

# REQUEST FOR BOARD ACTION

## HENDERSON COUNTY BOARD OF COMMISSIONERS

**Quasi- Judicial Public Hearing  
on Application #SP-93-13-A5 to Amend  
Special Use Permit #SP-93-13 (as amended) for  
the Carriage Park Planned Unit Development**

**MEETING DATE:** July 5, 2005

- ATTACHMENTS:**
1. Memorandum to the Board of Commissioners
  2. Special Use Permit Application
  3. Letter by Dale Hamlin to the Henderson County Planning Department (including March 10, 2005 Planning Staff Memorandum to Planning Board)
  4. Excerpts from Exhibit A of Special Use Permit #SP-93-13 (as amended)
  5. Excerpts from the Schedule of Site Standards from Special Use Permit #SP-93-13 (as amended)
  6. Copy of Public Hearing Notice
  7. Excerpt from Minutes of the Planning Board's May 17, 2005 Meeting

### **SUMMARY OF REQUEST:**

Carriage Park is a Planned Unit Development that was approved by the Board of Commissioners under Special Use Permit #SP-93-13 on October 11, 1993. Special Use Permit #SP-93-13 has been amended four times in the past. On April 8, 2005, Dale Hamlin, Manager of Carriage Park Associates, LLC, submitted an application (#SP-93-13-A5) to amend Special Use Permit #SP-93-13 (as amended) by changing the definition of a "townhouse" found in the original permit conditions.

At the March 15, 2005 Planning Board meeting, the Applicant held a pre-application conference on the proposed amendment with the Planning Board and Planning Staff. Following submittal of the application for the amendment, the Board of Commissioners, on April 20, 2005, referred the application to the Planning Board for a review and a recommendation. At the Planning Board's May 17, 2005 meeting, the Board discussed Special Use Permit Application #SP-93-13-A5 and voted to send a favorable recommendation on it to the Board of Commissioners. Staff has included additional information regarding the Planning Board's recommendation in the attached materials.

On June 6, 2005, the Board of Commissioners scheduled a quasi-judicial public hearing on Special Use Permit Application #SP-93-13-A5 for July 5, 2005. The public hearing has been

advertised in accordance with the Henderson County Zoning Ordinance and the Board of Commissioners' Rules of Procedure for Quasi-Judicial Proceedings. Staff sent notices via certified mail to the applicant and the owners of property adjacent to the outer boundary of Carriage Park on June 13, 2005. Staff posted notice of the public hearing on the Carriage Park property on June 15, 2005, and had notices of the public hearing published as legal advertisements in the Times-News on June 20, 2005 and June 27, 2005.

**COUNTY MANAGER'S RECOMMENDATION/BOARD ACTION REQUESTED:**

Since the matter involves a quasi-judicial public hearing, the Board of Commissioners must consider the evidence presented during the hearing and make findings of fact based on that evidence in order to take action on the special use permit amendment application.

**HENDERSON COUNTY**  
**Planning Department**

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101 East Allen Street • Hendersonville, NC 28792  
Phone 828-697-4819 • Fax 828-697-4533

**Memorandum**

**TO: Henderson County Board of Commissioners**

**FROM: Matt Card, Planner**

**DATE: June 21, 2005**

**SUBJECT: Proposed Amendment to Special Use Permit #SP-93-13 (as amended)  
for the Carriage Park Planned Unit Development**

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**BACKGROUND INFORMATION**

Carriage Park is a Planned Unit Development (PUD) that was approved by the Board of Commissioners under Special Use Permit #SP-93-13 on October 11, 1993. Special Use Permit #SP-93-13 has been amended four times in the past.

Mr. Dale Hamlin, Manager of Carriage Park Associates, LLC (developer of Carriage Park), submitted development plans for Sections 21 and 22 of the Carriage Park PUD to the Planning Department on August 24, 2004, for review by the Henderson County Planning Board. The Board of Commissioners delegated review of development parcel plans for areas within Carriage Park to the Planning Board in Special Use Permit #SP-93-13.

