson
Dan Poeta
Eric Goodman
Grady Hawkins, BOC Liaison

Planning Board Members Not Present:

Hunter Marks

Staff Present:

John Mitchell, Business and Community Development Director
Autumn Radcliff, Planning Director
Allen McNeill, Planner
Toby Linville, Code Enforcement Services Director
Stedman Smith, Planner
Crystal Lyda, Building Services Director
Jimmy Brissie, Emergency Management Director

Meeting called to order: Steve Dozier called the meeting to order and Roll Call was stated.

Adjustment of Agenda: Moved new business up.

April Meeting Summary: No adjustments were made. Rick Livingston made a motion to approve the minutes. His motion was seconded by Eric Goodman. All members voted in favor.

Informal Public Input: No informal public comment.

Continued Discussion on Mr. Martin's Request – Presenter: Mr. Michael Martin: The Planning Board heard from Mr. Michael Martin. Mr. Martin informed that his “personal problems” referenced at the last meeting had been solved, thanks to Mr. John Mitchell and County Staff. Mr. Martin requested that the board review and define interpretations of policies in regards to one’s ability to put an enclosed picnic shelter with a bathroom and small deck on a vacant parcel of land.

Rezoning Application (R-2018-04) from LC (Local Commercial) to CC (Community Commercial), Applicant – Roger Gagnon – Presenter: Stedman Smith: Mr. Smith stated that the applicant (Mr. Roger Gagnon) requested in an application in April 2018 that the County rezone approximately 0.75 acres of land from a Local Commercial zoning district to a Community Commercial zoning district. The Subject Area is located off Asheville Hwy near the corner of Ripley Ave. The zoning map shows that the Subject Area is adjacent to Local Commercial zoning and has Community Commercial in the vicinity. The future land use map shows that the land is in a Community Service Center. The property currently has access to the City of Hendersonville water. The property is currently used for an auto-detailing business,

which is permitted in the current zoning district; however, there are a large number of cars being stored on the property which is not permitted under Local Commercial zoning regulations. If the request is sent to the Board of Commissioners and is passed, Mr. Gagnon will have to acquire a special use permit for the outdoor storage of the vehicles. Mr. Roger Gagnon addressed the Board, stating that the Subject Area is surrounded by commercial properties. There was a question if other property would have to be rezoned as well. Ms. Autumn Radcliff explained spot zoning and its legality in North Carolina. Mr. John Lawrence is a neighbor to Mr. Gagnon's property. Mr. Lawrence proposed his concerns to the Board, sharing that his property shares a right of way with Mr. Gagnon's property. Mr. Lawrence stated that he does not see set back rules being observed by Mr. Gagnon. Mr. Lawrence stated his concerns about what kinds of chemicals are being used in the detailing business and wondered how they were being disposed of. Mr. Lawrence requested that the Board consider how this re-zoning might contribute to the property becoming a "junk yard". Mr. Lawrence stated that he has once counted around 40 cars on the property. Mr. Lawrence requested strict adherence to set back regulations. Mr. Toby Linville was called to speak on the property. Mr. Linville stated that the detailing business had been on the property for around 3 years. Mr. Linville stated that the County received a complaint regarding the number of cars on the property and, upon inspection, learned that the cars belonged to Mr. Gagnon which is a violation. Mr. Gagnon addressed the Board to explain that he was in the process of moving the vehicles to another lot and he would like to continue with his application. Mr. Dan Poeta made a motion for a favorable recommendation on the rezoning request and stated that is consistent with County Comprehensive Plan, with an additional recommendation of fencing on all four sides of the Subject Area as a condition of a special use permit if granted. Mr. Trey Ford seconded the motion. The motion was approved by the board. The application was sent to the Board of Commissioners. Mr. John Mitchell stated that there is currently a violation on the property and the violation needs to be remedied. Mr. Gagnon is making positive movement through both the zoning process and moving the vehicles. Mr. Linville will continue working with Mr. Gagnon to see that the violation is remedied in a timely manner.

Rezoning Application (#R-2018-05) from LC (Local Commercial) to I (Industrial),

Applicant: Roger Byers – Presenter: Stedman Smith, Planner: Mr. Stedman Smith stated that rezoning application #R-2018-05, was initiated in April 2017 and it requests that the County rezones approximately 38.54 acres of land from a Local Commercial zoning district to an Industrial zoning district. The request involves 9 adjacent parcels located at the corner of Dana Road and Ridge Road. The current zoning map shows that the Subject Area is adjacent to Local Commercial and Residential Two Rural. The future land use map places the Subject Area in a Community Service Center and partially in a Rural Transition Area. These 9 parcels currently do not have access to public water or sewer. Mr. Burton Hodges, representing the Henderson County Partnership for Economic Development, shared that Edneyville Elementary, which is less than 1 and 1/2 miles from the Subject Area, does have access to public water and sewer. Mr. Hodges expressed the organization's support for the re-zoning of all 9 parcels. The organization believes that the rezoning would provide immediate and on-going benefits to the county's community and economy. The applicant and the Partnership for Economic Development are working with Hendersonville Water and Sewer to get access to those public utilities within the next 20 months. PNC natural gas is located within 1 mile of the Subject Area. The Board discussed if there was any necessity to notify adjacent property owners now. Ms. Radcliff stated that the Board has that option. She stated that the adjacent property owners will receive notification of the public hearing. After some discussion, Mr. Jim Miller made a motion to approve the application. The motion was seconded by Mr. Dan Poeta. The Board voted in favor of Mr. Miller's motion, apart from Mr. Paul Patterson who voted against the motion.

