

REQUEST FOR BOARD ACTION

HENDERSON COUNTY PLANNING BOARD

7
—

MEETING DATE: Thursday, May 17, 2007

ATTACHMENTS:

1. Staff Report
2. Vicinity Map
3. Application Materials
4. Review Agency Response Form – Fire Marshal's Office
5. Review Agency Response Form – Environmental Health
6. Revised Master Plan

SUBJECT: Revised Master Plan for Mountain Place

SUMMARY OF REQUEST:

Mr. Paul Patterson, agent, on behalf of William and Carolyn Brown, owner, submitted a revised Master Plan for an approved subdivision titled Mountain Place. Mountain Place is located on 79 acres of land off of Bobs Creek Road in the Green River Township. The revised Master Plan shows a total of 120 units/lots which includes 54 single-family residential lots and 66 townhome units. The applicant has proposed individual wells and private sewer and/or individual septic systems. Private roads are also proposed. The subdivision is located in the Open Use zoning district.

STAFF RECOMMENDATION

Staff has found that the proposed Master Plan appears to meet the standards of the Subdivision Ordinance for Master Plan review. The applicant should strive to protect land identified as conservation on the Future Land Use Map of the CCP from development which would damage these resources or diminish their integrity. Staff recommends approval of the Master Plan subject to the developer addressing any issues raised by the Planning Board and satisfactorily addressing the comments listed in the Staff Report.

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 in the Staff Report and any other comments that result from discussion at the Planning Board meeting.

Henderson County Planning Department Staff Report

Revised Master Plan Review for Mountain Place Major Subdivision (File # 07-M16)

PROJECT OVERVIEW

Mr. Paul Patterson, agent, on behalf of William and Carolyn Brown, property owners, submitted a revised Master Plan for a proposed subdivision titled Mountain Place. Mountain Place is located on 79.5 acres of land off Bob's Creek Road and is adjacent to the South Carolina and North Carolina state border. The Planning Board conditionally approved the original Master Plan for Mountain Place on August 17, 2006 and the Phase I Development Plan on September 21, 2006. The original Master Plan was approved with a total of 73 single-family residential lots.

The revised Master Plan significantly changes the layout of the subdivision. The revised Master Plan shows a total of 120 units/lots which includes 54 single-family residential lots and 66 townhome units. One out parcel is proposed which is located in the middle of the subdivision. The current owners of the out parcel, according to County records, are Mr. William Brown and Mr. Roger Brown. The out parcel is an existing lot and it appears that it will not change with the creation of this subdivision.

The applicant has proposed individual wells and private sewer and/or individual septic systems. Private roads are also proposed. The property is located in the Open Use zoning district which does not regulate the residential use of land. The project site is also located in the Green River Fire District and is within one half mile of the Green River Farmland Preservation District.

STAFF COMMENTS

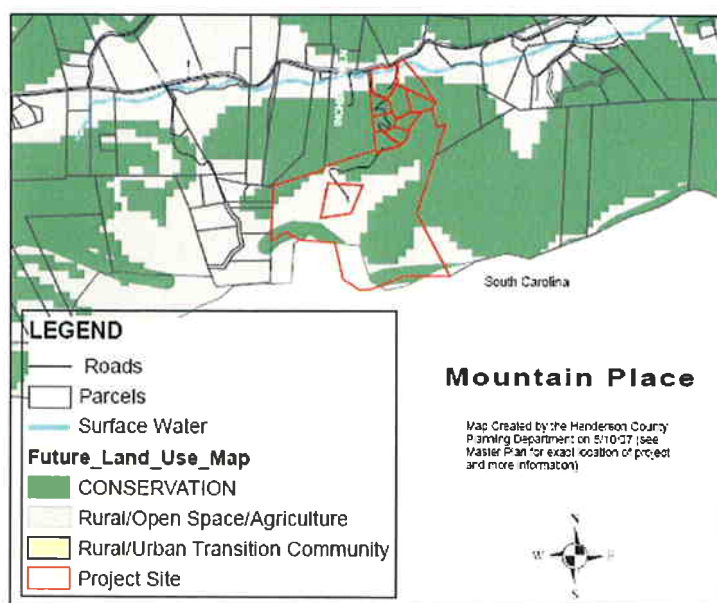
According to Section 170-16B of the Henderson County Subdivision Ordinance (HCSO), the purpose of a Master Plan is to present the overall development concept for a project and to provide general information about the project to allow for assessment of its impact on growth and development of the County,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

