

HENDERSON COUNTY
PLANNING BOARD MINUTES
August 23, 2004

The Henderson County Planning Board met on August 23, 2004, for a Special Called meeting at 7:00 p.m. in the Board of Commissioners Meeting Room, Henderson County Administration Building, 100 North King Street, Hendersonville, NC. Board members present were Tedd Pearce, Chairman; Mike Cooper, Vice-Chairman; Leon Allison, Tommy Laughter, Jonathan Parce, Renee Kumor and Vivian Armstrong. Others present included Anthony Prinz, Planner; Autumn Radcliff, Planner; Brad Burton, Zoning Administrator; Karen Smith, Planning Director and Kathleen Scanlan, Secretary. Board member Paul Patterson was absent.

Chairman Pearce acknowledged that the Board received an e-mail from Carol Dunn and mentioned that it will be added to the public input that the Board considers.

Mr. Prinz gave a brief overview of the US 25 North area, which he had presented at the August 16, 2004 Special Called Meeting.

Chairman Pearce said that after we receive the public input, the minutes and information from these two Special Called Meetings, will be gathered together with letters and comments from people who have come into the Planning Department and spoke to Staff. The Planning Board will then meet with Staff and go over the maps looking at individual sites and address for every comment or concern that was brought to the Board and make a decision. He said the Planning Board will make a recommendation to the Board of Commissioners and at that point in time, the Board of Commissioners will receive the recommendation, set public hearing dates, and at some future time, vote on the zoning recommendations from the Planning Board.

Chairman Pearce opened up public input and asked each citizen to limit his or her comments to three minutes.

Matthew Jarvis. Mr. Jarvis discussed a parcel located at the intersection of Naples Road and U.S. 25. He said that the parcel has been in his family for three generations and is approximately twenty-six acres and they have used six acres that is adjacent to the highway continuously for the last twenty-five years for commercial enterprises. He stated that in 1992, he applied for and got written approval from the Tennessee Valley Authority and from the Corp of Engineers to fill in part of this land and as a result have a six acre parcel that is commercial. He said that the strip that Staff is showing as commercial is 300 to 400 feet deep and in essence, that is cutting his parcel in half. He said that he has spent a lot of time and money and has put in excess of a hundred thousand yards of material in there and would request that the Board would extend commercial at least as deep as his parcel, and preferable as deep as the adjacent parcel, which is Mountain Energy. He said the second parcel he addressed is located on Twin Spring Road, which is north of I-26, off Naples Road. Mr. Jarvis said that is proposed to be T-15 zoning and he noted that the ridge line shows the top of it as residential and has been residential, and the bottom of the ridge line is proposed as T-15 is currently residential also. He said there is also one large parcel in that vicinity that is in excess of twenty acres that has deed restrictions against manufactured homes, so he feels that would not be accomplishing very much to zone that area T-15. He said that there is no water or sewer located there, so it would be difficult to develop.

Frank Jackson. Mr. Jackson stated that he was present representing Mr. Tommy McCraw, who owns a tract of property located across the street from Printpak Plant, which is located in the Mountain Home Industrial Park, near Old Roper Road. He said that Mr. McCraw has invested nearly \$ 20,000 in dirt and labor in grading his property for commercial usage.

Mr. Jackson stated that he is also present on behalf of Harold Orr, who owns property in the Naples area on Holbert Road. Mr. Jackson stated that Mr. Orr bought his property, which is about four acres, in 1971. Mr. Orr operated a furniture store at that location for approximately twenty-four years. Mr. Jackson said that the State of North Carolina cut off a portion of his land, so he built another commercial building, which has been leased, to Freeman Gas Company. Mr. Jackson noted that Mr. Orr's property is beside property that is owned by the Wilkie's, who operates a commercial business. Mr. Jackson said that Mr. Orr has spent over \$ 300,000 developing his commercial tract, which is about

