

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. Subdivision Application
6. Appointment of Agent Form
7. Affidavit of Understanding of Farmland Preservation District
8. Combined Master and Phase II Development Plan

SUBJECT: Combined Master and Phase II Development Plan for Morning Glory Place (2007-M22)

SUMMARY OF REQUEST:

Mr. David Hill of Hill and Associates Surveyors, P.A. for Mr. Christopher Lindsey, agent, on behalf of Mr. Joseph D. Laughter, owner, submitted the Combined Master and Phase II Development Plan and major subdivision application for a project known as Morning Glory Place. Phase II is located on a 6.0 acre portion of a parcel (PIN 9680-70-0547) located at the intersection of Lynn Estate Road and Chelsea Hill Lane (also referred to as Ashton Lane). Morning Glory Place was previously approved to contain 5 lots. Phase II is a proposed expansion to the originally approved major subdivision. The applicant is proposing an additional 8 lots in Phase II that will be used for single family residential purposes. Private roads are proposed to serve the project site. Private individual wells and private individual septic are proposed to serve the project site.

PLANNING BOARD ACTION REQUESTED:

Staff has found that the proposed Combined Master and Phase II 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 Phase II 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 Phase II Development Plan appears to comply with the provisions of the Subdivision Ordinance;

And

I further move that the Combined Master and Phase II 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 Phase II Development Plan Review for Morning Glory Place Major Subdivision (File #2007-M22)**

Christopher Lindsey, Applicant
Joseph D. Laughter, Owner
David Hill, Hill and Associates Surveyors, P.A., Agent

Project Overview:

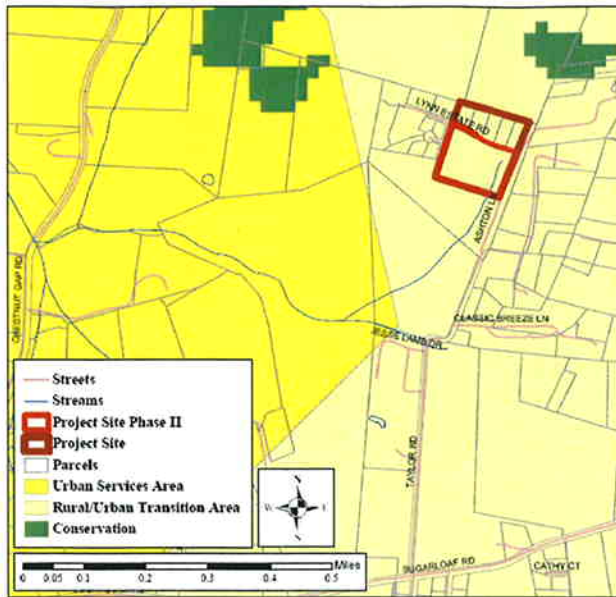
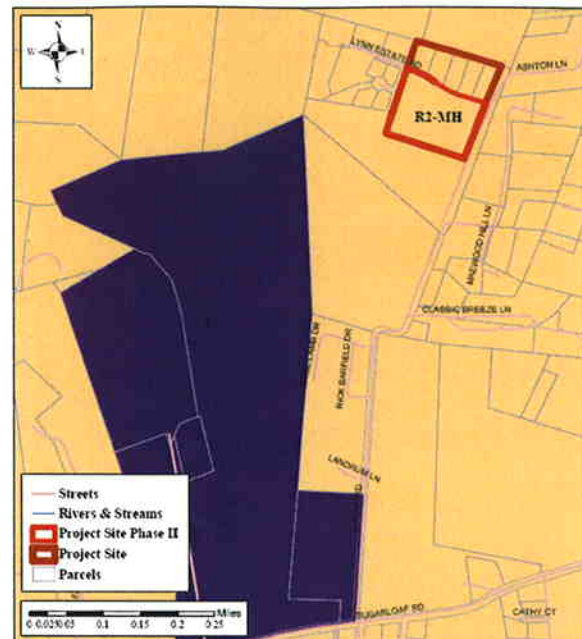
Mr. David Hill of Hill and Associates Surveyors, P.A. for Mr. Christopher Lindsey, agent, on behalf of Mr. Joseph D. Laughter, owner, submitted the Combined Master and Phase II Development Plan and major subdivision application for a project known as Morning Glory Place. Morning Glory Place was previously approved to contain five (5) lots on approximately 3.56 acres. Phase II is a proposed expansion to the originally approved major subdivision. Phase II is located on a 6.0 acre portion of a parcel (PIN 9680-70-0547) located at the intersection of Lynn Estate Road and Chelsea Hill Lane. The applicant is proposing an additional 8 lots in Phase II that will be used for single family residential purposes.

