

**REQUEST FOR COMMITTEE ACTION
HENDERSON COUNTY
ZONING BOARD OF ADJUSTMENT**

MEETING DATE: February 25, 2015

SUBJECT: Special Use Permit Application (SUP-15-01) for Robert Haynes an Outdoor Recreational Facility- located at 25 Roland Jones Rd/Kerr Rd

PRESENTER: Toby Linville, Code Enforcement Director

ATTACHMENTS:

1. Staff Report
2. Photographs
3. Site Plan

SUMMARY OF REQUEST:

The applicants are requesting a Special Use Permit to allow them to use this property as an Outdoor Recreational Facility.

Staff requests that the ZBA review the application and make a decision based on evidence presented for this project.

Suggested Motion:

I move to approve SUP-15-01 for an Outdoor Recreational Facility for Robert Haynes with the following conditions:

- **Meet requirements of SR 4.14**

The use will:

- a) **Not materially endanger the public health, safety or welfare because the owners reside on the property and will monitor its use;**
- b) **Not substantially injure the value of the property or improvements in the area because the use will be rural in nature: and**
- c) **Be in harmony with the surrounding area because it will be rural and residential in nature.**



Henderson County, North Carolina Code Enforcement Services

1. **Board Request**

- 1.1. **Applicant:** Robert Haynes
- 1.2. **Request:** Major Site Plan Review for Outdoor Recreational Facility
- 1.3. **PIN:** 0611910275
- 1.4. **Size:** 43.49 acres +/-
- 1.5. **Location:** The subject area is located at 25 Roland Jones Rd
- 1.6. **Supplemental Requirements:**

SR 4.14. Recreational Facilities (Indoor/Outdoor)

- (1) Site Plan. Major *Site Plan* required in accordance with §42-331 (Major Site Plan Review).
- (2) Lighting. *Adequate lighting* shall be placed in areas used for vehicular/pedestrian access including, but not limited to: stairs, sidewalks, crosswalks, intersections, or changes in grade. *Lighting mitigation* required.
- (3) Perimeter Setback. One hundred (100) feet (equipment, machinery and/or mechanical devices shall not be placed within 200 feet of a *residential zoning district*. All *structures* shall be 100 feet from a *residential zoning district* property).
- (4) Structure. For activities which present potential safety hazards (batting cages, baseball fields, driving tees, etc.) fencing, netting or other control measures shall be required.
- (5) Solid Waste Collection. The facility shall provide a suitable method of solid waste disposal and collection consisting of either private collection from individual *uses* or the *use* of dumpsters (installed and/or operated to meet all local and state statutes, ordinances and regulations (including Chapter 165 of the Henderson County Code, Solid Waste) and thereafter certified by the Department of Public Health). Where dumpsters are used, Screen Class One (1), Two (2) or Three (3) shall be provided consistent with the requirements of §42-182 (Screen Classification)).
- (6) Public Address/Loud Speakers. Public address and loud speaker systems shall not be operated before 8:00 a.m. or after 12:00 midnight.
- (7) Hours of Operation. For outdoor *uses*, 6:00 a.m. to 12:00 midnight.

