

# REQUEST FOR BOARD ACTION

## HENDERSON COUNTY PLANNING BOARD

**MEETING DATE:** March 21, 2019

**SUBJECT:** Rezoning Application #R-2018-10-C (Revised) Tap Root Farms

**PRESENTER:** Autumn Radcliff, Planning Director

**ATTACHMENTS:**

- 1.) Staff Report
- 2.) Master Plan Report
- 4.) Revised Site/Master Plan
- 5.) Letter from FAA
- 6.) Traffic Impact Analysis

### **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 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. Ken Jackson is the applicant.

As requested by the Planning Board, the applicant has submitted a revised site plan to address items raised by staff. The applicant is now proposing a residential development with a total of 1,078 units of single-family lots and townhomes (no apartments are proposed). The development is required to be approved as a conditional rezoning due to the number of units. Conditional rezonings allows for the Board of Commissioners to place conditions on the property to address community concerns and make the proposed development compatible with adjacent uses. As required by the LDC, a neighbor 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 forward 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 meeting. After hearing from staff, the applicant and taking public comment, the Board voted to table the rezoning request to receive the Traffic Impact Analysis and the final report from the FAA (see attachments 5 & 6) and make any necessary adjustments as requested to the site plan. The applicant will be present to address any questions that the Board may have.

### **BOARD ACTION REQUESTED:**

The Planning Board must provide a recommendation on the rezoning request to the Board of Commissioners prior to a public hearing.

### **Suggested Motion:**

I move that the Planning Board recommend the Board of Commissioners (approve, approve with modification or deny) rezoning application #R-2018-10-C to rezone the Subject Area to a Residential One Conditional District (R1-CD) with the conditions as discussed and based on the recommendations of the Henderson County 2020 Comprehensive Plan.

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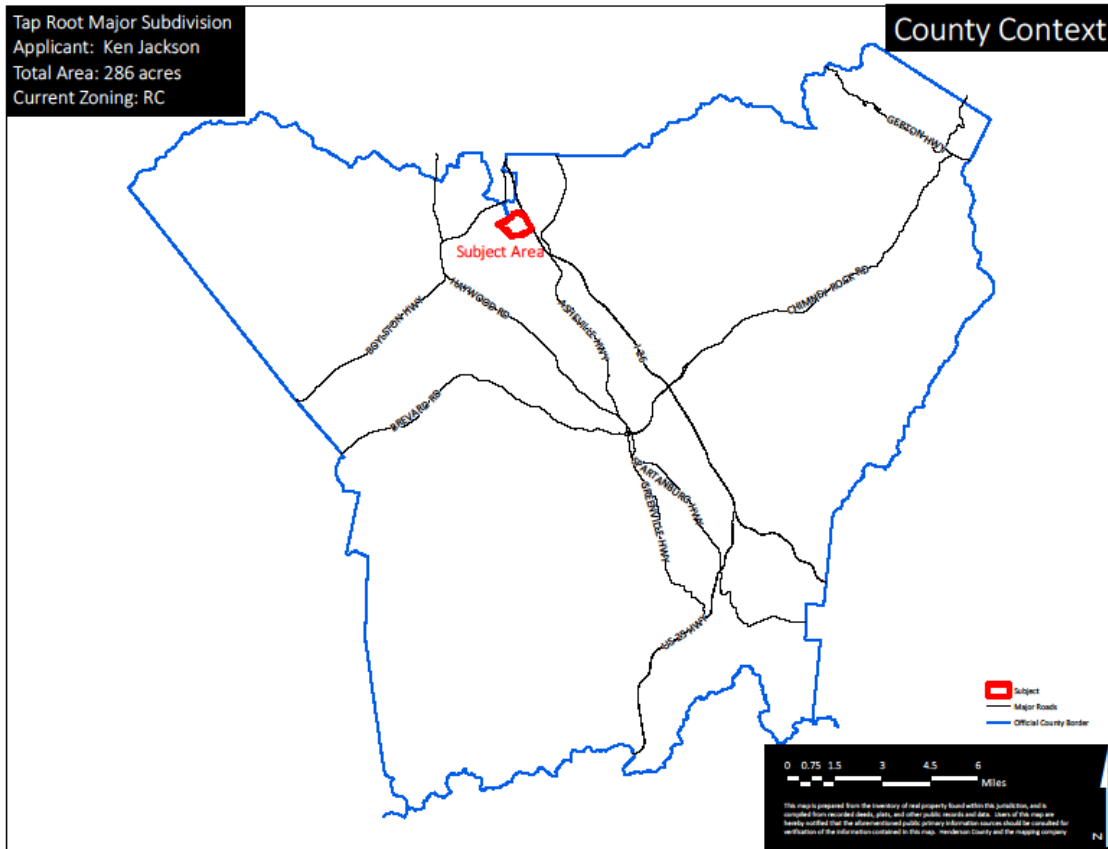
**Henderson County Planning Department Staff Report**  
**Rezoning Application #R-2018-10-C (Revised) (RC to R1-CD)**

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

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- 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.

