

Town of Mills River
Minutes of the Planning Board
Tuesday, February 6, 2018

The Town of Mills River Planning Board met on Tuesday, February 6, 2018, at 7:00 PM in the Mills River Town Hall. Board members present were: Jim Humphrey, Randy Austin, Sherri Hill, Carolyn Moore, Jim Foster, Cheryl Janoski, Matt Holloway, Ronnie Edwards, and Brian Kimball. Also in attendance were Town Manager Jeff Wells and Tax Collector/Deputy Town Clerk Aurelie Taylor. There are no open seats on the Board.

Chairman Jim Humphrey called the meeting to order and those present stood for a moment of silence and gave the Pledge of Allegiance.

Adjustments/Additions to Agenda: None.

Ronnie Edwards made a motion to approve the minutes from January 2, 2017; the motion was seconded by Matt Holloway and the motion passed by unanimous verbal assent.

Public Comment: No Public Comment.

Old Business:

A. Nuisance Ordinance/Comprehensive Land Use Plan Update – Town Manager Jeff Wells

Town Manager Jeff Wells updated the Planning Board on Town Council's Visioning Session held in January. The Council would like the Planning Board to look at creating a nuisance ordinance for the Town. He suggested that they look at the copy of Henderson County's ordinance included in their packet and use that as a template. Council also authorized staff to reach out to the Henderson County Sheriff's Office about developing a noise ordinance.

Town Council is also OK with allowing Planning Board to look at updating the Comprehensive Land Use Plan as long as it stays in house. This would be an extensive process, and Jeff would like to begin after a Planner is hired, hopefully by the summer at the latest. Adding a second meeting a month at that time was discussed.

New Business:

A. Master Subdivision Plan Application – Nesbitt Farms – Town Manager Jeff Wells

Town Manager Jeff Wells presented his Staff Report, the text of which appears below, along with the attachments:

Planning & Zoning

Town of Mills River February 6, 2018 Town Planning Board Meeting Staff Report

January 23, 2018

TO: Planning Board

FROM: Jeff Wells, Town Manager

SUBJECT: MS-01-18 Nesbitt Farms Residential Subdivision

A. Actions Requested by Planning Board

Motion to approve, approve with conditions, or deny the major residential subdivision master plan application. If approved, the applicant would move to the development review plan stage.

B. Required Votes to Pass Requested Action

A majority vote is required to pass the requested action.

C. Background

Civil Design Concepts, P.A., acting as agent for Nesbitt Farms LLC and Nesbitt Living Trust, is requesting a Major Residential Subdivision Master Plan approval of Henderson County PINs 9641289849, 9641281805, 9641179991, and 9641385701. The owner of the tracts is Nesbitt Farms LLC, Nesbitt Living Trust, located at 294 Nesbitt Drive. The parcels total 75 acres and the subdivision proposal would create 77 single family residential lots.

The four parcels have significant frontage along Jeffress Road (approximately a half mile). The special use permit approved Legacy development adjoins the property to the north. The Hollabrook Farms subdivision and agricultural use (Supersod) adjoin the property to the east. Agricultural use (Flavor 1st) adjoins the property to the south. A dairy farm adjoins the property to the west. The subject parcels sit up high on a hill and had been an active farm until recent years.

A master plan application is the applicant's first step in the subdivision approval process. The purpose of the master plan application process is to present the development concept for the project, with the intention of providing general information about the project so that the Planning Board can assess the merits and/or concerns of the project's fit within their proposed area. If the master plan concept is approved, the development plan application stage would follow the master plan. This is the stage where full site plans would be developed for review by all member agencies and ultimately the Planning Board again for final approval.

D. Policy Issues

The subject parcels are zoned MR-30. Single family residential is a permitted use by right in the MR-30 zoning district. Each lot has the required minimum area of 30,000 square feet. The entrance for the subdivision is planned for Jeffress Road a few hundred feet west of Hooper Lane. A secondary access is planned at the southern portion of the property, following a driveway that accesses an old homesite still on the property. According to the engineer a majority of the lots will be on both public water and sewer, but a select few of the lots may potentially need septic systems.

