

# Henderson County Planning Department

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213 1<sup>st</sup> Avenue East • Hendersonville, North Carolina 28792  
Phone (828) 697-4819 Fax (828) 697-4533

## MEMORANDUM

**TO:** Review Agencies (see distribution list)  
**TRC MEETING DATE:** July 1, 2008  
**SUBDIVISION:** Rock Creek Falls (2008-M10)  
**NAME OF APPLICANT:** Nat Phillips, III (Rock Creek Falls LLC), Owner  
**DEPARTMENT:** Planning  
**STAFF CONTACT:** Matt Card, Planner  
**ATTACHMENTS:** Request for Committee Action, Staff Report and Attachments

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### **SUMMARY OF REQUEST:**

#### **Master Plan for the Rock Creek Falls Major Subdivision (2008-M10)**

Mr. Andy Otten with Melrose Design Group, agent, on behalf of Nat Phillips, III, with Rock Creek Falls, LLC, submitted a Master Plan for a major subdivision titled Rock Creek Falls. The project site is located at the end of West Rock Creek Road in the Green River area of the County. The applicant is proposing a total of 121 single-family residential lots on one parcel of land (PIN 9544752161). This parcel is approximately 207 acres in size. The project site is located outside of the Green River Fire Tax District and is about 6.6 miles from Green River Fire Station #1 which is located off of Old US Hwy 25. The applicant is proposing a pond near the entrance which would be used for fire protection.

Rock Creek Falls is located in the R-3 zoning district. The applicant has proposed a density of .59 dwelling units per acre or 1.7 acres per dwelling unit. A protected mountain ridge protrudes into the western edge of the project site. Approximately 37 acres of 60 percent slopes or greater are located on the property. Almost entirely surrounding the property is the Green River Farmland Preservation District. Private roads, private water and private sewerage systems are proposed.

Please review the attached plans and return any comments to the Henderson County Planning Department by June 23, 2008 either by printing out the comment sheet provided or sending it back to the Planning Department via email to [mcard@hendersoncountync.org](mailto:mcard@hendersoncountync.org). The Henderson County Technical Review Committee will consider your comments when reviewing the proposed plans.

#### **Distribution List**

Henderson County Technical Review Committee  
Terry Layne, Henderson County EMS Director  
Curtis Griffin, Henderson County Property Addressing Coordinator  
Dr. Stephen Page, Superintendent, Henderson County Public Schools  
Commander Eddie Watkins, Henderson County Sheriff's Dept.  
Chief Todd McCrain, Green River Volunteer Fire & Rescue Department, Inc.  
Josh Lanning, Assistant District Engineer, NCDOT

**HENDERSON COUNTY PLANNING DEPARTMENT  
REVIEW AGENCY RESPONSE FORM**

I have reviewed the plan(s) for subdivision application #2008-M10 (Rock Creek Falls) and offer the following comments:

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

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Reviewed By	Agency	Date
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Please Return to:                    Matt Card, Planner  
Henderson County Planning Department  
213 1<sup>st</sup> Avenue East  
Hendersonville, NC 28792  
[mscard@hendersoncountync.org](mailto:mscard@hendersoncountync.org)

## REQUEST FOR COMMITTEE ACTION

### HENDERSON COUNTY TECHNICAL REVIEW COMMITTEE

**MEETING DATE:** Tuesday, July 1, 2008

**SUBJECT:** Master Plan for Rock Creek Falls Major Subdivision (2008-M10)

**STAFF CONTACT:** Matt Card

**ATTACHMENTS:**

1. Staff Report
2. Vicinity Map
3. Pictures of the Site
4. Subdivision Application
5. Agent Form
6. Emergency Service Impact Report with Associated Maps
7. Master Plan

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

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##### **Master Plan for the Rock Creek Falls Major Subdivision (2008-M10)**

Mr. Andy Otten with Melrose Design Group, agent, on behalf of Nat Phillips, III, with Rock Creek Falls, LLC, submitted a Master Plan for a major subdivision titled Rock Creek Falls. The project site is located at the end of West Rock Creek Road in the Green River area of the County. The applicant is proposing a total of 121 single-family residential lots on one parcel of land (PIN 9544752161). This parcel is approximately 207 acres in size. The project site is located outside of the Green River Fire Tax District and is about 6.6 miles from Green River Fire Station #1 which is located off Old US Hwy 25. The applicant is proposing a pond near the entrance which would be used for fire protection. It also appears that the nearest EMS station is located about 12.4 miles from the project site.

Rock Creek Falls is located in the R-3 zoning district. The applicant has proposed a density of .59 dwelling units per acre or 1.7 acres per dwelling unit. A protected mountain ridge protrudes into the western edge of the project site. Approximately 37 acres of 60 percent slopes or greater are located on the property. Almost entirely surrounding the property is the Green River Farmland Preservation District. Private roads, private water and private sewerage systems are proposed.

#### **TECHNICAL REVIEW COMMITTEE ACTION REQUESTED:**

Based on the findings of the Emergency Services Impact Report it appears that Rock Creek Falls would have a serious impact on the County's ability to protect the lives and property of this project and the surrounding area. Staff finds that the density of this project should be reduced based on the provisions of §200A-105 (Emergency Services Impact Report). This provision allows the reviewing agency to require a project to be built at a maximum density of one (1) unit per three (3) acres. Based on this information and the comments listed in the Staff Report (Attachment 1), planning staff is recommending that the Rock Creek Falls, as proposed, be denied.

#### **Suggested Motion:**

I move that the Committee recommend denial of the Master Plan for the Rock Creek Falls major subdivision, as proposed, based on the comments listed in the Staff Report (Attachment 1).

