

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

The Henderson County Technical Review Committee met on July 1, 2008 at 2:00 p.m. in the King Street Board Room at 211 First Avenue East, Hendersonville, NC. Members present were Anthony Starr, Chair; Seth Swift, Toby Linville, Marcus Jones, Gary Lance, Natalie Berry and Rocky Hyder. Others present were Josh Lanning, NCDOT, Matt Cable, Planner, Matt Card, Planner and Autumn Radcliff, Senior Planner.

Mr. Starr called the meeting to order and asked for the approval of the June 3, 2008 minutes and Continued meeting on June 10, 2008 of the June 3, 2008 minutes. Rocky Hyder made a motion for approval of both sets of minutes. All members voted in favor.

Master Plan Review – Rock Creek Falls (# 2008-M10) – Located at West Rock Creek Road – 121 Single-Family Residential Lots on 207 Acres of Land – Andy Otten, Melrose Design Group, Agent for Nat Phillips, III, Rock Creek Falls, LLC, Owner – Planning Staff. Mr. Starr indicated that this item has been withdrawn by the applicants.

Revised Master Plan and Phase I Development Plan - Laurel Rock Reserve Major Subdivision (#2008-M11) – 137 Single-Family Residential Lots on 309.85 Acres – Located near the Intersection of Hutch Mountain Road and Clark Gap Drive – 137 Single-Family Residential Lots – McAbee & Associates, Agent for Andy Anderson (Lark Properties Inc.), Owner - Planning Staff. Mr. Cable stated that Mr. Eric McAbee, PLS with McAbee and Associates Professional Land Surveyors, agent, on behalf of Andy Anderson of Lark Properties Inc. (formerly Couch Mountain Properties, LLC), owner, submitted a Revised Master Plan and Phase I Development Plan for the project known as Laurel Rock Reserve. The original Master Plan was approved by the Planning Board on December 20, 2007 with conditions.

The project is located on approximately 309.85 acres of land located near the intersection of Hutch Mountain Road (SR 1556) and Clark Gap Drive. The project site is composed of three (3) separate parcels:

- (1) Parcel 9662-80-3323 with approximately 10.28 acres;
- (2) Parcel 9661-99-7788 with approximately 134.88 acres; and
- (3) Parcel 9672-01-2875 with approximately 164.69 acres.

The Revised Master Plan proposes a total of 137 single family lots which is a reduction from the previously approved 149 single family lots. The applicant is currently proposing a density of 0.44 dwelling units per acre (an average of 2.26 acres per dwelling unit). Phase I of Laurel Rock Reserve is proposed to contain 50 of the 137 single family lots on 112.63 acres.

The project 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 a protected mountain ridge and slopes in excess of 60 percent. The project is located in two (2) different zoning districts. Parcel 9662-80-3323 is located in the Residential Two (R2) zoning district. Parcels 9661-99-7788 and 9672-01-2875 are located in the Residential Three (R3) zoning district. Private individual wells and private individual septic are proposed to serve the project site.

Staff has found that the Revised Master Plan and Phase I Development Plan appear to meet the technical standards of the subdivision regulations of Chapter 200A, Henderson County Land Development Code (LDC) except for the comments listed in the Staff Report. Staff recommends approval of the Revised Master Plan and Phase I Development Plan subject to the developer addressing any issues raised by the Technical Review Committee and addressing the comments as follows:

Staff has reviewed the submitted Revised Master Plan and Phase I Development Plan for Laurel Rock Reserve, 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)
2. **Conservation Area.** The conservation area designation is applied to a majority of the project site, largely due to slope and a protected mountain ridge. Slopes within the project site appear to be in excess of 25 percent, with portions having slopes in excess of 60 percent. According to the plan, a majority of the steep slope areas within the project site appear to be located in designated common area/open space and are not currently proposed to contain single-family development. 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.” Under the currently approved Master Plan, 26 lots contain slopes in excess of 60 percent with a condition that where possible, the Applicant shall reconfigure lots and alter the design of the development so that slopes in excess of 60 percent remain in common area/open space. Lots which contain slopes in excess of 60 percent now include the following 21 lots: 9, 17, 23, 32, 70, 71, 91, 99-101, 119, 123-126, 129-134. Mr. Cable stated that should the Technical Review Committee wish to recommend approval of the Revised Master Plan, Planning Staff again recommends that, where possible, the Applicant reconfigure lots and alter the design of the development so that slopes in excess of 60 percent remain in common area/open space.
 - (a) **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). According to the plan, the project would have an average density of approximately 0.44 units per acre (average lot size of 2.26 acres). The density has been reduced from the currently approved Master Plan; however, the proposed densities are higher and the lot sizes remain smaller than those recommended by the CCP. The CCP states that regulations should encourage “densities that are consistent with steep slopes, poor septic capacities, and sensitive topography.” The Applicant is proposing individual septic for the lots in the development.
3. **Protected Mountain Ridges.** The project site appears to contain areas effected by the Mountain Ridge Protection Ordinance which states that the provisions of NCGS 113A-209 apply to all mountain ridges in Henderson County whose elevation is 500 feet or more above the adjacent valley floor (Map C: Protected Mountain Ridges). NCGS 113A-209 states that no county may authorize the construction of, and no person may construct, a tall building or structure on any protected mountain ridge. The definition of a tall building found in NCGS 113A-206 is any building with a vertical height of more than 40 feet measured from the top of the foundation and the uppermost point of the building. Additionally, where such foundation measured from the natural finished grade of the crest or the natural finished grade of the high side slope of a ridge exceeds three (3) feet, then such measurement in excess of three (3) feet shall be included in the 40-foot limitation provided that no such building protrudes at its uppermost point above the crest of the ridge by more than 35 feet. The area of ridge under protection is defined as the elongated crest or series of crests at the apex or uppermost point of intersection between two (2) opposite slopes or sides of a mountain, and includes all land 100 feet below the elevation of any portion of such line or surface along the crest. Mr. Cable stated that Planning Staff again recommends, as a condition of approval, that the Applicant shall adhere to the Mountain Ridge Protection regulations of the County which state that the

provisions of NCGS 113A-209 apply to all mountain ridges whose elevation is 500 feet or more above the adjacent valley floor.

4. **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 both the Residential Two (R2) and Residential Three (R3) Zoning Districts. The R2 and R3 district allows for single-family residential development.

Tract 1, which includes 10.28 acres, is located in the R2 Zoning District. R2 allows for a standard residential density of 1 unit per acre (average lot size of 1 acre) where the slope is less than 60 percent. A total of 7.7 acres of Tract 1 are in this category, meaning a total of 7.7 units would be permitted. Where slopes are 60 percent or greater the density shall be on-half (½) the eligible density (0.5 units per acre (average lot size of 2 acres)). A total of 2.58 acres of Tract 1 are in this category, meaning a total of 1.29 units would be permitted. The total number of units permitted by Tract 1 is 8.99.

Tracts 2 and 3, which include 299.57 acres, are located in the R3 Zoning District. R3 allows for 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. Tracts 2 and 3 contain 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 299.57 acres of Tract 2 and 3 are in this category, meaning a total of 197.71 units would be permitted.

Chapter 200A would allow for a maximum of 206 units on the project site. The Revised Master Plan proposal of 137 units (reduced from the currently approved 149 units) would fall within the density permitted by Chapter 200A.

5. **Adequate Public Facilities.** LDC Article IV contains the Public Facilities Regulations (LDC Article IV) noted in LDC §200A-81 S.

- (a) **Traffic Impact Study (TIS).** A TIS is required for the proposed development as it is a residential subdivision proposed to contain more than 100 lots/units (137 lots/units are proposed). The TIS must be prepared by a licensed engineer and must be submitted as part, or as a condition, of Master Plan approval. The Planning Board required, as a condition of the current Master Plan approval, that the Applicant conduct a TIS (prepared by a licensed engineer in accordance with LDC §200A-104 and utilizing the assumptions identified by County Staff, TRC and NCDOT) and that the Applicant provide the TIS findings/information and recommended requirements as a part of the Phase I Development Plan submittal.

Mr. James Voso, PE with Mattern and Craig, Inc. Consulting Engineers and Surveyors submitted the TIS. Staff reviewed the findings of the TRC and Planning Board and coordinated with NCDOT to define assumptions and study requirements of the TIS. The proposed report meets the requirements and satisfies the technical standards required by LDC §200A-104 requirements for a Traffic Impact Study.

