

7

# REQUEST FOR BOARD ACTION

## HENDERSON COUNTY

### PLANNING BOARD

**MEETING DATE:** Thursday, July 19, 2007

**ATTACHMENTS:**

1. Staff Report
2. Vicinity Map
3. Photos of Project Site
4. Review Agency Response Form – Emergency Services
5. Review Agency Response Form – NCDOT
6. Review Agency Response Form – Zoning Administration
7. City Water Availability Letter
8. Application Materials
9. Combined Master Plan and Development Plan

**SUBJECT:** Combined Master Plan and Development Plan Review for  
Mitchem Commercial Park (File #07-M26)

#### **SUMMARY OF REQUEST:**

A.J. & Dorothy Mitchem, owners, submitted a Combined Master Plan and Development Plan for a proposed commercial subdivision off of Chimney Rock Road (US Hwy 64). The applicant is proposing six lots on approximately 35.03 acres of land which will be used for commercial and residential purposes. The project site is currently located in the Open Use (OU) zoning district. Draft 10 of the Land Development Code shows this property in the Local Commercial zoning district which allows for limited residential and commercial proposed development.

#### **PLANNING BOARD ACTION REQUESTED:**

Staff has found that the proposed Combined Master Plan and Development Plan appears to meet the technical standards of the Henderson County Subdivision Ordinance except for the comments listed in the Staff Comments section of the Staff Report (Attachment 1). 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 in the Staff Report.

#### **Suggested Motion:**

I move 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 Staff Report that need to be addressed;

AND

I further move that the Combined Master Plan and Development Plan be approved subject to the following conditions: the applicant satisfies any conditions that result from staff comments and other conditions that may result from discussion at the Planning Board meeting.



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## Henderson County Planning Department Staff Report

### Combined Master and Development Plan Review for Mitchem Commercial Park (File #2007-M26)

**A.J. & Dorothy Mitchem, Owner & Developer**

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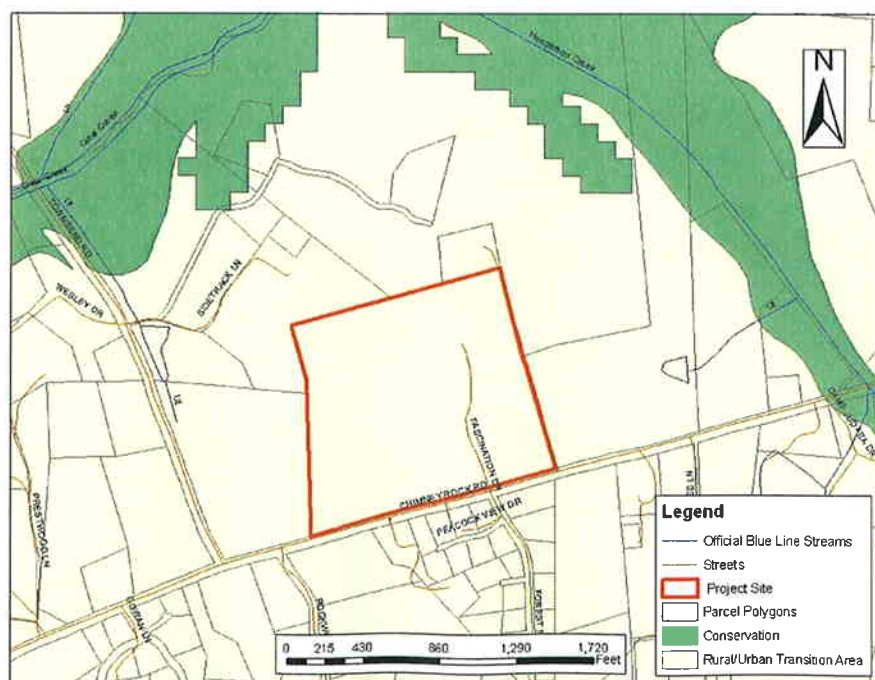
#### **Project Overview**

A.J. & Dorothy Mitchem, owners, submitted a Combined Master Plan and Development Plan for a commercial subdivision off of Chimney Rock Road (US Hwy 64). The applicant is proposing six lots on approximately 35.03 acres of land which will be used for commercial and residential purposes.