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 or the floodplain. Private roads are proposed to serve the project site. Private individual wells and private individual septic 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 Morning Glory Place, 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 in the Rural/Urban Transition Area (RTA) (See Map A: CCP Future Land Use Map). 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 1.36 units per acre (average lot size of 0.74 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 sewer service will not be available to the development.

Map A: CCP Future Land Use Map**Map B: Draft Land Development Code Map**

2. **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 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. According to the plan, the project would have an average density of 1.36 units per acre (average lot size of 0.74 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. 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.

Development Plan Comments:

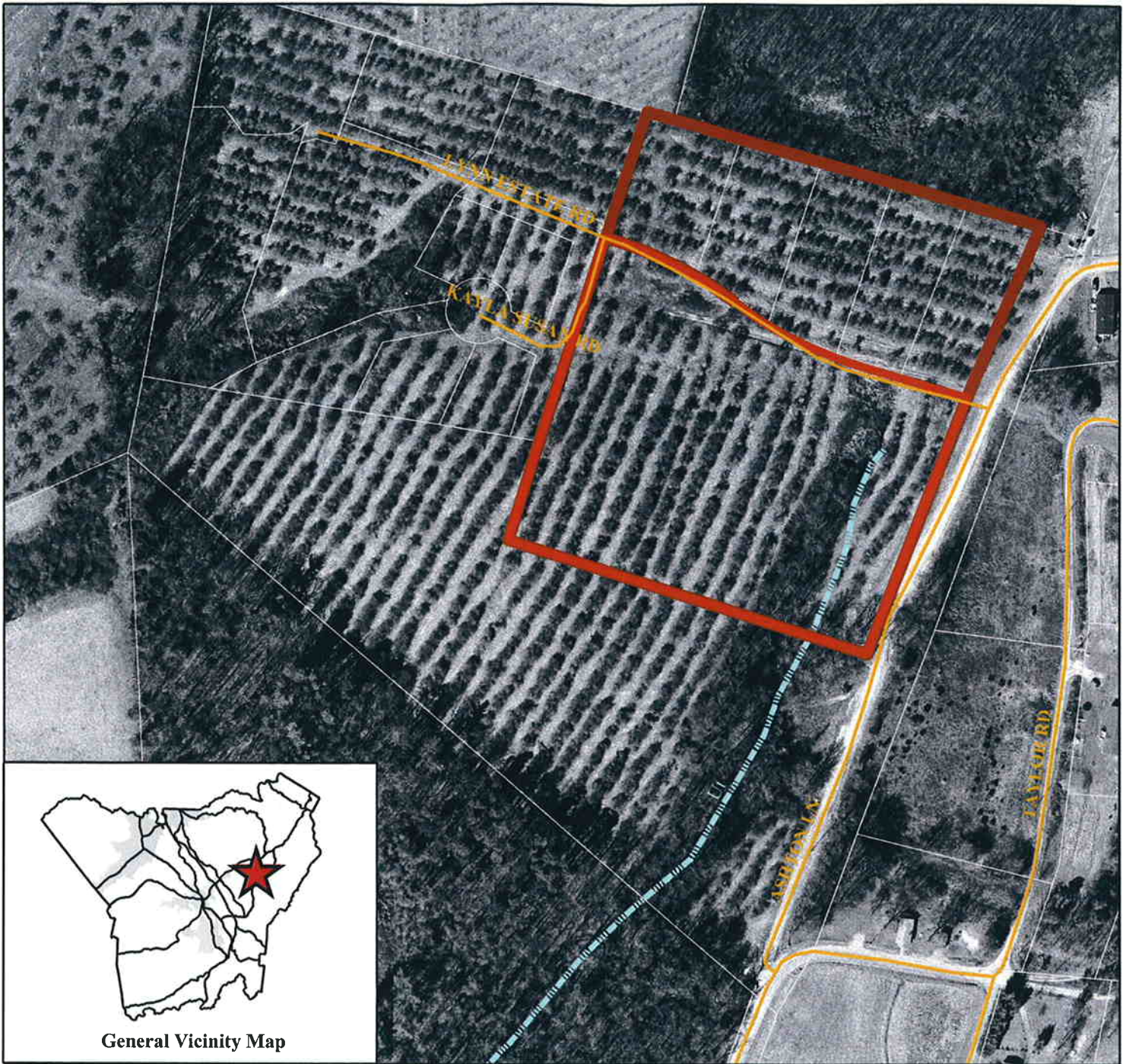
1. **Sedimentation and Erosion Control Plan.** The Applicant shall submit notice from NCDENR that a soil erosion and sedimentation control plan has been received or provide documentation that no plan is required prior to beginning construction (HCSO 170-19).
2. **Private Roads.** Because private roads 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).
3. **Private Road Standards.** The Applicant has provided a cross section for the proposed roads (Morning Lane and a limited local road). The cross section for Morning Lane indicates that this is to be a “local road.” The proposed local road and limited local roads (proposed to be stone) appear to meet all requirements of the HCSO. 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).

