

REQUEST FOR BOARD ACTION
HENDERSON COUNTY
ZONING BOARD OF ADJUSTMENT

MEETING: **ZBA 5-29-24**

SUBJECT: **Special Use Permit SUP-24-01 and Variance V-24-01 – Duke Energy Laydown Yard**

PRESENTER: **Matt Champion**

APPLICANT: **Duke Energy Carolinas, Inc.**

ATTACHMENTS:

1. **Staff Report & Oblique Photos**
2. **Variance Application**
3. **Special Use Permit Application**
4. **Major Site Plan Application**
5. **Major Site Plan**

SUMMARY OF REQUEST:

The Applicant requests both a special use permit and a variance involving the same parcel. These requests can be dealt with in a single hearing, if the Board so chooses. However, the Board should note that different evidence is required for each request, and that the North Carolina General Statutes require a higher majority of the Board to vote for a variance for it to be allowed. That said, staff does not at this point recommend separating the hearings of the two requests.

1. Special Use Permit for SR: 2.10 *Outdoor Storage* >5,000SQFT
2. Variance to allow *outdoor storage* in the *front yard*.

Applicable requirements:

42-62 Supplemental Requirements, 2. Accessory Uses, SR 2.10 *Outdoor Storage* of the Henderson County Land Development Code states:

- (1) Locational Requirements. Storage areas shall not be placed in a *front yard*.

SUGGESTED MOTION ONE – ONE OF THE FOLLOWING TWO:

1. I move to approve SUP-24-02 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.**

OR

2. I move to deny SUP-24-02 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.**

SUGGESTED MOTION TWO – ONE OF THE FOLLOWING TWO

1. I move that the Board of Adjustment approve variance application V-24-01 because it meets the requirements of the Land Development Code to grant a variance, and

- a. There are practical difficulties or unnecessary hardships in carrying out the strict letter of this Chapter, as demonstrated by:**
 - 1. The fact that, if the applicant complies with the literal terms of this Chapter, he/she cannot secure a reasonable return from, or make a reasonable use of, the property.**
 - 2. The hardship of which the applicant complains results from unique circumstances related to the applicant's land.**
 - 3. The hardship is not the result of the applicant's own action.**
- b. The Variance is in harmony with the general purpose and intent of this Chapter and will preserve its spirit.**
- c. The Variance will secure the public safety and welfare and will do substantial justice.**
- d. The Variance shall not be based on the existence of a nonconforming use of neighboring land or structures in the same district, or permitted nonconforming uses in other districts.**
- e. The Variance does not allow for an increase in density for the purposes of subdividing the land that would otherwise not be permitted by the applicable zoning district or subdivision regulations.**

OR

2. I move that the Board of Adjustment deny variance application V-24-01 because it does not meet the requirements of the Land Development Code to grant a variance.



Henderson County, North Carolina Code Enforcement Services

1. **Board Request**

- 1.1. **Applicant:** Duke Energy Carolinas, LLC
- 1.2. **Request:** Special Use Permit & Variance
- 1.3. **PIN:** 9690-86-8883
- 1.4. **Size:** 16.92 Acres
- 1.5. **Location:** 107 Laycock Rd, Hendersonville, NC 28792
- 1.6. **Supplemental Requirements:** SR 2.10
- 1.7. **Variance Requirements:** G. Quasi-Judicial Proceeding

SR 2.10. Outdoor Storage greater than 5,000 square feet

- (1) Locational Requirements. Storage areas shall not be placed in a front yard.
- (2) Screening. Screen Class Three (3) or Four (4) shall be provided consistent with the requirements of §42-181 (Screen Classification).

G. Quasi-Judicial Proceeding. The concurring vote of four-fifths (4/5) of the ZBA shall be necessary to grant a *Variance*. Any approval or denial of the request must be in writing and permanently filed with the office of the ZBA and with the Administrator as public record.

- (1) Standards of Review. The ZBA shall not grant a *Variance* the effect of which would be to: (1) allow the establishment of a *use* not otherwise permitted in a general *use district*, (2) extend physically a *nonconforming use* of land or (3) change the district boundaries shown on the Official Zoning Map. No *Variance* shall be granted or considered where the fact that the property could be used more profitably is the reason for the request for the *Variance*. The following written findings must be made in order for the ZBA to grant a *Variance*:
 - a. There are practical difficulties or unnecessary hardships in carrying out the strict letter of this Chapter, as demonstrated by:
 1. The fact that, if the *applicant* complies with the literal terms of this Chapter, he/she cannot secure a reasonable return from, or make a reasonable *use* of, the property.
 2. The hardship of which the *applicant* complains results from unique circumstances related to the *applicant's* land.
 3. The hardship is not the result of the *applicant's* own action.
 - b. The *Variance* is in harmony with the general purpose and intent of this Chapter and will preserve its spirit.
 - c. The *Variance* will secure the *public safety* and welfare and will do substantial justice.
 - d. The *Variance* shall not be based on the existence of a *nonconforming use* of neighboring land or *structures* in the same district, or permitted *nonconforming uses* in other districts, and shall in no way constitute a reason for the requested *Variance*.
 - e. The *Variance* shall not allow for an increase in density for the purposes of subdividing the land that would otherwise not be permitted by the applicable zoning district or *subdivision* regulations.

- (2) Conditions. The ZBA may, in granting a *Variance*, prescribe: (1) additional conditions; (2) additional safeguards; (3) a time limit within which the action for which a *Variance* is sought shall be begun; (4) a time limit within which the action for a *Variance* is sought shall be completed; and (5) a time duration within which construction, operation or installation shall commence on the project for which the *Variance* was obtained.

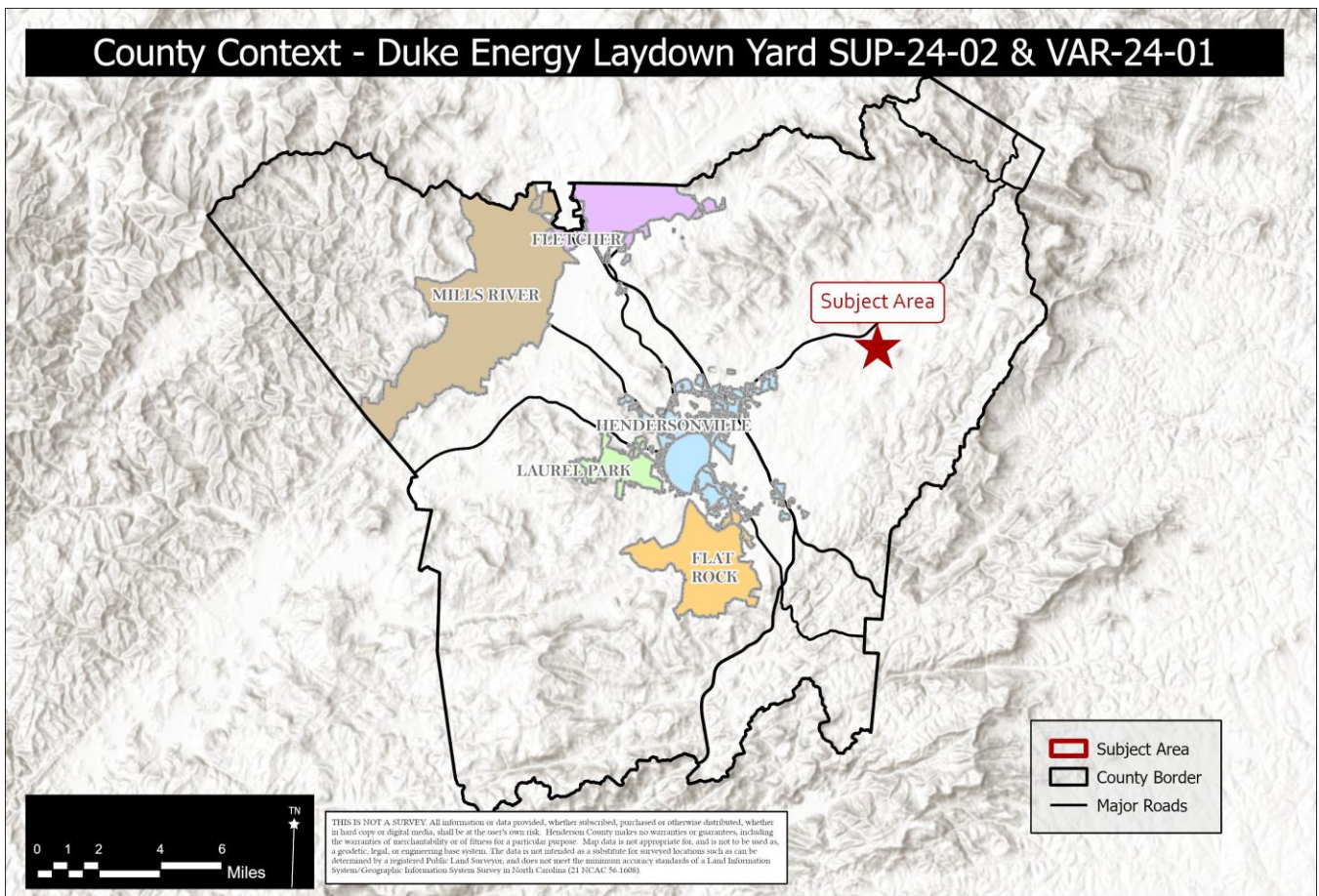
H. Variance Validity. Upon issuance of a *Variance*, the *applicant* shall have 12 months within which (unless otherwise specified by the ZBA) to commence construction, operation or installation. If construction, operation or installation is commenced within the specified time period the *Variance* shall continue in force as long as the *structure*, operations or installation remains.

