

HENDERSON COUNTY
Planning Department

213 1st Avenue East • Hendersonville, NC 28792
Phone 828.697.4819 • Fax 828.697.4533

MEMORANDUM

TO: Henderson County Planning Board

FROM: Matt Cable, Planner

DATE: April 19, 2007

SUBJECT: Master Plan Review for Biltmore Farms Hammond Tract Major Subdivision
(File # 07-M11)

ATTACHMENTS:

1. Vicinity Map
2. Photos of Project Site
3. Henderson County 2020 Comprehensive Plan Future Land Use Map
4. Draft Land Development Code Map
5. Review Agency Response Form – Fire Marshal’s Office
6. Review Agency Response Form – Zoning Department
7. Review Agency Response Form – Property Addressing
8. Subdivision Application
9. Appointment of Agent Form
10. Project Description
11. Master Plan

Project Overview

William G. Lapsley and Associates, P.A., on behalf of Biltmore Farms LLC, agent for property owners John T. Hammond and James W. Hammond (Grattan Hammond Jr. Trust and Annette P. Hammond Jr. Trust), submitted a Master Plan and major subdivision application for a project known as Biltmore Farms Hammond Tract. The project site is located on 469.96 acres of land (PINs: 9529-76-7505, 9529-83-8232, 9539-03-7259 and 9529-91-6743). The site is accessed off of McKinney Road. A total of 653 dwelling units are proposed including 234 single-family dwellings, 42 duplexes (containing 84 dwelling units), 49 triplexes (containing 147 dwelling units), and 47 quadraplexes (containing 188 dwelling units). The project is also proposed to include a community amenity area with clubhouse, tennis and swimming pool. The proposed community amenity area will only serve the development.

A portion of the project is located within the 100-year floodplain as indicated on the attached Master Plan. The site is currently zoned Open Use (OU) which does not regulate the residential and commercial uses of land. The project site is located in a WS-IV Water Supply Watershed district. Private roads are proposed to serve the subdivision. Public water (City of Hendersonville) is proposed to serve the development. Private sewerage (Etowah Sewer Company) is also proposed.

Staff Comments Regarding Master Plan

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 submitted Master Plan for Biltmore Farms Hammond Tract, taking into consideration the recommendations of Henderson County's Land Use Plan (the Henderson County 2020 Comprehensive Plan) and reviewing the plan for conformance with Henderson County's Ordinances and offers the following comments:

1. **County Comprehensive Plan (CCP).** The Future Land Use Map of the CCP shows the project site as being located within each of the following areas: Conservation Area and Rural/Urban Transitions Area (RTA) (See Attachment 3: CCP Future Land Use Map).
 - **Conservation Area.** The conservation area designation is applied to the eastern portion of the project site, largely because of the presence of floodplain in this area. The CCP states that conservation lands "are intended to remain largely in their natural state, with only limited development," and further that "such areas should be targeted for protection through regulations and incentives" (2020 CCP, Pg. 134). The Master Plan suggests that this conservation area will remain largely open space, connected by a system of trails. The Master Plan does, however, suggest that three (3) residential structures will be located within the floodplain.
 - **Rural/Urban Transition Area.** The Rural/Urban Transition designation of the Growth Management Strategy is applied to the project site. The RTA is intended to remain predominantly rural with a general density of five (5) or fewer acres per residential dwelling unit. According to the Master Plan, the project would have an average density of 1.39 units per acre. The CCP states that, "the primary factor preventing urban development in the RTA is the absence of sewer and water service" (2020 CCP, Pg. 130). The Master Plan indicates that public water and private sewer service will be available to the development. Presence of water and sewer may result in a reclassification of the project site to "Urban Services Area" which would also permit the proposed densities.

Staff recommends that the applicant remove the three structures from the floodplain. Staff further recommends that the proposed densities appear to be in keeping with the purposes and intent of the CCP, provided that water and sewer are available to the project.

2. **Land Development Code (LDC).** According to Proposed Draft 7 of the Land Development Code Zoning Map the proposed project site for this development is located entirely in the Residential Zoning District 2 (R2). The current draft of the Land Development Code (LDC) allows for a density of 1 unit per acre for single-family developments and 2 units per acre for multifamily developments. According to the Master Plan, the project would have an average density of 1.39 units per acre. Given that the development is composed of single-family and multifamily uses, this would be in keeping with the densities generally proposed for the property. Presence of water and sewer may result in reclassification of the project site to Residential Zoning District 1 (R1) which would permit densities of 4 to 16 units per acre and all the uses proposed by the Master Plan. Since differences exist between proposed densities

with the LDC and the CCP, if the LDC is adopted as proposed, the CCP may need to be amended to be consistent with the LDC. Staff recommends that the proposed densities appear to be in keeping with the those proposed by the LDC.

