

**HENDERSON COUNTY PLANNING BOARD
MINUTES**

FEBRUARY 18, 2010

The Henderson County Planning Board met on February 18, 2010 for their regular scheduled meeting at 5:30 p.m. in the King Street Meeting Room located at 100 North King Street, Hendersonville, NC. Planning Board members present were Jonathan Parce, Chair; Tommy Laughter, Vice-Chair; Mike Cooper, Renee Kumor, Gary Griffin, Steve Dozier and Rick Livingston. Others present included Anthony Starr, Planning Director; Autumn Radcliff, Senior Planner; and Kathleen Scanlan, Secretary. Board members absent were Stacy Rhodes and Suprina Stepp.

Chairman Parce called the meeting to order of the Henderson County Planning Board. He asked for the approval of January 21, 2010 regular meeting minutes. Renee Kumor made a motion to approve the minutes and Tommy Laughter seconded the motion. All members voted in favor.

Adjustment of Agenda. There were no adjustments to the agenda.

Text Amendment (TX-2010-01) County Owned/Operated Solid Waste Facility – Presentation by Autumn Radcliff, Senior Planner. Ms. Radcliff stated that the proposed text amendment will add a new use (including a definition and SR standards) to the Land Development Code (LDC) to specifically address a county owned and operated solid waste facility. The County's existing solid waste facility is located at Stoney Mountain Road near the intersection of Stoney Mountain Road and Mountain Road. The LDC does not specifically address solid waste facilities like the one the County operates. She said the County's solid waste plan has proposed to consolidate and relocate some of the existing uses at the landfill. This site has historically been the location of the county construction and demolition and municipal waste landfill, which has been closed out and is no longer in use. She said the County currently transfers non-recyclable household and non-residential garbage to an active landfill outside of the County. This site also serves as the location of the County's solid waste transfer facility, recycling center, animal shelter, bus maintenance garage, inert debris storage and disposal and the office for the Solid Waste Division of the Engineering Department. Ms. Radcliff added that due to the number of services located at this one site, the LDC does not have a specific and defined use for this type of operation. She said with the implementation of the Solid Waste Plan, it is both necessary and beneficial to add a new use to the LDC to specifically regulate county owned and operated solid waste facilities and to separate privately owned solid waste facilities from County owned facilities. The intent of the LDC is not to limit the County's solid waste functions nor is it meant to exclude the County from minimum requirements. The County is not adding any new uses, but redesigning all the existing uses to make it safer and to facilitate a better solid waste collection and disposal site that will improve public health and safety. Ms. Radcliff stated a new revised site plan has been distributed and said that the Board will not be approving this plan tonight, but only approving the text amendment.

She noted the proposed definition and permitted use table and that it would be permitted in all zoning districts. She reviewed the SR requirement standards, which are as follows:

1. Major Site plan is required.
2. Adequate Lighting and lighting mitigation is required.
3. Dust reduction.
4. Security fence for entering and exiting and locked during non-operating hours.
5. Perimeter setback of 150 feet from a residential zoning district. Necessary ingress and egress to the proposed use may be located within the perimeter setback.
6. A B2 perimeter buffer is required around the perimeter boundary of the site, the operational areas, or any combination. Preserved existing trees may be credited toward the required buffer.

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7. Sedimentation control.
8. Operations.

Ms. Radcliff noted that the materials the Planning Board received included a traffic safety requirement, that would have required left and right turn lanes at all public and commercial entrances. This requirement was eliminated during the Technical Review Committee's (TRC) review of the text amendment. The TRC agreed that in most cases, NCDOT will require and determine where off-site transportation improvements are needed. NCDOT is requiring an additional turn lane at the entrance to the scale house, but no turn lanes are required at the entrance to the convenience center since no increase in traffic is anticipated. In addition, the LDC has a provision for Traffic Impact Study (TIS) to identify additional off-site improvements. The County's solid waste facility does not meet this threshold and will not require a TIS.

Mr. Jones reviewed the site plan, indicating all the uses/operations and their locations on the new site plan and the improvements involved compared to the old operation. He discussed the new entrance into the facility, which will separate the residential traffic from the truck scales traffic. Mr. Jones added that they are proposing to put this facility out for bid by this summer, but will need to have a permit modification for DENR (Department of Environment and Natural Resources), because they regulate the County's operations. After some general discussion, Jonathan Parce made a motion that the Planning Board recommends approval to the Board of Commissioners regarding the proposed text amendment to the Land Development as presented. Renee Kumor seconded the motion and all members voted in favor. The vote was 7-0 in favor.