Master Plan

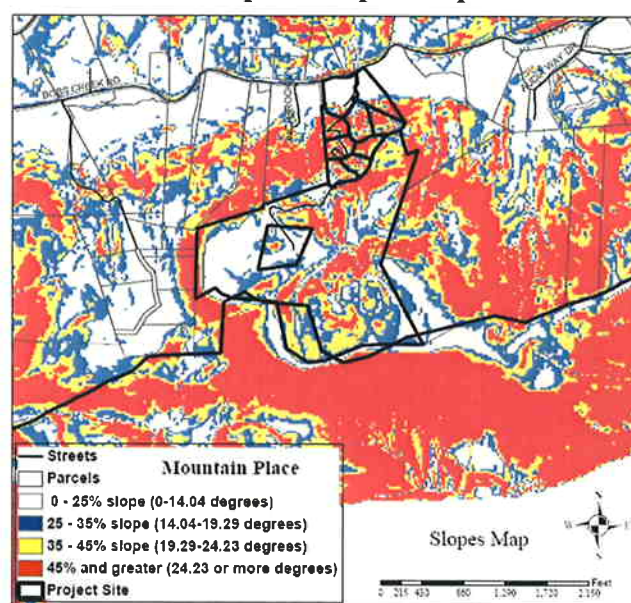
1. **Henderson County 2020 Comprehensive Plan (CCP).** The Future Land Use Map of the CCP shows the subject property as being located within the Rural Agricultural Area (RAA) of the Growth Management Strategy.
 - Through the year 2020 the RAA is expected to remain predominantly rural with low-density residential development 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.
 - The CCP suggests that areas in the RAA should be developed at an average density of 5 or more acres per residential dwelling unit.
 - The CCP states that extraordinary care should be taken in these areas to preserve their rural character and environmental resources.

- The CCP also states that land use planning should acknowledge the presence of sensitive natural areas such as floodplains, wetlands, areas of excessively steep topography and other natural assets and should strive to protect these areas from development which would damage such resources or diminish their integrity.
- The Future Land Use Map shows certain areas of the subdivision that are designated as conservation. It appears that these areas are steep slopes. Pursuant to the goals of the CCP, the applicant should work to protect these areas and leave them in their natural state with only limited development. The Planning Board may want to discuss with the applicant the measures for protecting these areas. See Map 1A (Future Land Use Map) and Map1B (Slopes Map) below.

Map 1A Future Land Use Map



Map 1B Slopes Map



2. **Land Development Code (LDC).** According to Draft 7 of the Land Development Code Zoning Map the proposed project site for this subdivision is located in the Residential Zoning District 3 (R3). The density of Mountain Place is approximately 1.5 units per 1 acre or 2.26 units per 1.5 acres. The density of Mountain Place is not in compliance with the requirements of the proposed R3 Zoning District.
3. **Compliance with the Mountain Ridge Protection.** According to the County GoMaps website the southern most property line falls under the County's Mountain Ridge Protection Ordinance. The Mountain Ridge Protection Ordinance states that the provisions of N.C.G.S 113A-209 apply to all mountain ridges in Henderson County whose elevation is 500 feet or more above the adjacent valley floor. North Carolina G.S. 113A-209 states no county or city may authorize the construction of, and no person may construct, a tall building or structure on any protected mountain ridge. The definition of a tall building found in G.S. 113A-206 is any building with a vertical height of more than 40 feet measured from the top of the foundation and the uppermost point of the building. It also states that where such foundation measured from the natural finished grade of the crest or the natural finished grade of the high side slope of a ridge exceeds 3 feet, then such measurement in excess of 3 feet shall be included in the 40-foot limitation provided that

no such building protrudes at its uppermost point above the crest of the ridge by more than 35 feet. The area or ridge under protection is defined as the elongated crest or series of crests at the apex or uppermost point of intersection between two opposite slopes or sides of a mountain, and includes all land 100 feet below the elevation of any portion of such line or surface along the crest.

