

## **REQUEST FOR COMMITTEE ACTION**

### **HENDERSON COUNTY TECHNICAL REVIEW COMMITTEE**

**MEETING DATE:** Tuesday, October 16, 2012

**SUBJECT:** Revised Combined Master and Development Plan for Hickory Nut Forest  
Major Subdivision (2012-M02)

**STAFF CONTACT:** Parker Sloan, Planner

**ATTACHMENTS:**

1. Staff Report
2. Vicinity Map
3. Combined Master & Development Plan

**SUMMARY OF REQUEST:**

John Myers, owner and developer submitted a new Combine Master Plan and Development Plan for the project known as Hickory Nut Preserve. A major subdivision for 19 residential lots plus 3 larger lots for common area/ open space lots, was originally approved in September of 2006. The project is located on approximately 114.5 acres of land located off Gerton Highway (US Hwy 74). The developer is proposing to add six additional residential lots so a new major subdivision approval is required.

The Master Plan proposes a total of 23 single family lots plus 3 lots for common area. The applicant is currently proposing a density of .37 dwelling units per acre. Two new private driveways are proposed and two existing private local roads serve the project site. The project is not located in a water supply watershed district nor is it located within the floodplain. According to County records, the project site does contain slopes in excess of 60 percent. Private individual wells and septic systems are proposed to serve the project site. According to the plan preparer 3.4% of the project site is considered 60% slope or greater. The developer is proposing 30.6% of the total project site to be open space.

**TECHNICAL REVIEW COMMITTEE ACTION REQUESTED:**

Staff has found that the Combined Master Plan and Development Plan appear to meet the technical standards of the subdivision regulations of Chapter 200A, Henderson County Land Development Code (LDC) except for the comments listed in the Staff Report (See Attachment 1).

Staff recommends approval of the Master Combined Master Plan and Development Plan subject to the developer addressing any issues raised by the Technical Review Committee and addressing the comments listed in the Staff Report.

**Suggested Motion:** I move that the TRC approved the Combined Master Plan and Development Plan with the conditions noted in the staff report and any others noted by the TRC.

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## Henderson County Planning Department Staff Report

### Revised Combined Master and Development Plan Hickory Nut Forest Subdivision (2012-M02)

John Myers, Owner & Developer

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#### Master Plan Comments:

According to Chapter 200A, Henderson County Land Development Code (LDC) §200A-309, the purpose of a Master Plan is to provide general information about the proposed development to allow for an assessment of its impact on the orderly growth and development of the County, environmental quality, land values, natural features identified on the site analysis sketch and the County's roads and governmental services. During the review of the Master Plan, the Planning Board should take into consideration: applicable recommendations of the *Henderson County 2020 Comprehensive Plan*, the potential use of the land to be subdivided, and the impact of the subdivision and proposed use whether residential, commercial or industrial.

When reviewing the Master Plan it is important to consider that, due to severe topographic conditions, inadequate road access, distance from services, unique natural areas, soils that do not easily support soil drainage systems and or the proximity to existing and incompatible land uses/zoning, all land may not be suitable to be subdivided for the purpose of dense development (LDC §200A-75).

