

## **REQUEST FOR BOARD ACTION**

### **HENDERSON COUNTY BOARD OF COMMISSIONERS**

**MEETING DATE:** April 16, 2025

**SUBJECT:** Conditional Rezoning Application (#R-2025-01-CD) - The Cottages at Sugarloaf Meadows

**PRESENTER:** Lee Stevens, Planner III

**ATTACHMENTS:** 1. Revised Site Plan  
2. List of Conditions  
3. Agricultural Addendum

#### **SUMMARY OF REQUEST:**

On April 7, 2025, the Board of Commissioners held a public hearing for Rezoning Application #R-2025-01-CD, which requested that the County conditionally rezone approximately 31.46 acres of land from Residential Two Rural (R2R) to a Conditional District (CD-2025-01). Following the public hearing and discussion by the Board, certain conditions and requests were made of the applicant. The Board requested to continue discussion at the next regularly scheduled Board of Commissioners meeting.

#### **BOARD ACTION REQUESTED:**

The Board is requested to approve, approve with modifications, or deny rezoning application #R-2025-01-CD.

#### **Suggested Motion:**

*I move that the Board (approve, approve with modifications, or deny) rezoning application #R-2025-01-CD to rezone the Subject Area to a Conditional District (CD-2025-01) with the attached 2045 Comprehensive Plan Statement based on the recommendations of the 2045 Comprehensive Plan, and with any conditions stated in the proposed conditions attachment and additional conditions as discussed, and;*

*If approved, I move that the Board amend the 2045 Comprehensive Plan Future Land Use Map to apply the Infill Character Area to the Subject Area parcels.*





**SITE DATA:**  
TRACT #1:  
THE COTTAGES AT SUGARLOAF MEADOWS, LLC  
PIN: 9589352768  
D.B. 4208 PG. 167  
AREA: 29.34 ACRES

TRACT #2:  
MCCONNELL, CLAIRE H.  
PIN: 9589269624  
D.B. 4239 PG. 188  
AREA: 2.12 ACRES

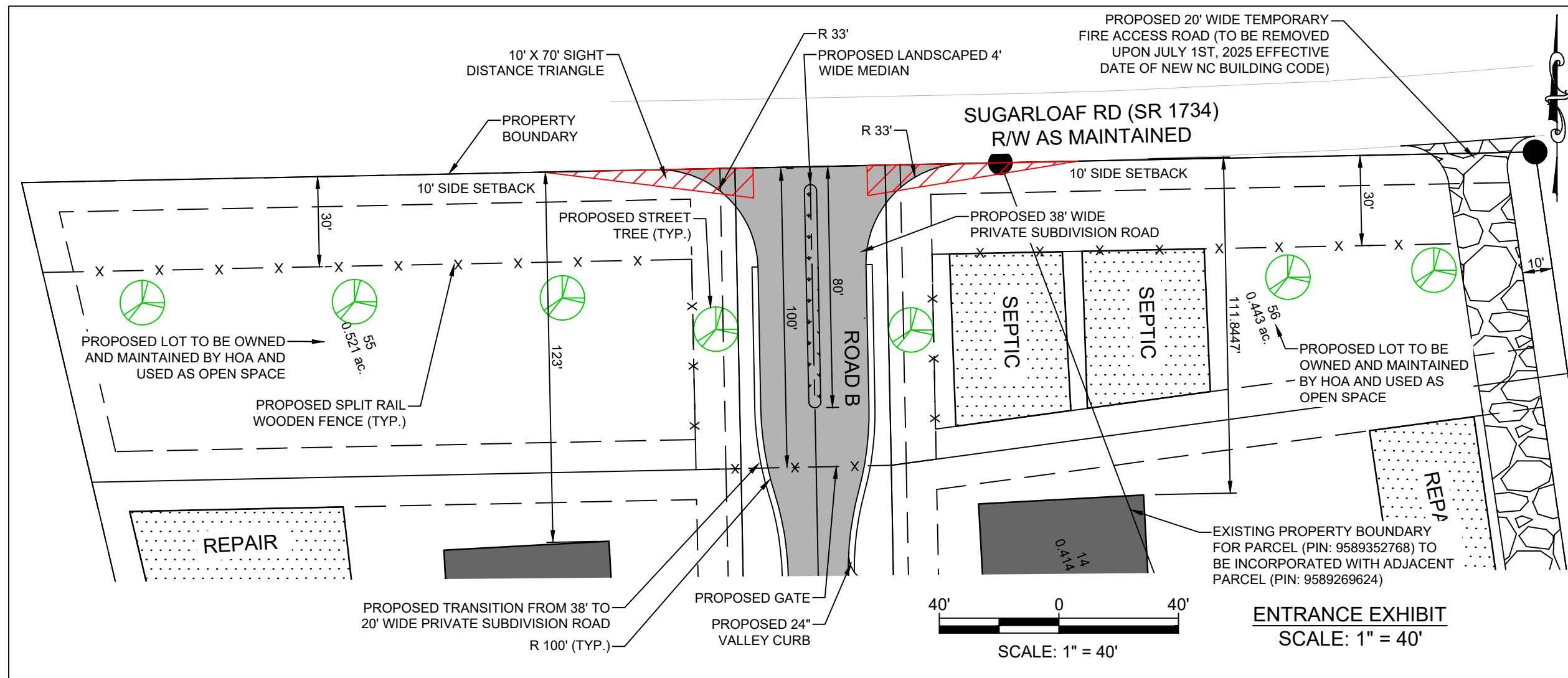
**PROPOSED COMBINED PARCEL:**  
TOTAL AREA: 31.46 ACRES  
NUMBER OF HOMES: 50  
HOME TYPE: SINGLE FAMILY RESIDENTIAL (3 BEDROOMS EA)  
LINEAR FEET OF STREET: 4,385 LF

