

6

**HENDERSON COUNTY**  
**Planning Department**

---

101 East Allen Street • Hendersonville, NC 28792  
Phone 828-697-4819 • Fax 828-697-4533

**MEMORANDUM**

**TO:** Henderson County Planning Board

**FROM:** Matt Card, Planner

**DATE:** February 8, 2007

**SUBJECT:** Master Plan Review for The Glen and The Highlands at Flat Rock (File # 2007-M04)

---

**PROJECT OVERVIEW**

Mr. Jimmy Edwards, architect, on behalf of Parkridge MOB, LLC, submitted the Master Plan for this project. The Glen and Highlands at Flat Rock is proposed to be a continuing care retirement community with some single-family uses. The project site is located on one parcel of land totaling 132.72 acres off of Crab Creek Road. The project is located in the Open Use zoning district which does not regulate the residential or commercial use of land. According to the Master Plan this project is broken into two different areas, The Glen and The Highlands. The applicant is only requesting subdivision approval for The Highlands portion of the project.

The Glen will be located on one parcel of land which will not be subdivided. This parcel will be maintained and owned by a single entity. The Glen will consist of multiple apartment buildings with independent living care units, a health care center and also 91 townhome units which will not be on individual lots. The Glen will also have commercial and other support services that are associated with this development (see Plan). The applicant is currently seeking a statutory vested right from the Board of Commissioners pursuant to Chapter 189 of the Henderson County Code. If approved, the developer would be vested to the current Open Use zoning district requirements (Staff may have more information on this at the meeting).

The Highlands portion of the project is proposed to have a total of 45 single-family lots. It will be served by either public or private roads or a combination of both. Mud Creek runs through the southern portion of the property where the applicant has proposed a sewer and wastewater treatment plant (package plant). The applicant is also proposing a community well water system with storage tanks. A couple of ponds are also proposed.

**STAFF COMMENTS**

According to Section 170-16B of the Henderson County Subdivision Ordinance (HCSO), the purpose of a Master Plan is to present the overall development concept for a project and to provide general information about the project to allow for assessment of its impact on growth and development of the County, environmental quality, land values, natural features, etc. Staff has reviewed the Master Plan for The Glen and The Highlands at Flat Rock for conformance with the Henderson County Subdivision Ordinance (HCSO) and offers the following comments:

**Master Plan Comments**

1. **Henderson County 2020 Comprehensive Plan (CCP).** The Future Land Use map of the CCP shows the subject property is located within the Rural Agricultural Area (RAA) of the Growth Management Strategy. The RAA is expected to remain predominantly rural with low-density residential

development during the life of the CCP (through 2020) because of the location, topography, and lack of public infrastructure for these areas. RAAs are usually so far from public water and sewer as to make extensions of such utilities economically unfeasible. According to Draft 7 of the Land Development Code Zoning Map the proposed project site for this development is located entirely in the Residential Zoning District 3 (R3). The current draft of the Land Development Code (LDC) requires a density of 1 unit per 1.5 acres. The proposed density of the project including The Glen portion of the project is approximately 2.4 units per acre. Since the project site is located in the Open Use (OU) zoning district, the County does not currently have any regulations that restrict this development from occurring as proposed. The Future Land Use Map of the CCP, Sensitive Natural Areas Map of the CCP and the Natural Heritage Inventory show that the top portion of this development is proposed on land designated as "Conservation" (Pinnacle Mountain). Conservation areas are likely to be sensitive natural areas, such as steep slopes, streams, creeks, waterfalls and other features found on the property. At this time, the County does not have any specific regulations or protections for these environmentally sensitive areas. The Planning Board may want to discuss with the developer the intentions of dealing with the potential safety concerns, environmental issues and demand on public services that the proposed development will have on this area. Staff may have more regarding the impact of this development on public services at the meeting.

#### **Review Agency Comments**

1. **Comments from the Fire Marshal.** The Henderson County Fire Marshal's Office submitted comments regarding the subdivision (see attached). According to the Master Plan the applicant will provide a private community water system with wells and storage tanks. Mr. Hyder has requested that the storage tanks and ponds have a static water point (dry hydrant) for fire suppression. The applicant should explain to the Planning Board the measures to be used for fire protection. The applicant should also discuss the design of the community water system.
2. **Comments from the Zoning Administrator.** Natalie Berry, Zoning Administrator, submitted comments regarding the project (see attached response).

#### **STAFF RECOMMENDATION**

Staff has found that the proposed Master Plan appears to meet the technical standards of the Subdivision Ordinance for Master Plan review. Although the development is not consistent with the recommendations of the CCP and LDC, the current land use regulations allow for the development. Staff recommends approval of the Master Plan subject to the developer addressing any issues raised by the Planning Board. Note: Approval of this Master Plan may be contingent upon the applicant establishing a statutory vested right. Any changes to the Master Plan due to requirements of statutory vested right approval will require revising the Master Plan pursuant to Section 170-16, B of the HCSO.

#### **PLANNING BOARD ACTION**

##### **Suggested Motion**

I move that the Planning Board find and conclude that the Master Plan appears to comply with the provisions of the Subdivision Ordinance;

AND

I further move that the Master Plan be approved subject to the following conditions: the applicant satisfies any conditions that may result from the comments listed above and any other conditions that may result from discussion at the Planning Board meeting.

# HENDERSON COUNTY SUBDIVISION APPLICATION FORM

January 11, 2007 The Glen & Highlands  
Date of Application Subdivision Name

2007-1404  
Application Number

☒ Major Subdivision

☐ Minor Subdivision

☐ Other

Property Owners Name: Parkridge MOB LLC  
Address: 64 Peachtree Road, Suite 201  
City, State, Zip: Asheville, NC 28803  
Owner's Agent: James M. Edwards, Willaim Lapsley, David Ammons  
Telephone No: (919) 782-2272 (828) 697-7334 (919) 783-0044  
PIN 9546514260 Deed Book/Page 1291/637  
Zoning District Open Use Fire District 14 Valley Hill Watershed Two  
Location of property to be divided: SR 1127, Crab Creek Road near Pearl Road

Type of Subdivision: ☒ Residential ☐ Commercial ☐ Industrial Present Use \_\_\_\_\_  
No. Lots Created \_\_\_\_\_ Original Tract Size 132.72 New Tract Size \_\_\_\_\_ No. New Lots \_\_\_\_\_  
Road System: ☐ Public ☐ Private ☒ Combination Public and Private  
Water System: ☐ Individual ☒ Community ☐ Municipal  
Sewer System: ☐ Individual ☒ Community ☐ Municipal  
Cemetery on Property: ☐ Yes ☒ No

Fee: \$ 200.00 Paid ☒ Method Check

I certify that the information shown above is true and accurate and is in conformance with the Henderson County Subdivision Ordinance.

