

REQUEST FOR BOARD REVIEW

HENDERSON COUNTY PLANNING BOARD

MEETING DATE: March 16, 2023

SUBJECT: Conditional Rezoning Application #R-2023-02-C The Farmhouse at Tap Root

PRESENTER: Matt Champion, Zoning Administrator

ATTACHMENTS: 1.) Staff Report
2.) Neighborhood Compatibility Report Summary
3.) Master Plan & Application
4.) List of Conditions
5.) PowerPoint Slides

SUMMARY OF REQUEST:

Rezoning Application #R-2023-02-C was initiated on February 15, 2023, and requests that the County conditionally rezone approximately 19.12 acres of land from Regional Commercial (RC) to a Conditional District (CD-2023-02). The project contains all of PIN 9652-12-2330 that has direct access to Butler Bridge Rd (SR1345). The Johnston Family Group are the current property owners. The applicants are the Johnston Family Group and Orange Capital Advisors, LLC. The agent for the application is Bill Alexander.

The applicant is proposing a multi-family residential development with a total of 306 units. The development is required to be approved as a conditional rezoning due to the number of multi-family 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 Wednesday, March 1, 2023, in the King Street Meeting Room. A copy of the meeting report is included in the agenda item.

The Technical Review Committee (TRC) reviewed the application on March 7, 2023, and made a motion to forward the application to the Planning Board with conditions as discussed. A copy of the conditions required by the TRC and self-imposed by the applicant are attached to this agenda item.

BOARD ACTION REQUESTED:

The Planning Board has 45 days from its first consideration to provide a recommendation to the Board of Commissioners or the request is forward with a favorable recommendation unless otherwise agreed upon by the applicant. Staff requests the Planning Board make a recommendation to the Board of Commissioners to approve, approve with modification or deny

the conditional rezoning application (#R-2023-02-C) to rezone the Subject Area to a Conditional District (CD-2023-02).

Suggested Motion:

I move that the Planning Board recommend the Board of Commissioners (approve, approve with conditions or deny) conditional rezoning application #R-2023-02-C to rezone the Subject Area to a Conditional District (CD-2023-02) based on the recommendations of the Henderson County Comprehensive Plan.



STAFF REPORT

HENDERSON COUNTY PLANNING DEPARTMENT

100 North King Street | Hendersonville, NC 28792 | (828) 697-4819

Prepared by:

Matt Champion, Zoning Administrator

CASE

R-2023-02-C

PLANNING BOARD MEETING DATE

March 16, 2023

PROPERTY OWNER

Johnston Family Group

PROPERTY LOCATION/ADDRESS

Butler Bridge Rd (SR1345), Hoopers Creek Township

APPLICANT

Orange Capital Advisors, LLC &
Johnston Family Group

PIN:

9652-12-2330

SUMMARY OF REQUEST

A rezoning of the above referenced PIN (hereafter the subject area from **Regional Commercial (RC)** to **Conditional District (CD-2023-02)**.

Existing Zoning

Regional Commercial (RC)

Existing Land Use

Industrial

Site Improvements

Vacant

Request Acreage

19.12 Acres

ADJACENT ZONING

North CD-2020-01

East RC, I

South R1, RC

West RC, CD-2020-01

USE OF LAND

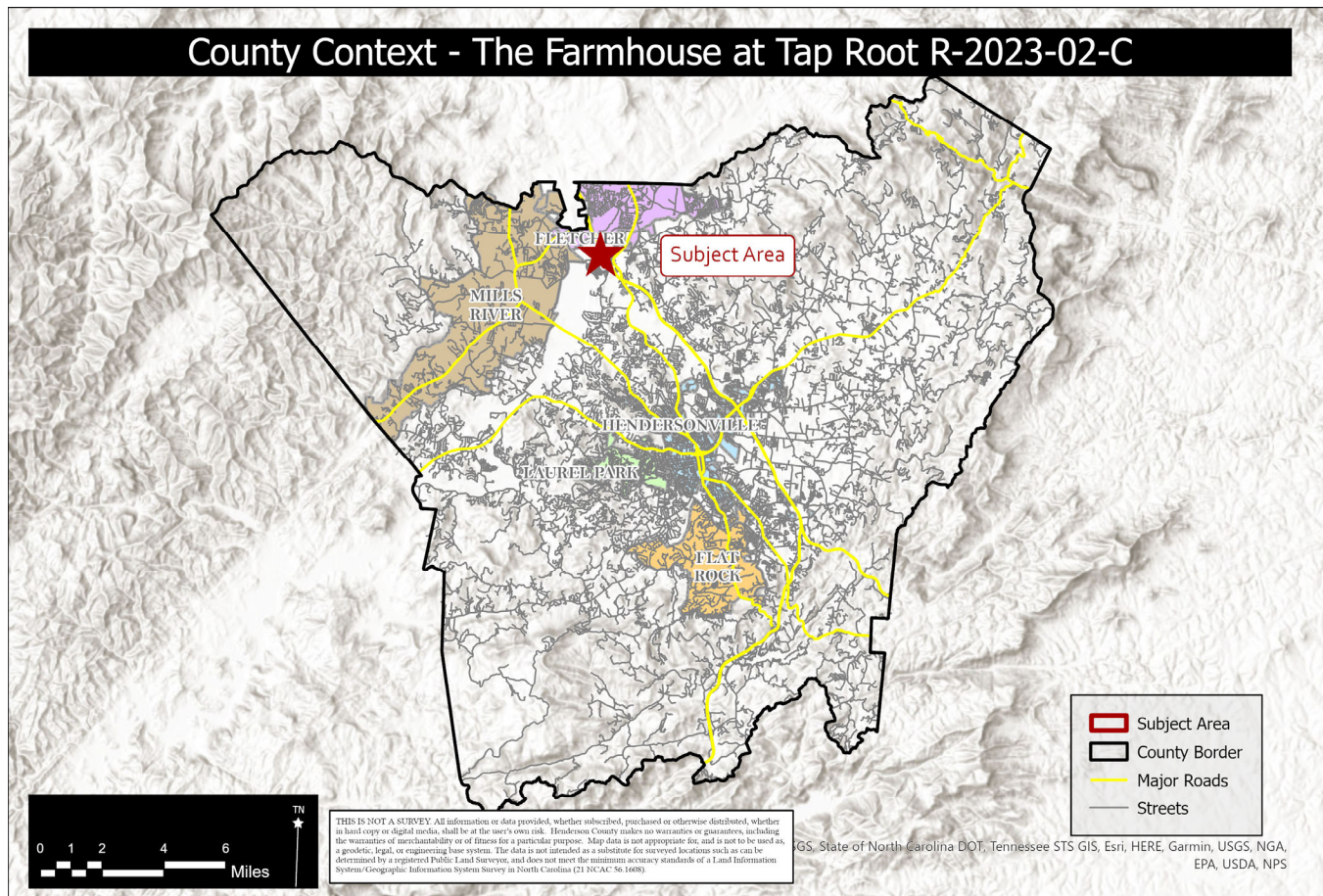
Future Tap Root

Commercial, I-26

Single Family, Commercial

Single Family, Future Tap Root

Map A: County Context



Property Owner: Johnston Family Group Agent: William Alexander
 Assessed Acreage: 18.93 Acres PIN: 9652-12-2330
 Current Zoning: Regional Commercial (RC)



BACKGROUND:

The applicants, Orange Capital Advisors, LLC, and the Johnston Family Group, are seeking to rezone one parcel from Regional Commercial (RC) to a Conditional District (CD-2023-02). The subject area is approximately 19.12 acres, and the assessed acreage is 18.93 acres. The attached Master Plan is proposing a total of 306 multi-family residential units in 12 structures with an amenity area for the residents.

The subject area referenced in the aerial map below was an outparcel and not part of the Tap Root, CD-2020-01 rezoning. The subject area was shown as Lot "F" on recorded plat slide 13670. The current property owner, Johnston Family Group, owns the property and has marketed it for future development.

Map B: Aerial



Property Owner: Johnston Family Group Agent: William Alexander
 Assessed Acreage: 18.93 Acres PIN: 9652-12-2330
 Current Zoning: Regional Commercial (RC)

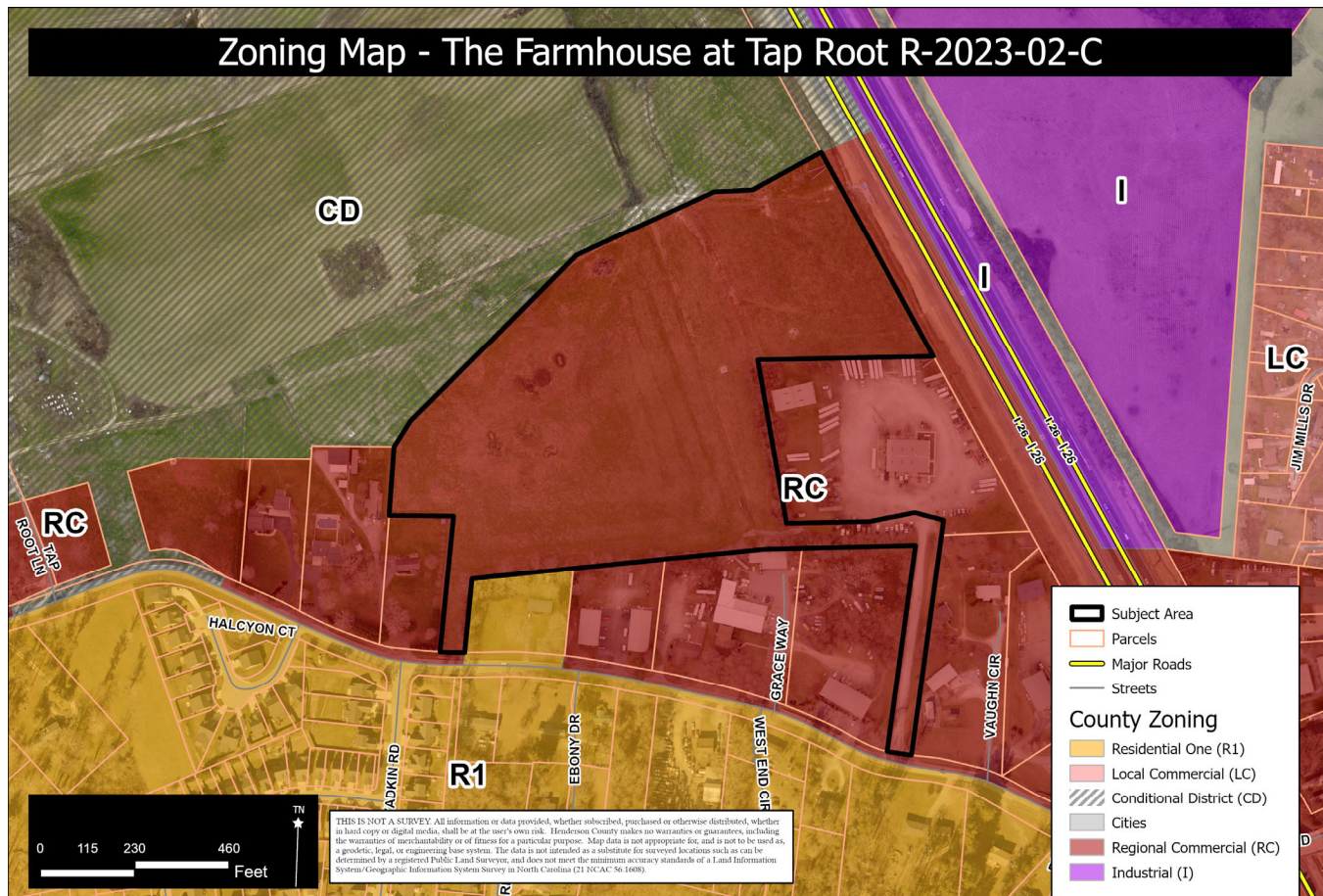


SUBJECT AREA & ADJACENT PROPERTIES:

The property to the east of the subject area contains a commercial use, Judy Jones Trucking, and is adjacent to Interstate 26. The right-of-way shown for I-26 does reflect the expanding right-of-way necessary for the I-26 widening project. South of the subject area consists of several commercial properties including Thomson & Brown Custom Builders, Thompson Mechanical, and Keep Camping Mobile RV Repair. To the west and north of the subject area are residential uses and the proposed Tap Root development.

The Tap Root development is an existing Conditional District #CD-2020-01 that is currently under construction. The Board of Commissioners approved this zoning map amendment on August 19, 2020, for a total of 699 residential units on 297 acres. The developer has obtained Development Plan approval from the Henderson County Planning Board for all four phases on May 20, 2021. Currently, the developer is working on grading and utility installation.

Map C: Current Zoning



Property Owner: Johnston Family Group Agent: William Alexander
 Assessed Acreage: 18.93 Acres PIN: 9652-12-2330
 Current Zoning: Regional Commercial (RC)

**District Comparison:**

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 §42-28).

Conditional District (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.

