

# **REQUEST FOR COMMITTEE ACTION**

## **HENDERSON COUNTY TECHNICAL REVIEW COMMITTEE**

**MEETING DATE:** January 7, 2020

**SUBJECT:** Conditional Rezoning Application #R-2019-07-C Highway, LLC

**PRESENTER:** Matt Champion, Project Development Planner

**ATTACHMENTS:** 1.) Staff Report  
2.) List of Conditions

### **SUMMARY OF REQUEST:**

Rezoning Application #R-2019-07-C requests that the County conditionally rezone approximately 50.19 acres of land from Residential Two (R2) zoning district to Mixed Use Conditional (MU-CD) zoning district. The subject area is located on PIN: 9651-07-2408 along N. Rugby Road (SR1365) about a ½ mile north of Rugby Drive (SR1417). The property owner and applicant are Highway, LLC.

### **TECHNICAL REVIEW COMMITTEE ACTION REQUESTED:**

Should the rezoning application meet the technical standards laid out in the Henderson County Land Development Code, the appropriate action by the Technical Review Committee would be to forward the application on to the Planning Board for further review.

### **Suggested Motion:**

I move that the TRC forward the conditional rezoning application, #R-2019-07-C, to the Planning Board for further review pending it meets the technical requirements defined in the Henderson County Land Development Code and any conditions discussed.