the front two acres of his four-acre tract, and the back two acres is in the floodplain and is not suitable for housing. Mr. Jackson said that a property owner who is grandfathered-in is just hanging by a thread with regards to selling their property. If one of the goals in Planning is to protect property values by proposing residential or some other type of restrictive area rather than commercial, you are enhancing the value the few commercial pieces that are left, but destroying the value of the parcels that are being affected. Mr. Jackson said that because of Mr. Orr's expenditures on his commercial building and the hauling in of dirt, Mr. Jackson feels that he has a vested right to continue in the zoning that would allow commercial uses. Mr. Jackson feels that making this parcel any less would be considered "spot zoning" because across the street is an auto garage, a little north is a junkyard, south of the parcel is commercial property and behind the parcel is floodplain. Mr. Jackson feels that it should not be restricted from commercial use.

David Brown. Mr. Brown said that he has a small used car lot in Mountain Home and would like to have it as C-4 zoning, rather than the proposed C-2. The property is located on the corner of Mountain Road and L.R. Smith Road. He feels that there should be commercial along U.S. 25 north because traffic is what businesses are based on. He said that having commercial zoning means the value of the land is more valuable. He referred to all of the commercial development along Spartanburg Highway which has developed over the last thirty years.

Tim Weatherill. Mr. Weatherill said that he commutes from Hendersonville to Arden by way of US 25 North. He feels that this highway should be well planned and be sensitive to the needs of the business and the community, and noted that there are areas of US 25 North that have mixed use – residential with the commercial interest.

Bryan Vaughn. Mr. Vaughn said that he spoke at the previous meeting and that he owns a tract of land, which is approximately 6 ½ acres, on US 25 North between Mountain Home and Naples and has had an auto repair shop at that location for approximately 26 years. As he mentioned at the last meeting, he doesn't feel there should be residential in that area because there are no sewer or water capabilities, as well as being the main thoroughfare from the north and south and would like this to remain commercial. He added that by limiting commercial businesses in the area, the

County is also limiting jobs and economic growth. Mr. Vaughan said that protecting people's property is protecting business owners as well. He questioned the amount of residential building permits that have been given to this area of US 25 North within the last year or so. He feels that the most sensible zoning for the area is commercial.

Vi Sitton. Ms. Sitton owns property at 3801 Asheville Highway (on the corner of Pinellas and U.S. 25). She feels that her property would be more appropriate as C-2 rather than C-2P because she feels that they would lose money if they sold the land under C-2P. She said they purchased additional lots in hopes that it would be big enough for other commercial endeavors, but with the restrictions of C-2P they would be limited on what they can sell the property for.

Barbara Darden. Ms. Darden spoke about the sixty-five acre parcel on Ferenville Avenue regarding the development of a continuing care retirement community. Ms. Darden stated that the project's name is Ashmont and there has been a considerable investment made in that property already. This project is in collaboration with Western Carolina University for a state-of-the-art health care center, cottages and a large main house with condominiums. Ms. Darden said that instead of the proposed R-20 zoning change or not keeping it as Open Use, proposing O & I (Office and Institutional) or C-1 zoning would be very helpful. She stated that the plans were submitted to the Board of Commissioners approximately 2 years ago, and the investment, time and money have been considerable. She requested that the Board reconsider that 65 acre parcel for that particular use.

Albert Sneed. Mr. Sneed stated that he is representing three property owners. He stated that the first party are the Wilkie's on Holbert Road, which consists of 6.75 acres in which they invested approximately \$ 400,000, consisting of an office building, a vehicle repair garage, and another building in the lower section which is used for remanufacturing of manufactured housing. Mr. Sneed acknowledges that the RC zoning was put in because of the floodplain, but the property is level to the highway or higher and is back a substantial distance behind the office building. He stated that their request would be for C-4 zoning to continue the operations.