**ZONING:**  
EXISTING ZONING: RESIDENTIAL TWO RURAL (R2R)  
PROPOSED ZONING: RESIDENTIAL ONE (R1) CONDITIONAL  
DEVELOPMENT STANDARDS: HENDERSON COUNTY  
MINIMUM LOT SIZE: 0.25 ACRES  
FRONT SETBACK: 15'  
SIDE SETBACK: 10'  
REAR SETBACK: 10'  
OPEN SPACE REQ.: 25% x 31.46 ACRES = 7.86 ACRES  
OPEN SPACE PROVIDED: 8.25 ACRES  
- SEPTIC & REPAIR AREA: 4.32 ACRES  
- AMENITY AREA: 0.39 ACRES  
- COMMON AREA: 1.00 AC  
- DOG PARK: 0.47 ACRES  
- R/W GREEN SPACE: 2.07 ACRES

**LANDSCAPING:**  
REQUIRED LANDSCAPING: 1 TREE / 50 LF OF ROAD FRONTAGE  
X 8,391 LF OF ROAD FRONTAGE = 168 STREET TREES  
PROVIDED LANDSCAPING: 94 STREET TREES

**PROVIDED PARKING:**  
MAIL KIOSK- 4 SPACES (INCLUDING 1 ACCESSIBLE SPACE)  
DOG PARK- 5 SPACES  
AMENITY AREA- 8 SPACES (INCLUDING 1 ACCESSIBLE SPACE)

**WATERSHED DATA:**  
WATERSHED: NONE  
WATERSHED CLASSIFICATION: NONE  
RIVER BASIN: FRENCH BROAD  
SOIL TYPES:  
- DELANCO (DILLARD) LOAM (DnB)  
- HAYESVILLE LOAM, 2 TO 7 PERCENT SLOPES (HyB)  
- HAYESVILLE LOAM, 7 TO 15 PERCENT SLOPES (HyC)  
- TATE FINE SANDY LOAM (TnB)  
DISTURBED AREA: TBD



#### GEOLOGICAL AND ENVIRONMENTAL ASSESSMENTS PENDING

1. THIS PRELIMINARY PLAN DOES NOT ACCOUNT FOR SUBSURFACE CONDITIONS SUCH AS SOIL STABILITY, CONTAMINATION, GROUNDWATER LEVELS, OR OTHER GEOLOGICAL FACTORS. A GEOLOGICAL INVESTIGATION AND ENVIRONMENTAL STUDY WILL BE NECESSARY TO VERIFY THE SITE'S SUITABILITY FOR THE PROPOSED DEVELOPMENT.