**Henderson County Planning Department Staff Report  
Conditional Rezoning Application #R-2019-07-C (R2 to MU-CD)**

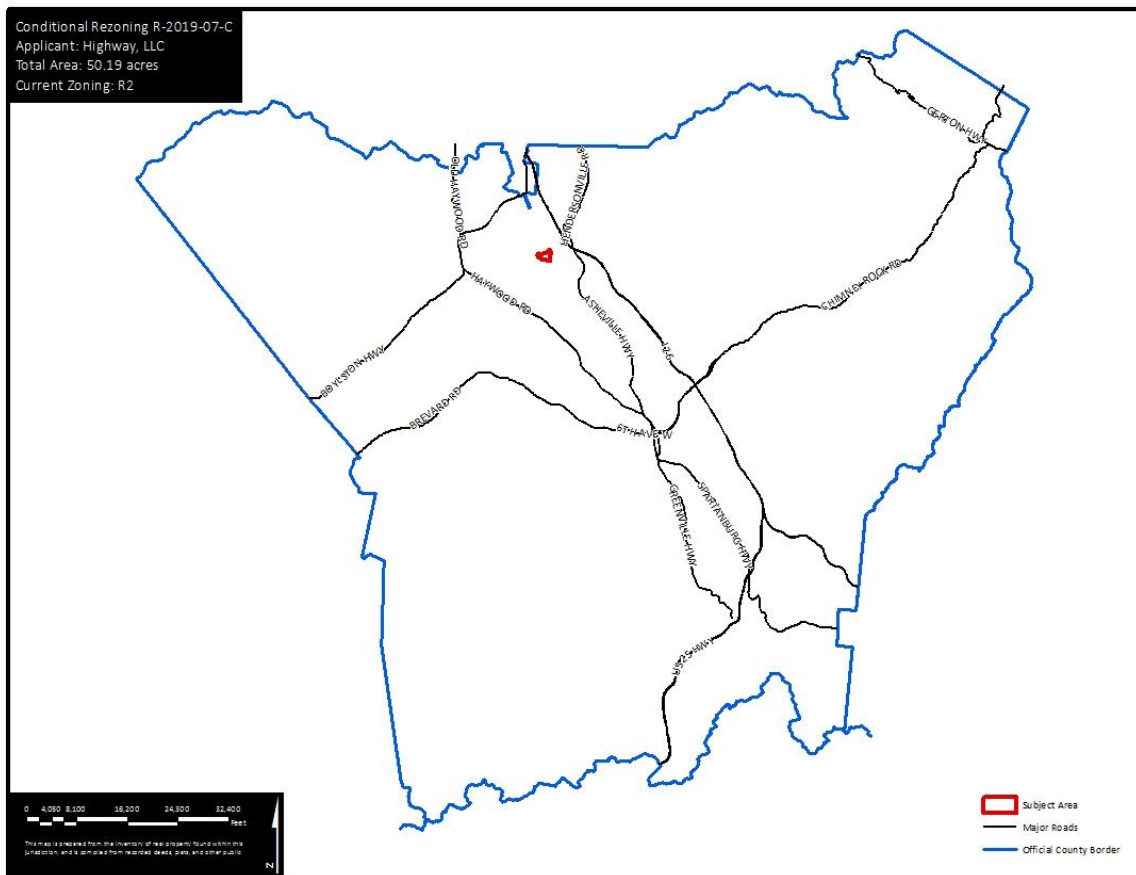
**Owner/ Applicant: Highway, LLC**

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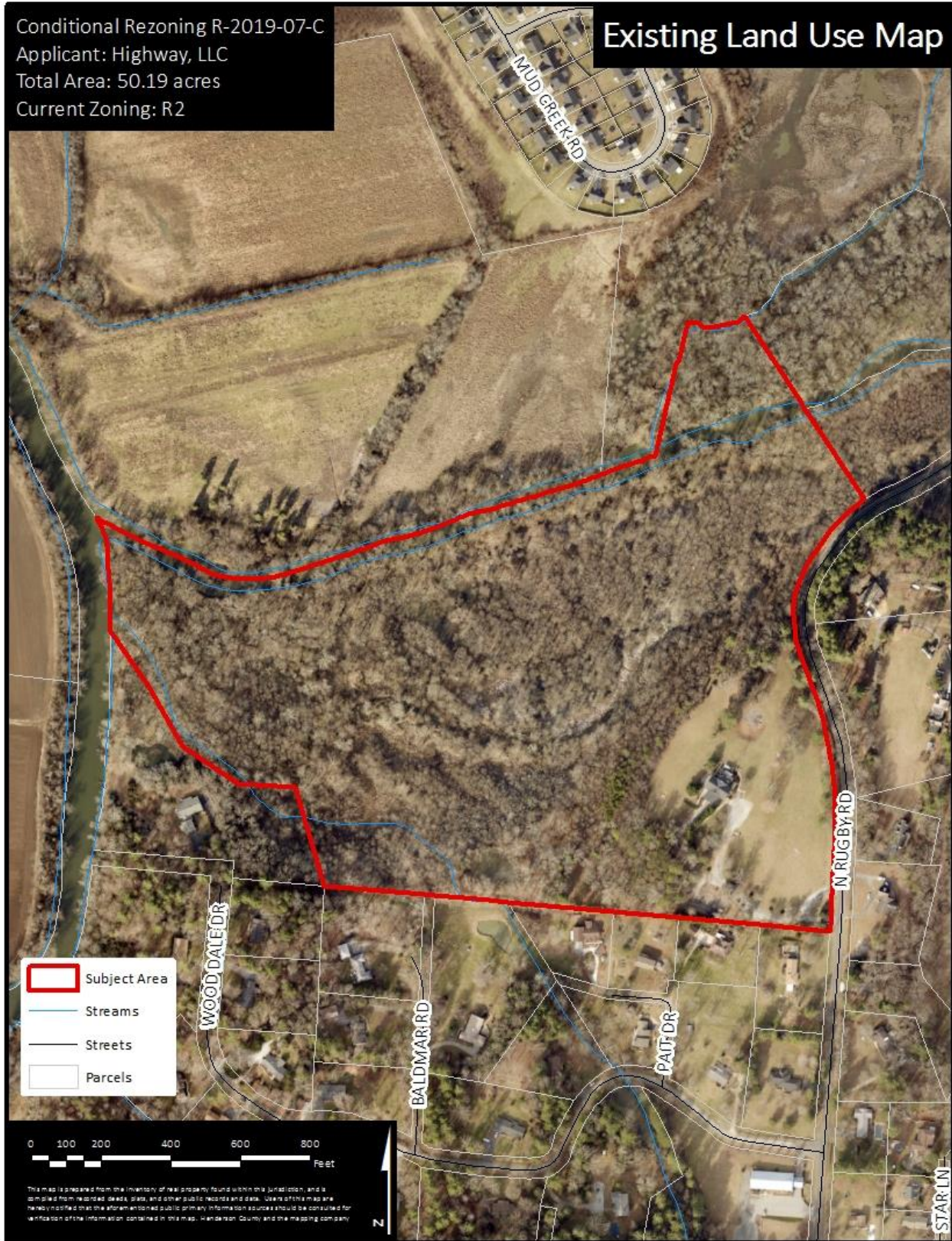
**1. Rezoning Request**

- 1.1. **Owner:** Highway, LLC
- 1.2. **Applicant:** Highway, LLC
- 1.3. **PIN:** 9651-07-2408
- 1.4. **Request:** Conditionally rezone subject area from a Residential Two (R2) zoning district to a Mixed-Use Conditional District (MU-CD).
- 1.5. **Size:** Approximately 50.19
- 1.6. **Location:** The subject is located along N. Rugby Road (SR1365) about a ½ mile north of Rugby Drive (SR1417).