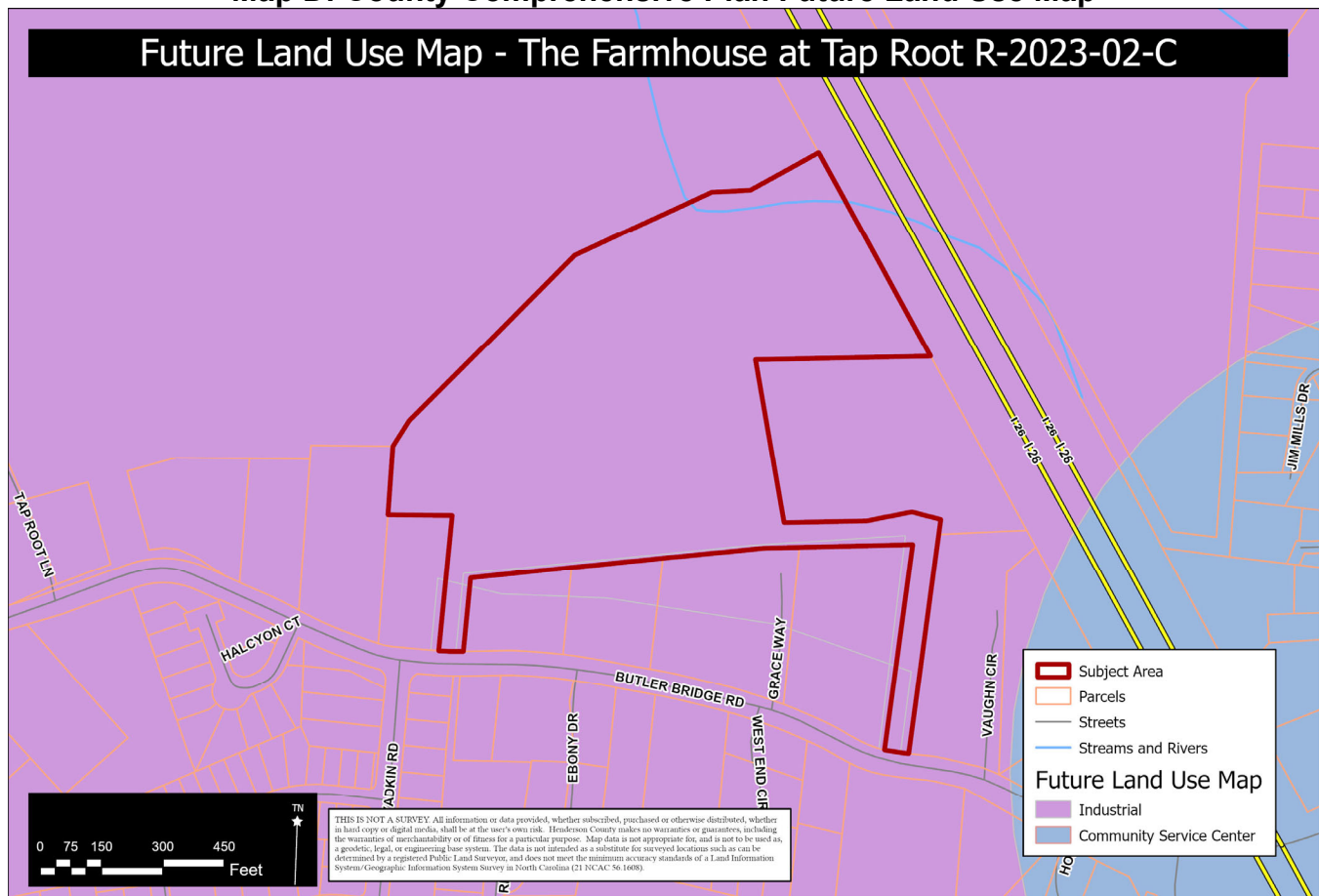
Comparison of Districts: The existing Regional Commercial (RC) zoning district allows for primarily commercial development and multifamily residential units (16 units per acre). The corresponding Conditional District (CD) applies to instances where certain types of zoning districts would be inappropriate at certain locations in the absence of special conditions. Some land *uses* are of a nature or scale that may have significant impacts on both the immediately surrounding area and the entire community, which cannot be predetermined or controlled by general district standards. There are also circumstances in which a general use district designation allowing such a *use* by right would not be appropriate for a particular property though the *use* could, if properly planned, be appropriate for the property consistent with the objectives of these regulations, the adopted *Comprehensive Plan*, and adopted district. The review process established in this section provides for the accommodation of such *uses* by a reclassification of property into a conditional zoning district, subject to specific conditions, which ensure compatibility of the *use* with the use and enjoyment of neighboring properties.

Conditional Zoning Approval: If a petition for conditional zoning is approved, the development and use of the property shall be governed by the existing Chapter requirements applicable to the district’s category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the Official Zoning Map. Only those uses and structures indicated in the approved petition and site plan shall be allowed on the subject property.

Adjacent Zoning: Conditional District CD-2020-01 is found to the north and northwest of the subject area. Residential One (R1) zoning and Regional Commercial (RC) zoning is found to the southwest and south of the subject area. Industrial (I) zoning and Regional Commercial (RC) zoning is found to the east of the subject area.

Map D: County Comprehensive Plan Future Land Use Map

Future Land Use Map - The Farmhouse at Tap Root R-2023-02-C



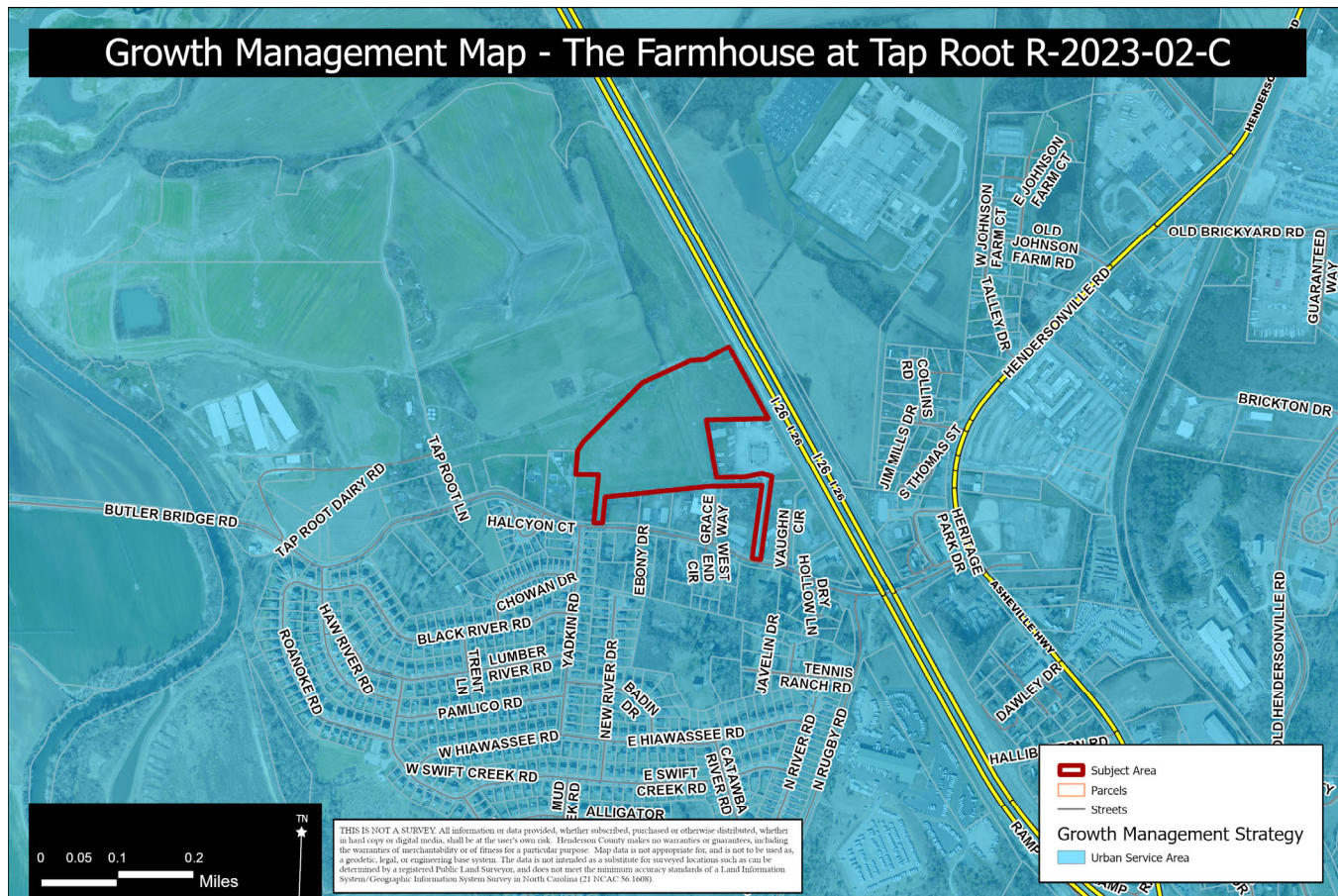
Property Owner: Johnston Family Group Agent: William Alexander
 Assessed Acreage: 18.93 Acres PIN: 9652-12-2330
 Current Zoning: Regional Commercial (RC)

**County Comprehensive Plan (CCP) Compatibility**

The CCP Future Land Use Map identifies the subject area as being in the **Industrial Area**.

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).

Map E: Growth Management Strategy Map

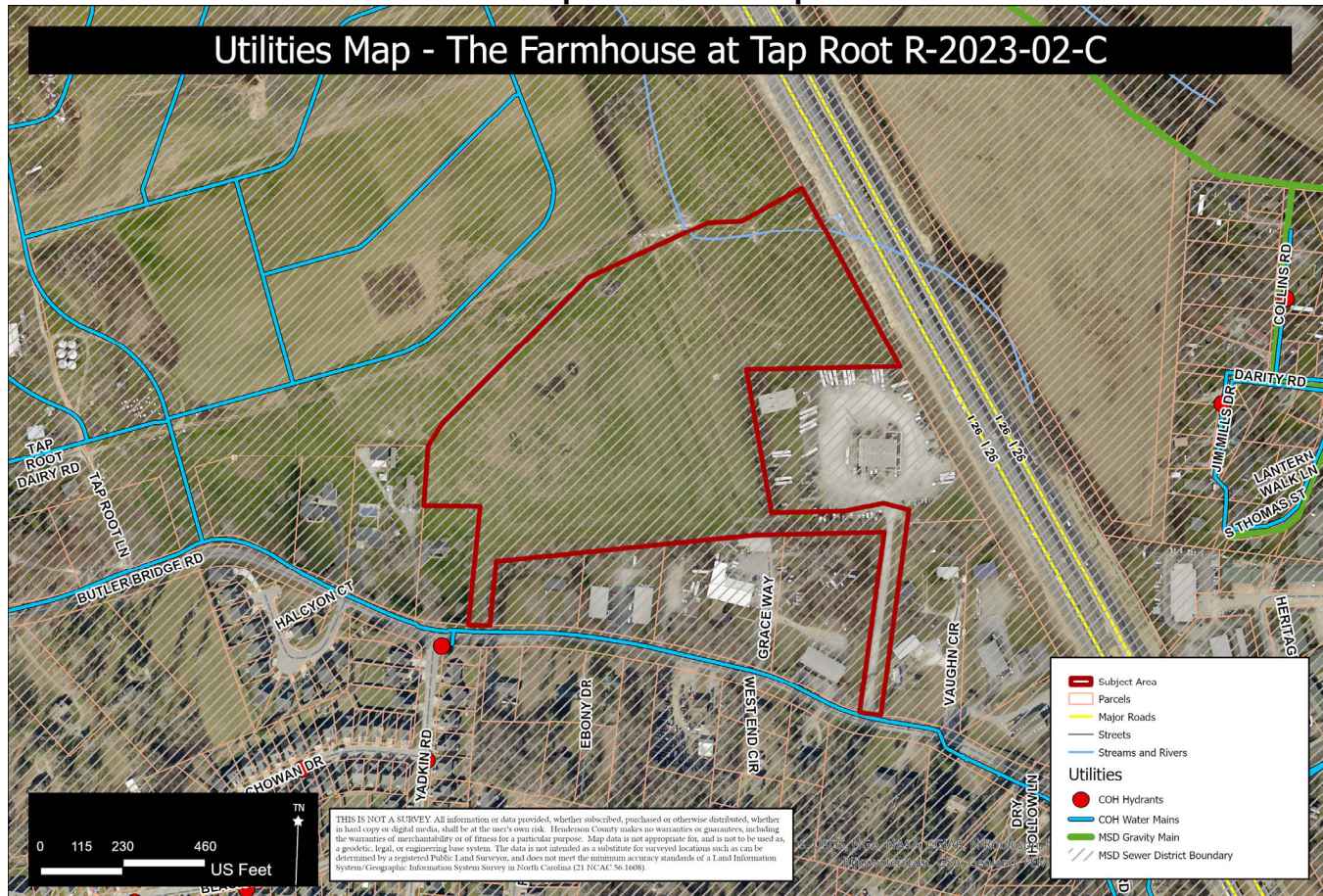


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 Current Zoning: Regional Commercial (RC)



Growth Management Strategy Compatibility: The CCP shows the subject area located in the Urban Services area for Growth Management Strategy. The CCP states “The USA will contain considerable commercial development at a mixture of scales: Local, Community, and Regional, as defined below. In particular, all Regional Commercial development should be concentrated here. Commercial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community.” (CCP, pg. 133, #4.) (See Map E)

Map F: Utilities Map



Property Owner: Johnston Family Group Agent: William Alexander
 Assessed Acreage: 18.93 Acres PIN: 9652-12-2330
 Current Zoning: Regional Commercial (RC)



Water and Sewer

The applicant is proposing connections to MSD public sewer and City of Hendersonville public water.

Existing Roads and Easements

The subject area has two access points along Butler Bridge Rd (SR 1345) that will serve as the primary access and emergency access to the proposed development.

Proposed Conditional District (CD-2023-02) Development

As part of the rezoning application, the applicant has submitted a master plan of the proposed development. The applicant is proposing to use the site for a multi-family residential development with on-site amenities for the residents. Based on the total number of multi-family units, the applicant must undergo a conditional rezoning as required by the Land Development Code. Any development proposing 10 or more multi-family units requires a conditional rezoning. The 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 proposed development.

- 306 total multi-family residential units
 - Mixture of 1-, 2-, and 3-bedroom units
 - Proposed density of 16 units/acre
- 12 total residential structures
 - Ten (10) 3-story structures with a proposed height 40'
 - 30 residential units per structure
 - Two (2) 2-story structures with a proposed height of 24'
 - 6 garage spaces and 3 residential units per structure
- Amenities
 - Fitness center
 - Community lounge
 - Clubhouse with mailroom
 - Pool
 - Dog park
 - 5' sidewalks throughout development
 - Garage collection area with compactor
- 459 total parking spaces
 - 9'X18' standard parking space
 - 9 ADA accessible parking spaces
- 4,050LF of private roadway
 - 24' wide drive isles
 - 20' wide drive to Butler Bridge Rd
 - 20' wide gravel drive to Butler Bridge Rd for emergency access
 - Proposed round-a-bout with mountable curbs for emergency access
- Approximately 15 acres of disturbance
 - 7.89 acres of impervious surfaces post development (42%)
 - 11.04 acres of pervious surfaces post development (58%)
 - 20% Open Space (3.78 acres)
 - 10% Common Space (1.89 acres)

Traffic Impact Analysis (TIA)

The Traffic Impact Analysis (TIA) as required by NCDOT is underway. The NCDOT required a TIA due to the State's threshold for traffic generated by the proposed use. The applicant will work with NCDOT to determine the intersections to be studied, the peak hours for traffic counts, and any other potential impacts of the development. Any required road improvements identified in the TIA and as approved and required by NCDOT will be included as a county condition if approved. It should be noted that the widening of Butler Bridge Road is identified in the Metropolitan Transportation Plan (MTP) 2045 but would not be considered until the 2040 SPOT Prioritization process. The project is not currently funded or listed in the TIP or STIP.

Neighborhood Compatibility Meeting

A neighborhood compatibility meeting was held on March 1, 2023. A summary of the NCM will be attached as part of the application for Planning Board and Board of Commissioners.

Technical Review Committee (TRC) Recommendations

The Technical Review Committee (TRC) reviewed rezoning application R-2023-02-C at the March 7, 2023, meeting. The TRC moved to forward the rezoning application to the Planning Board with conditions. Conditions imposed by the TRC are found in the attached list of conditions.

