

## **REQUEST FOR BOARD ACTION**

### **HENDERSON COUNTY PLANNING BOARD**

**MEETING DATE:** Thursday, October 18, 2007

**ATTACHMENTS:**

1. Staff Report
2. Vicinity Map
3. Photos of Project Site
4. Review Agency Response – Fire Marshal’s Office
5. Review Agency Response – Property Addressing
6. Review Agency Response – Erosion and Sedimentation Control Services
7. Review Agency Response – NCDOT
8. Subdivision Application
9. Combined Master Plan and Development Plan

**SUBJECT:** Combined Master Plan and Development Plan for Sugar Loaf Preserve

#### **SUMMARY OF REQUEST:**

Clifford Dalton, Douglas W. Barnwell and Janet Barnwell, owners, submitted the Combined Master and Development Plan for the project known as Sugar Loaf Preserve. The project site is located on 29.6 acres of land (PIN: 0611-85-7834) located off of Little Creek Road. The applicant is proposing a total of 23 lots that will be used for single-family residential purposes. The site is not located in a water supply watershed district or the floodplain. Private roads, individual wells and septic are proposed to serve the project site.

At the time of application, the project area was located in the Open Use (OU) zoning district which does not regulate the residential use of land and should be evaluated on these merits for subdivision approval.

#### **PLANNING BOARD ACTION REQUESTED:**

Staff has found that the proposed Combined Master Plan and Development Plan appears to meet the technical standards of Chapter 170, Henderson County Subdivision Ordinance, except for the comments listed in the Staff Report (See Attachment 1). Staff recommends approval of the Combined Master and 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 Development Plan appears to comply with the provisions of Chapter 170, Henderson County Subdivision Ordinance;

And

I further move that the Combined Master Plan and 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.

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**Henderson County Planning Department Staff Report****Combined Master and Development Plan Review for Sugar Loaf Preserve Major Subdivision  
(File #2007-M32)****Douglas W. and Janet Barnwell and Clifford Dalton, Owners/Applicants**

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**Project Overview:**

Clifford Dalton and Douglas W. Barnwell and Janet Barnwell, owners, submitted the Combined Master and Development Plan for the project known as Sugar Loaf Preserve. The project site is located on 29.6 acres of land (PIN: 0611-85-7834) located off of Little Creek Road. The applicant is proposing a total of 23 lots that will be used for single-family residential purposes.

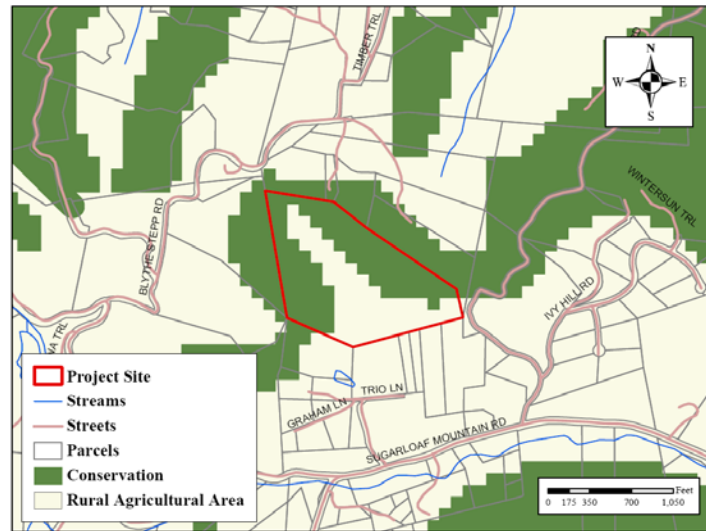
At the time of application, the project area was zoned Open Use (OU) which does not regulate the residential use of land. The site is not located in a water supply watershed district or the floodplain. A private road is proposed to serve the project site. Private water (individual wells) and private sewer (individual septic) are proposed to serve the project site.