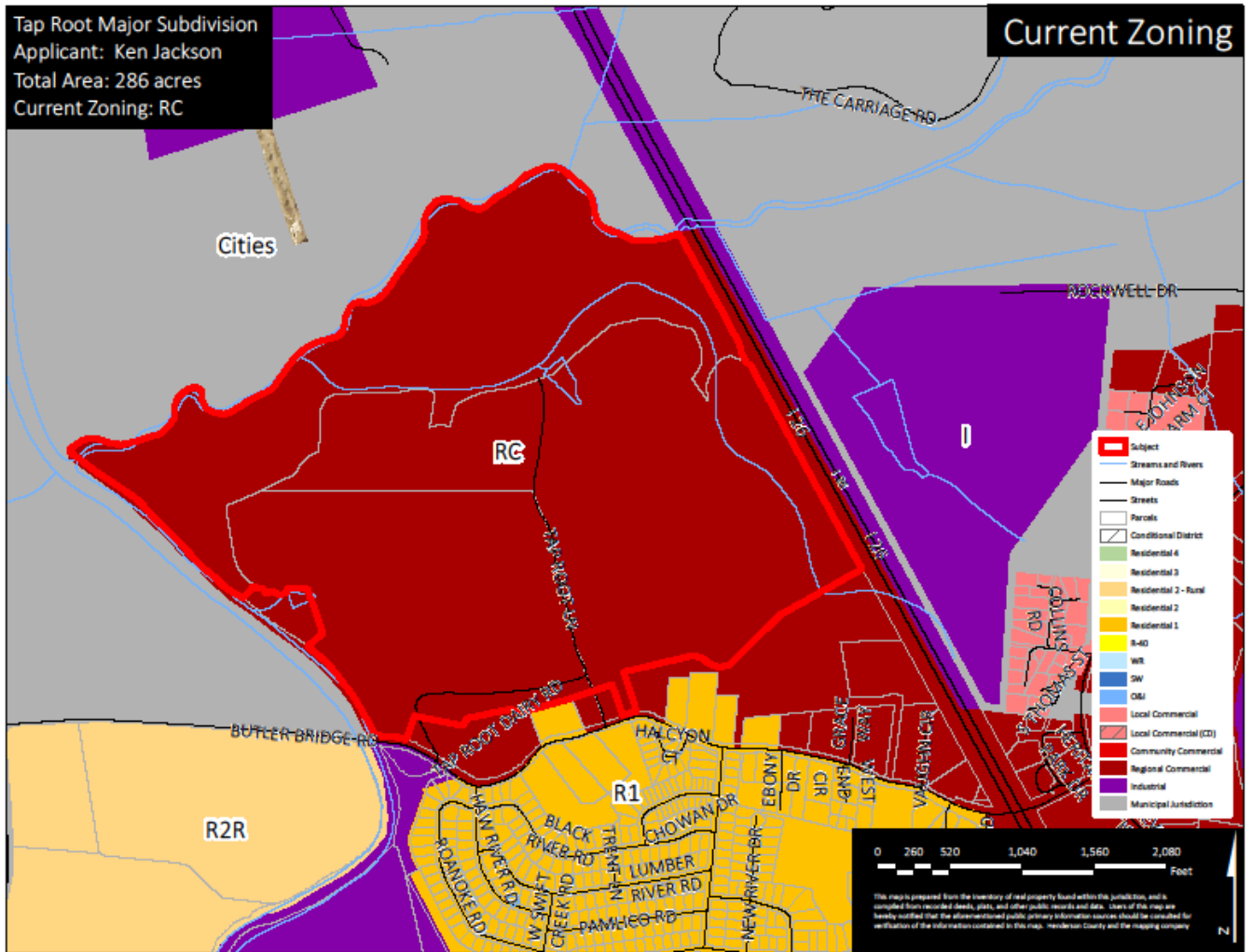
**Map A: County Context**



### 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).

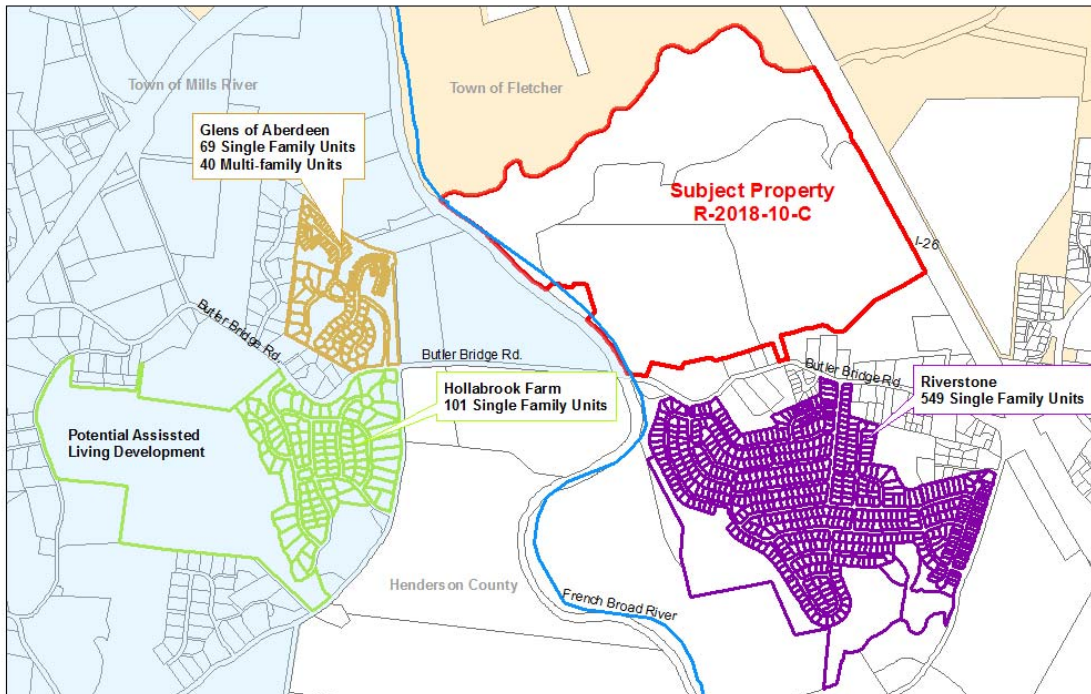
**2.3.1. Residential One Conditional Zoning District (R1-CD):** “Conditional Zoning Districts are created for the purpose of providing an optional rezoning choice where the owner of property proposes to rezone property and, in order to, among other reasons, carry out the purposes of the Comprehensive 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 subjected area and the French Broad River. On the northern boundary of the subject area is a 171-acre parcel being utilized as a golf course. To the east of the subject area is agricultural uses as well as an 86-acre tract that holds 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 residential lots.

3.3. **Asheville Regional Airport:** The Asheville Regional Airport is located within 600 feet to the north of the subject area. According to the airport’s Executive Director, the development will be 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.

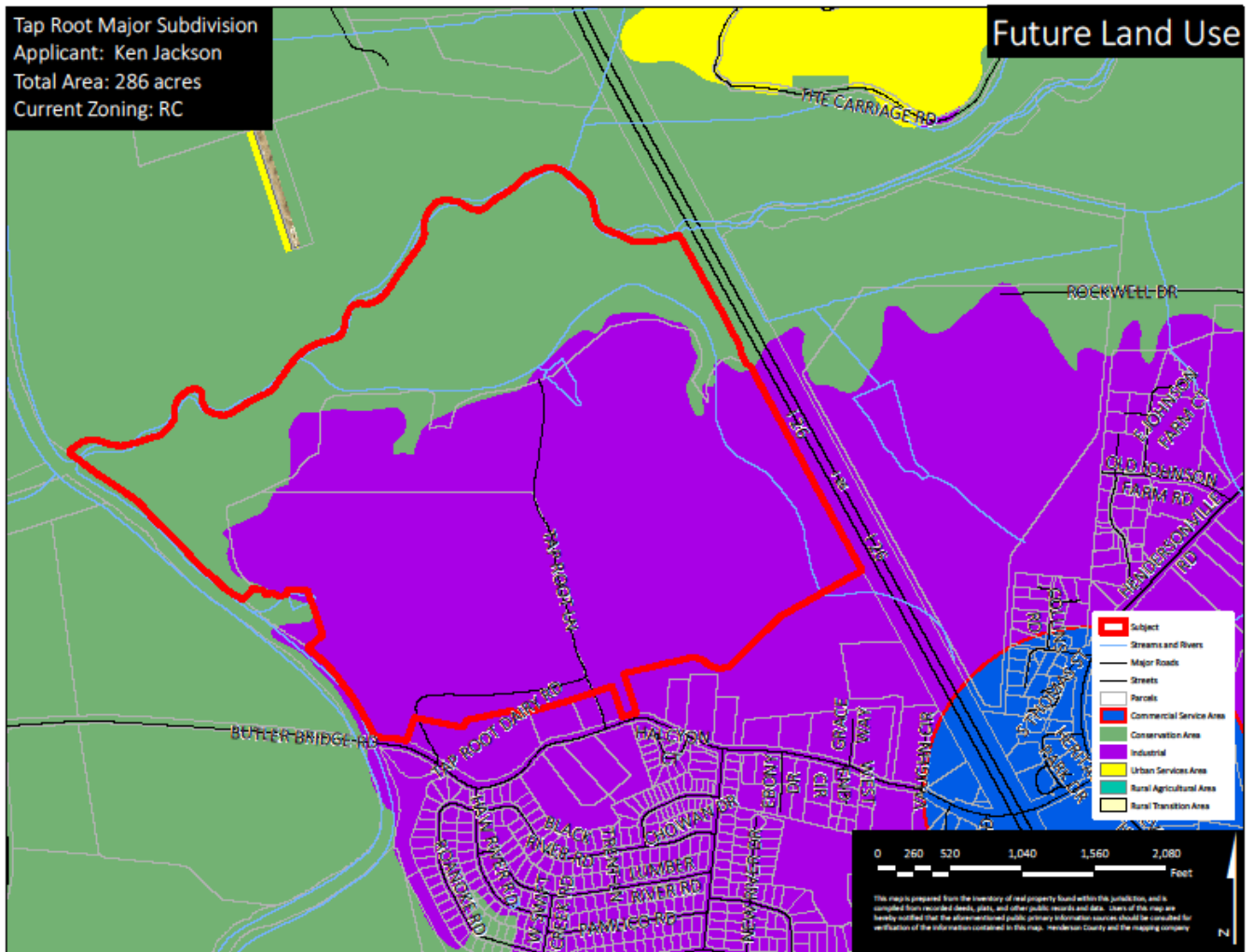
**Riverstone:** Riverstone was originally approved under a special use permit for a Planned Unit Development (PUD) in November of 2005 by the Henderson County Board of Commissioners. The master plan has been amended several times and the current subdivision is approved for 549 lots. The zoning district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

