

REQUEST FOR BOARD ACTION

HENDERSON COUNTY PLANNING BOARD

MEETING DATE: Thursday, May 17, 2007

ATTACHMENTS:

1. Staff Report
2. Vicinity Map
3. Review Agency Response Form – Fire Marshal's Office
4. Review Agency Response Form – Property Addressing
5. Subdivision Application
6. Combined Master and Development Plan

SUBJECT: Combined Master and Development Plan for The Overlook at Waters Edge

SUMMARY OF REQUEST:

Associated Land Surveyors, agent, on behalf of Eade Road Investment, LLC, owner, submitted the Combined Master and Development Plan for The Overlook at Waters Edge. The project is located on 76.29 acres of land off Eade Road (PINs: 9528-63-0683, 9528-55-1991, and 9528-55-0315). The applicant is proposing a total of 68 lots for single-family residential purposes and 45 townhome units. The project will be developed in three Phases. Private roads are proposed to serve the project site. Public water (City of Hendersonville) and private sewer (Etowah Sewer Company) are proposed to serve the project site.

PLANNING BOARD ACTION REQUESTED:

Staff has found that the proposed Combined Master and Development Plan appears to meet the technical standards of the Henderson County Subdivision Ordinance except for the comments listed in the Staff Report (See Attachment 1). Staff recommends approval of the Combined Master and Development Plan subject to the developer addressing any issues raised by the Planning Board and addressing the comments listed in the Staff Report.

Suggested Motion:

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

And

I further move that the Combined Master and Development Plan be approved subject to the following conditions: the applicant satisfies any conditions that may result from the comments listed in the Staff Report (Attachment 1) and any other comments that result from discussion at the Planning Board meeting.

Henderson County Planning Department Staff Report**Combined Master and Development Plan Review for The Overlook at Waters Edge Major Subdivision (File #2007-M05)**

Eade Road Investments, LLC, Owner/Applicant
Terry Baker, Agent
Associated Land Surveyors and Planners PC., Surveyors

Project Overview:

Associated Land Surveyors, agent, on behalf of Eade Road Investment, LLC, owner, submitted the Combined Master and Development Plan for The Overlook at Waters Edge. The project is located on 76.29 acres of land off Eade Road (PINs: 9528-63-0683, 9528-55-1991, and 9528-55-0315). The applicant is proposing a total of 68 lots for single-family residential purposes and 45 townhome units (3 duplexes, 1 triplex, and 9 quadraplexes). The townhome units, as provided in the typical on the plan, are to range from 2,625 to 2,850 square feet.

The project will be developed in three Phases. Phase 1 is proposed to include 47 lots for single-family residential purposes; 25 townhome units (5 quadraplexes, 1 triplex, and 1 duplex); clubhouse, pool and tennis courts. Phase 2 is proposed to include 21 lots for single-family residential purposes. Phase 3 is proposed to include 20 townhome units (4 quadraplexes and 2 duplexes).

The site is currently zoned Open Use (OU) which does not regulate the residential use of land. The site is not located in a water supply watershed district. The southern portion of the property borders the French Broad River and a majority of this area of the parcel is located within the 100 year floodplain or floodway. This area is reserved as "future use." In conversations with the applicant, he has indicated that this area will be used for agricultural purposes.

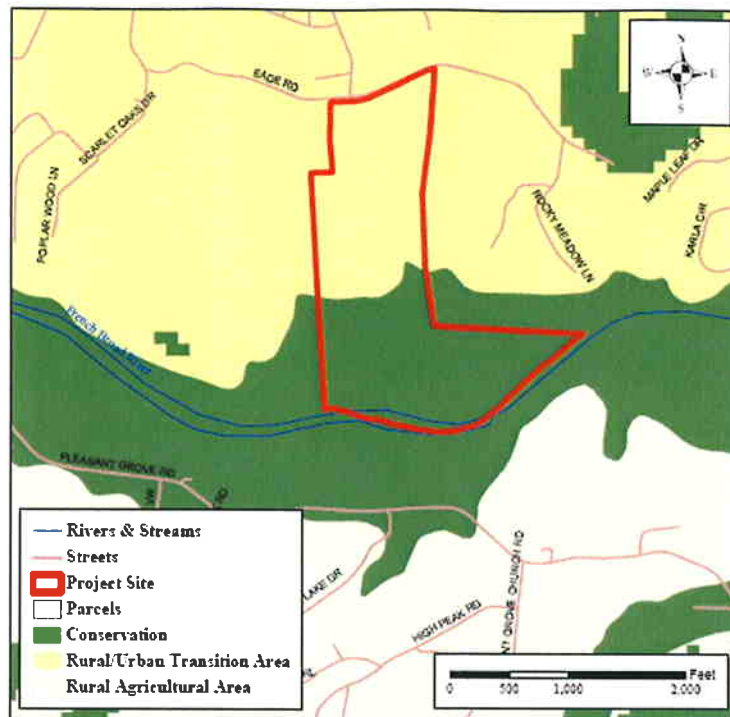
Private roads are proposed to serve the project site. The applicant has provided typical road cross sections for all proposed roads both with and without valley gutter. Public water (City of Hendersonville) and private sewer (Etowah Sewer Company) are proposed to serve the project site.

