

REQUEST FOR COMMITTEE ACTION

HENDERSON COUNTY TECHINICAL REVIEW COMMITTEE

MEETING DATE: March 3, 2020

SUBJECT: Master and Development Plan for Skydance LLC Major Subdivision
(2020-M01)

STAFF CONTACT: Jacob Compher, Planner

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

SUMMARY OF REQUEST:

A subdivision application was submitted on behalf of property owners Jerry and Donna Tucker, January 24, 2020. The application is for Skydance LLC Major Subdivision, consisting of 15 residential lots, 1 common area lot, and 2,184 linear feet of new private roadway. The subject area is located off Kilpatrick Road (SR 1213) and contains 35.08 acres in nine (9) separate parcels (PIN(s): 9549-41-5996, 9549-41-9902, 9549-41-3528, 9549-41-5535, 9549-41-7438, 9549-51-2822, 9549-51-4744, 9549-52-5423, 9549-52-1307).

TECHNICAL REVIEW COMMITTEE ACTION REQUESTED:

Staff has found that the Combined Master and Development Plan appears to meet the standards of the subdivision regulations of Chapter 42, Henderson County Land Development Code (LDC).

Suggested Motion: I move that the TRC (approve, approve with conditions, or deny) the Combined Master and Development plan for Skydance LLC Major Subdivision based on the conditions noted in the staff report and any conditions discussed by the TRC.

Henderson County Planning Department Staff Report

Combined Master and Development Plan For Skydance, LLC (2020-M01)

Property Owner & Applicant: Jerry and Donna Tucker

**PIN(s): 9549-41-3528, 9549-41-5996, 9549-41-9902, 9549-41-5535, 9549-41-7438, 9549-51-2822,
9549-51-4744, 9549-52-5423, 9549-52-1307**

History of Subject Area:

The original Development Plan for the subject area, formerly Seven Eagles, indicated that a total of ten (10) lots will be created, which contains a total of 36.33 acres owned by Jerry Tucker and Charlene Roberts, at the time of submission. The final plat was approved by the Henderson County Planning Department and recorded at the Register of Deeds on June 19, 1997 on plat slide 2440. The original Development Plan indicated a total of two (2) private roads, Soaring Eagles Drive and Eagles Meadow Drive. Both proposed private roads conveyed a 50' right-of-way, which were recorded and mapped along with the 10 lots shown on the Development Plan. The private roads were never constructed.

At the time of the original approval for Seven Eagles minor subdivision, the project was processed through standards identified in the Henderson County Land Development Ordinance that was adopted on February 1, 1988 and effective on February 8, 1988. Under the ordinance for streets that were designated as private, the owner and or developer was required to include a Street Disclosure Statement identifying the consequences and responsibility as to maintenance of a private street, and shall fully and accurately disclose the party or parties upon whom responsibility rest, and shall further disclose that the street or streets will or will not be constructed to minimum standards sufficient to allow their inclusion into the State Highway System for maintenance (Section 504.1 Street Disclosure Statement). Private residential streets were required to dedicate at least a forty-five (45) foot right-of-way for all streets to owner's association or to the property owners within the subdivision. All private residential streets shall be designed, built, and dedicated as shown on the approved Preliminary Plan in accordance with North Carolina Department of Transportation design standards for line and grade (Section 504.7 Private Streets). The private roads were designated as "local roads" and were required to show a 50' right-of-way with a minimum of 50' of frontage on a public road (Section 509 Access Requirements).

The former subdivision's lots have already been recorded along with the right-of-way for access. If no changes were proposed to move the recorded right-of-way and or increase the number of lots, the subdivision is complete and exempt from the current Land Development Code Chapter 42 requirements. Since the applicant wishes to move the existing right-of-way the subdivision is then required to meet the standards in the Land Development Code Chapter 42. A new development plan, subdivision application, and preliminary plat is required to begin the review process.

A new plat was submitted on January 24, 2020 revising the previous Combined Master and Development plan for Skydance LLC. The revisions promote the subdivision into the major category to accommodate the proposed 15 lots. The local road of Skydance Trail has increased north, totaling 2,184 linear feet. The right-of-way is now 45' and ends with a 30' driveway easement to access the remaining lots.

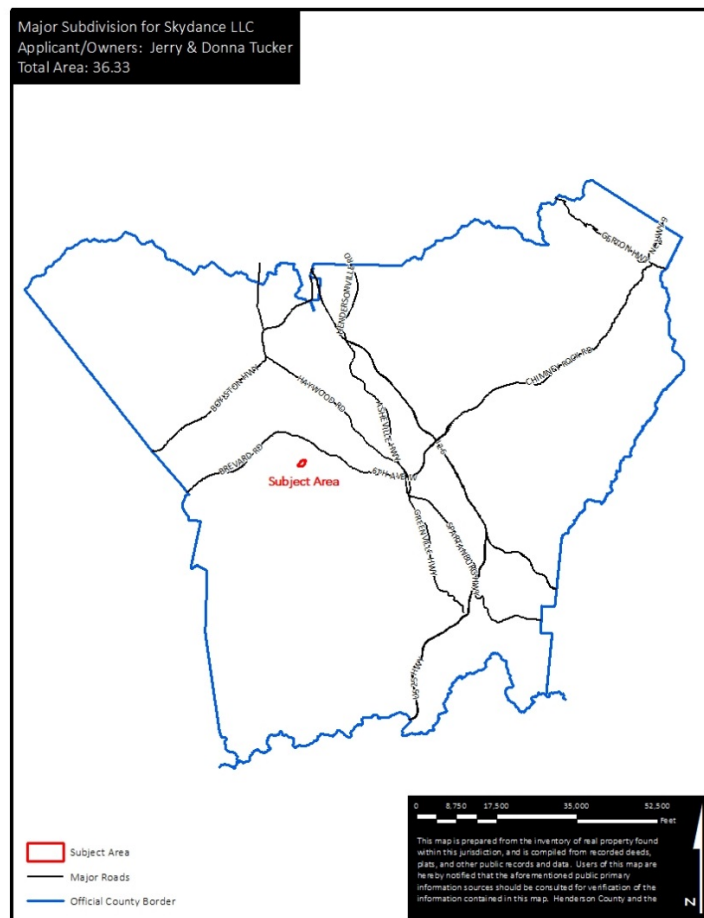
Master & Development Plan Comments:

According to Chapter 42, Henderson County Land Development Code (LDC) §42-341, 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 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.

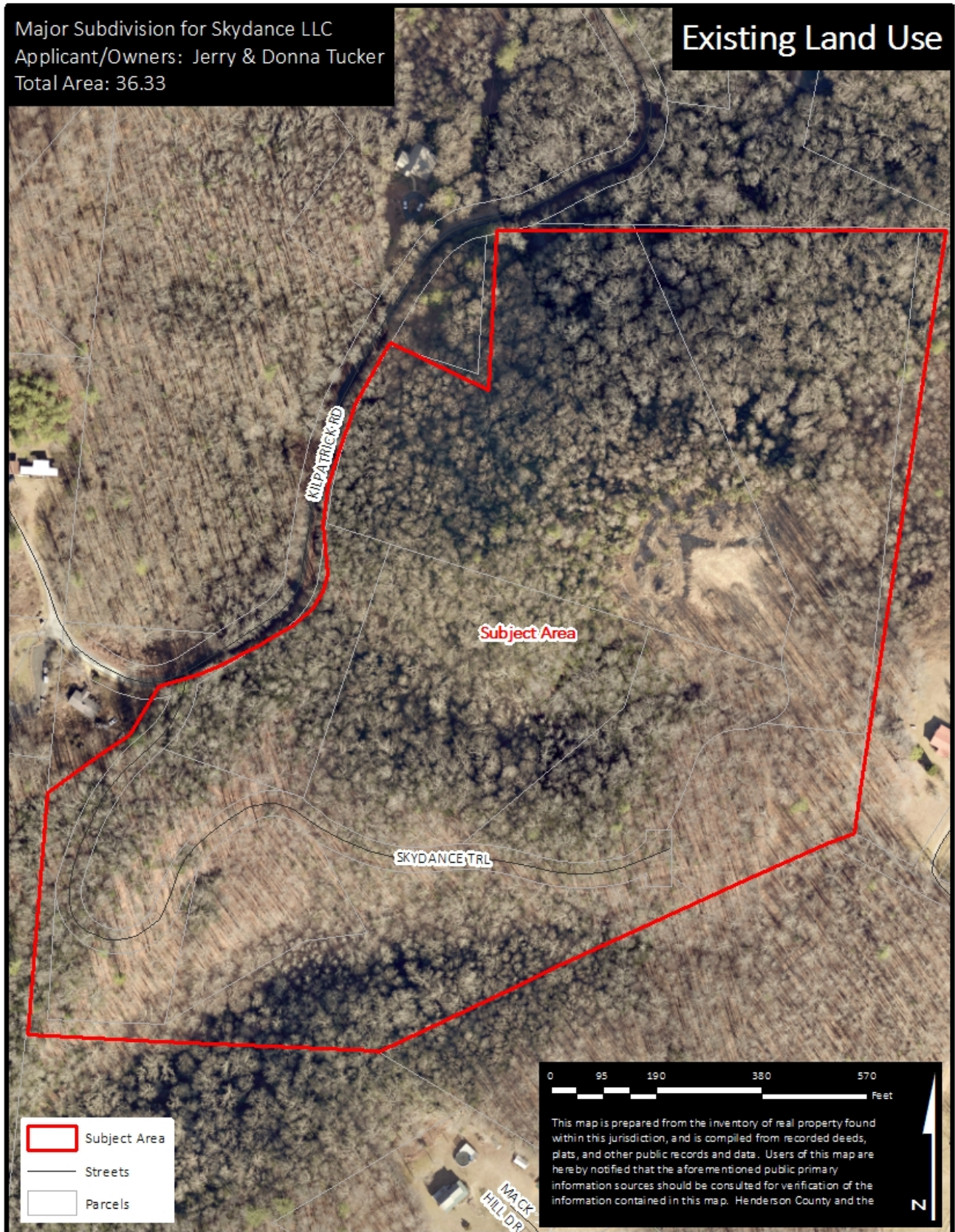
When reviewing the Combined Master and Development Plan it is important to consider that, due to severe topographic conditions, inadequate road access, distance from services, unique natural areas, soils that do not easily support soil drainage systems and/or the proximity to existing and incompatible 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 Combined Master and Development Plan for Skydance LLC, 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:

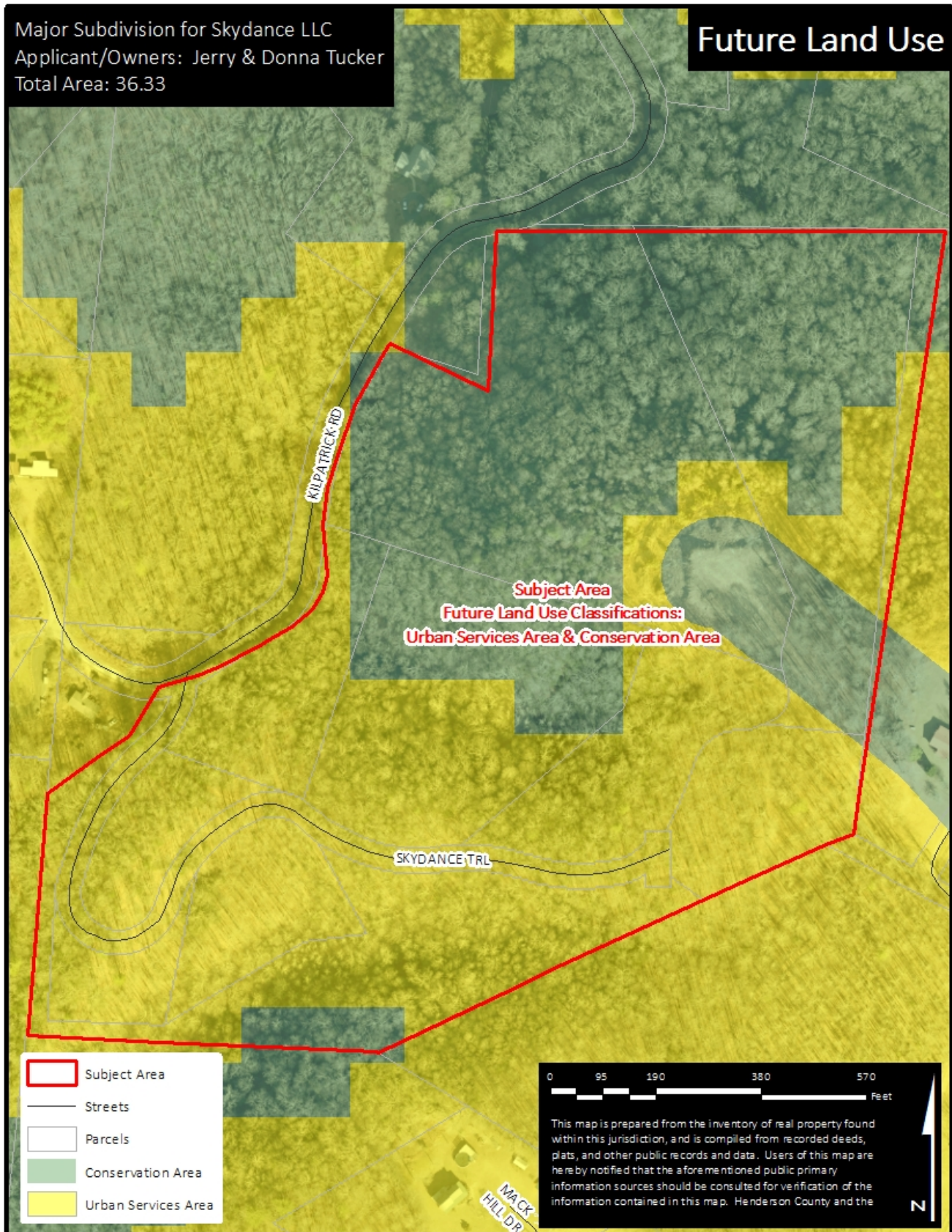
Map A: County Context



Map B: Aerial Imagery

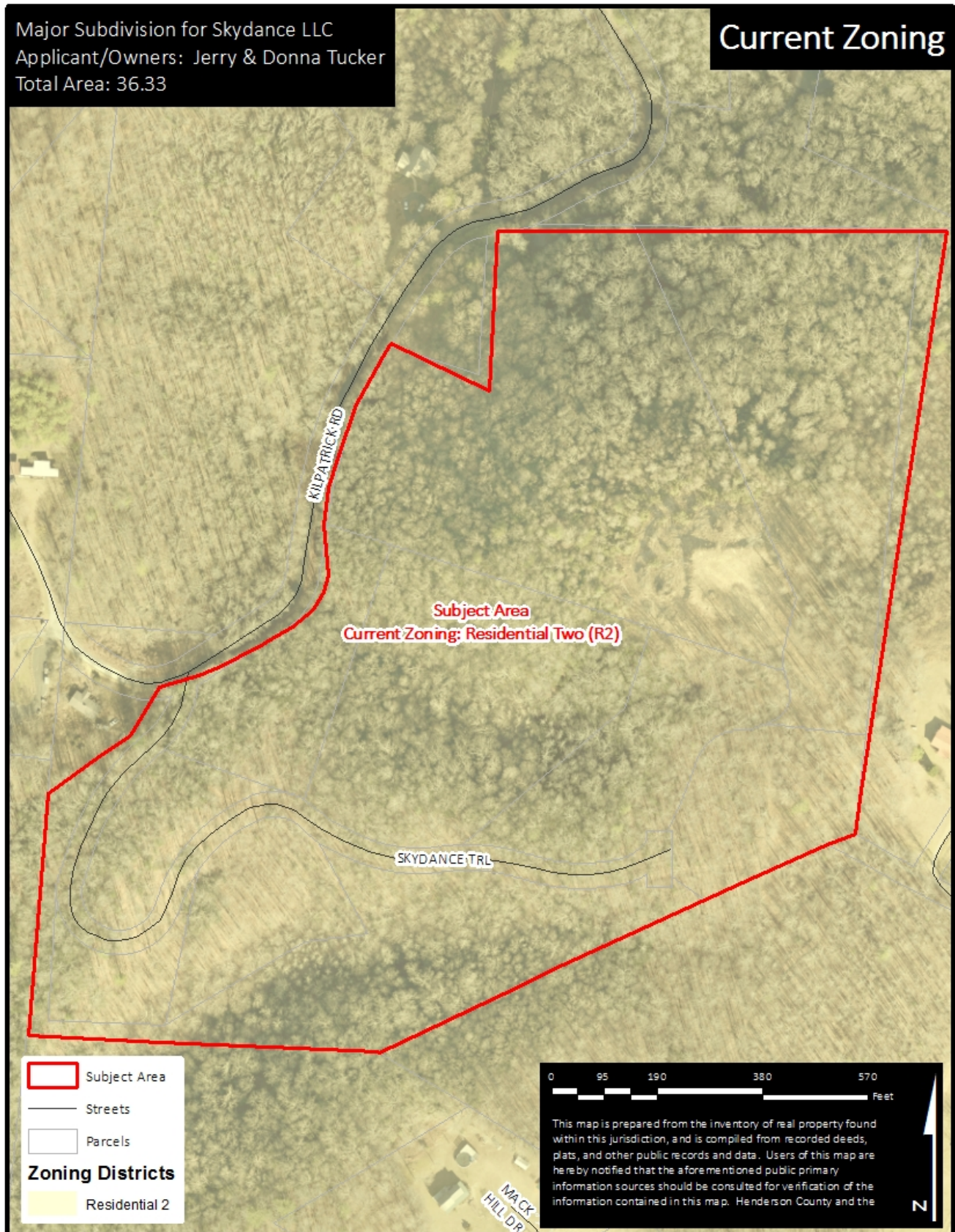


Map C: County Comprehensive Plan Future Land Use Map



1. **Henderson County Comprehensive Plan (CCP).** The Future Land Use Map of the CCP shows the Subject Area as being located within the Urban Services Area and Conservation Area.
 - a. **Urban Services Area:** “Wide ranges of residential densities will exist. Over the long term, land use regulations and policies should favor higher density development, consistent with natural constraints and the availability of urban services. At the same time, policies and regulations should protect existing less-intensely developed communities. The USA will contain considerable commercial development at a mixture of scales: *Local*, *Community*, and *Regional*, as defined below. In particular, all *Regional Commercial* development should be concentrated here. Commercial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community.” (CCP pg. 133)
 - b. **Conservation Area:** “Land areas that are intended to remain largely in their natural state, with only limited development. Such areas should be targeted for protection through regulations and incentives. Conservation areas are lands that generally exhibit any of the following characteristics:
 - i. Sensitive natural areas
 - ii. Areas of historic or archeological significance
 - iii. Local, state, or federally-managed natural areas
 - iv. Areas managed for agricultural or forestry land uses” (CCP pg. 138)
 - c. **Current Use:** The subject area is currently vacant.

Map D: Official Zoning Map



2. **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 subject is located within a Residential Two (R2) zoning district. The subject area is surrounded by the Residential Two (R2) zoning district in all directions.
 - a. **Residential Two (R2):** The purpose of the Residential Two (R2) is to foster orderly growth where the *principal use* of land is residential. The intent of this district is to allow for low to medium density *residential development* consistent with the recommendations of the *Comprehensive Plan*. It is also the intent of this district to allow for flexibility in the continuation of existing nonresidential *uses*. This general *use district* is typically meant to be utilized in areas designated as Transitional (RTA) in the *Comprehensive Plan*. (LDC §42-28)
3. **Water and Sewer Availability.** The applicant states that the subject area will be served by individual well and septic systems.
4. **Project Proposal Summary:**
