

# REQUEST FOR COMMITTEE ACTION

## HENDERSON COUNTY

### TECHNICAL REVIEW COMMITTEE

MEETING: **December 20, 2022**

SUBJECT: **Major Site Plan Review Spinx at Asheville Hwy**

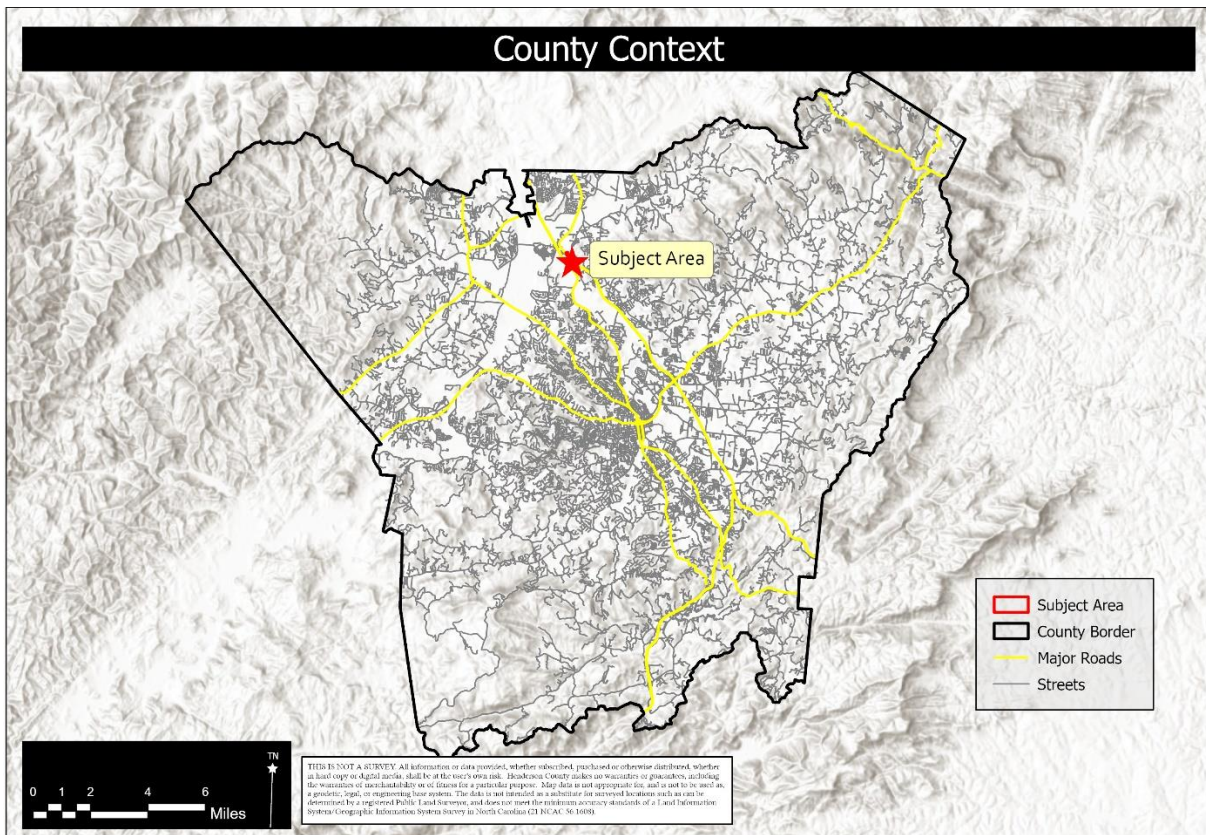
PRESENTER: **Matt Champion, Zoning Administrator**

ATTACHMENTS: **Staff Report**

SUMMARY OF REQUEST: **Convenience Store SR 7.4 & Fuel Pumps SR 2.5 & Car Wash SR 6.5**

Suggested Motion: I move that the TRC approve/deny the major site plan for Spinx at Asheville Hwy

Map A: County Context



Listed to: Discovery One Land Holdings, LLC  
Assessed Acreage: 4.35  
Current Zoning: Regional Commercial (RC)





## Henderson County, North Carolina Code Enforcement Services

### 1. **Committee Request**

- 1.1. **Applicant:** The Spinx Company, LLC
- 1.2. **Request:** Major Site Plan Approval
- 1.3. **PINs:** 9652-40-5099
- 1.4. **Size:** 4.35 acres +/-
- 1.5. **Location:** The subject area is located off Asheville Hwy (US 25) at 6024 Asheville Hwy.
- 1.6. **Supplemental Requirements:**

#### **SR 7.4. Convenience Store**

- (1) Site Plan. Major *Site Plan* required in accordance with §42-330 (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.

#### **SR 2.5. Fuel Pumps**

- (1) Structure Requirements. Fuel pumps may be covered by a canopy which shall not exceed 25 feet in height.
- (2) Separation Requirements. Fuel pumps shall not be placed within 100 feet of an existing *dwelling unit* (located in a *residential zoning district* and not located on the same property as the *use*), *school*, *library*, day care facility, healthcare facility, *park*, and/or *religious institution*.
- (3) Location of Drives. *Driveways* shall not be located closer than 50 feet to one another and no more than two (2) on a single *road*.