The Planning Board reviewed the development plans for Sections 21 and 22 at its February 15, 2005 meeting. During that meeting, the Planning Board had considerable discussion regarding the definition of a “townhouse” under Special Use Permit #SP-93-13 (as amended). The Planning Board found that some of the proposed townhouses in Sections 21 and 22 actually fell under the “single family detached dwelling” definition in the Special Use Permit because the units did not have common party walls and were detached. The current definition of “townhouse (townhome)” found in Condition 1(h) of Exhibit A of the original order granting Special Use Permit #SP-93-13 is:

A residential structure containing multiple dwelling units, with party walls, with each unit having its own deeded lot often with shared common areas.

The definition of “single family detached dwelling” as stated in Condition 1(f) of Exhibit A of the original order granting Special Use Permit #SP-93-13 is:

A one unit structure typically where the owner takes fee simple title to both home and lot.

A 30-foot right-of-way was proposed for Sections 21 and 22 which did not comply with the 45-foot required right-of-way width for single family detached dwellings under

Special Use Permit #SP-93-13 (as amended). According to the definitions found in the Special Use Permit, townhouses may be served by a “neighborhood drive” which requires a 30-foot right-of-way. Condition 1(d) of Exhibit A of the original order granting Special Use Permit #SP-93-13 defines a “neighborhood drive” as:

A paved access typically serving by direct access, townhouse, condominiums or apartments, sometimes with 22 feet of adjacent parking, and otherwise with 3 foot shoulders, such road having a 30 foot access easement (including utility use) and having 18 feet (width) of pavement (I-2 Asphalt), 1 ½ inches in thickness on a 6 inch ABC Stone base and not exceeding 18 percent grade.

According to the definitions found in Special Use Permit #SP-93-13 (as amended), single family detached dwellings may be served by a “residential street” which has a 45-foot wide right-of-way. Condition 1(c) of Exhibit A of the original order granting of Special Use Permit #SP-93-13 (as amended) defines a “residential street” as:

A road typically serving by direct access, single family detached units, having a minimum 45 foot right-of-way, 3 foot shoulders, 18 feet (width) of pavement (I-2 Asphalt), 1 ½ inches in thickness on a 6 inch ABC Stone base.

#### **SUMMARY OF REQUEST**

In order to be able to use a 30-foot wide right-of-way to serve all of the proposed dwelling units in Sections 21 and 22, future sections of Carriage Park and, possibly, previously approved sections in the PUD, Carriage Park Associates, LLC, would like to amend the definition of “townhouse (townhome)” in Condition 1(h) of Exhibit A of the original order granting Special Use Permit #SP-93-13 such that it reads:

A residential structure which may contain multiple dwelling units, with each unit having its own deeded lot, often with shared common areas.

Mr. Hamlin, on behalf of Carriage Park Associates, LLC, submitted a letter to the Planning Department on March 7, 2005, requesting the proposed amendment to the townhouse definition. On March 15, 2005, as required by the Zoning Ordinance, Mr. Hamlin held a pre-application conference on the proposed amendment with the Planning Board and Planning Department staff. On April 8, 2005, Mr. Hamlin submitted to Henderson County an application (#SP-93-13-A5) for an amendment to Special Use Permit #SP-93-13 (as amended). On April 20, 2005, the Board of Commissioners referred the application for the proposed amendment to the Planning Board for a recommendation.

#### **PLANNING BOARD’S RECOMENDATION**

The Planning Board reviewed application #SP-93-13-A5 at its meeting on May 17, 2005. Seven out of the nine Planning Board members were present at the meeting, however one member was recused from consideration of the application due to a potential conflict of interest. After hearing and considering testimony from Mr. Hamlin, Planning Department staff, Virginia Burke (Carriage Park resident), and Gerald Liedl (Carriage Park resident

and member of the Carriage Park Architectural Review Committee), the Planning Board members unanimously (6 to 0) to send a favorable recommendation to the Board of Commissioners on the amendment to change the definition of a “townhouse” in Special Use Permit #SP-93-13 (as amended) as requested by the applicant.

