

REQUEST FOR COMMITTEE ACTION

HENDERSON COUNTY TECHNICAL REVIEW COMMITTEE

MEETING DATE: Tuesday, August 4, 2009

SUBJECT: Special Subdivision Road Standards

STAFF CONTACT: Autumn Radcliff

ATTACHMENTS: 1. Proposed LDC Text Amendment for Special Subdivision Road Standards
Presented to the Planning Board on July 16, 2009

SUMMARY OF REQUEST:

At its May 21, 2009 meeting, the Planning Board discussed concerns with the special subdivision road standards. Special subdivisions are a type of minor subdivisions with 5 or fewer lots. This classification also replaced the County's family subdivision provision when the LDC was adopted in September of 2007. Special Subdivisions are not allowed in the R-40 (Estate Residential) or WR (Waterfront Residential) districts, are allowed to have a minimum lot size of at least one-half (1/2) acre (21,780 square feet), and shall not have more than five (5) lots within a five (5) year period.

All roads shall be located within a right-of-way (ROW) of a width determined by the number of lots served (30ft ROW for 1-4 lots and 45ft ROW for 5-49 lots). All roads must have a minimum travelway width of twelve (12) feet, minimum stone base of four (4) inches and a vertical clearance of at least 13.5 feet. Stone based roads shall not exceed 15 percent grade and paved roads shall not exceed 18 percent grade. Currently, all proposed ROW's shall be constructed and inspected before a final plat is approved and lots are recorded.

During the Planning Board's June 18, 2009 meeting, at the Board's request, Staff presented a summary of existing special subdivision road standards and listed possible amendments to these standards. The Planning Board discussed possible solutions based on Staff comments and requested Staff provide a draft text amendment to the Planning Board at its July meeting (See Attachment 1). The proposed draft text amendment addresses road and right-of-way widths and turnaround requirements for special subdivisions (See Attachment 1).

At its July meeting, the Board expressed concerns with the requirement that the roads be constructed before the final plat is approved. This has been a hardship on individual property owners that are not currently developing the property or constructing homes. A possible solution would be to allow for special subdivisions (5 or fewer lots) to record a final plat and sell lots before the proposed roads have been constructed provided that the road did not exceed 1,000 feet in length. The applicant would be required to dedicate the ROW and name the road. The roads would be constructed and inspected once a building permit is issued for any construction activity within the subdivision. The owner applying for a building permit would be required to construct the portion of the new road that will access their driveway. The partial construction of the road would be inspected by planning staff before the CO (Certificate of Occupancy) is granted.

This option would place the expense and burden of building the road on the individual property owners. This will require an additional inspection before the CO is granted and some roads may take years to be completed. This may also require a property owner at the end of the road to construct the entire road, without compensation, that will serve all lots in the subdivision if that owner is the first to apply for a building permit. Also, some property owners that will access their lots from a different road or through an easement would not have to construct any portion of the road.

The Planning Board also discussed requiring roads to be upgraded if any parcels are further subdivided to meet applicable standards based on the number of lots it serves. This option may require a minimum 45 foot ROW for all new proposed roads accessing parcels that could be further subdivided based on the zoning district's density requirements. Otherwise, a special subdivision with a 30 foot ROW that is further subdivided in the future could not meet the required upgrade to a 45 ROW.

The Planning Board tabled its discussion on this item until its August meeting, at which time Staff will prepare a draft text amendment to address the road construction and road upgrade issues in addition to the proposed draft changes. Staff had anticipated addressing this issue in the 2009 annual review of the LDC. If the Planning Board feels this issue should be addressed immediately it will need to initiate a text amendment to address these concerns outside of the LDC annual review process. The Planning Board's finalized draft amendment must be reviewed by the TRC before it may be adopted by the Board of Commissioners.

TECHNICAL REVIEW COMMITTEE ACTION REQUESTED:

No action is required by the TRC. Staff would like the TRC to have the opportunity to review and comment on the proposed text amendment and possible solutions prior to the Planning Boards August meeting.

