

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

BOARD OF ADJUSTMENT

MEETING: ZBA 1-31-24

SUBJECT: Special Use Permit and Major Site Plan – Spirit Cove at Kanuga SUP-23-05

PRESENTER: Matt Champion

ATTACHMENTS: Staff Report & Site Plan

SUMMARY OF REQUEST: Special Use Permit for Office: Business, Professional and Public

SUGGESTED MOTION:

I move to approve SUP-23-05 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-23-05 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

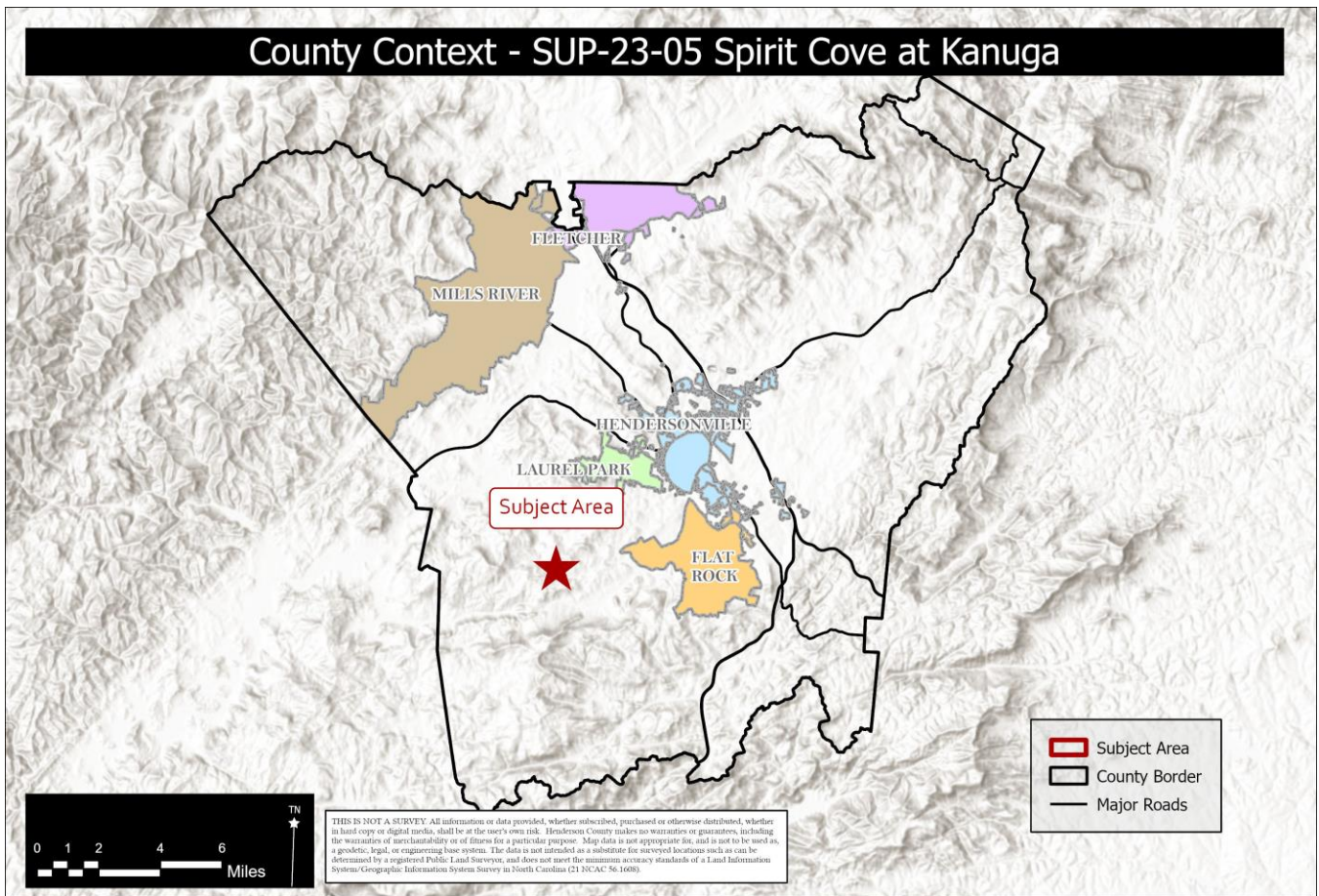
1. Committee Request

- 1.1. **Applicant:** TimberKnolls Spirit Cove, Inc
- 1.2. **Request:** Special Use Permit & Major Site Plan Review
- 1.3. **PIN:** 9546-49-6130
- 1.4. **Size:** 4.76 Acres
- 1.5. **Location:** Lot 5 of Minor Subdivision Off Evans Rd (SR1196)
- 1.6. **Supplemental Requirements:**

SR 6.9. Office: Business, Professional and Public

- (1) Site Plan. Major *Site Plan* required in accordance with §42-331 (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.