Staff has reviewed the submitted Combined Master Plan and Development Plan for Sugar Loaf Preserve for conformance with Chapter 170, Henderson County Subdivision Ordinance and offers the comments that follow:

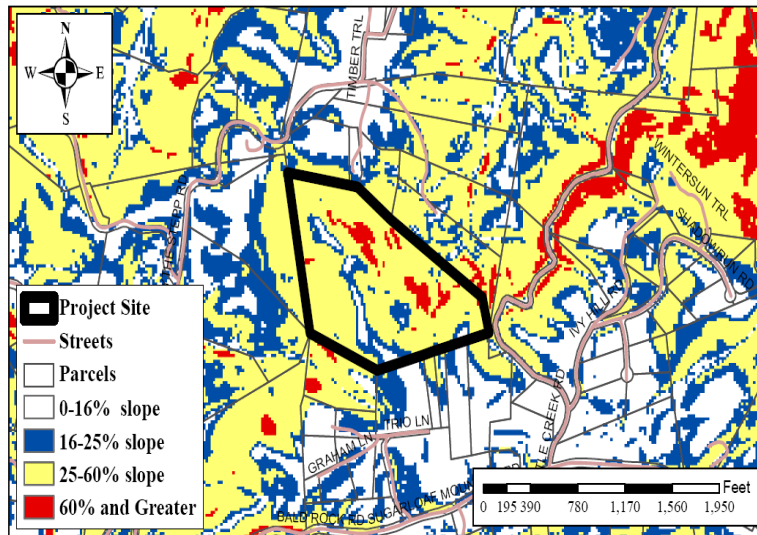
**Master Plan Comments:**

According to Chapter 170, Henderson County Subdivision Ordinance (HCSO) §170-16B, 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 Old Pace, taking into consideration the recommendations of Henderson County's Land Use Plan (*Henderson County 2020 Comprehensive Plan*). Staff has also taken into consideration the effect that Chapter 200A, Land Development Code, would have had on the subdivision review of the project were the application received after its adoption and implementation.

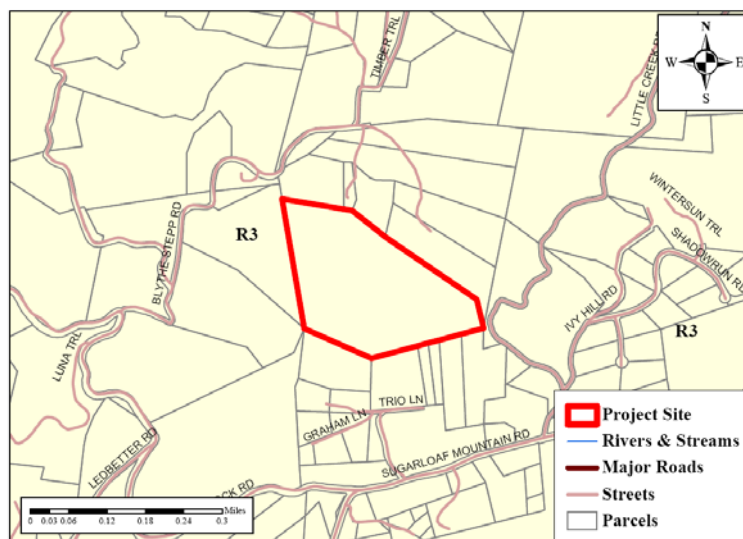
1. **County Comprehensive Plan (CCP).** The Future Land Use Map of the CCP shows the project site as being located within the Conservation Area and the Rural/Agricultural Area (RAA) (See Map A: CCP Future Land Use Map).

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

- **Conservation Area.** The conservation area designation is applied on the project site largely due to the presence of steep slopes (See Map B: CCP Future Land Use Map and Map C: Slopes Map). Slopes within the project site in excess of 60 percent compose approximately 2.32 acres within the project site. 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). As noted in Section 170-3 of the HCSO, the project site may not be suited to be subdivided for the purposes of dense development due to severe topographic conditions (steep slopes).
- **Rural Agricultural Area.** The Rural Agricultural Area (RAA) designation of the Growth Management Strategy is applied to the project site. The RAA is intended to remain predominantly rural with a density of 1 unit per each five (5) or more acres (average lot sizes of five (5) or more acres). According to the plan, the project would have an average density of .78 units per acre (average lot size of 1.29 acres). The proposed densities are higher and lot sizes are reduced from those recommended by the CCP. The CCP states that regulations should encourage “densities that are consistent with steep slopes, poor septic capacities, and sensitive topography.” The applicant has indicated that private individual wells and individual septic will be available to the development.

