

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: March 19, 2008

SUBJECT: Review Special Intensity Allocation application WS-2008-02-01
(Carolina Flooring Contractors)

ATTACHMENTS: 1. Staff Memorandum
2. Planning Staff Memorandum
3. Mills River Staff Memorandum
4. Applicant Information, narrative and plan

SUMMARY OF REQUEST:

Leroy Brown, Buyer, submitted an application on property owned by E K S Morley, for approval of a proposed warehouse and office building (9,600 square feet) with associated parking and driveway access (10,334 square feet) on February 13, 2008. The application has a proposed impervious surface of 46.0 percent. This exceeds the 24 percent allowed by right. A Special Intensity Allocation permit would be required. The PIN for the property is 9631-31-8953 and is approximately 1.00 acre in size. The property is currently a vacant parcel of land. This parcel of land is located in the Town of Mills River.

Normally these types of applications would be under staff review using category 1 allocation for Lower Mills River (Asheville) Balance of Watershed (WS-III). On November 2, 2006, category 1 was exhausted of allocation. The Henderson County Land Development Code (LDC) Section 200A-322.D (Special Intensity Allocation staff/formal review) requires applicants submit is reviewed by the Henderson County Board of Commissioners for any proposed nonresidential development once Category 1 has been exhausted. On December 19, 2007, the Board of Commissioners approved criteria for each applicant to meet.

Category 3 has a total of 30.736 acres, this application removes 1.00 acre from the total if approved. This would leave 29.736 acres for future projects located in the WS-III Balance of Watershed district.

BOARD ACTION REQUESTED: The Watershed Administrator recommends approval of project as submitted.

Suggested Motion: I move that the Board approve the application for Carolina Flooring Contractors Special Intensity Allocation (WS-III Balance of Watershed) subject to the applicant satisfying all recommendations of the Watershed Administrator, Senior Planner, Mills River staff and the Board.

MEMORANDUM

TO: Henderson County Board of Commissioners

FROM: Natalie J. Berry, Water Supply Watershed Administrator

DATE: March 3, 2008

SUBJECT: Staff review & recommendations on Category 3 SIA application
WS-2008-02-01 (Carolina Flooring Contractors)

I, Water Supply Watershed Administrator, have reviewed application WS-2008-02-01 submitted by Leroy Brown, buyer for the property owned by E K S Morley for a category 3 Special Intensity Allocation (SIA) Permit. This project is located in the Town of Mills River. The total acreage for the parcel is 1.00 acres.

Based on the Water Supply Watershed Ordinance and the criteria set by the Board of Commissioners at their December 19, 2007 meeting, as well as the recommendations from the Planning Department and the Town of Mills River staff, I have provided the following comments and recommendations for the Boards consideration:

1. **The proposed use of the property, size of the proposed use, and size of the property.** The applicant is proposing a commercial warehouse and office project. The proposed structure is approximately 9,600 square feet (0.220 acres) in warehouse and office space. The development will have approximately 10,334.00 square feet (0.237 acres) in "concrete" (parking/drives/sidewalks/etc.). The property is approximately 34,560.00 square feet (1.00 acres) in size and the applicant is proposing to cover the property with approximately 19,934.00 square feet (0.457 acres) of impervious surface (46 percent of the property).
2. **The proposed use shall be developed in such a manner as to:**
 - a. **Comply with all applicable local, state and federal statutes, ordinance and regulations.** *The Town of Mills River stated that the project is consistent with Mills River Zoning Ordinance and will be required to comply with parking, landscaping and signage requirements at the development under a memorandum dated February 28, 2008. See attachment 3 in this package for specifics.*
 - b. **Be in accordance with the Henderson County 2020 Comprehensive Plan, Long Range Transportation Plans and Comprehensive Transportation Plans of the County and/or Long Range Transportation Plans and Comprehensive Transportation Plans of any municipality of the County.** *The Town of Mills River stated that the project is consistent with Mills River with the Comprehensive Transportation Plan with easy access to NC 280, Boylston Highway for the purposes of commerce.*
 - c. **Minimize the effects of noise, glare, dust, solar access and odor on those persons residing or working in the neighborhood of the proposed use.** The properties adjacent to the northeast are owned by the applicant and are zoned MR-GB (Mills River General Business). The properties to the east and west are zoned MR-LI (Mills River Light Industrial). The properties to the south are zoned MR-NC (Neighborhood Commercial). *The consensus is that this project will not affect noise, glare, dust or odor on adjacent properties, if found to do so, measures will be taken to address during construction by the Watershed Administrator.*