Continued Discussion – Text Amendment Application (TX-2018-05) Flood Hazard Reduction, Applicant – Civil Design Concepts – Presenter: Stedman Smith, Planner:

Mr. Stedman Smith presented a re-cap of the discussion of this agenda item at the last meeting. Mr. Smith provided several options for the Boards consideration. Jason Pass, representing Civil Design Concepts, presented the reasoning for the request and a comparison to other jurisdictions and the model state ordinance. Currently, only up to 20% of areas in the flood fringe can only be filled. FEMA calculates a 1-foot elevation in the localized area during a flood event. Mr. Chris La Mack and Mr. Eric Scarb spoke on behalf of Elevation Real Estate Group. Mr. La Mack addressed concerns regarding flood events. Mr. Scarb addressed a concern from the last meeting regarding the maintenance of farmlands, stating that there will be farmers who want to sell their farmland, which would allow new commercial areas to produce additional growth for the county.

There was public comment from Mr. Phillip Ellis. Mr. Ellis stated that plan for the Subject Area would increase flow into Mud Creek during a flood event. Mr. Ellis stated that the predicted 1-foot rise is localized at that site, not the whole area. He stated that Henderson County is in a special circumstance with the French Broad River Valley. He stated that the depth of a water body is controlled by how steep the channel is (1.8 feet in Henderson County broad floodplain). He stated that he believes that additional restrictions should be required beyond the state model because of topography and area characteristics. He is unsure of where the 20% comes from, but some additional is okay. He encouraged the board to consider an amendment that would benefit the community at large and not just 1 development.

Mr. Tim Garren is the chief of the Valley Hill Fire Department. He spoke to spot flooding in the area on May 16. Mr. Garren stated that he is not against growth, but encouraged the County to be careful when considering where that growth will happen. He is against homes in flood-prone areas. He identified flash-flood issues. Henderson County is unique with characteristics of steep slopes and wide floodplains. He identified problems with engineering at Lake Osceola and the amount of water that spills off into floodplain areas. He stated that building homes in floodplain areas would put the lives of residents and emergency responders at risk.

Mr. Jimmy Brissie, the Emergency Services Director, was also available for questions from an emergency response stand-point.

The Board moved to discussion. Mr. Grady Hawkins stated that before the Land Development Code, building in floodplains was not allowed. He stated that if you build in one area, the water will just go somewhere else. Mr. Steve Dozier stated that he would not agree to a county-wide amendment, but would consider handling corridor areas on a case-by-case basis. Mr. Rick Livingston stated that he is openly against this text amendment. He stated that flooding is very much an issue, especially on the Subject Area. He stated that there were 7 water rescues in Henderson County on May 16, with the bulk of them being in the Valley Hill/City of Hendersonville areas. If this happened during a 5-inch event, he asked what would happen during a 10-to-20-inch event. Mr. Livingston agreed with Mr. Hawkins that building more impervious surfaces would only force water to go somewhere else. Mr. Jim Miller stated that the 5-inch event took place over 5 hours. He stated that we need a happy medium in order to continue growing responsibly. Mr. Miller took the opportunity to publicly thank firefighters and first responders for responding to these crisis issues.

The Board agreed that Option 1, a county wide amendment, was off the table. They discussed Option 2, which would be accepting corridors on a case-by-case basis. Mr. Paul Patterson and Ms. Autumn Radcliff discussed that there is no flexibility in place to grant a variance to allow

someone to do more than the 20% threshold. If the desire of the Board of Commissioners and Planning Board is interested in pursuing that flexibility, they would need to draft an amendment and it would also need to be approved by the State and FEMA.

Mr. Steve Dozier called for a motion to table this agenda item until the next meeting and to informally discuss it with the Board of Commissioners. The motion was made by Mr. Jim Miller and was seconded by Mr. Trey Ford. All voted in favor.

Continued Discussion on Tiny Homes and RV Park Amendments (TX-2018-04) –

Presenter: Autumn Radcliff, Planning Director: Mr. Jim Miller made a motion to table this agenda item until the next meeting. The motion was seconded by Mr. Trey Ford. All members voted in favor.

Staff Reports: Ms. Radcliff acknowledged the handout for the Strive Event and encouraged Board members to participate.

Adjournment: There being no further business, meeting was adjourned at 7.35 p.m.