3. **Flood Damage Prevention Ordinance.** According to County records 3 of the 4 parcels of the project site lie within a special flood hazard area. Staff recommends the applicant move all structures outside of the floodplain area. Further, staff would like to point out that the primary entrance road to the back portion of the development passes through the floodplain area. This road will need to be elevated in order to provide access during flood events. See Attachment 6, Floodplain Administrator's comments as well as Attachment 5, Fire Marshal's comments regarding floodplain development and access.
4. **Water Supply Watershed Ordinance.** According to County records a majority of the project site falls within the WS-IV Protected Area. A Special Intensity Allocation permit will be required to build the development to the proposed density. A maximum of 24% impervious surface is allowed for projects of this nature. See Attachment 6, Watershed Administrator's comments.

Review Agency Comments

1. **Comments from the Fire Marshal.** Rocky Hyder of the Henderson County Fire Marshal's Office submitted comments regarding the project (See Attachment 5). Mr. Hyder's comments reflect the requirements of the NC Fire Prevention Code as related to the proposed commercial and multifamily residential uses for the project. Mr. Hyder's comments also relate to the elevation of roads located within the floodplain.
2. **Comments from the Floodplain Administrator and Water Supply Watershed Administrator.** Natalie Berry, Floodplain Administrator and Water Supply Watershed Administrator, has submitted comments regarding the project (See Attachment 6). Ms. Berry's comments reflect the requirements of the Flood Damage Prevention and Water Supply Watershed Ordinances for purposes of developing in the floodplain and watershed areas.
3. **Comments from Property Addressing.** Curtis Griffin has submitted comments regarding project (See Attachment 7). Mr. Griffin's comments reflect the need for road name approval.

Staff Recommendation

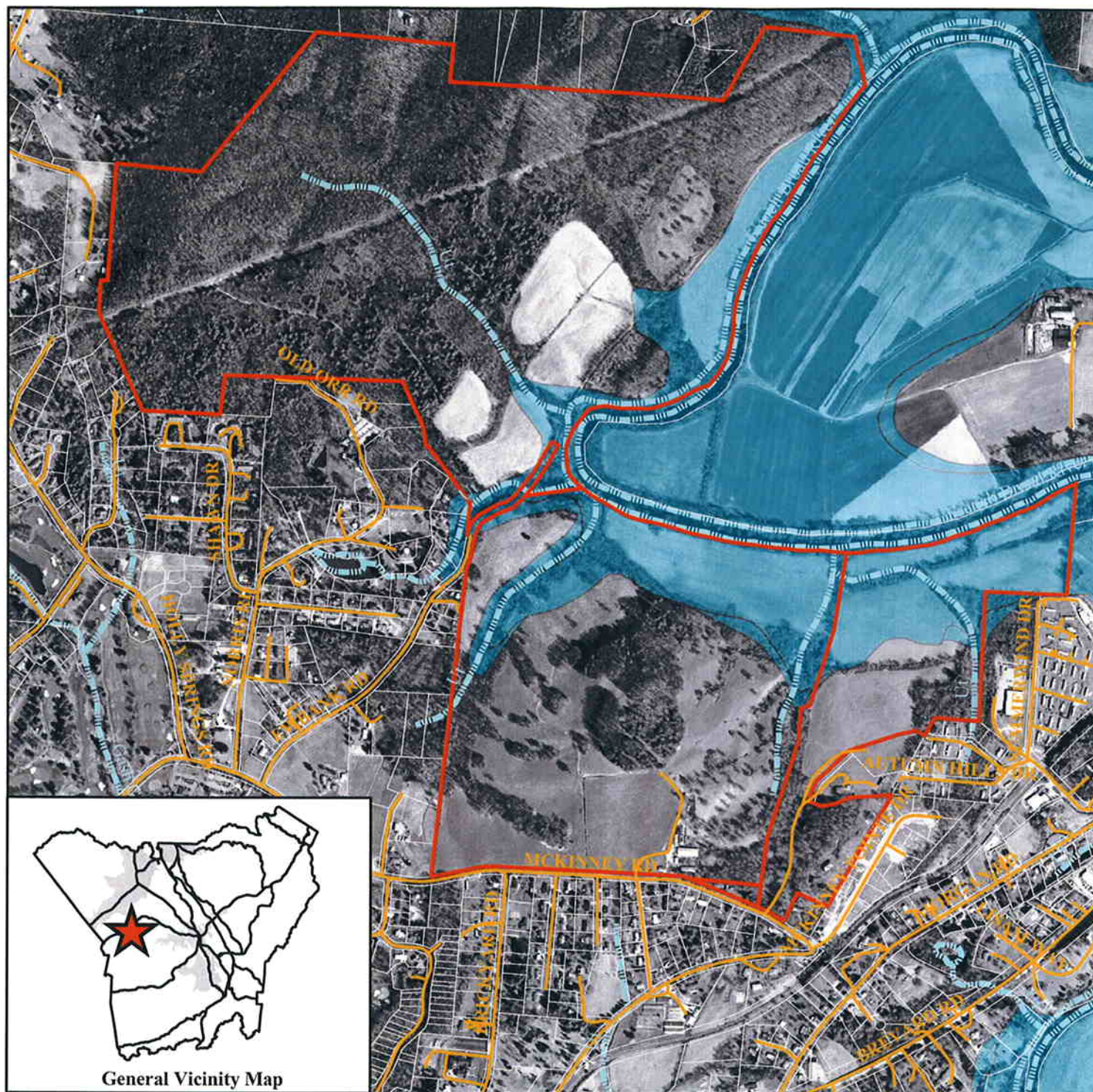
Staff has found that the proposed Master Plan appears to meet the technical standards of the Henderson County Subdivision Ordinance, Water Supply Watershed Ordinance and Flood Damage Prevention Ordinance, except for the comments listed above in staff comments. The Master Plan also appears to remain consistent with the recommendations of the County Comprehensive Plan and Land Development Code, and would only be made more consistent with the extension of water and sewer to the project site. Staff recommends approval of the Master Plan subject to the developer addressing any issues raised by the Planning Board. If the Planning Board chooses to deny this project then it must clearly state the reason(s) for denial. According to Section 170-16, B(2) of the Subdivision Ordinance, the master plan shall be formally approved or denied by the Planning Board within 90 days of submission.