- d. **Minimize environmental impacts on the neighborhood including the following groundwater, surface water, wetlands, endangered/threatened species, archeological sites, historic preservation sites and unique natural areas.** The consensus is the proposed use of the property does not suggest any environmental impacts to groundwater, surface water, wetlands, endangered/threatened species, archeological sites, historic preservation sites or unique natural areas. The applicant is proposing an individual well and septic tank service.
 - e. **Minimize built upon area.** The applicant is seeking a built upon area at 46 percent and is not seeking to maximize built upon area.
 - f. **Direct stormwater runoff away from surface waters.** The nearest surface water is Brandy Branch creek to the southeast of the project site across Highway 280. The applicant has indicated that stormwater runoff will be directed with a vegetative ditch that will lead the stormwater to an existing vegetative ditch in the right of way of Highway 280 which is acceptable within the Water Supply Watershed Ordinance requirements.
3. **Provisions/Arrangements have been made concerning:**
- a. **Ingress and egress to property and proposed structures thereon (with particular reference to automotive/pedestrian safety/convenience and traffic flow/control).** The applicant has proposed one entrance/exit to the property from Highway 280. The applicant has also proposed sidewalks which connect the proposed parking areas and entrance. The applicant states that the driveway access will comply with NCDOT standards.
 - b. **Off-street parking and loading areas.** As stated in the Town of Mills River recommendations, the project will be required to comply with the zoning ordinance at the time of the final plan submittal for zoning permits with the Town. The applicant has provided five (5) standard parking spaces and one (1) handicap van accessible space. There are also two tractor trailer bays for loading/unloading with a ramp from the parking area to the warehouse.
 - c. **Utilities (with particular reference to locations, availability and compatibility).** The applicant has chosen an individual septic and well system to service the property and has shown location of such.
 - d. **Buffering and landscaping (with particular reference to type, location and dimensions).** As stated in the Town of Mills River recommendations, the project will be required to comply with the zoning ordinance at the time of the final plan submittal for zoning permits with the Town.
 - e. **Structures (with particular reference to location, size and use).** The applicant is proposing to locate the structure centrally on the site with parking and loading on the southeast of the structure.

Staff recommends that the Board approve the Category 3 SIA application WS 2008-02-01 for the Leroy Brown Project subject to the applicant satisfying conditions stated above.

HENDERSON COUNTY
Planning Department

213 First Avenue East • Hendersonville, NC 28792
Phone 828-697-4819 • Fax 828-697-4533

MEMORANDUM

TO: Natalie J. Berry, Watershed Administrator & Erosion Control Division Chief

FROM: Planning Staff

DATE: February 28, 2008

SUBJECT: Staff review & recommendation for Category 3 SIA application #WS 2008-02-01 – Carolina Flooring Contractors, LLC

Staff has reviewed application #WS 2008-02-01 submitted by E K S Morley for Carolina Flooring Contractors, LLC for a Category 3 Special Intensity Allocation (SIA) on approximately 1.00 acre. Based on the Board of Commissioners criteria for evaluating category 3 SIA's, Staff has provided the following comments and recommendations for the Boards consideration:

1. **The proposed use of the property, size of the proposed use, and size of the property.** The applicant is proposing an office and commercial warehouse for Carolina Flooring Contractors, LLC. The proposed structure is approximately 9,600 square feet (0.22 acres) which includes the office and warehouse space. The development will have approximately 10,334 square feet (0.24 acres) in "pavement" (parking/drives/sidewalks/etc.). The property is approximately 43,560 square feet (1.00 acre) in size and the applicant is proposing to cover the property with approximately 19,934 square feet (0.46 acres) of impervious surface (46 percent of the property).
2. **The proposed use shall be developed in such a manner as to:**
 - a. **Comply with all applicable local, state and federal statutes, ordinance and regulations.** The project is located in the Town of Mills River. The applicant should comply with any requirements imposed by the Town of Mills River zoning ordinance.
 - b. **Be in accordance with the Henderson County 2020 Comprehensive Plan, Long Range Transportation Plans and Comprehensive Transportation Plans of the County and/or Long Range Transportation Plans and Comprehensive Transportation Plans of any municipality of the County.** The Town of Mills River has not indicated compliance with any specific municipal plans. The Henderson County 2020 Comprehensive Plan Future Land Use Map identifies the property as being located in the Urban Service Area (USA). The USA will contain considerable commercial development, although much of the USA falls within municipal planning jurisdictions and will be managed by those jurisdictions.
 - c. **Minimize the effects of noise, glare, dust, solar access and odor on those persons residing or working in the neighborhood of the proposed use.** The use of the property does not indicate any unexpected noise, glare, dust or odor would be generated, however, the applicant should indicate if these are anticipated.
 - d. **Minimize environmental impacts on the neighborhood including the following groundwater, surface water, wetlands, endangered/threatened species, archeological sites, historic preservation sites and unique natural areas.** The proposed use of the property does not suggest any environmental impacts to groundwater, surface water,

