

**HENDERSON COUNTY
PLANNING BOARD MINUTES
December 19, 2006**

The Henderson County Planning Board met on December 19, 2006 for their regular called meeting at 5:30 p.m. in the Meeting Room of the Land Development Building at 101 East Allen Street, Hendersonville, NC. Board members present were Tedd Pearce, Chair; Stacy Rhodes, Gary Griffin, Jonathan Parce, John Antrim, Tommy Laughter and Renee Kumor. Others present included Anthony Starr, Planning Director; Matt Card, Planner; Anthony Prinz, Planner; Sarah Zambon, Associate County Attorney; Mark Williams, Commissioner and Liaison to the Planning Board and Kathleen Scanlan, Secretary. Board member Mike Cooper was absent.

Chairman Pearce called the meeting to order and asked for the approval of the November 21, 2006 regular Planning Board minutes and November 15, 2006 Special Called Meeting Minutes. John Antrim made a motion to approve both sets of minutes and Renee Kumor seconded the motion. All members voted in favor.

Adjustments of the Agenda. There were no adjustments to the agenda made.

Staff Reports. Mr. Starr mentioned to the Board members that this is the last Planning Board meeting at this address and that the Planning Department plans to move to their new location at 213 1st Avenue East, the 3rd Floor of the County Administration Building. The next Planning Board meeting will be in January and will be held in the Board of Commissioners Board Room. He also noted that due to the move, the Planning office will be closed all day on Friday, December 29, 2006.

OLD BUSINESS:

Development Plan for Vistas at Champion Hills – (File # 06-M50) – 20 Single-Family Townhouse Lots Located Of Willow Road - Chris Day of Civil Design Concepts, Agent for Phillips Development, LLC, Owner. Presentation by: Anthony Prinz. Mr. Prinz said that Mr. Jack Kasey, agent for Kasey – Phillips Development, LLC (property owner), has submitted through Civil Design Concepts, P.A., a Development Plan for a proposed subdivision to be known as the Vistas at Champion Hills. Kasey – Phillips Development, LLC, will also be the developer of the project. The Vistas at Champion Hills is proposed to be developed on a parcel of land totaling approximately 13 acres in size, located directly south of the Champion Hills subdivision off of Willow Road, in the area of Little Willow Circle. The property is currently located within two County zoning districts (R-20 Low Density Residential District and Open Use) and is not within a designated Water Supply Watershed area. Henderson County GIS does not show any perennial streams on the property.

The Vistas at Champion Hills is proposed to contain 20 townhouse lots that will be developed in one phase. The developer plans for all of the home sites to be served by public water from the City of Hendersonville and sewer from the Champion Hills community sewer system. Approximately eight acres of common open space has been proposed throughout the development around each of the planned townhouse lots. One private loop road (Cherokee Knoll Court) will serve the project with the entrance proposed from Willow Road.

The developer has recently been granted a Planned Unit Development Special Use Permit (SP-06-01) for the project by the Henderson County Board of Commissioners. They are currently awaiting the issuance of an approval order that outlines the site-specific conditions of the Special Use Permit. Master Plan approval was granted by the Planning Board for the development in June of this year.

Staff has reviewed the Development Plan for conformance with the Henderson County Subdivision Ordinance (HCSO) and offers the following comments:

