

HENDERSON COUNTY PLANNING BOARD MINUTES November 19, 2002

The Henderson County Planning Board met for its regular meeting on Tuesday, November 19, 2002, at 7:00 p.m. in the Land Development Building, 101 East Allen Street, Hendersonville, NC. Board members present were Tedd Pearce, Chairman, Leon Allison, Paul Patterson, Todd Thompson, Kevin Keefe, and Jack Lynch. Others present included Derrick Cook, Planner; Karen C. Smith, Planning Director; and Kathleen Scanlan, Secretary. Board members Walter Carpenter, Mike Cooper and Roger Wolff were absent.

Chairman Pearce announced that Paul Patterson is not moving away and is continuing to remain a member of the Planning Board.

Approval of Minutes. Chairman Pearce presided over the meeting and called the meeting to order. He asked for the approval of the October 15, 2002, minutes. Jack Lynch made a motion to approve the minutes. Kevin Keefe seconded the motion. All members voted in favor.

Adjustment of Agenda. Ms. Smith suggested that Items 5 and 6 be moved after Item 11, in the interest of time and the Board agreed to do so.

Staff Reports. Ms. Smith informed the Planning Board that the Board of Commissioners, at its November 4, 2002 meeting, approved the amendments to the Subdivision Ordinance. Ms. Smith also mentioned that on November 12, 2002, the Board of Commissioners approved zoning for most of the Howard Gap/Brookside Camp Road Study area. She stated that the Commissioners plan to discuss a small piece that they labeled "5A" at the meeting tomorrow, November 20, 2002. This piece is located across Howard Gap Road from the Whispering Hills area. She mentioned that several petitioners in that area came in to the hearing with a petition wanting to be taken out and at that time they were allowed to get more signatures and to come back for discussion of that area for November 20, 2002 meeting. Ms. Smith said that there will be a new zoning map available for all Board members in the near future.

At this point in the meeting the Board deferred the Hyder/Justus item until later in the meeting since the applicant had not arrived.

Park Ridge Hospital Mills River Clinic Subdivision (File # 02-M15) – Combined Master and Development Plan (2 Commercial Lots Off NC Hwy. 280) – Stuart Stepp, Agent for Fletcher Hospital, Inc, d/b/a/ Park Ridge Hospital, Owner. Mr. Cook stated that Park Ridge Hospital Mills River Clinic is a proposed commercial subdivision on approximately 2.69 acres of property off of Highway 280. The applicant submitted a combined Master and Development Plan for the proposed subdivision. The Applicant is proposing the creation of two lots to be completed in one phase. Lot one will consist of 0.90 acres containing the proposed building and adjoining parking lot. Lot two is the existing clinic, EMS building, and parking lot on 1.79 acres. The development will be served by public water (City of Hendersonville) and individual sewer systems. The property is located in an Open Use zoning district and within a WS-III Water Supply Watershed Protected Area.

Technical and Procedural Comments

Staff has reviewed the combined Master and Development Plan for conformance with the Henderson County Subdivision Ordinance and stated that regarding the Master Plan, all requirements have been satisfied. Regarding the Development Plan, the following are the technical comments:

- 1. Soil Erosion and Sedimentation Control** – The Applicant should submit notice from NCDENR that a soil erosion and sedimentation control plan has been received or provide documentation that no plan is required (HCSO 170-19).
- 2. Restrictive Covenants** – Prior to Final Plat approval, the applicant should present a copy of the restrictive covenants for the development or certification indicating none will be used (HCSO 170-30).