Current uses of the proposed project site include a residential home, a machine shop, and a packing house. During the pre-application conference it was indicated that the purposes of the subdivision is for construction of a mini-storage facility and offices. The developer also intends to keep the machine shop and continue to live on the property. Public water (City of Hendersonville) is proposed. The project site is currently located in the Open Use (OU) zoning district. Draft 10 of the Land Development Code shows this property in the Local Commercial zoning district which allows for limited residential and commercial development. The property is also adjacent to the Clear Creek Farmland Preservation District.

1. **County Comprehensive Plan (CCP).** The Future Land Use Map of the CCP shows the project site as being located within the Rural/Urban Transition Area (RTA) (See Map A: CCP Future Land Use Map).

**Map A: CCP Future Land Use Map**



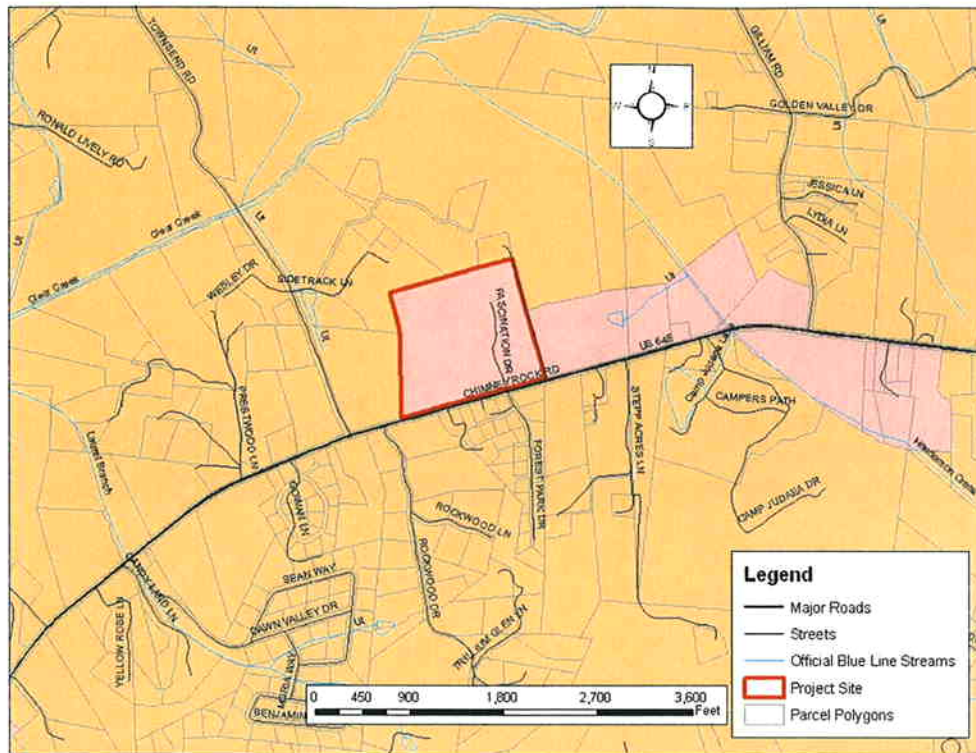


- **Rural/Urban Transition Area.** The Rural/Urban Transition designation of the Growth Management Strategy is applied to the project site. The CCP states that, “the primary factor preventing urban development in the RTA is the absence of sewer and water service” (2020 CCP, Pg. 130). The plan indicates that public water will be available to the development. The CCP also states that “Commercial development and Community Facilities will be encouraged within defined Community Service Centers. Commercial development will be at Local and Community scales, while Regional Commercial development will be generally discouraged within the RTA” (2020 CCP, Pg. 131).
2. **Land Development Code (LDC).** According to Proposed Draft 10 of the Land Development Code Zoning Map the proposed project site for this development is located entirely in the Local Commercial zoning district (See Map B: Draft Land Development Code Map). Local Commercial is to foster orderly growth where the principal use of land is commercial and residential. According to the Table of Permitted and special Uses in the LDC the local Commercial zoning district may not allow the proposed uses.

The County does not currently operate under the Land Development Code (“LDC”), and current applicable land use regulations are based on Open Use zoning which allow these uses by right. Since these uses would not be allowed in the Local Commercial zoning district, provisions for allowing expansion and alteration to existing nonconforming uses have been incorporated into the LDC. According to Section 200A-213 of the LDC (Nonconforming Commercial and Industrial Uses/Structures within the former Open Use (OU) Zoning District) commercial and industrial uses/structures legally established in this chapter and its associated zoning map shall be allowed to be maintained, improved, altered, expanded, remodeled, repaired and/or reconstructed in adherence with the dimensional requirements and setbacks of the current applicable district.



