

**Henderson County
Technical Review Committee Minutes
February 5, 2008**

The Henderson County Technical Review Committee met on February 5, 2008 at 2:00 p.m. in the King Street Meeting Room at 100 N. King Street, Hendersonville, NC. Members present were Anthony Starr, Chair; Seth Swift, Wally Hollis, Marcus Jones, Natalie Berry, and Toby Linville. Others present were Mark Gibbs, District Engineer, NCDOT, Matt Cable, Planner II, Autumn Radcliff, Senior Planner, Parker Sloan, Planner and Kathleen Scanlan, Secretary. Committee member Sam Laughter was absent.

Mr. Starr called the meeting to order and asked for the approval of the January 2, 2008 minutes. Marcus Jones made a motion to approve the minutes as presented and all members voted in favor.

Combined Master and Development Plan – Hickory Nut Preserve – 24 Single-Family Residential Lots on 47.14 Acres – Located off US Highway 64 East – Tom McCanless, EAS Professional, Inc., Agent for Frontier Land Company LLC, Owner – Planning Department. Mr. Sloan stated that Mr. Tom McCanless with EAS Professionals, Inc., agent, on behalf of Frontier Land Company LLC, owner, submitted a Combined Master and Development Plan and major subdivision application for a project known as Hickory Nut Preserve (formerly Hickory Falls). The applicant is proposing a total of 24 lots on 47.14 acres of land located off US Highway 64 East. He stated that the subdivision was originally approved on July 19, 2005 by the Planning Board but the approval expired in July 2007. He stated that the project is located in the R3 zoning district and is not located in a water supply watershed district nor is it located within the floodplain. According to County records, the project site does contain slopes in excess of 60 percent but does not contain a protected mountain ridge. Private individual wells and individual septic are proposed to serve the project site.

Master Plan Comments:

According to Chapter 200A, Henderson County Land Development Code (LDC) §200A-309, the purpose of a Master Plan is to provide general information about the proposed development to allow for an assessment of its impact on the orderly growth and development of the County, environmental quality, land values, natural features identified on the site analysis sketch and the County's roads and governmental services. When reviewing the Master Plan it is important to consider that, due to severe topographic conditions, inadequate road access, distance from services, unique natural areas, soils that do not easily support soil drainage systems and or the proximity to existing and incompatible land uses/zoning, all land may not be suitable to be subdivided for the purpose of dense development (LDC §200A-75).

Staff has reviewed the submitted Combined Master and Development Plan for Hickory Nut Preserve, taking into consideration the recommendations of the *Henderson County 2020 Comprehensive Plan* and reviewing the plan for conformance with Henderson County Land Development Code. Staff offers the following comments:

1. ***Henderson County 2020 Comprehensive Plan (CCP)***. The Future Land Use Map of the CCP shows the project site as being located within each of the following areas: Conservation Area and Rural/ Agricultural Area (RAA).
 - (a) **Conservation Area**. The conservation area designation is applied to the eastern portion of the project site, largely due to slopes. Slopes within the project site appear to be in excess of 25 percent, with portions having slopes in excess of 60 percent. The CCP states that conservation lands “are intended to remain largely in their natural state, with

only limited development,” and further that “such areas should be targeted for protection through regulations and incentives” (2020 CCP, Pg. 134).

2. **(b) Rural Agricultural Area.** The Rural Agricultural Area (RAA) designation of the Growth Management Strategy is applied to the project site. The RAA is intended to remain predominantly rural with a density of five (5) or more acres per dwelling unit (average lot sizes of five (5) or more acres per unit). Chapter 200A, Henderson County Land Development Code (LDC). According to Chapter 200A, Henderson County Land Development Code (LDC) and its Official Zoning Map adopted September 19, 2007 (as amended), the proposed project site is located within the Residential Three (R3) Zoning District (See Map C: Official Zoning Map). The R3 district allows for single-family residential development with a standard residential density of 0.66 units per acre (average lot size of 1.5 acres) where the slope is less than 60 percent. The project site contains slopes in excess of 60 percent, but they do not account for ten (10) percent or more of the tract, therefore the density reduction does not apply. A total of 32 units would be permitted on this 49 acre tract.

