

**PLANNING BOARD LDC  
SUBCOMMITTEE MEETING MINUTES  
January 30, 2006**

The Planning Board LDC Subcommittee met on January 30, 2006 at 4:00 p.m. in the Board Room of the Land Development Building, 101 East Allen Street, Hendersonville, NC. Members of the Subcommittee present were Mike Cooper, Renee Kumor and Tedd Pearce, Chair. Others present included Judy Francis, Planning Director; Matt Card, Planner; Anthony Prinz, Planner; Matt Cable, Planner; Autumn Radcliff, Planner; Kathleen Scanlan, Secretary; and Chuck McGrady, Commissioner and Liaison to the Planning Board. Also attending was Planning Board member Mark Williams.

Mr. Pearce called the meeting to order, stating that a meeting we had with Commissioner McGrady and Ms. Francis, resulted in forming a subcommittee to iron-out some of the issues the Planning Board had in a smaller group, forward them on to the Planning Board and have these changes forwarded to the Commissioners.

Format Issues.

Ms. Francis said one of the reoccurring comments we hear is that the Code is hard to read and understand. She stated in order to clarify some of these issues we are suggesting some changes in some of the Articles. She stated that the first Article changed would be Article IV, which is the supplemental regulations, which is a catch-all between site plan requirements, mobile home park standards, cell tower guidelines, planned development guidelines and other issues. Talking with Mr. Pearce, we felt that they need to be better organized, but by splitting all of the subjects mentioned into separate articles making it easier to navigate. Ms. Francis said that Staff is suggesting that we move the appendices out of the appendix section and into their appropriate sections in the body of the main document. Mr. Pearce said that regarding the checklists, he feels they should be left in the appendices part so that they can be easily changed to meet the Planning Department's needs. He also stated that he feels strongly that Appendix one should be in the body of the document. After further discussion, Ms. Francis said that she would talk with the County Attorney about moving the appendices of the document and discuss the pros and cons of that action.

Ms. Francis asked the Board to look over the recent density tables and how they can be displayed. She asked the members, "How do we organize the information to make it easy for people to understand what we are talking about." Mark Williams said that most people think of it in terms of how many dwellings per acre, not how many acres per dwelling and suggested perhaps using this option. Discussions were had on using fractions rather than decimals in the table. Staff stated that they would work on this and bring something back to reflect these changes at the next meeting. Mr. Cooper suggested that in Table 3.1, to not abbreviate in the section *average residential density ac/du* and rather spell it out to say "acres per dwelling unit." Also, Mr. Cooper had a question regarding the notes under the density table, note 3, which states "maximum residential density shall be applied to conservation subdivisions, planned developments and developments which include twenty-five percent of dwelling units as affordable housing." He said, "in other words you can get a bonus, is that a bonus if you put twenty-five percent as affordable housing or what was the intent of that?" Ms. Francis said that it wasn't just affordable housing; she was encouraging a density bonus if you do that. Ms. Kumor said that there are different ways to get density bonuses. Board members

liked the idea of the Overlay Districts tables shown together in one table, but also felt it might be better to go back to the original tables where they were separated by overlay districts.

Service Area Map and Delineation Process.

Ms. Francis reviewed the Growth Management Strategy Areas document. She said that this is from the CCP and is supposed to characterize how land is classified in these service areas. The criteria in the document are what Staff plans to use to create the new map. She explained the Growth Management Strategy Map. After discussion, the members agreed on the Growth Management Strategy Areas Criteria except for their concerns of the elements dealing with slopes. Ms. Kumor said that there are many who take the slope issue into consideration and she feels that the Commissioners will need to respond to it at some point.

Subdivision Build-out Scenarios.

Mr. Prinz said that Staff has a proposal for the Subdivision Scenario analysis and it outlines what the Planning Board had asked for at the regular Planning Board meeting on January 17, 2006, comparing the LDC to the County's current codes affect on subdivisions approved within the past 12 months.

Mr. Prinz stated that currently the available information is on-hand; such as project area acreage and location; number of dwelling units; density of development projects approved by the Planning Board under current regulations; number of units permitted if the development was approved as a standard or conservation subdivision under the requirements of the current Land Development Code draft; amount of undevelopable land present on a given project site and amount of primary and secondary conservation areas present on a given project site. Mr. Prinz stated that Staff has been working on a process that utilizes the County's GIS system in conjunction with the Assessor's parcel data to produce development scenarios based upon past and present subdivision applications which reflect the development potential of a particular parcel/or parcels of land given current land use regulations as well as options allowed by the draft Land Development Code.