#### **SR 6.5. Car Wash (Automatic and Self Service)**

- (1) Site Plan. Major *Site Plan* required in accordance with §42-330 (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) Structure. All associated lanes and *driveways* shall be covered with an all-weather surface.
- (4) Parking/Drive. Parking areas/stacking facilities shall be designed to ensure parked/waiting *vehicles* do not block sidewalks, *driveways* or *roads*.
- (5) On-Site Drainage System. Provisions shall be made for an on-site drainage system to capture water used to wash *vehicles*. The drainage plan shall be evaluated by the *Zoning Administrator* to determine that the water from the facility will not have a detrimental effect on adjacent property, *roads* and/or surface waters.
- (6) Operations. Storage or repair of *vehicles* shall not be permitted within the car washing facility.
- (7) Screening. Screen Class Two (2) shall be provided consistent with the requirements of §42-181 (Screen Classification)).

### Map B: Aerial Map



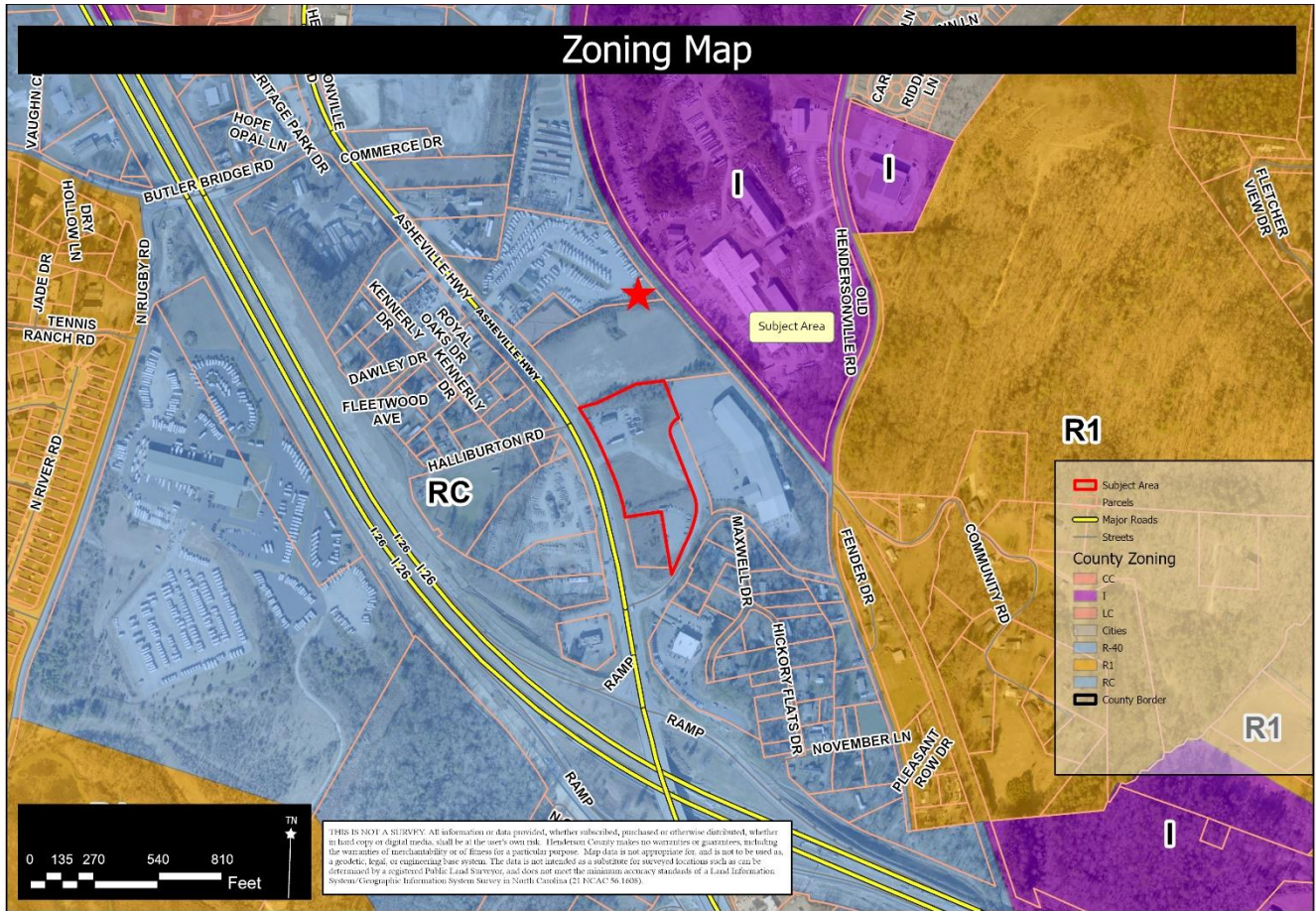
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## 2. Current Conditions

- 2.1. **Current Use:** The subject area contains an approximately 1,800SQFT structure that has been used for automobile sales and repairs. The structure was built in 2007. The rest of the subject is vacant with the exception of an fenced in area for outdoor storage of vehicles.
- 2.2. **Adjacent Area Uses:** The surrounding properties consist of commercial, industrial, and residential uses. The former XCEL Sports Complex is located east of the subject area. Higgs Stone Sales is located west of the subject area across Asheville Hwy. The I-26 interchange at Asheville Hwy is located south of the subject area. Several residential single-family structures are located southeast of the subject area.

