

**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**



## 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:**

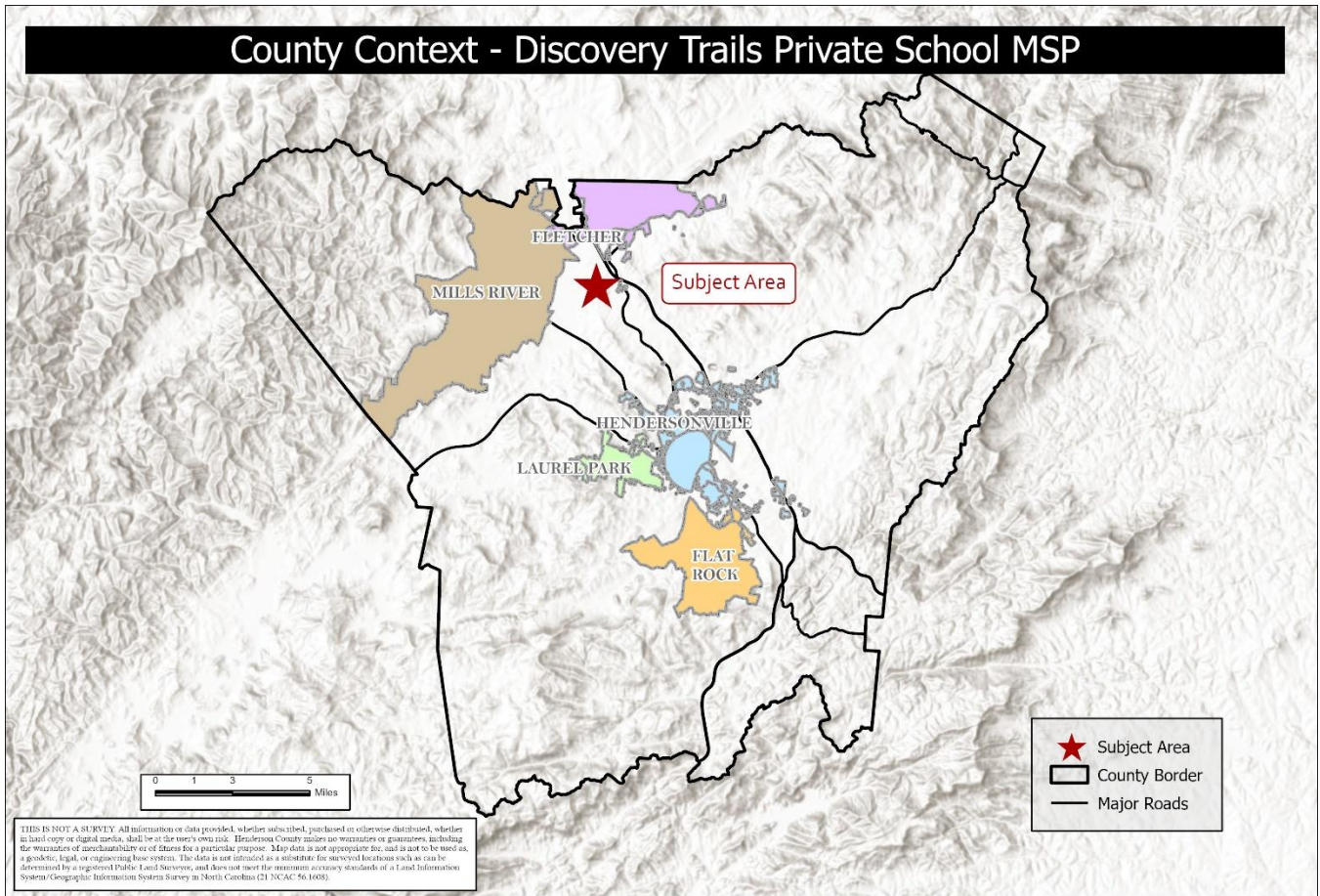
#### **SR 5.20. School (Public/Private/Charter)**

- (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).

