

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY PLANNING BOARD

**MEETING DATE:** Thursday, November 15, 2007

**ATTACHMENTS:**

1. Staff Report
2. Vicinity Map
3. Photos of Project Site
4. Review Agency Response Form – NCDOT
5. Subdivision Application with Attachments
6. Combined Master and Development Plan

**SUBJECT:** Combined Master and Development Plan for Upward Commercial Park Major Subdivision (2007-M36)

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

Mr. Mark Corn of Associated Land Surveyors and Planners, P.C., agent, on behalf of the owner, Mr. Wayne P. Morgan of DWM Investments LLC, submitted the Combined Master and Development Plan for Upward Commercial Park. The project is located on 5.67 acres of land (PIN: 9588-70-5472) off Upward Road (SR 1783). The applicant is proposing a five (5) lot subdivision for commercial purposes. The project is located in the Community Commercial (CC) zoning district. The project is not located in a water supply watershed district nor is it located within the floodplain (see Plan). The project site does not contain any slopes in excess of 60 percent. Private roads, public water (City of Hendersonville) and private individual septic are proposed to serve the project site.

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

Staff has found that the proposed Combined Master and Development 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 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, including those comments and conditions recommended by the Technical Review Committee.

#### **Suggested Motion:**

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

And

I further move that the Combined Master 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), conditions recommended by the Technical Review Committee, and any conditions or 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 Upward Commercial Park Major Subdivision (File #2007-M36)

**Mr. Wayne P. Morgan of DWM Investments LLC; Owner/Applicant**  
**Mr. Mark Corn with Associated Land Surveyors and Planners, P.C., Agent**

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#### **Project Overview:**

Mr. Mark Corn of Associated Land Surveyors and Planners, P.C., agent, on behalf of the owner, Mr. Wayne P. Morgan of DWM Investments LLC, submitted the Combined Master and Development Plan for Upward Commercial Park. The project is located on 5.67 acres of land (PIN: 9588-70-5472) off Upward Road (SR 1783). The applicant is proposing a total of five (5) lots for commercial purposes. The project is located in the Community Commercial (CC) zoning district. The project is not located in a water supply watershed district nor is it located within the floodplain. The project site does not contain any slopes in excess of 60 percent. Private roads, public water (City of Hendersonville) and private individual septic are proposed to serve the project site.

