

Staff Report: SUP 13-03  
Lyda Outdoor Recreational Facility

**REQUEST FOR COMMITTEE ACTION**  
HENDERSON COUNTY  
Technical Review Committee

**MEETING DATE:** May 21, 2013

**SUBJECT:** Special Use Permit Application (SUP-13-03) for an Outdoor Recreational Facility-  
151 J D Hogg Lane (off Old Clear Creek Rd)

**PRESENTER:** Toby Linville, Code Enforcement Director

**ATTACHMENTS:**

1. Staff Report
2. Photographs
3. Site Plan

**SUMMARY OF REQUEST:**

The applicants are requesting a Special Use Permit to allow them to use this property as an Outdoor Recreational Facility.

Staff requests that the TRC review the application and provide a recommendation to the Board of Adjustment. The TRC should also review the site plan.

**Suggested Motion:**

**I move to approve the site plan for SUP-13-03 because it meets the requirements of the Land Development Code.**

**I move that TRC give a favorable recommendation for SUP-13-03.**



## Henderson County, North Carolina Code Enforcement Services

### 1. **Board Request**

- 1.1. **Applicant:** Lyda Outdoor Recreational Facility
- 1.2. **Request:** Special Use Permit
- 1.3. **PIN:** 0602-37-8235
- 1.4. **Size:** 16.42 acres +/-
- 1.5. **Location:** The subject area is located at 151 J D Hogg Lane.
- 1.6. **Supplemental Requirements:**

**SR 4.15. Outdoor Recreational Facilities.** *Outdoor recreational facilities* shall include courts (basketball, tennis, etc.), playing fields (soccer, baseball, etc.), swimming pools, batting cages, shuffleboard areas and/or any other such *uses* that fit the intent of this section as interpreted by the *Zoning Administrator*.

- (1) Site Plan. Major *Site Plan* required in accordance with §200A-331 (Major Site Plan Review).
- (2) Lighting. *Adequate lighting* shall be placed in areas used for vehicular/pedestrian access including, but not limited to: stairs, sidewalks, crosswalks, intersections, or changes in grade. *Lighting mitigation* required.
- (3) Perimeter Setback. One hundred (100) feet (equipment, machinery and/or mechanical devices shall not be placed within 200 feet of a *residential zoning district*. All *structures* shall be 100 feet from a *residential zoning district* property).
- (4) Structure. For activities which present potential safety hazards (batting cages, baseball fields, driving tees, etc.) fencing, netting or other control measures shall be required.
- (5) Operations. A recreational facility may contain on-site food sales for patrons of the recreational facility only, provided they obtain all necessary permits.
- (6) 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 165 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 §200A-182 (Screen Classification)).
- (7) Public Address/Loud Speakers. Public address and loud speaker systems shall not be operated before 8:00 a.m. or after 12:00 midnight.
- (8) Hours of Operation. 6:00 a.m. to 12:00 midnight.