4. **Road Grade.** The Applicant has proposed private stone roads for the subdivision. The maximum road grade for private local and limited local residential subdivision roads constructed of stone is 15 percent. A professional engineer or professional land surveyor must certify on the Final Plat that no portion of the road has a grade that exceeds 15 percent or submit a final as-built graded center line profile showing grade and alignment of the road (HCSO §§170-13A[5], 170-21 Table 1 and 170-21E).
5. **Drainage.** All road or drainage structures shall be constructed in accordance with state roads standards. Road drainage side ditches shall be constructed with sufficient depth and width to carry the expected volume of storm water runoff (HCSO § 170-21D).
6. **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).
7. **Stream Setbacks.** A minimum thirty-foot setback for buildings or other structures is required along all perennial streams. The thirty-foot setback must be noted on the final plat (HCSO 170-37A).
8. **Fire Suppression.** According to the Henderson County Subdivision Ordinance (170-20C), 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 (See Attachment 4 - Review Agency Form from Fire Marshal's Office). 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.
9. **Soils Map.** The proposed phase has an average lot area of less than one acre. No public or community sewer is available. The applicant should review a soils map of the property and be knowledgeable of the suitability of ground absorption systems for his development (HCSO §170-37E).
10. **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 (HCSO 170-35 and Appendix 11).
11. **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 are related to the perennial stream as a source for static water supply points.



Morning Glory Place Phase II

DEVELOPER: Christopher Lindsey

OWNER: Joseph D. Laughter

SURVEYOR: Hill & Associates Surveyors, P.A.

ZONING: OU

WATERSHED: None

WATER SYSTEM: Private Wells

SEWER SYSTEM: Private Septic

ROAD SYSTEM: Private



- Roads
- Surface Water
- Project Site Phase II
- Project Site Parcels



1. View of Morning Glory Phase 1, looking west from Chelsea Hill Ashton Lane (also referred to as Ashton Lane).



2. View of Morning Glory Phase I looking northwest east from intersection of Chelsea Hill Lane and Lynn Estate Road.



3. View of Phase II proposed lot 12, looking south from Lynn Estate Road.



4. View of western edge of proposed lots 11 and 12 from Lynn Estate Road.



5. View of Phase II looking west from Chelsea Hill Lane.



6. View of Phase II from intersection of Lynn Estate Road and Chelsea Hill Lane.

HENDERSON COUNTY PLANNING DEPARTMENT REVIEW AGENCY RESPONSE FORM

I have reviewed the plan(s) for subdivision application #2007-M22 (Morning Glory Place) and offer the following comments:

Water Supply – No fire suppression water supply provided. Any stream in the area should be evaluated for static water point (dry hydrant) potential.

