

REQUEST FOR BOARD ACTION

HENDERSONCOUNTY BOARD OF COMMISSIONERS

MEETING DATE: July 15, 2020

SUBJECT: Public Hearing for Amendment to Conditional District CD-2019-07
Skylaranna

PRESENTER: Matt Champion, Project Development Planner
Autumn Radcliff, Planning Director

ATTACHMENTS:

1. Staff Report
2. Amended Site Plan
3. Neighborhood Meeting Summary
4. Original List of Conditions
5. Signed List of Conditions for Amendments
6. Certification of Public Hearing Notification
7. Resolution of Consistency
8. Planning Staff PowerPoint Presentation

SUMMARY OF REQUEST:

Skylaranna was approved as a conditional zoning district on March 2, 2020 (CD-2019-07). The subject area is located on PIN: 9651-07-2408 at 2075 N. Rugby Road (SR1365) about a ½ mile north of Rugby Drive (SR1417). The property owner and applicant are Highway, LLC. Due to regulations with the NC Department of Insurance (NCDOI) and NC Fire Code, the applicant is requesting an amendment to the approved site plan. The amendment includes the following:

1. Proposed yurts (20 total) will be replaced with onsite, stick built cabins (20 total) with a bathroom and kitchen efficiency (includes a coffee pot, refrigerator, microwave, toaster oven and sink). These dwellings will meet the required NCDOI and NC Building Code requirements.
2. The proposed bathhouses will be removed. According to the project engineer, the existing septic system will support the individual bathrooms in the cabins.
3. The existing logging road will be utilized for emergency service access to the cabins, with an additional gated one-way exit onto N. Rugby Road.
4. The applicant has proposed the addition of a gazebo on the property.
5. Due to improvements required for stormwater permits, the applicant has requested to remove all or a portion of the required 2' berm along southern boundary as it is no longer necessary to correct the water runoff issues.

Since the conditional rezoning is approved with an associated site plan, any changes to the proposed site plan requires the Board of Commissioners to approve the amendment.

A neighbor compatibility meeting was held on Monday, May 18, 2020 electronically on the proposed amendments.

The Technical Review Committee reviewed the proposed amendments on May 19, 2020 electronically and made a motion to forward the application to the Planning Board with conditions as discussed.

The Planning Board reviewed the conditional rezoning request at its May 21, 2020 meeting electronically. The Planning Board voted 7-1 to forward a favorable recommendation.

PUBLIC NOTICE:

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §42-303 and §42-346 (C) of the Henderson County Land Development Code and State Law, notice of the July 15, 2020 public hearing regarding amendments to conditional district CD-2019-07 was published in the Hendersonville Lightning on July 1st and July 8th. The Planning Department sent notices of the hearing via first class mail to the owners of properties within 400 feet of the Subject Area on June 26, 2020 and posted signs advertising the hearing on June 26, 2020.

BOARD ACTION REQUESTED:

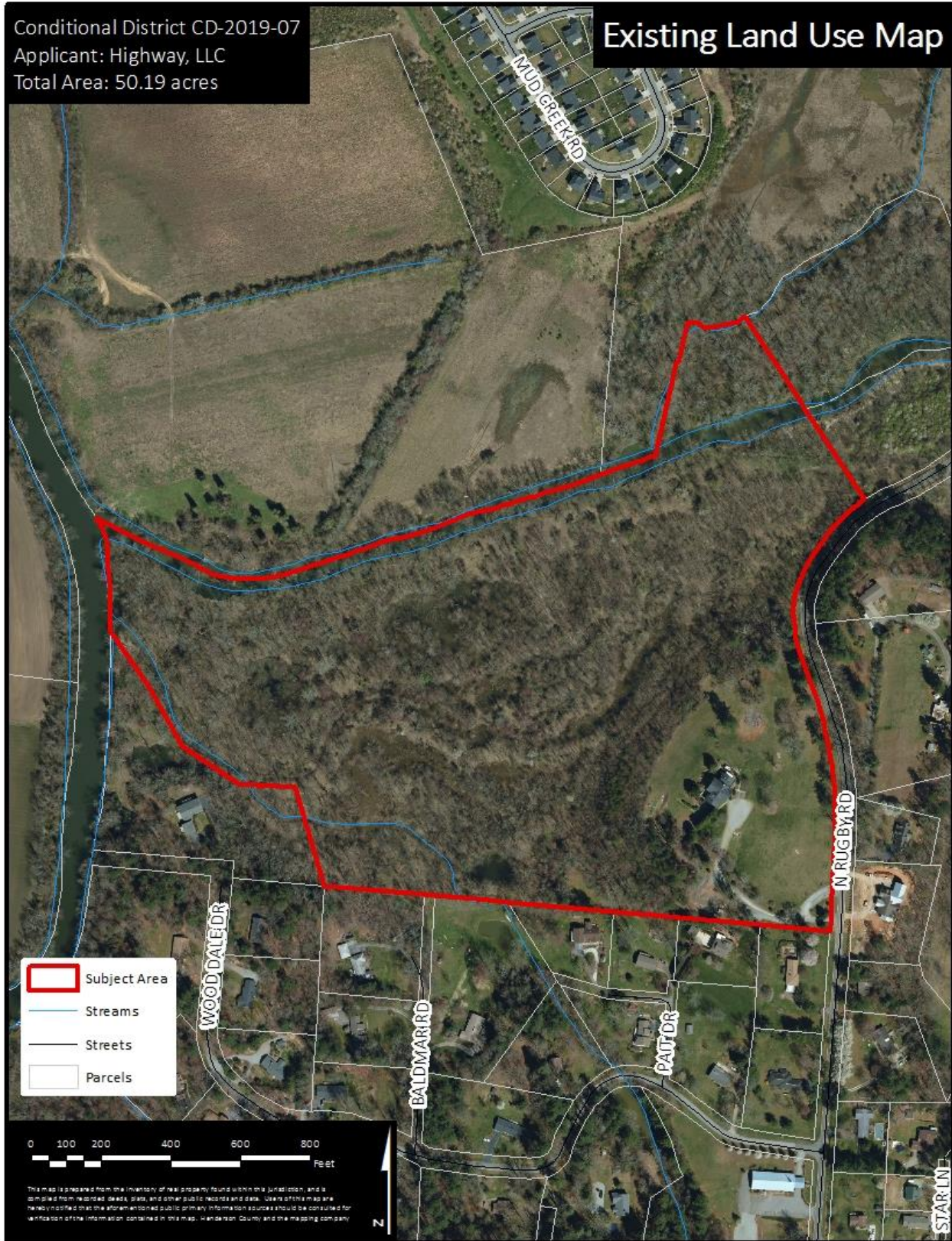
Before taking action on the rezoning request, the Board of Commissioners must hold a public hearing. A suggested motion is provided.

Suggested Motion:

I move that the Board (approve, approve with conditions, or deny) amendments to conditional district CD-2019-07, Skylaranna based on the recommendations of the Henderson County Comprehensive Plan, and with any conditions stated in the staff report or additional conditions as discussed, and;

I move that the Board approved the attached resolution regarding the consistency with the CCP.

Map B: Aerial Image



2. Current Conditional Zoning District (CD-2019-07) for Skylaranna:

2.1. The current conditional zoning district was approved by the BOC on March 2, 2020 with conditions (see attached conditions of approval). The approved site plan included:

- Existing 16,564 square foot house with basement retrofitted to accommodate 12 hotel rooms and 25-person capacity public restaurant
- New day spa in place of existing patio
- New bakery building to support public restaurant
- New 4,320 square foot barn with taproom open to public
- New pool with hot tub and fireplace
- Existing basketball court retrofitted for tennis court
- 20 yurts 15' in diameter on elevated platforms 2' above BFE
- 4 bathhouses with 6 toilets and 6 showers in each building
- 66 parking spaces provided to accommodate all uses (only 51 parking spaces required by LDC)

3. Proposed Amendments to Site Plan:

3.1. Proposed yurts (20 total) will be replaced with onsite, stick built cabins (20 total) with a bathroom and kitchen efficiency which includes a coffee pot, refrigerator, microwave, toaster oven and sink. These dwellings will meet the required NCDOI and NC Building Code requirements.

3.2. The proposed bathhouses will be removed. According to the project engineer, the existing septic system will support the individual bathrooms in the cabins.

3.3. The existing logging road will be utilized for emergency service access to the cabins, with an additional gated one-way exit onto N. Rugby Road.

3.4. The applicant has proposed the addition of a gazebo on the property.

3.5. Due to improvements required for stormwater permits, the applicant has requested to remove all or a portion of the required 2' berm along the southern boundary as it is no longer necessary to correct the water.

4. Conditional Zoning District Approval: Only those uses, and structures indicated in the approved petition and site plan shall be allowed on the subject property, including any subsequent amendments. A change of location of the structures may be authorized pursuant to §42-50 (Alterations to Approval). Changes to the site plan layout shall not increase the number of structures. (LDC §42-49).