3. **Farmland Preservation** – Prior to the Final Plat approval, the developer needs to sign and submit an Affidavit of Understanding regarding Farmland Preservation Districts, and provide a notation on the Final Plat stating that the property lies within ½ mile of a farmland preservation district. (HCSO 170-35).
4. **Culverts and Drainage** – Culverts and drainage structures along the proposed road need to be designed to NCDOT standards. Culvert locations, length, diameter, and type should be shown on a revised Development Plan to be submitted prior to construction (HCSO 170-21-D, 170-29-B and Appendix 5).
5. **Road Design** – The application for a commercial or industrial subdivision shall provide roads constructed at no less than state road standards for public residential collector roads, regardless of whether such roads are proposed to be public or private. For roads with shoulder sections, such standards require a 50-foot right-of-way, 20-foot paved travelway (depth if asphalt to NCDOT standards) and 6-foot shoulders, among others requirements (see excerpt from NCDOT Subdivision Roads Manual). A cross-section for the “drive easement” should be shown separately from that for the existing NCDOT access road. The Applicant should provide details regarding the intersection where the “drive easement” veers off to the new building site (HCSO 170-21).
6. **Buffer for Commercial and Industrial Subdivisions** – For commercial or industrial subdivisions, the Planning Board may require a buffer strip of no less than 10 feet wide where lots back up to or are adjacent to a major street or between dissimilar uses of land such as a residential area. The Planning Board or Subdivision Administrator may also require the applicant either to arrange for, or be responsible for, the grading and planting of said buffer strip. Retention of existing vegetation that would provide an equivalent buffer is encouraged. The Planning Board shall have the authority to determine if existing vegetation fulfills the intent of the buffer requirement or if additional vegetation should be planted (HCSO 170-33).

- 7. Water Supply and Sewer System** – Because a public water supply system is proposed, a letter from the City of Hendersonville Water and Sewer Department must be submitted which states that there is sufficient capacity to make connection to the utility. The applicant must provide evidence that the City of Hendersonville Water Department has approved water supply system plans. Prior to construction, the Applicant must meet the City of Hendersonville’s minimum requirements for fire hydrant installation to the Planning Department for approval (HCSO 170-20).

Mr. Cook stated that he would like to focus on Item 6, regarding buffers for commercial and industrial subdivisions. Mr. Cook gave a visual presentation of the area showing various areas that a buffer strip may be required. He mentioned that on the property where the EMS building is located, there is an existing fence, which is serving as a portion of a buffer strip. He stated that beyond the fencing there are homes. Chairman Pearce asked, “What is Staff’s position on buffering?” Mr. Cook stated that Staff feels that they need to keep the fence there and that there is a possibility that the fence could be extended or they might want to put a vegetation line to separate the area where the homes and parking lot are located. Chairman Pearce asked, “How close will the development be to the present homes?” Mr. Cook showed on a map the relation of the distance from the project to the existing homes and present fence. Mr. Cook also mentioned that he had concerns regarding the road design. Presently at the proposed new entrance of the proposed lot where the clinic will be placed, the travel way entrance connecting to the current road has an extremely sharp turn. He stated that he does not know what the intention of the developer is at present, but suggested proposing a 30-foot frontage on the property there and making it a flag lot. Ms. Smith stated that the applicant will further address the road issue and other comments on Staff’s memo.

Architect Stuart Stepp stated that the lot is for Dr. Smith, who is currently in the existing clinic. He stated that Dr. Smith wants to build a new building instead of an extension to the existing EMS building. Mr. Stepp stated that the doctor’s idea is to be on that same site and build a “farm-type” building that would fit character-wise with the surrounding area. Mr. Stepp was not aware that the project fell under major subdivision rules. The developers proposing to carve out an acre for Dr. Smith. Mr. Stepp pointed out that there is currently a septic system for that area

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and showed the location of the new septic system for Dr. Smith's proposed facility. Mr. Stepp stated that regarding a buffer, all the trees that are there will remain and be kept in a natural manner. After the Planning Board suggested extending the existing fence, he indicated that that could be done. He stated that where the parking lot is located, that it does not go over any existing septic areas or new areas proposed.

