

REQUEST FOR COMMITTEE ACTION

HENDERSON COUNTY TECHINICAL REVIEW COMMITTEE

MEETING DATE: Tuesday, April 17th, 2018

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

STAFF CONTACT: Stedman Smith, Planner

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

SUMMARY OF REQUEST:

Applicant Mark Marshall submitted a Combined Master and Development Plan for Mills River Preserve major residential subdivision on April 3rd, 2018. The project site is located on 29.096 acres of land (PIN 9622-04-2740) located off Dave Whitaker Rd. The applicant is proposing a total of 11 lots that will be used for single-family residential purposes. The project is located within a water supply watershed district (WS-II). The project is located 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 Combined Master and Development Plan appears to meet the standards of the subdivision regulations of Chapter 42A, Henderson County Land Development Code (LDC) except for the comments listed in the Staff Report (See Attachment 1).

Staff recommends approval of the 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 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**Combined Master and Development Plan
Mills River Preserve (2018-M02)****Property Owner(s): Mark Marshall
Applicant: Mark Marshall**

Master Plan Comments:

According to Chapter 42A, Henderson County Land Development Code (LDC) §42A-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 Combined Master and Development 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 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 §42A-75).

Staff has reviewed the submitted the Combined Master and Development Plan for the Mills River Preserve Major Subdivision, 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:

Project Overview

Total Acreage: 29.096

Existing Lots: 3

Proposed Lots: 11

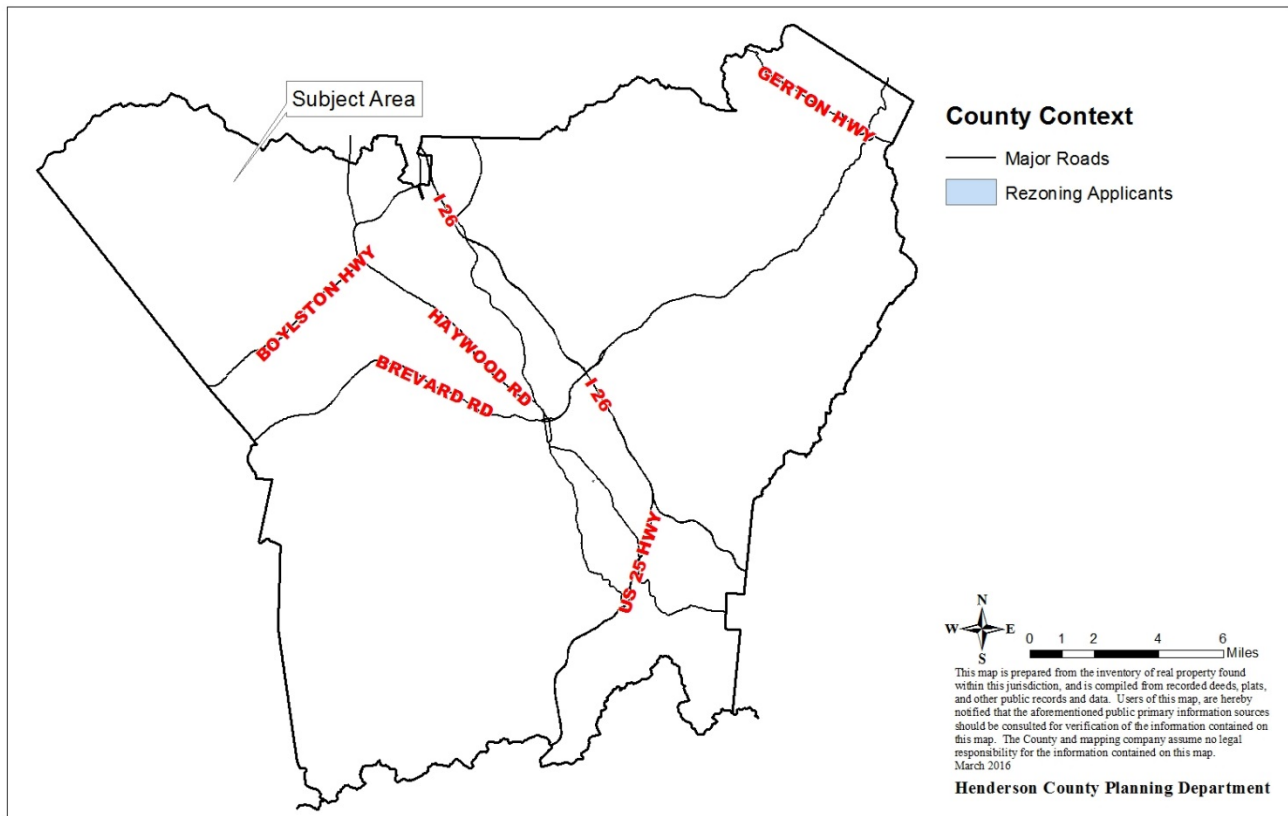
Zoning: R3

Internal Roads: 350' Linear Feet

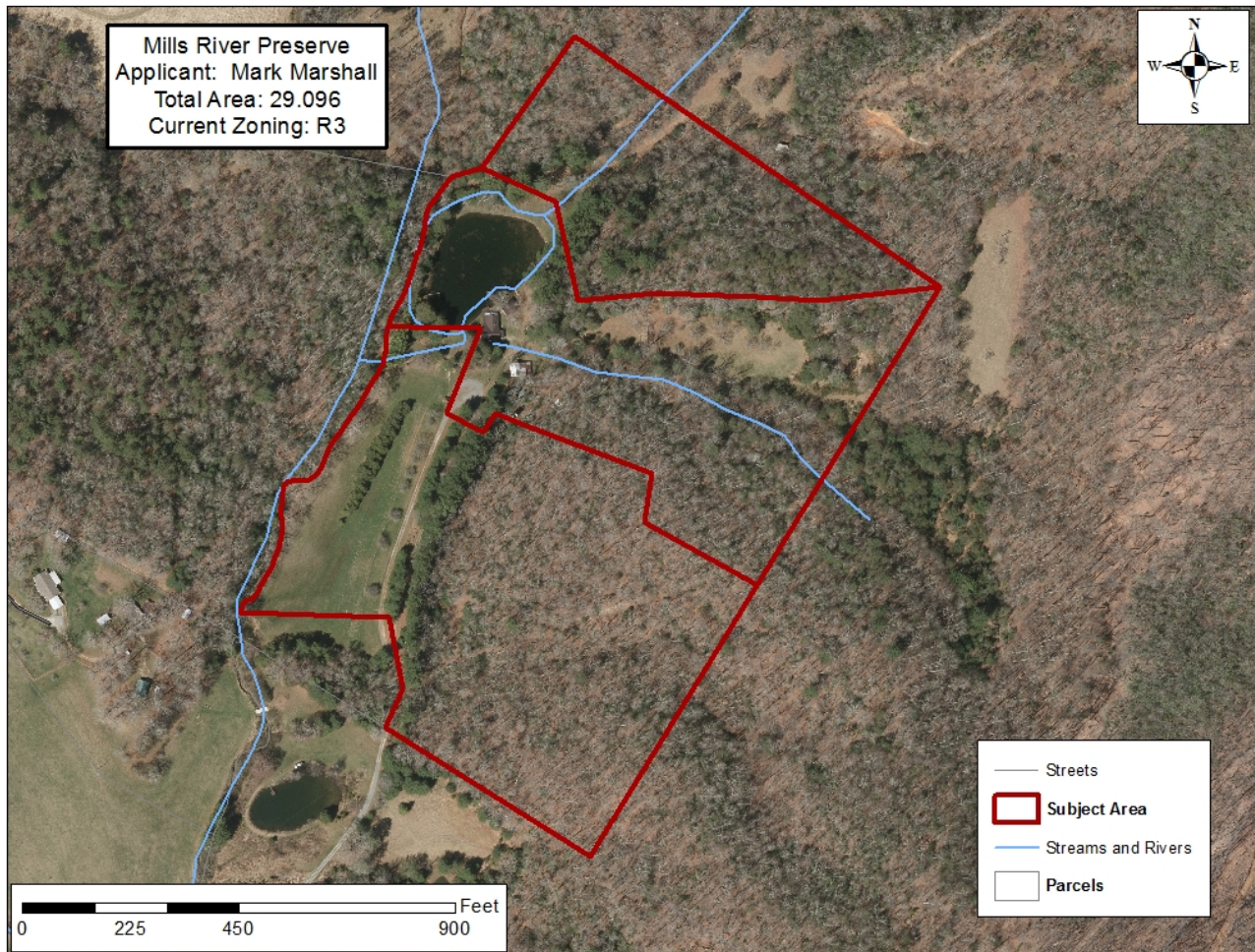
Street Trees Required: 7 Large Deciduous

**Separate proposed development north of subject area which will have 9 total lots and new right of way installed. Need to review HOA documentation to ensure the two developments are kept separate from one another.