  
APPLICANT (OWNER OR AGENT)

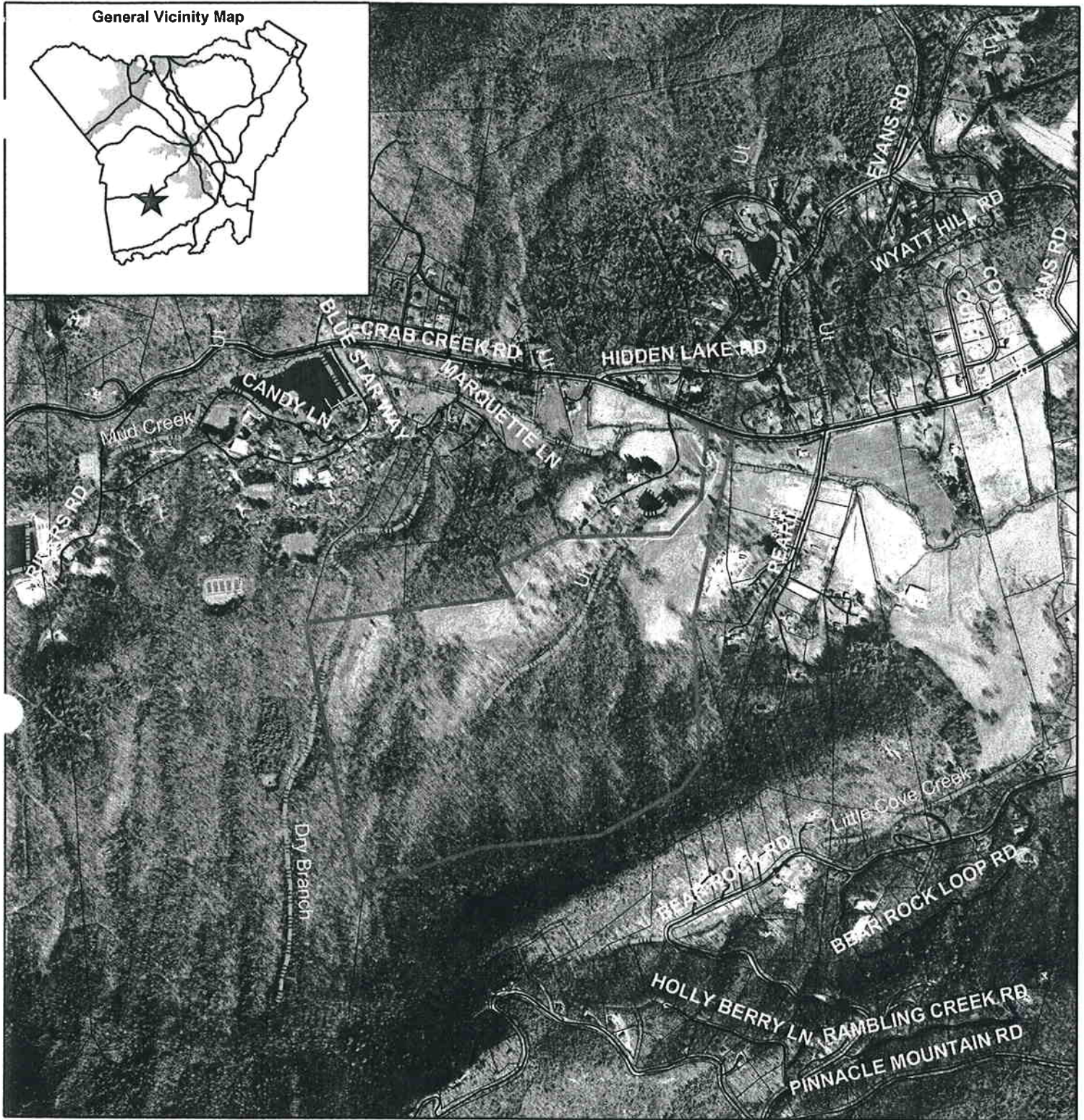
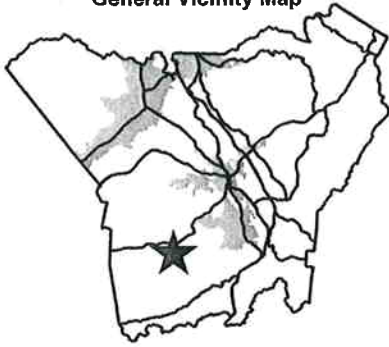
JAN 11, 2007  
DATE

Development Plan Approval / Conditions \_\_\_\_\_

Final Plat Approval: \_\_\_\_\_ Plat Recorded \_\_\_\_\_



General Vicinity Map



## The Glen & Highlands at Flat Rock (2007-M04)

PROPERTY OWNERS: Parkridge MOB, LLC

DEVELOPER/AGENT: Mr. Jimmy Edwards

PIN: 9546514260

ZONING: OU

WATERSHED: None

WATER SYSTEM: Community Well

SEWER SYSTEM: Private

ROAD SYSTEM: Combination Public & Private



### LEGEND

-  Roads
-  Parcels
-  Surface Water
-  Project Site



# MASTER PLAN

HENDERSON COUNTY, NC



## PROJECT DATA:

**SITE:** 132.72 ACRES PARCEL LOCATED ON SOUTH SIDE OF CRAB CREEK ROAD (SR 1127) NEAR PEARL LANE. PIN: 9546514260, PID: 9595635. MAP SHEET 9546.00. CHARACTER: OPEN FIELD AND WOODED, NO STRUCTURES.