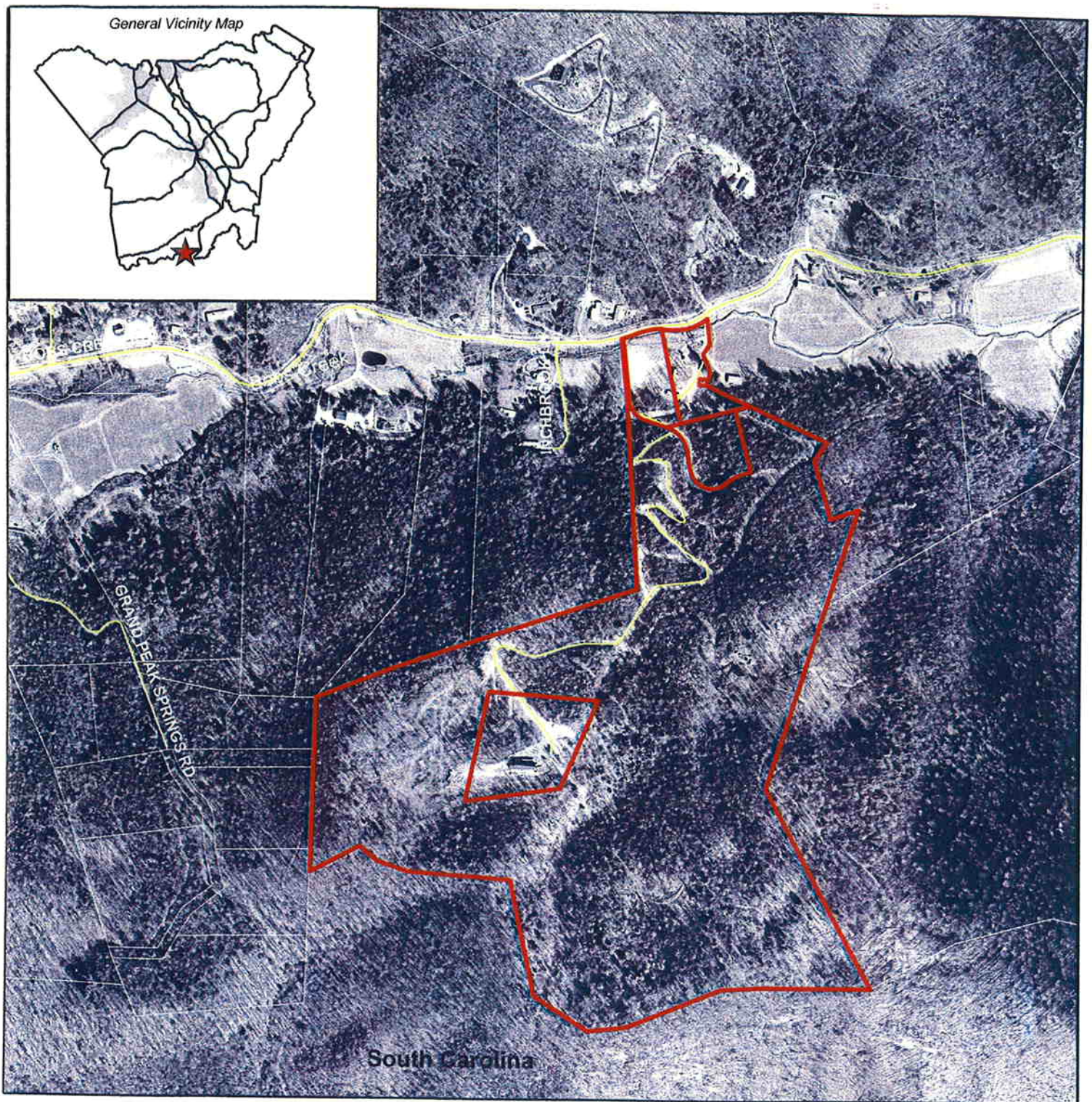
4. **Out Parcel.** An out parcel is located within the proposed subdivision. It appears that the lot configuration of this lot will not change. It is unclear on the Master Plan how access to this parcel will be provided. This parcel must have either 30 feet of frontage on an adequate right-of-way or a minimum of a 30-foot right-of-way to the parcel pursuant to Sections 170-28 and 170-31 of the HCSO.
5. **Townhouse Development.** The review for townhouse development is outlined in Section 170-15 of the HCSO. Sections 170-15 of HCSO states that applications for townhouse developments shall be prepared in conformance with § 170-16 (review for major subdivisions), Articles IV (all areas of review for major subdivisions which includes minimum design standards for roads, water and sewer systems, right-of-way and etc.), Article V (subdivision improvement guarantees) and Article VI (application, enforcement and legal status provisions). Section 170-15 also states that § 170-21F (minimum curve radius), § 170-21G (intersections), § 170-27 (right-of-way access), § 170-31A (lot dimensions) and § 170-31D (lot configuration and frontage) may be modified by the Planning Board. It also states that the Planning Board may use discretion in applying subdivision standards. This comment is for informational purposes only. When reviewing the development plans for the townhomes phases of the subdivision the Planning Board may modify the standards as mentioned above.

Review Agency Comments

6. **Comments from the Fire Marshal.** The Henderson County Fire Marshal's Office submitted comments regarding the need for a water supply point for fire protection. The developer should work with the Fire Marshal's office or local fire department to ensure that the proper measures for fire protection are taken (see attached comment). Note: The Planning Board can only require the applicant to meet the minimum standards of the Henderson County Subdivision Ordinance; the Planning Board may not have the authority to require any additional standards. See below for Subdivision Ordinance requirements regarding fire protection.