Master Plan 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. When reviewing the Master Plan it is important to consider that all land may not be suited to be subdivided for the purposes of dense development (HCSO §170-3) Staff has reviewed the submitted Master Plan for The Overlook at Waters Edge, taking into consideration the recommendations of Henderson County's Land Use Plan (the Henderson County 2020 Comprehensive Plan) and Draft Land Development Code:

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 Transition Area (RTA) (See Map A: CCP Future Land Use Map).

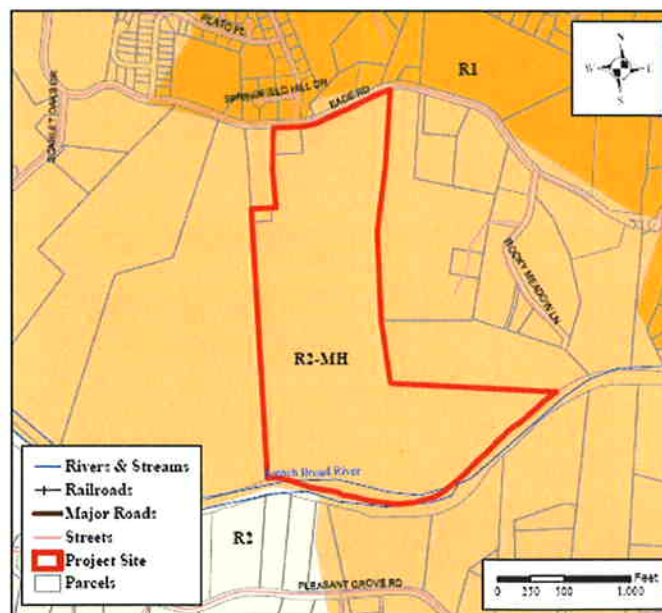
Map A: CCP Future Land Use Map



- **Conservation Area.** The conservation area designation is applied to the southern portion of the project site, largely because of the presence of floodplain and floodway in this area (See Attachment 2, Vicinity Map). 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 and Development Plan indicates that most of the land in floodplain and floodway will be reserved for future use, and the applicant has suggested that this will be placed into an agricultural use. Certain lots (Lots 61-68 and 44) will also contain portions of floodplain and floodway. (See Master Plan Comment 3, below, regarding staff recommendations for these lots).
- **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 (average lot sizes of 5 or fewer acres per unit). According to the Master Plan, the project would have an average density of 1.48 units per acre (average lot size of 0.68 acres). The proposed densities/lot sizes are in keeping with those recommended by the CCP. 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 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.

2. **Land Development Code (LDC).** According to Proposed Draft 8 of the Land Development Code Zoning Map the proposed project site for this development is located entirely in the Residential Zoning District 2 – Manufactured Housing (R2MH) (See Map B: Draft Land Development Code Map). The current draft of the Land Development Code (LDC) allows for a density of one (1) unit per acre (average lot size of one (1) acre) for single-family residential development and two (2) units per acre (average lots size of ½ acre) for multifamily development. According to the plan, the project would have an average density of 1.48 units per acre (average lot size of 0.68 acres). The applicant is proposing 68 single-family residential lots (which would require 68 acres) and an additional 45 townhome units (which would require 22.5 acres). The project site only contains 76.29 acres which is 14.21 acres fewer than the proposed development would require in order to achieve the proposed densities. This would not be in keeping with the densities generally proposed for the property by the Land Development Code, being that the proposed development is more dense than the LDC would allow. 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. It should also be noted that the extension of private sewerage to the site may result in the property being zoned R1 which would permit the proposed densities.