Etowah and Horse Shoe Communities Plan Implementation –Residential Zoning Map Recommendations. Presentation by Autumn Radcliff, Senior Planner. Ms. Radcliff stated that the second topic of discussion by the Planning Board on the Etowah-Horse Shoe Communities Plan is the residential zoning map recommendations. She reviewed the following zoning map changes:

- Replace R-40 in the southernmost portion of the Planning area with R3.
- Replace all R2R and remaining R-40 area with the R2 Zoning District.
- Replace the R2R zoning that surrounds the north course of the Etowah Valley Country Club with R1 zoning. This includes land adjacent to the Etowah Valley Country Club and Turnpike Road and west of Holly Springs Road.

Ms. Radcliff stated that these zoning map changes are listed under LUD1.2, but wanted to make note on recommendation LUD1.1. She stated that recommendation LUD1.1 recommends that the maximum density should only be allowed in the R1 district. She explained that the Board will address this recommendation during its discussion of the overlay district standards.

Ms. Radcliff gave a PowerPoint presentation and discussed each of the proposed residential zoning changes as follows:

1. R2 zoning in Horse Shoe – The zoning change is going from R2R to R2, off of Broyles Road, which includes 7 parcels and 5.58 acres and has current uses as single-family residential and vacant. She stated that prior to the Land Development Code, this area was zoned T-15, which was a medium density residential with manufactured homes and surrounded by R-30, and that is why this small piece was zoned R2R. She stated that the density and setbacks in the R2R and R2 districts are the same. The differences are the R2R district permits single-wide manufactured homes and manufactured home parks, but the R2 district does not permit this. She added that the R2R also allows for additional recreational and business/professional uses, transportation and warehousing utilities, and manufactured and industrial uses. The R2R district does allow for some of these rural businesses

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and because of this, the Etowah and Horse Shoe Committee wanted to do away with this district as they have a number of commercial development on 64 West.

2. R2 Zoning between Etowah and Horse Shoe – All the R-40 areas indicated were recommended to be changed to R2 and the area where R2R is indicated would change to R2. This would involve the majority of the property between the commercial nodes of Horse Shoe and Etowah and includes 1,746 parcels and covers approximately 5,693.89 acres of land. She stated that the current uses include primarily single-family residential but also agriculture, cemetery, commercial, government, manufactured homes and manufactured home parks, recreation and religious uses. Also there are a number of parcels that are vacant. Ms. Radcliff said what the Etowah and Horse Committee recommended changing the R-40 to R2. Staff suggests cleaning the boundary line so that all the parcels that were R-40 will not contain any zoning splits. Tommy Laughter asked whether Staff looked into going further over to the existing roads as the boundary line. Ms. Radcliff said that roads do not necessarily make the best boundary line for zoning, but that Staff had not looked at this issues. Mr. Starr stated that Planning Board could consider that, but Staff proposed to modify the parcel lines to create the least amount of change. After some brief discussion, the Board members decided that they would leave it as Staff presented.

3. Ms. Radcliff stated that this zoning change is for an R1 expansion of 62 parcels along and between Turnpike and Holly Springs Road, which is north of the Etowah Valley Country Club that is currently R2R. The total acreage involved is 196.37 and the current uses is primarily single-family residential but also includes cellular tower, religious uses and a number of vacant parcels. She stated that R1 provides for high density and is appropriate with increase urban services, such as water and sewer provisions. She added that water and sewer is already provided in the vicinity, which is around the golf course and it allows for a lot of high density around the golf course. She noted that the Committee also recommended to not having that maximum density that is allowed in the R1 district, so that is part of the reason why the Committee wanted to expand the R1 district to reduce the maximum density allowed there. Board members had questions about this zoning change. Mr. Livingston asked what was the understanding when going up Holly Springs Road in having the zoning on the right side as R2 and left side of the road as R1, with the exception of the golf course. He feels that both sides of the road are almost identical in nature. Mr. Starr stated that the Committee members felt strongly about extending the R1 district to include the golf course. Board members said that if it was to benefit the golf course than why not just expand the R1 zoning for the golf course and leave the other adjacent properties R2.