#### UTILITY LOCATIONS AND AVAILABILITY

2. THE LOCATION AND CAPACITY OF EXISTING UTILITIES (WATER, SEWER, ELECTRICAL, ETC.) SHOWN ON THIS PLAN ARE BASED ON PRELIMINARY ASSUMPTIONS AND MAY NOT BE ACCURATE. FINAL DESIGN WILL REQUIRE COORDINATION WITH UTILITY PROVIDERS TO CONFIRM UTILITY LOCATIONS, CAPACITY, AND THE NEED FOR EXTENSIONS OR UPGRADES.

#### NO ASSUMPTION OF CONSTRUCTION COSTS

3. THE COSTS ASSOCIATED WITH THE CONSTRUCTION OF THE PROPOSED IMPROVEMENTS HAVE NOT BEEN ESTIMATED AND WILL VARY BASED ON FINAL DESIGN, MATERIAL SELECTION, CONTRACTOR BIDDING, MARKET CONDITIONS, AND UNFORESEEN FIELD CONDITIONS. PRELIMINARY BUDGETARY FIGURES SHOULD NOT BE RELIED UPON FOR FINANCING OR DEVELOPMENT DECISIONS.

#### EASEMENTS, RIGHTS-OF-WAY, AND OTHER LEGAL ENCUMBRANCES

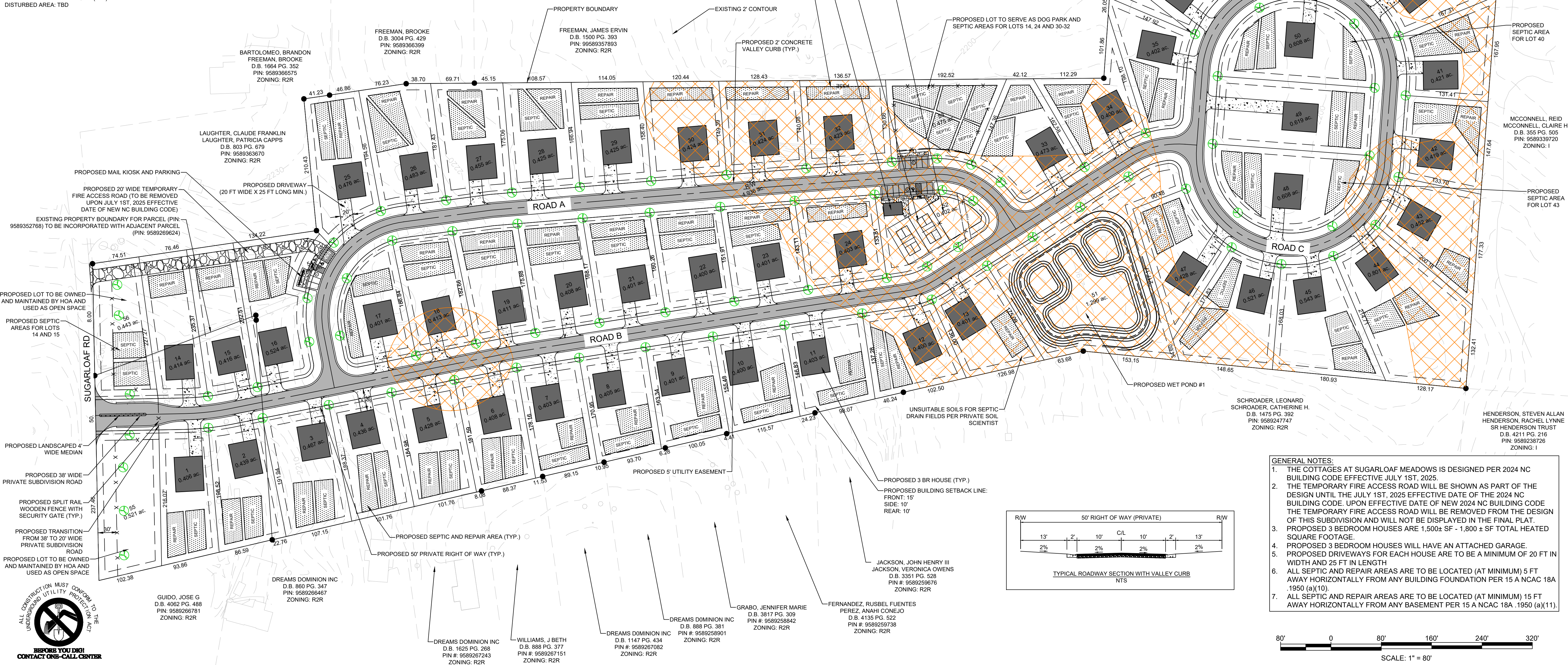
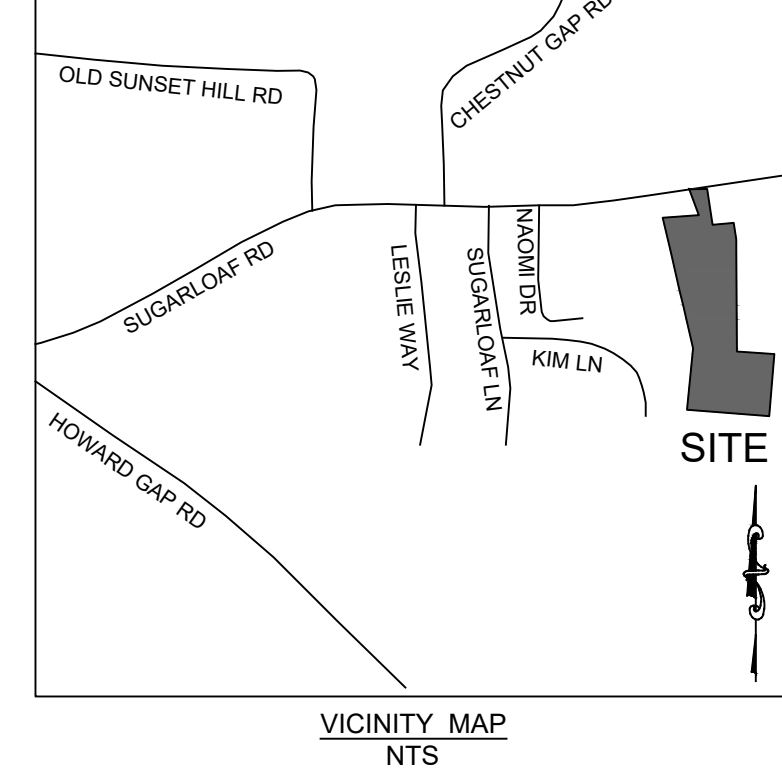
4. THE EXISTENCE OF EASEMENTS, RIGHTS-OF-WAY, AND OTHER ENCUMBRANCES ON THE PROPERTY IS NOT FULLY REPRESENTED IN THIS PLAN. A TITLE SEARCH AND LEGAL REVIEW ARE NECESSARY TO IDENTIFY ANY SUCH RESTRICTIONS THAT MAY AFFECT THE DEVELOPMENT.