**Map B: Slopes Map**

2. **Chapter 200A, Land Development Code (LDC).** According to Chapter 200A, Land Development Code, and its Official Zoning Map, the project site for this development is located within the Residential Zoning District 3 (R3) (See Map C: Land Development Code Map). The R3 zoning district allows for a density of 0.66 units per acre (average lot size of 1.5 acres). According to the development plan, the project would have an average density of 0.78 units per acre (average lot size of 1.29 acres). Slopes in excess of 60 percent do not compose ten (10) percent or more of the project area and would therefore not affect density. The proposed number of single-family residential lots for the development is 23. Under the LDC, only 19 lots could be created. The proposed development is more dense than the LDC would allow. While both the LDC and CCP require lower density developments for the project site, the proposed project's densities are more consistent with the LDC.

**Map C: Chapter 200A, Official Zoning Map**

**Development Plan Comments:**

1. **Sedimentation and Erosion Control Plan.** (See Attachment 6 and Review Agency Comment 3)
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 road. This cross section indicates that these are to be “local roads.” All subdivision roads must be designed and constructed to the minimum standards of HCSO §170-21 (Table 1).
4. **Road Grade.** The Applicant has proposed private paved roads for the subdivision. The maximum road grade for local roads constructed of pavement is 18 percent. The applicant is proposing a road that appears to approach grades of 18 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 18 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). The Planning Board should, as a condition of approval, also require that the applicant submit a copy of an as-built drawing of the road, showing grades, with certification from a registered professional engineer that the road grades meet the standards required in this subsection prior to final plat approval or release of any improvement guarantee.
5. **Road Names.** (See Attachment 5 and Review Agency Comment 2)
6. **Road Frontage and Existing Off-Site Access.** Any tract of land to be subdivided must have frontage on an existing public (state-maintained) road or a private right-of-way to the public road (HCSO §170-28). The project site uses a private 50-foot right-of-way as offsite access to Little Creek Road (SR 1706). The property which contains the offsite access is owned by Clifford Dalton, applicant. Therefore, a right-of-way conveyance agreement is not necessary.
7. **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). Drainage easements do not appear to be required as the drainageways appear to be within the right-of-way of the road or within open space (HCSO §170-29(C)).
8. **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).
9. **Fire Suppression.** According to HCSO §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 Attachments 4 - Review Agency Response from Fire Marshal’s Office). As

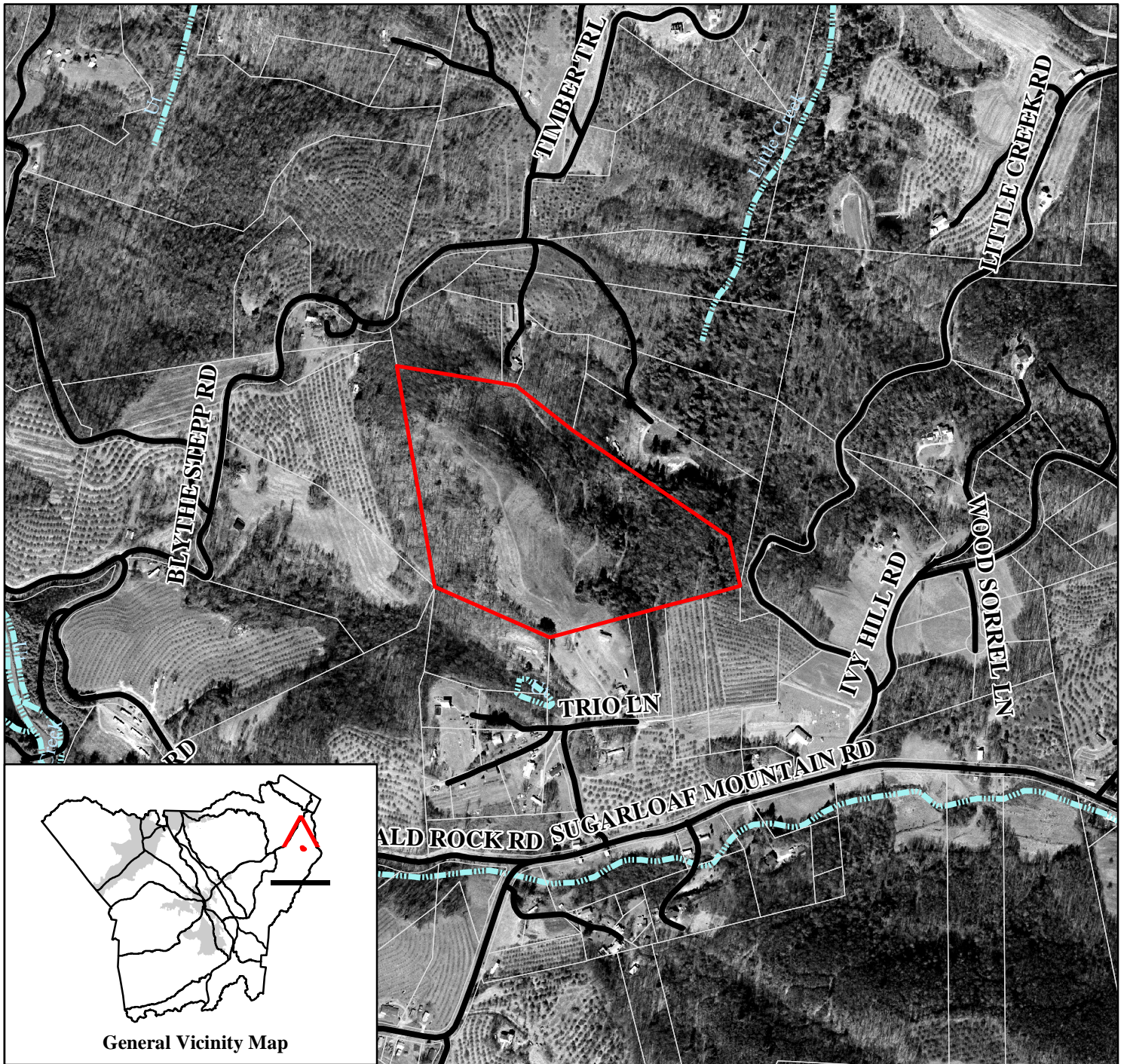
a condition of approval the applicant should provide documentation from the Fire Marshal's Office that an adequate permanent surface water supply is or is not available. If an adequate supply is available, a road to the water source providing permanent all-weather access to the water source that is adequate for fire-fighting equipment shall be required. The closest surface waters, indicated on the vicinity map, appear to be located offsite near Trio Lane

