



**Town of Laurel Park
Planning Board**

Date of Meeting: February 13th, 2024

Time of Meeting: 3:00 pm

Location: Town Hall, 441 White Pine Drive, Laurel Park, NC 28739

1. Call to Order
2. Approval of the Agenda
3. Approval of the Minutes
 - a. December 12th, 2023 – Regular Meeting Minutes
4. Old Business
 - a. 130 Birchwood Dr. Landscaping for Cellular Tower Modifications
5. New Business
 - a. 2241 Willow Road – Subdivision Review for 1 new 4.51 acre lot in ETJ
6. Adjourn



TOWN OF LAUREL PARK AGENDA ITEM SUMMARY

Title of Item: 130 Birchwood Dr. –Review conditions requested December 12th, 2023

Presenter: Alex Carmichael, Town Manager

Attachment(s): Yes/No

- UDO 7.4.9: Perimeter Buffer Types

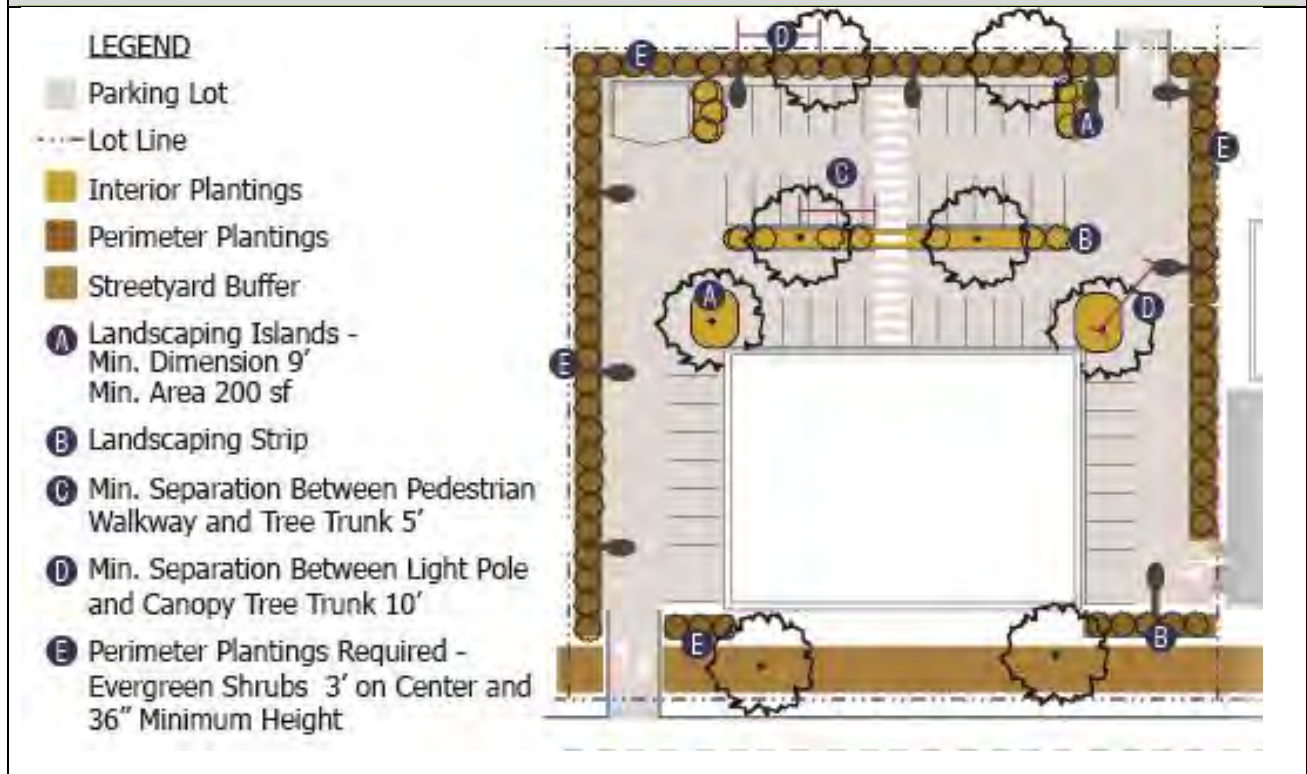
Summary of Item: SBA Communications Corporation is proposing to make modifications to an existing cellular tower located at 130 Birchwood Dr. This site is in the R-30 zoning district and identifies as a steep slope at 15%. Proposed modifications include adding new concrete foundations pads (30 square feet total), adding three (3) 20-foot long micropiles, and modifying/reinforcing various hardware items located on the tower according to table I.1, sheet number S-1.

At the December 12th Planning Board meeting, SBA was asked to come back before the Board with drawings of the enclosure as well as information regarding sound abatement, including the location and types of proposed landscaping.

Suggested Action Requested: Please review and discuss the requested location and types of landscaping.

Suggested Motion: None.

FIGURE 7.4.8: PARKING LOT LANDSCAPING



7.4.9: PERIMETER BUFFERS

A: PURPOSE AND INTENT

These standards are proposed to eliminate or minimize potential nuisances, such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas through physical and visual separation between land uses in separate zoning districts.

B: APPLICABILITY

- 1: All development shall comply with the perimeter buffer standards in this section.
- 2: Development shall provide perimeter buffers along the side and rear lot lines in accordance with Table 7.4.9:G: Buffer Application.
- 3: Lot lines abutting street rights-of-way shall comply with the standards in Section 7.4.10: Streetscape Buffers.

C: BUFFERS DISTINGUISHED

Table 7.4.9:F: Perimeter Buffer Configuration, establishes the standards for perimeter buffers, including the minimum requirements for each of the following buffer types:

- 1: Type A, Intermittent Buffer;
- 2: Type B, Semi-Opaque Buffer; and
- 3: Type C, Opaque Buffer.

D: BUFFER DETERMINATION

- 1: The lot or site being developed is the one responsible for providing the required perimeter buffer, which shall be located solely upon the lot or site being developed.