Tom Jones, who works with Lapsley and Associates, a private engineering and consulting firm, addressed the road issue and said that the NCDOT access road was designed and built as part of the Highway 280 widening. He stated that the developers built the driveway to serve the EMS building and clinic, which was constructed in 1997, and the idea was to connect the parking lot to those structures. He stated that the road is made up of 18 feet of asphalt and approximately 4 to 6 feet of shoulder, and does not meet the collector road requirements for major subdivision standards, but might meet local road standards. He feels that it should be more than adequate for that project, but does not meet the Ordinance as written, as the Ordinance does not deal with minor commercial subdivisions and that is the issue before the Board. He stated that they could consider doing a flag lot where the lot they are creating could be owned all the way to the right-of-way, and have a 30-foot strip, which then would not have to meet the Ordinance standards. He stated that although he is not entirely in favor of doing this, they would do what was needed to meet the Ordinance. It was indicated that Dr. Smith will own the subdivided lot and that he would also own the building. Park Ridge intends to grant him an easement over the hospital's driveway to the public road. Chairman Pearce asked Ms. Smith whether the Board has any waiver rights in this? Ms. Smith stated that there aren't any and that is why the Subcommittee is trying to work on amendments to address small commercial subdivisions and propose changes to the requirements for roads built to State road standards.. Chairman Pearce said that he feels under the present situation he does not know any way the Board can do this without either a flag lot or the developer upgrading the entire road. There was some brief discussion regarding buffering requirements. Ken Cobb of Park Ridge Hospital, said they had built the fence because of a complaint. The applicants noted that the building has been shifted by 30 feet. Chairman Pearce made a motion to approve the Master and Development Plan for the Park Ridge Hospital Mills River Clinic Subdivision subject to technical comments # 1, 2, 3, 4, 7, and that regarding # 5, road design, that a stop sign be placed where the new road intersects the existing road and that

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buffering be provided along the new parking lot between the dissimilar uses on the side of the parking lot and the building, by one of two options (1) a planted buffer as stated in the Ordinance, or (2) a fenced buffer, and further, to approve this application with the applicant having a choice in making a 30-foot flag lot to the site from the public right-of-way or bringing the road up to state standards to the public right-of-way. Leon Allison seconded the motion. Tedd Pearce, Leon Allison, Todd Thompson, Kevin Keefe, and Jack Lynch voted in favor. Paul Patterson voted against the motion as he was not in favor of the flag lot being used instead of meeting the road standards. The motion carried.

Park Ridge Medical Office Subdivision (File # 02-M16) – Combined Master and Development Plan (3 Commercial Lots off Howard Gap Road and Naples Road) – Brandice Masse, Agent for Fletcher Hospital, Inc., d/b/a/ Park Ridge Hospital, Owner. Mr. Cook stated that he received another revision, the difference being that with this revision they submitted a vicinity map dealing with the Park Ridge Medical Office Subdivision. Mr. Cook distributed the revised plan and stated that Park Ridge Hospital has applied for a commercial subdivision known as Park Ridge Medical Office Building on approximately 28.03 acres on land behind where the medical hospital is presently located. The applicant has submitted a combined Master and Development Plan for the proposed subdivision. The development will be completed in one phase and will be served by public water (City of Hendersonville), an existing community sewer system (Fletcher Academy) and a private road. The project will create three lots from the existing parcel containing the Park Ridge Hospital. The applicant is proposing an office building and adjacent parking area. According to a letter from Ms. Masse, “Upon completion of the medical office building, Park Ridge MOB, LLC, the future owner will subdivide their property based on the number of tenants in the building. These tenants will own a percentage of the interest in the property including the adjoining parking lot.” The property is located off Naples Road in an Open Use zoning district.

Mr. Cook said that Staff has reviewed the combined Master and Development Plan for conformance with the Henderson County Subdivision Ordinance and stated that since they have presented revised Master Plans, they have satisfied the Master Plan requirements. Mr. Cook stated that the technical comments for the Development Plan are as follows:

- 1. Buffer for Commercial and Industrial Subdivisions** – For commercial or industrial subdivisions, the Planning Board may require a buffer strip of no less than 10 feet wide where lots back up to or are adjacent to a major street or between dissimilar uses of land such as a residential area. The Planning Board or Subdivision Administrator may also require the applicant either to arrange for, or be responsible for, the grading and planting of said buffer strip. Retention of existing vegetation that would provide an equivalent buffer is encouraged. The Planning Board shall have the authority to determine if existing vegetation fulfills the intent of the buffer requirement or if additional vegetation should be planted (HCSO 170-33).

