

## **REQUEST FOR BOARD ACTION**

### **HENDERSON COUNTY PLANNING BOARD**

**MEETING DATE:** October 19, 2023

**SUBJECT:** Continued Discussion: Master Plan for Etowah Residential Major Subdivision (2023-03-M)

**PRESENTER:** Matt Champion, Zoning Administrator  
Autumn Radcliff, Planning Director

**ATTACHMENTS:**

1. Staff Report and Conditions
2. Revised Master Plan Dated 9-29-23
3. Emergency Service Impact Report
4. TIA Summary (Full TIA online)
5. Letters from NCDOT on TIA
  - a. 10-4-23 Acceptance Letter
  - b. 10-5-23 Addendum
6. Preliminary Geotech Report
7. UNC School of Government Articles
  - a. Types of Development Decisions
  - b. Subdivision Plat Approval
8. PowerPoint Handouts

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

The Planning Board first reviewed the master plan submitted on behalf of Tribute Investment & Development, Inc., by Warren Sugg of Civil Design Concepts at its meeting on August 17th. The Planning Board received over 3 hours of public comment, including several emails and letters prior to the meeting from the community. The Board closed the public hearing, and voted to table the item until the October meeting requesting that the applicant provided any final revisions to the staff as requested for the Board's review. The Planning Board also stated at the August meeting that the public comment period was closed and that no additional input would be accepted at the October meeting. On September 29, 2023, staff received the revised master plan (see attached).

#### **Project Background:**

The subject area is located off Brevard Rd (US64) and Brickyard Rd (SR1323) in the Mills River Township. The entire parcel consists of 173.84 acres, but the subject area consists of 83.5 acres. The remaining 90.34 acres of the parent tract will remain unchanged. The proposed subdivision will be accessed through private roads built in accordance with the Land Development Code (LDC). The subject area contains a portion of PIN: 9529-52-4218.

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

The master plan is an administrative review by the Planning Board. Staff has found that the Master Plan meets the standards of the subdivision regulations of Chapter 42, Henderson County Land Development Code (LDC). Under Henderson County Code §42-338.E., three outcomes are possible:

- 1) Approval. “The proposal meets all requirements of this Chapter [42] and other statutes, ordinances and regulations of the County as submitted and is approved.”
- 2) Conditional Approval. “The proposal exhibits only minor deficiencies with regard to County regulations and other statutes, and is approved subject to the completion of certain conditions. If the plan is approved with conditions the Planning Staff is given administrative responsibility to grant formal approval upon satisfaction of imposed conditions. The Subdivision Administrator has the right to resubmit the revised plan(s) to the Planning Board for complete review if deemed necessary. If the application is granted conditional approval by the Planning Board, then said conditions must be met before a final plat can be approved, unless specified otherwise. If the master plan and/or development plan are not revised to meet the approval conditions or the applicant notified the Planning Department of unwillingness to meet the conditions, it shall be deemed denied and a final plat cannot be approved.”
- 3) Denial. “The proposal cannot be approved as it exhibits deficiencies and/or is not in compliance with this Chapter or other statutes, ordinances and regulations of the County.”

Staff recommends the Master Plan be subject to the developer addressing any issues raised under North Carolina law in the Land Development Code by the Planning Board and addressing the comments listed in the Staff Report.

Planning Board action on subdivision application #2023-03-M (Master Plan for Etowah Residential) is requested.

**Suggested Motion:**

I move that the Planning Board give conditional approval of this subdivision application based on the Henderson County Land Development Code and recommendations of the Henderson County Comprehensive Plan and with any conditions as discussed within the staff report or by the Planning Board. The proposed conditions are as follows:

- 1) All those conditions listed in the staff report.
- 2) [Other lawful conditions required by Planning Board]