Map A: County Context Map



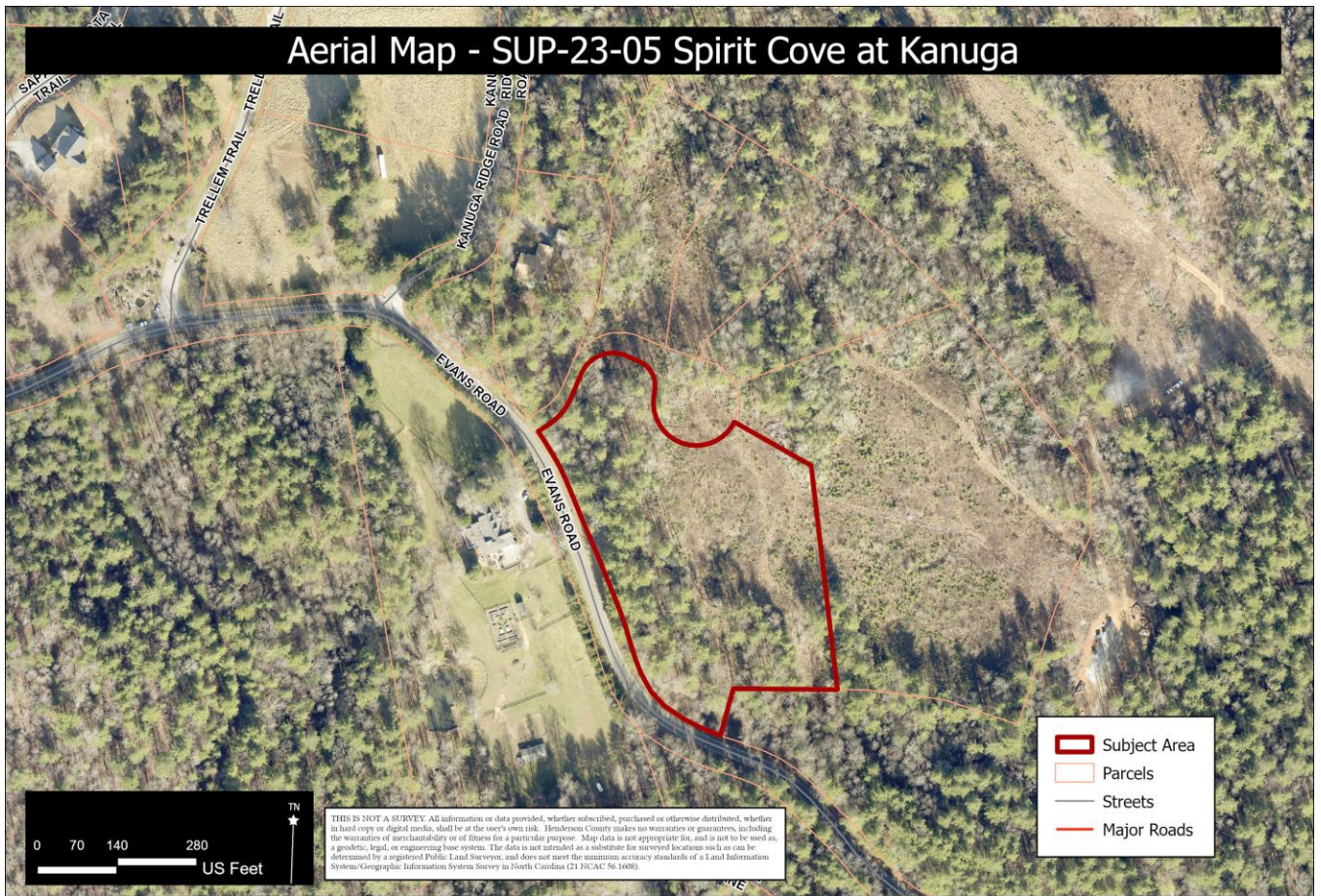
Property Owner & Applicant: TimberKnolls Spirit Cove, Inc.
Assessed Acreage: 4.76 Acres PIN: 9546-49-6130
Current Zoning: Residential Two Rural (R2R)



2. History & Characteristics:

- 2.1. **Current Property Owners:** Kanuga Conferences Inc. originally acquired the subject area through a Quitclaim Deed on February 26, 1986. TimberKnolls Spirit Cove, Inc. closed on the property on December 29, 2023.
- 2.2. **Minor Subdivision:** A minor subdivision was approved for 16 acres that created 5 lots. Lot #5 on the recorded plat slide is the subject area for the application.
- 2.3. **Natural Resources:**
 - 2.3.1. **Streams:** The subject area does not contain any surface water sources. The subject area is within proximity to several surface water sources.
 - 2.3.2. **Slopes:** The subject area contains slopes between 0% to 16% and slopes between 16% and 25%. There is a small area where slopes are greater than 25%.

Map B: Aerial Map



Property Owner & Applicant: TimberKnolls Spirit Cove, Inc.
Assessed Acreage: 4.76 Acres PIN: 9546-49-6130
Current Zoning: Residential Two Rural (R2R)