The TIS made the recommendation that a right turn lane along northbound Howard Gap Road at Hutch Mountain Road is warranted based on expected volumes under current NCDOT standards. The TIS does not recommend that this improvement is necessary based on anticipated level of service volumes and safety history. Planning Staff supports construction of an additional right turn lane in order to mitigate potential impacts, especially since the volumes currently meet NCDOT standards for improvement of the roadway. Planning Staff recommends the work be coordinated with the NCDOT as part of any other scheduled improvements to Howard Gap Road.

The permit issued by NCDOT includes a provision requiring the installation of the right turning lane at Howard Gap Road, coordinated with NCDOT. Planning Staff recommends, as a condition of Master Plan approval, the following: the turn lane be

installed/constructed prior to the recordation of the 100th lot of the development OR proof of right-of-way acquisition (adequate to accommodate the proposed turn lane) by the Applicant or NCDOT and the execution of an improvement guarantee by the Applicant prior to the recordation of the 100th lot of the development. Should NCDOT and the Applicant not be able to attain the necessary right-of-way, documentation from NCDOT indicating that this is the case, including a new or revised driveway permit (which remove the turn lane installation requirement), must be submitted to Planning Staff prior to recordation of any further lots. Planning Staff shall reserve the right to refer any final plat for any lot beyond 99 to the Planning Board for approval if right-of-way cannot be acquired.

The TIS also recommends and Planning Staff supports the following: (1) that the intersection of Clark Gap Drive and Hutch Mountain Road should be improved with clearing and grading as necessary to ensure adequate sight distance as required by the NCDOT; (2) the addition of stop sign control should be placed on the Clark Gap Drive northbound approach; (3) that Clark Gap Drive should be located and constructed so as to provide adequate sight distance and width for roads within major subdivisions as required by LDC §200A-81; (4) that the developer provide secondary gated emergency vehicle access.

- (b) **Emergency Services Impact Report (ESIR).** An ESIR is required for the proposed development as it is a residential subdivision proposed to contain more than 100 lots/units (137 lots are proposed). The Applicant has provided an Emergency Services Impact Report. The findings of the ESIR and recommendations of County Staff or the Planning Board, may require that the proposed development be built at a maximum density of one (1) unit per (3) acres. The project site contains 309.85 acres which would allow for 103 lots/units on the project site. This would require the elimination of 34 proposed lots/units. The current Master Plan approval did not recommend that the reduction be applied to the proposed development given the following condition which should be carried forward. The Revised Master Plan is approved conditionally, given that the Applicant provide an alternate entry point, including a right-of-way and all weather access road, which would serve as an evacuation route or point of access for emergency services vehicles. The Revised Master Plan provides a 16 foot gravel road for emergency access in Phase 3 of the development.

Development Plan Comments:

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. **Fire Protection Requirements.** According to LDC §200A-81 B(3), 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 fire 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. The Planning Board required, as a condition of the current Master Plan approval, that the Applicant shall provide a pond with a surface storage area of at least 100,000 gallon storage in a 50 year drought with two (2) certified static water points (accessible by an all-weather access road) and a dry fire hydrant system, the type and location of which is to be determined by the County Fire Marshal. This condition should be extended to the Revised Master Plan approval. The Phase I Development Plan includes a 125,000 gallon pond set aside for fire suppression

which is to be accessible by a proposed all-weather access road within a proposed 50 foot right-of-way.

3. **Private Roads.** Phase I is proposed to include private roads. Private subdivision collector roads include: Clark Gap Drive upgrade and Laurel Rock Parkway. Private subdivision local roads include: Couch Mountain Drive and Broad Bluff Way. Private subdivision limited local roads include: Braden Lane, Youngblood Way, and Shady Rise Lane. The proposed private roads (including the off-site improvements to Clark Gap Drive) appear to and must, as a condition of approval, meet the standards of LDC §200A-81 C(2). The final plat(s) must contain a note stating: *The private roads indicated on this final plat may not meet the requirements of the North Carolina Department of Transportation for acceptance into the state road system.* Planning Staff proposes the following conditions to ensure the private roads meet the standards of the Land Development Code:

- a. **Lots Served.** Limited local roads are permitted to serve a maximum of 4 lots. Braden Lane currently abuts 5 lots (Lots 2, 3, 4, 7 and 8). The Applicant should indicate, and such should be a condition of approval, which of the five lots will not be permitted access from Braden Lane.
- b. **Road Drainage and Culverts.** 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.
- c. **Road Construction.** A professional engineer or professional land surveyor certify on the final plat that no portion of the constructed roads have grades that exceed maximum allowable grade as defined for each class of road or submit a final as-built graded center line profile showing grade and alignment for all roads.
- d. **Minimum Curve Radius.** Should the Applicant requests a reduction in centerline radii, that a professional engineer or professional land surveyor certify on the final plat, the existing cross slope of roadway sections where reductions in centerline radii are requested.
- e. **Road Intersections.** The Applicant has proposed the realignment of Clark Gap Drive near its intersection with Hutch Mountain Road (SR 1556) due to the existing intersection angle and resultant poor sight distance. The current Master Plan approval is conditional on the following: (1) the realignment of Clark Gap Drive meet the requirements of LDC §200A-81 C(6) (intersections with angles of 75 to 90 degrees preferred); (2) intersection angels must be shown on the first Development Plan; and (3) the Applicant provide the appropriate permit for realignment from NCDOT with the first development plan These conditions should be extended to the Revised Master Plan approval.

The Applicant has provided a copy of the appropriate permit from NCDOT regarding the realignment of Clark Gap Drive and the intersection appears to meet the requirements of LDC §200A-81 C(6). The proposed intersections within Phase I also appear to meet the requirements of LDC §200A-81 C(6).

- f. **Gates.** Phase I indicates that an entry gate will be located on the project site. The Applicant should become familiar with the Entry Gate provisions of Chapter 200A (LDC §200A-81 C(7)). All entry gates shall be constructed and maintained as required by and in accordance with Chapter 200A and Chapter 89 of the Henderson County Code, *Entry Gates*.
- g. **Dead Ends, Cul-de-sacs and Turnarounds.** The Applicant has proposed branch turnarounds at the end of Braden Lane, Shady Rise Lane, and Broad Bluff Way; and a cul-de-sac at the end of Couch Mountain Drive. The cross sections shown on Development Plan Sheet RT2 appear to meet the requirements of LDC §200A-81

C(8). No turn around is required at the end of Youngblood Way as the road is less than 300 feet in length. The reviewing agency may require additional turnarounds at intermediate locations along dead end roads with a centerline length of greater than 2,500 feet (LDC §200A-81 C(8)). Couch Mountain Drive is approximately 2,800 feet in length and does not provide an alternative turnaround. The TRC may recommend as a condition of approval that the Applicant provide an alternative turnaround at an appropriate location along the proposed road.

4. **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).
5. **Road Name Approval.** Proposed road names for a private and/or public road shall be pre-approved by Henderson County in accordance with Chapter 142 of the Henderson County Code, Property Addressing (LDC §200A-81 F).
6. **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).
7. **Road Frontage and Existing Off-Site Access.** Any tract of land to be subdivided must have frontage on an existing public (state-maintained) road or a private right-of-way to the public road (LDC §200A-81 K). The project site does not have frontage on a public road or an existing private right-of-way to a public (state-maintained) road. The plan proposes a right-of-way extending approximately 2,500 feet from the project site, through two (2) other properties (PIN 9662-81-0633 owned by Thelma J. McMinn and PIN 9662-72-5751 owned by the Applicant).

Mr. Cable stated that In certain areas additional right-of-way will be applied to and expand the existing right-of-way for Clark Gap Drive. Clark Gap Drive, which connects Hutch Mountain Road (SR 1556) to the proposed right-of-way through the McMinn Property, is a private road with a 30 foot right-of-way. The Applicant is proposing to add an additional 20 feet of right-of-way to Clark Gap Drive in order to conform with the standards of LDC §200A-81 J. The provision of this additional right-of-way is a condition of the current Master Plan approval and should be extended to the Revised Master Plan approval.

