

REQUEST FOR BOARD ACTION
HENDERSON COUNTY
Technical Review Committee

MEETING DATE: February 20th TRC & February 28th ZBA

SUBJECT: Special Use Permit for a Recreational Vehicle Park/Variance to eliminate requirement 8 of SR 4.15

PRESENTER: Toby Linville, Code Enforcement Services Director

ATTACHMENTS:

1. Staff Report
2. Photographs
3. Site Plan

SUMMARY OF REQUEST:

Major site plan review and special use permit for a RV park

Suggested Motion:

I move to recommend approval of SUP-18-01 because:

- 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 that the ZBA recommend approval of a variance for this use because:

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.



**Henderson County, North Carolina
Code Enforcement Services**

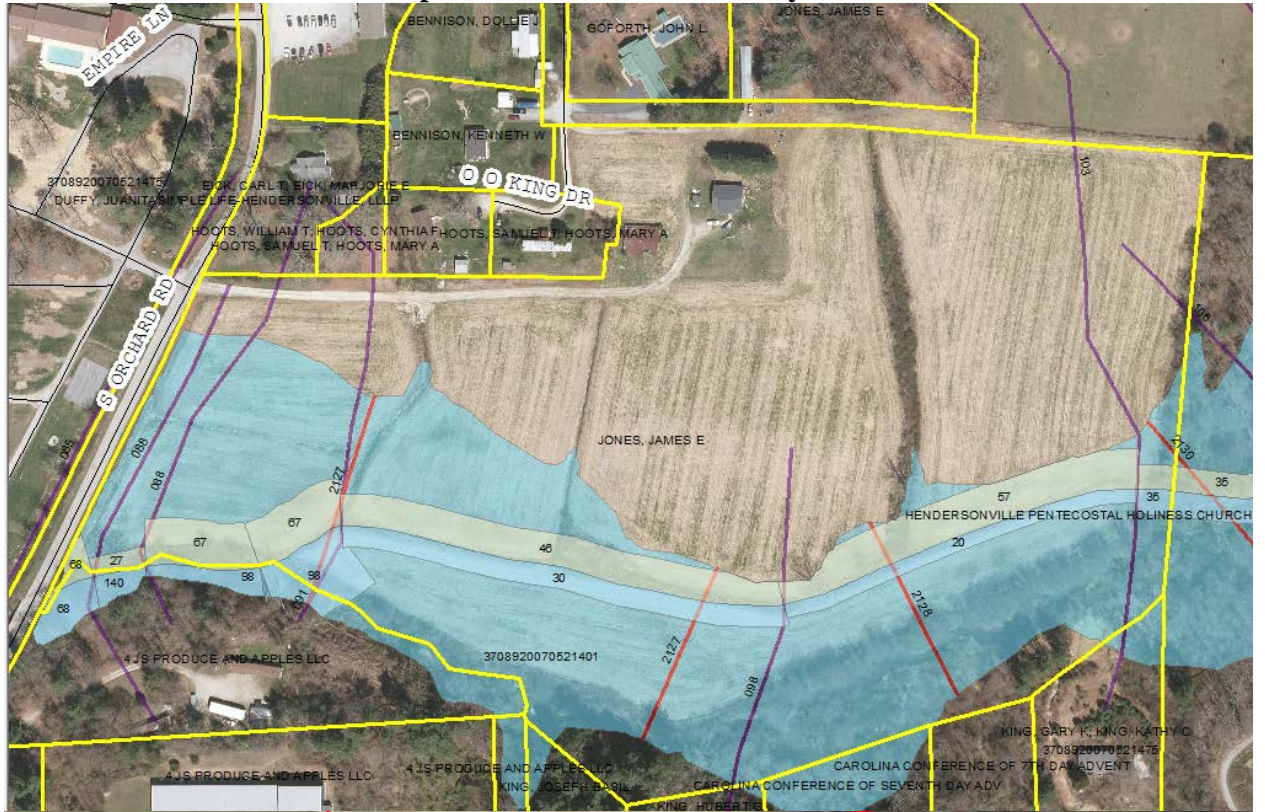
1. Board Request

- 1.1. **Applicant:** Simple Life-Hendersonville, LLLP
- 1.2. **Request:** Recreational Vehicle Park
- 1.3. **PIN:** 9588811468
- 1.4. **Size:** 25.91 acres +/-
- 1.5. **Location:** The subject area is located of S Orchard Rd east of the existing Village of Wildflowers.
- 1.6. **Supplemental Requirements:**