 - 15 Residential Lots (32.02 acres) and 1 Community Open Space Lot (4.31 acres)
 - Approximately 1 residential unit per 2.38 acres
 - Existing private Skydance Trail local road with a 45' right-of-way to access lots 1-7
 - Proposed private driveway easement, Sitting Bear Crossing, to access lots 11-15
 - Revised access to lots 8-10 from existing private driveway easement, Standing Deer Path
 - Secondary access to Starview Lane for emergency response vehicles

Master & Development Plan Comments:

1. **Sedimentation and Erosion Control.** The applicant must submit to the Subdivision Administrator written notice from the appropriate agencies verifying that an Erosion and Sedimentation Control Plan has been approved or a written notice from a professional land surveyor, engineer, landscape architect, architect, or professional planner certifying that no plan is required (LDC §42-81 A).
2. **Private Road Standards.** The Applicant must provide a cross section for the proposed roads. This cross section would need to indicate the road to be a subdivision local road. All subdivision roads must be designed and constructed to the minimum standards of LDC §42-81 C (Table 3.3).
3. **Road Grade.** The Applicant must identify the type of material utilized on the surface of the proposed private roads for the subdivision. The maximum road grade for local roads constructed of gravel is 15 percent and 18 percent for a paved surface. A professional engineer or professional land surveyor must certify on the Final Plat that no portion of the road has a grade that exceeds 15 or 18 percent or submit a final as-built graded center line profile showing grade and alignment of the road (LDC §42-81 C (Table 3.3). and §42-81 C (4)).
4. **Cul-de-sac.** The Applicant proposes one (1) turnaround located at the middle of private driveway easement Sitting Bear Crossing. All turnarounds must meet of the LDC §42-105 C (8).
5. **Gates.** The Applicant should become familiar with the Entry Gate provisions of Chapter 42 (LDC §42A-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. **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 §42-81 E).
7. **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 §42-81 P).
8. **Road Name Approval.** Proposed road names for all roads shall be approved by Henderson County Property Addressing (LDC §42-81 F).
9. **Miscellaneous Advisory Provisions.** The Applicant should become familiar with the miscellaneous advisory provisions contained in LDC §42-81 S.
10. **Final Plat Requirements.** The Final Plat(s) must meet the requirements provided by the Planning Department whenever a subdivision of land occurs (LDC §42-311 B (2)).