Roads – Access roads 18 feet wide will 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- M22

APPENDIX 1

HENDERSON COUNTY SUBDIVISION APPLICATION FORM

4-16-07 MORNING GLORY PLACE ^{PHASE II}

Date of Application 4-16-07 Subdivision Name MORNING GLORY PLACE Application Number PHASE II

* Major Subdivision * Minor Subdivision * Other

Property Owners Name: CHRIS LINDSEY, JOSEPH D. LAUGHTER

Address: 152 CAROLINA CIRCLE

City, State, Zip: HENDERSONVILLE NC

Owner's Agent: CHRIS E. LINDSEY, DAVID HILL

Telephone No: CELL 243-2243 Home 697-0328

PIN _____ Deed Book/Page DB 368 PG 375

Zoning District O.4 Fire District _____ Watershed NO

Location of property to be divided: GO OUT 4 SEASONS, TURN RIGHT ON TO SUGAR LOAF RD GO 2 1/2 MILES THEN TURN LEFT ON TO TAYLOR RD GO 3/4 MILE TURN LEFT ON TO CHELSEA HILL RD THEN LEFT ON TO

Type of Subdivision: ☒ Residential ☐ Commercial ☐ Industrial Present Use LYNN ESTATE RD

No. Lots Created 13 Original Tract Size 3.5 New Tract Size 9.5 No. New Lots 8 PROPERTY ON LEFT AND RT

Road System: ☐ Public ☒ Private ☐ Combination Public and Private

Water System: ☒ Individual ☐ Community ☐ Municipal

Sewer System: ☒ Individual ☐ Community ☐ Municipal

Cemetery on Property: ☐ Yes ☐ No

Fee: \$ 450.00 Paid 4-17-06 Method CHECK # 3083
+ 80.00 5-15-07

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

Chris E. Lindsey
APPLICANT (OWNER OR AGENT)

4-16-07
DATE

Development Plan Approval / Conditions _____

Final Plat Approval: _____ Plat Recorded _____

APPENDIX 2

APPOINTMENT OF AGENT FORM (OPTIONAL)

I Joe Pugh owner of property located on Chelsea Hill
(name) (street name)
recorded in 368 / 375 and having a parcel identification number (PIN) of 9680700547
(deed book / page)
located in Henderson County, North Carolina, do hereby appoint Chris E. Landsey
(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.

Joe Pugh
Property Owner

5-11-07
date

APPENDIX 11

AFFIDAVIT OF UNDERSTANDING OF FARMLAND PRESERVATION DISTRICT

I hereby certify that I acknowledge that the Henderson County Board of Commissioners on December 18, 1991, did adopt the HENDERSON COUNTY VOLUNTARY FARMLAND PRESERVATION PROGRAM ORDINANCE whose purpose is to establish and identify designated agricultural districts to encourage the economic and financial well being of farming areas, to increase protection from nuisance suits, undesirable non-farm development and other negative impacts on participating farms, and to increase the identity and pride in the agricultural community and its way of life.

I further certify that the property I intend to develop is within 0 feet of Farmland listed in the Farmland Preservation Program and is identified as the Blue Ridge Farmland district on maps provided by the Henderson County Office of the Natural Resources Conservation Service.


Name of Owner

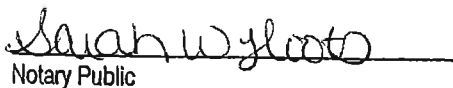
6-8-07
Date

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, Sarah W. Hoots, a Notary Public for said County and State, do hereby certify that

Joseph D. Paugh personally appeared before me this date and acknowledged the due execution of the foregoing instrument.

