

REQUEST FOR BOARD ACTION

HENDERSON COUNTY PLANNING BOARD

MEETING DATE: Thursday, October 18, 2007

ATTACHMENTS:

1. Staff Report
2. Vicinity Map
3. Review Agency Response Form – Property Addressing
4. Review Agency Response Form – NC Department of Transportation
5. Review Agency Response Form – Natalie Berry
6. Subdivision Application
7. Master Plan

SUBJECT: Master Plan for The View at Hawthorne Major Subdivision (File #07-M35)

SUMMARY OF REQUEST:

Mr. Mark Corn with Associated Land Surveyors submitted the major subdivision application and Master Plan for The View at Hawthorne. The application for The View at Hawthorne was submitted on September 13, 2007 before the adoption of the Land Development Code (LDC). Therefore, the application will be reviewed under the applicable County regulations in place at the time of submittal.

The owner, Flavor 1st Investments, Inc., is proposing a total of 12 lots on 20.97 acres of land. Public water (City of Hendersonville) and septic systems are proposed. Private roads are proposed. Access to the subdivision comes from an existing private 45-foot right-of-way through the Hawthorne Hills subdivision.

PLANNING BOARD ACTION REQUESTED:

Staff has found that the proposed Master Plan appears to meet the technical standards of the Henderson County Subdivision Ordinance 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.

Suggested Motion:

I move that the Planning Board find and conclude that the Master Plan appears to comply with the provisions of the Subdivision Ordinance;

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) and any other comments that result from discussion at the Planning Board meeting.

Henderson County Planning Department Staff Report**Master Plan Review for The View at Hawthorne Major Subdivision (File #2007-M35)**

Flavor 1st Investments, Inc., Applicant and Owner
Associated Land Surveyors, Agent

Project Overview:

Mr. Mark Corn with Associated Land Surveyors submitted the major subdivision application and Master Plan for The View at Hawthorne. The application for The View at Hawthorne was submitted on September 13, 2007 before the adoption of the Land Development Code (LDC). Therefore, the application will be reviewed under the applicable County regulations in place at the time of submittal.

The owner, Flavor 1st Investments, Inc., is proposing a total of 12 lots on 20.97 acres of land off of Riding Gate Road. Riding Gate Road is an existing 45-foot right-of-way which appears to come through the Hawthorne Hills subdivision. Public water (City of Hendersonville) and individual septic systems are proposed. Private roads are also proposed. The property was located in the County's R-20 zoning district during the submittal of the application. The property is now zoned R-2 under the LDC. The property is also located in a WS-IV Water Supply Watershed District which requires a minimum lot size of 20,000 square feet and a thirty-foot vegetative buffer along all perennial streams.

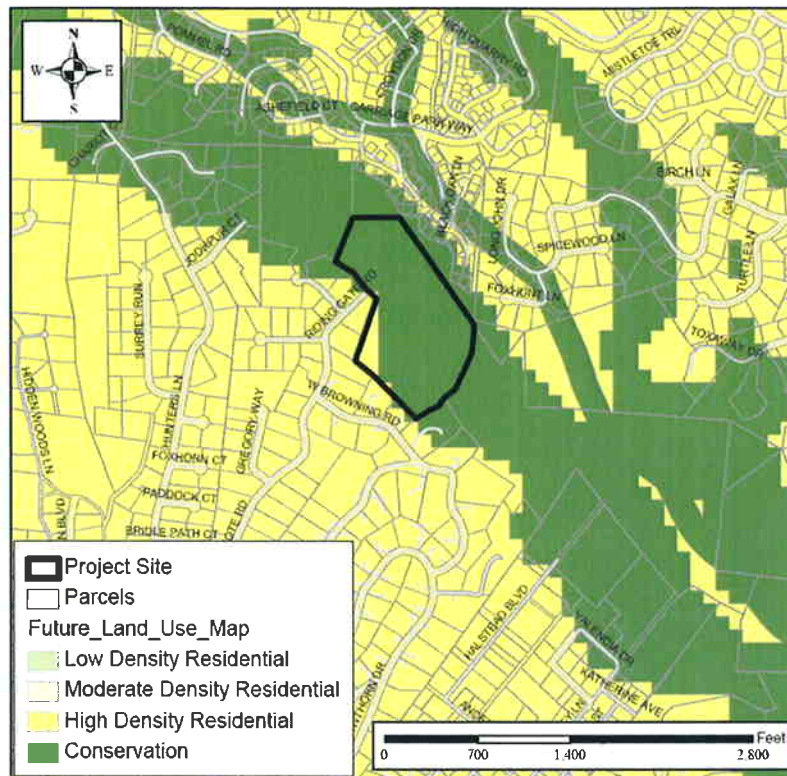
Master Plan Comments:

According to Section 170-16B of the Henderson County Subdivision Ordinance (HCSO), 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. Staff has reviewed the submitted Master Plan, taking into consideration the recommendations of Henderson County's Land Use Plan (the Henderson County 2020 Comprehensive Plan) and Draft Land Development Code:

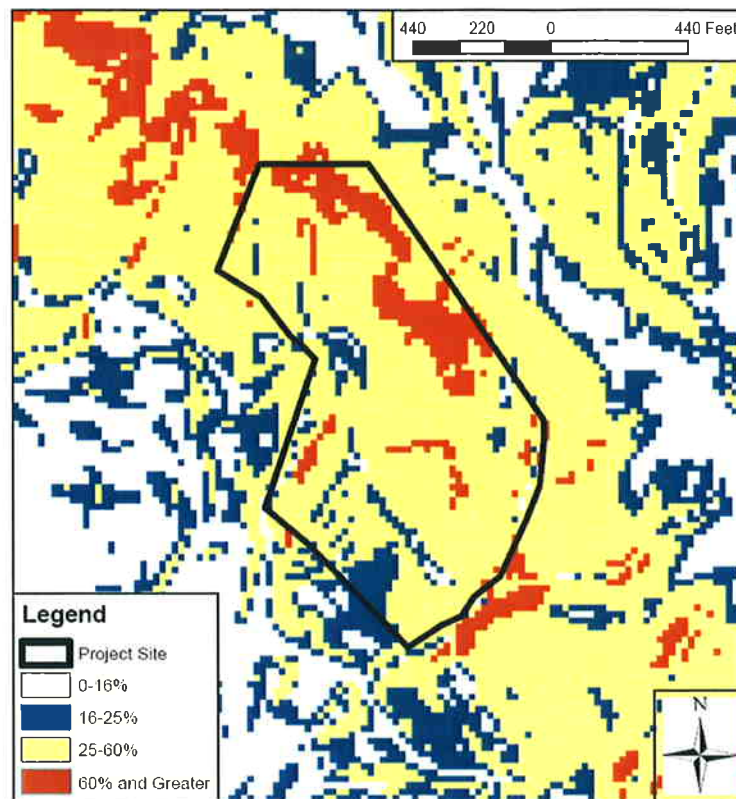
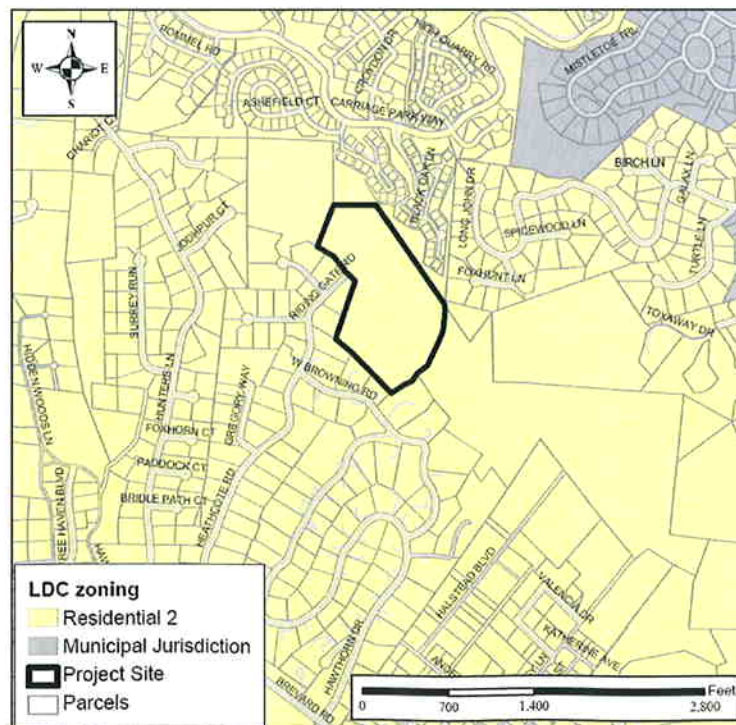
1. **County Comprehensive Plan (CCP).** The Future Land Use Map of the CCP shows the project site as being located within the Urban Services Area (USA) (See Map A: CCP Future Land Use Map). The Urban Services Area is the area within which most urban services and urban scale development should be concentrated. 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 Future Land Use Map shows that most of the development is proposed for land that contains areas designated as conservation. These are likely to be sensitive natural areas such as steep slopes over 25 percent slope. 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).

