

REQUEST FOR BOARD ACTION

HENDERSONCOUNTY BOARD OF COMMISSIONERS

MEETING DATE: June 3, 2019

SUBJECT: Public Hearing for Rezoning Application #R-2018-10-C, Tap Root Farms, Regional Commercial (RC) to Residential One Conditional District (R1-CD)

PRESENTER: Autumn Radcliff, Planning Director

ATTACHMENTS:

1. Subject Area Map
2. Staff Report
3. Master Plan Report
4. Site/Master Plan
5. Applicant Report Submitted by CDC
6. Letter from the FAA
7. Notification from NCDOT
8. Certification of Public Hearing Notification
9. Resolution of Consistency
10. Planning Staff PowerPoint Presentation
11. Applicant PowerPoint Presentation

SUMMARY OF REQUEST:

Rezoning Application #R-2018-10-C was initiated on December 27, 2018 and requests that the County conditionally rezone approximately 286 acres of land from Regional Commercial (RC) to a Residential One Conditional District (R1-CD). The project consists of 3 parcels located off of Butler Bridge Road with a total acreage of 319.66 acres. The proposed rezoning does not include approximately 33.66 acres located directly adjacent to Butler Bridge Road. The property owner is Tap Root Farms, LLC. Mr. Ken Jackson is the applicant.

The applicant is proposing a residential development with a total of 1,078 units consisting of single-family homes and townhomes (no apartments are proposed). The development is required to be approved as a conditional rezoning due to the number of units proposed. Conditional rezonings allow for the Board of Commissioners to place conditions on the property to address community concerns and increase the proposed development's compatibility with adjacent uses. As required by the LDC, a Neighborhood Compatibility Meeting was held on Monday, January 28, 2018 in the King Street Meeting Room.

The Technical Review Committee (TRC) reviewed the application on February 19, 2019 and forwarded the rezoning request to the Planning Board with conditions listed in the staff report.

The Planning Board reviewed the rezoning request at its February 21, 2019 and March 21, 2019 meetings. On March 21st following Board discussion, a motion was made to make a favorable recommendation on the request with the condition that the applicant provide the Asheville Airport with a navigation easement. The motion failed with a 4-4 vote. Mr. Rick Livingston, who was not present, had to previously recuse himself from the vote. Seeing no option on the tie vote, the Planning Board forwarded the rezoning application to the Board of Commissioners.

PUBLIC NOTICE:

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §42A-303 and §42A-346 (C) of the Henderson County Land Development Code and State Law, notice of the June 3, 2019 public hearing regarding rezoning application #R-2018-10-C was published in the Hendersonville Lightning on May 22nd and May 29th. The Planning Department sent notices of the hearing via first class mail to the owners of properties within 400 feet of the Subject Area on May 24, 2019 and posted signs advertising the hearing on May 23, 2019.

BOARD ACTION REQUESTED:

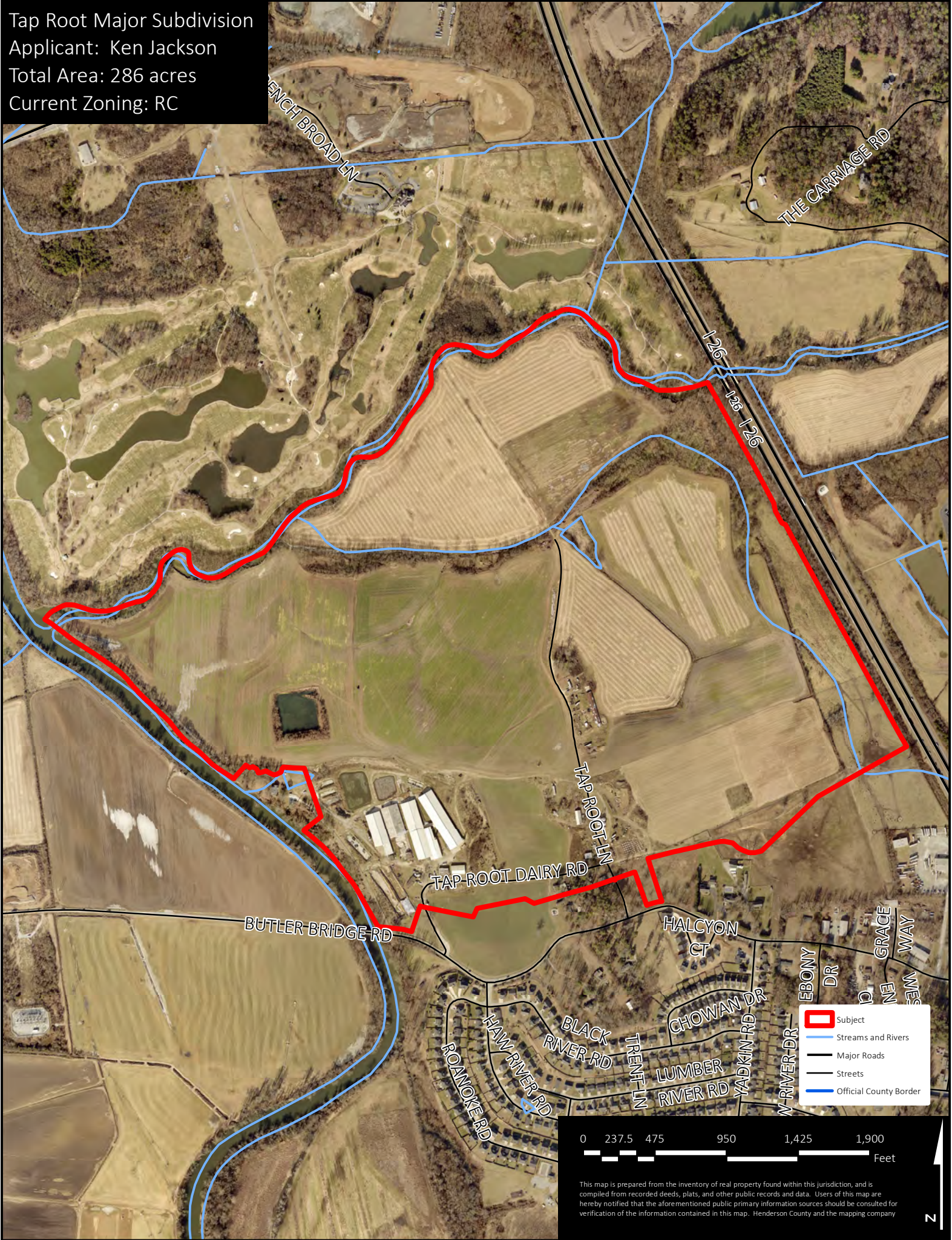
Before taking action on the rezoning request, the Board of Commissioners must hold a public hearing. A suggested motion is provided.

Suggested Motion:

I move that the Board (approve, approve with modifications, or deny) rezoning application #R-2018-10-C to rezone the Subject Area to a Residential One Conditional District (R1-CD) based on the recommendations of the Henderson County Comprehensive Plan, and with any conditions stated in the staff and master plan report and additional conditions as discussed, and;

I move that the Board approved the attached resolution regarding the consistency with the CCP.

Tap Root Major Subdivision
Applicant: Ken Jackson
Total Area: 286 acres
Current Zoning: RC



- Subject
- Streams and Rivers
- Major Roads
- Streets
- Official County Border

0 237.5 475 950 1,425 1,900 Feet

This map is prepared from the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained in this map. Henderson County and the mapping company

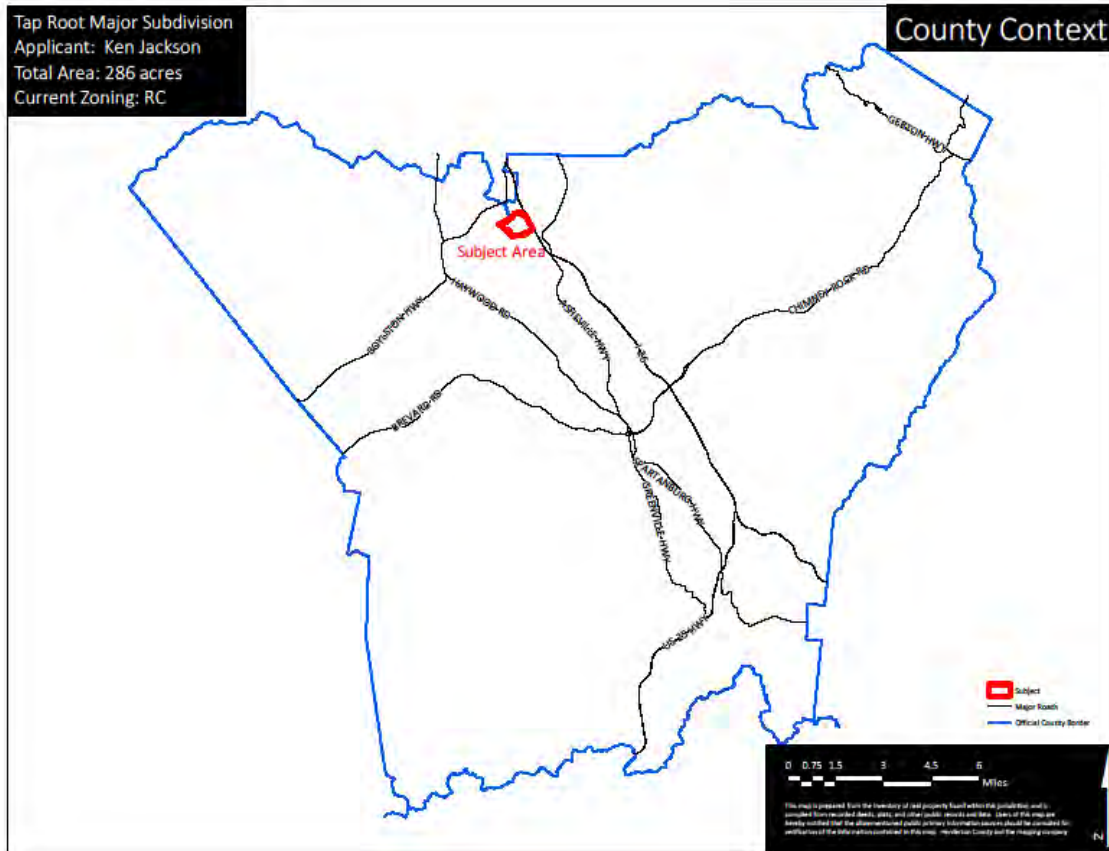
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Henderson County Planning Department Staff Report
Rezoning Application #R-2018-10-C (RC to R1-CD)

Owner(s)
Tap Root Farms, LLC (Ken Jackson, Applicant)

- 1.1. **Applicant:** Ken Jackson
- 1.2. **Property Owner:** Tap Root Farms, LLC
- 1.3. **PINs:** 9652-03-1362, 9642-82-3681, & 9642-84-4544
- 1.4. **Request:** Rezone a portion of the above PIN's (hereafter the subject area) from a Residential Commercial (RC) zoning district to a Residential One Conditional (R1-CD) zoning district.
- 1.5. **Size:** Total parcel area is approximately 319.66 acres. Subject area is approximately 286 acres. There are 4 outparcel lots that total approximately 33.66 acres that are not included in the proposed rezoning request and are not part of the development.
- 1.6. **Location:** The subject area is located on Butler Bridge Road (SR 1345), adjacent to Interstate I-26, and just south of the Henderson County/Buncombe County line. The northern boundary of the site runs parallel to Cane Creek, while the French Broad River runs adjacent to the western boundary of the site.

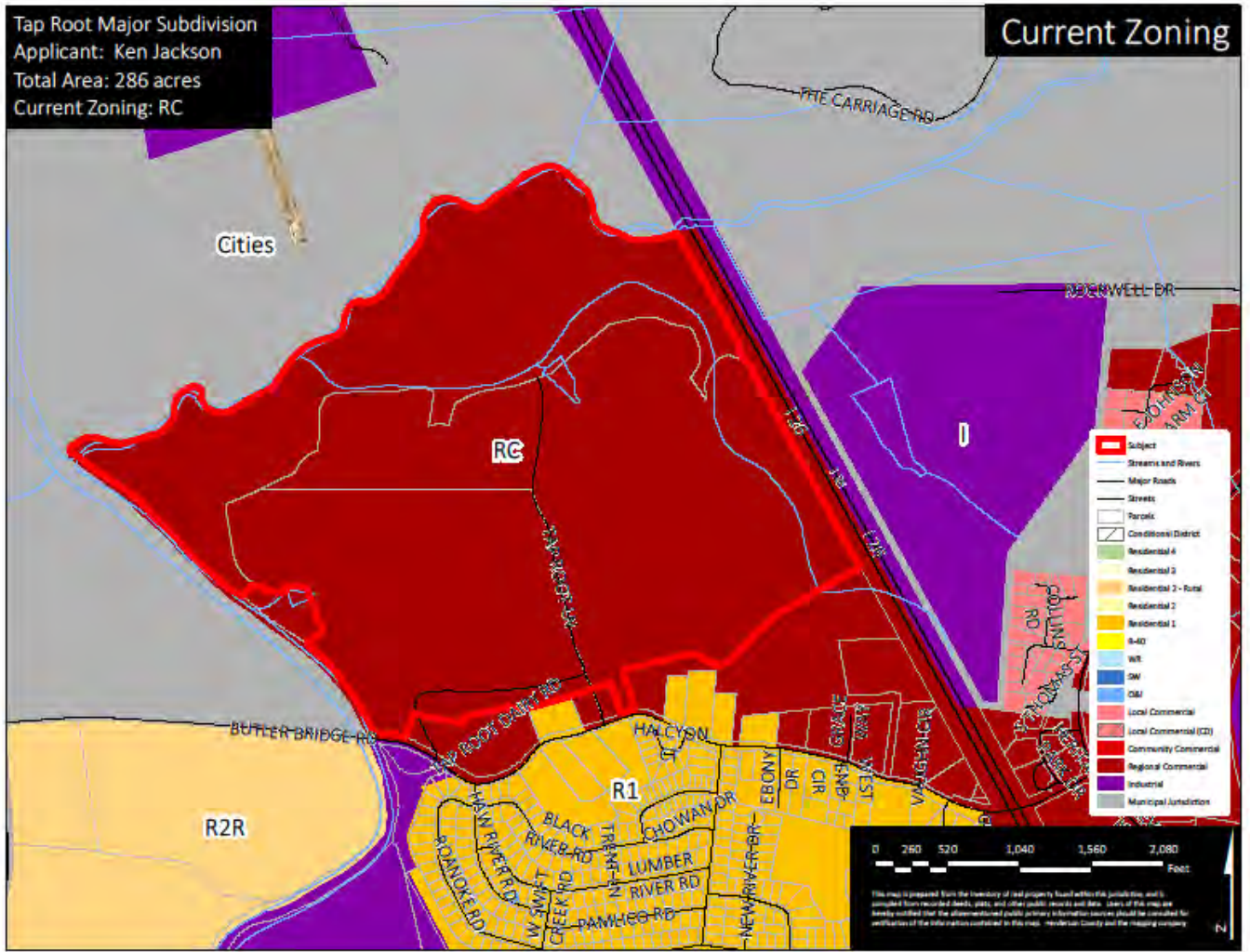
Map A: County Context



Map B: Aerial



Map C: Current Zoning



2. Current Zoning

2.1. Application of Current Zoning: The subject area is currently zoned Regional Commercial (RC). (See Map C). The subject area was first zoned Open Use (OU) in 2001. On March 3, 2003, the subject area was rezoned from an OU district to a General Industrial (I-2) zoning district. On 2005, the subject area was rezoned from an I-2 district to a Highway Commercial (C-4) zoning district. When the LDC was adopted in September of 2007, property previously zoned C-4 was changed to the current Regional Commercial (RC) zoning district.

2.2. Adjacent Zoning: The subject area is adjacent to a variety of zoning districts including municipal zoning districts.

County Zoning: The subject area is adjacent to Regional Commercial (RC), Residential One (R1) and a small portion of Industrial (I) zoning to the south. An Industrial (I) zoning district is also directly adjacent to the east of the subject area.

Town of Fletcher: The Town of Fletcher is adjacent to the north and east of the subject area. The Town of Fletcher’s zoning designation is General Commercial (C-1) and Interstate Commercial (C-2).

Town of Mills River: The property across the French Broad River and adjacent to the subject area, are part of the Town of Mills River’s municipal district. These properties are zoned MR - Light Industrial (MR-LI).

2.3. District Comparison:

2.3.1. **Regional Commercial (RC)**: “The purpose of the Regional Commercial (RC) zoning district is to foster orderly growth where the principal use of land is commercial. The intent of this district is to allow for commercial development consistent with the recommendations of the Comprehensive Plan. In accordance with the Comprehensive Plan, the district will allow for and provide commercial development that: (1) includes a variety of retail sales and services, public and private administrations, offices and all other uses done primarily for sale or profit on the local, community, and regional level; (2) is directed largely to Community Service Centers as defined in the Comprehensive Plan; (3) is compatible with adjacent development and the surrounding community; and (4) will minimize congestion and sprawl. This general use district is meant to be utilized in areas designated as Urban (USA) in the Comprehensive Plan.” Residential density in Regional Commercial is sixteen (16) units per acre with a maximum impervious surface allowance of 80% (LDC §42A-28).

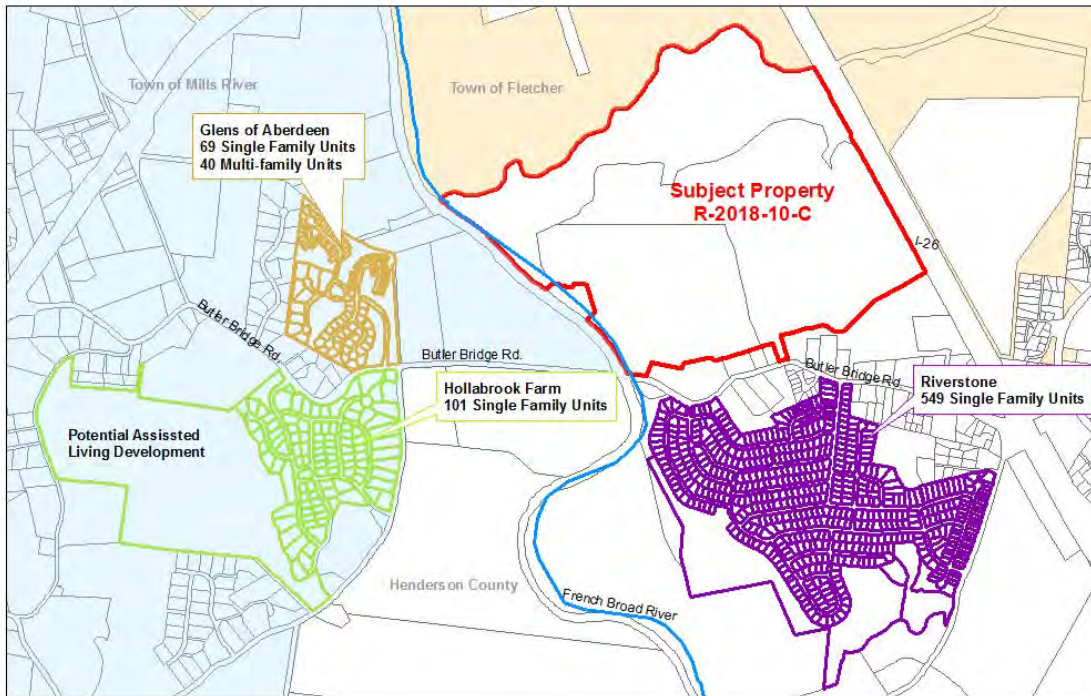
2.3.1. **Residential One Conditional Zoning District (R1-CD)**: “Conditional Zoning Districts are created for the purpose of providing an optional rezoning choice where the owner of property proposes to rezone property and, in order to, among other reasons, carry out the purposes of the Comprehensive Plan, proposes to impose special limitations and conditions on the use of the property proposed for rezoning” (Chapter 42, Land Development Code §42-45). Conditions may be imposed in the furtherance of the purpose of the LDC and the recommendations of the County Comprehensive Plan.

3. Current Uses of Subject Area and Adjacent Properties

- 3.1. **Subject Area Uses**: The subject area is primarily used for agriculture with a limited number of residential structures located on the three parcels making up the subject area.
- 3.2. **Adjacent Area Uses**: The surrounding properties include a variety of uses. To the west, adjacent uses are primarily considered agricultural with one residential property between the subject area and the French Broad River. On the northern boundary of the subject area is a 171-acre parcel, which is utilized as a golf course. To the east of the subject area are agricultural uses as well as an 86-acre tract that is occupied by an industrial manufacturing facility. Parcels to the east of the subject area are separated by Interstate 26 (I-26). South of the subject area, along Butler Bridge Road, are a mixture of commercial, industrial, and residential properties. Included in the residential properties along Butler Bridge road is the River Stone subdivision which contains approximately 549 single-family homes.

3.3. **Asheville Regional Airport:** The Asheville Regional Airport property is located within 600 feet to the north of the subject area. According to the airport’s Executive Director, the developer is required to make an application to the Federal Aviation Administration (FAA) to determine if the development would have any impacts on the operations at the airport. A copy of this report showing no impact to airspace has been received. The airport has expressed concern with the noise of the aircraft on potential residents that could impact the operation of the airport and with the proximity to the runway and land use compatibility with aircraft traffic. The applicant has reached out to the airport about easement language and deed restrictions.

Map D: Surrounding Subdivision Map



3.4. **Comparison of Surrounding Subdivisions:** Several subdivisions are near the proposed development including several smaller subdivisions located along N. Rugby Road. Some of these subdivisions located along Butler Bridge Road include Riverstone, Hollabrook Farms and the Glens of Aberdeen.

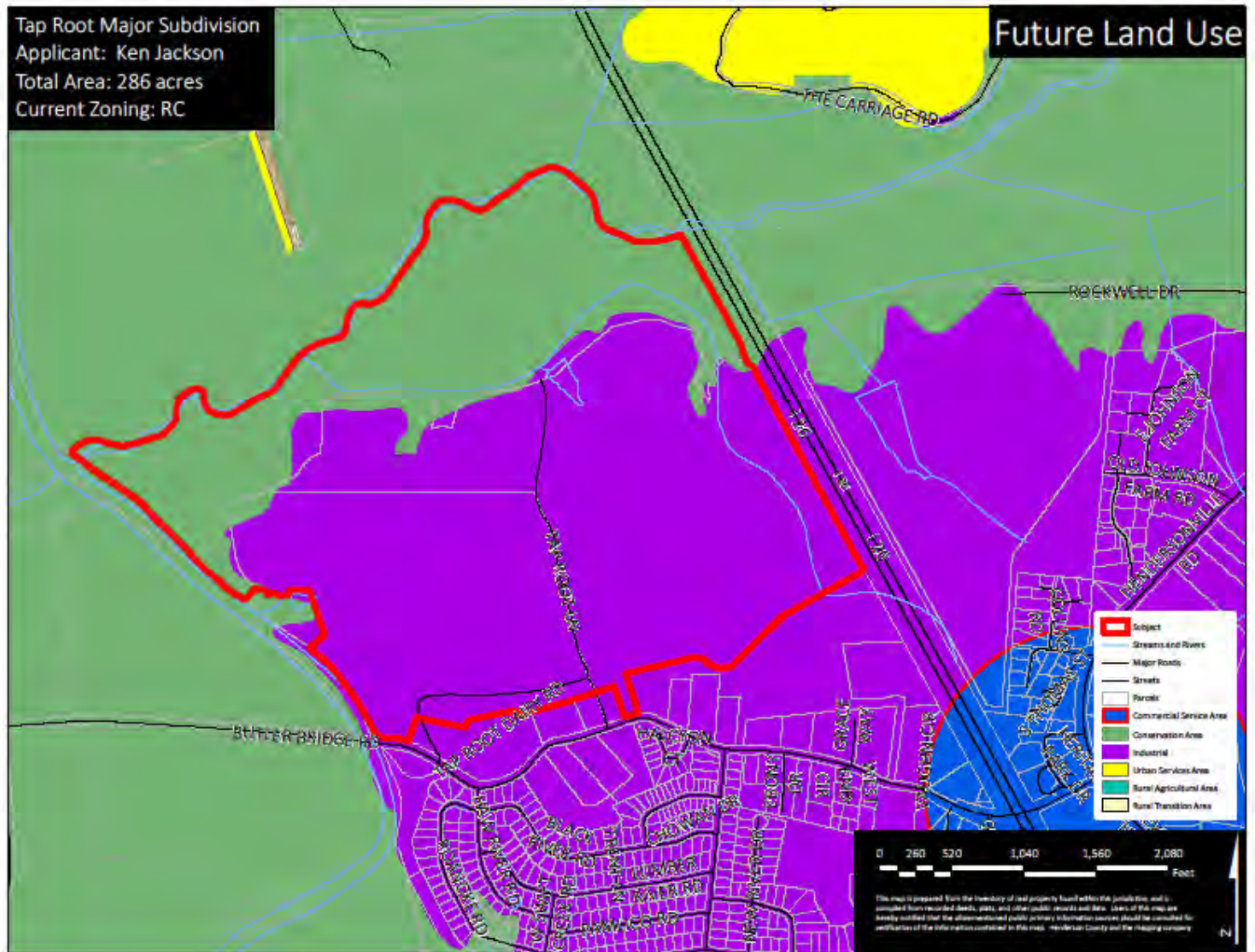
Riverstone: Riverstone was originally approved under a special use permit for a Planned Unit Development (PUD) in November of 2005 by the Henderson County Board of Commissioners. The master plan was amended several times and the current subdivision is approved for 549 lots. The zoning district on this property was R-10 and R-15 at the time of the special use permit approval. The current zoning under the LDC is R1.

