

REQUEST FOR BOARD ACTION

HENDERSON COUNTY PLANNING BOARD

MEETING DATE: Thursday, July 19, 2007

ATTACHMENTS:

1. Staff Report
2. Vicinity Map
3. Photos of Project Site
4. Review Agency Response Form – Fire Marshal’s Office
5. Review Agency Response Form – Engineering and Facility Services
6. Review Agency Response Form – Property Addressing
7. Subdivision Application
8. Appointment of Agent Form
9. Master Plan

SUBJECT: Master Plan for Couch Mountain Estates (2007-M24)

SUMMARY OF REQUEST:

Eric McAbee, on behalf of McAbee and Associates Professional Land Surveyors, agent for property owners, Couch Mountain Properties, LLC, submitted a Master Plan and major subdivision application for a project known as Couch Mountain Estates. The project site is located on 296 acres of land (PINs: 9672-01-2875 and 9661-99-7788). The site is accessed off of Clark Gap Drive. A total of 447 lots are proposed including 297 single-family dwelling lots and 75 duplexes (150 dwelling units). The site is currently zoned Open Use (OU) which does not regulate the residential use of land. The project site is not located in a Water Supply Watershed district. Private roads are proposed to serve the subdivision. Public water (City of Hendersonville) and public sewer (Cane Creek Sewer District) are also proposed.

PLANNING BOARD ACTION REQUESTED:

Staff has found that the proposed Master Plan for Couch Mountain Estates does not appear to meet the technical standards of the Henderson County Subdivision Ordinance. Further, Staff has found that this project site may not be suited to be subdivided for the purpose of dense development due to existing topographic conditions, inadequate road access, distance from services, and unique natural areas. Staff recommends denial of the Master Plan subject to the listed comments (See Attachment 1, Staff Report) and any other issues raised by the Planning Board.

Suggested Motion:

I move that the Planning Board find and conclude that the Master Plan does not appear to comply with the provisions of the Subdivision Ordinance;

And

I further move that the Master Plan be denied.

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

Henderson County Planning Department Staff Report

Master Plan Review for Couch Mountain Estates Major Subdivision (File #2007-M24)

Couch Mountain Properties, LLC, Applicant/Owner
Eric McAbee, McAbee and Associates Professional Land Surveyors, Agent

Project Overview

Eric McAbee, on behalf of McAbee and Associates Professional Land Surveyors, agent for property owner, Couch Mountain Properties, LLC, submitted a Master Plan and major subdivision application for a project known as Couch Mountain Estates. The project site is located on 296 acres of land (PINs: 9672-01-2875 and 9661-99-7788). The site is accessed off of Clark Gap Drive. A total of 447 lots are proposed including 297 single-family dwelling lots and 75 duplexes (150 dwelling units). The applicant is proposing to develop the project in 10 phases. It also appears that the applicant is also proposing that the northwestern portion of the property remain in common area/open space.