Planning Board Recommendations

The Planning Board will hear the case on March 16, 2023.

Board of Commissioners Public Hearing

The Board of Commissioners will hear the case following the Planning Board.



Neighborhood Compatibility Meeting
Conditional Zoning Request #R-2023-02-C (The Farmhouse at Tap Root)
March 1, 2023, at 1:00 p.m.
King Street Meeting Room located at 100 N. King Street, Hendersonville, NC

Letters about the meeting were mailed to property owners within 400 feet of the boundary of the proposed development. Approximately 3 people attended the meeting in addition to county staff, the applicants (Orange Capital Advisors, LLC), the applicants engineer (Warren Sugg with CDC), and the property owner's attorney (Bill Alexander).

Ms. Autumn Radcliff opened the meeting and provided a welcome and introductions. She stated that the purpose of the meeting is for nearby neighbors to learn about the proposed project and ask questions of the applicant prior to formal review by the Planning Board and Board of Commissioners (BOC). She stated that the applicant would give a presentation of the proposed project and then there would be an opportunity for attendees to ask questions about the proposed development.

Project Overview by the Applicant: Mr. Warren Sugg, applicants engineer with CDC, and Ms. Jasmine Murphy, development manager with Orange Capital, provided a brief overview of the project. The project is located off Butler Bridge Road near I-26 and adjacent to Judy Jones Trucking. The proposed development, The Farmhouse at Tap Root, is for 306 apartments on 19.12 acres. The development would consist of 12 residential structures, 459 parking spaces, 3.78 acres (20%) of open space, 1.89 acres of common space (10%), and would have 2 entrances off Butler Bridge Road per emergency service requirements. The development also includes several amenities consisting of a fitness center, community lounge, clubhouse with mailroom, pool, dog park, 5 ft sidewalks throughout development, and garage collection area with compactor. Mr. Sugg also added that the buildings were in a circular layout with parking throughout and included a round-a-bout within the development for internal traffic flow. He also stated that there is a proposed stormwater sand filter retention area with drainage for runoff that were being designed per the county code. The development would be served by the City of Hendersonville water and a gravity fed MSD sewer line through an easement off the adjacent Tap Root subdivision. He mentioned that it was planned for the construction traffic to use the emergency service entrance at the trucking business. Mr. Bill Alexander, attorney for the property owner, stated that the property being utilized by the adjacent trucking business is owned in fee simple by his clients and is part of this application. Mr. Alexander stated that the application will include the same light restrictions for the airport as those placed on the adjacent development for Tap Root.

Questions and Answer Discussion: Below is a list of questions asked by the citizens that attended the meeting followed by the applicant's response/explanation.

1. Will there be turn lanes on Butler Bridge Road? – NCDOT is reviewing the Traffic Impact Analysis (TIA), and we do not know what improvements will be required yet, but the TIA will be completed in the next couple of weeks. Any improvements identified that are required by NCDOT, such as turn lanes, will be installed by the developer.
2. There was concern with the increase in traffic on Butler Bridge Road and if the development will consider that as part of the TIA? – The TIA will consider existing traffic including the traffic of the proposed surrounding development.
3. What is the timeline for construction? – For the permit side, the applicant is going through conditional rezoning process for the project approvals for the next couple of months. If approved,

the engineer and developer will work on the design and additional permitting requirements over the next following 6 months. The construction would not be until sometime next year (2024).

4. Mike Reisman with the Asheville Regional Airport stated that he had worked with Mr. Alexander and CDC on the adjacent development for Tap Root. He stated that the proposed development is in close proximity to the airport operations. The airport is not opposed to development, but due to the location just off the main flight path to runway, he stated that the planes will be close, relatively low, and there will be noise. Mr. Reisman stated that an aviation easement was required with the Tap Root development and the airport would like to request one for this development also. He stated that no one owns the property above (the airspace), but there is going to be impacts to this community. The aviation easement will provide some protection as residents would be made aware when signing a lease agreement. Mr. Reisman stated that there is no issue with the proposed lighting but would like a condition that no lighting impact the airspace or airport. He stated that the airport is ok with open stormwater retentions if it drains within 48 hours after a storm, and it be constructed with wildlife distractions such as rip rap along the edges or other bird related deterrents.

The developer said they plan to investigate ways to provide noise reduction with insulation and sound-proof window materials to buffer sounds from the interstate and airport. The developer stated they have looked at ways to address lighting concerns on other projects and can do something similar with this development and plan to have down facing lights only.

5. What will the building height of the structures be? – The tallest building will probably not be taller than 45 ft. Mr. Alexander stated that application states it will abide by the 50-height requirement per the RC (Regional Commercial) district.
6. How many parking spaces per building/units will there be? – There will be a total of 459 parking spaces which is 1.5 spaces per unit ratio per LDC requirements.
7. Mr. Alexander stated that the public had misinformation that this development was proposing 399 units, but it is only 306 units.
8. A main concern was still traffic, and the road damage already present due to the Tap Root subdivision that is underway. There was an understanding that the applicant is not responsible for road or road maintenance. This is an issue that the NCDOT is responsible for, but wanted it noted.

Ms. Radcliff stated that the application will have its formal review process starting next week. The TRC (Technical Review Committee) will look at the technical requirements of the site plan. The Planning Board will review and make a recommendation to the Board of Commissioners (BOC). The BOC will hold a public hearing before acting on the application. She stated that property owners within 400 ft of the project will receive a mailed notice of both the Planning Board and the BOC meetings. The public hearing will be advertised in the Hendersonville Lightning and the property will be posted. The BOC will have the approval authority of the application.

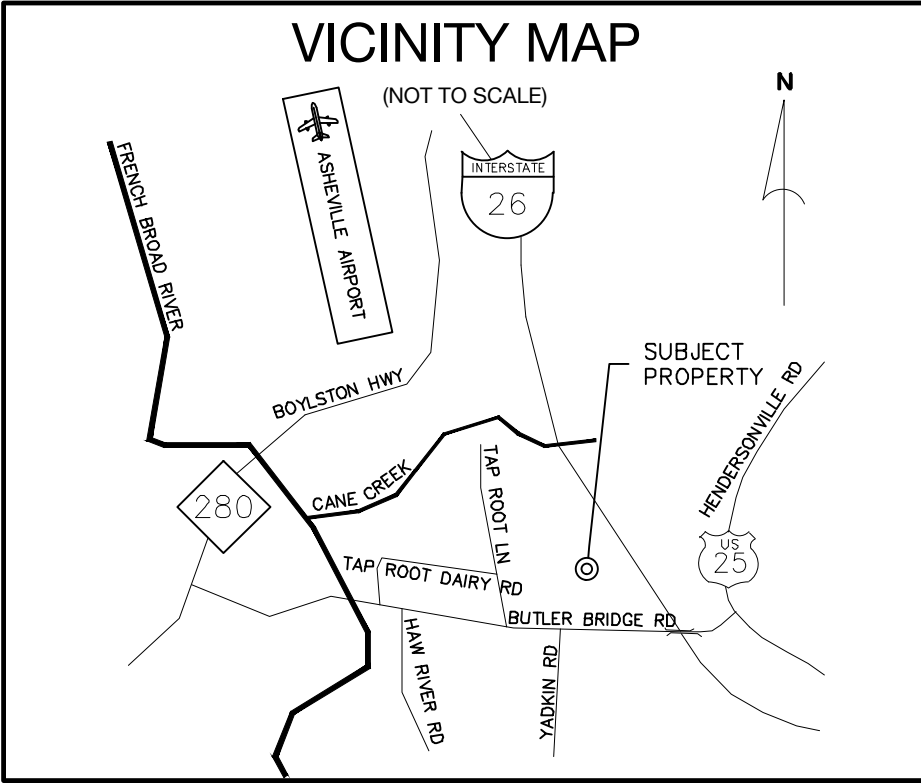
With no further comments or questions the meeting was concluded at 1:39 p.m.

THE FARMHOUSE @ TAP ROOT

HENDERSON COUNTY, NORTH CAROLINA

PREPARED FOR:
ORANGE CAPITAL ADVISORS
125 REGIONAL PARKWAY, SUITE 200
ORANGEBURG, SC 29118
JASMINE MURPHY
(803) 585-7697

INDEX OF SHEETS		
SHEET NO	TITLE	REV.
C000	COVER	1
C101	EXISTING CONDITIONS & DEMOLITION PLAN	1
C200	MASTER SITE PLAN	1
C201	SITE PLAN	1
C301	GRADING & STORM DRAINAGE PLAN	1
C601	WATER PLAN	1
C701	SEWER PLAN	1
	ELEVATIONS	



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DEVELOPMENT DATA

OWNER/DEVELOPER: ORANGE CAPITAL ADVISORS
125 REGIONAL PARKWAY, SUITE 200
ORANGEBURG, SC 29118
CONTACT: JASMINE MURPHY
(803) 585-7697
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) 252-5385

52 WALNUT STREET - SUITE 9
WAYNEVILLE, NC 28086
PHONE (704) 291-1111
FAX (704) 291-1112

Civil Design Concepts, PA

CDC

NCELS LICENSE # C-2184

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PRELIMINARY
NOT RELEASED
FOR
CONSTRUCTION

COVER FOR:
THE FARMHOUSE @ TAP ROOT
ORANGE CAPITAL ADVISORS - HENDERSON COUNTY, NORTH CAROLINA

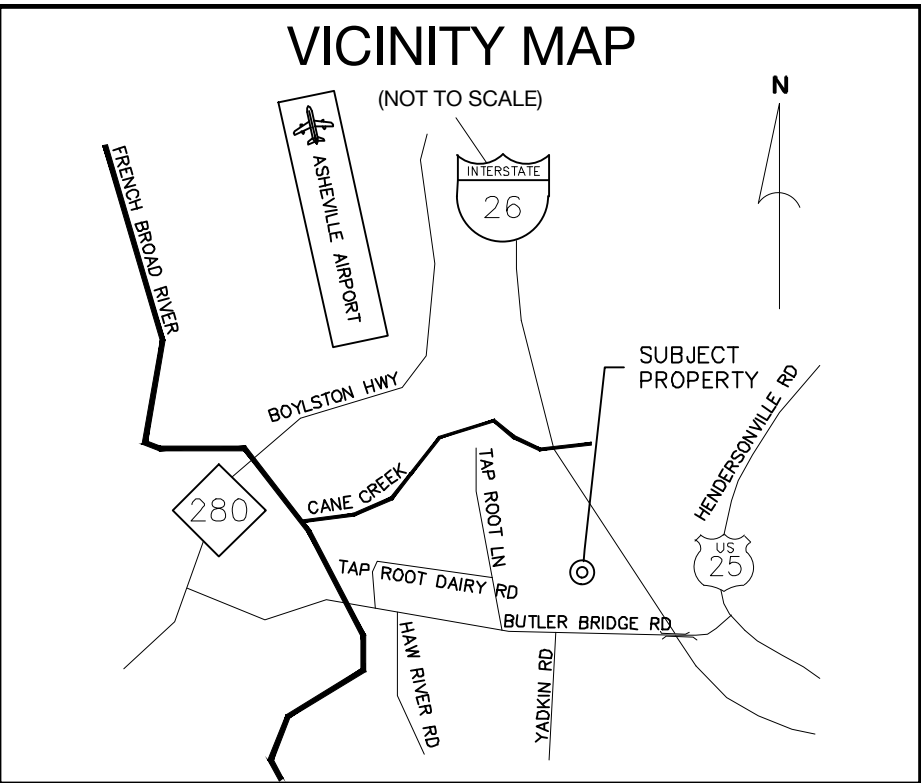
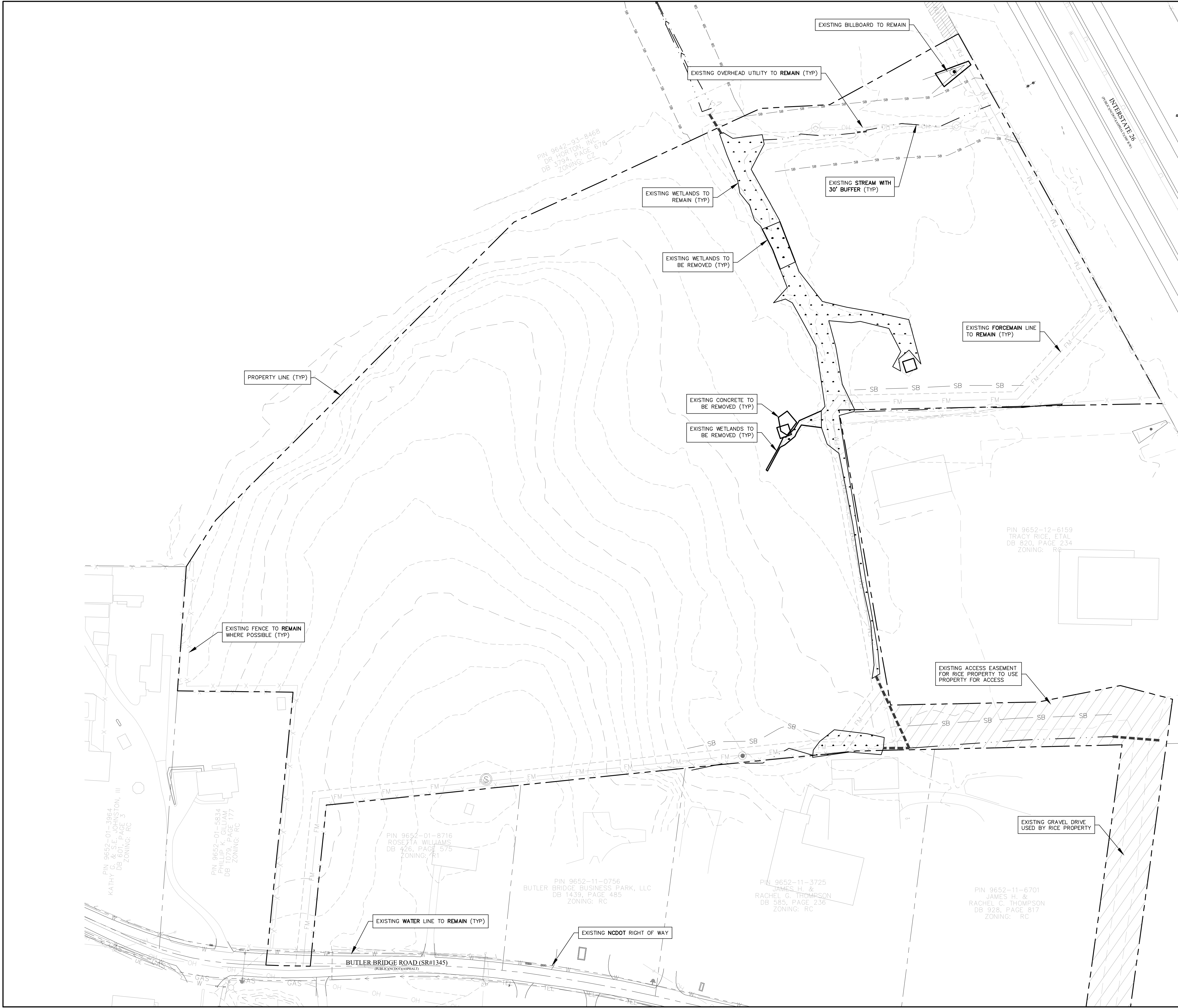
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CDC PROJECT NO.:
XXX PERMIT NO.