Map A: CCP Future Land Use Map

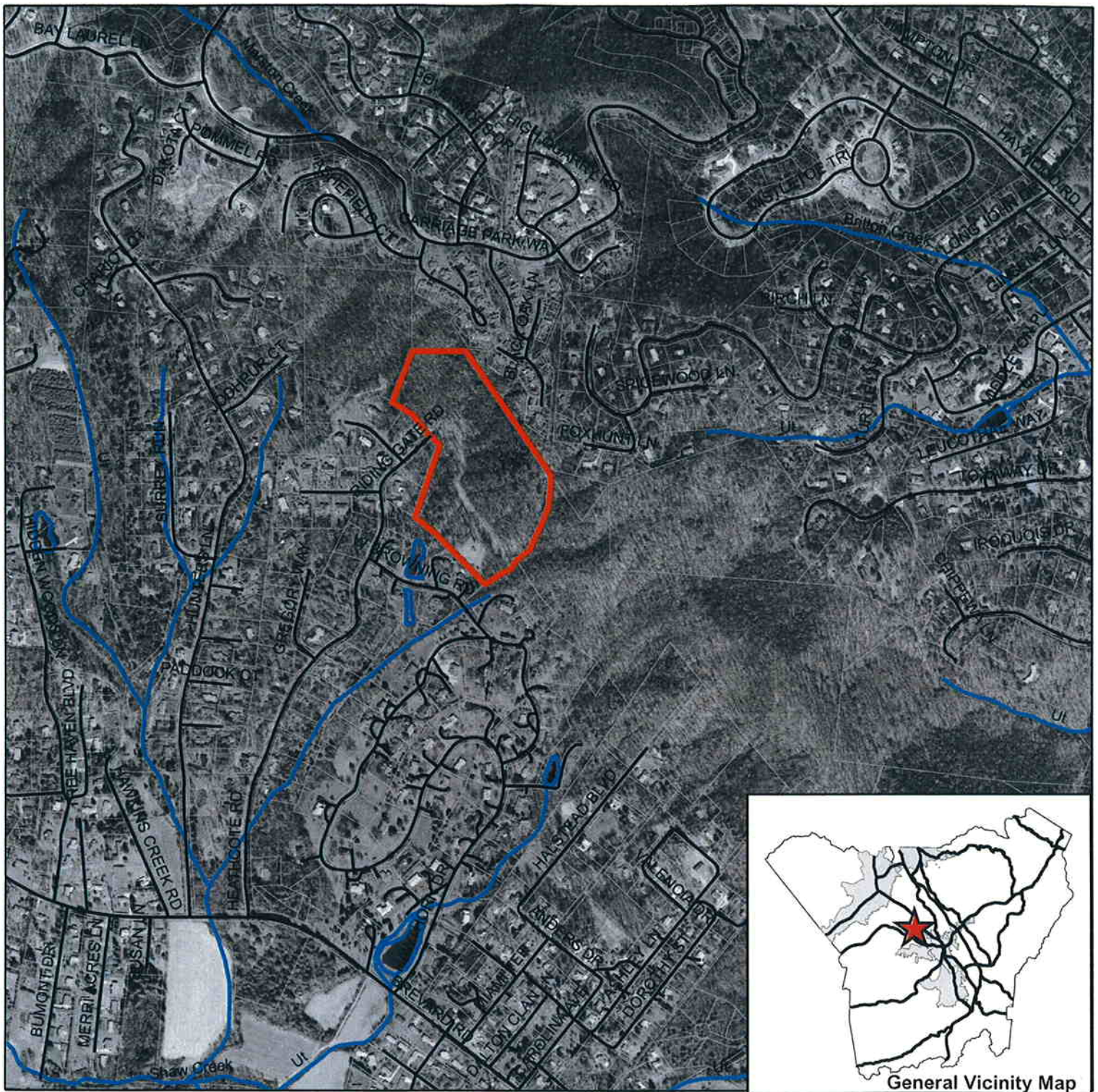


- 2. Land Development Code (LDC).** According to the Land Development Code Zoning Map the proposed project site for this development is located entirely in the Residential Zoning District 2 (R-2) (See Map C: Land Development Code Map). R-2 under the Land Development Code (LDC) allows for a density of one (1) unit per acre for single-family residential development. The applicant has proposed a density of approximately .57 units per acre or 1.75 acres per unit which complies with the density regulations of R-2. Approximately 3.1 acres of land on the project site have a slope of 60 percent or greater. According to the LDC, those 3.1 acres would be limited to 1 unit per 2 acres in R-2. Therefore the applicant would be allowed a total of 17 units on the project site. At the time the application was submitted the County had no land use regulations in place to limit development on these slopes (See Map B: Slope Map).

Map B: Slope Map**Map C: Draft Land Development Code Map**

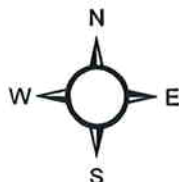
Review Agency Comments:

1. **Comments from Property Addressing.** Curtis Griffin of the Henderson County Property Addressing Office submitted comments regarding the project (See Attachment 5). It appears that the appropriate road names are now reserved with Mr. Griffin.
2. **Comments from North Carolina Department of Transportation.** Josh Lanning, Assistant District Engineer with NCDOT submitted standard comments regarding the project (See Attachment 6).
3. **Comments from Natalie Berry.** See the attached comments regarding floodplain, erosion control and the Water Supply Watershed District.
4. **Other Comments.** Staff may have more comments from Review Agencies at the meeting.



The View at Hawthorne

OWNER/DEVELOPER: Flavor 1st Investments, Inc.
 ZONING: R-2
 WATERSHED: WWSWS IV
 WATER SYSTEM: Municipal
 SEWER SYSTEM: Individual
 ROAD SYSTEM: Private



Legend

- Streets
- The View @ Hawthorne
- Official Blue Line Streams
- Parcels

Memo to Review Agencies
Subdivision Application #2007-M35

September 24, 2007
Page 2

HENDERSON COUNTY PLANNING DEPARTMENT

REVIEW AGENCY RESPONSE FORM

I have reviewed the plan(s) for subdivision application #2007-M35 (The View at Hawthorne) and offer the following comments:

Street directionals added now N + S

Oak Mountain Way

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

Reviewed By

Agency

Date

Please Return to:

Parker Sloan, Planner
Henderson County Planning Department
213 First Ave. East
Hendersonville, NC 28792
psloan@hendersoncountync.org

File No. 2007-M35

HENDERSON COUNTY
DEPARTMENT AND AGENCY
SUBDIVISION REVIEW RESPONSE FORM

This office has reviewed the plans for the proposed subdivision named **The View at Hawthorne 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.
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

Parker Sloan
Henderson County Planning Department
101 E. Allen Street
Hendersonville, NC 28792

File No. 2007-M35

2007-10-04

Comments: 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 web site address

<http://www.hendersoncountync.org/ces/Erosioncontrol/ErosionControlindex.htm>
Henderson County Water Supply Watershed Ordinance comments: Property is located in a Water Supply Watershed IV Protected Area. The regulations are 1 SF for each 20,000 SF of land. Buffering requirement is 30 foot of bank edge of any blue line stream the is adjacent or on the property in question. This buffer is required to be in a vegetated state and to remain as such in its entirety. (If necessary use back of form or additional sheets for comments)

35

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(View at Hawthorne)

Natalie Berry

HC Erosion Control Division Chief

35

Matt Card

HENDERSON COUNTY SUBDIVISION APPLICATION FORM

9/13/07 The View at Hawthorne _____
 Date of Application Subdivision Name Application Number

☒ Major Subdivision ☐ Minor Subdivision ☐ Other

Property Owners Name: Flavor 1st Investments, Inc
 Address: P.O. Box 609
 City, State, Zip: Horse Shoe, NC 28742
 Owner's Agent: Terry Baker
 Telephone No: 828-890-3507
 PIN 9559-46-0513 Deed Book/Page 1179/202
 Zoning District R-20 Fire District Valley Hill Watershed N/A
 Location of property to be divided: @ END OF RIDING GATE RD OFF HEATHCOTE RD
IN HAWTHORNE HILLS SUBDIVISION

Type of Subdivision: ☒ Residential ☐ Commercial ☐ Industrial Present Use _____
 No. Lots Created 12 Original Tract Size 20.97 New Tract Size _____ No. New Lots 12

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.

