

**HENDERSON COUNTY  
PLANNING BOARD MINUTES  
SPECIAL CALLED MEETING  
August 16, 2006**

The Henderson County Planning Board met for a special called meeting regarding the Land Development Code. Board members present were Tedd Pearce, Chairman; Mike Cooper, Vice-Chairman; John Antrim; Mark Williams; Renee Kumor; Gary Griffin; and Stacy Rhodes (who entered later in the meeting). Others present included Anthony Starr, Planning Director; Rodney Tucker, Project Manager; Matt Cable, Planner; Matt Card, Subdivision Administrator; Anthony Prinz, Planner; Kathleen Scanlan, Secretary; and Ron Smith, Consultant with Benchmark CMR, Inc. Board members Jonathan Parce and Tommy Laughter were absent.

General Comment.

Mr. Starr noted that during the regular Planning Board meeting he mentioned that the total amount of subdivisions approved was mentioned as a 72% increase since last year, but in fact is an 81% increase.

Approval of Minutes.

Ms. Kumor made a motion to approve the August 3rd and 9th Land Development Code Subcommittee Meeting Minutes. Mr. Cooper seconded the motion and all Subcommittee members voted in favor.

Parking and Loading Standards.

Mr. Antrim raised a concern about wording in the introduction to the section. Mr. Starr made the clarification and Mr. Antrim agreed that no change was needed. Chairman Pearce moved to finalize and accept the standards for this section. Ms. Kumor seconded the motion and all voted in favor (6 to 0).

Sign Standards.

Chairman Pearce entered into discussion about sign standards, by presenting a new document from Bob Williford, with the Chamber of Commerce. The document discussed regulations of signs along the interstate. Mr. Starr indicated that signs along the interstate should be restricted to 50 feet; as such height restrictions apply to billboards in the same area. Mr. Cooper requested clarification and asked if signs at intersections and along on and off-ramps are not regulated. Mr. Starr responded by noting that NCDOT regulates off-premise signs within 500 feet of the interstate, or which are visible from the interstate.

After further discussion regarding the appropriateness of the 50 foot limitation, Chairman Pearce made the point that the applicant could always request a variance. Mr. Rogers, after the Board requested his input, indicated that the business community with which he is affiliated would want signs along interstates to be allowed to exceed 50 feet in height. Chairman Pearce pointed out that the County needs to cover 95 percent of the possibilities and let the other 5 percent seek a variance if they want a taller sign.

Mr. Starr pointed out that the sign regulations, as drafted now, are a very permissive. Mr. Prinz pointed out that NCDOT limitations on sign height are 50 feet, but that such height is measured from road grade. Ms. Kumor also wanted to ensure that this 50 foot limitation would not in anyway prohibit a sign. The Planning Board determined that a sign of 18 feet would be permitted even where such would exceed the 50 foot height limitation.

Mr. Williams pointed out that he felt minimal limitations should be placed on attached signage on buildings. Mr. Starr indicated that the proposed regulations on attached signage are permissive when compared to the City of Hendersonville and other jurisdictions in North Carolina with which he is familiar. Chairman Pearce indicated that, at this point, he had no opposition to the proposed attached signage regulations.

Mr. Williams brought up the exempt of Religious Institution sign. Mr. Williams was concerned that the 20 square foot limitation for exemption for religious institution signage was too small. Chairman Pearce asked Mr. Williams what size he would suggest. Mr. Williams felt that exempting religious institution signs up to 32 square feet should be allowed before a permit is required. Ms. Kumor pointed out that people do not want egregious insulting neighbors and churches certainly would not want to be that by putting up a large sign in a residential area. Chairman Pearce asked the Board if it wanted to allow churches to have signs which are 2 times larger than businesses next door would be allowed to have. Mr. Starr pointed out that this may result in legal issues, where church signs are differentiated from other uses' signs and are subject to less regulation. Chairman Pearce made a motion that the religious institution sign be exempt up to the 32 square foot size. Mike Cooper seconded the motion and the Board voted 6 to 0 to make the proposed change.

Mr. Griffin wanted to clarify the Board's suggestion regarding measuring sign height. Chairman Pearce asked the Board if the height of 50 feet is enough. Mr. Williams pointed out that Mr. Rogers did not agree that this height was appropriate. Ms. Kumor noted that the County needs to set the standards, and if the community demands something different, then it can be changed later. Mr. Cooper pointed out once again that the applicant could get a variance from the 50 foot limitation. After further discussion, Chairman Pearce made a motion that no modifications regarding freestanding sign height or attached signage size were necessary; and further pointed out that regulations regarding signage in the Open Use district would need to be addressed at a later time. Renee Kumor seconded the motion and the Board voted 6 to 0 to send the Sign Regulations forward with these modifications and an awareness of potential change based on the Open Use District.