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 comments that result from discussion at the Planning Board meeting.



Biltmore Farms - Hammond Tract

DEVELOPER: Biltmore Farms, LLC

OWNER: John T. Hammond and James W. Hammond

AGENT: William Lapsley & Associates P.A.

ZONING: OU

WATERSHED: WSIV

WATER SYSTEM: Public Water (City of Hendersonville)

SEWER SYSTEM: Private Sewer (Etowah Sewer Company)

ROAD SYSTEM: Private



- Roads
- Surface Water
- Project Site
- Floodplain
- Parcels



View of Project Site from Ewbank Road
looking north.



View of Project Site from McKinney Road
looking north.



View of Project Site from McKinney Road,
looking east.



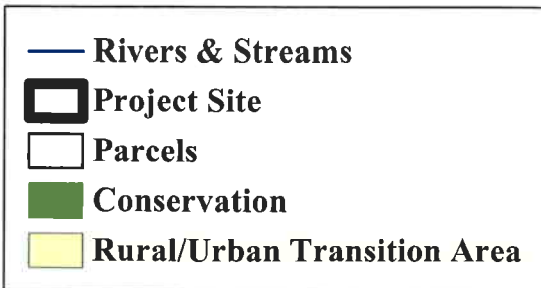
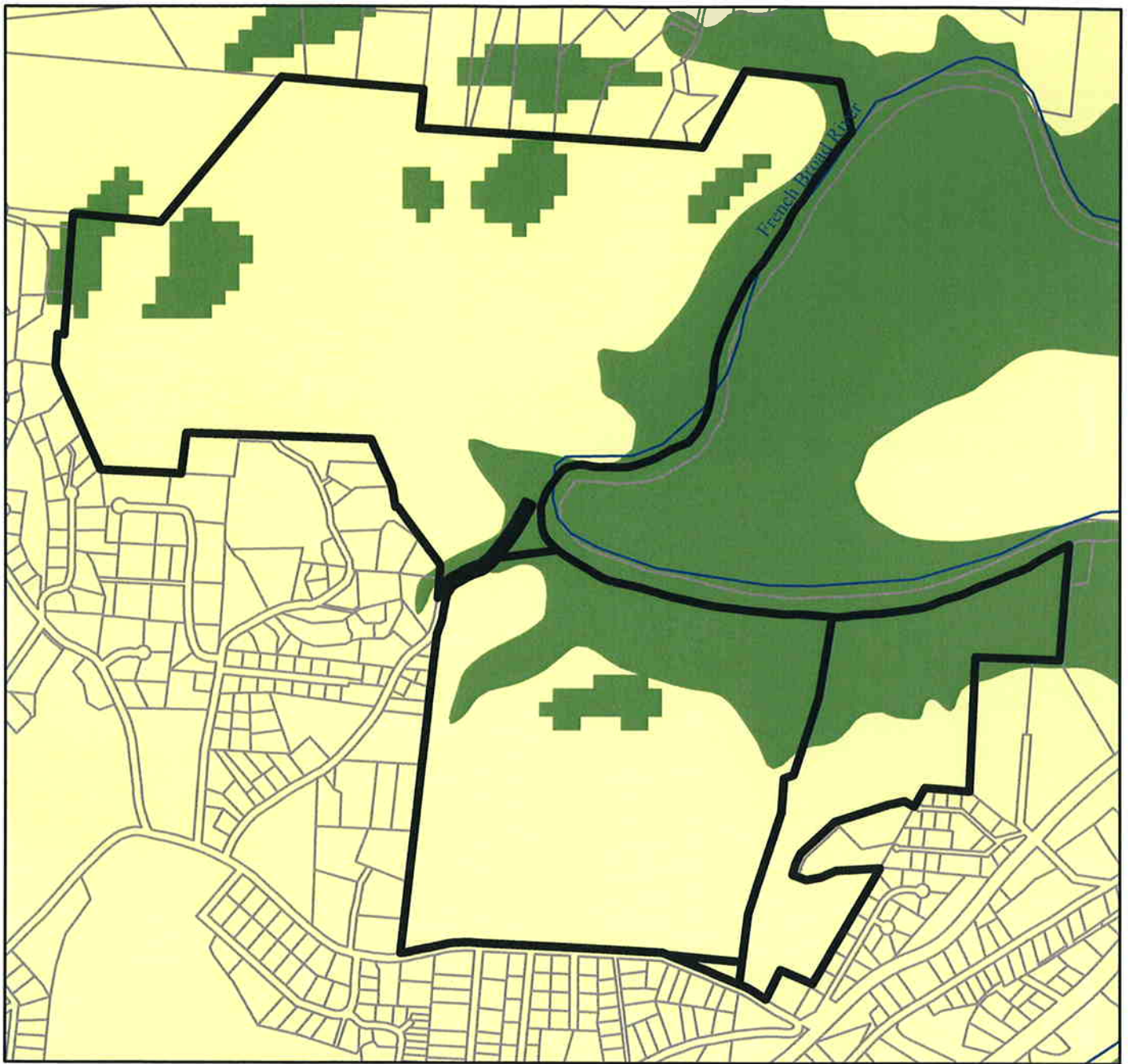
View of Project Site from McKinney Road
looking west.