## Map A: County Context



Property Owners/Applicants: Brett Anderson & Rebecca Butler  
 Acreage: 1.43 Acres PIN: 9651-16-2448  
 Current Zoning: Residential Two (R2)



## 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%.



**Map B: Aerial Map**



Property Owners/Applicants: Brett Anderson & Rebecca Butler  
 Acreage: 1.43 Acres PIN: 9651-16-2448  
 Current Zoning: Residential Two (R2)



**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.

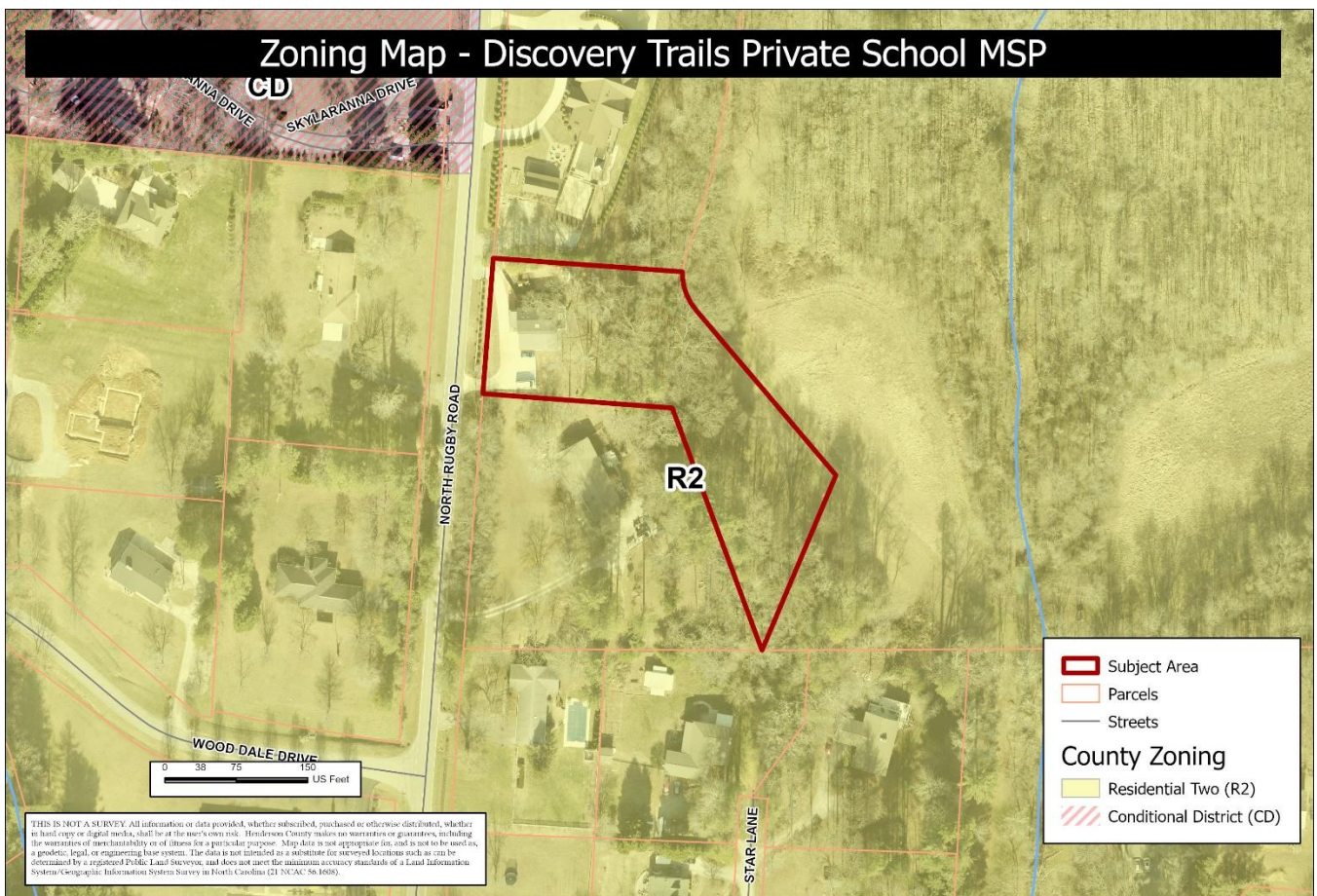
**2.2 Adjacent Area Uses:** The surrounding properties consist of residential, commercial, and agricultural uses. Some residential uses are found west, south, and north of the subject area. Vacant and agricultural land is found east of the subject area. Skylaranna, the conditional district, is found 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**