Proposed Text Amendment to the Land Development Code (Special Subdivision Road Standards)

Issue: The Planning Board has been discussing concerns with the special subdivision road standards in the Land development Code (LDC). Currently, the LDC requires special subdivisions of 1-4 lots provide a 30 foot right-of-way (ROW) and construct a 12 foot travelway before a final plat can be recorded. Special subdivisions proposing 5 lots must have a 45 foot ROW and construct a 12 foot travelway before recording a final plat. The Board agreed construction of the road is necessary prior to recording lots, but felt the ROW should be 30 feet and travelway width should be reduced to 10 feet for all special subdivisions. The Planning Board felt a 10 foot road could still be utilized by emergency vehicles. The Board also felt that existing roads should be credited if they met the standards of the subdivision ordinance. Currently, special subdivisions have no requirements to address vehicle turnarounds. The Planning Board felt special subdivisions should be required to provide a turnaround for roads that exceed 1,000 feet in length. Finally, the Planning Board felt the certificate of understanding should be signed by the property owner but that this should be a separate document, submitted as part of the special subdivision application, rather than a requirement on the final plat. Staff provides the following amendments to address the Board's concerns and recommendations.

Recommendation: Amend §200A-78 (F) to address the travelway width reduction and the turnaround requirement.

§200A-78. Minor Subdivisions

F. Minor Subdivision Standards (Five (5) or Fewer Lots). A *minor subdivision* of five (5) or fewer *lots* shall:

(1) Adhere to the following minimum requirements for all proposed private *roads*:

- a. All *roads* shall be located within a *right-of-way* of a width determined by the number of *lots* served as noted in Table 3.1 (Subdivision Private Road Standards).
- b. All *roads* must have a minimum *travelway* width of ~~12 feet~~ 10 feet.
- c. All *roads* must be constructed with a minimum stone base (aggregate base course) of four (4) inches. All roads must be compacted properly.
- d. No stone-based (gravel) road shall exceed 15 percent grade. No paved *road* shall exceed 18 percent grade. The *Subdivision Administrator* may require a professional engineer or professional surveyor certify on the *final plat* that no portion of the *road(s)* have grades that exceed maximum allowable grade as defined in §200A-81 (Major Subdivisions) subsection C (4) (Road Construction) or submit a final as-built graded centerline profile showing grade and alignment for all *roads*.
- e. All *roads* must have a *vertical clearance* of at least 13.5 feet.
- f. **Dead Ends, Cul-de-sacs and Turnarounds. Loop roads should be encouraged where possible in lieu of culs-de-sac or turnarounds. Vehicle turnaround areas shall be provided at the end of all dead-end roads that exceed 1,000 feet. The required turnaround area of a dead-end road cul-de-sac shall have a radius of not less than 35 feet. Acceptable alternative turnaround designs for residential**

subdivisions are shown in §200A-81 Figures 3C, 3D, and 3E. The reviewing agency may require additional turnarounds at intermediate locations along dead end roads with a centerline length of greater than 2,500 feet.

- g. Existing Roads. Existing roads may be credited where the road meets the minimum width requirements, is properly compacted, and provides adequate shoulder. Where an existing road is to be used the required right-of-way must be dedicated over the existing road.

Recommendation: Amend §200A-78 (G)(5) to remove the Certificate of Understanding requirement from the final plat.

§200A-78. Minor Subdivisions

- (5) ~~Include on the final plats for special subdivisions~~ The following certificate, signed by the property owner, shall be provided to the reviewing agency at the time of application submittal, ~~provided on the face of the plat:~~

Certificate of Understanding

I (we) hereby certify that I am (we are) the owner(s) of the property located within the subdivision-regulation jurisdiction of Henderson County as shown and described in the attached ~~hereon~~, and that I (we) hereby adopt this plan of subdivision. I (we) understand that expansion of this subdivision may result in the upgrading of road infrastructure, utilities and additional right-of-way dedication and other applicable requirements as required by the Subdivision Regulations (Article III) of the Land Development Code (Chapter 200A of the Henderson County Code). All proposed roads in this subdivision will meet the minimum requirements outlined in §200A-78 (Minor Subdivisions) F for private roads and §200A-81 (Major Subdivisions) C(1) for public roads.

_____ Date _____ Owner(s)

Recommendation: Amend §200A-81 Table 3.1 Subdivision Private Road Standards to address the 45 foot ROW requirement for subdivisions proposing 5 lots.

§200A-81. Major Subdivisions

Table 3.1. Subdivision Private Road Standards				
Requirements		Private Road Classification¹		
		Subdivision Collector	Subdivision Local	Limited Local
Number of Residential Lots Served²		50+	5 to 49² 6 to 49	1-4² 1-5
Right-of-Way Width (ft.)³	Roads (feet)	50	45	30
	Cul-de-sac (radius)	N/A	50	50