AWP
12260
xxx

SHEET

C000

NO.	DATE	DESCRIPTION	BY
1	02/15/2023	CONCEPTUAL ZONING SUBMITTAL	MAD



DEVELOPMENT DATA	
OWNER/DEVELOPER:	ORANGE CAPITAL ADVISORS 125 REGIONAL PARKWAY, SUITE 200 ORANGEBURG, SC 29118 JASMINE MURPHY (803) 585-7697
CONTACT:	
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 168 PATTON AVENUE ASHEVILLE, NC 28801 WARREN SUGG, P.E. (828) 252-5388
CONTACT:	
SURVEYOR:	ED HOLMES & ASSOCIATES 200 RIDGEFIELD COURT, SUITE 208 ASHEVILLE, NC 28806 JASON N. GASPERSON, P.L.S. (828) 225-6562
CONTACT:	

PROJECT DATA	
PIN:	9652-12-2330
ADDRESS:	BUTLER BRIDGE ROAD
DEED BOOK/PAGE:	3281/243
PROJECT ACREAGE:	19.12± ACRES
CURRENT ZONING:	RC (REGIONAL COMMERCIAL)
PROPOSED ZONING:	CZ (CONDITIONAL ZONING)
SETBACKS:	
FRONT:	10'
SIDES:	10'
REAR:	10'
DISTURBED AREA:	15.0± AC
IMPERVIOUS AREA:	PRE 0.00 ACRES (0%) POST 7.89 ACRES (42%)
PERVIOUS AREA:	18.93 ACRES (100%) 11.04 ACRES (58%)

ZONING DATA	
COUNTY/TOWNSHIP:	HENDERSON/HOOPERS CREEK
WATERSHED:	FRENCH BROAD RIVER BASIN
FIRE DISTRICT:	FLETCHER FIRE
WATER:	PUBLIC
SEWER:	PUBLIC
PROPOSED ROAD LENGTH:	4,050 LF
PARKING CALCULATIONS:	
VEHICULAR:	
REQUIRED SPACES:	459
SPACES PROVIDED:	459 - 1.5:1 RATIO
HANDICAPPED SPACES:	
SPACES REQUIRED:	9
SPACES PROVIDED:	9
BUILDING DATA:	
BUILDING	DESCRIPTION
A	3 STORIES
B	3 STORIES
C	3 STORIES
D	3 STORIES
E	3 STORIES
F	2 STORIES
G	2 STORIES
H	3 STORIES
I	3 STORIES
J	3 STORIES
K	3 STORIES
L	3 STORIES
M	1 STORY
N	1 STORY
O	1 STORY

BUILDING	DESCRIPTION	HEIGHT	GFA
A	3 STORIES	40'±	26,140± SF
B	3 STORIES	40'±	33,710± SF
C	3 STORIES	40'±	33,710± SF
D	3 STORIES	40'±	42,200± SF
E	3 STORIES	40'±	42,200± SF
F	2 STORIES	24'±	7,200± SF
G	2 STORIES	24'±	7,200± SF
H	3 STORIES	40'±	33,710± SF
I	3 STORIES	40'±	26,140± SF
J	3 STORIES	40'±	46,575± SF
K	3 STORIES	40'±	26,140± SF
L	3 STORIES	40'±	46,575± SF
M	1 STORY	12'±	1,600± SF
N	1 STORY	12'±	1,700± SF
O	1 STORY	12'±	2,000± SF
DENSITY CALCULATIONS:			
ALLOWED:	306 UNITS MAX - 16.0 UNITS/ACRE		
PROJECT UNITS:	306 UNITS - 16.0 UNITS/ACRE		
OPEN SPACE CALCULATIONS:			
REQUIRED:	3.78 AC (20%)	PROVIDED:	3.78 AC
COMMON:			
REQUIRED:	1.89 AC (10%)	PROVIDED:	1.89 AC

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NORTH

EXISTING CONDITIONS & DEMOLITION PLAN:
GRAPHIC SCALE

(IN FEET)
1 inch = 60 ft.

168 PATTON AVENUE
ASHEVILLE, NC 28801
PHONE (828) 252-5388
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EXISTING CONDITIONS & DEMOLITION PLAN FOR:

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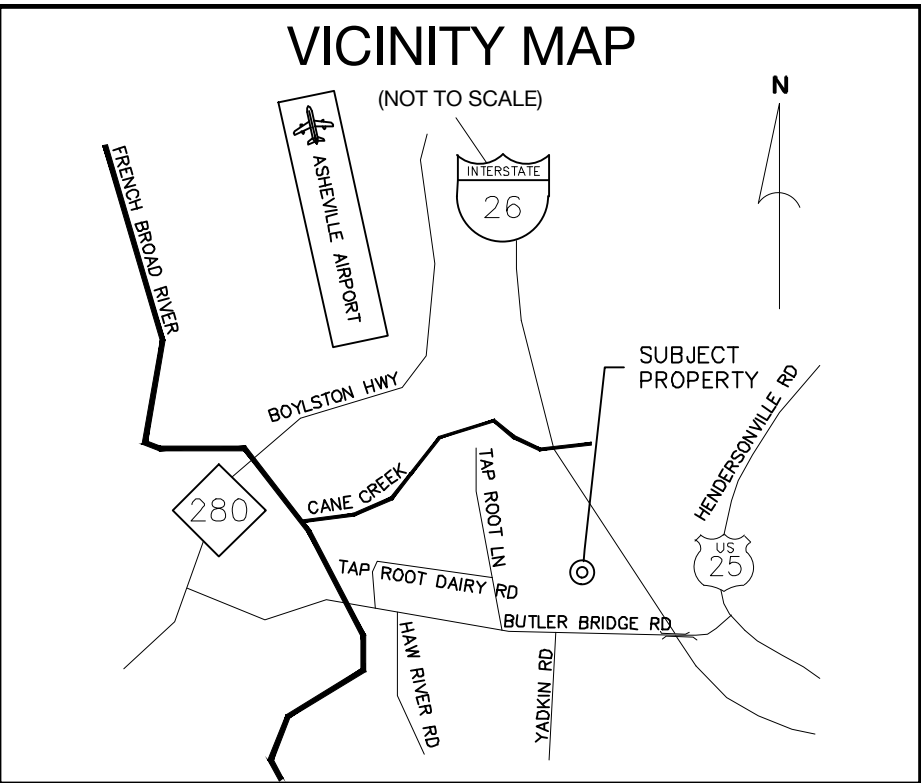
ORANGE CAPITAL ADVISORS - HENDERSON COUNTY, NORTH CAROLINA

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

AMP
12260
xxx

SHEET

C101



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SPACES PROVIDED:	9
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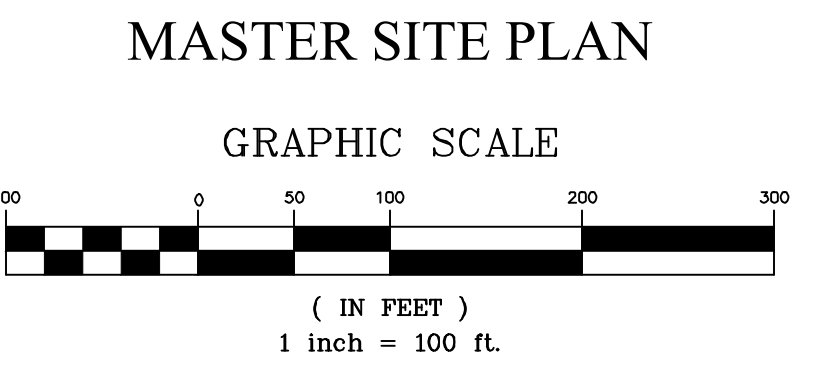
BUILDING	DESCRIPTION	HEIGHT	GFA
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B	3 STORIES	40'±	33,710± SF
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D	3 STORIES	40'±	42,200± SF
E	3 STORIES	40'±	42,200± SF
F	2 STORIES	24'±	7,200± SF
G	2 STORIES	24'±	7,200± SF
H	3 STORIES	40'±	33,710± SF
I	3 STORIES	40'±	28,140± SF
J	3 STORIES	40'±	46,575± SF
K	3 STORIES	40'±	28,140± SF
L	3 STORIES	40'±	46,575± SF
M	1 STORY	12'±	1,600± SF
N	1 STORY	12'±	1,700± SF
O	1 STORY	12'±	2,000± SF

DENSITY CALCULATIONS:	
ALLOWED:	306 UNITS MAX - 16.0 UNITS/ACRE
PROJECT UNITS:	306 UNITS - 16.0 UNITS/ACRE
OPEN SPACE CALCULATIONS:	
REQUIRED:	3.78 AC (20%)
PROVIDED:	3.78 AC
COMMON:	
REQUIRED:	1.89 AC (10%)
PROVIDED:	1.89 AC

CDC INSPECTIONS HOTLINE:
828-771-4755 OR INSPECTION@CDCGO.COM

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

NORTH



MASTER SITE PLAN

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

52 WALNUT STREET - SUITE 9
WAYNEVILLE, NC 28086
PHONE (828) 252-5388
FAX (828) 455-5455

CDC Civil Design Concepts, PA
www.civildesignconcepts.com

NCBLS LICENSE # C-2184

MAD	CONCEPTUAL ZONING SUBMITTAL	DATE	DESCRIPTION
1		02/15/2023	

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CONSTRUCTION

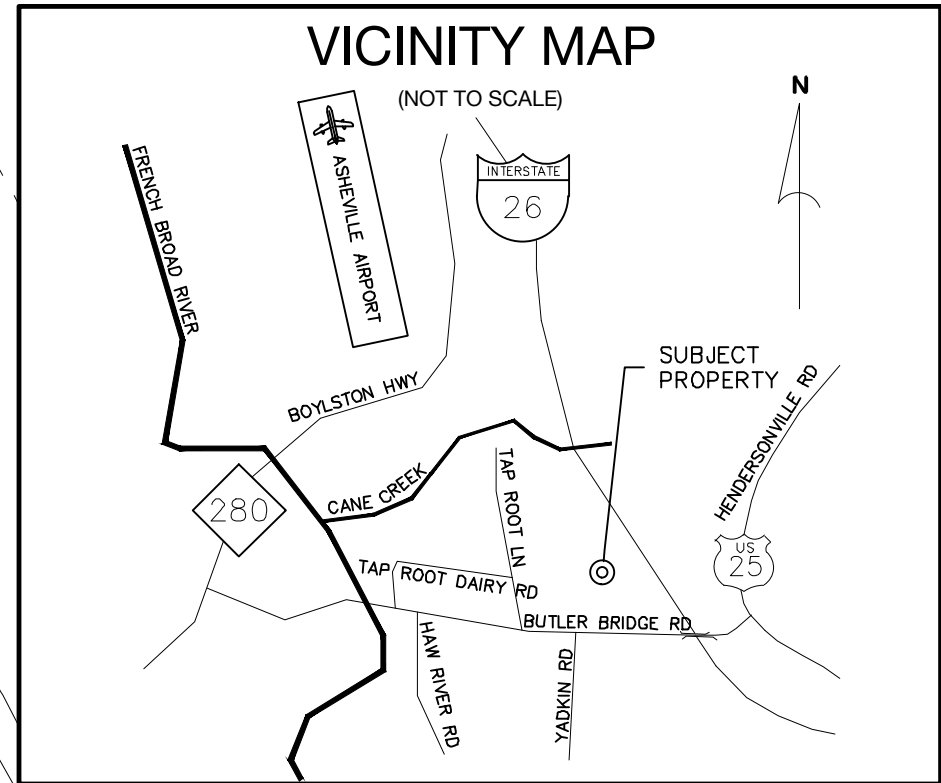
THE FARMHOUSE @ TAP ROOT

ORANGE CAPITAL ADVISORS - HENDERSON COUNTY, NORTH CAROLINA

MASTER SITE PLAN FOR:

DRAWN BY: AMF
CDC PROJECT NO.: 12260
XXX PERMIT NO.: xxx

SHEET
C200



DEVELOPMENT DATA	
OWNER/DEVELOPER:	ORANGE CAPITAL ADVISORS 125 REGIONAL PARKWAY, SUITE 200 ORANGEBURG, SC 29118 JASMINE MURPHY (803) 585-7697
CONTACT:	
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 168 PATTON AVENUE ASHEVILLE, NC 28801 WARREN SUGG, P.E. (828) 252-5388
CONTACT:	
SURVEYOR:	ED HOLMES & ASSOCIATES 200 RIDGEFIELD COURT, SUITE 208 ASHEVILLE, NC 28806 JASON N. GASPERSON, P.L.S. (828) 225-6562
CONTACT:	

PROJECT DATA	
PIN:	9652-12-2330
ADDRESS:	BUTLER BRIDGE ROAD
DEED BOOK/PAGE:	3281/243
PROJECT ACREAGE:	19.12± ACRES
CURRENT ZONING:	RC (REGIONAL COMMERCIAL)
PROPOSED ZONING:	CZ (CONDITIONAL ZONING)
SETBACKS:	
FRONT:	10'
SIDES:	10'
REAR:	10'
DISTURBED AREA:	15.0± AC
IMPERVIOUS AREA:	PRE 0.00 ACRES (0%) POST 7.89 ACRES (42%)
PERVIOUS AREA:	18.93 ACRES (100%)11.04 ACRES (58%)

ZONING DATA	
COUNTY/TOWNSHIP:	HENDERSON/HOOPERS CREEK
WATERSHED:	FRENCH BROAD RIVER BASIN
FIRE DISTRICT:	FLETCHER FIRE
WATER:	PUBLIC
SEWER:	PUBLIC
PROPOSED ROAD LENGTH:	4,050 LF
PARKING CALCULATIONS:	
VEHICULAR:	
REQUIRED SPACES:	459
SPACES PROVIDED:	459 - 1.5:1 RATIO
HANDICAPPED SPACES:	
SPACES REQUIRED:	9
SPACES PROVIDED:	9

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PROJECT UNITS:	306 UNITS - 16.0 UNITS/ACRE		
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COMMON:			
REQUIRED:	1.89 AC (10%)	PROVIDED:	1.89 AC

Know what's below.
Call before you dig.

NORTH

SITE PLAN

GRAPHIC SCALE

(IN FEET)
1 inch = 60 ft.