**STAFF COMMENTS**

The effects of the proposed amendment to the definition of a townhouse (townhome) for Special Use Permit #SP-93-13 (as amended) appear to be minimal. Townhouses are an allowable use in the PUD. The amended definition would allow some single-family detached dwellings to be considered townhouses and, therefore, sections of Carriage Park with single-family townhomes could use the neighborhood drive road standard rather than the residential street standard. The only significant difference between the two road standards is that a residential street requires a 45-foot wide right-of-way while a neighborhood drive requires a 30-foot wide right-of-way. The neighborhood drive may have 22 feet of adjacent parking but it is not required. The minimum travelway widths, shoulder widths, roadbase and pavement designs are identical. There is no limit to the number of dwelling units that can be served by either type of road. Under Special Use Permit #SP-93-13 (as amended), there is a difference in the required setbacks from roads depending on the type of road and whether the dwelling is a single-family detached dwelling or a townhouse. Both single-family detached dwellings and townhomes must be at least 30 feet from the centerline of residential streets. The setback for single-family detached dwellings from the centerline of neighborhood drives is shown in Special Use Permit #SP-93-13 as “not applicable” as neighborhood drives are not, by definition, intended to serve single family detached dwellings. The setback for townhomes from the centerline of neighborhood drives is 20 feet. Therefore, on a residential street, the minimum separation between single-family detached dwellings across the street from each other along a residential street is 60 feet. For townhomes (currently defined as multi-dwelling buildings) across the street from each other along a neighborhood drive, the minimum separation is 40 feet. Allowing single-family detached dwellings as townhomes should not have a negative effect on the Carriage Park PUD or the surrounding community.

Application No. SP-93-13-A5

COUNTY OF HENDERSON  
STATE OF NORTH CAROLINA  
APPLICATION FOR A SPECIAL USE PERMIT

APRIL                      8                      2005  
Month                              Day                              Year

Applicant: CARRIAGE PARK ASSOCIATES, LLC Phone: 697-7200

Address: 2827 HAYWOOD RD. Hendersonville, N.C. 28791

Property Owner's Name (if different from above): \_\_\_\_\_

Property Address (if different from above): \_\_\_\_\_

Parcel ID Number: X Zoning District: \_\_\_\_\_

\* SEE ATTACHED Henderson County Planning Dept Memorandum dated 3/10/05

TO THE BOARD OF COMMISSIONERS:

I, DALE HAMLIN (owner/agent), hereby petition the Board of Commissioners to issue a SPECIAL USE PERMIT for use of the property described in the attached form, or if not adequately explained there, as more fully described herein:

Request definition change to SP93-13 (as amended)

Authority to grant the requested permit is contained in the Zoning Ordinance, Sections \_\_\_\_\_

The Zoning Ordinance imposes the following GENERAL REQUIREMENTS on the use requested by the applicant. Under each requirement, the applicant should explain, where applicable, how the proposed use satisfied these requirements:

General Requirement #1: The use will not adversely affect the health and safety of persons residing or working in the neighborhood: USE CHANGE WILL NOT ADVERSELY AFFECT HEALTH AND SAFETY OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD

General Requirement #2: The use will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood: USE CHANGE WILL NOT BE DETRIMENTAL OR INJURIOUS TO PROPERTY OR PUBLIC IMPROVEMENTS IN THE NEIGHBORHOOD.