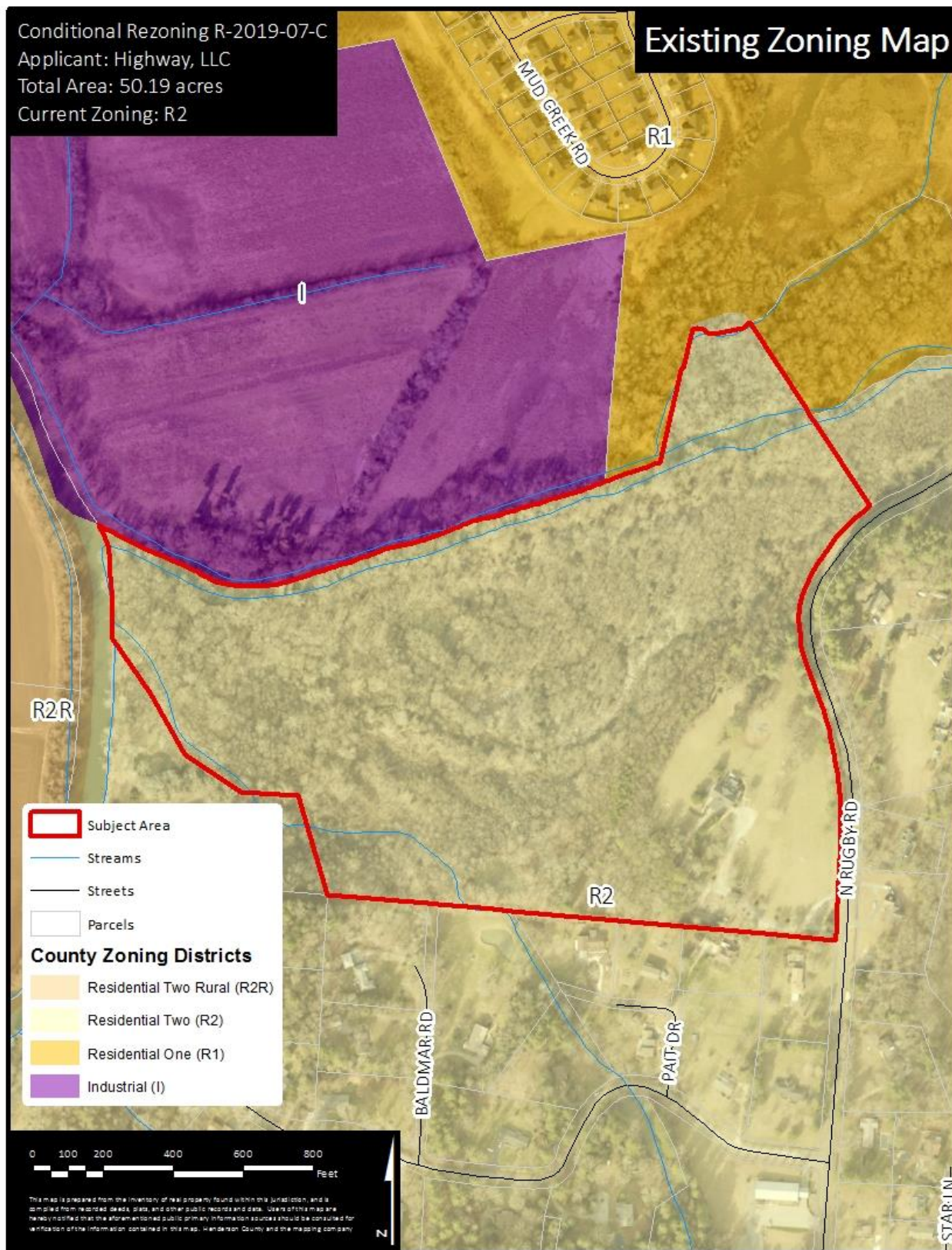
**Map A: County Context**



Map B: Aerial Image



### Map C: Current Zoning



## 2. Current Zoning

2.1. **Application of Current Zoning:** The subject area is currently zoned Residential Two (R2). R2 is a low to medium density residential zone.

2.2. **Adjacent Zoning:** The subject area is adjacent to Residential Two Rural (R2R) to the west, Residential One (R1) and Industrial (I) to the north, and R2 to the south and east. (See Map C)

### 2.3. **District Comparison:**

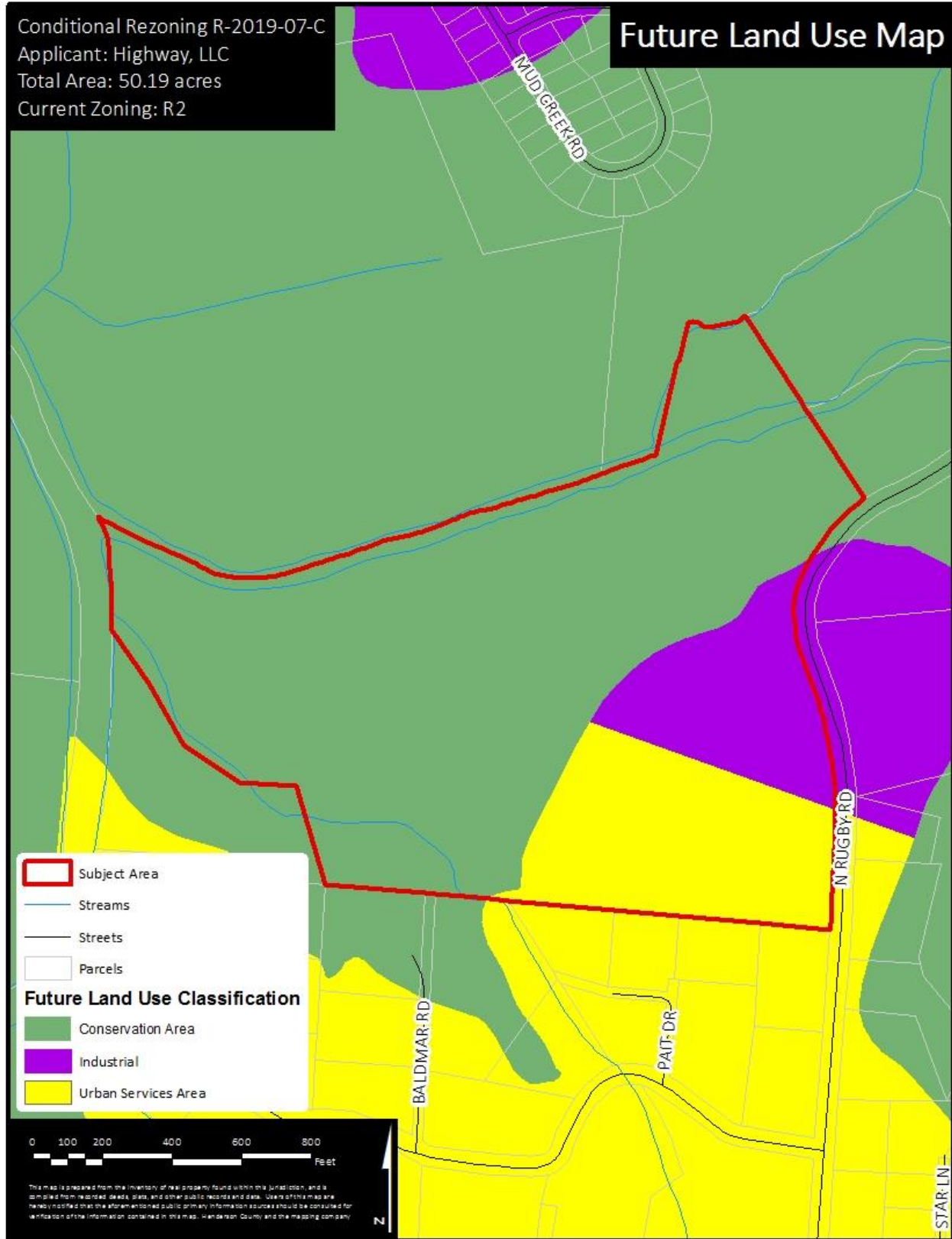
2.3.1. **Residential Two Zoning District (R2):** The purpose of Residential District Two (R2) is to foster orderly growth where the principal use of land is residential. The intent of this district is to allow for low to medium density residential development consistent with the recommendations of the Comprehensive Plan. This general use district is typically meant to be utilized in areas designated as Transitional (RTA) in the Comprehensive Plan. (LDC §42-28).