#### **Master Plan Comments:**

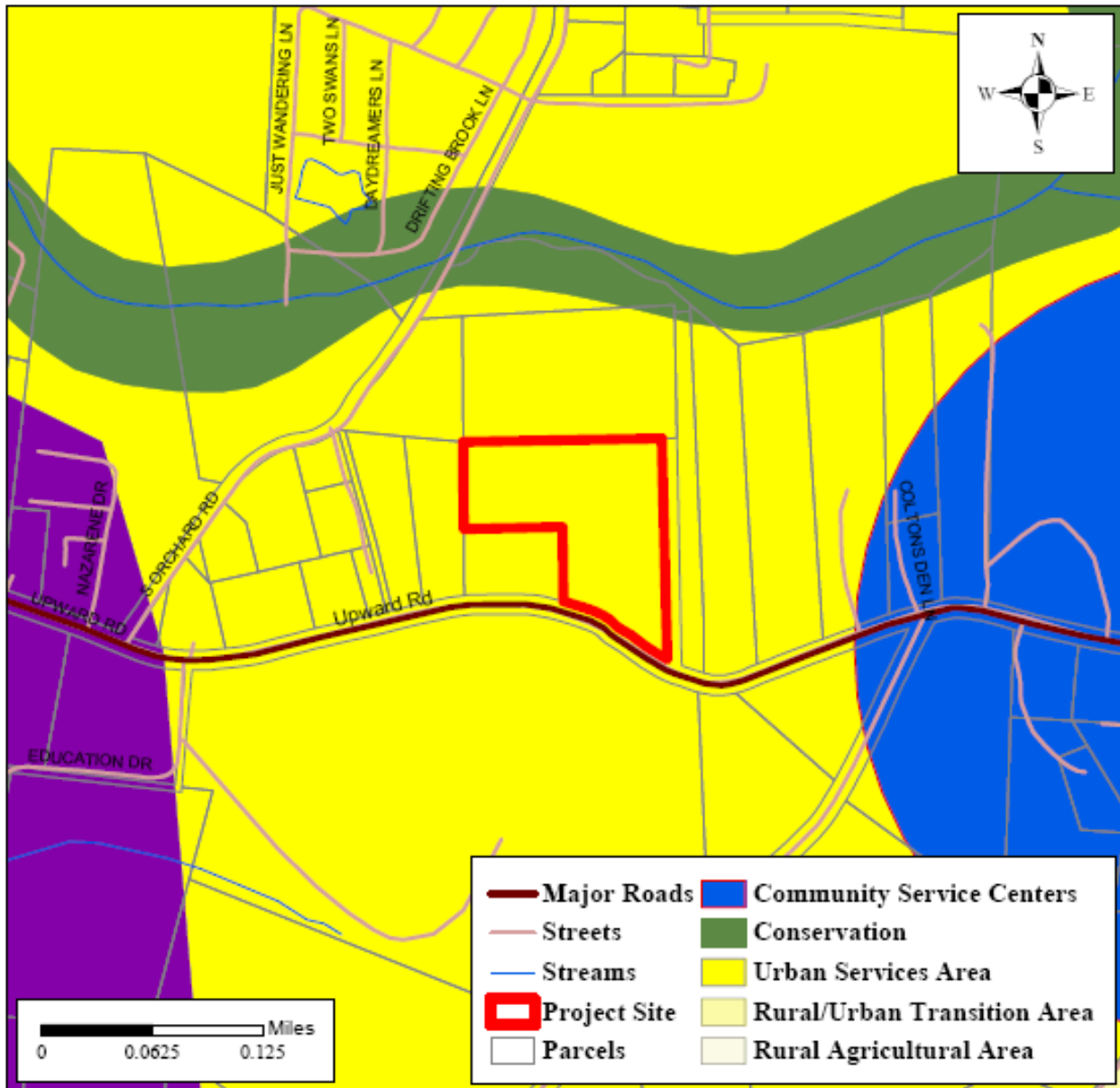
According to Chapter 200A, Henderson County Land Development Code (LDC) §200A-309, the purpose of a Master Plan is to provide general information about the proposed development to allow for an assessment of its impact on the orderly growth and development of the County, environmental quality, land values, 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 and Development Plan for Upward Commercial Park, taking into consideration the recommendations of the *Henderson County 2020 Comprehensive Plan*.