1. **Revisions to Development Plan.** The following changes must be made for the Development Plan to be in compliance with Appendix 5 (Development Plan Requirements) of the HCSO.
 - The Board of Commissioners approved a reduction in the required 50-foot R-20 front yard setback for each of the units within the Planned Unit Development. Mr. Prinz stated that Staff in particular would like the Planning Board to apply as a condition for approval that the developer put a note on the Development plans stating that all of the townhouses will be setback a minimum of 40 feet from the centerline of Cherokee Knoll Court.
2. **Water and Sewer.** The applicant has proposed public water (City of Hendersonville) and private community sewer for the project. According to the HCSO, the applicant must provide evidence that the water supply and sewer system plans have been approved by the appropriate agencies. All public or private (community) water supply and sewerage systems shall be installed and shall meet the requirements of the Henderson County Health Department, NC DENR, or other government authorities having jurisdiction thereof. The proposed 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 meet the respective county or municipality's minimum requirements for fire hydrants installation (HSCO 170-20).
3. **Soil Erosion and Sedimentation Control.** The Developer should submit notice from NC DENR that a soil erosion and sedimentation control plan has been received, or provide documentation that no plan is required prior to beginning construction (HCSO 170-19).
4. **Driveway Permit.** The applicant must obtain a driveway permit through NCDOT for the proposed entrance on Willow Road and provide evidence of permit issuance to the Planning Department.
5. **Final Plat Requirements.** Final Plat(s) must meet the requirements of Appendix 7 of the Subdivision Ordinance for approval.

REVIEW AGENCY COMMENTS

Staff has received the following review agency comments regarding the Vistas at Champion Hills Development Plan. The Planning Board may choose to discuss these comments and impose conditions as necessary to ensure compliance with the HCSO.

1. **Comments from the Henderson County Fire Marshal's Office.** Mr. Rocky Hyder suggested to install hydrants at 1000' intervals to ensure adequate hydrant spacing and fire flow. Mr. Prinz said on the Development Plan it does show this spacing of 1000 feet, so it has been accounted for.

Staff has found that given the above conditions, the proposed Development Plan for the Vistas at Champion Hills appears to meet the technical standards of the Henderson County Subdivision Ordinance and is consistent with the site-specific development plan approved by the Henderson County Board of Commissioners for Special Use Permit Application #SP-06-01. Staff recommends approval of the Development Plan subject to the above comments being addressed, and the developer addressing any other issues raised by the Planning Board.

- Renee Kumor made a motion that the Planning Board find and conclude that the Development Plan for the Vistas at Champion Hills complies with the provisions of the Subdivision Ordinance except for those matters addressed in the Staff Comments section of the memo; and further move that the Development Plan be approved subject to the developer putting a note on the Development plans stating that all of the townhouses will be setback a minimum of 40 feet from the centerline of Cherokee Knoll Court. Tommy Laughter seconded the motion and all members voted in favor.

NEW BUSINESS:

Discussion of Proposed 2007 Regular Planning Board Meeting Schedule – Presentation by: Anthony Starr. Mr. Starr presented Mark Williams a picture of the Old Courthouse in appreciation of his service on the Planning Board. Mr. Starr discussed the proposed 2007 Planning Board meeting schedule, which was brought up briefly at the November's meeting. Every member was in favor of changing the regular Planning Board meetings from the third Tuesday to the third Thursday of each month. Jonathan Parce made a motion for the change and Stacy Rhodes seconded the motion. All members voted in favor.

Combined Master Plan and Development Plan for Pinnacle Place – (File # 06-M54) – 52 Single-Family Residential Lots Located Off Crab Creek Road – Jon Laughter, Agent for Mountain Community Developers, LLC, Developer. Presentation by: Matt Card. Mr. Card stated that Mr. Jon Laughter on behalf of Mountain Community Developers, LLC, developer, submitted an application for a proposed major subdivision titled Pinnacle Place. Pinnacle Place is a proposed 51-lot subdivision on three tracts of land totaling 51.37 acres off Crab Creek Road (site of the Sexton Dairy). Mr. Card stated that Mr. Laughter said that all the existing buildings and the waste pond will be removed to accommodate the subdivision.

The applicant has proposed community well(s) and a private sewer system (package plant) to serve the project. According to the Master Plan and Development Plan the applicant has proposed two areas of the project as community well sites. These are labeled as well lot #1 which fronts on Crab Creek Road and well lot #2 which is located in the southwest corner of the project and does not appear to have an access. The proposed site for the sewer is located adjacent to Mud Creek and also does not have an access point. The applicant must apply and obtain approval for a NPDES Discharge Permit from the State in order to operate a package plant on Mud Creek.