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**Henderson County Planning Department Staff Report****Combined Master and Development Plan Review for Rock Creek Estates (File #2008-M10)**

**Nat Phillips, III, with Rock Creek Falls, LLC, Owner**  
**Andy Otten with Melrose Design Group, Agent**

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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 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 Master Plan for Rock Creek Falls, 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:

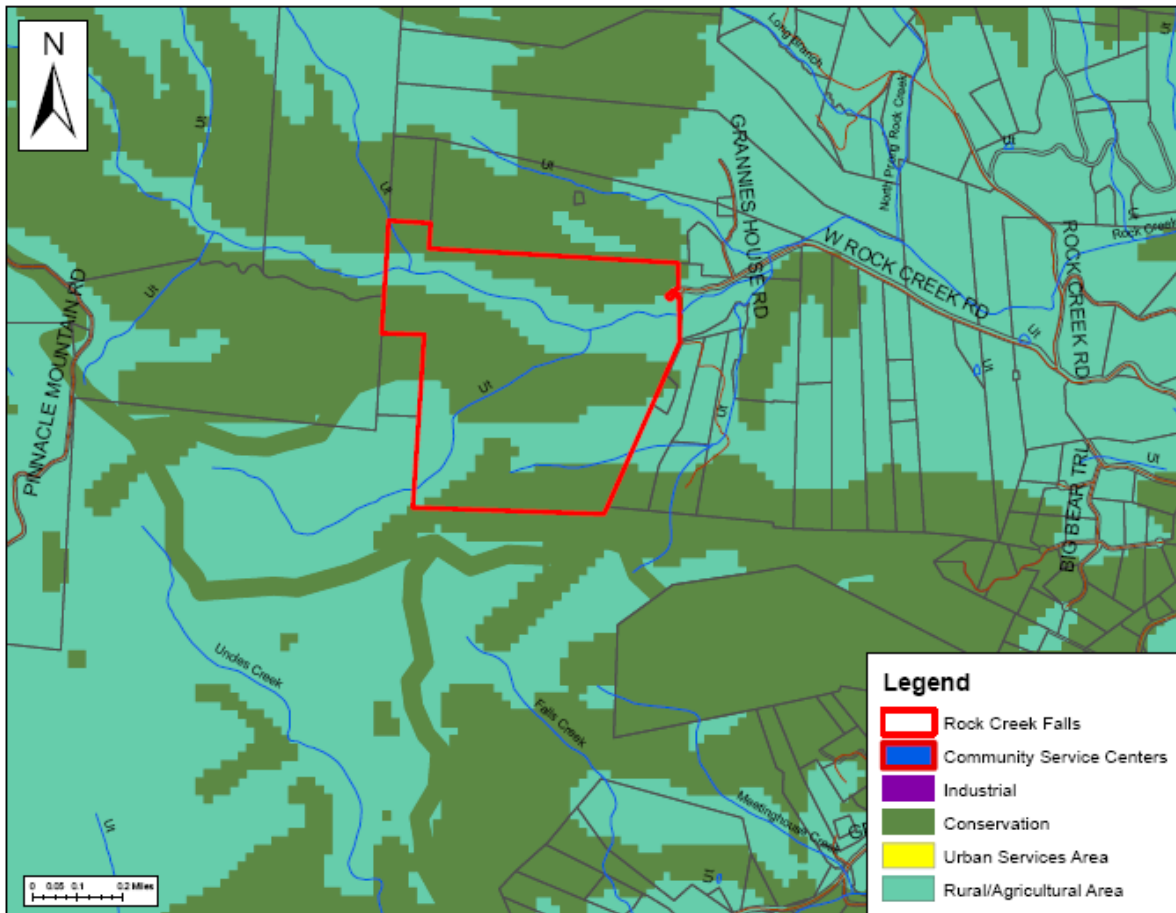
1. ***Henderson County 2020 Comprehensive Plan (CCP) Henderson County 2020 Comprehensive Plan (CCP).*** The Future Land Use Map of the CCP shows the subject property as being located within the Rural Agricultural Area (RAA) of the Growth Management Strategy.
  - Through the year 2020 the RAA is expected to remain predominantly rural with low-density residential development because of the location, topography, and lack of public infrastructure for these areas.
  - RAAs are usually so far from public water and sewer as to make extensions of such utilities economically unfeasible.
  - The CCP suggests that areas in the RAA should be developed at an average density of 5 or more acres per residential dwelling unit.
  - The CCP states that extraordinary care should be taken in these areas to preserve their rural character and environmental resources.
  - The CCP also states that land use planning should acknowledge the presence of sensitive natural areas such as floodplains, wetlands, areas of excessively steep topography and other natural assets and should strive to protect these areas from development which would damage such resources or diminish their integrity.
  - 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, streams, creeks, waterfalls, forest reserves, wildlife conservation