Map A: Aerial Photo/Pictometry



2. Current Conditions

2.1 Current Use: This parcel is currently in commercial and residential use.

2.2 Adjacent Area Uses: The surrounding properties consist of residential and undeveloped land.

2.3 Zoning: The property and surrounding area are zoned Residential 3.

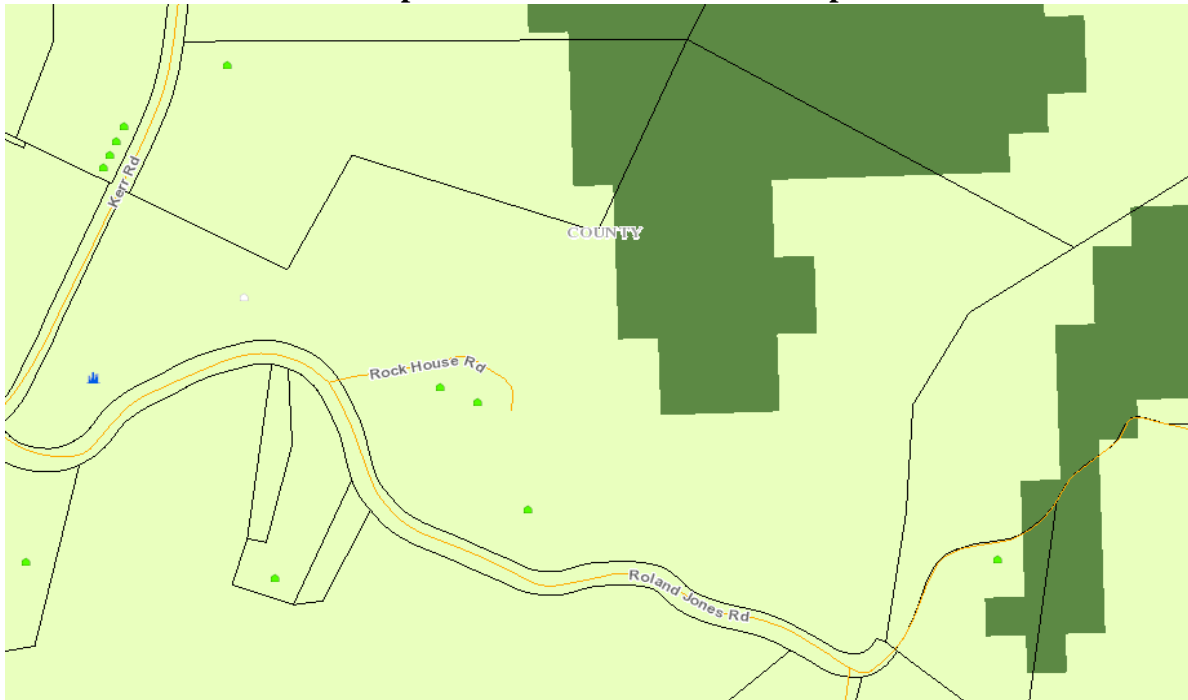
Map B: Current Zoning



3. Floodplain /Watershed Protection The property is not located in special flood hazard area. The property is not in a Water Supply Watershed district.

4. Water and Sewer Private well and septic system serve this property.

Map C: CCP Future Land Use Map



5. Comprehensive Plan

The 2020 CCP: The CCP Future Land Use Map places the Subject Area in the Rural/Open Space/Agriculture and Conservation classification. The text and map of the 2020 CCP suggest that the Subject Area would be more suitable for the following:

Rural / Agriculture Areas (RAA)

The following is a description of the patterns of development envisioned within the RAA:

1. The RAA covers those portions of the county that are predominantly rural and are characterized by low-density residential development with substantial land areas devoted to agriculture and undeveloped lands. Land use policies will seek to retain that character.
2. Slopes are typically steep, often exceeding 10%, with significant areas greater than 20%.
3. Most sections of the RAA are so far from sewer services as to make their extension largely impossible. Land development regulations should recognize this by not permitting densities that would require sewer services or introduce traffic capacity problems and by encouraging densities that are consistent with steep slopes, poor septic capacities, and sensitive topography.

Conservation:

This category includes 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:

1. Sensitive natural areas such as steep slopes, floodplains, major wetlands, forest reserves and wildlife conservation areas, and key watersheds
2. Areas of historic and archeological significance
3. Local, state or federally-managed natural areas
4. Areas managed for agricultural or forestry land uses

6. Staff Comments

The Technical Review Committee voted to recommend approval of the project to the Board of Adjustment and approved the site plan for the project.

7. Photographs













Application No. SUP-15-01

**HENDERSON COUNTY
SPECIAL USE PERMIT APPLICATION FORM**

GENERAL INFORMATION

Date of Application: November 18, 2014
Previously Submitted (Circle One): Yes No
Date of Pre-Application Conference: _____
Site Plan Attached (Circle One): Yes No
Traffic Impact Study Required (Circle One): Yes No

SPECIAL USE PERMIT INFORMATION

Type of use to be permitted: Recreational Snow Tube Park SR #: _____
Existing Structures or Uses on property: _____
Road System (Circle): Public Private
Water System (Circle): Individual Community Public (Municipal or County)
Sewer System (Circle): Individual Community Public (Municipal or County)

SITE PLAN REQUIREMENTS

If a minor or major site plan is not specifically required, the applicant shall submit a site plan with the following items:

- Dimensions of property.
- Location of existing and proposed structures (including accessory structures), and general use thereof.
- Setbacks of existing and proposed structures from property lines and edge of right-of-way for roads (from centerline of roads for uses located in the R-40, WR, or SW districts).
- Separation of existing and proposed structures from one another.
- Parking and off/on loading areas
- Location of signs (including sign dimensions, height, type of material, lighting).
- Location and dimensions of existing and proposed roads / driveways and their entrance/exits.
- Location of dumpsters.
- Location and general description of any fences, landscaping or other buffering (proposed or existing).