5. Technical Review Committee (TRC) Recommendations:

5.1. The TRC discussed the proposed amendment on Tuesday, May 19, 2020.

6. Neighborhood Compatibility Meeting:

6.1. A neighborhood compatibility meeting was held on Monday, May 18, 2020.

6.2. A report of this meeting will be forwarded to the Planning Board and Board of Commissioners.

7. Planning Board Meeting:

7.1. The Planning Board discuss the proposed amendments on Thursday, May 21, 2020 and voted 7-1 to forward a favorable recommendation to the Board of Commissioners with

the condition that the applicant work with the Site Development Director, Natalie Berry, on locating the best location to place a berm along the southern boundary.



Neighborhood Compatibility Meeting (Virtual)
Amendments to Conditional District CD-2019-07 (Skylaranna)
Monday, May 18, 2020 at 1:00 p.m.

Letters about the meeting were mailed to property owners within 400 feet of the boundary of the proposed amendment, and approximately 1 person attended the meeting. The following County staff and applicant(s) were in attendance:

<i>Name</i>	<i>Title/Organization</i>
Autumn Radcliff	Planning Director
John Mitchell	Business and Community Development Director
Matt Champion	Project Development Planner
Kevin High	Applicant/Property Owner
Tyson Griswold	Engineer (Plan Preparer)

Mrs. Autumn Radcliff opened the meeting and provided a welcome and introductions. She stated that the purpose of the meeting is for nearby neighbors to learn about the proposed amendments to the Conditional District (CD-2019-07) and ask questions of the applicant prior to formal review by the Planning Board and Board of Commissioners (BOC). She informed the attendee that any amendment to a previously approved conditional district must undergo the same process as a new conditional district application. If the amendment to the conditional district not get approved by the BOC, the applicant is still approved to develop the site according to the original master plan.

Staff's Overview of Proposed Amendments: Mr. Matt Champion provided an overview of the proposed amendments to the previously approved Conditional District (CD-2019-07) by the Board of Commissioners on March 2, 2020. The existing approval included: converting the existing 16,564 residential structure to a 12 room hotel and 25 person capacity public restaurant, new day spa, new bakery building to support the public restaurant, 4,320 square foot barn with taproom open to the public, new pool with hot tub and fireplace, retrofitted basketball court to a tennis court, 20 yurts, 4 bathhouses, and 66 parking space to accommodate all the uses. The proposed amendments to the site plan include: replacing the 20 yurts with 20 stick-built cabins including a bathroom and kitchen efficiency, removing the bathhouses since each cabin will include a bathroom, utilizing the existing logging road for emergency access to the cabins, and the addition of a gazebo on the property. Mr. Champion referenced the applicant's request to amend the site plan was to comply with NC Department of Insurance (NCDOI) and NC Fire Code regulations.

Applicant's Presentation: Mr. Kevin High confirmed the reason for replacing the yurts with stick-built cabins was due to requirements with NCDOI and NC Fire Code regulations. The bathhouses were removed since each cabin would contain a bathroom. The location of the stick-built cabins will move closer to the existing structure since due to the severe topography of the site.

Questions and Answer Discussion: Below is a list of questions asked by the citizen that attended the meeting followed by the applicant's response/explanation.

1. **Jennifer Hobbie at 109 Pait Drive. Will the cabins be where the yurts were only? Why are five of the stick-built cabins moving closer to the southern boundary of the property that abuts my property?** Answer: Mr. Radcliff stated that the cabins are going to be located within the general area where the yurts were previously located. The previously required berm with the original approval is still required. Mr. High clarified that it was only three stick-built cabins are moving closer to the southern boundary of the site and most of the remaining yurts will remain close to the original location of the yurts. The trees required as a condition during the original approval will remain. Additionally, Mr. High stated the stick-built cabins will be quieter than the yurts since they are insulated. The cabins will be more attractive than the yurts and will still be several hundred feet away from the property lines.

With no further comments or questions the meeting was concluded at 1:28 p.m.



