

Henderson County
Technical Review Committee Minutes
August 4, 2009

The Henderson County Technical Review Committee met on August 4, 2009 at 2:00 p.m. in the King Street Board Room at 100 N. King Street, Hendersonville, NC. Members present were Anthony Starr, Chair; Seth Swift, Rocky Hyder, Toby Linville, Natalie Berry, and Tom Stauffer. Others present were Mark Gibbs, NCDOT, Autumn Radcliff, Senior Planner, Parker Sloan, Planner and Kathleen Scanlan, Secretary. Marcus Jones was not present.

Mr. Starr requested to add to the agenda a major site plan for WCCA's Etowah Children's Center. All members were in favor of the addition. Mr. Starr asked that it be placed as item number 5.

Mr. Starr called the meeting to order and asked for the approval of the July 7, 2009 minutes. Toby Linville made a motion to approve the minutes and all members voted in favor.

Minor Site Plan Review – Wind Turbine as an accessory to a Single-Family Dwelling – Located at 81 Denise Drive off Jackson Loop Road – Robert White, Agent for David Vanvoorhis, Owner. Presentation by Code Enforcement Officer. Mr. Linville stated that it is a minor site plan for a wind turbine, as an accessory to a single-family dwelling and is located on 1.0 acre of land located at 81 Denise Drive in the Eagle's Rest Subdivision off Jackson Loop Road. The project is located in a Residential Two-Rural (R2-R) zoning district. Mr. Linville stated that the most important factor is the setback, which is 110% of the height.

Mr. Bob White, who is representing the property owner, David Vanvoorhis, discussed the conditions for approval of the plan as follows:

1. Accessory wind mills/turbines shall only be permitted in conjunction with a principal residential dwelling unit or business. This wind turbine is described as a vertical access wind turbine. The advantage to this type of wind turbine is that they are short and do not require a tall pole tower.
2. This wind turbine height is no more than 30 feet and is shaped like a cylinder. These turbines turn at a much slower speed and are virtually noiseless and safe for wildlife.
3. The wind turbine is four feet in diameter and has 10 feet ground clearance.
4. Setback is required a distance equivalent to 110 percent of the height of the wind turbine at its highest point from the property line and Mr. White said that they are in compliance

on this lot. Mr. White stated the minimum distance from the wind turbine site is approximately 61 feet with a setback of 40 feet.

5. The wind turbine color is soft white that is consistent with existing development or natural conditions.
6. The wind turbine complies with applicable FAA regulations
7. This wind turbine is not regulated with FCC regulations.
8. Mr. White stated that they have submitted a sealed foundation drawing for this structure to the building permit department.
9. Mr. White stated that the rated wind speed for this type of wind turbines is 100 miles per hour. Mr. White also added for additional information on these types of wind turbines, that they can be tilted down without the use of a crane because the base is hinged and can be lowered, using an automobile or a wench in case of hurricane-type weather.

There was some general discussion concerning power source and safety features of the wind turbine. It was also suggested that a street sign be erected for emergency services through the Property Addressing Office. Mr. Starr stated that Committee members do not have to vote on the site plan, but need to give a recommendation for the special use permit. Mr. Hyder made a motion to recommend approval of the special use permit to the Board of Adjustment on the wind turbine for an accessory to a single-family dwelling at 81 Denise Drive and that all requirements appeared to be met regarding the minor site plan review. All members voted in favor.

Proposed LDC Text Amendment for Special Subdivision Road Standards (Presented to the Planning Board on July 16, 2009). Presentation by Autumn Radcliff, Senior Planner. Ms. Radcliff stated that the Planning Board has been discussing the current road standards for special subdivisions and considering a possible text amendment to these standards. She explained that the attached items for the TRC review are the same items that the Planning Board reviewed and discussed at its July meeting. Ms. Radcliff said that based on the Planning Board's July meeting, the Board made additional comments and requested changes to the proposed text amendment. Staff wanted to give the TRC the opportunity to weigh in on some of the Planning Board's discussion before the Planning Board officially formulates their amendment. She said that if the Planning decides to go ahead and recommend the amendment outside of the annual LDC amendments that will be preceded this year, the Planning Board would have to initiate the text amendment. The formal text amendment will need to come back to the TRC for its recommendation before the Commissioner can adopt the proposed changes.

Ms. Radcliff stated that the major issue is that the property owner has to dedicate ROW and construct the road before the subdivision can be approved and the lot recorded. She said because the Special Subdivisions originally replaced the Family Subdivision that was not a provision before. She said that many property owners are not ready to construct the road because the property is currently in another use such as agriculture, and the owners are not planning on developing the property anytime soon. She stated that the only solution that Staff could propose at this time, would be an option that would allow for the road to be named and shown on the subdivision plan. She added that provided it didn't exceed 1,000 feet in length, the owner could go ahead and record the lots. The first property owner that would pull the building permit would be the one responsible for constructing the road to where their driveway is. Should they be at the end of the road, they would have the burden of constructing the entire road to the standards. This would be a way for a subdivision to be recorded and be divided amongst family members. She said that one problem is that it could take years for the road to be completed. She stated that partial construction of the road would be inspected by the Planning Staff before the Certificate of Occupancy (CO) is granted. The Planning Board is revisiting this option.