SHEET

C201

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

52 WALNUT STREET - SUITE 9
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Civil Design Concepts, PA

NCBELS LICENSE # C-2184

www.civildesignconcepts.com

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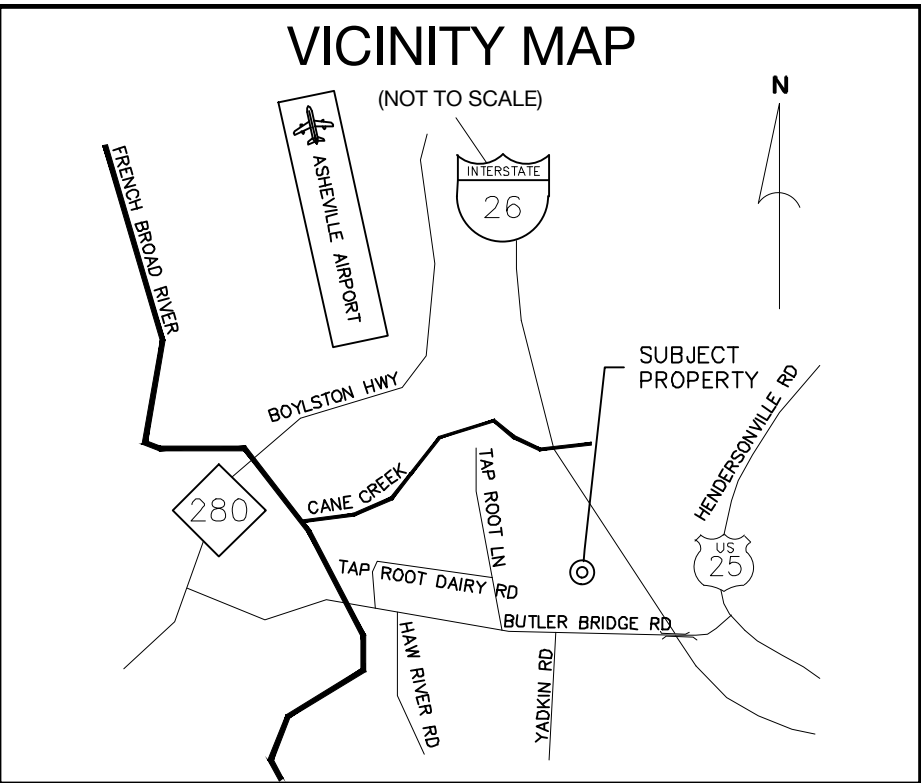
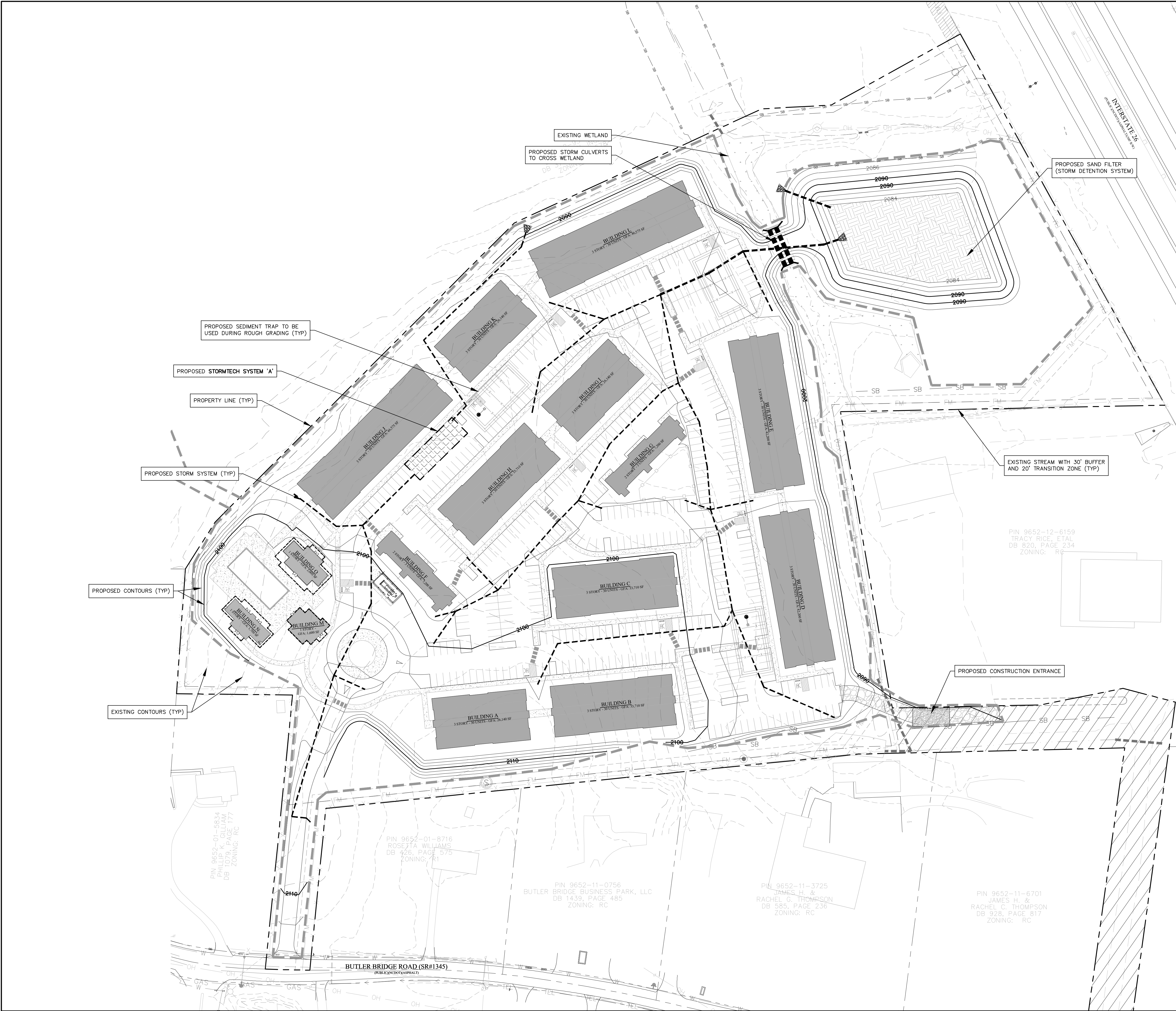
PRELIMINARY
NOT RELEASED FOR
CONSTRUCTION

THE FARMHOUSE @ TAP ROOT

ORANGE CAPITAL ADVISORS - HENDERSON COUNTY, NORTH CAROLINA

SITE PLAN FOR:

DRAWN BY: AWP
CDC PROJECT NO.: 12260
XXX PERMIT NO.: xxx



DEVELOPMENT DATA

OWNER/DEVELOPER: ORANGE CAPITAL ADVISORS
125 REGIONAL PARKWAY, SUITE 200
ORANGEBURG, SC 29118
JASMINE MURPHY
(803) 585-7697

CONTACT:

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

CONTACT:

SURVEYOR: ED HOLMES & ASSOCIATES
200 RIDGEFIELD COURT, SUITE 208
ASHEVILLE, NC 28806
JASON N. GASPERSON, P.L.S.
(828) 225-6562

CONTACT:

PROJECT DATA

PIN: 9652-12-2330
ADDRESS: BUTLER BRIDGE ROAD
DEED BOOK/PAGE: 3281/243
PROJECT ACREAGE: 19.12± ACRES
CURRENT ZONING: RC (REGIONAL COMMERCIAL)
PROPOSED ZONING: CZ (CONDITIONAL ZONING)

SETBACKS:
FRONT: 10'
SIDES: 10'
REAR: 10'

DISTURBED AREA: 15.0± AC

IMPERVIOUS AREA: PRE 0.00 ACRES (0%) POST 7.89 ACRES (42%)
PERVIOUS AREA: 18.93 ACRES (100%) 11.04 ACRES (58%)

ZONING DATA

COUNTY/TOWNSHIP: HENDERSON/HOOPERS CREEK

WATERSHED: FRENCH BROAD RIVER BASIN
FIRE DISTRICT: FLETCHER FIRE

WATER: PUBLIC
SEWER: PUBLIC

PROPOSED ROAD LENGTH: 4,050 LF

PARKING CALCULATIONS:

VEHICULAR:
REQUIRED SPACES: 459
SPACES PROVIDED: 459 - 1.5:1 RATIO

HANDICAPPED SPACES:
SPACES REQUIRED: 9 SPACES PROVIDED: 9

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COMMON:

REQUIRED: 1.89 AC (10%) PROVIDED: 1.89 AC

CDC INSPECTIONS HOTLINE:
828-771-4755 OR INSPECTION@CDCGO.COM

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

NORTH

GRADING & STORM DRAINAGE PLAN

GRAPHIC SCALE

60 0 30 60 120 180
(IN FEET)
1 inch = 60 ft.

Civil Design Concepts, PA

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PHONE (828) 252-5388
FAX (828) 252-5385

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NCBLS LICENSE # C-2184

FOR REVIEW ONLY

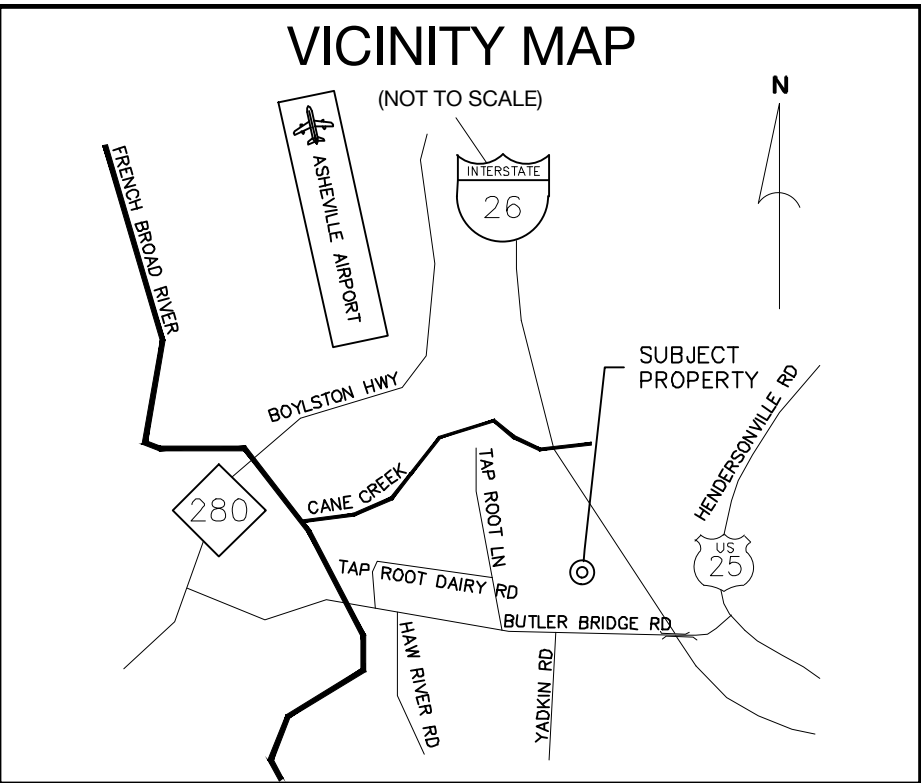
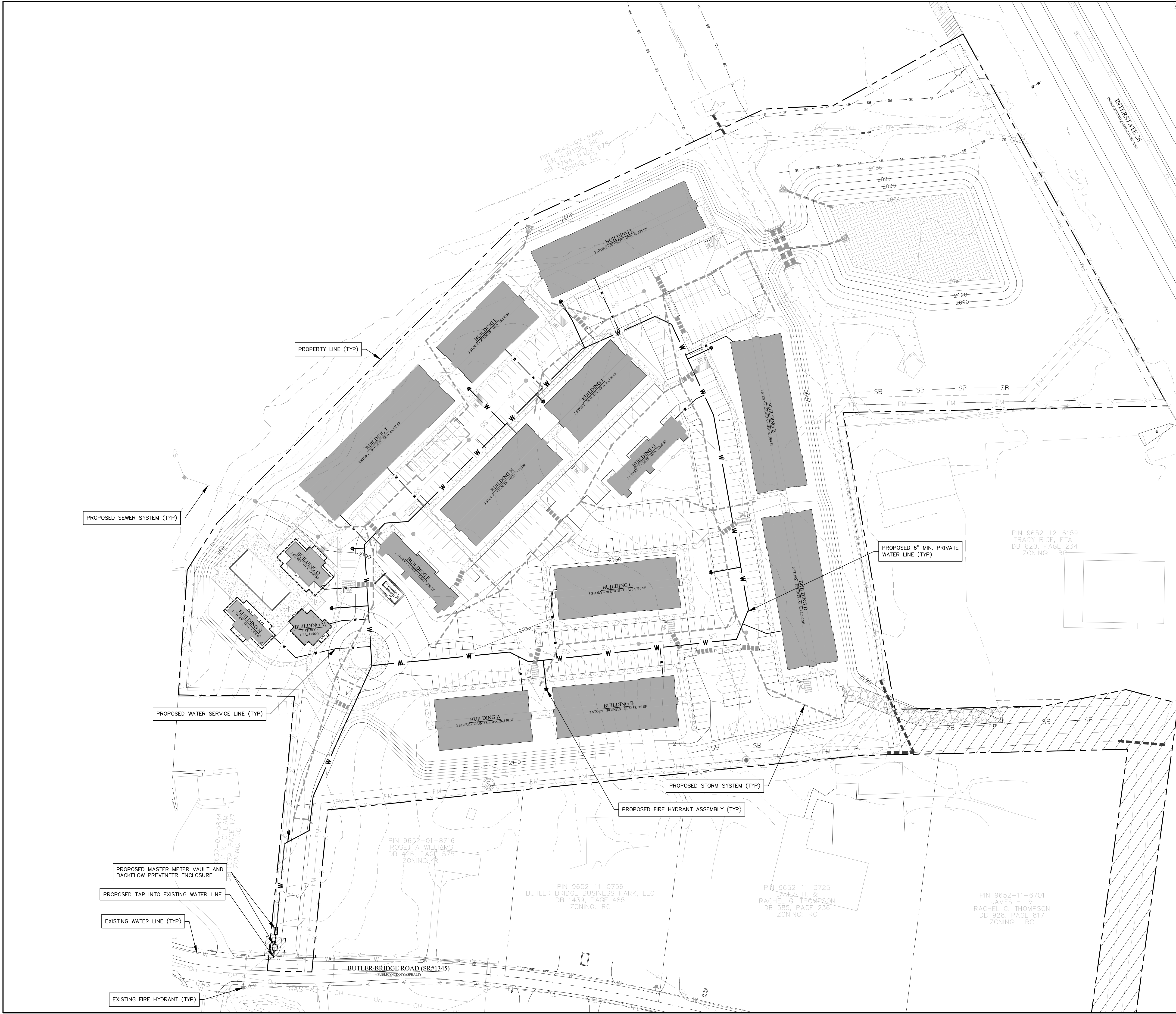
PRELIMINARY NOT RELEASED FOR CONSTRUCTION