**Map A: Aerial Photo/Pictometry**



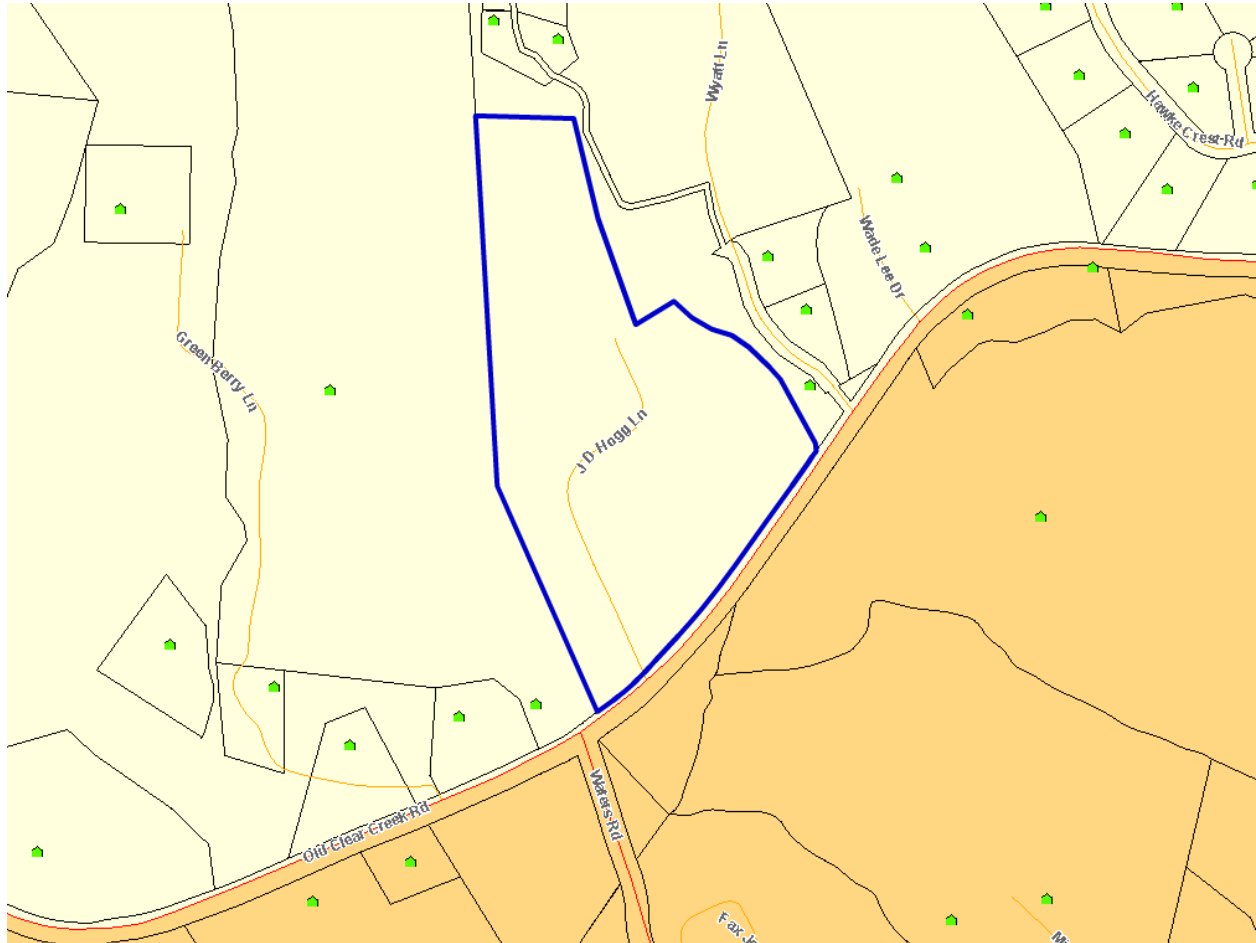
**2. Current Conditions**

**2.1 Current Use:** This parcel is currently in residential use.

**2.2 Adjacent Area Uses:** The surrounding properties consist of residential and undeveloped land.

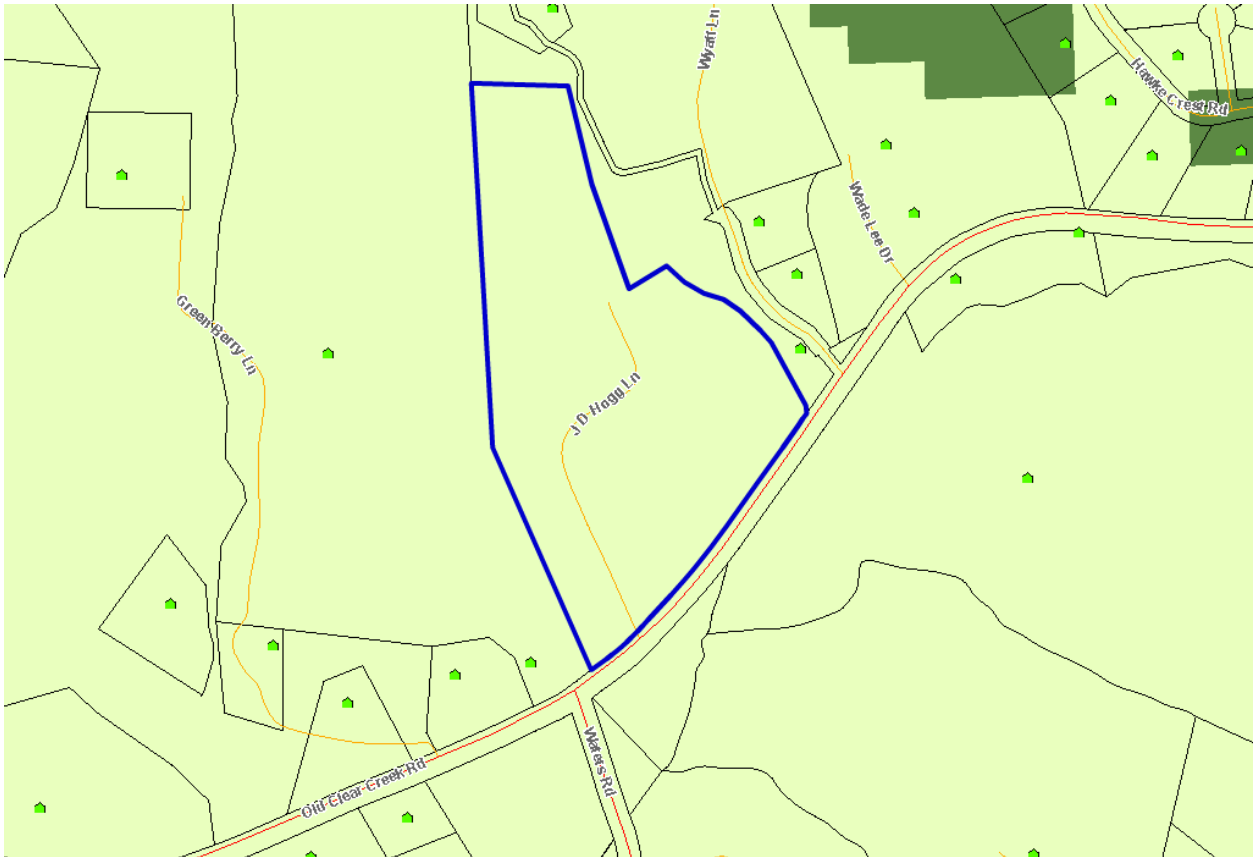
**2.3 Zoning:** The surrounding property to the north and west is zoned Residential 3 (R3), property to the east is zoned Residential 3 (R3) and Residential 2 Rural (R2R), and property to the south is zoned Residential 2 Rural (R2R).

**Map B: Current Zoning**



3. The property is not located in special flood hazard area. The property is not in a Water Supply Watershed district.
4. **Water and Sewer** Private well and septic system serve this property.

### 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 Rural/Agricultural Area classification. The text and map of the 2020 CCP suggest that the Subject Area would be more suitable for the following:

1. The RAA covers those portions of the county that are predominantly rural and are characterized by low-density residential development with substantial land areas devoted to agriculture and undeveloped lands. Land use policies will seek to retain that character.
2. Slopes are typically steep, often exceeding 10%, with significant areas greater than 20%.
3. Most sections of the RAA are so far from sewer services as to make their extension largely impossible. Land development regulations should recognize this by not permitting densities that would require sewer services or introduce traffic capacity problems and by encouraging densities that are consistent with steep slopes, poor septic capacities, and sensitive topography.