- 2: Landscaping material located on an adjacent lot may not be credited towards these perimeter buffer requirements.
- 3: The type of perimeter buffer required is based upon the zoning district designation of the land being developed as well as the zoning district designation of the abutting lots (see [Table 7.4.9:G: Buffer Application](#)).

E: BUFFER LOCATION

- 1: Perimeter buffers required by this section shall be located along the outer perimeter of the lot and shall extend to the connecting lot lines.
- 2: In cases where the lot line is within a drainage swale, the perimeter buffer shall extend to the edge of the swale instead of the lot line.
- 3: A perimeter buffer may be located along shared access easements between parcels in non-residential developments.

F: PERIMETER BUFFER CONFIGURATION

The following table sets out the minimum requirements for perimeter buffers.

TABLE 7.4.9:F: PERIMETER BUFFER CONFIGURATION

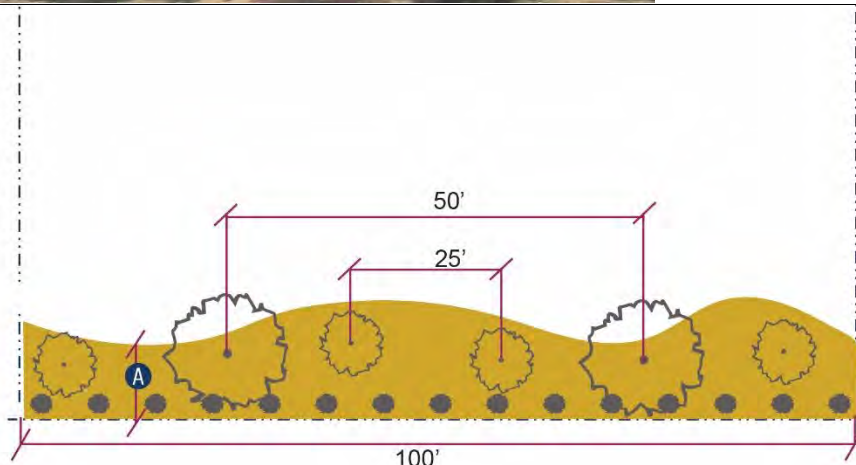
Buffer Type: Type A: Intermittent



Objective: The Type A Intermittent perimeter buffer functions as an intermittent visual screen from the ground to a height of five feet. It is intended to partially block visibility between different uses but not totally obstruct visual contact from one use to another. The image to the left shows an approximation of this buffer type at maturity.

LEGEND

- Lot Line
- Buffer
- Ⓐ Minimum Width 20'
- ☉ Canopy Trees - 2 per 100 linear feet, spaced 50' on-center
- ☉ Understory Trees - 4 per 100 linear feet, spaced 25' on-center
- Shrubs - 15 per 100 linear feet



BUFFER CONFIGURATION	PLANTING REQUIREMENT
Buffer width (feet)	20
Required canopy trees per every 100 linear feet (#) / Maximum on-center spacing (feet)	2 / 50
Required understory trees per every 100 linear feet (#) / Maximum on-center spacing (feet)	4 / 25 /1/
Shrubs per every 100 linear feet (#) / Maximum on-center spacing (feet) /2/	15 / None /1/
Minimum evergreen shrub percentage (%)	60

NOTES:

/1/ Grouping of trees or shrubs is permitted provided there is no un-vegetated portion of the buffer exceeding 20 feet in length.

/2/ In the event a fence or wall is provided, shrubs shall be planted between the fence or wall and the lot line. Shrubs shall be no closer than 3 feet to the lot line.

TABLE 7.4.9:F: PERIMETER BUFFER CONFIGURATION

Buffer Type: Type B: Semi Opaque



Objective: The Type B Semi-Opaque perimeter buffer functions as a partially opaque screen from the ground to a height of six feet. This type of buffer prevents visual contact between uses but not total obstruction from one use to another. The buffer creates a sense of visual separation but provides only minor acoustic separation. The image to the left shows an approximation of this buffer type at maturity.

LEGEND

--- Lot Line

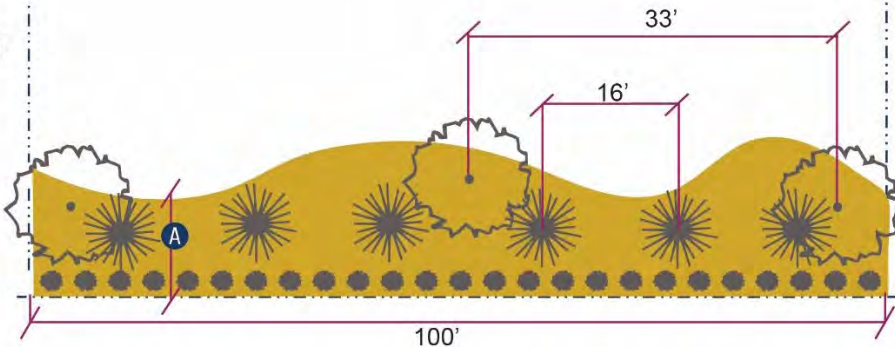
■ Buffer

Ⓐ Minimum Width 30'

☼ Canopy Trees - 3 per 100 linear feet, spaced 33' on-center

☼ Understory Trees - 6 per 100 linear feet, spaced 16' on-center, min. 75% evergreen

● Shrubs - 25 per 100 linear feet, spaced 3' max. on-center



BUFFER CONFIGURATION	PLANTING REQUIREMENT
Minimum buffer width (feet) /1/ /2/	30
Required canopy trees per every 100 linear feet (#) / Maximum on-center spacing (feet)	3 33
Required understory trees per every 100 linear feet (#) / Maximum on-center spacing (feet)	6 16 /3/
Shrubs per every 100 linear feet (#) / Maximum on-center spacing (feet) /4/	25 4 /3/
Minimum evergreen shrub percentage (%)	75

NOTES:

/1/ Provision of a semi-opaque fence or wall allows the buffer width to be reduced by 5 feet.

/2/ Provision of a fully opaque fence, wall, or berm allows the buffer width to be reduced by 10 feet.

