

**Henderson County  
Technical Review Committee Minutes  
April 6, 2010**

The Henderson County Technical Review Committee met for their regular meeting on April 6, 2010. The meeting took place in the King Street Board Room at 100 N. King Street, Hendersonville, NC. Members present were Anthony Starr, Chair; Seth Swift, Rocky Hyder, Toby Linville, Marcus Jones, and Tom Stauffer. Others present were Parker Sloan, Planner, and Kathleen Scanlan, Secretary. Natalie Berry and Mark Gibbs were absent.

Mr. Starr amended the agenda by adding an additional item, Item 5, regarding a Major Site Plan Review for a Solid Waste Facility, which is County owned, located on Stoney Mountain Road. There were no objections to the addition.

Mr. Starr called the meeting to order and asked for the approval of the March 2 (9), 2010 minutes. Toby Linville made a motion to approve the set of minutes and all members voted in favor.

Major Site Plan Review for Gym Facility – Located North of Interstate 26 and US 25 Interchange on Maxwell Drive, Fletcher. Tom Jones, William G. Lapsley and Associates, Agent, on behalf of Rick and Beverly Moore, Owner. Presentation by Toby Linville, Code Enforcement. Mr. Linville stated that this major site plan review is for an indoor recreational facility use located just north of Highway 26 and Highway 25 interchange on Maxwell Drive in Fletcher. He stated that the project is located in a Regional Commercial zoning district with proposed public water and sewer. He reviewed the following conditions contingent on approval.

1. Submittal of site plan.
2. Lighting mitigation required.
3. All structures shall be 100 feet from a residential zoning district property.
4. For activities which present potential safety hazards, fencing, netting or other control measures shall be required.
5. A recreational facility may contain on-site food sales for patrons of the recreational facility only, provided they obtain all necessary permits.
6. The facility shall provide a suitable method of solid waste disposal and collection consisting of either private collection from individual uses or the use of dumpsters installed and/or operated to meet all local and state statutes, ordinances and regulations and be certified by the Department of Public Health. Where dumpsters are used, Screen Class 1, 2, or 3 shall be provided consistent with the requirements of the Ordinance.
7. Public address and loud speaker systems shall not be operated before 8 a.m. or after midnight.

Will Buie with Lapsley and Associates and Frank Kelch, who is the architect on the project were present. Mr. Buie stated that all the water projects have been satisfied and the total building size will be approximately 32,000 square feet. He mentioned that the only change to the site itself in terms of parking is that there is an adjustment of the driveway to respect the existing driveway easement that will be on the north side of the property. He said the island on the parking that is closest to the building; they plan to locate some street trees. Mr. Kelch stated that the project has been scaled back from a multi-tenant project with gym facilities to a single-tenant project with an additional basketball court with some spectator viewing on the front of the building. The main entrance shifted slightly to the right and will be centered on the new length of the building. Toby Linville made a motion to approve the site plan as presented. All committee members voted in favor.

Combined Master and Development Plan – Meadows at Rivers Edge (File # 2010-M01) – 54 Lots Located on Approximately 76.29 Acres off Eade Road – Terry Baker of Associated Land Surveyors, Agent, on behalf of Eade Road Investments, LLC, Owner. Presentation by Parker Sloan, Planner. Mr. Sloan stated that Associated Land Surveyors, agent on behalf of Eade Road Investments, LLC, owner submitted a combined Master and Development Plan and major subdivision application for the project. He said the applicant proposes a total of 54 lots located on approximately 76.29 acres with 39.3 acres proposed as open space located off Eade Road. The project is located within the floodplain but does not contain slopes in excess of 60 percent. Mr. Sloan mentioned that the primary onsite access road for the project, Waters Edge Drive, was already constructed for an earlier development proposed for the property in 2007. In addition, 5 new roads are proposed to access the remaining property. Existing public waterlines are on site and are proposed to serve the project site along with individual septic systems. Mr. Sloan stated that the project site is located in the Rural Transition Area and the Conservation Area. He said the applicant is not proposing the open space for purposes of obtaining an open space density bonus, however; approximately 39 acres is proposed as open space so the applicant will need to provide an Open Space Management Plan as well as a binding legal document that will protect the open space. Mr. Sloan said that one change to the master and development plan that will be needed, is the extension of Waters Edge Drive, in order for it to be considered a future connection, as required by the Land Development Code. Waters Edge Drive will need to be extended up to the property line to the west within the shown 50-foot right-of-way. He said with this extension of Waters Edge Drive, additional street trees will also be needed on the extension. Mr. Starr suggested that a temporary barricade could be put up at the end of the road to the property line to protect adjoining property owners. In addition, a note should be added to the final plat stating that there is a temporary barricade with an expectation that it will be connected to future development. Mr. Starr said that their intention is to have a second entrance into the development for emergency services and traffic flow.