Map B: Draft Land Development Code Map



3. **Flood Damage Prevention Ordinance.** According to County records the southern portion of the project site lies within a special flood hazard area (See Attachment 2, Vicinity Map). Staff recommends the reconfiguration of lots within the proposed development for the purposes of increasing the amount of non-floodplain and non-floodway land contained by lots 63 through 68. While these lots are not completely within the floodplain, only small portions appear to be located outside of the floodplain. Additionally, County records indicate that large portions of these lots (63-68) may be within the floodway which prevent any development whatsoever. The Planning Board may wish to discuss with the applicant the reconfiguration of these lots. The Planning Board can only require the applicant to meet the minimum standards of the Subdivision Ordinance and may not have the authority to require any additional standards.

Development Plan Comments:

1. **Townhouse Development.** The applicant is proposing townhome units. The review for townhouse development is outlined in HCSO §170-15, which states that applications for townhouse developments shall be prepared in conformance with §170-16 (review for major subdivisions), Article IV (all areas of review for major subdivisions which includes minimum design standards for roads, water and sewer systems, right-of-way, etc.), Article V (subdivision improvement guarantees), and Article VI (application, enforcement and legal status provisions). Section 170-15 states that the Planning Board may use discretion in applying subdivision standards to townhouse developments, and that the requirements of §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.

According to the Combined Master and Development Plan the Applicant is requesting Planning Board approval of modifications to the requirements of §170-27 (right-of-way access). Section 170-27 states that all subdivision lots must abut on a private or public right-of-way. The proposed townhomes appear to be surrounded by common area with no proposed rights-of-way. The applicant should submit to the Planning Department, for review, cross sections or plans of the design for the driveways serving the townhomes. The Subdivision Ordinance does not have any requirements for driveways serving townhome units, therefore all proposed driveways must meet the minimum standards for private roads and must be built before approval of a final plat or release of any improvement guarantee.

2. **Lot Configuration and Frontage.** The Applicant has proposed the following double-fronted lots: 30 and 45-55. According to §170-31D of the HCSO, double-fronted lots should only be used when necessary. The Planning Board may wish to discuss with the Applicant the need for these double-fronted lots. The applicant has also proposed a flag lot for “future use” which provides frontage for the lot onto Waters Edge Drive. The Planning Board may approve the flag lot only under unusual circumstances and may wish to discuss any circumstances with the applicant.
3. **Sedimentation and Erosion Control Plan.** The Applicant shall submit notice from NCDENR that a soil erosion and sedimentation control plan has been received or provide documentation that no plan is required prior to beginning construction (HCSO 170-19).
4. **Water and Sewer.** The applicant has proposed public water (City of Hendersonville) and private sewer (Etowah Sewer Company). According to the HCSO, the applicant must provide evidence that the water supply and sewer system plans have been approved by the appropriate agency. All public water and private sewerage systems shall be installed and shall meet the requirements of the Henderson County Health Department or other government authorities having jurisdiction thereof. The development plan may be approved contingent on final approval from such agencies; however, the final plat shall not be approved until all such final approvals have been obtained. Any subdivision served by a public water system shall meet the respective county or municipality’s minimum requirements for fire hydrants installation (HSCO §170-20).

5. **Private Road Standards.** The applicant is proposing a combination of private residential collector roads and private local residential roads. The collector roads include Great Sky Way, Dancing Waters Terrace, and Waters Edge Drive (See Review Agency Comment 2, below). The local roads include River Breeze Circle and Rustling Water Way. The Applicant has provided two typical cross sections for the proposed roads, with and without valley gutter which both appear to be in compliance with §170-21 of the HCSO. The Applicant should indicate which typical will apply to the project prior to development plan approval.

The proposed collector roads meet all other requirements with the exception of the proposed centerline radii which must be 110 feet (it appears the applicant has proposed 90 foot centerline radii along Waters Edge Drive in the vicinity of Lot 45).