Map A: County Context

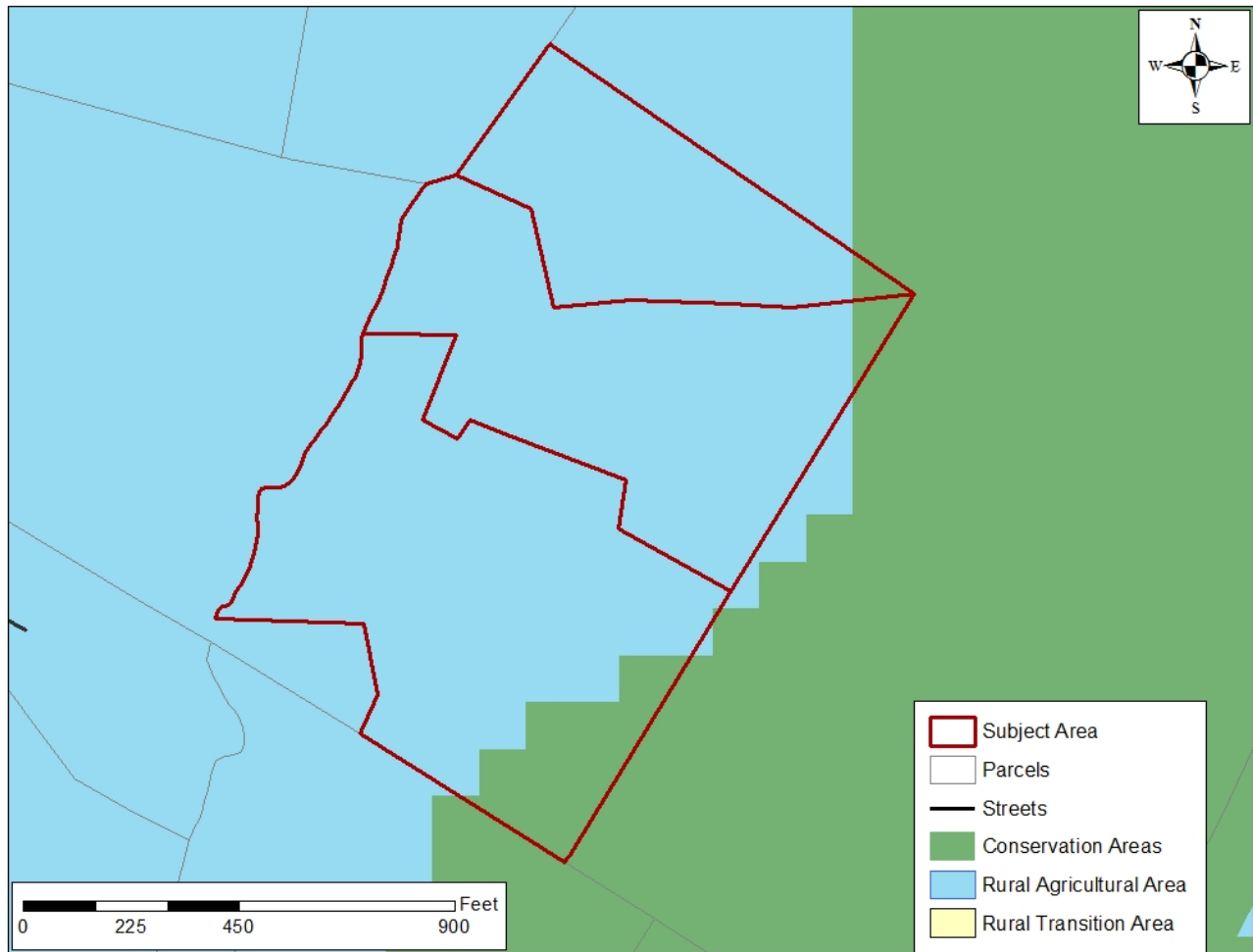


Map B: Aerial Map



1. ***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.