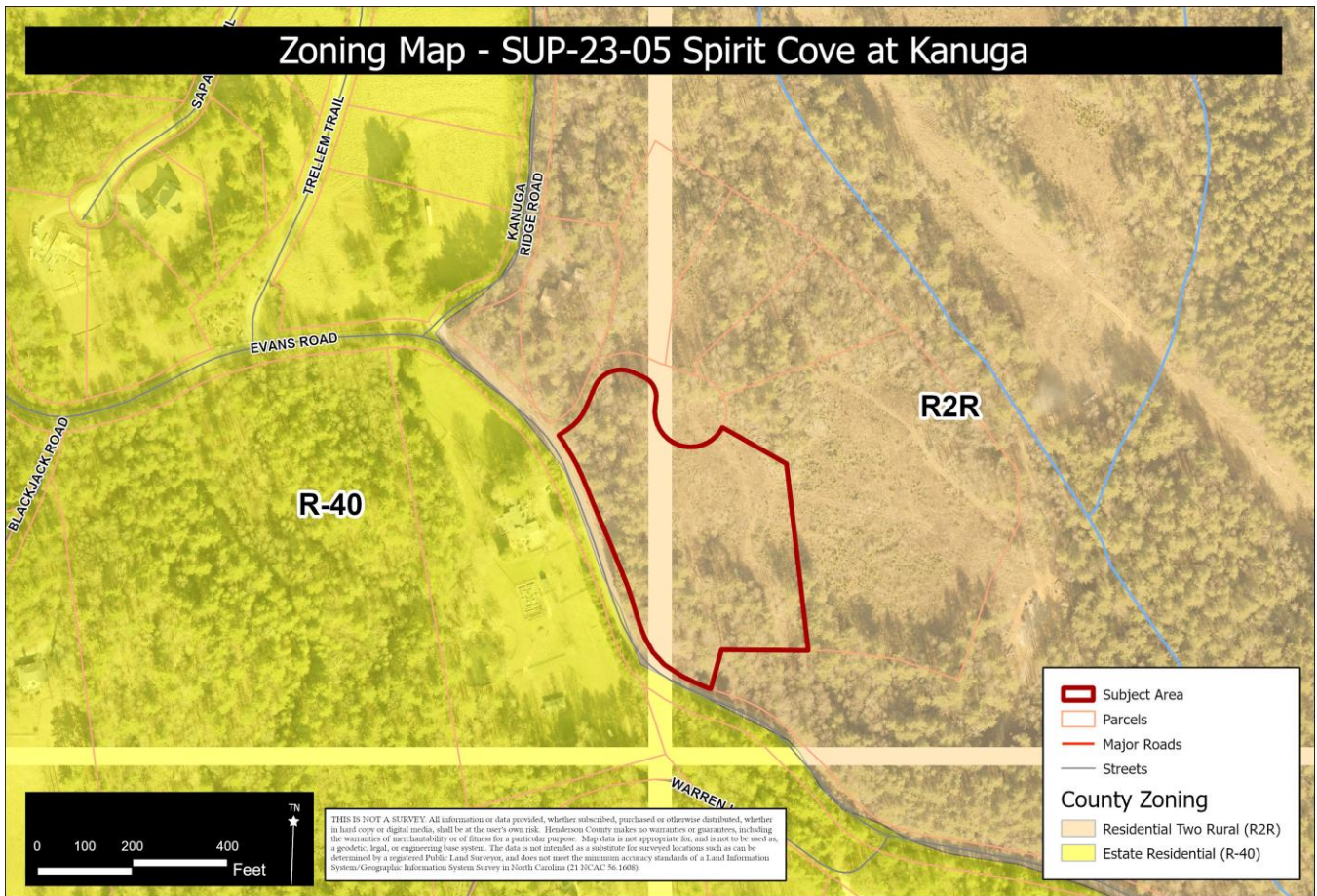


3. Current Conditions

- 3.1. **Current Use:** The subject area is currently vacant and partially forested. Within the past years, a portion of the subject area was timber harvested, but leaving a substantial vegetation buffer between the clearing and Evans Rd (SR1196).

3.2. **Adjacent Area Uses:** The surrounding properties contain residential structures, agricultural land, vacant land, and the remaining area encompassing the Kanuga Conference Center. The Kanuga Conference Center Chapel is approximately 0.75 miles east of the subject area.

Map C: Zoning Map



Property Owner & Applicant: TimberKnolls Spirit Cove, Inc.
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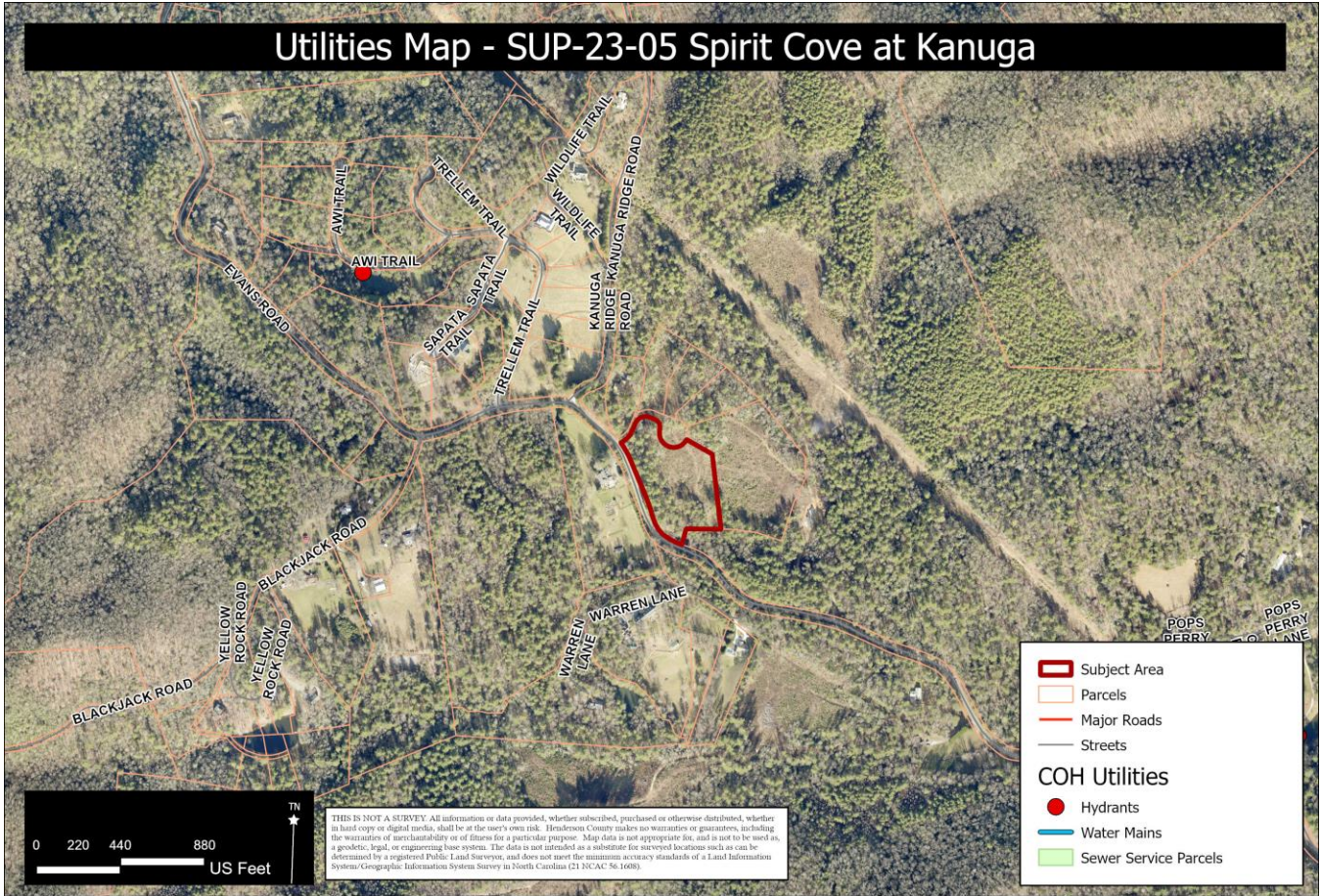