**Map E: 2020 County Comprehensive Plan Future Land Use Map**



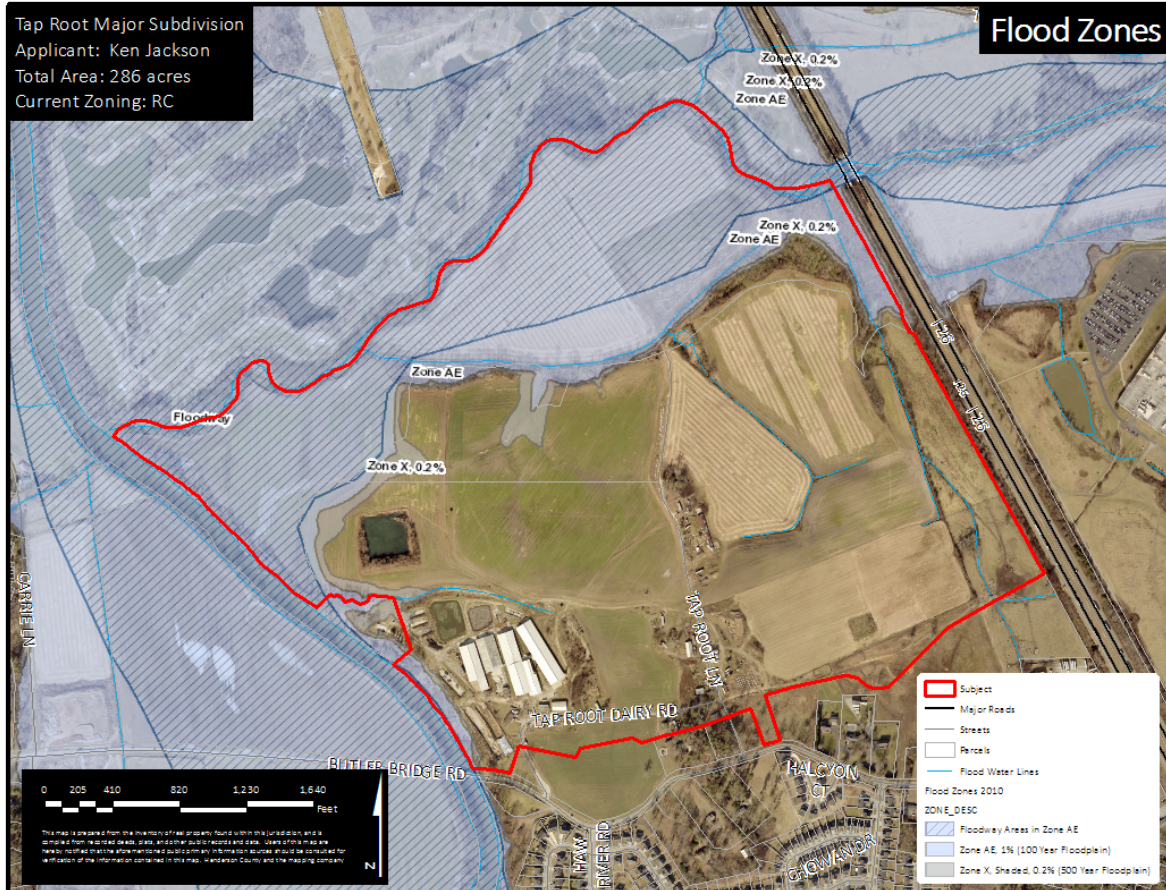
#### 4. The Henderson County 2020 Comprehensive Plan (CCP)

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 (2020 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.” (2020 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 flood prone area for 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 counted.

**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. The conditional district will also allow the Board of Commissioners to place conditions or restrictions on the property that will be for 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. Approximately 100 people attended and were able to hear about the proposed development and ask questions of the applicant. Informal comment was accepted via a comment card for this meeting.
- 8.2. A report of this meeting will be 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 has been completed. The NCDOT required a Traffic Impact Analysis (TIA) due to the States 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 Boards review.

**10. Staff Comments**

- 10.1. **The 2020 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 multi-family 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 acres and a maximum density of 12 units per acre. The proposed project and rezoning requests a density that is less than the 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 forward 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 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 improvement 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.TBD. The Planning Board will continue its discussion of the rezoning request on Thursday, March 21, 2019.

## **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. **Public Roads.** The applicant is proposing public roads, but private roads are allowed. Certification by NCDOT is required to be on the final plat.
- 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).

## **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 roads are proposed to be public and comply to the NCDOT standards, but the Board might consider requesting that 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 cut off 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 plan 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 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 could discuss if the developer has an interest in proposing a neighborhood park for the community.
  - 14.8. **Existing RC Lot along river.** The proposed development does not include a parcel located along the French Broad River with an existing single-family home. The parcel is approximately 2.99 acres and is currently zoned RC (Regional Commercial). The Board should consider rezoning this parcel to an R1 zoning district to be compatible with the existing use and the surrounding zoning if this request is approved. Staff has attempted to contact the property owners and request their input.
- 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 previous payment requirements on the townhomes due 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 which is large for I-26. The applicant is proposing a 20ft setback.

**Henderson County Planning Department Staff Report**

**Master Plan  
Tap Root Farms**

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

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**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 2020 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 2020 Comprehensive Plan* and reviewing the plan for conformance with Henderson County Land Development Code. Staff offers the following comments:

1. ***Henderson County 2020 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 through the year 2020. 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 area depicted upon Map #8, “Committee of 100” Recommended Industrial Development Zones.” (2020 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 is requesting a connection to Cane Creek Sewer. Both Cane Creek Sewer and MSD have received the request an indicated availability.
4. **Proposed Development.** The applicant is proposing a residential development with single-family lots (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).

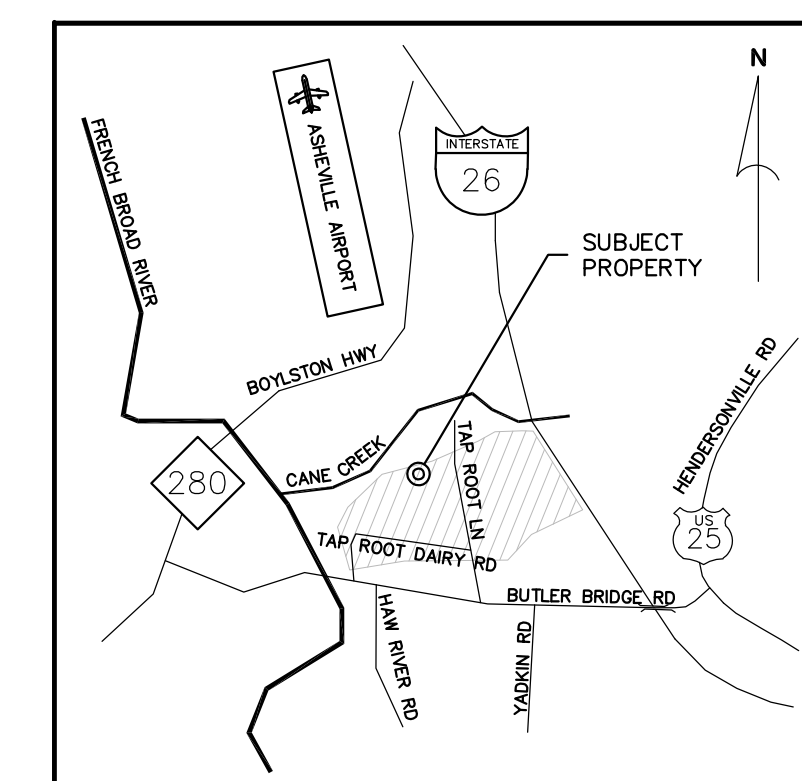
6. **Street Tree Requirements.** According to the street tree requirements of Chapter 42 (LDC §42-145 and LDC §42-146) the applicant must provide one tree per 50 linear feet of property abutting an internal road. Trees may be placed in groups with a minimum spacing of no less than 15 feet and a maximum 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 Henderson County Code Chapter 42 (LDC §42-113). Reasonable pedestrian access shall be provided to promote healthy 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)



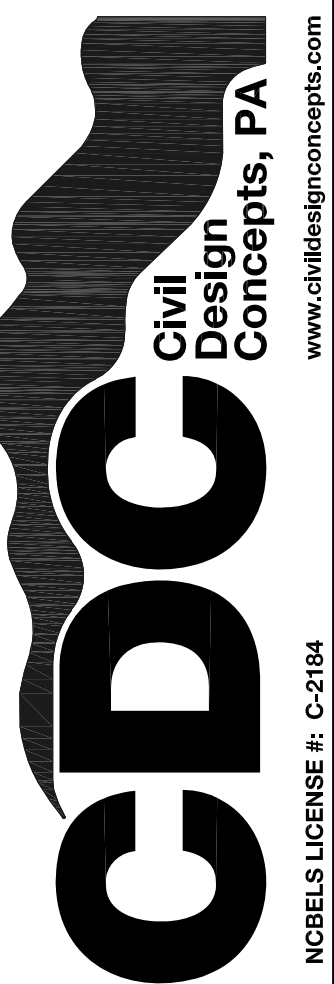
Know what's below.  
Call before you dig.