- (1) Variance Revocation. If construction or operation is not commenced within 12 months (or other specified time period), the *Variance* shall no longer be valid.

Variance. A grant of relief from the requirements of this Chapter (excluding *variances* from *watershed* and *floodplain* development requirements).

Yard, Front. An open, unoccupied space on the same *lot* with a *principal structure*, extending the full width of the *lot* and situated between the *road* or property line and the front line of the *structure*, projected to the sidelines of the *lot*.

Map A: County Context Map



Property Owner: Duke Energy Carolinas, LLC Agent: Brian Blake, PE
Assessed Acreage: 16.92 Acres PIN: 9690-86-8883
Current Zoning: Residential Two Rural (R2R)



2. History & Characteristics:

2.1. **Current Property Owners:** Duke Energy Carolinas, LLC originally acquired the subject area through a General Warranty Deed on September 19, 2018.

2.2. **Natural Resources:**

2.2.1. **Streams:** The subject area does contain some surface water sources.

2.2.2. **Slopes:** The subject area only contains slopes between 0% to 16%.

Map B: Aerial Map



Property Owner: Duke Energy Carolinas, LLC Agent: Brian Blake, PE
Assessed Acreage: 16.92 Acres PIN: 9690-86-8883
Current Zoning: Residential Two Rural (R2R)

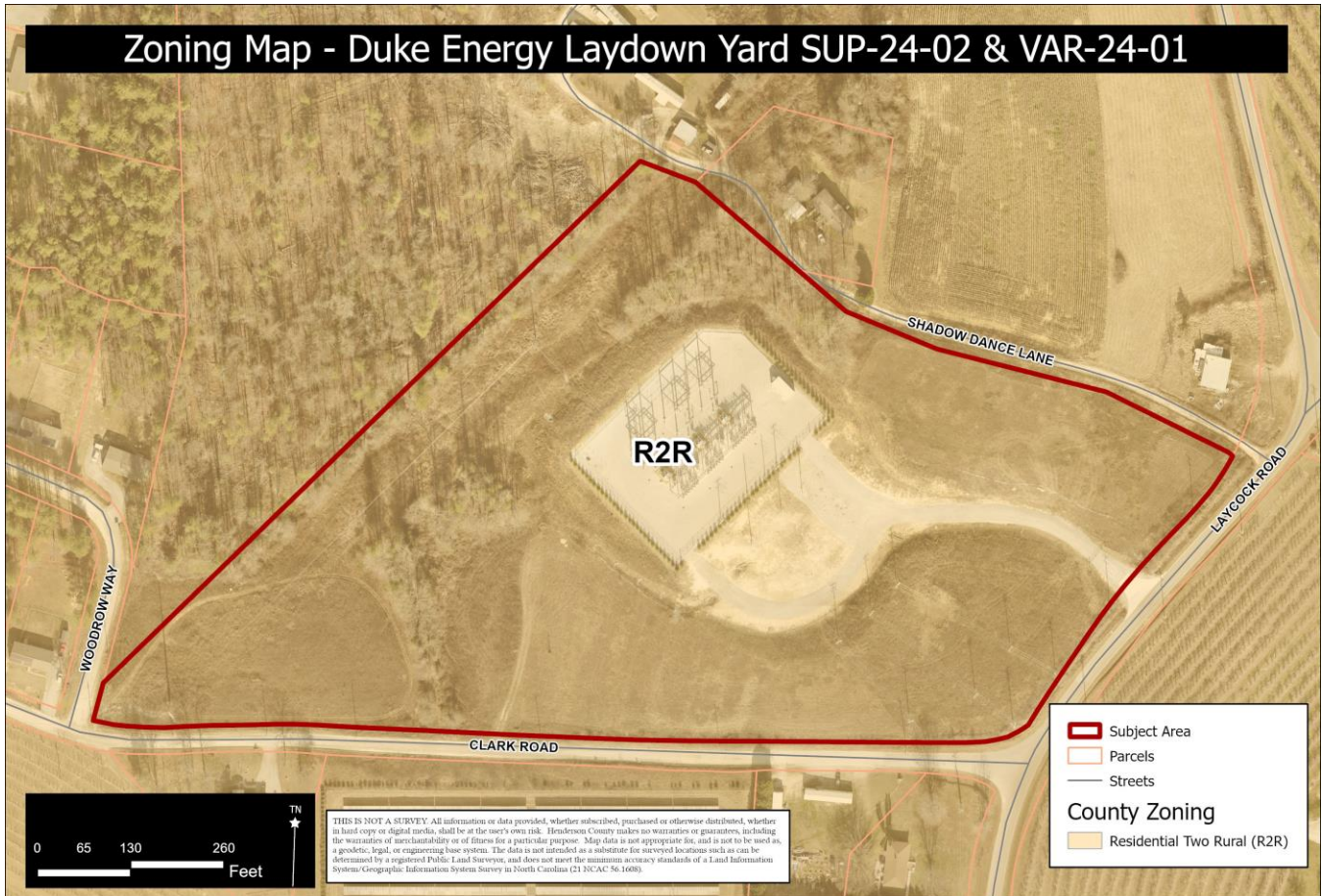


3. Current Conditions

3.1. **Current Use:** The subject area currently contains an existing utility substation that was approved by the Technical Review Committee on October 2, 2018. The utility station was constructed between 2020 and 2022 according to aerial photos. The rest of the subject area is vacant with minor improvements.

3.2. **Adjacent Area Uses:** The surrounding properties contain residential structures, agricultural land, vacant land, and a solar generation facility across Clark Rd.

Map C: Zoning Map



Property Owner: Duke Energy Carolinas, LLC Agent: Brian Blake, PE
Assessed Acreage: 16.92 Acres PIN: 9690-86-8883
Current Zoning: Residential Two Rural (R2R)

