

REQUEST FOR BOARD ACTION

HENDERSON COUNTY PLANNING BOARD

MEETING DATE: December 16, 2010

SUBJECT: Master Plan for Dodd Meadows Major Subdivision (File #2010-M03)

STAFF CONTACT: Parker Sloan

ATTACHMENTS:

1. Staff Report
2. Vicinity Map
3. Photos of Project Site
4. Subdivision Application
5. Master Plan

SUMMARY OF REQUEST:

Will Buie with William Lapsley and Associates, agent, on behalf of Henderson County Habitat for Humanity, INC, owner, submitted a Master Plan and major subdivision application for the project. The applicant proposes a total of 88 dwelling units. The project is located on approximately 22.19 acres of land (PIN 9587-26-5822) with 7.7 acres proposed as open space located off Crest Road.

The project is not located in a watershed, however, it is located within the floodplain (see Master Plan). According to County records, the project site does not contain slopes in excess of 60 percent. It is located in the R1 (Residential One) Zoning District. Three new roads are proposed to access the property. Public water and public sewer are proposed to serve the project site.

PLANNING BOARD ACTION REQUESTED:

Staff finds that the proposed Master Plan appears 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 Plan subject to the developer addressing any issues raised by the Planning Board and addressing the comments listed in the Staff Report, including those comments and conditions recommended by the Technical Review Committee.

Furthermore, the General Assembly has specifically identified "affordable housing" as a distinct category in land use decisions. It is a violation of the fair housing law (G.S. 41A-4(g)) to discriminate in land use decisions against developments containing affordable housing, but an exemption is provided where a land use decision is based on limiting high concentrations of affordable housing. Affordable housing is defined in the statute as housing offered at lower price points for qualified buyers (specifically, households earning less than 80% of area median income).

Suggested Motion:

I move that the Planning Board find and conclude that the Master Plan appear to comply with the subdivision provisions of Chapter 200A, Henderson County Land Development Code (LDC);

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 (Attachment 1), conditions recommended by the Technical Review Committee, and any conditions or other comments that result from discussion at the Planning Board meeting.

Henderson County Planning Department Staff Report
Master Plan Review for the Dodd Meadows Major Subdivision
(File #2010-M03)
Henderson County Habitat for Humanity, Inc.

Master Plan Comments:

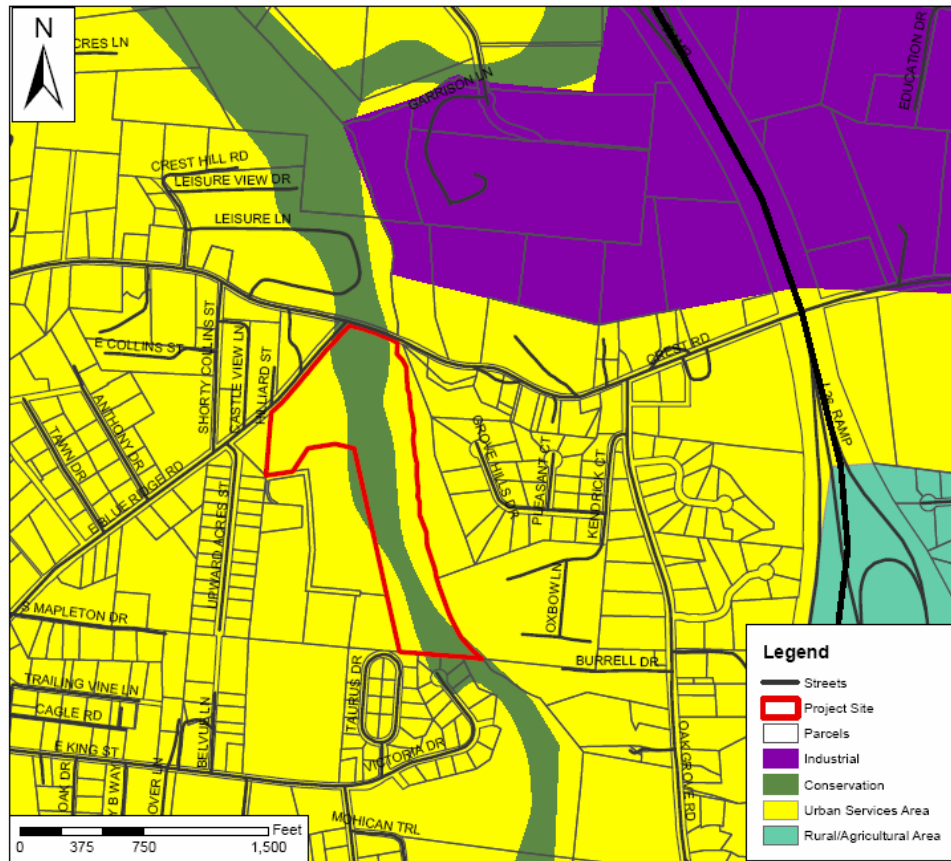
According to Chapter 200A, Henderson County Land Development Code (LDC) §200A-309, the purpose of a Master Plan is to provide general information about the proposed development to allow for an assessment of its impact on the orderly growth and development of the County, environmental quality, land values, natural features identified on the site analysis sketch and the County's roads and governmental services. During the review of the Master Plan, the Technical Review Committee 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 Master Plan for The Dodd Meadows Major Subdivision, 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 the: Urban Services Area (See Map A: CCP Future Land Use Map). The Urban Services Area is that area within which most urban services and urban scale development is currently concentrated. Wide ranges of residential densities will exist. Over the long term, land use regulations and policies should favor higher density development, consistent with natural constraints and the availability of urban services. The proposed density appears to be consistent with the recommendations of the CCP.
 - a. **The Conservation Area** includes land areas that are intended to remain largely in their natural state, with only limited development. These are likely to be sensitive natural areas, such as steep slopes, streams, creeks, waterfalls, forest reserves, wildlife conservation areas and key watersheds. The conservation area shown in Map A reflects the former 1982 floodplain maps. These maps were amended in 2008, adjusting the location of floodplain within the project site. According to the Master Plan the floodplain areas are proposed to be conserved as open space. (See Map A: CCP Future Land Use Map and Map C Floodplain Map)

