

REQUEST FOR BOARD ACTION

HENDERSON COUNTY PLANNING BOARD

Meeting Date: August 20, 2009

Subject: Continued Discussion on Special Subdivision Road Standards

Attachments: 1. Proposed LDC Text Amendment for Special Subdivision Road Standards

SUMMARY OF REQUEST:

The Planning Board has been discussing several amendments to the special subdivision road standards. At its meeting on July 16, 2009 the Board reviewed a draft text amendment to the special subdivision road standards, at which time the Planning Board tabled its discussion on this item until its August meeting. Based on the Board's discussion and comments by the Technical Review Committee (TRC) at its August 4, 2009 meeting, Staff has prepared a revised draft text amendment (See Attachment 1).

The Planning Board agreed the following items should be amended:

- Allow a reduction in travelway widths from 12-feet to 10-feet for existing roads that are inspected and approved per the standards. New proposed roads would still require a 12-foot travelway at the request of the emergency services department.
- Require vehicle turnarounds at all dead-end roads that exceed 1,000 feet.
- Provide a provision for additional turnarounds at intermediate locations for dead-end roads that exceed 2,500 feet.
- Allow special subdivisions to be approved prior to new road construction. Individual property owners would be required to build portions of the road to access their lots on a first come basis with the issuance of a building permit.
- Require a 45-foot ROW for special subdivisions where maximum density has not been achieved either through the zoning district or the special subdivision option. This requirement will eliminate applicants from being unable to further subdivide their property due to a 30-foot ROW and required road upgrades.
- Remove the Certificate of Understanding from the final plat and require as part of the application.

The Planning Board had also discussed requiring all existing roads to be upgraded to applicable standards based on the number of lots served. Staff has not provided a text amendment to address this issue, but suggest removing time limitations for special and minor subdivisions. This option would remove the 5 year expansion hold for special subdivisions and the 3 year expansion hold for minor subdivisions and require that any expansions, regardless of applicant or property owner, must comply with the road standards set forth in Table 3.1 based on the number of lots served. The Board may want to discuss this issue further. Staff will provide the Board with draft language to address this issue prior to or at the August meeting.

If the Planning Board feels this issue should be addressed outside of the annual review of the LDC, it will need to initiate a formal text amendment. The amendment will also be reviewed by the TRC prior to adoption.

PLANNING BOARD ACTION REQUESTED:

Staff is requesting direction on how the Planning Board would like to proceed. If the Board decides to move forward with a text amendment to the special subdivision road standards, the following motion has been provided.

Suggested Motion:

I move that the Planning Board initiate a text amendment to the Land Development Code to address special subdivision road standards as discussed by the Board, and

I further recommend that the Board of Commissioners set a public hearing to adopt the proposed text amendment.

Proposed Text Amendment to the Land Development Code (Special Subdivision Road Standards)

Issue: The Planning Board has been discussing concerns with the special subdivision road standards in the Land development Code (LDC). Currently, the LDC requires special subdivisions of 1-4 lots provide a 30 foot right-of-way (ROW) and construct a 12 foot travelway before a final plat can be recorded. Special subdivisions proposing 5 lots must have a 45 foot ROW and construct a 12 foot travelway before recording a final plat.

The Planning Board agreed the following items should be amended:

- Allow a reduction in travelway widths from 12-feet to 10-feet for existing roads that are inspected and approved per the standards. New proposed roads would still require a 12-foot travelway at the request of the emergency services department.
- Require vehicle turnarounds at all dead-end roads that exceed 1,000 feet.
- Provide a provision for additional turnarounds at intermediate locations for dead-end roads that exceed 2,500 feet.
- Allow special subdivisions to be approved prior to new road construction. Individual property owners would be required to build portions of the road to access their lots on a first come basis with the issuance of a building permit.
- Require a 45-foot ROW for special subdivisions where maximum density has not been achieved either through the zoning district or the special subdivision option. This requirement will eliminate applicants from being unable to further subdivide their property due to a 30-foot ROW and required road upgrades.
- Remove the Certificate of Understanding from the final plat and require as part of the application.

Recommendation: Amend §200A-78 (F) through (G) to address the above stated issues.

§200A-78. Minor Subdivisions

F. Minor Subdivision Standards (Five (5) or Fewer Lots). A *minor subdivision* of five (5) or fewer *lots* shall:

(1) Adhere to the following minimum requirements for all proposed private *roads*:

- a. All *roads* shall be located within a *right-of-way* of a width determined by the number of *lots* served as noted in Table 3.1 (Subdivision Private Road Standards). **Where maximum density has not been achieved either through the zoning district or the *special subdivision* option, a 45-foot *right-of-way* shall be required to accommodate future expansion.**
- b. All **new** *roads* must have a minimum *travelway* width of 12 feet.
- c. All **new and existing** *roads* must be constructed with a minimum stone base (aggregate base course) of four (4) inches. All roads must be compacted properly.
- d. No stone-based (gravel) road shall exceed 15 percent grade. No paved *road* shall exceed 18 percent grade. The *Subdivision Administrator* may require a professional engineer or professional surveyor certify on the *final plat* that no portion of the *road(s)* have grades that exceed maximum allowable grade as defined in §200A-81 (Major Subdivisions) subsection C (4) (Road Construction)

or submit a final as-built graded centerline profile showing grade and alignment for all *roads*.