#### DEVELOPMENT DATA

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

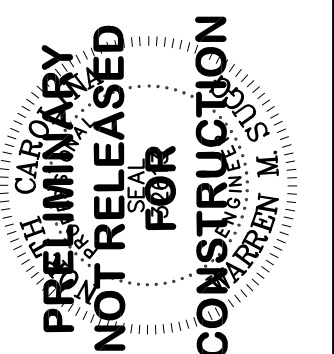
CIVIL ENGINEER: CIVIL DESIGN CONCEPTS, P.A.  
 168 PATTON AVENUE  
 ASHEVILLE, NC 28801  
 WARREN SUCC, P.E.  
 (828) 252-5388

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



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

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

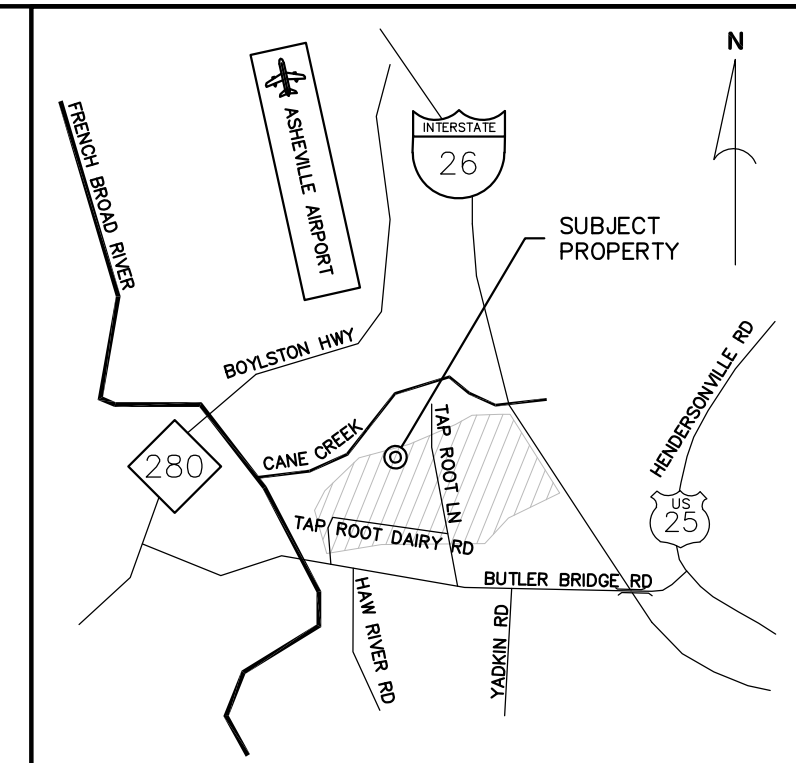
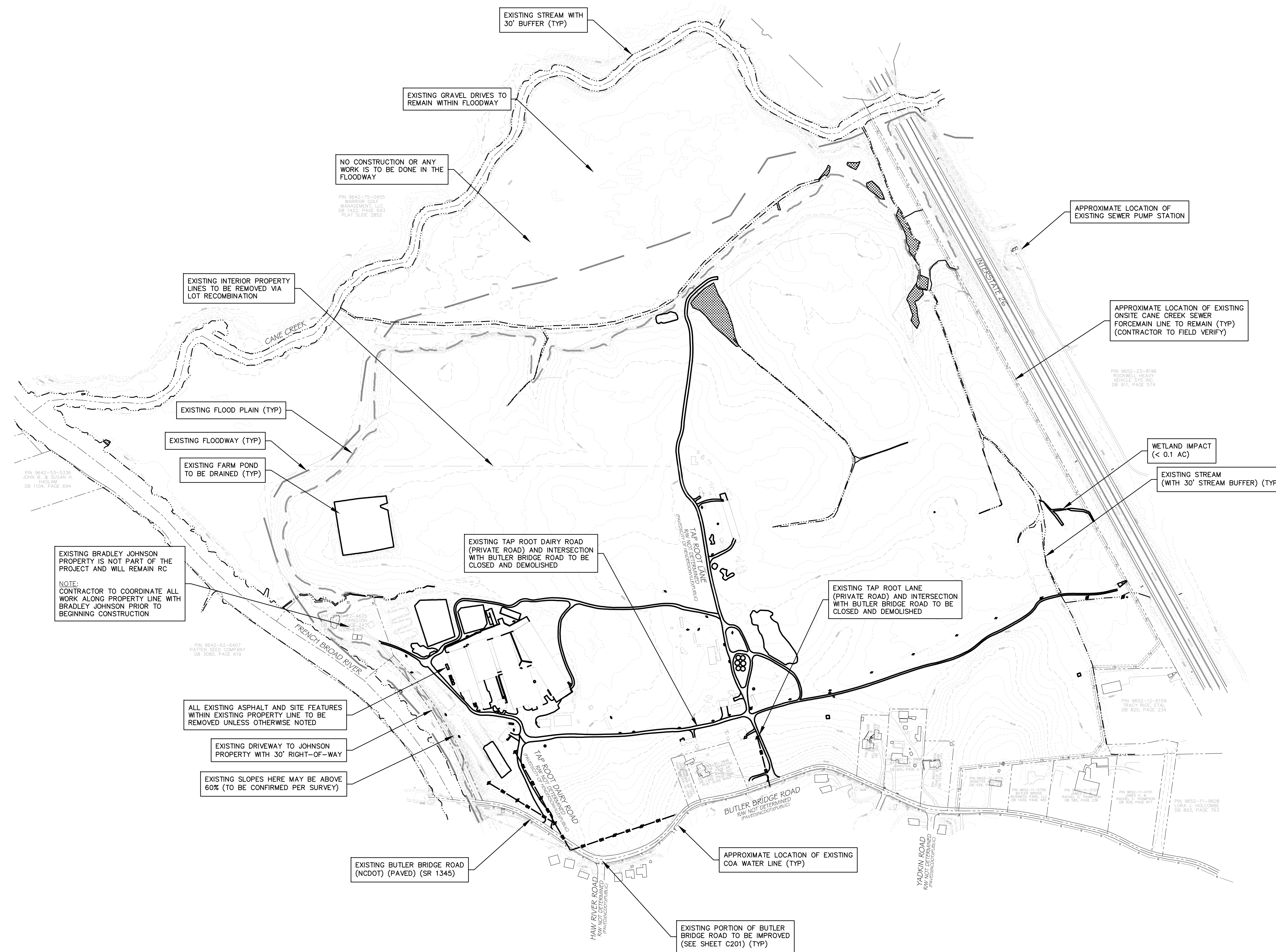


COVER FOR:  
**TAP ROOT SUBDIVISION**  
 TAP ROOT FARMS LLC - HENDERSON COUNTY, NORTH CAROLINA

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

SHEET  
**C000**





VICINITY MAP  
(NOT TO SCALE)

DEVELOPMENT DATA	
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. 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 +) 10' (EXTERNAL) 6' (INTERNAL) 10'
FRONT:	
SIDES:	
REAR:	
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

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

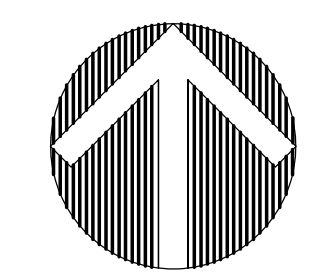
EXISTING SLOPES HERE MAY BE ABOVE 60% (TO BE CONFIRMED PER SURVEY)

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

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

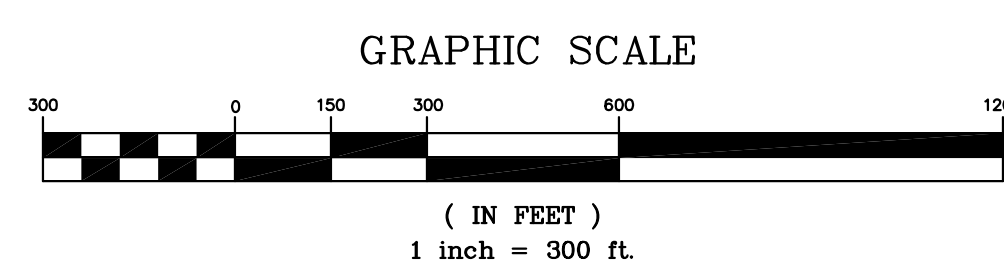


Know what's below.  
Call before you dig.