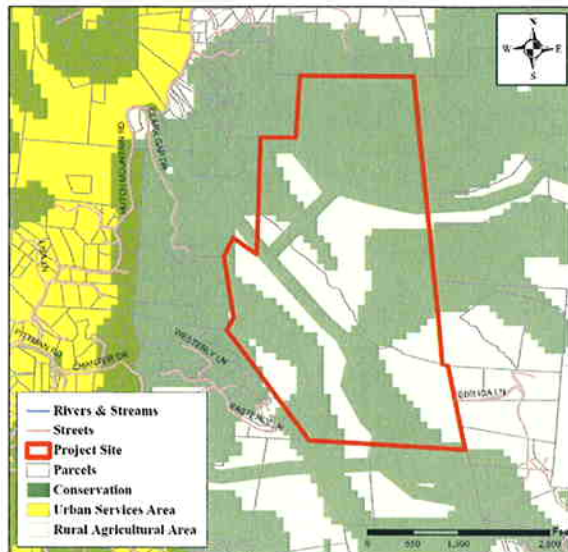
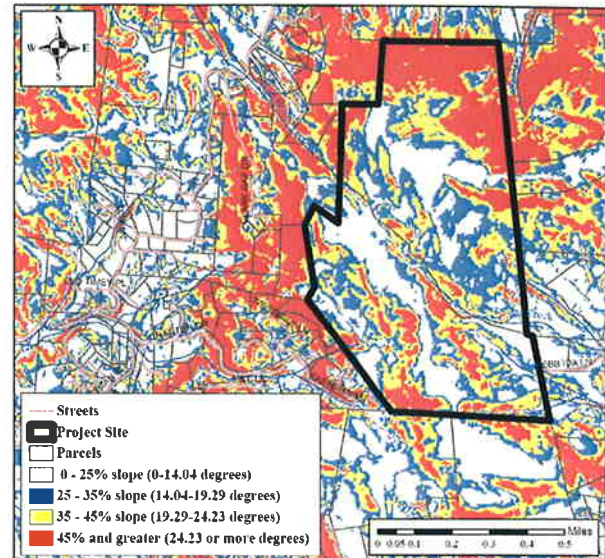
The site is currently zoned Open Use (OU) which does not regulate the residential use of land. The project site is not located in a water supply watershed district or the floodplain. Private roads are proposed to serve the subdivision. Public water (City of Hendersonville) and public sewerage (Cane Creek Sewer District) is proposed to serve the development.

Staff Comments Regarding Master Plan

According to Section 170-3 of the Henderson County Subdivision Ordinance (HCSO), all land may not be suited to be subdivided for the purpose of dense development due to severe topographic conditions, inadequate road access, distance from services, and unique natural areas.

According to Section 170-16B of the 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 Couch Mountain Estates, 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:

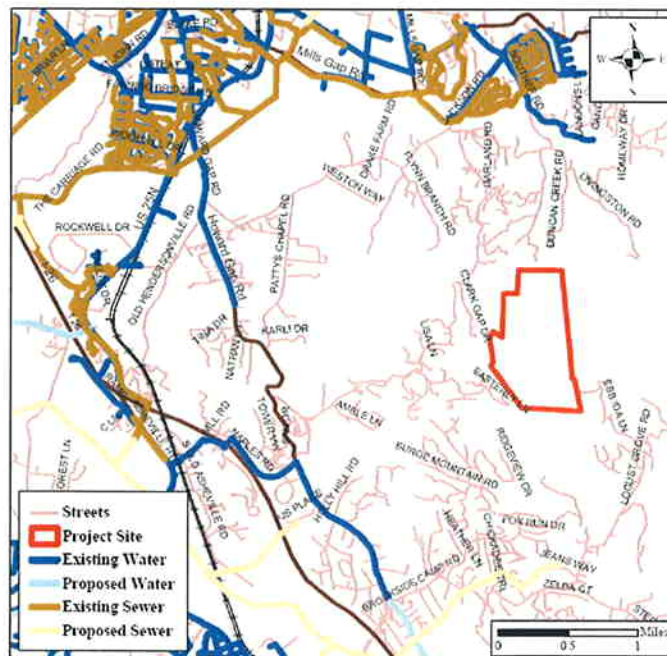
1. **County Comprehensive Plan (CCP).** The Future Land Use Map of the CCP shows the project site as being located within each of the following areas: Conservation Area and Rural/Agricultural Area (RAA) (See Map A: CCP Future Land Use Map).