/3/ Grouping of trees or shrubs is permitted within 20 feet of the edge of a street right-of-way provided there is no un-vegetated portion of the buffer exceeding 10 feet in length.

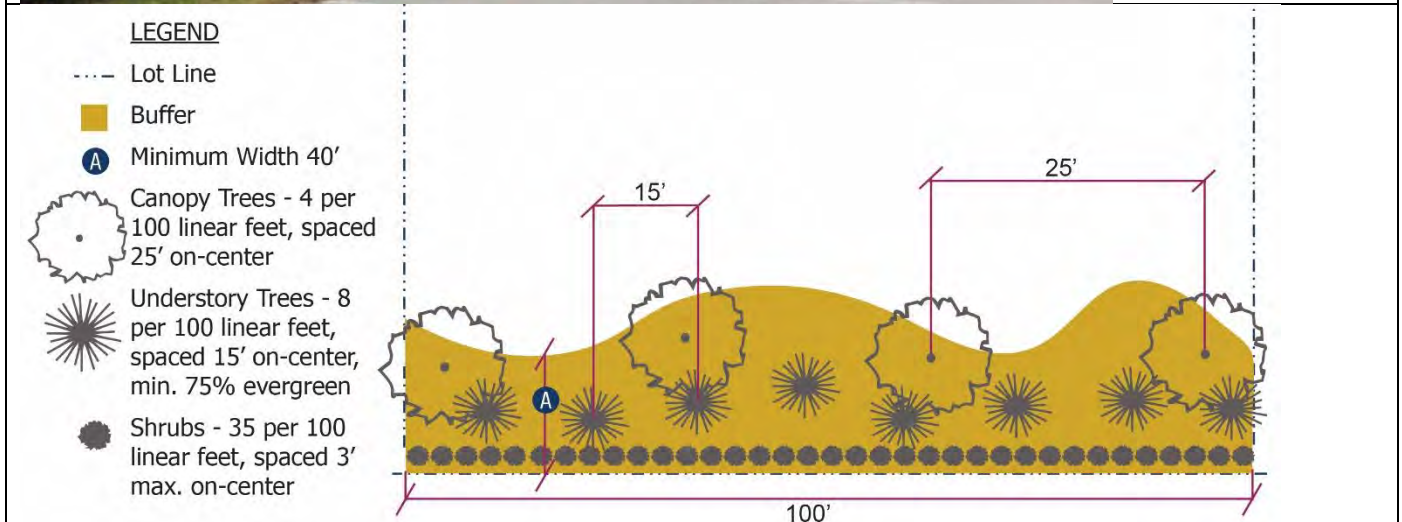
/4/ In the event a fence or wall is provided, shrubs shall be planted between the fence or wall and the lot line. Shrubs shall be no closer than 3 feet to the lot line.

TABLE 7.4.9:F: PERIMETER BUFFER CONFIGURATION

Buffer Type: Type C: Opaque



Objective: The Type C Opaque perimeter buffer functions as a fully opaque screen from the ground to a height of eight feet. This type of buffer provides a strong sense of visual and acoustic separation between uses. The image to the left shows an approximation of this buffer type at maturity.



LEGEND

- Lot Line
- Buffer
- Ⓐ Minimum Width 40'
- ☁ Canopy Trees - 4 per 100 linear feet, spaced 25' on-center
- ☀ Understory Trees - 8 per 100 linear feet, spaced 15' on-center, min. 75% evergreen
- Shrubs - 35 per 100 linear feet, spaced 3' max. on-center

BUFFER CONFIGURATION	PLANTING REQUIREMENT
Minimum buffer width (feet) /1/ /2/	40
Required canopy trees per every 100 linear feet (#) / Maximum on-center spacing (feet)	4 / 25
Required understory trees per every 100 linear feet (#) / Maximum on-center spacing (feet)	8 / 15
Minimum evergreen understory tree percentage (%)	75
Shrubs per every 100 linear feet (#) / Maximum on-center spacing (feet) /3/	35 / 3
Minimum evergreen shrub percentage (%)	100

NOTES:

- /1/ Provision of a semi-opaque fence or wall allows the buffer width to be reduced by 5 feet.
- /2/ Provision of a fully opaque fence, wall, or berm allows the buffer width to be reduced by 10 feet.
- /3/ In the event a fence or wall is provided, shrubs shall be planted between the fence or wall and the lot line. Shrubs shall be no closer than 3 feet to the lot line.

G: BUFFER APPLICATION

Table 7.4.9:G: Buffer Application, specifies the type of perimeter buffer that development shall provide between it and adjacent land, based on the zoning district of the development site and the zoning district designation of the adjacent land. The buffer type is indicated by a letter corresponding to one of the three buffer types described in Table 7.4.9:G: Buffer Application.

TABLE 7.4.9.G: BUFFER APPLICATION						
ZONING DISTRICT OF DEVELOPING LAND	ZONING DISTRICT OF LAND ADJACENT TO PROPOSED DEVELOPMENT /1/ /2/ /3/					
	R-30, R-20	OI	MM	TC	I-1	PD
R-30, R-20	A	None	None	A	A	None
OI	C	None	A	A	None	None
MM	C	B	None	B	None	A
TC	C	B	B	None	None	B
I-1	C	C	C	B	None	A
PD	C	C	C	B	A	A

NOTES:
 /1/ A type C perimeter buffer shall not be required when the lot line abuts unbuildable land within a riparian buffer, the special flood hazard area, a Town-designated tree-save area, or other Town-designated conservation area where existing vegetation will not be removed.
 /2/ Lot lines abutting public street rights-of-way shall be subject to the standards in Section 7.4.10: Streetscape Buffers.
 /3/ A Type A buffer shall be provided along all lot lines bordering the Town’s jurisdiction.

(AMENDED 05.17.22 UDOTA1-22)

H: EXEMPTIONS

Developments consisting of multiple lots that are planned and developed as a single, unified, or consolidated project may be configured so that perimeter buffers are only located around the perimeter of the entire development instead of between lots within the development.