I, Professional Land Surveyor or Engineer, certify that the lot(s) created by this plat is (are) served and accessed by a recorded driveway easement shown hereon. This easement may or may not meet the standards for roads serving subdivisions in the Henderson County Land Development Code. Neither the undersigned nor Henderson County certify whether this easement meets such standards. This is the _____ day of _____, 2020.

Professional Surveyor or Engineer

I CERTIFY THAT PROPERTY SHOWN ON THIS PLAT IS LOCATED IN A WATERSHED AREA CLASSIFIED AS "A-1". THE PLAT SHOWN HEREON COMPLETES WITH THE HENDERSON COUNTY WATER SUPPLY WATERSHED PROTECTION ORDINANCE AND IS APPROVED FOR RECORDATION IN THE REGISTER OF DEEDS OFFICE.

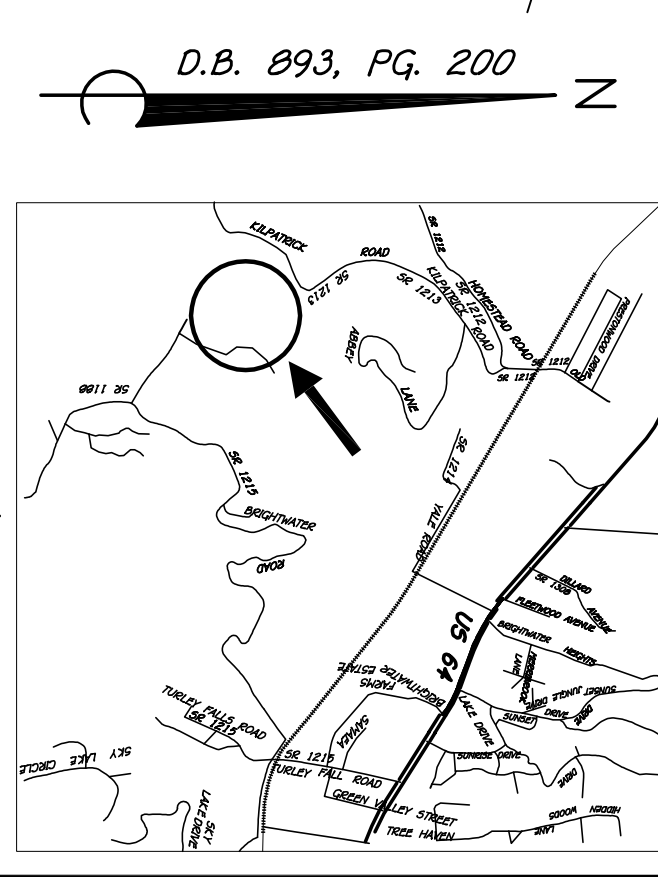
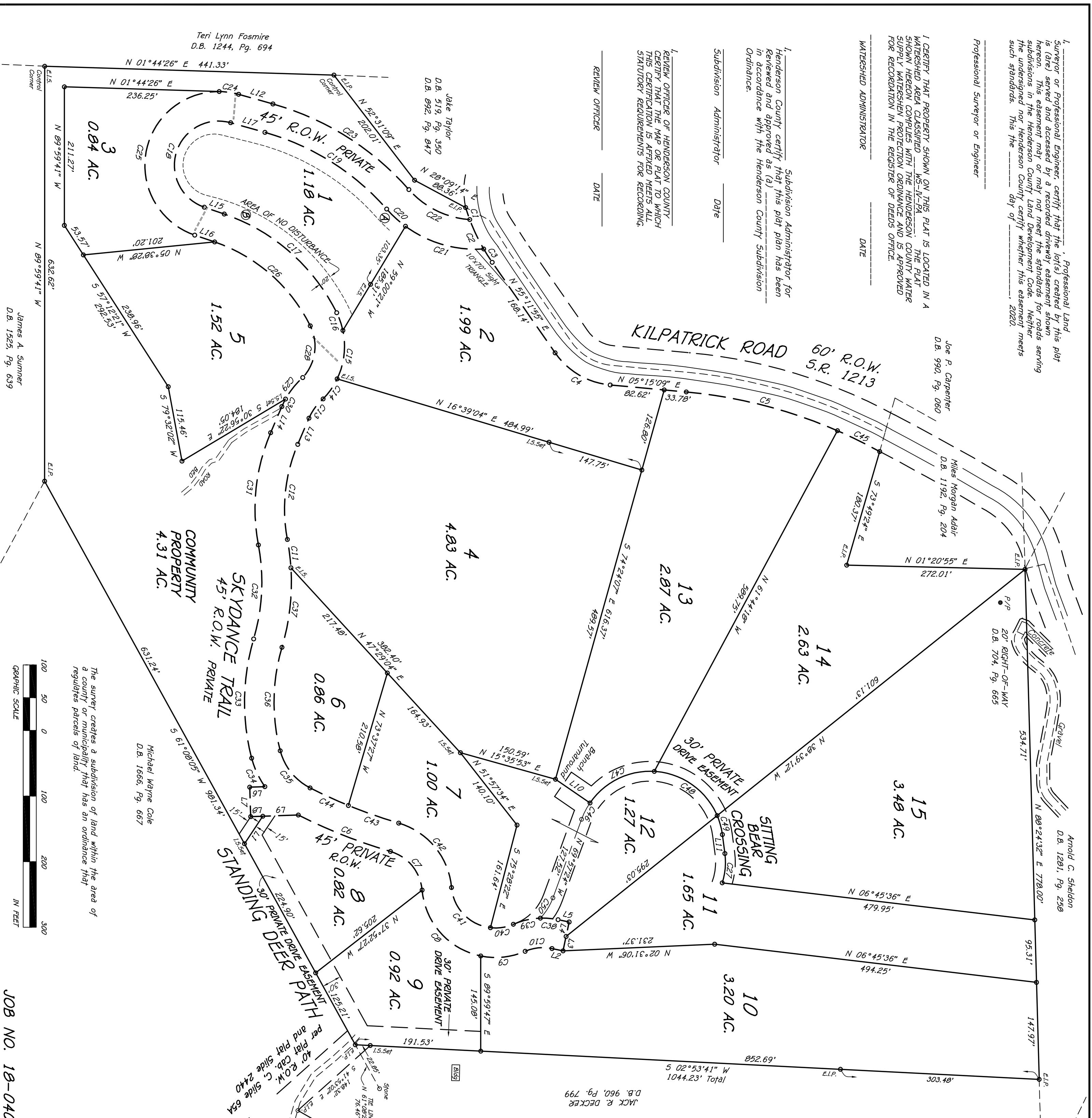
WATERSHED ADMINISTRATOR