100 North King Street
Hendersonville, NC 28792

List of Conditions for Conditional Rezoning Application #R-2019-07-C

Conditions per Land Development Code (LDC §42-52):

1. Meet all supplemental requirements for each proposed use (LDC §42-63)

Conditions per Erosion/Sedimentation/Flood:

2. Yurts must be placed on platform 2' above Base Flood Elevation
3. Erosion control permit required if disturbance is greater than 1 acre
4. Stormwater Phase II permit required for all new impervious surfaces
5. Cart path construction will require an as-built and no-rise

Conditions per Building/Inspections:

6. Yurt platforms will be inspected
7. Yurts must be fixed to platform
8. Yurt manufacturer must provide an engineered seal set of building plans
9. 2018 North Carolina Building Code
10. 2017 North Carolina Building Code for electrical
11. Carbon monoxide detectors required
12. Sprinklers as required by building code
13. Fire separation required between hotel rooms
14. Bathhouses are to be built to commercial standards
15. ADA parking spaces required for each building

Conditions per Fire Marshal/Emergency Services:

16. Cart path must meet North Carolina Fire Code for emergency response vehicles (minimum of 12' wide)
17. Cart path not to exceed 15% grade
18. Cart path needs road name and yurts require addresses

Conditions per Environmental Health:

19. Permit required for proposed pool
20. Pool requires dressing rooms and showers per North Carolina code
21. Existing septic system requires a licensed operator
22. Calculated flows for each proposed use needed to determine if existing wastewater system is sufficient

Conditions per NCDOT:

- 23. Access to site will require NCDOT driveway permits


Conditions per Public Utilities (City of Hendersonville Water):

- 24. City of Hendersonville requires a change of use permit
- 25. Upgrade existing water infrastructure or verify backflow prevention and cross-connection prevention measures are installed to meet current standards

Conditions per Henderson County Planning Board

- 26. Vegetative buffer consisting of trees along southern border
- 27. 2' tall berm along southern border of subject area to mitigate stormwater runoff
- 28. 11 PM outside noise curfew

WE, all the applicants and property owners in R-2019-07-C, agree to the foregoing conditions:



Keon J. High
Managing Member Highway LLC 2/13/20



100 North King Street
Hendersonville, NC 28792

List of Conditions for Amendment to Conditional District #CD-2019-07

Conditions per Erosion/Sedimentation/Flood:

1. Stick built cabins must be built 2' above Base Flood Elevation

Conditions per Building/Inspections:

2. Stick built cabins built to 2018 North Carolina Building Code and 2017 North Carolina Electrical Code

Conditions per Fire Marshal/Emergency Services:

3. Existing logging road must meet North Carolina Fire Code for emergency response vehicles
4. Gate for emergency response access must be built in accordance with Chapter 89 of the Henderson County Code.

Conditions per Planning Board:

1. Applicant and applicant's engineer work with the Site Development department to determine the size and approximate location of a berm along the southern boundary of the property.

WE, all the applicants and property owners of CD-2019-07, agree to the foregoing conditions:

Certification of Notice of Public Hearing

In accordance with NCGS 153A-343 the Planning Department certifies notice of the July 15, 2020 hearing regarding amendments to Conditional District CD-2019-07 were:

1. Submitted to the Hendersonville Lightning on June 23, 2020 to be published on July 1, 2020 and July 8, 2020 by Matt Champion;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on June 26, 2020 by Matt Champion;
3. Sent, via first class mail, to the property owner on June 26, 2020 by Matt Champion; and
4. Signs were posted on the Subject Area(s) on June 26, 2020 by Jacob Compher.

The signatures herein below indicate that such notices were made as indicated herein above:

1. Matt Champion
2. JS

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

I, Toby Linville, a Notary Public, in and for the above County

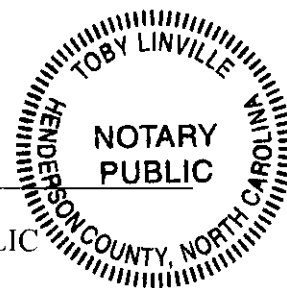
and State, do hereby certify that Matt Champion & Jacob Compher, personally appeared before me this day.

WITNESS my hand and notarial seal, this the 29th day of June, 2020.