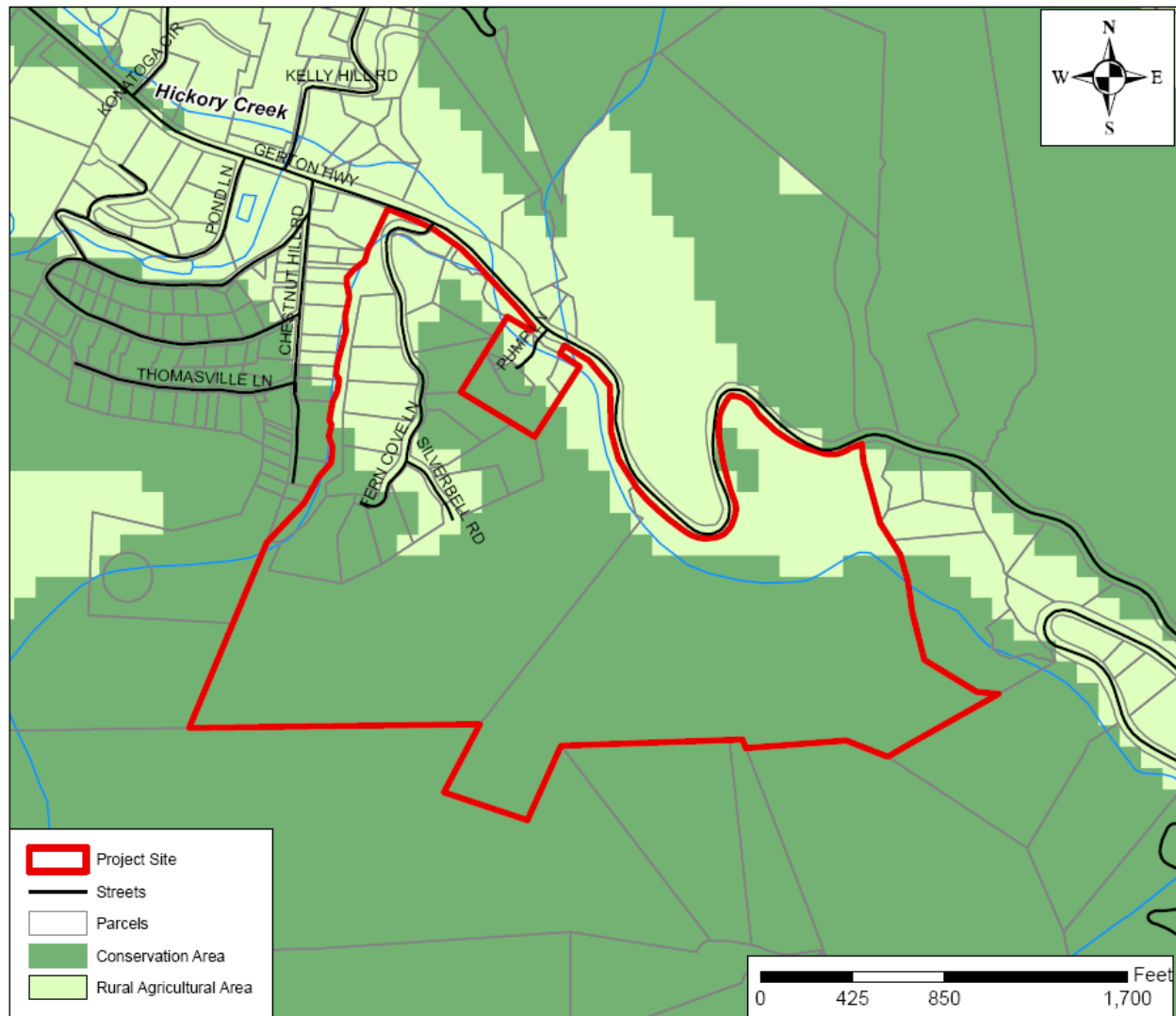
Staff has reviewed the submitted Combined Master Plan and Development Plan for Hickory Nut Preserve, taking into consideration the recommendations of the *Henderson County 2020 Comprehensive Plan* and reviewing the plan for conformance with Henderson County Land Development Code. Staff offers the following comments:

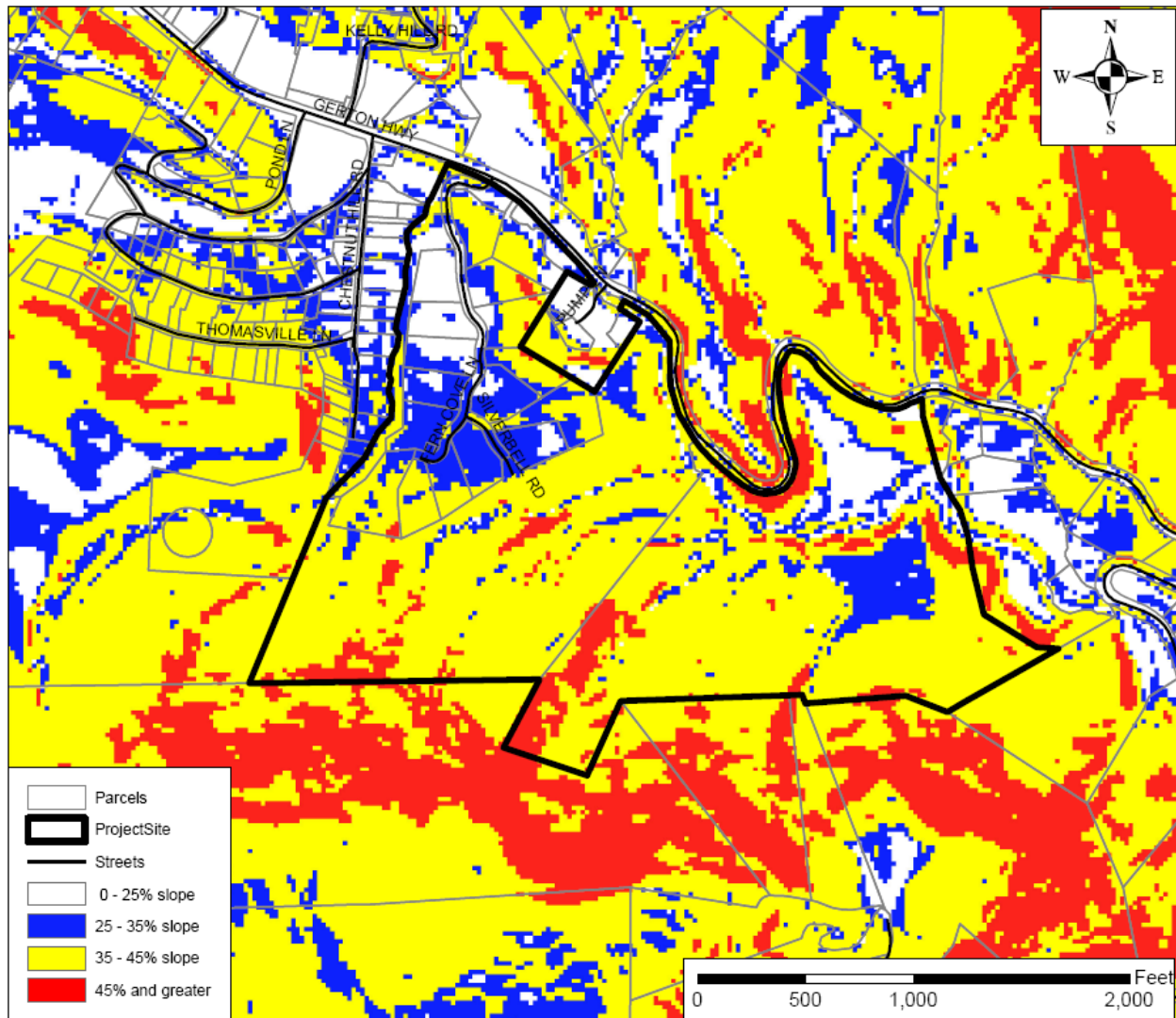
1. **Henderson County 2020 Comprehensive Plan (CCP).** The Future Land Use Map of the CCP shows the project site as being located within each of the following areas: Conservation Area and Rural Agricultural Area (USA) (See Map A: CCP Future Land Use Map).

(a) **Conservation Area.** The conservation area designation is applied to a majority of the project site, largely due to slope and a protected mountain ridge (See Map A: CCP Future Land Use Map, Map B: Slopes Map, and Map C: Protected Ridges). The overwhelming majority of slopes within the project site appear to be in excess of 25 percent, with portions having slopes in excess of 45 & 60 percent. According to the plan, a majority of the areas designated as above 35 percent slope are areas within the project site located in designated common area/open space. 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). (See Attached, Master Plan & Development Plan).

