

REQUEST FOR COMMITTEE ACTION
HENDERSON COUNTY
TECHNICAL REVIEW COMMITTEE

MEETING: TRC: 9/6/22 ZBA: 9/28/22 & 10/26/22 & 11/21/22

SUBJECT: SUP-22-07 Assisted Living Residence

PRESENTER: Matt Champion

ATTACHMENTS: Staff Report, Photos, Major Site Plan

SUMMARY OF REQUEST: Special Use Permit for Assisted Living Residence

SUGGESTED MOTIONS:

I move to approve SUP-22-07 because the use will:

- a. Not materially endanger the public health, safety or welfare;**
- b. Not substantially injure the value of property or improvements in the area; and**
- c. Be in harmony with the surrounding area.**

I move to deny SUP-22-07 because the use will:

- a. Materially endanger the public health, safety or welfare;**
- b. Substantially injure the value of property or improvements in the area; and**
- c. Not be in harmony with the surrounding area.**



Henderson County, North Carolina Code Enforcement Services

1. **Committee Request**

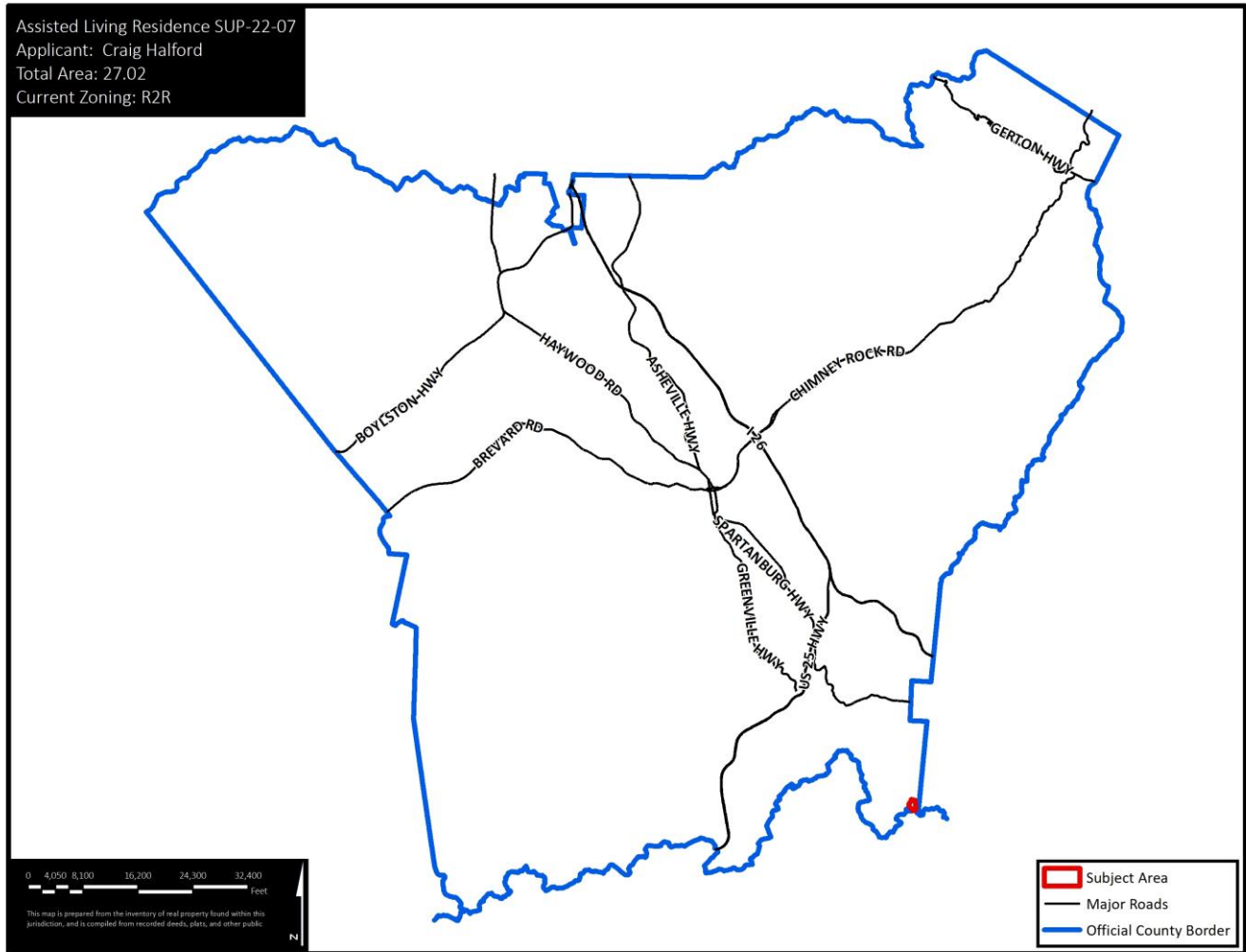
- 1.1. **Applicant:** Craig Halford
- 1.2. **Request:** Special Use Permit & Major Site Plan Review
- 1.3. **PIN:** 9594-72-3601
- 1.4. **Size:** 27.02 acres +/-
- 1.5. **Location:** 4353 Fork Creek Rd, Saluda, NC 28773
- 1.6. **Supplemental Requirements:**

