

**HENDERSON COUNTY
PLANNING BOARD MINUTES
November 10, 2005**

The Henderson County Planning Board met on November 10, 2005 for a special called meeting at 5:00 p.m. in the Board Room of the Land Development Building, 101 East Allen Street, Hendersonville, NC. Board members present were Tedd Pearce, Chairman; Renee Kumor, Paul Patterson, Vice Chairman; Stacy Rhodes, Jonathan Parce and Mark Williams. Others present included Judy Francis, Planning Director; Lori Sand, Project Manager; Autumn Radcliff, Planner; Matt Cable, Planner; and Kathleen Scanlan, Secretary. Also present was Russell Burrell, County Attorney and Chuck McGrady, Commissioner and Liaison to the Planning Board. Planning Board members Gary Griffin, Mike Cooper and Tommy Laughter were absent.

Chairman Tedd Pearce presided over the meeting and called the meeting to order. He turned the meeting over to Lori Sand, Project Manager, who reviewed the sections that had been changed since the last meeting.

Article III. Establishment of Districts. – Revisions.

Ms. Sand said that the changes in the Article III section goes back to the density discussions of the previous meeting. She stated that Staff went back and did some research and said that Anthony Prinz calculated the average parcel size in each of the overlay districts based on the parcels from 1995 – 2005. She stated that over the course of that ten year period in the Urban Services District, the average parcel size is 1.36 acres. In the Rural Transition Overlay District the average parcel size is 2.42 acres and in the Rural Agricultural District, the average parcel size is 5.7 acres and added that undeveloped parcels are not added. Ms. Sand continued reviewing the densities from a table she had created for each district and said that the figures are slightly more dense, but in compliance with the County Comprehensive Plan recommendations for those districts and slightly more dense than the current trends at present. She stated that these revisions have been incorporated into the draft. Board members asked to provide them with the table she showed regarding the densities and average parcel sizes. Mr. Williams said an issue came up in a previous meeting whether or not we would include within those calculations getting back to open space or unbuildable area and did we come to a conclusion on that? Chairman Pearce said he is still concerned with excluding lands that are unbuildable as defined by the chapter and it especially concerns him in the Urban Services District (USA) than in any of the other areas because he feels that the whole purpose of the USA district is to try to keep density where the services have already been provided by the County and the Rural Transition Area is halfway between there and in the Rural Agricultural District there is no reason to expand it beyond the 5 acres. He said he wonders whether that exclusion should not apply to the USA. Ms. Francis said that this has been talked about and from a Staff prospective, do a topographical analysis of those three areas to see how much land we are talking about. She added she wants to put a soils overlay on that to find out where septic tank issues might be a problem and where we know it will be served by sewer. Mr. Pearce suggests that excluding unbuildable lands in density calculations in the USA is counterproductive and counter to the County Comprehensive Plan in concept and that within the USA only, unbuildable lands should be used in density calculations. Chairman Pearce suggested that since Staff has numbers and hard evidence to apply this Ordinance to Windsor Aughtry Subdivision (Riverstone) as an example, he would like for Staff to take out all of the unbuildable areas and recalculate this subdivision and send it to all the Board members.

Board members discussed the RAA (Rural Agricultural Overlay District) as well and Chairman Pearce suggested that there should be a 12 – 24 month window where people do not have to pay for rezonings, but Ms. Kumor disagreed. She suggested it is safer to make changes to zoning as they arise. Chairman Pearce said it feels that we need to make this as palatable to