4. Ms. Radcliff wanted to discuss another adjacent area to this and stated the area between the existing R1 zoning and the boundaries of the County, Mills River and US 64 West is R2R presently but is requesting R2. There are a total of 216 parcels with a total acreage of 828.91. The current uses are primarily single-family residential but include a religious use and a number of vacant parcels.

Board members were concerned with going outside the golf course area and including the north side of Turnpike Road and the northeast side of Holly Springs Road. The Board discussed that if R1 is being created from the golf course north to the study area boundary, that leaves an island of R2 standing. The Board recommended the possibility of rezoning this island area along Joshua Bridge Road to R1 in order to close the gap. Board members felt that further research is needed regarding the areas outside the golf course. Mr. Starr stated that Staff will contact a few of the Committee members to ask them the reason for the zoning change and discuss what the Planning Board has suggested at tonight's meeting.

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5. Ms. Radcliff said this recommendation deals with an area that is currently zoned R-40. The proposed change to R3 would be south of Folly road. This contains six parcels of land with a total acreage of 399.06. The current land use is vacant.

Ms. Radcliff stated that once Staff has made all the proposed amendments, then the Planning Board will make a formal recommendation that they will forward to the Board of Commissioners for a public hearing. She stated that the next topic for March and April will be open space plan and open space requirements for major subdivisions.

Other Business. Ms. Kumor asked the Board to revisit the recent Carriage Park problems discussed at a previous meeting, dealing with steep slopes. She asked whether the Planning Board should be the driver in looking at responses to any kinds of changes to our inspections or building permits. Mr. Starr stated that he would be looking into that. She said that in the meantime, she attended a presentation that ECO staged and explained that it was her understanding that the County is currently being remapped for potential steep slopes and land slides. She asked again, that if the Planning Board is the advisory board to the Commissioners, should we try to suggest that County get out ahead of the public on these issues. Should the Board try to do something or should we wait until we get caught-up in a panic and try to help them respond. Mr. Livingston commented by saying, "let's be proactive instead of reactive" and added that these issues should have been addressed many years ago. He said it was not taken as a necessity at the time, so nothing was done, which he feels was a mistake. After some further discussion, Chairman Parce suggested that Ms. Kumor draft a letter to the Board of Commissioners asking whether they would like the Planning Board to look into the steep slopes and land slide issues relative to recent responses to protecting homes by increasing engineering designs and in addition at some point, look into any response they would want the Planning Board to make regarding the USGS map in relation to these issues. Chairman Parce said that once Ms. Kumor has the letter composed, then she could bring it back to the Planning Board for their consideration.

Staff Reports. Mr. Starr stated that Staff will give an overview presentation to the Board of Commissioners regarding the draft Edneyville Plan. He stated that the Dana Committee is working on the first couple sections of their Plan. Mr. Starr said regarding Stormwater Management Regulations, at the March Board of Commissioners meeting a date will be set for a special called Board of Commissioners meeting to have a public hearing. He mentioned that implementation of the Stormwater Management Regulations could happen this summer. He said the Upward Road construction will be let in March. Mr. Starr said that through grants, the county has received bids to construct the first compressed natural gas station, which will be located on 4th Avenue as part of the Central Services facility. He mentioned that the county also received grants to replace most of the Apple Country Transit fleet. He also said that the County was able to obtain another grant for \$ 65,000 to hook-up between a dozen and fifteen low income homes to water and sewer that have well and septic problems or that need to be on a system. Mr. Starr referred to an article in the newspaper; the judge dismissed the bankruptcy case for Seven Falls Golf Club, LLC. He said this means that they no longer have protection from that particular LLC and the creditors can proceed with repossessing of items. Because there are a number of the Seven Falls, LLC in bankruptcy, he said there has been no decision made with the development portion of the LLC. He added that he is unsure how much of the Golf Club, LLC affects their ability to do the golf course but if it does go forward; it would have a great impact on how it will go forward with the current ownership. Mr. Starr feels that the project will go forward in the future.

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Adjournment There being no further business, the meeting was adjourned at 6:50 p.m. All members voted in favor.

Jonathan Parce, Chairman
Henderson County Planning Board

Kathleen Scanlan, Secretary