SR 1.1. *Assisted Living Residence*

- (1) Site Plan. Major *Site Plan* required in accordance with §42-231 (Major Site Plan Review).
- (2) Lighting. *Lighting mitigation* required.
- (3) Accessibility. *Roads* shall be maintained for motor/emergency *vehicle* access (in accordance with 10A NCAC 13F .0303).
- (4) Certification, Licensure and Permitting. *Certificate of Need* (in accordance with NCGS §131E-178) required (where required for the specific facility type by the state).
- (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 95 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).

Assisted Living Residence. A group housing and services program for seven (7) or more unrelated persons, by whatever name it is called, that makes available, at a minimum, one (1) meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one or more licensed home care or hospice agencies. The Department of Health and Human Services may allow nursing service exceptions on a case-by-case basis. Settings in which services are delivered may include self-contained apartment units or single or shared room units with private or area baths. Assisted living residences are to be distinguished from *nursing homes* subject to provisions of NCGS §131E-102 (NCGS §131D-2(1d)). *Extended care facilities* with seven (7) or more residents (excluding *hospice residential care facilities* and *nursing homes*) shall, for the purposes of this Chapter, be included with and permitted in the same fashion as an assisted living residence.

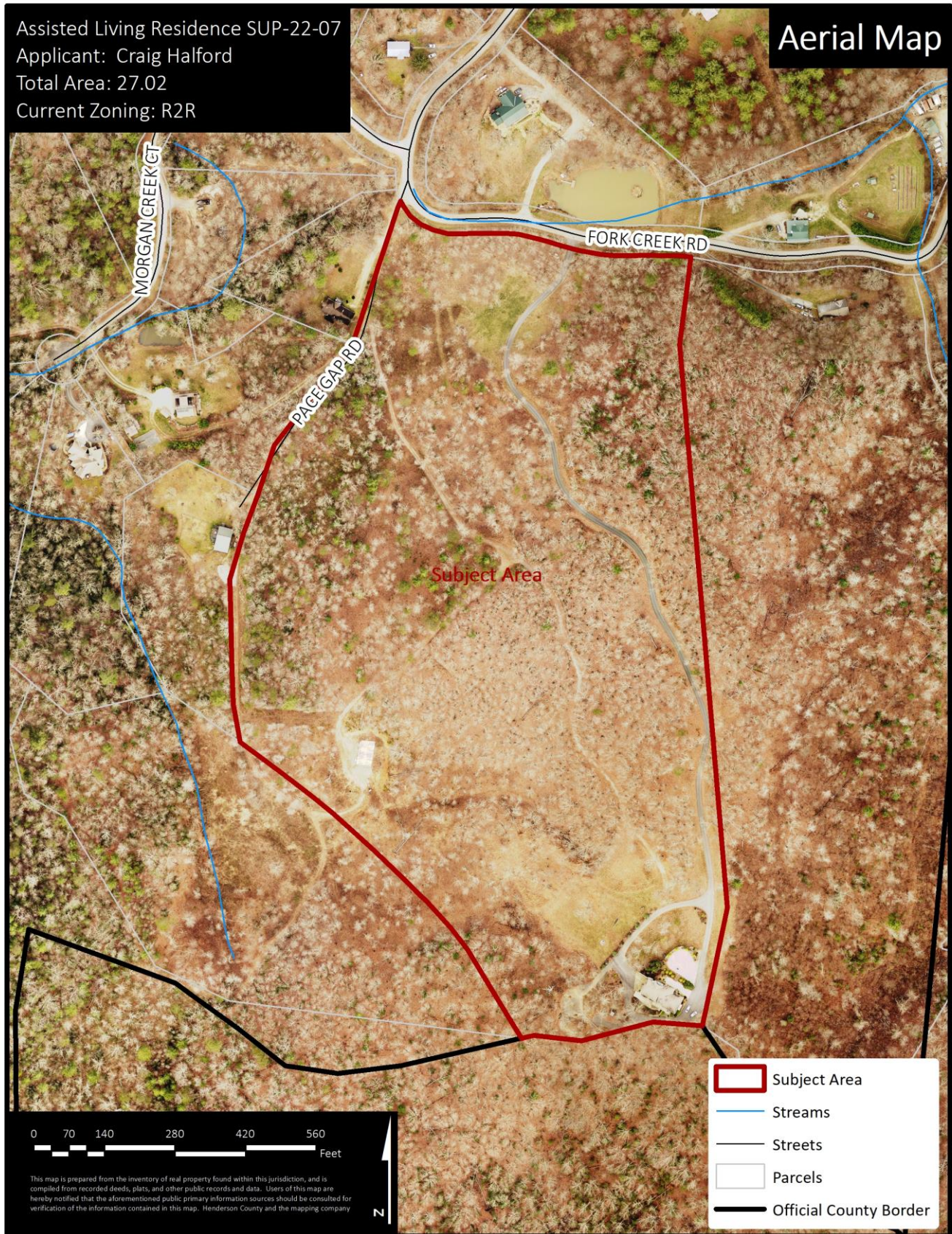
Map A: County Context



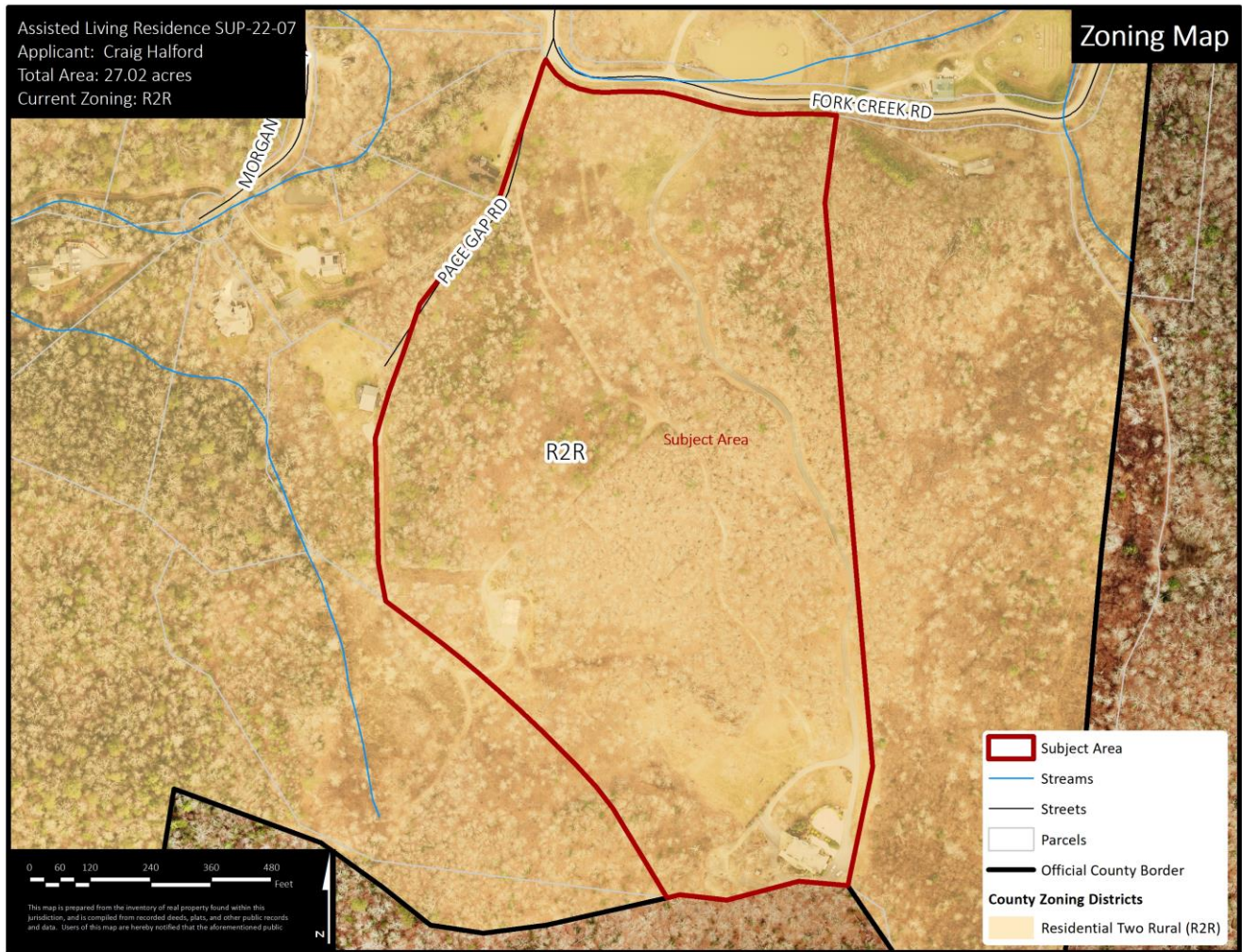
2. Current Conditions

- 2.1. **Current Use:** This parcel currently contains a residential single-family structure. The residential structure at 4353 Fork Creek Rd is approximately 5,210SQFT and constructed in 2000. The site also contains a concrete pad that was originally approved for a detached garage. The detached garage was removed from the site after being damaged during a storm. The applicant plans on replacing the detached garage at a later date.
- 2.2. **Adjacent Area Uses:** The surrounding properties contain residential structures and vacant land. The City of Greenville own the parcel to the east of the subject area. The border between South Carolina and North Carolina follows the southern boundary of the subject area. Land in South Carolina is part of the Greenville Watershed.