**OWNER/DEVELOPER:** PARKRIDGE MOB LLC, A N.C. LL COMPANY, 64 PEACHTREE ROAD, SUITE 201, ASHEVILLE, N.C. 28803. PHONE: (828) 274-7084. CONTACT: JERRY GRANT

**AGENTS FOR OWNER:** GLEN GRANT LLC, A N.C. LL COMPANY, 64 PEACHTREE ROAD, SUITE 201, ASHEVILLE, N.C. 28803. PHONE: (828) 274-7084. CONTACT: JERRY GRANT  
DAVID AMMONS, 2304 WESVILL COURT, SUITE 310, RALEIGH, N.C. 27607  
PHONE: (919) 783-0044. EMAIL: DAVID@RLAINC.COM  
WILLIAM LAPSLEY, 1635 ASHEVILLE HWY, HENDERSONVILLE, N.C. P.O. BOX 546. PHONE: (828) 697-7334. EMAIL: WLAPSLEY@BWGLA.COM  
JIMMY EDWARDS, 4601 LAKE BOONE TRAIL, RALEIGH, N.C. 27607. PHONE: (919) 782-2272. EMAIL: JIMMY@EDWARDSASSOC.NET

**PROPOSED USE:** A CONTINUING CARE RETIREMENT COMMUNITY AND ADJACENT RESIDENTIAL COMMUNITY

**ZONING:** OPEN USE ZONING

**DISTRICTS:** FIRE DISTRICT 14 VALLEY HILL #2 WATER SHED: MUD CREEK



## THE GLEN: a CONTINUING CARE RETIREMENT COMMUNITY

**BUILDING "A" MAIN CENTER BUILDING:** +/- 180,000 S.F. - FIVE LEVELS  
INCLUDES:  
MAJOR COMMON SPACES, I.e. DINING, LIVING SPACES, AUDITORIUM, THEATER, LIBRARY, ACTIVITY SPACES, ARTS & CRAFTS, WELLNESS, POOL, SHOP, SPA, BEAUTY SHOP, STORE, MAIL CENTER, ADMINISTRATION, KITCHEN & STAFF AREAS, AND HEALTH CLINIC. ALSO 17 UNITS OF ELDERLY LIVING CARE AND 55 UNITS OF INDEPENDENT LIVING CARE. LOWER LEVEL PARKING FOR +/- 24 CARS AND STORAGE.

**BUILDING "B" APARTMENT BUILDING:** +/- 88,000 S.F. - FOUR LEVELS  
45 UNITS OF INDEPENDENT LIVING CARE AND RESIDENT STORAGE.

**BUILDING "C" APARTMENT BUILDING:** +/- 130,000 S.F. - FIVE LEVELS  
64 UNITS OF INDEPENDENT LIVING CARE AND PARKING FOR +/- 44 CARS AND STORAGE.

**HEALTH CENTER:** +/- 42,000 S.F. - TWO LEVELS  
80 BEDS PLUS FULL SUPPORT SERVICE

**16 TOWNHOMES:** +/- 32,000 S.F. - 1 & 2 LEVEL

**75 HOMES:** +/- 180,000 S.F. - 1 & 2 LEVEL

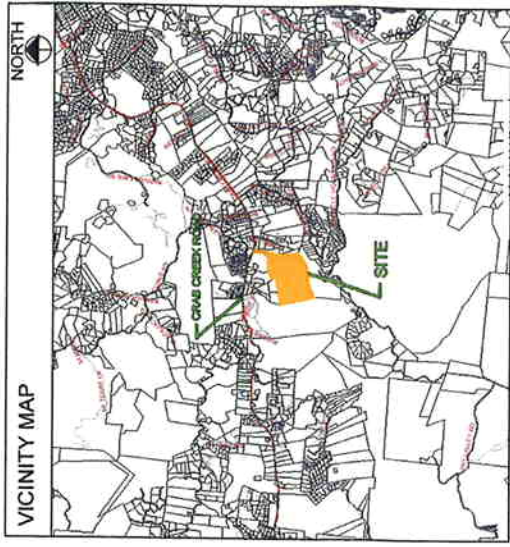
+/- 8,400 LINEAR FEET OF ROAD

## HIGHLANDS:

45 LOTS (+/- 1 AC. TO 4 AC.) HOME SIZES NOT DETERMINED  
+/- 5,600 LINEAR FEET OF ROAD

## GENERAL:

ROAD SYSTEM IS COMBINATION OF PUBLIC AND PRIVATE  
WATER SUPPLY IS PRIVATE COMMUNITY SYSTEM WITH WELLS AND STORAGE TANK  
SANITARY SEWER IS PRIVATE COMMUNITY TREATMENT PLANT  
OPEN SPACE IS +/- 28 ACRES  
ADDITIONAL PEDESTRIAN WALKWAYS AND WALKING TRAILS MAY BE ADDED



# THE GLEN and HIGHLANDS

at Flat Rock

**Edwards Associates architects**  
4601 Lake Boone Trail, Raleigh, NC 27607  
919.782.2272 Phone  
919.781.4641 Fax

January 15, 2007

SP-1

FILE NAME  
F:\2403\Flat Rock

SHEET TITLE  
MASTER SITE PLAN

PROJECT NO.  
2403

DRAWN BY  
I-11-071

REVISIONS  
1-15-07

THE GLEN AND HIGHLANDS  
AT FLAT ROCK  
CONTINUING CARE RETIREMENT COMMUNITY  
691 CRAB CREEK ROAD  
HENDERSONVILLE, NORTH CAROLINA

**Edwards Associates ARCHITECTS**

4601 Lake Boone Trail  
Raleigh, NC 27607  
919.782.2272 Phone  
919.781.4641 Fax

© 2007 EDWARDS ASSOCIATES




SUBDIVISION OF LAND

170 Attachment 2

Appendix 2  
Henderson County  
Appointment of Agent Form  
(Optional)

I Jerry Grant owner of property located on SR 1127, Crab Creek Road  
(name) (street name)  
recorded in 1291/637 and having a parcel identification number (PIN) of 9546514260  
(deed book / page)  
located in Henderson County, North Carolina, do hereby appoint James M. Edwards  
(agent's name)  
to represent me in an application for subdivision of land and authorize him/her to act as my  
agent in all matters, formal and informal, except as stated herein, and authorize him/her to  
receive all official correspondence. I however understand that as the listed property owner, I  
must sign all affidavits and statements required by this Ordinance.