(continue remarks on reverse side or separate page)

The Zoning Ordinance also imposes the following SPECIFIC REQUIREMENTS on the use requested by the applicant. The applicant should be prepared to demonstrate that satisfactory provisions have been made for the following, where applicable:

- Satisfactory ingress and egress to property and proposed structures thereon, with particular reference to pedestrian safety and convenience, automotive, traffic flow and control;
- Provision of off-street parking and loading areas where required, with particular attention to the items above and the economic, noise, glare, and odor effects of the conditional use on adjoining

Application for a Special Use Permit

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- properties in the area;
- Utilities with reference to locations, availability, and compatibility;
- Buffering with reference to type, location, and dimensions;
- Playgrounds, open spaces, yards, landscaping, access ways, pedestrian ways with reference to location, size, and suitability;
- Building and structures with reference to location, size, and use.

In addition, the applicant shall provide the names and addresses of all adjoining property owners.

I certify that all of the information presented by the undersigned in this application is accurate to the best of my knowledge, information, and belief.

*[Handwritten Signature]*  
Signature of Applicant

4/08/2005  
Date

IN THE EVENT THAT ANY DISCREPANCIES EXIST BETWEEN THE CRITERIA OUTLINED ON THIS FORM AND THE ZONING ORDINANCE OF HENDERSON COUNTY, THE ORDINANCE SHALL PREVAIL.

Matt Card  
Received By

4/8/05  
Date

Matt Card \$300.00  
Fee Paid

4/8/05  
Date Received

# Carriage Park

Attachment 3

March 7, 2005

Henderson County Planning Board  
Ms. Karen Smith, Planning Director  
101 East Allen Street  
Hendersonville, NC 28792

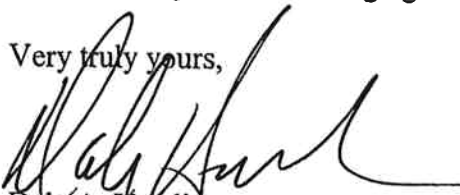
Dear Karen,

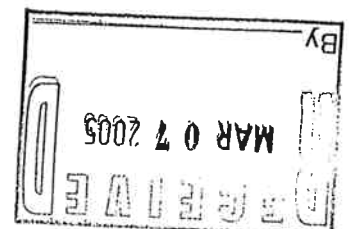
Carriage Park Associates, LLC. the successor of Carriage Park Development Corporation would like to change the description of townhouse (townhome) in section 1 paragraph h. of the Conditions Governing Special Use Permit No. 93-13 for Carriage Park Development Corporation granted 10/11/93.

The current definition reads as follows: A residential structure containing multiple dwelling units, with party walls, with each unit having its own deeded lot often with shared common areas.

The version Carriage Park Associates, LLC. would like reads as follows: A residential structure which may contain multiple dwelling units, with each unit having its own deeded lot, often with shared common areas.

We would appreciate having this item on the next planning board meeting agenda.

Very truly yours,  
  
Dale A. Hamlin





# HENDERSON COUNTY

## Planning Department

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101 East Allen Street • Hendersonville, NC 28792

Phone 828-697-4819 • Fax 828-697-4533

### Memorandum

**TO: Henderson County Planning Board**

**FROM: Matt Card, Planner**

**DATE: March 10, 2005**

**SUBJECT: Carriage Park Associates, LLC Amendment to the Special Use Permit 93-13**

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The Planning Board, at its February 15, 2005 meeting, had considerable discussion regarding the definition of a townhouse for Sections 21 and 22 of Carriage Park under the Special Use Permit SP-93-13 (as amended), granted October 11, 1993. As a result from the discussion, Dale Hamlin manager of Carriage Park Associates, LLC submitted a letter on March 7, 2005 to the Henderson County Planning Department which requests a change in the definition for a townhouse under Special Use Permit SP-93-13 (as amended). The current definition, found in Section 1, h of Special Use Permit 93-13 (as amended) reads:

- A residential structure containing multiple dwelling units, with party walls, with each unit having its own deeded lot often with shared common areas.

Mr. Hamlin and Carriage Park Associates, LLC would like the definition to be:

- A residential structure which may contain multiple dwelling units, with each unit having its own deeded lot, often with shared common areas.