The proposed roads in the subdivision will be built to private collector road standards. The project is located in the Open Use zoning district which does not regulate the residential use of land. As mentioned above the project site borders Mud Creek to the south and it appears that a portion of the property is located in the 100-year, 500-year floodplains and the Mud Creek floodway.

Staff has reviewed the submitted combined Master Plan and Development Plan for Pinnacle Place for conformance with the Henderson County Subdivision Ordinance (HCSO) and offers the following comments:

1. **Final Plat Requirements.** The final plat(s) must meet the requirements of Appendix 7 of the Subdivision Ordinance.

2. **Private Roads.** Because private roads are proposed, 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.* (HCSO 170-21B and Appendix 7)
3. **Soil Erosion and Sedimentation Control.** The Developer should submit notice from NCDENR that a soil erosion and sedimentation control plan has been received or provide documentation that no plan is required prior to final plat approval.
4. **Stream Setbacks.** A minimum thirty-foot setback for buildings or other structures is required along all perennial streams. The thirty-foot setback must be noted on the final plat (HCSO 170-37A).
5. **Farmland Preservation District.** The Affidavit of Understanding of Farmland Preservation District (Appendix 11) was not submitted. Since the property is within ½ mile of the Flat Rock Agriculture District, an Affidavit must be submitted pursuant to Section 170-35 of the HCSO. The Final Plat should include a notation that the property is within ½ mile of land in a Farmland Preservation District (HCSO 170-35 and Appendix 7).
6. **Water and Sewer.** According to the HCSO, the applicant must provide evidence that the water supply and sewer system plans have been approved by the appropriate agency. All public or private (community) water supply and sewerage 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 meet the respective county or municipality's minimum requirements for fire hydrants installation (HSCO 170-20).

Master Plan and Development Plan Comments

7. **Community Sewer.** Before a Final Plat is approved the developer should submit notice from NCDENR that a NPDES Discharge Permit which would allow a wastewater treatment plant and sewer collection system has been approved.
8. **Access to well and sewer lots.** It appears that well lot #2 located in the southwest portion of the project does not have access. The lot designated for the sewer plant also does not have access. According to 170-31 of the HCSO (Lot Design) the applicant must provide a right-of-way or frontage for each lot on a private or public road that is a minimum of 30 feet. These lots should also have access for purposes of maintaining the proposed utility systems.
9. **Site Triangles.** It appears that site triangles are missing from the intersections of Pinnacle Valley Trail and Pinnacle Place Drive. The applicant must provide site triangles at each intersection pursuant to Section 170-21, G of the HCSO.
10. **Numbering of Lots.** It appears that the numbering of lots on the Plan is incorrect. Lot #2 is duplicated twice on the Plan. The utility lots should either be labeled separately or sequentially. The total number of single-family residential lots is 51 with 2 well lots and 1 sewer plant lot.

11. **Ownership.** According to current County records the proposed project site for Pinnacle Place is owned by Mr. Larry Holbert and Mr. Ronnie Gray. According to the Combined Master Plan and Development Plan the property is owned by Mountain Community Developers, LLC. The listed agent for Mountain Community Developers, LLC is Mr. Dan Ducote. At the meeting the applicant should clarify the ownership of the properties. The applicant must provide the Planning Department with proof of ownership before construction of any subdivision improvements begins on the property.

Review Agency Comments

12. **Comments from the Fire Marshal.** Mr. Rocky Hyder, Fire Marshal, has requested that a dry hydrant be installed on Mud Creek near the sewer treatment plant. According to Section 170-20, C of the HCSO, for any major subdivision without a fire suppression rated water system, that either has or is adjacent to an adequate permanent surface water supply, the applicant may be required to install a dry fire hydrant system, the type and the location of which is to be determined by the County Fire Marshal. A road to the water source providing permanent all-weather access to the water source that is adequate for fire-fighting equipment shall be required. Staff recommends that the Planning Board require a dry hydrant on Mud Creek in accordance with the submitted comments.
13. **Comments from Zoning Administrator.** Natalie Berry, Henderson County Zoning Administrator, submitted comments regarding the floodplain on the proposed project site. The applicant must submit a site plan for any development in the floodplain to Natalie Berry before approval of any zoning/building permits. The applicant should contact Natalie Berry for more information.