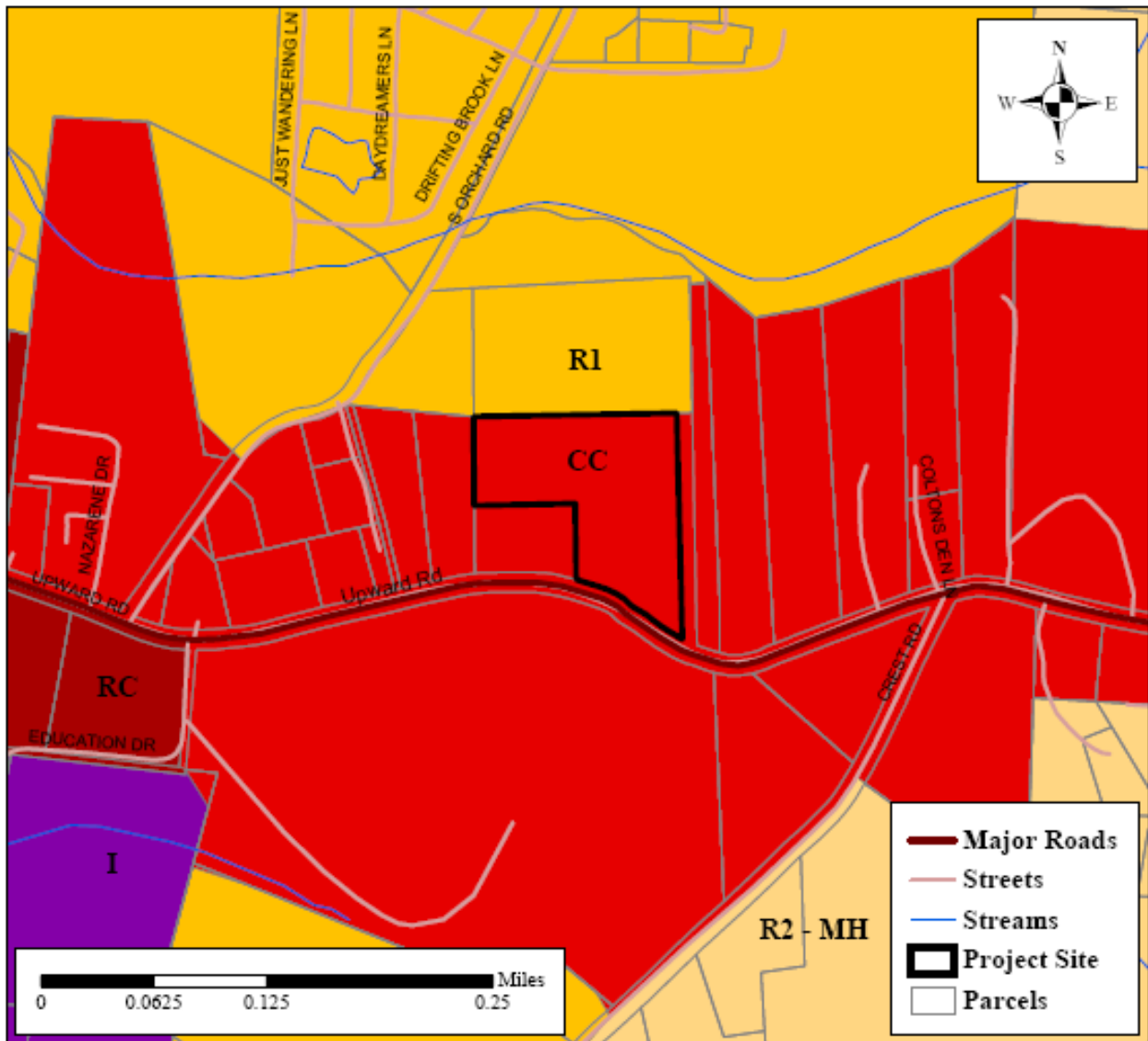
1. **Henderson County 2020 Comprehensive Plan (CCP).** The Future Land Use Map of the CCP shows the project site as being located within the Urban Services Area (USA) (See Map A: CCP Future Land Use Map). The CCP notes that the USA “will contain considerable commercial development at a mixture of scales,” and further that “commercial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community.”

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



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, the proposed project site is located within the Community Commercial (CC) Zoning District (See Map B: Official Zoning Map). The CC district allows for commercial development at a variety of scales. The maximum gross floor area for any single commercial use on a single lot shall be 30,000 square feet. Where the lot contains more than one (1) commercial use, the primary commercial use shall have a maximum gross floor area of 80,000 square feet, and any other use located on the same lot shall have a maximum gross floor area of 30,000 square feet. Beyond this, the maximum impervious surface on any commercial lot shall be 80 percent of the lot.

**Map B: Official Zoning Map**



**Development Plan Comments:**

1. **Soil Erosion and Sedimentation Control Plan.** The Applicant has submitted written notice from a professional land surveyor that no plan is required. (LDC §200A-81 A).
2. **Water.** The applicant has proposed public water (City of Hendersonville). A letter has been provided by the applicant indicating that there is sufficient capacity to make connection to the water system. According to LDC §200A-81 B, the applicant must provide evidence that the water supply plans have been approved by the appropriate agency. All public water systems shall be installed and shall meet the requirements of the Henderson County Health Department or other government authorities having jurisdiction thereof. The development plan may be approved contingent on final approval from such agencies; 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, at minimum, meet the County's standard of one (1) hydrant per 1,000 feet of linear road distance (LDC §200A-81 B(3)).
3. **Private Road Standards.** The Applicant has provided a cross section for the proposed Morgan Hill Drive. This cross section indicates that these are to be subdivision local roads. All subdivision roads must be designed and constructed to the minimum standards of LDC §200A-81 C (Table 3.1).
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 (LDC §200A-81 C (Table 3.1). and §200A-81 C(4)).
5. **Road Intersections.** The Applicant has proposed using an existing road, Morgan Hill Drive (with improvements as necessary), which will intersect with Upward Road (SR 1722). According to LDC §200A-81 C(6), intersections with angles of 75 to 90 degrees are preferred. Road intersection angles, which meet the requirements of the LDC, must be shown on the final plat.
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-81 E).
7. **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-81 G).
8. **Notice of Farmland Preservation District.** The final plat shall contain a note stating that the property lies within one-half ( ½) mile of land in a Farmland Preservation District (LDC §200A-81 P).
9. **Street Tree Requirements.** Street trees shall be required for all major subdivisions (LDC §200A-81 R). Trees shall be required at a rate of one (1) large deciduous tree per 50 feet of property abutting an internal road (LDC §200A-145). Trees shall be placed within the right-of-way or within 20 feet of the edge of the right-of-way and may be

