

# **HENDERSON COUNTY PLANNING BOARD MINUTES October 11, 2004**

The Henderson County Planning Board met on October 11, 2004, for a Special Called meeting at 6:03 p.m. in the Meeting Room of the Henderson County Land Development Building, 101 East Allen Street, Hendersonville, NC. Board members present were Tedd Pearce, Chairman; Mike Cooper, Vice-Chairman; Tommy Laughter, Renee Kumor, and Mark Williams. Others present included Karen C. Smith, Planning Director; Autumn Radcliff, Planner, Anthony Prinz, Planner and Kathleen Scanlan, Secretary. Board members that were absent: Paul Patterson, Vivian Armstrong, Gary Griffin and Jonathan Parce.

Chairman Pearce introduced Mark Williams as the new Planning Board member and welcomed him to the Planning Board.

Approval of Minutes. Chairman Pearce asked for the approval of the August 23, 2004 Special Called Meeting minutes. Renee Kumor made the motion to approve the minutes and Mike Cooper seconded the motion. All members voted in favor.

### Discussion of the US Highway 25 North Zoning Study.

Ms. Smith said at previous U.S. 25 North meetings there were some questions among Board members regarding sewer and water facilities in this corridor. Ms. Smith felt it would be a good idea to have Gary Tweed, County Engineer, present to answer any questions the Board might have regarding this matter. Chairman Pearce asked to hear first the Staff's recommendations.

Ms. Smith said the Staff's recommendations are the results of the discussions the Board had at the last meeting. She said even though the Board did not get finished with the map and its recommendations, Staff has suggested some changes based on the Board's discussions.

Mr. Tweed said last year the LGCCA formed a subcommittee to look at developing a Countywide water and sewer master plan. He said this work has been going for approximately six to eight months and is still in the preliminary stages. Mr. Tweed reviewed the work that the subcommittee is doing and how it applies to the U.S. 25 North study. Mr. Tweed showed on a map sanitary sewer interceptors, which are large diameter trunk lines that follow streams and river ways. He said the large transmission lines are ones that follow roadways. He said with regard to the US 25 corridor, he mentioned he had developed an interceptor plan a couple of years ago, for the northern portion of the County Water and Sewer in the Cane Creek District for the Board of Commissioners. The first project under that plan was the Mills River interceptor and the next is one for Mud Creek. He showed the area where the Mud Creek interceptor would get into the US 25 North area and this is where it fits into this study. He said this line would bring an interceptor up Mud Creek and would terminate at the Mountain Home Industrial Park. He said at the Industrial Park now are pump stations that are pumping back into Hendersonville. He said the purpose of this interceptor would be to eliminate the pump stations and take that flow by gravity to the Cane Creek sewer system. Mr. Tweed demonstrated the scenario of how the system works at present. He said in