My commission expires:

5/25/21

(SEAL)
Toby Linville
NOTARY PUBLIC





RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN

WHEREAS, pursuant to N.C. General Statute §153, Article 18, the Henderson County Board of Commissioners exercises regulations relating to development within the County’s jurisdiction; and

WHEREAS, the Henderson County Board of Commissioners (Board) adopted the Land Development Code (LDC) on September 19, 2007 and has amended the LDC to address new and changing issues;

WHEREAS, the Board desires to update and revise the regulations of the LDC; and

WHEREAS, the Planning Director and Planning Board provided recommendations regarding the proposed amendments to conditional district CD-2019-07; and

WHEREAS, pursuant to N.C. General Statute §153-323, the Planning Director provided the prescribed public notice and the Board held the required public hearing on July 15, 2020; and

WHEREAS, N.C. General Statute §153-341 requires the Board to adopt a statement of consistency with the County Comprehensive Plan (CCP); and

NOW THEREFORE, BE IT RESOLVED by the Henderson County Board of Commissioners as follows:

1. That the Board reviewed the proposed amendments to the conditional district (CD-2019-07, Skylaranna) and finds that it is reasonable, in the public interest and it is consistent with the CCP and the Growth Management Strategy located therein; and
2. That the Board determines that the proposed conditional district amendment provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County; and
3. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

THIS the 15th day of July 2020.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
GRADY HAWKINS, Chairman

ATTEST:

Teresa Wilson, Clerk to the Board

[COUNTY SEAL]

**Amendment to CD-2019-07
Skylaranna**



**Henderson County Board of Commissioners
July 15, 2020**

Henderson County Planning Department

1

Public Hearing Notice

- Legal Ad was published in the Hendersonville Lightning on July 1st and July 8th
- The property was posted on June 26th
- Letters were mailed to property owners within 400 feet of the Subject Area on June 26th

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2

Background

- Conditional Rezoning: CD-2019-07 was approved by the Board of Commissioners on March 2, 2020
- Owner: Highway, LLC (Kevin High)
- Property Location: 2075 N. Rugby Road
- Approximately 50.19 acres

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3

Conditional Districts

Conditional rezoning's are:

- Legislative decisions
- Require a site specific plan (only what is on the plan is allowed)
- The BOC may require additional conditions of the development, provided the developer agrees to those conditions
- Process provides protection to adjacent properties

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4

Current CD-2019-07

Skylarann is currently approved for:

- Existing 16,564 square foot house with basement retrofitted to accommodate 12 hotel rooms and 25-person capacity public restaurant
- New day spa in place of existing patio
- New bakery building to support public restaurant
- New 4,320 square foot barn with taproom open to public
- New pool with hot tub and fireplace
- Existing basketball court retrofitted for tennis court
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- 4 bathhouses with 6 toilets and 6 showers in each building
- 66 parking spaces provided to accommodate all uses (only 51 parking spaces required by LDC)

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5

Proposed Amendments

- The owner/applicant has applied for amendments to the approved site plan to comply with NC Department of Insurance (NCDOI) and NC Fire Code Regulations

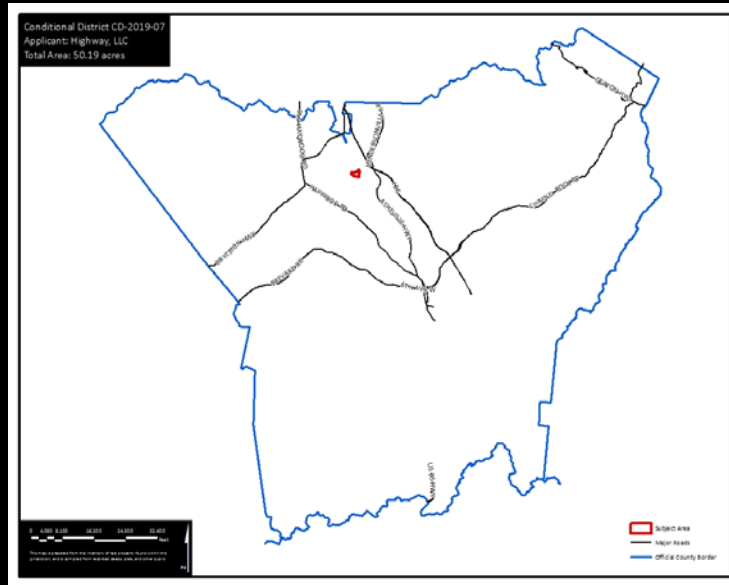
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6

