

REQUEST FOR BOARD ACTION

HENDERSON COUNTY PLANNING BOARD

Meeting Date: July 17, 2008

Subject: Summit Springs (File#2006-M19) Development Plan Extension

Attachments:

1. Letter Requesting Extension
2. Summits Springs Development Plan
3. Section 200A-310 (Development Plans)

SUMMARY OF REQUEST:

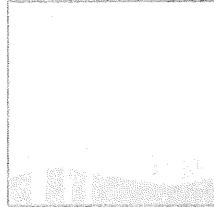
On June 20, 2006, the Planning Board approved the Master Plan and Development Plan for the proposed Summit Springs major subdivision subject to the completion of conditions that were imposed during the Planning Board meeting. Per Section 200A-310 of the Land Development Code, Development Plan approval is valid for two years, however the approving agency may, for just cause, grant up to two (2) one-year extensions for development plan approval. On July 9, 2008, Mr. Hunter Marks, agent on behalf of Summits Springs LLC, submitted a letter requesting a one year extension of the Development Plan for Summit Springs for reasons listed in the attached letter.

BOARD ACTION REQUESTED:

Action by the Planning Board is needed to either grant or deny this extension. Such action should be made with consideration to the Land Development Code.

SUGGESTED MOTION:

I move that the Planning Board approve a one-year Development Plan extension for Summit Springs through June 20, 2009.



LUTHER E. SMITH & ASSOCIATES, P.A.

July 9, 2008

Alexis Baker, Planner I
Henderson County Planning Department
213 1st Avenue East
Hendersonville, NC 28792

Re: Summit Springs

Dear Alexis:

Pursuant to our phone conversation of yesterday, July 8, 2008, and your letter of December 18, 2007, our client Jeff Cosgrove of Summit Springs LLC would like to request a one (1) year extension of development plan approval. Approximately 50% of the roads have been constructed for Phase I.

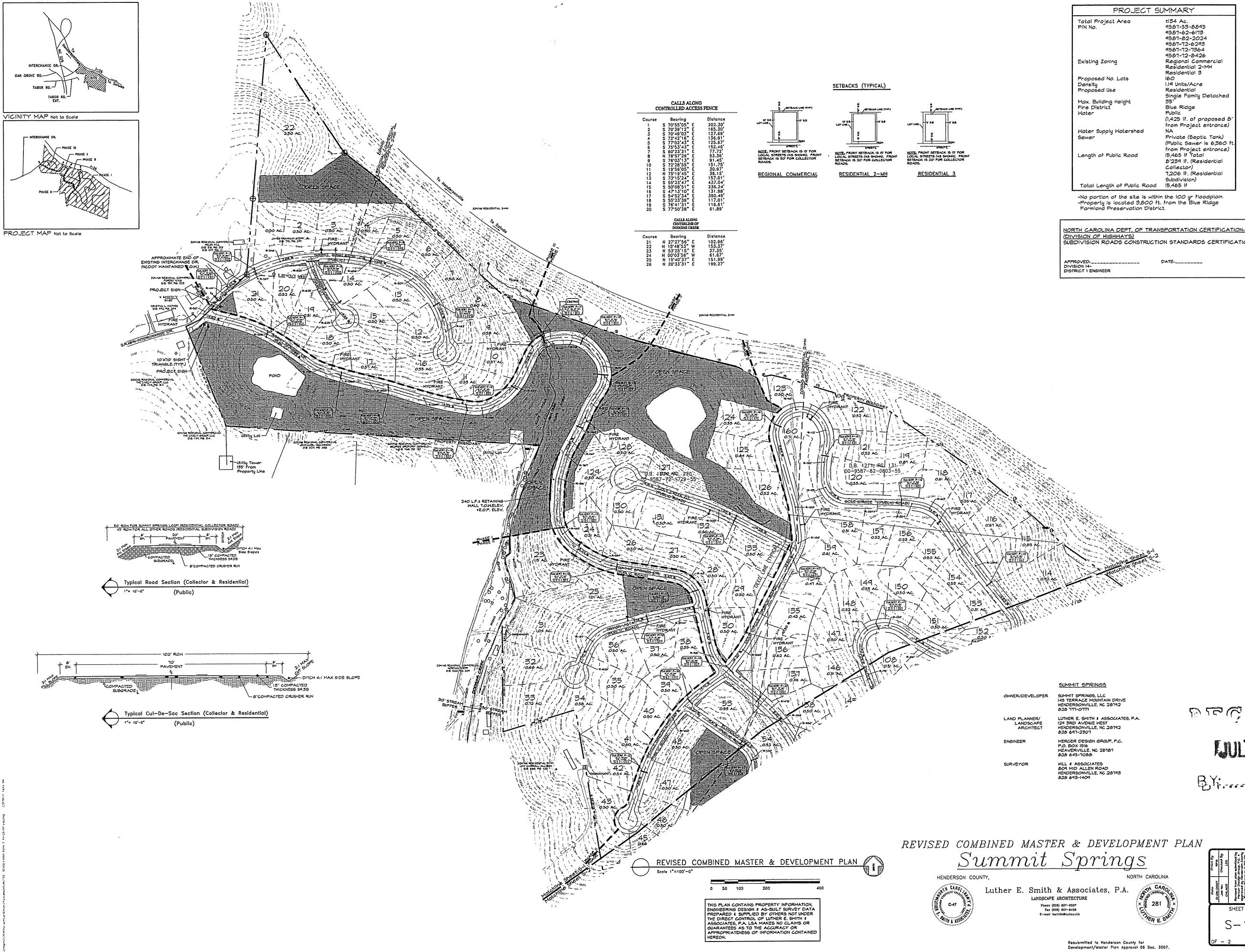
Please let me know if you have any questions or if we can provide any additional information. Thanks for your assistance.