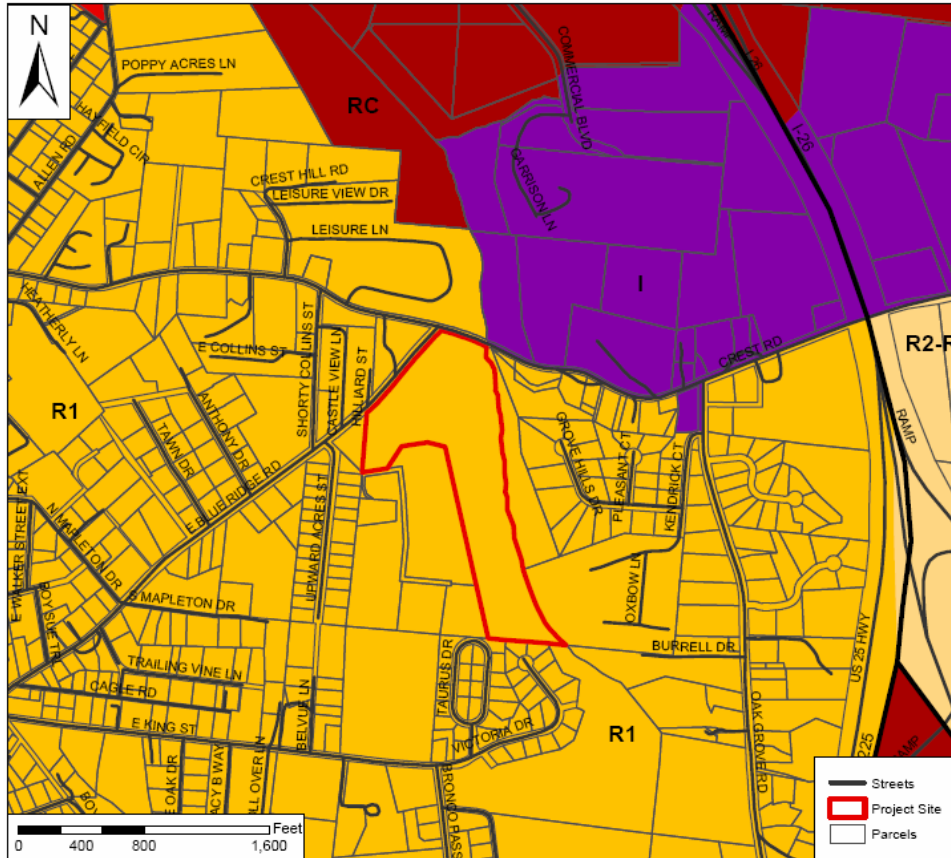
Map A: CCP Future Land Use



2. **Chapter 200A, Henderson County Land Development Code (LDC).**

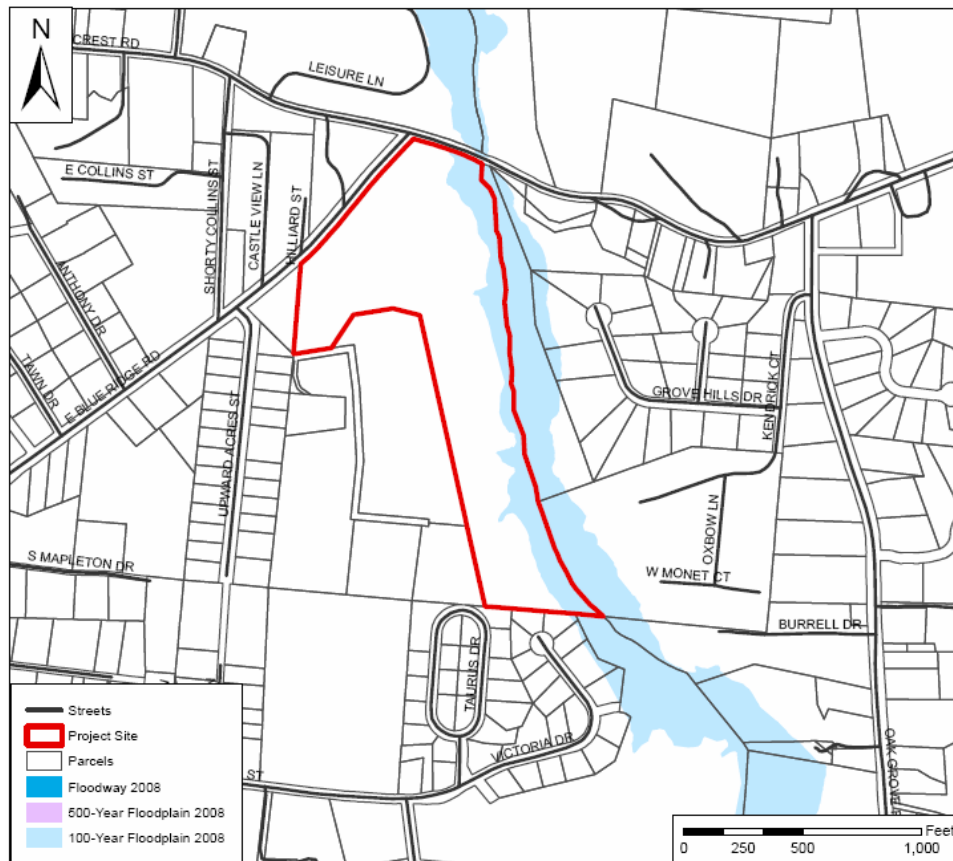
According to Chapter 200A, Henderson County Land Development Code (LDC) and its Official Zoning Map adopted September 19, 2007 (as amended), the proposed project site is located within the R1 (Residential One) zoning district. (See Map B: Official Zoning Map). With water and sewer, the maximum residential density for the property is 336 dwelling units. The applicant is proposing 88 dwelling units including 20 duplex units and 68 single family units within the R1 zoning districts requirements.

Map B: Official Zoning Map



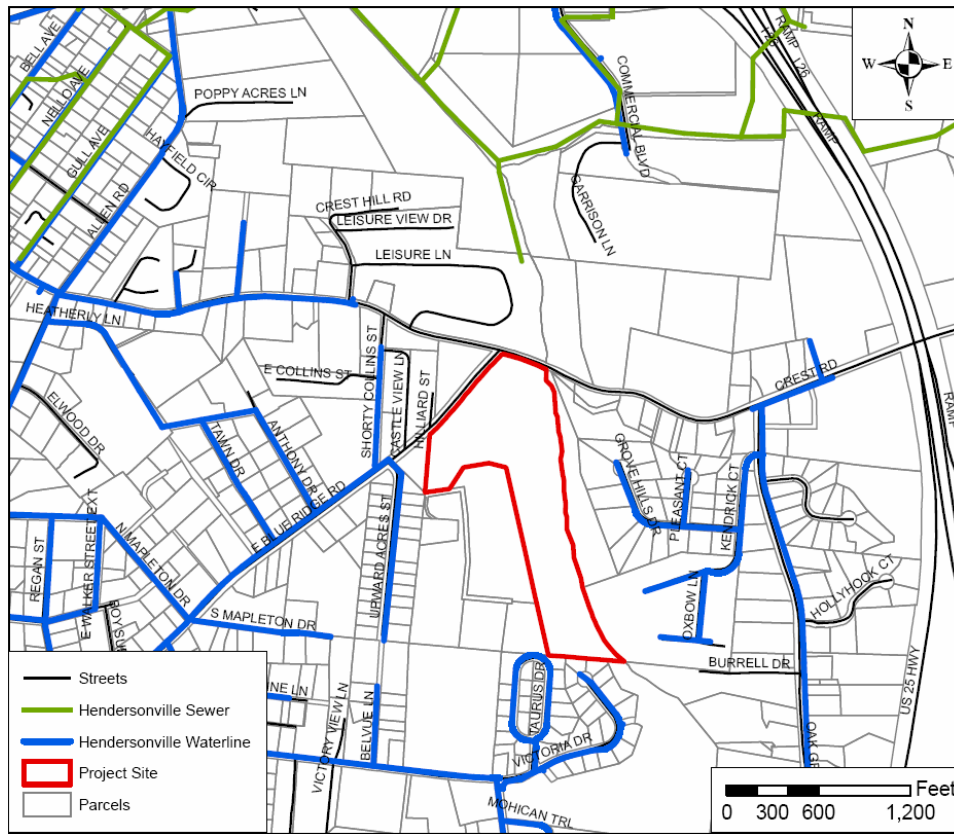
3. **Flood Damage Prevention Regulations.** According to County records the eastern portion of the project site along Bat Fork creek is within the 100 year floodplain. According to the Master Plan the floodplain areas are proposed to be conserved as open space. Constructing buildings within the floodplain should be avoided. (See Map C: Floodplain Map).

Map C: Floodplain Map



4. **Water and Sewer.** According to County records, City of Hendersonville water and City of Hendersonville sewer are in close proximity to the project site. City water is nearby along Blue Ridge Road and City sewer is across the street to the north of the project site, currently serving businesses along Commercial Boulevard. (see Map D: Water and Sewer Map).

