

Town of Mills River  
Minutes of the Planning Board  
Tuesday, June 5, 2018

The Town of Mills River Planning Board met on Tuesday, June 5, 2018, at 7:00 PM in the Mills River Town Hall. Board members present were: Randy Austin, Sherri Hill, Carolyn Moore, Jim Foster, Matt Holloway, Ryan Perry, Dennis Wilson and Brian Kimball. Cheryl Janoski was absent (excused). Also in attendance were Town Manager Jeff Wells, Zoning Administrator Brian Burgess and Tax Collector/Deputy Town Clerk Aurelie Taylor. There are no open seats on the Board.

Chairman Brian Kimball 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.

Matt Holloway made a motion to approve the minutes from May 5, 2018; the motion was seconded by Carolyn Moore and the motion passed by unanimous verbal assent.

**Public Comment:** No public comment.

**Old Business:** No Old Business

**New Business:**

**A. Mills River Crossing, MS-18-01 – Town Manager Jeff Wells**

Town manager Jeff Wells presented his staff report, the text of which appears below:

*Planning & Zoning*

**Town of Mills River  
June 5, 2018 Planning Board Meeting  
Staff Report**

*May 29, 2018*

**TO:** Planning Board

**FROM:** Jeff Wells, Town Manager

**SUBJECT:** MS 01-17 – Mills River Crossing Subdivision Development Plan

<b>A. Actions Requested by Planning Board</b>
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Per Town Code Section 153.049, the Planning Board has final review authority for major subdivisions. Major subdivisions are defined as a subdivision of 11 or more lots.

The Planning Board may take the following actions for this major subdivision master/development plan application:

- Approve the master/development plan as submitted

- Approve the plan with conditions
- Deny the plan.

#### B. Required Votes to Pass Requested Action

A majority vote is required to approve (deny) the proposed major subdivision.

### C. Background

Vladimir Grebenyuk is acting as the agent on behalf of the property owners/developers of the proposed Mills River Crossing major subdivision. The Project Manager is Jeff Tacy and the Engineer of record is Civil Design Concepts.

The developer initially met with the town on December 13, 2016 for its pre-application conference and discussion of a conceptual sketch of the property. The plan was officially submitted in March 2017. Mills River Crossing was proposed as a phased subdivision and had been prepared as a master/development plan. The original submittal comprised of 110 single family residential lots and 2 commercial lots. The first technical review of the plan was on March 22, 2017. The result of that meeting reduced the lot count to 109. Since the original submittal last year, their development team has decided to re-organize the project and re-submit the plan with an initial focus on the north side of NC280 along Old Turnpike Road. The parcel on the north side of NC 280 along Old Turnpike Road is 58.85 acres and has a current address of 5824 Boylston Highway.

Updated plans were submitted for review by the Technical Review Committee, which was conducted on April 25, 2018. The updated plans call for 50 single family residential lots and reserves 14 acres along the frontage of NC 280 for commercial use. There are an additional 6 lots that are reserved as open space areas, comprising 3.3 acres of the project area. The total acreage of the northern tract 58.85 acres. The subject properties are currently zoned Mills River Mixed Use (MR-MU).

The developer conducted a neighborhood meeting at the Mills River Community Center on Thursday May 24, 2018. According to the developer there were approximately 20 people in attendance and they feel that they developed a good relationship with the neighbors. The developer wanted to have an open forum to engage the property owners that live adjacent to the development and answer questions they might have concerning their project.

### D. Policy Issues

The technical review of the revised plan was conducted on April 25, 2018. Agencies in attendance included:

- Town of Mills River Planning/Zoning
- NCDOT
- Henderson County – Watershed Administrator
- Mills River Fire and Rescue
- Hendersonville – Water

Each agency reviewed the plan specific to their discipline and provided comments for the developer/engineer for plan revisions.

The project will require an extension of the main water line along NC 280. The developer along with Mills River Fire and Rescue is working with the City of Hendersonville on the water utility extension. The line would ultimately serve the new fire station planned along NC 280 along with Mills River Crossing. Hendersonville has

accepted the project and reserved the capacity for system use. The city would provide formal approval of the extension if the plans are approved by the town.

The developer ultimately intends to dedicate the streets within the development to the NCDOT for maintenance. Once the roads are constructed, the NCDOT would inspect the roads to ensure compliance with their standards before formal acceptance. The NCDOT has approved the developer's driveway permit application for entry onto Old Turnpike Road. The permit would be executed upon signature from the town contingent on Planning Board approval.

The developer completed a traffic impact analysis for the proposed development. The study was completed by JM Teague Engineering. The analysis concluded that no improvements or mitigations are recommended to the existing road system to accommodate the development.

The property is zoned MR-MU and requires a minimum lot area of 30,000 square feet per lot. Each lot meets the minimum requirement. MR-MU does not require setbacks for residential lots. The plan is divided into two phases. Phase one is six lots at the entrance to the subdivision. Phase two is the remainder of the lots. The plan has the required landscaping/buffering standards per our updated code. A home owner's association will be established for subdivision. The covenants for the HOA must be recorded at the Register of Deeds prior to final plat approval. The developer has also updated the plan based on the comments provided by planning/zoning as part of the technical review.