Chairman Pearce did not feel that a buffering requirement is needed as he feels that it is subdivided into medical buildings and the hospital owns the adjoining properties. Ms. Smith stated that the Planning Board has not been told what they intend to construct.

Mr. Cook mentioned that Comment # 2, regarding the vicinity map, had been taken care of and that Comment # 3 dealing with location of lots or parcels reserved for future development is the only item needing to be addressed regarding the Development Plan.

Other Comments

- 1. Non-Standard Subdivision** – To address the potential subdivision of the office building in the future, staff suggests that the Planning Board acknowledge that a non-standard subdivision of the office building may occur and allow it to be reviewed by staff under the provisions of Section 170-15 of the Subdivision Ordinance.

Mr. Cook stated that the applicant plans to lease out parts of the building and may sell parts of the building, which is classified as a non-standard subdivision. He stated that by selling off lots within, you are creating a subdivision. Mr. Cook stated that the Planning Board could acknowledge that Staff can approve the potential subdivision of the building administratively or the Board can ask the developers to come back before the Planning Board for approval each time they make a sale. Ms. Smith stated that there will not be any other standards that the developers

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would have to meet other than what the Board has seen regarding road standards. Mr. Cook stated that the submittal is for approval of the combined Master and Development Plan for the subdivision. Staff would recommend approval of the combined Master Plan and Development Plan subject to the remaining listed comments being addressed.

Mr. Ken Cobb, Director of Engineering for Park Ridge Hospital, addressed Comment # 3 dealing with location of lots or parcels reserved for future development. He stated that at this moment there are no future development plans but they do wish to reserve that right in the future for whatever or however they might want to use the land for and would bring that before the Planning Board for approval at that time. He stated at this point, there are no immediate plans. Mr. Cook clarified that on the map they should identify the areas as "future development."

Chairman Pearce made a motion that the Planning Board find and conclude that the combined Master and Development Plan submitted for the Park Ridge Medical Office Building Subdivision complies with the provisions of the Subdivision Ordinance. He further stated that if the potential subdivision of the building in the future would be a non-standard subdivision of the office building, the Planning Board would allow Staff to review it administratively. He added that the Planning Board also acknowledges that the developer may want to subdivide in the future, but since there is no allocation of lots or parcels broken out on remaining ground owned, any future subdivision of the property would require coming before the Planning Board. Jack Lynch seconded the motion and all members voted in favor.

Sunrise Ridge Subdivision (File # 02-M17) – Combined Master and Development Plan (25 Residential Lots off Pace Road) - Roy P. Dalton, Agent for Roy and Carol Dalton, Mickey and Karen Davison and John and Keisha Dalton, Owners. Paul Patterson stated that he needed to recuse himself from any discussion or decision dealing with this subdivision as well as the next subdivision to be discussed, Horseshoe Commons, as he is working on both projects for the applicants. At this time, he excused himself from the rest of the meeting. Mr. Cook stated that Sunrise Ridge is a proposed major subdivision located on approximately 20.03 acres. The applicant submitted a combined Master and Development Plan for the proposed subdivision. The developer is proposing twenty-five (25) single-family dwelling lots to be completed in one

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phase. The lots sizes are from 0.63 acres to 1.29 acres. The property is currently an apple orchard. City water, individual sewer systems, and private roads will serve the development. The property is located in the Open Use zoning district off Pace Road. Mr. Cook distributed a revised plan and stated that what is different from the original plan is the cross-sections and road construction. He stated that the collector road initially had 20 feet of travelway and it was reduced to 18 feet and the proposed 6 inches of ABC stone has been increased to 8 inches. The shoulder width is now 4 feet.