between pump stations at the Industrial Park and at Balfour (both of which pump to Hendersonville's system) there is no sewer. Chairman Pearce asked Mr. Tweed to explain the water and sewer capacities presently. He said the water for the US 25 North area is served by the City of Hendersonville. Mr. Tweed said there are several million gallons of capacity per day and they have hit on several occasions, 80% of their treatment capacity at times, which has made them develop a plan. He said with regard to the sewer system, on the Hendersonville side, they have approximately one million gallons per day of treatment capacity in their treatment plant, which is located behind the Berkley area. Mr. Tweed said with Cane Creek, the County's agreement is with MSD and Buncombe County, which provides treatment. He said they have a 40 million gallon per day facility and are receiving 21 million at present. He said the County's agreement is open-ended. He said as long as they have capacity, they have to accept flow from the County's district and at present there are many years of capacity under that agreement. Mr. Tweed said regarding the existing force main on US 25, it is a six-inch force main and there is a large pump station located at Kyocera and Printpak. He said it was put in to serve those facilities primarily, but since then Heritage Hills has built a sewer lift station, and it is connected into that force main. Another business in the industrial park, Branford Wire, has put in a lift station and it are connected into the system as well. He added that there are several smaller users that pump into it along US 25 as you come back into the Hendersonville area. He said everyone that connects into it has to have a pump station, as it is a pressurized system. Mr. Tweed said regarding the capacity, it is running 30,000 – 50,000 gallons per day and probably has a rated capacity of about 400,000 gallons per day. Mr. Tweed said he would prefer to have this area served by the interceptor, because if everything follows the creek lines then everything flows back to the north. He said by using gravity, we would not need to use lift stations. He said at present there are no active projects to do the Mud Creek interceptor. Chairman Pearce said based on prior experience from the conception of this project to the completion, what would be the time frame? Mr. Tweed said it depends on how the project is funded as to how quickly the project can be completed. He estimates it would take at least five years. Ms. Kumor said because of the force main that comes up to the Mountain Home Industrial Park, and there being capacity for people to join onto it, within how many feet of the line is it possible to join up? Could someone from as far as where US 25 goes over Mud Creek come down to the force main? Mr. Tweed said they could but it would be closer for them to go the other way. He said it depends on how large the pump station would be and how big a line would be put in. Ms. Kumor said it would be the individual's investment to get to the place they need to connect. Mr. Tweed agreed and said the reason why you are not seeing many connections is because of the expense. There are lift stations, standby power and all other types of requirements to be met. Ms. Kumor said if a property owner felt they were within a range and the investment was worthwhile to them, how do you find out how to get onto this line? Mr. Tweed said the procedures you need to go through to connect to any part of the system is: (1) identification of a property address by the Property Addressing Office and (2) conformance with any zoning and other permit requirements. He said once those requirements have been met, then an application can be made to the Utilities Department. Once they receive the application, they will then either contact the City of Hendersonville or MSD to make sure they have capacity and can provide allocation for that amount. He said fees would then need to be paid either to the district or to the municipality or MSD for the tap fees and once those fees are paid, they can issue a permit for connection. Ms. Kumor said even though Mr. Tweed says the capacity for the force main is approximately 400,000 gallons per day, that does not necessarily mean that the City of Hendersonville, at the time someone might choose to apply, would have

the capacity (for their plan). Mr. Tweed said if their treatment capacity is used up, they would not allow the County to make a connection to that line. Ms. Kumor asked whether any property owners along US 25 North have been permitted to sign up for this service? Mr. Tweed said Heritage Hills has a pump station and Tarheel Lanes has made application but he doesn't feel they have made a connection as of yet. He said Heritage Hills has put in their own lift station and the County would not assume ownership of lift stations. Ms. Kumor asked, "What is the cost to man a lift station?" Mr. Tweed said the cost of the lift station could be the capital expense of about \$ 50,000 to \$ 100,000 and then there is electrical expense, periodic pump replacements, and provisions for standby power and generators. He said there would be some ongoing operational expenses but there would be no annual fees to the County, other than the usual fees. Mr. Tweed added he has talked with the Board of Commissioners and mentioned that the Mud Creek interceptor project is a priority. He said in the Mud Creek wastewater basin, there are approximately 400,000 gallons of wastewater being treated now that is either in septic systems or private wastewater treatment plants that need to be on public sewer. Mr. Tweed said Park Ridge has a 100,000 gallon a day system and there are other property owners at the industrial park that have either their own land application or other type of treatment system. He said there are several things going on in that basin under discharge permits or other things that need to be on public sewer. He said in the growth of the corridor and what you are dealing with today; this will make that more of a priority. Ms. Smith noted that the blue portion on the map is the Urban Services area from the Comprehensive Land Use Plan, and this will be an area that Staff will focus on.

Mr. Prinz said Staff addressed two areas for which the Board members specifically requested recommendations and one recommendation that Staff felt was another high priority to look into.