NORTH

MASTER EXISTING CONDITIONS & DEMOLITION PLAN  
GRAPHIC SCALE



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

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

MAD

1	01/17/19	MASTER PLAN/CONDITIONAL ZONING SUBMITTAL			
2	03/14/2019	REVISED MASTER PLAN SUBMITTAL			

BY

NO.

DATE

DESCRIPTION

FOR REVIEW ONLY

PRELIMINARY  
NOT RELEASED  
FOR  
CONSTRUCTION

MASTER EXISTING CONDITIONS & DEMOLITION PLAN FOR:

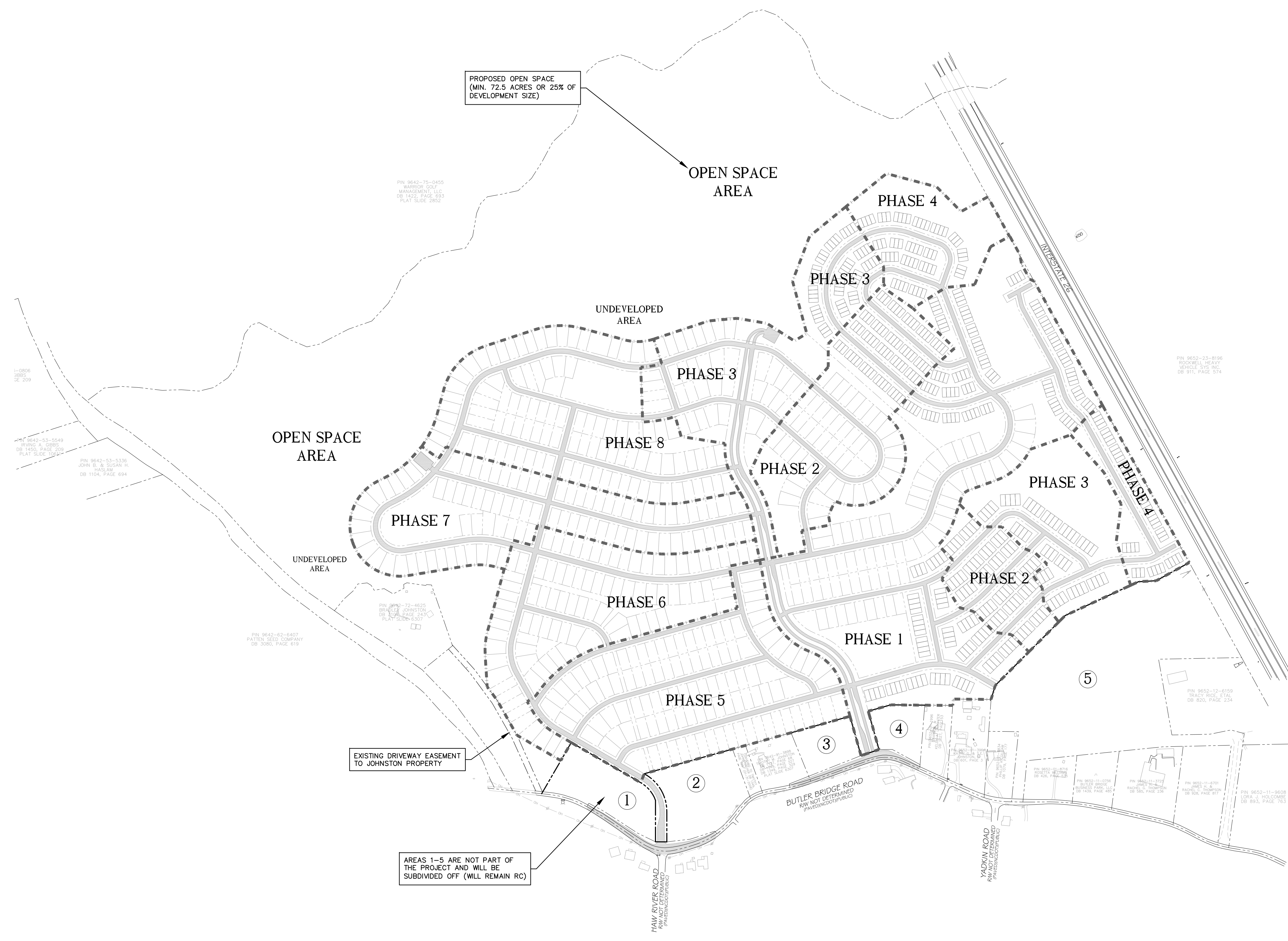
TAP ROOT SUBDIVISION

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

AMP  
11854  
xxx

SHEET

C101



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

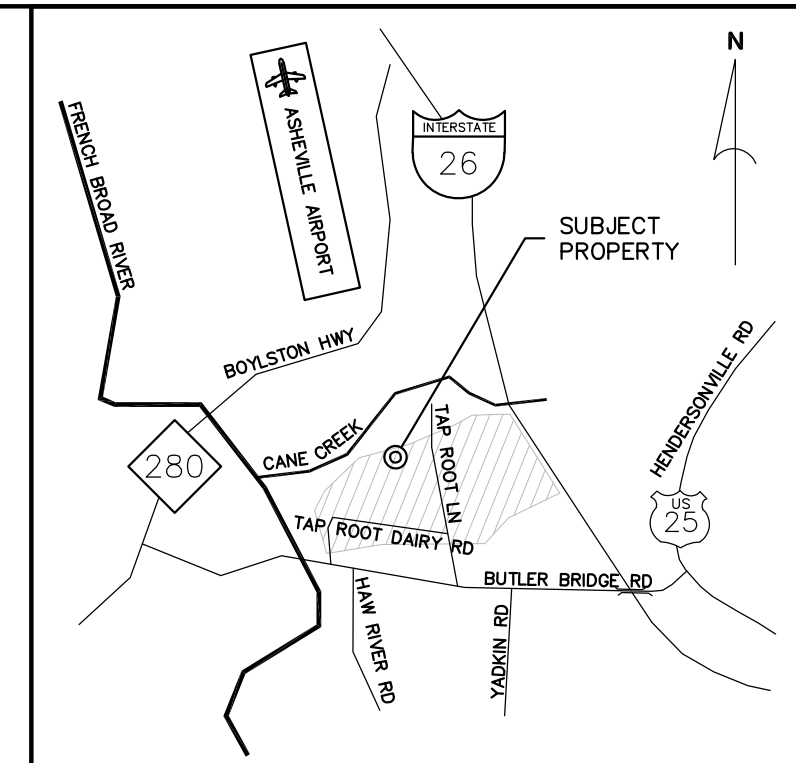
OPEN SPACE  
AREA

OPEN SPACE  
AREA

UNDEVELOPED  
AREA

EXISTING DRIVEWAY EASEMENT  
TO JOHNSTON PROPERTY

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



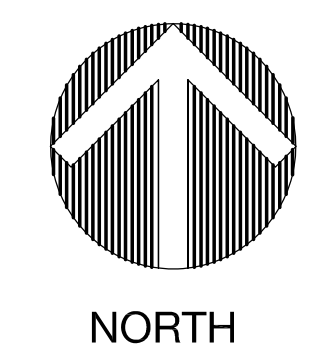
VICINITY MAP  
(NOT TO SCALE)