10. **Final Plat Requirements.** The Final Plat(s) must meet the requirements of Appendix 7 of Chapter 170, Henderson County Subdivision Ordinance.

**Review Agency Comments:**

1. **Comments from the Fire Marshal.** Comments suggest the need for a dry hydrant due to the remote location of this subdivision. The Planning Board can only require the applicant to meet the minimum standards of the Henderson County Subdivision Ordinance; the Planning Board may not have the authority to require any additional standards.
2. **Comments from Property Addressing.** Comments from Property Addressing question the labeling of Plum Branch Circle on the plan. The proposed private road labeled "Mountain View Circle" is already in use. Prior to final plat submittal, a revised Master and Development Plan should be submitted to Staff with a new road name reserved through Property Addressing.
3. **Comments from Erosion and Sedimentation Control Services.** Comments from Erosion and Sedimentation Control Services address the need to have all Erosion and Sedimentation Control Plans, without prior approval by NCDENR before October 1, 2007, submitted through the Henderson County Erosion and Sedimentation Control Services.
4. **Comments from the North Carolina Department of Transportation.** Comments from NCDOT require the developer to apply for and obtain a Street and Driveway Access Permit from the District Engineer's office before connecting to SR 1706, Little Creek Road. Any road within the subdivision added to the State maintained system must be listed as public when filed at the Register of Deeds office.





## Sugar Loaf Preserve

OWNER: Clifford Dalton and Douglas W & Janet Barnwell  
 AGENT: Clifford Dalton  
 DEVELOPER: Gary W. Firmender  
 SURVEYOR: Jon Laughter, Laughter, Austin and Associates, P.A.  
 ZONING: OU  
 WATERSHED: None  
 WATER SYSTEM: Private Wells  
 SEWER SYSTEM: Private Septic  
 ROAD SYSTEM: Private

-  Roads
-  Project Site
-  Parcels
-  Surface Water





**1.** View of Project Vicinity looking west.



**2.** View of Project Vicinity from Little Creek Road. Project Site is tree-line in background.



**3.** View slightly outside of project area. There is some indication of steep slopes.

## HENDERSON COUNTY PLANNING DEPARTMENT REVIEW AGENCY RESPONSE FORM

I have reviewed the plan(s) for subdivision application #2007-M32 (Sugar Loaf Preserve) and offer the following comments:

**Water Supply** – No fire suppression water supply provided. Due to the remote location of this subdivision any stream or pond in the area should be evaluated for static water point (dry hydrant) potential.