Map D: Water and Sewer Map



Master 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-81A).
2. **Public Utilities.** City of Hendersonville water currently serves Blue Ridge Drive to the west of the project site. City sewer is across the street to the north of the project site, currently serving businesses along Commercial Boulevard. Extensions of public water and public sewer are proposed to serve the project. According to the LDC, the applicant must provide evidence that the water supply plans and sewer capacity have been approved by the appropriate agency. The development plan may be approved contingent on final approval from such agency; however, the final plat shall not be approved until all such final approvals have been obtained. Any subdivision served by a public water system shall meet the respective county or municipality’s minimum requirements for fire hydrant installation.
3. **Fire Protection Requirements.** Any subdivision served by a public water system shall meet the County’s standard of one (1) hydrant per 1000 feet of linear road distance. (LDC §200A-81 B(4))

4. **Stub Roads and Future Connections.** The submitted Master Plan shows three future connections. Any existing or proposed on site rights-of-way must be built and constructed to the Major Subdivision road standards of LDC §200A-81C. **The proposed stub roads must be constructed to the edge of the property line being developed to be considered a future connection (LDC §200A-81C).**
5. **Duplex Units.** The applicant is proposing 20 duplex units. The duplex units will require Major Site Plan review in accordance with §200A-299. Where more than one duplex is desired, this shall be considered a multifamily development and shall adhere to the standards outlined in SR 1.6 (Dwelling, Multifamily, Five or more units). Multifamily dwellings shall be required to have pervious pavement for a minimum of 25 percent of all paved surfaces, adhere to the road standards for major subdivisions, and shall be organized for increased mobility, intersecting grid patterns where possible, and without cul-de-sacs.

The proposed open space meets the 20 percent conservation area requirement per the multi family dwelling supplemental requirement 1.6 (5).

6. **Street Tree Requirements.** According to the street tree requirements of Chapter 200A (LDC §§200A-145 and 200A-146) 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-146.
7. **Dedication of Easement for Potential Stream improvements.** Bat Fork Creek maintains the eastern boundary of the project site. The Division of Water Quality classifies this stream as impaired (303 D). Staff asks that the property owner provide an easement along Bat Fork Creek within the proposed open space area (see Master Plan). Potential improvements could include grant funds or volunteer groups restoring and/ or improving the riparian zone along Bat Fork Creek.
8. **Conservation Subdivision Standards.** Of the approximate 21.19 acres within the project site, 34.7% (7.7 acres) is proposed as conservation area. This amount, more than meets the 25% conservation area requirement for the Conservation Subdivision Option in the Land Development Code and could qualify for a 10% housing density increase.
9. **Permanent Protection of Open Space and Management of Open Space.** The applicant shall submit a management plan for all proposed open space. Requirements for the plan can be found in §200A-86G. 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-86H & §200A-86G)

10. **Public Road Standards.** All roads proposed for public use shall be annotated “public” on plans and plats and shall be designed and constructed in accordance with the standards necessary to make the roads eligible to be put on the State Highway Maintenance System at a later date. Such standards are contained in a publication of the North Carolina Department of Transportation, Division of Highways, titled "Subdivision Roads – Minimum Construction Standards," a copy of which is available for review in the office of the Subdivision Administrator. Pursuant to NCGS §136-102.6(d) the NCDOT District Engineer’s Office must sign a certificate of approval provided on the face of the final plat for any subdivision where public roads are proposed prior to County approval of the final plat (§200A-81 C).

Staff recommends that the northern most road loop back into Volunteer Way and designated a one way road. This will limit road widths and construction costs, as well as, alleviate concerns with dead end roads. In order to avoid traffic problems staff also suggests placing the entrance of any one way road at the primary interior intersection of the development.

