

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: June 1, 2009

SUBJECT: Review Special Intensity Allocation (SIA) application WS-2009-04-01, subdivision for existing Flavor 1st Growers and Packers INC.

ATTACHEMENTS:

1. Staff Memorandum
2. Planning Staff Memorandum
3. Mills River Staff Memorandum
4. Applicant Information, narrative and plan
5. Vicinity Site Map
6. Attachment – Existing Flavor 1st Properties
7. Attachment – Recombination of two existing Flavor 1st Properties
8. Attachment – New property boundary for existing Flavor 1st Business

SUMMARY OF REQUEST:

Brian D. Rose, President, 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 March 31, 2009. The existing business Flavor 1st Growers & Packers, INC has an existing structure with associated parking and sidewalks. The total impervious surface is 120,546 Square Foot. The application (Brian D. Rose, President) has proposed to recombine two parcels and then re-subdivide to clean up property boundaries of the existing business. See attachments 6-8 for clarification. The applicant request that the two proposed tracts be subdivided such that tract “One” being 8.99 acres and remaining tract “Two” will be combined to another tract in application WS-2009-04-02 to create a second tract for Flavor 1st Growers & Packers, INC. Tract “One” is the tract requesting a Special Intensity Allocation (SIA) permit. Tract “B” will request a Special Intensity Allocation (SIA) permit under separate application. The proposed Tract “One” meets all criteria set for a SIA permit.

Category 3 has a total of 25.593 acres; this application removes 8.99 acres from the total if approved. Since the original 3.12 acre parcel already applied for an SIA in 2005, I added back this amount so as not to remove the same 3.12 acres twice. This would leave 19.723 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 Flavor 1st Growers and Packers INC Special Intensity Allocation (WS-III Balance of Watershed) as submitted.

MEMORANDUM

TO: Henderson County Board of Commissioners

FROM: Natalie J. Berry, Water Supply Watershed Administrator

DATE: June 1, 2009

SUBJECT: Staff review & recommendations of Category 3 SIA application
WS-2009-04-01 (Flavor 1st Packers and Growers INC - existing business)

I, Water Supply Watershed Administrator, have reviewed application WS-2009-04-01 submitted by Dr. Brian D. Rose, (president) for a category 3 Special Intensity Allocation (SIA) Permit. This project is located in the Town of Mills River. The total acreage for the parcel is 8.99 acres.

Based on the Water Supply Watershed Ordinance and the criteria set by the Board of Commissioners at their December 19, 2007 meeting, as well as the recommendations from the Planning Department and the Town of Mills River staff, I have 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.** Parcel One is 8.99 acres and contains an existing building and is not proposing to increase the current impervious surface from 69% (271,202 sq. ft.).

Planning Staff, Mills River Staff, and the Watershed Administrator recommends approval.

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 stated that the project is consistent with Mills River Zoning Ordinance.
 - 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 Town of Mills River stated that the project is consistent with Mills River with the Comprehensive Transportation Plan with easy access to NC 280, Boylston Highway for the purposes of commerce.
 - 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.** This existing project 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.
 - 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 consensus is the existing use of the property does not have any environmental impacts to groundwater, surface water, wetlands, endangered/threatened species, archeological sites, historic preservation sites or unique natural areas.

- e. **Minimize built upon area.** The applicant is seeking SIA to subdivide existing parcel of land, not to construct new development at this time.
 - f. **Direct storm water runoff away from surface waters.** The nearest surface water is an unnamed tributary located on the west of the project site across Banner Farm Road. The site does not have any surface waters in close proximity to be a danger.
2. **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 two existing entrance/exits to the property from Banner Farm Road.
 - b. **Off-street parking and loading areas.** There will be no change in off street parking or loading areas. The applicant will be allowing shared parking with Tract "two" once developed.
 - c. **Utilities (with particular reference to locations, availability and compatibility).** Existing business.
 - d. **Buffering and landscaping (with particular reference to type, location and dimensions).** There will be no change in the buffering and landscaping at this time.
 - e. **Structures (with particular reference to location, size and use).** The applicant is not proposing any new structures at this time.