SR 4.15. Recreational Vehicle Park

- (1) Site Plan. Major *Site Plan* required in accordance with §42-331 (Major Site Plan Review).
- (2) Lighting. *Lighting mitigation* required.
- (3) Perimeter Setback. Fifty (50) feet.
- (4) Recreational Vehicle Spaces. *Recreational vehicle* spaces shall be a minimum of 2,000 square feet and shall have dimensions no less than 40 feet by 50 feet. A *recreational vehicle* space may contain up to four (4) campsites for tent set-up. No *recreational vehicle* space is permitted in the 100-year *floodplain*.
- (5) Common Area. A *common area* shall be provided, that is equivalent in square footage to 25 percent the total square footage in: *recreational vehicle/park model home* spaces, *structures* on site, parking areas and *driveways*. *Common area* shall be accessible for the use and enjoyment of *recreational vehicle park* occupants, located as to be free of traffic hazards and maintained in good condition by the *applicant*.
- (6) Operations. The *recreational vehicle park*:
 - a. Shall provide rental spaces:
 1. For the location of *recreational vehicles, park model homes* and/or tent set-up,
 2. Which may contain an open or covered porch not exceeding 15 feet in height and not to exceed 400 square feet in area, and
 3. Which have no point of direct access not indicated on the *site plan*;
 - b. May contain *structures* ancillary to the use;
 - c. Shall be permitted one (1) store, exclusively for the sale of incidental gifts and foodstuffs; and
 - d. Shall provide, at the time of application, an evacuation plan for a natural disaster event.
- (7) 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).
- (8) Sewage System. *Recreational vehicle/park model home* spaces shall not be provided individual hookups to a septic tank, *approved public or community sewage disposal system* or *municipal sewage disposal system*; instead, a central dump station shall be provided for the *use* of all occupants. A *recreational vehicle park* shall connect to a *municipal sewage disposal system* when the system is located within a distance equal to the product of 50 feet multiplied by the number of spaces proposed for the *recreational vehicle park*. If a *park* is located more than 2,500 feet from an existing *municipal sewage disposal system*, such connection shall not be required.
- (9) *Common Area Recreation and Service Facilities*. Those facilities within the *recreational vehicle park* shall be for the sole purpose of serving the overnight guests in the *park*, and shall adhere to the development standards established in SR 4.6 (*Common Area Recreation and Service Facilities*).

Map A: Aerial Photo/Pictometry



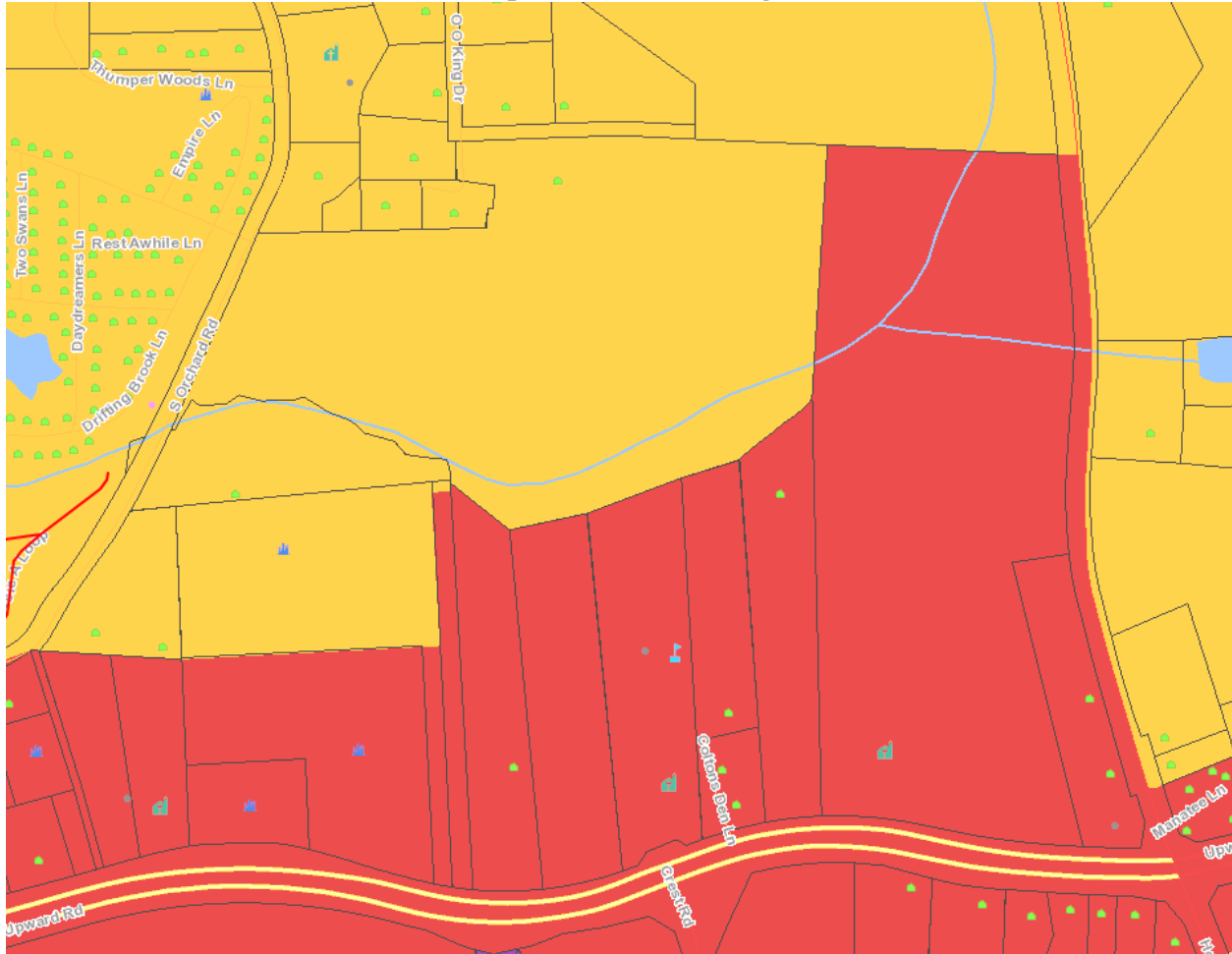
2. Current Conditions

2.1 Current Use: This parcel is currently residential and agricultural.

2.2 Adjacent Area Uses: The surrounding properties consist of residential and agricultural uses.

2.3 Zoning: The surrounding property is zoned Residential One (R1) north and Local Commercial (LC) south.

Map B: Current Zoning



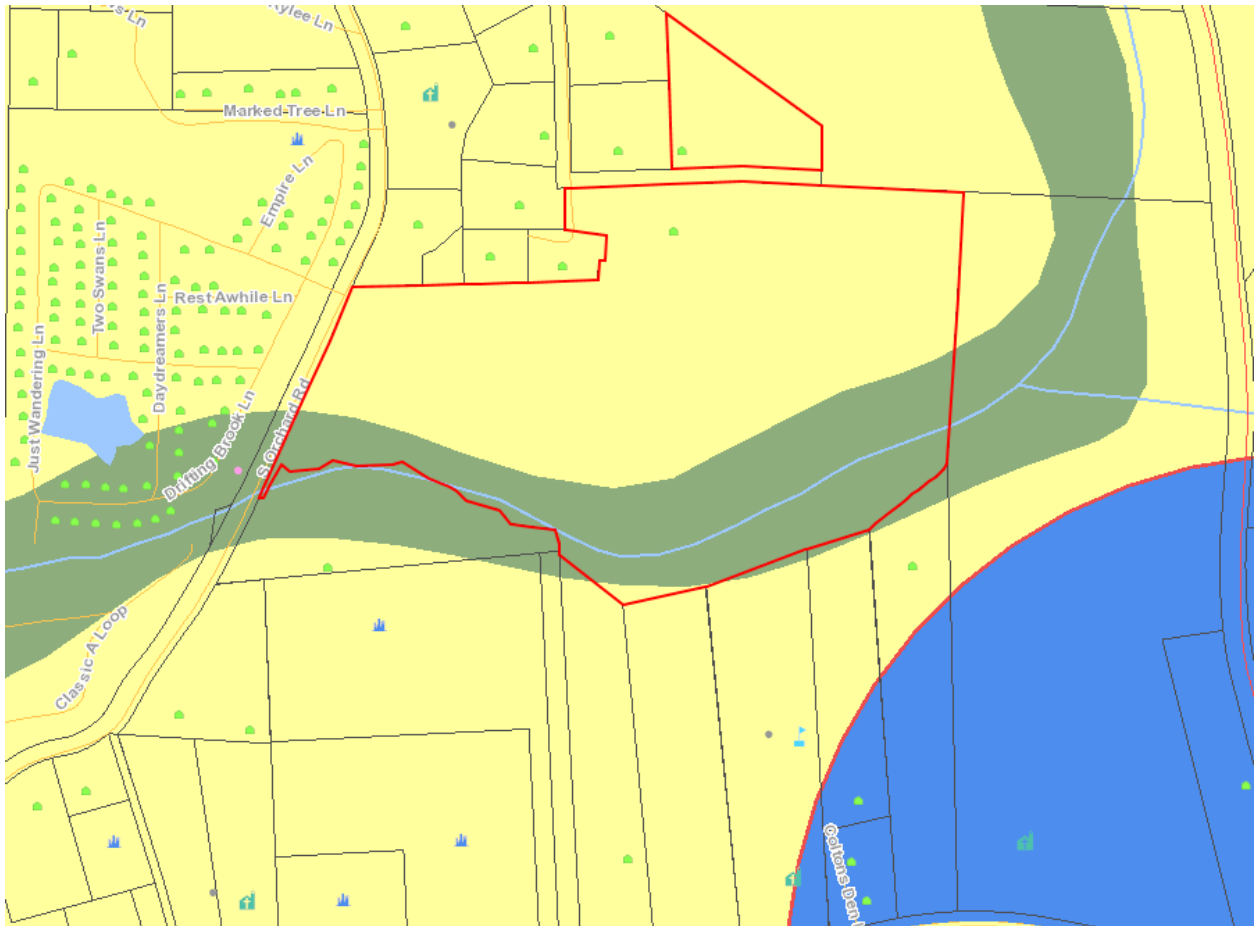
3. Floodplain /Watershed Protection The property is located in a Special Flood Hazard Area. The property is not in a Water Supply Watershed district.

4. Water and Sewer Public water and sewer serve this property.

Public Water: City of Hendersonville

Public Sewer: City of Hendersonville

Map C: CCP Future Land Use Map



5. Staff Comments

The 2020 CCP: The CCP Future Land Use Map places the Subject Area in the Urban Service Area. The text and map of the 2020 CCP suggest that the Subject Area would be more suitable for the following:

The following is a description of the patterns of development envisioned within the USA.

1. The Urban Services Area is that area within which most urban services and urbanscale development is currently concentrated, and within which such development should generally be concentrated through the year 2020.
2. Growth and development will be proactively managed through extensive planning. Much of the USA falls within municipal planning jurisdictions and will be managed by those jurisdictions. Land use planning for areas falling within the County's jurisdiction should be comparable and compatible in its approach and intensity with planning conducted within the various municipal jurisdictions.

6. Staff Recommendations

Staff's position at this time, under the guidelines of current plans, policies and studies, is to recommend approval of the major site plan because it is consistent with the current surrounding land uses and future land use recommendations.

7. Photographs

SUP-18-01-Simple Life, The Hamlet



SUP-18-01-Simple Life, The Hamlet



SUP-18-01-Simple Life, The Hamlet



SUP-18-01-Simple Life, The Hamlet



**HENDERSON COUNTY
SPECIAL USE PERMIT APPLICATION FORM**

GENERAL INFORMATIONDate of Application: 1/30/18Previously Submitted (Circle One): Yes No

Date of Pre-Application Conference: _____

Site Plan Attached (Circle One) Yes NoTraffic Impact Study Required (Circle One): Yes No **SPECIAL USE PERMIT INFORMATION**Type of use to be permitted: RV PARK (TINY HOUSES) SR #: _____Existing Structures or Uses on property: AGRICULTURE; ONE SINGLE-FAMILY HOME;Road System (Circle): Public Private POLE BARNWater 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 INFORMATIONPIN: 9588618497 Deed Book/Page: 3087/167 Tract Size (Acres): 24.56Zoning District: R-1 Fire District: BLUE RIDGE Watershed: NO Floodplain: YESLocation of property to be developed: 430 S. ORCHARD ROAD, ACROSS FROM THE VILLAGE OF WILDFLOWERS**CONTACT INFORMATION****Property Owner:**Name: JAMES JONES Phone: N/A (OWNER IN PHILIPPINES)Address: PO Box 2227 City, State, and Zip: ETOWAH, NC 28729**Applicant:**Name: SIMPLE LIFE - HENDERSONVILLE, LLLP Phone: (904) 242-9195

Application No. _____

Address: 135 2ND AVENUE N., SUITE 3

City, State, and Zip: JACKSONVILLE BEACH, FL 32250

Agent:

Name: ROBERT WRIGHT

Phone: (980) 521-6266 *wright@southerndevelopment.com*

Address: PO BOX 1069

City, State, and Zip: FLAT ROCK, NC 28731

Agent Form (Circle One): Yes No

Plan Preparer:

Name: JOEL OSGOOD

Phone: (828) 527-6466

Address: 14 CHURCH STREET

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:

THIS LOW IMPACT DEVELOPMENT WILL NOT ENDANGER THE PUBLIC HEALTH, SAFETY OR WELFARE IN ANY WAY.

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

THE USE FITS INTO THE TYPES OF USES FOUND IN ADJOINING AND NEIGHBORING PROPERTIES AND WILL NOT SUBSTANTIALLY INJURE THE VALUE OF PROPERTY OR IMPROVEMENTS IN THE AREA.

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

THE USE IS IN HARMONY WITH THE EXISTING TINY HOME DEVELOPMENT ACROSS S. ORCHARD ROAD, THE VILLAGE OF WILDFLOWERS. IT IS ALSO NOT IN DISCORD WITH THE NEARBY NAZARENE CAMP NOR THE ORCHARDS OF FLAT ROCK DEVELOPMENT FURTHER NORTH ON S. ORCHARD ROAD.

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.

YES.

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.

BASED ON DISCUSSIONS WITH THE HENDERSON COUNTY PLANNING AND ZONING STAFF, THE PROPOSED USE WILL BE IN ACCORDANCE WITH THE COMPREHENSIVE PLANS LISTED ABOVE.

- 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.

MINIMIZING THE IMPACT OF ALL OF THE ITEMS NOTED ABOVE HAVE BEEN TAKEN INTO ACCOUNT.

- 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 APPLICANT IS WORKING CLOSELY WITH THE HENDERSON COUNTY PLANNING STAFF, THIRD PARTY LAND PLANNING PROFESSIONALS, ENGINEERS, THE US ARMY CORPS OF ENGINEERS AND NON-PROFIT ORGANIZATIONS TO ENSURE ENVIRONMENTAL IMPACTS ARE MINIMIZED.

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).

VEHICULAR ACCESS MEETS ALL REQUIREMENTS. TRAFFIC FLOW WITHIN THE COMMUNITY TAKES SAFETY AS WELL AS CONVENIENCE INTO ACCOUNT. PEDESTRIAN WALKING TRAILS ENHANCE PEDESTRIAN SAFETY

- b. Off-street parking and loading areas.

OFF-STREET PARKING IS PROVIDED FOR EACH UNIT. PARKING AT THE "STREAMSIDE PAVILLION" IS ADEQUATE AND WALKING TRAILS PROVIDE PEDESTRIAN ACCESS, MITIGATING THE NEED FOR ADDITIONAL OFF STREET PARKING.

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

WATER, SEWER, ELECTRIC, PHONE AND CABLE ARE ALL EASILY ACCESSIBLE FROM S ORCHARD ROAD.

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

A 50' PROPERTY LINE BUFFER SURROUNDS THE PROPERTY. LANDSCAPE WILL BE INSTALLED WITHIN THAT BUFFER WHERE FOREST DOES NOT EXIST. ATTRACTIVE LANDSCAPE WILL BE INSTALLED AT THE ENTRANCE TO THE COMMUNITY.

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

LOCATIONS AND SIZES FOR THE STREAMSIDE PAVILLION, THE PAVILLION AT THE DOG PARK, AND THE VIEW PAVILLIONS CAN ALL BE FOUND ON THE SITE PLAN.

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

ROBERT WRIGHT

Print Applicant (Owner or Agent)

[Signature]

Signature Applicant (Owner or Agent)

1/30/18

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: _____



AGREEMENT TO AMEND CONTRACT

SIMPLE LIFE PARTNERS, LLC ("Buyer") and JAMES E. JONES ("Seller") have entered into an Agreement for Purchase and Sale of Real Property (Form 580-T) ("Agreement") with respect to the purchase and sale of the following property:

420 S. ORCHARD ROAD FLAT ROCK NC 28781 ("Property").

Buyer and Seller hereby agree that the Agreement is modified as follows (if the box is checked, the provision applies):

- Checkboxes for amendments: 1. Upon written notice to Seller and the payment of \$1,000 in each instance prior to the then expiration of the Examination Period, Buyer shall have the right to extend the Examination Period one time(s) for a period of 65 days in each instance. 2. Amounts paid pursuant to this provision shall be applicable to the Purchase Price, shall be treated as Earnest Money under the terms of the Agreement and shall be refundable to Buyer in the event of a termination of the Agreement pursuant to Section 6(e) of the Agreement. 3. Amounts paid pursuant to this provision shall not be applicable to the Purchase Price, shall be non-refundable and shall be paid directly to the Seller and become the property of Seller upon payment by Buyer. 4. Upon written notice to Seller and the payment of \$ in each instance not later than ten (10) days prior to the then scheduled Closing, Buyer shall have the right to extend the date of Closing time(s) for a period not to exceed days in each instance. 5. Amounts paid pursuant to this provision shall be applicable to the Purchase Price, shall be treated as Earnest Money under the terms of the Agreement and shall be refundable to Buyer in the event of a termination of the Agreement pursuant to Section 6(e) of the Agreement. 6. Amounts paid pursuant to this provision shall not be applicable to the Purchase Price, shall be non-refundable and shall be paid directly to the Seller and become the property of Seller upon payment by Buyer.

Except as modified herein, the Agreement remains enforceable in accordance with its tenor as originally set forth.

BUYER:

SELLER:

Individual

Individual

[Signature line for Buyer]

[Signature: James E. Jones]

Date:

Date:

SIMPLE LIFE PARTNERS dotloop verified IDENTITY LOSSPREV ENT JWS1-JUMB-KCTV-5W3E1

[Signature: Monica S. Jones]

Date:

Date:



APPOINTMENT OF AGENT FORM (OPTIONAL)

I JAMES E JONES owner of property located on 420 S. ORCHARD ROAD
(Name) (Street Name)
recorded in 728/362 and having a parcel identification number of 9936364
(Deed Book/Page) (PIN)
located in Henderson County, North Carolina, do hereby appoint SIMPLE LIFE PARTNERS LLC
(Agent's Name)

to represent me in an application to the Planning 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.

James E Jones
Property Owner

12/20/2017
Date

Simple Life - Hendersonville, LLLP

AUTHORIZED STATEMENT OF FINANCIAL RESPONSIBILITY AND OWNERSHIP

January 9, 2018

Person Financially Responsible for the land-disturbing activity:

- Michael McCann
- 135 2nd Avenue North
Jacksonville Beach, FL 32250

Owner of the Land:

- Simple Life Hendersonville, LLLP
- 135 2nd Avenue North
Jacksonville Beach, FL 32250

North Carolina agent designated for the purpose of receiving notice of compliance or non-compliance:

- Robert Wright
- c/o Simple Life Hendersonville, LLLP
24 Empire Lane
Hendersonville, NC 28731

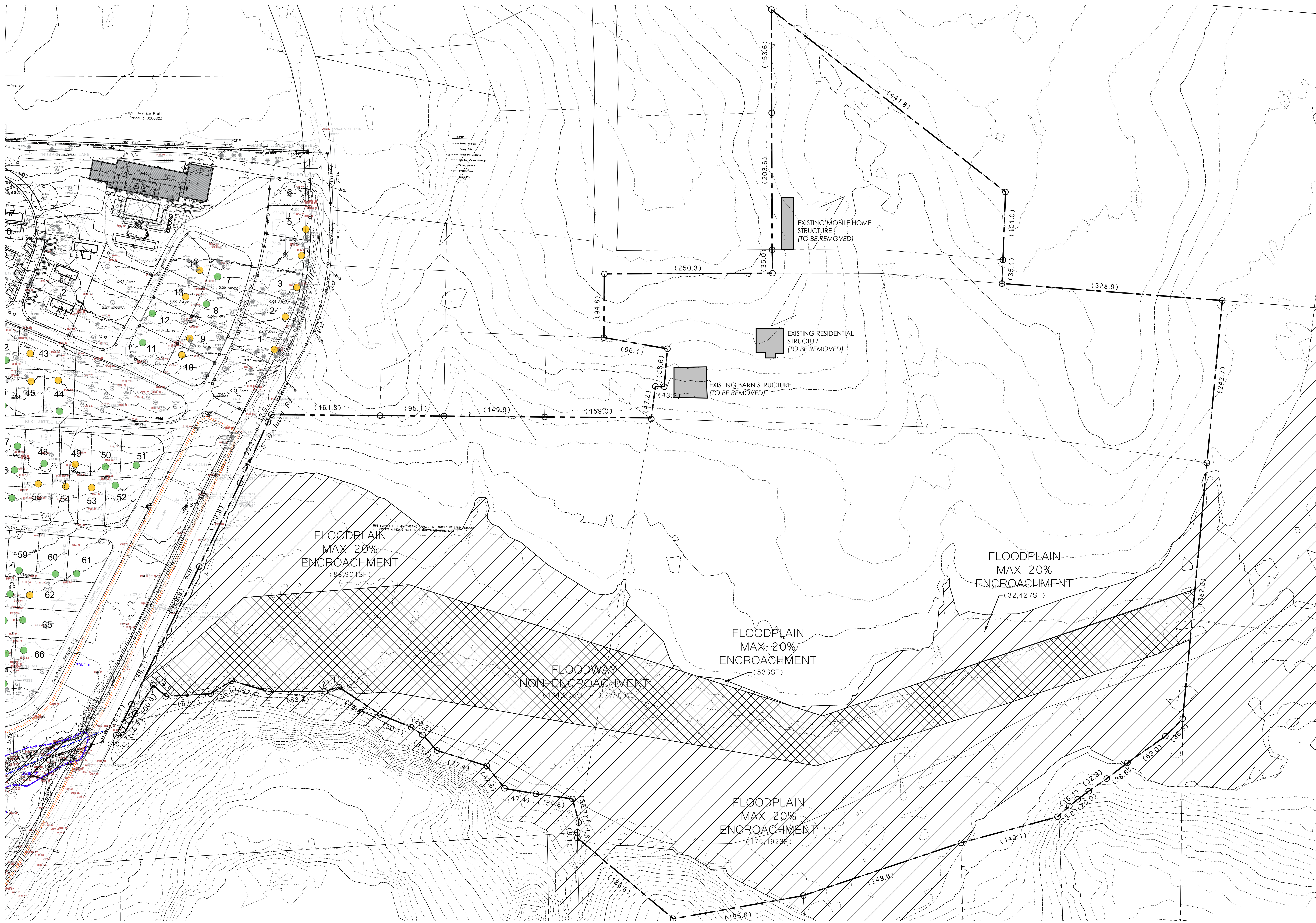
By:  _____

Michael McCann

Person financially responsible for the land-disturbing activity

Simple Life – Hendersonville, LLLP

135 Second Avenue North, Suite 3 Jacksonville Beach, FL 32250 904-242-9195



THE HAMLET :: PROPERTY DIMENSIONS

SIMPLE LIFE
 FLAT ROCK, NORTH CAROLINA
 30 JANUARY, 2018

Simple Life
 Celebrate life. Discover home.

Osgood
 LANDSCAPE ARCHITECTURE

MASTER PLAN :: SUMMARY:

RESIDENTIAL UNITS

- 150 LOTS AT 2,000 SF MIN.

PRIVATE ACCESS ROADS

- TWO-WAY ROADS AT 20' MIN. WIDTH IN 20' MIN. ROW

- ONE-WAY ROADS AT 12' MIN. WIDTH IN 20' MIN. ROW

FLOODPLAIN IMPACTS

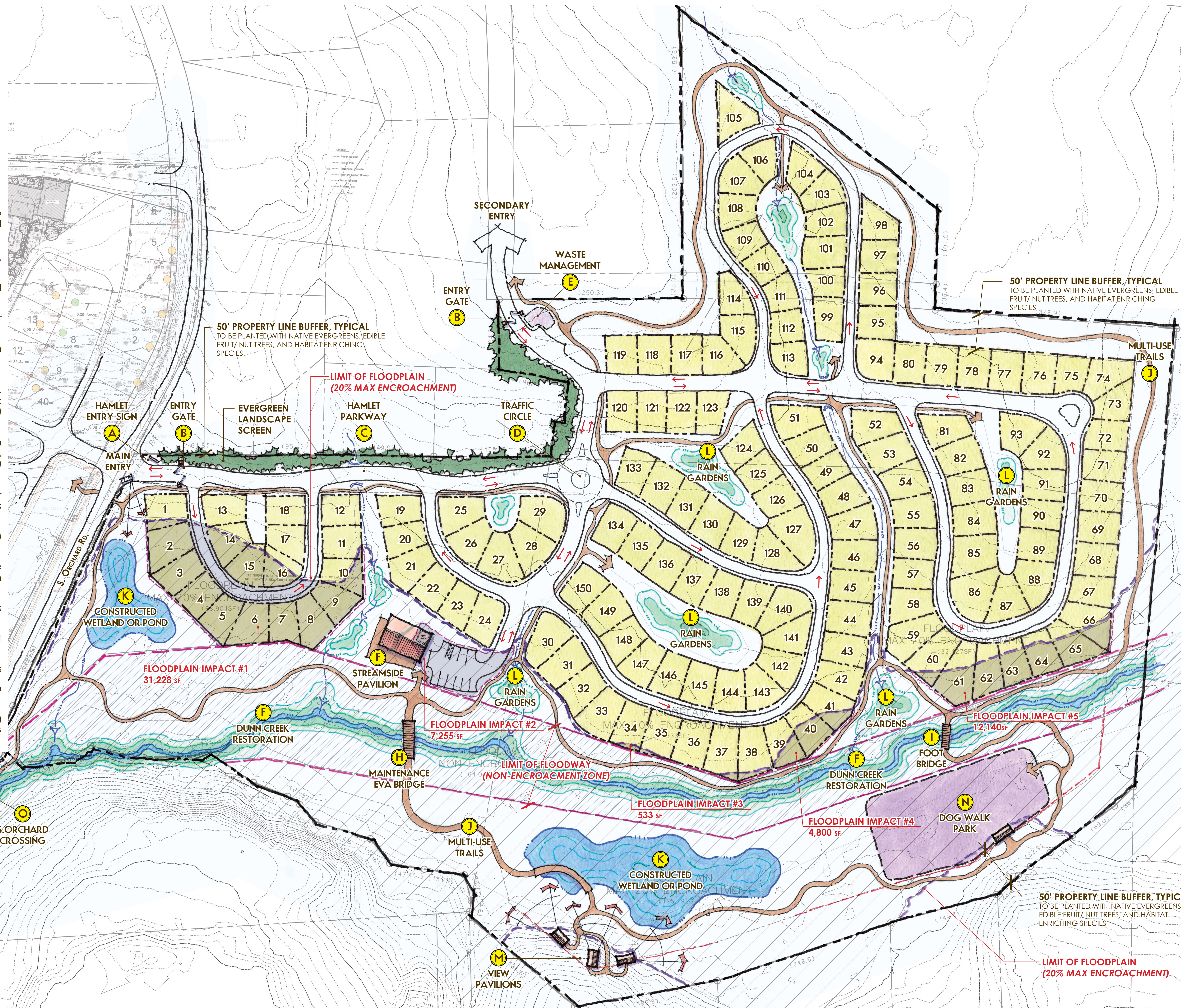
- TOTAL EXISTING AREA = 297,053 SF (6.82 AC)