- e. All *roads* must have a *vertical clearance* of at least 13.5 feet.
- f. *Dead Ends, Cul-de-sacs and Turnarounds. Loop roads should be encouraged where possible in lieu of culs-de-sac or turnarounds. Vehicle turnaround areas shall be provided at the end of all dead-end roads that exceed 1,000 feet. The required turnaround area of a dead-end road cul-de-sac shall have a radius of not less than 35 feet. Acceptable alternative turnaround designs for residential subdivisions are shown in §200A-81 Figures 3C, 3D, and 3E. The reviewing agency may require additional turnarounds at intermediate locations along dead end roads with a centerline length of greater than 2,500 feet.*
- g. *Existing Roads. Existing roads with a minimum travelway width of 10 feet may be approved by the Planning Director upon inspection for road stability. Existing roads shall provide adequate shoulder and vertical clearance for access of emergency vehicles. Existing gravel roads shall be properly compacted with a minimum stone base of four (4) inches. Where an existing road is to be used the required right-of-way must be dedicated over the existing road. Existing roads shall be improved to meet the above standards before a final plat can be approved.*

- (2) Adhere to the requirements of §200A-78 (Minor Subdivisions) subsections A, B, C, D, E, F, I and J.
- (3) Adhere to the *road* requirements in §200A-81 (Major Subdivisions) subsection C (Roads) where *public roads* are proposed; and
- (4) Adhere to the requirements of the following subsections of this Article: §200A-81 (Major Subdivisions) subsections E, F, G, H, I, J, K and M.

G. Minor Subdivision Standards (Five (5) or Fewer Lots) Special Subdivision Option. A *minor subdivision* of five (5) or fewer *lots* utilizing the *special subdivision* option shall:

- (1) Not be available in the Estate Residential (R-40) or Waterfront Residential (WR) Districts.
- (2) Result in *lots* which meet the minimum *residential density* requirements for the applicable zoning district or which have a minimum *lot size* of at least one-half (½) acre (21,780 square feet) in size, whichever is less.
- (3) Adhere to the requirements of §200A-78 (Minor Subdivisions) subsections D, E, F ~~and I and J~~.
- (4) Not adhere to the requirements of §200A-78 (Minor Subdivisions) subsections A, B and C and shall instead adhere to the following regarding phasing and expansion:
 - a. A *special subdivision* may be phased, but no more than five (5) *lots* within a five (5) year period shall be allowed within the boundaries of the *tract* that was the subject of the original *special subdivision* application.

- b. If ever expanded (more than five (5) *lots* are created within the five (5) year period) the *applicant* shall lose the *special subdivision* option and must comply with the procedures for *minor subdivisions* of six (6) or more *lots* or *major subdivisions* (§200A-81 (Major Subdivisions)) depending on the number of *lots* created. If expansion occurs, the applicant will be required to reapply under the applicable *minor subdivision* or *major subdivision* provisions. Expansions of *special subdivisions* shall comply with the following requirements:
 1. The applicant will be required to build all infrastructure required by §200A-78 (Minor Subdivisions) H (Minor Subdivision Standards (Six 6) to Ten (10) Lots or §200A-81 (Major Subdivisions).
 2. The subdivision must meet all applicable zoning district regulations found in Article II (Zoning District Regulations).
 3. The reviewing agency may require the upgrading of improvements, including *road* paving, utility upgrading and additional *right-of-way* dedication.
 4. All *lots* created by a *special subdivision* will count toward the total number of *lots* for any *minor subdivision* or *major subdivision* densities.

- (5) Certificate of Understanding. A certificate of understanding shall be signed by the property owner and provided to the reviewing agency at the time of application submittal. The certificate shall address future expansion of the special subdivision and current or future road improvements that may be required of the property owner(s).

~~Include on the final plats for special subdivision the following certificate, signed by the property owner, provided on the face of the plat:~~

Certificate of Understanding

~~I (we) hereby certify that I am (we are) the owner(s) of the property located within the subdivision regulation jurisdiction of Henderson County as shown and described hereon, and that I (we) hereby adopt this plan of subdivision. I (we) understand that expansion of this subdivision may result in the upgrading of road infrastructure, utilities and additional right-of-way dedication and other applicable requirements as required by the Subdivision Regulations (Article III) of the Land Development Code (Chapter 200A of the Henderson County Code). All proposed roads in this subdivision will meet the minimum requirements outlined in §200A-78 (Minor Subdivisions) F for private roads and §200A-81 (Major Subdivisions) C(1) for public roads.~~

Date _____ Owner(s)

- (6) Final Plats for Special Subdivisions. The *final plat* for a *special subdivision* shall contain all information required by the provisions of this Code. A *final plat* may be recorded prior to the completion of the required improvements. Road improvements will be required upon issuance of a building permit for any parcels located within the *special*

subdivision. Required road improvements shall be installed and inspected before a certificate of occupancy may be issued and shall only be required for access to the parcel for which the building permit is acquired.

Recommendation: Amend §200A-81 Table 3.1 Subdivision Private Road Standards to address the 45 foot ROW requirement for subdivisions proposing 5 lots.

§200A-81. Major Subdivisions

Table 3.1. Subdivision Private Road Standards				
Requirements		Private Road Classification ¹		
		Subdivision Collector	Subdivision Local	Limited Local
Number of Residential <i>Lots</i> Served ²		50+	5 to 49 ² 6 to 49	1-4 ² 1-5
<i>Right-of-Way</i> Width (ft.) ³	<i>Roads</i> (feet)	50	45	30
	<i>Cul-de-sac</i> (radius)	N/A	50	50