placed in groups with a minimum spacing of no more than 65 feet (LDC §200A-146). The Technical Review Committee (TRC) may alter the requirements of Article V (Landscaping Requirements) so long as proposed landscape features of the development comply with the intent of the Article and provide that conditions make it unreasonable to meet the landscaping requirements (§200A-155). The TRC, at its meeting on November 6, 2007, recognized that the existing parking area on Lot 2 abuts the proposed road for approximately 150 feet, making the maximum 65 foot separation for street trees unreasonable in this area. The TRC also determined that the plan is compliant in its ability to fulfill the intent of this Article.

The TRC recommends, as a condition of approval, that the installed street trees be of the recommended species of Article V, Subpart F, Table 5.5, Recommended Large Deciduous Trees, in order to be compliant with the intent of the Article. Planning Staff recommends, as a condition of approval, that the applicant provide trees at the required rate and separation (except where otherwise noted by the TRC) and certify the same on the final plat, or bond the landscaping in order to guarantee the installation of the required improvements (LDC §200A-154).

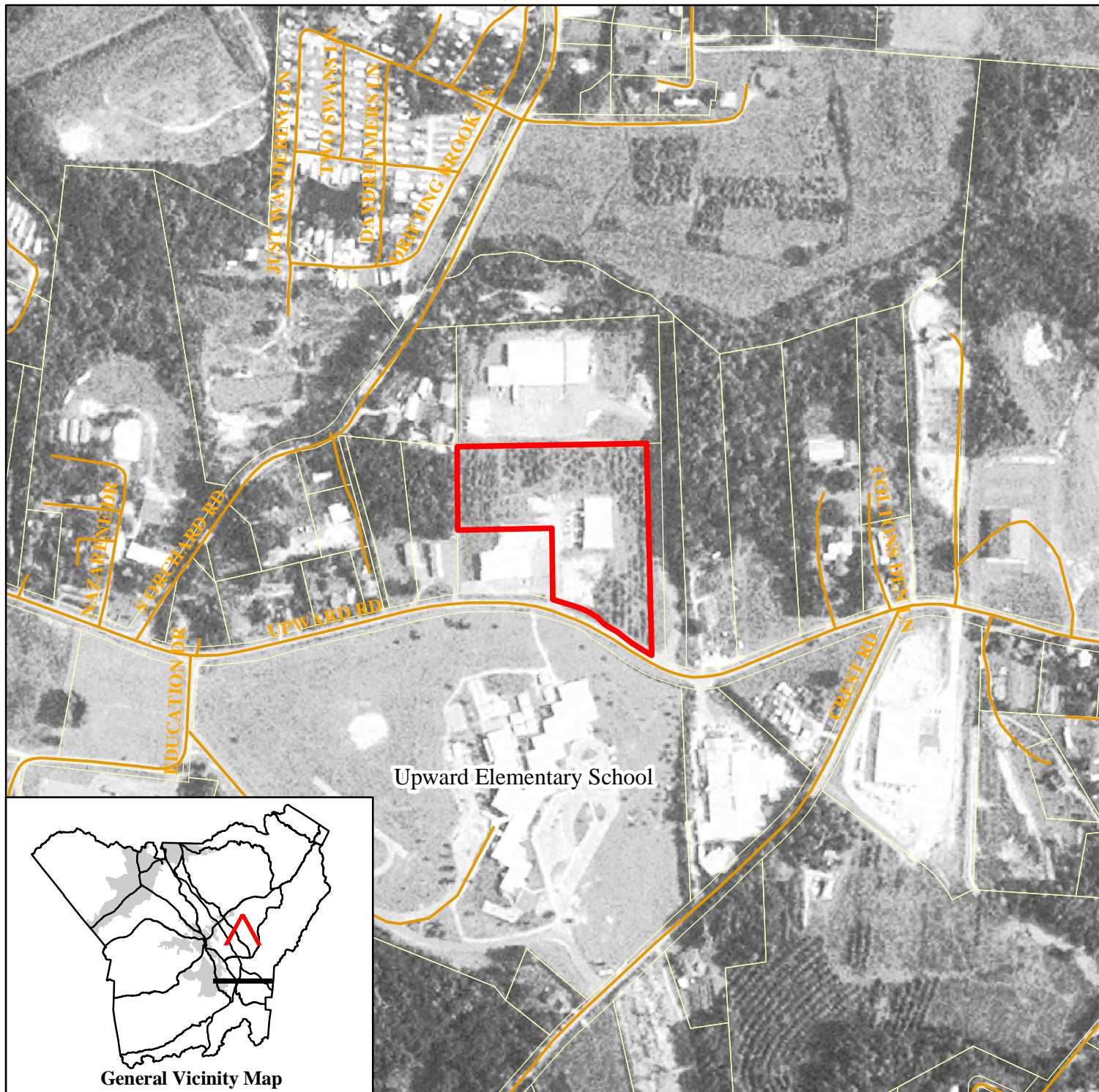
10. **Miscellaneous Advisory Provisions.** The Applicant should become familiar with the miscellaneous advisory provisions contained in LDC §200A-81 S.
11. **Final Plat Requirements.** The Final Plat(s) must meet the requirements provided by the Planning Department whenever a subdivision of land occurs (LDC §200A-311 B(2)).