Witness by hand and official seal, this the 8th day of June, 192007


Notary Public

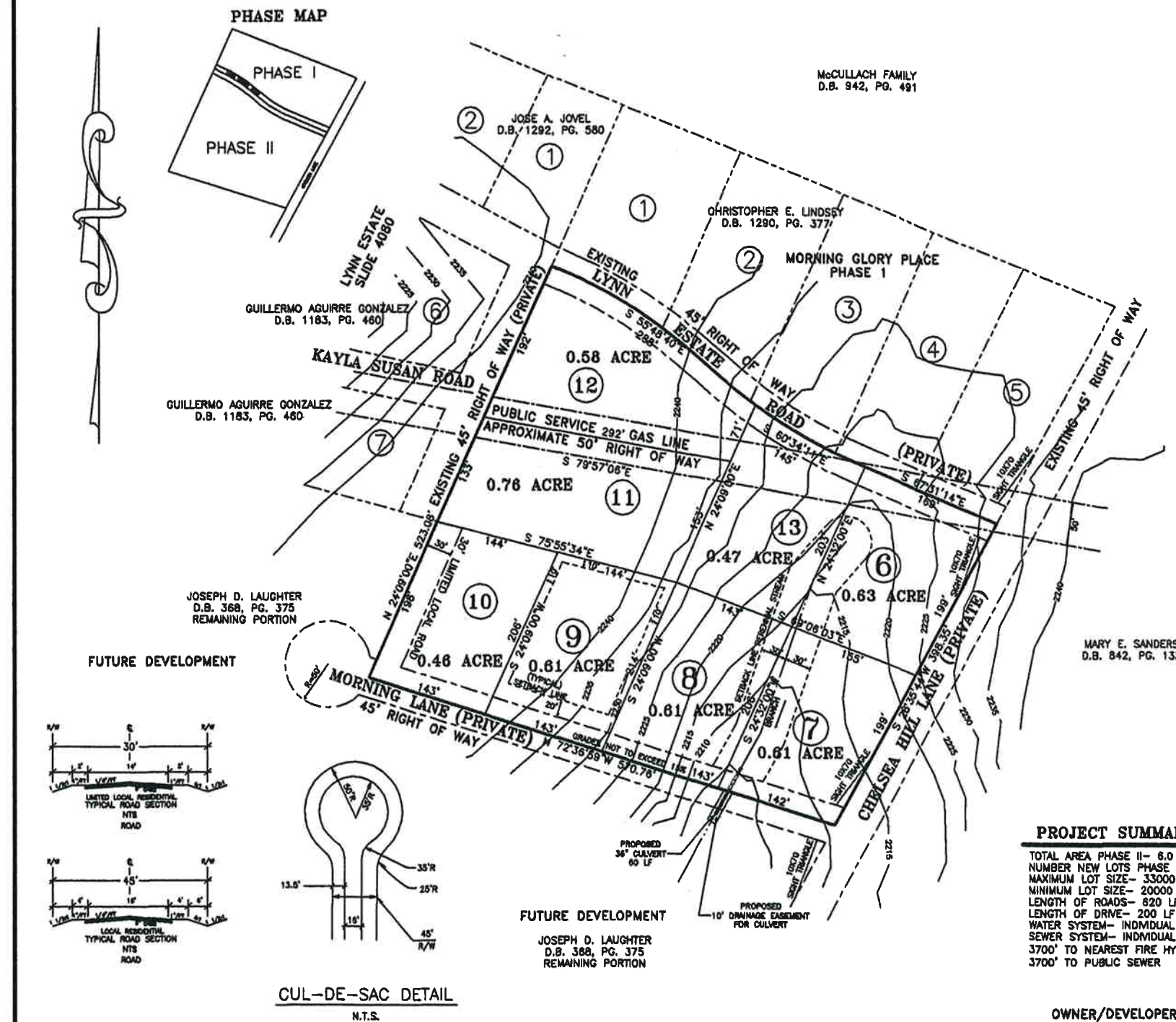
My Commission Expires: Aug 29 2009

PLAT OF MASTER/DEVELOPMENT PLAN
FOR
**MORNING GLORY PLACE
PHASE II**

BEING A MAJOR SUBDIVISION
OF A PORTION THE PROPERTY DESCRIBED IN
DEED BOOK 368, PAGE 375

BLUE RIDGE TOWNSHIP
HENDERSON COUNTY
NORTH CAROLINA

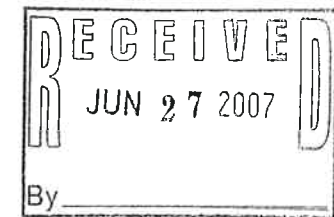
SCALE: 1" = 100'
APRIL 3rd, 2007



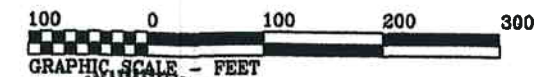
PROJECT SUMMARY

TOTAL AREA PHASE II - 6.0 ACRES
NUMBER NEW LOTS PHASE II - 8
MAXIMUM LOT SIZE - 33000 SQ FT
MINIMUM LOT SIZE - 20000 SQ FT
LENGTH OF ROADS - 820 LF
LENGTH OF DRIVE - 200 LF
WATER SYSTEM - INDIVIDUAL
SEWER SYSTEM - INDIVIDUAL
3700' TO NEAREST FIRE HYDRANT
3700' TO PUBLIC SEWER