### Map C: Current Zoning



Listed to: Discovery One Land Holdings, LLC  
 Assessed Acreage: 4.35  
 Current Zoning: Regional Commercial (RC)

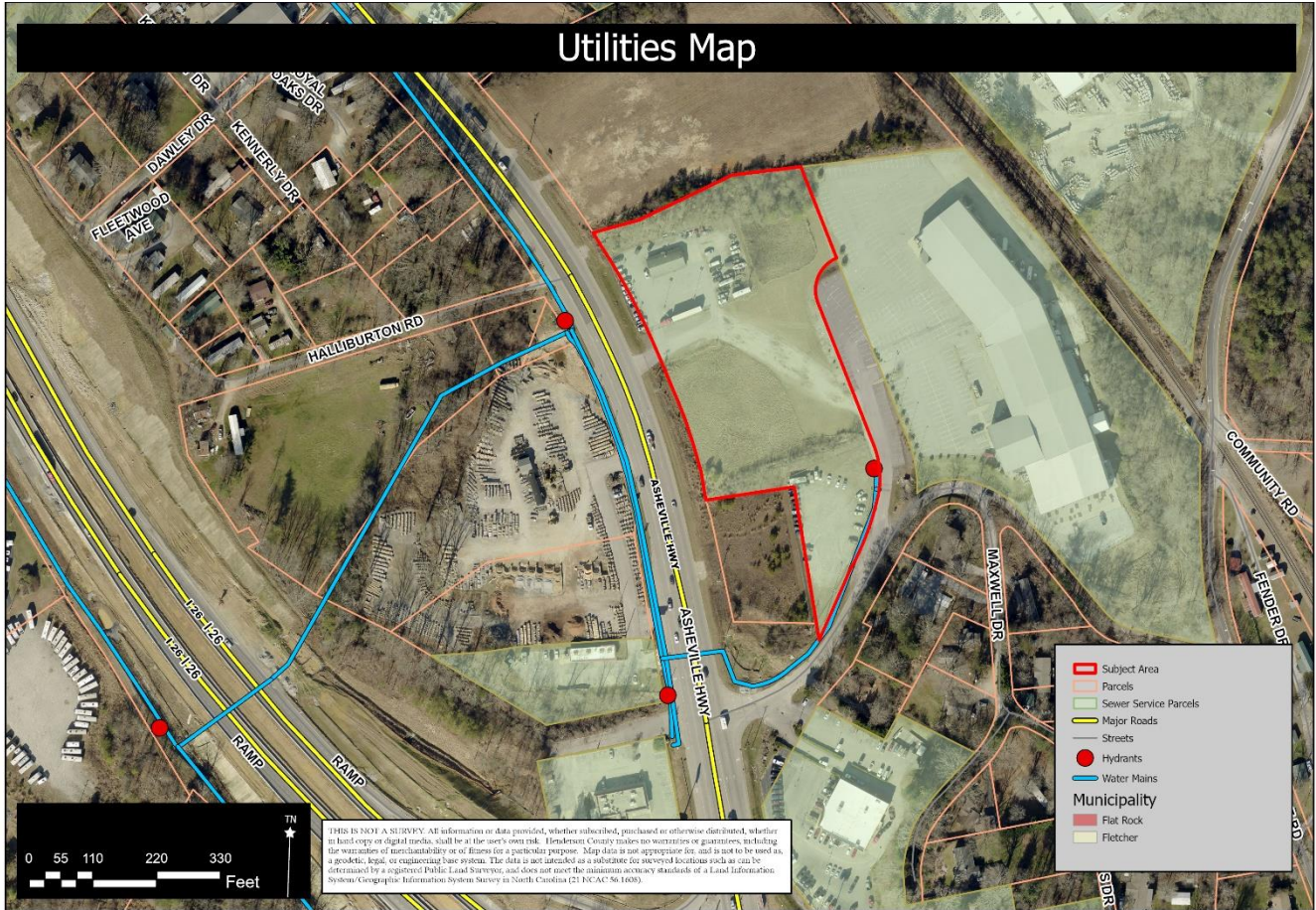


### 3. Current Zoning

3.1. **Zoning:** The subject area and all surrounding properties are zoned Regional Commercial (RC) by Henderson County. Industrial (I) zoning is found to the east of the subject area across the railroad tracts behind the former XCEL Sports Complex.