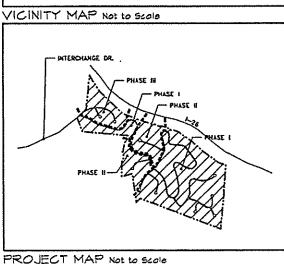
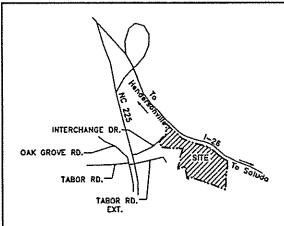
Sincerely,

A handwritten signature in black ink, appearing to read "Hunter Marks".

Hunter Marks, ASLA, RLA
Luther E. Smith & Associates, PA

Cc: file, Jeff Cosgrove



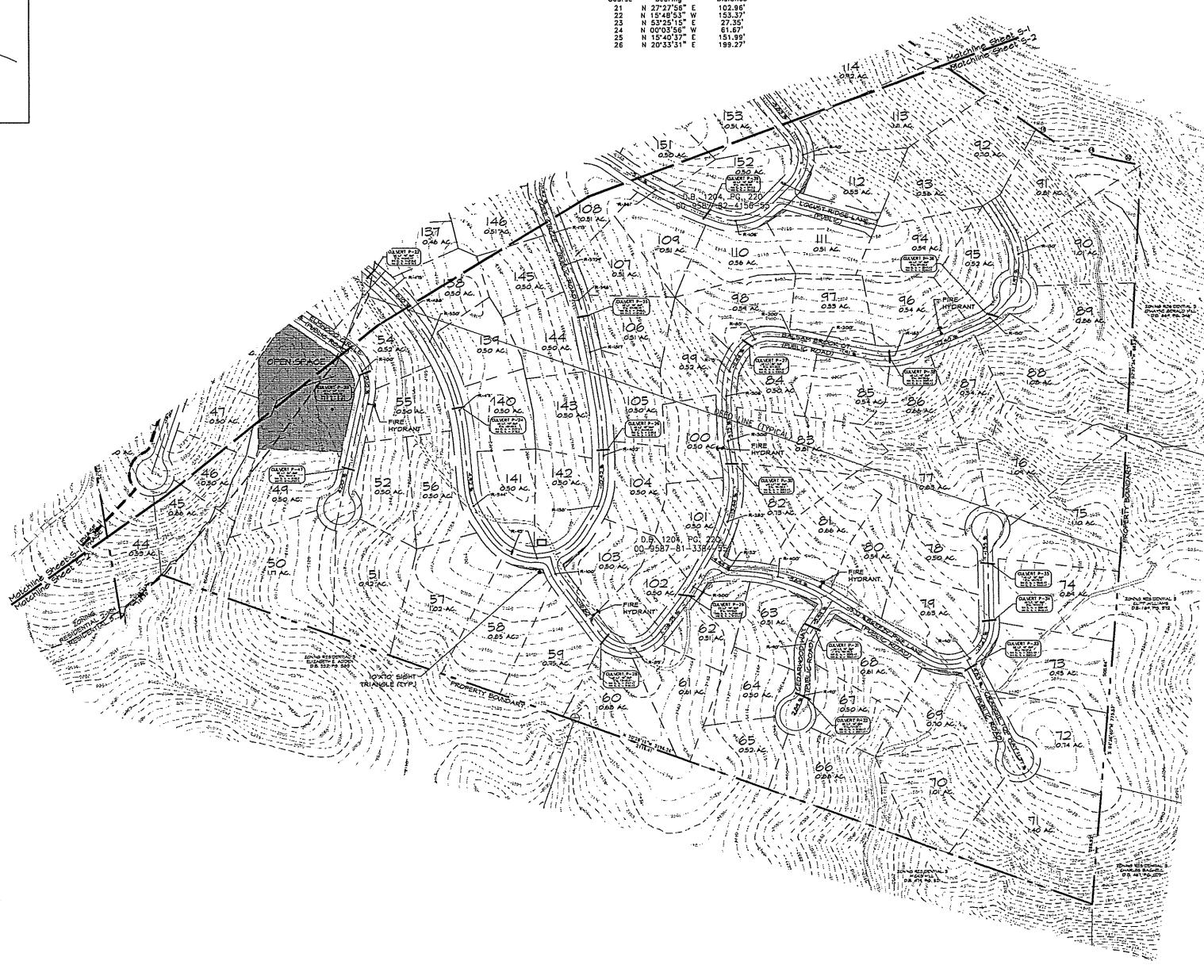


CALLS ALONG CONTROLLED ACCESS FENCE		
Course	Bearing	Distance
1	S 70°55'05" E	202.30'
2	S 70°55'05" E	187.50'
3	S 70°55'05" E	127.65'
4	S 72°42'16" E	135.81'
5	S 72°42'16" E	127.77'
6	S 75°53'43" E	152.46'
7	S 60°23'31" E	77.72'
8	N 00°03'56" W	53.35'
9	S 79°03'13" E	91.45'
10	S 72°28'55" E	151.75'
11	S 72°28'55" E	30.97'
12	N 75°19'45" E	38.15'
13	S 73°15'24" E	157.01'
14	S 73°15'24" E	43.70'
15	S 50°08'51" E	236.24'
16	S 47°21'10" E	138.48'
17	S 47°21'10" E	390.49'
18	S 55°23'39" E	117.01'
19	S 78°50'28" E	116.61'
20	S 78°50'28" E	61.69'

CALLS ALONG CONTROLLED ACCESS FENCE DODDING CREEK		
Course	Bearing	Distance
21	N 27°27'56" E	102.96'
22	N 27°27'56" E	153.37'
23	N 53°25'15" E	27.35'
24	N 00°03'56" W	61.67'
25	N 53°25'15" E	151.39'
26	N 20°33'31" E	199.27'