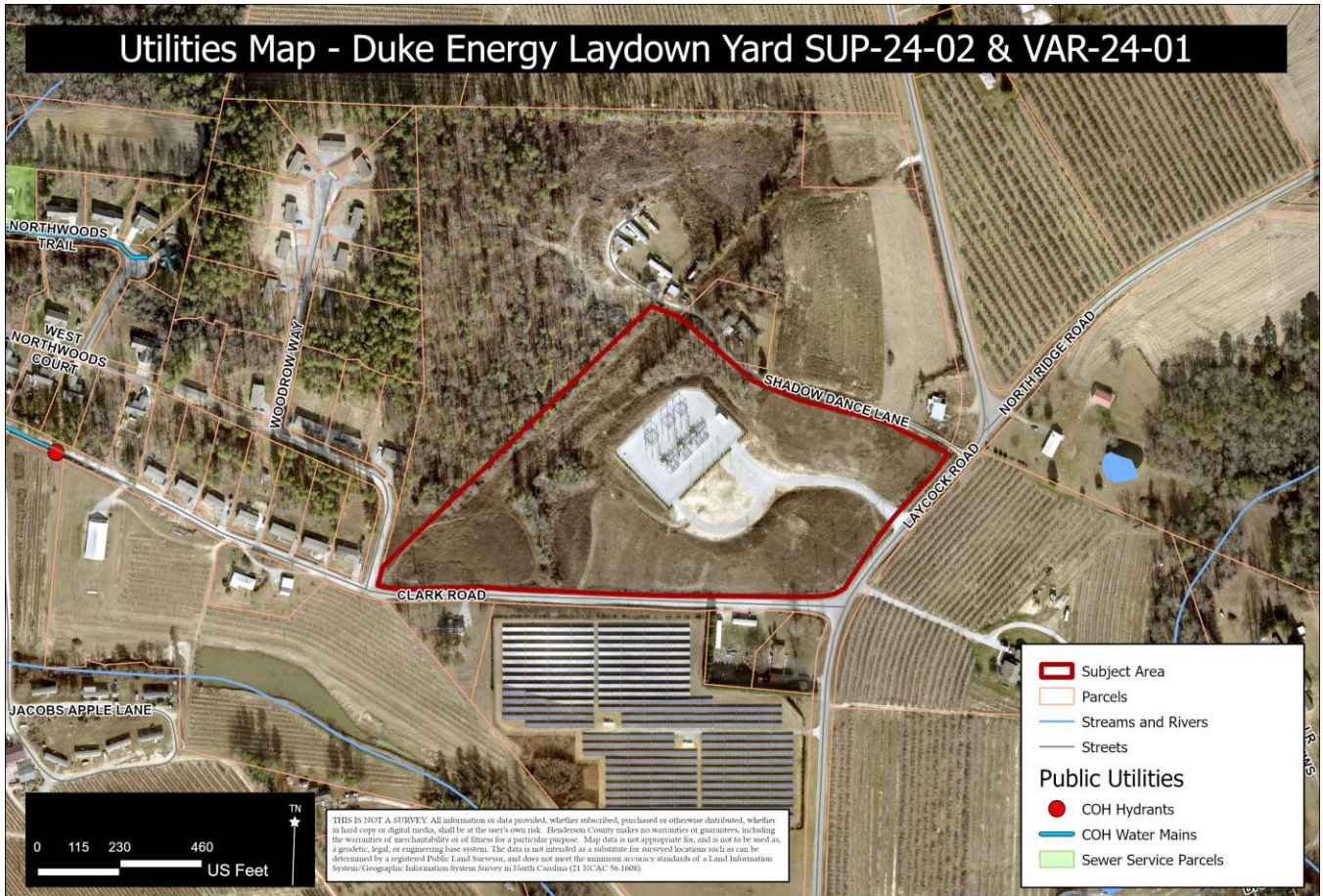


3. **Zoning** The subject area is located within the Residential Two Rural (R2R) zoning district.

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 outside areas designated as Utility Service Area (USA) in the *Comprehensive Plan*. (LDC §42-29)

3.2 **Adjacent Zoning:** Residential Two Rural (R2R) is found in all directions of the subject area.

Map D: Public Utilities Map



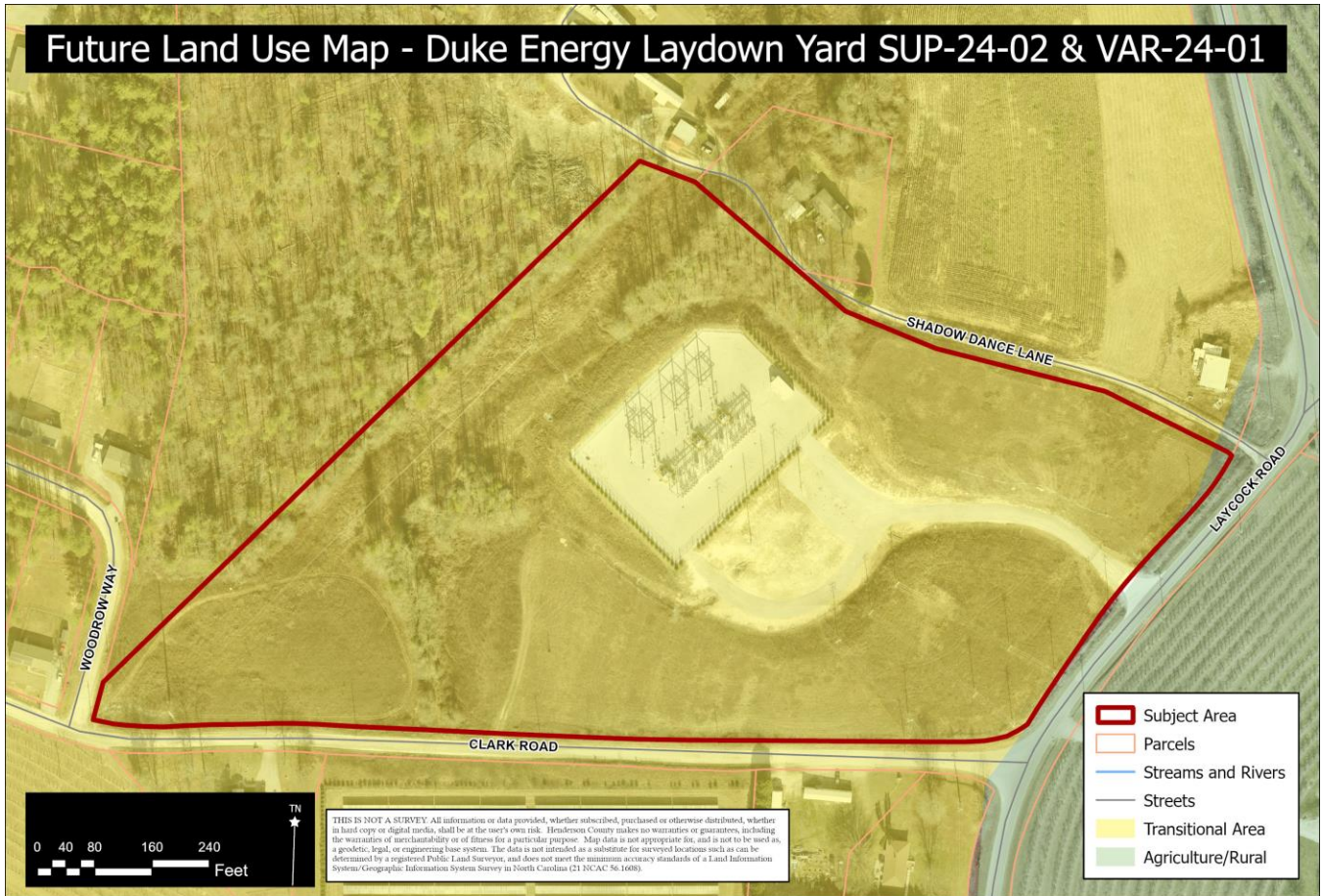
Property Owner: Duke Energy Carolinas, LLC Agent: Brian Blake, PE
Assessed Acreage: 16.92 Acres PIN: 9690-86-8883
Current Zoning: Residential Two Rural (R2R)



- 4. **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 is one known surface water found on the subject area according to the USGS.

- 5. **Water and Sewer** This property will not be served by public or private water or sewer.
Public Water: N/A
Public Sewer: N/A

Map E: 2045 Future Land Use Map



Property Owner: Duke Energy Carolinas, LLC Agent: Brian Blake, PE
 Assessed Acreage: 16.92 Acres PIN: 9690-86-8883
 Current Zoning: Residential Two Rural (R2R)



6. 2045 Comprehensive Plan Compatibility The 2045 Comprehensive Plan Future Land Use Map identifies the subject area as being in a Transitional Area character area (See Map E).

- a. **Transitional Area:** From Part 2 page 44, “Transitional Area encompasses residential areas of limited density. Conservation subdivisions should be encouraged in these areas to provide and protect open space.
 - i. **Where:** Outside the core of the Utility Service Area and working agricultural lands
 - ii. **Density:** The maximum allowable density range is two to four units per acre (gross density)
 - iii. **Uses:** Single family residential, potentially some appropriately sized multi-family as part of planned developments, agricultural uses

7. Proposal The applicant is proposing to develop two portions of the subject area as a laydown yard/graveled parking area for ongoing utility work throughout Henderson County. The proposed outdoor storage areas will total approximately 3.7 acres that will be enclosed with an 8’ tall security fence with landscaping. The outdoor storage areas will be covered by gravel and accessed through the existing utility substation driveway. The major site plan does show an additional driveway access off Clark Rd to the 2.2 acres outdoor storage area. Both access points leading to

the proposed outdoor storage area will be gated. The existing utility substation will remain unchanged.

