

**Henderson County
Technical Review Committee Minutes
April 1, 2008**

The Henderson County Technical Review Committee met on April 1, 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, Toby Linville and Rocky Hyder. Others present were Parker Sloan, Planner, Alexis Baker, Planner, Mark Gibbs, District Engineer, NCDOT, and Kathleen Scanlan, Secretary.

Mr. Starr called the meeting to order. (Mr. Wally Hollis was sitting in for Mr. Hyder until he arrives to the meeting to satisfy a quorum). Mr. Starr asked for the approval of the March 4, 2008 minutes. Toby Linville made a motion to approve the minutes as presented and all members voted in favor.

Major Site Plan Review – Crab Creek Catfish Farm – Located on Approximately 38.15 Combined Acres of Land at 439 Crab Creek Road – Propose Outdoor Recreational Facility – Jon Laughter, Agent for Larry Holbert, Owner. Code Enforcement Department Presentation. (Mr. Hyder entered the meeting at this time). Mr. Linville stated that the owner wishes to utilize the property for an outdoor recreational facility. Under the major site plan requirements for this usage he needs to meet the outdoor recreational facility requirements, adequate lighting, perimeter setbacks, structure requirements, solid waste collection, public address or loud speaker requirements and hours of operation. Mr. Linville stated that the project site is located on approximately 38.15 combined acres of land located at 439 and 455 Crab Creek Road, the site of the Old Sexton Farm. It is located in a R2MH zoning district. Mr. Linville said that the project meets the requirements of the Land Development Code and all the applicable major site plan requirements have been met.

Mr. Hyder made a motion to approve the major site plan for the Crab Creek Catfish Farm. All members voted in favor.

Major Site Plan Review – Recreation Vehicle Park – Located on approximately 1.35 Acres of Land at 350 Old Sunset Hill Road, Lot # 1, Hendersonville – Thomas S. McCanless, EAS Professionals, Inc., Surveyor for Rolando and Amelia Gayarre, Owners. Code Enforcement Department Presentation. Mr. Starr stated that there are two aspects that the Committee will be looking at in this major site plan. One is the site plan approval and whether it meets the requirements and the other will be making a recommendation to the Board of Adjustment because this requires a Special Use Permit. Mr. Starr stated that the owners are proposing three spaces for a recreation vehicle park behind an existing single-family home. Mr. McCanless, on behalf of the owners, stated that the owner has a large RV that he wants to store on his property and have two other spaces for RVs for friends who would visit him. He indicated that they would only be staying in those spaces for a week or two at a time. He added that it would not be a permanent situation. Mr. Hyder stated that the requirements for recreational vehicle spaces are a minimum of 2,000 square feet and shall have dimensions no less than 40 feet by 50 feet. Mr. Hyder stated that this is not indicated on your site plan and this requirement is to provide space between each RV. Mr. Starr stated that it is an application for an RV park, but is not really an RV park, in its traditional sense. He stated that when he and Mr. Hyder went on a site visit to see this proposed Recreational Vehicle Park, there was an issue with access. Mr. Hyder stated that the gates do not operate very easily making the access at this point not feasible. After some discussion regarding the gates, Mr. McCanless stated that they could do away with the gates as they had been there by the previous owner. Mr. Hyder stated that this would satisfy some of the access problem. Mr. Hyder also mentioned that the culverts would need to be widened as well as the driveway. Mr. McCanless stated that all of these requirements that you have mentioned should be no problem to change. Mr. Hyder also mentioned that fire extinguishers are required

within 75 feet of each lot. Mr. Starr suggested to Mr. McCanless that if you keep the dumpster on the property, it will require some type of screening or you can take it off of the property to solve this problem. Mr. McCanless decided to take the dumpster off of the property. Mark Gibbs suggested that a driveway permit will be needed and access will need to be shown on the plan.

Mr. Starr stated that the Committee needs to decide whether three spaces for RVs should be permitted on this property. He further stated that it is inconsistent with the area. Both Mr. Hyder and Mr. Starr voiced their concern that it would set precedence if a Special Use Permit is issued for three RVs behind a single-family home. Even if the owners would make the corrections to the sight plan, this is really not a RV park as much as it is a way to get around the County's single-family regulations, which sets up a whole new class of housing, because it is not going to be open to the public, but their friends. Mr. Starr stated that based on this, he would not recommend to the Board of Adjustment approval on this major site plan and because there are a number of site plan issues that need to be fixed, instead of approving that conditionally, the site plan needs to be revised and resubmitted to the Committee.

Mr. Starr made a motion to deny the major site plan because it does not meet the requirements. The owner can resubmit a revised site plan for this Committee's review and because of this denial, it is not appropriate to make a recommendation to the Board of Adjustment at this point. All members voted in favor of the motion.