He said the current Master Plan approval requires the Applicant to provide, prior to or at the time of the first Development Plan submittal, a deeded and recorded right-of-way which meets the width requirements of Chapter 200A (Article III, Table 3.1), from Hutch Mountain Road (SR 1556) to the subject property. This condition should be extended to the Revised Master Plan approval. The Applicant has provided a deed for a 60 foot right-of-way through the McMinn property.

He also stated that the current Master Plan approval is conditional on the Applicant upgrading Clark Gap Drive, on the portion where the additional right-of-way is provided, to meet the minimum standards of Chapter 200A (Article III, Table 2.1) as a condition of first Development Approval. Planning Staff recommends that such be a condition of the Phase I Development Plan approval. The current Master Plan approval provides the condition that the Applicant provide the appropriate cross section for Clark Gap Drive with the Phase I Development Plan submittal. This condition should be extended to the Revised Master Plan approval. The Applicant has provided the appropriate cross section.

8. **Stormwater Drainage.** LDC §200A-81 L requires that, where the drainage of the subdivision does not follow the natural drainage of the property, the Applicant shall design such new drainage systems, including swales, ditches, pipes, culverts, detention ponds, lakes or similar devices to minimize any adverse effects. Further, an easement shall be reserved on site by the Applicant, or otherwise provided, conforming to the lines of any drainage way into which

natural runoff has been diverted. The Applicant has provided drainage easements as appropriate with one exception. The Applicant has not provided for a drainage easement for one of two drainage areas on Lot 28. Planning Staff recommends, as a condition of approval, that the Applicant submit a revised Phase I Development Plan providing the necessary drainage easement on Lot 28.

9. **Lot Configuration and Frontage.** The Applicant has proposed that Lot 11 be a flag lot. Flag lots or lots which only have a narrow strip of land fronting the lot on a road may be approved by the reviewing agency, but only under unusual circumstances. Planning Staff has not identified an unusual circumstance which would warrant granting this flag lot. Planning Staff recommends, as a condition of approval, that the Applicant submit a revised Phase I Development Plan reconfiguring Lot 11 such that the lot is not a flag lot.
10. **Notice of Farmland Preservation District.** The proposed development lies within one-half (½) mile of a Farmland Preservation District. A note must be included on the final plat which states that such property lies within one-half (½) mile of land in a Farmland Preservation District.
11. **Street Tree Requirements.** Street trees shall be required for all major subdivisions (LDC §200A-81 R). Trees shall be required at a rate of one (1) large deciduous tree per 50 feet of property abutting an internal road (LDC §200A-145). Trees shall be placed within the right-of-way or within 20 feet of the edge of the right-of-way and 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 (LDC §200A-146). The Applicant has proposed 199 of the required 204 trees. Planning Staff recommends, as a condition of approval, that the Applicant submit a revised Phase I Development Plan to include the five (5) required additional trees.
12. **Miscellaneous Advisory Provisions.** The Applicant should become familiar with the Miscellaneous Advisory Provisions of Chapter 200A (LDC §200A-81 S).
13. **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)).

Mr. McAbee, with McAbee and Associates discussed about conservation areas and the reconfiguration of some lots and altering the designs so that slopes in excess of 60 percent could be taken out of common area. He especially noted 17, 23, and 32, and said they are in the middle of the lots and away from the road and are very small areas in the middle. He asked if there was some way, since those lots are approximately two to three acres, what the requirement would be to take those small areas out as common areas, or if there was something that could be done with lot sizes. Mr. Starr along with Committee members stated that they have no problem with this but to describe some sort of easement when you record the Final Plat to denote that those areas are above 60% are undisturbed easements. Mr. McAbee also mentioned the flag lot on Lot 11 would be adjusted so it would not be a flag lot. He mentioned that they will be redesigning the drainage field on lot 28.

Mr. Starr made a motion that the Technical Review Committee find and conclude that the Revised Master Plan and Phase I Development Plan appear to comply with the subdivision provisions of Chapter 200A, Henderson County Land Development Code (LDC); and further move that the Revised Master Plan and Phase I Development Plan be approved subject to the following conditions: the applicant satisfies any conditions that may result from the comments listed in the Staff Report and the following notations of the Committee as follows: putting in the easements for the lots indicated that are 60% slope and adjusting flag lot # 11 to be adjusted. All members voted in favor.

