

**Minutes of the Planning Board  
Regular Meeting - Electronic  
October 12, 2023**

**Members Present:** Jim Robertson (Chair), Yolanda Robinson, Andrea Martin, Peter Hanley, Tamara Peacock (Vice-Chair), Beth Robertson, Donna Waters, Laura Flores

**Members Absent:** Barbara Cromar, Neil Brown

**Staff Present:** Tyler Morrow, Planner II, Alexandra Hunt, Planner I, Lew Holloway, Community Development Director (Zoom)

**I Call to Order.** *The Chair called the meeting to order at 4:00 pm. A quorum was established.*

**II Approval of Agenda.** *Mr. Hanley moved to approve the agenda. The motion was seconded by Ms. Waters and passed unanimously.*

**III Approval of Minutes for the meeting of September 14, 2023.** *Mr. Hanley moved to approve the Planning Board minutes of the meeting of September 14, 2023. The motion was seconded by Ms. Robinson and passed unanimously.*

**IV Old Business**

**V New Business**

Mr. Morrow explained that the CZD for Kid City USA had been noticed but the developer did not get in the site plan they needed to provide so this item has been removed from the agenda. Staff pushed this meeting to next month and this item will not be heard today.

**V(A) Subdivision Text Amendment – Street Design Updates (P23-78-STA).** Mr. Morrow gave the following background:

The text amendment before you is a staff initiated text amendment and the City of Hendersonville is the applicant. City staff is proposing to align the City's public street standards for subdivisions with standards set forth by the NCDOT for this region. It has been discovered that some of City's current subdivision standards do not take into account the topography of the region and are better suited for piedmont or coastal areas. Staff is recommending that the street design standards for subdivisions be a hybrid of NCDOT's requirements for rolling and mountainous terrain. It is staffs hope that by making these corrections, it will eliminate the need for additional grading/land disturbance and will better align new public street design with the existing conditions found around the City.

The proposed changes are to increase the maximum allowed grade on public subdivision streets. Decrease the required K Values for public subdivision streets and decrease the required curve centerline radius for public subdivision streets.

Mr. Morrow stated the rational for the changes are it creates flexibility for subdivision developers to work with the existing terrain and slope of the property when designing their development and public street system. Can reduce the amount of land disturbed within a proposed subdivision which could decrease environmental impacts. Aligns the ordinance with existing local public street conditions and NCDOT

standards.

Staff recommended changes for Section 4.03. Streets was explained and is included in the staff report and presentation. Mr. Morrow stated the street radius section will not be included to the changes but would eventually change. He included this in the staff report for transparency.

Mr. Morrow stated corner radii directly impact vehicle turning speeds and pedestrian crossing distances. Minimizing the size of a corner radius is critical to creating compact intersections with safe turning speeds. Examples were included in the staff report and presentation.

Street grade examples were also explained and included in the staff report and presentation.

K-value is a coefficient by which the algebraic difference in grade may be multiplied to determine the length in feet of the vertical curve that will provide minimum sight distance. Examples were included and explained in the staff report and presentation. Mr. Morrow stated the intent was to reduce the amount of grading.

Site photos of Cantrell Hills and Wolf Chase were shown and are included in the staff report.

Centerline Radius means a measure of curvature of a street, which is measured from a fixed point at the center of the curve to the street centerline. Examples were shown and explained in the presentation and included in the staff report.

Examples of radius for Cantrell Hills, Towne Place, Henderson Village and Wolf Chase were shown and are included in the staff report.

Mr. Hanley asked about the vegetation around the curves and asked if the HOA would have control in what gets planted in the bend. Mr. Morrow stated a lot of these were platted as private and they are currently not city maintained. That is technically no longer an issue because any roads in these public subdivisions, they will be public streets and they will also have a 45-foot right-of-way and you cannot plant anything within those public rights-of-way.

The Legislative Committee met on October 2<sup>nd</sup>. Committee members discussed the proposed changes with staff and the reasoning behind the changes. The Legislative Committee had a general consensus supporting the proposed text amendment. The committee did not propose any changes to the text amendment language.

Comprehensive Plan Consistency was discussed and is included in the presentation and staff report.

General amendment standards were discussed and are included in the staff report.

A draft consistency statement is included in the staff report.

Rationale for approval and denial were included in the staff report.

Chair asked if there were any questions for staff.