He stated that Staff has reviewed the Master Plan and Development Plan for conformance with the Henderson County Subdivision Ordinance and stated that regarding the Master Plan there are no comments. Mr. Cook stated that with regard to the Development Plan, he offers the following comments:

1. **Soil Erosion and Sedimentation Control** – has been received.
2. **Restrictive Covenants** – Prior to Final Plat approval, the applicant should present a copy of the restrictive covenants for the development or certification indicating none will be used (HCSO 170-30).
3. **Road Drainage and Culverts** – All roads or drainage structures should be constructed in accordance with state road standards. Culvert locations, length, diameter, and type should be shown on a revised Development Plan to be submitted prior to construction (HCSO 170-21-D, 170-29-B and Appendix 5).
4. **Standards for Private Roads** – has been satisfied.
5. **Stream Setback** – A minimum thirty-foot setback for buildings or other structures, excluding bridges or culverts, is required along all perennial stream indicated on the most recent versions of USGS 1:24,000 (7.5 minute) scale topographic maps. Staff suggests the Applicant put a note to this effect on the Final Plat regarding the stream across lots 1 and 2.

6. **Farmland Preservation** – Prior to the Final Plat approval, the developer needs to sign and submit an Affidavit of Understanding regarding Farmland Preservation Districts, and provide a notation on the Final Plat stating that the property lies within ½ mile of a farmland preservation district. (HCSO 170-35).
7. **Water Supply System** – Because a public water supply system is proposed, a letter from the City of Hendersonville Water and Sewer Department must be submitted which states that there is sufficient capacity to make connection to the utility. The applicant must also provide evidence that water supply system plans have been approved by the City of Hendersonville Water and Sewer Department. The Applicant must meet the City of Hendersonville's minimum requirements for fire hydrant installation (HCSO 170-20).

Mr. Stacy Rhodes, surveyor for the project, reviewed the comments and stated that they have no problems dealing with the stream buffer requirements and stated that they have no problems meeting certifications from different agencies. Todd Thompson asked Stacy Rhodes whether Vic Hoots owns a lot in the middle of this development? Mr. Rhodes stated that he does and stated that he has one lot and uses a driveway that has no right-of-way to get to his house and his right-of-way is in part where the existing power line is located. Mr. Rhodes stated he thinks that the power line will be put underground and that everything is okay with Mr. Hoots' easement. Chairman Pearce asked whether this right-of-way is any different than the situation we had with Carriage Park, with the right-of-way going to that property that was in question at the time? Chairman Pearce asked whether the Board should address this right-of-way? Ms. Smith searched for the policy on this and said that the policy states that if there is an easement or right-of-way, that it should be shown. Chairman Pearce stated that as Mr. Rhodes mentioned, it is recorded and conveyed and is shown on the submitted plat. Board members felt comfortable with the situation and Kevin Keefe made a motion that the Planning Board finds and concludes that the combined, revised Master and Development Plan submitted for the Sunrise Ridge Subdivision complies with the provisions of the Subdivision Ordinance except for those matters addressed in the Technical and Procedural Comment section of Staff's memo that have not been satisfied by applicant; and further moved that such Plans be approved subject to the following

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Conditions: The Applicant satisfies comment # 3 prior to beginning construction and comments # 2, 5, 6 and 7 prior to Final Plat approval. Jack Lynch seconded the motion and all members voted in favor.

Horseshoe Commons G&B Oil Company, Owner, William Patterson, P.L.S., Agent. Mr. Cook stated that Horseshoe Commons Commercial Subdivision is located on 11.90 acres and consists of three (3) lots. The applicant submitted a combined Master and Development Plan for the proposed subdivision. The developer is proposing to create three (3) lots including the existing lot one. The lot sizes are approximately 8.07 for lot one, 2.10 acres for lot two, and 1.73 acres for lot three. The property currently has an existing office building on it containing a G&B Oil office and three more lease spaces. The proposed building for lot two potentially will be a mirror building of that on lot one for other lease spaces. Lot three will be likely used as a retail establishment. A public water system (City of Hendersonville) and individual sewer serves the development. The property has direct access off N.C. Highway 280 (Boyleston Highway). The subdivision is located in the Open Use zoning district and is within a WS-III Water Supply Watershed Protected Area.