County Context Map



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7

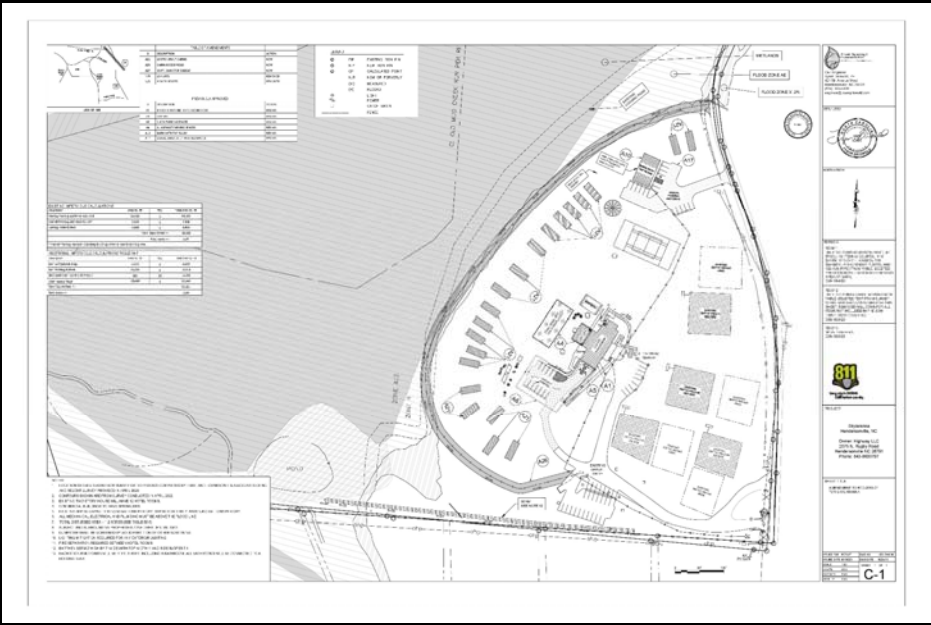
Aerial Map



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8

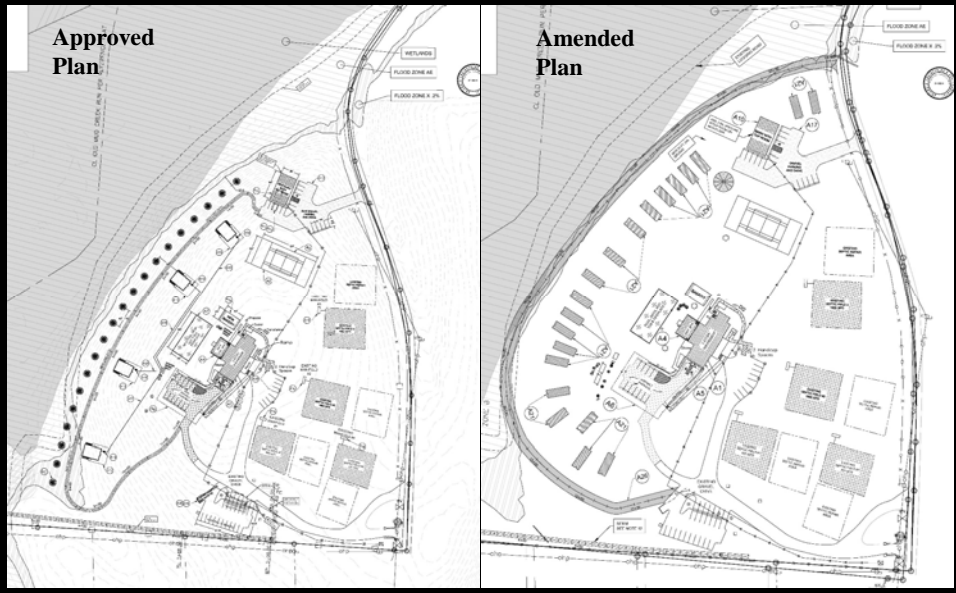
Site Plan with Proposed Amendments



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9

Site Plan Comparison



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10

Summary of Proposed Amendments

1. Proposed yurts (20 total) will be replaced with onsite, stick built cabins (20 total) with a bathroom and kitchen efficiency which includes a coffee pot, refrigerator, microwave, toaster oven and sink. These dwellings will meet the required NCDOT and NC Building Code requirements.
2. The proposed bathhouses will be removed. According to the project engineer, the existing septic system will support the individual bathrooms in the cabins.
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11

Public Comment Opportunity:

Public comment may be received up until the day before the meeting. Public comment should be limited to 3 minutes and will be read at the meeting. Public comment may be submitted in one of the following ways.

1. Written comment addressed to the Planning Department at 100 N. King Street, Hendersonville, NC 28792
2. Emailed to hcplanning@hendersoncountync.gov
3. Calling the Planning Department at 828-697-4819 M-F, 8:00 am to 4:30 pm
4. Submitted directly online at the www.hcplanning.org

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12

Board Questions or Comments



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