#### Subdivision Review Processes and Procedures.

Mr. Rhodes entered the meeting. Mr. Antrim suggested that staff, when referring to subdivisions between "34 to 11 lots" should instead make reference to subdivisions between "11 to 34 lots" as this is a more traditional method. Mr. Cooper asked the Board if the intent was to send Conservation Subdivisions to the Technical Review Committee regardless of size. Mr. Starr pointed out that this was Staff's intent, in order to offer incentives to those considering the Conservation Subdivision option. Chairman Pearce pointed out that the Planning Board gets public input and should therefore review Conservation Subdivisions in the same way as all other subdivisions, based on lot size. Ms. Kumor asked if the TRC was considered a public body. Mr. Starr explained that yes, the TRC is a public body whose meetings would be advertised in the same fashion as the Planning Board meetings. After further discussion, Chairman Pearce moved to approve this section of the LDC contingent upon the changes suggested by Mr. Antrim regarding "11 to 34 lots" and the review of Conservation Subdivisions based on size, as is the case for all other subdivisions. Mr. Antrim seconded the motion and all voted in favor (7-0).

#### Zoning Regulations.

Mr. Smith wanted to provide an overview to the Planning Board, as he had for the Subcommittee, of his thoughts regarding the zoning regulations. Mr. Smith indicated that he was confused by the overlay districts, as others on the Board and the public seemed to be. Mr. Smith went on to further explain the Growth Management Strategy Overlay districts, as originally proposed by the CCP.

Chairman Pearce opened discussion related to the proposed densities, presented by Mr. Smith on documents he provided the Board. Chairman Pearce was concerned with the proposed "R-3" density and suggested a density range of "1 to 3 dwelling units per acre" based upon the research conducted by staff and from suggestions made by the Agricultural Advisory Board. Chairman Pearce also indicated that he felt basing the density on slope in the R-3 District would be appropriate. Mr. Starr asked if the Board felt it would be appropriate to look at slope regulating density in the R-2 District. Chairman Pearce felt that this was definitely possible. Board members raised concern about density limits since the new proposal did not directly tie the districts to the overlays of the Comprehensive Plan. Mr. Starr pointed out that the Comprehensive Plan and the Official Zoning Map will need to be updated constantly to reflect changes in infrastructure and to ensure that appropriate densities are permitted and applied in the County.

Ms. Kumor suggested that using slopes as a density regulating factor would be appropriate in all areas. Mr. Cooper pointed out that the Planning Board needs to take into consideration the "breaking points" for slope differentials. Mr. Starr pointed out that 15 percent slopes tend to be the breaking point in most jurisdictions that regulate by slope. Mr. Cooper said that this was too low and suggested 20 or 25 would be more appropriate in this County. Mr. Smith indicated that he would pull together some numbers for density and consider the slope basis when doing so.

Mr. Smith then asked the board to consider the tables of uses he provided. He pointed out that he felt more comfortable with a use table than with a hierarchical list within each zoning district section. Chairman Pearce said he preferred not to use tables. After further discussion about the tables, Mr. Rhodes said that he was fine with the tables and all others agreed.

Mr. Smith then pointed out that the Open Use District would be removed, as it currently exists, and would be replaced by the R-3 district. The Board agreed that this seemed appropriate so long as the small businesses and industrial uses in the rural areas of the County are addressed. Mr. Williams suggested that he was okay with the consultant moving forward with his proposals, but he reminded the Board that he had just received the documents and had not yet had the full amount of time needed to review them. Generally, Mr. Williams agreed with the concepts Mr. Smith presented though.

#### Subdivision Regulations.

The Planning Board members discussed that it would like more time to review the Subdivision section, as many Board members had just received the document, and agreed to table this discussion until the next Planning Board meeting on Tuesday, August 22, 2006.

Mr. Tucker suggested that the Board may want to consider the affordable housing option. Mr. Starr pointed out that he would prefer that Staff have time to work, along with the consultant, on the affordable housing issue and present any suggestions devised to the Planning Board. Chairman Pearce pointed out that he was uncertain if the County should even address this issue in the LDC; but felt comfortable with Staff and the consultant presenting something for the Board's consideration.

#### Zoning Regulations.

Chairman Pearce returned to the discussion of the zoning regulations and pointed out to Mr. Smith that the Planning Board really needed to see the zoning materials soon. Mr. Cooper made a general request that these materials be provided to the Board members prior to their arrival at the meeting to allow appropriate time for review. The Board members agreed.

Adjournment. There being no further business, the meeting adjourned at 4:55 p.m. and all members were in favor.

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Tedd Pearce, Chairman

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Kathleen Scanlan, Secretary