3. **Zoning** The subject area is located within the Residential Two Rural (R2R) zoning district.

3.1 **Residential Two Rural (R2R):** 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:** Residential Two Rural (R2R) is found to the north and east of the subject area. The Estate Residential (R-40) zoning district is found south and west of the subject area.

Map D: Public Utilities Map

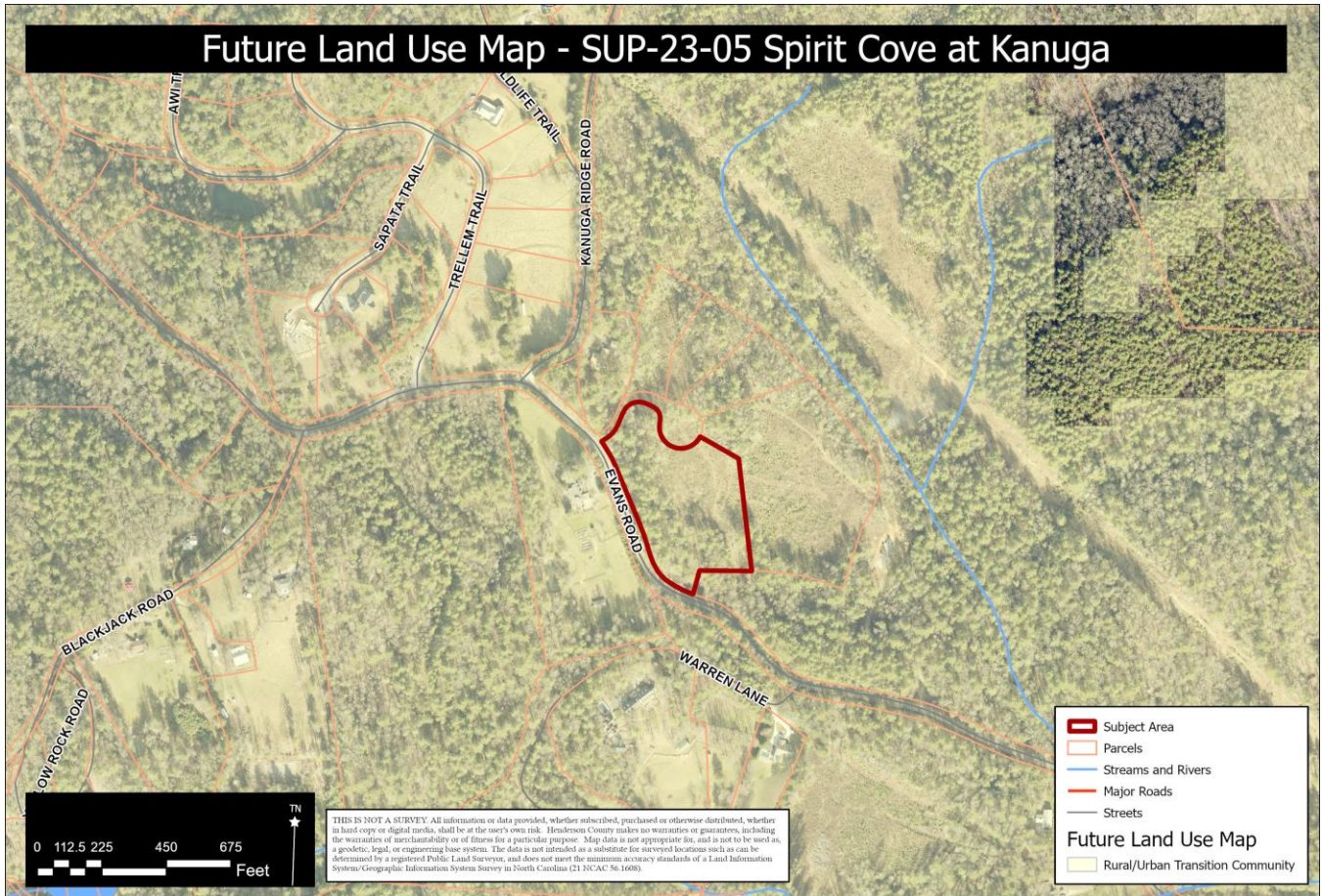


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Current Zoning: Residential Two Rural (R2R)



