

REQUEST FOR COMMITTEE ACTION

HENDERSON COUNTY TECHINICAL REVIEW COMMITTEE

MEETING DATE: Tuesday, February 16th, 2021

SUBJECT: Revised Combined Master and Development Plan for Mills River Preserve Major Subdivision, #2018-M02

STAFF CONTACT: Matt Champion, Interim Zoning Administrator

ATTACHMENTS: 1. Staff Report
2. Combined Master & Development Plan

SUMMARY OF REQUEST:

Applicant Mark Marshall submitted a Revised Combined Master and Development Plan for Mills River Preserve major residential subdivision on January 19th, 2021. The subject area is located on 9.973 acres of land out of the original 29.096 acres located off Dave Whitaker Rd. The applicant is proposing a revised total of 14 lots, 3 more lots from the original approval, that will be used for single-family residential purposes. The project is located within a water supply watershed district (WS-II, PA). The project is in a Residential Three (R3) zoning district and does meet the standard density requirements. A private road system is proposed to serve the project site. Individual well and septic systems will serve each lot.

TECHNICAL REVIEW COMMITTEE ACTION REQUESTED:

Staff has found that the Revised Combined Master and Development Plan appears to meet the standards of the subdivision regulations of Chapter 42, Henderson County Land Development Code (LDC) except for the comments listed in the Staff Report (See Attachment 1).

Staff recommends approval of the Revised Combined Master and Development Plan subject to the developer addressing any issues raised by the TRC and addressing the comments listed in the Staff Report.

Suggested Motion: I move that the TRC recommend approval of the Revised Combined Master and Development plan with the conditions noted in the staff report and any others noted by the TRC.

Henderson County Planning Department Staff Report**Revised Combined Master and Development Plan
Mills River Preserve (2018-M02)****Property Owner(s): Mark Marshall
Applicant: Mark Marshall**

Master Plan Comments:

According to Chapter 42, Henderson County Land Development Code (LDC) §42-341, the purpose of a Combined Master and Development 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 Revised Combined Master and Development Plan, the Technical Review Committee should take into consideration: applicable recommendations of the *Henderson County 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 Revised Combined Master and Development 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 §42-75).

Staff has reviewed the submitted the Revised Combined Master and Development Plan for the Mills River Preserve Major Subdivision, taking into consideration the recommendations of the *Henderson County Comprehensive Plan* and reviewing the plan for conformance with Henderson County Land Development Code. Staff offers the following comments:

Project Overview:

Total Acreage: 29.096

Original Approval: April 17, 2018 by TRC

Existing Lots: 11

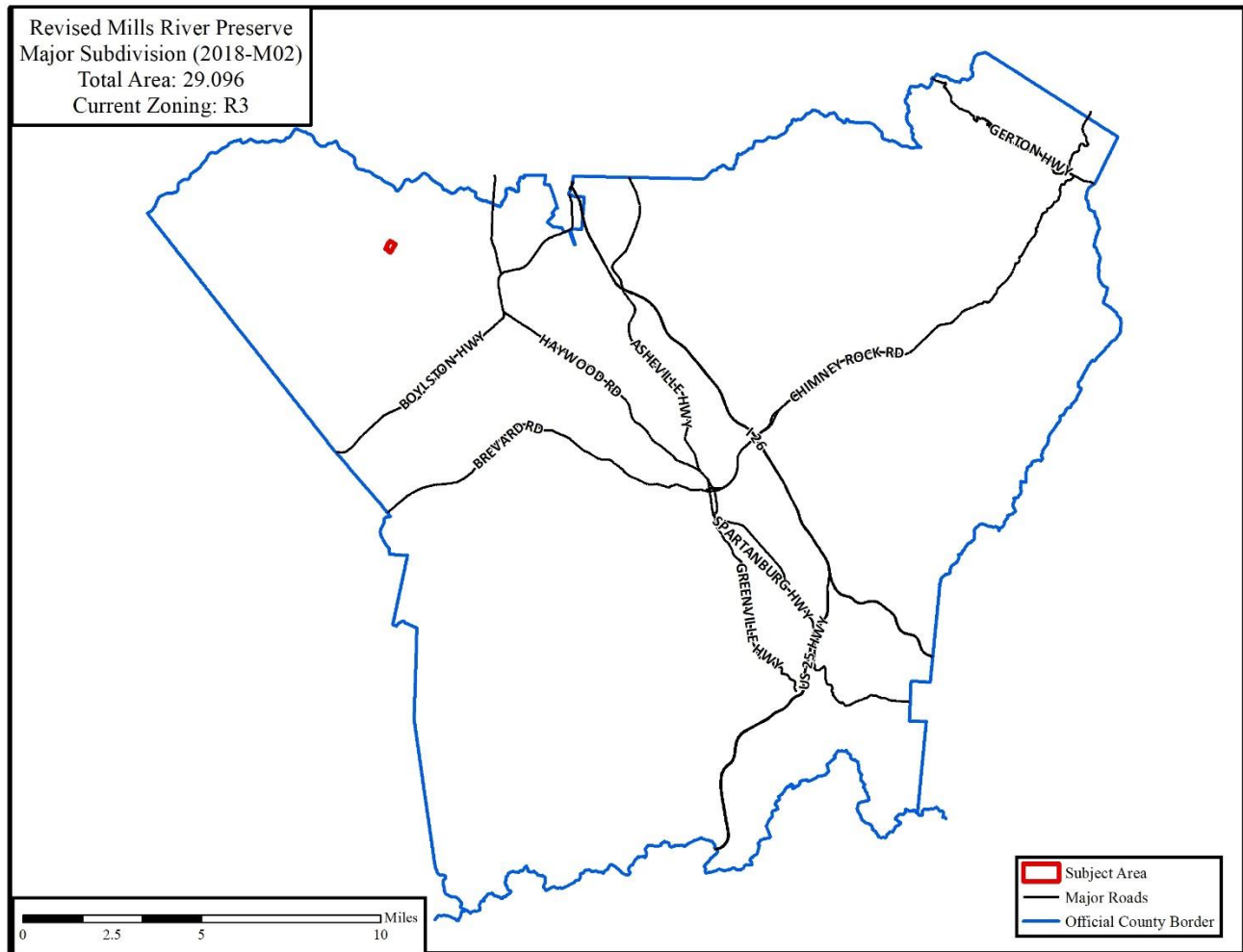
Proposed Lots: 14

Zoning: R3

Water Supply Watershed: Upper Mills River, WS-II P

Existing Internal Roads: 350' Linear Feet

Map A: County Context



1. Existing Conditions: The total area of the existing Mills River Preserve subdivision is 29.096 acres and currently contains 11 individual tracts. The subject area is approximately 9.973 acres and contains a single-family dwelling and a detached garage with an apartment. There is a large pond found on the northern portion of the subject area with a stream running through the middle of the site.