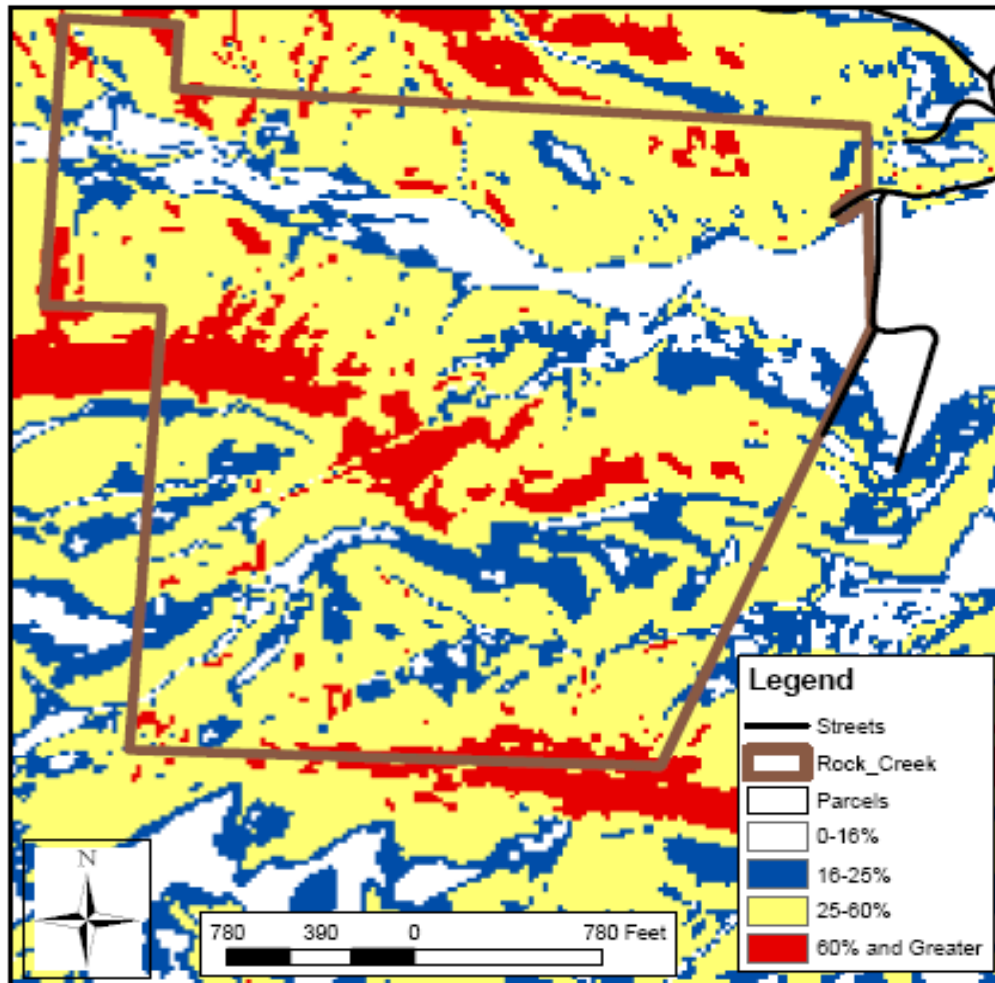


areas and key watersheds. As you can tell from comparing Map A and Map B below, most of the conservation areas shown on Map A are steep slopes.

- The CCP states that lands identified as conservation are intended to remain largely in their natural state, with only limited development.