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
CONTACT:	
SURVEYOR:	ED HOLMES AND ASSOCIATES, P.A. 300 RIDGEFIELD CT. #301 ASHEVILLE, NC 28806 MICHAEL EDGERTON, P.L.S. (828) 225-6562
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FIRE DISTRICT:	FLETCHER FIRE
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SEWER:	PUBLIC
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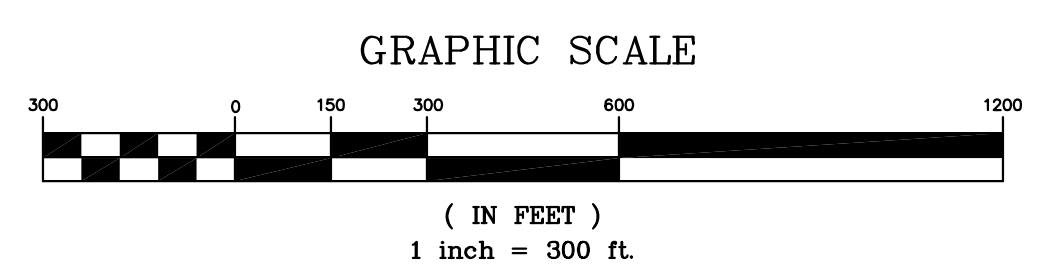
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2	03/14/2019	REVISED MASTER PLAN SUBMITTAL

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

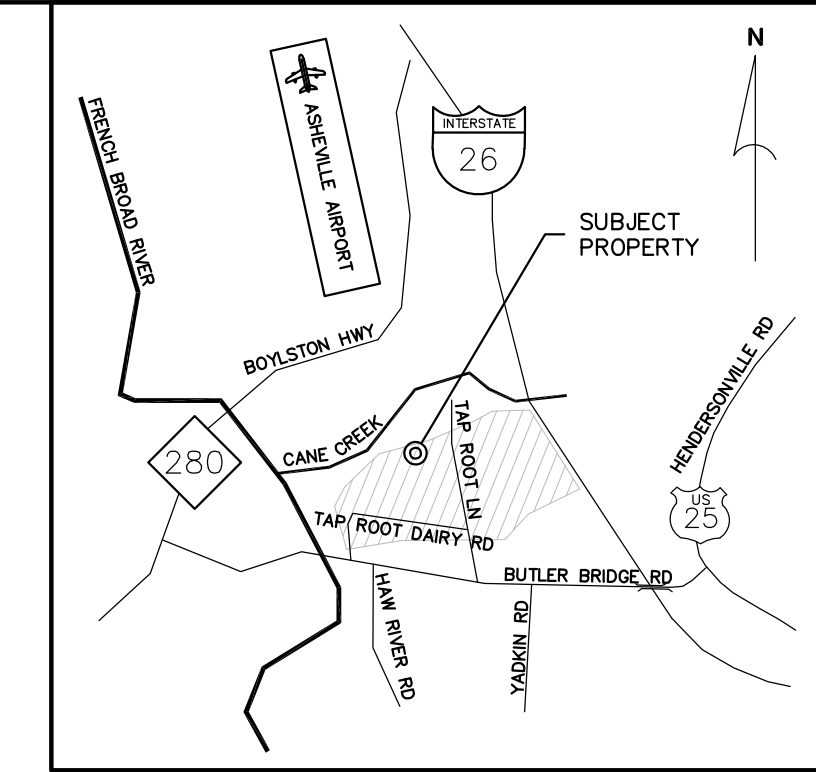
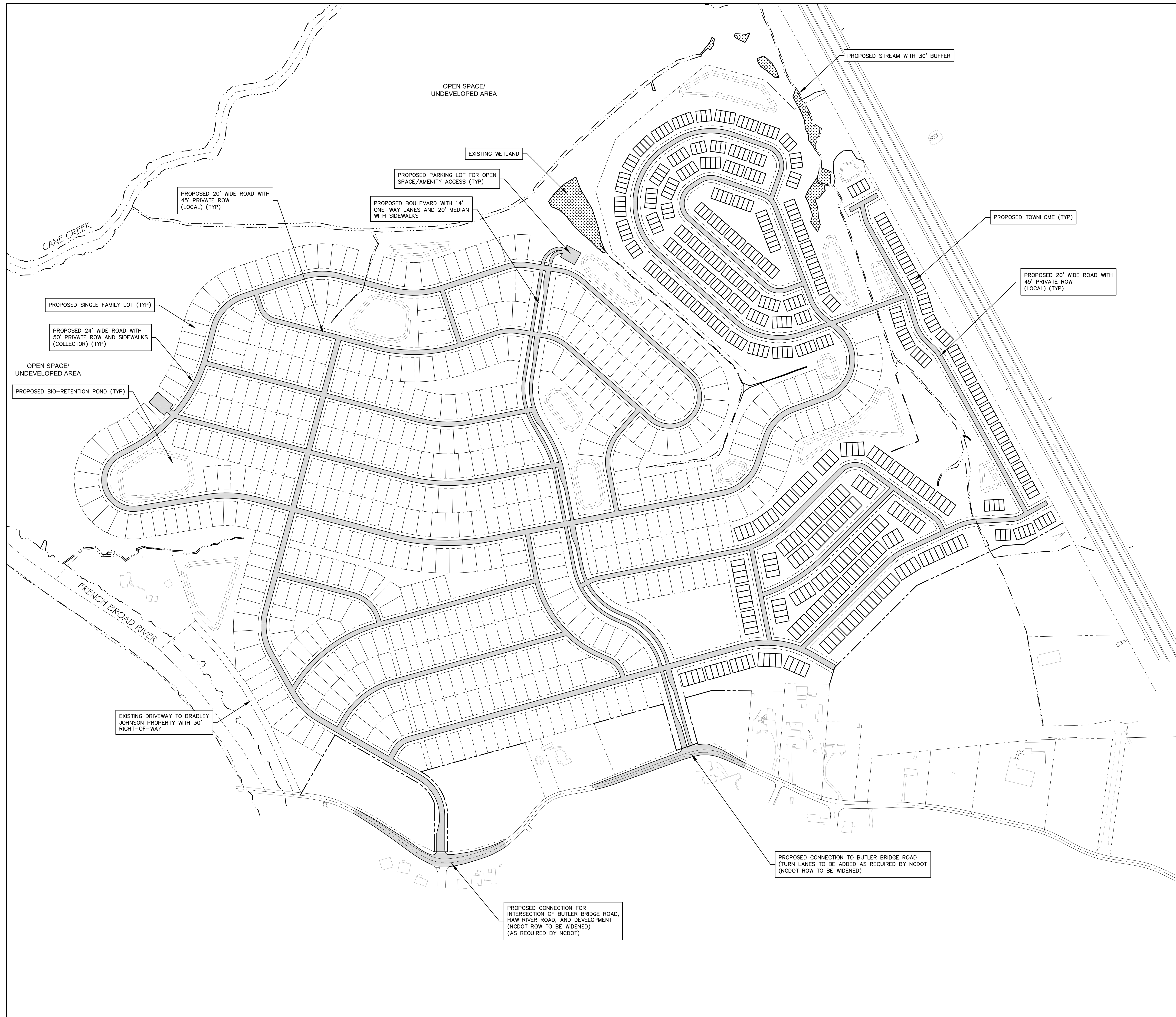
TAP ROOT FARMS LLC - HENDERSON COUNTY, NORTH CAROLINA

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

NO.	DATE	DESCRIPTION
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2	03/14/2019	REVISED MASTER PLAN SUBMITTAL

**FOR REVIEW ONLY**

CIVIL DESIGN CONCEPTS, P.A.  
 PRELIMINARY  
 NOT RELEASED  
 FOR  
 CONSTRUCTION  
 APRIL 5, 2019  
 WARREN M. SUGG, P.E.