**Entry Gates** – (If provided) Should comply with the Henderson County Entry Gate Ordinance.

<u>Rocky Hyder</u>	<u>Emergency Services</u>	<u>10/01/07</u>
Reviewed By	Agency	Date

Please return to: Alexis Baker, Planner  
Henderson County Planning Department  
213 First Avenue East  
Hendersonville, NC 28792  
alexisbaker@hendersoncountync.org

**File No. 2007- M32**

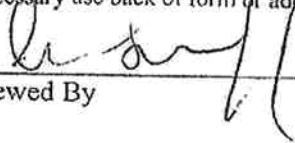
## HENDERSON COUNTY PLANNING DEPARTMENT REVIEW AGENCY RESPONSE FORM

I have reviewed the plan(s) for subdivision application #2007-M32 (Sugar Loaf Preserve) and offer the following comments:

STREET NAME needs changing. STREET NAMES  
ON. SUBMITTED ~~same~~ plat NOT correct

(If necessary use back of form or additional sheets for comments)

Reviewed By



Agency

PROP Add

Date

10-4-07

Please Return to:

Alexis Baker, Planner  
Henderson County Planning Department  
213 1<sup>st</sup> Avenue East  
Hendersonville, NC 28792  
alexisbaker@hendersoncountync.org

File No. 2007-M32

2007-10-04

**Henderson County Flood Damage Prevention Ordinance comments:** The portion of the property being developed does not appear to be in a regulated special flood hazard area. No comments.

**Henderson County Erosion and Sedimentation control Ordinance comments:** If the Erosion and Sedimentation control plan has not been submitted to Environmental and Natural Resources Land Resource division for approval prior to October 1, 2007. Submittal will be required through the Henderson County offices. The offices are located in the basement of the Building Permit Center located at 240 Second Avenue East. Rooms B15 - B19. (follow the signs in the hallways) Fees and forms can be viewed at our website address  
<http://www.hendersoncountync.org/ces/Erosioncontrol/ErosionControlindex.htm>

**Henderson County Water Supply Watershed Ordinance comments:** Does not appear to be located in a designated Water Supply Watershed Classified Area.

(Sugar Loaf Preserve)  
Natalie Berry  
HC Erosion Control Division Chief

HENDERSON COUNTY  
DEPARTMENT AND AGENCY  
SUBDIVISION REVIEW RESPONSE FORM

This office has reviewed the plans for the proposed subdivision named **Sugar Loaf Preserve Subdivision** and offer the following comments:

1. The developer must apply for and obtain a Street and Driveway Access Permit from the District Engineer's office prior to connecting any roads or drives to a NC DOT maintained road. This will include the connection to SR 1706, Little Creek road.
2. If at anytime in the future the developer plans to have the roads within the subdivision added to the State maintained system all roads within the sub-division must be listed as public. In addition the plat must be approved by the District Engineer prior to being filed at the Register of Deeds Office.

Reviewed by: Josh Lanning  
Please return this form to:

Agency: NCDOT

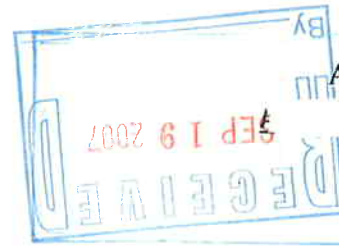
Date: 09-26-07

Alexis Baker  
Henderson County Planning Department  
101 E. Allen Street  
Hendersonville, NC 28792

**File No. 2007-M32**



# HENDERSON COUNTY SUBDIVISION APPLICATION FORM



9-18-07  
Date of Application

SUGARLOAF PRESERVE  
Subdivision Name

2007-M32  
Application Number

\* Major Subdivision

\* Minor Subdivision

\* Other

Property Owners Name: DOUGLAS W. & JANET BARNWELL / CLIFFORD DALTON

Address: 175 POINT HOPE LANE 70 LEDBETTER RD.

City, State, Zip: HENDERSONVILLE, NC 28792 HENDERSONVILLE, NC 28792

Owner's Agent: CLIFFORD DALTON

Telephone No: (828) 685-7625

PIN 0611857834 Deed Book/Page 540/827

Zoning District OU Fire District EDNEYVILLE Watershed BROAD

Location of property to be divided: OFF OF SR 1706 NORTH OF SUGARLOAF MOUNTAIN RD.