Map B: Aerial Map



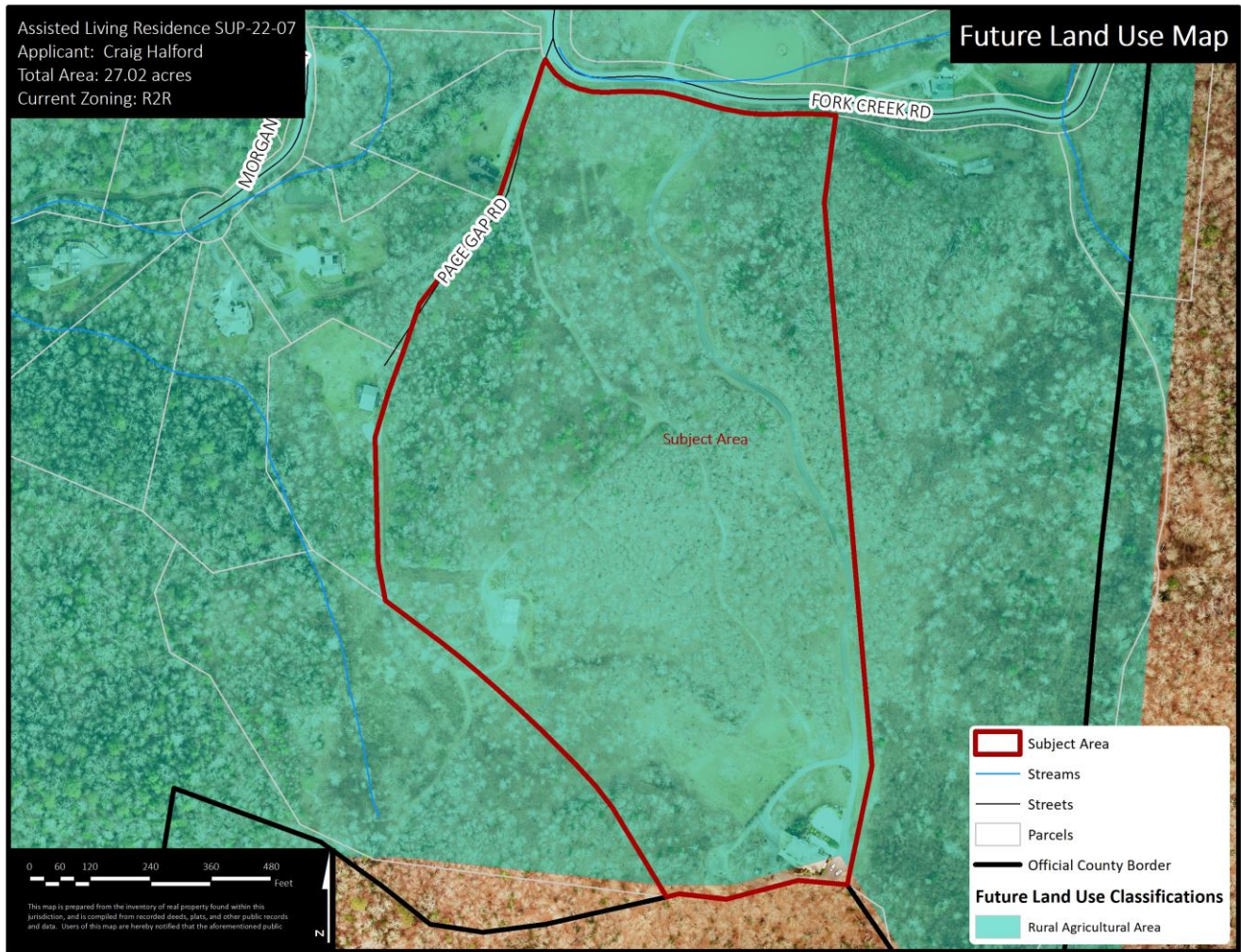
Map C: Current Zoning



3. **Current Zoning** The subject area is located within the Residential Two Rural (R2R) zoning district.
 - 3.1. **Existing Zoning District:** The purpose of Residential District Two Rural (R2R) 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* and rural commercial and light industrial 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 §42-29)
 - 3.2. **Adjacent Zoning Districts:** The subject area is surrounded by R2R zoning to the west, north, and east. The City of Greenville, SC property located to the south of the subject is not zoned. This parcel is part of the Greenville Watershed and is part of a 18,974 acre conservation area.