Hollabrook Farms: The Hollabrook Farms property was zoned as an I-2 (General Industrial) zoning district in 2001. In 2005, the owners requested that the property

(106.57 acres) be rezoned to an R-10 zoning district. Although the Town of Mills River incorporated in June of 2003, this property was still in the County's jurisdiction at the time of the rezoning request. The existing subdivision was annexed into the Town and was approved under a special use permit for 237 lots. The plan was later amended, and the final phase was removed from the subdivision reducing the approved lots to 101. The undeveloped phase of this subdivision received approval under a special use permit by the Town of Mills River for an assisted living residence. Final plans have yet to be submitted.

Glenns of Aberdeen: The Glenns of Aberdeen (formerly Butler Lake) was developed under the County ordinance prior to the Town of Mills River incorporating. The subdivision was approved in July of 1999 for 109 lots on 43 acres for a mixture of single-family cottages and townhomes.

Map E: County Comprehensive Plan Future Land Use Map



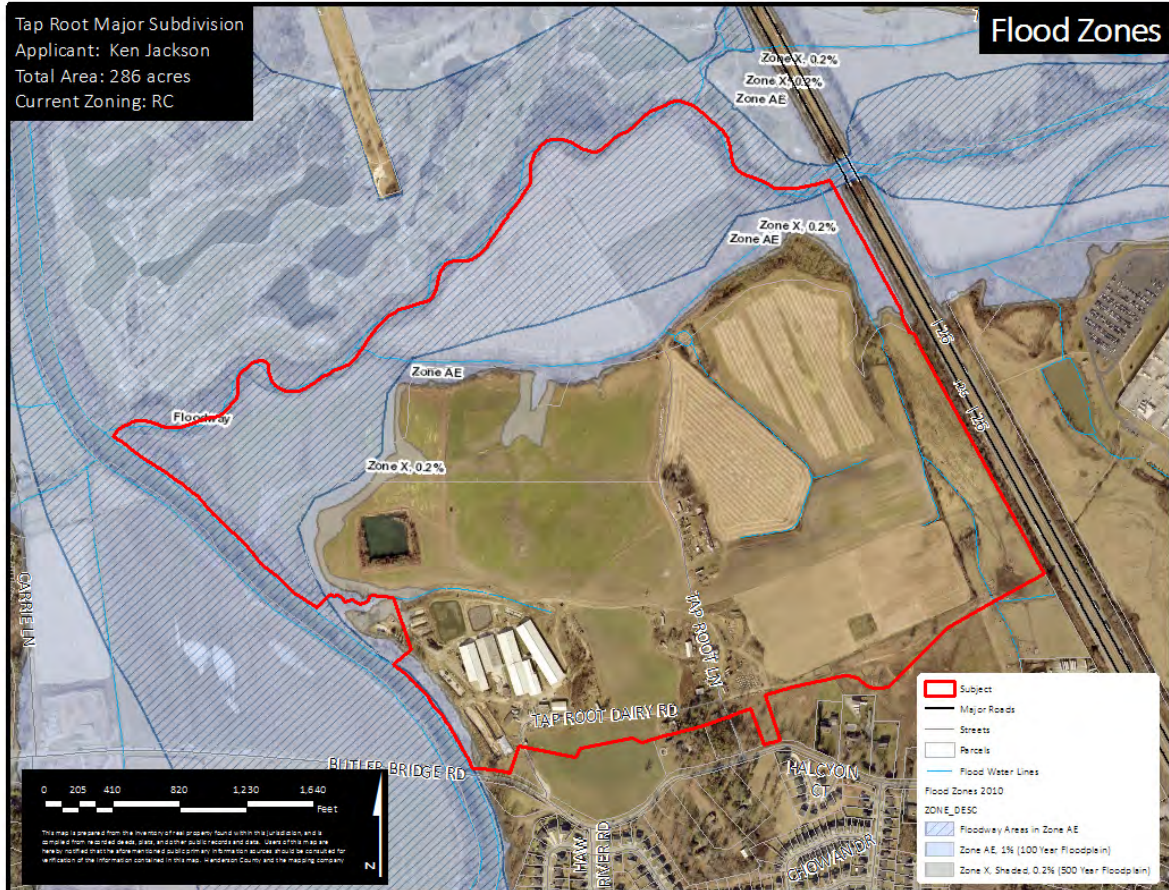
4. The Henderson County Comprehensive Plan (CCP)

4.1. The CCP Future Land Use Map identifies the subject area as primarily being in an Industrial area with a large portion of the subject area along the French Board River being in the Conservation area (CCP, Pgs. 128, 129 & Appendix 1, Map 24). (See Map E). The subject area is also located within the Urban Service Area.

4.1.1. **Industrial:** The CCP states that, “Most defined industrial areas should lie within the Urban Services Area, and in other areas on a very limited basis. Most industrial uses should be segregated from other uses except for Regional Commercial uses. Industrial areas depicted on Map #24, Future Land Use Map are derived from existing industrial zoning districts, as well as from those area depicted upon Map #8, “Committee of 100” Recommended Industrial Development Zones.” (CCP, Pg. 140).

4.1.2. **Conservation:** This category includes land areas that are intended to remain largely in their natural state, with only limited development. Such areas should be targeted for protection through regulations and incentives. Conservation areas are lands that generally exhibit any of the following characteristics: 1. Sensitive natural areas such as steep slopes, floodplains, major wetlands, forest reserves and wildlife conservation areas, and key watersheds 2. Areas of historic and archeological significance 3. Local, state or federally-managed natural areas 4. Areas managed for agricultural or forestry land uses 5. Other areas yet to be defined.

Map F: Floodplain Map



5. Floodplain

- 5.1. **Floodway:** Most of the identified flood prone area within the subject area is in the floodway or non-encroachment area (See Map F). The LDC does not allow structures in the floodway unless it is a functionally dependent facility, such as docks, new water or sewer lines, streambank restoration projects, recreational uses (excluding enclosed structures) and bridges.
- 5.2. **Floodplain:** The subject area contains both the 100-year and 500-year floodplains (See Map E). Structures are permitted in this area provided they are elevated, and up to 20% of this area may be filled.
- 5.3. **Density Calculation:** To prevent a taking, the LDC allows for a property owner to use all the acreage when calculating density. A rough estimate shows approximately 94 acres of the subject area is located in a flood prone area. If the flood prone area is removed, the total project acreage is roughly 192 acres. That would allow a standard density of 768 units and a maximum density of 2,304 units. The proposed project is still within the allowed density even if the floodplain areas were not accounted for in the subject area acreage.

6. Water and Sewer

- 6.1. **Public Water:** The applicant is proposing connection to public water via the City of Hendersonville to serve the development. The City of Hendersonville has provided a letter of capacity to the applicant.
- 6.2. **Public Sewer:** The applicant is proposing connection to public sewer via the Cane Creek Sewer District to serve development. Both Cane Creek and MSD have indicated capacity availability. The applicant must provide a capacity letter as a condition of approval.

7. Proposed Residential One Conditional District Development

7.1. **Proposed Use:** The applicant is proposing to use the site for a major residential subdivision, that incorporates both single-family and townhome dwellings. Based on the number of units proposed and the types of dwellings proposed, the applicant is requesting a Residential One Conditional District to allow more flexibility in design, and as required by the LDC for any subdivision with more than 299 lots. Any development proposing 10 or more multifamily units also require a conditional rezoning. The R1 conditional district allows the Board of Commissioners to place conditions or restrictions on the property that binds this specific development and location. Below is an overview of the development.

- 1,078 Units (Project Total)
 - 546 Single-family
 - 532 Townhomes
 - No apartments are proposed
- Proposed Density of 3.7 units per acre (less than the standard density for R1)
- 8 Proposed Phases
- Proposed Road Length, 35,600 LF
- Minimum of 72.5 acres or 25% Open Space
- Common Area and Development Amenities

8. **Neighborhood Compatibility Meeting**

- 8.1. A neighborhood compatibility meeting was held on Monday, January 28, 2019 at 3:00 PM in the King Street Meeting Room. Invitations were sent to property owners within 400 feet of the subject area's boundary. Approximately 100 people attended and heard about the proposed development and asked questions of the applicant. Informal comment was accepted via a comment card for this meeting and was then given to the applicant for review.
- 8.2. A report of this meeting was forwarded to the Planning Board and Board of Commissioners.

9. **Traffic Impact Analysis (TIA)**

- 9.1. The Traffic Impact Analysis (TIA) as required by NCDOT is complete. The NCDOT required a Traffic Impact Analysis (TIA) due to the State's threshold for traffic generation by the proposed use. The applicant completed a preliminary scoping meeting with NCDOT to determine the intersections to be studied (8 intersections total), the peak hours for traffic counts, and any other potential impacts of the development. A condition of approval will include any required road improvements identified in the TIA and as approved and required by NCDOT. A copy of the TIA has been provided for the Board's review.

10. **Staff Comments**

- 10.1. **The CCP:** The CCP Future Land Use Map (See Map D) places the Subject Area in Industrial and Conservation area classifications.
- 10.2. **Comparison of Districts:** The existing Regional Commercial (RC) zoning district allows for primarily commercial development and multifamily residential units (16 units per acre). The corresponding Residential One (R1) zoning district, that is the base zoning for the conditional rezoning request, allows for a standard density of 4 units per acre and a maximum density of 12 units per acre. The proposed project and rezoning requests a density that is less than the maximum allowed density requirements per the LDC standards for the R1 zoning district.
- 10.3. **Master Plan:** The rezoning request requires a site-specific plan which includes a master plan requirement for the proposed development phases. (See Attached Master Plan Report)

11. **Technical Review Committee (TRC) Recommendations**

- 11.1. The TRC reviewed the rezoning request at its meeting on Tuesday, February 19, 2019 and forwarded the request to the Planning Board for its recommendation with the following conditions:
 1. Roads are proposed to be private subdivision roads. A note on plat and NCDOT signature is required if the roads are to be public.
 2. Require hydrant locations per fire standards within development and be approved by the Fire Marshall.
 3. Submit a water utilities plan to the City of Hendersonville and comply with City of Hendersonville regulations.
 4. Submit a sewer utilities plan to the Cane Creek Sewer District and provide proof of MSD allocation.

5. Apply for a swimming pool permit from the Environmental Health prior to the pool construction.
6. Submit building plans for all structures to the County Inspections Department.
7. Apply for a floodplain, stormwater, and soil erosion permit from the County for each phase of development.
8. No open basins are allowed unless approved by the FAA.
9. Require cluster mailboxes per the standards and requirements of the USPS and identify on the site plan an area with appropriate vehicle access and parking.
10. Apply for an encroachment agreement with NCDOT for utility work within the ROW of Butler Bridge Road and I-26.
11. Apply for a NCDOT driveway permit and comply with all required road improvements identified by the TIA and NCDOT.
12. Require that all potential homeowners be notified of the noise levels associated with the airspace and existing flight path for aircraft.

12. Planning Board Recommendations

12.1. The Planning Board reviewed the rezoning request at its February 21, 2019 and March 21, 2019 meetings. On March 21st following Board discussion, a motion was made to make a favorable recommendation on the request with the condition that the applicant provide the Asheville Airport with a navigation easement. The motion failed with a 4-4 vote. Mr. Rick Livingston who was not present had to previously recuse himself from the vote. Seeing no option on the tie vote, the Planning Board forwarded the rezoning application to the Board of Commissioners.

13. Required Conditions per the LDC

- 13.1. **Open Space.** The applicant is required to set aside 25% open space. This open space shall not include more than 50% in primary conservation areas and shall not be composed entirely of secondary conservation areas. Open space should be recorded with the register of deeds and is required to remain as shown on the approved site plan and cannot be developed. The open space does not have to be owned by the HOA, but can be held by an individual, organization or non-profit.
- 13.2. **HOA.** The developer is required to set up an HOA (Home Owner Association) and subsequent documents should be reviewed and approved by the County Attorney prior to recording of such restrictions.
- 13.3. **Common Area/Open Space.** The LDC requires that common area be provided for 10% of the total area in the townhome sections.
- 13.4. **Townhome Layout.** The LDC states that there be a minimum space of 20 feet between buildings (1 foot of separation for each one foot of building height in excess of 30 feet) and a maximum building length of 150 feet (see applicant requested conditions).
- 13.5. **Subsurface Utilities.** Subsurface utilities are proposed and are required for the townhome sections.
- 13.6. **Pervious Pavement.** The LDC requires that 25% of all paved surfaces (roads, parking areas, drives, sidewalks, etc.) be pervious pavement for the townhome phases (see applicant requested conditions).
- 13.7. **Pedestrian Facilities.** The LDC requires 1 linear foot of sidewalk or trail for every linear foot of improved or newly proposed roadway within the development. The sidewalk or trail must be at least 5 feet in width.

- 13.8. **Private Roads.** The applicant is proposing private roads, which are allowed. Certification by NCDOT is required to be on the final plat if public roads are proposed.
- 13.9. **Buffering and Setbacks.** The LDC requires that structures are setback 50 feet from I-26 and that a B2 buffer is required within this setback (see applicant requested conditions).
- 13.10. **Traffic Impact Analysis (TIA) Requirements.** Any road improvements identified in the TIA and as approved and required by NCDOT shall be a condition of approval. (see letter from NCDOT).

14. **Recommended Conditions of Approval**

Below is a list of conditions that the Board of Commissioners may wish to consider if the conditional rezoning request is approved. These conditions are recommended and are subject to change. They are intended to provide examples or issues that the Board of Commissioners could consider if the Board determines that the development is appropriate and intends to approve the request.

- 14.1. **Size and Scope.** Is the size and proposed use of the development suitable for this location or should the scope of the project be reduced or altered?
- 14.2. **Buffers.** The Board may want to require a buffer along the RC zoning district to protect the residential units (see applicant requested conditions).
- 14.3. **On-street Parking.** The Board may consider requesting the developer place an HOA restriction on the on-street parking or request that parking be limited to only one side of the street as in other municipal areas if the roads are private.
- 14.4. **Lighting Mitigation.** Lighting mitigation is encouraged, but due to the proximity to I-26 and the surrounding neighborhood, the Board may consider requiring semi cutoff or full cutoff lightning or another alternative.
- 14.5. **Development Plan Approval.** Conditional rezonings with a corresponding subdivision require development plan approval for each phase of the proposed project. These subsequent development plans shall be reviewed and approved by the Board of Commissioners. The Board may delegate this approval authority, on a project by project basis, to the Planning Board or Subdivision Administrator provided all conditions of approval are met.
- 14.6. **Pedestrian Facilities.** Approximately 35,600 linear feet of trails or sidewalks is required based on the proposed road improvements. The Board could ask the developer to provide a greenway easement and/or construct the portion of the proposed greenway along the French Broad River in lieu of the sidewalk or trail option. The Board could also consider if a river access point with public parking should be considered along the French Board River.
- 14.7. **Common Area/Open Space.** Due to the large number of residential units and the potential for several school age children in the community, the Board may discuss if the developer has an interest in proposing a neighborhood park for the community.

15. **Additional Conditions per the Applicants Request.**

- 15.1. The LDC is more restrictive than the NC Residential Building Codes for townhomes. The applicant requests to comply with NC State Building Code for residential townhome separations.
- 15.2. The applicant requests for a reduction or removal of the pervious pavement requirements for the townhomes due to the residential nature of owner-occupied units and potential maintenance issues.

- 15.3. The applicant is not in favor nor recognizes the need for an additional buffer requirement from the RC zoning district as this is not a requirement of the LDC.
- 15.4. The applicant requests a reduction in the setback and buffering requirements along I-26 since NCDOT allows for a closer setback to the ROW. The LDC requires a 50ft setback from the edge of ROW. The applicant is proposing a 20ft setback from the ROW.

Henderson County Planning Department Staff Report

**Master Plan
Tap Root Farms**

**Property Owner(s): Tap Root Farms, LLC
Applicant: Ken Jackson**

Master Plan Comments:

According to Chapter 42, Henderson County Land Development Code (LDC) §42-341, the purpose of a Master Plan is to provide general information about the proposed development to allow for an assessment of its impact on the orderly growth and development of the County, environmental quality, land values, natural features identified on the site analysis sketch and the County’s roads and governmental services. During the review of the Master Plan, the Technical Review Committee should take into consideration: applicable recommendations of the *Henderson County Comprehensive Plan*, the potential use of the land to be subdivided, and the impact of the subdivision and proposed use whether residential, commercial or industrial.

When reviewing the Master Plan, it is important to consider that, due to severe topographic conditions, inadequate road access, distance from services, unique natural areas, soils that do not easily support soil drainage systems and/or the proximity to existing and incompatible land uses/zoning, all land may not be suitable to be subdivided for the purpose of dense development (LDC §42-75).

Staff has reviewed the submitted Master Plan for the Tap Root Farms Major Subdivision, taking into consideration the recommendations of the *Henderson County Comprehensive Plan* and reviewing the plan for conformance with Henderson County Land Development Code. Staff offers the following comments:

1. ***Henderson County Comprehensive Plan (CCP)***. The Future Land Use Map of the CCP shows the Subject Area as being located within the Urban Services Area, Industrial Area and Conservation Area.
 - a. The Urban Services Area is that area within which most urban services and urban-scale development is currently concentrated, and within which such development should generally be concentrated. Growth and development will be proactively managed through extensive planning. Much of the USA falls within municipal planning jurisdictions and will be managed by those jurisdictions. Land use planning for areas falling within the County’s jurisdiction should be comparable and compatible in its approach and intensity with planning conducted within the various municipal jurisdictions.
 - b. Industrial: The CCP states that, “Most defined industrial areas should lie within the Urban Services Area, and in other areas on a very limited basis. Most industrial uses should be segregated from other uses except for Regional Commercial uses. Industrial areas depicted on Map #24, Future Land Use Map,

are derived from existing industrial zoning districts, as well as from those areas depicted upon Map #8, “Committee of 100”, Recommended Industrial Development Zones.” (CCP, Pg. 140).

- c. **Conservation:** This category includes land areas that are intended to remain largely in their natural state, with only limited development. Such areas should be targeted for protection through regulations and incentives. Conservation areas are lands that generally exhibit any of the following characteristics: 1. Sensitive natural areas such as steep slopes, floodplains, major wetlands, forest reserves and wildlife conservation areas, and key watersheds 2. Areas of historic and archeological significance 3. Local, state or federally-managed natural areas 4. Areas managed for agricultural or forestry land uses 5. Other areas yet to be defined.

2. **Chapter 42, Henderson County Land Development Code (LDC).** According to Chapter 42, Henderson County Land Development Code (LDC) and its Official Zoning Map adopted September 19, 2007 (as amended), the proposed project site is located within a Regional Commercial (RC) zoning district. The applicant is requesting to rezone the Subject Area to a Residential One Conditional Zoning District (R1-CD).
3. **Water and Sewer Availability.** The applicant proposes water connection to the City of Hendersonville and has provided a letter of availability. The applicant requests a connection to Cane Creek Sewer. Both Cane Creek Sewer and MSD have received the request and indicated availability.
4. **Proposed Development.** The applicant is proposing a residential development with single-family units (546 lots) and townhomes (532 units).

Master Plan Comments:

1. **Soil Erosion and Sedimentation Control Plan.** The Applicant shall submit written notice from the appropriate local agencies verifying that an Erosion and Sedimentation Control Plan has been received or a written notice from a professional land surveyor, engineer, landscape architect, architect, or professional planner certifying that no plan is required (LDC §42-113B).
2. **Stormwater Control Plan.** The Applicant shall submit written notice from the appropriate local agencies verifying that a Stormwater Control Plan has been received and approved (LDC §42-240).
3. **Floodplain.** A Floodplain Permit is required for any proposed development parcel that contains Floodplain (LDC §42-232-236).
4. **Public Road Standards.** The Applicant has indicated that the roads will be private subdivision roads. If the roads are to be public, the NCDOT must review and certify this on the final plat and be designed and constructed to meet NCDOT standards.
5. **Road Name Approval.** Proposed road names shall be preapproved by the Henderson County Property Addressing Coordinator in accordance with Chapter 42 of the Henderson County Code, Property Addressing (LDC §42-98).

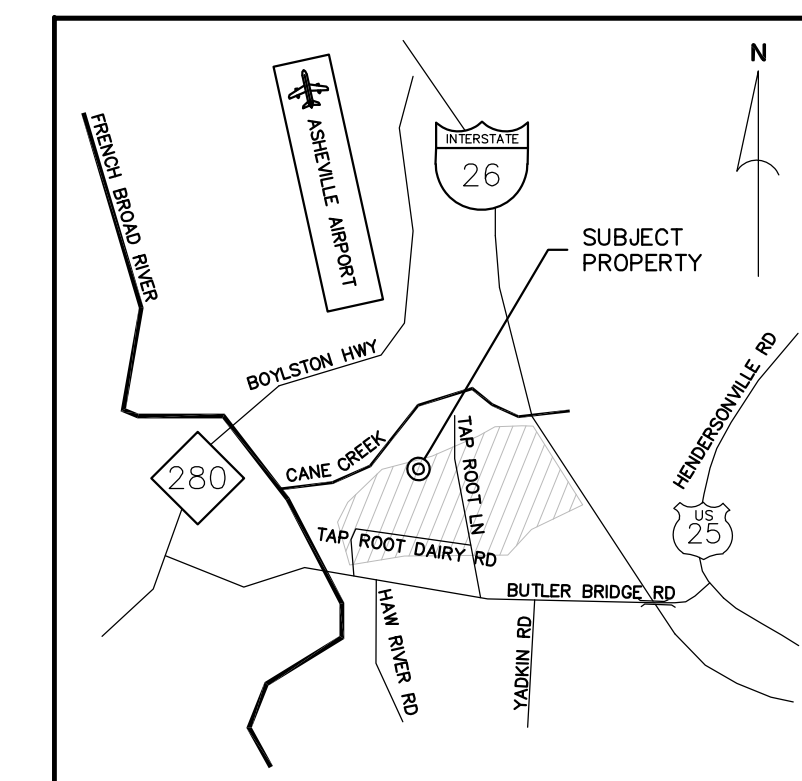
6. **Street Tree Requirements.** According to the street tree requirements of Chapter 42 (LDC §42-145 and LDC §42-146) the applicant must provide one tree per 50 linear feet of property abutting an internal road. Trees may be placed in groups with a minimum spacing of no less than 15 feet and a maximum spacing of no more than 65 feet. The trees may be placed within the right-of-way or within 20 feet of the edge of the right-of-way. The applicant may use existing trees in accordance with LDC §42-153 instead of planting new trees. These existing trees must also be located within the right-of-way or 20 feet off the edge of the right-of-way as required by LDC §42-146
7. **Pedestrian Access.** Sidewalks or walking trails are required for any major subdivision of 10 or more lots outlined in the Henderson County Code Chapter 42 (LDC §42-113). Reasonable pedestrian access shall be provided to promote good health and safe walking when a developer proposes a density equal to or greater than two (2) units per acre. The applicant must provide one (1) linear foot of sidewalk or walking trail for every linear foot of improved or newly proposed roadway within the tract. Sidewalks or walking trails are to be located in a road right-of-way, pedestrian access to easement, or other dedicated open space. Sidewalks are to be constructed at a minimum of 5 feet in width using concrete, asphalt, or other permanent all-weather surface such as gravel.
8. **Miscellaneous Advisory Provisions.** The Applicant should become familiar with the Miscellaneous Advisory Provisions of Chapter 42 (LDC §42-87).
9. **Final Plat Requirements.** The Final Plat(s) must meet the requirements provided by the Planning Department whenever a subdivision of land occurs (LDC §42-343).
10. **Water Utilities.** The City of Hendersonville water will serve the project site. The applicant must provide evidence that the water supply plans have been approved by the appropriate agency. Any subdivision served by a public water system shall meet the respective county or municipality's minimum requirements for fire hydrant installation.
11. **Sewer Utilities.** The site can be served by the Cane Creek Sewer line via a connection under I-26 and must be approved by the Cane Creek Sewer District and MSD. The applicant must provide evidence that the sewer connection plans have been approved by the appropriate agency.
12. **Perennial and Intermittent Surface Water Buffers/Setbacks.** A minimum thirty-foot setback for buildings or other structures is required along all perennial streams. The thirty-foot setback must be noted on the final plat (LDC §42A-37A).
13. **Notice of Farmland Preservation District.** The final plat shall contain a note stating that the property lies within one-half (½) mile of land in a Farmland Preservation District if applicable (LDC §42A-81P).
14. **Fire Protection Requirements.** Any subdivision served by a public water system shall meet the County's standard of one (1) hydrant per 1000 feet of linear road distance. (LDC §42A-81 B (4)).

