

MINUTES
VILLAGE OF FLAT ROCK SPECIAL MEETING
KERRY LINDSEY – HIGHLAND LAKE “THE FARM”
SPECIAL USE PERMIT PUBLIC HEARING
ASSEMBLY ROOM
NOVEMBER 16, 2017
9:30 A.M.

Mayor Staton presided over the November 16, 2017, special meeting at 9:30 a.m. Those present in addition to Mayor Staton were Vice Mayor Weedman, Council Members Brown, Coletta, Gooch, and Jamerson, Village Clerk Parker and Administrator Boleman. Council Member Dockendorf was not present.

Mayor Staton explained this is a quasi-judicial hearing on the expansion of the Highland Lake PMUD, “The Farm” at Highland Lake.

Mayor Staton led the group in a moment of silent meditation to remember our friend and colleague Mr. Terry Hicks who recently passed away. The Pledge of Allegiance was recited.

Vice Mayor Weedman made a motion to open the public hearing, seconded by Council Member Coletta. The vote was unanimous, motion carried.

Mayor Staton stated this was a quasi-judicial hearing for a Special Use application, Case No. Z17-025. The Applicant is Kerry Lindsey (Highland Lake, Inc. - Real Places, Inc.), whose address is 116A Waterlily Drive, Flat Rock NC 28731. The property address is 82 Lindsey Farm Drive, Flat Rock, NC 28731.

As required in quasi-judicial hearings, Mayor Staton asked if any council member had any conflict of interest in this case. Council Member Coletta stated she does not have any conflict of interest, but she lives in close proximity to the property, has no financial interest, and has no issue of being objective in this matter. Council Member Brown stated she lives in close proximity to the property, has no financial relationship with Mr. Lindsey, and will make a fair decision.

Mayor Staton stated anyone who wishes to give testimony in favor or opposition must come forward to be sworn in by Village Clerk Parker. The following were sworn in: Zoning Administrator Judy Boleman, Attorney Randy Romeo, Keith Kennedy, Tom Zimmerman, Scott Bolyard, Harriet Richie, Joe Bill Sloan, Kerry Lindsey, and Steve Collins.

Mayor Staton turned the meeting over to Zoning Administrator Boleman to present the application. Ms. Boleman stated the zoning application is No. Z17-025, and that notice of public hearing and all individual notifications occurred in a timely manner as required by the Land Development Ordinance. Special Use Permit application is from Kerry Lindsey for “The Farm,” which is identified as Unit 14 of Mr. Lindsey's PMUD master plan approved in 1999. She stated Unit 14 consists of 24+ acres of which 14.7 acres are proposed as open space. Per Exhibit 1B submitted by Mr. Lindsey, the proposal is for 28 single family homes on 28 lots.

She mentioned in regards to commercial uses, Mr. Lindsey had originally considered some home occupations, but when reviewed under Ordinance No. 9 and the current Land Development Ordinance, home occupations are special uses unto themselves, and he would have to bring in a special use application for each such home occupation; and, therefore, he withdrew the same from consideration.

The master SUP allows for a number of accessory dwellings, but Mr. Lindsey is not proposing any accessory dwellings in Unit 14.

Ms. Boleman stated the Planning Board has held two meetings to review Mr. Lindsey's plan and make a recommendation to Council. Mr. Joe Bill Sloan, Planning Board Vice Chairman, read the Planning Board's memorandum dated October 24, 2017, and recommending that the Council approve the special use. Such memorandum was included in the Council's information packet as Exhibit 1F.

The meeting was turned over to Mr. Steve Collins briefly to review the master summary plan for Unit 14 (Exhibit 1D, page 4). He gave a power point presentation with highlights of The Farm. There were discussions regarding the amount of open space, the garden area, how to minimize traffic on roads, posting signs prohibiting construction vehicles on private roads, and how to monitor and enforce such prohibition. Village Greenway and Covered Bridge Drive currently are the roads to access the property.

Discussions of how the agriculture open space will be managed ensued. Mr. Lindsey stated there will be no public retail of produce, and no large equipment will be used.

There were discussions of sections of Exhibit 3B, the Declaration of Covenants, Restrictions, Easements, Reservations' terms and conditions governing The Farm at Highland Lake. Article VIII, Section 1, Single-family Residential Purposes: Principal Building. Ms. Boleman read definitions of accessory buildings and dwellings from Ordinance No. 9. Mr. Collins confirmed there are no plans to have any garage apartments. Also discussed were Article IX, Future Phases, Annexed Properties, and Removal of Properties.

Mr. Collins stated the property will be managed by a property management company in Arden.

Mr. Keith Kennedy, President of Highland Lake Village Residential Homeowners Association, presented comments expressing concerns with traffic safety of the residents and drainage issues.

As to drainage, Mr. Scott Bolyard spoke about the storm water management system.

Attorney Randy Romeo addressed the communication timeline with Mr. Stahl on three main issues: temporary access, road impact fees, and no accessory dwellings. He stated these issues have been addressed, are no longer issues, and are agreeable to Mr. Lindsey. Any issues of change must be heard by Council.

Vice Mayor Weedman made a motion to close the evidence, seconded by Council Member Gooch. The vote was unanimous, motion carried

Vice Mayor Weedman made a motion to close the public hearing, seconded by Council Member Coletta. The vote was unanimous, motion carries.

Council Action – After Council’s finding that the proposed use was consistent with the village’s Comprehensive Land Use Plan, Vice Mayor Weedman made a motion to approve the application as presented. The motion was seconded by Council Member Jamerson. There were discussions that Council could vote today or reconvene at a later date, and put conditions on approval of the application. Mayor Staton advised that no conditions not accepted by the Applicant could be unilaterally imposed by the Council on approval of the application; and further, that issues between the homeowners association and the developer are to be addressed by the two parties without the Council’s involvement in such matters.

After discussions, with no further comments, the vote was unanimous, motion carried.

With no further discussions, the meeting adjourned at 11:50 a.m.

Michelle Parker, CMC
Village Clerk

Robert V. Staton
Mayor