Section 170-20, C of the HCSO. According to the Henderson County Subdivision Ordinance (170-20, C), for any major subdivision without a fire suppression rated water system, that either has or is adjacent to an adequate permanent surface water supply, the applicant may be required to install a dry fire hydrant system, the type and location of which is to be determined by the County Fire Marshal. A road to the water source providing permanent all-weather access to the water source that is adequate for fire-fighting equipment shall be required, if applicable.

7. **Comments from the Environmental Health Department.** See attached comments.



Mountain Place

PROPERTY OWNERS: Mr. William Brown
DEVELOPER/AGENT: Mr. Paul Patterson
ZONING: OU
WATERSHED: None
WATER SYSTEM: Individual
SEWER SYSTEM: Individual
ROAD SYSTEM: Private



LEGEND

- Roads
- Parcels
- Surface Water
- Mountain Place

HENDERSON COUNTY SUBDIVISION APPLICATION FORM

Mountain Place
 Date of Application _____ Subdivision Name _____ Application Number _____
 * Major Subdivision * Minor Subdivision * Other

Property Owners Name: William C & Carolyn Brown
 Address: 1095 Dana Rd
 City, State, Zip: Hendersonville, NC 28792
 Owner's Agent: Paul Patterson
 Telephone No: 828-693-4393

PIN 00956327281455 Deed Book/Page 946 / 579 ; 1002/409 ; 388/193
 Zoning District NONE Fire District Green River Watershed N/A
 Location of property to be divided: US 25 South to Exit 1 Bobs Creek Rd.
Right on Bobs Creek 1/4 mi. Property on left

Type of Subdivision: ☒ Residential () Commercial () Industrial Present Use Undeveloped Residential
 No. Lots Created 120 Original Tract Size 79.5A⁺ New Tract Size 79.5A⁺ No. New Lots 110
units
 Road System: () Public ☒ Private () Combination Public and Private
 Water System: ☒ Individual () Community () Municipal
 Sewer System: ☒ Individual ☒ Community () Municipal Combination of Private Sewer System & Individual Septic Systems
 Cemetery on Property: () Yes ☒ No
 Fee: \$ 200.00 400.00 Paid \$1103 \$1257 Method Checks (2) - 4/18/07

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

Paul Patterson

APPLICANT (OWNER OR AGENT)

4/18/07
DATE

Development Plan Approval / Conditions _____

Final Plat Approval: _____ Plat Recorded _____



APPOINTMENT OF AGENT FORM (OPTIONAL)

I William C. Brown owner of property located on Bobs Creek Rd.
(name) (street name)

recorded in 946 / 579 and having a parcel identification number (PIN) of 00956 327281455
(deed book / page)

located in Henderson County, North Carolina, do hereby appoint Paul Patterson
(agent's name)

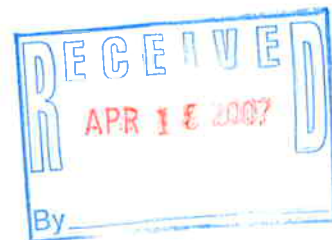
to represent me in an application for subdivision of land and authorize him/her to act as my agent in all matters, formal

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.

William C. Brown
Property Owner

4/17/07
date



HENDERSON COUNTY PLANNING DEPARTMENT REVIEW AGENCY RESPONSE FORM

I have reviewed the plan(s) for subdivision application **#2007-M16 (Mountain Place)** and offer the following comments:

Water Supply – No proposed fire protection water supply. A 120 unit development without provisions for fire suppression water supply can negatively impact the insurance rating for an entire community. Any opportunity to develop a static water point (dry hydrant or stream impoundment) should be explored.

Entry Gates – Entry gates (if applicable) should be installed pursuant to the Henderson County Entry Gate Ordinance.

<u>Rocky Hyder</u>	<u>Emergency Services</u>	<u>5/3/07</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- M16

HENDERSON COUNTY PLANNING DEPARTMENT

REVIEW AGENCY RESPONSE FORM

I have reviewed the plan(s) for subdivision application #2007-M16 (Mountain Place) and offer the following comments:

- THESE LOTS HAVE THE POTENTIAL TO BE STEEP & ROCKY -
- PITS WILL PROBABLY BE NECESSARY FOR SEPTIC SYSTEM SOIL EVALUATIONS.
- SPACE FOR SEPTIC SYSTEMS MAY BE LIMITED.