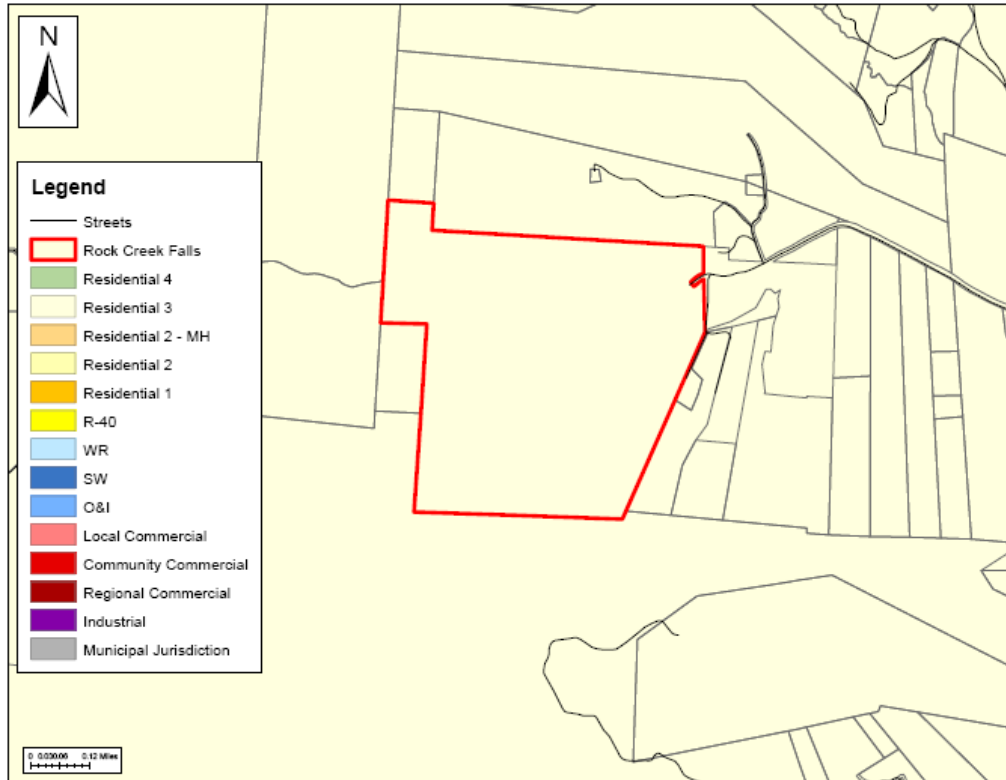
**Map A: CCP Future Land Use**



**Map B: Slope Map**

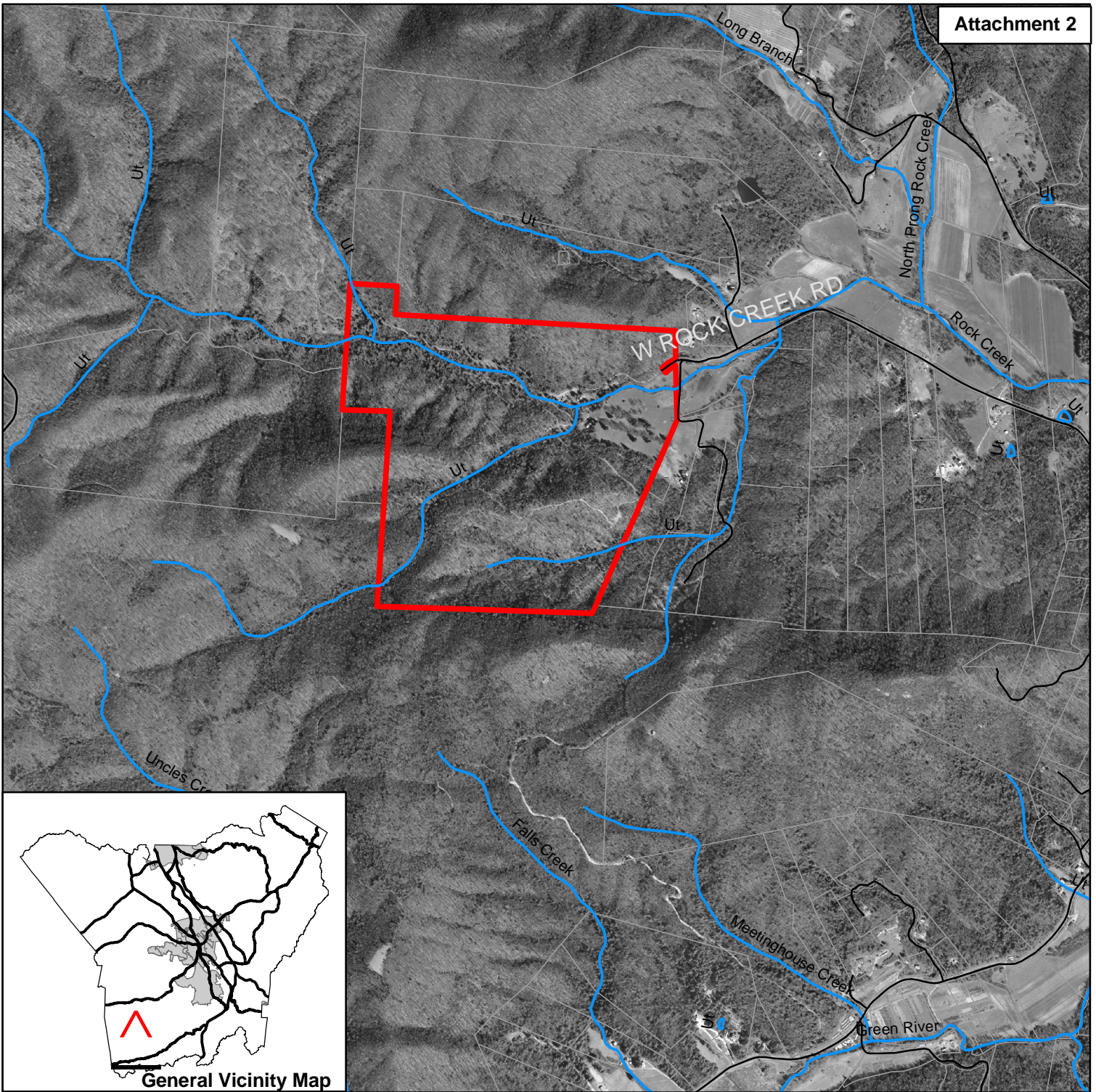
2. **Chapter 200A, Henderson County Land Development Code (LDC).** According to Chapter 200A, Henderson County Land Development Code (LDC) and its Official Zoning Map adopted September 19, 2007 (as amended), the proposed 207 acre project site is located within the Residential 3 (R3) Zoning District (See Map B: Official Zoning Map). The R3 Zoning District allows .66 units per acre for single-family residential purposes. The applicant has proposed a density of .58 dwelling units per acre or 1.7 acres per dwelling unit which meets the density requirements for the R3 Zoning District. Approximately 37 acres of 60 percent slopes or greater are located on the property. A total of 12 lots would be allowed for those 37 acres. The maximum number of units allowed in the R3 Zoning District, accounting for steep slopes, would be 125 units. The applicant has proposed a total of 121 units. (LDC §200A-30)

### Map B: Official Zoning Map



- Emergency Services.** The project site is located more than 6 miles from the nearest fire station (see attached maps). This would have serious impact on the Fire Department's ability to protect the lives and property of this project. In addition, Staff understands that homes or businesses located beyond this 6 mile limit are rated as a class 10 fire insurance rating. This is considered by the insurance industry as an area without fire protection. Fire insurance is difficult to obtain for properties in these situations and may negatively affect the surrounding area. The nearest EMS station is over 12 miles away. A response to an emergency in this area would likely take over 20 minutes which exceeds the target nine (9) minute response time. It should also be noted that this response time is to the subdivision entrance and response to individual lots in the subdivision will be longer. This situation would also negatively affect responses to other emergencies in the surrounding area.
- Emergency Services Impact Report.** According to §200A-105 of the LDC, based on the findings of the ESIR and the recommendation of the County Staff or the approving authority, a proposed development may be required to be built at a maximum density of one (1) unit per three (3) acres. However, the developer may volunteer to provide emergency equipment, vehicles, land and/or facilities to the County to serve the development in order to waive the density reduction, provided the County decides the site is appropriate for a new fire or EMS substation. Staff recommends that the Planning Board (the approving agency) require a maximum density of one (1) unit per (3) acres based on this provision. This would allow a maximum of 69 units on the project site. If the Planning Board denied this application based on the findings of the ESIR, the applicant would have to resubmit a new plan that complies with this density.





# Rock Creek Falls

OWNER/DEVELOPER: Rock Creek Falls, LLC

ZONING: R3

WATER SYSTEM: Private

SEWER SYSTEM: Private

ROAD SYSTEM: Private

# 2

## Legend

— Streets

— Official Blue Line Streams

□ Rock\_Creek



**Pictures taken by Staff on May 19, 2008 of the Proposed Rock Creek Falls.**

Picture taken from West Rock Creek Road of the project site



Picture of the turnaround and road entering project site.