### Map B: Draft Land Development Code Map



### Staff Comments

Staff has reviewed the submitted Combined Master Plan and Development Plan for Mitchem Commercial Park for conformance with the Henderson County Subdivision Ordinance (HCSO) and offers the comments that follow.

1. **Future Development.** According to HCSO §170-31 development plans and master plans should be drawn to show the short-term and long-term plans for the property. The Planning Board may wish to discuss with the applicant plans for the use of the property.
2. **Soil Erosion and Sedimentation Control.** The developer shall 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).
3. **Buffers.** Property within the proposed commercial park contains residential homes. Property to the west and south of the project site appear to contain residential uses. The property to the north and east of the project site contain agricultural uses (Clear Creek Farmland District). According to HCSO §170-33 the Planning Board may require a buffer strip of no less than 10 feet wide between dissimilar uses of land such as a residential area. The Planning Board may require the applicant to arrange for, or be responsible for the grading and planting of said buffer strip. Retention of existing vegetation is encouraged and the Planning Board has the authority to determine if existing vegetation fulfills the intent of the buffer requirement or if additional vegetation should be planted. Staff suggests that the applicant provide a ten foot vegetated buffer along the western and northwestern boundaries of the project where there are existing residential uses.

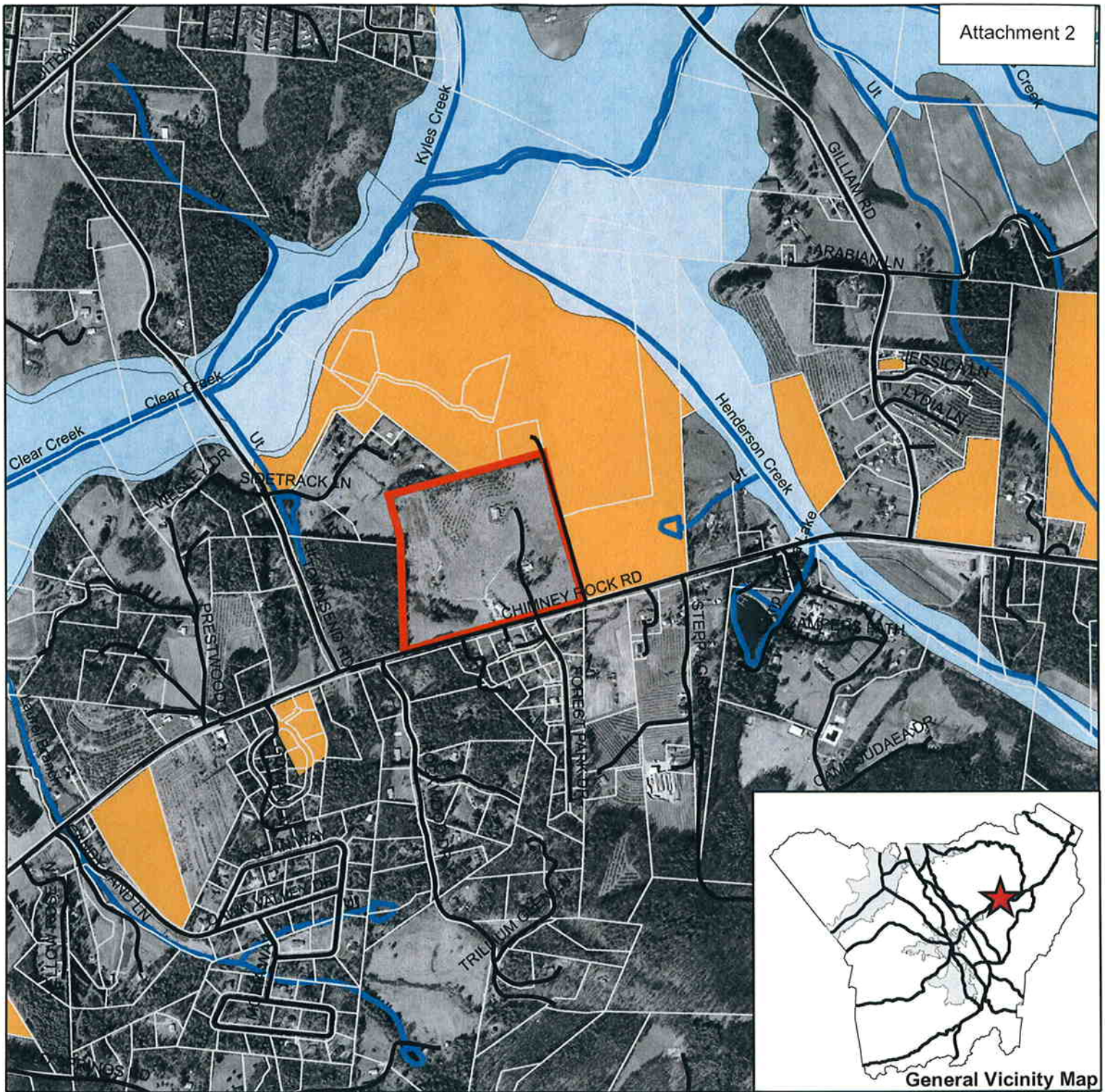


4. **Water.** The applicant has proposed public water (City of Hendersonville). According to the HCSO, the applicant must provide evidence that the water supply plans have been approved by the appropriate agency. All public water and sewerage systems shall be installed and shall meet the requirements 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).
5. **Farmland Preservation District.** The Final Plat(s) 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. **Final Plat Requirements.** The final plat(s) must meet the requirements of Appendix 7 of the HCSO.

#### **Review Agency Comments**

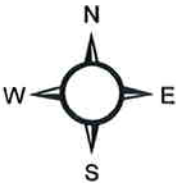
1. **Comments from Emergency Services.** The Henderson County Emergency Services Department submitted comments regarding the subdivision (Attachment 4). Note: The Planning Board can only require the applicant to meet the minimum standards of the Henderson County Subdivision Ordinance; the Planning Board may not have the authority to require any additional standards to the subdivision.