  
Property Owner

01/11/07  
Date

SUBDIVISION OF LAND

170 Attachment 2

Appendix 2  
Henderson County  
Appointment of Agent Form  
(Optional)

I Jerry Grant owner of property located on SR 1127, Crab Creek Road  
(name) (street name)  
recorded in 1291/637 and having a parcel identification number (PIN) of 9546514260  
(deed book / page)  
located in Henderson County, North Carolina, do hereby appoint David Ammons  
(agent's name)  
to represent me in an application for subdivision of land and authorize him/her to act as my  
agent in all matters, formal and informal, except as stated herein, and authorize him/her to  
receive all official correspondence. I however understand that as the listed property owner, I  
must sign all affidavits and statements required by this Ordinance.

  
Property Owner

01/11/07  
Date

SUBDIVISION OF LAND

170 Attachment 2

Appendix 2  
Henderson County  
Appointment of Agent Form  
(Optional)

I Jerry Grant owner of property located on SR 1127, Crab Creek Road  
(name) (street name)  
recorded in 1291/637 and having a parcel identification number (PIN) of 9546514260  
(deed book / page)  
located in Henderson County, North Carolina, do hereby appoint William Lapsley  
(agent's name)  
to represent me in an application for subdivision of land and authorize him/her to act as my  
agent in all matters, formal and informal, except as stated herein, and authorize him/her to  
receive all official correspondence. I however understand that as the listed property owner, I  
must sign all affidavits and statements required by this Ordinance.

  
Property Owner

01/11/07  
Date



## HENDERSON COUNTY PLANNING DEPARTMENT REVIEW AGENCY RESPONSE FORM

I have reviewed the plan(s) for subdivision application **#2007-M04 (The Highlands at Flat Rock)** and offer the following comments:

**Water Supply** – The proposed elevated storage tanks and lake on the property should be designed for a static water point for fire suppression purposes. The main buildings at the Glen will require an automatic sprinkler system therefore infrastructure should be planned to facilitate an appropriate water supply.

<u>Rocky Hyder</u>	<u>Emergency Services</u>	<u>1/29/07</u>
Reviewed By	Agency	Date

Please return to: Matt Card, Planner  
Henderson County Planning Department  
101 E. Allen Street  
Hendersonville, NC 28792  
mscard@hendersoncountync.org

**File No. 2007- M04**

# HENDERSON COUNTY PLANNING DEPARTMENT

## REVIEW AGENCY RESPONSE FORM

I have reviewed the plans for subdivision application #2007-M04 (Glen and Highlands at Flat Rock) and offer the following comments:

Zoning District = Open Use – no regulations when pertaining to residential apartment buildings, independent living care units, a health care center or townhomes.

Water Supply Watershed District = N/A

Special Flood Hazard Area = N/A

---

---

---

---

---

---

---

---

---

---

(If necessary use back of form or additional sheets for comments)

Natalie J. Berry

Reviewed By

Zoning Administration

Agency

1/30/2007

Date

Please Return to:

Matt Card, Planner  
Henderson County Planning Department  
101 East Allen Street  
Hendersonville, NC 28792  
[mcard@hendersoncountync.org](mailto:mcard@hendersoncountync.org)

File No. #2007-M04



**HENDERSON COUNTY**  
**Planning Department**

---

101 East Allen Street • Hendersonville, NC 28792  
Phone 828-697-4819 • Fax 828-697-4533

**MEMORANDUM**

**TO:** Henderson County Planning Board

**FROM:** Matt Card, Planner

**DATE:** February 14, 2007

**SUBJECT:** Update to Staff's Memorandum for Master Plan Review of The Glen and The Highlands at Flat Rock (File # 2007-M04)

---

After Staff sent out the original memorandum on February 9, 2007 discussing the proposed Master Plan for The Glen and The Highland at Flat Rock, concerns were raised by Planning Board members about the project. These concerns dealt with the density, scale of the project, location of the proposed development and its impact on the County. Staff is writing this memorandum to help address these concerns and to provide more detail on the compatibility of this development with Henderson County's 2020 Comprehensive Plan (CCP) and other County studies.

As discussed in the original memorandum, the purpose of a Master Plan is to present the overall development concept for a project and to provide general information about the project to allow for assessment of its impact on growth and development of the County, environmental quality, land values, natural features, etc. Section 170-16, B (2) of the Henderson County Subdivision Ordinance (HCSO) states that the Planning Board shall review the master plan taking into consideration the applicable recommendations of the Henderson County Land Use Plan (County's Comprehensive Plan) and the potential use of the land to be subdivided, together with the impact of the subdivision as mentioned above and the proposed use, whether residential, commercial or industrial. The master plan shall be formally approved or denied by the Planning Board within 90 days of submission.

Section 170-3 in Article 1 (General Provisions) of the Subdivision Ordinance ties subdivision approval to the CCP and its goals and objectives. Section 170-3 of the HCSO states that the Subdivision Ordinance is based, in part, on the Henderson County Comprehensive Land Use Plan (CCP) and, in particular, its goals and objectives. This Section also states that due to severe topographic conditions, inadequate road access, distance from service, unique natural areas (as defined in Section 170-9) soils that do not easily support soil drainage systems or the proximity to existing and incompatible land uses, all land may not be suited to be subdivided for the purpose of dense development. Unique natural areas defined in Section 170-9 are areas that contain features sensitive to development and are listed in a publication titled "Natural Areas of Henderson County, A Preliminary Inventory of the Natural Areas of Henderson County, North Carolina".

As previously mentioned, the Master Plan is inconsistent with the CCP and the goals and objectives of the Growth Management Strategy. One correction to Staff's original memorandum is that when the project is reviewed at a parcel specific scale, the Growth Management Strategy Map shows that a small portion of the proposed project site is located within the Rural/Urban Transition Area (RTA). The CCP states that the RTA is currently rural in character, with existing pockets of limited higher density residential and commercial development. It says that the primary factor preventing urban development in the RTA is the absence of sewer and water service. It also says that land development ordinances in the RTA should strive for a general, average density of 5 or fewer acres per residential dwelling unit. The proposed LDC Zoning Map shows that the entire project site is located in the R3 zoning district. Since differences exist between the LDC Zoning Map and the CCP, if the LDC is adopted as proposed then the CCP will have to be amended to be consistent with the LDC.