TAP ROOT SUBDIVISION

HENDERSON COUNTY, NORTH CAROLINA

PREPARED FOR:
TAP ROOT FARMS LLC
 P.O. BOX 1157
 ARDEN, NC 28704
 KEN JACKSON
 (828) 684-8800

INDEX OF SHEETS	
Sheet No.	Title
C000	COVER
C100	MASTER EXISTING CONDITIONS & DEMOLITION PLAN
C200	MASTER PHASE PLAN
C201	MASTER SITE PLAN
C400	MASTER STORM PLAN
C600	MASTER SEWER PLAN
C700	MASTER WATER PLAN



VICINITY MAP
(NOT TO SCALE)



Know what's below.
Call before you dig.

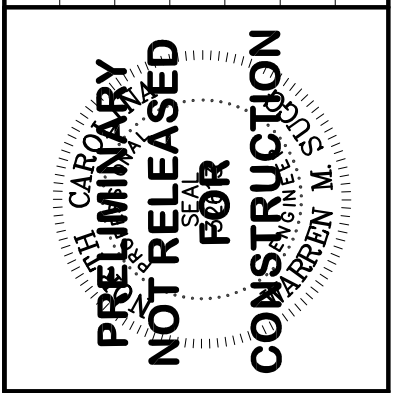
DEVELOPMENT DATA	
OWNER/DEVELOPER:	TAP ROOT FARMS LLC P.O. BOX 1157 ARDEN, NC 28704
CONTACT:	KEN JACKSON (828) 684-8800
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 168 PATTON AVENUE ASHEVILLE, NC 28801
CONTACT:	WARREN SUGG, P.E. (828) 252-5388

168 PATTON AVENUE
ASHEVILLE, NC 28801
PHONE (828) 252-5388
FAX (828) 252-5388

52 WALNUT STREET - SUITE 9
WAYNE, NC 27884
PHONE (828) 440-4400
FAX (828) 455-5455

www.cdcdesignconcepts.com
NCCELS LICENSE # C-2184

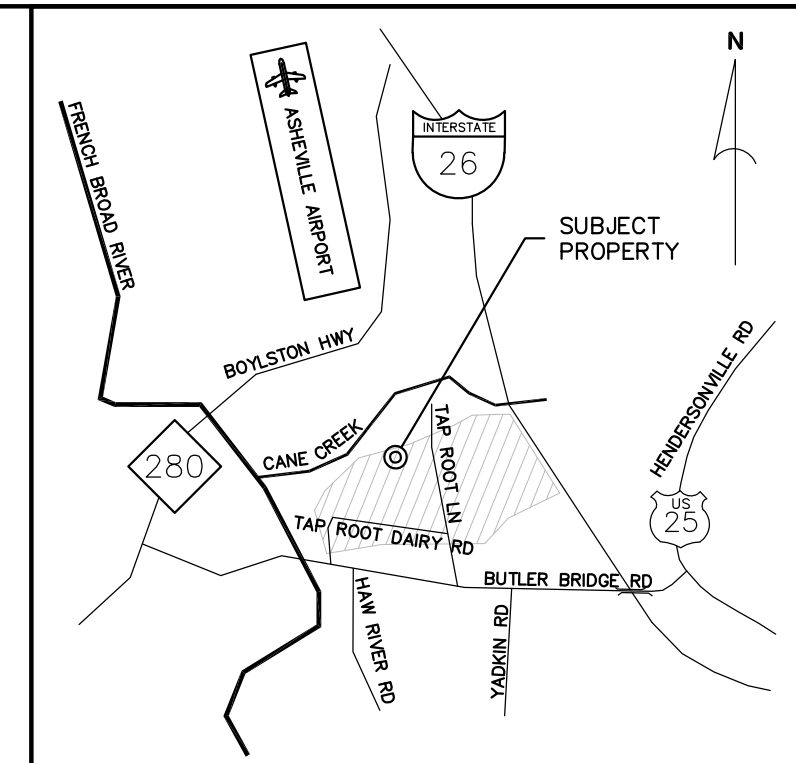
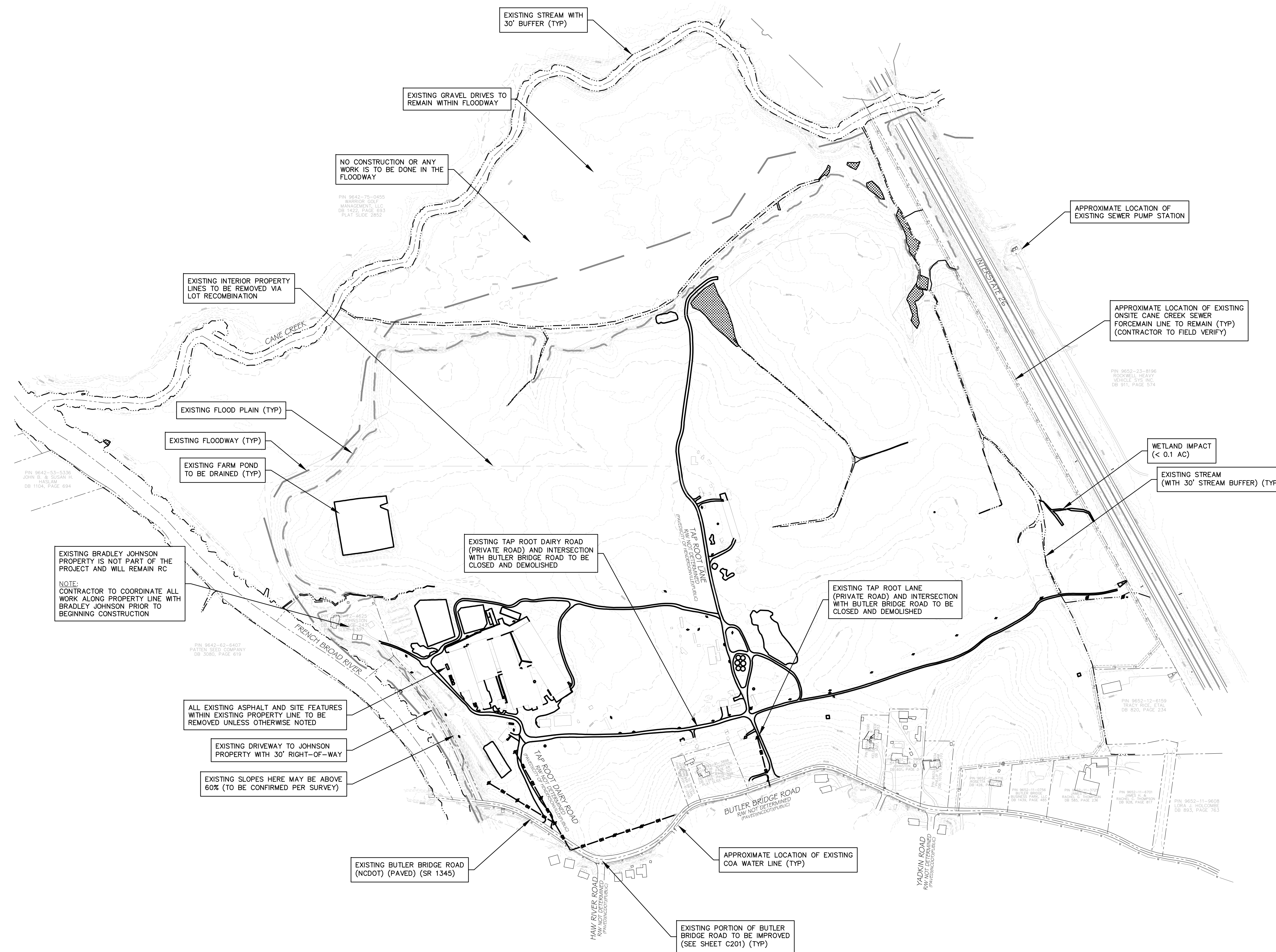
NO.	DATE	DESCRIPTION	BY
1	01/17/19	MASTER PLAN/CONDITIONAL ZONING SUBMITTAL	MAD
2	03/14/2019	REVISED MASTER PLAN SUBMITTAL	MAD



COVER FOR:
TAP ROOT SUBDIVISION
 TAP ROOT FARMS LLC - HENDERSON COUNTY, NORTH CAROLINA

DRAWN BY: AMP
 CDC PROJECT NO.: 11854
 XXX PERMIT NO.: xxx

SHEET
C000



VICINITY MAP
(NOT TO SCALE)

DEVELOPMENT DATA	
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CONTACT:	
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 158 PATTON AVENUE ASHEVILLE, NC 28801 WARREN SUGG, P.E. (828) 252-5388
CONTACT:	
SURVEYOR:	ED HOLMES AND ASSOCIATES, P.A. 300 RIDGEFIELD CT. #301 ASHEVILLE, NC 28806 MICHAEL EDGERTON, P.L.S. (828) 225-6562
CONTACT:	
PROJECT DATA	
PIN:	9652-03-1362; 9642-82-3681; 9642-84-4544
ADDRESS:	TAP ROOT LANE/BUTLER BRIDGE ROAD
DEED BOOK/PAGE:	1337/65, 1349/333
SITE ACREAGE:	286 ACRES
ZONING:	EXISTING: RC - REGIONAL COMMERCIAL PROPOSED: CZ - CONDITIONAL ZONING
COUNTY/TOWNSHIP:	HENDERSON/HOOPEERS CREEK
SETBACKS:	15' (LOCAL/COLLECTOR) 20' (THOROUGHFARE +)
FRONT:	
SIDES:	10' (EXTERNAL) 6' (INTERNAL)
REAR:	10'
WATERSHED:	FRENCH BROAD RIVER BASIN
FIRE DISTRICT:	FLETCHER FIRE
WATER:	PUBLIC
SEWER:	PUBLIC
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EXISTING BRADLEY JOHNSON PROPERTY IS NOT PART OF THE PROJECT AND WILL REMAIN RC
NOTE: CONTRACTOR TO COORDINATE ALL WORK ALONG PROPERTY LINE WITH BRADLEY JOHNSON PRIOR TO BEGINNING CONSTRUCTION

ALL EXISTING ASPHALT AND SITE FEATURES WITHIN EXISTING PROPERTY LINE TO BE REMOVED UNLESS OTHERWISE NOTED

EXISTING DRIVEWAY TO JOHNSON PROPERTY WITH 30' RIGHT-OF-WAY

EXISTING SLOPES HERE MAY BE ABOVE 60% (TO BE CONFIRMED PER SURVEY)

EXISTING BUTLER BRIDGE ROAD (NCDOT) (PAVED) (SR 1345)

EXISTING PORTION OF BUTLER BRIDGE ROAD TO BE IMPROVED (SEE SHEET C201) (TYP)

APPROXIMATE LOCATION OF EXISTING SEWER PUMP STATION

APPROXIMATE LOCATION OF EXISTING ONSITE CANE CREEK SEWER FORCEMAIN LINE TO REMAIN (TYP) (CONTRACTOR TO FIELD VERIFY)

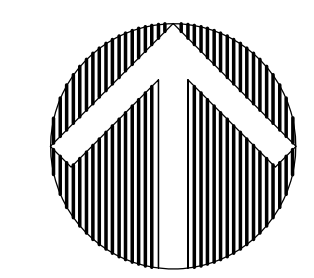
WETLAND IMPACT (< 0.1 AC)

EXISTING STREAM (WITH 30' STREAM BUFFER) (TYP)

APPROXIMATE LOCATION OF EXISTING COA WATER LINE (TYP)



Know what's below.
Call before you dig.



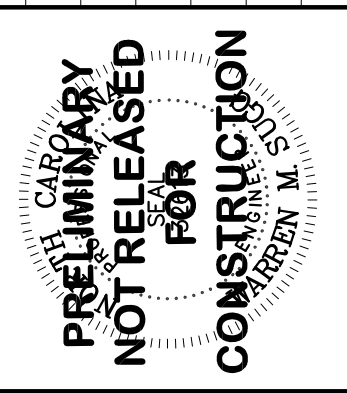
NORTH

MASTER EXISTING CONDITIONS & DEMOLITION PLAN
GRAPHIC SCALE



(IN FEET)
1 inch = 300 ft.

FOR REVIEW ONLY



MASTER EXISTING CONDITIONS & DEMOLITION PLAN FOR:

TAP ROOT SUBDIVISION

TAP ROOT FARMS LLC - HENDERSON COUNTY, NORTH CAROLINA

DRAWN BY: AMP
CDC PROJECT NO.: 11854
XXX PERMIT NO.: xxx

SHEET

C101

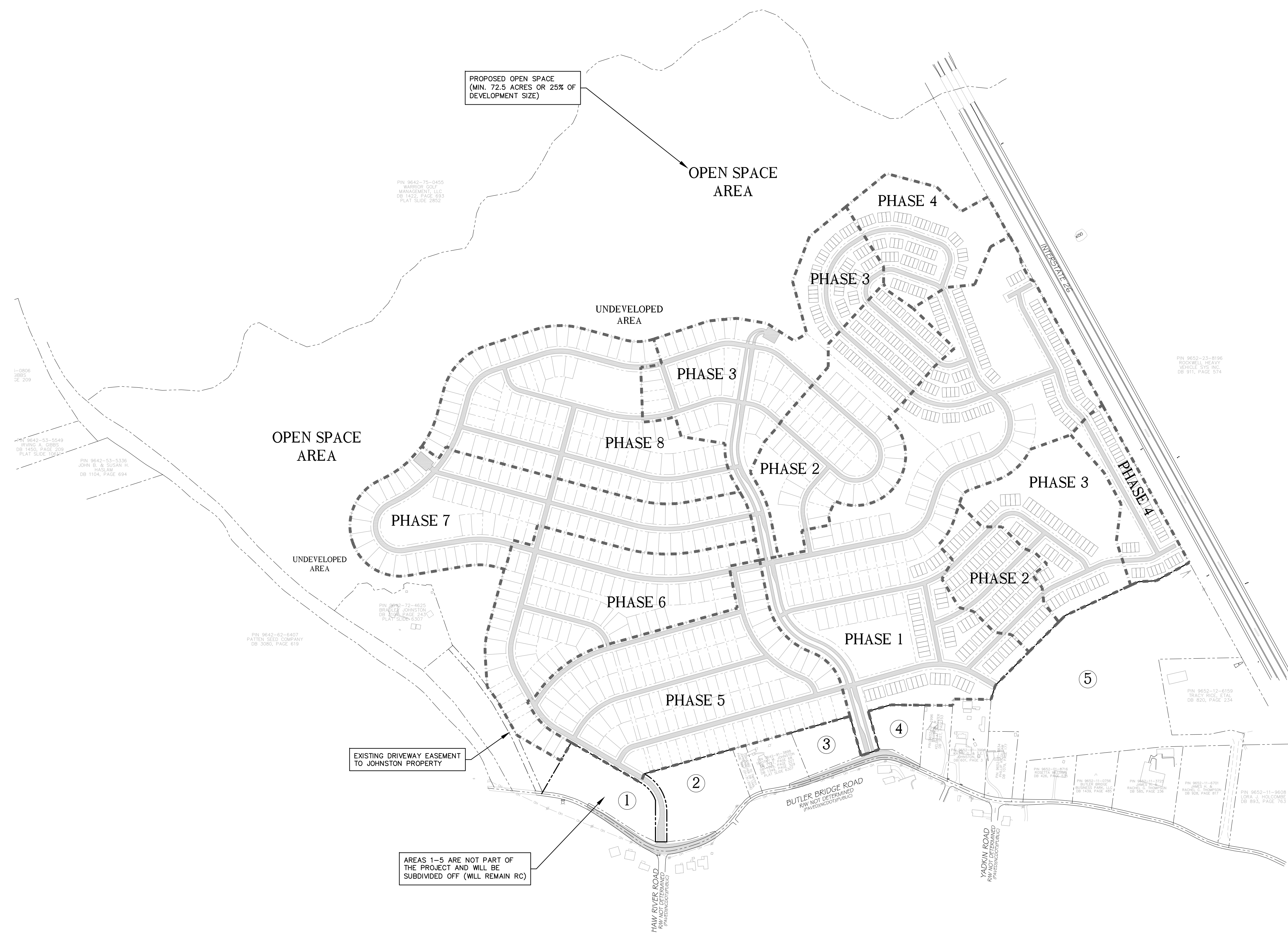
158 PATTON AVENUE
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52 WALNUT STREET - SUITE 9
WAYNESVILLE, NC 28786
PHONE (828) 252-5400
FAX (828) 455-5455

CDC Civil Design Concepts, PA
www.civildesignconcepts.com

NCBELS LICENSE # C-2184

MAD	DATE	DESCRIPTION
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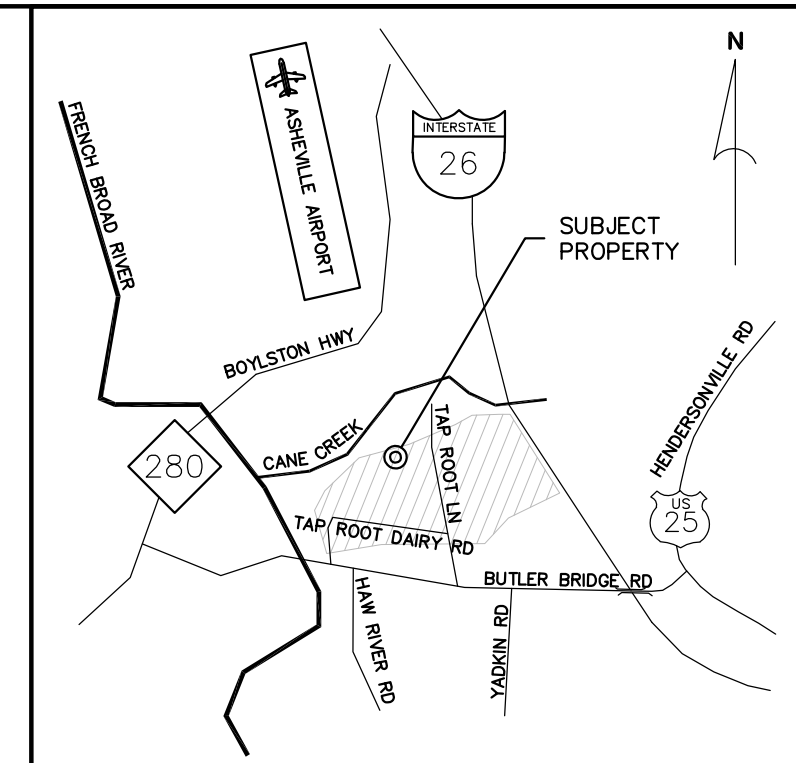
PROPOSED OPEN SPACE
(MIN. 72.5 ACRES OR 25% OF
DEVELOPMENT SIZE)

OPEN SPACE
AREA

OPEN SPACE
AREA

EXISTING DRIVEWAY EASEMENT
TO JOHNSTON PROPERTY

AREAS 1-5 ARE NOT PART OF
THE PROJECT AND WILL BE
SUBDIVIDED OFF (WILL REMAIN RC)



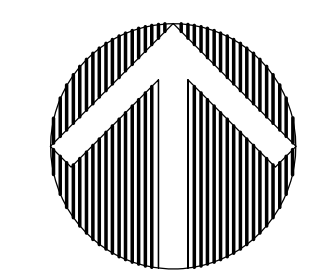
VICINITY MAP
(NOT TO SCALE)

DEVELOPMENT DATA	
OWNER/DEVELOPER:	TAP ROOT FARMS LLC P.O. BOX 1157 ARDEN, NC 28704 KEN JACKSON (828) 684-8800
CONTACT:	
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 188 PATTON AVENUE ASHEVILLE, NC 28801 WARREN SUGG, P.E. (828) 252-5388
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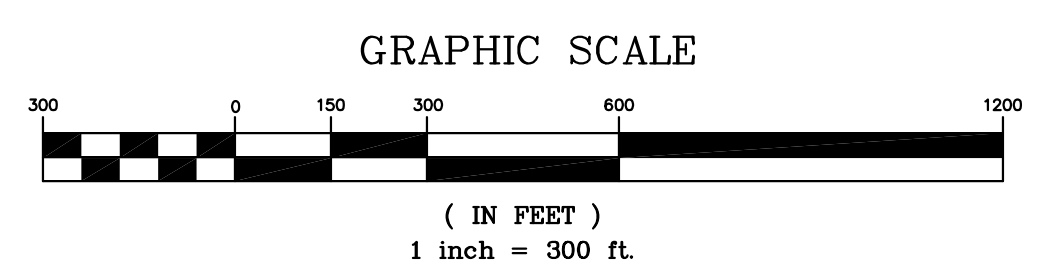
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2	03/14/2019	REVISED MASTER PLAN SUBMITTAL

FOR REVIEW ONLY

PRELIMINARY
NOT RELEASED
FOR
CONSTRUCTION



MASTER PHASE PLAN



188 PATTON AVENUE
ASHEVILLE, NC 28801
PHONE (828) 252-5388
FAX (828) 252-5385

52 WALNUT STREET - SUITE 9
WAYNESVILLE, NC 28798
PHONE (828) 252-5400
FAX (828) 252-5405

NCBELS LICENSE # C-2184

MASTER PHASE PLAN FOR:

TAP ROOT SUBDIVISION

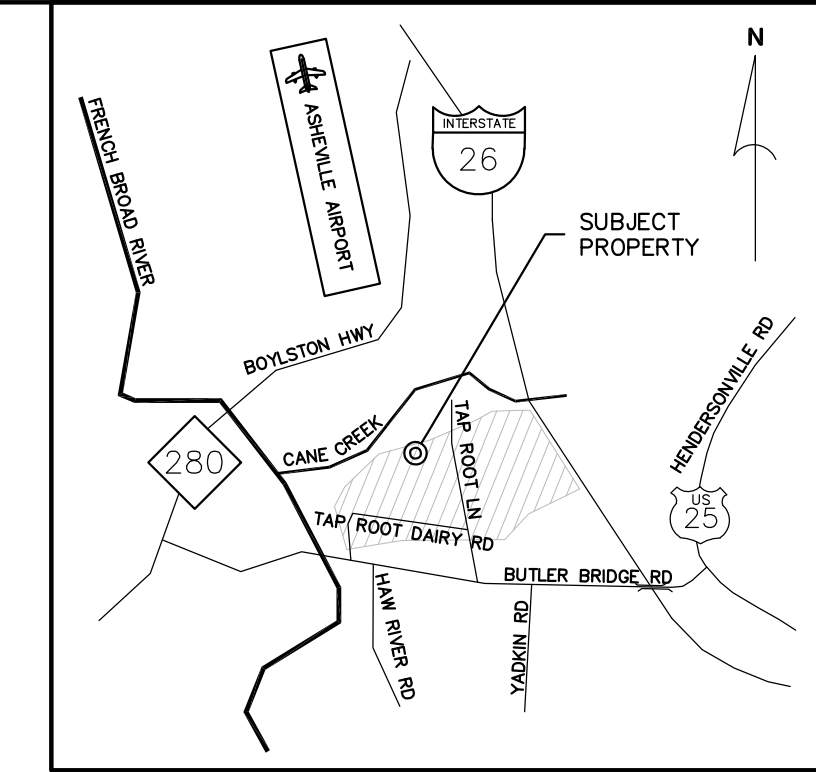
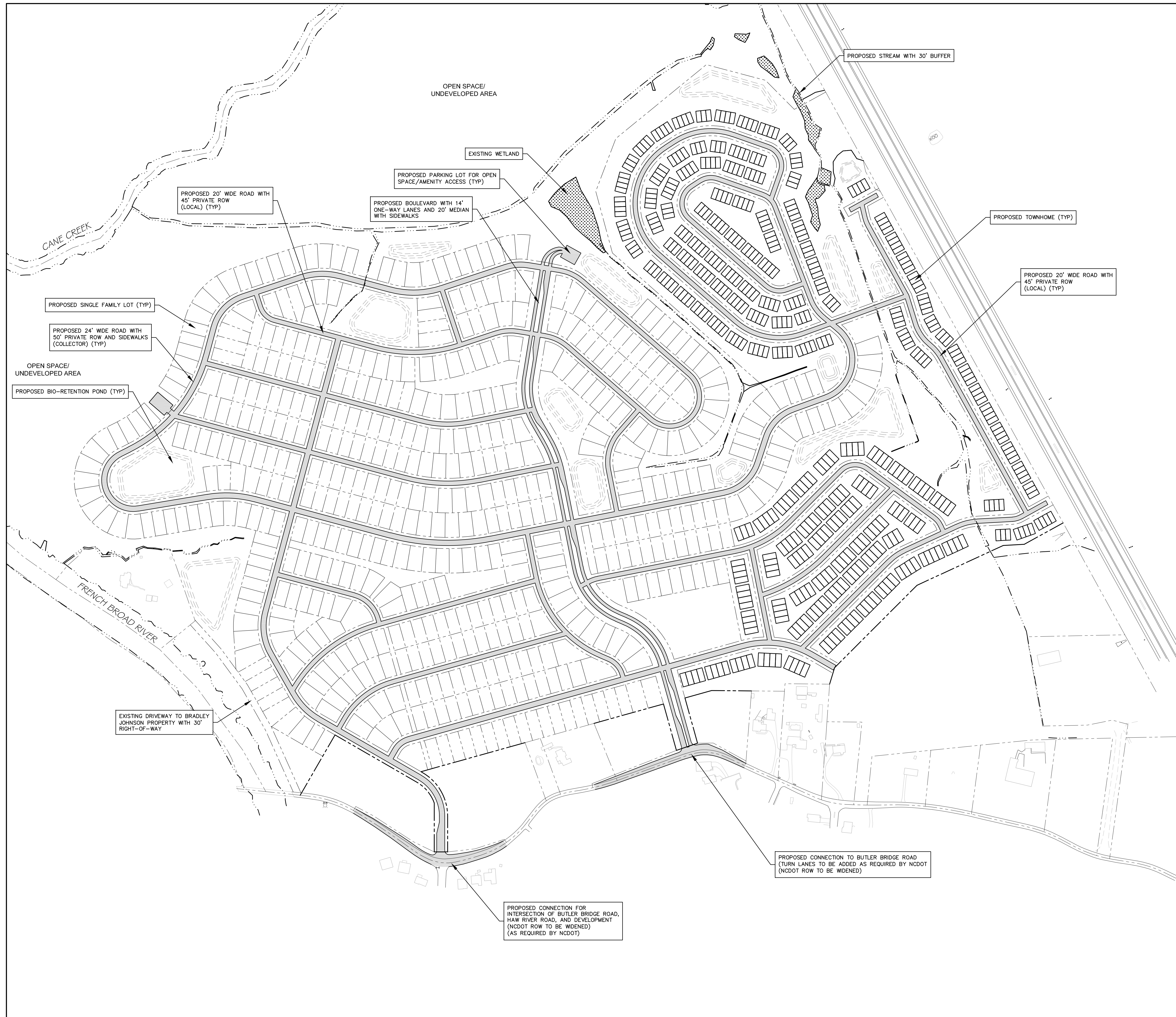
TAP ROOT FARMS LLC - HENDERSON COUNTY, NORTH CAROLINA

DRAWN BY:
CDC PROJECT NO.:
XXX PERMIT NO.