Site plan not to exceed 11 X 17 size. Anything submitted larger than 11 X 17, the applicant must provide 12 copies with the application form.

PARCEL INFORMATION

PIN: 0611910275 Deed Book/Page: _____ Tract Size (Acres): 43.49 Acr
Zoning District: R3 Fire District: Eden Watershed: _____ Floodplain: _____
Location of property to be developed: _____

373 Kerr Rd

CONTACT INFORMATION

Property Owner:

Name: Robert Haynes
Address: 25 Roland Jones Rd

Phone: 828 388 0949
City, State, and Zip: Hendersonville NC 28792

Applicant:

Name: S A M E

Phone: _____

Application No. _____
Address: _____ City, State, and Zip: _____
Agent:
Name: _____ Phone: _____
Address: _____ City, State, and Zip: _____
Agent Form (Circle One): Yes No
Plan Preparer:
Name: Jeffrey Harvey Phone: (828) 606-7719
Address: 87 Panthers Path Dr City, State, and Zip: Hendersonville, NC 28792

STANDARDS FOR REVIEW

The Land Development Code imposes the following GENERAL REQUIREMENTS on the use requested by the applicant. Under each requirement, the applicant should explain, where applicable, how the proposed use satisfies these requirements:

- A. General Requirement #1: The use will not materially endanger the public health, safety or welfare:

The proposed use as a snow tube park is a common theme used throughout Western North Carolina. All equipment will be installed per O.E.M. standards.

- B. General Requirement #2. The use will not substantially injure the value of property or improvements in the area.

The site is a secluded and heavily wooded area that is 1000+ feet from nearest residential area.

- C. General Requirement #3. The use will be in harmony with the surrounding area.

All lighting will be aimed to reduce lighting leakage to surrounding areas.

The Land Development Code also imposes the following SPECIFIC REQUIREMENTS on the use requested by the applicant. The applicant should be prepared to demonstrate that satisfactory provisions have been made for the following, where applicable.

The proposed use shall be located and developed in such a manner as to:

- a. Comply with all applicable local, state and federal statutes, ordinance and regulations.

All equipment will be installed to Original Equipment Manufacturer guidelines

- b. Be in accordance with the 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.

- 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.

See Site plan

- d. Minimize the environmental impacts on the neighborhood including the following groundwater, surface water, wetlands, endangered/threatened species, archeological sites, historic preservation sites and unique natural areas.

See Site plan

Show that satisfactory provision/arrangement has been made (where applicable or required) concerning:

- a. Ingress and egress to property and proposed structures thereon (with particular reference to automotive/pedestrian safety/convenience and traffic flow/control).

See plan

- b. Off-street parking and loading areas.

See plan

- c. Utilities (with particular reference to locations, availability and compatibility).

Utilities will be installed per local utility standards

- d. Buffering and landscaping (with particular reference to type, location and dimensions).

See plan

- e. Structures (with particular reference to location, size and use).

See plan

I certify that the information shown above is true and accurate and is in conformance with the Land Development regulations of Henderson County.

Jeffrey L. Harvey
Print Applicant (Owner or Agent)

[Signature]
Signature Applicant (Owner or Agent)

11/18/2014

Date

County Use Only

Fee: \$ _____ Paid: _____ Method: _____ Received by: _____

Authority to grant the requested permit is contained in the Land Development Code, Sections: _____

Community Planning Area: _____

Application No. _____

- 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.

- d. Minimize the environmental impacts on the neighborhood including the following groundwater, surface water, wetlands, endangered/threatened species, archeological sites, historic preservation sites and unique natural areas.

Show that satisfactory provision/arrangement has been made (where applicable or required) concerning:

- a. Ingress and egress to property and proposed structures thereon (with particular reference to automotive/pedestrian safety/convenience and traffic flow/control).

- b. Off-street parking and loading areas.

- c. Utilities (with particular reference to locations, availability and compatibility).

- d. Buffering and landscaping (with particular reference to type, location and dimensions).

- e. Structures (with particular reference to location, size and use).

I certify that the information shown above is true and accurate and is in conformance with the Land Development regulations of Henderson County.