16. Limited public transportation within the RTA should be focused on defined Community Service Centers.

### ***Rural / Agriculture Areas (RAA)***

The following is a description of the patterns of development envisioned within the RAA:

1. The RAA covers those portions of the county that are predominantly rural and are characterized by low-density residential development with substantial land areas devoted to agriculture and undeveloped lands. Land use policies will seek to retain that character.
2. Slopes are typically steep, often exceeding 10%, with significant areas greater than 20%.
3. Most sections of the RAA are so far from sewer services as to make their extension largely impossible. Land development regulations should recognize this by not permitting densities that would require sewer services or introduce traffic capacity problems and by encouraging densities that are consistent with steep slopes, poor septic capacities, and sensitive topography.
4. Densities should be considerably lower than that of the USA or the RTA. The suitability of land within these regions of the county should be a principal consideration in determining developmental densities and segregation of incompatible land uses. Land development ordinances in the RAA should strive for a *general, average* density of 5 or more acres per residential dwelling unit. Actual densities as defined by zoning requirements should vary across the RTA according to constraints and community characteristics.
5. Extraordinary care should be taken in these areas to preserve their rural character and to protect valuable farmlands as well as environmental and cultural resources. Farmland protection measures should be aggressively pursued within the RAA.
6. Land use planning should acknowledge the presence of sensitive natural areas such as floodplains, wetlands, areas of excessively steep topography, and other natural and cultural assets, and should strive to protect these areas from development which would damage such resources or diminish their integrity.
7. The Open Use Zoning district covers much of the RAA. While the basic structure of the Open Use Zoning district may remain, certain established residential communities should be protected with more traditional zoning.



8. Open Use Zoning in the RAA should be modified to limit commercial development outside of commercially zoned areas and modified to impose maximum density requirements generally consistent with the characteristics of the area.
9. Commercial development and *Community Facilities* will be directed to defined *Community Service Centers* (see below), which are located at key nodes / intersections and traditional locations, and within predefined zoning districts whose standards and configuration are in keeping with the surrounding community and which minimize congestion and sprawl. Commercial development will be of a *Local* and *Community* commercial nature, and most *Industrial* and *Regional Commercial* land uses should be prohibited. Economic development activities will be largely discouraged in the RAA.
10. Sewer and water development (including private waste treatment, or “package” plants) in the RAA should be generally discouraged.
11. Only very limited, formal, project-based affordable housing development should take place.
12. Limited public transportation within the RAA should be focused to defined *Community Service Centers* (see below).

Map #24, *Future Land Use Map* (Appendix I) builds upon Map # 20, *Growth Management Strategy* mentioned above. The County’s land development policies and regulations will be designed to bring about the generalized vision of future development that is depicted on the *Future Land Use Map*. The *Future Land Use Map* is not intended to provide precise, parcel-level detail concerning future land use. Rather, it is intended to serve as a general guide for important infrastructure development, zoning, and other decisions.

The *Future Land Use Map* is intended to be dynamic and continually evolving with changing conditions. It should be revised upon adoption of Community Plans envisioned in Section 4 and revised upon adoption of the *Countywide Industrial / Commercial Zoning Study* envisioned in the *Economic Development Element*. Also, it should be revised to reflect other important documents such as the schools, recreation, transportation, sewer / water, and economic development master plans envisioned within this Comprehensive Plan.

The various land use categories depicted upon Map # 24, *Future Land Use Map* are explained below.

### ***Conservation:***

This category includes land areas that are intended to remain largely in their natural state, with only limited development. Such areas should be targeted for protection through regulations and incentives. Conservation areas are lands that generally exhibit any of the following characteristics:

1. Sensitive natural areas such as steep slopes, floodplains, major wetlands, forest reserves and wildlife conservation areas, and key watersheds
2. Areas of historic and archeological significance
3. Local, state or federally-managed natural areas
4. Areas managed for agricultural or forestry land uses
5. Other areas yet to be defined

### ***Community Service Centers:***

*Community Service Centers* are intended to be intensive, efficient, defined concentrations of mixed services that meet the needs of the surrounding community and defined service areas. *Community Service Centers* are appropriate for a mixture of commercial uses scaled to the service area in question; residential uses of varying densities depending upon available services; and *Community Facilities* such as schools, parks, community centers, and other similar *Community Facilities*. The mixture and intensity of land uses contained within *Community Service Centers* are to intend to be appropriate within the context of the surrounding community and intended service area. *Community Service Centers* should also be properly controlled by appropriate aesthetic standards, access management standards, and other appropriate development control measures.

*Community Service Centers* are located in unified development concentrations at intersections of selected thoroughfares and in central locations that are convenient to nearby residential development so as to minimize problems associated with "strip" commercial development. *Community Service Centers* should be priority targets of investments for sewer and water, public transportation, greenways, other general road improvements, and other appropriate infrastructural improvements.

Numerous *Community Service Centers* are identified on Map # 24, *Future Land Use Map*. Other *Community Service Centers* throughout the county remain to be identified via the Community Planning process envisioned in Section 04, and by the *Countywide Industrial*



capacity or other factors. As urban densities within the USA and development pressures within the RTA increase and as sewer and water capacities within the RTA are developed, areas of the RTA should be pulled in to the USA, and allowable densities substantially increased.

### ***Rural / Urban Transition Area (RTA)***

The following is a description of the patterns of development envisioned within the RTA.