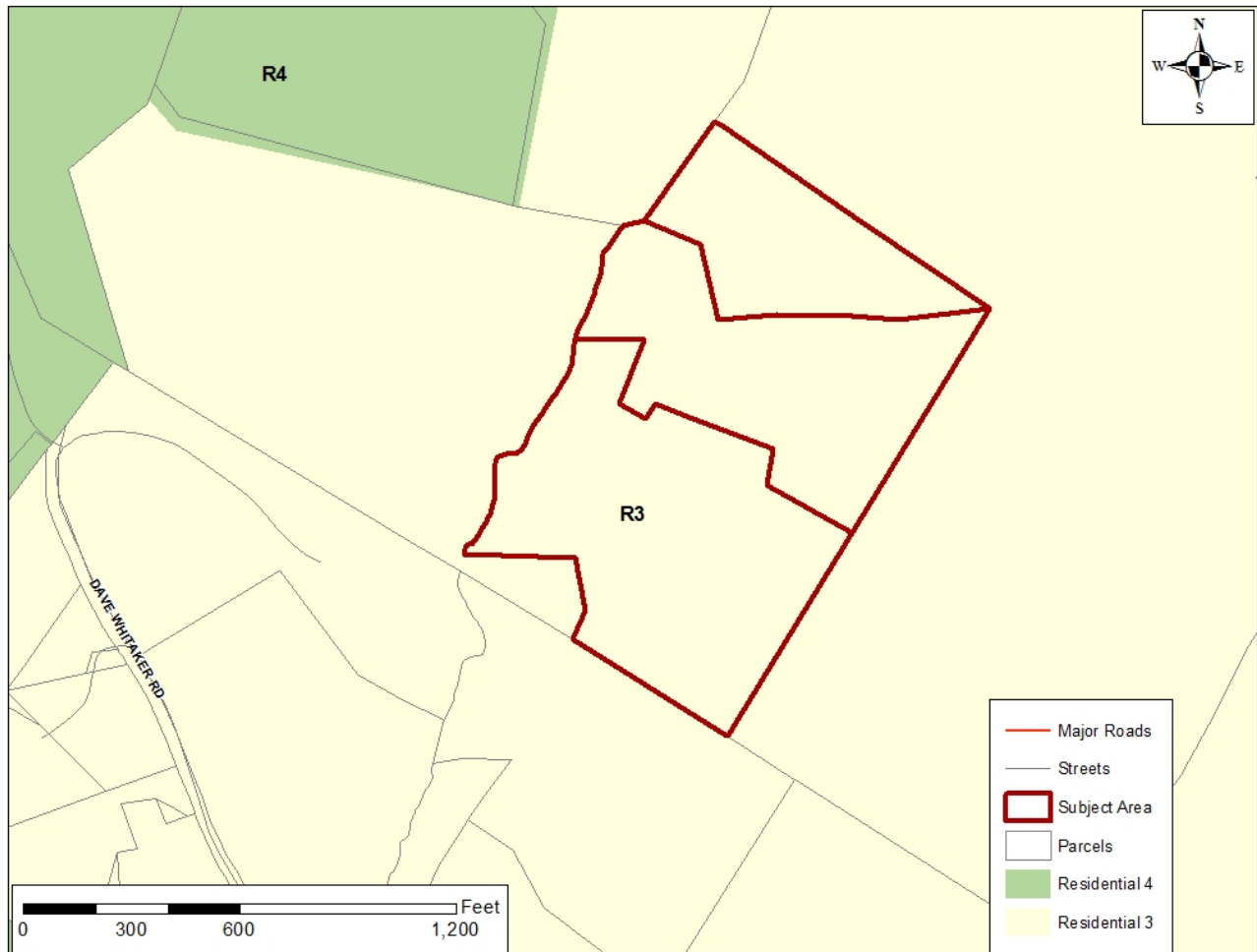
Map C: County Comprehensive Plan Future Land Use Map



2. Chapter 42A, Henderson County Land Development Code (LDC). According to Chapter 42A, 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).

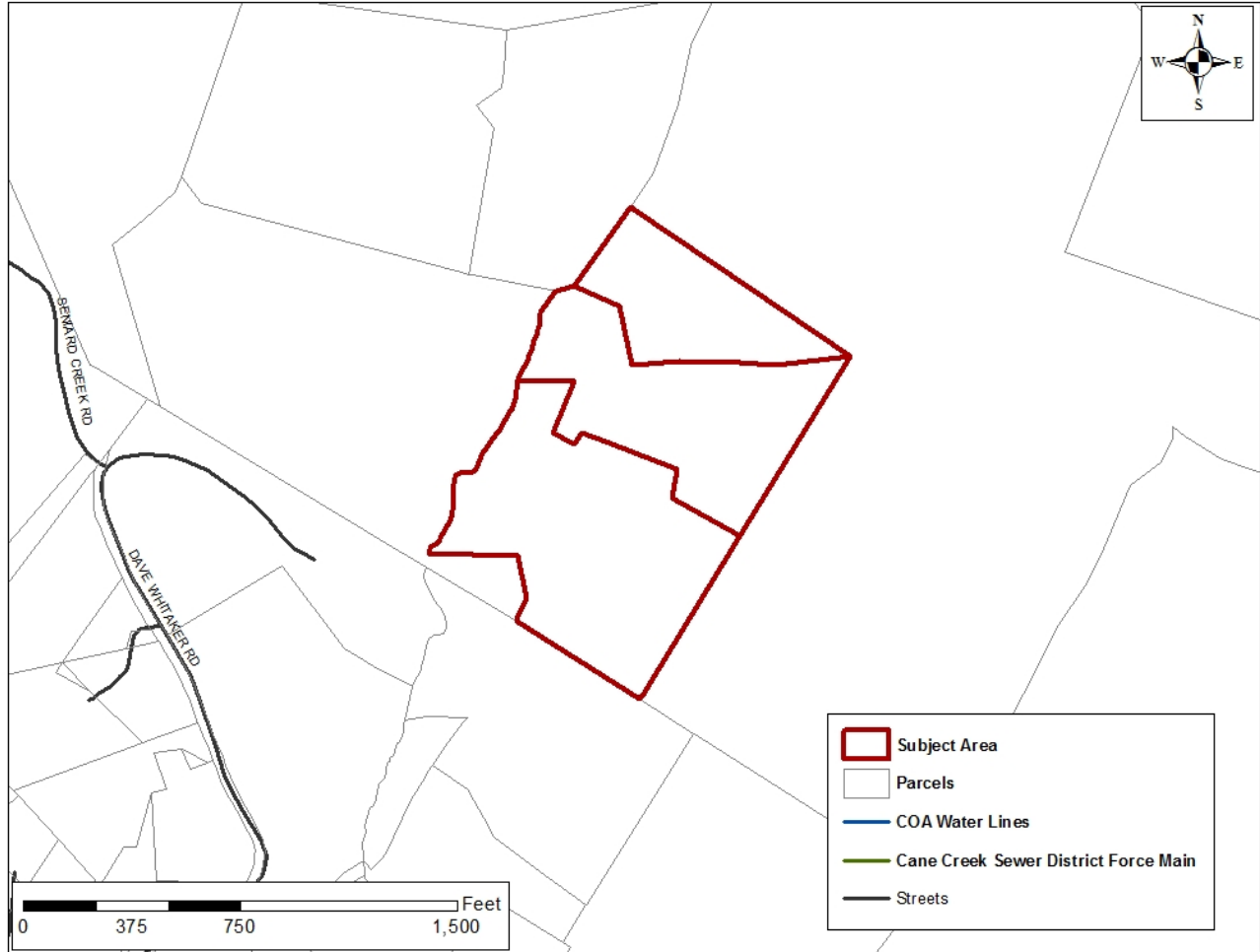
R3 allows for low density residential development.