2.3.2. **Mixed Use Conditional District (MU-CD):** Mixed Use District (MU) is created to plan and promote developments that embody variety, innovation, and flexibility by allowing a variety of uses, lot sizes, dwelling unit types, and design requirements. MU districts are intended to be located in areas designated by the Comprehensive Plan as Transitional (RTA) or Urban (USA), and are required to utilize municipal, public, or community utility systems. MU districts shall be considered Conditional Zoning Districts only. The intent of the MU district is to: (1) permit a creative approach to the development of land; (2) provide for an efficient use of land; (3) enhance the appearance of developments through preservation of natural features; and (4) provide for recreational areas and open space where appropriate. (LDC §42-52).

2.3.2.1. Conditional Zoning Districts are zoning districts in which the development and use of the property is subject to predetermined Chapter standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to each individual development project. (LDC §42-45)

2.3.2.2. The use permitted in the conditional district is limited to those shown on the submitted site plan attached to the application. The use may have appropriate and reasonable conditions placed on it if agreed to by the Board of Commissioners and the Property Owner.

### Map D: County Comprehensive Plan Future Land Use Map



**3. The Henderson County Comprehensive Plan (CCP)**

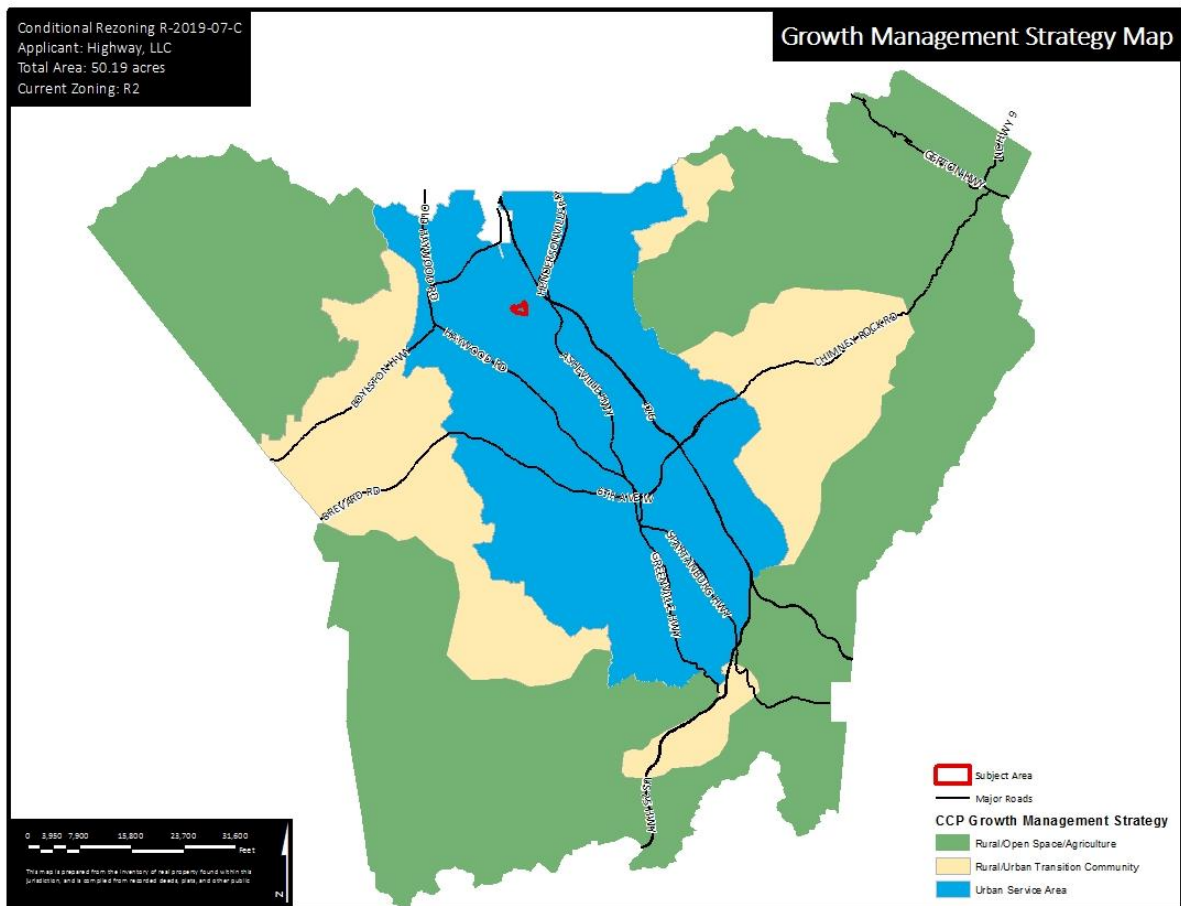
3.1. **Future Land Use:** The CCP Future Land Use Map identifies the subject area as being covered by the **Conservation, Urban Services Area, and Industrial** classifications. (CCP, Pgs. 138-140). (See Map D).

