

**MINUTES  
VILLAGE OF FLAT ROCK COUNCIL MEETING  
ASSEMBLY ROOM  
JANUARY 8, 2009  
9:30 AM**

**CALL TO ORDER**

Mayor Staton presided over the Council meeting of January 8, 2009, at 9:30 a.m. in the Assembly Room of the Village Hall. Those present in addition to the Mayor were Vice Mayor Weedman, Council Members Chandler, Davis, Farr, and Wert, Village Clerk Hill, Zoning Administrator Boleman, and several citizens.

**MOMENT OF SILENT MEDITATION / PLEDGE OF ALLEGIANCE**

Mayor Staton led the group in a moment of silent meditation. He then led the group in the Pledge of Allegiance.

**APPROVAL/AGENDA CHANGES**

Vice Mayor Weedman moved to approve the agenda, seconded by Council Member Farr. The vote was unanimous, motion carried.

**Public Comments** - None.

**Consent Agenda**

1. Council Member Wert moved to approve the Consent Agenda, consisting of the following matters:
  - December 1, 2008, Agenda Meeting Minutes
  - December 11, 2008, Council Meeting Minutes

The motion was seconded by Council Member Chandler. The vote was unanimous, motion carried.

**Public Hearing**

2. Braewood Residential Planned Unit Development – Mayor Staton explained that Braewood is a residential planned unit development for which a special use permit was issued by the Council on August 9, 2007. The purpose of the public hearing is to review the three zoning applications, two for variances from specific requirements of the Subdivision Ordinance and one for an amendment of the special use permit to approve modification of the site plan, which will be required if the second variance request is approved. This is a quasi-judicial hearing that requires sworn testimony. Anyone who wishes to speak in favor or opposition of the applicant's request must be sworn.

Council Member Chandler made a motion to open the public hearing, seconded by Council Member Davis. The vote was unanimous, motion carried.

The following were sworn in: Zoning Administrator Boleman, Hilton Swing, and Clint Link.

Mayor Staton turned the meeting over to Zoning Administrator Boleman, who handed the official package of exhibits to the Village Clerk. She summarized by stating that the applicant is asking for variances from the Subdivision Ordinance and handed out section 506 from the ordinance relating to variances, explaining why this is being heard by the Council instead of the Board of Adjustment. She reviewed the Master Site Plan stating that Braewood consists of 88.76 acres and 121 residential units, and then she reviewed the contents of the packet.

The meeting was then turned over to Hilton Swing and Clint Link, his engineer. The first variance request is for relief from the Subdivision Ordinance, Section 403.1.4, water flow/fire flow requirements. The reason for requesting this variance is his belief that the Flat Rock ordinance requirements are incompatible with requirements of the City of Hendersonville, which will be maintaining the waterlines.

The second variance request is for relief from the Subdivision Ordinance, Section 403.4, storm water drainage. The stated reason for requesting this variance is that designing a storm water drainage facility for a 25 year storm event would be burdensome and overly destructive to the property, without any appreciative gain or benefit. A better alternative would be to design a system for a ten year storm event, as required by NCDENR, move water retention ponds away from natural drainage areas, wetlands and the watercourse on the property, and add storm drainage features on the other side of the property. That alternative for Braewood has been approved by NCDENR.

The third application is for an amendment of SUP-07-02, which requires the Council's approval of the amended site plan reflecting the removal of the retention ponds shown on the plan and showing other site plan changes required by the approved storm water management plan. If approved, a new master site plan, relevant to the changes, would have to be submitted.

With no further discussion between the applicant and council, Mayor Staton asked if there was anyone who wished to speak in favor of, or in opposition to these applications. There being none, he then called for a motion to move out of public hearing. Council Member Wert made the motion to move out of public hearing, seconded by Council Member Farr. The vote was unanimous, motion carried.

Mayor Staton summarized the first variance request, for relief from specific requirements of Section 403.1.4, water flow/fire flow requirements, of the Subdivision Ordinance. With no further discussion, Council Member Chandler made a motion to approve the variance request, seconded by Council Member Wert. The vote was unanimous, motion carried.

Mayor Staton summarized the second variance request, for relief from specific requirements of Section 403.4, storm water drainage plan requirements, of the Subdivision Ordinance. With no further discussion, Council Member Farr made a motion to approve the variance request, seconded by Council Member Davis. The vote was unanimous, motion carried.

Mayor Staton summarized the application for modification of the SUP and approval of the site plan amendment. With no further discussion, Council Member Davis made a motion to approve the modification of the SUP and the site plan, seconded by Council Member Chandler. The vote was unanimous, motion carried. Two variances and modification of the SUP and site plan were approved. The applicant will deliver to zoning administration master plan replacement sheets depicting the site plan modifications.

### **Special Reports**

**3. ZONING ADMINISTRATION** – Council Member Wert commended Zoning Administrator Boleman for her work with the Braewood applications. There was discussion on the excavation of the Kanipe property on Little River Road. Grading work has been suspended by order of the county. Zoning Administrator Boleman reviewed the December zoning report. Council Member Farr inquired about the Woodfield Inn. Vice Mayor Weedman reported that Mr. & Mrs. William Hoyer indicated an interest in purchasing the inn, but have not yet made an offer on the property.

### **4. VILLAGE HALL – Council Member Wert**

Council Member Wert reported that he will follow-up with Council Member Bucher on improvement or replacement of the sign at the entrance to Village Center Drive. The village has received complaints that, because of the size of the print, the sign is not legible to passing motorists in search of access to the village hall.

### **5. TAX COLLECTIONS – Vice Mayor Weedman**

Vice Mayor Weedman stated that, at this point in time, tax collections are running a little bit ahead of collections this time last year.

### **Old Business**

None

### **New Business**

None

**Other Business**

**6. Mayor – Council Reports**

Council Member Chandler, at Council Member Bucher's request, advised that the date for the ice cream social has been set for June 6, 2009, and Dries Jansma will be the chairman.

**7. Public Comments – None**

**8. Adjournment**

At 10:53 a.m., with no further discussions, Council Member Davis moved to adjourn, seconded by Council Member Farr. The vote was unanimous, motion carried.

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Michelle Hill  
Village Clerk

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Robert V. Staton  
Mayor