AMP
11854
xxx

SHEET

C200



DEVELOPMENT DATA	
OWNER/DEVELOPER:	TAP ROOT FARMS LLC P.O. BOX 1157 ARDEN, NC 28704 KEN JACKSON (828) 684-8800
CONTACT:	
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 188 PATTON AVENUE ASHEVILLE, NC 28801 WARREN SUGG, P.E. (828) 252-5388
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188 PATTON AVENUE
ASHEVILLE, NC 28801
PHONE (828) 252-5388
FAX (828) 252-5385

52 WALNUT STREET - SUITE 9
WAYNESVILLE, NC 28798
PHONE (828) 252-5400
FAX (828) 455-5455

NCBLES LICENSE # C-2184

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2	03/14/2019	REVISED MASTER PLAN SUBMITTAL

FOR REVIEW ONLY

CIVIL DESIGN CONCEPTS, P.A.
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FOR
CONSTRUCTION

MASTER SITE PLAN

TAP ROOT SUBDIVISION

TAP ROOT FARMS LLC - HENDERSON COUNTY, NORTH CAROLINA

DRAWN BY: AMP
CDC PROJECT NO.: 11854
XXX PERMIT NO.: xxx

SHEET
C201

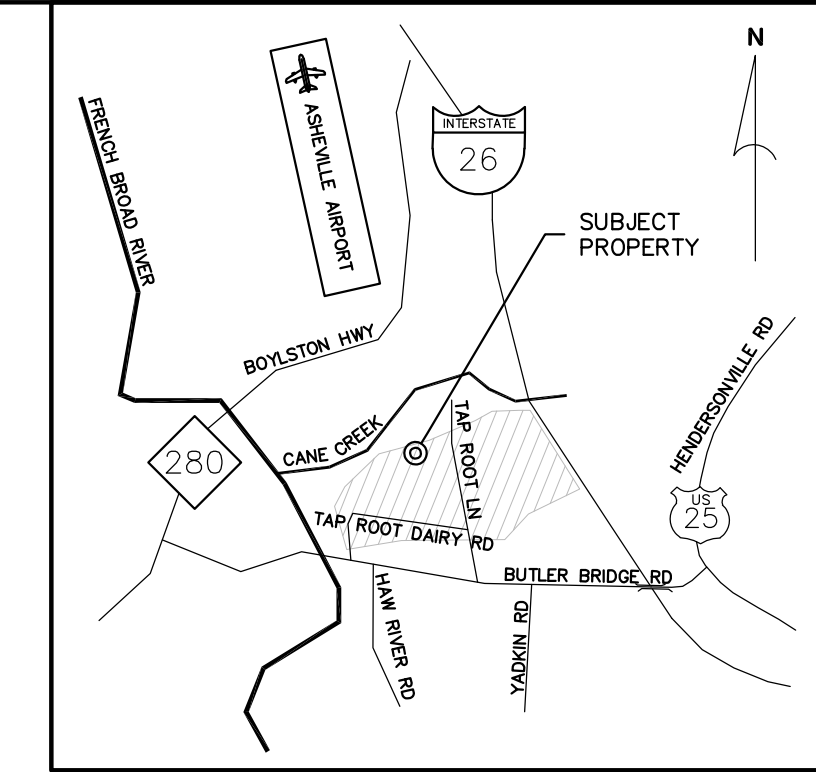
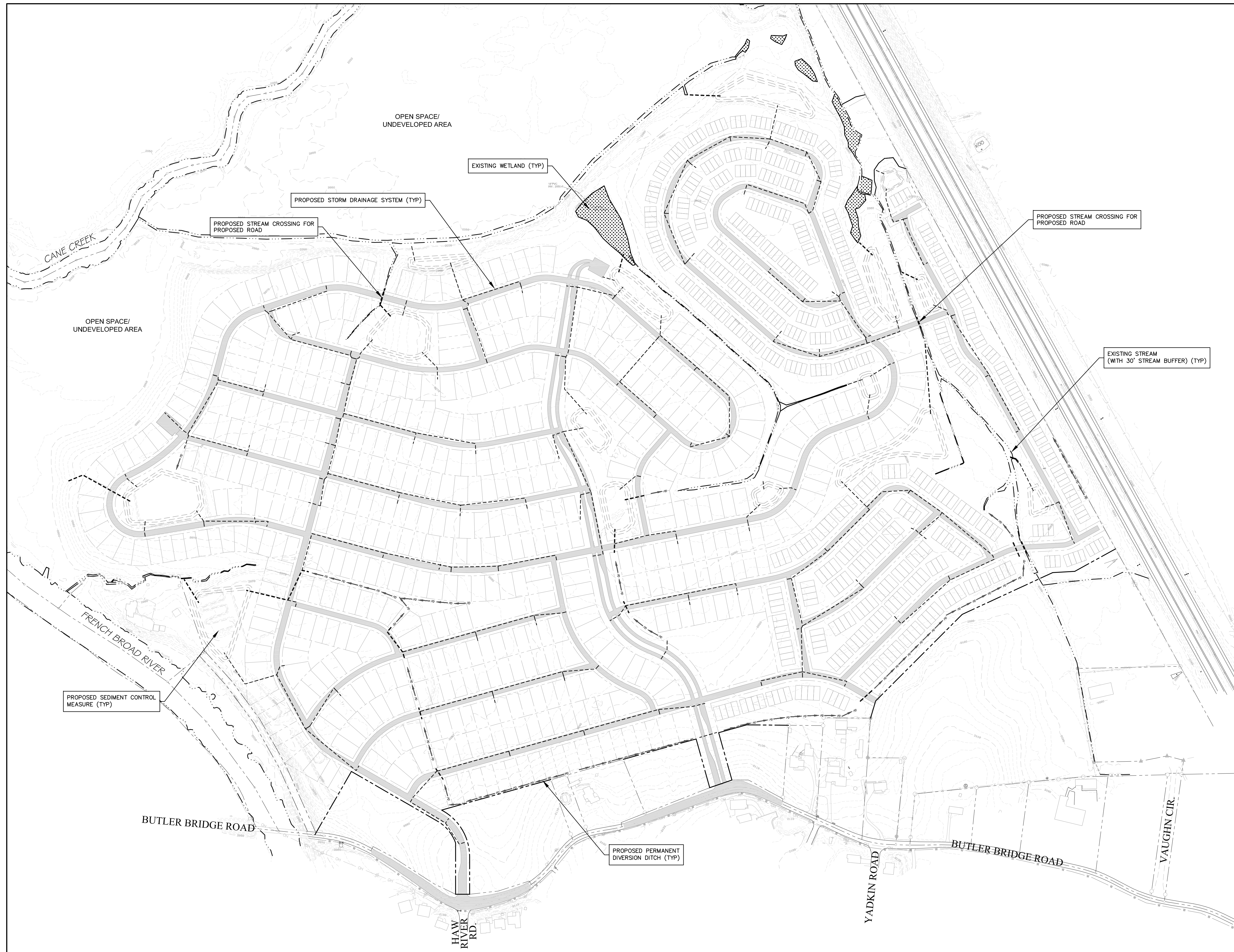
Know what's below.
Call before you dig.

NORTH

MASTER SITE PLAN

GRAPHIC SCALE

(IN FEET)
1 inch = 200 ft.

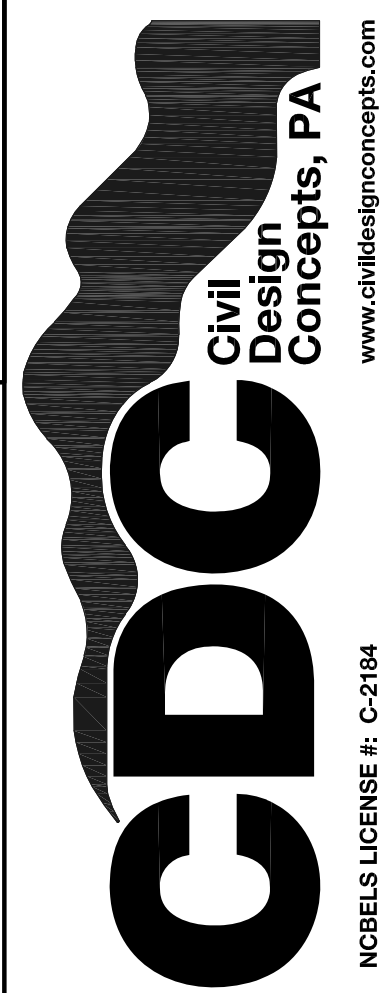


VICINITY MAP
(NOT TO SCALE)

DEVELOPMENT DATA	
OWNER/DEVELOPER:	TAP ROOT FARMS LLC P.O. BOX 1157 ARDEN, NC 28704 KEN JACKSON (828) 684-8800
CONTACT:	
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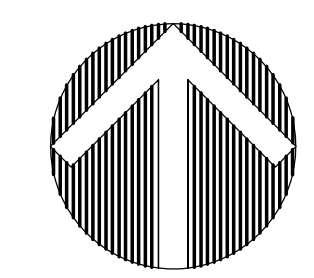
FOR REVIEW ONLY

CIVIL DESIGN CONCEPTS, P.A.
PRELIMINARY
NOT RELEASED
FOR
CONSTRUCTION
KENNETH M. SUGG, P.E.
ARDEN, NC

MASTER STORM PLAN FOR:
TAP ROOT SUBDIVISION
TAP ROOT FARMS LLC - HENDERSON COUNTY, NORTH CAROLINA



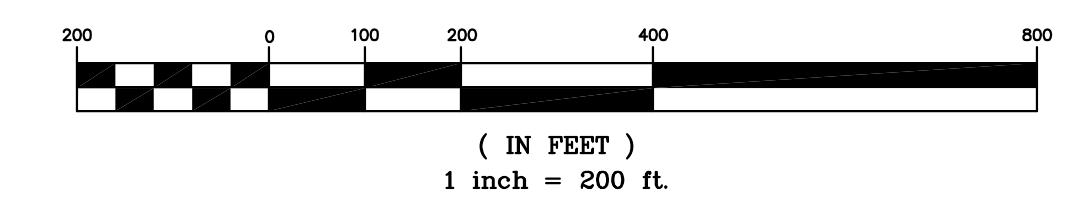
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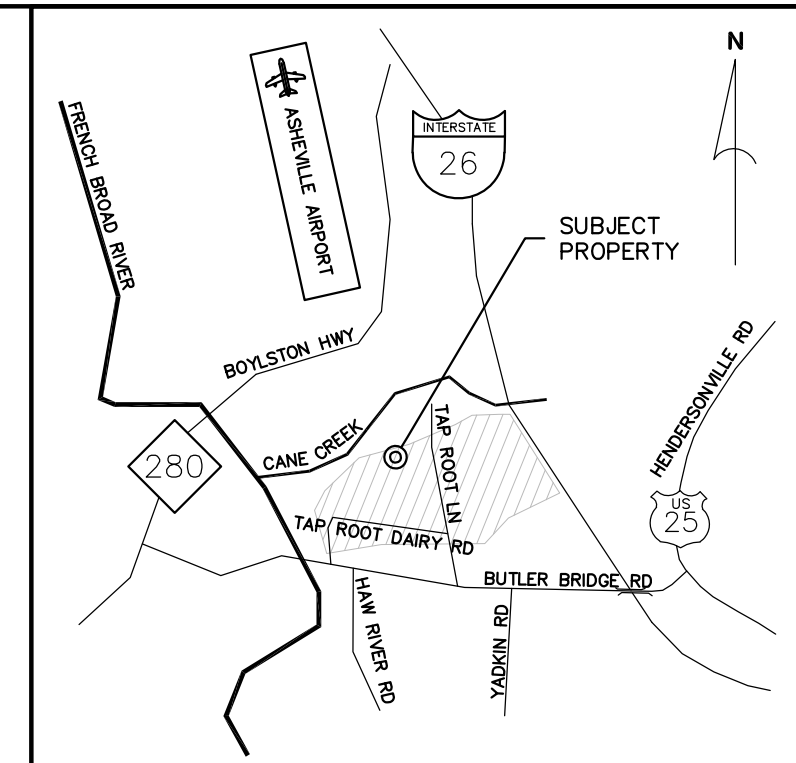
MASTER STORM PLAN

GRAPHIC SCALE



DRAWN BY: AMP
CDC PROJECT NO.: 11854
XXX PERMIT NO. xxx

SHEET
C400

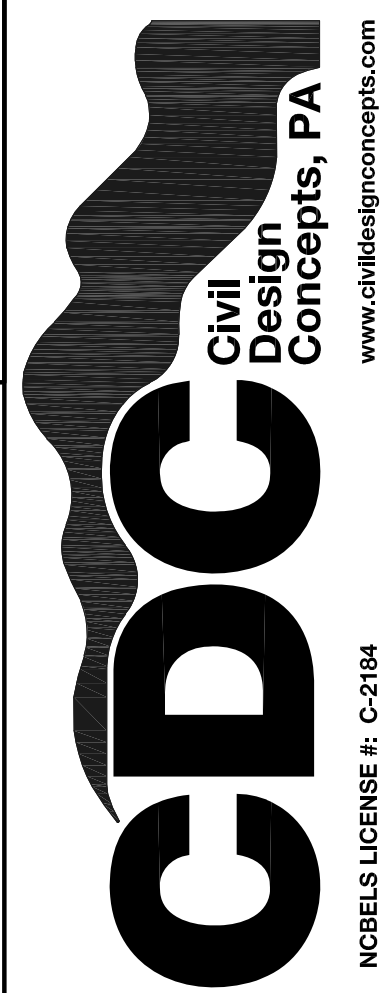


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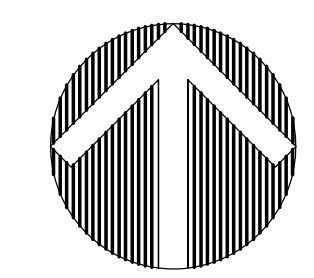
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ARDEN, NC

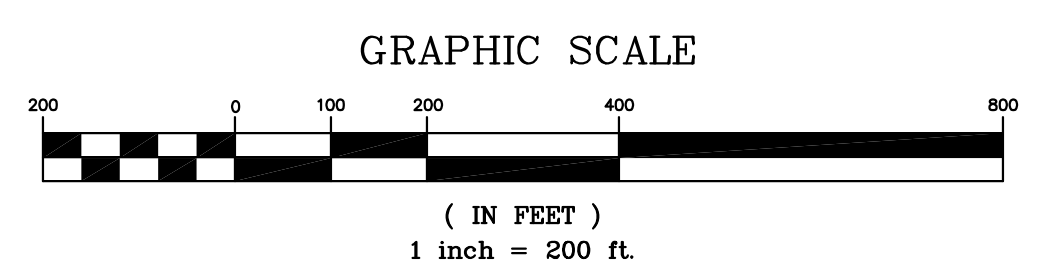
MASTER SEWER PLAN FOR:

TAP ROOT SUBDIVISION

TAP ROOT FARMS LLC - HENDERSON COUNTY, NORTH CAROLINA



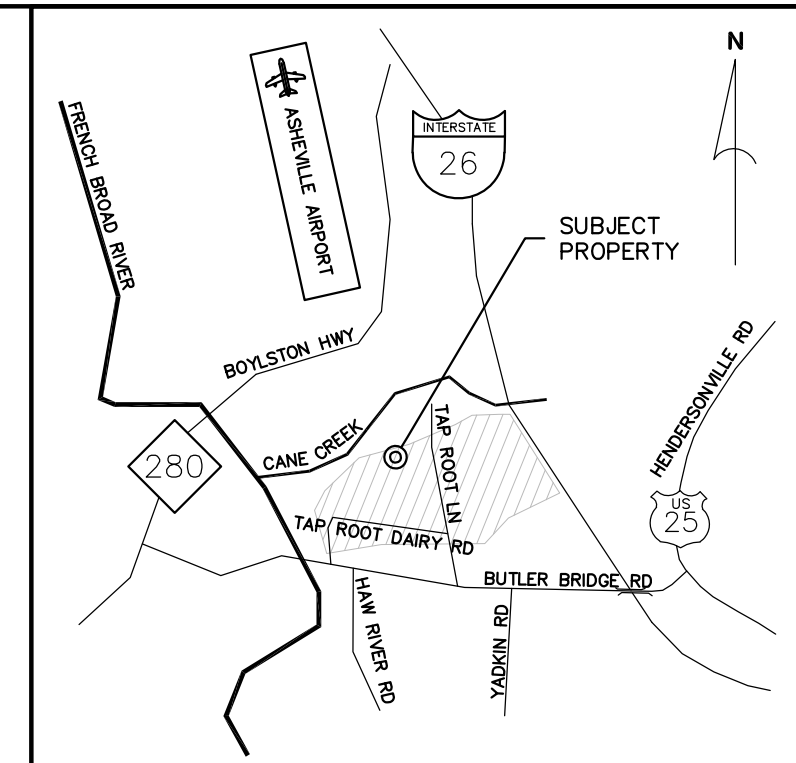
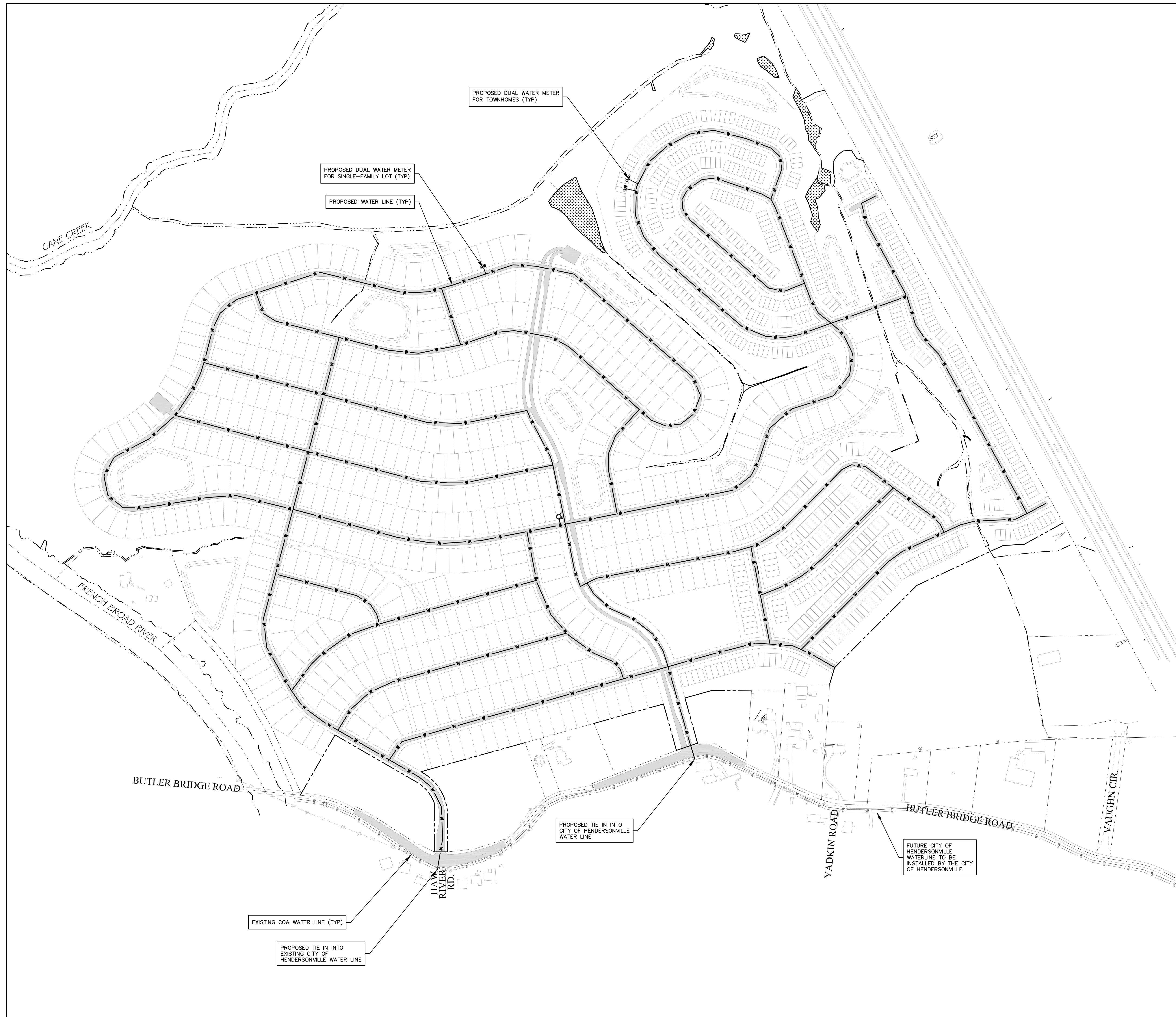
MASTER SEWER PLAN



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SHEET

C600



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PROJECT DATA	
PIN:	9652-03-1362; 9642-82-3681; 9642-84-4544
ADDRESS:	TAP ROOT LANE/BUTLER BRIDGE ROAD
DEED BOOK/PAGE:	1337/65, 1349/333
SITE ACREAGE:	286 ACRES
ZONING:	EXISTING: RC - REGIONAL COMMERCIAL PROPOSED: CZ - CONDITIONAL ZONING
COUNTY/TOWNSHIP:	HENDERSON/HOOPERS CREEK
SETBACKS:	
FRONT:	15' (LOCAL/COLLECTOR) 20' (THOROUGHFARE +)
SIDES:	10' (EXTERNAL) 6' (INTERNAL)
REAR:	10'
WATERSHED:	FRENCH BROAD RIVER BASIN
FIRE DISTRICT:	FLETCHER FIRE
WATER:	PUBLIC
SEWER:	PUBLIC
PROPOSED ROAD LENGTH:	LOCAL - 21,700 LF COLLECTOR - 11,400 LF THOROUGHFARE - 2,500 LF
UNITS	
PHASE I:	67 SINGLE FAMILY 176 TOWNHOMES
PHASE II:	48 SINGLE FAMILY 147 TOWNHOMES
PHASE III:	39 SINGLE FAMILY 102 TOWNHOMES
PHASE IV:	107 TOWNHOMES
PHASE V:	112 SINGLE FAMILY
PHASE VI:	91 SINGLE FAMILY
PHASE VII:	89 SINGLE FAMILY
PHASE VIII:	100 SINGLE FAMILY
TOTAL UNITS:	546 SINGLE FAMILY 532 TOWNHOMES 1,078 TOTAL PROJECT UNITS
PROPOSED DENSITY:	3.7 UNITS/ACRE

188 PATTON AVENUE
ASHEVILLE, NC 28801
PHONE (828) 252-5388
FAX (828) 252-5385

52 WALNUT STREET - SUITE 9
WAYNEVILLE, NC 28786
PHONE (828) 252-5400
FAX (828) 252-5405

FOR REVIEW ONLY

PRELIMINARY
NOT RELEASED
FOR
CONSTRUCTION

MASTER WATER PLAN FOR:

TAP ROOT SUBDIVISION

TAP ROOT FARMS LLC - HENDERSON COUNTY, NORTH CAROLINA

DRAWN BY:
CDC PROJECT NO.:
XXX PERMIT NO.

