REQUEST FOR COMMITTEE ACTION

HENDERSON COUNTY

TECHNICAL REVIEW COMMITTEE

MEETING: May 21, 2024

SUBJECT: Major Site Plan Review Discovery Trails Private School

PRESENTER: Matt Champion, Zoning Administrator

ATTACHMENTS: Staff Report

SUMMARY OF REQUEST: SR 5.20 School (Public/Private/Charter)

Suggested Motion: I move that the TRC approve/deny the major site plan for Discovery Trails Private School
Discovery Trails Private School
MSP 5-21-24

Henderson County, North Carolina
Code Enforcement Services

1. **Committee Request**
   1.1. **Applicant:** Brett Anderson & Rebecca Butler
   1.2. **Request:** Major Site Plan Approval
   1.3. **PINs:** 9651-16-2448
   1.4. **Size:** 1.43 acres +/-
   1.5. **Location:** The subject area is located at 2046 N Rugby Rd.
   1.6. **Supplemental Requirements:**

   **SR 5.20. School (Public/Private/Charter)**
   (1) Site Plan. Major Site Plan required in accordance with §42-331 (Major Site Plan Review).
   (2) Lighting. Lighting mitigation required.
   (3) Operations. A school shall be permitted accessory uses provided the requested accessory use is permitted as a principal/accessory use in the district in which the school is located. Additional signage shall not be permitted for the accessory use.
   (4) Public Address/Loud Speakers. Public address and loud speaker systems shall not be operated before 7:00 a.m. or after 12:00 midnight when on/adjacent to a residential zoning district.

**School (Public/Private/Charter).** An elementary or secondary school, whether private or public, established under NCGS Chapter 115C (or its successor). Schools include:
   (1) Public School. A school operated under the jurisdiction of the Henderson County Board of Education and supported by tax revenue, or any charter school.
   (2) Private School. A school having a curriculum similar to those of a public school.
   (3) Charter School. A school authorized and operating under NCGS Chapter 115 C, Article 16, Part 6A (or its successor).
2. **History & Characteristics:**

2.1. **Current Property Owners:** Brett Anderson and Rebecca Butler purchased the property on August 8, 2023.

2.2. **Former Property Owners:** Adam Schulze and Heather Schulze was listed as the former property owners.

2.3. **Natural Resources:**

2.3.1. **Streams:** According to the USGS, the subject area does contain surface one water source. According to the NCDEQ Water Resources Division, the subject area does not contain surface water sources.

2.3.2. **Slopes:** 51.97% of the subject area contains slopes between 0% and 16%. 32.59% of the subject area contains slopes between 25% and 60%. 15.45% of the subject area contains slopes between 16% and 25%.
3. Current Conditions

2.1 Current Use: The subject area currently contains a single-family dwelling. The 2,540SQFT dwelling was constructed in 1993. The subject area currently has 2 driveway access points of N Rugby Rd and a fenced in playground on the northside of the property. The rest of the property is forested and undeveloped.

2.2 Adjacent Area Uses: The surrounding properties consist of residential, commercial, and agricultural uses. Some residential uses are found west, south, and north of the subject area. Vacant and agricultural land is found east of the subject area. Skylaranna, the conditional district, is found northwest of the subject area. Skylaranna was a mixed use development containing residential and commercials uses.
4. **Current Zoning**

4.1. **Subject Area Zoning:** The subject area is currently zoned Residential Two (R2) by Henderson County.

4.2. **Adjacent Area Zoning:** The subject area is surrounded by properties that are also zoned Residential Two (R2) in all directions. A Conditional District (CD-2019-07) is located north of the subject area. The conditional district is known as Skylaranna.

4.2.1. **Residential Two (R2):** “The purpose of Residential District Two (R2) is to foster orderly growth where the principal use of land is residential. The intent of this district is to allow for low to medium density residential development consistent with the recommendations of the Comprehensive Plan. It is also the intent of this district to allow for flexibility in the continuation of existing nonresidential uses. This general use district is typically meant to be utilized in areas designated as Utility Service Area (USA) in the Comprehensive Plan. (LDC §42-28).