Picture of West Rock Creek Road taken from project site.



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

**SUBDIVISION INFORMATION**

Subdivision Name: ROCK CREEK FALLS  
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: 121  
Total Number Proposed Units: \_\_\_\_\_    Proposed Density (units per acre): 0.59  
Road System:    ( ) Public     Private    ( ) Combination Public and Private  
Water System:  Individual    ( ) Community    ( ) Municipal  
Sewer System:  Individual    ( ) Community    ( ) Municipal

**PARCEL INFORMATION**

PIN: 9544752161    Total Acreage: 207.32    Deed Book/Page: 001347    Township: 00798  
Location of property to be divided: TERMINATION OF ROCK CREEK ROAD

Zoning District: R3    Fire District: GREEN RIVER - F19  
Water Supply Watershed: NONE    School District: East Henderson High School

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: Nat Phillips, III    Phone: (504) 525-2985  
Address: 826 Union St.    City, State, Zip: New Orleans, LA 70112

Applicant:

Name: \_\_\_\_\_    Phone: \_\_\_\_\_  
Address: \_\_\_\_\_    City, State, Zip: \_\_\_\_\_

Agent: Agent Form (Circle One):    Yes    No

Name: \_\_\_\_\_    Phone: \_\_\_\_\_  
Address: \_\_\_\_\_    City, State, Zip: \_\_\_\_\_

Plan Preparer:

Name: Melrose Design Group, PA    Phone: (828) 684-5155  
Address: 56 White Oak Rd.    City, State, Zip: Arden, NC 28704

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

Nat Phillips III, Owner  
Print Applicant (Owner or Agent)

[Signature]  
Signature Applicant (Owner or Agent)

5-12-08  
Date

**County Use Only**

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

APPOINTMENT OF AGENT FORM (OPTIONAL)

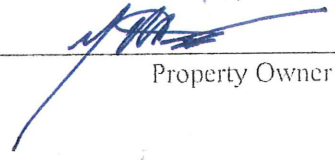
I Nat Phillips, III owner of property located on ROCK CREEK RD  
(Name) (Street Name)

recorded in 001347/00798 and having a parcel identification number of 9544752161  
(Deed Book/Page) (PIN)

located in Henderson County, North Carolina, do hereby appoint Andy Otten  
Melrose Design Group, PA.  
(Agent's Name)

to represent me in an **application to the Planning Department** 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 any applicable ordinance.

  
\_\_\_\_\_  
Property Owner

5-12-08  
\_\_\_\_\_  
Date



**HENDERSON COUNTY  
EMERGENCY SERVICES IMPACT REPORT FORM**

In accordance with §200A-105, an Emergency Services Impact Report shall be required for subdivisions proposing one-hundred (100) lots/units or more, or subdivisions proposing more than 50 units located more than 5 road miles from a fire station and shall be submitted as part of the Master Plan approval.

Subdivision Name: ROCK CREEK FALLS

Number of Proposed Lots: 121

Fire Insurance District: F19 (Name or Not Applicable (NA))

1. Distance from Nearest Fire Station: 6.3 (Road Miles) (GREEN RIVER VOLUNTEER)

2. Distance from Nearest EMS Station: 12.6 (Road Miles) (UPWARD ROAD / I-26)

EMS Station Response Time = ((12.6 (result from 2)) ÷ 35 mph) × 60 minutes = 21.6 (Minutes)

Route to EMS Station (Please attach map highlighting the route):

Route Road Names and Classifications (Local, Collector, Thoroughfare, Expressway, Boulevard):

Names	Classifications	Number of Passing Areas	Posted Speed Limit(s)
1. <u>I-26</u> and <u>INTERSTATE</u>	and		<u>0.6 mi.</u>
2. <u>US 25</u> and <u>US HWY</u>	and		<u>5.7 mi.</u>
3. <u>SR 1106</u> and <u>STATE ROAD</u>	and		<u>0.3 mi.</u>
4. <u>GREEN RIVER RD</u> and <u>LOCAL</u>	and		<u>3.8 mi.</u>
5. <u>CEDAR SPRINGS DR.</u> and <u>LOCAL</u>	and		<u>500'</u>
<u>ROCK CREEK RD.</u> and <u>LOCAL</u>			<u>2.0 mi.</u>

(If additional space is needed you may attach additional sheets)

Water resources for fire suppression available: N (Y/N)

If Yes:

1. Type of water source (circle one) Static or Pressurized

2. Hydrants:

a. Number: \_\_\_\_\_

b. Maximum Spacing: \_\_\_\_\_

3. Capacity: \_\_\_\_\_

4. Flow Rate: \_\_\_\_\_ (Gallons per Minute)

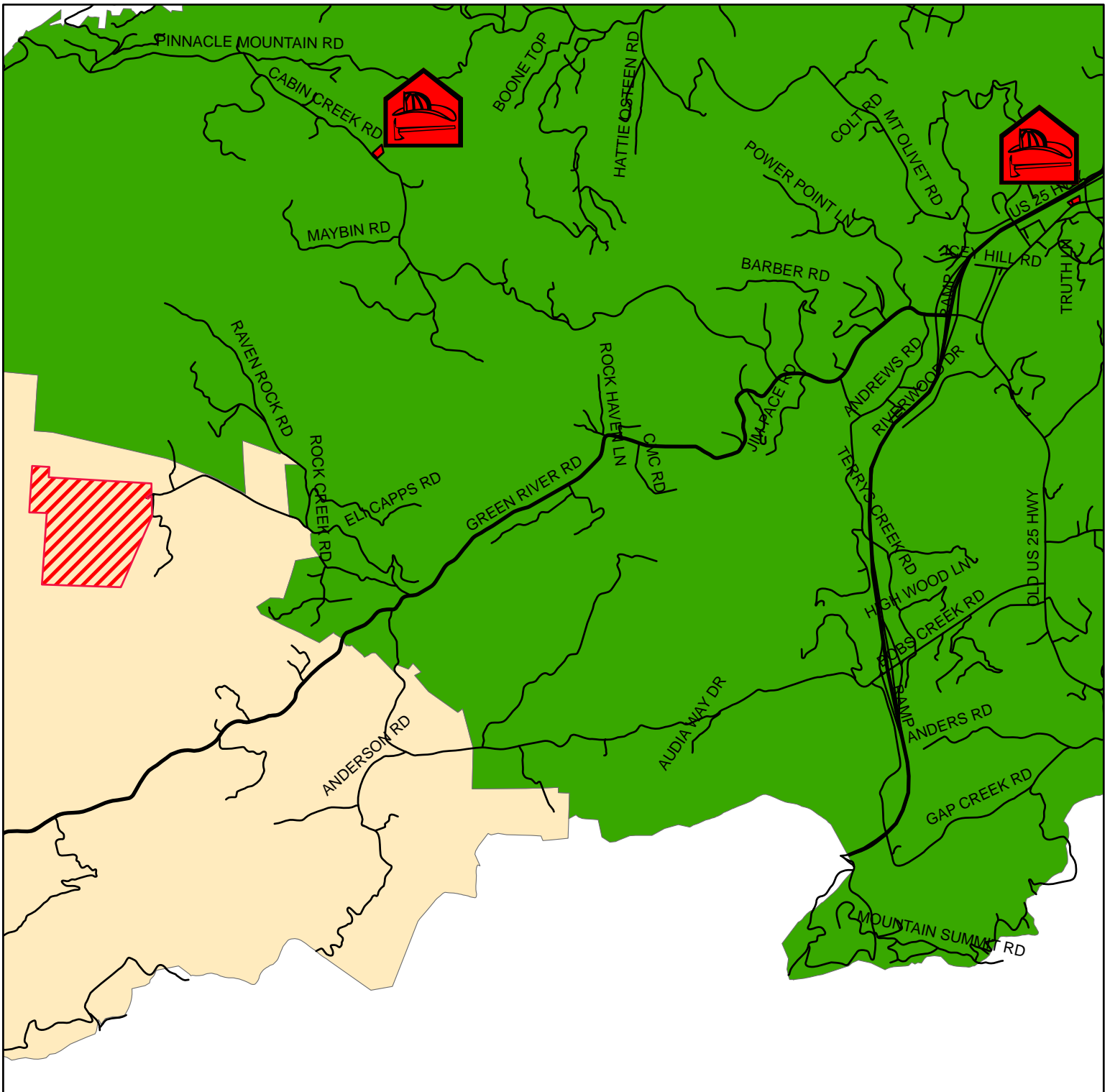
5. Pressures:

a. Static Pressure: \_\_\_\_\_

b. Residual Pressure: \_\_\_\_\_

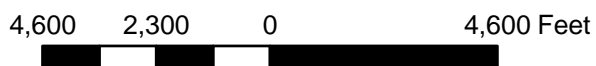
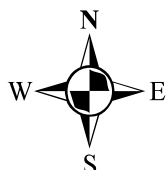
Interested in Providing a new Fire or EMS Substation? \_\_\_\_\_ (Y/N)