#### Recommendation 1 – T-15, I-2 and RC for Parcels in the Northern Portion of the Study area.

Mr. Prinz said the first recommendation is located in the northern portion of the study area along Howard Gap Road. The parcel was a request by Mr. and Mrs. Fox for a T-15 district to allow manufactured homes and manufactured home parks. Also, Mr. Ira Ray, owner of a large parcel neighboring the Brickton Industrial Park, requested that his property be split-zoned, I-2 along the road and residential on the eastern portions of the parcel. Mr. Prinz said Staff looked at this area and based on what we saw, recommended a T-15 district for the majority of the area as currently there are a number of residential uses, a considerable amount being manufactured homes, and an I-2, General Industrial district, for one of the larger parcels Mr. Ray owns, which is currently a transfer station for produce and the two other parcels, which are currently not being used. A parcel that is owned by TDM Corp. adjoining the proposed T-15 district, is recommended as an RC District, as it is completely in the floodplain. He stated this area is mainly a residential area and most of the parcels are large enough to be subdivided to possibly allow some type of infill in the future, contingent upon sewer and water facilities. After some discussion and consideration, a majority of Board members agreed on Staff's recommendation.

#### Recommendation 2 – I-1 for Parcels Located at Old Naples Road.

Mr. Prinz stated that this recommendation is for an area located in the area of Old Naples Road. A letter by Mr. Carr, on behalf of Mr. and Mrs. Clore, requested an I-1

light industrial district for both properties located at 170 and 226 Old Naples Road. Mr. Prinz stated that Staff, upon touring the area, noticed these parcels were surrounded by considerable industrial and commercial activity going on in the area. He said currently the parcel owned by Mr. Bazon has a mini-warehouse facility on the property, however a significant portion of the property to the east is currently being graded and stabilized and something else appears to be developing in the area. He said the two parcels beside Mr. Bazon's self-storage, which is owned by the Clores', an ISS manufacturing company which does machining and tooling work. In addition, there is a television broadcast office located beside ISS, but there is no broadcast antenna site there. Mr. Prinz stated that Staff is recommending I-1 for this area. He said the only issue Staff has deals with a parcel that has a stick-built home on it which is beside the industrial facilities. The parcel is approximately 1.2 acres and is accessed by Naples Road. Ms. Kumor asked what the topography is in that area? Mr. Prinz said it is a gentle topography in this area. The residential neighborhood located on Canterbury Way is separated from these parcels by a significant distance and elevated topography with extensive vegetation. Chairman Pearce asked whether Staff has spoken to the people who own the home? Mr. Prinz said no. After some brief discussion, Chairman Pearce was inclined to include the home into the I-1 recommendation mainly because of the access issue, but asked Staff to contact the property owner. Board members generally were in favor of Staff's recommendation for I-1 on these parcels including the home because of its surrounding uses.

Recommendation 3 – Maintain Proposed C-2P on a Parcel owned by Mr. Danny Goodrich.

Mr. Prinz said this request is by Mr. Goodrich for his property located on the corner of Blade Road and US 25 North for C-4, Highway Commercial. He said presently Mr. Goodrich owns an auto body and painting shop located on the property and based on the surrounding land uses and the context, Staff is recommending C-2P. He said Mr. Goodrich would be allowed to continue operation indefinitely of his auto body and painting shop and would be able to sell it as that use, as long as it remained that use. Mr. Prinz said the majority of non-residential uses that are located in this area appear to conform with the C-2P requirements, which allows mixed use and reflects a historical area. There are a number of businesses behind this area such as a bed and breakfast, small retail business and a mixture of family homes. Chairman Pearce said based on the County Comprehensive Plan this area was recommended as C-2P for historical preservation and agrees with Staff that this parcel should be recommended for C-2P. Ms. Smith said the Community Service Center Section of the CCP does discuss this area, but as Staff does small area plans, Staff could identify some other areas. Ms. Smith asked whether the Board is willing to take this to more of a true service center? Mr. Pearce said according to the County Comprehensive Plan, the highest density service centers were to be at major intersections and unless the Board wants to rewrite the CCP, it can't go past C-2P. After some discussion, Board members generally agreed to leave it as a C-2P district.

Mr. Prinz said regarding the request by Tommy McCraw for his parcel which adjoins US 25 North across from Printpack Inc., he wishes his property to remain as an I-1, Light Industrial district. He mentioned he had been talking with Mr. McCraw and Mr. McCraw would like to make some comments if the Board would allow him. Mr. Prinz said currently the recommendation is for C-2, Neighborhood Commercial, along the front portion that adjoins US 25 North, and R-15 on the rear portion of the property. Mr. Prinz

said as the recommendations stand, it would be split zoned (C-2 and R-15). He mentioned the property below Mr. McCraw's is a residential district that is zoned R-T and has a mixture of manufactured homes, as well as stick-built homes.