1. The RTA is currently rural in character, with existing pockets of limited higher density residential and commercial development. Slopes vary across the RTA, although the area can be considered to be generally developable. The primary factor preventing urban development in the RTA is the absence of sewer and water service. Growth RTA will continue to undergo extensive development over the operational timeframe of this Comprehensive Plan.
2. Population and residential densities should be generally lower than the more urban population densities found within the USA and should be generally in keeping with topography, septic limitations, and school and transportation capacities. Land development ordinances in the RTA should strive for a *general, average* density of 5 or fewer acres per residential dwelling unit. Actual densities as defined by zoning requirements should vary across the RTA according to constraints and community characteristics.
3. At the same time, it should be recognized growth that has steadily increased in the RTA during the preceding decade and that the RTA will remain in a state of transition and will absorb much of the development pressure in the USA. As such, it will be necessary to allow for more dense development where appropriate.
4. Land uses should be regulated via rigorous regulations in much the same way as in the USA, albeit at lower densities.
5. Land use policies and regulations will encourage moderate to low-density residential development that is consistent with a rural setting, with more dense residential development around defined Community Service Centers. Community Service Centers are located at key nodes / intersections and traditional locations and within predefined zoning districts whose standards and configuration are in keeping with the surrounding community and which minimize congestion and sprawl (see definition below).

6. Clustering and conservation design will be encouraged with the intent of maintaining a rural environment, protecting sensitive natural areas, and reserving land for future development with the expansion of the USA.
7. Commercial development and *Community Facilities* (see definition below) will be encouraged within defined Community Service Centers (see definition below). Commercial development will be at *Local* and *Community* scales (see definitions below), while *Regional* Commercial development will be generally discouraged within the RTA.
8. At the present time, most of the RTA does not have sewer or water services, with the exception of Etowah. Future expansions of sewer and water infrastructure into the RTA should be consistent with the *Sewer and Water Master Plan* as envisioned in the *Sewer and Water Element* of this Comprehensive Plan and should be timed to coincide with deliberate expansions of the USA.
9. The Open Use Zoning district covers much of the RTA. While the basic structure of Open Use Zoning may remain, certain established residential communities should be protected with more traditional zoning.
10. Additionally, the Open Use Zoning district in the RTA should be modified to limit commercial development outside of commercially zoned areas and should be modified to impose maximum density requirements generally consistent with conditions in the area..
11. Public economic development investments should be focused within the USA, although economic development activities may take place within the RTA in limited form, within properly zoned areas. Most Industrial and Regional Commercial land uses should be discouraged, except in limited circumstances.
12. Land use planning should acknowledge the presence of sensitive natural areas such as floodplains, wetlands, areas of excessively steep topography, and other natural and cultural assets, and should strive to protect these areas from development which would damage such resources or diminish their integrity.
13. Substantial incentives should be incorporated into the County's land development ordinances in order to encourage the protection of sensitive natural areas and key farmland.
14. Farmland protection measures should be aggressively pursued within the RTA.
15. The precise extent of the USA and RTA should be periodically reviewed in light of any changes in sewer and water capacity or other factors. As urban densities within the USA and development pressures within the RTA increase and as sewer and water capacities within the RTA are developed, areas of the RTA should be pulled into the USA and allowable densities substantially increased.

**SITE NAME: PINNACLE MOUNTAIN**

**NATURAL COMMUNITY TYPES (QUALITY/CONDITION/SITE):**

Montane Acidic CLiff (2/2/10)  
High Elevation Granitic Dome (2/2/10)  
Pine-Oak/Heath (2/2/50)  
Carolina Hemlock Bluff (2/2/15)  
Boulderfield Forest (1/1/15)

**QUAD MAP:** Standingstone Mt.      **SIZE:** 400 ac.      **DRAINAGE:** FBR

**LOCATION:** Mountain can be reached by way of Pinnacle Mt. Rd (Rd 1114) or by trail off CCC Camp Rd (Rd 1128). See map.

**SIGNIFICANCE:** A high mountain with extensive outcrops, cliffs, and boulderfields. A highly diverse site.

**SIGNIFICANCE RATING:** Regional.

**LISTED AND UNCOMMON SPECIES:** None known.

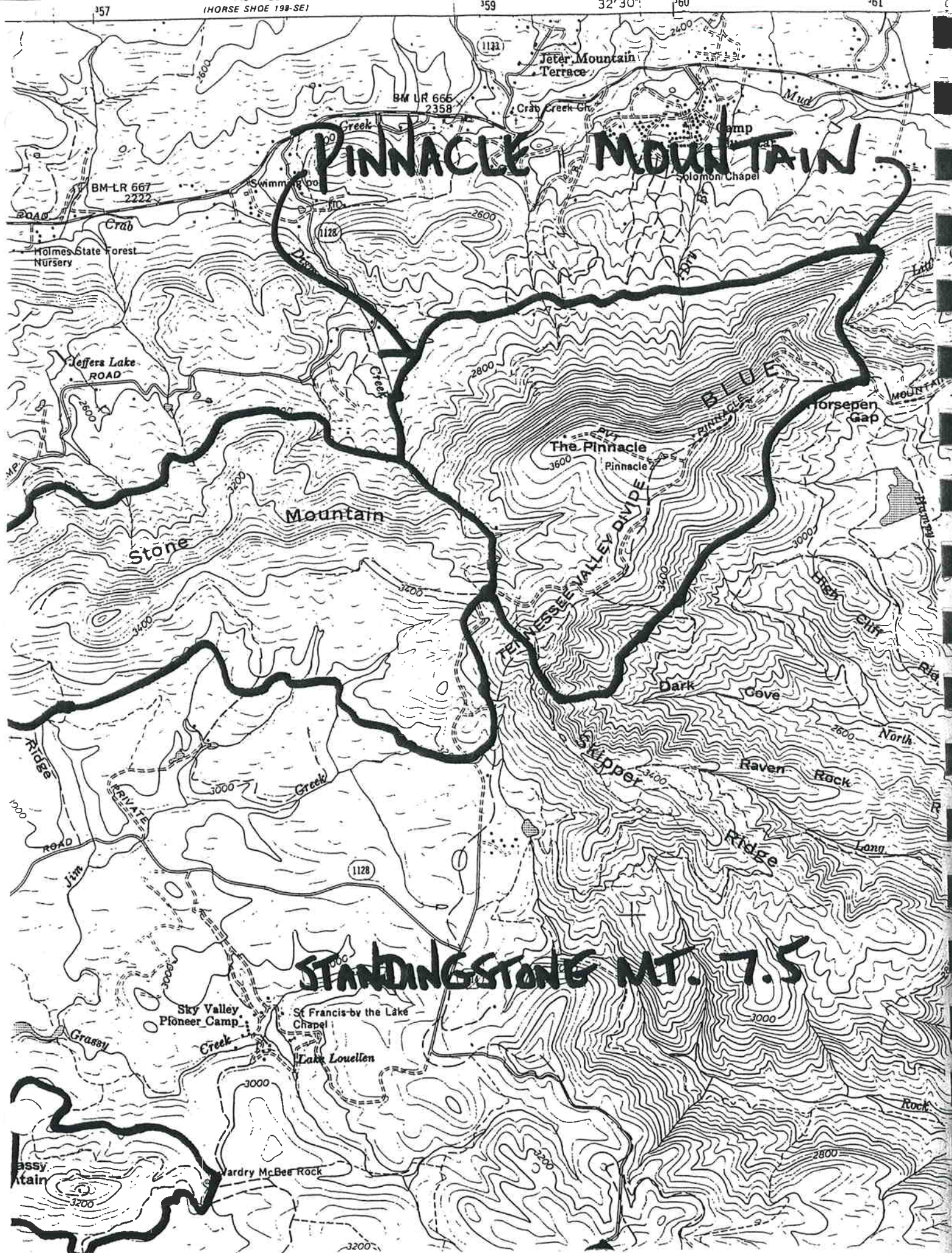
**GENERAL DESCRIPTION:** Pinnacle Mountain is a high peak (approximately 3800 feet) with extensive outcrops and spectacular north-facing granitic cliffs. Good Carolina Hemlock Bluffs are scattered on the tops of the north-facing cliffs. The north-facing lower slopes also harbor interesting boulderfield communities with boulders to 30 feet tall. Like most outcrops in the southwestern portion of the county, woody species diversity is high while non woody diversity is low.