Mr. Sneed said that the second party he is representing is Carol Denski, who is located near the Cellular Tower and the railroad on the southern side of US 25 North. Mr. Sneed stated that Ms. Denski's husband recently died and she is in the process of managing the property. Mr. Sneed noted that this property is not in the floodplain and is the highest piece of property in that area, which is proposed in the RC district. He said that located on the property is a high transmission power line that goes in back of the property, a cellular tower, and a three-bay equipment repair building with an office building. He said that it is located on a hill overlooking the Tarheel Paving Company and when the Denski's bought it, it was zoned I-2. In reliance on that, they have made investments in it as I-2 and request that the Planning Board keep it as I-2 or some type of industrial designation. Mr. Sneed stated that Ms. Denski also has another lot which fronts on US 25 North, near Mountain Road, which is currently used as Ronnie's Towing Company, which is an automotive building. He requests that it be zoned more intense than C-2, which he feels is a very restrictive zoning for that type of commercial activity.

Mr. Sneed stated that the third party he is representing is Mr. Danny Goodrich. Mr. Goodrich's property is located on Blade Street and US 25, which he has owned since 1981 and has invested in the property and relied on the rules that have existed for his auto body shop. Mr. Sneed said that if his property gets zoned to C-2P as proposed, he will have a non-conforming use which he will not be able to expand it, or if it is discontinued for 180 days, it can not be changed to any other type or go back to any other type of non-conforming use. Mr. Sneed requests that this parcel be proposed as C-4 zoning.

Eddie Fox. Mr. Fox stated that he owns land on Howard Gap Road that is above TDM Company. He stated that he has been planning for approximately eight years to place some manufactured homes on fifteen acres of his land. He stated that he has already invested over \$ 100,000 in buying property to get road frontage so that he could acquire a right-of-way into the property. Mr. Fox stated that with the proposed zoning of R-15, it would not allow for any manufactured homes. He requested that the zoning being changed to allow for manufactured homes. He added that there are already manufactured home parks that are on three sides of his property.

Don Layburn. Mr. Layburn stated that he is a resident of Stoney Mountain Estates and has resided there for twenty years. He feels that the development is an island in an unzoned, unplanned area, although he admires the Grimesdale Subdivision and finds that the commercial use that is located on the corner of Brookside Camp Road and U.S. 25 are quite acceptable, however he feels that over commercial development is not a good thing. Mr. Layburn said that he does admire what is going along U.S. 25 in the Fletcher and Biltmore area as it is mixed residential and commercial use, but he dislikes what is going on Spartanburg Highway, because it is extremely commercial and doesn't want to see anyone cheated out of things that they bought and put good effort into, but does not want to see it overly developed into commercial property.

Isabelle Layburn. Ms. Layburn said that she is very much in favor of the public input sessions and finds that there are some bad examples where there was no planning and feels that we should stop now and plan so that we can prevent those same things from happening on US 25 North. She is mainly concerned with the lack of a service road on the southern part that has already been widened, and is not in favor of all of the curb cuts that she sees already on the highway. She wants to make sure that the Board considers making this a safe highway.

Polly Orr. Ms. Orr stated that she is a member of the Conservation Issues and Action Committee of the Environmental and Conservation Organization (ECO). She said that her committee has looked at the maps and the work of the Planning Department and Planning Board, and they support the zoning map for the 5400 acres along the US 25 North corridor that has been presented. She stated that their committee supports commercial zoning at key road intersections along US 25, but does not support having commercial zoning all along the highway. She said that they believe the concept of mixed use as the Planning Board has proposed, is a good one because there is an incorporation of residential, industrial and commercial areas it protects the floodplain and agricultural areas. She also stated that the Board was sensitive to cultural and historic significance and has tried to create an area that is environmentally sensitive while allowing growth in both residence and business. She requested that at some point landscape and building design criteria, stormwater management, parking lot enhancements and access control be overlaid along the corridor as well as other major roadways in the area.

Ed Groce. Mr. Groce stated that he represents Mr. Larry Holbert and Ronnie Gray. He said that they own four separate parcels that will be affected by this zoning study. He stated that the first parcel is located in front of the Mountain Home Industrial Park, and they have spent considerable money filling in this piece of property. It is about six feet below what the grade is going to be on the new road and is surrounded by industrial property on the back and the south side, as well as the west side, and that the property joins the railroad. Mr. Groce said that if it is zoned as proposed, which is residential, no one will be able to afford to fill in what it will take to bring this property up to build a home on it. He also indicated that there is a creek that runs through the property. Mr. Groce stated that they have spent a considerable amount of money for the property and almost as much to fill it in.