2. **Comments from NCDOT.** The North Carolina Department of Transportation submitted comments regarding the proposal (Attachment 5).
3. **Comments from Zoning Administration.** The Henderson County Zoning Administration Department submitted comments regarding the proposal (Attachment 6).





# Mitchem Commercial Park

OWNER/DEVELOPER: A.J. & Dorothy Mitchem  
 ZONING: OU  
 WATERSHED: None  
 WATER SYSTEM: Municipal  
 SEWER SYSTEM: Individual  
 ROAD SYSTEM: Private



## Legend

- Streets
- Mitchem\_COM-Park
- Parcels
- Official Blue Line Streams
- Floodplain
- Clear Creek Farmland District







## HENDERSON COUNTY PLANNING DEPARTMENT REVIEW AGENCY RESPONSE FORM

I have reviewed the plan(s) for subdivision application **#2007-M26 (Mitchem Commercial Park)** and offer the following comments:

**Hydrants** – The NC Fire Prevention Code requires a fire hydrant located within 400 feet of any portion of a commercial building.

**Roads** – Access roads must provide 13'6" vertical clearance and extend to within 150 feet of any portion of a commercial building.

<u>Rocky Hyder</u>	<u>Emergency Services</u>	<u>7/02/07</u>
Reviewed By	Agency	Date

Please return to: Matt Card, Planner  
Henderson County Planning Department  
213 First Avenue East  
Hendersonville, NC 28792  
mcard@hendersoncountync.org

**File No. 2007- M26**



HENDERSON COUNTY  
DEPARTMENT AND AGENCY  
SUBDIVISION REVIEW RESPONSE FORM

This office has reviewed the plans for the proposed subdivision named Mitchem Commercial Park and offer the following comments:

1. The developer must apply for and obtain a Street and Driveway Access Permit from the District Engineer's office prior to connecting any roads or drives to a NC DOT maintained road.
2. If at anytime in the future the developer plans to have the roads within the subdivision added to the State maintained system all roads within the development must be listed as public when filed at the Register of Deeds office.

Reviewed by: Josh Lanning  
Please return this form to:

Agency: NCDOT

Date: 07-09-07

~~Matt Card~~ **PARKER SLOAN**  
Henderson County Planning Department  
101 E. Allen Street  
Hendersonville, NC 28792

File No. 2007-M26



# HENDERSON COUNTY PLANNING DEPARTMENT

## REVIEW AGENCY RESPONSE FORM

Attachment 6

I have reviewed the plans for subdivision application #2007-M26 (Mitchem Commercial Park) and offer the following comments:

Zoning = Open Use (OU) does regulate commercial developments, all uses are acceptable except the types of development listed below.