Robert Haynes

Print Applicant (Owner or Agent)

Robert Haynes

Signature Applicant (Owner or Agent)

1-20-15

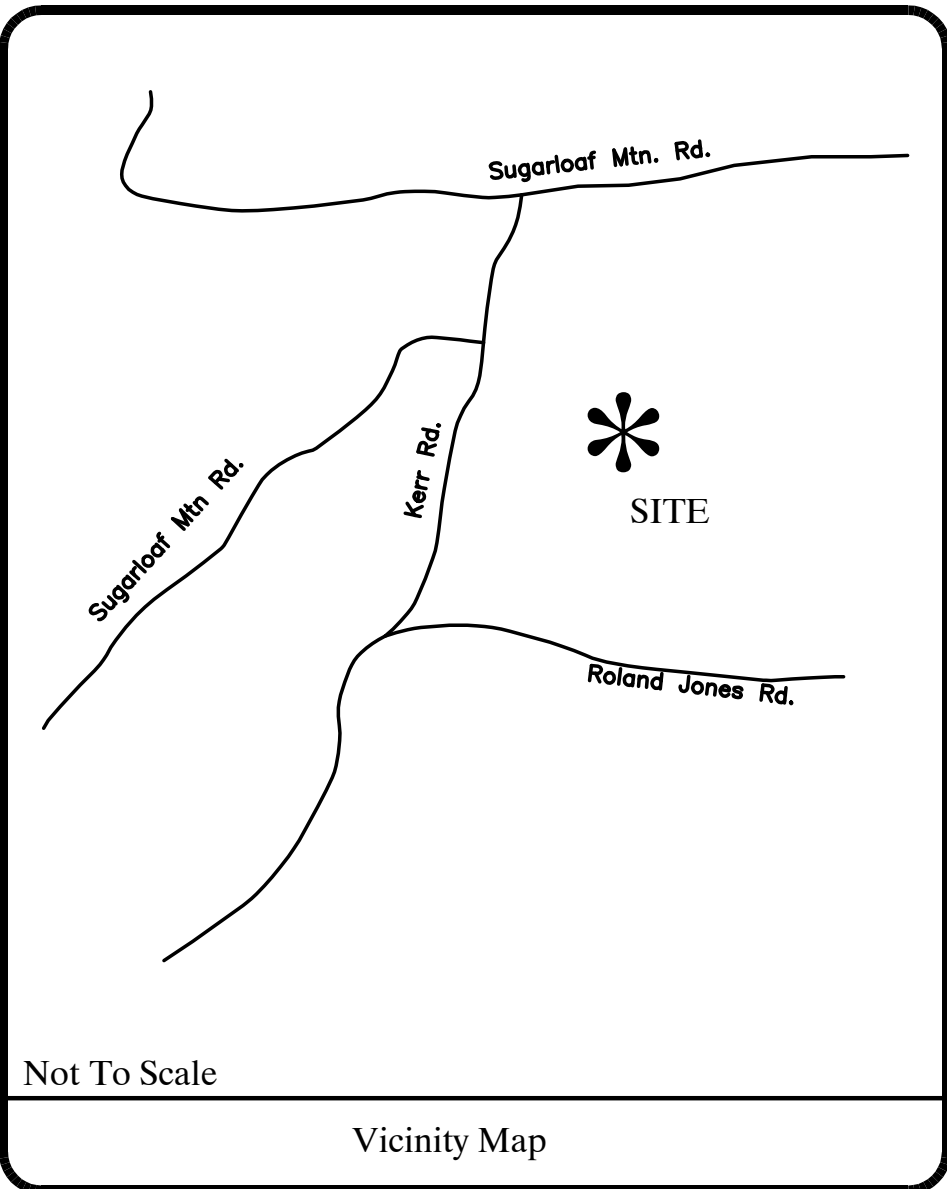
Date

County Use Only

Fee: \$ _____ Paid: _____ Method: _____ Received by: _____

Authority to grant the requested permit is contained in the Land Development Code, Sections: _____

Community Planning Area: _____



LEGEND	
○ IPF	Iron Pin Found
○ IPS	Iron Pin Set 5/8" Rebar
PT	Unmarked Point
○	Utility Pole
— OHU —	Overhead Electric
⊗	Fire Hydrant
⊙	Sanitary Sewer Manhole
⊗	Water Meter
---	Deed Line Not Surveyed
○-○-○-○-○	Silt Fence
●	Apple Trees (Representation)

Date:	January 20, 2015
Ref. Deed Book:	D.B. 570 Pg. 461
Ref. Plat Book:	
Tax Parcel Number:	0611-91-0275
Drawn By:	JHB
Party Chief:	MDF
DWG File:	S-1501-003

NOTES

● Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.