- wetlands, endangered/threatened species, archeological sites, historic preservation sites or unique natural areas. The applicant is proposing a well and on-site septic system.
- e. **Minimize built upon area.** The applicant is proposing 46% built upon area and is not seeking to maximize built upon area.
 - f. **Direct stormwater runoff away from surface waters.** The nearest surface water is Brandy Branch creek to the south of the project site. The applicant has indicated that stormwater runoff will be directed to a new vegetative storm drainage and erosion control ditch.
3. **Provisions/Arrangements have been made concerning:**
- a. **Ingress and egress to property and proposed structures thereon (with particular reference to automotive/pedestrian safety/convenience and traffic flow/control).** The applicant has proposed one entrance/exit to the property from NC Highway 280. The applicant has indicated that it will comply with DOT requirements for driveway permit and utility encroachment agreement.
 - b. **Off-street parking and loading areas.** The applicant has provided a minimum of 6 parking spaces. There are also two tractor trailer bays for loading/unloading with a designated truck turn-around area. The proposed parking should be reviewed in accordance with the Town of Mills River zoning ordinance at the time of the final site plan submittal.
 - c. **Utilities (with particular reference to locations, availability and compatibility).** The applicant has indicated an on-site well and septic system will be provided for the project. The applicant did not indicate location/ availability/ compatibility of any existing public utilities.
 - d. **Buffering and landscaping (with particular reference to type, location and dimensions).** The applicant has not indicated a 15 ft side setback, 30 ft rear setback, and a 50 ft front setback. There are no streams on the property or in close proximity that would require buffering. The applicant has indicated that it will comply with any landscaping and buffering requirements imposed by the Town of Mills River. Landscaping should be reviewed in accordance with the Town's zoning ordinance at the time of the final site plan submittal.
 - e. **Structures (with particular reference to location, size and use).** The applicant is proposing to locate the structure centrally on the site with parking and loading to the south along NC Highway 280.

Staff recommends that the Board approve the Category 3 SIA application #WS 2008-02-01 for E K S Morley for Carolina Flooring Contractors, LLC subject to the applicant satisfying conditions which may result from: the comments of Planning Staff, recommendations of the Watershed Administrator, and Board of Commissioners' discussion.



Town of Mills River Staff Review Report

February 29, 2008

TO: Natalie Berry, CFM, CPESC, CPSWQ

FROM: Jaime Adrignola, AICP, Town Manager

SUBJECT: WS-2008-02-01 Leroy Brown, Carolina Flooring

Review Summary

This project appears to comply with all applicable Town of Mills River ordinances and policies as well as those applicable Henderson County ordinances and policies related to watershed allocations.

Project Description

PT Greene Family Partnership has applied for approval of a 9,600 square foot building in the Mills River General Business (MR-GB) Zoning district for a commercial floor covering operation. The proposed project would cover 46% of the 1 acre parcel with impervious surface.

Mills River staff comments on criteria

This project's use is consistent with the Mills River Zoning Ordinance and will be required to comply with parking, landscaping and signage requirements at development. It is also consistent with the goals as outlined in the Mills River Comprehensive Land Use Plan as well as in the Henderson County Comprehensive 2020 Plan. This project is also consistent with the Comprehensive Transportation Plan with easy access to NC 280, Boylston Highway for the purposes of commerce.

The watershed protection ordinance was designed to protect the drinking water supply and to protect water quality. This project does not appear to impose unnecessary noise, glare, odor, dust or impede solar access to those living and working in the area or in such a way that would impact water quality for the community.

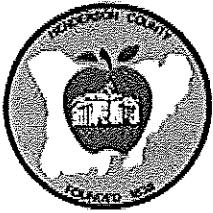
This project appears to have minimal environmental impacts with measures taken such as stormwater runoff control. This project also meets the built upon restrictions listed in the watershed ordinance for Special Intensity Allocation approval.