Mr. McCraw said he has invested in the property under the current industrial zoning (I-1) and wants it to remain industrially zoned to get the best and highest use out of it. After some Board discussion, Chairman Pearce asked Staff to continue their study of this property and at the next meeting come back with a recommendation to the Planning Board. After some further discussion, Board members felt that the properties owned by Mr. and Mrs. Harold Reid, which adjoins the parcel owned by Mr. McCraw, as well as the property that the Salvation Army owns, should be included in this study and a recommendation of the Staff should be given for all of the parcels mentioned at the next meeting.

Robert Hansen. Mr. Hansen said he owns property near Ferenvilla Drive. The property to the south of his property is being developed for mini-warehouses and he 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 most of the surrounding area would be more suitable for commercial.

Ms. Smith said the Board of Commissioners is conducting a hearing on the vested right application for the mini-storage warehouse site located near Ferenvilla Drive. She said they are going after the ability to have this type of business on the property.

Charles Grimes. Mr. Grimes has a 75-acre tract of land along US 25 North across from Ferenvilla Drive which, at present, it is being used for agriculture. He feels the front portion in particular should be zoned C-4 as it could be filled.

Ms. Smith said the subcommittee discussed this property in detail because of the floodplain in that area and we are now waiting for direction on floodplain regulation from the Board of Commissioners. Chairman Pearce added that the only direction that Staff has gotten from the Board of Commissioners, from their minutes, is that they are wanting to look at controlling floodplain and flood situations, to stop infill and filling, and to preserve farmlands. He said this Board needs to get more direction on this matter.

Mr. Grimes mentioned several other pieces of property that he had and the need for businesses to increase employment in the County and asked that his request be considered by this Board, and the Commissioners, to help the employment situation.

Ed Vogel. Mr. Vogel stated that to the north of this corridor most of the area is zoned C-1 by Fletcher, and the area south of this corridor is designated as C-3 by the City, which is the same as the County's C-4 zoning. He stated he has studied the differences between C-2, C-4 and C-2P and said 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 using this zoning (C-2P) on a commercial highway and he would like clarification on that. He clarified C-4 is for major highways and US 25 North is a major highway.

The Board began reviewing the map with the highlighted areas entitled *General Comments from Public Input – US Highway 25 North Zoning Study*.

Item 65 – Property owner (LLN, LLC) requested that the parcel remain Open Use, but the recommendation was for RC zoning. Board members felt that the recommendation for RC should remain because of the location of the property and because it is in the floodplain.

Item 26 and 30 – Current zoning is Open Use and the proposed zoning is R-15. The property owners feel that because the property is surrounded by commercial uses it should be commercial and that no residential should be allowed in the floodplain. Chairman Pearce asked Staff for suggestions on these properties. Staff mentioned that it could go either way – residential or commercial. Chairman Pearce asked if we decided commercial, what commercial designation would be the best for that area? Ms. Kumor asked whether these parcels should be included with the property owned by Mr. McCraw and Mr. Reid since we are ending up with a whole intersection there? She feels it might make more sense to look at the entire area around there. Chairman Pearce directed Staff to study the whole area for a recommendation(s).

Chairman Pearce suggested that Staff should study all of the non-commercial requests, and all of the requests from Item 18 – 91 that are commercial, and come up with a recommendation for the Board on those items. He said at the Planning Board meeting on October 19, members should try to schedule the next meeting to study these requests. Ms. Smith suggested that at the next regular Planning Board meeting, the Board members and Staff could discuss transportation and traffic issues dealing with the corridor as brought up by Vivian Armstrong.

Adjournment. There being no further business, Tedd Pearce made a motion to adjourn and Mike Cooper seconded the motion. All members voted in favor. The meeting adjourned at 7:15 p.m.

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Tedd M. Pearce, Chairman

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Kathleen Scanlan, Secretary