The next tract is near where Thompson's Nursery is located, and the same stream comes down through it. He stated that that the Department of Highways, in designing the road, has rerouted the stream through this piece of property and it will be below grade level. Mr. Groce stated that because this property is being used presently for commercial use, he feels that is the only use that it can be used for. Mr. Groce stated that when the Department of Transportation condemned the property, they had their own appraiser and each one of them appraised the property on the basis that it was commercial property.

Mr. Groce stated the third piece of property is where Mountain Road comes in. The property owners have a small parcel there and they want to use it as commercial property. He said that the highway will take a good portion of the property and, because it is located at an intersection, it should be commercial.

The last parcel of land is located north of Rugby Drive and west of US 25 North and part of the parcel is a high knoll. This parcel is made up of approximately thirty-four acres, and a good portion of this property is located in the floodplain. Mr. Groce stated that the property owner spent a considerable amount of money purchasing the property and has done substantial grading on the property to move dirt so that it will be grade level. The parcel is located across from Thomas Shepherd Memorial Park and next to Naples Baptist Church, and across the road is a junkyard. Mr. Groce stated that the best and highest use of this property is commercial. Mr. Groce mentioned that the Department of

Highways have started putting up traffic lights, which indicates that this will become another intersection along the highway. He said that the property owners bought it for commercial, they've invested money in it and requests that it should be zoned commercial.

Allie Heatherly. Ms. Heatherly stated that she lives at 110 Old White Street in Mountain Home. She said that there is commercial in front of her property, proposed industrial behind her property near the railroad tract, and we designated it as residential. She feels that most of the people in that area would like it zoned commercial because of the location.

Deborah Weekly. Ms. Weekly lives next door to Ms. Heatherly and feels that they are "sandwiched in" between commercial, industrial, and the five-lane highway, and would also request commercial zoning for the approximate ten residences in that area.

Bill Fitch. Mr. Fitch stated that in the *Zoning Rewrite* it did away with R-40, R-30, R-20, R-15 and R-10 zoning. He also referred to another section of the *Rewrite* and mentioned that it stated that residential apartment developments can be located within R-40, R-30, R-20 and R-15 with special use permits. He also referenced that it would allow Group 6 cellular telephone towers up to 100 feet in all residential districts. Chairman Pearce stated that the Planning Board is not in the position to discuss the *Zoning Rewrite*. Mr. Fitch said that his point is that there are a lot of property owners who have taken time to share their comments with the Board and they then will be shared with the Board of Commissioners and it is all subject to change because of the *Zoning Rewrite*. He suggested, why doesn't the County get everything put together and present it to the people and explain it so they will know what they have now and what the changes will be and explain it in such a way so they will understand it and the media can present it to us.

Kenneth Miller. Mr. Miller said that he owns property between Holbert Road and Piney Ridge Road and it is proposed as C-1 zoning, which does not coincide with his trucking company. He feels that it is a convenient place for his business and he said that Staff indicates that part of his property is located in the floodplain, but feels that shouldn't be a problem as he does not intend to expand the business in that area.