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 D: Public Utilities Map

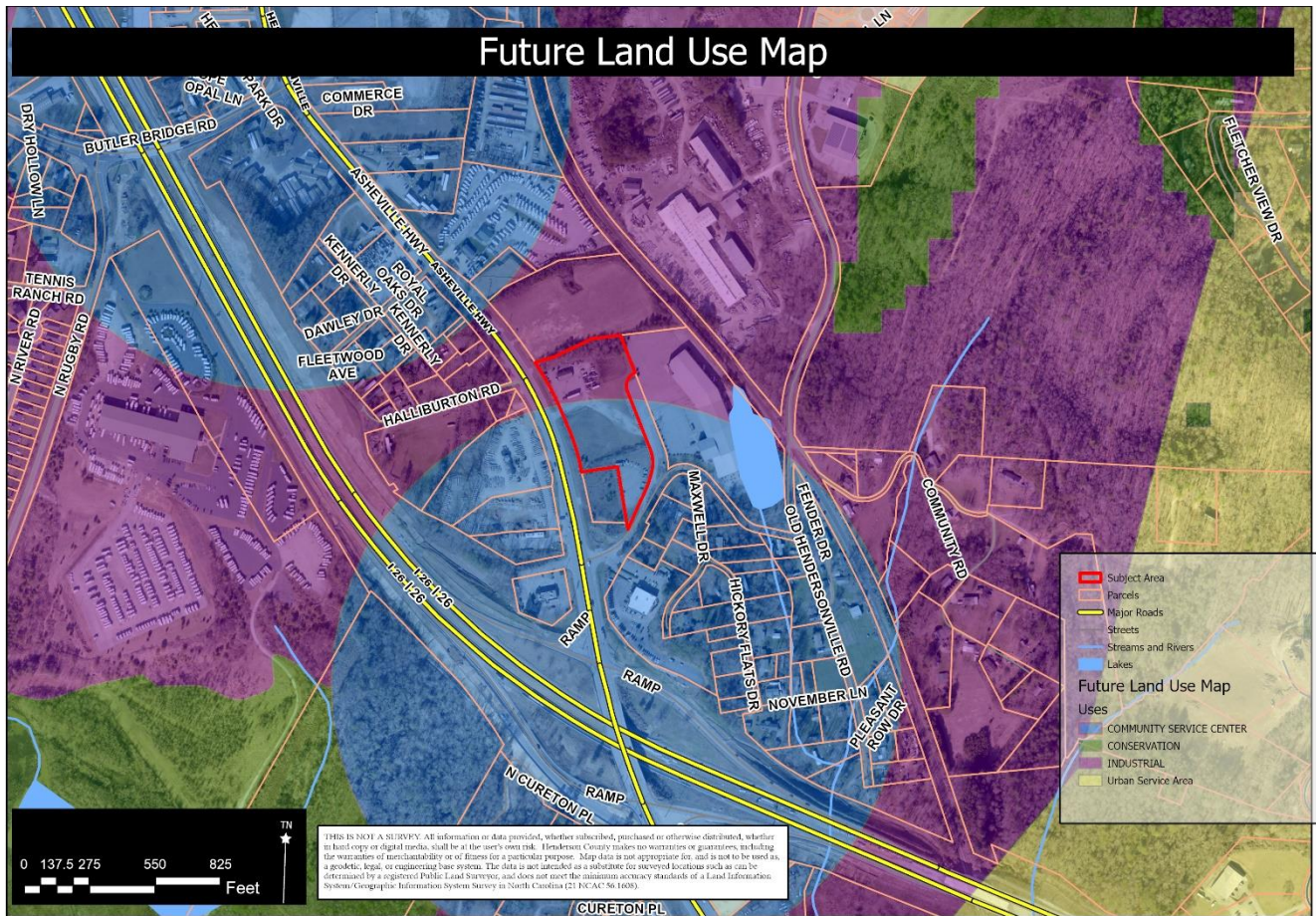


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 Assessed Acreage: 4.35  
 Current Zoning: Regional Commercial (RC)



- Water and Sewer** The applicant is proposing connection to the City of Hendersonville public water and MSD public sewer to serve this property.  
**Public Water:** Yes  
**Public Sewer:** Yes

### Map E: CCP Future Land Use Map



Listed to: Discovery One Land Holdings, LLC  
 Assessed Acreage: 4.35  
 Current Zoning: Regional Commercial (RC)



#### 6. Staff Comments

**Henderson County Comprehensive Plan (CCP):** The CCP Future Land Use Map places the Subject Area in the Industrial classification and partially within a Community Service Center.

- a. **Industrial:** “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.” (CCP, Pg. 140)
- b. **Community Service Centers:** “Community Service Centers are intended to be intensive, efficient, defined concentrations of mixed services that meet the needs of the surrounding community and defined service areas. Community Service Centers are appropriate for a mixture of commercial uses scaled to the service area in question; residential uses of varying densities depending upon available services; and Community Facilities such as schools, parks, community centers, and other similar Community Facilities. The mixture and intensity of land uses contained within Community Service Centers are intended to be appropriate within the context of the surrounding community and intended service area. Community Service Centers should also be properly controlled by appropriate aesthetic standards, access management standards, and other appropriate development control measures.” (CCP, Pg. 138)
  - i. **“Regional Commercial** areas are located within defined Community Service Centers. Regional Commercial areas can overlap with Industrial areas given proper design. While internally pedestrian-friendly on a project basis, they are intended to service a regional market area. As such, they generate high volumes

of traffic and are located along major roadways. Public utilities are required. They should include a variety of retail sales and services, public and private administrations, offices and all other uses done primarily for sale or profit on the local, community, and regional level. They should be compatible with adjacent development and the surrounding community and should minimize congestion and sprawl.” (CCP, Pg. 139-140)