3.1.1. **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.” (CCP, Pg. 138)

3.1.2. **Urban Services Area:** “The USA will contain virtually all existing and future industrial development and will be the focus of future economic development activities. Industrial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community.” (CCP, Pg. 133)

3.1.3. **Industrial:** “Parcels containing facilities wherein raw or pre-processed resources, materials, substances, or components are mechanically, physically, chemically, or otherwise transformed into new products; waste materials are collected, treated, or disposed of; subsurface natural resources are extracted and/or processed; Livestock, cargo, merchandise, materials or hazardous substances are transferred, stored or warehoused for wholesale or other distribution; passengers or passenger vehicles are collected or transferred; water, fuel, or electricity is produced, processed, stored, transferred or transmitted.” (CCP, Appendix IV pg. 12)

**Map E: CCP Growth Management Strategy**



3.2 **Growth Management Strategy:** The CCP shows the subject area located in the Urban Services area for Growth Management Strategy. The CCP states “The USA will contain considerable commercial development at a mixture of scales: Local, Community, and Regional, as defined below. In particular, all Regional Commercial development should be concentrated here. Commercial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community.” (CCP, pg. 133, #4.) (See Map E)

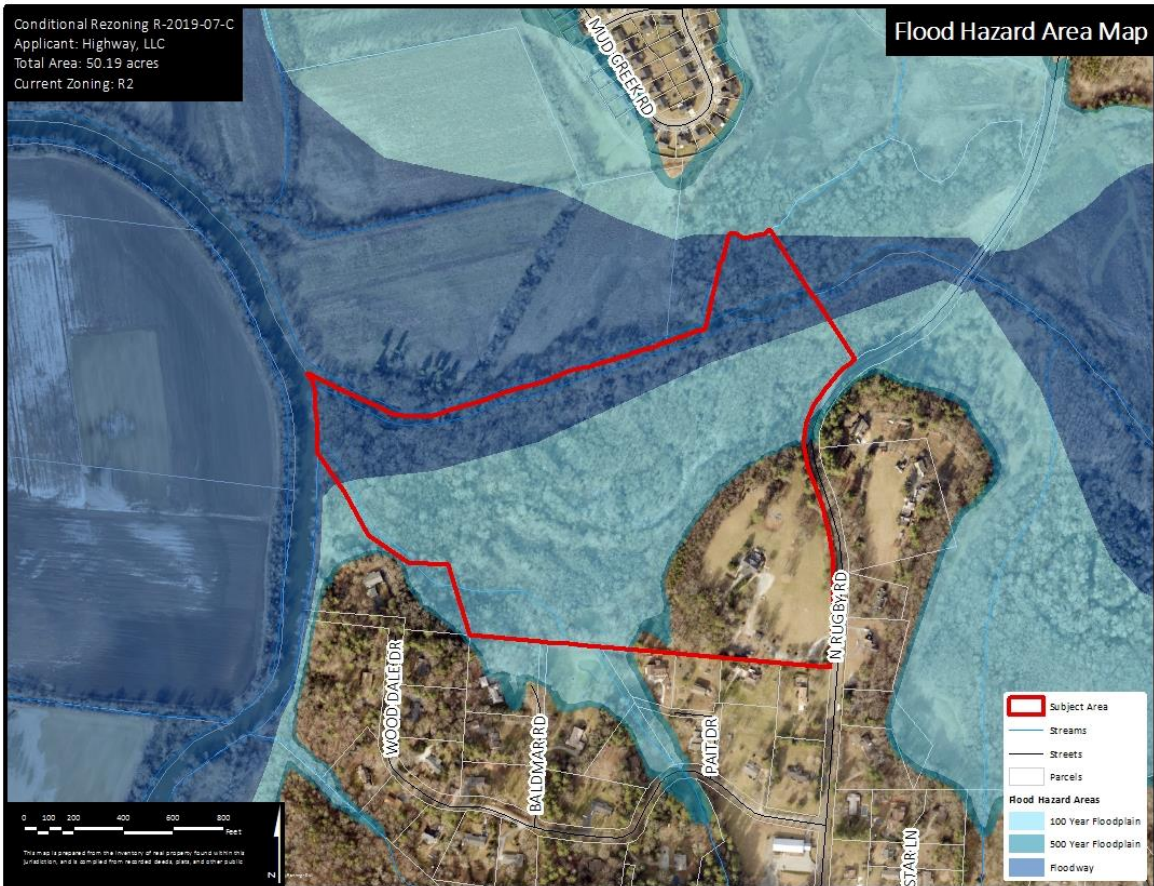
4. **Current Uses of Subject Area and Adjacent Properties**

1.1. **Subject Area Uses:** The subject area was most recently used as an all-girls boarding school. That use has ceased but the existing structure remains along with several on-site amenities.

1.2. **Adjacent Area Uses:** The adjacent properties contain multiple uses. Residential uses are found to the north, east, and south of the subject area. Agricultural uses surround the subject area to the west and north. Riverstone Major Residential Subdivision is found north of the subject area.

5. **Water and Sewer:** The subject is currently served by the City of Hendersonville water. There is a large on-site community septic system with a 5,500 gallon/day capacity. The site plan indicates a total usage of 5,450 gallons/day. Cane Creek Sewer District lines are in close proximity to the subject area.