AMP:
11854
xxx

MASTER WATER PLAN FOR:

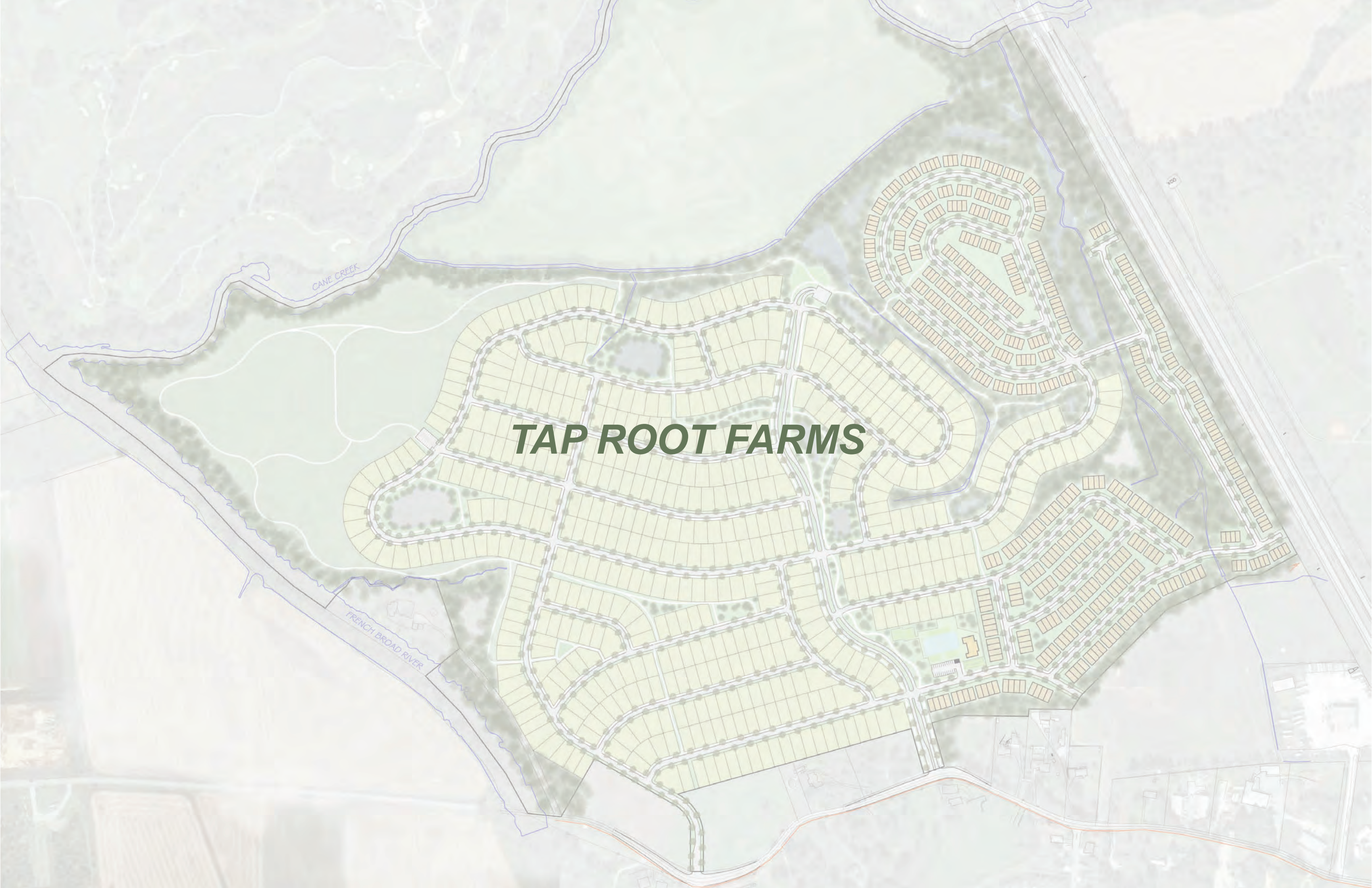
TAP ROOT SUBDIVISION

GRAPHIC SCALE

(IN FEET)
1 inch = 200 ft.

SHEET

C700



CANE CREEK

FRENCH BROAD RIVER

TAP ROOT FARMS

100



- GEORGE WASHINGTON VANDERBILT TRAVELED TO ASHEVILLE LOOKING FOR LAND; HE PURCHASED THE DAIRY FARM OF C.W. JOHNSTON FOR HIS BILTMORE ESTATE.
- C.W. JOHNSTON USED THE FUNDS FROM THE LAND SALE TO PURCHASE ADDITIONAL COWS, EXPANDING HIS DAIRY FARM.
- C.W. JOHNSTON PASSED THE DAIRY OPERATION DOWN TO HIS SON, SAMUEL ERVIN JOHNSTON, WHO PASSED IT DOWN TO SAMUEL E. JOHNSTON JR.
- IN 1979, AFTER OUTGROWING THEIR FARM IN FAIRVIEW, THE FAMILY MOVED TO TAP ROOT DAIRY FARM'S CURRENT LOCATION
- TAP ROOT WAS NOTED AS THE LARGEST DAIRY FARM IN SEVERAL STATES, MILKING 1,500 COWS AND RAISING ALL ITS OWN FEED. AT ONE POINT THE JOHNSTON FAMILY WAS MILKING APPROXIMATELY 500 HOLSTEINS.
- 12 YEARS AGO, THE JOHNSTONS HAD A TENTATIVE DEAL WITH A CHARLOTTE COMPANY TO SELL THE LAND FOR A DEVELOPMENT (SHOPPING MALL, BASS PRO SHOP, WCU BRANCH, MEDICAL CLINIC). THE PROPOSAL CAME AFTER THE REAL ESTATE HAD CRESTED, JUST BEFORE THE ECONOMIC PLUNGE.
- THE PROPERTY WAS REZONED FROM OPEN ZONING TO INDUSTRIAL IN THE 1990'S, AND AGAIN IN 2007 TO REGIONAL COMMERCIAL.



THE VIEWS AT ROSEHILL, LEICESTER
 SUDDUTH FARMS, GREENVILLE
 EAGLES GLEN, GREENVILLE
 HERITAGE VILLAGE, GREENVILLE



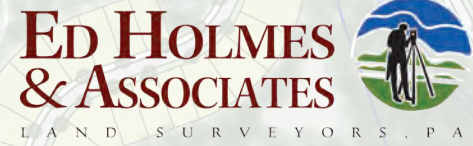
THE FARM AT MILLS RIVER, HENDERSON COUNTY
 SYCCMORE COTTAGES, FLETCHER
 VILLAGE HERRON POINT (CUMMINGS COVES), HENDERSONVILLE
 CUMMINGS COVE PHASE 9, HENDERSONVILLE

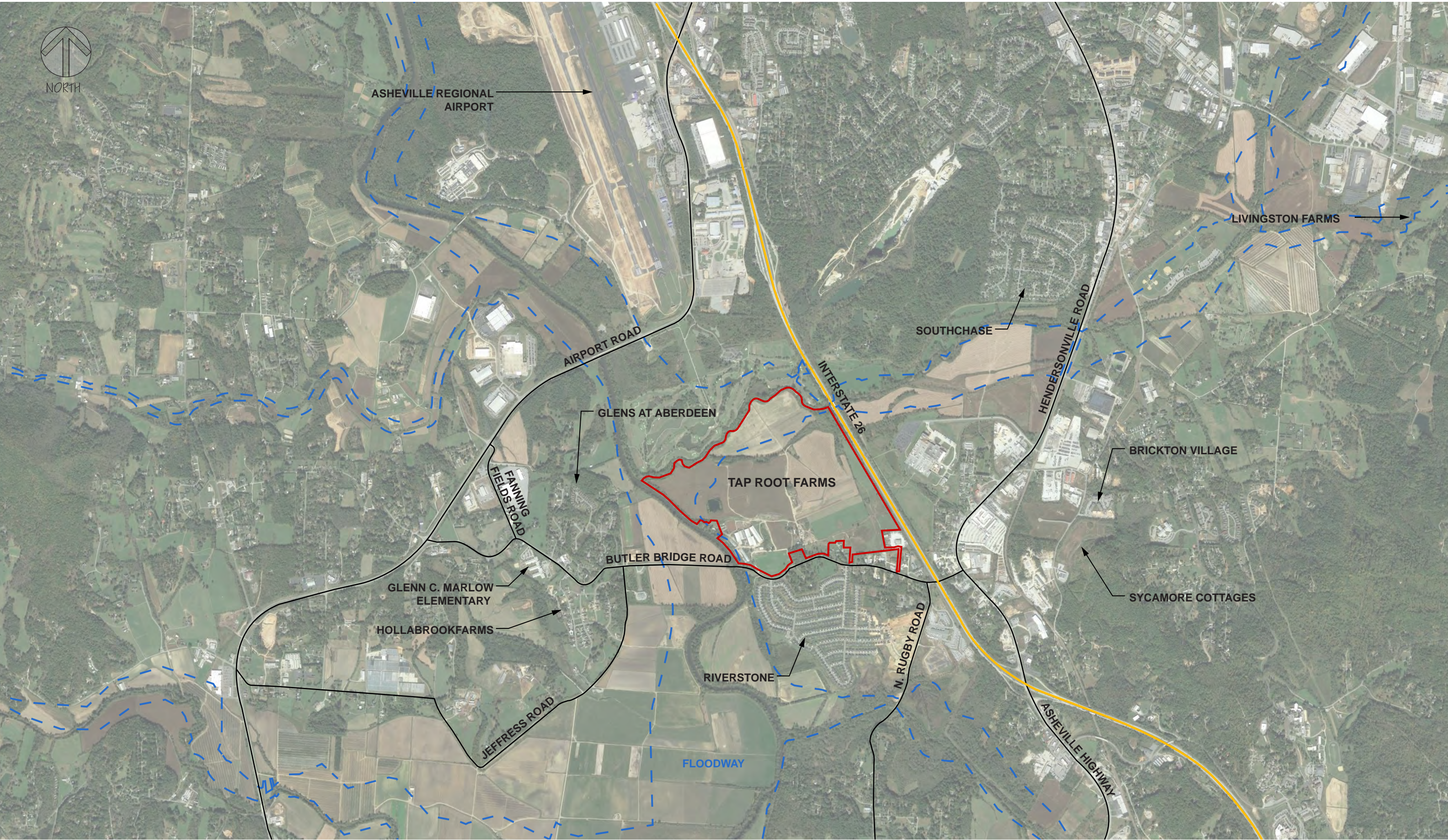


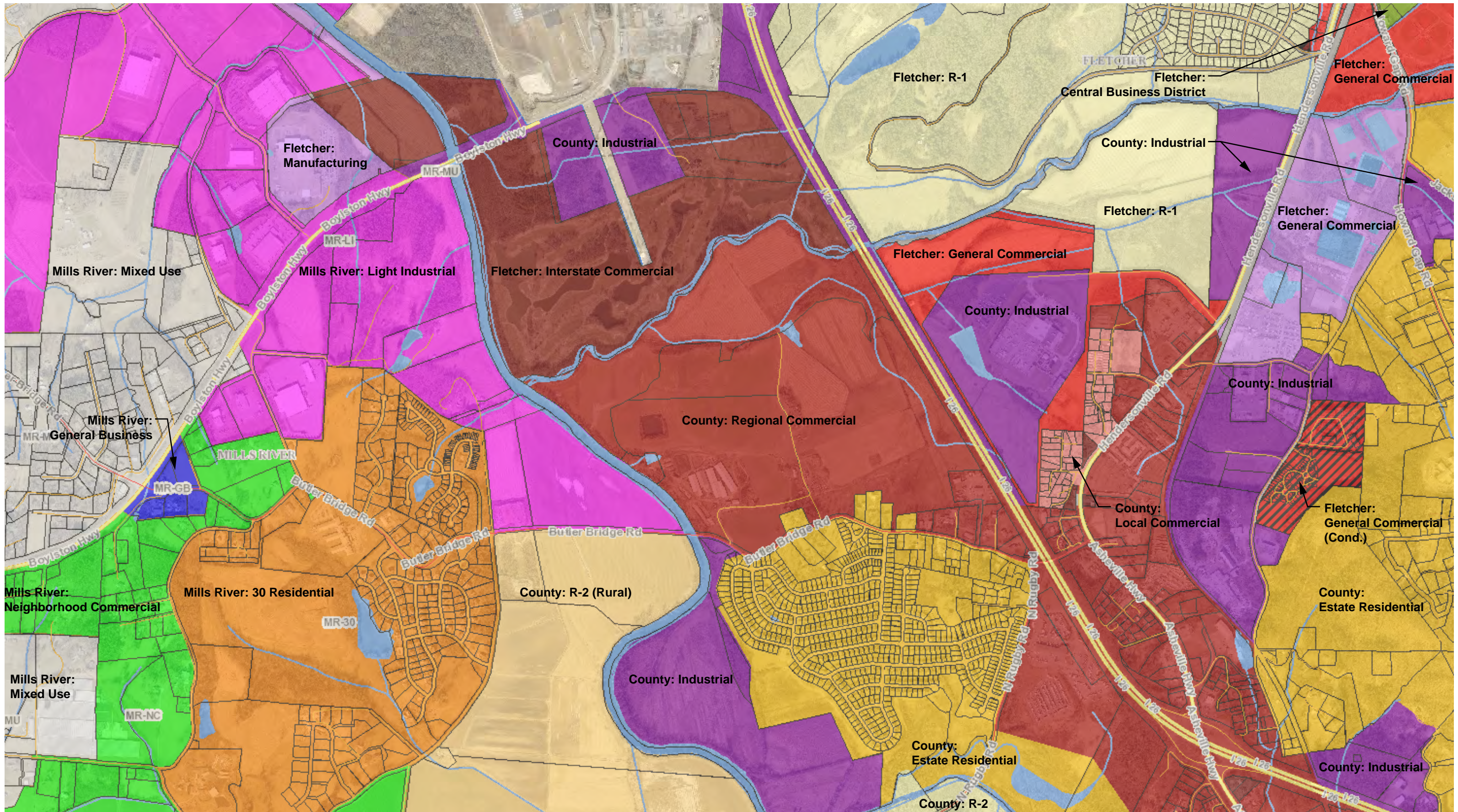
BALDWIN COMMONS, ARDEN
 COUNTRY WALK, FLETCHER
 MILL CREEK TOWNHOMES, ASHEVILLE
 WESTON HEIGHTS, ASHEVILLE



McGUIRE
 WOOD &
 BISSETTE
 LAW FIRM







42-35 REGIONAL COMMERCIAL DISTRICT (RC)

A. **PURPOSE.** THE PURPOSE OF THE REGIONAL COMMERCIAL DISTRICT (RC) IS TO FOSTER ORDERLY GROWTH WHERE THE PRINCIPAL USE OF LAND IS COMMERCIAL. THE INTENT OF THIS DISTRICT IS TO ALLOW FOR COMMERCIAL DEVELOPMENT CONSISTENT WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN. IN ACCORDANCE WITH THE COMPREHENSIVE PLAN, THE DISTRICT WILL ALLOW FOR AND PROVIDE COMMERCIAL DEVELOPMENT THAT: (1) INCLUDES A VARIETY OF RETAIL SALES AND SERVICES, PUBLIC AND PRIVATE ADMINISTRATIONS, OFFICES AND ALL OTHER USES DONE PRIMARILY FOR SALE OR PROFIT ON THE LOCAL, COMMUNITY, AND REGIONAL LEVEL; (2) IS DIRECTED LARGELY TO COMMUNITY SERVICE CENTERS AS DEFINED IN THE COMPREHENSIVE PLAN; (3) IS COMPATIBLE WITH ADJACENT DEVELOPMENT AND THE SURROUNDING COMMUNITY; AND (4) WILL MINIMIZE CONGESTION AND SPRAWL. THIS GENERAL USE DISTRICT IS MEANT TO BE UTILIZED IN AREAS DESIGNATED AS URBAN (USA) IN THE COMPREHENSIVE PLAN.

B. **DENSITY AND DIMENSIONAL REQUIREMENTS.** EACH USE ALLOWED IN THIS DISTRICT SHALL AT A MINIMUM CONFORM TO THE FOLLOWING REQUIREMENTS (IN THE CASE OF A NONRESIDENTIAL USE THE RESIDENTIAL DENSITY REQUIREMENTS SHALL NOT APPLY). IN SOME CASES A SPECIFIC USE MAY BE REQUIRED TO MEET THE SUPPLEMENTAL REQUIREMENTS AS SET FORTH IN §42-63 (SUPPLEMENTAL REQUIREMENTS).

Table 2.9. RC Density and Dimensional Requirements

(1) Residential Density (units/acre)	16		
Maximum Impervious Surface (%)	80		
Maximum Floor Area (sq ft)	Unlimited		
Yard Setbacks (feet)	Front or ROW	Local	10
		Collector	10
		Thoroughfare	20
		Boulevard	30
		Expressway	40
		Freeway	45
	Side	10	
	Rear	10	
Maximum Height (feet)	50		

42-27. RESIDENTIAL DISTRICT ONE (R1)

A. **PURPOSE.** THE PURPOSE OF RESIDENTIAL DISTRICT ONE (R1) IS TO FOSTER ORDERLY GROWTH WHERE THE PRINCIPAL USE OF LAND IS RESIDENTIAL. THE INTENT OF THIS DISTRICT IS TO ALLOW FOR MEDIUM TO HIGH-DENSITY RESIDENTIAL DEVELOPMENT CONSISTENT WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN. THIS GENERAL USE DISTRICT IS TYPICALLY MEANT TO BE UTILIZED IN AREAS DESIGNATED AS URBAN (USA) IN THE COMPREHENSIVE PLAN.

B. **DENSITY AND DIMENSIONAL REQUIREMENTS.** EACH USE ALLOWED IN THIS DISTRICT SHALL, AT A MINIMUM, CONFORM TO THE FOLLOWING REQUIREMENTS (IN THE CASE OF A NONRESIDENTIAL USE THE RESIDENTIAL DENSITY REQUIREMENTS SHALL NOT APPLY). IN SOME CASES A SPECIFIC USE MAY BE REQUIRED TO MEET THE SUPPLEMENTAL REQUIREMENTS AS SET FORTH IN §42-63 (SUPPLEMENTAL REQUIREMENTS).

Table 2.1. R1 Density and Dimensional Requirements

(1) Residential Density (units/acre)	(2) Standard	4	
	(3) Intermediate	6	
	(4) Maximum	12	
(5) Yard Setbacks (feet)	Front or Right-of-Way (ROW)	Local	15
		Collector	20
		Thoroughfare	35
		Boulevard	50
		Expressway	60
		Freeway	90
	Side	10	
	Rear	10	
(6) Maximum Height (feet)		40	

	PROJECT SIZE	DENSITY ALLOWED	MAX UNITS
REGIONAL COMMERCIAL - RC	286 ACRES	16 UNITS/ACRE	4,578
RESIDENTIAL DISTRICT ONE - R1	286 ACRES	8 UNITS/ACRE	2,288



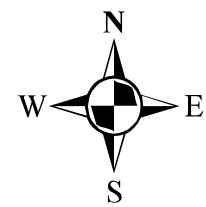
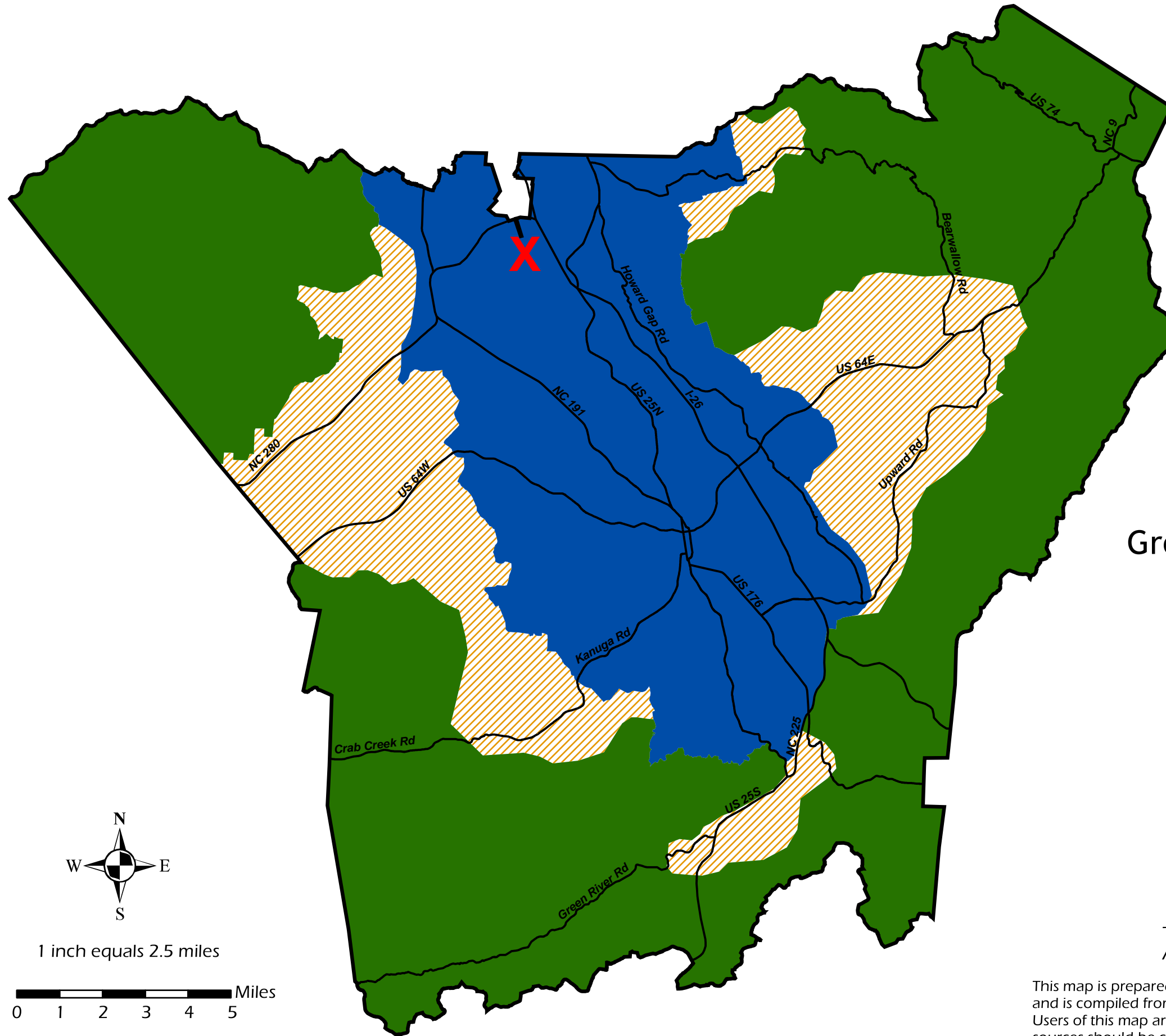
Henderson County 2020 Comprehensive Plan

Growth Management Strategy

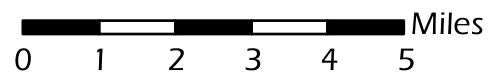
- Major Roads
- Urban Service Area
- ▨ Rural/Urban Transition Area
- Rural/Agricultural Areas

This map was produced by Henderson County GIS, Assessor's, Land Records, & Planning Departments.

This map is prepared for the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The County and mapping company assume no legal responsibility for the information contained on this map.