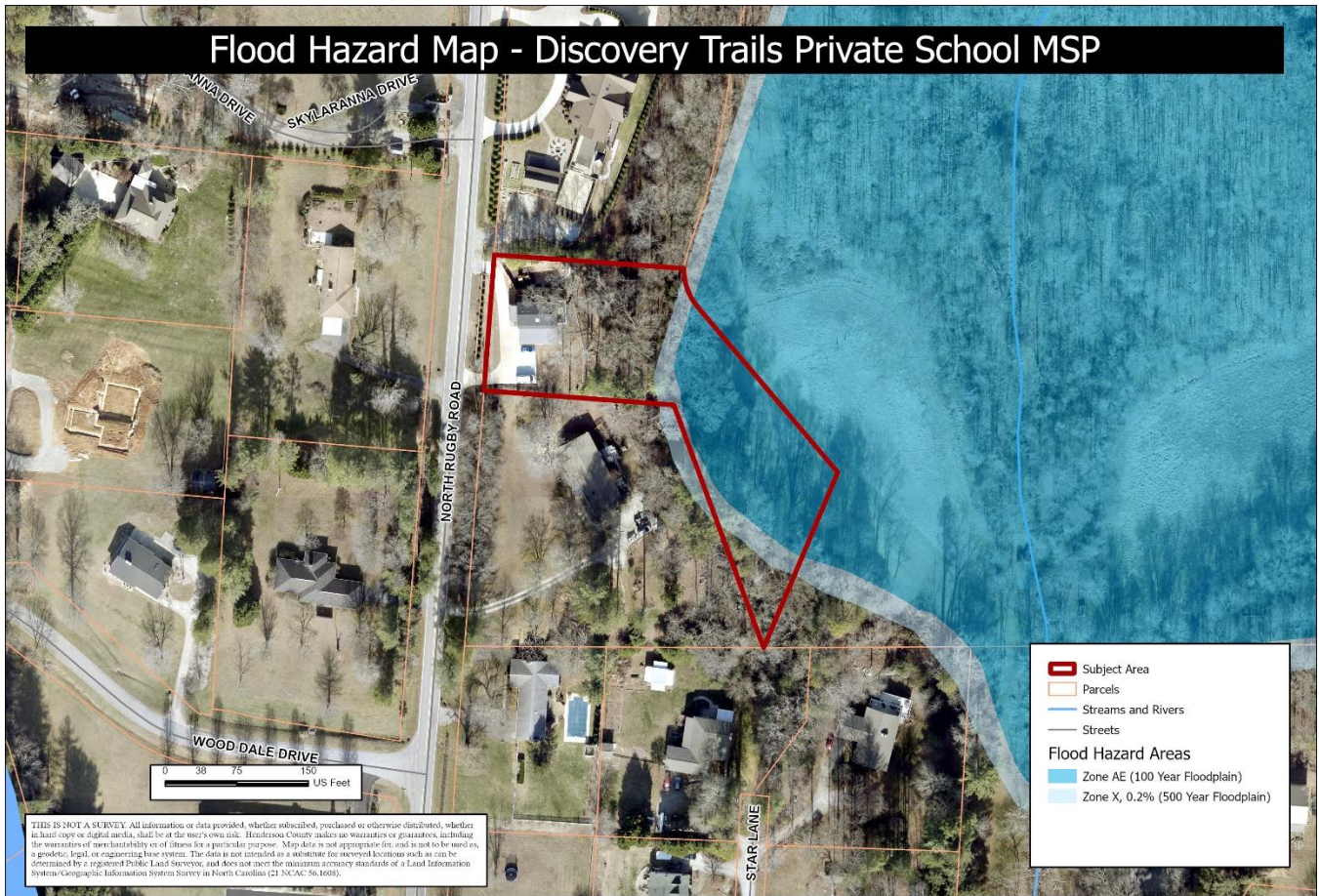


Property Owners/Applicants: Brett Anderson & Rebecca Butler  
Acreage: 1.43 Acres PIN: 9651-16-2448  
Current Zoning: Residential Two (R2)





### Map D: Flood Hazard Areas



Property Owners/Applicants: Brett Anderson & Rebecca Butler  
Acreage: 1.43 Acres PIN: 9651-16-2448  
Current Zoning: Residential Two (R2)



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.