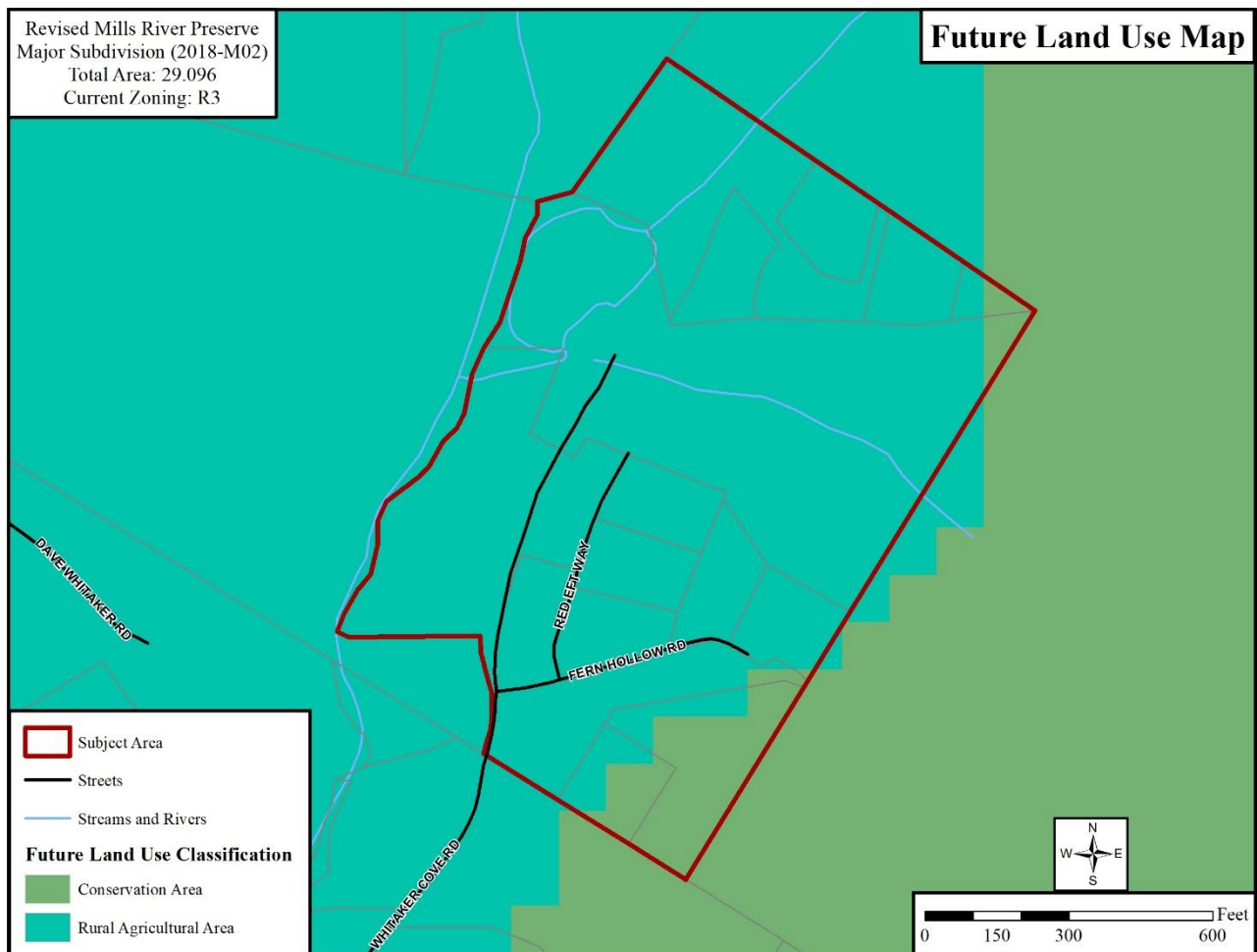
1.1.1. The subject area is surrounded by a mixture of residential structures and vacant forested land. The pond is labeled as a recreational use area for the benefit of the residents in the existing subdivision.

Map B: Aerial Map



2. **Henderson County 2020 Comprehensive Plan (CCP).** The Future Land Use Map of the CCP shows the Subject Area as being located within the Rural Agricultural Area and partially in the Conservation Area (See Map C: CCP Future Land Use Map).
- a. The Rural Agriculture Area covers the portions of the County that are predominantly rural and are characterized by low-density residential development. Land use policies will seek to retain that character. Density should be considerably lower than other areas and preservation of the rural character should be considered.
 - b. The Conservation Area includes areas that are intended to remain largely in their natural state, with only limited development.