8. Landscaping The applicant will be required to install a Screen Class Three (3) or Screen Class Four (4) around the proposed outdoor storage area.

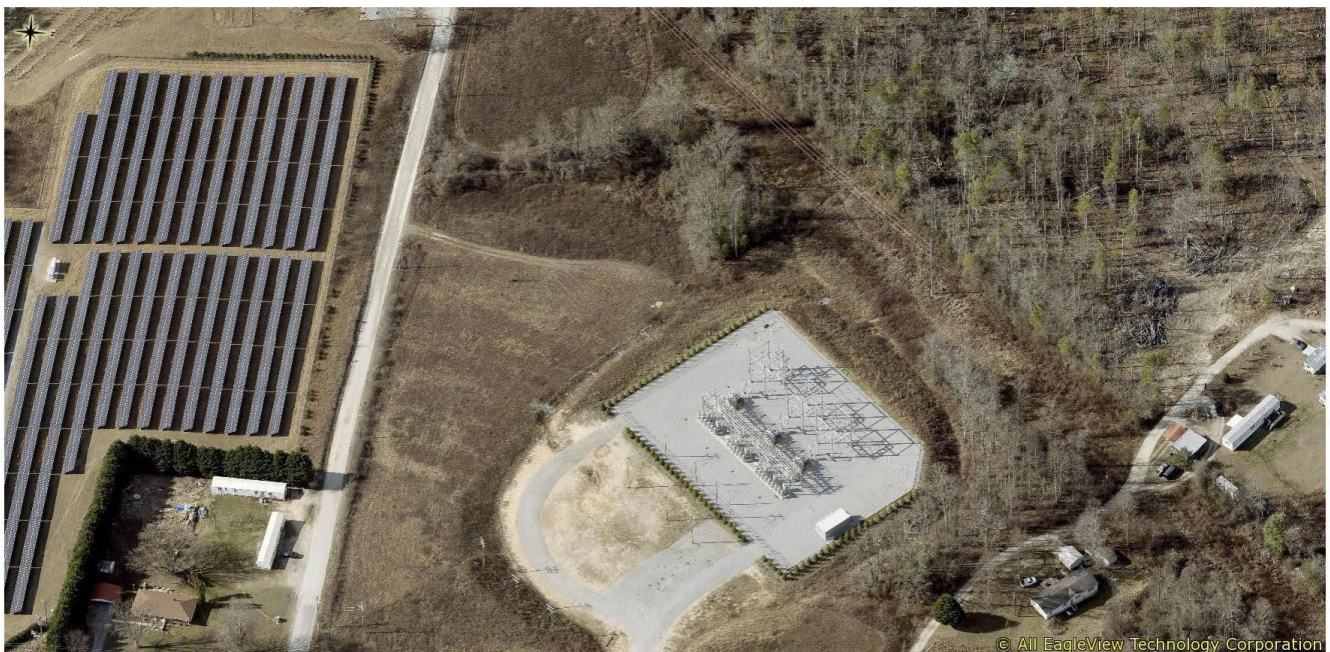
8.1. A Screen Class Three (3) consists of a fence or wall constructed with a minimum height of six (6) feet, that is at least 75 percent *opaque*, where all spaces are evenly distributed, and with the finished side of the fence facing the adjacent property or *road*. Fences longer than 20 linear feet shall be landscaped with: a row of *shrubs* spaced a maximum of ten (10) feet apart, or a row of *evergreen trees* planted no more than 15 feet apart.

8.2. A Screen Class Four (4) consists of a fence or wall constructed with a minimum height of eight (8) feet designed to facilitate the movement of maintenance and emergency response equipment to and from the proposed site. Gates should be secured at all times (unless for maintenance, inspection, or other unforeseen instances) following the completion of construction. Fencing may be in common with other *existing uses* on site. Fences longer than 20 linear feet shall be landscaped (excluding the gate area) with: a continuous hedge of *evergreen shrubs* planted in a five (5) foot strip spaced a maximum of eight (8) feet apart. The *Zoning Administrator* may require additional *screening* to minimize adverse impacts of ground level lighting (where installed).

9. Technical Review Committee The TRC reviewed the special use permit and variance application during their May 7, 2024, meeting. The TRC voted to forward the application to the ZBA with the following conditions: NCDOT driveway permit, NCDOT utility encroachment agreement, soil erosions sedimentation control permit, and a stormwater control permit.

10. Oblique Aerial Photos

View from East



View from North



View from South



View from West



01/05/2024

Application No. _____

**HENDERSON COUNTY
VARIANCE APPLICATION FORM**

GENERAL INFORMATION

Date of Application: 4/16/24
Previously Submitted (Circle One): Yes No
Date of Pre-Application Conference: 3/11/24
Site Plan Attached (Circle One): Yes No

PARCEL INFORMATION

Property Address 107 Laycock Road
PIN: 9690868883 Deed Book/Page: 3252/294 Acreage: 16.92
Zoning District: R2R Fire District: Edneyville Watershed: French Broad Floodplain: X
Driving Directions: From Hendersonville, travel east on US-64 for 7.3 miles. Turn right onto Laycock Road. The site will be on the right side after 0.8 miles.

REASON FOR VARIANCE Outdoor storage cannot be entirely located outside the "front yard"
FRONT SETBACK (feet/foot) 20 ft
SIDE SETBACK (feet/foot) 15 ft
REAR SETBACK (feet/foot) 10 ft

PROPERTY OWNER CONTACT INFORMATION:

Name: Duke Energy Carolinas, LLC Phone: (864) 209-9518
Address: 555 Brevard Rd City, State, and Zip: Asheville, NC 28806

Applicant:

Name: Darin Hill Phone: (828) 243-0645
Address: 557 Spartanburg Highway City, State, and Zip: Hendersonville, NC 28792

Agent:

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

Agent Form (Circle One): Yes No

Plan Preparer:

Name: S&ME - Brian Blake, PE Phone: (828) 687-9080
Address: 44 Buck Shoals Road, Suite C-3 City, State, and Zip: Arden, NC 28704

SITE PLAN REQUIREMENTS

Site plan of property showing existing structures, natural features (i.e. streams, ponds, etc.) proposed building or addition and indicating distance from such to the edge of right-of-way (centerline for variance request in the R-40, WR, or SW districts) and to the side and rear lot lines, as applicable. **It is required that the site be staked or flagged. The Zoning Administrator will take photos of the site and the staked or flagged area. Show placement of well & septic system and drain field if applicable and distances from structures.**

NOTE: 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.

STANDARDS FOR REVIEW

The Zoning Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach the following conclusions as a prerequisite to the issuance of a variance. State facts and argument in support of each of the following:

SECTIONS A & D MUST BE ANSWERED BY APPLICANT OR AGENT

A. There are practical difficulties or unnecessary hardships in carrying out the strict letter of this Chapter, as demonstrated by:

1. The fact that, if the applicant complies with the literal terms of this Chapter, he/she cannot secure a reasonable return from, or make a reasonable use of, the property. (It is not sufficient that failure to grant the variance simply make the property less valuable.)

Duke Energy wishes to store and stage materials to aid projects in the area at a property where there is an existing substation. The ordinance states that outdoor storage may not be placed in the front yard. Given the constraints of the site, the storage area must be located at least partly in the front of the property. The substation occupies approximately 3 of the 16 acres of the property but it cannot be used for non-utility uses given the existing substation.

2. The hardship of which the applicant complains results from unique circumstances related to the applicant's land. (Note: Hardships suffered by the applicant common with his neighbors do not justify a variance. Unique personal or family hardships are irrelevant since a variance, if granted, runs with the land.)

The subject property is fronted on three sides by road right-of-way and contains an existing electrical substation with multiple overhead electric wires. The rear portion of the property contains the stormwater and erosion control basin, steep grades, overhead power lines and established woods which make locating the storage entirely behind the substation unrealistic.

3. The hardship is not the result of the applicants own action.

The hardship is based primarily due to the fact that it has road frontage on three sides meaning a majority of the site could be considered "front yard" with the fourth side containing steeper grades, overhead electric lines, and wooded areas.