**Map E: Utilities Map**



Property Owners/Applicants: Brett Anderson & Rebecca Butler  
 Acreage: 1.43 Acres PIN: 9651-16-2448  
 Current Zoning: Residential Two (R2)



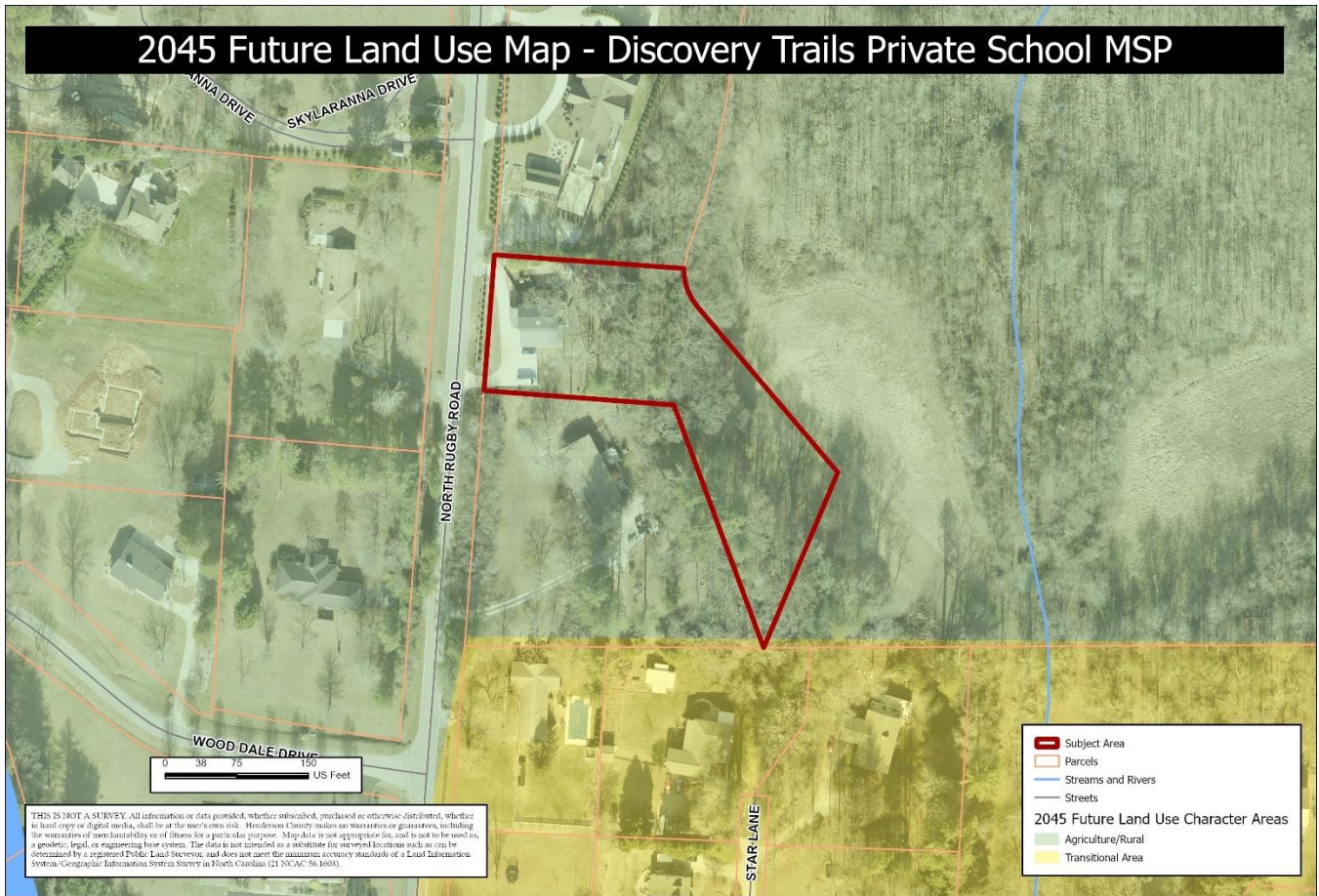
**6. Water and Sewer** The subject area is currently served by individual well and septic. The City of Hendersonville does have a waterline running down N Rugby Rd.