Mr. Cook stated that Staff has reviewed the Master Plan and Development Plan for conformance with the Henderson County Subdivision Ordinance and stated that with regard to the Master Plan, all requirements have been satisfied. With regard to the Development Plan, the following comments are for approval:

1. **Farmland Preservation District** – This property appears to be within 1/2 mile of a Farmland Preservation district. The Final Plat should include a notation that the property is within ½ mile of land in a Farmland Preservation District. (HCSO 170-35)
2. **Water System** - This item had been satisfied.
3. **Buffer for Commercial and Industrial Subdivisions** - Mr. Cook stated that for commercial or industrial subdivisions, the Planning Board may require a buffer strip of no less than 10 feet wide where lots back up to or are adjacent to a major street or

between dissimilar uses of land such as a residential area. The Planning Board or Subdivision Administrator may also require the applicant either to arrange for, or be responsible for, the grading and planting of said buffer strip. Mr. Cook and Ms. Smith both showed photos describing the proposed development and the various uses of each existing lot. They explained the uses of properties that abut the proposed commercial subdivision and asked Mr. Patterson, agent for the project to speak on this matter further. Mr. William Patterson stated that this is a minor subdivision containing three lots with no new roads but according to the Henderson County Subdivision Ordinance, it falls under the Major Subdivision stipulations. He stated that the property owners, Margaret Kehoe and Besche look down on the project site and stated that it is difficult to buffer between the property owners and the proposed project. Chairman Pearce stated that it is roughly 16' between the property owners and the proposed project site. Mr. Patterson presented photos showing the Kehoe property with the mobile home, barn and shop. He mentioned that there is a ten-foot easement, which they provided to the church near them so they could have City water, so therefore, there is a water line running up the property line and they can not plant anything at that location. After some further discussion on this matter, Board members were in agreement to decline any requirements for buffering on this property. Mr. Patterson also mentioned that with the other comments they had no problem complying with the requirements. He stated that they have provided documentation from the City of Hendersonville Water Department concerning comment # 2 on water system.

- 4. Restrictive Covenants** – Prior to Final Plat approval, the applicant should present a copy of the restrictive covenants for the development or certification indicating none will be used (HCSO 170-30).

Todd Thompson made a motion that the Planning Board finds and concludes that the combined Master and Development Plan submitted for the Horseshoe Commons Subdivision complies with the provisions of the Subdivision Ordinance except for those matters addressed in the Technical and Procedural Comment section of Staff's memo that have not been satisfied by applicant; and further moves that such Plan be approved subject to the following Conditions: The applicant

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satisfies comments 1 and 4 in the Staff memo prior to Final Plat approval. Jack Lynch seconded the motion and all members voted in favor.

Revisions to Planning Board Rules of Procedure – Planning Staff. Ms. Smith stated that the Planning Board, with approval from the Board of Commissioners amended Section 3(A) of its Rules of Procedure in 2001 to change the Planning Board’s regular meeting date from the last Tuesday to the third Tuesday of each month. She stated that Staff recently found that Section 2(A) of the Rules of Procedure, which specifies when the Planning Board’s annual organizational meeting is held, should have been amended to read that it is held at its regular meeting in September of each year. Ms. Smith stated that Staff is requesting that the Planning Board consider this and several other minor proposed revisions to its Rules of Procedure and, if the Board is comfortable with the changes, to vote to amend its Rules accordingly. Mr. Allison brought up the issue of the term, “Chairman” and felt that it should be changed to reflect either gender and the Board members agreed to the term, “Chair.” After some discussion, Chairman Pearce made a motion that the Planning Board accepts the amendments presented with the following changes that anywhere the word *Chairman or Vice-Chairman* is stated, it should be changed to *Chair and Vice-Chair*. Todd Thompson seconded the motion and all members voted in favor.