I: CREDIT TOWARDS REQUIRED LANDSCAPING AREAS

Perimeter buffer landscaping may be credited towards the perimeter parking lot landscaping and streetscape buffer requirements in this Ordinance in cases where it meets the locational requirements of this section and is also located within an adjacent perimeter parking lot landscaping or streetscape buffer’s designated area.



TOWN OF LAUREL PARK AGENDA ITEM SUMMARY

Title of Item: 2241 Willow Road – Subdivision Review for 1 new 4.51 acre lot in ETJ

Presenter: Alex Carmichael, Town Manager

Title of Item: Fisher Subdivision on Willow Road (1 lot)

Presenter: Kaitland Finkle, Interim Town Planner

Attachment(s): **Yes/No**

- Staff Report
- Subdivision Plat
- Official Zoning Map
- Land Use Cover Map
- Development Suitability Map
- Protected Ridges and Slope Map
- Wildland Urban Interface Map

Summary of Item:

The proposal is to subdivide 4.51 acres off Parent PIN 9558828737 (approximately 40.87 acres) creating a new lot on Willow Road. Another part of the proposal is to add .9 acres from Parent PIN 9558828737 to PIN 9558910990 (currently 7 acres) resulting in a 7.9 acre tract. This is referred to as a lot line adjustment and is not up for review.

Divisions of land that qualify as subdivisions in accordance with Section 160D-802 of the North Carolina General Statutes, but that do not qualify as an expedited subdivision, shall be reviewed and decided as a preliminary plat in accordance with UDO 6.3.14. Step 6 of the Preliminary Plat Procedure requires the Planning Board to Review and make a formal Recommendation.

Board Action Requested:

Review and comment on proposed subdivision.

Suggested Motion:

Motion to recommend approval of the subdivision as proposed.



Subject: Staff Report – Fisher Subdivision Review for new 4.51 acre lot in ETJ

Steven and Charles Fisher own approximately 40.87 acres identified on the records of the Henderson County Mapping Office as PIN# 9558828737. The attached Subdivision Plat shows the proposal is to subdivide 4.51 acres and create a new lot on Willow Road. Another part of the proposal (not up for review) is to add .9 acres to PIN 9558910990 (currently 7 acres) resulting in a 7.9 acre tract as a lot line adjustment approved administratively.

The attached Official Zoning Map shows that this area is located in the ETJ (Extra-Territorial Jurisdiction) and is zoned R-20 (Moderate Density Residential). Given the proposed lot has slope less than 15%, the dimensional requirements for the new lot are as follows:

- Minimum Lot Area (sq. ft.) 30,000
- Minimum Lot Width (feet) 100

The attached Land Use Cover Map includes the ETJ as part of the study area with this specific area being designated as Developed, Open Space.

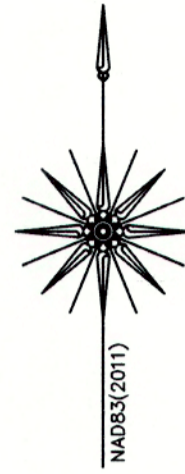
The attached Development Suitability Map includes the ETJ as part of the study area with this specific area being designated between Moderate and Suitable for development.

The attached Protected Ridges and Slope Map includes the ETJ as part of the study area with this specific area not having a designated Protected Ridge and having average slopes less than 10%.

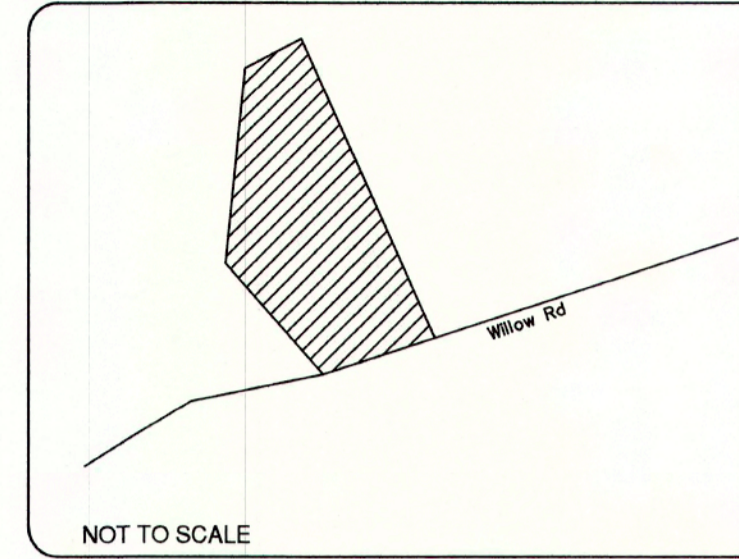
Lastly, the attached Wildland Urban Interface Map includes the ETJ as part of the study area with this specific area being designated between Moderate and Minor Wildfire Risk.

Finally, the proposed subdivision is “encouraging redevelopment by subdividing large parcels of land” which is consistent with the spirit, purpose, and intent of the 2026 Comprehensive Plan. The following is also applicable:

- Goal 4-1: New Development Implements Environmentally Sound Practices
 - Strategy: Protect the community and its residents from the effects of development on unsuitable soils, flood plains, and steep slopes.