7. **Proposal** The applicant is proposing to redevelop the subject area to construct a 6,434SQFT convenience store, a 1,182SQFT car wash, gas/diesel pumps for pedestrian vehicles, and dedicated diesel pumps for large vehicles. The major site plan shows a total of 112 parking spaces to serve the entire property with 2 ADA accessible parking spaces serving the convenience store. The major site plan also includes the following:
  - 7.1. 5 dedicated diesel pump bays for large vehicles
  - 7.2. 8 mixed fuel pump bays for smaller passenger vehicles
  - 7.3. Primary access to site off Asheville Hwy with 2 curb cuts
  - 7.4. Secondary access to site off Champion Way which is off Maxwell Dr
  - 7.5. A drive through automatic carwash with vacuums
  - 7.6. Proposed total of 74.3% impervious surfaces after completion
  - 7.7. Proposed total of 25.7% of pervious surfaces after completion
  
8. **Landscaping & Buffering Requirements** The subject area is not required to buffer the permitter of the property since the surrounding properties all fall within the Regional Commercial (RC) zoning district. The subject area will have to provide a landscaping plan for the following elements:
  - 8.1. **Parking area landscaping** is required for new parking areas with 10 or more dedicated parking spaces. The parking area standards requires 1 small or large deciduous tree for every 5 parking spaces. Additionally, when no buffer is required along the property lines and parking is proposed within 20’ of a property line, a planting strip is required. The planting strip is a minimum of 10’ in width and shall contain 2 small or large deciduous or evergreen trees per 100 linear feet.
  - 8.2. **Car wash buffer/screening** requires a Screen Class Two (2) that consists of a row of conical evergreen plants (minimum of 8’ in height at maturity) planted in the 15’ area around that use and structure which is to be screened and spaced a maximum of 15’ apart.
  - 8.3. **Dumpster screening** is required for a proposed solid waste collection facility. The dumpster will require a Screen Class One (1) Two (2) or Three (3) that are outlined in Section 42-181 Screen Classifications.

9. Oblique Aerial Photos

**View from East**



**View from North**

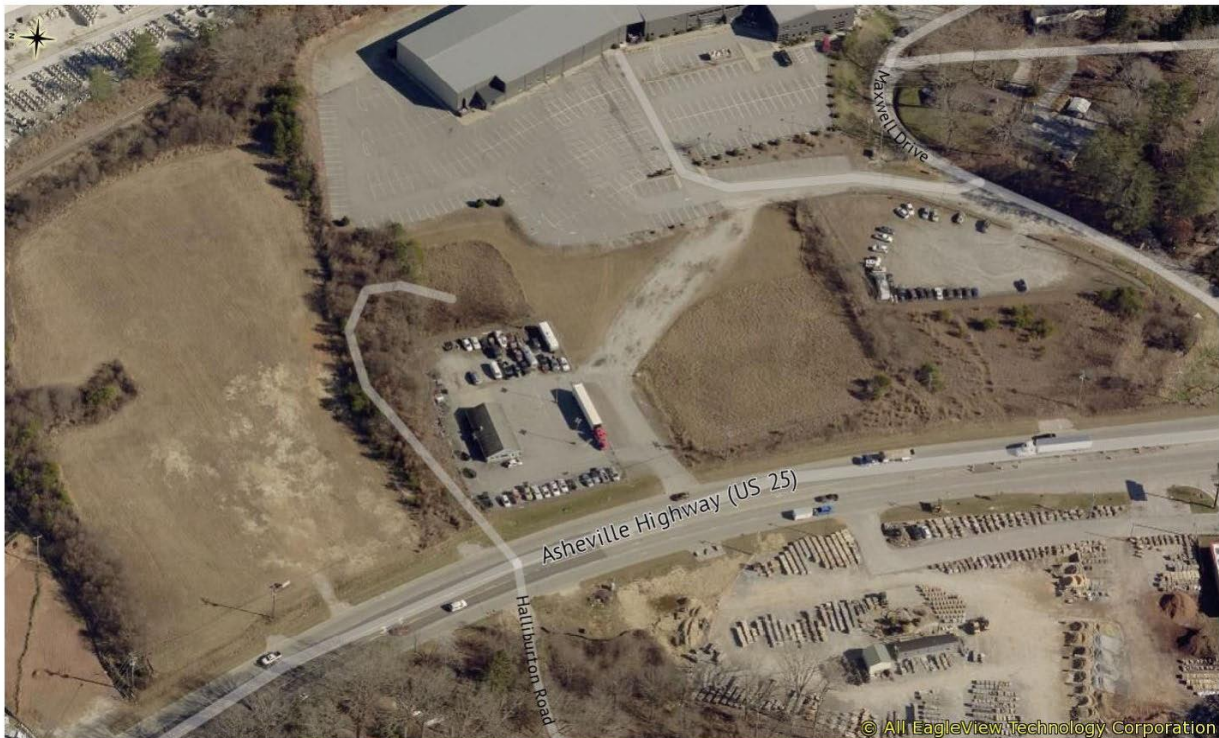




### View from South



### View from West



HENDERSON COUNTY  
MAJOR SITE PLAN REVIEW APPLICATION

CONTACT INFORMATION

Property Owner:

Name: DISCOVERY ONE LAND HOLDINGS, LLC Phone: 828-423-9918  
Complete Address: 5998 ASHEVILLE HWY, HENDERSONVILLE, NC 28791

Applicant:

Name: THE SPINX COMPANY, LLC Phone: 864-451-6656  
Complete Address: 1414 EAST WASHINGTON STREET, GREENVILLE, SC 29607

Agent:

Name: Philip Takacs Phone: 470-485-0405  
Complete Address: 3039 Premiere Pkwy, Duluth, GA 30097  
Agent Form (Circle One): Yes  No

Plan Preparer:

Name: Core States, Inc. Phone: 770-242-9550  
Complete Address: 3039 Premiere Pkwy, Duluth, GA 30097

GENERAL INFORMATION

Date of Application: December 6, 2022  
Site Plan Attached (Circle One):  Yes  No

PARCEL INFORMATION

PIN: # 9652-40-5099 Tract Size (Acres): 4.35  
Zoning District: RC (Regional Commercial) Fire District: Fletcher Fire  
Supplemental Requirement# \_\_\_\_\_ Watershed: N/A  
Permitted by Right Convenience Store - Permitted  
Fuel Pumps - Permitted Floodplain: N/A  
Car Wash - Permitted  
Special Use Permit \_\_\_\_\_

Location / Property to be developed: \_\_\_\_\_  
Proposed Convenience Store, Car Wash, and Fuel Distribution with associated amenities within Parcel 9652-40-5099  
along the Eastern frontage of Asheville Highway.

\*\*\*\*\*

County Use Only

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

APPLICATION IDENTIFICATION		N.C. DEPARTMENT OF TRANSPORTATION STREET AND DRIVEWAY ACCESS PERMIT APPLICATION
Driveway Permit No.	Date of Application	
County:		
Development Name:		

**LOCATION OF PROPERTY:**

Route/Road:

Exact Distance                       Miles                      N   S   E   W  
 Feet                             

From the Intersection of Route No. \_\_\_\_\_ and Route No. \_\_\_\_\_ Toward \_\_\_\_\_

Property Will Be Used For:    Residential /Subdivision    Commercial    Educational Facilities    TND    Emergency Services    Other  
Property:                                       is                       is not                      within \_\_\_\_\_ City Zoning Area.

**AGREEMENT**

- I, the undersigned property owner, request access and permission to construct driveway(s) or street(s) on public right-of-way at the above location.
- I agree to construct and maintain driveway(s) or street entrance(s) in absolute conformance with the current "Policy on Street and Driveway Access to North Carolina Highways" as adopted by the North Carolina Department of Transportation.
- I agree that no signs or objects will be placed on or over the public right-of-way other than those approved by NCDOT.
- I agree that the driveway(s) or street(s) will be constructed as shown on the attached plans.
- I agree that that driveway(s) or street(s) as used in this agreement include any approach tapers, storage lanes or speed change lanes as deemed necessary.
- I agree that if any future improvements to the roadway become necessary, the portion of driveway(s) or street(s) located on public right-of-way will be considered the property of the North Carolina Department of Transportation, and I will not be entitled to reimbursement or have any claim for present expenditures for driveway or street construction.
- I agree that this permit becomes void if construction of driveway(s) or street(s) is not completed within the time specified by the "Policy on Street and Driveway Access to North Carolina Highways".
- I agree to pay a \$50 construction inspection fee. Make checks payable to NCDOT. This fee will be reimbursed if application is denied.
- I agree to construct and maintain the driveway(s) or street(s) in a safe manner so as not to interfere with or endanger the public travel.
- I agree to provide during construction proper signs, signal lights, flaggers and other warning devices for the protection of traffic in conformance with the current "Manual on Uniform Traffic Control Devices for Streets and Highways" and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the District Engineer.
- I agree to indemnify and save harmless the North Carolina Department of Transportation from all damages and claims for damage that may arise by reason of this construction.
- I agree that the North Carolina Department of Transportation will assume no responsibility for any damages that may be caused to such facilities, within the highway right-of-way limits, in carrying out its construction.
- I agree to provide a Performance and Indemnity Bond in the amount specified by the Division of Highways for any construction proposed on the State Highway system.
- The granting of this permit is subject to the regulatory powers of the NC Department of Transportation as provided by law and as set forth in the N.C. Policy on Driveways and shall not be construed as a contract access point.
- **I AGREE TO NOTIFY THE DISTRICT ENGINEER WHEN THE PROPOSED WORK BEGINS AND WHEN IT IS COMPLETED.**