4. **Water and Sewer** This property is served by individual well and a private septic system.
Public Water: N/A
Public Sewer: N/A

Map D: CCP Future Land Use Map



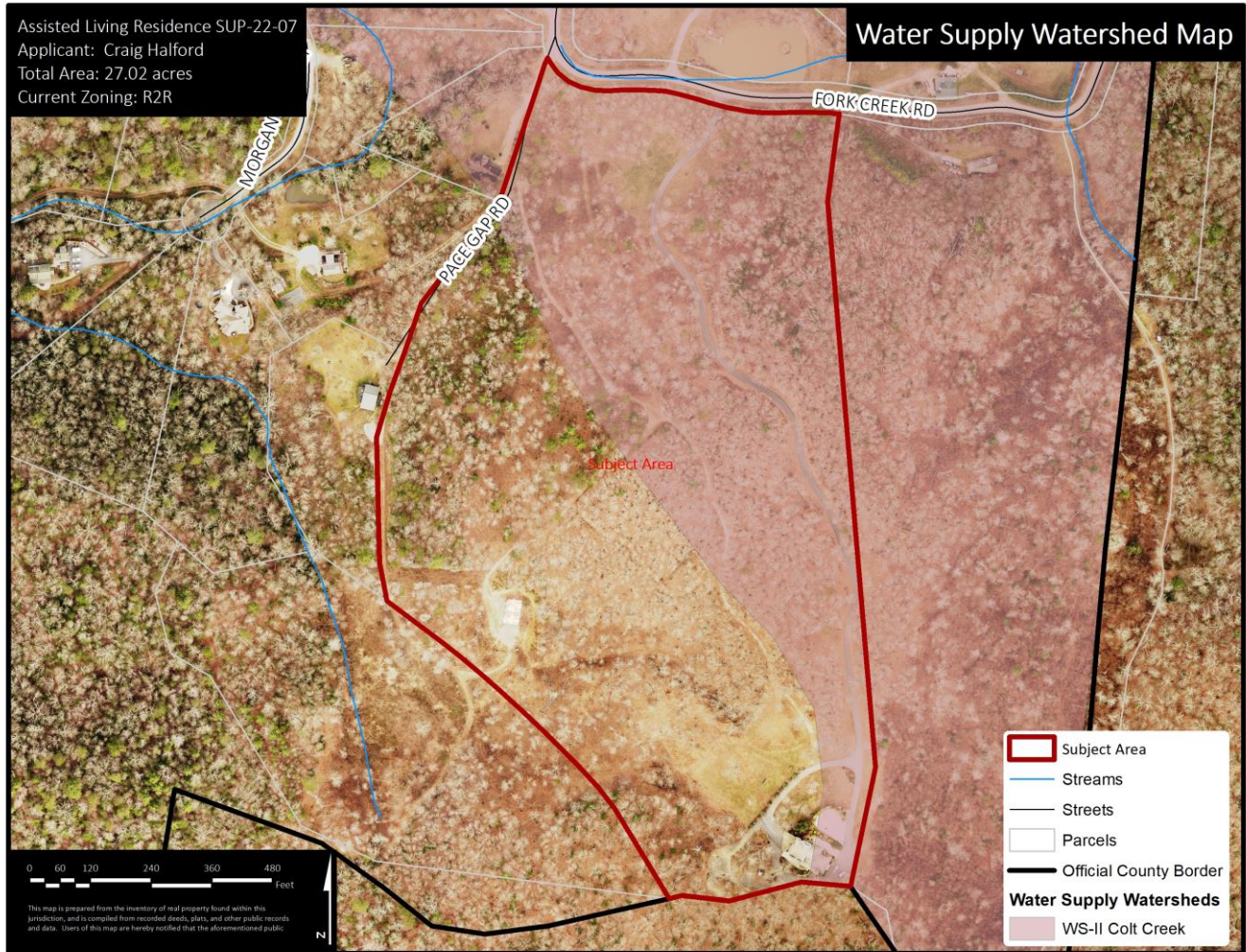
5. Comprehensive Plan

The CCP: The CCP Future Land Use Map places the Subject Area in the Rural Agricultural Area. The text and map of the CCP suggest that the Subject Area would be more suitable for the following:

5.1. Rural Agriculture Area: “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.”

6. **Floodplain /Watershed Protection** The property is not located within the Special Flood Hazard Areas. The property is in a Water Supply Watershed district. The site is partially encumbered by the Colt Creek WS-II district. The purpose of the sub-district is to maintain a predominately undeveloped land use intensity. Projects in this sub-district must, to the maximum extent practicable, minimize built-upon surface area; direct stormwater away from surface waters; and incorporate best management practices to minimize water quality impacts. The applicant is not proposing any new impervious surfaces on the subject area.

Map E: Water Supply Watershed Map



- 7. Proposal.** The applicant is proposing to convert the existing residential structure into an Assisted Living Residence. The major site plan does not show any new structures or improvements to the existing site other than replacing the detached garage at a later date. The applicant has indicated that a total of 5 to 8 rooms will be utilized to house the future residents on the property. There will be approximately 10 to 16 individuals living at the facility. This figure does not account for the staff living and working on-site. Assisted Living Facilities are classified as residential and therefore does not require buffering beyond the proposed solid waste collection facility. The subject area is also not required to provide additional parking as one would find in a commercial development.
- 8. Technical Review Committee.** The TRC met on September 6, 2022, to discuss the major site plan and special use permit request. The TRC voted to forward the application to the ZBA with the following conditions: a valid NCDOT driveway permit, Environmental Health existing systems permit, provide ADA parking spaces, and comply with NC Building Code Regulations regarding the change of use and occupancy.