1 inch equals 2.5 miles



Henderson County 2020 Comprehensive Plan

Sensitive Natural Areas

- Major Roads
- - - Protected Mountain Ridges
- Major Streams
- Light Blue 100-Year Floodplain
- Dark Blue 500-Year Floodplain
- *Natural Heritage Inventory Sites
 - Green National
 - Orange State
 - Red Regional
 - Yellow Local

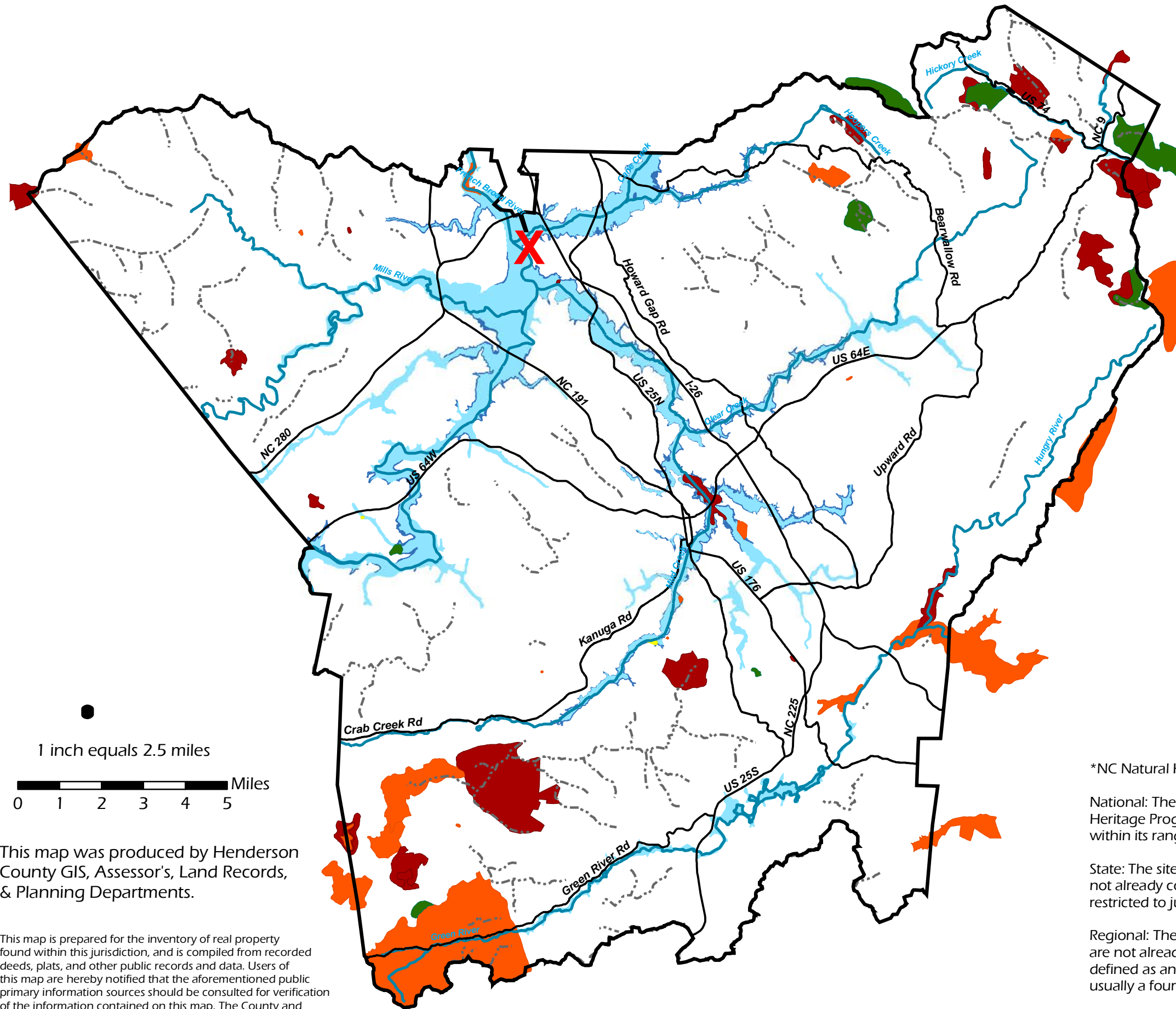
*NC Natural Heritage Inventory Significance of Site

National: The site contains the "best" occurrences of a particular Natural Heritage Program element (species or community) known to exist anywhere within its range; usually "best" is defined as the top five sites.

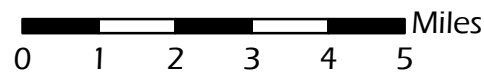
State: The site contains the "best" occurrences within the state that are not already considered of national significance; again, "best" is usually restricted to just the top five such examples.

Regional: The site contains the "best" occurrences within a given region that are not already considered of national or state significance. "Region" is usually defined as an area including the counties contiguous with the county of interest usually a four or five county area.

Local: The site is a biological resource within the county but not of regional significance. Note: not all locally-significant sites have been digitized, and data on these sites are often less extensive.



1 inch equals 2.5 miles

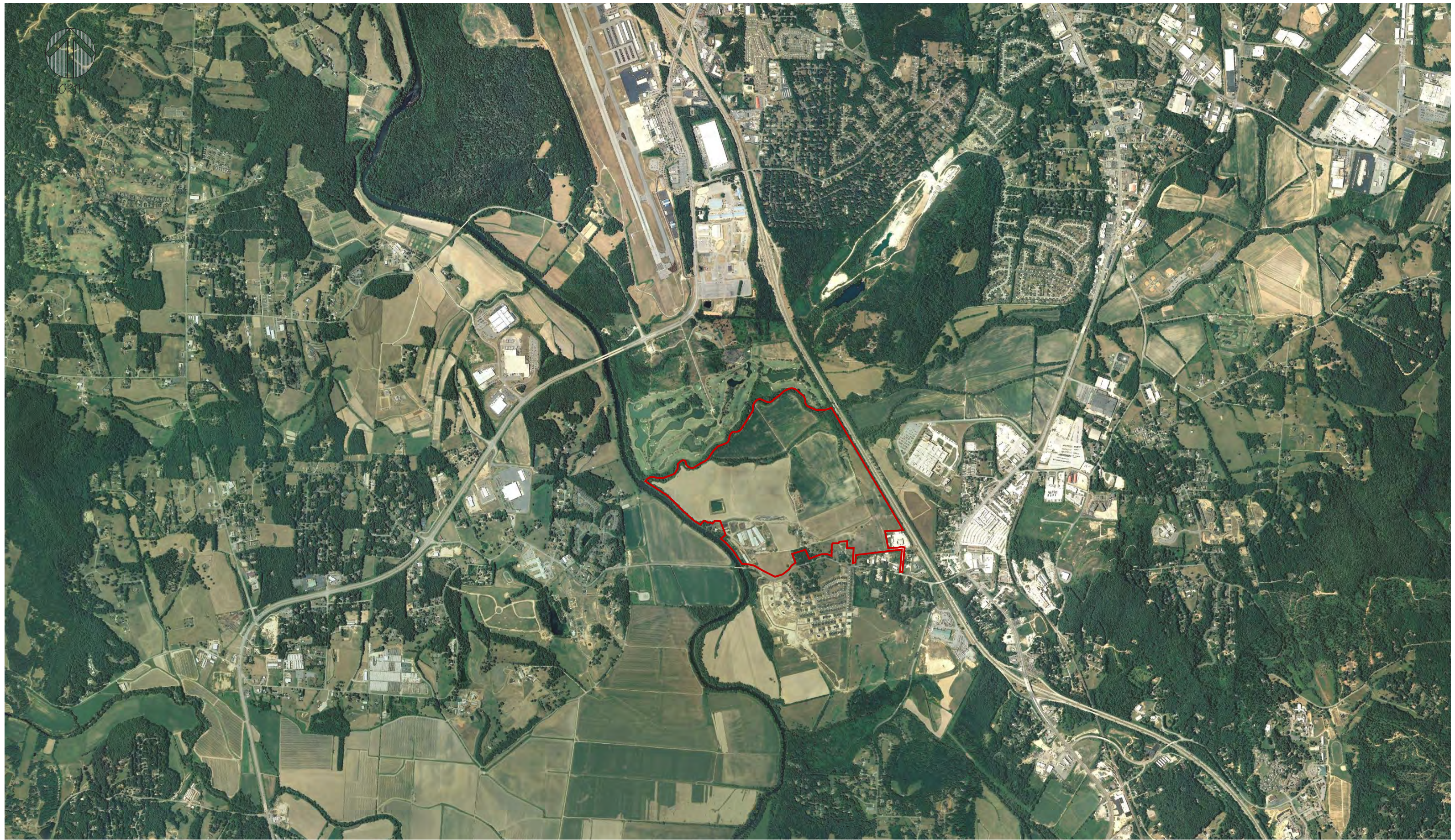


This map was produced by Henderson County GIS, Assessor's, Land Records, & Planning Departments.

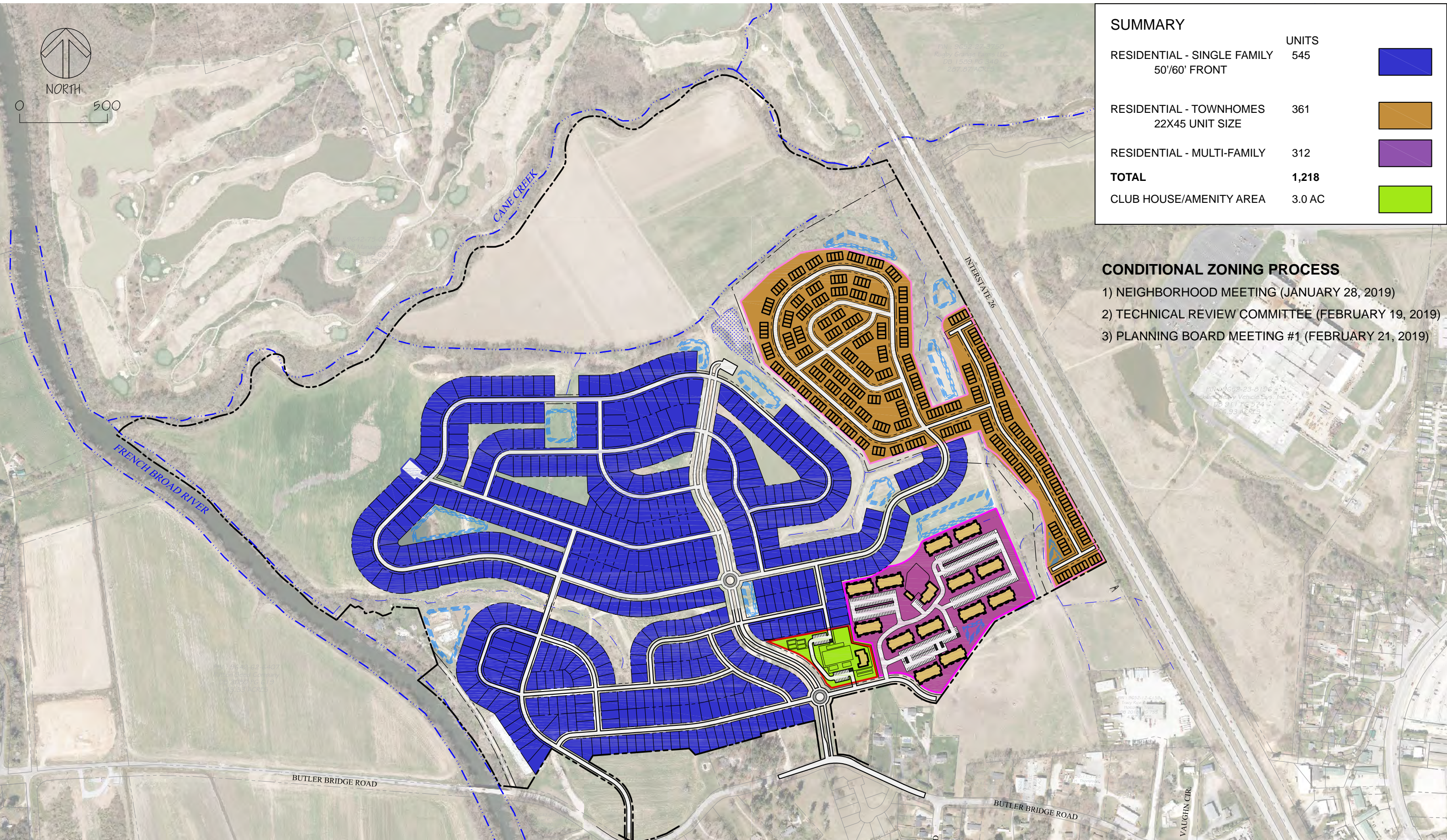
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NORTH

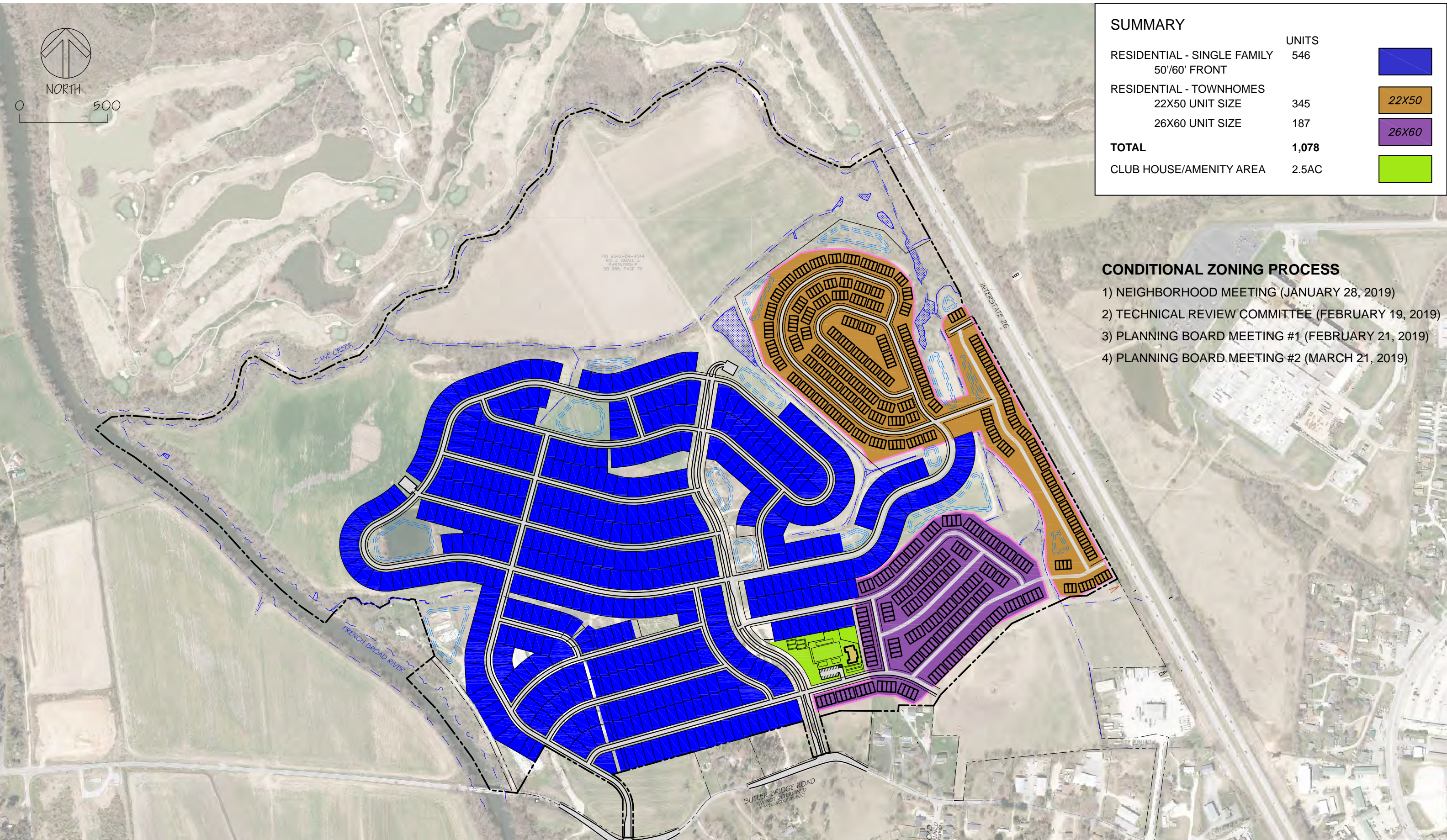










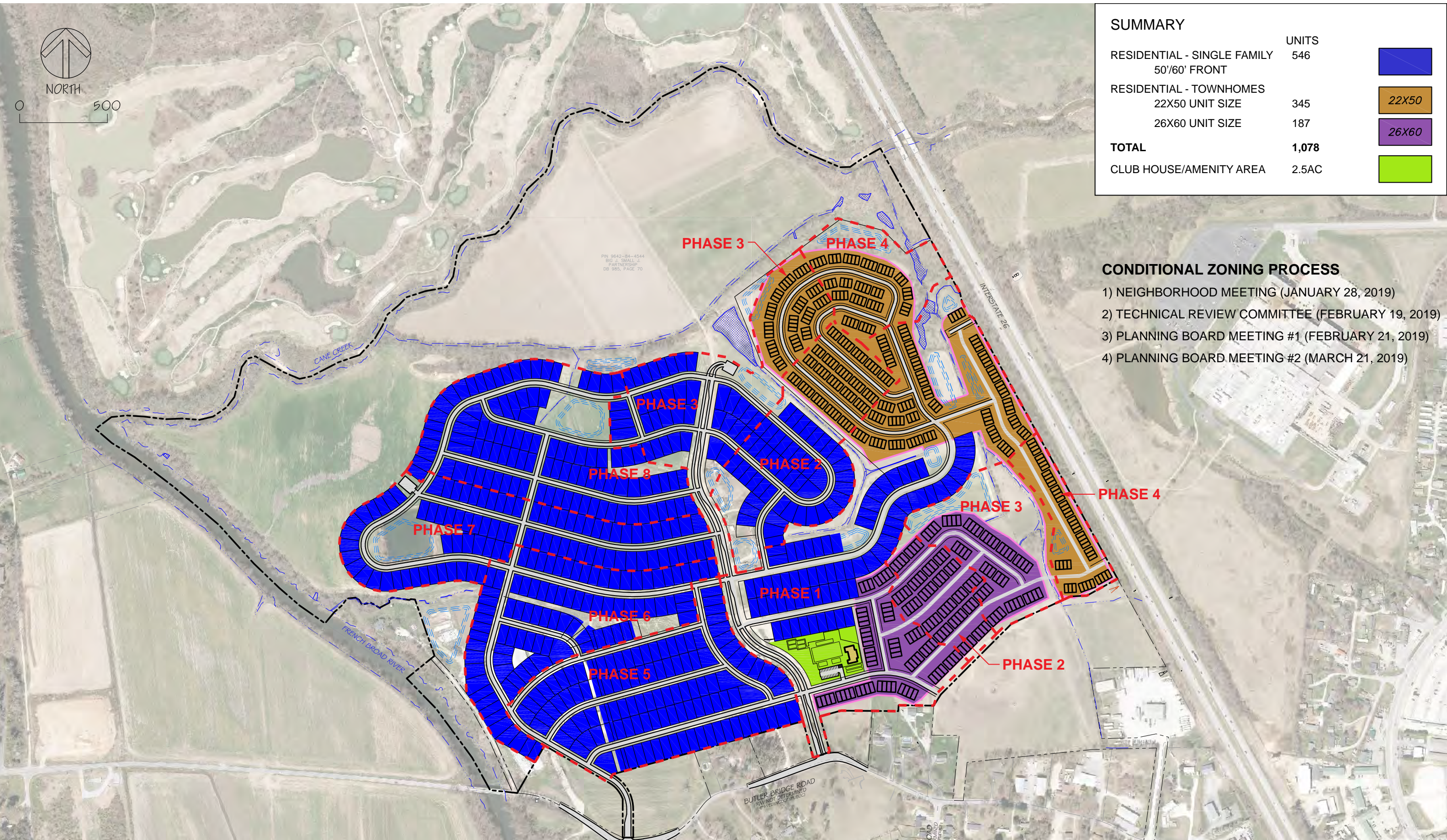
SUMMARY		UNITS	
RESIDENTIAL - SINGLE FAMILY	50'/60' FRONT	545	
RESIDENTIAL - TOWNHOMES	22X45 UNIT SIZE	361	
RESIDENTIAL - MULTI-FAMILY		312	
TOTAL		1,218	
CLUB HOUSE/AMENITY AREA		3.0 AC	

- CONDITIONAL ZONING PROCESS**
- 1) NEIGHBORHOOD MEETING (JANUARY 28, 2019)
 - 2) TECHNICAL REVIEW COMMITTEE (FEBRUARY 19, 2019)
 - 3) PLANNING BOARD MEETING #1 (FEBRUARY 21, 2019)



SUMMARY		UNITS	
RESIDENTIAL - SINGLE FAMILY	50'/60' FRONT	546	
RESIDENTIAL - TOWNHOMES	22X50 UNIT SIZE	345	
	26X60 UNIT SIZE	187	
TOTAL		1,078	
CLUB HOUSE/AMENITY AREA		2.5AC	

- CONDITIONAL ZONING PROCESS**
- 1) NEIGHBORHOOD MEETING (JANUARY 28, 2019)
 - 2) TECHNICAL REVIEW COMMITTEE (FEBRUARY 19, 2019)
 - 3) PLANNING BOARD MEETING #1 (FEBRUARY 21, 2019)
 - 4) PLANNING BOARD MEETING #2 (MARCH 21, 2019)









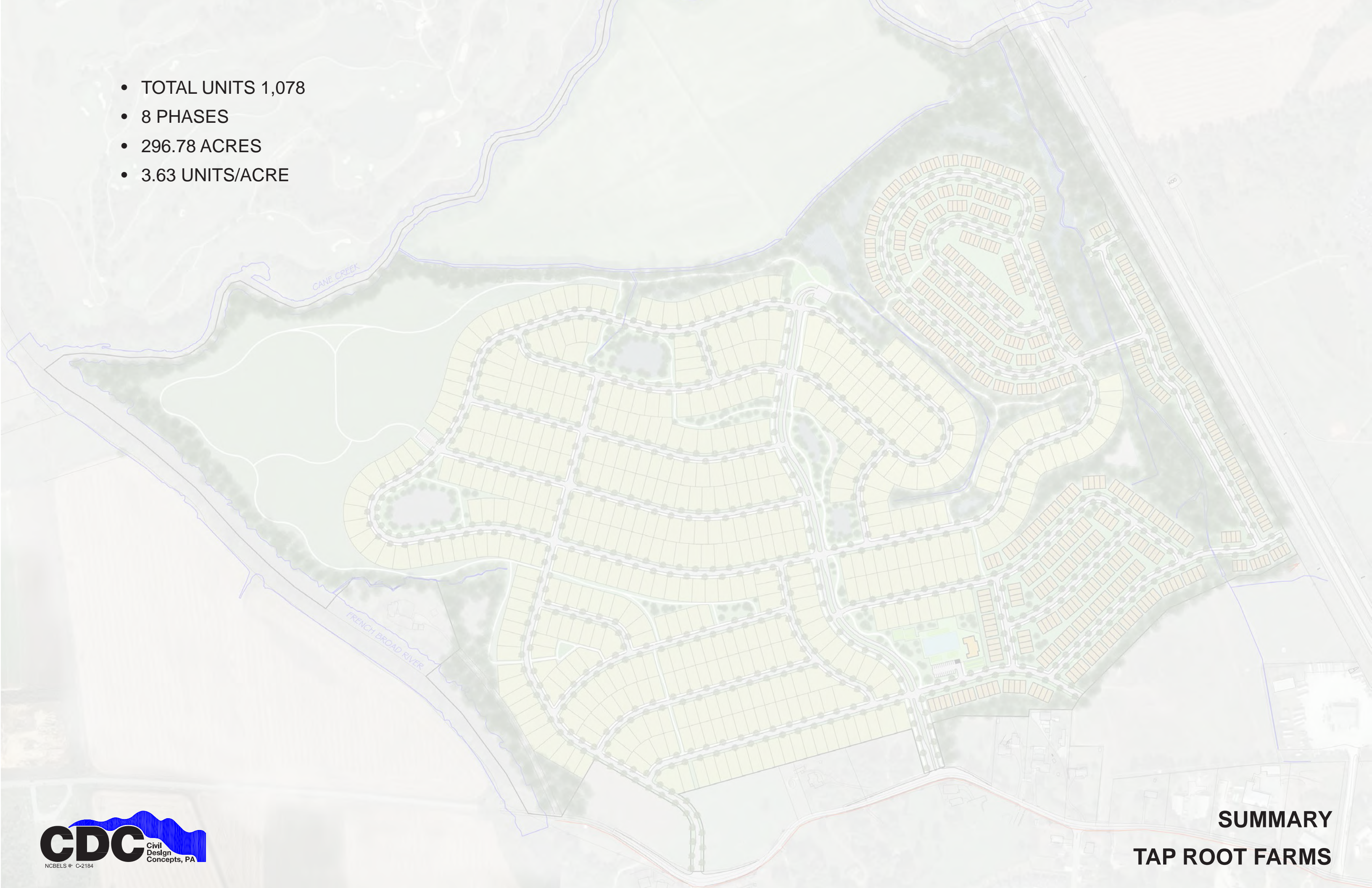






AMENITY PLAN
TAP ROOT FARMS

- TOTAL UNITS 1,078
- 8 PHASES
- 296.78 ACRES
- 3.63 UNITS/ACRE



CANE CREEK

FRENCH BROAD RIVER



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2019-ASO-2092-OE

Issued Date: 03/06/2019

Warren Sugg, P.E.
 Civil Design Concepts
 168 Patton Ave
 Asheville, NC 28801

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building 4B
 Location: Hendersonville , NC
 Latitude: 35-24-40.93N NAD 83
 Longitude: 82-31-19.25W
 Heights: 2077 feet site elevation (SE)
 60 feet above ground level (AGL)
 2137 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination expires on 09/06/2020 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (817) 222-5933, or andrew.hollie@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-ASO-2092-OE.