Subdivision Plan Review Issues. Ms. Smith stated that at the last Planning Board meeting, the Board briefly discussed some issues related to applications for subdivisions that were lacking some information, but since Mr. Paul Patterson was the one who had initially brought up this issue and he is not present at this time, she asked whether the other Board members want to discuss this matter or table this issue until next month’s meeting. The Board agreed to table this item until the next Planning Board meeting.

Hyder & Justus Subdivision (File # 02-M13) – Combined Master and Development Plan Review (2-3 Commercial Lots Off Upward Road) – Jeff Justus, Owner/Agent. Although no one was present on behalf of the applicant, the Planning Board decided to consider the application rather than table it. Mr. Cook stated that Hyder and Justus is a proposed commercial subdivision located on approximately 10 acres. Mr. Cook indicated that the property currently contains a

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hotel. He stated that what Staff has concerns about is that there was a prior subdivision on the property for the hotel that was done by deed. The Applicant submitted a combined Master and Development Plan proposing to create a new lot of approximately 0.52 acres for a Waffle House. Ms. Smith stated that Staff needs to deal with the road construction issue regarding the hotel lot. She indicated that they have not shown any road standards and staff does not have knowledge whether the road will meet state road standards. Ms. Smith stated that the Board is looking at one lot and also talking about future development. Staff has discussed with the applicant that he must go through the proper procedures regarding the hotel. She stated that the Board could treat the hotel as a phase of this project. The Board knows that Lot 1 is for the Waffle House, Lot 2 is for the hotel and Staff could be granted Development Plan approval for the hotel lot. For lots beyond that, the developers would need to come back to the Board for approval. Mr. Allison asked Ms. Smith to explain about the approval on the hotel phase. Ms. Smith stated that if the Planning Board approves the Master Plan and a Development Plan for Phase 1, Staff can approve future Development Plans for Phases that are shown on a plan. She stated that on the plan it shows the lot for the hotel, but it just does not give enough detail. It is considered a Master Plan, without all the details a Development Plan would have to have for that lot such as the road cross section. She stated that the Waffle House does not require any roads, so that was not provided. Chairman Pearce asked about a drawing in the packet and asked whether it differs any from the original plan. Mr. Cook stated that the sketch drawing Chairman Pearce is referring to shows potential future lots with a total of six lots on the property. Mr. Cook stated that he wanted to inform the Board members that this drawing implies that the developer has tried to meet some of the requirements Staff has requested, but that he has not formally provided all the details that Staff needs based on the Ordinance for Development Plans. He stated that what Mr. Justus has expressed is that he feels that it is a little tedious to go in every time he creates something and to come back to the Planning Board on commercial subdivisions. Staff informed him that to alleviate that process, he should submit a Master Plan showing proposed lots that the developer may create in the future and this could allow those lots to be treated as phases and would allow an administrative mechanism for approval. Ms. Smith suggested that the Planning Board could require that the developer do a Development Plan for the hotel lot and have it approved by Staff as a phase of this overall subdivision and that would allow the developer to record a plat for it. Mr. Allison asked whether the Board could approve the lot for the Waffle House. Chairman

Pearce stated that the Board couldn't approve this without a Master and Development Plan. Ms. Smith said that there is a Master and Development Plan, which shows one lot, plus future development, plus the lot that already has been sold. Ms. Smith indicated that Staff wanted to let Mr. Justus, the developer, know that he would need to come back to the Planning Board unless he had some plan with tentative Master Plan lines. She stated that the existing problem is the lot that has been sold (hotel lot) without a plat recorded. She stated that the Board is actually approving a Master Plan with three lots, the Waffle House lot, the hotel lot, and the future development lot. The other plan mentioned previously showed up to 6 lots. There was some brief discussion concerning the buffering, and felt that the Board members would waive the buffer requirements. Mr. Cook reviewed Staff comments as follows:

Master Plan comments:

1. **Project Summary** – The plan should show total project area in acres, number of proposed lots/units by type, approximate length of road system (public/private, if applicable), type of water and sewer system (public/private/individual) (170-16 and Appendix 4).
2. **Future Development** – The applicant should address if the Master/Development Plan shows all known short-term and long-term plans of the applicant's proposed development, including general location of roads, lots and other features. If no future plans are identified at this time, any future lots proposed for the subject property would need to be shown on a revised Master/Development Plan and reviewed by the Planning Board at a later date (HCSO 170-31 & 170-16).