Development Plan Comments

1. **Road Grade.** The Applicant has proposed private paved roads for the subdivision. The maximum road grade for local residential roads constructed of pavement is 18 percent. A professional engineer or professional land surveyor must certify on the Final Plat that no portion of the road has a grade that exceeds 18 percent or submit a final as-built graded center line profile showing grade and alignment of the road (LDC §200A-81 C(4)).
2. **Minimum Curve Radius.** All subdivision roads must meet the private road standards found in the LDC §200A-81 C. Roads must also meet the standards for minimum curve radius in the LDC §200A-81 C(5). It appears that on the Plan some of the curve radii are less than the 90-foot minimum for private local residential roads. Where the existing cross slope on private local residential roads is 15 percent or greater, a minimum centerline radius of 60 feet shall be permitted. The Final Plat(s) must have a notation that states where the existing cross slope exceeds 15 percent a minimum centerline radius of 60 feet is permitted (LDC §200A-81 C(5)). If requested, the applicant may also take advantage of the shoulder reduction which allows a shoulder width of 2 feet instead of 4 feet for private local residential roads in cases where the existing cross slope is 20 percent or greater (§200A-81 C, Table 3.1, Note 5).
3. **Turnarounds.** The Planning Board originally required the installation of a partial turnaround along the subdivision road (Beech Tree Pl.) because it exceeded 2,500 feet in length (HCSO §170-21H). The applicant has shown one partial turnaround located near lots 11 and 12. According to the Plan the length of Beech Tree Pl. is 5,700 feet. According to LDC §200A-81 C(8) the reviewing agency may require the installation of a partial turnaround along any road that exceeds 1,500 feet in length. The review agency may also require additional turnarounds at intermediate locations along dead end roads with a centerline length of greater than 2,500 feet.
4. **Fire Protection Requirements.** According to the Plan a pond is located near the entrance of the subdivision. For any subdivision without a fire suppression rated water system, that either has or has access to an adequate permanent surface water supply (100,000 gallon storage in a 50 year drought), the applicant shall be required to install a dry hydrant system, the type and location of which is to be determined by the County Fire Marshal. An all-weather access road for fire-fighting equipment shall be provided by the applicant to this permanent surface water supply. If the pond is inadequate for a dry hydrant then the reviewing agency should look for alternative measures to ensure adequate fire projection. Where deemed necessary and without creating an undue hardship on the applicant, the reviewing agency may require the applicant to install alternative fire protections measures.

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 using all existing trees on the property to satisfy the street tree requirements. A good portion of these trees are located outside the right-of-way and on proposed lots (149 trees outside of the ROW, 49 trees inside the ROW).
6. **Sedimentation and Erosion Control.** The applicant must submit to the Subdivision Administrator written notice from the appropriate agencies verifying that an Erosion and Sedimentation Control Plan has been approved or a written notice from a professional land surveyor, engineer, landscape architect, architect, or professional planner certifying that no plan is required (LDC §200A-81 A).
7. **Stream Setbacks.** All built-upon area shall be at a minimum of 30 feet landward of all perennial and intermittent surface waters. (§200A-219)
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 (LDC §200A-81 E).
9. **Drainage.** All road or drainage structures shall be constructed in accordance with state roads standards. Road drainage side ditches shall be constructed with sufficient depth and width to carry the expected volume of storm water runoff (LDC §200A-81 C(3)).
10. **Subdivision Names.** The final plat shall contain certification that the public records of the County have been searched and the proposed subdivision name meets the standards set forth in this Chapter (LDC §200A-81 G).
11. **Final Plat Requirements.** The Final Plat(s) must meet the requirements provided by the Planning Department whenever a subdivision of land occurs (LDC §200A-311 B(2)).