Michael W. Smith
 APPLICANT (OWNER OR AGENT)

9/13/07
 DATE

Development Plan Approval / Conditions _____

Final Plat Approval: _____ Plat Recorded _____

SUBDIVISION OF LAND

170 Attachment 2

Appendix 2
Henderson County
Appointment of Agent Form
(Optional)



I MITCHELL W. Gaither owner of property located on RIDING GATE RD
(name) (street name)
recorded in 1179/202 and having a parcel identification number (PIN) of 9559-46-0513
(deed book / page)
located in Henderson County, North Carolina, do hereby appoint TERRY BAKER
(agent's name)
to represent me in an application for subdivision of land and authorize him/her to act as my
agent in all matters, formal and informal, except as stated herein, and authorize him/her to
receive all official correspondence. I however understand that as the listed property owner, I
must sign all affidavits and statements required by this Ordinance.

Mitchell W. Gaither
Property Owner

9/13/07
Date



Oehmke
D.B. 1198, Pg. 509

Buttermore
D.B. 1250, Pg. 228

Sparshott
D.B. 1211, Pg. 234

Magro
D.B. 1316, Pg. 604

Magro
D.B. 928, Pg. 774

Magro
D.B. 1316, Pg. 604

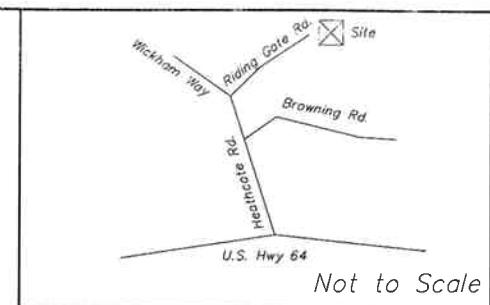
Kolin
D.B. 938, Pg. 476

Cleary
D.B. 1190, Pg. 546

Manson
D.B. 935, Pg. 601

Carriage Park Associates, LLC
D.B. 1082, Pg. 298

Browning Enterprises
D.B. 503, Pg. 415



Vicinity Map

Not to Scale

45' non-exclusive Right of Way,
as described in Deed Book 1179,
Page 202

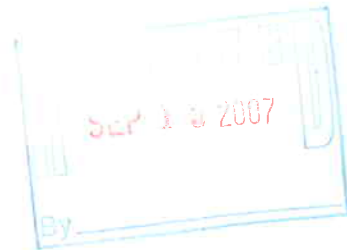
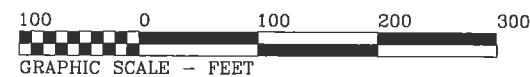
Project Summary

20.97 Acres Total
12 Residential Lots
1,230' of Private Roads
Public Water
Individual Sewer
Zoned R-20
Valley Hill Fire District

Note:
This property lies within 1/2 mile of a Farmland Preservation District
10' Contour Intervals

All adjoining lots shown are located in Hawthorne
Hills Subdivision, and recorded on plat slides;
1494, 1804, Cab. C Pg. 331A, Cab. C Page 345A, and Cab. A Pg. 73

Existing water line runs along Riding Gate Road

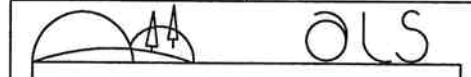


Master Plan of: The View at Hawthorne

Flavor 1st Investments, Inc.
P.O. Box 609
Horse Shoe, NC 28742
-Owners-
Deed Book 1179, Page 202

Pin: 9559-46-0513

Hendersonville Township Henderson County, NC



**ASSOCIATED LAND SURVEYORS
& PLANNERS PC.**
P.O. BOX 578 * HORSE SHOE, NC 28742
(828) 890-3507

SCALE: 1 inch = 100 Feet DATE: September 10, 2007
JOB NO.: S - 07 - 232 DRAWN BY: CSB C&G 7.0