Staff has found that the proposed Combined Master Plan and Development Plan for Pinnacle Place appears to meet the technical standards of the Henderson County Subdivision Ordinance except for the comments listed above in Staff Comments. Staff recommends approval of the Combined Master Plan and Development Plan subject to the developer addressing any issues raised by the Planning Board and addressing the comments listed above.

Mr. Laughter stated that he had no problems complying with any of the comments from Staff as well as from the Fire Marshal and the Zoning Administrator.

Tommy Laughter made a motion that the Planning Board find and conclude that the Combined Master Plan and Development Plan complies with the provisions of the Subdivision Ordinance except for those matters addressed in Staff Comments section of the memo that need to be addressed; and further move that the Combined Master Plan and Development Plan be approved subject to the comments from the Fire Marshal and the comments from the Zoning Administrator. Renee Kumor seconded the motion and all members voted in favor.

Combined Master Plan and Development Plan for Gosnell Estates – (File # 06-M53) – 57 Single-Family Residential Lots Located Off Mine Gap Road – Jon Laughter, Agent for Greg Gosnell, Owner/Developer. Presentation by: Matt Card. Mr. Card stated that Mr. Jon Laughter on behalf of Mr. Greg Gosnell, owner and developer, submitted a Combined Master Plan and Development Plan for a subdivision titled Gosnell Estates. The proposed project is located on two parcels of land totaling approximately 117 acres off of Mine Gap Road. Mr. Gosnell currently lives on the property and it appears that he will retain 7.1 acres of land around his house.

The applicant has proposed a total of 57 lots. These lots will be accessed by two proposed collector roads, Lamp Post Drive and Lampwick Lane. Lamp Post Drive appears to be an extension of the existing Lamp Post Drive. Lampwick Lane will be accessed off Mine Gap Road. Both roads exceed 2,500 feet in length.

The project is located in the Open Use zoning district which does not regulate the residential use of land. The applicant has proposed public water (City of Hendersonville) and individual septic systems to serve the project. The subdivision is located within one-half mile of the Flat Rock Farmland Preservation District.

Staff has reviewed the submitted Combined Master Plan and Development Plan for Gosnell Estates for conformance with the Henderson County Subdivision Ordinance (HCSO) and offers the following comments:

1. **Final Plat Requirements.** The final plat(s) must meet the requirements of Appendix 7 of the Subdivision Ordinance.
2. **Private Roads.** Because private roads are proposed, 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.* (HCSO 170-21B and Appendix 7)
3. **Soil Erosion and Sedimentation Control.** The Developer should submit notice from NCDENR that a soil erosion and sedimentation control plan has been received or provide documentation that no plan is required prior to final plat approval.
4. **Farmland Preservation District.** The Affidavit of Understanding of Farmland Preservation District (Appendix 11) was not submitted. Since the property is within ½ mile of the Flat Rock Agriculture District, an Affidavit must be submitted pursuant to Section 170-35 of the HCSO. The Final Plat should include a notation that the property is within ½ mile of land in a Farmland Preservation District (HCSO 170-35 and Appendix 7).
5. **Water Approval.** According to the HCSO, the applicant must provide evidence that the water supply plans have been approved by the appropriate agency. All public or private (community) water supply and sewerage 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 public water approvals have been obtained. Any subdivision served by a public water system shall meet the respective county or municipality's minimum requirements for fire hydrants installation (HCSO 170-20).