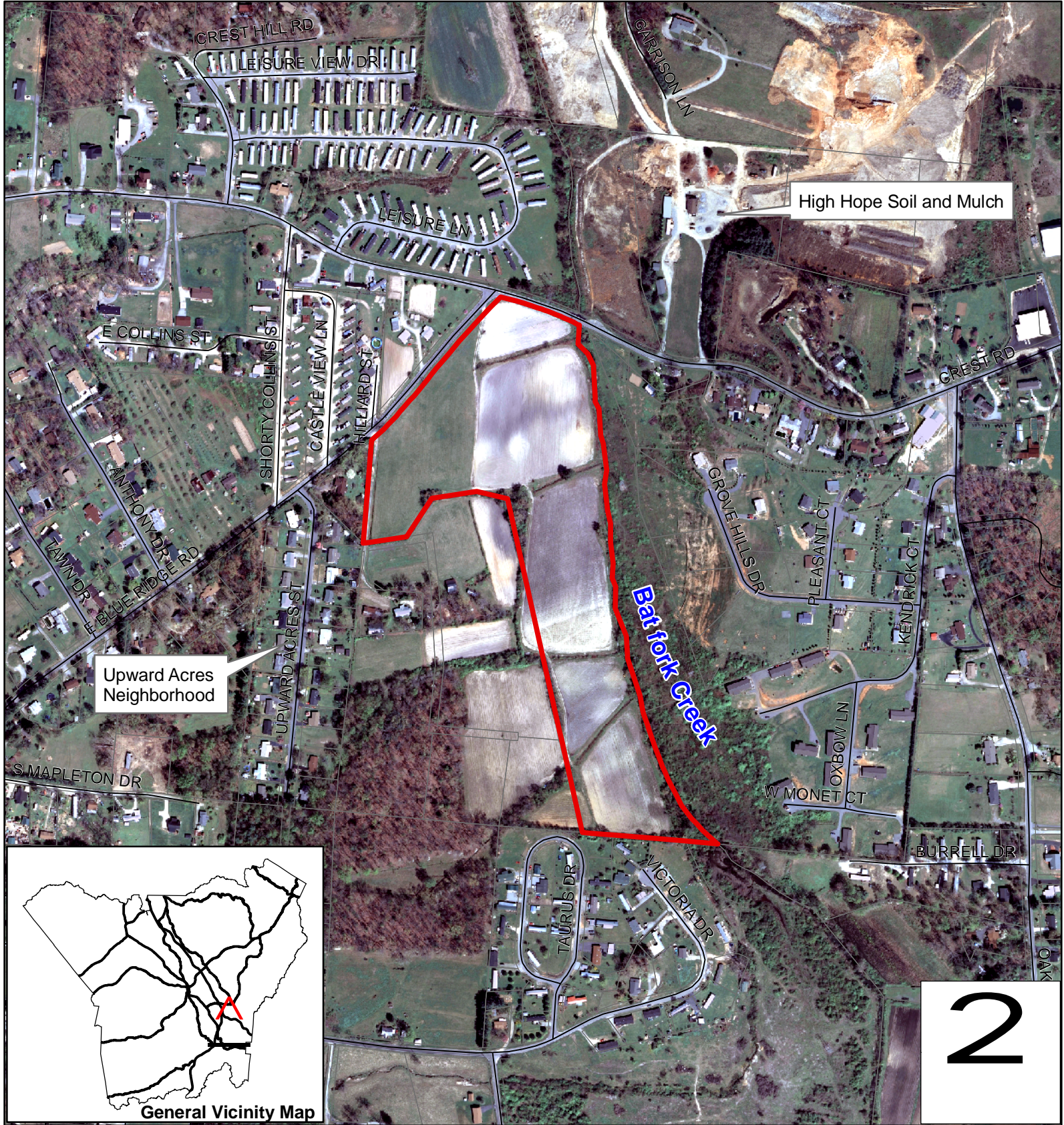
11. **Drainage.** All road or drainage structures shall be constructed in accordance with state roads standards. Road drainage side ditches shall be constructed with sufficient depth and width to carry the expected volume of storm water runoff (LDC §200A-81 C(3)).
12. **Subdivision Signs.** All major subdivisions may provide for, at the primary entrance, a community identification/subdivision sign to conform to the sign regulations of Article VII. Such signs should be located in dedicated sign easements, which must be shown on the final plat (LDC §200A-81G)
13. **Stream Setbacks.** All built-upon area shall be at a minimum of 30 feet landward of all perennial and intermittent surface waters. (§200A-219)
14. **Miscellaneous Advisory Provisions.** The Applicant should become familiar with the miscellaneous advisory provisions contained in LDC §200A-81S.
15. **Final Plat Requirements.** The Final Plat(s) must meet the requirements provided by the Planning Department whenever a subdivision of land occurs (LDC §200A-311B(2)).

Technical Review Committee Comments

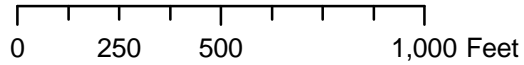
The Henderson County Technical Review Committee considered subdivision application #2010-M03 at its regularly called meeting on December 7, 2010. During that meeting, the Technical Review Committee voted unanimously to send forward a favorable recommendation on subdivision application #2010-M03 subject to the applicant addressing any comments listed in the Staff Report. As well as, successfully obtaining a high density storm water permit before or during Development Plan approval. The applicant should discuss obtaining the necessary permits with the County Engineering Department.

Planning Board Comments

TBD



Dodd Meadows



OWNER/DEVELOPER: Eade Road Investments
 AGENT: Will Buie, Willilam Lapsley & Associates
 ZONING: R1



Map Created by the Henderson County Planning Department on 11/08/10
 See Master Plan for exact location of project.



1. View of future entrance to project site looking west along Crest Rd.



2. View of western end of project site looking north.



3. View of the project site looking south.



4. View of the center of the project site looking east

HENDERSON COUNTY
SUBDIVISION APPLICATION FORM
(Please fill out all applicable items)

SUBDIVISION INFORMATION

Subdivision Name: Dodd Meadows - Master Plan

Subdivision Type (Circle One): Major Minor Non-Standard Special
Proposed Use of Property (Circle One): Residential Commercial Industrial
Conservation Subdivision: Yes No Gated entrance to property: Yes No
Existing Number of Lots: 1 Total Number of Proposed Lots: 88
Total Number Proposed Units: 88 Proposed Density (units per acre): 4.26 units per acre
Road System: Public () Private () Combination Public and Private
Water System: () Individual () Community Municipal
Sewer System: () Individual () Community Municipal

PARCEL INFORMATION

PIN: 9587-26-5822 Total Acreage: 20.65 Deed Book/Page: 1419/348 Township Blue Ridge Fire
Location of property to be divided: Intersection of East Blue Ridge Road and Crest Road

Zoning District: Residential Fire District: Blue Ridge Fire
Water Supply Watershed: N/A School District: Upward/Flat Rock Middle/East

Any portion of property within or containing the following:

Floodplain or floodway: Yes No Perennial streams: Yes No
Protected mountain ridges: Yes No Cemetery: Yes No

Within 1/2 mile of a Farmland Preservation District: Yes No
Adjacent to a Farmland Preservation District: Yes No