● All distances are horizontal unless otherwise noted.

● All acreage is by coordinate method.

● No attempt has been made as a part of this boundary survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility or municipal/public service facility. For information regarding these utilities or facilities, please contact the appropriate agencies.

● Except as specifically stated or shown on this plat, this survey does not purport to reflect any of the following which may be applicable to the subject real estate: easements, other than possible easements that were visible at the time of making of this survey; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land use regulations; and any other facts that an accurate and current title search may disclose.

● This is not a full boundary survey. The purpose of this plat is to show existing features in an area that is to be developed. Only three property corners located.

● The subject property and adjoining properties are zoned R-3.

● Total acreage taken from Henderson County GIS is 43.49 ACRES

● Contour Data taken from NCDOT Lidar Data.

● Roads and buildings taken from GIS.

GLOBAL POSITIONING CERTIFICATION (RTK)

The positional accuracy of the RTK derived positional information is 0.02' horizontal & 0.04' vertical.

Equipment Used: Sokkia GRX2 Dual Frequency Receiver

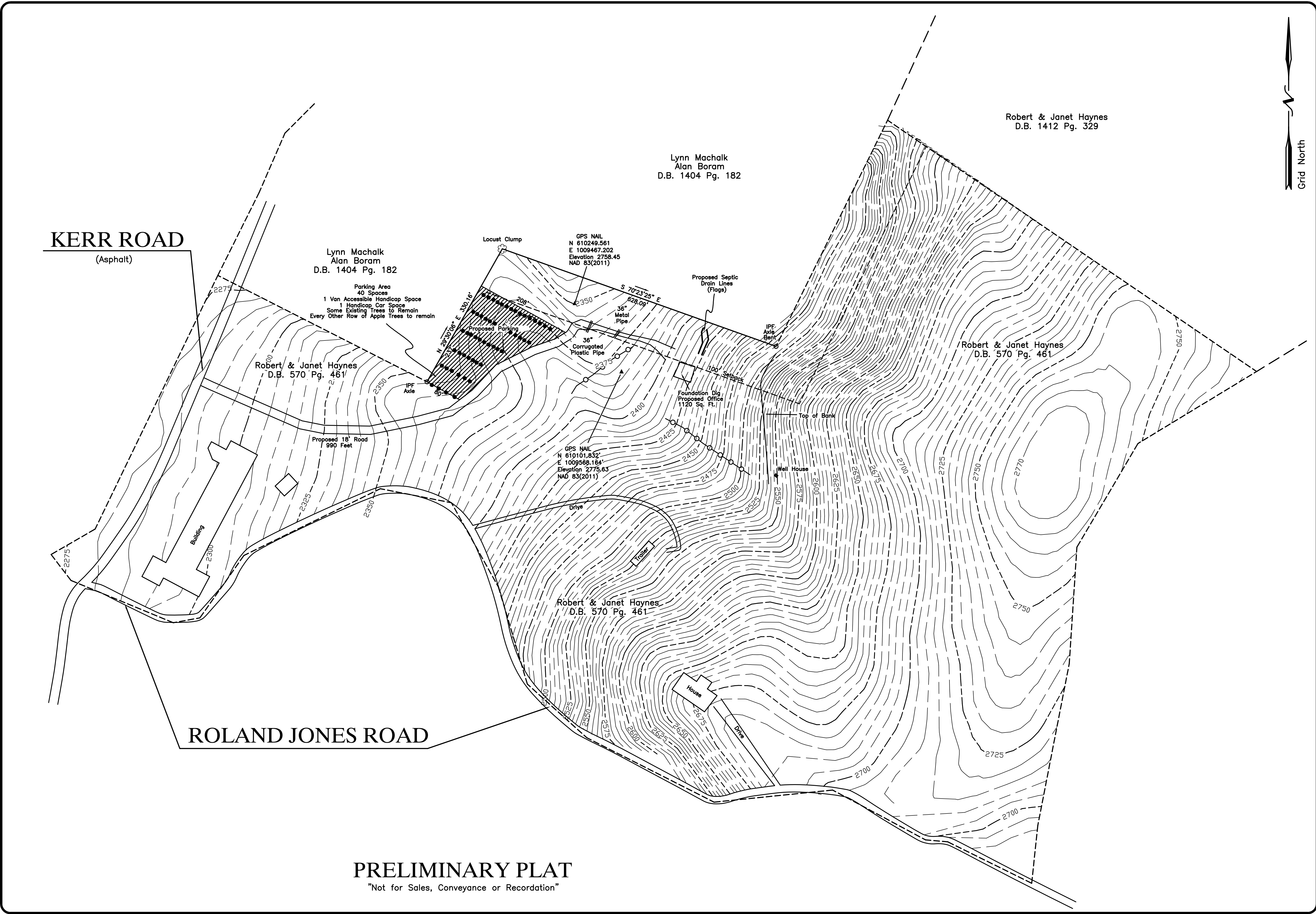
Grid North and Grid Coordinates derived by VRS Network Observations.