B. The variance is in harmony with the general purpose and intent of the Land Development Code and will preserve its spirit. (State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.)

Outdoor storage is permitted with special use approval and the construction will comply with all other regulations, utilizing class four evergreen landscape screening surrounding the entire storage area. Adjacent land use varies but includes low density residential, undeveloped property, agriculture, and a solar farm.

C. The variance will secure the public safety and welfare and will do substantial justice. (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.)

The storage area will aid in the construction and maintenance of utility projects in the surrounding areas. Operating the storage area at the subject property is the most efficient use of utility resources to improve and maintain existing and new electrical utilities in Henderson County.

SECTIONS A & D MUST BE ANSWERED BY APPLICANT OR AGENT

D. The variance shall not be based on the existence of a nonconforming use of neighboring land or structures in the same district, or permitted nonconforming uses in other districts, and shall in no way constitute a reason for the requested variance.

The need for a variance is not based on any nonconforming adjacent properties, it is based solely on the conditions of the subject property.

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

Darin Hill
Print Applicant (Owner or Agent)

[Signature]
Signature Applicant (Owner or Agent)

04/16/2024
Date

Fee: \$ _____ Paid: _____ Method: _____ Received by: _____ Permit#: _____

**HENDERSON COUNTY
CODE ENFORCEMENT SERVICES APPOINTMENT OF AGENT FORM (OPTIONAL)**

I _____ owner of property located on _____,
(Name) (Street Address)
recorded in _____ and having a parcel identification number of _____,
(Deed Book/Page) (PIN)

located in Henderson County, North Carolina, do hereby appoint _____,
(Agent's Name)
_____, to represent me in an application to the Code Enforcement Services
(Agent's phone number)

Department and authorize him/her to act as my agent in all matters, formal and informal except as stated herein, and authorize him/her to receive all official correspondence.

I however understand that as the listed property owner, I must sign all affidavits and statements required by any applicable ordinance.

(Property Owner)

(Date)

**HENDERSON COUNTY
SPECIAL USE PERMIT APPLICATION FORM**

GENERAL INFORMATION

Date of Application: 4/16/24

Previously Submitted (Circle One): Yes No

Date of Pre-Application Conference: 3/11/24

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: Outdoor storage SR #: _____

Existing Structures or Uses on property: Existing electric utility substation

Road System (Circle): Public Private

Water System (Circle): Individual Community Public (Municipal or County) *N/A

Sewer System (Circle): Individual Community Public (Municipal or County)*N/A

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: 9690868883 Deed Book/Page: 3252/294 Tract Size (Acres): 16.92

Zoning District: R2R Fire District: Edneyville Watershed: French Broad Floodplain: X

Location of property to be developed: The property is located immediately northwest of the intersection of Laycock Road and Clark Road at 107 Laycock. The location of existing and proposed features on the property are shown on the site plan.

CONTACT INFORMATION

Property Owner:

Name: Duke Energy Carolinas, LLC Phone: (864) 209-9518

Address: 555 Brevard Rd City, State, and Zip: Asheville, NC 28806

Applicant:

Name: Darin Hill Phone: (828) 243-0645

Application No. _____

Address: 557 Spartanburg Highway City, State, and Zip: Hendersonville, NC 28792

Agent:

Name: _____ Phone: _____

Address: _____ City, State, and Zip: _____

Agent Form (Circle One): Yes No

Plan Preparer:

Name: S&ME - Brian Blake, PE Phone: (828) 687-9080

Address: 44 Buck Shoals Road, Suite C-3 City, State, and Zip: Arden, NC 28704

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 gravel storage area is proposed on a property which already has a Duke Energy substation. The storage areas will be protected by 8' high security fencing with a locked gate when not in use and screened by landscaping on all sides. The storage area will hold non-hazardous materials and equipment needed for utility projects and maintenance for nearby areas.

- B. General Requirement #2. The use will not substantially injure the value of property or improvements in the area.
The existing use of the property is energy substation which will remain. The storage area will be screened by evergreen vegetation on all sides and will only be operated during regular business hours. The storage area will facilitate utility projects and improvements for nearby areas.

- C. General Requirement #3. The use will be in harmony with the surrounding area.
Surrounding property uses include single family residential (lots greater than 0.5 acres), agriculture, undeveloped woods, and a solar farm. The substation and storage areas will occupy less than 50% of the property and will preserve wooded areas that currently exist.

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.
In addition to Henderson County zoning, the following permits will be obtained prior to construction and operation: Henderson County stormwater, NCDOT Driveway encroachment, NC DEQ Erosion/Sediment Control. Duke Energy will maintain compliance during operation.
- 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 nay municipality of the County.
The property is designated as Transitional Area on the comprehensive plan future land use map and is outside of the urban growth boundary but within the utility service area. Expansion of electric utilities will be necessary to realize planned development in the area.

- 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 surface of the storage area will be gravel which will minimize dust. Noise from operations will not be expected every day and will be limited to regular business hours. Landscaping will obscure the sight of stored items and no odor or other impacts 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 uncompacted gravel will allow infiltration of stormwater and avoid any increase in runoff condition offsite. No waters of the state or sensitive resources will be impacted by the project.

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 existing property entrance from Laycock Road will be maintained and a second access will be built from Clark Road. NC DOT approval is pending. The location of the ingress and egress are shown on the site plan.

- b. Off-street parking and loading areas.

There will be no loading areas nor specifically designated parking. Workers will park either in the existing gravel area or within the proposed storage area while working on site. Items to be stored on site may include vehicles from time to time.

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

The current use of the property is electrical distribution. The proposed storage area will operate without the need for additional utilities.

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

The storage area will be fenced in with an 8' security fence. The fencing will be screened by a class 4 landscape buffer which will have evergreens planted at 8' spacing around the entire storage area. Portions of the west side have an existing tree line to provide screening.

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

No structures are proposed in this application. There is an existing energy substation on the property.

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

DARIN HILL

Print Applicant (Owner or Agent)

Darin Hill

Signature Applicant (Owner or Agent)

04/16/2024
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: _____

**HENDERSON COUNTY
MAJOR SITE PLAN REVIEW APPLICATION**

CONTACT INFORMATION

Property Owner:

Name: Duke Energy Carolinas, LLC Phone: (864) 209-9518

Complete Address: 957 Spartanburg Hwy Hendersonville, NC 28792

Applicant:

Name: Darin Hill Phone: (828) 243-0645

Complete Address: 557 Spartanburg Highway Hendersonville, NC 28792

Agent:

Name: _____ Phone: _____

Complete Address: _____

Agent Form (Circle One): Yes No

Plan Preparer:

Name: S&ME - Brian Blake, PE Phone: (828) 687-9080

Complete Address: 44 Buck Shoals Road, Suite C-3 Arden, NC 28704

GENERAL INFORMATION

Date of Application: 4/16/24

Site Plan Attached (Circle One): Yes No

PARCEL INFORMATION

PIN: 9690868883

Tract Size (Acres): 16.92

Zoning District: R2R

Fire District: Edneyville

Supplemental Requirement# _____

Watershed: French Broad

Permitted by Right _____

Floodplain: X

Special Use Permit _____

Location / Property to be developed: _____

The property is located immediately northwest of the intersection of Laycock Road and Clark Road at 107 Laycock Rd. The location of existing and proposed features are shown on the site plan.