Map D: Official Zoning Map



- 3. Water and Sewer Availability.** The applicant proposes individual septic and well systems for each of the 11 lots. Utility connections will not be possible. (Map E: Utilities Map).

Map E: Public Utilities

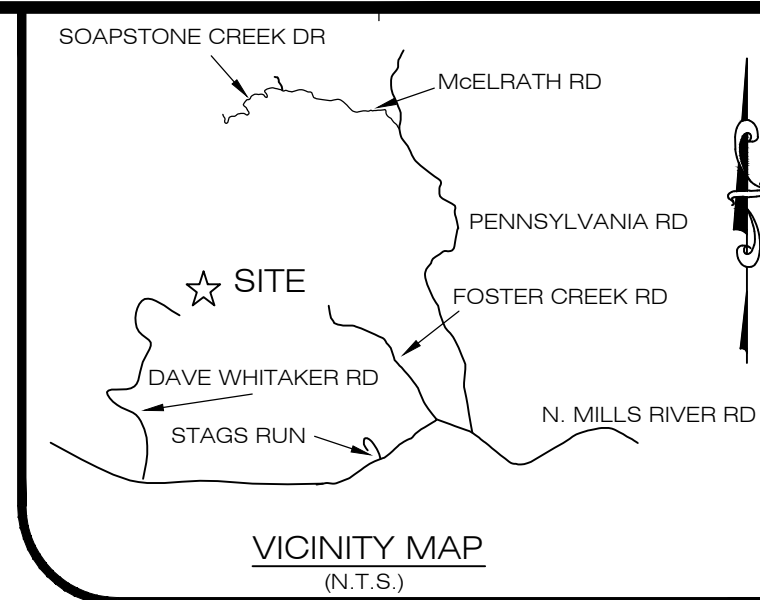
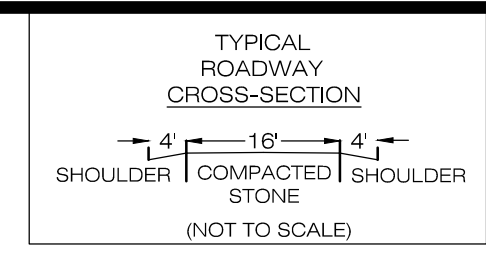


Combined Master and Development Plan Comments:

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 §42A-113B).
2. **Individual Well System.** The applicant shall provide reasonable documentation demonstrating there is sufficient water supply to support 60 percent of the proposed lots.
3. **Fire Protection Requirements.** If no public water supply system is available, Fire Marshal may determine requirements.
4. **Private Roads.** 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.*
5. **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 §42A-97).
6. **Road Drainage, Culverts and Shoulder Stabilization.** 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 §42A-100). 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 §42A-97).
7. **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 §42A-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.
8. **Street Tree Requirements.** According to the street tree requirements of Chapter 42A (LDC §42A-145 and LDC §42A-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 §42A-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 §42A-146
9. **Perennial Streams.** A 30' setback requirement for all perennial streams.

10. **Gates.** Entry gates shall be constructed and maintained as required by and in accordance with Chapter 89 of the Henderson County Code, Entry Gates, and SR 3.7 (Gates and/or Guardhouses). LDC §42A-63
11. **Miscellaneous Advisory Provisions.** The Applicant should become familiar with the Miscellaneous Advisory Provisions of Chapter 42A (LDC §42A-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 §42A-343).