#### **Technical Review Committee Comments Recommendations:**

The Henderson County Technical Review Committee considered the Combined Master and Development Plan for Upward Commercial Park Major Subdivision (File #2007-M36) at its regularly scheduled meeting on November 6, 2007. During that meeting, the Committee voted 7 to 0 to send the Planning Board a favorable recommendation with the following comments and conditions. Due to existing conditions (the existing parking area on Lot 2 abuts the proposed road for approximately 150 feet) alternative compliance from the landscaping requirements of Chapter 200A (a maximum 65 foot separation for street trees), as approved by the TRC and allowed under §200A-155, be afforded provided the installed street trees be of the recommended species of Article V, Subpart F, Table 5.5, Recommended Large Deciduous Trees, in order to ensure compliance with the intent of Article V (Landscape Design Standards).

#### **Review Agency Comments:**

1. **Comments from North Carolina Department of Transportation.** Josh Lanning, Assistant District Engineer with NCDOT submitted comments regarding the project (See Attachment 4). Mr. Lanning's comments reflect the need for obtaining street and driveway access permits prior to connecting any roads or drives to an NCDOT maintained road (Upward Road (SR 1722)).



# Upward Commercial Park

DEVELOPER & OWNER: Wayne P. Morgan, DWM Investments LLC

AGENT: Associated Land Surveyors & Planners PC

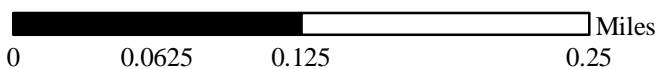
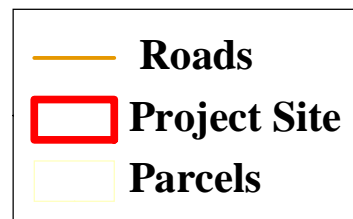
ZONING: Community Commercial (CC)

WATERSHED: None

WATER SYSTEM: Public Water (City of Hendersonville)

SEWER SYSTEM: Private Individual Septic

ROAD SYSTEM: Private





1. View of the Project Site frontage along Upward Road (SR 1722) looking east.



2. View of the existing commercial use on the property, looking north from the intersection of Upward Road (SR 1722) and existing driveway (proposed as Morgan Hill Drive).



3. View of existing driveway (proposed Morgan Hill Drive) on Project Site, looking north from Upward Road (SR 1722).



4. View of posted notice regarding the Planning Board meeting, posted on site by Planning Staff.



HENDERSON COUNTY  
DEPARTMENT AND AGENCY  
SUBDIVISION REVIEW RESPONSE FORM

This office has reviewed the plans for the proposed subdivision named **Upward Road Commercial Park** and offers 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. The developer may be required to furnish a Transportation Impact Study and possibly make offsite road improvements in order to receive a driveway permit, if anticipated traffic volumes warrant these measures.
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: 11-01-07

Matthew Cable  
Henderson County Planning Department  
101 E. Allen Street  
Hendersonville, NC 28792