9. Photographs

View from East



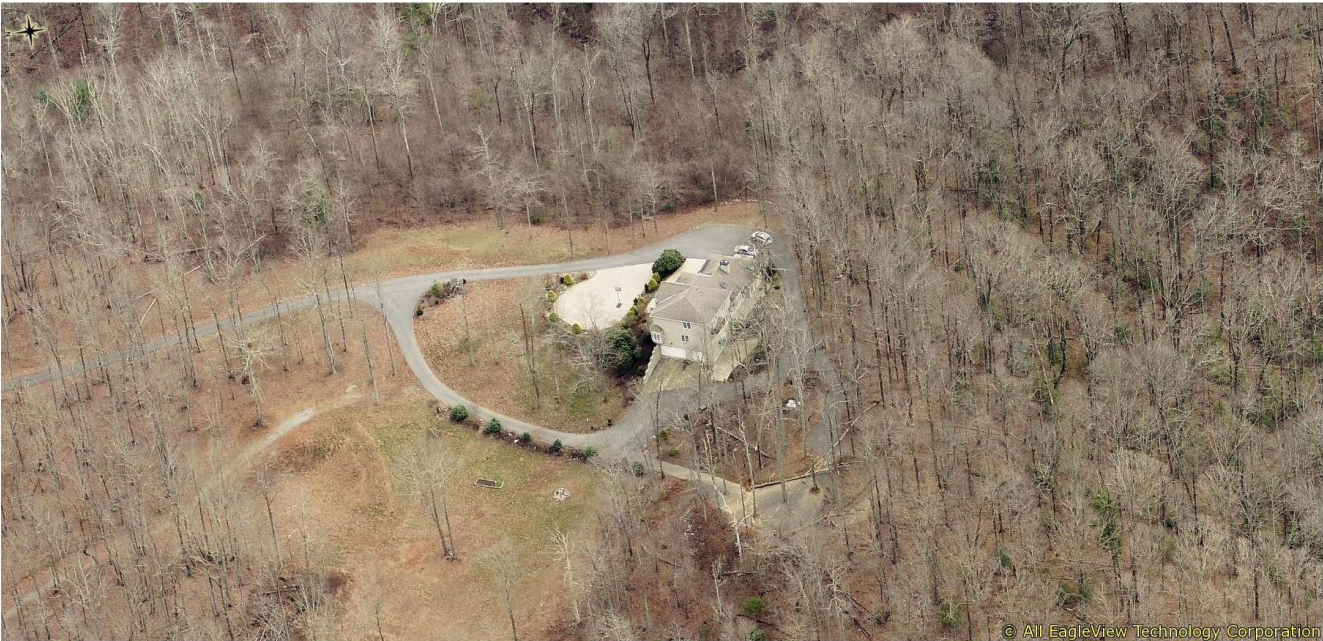
View from North



View from South



View from West



**HENDERSON COUNTY
MAJOR SITE PLAN REVIEW APPLICATION**

CONTACT INFORMATION

Property Owner:

Name: Linda M. Neufeld Phone: _____
Complete Address: 280 Bob White Trail, Fayetteville, PA 17222

Applicant:

Name: Craig Halford Phone: 828-435-2180
Complete Address: 106 Chadwick Ave, Hendersonville, NC 28792

Agent:

Name: _____ Phone: _____
Complete Address: _____
Agent Form (Circle One): Yes No

Plan Preparer:

Name: David Hill Phone: 828-693-1409
Complete Address: 403 West Blue Ridge Road, East Flat Rock, NC 28726

GENERAL INFORMATION

Date of Application: 8/31/2022

Site Plan Attached (Circle One): Yes No

PARCEL INFORMATION

PIN: <u>9594-72-3601</u>	Tract Size (Acres): <u>27.02</u>
Zoning District: <u>Residential Three (R3)</u>	Fire District: <u>Raven Rock/Saluda Fire</u>
Supplemental Requirement# <u>SR 1.1</u>	Watershed: <u>Colt Creek WS-II P</u>
Permitted by Right <u>No</u>	Floodplain: <u>N/A</u>
Special Use Permit <u>Yes</u>	

Location / Property to be developed: Property is located at 4353 Fork Creek Rd, Saluda, NC 28773

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: <u>Henderson</u>		
Development Name: <u>First Contact Ministries</u>		

LOCATION OF PROPERTY:

Route/Road: 1840 Fork Creek Road

Exact Distance 1/2 Miles Feet N S E W
 From the Intersection of Route No. SR 1841 and Route No. _____ Toward Polk County Line Insert text here