Master Plan and Development Plan Comments

6. **Road Standards.** As mentioned above the applicant has proposed two private collector roads to serve the subdivision. According to the Combined Master Plan and Development Plan, both proposed roads have curve radii and road grades that do not meet the requirements for private collector roads as shown in Table 1 of Section 170-21 of the HCSO. The HCSO requires a minimum curve radius for collector roads of 110 feet. According to the HCSO the maximum road grade for paved collector roads shall not exceed 16%. Since both roads serve more than 24 lots the applicant must build these

roads to the appropriate private collector road standards pursuant to Section 170-21 of the HCSO. A revised Combined Master Plan and Development Plan must be submitted to the Planning Department demonstrating that the subdivision meets the standards of the Subdivision Ordinance as discussed above.

7. **Road Length.** According to Section 170-21, H of the HCSO, all roads or sections thereof with dead-ends or culs-de-sac should not exceed 2,500 feet in length. It also says that the Planning Board may require the installation of a partial turnaround along any road that exceeds 1,500 feet in length. As mentioned in the Project Overview, above, both proposed roads exceed 2,500 feet in length.
8. **Road Grade.** A professional engineer or professional land surveyor must certify on the final plat that no portion of private roads has grades that exceed the maximum allowable grade, which is 16 percent grade for paved collector roads.

Review Agency Comments

9. **Comments from the Fire Marshal.** The Henderson County Fire Marshal's Office submitted comments regarding the subdivision. Note: The Planning Board can only require the applicant to meet the minimum standards of the Henderson County Subdivision Ordinance; the Planning Board may not have the authority to require any additional standards to the subdivision.
10. **Comments from Environmental Health.** The Henderson County Environmental Health Department submitted comments regarding suitability of soils for septic systems.

Planning Board members discussed that regarding Lamp Post Drive, and asked that the applicant provide the Planning Department with a certification from an Attorney that said certification must demonstrate that the applicant has the legal right to access the property and subdivision as shown on the Combined Master Plan and Development Plan for Gosnell Estates through Lamp Post Drive. Also, Board members discussed and stated that the applicant should connect Lamp Post Drive and Lampwick Lane to make one continuous loop road. If the applicant connects these roads the applicant must still meet the minimum road standards of the Subdivision Ordinance. Board members asked Jon Laughter, agent for the owner if he could comply with these additional conditions and that he was in favor of these suggestions.

John Antrim made a motion that the Planning Board find and conclude that the Combined Master Plan and Development Plan complies with the provisions of the Subdivision Ordinance except for those matters addressed in Staff Comments section of the memo that need to be addressed; and further move that the Combined Master Plan and Development Plan be approved subject that the applicant provide the Planning Department with a certification from an Attorney and that said certification must demonstrate that the applicant has the legal right to access the property and subdivision as shown on the combined Master Plan and Development Plan for Gosnell Estates through Lamp Post Drive. Also, regarding road length, that the applicant should connect Lamp Post Drive and Lampwick Lane to make one continuous loop road. If the applicant connects these roads the applicant must still meet the minimum road standards of the Subdivision Ordinance. Jonathan Parce seconded the motion and all members voted in favor.

Combined Master Plan and Development Plan for Rambling Hills (Lots 34-37 and 41-46) – (File # 2006-M52) – 11 Single-Family Residential Lots Located Off Rambling Trail – Jon Laughter, Agent for Buford Snoddy, Owner/Developer. Presentation by: Anthony Prinz. Mr. Prinz stated that Messrs. Buford Snoddy and Theodore Snoddy, property owners, have submitted, through Laughter, Austin, and Associates, a Combined Master and Development Plan for a proposed subdivision to be known as Rambling Hills, Lots 34-37 and 41-46 (a.k.a. Rambling Hills Section Two). Section Two of Rambling Hills is proposed to be developed on one parcel of land totaling approximately 12.7 acres in size located off of Rambling Trail. The subject property is located in the area of the Rambling Ridge and Champion Hills subdivisions.

Section One of Rambling Hills was approved by the Planning Board on October 10, 1989 in accordance with the requirements of the Henderson County Land Development Ordinance. A final plat was recorded for Section One on October 30, 1991. Lots 38, 39, and 40 of Rambling Hills were approved as a minor subdivision earlier this year. Given that the applicant is applying for another subdivision within the three-year hold period of an approved minor subdivision, Section Two must be reviewed and approved as a major subdivision.