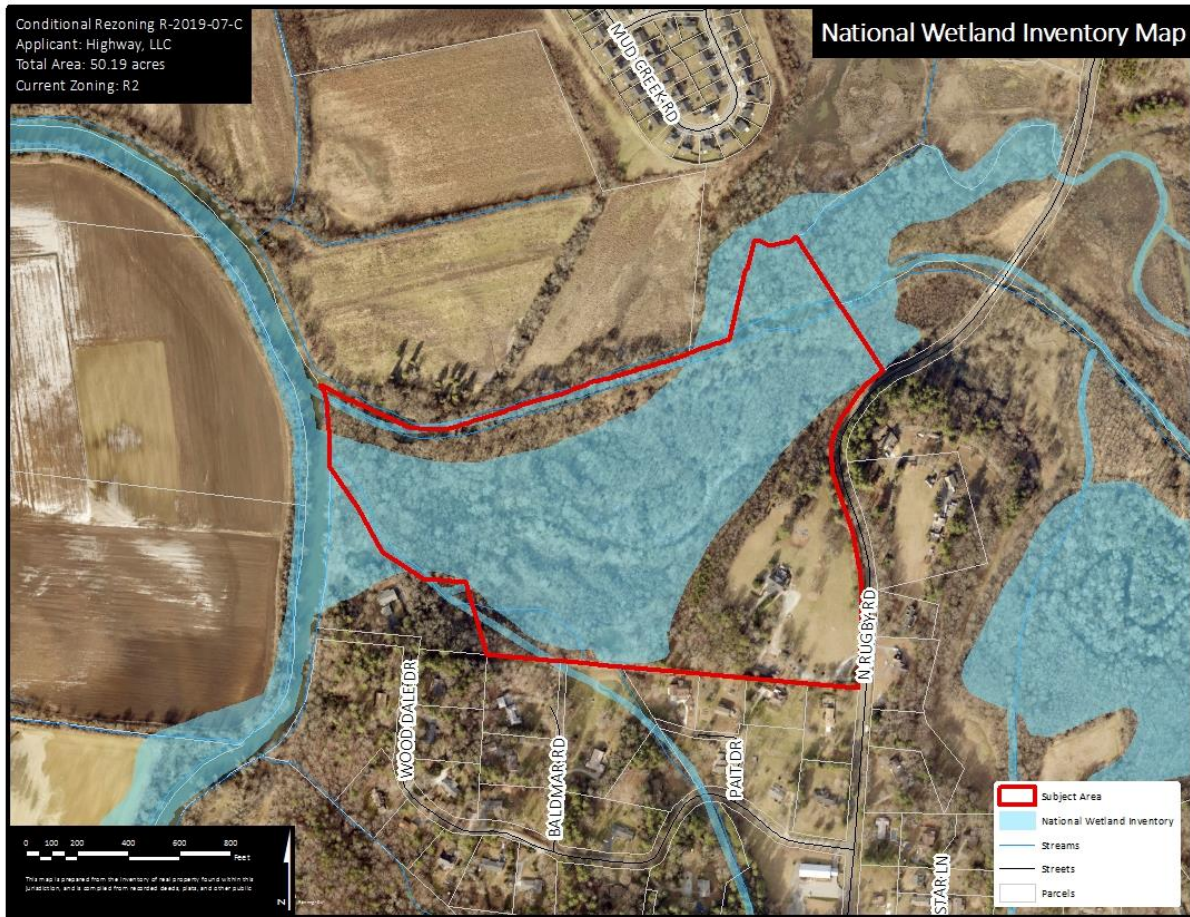
Map F: Flood Hazard Areas





6. **Flood Hazard Areas:** As seen in Map F, the subject area contains floodway, 100-year floodplain, and 500-year floodplain.

**Map G: National Wetlands**



7. **National Wetland Inventory:** As seen in Map G, the subject area contains property located within the National Wetlands Inventory. The wetland type is classified as freshwater forested/shrub wetland. Disturbance within a wetland requires approval from the US Army Core of Engineers.

8. **Site Plan Features:**

- 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 tap room open to public
- New pool with hot tub and fireplace
- Existing basketball court retrofitted for tennis court
- 25 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)

9. **Staff Comments:**

- 9.1. **CCP:** The CCP Future Land Use Map (See Map D) places the subject area in the Conservation, Urban Services Area, and Industrial future land use areas. The Growth Management Strategy in the CCP shows this area being in the Urban Services Area (See Map E).
- 9.2. **Adjacent Zoning:** The subject area is adjacent to Residential Two Rural (R2R) to the west, Residential One (R1) and Industrial (I) to the north, and R2 to the south and east.
- 9.3. **District Comparison:** Residential Two (R2) zoning district is to allow for low to medium density residential development consistent with the recommendations of the Comprehensive Plan. This general use district is typically meant to be utilized in areas designated as Transitional (RTA) in the Comprehensive Plan. Mixed Use District (MU) is created to plan and promote developments that embody variety, innovation, and flexibility by allowing a variety of uses, lot sizes, dwelling unit types, and design requirements. MU districts are intended to be located in areas designated by the Comprehensive Plan as Transitional (RTA) or Urban (USA), and are required to utilize municipal, public, or community utility systems.
- 9.4. **Conditional Zoning Approval:** If a petition for conditional zoning is approved, the development and use of the property shall be governed by the existing Chapter requirements applicable to the district's category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the Official Zoning Map.