**Public Water:** N/A

**Public Sewer:** N/A



### Map F: 2045 Future Land Use Map



Property Owners/Applicants: Brett Anderson & Rebecca Butler  
 Acreage: 1.43 Acres PIN: 9651-16-2448  
 Current Zoning: Residential Two (R2)



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 5<sup>th</sup>. 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**

**View from East**



01/05/2024



### View from North

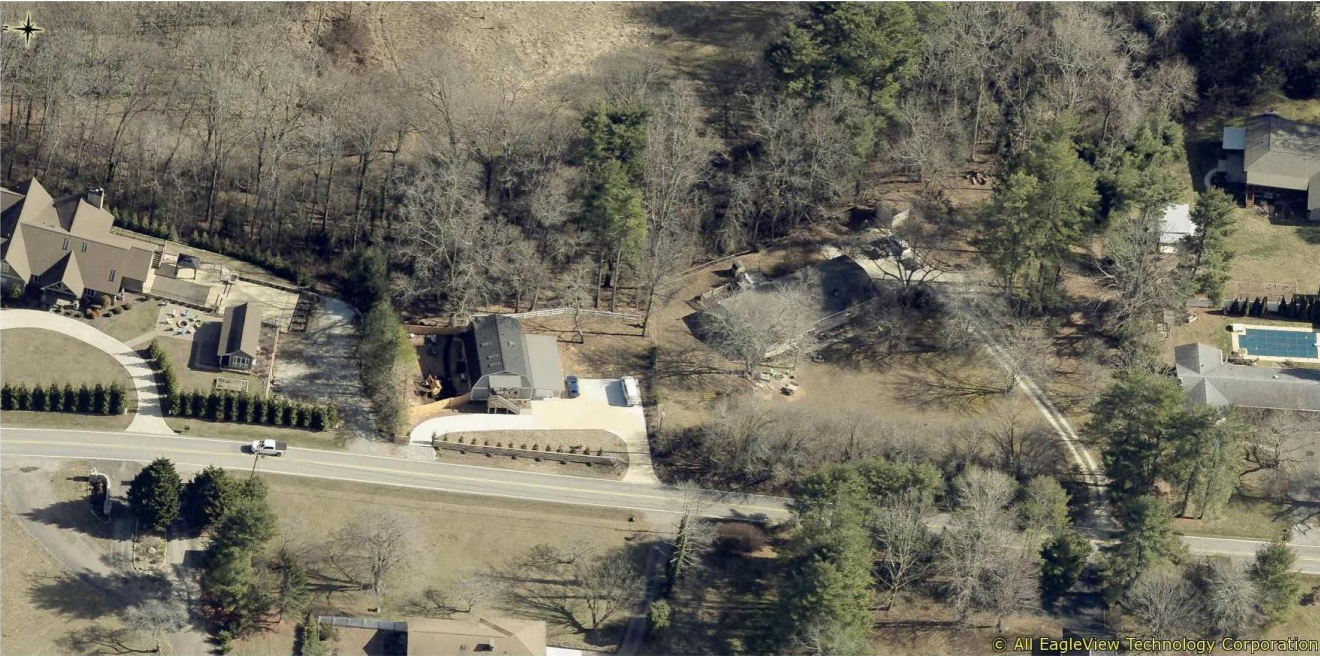


### View from South





# 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 Tract Size (Acres): 1.43  
Zoning District: R2 Fire District: Fletcher  
Supplemental Requirement# 5.5 Watershed: N/A  
Permitted by Right X Floodplain: 100 and 500 Year  
Special Use Permit N/A

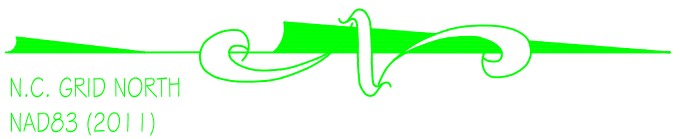
Location / Property to be developed: 2046 N Rugby Rd Hendersonville, NC 28791