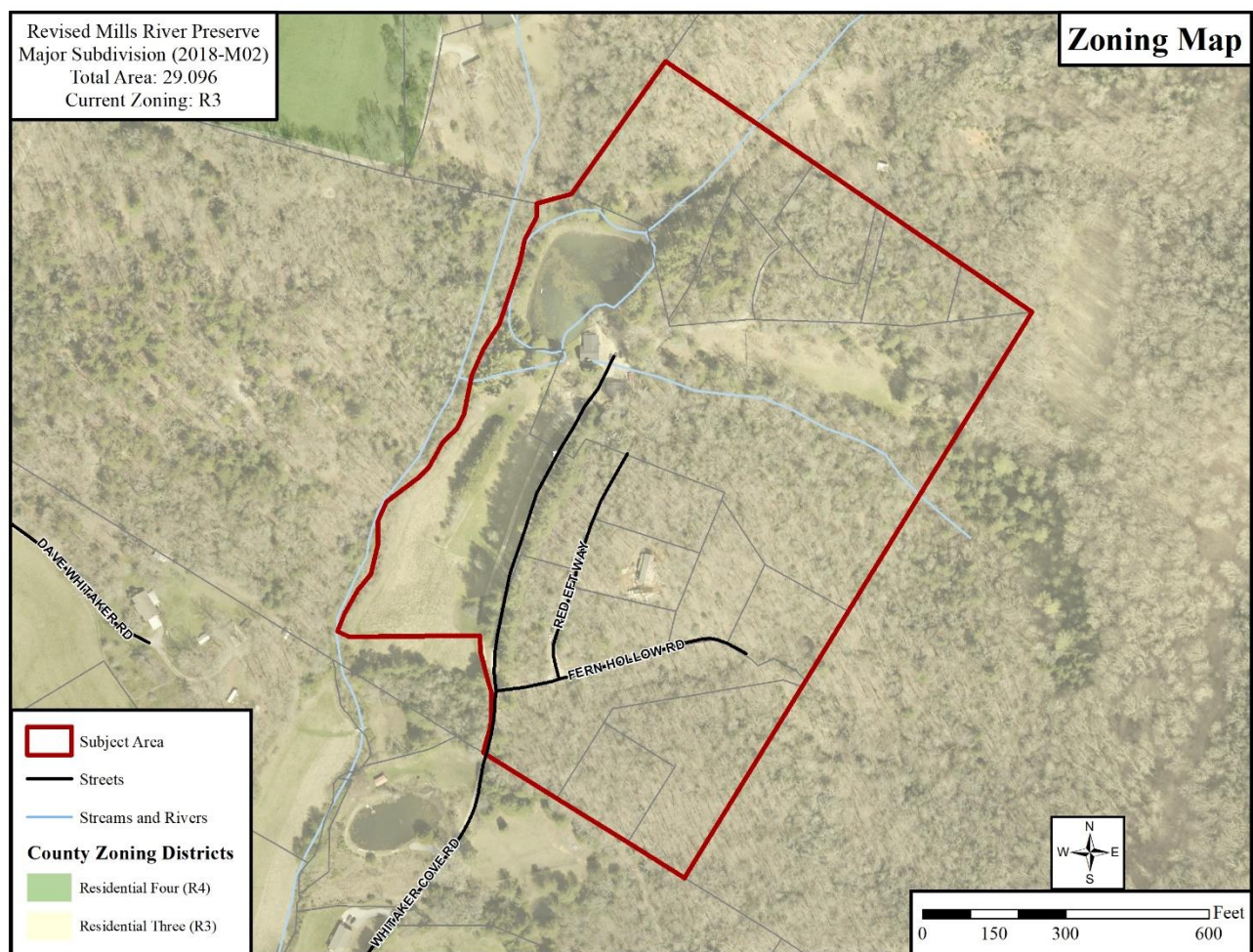
Map C: County Comprehensive Plan Future Land Use Map



3. Chapter 42, Henderson County Land Development Code (LDC). According to Chapter 42, Henderson County Land Development Code (LDC) and its Official Zoning Map adopted September 19, 2007 (as amended), the proposed project site is located within a Residential Three (R3) district (See Map D: Official Zoning Map).