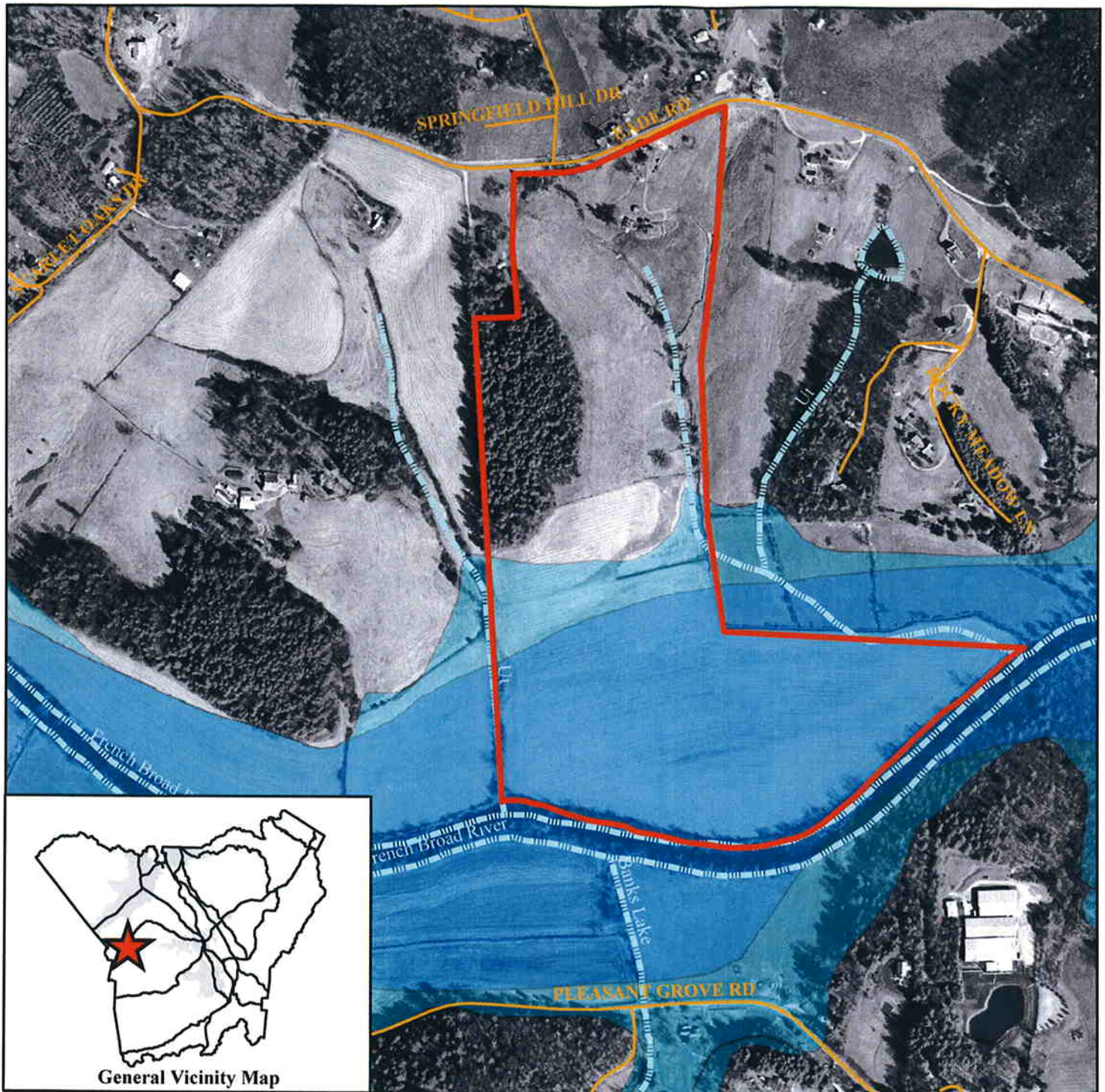
All of the subdivision roads must be designed and constructed to the minimum standards of §170-21 of the HCSO (§170-21 and Table 1).