\*\*\*\*\*

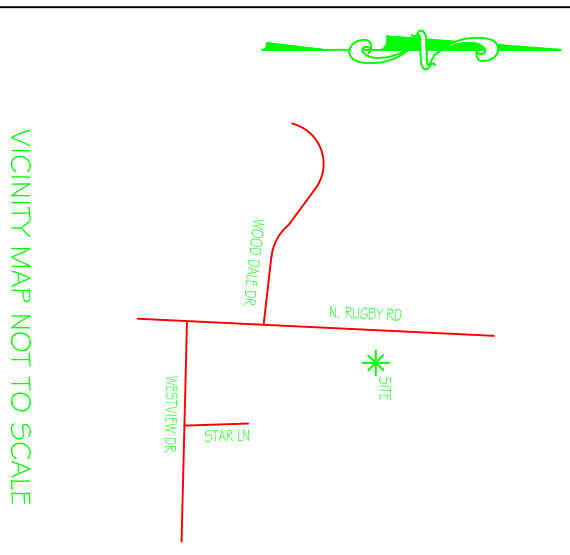
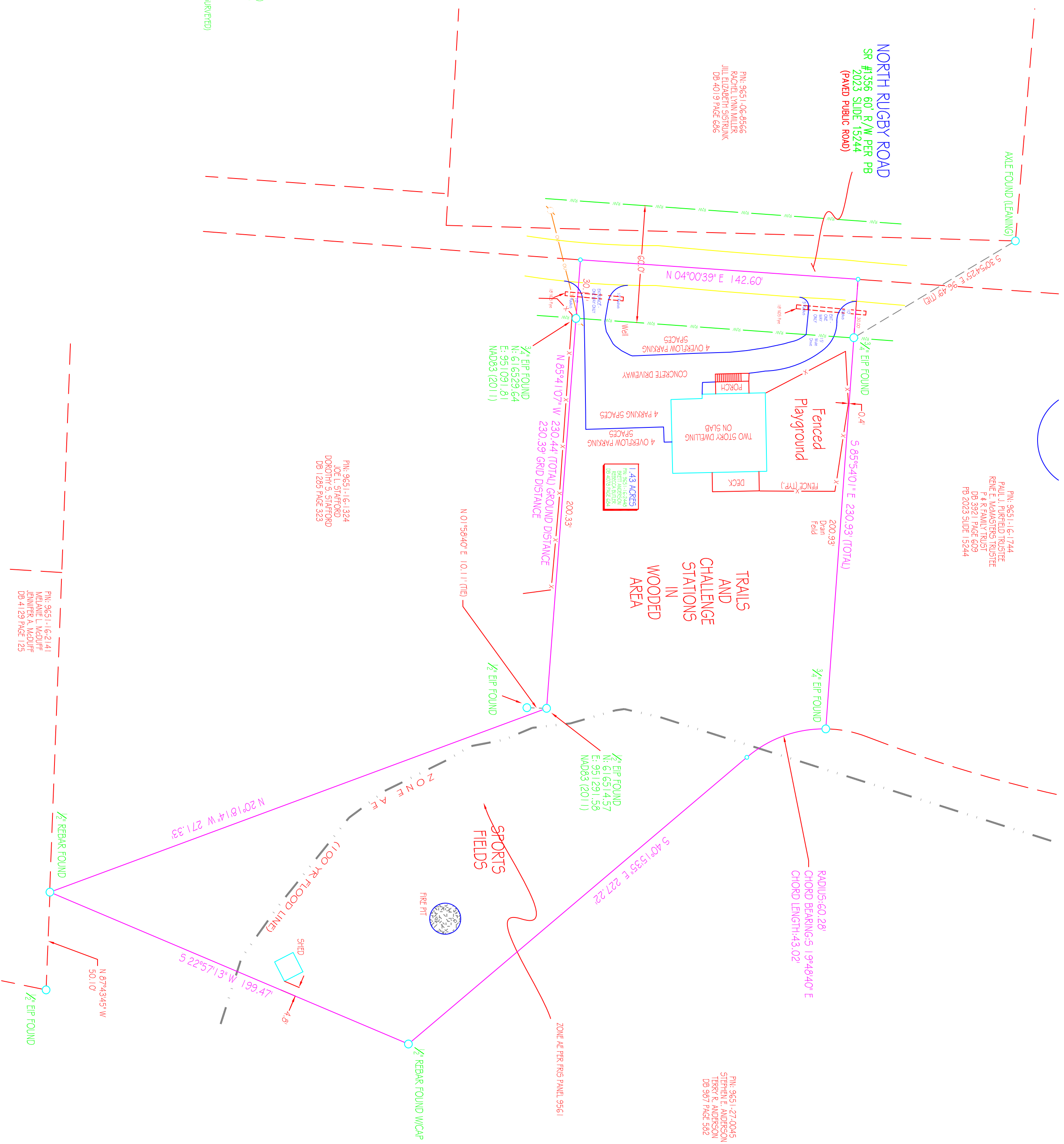
County Use Only