Staff recommends that the Board approve the Category 3 SIA application WS 2009-04-01 for the Flavor 1st Growers and Packers INC project provided that the applicant satisfies conditions stated above.

HENDERSON COUNTY
Planning Department

213 First Avenue East • Hendersonville, NC 28792
 Phone 828-697-4819 • Fax 828-697-4533

MEMORANDUM

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

FROM: Planning Staff

DATE: May 14, 2009

SUBJECT: Staff review & recommendation for Category 3 SIA application #WS 2009-04-01 & #WS 2009-04-02 for Flavor 1st Growers & Packers, Inc.

Staff has reviewed application #WS 2009-04-01 (parcel "One") and application #WS 2009-04-02 (parcel "Two") submitted by Flavor 1st Growers and Packers, Inc. for a Category 3 Special Intensity Allocation (SIA) on approximately 24.41 acres total. Flavor 1st is reconfiguring the lot line for two existing tracts of land, parcel One and Two. Parcel One (PIN 9631820334) has an approved SIA for the existing building. The new lot line configuration for parcel one will result in a new SIA on the proposed 8.99 acres. No additional expansions are proposed for parcel One; therefore the original SIA for parcel one will be reallocated and a new SIA will need to be approved. The new lot line configuration will leave Parcel Two (PIN 9631823045) with 15.42 acres. The owner is requesting an SIA for parcel Two to construct a new building and parking area. 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.** Parcel One is 8.99 acres and contains an existing building and is not proposing to increase the current impervious surface from 69% (271,202 sq. ft.). The applicant is proposing a new warehouse facility with parking on parcel Two. The new facility, including parking area, will have a total impervious surface of 27% (183,765 sq. ft.). The WS III watershed allows by right 24% impervious surface. Parcel Two is currently vacant and proposing to build a new structure that will accommodate adequate parking. Staff recommends that the applicant work with the Town of Mills River to reduce the size of the parking area to eliminate the need for an SIA since granting the SIA will deduct 15.42 acres from the remaining balance of 25.593 acres. If both of these SIA's are granted, the WS III watershed will have a balance of 4.303 acres left for future category 3 SIA's.

The SIA applications are based on the parcel size after the lots have been reconfigured and recorded. Since SIA allocations are not allowed to count impervious surface deductions from adjoining parcels, Staff recommends as a condition of the SIA, that the parcels be reconfigured and recorded in the register of deeds prior to a building permit being issued.

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 subject area is located in the Town of Mills River and should comply with all applicable regulations by the Town of Mills River.

- 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 Town of Mills River will indicate compliance with any specific municipal plans. The Henderson County 2020 Comprehensive Plan (CCP) Future Land Use Map designates the project site for industrial development.
 - 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 CCP Future Land Use Map designates these parcels and the surrounding land as being suitable for industrial development. The applicant has indicated that the new proposed facility will have a grave parking lot, but should address how it will minimize the effect of noise, glare, dust or odor on adjacent properties.
 - 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 proposed 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. The applicant should address any potential impacts or concerns related to these areas.
 - e. **Minimize built upon area.** The applicant does not intend to maximize built upon area on parcel Two. It is difficult to determine, based on the plans, if it would be possible to reduce the built upon area, but Staff recommends that the applicant reduce the impervious surface by 3 % in an effort to avoid an SIA and preserve the limited amount of available acreage for future SIA's.
 - f. **Direct stormwater runoff away from surface waters.** The nearest surface water is an Unnamed Tributary to the west of the project site across Banner Farm Road. The applicant did not indicate measures to direct stormwater runoff.
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).** Parcel One has two entrances/exits from Banner Farm Road to the existing building. The applicant has proposed an additional entrance/exit off Banner Farm Road for parcel Two to accommodate traffic to the new proposed facility. The applicant has also provided internal connectivity between these two tracts of land near the back of the gravel parking area. This will aid in pedestrian and vehicular traffic and reduce trips in and out of the site.
 - b. **Off-street parking and loading areas.** The applicant has designated a new parking and loading area for the proposed facility on parcel Two. The proposed parking should be reviewed in accordance with the Town of Mills River zoning ordinance for compliance. Staff encourages the parking area be reduced to alleviate the need for the SIA.
 - c. **Utilities (with particular reference to locations, availability and compatibility).** The applicant has not submitted a formal site utility plan but should indicate the location/availability/compatibility of utilities.
 - d. **Buffering and landscaping (with particular reference to type, location and dimensions).** The applicant has indicated that there will be approximately 120,546 sq. ft. or 31% total area on parcel One, and approximately 487,813 sq. ft. or 73% total area on parcel Two of landscaped and non impervious surfaces. The landscaping 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 proposing to locate the new proposed facility near Banner Farm Road adjacent to the existing building on parcel One.