**COMMENTS:** I could not get to some of the rock faces on the north side of the mountain. More field work is needed here.

**OWNERSHIP:** Private.

**PROTECTION STATUS:** Unprotected.









Charles Russell Burrell  
County Attorney  
[rburrell@hendersoncountync.org](mailto:rburrell@hendersoncountync.org)

Susan L. Fosmire  
Assistant County Attorney  
[sfosmire@hendersoncountync.org](mailto:sfosmire@hendersoncountync.org)

Djuana L. Swann  
Associate County Attorney  
[dswann@hendersoncountync.org](mailto:dswann@hendersoncountync.org)

Sarah G. Zambon  
Associate County Attorney  
[szambon@hendersoncountync.org](mailto:szambon@hendersoncountync.org)

Margaret Street  
Administrative Assistant  
[mstreet@hendersoncountync.org](mailto:mstreet@hendersoncountync.org)

Connie Rayfield  
Paralegal  
[rayfield@hendersoncountync.org](mailto:rayfield@hendersoncountync.org)

Norma Roque-Harper  
Paralegal  
[nroqueharper@hendersoncountync.org](mailto:nroqueharper@hendersoncountync.org)

Jacqueline Blintzner  
Office Assistant  
[jblintzner@hendersoncountync.org](mailto:jblintzner@hendersoncountync.org)

100 North King Street  
or  
1200 Spartanburg Highway, Ste. 400

Hendersonville  
North Carolina 28792

Telephone:  
(828) 697-4719

Facsimile:  
(828) 697-4536

Website:  
[www.hendersoncountync.org](http://www.hendersoncountync.org)

## Confidential Memorandum

TO: Planning Board  
FROM: Sarah Grace Zambon *SGZ*  
DATE: 13 February 2007  
RE: Glen and Highlands at Flat Rock

This document is a confidential communication, between the author and the recipient(s). It is protected by attorney-client privilege, and is not subject to disclosure for at least a period of three years from the date hereof under North Carolina Public Records law, pursuant to N.C. Gen. Stat. §132-1.1.

At the February 15<sup>th</sup> meeting of the Planning Board, the Board will be asked to review a Master Plan for the Glen and Highlands at Flat Rock. Several issues were brought up in the materials produced by the Planning Department. This memorandum is to highlight certain provisions within the Henderson County Code to consider regarding this matter regardless of your decision.

### Master Plan for the Glen and Highlands at Flat Rock

The Glen and Highlands at Flat Rock is intended to be a continuing care retirement community with some single-family uses. It is located on 132.72 acres in an Open-Use zoning district. The Glen section of the project will have apartment buildings, health care center, 91 town homes and commercial and support services. The Highlands has 45 single-family lots. The density for the entire project is approximately 2.4 units per acre.

There are several distinct features of this project from a legal standpoint. First, the applicant is seeking statutory vested rights from the Board of Commissioners in regards to the Open-Use district requirements. Second, most of the subject property is within the Rural Agricultural Area as determined by the future map of the Henderson County 2020 Comprehensive Plan (CCP). The County currently cannot restrict developments such as this one in an Open-Use district. However, as a comparison, the proposed Land Development Code would require the area to have a density of 1 unit per 1.5 acres. The third area for potential concern is that a section of the property is designated as Conservation according to the Future Map of the CCP, the Sensitive Natural Areas Map and the Natural Heritage Inventory. Currently the County has no specific regulations for environmentally sensitive areas.

### Statutory Vested Rights

Chapter 189 of the Henderson County Code determines the process for an applicant to request statutory vested rights and is based on state law. These statutory vested rights apply to site specific development plans. Henderson County Code §189-1. The Board of Commissioners of Henderson County has the approval authority over which applicants receive vested rights and bases its decision on the public health, safety and welfare of the community. HCC §189-2; HCC §189-3(A).

After the applicant applies to the Board and provides the Board with the site specific development plans, a public hearing must be held within 45 days. HCC §189-4.

The Board must issue its decision, whether it is approval, conditional approval or refusal, within 30 days of the hearing. HCC §189-4(E). A statutory vested rights last for 2 years unless it is terminated or the Board of Commissioners votes to increase the vested right for up to five years. HCC §189-5.

The Planning Department has informed me that the applicant has completed the statutory vested rights application. A date for the public hearing should be set by the Board of Commissioners at the next meeting with a public hearing soon following.