#### 6. Staff Recommendations

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

**7. Photographs**

**Looking Northeast along Old Clear Creek Rd**



**Looking North**



**Looking Southeast**



**Looking Southwest along Old Clear Creek Rd.**



**Looking South**





NOTES

1. REFERENCES - DEED BOOK 1501, PAGE 717  
PLAT CABINET \_\_\_\_\_, SLIDE \_\_\_\_\_
2. AREA DETERMINED BY COORDINATE COMPUTATION
3. MAP IS NOT FOR RECORDATION
4. NORTH ARROW SHOWN IS OBTAINED FROM MAGNETIC OBSERVATION UNLESS OTHERWISE SHOWN
5. MINIMUM SETBACKS  
FRONT 15'-  
REAR 15'-  
SIDE 15'- ZONED R-3
6. THIS MAP IS NOT TRANSFERABLE AND MAY NOT BE USED BY ANY OTHER PERSON OR ENTITY WITHOUT WRITTEN AUTHORIZATION BY LAUGHTER, AUSTIN AND ASSOC., P.A. THE MAP IS PROVIDED FOR THE USE OF THE PARTIES NAMED HEREON.
7. This project is located within 1/2 mile of land in a Farmland Preservation District.
8. The private roads indicated on this Final Plat may not meet the requirements of the North Carolina Department of Transportation for acceptance into the state road system.
9. Precise track of Fitness Trails and locations of Fitness Stations to be determined.
10. Event hosting activities will likely encompass entire property.
11. No new permanent structures planned at this time.
12. Fully accessible public restroom facilities will be located in the basement of the house.
13. TOPO TAKEN FROM GIS.

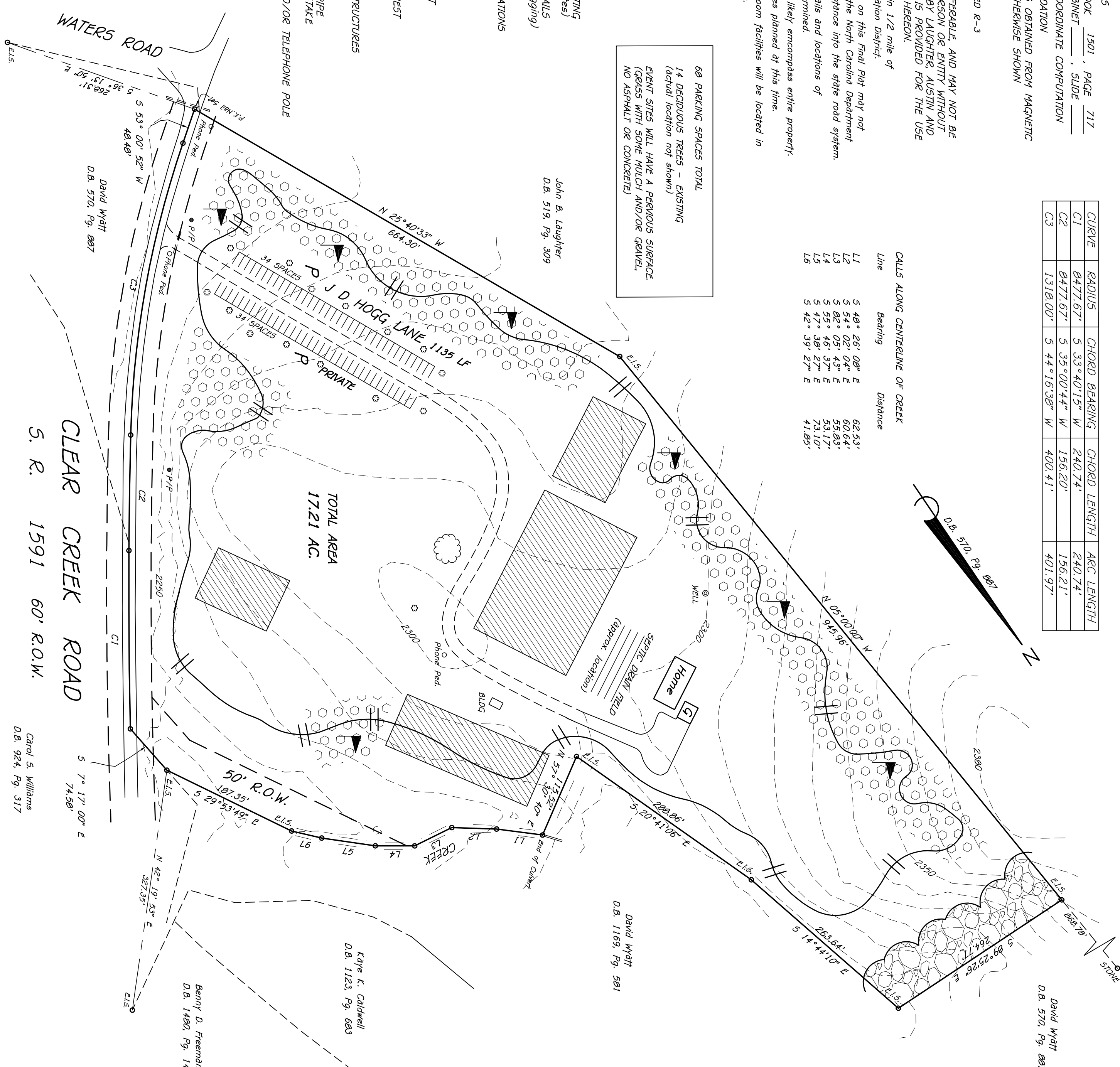
| CURVE | RADIUS   | CHORD BEARING | CHORD LENGTH | ARC LENGTH |
|-------|----------|---------------|--------------|------------|
| C1    | 8477.67' | S 33°40'15" W | 240.74'      | 240.74'    |
| C2    | 8477.67' | S 35°00'44" W | 156.20'      | 156.21'    |
| C3    | 1318.00' | S 44°16'38" W | 400.41'      | 401.97'    |