Staff Recommendations:

Staff recommends that the Board approve the Category 3 SIA application #WS 2009-04-01 (parcel One) for Flavor 1st Growers and Packers, Inc. subject to the applicant satisfying conditions which may result from: the comments of Planning Staff, recommendations of the Watershed Administrator, and Board of Commissioners' discussion.

Staff further recommends that the applicant reduce the impervious surface for parcel Two by 3% so that an SIA would not be required. If this is not a valid option, Staff recommends that the Board approve the Category 3 SIA application #WS 2009-04-02 (parcel Two) for Flavor 1st Growers and Packers, Inc. subject to the applicant satisfying conditions which may result from: the comments of Planning Staff, recommendations of the Watershed Administrator, and Board of Commissioners' discussion.



Town of Mills River Staff Review Report

May 22, 2009

TO: Natalie Berry, CFM, CPESC, CPSWQ

FROM: Jaime Adrignola, AICP, Town Manager

SUBJECT: WS-2009-04-01 and WS-2009-04-02 Johnson Farm Repack Inc. Application

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

Johnson Farm Repack Inc. has applied for approval of both an existing building and parking area and a new warehouse building and parking area in the Mills River Light Industrial (MR-LI) Zoning district. The proposal would recombine the existing parcels into two tracts and apply for Special Intensity Allocations on both the existing site and the new site for development. Tract One will be a total of 8.99 acres with the existing building and Tract Two will be a total of 15.42 acres with a proposed 12,000 square foot warehouse and gravel parking area.

Mills River staff comments on criteria

This project's use is consistent with the Mills River Zoning Ordinance and the new building site will be required to comply with parking, landscaping and signage requirements at development. 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 which designates this area as an urban service area, ideal for commercial development. This project is also consistent with the Comprehensive Transportation Plan with easy access to NC 280, Boylston Highway for the purposes of commerce .

The watershed protection ordinance was designed to protect the drinking water supply and to protect water quality. This project 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 project appears to have minimal environmental impacts. This project also meets the built upon restrictions listed in the watershed ordinance for Special Intensity Allocation approval.

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

Date 3/31/09 File No. WS-2009-04-01

Owner's Name Flavor 1st Growers & Packers, Inc.

Applicant's Name Brian D. Rose, Pres.

Mailing Address PO Box 609, Horse Shoe, NC 28742

Phone Number (828) 890-3630

Project Location 331 Banner Farm Rd., Mills River, NC

28759 PIN 9967399 and a portion of 1001199

Project Description Correct boundaries for a produce

packing facility. New survey to be completed as proposed (Parcel "A")

Applicant's Signature  3/31/09
(Date)

*****Official Use*****

Date Received 3/31/2009 Plans Attached _____

Fee Paid 250⁰⁰

Previous Applications YES File No. 05280105217
04280176536/WS-00-309

Disposition _____

Total Project Area _____ acres(s)