**Map C: Current Zoning**
5. **Floodplain /Watershed Protection** The property is partially encumbered in a Special Flood Hazard Area. A portion of the property is located within the 100-year and 500-year flood hazard areas. There is no floodway shown on the subject area. No new structures are proposed within the flood hazard areas. The subject area is not located within a water supply watershed.
6. **Water and Sewer** The subject area is currently served by individual well and septic. The City of Hendersonville does have a waterline running down N Rugby Rd.

   **Public Water:** N/A

   **Public Sewer:** N/A
7. **2045 Comprehensive Plan Compatibility** The 2045 Comprehensive Plan Future Land Use Map identifies the subject area as being in an Agriculture/Rural character area (See Map F).

   a. **Agriculture/Rural:** From Part 2 page 43, “Agriculture/Rural areas are important for their ability to support diverse agricultural activities. Development in these areas should be uses that do not interfere with agricultural production or drastically change the rural landscape. There are also areas that are significantly constrained due to steep slopes, few road networks, and limited access to infrastructure including broadband and cellular service. Forestry management, agriculture and very low density residential, outdoor recreation, and tourism are expected uses in these areas.

   i. **Where:** In and around concentrations of working agricultural lands. Also includes areas in and around conservation areas, steep mountain ridges and on the edges of the County

   ii. **Density:** The majority of the areas will have a maximum allowable density of one unit per acre and the environmentally sensitive areas will have a maximum allowable density of one unit per five acres (gross density)

   iii. **Uses:** Forestry, very low density single family residential, outdoor recreation/tourism, and agriculture of all types including row crops, orchards,
greenhouses, production and distribution facilities, agritourism operations, and some rural businesses

iv. **Utility Access:** Varies

8. **Proposal** The applicant has currently been operating an unpermitted private school within the existing residential dwelling but is now coming into compliance with the Henderson County Land Development Code with the pending approval of a major site plan. The existing school operates out of the lower level of the residential structure with two classrooms. The total number of students accepted is 15 that represents grades from kindergarten to 5th. The subject area already has an enclosed playground north of the existing residence and trails throughout the wooded area on the back of the property. The major site plan shows a total of 4 primary parking spaces with a total of 8 overflow parking spaces. No new structures are proposed. The two existing driveway cuts onto N Rugby Rd are currently directional. The southern most driveway cut is an entrance only and the northern most driveway cut is an exit only.

9. **Landscaping & Buffering Requirements** The subject area will not have to install a buffer since the surrounding properties are all located within the same zoning district. No parking area landscaping is required since the proposed parking areas are less than 10 spaces.

10. **Oblique Aerial Photos**

    ![](image-url)

    **View from East**
View from North

View from South
View from West

01/05/2024
HENDERSON COUNTY
MAJOR SITE PLAN REVIEW APPLICATION

CONTACT INFORMATION

Property Owner:
Name: Brett Anderson & Rebecca Butler
Phone: 863-602-1011
Complete Address: 2046 N Rugby Rd Hendersonville, NC 28791

Applicant:
Name: Brett Anderson & Rebecca Butler
Phone: 863-602-1011
Complete Address: 2046 N Rugby Rd Hendersonville, NC 28791

Agent:
Name: __________________________________________
Phone: ______________________________________
Complete Address: ________________________________
Agent Form (Circle One): Yes No

Plan Preparer:
Name: Joe Butler
Phone: 407-625-4794
Complete Address: 1401 Catherine St Orlando, FL 32801

GENERAL INFORMATION

Date of Application: 5/6/2024
Site Plan Attached (Circle One): (Yes) No

PARCEL INFORMATION

PIN: 9651-16-2448
Zoning District: R2
Supplemental Requirement# 5.5
Permitted by Right X
Special Use Permit N/A
Tract Size (Acres): 1.43
Fire District: Fletcher
Watershed: N/A
Floodplain: 100 and 500 Year
Location / Property to be developed: 2046 N Rugby Rd Hendersonville, NC 28791

County Use Only

Fee: $_________  Paid: __________ Method: _______ Received by: __________________

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