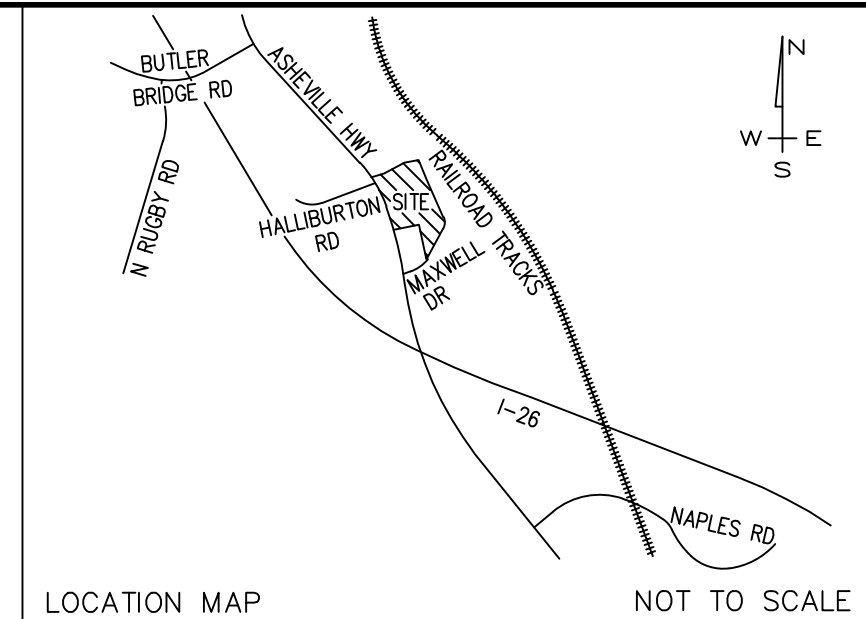








NOTE: EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE, RIGHTS-OF-WAY, EASEMENTS, OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE AT THE TIME OF MAKING THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND USE REGULATIONS AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. - ANY FLOOD PLAIN DATA SHOWN HEREON IS AN APPROXIMATE LOCATION GRAPHICALLY PLOTTED FROM THE REFERENCED FEMA MAP UNLESS OTHERWISE NOTED. - THIS SURVEY DOES NOT CONSTITUTE A TITLE RESEARCH, FLOOD STUDY, WETLAND DELINEATION OR ENVIRONMENTAL INSPECTION BY SURVEYOR.



I, JUSTIN A. McDANIEL, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (PLAT BOOK 2000, PAGE 4184); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN (PLAT BOOK 2000, PAGE 4184); THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; WITNESS MY ORIGINAL SIGNATURE, REGISTRATION LICENSE NUMBER AND SEAL THIS 25 DAY OF APRIL, A.D., 2022.

THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

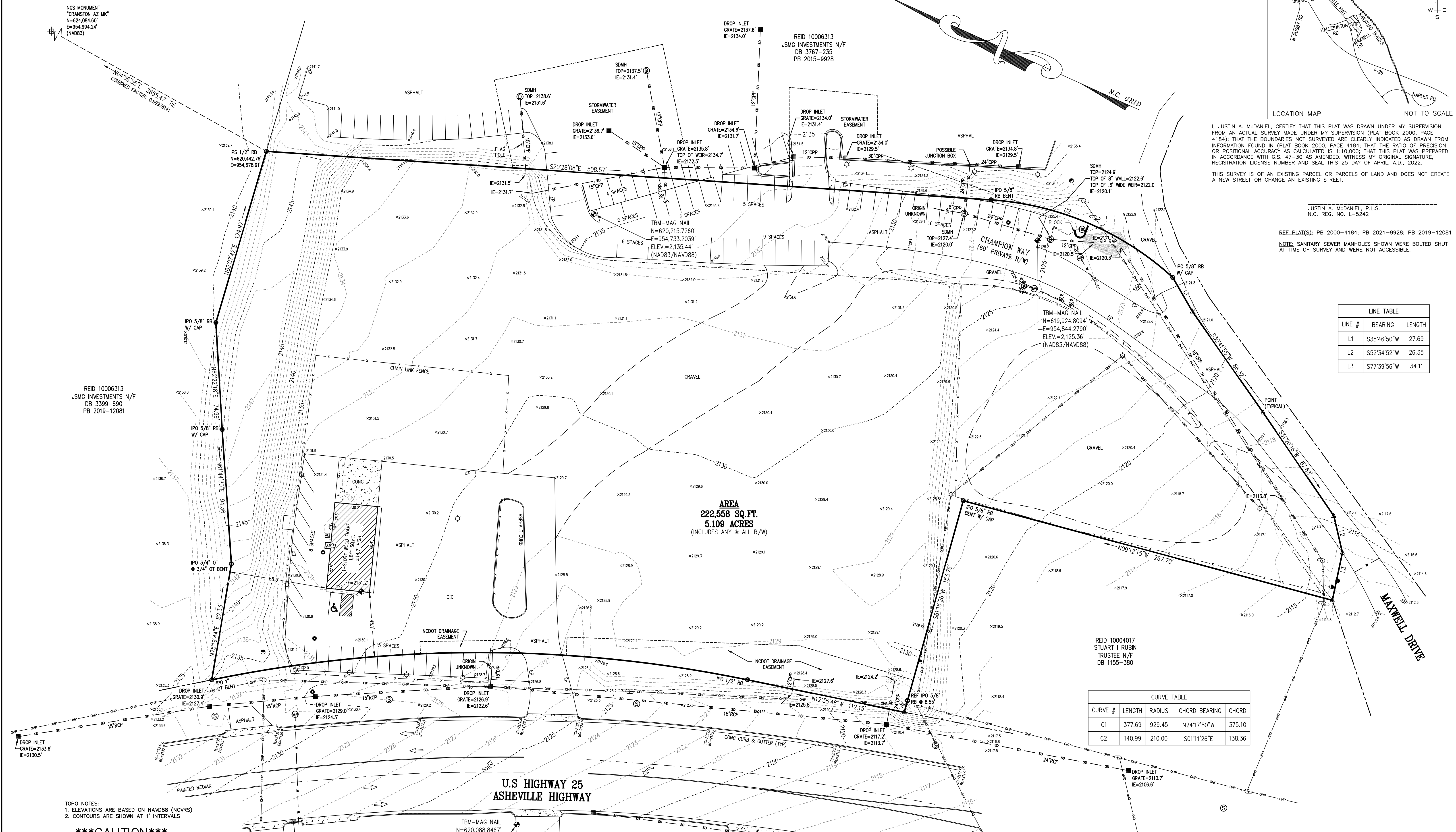
JUSTIN A. McDANIEL, P.L.S.  
N.C. REG. NO. L-5242