THE FARMHOUSE @ TAP ROOT

GRADING & STORM DRAINAGE PLAN FOR:

DRAWN BY: AMP
CDC PROJECT NO.: 12260
XXX PERMIT NO.: xxx

SHEET C301



DEVELOPMENT DATA	
OWNER/DEVELOPER:	ORANGE CAPITAL ADVISORS 125 REGIONAL PARKWAY, SUITE 200 ORANGEBURG, SC 29118 JASMINE MURPHY (803) 585-7697
CONTACT:	
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 168 PATTON AVENUE ASHEVILLE, NC 28801 WARREN SUGG, P.E. (828) 252-5388
CONTACT:	
SURVEYOR:	ED HOLMES & ASSOCIATES 200 RIDGEFIELD COURT, SUITE 208 ASHEVILLE, NC 28806 JASON N. GASPERSOHN, P.L.S. (828) 225-6562
CONTACT:	

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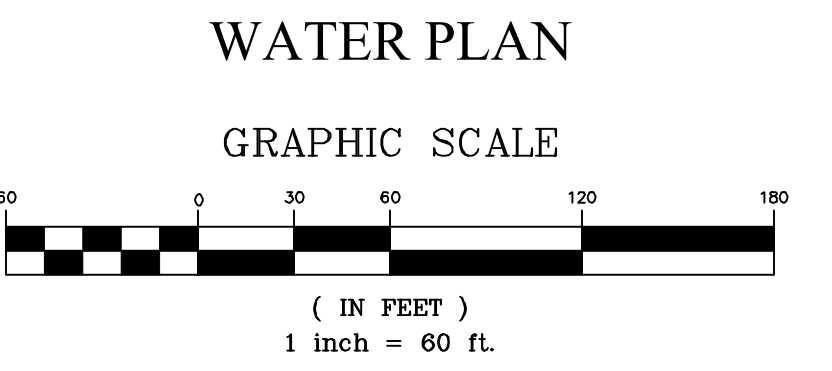
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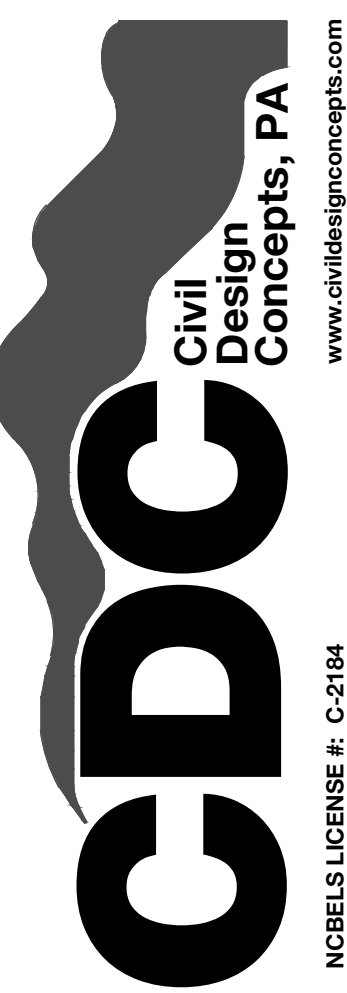
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NORTH



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PHONE (828) 252-5388
FAX (828) 252-5388

52 WALNUT STREET - SUITE 9
WAYNESVILLE, NC 28786
PHONE (828) 252-5388
FAX (828) 455-5455



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NCBELS LICENSE # C-2184

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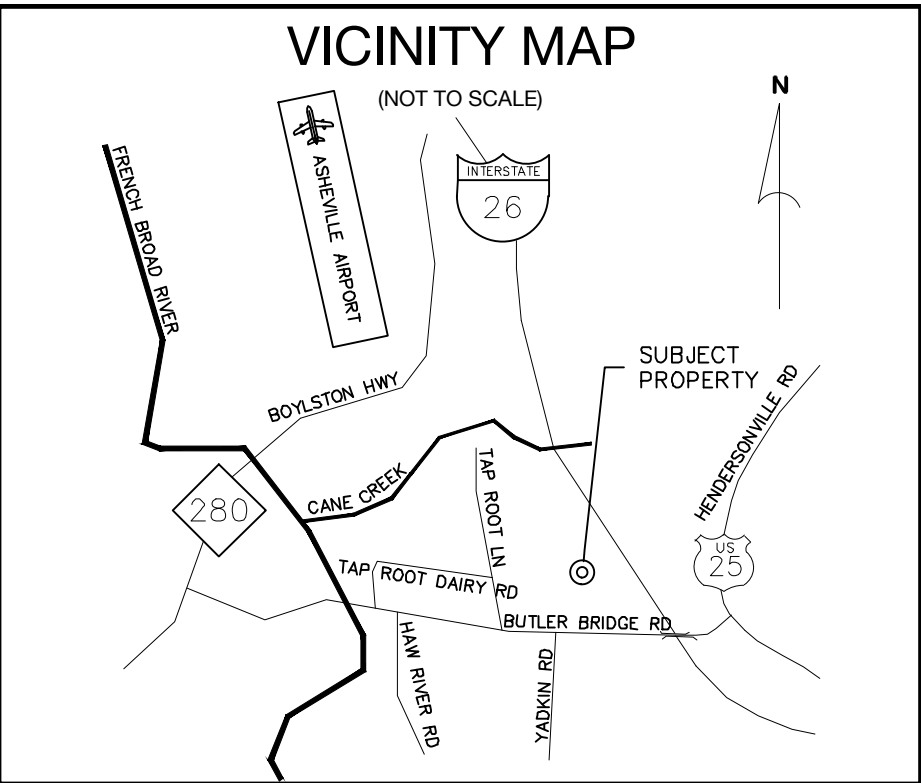
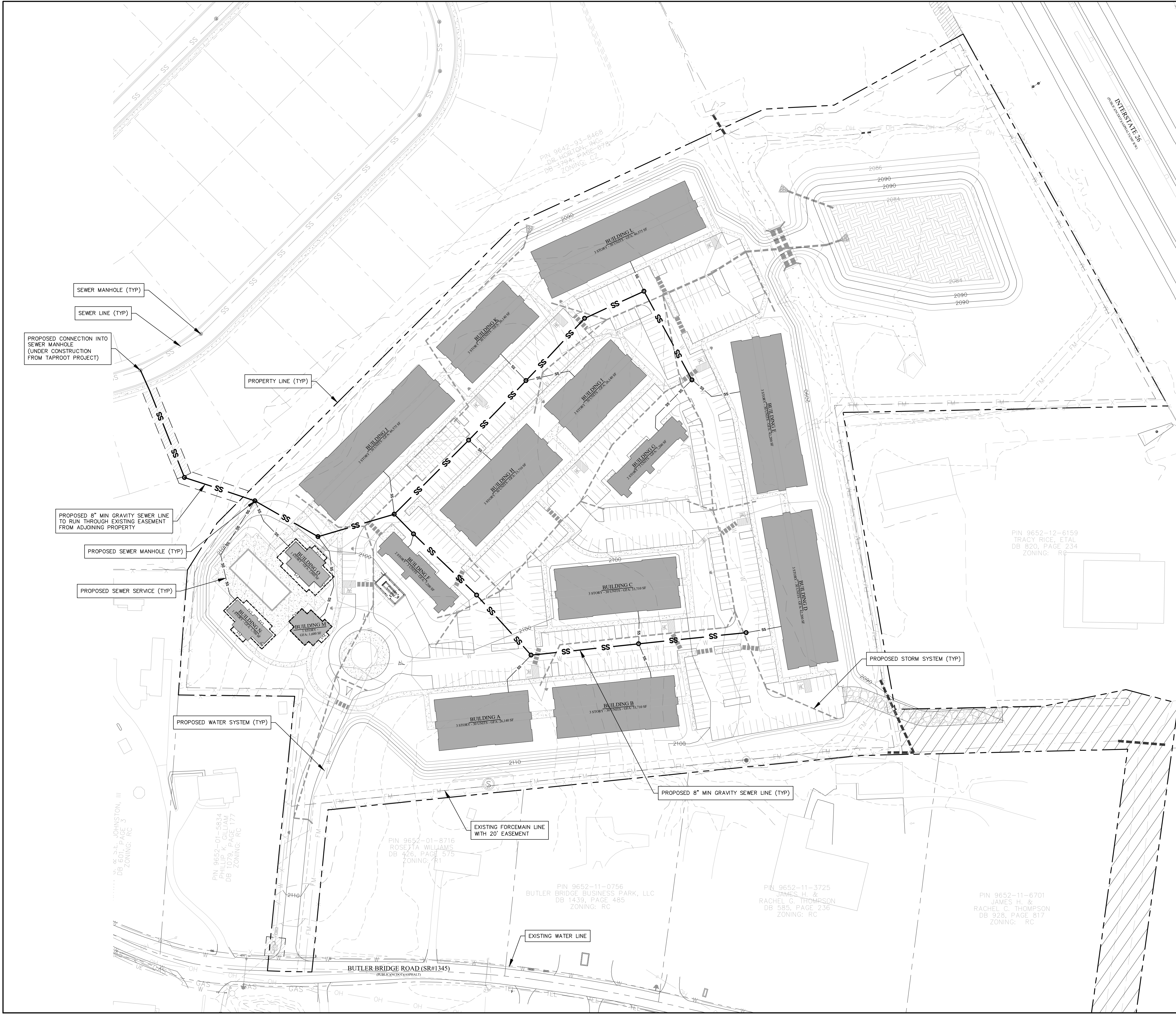
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CONSTRUCTION

THE FARMHOUSE @ TAP ROOT

ORANGE CAPITAL ADVISORS - HENDERSON COUNTY, NORTH CAROLINA

DRAWN BY: AMP
CDC PROJECT NO.: 12260
XXX PERMIT NO.: xxx

SHEET
C601



DEVELOPMENT DATA

OWNER/DEVELOPER: ORANGE CAPITAL ADVISORS
125 REGIONAL PARKWAY, SUITE 200
ORANGEBURG, SC 29118
JASMINE MURPHY
(803) 585-7697

CONTACT:

CIVIL ENGINEER: CIVIL DESIGN CONCEPTS, P.A.
168 PATTON AVENUE
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WARREN SUGG, P.E.
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CONTACT:

SURVEYOR: ED HOLMES & ASSOCIATES
200 RIDGEFIELD COURT, SUITE 208
ASHEVILLE, NC 28806
JASON N. GASPERSON, P.L.S.
(828) 225-6562

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FIRE DISTRICT: FLETCHER FIRE

WATER: PUBLIC
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PROPOSED ROAD LENGTH: 4,050 LF

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VEHICULAR:
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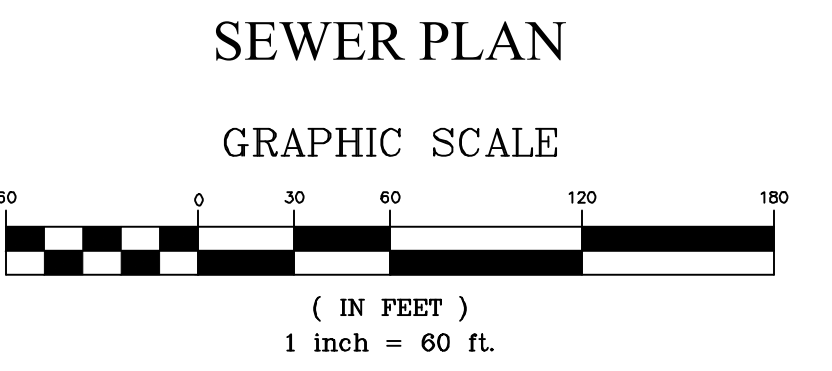
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CDC Civil Design Concepts, PA
www.civildesignconcepts.com

NCBLS LICENSE # C-2184

MAD

CONCEPTUAL ZONING SUBMITTAL

02/15/2023

1

DATE

NO.

DESCRIPTION

BY

FOR REVIEW ONLY

PRELIMINARY
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CONSTRUCTION

SEWER PLAN FOR:

THE FARMHOUSE @ TAP ROOT

ORANGE CAPITAL ADVISORS - HENDERSON COUNTY, NORTH CAROLINA

DRAWN BY: AMP
CDC PROJECT NO.: 12260
XXX PERMIT NO.: xxx

SHEET

C701



HENDERSON COUNTY PLANNING DEPARTMENT
100 N. King Street | Hendersonville, NC 28792 | 828-697-4819

MAP AMENDMENT APPLICATION FORM

GENERAL INFORMATION

Date of Application: February 15, 2023

Previously Submitted: ☐ Yes ☒ No

Date of Pre-Application Conference: January 17, 2023

Type of Map Amendment (Circle One): ☐ Rezoning ☒ Conditional Zoning ☐ Special Mixed Use/Conditional

Site Plan Attached: ☒ Yes ☐ No

Permission to acquire aerial footage of subject area: ☒ Yes ☐ No

PARCEL INFORMATION*

PIN: 9652122330 Deed Book/Page: 1337/065 Tract Size (Acres): 19.12

Zoning District: RC Fire District: Fletcher Watershed: French Broad Floodplain: NA

Location of property to be developed:

a 19.12 acre tract remaining portion of Deed Book 1337 at page 065, being all of PIN # 9652122330, located adjacent to and to the east of Tap Root Farms subdivision on Butler Bridge Rd., Henderson County (see attached survey and report)

*If subject area contains multiple PIN's please attach a list and the above parcel information for each tract or individual PIN.

REZONING REQUEST

Attached is:

☒ A description of the property in question sufficient to unequivocally describe and identify said property. Such description may take the form of a property survey, a legal description or a legible copy of a County cadastral or composite tax map clearly annotated with district lines which follow political boundaries, geographical features or property lines.

Current Zoning District: RC Requested Zoning District: Conditional (RC)

CONTACT INFORMATION

Property Owner:

Name: Johnston Family Group (detail attached)

Phone: 828-697-6022

Address: c/o 559 N. Justice Street

City, State, and Zip: Hendersonville, NC 28739

Applicant:

Name: Orange Capital Advisors, LLC and Owner

Phone: 828-697-6022

Address: c/o 559 N. Justice Street

City, State, and Zip: Hendersonville, NC 28739



HENDERSON COUNTY PLANNING DEPARTMENT
100 N. King Street | Hendersonville, NC 28792 | 828-697-4819

Contact Information

Property Owner:

Name: _____

Phone: _____

Email: _____

Address: _____

Agent:

Name: William M. Alexander, Jr., Attorney

Phone: 828-697-6022

Email: bill@alexlaw.com; wmalexjr@alexlaw.com

Address: 559 N. Justice St., Hendersonville, NC 28739

Plan Preparer:

Name: Warren Sugg, Civil Design Concepts, PA

Phone: 828-252-5388

Email: wsugg@cdcgo.com

Address: _____

I certify that the information shown above is true and accurate and is in conformance with the Land Development regulations of Henderson County.