At the March 15, 2005 Planning Board meeting, the Applicant is requesting a pre-application conference with the Planning Board and Planning Staff in order to familiarize the Planning Board with the amendment to the Special Use Permit 93-13. According to the Henderson County Zoning Ordinance the conference also will allow the Board and Staff to provide informal and nonbinding feedback regarding the acceptability of the amendment. Upon completion of the pre-application conference with the Planning Board, the Applicant shall submit to the Board of Commissioners a written application for a special use permit in accordance with Section 200-70 of the Zoning Ordinance.

CONDITIONS GOVERNING  
SPECIAL USE PERMIT NO. 93-13 FOR  
CARRIAGE PARK DEVELOPMENT CORPORATION  
GRANTED 10/11/93

Excerpt from Special Use Permit  
SP-93-13 (as amended)

Attachment 4

1. Definitions. For purposes of this permit, the following definitions shall be used in addition to those set forth in existing county ordinances however where such definitions conflict, those stated herein shall be in effect.

(a) Major Collector Road - A primary access or loop road serving the entire development and having a minimum 60 foot right-of-way, 6 foot shoulders, 26 feet of pavement (width) with a curb and gutter section or 18 feet of pavement without curb and gutter, such pavement (I-2 Asphalt) being 2 inches in thickness on an 8 inch ABC Stone base.

(b) Minor Collector Road - A road serving not more than 5 individual development parcels and having a minimum 50 foot right-of-way, 6 foot shoulders, 26 feet of pavement (width) with a curb and gutter section or 18 feet of pavement without curb and gutter, such pavement (I-2 Asphalt) being 2 inches in thickness on an 8 inch ABC Stone base.

(c) Residential Street - A road typically serving by direct access, single family detached units, having a minimum 45 foot right-of-way, 3 foot shoulders, 18 feet (width) of pavement (I-2 Asphalt) 1 1/2 inches in thickness on a 6 inch ABC Stone base.

(d) Neighborhood Drive - A paved access typically serving by direct access, townhouse, condominiums or apartments, sometimes with 22 feet of adjacent parking, and otherwise with 3 foot shoulders, such road having a 30 foot access easement (including utility use) and having 18 feet (width) of pavement (I-2 Asphalt), 1 1/2 inches in thickness on a 6 inch ABC Stone base and not exceeding 18 percent grade.

(e) Development Parcel - An area shown on the Research Master Plan which will be reviewed as an entire parcel and developed as a neighborhood with a predominant architectural style, and an individual community identity. Upon application for review, such parcel will have a measurable and definitive property boundary. Development parcels shall generally conform with those shown on the Research Master Plan.

(f) Single Family Detached Dwelling - A one unit structure typically where the owner takes fee simple title to both home and lot.

(g) Condominium - A residential structure containing multiple dwelling units, where the owner takes title to a unit with or without party walls, but where the ground on which the structure is sited is in common ownership.

(h) Townhouse (Townhome) - A residential structure containing multiple dwelling units, with party walls, with each unit having its own deeded lot often with shared common areas.

(i) Apartment - A residential structure containing more than eight (8) units, with party walls, with all units in each building and the land on which the structure is sited under the same ownership.

NOTE: Such definitions (f, g, h & i) are for the purpose of identifying different building types as used in this permit and shall not govern the individual ownership or occupancy of such units.

2. Approved Units. The project is approved for 663 total dwelling units placed on 377 total acres of land within the Planned Unit Development Boundary, said housing units being single family detached units, townhouse units, condominium units or rental apartment units within those areas depicted on the Research Master Plan drawn by Luther E. Smith & Associates, P.A., dated June 11, 1993. No more than 120 total apartment units, as defined herein, may be constructed.
3. Use of Buildings. Until 90 percent of the development is completed (597 units built or under construction) the Applicant may use any existing buildings or structures, excluding dwelling units proposed under application SP 93-13, or housing units approved under SP-87-2, for direct support of the development, including sale offices, construction management offices, and material storage or maintenance facilities. Upon expiration of the existing temporary use permit for the welcome center located adjacent to Haywood Road, use of such structure shall be governed by the terms of this permit. Existing structures within a development parcel may be reconditioned and used as site amenities however such uses shall be approved in conjunction with normal development plan review. Existing structures outside the boundaries of a development parcel may also be reconditioned as site amenities upon approval of the Zoning Administrator. The applicant may use an unoccupied dwelling unit as a "model home" but such unit may not be used as a sales office.