**Henderson County
Special Intensity Allocation (SIA)
Application Form**

Date 2/13/08 File No. WS 2008-02-01
Owner's Name E K S Morley
Applicant's Name Leroy Brown
Mailing Address 711 Naples Rd, Hendersonville, NC 28792
Phone Number 828-687-0640 Home 281-3832 office 776-7075 cell
Project Location 5476 Boylston Hwy Mills River NC 28759
PIN 9631-31-8953
Project Description Commercial Floor Covering
Applicant's Signature Leroy M. Brown
(Date)

*****Official Use*****

Date Received 2-18-2008 Plans Attached YES
Fee Paid 250⁰⁰ Check # 8329
Previous Applications NO File No. _____
Disposition _____
Total Project Area 1.00 acres(s)
Percent Built Upon 46% %
Staff Review _____
Comments _____

**Henderson County – E911 Address**

240 2nd Avenue East, Hendersonville, N.C. 28792

Permit No: 08010101797
Status: ISSUED

Appl. Dt.: 2/7/2008
Status Dt.: 2/7/2008
Exp. Dt.:

Owner Information

Name : E K S Morley
Address : 104 1st Avenue E
 Hendersonville NC 28792
Phone(W) :
Phone(H) :
Phone(M) :

Applicant Information

Name : Leroy Brown
Address : 711 Naples Rd
 Hendersonville NC 28792
Phone(W) : 828 2813832
Phone(H) :
Phone(M) :

Property Information

PIN # : 9631318953
Dist. From Road (Mi) : 0
Acreage : 1.06
Shared Driveway : No
Directions :
Subdivision :
Lot # :

Occupant Information

Name : E K S Morley

New Address

Address : 5476 BOYLSTON HWY
 MILLS RIVER NC 28759

Old Address

Address :

Associated Zoning Districts

Zoning Code **Zoning Description**

No County Zoning Districts are associated with this Property

Associated Watershed Districts

Watershed Type	Watershed District	Area Classification
No County Watershed Districts are associated with this Property		

Notes : MILLS RIVER - THOROUGHFARE ST - COMMERCIAL FLOORING

READ CAREFULLY AND SIGN BELOW

The road address numbers must be clearly displayed so that the location can be identified easily from the road. You will not be issued a final occupancy without the following:

RESIDENTIAL:

Numbers shall be 4 inches high and made of contrasting color, of a durable material and visible from the road both night and day. Any residence more than 75 feet from the road or not visible from the road will be required to have these house numbers adequately posted, and if necessary, at the end of the driveway.

COMMERCIAL OR MULTI-RESIDENTIAL BUILDINGS:

Numbers shall be 6 inches high and made of contrasting color, of a durable material and visible from the road both night and day. Any structure more than 75 feet from the road or not visible from the road will be required to have these numbers adequately posted, and if necessary, at the end of the driveway.

HENDERSON COUNTY PROPERTY ADDRESS ORDINANCE - SECTION 142-16B:

Owners of buildings which do not comply with this chapter will be notified and requested to meet these requirements within 30 days from the date of the notification. A warning notice will be issued after 30 days if the requirements have not been met. If the owner does not comply voluntarily with this chapter within 30 days of the delivery of the warning notice by registered or certified mail or by hand delivery to the building in violation, enforcement action pursuant to N.C.G.S. 153A-123 may be initiated.

Signature: Jeri Danning
 (Property Addressing Office)

Date: Feb 7, 08

SITE INFORMATION

PIN 9631-31-8953
 PARCEL 1008766
 DB 1336 / PG 592
 MILLS RIVER ZONING MR-GB
 SITE AREA 1.00 AC (43,560 SF)

FRONT PROPERTY LINES

A S 54° 53' 28" W - 35.78'
 B S 45° 28' 44" W - 99.86'
 C S 49° 41' 30" W - 13.91'