#### APPROVAL CONTINGENT ON LOCAL AUTHORITIES

5. THIS PLAN IS SUBJECT TO REVIEW AND APPROVAL BY THE RELEVANT MUNICIPAL AUTHORITIES, INCLUDING PLANNING BOARDS, ZONING BOARDS, AND PUBLIC UTILITY COMMISSIONS. NO GUARANTEE IS PROVIDED THAT THE PROJECT WILL RECEIVE THE NECESSARY APPROVALS WITHOUT REVISION OR THAT APPROVAL WILL BE GRANTED AT ALL.

#### RISK OF RELIANCE ON PRELIMINARY PLAN

6. AS THIS PLAN IS PRELIMINARY, IT SHOULD NOT BE RELIED UPON FOR FINAL DECISION-MAKING. ANY RELIANCE ON THIS PLAN FOR INVESTMENT, PURCHASE, OR DEVELOPMENT WITHOUT FURTHER INVESTIGATION AND APPROVAL IS UNDERTAKEN AT THE CLIENT'S OWN RISK. FINAL APPROVALS, PERMITS, AND CONSTRUCTION DOCUMENTATION WILL SUPERSEDE THIS PLAN.



#### GENERAL NOTES:

- THE COTTAGES AT SUGARLOAF MEADOWS IS DESIGNED PER 2024 NC BUILDING CODE EFFECTIVE JULY 1ST, 2025.
- THE TEMPORARY FIRE ACCESS ROAD WILL BE SHOWN AS PART OF THE DESIGN UNTIL THE JULY 1ST, 2025 EFFECTIVE DATE OF THE 2024 NC BUILDING CODE. UPON EFFECTIVE DATE OF NEW 2024 NC BUILDING CODE THE TEMPORARY FIRE ACCESS ROAD WILL BE REMOVED FROM THE DESIGN OF THIS SUBDIVISION AND WILL NOT BE DISPLAYED IN THE FINAL PLAT.
- PROPOSED 3 BEDROOM HOUSES ARE 1,500± SF - 1,800± SF TOTAL HEATED SQUARE FOOTAGE.
- PROPOSED 3 BEDROOM HOUSES WILL HAVE AN ATTACHED GARAGE.
- PROPOSED DRIVEWAYS FOR EACH HOUSE ARE TO BE A MINIMUM OF 20 FT IN WIDTH AND 25 FT IN LENGTH.
- ALL SEPTIC AND REPAIR AREAS ARE TO BE LOCATED (AT MINIMUM) 5 FT AWAY HORIZONTALLY FROM ANY BUILDING FOUNDATION PER 15 A NCAC 18A .1950 (a)(10).
- ALL SEPTIC AND REPAIR AREAS ARE TO BE LOCATED (AT MINIMUM) 15 FT AWAY HORIZONTALLY FROM ANY BASEMENT PER 15 A NCAC 18A .1950 (a)(11).

## COTTAGES AT SUGARLOAF MEADOWS

### REZONING PLAN

DEVELOPER INFORMATION:  
MOORE & SON SITE CONTRACTORS, INC.  
103 MCDOWELL RD  
STATE: NORTH CAROLINA  
28024-2519

### REVISION NOTE

NO.	DATE	RIGHT OF WAY AND ROAD WIDTHS	BOARD OF COMMISSIONER COMMENTS
1	03/13/2025		
2	04/09/2025		

DRAWN BY: JHE  
CHECKED BY: TJW  
DATE: 2/14/25  
PROJECT NO.: 13055.004  
REF. NO.:  
SCALE: 1" = 80'



## SHEET

1 OF 1



## **Rezoning Application #R-2025-01-CD The Cottages at Sugarloaf Meadows Proposed Conditions for Approval**

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The following conditions are for the application for conditional zoning submitted by the Co-Applicants, the proposed site plan and the Henderson County Land Development Code (herein “Henderson County LDC”). In case of any conflict between this document, the LDC, and the site plan, the final approved site plan will control. To the extent that any specification or development standard has been omitted from or is not addressed in the site plan or this document, the presumption is that the standard or specification in the LDC shall apply. The proposed conditions are as follows.

1. **NCDOT Driveway Permit.** NCDOT Driveway Permit and encroachment agreement is required for access onto Sugarloaf Road (SR 1734). If NCDOT requires a Traffic Impact Analysis (TIA), the applicant is required to install all improvements requested by NCDOT before 50% of the homes are constructed.
2. **Soil Erosion and Sedimentation Control Plan.** The applicant will be required to submit a Soil Erosion and Sedimentation Control Plan to Henderson County Site Development Department. No ground disturbance can take place until a valid permit is obtained and a master and development plan is approved (LDC §42-255).
3. **Stormwater/Water Quality.** The applicant is required to obtain a Stormwater Control Permit from the Henderson County Site Development Department (LDC §42-239).
4. **Water Availability.** The development is proposed to be served by City of Hendersonville public water. The city has approved the water allocation to the site. The applicant still needs to submit all required documentation to the city for final approvals.
5. **Septic System Approval.** The applicant is proposing individual septic systems for each lot and is using the engineered option permit and has provided documentation for the septic system layout including soil determinations.
6. **Fire Protection Requirements.** Per the current fire code, subdivision of more than 30 homes is required to have a second form of egress. This second egress may be utilized by emergency response personal or residents if the main access is inaccessible. If a secondary egress cannot be secured, each home is required to have a fire sprinkler system. However, the fire code is anticipated to be amended in July 2025, and the applicant will have the choice of developing under the current or new fire code regulations if they have not pulled applicable building permits for home construction. The applicant will be required to install a minimum of one (1) hydrant per 1,000LF of road distance since the development area is served by City of Hendersonville public (LDC §42-95(D)).
7. **Entry Gates.** The Applicant should become familiar with the Entry Gate provisions (LDC §42A-81 C (7)) if gates are to be utilized. All entry gates shall be constructed and maintained as required by and in accordance with Chapter 42 of the Henderson County Code, Entry Gates.
8. **Street Tree Requirements.** The applicant will be required to 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 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. The applicant must meet the standards as stated in Chapter 42 (LDC §42-145 & 146).