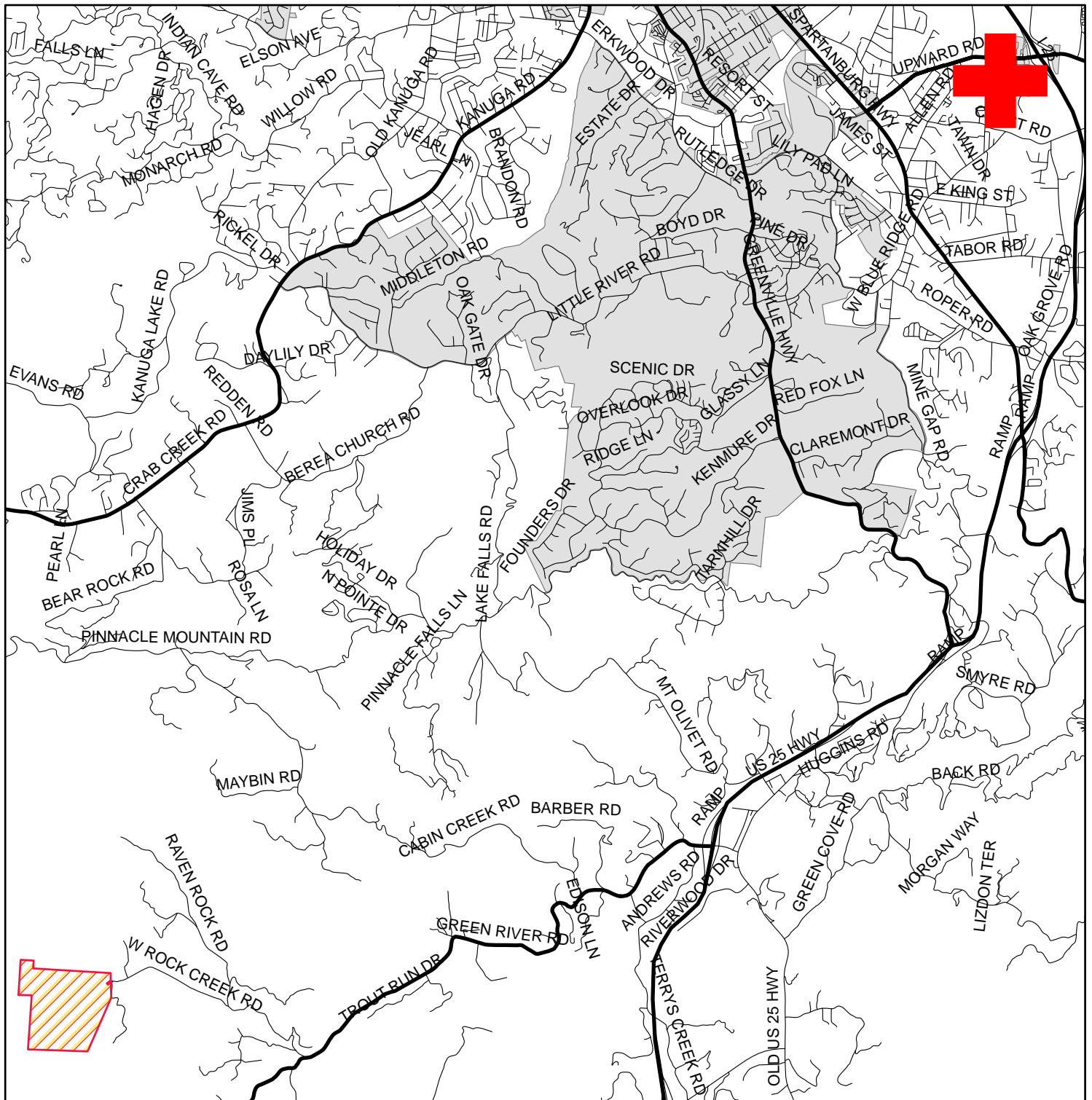
## Rock Creek Falls Major Subdivision

The nearest Fire Station located off Old US Hwy 25 is approximately 6.6 road miles from the subject area. Traveling at a speed of 35 MPH it would take about 12 minutes to drive.



### Legend






-  Subject Area
-  Fire Stations
-  Streets
-  GREEN RIVER FIRE
-  NO DISTRICT

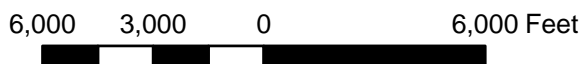
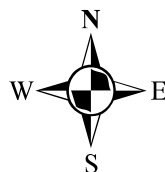


## Rock Creek Falls Major Subdivision

The nearest EMS station, located off of Commercial Blvd., is approximately 12.4 road miles from the subject area. Traveling at a speed of 35 MPH it would take about 22 minutes to drive.

### Legend

-  MajorRoadsCCP
-  Subject Area
-  Streets
-  Cities
-  EMS Station

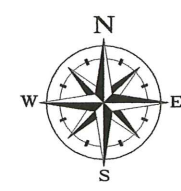
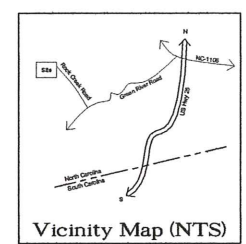
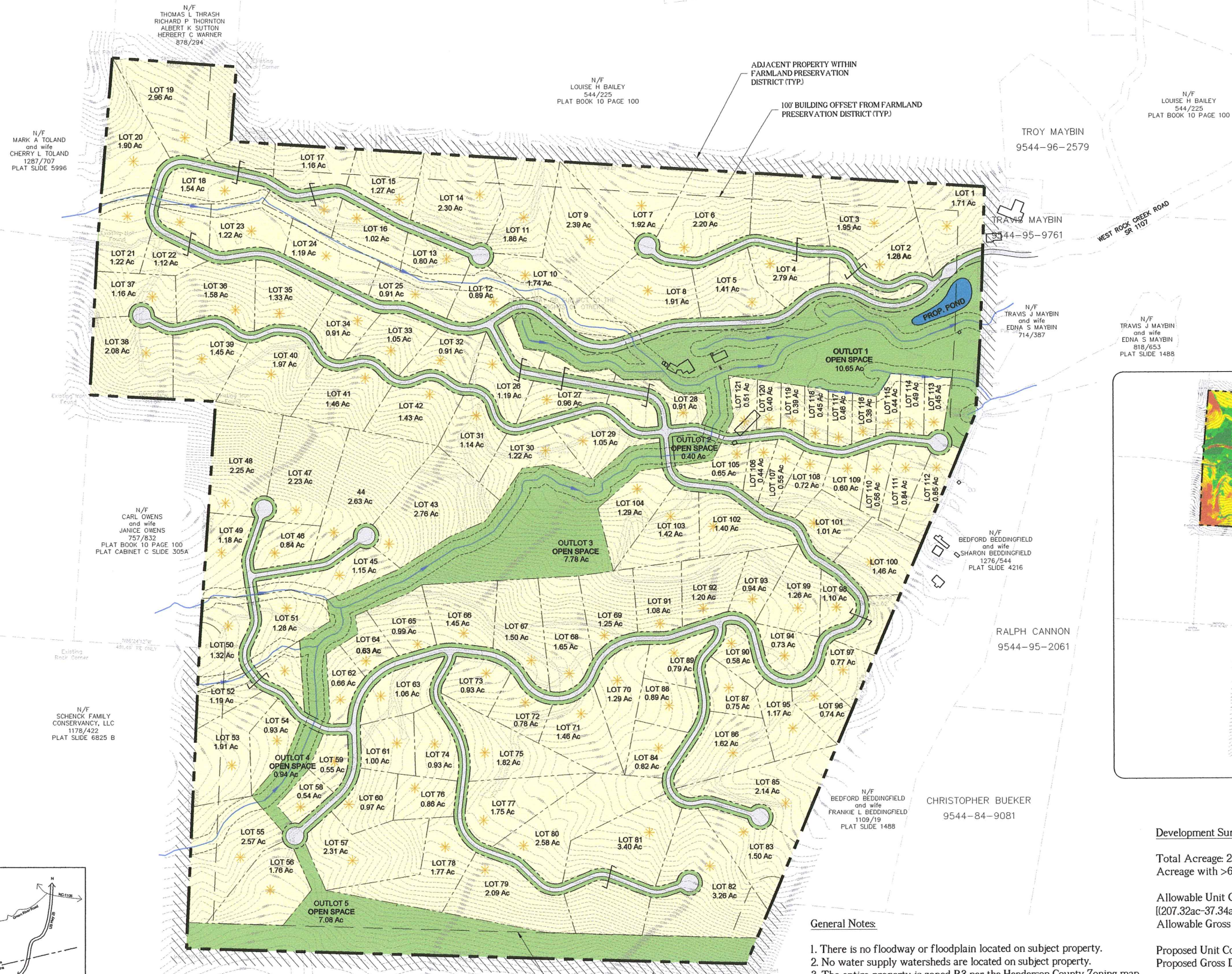
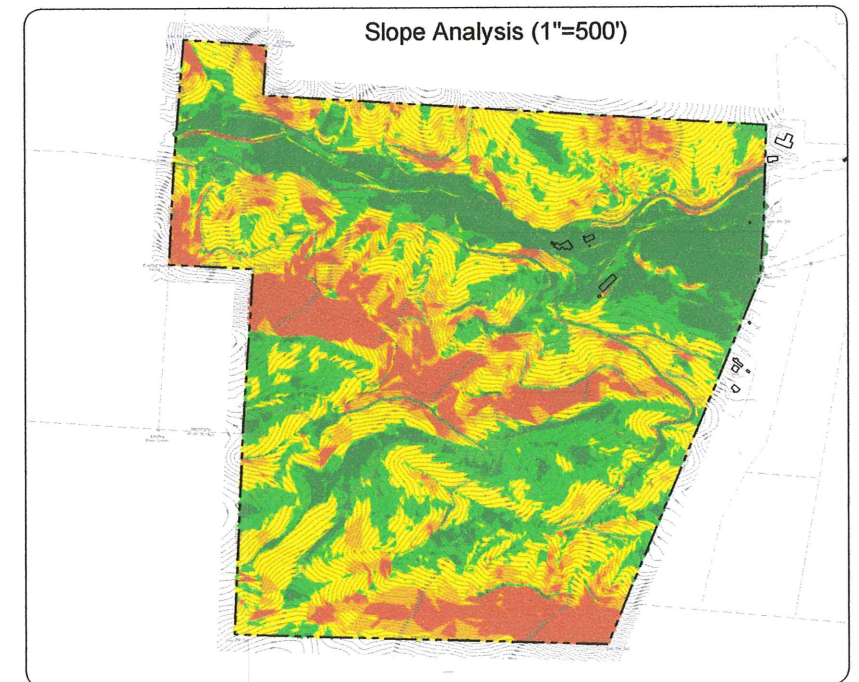