OWNER/DEVELOPER
CHRISTOPHER E. LINDSEY
152 CAROLINA CIRCLE
HENDERSONVILLE, NC 28792



N.T.S

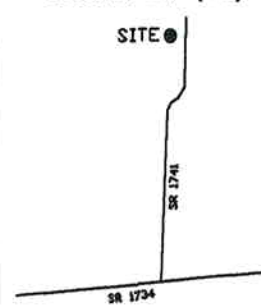


- NOTES:**
- 1- AREAS BY COORDINATE COMPUTATION AND EXCLUDE AREAS COVERED BY RIGHT OF WAYS AND EASEMENTS.
 - 2- ALL AREAS SHOWN ARE SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD OR UNRECORDED THAT MAY DIRECTLY AFFECT ALL AREAS SHOWN.
 - 3- THE PROPERTY SHOWN IS WITHIN AN AREA ZONED OU BY HENDERSON COUNTY.
 - 4- THE PROPOSED PRIVATE ROADS SHOWN MAY NOT MEET THE REQUIREMENTS FOR ACCEPTANCE INTO THE STATE ROAD SYSTEM.
 - 5- THE PROPERTY SHOWN IS WITHIN 1/2 MILE OF THE BLUE RIDGE FARMLAND PRESERVATION DISTRICT.
 - 6- THE PROPERTY SHOWN IS NOT WITHIN A 100 YEAR FLOOD ZONE PER F.I.R.M. PANEL 370125 0105, DATED MARCH 1st, 1982.
 - 7- THE PROPERTY SHOWN IS WITHIN THE DANA FIRE DISTRICT.
 - 8- ROAD GRADES ON PROPOSED ROADS NOT TO EXCEED 15%.
 - 9- PROPOSED SETBACKS:
FRONT: 20' FROM MARGIN OF RIGHT OF WAY
SIDE: 10'
REAR: 10'
30' SETBACK FROM PERENNIAL STREAMS
 - 10- NEAREST FIRE HYDRANT IS 3700' FROM PROJECT.
 - 11- TOPOGRAPHIC DATA TAKEN FROM U.S.G.S. QUAD MAP.
 - 12- NOT FOR RECORDATION.
 - 13- REVISED AND REDRAWN APRIL 17th, 2007 TO REVISE LOTS 7-11 AND REVISED ROAD RIGHT OF WAY.
 - 14- REVISED AND REDRAWN MAY 14th, 2007 TO REVISE LOTS AND ROADS.
 - 15- REVISED AND REDRAWN MAY 22nd, 2007 TO REVISE DETAILS.
 - 16- REVISED AND REDRAWN JUNE 14th, 2007.
 - 17- REVISED AND REDRAWN JUNE 27th, 2007.

LEGEND

⊙ MONUMENT FOUND AS NOTED
○ MONUMENT SET AS NOTED
● POINT NOT STAKED
P-PED - PHONE PEDESTAL
UP - UTILITY POLE
PHP - PHONE POLE
TRANS - TRANSFORMER
TV-PED - CABLE TV PEDESTAL
WM - WATER METER
WV - WATER VALVE

LOCATION MAP (NTS)



DEED REFERENCES:
D.B. 368, PG. 375

TAX REFERENCES:
9680-70-0547

PARTY CHIEF:

REVISIONS:
SEE NOTE 13
SEE NOTE 14
SEE NOTE 15
SEE NOTE 16
SEE NOTE 17



**SURVEY BY
HILL AND ASSOCIATES
SURVEYORS, P.A.**

809 MID-ALLEN ROAD
HENDERSONVILLE, NORTH CAROLINA 28792
PHONE: (828)693-1409

DATE: APRIL 3rd, 2007

CHECKED BY: DHH
DRAWN BY: DHH

SCREEN FILE: 27032MP5
FILE: 27032