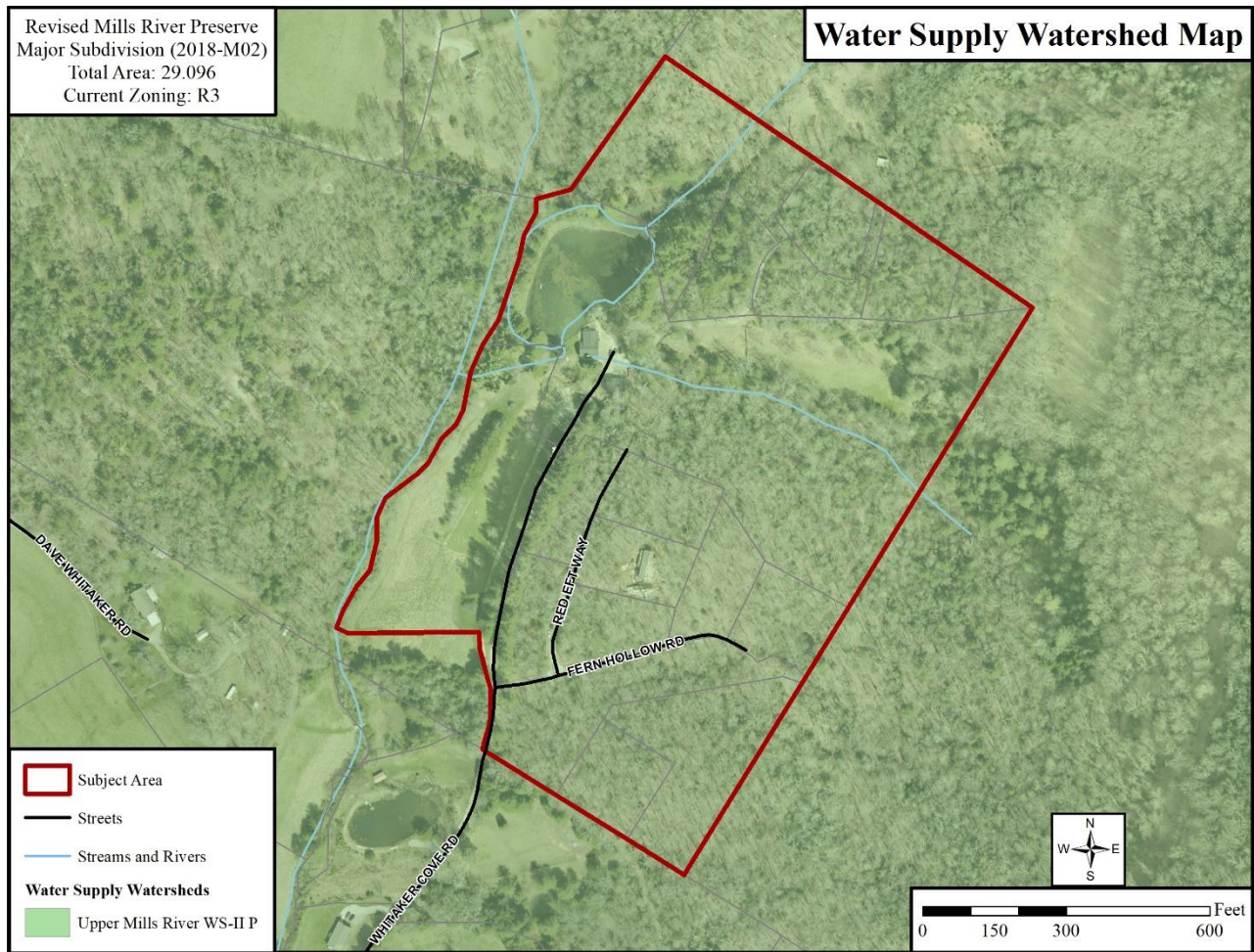
- a. **Residential Three:** The purpose of the Residential District Three (R3) is to foster orderly growth where the *principal use* of land is low-density residential. The intent of tis district is to allow for *residential development* consistent with the recommendations of the *Comprehensive Plan*.

Map D: Official Zoning Map



4. Water and Sewer Availability. The applicant proposes individual septic and well systems for the 14 lots. Utility connections are not possible.

Map E: Water Supply Watershed



- 5. Water Supply Watershed.** The subject area is located within the Upper Mills River, WS-II Protected Area. This classification allows a maximum built upon limit of 12% under the low-density option.