Percent Built Upon _____ %

Staff Review _____

Comments _____

Planning Board Review _____

Planning Board Recommendations _____

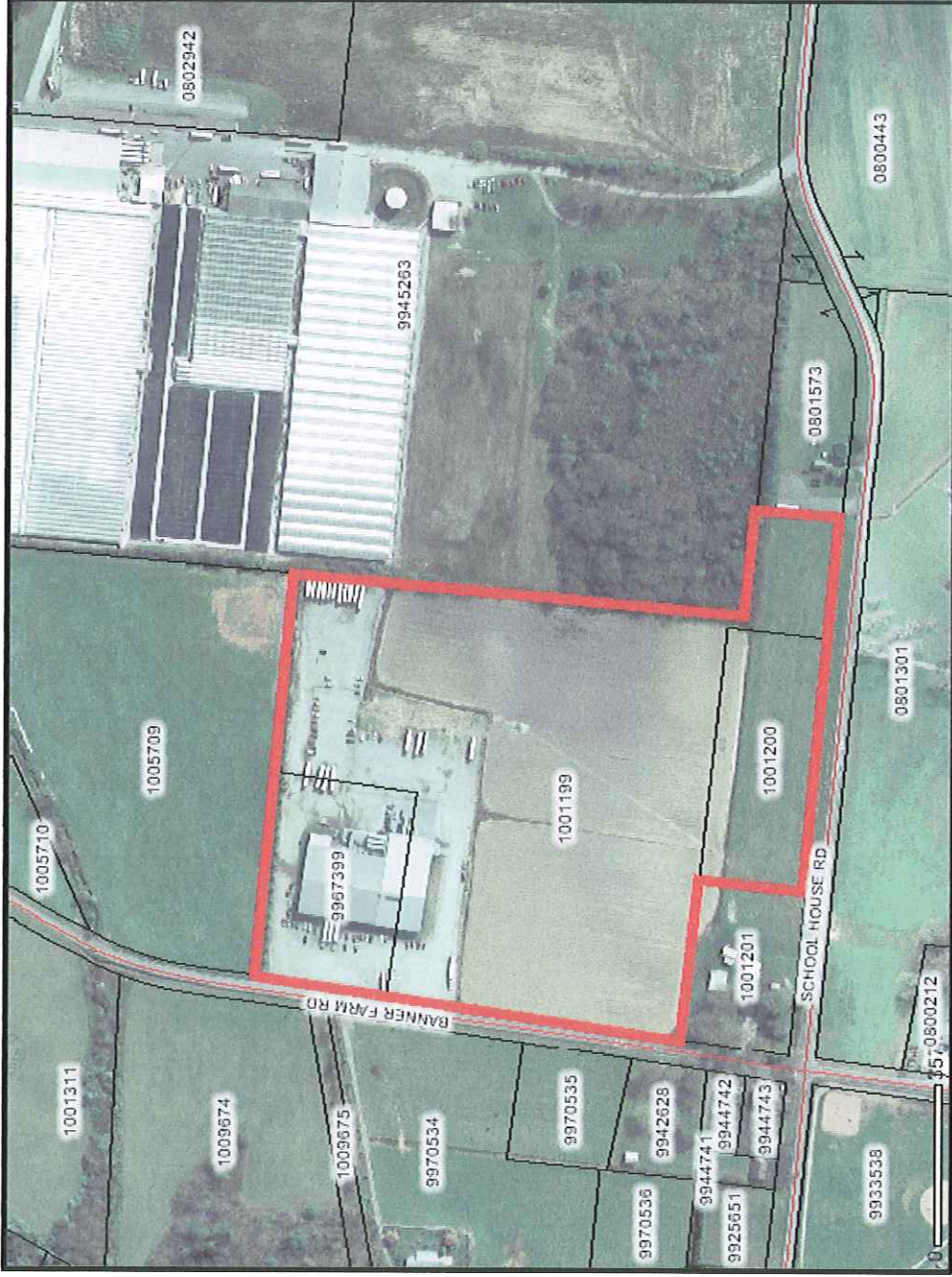
Board of Commissioners Review _____

Board of Commissioners Action _____

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

_____ acres

Banner Farm Rd - FFGP Existing Parcels and Boundaries



LEGEND

- NC_State_Line
- County_Boundary
- Parcels
- Lot_lines_hooks_leader_lines
- Parcel Hooks
- Parcel Leader Lines
- Parcel Lot Lines
- SC_Counties
- NC_Counties
- Streets
- Collector
- Local Road
- Major_Roads
- Parcel_Number
- Aerial_Photo_2007