County Use Only

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

APPLICATION IDENTIFICATION		N.C. DEPARTMENT OF TRANSPORTATION STREET AND DRIVEWAY ACCESS PERMIT APPLICATION
Driveway D141-045-24- Permit No. 00010	Date of Application 03/20/2024	
County: Henderson		
Development Name: Duke Energy Storage Area		

LOCATION OF PROPERTY:

Route/Road: SR 1724 Laycock Road and SR 1725 Clark Rd

Exact Distance 690 Miles N S E W
 Feet

From the Intersection of Route No. 1724 and Route No. 1725 Toward West of intersection

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

Property: is is not within R2R County 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.**

EROSION & SEDIMENT CONTROL PLAN

LAYCOCK ROAD PARKING/LAYDOWN AREA

HENDERSONVILLE, HENDERSON COUNTY, NORTH CAROLINA

PROJECT NUMBER 23600232



VICINITY MAP
1" = 2,000'

DRAWING LIST

DRAWING NO.	DRAWING TITLE
1.	COVER
2.	EXISTING CONDITIONS
3.	ZONING SITE PLAN
4.	NC DOT SITE PLAN
5.	E&SC PLAN
6.	E&SC NOTES
7.	E&SC DETAILS
8.	E&SC DETAILS
9.	E&SC DETAILS
10.	SITE DETAILS

PREPARED FOR



DUKE ENERGY CAROLINAS, LLC
957 SPARTANBURG HIGHWAY
HENDERSONVILLE, NORTH CAROLINA 28792

CIVIL ENGINEER

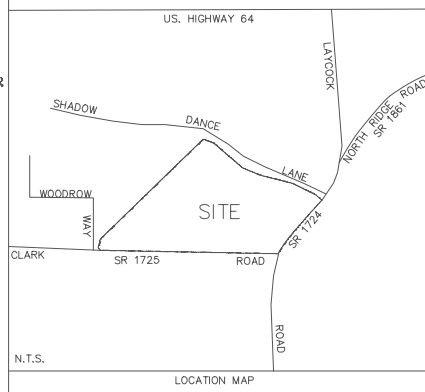


44 BUCK SHOALS ROAD,
UNIT C-3
ARDEN, NC 28704
(828) 687-9080

I, DENNIS CLINKSCALES, CERTIFY THAT THIS PROJECT WAS COMPLETED UNDER MY DIRECT AND RESPONSIBLE CHARGE FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, THAT THIS GROUND SURVEY WAS PERFORMED AT THE 95 PERCENT LEVEL (2 SIGMA) TO MEET FEDERAL GEOGRAPHIC DATA COMMITTEE STANDARDS; THAT THE HORIZONTAL ACCURACY IS 1:15000 AND THAT THE VERTICAL ACCURACY IS HALF OF A FOOT AND THAT THE ORIGINAL DATA WAS OBTAINED ON JULY 14, 2023; THAT THE SURVEY WAS COMPLETED ON JULY 14, 2023; THAT CONTOURS SHOWN AS [BROKEN LINES] MAY NOT MEET THE STATED STANDARDS; AND ALL ELEVATIONS ARE BASED ON AN NAVD 1988 DATUM ELEVATION.
I HEREBY CERTIFY THAT THIS PLAT IS OF FOLLOWING TYPE:
G.S. 47-30 (f) (11) (c) (1). That the survey is an existing parcel or parcels of land and does not create a new street or change an existing street.

PROPERTY CONTAINS 18.00 ACRES MORE OR LESS

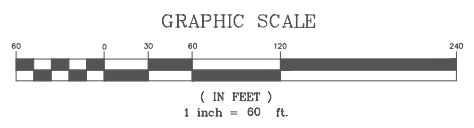
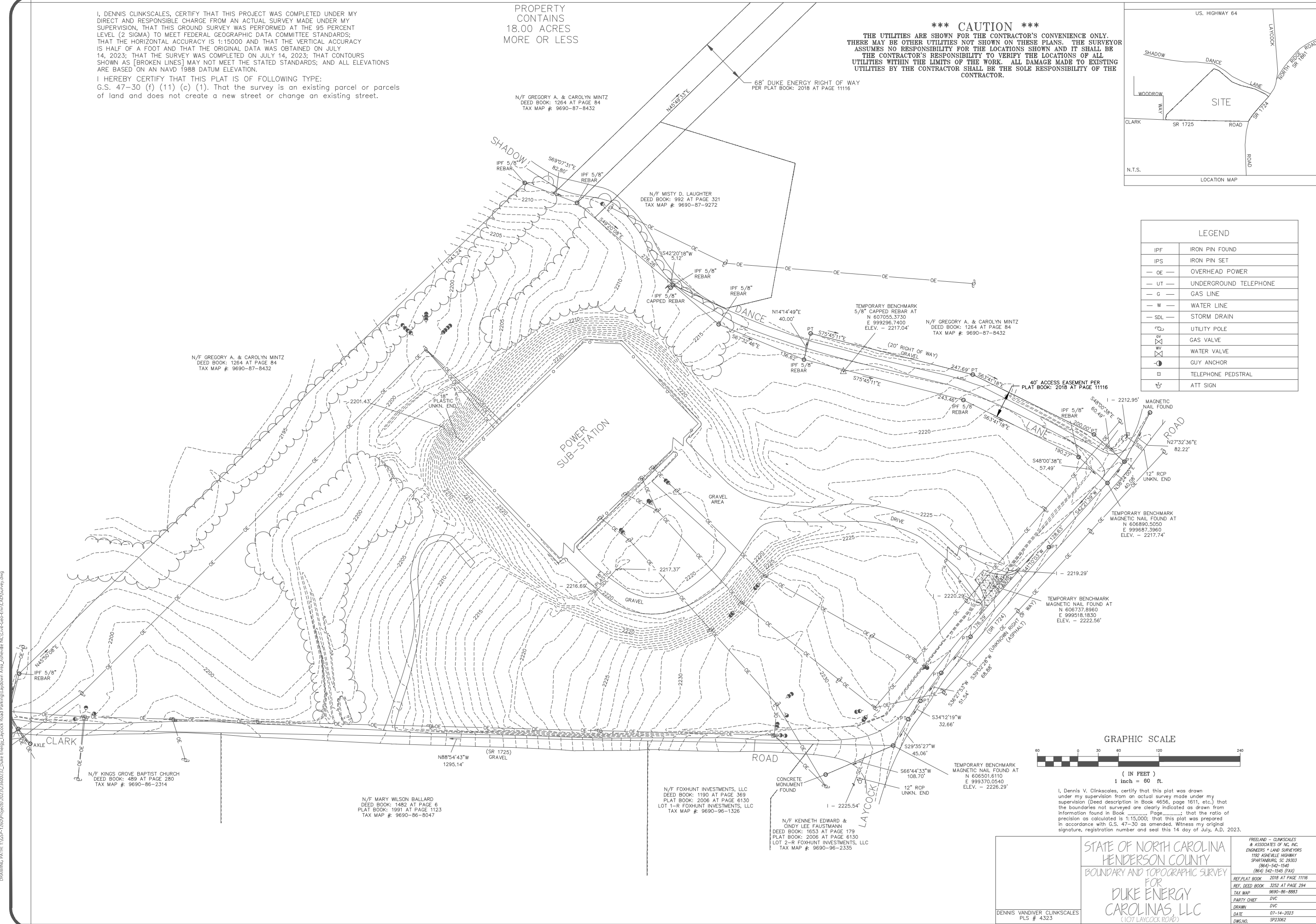
***** CAUTION *****
THE UTILITIES ARE SHOWN FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATIONS OF ALL UTILITIES WITHIN THE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



44 BUCK SHOALS ROAD, UNIT C-3 ARDEN, NC 28704 (828) 687-9080



LEGEND	
IPF	IRON PIN FOUND
IPS	IRON PIN SET
— OE —	OVERHEAD POWER
— UT —	UNDERGROUND TELEPHONE
— G —	GAS LINE
— W —	WATER LINE
— SDL —	STORM DRAIN
⊕	UTILITY POLE
⊕	GAS VALVE
⊕	WATER VALVE
⊕	GUY ANCHOR
⊕	TELEPHONE PEDSTRAL
⊕	ATT SIGN



I, Dennis V. Clinkscales, certify that this plat was drawn under my supervision from an actual survey made under my supervision (Deed description in Book 4856, page 1611, etc.) that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____ Page _____; that the ratio of precision as calculated is 1:15,000; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this 14 day of July, A.D. 2023.