After some further discussion, Mr. Starr made a motion that the Technical Review Committee find and conclude that the Combined Master and Development Plan appears to comply with the subdivision provisions of Chapter 200A, Henderson County Land Development Code (LDC) and further move that the Technical Review Committee recommend approval of the Combined Master and Development Plan contingent on the following conditions:

1. **Soil Erosion and Sedimentation Control Plan.** The Applicant shall submit written notice from the appropriate local agencies verifying that an Erosion and Sedimentation Control Plan has been received or a written notice from a professional land surveyor, engineer, landscape architect, architect, or professional planner certifying that no plan is required.
2. **Public Utilities.** An extension for City of Hendersonville Water service was approved by the Board of Commissioners on December 13, 2007. City of Hendersonville water currently serves the project site along the existing Waters Edge Drive, as shown on the Master and Development Plan. The existing public waterline and proposed on site extensions are proposed to serve the project along with individual septic systems. According to the LD C, 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.
3. **Fire Protection Requirements.** Any subdivision served by a public water system shall meet the County's standard of one (1) hydrant per 1000 feet of linear road distance. There is an existing fire hydrant within 200 feet located along Eade Road near the intersection

with Springfield Meadow Drive. It appears the proposed fire hydrants shown on the Master and Development Plan meet County standards.

4. **Stub Roads and Future Connections.** The submitted Master and Development Plan show the end of Waters Edge Road having a 50 foot right-of-way and future connection. Any existing or proposed on site rights-of-way must be built and constructed to the Major Subdivision road standards of LDC §200A-81C. The proposed stub road must be constructed to the edge of the property line being developed to be considered a future connection .
5. **Street Tree Requirements.** According to the street tree requirements of Chapter 200A (LDC §§200A-145 and 200A-146) the applicant must provide one tree per 50 linear feet of property abutting an internal road. Trees may be placed in groups with a minimum spacing of no less than 15 feet and a maximum spacing of no more than 65 feet. The trees must be placed within the right-of-way or within 20 feet of the edge of the right-of-way. The applicant may use existing trees in accordance with §200A-153 instead of planting new trees. These existing trees must also be located within the right-of-way or 20 feet of the edge of the right-of-way as required by §200A-146. It appears that the applicant is proposing 153 new trees to satisfy the street tree requirements. All of the street trees shown are within the right-of-way. It appears the spacing requirements for the street trees will be met. The TRC may alter street tree requirements because of adverse site conditions.

Waters Edge Road would be required to be extended to the edge of the property line. This addition, would add approximately 170 additional feet of road frontage to the project and would thus require the addition of 3 more street trees for a total of 80 street trees required for Waters Edge Road. All street trees must be properly planted and meet the spacing requirements or the applicant may post an improvement guarantee with the County before the final plat for the subdivision can be approved.

6. **Conservation Subdivision Standards.** The applicant is not proposing open space for the purposes of obtaining an Open Space Density Bonus. Of the approximate 76.29 acres within the project site, 51% (39.3 acres) is proposed as conservation area. This amount, more than meets the 25% conservation area requirement for the Conservation Subdivision Option in the Land Development Code and if all of the Conservation Subdivision Standards were met it would warrant a 20% housing density increase. §200A-86K(2) states that Opens Space shall be accessible to the largest possible number of lots within the development. To achieve this, the majority of lots should abut open space to provide residents with direct views and access. As shown on the submitted Master and Development Plan the number of lots connected to open space does not reach a majority.
7. **Permanent Protection of Open Space and Management of Open Space.** The applicant shall submit a management plan for all proposed open space. Requirements for the plan can be found in §200A-86G. Open Space proposed for a conservation subdivision shall be protected in perpetuity by a binding legal document that is recorded with the deed. The document shall be one of the following 3 options: Permanent Conservation Easement, Permanent Restrictive Covenant, or an equivalent legal tool that provides permanent protection. Proof of a recorded legal instrument as well as an Open Space Management Plan must be submitted to the Planning Department before the final plat for the subdivision can be approved.
8. **Shoulder Stabilization.** All areas disturbed by the construction of a private road, including cut and fill slopes, shoulders and ditch banks, shall be seeded to stabilize the

soil and prevent erosion. Seeding should be done as soon as feasible after road construction.