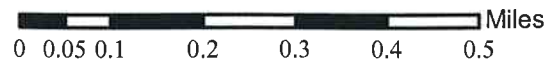
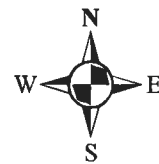
View of future proposed principal entrance, looking north onto the Project Site. Proposed entrance to be located at the intersection of McKinney and Brickyard Roads.

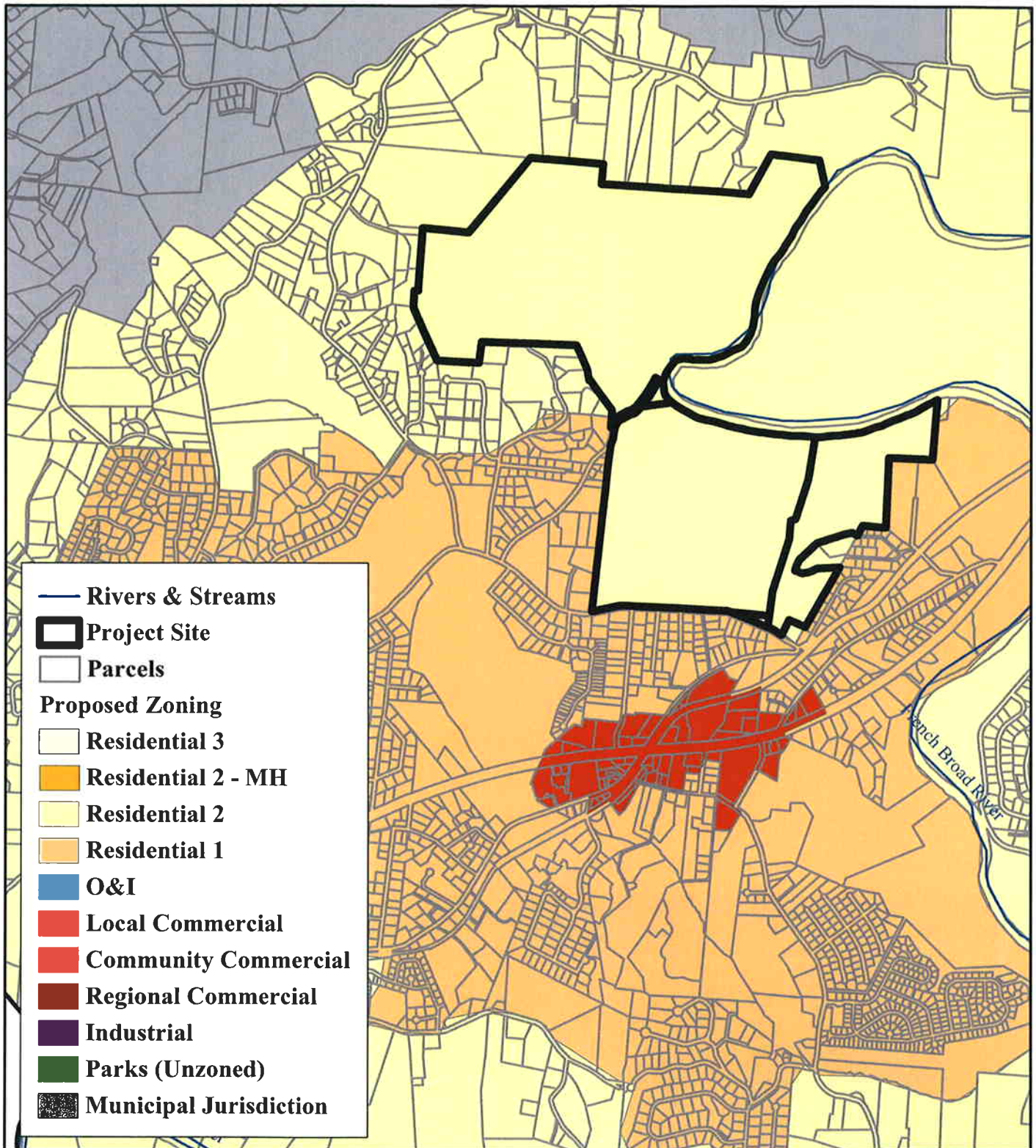


View of existing structures on Project Site (located along McKinney Road) including a brick residential structure and associated agricultural buildings.



Biltmore Farms Hammond Tract





Biltmore Farms Hammond Tract



0 0.125 0.25 0.5 0.75 1 Miles

HENDERSON COUNTY PLANNING DEPARTMENT REVIEW AGENCY RESPONSE FORM

I have reviewed the plan(s) for subdivision application **#2007-M11 (Biltmore Forest Hammond Tract)** and offer the following comments:

Hydrants – Pursuant to the NC Fire Prevention Code, a fire hydrant must be located within 400 feet of any portion of a commercial building (triplex, quadraplex, clubhouse, etc). Hydrants must be located within 1000 feet of any residential structure.

Roads – Access roads must provide 13'6" vertical clearance and extend to within 150 feet of any portion of a commercial building. Roads located within a flood zone should be constructed in a manner to prevent closure due to flooding.

Entry Gates – Should comply with the Henderson County Entry Gate Ordinance.

<u>Rocky Hyder</u>	<u>Emergency Services</u>	<u>3/04/07</u>
Reviewed By	Agency	Date

Please return to: Matt Card, Planner
Henderson County Planning Department
213 First Avenue East
Hendersonville, NC 28792
mscard@hendersoncountync.org

File No. 2007- M11

HENDERSON COUNTY PLANNING DEPARTMENT

REVIEW AGENCY RESPONSE FORM

I have reviewed the plan(s) for subdivision application #2007-M11 (Biltmore Farms Hammond Tract) and offer the following comments:

Comments Zoning = Open Use Watershed = Upper French Broad River (Asheville) WS-IV - Protected Area An Special Intensity Allocation permit will be required to be able to built the proposed density. The ordinance only allows for 24% impervious surface for projects of this nature. There is a \$250.00 permit fee and application that would be submitted with the appropriate information to be approved. Floodplain = 3701250080B March, 1981 3 of 4 parcels does lie within a special flood hazard area. Please show the floodplain information on the plan. Base Flood Elevation Contour (BFE) lines Finished Floor Elevations of any structure inside of BFE Map information in written form (ie. Map Number 37021250080B 3-81) Fill must be kept to a maximum of 20% fill of the flood fringe area only (need calculations showing the limit of 20%). Permits are required for placement of fill in the Special Flood Hazard Area. Permits are required for construction of all structures located on any parcel that has a special flood hazard designated. These structures have specific requirements such as special foundation walls and elevation certification.

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

Natalie Jo Berry
Reviewed By

Zoning Administrator – HC
Agency

2007-04-05
Date

Please Return to:

Matthew Cable, Planner
Henderson County Planning Department
213 1st Avenue East
Hendersonville, NC 28792
mcable@hendersoncountync.org

File No. 2007-M11

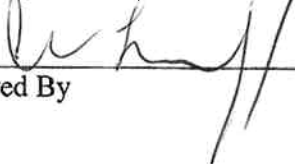
HENDERSON COUNTY PLANNING DEPARTMENT

REVIEW AGENCY RESPONSE FORM

I have reviewed the plan(s) for subdivision application #2007-M11 (Biltmore Farms Hammond Tract) and offer the following comments:

Need LISTING of Road Names to be
approved

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

Reviewed By 

POOP A&C
Agency

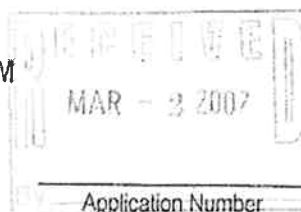
4-4-07
Date

Please Return to:

Matthew Cable, Planner
Henderson County Planning Department
213 1st Avenue East
Hendersonville, NC 28792
mcable@hendersoncountync.org

File No. 2007-M11

HENDERSON COUNTY SUBDIVISION APPLICATION FORM



3/1/07
Date of Application

Hammond
Subdivision Name

Application Number

☒ Major Subdivision

☐ Minor Subdivision

☐ Other

Property Owners Name:

John T. Hammond & James W. Hammond

Address: Grattan Hammond, Jr. Trust & Annette P. Hammond, Jr. Trust

City, State, Zip: Asheville, NC 28803 (Agents Address)

Owner's Agent: Biltmore Farms, LLC - Tom Williamson, Vice President

Telephone No: (828) 209-2000

PIN see attached sheet Deed Book/Page 956/635

Zoning District OU Fire District Etowah/Horseshoe Watershed WSIV (Partially)

Location of property to be divided: Brickyard Road / McKinney Road

Type of Subdivision: ☒ Residential () Commercial () Industrial Present Use pasture/wooded

No. Lots Created 653 Original Tract Size 518ac New Tract Size _____ No. New Lots 653

Road System: () Public ☒ Private () Combination Public and Private

Water System: () Individual () Community ☒ Municipal

Sewer System: () Individual ☒ Community () Municipal

Fee: \$ 200.00

Paid _____

Method _____

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

Thomas A. Williamson
APPLICANT (OWNER OR AGENT)

2-28-07
DATE

Development Plan Approval / Conditions _____

Final Plat Approval: _____ Plat Recorded _____

SUBDIVISION OF LAND

170 Attachment 2

Appendix 2
Henderson County
Appointment of Agent Form
(Optional)



The undersigned, trustees of the Grattan Hammond, Jr. Trust (under agreement dated (name) October 10, 1994) and the Annette P. Hammond Trust (under agreement dated October 10, 1994) owners of property located on McKinney Road recorded in 956/633 and (street name) (deed book / page) 956/635 and having parcel identification numbers (PINS) of 9529767505, 9529838232, 9539037259 and 9529916743 located in Henderson County, North Carolina, do hereby appoint Biltmore Farms, LLC to represent us in an application for subdivision of land (agent's name) and authorize it to act as our agent in all matters, formal and informal, except as stated herein, and authorize him/her to receive all official correspondence. We however understand that as the listed property owners, we must sign all affidavits and statements required by this Ordinance.

James William Hammond
JAMES WILLIAM HAMMOND, Trustee of
The GRATTON HAMMOND, JR., TRUST
Under agreement dated October 10, 1994

Date

2/23/07

John Thomas Hammond
JOHN THOMAS HAMMOND, Trustee of
The GRATTON HAMMOND, JR., TRUST
Under agreement dated October 10, 1994

Date

2/23/07

James William Hammond
JAMES WILLIAM HAMMOND, Trustee of
The ANNETTE P. HAMMOND, JR., TRUST
Under agreement dated October 10, 1994

Date

2/23/07

John T Hammond
JOHN THOMAS HAMMOND, Trustee of
The ANNETTE P. HAMMOND, JR., TRUST
Under agreement dated October 10, 1994

Date

2/23/07



BILTMORE FARMS, INC.
Established 1897



February 28, 2007

Mr. Anthony Starr, Planning Director
Henderson County Planning Department
213 First Ave. East
Hendersonville, NC 28792

RE: Master Plan Review
Hammond Property

Dear Mr. Starr:

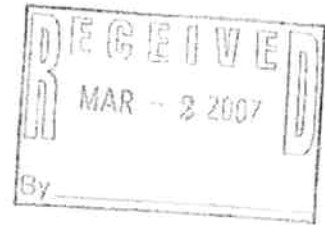
Please find enclosed three copies of the proposed masterplan for the proposed Hammond property development in Etowah. As we have discussed in our previous meetings, Biltmore Farms has contracted with the Hammond family for the purchase of their property in Etowah. We have been working with our planners, surveyor and engineers since October studying the property during the due diligence phase of the project.

We believe we have developed an excellent plan for the property that will be a first class community. Further, the plan respects the site by limiting impact on the floodplain and wetland areas and concentrating development on the flatter sections of the property. The current masterplan shows a total of 651 residential units to be developed on 468 acres with 240 acres to be retained as green or open space. The project will have water service from the City of Hendersonville water system. We are currently in negotiations with the Etowah Sewer Company to provide sewer service.

We are submitting this master plan for review by the Planning Board under the current subdivision ordinance. We have also submitted a vested rights application for this project. Our purpose in pursuing this tract for development is to honor the contract we have with the Hammonds. Our contract requires us to begin the submission of plans for approvals in March 2007.