# Master Plan Rock Creek Falls

Zirconia, North Carolina  
May 15, 2008

Number	Minimum Slope	Maximum Slope	Area (Acres)	Color
1	0.00%	17.99%	38.07	Green
2	18.00%	29.99%	54.24	Light Green
3	30.00%	49.99%	91.17	Yellow
4	50.00%	59.99%	28.05	Orange
5	60.00%	100.00%	37.34	Red



**General Notes:**

1. There is no floodway or floodplain located on subject property.
2. No water supply watersheds are located on subject property.
3. The entire property is zoned R3 per the Henderson County Zoning map.
4. Proposed pond shall be outfitted with dry hydrant for fire suppression. Exact location, configuration, and all-weather access to be determined by the County Fire Marshall.
5. The location of utility sites is unknown at this time.
6. The entire project will be completed in a single phase.
7. All roads shall be private.
8. All sanitary sewer systems shall be private.
9. All water Service shall be private.
10. Existing dwelling and outbuildings to be removed.
11. Property located within the F19 Fire District.

**Development Summary:**

Total Acreage: 207.32  
 Acreage with >60% Slope: 37.34

Allowable Unit Calculation (Per R3 Zoning):  
 $[(207.32ac - 37.34ac) * 0.66] / [37.34 * 0.66] / 2 = 124$  Dwelling Units  
 Allowable Gross Density: 0.60 DU/ac

Proposed Unit Count: 121 Dwelling Units (Single Family Lots)  
 Proposed Gross Density: 0.58 DU/ac

Proposed Open Space: 26.85 ac  
 (As Percent of Total Acreage): 13.0% Open Space  
 Proposed Road Length: 19,418 Linear Feet

THIS PLAN ILLUSTRATES A GENERAL PLAN, WHICH IS SUBJECT TO FUTURE CHANGE AND REVISION. DIMENSIONS, BOUNDARIES, AND POSITION LOCATIONS ARE FOR ILLUSTRATIVE PURPOSES ONLY AND ARE NOT INTENDED TO BE EXACT.

Owner:  
 Nat Phillips, III  
 c/o Rock Creek Falls, LLC  
 826 Union Street Suite 200  
 New Orleans, LA 70112  
 (504) 525-2985  
 (504) 566-4795 fax

Survey By:  
 Ed Holmes & Associates Land Surveyors, PA  
 1567 Patton Avenue  
 Asheville, NC 28806  
 (828) 225-6562  
 (828) 225-6579 fax

**Melrose Design Group, P.A.**  
 Landscape Architecture  
 Land Planning  
 Conservation Design  
 Civil Engineering

56 White Oak Road  
 Arden, North Carolina 28704  
 Phone (828) 684-5155 Fax (828) 684-5156