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



**Map B: Slope map**

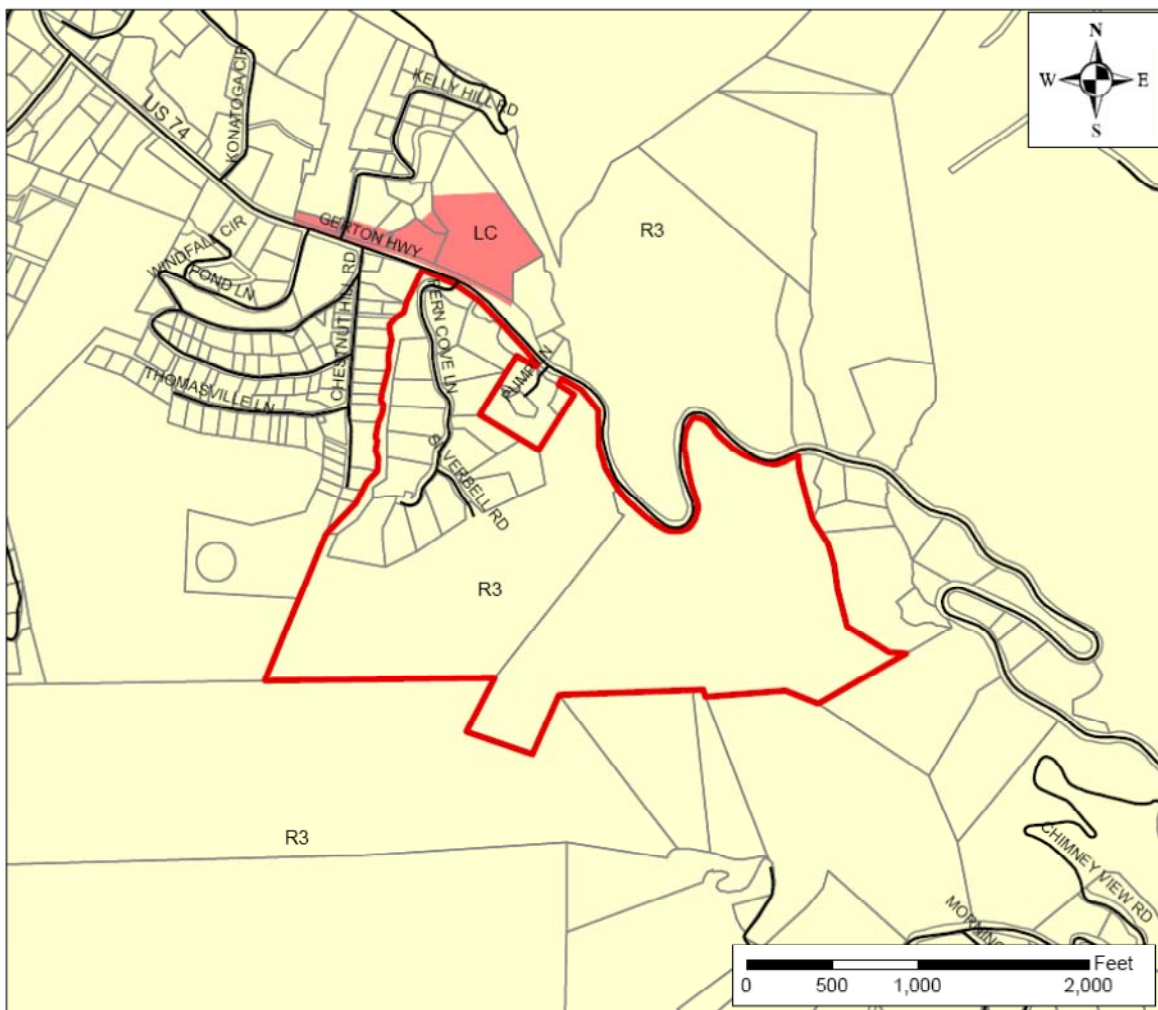
(b) **Rural Agricultural Area.** The Rural Agricultural Area (RAA) designation of the Growth Management Strategy is applied to the project site. The RAA is those areas the County that are predominantly rural and are characterized by low density residential development with substantial land areas devoted to agriculture and undeveloped lands. (CCP, Pg. 136). Extraordinary care should be taken in these areas to preserve their rural character and to protect valuable farmlands as well as environmental and cultural resources. (CCP, Pg. 136)

According to the plan, the project would have an average density of approximately .37 units per acre.