Rambling Hills Section Two is proposed to contain ten single-family lots that will be developed in one phase. The developer plans for all of the homes to be served by individual water and septic systems. An existing private road (Green Pine Court) will serve the development with the entrance proposed from Rambling Trail.

The project site is located in a County Open Use (OU) zoning district and is not within a designated Water Supply Watershed area. See the attached Combined Master and Development Plan for more information.

Staff has reviewed the Combined Master Plan and Development Plan for conformance with the Henderson County Subdivision Ordinance (HCSO) and offers the following comments:

- 1. Revisions to Development Plan.** The following changes must be made for the Development Plan portion of the Combined Master and Development Plan to be in compliance with Appendix 5 (Development Plan Requirements) of the HCSO.
 - (a) County tax records indicate that a portion of the subject property (Deed Book 700, Page 281), not shown on the current Development Plan, extends to the east of Rambling Trail. A revised Development Plan must be submitted that depicts the entire subject property and describes the developer's intentions with the portion of property east of Rambling Trail.
- 2. Water Supply.** According to Section 170-20B (1) of the Henderson County Subdivision Ordinance, a subdivision shall be required to connect to a public water supply system when the subdivision is located within a distance from the existing water system equal to the product of 100 feet multiplied by the number of lots proposed for the subdivision (not to exceed 5,000 feet). Upon visiting the subject property, staff noticed that public water infrastructure appeared to be currently located on-site. If water infrastructure that has capacity to serve the proposed development is located on the property, the developer is required by the HCSO to propose public water to serve the home sites and install fire hydrants at proper intervals. Changes to the Development Plan will be necessary if public water is proposed for the development.
- 3. Private Roads.** It appears that the existing road located on the project site does meet the minimum construction specifications of a local residential road which is required to serve the proposed lots. Staff did notice, however, a significant amount of over-growth on the road shoulders and some moderate erosion problems. Mr. Prinz stated that the

Planning Board may consider requiring the developer to remove excessive vegetation from the existing road shoulders and to repair on-site erosion problems to eliminate safety and functionality concerns.

4. **Soil Erosion and Sedimentation Control.** The Developer should submit notice from NCDENR that a soil erosion and sedimentation control plan has been received, or provide documentation that no plan is required prior to beginning construction (HCSO 170-19).
5. **Final Plat Requirements.** Final Plat(s) must meet the requirements of Appendix 7 of the Subdivision Ordinance for approval.

REVIEW AGENCY COMMENTS

1. **Comments from the Henderson County Fire Marshal's Office.** Mr. Rocky Hyder mentioned that there is no fire suppression water supply and suggested that an 18-foot road will support provision of emergency services.

- It appears that public water is currently located on the subject property with proper hydrant spacing. The location of all existing hydrants must be shown on a revised Combined Master Plan and Development Plan.

After some discussion among Board members, Chairman Pearce made a motion that the Planning Board find and conclude that the Combined Master and Development Plan for the Rambling Hills, Section Two complies with the provisions of the Subdivision Ordinance except for those matters addressed in the Staff Comments section of the memo that need to be addressed; and further move that the Combined Master and Development Plan be approved subject to a revised Development Plan being submitted that depicts the entire subject property and developer's intentions with the portion of property east of Rambling Trail and that the project area boundary depicted on the Development Plan is not consistent with Henderson County's tax records and suggest that the developer provide evidence to the Planning Department that the project area boundary depicted on the Development Plan is correct, and if so, work with the Henderson County Land Records Office to correct the discrepancy. Gary Griffin seconded the motion and all members voted in favor.

Revised Master Plan and Phase II Development Plan and Phase III Development Plan for The Mountain Top Area of the Cummings Cove Subdivision – (File # 06-M55) – 38 Proposed Single-Family Residential Lots Located Off Battle Creek Road – William Buie with Lapsley & Associates, Agent for Cummings Cove Investments, LLC, Owner/Developer. Presentation by: Matt Card. Mr. John Antrim mentioned that he is an *absentee land owner* and asked the Board whether they feel he might have a conflict of interest in participating with the discussion or decision in this project. All Board members felt that there would be no conflict.