● This is to certify that the property shown on this plat was surveyed under my direct supervision. Property lines and improvements shown are located correctly, and that no visible encroachments exist unless otherwise shown.

● The error of closure is 1:10,000.

● This is a Class "A" Survey.

Copyright © Freeman Land Surveying, PLLC. All rights reserved. No part of this drawing may be reproduced by photocopying, recording or by any means, or stored, processed or transmitted in or by any computer or other system without the prior written permission of the surveyor. This survey is valid only for the parties hereon.

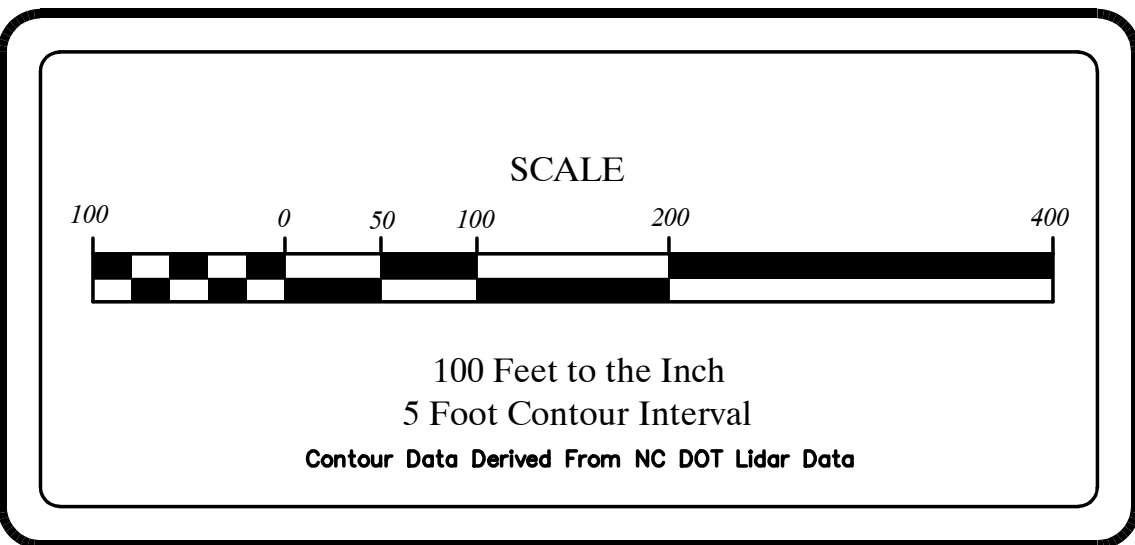


"I certify that this map was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 570, Pg. 461 or other reference source); that the boundaries not surveyed are indicated as drawn from information in Book _____ Pg. _____ or other reference source _____; that the ratio of precision or positional accuracy is 1:10000; and that this map meets the requirements of The Standards Of Practice for Land Surveying in North Carolina (21 NCAC 56.1600)." This 20th day of January, 2015.

Mark D. Freeman, PLS L-3903

SEAL L-3903

MARK D. FREEMAN



SITE PLAN OF

D.B. 570 Pg. 461

For

Robert & Janet Haynes

State of North Carolina

Henderson County

Edneyville Township

FREEMAN LAND SURVEYING, PLLC

P.O. BOX 40

EDNEYVILLE, NORTH CAROLINA 28727

(828)-259-9759

License No. P-0164