Rezoning Application # R-2008-10 – Request to Rezone Approximately .83 Acres of Land – Fronting Directly on US Highway 64 West (Brevard Road) – from R-40 (Estate Residential)

Zoning District to a CC (Community Commercial) Zoning District – Kevin Brown, Property Owner

Mr. Card stated that Staff received a request to rezone approximately .83 acres of land off Highway 64 West, Brevard Road and is about 500 feet southeast of the intersection of South Rugby Road and US Highway 64 West and across from The Plaza of Horse Shoe.

Mr. Card stated that the applicant is requesting to rezone from an R-40 (Estate Residential) zoning district to a CC (Community Commercial) zoning district. Mr. Card stated that the surrounding area contains primarily single-family residential uses with commercial uses across US Hwy 64 (Brevard Road) from the Subject Area. Mr. Card stated that to the northeast is R-40 (Estate Residential), and to the west and south is CC (Community Commercial). Surrounding the CC zoning district is R2. The CC zoning district was previously (prior to LDC adoption on September 19, 2007) zoned C2. The R-40 has remained the same. The R2 zoning district was previously zoned R-30. He stated that the primary use is residential. He added that the uses to the Northwest, North and East are multiple properties with single-family residential uses and to the South and Across US Hwy 64 (Brevard Rd) is the Plaza of Horse Shoe with 14 different types of businesses. Also across US Hwy 64 and to the southeast is the Horse Shoe post office and to the southwest is the Citgo Quick Mart. He stated that there is public water located at the subject area, but there appears not to be any public sewer. It has approximately 260 feet of road frontage along US Hwy 64 (Brevard Rd). Mr. Card noted that CCP Future Land Use Map identifies the Subject Area as being located in the Urban Services Area. The CCP states that, “the USA will contain considerable commercial development at a mixture of scales: *Local, Community, and Regional*. Commercial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community.” He also mentioned that the CCP Future Land Use Map shows that the Subject Area is close to a “Community Service Center” and noted that the CCP states that, “Community Service Centers are intended to be intensive, efficient, defined concentrations of mixed services”. He added that the CCP also states that Community Service Centers, “Are appropriate for a mixture of commercial uses scaled to the service area in question; residential uses of varying densities depending upon available services; and community facilities such as schools, parks, community centers and other similar community facilities.” The CCP also states that Community Service Centers should contain the following general land uses: community facilities, local commercial, community commercial and regional commercial uses.

Mr. Card said that Staff’s position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the property to be zoned from an R-40 (Estate Residential) zoning district to a CC (Community Commercial) zoning district. This based on the following:

Urban Services Area: The CCP Future Land Use Map places the subject area in the “Urban Services Area” classification. The text and map of the 2020 CCP suggest that the Subject Area would be suitable for commercial development among other uses. It states that the USA will contain considerable commercial development at a mixture of scales: *Local, Community and Regional*. The CCP indicates that the USA may be suitable for commercial development provided the development is in keeping with the surrounding community. Applying CC (Community Commercial) may be in keeping with surrounding residential uses if adequate protections for these uses are in place. The Land Development Code would require a B-2 buffer for all commercially zoned property directly abutting residentially zoned property. Additionally, the current size of the property may limit the type of future uses.

Future Land Use Map: The Future Land Use Map of the 2020 CCP identifies the Subject Area as being in close proximity to a Community Service Center. Community Service Centers are intended to provide concentrations of mixed services including residential uses of varying densities based upon available services. The Subject Area’s location next to a Community Service Center indicates this area may be appropriate for a variety of uses. Community Service Centers generally show areas best suited for concentrated commercial development. As a need

arises or as the community grows, it is anticipated that Community Service Centers will also need to expand.

Adjacent Zoning: The Subject Area directly abuts an existing CC (Community Commercial) zoning district to the northwest and south. If the Subject Area were to be rezoned to CC (Community Commercial) this property would be apart of a contiguous CC (Community Commercial) zoning district. The CC (Community Commercial) zoning district may be acceptable for this property, however the LC (Local Commercial) zoning district may be the most suitable zoning district. The LC (Local Commercial) zoning district allows for single-family residential uses. The CC (Community Commercial) zoning district does not allow single-family residential uses. Mr. Card stated that when reviewing rezoning requests Staff attempts to identify plans or policies, changes in existing conditions, undue hardship to the Applicant, or overriding community interest to justify supporting the proposed rezoning. Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the Subject Area to CC (Community Commercial) consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.