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

Reviewed By

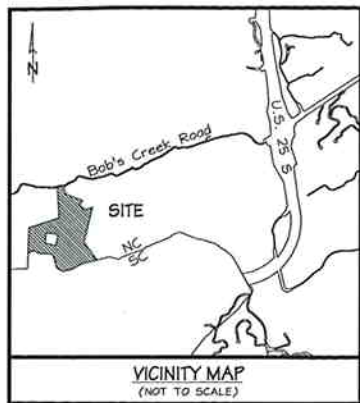
Agency

Date

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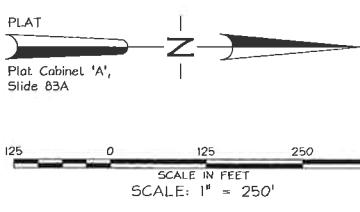
Matt Card, Planner
Henderson County Planning Department
213 1st Avenue East
Hendersonville, NC 28792
mscard@hendersoncountync.org

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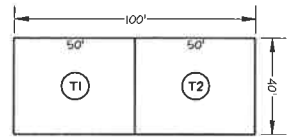
Special Note:
This subdivision lies within 1/2 mile of land in a Farmland Preservation District.

Road Notes:
The private road indicated on this plat may not meet the requirements of NCDOT for acceptance into the state road system.



- GENERAL NOTES:**
1. Boundary information provided by Mr. Clarence A. Jenkins, P.L.S. (See Deed Book 1215 at Page 071 for current deed.)
 2. This property is not located in a designated flood hazard zone as per FIRF Maps #370125 0135 B & #370125 0150 B, dated March 1, 1982.
 3. Topographical information provided by SHAPS, Matthews, NC.
 4. Subject to the Right of Way for Bob's Creek Road (S.R. 1104).
 5. Subject to an Easement for the Overhead and/or Underground Utilities, as shown hereon, or as recorded.

PROJECT SUMMARY	
PROJECT SIZE:	79.5 Ac. +/- (Including R/W)
PHASES:	4 (as shown)
TOTAL NUMBER OF UNITS:	120 (Total) 54 Residential Lots 66 Townhomes
ROADS (Existing/Proposed)	Collector - 4,823 +/- feet Local - 5,024 +/- feet Limited Local - 0 +/- feet
ROAD SYSTEM:	All Roads to be Private
WATER:	Individual (Wells)
SEWER:	Private Sewer System and/or Individual Septic Systems
EXISTING ZONING:	Open Use
PROPOSED USE:	Residential
FIRE DISTRICT:	Green River
FLOOD MAP:	#370125 0135 B & 0150 B (3/1/82)
LOCATED IN FLOOD PLAIN?	No
PIN NUMBER:	00-9563-27-2814-55
DEED REFERENCE:	1002/409, 946/579, & 388/193



TYPICAL TOWNHOME BUILDING ENVELOPE
(SCALE: 1" = 60')

RECEIVED
APR 18 2007
By _____

- LEGEND:**
- ESP - EXISTING STEEL PIN
 - EIP - EXISTING IRON PIN
 - NIP - NEW IRON PIN SET
 - R/W - RIGHT-OF-WAY
 - UP - UTILITY POLE
 - - CALCULATED POINT
 - D.B. - DEED BOOK
 - OH- - OVERHEAD UTILITY LINES
 - G- - UNDERGROUND GAS LINE

MOUNTAIN PLACE

WILLIAM C. & CAROLYN P. BROWN
RT. 14 BOX 408, HENDERSONVILLE, NC 28739 - OWNER/DEVELOPER

PATTERSON & PATTERSON
P.O. BOX 6114, HENDERSONVILLE, NC 28793-6114 - ENGINEER, SURVEYOR, & PLANNER



1

REVISED MASTER PLAN FOR:
MOUNTAIN PLACE
GREEN RIVER TOWNSHIP - HENDERSON CO., N.C.

PATTERSON & PATTERSON
ENGINEERING - SURVEYING
PAUL P. PATTERSON
PROFESSIONAL ENGINEER AND SURVEYOR
P.O. BOX 6114, HENDERSONVILLE, NC 28793-6114
TEL: 410-595-4429

William C. & Carolyn P. Brown
Current Owner: 00-9563-27-2814-55
Tax Parcel No(s): DB 1002 @ Pg. 409
Deed Reference: DB 946 @ Pg. 579
DB 388 @ Pg. 193

DRAWING REVISIONS
DATE: 7/17/06
BY: [Signature]
SCALE: NOTED
NO. 01-06-07-02
1. Revised common line between Lots 4, 5 & 6
2. Revised Slopes and Lot Layout

MASTER PLAN
Major Subdivision
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