- LEGEND:**
- CALCULATED POINT
 - EXISTING IRON REBAR (EIR) OR OTHERWISE NOTED
 - EXISTING CONCRETE MONUMENT (CMON)
 - EXISTING AXLE
 - EXISTING IRON REBAR W/ WCLS ID CAP (WCLS)
 - 3/4" NEW IRON REBAR W/ ID CAP (NIR)
 - UTILITY POLE
 - SURVEYED BOUNDARY
 - ADJOINERS DEED LINE (NOT SURVEYED)
 - RIGHT OF WAY LINE
 - CENTER OF CREEK
 - OVERHEAD UTILITY LINE
 - BARBED WIRE FENCELINE
 - ROAD (TYPE AS NOTED)
 - TIE LINE ONLY
 - EASEMENT LINE



TOTAL AREA = 29.096 AC
 TOTAL LESS R/W = 26.045 AC
 DIVIDED BY 11 LOTS
 AVERAGE LOT SIZE
 2.3670 AC (103,138.2 SQ. FT.)

TOTAL AREA OF SURVEY
 29.096 ACRES

MARK R. & GINI CROWDER MARSHALL
 DB 3108 PG 492
 PB 2017 SL 10829 TRACT 2
 PIN: 9622-05-5157

MILLS RIVER PRESERVE, LLC
 DB 3108 PG 495
 PB 2017 SL 10829 TRACTS 1 & 3
 PINS: 9622-04-2740
 9622-05-6502

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	600.00'	181.90'	N 10°53'49" E	181.21'
C2	70.00'	55.51'	N 52°03'12" E	54.07'
C3	90.00'	79.80'	N 49°22'15" E	77.21'
C4	50.00'	80.01'	N 71°32'15" E	71.74'

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 74°51'13" W	75.46'	L51	S 73°41'54" W	31.99'
L2	S 00°42'19" W	27.91'	L52	S 73°41'54" W	45.00'
L3	S 27°24'34" W	54.19'	L53	S 73°55'42" W	42.14'
L4	S 11°33'11" W	47.86'	L54	S 79°52'13" W	64.25'
L5	S 18°38'16" W	136.49'	L55	S 84°10'30" W	23.74'
L6	S 32°18'40" W	61.22'	L56	S 15°02'31" W	45.00'
L7	S 24°28'01" W	60.97'	L57	N 05°22'02" W	33.57'
L8	S 11°10'27" W	83.35'	L58	N 22°56'00" E	37.67'
L9	S 26°34'52" W	32.68'	L59	N 18°40'02" E	26.43'
L10	S 45°43'02" W	41.09'	L60	N 13°34'07" E	59.13'
L11	S 28°45'18" W	59.55'	L61	N 18°49'00" E	36.83'
L12	S 45°32'31" W	30.15'	L62	N 18°00'19" E	69.15'
L13	S 52°45'59" W	85.25'	L63	N 28°44'57" E	93.88'
L14	S 23°53'14" W	43.85'	L64	N 31°56'15" E	34.40'
L15	S 01°15'01" W	51.94'	L65	N 70°25'44" E	41.10'
L16	S 13°19'26" W	61.23'	L66	N 64°59'50" E	36.44'
L17	S 39°21'57" W	44.32'	L67	N 60°53'29" E	55.50'
L18	S 29°03'39" W	55.41'	L68	S 43°54'35" E	26.83'
L19	S 21°12'56" W	40.78'	L69	N 32°11'41" E	88.52'
L20	S 65°58'09" E	26.00'	L70	N 26°53'11" E	26.08'
L21	N 68°28'05" W	85.17'	L71	N 22°09'44" E	59.11'
L22	S 33°14'28" W	47.76'	L72	N 19°52'01" E	61.53'
L23	S 61°08'55" E	104.20'	L73	N 27°25'47" E	70.48'
L24	S 04°16'42" E	37.27'	L74	S 49°14'05" W	29.17'
L25	S 13°40'27" E	22.40'	L75	S 30°38'12" W	36.82'
L26	S 15°04'47" E	61.52'	L76	S 15°25'11" W	55.70'
L27	S 02°15'06" E	44.72'	L77	S 01°31'35" W	24.24'
L28	S 07°15'39" W	30.44'	L78	S 14°51'57" E	24.45'
L29	S 15°31'57" W	53.35'	L79	N 86°43'27" W	22.49'
L30	N 15°16'41" E	55.33'	L80	S 48°55'34" E	40.05'
L31	N 07°15'37" E	31.16'	L81	S 06°36'29" W	30.91'
L32	N 02°24'18" W	46.23'	L82	N 42°39'24" E	37.86'
L33	N 11°54'59" W	45.40'	L83	N 72°11'15" E	26.10'
L34	OMITTED		L84	N 62°53'50" E	42.55'
L35	N 24°36'51" E	61.74'	L85	S 51°29'29" W	144.57'
L36	N 29°20'11" E	37.91'	L86	N 42°39'51" W	41.80'
L37	N 29°20'11" E	94.95'	L87	S 65°46'54" W	33.50'
L38	N 29°20'11" E	76.80'	L88	S 46°00'17" W	50.33'
L39	N 74°46'14" E	17.28'	L89	N 13°16'52" W	31.02'
L40	N 23°58'16" E	43.99'	L90	N 06°02'57" W	33.08'
L40A	N 12°38'54" E	58.73'	L91	N 03°59'56" E	37.33'
L41	N 18°21'17" E	149.13'	L92	OMITTED	
L42	N 21°29'09" E	185.87'	L93	N 15°16'41" E	47.55'
L43	N 25°41'37" E	42.27'	L94	N 07°15'37" E	27.68'
L44	N 43°15'55" W	18.16'	L95	N 02°24'18" W	41.89'
L45	N 58°57'16" W	62.32'	L96	N 14°58'02" W	42.52'
L46	OMITTED		L97	N 75°01'58" E	32.57'
L47	N 79°45'46" W	30.33'	L98	N 13°16'52" W	39.77'
L48	S 80°55'27" W	95.64'	L99	N 06°02'57" W	35.35'
L49	S 70°22'52" W	79.47'	L100	N 03°59'56" E	3.58'
L50	S 77°02'24" W	80.87'			