Ms. Peacock was concerned with the date under section 4.03 and asked if you retroactively make additions to the code. Mr. Morrow stated you can update the ordinance at any time. She asked aren't there people that have already been approved that won't meet it now? Mr. Morrow stated once you receive an approval you are vested under that approval. The North Carolina General Statutes outlines vested rights and so does our Code of Ordinances so if you receive an approval under the subdivision ordinance and that

ordinance changes you still have that approval to build what was approved. You would still have that vested right. Mr. Morrow stated he would change that date. She was also concerned with expressway rights-of-way being included in the subdivision ordinance and wasn't sure that was something anyone would ever put in a subdivision. Mr. Morrow said that was a great point.

Chair asked since 2020 how many subdivisions have been in the city limits. Mr. Morrow stated close to ten major subdivisions. The roads keep coming up and developers keep saying we are stricter than NCDOT and they don't seem compatible because our standards are more like what you would see in Cary. Mr. Morrow stated the K value and radius have consistently been coming up.

The rationale for taking out the street radius was explained. Staff needs to look at this closer to fit to the goals of the pedestrian plan.

There were no further questions for staff.

Chair opened the meeting for public comment. There is a three-minute time limit.

Lynne Williams, Chadwick Avenue stated her concern was trading safety for other benefits. She stated signs may help drivers with safety for changes to the radius. She was also concerned about the rolling hill standards, and we also have mountainous areas. Protection for ridgelines was a concern as well. She was concerned about this making mountainous areas and forests more accessible for development and that is not a plus. She was concerned about variances and this causing some developers to slide under the radar. Having developers able to build more easily on slopes is not a goal of hers. Citizens want a highly reviewed process with opportunities to provide feedback and not just the administrative review of one person in the city.

Chair asked if they used the rolling hill standard. Mr. Morrow stated basically everything on this page comes from the rolling standards. The only mountainous requirement they have is the local street radius. Everything else is from the rolling hills including the major and minor thoroughfares and the local street standard is from the mountainous. They did discuss this with Public Works and the Engineering Department, and they had mentioned looking at something less than 90 feet but they wanted to stay consistent with NCDOT standards.

Ms. Waters was concerned with the steep grade on some streets in Henderson County and are they looking at roads with steep grades concerning ambulances and fire trucks. Mr. Morrow stated they are looking at anything that would be detrimental to any emergency services vehicles. He gave an example of the K value they are proposing. Mr. Morrow stated an older subdivision such as Haywood Knolls would not meet the street requirements today for NCDOT and therefore would not be allowed. No street with slopes such as these would be approved today. Ms. Waters concern was the Half Moon subdivision. Mr. Morrow stated the Half Moon Road was previously built but all the new roads in Half Moon will meet the current standards.

Chair asked about hazard signs due to curves and if these would be required. Mr. Morrow stated he did not believe any of the requirements would trigger signs to be required for curves. At least not by our city standards. If there was a need for a sign it would be up to our Public Works Department to determine that.

Discussion was made on the motion and if the Board did not want to recommend the section pertaining to curves.

***Mr. Hanley moved the Planning Board recommend City Council adopt an ordinance amending the official City of Hendersonville Subdivision Ordinance, Section 4.03. Streets by revising subsection C. Street configuration., based on the following: 1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because: The petition aligns with the Comprehensive Plan's Strategy to Implement local policies and practices that complement and expand upon the State's access management standards (Strategy TC-3.3) and because it incorporates some of the complete street goals outlined in figure 7.3a. 2. We [find] this petition, in conjunction with the recommendations presented by staff, to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because: 1. The proposed text amendment creates flexibility for subdivision developers to work with the existing terrain and slope of the property when designing their development and public street system. 2. The proposed text amendment has the potential to reduce the amount of land disturbed within a proposed subdivision which could decrease environmental impacts. 3. The Board does not recommend staff's recommendation for internal intersection minimum radii. 4. The proposed text amendment aligns the ordinance with existing local public street conditions and NCDOT standards. Ms. Peacock seconded the motion which passed unanimously.***

**V(B) Zoning Text Amendment – Addition of Definitions– (P23-080-ZTA).** Ms. Hunt gave the following background:

This is a city-initiated text amendment brought to you by city staff for the cleanup and addition of definitions in Section 12-2: Definitions of Commonly Used Terms and Words and Section 4-5: Table of Uses. This is part of a larger zoning ordinance audit. This is part one of a larger code audit or cleanup. There are 22 proposed definitions.

City staff is proposing to add definitions to the existing uses in zoning districts that currently do not have corresponding definitions. Additionally, City staff is also proposing to remove definitions for uses that are no longer permitted or that have been replaced with a new use and definition rendering them no longer necessary.

Staff rationale for the changes were to provide property owners, businesses, and the community continued transparency and better customer service via accurate and complete information.