- Floodplain /Watershed Protection** The subject area is not encumbered by a Special Flood Hazard Area. The property is not in a Water Supply Watershed district. There are no known surface waters found on the subject area according to the USGS.
- Water and Sewer** This property will be served by private water and a private setpic.
Public Water: N/A
Public Sewer: N/A

Map E: CCP Future Land Use Map



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6. The Henderson County Comprehensive Plan (CCP) The CCP Future Land Use Map identifies the subject area as being in a Rural/Urban Transition Area (See Map E).

a. **Rural Transition Area:** The CCP states that, “The RTA is currently rural in character, with existing pockets of limited higher density residential and commercial development. The primary factor preventing urban development in the RTA is the absence of sewer and water service. The RTA will continue to experience extensive development.” (CCP, Pg. 134).

7. Proposal The applicant is proposing to develop the subject area as a professional office with one structure. The proposed structure is shown as approximately 4,032SQFT and will be encompassed with a wraparound porch. The structure will be accessed by a private driveway easement from Evans Rd (SR1196) with a cul-de-sac for emergency response vehicles. The structure will also contain 8 parking spaces and 1 ADA accessible parking space. The major site plan shows a total disturbance of 0.71 acres. The major site plan also shows the existing 130’ wooded buffer to remain along Evans Rd (SR1196) and the eastern edge of the subject area. Total open space is shown as 4.41 acres.

- 8. Technical Review Committee.** The TRC met on November 7, 2023, 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: NCDOT driveway permit, NCDOT encroachment agreement, and ADA accessible parking space is van accessible.

- 9. Photos**

View from East



01/05/2022

View from North



View from South



View from West



**HENDERSON COUNTY
MAJOR SITE PLAN REVIEW APPLICATION**

CONTACT INFORMATION

Property Owner:

Name: TimberKnolls Spirit Cove Phone: 843-291-2227
Complete Address: 563 Orangewood Lane, Dandridge, TN 37725

Applicant:

Name: TimberKnolls Spirit Cove Phone: 843-291-2227
Complete Address: 563 Orangewood Lane, Dandridge, TN 37725

Agent:

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

Plan Preparer:

Name: Sitework Studios, PLLC Phone: 828-225-4945
Complete Address: 82 Patton Ave, Suite 700, Asheville, NC 28801

GENERAL INFORMATION

Date of Application: 10/16/23

Site Plan Attached (Circle One): Yes No

PARCEL INFORMATION

PIN: 954657734Z Tract Size (Acres): 16.15 AC.
Zoning District: R-40 Fire District: VALLEY HILL
Supplemental Requirement#: _____ Watershed: ?
Permitted by Right: _____ Floodplain: No
Special Use Permit: _____

Location / Property to be developed: (SR.1196)
EVANS RD., - +/- 3/4 MI. NW FROM THE
INTERSECTION OF KANUGA LAKE RD.

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 12/1/2023	
County: Henderson		
Development Name: TimberKnolls Spirit Cove		

LOCATION OF PROPERTY:

Route/Road: Evans Road/ SR 1196

Exact Distance 4631 Miles Feet N S E W

From the Intersection of Route No. SR 1196 and Route No. SR 1283 Toward Flat Rock

Property Will Be Used For: Residential /Subdivision Commercial Educational Facilities TND Emergency Services Other

Property: is is not within Henderson Co R2R 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 and following 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 that the entire cost of constructing and maintaining an approved private street or driveway access connection and conditions of this permit will be borne by the property owner, the applicant, and their grantees, successors, and assignees.
- **I AGREE TO NOTIFY THE DISTRICT ENGINEER WHEN THE PROPOSED WORK BEGINS AND WHEN IT IS COMPLETED.**

SIGNATURES OF APPLICANT

PROPERTY OWNER (APPLICANT)		WITNESS	
COMPANY	<u>Kanuga</u>	NAME	<u>JIMMY HADEN</u>
SIGNATURE	<u>[Signature]</u>	SIGNATURE	<u>[Signature]</u>
ADDRESS	<u>130 Kanuga Chapel Drive</u>	ADDRESS	<u>130 KANUGA CHAPEL DR.</u>
	<u>Hendersonville, NC</u>		<u>HENDERSONVILLE, NC 28739</u>
	Phone No. <u>828-692-9136</u>		

AUTHORIZED AGENT		WITNESS	
COMPANY	<u>Sitework Studios</u>	NAME	<u>Suzanne Godsey</u>
SIGNATURE	<u>[Signature]</u>	SIGNATURE	<u>[Signature]</u>
ADDRESS	<u>82 Patton Ave, Suite 700</u>	ADDRESS	<u>82 Patton Ave, Suite 700</u>
	<u>Asheville, NC 28801</u>		<u>Asheville, NC 28801</u>
	Phone No. <u>8282254945</u>		

APPROVALS

APPLICATION RECEIVED BY DISTRICT ENGINEER

SIGNATURE _____ DATE _____

APPLICATION APPROVED BY LOCAL GOVERNMENTAL AUTHORITY (when required)