SCHEDULE OF SITE STANDARDS  
For Carriage Park Development, Phase II  
(All Measurements in Feet or Units)

<u>Minimum Standards</u>	<u>Single Family Detached</u>		<u>Townhouse or Condominium</u>		<u>Apartment</u>	
	<u>Prin.</u>	<u>Acc.</u>	<u>Prin.</u>	<u>Acc.</u>	<u>Prin.</u>	<u>Acc.</u>
(a) Setback From C/L of Major Collector Road	40	40	40	40	40	40
(b) Setback From C/L of Minor Collector Road	30	30	30	30	30	30
(c) Setback From C/L of Residential Street	30	26	30	26	30	26
(d) Setback From C/L of Neighborhood Drive	N/A	N/A	20	16	20	16
(e) Minimum Setback From Side Lot Line	None	None	None	None	None	None
(f) Minimum Setback From Development Parcel Boundary Line	10	10	10	10	20	20
(g) Setback From Rear Lot Line	10	10	10	10	20	20
(h) Minimum Distance Between Principal Buildings Within a Development Parcel	20	N/A	20	N/A	20	N/A

Schedule of Site Standards - Continued

<u>Minimum Standards</u>	<u>Single Family Detached</u>		<u>Townhouse or Condominium</u>		<u>Apartment</u>	
	<u>Prin.</u>	<u>Acc.</u>	<u>Prin.</u>	<u>Acc.</u>	<u>Prin.</u>	<u>Acc.</u>
(i) Setback From Carriage Park Boundary *	40	40	40 (2)	40 (2)	N/A	N/A
(j) Minimum Setback From Another Dwelling or Structure for Garages/ Carports in Front or Side Yard	N/A	10	50 (3-8)	50 (3-8)	70 (9-12)	70 (9-12)
(k) Minimum Distance Between Detached Accessory Buildings Within a Development Parcel	N/A	10	N/A	10	N/A	10
(l) Minimum Buffer (Common Land) Between Development Parcels	25	25	25	25	N/A	10
(m) Maximum Building Height	35	30	35	30	35	30
(n) Maximum Units Per Building	1	N/A	8	N/A	12	N/A

\*Numbers in parentheses ( ) indicate the number of units in a building.

101 East Allen Street Hendersonville, North Carolina 28792  
Phone (828) 697-4819 Fax (828) 697-4533

**NOTICE OF PUBLIC HEARING  
ON AN APPLICATION TO AMEND SPECIAL USE PERMIT SP-93-13 (AS  
AMENDED) FOR THE CARRIAGE PARK PLANNED UNIT  
DEVELOPMENT**

Dear Property Owner(s):

This notice is to inform you that the Henderson County Board of Commissioners will hold a public hearing on an application (#SP-93-13-A5) by Carriage Park Associates, LLC, requesting to amend Special Use Permit SP-93-13 for the Carriage Park Planned Unit Development. Carriage Park is located on approximately 392.3 acres of land off of Hwy 191 (Haywood Road). The current owner of Carriage Park is Carriage Park Associates, LLC.

Carriage Park Associates, LLC, proposes to amend Special Use Permit SP-93-13 by changing the definition of a "townhouse." The current definition of a "townhouse" found in Section 1, h, of Special Use Permit SP-93-13 (as amended) reads: "A residential structure containing multiple dwelling units, with party walls, with each unit having its own deeded lot often with shared common areas." Carriage Park Associates, LLC, would like the definition to be: "A residential structure which may contain multiple dwelling units, with each unit having its own deeded lot, often with shared common areas."