Map A: CCP Future Land Use Map**Map B: Slopes Map**

- **Conservation Area.** The conservation area designation is applied a majority of the project site, largely due to slope and protected mountain ridge (See Map A: CCP Future Land Use Map and Map B: Slopes Map). Slopes within the project site appear to be in excess of 25 percent, with large portions having slopes in excess of 45 percent. According to the plan, those steep slope areas in the northwest portion of the project site appear to be in common area/open space and are not currently proposed to contain single-family development. 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 Planning Board may wish to discuss with the applicant the possibility of reconfiguring lots or the design of the development in order to provide that steep slopes remain in common area/open space. Staff recommends that all slopes in excess of 45 percent remain in common area/open space. Further, as noted in Section 170-3 of the HCSO, the project site may not be suited to be subdivided for the purpose of dense development due to these severe topographic conditions (steep slope) and unique natural areas (protected mountain ridges).
- **Rural Agricultural Area.** The Rural Agricultural Area (RAA) designation of the Growth Management Strategy is applied to the project site. The RAA is intended to remain predominantly rural with a density of five (5) or more acres per dwelling unit (average lot sizes of five (5) or more acres per unit). According to the plan, the project would have an average density of 1.50 units per acre (average lot size of 0.66 acres). The proposed densities are significantly higher and the lot sizes are significantly reduced from those recommended by the CCP. The CCP states that regulations should encourage “densities that are consistent with steep slopes, poor septic capacities, and sensitive topography.” Should public water and sewer be provided, as indicated by the Master Plan, this may result in a reclassification of the project site to “Rural/Urban Transition Area” or “Urban Services Area” which would permit the proposed densities.

2. **Protected Mountain Ridges.** The project site appears to contain areas effected by the Mountain Ridge Protection Ordinance which states that the provisions of NCGS 113A-209 apply to all mountain ridges in Henderson County whose elevation is 500 feet or more above the adjacent valley floor. NCGS 113A-209 states that no county 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 NCGS 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. Additionally, 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 of ridge under protection is defined as the elongated crest or series of crests at the apex or uppermost point of intersection between two (2) 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.
3. **Water and Sewer.** The applicant has indicated that public water (City of Hendersonville) and sewer (Cane Creek Sewer District) are proposed for the development. It appears the nearest existing waterline is approximately 5,100 feet (straight-line distance) from the project site and the nearest existing sewer line is approximately 6,200 feet (straight-line distance) from the project site. Extensions proposed by the Water and Sewer Master Plan do not appear to place the project site any closer to public water or sewer (See Map C: Water and Sewer Master Plan Map). The Planning Board may wish to discuss with the applicant the feasibility and practicality of extending water and sewer lines to the project site (See Attachment 5). Should the Planning Board wish to approve the Master Plan, Staff recommends approval be contingent upon the applicant requesting water and sewer line extensions within 6 months, and the Board of Commissioners' approval of the required water and sewer line extensions.