Type of Subdivision: ☒ Residential ☐ Commercial ☐ Industrial Present Use \_\_\_\_\_

No. Lots Created 23 Original Tract Size 29.6 New Tract Size \_\_\_\_\_ No. New Lots 23

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

Water System: ☒ Individual ☐ Community ☐ Municipal

Sewer System: ☒ Individual ☐ Community ☐ Municipal

Cemetery on Property: ☐ Yes ☒ No

Fee: \$ \_\_\_\_\_ Paid \_\_\_\_\_ Method \_\_\_\_\_

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

Clifford Dalton  
APPLICANT (OWNER OR AGENT)

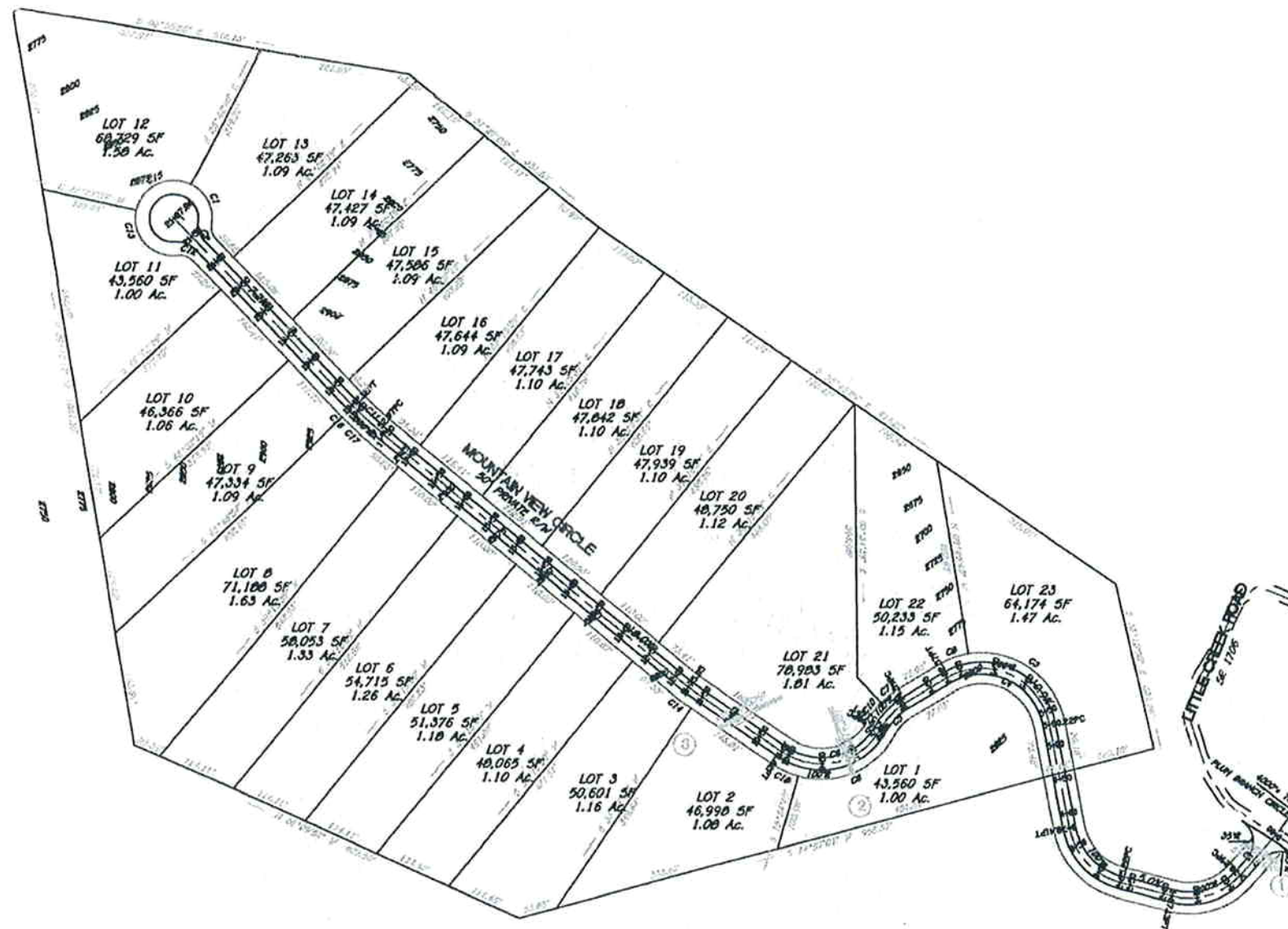
DATE

X Douglas Wayne Barnwell

Development Plan Approval / Conditions \_\_\_\_\_

Final Plat Approval: \_\_\_\_\_ Plat Recorded \_\_\_\_\_

BLYTHE STREET ROAD

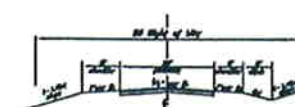


LEGEND:  
 R.P. SET - RIGHT OF WAY SET  
 L.P. SET - LEFT OF WAY SET  
 E.P. - EXISTING RIGHT OF WAY  
 E.P.S. - EXISTING RIGHT OF WAY  
 C.O.D. - EXISTING CONCRETE DRIVE  
 P.C. - PAVED DRIVE  
 A.P. - APPROXIMATE PAVEMENT LOCATION  
 R. - CENTER LINE (ROAD, STREET, RAILROAD, ETC.)  
 M.P. - MILEPOST  
 P.P. - POWER POLE AND/OR TRANSMISSION POLE  
 R.R. - RAILROAD  
 C. - CEMENT  
 C.C. - CEMENT CURB  
 D.R. - DRIVE  
 R.O.V. - RIGHT OF WAY



**PROJECT SUMMARY**

TOTAL PROJECT AREA	29.64 AC
NUMBER OF PROPOSED LOTS/UNITS BY TYPE	23
MINIMUM LOT SIZE (AC)	0.50 AC
MINIMUM LOT SIZE (SF)	43,560 SF (1.00 AC)
LENGTH OF PROPOSED PRIVATE ROADS	2,100 LF
WATER SYSTEM	INDIVIDUAL
SEWER SYSTEM	INDIVIDUAL
CURRENT ZONING AND SETBACKS	OPEN USE
DISTANCE TO PUBLIC WATER	5+ MILES