the general public as possible as this is a significant change that this Code is presenting things and he feels that the Board should make it as easy as possible for the general public to believe that they are going to get a fair shake on their land. Chairman Pearce added that he feels this is the most important section of this Code as we are designating value either positively or negatively on every parcel of ground in Henderson County, so therefore this is our main concern and make sure that it complies with the provisions of the County Comprehensive Plan (CCP), because the CCP is our land use guide on how we are going to proceed on things. He said at this point in time our maximum density of a piece of property, once the zoning is put into place under the CCP, if you are in the RAA you will get one site per five acres and with this you are down to sixteen if 20% of the ground was unbuildable. He added that the decision was in the CCP to change these things and we need to come up with an equitable way in this document. Ms. Kumor stated coming back to the RAA, if some of the parcels are geographically challenged, no matter how we rearrange, the way of the land is not going to allow for much more than what we are getting now. Chairman Pearce said he feels we need to substantiate that more than just saying that, at least Staff can provide us some information as the Planning Board is expected to either support or not support the Land Development Code. Ms. Kumor said what you might find is that when you are clever and look for the maximums because you are willing to do some adjustments to the design and to adjust the open space, that would net a lot more homes than just doing a regular development in the RAA. She added that she felt that was the way we wanted people to go – people being more clever and having people more thoughtful in what they do. Mr. Williams feels it's a "double-whammy" when you take out the unbuildable acres, in terms of the County that is open. He added that if a property owner has a piece of property that you can't build on, and with what we are proposing, we are limiting the acreage and then we are limiting even more by saying you can't count the unbuildable in the mix of the open space. Mr. Patterson asked, "What makes the land unbuildable?" Ms. Sand said that we define the land as unbuildable according to the Ordinance, as floodway, slopes over 25%." The Planning Board members showed their disagreement. Mr. Patterson added that he could take everyone to Oleta Falls where the slopes are 30-35%. Ms. Sand pointed out that we are not saying you can't build on it. Mr. Patterson added that land is buildable as long as you have money and that is where it is all going to come down to. He said I don't think it is the government or this Board's responsibility to control every aspect of development. Ms. Francis said that where some of this is rooted is trying to maximize density on the landscape where it is not going to require a leveling to make a building site. She said that land that drains well and is flat or slightly rolling is going to be worth more from a residential standpoint than something this is built on a steep slope, from a density standpoint. She also added, should a person with a number of houses that is on a steep slope versus on rolling ground have the same number of homes on the land? Chairman Pearce said that Board members aren't saying that they should and the kind of topography would not allow it anyway, but we are concerned that you are over-restricting it. He said that the CCP has made a drastic change in the density property can attain by itself and what the Code adds further reduces that and he is not sure we need that further reduction. Ms. Francis said that if you look at actual numbers of build-out scenarios under this draft, it is higher density than what is actually on the ground now. Mr. Williams said that what is on the ground now is also being impacted by those slopes, those averages are as high as they are because of those slopes, where if you take a tract that is steep, you will get fewer houses, but the ones that are more level, now we are putting them on equal playing ground with the ones that are steep by kicking out the unbuildable acreage by saying you can no longer count that as open space. Ms. Francis said she doesn't feel that is what we are saying as you can count it in the open space. Ms. Sand asked, "Do you mean in a conservation subdivision?" Mr. Williams said that the conservation subdivision, you are looking at about half in the open space, but that is half of the buildable property because you are already kicking out the unbuildable property. Ms. Sand said to satisfy the 50% open space and half of that needs to come out from secondary conservation areas as opposed to primary conservation areas. Mr. Williams reiterated that this is the biggest issue of the Land Development Code and he said he is not proposing housing all over the place but is concerned with the economic impact. Commissioner McGrady stated that he feels by having a recent

subdivision as an example on how this matter would change it in some fashion or if it would come out the same. Mr. Williams also stated that he would like to have some current maps that would identify these areas.

Article VII. – Landscape Design Standards.

Ms. Sand said the only difference is the graphics that have been incorporated into the text of this section.

Article VIII – Access Management and Off-Street Parking and Loading Standards.

Regarding the subject of parking spaces, Mr. Patterson agrees with removal of parking space requirements given the impervious surface standards. Ms. Kumor agrees that a developer will naturally want parking and will provide it adequately. After some further discussion, Chairman Pearce felt that there should be some type of language regarding giving the Zoning Administrator some right to look at the property and decide whether the parking is adequate or not for certain types of facilities as part of the approval process. Ms. Kumor said she feels that in this mix your ratio needs to be at least “x” parking space. Chairman Pearce said that by doing this, you would take away the flexibility. Ms. Francis said that Staff will look at some language that we can put in, in a different part of the Ordinance about the review process. Chairman Pearce said that you could have some verbiage in this section and in the review process section. After some further discussion, the Planning Board will receive revisions but not the design of the parking area.

Article IX – Sign Regulations.

Ms. Sand said the most significant sign is billboards larger than 380 square feet. Chairman Pearce said this is based primarily on the City of Hendersonville Sign Ordinance? Ms. Sand said that there was a consultant that drafted the sign regulations and asked her to take the City of Hendersonville’s regulations and put the County in line with that. Ms. Sand said that exempt signs are signs that if you meet these requirements as far as dimension, they are allowed in any district and would not be required a sign permit. Ms. Sand mentioned that sign for public building and that Mr. Cooper referred to this section that the County was way out of line with this requirement. She added that the sign that is being constructed on the Human Resources Building is going to have a sign permit and would fall under the sections of permitted signs for on-premise sign standards for office and institutional district and the commercial district. She reviewed the requirements for a single tenant development sign. After some discussion, Chairman Pearce suggests that one additional sign should be permitted not only for corner lots but also for double-fronted lots. Chairman Pearce suggests that Staff analyze the sizes established for billboards and outdoor advertising in general and also suggests that the sizes of outdoor advertising signs may be too large.

Ms. Sand highlighted the other sections remaining in this Ordinance for review and stated that they are mainly reformatted for this Ordinance. Chairman Pearce noted that the Board should receive final copies of anything including drawings or any changes that have been made and a timetable as to when it might be available to the Board.

The next meeting to further discuss the Land Development Code was scheduled for Tuesday, November 29, 2005 at 4:00 p.m. Ms. Sand stated that the revisions would go out before the Thanksgiving holiday so that all the Board members would have time to review. Commissioner McGrady stated that he would like to put this on the late Board of Commissioner’s agenda for December and be able to present it with the Planning Board’s issues of suggestions other than what is recommended. He then mentioned that the Commissioners would then be able to plan for public input in January. Mr. McGrady discussed the Code and feels that it will take several months to process and understand it. Mr. Patterson asked, “Who will police the Land Development Code?” Ms. Francis said that at present people have to go through a site planning review process. She added that Staff would establish checklists depending what type

of development that the person will have. She added that it would not be as complicated as it looks but one of the major things that we are trying to do is to make it consistent. There was some further general discussion regarding the Land Development Code.

Adjournment. There being no further business, the meeting adjourned at 7:50 p.m.

Tedd M. Pearce, Chairman

Kathleen Scanlan, Secretary