STATE OF NORTH CAROLINA
HENDERSON COUNTY
BOUNDARY AND TOPOGRAPHIC SURVEY
FOR
DUKE ENERGY CAROLINAS, LLC
(1107 LAYCOCK ROAD)

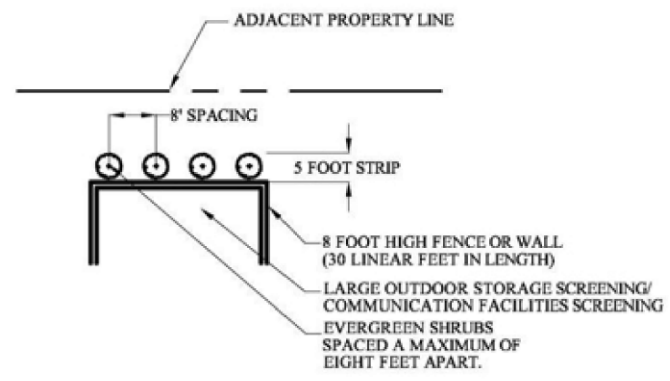
DENNIS VANDIVER CLINKSCALES
PLS # 4323

PREL. PLAT BOOK	2018 AT PAGE 11116
REF. DEED BOOK	3252 AT PAGE 294
TAX MAP #	9690-86-8883
PARTY CHIEF	DVC
DRAWN	DVC
DATE	07-14-2023
DWG. NO.	SP23062

NO.	DATE	DESCRIPTION	BY	CHK	HP	APY
1	07/18/2023	SUBMIT FOR CLIENT REVIEW				

EXISTING CONDITIONS	LAYCOCK ROAD PARKING/LAYDOWN AREA
	DUKE ENERGY CAROLINAS, LLC
	HENDERSONVILLE, HENDERSON COUNTY, NORTH CAROLINA
PROJECT NUMBER	23600232
DRAWING NUMBER	2
	11

DRAWING PATH: T:\GSP\126160\Projects\2023\23600232_Duke Energy_Laydown_Road Parking\Layout\Area_Ashville_NC\Cad\Site\GCP\CAD\Survey.dwg

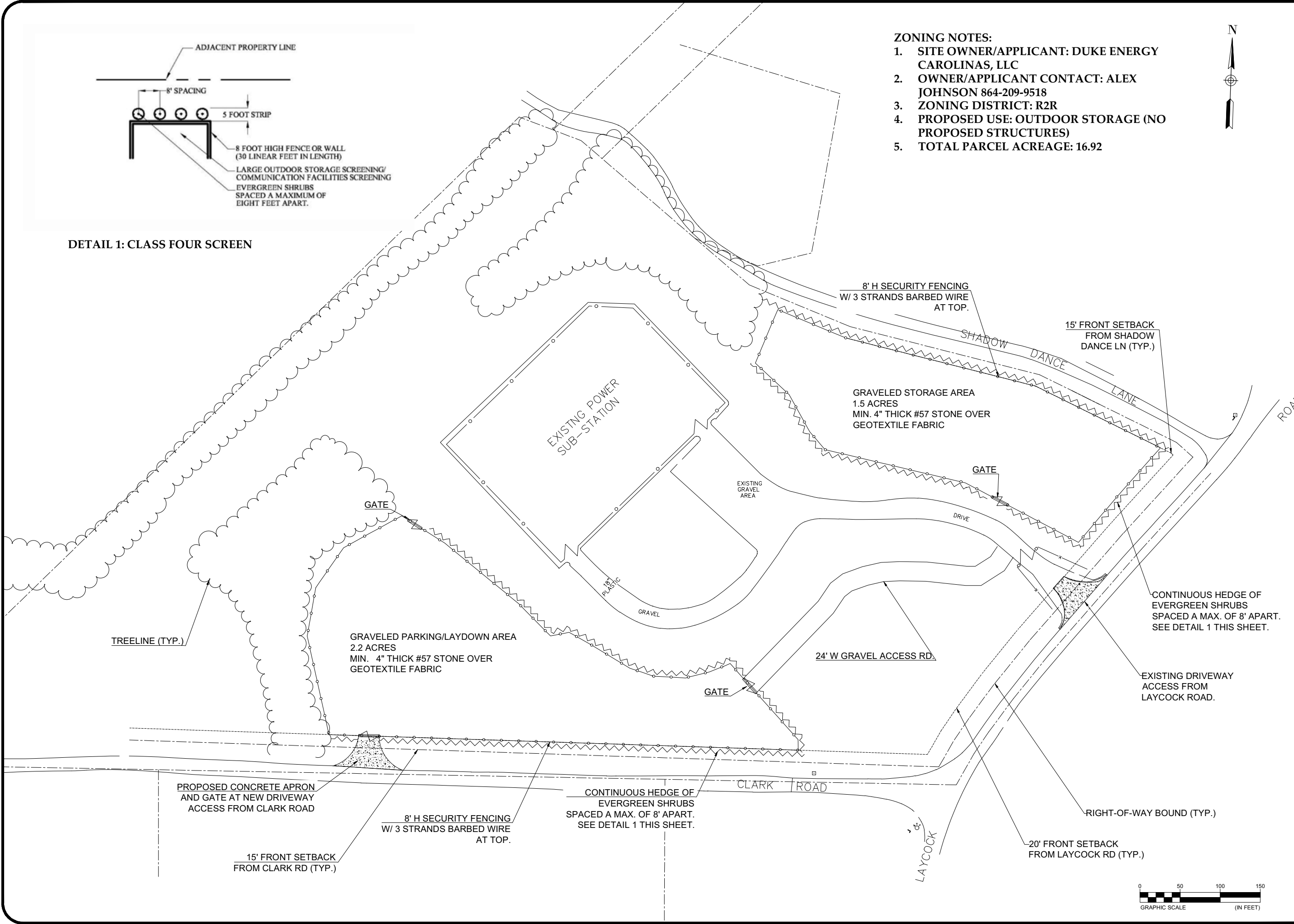
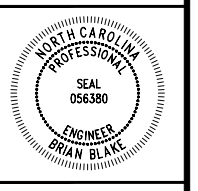


DETAIL 1: CLASS FOUR SCREEN

- ZONING NOTES:**
1. SITE OWNER/APPLICANT: DUKE ENERGY CAROLINAS, LLC
 2. OWNER/APPLICANT CONTACT: ALEX JOHNSON 864-209-9518
 3. ZONING DISTRICT: R2R
 4. PROPOSED USE: OUTDOOR STORAGE (NO PROPOSED STRUCTURES)
 5. TOTAL PARCEL ACREAGE: 16.92

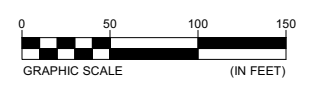


44 BUCK SHOALS ROAD,
UNIT C-3
ARDEN, NC 28704
(828) 687-9080
ENGINEERING FIRM
LICENSE NUMBER: F-0176



NO.	DATE	DESCRIPTION	BY	CHK	APP

ZONING SITE PLAN	
DUKE ENERGY LAYCOCK ROAD PARKING/LAYDOWN AREA HENDERSONVILLE, NORTH CAROLINA	
PROJECT NUMBER	23600232
DRAWING NUMBER	3
10	