6. **Road Intersection.** Design and subsequent construction of private roads shall be reviewed by the Planning Board based on the standards and requirements of NCDOT (HCSO §170-21(C)4). According to “Subdivision Roads Minimum Construction Standards” the most desirable intersections are those with angles of 75 to 90 degrees but that intersections with angles from 60 to 75 degrees are acceptable under extreme conditions. Great Sky Way intersects with itself twice, each intersection appearing to have angles just above 60 degrees. The Planning Board may wish to discuss with the applicant the intersections of Great Sky Way. The Planning Board may wish to request that the applicant modify the intersection to be more in keeping with minimum construction standards.
7. **Future Access.** Staff recommends that the applicant provide a stub road somewhere in the vicinity of Lots 9 through 12 to serve as a potential future point of access for emergency response vehicles in the event of an emergency. The Planning Board may wish to discuss this with the applicant. The Planning Board can only require the applicant to meet the minimum standards of the Subdivision Ordinance and may not have the authority to require any additional standards.
8. **Site Stabilization.** All areas disturbed by the construction of a private road, including cut and fill slopes, shoulders and ditch banks, must be seeded in permanent vegetation to stabilize the soil and prevent erosion. Such seeding should be done as soon as feasible following road construction (HCSO §§170-13A[7] and 170-22).
9. **Subdivision Name Signs.** All major subdivisions may provide for, at the primary entrance, subdivision name signs to conform with Henderson County sign standards. The signs should be located in dedicated sign easements to be shown on the final plat (HCSO §170-24). The applicant is proposing two signs for the subdivision which appear to be located in common area.
10. **Private Roads.** Because private roads are proposed, the final plat(s) must contain a note stating: *The private roads indicated on this final plat may not meet the requirements of the North Carolina Department of Transportation for acceptance into the state road system.* (HCSO 170-21B and Appendix 7)

11. **Farmland Preservation District.** The Final Plat(s) should include a notation that the property is within ½ mile of land in a Farmland Preservation District. The applicant must also submit an affidavit certifying that the applicant is aware of existing Farmland Preservation Districts (HCSO 170-35 and Appendix 11).
12. **Final Plat Requirements.** The Final Plat(s) must meet the requirements of Appendix 7 of the Subdivision Ordinance.

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 3). Mr. Hyder's comments reflect the requirements of the NC Fire Prevention Code.
2. **Comments from Property Addressing.** Curtis Griffin of the Henderson County Property Addressing Office submitted comments regarding the project (See Attachment 5). Mr. Griffin's comments reflect the denial of the requested "Waters Edge Drive" street name.



The Overlook at Waters Edge

DEVELOPER & OWNER: Eade Road Investments, LLC

AGENT: Associated Land Surveyors & Planners PC.

ZONING: OU

WATERSHED: None

WATER SYSTEM: Public Water (City of Hendersonville)

SEWER SYSTEM: Private Sewer (Etowah Sewer Company)

ROAD SYSTEM: Private



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

HCPD 05.01.07

See Master Plan for exact location of project and additional information.

HENDERSON COUNTY PLANNING DEPARTMENT REVIEW AGENCY RESPONSE FORM

I have reviewed the plan(s) for subdivision application **#2007-M05 (The Overlook at Waters Edge)** and offer the following comments:

Hydrants – The NC Fire Prevention Code requires a fire hydrant located within 400 feet of any portion of a commercial building (clubhouse, multifamily dwellings with more than two units, etc). Fire hydrants should 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>5/01/07</u>
Reviewed By	Agency	Date

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

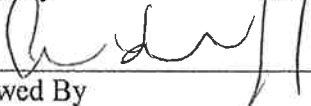
File No. 2007- M05

HENDERSON COUNTY PLANNING DEPARTMENT REVIEW AGENCY RESPONSE FORM

I have reviewed the plan(s) for subdivision application #2007-M05 (The Overlook at Waters Edge) and offer the following comments:

Waters Edge Drive CANNOT be used
in use in county Elsewhere. All others
Reserved.