Map C: Water and Sewer Master Plan Map

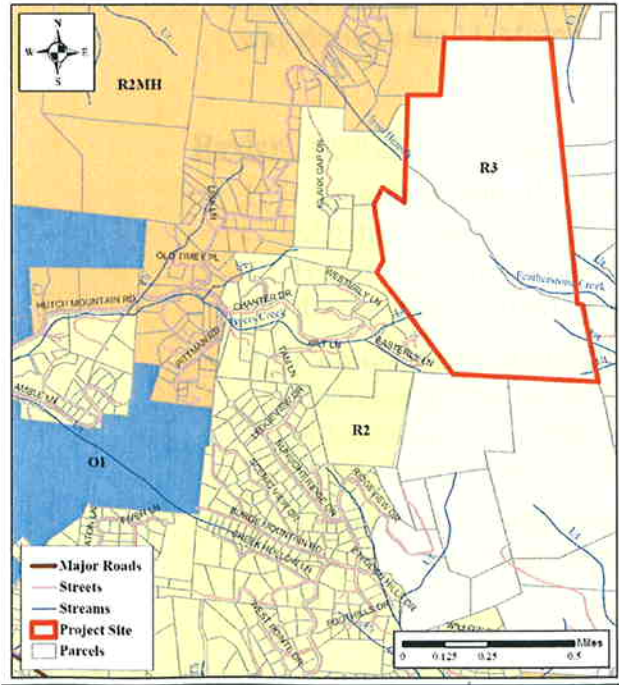


4. **Land Development Code (LDC).** According to Proposed Draft 9 of the Land Development Code Zoning Map, the proposed project site for this development is located entirely in the Residential Zoning District 3 (R3) (See Map D: Draft Land Development Code Map). The current draft of the Land Development Code (LDC) allows for a density of 0.66 units per acre (average lot size of 1.5 acres). According to the plan, the project would have an average density of 1.5 units per acre (average lot size of 0.66 acres). 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. To be in keeping with the LDC the applicant could propose, as a maximum, 197 units. This would require eliminating approximately 250 of the currently proposed units. The Board of Commissioners is currently considering amendments to the Draft LDC language which would reduce the permitted density on slopes in excess of 35 percent to 1 unit per 3 acres (Board of Commissioners Materials dated July 2, 2007, LDC Development Issue 5: Development in Areas of Steep Slope and Floodplain). Approximately 0.47 percent of the project site (138 acres) contains slopes in excess of 35 percent. To be in keeping the LDC, including this provision for development in areas of steep slope, the applicant could propose, as a maximum of 150 units (104 units on 158 acres containing slopes less than 35 percent; plus 46 units on 138 acres containing slopes in excess of 35 percent). This would require eliminating approximately 297 of the proposed units.

Should public water and sewer be provided, as indicated by the Master Plan, this may result in a reclassification of the project site to “Residential Zoning District 2 - Manufactured Homes (R2-MH)” or possibly “Residential Zoning District 1 (R1)” which may permit higher densities.

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.

Map D: Draft LDC Map



be subdivided must have ght-of-way to the public i public road or a private ight-of-way extending erty ((PIN 9662-81- ing Board may wish to ight-of-way on the tence of any such right- levelopment plan

to the proposed right-of- right-of-way (proof of approval). The existing percent; is one (1) lane; Site Photos). The Planning es and conditions of Clark

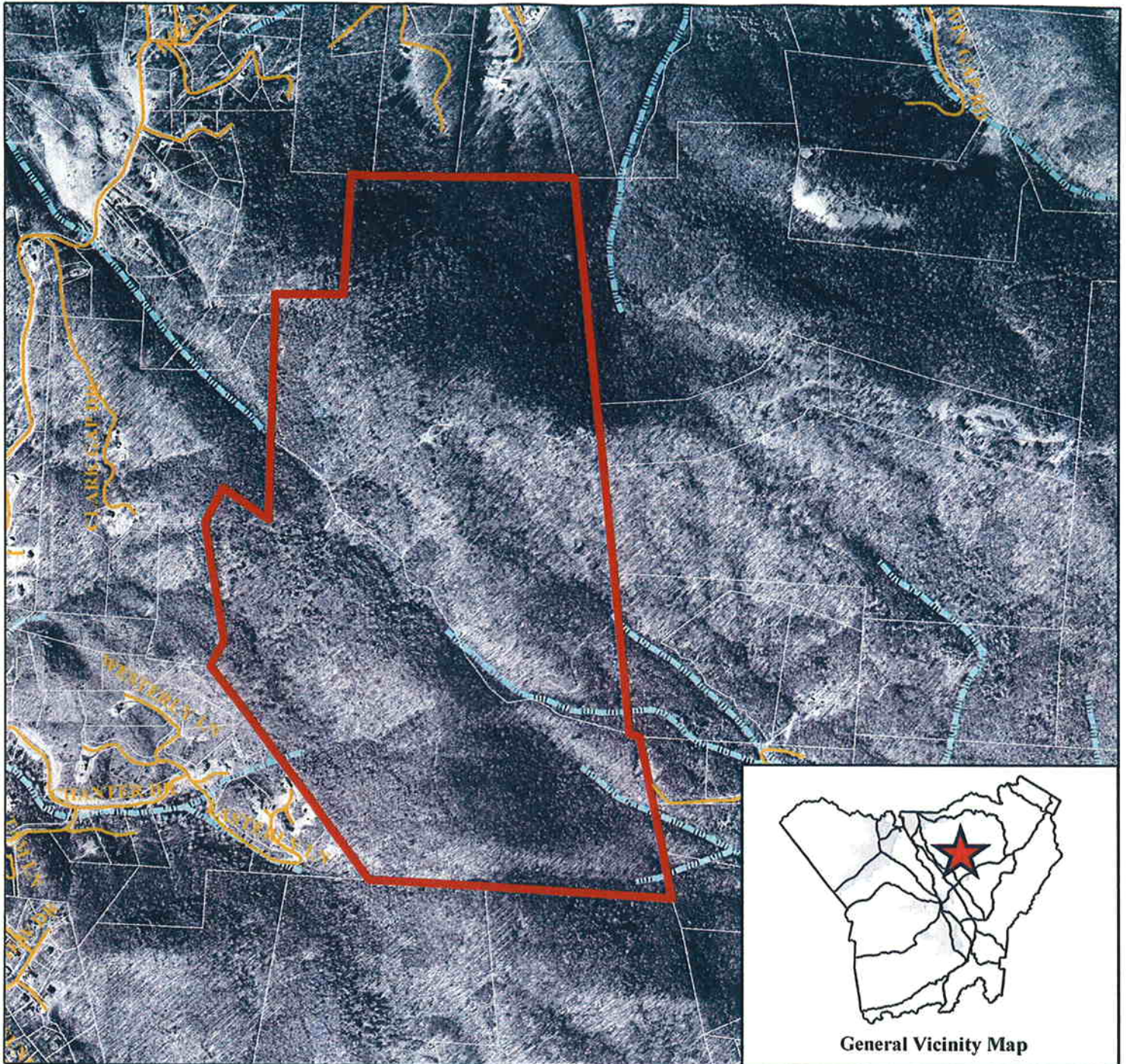
or more lots may be ight-of-way exceeds plication on a case-by-), the project site may not e to inadequate road