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.**

**HENDERSON COUNTY
SPECIAL USE PERMIT APPLICATION FORM**

GENERAL INFORMATION

Date of Application: 8/31/2022
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: Assisted Living Residence SR #: 1.1
 Existing Structures or Uses on property: Residential Single-Family Structure
 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: 9594-72-3601 Deed Book/Page: 1689/222 Tract Size (Acres): 27.02
 Zoning District: R3 Fire District: Raven Rock Watershed: WS-II P Floodplain: N/A
 Location of property to be developed: 4353 Fork Creek Rd, Saluda, NC 28773

CONTACT INFORMATION

Property Owner:
 Name: Linda M. Neufeld Phone: _____
 Address: 280 Bobwhite Trl City, State, and Zip: Fayetteville, PA 17222

Applicant:
 Name: Craig Halford Phone: 828-699-0161

Address: 106 Chadwick Ave City, State, and Zip: Hendersonville, NC 28790 Application No. _____

Agent:

Name: Craig Halford Phone: 828-699-0161
Address: 426 Anders Rd City, State, and Zip: Zirconia, NC 28790
Agent Form (Circle One): Yes No

Plan Preparer:

Name: _____ Phone: _____
Address: _____ City, State, and Zip: _____

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 property is on 34 acres and the house in on the back side of the 34 acres. There is a 34 acre buffer to the state road. It is bordered by the Greenville Watershed on the backside.

- B. General Requirement #2. The use will not substantially injure the value of property or improvements in the area.
There are only 3 homes plus 1 mobile home on the state road (Fork Creek) leading to the entrance of the property. The drive way is at least 1/4 mile up the mountain to the house which is at the back of the 34 acres. The property contract is for \$1 million dollars and nothing we will be doing should affect that value.

- C. General Requirement #3. The use will be in harmony with the surrounding area.
See #2 The house is at the back of the property and residents will be transported by the ministry from the ministry office in Hendersonville so traffic will not be affected. There will be no activities that will affect the harmony of the neighborhood. Residents will be there voluntary and should someone decide to leave, we will transport them off property.

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 Henderson County and state guidelines and ordinances will be adhered to,

- 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.
No major traffic increase - see #2

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.
The main use of the property will be on the back side of the 34 acres and will be bordered by the Greenville Watershed. There will be little to no use on the front side.

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.
The property is wooded and will remain so.

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).
The property has its own drive way which is approximately 1/4 mile long and residents will be transported to and from the property so there will be no change.

b. Off-street parking and loading areas.
None

c. Utilities (with particular reference to locations, availability and compatibility).
The initial purpose for this property was a retreat for groups so we are being told by our engineer and confirmed by our contractor utilities are sufficient.


d. Buffering and landscaping (with particular reference to type, location and dimensions).
The property will have 34 acres of wooded area between facility and neighbors.

e. Structures (with particular reference to location, size and use).
The only changes to the property will be the workshop that was blown down by a storm which will be re-built

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

Craig Halford

Print Applicant (Owner or Agent)



Signature Applicant (Owner or Agent)

8/31/22

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: _____

PLAT OF SITE PLAN
FOR
FIRST CONTACT MINISTRIES
BEING THE PROPERTY DESCRIBED IN
DEED BOOK 1689, PAGE 222

GREEN RIVER TOWNSHIP
HENDERSON COUNTY
NORTH CAROLINA

SCALE: 1" = 50'
AUGUST 29th, 2022

CALL TABLE

LINE	BEARING	DISTANCE
L1	S 14°40'51" E	41.84'
L2	S 35°13'25" E	172.27'
L3	S 47°46'33" E	19.73'
L4	S 62°07'46" E	28.19'
L5	S 82°13'30" E	25.46'
L6	S 89°52'20" E	129.52'
L7	S 75°59'33" E	145.30'
L8	N 82°35'47" W	56.71'
L9	S 86°43'47" E	153.90'

