



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY PLANNING DIVISION

SUBMITTER:	Tyler Morrow	MEETING DATE:	February 9 th 2023
AGENDA SECTION:	New Business	DEPARTMENT:	Community Development
TITLE OF ITEM:	Subdivision Text Amendment: Changes to Expedited and Minor Subdivisions (P22-112-STA) –Tyler Morrow, Planner II		

SUGGESTED MOTION(S):

For Recommending Approval:

I move Planning Board recommend City Council **adopt** an ordinance amending the official City of Hendersonville Subdivision Ordinance, Section 2.04. Review Procedures by revising subsection F. Expedited subdivision and subsection. I. Minor subdivision, based on the following:

1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The petition aligns with the Comprehensive Plan's goals to Promote compatible infill development (Strategy PH-1.1.) and to amend zoning and/or subdivision standards to require and/or offer incentives for variation in lot sizes. (Action PH-2.1.1.).

2. We [find] this petition, in conjunction with the recommendations presented by staff, to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

1. The proposed text amendment creates flexibility for property owners while still limiting potential impacts to the greater community.
2. The proposed text amendment removes additional obstacles to accomplish less impactful infill developments.
3. The proposed text amendment could create opportunities for additional housing stock to

For Recommending Denial:

I move Planning Board recommend City Council **deny** an ordinance amending the official City of Hendersonville Subdivision Ordinance, Section 2.04. Review Procedures by revising subsection F. Expedited subdivision and subsection. I. Minor subdivision, based on the following:

1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The petition aligns with the Comprehensive Plan's goals to Promote compatible infill development (Strategy PH-1.1.) and to amend zoning and/or subdivision standards to require and/or offer incentives for variation in lot sizes. (Action PH-2.1.1.).

2. We [do not find] this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

1. The proposed text amendment would lower the minimum acreage requirement from what is required in state statutes.
2. The proposed text amendment will limit the public infrastructure required in order to convey lots for certain subdivisions.

[DISCUSS & VOTE]

be available for residents	
[DISCUSS & VOTE]	

SUMMARY: *John Lively initiated a text amendment to our expedited review procedures after speaking with City staff concerning the requirements for smaller subdivisions (3 lots or less) to be reviewed as a minor subdivision when the total acreage of the site falls between 2 and 5 acres. Minor subdivisions require certain infrastructure to be installed or bonded prior to the conveyance of lots.*

In Mr. Lively's case, he lives on a privately maintained gravel road, in the ETJ with well water and a septic system. In order to divide his 3.16 acre lot into 3 lots, he would be required to be reviewed as a minor subdivision. Minor subdivisions must connect to the public potable water and sanitary sewer systems, which would have included Mr. Lively extending both utilities to his property, neither of which currently serve his property. As a result of connecting to the public sewer system, Mr. Lively would be required to annex into the City of Hendersonville.

Minor Subdivisions must also be served by a NCDOT-maintained roadway, or a right-of-way constructed to and maintained in accordance with NCDOT or city standards. Blythewood Drive, where Mr. Lively's property is located is a privately maintained gravel road. He would be required to build a street to NCDOT standards and dedicate it to NCDOT for maintenance. The continuation of a public street would require that it then be reviewed as a major subdivision.

Outside of the Mr. Lively's petition request, City staff is proposing additional changes to the expedited subdivision section to align with state statutes. There are also wording changes to the minor subdivision language clarifying that those standards are for subdivisions of parcels between four to eight lots (including the parent parcel) with no extension of or changes to public streets.

PROJECT/PETITIONER NUMBER:	P22-112-STA
PETITIONER NAME:	John Lively
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Staff Report 2. Application 3. Draft Ordinance 4. Coate's Canons Blog on Expedited Subdivision Review.