Only those uses and structures indicated in the approved petition and site plan shall be allowed on the subject property. 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)

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

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

1. Pervious pavement shall be required for a minimum of 25 percent of all paved surfaces within a MU District
2. Utility lines within a MU District shall be subsurface
3. Dumpster on concrete pads shall be designed to drain to bio-retention areas to filter stormwater before reaching a larger drainage system
4. 20 percent of all lands within the MU District shall be classified as open space in perpetuity
5. 10 percent of all lands within the MU District shall be classified as common area for the use and benefit of the occupants/patrons
6. Landscaping and buffering required based on each particular use
7. Meet all supplemental requirements for each proposed use (LDC §42-63)

### Conditions per Erosion/Sedimentation/Flood:

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

### Conditions per Building/Inspections:

12. Yurt platforms will be inspected
13. Yurts must be fixed to platform
14. Yurt manufacturer must provide an engineered seal set of building plans
15. 2018 North Carolina Building Code
16. 2017 North Carolina Building Code for electrical
17. Carbon monoxide detectors required
18. Sprinklers required in all commercial buildings
19. Fire separation required between hotel rooms
20. Bathhouses are to be built to commercial standards
21. ADA parking spaces required for each building

### Conditions per Fire Marshal/Emergency Services:

22. Cart path must meet North Carolina Fire Code for emergency response vehicles (minimum of 12' wide)
23. Cart path needs road name and yurts require addresses

### Conditions per Environmental Health:

24. Permit required for proposed pool
25. Pool requires dressing rooms and showers per North Carolina code
26. Existing septic system requires a licensed operator

27. Calculated flows for each proposed use needed to determine if existing wastewater system is sufficient

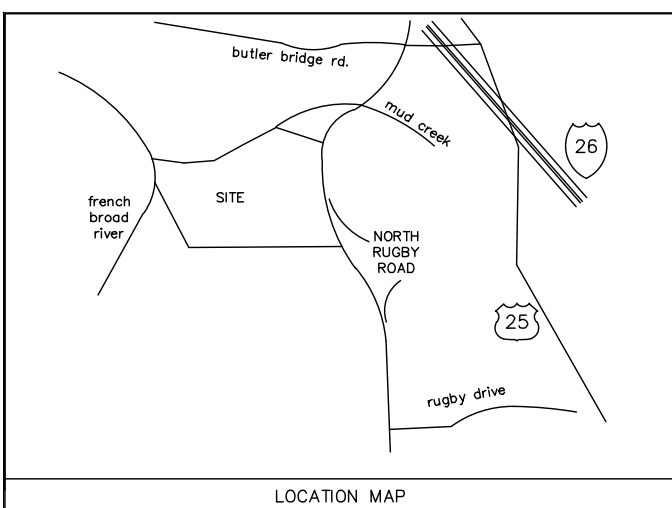
Conditions per NCDOT:

28. Access to site will require NCDOT driveway permits

Conditions per Public Utilities (City of Hendersonville Water):

29. City of Hendersonville requires a chance of use permit

30. Upgrade existing water infrastructure or verify backflow prevention and cross-connection prevention measures are installed to meet current standards



ID	DESCRIPTION	ACTION
A1	EXISTING 3 STORY HOUSE WITH BASEMENT 16,564 SQ. FT.	EXISTING
A2	12 HOTEL ROOMS	RETROFIT
A3	25 PERSON CAPACITY RESTAURANT	RETROFIT
A4	NEW DAY SPA (IN PLACE OF EXISTING PATIO)	RETROFIT
A5	NEW ADA PARKING SPACES (2)	NEW
A6	NEW ASPHALT PARKING LOT W/11 SPACES	NEW
A7	NEW POOL, DECK HOT TUB AND FIREPLACE	NEW
A8	EXISTING BASKETBALL COURT	DEMO
A9	NEW TENNIS COURT	NEW
A10	NEW BARN WITH TAP ROOM BUILDING 4,320 SQ. FT	NEW
A11	EXISTING SHED 20.2' X 12.7'	DEMO
A12	EXISTING SHED 13.3' X 10.2'	DEMO
A13	NEW BATH HOUSE W/ 6 TOILETS, 6 SHOWERS EA. 844 SQ. FT. (4)	NEW
A14	EXISTING PARKING LOT WITH DUMPSTER	EXISTING
A15	EXISTING (2) ADA & (8) REGULAR PARKING SPACES	EXISTING
A16	EXISTING SEPTIC DISTRIBUTION BOX (4)	EXISTING
A17	NEW GRAVEL DRIVEWAY AND (17) PARKING SPACES	NEW
A18	NEW BAKERY BUILDING	NEW
A19	SIMPLEX SEWAGE PUMP WITH GRINDER (4)	NEW
A20	ADDITIONAL 7 PARKING SPACES ADDED TO A14	NEW
A21	YURT 15' DIA 176 SQ. FT (25)	NEW
A22	208' 2" MUNICIPEX PIPE W/TRACER WIRE	NEW
A23	52' 2" MUNICIPEX PIPE W/TRACER WIRE	NEW
A24	224' 2" MUNICIPEX PIPE W/TRACER WIRE	NEW
A25	338' 2" MUNICIPEX PIPE W/TRACER WIRE	NEW

LEGEND	
○	EIP EXISTING IRON PIN
○	NIP NEW IRON PIN
○	CP CALCULATED POINT
○	N/F NOW OR FORMERLY
(M)	MEASURED
(R)	RECORD
☆	LIGHT
⊛	POWER
□	CATCH BASIN
—	FENCE