It is generally incumbent upon the Applicant to demonstrate an overriding justification for approving a given rezoning application. Staff encourages the Applicant to present any information that would inform the County's consideration of the proposed rezoning. Staff requests the Applicant not discuss any specific use being considered for the property.

Mr. Brown noted that he does not intend to divide this property because of its size and felt that his request would follow suit to the surrounding area uses.

Mr. Starr made a motion that the Committee recommends approval of rezoning application # R-2008-10 to rezone the subject area from an R-40 zoning district to a Community Commercial zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan.

Rezoning Application #R-2008-05-C – Request to Rezone 12.03 Acre Tract - Located in the Foxwood Subdivision and Adjacent to the County Landfill – from Residential One (R1) zoning district to Local Commercial Conditional District (LC-CD) - Initiated by the Board of Commissioners at the request of the Emergency Services Department – Henderson County, Property Owner – Planning Staff. Ms. Radcliff stated Rezoning #R-2008-05-C was initiated by the Henderson County Board of Commissioners at the request of the Emergency Services Department, requests that the County rezone approximately 9.98 acres of a 12.03 acre tract of land owned by Henderson County, from an R1 (Residential One) zoning district to a LC-CD (Local Commercial Conditional District). The Subject Area is located in the Foxwood subdivision off Foxwood Drive, and adjacent to the Henderson County Landfill.

Conditional zoning districts are different from traditional zoning districts because they require a site plan for the proposed use(s) of the property and certain conditions or restrictions are placed on the property based on the proposed or allowable use(s). Conditional zoning district decisions are a legislative process subject to the same procedures as traditional zoning districts.

Ms. Radcliff said that according to the Land Development Code, conditional zoning districts are created for the purpose of providing an optional rezoning choice where the owner of property proposes to rezone property and, in order to, among other reasons, carry out the purposes of the Comprehensive Plan, proposes to impose special imitations and conditions on the use of the property proposed for rezoning. She said that the County proposes to use the large barn and property for emergency services storage and County government storage. It is expected that this use would generate an average of 1 trip per week and would have little to no impact on the neighborhood. With the conditional zoning district process, the County can impose limitations upon itself to address neighborhood concerns. She said, with that in mind, only the storage by the

county and emergency services would be allowed. Other commercial uses and governmental operations would not be allowed. Ms. Radcliff said that Staff suggests the following conditions be imposed on the Subject Area:

- (1) The existing structures on the Subject Area shall be used for the storage of emergency service supplies and equipment including the storage of County government records and property. Only storage by the County and emergency services shall be allowed. Other commercial uses and governmental operations shall not be allowed.
- (2) Stored items shall be stored indoors. Outdoor storage shall not be allowed.
- (3) Lighting mitigations is required. There shall be a minimum amount of lighting for the facility, and this lighting should not adversely affect the surrounding neighbors.
- (4) Primary access to the Subject Area shall be via the Henderson County Landfill.
- (5) The portion of the Subject Area adjacent to Foxwood Drive shall remain zoned for residential uses.
- (6) The existing wooded areas as identified on the site plan shall remain intact.
- (7) The existing power line right-of-way shall remain open and unobstructed.
- (8) The proposed use(s) shall comply with the landscape design standards and off street parking provisions as outlined in the Land Development Code.
- (9) The Subject Area may be accessed at any time for just cause to retrieve emergency service items stored on the premises.

She said Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the Subject Area to a LC-CD (Local Commercial Conditional District) with the conditions as outlined in the staff report and based on the recommendations of the Henderson County 2020 Comprehensive Plan.

After some brief discussion, Anthony Starr made a motion that the Board recommend approval of rezoning application #R-2008-05-C to rezone the Subject Area from an R1 (Residential One) zoning district to a LC-CD (Local Commercial Conditional District) based on the recommendations of the Henderson County 2020 Comprehensive Plan, and based on the conditions as stated by staff and in addition to any conditions discussed by the Planning Board. All members voted in favor.

Adjournment. The meeting was adjourned at 3:03 p.m.

Anthony Starr, Chairman

Kathleen Scanlan, Secretary