#### **Authority of the Planning Board**

One of the main duties given to the Planning Board by the Henderson County Code includes determining whether a specific project “conforms to the principles and requirements of the Comprehensive Plan for the growth and improvement of the area” HCC §6-11(D)(3)(e). Generally the Board must act to advance public health, safety, morals, convenience, efficiency and the economy of Henderson County and its citizenry. HCC §6-11 (D)(3).

#### **Subdivision Ordinance**

There are several sections of the Subdivision Ordinance as it stands now that should be kept in mind as the Planning Board makes its decisions regarding subdivision approval for this or other projects. First, §170-3 of the Subdivision Ordinance states that the Ordinance is based on the CCP. The Section states:

It should, however be noted that due to severe topographic conditions, inadequate road access, distance from services, unique natural areas (as defined in §170-9) , soils that do not easily support soil drainage systems or the proximity to existing and incompatible land uses, all land may not be suited to be subdivided for the purpose of dense development.

Unique natural areas is defined by the Ordinance as “an area that contains features sensitive to development and is listed in the publications titled ‘Natural Areas of Henderson County, a Preliminary Inventory of the Natural Areas of Henderson County, North Carolina’ by L.L. Gaddy, PhD. dated January 1994”. Henderson County Code §170-9.

Another key provision discusses the nature of the Master Plan process. The purpose of the Master Plan approval is to assess “its impact on the orderly growth and development of the County, environmental quality, land values, natural features identified on the site analysis sketch and the County’s roads and government services.” HCC §170-16(b)(1). In reviewing the Master Plan, the Planning Board must consider “applicable recommendations of the Henderson County Land Use Plan and the potential use of the land to be subdivided, together with the impact of the subdivision.... and proposed use, whether residential, commercial, or industrial.” HCC §170(b)(2).

#### **Conclusion**

Whatever the Planning Board decides, the decision should be based on the criteria both established for the Board and for a Master Plan. In addition, the Planning Board should consider past projects it has reviewed and either approved or denied that may be analogous to this one. To a certain extent, the Board should remain consistent to past precedent to avoid allegations of being arbitrary or capricious and so that future applicants have an idea of what the Board considers before they apply. Should the Board determine to break drastically with precedent, it would be to the Board’s benefit to do a careful discussion of the criteria and reasons for the decision during the meeting which would be recorded in the meeting’s minutes.



# **HENDERSON COUNTY**

## **Planning Department**

---

101 East Allen Street • Hendersonville, NC 28792  
Phone 828-697-4819 • Fax 828-697-4533

### **MEMORANDUM**

**TO: Henderson County Planning Board**

**FROM: Matt Card, Planner**

**DATE: February 14, 2007**

**SUBJECT: Update to Staff's Memorandum for Master Plan Review of The Glen and The Highlands at Flat Rock (File # 2007-M04)**

---

After Staff sent out the original memorandum on February 9, 2007 discussing the proposed Master Plan for The Glen and The Highland at Flat Rock, concerns were raised by Planning Board members about the project. These concerns dealt with the density, scale of the project, location of the proposed development and its impact on the County. Staff is writing this memorandum to help address these concerns and to provide more detail on the compatibility of this development with Henderson County's 2020 Comprehensive Plan (CCP) and other County studies.

As discussed in the original memorandum, the purpose of a Master Plan is to present the overall development concept for a project and to provide general information about the project to allow for assessment of its impact on growth and development of the County, environmental quality, land values, natural features, etc. Section 170-16, B (2) of the Henderson County Subdivision Ordinance (HCSO) states that the Planning Board shall review the master plan taking into consideration the applicable recommendations of the Henderson County Land Use Plan (County's Comprehensive Plan) and the potential use of the land to be subdivided, together with the impact of the subdivision as mentioned above and the proposed use, whether residential, commercial or industrial. The master plan shall be formally approved or denied by the Planning Board within 90 days of submission.

Section 170-3 in Article 1 (General Provisions) of the Subdivision Ordinance ties subdivision approval to the CCP and its goals and objectives. Section 170-3 of the HCSO states that the Subdivision Ordinance is based, in part, on the Henderson County Comprehensive Land Use Plan (CCP) and, in particular, its goals and objectives. This Section also states that due to severe topographic conditions, inadequate road access, distance from service, unique natural areas (as defined in Section 170-9) soils that do not easily support soil drainage systems or the proximity to existing and incompatible land uses, all land may not be suited to be subdivided for the purpose of dense development. Unique natural areas defined in Section 170-9 are areas that contain features sensitive to development and are listed in a publication titled "Natural Areas of Henderson County, A Preliminary Inventory of the Natural Areas of Henderson County, North Carolina".

As previously mentioned, the Master Plan is inconsistent with the CCP and the goals and objectives of the Growth Management Strategy. One correction to Staff's original memorandum is that when the project is reviewed at a parcel specific scale, the Growth Management Strategy Map shows that a small portion of the proposed project site is located within the Rural/Urban Transition Area (RTA). The CCP states that the RTA is currently rural in character, with existing pockets of limited higher density residential and commercial development. It says that the primary factor preventing urban development in the RTA is the absence of sewer and water service. It also says that land development ordinances in the RTA should strive for a general, average density of 5 or fewer acres per residential dwelling unit. The proposed LDC Zoning Map shows that the entire project site is located in the R3 zoning district. Since differences exist between the LDC Zoning Map and the CCP, if the LDC is adopted as proposed then the CCP will have to be amended to be consistent with the LDC.

When reviewing the project as a whole, including the The Glen portion of the project, it appears that the development is much more inconsistent with the CCP and the LDC than previously approved subdivisions. This is because of the proposed density and the impact of the development on environmentally sensitive areas and public services. It is also inconsistent with the rural character of the RAA. The Planning Board must consider the above provisions of the Subdivision Ordinance, the CCP's goals and objectives and the impact of this subdivision as previously stated, when reviewing the Master Plan.

In the past the Planning Board has approved master plans for subdivisions, since the adoption of the CCP, that were not compatible with the CCP and its goals and objectives. The Planning Board is only approving The Highlands portion of the project which includes 45 single-family lots with lots sizes that range from 1 to 4 acres. The Highlands portion of the project is similar to other approved subdivisions that were not compatible with the CCP. If the Planning Board chooses to deny this project then it must clearly state the reason why this subdivision is different from any other approved subdivision that was inconsistent with the CCP.