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





- LEGEND:**
- EP = EXISTING IRON PIPE
  - CRP = CORNER TOP OF PIPE
  - R5 = BALDOD SPIKE
  - IF5 = IRON PIN SET / REBAR WITH CAP
  - RW = RIGHT OF WAY
  - B.S.L. = BUILDING SETBACK LINE
  - EP = EDGE OF PAVEMENT
  - OPF = CORRUGATED PLASTIC PIPE
  - RCF = REINFORCED CONCRETE PIPE
  - CO = SEWER CLEANOUT
  - = CALCULATED & UNMARKED POINT
  - = PROPERTY CORNER FOUND (AS NOTED)
  - = SET / REBAR WITH "I.R. DIMBER" I.D. CAP
  - = FOUND STONE OR MONUMENT (AS NOTED)
  - = UTILITY POLE
  - = WATER METRE
  - = WATER VALVE
  - = TELEPHONE PEDestal
  - = SANITARY SEWER MANHOLE
  - = STOKY SEWER MANHOLE
  - = OVERHEAD UTILITY LINE
  - = UNDERGROUND ELECTRIC
  - = UNDERGROUND GAS
  - = SANITARY SEWER LINE
  - = UNDERGROUND TELEPHONE
  - = EDGE OF GRAVEL
  - = FENCE
  - = SUBJECT PROPERTY LINE (SURVEYED)
  - = ADJOINER LINE (LINE NOT SURVEYED)
  - = BUILDING SETBACK LINE (B.S.L.)
  - = RIGHT-OF-WAY LINE (RW)
  - = TIE LINE
  - = SUBJECT PROPERTY LINE (LINE NOT SURVEYED)



VICINITY MAP NOT TO SCALE

**NOTES:**

- ALL AREAS CALCULATED BY COORDINATE COMPUTATION METHOD.
- THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF ABSTRACT TITLE AND MATTERS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY-AT-LAW.
- THIS SURVEY MAY BE SUBJECT TO ALL RIGHTS-OF-WAYS, EASEMENTS, RESERVATIONS, AND RESTRICTIONS WRITTEN AND UNWRITTEN, RECORDED AND UNRECORDED.
- ADDING PROPERTY OWNER INFORMATION TAKEN FROM THE HENDERSON COUNTY GIS WEBSITE.
- NO UNDERGROUND UTILITIES WERE LOCATED. CALL 811 OR 1-800-432-4949 BEFORE DIGGING.
- BASED ON GRAPHICAL DETERMINATION, A PORTION OF THE SUBJECT PROPERTY LIES IN FEMA/FIRM SPECIAL FLOOD HAZARD AREA ZONE AE. AREAS OF 1.0% ANNUAL CHANCE FLOOD AS PER THE NATIONAL FLOOD INSURANCE PROGRAM. FLOOD INSURANCE RATE MAP 37009851 (02) WITH EFFECTIVE DATE OF JANUARY 6, 2010.
- ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
- THE SUBJECT PROPERTY LIES WITHIN THE HENDERSON COUNTY ZONING DISTRICT R2 AND IS SUBJECT TO THE FOLLOWING SETBACKS:
  - FRONT = 20'
  - SIDES = 10'
  - REAR = 10'

**CURRENT RECORD OWNER INFORMATION:**  
 BRETT ANDERSON  
 REBECCA BUTLER  
 2046 N. RUGBY ROAD  
 HENDERSONVILLE, NC 28791

**SITE PLAN FOR  
 BRETT ANDERSON  
 AND  
 REBECCA BUTLER**

**REFERENCES**  
 PIN: 9651-16-2446  
 DEED BOOK 4078 PAGE 624  
 TOTAL AREA = 1.43 ACRES  
 HENDERSONVILLE TOWNSHIP, HENDERSON COUNTY, N.C.  
 DATE: 5-5-2024  
 DRAWN BY: Joseph Butler, P.E.