Signature Control No: 395129088-398937151

(DNE)

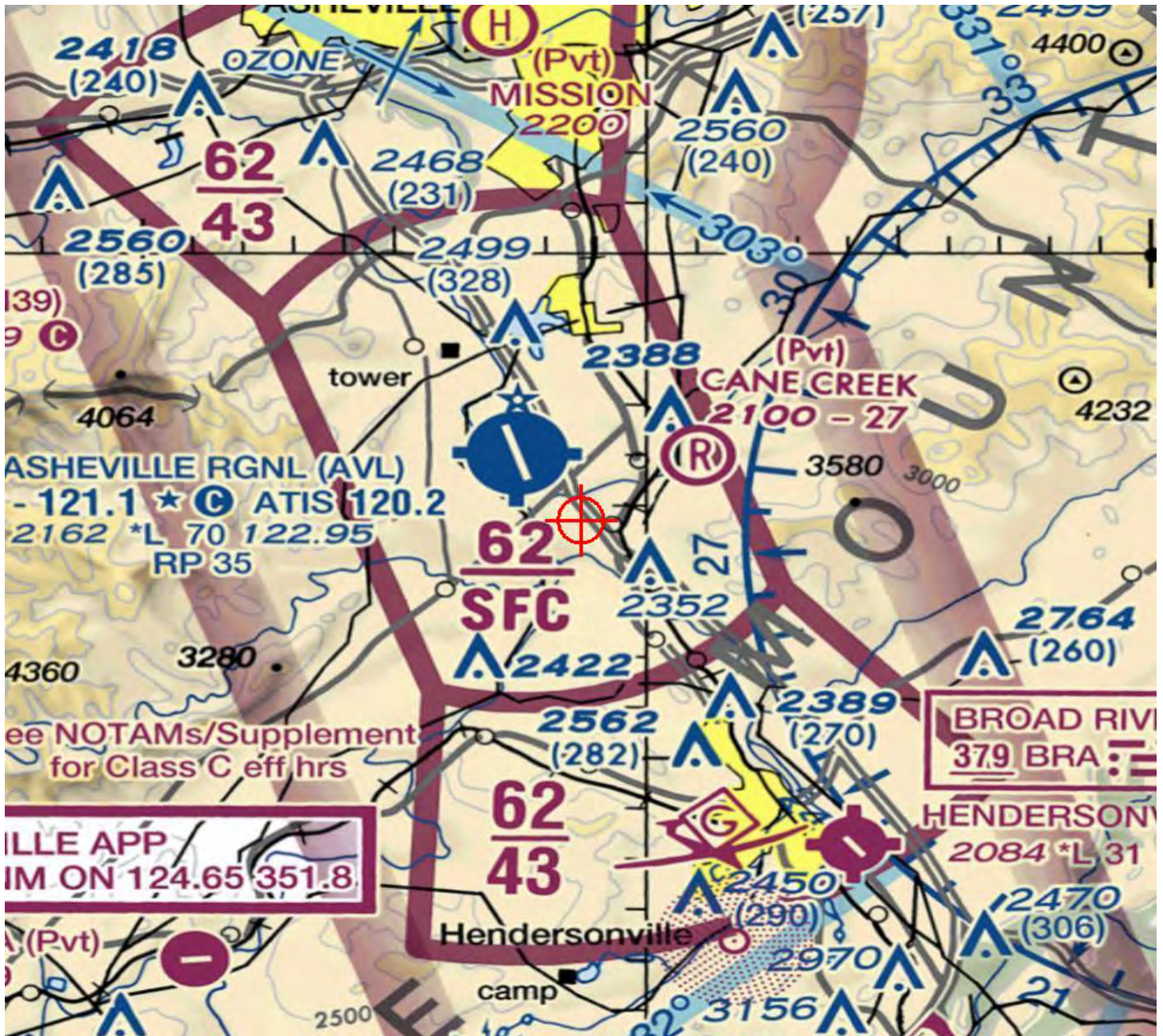
Andrew Hollie
Specialist

Attachment(s)
Case Description
Map(s)

multi-family apartments

TOPO Map for ASN 2019-ASO-2092-OE





Notification from NCDOT on TIA for Tap Root
Email Correspondence to Applicant
May 24, 2019

Jess and Jay,

After our discussion of the Cursory Review by Congestion Management, it appears that all the recommendations in the TIA for Tap Root Farms were reasonable except for the proposed signal at Butler Bridge Road and North Rugby Road which should be discussed and evaluated for alternatives.

Also, the statement concerning any improvements recommended by NCDOT under STIP I-4400C not in place by buildout, assumed in the TIA, should be the responsibility of the Developer or the TIA should be revised.

Give me several days this month that are available to both of you for us to schedule a meeting to discuss the next steps for this project.

Carl Ownbey

Carl H. Ownbey, Jr.

Engineering Technician III

NC Department of Transportation

Division 14: District 1 – Henderson, Polk, & Transylvania Counties

828 891 7911 office

828 891 5026 fax

chownbey@ncdot.gov

4142 Haywood Road
Mills River, NC 28759



Certification of Notice of Public Hearing

In accordance with NCGS 153A-343 the Planning Department certifies notice of the June 3rd, 2019 hearing regarding Rezoning Application #R-2018-10-C were:

1. Submitted to the Hendersonville Lightning on May 17, 2019 to be published on May 22, 2019 and May 29, 2019 by Autumn Radcliff;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on May 24, 2019 by Matt Champion;
3. Signs were posted on the Subject Area(s) on May 23, 2019 by Matt Champion.

The signatures herein below indicate that such notices were made as indicated herein above:

1. Autumn Radcliff
2. Matt Champion

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

I, Toby Linville, a Notary Public, in and for the above County

and State, do hereby certify that

Autumn Radcliff and Matt Champion,

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 24 day of May, 2019.

My commission expires:

5/25/21





RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN

WHEREAS, pursuant to N.C. General Statute §153, Article 18, the Henderson County Board of Commissioners exercises regulations relating to development within the County's jurisdiction; and

WHEREAS, the Henderson County Board of Commissioners (Board) adopted the Land Development Code (LDC) on September 19, 2007 and has amended the LDC to address new and changing issues;

WHEREAS, the Board desires to update and revise the regulations of the LDC; and

WHEREAS, the Planning Director and Planning Board provided recommendations regarding the proposed zoning map amendment with case #R-2018-10-C; and

WHEREAS, pursuant to N.C. General Statute §153-323, the Planning Director provided the prescribed public notice and the Board held the required public hearing on June 3, 2019; and

WHEREAS, N.C. General Statute §153-341 requires the Board to adopt a statement of consistency with the County Comprehensive Plan (CCP); and

NOW THEREFORE, BE IT RESOLVED by the Henderson County Board of Commissioners as follows:

1. That the Board reviewed the proposed map amendment (#R-2018-10-C, Tap Root Farms) and finds that it is reasonable, in the public interest and it is consistent with the CCP and the Growth Management Strategy located therein; and
2. That the Board determines that the proposed map amendment provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County; and
3. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

THIS the 3rd day of June, 2019.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
GRADY HAWKINS, Chairman

ATTEST:

Teresa Wilson, Clerk to the Board

[COUNTY SEAL]

Rezoning #R-2018-10-C, Tap Root Farms



Board of Commissioners
June 3, 2019

Henderson County Planning Department

Application Summary

- Rezoning Request: R-2018-10-C
- Submitted on December 27, 2018
- Applicant: Ken Jackson
- Property Location: Tap Root Farms (Butler Bridge Road)
- Rezone from a Regional Commercial (RC) Zoning District to a Residential One Conditional (R1-CD) Zoning District
- 3 Parcels (Total 319.66 ac, 286 ac proposed to be rezoned, and 4 outparcels to remain RC)

Henderson County Planning Department

Public Hearing Notice

- Legal Ad was published in the Hendersonville Lightning on May 22nd and May 29th
- The property was posted on May 23
- Letters were mailed to property owners within 400 feet of the Subject Area on May 24th

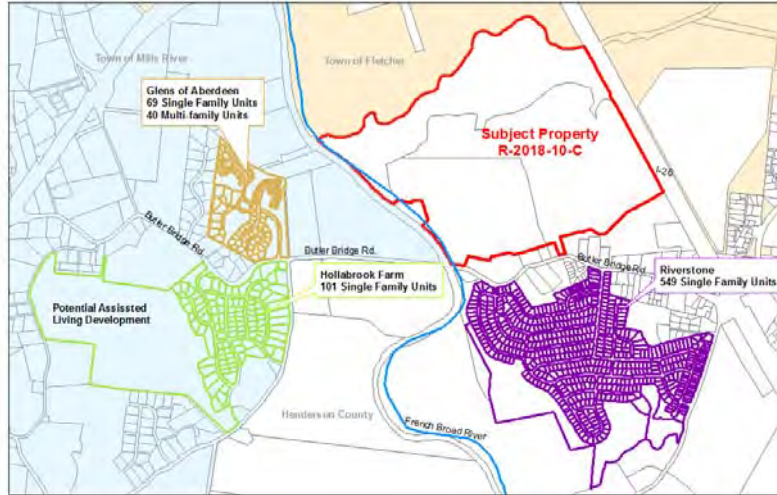
Henderson County Planning Department

Project Summary

- 1,078 Units (Project Total)
 - 546 Single Family
 - 532 Townhomes
 - No Apartments
- Proposed Density of 3.7 units per acre
(standard R1 density is 4 units per acre)
- 8 Proposed Phases
- Proposed Road Length, 35,600 LF
- Min. of 72.5 acres or 25% Open Space
- Common Area and Development Amenities

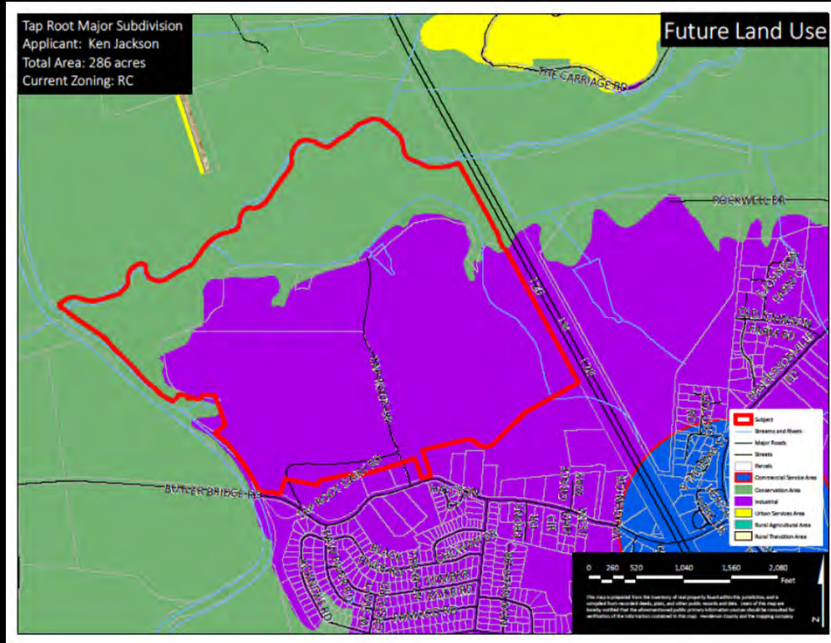
Henderson County Planning Department

Surrounding Subdivisions

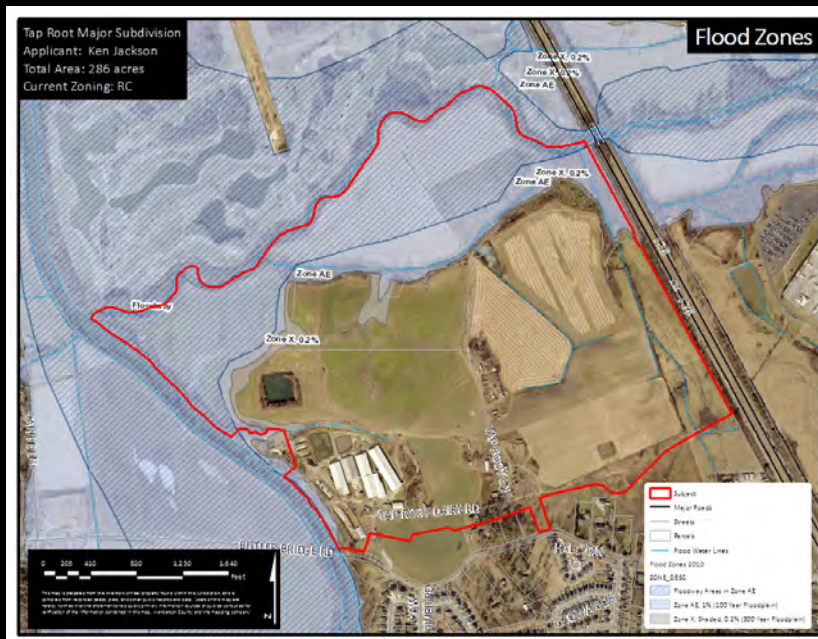


Letter has been provided from the FAA. No impact to navigable airspace.

CCP Future Land Use Map



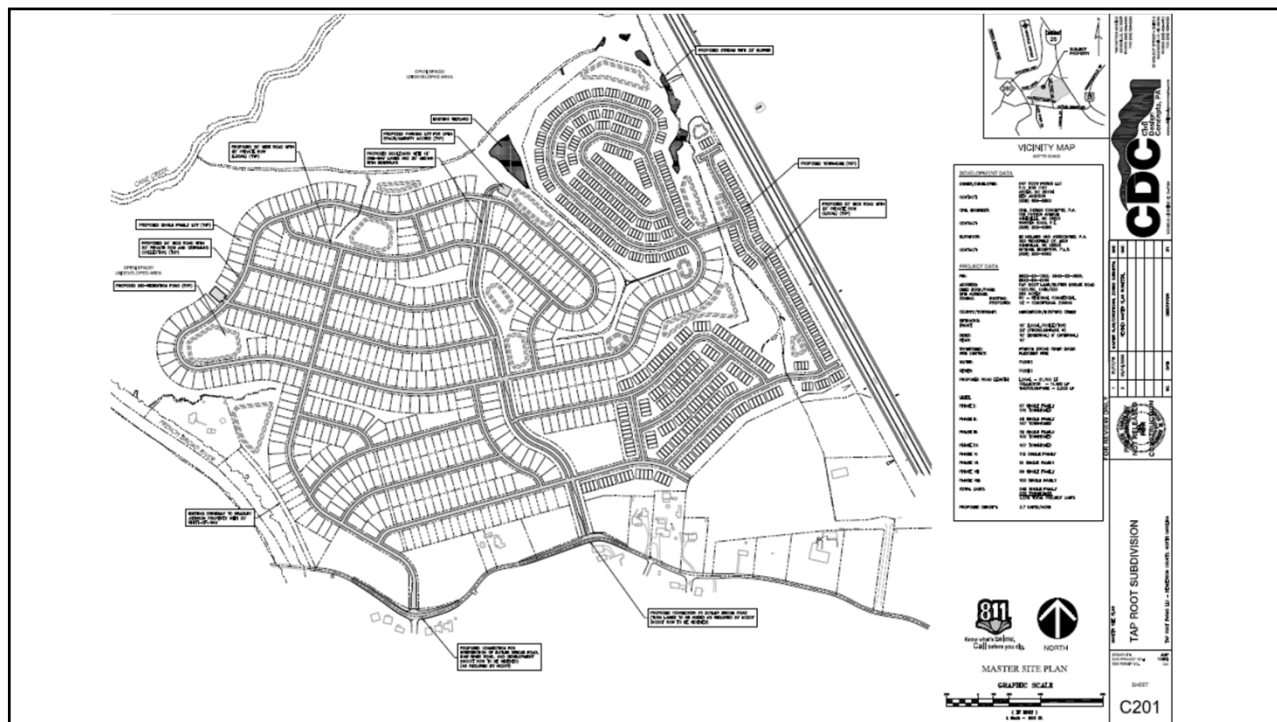
Floodplain Map



Subject Area Photos



Subject Area Photos



Conditional Rezoning's

Per the LDC:

- Subdivisions proposing more than 299 lots are required to be approved as a conditional rezoning by the BOC
- Developments proposing 10 or more multifamily units are also required to be approved as a conditional rezoning by the BOC

Conditional rezoning's are:

- Legislative decisions
- Require a site specific plan (only what is on the plan is allowed)
- The BOC may require additional conditions of the development, provided the developer agrees to those conditions
- Process provides protection to adjacent properties

Henderson County Planning Department

Conditional Rezoning's

- Conditions required by the LDC are listed in the staff report
- Additional conditions recommended for consideration and requests made by the developer are also listed in the staff report
- TIA (Traffic Impact Analysis) has been completed and reviewed by NCDOT. All TIA improvements are required and are managed by the NCDOT.

Henderson County Planning Department

Questions





TAP ROOT FARMS



THE VIEWS AT ROSEHILL, LEICESTER
SUDDOUTH FARMS, GREENVILLE
EAGLES GLEN, GREENVILLE
HERITAGE VILLAGE, GREENVILLE



THE FARM AT MILLS RIVER, HENDERSON COUNTY
SYCAMORE COTTAGES, FLETCHER
VILLAGE HERRON POINT (CUMMINGS COVES), HENDERSONVILLE
CUMMINGS COVE PHASE 9, HENDERSONVILLE



BALDWIN COMMONS, ARDEN
COUNTRY WALK, FLETCHER
MILL CREEK TOWNHOMES, ASHEVILLE
WESTON HEIGHTS, ASHEVILLE





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- TAP ROOT WAS NOTED AS THE LARGEST DAIRY FARM IN SEVERAL STATES, MILKING 1,500 COWS AND RAISING ALL ITS OWN FEED. AT ONE POINT THE JOHNSTON FAMILY WAS MILKING APPROXIMATELY 500 HOLSTEINS.
- 12 YEARS AGO, THE JOHNSTONS HAD A TENTATIVE DEAL WITH A CHARLOTTE COMPANY TO SELL THE LAND FOR A DEVELOPMENT (SHOPPING MALL, BASS PRO SHOP, WCU BRANCH, MEDICAL CLINIC). THE PROPOSAL CAME AFTER THE REAL ESTATE HAD CRESTED, JUST BEFORE THE ECONOMIC PLUNGE.
- THE PROJECT AREA IS CURRENTLY ZONED REGIONAL COMMERCIAL (RC). THE PROJECT AREA WAS FIRST ZONED OPEN USE (OU) IN 2001. IN MARCH 2003, THE PROJECT AREA WAS REZONED FROM OU DISTRICT TO A GENERAL INDUSTRIAL (I-2) DISTRICT. IN 2005, THE PROJECT AREA WAS REZONED FROM AN I-2 DISTRICT TO A HIGHWAY COMMERCIAL (C-4) DISTRICT. WHEN THE LAND DEVELOPMENT CODE WAS ADOPTED IN SEPTEMBER OF 2007, PROPERTY PREVIOUSLY ZONED C-4 WAS CHANGED TO THE CURRENT REGIONAL COMMERCIAL (RC) ZONING DISTRICT.



HISTORY
TAP ROOT FARMS



CONTEXT MAP
TAP ROOT FARMS

2000. Growth in housing units has generally kept pace with the growth in population. Figure H.2 shows the relationship between housing and population between 1970 and 2000.

Figure H.3 details the relationship between current and future population, existing housing stock, and future housing needs. Evaluating the number of housing units in 2000 (42,996) as compared to that of 2020 (60,494) reveals that at least an additional 17,498 housing units will be needed to accommodate population growth.

Note that the numbers shown in Figure H.3 are based upon projections made by the North Carolina Office of State Demographics. State population projections were utilized in this instance because State demographers use special formulas in the projection of housing units – particularly group quarters – that take into account decreases in estimated persons per household.

	2010	2020
Population Projection	108,079	176,973
Projected Population in Households	105,251	122,627
Projected Population in Group Quarters	2,778	3,896
Projected No. Occupied Housing Units	45,172	52,630
Projected No. Vacant Housing Units	6,750	7,864
Projected Total Number of Housing Units	51,922	60,494

Source: Population Projections, N.C. Office of State Demographics
 NOTES: Based on 2.33 persons per household from the 2000 U.S. Census.
 Population in Households projected using trend from 1990 to 2000.
 Vacant Units projected using 2000 vacancy rate of 13%.

Figure H.3 projects the need for 8,502 new housing units between 2010 and 2020.

Projections shown in Figure H.3 should, however, be viewed as a low-end estimate of housing needs. Population projections for 2020, found in Section 2, are even higher and suggest the need for as many as 3,000 additional dwelling units to accommodate population growth between 2010 and 2020.

Housing types vary throughout the county, with single-family site-built homes making up the largest proportion of housing units, followed by manufactured homes. Figure H.4 summarizes the county's current housing stock by type.

	1970	1980	1990	2000	% Change 1990-2000
Population	42,804	56,540	69,285	89,173	28.7%
Total units	17,802	27,208	34,131	42,996	26.0%
Occupied units	14,195	22,369	28,709	37,414	30.3%
Persons per household	2.98	2.59	2.38	2.33	-2.1%

Source: N.C. State Data Center

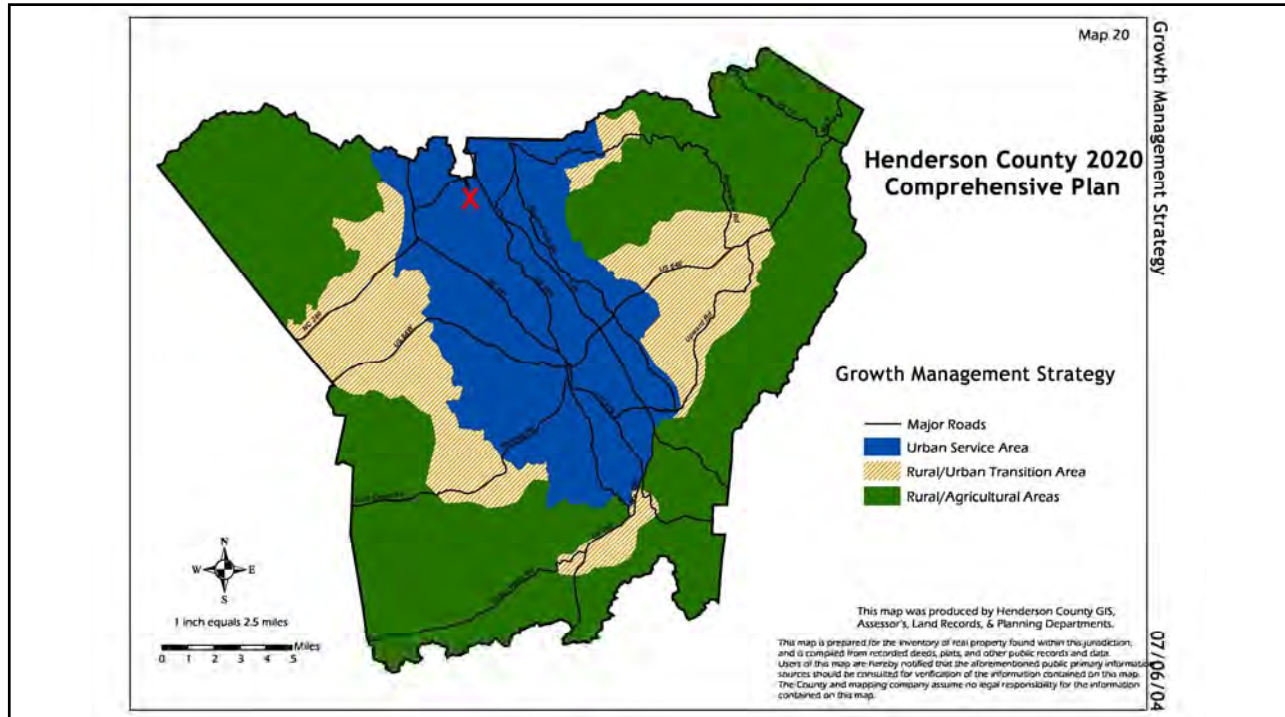
As detailed in Section 2, Population Trends, of this Comprehensive Plan, Henderson County has experienced a high rate of population growth since 1970, with a growth rate of 28.7% between 1990 and