9. **Subdivision Signs.** All major subdivisions may provide for, at the primary entrance, a community identification/subdivision sign to conform to the sign regulations of Article VII. Such signs should be located in dedicated sign easements, which must be shown on the final plat.
10. **Stream Setbacks.** All built-upon area shall be at a minimum of 30 feet landward of all perennial and intermittent surface waters.
11. **Miscellaneous Advisory Provisions.** The Applicant should become familiar with the miscellaneous advisory provisions contained in LDC.
12. **Final Plat Requirements.** The Final Plat(s) must meet the requirements provided by the Planning Department whenever a subdivision of land occurs.

In addition to Condition # 4, it was requested that because on the Plan it shows the end of Waters Edge Road having a 50 foot right-of-way and future connection, it was suggested that a temporary protective barricade at the end of Waters Edge Drive be constructed and a note is required on the final plat stating that Waters Edge Drive is a potential future connection to the neighboring property. An Erosion Control and Stormwater Permit are required. The necessary documents should be discussed with the County Engineering Department. A Floodplain Permit was also required for any proposed development parcel that contains floodplain.

All committee members voted in favor of the motion.

Major Site Plan Review – Expansion to Apple Valley Middle School and North Henderson High School – Located at 43 Fruitland Road – Mosley Architects, Agent on behalf of Henderson County Public Schools, Owner. Presentation by Toby Linville. Mr. Linville stated that the major site is for an expansion to Apple Valley Middle School and North Henderson High School. He reviewed the conditions for a major site plan review regarding this request:

1. Site Plan is required.
2. Road Class. This use shall be located on a collector, thoroughfare, boulevard and/or expressway when located on a property in a residential zoning district.
3. Lighting mitigation is required.
4. A school shall be permitted accessory uses provided the requested accessory use is permitted as a principal/accessory use in the district in which the school is located. Additional signage shall not be permitted for the accessory use.
5. Public Address/Loud Speakers. Public address and loud speaker systems shall not be operated before 7 a.m. or after 12 midnight when on/adjacent to a residential zoning district.

Mr. Linville said that this expansion or addition would be in the existing courtyards and he doesn't feel there are any major changes to accommodate the project. He stated that there is floodplain on the property, but it is nowhere near the site but a flood permit has been completed since there is Floodplain on the property. After some discussion, Toby Linville made a motion to approve the major site plan for this project contingent on the following conditions:

- (1) Regarding the fire access drive, a 13 ½-foot vertical clearance is required for the covered area that crosses the site and to include this on the major site plan.
- (2) Verify that the stormwater and erosion control permits are in place, if necessary.

- (3) Lighting mitigation is required – no wall packs should be used on the side of the building that would shine on adjacent properties.
- (4) If there should be cafeteria plans, they need to be reviewed by NCDENR.

All committee members voted in favor.

Major Site Plan Review – County Solid Waste Facility – Located on Stoney Mountain Road Adjournment. Mr. Starr stated that this has been before the Committee before and a revised preliminary layout was distributed. He said he feels that everything seems to be in order. Mr. Jones commented that the only item they are looking at is the speed limit in front of the building, which is posted as 45 mph. Apparently the residents have previously petitioned for the speed limit to be 35 mph to conform to the rest of the road and Mr. Jones said that they will be requesting a reduction in the speed limit to NCDOT. Mr. Starr mentioned that there needs clarification of the B-2 buffers and where existing vegetation buffers will occur as well as the location of the security fencing. These items should be indicated on the major site plan. Mr. Linville made a motion that the major site plan be approved contingent on these items and other pertinent items that will be discussed with Mr. Linville and revised on the major site plan. All Committee members voted in favor.

Mr. Starr adjourned the meeting at 2:42 p.m.

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Anthony Starr, Planning Director

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Kathleen Scanlan, Secretary