PROJECT SUMMARY	
Total Project Area	±134 Ac.
PIN No.	4587-53-8845 4587-53-2024 4587-72-6243 4587-72-7564 4587-72-8426
Existing Zoning	Regional Commercial Residential 2-MM Residential 3
Proposed No. Lots	160
Density	1.14 Units/Acre
Proposed Use	Residential Single Family Detached
Max. Building Height	35'
Fire District	Blue Ridge
Water	Public (1,425 ft. of proposed 8" from Project entrance) NA
Water Supply Watershed	Private (Septic Tank) (Public water is 6,200 ft. from Project entrance)
Sewer	15,465 ft. Total 8,294 ft. (Residential Collector) 7,206 ft. (Residential Subdivision) 15,465 ft.
Total Length of Public Road	

-No portion of the site is within the 100 yr floodplain.
-Property is located 3,000 ft. from the Blue Ridge Farmland Preservation District.



REVISED COMBINED MASTER & DEVELOPMENT PLAN



Scale 1"=100'-0"

0 50 100 200 400

THIS PLAN CONTAINS PROPERTY INFORMATION,
EITHER WHOLLY OR IN PART, WHICH WAS
PREPARED & SUPPLIED BY OTHERS NOT UNDER
THE DIRECT CONTROL OF LUTHER E. SMITH &
ASSOCIATES, P.A. AND NO WARRANTY IS
MADE AS TO THE ACCURACY OF THE INFORMATION
OR GUARANTEES AS TO THE ACCURACY OR
APPROPRIATENESS OF INFORMATION CONTAINED
HEREIN.

SUMMIT SPRINGS

OWNER/DEVELOPER: SUMMIT SPRINGS LLC
145 TERRACE MOUNTAIN DRIVE
HENDERSONVILLE, NC 28732

LUTHER E. SMITH & ASSOCIATES, P.A.
124 3RD AVENUE WEST
HENDERSONVILLE, NC 28732
828.691-2501

ENGINEER: MERGER DESIGN GROUP, P.C.
1000 BROADWAY
ASHEVILLE, NC 28801
828.645-7000

SURVEYOR: HILL & ASSOCIATES
804 MID ALLEN ROAD
HENDERSONVILLE, NC 28732
828.693-1404

REVISED COMBINED MASTER & DEVELOPMENT PLAN Summit Springs

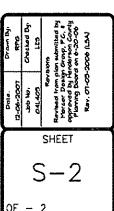
HENDERSON COUNTY,

NORTH CAROLINA

Luther E. Smith & Associates, P.A.
LANDSCAPE ARCHITECTURE
Phone (828) 645-3221
Fax (828) 645-4448
E-mail: lsmith@lsmithpc.com

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Resubmitted to Henderson County for
Development/Master Plan Approval 06 Dec. 2007.

April 7, 2008

the *Comprehensive Plan*, (2) the potential *use* of the land to be subdivided and (3) the impact of the *subdivision* and proposed *use* whether residential, commercial or industrial.

- D. Revisions to the Plan. If during the development of the project, the master plan is revised to affect any of the following: increase the number of *lots* to be created or units to be constructed; create a substantive change in the *subdivision* configuration, *road* layout, etc.; substantially change the *use* of any portion of the *tract*; develop or build in areas that were identified as features in the site analysis sketch (see Article III (Subdivision Regulations) and Article XI (Review Processes and Procedures) Subpart C (Subdivision Review and Approval)) and that were identified in the master plan as *open spaces* or *protected areas*, the *applicant* shall then submit a revised master plan for the reviewing agency to review in accordance with Article III (Subdivision Regulations) and the applicable review process as outlined in this Article XI (Review Process and Procedures) Subpart C (Subdivision Review and Approval).
- E. Land Disturbing and Improvement Activities. The *applicant* may only proceed with the establishment of *erosion* and *sedimentation* control measures, clearing and other *land-disturbing activities* and improvement activities associated with the project upon receipt of approval of the development plan (See §200A-310 (Development Plans)).
- F. Approval Validity. Master plan approval is valid for two (2) years and shall be annotated on the plan. If, at the completion of the two-year period, no development plan has been submitted, the *applicant* must reapply under the current applicable requirements.