AREA TABULATION

TOTAL SITE	43,560 SF
BUILDING	9,600 SF
PAVING	10,334 SF

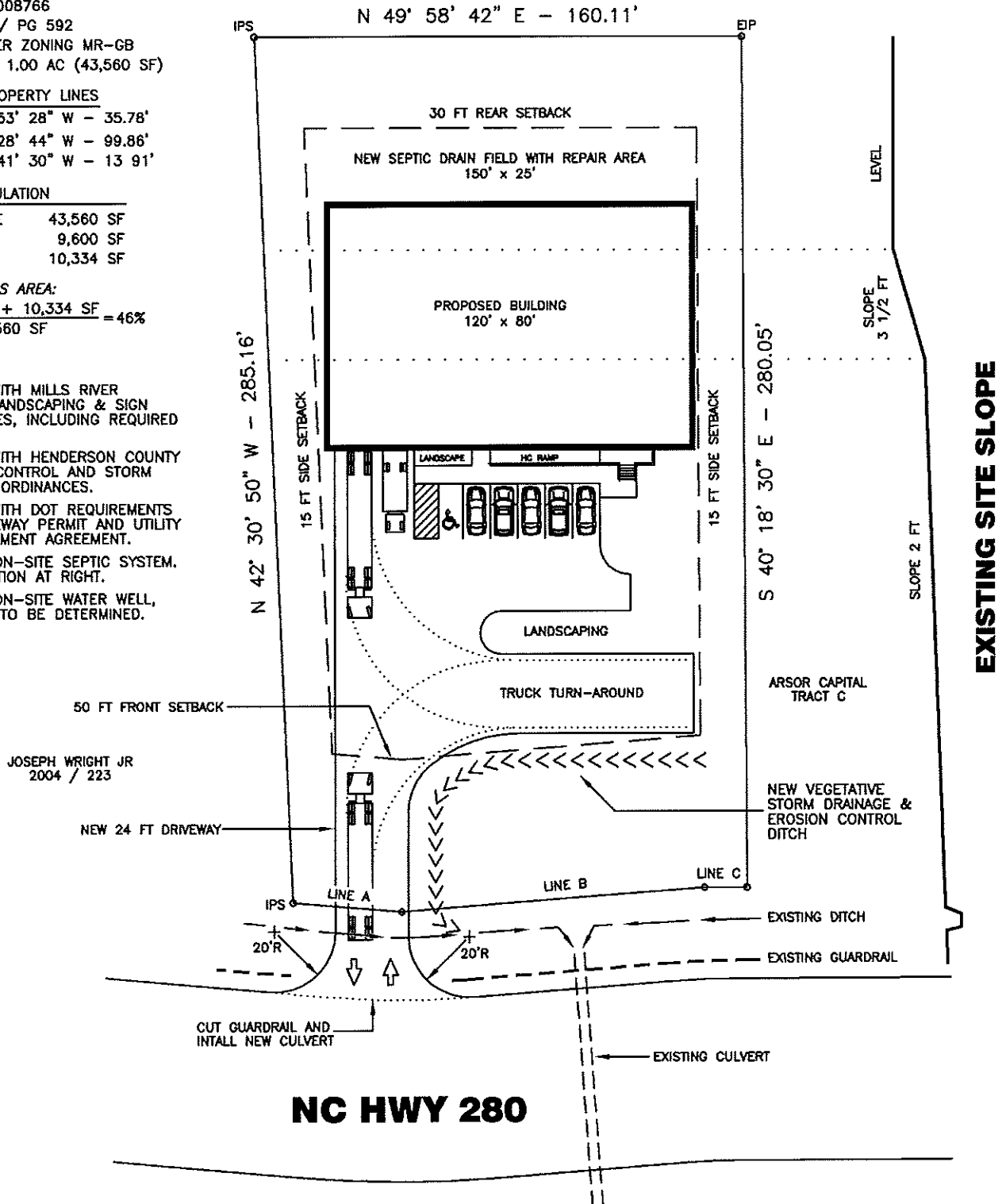
IMPERVIOUS AREA:

9,600 SF + 10,334 SF = 46%
 43,560 SF

NOTES

- COMPLY WITH MILLS RIVER ZONING, LANDSCAPING & SIGN ORDINANCES, INCLUDING REQUIRED BUFFERS.
- COMPLY WITH HENDERSON COUNTY EROSION CONTROL AND STORM DRAINAGE ORDINANCES.
- COMPLY WITH DOT REQUIREMENTS FOR DRIVEWAY PERMIT AND UTILITY ENCROACHMENT AGREEMENT.
- PROVIDE ON-SITE SEPTIC SYSTEM. SEE LOCATION AT RIGHT.
- PROVIDE ON-SITE WATER WELL, LOCATION TO BE DETERMINED.

RUSSELL ARMENTROUT
 673 / 28



NORTH

**NEW OFFICE / WAREHOUSE FOR
 CAROLINA FLOORING CONTRACTORS, LLC
 5476 BOYLSTON HWY - MILLS RIVER NC**

SCALE 1" = 50 FT / FEB 14, 2008