I, Henderson County certify that this plat plan has been reviewed and approved as (a) _____ in accordance with the Henderson County Subdivision Ordinance.

Subdivision Administrator Date

I, REVIEW OFFICER OF HENDERSON COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER DATE



I, Jon Harvey Laughter, P.L.S., certify that this plat was drawn under my supervision from an actual survey made under my supervision; that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____ page _____ that the ratio of precision as calculated is 1:10,000 plus; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number _____ day of _____, 2020.

Surveyor Registration Number

Filed for registration on the _____ day of _____, 2020 at _____ and recorded at plat slide _____.

Registrar of Deeds

I CERTIFY THAT SLOPE OF SUBDIVISION ROAD, SKYDANCE TRAIL, DOES NOT EXCEED 15% AT ANY POINT.

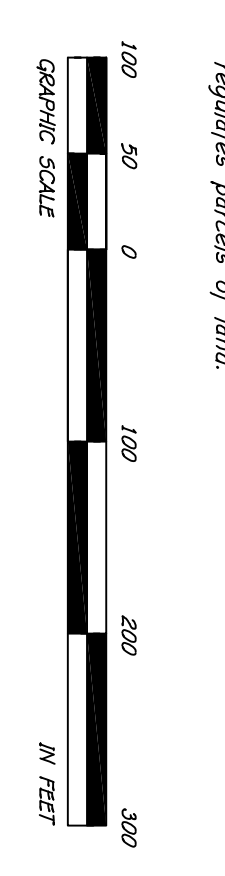
I CERTIFY THAT CUT AND FILL SLOPES ARE NO LESS THAN 1.5:1 OR 1:1 WHEN THE EXISTING CROSS SLOPE IS 20% OR GREATER.

Professional Surveyor or Engineer

MAP OF SURVEY
made for OWNER
SKYDANCE LLC
1627 LITTLE RIVER CAMP ROAD
PISGAH FOREST, N.C. 28768
MAJOR SUBDIVISION

HENDERSONVILLE TWP. HENDERSON COUNTY, N.C.
LAUGHTER, AUSTIN AND ASSOCIATES, P.A.
131 FOURTH AVENUE EAST
HENDERSONVILLE, NORTH CAROLINA 28792
(828) 692-9089

CREW CHIEF	TPW	CHECKED BY	DATE	SHEET NO.
DRAWN BY	TPW	SCALE 1" = 100 FT.	4/26/19	1 OF 2
COORD. FILE	18040	DRAWING FILE	2/11/20	
FLODD MAP PANEL NUMBER	370125 0080	TAX PARCEL NUMBER	9549-52-5349	



The survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.

JOB NO. 18-040

James A. Sumner
D.B. 1525, Pg. 639

Teri Lynn Fosmire
D.B. 1244, Pg. 694

Jake Taylor
D.B. 519, Pg. 350
D.B. 892, Pg. 847

Joe P. Carpenter
D.B. 990, Pg. 060

Miles Morgan Adair
D.B. 1192, Pg. 204

20' RIGHT-OF-WAY
D.B. 704, Pg. 665

Arnold C. Sheldon
D.B. 1281, Pg. 258

D.B. 893, PG. 200

JACK R. DECKER
D.B. 960, Pg. 799

Michael Wayne Cole
D.B. 1666, Pg. 667

- NOTES 3406 631
- REFERENCES - DEED BOOK 3406, PAGE 634 PLAT CABINET 2440, SLIDE 2440, 11825 12109, 12110
 - AREA DETERMINED BY COORDINATE COMPUTATION
 - 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.
 - NORTH ARROW SHOWN IS OBTAINED FROM MAGNETIC OBSERVATION UNLESS OTHERWISE SHOWN
 - MINIMUM SETBACKS
FRONT 15'
REAR 10'
SIDE 10' ZONED R-2
 - THIS MAP IS NOT TRANSFERABLE, AND MAY NOT BE USED BY ANY OTHER PERSON OR ENTITY WITHOUT WRITTEN AUTHORIZATION BY LAUGHTER, AUSTIN AND ASSOC., P.A. THE MAP IS PROVIDED FOR THE USE OF THE PARTIES NAMED HEREON.
 - This project is located within 1/2 mile of land in a Farmland Preservation District.
 - THIS PROPERTY IS IN A WATERSHED CLASSIFIED AS WS 11.
 - THE OVERALL GRADE ON SKYDANCE TRAIL IS 10.2%.
 - Maintenance responsibility for the proposed 30' driveway easement is with the homeowners utilizing it and easement must be maintained to allow clear passage for emergency response vehicles.