Orange Capital Advisors, LLC

& Johnston Family Group

By: WILLIAM M. ALEXANDER, JR., AGENT AND ATTORNEY

FEBRUARY 15, 2023

Print Applicant (Owner or Agent)

Date



FEBRUARY 15, 2023

Signature Applicant (Owner or Agent)

Date

The individual owners, comprising the Johnston Family Group, are listed on the attached Addendum.
The owners and Orange Capital Advisors, LLC are co-applicants.

COUNTY STAFF ONLY

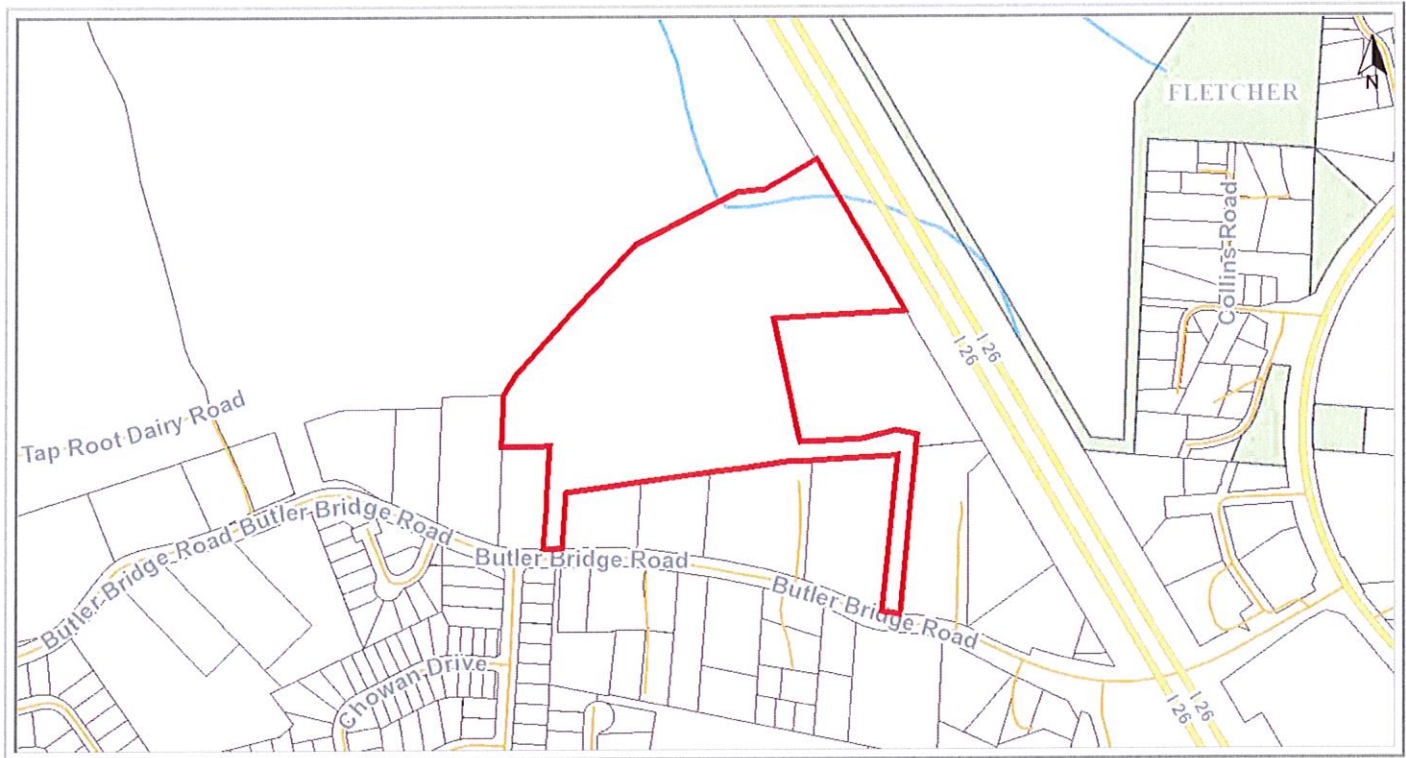
Fee: \$_____ Paid: _____ Method: _____ Received by: _____

Community Planning Area: _____

Date Current Zoning Applied: _____

Description of Project Property

BEING all of Lot "F", (Henderson County, North Carolina PIN# 9652-03-1362) comprised of 19.12 acres more or less, as shown on that certain survey recorded in Book 2021 at Slide 13670 of the Henderson County, North Carolina Register of Deeds.



WARNING: THIS IS NOT A SURVEY

Parcel Information

REID:	10008014	Pin:	9652122330
Listed to:	CORN, MARY LOUISE;CORN, MICHAEL R;JOHNSTON, S E III;JOHNSTON, KATHY G;JOHNSTON, WILLIAM FRANKLIN;JOHNSTON, NANCY M;JOHNSTON, TIMOTHY MARCUS;JOHNSTON,	Neighborhood:	TAP ROOT DAIRY
Mailing Address:	735 BUTLER BRIDGE RD	Township:	Hoopers Creek
Mailing City, State, Zip:	FLETCHER, NC 28732	Municipality:	
Physical Address:	0 NO ADDRESS ASSIGNED	Tax District:	FLETCHER FIRE
Deed:	003281/00243	Plat:	2021 13670
Date Recorded:	2018-12-18 00:00:00.0	Elementary School District:	MARLOW
Revenue Stamps:	0	Middle School District:	RUGBY MIDDLE
County Zoning:	RC,R1	High School District:	WEST HIGH
Property Description:	MINOR SUBDIVISION 19.12 ACRES LOF PL2021-13670	Soil:	Delanco (dillard) loam, 2 to 7 percent slopes
Map Sheet:	9652.03	Voting Precinct:	Brickton
Assessed Acreage:	18.93000000	Commissioner District	2
Building Value:	\$0.00	Agricultural District	Mills River
Land Value:	\$1,173,700.00	North Carolina House District	117
Value To Be Billed:	\$1,173,700.00	U.S. House District	11
North Carolina Senate District	48	Flood Zone:	Zone X, Not Shaded (Areas outside of the floodplain)



Henderson County
Geographic Information Systems (GIS)
200 North Grove Street
Hendersonville, NC 28792
P: (828) 698-5124
F: (828) 698-5122

THIS IS NOT A SURVEY.

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**Addendum to Conditional
Re-zoning Application # _____
Johnston Family Group, Owner
Orange Capital Advisors, LLC**

GENERAL CHARACTERISTICS

The following conditions are in addition to and intended to supplement the application for Conditional Re-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.

1. The subject property is currently owned by Mary Louise Corn and husband Michael R. Corn, Samuel E. Johnston III and wife Kathy G. Johnston, William F. Johnston and wife Nancy M. Johnston, Timothy M. Johnston, and Bradley A. Johnston. For purposes of convenience the owners are herein referred to as the "Johnston Family Group".
2. The Co-Applicant, Orange Capital Advisors, LLC, is a South Carolina Limited Liability Company based in Orangeburg, SC. Orange Capital has contracted with the Owners to purchase the real property that is the subject of this application, as described below, for the purpose of developing thereon an apartment dwelling residential living community. Orange Capital is in the business of developing innovative living communities throughout the southeast, and looks forward to the development of this apartment based living community in Henderson County.
3. The Subject Property consists of 19.12 acres per survey, located on Butler Bridge Road in Henderson County (PIN # : 9652122330). The Subject Property consists of one tract, with one main entrance on Butler Bridge Road and a second emergency access entrance, as show on site plan.
4. The co-applicants seek conditional re-zoning of the subject property to allow the proposed apartment living project. The current zoning classification is RC. The proposed use of multifamily residential use is allowed under the current zoning designation, however the presence of multiple (more than 10) multifamily dwellings in the site plan require that the same be approved pursuant to a conditional re-zoning application. (HC Code of Ordinances 42-35 B. 3.)
5. Size and Scope of project (numbers are approximate, subject to confirmation when site plan is final):
 - a. Size of project: 19.12 acres per survey
 - b. As shown on the site plan: Maximum of 306 total residential apartment units, based in ten (10) total apartment building, plus associated amenities buildings, of a size and scope illustrated on the site plan. This density is based upon the maximum density allowed

under the current underlying zoning classification of Regional Commercial which allows a 16 unit per acre density where the project will be served by public water and sewer, and which is comprised of multi-family dwellings.. The project will be maintained as one tract for the residential purposes, and no individual single family residence lots will be sold or utilized. Apartment sizes will vary, with a 1,2, and 3 bedroom units being utilized.

- c. Overall project density will not exceed 16.0 units per acre. (HC Code of Ordinances 42-35 B. (1)). Dimensional requirements are established by ordinance to be consistent with an R1 designation (HC Code of Ordinances 42-45 A. (1)) , therefore the setbacks and dimensional limitations shall be as follows: Yard Setbacks (feet), Front or Right-of-Way (ROW), Local 15, Collector 20, Thoroughfare 35, Boulevard 50, Freeway 45; Perimeter building setbacks, Side line 10 and Rear line 10, and; Maximum Height (feet) 50. (HC Code of Ordinances 42-27 B. (6)) Building separation shall be a minimum of twenty feet (20') stated in SR1.5 4(b).

Note: Even though the required side and rear setbacks are ten (10) feet, Developer has elected to establish a thirty foot (30') side setback for safety and emergency services reasons)

6. I-26 and outer boundary of project: All buildings must maintain 45 foot minimum setback from the I-26 right of way; and as stated Developer will maintain a voluntary thirty foot (30') on the perimeter project boundaries. No landscape buffer is required along outer project boundary.

STREETS, TRAFFIC AND PARKING

1. Sidewalks not less than 5 feet in width shall be installed on at least all sides of each building that separate the building from a roadway or parking lot within the development.
2. Interior roads – build to Henderson County design standards for residential major subdivisions; minimum road right of way width of 50 feet for roads that will be made public (including valley curb & gutter if utilized). Travelable surfaces of two way roads built to at least 18' width, and one way roads to 12' travelable surface. No pervious pavement shall be utilized within the development.
3. Traffic Impacts on Butler Bridge Road - Developer will adhere to all reasonable recommendations resulting from the Traffic Impact Analysis, and as approved by NCDOT. Entrance improvements if any required shall be completed before a certificate of occupancy is issued for any dwelling structure.
4. Off-street parking: each unit shall have sufficient off street parking for at least one and one-half (1.5) standard passenger automobiles per residential unit. (Averaged over the total units). Additional off-street spaces shall be provided for the common amenities area, with locations and number as shown on the site plan. No on-street storage of boats, campers, recreational vehicles, or tailored apparatus shall be allowed within the project.

INFRASTRUCTURE

1. Storm water drainage facilities shall be built to an approved engineered storm water treatment and retention plan, as required by State or local authority. No standing water detention facilities shall be allowed of such size or nature as would attract large numbers of waterfowl.
2. Fire hydrant locations shall be provided per Henderson County fire standards within development and be approved by the Fire Marshall and indicated on each development plan.
3. Subsurface utilities are required for all phases of the development.

LANDSCAPING, OPEN SPACE and AMENITIES

1. Landscaping---including street trees, buffers, and natural areas--will be provided as required by the Henderson County LDC and noted on Master Plan
2. Open Space:
 - a. The applicant will set aside approximately 20% of the Subject Property (3.78 acres) as open space. A minimum of 1.89 acres of the total area in the project shall be common space, including amenity locations.
 - b. Open space areas (approximate size and location) shall be shown on the master plan. These areas shall be designated and (where applicable) dedicated for each phase of the project as plats are recorded.
3. Resident amenities:
 - a. Central amenity facilities measuring at least 6,000 square feet will include: clubhouse, pool deck, gym, resident lounge, fire pit, and car center.

STANDARD CONDITIONS

1. Street lighting: Lighting will be installed in accordance with the following:
 - a. Light Level - .5 fc average with 4-6 Avg/Min uniformity (or compliant with current IES/ANSI standards for residential street lighting - reference RP-8-18)
 - b. Pole Mounting Height - Max 25 ft (spacing dependent on design layout to meet recommended light level)
 - c. Pole Material - Aluminum or Concrete preferred
 - d. B-U-G Rating (Back-Up-Glare) - Not to exceed B2-U0-G2 (B1-U0-G1 preferred)
Light Source - LED, 3500K or 4000K Color Temp (not to exceed 4000K)

2. Street Trees—Street trees shall be installed per Henderson County LDC requirements, using County-approved species.
3. Building Code - Builder/ Developer to adhere to Henderson County LDC whenever it exceeds the NC Building Code requirements.
4. Submit to and receive approval of a water utilities plan from the City of Hendersonville and comply with City of Hendersonville regulations.
5. Submit to and receive approval of a sewer utilities plan from the applicable Sewer District and provide proof of wastewater treatment allocation.
6. Submit for prior approval all building plans for all structures to the County Inspections Department.
7. Apply for a floodplain, stormwater, and soil erosion control permit from the County for all required phase of development.
8. Apply for and execute an encroachment agreement with NCDOT for utility work within the right of way of Butler Bridge Road and I-26, as needed.
9. Apply for and receive a NCDOT street access permit and comply with all required road improvements identified by the TIA and NCDOT, as may be required by law.
10. Pay in full all fees for permits, as each fee is assessed or becomes due.
11. Per Chapter 42 of the Henderson County Code, the approval authority for each phase of the project, if needed, is delegated to the Henderson County Planning Board.
12. The County shall retain the right to suspend construction and the issuance of building permits if the developer is found by the County to be in noncompliance with any one of the conditions imposed on the Project by the Board of Commissioners.

REQUIREMENT FOR RESTRICTIVE COVENANTS

Co-applicant Developer is responsible for implementing the development plan and maintaining compliance with all of the conditions set out herein, all of the features of the approved master plan, and all applicable provisions of the Henderson County LDC to the extent not waived or modified herein.

Applicant has elected to carry out some of its responsibilities through the use of private restrictive covenants, as allowed by the Henderson County Code. The forms of the restrictive covenants, are attached hereto as Exhibits B, and shall be submitted to the County Attorney as to their legal sufficiency to satisfy this limited purpose. To this end, the County shall reserve the right to review any amendment or revision to the restrictive covenant documents prior to their effectiveness to ensure continued compliance with this conditional zoning ordinance, and other applicable County ordinances.