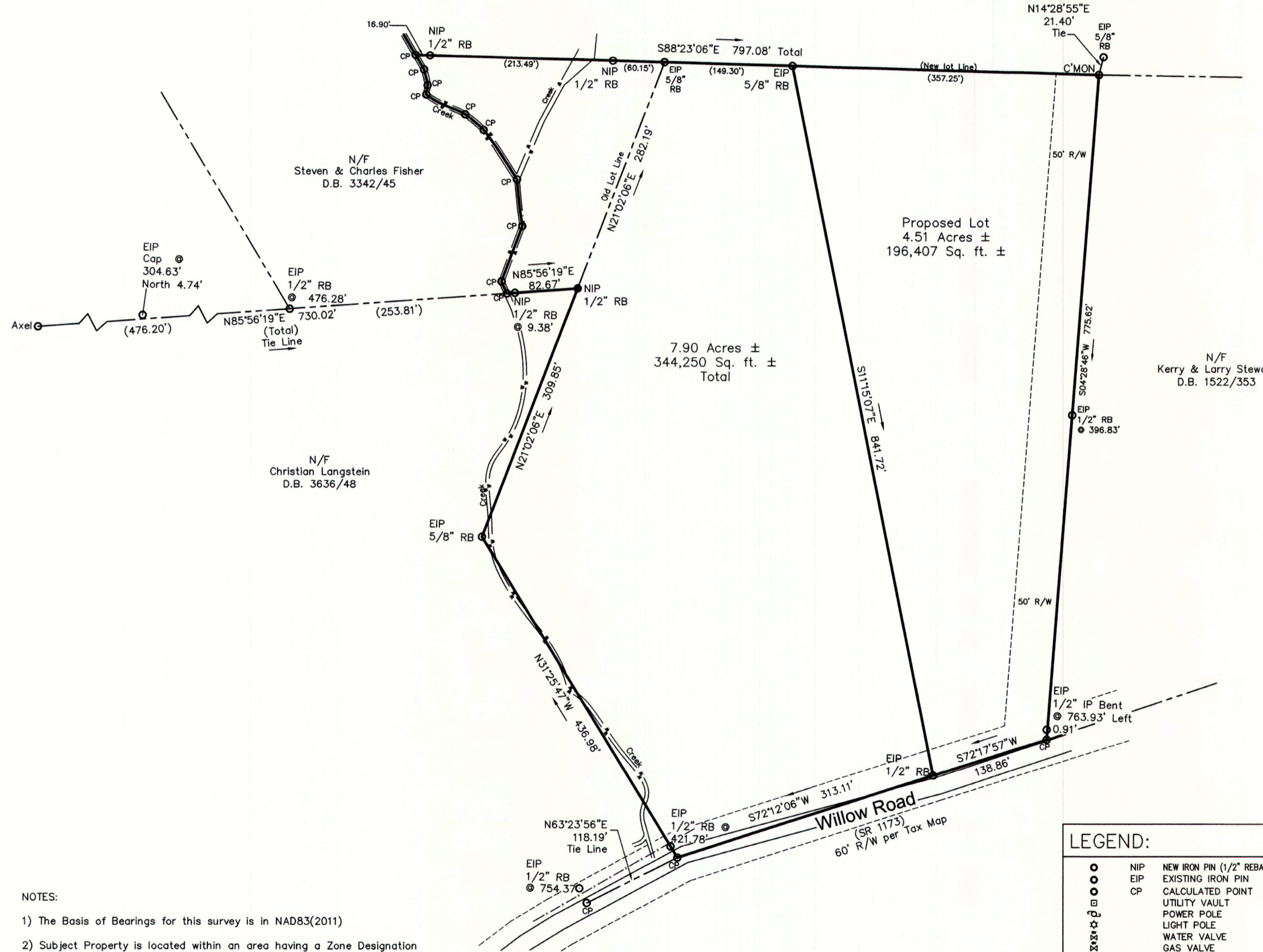
N/F
Steven & Charles Fisher
D.B. 3342/45
35.4 Acres ±



I, Fulton V. Clinkscales, Jr., certify that this plat was drawn under my supervision from an actual survey made under my supervision (Deed description recorded in Book 3912, page 583, etc.) that the boundaries not surveyed are clearly indicated as drawn from information found in Book 3912, Page 583; that the ratio of precision as calculated is 1:10,000; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this 24 day of January, 2024, A.D.

G.S. 47-30(f)(11)(a) This survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.

F.V. Clinkscales, Jr.
Fulton V. Clinkscales, Jr.
L-2614



NOTES:

- 1) The Basis of Bearings for this survey is in NAD83(2011)
- 2) Subject Property is located within an area having a Zone Designation "X" by the Federal Emergency Management Agency (FEMA), on Flood Insurance Rate Map No. 3700955800J, with a date of identification of 10/02/2008.
- 3) Subject property is in ETJ & is zoned in R-20
Setbacks:
Front: 30'
Side: 20'
Rear: 20'
- 4) Riparian Buffer: 35'

LEGEND:

○	NIP	NEW IRON PIN (1/2" REBAR)
●	EIP	EXISTING IRON PIN
○	CP	CALCULATED POINT
⊕		UTILITY VAULT
⊖		POWER POLE
⊙		LIGHT POLE
⊗		WATER VALVE
⊘		GAS VALVE
⊚		WATER METER
⊛		FIRE HYDRANT
⊜		SANITARY SEWER MANHOLE
⊝		STORM DRAIN MANHOLE
⊞		CATCH BASIN
⊠		CLEANOUT
⊡		CURB INLET
⊣		TRANSFORMER
⊤		OVERHEAD UTILITY
⊥		FENCE LINE
-x-x-x-		
(M)		MEASURED
(R)		RECORD
D.B.		DEED BOOK
P.B.		PLAT BOOK
R/W		RIGHT-OF-WAY

I certify that the final plat shown hereon complies with the Laurel Park Subdivision Ordinance and is approved by the Town Council for recording in the Henderson County Register of Deeds office.

Mayor of Laurel Park _____ Date _____

I, _____ Subdivision Administrator for Town of Laurel Park certify that this plat plan has been Reviewed and approved as (a) _____ in accordance with the Town of Laurel Park Subdivision Ordinance.