2. **Chapter 200A, Henderson County Land Development Code (LDC).** According to Chapter 200A, Henderson County Land Development Code (LDC) and its Official Zoning Map adopted September 19, 2007 (as amended), the proposed project site is located within the Residential Three (R3) (See Map D:Official Zoning Map). The R3 district allows for single-family residential development.

Combined, the original tracts 1-19 total 114.5 acres. R3 allows for a standard residential density of .66 units per acre. Because 10% or more of the project site is not within 60% slope or more the steep slope density reductions would not apply. Therefore, the LDC allows for a maximum of 75 units on the project site. The Master Plan proposal of 25 lots would fall within the density permitted by the LDC.

**Map D: Official Zoning Map**



3. **Water and Sewer Availability.** Applicant proposes private individuals wells. The applicant has provided documentation that 4 separate wells have been dug at various depths. The well at lot 6 provides 2 gallons per minute with a 1,328 gallon storage capacity, lot 10 provides 3 gallons per minute with a 443 gallon storage capacity, lot 12 provides 2 gallons per minute at 664 gallon storage capacity, and lot 18 provides 22 gallons per minute with a 332 gallon storage capacity. This documentation satisfies the LDC requirement demonstrating that there is sufficient water supply to support 60 percent of the proposed lots.

Applicant proposes private septic systems. Master plan provides a distance to nearest public water sewer and sewer (the Town of Chimney Rock) of 7 miles. The site is not close enough to public sewer or water to require connection (LDC §200A-113 C.5).

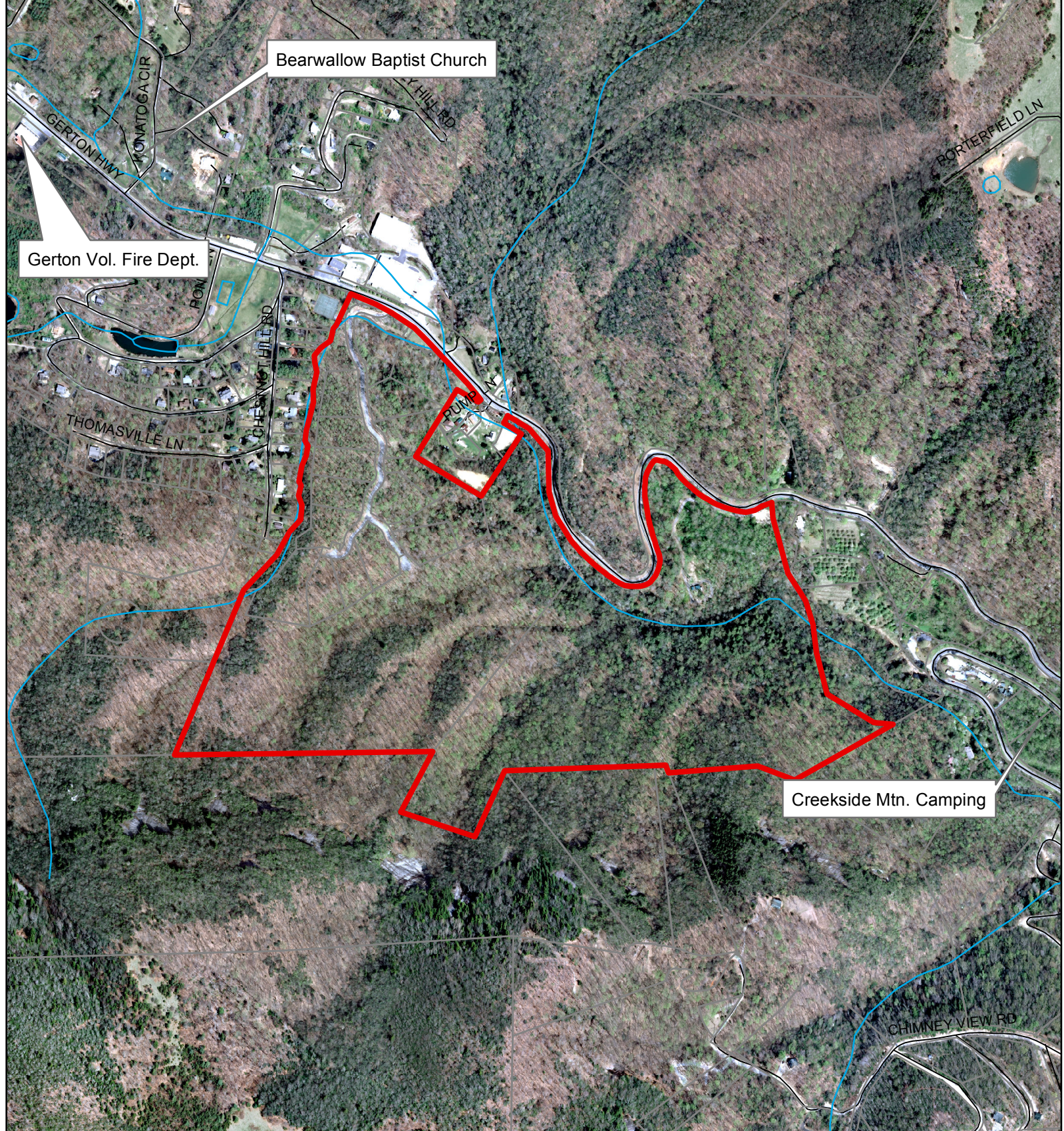
#### **Master & Development Plan Comments:**