F. Special uses required for the following types of development:  
(1) The following special uses shall be permitted in the Open Use District, subject to the Board of County Commissioners finding that both the general site standards stated in § 200-56 and those specific site standards listed in § 200-38.2, if any, will be met:

- (a) Incinerators.
- (b) Solid waste management facilities.
- (c) Mining and extraction operations.
- (d) Concrete plants.
- (e) Asphalt plants.
- (f) Junkyards.
- (g) Motor sports facilities.
- (h) Slaughtering plants.
- (i) Amusement parks.
- (j) Chip mills.
- (k) Heavy industry.

(2) It is expressly acknowledged that the above-referenced uses will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use and will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood as long as the site standards as specified in § 200-38.2 and the general site standards as specified in § 200-56D are met.

G. Prohibited uses. The following uses shall be prohibited in the Open Use District:  
(1) Hazardous waste disposal facilities, unless preempted pursuant to N.C.G.S. § 130A-293.  
(2) Radioactive Waste Disposal Facilities, unless preempted pursuant to N.C.G.S. § 104E-6.2.

Water Supply Watershed = None

Special Flood Hazard Area = None

(If necessary use back of form or additional sheets for comments)

Natalie J. Berry  
Reviewed By

Zoning Administration  
Agency

Please Return to:

Parker Sloan, Planner  
Henderson County Planning Department  
101 East Allen Street  
Hendersonville, NC 28792  
[psloan@hendersoncountync.org](mailto:psloan@hendersoncountync.org)

7/11/2007

Date

File No. #2007-M26



Attachment 7

## OFFICERS:

Greg Newman  
Mayor  
Barbara Voik  
Mayor Pro-Tem  
Chris A. Carter  
City Manager

## CITY OF HENDERSONVILLE

*"The City of Four Seasons"*

WATER AND SEWER DEPARTMENT  
Lee Smith, Utilities Director

CITY COUNCIL  
BARBARA VOIK  
JIM LAMBERT  
WILLIAM O'CONNOR  
JEFF COLLIS

Tuesday, July 10, 2007

Mike Anderson, P.E.  
Mike Anderson Engineering  
206 Chestnut St., Suite C  
Asheville, NC 28801

RE: MITCHEM COMMERCIAL SUBDIVISION  
PARCEL IDENTIFICATION NUMBER 9680991300  
WATER AVAILABILITY

Dear Mr. Anderson:

We have received and reviewed your request, dated June 29, 2007, regarding water availability for the above referenced project. We have determined that City water is available to this project along U.S. Highway 64 East from a 16-inch water main to the south of the project. Based on our findings, the above referenced project would be eligible for City water service.

This letter is intended to serve as information only and should not be regarded as an approval for the above referenced project to connect to the City's applicable utility systems. If you have any questions or require additional information regarding this correspondence please let us know.

Sincerely,



Lee Smith  
Utilities Director

cc: Dennis Frady, Assistant Utilities Director  
Marty Starr, Henderson County



APPENDIX 1

**HENDERSON COUNTY  
SUBDIVISION APPLICATION FORM  
Combined Master Plan & Development Plan**

June 11, 2007      Mitchem Commercial Park      2007-1126  
Date of Application      Subdivision Name      Application Number

XX Major Subdivision      ® Minor Subdivision      ® Other

Property Owners Name: A.J. & Dorothy Mitchem

Address: 175 Fascination Drive

City, State, Zip: Hendersonville, NC 28792

Owner's Agent: N/A

Telephone No: 828-243-1856

PIN 9680-99-1300      Deed Book/Page 758/783

Zoning District \_\_\_\_\_ Fire District Edneyville      Watershed \_\_\_\_\_

Location of property to be divided: US 64 East (Chimney Rock Road)

Type of Subdivision: (X) Residential (X) Commercial ( ) Industrial      Present Use \_\_\_\_\_

No. Lots Created 5      Original Tract Size 35 acres      New Tract Size \_\_\_\_\_      No. New Lots \_\_\_\_\_

Road System: ( ) Public (X) Private ( ) Combination Public and Private

Water System: ( ) Individual ( ) Community (X) Municipal

Sewer System: (X) Individual ( ) Community ( ) Municipal

Fee: \$ 450.00      Paid 6/11/07      Method Cash to K. Scanlan

I certify that the information shown above is true and accurate and is in conformance with the Henderson County Subdivision Ordinance.