The engineer has updated the plans to meet each review agency's requirements for approval. The town has received the following approvals:

- NCDOT – driveway permit approval for entrance onto Old Turnpike Road
- Watershed – permit for low density impervious surface allocation and water quality/quantity control (stormwater)
- Hendersonville Water – approval of utility plans within development
- Mills River Fire and Rescue – approval of plan as designed
- Erosion Control – acknowledgment of receipt of application for erosion control permit. State usually takes weeks to months to review

If the Planning Board approves the master/development plan, the developer will be able to start work on the infrastructure. Once the infrastructure is complete in a specific phase then the developer can submit a final plat for staff review and approval. The developer would not be able to sell lots until a final plat is approved.

<b>E. Staff Report</b>
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The application meets the requirements for approval of a major subdivision. Staff recommends approval of the request.

<b>F. Attachments</b>
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1. Application
2. Location Map (aerial)
3. Master/Development Plan (large format available at meeting)
4. Master/Development Plan Checklist
5. Letter to neighbors – invite to Community Center meeting
6. TIA Conclusions and Recommendations

The attachments to the Staff Memo are attached to these minutes and are incorporated herein by reference.

Jeff Tacy from the engineering firm Civil Design Concepts represented the owners of the property. He offered to answer any questions the Board had about the project and the materials presented. There were many questions and much discussion and further description of the project. In the future, the Henderson County Public Schools will be contacted about sending a representative to the Technical Review Committee meetings. Two of the three commercial spaces have been filled. The owners will be the developers – mostly Craftsman style homes around the 2000 square foot range, with garages and driveways with at least a two car capacity, selling in the \$350 to \$450,000 price point. Mr. Tacy gave a short synopsis of the neighborhood meeting that was held for adjoining property owners. They sent out 28 letters; 20 people attended the meeting. Many questions were answered over the course of the hour and a half meeting. Mr. Tacy gave everyone his personal cell phone number.

A neighbor attending the meeting, Melissa Rayfield, asked a question about the stormwater runoff system. Mr. Richard Ledford, the engineer, explained the system. Another question was asked about the natural tree line and Town of Mills River landscaping rules.

Randy Austin made a motion to approve MS-18-01, Mills River Crossing as presented. Matt Holloway seconded the motion and the motion passed by unanimous verbal assent.

**B. Nesbitt Farms, MS-18-02 – Zoning Administrator Brian Burgess**

Zoning Administrator Brian Burgess presented his staff report, the text of which appears below:

*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 1<sup>st</sup>) 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.

<b>F. Attachments</b>
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7. Application
8. Proposed Masterplan
9. Appendix 4: Master Plan Requirements

The attachments to the Staff Memo are attached to these minutes and are incorporated herein by reference.

Billy Taylor, a representative of the owner and the developer of the project, gave an overview of the project, and discussion and questions followed. Lots would be sold for \$100,000, homes to range from \$500,000 to \$1,000,000. All will be on a sewer system and public water. The whole project would have restrictive covenants not yet finalized. Some concerns were expressed, once again about school capacity and traffic concerns.

Jim Foster made a motion to approve MS-18-02, Nesbitt Farms as presented. Ryan Perry seconded the motion and the motion passed by unanimous verbal assent.

### **Additional Items**

Town Manager Jeff Wells gave an update on Town Council actions, the text of which appears below:

#### COUNCIL ACTIONS – MAY 2018

- Basketball court rules approved.
- NC 191 widening – discussion with NCDOT about project.

#### OTHER NOTABLE ITEMS

- Park projects – delayed by extreme wet conditions
  - Shade over playground should be complete later this week
  - Basketball court should be complete in a few weeks
  - Tennis court resurfacing several weeks out
- Hired new Parks Director – Nicole Sweat, Fletcher’s Parks and Recreation Supervisor
- Rezoning requests
  - Request to rezone from MR-GB to MR-LI to locate a craft brewery.
    - 2 parcels with frontage on NC 280 currently owned by PT Green Family Limited Partnership (a little over 2 acres).

- Adjoins Mills River Industrial Park, between Clement Drive and Presbyterian Church Road.
- Request to rezone from MR-LI to MR-30
  - 17 acre property currently owned Lucille Johnston Heffner estate.
  - Small amount of road frontage on Banner Farm Road, backs up to existing MR-LI on Schoolhouse Road.
  - Property under contract for buyer to build a single family residence.

Jeff then reminded the Board that the Fourth of July holiday was on the Wednesday after the July Planning Board meeting and that in the past, the Board has cancelled the July meeting. This year, however, there will be two rezoning requests on the agenda. Jeff asked that the Planning Board decide whether to meet on the 3<sup>rd</sup> or move the meeting to the 10<sup>th</sup> (or another day). After polling the Board, it was decided to keep the meeting on the 3<sup>rd</sup>.

As there was no further business to discuss, Jim Foster made a motion to adjourn the meeting. Matt Holloway seconded the motion and the motion passed by unanimous verbal assent.

Respectfully submitted,

Aurelie Taylor, CTC  
Tax Collector/Deputy Town Clerk