**PRELIMINARY
FOR AGENCY OR BOARD
REVIEW PURPOSES ONLY**

PROJECT DATA

PROJECT ADDRESS: 4353 FORK CREEK ROAD
SALUDA

CURRENT OWNERS: LINDA M. NEUFELD LIVING TRUST,
DATED JANUARY 31, 1996
280 BOEWHITE TRAIL
FAYETTEVILLE, PA 17222

DEVELOPER: FIRST CONTACT MINISTRIES
106 CHADWICK AVENUE
HENDERSONVILLE, NC 28792
(828)435-2180

PROPOSED USE: ASSISTED LIVING

TAX PIN: 9595-72-3601

ACREAGE: 36.5 ACRES +-

ZONING: R2R

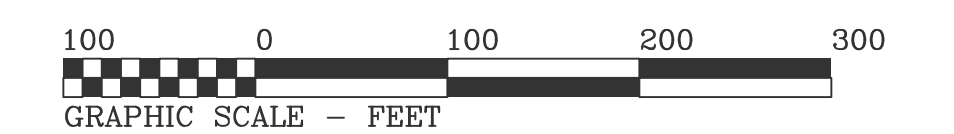
PORTION OF SUBJECT PROPERTY WITHIN COLT CREEK WS-IIP

WATER: EXISTING PRIVATE

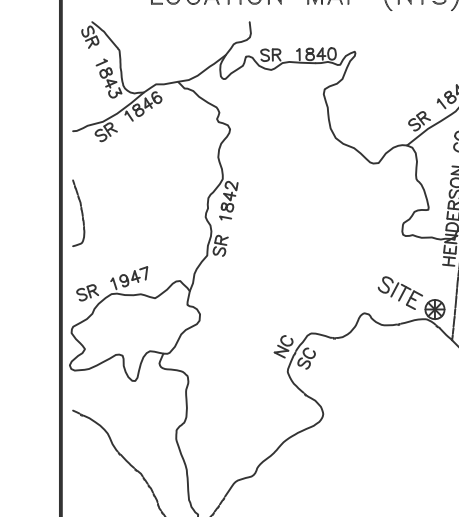
SEWER: EXISTING PRIVATE

I, DAVID H. HILL, certify that this plat was drawn from an actual survey made under my supervision (deed description recorded in Book SEE, page REFERENCES;) that the boundaries not surveyed are clearly indicated as drawn from information found in Book AS, page SHOWN; that the ratio of precision as calculated is 1: 10000; that this plat meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1600).
Witness my original signature, registration number and seal this _____ day of _____, A.D., _____.

David H. Hill, NCPLS L-3863



LOCATION MAP (NTS)



DEED REFERENCES:
D.B. 1689, PG. 222

TAX REFERENCES:
9594-72-3601

PARTY CHIEF: DHH

REVISIONS:

**SURVEY BY
HILL AND ASSOCIATES
SURVEYORS, P.A.**

LICENSE NUMBER: C-1991

DAVID H. HILL
N.C.P.L.S. 3863

403 WEST BLUE RIDGE ROAD
EAST FLAT ROCK, NORTH CAROLINA 28726
(828) 693-1409

CHECKED BY: DHH DRAWING: 20222613SP

DATE: AUGUST 29th, 2022

DRAWN BY: DHH FILE: 20222613



JAMES R. KELLY
D.B. 1610, PG. 256
SLIDE 4304
9594-63-8510
ZONED R2R

KIRK A. HALL AND KONNIE HALL
JOINT LIVING TRUST DATED MARCH 6, 2015
D.B. 1652, PG. 280
9594-73-4418
ZONED R2R

KIRK A. HALL AND KONNIE HALL
JOINT LIVING TRUST DATED MARCH 6, 2015
D.B. 1652, PG. 280
9594-73-4418
ZONED R2R

AMBER GRIFFIN
D.B. 1608, PG. 329
SLIDE 4304
9594-63-7382
ZONED R2R

CHARLOTTE T. SULLIVAN
D.B. 1473, PG. 212
9594-63-9135
ZONED R2R

NANCY ALLISON HULL
B.O.R. 3720, PG. 540
SLIDE 4304
9594-63-8002
ZONED R2R

LUCINDA A. HEMENWAY
D.B. 1422, PG. 316
SLIDE 6455
9594-62-8681
ZONED R2R

ALBERT NICHOLAS
D.B. 1330, PG. 458
SLIDE 4304
9594-62-4686
ZONED R2R

THE CITY OF GREENVILLE
D.B. 351, PG. 247
9594-51-7970
ZONED R2R

GREENVILLE COUNTY
SOUTH CAROLINA

GREENVILLE COUNTY
SOUTH CAROLINA

- LEGEND**
- ⊕ MONUMENT FOUND AS NOTED
 - MONUMENT SET AS NOTED
 - POINT NOT STAKED
 - P-PED - PHONE PEDESTAL
 - UP - UTILITY POLE
 - PHP - PHONE POLE
 - TRANS - TRANSFORMER
 - TV-PED - CABLE TV PEDESTAL
 - WM - WATER METER
 - WV - WATER VALVE

- NOTES:**
- 1- AREAS BY COORDINATE COMPUTATION.
 - 2- ALL AREAS SHOWN ARE SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD OR UNRECORDED THAT MAY DIRECTLY AFFECT ALL AREAS SHOWN.
 - 3- ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS UNLESS OTHERWISE NOTED.
 - 4- THE PROPERTY SHOWN IS WITHIN AN AREA ZONED R2R BY HENDERSON COUNTY.
- SETBACKS:
FRONT- 15' (FROM RIGHT OF WAY)
SIDE- 10'
REAR- 10'
- 5- BOUNDARY SHOWN IS TAKEN FROM DEEDS, PLATS AND OTHER AVAILABLE PUBLIC INFORMATION. NO FIELD SURVEY CONDUCTED.
 - 6- THE CURRENT OWNER OF RECORD IS LINDA M. NEUFELD LIVING TRUST.
 - 7- NOT FOR RECORDATION.