The public hearing will be held on **Tuesday, July 5, 2005, at 7:00 P.M.**, in the Board of Commissioners' meeting room in the Henderson County Administration Building, located at 100 North King Street in Hendersonville, NC. The hearing will be conducted as a quasi-judicial proceeding. Parties demonstrating standing regarding the application, such as adjacent property owners may participate in the hearing. Section 200-70 of the Henderson County Zoning Ordinance requires the Henderson County Planning Department to notify all adjacent property owners. County records indicate that you own property adjacent to Carriage Park. All persons are strongly encouraged not to contact members of the Board of Commissioners prior to the hearing due to its quasi-judicial nature.

Information about the application, Special Use Permit SP-93-13 (as amended) and the Board of Commissioners Rules of Procedure for Quasi-Judicial Proceedings are available for review in the Henderson County Planning Department located at 101 East Allen Street, Hendersonville, NC, between 8:00 A.M. and 4:30 P.M., Monday through Friday.

If you have any questions, please contact the Planning Department at (828) 697-4819 [TDD (828) 697-4580].

**EXCERPT FROM MAY 17, 2005  
HENDERSON COUNTY PLANNING BOARD MEETING MINUTES**

**OLD BUSINESS:**

Request to Amend Special Use Permit # SP-93-13 - Regarding the Definition of Townhouse as Described in Special Use Permit # SP-93-13, as Amended – Carriage Park Associates, LLC, Applicant. Mr. Jonathan Parce asked to be recused as he has a family member who is involved in a lawsuit against Carriage Park. All members voted in favor of his recusal. Mr. Card stated that Dale Hamlin, Manager of Carriage Park Associates, LLC, submitted a letter on March 7, 2005 with a Special Use Permit application on April 8, 2005, to the Henderson County Planning Department requesting to amend Special Use Permit # SP-93-13 (as amended) by changing the definition of a “townhouse.”

Mr. Card said that the current definition of a townhouse (townhome) is found in Condition 1(h) of Exhibit A of the original order granting Special Use Permit # SP-93-13 reads: *A residential structure containing multiple dwelling units, with party walls, with each unit having its own deeded lot often with shared common areas.* The definition of single-family detached dwelling as stated in Condition 1 (f) of Exhibit A of the original order granting Special Use Permit # SP-93-13 is: *“A one unit structure typically where the owner takes fee simple title to both home and lot.”* Mr. Card said that in the March Planning Board meeting a 30-foot right-of-way was proposed for Sections 21 and 22, which did not comply with the 45 foot right-of-way for single-family, detached dwellings under Special Use Permit # SP-93-13. According to the definitions found in the Special Use Permit, *“A townhome may be served by a neighborhood drive, which requires a 30-foot right-of-way.”* He said a neighborhood drive is defined as a paved access typically serving by direct access, townhouse, condominiums or apartments. He stated that also according to the definitions found in the Special Use Permit, a residential street which has a 45-foot right-of-way might serve single-family detached dwellings. In the Special Use Permit residential streets are defined as: *“a road typically serving by direct access, single-family detached units, having a minimum 45 foot right-of-way.”* Mr. Card said that as a result of the Planning Board’s discussion during review of Sections 21 and 22 and to allow a 30-foot right-of-way for all of the proposed dwelling units in Sections 21 and 22 and for future phases and possibly previously approved phases of development in Carriage, Mr. Hamlin and Carriage Park Associates, LLC, would like the definition for a townhouse (townhome) to be as follows: *“A residential structure which may contain multiple dwelling units, with each unit having its own deeded lot, often with shared common areas.”* Mr. Card stated that on April 20, 2005, the Henderson County Board of Commissioners referred the proposed amendment to Special Use Permit # SP-93-13 (as amended) to the Planning Board for a recommendation. He said that the Board of Commissioners must hold a quasi-judicial public hearing prior to taking action on the proposed amendment.