- LINE TABLE NOTES:**
- L1 - L19: CALLS WITH CENTERLINE OF CREEK
 - L24 - L29: CALLS WITH WESTERN MARGIN OF ROAD PER DB 425 PG 269

STATE OF NORTH CAROLINA
 COUNTY OF HENDERSON

I, JOHN WESLEY COLE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK 3108 PAGE 492 & DEED BOOK 3108 PAGE 495). THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN DEED BOOK NO. PAGE NO. THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000. THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-301.11(a) AS AMENDED. MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL ON THIS DATE.

I ALSO HEREBY CERTIFY THAT THIS SURVEY IS OF THE FOLLOWING CATEGORIES AS DESCRIBED IN G.S. 47-301.11(a): THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

PRELIMINARY

JOHN WESLEY COLE, P.L.S. L-4561

PRELIMINARY: NOT FOR RECORDATION, SALES OR CONVEYANCES

REVISION DATED 4-2-18

COMBINED DEVELOPMENT & MASTER PLAN:
MILLS RIVER PRESERVE

OWNERS OF RECORD:
 MILLS RIVER PRESERVE, LLC
 MARK R. & GINI CROWDER MARSHALL

MILLS RIVER TOWNSHIP, HENDERSON COUNTY, NC

DATE OF SURVEY:	APRIL 02, 2018	REVISIONS	NO.	DATE	DESC.	BY
PROJECT NO.:	15-036_MRP					
FIELD WORK:	BF:DM					
DRAWN BY:	RJC, ADW					
SCALE:	1" = 60'					
PINS: 9622-04-2740, 9622-05-5157, 9622-05-6502						

DEED REFERENCES:

DEED BOOK 3108 PAGE 495
 DEED BOOK 3108 PAGE 492
 DEED BOOK 1139 PAGE 406
 DEED BOOK 1645 PAGE 648
 DEED BOOK 425 PAGE 269
 DEED BOOK 1568 PAGE 473
 DEED BOOK 3012 PAGE 22
 PLAT SLIDE 7222
 PLAT SLIDE 10482
 PLAT SLIDE 9706
 PLAT BOOK 2017 PAGE 10829

I, _____, SUBDIVISION ADMINISTRATOR FOR HENDERSON COUNTY CERTIFY THAT THIS PLAT PLAN HAS BEEN REVIEWED AND APPROVED AS (A) MAJOR SUBDIVISION IN ACCORDANCE WITH THE HENDERSON COUNTY SUBDIVISION ORDINANCE.

