

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS  
OCTOBER 6, 1993

The Henderson County Board of Commissioners met for the Carriage Park II Public Hearing scheduled at 7:00 p.m. in the Commissioners' Conference Room of the Henderson County Office Building.

Those present were: Chairman Vollie G. Good, Commissioner William McKay, Commissioner Hugh D. Randall, Commissioner Renee Kumor, County Manager David F. Thompson, Staff Attorney Angela M. Skerrett, Clerk to the Board Elizabeth W. Corn and the Planning Board Staff.

Absent was Commissioner J. Michael Edney.

CALL TO ORDER/WELCOME

Chairman Good called the meeting to order and welcomed all in attendance and reminded everyone that this meeting was a continuation of the September 27, 1993 meeting.

Staff Attorney, Angela Skerrett reviewed the process of the quasi-judicial meeting. Ms. Skerrett stated that the Petitioner and County staff would make concluding remarks, the Board will close the Public Hearing to discuss all the evidence and make findings of fact based on evidence, and the Board may ask questions to determine if the Special Use Permit should be granted and what conditions should be imposed, before making a decision.

Matt Matteson - Explained the differences between the old permit and the new permit application regarding property size, the number of units, the different types of development and lack of road definitions. He stated that the new permit would lend itself to improvement guarantees and the old permit is not specific in those terms of guaranteeing the improvements to a portion of the property that is being developed.

Commissioner Kumor - Stated that the reason that Carriage Park had changed the conditions because they increased the size of their property which allows them, under the PUD ordinance, to increase the number of units.

Chairman Good - Called upon Mr. Hamlin and/or Mr. Smith for their concluding remarks and reminded them that they were still under oath from the previous meeting.

Dale Hamlin - Stated that under the current permit #87-2, it allows them to build 577 units and they could build an additional 87 units with the total number of units that they could build without having a new permit would be 664 on the land they now own. Mr. Hamlin contrasted between the old permit and the proposed new permit, and stated that permit #87-2 is not compatible with their image of Carriage Park as much as permit #93-13 would be. He also stated that they do understand the legitimate concerns of their neighbors with regards to storm water management and erosion control and they will operate carefully in those areas.

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Chairman Good - Stated that the Board has received many letters from the residents in Carriage Park, some asking for approval, some asking that they not approve the plan as presented, and that there were reasons stating why. He reminded the Board that the conclusion is based on the findings of fact, and whether the information required by section 700.06(4) A and B was essential to a proper decision on the project since the Petitioner has requested that the Board revise and approve development parcels on a case by case basis.

Chairman Good and the Board of Commissioners and Henderson County staff discussed the draft copy of **proposed findings of fact** item by item and the following motions were approved:

1. That the Board of Commissioners would go out of this Public Hearing. (Randall)
2. That the Board of Commissioners would approve the findings of fact as presented and amended. (McKay)
3. That the application information required by Section 700.064 (a & b), is essential for a proper decision on the project.
4. Whether the use will adversely effect the health and safety of the persons residing or working in the neighborhood of the proposed use.
5. Whether the use will be detrimental to the public welfare in the neighborhood, **including adjoining properties. added language** (Kumor)
6. Whether the use will be in injurious to property or public improvements in the neighborhood.
7. Based on the finding of fact that the PUD will not be injurious to property or public improvements in the neighborhood, including adjoining properties. (Kumor)

Matteson - Presented the proposed conditions that the Board would consider waving requirements stated in the findings of fact that would handle the formal application process on a case by case development parcel and achieve the proper level of review that would be necessary for Carriage Park.

Item Number 1 was generally agreed upon.

Item Number 2 was generally agreed to.

Item Number 3 was not totally agreed to, but modifications that were agreeable read as follows: Until 90% of the development is completed, 597 units built or under construction, the Applicant may use any existing buildings or

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structures, not including dwellings permitted under this permit, or housing units approved under SP #87-2 for direct support of the development, including sales offices, construction management, material, storage or maintenance. Existing structures not in a development parcel may also be reconditioned as site amenities upon approval of the zoning administrator. This shall not limit the Applicant's right to use any unit for a model, but not as an office.

Item Number 4 - An undisturbed buffer, thirty feet, shall be maintained along the exterior boundary of the property except in those areas where the property abuts a state maintained road. Development within the buffer area shall be restricted to emergency or service access roads, park facilities, excluding parking trails and public utilities, excluding storage tanks. Other above ground public utility improvements installed by the Applicant may only be permitted within the thirty foot buffer if location is necessary to serve the development if the structure is designed to conform architecturally with proposed or existing adjacent development. No designated parking areas shall be constructed within the thirty foot buffer, the buffer may contain rights-of-ways and drives to serve existing properties not a part of the development. In addition, if topographical or other barriers within 200 feet of the perimeter of a development parcel do not provide reasonable privacy for existing uses adjacent to the development, the Board of Commissioners may impose any of the following requirements, and those would be A, B and C as listed in the ordinance. This was in addition to what was already proposed.


Item Number 5 -

Good - Well obviously we have some differences of opinion here and we're going to have to decide on this. We're going to try to adjourn around 5:00 or continue the meeting at 5:00 until another time

Rick Houston - Stated that he did not want high density housing in Carriage Park and suggested that the number of 8 family units allowed be decreased. He was concerned about massive erosion during construction and he wanted all the homeowners associations that are adjacent to Carriage Park to be notified when there was a parcel to be reviewed by the Planning Department.

Chairman Good - Stated that they will continue this meeting to Monday (October 11th) at 7:00 pm.  
ATTEST;

  
Elizabeth W. Corn, Clerk

  
Vollie G. Good, Chairman