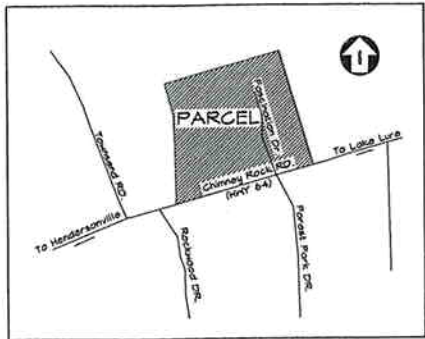
  
APPLICANT (OWNER OR AGENT)

11 JUNE '07  
DATE

Development Plan Approval / Conditions \_\_\_\_\_

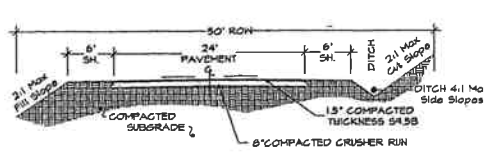
Final Plat Approval: \_\_\_\_\_ Plat Recorded \_\_\_\_\_



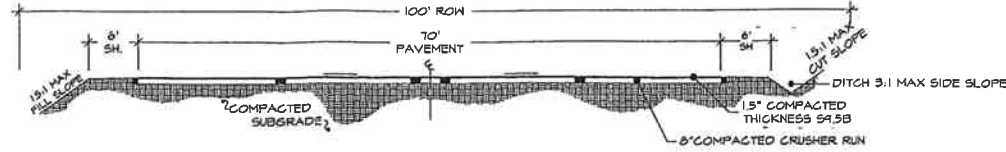


VICINITY MAP Not to Scale

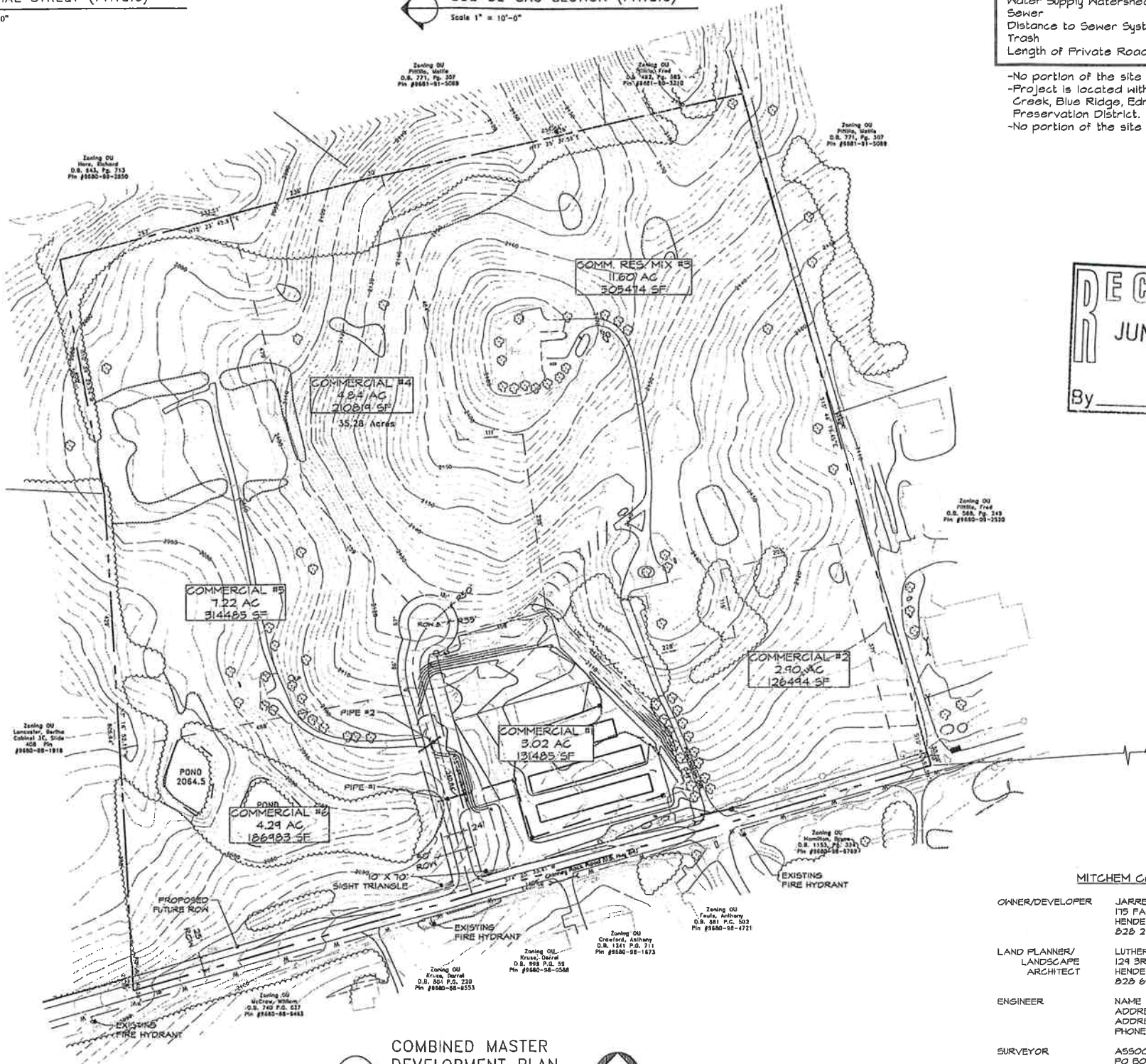
LEGEND	
---	Property Line
---	Lot Line
---	Ex Minor Contour
---	Ex Major Contour
---	Proposed Contour
---	Culvert
---	Stream