REF PLAT(S): PB 2000-4184; PB 2021-9928; PB 2019-12081

NOTE: SANITARY SEWER MANHOLES SHOWN WERE BOLTED SHUT AT TIME OF SURVEY AND WERE NOT ACCESSIBLE.

LINE #	BEARING	LENGTH
L1	S35°46'50"W	27.69
L2	S52°34'52"W	26.35
L3	S77°39'56"W	34.11

CURVE #	LENGTH	RADIUS	CHORD BEARING	CHORD
C1	377.69	929.45	N24°17'50"W	375.10
C2	140.99	210.00	S01°11'26"E	138.36



REID 10006313  
JSMG INVESTMENTS N/F  
DB 3399-690  
PB 2019-12081

AREA  
222,558 SQ. FT.  
5.109 ACRES  
(INCLUDES ANY & ALL R/W)

REID 10004017  
STUART I RUBIN  
TRUSTEE N/F  
DB 1155-380

TOPO NOTES:  
1. ELEVATIONS ARE BASED ON NAVD88 (NGVRS)  
2. CONTOURS ARE SHOWN AT 1' INTERVALS

\*\*\*CAUTION\*\*\*



Know what's below.  
Call before you dig.

THE UTILITIES SHOWN ARE SHOWN FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATIONS OF ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

STATE OF NORTH CAROLINA  
HENDERSON COUNTY

I, \_\_\_\_\_ REVIEW OFFICER OF HENDERSON COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER \_\_\_\_\_ DATE \_\_\_\_\_

LEGEND

- BL BUILDING LINE
- CL CENTERLINE
- CMP CORRUGATED METAL PIPE
- CT CRIMP TOP
- DE DRAINAGE EASEMENT
- EP EDGE OF PAVEMENT
- IPO IRON PIN OLD
- IPS IRON PIN SET
- N&C NAIL & CAP
- OT OPEN TOP
- RB REBAR
- RCP REINFORCED CONC PIPE
- R/W RIGHT OF WAY
- SD STORM DRAIN
- SS SANITARY SEWER
- SSE SS EASEMENT
- TEL TELEPHONE PEDESTAL
- EM ELECTRIC METER
- CB CATCH BASIN
- DI DROP INLET
- ET ELEC TRANS
- EL ELEVATION
- FH FIRE HYDRANT
- GM GAS METER
- GV GAS VALVE
- LP LIGHT POLE
- PP POWER POLE
- GA GUY ANCHOR
- SMH SD MANHOLE
- SS SS MANHOLE
- TMH TELEPHONE MANHOLE
- CO CLEAN OUT
- TC/BC TOP/BOTTOM CURB
- TW/BW TOP/BOTTOM WALL
- VCP VITRIFIED CLAY PIPE
- WV WATER VALVE
- WV WATER VALVE
- CTV CABLE TV
- X FENCE LINE
- FOC FIBER OPTIC CABLE
- GAS GAS LINE
- OHP OVERHEAD POWER
- OHT OVERHEAD TELEPHONE
- SD STORM DRAIN
- SS SANITARY SEWER
- UGP UNDERGROUND POWER
- UGT UNDERGROUND TELEPHONE
- W WATER LINE

TOPOGRAPHIC SURVEY FOR  
**THE SPINX COMPANY**  
HENDERSON COUNTY, NORTH CAROLINA

SCALE: 1"=30'

PROPERTY ADDRESS: 6024 ASHEVILLE HWY  
REID: 9971299

DATE: 4/21/22  
FIELD CREW: MM/CW  
DRAWN BY: JM

**SITE DESIGN, INC.**  
CIVIL ENGINEERS - SURVEYORS - LANDSCAPE ARCHITECTS

225 ROCKY CREEK ROAD, GREENVILLE, SC 29615  
PH: (864)271-0496  
www.sitedesign-inc.com