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


Reviewed By

Prop Add
Agency

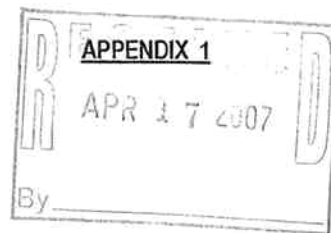
5-1-07
Date

Please Return to:

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

File No. 2007-M05

**HENDERSON COUNTY
SUBDIVISION APPLICATION FORM**



4-17-07 The Overlook @ Waters Edge _____
Date of Application Subdivision Name Application Number

* Major Subdivision * Minor Subdivision * Other

Property Owners Name: EADE ROAD INVESTMENTS, LLC

Address: 6475 BREVARD Road

City, State, Zip: Etowah, NC 28729

Owner's Agent: TERRY BAKER

Telephone No: 890-3507

PIN 9528-65-0683 Deed Book/Page DB 1313 PG. 127

Zoning District OU Fire District Etowah Watershed _____

Location of property to be divided: Highway 64 west to Old Highway 64 to
EADE Road

Type of Subdivision: ☒ Residential () Commercial () Industrial Present Use _____

No. Lots Created 113 Original Tract Size _____ 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: \$ _____ Paid _____ Method _____

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

Terry Baker
APPLICANT (OWNER OR AGENT)

4-19-07
DATE

Development Plan Approval / Conditions _____

Final Plat Approval: _____ Plat Recorded _____

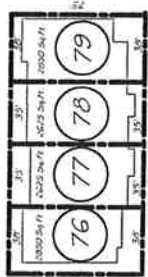
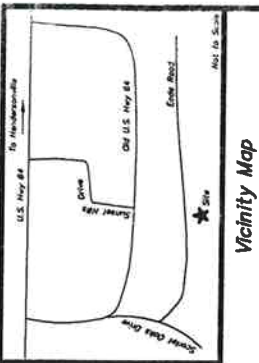
Legend:
 IP5 = Iron Pipe Set
 EIF = Existing Iron Stake
 PP = Power Pole
 LP = Light Pole
 F/C = Fence Corner
 EIS = Existing Iron Stake
 — = Fence
 C/C = Control Corner
 P = Power Pole

Combined Master and Development Plan of:
THE OVERLOOK AT WATERS EDGE
SHEET ONE

Owner and Developer
Eade Road Investments, LLC
6475 Brevard Rd.
Elowah, NC. 28729

Pipes under road designed from topo
Final design after engineering of roads area finalized.