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ES&C

44 BUCK SHOALS ROAD,
UNIT C3
ARDEN, NC 28704
(828) 687-9080
ENGINEERING FIRM
LICENSE NUMBER: F-0176



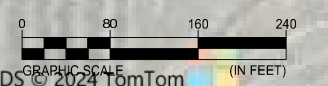
NO.	DATE	DESCRIPTION	BY	CHK	APP

NC DOT SITE PLAN

DUKE ENERGY
LAYCOCK ROAD PARKING/LAYDOWN AREA
HENDERSONVILLE, NORTH CAROLINA

PROJECT NUMBER
23600232

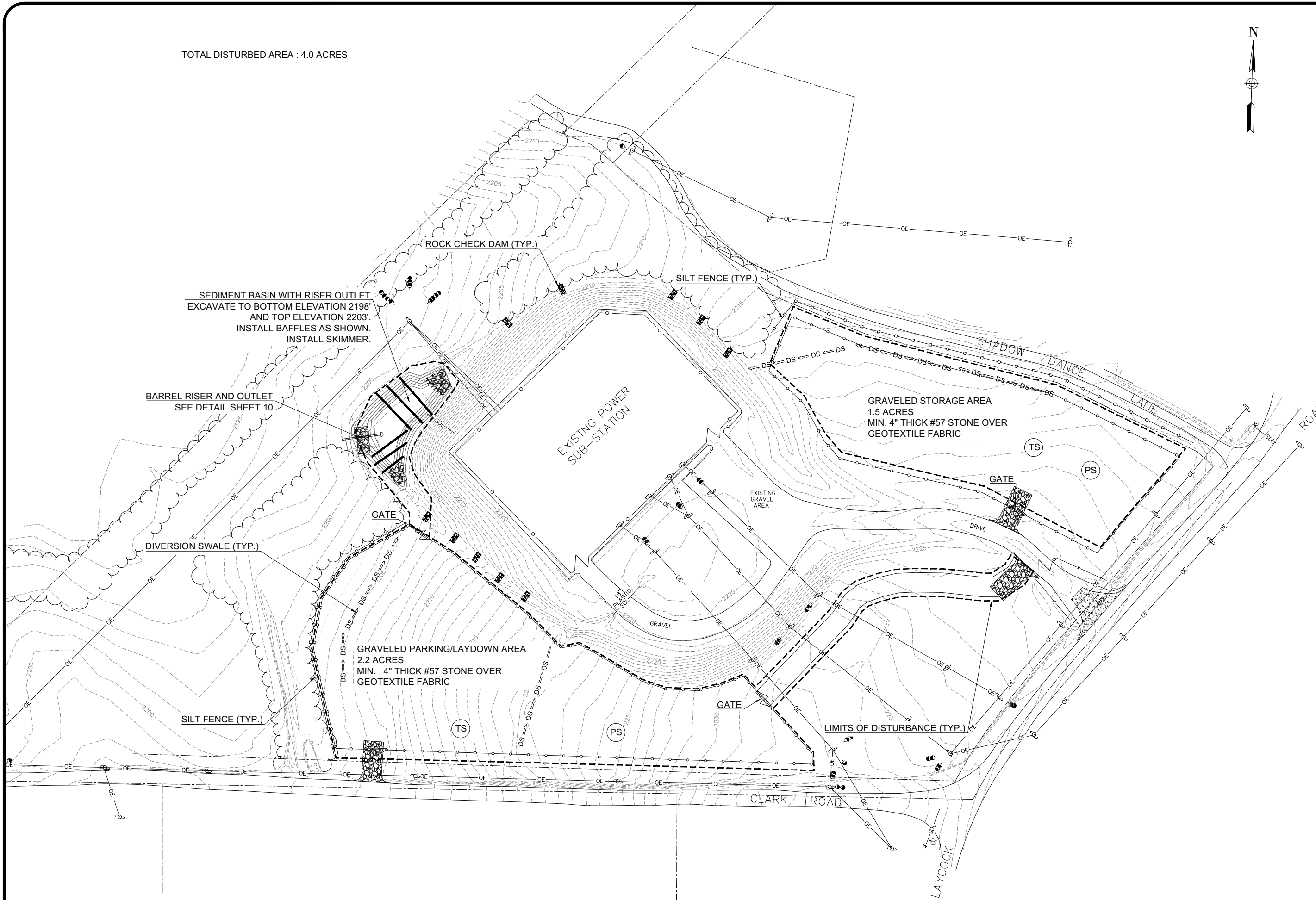
DRAWING NUMBER
4 10



TOTAL DISTURBED AREA : 4.0 ACRES



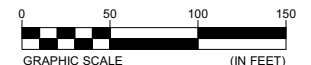
44 BUCK SHOALS ROAD,
UNIT C-3
ARDEN, NC 28704
(828) 687-9080
ENGINEERING FIRM
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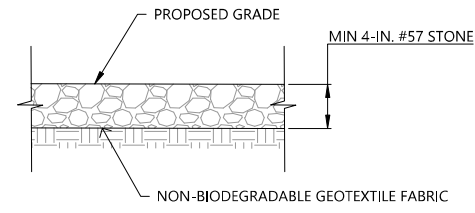
NO.	DATE	DESCRIPTION	BY	CHK	APP

EROSION & SEDIMENT CONTROL PLAN	
DUKE ENERGY LAYCOCK ROAD PARKING/LAYDOWN AREA HENDERSONVILLE, NORTH CAROLINA	
PROJECT NUMBER 23600232	DRAWING NUMBER 10
5	10

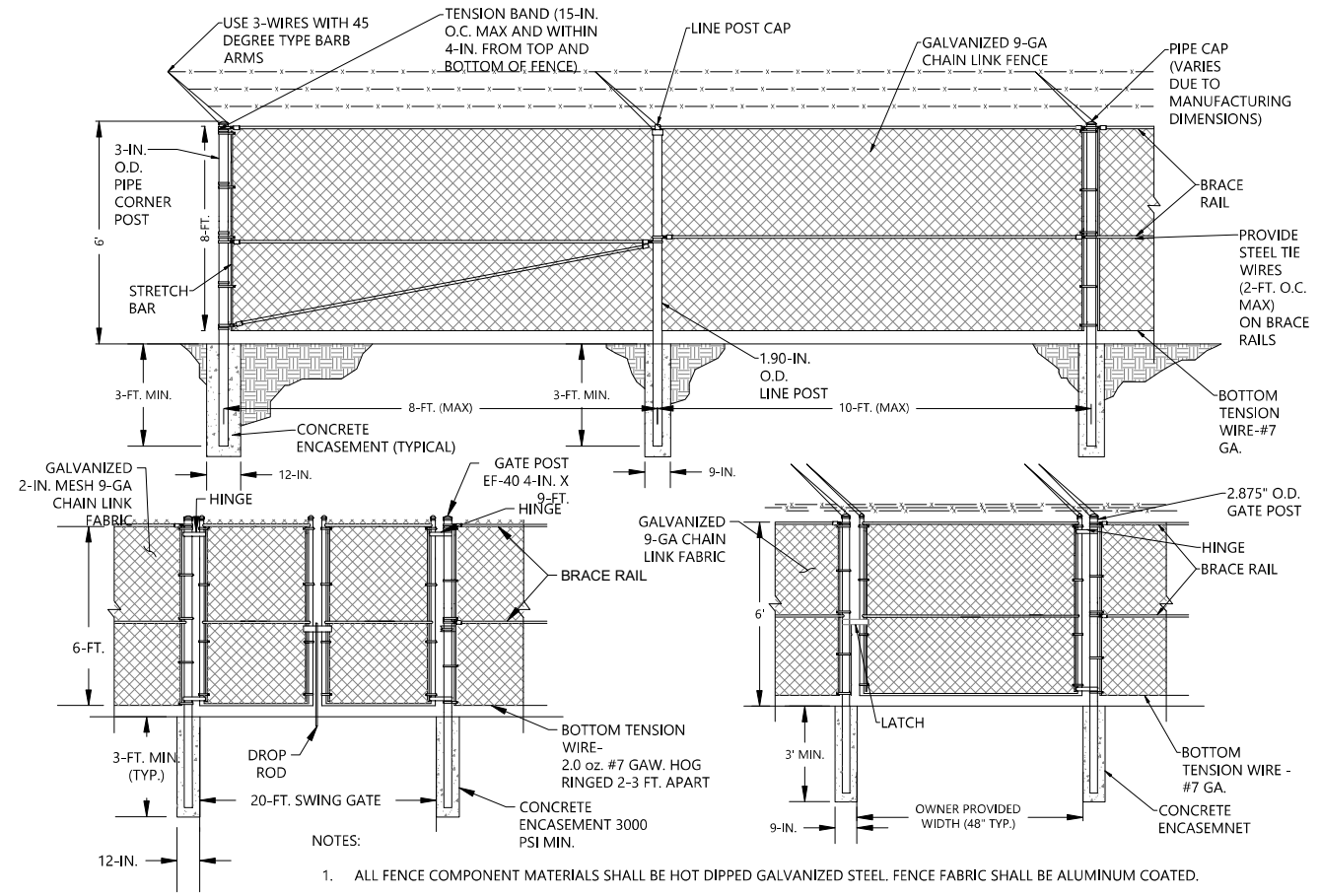




44 BUCK SHOALS ROAD,
UNIT C3
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(828) 687-9080
ENGINEERING FIRM
LICENSE NUMBER: F-0176



GRAVEL PARKING AREA SECTION
N.T.S.



NOTES:
1. ALL FENCE COMPONENT MATERIALS SHALL BE HOT DIPPED GALVANIZED STEEL. FENCE FABRIC SHALL BE ALUMINUM COATED.

SECURITY FENCING
N.T.S.

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NO.	DATE	DESCRIPTION	BY	CHK	APP

SITE DETAILS	DUKE ENERGY
	LAYCOCK ROAD PARKING/LAYDOWN AREA
	HENDERSONVILLE, NORTH CAROLINA

PROJECT NUMBER	23600232
DRAWING NUMBER	