Major Site Plan Review – Retail Sales and Service – Located on 0.95 Acres of Land at 40 Etowah Town Square, Etowah – Dean and Associates, Inc., Engineer, Agent for John and Tina Owen, Owners. Code Enforcement Department Presentation. Mr. Starr stated that the owners wish to utilize the property for retail sales and service. There is an existing building on the site, which is located at 40 Etowah Town Square, off Highway 64. The existing building is approximately 5,400 square feet, with a couple of different businesses located in it. They are proposing an additional building, which will be about 5,000 square feet with two or three occupancies. They propose to keep the existing driveway entrance, which lines up to the shopping center driveway entrance and add an additional driveway entrance. Mr. Starr mentioned to have better access management one of the driveway entrances could be eliminated to manage the traffic situation in that area. Mr. Owen stated that he isn't sure that he will join his parking lot to the adjoining driveway because of the other entrance he has. Mark Gibbs said that he does not recall that a driveway permit for this existing driveway was obtained. Mr. Hyder mentioned that pursuant to the NC Fire Prevention Code, a fire hydrant must be located within 400 feet of any portion of your commercial building and the access roads must be a minimum of 20 feet wide, providing 13'6" vertical clearance and extend to within 150 feet of any portion of your commercial building. He added that the existing driveway we discussed could be an important access for emergency apparatus. Mr. Starr added that they can do the 10-foot separation, but need access in the back of the rear area of the property.

After some further discussion regarding the driveway and access issues, Mr. Starr stated that he is comfortable with approving this major site plan as presented and finding that the alternative compliance meets the requirements. He added that he does not feel that there will be a problem with the Baker property or the property behind him because he needs access to this driveway. Mr. Starr said that the understanding is that the Baker property, when it develops, that its only access will be off of this easement and have its own access. Mr. Owen said that he feels Mr. Baker understands that too. Mr. Swift stated that on the site plan regarding storm drainage, Item # 2 should be deleted as this does not apply to this project. All members voted in favor that the alternative compliance meets the intent of the Land Development Code and grant the landscape requirements and approve the major site plan as presented, with the change as noted by Mr. Swift. All members voted in favor.

Major Site Plan Review – Tuxedo Communications Tower – Located on 6.43 Acres of Land on Green River Road – Proposal of a Telecommunications Tower – SurveyOne, PLLC, Surveyor for SBA Towers, Inc., Owner. Presentation by Code Enforcement Department. The project site is located on 6.43 acres located on Green River Road. It is located in a R2MH zoning district. Mr. Starr stated that there is a revised plan that he distributed to everyone. He and Mr. Linville discussed this site plan and all that is required is that the tower must be constructed a minimum distance equivalent to 110 percent of the height of the tower from existing occupied structures. He said the tower height being 194 feet and meets the fall zone of 214 feet. He said on the original site plan it was noted that no residential structure should be within 200 feet of the tower. Mr. Starr studied an aerial photograph and it appeared that a single-wide manufactured home might be within the fall zone, but it was not located on the original site plan, so the applicants resubmitted a revised site plan to show that the manufactured home was in fact outside of the fall zone and that no residential structures are within 214 feet of the tower. Regarding a light on the tower as stated, Mr. Starr stated that as a condition, unless the applicants certify that the FAA is going to require lighting, they need to remove that from the plans. He added that the general standards do not permit any permanent strobe lights unless required by local, state or federal laws. Mr. Starr stated also the condition of approval regarding access requirements, the plan should be revised to show that a distance of not less than 75 degrees angle to Green River Road or at least 50 feet off the right-of-way be required and a driveway permit be required by NCDOT office.

Toby Linville made a motion to approve the site plan subject to the beacon light and driveway requirements as discussed. All members voted in favor.

Rezoning Application # R-2008-02 – Rezone Approximately 1.83 Acres of Land – Located off Upward Road – Residential One (R1) to Community Commercial (CC) Zoning District – William Carl Swain and Mark White, Agents for William Carl Swain, Walter John Maki, and Joseph Franklin Swain, Applicants. Presentation by Planning Department Staff. Mr. Sloan stated that the applicants requests that the County rezone approximately 1.83 acres located off Upward Road from R1 (Residential One) to a CC (Community Commercial). The subject area is composed of eight parcels identified in four tracts. Mr. Sloan stated that William Carl Swain has recently sold his portion of the property, which is Tract C, to Chris and Natalie Keiffer, who is present. Mr. Sloan stated that the Comprehensive Plan designated this area as in the Urban Services Area and suggests that this area would be suitable for high density residential/commercial or industrial development. He stated that there is an existing community commercial area to the north that it abuts along Upward Road, so if it was rezoned it would be part of a contiguous Community Commercial zoning district. He said to the east of the subject property it abuts a Regional Commercial District and to the south and west, there are a number of single-family residential uses along Nello Road, Gull Avenue and Allen Road. Mr. Starr stated that there was a similar rezoning that occurred on May 7, 2007 and sees no problem with the recent request.