Mr. Card stated that Mr. William Buie with William Lapsley and Associates, agent, submitted on behalf of Cummings Cove Company, LLC, owner and developer, an application revising the Master Plan for Cummings Cove and a revised Phase II Mountain Top Area Development Plan. The applicant is also requesting approval of Phase III, a new section of the Mountain Top Area. During previous approvals of the Cummings Cove subdivision, the Mountain Top Area of Cummings Cove was labeled as "future development" with little detail of the potential development. The applicant has broken this area into different phases and created a plan for the area. The revised Master Plan also shows the addition of adjoining land.

Mr. Card said that according to the revised Master Plan the applicant is proposing to add a portion of property, totaling approximately 44 acres and owned by the Lowell Gettman Trust, located to the north of the Mountain Top Area. As you can tell from the revised Master Plan the black dashed line through proposed Phase I, Phase III and Phase IV shows the new portion of land to be added to the subdivision. With the proposed addition of this property it also adds a new gated entrance on Battle Creek Road.

The revised Master Plan also shows additional property, now owned by Cummings Cove Company, LLC, located along Cummings Cove Road. The applicant is proposing to add this land to the subdivision. According to the revised Plan this additional acreage will be utilized as a sports village and as commercial areas for the subdivision.

Also shown on the Plan are other proposed areas for development which are outlined by black dashed lines. This includes phases of future development, Phases IV, V, VI of the Mountain Top Area, the Mountain Cottages, Mountain Fairways and the Waterfall Village Sections along with the above mentioned additions.

In addition to requesting approval of the revised Master Plan the applicant has revised the Phase I and Phase II Development Plans. The original Phase II Development Plan was approved by the Planning Board on July 19, 2005. The developer has changed the lot configuration of Phase II and removed lots from Phase I and added them to Phase II. Phase II will now have a total of 25 lots on 23.63 acres of land.

Phase III was never approved by the Planning Board for construction. Phase III consists of a total of 38 lots on 48 acres of land which includes the additional land from the Lowell Gettman Trust property. It appears that the new gated entrance to the subdivision, proposed off of Battle Creek Road, will be apart of Phase III and Phase IV.

Both Phase II and Phase III of the Mountain Top Area are located in the Open Use zoning district which does not regulate the residential use of land. They are also located in the Water Supply Watershed District IV which requires a minimum lot size of 20,000 square feet and a 30-foot vegetative buffer from all perennial streams. The developer has proposed public water (City of Hendersonville) and private sewer. Private roads are also proposed.

Staff has reviewed the submitted revised Master Plan and Phase II and Phase III Development Plans for Cummings Cove for conformance with the Henderson County Subdivision Ordinance (HCSO) and offers the following comments:

- 1. Final Plat Requirements.** The final plat(s) must meet the requirements of Appendix 7 of the Subdivision Ordinance.
- 2. Private Roads.** Because private roads are proposed, 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.* (HCSO 170-21B and Appendix 7)
- 3. Soil Erosion and Sedimentation Control.** The Developer should submit notice from NCDENR that a soil erosion and sedimentation control plan, covering each Phase, has been received or provide documentation that no plan is required prior to final plat approval.

4. **Stream Setbacks.** A minimum thirty-foot setback for buildings or other structures is required along all perennial streams. The thirty-foot setback must be noted on the final plat (HCSO 170-37, A). According to § 192-15 of the Water Supply Watershed Ordinance, a minimum thirty-foot vegetative buffer is also required along all perennial streams.
5. **Water and Sewer Approval.** According to the HCSO, the applicant must provide evidence that the water supply and sewerage plans have been approved by the appropriate agency. All public or private (community) water supply and sewerage 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 meet the respective county or municipality's minimum requirements for fire hydrants installation (HSCO 170-20).