9. **Open Space.** The applicant is proposing 7.85 acres of open space (LDC §42-88).
10. **Lighting Mitigation.** Lighting mitigation is required for all amenity areas.
11. **Hours of Operation.** The hours of operation for any amenity area shall be from dawn to dusk.
12. **Dog Park.** The location of the dog park shall be relocated from behind the playground area to a central location in the development, preferable the inner parcel identified on the plans and reserved for open space.
13. **Vegetative Buffer.** The applicant shall provide a vegetative buffer in areas where there are no trees or buffering established.
14. **Subdivision Setbacks and Buffering for Sugarloaf Road.** The applicant will be required to maintain a 50' structure setback from Sugarloaf Road (SR 1734), with the understanding that lots may be created which contain all or portions of the setback. Additionally, the applicant will be required to install a B2 buffer within the 50' structure setback since Sugarloaf Road (SR 1734) is classified as a collector road (LDC §42-95 (I)). If NCDOT determines that Sugarloaf Road is classified as a local road, the buffer provision would not apply.
15. **Agricultural Awareness Statement.** The applicant shall record with each lot of record an agricultural awareness statement notifying buyers of the proximity of the lots to working agricultural lands and Voluntary Agricultural Districts (VADs). The applicant's attorney worked with the County Attorney to determine the final Agricultural Awareness Statement language. See attached addendum.
16. **Lot and Amenity Configuration.** Remove the two lots and homes along Sugarloaf Road (lot #1 and #15) and add two lots in place of amenity lot #53. Lots #1 and #15 will remain open space. This will allow all homes to be located behind the gate and provide an approximate 80-foot setback from Sugarloaf Road. The applicant proposes moving the amenity area (lot #53) to open space lot #52. The dog lot will be relocated to lot #54. This will keep the proposed amenities and the same number of proposed homes.
17. **Street Trees.** Due to safety and sight visibility concerns, the applicant will reduce the number of required street trees by 50%.
18. **Septic Drain field.** There was some concern with the location of the septic system drain field areas and the proximity to the homes. The applicant will adjust the drain field areas to make sure they meet the required setbacks for environmental health as part of the engineered option permit.
19. **Driveway Dimensions.** Driveways will be a minimum of 25 feet in length and 20 feet wide to adequately park two cars side by side. In addition, all homes will have one-car garages.

**The applicants/developer agrees to all the above conditions.**

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**The Cottages at Sugarloaf Meadows, LLC**  
**Rick Moore**

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**Claire McConnell**

**ADDENDUM TO REZONING APPLICATION #R-2025-01-CD**

The Cottages at Sugarloaf Meadows, LLC, by and through its Member-Manager, Ricky L. Moore, submits its present application(s) to Henderson County with the intent to include certain disclosures and requirements in future sales contracts and restrictive covenants for the subject property.

Those disclosures in sales contracts will provide substantively as follows:

Developer/Seller discloses to Buyer(s) that (1) the property is located adjacent to or in close proximity to a designated agricultural district under Henderson County's Farmland Preservation Ordinance (Chapter 45 of the Henderson County Code), (2) the property is located a designated agricultural district, and land adjacent or in close proximity to this development is or may be actively farmed, and (3) the Buyer's attention is directed to the notice in Section 45-27.B of the Henderson County Code.

Those disclosures in restrictive covenants will provide substantively as follows:

Any owner, including the Developer, who sells property within this development is required to disclose to buyers that (1) the property is located adjacent to or in close proximity to a designated agricultural district under Henderson County's Farmland Preservation Ordinance (Chapter 45 of the Henderson County Code), (2) the property is located a designated agricultural district, and land adjacent or in close proximity to this development is or may be actively farmed, and (3) the buyers' attention is directed to the notice in Section 45-27.B of the Henderson County Code.

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Claire H. McConnell

**COTTAGES AT SUGARLOAF MEADOWS, LLC**

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by: Rick Moore (also known as Ricky L. Moore), Member