Mr. Card stated that staff has provided some comments as follows:

The amended definition would allow some single-family detached dwellings to be considered townhouses and therefore sections of Carriage Park with single-family townhomes could use the neighborhood drive road standard rather than the residential street standard. Mr. Card stated that Staff feels that the effects of the proposed amendment to the definition of a townhouse (townhome) for Special Use Permit # SP-93-13 appear to be minimal. Townhouses are an allowable use in the Planned Unit Development and would allow detached townhomes as defined by Carriage Park to be accessed by a 30-foot right-of-way.

Ms. Kumor said that when we change the definition for the Special Use Permit for Carriage Park, does that in any way change the definition for other planned unit developments to follow the same definition, or will it be a stand-alone definition applied only for Carriage Park? Ms. Smith said it is a stand-alone definition for Carriage Park through this amendment and Staff has been looking at *Subdivision Ordinance* for an amendment regarding this issue and for the Land Development Code.

Ms. Virginia Burke, resident of Carriage Park requested that this be held as a quasi-judicial hearing. Ms. Smith stated that since the Board is not reviewing a development parcel and only making a recommendation at this point, a quasi-judicial hearing is not needed.

Dale Hamlin, General Manager for Carriage Park, said that if we can take a townhouse and use it as a single-family without an attached wall, it would give us the ability to tailor the look of the community. He said that there is steep ground in that location and the ability to split apart a townhouse, would give us the opportunity to use the townhouse in a better format, but still have the neighborhood in a neat manner. Mr. Hamlin wanted to thank Staff as this Special Use Permit # 93-13 has been difficult through the years to work with. He especially thanked Matt Card for his work on this amendment.

Chairman Pearce stated that this amendment does not apply to any existing or previously approved plans, but does apply to the entire subdivision and anything that has already been approved will not be affected.

Ms. Virginia Burke, resident of Carriage Park, Lot 18, of Governor's Point said that she spoke at the February 15, 2005 meeting about the lack of a buffer between her property and Section 21. Chairman Pearce interrupted Ms. Burke and reminded her that the Board is only addressing the amendment itself. If there are specific subdivision issues or violations of a subdivision issue, that is another issue. The Board is only addressing this particular resolution that has been brought to us, so instead of speaking to an individual property, we need to speak regarding the resolution. Ms. Burke continued by stated that her concern was in the minutes of the February 15, 2005 meeting that this buffer was to be negotiated. Ms. Smith said that she had spoke to Ms. Burke a few weeks ago and mentioned that she should register her complaint with Staff and then follow up with Mr. Bob Grasso, engineer for Carriage Park Associates, LLC. She said that if Carriage Park does not satisfy the requirement that the Planning Board had imposed on that particular Section, that it might have to come before the Board again at



some point. Ms. Burke said that she had a very successful meeting with Mr. Grasso this afternoon regarding the lack of a privacy buffer between development parcels. She stated that Mr. Grasso agreed that by April 30, 2006, they would plant a vegetation to create a buffer as required in the special use permit. Ms. Burke requested that she would like to have something in writing by both the developer and to have this reflected in the minutes of the meeting. Chairman Pearce asked that she receive something in writing from the developer and not the engineer. Ms. Smith said that Staff would attach this matter to the Order at next month's Planning Board meeting.

Mr. Gerald Liedl, resident and member of the Architectural Review Committee for Carriage Park, said that in the Zoning Ordinance one of the primary issues regarding the PUD is to permit flexibility in building, the site mixtures of housing types and land. Making the change to what the townhouse definition is, in our view, is consistent with the overall purpose of that part of the zoning.

Mike Cooper made a motion to send a favorable recommendation to the Board of Commissioners regarding an amendment to Special Use Permit # SP-93-13 with regards to a definition change as recommended by Carriage Park Associates, LLC concerning the definition of a townhome as follows: *"A residential structure which may contain multiple dwelling units, with each unit having its own deeded lot, often with shared common areas."* Tommy Laughter seconded the motion. All members voted in favor.