Development Plan Comments:

1. **Farmland Preservation** – Prior to Final Plat approval, the developer needs to sign and submit an Affidavit of Understanding regarding Farmland Preservation Districts, and provide a notation on the Final Plat stating that the property lies within ½ mile of a farmland preservation district (HCSO 170-35).

2. **Restrictive Covenants** – Prior to Final Plat approval, the applicant should present a copy of the restrictive covenants for the development or certification indicating none will be used (HCSO 170-30).
1. **Buffer for Commercial and Industrial Subdivisions.** The Planning Board addressed this earlier and did not impose a buffer requirement.
4. **Project Summary** – Plan should show total project area in acres; number of proposed lots/units by type, minimum and maximum lot size in square feet, length of proposed public/private roads (if applicable), water and sewer system (public/private/individual), current zoning (170-16 and Appendix 5).
5. **Future Development** – The applicant should address if the Master/Development Plan shows all known short-term and long-term plans of the applicant's proposed development, including general location of roads, lots and other features. If no future plans are identified at this times, any future lots proposed for the subject property would need to be shown on a revised Master/Development Plan and reviewed by the Planning Board at a later date (HCSO 170-31 and 170-16).
6. **Prior Subdivision** – Currently existing on the subject property is a lot containing a hotel that was transferred by deed. The commercial subdivision did not receive approval through the Henderson County Subdivision Ordinance. To remedy this situation, Staff has suggested that the applicant have the Planning Board reviewed the hotel lot as part of the current subdivision application. The Developer should provide a revised Master and Development Plan showing the hotel lot subdivision and other information required per the HCSO for review and approval by the Henderson County Planning Board (HCSO 170-6, 170-12, and 170-16).

Chairman Pearce made a motion that the Planning Board find and conclude that the combined Master and Development Plan submitted for the Hyder & Justus Subdivision complies with the

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provisions of the Subdivision Ordinance except for those matters addressed in the Technical and Procedural Comment Section of Staff's memo that have not been satisfied by the applicant. Under the Development Plan: Comment # 1, regarding requirement of Farmland Preservation documentation; Comment # 2, receipt of a copy of the Restrictive Covenants for the development or certification indicating none will be used; Comment # 3, regarding buffers, the Planning Board acknowledges that there will be no requirements for a buffer strip; Comment # 4, that the Project Summary should show total project area in acres, number or proposed lots/units by type, minimum and maximum lot size in square feet, length of proposed public/private roads, water and sewer system and current zoning; Comment # 5, that Development Plans for any Future Development up to six lots on the entire parcel, including the Waffle House lot and the hotel lot, can be approved administratively by Planning Staff; Comment # 6 that the Planning Board acknowledges that a prior subdivision was made and that a lot containing a hotel was transferred by deed and that they did not receive approval under the Henderson County Subdivision Ordinance. The Planning Board requires that the Development Plan for the hotel site be received by the Planning Department and approved within 60 days of November 19, 2002 and that the Planning Board further directs that no future Master and Development Plans on this site can be approved either by the Planning Board or administratively until this matter is cleared. Additionally, any future subdivision beyond six lots would be subject to a requirement to bring it back before the Planning Board for approval. Leon Allison seconded the motion. All members voted in favor.

Subcommittee Assignments and Meeting Dates. No meetings were set at this time.

Adjournment. There being no further business, Leon Allison made a motion to adjourn and Kevin Keefe seconded the motion. All members voted in favor. The meeting adjourned at 8:40 PM.

Tedd M. Pearce, Chairman

Kathleen Scanlan, Secretary