CALLS ALONG CENTERLINE OF CREEK

| Line | Bearing         | Distance |
|------|-----------------|----------|
| L1   | S 48° 25' 08" E | 62.53'   |
| L2   | S 54° 02' 04" E | 60.64'   |
| L3   | S 82° 05' 43" E | 55.83'   |
| L4   | S 55° 46' 37" E | 53.17'   |
| L5   | S 47° 38' 27" E | 73.10'   |
| L6   | S 42° 39' 27" E | 41.85'   |

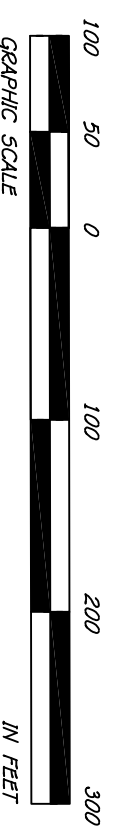
68 PARKING SPACES TOTAL  
14 DECIDUOUS TREES - EXISTING  
(actual location not shown)  
EVENT SITES WILL HAVE A PERVIOUS SURFACE  
(GRAVEL WITH SOME MULCH AND/OR GRAVEL,  
NO ASPHALT OR CONCRETE)

- LEGEND
- EVENT HOSTING (primary sites)
  - FITNESS TRAILS (walking/jogging)
  - FITNESS STATIONS
  - PARKING
  - OLD FOREST
  - YOUNG FOREST
  - EXISTING STRUCTURES
- E.I.P. - EXISTING IRON PIPE  
E.I.S. - EXISTING IRON STAKE  
F.K. - NAIL MARKER  
P/P - POWER POLE AND/OR TELEPHONE POLE  
R.O.W. - RIGHT OF WAY  
R - RADIUS  
L - LENGTH OF CURVE

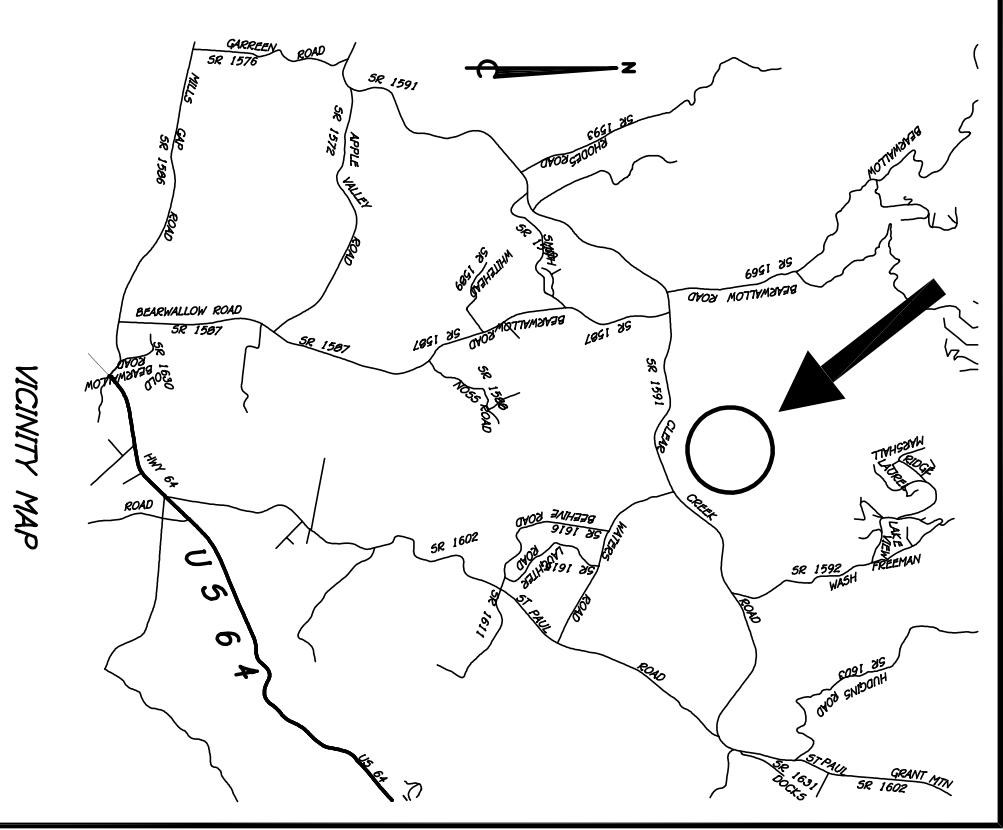


FLOOD HAZARD NOTE

BY GRAPHIC PLOTTING ONLY. THIS PROPERTY IS NOT IN A FLOOD HAZARD ZONE OF THE FLOOD INSURANCE RATE MAP, PANEL NO. 370125 0050 WHICH BEARS AN EFFECTIVE DATE OF MARCH 1, 1982. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE AND AN ELEVATION CERTIFICATE MAY BE NEEDED TO VERIFY THIS DETERMINATION OR APPLY FOR A VARIANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY.



JOB NO. 13-020



SITE PLAN  
made for  
**MOUNTAIN SKYLARK FARM**  
151 J D HOGG LANE  
HENDERSONVILLE, NC 28792  
(828) 243-4000

OWNER  
**FREDERICK R. LYDA**  
and wife,  
**CATHERINE L. LYDA**

OUTDOOR RECREATIONAL FACILITY

EDNEVILLE TWP. HENDERSON COUNTY, N.C.

**LAUGHTER, AUSTIN AND ASSOCIATES, P.A.**  
131 FOURTH AVENUE EAST  
HENDERSONVILLE, NORTH CAROLINA 28792  
(828) 692-9089 Cell (828) 606-9995

|                        |             |                    |              |           |
|------------------------|-------------|--------------------|--------------|-----------|
| CREW CHIEF             | TPW         | CHECKED BY         | DATE         | SHEET NO. |
| DRAWN BY               | TPW         | SCALE 1" = 100 FT. | 3/26/13      | 1 OF 1    |
| CORRD. FILE            | 00416       | DRAWING FILE       | 13020        |           |
| FLOOD MAP PANEL NUMBER | 370125 0050 | TAX PARCEL NUMBER  | 0602-37-8235 |           |