

Staff Report: SUP 12-04
Hyder Asphalt Plant -Amendment

REQUEST FOR COMMITTEE ACTION
HENDERSON COUNTY
BOARD OF ADJUSTMENT

MEETING DATE: August 29, 2012

SUBJECT: SUP-12-04

PRESENTER: Toby Linville

ATTACHMENTS: 1. Staff Report

SUMMARY OF REQUEST:

SUP-12-04 was approved at the July 25, 2012 Board of Adjustment meeting. The applicant would now like to request a variance of the 100' perimeter setback in the rear yard to the 20' district setback. If the variance is approved, the approved Special Use Permit must be amended to reflect the amended site plan.

Staff requests the Board of Adjustment take action to approve, approve with modifications, table, or deny SUP-12-04.

Suggested Motion:

I move that the Board of Adjustment approve/deny the changes to SUP-12-04 because it meets the requirements of the Land Development Code.



Henderson County, North Carolina Code Enforcement Services

1. Board Request

- 1.1. **Applicant:** Boyd Hyder
- 1.2. **Request:** Major Site Plan Review/Special Use Permit-Amendment
- 1.3. **PIN:** 9660929834
- 1.4. **Size:** 4.18 acres +/-
- 1.5. **Location:** The subject area is on Clear Creek Rd just past Nix Rd.
- 1.6. **Supplemental Requirements:**

SR 10.1 Asphalt Plant

(1) Site Plan. Major *Site Plan* required in accordance with §200A-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.

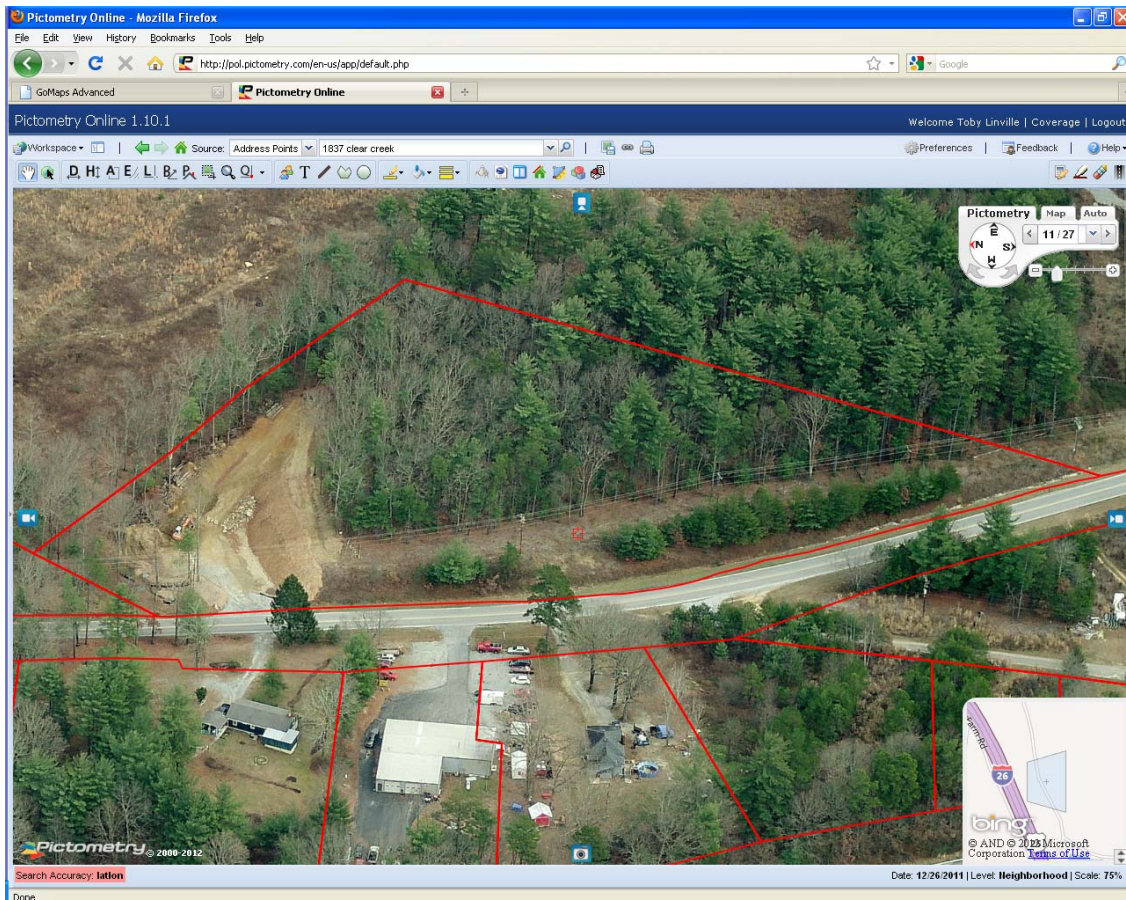
(3) Dust Reduction. Unpaved *roads, travelways* and/or parking areas shall be treated to prevent dust from adverse affects to adjacent properties.