DISTANCE TO PUBLIC SEWER	5+ MILES



TYPICAL ROAD SECTION



TYPICAL CUL-DE-SAC

CURVE	RADIUS	ARC LENGTH	WADGHT	CHORD LENGTH	CHORD BEARING
C1	125.00	100.00	119.44	119.44	S 17°10'24" E
C2	125.00	100.00	119.44	119.44	S 17°10'24" E
C3	125.00	100.00	119.44	119.44	S 17°10'24" E
C4	125.00	100.00	119.44	119.44	S 17°10'24" E
C5	125.00	100.00	119.44	119.44	S 17°10'24" E
C6	125.00	100.00	119.44	119.44	S 17°10'24" E
C7	125.00	100.00	119.44	119.44	S 17°10'24" E
C8	125.00	100.00	119.44	119.44	S 17°10'24" E
C9	125.00	100.00	119.44	119.44	S 17°10'24" E
C10	125.00	100.00	119.44	119.44	S 17°10'24" E
C11	125.00	100.00	119.44	119.44	S 17°10'24" E
C12	125.00	100.00	119.44	119.44	S 17°10'24" E
C13	125.00	100.00	119.44	119.44	S 17°10'24" E
C14	125.00	100.00	119.44	119.44	S 17°10'24" E
C15	125.00	100.00	119.44	119.44	S 17°10'24" E
C16	125.00	100.00	119.44	119.44	S 17°10'24" E
C17	125.00	100.00	119.44	119.44	S 17°10'24" E
C18	125.00	100.00	119.44	119.44	S 17°10'24" E

OWNERS: Clifford Dalton  
 70 Ledbetter Rd.  
 Hendersonville, NC 28792  
 Douglas W. & Janet Barnwell  
 175 Point Hope Lane  
 Hendersonville, NC 28792

DEVELOPER: Gary W. Firmender  
 P.O. Box 519  
 Edneyville, NC 28727  
 AGENT: Clifford Dalton  
 828 685-7625

**FINAL**

SEP 18 2007

received  
 9/21/07

JOB NO. 07-313

**SUGAR LOAF PRESERVE  
 MASTER AND DEVELOPMENT PLAN**

LAUGHTER, AUSTIN AND ASSOCIATES, P.A.  
 131 FOURTH AVENUE EAST  
 HENDERSONVILLE, NORTH CAROLINA 28792  
 (828) 692-9009

DATE	2/1	5/11/07	1 OF 1
REVISION	1	02-11/07	
REVISION	2	02-11/07	