1. **Soil Erosion and Sedimentation Control Plan.** The Applicant shall submit written notice from the appropriate local agencies verifying that an Erosion and Sedimentation Control Plan has been received or a written notice from a professional land surveyor, engineer, landscape architect, architect, or professional planner certifying that no plan is required (LDC §200A-113B).
2. **Private Roads.** Fern Cove Lane and Silverbell Road are both existing local roads: The applicant is proposing two (2) private driveway easements, shown to access new lots #3 and #23. The existing private roads appear to and must, as a condition of approval, meet the standards of LDC §200A-104. 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.* Planning Staff proposes the following conditions to ensure the private roads meet the standards of the Land Development Code:
  - a. **Road Drainage and Culverts.** 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 (LDC §200A-100).
  - b. **Road Grades.** A professional engineer or professional land surveyor certify on the final plat that no portion of the constructed roads have grades that exceed maximum allowable grade as defined for each class of road or submit a final as-built graded center line profile showing grade and alignment for all roads (LDC §200A-82).
  - c. **Dead Ends, Cul-de-sacs and Turnarounds.** The Applicant proposes one (1) branch turnarounds located at the end of local road, Fern Cove Lane. All turnarounds must meet of the LDC §200A-105 C(8). The reviewing agency may require additional turnarounds at intermediate locations along dead end roads with a centerline length of greater than 2,500 feet (LDC §200A-105D).

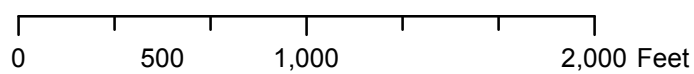
3. **Open Space: Conservation Subdivision Standards.** Of the approximate 62.1 acres within the project site, 30.6% is proposed as conservation area. This amount, meets the 25% conservation area requirement for the Conservation Subdivision Option in the Land Development Code.
4. **Permanent Protection of Open Space and Management of Open Space.** The applicant submitted a management plan for all proposed open space. Requirements for the plan can be found in §200A-88C. Open Space proposed for a conservation subdivision shall be protected in perpetuity by a binding legal document that is recorded with the deed. The document shall be one of the following 3 options: Permanent Conservation Easement, Permanent Restrictive Covenant, or an equivalent legal tool that provides permanent protection. Proof of a recorded legal instrument as well as an Open Space Management Plan must be submitted to the Planning Department before the final plat for the subdivision can be approved (§200A-88 C & D)
5. **Street Tree Requirements.** According to the street tree requirements of Chapter 200A (LDC §§200A-176 & 178) the applicant must provide one tree per 50 linear feet of property abutting an internal road. Trees may be placed in groups with a minimum spacing of no less than 15 feet and a maximum spacing of no more than 65 feet. The trees must be placed within the right-of-way or within 20 feet of the edge of the right-of-way. The applicant may use existing trees in accordance with §200A-153 instead of planting new trees. These existing trees must also be located within the right-of-way or 20 feet of the edge of the right-of-way as required by §200A-178. It appears that the applicant is proposing eighty one (81) trees to satisfy the street tree requirements. All street trees must be properly planted and meet the spacing requirements or the applicant may post an improvement guarantee with the County before the final plat can be approved. Planning Staff recommends that street trees outside the ROW be protected by requiring a platted easement or restriction preventing lot owners from removing trees designated as meeting the street tree requirement. The Development Plan should be revised to show the location, diameter, the species, and the ones that are outside the right-of-way and are to be protected.
6. **Shoulder Stabilization.** All areas disturbed by the construction of a private road, including cut and fill slopes, shoulders and ditch banks, shall be seeded to stabilize the soil and prevent erosion. Seeding should be done as soon as feasible after road construction (LDC §200A-97).
7. **Road Name Approval.** Proposed road names for a private and/or public road shall be preapproved by Henderson County in accordance with Chapter 142 of the Henderson County Code, Property Addressing (LDC §200A-98). The applicant lists the proposed road names for most road segments. The names of the shared drives should be confirmed with the development plan approval.
8. **Subdivision Names.** The final plat shall contain certification that the public records of the County have been searched and the proposed subdivision name meets the standards set forth in this Chapter (LDC §200A-85).
9. **Miscellaneous Advisory Provisions.** The Applicant should become familiar with the Miscellaneous Advisory Provisions of Chapter 200A (LDC §200A-87).