CONTACT INFORMATION

Property Owner:

Name: Henderson County Habitat for Humanity Phone: (828) 694 - 0340
Address: 1111 Keith Street City, State, Zip: Hendersonville, NC 28792

Applicant:

Name: Henderson County Habitat for Humanity Phone: (828) 694 - 0340
Address: 1111 Keith Street City, State, Zip: Hendersonville, NC 28792

Agent: Agent Form (Circle One): Yes No

Name: Hoyt Bynum, Jr. Phone: (828) 694 - 0340
Address: 1111 Keith Street City, State, Zip: Hendersonville, NC 28792

Plan Preparer:

Name: William G. Lapsley & Associates, P.A. Phone: (828) 687 - 7177 ext 302
Address: One Town Square, Suite 320 City, State, Zip: Asheville, NC 28803

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

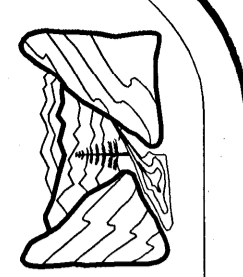
Hoyt Bynum, Jr.
Print Applicant (Owner or Agent)

Hoyt Bynum Jr.
Signature Applicant (Owner or Agent)

10/4/2010
Date

County Use Only

Fee: \$ _____ Paid: _____ Method: _____ Final Plat Approved On: _____

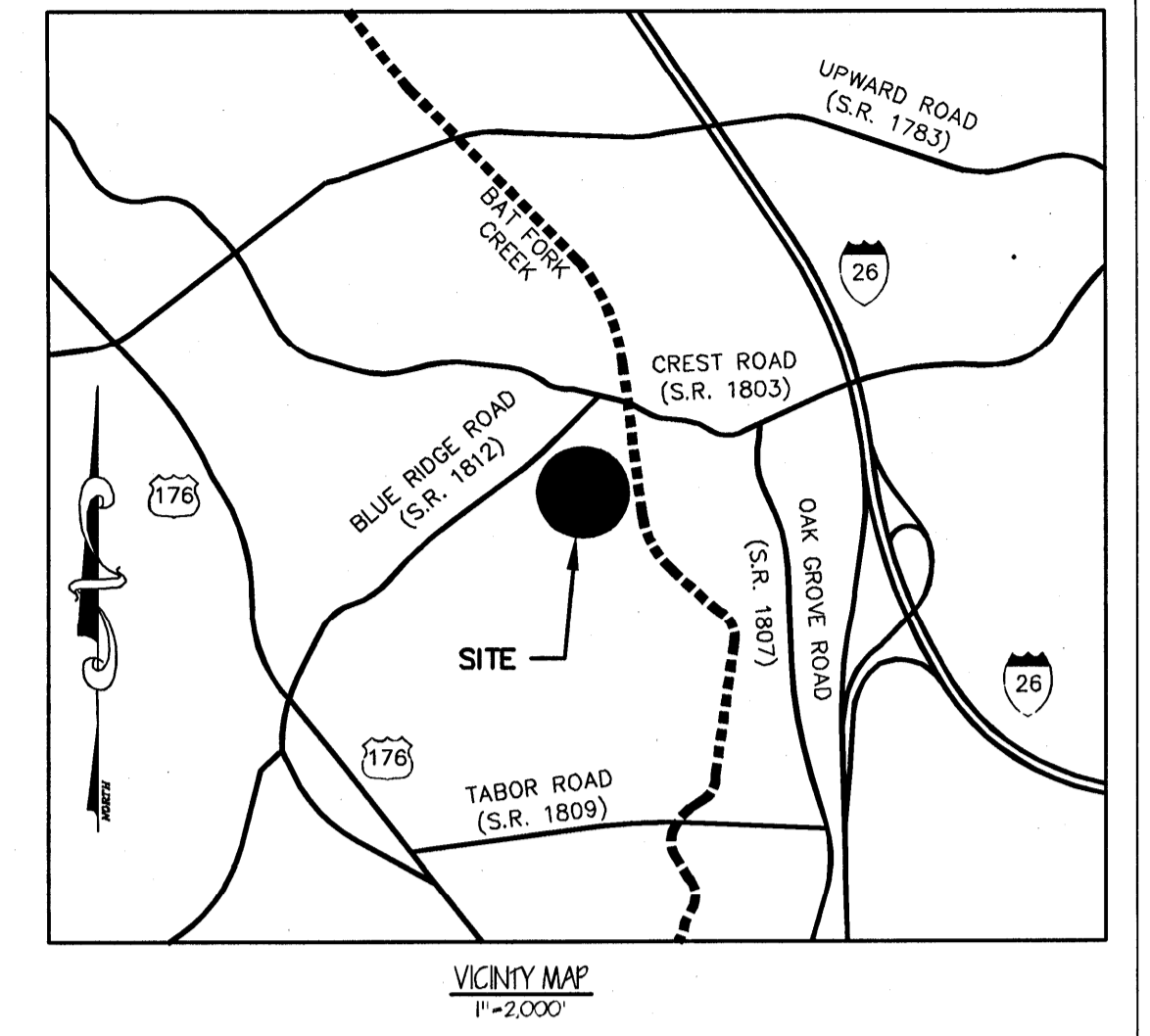


WILLIAM G. LAPSLEY & ASSOCIATES P.A.
CONSULTING ENGINEERS & LAND PLANNERS
ASHEVILLE, NORTH CAROLINA

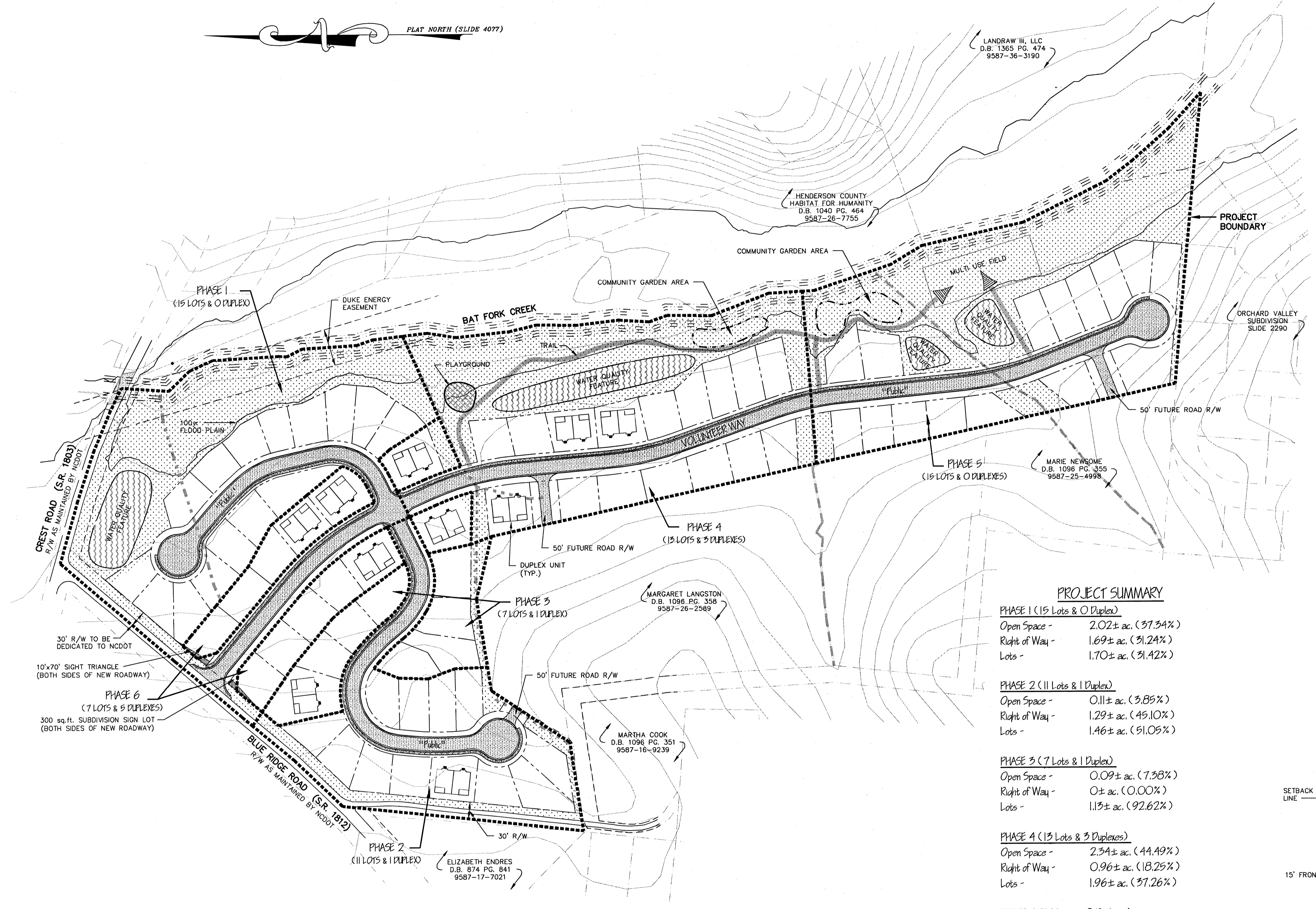
DODD MEADOWS
HABITAT FOR HUMANITY
BLUE RIDGE TOWNSHIP
HENDERSON COUNTY, NORTH CAROLINA