Mr. Starr made a motion that the Committee recommends approval of rezoning application R-2008-02 to rezone the subject area from a Residential One (R1) zoning district to a Community Commercial (CC) zoning district based on the recommendation of the Henderson County 2020 Comprehensive Plan. All members voted in favor.

Rezoning Application # R-2008-03 – Rezone Approximately 19.15 Acres of Land – Located Along McMurray Road – Residential Two with Manufactured Housing (R2MH) to Industrial (I) Zoning District – Charles A. Wilkins, Agent for McNutt Investments, LLC, Applicant, Robert Camenzind, Owner. Presentation by Planning Staff. Ms. Baker noted that she distributed the correct rezoning map for your review. Ms. Baker stated that the request is for the County to rezone approximately 19.15 acres of a 26.53 acre tract from Residential Two with Manufactured Housing (R2MH) zoning district to an Industrial (I) zoning district. The subject area is one parcel owned by Mr.

Robert Camenzind, trustee Enno F. Camenzind Trust. The subject area is located on McMurray Road, approximately 3,610 feet from the intersection of Upward Road. I-26 intersects Upward Road less than 280 feet from McMurray Road. She stated that the subject area is surrounded by R2MH to the north, east, and west. Land adjacent to the subject area to the south on McMurray Road is currently zoned (I) Industrial. Prior to the Land Development Code adoption, the subject area was zoned Open Use. The Comprehensive Plan identifies the subject area as being located in the Urban Services Area and states that it should contain considerable mixture of commercial development and that all regional commercial development should be concentrated here. Ms. Baker stated that Staff supports the rezoning of the subject area to industrial as it is consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.

Mr. Starr made a motion that the Committee recommends approval of rezoning application R-2008-03 to rezone the subject area from a Residential Two with Manufactured Housing (R2MH) Zoning District to an Industrial (I) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan. All members voted in favor.

Rezoning Application # R-2008-04 – Rezone Approximately 0.48 Acres of Land – Located at the Intersection of Mountain Road and Haywood Road – Residential One (R1) to Local Commercial (LC) Zoning District - Kirk Ledoux, Applicant/Agent for Gregory and Leslie Shipley, Owners.

Ms. Baker stated that this rezoning request is located at the intersection of Stoney Mountain Road and Mountain Road, approximately 261 feet from the intersection of Mountain Road and Haywood Road (NC Highway 191). They are requesting to be rezoned from Residential One (R1) to a Local Commercial (LC) zoning district. Ms. Baker stated that the subject area is within the R1 zoning district which is applied to the adjacent property to the east. The Local Commercial zoning district is adjacent to the subject area to the north, west, and south. She said that the rezoning request would be a contiguous zoning district. There is an overlay district of WS-IV Watershed protected area. She stated that all nonresidential development shall be allowed at a maximum of 24% built-upon area, or a maximum of 36% built-upon area upon qualification for a natural drainage and filtering system bonus. Ms. Baker said that currently the subject area contains a single-family residence. The surrounding areas contain commercial, governmental and residential land uses. She stated that there is no existing sewer line but it appears that a proposed sewer line is approximately 490 feet from the subject area and public water is not currently located on the subject area but existing water line is approximately 43 feet away.

The Comprehensive Plan identifies the subject area as being located in the Urban Services Area which states that it should contain considerable commercial development at a mixture of scales. She stated that the Comprehensive Plan also identifies the subject area as being located in the Community Service Center and this is intended to be intensive, efficient defined concentrations of mixed services that meet the needs of the surrounding community. The CCP also suggests that land uses within the Community Service Centers should be local, community and regional commercial. Ms. Baker stated that Staff supports the rezoning of the subject area to Local Commercial as it is consistent with the recommendations of the County Comprehensive Plan.

Mr. Shipley, owner of the property stated that the existing house does have City water currently and a sewer line comes down from the old prison located off Mountain Road. He said there is a pumping station nearby and they have made application to Cane Creek to have a forced tap into that. The application is presently on hold until other previous applications in the area have been addressed.

Mr. Starr made a motion that the Technical Review Committee recommends approval of rezoning application R-008-04 to rezone the subject area from a Residential One (R1) Zoning District to a Local Commercial (LC) zoning district based on the recommendation of the Henderson County 2020 Comprehensive Plan. All members voted in favor.

Adjournment. Rocky Hyder made a motion to adjourn the meeting and all members voted in favor. The meeting adjourned at 3:05 p.m.

Anthony Starr, Chairman

Kathleen Scanlan, Secretary