(4) Separation. An *asphalt plant* shall not be constructed or newly located within:
a. One-half (½) mile of an existing *school, library, day care facility, healthcare facility and/or religious institution*; and
b. Five hundred (500) feet of an existing *dwelling unit* (located in a *residential zoning district* and not located on the same property as the *use*).

(5) Perimeter Setback at one hundred (100) feet.

(6) Security. The operations of an *asphalt plant* shall be totally enclosed by: (1) a security fence or wall at least eight (8) feet in height; or (2) a fireproof *building*. Entrances and exits should be secured and locked during non-operating hours.

Map A: Aerial Photo/Pictometry



2. Current Conditions

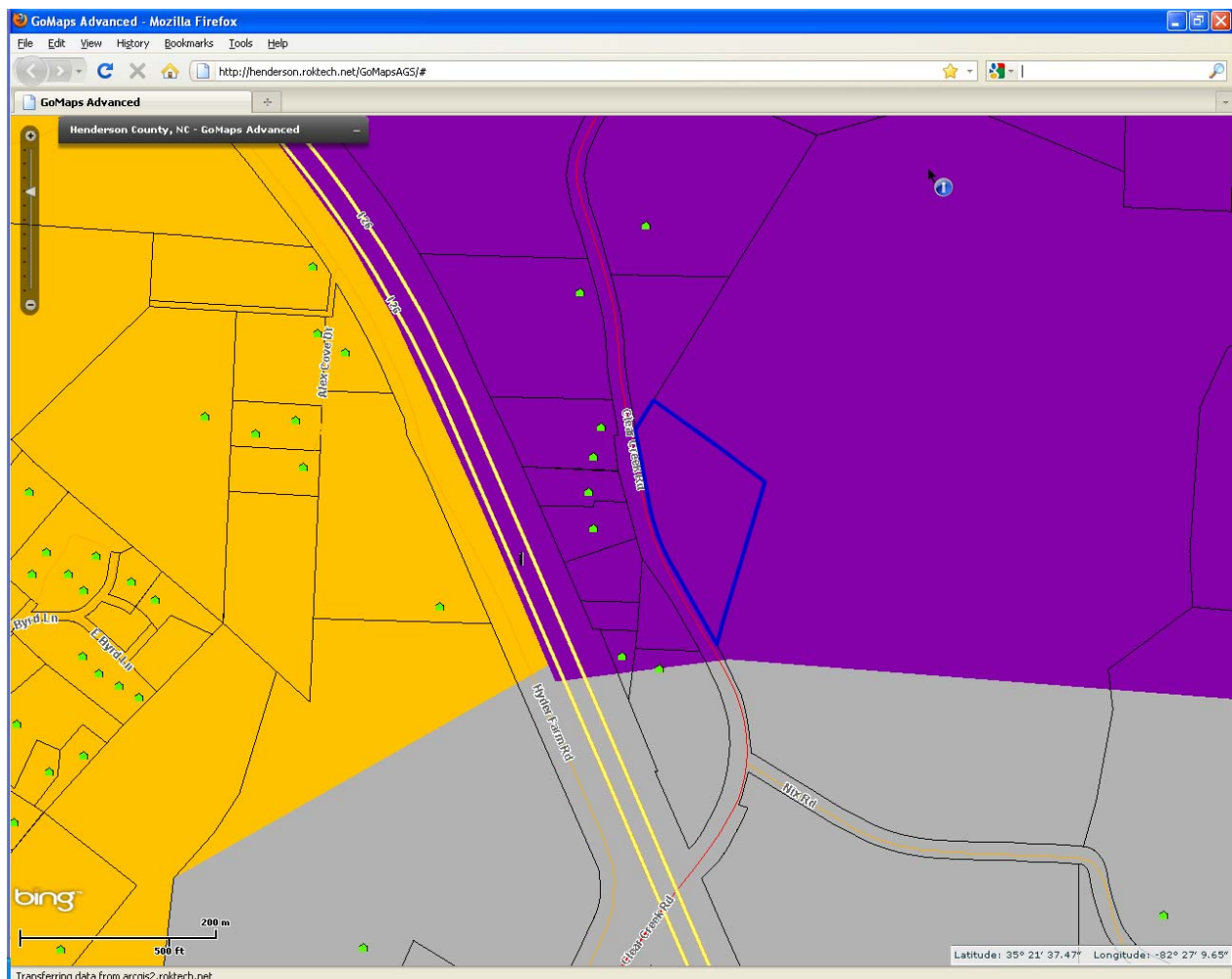
2.1 Current Use: The parcel is currently vacant. Some grading and logging has begun on the property. **The property received approval for a Special Use Permit for an asphalt plant at the July 25, 2012 Board of Adjustment Meeting. The applicant has requested a variance of the perimeter setback in the rear yard. If that variance is approved, the special use permit will need to be amended to accommodate the reduction in rear yard setback.**