**File No. 2007-M36**

Application No. 2007-M36

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

**SUBDIVISION INFORMATION**

Subdivision Name: UPWARD COMMERCIAL PARK  
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: 5  
Total Number Proposed Units: 5    Proposed Density (units per acre): \_\_\_\_\_  
Road System:    ( ) Public     Private    ( ) Combination Public and Private  
Water System:    ( ) Individual    ( ) Community     Municipal  
Sewer System:  Individual    ( ) Community    ( ) Municipal

**PARCEL INFORMATION**

PIN: 9588-70-5472    Total Acreage: 5.67    Deed Book/Page: 1198/622 Township Blue Ridge  
Location of property to be divided: UPWARD ROAD ACROSS FROM UPWARD  
ELEMENTARY  
Zoning District: COMMUNITY COMMERCIAL    Fire District: BLUE RIDGE  
Water Supply Watershed: NONE    School District: UPWARD, FLAT ROCK, 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

OCT 24 2007

**CONTACT INFORMATION**

Property Owner:  
Name: DWM INVESTMENTS LLC    Phone: 692-6770  
Address: PO BOX 502    City, State, Zip: LAKE LURE NC 28746

Applicant:  
Name: WAYNE P. MORGAN    Phone: 692-6770  
Address: PO BOX 502    City, State, Zip: LAKE LURE NC 28746

Agent: Agent Form (Circle One):  Yes    No   
Name: ASSOCIATED LAND SURVEYORS    Phone: 890-3507  
Address: PO BOX 578    City, State, Zip: HORSE SHOE NC 28742

Plan Preparer:  
Name: MARK CORN    Phone: 890-3507  
Address: PO BOX 578    City, State, Zip: HORSE SHOE NC 28742

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

MARK A. CORN    Mark A. Corn    10-12-07  
Print Applicant (Owner or Agent)    Signature Applicant (Owner or Agent)    Date

SUBDIVISION OF LAND

170 Attachment 2

Appendix 2  
Henderson County  
Appointment of Agent Form  
(Optional)

I WAYNE MORGAN owner of property located on VPWAED Road  
(name) (street name)  
recorded in 1198 / 622 and having a parcel identification number (PIN) of 9588-70-5472  
(deed book / page)  
located in Henderson County, North Carolina, do hereby appoint ASSOCIATED LAND SURVEYORS  
(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.

Wayne F. Morgan  
Property Owner

9-19-07  
Date

RECORDED  
OCT 24 2007

BY:.....

**AFFIDAVIT OF UNDERSTANDING OF  
FARMLAND PRESERVATION DISTRICT**

I hereby certify that I acknowledge that the Henderson County Board of Commissioners on December 18, 1991, did adopt the HENDERSON COUNTY VOLUNTARY FARMLAND PRESERVATION PROGRAM ORDINANCE whose purpose is to establish and identify designated agricultural districts to encourage the economic and financial well being of farming areas, to increase protection from nuisance suits, undesirable non-farm development and other negative impacts on participating farms, and to increase the identity and pride in the agricultural community and its way of life.

I further certify that the property I intend to develop is within ±1250 feet of Farmland listed in the Farmland Preservation Program and is identified as the Blue Ridge district on maps provided by the Henderson County Office of the Natural Resources Conservation Service.

Wayne P. Morgan  
Name of Owner

10/21/07  
Date

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

I, MARK A. CORN, a Notary Public for said County and State, do hereby certify that

\_\_\_\_\_ personally appeared before me this date and acknowledged the due execution of the foregoing instrument.

Witness by hand and official seal, this the 21 day of OCTOBER, 2007.

Mark A. Corn  
Notary Public

My Commission Expires: August 8, 2012



RECEIVED  
OCT 24 2007

BY:.....

MARK CORN

.....  
Associated Land Surveyors and Planners, PC

P.O. Box 578

Horse Shoe, NC 28742

828-890-3507

Fax 828-890-3520

mcornals88@mchsi.com

October 18, 2007

Henderson County Planning Department;

The Upward Commercial Park subdivision is exempt from acquiring a Sediment and Erosion control plan as only 0.10 acres will be disturbed in the extension of Morgan Hill Drive.

A Erosion Control Permit is required from the Henderson County Sedimentation Control Administrator as more than 100 Sq. Ft. will be disturbed during construction.

Sincerely,



Mark A. Corn

Professional Land Surveyor, L-4154

RECEIVED  
OCT 24 2007

BY:.....