Mr. Prinz said that Staff is recommending that the Subcommittee select a number of subdivisions that accurately represent development trends that have occurred in Henderson County and would like for them to come within the time period of 1989 – 2005. He said the reason for this is that in 1989 Staff began recording subdivisions. Mr. Prinz provided a listing of subdivisions within that time period. Chairman Pearce felt that in the analysis table it should reflect the development type, either residential or commercial subdivision, and the number of units (density of the development as designed) and vicinity maps were also mentioned, as they can be helpful. Mr. Prinz said that all that information would be in that table so that you can compare them. Ms. Francis said that she went to the Board of Realtors and they were concerned that if you look at just the subdivisions that were created in the last year, that you wouldn't have an accurate record of what their market demands are. Ms. Francis said the Board of Realtors said people are generally looking for something in a more urbanized area or a large country parcel. Chairman Pearce provided the listing of subdivisions for the table:

Kenmure  
Sweetwater Hills  
Clairmont  
River Stone  
Pinnacle Falls

Oleta Falls  
Sweetwater Oaks  
Shuey Knolls  
Homestead at Mills River  
Appleland Business Park  
Cimmeron Woods  
Classic Oaks  
Somersby Park  
Riverwind  
Mountain Valley  
Macedonia Woods  
Rock Creek Heritage Park  
Tatham Woods  
Ridgeview at Bearwallow

Mr. Cooper was concerned with RV park size being based on density.

#### Feedback on Sign Regulations

After concerns the Planning Board had regarding the sign industry not having a chance to review the section dealing with sign regulations of the Land Development Code, Ms. Francis stated that the Sign Draft was sent to everyone listed under signs in the local phone book, but there was only one response, which was received from Lamar Asheville. She mentioned that the section on sign regulations was drafted by the consultant the County hired and that consultant also did the landscape regulations of the Code.

She mentioned that Staff worked on the proposed definition of sign area and she also pointed out the graphics that were made regarding various sizes and shapes of sign areas. Board members felt that providing additional graphics and definitions for sign area determination was acceptable.

#### Update on Other Revisions.

Ms. Francis stated that Matt Cable has made a list of some clarifications and some erroneous items that are in the text such as typos, and additional definitions. She mentioned that the Agritourism definition has been included in the bona fide farm exemption on the State legislation, so it needs to be incorporated into the Code so there is no confusion about that, and Staff found a good definition for Agritourism for that exemption. She also mentioned that there are other technical issues as well as uses that Staff wants to make sure are in the Code that didn't make it in the first draft. She said one of the things we need to look at is the concept of unbuildable land, because it is one of the things that we evaluate potential density on. She said that slope has been the issue that has caused the most concern. The percent slope, taking it out of the density calculation is what is providing the inaccurate numbers, but will know better after Mr. Prinz completes his analysis. There was a document distributed that showed examples of slopes and an explanation on how to determine the percent slope of an area.

In discussing the slope grades, both Tedd Pearce and Mike Cooper advocated that as high as 40% slope grade was acceptable. Ms. Francis said, "Just because you can build these doesn't mean you should." Ms. Francis also mentioned that she wasn't disputing

this but didn't feel that developers should build at that percent slope. Mr. Pearce said that this Ordinance is not telling people what they can or cannot build and it has nothing to do with building permits. He said that the CCP is already limiting people on density. He added that the conservation bonus should come from taking the large parcel as a whole and structuring the subdivision in a smaller section and perhaps giving them a bonus for staying out of the rough areas of the parcel of ground instead of further utilizing them. Mr. Cooper said that in any of the high-end subdivisions in this County, the steeper and more difficult it is to get to, the higher the price of the lot. Ms. Francis stated that, regarding the slope issue is the issues of land slide hazards, sedimentation and water quality. Slope and ridge line development affect viewsheds and other factors that bring about issues. She added that recently there were funds allocated for a landslide that occurred on a road in Henderson County. Mr. Cooper said how many millions of dollars have been spent on stream restoration and what about river bottoms? Mr. Cooper said that there is more money in North Carolina spent on stream restoration than there is on landslides. Ms. Francis said that FEMA would require slope development standards in the County within the next two years. She said that the maps will be available in the next year and she stressed that if we don't get pro-active about this issue, we will be forced to do so later. She stated that we need to find a percentage of slopes that is appropriate and that changing the percent slope should address the issues at hand. She feels that there should be an incentive for homeowners to stay off slopes, but if building on slopes, they wouldn't have as much density. Mr. Pearce said that slopes affect all the areas, wherever there are slopes. Mr. Pearce said it is hard to guess what future FEMA maps and regulations will be and to try to incorporate them in the LDC is probably imprudent and would only complicate things. He feels that the slope should not have anything to do with it other than as defined in their general area with overlays but, as part of your conservation subdivision, a homeowner can receive bonuses when they stay out of areas of 25 percent slope or greater. He said he feels that the whole concept of conservation subdivisions and bonuses is using a reverse psychology and only helps people in the Urban Service Area.