10. **Final Plat Requirements.** The Final Plat(s) must meet the requirements provided by the Planning Department whenever a subdivision of land occurs (LDC §200A-343).
11. **Private Driveway Easements.** Final plats must contain a note conveying maintenance responsibility of the easement to the homeowners' utilizing it to access their property. The note shall state easement(s) must be maintained to allow clear passage for emergency response vehicles. Where private driveway easements are used, the surveyor or engineer shall place and execute the surveyors certificate shown in the LDC §200A-104D.





Hickory Nut Forest  
Major Subdivision Application  
2012-M02  
John Myers, owner/applicant



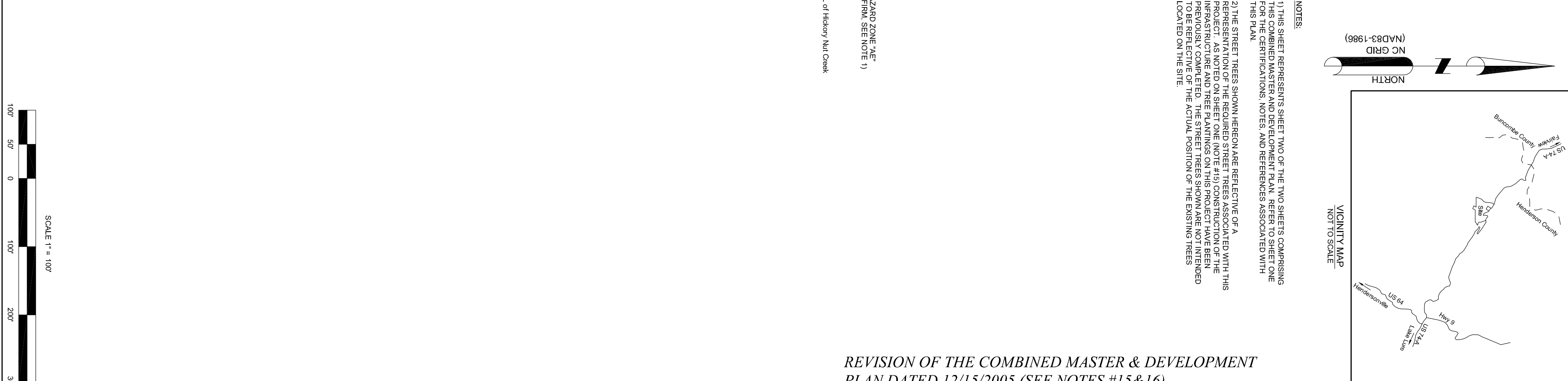







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House  
at NE corner  
of  
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Subdivision, by  
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property line  
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# HICKORY NUT FOREST SUBDIVISION

(A CONSERVATION SUBDIVISION)

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