PROJECT SUMMARY

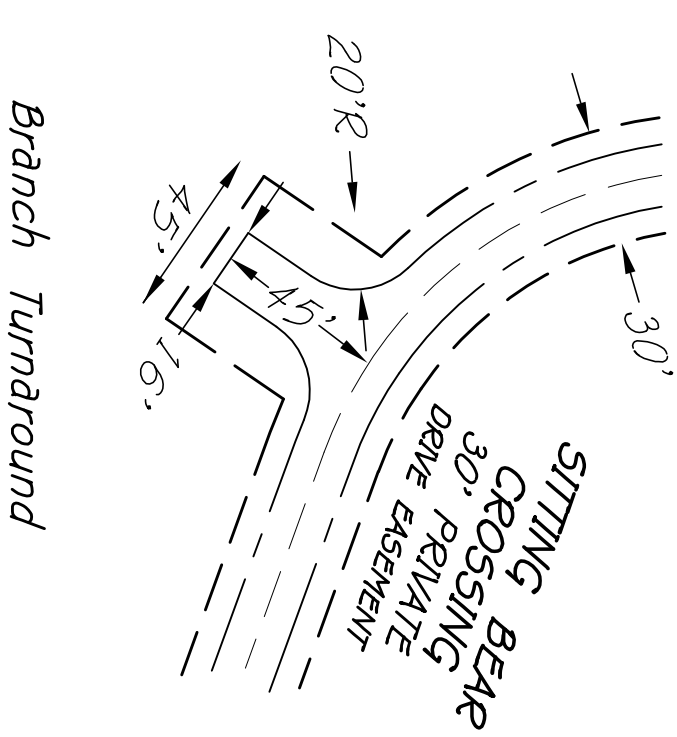
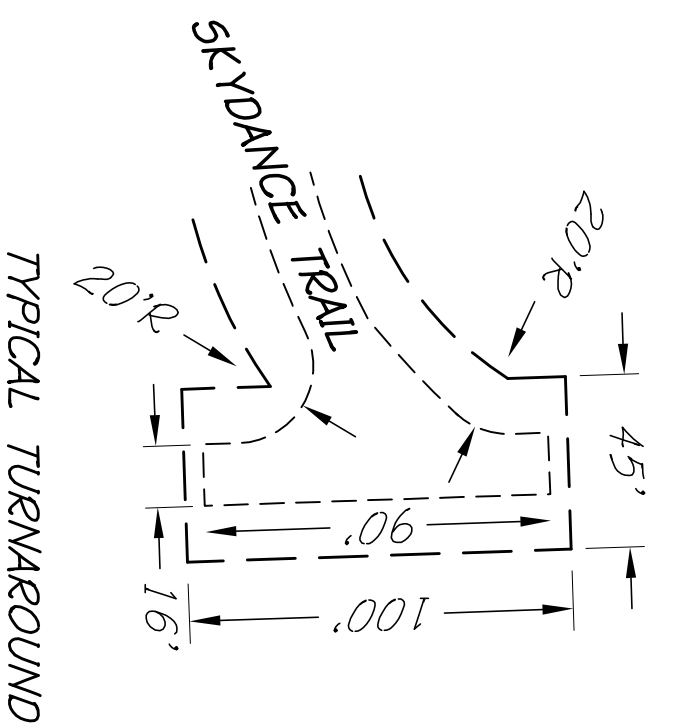
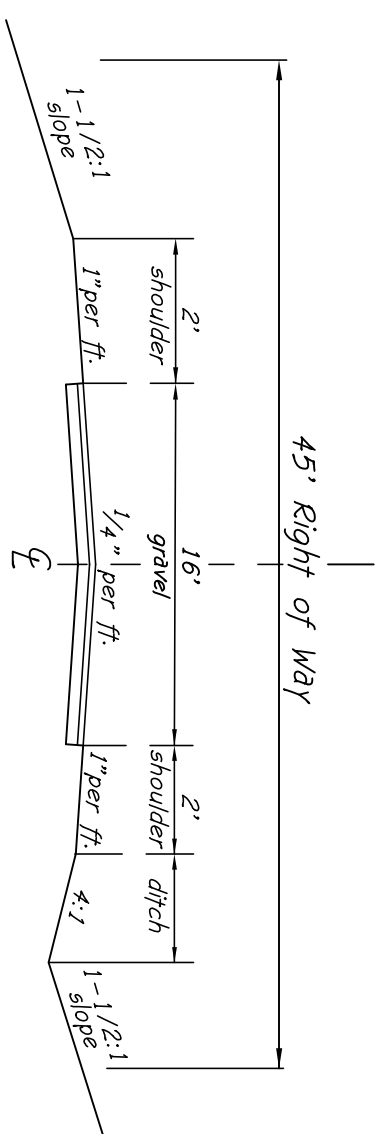
TOTAL PROJECT AREA	DENSITY OF PROPOSED PROJECT	NUMBER OF PROPOSED LOTS/UNITS BY TYPE	LENGTH OF PROPOSED PRIVATE ROADS	TYPE OF WATER SYSTEM	TYPE OF SEWER SYSTEM
35.80 AC.	0.42 UNITS/AC.	15 EA.	2184 LF	INDIVIDUAL	INDIVIDUAL