SIGNATURE _____ TITLE _____ DATE _____

APPLICATION APPROVED BY NCDOT

SIGNATURE _____ TITLE _____ DATE _____

INSPECTION BY NCDOT

SIGNATURE _____ TITLE _____ DATE _____

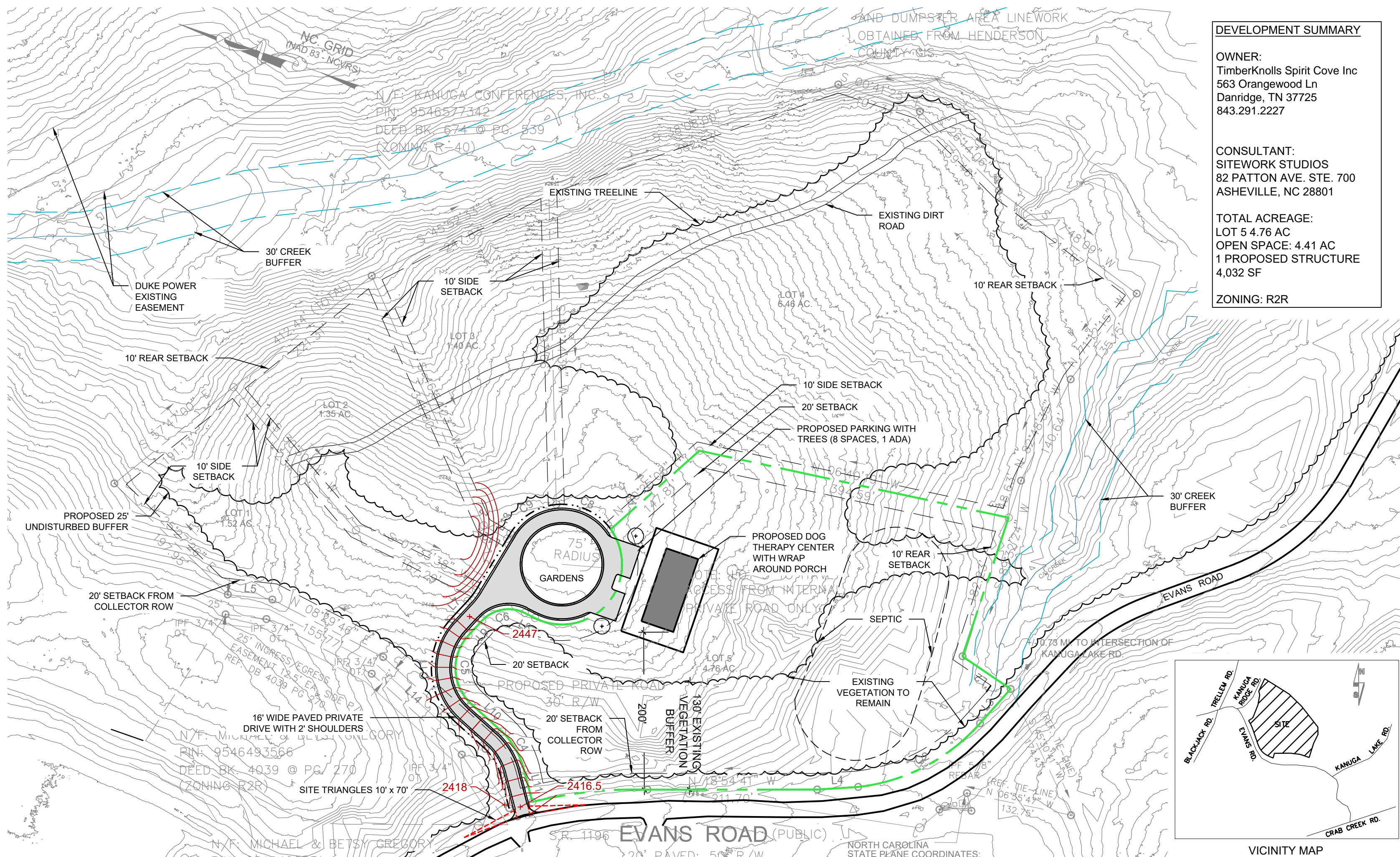
DEVELOPMENT SUMMARY

OWNER:
 TimberKnolls Spirit Cove Inc
 563 Orangewood Ln
 Danridge, TN 37725
 843.291.2227

CONSULTANT:
 SITEWORK STUDIOS
 82 PATTON AVE. STE. 700
 ASHEVILLE, NC 28801

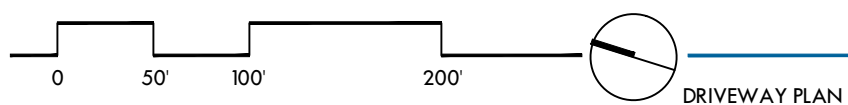
TOTAL ACREAGE:
 LOT 5 4.76 AC
 OPEN SPACE: 4.41 AC
 1 PROPOSED STRUCTURE
 4,032 SF

ZONING: R2R



SPIRIT COVE AT KANUGA

HENDERSONVILLE, NORTH CAROLINA



DRIVEWAY PLAN

HENDERSON COUNTY
SPECIAL USE PERMIT APPLICATION FORM

GENERAL INFORMATION

Date of Application: 10-17-2023
Previously Submitted (Circle One): Yes No
Date of Pre-Application Conference: 8-2-2023
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: Office SR #: _____
Existing Structures or Uses on property: None-vacant
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: _____ Deed Book/Page: _____ Tract Size (Acres): _____
Zoning District: R2R Fire District: Valley Hill Watershed: none Floodplain: outside of F.P.
Location of property to be developed: off Evans Rd near Kanuga Ridge Road.