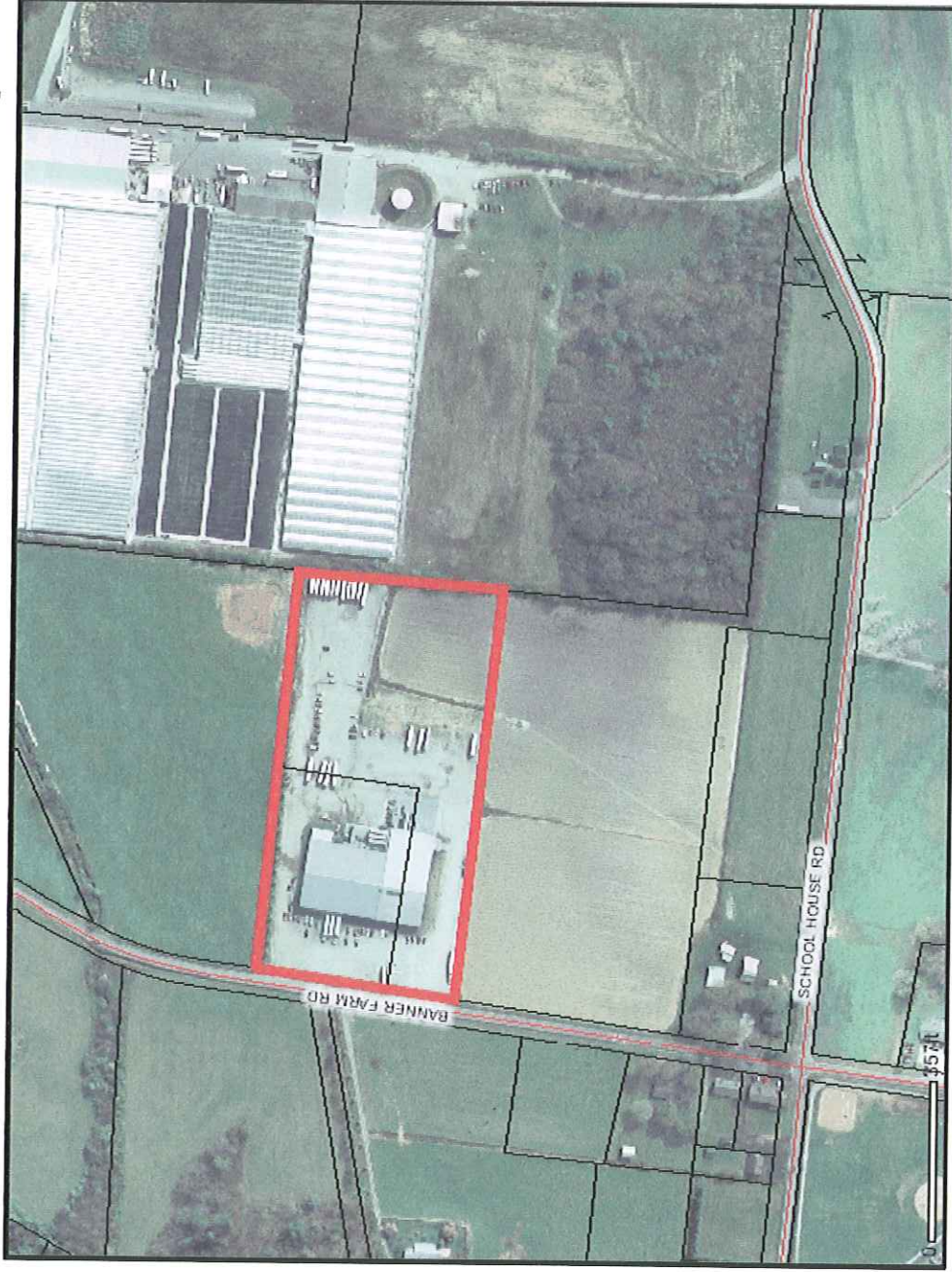
Tuesday, March 31 2009



WARNING: THIS IS NOT A SURVEY!

This map is prepared for the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The County and mapping company assume no legal responsibility for the information contained on this map.

Banner Farm Rd - FFGP Proposed Parcel A (9.30 ac. +/-)



LEGEND

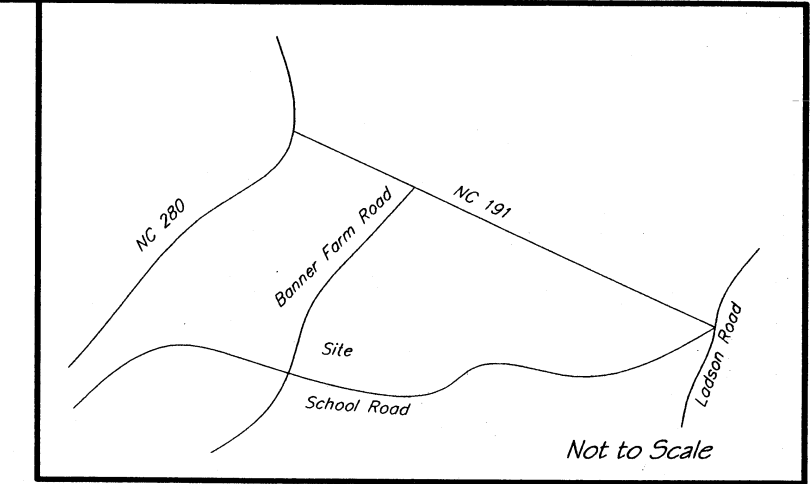
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- County_Boundary
- Parcels
- Lot_Lines_hooks_leader_lines
- Parcel Hooks
- Parcel Leader Lines
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Tuesday, March 31 2009



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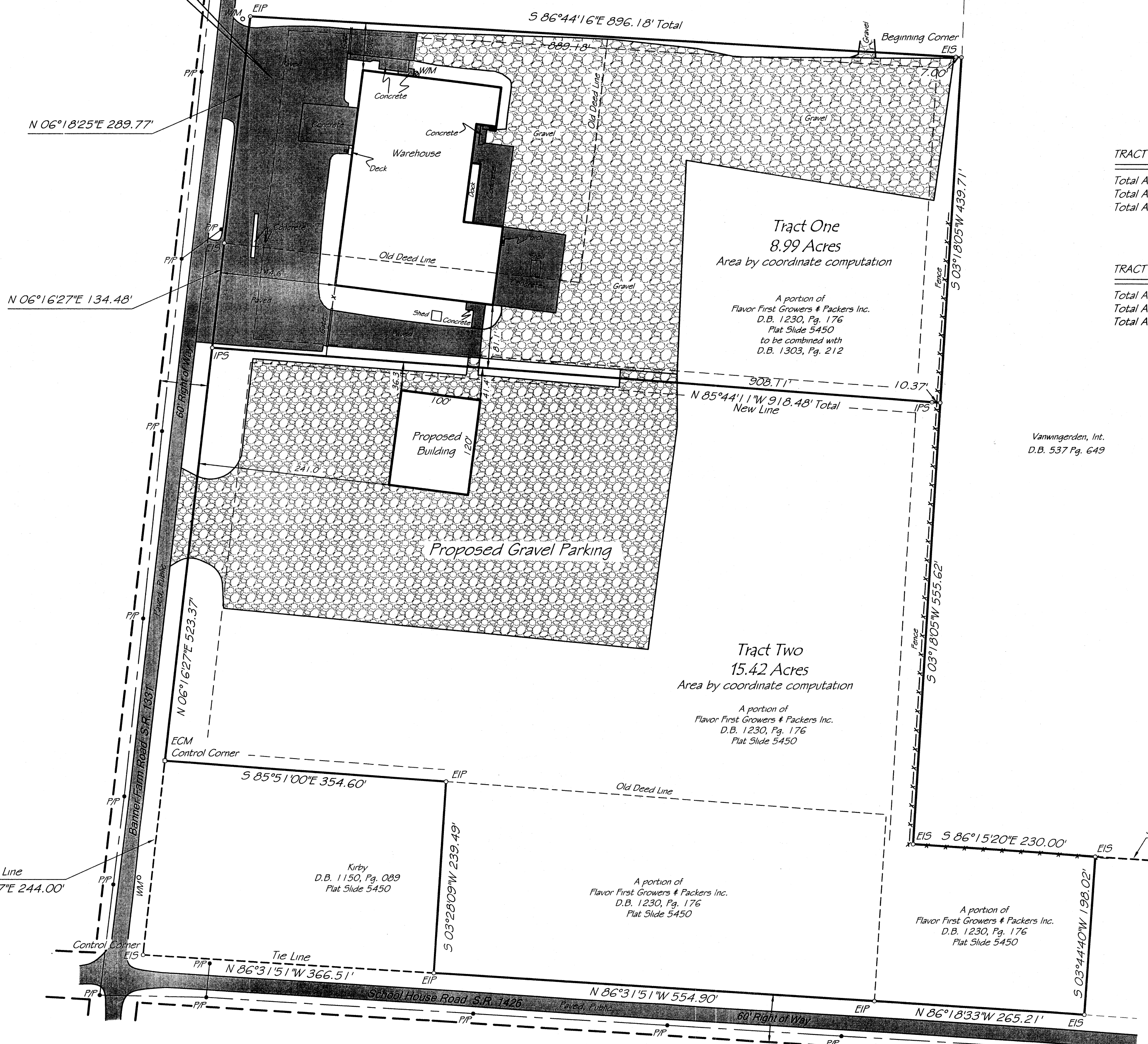


Vicinity Map

Flavor First Growers & Packers Inc.
D.B. 1303, Pg. 212
Plat Slide 3336
to be combined with a portion of
D.B. 1230, Pg. 176

Flavor First Investments
D.B. 1267, Pg. 298
Plat Slide 5948

Plat North
Slide 3336



TRACT ONE EXISTING IMPERVIOUS SURFACE CALCULATIONS

Total Area = 391,748 Sq.Ft.
Total Area of impervious surfaces = 271,202 Sq.Ft. = 69 % of Total Area
Total Area of Landscaped and non impervious surfaces = 120,546 Sq.Ft. = 31 % of Total Area

TRACT TWO PROPOSED IMPERVIOUS SURFACE CALCULATIONS

Total Area = 671,578 Sq.Ft.
Total Area of impervious surfaces = 183765 Sq.Ft. = 27 % of Total Area
Total Area of Landscaped and non impervious surfaces = 487813 Sq.Ft. = 73 % of Total Area

Vanwingerden, Int.
D.B. 537 Pg. 649

Site Plan For

Flavor First Growers & Packers, Inc.

-Owners-
D.B. 1230, Pg. 176
Plat Slide 5450

-Owners-
D.B. 1303, Pg. 212
Plat Slide 3336

Portion of Pin: 9631-82-3045
Pin: 9631-82-0334

Mills River Township Henderson County, NC



ASSOCIATED LAND SURVEYORS
& PLANNERS PC.
P.O. BOX 578 * HORSE SHOE, NC 28742
(828) 890-3507

SCALE: 1 Inch = 100 Feet DATE: April 28, 2009
JOB NO.: S-09-045 DRAWN BY: JAS/JTB C&G 7.0

- Notes:
1. Property is subject to all restrictions, easements & right of ways of record.
 2. Property is located in designated Water Supply Watershed BW WS-III, Lower Mills River (Asheville).
 3. Property is not located within 1/2 mile of a designated Farmland Preservation District.
 4. Property is currently zoned MR-LI by the Town of Mills River.
 5. Boundary was taken from previous survey by Associated Land Surveyors, Job # S-05-036, for 'Mountain Bean Growers' dated March 10, 2005.

Legend:
ECM = Existing Concrete Monument
EIP = Existing Iron Pipe
EIS = Existing Iron Stake
IPS = Iron Pin Set
PIP = Power Pole
W/M = Water Meter