LEGEND

I.S.SET - IRON STAKE SET
E.I.P. - EXISTING IRON PIPE
E.I.S. - EXISTING IRON STAKE
PK - NAIL MARKER
-X-X- - APPROXIMATE FENCE LOCATION
C- - CENTER LINE (ROAD, STREET, STREAM, ETC.)
P/P - POWER POLE AND/OR TELEPHONE POLE
R - RADIUS
L - LENGTH OF CURVE
R.O.W. - RIGHT OF WAY

LINE	BEARING	DISTANCE
L1	N 56°17'50" W	50.37'
L2	N 11°51'34" E	17.25'
L3	N 78°08'26" W	22.50'
L4	N 78°08'26" W	22.50'
L5	S 11°51'34" W	17.25'
L6	S 01°55'35" E	23.09'
L7	N 88°04'25" E	45.00'
L8	N 01°55'35" W	18.45'
L9	N 01°55'35" W	54.19'
L10	N 34°27'17" E	63.78'
L11	N 82°25'57" E	29.13'
L12	S 15°42'27" W	54.37'
L13	N 66°48'18" W	43.47'
L14	S 66°48'18" E	43.47'
L15	S 18°54'28" W	32.15'
L16	N 18°54'28" E	32.15'
L17	N 15°42'27" E	54.37'

CURVE	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C1	298.47'	N 71°13'15" E	19.31'	19.31'
C2	298.47'	N 64°35'36" E	49.68'	49.73'
C3	298.47'	N 57°30'33" E	24.06'	24.07'
C4	115.25'	N 30°13'34" E	97.31'	100.46'
C5	750.00'	N 14°22'58" E	238.02'	239.03'
C6	827.53'	N 21°33'09" E	151.05'	151.26'
C7	67.50'	N 50°40'53" E	76.20'	80.97'
C8	112.50'	N 48°19'51" E	134.52'	144.18'
C9	112.50'	N 06°00'07" W	68.10'	69.18'
C10	67.50'	N 05°52'48" W	41.13'	41.80'
C11	350.00'	S 82°50'22" W	43.64'	43.67'
C12	250.00'	N 83°46'12" W	145.89'	148.05'
C13	80.00'	N 53°38'42" W	36.43'	36.75'
C14	115.00'	N 55°01'47" W	37.25'	37.41'
C15	115.00'	N 83°13'34" W	74.41'	75.77'
C16	115.00'	S 70°45'19" W	28.60'	28.67'
C17	300.00'	S 41°15'38" W	228.19'	234.08'
C18	67.50'	N 72°41'33" W	134.95'	208.29'
C19	386.50'	N 32°11'52" E	219.42'	222.47'
C20	180.50'	N 42°30'36" E	38.85'	38.92'
C21	180.50'	N 16°12'11" E	124.24'	126.83'
C22	135.50'	S 26°14'17" W	103.49'	106.18'
C23	431.50'	S 32°11'52" W	244.96'	248.38'
C24	112.50'	S 08°04'43" W	29.87'	29.96'
C25	112.50'	S 80°19'17" E	222.09'	317.19'
C26	255.00'	N 41°15'38" E	193.96'	198.97'
C27	101.48'	S 84°47'02" E	44.91'	45.28'
C28	70.00'	S 81°41'39" E	79.68'	84.77'
C29	125.00'	S 51°19'12" E	42.02'	42.22'
C30	125.00'	S 63°54'02" E	12.67'	12.67'
C31	295.00'	S 83°46'12" E	172.15'	174.69'
C32	305.00'	S 87°07'47" E	143.49'	144.85'
C33	340.02'	S 89°02'00" E	181.83'	184.07'
C34	133.50'	N 65°08'05" E	47.85'	48.11'
C35	88.50'	S 51°13'15" W	72.66'	74.87'
C36	295.02'	N 89°02'00" W	157.77'	159.71'
C37	350.00'	N 83°33'20" W	121.93'	122.55'
C38	112.50'	S 04°57'55" W	27.01'	27.07'
C39	112.50'	S 12°46'12" E	42.33'	42.59'
C40	67.50'	S 08°27'04" E	35.32'	35.74'
C41	67.50'	S 45°52'55" W	85.26'	92.28'
C42	112.50'	S 50°40'53" W	127.00'	134.95'
C43	782.53'	S 19°17'45" W	81.36'	81.39'
C44	782.53'	S 24°37'47" W	64.29'	64.30'
C45	750.00'	N 26°15'19" E	71.76'	71.79'
C46	111.17'	N 62°48'22" W	28.10'	28.18'
C47	111.17'	N 26°06'53" W	109.25'	114.21'
C48	111.17'	N 35°07'05" E	117.17'	123.41'
C49	111.17'	N 74°40'36" E	30.01'	30.10'
C50	90.00'	S 58°19'02" E	36.32'	36.57'



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COORD. FILE	18040	DRAWING FILE	18040	
FLOOD MAP PANEL NUMBER	370125 0080	TAX PARCEL NUMBER	9549-52-5349	

JOB NO. 18-040

Registrar of Deeds

Filed for registration on the _____ day of _____, 2020 at _____ and recorded at plat slide _____.