ds approval be contingent tion from an Attorney he property and and the proposed right-of-

lerson County Fire ee Attachment 4). Mr. istry gate ordinance, and e.

rcus Jones, Director of ng the project (See /er extensions by the Cane

Henderson County : project (See Attachment



General Vicinity Map

Couch Mountain Estates

DEVELOPER & OWNER: Couch Mountain Properties, LLC
 AGENT: Eric McAbee, PLS
 SURVEYOR: McAbee & Associates Professional Land Surveyors
 ZONING: OU
 WATERSHED: None
 WATER SYSTEM: Public Water
 SEWER SYSTEM: Public Sewer
 ROAD SYSTEM: Private



-  Roads
-  Surface Water
-  Project Site
-  Parcels



1. View of project site from Easterly Road. The forested area at the end of the road indicates a portion of the southeast corner of the site.



2. View outside the project site facing southwest on Easterly Rd.



3. View of Clark Gap Drive, offsite access road, for project site.

HENDERSON COUNTY PLANNING DEPARTMENT REVIEW AGENCY RESPONSE FORM

I have reviewed the plan(s) for subdivision application #2007-M24 (Couch Mtn Estates) and offer the following comments:

Hydrants – Fire hydrants should be located within 1000 feet of any residential structure and should have a minimum flow rate of 500 gpm at 20 psi residual.

Roads – The additional road distance associated with this project will likely require an additional station for Fletcher Fire & Rescue. Access roads 18 feet wide should be considered to support two-way traffic for emergency vehicles.

Entry Gates – (If provided) Should comply with the Henderson County Entry Gate Ordinance.

<u>Rocky Hyder</u>	<u>Emergency Services</u>	<u>7/02/07</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- M24

Matt Cable

From: Marcus Jones
Sent: Monday, July 02, 2007 4:49 PM
To: Matt Cable; Alexis Baker
Subject: FW: Review Agency Packet
Attachments: CouchMtn_Review_Packet.pdf

As Doyle mentioned, it is difficult to believe they are going to extend Cane Creek Sewer District this far.

Otherwise, no comments.