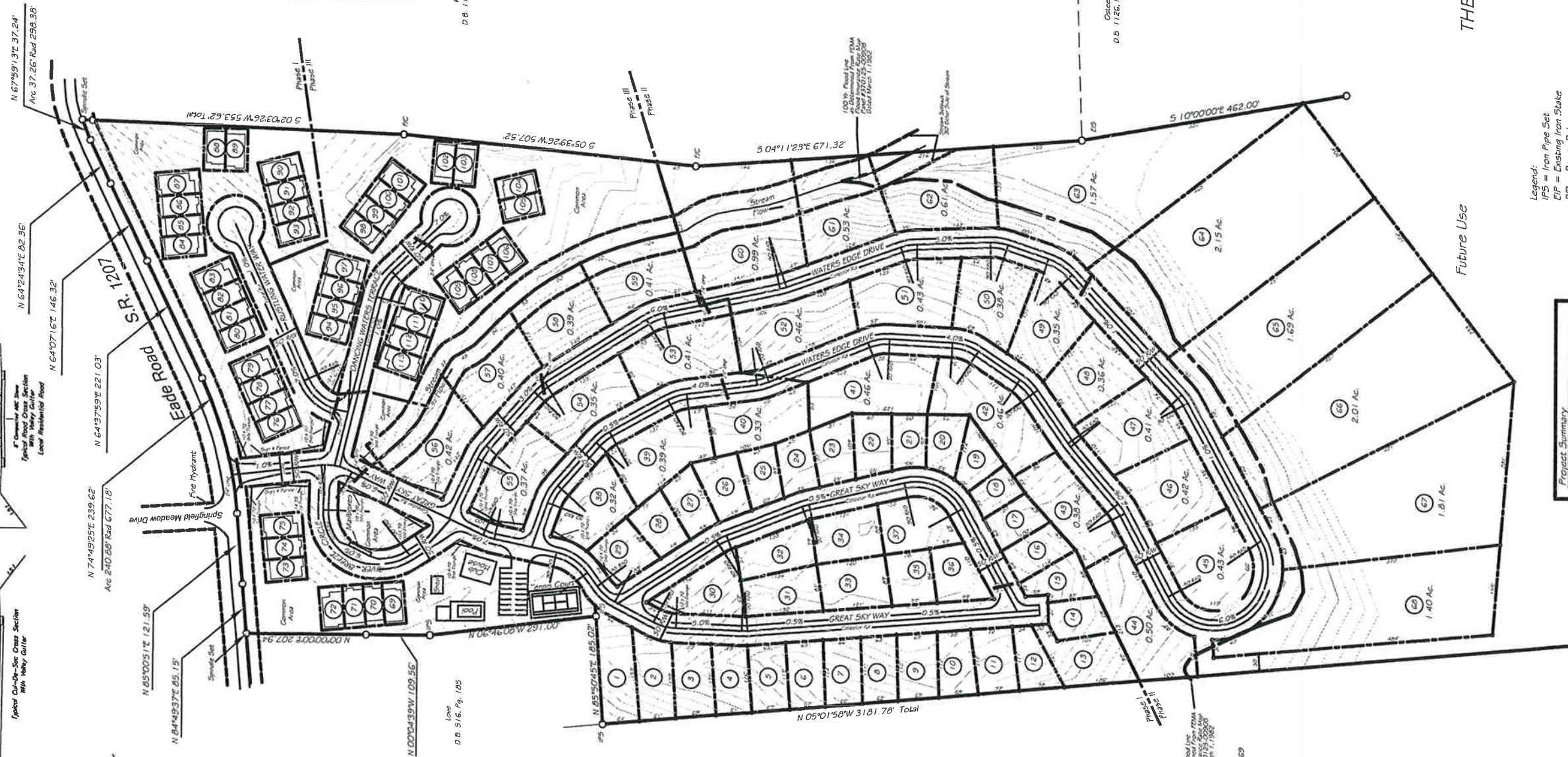
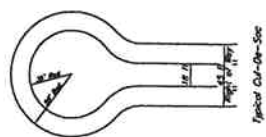
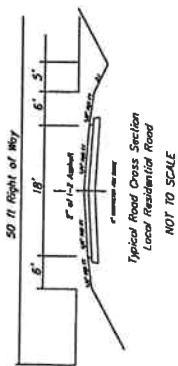
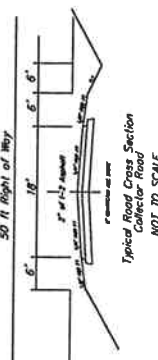
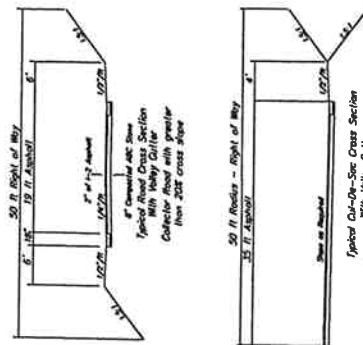
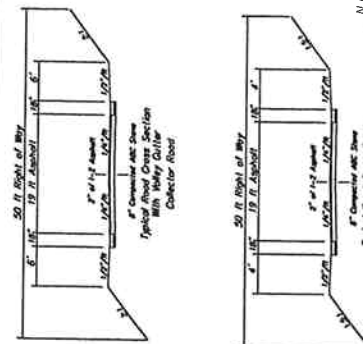
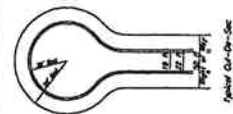
Notes
All areas located outside of the boundary of the individual
Township lots and lots 1-37 will be designated as Common Area.
Unless noted otherwise
All Township units will be granted income taxes
All common areas for ingress and egress
This property lies within 1/2 Mi. of an Agricultural Land Preservation District
This property is not located within a Watershed.
This property lies on 2nd Avenue



Town Homes will access road Right of Ways through Common Areas

RECEIVED
APR 27 2007

Redden
DB 1160, Pg 483



Lot Number	Percentage
1	0.25
2	0.80
3	0.19
4	0.17
5	0.16
6	0.16
7	0.17
8	0.16
9	0.16
10	0.16
11	0.16
12	0.17
13	0.23
14	0.17
15	0.17
16	0.16
17	0.14
18	0.11
19	0.13
20	0.14
21	0.13
22	0.16
23	0.17
24	0.14
25	0.14
26	0.17
27	0.15
28	0.15
29	0.17
30	0.25
31	0.22
32	0.21
33	0.23
34	0.25
35	0.16
36	0.16
37	0.24

Wilson
D.D. 504, P. 869