Ms. Francis discussed the density in the following areas that she worked on for Board members:

Rural Area – 1 to 5 acres

Transition Area – ½ acre to 2 acres

Urban Service Area – 2 units per acre to beyond

Mr. Pearce said it sounds like the same figures taken from the CCP. Ms. Francis said that it is not the same. Mr. Prinz said that in the CCP it says, "Land Development Ordinances in the Rural Agricultural Area should strive for a general average density of five or more acres per residential dwelling unit." He added that actual density is defined by zoning requirements and development suitability and different constraints.

#### Information Handouts.

Ms. Francis distributed a Staff summary on how to use the Land Development Code and summarized it in categories of uses (Residential, Nonresidential, Bona Fide Agriculture/Agritourism, Accessory Uses/Structures, Manufacture Home Parks, Planned Developments and Subdivisions).

Mr. Pearce asked, "When are we going to handle the issues of density and the definition of Conservation Subdivision and how it will be defined and applied with the bonus

issue?” Ms. Francis said the appropriate time would be when we work on the subdivisions. Conservation Subdivision material is located in Article V, Page 144-147 of the LDC.

#### Public Meetings.

Ms. Francis informed the Board members that there are three public drop-in sessions scheduled. She said that a fourth drop-in session has potentially been added and will be likely held in Green River. She mentioned that she has been going around to various groups and organizations talking about the LDC.

Ms. Kumor asked, “What is Agritourism?” Mark Williams said that it is a wide variety of things. He said when you own your farm there are a lot of educational-type tools such as a tractor wagon, farm tours, corn mazes, pick your own vegetables/fruits and other farm activities such as what the Johnson Farm does.

There was discussion among Board members regarding the names of the areas and changing their names: USD to Urban, RTD to Transition and RAD to Rural.

Ms. Kumor said that an e-mail she had that Mr. Pearce had written states, “He feels the Board needs some type of provision that prevents persons from exceeding the old zoning on property until the small area plans are finished.” Ms. Kumor said, “She feels we do need a plan that seeks not to go psyching people into thinking that if this plan goes into affect tomorrow, even though everyone in their neighborhood is on a one-acre lot and are in an Urban District, their neighbor is going to put two more houses up.” Mr. Pearce said that we are underestimating the political pressure that will be put on this document. After some discussion, Mr. Pearce said that he would like to see a quality document completed at some point, but this document is not going to get approved. Ms. Francis said her point is to hold onto the density even after it is adopted, as there are some good high-density projects out there. Ms. Kumor said that people who are already in an established subdivision, which has already been recorded, might misunderstand that if this density is allowed then their neighbors can put up three or more houses. Mr. Pearce said he is not worried about existing or recorded lots but the vacant ones are what worry him.

Mr. Cooper expressed some concerns with the Land Development Code as follows:

#### Bed and Breakfast Inns.

Mr. Cooper is concerned that the Code limits a maximum of 12 rooms in a Bed and Breakfast and that you can serve food to only the guests of the Inn. He said that the existing Woodfield Inn would not exist in this Code and feels that it is very limiting. Ms. Francis said that this statement came from the North Carolina General Statutes.

#### Hours of Operation for Concrete and Asphalt Plants.

Mr. Cooper was concerned about the hours of operation regarding hours of operation for concrete and asphalt plants. It states the hours of operation for concrete plants as being from 7 a.m. to 7 p.m. He mentioned that in some large operations, concrete pouring starts much earlier in the morning and at times late in the evening and continues throughout. He is recommending 24/7. He also

mentioned the same should be for asphalt plants (24/7) because a lot of work is done at night on roads pouring asphalt.

Displaying of Motor Vehicles for Sale on lots.

Mr. Cooper stated that the Code allows only 25% of the vehicles displayed in the front yard, but most car dealerships display most of their cars in the front yard so they can see out their showroom and see who is there.

Height of Mini Storage Facilities.

Mr. Cooper said that in the Code, mini storage facilities are limited to twelve-foot heights, is that what the County really wants to do? He mentioned multi-storage units with elevators that wouldn't be allowed in the County.

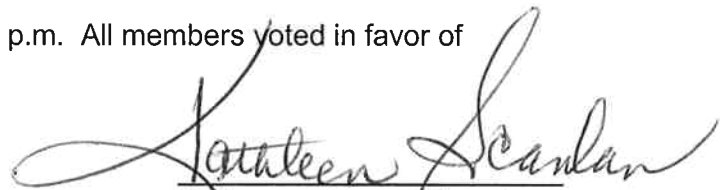
Other Concerns.

Mr. Cooper mentioned that regarding buffering when buildings exceed 35 feet in height, the requirement of adding one foot of buffering for every foot that exceeds the height limitation.

Scheduling the next meeting. The next Subcommittee was scheduled for Friday, February 17, 2006 at 2 p.m.

Adjournment. The meeting adjourned at 6:12 p.m. All members voted in favor of adjournment.

  
Tedd Pearce, Chair

  
Kathleen Scanlan, Secretary