Thanks

Marcus A. Jones, P.E.
Engineering and Facility Services
(828) 694-6560

From: Kathleen Scanlan
Sent: Monday, July 02, 2007 8:47 AM
To: Sam Laughter (saml@hendersoncountync.org); Terry Layne (laynetb@hendersoncountync.org); Wayne Watkins (wayne.watkins@ncmail.net); Rocky Hyder (rhyder@hendersoncountync.org); Natalie Berry (nberry@hendersoncountync.org); Marcus Jones (majones@hendersoncountync.org); Seth Swift (sswift@hendersoncountync.org); Mark Gibbs (mgibbs@dot.state.nc.us); Laurie Moorhead (laurie.moorhead@ncmail.net); Lee Smith (lsmith@cityofhendersonville.org); Dr. Stephen Page (spage@henderson.k12.nc.us); Doyle Freeman (dfreeman@hendersoncountync.org); Curtis Griffin (cgriffin@hendersoncountync.org); Barbara Blaine (bblaine@henderson.k12.nc.us); Autumn Radcliff (autumnr@hendersoncountync.org); Bo Caldwell (bcaldwell@henderson.k12.nc.us); Commander Eddie Watkins (number44@hotmail.com); Fletcher Fire & Rescue (fletcherfire@mchsi.com)
Subject: FW: Review Agency Packet

Comments should be emailed to Matt Cable at mcable@hendersoncounty.org or to me at alexisbaker@hendersoncountync.org. They can also be sent to the address below.

Thanks,
Alexis Baker
Alexis Baker, Planner
Henderson County Planning Department
213 First Avenue East
Hendersonville, NC 28792

Phone: 828-697-4819 Ex. 1055
Fax: 828-697-4533
E-mail: alexisbaker@hendersoncountync.org

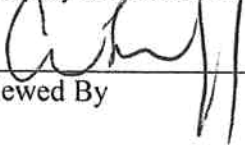
HENDERSON COUNTY PLANNING DEPARTMENT REVIEW AGENCY RESPONSE FORM

I have reviewed the plan(s) for subdivision application #2007-M24 (Couch Mountain Estates) and offer the following comments:

Street names required

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

Reviewed By



Agency

PROPADO

Date

7-9-07

Please Return to:

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

**HENDERSON COUNTY
SUBDIVISION APPLICATION FORM**

6-21-2007 COUCH MOUNTAIN ESTATES _____
Date of Application Subdivision Name Application Number

☒ Major Subdivision ☐ Minor Subdivision ☐ Other

Property Owners Name: COUCH MOUNTAIN PROPERTIES, LLC CONTACT: ANDY ANDERSON
Address: PO BOX 2468
City, State, Zip: FAIRVIEW, NC 28730
Owner's Agent: ERIC MCABEE, PLS
Telephone No: 828-628-1295
PIN 9672-01-2875 & 9661-99-7788 Deed Book/Page 1067 page 152
Zoning District OPEN USE Fire District FLETCHER Watershed N/A
Location of property to be divided: COUCH MOUNTAIN OFF CLARK GAP ROAD

Type of Subdivision: ☒ Residential () Commercial () Industrial Present Use VACANT - WOODLANDS
No. Lots Created _____ Original Tract Size 296 ac New Tract Size _____ No. New Lots 297 SINGLE FAMILY, 150 DUPLEX UNITS
Road System: () Public ☒ Private () Combination Public and Private
Water System: () Individual () Community ☒ Municipal
Sewer System: () Individual () Community ☒ Municipal

Fee: \$ 1000 Paid 5-23-2007 Method CHECK

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

Eric S. Mcabee
APPLICANT (OWNER OR AGENT)

6/21/07
DATE

.....
Development Plan Approval / Conditions _____

Final Plat Approval: _____ Plat Recorded _____

APPOINTMENT OF AGENT FORM (OPTIONAL)

I RICHARD E ANDERSON owner of property located on OFF HUTCH MTN RD
(name) street name)

recorded in (3 PARCELS LISTED BELOW) and having a parcel identification number (PIN) of (3 PARCELS LISTED BELOW) (deed book / page) located in Henderson County, North Carolina, do hereby appoint ERIC McABEE (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.