Revised Master Plan Comments

6. **Phase II.** The revised Master Plan shows a different layout for Phase II of the Mountain Top Area than the Phase II Development Plan. The revised Master Plan includes lot #11 which was apart of the previously approved Phase II Development Plan. The Development Plan for Phase II does not show lot #11. The Phase II Development Plan also shows a total of 25 lots but the project summary has a total of 26 lots. The applicant should explain the intentions for Phase II at the Planning Board meeting. The Planning Board may require that the Phase II Development Plan and revised Master Plan is approved contingent upon the applicant revising the Phase II Development Plan or Master Plan accordingly.

Phase II Development Plan Comments

7. **Phase II Development Plan.** See comment # 6 above under the Revised Master Plan Comments.
8. **Road Standards.** The applicant has proposed private collector roads to serve Phase II. It appears that a portion of Cummings Ridge Trail reaches 16% grade. A professional engineer or professional land surveyor must certify on the final plat that no portion of private roads have grades that exceed the maximum allowable grade for paved collector roads which is 16% (170-21, E of the HCSO).
9. **Roundabout.** A plan view or cross section for the roundabout was not provided. The applicant should clarify the dimension of the travel way width for the roundabout at the Planning Board meeting. This information is needed for inspection of the roads and roundabout.

Phase III Development Plan Comments

10. **Road Standards.** The applicant has proposed private collector roads to serve Phase III. A professional engineer or professional land surveyor must certify on the final plat that no portion of private roads have grades that exceed the maximum allowable grade for paved collector roads which is 16% (170-21, E of the HCSO).

11. Road Names. The applicant must provide road names for the two unnamed roads in Phase III. These road names must be approved by the Henderson County Property Addressing office.

12. Gates. All proposed gates must meet the minimum standards of the Entry Gates Ordinance (Chapter 87 of the Henderson County Code).

Review Agency Comments

13. Comments from the Fire Marshal. The Henderson County Fire Marshal's Office commented that all parcels must be located within 1000 feet of a fire hydrant and that entry gates must comply with the new Entry Gates Ordinance. He also suggested that the road system should support the delivery of emergency services. Mr. Card said that the Planning Board can only require the applicant to meet the minimum standards of the Henderson County Subdivision Ordinance; the Planning Board may not have the authority to require any additional standards to the subdivision.

14. Comments from the Zoning Administrator. The Henderson County Zoning Administrator submitted comments regarding water supply watershed requirements regarding buffer requirements.

15. Comments from Property Addressing. Property Addressing submitted that the Cummings Battle Trail is reserved and that two more street names are required.

Mr. Card stated that in particular, the Planning Board should add to their comments for approval that all bearings and distances should be labeled on both development plans - Phase II and Phase III.

Mr. Will Buie, with Lapsley and Associates clarified that the existing roads and the entire infrastructure in Phase II has been completed and paved. He said it is paved around and on into Phase 1 and all the improvements have been completed. He added that what we are doing here tonight before the Board is cleaning up a few items in Phase 2 and working on a Development Plan for Phase 1. He said essentially it is a switching of some lots in Phase 3 and 2. He said to clarify Lot # 11, the Master Plan was actually correct and will revise the Development Plan to make sure it is correct and that Lot # 11 is included. The dimensions will be provided for the roundabout. All the other comments will be taken care as described by the Planning Staff.

Chairman Pearce made a motion that the Planning Board find and conclude that the revised Master Plan and Phase II and Phase III Development Plans complies with the provisions of the Subdivision Ordinance except for those matters addressed in Staff Comments section of the memo that need to be addressed. Also, that all bearings and distances should be labeled on both Phase II and Phase III Development Plans and that a submittal of a revised Development Plan for Phase II showing Lot # 11 and that the dimensions of the roundabout are provided on the revised Phase II Development Plan. Renee Kumor seconded the motion and all members voted in favor.

Adjournment. There being no further business, the meeting adjourned at 6:50 p.m. All members voted in favor.

Tedd Pearce, Chairman

Kathleen Scanlan, Secretary