§200A-310. Development Plans

- A. Plan Preparation. Development plans must be prepared in conformance with this subpart and development plan requirements provided by the Planning Department. Development plan(s) are required during review of all *major subdivisions*. The development plan may be submitted for the entire *subdivision* or any section thereof. The *applicant* shall submit four (4) full-sized copies and one (1) reduced-sized copy of the development plan, at a scale appropriate to clearly depict the proposed project. Reduced size copies should be legible and reproducible. If a reduced size copy of the plan (no larger than 11 inches by 17 inches in size) cannot be provided, at least 30 large copies shall be submitted in its place. The development plan may consist of multiple sheets, if needed.
- B. Purpose of the Plan. A development plan is a graphic representation or map of the *tract* of land to be developed indicating all proposed divisions of land, their *uses*, improvements and other information as may be required to fully disclose the *applicant's* intentions. The purpose of the plan is to provide general and specific information and is not intended to be a recordable document.
- C. Review of the Plan. Upon approval of the master plan and the development plan of the first section of a *subdivision* by the reviewing agency, if successive sections are submitted for review (and (1) each substantially conforms with the master plan, (2) no new *lots* are created, and (3) all technical requirements and development standards have been met) the *Subdivision Administrator* may approve the development plans for all *major subdivisions* for successive sections administratively. Under such review, the action deadlines for the reviewing agency shall be the same for the *Subdivision Administrator*.

April 7, 2008

- D. Land Disturbing and Improvement Activities. The *applicant* may, only upon receipt of approval of the development plan proceed with the establishment of *erosion and sedimentation* control measures, clearing and other *land-disturbing activities* and improvement activities associated with the project.
- E. Approval Validity. Development plan approval is valid for two (2) years and shall be annotated on the plan. The approving agency may, for just cause, grant up to two (2) one-year extensions for development plan approval. If, at the completion of the first one-year extension period, less than 50 percent of improvements are complete, the *applicant* must reapply under the current applicable requirements. If more than 50 percent of improvements are complete after the one-year extension period, the *applicant* may apply for a single additional one-year extension and thereafter must reapply under current applicable requirements.

§200A-311. Final Plat Review

- A. Final Plat Review for Special, Minor and Nonstandard Subdivisions.
 - (1) Approval Authority. *Subdivision Administrator*.
 - (2) Purpose. A *final plat* must be prepared and approved pursuant to this subpart and *final plat* requirements provided by the Planning Department, whenever a *subdivision* of land occurs.
 - (3) Staff Review. If the *subdivision* complies with the standards set forth herein the *Subdivision Administrator* shall provide approval in writing on the face of the *final plat* and shall retain a "blue line" copy for departmental records. Once the *plat* has been approved, the *final plat* must be recorded in a timely manner.
- B. Final Plat Review for All Major Subdivisions.
 - (1) Approval Authority. *Subdivision Administrator*.
 - (2) Purpose. A *final plat* must be prepared and approved pursuant to this subpart and *final plat* requirements provided by the Planning Department, whenever a *subdivision* of land occurs.
 - (3) Staff Review. The *Subdivision Administrator* shall review the *final plat* and determine its completeness, finding that the regulations of this Chapter that set forth specific standards have been met for *final plats*. The *Subdivision Administrator* shall review the *final plat* for conformance with all applicable standards and conformance to any associated master plans and development plans. The *final plat* may be approved administratively if the *plat* meets all requirements of the Chapter and satisfies all conditions imposed by the reviewing agency. Upon approval, and before any *lots* are transferred, the *applicant* shall record the *final plat* at the office of the Register of Deeds. Incidental changes to the *final plat*, which do not in any way affect the character of the development, may be submitted prior to, or after, recordation and may be approved for re-recordation by the *Subdivision Administrator*. No *lots* governed by this Chapter may be conveyed until a *final plat* is approved and recorded in the office of the Register of Deeds of Henderson County.