Subdivision Administrator _____ Date _____

State of North Carolina
Henderson County

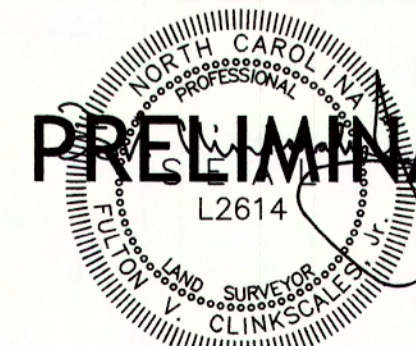
I, _____ Review Officer of Henderson County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer _____ Date _____

Filed and recorded in the Register of Deeds Office for Henderson County, N.C. this ____ day of January, 2024 at _____ o'clock PM in Slide _____

Register of Deeds _____

**Subdivision
Matasaca at Willow, LLC
(Owners)
2241 Willow Rd
Hendersonville Township
Henderson County
State of North Carolina**

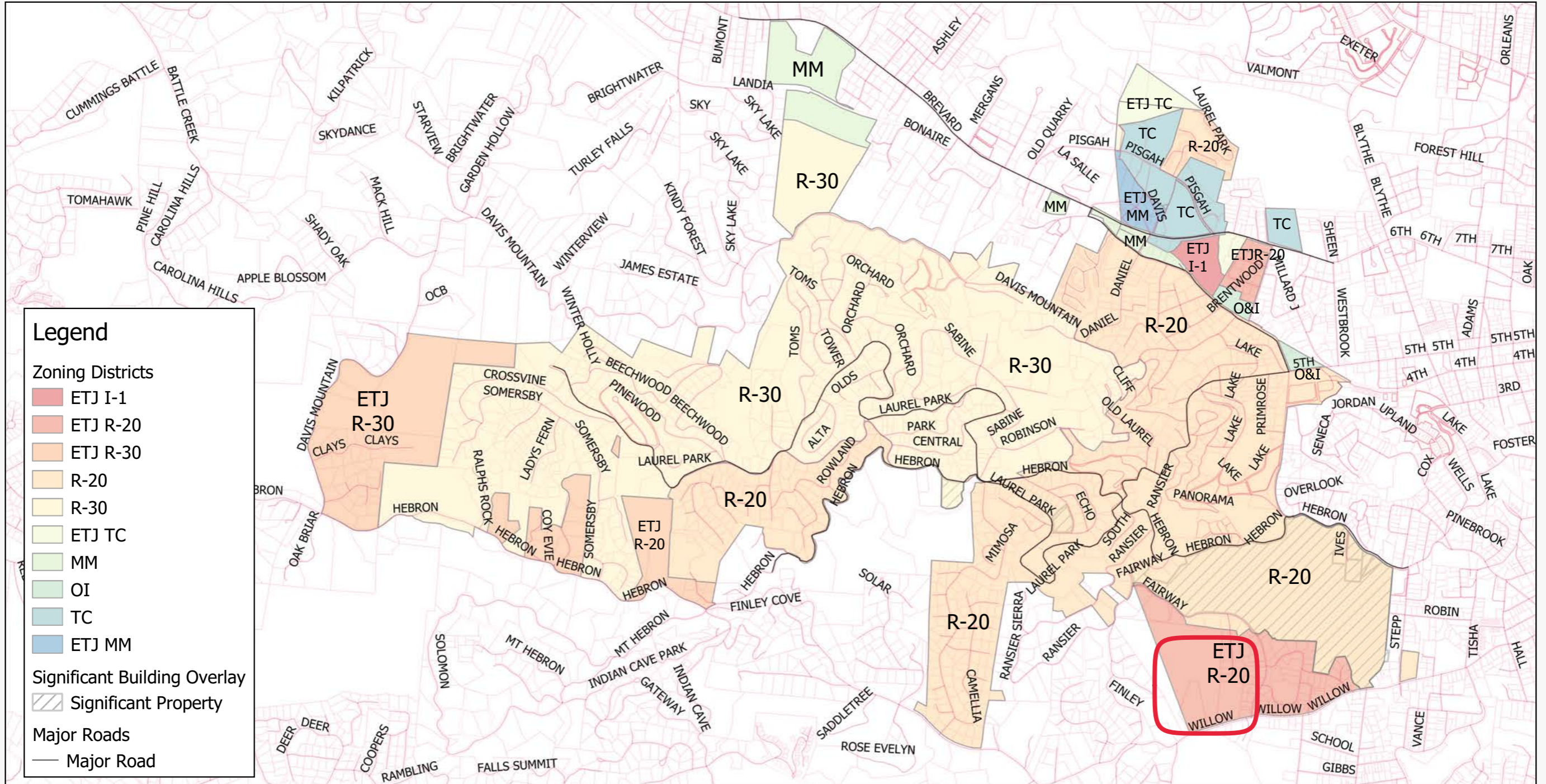


FREELAND - CLINKSCALES & ASSOCIATES, INC. of NC
Engineers * Land Surveyors
201 2nd AVE. EAST
HENDESONVILLE, N.C. 28792
(828) 697-6539
info@fcaofnc.com

REF. PLAT BOOK	2022 14021
REF. DEED BOOK	3912/583
TAX MAP	9558-91-0990
PARTY CHIEF	ABP
DRAWN	ABP
DATE	January 25, 2024
DWG. NO.	H44015