CONTACT INFORMATION

Property Owner:
Name: TimberKnolls Spirit Cove, Inc Phone: 843.229.2227
Address: 563 Orangewood Ln City, State, and Zip: Danridge, TN 37725
Applicant:
Name: _____ Phone: _____

- 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.

see attached

- 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.

see attached

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).

see attached

- b. Off-street parking and loading areas.

see attached

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

see attached

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

see attached

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

see attached's

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

Richard W Mahuson, Treasurer, TimberKnolls Spirit Cove, Inc.

Print Applicant (Owner or Agent)

Richard W Mahuson

1/9/2024

Signature Applicant (Owner or Agent)

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: _____

Application No. _____

Address: _____ City, State, and Zip: _____

Agent: TimberKnolls Spirit Cove, Inc

Name: _____ Phone: 843-291-2227

Address: 563 Orangewood Lane City, State, and Zip: Dandridge, TN 37725

Agent Form (Circle One): Yes No

Plan Preparer: Sitework Studios

Name: Matt Sprouse Phone: 828-225-4945

Address: 82 Patton Ave, Suite 700 City, State, and Zip: Asheville NC 28801

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:

see attached

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

see attached

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

see attached

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.

see attached

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.

see attached

October 17, 2023

Matt Champion, MPA CZO

Code Services Director &
Zoning Administrator
100 N. King Street
Hendersonville, NC 28792
Office: (828) 694-6555

RE: Special Use Permit Application

Kanuga Conference Center
proposed 4.76 acre parcel off Evans Road

Dear Mr., Champion,

On behalf of Kanuga and TimberKnolls Spirit Cove, we respectfully submit the enclosed package of applications and plans for a Special Use Permit on approximately 4.76 acres off Evans Road in Henderson County.

Kanuga in partnership with TimberKnolls Spirit Cove is proposing a 4,000 sf building to be used as an office and therapy center. Below are the written responses to the Henderson County SUP Standards for Review imposed by the land development code.

Standards for Review

- A. General Requirement #1: The Use will not materially endanger the public health, safety or welfare:
 - The 4000 sq.ft. office use proposed on the 4.76 acre lot will not endanger the public health, safety or welfare. The office will be used for therapy sessions with clients during daytime hours. The use is a partnership with Kanuga and will be used for the administration of the TimberKnolls Spirit Cove office and headquarters as well as used for therapy sessions for clients using highly trained therapy animals (dogs and horses). Clients include veterans, first responders, firefighters, EMS workers military families, doctors, and nurses. Groups of 12-25 people will be in the building at a time. If larger groups are held, parking will be coordinated by shuttle from off-site locations such as Kanuga.

- B. General Requirement #2: The Use will not substantially injure the value of the property or improvements in the area.
 - Professional office use is considered a compatible use adjacent to residential due to its low intensity. The proposed building is one story and will be on its own well and septic system. The proposed building, parking

and improvements are a min of 150 ft from Evans Road and a min. of 300 ft from any adjacent structure or residence. There will be a 100 ft vegetative buffer maintained between the building and Evans Road.

- C. General Requirement #3: The Use will be in harmony with the surrounding area.
- Its use is in keeping with and consistent with the rural character of this area of Henderson County. Small office and businesses are scattered in and amongst this area of Henderson County. The office use will contribute to the overall character of the surrounding areas.

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.
 - The proposed building and use will follow all applicable codes and requirements.
- 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.
 - The proposed use will not impact any traffic, existing or future along Evans Road or have an effect on Long Range and Comprehensive Plans.
- 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 proposed building and use is set back a min of 150 from Evans Road and at least 300 ft from any adjacent neighboring home or building. No excessive noise, smell, dust, glare or other nuisances are expected.
- 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 proposed use and building is set well beyond any nearby sensitive environmental areas. The goal of the project is to minimize land disturbance with currently less than an acre of land disturbance and grading.

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).
 - See site plan
- b) Off-street parking and loading areas.
 - See site plan
- c) Utilities (with particular reference to locations, availability and compatibility).
 - Utilities will be private systems (well and septic) and will comply with local and state requirements.
- d) Buffering and landscaping (with particular reference to type, location and dimensions).

- Buffers and landscaping will exceed requirements. Currently a 20 ft buffer is required for office use adjacent to residential. Th proposed use will have a min. of 100 ft of vegetative buffer.
- e) e. Structures (with particular reference to location, size and use).
- The single structure one story and will be a max of 4000 sq ft in the center of the property

Sitework Studios and our client look forward to working with you and Hendeson County on this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew B. Sprouse". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Matthew B. Sprouse, FLA
Partner

N/F: KANUGA CONFERENCES, INC.
 PIN: 9546577342
 DEED BK. 674 @ PG. 539
 (ZONING R-40)

NOTE: EXISTING DIRT RD.
 AND DUMPSTER AREA LINWORK
 OBTAINED FROM HENDERSON
 COUNTY GIS.