Kenneth Youngblood. Mr. Youngblood stated that he feels that there are great issues of equity dealing with US 25 North. He said that how you resolve that with a brittle system without some zones or some flexibility is a mystery. He stated that the property owners he is representing has property located across from Printpack, to the south by Worley's Furniture, and Tommy McCraw's property is in the back. He stated that the property has been light industrial for some time. His clients have filled the property in and presently there are a series of warehouses on the back portion of that property and there was a major business building in the center of the property leading back to the warehouses. The State took the front two feet of the building, therefore they had to take the entire building, but we understand that if there is involuntary condemnation and that property is removed, that the right to build it continues if there is not an interruption of use. Mr. Youngblood said that his clients have not been able to start any kind of rebuilding because the State also took the construction easement on the property and the very place that the building would be put back, is where the construction easement is and they will not be able to build on that until the construction of the highway widening has been completed. Mr. Youngblood said at present this property is highly mangled, where the back portion continues to qualify for light industry, the central portion of the property will qualify for replacement of the building that was torn down and he feels that they have a right to replace it as a part of light industry, but on the north and south side of the 1 1/3 tract of land now is proposed as commercial. Mr. Youngblood also indicated that there is a major utility across the road, which is the major industrial sewer line that serves some business in the Mountain Home Industrial Park. It was put in at a great expense to reduce the use of the property that has access to the sewer line to a lesser use where the industrial use of it is going to be destroyed, even though it is light industry. He feels that rezoning it commercial is a misuse of that utility.

Robert Hanson. Mr. Hanson said that he owns property near Ferenville Drive. The property to the south of his property is being developed into a mini-warehouse and feels that he would like his property zoned commercial because he does not feel he can get the value from his home as a residence with the surrounding commercial environment. He feels that most of the surrounding area would be more suitable for commercial. He also feels that both sides of US 25 is considered to be the prime development area for our community, for both residential and commercial but there has not been plans to get sewer in that area as of yet. He feels that with the R-15 proposal and Mud Creek being

polluted, that with all the septic tanks that will be needed for residences, it will become worse.

David Anders. Mr. Anders said that he has property on the north side of Mud Creek. He said that this is proposed as residential but it has had a commercial building on the property, it has been used that way for over thirty years, and it abuts a proposed C-4 zoning. He requests that his property be zoned C-4 (commercial).

Joe Renfro. Mr. Renfro said that along the highway it should remain residential as well as commercial. He said he feels that the community does not need an industrial complex because it would increase the taxes. Mr. Renfro gave a brief history of Mountain Home and agrees that the residential use should be maintained. He mentioned that he agrees with the C-2P designation. Chairman Pearce acknowledged a written history profile of Mountain Home written by Harold Smith in 1967.

Larry Manning. Mr. Manning indicated that he owns some property on Mountain Road as well as a parcel behind Mountain Home Fire Department. He said that two of his properties are proposed as C-2P (on Mountain Road) and he said that with the amount of traffic on Mountain Road, he feels that C-4 should be designated all the way to the church on Mountain Road as well as the properties along US 25. He requested that his two properties on Mountain Road be zoned C-4, and the property behind the fire department should be either C-4 or remain as Open Use instead of the proposed R-15.

Edward Vogel. Mr. Vogel stated that to the north of this corridor most of the area is zoned C-1, and the area south of this corridor, the City has designated it as C-3, which is the same as the County's C-4 zoning. He stated that he has studied the differences between C-2, C-4 and C-2P and said that the *Zoning Ordinance* states that C-4 is a highway commercial district; C-2 is permitted along a corridor and streets; and C-2P is to provide for commercial and residential activity in selected historic communities, but does not say anything about this zoning on a commercial highway and would like clarification on that. He clarified that C-4 is for major highways.

Bob Long. Mr. Long stated that he represents Scott Jarvis, who owns property that is to the north of South Naples Road between Interstate 26 and the railroad, and is bisected

by the new road that the State constructed to get to Park Ridge Hospital from US 25. Mr. Long stated that Mr. Jarvis owns eleven acres and has an additional two acres between the railroad and the new road. Mr. Long said that his property is located between the railroad and Interstate 26 and feels that he has reasonable expectations over a period of time of putting this property together for commercial usage. He also feels that R-20 is not the most suitable for this property and its location.

Faye Carland. Ms. Carland stated that she has two properties, one is located on Glenwood Road that is proposed as residential and would like to stay that. She also owns another piece of property on Maxwell Drive, off I-26, which is adjacent to Auto Advantage, and requests that this parcel be rezoned C-4 because it will lose the value of her property if zoned anything else.

Hazel Moss. Ms. Moss stated that her property is beside Ms. Carland's on Maxwell Drive and because of the location of commercial property surrounding her property, she also requests that it should be rezoned C-4 instead of the proposed T-15.

Mark White. Mr. White said that he represents Mr. Holbert. He said that he feels that zoning protects property values of the people who own it. He said that because it is surrounded by commercial, he feels that it should remain zoned for commercial purposes as the property is not appropriate for residential use because it is not the highest and best use for that property.

Ed Bagwell. Mr. Bagwell stated that he has been a property owner on Holly Hill Road for thirty-five years and is representing the residents of the Holy Hill Road area who feels that this rural area should maintain its rightful designation of Open Use. Mr. Bagwell said the reasoning for this is that the Holly Hill area was historically part of, and is located adjacent to the Fletcher Academy property, a large tract designated as Open Use at present. He said the Holly Hill Road is a rural, unplanned, mixed community which contains manufactured homes, a farm, home based businesses with a major portion of it belonging to Fletcher Academy. He said that the current uses of land pose no threat to surrounding neighbors or the neighborhood itself. Not every section of Henderson County requires zoning restrictions. He said his belief that private land ownership is a sacred American right and infringements upon such should be guarded

with the upmost diligence. He believes it is the duty of elected officials to protect our land from those who would seek to place unreasonable restrictions on our land legally or illegally. Mr. Bagwell said that on behalf of the residents of Holly Hill Road, he requests that this area remain as Open Use. Mr. Bagwell submitted a petition of signatures regarding this request.

Scott Woodworth. Mr. Woodworth said that he feels no one along US 25 North has improved the visual impact of the community in the years that they have lived in the area and that is the reason why it looks unkempt. He feels that no one has spent any money to make the community look good. Mr. Woodworth is in favor of making both sides of US 25 North low impact commercial, but nothing industrial. He said he does not like manufactured or modular unit businesses or used car lots. He feels that the County needs to have some controls. Mr. Woodworth expressed that he would rather have what has been happening on Four Seasons Boulevard than what has been going on along US 25 North for all of these years and no one taking care of the problems. He feels that when the commercial development occurs on US 25, the County should take consideration with signage, and lots of green areas.

Janis Moore. Ms. Moore referenced the area, "PJ's Place" and said that she feels that the highest and best use for the property north of the creek would be to leave it Open Use because that is the same designation of Park Ridge Hospital and Fletcher Academy. It is encroached upon by the academy and the hospital, therefore that small area is not useful as residential area. Ms. Moore stated that her father-in-law owns a portion of that property and requested that portion of the property north of the creek to remain Open Use.

Tiffany Smith. Ms. Smith lives at 75 Talley Drive, located in Fletcher, and her property is proposed as T-15. She said that the property north of this site is industrial and to the east of the site is commercial. She feels that because of all the surrounding commercial uses, that it is not a pleasant place for a residential site. She stated that she requests that the property be changed to commercial to conform with the existing surrounding uses.

Kerry Bodenhamer. Mr. Bodenhamer said that he lives on the corner of Holbert Road and US 25 North, which is across from Harold's furniture and next door to Bryan Vaughan's business. He stated that he has a business that builds racecars and owns the house that fronts US 25 North. He stated that because of the location of his home now that the highway widened it, is not an ideal place to build a home. He requests that his property should be commercial.

Leon Lamb. Mr. Lamb said although he does not have any property that is adjacent to US 25 North, he feels that most of that corridor should be commercial. Mr. Lamb said that he owns property near I-26, approximately 63 acres, which is across from the Double T Golf Course. The property borders I-26 on one side and across the creek, a big portion of the property there was bought by the State. He feels that his property should remain as Open Use.

Chairman Pearce said the Board would look at everyone's comments and give them consideration. He said that this Board will be meeting with Staff and will endeavor on how to proceed from here.

Adjournment. There being no further business, Tedd Pearce made a motion to adjourn and Vivian Armstrong seconded the motion. All members voted in favor. The meeting adjourned at 8:48 p.m.

Tedd M. Pearce, Chairman

Kathleen Scanlan, Secretary