Combined Master and Development Plan Comments:

- 1. Soil Erosion and Sedimentation Control Plan.** The Applicant shall submit written notice from the appropriate local agencies verifying that an Erosion and Sedimentation Control Plan has been received or a written notice from a professional land surveyor, engineer, landscape architect, architect, or professional planner certifying that no plan is required (LDC §42-113B).
- 2. Stormwater Control Plan.** The Applicant shall submit written notice from the appropriate local agencies verifying that a Stormwater Control Plan is not required under the Water Supply Watershed requirements for a WS-II-PA (LDC §42-61).

3. **Individual Well System.** The applicant shall provide reasonable documentation demonstrating there is sufficient water supply to support 60 percent of the proposed lots.
4. **Fire Protection Requirements.** If no public water supply system is available, Fire Marshal may determine requirements.
5. **Private Road Standards.** The Applicant has indicated an addition or reconfiguration for two roads under this development plan. All subdivision roads must be designed and constructed to the minimum standards of LDC §42-81 C (Table 3.1). 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.* Planning Staff proposes the following conditions to ensure the private roads meet the standards of the Land Development Code:
 - a. **Road Grade.** The maximum road grade for local roads constructed of gravel is 15 percent and 18 percent for asphalt. A professional engineer or professional land surveyor must certify on the Final Plat that no portion of the road has a grade that exceeds the allowable percent or submit a final as-built graded center line profile showing grade and alignment of the road (LDC §42-81C (Table 3.1). and §42-81 C(4)).
 - b. **Road Drainage and Culverts.** 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 (LDC §42-100).
 - c. **Road Construction.** A professional engineer or professional land surveyor certify on the final plat that no portion of the constructed roads have grades that exceed maximum allowable grade as defined for each class of road or submit a final as-built graded center line profile showing grade and alignment for all roads (LDC §42-82).
 - d. **Minimum Curve Radius.** Should the Applicant request a reduction in centerline radii, that a professional engineer or professional land surveyor certify on the final plat, the existing cross slope of roadway sections where reductions in centerline radii are requested (LDC §42-106C).
 - e. **Dead Ends, Cul-de-sacs and Turnarounds.** The Applicant proposes one (2) cul-de-sacs or turnarounds located at the end of a local road. All turnarounds must meet of the LDC §42-105 C(8).
 - f. **Gates.** The Applicant should become familiar with the Entry Gate provisions of Chapter 42 (LDC §42-81 C(7)). All entry gates shall be constructed and maintained as required by and in accordance with Chapter 42 of the Henderson County Code, *Entry Gates*.
6. **Road Name Approval.** Proposed road names for a private and/or public road shall be preapproved by Henderson County in accordance with Chapter 42 of the Henderson County Code, Property Addressing (LDC §42-98). The applicant lists the proposed road names for most road segments. The names of the shared drives should be confirmed with the development plan approval.

7. **Road Name Signs and Regulatory Signs.** Road name signs and regulatory signs shall be provided in accordance with Chapter 142 of the Henderson County Code. Road name signs and regulatory signs must be acquired and installed prior to final plat approval (LDC §42-104).
8. **Street Tree Requirements.** According to the street tree requirements of Chapter 42 (LDC §42-145 and LDC §42-146) the applicant must provide one tree per 50 linear feet of property abutting an internal road. Trees may be placed in groups with a minimum spacing of no less than 15 feet and a maximum spacing of no more than 65 feet. The trees may be placed within the right-of-way or within 20 feet of the edge of the right-of-way. The applicant may use existing trees in accordance with LDC §42-153 instead of planting new trees. These existing trees must also be located within the right-of-way or 20 feet off the edge of the right-of-way as required by LDC §42-146
9. **Perennial Streams.** A 30' setback requirement for all perennial and intermittent surface waters.
10. **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 §42-81P).
11. **Miscellaneous Advisory Provisions.** The Applicant should become familiar with the Miscellaneous Advisory Provisions of Chapter 42A (LDC §42-87).
12. **Final Plat Requirements.** The Final Plat(s) must meet the requirements provided by the Planning Department whenever a subdivision of land occurs (LDC §42-343).