Failure to comply with any of the provisions of the conditional zoning ordinance or the Henderson County LDC, or other applicable provisions of the County ordinances, shall subject the applicant or its successors to penalties at law or in equity as provided for in the Henderson County LDC, other County ordinances, or North Carolina law, including repeal or amendment to the conditional zoning enactment.

These Proposed Conditions to Re-Zoning respectfully submitted this the 15th day of February 2023.

Law Offices of William M. Alexander, Jr., PLLC

By: 

WILLIAM M. ALEXANDER, JR.
ATTORNEY TO APPLICANTS
559 N. JUSTICE STREET
HENDERSONVILLE, NC 28739
(828) 697-6022
BILL@ALEXLAW.COM

02/15/2023

Conditions for R-2023-02-C The Farmhouse at Tap Root

Conditions Requested by the Asheville Regional Airport:

1. Avigation Easement – Current property owner shall execute an Avigation Easement in substantially similar form as the prior Avigation Easement that was a condition of approval for the Tap Root Dairy project. The developer shall record the avigation easement prior to the beginning any building construction or sale of the property. Further, any owner (including the developer) of residential property who plans to sell, rent or lease property within the Development is required to disclose to any buyer, renter or lessee that: (1) the property is located in close proximity to the Asheville Regional Airport; and (2) the property is subject to the Avigation Easement (together with the recording information regarding the Avigation Easement in the Henderson County, North Carolina Registry).
2. Any stormwater retention/detention system needs to completely drain within 48 hours and include design features that will incorporate wildlife deterrent, including birds, from using the system, such as:
 - a. Install riprap along the basin banks extending 10' beyond the top of the basin
 - b. Other acceptable means of wildlife deterrents.
3. Any site lighting will be directed downwards and away from aircraft flight paths and not cause any operational issues for aircraft in the National Airspace.

Conditions Requested by the Technical Review Committee:

1. Completion of TIA as required by NCDOT
2. NCDOT driveway permit
3. Army Corps of Engineers 404 Permit for wetlands disturbance
4. Site Development soil erosion and sedimentation control permit
5. Site Development stormwater permit
6. Environmental Health commercial pool permit
7. Increase drive isles to 26'
8. Ensure all interior turns can accommodate a fire ladder truck
9. Add additional sidewalk for ADA parking space at amenity area
10. City of Hendersonville public water allocation and extension request
11. MSD public sewer allocation and extension request

Rezoning #R-2023-02-C The Farmhouse at Tap Root



Planning Board
March 16, 2023

Henderson County Planning Department

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Conditional Districts

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

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Application Summary

- Conditional Rezoning Request: R-2023-02-C
- Owner(s): Johnston Family Group
- Applicant(s): Johnston Family Group & Orange Capital Advisors, LLC
- Agent: William Alexander
- Property Location: Butler Bridge Road on PIN: 9652-12-2330
- Conditionally rezone from a Regional Commercial (RC) Zoning District to a Conditional District (CD-2023-02)
- Approximately 19.12 acres

Henderson County Planning Department

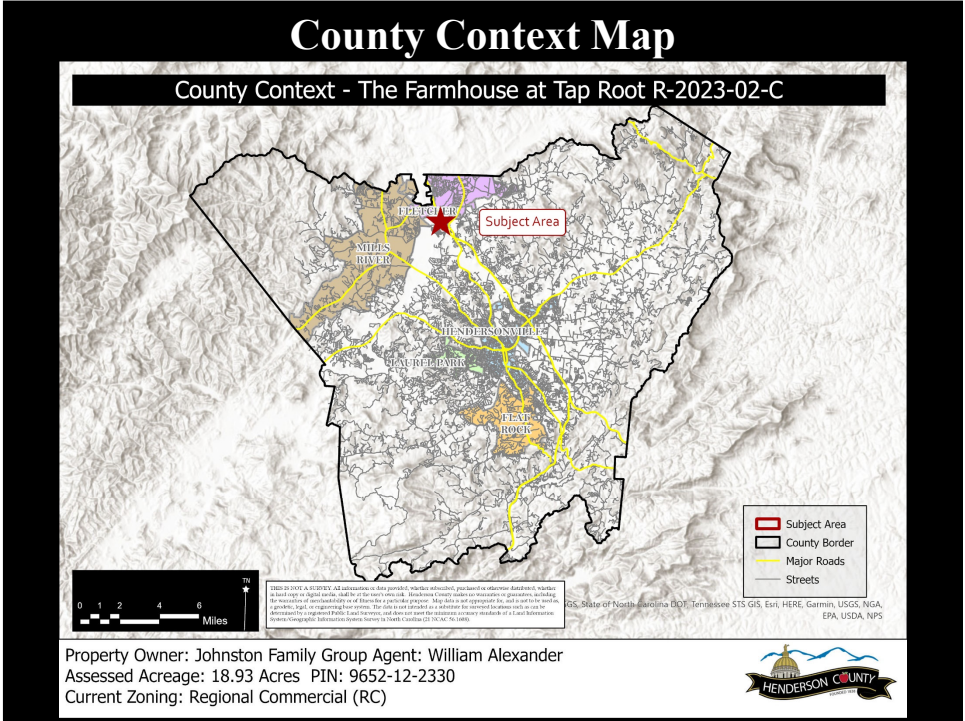
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Project Summary

- 306 multi-family units
 - Mixture of 1-, 2-, and 3-bedroom units
 - Proposed density of 16 units/acre
- 12 total residential structures
 - Ten 3-story structures
 - 30 dwelling units per structure
 - Two 2-story structures
 - 6 garage spaces and 3 dwelling units per structure
- Amenities including a fitness center, community lounge, clubhouse with mailroom, pool, dog park, 5' sidewalk, garbage collection
- 459 parking spaces with 9 ADA accessible spaces
- 20% open space
- 10% common space

Henderson County Planning Department

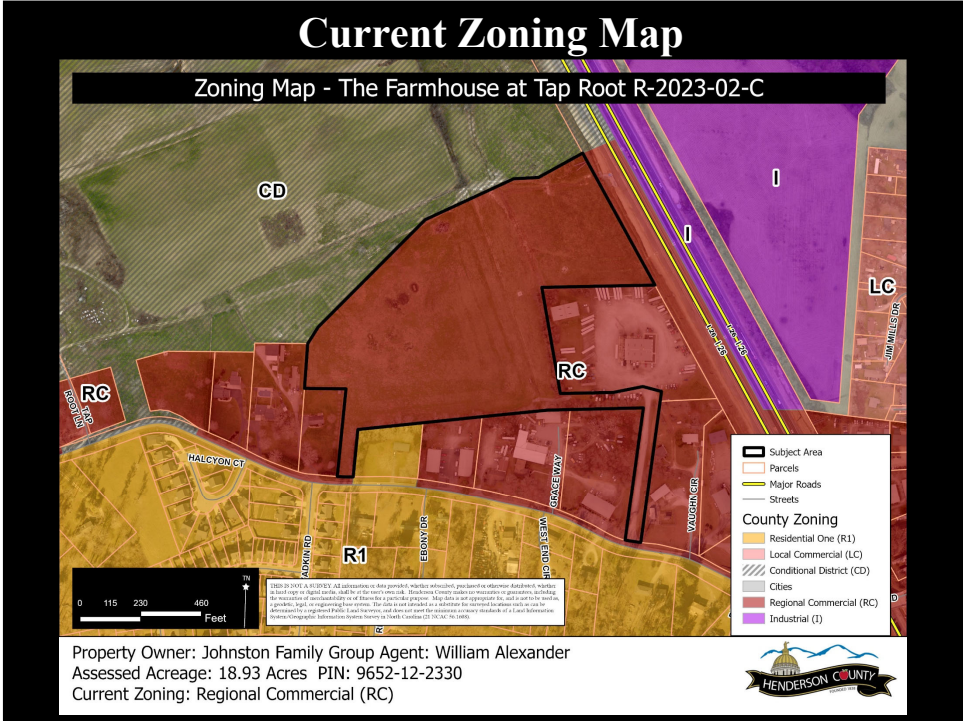
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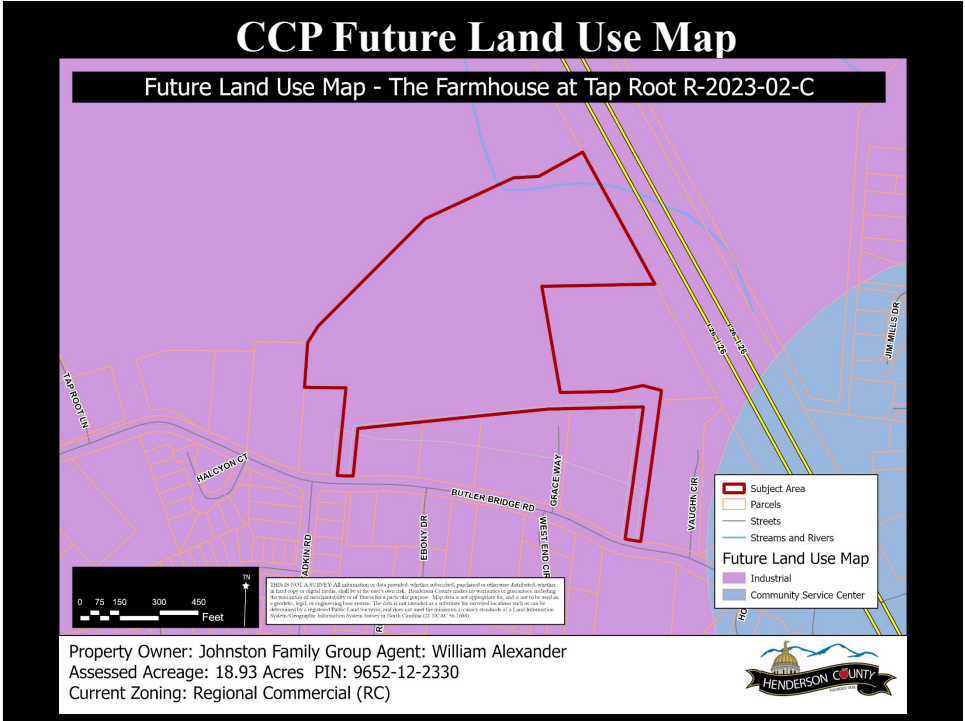
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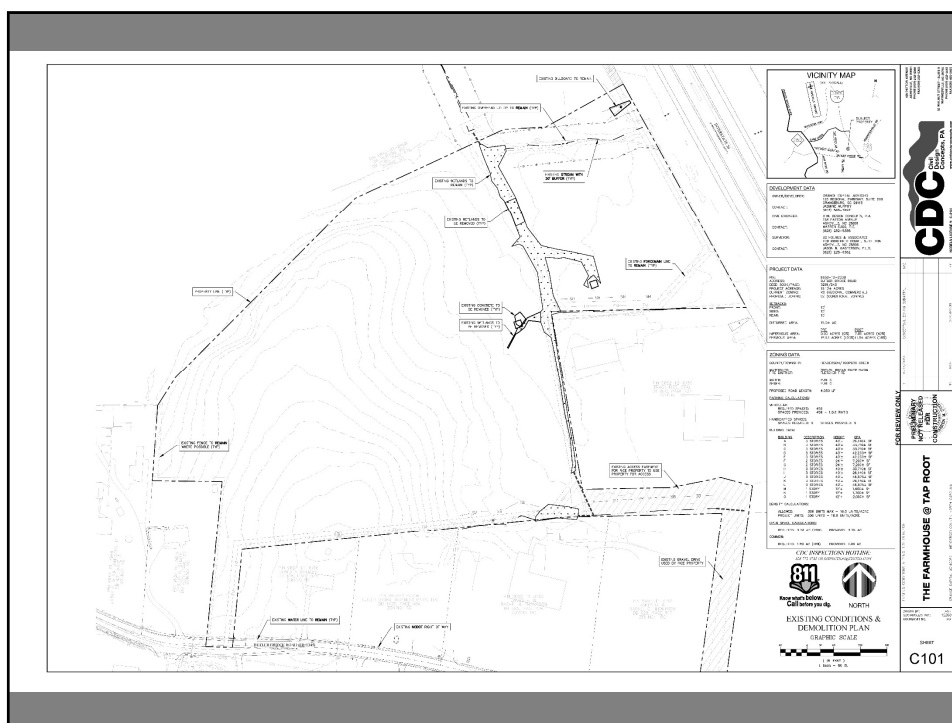
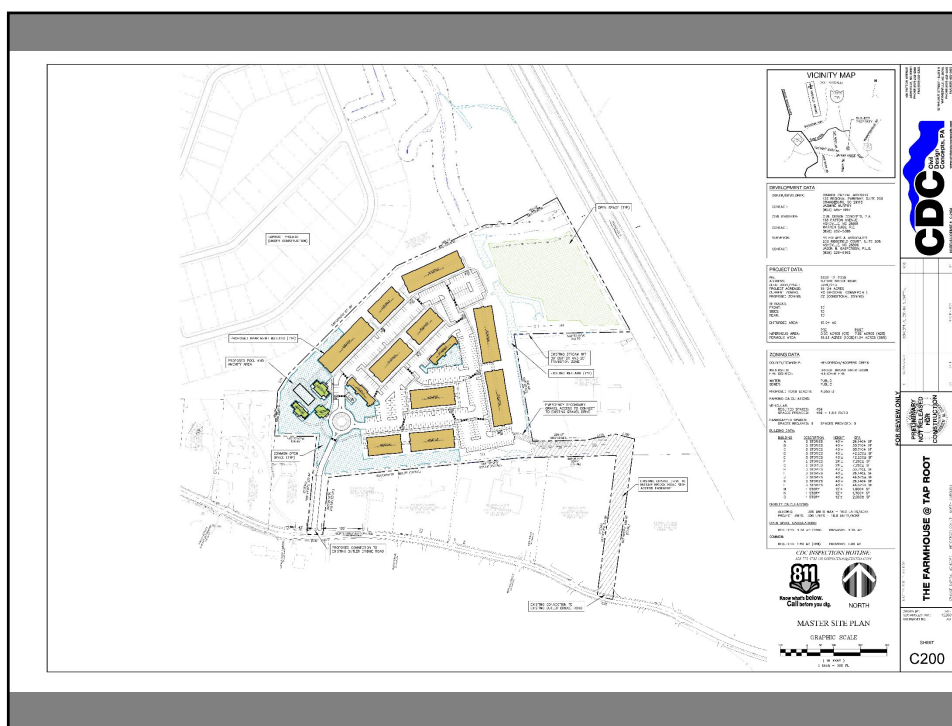
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Next Steps:

Board of Commissioners: Public Hearing will be scheduled at a later date. The County Clerk will submit official notification when the hearing is announced.

Henderson County Planning Department

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Rezoning #R-2023-02-C The Farmhouse at Tap Root

Questions



Henderson County Planning Department

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