OFFICERS:

# CITY OF HENDERSONVILLE

*"The City of Four Seasons"*

Greg Newton  
Mayor  
Barbara Cook  
Mayor Pro-Tem  
Clay A. Carter  
City Manager

WATER AND SEWER DEPARTMENT  
Lee Smith, Utilities Director

Monday, October 22, 2007

Mr. Mark Corn  
Mark A. Corn Associated Land Surveyors and Planners  
P.O. Box 578  
Horse Shoe, NC 28742

RE: DWM INVESTMENTS PROPERTY  
PARCEL IDENTIFICATION NUMBER 9588705472  
WATER AVAILABILITY

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Dear Mr. Corn:

We have received and reviewed your request, dated October 15, 2007, regarding water availability for the above referenced property. We have determined that City water is available to this property along Upward Rd. from an 8-inch water main to the south of the property. Based on our findings, the above referenced project would be eligible for City water service.

This letter is intended to serve as information only and should not be regarded as an approval for the above referenced property to connect to the City's applicable utility systems. If you have any questions or require additional information regarding this correspondence please let us know.

Sincerely,

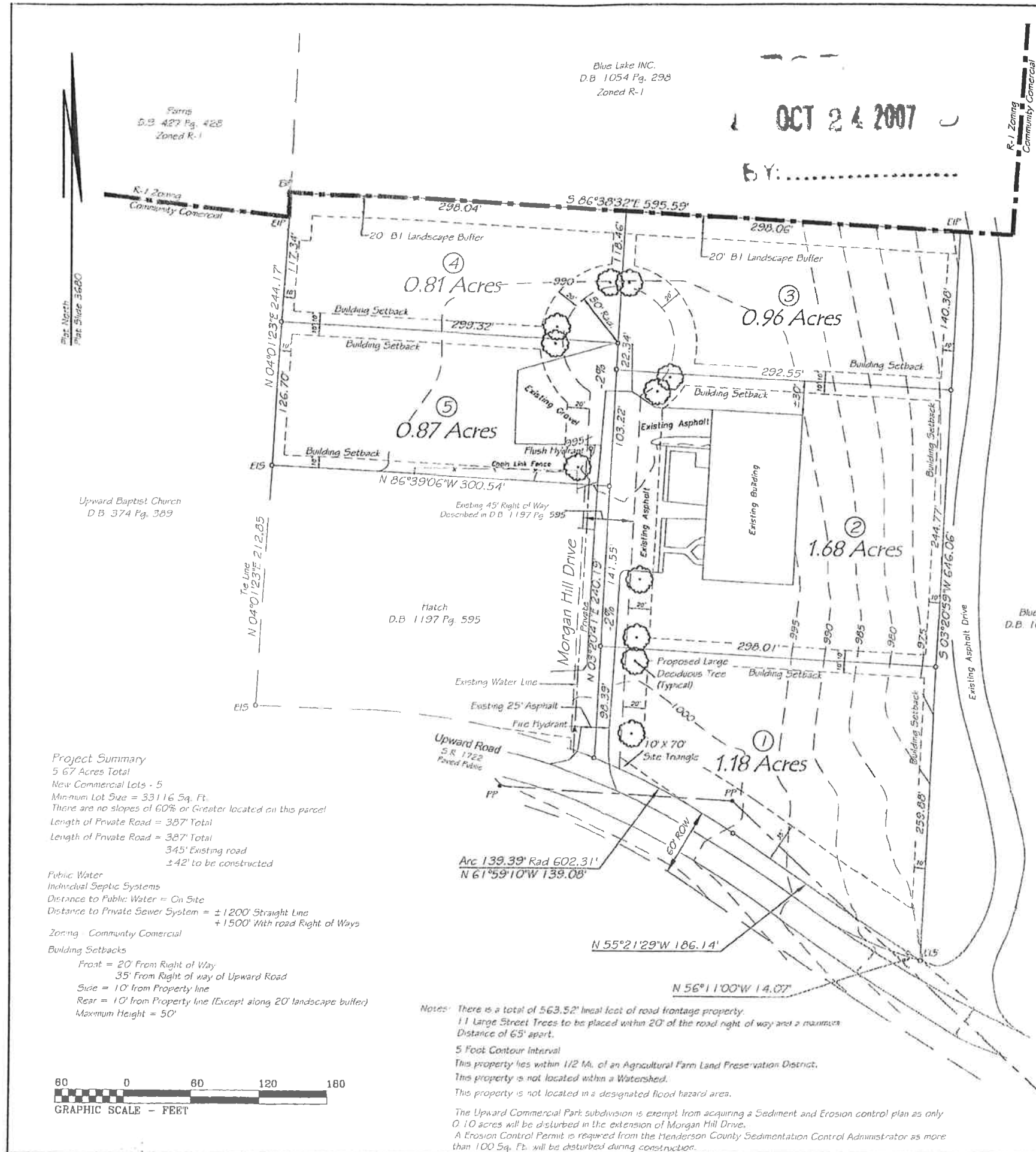


Lee Smith  
Utilities Director

RECEIVED  
OCT 24 2007

cc: Dennis Frady, Assistant Utilities Director  
Anthony Starr, Henderson County Planning Director

B.....



Farris  
D.B. 427 Pg. 428  
Zoned R-1

Blue Lake INC.  
D.B. 1054 Pg. 298  
Zoned R-1

R-1 Zoning  
Community Commercial

For North  
Plate Slide 3680

Upward Baptist Church  
D.B. 374 Pg. 369

Hatch  
D.B. 1197 Pg. 595

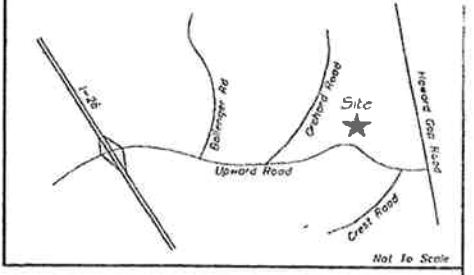
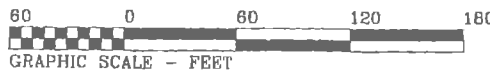
Blue Lake INC.  
D.B. 1054 Pg. 298

**Project Summary**  
5.67 Acres Total  
New Commercial Lots - 5  
Minimum Lot Size = 33,116 Sq. Ft.  
There are no slopes of 60% or Greater located on this parcel  
Length of Private Road = 387' Total  
