

**Henderson County
Technical Review Committee Minutes
June 10, 2008 – Continued from June 3, 2008**

The Henderson County Technical Review Committee met on June 10, 2008 at 2:00 p.m. in the King Street Board Room at 211 First Avenue East, Hendersonville, NC to continue the meeting from June 3, 2008. Members present were Anthony Starr, Chair; Seth Swift, Toby Linville, Gary Lance, Natalie Berry and Rocky Hyder. Others present were Autumn Radcliff, Senior Planner and Kathleen Scanlan, Secretary. Committee member Marcus Jones was absent.

Mr. Starr called the meeting to order.

Rezoning Application #R-2008-09 as Amended – Rezone Approximately 130.44 Acres of Land – Located Off US Highway 25 North (between its intersection with Old Park Road (SR 1370) to the south and Rugby Drive (SR 1417) to the north) – Community Commercial (CC) to Regional Commercial (RC) Zoning District – Henderson County Planning Staff on Behalf of the Property Owners. Ms. Radcliff stated that the TRC originally considered Rezoning #R-2008-09 at its meeting on May 6, 2008 and the Board of Commissioners, at its meeting on June 2, 2008, amended the request to include additional parcels of land.

Ms. Radcliff said that this amended rezoning was initiated by Henderson County Planning Staff on behalf of the property owners which requests that the County rezone approximately 130.44 acres of land, located off US Highway 25 North (between its intersection with Old Park Road to the south and Rugby Drive, from a CC (Community Commercial) zoning district to an RC (Regional Commercial) zoning district. The original zoning before the Land Development Code was adopted was C-4 (Highway Commercial) for some of the tracts and there were some C-2 zoning as well. She stated that the larger tracts that are presently in the CC (Community Commercial) zoning district were in the Rural Conservation district prior to the adoption of the LDC, which allowed for commercial uses as long as they were developed in tracts of one acre each. The Subject Area is comprised of all or part of 23 parcels of land with multiple owners made up of mainly agricultural and commercial uses, with some residential development. Ms. Radcliff noted that there is a total of 47.91 acres of the 130.44 acre subject area that falls within the 100-year floodplain and a total of 16.99 acres which falls within the floodway. Ms. Radcliff said that the text and map of the 2020 CCP places the subject area in the Urban Services Area where commercial development, at a mixture of scales (local, community and regional) are encouraged and should have standards in keeping with the surrounding community. She stated that Staff at this time, under the guidelines of current plans, policies and studies, supports the current zoning of the subject area, CC (Community Commercial) which is consistent with the recommendations of the Henderson County 2020 Comprehensive Plan. She noted that in the CCP, land use planning should acknowledge the presence of sensitive natural areas such as floodplain and strive to protect these areas from development that would damage them or diminish their integrity. Community Commercial (CC) zoning would be more adapt to acknowledging the presence of floodplain due to the application of maximum gross floor area limitation not provided for by the RC (Regional Commercial) zoning.

Rocky Hyder asked Natalie Berry, Erosion and Sedimentation Control Chief for the County, what portion of this area could be filled for Regional Commercial? Ms. Berry stated that it would be 20% of what is in the flood fringe area. She stated that she has concerns under the property owner's list that wants to be included in the rezoning, subject area lot 11A should not be included because it is all in the floodway and no development are allowed in a floodway, agriculture would be more suitable. She suggested that lot 11B be a split zone like lots 4C and 4D to get the floodway area off of it. Mr. Starr stated that the boundaries were set by the Board of Commissioners. The Committee members discussed the large-scale uses involved in the Regional Commercial (RC) district. Ms. Radcliff said eleven of the 23 parcels are under 2.2 acres in size and are not large enough to facilitate a 100,000 square-foot building. She added that of

the remaining 12 parcel which are larger than 2.29 acres, the six parcels east of US 25 North (lots 4D, 8, 11A, 11B, 12 and 15A) contain a considerable amount of floodplain or floodway. These six parcels contain 81.06 acres of which 16.99 acres are in the floodway and 44.04 acres are in the 100-year floodplain east of US 25 North which would reduce the developable area of these tracts combined, without a fill permit, to approximately 20.03 acres. Mr. Starr stated that the Super Wal-Mart within the City of Hendersonville's jurisdiction has approximate 7.64 acre building footprint with a total of 29.54 in impervious surface, including buildings, parking, and access drives. Mr. Starr mentioned that his concern is rezoning this to RC could potentially start a large land use squabble when a big-box development comes in and then we'll be asked as to why we allowed this to happen. He said certain property owners voiced their opinion that currently under the Community Commercial zoning, they could not do certain things on their property by right and would have to obtain a special use permit. He said they basically want the district that is most permissive. Ms. Berry stated that her concerns were with the types of uses allowed in the RC district.

Mr. Hyder made a motion that the Committee recommend denial of rezoning #R-2008-09 as amended, to rezone the Subject Area from a CC (Community Commercial) zoning district to an RC (Regional Commercial) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan and should the Board of Commissioners approve the rezoning request, the TRC does not recommend that the boundary of the commercial district be expanded. Ms. Berry added that if the boundary of the subject area is expanded, it should not be expanded into the floodway. Ms. Berry also added that if the Board of Commissioners decided to expand the boundary that they use the recent 2008 maps to pick up the new floodway boundary. All members presented voted in favor.

Adjournment. The meeting adjourned at 2:38 p.m.

Anthony Starr, Chairman

Kathleen Scanlan, Secretary