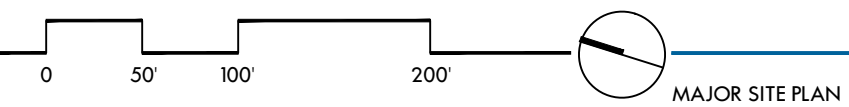
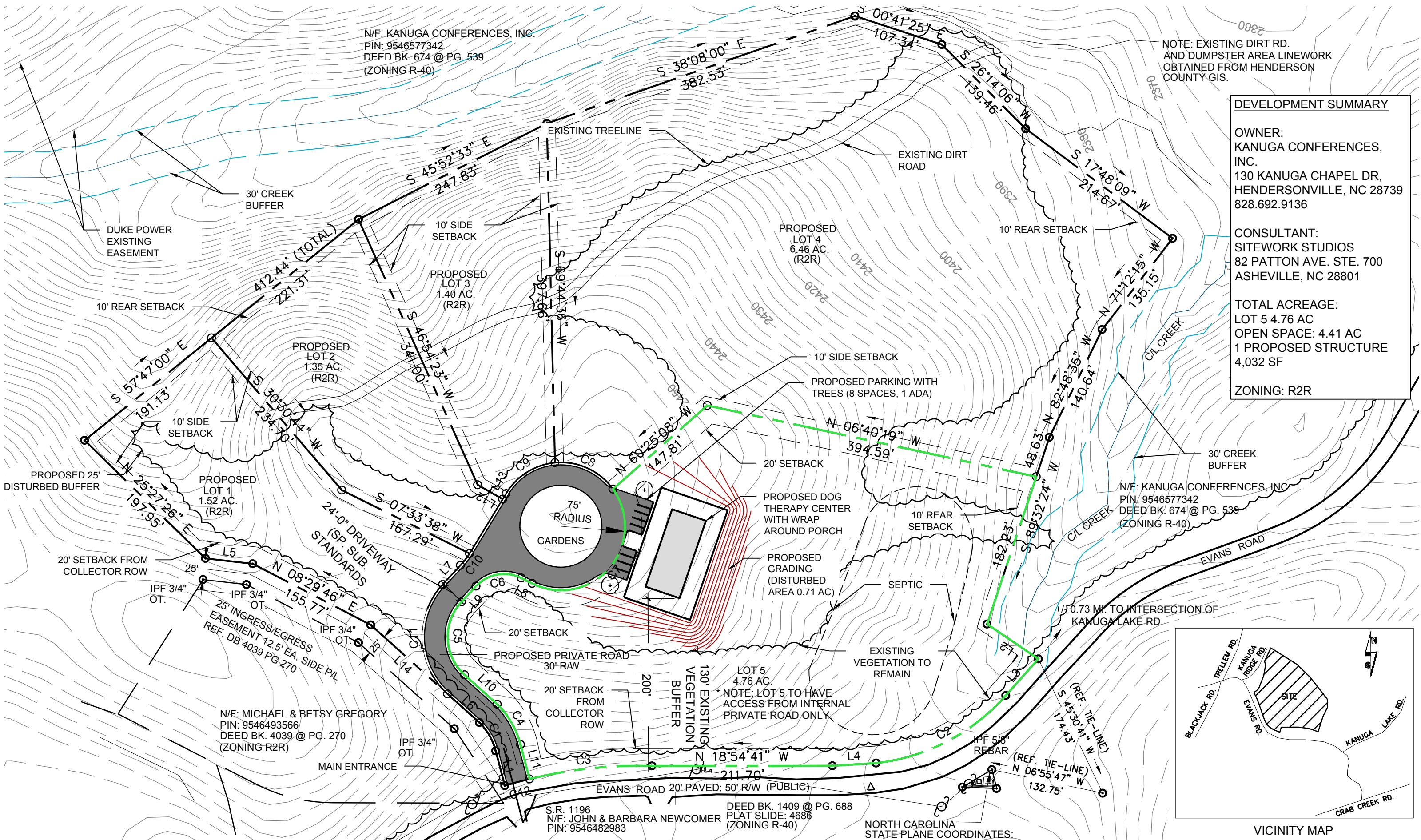
DEVELOPMENT SUMMARY

OWNER:
 KANUGA CONFERENCES,
 INC.
 130 KANUGA CHAPEL DR,
 HENDERSONVILLE, NC 28739
 828.692.9136

CONSULTANT:
 SITWORK STUDIOS
 82 PATTON AVE. STE. 700
 ASHEVILLE, NC 28801

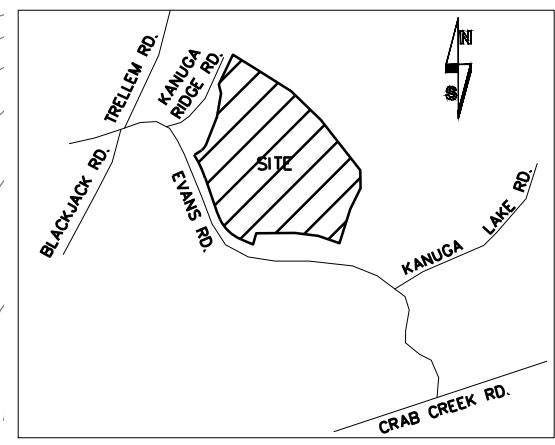
TOTAL ACREAGE:
 LOT 5 4.76 AC
 OPEN SPACE: 4.41 AC
 1 PROPOSED STRUCTURE
 4,032 SF

ZONING: R2R



SPIRIT COVE AT KANUGA

HENDERSONVILLE, NORTH CAROLINA



VICINITY MAP

S.R. 1196
 N/F: JOHN & BARBARA NEWCOMER
 PIN: 9546482983

DEED BK. 1409 @ PG. 688
 PLAT SLIDE: 4686
 (ZONING R-40)

NORTH CAROLINA
 STATE-PLANE COORDINATES: