

**HENDERSON COUNTY  
BOARD OF COMMISSIONERS**

**MEETING DATE:** March 2, 2009

**SUBJECT:** Review Special Intensity Allocation (SIA) application WS-2008-11-01  
(Mills River Family Health Center)

**ATTACHEMENTS:** 1. Staff Memorandum  
2. Planning Staff Memorandum  
3. Mills River Staff Memorandum  
4. Applicant Information, narrative and plan  
5. Vicinity Site Map

**SUMMARY OF REQUEST:**

Bob L. Webb, M.D., Owner, submitted an application on property located in Mills River Township, for approval of a subdivision of an existing parcel of land where an existing business is located on November 6, 2008. The existing business is a Doctors' Office (4,085 Square Foot) with associated parking and sidewalks (19,435.00 Square Foot). The application (Dr. Webb, owner) has proposed to subdivide the property into two separate tracts. The applicant request that the two proposed tracts be subdivided such that tract "A" being 1.517 acres and tract "B" being 1.243 acres. Tract "A" is the tract requesting a Special Intensity Allocation (SIA) permit. Tract "B" will have to comply with the 24% criteria or apply for a SIA when developed in the future. The proposed Tract "A" meets all criteria set for a SIA permit.

Category 3 has a total of 27.110 acres; this application removes 1.517 acres from the total if approved. This would leave 25.593 acres for future projects located in the WS-III Balance of Watershed district.

**BOARD ACTION REQUESTED:** The Watershed Administrator recommends approval of project as submitted.

**Suggested Motion:** I move that the Board approve the application for Mills River Family Health Center Special Intensity Allocation (WS-III Balance of Watershed).

**MEMORANDUM**

**TO: Natalie J. Berry, Watershed Administrator & Erosion Control Division Chief**

**FROM: Autumn Radcliff, Senior Planner**

**DATE: December 9, 2008**

**SUBJECT: Staff review & recommendation for Category 3 SIA application #WS 2008-11-01 – Mills River Family Health Center**

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Staff has reviewed application #WS 2008-11-01 submitted by Bob L. Webb, M.D., Owner of Mills River Family Health Center, for a Category 3 Special Intensity Allocation (SIA) to subdivide approximately 2.76 acres with an existing medical office complex in to a tract “A” (1.517 acres) and a tract “B” (1.243 acres). Based on the Board of Commissioners criteria for evaluating category 3 SIA’s, Staff has provided the following comments and recommendations for the Boards consideration:

1. **The proposed use of the property, size of the proposed use, and size of the property.** The property is approximately 2.76 acres in size and contains an existing medical office complex. The applicant is proposing to subdivide the property in to two lots of record. The existing medical offices would be located on one lot of record. The WS III Water Supply Watershed has a 24% built upon area restriction. The existing medical office would have 35.6% impervious surface if the property is subdivided. In order to subdivide the property, the existing medical office complex would need to get an SIA. The second tract of land would have to be built at the 24% impervious surface limitation or would have to apply for an SIA at a later date provided that there is allocation left. The new lot that would contain the existing medical office would be approximately 1.517 acres (Tract “A”), and the other lot would be approximately 1.243 acres (Tract “B”) in size.

According to the site plan submitted by the applicant, the existing medical office complex contains a brick office building and two accessory buildings/sheds. The site plan indicates that there is approximately 23,519 square feet or 35.6% of impervious surface. The building has approximately 4,085 square feet (6.2%) of impervious surface, the parking area accounts for 17,934 square feet (27.1%) of impervious surface, and the walks and portico account for 1,500 square feet (2.3%) of impervious surface. It is unclear if the impervious surface for the two existing out buildings/sheds is included in the building square footage calculations shown on the site plan. This should be verified and noted on the site plan.

2. **The proposed use shall be developed in such a manner as to:**
  - a. **Comply with all applicable local, state and federal statutes, ordinance and regulations.** The Town of Mills River has provided a waiver of zoning compliance. The project site is zoned MR-GB (Commercial/Medical Office).
  - b. **Be in accordance with the Henderson County 2020 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 Henderson County 2020 Comprehensive Plan (CCP) Future Land Use Map identifies the property being located in the Urban Service Area (USA) and within a Community Service Center Node. The CCP states that the USA will contain considerable commercial development at a mixture of scales. Community Service Centers are intended to be intensive, efficient, defined concentrations of mixed services that meet the needs of the surrounding community and defined service areas. Community Service Centers are appropriate for a mixture of commercial uses scaled to the service area in question.

- 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 surrounding properties are also zoned MR-GB (Commercial/Medical Office). The current uses on the property would remain the same with no change in the effects of noise, glare, dust or solar access for the existing structures.
  - d. **Minimize 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 current use of the property does not suggest any environmental impacts to groundwater, surface water, wetlands, endangered/threatened species, archeological sites, historic preservation sites or unique natural areas since no new development is being proposed at this time.
  - e. **Minimize built upon area.** The applicant is not seeking an SIA in order to construct a building, but to allow for the property to be subdivided. The property in its current state meets the impervious surface requirements for the existing structures and has the ability to expand and still stay within the 24% built upon area limitation without utilizing an SIA. The applicant is requesting an SIA for 35.6% impervious surface to subdivide the property which may be developed or sold for development. If the SIA is granted, the 1.517 acres for Tract "A" would be deducted from the available acreage in the WS III category.
  - f. **Direct stormwater runoff away from surface waters.** The nearest surface water is an unnamed tributary located on the south-east boundary of the subject area that runs parallel with NC Highway 280. Since there is no new development planned on the subject area, no additional stormwater measures are indicated.
3. **Provisions/Arrangements have been made concerning:**
- a. **Ingress and egress to property and proposed structures thereon (with particular reference to automotive/pedestrian safety/convenience and traffic flow/control).** The applicant has stated that there will be no changes in ingress/egress to the property and no change in traffic flow. It appears that a portion of the parking spaces currently being utilized for the existing medical office will be located in the proposed right-of-way for tract B. The applicant should confirm the current location of the existing parking spaces. If the Town of Mills River requires a minimum number of parking spaces for the existing medical office, then these parking spaces would need to be relocated onto Tract A and included in the built upon area calculation since they would need to be removed out of the right-of-way if Tract B is developed. If the SIA is granted, the applicant should allow for the use of shared parking with Tract B, if it is developed, to limit the amount of impervious surface.
  - b. **Off-street parking and loading areas.** The applicant has indicated that there will be no change in off street parking. Refer to comments in 3(a) - *Ingress and egress to property and proposed structures thereon (with particular reference to automotive/pedestrian safety/convenience and traffic flow/control)*. Parking standards should be reviewed in accordance with the Town of Mills River Zoning Ordinance.

- c. **Utilities (with particular reference to locations, availability and compatibility).** The applicant has indicated that the existing septic system for the medical office is located on Tract B. The applicant has stated that a utility easement will need to be acquired or the existing medical office building will need to connect to the Cane Creek sewer line located on NC Highway 280 adjacent to the Subject Area.
- d. **Buffering and landscaping (with particular reference to type, location and dimensions).** The applicant has stated there will be no change in the existing buffering and landscaping. Landscaping requirements should be reviewed in accordance with the Town of Mills River zoning ordinance.
- e. **Structures (with particular reference to location, size and use).** The applicant is not proposing any new structures or development at this time.

The SIA is intended for proposed new developments or the expansion of existing developments and is evaluated based on a site specific development plan. The existing development does not require an SIA except for the purpose of subdividing the land for resell. The Category 3 SIA's allow developments up to 70% of the built upon area on a project by project basis. The Category 3 SIA allocation is limited to 10% of the balance of the watershed. Although the project is only proposing 35.6 % of impervious surface, the total acreage for tract A would be subtracted from the allocated SIA category. The Category 3 SIA has approximately 27.110 acres remaining. If the SIA is granted, approximately 1.517 acres will be removed from the remaining allocation without any guarantees that either tract will be further developed.

If the SIA is granted for the Subject Area, than the applicant should satisfying any conditions listed above and any conditions which may result from recommendations of the Watershed Administrator and Board of Commissioners' discussion.



## **Town of Mills River Staff Review Report**

November 18, 2008

**TO:** Natalie Berry, CFM, CPESC, CPSWQ

**FROM:** Jaime Adrignola, AICP, Town Manager

**SUBJECT:** WS-2008-11-01 Existing Medical Office

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### **Review Summary**

This project appears to comply with all applicable Town of Mills River ordinances and policies as well as those applicable Henderson County ordinances and policies related to watershed allocations.

### **Project Description**

Dr. Bob Webb, MD, of Mills River Family Health has applied for subdivision approval from the Town of Mills River of an existing developed parcel totaling 2.76 acres. Compliance with Henderson County's Watershed Ordinance is required prior to subdivision approval. Tract A would be 1.517 acres and contains the existing medical practice. Tract B would be a vacant 1.243 acre parcel for future development. Both are zoned by the Town of Mills River as General Business (MR-GB). Tract A would have impervious cover of 35.6% of the parcel upon subdivision. Tract B would be for future development and would have to comply with the 24% rule unless an application was made and granted for a Special Intensity Allocation Permit.

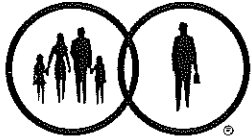
### **Mills River staff comments on criteria**

This subdivision's existing and proposed uses are consistent with the Mills River Zoning Ordinance. Any expansions or new development will be required to comply with parking, landscaping and signage requirements. It is also consistent with the goals as outlined in the Mills River Comprehensive Land Use Plan as well as in the Henderson County Comprehensive 2020 Plan. This subdivision is also consistent with the Comprehensive Transportation Plan with easy access to NC 191, for the purposes of commerce.

The watershed protection ordinance was designed to protect the drinking water supply and to protect water quality. This subdivision does not appear to impose unnecessary

noise, glare, odor, dust or impede solar access to those living and working in the area or in such a way that would impact water quality for the community.

This subdivision appears to have minimal environmental impacts and meets the built upon restrictions listed in the watershed ordinance for Special Intensity Allocation approval.



***Mills River  
Family Health Center***

9 Cross Roads Drive  
Horse Shoe, NC 28742  
(704) 891-0060

Bob L. Webb, M.D.  
Family Practice, ABFP

To: Board of Commissioners, Henderson County

From: Bob L. Webb, M. D., Owner of Mills River Family Health Center

Re: Subdividing pre-existing acreage in a watershed area

Date: 11/4/08

Dear Sirs:

I am writing this letter requesting to subdivide a pre-existing space into two smaller tracts. The area I am wanting to subdivide is in a watershed area, Category 3 Special Intensity allocations. My present property is 2.76 acres in Mills River. I would like to subdivide the property selling "Tract B" (see survey) for commercial use in the future, such as another medical office, restaurant, etc. In order to do this I needed to apply for a special use permit for "Tract A" (see survey) , where my existing building/business is.

I have checked with Mills River town hall and have a permit verifying I am in compliance with their zoning regarding a pre-existing building on "Tract A". To clarify, there is no development on "Tract B" now, but in order to subdivide the property, I have to apply for Category 3 Special Intensity allocation for "Tract A" for now, and later if I can sell "Tract B" will apply for a separate permit then.

There will be no change in the effects of noise, glare, dust, solar access for my existing business on "Tract A". The environmental impacts in our neighborhood would not be changed or increased since we have an existing building/business on "Tract A", and there is no change. Also, there will be no changes in ingress/ egress to property; no change in traffic flow, off street parking, utilities, buffering and landscaping existing structures.

My existing septic system falls on "Tract B", but if we eventually sell it for commercial development, I will obtain an easement for septic field or hook up to our sewer line system in Mills River and abandon the existing septic system I have now. I would appreciate you granting my request if at all possible. Thank you for your assistance in this matter.

Sincerely,

*Bob L. Webb, M.D.*

Bob L. Webb, M.D.



**WATERSHED ONLY**  
**TOWN OF MILLS RIVER**  
**Waiver of Zoning Compliance**

DATE: 11/06/08

APPLICANT: Mills River Family Health Center, Bob L. Webb, MD

ADDRESS: 9 Cross Road Dr  
Mills River, NC 28759

PHONE: 828-891-0060 FAX: 828-891-1425

ADDRESS OF PROPERTY: 9 Cross Road Dr  
Mills River, NC 28759

PRIMARY ZONING DISTRICT: MR-GB Commercial/Medical Office

PROPERTY OWNER: Bob L. Webb MD

Zoning Compliance Permit not required for the following reason(s):  
This permit is for watershed purposes only. The uses shown are consistent with those permitted in MR-GB. The parking space numbers and landscaping will be reviewed before issuing a zoning permit to proceed with building.

Patricia A. Christie  
Zoning Administrator

11/6/08  
Date

\_\_\_\_\_  
Zoning Administrator

\_\_\_\_\_  
Date



tract A

L. 1.

**Henderson County  
Special Intensity Allocation (SIA)  
Application Form**

Date 11/4/08 File No. \_\_\_\_\_

Owner's Name Bob L. Webb, MD

Applicant's Name Bob L. Webb, MD

Mailing Address 211 Redbird Lane Hendersonville, N.C. 28791

Phone Number 828-891-0060, office; 828-891-3731, home

Project Location Mills River Family Health Ctr.  
9 Cross Roads Dr. Horse Shoe, N.C. 28742  
PIN \_\_\_\_\_

Project Description existing project, subdividing a large  
tract into 2 smaller tracts

Applicant's Signature Bob L. Webb MD 11/4/08  
(Date)

\*\*\*\*\*Official Use\*\*\*\*\*

Date Received \_\_\_\_\_ Plans Attached \_\_\_\_\_

Fee Paid \_\_\_\_\_

Previous Applications \_\_\_\_\_ File No. \_\_\_\_\_

Disposition \_\_\_\_\_

Total Project Area \_\_\_\_\_ acres(s)

Percent Built Upon \_\_\_\_\_ %

Staff Review \_\_\_\_\_

Comments \_\_\_\_\_

Planning Board Review \_\_\_\_\_

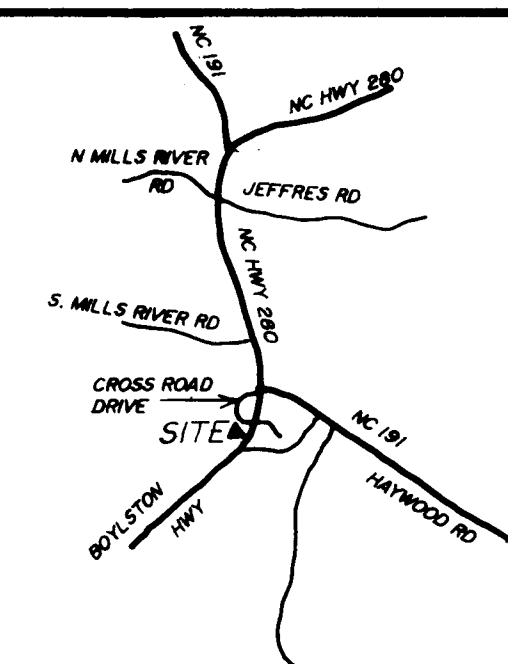
Planning Board Recommendations \_\_\_\_\_

Board of Commissioners Review \_\_\_\_\_

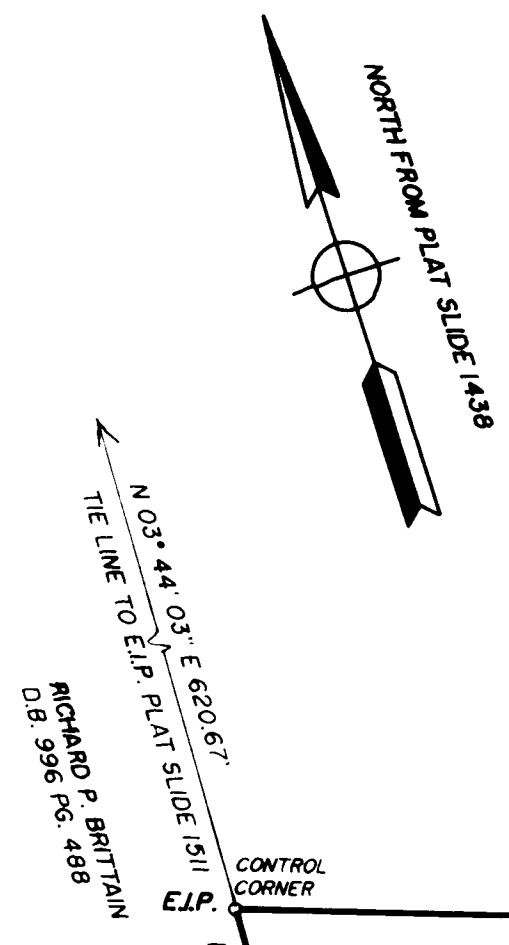
Board of Commissioners Action \_\_\_\_\_

Total Acreage to Date in Special Intensity Allocation (SIA):

\_\_\_\_\_ acres



VICINITY MAP  
(not to scale)



MBJ EQUITIES OF ASHEVILLE LLC A DELAWARE COMPANY  
D.B. 1327 PG. 296 & PLAT SLIDE 1511 & PLAT SLIDE 1438

CROSS ROAD DRIVE 45' R/W

NC HWY # 280

LOT 3 PLAT SLIDE 1511

LOT 4 PLAT SLIDE 1511  
PHILIP T. GREEN

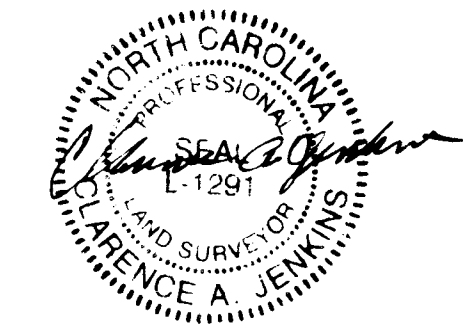
TRACT "B"  
1.243 AC.

TRACT "A"  
1.517 AC.  
(DOES NOT INCLUDE AREA  
IN HWY 280 R/W)

TRACT "A" NOTE:  
66,077 Sq. Ft. Total Outside R/W  
Grass & vegetation : 42,558 Sq. Ft. (64.4%)  
Impervious:  
Parking : 17,934 Sq. Ft. (27.1%)  
Walks & Portico : 1,500 Sq. Ft. (2.3%)  
Building : 4,085 Sq. Ft. (6.2%)  
(Total Impervious area : 35.6%)

LEGEND & NOTES :  
E.I.P.-EXISTING IRON PIPE OR PIN FOUND  
N.I.P.-NEW IRON PIN SET  
C.M.-CONCRETE MONUMENT  
POINTS UNLABELED ARE UNMARKED CALCULATED POINTS  
R/W=RIGHT-OF-WAY  
D.B.=DEED BOOK PG.=PAGE  
THIS SURVEY CREATES A DIVISION OF LAND.  
TOTAL AREA DIVIDED = 3.152 ACRES  
TOTAL # OF LOTS CREATED = 2  
LAND USE = COMMERCIAL

I, \_\_\_\_\_, Zoning  
Administrator for the Town of Mills River, certify that this  
plat has been reviewed and approved as a Minor Subdivision  
in accordance with the Town of Mills River Land Development  
Ordinance.



G.S. 47-30 (f) (1) a.  
This survey/plat creates a subdivision of land within the area  
of a county or municipality that has an ordinance that  
regulates parcels of land.

I, Clarence A. Jenkins P.L.S., certify that this  
plat was drawn under my supervision from an actual  
survey made under my supervision (deed description  
recorded in Book 1274 Page 613); that the  
ratio of precision as calculated is 1 : 7500 ;  
that this plat was prepared in accordance with  
G.S. 47-30 as amended. Witness my original signature  
Registration number and seal this 22nd day of  
SEPTEMBER, A.D., 2008.

Clarence A. Jenkins, P.L.S.  
Registration Number L-1291

SUBDIVISION FOR THE PROPERTY OF:  
**WEBB REAL ESTATE  
INVESTMENT, LLC.**  
TOWN OF MILLS RIVER, HENDERSON COUNTY, N.C.  
DEED REFERENCES: DEED BOOK 1274 PAGE 613  
PLAT REFERENCES: PLAT SLIDE 1438  
TAX PIN: DIVISION OF 9631.04-64-5511

0 60 120  
SCALE: 1" = 60' DATE: SEPT. 22, 2008  
Revised: Nov. 4, 2008

Surveyed By  
**Clarence A. Jenkins, P.L.S.**  
63 Four Seasons Plaza, Suite 2  
Brevard, NC 28712  
Telephone 828-884-5880  
Email: jenkinsurvey@citcom.net

I, Clarence A. Jenkins P.L.S. certify that this  
property is not located in the 100 year flood zone  
as per Flood Insurance Rate Maps.

The foregoing certificates of Clarence A. Jenkins,  
a professional Land Surveyor, and \_\_\_\_\_  
a Review Officer, are certified to be correct. This  
plat was presented for registration and recorded in  
this office in Plat File \_\_\_\_\_ at Slide \_\_\_\_\_, this  
the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2008 at  
\_\_\_\_\_ o'clock \_\_\_\_\_ m.  
\_\_\_\_\_  
Register of Deeds

State of North Carolina  
County of HENDERSON, TOWN OF MILLS RIVER  
I, \_\_\_\_\_, Review Officer of  
HENDERSON County, certify that the map or plat  
to which this certification is affixed meets all  
statutory requirements for recording.  
\_\_\_\_\_  
Review Officer Date

Date \_\_\_\_\_ Signed \_\_\_\_\_

# Mills River Family Health Center