After some discussion, in particular regarding the street tree requirements outside of the right-of-way and the fire protection requirements, it was determined among Committee members that as a condition of approval, the Technical Review Committee would allow the street trees outside of the right-of-way, provided they tag them and protect them during construction and place a covenant restriction for their preservation prior to any final plats being recorded. As an additional requirement, there should be an installation of a dry hydrant system at the pond for fire department use. Mr. Starr made a motion to reflect these two conditions as well as Staff recommended conditions for approval of Hickory Nut Preserve. All members voted in favor.

Major Site Plan Review – Fletcher Hospital, Inc. D/B/A: Park Ridge Hospital – Located on Approximately 25.47 Acres off 100 Hospital Drive, Southwest Intersection of Naples Road and Howard Gap Road – Propose Expansion of Park Ridge Hospital – William G. Lapsley and Associates, P.A., Agent for Fletcher Hospital, Inc. D/B/A: Park Ridge Hospital, Owner – Code Enforcement. Mr. Linville stated that Williams Lapsley and Associates, P.A. Agent on behalf of the owner, Fletcher Hospital, Inc. D/B/A: Park Ridge Hospital submitted a major site plan for an addition of the existing Park Ridge Hospital. The addition site is located on 25.47 acres of land at 100 Hospital Drive, southwest of the intersection of Naples Road and Howard Gap Road. Mr. Linville mentioned that the project meets the requirements of the Land Development Code and all applicable major site plan requirements are met in accordance with Section 200A-299 as well as

the lighting mitigation requirement. Mr. Tom Jones with Lapsley and Associates gave a brief overview of the project. Mr. Ken Cobb, who is with Park Ridge Hospital, stated that the addition will include new outpatient surgery facility, replacing one operating room with another operating room and construction of a new OB Department. Mr. Jones discussed the permits required for the project and expressed the need for the County to have a stormwater program. Mr. Starr stated that the County is working on a grant for such a program and that it could be developed as early as 2009.

Mr. Linville made a motion to approve the major site plan project for Park Ridge Hospital. All members voted in favor.

Land Development Code Amendments – Removal of Signs in Right-of-Way – Planning Department.

Mr. Starr stated that at the Board of Commissioners meeting Monday, February 4, 2008, the Commissioners directed Planning Staff to add language in the Land Development Code to allow County Staff to remove signs that have been placed in the road right-of-way. The Land Development Code prohibits the placement of signs in the ROW and in a sight visibility triangle, but the code does not have a provision for the removal of signs that are placed in the ROW. Mr. Starr stated that the recommended solution is to add language in the section of the Land Development Code regarding Sign Placement, Section 200A-176, which reads: *Signs shall be placed a minimum of 15 feet from edge of pavement or from back of curb (as applicable), and shall be located out of the road right-of-way. Signs are not permitted in a sight visibility triangle.* Suggested addition: Signs that are in the road right-of-way shall be removed without notice by any authorized County personnel and disposed of. Mark Gibbs said that he is in favor of this, but that permanent signs may need different enforcement steps. Mr. Linville stated that as present, permanent signs required both zoning and building permits. He added that this amendment is only for signs that are temporarily in the ground that are in the road right-of-way. Mr. Starr suggested that the wording be changed to read: *Signs that are in the road right-of-way shall be removed and disposed of* without notice by authorized County personnel. Mr. Starr stated that this will be discussed along with other text and map amendments by the Board of Commissioners on February 18, 2008 and will also go to the Planning Board.

Toby Linville made a motion that the Technical Review Committee recommend that the Board of Commissioners approve the amendment, with the change in wording as mentioned by Mr. Starr, to the Land Development Code to allow County personnel to remove any signs, and dispose of them, that have been placed in a right-of-way. All members voted in favor.

Adjournment. Toby Linville made a motion to adjourn the meeting and all members voted in favor. The meeting adjourned at 2:33 p.m.

Anthony Starr, Chairman

Kathleen Scanlan, Secretary