STATE OF NORTH CAROLINA
 COUNTY OF HENDERSON

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

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

WATERSHED ADMINISTRATOR: _____ DATE: _____

- NOTES:**
- THIS PROPERTY IS SUBJECT TO ANY EASEMENTS OR RIGHTS OF WAY (WRITTEN OR UNWRITTEN).
 - THE PROPERTY OR PROPERTIES DISPLAYED WERE SURVEYED WITHOUT THE BENEFIT OF A TITLE SEARCH AND MAY NOT SHOW ALL EASEMENTS, RIGHTS OF WAY, RESTRICTIONS, ENCUMBRANCES, ETC. THAT WOULD BE REVEALED BY A CURRENT AND THOROUGH EXAMINATION OF TITLE BY A NC LICENSED ATTORNEY-AT-LAW. THIS SURVEY SHALL NOT BE CONSIDERED A CERTIFICATION OF OWNERSHIP, ZONING, TITLE, OR GUARANTEE THAT THE SUBJECT IS FREE FROM ENCUMBRANCES.
 - ADJOINING PROPERTY OWNER INFORMATION TAKEN FROM THE HENDERSON COUNTY GIS WEBSITE AND DEEDS AND PLATS OF RECORD AS NOTED.
 - AREA SHOWN HEREON WAS COMPUTED BY THE COORDINATE METHOD.
 - HORIZONTAL CONTROL MONUMENT WAS NOT RECOVERED WITHIN 2000' OF THIS PROPERTY.
 - ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN US FEET UNLESS OTHERWISE NOTED.
 - THIS PROPERTY IS ZONED R3 BY HENDERSON COUNTY HAVING SETBACKS AS FOLLOWS: FRONT = 15', SIDE = 15' REAR = 15' (SETBACKS NOT PLOTTED). PLEASE REFER TO THE HENDERSON COUNTY LAND DEVELOPMENT CODE FOR ALL REGULATIONS APPLICABLE TO THE SUBJECT PROPERTY.
 - BY GRAPHICAL LOCATION, PROPERTY IS SHOWN AS LYING FLOOD ZONE X, AN AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN PER FEMA FIRM MAP NO. 3700962200J & 3700961200J, EFFECTIVE DATE 10-02-2008.
 - THIS SURVEY IS SUBJECT TO ANY AND ALL UNDERGROUND UTILITIES THAT MAY EXIST. UNDERGROUND UTILITIES SHOWN HEREON ARE BASED SOLELY ON ABOVE GROUND STRUCTURES AND APPURTENANCES. THIS SURVEYOR MAKES NO CERTIFICATION TO THE EXISTENCE/NON-EXISTENCE OF UNDERGROUND UTILITIES, STORAGE FACILITIES, OR OTHER UNDERGROUND STRUCTURES AND LINES. DIAL 811 BEFORE DIGGING.
 - AGRICULTURAL DISTRICTS ARE NOT FOUND WITHIN A 1/2 MILE OF THE SUBJECT PROPERTY.
 - PROPERTY IS LOCATED WITHIN THE UPPER MILLS RIVER WATERSHED, WS-II.
 - ANY STREAMS, CREEKS, PONDS, LAKES, WETLANDS, ETC. LOCATED ON THIS PROPERTY, SHOWN OR NOT SHOWN HEREON, MAY BE SUBJECT TO BUFFER AREAS. IT IS THE OWNER/DEVELOPER'S RESPONSIBILITY TO HAVE THE AREAS DESIGNATED BY PROFESSIONALS AUTHORIZED BY THE PROPER AUTHORITIES TO MAKE THESE DETERMINATIONS.
 - SEE DEED BOOK 886 PAGE 13 (REFERENCE TO SUBJECT) FOR "RESERVATION OF A RIGHT OF WAY OVER PRESENTLY EXISTING ROADS" OVER SUBJECT PROPERTY.
 - SEE DEED BOOK 1139 PAGE 408 FOR RIGHTS TO SECURE WATER FROM SPRINGS LOCATED ON ADJOINING LANDS.
 - MAINTENANCE RESPONSIBILITY OF THE EASEMENT IS CONVEYED TO THE HOMEOWNERS/LANDOWNERS UTILIZING IT TO ACCESS THEIR PROPERTY. EASEMENT MUST BE MAINTAINED TO ALLOW CLEAR PASSAGE FOR EMERGENCY RESPONSE VEHICLES.
 - 350' LINEAR FEET OF INTERNAL ROADS. 7' LARGE DECIDUOUS TREES REQUIRED. 7' LARGE DECIDUOUS TREES PROVIDED (SEE PLAT).

ABBREVIATIONS:

NTS... NOT TO SCALE
 (T)... TOTAL
 DB... DEED BOOK
 PB... PLAT BOOK
 PG... PAGE
 SL... PLAT SLIDE
 RW... RIGHT OF WAY
 CL... CENTERLINE
 REF... REFERENCE
 POL... POINT ON LINE
 ID... IDENTIFICATION CAP
 CMP... CORRUGATED METAL PIPE
 PIN... PARCEL IDENTIFICATION NUMBER
 NAD... NORTH AMERICAN DATUM
 NAVD... NORTH AMERICAN VERTICAL DATUM
 NRS... NATIONAL SPATIAL REFERENCE SYSTEM

GLOBAL POSITIONING SYSTEM CERTIFICATION (RTK)

THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

- CLASS OF SURVEY: CLASS A (HORIZONTAL)
- POSITIONAL ACCURACY: 0.05' (H) & 0.10' (V) @ 95% CONFIDENCE
- TYPE OF GPS FIELD PROCEDURE: RTK (VRS)
- DATES OF SURVEY: 10-29-2010
- DATUM/EPOCH: NAD 83 (NRS 2007) (H) & NAVD 88 (V)
- PUBLISHED/FIXED-CONTROL USE: VRS NETWORK
- GEOD MODEL: GEOD 09
- COMBINED GRID FACTOR(S): 0.99974949 (AVERAGE)
- UNITS: US SURVEY FOOT

WES COLE LAND SURVEYING, PA
 549 ELK PARK DRIVE, SUITE 707-ASHEVILLE, NC 28804
 OFFICE: 828.251.7025 • WWW.WESCOLELANDSURVEYING.COM
 NC FIRM #C-3106 • SC COA #4052
 NC L4561 • SC 27443 • TN 2432