The Legislative Committee met on October 2, 2023, for a special called meeting. Meeting takeaways were supportive for overall proposal to add definitions to existing uses. Recommended tabling some proposed definitions in order to conduct further research and/or develop alternate language.

Ms. Hunt stated there are some definitions that have been tabled for staff to review and conduct more research on and bring it back to the Board at a later time.

Ms. Hunt discussed "camps" and stated this one was a little tricky. Discussion was made on the intent of "camps". Another one was "parks" and there are a lot of different types of definitions for parks. Discussion was made on the intent of "parks". Chair discussed allowing camps in zoning district but we never defined them. Ms. Hunt stated yes.

Staff recommended changes to Section 12-2 were explained and included in the staff report and presentation.

Staff recommended changes to Section 4-5 Table of Uses were explained and are included in the staff report and presentation.

Comprehensive Plan Consistency was discussed and is included in the presentation and staff report.

General amendment standards were discussed and are included in the staff report.

A draft consistency statement is included in the staff report.

Rationale for approval and denial were included in the staff report.

Chair asked if there were any questions for staff.

Chair discussed getting hung up on “camps” and the intent of the ordinance and term commercial. He also discussed the term “parks” and the intent of that as well. He discussed public parks and private parks.

Discussion was made by the Board on putt-putt and mini-golf facilities and parks. They discussed the city having a miniature golf facility and that being called a park. Chair stated it is hard to think of everything pertaining to “parks” and whether they are public or privately owned. He felt like the city’s intent was to keep the public putt-putt as a park. Ms. Hunt stated she could take parks out for now and tweak it and bring it back to the Legislative Committee.

Chair stated he would open public comment.

Sandra Williams, 309 Chadwick Avenue stated she questioned the city’s park being fenced in because there is a playground there. There is a boy scout cabin there so what you are saying is the playground is only open when the putt-putt golf is open? Chair stated he was only asking if city staff knew. He knows there is a fence there now but that is for construction purposes. He doesn’t know but he doesn’t think it will be fenced. She stated it is built on Edwards Park so it was a park to begin with and what they have done is add a putt-putt golf to it. The old putt-putt golf was not fenced in and she didn’t remember there being any problems with it being opened all the time. She asked about it having lights. The word “commercial” bothers her.

Ken Fitch, 1046 Patton Street (Zoom) stated his concern is on camps and the keyword being programs or programmed and adding that word. Mini-golf is a city owned recreation facility which is different from a commercial establishment. Missing is another category of parks. Parks that protect environmental health and natural resources. You might consider that type of park a preserve. He gave some examples. This could be something to think about adding. He talked about outdoor theaters. And there is no definition for amphitheater. He discussed the different type of amphitheaters. He was concerned about residential being located next to this.

Lynne Williams, Chadwick Avenue stated her concern is with the park definition. She thinks that needs some thoughtful feedback. The HPC and Parks and Greenway Committee need to provide feedback. She talked about the previous use of Boyd Park. She discussed the things that had been lost that were historic in the city. She discussed the term recreational facility and being concerned about that definition. She was concerned about amphitheaters too. Sounds, light and noise would be a concern. She feels more feedback is needed. She was concerned about other definitions as well.

Chair’s suggestion was to tackle the easy ones and go back to parks and camps later after further discussion.

Discussion was made on common open space and the area at the end of 3<sup>rd</sup> Avenue at the gazebo. It states common open space on the GIS.

Staff and the Board discussed theaters and bringing that definition back after more discussion as well.

Chair thought it was a fair definition but had concerns about where it was allowed. Staff stated they can table and bring some of the definitions.

Chair closed public comment.

***Ms. Peacock moved the Planning Board recommend City Council adopt an ordinance amending the official City of Hendersonville Zoning Ordinance, Section 12-2 Definition of Commonly Used Terms and Words; and Section 4-5 "Table of Uses" by adding definitions for existing uses, based on the following: 1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because: The petition aligns with the Comprehensive Plan's goals to Promote conformance and consistency between the City's Zoning Ordinance and Comprehensive Plan (Strategy LU-3.6) 2. We [find] this petition, in conjunction with the recommendations presented by staff, to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because: 1. The proposed text amendment provides clarification for the uses listed in the zoning ordinance. 2. The proposed text amendment promotes transparency and better customer service for the public. 3. The Board proposes to postpone the review for categories for parks and camps. Ms. Robinson seconded the motion which passed unanimously.***

VI Other Business.

VII Adjournment – *The meeting was adjourned at 5:30 pm.*

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Jim Robertson, Chair