The Master Plan requirements are found in Appendix 4 of the Subdivision section of the Town Code. In order to be considered a complete application, the applicant must meet all of the applicable requirements. The initial staff review finds that the applicant does meet all of the applicable requirements.

E. Staff Recommendation

The application and master site plan meets the requirements for approval. Staff feels this site is a good fit for a single family subdivision. This area of town has access to public water and sewer and is adjacent to the successful Hollabrook Farms subdivision and soon to be underway Legacy project. Staff recommends approval of the master plan subdivision application.

If approved, the applicant will be required to advance to the development review plan process. That process requires fully engineered site plans that have been reviewed for approval by the various agencies that would have a stake in the plan, such as: NCDOT, water/sewer utility providers, Mills River Fire and Rescue, etc. Planning Board would have the final review to approve a subdivision development plan.

F. Attachments

1. Application
2. Proposed Masterplan
3. Appendix 4: Master Plan Requirements

APPENDIX 1: SUBDIVISION APPLICATION FORM

Town of Mills River
SUBDIVISION APPLICATION FORM

1/8/18 Nesbitt Farm MS-01-18
Date of Application Subdivision Name 2-1956
Application Number

Major Subdivision Minor Subdivision Other

Property Owners Name: Nesbitt Farms, LLC & Nesbitt Living Trust
Address: 294 Nesbitt Dr
City, State, Zip: Mills River, NC 28759
Owner's Agent: Jesse Gardner - Civil Design Concepts, PA
Telephone No: 828-252-5388
PIN Multiple see plans Deed Book/Page 1678/107
Zoning District RM30 Fire District _____ Watershed _____
Location of property to be divided: 294 Nesbitt Dr.

Type of Subdivision: Residential Commercial Industrial Present Use _____

No. Lots Created 82 Original Tract Size 75 ac New Tract Size 75 ac No. New Lots 877

Road System: Public Private Combination Public and Private
Water System: Individual Community Municipal
Sewer System: Individual Community Municipal

Fee: \$ 1070 Paid \$1070 Method Check

I certify that the information shown above is true and accurate and is in conformance with the Town of Mills River Subdivision Ordinance.

[Signature] 1/8/18
APPLICANT (OWNER OR AGENT) DATE

TOWN USE ONLY

Received by: Jesse James Date: 1/8/18

Fee Paid: 1070.00 Received by: Jesse Date: 1/2/18

Development Plan Approval / Conditions Masterplan submitted

Final Plat Approval: _____ Plat Recorded _____

Print

Town of Mills River, NC Code of Ordinances

APPENDIX 4: MASTER PLAN REQUIREMENTS

Town of Mills River

MASTER PLAN REQUIREMENTS

A Professional Engineer, Land Surveyor, Architect, Landscape Architect, or Professional Planner may prepare the Master Plan. The following information shall be shown on the plan for information and discussion purposes unless not applicable or specifically waived by the Subdivision Administrator*. **If the Master Plan does not contain the required items by the submittal deadline, the application will be considered incomplete and the plan will not be presented to the Planning Board.** Combined Master and Development Plans must be prepared in accordance with Appendix 5 [per Section § 153.049(B)]. For each item below, please indicate whether the requested information has been provided

General Legend

Yes No

- _Scale (written and graphic): Scale for full-sized and reduced copies should be appropriate to clearly depict property
- _North arrow
- _Owner's and applicant's name(s) and address(es)
- _Vicinity map

If no was checked for any above, please explain:

-

Title Block

Yes No

- _Project name
- _Title of map (must state "Master Plan")
- _Date
- _Name, title, address, and phone number of individual, firm, or corporation preparing the plan If no was checked for any above, please explain:

Plan Details

Yes No

- _Contours at maximum of twenty-foot (20') intervals
- _Location of existing ponds, lakes or watercourses with direction of flow
- _Boundaries of the proposed project
- _Approximate location of the 100-year flood hazard line, if applicable
- _Location of existing street/roads, bridges, culverts, utilities, or other major elements affecting the property
- _Water supply watershed boundaries, zoning district lines, fire district boundaries and municipal, county, state boundaries (except townships lines), if applicable
- _General layout of proposed road system
- _General lot layout
- _Location of utility sites (if known)
- _Names of adjoining property owners or subdivisions
- _Proposed project phasing lines, if applicable

Project summary containing the following information:

- _Total project area in acres
- _Number of proposed lots/units by type
- _Approximate length of road system (public; private)
- _Type of Water system _____ (public/private/individual)

Type of Sewer system _____ (public/private/individual)

If no was checked for any above, please explain:

Other Master Plan Application Requirements

The following information or other items shall be provided or otherwise addressed in writing by the submittal deadline of the application for Master Plan approval unless not applicable or specifically waived by the Subdivision Administrator*, otherwise the application will be considered incomplete and will not be presented to the Planning Board.

An unsealed copy of all plats shall be submitted in addition to requirements for sealed plats and plans. All drawings shall be submitted with at least one copy in 11 x 17 size or less.

Yes No

Application Form

Fee

Master Plan (3 full-sized copies and 1 reduced copy per § 153.049(B))

If no was checked for any above, please explain:

Application completed and submitted by: Jesse Gardner

Date: 01/08/18

TOWN USE ONLY

Received by: Jesse S. Date: 1/8/18

Received by: _____ Date: _____

Comments: Made it here in
time for Pub Planning board

(Am. Ord. 00066, passed 4-28-2011)



Memo

To: Jesse James, Town of Mills Rover Planning and Zoning Officer
CC:
From: Jesse Gardner
Date: 01/18/18
Re: Comment Response to Master Plan Submittal

Mr. James,

Per your comments on 1/9/2018 listed below, here are our responses (in red):

- 1) Are the roads intended to stay private or are you building them to public standards to turn over to DOT?
This should be shown on the plans.
CDC – We intend all of the proposed roads to be private. We have added this language to the sheet.
- 2) Scale- 1 inch equals 150 feet. For masterplan I do not need to measure every road or road width but on a chart or in a few places can you show the measurements since this scale does not show exact measurements. Example- Dead Ends 153.069 (I), does this plan meet the standards? What are the road widths? ROW width? Do they need shoulders due to the slopes? Will there be road drainage and culverts? Will they meet 153.069 (F)? (Most of this will be detailed on engineered plans for development plans but it's good to at least mention for the masterplan approval).
CDC - We have added language to the sheet that we intend to meet all the requirements of section 153. All dead-end roads are less than 300' from the last intersection or they have a turnaround. We have also added typical road cross sections to show the proposed ROW, shoulder, and pavement widths for all proposed roads, as well as showing we will have culverts and ditches as our main storm conveyance for the roads.
- 3) Minimum 30,000 square feet lots. If you aren't showing each lot size to assure board the minimum density is met, then your statement should include something like "EACH lot will meet minimum lot density of 30,000 square feet."
CDC – Each lot is shown as 30000 SF minimum. We have revised the lot note to reference that every lot is a minimum of 30000 SF.
- 4) Landscaping- I do not see the new ordinance considered on this plan. There is HOA maintained open area/buffers requirements that need to be shown on this plan. I do not need to see a landscape plan but it will be good for the planning board to see that you are accounting for this area. It does not appear that

Mailing Address: P.O. Box 5432, Asheville, NC 28813

168 Patton Avenue Asheville, NC 28801
Phone 828-252-5388 Fax 828-252-5365

52 Walnut Street- Suite 9, Waynesville, NC 28786
Phone: 828-452-4410 Fax: 828-456-5455

there is any HOA owned land for buffering.

CDC – It is our understanding that the landscape ordinance was adopted after our subdivision application was submitted, so therefore the ordinance is not applicable to our project. However, we have revised the plan to depict a 60' buffer area adjacent to Jeffrees Rd. according to the draft ordinance that we were provided.