RESIDENTIAL STREET (Private)  
Scale 1" = 10'-0"



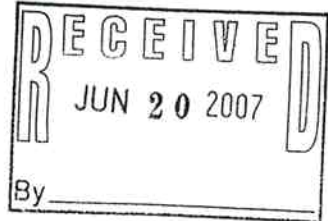
CUL-DE-SAC SECTION (Private)  
Scale 1" = 10'-0"



COMBINED MASTER DEVELOPMENT PLAN  
Scale 1"=100'-0"

PROJECT SUMMARY	
Total Project Area	35.03 ±Ac.
PIN No.	9680-99-1300
Existing Zoning	OU
Proposed No. Lots	6
Proposed Use	Commercial/Residential
Min. Lot Size	13,466 sq. ft.
Max. Lot Size	50,663 sq. ft.
Fire District	Edneyville Fire
Water	Public
Distance to Water System	40'
Water Supply Watershed	N/A
Sewer	Individual
Distance to Sewer System	2.1 Miles
Trash	Private
Length of Private Road	509 LF

-No portion of the site is within the 100 yr Floodplain.  
-Project is located within one half mile of the Clear Creek, Blue Ridge, Edneyville & Fruitland Farmland Preservation District.  
-No portion of the site is within municipal limits.



PIPE SCHEDULE					
PIPE	LENGTH	TYPE	SIZE	INV. IN	INV. OUT
1	133'	HDPE	18"	-	-
2	42'	HDPE	18"	-	-

MITCHEM COMMERCIAL PARK	
OWNER/DEVELOPER	JARRETT MITCHEM 175 FASCINATION DRIVE HENDERSONVILLE, NC 28742 828 243-1636
LAND PLANNER/ LANDSCAPE ARCHITECT	LUTHER E. SMITH & ASSOCIATES, P.A. 124 3RD AVENUE WEST HENDERSONVILLE, NC 28742 828 647-2307
ENGINEER	NAME ADDRESS ADDRESS PHONE NUMBER
SURVEYOR	ASSOCIATED LAND SURVEYORS & PLANNERS PC P.O. BOX 510 HORSE SHOE, NC 28742 828 840-3507

Submitted to City of Hendersonville/Henderson County for Master Plan Approval 11 June 2007.

Luther E. Smith  
& Associates, P.A.  
LAND PLANNING &  
LANDSCAPE ARCHITECTURE  
129 Third Avenue West  
Hendersonville, NC 28792  
(828) 697-2307  
(828) 697-4958 Fax  
lsmith@lsmith.net

COMMERCIAL SUBDIVISION

MITCHEM COMMERCIAL PARK

NORTH CAROLINA

HENDERSON COUNTY

Drawn By	JMC
Job No.	07-115
Checked By	LES
Revisions	

COMBINED MASTER DEVELOPMENT PLAN

S-1

OF - 1