If you have any questions or need additional information, do not hesitate to contact me or my colleague, Paul Szurek, at 209-2000. You may also contact Will Buie, our consulting engineer, at 697-7334.

Thanks, and I hope all is well.



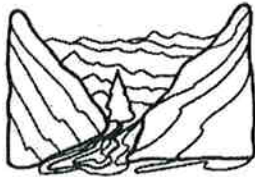
Cordially,

BILTMORE FARMS, LLC

Thomas A. Williamson

Thomas A. Williamson
Vice President

Cc: Will Buie



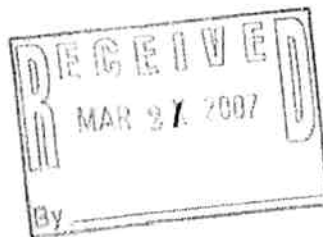
William G. Lapsley & Associates, P.A.

Consulting Civil Engineers and Land Planners

William G. Lapsley, P.E.
William R. Buie, P.E.
G. Thomas Jones III, P.E.
Donald L. Hunley, P.E.

March 21, 2007

Mr. Matt Cable
Henderson County Planning Department
213 First Ave. East
Hendersonville, NC 28792



RE: Hammond Property
Additional Information Request

Dear Mr. Cable:

We are in receipt of your email from March 15, 2007 requesting additional information on the Biltmore Farms Hammond Tract for the subdivision and masterplan review. Please find enclosed 3 large copies and 1 reduced (11"x17") copy of the updated master plan. Also enclosed is a check for the review fee in the amount of \$1,550.00. To address your comments/questions:

1. Phase lines for the project have been shown on the updated masterplan. These phases are approximate at this point, and the developer would like the option to modify the phase lines slightly during the course of the project.
2. The 50 acre parcel to be retained by the Hammond family has been clearly defined on the masterplan.
3. Direction of flow arrows have been added to all of the streams on the masterplan.
4. The proposed rights-of-way for the roads in the project have been shown on the master plan. The right-of-way width shown is 50'. The minimum right-of-way on any of the roads will be 45'.
5. The road ownership is anticipated to be private with maintenance being provided by the homeowners association. The roads will be designed and constructed to NCDOT standards however.
6. We will be studying the location of the three buildings located within the floodplain area of the property to see if they can be relocated. In any case, we will comply with the County's current floodplain ordinance.

If you have any questions or need additional information, do not hesitate to contact our office.

Sincerely,
WILLIAM G. LAPSLEY & ASSOCIATES, P.A.

William R. Buie, P.E.

CC: Mr. Tom Williamson, P.E.; Biltmore Farms

Applicant:
Biltmore Farms LLC
 One Town Square Blvd., Asheville, NC 28805 (828) 259-2000
Landscaping Architecture & Planning
Cloos Landscape Architecture
 22 Ravenwood Lane, Horse Shoe, NC 28742 (828) 243-1070
Consulting Engineers & Planners
William G. Lapsley & Associates
 1655 Asheville Hwy, Hendersonville, NC 28791 (828) 697-7334
Land Surveyor
Webb A. Morgan & Associates
 96 Central Ave Asheville, NC 28801 (828) 252-1530

Biltmore Farms Hammond Tract

Community Master Plan March 21, 2007

"This site specific development plan establishes a development vested right pursuant to N.C.G.S. 153A-344.1. Unless terminated at any time, the development vested right shall be held until..."

Chairman, Board of Commissioners



PROJECT SUMMARY

41 Single Family Lots 70'-80' wide	469.95 Ac. - Overall Property Size (Excluding Retained 50 Ac.)
118 Single Family Lots 85'-95' Wide	240 Ac. - Total Open Space Area
75 Single Family Lots 100'-125' Wide	51% - Open Space as Percentage
84 Duplex Units (Big House Style)	46,946 LF - Total Roadway Length or 8.89 Mi.
147 Attached Units in 3-Unit Buildings	45,662 LF - Total Trail Length or 8.65 Mi.
188 Attached Units in 4-Unit Buildings	
653 Total Residential Units	

Current Owner: Annette P. Hammond Trust and Gratian Hammond Jr. Trust
 1230 W. Central Blvd. Orlando, FL 32805 (407) 849-6060

Current Zoning: Open Use Zoning

Water System: Public (City of Hendersonville Water System)

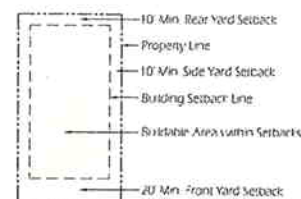
Sewer System: Community (Etowah Sewer Company)

All Roadways to be Private

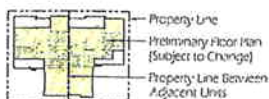
Henderson County Property ID Numbers: 9529767505, 9529838232, 9539037259, and 9529916743