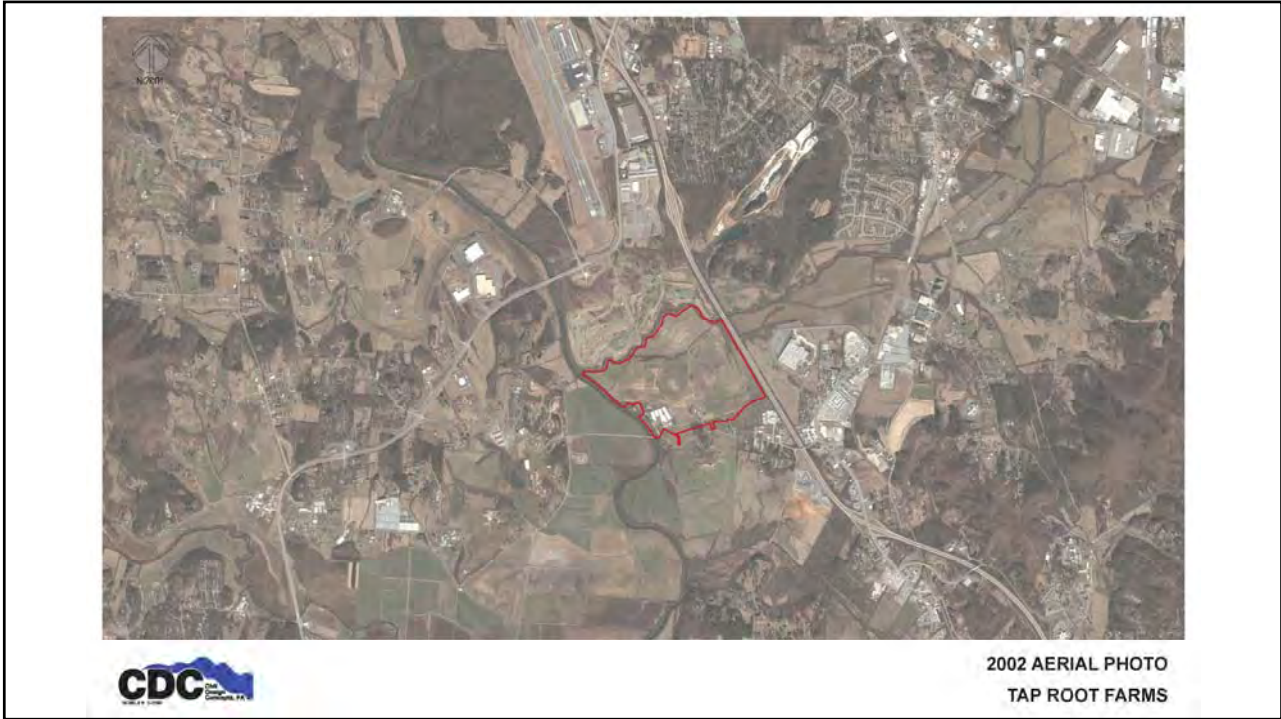
Henderson County 2020 Comprehensive Plan

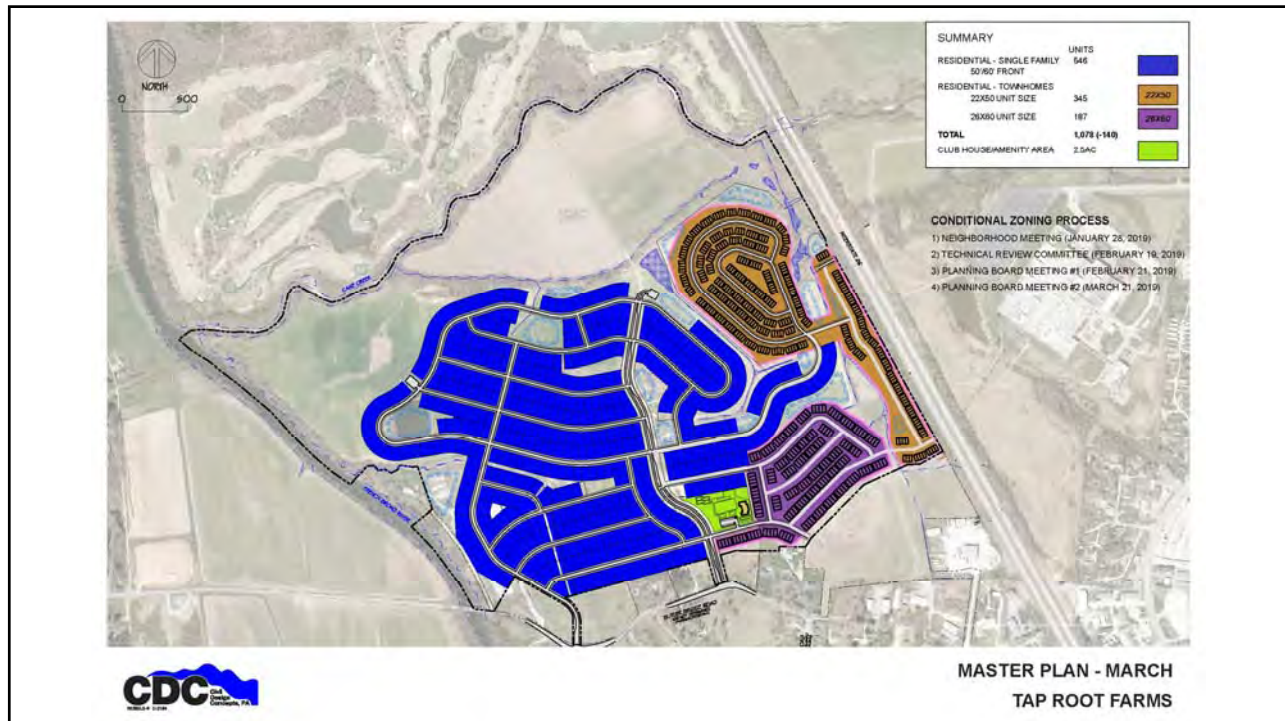
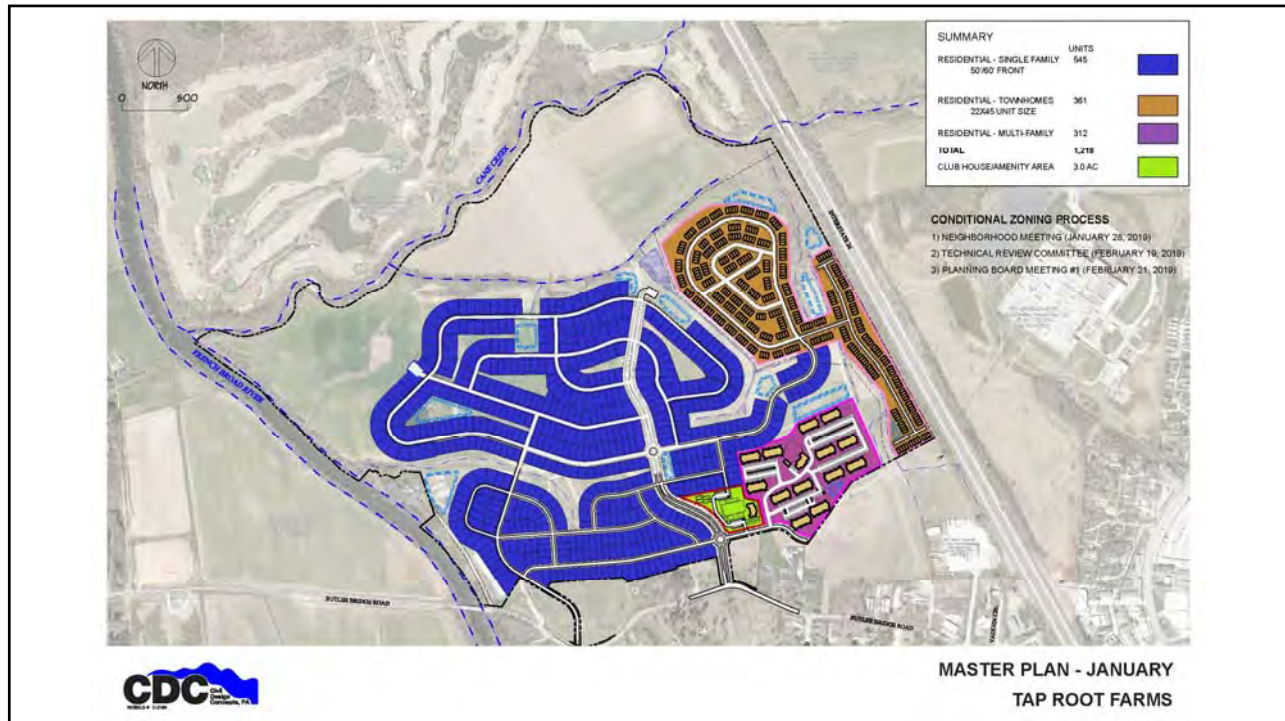
Henderson County 2020 Comprehensive Plan

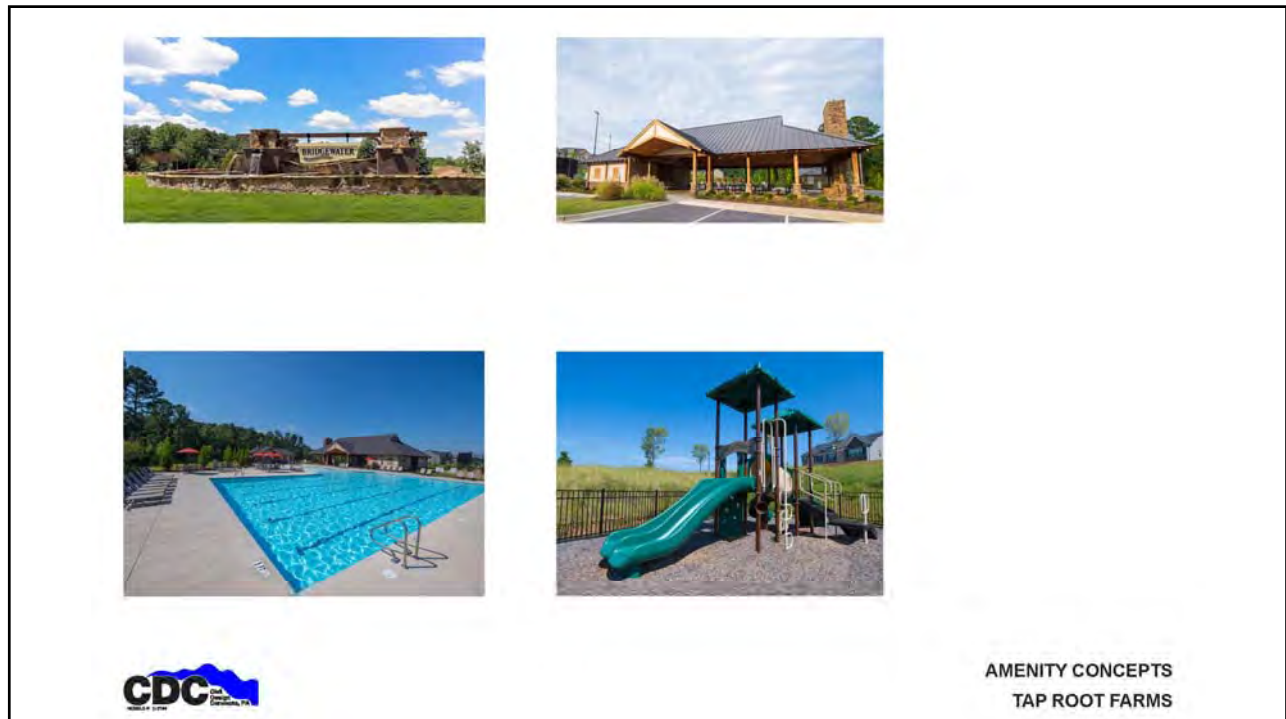
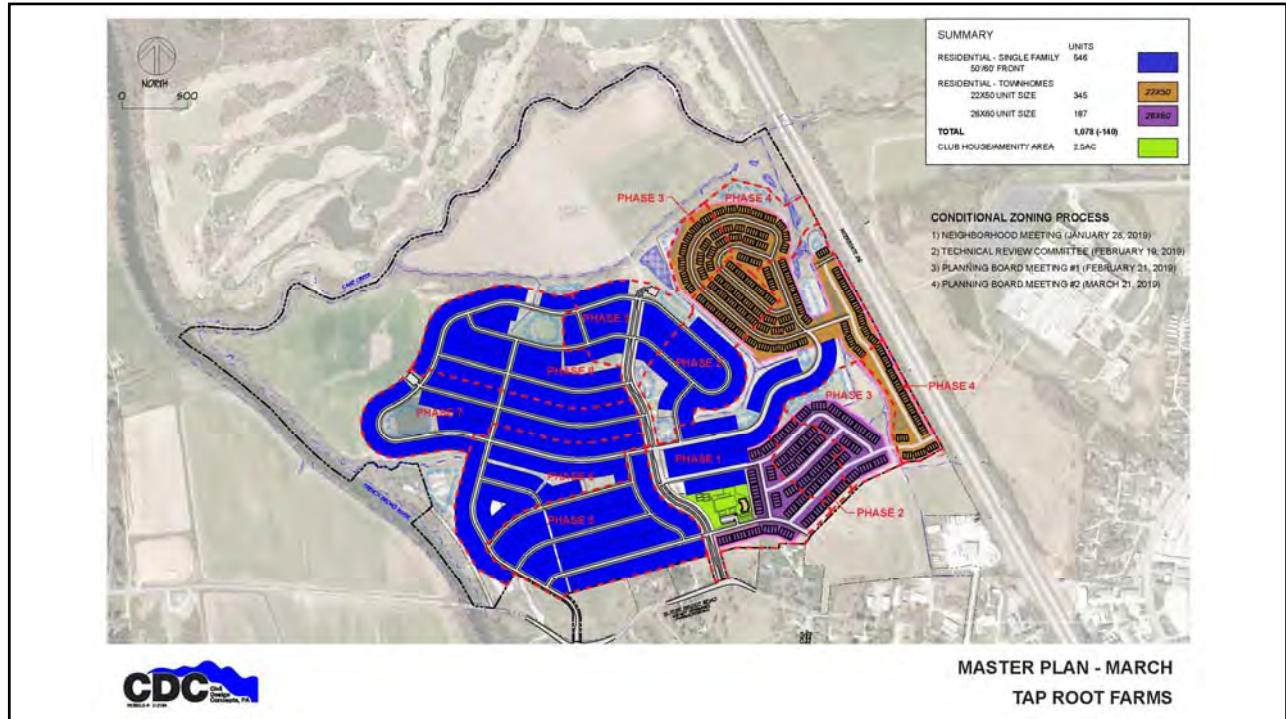


POPULATION TRENDS
TAP ROOT FARMS











TOWNHOME CONCEPTS
TAP ROOT FARMS



SINGLE-FAMILY HOME CONCEPTS
TAP ROOT FARMS





- TOTAL UNITS 1,078
- 8 PHASES
- 296.78 ACRES
- 3.63 UNITS/ACRE

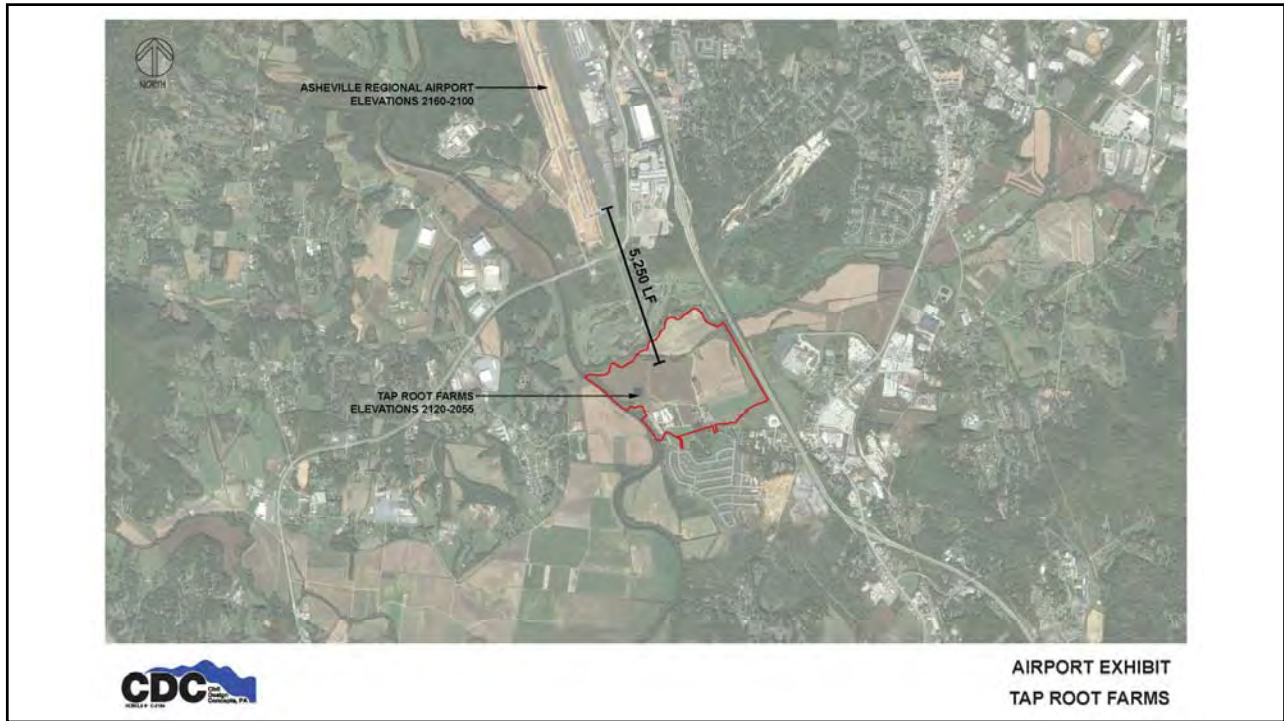
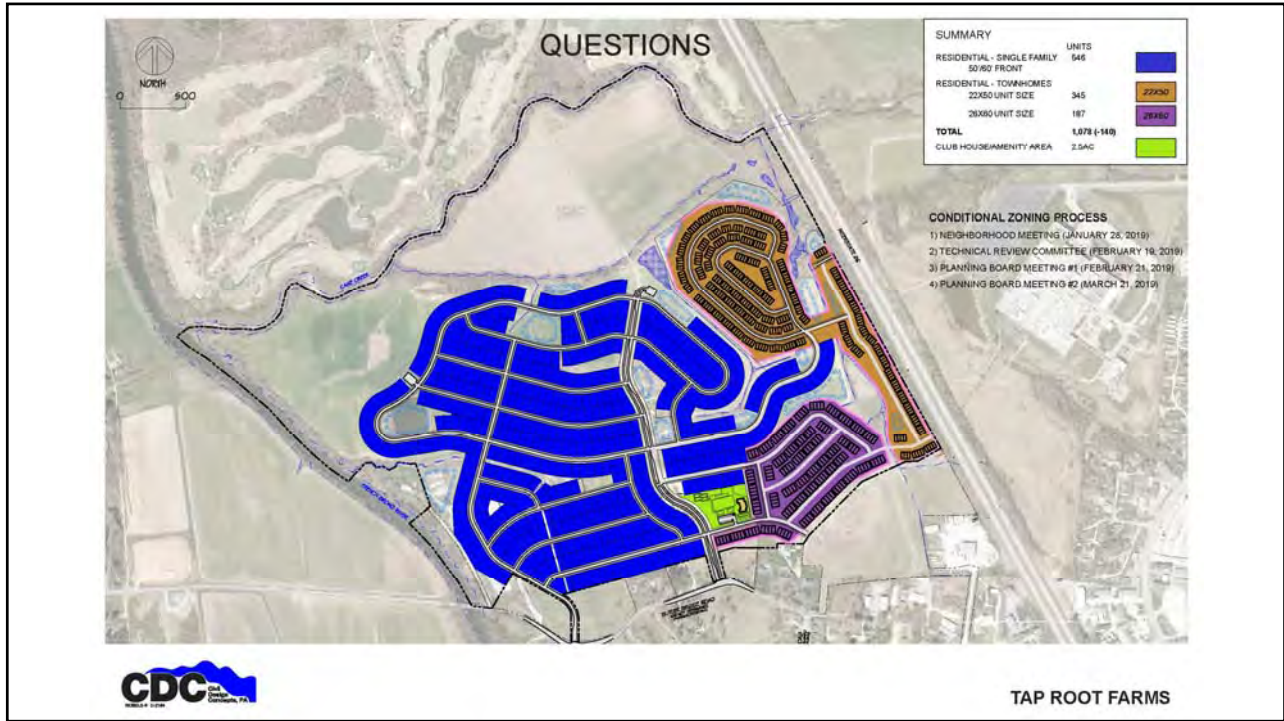
APPROVALS

- CITY OF HENDERSONVILLE WATER COMMITMENT LETTER
- CANE CREEK SEWER COMMITMENT LETTER
- NCDOT TRAFFIC IMPACT STUDY APPROVAL
- FAA DETERMINATION OF NO HAZARD TO AIR NAVIGATION

PER HENDERSON COUNTY ADOPTED 2020 COMPREHENSIVE PLAN

- HENDERSON COUNTY'S POPULATION IS PROJECTED TO GROW TO 111,400 BY 2010 AND 129,350 BY 2020.
- AT LEAST AN ADDITIONAL 17,498 HOUSING UNITS WILL BE NEEDED TO ACCOMMODATE POPULATION GROWTH.
- RECOMMENDATION - PROMOTE A DIVERSE RANGE OF HOME OWNERSHIP AND RENTAL PROPERTIES.
- THE URBAN SERVICE AREA IS THAT AREA WITHIN WHICH MOST URBAN SERVICES AND URBAN-SCALE DEVELOPMENT IS CURRENTLY CONCENTRATED, AND WITHIN WHICH SUCH DEVELOPMENT SHOULD GENERALLY BE CONCENTRATED.
- WIDE RANGES OF RESIDENTIAL DENSITIES WILL EXIST. OVER THE LONG TERM, LAND USE REGULATIONS AND POLICIES SHOULD FAVOR HIGH DENSITY DEVELOPMENT, CONSISTENT WITH NATURAL CONSTRAINTS AND THE AVAILABILITY OF URBAN SERVICES.

SUMMARY
TAP ROOT FARMS





NAPLES AIRPORT



PAGE FIELD FORT MYERS AIRPORT



AIRPORT CONTEXT
TAP ROOT FARMS

Chapter 6 - Environmental Overview

Asheville Regional Airport Master Plan

Table 6-5: 14 CFR Sound Exposure/Land Use Compatibility Guidelines

Land Use	Yearly Day-Night Average Sound Level (DNL)					
	Below 65	65-70	70-75	75-80	80-85	Over 85
Residential	Y ¹	N ¹	N ¹	N	N	N
Mobile home parks	Y	N	N	N	N	N
Transient lodgings	Y	N ¹	N ¹	N ¹	N	N
Public Use						
Schools	Y	N ¹	N ¹	N	N	N
Hospitals and nursing homes	Y	25	30	N	N	N
Churches, auditoriums, and concert halls	Y	25	30	N	N	N
Governmental services	Y	Y	25	30	N	N
Transportation	Y	Y	Y ²	Y ¹	Y ¹	Y ¹
Parking	Y	Y	Y ²	Y ¹	Y ¹	N
Commercial Use						
Offices, business, and professional	Y	Y	25	30	N	N
Wholesale and retail-building materials	Y	Y	Y ²	Y ¹	Y ¹	N
Hardware and farm equipment	Y	Y	Y ²	Y ¹	Y ¹	N
Retail trade - general	Y	Y	25	30	N	N
Utilities	Y	Y	Y ²	Y ¹	Y ¹	N
Communication	Y	Y	25	30	N	N
Manufacturing and Production						
Manufacturing, general	Y	Y	Y ²	Y ¹	N	N
Photographic and optical	Y	Y	25	30	N	N
Agriculture and forestry	Y	Y ¹	Y ¹	Y ¹	Y ¹	Y ¹
Livestock farming and breeding	Y	Y ¹	Y ¹	N	N	N
Mining and fishing	Y	Y	Y	Y	Y	Y
Recreational						
Outdoor sports arenas/spectator sports	Y	Y ¹	Y ¹	N	N	N
Outdoor music shell/amphitheaters	Y	N	N	N	N	N
Nature exhibits and zoos	Y	Y	N	N	N	N
Amusements, parks, resorts, and camps	Y	Y	Y	N	N	N
Golf courses, riding stables	Y	Y	25	30	N	N

Key:
 SLMCM = Standard Land Use Coding Manual
 Y = Land Use and related structures compatible without restrictions.
 N = Land Use and related structures are not compatible and should be prohibited.
 NLR = Noise Level Reduction (outdoor to indoor) to be achieved through incorporation of noise attenuation into the design and construction of the structure.
 25, 30, or 35 = Land use and related structures generally compatible; measures to achieve NLR of 25, 30 or 35 dB must be incorporated into design and construction of structure.

Notes:
 1. Where the community determines that residential or school uses must be allowed, measures to achieve outdoor to indoor Noise Level Reduction (NLR) of at least 25 dB and 30 dB should be incorporated into building codes and be considered in individual approvals. Normal residential construction can be expected to provide a NLR of 20 dB. Thus, the reduction requirements are often stated as 5, 10 or 15 dB over standard construction and normally assume mechanical ventilation and closed windows year round. However, the use of NLR criteria will not eliminate outdoor noise problems.
 2. Measures to achieve NLR 25 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise-sensitive areas or where the normal noise level is low.
 3. Measures to achieve NLR of 30 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise-sensitive areas or where the normal noise level is low.
 4. Measures to achieve NLR 35 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise-sensitive areas or where the normal level is low.
 5. Land use compatible provided special sound reinforcement systems are installed.
 6. Residential buildings require an NLR of 25.
 7. Residential buildings require an NLR of 30.
 8. Residential buildings not permitted.

Source: Federal Aviation Regulations 14 CFR Part 150 (effective January 18, 1985)

Figure 6-6: Noise Contours



Source: Asheville Regional Airport, Runway Reconstruction and New Parallel Taxiway Environmental Assessment, The LPA Group Aviation Consultants (August 2011)