RLS: F. V. CLINKSCALES, JR., P.E.
NO: L-2614 Firm No. C-1562

Laurel Park Zoning Map



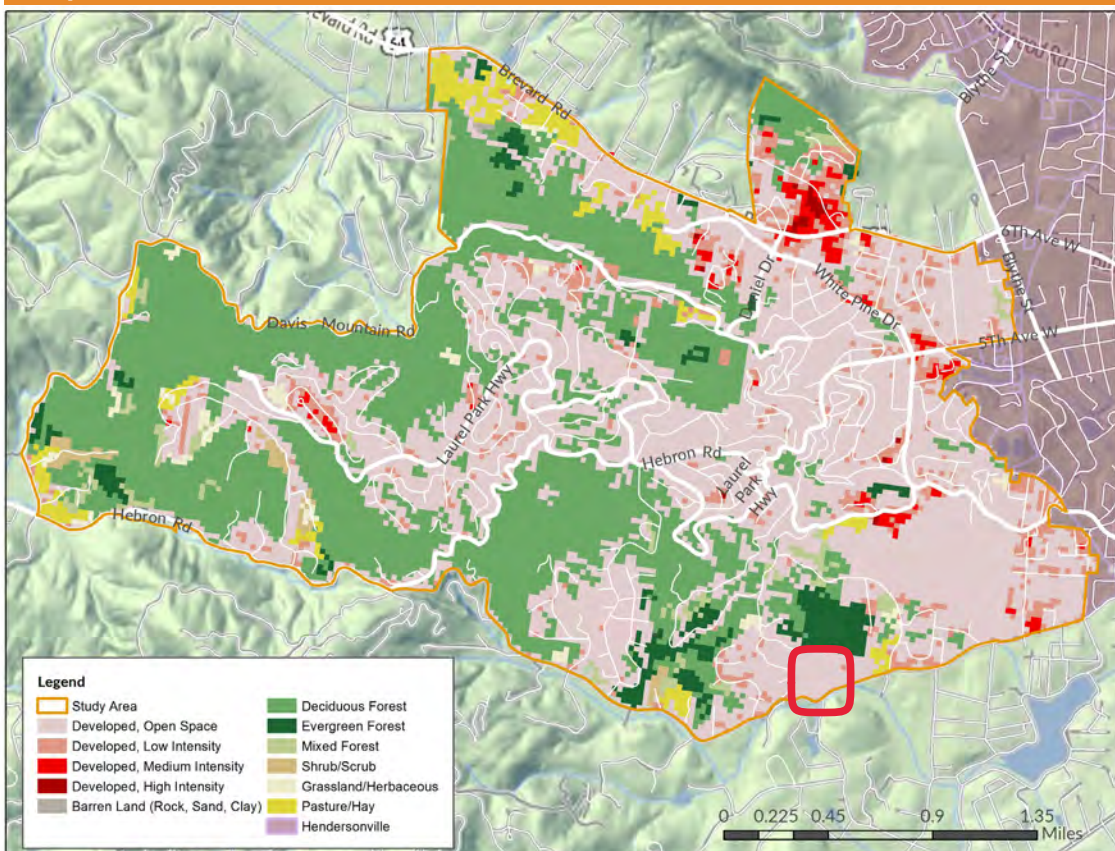
lands, crops, etc. NLCD classifies much of Laurel Park’s land as Developed, Open Space (47%) and Deciduous Forest (36%). Developed, Open Space are areas with a mixture of some constructed materials, but mostly vegetation in the form of lawn grasses. This figure is not surprising given the Town’s large lot sizes. This category also captures the Country Club’s golf course. The NLCD defines Deciduous Forests as, “areas dominated by trees generally greater than 5 meters tall, and greater than 20% of total vegetation cover. More than 75% of the tree species shed foliage simultaneously in response to seasonal change.”

It is important to Laurel Park residents for the town to retain its wooded feel. Other than the Town’s Zoning Ordinance standards related to buffers and landscape plans, the Town does not have a mechanism in place, such as a Tree Protection Ordinance, to replace and maintain vegetation designed to protect environmental quality or land use separation.

Given the important relationships between wooded areas, wildlife, soil erosion, and water quality, Laurel Park should consider ordinance changes related to tree protection and maintenance, planting buffers, and native plant usage. Additionally, a tree protection ordinance dovetails with invasive species management if it requires planting of native trees and plants. [The International Society of Arborists](#) provides a description of three common tree ordinances that Laurel Park may consider:



Map 4-5: Laurel Park Land Use Land Cover

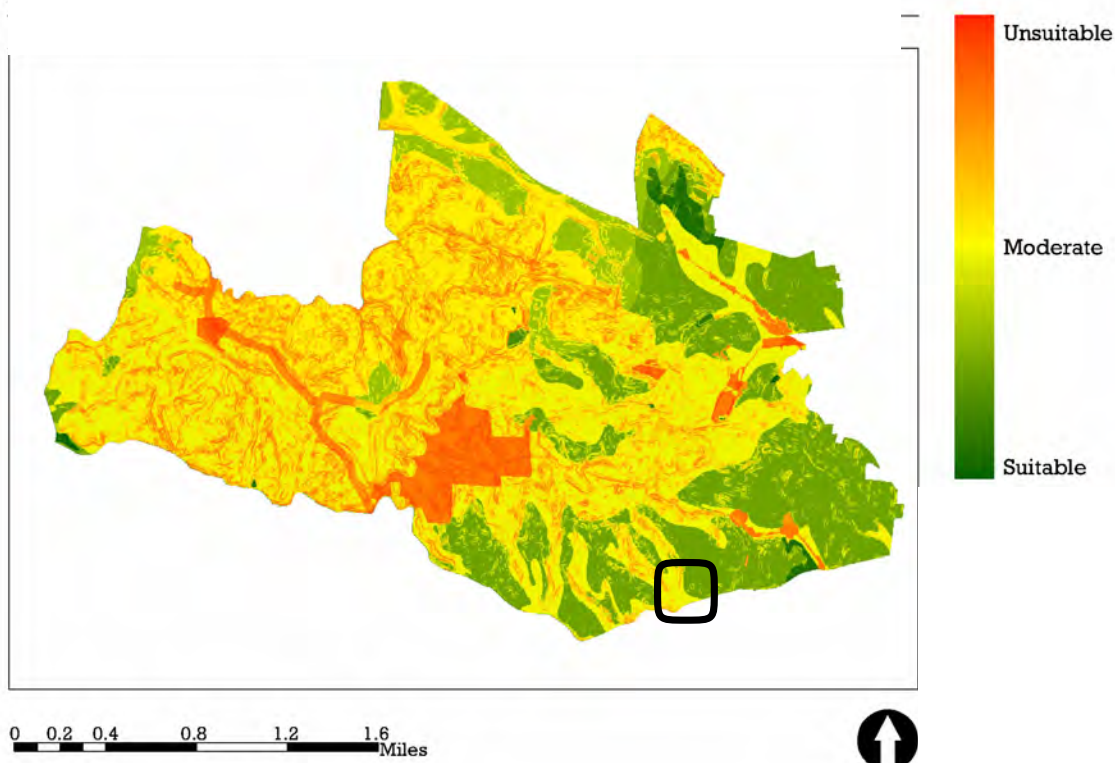


Development Suitability

Laurel Park has a number of natural features that constrain development. The earlier maps in this chapter consider the development constraints of each feature individually. The Development Constraint map overlays (combines) constrained areas that include floodways, slopes, parks and other town owned land, soils, conservation easements, the water supply watershed, protected ridges, and stream buffers.