- MAX 20% IMPACT = 59,410 SF (1.36 AC)

- PROPOSED = 55,955 SF (1.28 AC) - 18.8%

AMENITIES + FEATURES

- A HAMLET ENTRY SIGN** :: Main entry sign from S. Orchard Rd. (Sign to be mounted on 3'x8' specimen boulder with metal letters pinned on wood slab at 18" x 96" with dark sky compliant lighting)
- B MAIN ENTRY GATES** :: Located 50' min offset from S. Orchard Rd. and at secondary entry
- C HAMLET PARKWAY** :: Main Entry drive at 20' wide without residential driveways for clean arrival experience
- D TRAFFIC CIRCLE** :: Roundabout at 65' dia with mountable center island for large truck, fire, and emergency vehicle access
- E WASTE MANAGEMENT** :: Dumpster/ trash pickup location with vehicular pull out for (2) vehicles
- F STREAMSIDE PAVILION** :: Raised pavilion structure on stilts at 40'x60' with community meeting space, mail kiosk, expansive deck space, event lawn, and (10) parking spaces including accessible space; also serves as trail head for nature trail (Location and size indicated subject to change)
- G DUNN CREEK RESTORATION** :: Possible future stream restoration effort to include invasive species removal, stream bank repair, and wildlife corridor enhancement (Requires additional study and permitting + engineering review)
- H MAINTENANCE/EVA BRIDGE** :: Minimal impact stream crossing for utility and emergency vehicle access at 12' max. width (Requires additional review)
- I FOOT BRIDGES** :: Low impact stream crossings (Requires additional review)
- J MULTI-USE TRAILS** :: Pedestrian trails with interpretative signage throughout + opportunities for passive and active recreation (Approx. 1.25 miles of trails indicated)
- K CONSTRUCTED WETLANDS OR PONDS** :: Stormwater features as possible wet retention to encourage additional ecology
- L RAIN GARDENS** :: Biofiltration stormwater measures throughout available community open spaces
- M VIEW PAVILIONS** :: Small open air pavilions on stilts as trail destinations
- N DOG WALK PARK** :: Fenced off dog park with open-air pavilion structure (0.6 ac.)
- O S ORCHARD CROSSING** :: Grade separated pedestrian crossing below S. Orchard Rd. as potential future greenway (Requires additional review)



THE HAMLET :: PRELIMINARY MASTER PLAN

SIMPLE LIFE
 FLAT ROCK, NORTH CAROLINA
 30 JANUARY, 2018

This plan is conceptual in nature and subject to change. The concepts represented are not intended for construction and may require further engineering and architectural review through the design and implementation process.

Simple Life
 Celebrate life. Discover home.

Osgood
 LANDSCAPE ARCHITECTURE