- 5) Will your existing roads shown be improved or left as is? Nesbitt Drive is not built to our subdivision standards.

CDC – The gravel Nesbitt Drive will no longer be included in this project. Lots near it's frontage will have required access granted from a proposed limited local road. The remaining existing drives have notes added to them to call out their specific circumstance.

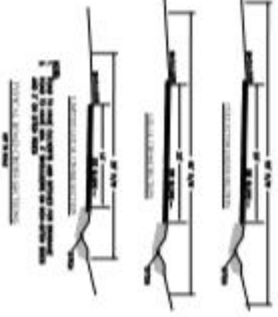
If you have any questions during your review, please feel free to contact us at our office.

Sincerely,

Jesse Gardner



1. The owner has approved the proposed site plan.
 2. The owner has approved the proposed site plan.
 3. The owner has approved the proposed site plan.



NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMITS	08/15/2011	J. L. ...
2	ISSUED FOR PERMITS	08/15/2011	J. L. ...
3	ISSUED FOR PERMITS	08/15/2011	J. L. ...
4	ISSUED FOR PERMITS	08/15/2011	J. L. ...
5	ISSUED FOR PERMITS	08/15/2011	J. L. ...
6	ISSUED FOR PERMITS	08/15/2011	J. L. ...
7	ISSUED FOR PERMITS	08/15/2011	J. L. ...
8	ISSUED FOR PERMITS	08/15/2011	J. L. ...
9	ISSUED FOR PERMITS	08/15/2011	J. L. ...
10	ISSUED FOR PERMITS	08/15/2011	J. L. ...



C200

NESBITT FARMS



PREPARED FOR: NESBITT FARMS
 PREPARED BY: JAMES L. ...
 DATE: 08/15/2011

Jeff went on to explain that this presentation is the first step for the property owner; if the Planning Board approves this plan, the developers would create a plan for technical review and would eventually come back to Planning Board for final approval. He then opened the floor to Jesse Gardener, an engineer with Civil Design Concepts. He introduced the project and offered to answer any technical questions. Billy Taylor, a local realtor and developer spoke, as well as the property owner, Joe Nesbitt. Mr. Taylor suggested that Planning Board look to explore ways for developers to modify the density of projects to keep costs down. Discussion ensued on that subject, as well as the demand for housing in the \$550,000 - \$850,000 range.

Chairman Humphrey requested that each Planning Board member express their opinion of the project. Each one agreed that the plans met the requirements of the ordinance; concerns included school overcrowding, traffic, price point of the properties.

Carolyn Johnson made a motion to approve the Master Subdivision Plan Application for Nesbitt Farms. Brian Kimball seconded the motion and the motion passed by unanimous verbal assent.

Additional Items

Chairman Jim Humphrey addressed the Board and Staff, explaining that recent health issues and their resolution has made him realize that it is time to move on and make a way for others to lead the Planning Board. He has decided that this will be his last meeting and he will request Town Council not to reappoint him to the Planning Board for another term.

Jeff Wells went over his Council Actions memo, the text of which appears below:

COUNCIL ACTIONS – JANUARY 2018

- Sheriff Office – quarterly report.
- Approved updated landscaping standards in town code.
- Approved Conserving Carolinas request to sponsor their grant for McDowell Creek restoration.
- Approved Planning Board recommendations for tiny home, park model, and RV park standards.
 - Drafting ordinance.
- Visioning (Budget Retreat)
 - New project – basketball court. Now seeking bids.
 - NC 280 path – removed southern portion from consideration.
 - Focus on northern section of path.
 - Authorized in-house comp plan.

- Authorized work on nuisance ordinances.
- Authorized reaching out to Sheriff Office about noise ordinance.

OTHER NOTABLE ITEMS

- NCDOT public input meeting on NC 191 widening
 - Thursday March 15th

As there was no further business to discuss, Brian Kimball made a motion to adjourn the meeting. Ronnie Edwards seconded the motion and the motion passed by unanimous verbal assent.

Respectfully submitted,

Aurelie Taylor, CTC
Tax Collector/Deputy Town Clerk