2.2 Adjacent Area Uses: The surrounding properties are Residential, Commercial and Industrial. There is an automotive garage across Clear Creek Rd with single family dwellings flanking that business. There is a quarry and asphalt plant north of the proposed site.

2.3 Zoning: The current zoning of surrounding property is Industrial. South of the site is City of Hendersonville ETJ zoned C-3 Highway Business. This zoning district classification is designed primarily to encourage the development of recognizable, attractive groupings of facilities to serve persons traveling by automobile and local residents. Since these areas are generally located on the major highways, they are subject to the public view. They should provide an appropriate appearance, ample parking, and be designed to minimize traffic congestion.

2.4 Floodplain /Watershed Protection The property is not located in a Special Flood Hazard Area. The property is not in a Water Supply Watershed district.

Map B: Current Zoning



2.5 Water and Sewer Private well and septic system are proposed for this property.

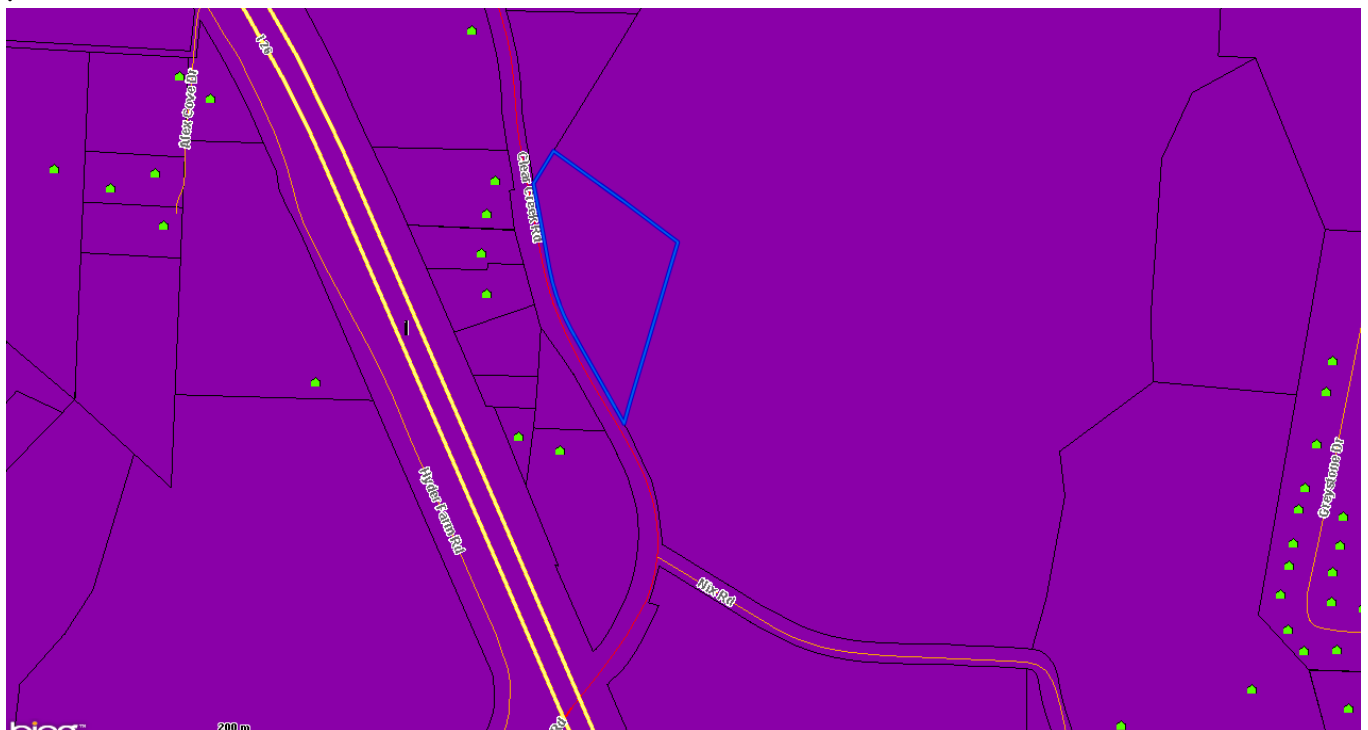
Public Water: City of Hendersonville water is not available for this property.

Public Sewer: City of Hendersonville sewer is not available for this property.

3. Comprehensive Plan

The 2020 CCP: The CCP Future Land Use Map places the Subject Area in the “Industrial” classification. The text and map of the 2020 CCP suggest that the Subject Area would be more suitable for the following:

See the Current Land Use Definition of *Industrial*, in Appendix IV, Glossary. Most defined industrial areas should lie within the Urban Services Area, and in other areas on a very limited basis. Most industrial uses should be segregated from other uses with the exception of Regional Commercial uses. Industrial areas depicted on Map # 24, *Future Land Use Map* are derived from existing industrial zoning districts, as well as from those area depicted upon Map # 8, “*Committee of 100*” *Recommended Industrial Development Zones*. It is intended that the *Countywide Industrial / Commercial Zoning Study* and Community Plans will further refine the location, extent, and intensity of future industrial areas.



4. Staff Recommendations

- a. Staff recommends approval of the changes to the SUP. The Technical Review Committee recommended approval if the variance was approved. The applicant must apply for stormwater and erosion control permits and driveway permit.