Additionally, each feature has an associated ranking scale to quantify the level of constraint. For example, when ranking steep slopes, lands with a modest slope received a low score whereas very steep slopes receive the highest ranking. On the map, the lands with the most constraints are shaded red and the least constricted is shaded in green. The map reveals that most land in Laurel Park has some level of constraint. This map guides future land use recommendations in Chapter 7.

Map 4-7: Laurel Park Development Suitability



The density of residential development, particularly in areas lacking public sewer, should be closely related to soil characteristics, which is reflected in the suitability analysis.

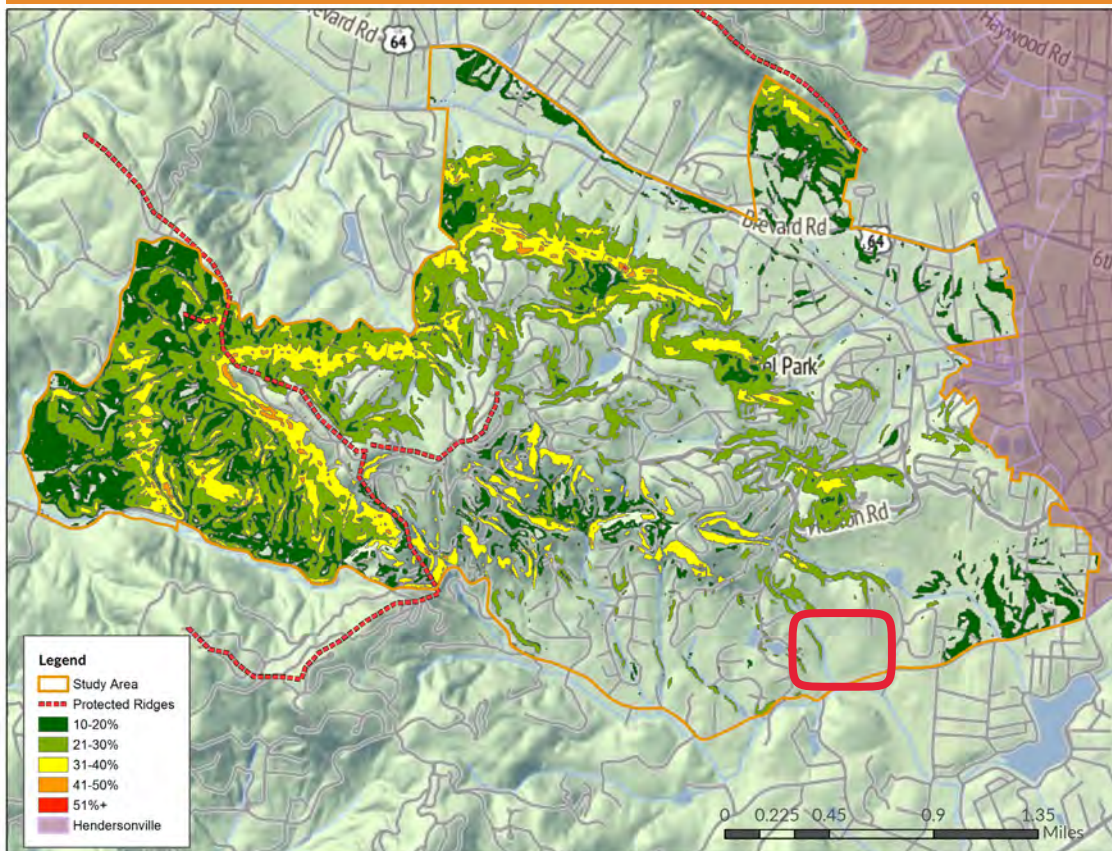
Protected Ridges and Steep Slopes

Across the mountainous region of North Carolina, there is very little mandatory regulation applicable to development on mountain slopes and ridges. The only universally applied regulation is the [Mountain Ridge Protection Act](#) (NC G.S. 113A- 205), which the North Carolina State Legislature passed in 1983 in response to a development built on top of the ridge of Little Sugar Top Mountain in Avery County. The Act protects ridges above 3,000 feet or which are 500 feet above the adjacent valley floor from construction of tall buildings, as defined by the statute. Under the Act's protections, it is unlikely that Fleetwood Hotel would be allowed if it was proposed today. Protected ridges in or near Laurel Park include the Jump Off Mountain ridge and the Hebron Mountain ridge, and the Long John Mountain ridge, the eastern end of which is in the study area.

The Mountain Ridge Protection Act does not address slope or steepness. There is not a universally accepted definition of a steep slope in North Carolina, nor is there a state law or local ordinance in place to regulate steep slope development in Laurel Park. [Henderson County's Land Development Code](#) defines steep slopes as, "A slope greater than 25 percent."



Map 4-2: Protected Ridges and Slopes Greater than 10%



Wildfire Risk

Most mountain communities in Western North Carolina are at some level of wildfire risk. The Wildland Urban Interface (WUI) is the area where human development mixes with or is adjacent to natural areas. The WUI is the area where it is likely that a wildland fire will reach beyond natural fuels, such as trees and brush, to habitated areas and homes.

Laurel Park's proximity to DuPont State Forest makes it eligible for the NC Forest Service's [Firewise Program](#). A Firewise plan is underway at the time of this Plan's development. North Carolina forest rangers surveyed factors in the town such as roads, south facing slopes, hydrants, and the types of homes. Results revealed that the town has a critical ranking, the second highest rating level, and the Rangers identified strategies to mitigate fire hazards. The program also provides fire risk reduction information and tools to private property owners. A sample of the tools available to property owners includes: the use of Firewise landscaping, fire-resistant native vegetation, Firewise construction materials, fire-free space surrounding the structure, stone and/or other non-flammable building components for walkways and driveways, and thinned vegetation near the home.



Map 4-6 Laurel Park WUI Risk Index