Ms. Radcliff said the second issue that was brought up by Planning Board was reducing the travel width from 12 feet to 10 feet for Special Subdivisions and also allows for credit of existing road beds that exist that meet these minimum standards. The third discussion item was requiring vehicle turnarounds at all dead-end roads that exceed 1,000 feet, which is currently not in place for Special Subdivisions and also providing additional provisions for turnarounds at intermediate locations for dead-end roads that exceed 2,500 feet.

She stated that the Planning Board discussed removing the Certificate of Understanding from the final plat and requiring it as part of the application. In addition, at the August Planning Board meeting, the Board will be discussing a requirement for all subdivisions concerning road standards and required improvements. The condition would be if the property is further subdivided at any point in the future, then the road will need to be upgraded. One of Staff's concerns that will be discussed with the Planning Board is the fact that at present, the Special Subdivision requirement is for a 30-foot right-of-way (ROW), but if we go to this type of standard, we may need to require a 45-foot ROW. She explained that if a Special Subdivision could be further subdivided based on the current zoning district, then the Board may want to consider requiring a 45-foot ROW so the road can be upgraded without the applicant having to go back to get an additional right-of-way from the property owners. The only provision in the LDC for special subdivision is that they cannot be further subdivided within five years. She stated that this time limitation was a concern to Staff if the travelway width is reduced to 10 feet for new roads.

Mr. Hyder stated that he is concerned with the loophole that could be created by reducing the travelway from 12 feet to 10 feet. He said that is a serious problem for providing emergency service and law enforcement because it does not provide a sufficient travelway and can cause a traffic jam. He feels this could create a problem and is not for decreasing the travelway for new roads.

Mr. Hyder stated that the turnarounds are beneficial and necessary, especially with 10-foot travel ways. After some further discussion, Mr. Starr suggested putting a cap on the number of lots that would be served by this road, regardless of who is doing the subdividing. He said that if there are already eight homes on the road, even though there might be ten acres of land, the regular road standards will need to be enforced.

Mr. Starr stated that Staff will work on these additional comments and incorporate them into the amendment. No action was required by the TRC.

WCCA Project – Etowah Children’s Center. Mr. Linville mentioned that WCCA is leasing the old Etowah library building for a Head Start Program dealing with a day care facility. He said they will be using the existing building and parking area. The only additional considerations are the playground area, which is indicated on the site plan. Mr. Linville stated that this project requires a major site plan. He reviewed the conditions under this site plan, which includes the following:

1. Light mitigation
2. Obtaining a License with the N.C. Division of Child Development
3. Adequate indoor space, which indicates 25 square feet per child and 75 square feet of play area enclosed with a 4-foot fence. Mr. Linville added that they have indicated this on their site plan.
4. Installation of a sewer system, which Mr. Linville added had been installed.

He stated that the project meets the requirement of the Land Development Code and the entire applicable major site plan requirement.

Mr. Gibbs stated that since the use of this building is changed, he asked that a driveway permit be acquired. The only change is to include on the plan a drawing of the radius for the driveway.

After some discussion, Mr. Linville made a motion to approve the major site plan for WCCA for the Etowah’s Children Center for a child care facility as presented. All members voted in favor.

Rezoning Application # R-2009-01 – Request to Rezone Approximately 4.23 Acres of Land Located near the Intersection of Rutledge Drive and Erkwood Drive – From the City of Hendersonville’s Relinquished ETJ to a Residential One (R1) Zoning District – Staff Initiated for the County for Mud Creek Baptist Church, Inc., Owner. Presentation by Parker Sloan, Planner.

Mr. Sloan stated that Staff initiated this request for the County to rezone approximately 4.23 acres of land, located near the intersection of Rutledge Drive and Erkwood Drive from the City of Hendersonville’s relinquished ETJ on October 6, 2005. The Village of Flat Rock accepted a portion of this relinquished ETJ into their jurisdiction; however they specifically left these parcels out. He added that the County was not notified that these parcels were being relinquished back into the County, so a recent application by the church identified the discrepancy and the surrounding area, therefore the reason why Staff initiated this rezoning. He said the subject area is composed of three parcels and is owned by Mud Creek Baptist Church, Inc. He said the subject area is adjacent to County R1 zoning to the east, a Village of Flat Rock R-40 zoning district is to the west and land by City of Hendersonville zoned R-20 and Planned Commercial Development (PCD) is to the north. Prior to the Land Development Code the property was zoned R-15. Mr. Sloan stated that the current uses of the subject area and adjacent properties are primarily religious institution uses associated with Mud Creek Baptist Church and there is a cemetery and some residential uses in close proximity. He also reviewed how the property relates to the Henderson County 2020 Comprehensive Plan. He stated that in Staff’s opinion, under the guidelines of current plans, policies and studies, it supports the rezoning of the property to an R1 zoning district, which is consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.

Mr. Starr made a motion that the Committee recommends approval of rezoning application # R-2009-01 to rezone the subject area to a Residential One (R1) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan. All members voted in favor.

Adjournment.

The meeting was adjourned at 3:03 p.m.

Anthony Starr, Chairman

Kathleen Scanlan, Secretary