5. Photographs (Looking South along Clear Creek Rd)



Looking North into property along Clear Creek Rd



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Looking into property from Clear Creek Automotive



Grading area inside property



Application No. _____

**HENDERSON COUNTY
SPECIAL USE PERMIT APPLICATION FORM**

GENERAL INFORMATION

Date of Application: _____
Previously Submitted (Circle One): Yes No
Date of Pre-Application Conference: 6-19-2012
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: Bituminous Concrete Manufacturing SR #: 1503 Clear Creek Rd
Existing Structures or Uses on property: None
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: 9660929834 Deed Book/Page: 1432 Tract Size (Acres): 4.20
Zoning District: _____ Fire District: 07 Mt Hope Watershed: NO Floodplain: NO
Location of property to be developed: Main St to north main cross over I-26
GO Appx 1/4 mile Property is on Right side of Clear Creek Rd

CONTACT INFORMATION

Property Owner:
Name: Boyd L. Hyder Phone: (828) 608-4424
Address: 163 Punchon Cmp City, State, and Zip: Hills NC 28792
Applicant:
Name: _____ Phone: _____

Application No. _____

Address: _____

City, State, and Zip: _____

Agent:

Name: Gregg Bellini

Phone: (828) 674-8974

Address: PO Box 433

City, State, and Zip: Perrowe NC 28766

Agent Form (Circle One): Yes No

Plan Preparer:

Name: Layhter Austin Ass

Phone: (828) 692-9089

Address: 131 4th Ave East

City, State, and Zip: Hville 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:

Facility will Follow all State & Fed Requirements

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

Facility is located within Area where similar type of Industry is located and operating. Surrounding Properties are valued Accordingly. This Facility will not alter or change current Industries types located in the same Area

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

Area is zoned Accordingly, other Industry of the same Nature is currently operating in surrounding area

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.

attention to all regulations are to be Inspected,

- 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.

We Believe Facility will fit well into Henderson County Long Range Comp Plan. with its unique location in one of counties few Industrial Zones. The location will also fit in to most all Transportation Plans. Traffic impact will be min. additional

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.

buffer should deflect any noise, GRAVEL roads & lots to
minimize dust, PROPERLY WORKING BATHHOUSE should minimize odor

- 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.

all run off will be in accordance with state standards

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).

one Driveway onto SR. 1503, w/ good sight distance

- b. Off-street parking and loading areas.

off Have been noted and represented on
plans and meet all minimum requirements

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

Individual - water & sewer, Power Phone available

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

5+10 foot natural buffer of ~~the~~ TREES & shrubs & vegetation

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

one BATH room which is located & noted on plans

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

Bob Gregg Bellah
Print Applicant (Owner or Agent)

Gregg Bellah
Signature Applicant (Owner or Agent)

6-19-12
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: _____

- NOTES
1. REFERENCES - DEED BOOK 1432, PAGE 720
PLAT CANNOT BE SLOPE
 2. AREA DETERMINED BY COORDINATE COMPUTATION
 3. DISTANCES SHOWN ARE HORIZONTAL GROUND
DISTANCES UNLESS OTHERWISE SHOWN
 4. MINIMUM SETBACKS
FRONT _____
REAR _____
SIDE _____
ZONED - INDUSTRIAL
 5. 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.
 6. CONTOURS TAKE FROM COUNTY GIS.
 7. THIS PROJECT IS NOT WITHIN 500' OF A DWELLING
UNIT IN A RESIDENTIAL ZONING DISTRICT.
 8. THIS PROJECT IS NOT WITHIN 1/2 MILE OF A SCHOOL, LIBRARY,
DAY CARE FACILITY, HEALTHCARE FACILITY, AND/OR RELIGIOUS INSTITUTION.
 9. EXTERIOR LIGHTING WILL BE SHIELDED TO PREVENT LIGHT TRESPASS
ONTO ADJACENT PROPERTIES.
 10. Closest fire hydrant is 5,000 feet.
 11. Three deciduous trees will be required within parking lot.
 12. Estimated impervious surface = 0.9 Acres.
 13. Private garbage collection. Paved Rd to be added.
 14. Impervious surface area = 38400 SF (0.88AC.)

Kyle Garen
D.B. 88, Pg. 112
ZONED - INDUSTRIAL

Vulcan Lands, Inc.
D.B. 1027, Pg. 173
ZONED - INDUSTRIAL

CURVE	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C1	1095.92'	N 14°33'20" W	338.38'	339.73'

D.B. 1432, Pg. 720