TYPICAL LOT DIAGRAMS

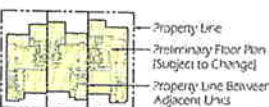
Single Family Lots



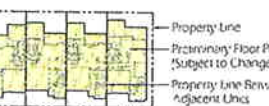
Duplex Buildings



3-Unit Buildings



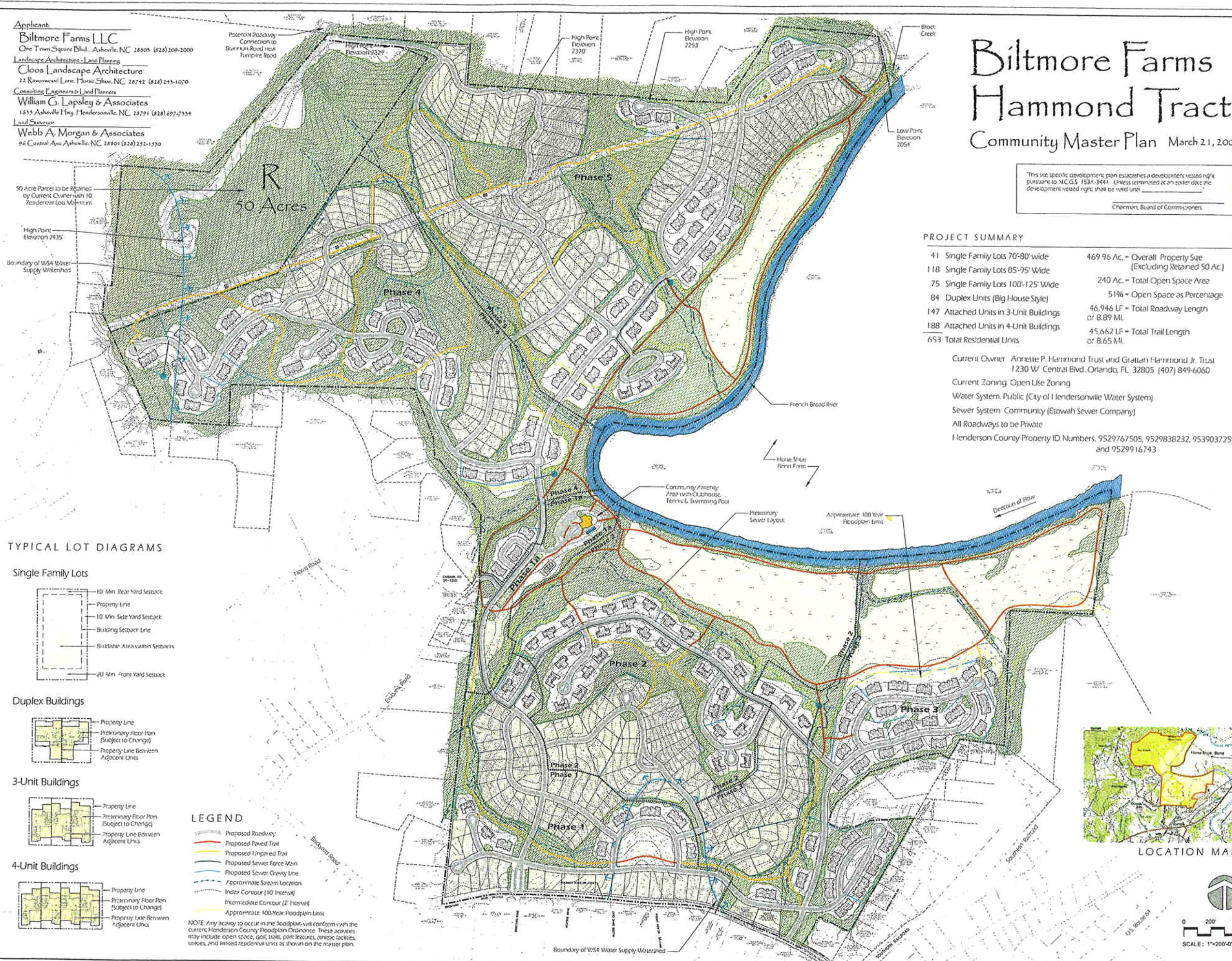
4-Unit Buildings



LEGEND

- Proposed Roadway
- Proposed Paved Trail
- Proposed Unpaved Trail
- Proposed Sewer Force Main
- Proposed Sewer Gravity Line
- Approximate Stream Location
- Index Contour (10' Interval)
- Intermediate Contour (2' Interval)
- Approximate 100-Year Floodplain Limit

NOTE: Any activity to occur in the floodplain will conform with the current Henderson County Floodplain Ordinance. These activities may include open space, golf, trails, park facilities, amenity facilities, and limited residential units as shown on the master plan.



LOCATION MAP