Length of Private Road = 387' Total  
345' Existing road  
±42' to be constructed

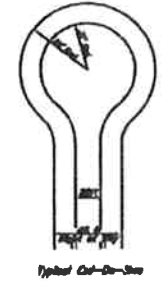
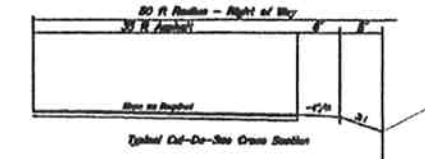
Public Water  
Individual Septic Systems  
Distance to Public Water = On Site  
Distance to Private Sewer System = ±1200' Straight Line  
+1500' With road Right of Ways

Zoning - Community Commercial  
Building Setbacks  
Front = 20' From Right of Way  
35' From Right of way of Upward Road  
Side = 10' from Property line  
Rear = 10' from Property line (Except along 20' landscape buffer)  
Maximum Height = 50'

**Notes:** There is a total of 563.52' lineal feet of road frontage property.  
11 Large Street Trees to be placed within 20' of the road right of way and a maximum distance of 65' apart.  
5 Foot Contour Interval  
This property lies within 1/2 Mi. of an Agricultural Farm Land Preservation District.  
This property is not located within a Watershed.  
This property is not located in a designated flood hazard area.  
The Upward Commercial Park subdivision is exempt from acquiring a Sediment and Erosion control plan as only 0.10 acres will be disturbed in the extension of Morgan Hill Drive.  
A Erosion Control Permit is required from the Henderson County Sedimentation Control Administrator as more than 100 Sq. Ft. will be disturbed during construction.



Vicinity Map



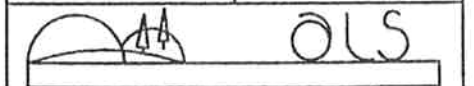
Combined Master and Development Plan for  
**Upward Commercial Park**

Owner and Developer  
DWM Investments, LLC  
P.O. Box 502  
Lake Lure, NC 28746

Revised Street Tree calculations on 10/23/07

Pin: 9588-70-5472

Blue Ridge Township Henderson County, NC



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

SCALE: 1 Inch = 60 Feet DATE: October 16, 2007  
JOB NO.: S-07-228 DRAWN BY: MAC

Legend  
EIP = Existing Iron Pipe  
EIS = Existing Iron Stake  
PP = Power Pole  
ROW = Right of Way  
RAD = Radius