EXISTING IMPERVIOUS CALCULATIONS			
Description	Area Sq. Ft.	Qty.	Total Area Sq. Ft.
Existing Parking and Drive A14, A15	34,032	1	34,032
Asphalt Parking and Road A5, A6*	7,808	1	7,808
Existing Hotel & Deck	4,968	1	4,968
<b>Total Square Feet &gt;&gt;</b>	<b>46,808</b>		
<b>Total Acres &gt;&gt;</b>	<b>1.07</b>		

\* Asphalt Parking replaced 2 existing buildings of equal size to parking area

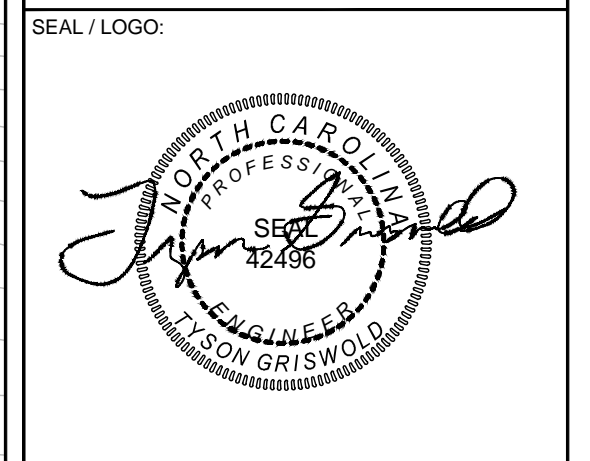
ADDITIONAL IMPERVIOUS CALCULATIONS TABLE IM-1			
Description	Area Sq. Ft.	Qty.	Total Area Sq. Ft.
Barn w/Taproom Bldg	4,320	1	4,320
Barn Parking & Drive	11,016	1	11,016
Yurt 15' dia.	176	25	4,400
Cart Path Connector Barn to Logging Road	1,285	1	1,285
Cart Path Connector Hotel to Logging Road	1,540	1	1,540
Cart Path northwest of logging road	9,844	1	9,844
Bath Houses (Roof Area)	953	4	3,812
<b>Total Square Feet &gt;&gt;</b>	<b>36,217</b>		
<b>Total Acres &gt;&gt;</b>	<b>0.83</b>		

**TOTAL PARCEL  
50.19 AC.±  
ACCORDING TO  
TAX RECORDS**

- NOTES:
- LOCATION DETAILS TAKEN FROM SURVEY DATED 11/6/2005 COMPLETED BY FREELAND - CLINKSCALE & ASSOCIATES OF NC
  - CONTOURS TAKEN FROM NCONEMAP PUBLIC INFORMATION
  - BATH HOUSES FFE TO BE ABOVE FLOOD ELEVATION 2062.2. BUILD TO COMMERCIAL STANDARDS.
  - YURT MUST BE PLACED ON FIXED PLATFORMS WITH PLATFORM HEIGHT MIN. 2 FT. ABOVE BASE FLOOD ELEVATION. PLATFORMS MUST BE INSPECTED BY HENDERSON COUNTY.
  - EXISTING TWO STORY HOUSE WILL HAVE 12 HOTEL ROOMS AND 25-PERSON CAPACITY RESTAURANT
  - COMMERCIAL BUILDINGS TO HAVE SPRINKLERS.
  - EXISTING SEPTIC CAPACITY IS 5,550 GALLONS PER DAY. SEPTIC FOR THIS PLAN IS 5,450 GALLONS PER DAY.
  - ALL MECHANICAL, ELECTRICAL AND PLUMBING MUST BE ABOVE THE FLOOD LINE
  - COMBINED SQUARE FOOTAGE FOR HOTEL, YURTS (25) AND TAP ROOM EQUALS 25,284 SQ. FT. THE PROPOSED PARKING SPACES EQUALS 66 WHICH EXCEEDS THE MINIMUM OF 51 SPACES.
  - TOTAL DISTURBED AREA = 0.83 ACRES (SEE TABLE IM-1)
  - SUBJECT AND SURROUNDING PROPERTIES ZONED RESIDENTIAL TWO.
  - DUMPSTER SHALL BE SCREENED BY SOLID PARTITION OF OTHER SCREENING.
  - LIGHTING MITIGATION REQUIRED FOR ANY EXTERIOR LIGHTING.
  - CART PATH DOES NOT MEET EMERGENCY VEHICLE ACCESS REQUIREMENTS.
  - FIRE SEPARATION REQUIRED BETWEEN HOTEL ROOMS



Griswold Engineering & Environmental PLLC  
Civil Engineer  
Tyson Griswold, PE  
421 5th Avenue West  
Hendersonville, NC 28739  
(828) 393-5820  
engineer@tysongriswold.com



REVISIONS  
REV7  
ADDED ITEMS 22-25 TO TABLE; ADDED WETLANDS OVERLAY; RELOCATED (4) BATH HOUSES; REDUCED YURTS QTY. TO 20; RELOCATED YURTS; REVISED CART PATH; REV'D NOTE 3; ADDED NOTES 4, 6, 14 & 15; ADDED ADA PARKING TO TAP ROOM; ADDED WATER LINE;  
DSM 11/22/19



PROJECT  
  
Skylaramma  
Hendersonville, NC  
  
Owner: Highway LLC  
2075 N. Rugby Road  
Hendersonville NC 28791  
Phone: 843-8600797

SHEET TITLE SITE PLAN

ISSUED FOR PERMIT	DWG NO.	HEC-241019
ISSUED DATE 10/24/19	DWG DATE	10/24/19
SCALE 1:60	SHEET	1 OF 1
DRAWN DSM	CHECKED	TMG
APPR. BY TMG		

**C-1**