PRELIMINARY MASTER PLAN

sheet
C-100

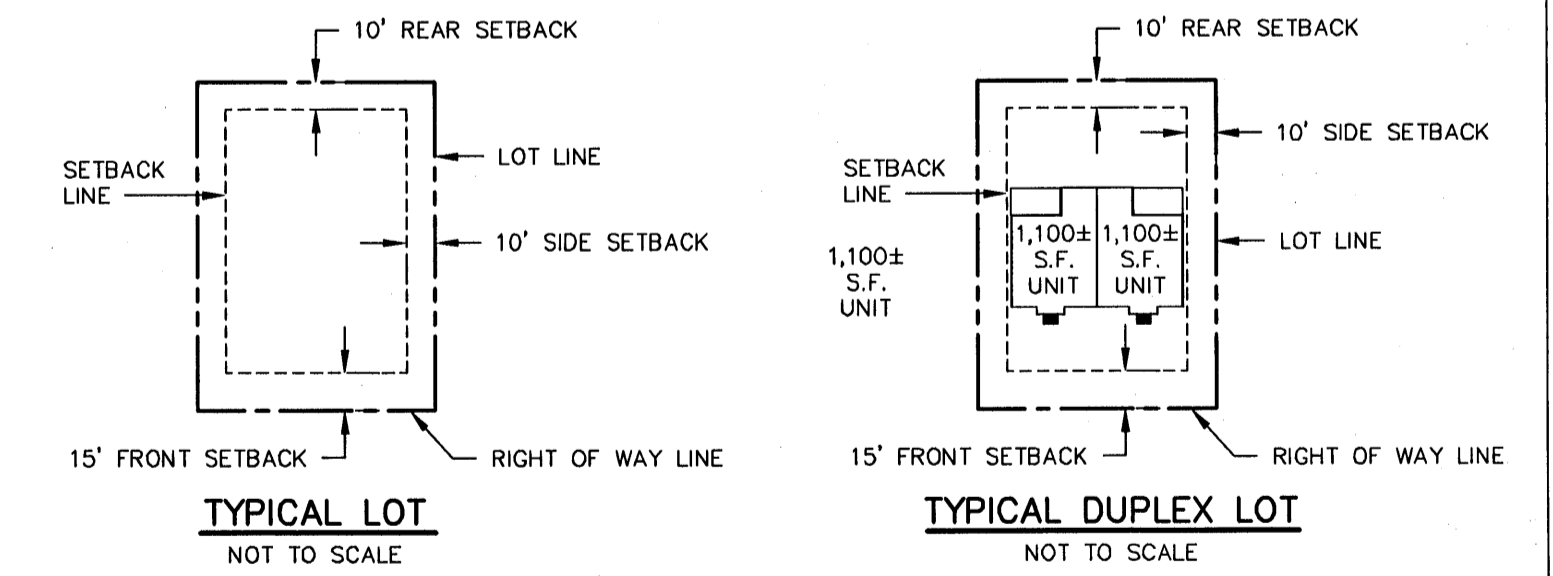


PLAT NORTH (SLIDE 4077)



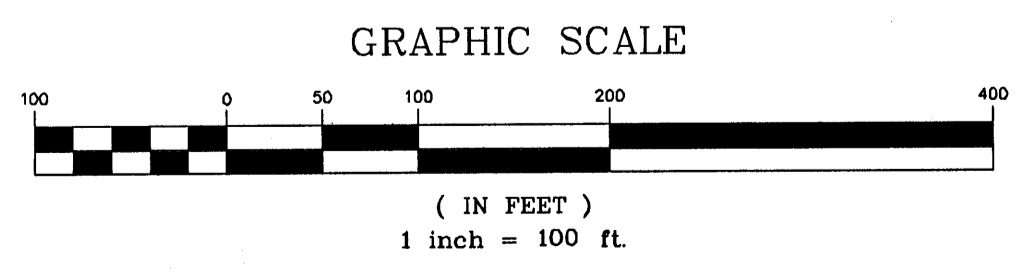
PROJECT SUMMARY

PHASE 1 (15 Lots & 0 Duplex)	
Open Space -	2.02± ac. (37.34%)
Right of Way -	1.69± ac. (31.24%)
Lots -	1.70± ac. (31.42%)
PHASE 2 (11 Lots & 1 Duplex)	
Open Space -	0.11± ac. (3.85%)
Right of Way -	1.29± ac. (45.10%)
Lots -	1.46± ac. (91.05%)
PHASE 3 (7 Lots & 1 Duplex)	
Open Space -	0.09± ac. (7.38%)
Right of Way -	0± ac. (0.00%)
Lots -	1.13± ac. (92.62%)
PHASE 4 (15 Lots & 3 Duplexes)	
Open Space -	2.34± ac. (44.49%)
Right of Way -	0.96± ac. (18.25%)
Lots -	1.96± ac. (37.26%)
PHASE 5 (15 Lots & 0 Duplexes)	
Open Space -	3.02± ac. (52.89%)
Right of Way -	0.94± ac. (16.46%)
Lots -	1.75± ac. (30.65%)
PHASE 6 (7 Lots & 5 Duplexes)	
Open Space -	0.06± ac. (3.47%)
Right of Way -	0± ac. (0.00%)
Lots -	1.67± ac. (96.53%)
Total (68 Lots & 10 Duplexes)	
Open Space -	7.64± ac. (34.43%)
Right of Way -	4.88± ac. (21.99%)
Lots -	9.67± ac. (43.58%)
	22.19 ± ac.



Owner/Developer-
Henderson County Habitat for Humanity, Inc.
1111 Keith Street
Hendersonville, NC 28792
Contact: Hoyt Bynum, Jr.; Executive Director
Phone: 828.694.0340

Total Project Area- 22.19 Acres
Pin # - 9587-26-5822
Deed Book/Page- 1419/348
Proposed Density- 88 Total Units
68 Single Family Lots
20 Duplex Units (10 Buildings)
3384± LF
Conservation Area- 7.64± Acres (34.43%)
Length of Road System- Public (Hendersonville)
Water System - Public (Hendersonville)
Sewer System- Public (Hendersonville)



Preliminary
Not for Construction

Revisions

date: 6/09/10
job: 09142
drawn: TWT

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