**TAP ROOT SUBDIVISION**

TAP ROOT FARMS LLC - HENDERSON COUNTY, NORTH CAROLINA

MASTER SITE PLAN

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

SHEET

C201

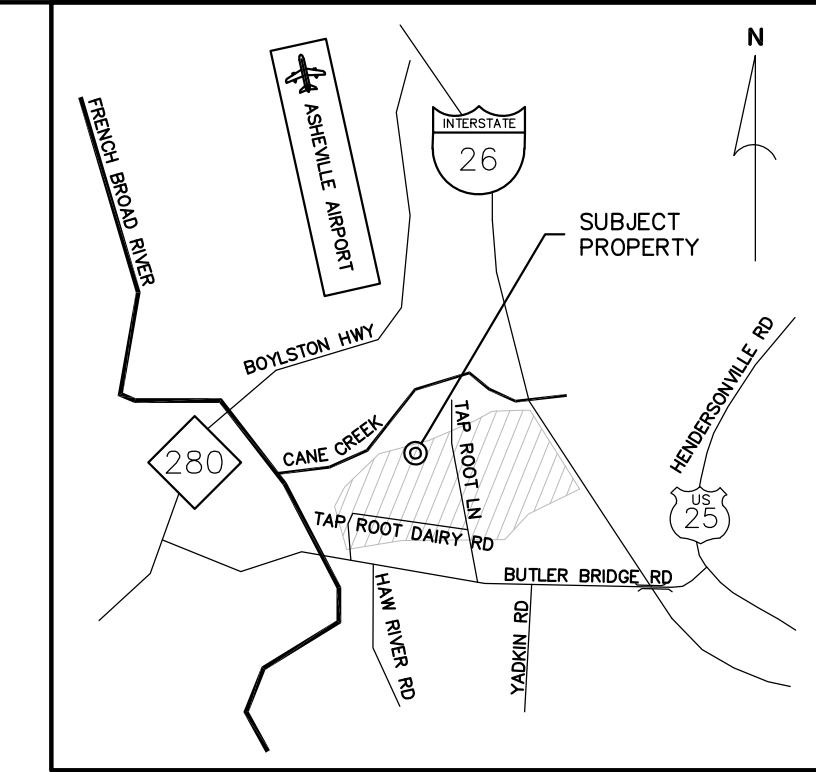
Know what's below.  
Call before you dig.

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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FAX (828) 252-5388

52 WALNUT STREET - SUITE 9  
WAYNEVILLE, NC 28786  
PHONE (828) 452-4400  
FAX (828) 452-5455

**CDC** Civil Design Concepts, PA  
www.civildesignconcepts.com  
NCBELS LICENSE # C-2184

MAD	DATE	DESCRIPTION
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2	03/14/2019	REVISED MASTER PLAN SUBMITTAL

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

**811**  
Know what's below.  
Call before you dig.

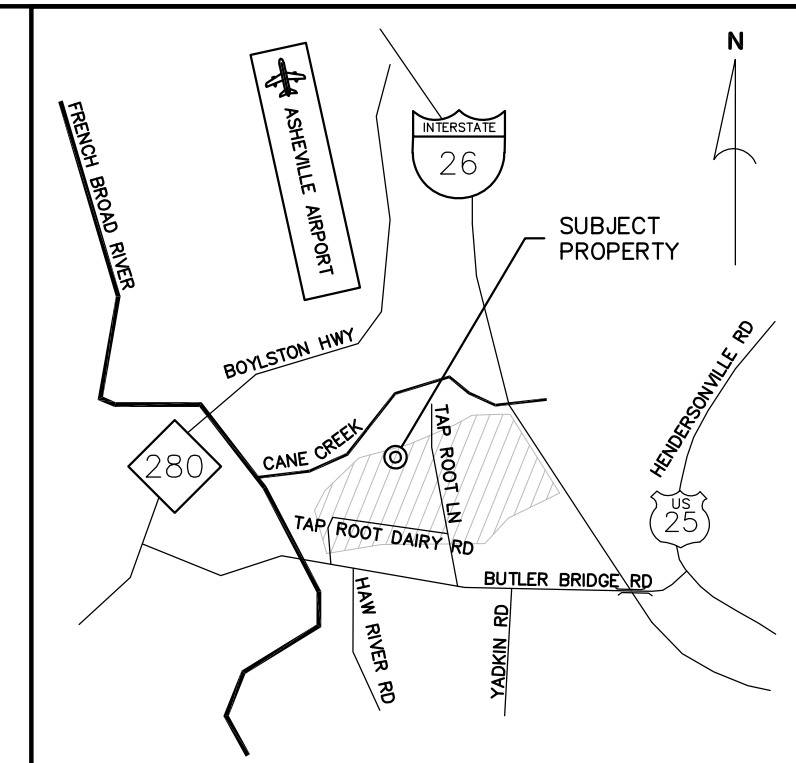
NORTH

**MASTER STORM PLAN**

GRAPHIC SCALE  
0 100 200 400 600  
( IN FEET )  
1 inch = 200 ft.

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

SHEET  
**C400**

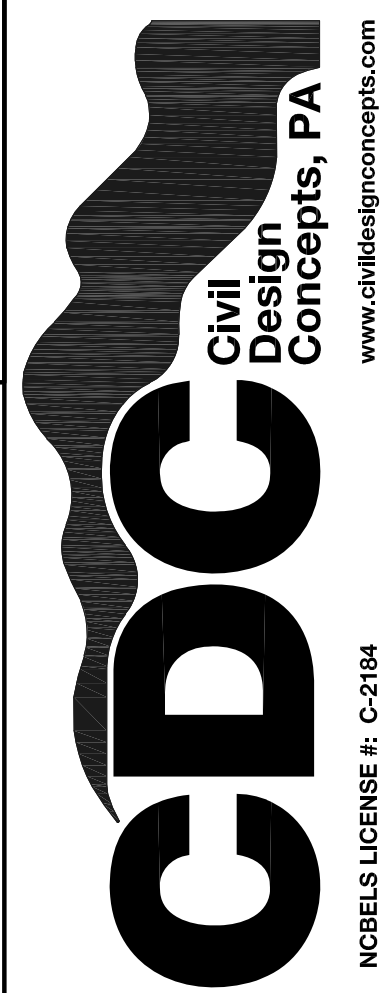


VICINITY MAP  
(NOT TO SCALE)

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

52 WALNUT STREET - SUITE 9  
WAYNESVILLE, NC 28786  
PHONE (828) 455-5400  
FAX (828) 455-5405



NO.	DATE	DESCRIPTION
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2	03/14/2019	REVISED MASTER PLAN SUBMITTAL

FOR REVIEW ONLY

CIVIL DESIGN CONCEPTS, P.A.  
PRELIMINARY  
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CONSTRUCTION  
ARDEN, NC

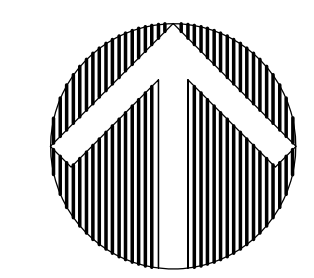
MASTER SEWER PLAN FOR:

**TAP ROOT SUBDIVISION**

TAP ROOT FARMS LLC - HENDERSON COUNTY, NORTH CAROLINA



Know what's below.  
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NORTH

MASTER SEWER PLAN

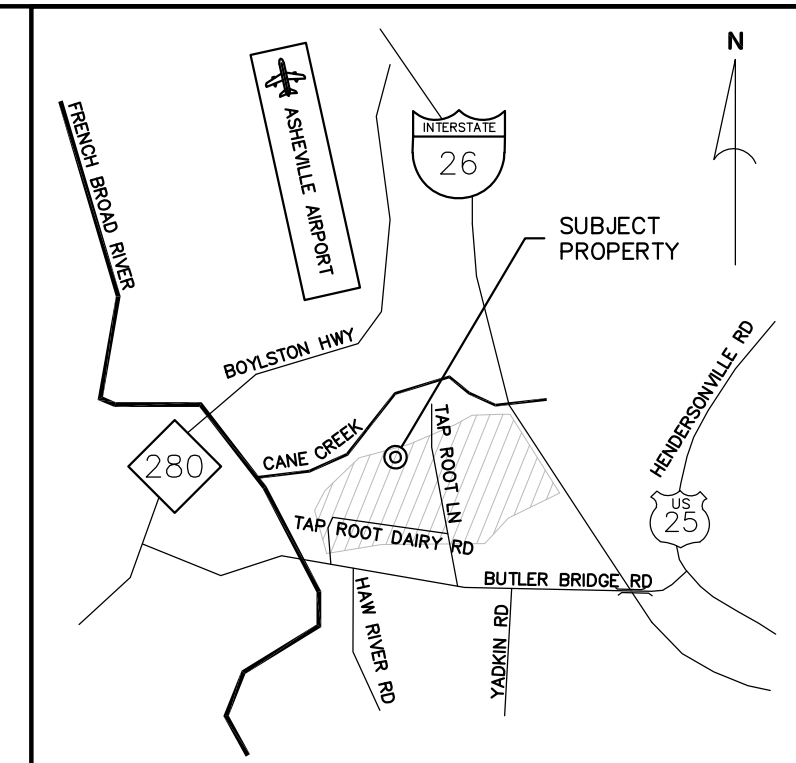
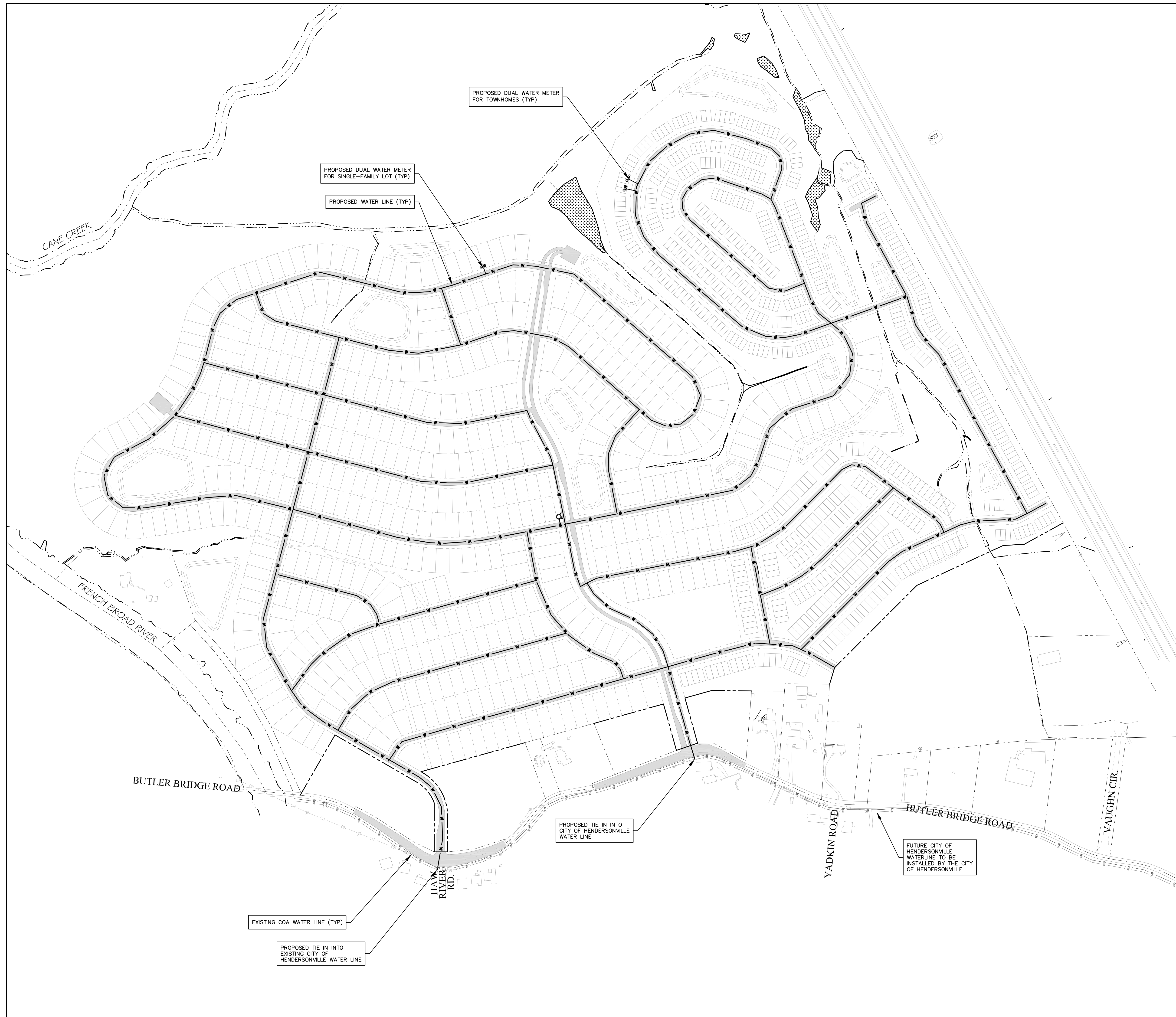
GRAPHIC SCALE



( IN FEET )  
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DRAWN BY: AMP  
CDC PROJECT NO.: 11854  
XXX PERMIT NO.: xxx

SHEET  
**C600**

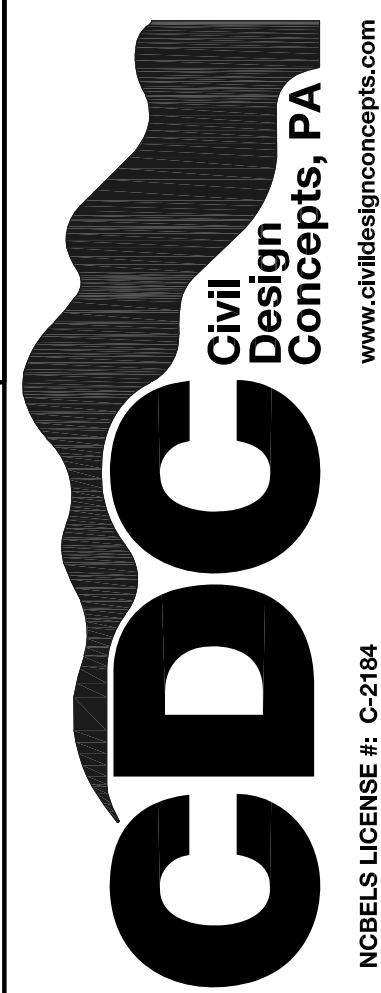


VICINITY MAP  
(NOT TO SCALE)

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OWNER/DEVELOPER:	TAP ROOT FARMS LLC P.O. BOX 1157 ARDEN, NC 28704 KEN JACKSON (828) 684-8800
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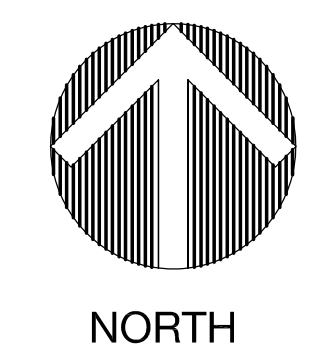
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CIVIL DESIGN CONCEPTS, P.A.  
PRELIMINARY  
NOT RELEASED  
FOR  
CONSTRUCTION  
ARDEN, NC

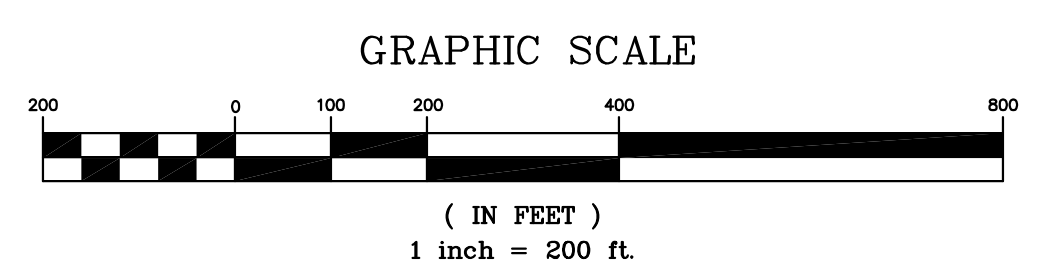
MASTER WATER PLAN FOR:

**TAP ROOT SUBDIVISION**

TAP ROOT FARMS LLC - HENDERSON COUNTY, NORTH CAROLINA



MASTER WATER PLAN



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

SHEET

**C700**



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](mailto: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