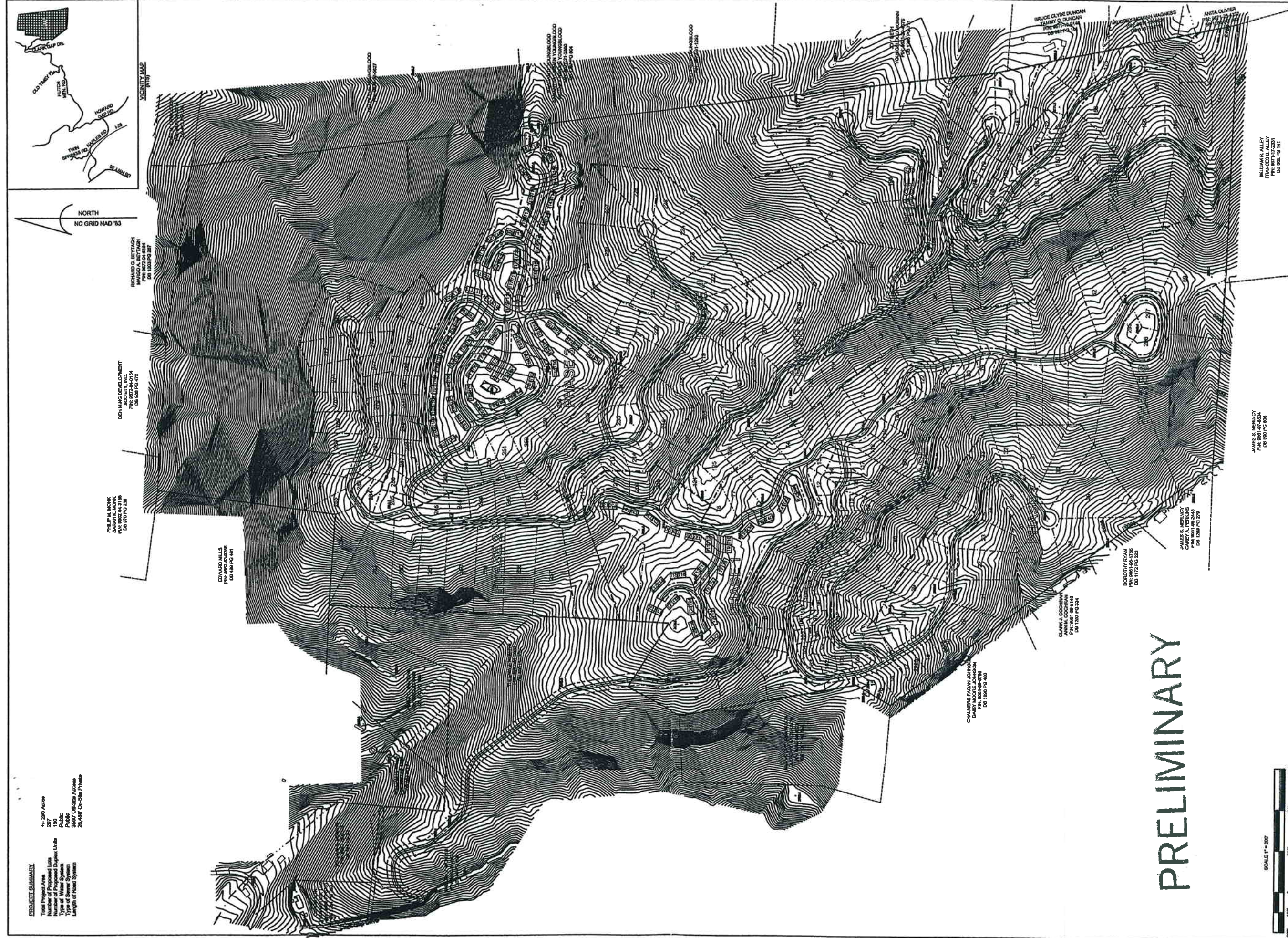

Property Owner

6-25-07

date

DEED BOOK AND PAGE

		PIN
001067	00152	9661997788
001067	00152	9662803323
001067	00152	9672012875

[illegible]